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PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, July 19, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let not your heart be troubled: Believe in God.—John 14: 1.

Eternal God and Father of us all, whose presence is our support in the quiet of the night and our strength in the struggles of each new day, help us to realize anew how wonderful it is to enter into the secret place of the Most High and to abide under the shadow of the Almighty. Here and now may we find our courage restored and our faith renewed as we set out upon the tasks of this week.

We pray for the captive nations of the world—for those who sit in the darkness of despair, who stand in the shadows of fear, who are burdened by the yoke of oppression and yet who long for the light of liberty to set them free. Give to them the peace and power which flows from Thee. Grant that in all their fears and futility, all their grief and grievances they may feel themselves upheld by Thy strength, sustained by Thy spirit, and may they continue to live in faith and hope always abiding in Thee.

In the spirit of Him who sets men free we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 169. Joint resolution authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the U.S. Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor, first floor, in the House wing of the Capitol, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 8629. An act to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes;

H.R. 8630. An act to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses;

H.R. 9270. An act making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 3, 1972, .nd for other purposes;

H.R. 9417. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes; and

H. Con. Res. 242. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8629) entitled "An act to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Kennedy, Mr. Williams, Mr. Nelson, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Pell, Mr. Mondale, Mr. Dominick, Mr. Javits, Mr. Prouty, Mr. Schweiker, Mr. Packwood, and Mr. Beall to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8630) entitled "An act to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Kennedy, Mr. Williams, Mr. Nelson, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Pell, Mr. Mondale, Mr. Dominick, Mr. Javits, Mr. Prouty, Mr. Schweiker, Mr. Packwood, and Mr. Beall to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9270) entitled "An act making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McGee, Mr. Stennis, Mr. Proxmire, Mr. Byrd of West Virginia, Mr. Ellender, Mr. Talmadge, Mr. Hruska, Mr. Young, and Mr. Fong, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9417) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Bible, Mr. McClellan, Mr. Byrd of West Virginia, Mr. McGee, Mr. Montoya, Mr. Ellender, Mr. Percy, Mr. Young, and Mr. Boggs, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7960) entitled "An act to authorize appropriations for activities of the National Science Foundation, and for other purposes," disagreed to by the House; agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Kennedy, Mr. Pell, Mr. Eagleton, Mr. Cranston, Mr. Prouty, Mr. Dominick, and Mr. Packwood, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill, a joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 2227. An act to amend title 44, United States Code, to authorize the Public Printer to designate the library of the highest appellate court in each State as a depository library;

S.J. Res. 52. Joint resolution increasing the authorizations for comprehensive planning grants and open-space land grants;

S. Con. Res. 31. Concurrent resolution authorizing the printing of the compilation entitled "Federal and State Student Aid Programs, 1971" as a Senate document;

S. Con. Res. 34. Concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 91st Congress as a Senate document.

The message also announced that the Vice President, pursuant to Public Law 86–42, appointed Mr. Mansfield, Mr. Sparkman, Mr. Jordan of North Carolina, Mr. Williams, Mr. Hartke, Mr. Moss, Mr. Bayh, Mr. Nelson, Mr. Hollings, Mr. Scott, Mr. Allott, Mr. Javits, Mr. Miller, Mr. Jordan of Idaho, and Mr. Saxbe, to attend the Interparliamentary Union Meeting to be held in Paris, France, September 2 to 11, 1971.

AT MANASSAS

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the 110th anniversary of the First Battle of Manassas may be remembered principally as an example of the Army's ability to put its foot in its mouth. The 75th U.S. Army Band, which was participating in the exercises, refused to play "Dixie" when requested by people in the audience. The Army might well recall that "Dixie" was very much in evidence during that battle. Refusal to play this stirring and sentimental tune is not in keeping with U.S. tradition. The Communists build great monuments to their dead in occupied lands but ignore fallen heroes buried in mass and unmarked graves in their own countries. Let us not come to that kind of blind prejudice. The action of the Army Band at Manassas is not becoming to America. At the least, the Army could have been charitable to a defeated but dedicated foe.

PRESIDENT TO VISIT CHINA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, last weekend the President of the United States took a very courageous and, I think, a very correct act in agreeing to go to China to discuss our mutual world problems with that power.

I am not positive where this road leads us, but I think it is a brave move and just as one Member of the House I want to register my support for this initiative.

THE U.S. CONSTITUTION—TO PRINT UPDATED POCKET-SIZE EDITION

(Mr. HAYS asked and was given permission to address the House for 1 minutes, and to revise and extend his remarks and include extraneous matter.)

Mr. HAYS. Mr. Speaker, I have introduced a concurrent resolution today which would authorize printing of 110,000 copies of the pocket-size edition of the U.S. Constitution. This new publication will carry the 26th amendment which was ratified on July 1, 1971, when the Ohio State Legislature became the 38th State voting for its ratification. By the action of Ohio's State Legislature all requirements to legalize lowering the voting age of citizens in all elections to 18 years were finalized.

This date of July 1 is the correct one and not July 5 as portrayed over national television showing some formalized signing by the President in the company of a lot of young people at the White House.

He knows the youngsters will learn, if they do not already know, that there is no constitutional requirement for the Executive to act further as soon as the 38th State announces its favorable action.

Each House Member will receive 250 copies.

PRESIDENT'S VISIT TO CHINA

(Mr. WHALEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHALEN. Mr. Speaker, the highly favorable responses here at home and from abroad to the President's announcement of his pending visit to the People's Republic of China are deeply gratifying.

I advised the President of my sentiments in a letter on Friday, and I would like to insert this communication at this point in the RECORD:

JULY 16, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your announcement last night that you have accepted an invitation to visit the People's Republic of China represents an impressive initiative on the part of this country to open the door to a new relationship with one of the most important world powers. Your unprecedented action crowns the efforts you have initiated during your presidency to ease tensions with China and face realistically the differences that exist between the United States and the People's Republic. This direct contact will allow for the examination of areas of conflict and pave the way for the resolution of misunderstandings.

Your dialogue with China's leaders will encourage other nations to follow your lead and engage in their own discussions with the People's Republic. It is only through such discussions that China can become an active member of the world community and assume the responsibility that this demands.

I firmly believe that history will commend the initiatives you have taken, and I share your hope that these efforts will help to secure peace for this generation and for those to follow.

Best wishes.

Sincerely,

CHARLES W. WHALEN, Jr.,
Member of Congress.

PRESIDENT'S VISIT TO CHINA

(Mr. SCHMITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHMITZ. Mr. Speaker, I would like to take this opportunity to announce the fact that I have disestablished relations with the White House as long as they pursue their suicidal policy of surrendering to international communism as exemplified by the President's announced trip to meet with our sworn enemy, the Communist rulers of mainland China.

Chiang Kai-shek a few months ago in a CBS interview had this to say:

> Traditional Chinese philosophy teaches us that in dealing with friends we should be loyal and faithful. In all our relations with friendly countries, we have been adhering to these principles of loyalty and faithfulness. Of course, we expect our friends to do the same for us.

This is a sound principle. It coincides with the increase in mutual strength brought about by the binding together of men of honor and like purpose.

The administration does not seem to share this policy tenet of right conduct. It is easy to talk about a two China policy, but such a policy, as all who have paid attention to the statements of both the Chinese Communists and the Nationalist Chinese understand, is impossible.

By coming out for two Chinas what the administration is in fact doing, if not actually talking about, is abandoning Free China in favor of the despotism on the mainland. It is a surrender of a principle, a prelude to the surrender of an entire people.

The free world has lost a battle. Not a battle marked by the clash of opposing armies, although our Army does oppose one of the dictatorships supported by Red China in Vietnam. But a battle of the type mentioned by the ancient Chinese sage Sun Tzu when he commented that:

> To fight and conquer in all your battles is not supreme excellence: supreme excellence consists in breaking the enemy's resistance without fighting.

Winston Churchill once said that:

> An appeaser is one who feeds a crocodile—hoping it will eat him last.

I would not suppose that there would be much of a difference between crocodiles and dragons in this instance.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCHMITZ. Mr. Speaker, the time of this great Nation is expiring.

CONSENT CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Consent Calendar. The Clerk will report the first bill on the Consent Calendar.

VETERANS' ADMINISTRATION MEDICAL INFORMATION EXCHANGE

The Clerk called the bill (H.R. 4762) to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans' Affairs to establish and carry out a program of exchange of medical information.

Mr. HALL. Mr. Speaker, inasmuch as the bill does not meet the agreed-upon criteria and is listed on the list of suspensions by agreement, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REPEALING THE GOVERNMENT EMPLOYEES REPORTING REQUIREMENT

The Clerk called the bill (H.R. 134) to amend title 5, United States Code, to repeal the reporting requirement contained in subsection (b) of section 1308.

There being no objection, the Clerk read the bill as follows:

H.R. 134

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 1308 of title 5, United States Code, is repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING SPECIAL HEALTH CARE BENEFITS FOR CERTAIN SURVIVING DEPENDENTS

The Clerk called the bill (S. 421) to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents.

There being no objection, the Clerk read the bill as follows:

S. 421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1079 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(g) When a member dies while he is eligible for receipt of hostile fire pay under section 310 of title 37, United States Code, or from a disease or injury incurred while eligible for such pay, his dependents who are receiving benefits under a plan covered by subsection (d) of this section shall continue to be eligible for such benefits until they pass their twenty-first birthday."

SEC. 2. This Act becomes effective as of January 1, 1967. However, no person is entitled to any benefits because of this Act for any period before the date of enactment.

Mr. BYRNE of Pennsylvania. Mr. Speaker, S. 421 is a bill which would amend title 10, United States Code, to provide special health care benefits for certain surviving dependents of members of the uniformed services who die while eligible for hostile-fire pay—or from diseases or injuries incurred while eligible for such pay—to continue to receive benefits under the so-called handicapped segment of the civilian health and medical program of the uniformed services—CHAMPUS—in the same manner as though the member were still alive.

Under present law, when an active duty member dies, his surviving dependents continue to be eligible for regular health care benefits under the CHAMPUS, but under a different cost-sharing arrangement. For outpatient care the differences are minor, but large differences exist with respect to inpatient hospital care. For civilian hospitalization, the dependents of active duty members are only required to pay $25 if the duration of the hospital stay is 14 days or less. For periods of hospitalization of 15 days or more they are only required to pay $1.75 per day. However, on the day following the death of an active duty member and for any subsequent period of hospitalization his surviving dependents would be required under present law to pay 25 percent of the total cost of the care obtained.

Under the special program for mentally retarded and physically handicapped dependents, which involves training, rehabilitation, special education, and institutional care, all benefits under the program end under present law as of midnight on the date of the member's death, discharge, or retirement.

If this bill is enacted, it would permit the mentally retarded or physically handicapped spouse or children of a member killed in Vietnam, for example, to continue to receive benefits under the special program, with the same cost-sharing arrangements that applied before the member's death. Benefits under this part of the program would continue until the survivors passed their 21st birthday. The bill would cover the dependents of members who died on or after January 1967, under the circumstances in question provided they were receiving handicapped benefits at the time of the member's death. The bill has no retroactivity, however, from the standpoint of the benefits which it covers. Benefits for persons covered by the bill would commence as of the date of its enactment.

Mr. Speaker, the House last year passed a bill which included a similar provision to this but it was not taken up in the Senate.

I strongly urge that each Member of the House support this humanitarian piece of legislation.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVING RESTRICTIONS ON THE USE OF CERTAIN PRIVATE INSTITUTIONS UNDER THE DEPENDENTS' MEDICAL CARE PROGRAM

The Clerk called the bill (H.R. 1409) to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program.

There being no objection, the Clerk read the bill as follows:

H.R. 1409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1070(d)(4) of chapter 55, title 10, United States Code, is amended by striking out the word "nonprofit".

SEC. 2. The amendment made by this Act shall be effective as of January 1, 1967.

With the following committee amendment:

Strike all after the enacting clause and insert the following language:

That chapter 55 of title 10, United States Code, is amended as follows:

(1) by striking out the word "nonprofit" in section 1079(d)(4).

(b) by adding the following new section at the end thereof.

"§ 1080. Cost-sharing for certain dependents.

"Notwithstanding any other provisions of this chapter, when a member dies while he is eligible for the receipt of hostile-fire pay under section 310 of title 37, United States Code, or from illness or injury incurred while eligible for such pay, and it is determined under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health, Education and Welfare that his wife is pregnant, she may be provided care for that pregnancy under this chapter on the same basis prescribed for the dependents of members who are on active duty."

(3) the analysis is amended by inserting the following item:

"1089. Cost-sharing for certain dependents."

"SEC. 2. The amendments made by this Act shall be effective on the date of enactment, except that clause (2) of section 1, shall be effective as of January 1, 1967.

The committee amendment was agreed to.

Mr. BYRNE of Pennsylvania. Mr. Speaker, H.R. 1409 is a bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program.

The purpose of this bill is to permit the mentally retarded or physically handicapped spouses and children of active-duty members of the uniformed services to use private facilities operated for profit when obtaining institutional care under the civilian health and medical program of the uniformed services, if it is determined to be in the best interests of the patient and the Government to do so.

The Military Medical Benefits Amendments of 1966 authorized the establishment of a special financial assistance program for the spouses and children of active-duty members of the uniformed services who are moderately or severely mentally retarded or who have a serious physical handicap. The law authorized the establishment of this program effective January 1, 1967.

The language of the law is generally very broad in dealing with the types of benefits which may be provided under this special program. However, that portion of the law dealing with institutional care for retarded or handicapped dependents specifically excludes any such care obtained in private facilities unless such facilities are nonprofit in nature. All of the other benefits authorized under the handicapped and retarded program, and all of the benefits authorized under our regular health program by other sections of the law may be obtained in appropriate private facilities regardless of whether or not they are operated for profit.

As introduced, the bill would eliminate the prohibition on the use of private profit facilities for institutional care and its provisions would be retroactive to January 1, 1967, which was the effective date of our handicapped program. The committee, however, opposed that provision of the bill. The restriction on the use of private profit institutions was clearly set forth in the law, and members who chose to utilize such institutions presumably did so knowing that they would not receive support for expenses so incurred. It is the general policy that new benefits provided to members should be available only from the date of enactment of the authorizing legislation. Accordingly, we thus deleted that section.

We added, however, a provision to the bill which would provide medical care for the wives of servicemen who were killed or died, as a result of injuries incurred while eligible for hostile-fire pay, at the same cost for 1 year as though their husbands had survived.

Under present law, when an active-duty member dies, his surviving dependents continue to be eligible for regular health care benefits under the CHAMPUS, but under a different cost-sharing arrangement. For outpatient care the differences are minor, but large differences exist with respect to inpatient hospital care. For civilian hospitalization, the dependents of active duty members are only required to pay $25, if the duration of the hospital stay is 14 days or less. For periods of hospitalization of 15 days or more they are only required to pay $1.75 per day. However, on the day following the death of an active-duty member and for any subsequent period of hospitalization his surviving dependents would be required under present law to pay 25 percent of the total cost of the care obtained.

There had come to the attention of the committee cases of service wives who were pregnant at the time their husbands died in Vietnam. Under the present law, if they subsequently received their maternity care at a civilian hospital, they would be charged as a dependent of a deceased person. Instead of $25 or $1.75 a day, whichever is greater, the cost would be 25 percent of the charges. Thus, a dependent wife could find herself paying several times more than she expected to pay for maternity care because her husband was killed in combat. Thus, instead of $25 or $1.75 per day, she might typically pay $150 or in some cases her share of the cost could be as high as $250 to $350.

It seems unfair that these unfortunate widows should be charged at a higher rate because of the loss of their husbands than they would be had their husbands survived.

This amendment to the bill is estimated to cost no more than $10,000 per year.

Mr. Speaker, I urge the support of every Member of this body on this most important and humane legislation.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program and for other purposes."

A motion to reconsider was laid on the table.

DEPENDENTS' SPECIAL ALLOWANCES FOR EMERGENCY EVACUATION

The Clerk called the bill (H.R. 8356) to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation.

There being no objection, the Clerk read the bill as follows:

H.R. 8356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of May 22, 1965, Public Law 89–26 (79 Stat. 117), as amended (80 Stat. 851), is amended by striking out ", and terminates on June 30, 1971".

Mr. BYRNE of Pennsylvania. Mr. Speaker, the bill, H.R. 8356, is designed to make permanent a previously existing authority. That authority, which terminated on the 30th of June of this year, enabled the Secretaries of the services involved to pay certain special allowances to the dependents of members of the uniformed services who are evacuated from overseas duty stations under emergency conditions.

There are four basic allowances in the law:

First, a dislocation allowance equal to 1 month's basic allowance for quarters;

Second, a per diem payment, based upon the current rate established for the location involved for a period ordinarily limited to 30 days;

Third, the shipment of a privately owned vehicle at Government expense from the place evacuated to the place of temporary residence; and

Fourth, the waiver of recovery of up to 1 month's pay which may have been advanced to assist in the evacuation of the dependents.

The nature of these allowances has been addressed by the Congress on two previous occasions. In each instance, the House has determined that the authority to pay these allowances should be permanently vested in the service Secretaries. On both occasions, however, the other body established termination dates for the authority, and with those dates included, the authority was enacted into law.

This bill would do nothing more than reestablish the previously exsting authority in permanent legislation. It was requested by the Department of Defense as part of its legislative program for the 92d Congress.

On July 13, 1971, your Committee on Armed Services unanimously recommended enactment of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROMOTING MEMBERS OF THE UNIFORMED SERVICES WHO ARE IN A MISSING STATUS

The Clerk called the bill (H.R. 8656) to amend titles 37 and 38, United States Code, relating to promotion of members of the uniformed services who are in a missing status.

Mr. ASPINALL. Mr. Speaker, since this legislation does not meet the criteria adopted by the House and does not qualify for consideration on the Consent Calendar, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER. That completes the call of the Consent Calendar.

SERVICEMEN'S, VETERANS', AND EX-SERVICEMEN'S DRUG TREATMENT AND REHABILITATION ACT OF 1971

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9265), to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "'Servicemen's, Veterans', and Ex-Servicemen's Drug Treatment and Rehabilitation Act of 1971".

DECLARATION OF POLICY

SEC. 2. The Congress recognizes the urgent need for meeting and attacking on all fronts the growing national social problem of drug addiction and, toward that end, firmly believes that the existing and potential facilities and resources of the Veterans' Administration must be utilized to the fullest extent.

It is the basic purpose of this Act to broaden the authority of the Administrator of Veterans' Affairs to extend appropriate treatment and rehabilitation services to certain active service personnel and to former members of the Armed Forces who, because of the nature of their discharge, would not otherwise have the requisite eligibility. In addition, it is the sense of Congress, and one of the objectives of this enactment, that provision should also be made to authorize the judicial commitment to the Veterans' Administration of certain persons for the care, treatment, and rehabilitation of their drug addiction.

This action is taken solely as one effective step toward promoting the Nation's health and general welfare and should not be construed in any way as a precedent for extending to the beneficiaries involved any other existing veterans' benefit or program which is now or hereafter may be provided for persons who served in the active military, naval, or air service and who were discharged or released therefrom under conditions other than dishonorable.

SEC. 3. (a) Part II of title 38, United States Code, is amended by inserting immediately after chapter 17 the following new chapter—

"Chapter 18.—TREATMENT FOR DRUG ABUSE OR DRUG DEPENDENCY

"SUBCHAPTER I.—TREATMENT OF EX-SERVICEMEN FOR DRUG ABUSE OR DRUG DEPENDENCY

"Sec.
"650. Definitions.
"651. Medical care and treatment for drug abuse or drug dependency.
"652. Rehabilitation services.

"SUBCHAPTER II.—DRUG ADDICTION TREATMENT PROGRAM FOR MEMBERS OF THE ARMED FORCES IN VETERANS' ADMINISTRATION FACILITIES

"660. Treatment program for members of the Armed Forces in Veterans' Administration facilities.

"SUBCHAPTER III.—TREATMENT OF VETERANS AND EX-SERVICEMEN COMMITTED FOR DRUG ABUSE OR DRUG DEPENDENCY

"670. Facilities for committed individuals.
"671. Commitment by district courts for treatment.

"SUBCHAPTER I—TREATMENT OF EX-SERVICEMEN FOR DRUG ABUSE OR DRUG DEPENDENCY

"§ 650. Definitions

"For the purposes of this chapter—

"(1) The terms 'drug abuse' or 'drug dependency' mean the illegal or wrongful use of and dependency on any narcotic drug or dangerous drug.

"(2) The term 'narcotic drug' means that group of drugs set forth in section 802(16) of title 21.

"(3) The term 'dangerous drug' means that group of nonnarcotic drugs which the Attorney General of the United States has, pursuant to sections 811 and 812 of title 21, characterized and designated as having a potential for abuse because of their depressant or stimulating effect upon the central nervous system or their hallucinogenic effects.

"(4) The term 'medical care and treatment' means both inpatient and outpatient care and treatment, and appropriate medical rehabilitation services, deemed by the Administrator as necessary to properly treat and rehabilitate an eligible ex-serviceman.

"(5) The term 'eligible ex-serviceman' means any person who has served in active military, naval, or air service, and has been discharged or released therefrom, regardless of the nature of such discharge or release, or of section 3103 of this title, and has a drug abuse or drug dependency condition which was manifested at the time of such discharge or release or at any time thereafter.

Nothing in this chapter shall be construed in any way as a precedent for extending to the beneficiaries involved any other existing veterans' benefit or program which is now or hereafter may be provided for persons who served in the active military, naval, or air service and who were discharged or released therefrom under conditions other than dishonorable.

"§ 651. Medical care and treatment for drug abuse or drug dependency

"(a) Notwithstanding any other provision of this title, the Administrator may furnish such medical care and treatment as is deemed medically indicated for the rehabilitation of any eligible ex-serviceman whose disability is caused by or has resulted from drug abuse or drug dependency.

"(b) The Administrator may terminate further medical care and treatment under this section to any eligible ex-serviceman who refuses to cooperate with the terms and conditions of the medical care and treatment which may be prescribed, or where it is determined that the care and treatment which could otherwise be provided will serve no further benefit to the eligible ex-serviceman.

"§ 652. Rehabilitation services

"The Administrator, if he determines that successful treatment of an eligible ex-serviceman so requires, may provide rehabilitation services concurrently with, or as a continuation of, medical care and treatment under section 651 of this title.

"SUBCHAPTER II—DRUG ADDICTION TREATMENT PROGRAM FOR MEMBERS OF THE ARMED FORCES IN VETERANS' ADMINISTRATION FACILITIES

"§ 660. Treatment program for members of the Armed Forces in Veterans' Administration facilities

"(a) Any member of the Armed Forces who is determined by the Secretary of the military department concerned to have a drug abuse or drug dependency condition, may, pursuant to such terms as may be mutually agreeable to the Secretary concerned and the Administrator, and subject to the provisions of 31 U.S.C. 686, be transferred to any suitable drug addiction treatment and rehabilitation facility or program administered by the Veterans' Administration.

"(b) The Administrator shall from time to time make a report to the Secretary concerned as to the progress of the treatment of any member transferred to him pursuant to the provisions of this section, and the Administrator shall release such member to the Secretary concerned when his drug addiction condition is stabilized, or upon certification that (1) the member refuses to cooperate with the terms and conditions of the treatment prescribed, or (2) that the treatment which could otherwise be provided will be of no further benefit to the member.

"SUBCHAPTER III—TREATMENT OF VETERANS AND EX-SERVICEMEN COMMITTED FOR DRUG ABUSE OR DRUG DEPENDENCY

"§ 670. Facilities for committed individuals

"The Administrator is authorized to provide for the confinement, care, protection, treatment, and discipline of individuals addicted to the use of narcotic drugs who are placed in his custody or who are civilly committed to him under section 671.

"§ 671. Commitment by district courts for treatment

"(a) In the administration of chapter 175 of title 28, any United States district court may, with respect to any individual who is an eligible individual within the meaning of section 2901(g) of such title and who is a veteran or eligible ex-serviceman—

"(1) place such individual in the custody of the Administrator for examination by the Administrator to determine whether he is an addict and is likely to be rehabilitated through treatment; or

"(2) civilly commit such individual, if the court determines that he is an addict, to the Administrator for treatment; or

"(3) take the actions provided for in both clauses (1) and (2) of this sentence.

The Administrator shall exercise the same authority and responsibiltiies with respect to any individual who, pursuant to this subsection, is placed in his custody for examination or is committed to him for treatment as would be exercised with respect to such individual by the Secretary of Health, Education, and Welfare if such individual were placed with, or committed to, the Secretary pursuant to such chapter 175.

"(b) In the administration of chapter 314 of title 18, the Attorney General may, with respect to any individual who—

"(1) has been committed to the Attorney General for treatment pursuant to section 4253 of such title, and

"(2) is a veteran or an eligible ex-serviceman, transfer such individual to the Administrator for such treatment. Any such transfer shall be subject to such terms and conditions as may be mutually agreeable to the Attorney General and the Administrator. The Administrator, rather than the Secretary of Health, Education, and Welfare, shall perform such functions as may be necessary to determine whether or not any individual transferred to the Administrator for treatment under this subsection has made sufficient progress to warrant conditional release under section 4254 of such title.

"(c) In the administration of title III of the Narcotic Addict Rehabilitation Act of 1966 (42 U.S.C. 3411–3426), as amended, any United States district court may, with respect to any individual who is a veteran or an eligible ex-serviceman and for whom a petition has been filed under section 302 of such Act, civilly commit such individual, if the court determines that he is a narcotic addict, to the Administrator for treatment in a Veterans' Administration facility and thereafter place such individual in the care and custody of the Administrator for such posthospitalization program as the Administrator may direct. The Administrator shall exercise the same authority and responsibilities with respect to any individual who, pursuant to this subsection, is committed to him for treatment or is placed in his custody for posthospitalization treatment as would be exercised by the Secretary of Health, Education, and Welfare if such individual were committed to, or placed in the custody of, the Secretary pursuant to such title III."

(b) The table of chapters at the beginning of part II of title 38, United States Code, is amended by adding

"18. Treatment for Drug Abuse and Drug Dependency.............. 650".

immediately below

"17. Hospital, Domiciliary, and Medical Care.............................. 601".

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 9265 represents the contribution of the Veterans' Affairs Committee, acting within the purview of its legislative jurisdiction, toward meeting the tragic national social problem of drug abuse and drug dependency. Enactment of the bill will make possible the utilization to the fullest extent of the existing and potential facilities and resources of the Veterans' Administration.

At the outset, the bill sets forth a declaration of policy in such clear terms what we believe should be the Veterans' Administration's responsibility and mission in this area that I believe it should be set forth verbatim:

> The Congress recognizes the urgent need for meeting and attacking on all fronts the growing national social problem of drug addiction and, toward that end, firmly believes that the existing and potential facilities and resources of the Veterans' Administration must be utilized to the fullest extent.
>
> It is the basic purpose of this bill to broaden the authority of the Administrator of Veterans' Affairs to extend appropriate treatment and rehabilitation services to certain active service personnel and to former members of the Armed Forces who, because of the nature of their discharge, would not otherwise have the requisite eligibility. In addition, it is the sense of Congress, and one of the objectives of this enactment, that provision should also be made to authorize the judicial commitment to the Veterans' Administration of certain persons for the care, treatment, and rehabilitation of their drug addiction.
>
> This action is taken solely as one effective step toward promoting the Nation's health and general welfare and should not be construed in any way as a precedent for extending to the beneficiaries involved any other existing veterans' benefit or program which is now or hereafter may be provided for persons who served in the active military, naval, or air service and who were discharged or released therefrom under conditions other than dishonorable.

This veterans' drug abuse bill will accomplish three basic purposes:

1. It will establish an orderly procedure for the Veterans' Administration to cooperate with Armed Forces in treating members of the Armed Forces with drug addiction problems.

2. It will provide that the Administrator may receive and treat ex-servicemen on the basis of commitment from Federal courts. It is expected treatment of most of these types of patients will be accomplished through the use of contract beds at the National Institutes of Mental Health facilities at Forth Worth and Lexington, Ky. These organizations are presently engaged in the treatment of narcotic addicts. The Veterans' Administration has maintained a cooperative contract relationship at these two locations for many years. By maintaining lease facilities at Fort Worth and Lexington, the VA would have an immediate treatment capacity to receive and treat military addicts and ex-servicemen addicts where the individual is under charges and must be restrained.

3. Probably the most important provision of the bill is the provision which clears up the confusion about honorable and dishonorable discharges and eligibility for treatment for drug addiction. At the present time an individual with an honorable discharge who becomes addicted after separation from service is eligible for treatment in a VA facility. An individual who may have actually developed drug addiction in service but escaped detection and was given an honorable discharge is also eligible for treatment in VA facilities. However, a serviceman who is detected as an addict in service and is involved in other irregularities may receive a dishonor-

able discharge and may not be eligible for treatment in a VA facility.

There has been a great amount of confusion as to who is eligible for treatment leading to calls for amnesty and changes in the discharge policies of the Armed Forces. With the enactment of this bill, however, this confusion will be cleared up and there would be no reason for disrupting the discharge policies of the Armed Forces because the legislation under consideration would authorize the Veterans' Administration to treat any serviceman or ex-serviceman with an addiction problem regardless of the type of discharge he holds or other legal problems he may have as a result of violation of other laws.

The committee has found that some of the confusion seems to result from the thought that Veterans' Administration treatment for drug addiction is a benefit or a reward for service. Obviously it is not. With enactment of the proposed legislation the Veterans' Administration would be authorized to treat any veteran with an addiction problem not as part of a veteran benefits program, but in the general public interest, and in an effort to protect society from crime and abuse by drug users.

The Veterans' Administration has medical facilities in every large community in America. It is the largest single medical system in the world with a staff of 5,000 full-time doctors. It has a bed capacity of over 115,000 beds and is affiliated with most of the Nation's medical schools.

The Veterans' Administration has had a great deal of experience in vocational rehabilitation and has a large and well trained staff of psychiatrists, psychologists and social workers. Obviously there is not a great deal known about the treatment and rehabilitation of addicts, but certainly the Veterans' Administration is the best equipped agency of the Federal Government to meet this problem and it is obvious that the problem is going to be with us for a long period of time.

In a letter which I personally delivered to the President at the White House, I requested the President to rescind an administration order to transfer the National Institute of Mental Health Narcotics Center in Fort Worth to the Bureau of Prisons. In part, I said in my letter:

> The latest check with currently operating VA drug centers indicated that over 100 veterans who have applied for drug abuse treatment are on the waiting list. What does a drug addict do when he's on a waiting list for treatment for drug addiction? There are approximately 400 empty beds at Fort Worth today that could be used on a contract basis to treat drug addicted veterans and I think the Veterans' Administration should take immediate action to contract with Fort Worth for as many beds as possible so that it will not have a waiting list of drug addicted veterans. I have been assured that the necessary staffing for this center can be recruited almost on an immediate basis.

The committee wishes to emphasize that this bill will in no way interfere with current administration planning to set up a special agency in the Federal Government to deal with the national narcotic problem. The Veterans' Administration medical program has a proud record of major breakthroughs in many areas of medical science and it is believed that with their facilities and know-how they can make a major contribution to overcoming the drug crisis in our Nation if they are given the funds to do so.

The committee is fully cognizant of the President's recent message on drug abuse and his specific plan to attack the problem. Undoubtedly the Congress will act responsibly after careful and studied consideration. However, it should be made a matter of record that after 3 weeks of in-depth hearings on the entire VA medical program—in which all aspects of the drug problem were considered and discussed—it is the unanimous view that time is of the essence and action must be taken at once to accelerate VA's participation and positive contribution toward solving this national social problem. H.R. 9265 is entirely consistent with the President's objectives, and should, in fact, prove to be an effective complement to his proposals.

I strongly urge its approval.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SATTERFIELD) the chairman of the subcommittee that held hearings on this bill.

Mr. SATTERFIELD. Mr. Speaker, H.R. 9265 represents the contribution of the Veterans' Affairs Committee, acting within the purview of its legislative jurisdiction, for meeting the tragic national problem of drug abuse and drug dependency. Enactment of this bill will make possible utilization to the fullest extent of existing and potential facilities and resources of the Veterans' Administration.

It will accomplish three basic purposes. The first, it would provide for drug addiction and drug abuse treatment to ex-servicemen regardless of the nature of their discharge or separation from the service. It will provide on a voluntary basis for medical and psychiatric treatment on an inpatient or outpatient basis as well as rehabilitation.

Mr. Speaker, the second part of this bill will permit the transfer of active-duty military personnel who suffer from drug dependency to VA drug treatment or VA facilities on a reimbursable basis under such terms and conditions as the Secretary of the service involved and the VA Administrator mutually agree, with the provision that the VA Administrator shall release such personnel to the Secretary concerned only when the drug condition is stabilized or upon certification that the individual refuses to cooperate or that further treatment will do no good.

The third part of this measure will authorize the transfer of ex-servicemen or veterans who have a drug-addiction or drug-abuse problem to the VA Administrator from Federal courts under the commitment provisions of titles 28 and 18 of the United States Code and of the Narcotics Addict Rehabilitation Act.

Mr. Speaker, probably the most important aspect of this bill is the provision which will clear up the confusion about honorable and dishonorable discharges and the eligibility of ex-servicemen for treatment of drug addiction. At the present time an individual with an honorable discharge who becomes addicted after his separation from service is eligible for treatment in a VA facility. An individual who may actually have been an addict while in the service but who escaped detection and was given an honorable discharge is also eligible for treatment in VA facilities. However, a serviceman who is detected as an addict while in the service and is involved in other irregularities may receive a dishonorable discharge and may not be eligible for treatment in a VA facility. Enactment of this bill will authorize the VA to treat an ex-serviceman with a drug addiction problem regardless of the type of discharge he holds.

It should be pointed out, however, that the bill specifically provides that this authorization will not be construed in any way as a precedent for extending to such ex-servicemen any other existing veterans' benefit or program to which he might not otherwise be entitled.

Mr. PEYSER. Mr. Speaker, will the gentleman yield for a question?

Mr. SATTERFIELD. I am glad to yield to the gentleman from New York.

Mr. PEYSER. I support the concept of the idea of this bill completely, but I do have a question dealing with the availability of facilities to support this program. Are there existing adequate facilities now to let a program of this nature effectively take place?

Mr. SATTERFIELD. There are at the present time five drug treatment centers in our VA system. Recently the House passed an appropriation to add an additional $14 million, which will be enough to finance a projected 32 such facilities by this October. Further facilities are projected for the next fiscal year.

Mr. PEYSER. I notice this refers to treatment but also speaks of rehabilitation. Are there facilities envisioned here to be for rehabilitation and treatment?

Mr. SATTERFIELD. Yes. First of all, a treatment center basically consists of 15 beds for inpatient treatment. There will be outpatient facilities for approximately 200 patients. There will be provided, in connection with the medical treatment and psychiatric treatment, a rehabilitation effort drawing upon the expertise and experience of the Veterans' Administration, which has been involved in rehabilitation of other veterans, including some addicts, over the past several years.

Mr. PEYSER. My main concern is that there are now very few beds available in any of these centers. All I am suggesting is, I wonder if the $89 million in this program today is enough to make it really workable over a period of 5 years?

Mr. SATTERFIELD. I would say this: The main treatment that would be given after a person becomes physically stabilized after addiction or drug dependence would primarily be on an outpatient basis. This would incorporate psychiatric treatment, "rap sessions" now accepted as a part of that kind of treatment, together with a rehabilitation program and an effort to qualify an individual to hold gainful employment and if necessary to try to find that employment for him. This would not require hospital beds.

Mr. PEYSER. I thank the gentleman.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SATTERFIELD. I am happy to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the explanation the distinguished gentleman from Virginia made about this bill. I compliment the subcommittee and the Committee on Veterans' Affairs for getting their house in order on this sorely pressing national problem.

Mr. Speaker, I have served for the last

year and a half on a special subcommittee of the Committee on Armed Services on alleged drug abuses within the services. That report has been submitted, under the chairmanship of the distinguished gentleman from Georgia (Mr. HAGAN). I served as ranking minority member. There are many findings, conclusions, and recommendations of this committee.

In addition to the statement made by the distinguished gentleman from Virginia and the distinguished chairman of the full Committee on Veterans' Affairs, from Texas, and the ranking minority members and others interested in this, there are several facets of this problem which should be recalled, emphasized, and reviewed to the Members of the House as a whole.

First. Our militia derives from its civilian counterparts. There is no great evidence, although much publicity and headline grabbing, as to the great differences in percentage of experimenters in drug use.

Second. The pushers and abusers are the people who need to be prosecuted, and we have indeed put teeth in this law as a nation.

Third. I have been sorely concerned about maximum benefit of inservice medical care and hospital treatment. The distinguished gentleman from Virginia has wrapped this up in talking about the "drying out" or the wrungout portion of the treatment after the experimenting and before complete return to productive society. No one knows about the ultimate answer to the treatment of hard narcotics addicts. Certainly we must be open for reasonable approaches, including psychiatric help, the "rap sessions" the gentleman suggests, and everything.

Mr. Speaker, we must have the Veterans' Administration enhanced so that it can treat the total body politic that has become addicted or has experimented, whether they are seeking further care after discharge under so-called amnesty or not. One would be unfair to say that we must keep all of these people in service for treatment and rehabilitation on a duty status if they would not be willing to have the psychedelic user who might have a retrogression to psychopathic phenomena after months and even years, serving aboard a nuclear submarine or even flanking one's self on the defense perimeter. However, the whole answer is not just among veterans, I want to say to the Members of the House, but one of the most astounding things we have uncovered in our investigation is that of the principal treatment centers for civilians including discharged service personnel, under the U.S. Public Health Service are drawing to a rapid close at Lexington and Fort Worth for treatment of hard narcotics cases. Indeed, as the commissioned officers corps of the U.S. Public Health Service is being written out of existence by the social workers and the ne'er-do-wellers, who do not seek professional advice, this is happening in direct proportion, paradoxically when we spare them least.

I think we need this bill and we need to reconstitute the professional service of the U.S. Public Health Service and the Lexington farm and its satellites and ancillaries on the East and West coasts. We need to meet this problem forthrightly and headon with every facility that we have available to us in order to eliminate this dread scourge. The time has long since passed when we can plead that we are proceeding on the basis of exigencies of war alone.

I thank the gentleman for yielding.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SATTERFIELD. I am glad to yield to the gentleman from Florida.

Mr. ROGERS. Mr. Speaker, I think all of us are concerned about this problem. I am a member of the Subcommittee on Public Health and Environment which the gentleman from Virginia is also a member of.

We have been studying the drug abuse problem for some weeks now. I just want to get clear in my own mind what this legislation would do. I do not want us to be duplicative, and yet I certainly want to handle the problems before us. It is my understanding that as proposed here, you would be able to treat any veteran in a VA facility or in a contract facility where the Veterans' Administration contracts with a facility to give the veteran such treatment. Is that correct?

Mr. SATTERFIELD. That is correct.

Mr. ROGERS. Also it is my understanding that under the NARA Act, the courts may give control of a veteran to the Veterans' Administration. It is not directed to, but it may.

Mr. SATTERFIELD. That is correct. It is permissive. And this merely adds to that act an additional place for veterans to be referred.

Mr. ROGERS. Yes. I think as the gentleman brought out, the Veterans' Administration is not geared up to handle this problem, but this is part of the legislation to get them to do it.

One thing I am concerned with, and which I hope we can make clear in the debate today, is the fact that while the Federal Government is mounting an attack in response to the President's call we have two Federal facilities which are expert in doing something about drug abuse treatment, namely, at Lexington, Kentucky, and at Fort Worth, Tex. Yet HEW is now proposing to phase out one of the two treatment centers, the one at Fort Worth, and turn it over to bureau of prisons, in effect giving priority to the treatment of prisoners before you treat veterans or the general public. I hope we can make it clear here that this type of legislation authorizes the Veterans' Administration, as the gentleman suggested in our hearings, to contract immediately for the use of the Fort Worth facility to help in the detoxification of the hard addicts and then provide for additional services in the communities to which the veterans may return.

Is this contemplated in this approach to this legislation?

Mr. SATTERFIELD. Yes; that is precisely what is contemplated. I wish to congratulate the gentleman for bringing out the fact that the Public Health Service is preparing to close down the facility at Fort Worth. In past years the Veterans' Administration has had contract beds in this facility. Further, as the gentleman from Florida knows, hearings which were conducted at Fort Worth last week made it quite clear that there are beds available, should the VA find it necessary and desirable to contract for beds at that facility in the future. I think this is an important adjunct to the entire program and one which should be pursued.

I thank the gentleman for his questions and for his remarks.

Mr. ROGERS. I thank the gentleman for yielding and for that further explanation. In my opinion it would be a tragedy if this Congress allows the center at Fort Worth to be closed or transferred to the present system, when we have the dramatic need in this Nation to treat addicts right now. There is a team there that has the expertise, they know the job, they can get the program into operation as well as having the followup in the community. I think we must see that this facility remains open as a drug treatment center, as it was originally designed.

Mr. TEAGUE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 9265. This bill, if enacted into law, will give statutory recognition to the drug treatment program of the Veterans' Administration and at the same time will permit the treatment for narcotic addiction of exservicemen who are not presently eligible for Veterans' Administration benefits or hospitalization.

This bill, Mr. Speaker, is the result of several weeks of hearings and intensive study by the Hospital Subcommittee of the Committee on Veterans' Affairs. Because of my interest in the subjects being explored by this important subcommittee, I sat in on a number of their sessions. Throughout the hearings, which covered all aspects of Veterans' Administration medical care, including the operation of the hospital system, ran the often expressed opinion that the vast medical facilities of the Veterans' Administration should be more widely utilized in the treatment of veterans, exservicemen and active duty miltary personnel who are suffering from narcotic addiction.

I want to compliment and commend the Hospital Subcommittee, particularly the chairman, the gentleman from Virginia (Mr. SATTERFIELD) and the ranking minority member, the gentleman from Pennsylvania (Mr. SAYLOR) for reporting a bill that is truly responsive to the problem facing our Nation.

This bill, Mr. Speaker, will authorize drug treatment and rehabilitation for any exserviceman, irrespective of the nature or character of his discharge from the armed services. There appears to be some inconsistency in present law and regulation in that a drug addict who happens to get caught prior to separation from service is denied needed treatment because of a bad discharge. If he is not caught until after separation from service, he is eligible for treatment. On the other hand, Mr. Speaker, it is not the committee's intention, or desire, to reward dishonorable military service by granting veterans benefits to such individuals. In authorizing drug treatment only, we have made it possible for the Veterans' Administration to participate more fully in fighting this national social problem.

The bill also authorizes the treatment of veteran addicts who are committed by a Federal court.

Under agreements with the secretaries of the military departments, the Veterans' Administration would also be authorized to provide treatment for active duty servicemen.

Mr. Speaker, this bill is good legislation. It is in conformity with President Nixon's planned solution to the growing problem of drug addiction among our population and I urge Members to support it.

Mr. Speaker, I yield such time as he may consume to the ranking minority member of the subcommittee which reported this bill, the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 9265, a bill to authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen, veterans, and ex-servicemen suffering from drug addiction.

The Veterans' Administration hospital system already has a continuing drug treatment program for veterans. In fact, five of the specialized drug treatment centers have been placed in operation since October 1970. By October of 1971, the Veterans' Administration expects to have an additional 27 centers in operation. These 32 specialized treatment centers will provide capacity for the annual care of an estimated 6,000 veteran addicts in addition to those who are already receiving drug treatment in a regular VA hospital setting.

The bill before the House today, H.R. 9265, will expand the on-going drug treatment program in the Veterans' Administration by authorizing the Administrator of Veterans' Affairs, under an agreement with the Secretary of the Army, Navy, or Air Force, to receive and treat active duty servicemen for drug addiction. I must confess, Mr. Speaker, that I was reluctant at first blush to support this provision of the bill, believing that the Veterans' Administration has enough difficulty in obtaining adequate funds to treat veterans who are already eligible for hospitalization. Since the cost of providing such treatment, however, would be reimbursable to the Veterans' Administration by the Department of Defense, I can and do support this provision of the bill. It will permit the Veterans' Administration to cooperate with the Armed Forces in solving this growing social problem.

Additionally, the bill authorizes the Veterans' Administration to provide medical treatment and rehabilitation to veterans irrespective of the nature of their discharge. Under existing law, dishonorably discharged veterans are not eligible for veterans' benefits, including hospital treatment. Thus, one segment of those who are separated for drug-related offenses are deprived of needed treatment in Veterans' Administration facilities because of the limitation of existing law.

President Nixon, in his message of June 17, 1971, to the Congress of the United States said:

> The Veterans Administration medical facilities are a great national resource which can be of immeasurable assistance in the effort against this grave national problem. Restrictive and exclusionary use of these facilities under present statutes means that we are wasting a critically needed national resource. We are commonly closing the doors to those who need help the most. This is a luxury we cannot afford. Authority will be sought by the new Office to make the facilities of the Veterans Administration available to all former servicemen in need of drug rehabilitation, regardless of the nature of their discharge from the service.

The bill before the House today, Mr. Speaker, will accomplish this commendable goal set forth in the President's message by making the specialized drug treatment facilities of the Veterans' Administration available to all veterans and ex-servicemen irrespective of the nature of their discharge.

I want to emphasize that it is not the committee's intention and certainly not mine to make available to dishonorably discharged servicemen the wide range of veterans benefits that have heretofore been available to men who serve under honorable conditions. Since the Veterans' Administration has the facilities to aid in combating this dread and ever-growing social menace, it is fitting that they should assist in promoting the Nation's health and welfare by providing drug treatment to this unfortunate group of ex-servicemen. This action is not to be considered as a precedent for granting veterans benefits, or even hospital treatment, to all dishonorably discharged servicemen.

Finally, Mr. Speaker, the bill will authorize the Veterans' Administration to provide drug treatment for ex-servicemen who have been committed by Federal courts. Under existing law, Veterans' Administration hospitals do not accept the responsibility of providing protective custody for veterans who are in need of treatment. Thus, another segment of the veteran population is deprived of the treatment that the Veterans' Administration is well equipped to provide.

The provisions of this legislation will in no way conflict with the administration's plans to fight this national social problem. In fact, it is my considered opinion that this legislation is in consonance with the President's plan to deal with what he has termed "a national emergency."

It is good legislation and it is necessary legislation. I urge that it be supported.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 9265. This bill, if enacted, will permit treatment for narcotic addiction and rehabilitation for all ex-servicemen regardless of their types of separation and will include active duty personnel when authorized by the respective Secretaries of the military departments.

It represents to me the humanitarian approach to a very serious problem confronting our Nation and I believe it will go a long way in attempting to overcome it since it will permit treatment for many ex-servicemen excluded under the existing law.

It should be emphasized that this legislation does not make available to the dishonorably discharged veteran any benefit other than drug treatment and rehabilitation.

Treatment for dishonorably discharged veterans was included only after deep consideration by the committee and their inclusion was based on the fact that it was in the interest of the general public in helping to rid the country of the drug problem that threatens our society.

I also want to stress that I can find no conflict in this bill with the President's plan to deal with the national drug problem. In my estimation it augments it. The Veterans' Administration already has an established drug treatment program which is in the process of expansion. Consequently, the enactment of this bill should not disrupt the overall medical treatment program. It merely will enable the Veterans' Administration to care for a larger segment of the veteran population addicted to narcotics.

Drug addiction has reached the proportions of a national emergency. I believe, therefore, that no means of overcoming it should be ignored. This legislation affords an open door policy of overcoming drug addiction to all veterans.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague, the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. SAYLOR) for the statement that he has just made, and I wish to associate myself with his remarks, and I too hope that the House will suspend the rules and pass this bill because it is needed very badly.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague, the gentleman from South Carolina (Mr. DORN.)

Mr. DORN. Mr. Speaker, I wish to commend my distinguished and able colleague, the gentleman from Pennsylvania (Mr. SAYLOR), for the splendid statement he has just made, and also to commend the gentleman from his diligence, perseverance, and persistence in the subcommittee, and in the full committee, to bring this kind of legislation to the floor.

This problem of drug abuse among servicemen and ex-servicemen is one that the American people at the moment are vitally concerned about. Our people know that this is a national crisis that must be dealt with or will destroy our Nation.

Mr. Speaker, a veteran wounded in this fashion is no less wounded that if he were hit by gunfire. Furthermore, he is a menace to himself and to society. This legislation authorizes the VA to fulfiill its mandate to care for him who shall have borne the battle; and in recognition of the critical nature of this problem, this bill authorizes the VA to treat men who, under current law, might not be eligible for VA treatment because of the nature of their discharge from the service.

Mr. Speaker, I would like to commend my distinguished subcommittee chairman, Mr. SATTERFIELD, for the work that he has done, and of course we are proud of the leadership of our chairman, "TIGER" TEAGUE.

This is one of the first pieces of legislation that the gentleman has handled in his capacity as subcommittee chairman and he has done a magnificent job.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the distinguished gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Speaker, I thank the gentleman for yielding, and I wish to associate myself with the remarks made by the distinguished gentleman from Pennsylvania (Mr. SAYLOR) and to commend him for the work that he has done in this matter, and to commend the subcommittee chairman, the gentleman from Virginia (Mr. SATTERFIELD), and the chairman of the full committee, the gentleman from Texas (Mr. TEAGUE), and all of the members on the majority and minority sides of the committee, for the excellent bill that they have brought out here.

Mr. Speaker, on June 2, in a speech before this House, I pledged my commitment to get action before any more time had elapsed in solving one of the most serious and tragic problems facing this Nation today, that of rehabilitating and treating our heroin addicted GI's. The habit is easy to pick up in Southeast Asia and difficult to cure, taking its costly toll on the individual, his family and the country. To date, the Government has contributed little to this effort. With an estimated 10 to 15 percent of U.S. troops in Vietnam on the habit, we must, as a nation act now.

The Veterans' Administration is the logical and most effective Government agency to direct this program. For this reason, I rise in support of H.R. 9265, which is the first piece of legislation considered by this House to recognize the severity of this problem and attempt to deal with it. The bill's most important provision clears up the confusion surrounding honorable and dishonorable discharges and eligibility for treatment for drug addicts. Presently, an individual with an honorable discharge becoming addicted after separation from the service is eligible for treatment in a VA facility. An individual who may have developed drug addiction while in the service, but escaped detection and received an honorable discharge is also eligible for treatment in VA facilities.

Unfortunately, many servicemen who are detected as addicts while in the service receive dishonorable discharges and as a result, may not be eligible for treatment in a VA facility. With enactment of this legislation, the VA would have the necessary authorization to treat any serviceman or ex-serviceman regardless of the type of discharge he holds. Importantly, this proposal will allow the Administrator of the Veterans' Administration to receive for treatment ex-servicemen from the Federal courts and allow him to contract beds at the National Institute of Mental Health facilities at Fort Worth and Lexington, which are involved in the treatment and rehabilitation of drug addicts. Since the VA has maintained a lease arrangement with Fort Worth and Kentucky, the VA will be able to treat immediately service-connected addicts under charges and/or being detained.

The VA has a large, well-trained staff of psychiatrists, social workers, and psychologists and is the best equipped agency to deal with the problem of drug addiction at the present time. The bill provides for a 5-year program at a cost of $89.3 million.

We have also been given assurance by the Veterans' Affairs Committee that this bill in no way will clash or interfere with the plans of the administration to set up a special agency to deal with the national narcotic problem. The committee has further stated in a unanimous statement that H.R. 9265 is "entirely consistent with the President's objectives and will be an effective complement to his proposals." Time is of the essence in combating this problem. The excellent facilities and services of the Veterans' Administration are the appropriate starting place to wage an immediate all-out effort to aid our returning heroin-addicted GI's.

Mr. TEAGUE of California. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, I rise in support of this legislation. Before I attended 3 weeks of hearings by the Hospital Subcommittee of the House Committee on Veterans' Affairs, I was not aware of all the details concerning this matter, but after those 3 weeks of hearings I was sincerely convinced that this legislation was needed to fight the drug abuse problem that exists among our Nation's veterans.

It was most alarming to me to hear the VA Chief Medical Director state for the record:

> We have reason to believe that there are some 50,000 veterans who have a drug abuse problem. I believe this is a most conservative estimate.

This legislation is designed to help solve this problem.

H.R. 9265 has three basic purposes which have already been explained in detail, so I will not take time to go into them at this moment.

This legislation, however, would authorize the Veterans' Administration to treat any serviceman or ex-serviceman with an addiction problem regardless of the type of discharge that he holds.

The committee found that there was confusion that had existed in this area, and some of this confusion seems to result from the thought that the Veterans' Administration treatment for drug addiction was a benefit, or some sort of a reward for services rendered to their country.

Obviously, this is not the case. But with the enactment of the proposed legislation, the Veterans' Administration will be authorized to treat any veteran with an addiction problem—and not as a part of a particular veterans benefit program, but in the interest of rehabilitating the young men who have served their country, and more importantly, in an effort to protect society from crime and abuse by drug users, that inevitably follows.

The Veterans' Administration has medical facilities in every large community in America, it is the largest single medical system in the world with a staff of 5,000 full-time doctors. It has a bed capacity of over 115,000 beds and is affiliated with most of the Nation's medical schools.

The Veterans' Administration certainly has had a great deal of experience in vocational rehabilitation and has a large and well-trained staff of psychiatrists, psychologists and social workers. True, more needs to be known—a great deal needs to be known about the treatment and rehabilitation of addicts, but certainly the Veterans' Administration is the best equipped agency, I think, of the Federal Government to meet this problem and it is obvious that the problem is going to be with us for a long time to come.

Mr. TEAGUE of Texas. Mr. Speaker, I yield to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO. Mr. Speaker, I thank the distinguished gentleman from Texas, the chairman of the full committee, and I express my regret for no longer being a member of the esteemed committee on which I was proud to serve for 2 years under the able leadership of the gentleman from Texas.

Mr. Speaker, the Nation owes a special debt to the young men who accepted induction into the armed services and were called upon to fight in Indochina. Some died on a distant shore without knowing the reason for our involvement in Vietnam, but the important consideration is that they answered the call of their country. As doubts about the war crystallized, an inevitable conclusion was that if there was any moral guilt, it lie in the commitment of U.S. troops to a war and an environment which the GI could not understand.

These soldiers were trained to act aggressively, and then were placed in an environment which demands this skill for survival. Boredom, isolation, a defective mental and physical environment, and the possibility of enemy contact constitute the daily life of the combat soldier. In some areas many dangers required constant mental alertness for the entire tour of duty. For those safe in the United States, it is impossible to contemplate the rigors of combat duty and the effects of fear, loneliness, boredom, constant mental alertness, and of dirt and of filth, on a man's mind. The GI becomes so wound up inside that he feels like a rubberband which is stretched to its maximum and about to snap. To relieve this constant pressure, some GI's turn to drugs.

This Government placed these GI's in an environment which has caused many of them to turn to drugs, and it must now accept the responsibility of drug rehabilitation for returning soldiers.

Furthermore, we must recognize that the drug addict who spent a few dollars for drugs in Vietnam may be returning to the United States with a $300-a-day habit. If this amount of money is not available through a legitimate job, the drug addict will turn to illegal means to acquire the money, resulting in a higher crime rate. Without rehabilitation, the prior servicemen, who have become hooked on drugs, face a bleak future in a penal institution.

We have a moral obligation to provide rehabilitation to drug addicted ex-servicemen, and this obligation should transcend criminal commitment and the type of separation from the service.

H.R. 9265 is an excellent vehicle to provide rehabilitation for ex-servicemen and I recommend its passage, because it provides rehabilitation for ex-servicemen regardless of the type of discharge the individual incurred, and because the bill works through the existing Veterans' Administration facilities.

Mrs. REID of Illinois. Mr. Speaker, in view of the alarming reports about the prevalence of drug abuse among military personnel, it is imperative that all potential treatment facilities be used to the fullest extent possible. The Veterans' Administration medical program has a proud record of major breakthroughs in many areas of medical science, and I feel confident that with their facilities and know-how they can make a major contribution to overcoming the drug crisis in our Nation if they are given the authority and funds to do so. This is the purpose of H.R. 9265, and I would like to join my colleagues in expressing support for this legislation and commending the Committee on Veterans' Affairs for bringing it before us.

The Veterans' Administration has medical facilities in every large community in America; it is the largest single medical system in the world with a staff of 5,000 full-time doctors. It has a bed capacity of over 115,000 and is affiliated with most of the Nation's medical schools. Furthermore, it has had a great deal of experience in vocational rehabilitation and has a large and well trained staff of psychiatrists, psychologists, and social workers.

Several weeks ago, I joined some 50 colleagues in sponsoring legislation known as the Armed Forces Drug Abuse Control Act. That bill, H.R. 9057, has three major objectives: To create a drug abuse control corps in each branch of the service to promote drug abuse education as well as provide rehabilitative treatment for addicts; to provide that those who voluntarily undergo treatment and rehabilitation would not be tried for offenses involving the possession or use of narcotic drugs; and to specify that no serviceman with a drug problem can be discharged until adjudged free from drug dependence by competent medical authorities.

In my judgment, the bill before us—H.R. 9265—is entirely consistent with the objectives of that proposal and, in fact, will complement it in these ways: In establishing an orderly procedure for the Veterans' Administration, to cooperate with the Armed Forces in treating those servicemen with drug addiction problems; by providing that the VA may receive and treat ex-servicemen on the basis of commitment from Federal courts; and by authorizing the VA to treat any serviceman or ex-serviceman with any addiction problem regardless of the type of discharge he holds or other legal problems he may have as a result of violations of other laws. With the enactment of this measure the Veterans' Administration would be authorized to treat any veteran with an addiction problem—not as part of a veteran benefits program, but in the general public interest—and in an effort to protect society from crime and abuse by drug users.

Drug addiction, like a disease, has reached epidemic proportions. While we must deal with it at its source, we must not allow its victims to go untreated. Time is of the essence and action must be taken at once to accelerate the use of all available facilities in solving this tragic national problem. Therefore, I hope that H.R. 9265 will be enacted by the Congress without undue delay.

Mr. WRIGHT. Mr. Speaker, I rise in support of this bill. Certainly the Nation owes this and more to those who have served in their country's defense. If they have fallen victims to the menace of drug addiction, the Nation owes them treatment.

As the gentleman from Florida (Mr. ROGERS) has pointed out, there already exists an excellent facility at Fort Worth, Tex., with existing capacity and personnel capable of providing treatment for thousands of these unfortunate men. During World War II, this facility gave treatment and rehabilitation services to as many as 1,100 men at one time. It presently treats veterans under contract with the Veterans' Administration, although the hospital has been managed under the direction of the U.S. Public Health Service.

It is a strange and utterly inexplicable irony that the Department of Health, Education, and Welfare seems intent on closing this facility, the only one of its kind west of the Mississippi River, at this very time when the President is asking Congress for $115 million to build new facilities.

This bill should be passed, and the Fort Worth facility should be kept open and expanded.

Mr. MONTGOMERY. Mr. Speaker, as a coauthor of H.R. 9265, I urge favorable consideration of the measure in order that we might set into motion a program to eradicate drug addiction and drug dependency among servicemen, ex-servicemen, and veterans. This legislation is in keeping with the priorities we have set in the Congress, as well as the priorities set by President Nixon.

Everyone recognizes the need to combat the drug problem in America. The time has come to translate this recognition of need into concrete action. By establishing programs to fight the drug problem we will be helping to decrease crime in America and rehabilitate our fellow citizens so that they can once again become productive members of society.

The most important provision of this bill will allow the Veterans' Administration to treat servicemen and veterans with a drug problem no matter what type of discharge they received from the Armed Forces. The program will apply to those with a dishonorable discharge, as well as those with an honorable discharge.

It should be pointed out that this program is not a reward or benefit for service. Rather, it is a program in the general public interest and in an effort to protect society from crime and abuse by drug users.

Mr. Speaker, this will be one of the most important pieces of legislation this body has before it this year. I therefore urge favorable approval of H.R. 9265.

Mr. PUCINSKI. Mr. Speaker, as cosponsor, I rise in support of H.R. 9265, the Servicemen's, Veterans' and Ex-Servicemen's Drug Treatment and Rehabilitation Act of 1971.

No one really knows the extent of the drug problem in the military. We have all heard the estimates that 50 percent of the troops in Vietnam are addicted to or dependent on drugs. The initial findings following the implementation of medical tests administered to troops leaving Vietnam indicate about 2 percent are addicted to heroin.

Whatever the figure is, there are veterans and ex-servicemen who are suffering from drug addiction or dependency. The Veterans' Affairs Committee has the basic responsibility of seeing to it that the medical needs of veterans are met. We have therefore reported out H.R. 9265.

The bill authorizes the Administrator to furnish medical care and treatment to any eligible ex-serviceman whose disability is caused by or resulted from drug abuse or drug dependency. In addition, active duty members of the Armed Forces may be treated.

The language of the bill will terminate the dilemma of men with dishonorable discharges not being able to receive treatment at VA facilities. The committee recognizes that the veterans drug abuse bill is not a benefit or reward for service. Rather it is in the general public interest to treat any ex-servicemen for drug dependency.

We are all anxious to see the Administration's Special Office for Drug Abuse Prevention get off the ground. In the meanwhile, there are ex-servicemen who need medical attention and H.R. 9265 will help to provide that medical attention and assistance.

Mr. REID of New York. Mr. Speaker, I rise to lend my strong support for H.R. 9265, the Veterans Drug Treatment Act.

The magnitude of the drug problem among our veterans, particularly those returned from Vietnam, makes it imperative that we act without delay. It has been estimated by the VA that 50,000 of the Nation's 200,000 drug addicts are veterans. My guess is that both these figures are underestimated, and certainly they fail to take into account the many thousands of servicemen in Vietnam who are addicted to drugs and who will soon become veterans. Nevertheless, it is clear that the VA has a major role to play in the treatment of drug addiction in our country.

The law presently bars many veterans from receiving VA medical treatment for narcotics addiction. No veteran who has been discharged under "dishonorable" conditions is eligible. Yet, in 1970 the Army awarded a total of 2,295 undesirable, bad conduct, and dishonorable discharges for drug abuse offenses alone. Here are nearly 2,300 potential or actual addicts disqualified from medical treatment. Also disqualified are the many additional thousands of veterans who may have been discharged under dishonorable conditions for reasons unrelated to drug abuse.

A second disqualifier under present law is the requirements that a disability be "service-connected" in order for the veteran to be eligible for initial outpatient medical care. Drug addiction is invariably not service-connected as that term is defined by statute. Thus even thousands of honorably discharged veterans who become addicted to drugs are largely unable to receive the necessary treatment.

Such a policy makes no sense at a time when drug addiction is a pervasive and destructive illness in our society. To deny a person access to medical treatment—treatment beneficial not only to the individual but also very much so to the community—is self-defeating and unenlightened.

The bill before us removes these legal barriers and permits all addicted veterans to be treated by the VA, regardless of the character of their discharge or the origin of their addiction. This is a major step forward, and one, incidentally, which I have been urging for some time.

Chairman TEAGUE and the committee are to be commended for taking this prompt and meaningful action to meet the drug addiction problem among our veterans, and I wholeheartedly urge my colleagues to vote for H.R. 9265.

Mr. RANGEL. Mr. Speaker, I rise in support of the Veterans Drug Treatment Act. There is no question in my mind that this legislation is greatly needed. It comes not a moment too soon.

Official military sources put the rate of heroin addiction at about 14 percent of our servicemen now in South Vietnam. This amounts to about 33,000 men. Dr. Jaffe, President Nixon's special adviser on drug abuse, recently returned from a 3-day tour of military drug treatment centers in South Vietnam and describes this figure as the "upper limit."

The heroin detection tests made on homeward-bound American soldiers reveal about a 5-percent rate of drug addiction. However, since a positive test means that a soldier has to stay in Vietnam up to 30 days longer for treatment, GI's are doing everything they can to avoid detection. Some drink beer to dilute the urine, some strap a bag of another's urine to their side, some detoxify ahead of time and some simply pay off people. Regardless of the methods used, it is evident that at least some addicted soldiers are getting by undetected. Thus, the 5-percent rate is probably low. But whether the rate is 5 percent or 14 percent, the point is that the large number of returning addicted GI's makes it more likely than ever before that when a mother's son returns home she gets not a hero but an addict. And society gets not a potentially productive citizen but a potentially destructive criminal. Thus, the bill is not a moment too soon.

Briefly, the bill will do three things. It will authorize the Administrator of Veterans' Affairs to furnish medical care and treatment to any ex-servicemen who has a drug dependency condition while in service. It does not matter what the nature of his discharge or release is. Under current policy, the Veterans' Administration refuses to treat ex-servicemen with dishonorable discharges and requires an administrative procedure with a favorable decision to treat bad conduct or undersirable discharged veterans. This has caused a ridiculous problem because the military in the past has given most drug dependent soldiers dishonorable or bad conduct discharges in effect rendering them ineligible for VA treatment. The addict was literally thrown out on society to be dealt with at the limited drug addiction treatment centers operated by the public and private sector. Under this bill though, regardless of the discharge a veteran gets from the military, he remains eligible for VA. The treatment furnished would not include monetary benefits but would include comprehensive inpatient and outpatient care, treatment, and rehabilitation and anything else deemed necessary to treat the ex-servicemen for his condition. The bill will also leave the discharge policies of the armed forces intact instead of carving out certain exceptions.

Second, the bill will establish a simple procedure for the VA to cooperate with the Armed Forces in treating servicemen still in the Armed Forces who have a drug problem. Any member of the Armed Forces who is drug dependent may be transferred by the military to a VA hospital for treatment. The servicemen will then be returned to the military when his addiction condition is stabilized, when he refuses to cooperate, or when treatment will be of no further benefit. The question arises whether the VA has the capability to handle this load. The VA is the largest medical system in the country. It has hospitals all over the Nation, a staff of 5,000 doctors, and receives interns from most of the Nation's medical schools. The big problem will not be with space but with staff. I am confident that the VA will move quickly to meet this problem.

Third, the bill will authorize the VA to treat any ex-serviceman who has been committed by Federal courts for drug dependency. This means that any Federal district court can place any veteran who has committed a crime—other than a crime of violence—in the custody of the VA for examination to determine whether he is an addict and can civilly commit him there if the court determines that he is. He will then remain in the VA for treatment up to 36 months and may not voluntarily withdraw. The bill also allows the ex-serviceman himself to voluntarily file a petition with the U.S. attorney for the district to accept treatment for his addiction at the VA when he is charged with a crime.

Admittedly, this bill is not a panacea. Rehabilitation cannot be an absolute success with one stroke of the pen. One of the biggest concerns is that if we do not make the treatment desirable, then rehabilitation simply will not work. A second problem is that the addicted veteran needs more than just treatment. He needs positive reinforcement. He needs a job or something that will make him feel worthwhile. As of yet, no one has come up with a viable program that has a definite future.

Currently, the VA has operating 19 treatment centers using different modalities in an attempt to come up with a program that has a future. They are gearing up so that the total number of centers is expected to reach 32 by October. The key question facing these VA centers is whether GI addicts differ from street addicts here in the United States. Generally they have had the habit for a shorter period of time. Usually their habit was begun because they were under a more severe stress in Vietnam than street addicts are here. This leads one to believe that at least some may have psychological strengths that ordinary street addicts lack. Since our experience in drug rehabilitation thus far has been dismal, then if some of these propositions are true, perhaps the VA will find some measure of success in rehabilitating our veterans. At any rate, the bill we have before us today will provide some legislative help. I am hopeful that my colleagues will join me in supporting this most important measure.

Mr. ANDERSON of California. Mr. Speaker, I rise in strong support of H.R. 9265, a bill to authorize a drug treatment and rehabilitation program in the Veterans' Administration.

Mr. Speaker, war is not something that is easily fought; nor is it easy to walk away from war and return to normalcy.

Many have returned to the United States to face unemployment, to face the alienation of their friends, and to face anything but a hero's welcome. Many return with a drug problem.

We have heard the testimony that drug abuse among returning Vietnam veterans is unusually high. We have heard the testimony that GI's with a drug problem are receiving dishonorable discharges and, thus, may not be eligible for treatment in VA hospitals. In some instances, we have read that the ex-serviceman, who must support a $100-a-day habit, has turned to crime to feed his addiction to drugs.

The Veterans' Affairs Committee has found that there is an erroneous idea that VA treatment for drug addiction is a benefit or a reward for service. And, as the committee has stated in its report, "Obviously, it is not."

Instead, a drug program as a part of veterans' benefits is "in the general public interest, and in an effort to protect society from crime and abuse by drug users."

H.R. 9265 is not a bill to set a precedent for extending to the beneficiaries involved, any other existing veterans' benefit which is provided for honorably discharged veterans. Nor does this bill disrupt the discharge policies of the armed services.

This measure authorizes the Administrator of the Veterans' Administration to furnish medical care and treatment to an ex-serviceman whose disability is caused by drug dependency. Thus, a veteran who served distinguishedly but fell under the influence of drugs and received a dishonorable discharge, may be admitted to a VA hospital for treatment.

In addition, H.R. 9265 allows the Administrator to receive active duty members of the armed services, for the purpose of treating such individuals for drug dependency.

Mr. Speaker, I have always had the greatest admiration for Chairman TEAGUE and his committee on the way they discharge their duties, and I want to take this opportunity to commend them for bringing this problem so promptly to the attention of the Congress.

We must make every effort to promote the Nation's health and welfare and I feel that one of our first steps should be in treating and rehabilitating the veteran.

Mr. MONAGAN. Mr. Speaker, although I have some serious reservations on the adequacy of the Veterans' Administration hospital system to cope with drug addiction in the military, because of the urgency of the situation I shall vote to suspend the rules and pass the bill.

In this session of Congress I introduced H.R. 8216, the Armed Forces Drug Abuse Control Act of 1971, and my bill currently has over 50 cosponsors. My bill, unlike the bill under consideration, focuses on the problem of drug addiction among active members of the military and sets forth a program of treatment and rehabilitation for the addicts while they are in the service. A key feature of my bill prohibits the discharge of any member of an armed service who is determined to be addicted to narcotics until he is found to be free from habitual dependence on drugs. My bill proposes to treat servicemen-addicts in comprehensive treatment and rehabiiltation programs established in each of the armed services because existing drug treatment programs in the VA and in the public sector are simply not prepared to care for the tremendous number of addicts who, it is estimated, will be returning from Vietnam. For example, while the number of addicts is judged by some authorities to be from 35,000 to 50,000, in a recent letter to me Dr. Marc Musser, Chief Medical Director of the Veterans' Administration, Department of Medicine and Surgery, said that the VA hopes to be able to treat a total of 6,000 drug addicts annually within the next 2 years. Clearly, the projected treatment facilities are going to be inadequate to deal with the military drug addiction problem on the basis of current estimates.

In light of the provisions of this bill which will: allow addicts who are active members of the Armed Forces to be treated in VA facilities; permit civil commitment of ex-servicemen by the Federal courts to VA facilities; and authorize VA treatment of any ex-serviceman, without regard to the type of discharge received by him, the conclusion that the projected annual capacity for VA drug treatment is unrealistic, is inescapable.

I would prefer, of course, that my bill, the Armed Forces Drug Abuse Control Act of 1971, be enacted into law, and that drug addiction in the Armed Forces be taken care of in the Armed Forces. I noted with great interest that Mr. Donald E. Johnson, Administrator of the Veterans' Administration, opposed enactment of the bill under consideration in favor of the drug treatment legislation proposed by the President that parallels my own suggestions in several respects, including my proposal to detain identified addicts in the military until they are cured. However, this legislation will provide for some expansion of the VA drug treatment facilities, and in view of the serious drug addiction problem, I believe that all proposals directed toward providing a solution should and must be supported.

I will also continue to work for enactment of my proposal in this session of Congress.

Mr. WOLFF. Mr. Speaker, I rise in support of the bill, H.R. 9265, to authorize a treatment and rehabilitation program in Veterans' Administration hospitals for servicemen and veterans suffering from drug abuse or drug dependency.

As a relatively new member of the Veterans' Affairs Committee, I was privileged to help in the development of this bill after lengthy hearings and to be listed as a sponsor on the bill being considered today.

Drug abuse and addiction among GI's is a most serious problem and this bill provides the means for a frontal attack on the social scourge of narcotics, especially among servicemen and veterans.

There are several important points in this legislation:

The VA drug abuse and addiction treatment and rehabilitation programs would be effectively coordinated with programs in the military and the means would be created for any needed expansion in the program.

The approach is one of treatment and rehabilitation and not one of criminal punishment. This is the responsible way to treat those men who, having been in the service of their country, deserve our special attention and assistance in returning to useful roles in society.

Consistent with this attitude the program would be open not only to veterans normally eligible for VA programs but also to men still in the service and men who received less than honorable discharges. This last point clears up an important problem because heretofore a drug user in the military immediately received a less than honorable discharge which meant he was denied access to military rehabilitation and also, because of the nature of his discharge, to rehabilitation through the VA.

This bill would enable U.S. courts to commit ex-servicemen to the rehabilitation under civil procedures which would insure their treatment but prevent the proliferation of criminal records which would linger with these men.

The entire thrust of this bill is to rehabilitate GI's and veterans who have a drug problem in the most humane and effective manner so as to place them back in the mainstream of society as soon as possible. It is a compassionate program which recognizes the medical problem these men have as well as their justifiable plea for help. These men who have helped our Nation by serving in the Armed Forces cry out for our help in breaking terrible drug habits. We cannot ignore their cries and this bill gives us the means of answering.

Mr. BROOMFIELD. Mr. Speaker, it is with great enthusiasm that I offer my support for this critical legislation. In the past months I have viewed with increasing alarm reports of hard-core drug use by our military forces in Southeast Asia. While exact figures are impossible to calculate, estimates have been made that from 10 to 25 percent of our enlisted men in Vietnam use heroin. This bill sets up an orderly method for the treatment of the thousands of servicemen and veterans who have become addicted to hard-core drugs.

The measure authorizes the Veterans' Administration to supervise and control the rehabilitation of all addicted veterans and servicemen. As the largest medical system in the country, it is the most logical Federal agency to conduct a military drug treatment program. It already has facilities spread throughout the country, staffed by professionals trained and experienced in drug treatment. Without the strong and coordinated organization an agency such as the VA can provide, the treatment of large numbers of servicemen will more than likely prove impossible.

It should be noted that the bill specifies that all veterans will be eligible for treatment regardless ofthe nature of their discharge from the Armed Forces. At the present time, those dishonorably discharged for drug usage are ineligible for treatment and rehabilitation programs, a senseless ruling when one recognizes that drug addiction is a medical problem requiring medical treatment.

Of course, it is in the best interests of the general public that we treat all servicemen who need drug related help, for it is the community at large which all too often suffers as much as the addict. Returning to the United States, veterans who have become addicted find that heroin is exceedingly more expensive than it was in Vietnam. Their natural inclination is to turn to crime to pay for their habit. In this light, then, funds spent on drug treatment are well worth the cost—both for the addict and his society.

Finally, Mr. Speaker, I would hope that this legislation—by providing adequate drug treatment facilities for men presently in the Armed Forces—will encourage those who are now addicted to voluntarily come forth for treatment. One must wonder how many men there are who desperately need help but out of fear of reprisals or lack of facilities never ask our assistance. At the same time, we must wonder to what degree these hidden addicts affect the efficiency of our armed services.

By any yardstick, therefore, it is to

our advantage to open channels through which these men can kick their habits. This bill provides those channels to any and all Armed Forces personnel who have need of them.

Mr. WINN. Mr. Speaker, I rise in support of H.R. 9265. We are all only too well aware of the drug addiction problem as it exists in this country today. The President has designated it as a national emergency. This bill, if enacted, assures every veteran the right to treatment and rehabilitation by the Veterans' Administration for drug addiction regardless of the type of discharge he received from the armed services.

This is not to be construed in any way as a reward for the veteran with a dishonorable discharge. Rather, it is for the protection of the general public and carries with it no other right to which the honorably discharged veteran is entitled.

Active duty personnel also will be eligible for narcotic addiction treatment under agreements with the secretaries of the military departments concerned where it is deemed advisable or necessary. This treatment will be at the expense of the military department.

The Veterans' Administration already is engaged in an expanding drug treatment program. Consequently, this bill merely will make available treatment to a larger segment of those in need of it.

We are faced with a problem so vast and insidious that it is my opinion every tool available which will aid in overcoming it should be employed. A bad discharge is not sufficient reason for denying drug addiction treatment to an exserviceman since such action would constitute a short-sighted view in attempting to overcome the emergency.

I believe we are fortunate in having as a resource an on-going drug treatment program available through the Veterans' Administration and believe it should be utilized to the maximum degree. For this reason I support the bill.

Mr. FULTON of Tennessee. Mr. Speaker, this legislation authorizes nearly 90 million dollars to provide treatment and drug care services under the Veterans' Administration.

Much as we deplore the increase in the use of drugs in our society, the time has long passed when we can treat the problem with mere statements of moral indignation.

The time has come to recognize the problem for what it is and provide facilities and programs for those who are addicted as an alternative to a possible lifetime of dependency, social ostracism and potential criminal activities.

By so doing, we in no way compromise any moral reservations or aversions which we may personally hold against the debilitating misuse of drugs and narcotics.

What we are doing is attempting to treat, through medical and professional means, a problem which has arisen in spite of the illegalities of the sale and use of narcotics and the widespread social condemnation of such practices.

I am sponsoring similar legislation, H.R. 8915, which would establish drug abuse control organizations within the Armed Forces. This legislation and the bill I am sponsoring are entirely compatible.

The committee and its distinguished chairman are to be commended for bringing this legislation to the floor in such a timely manner. It has my full support and I respectfully urge its passage.

Mr. HECKLER of Massachusetts. Mr. Speaker, I support extending the authority of the Veterans' Administration to establish treatment and rehabilitation programs for veterans not otherwise eligible for existing programs.

I support this legislation because of the serious nature of the drug abuse problem and because of the need to marshall all our resources to defeat this menace. However, I do not want my endorsement of the bill to be construed in any way as reducing the responsibility of the Department of Defense in this area.

In my view, the primary responsibility for the prevention, detection and treatment of military drug abuse problems must be placed squarely with the armed services. Their burden must not be reduced in any way.

Diverting the true responsibility from the armed services to the Veterans' Administration would place an additional workload on VA medical care facilities that are already heavily burdened. The United States cannot sacrifice the caliber of care for all veterans for the sake of addicted GI's who can be treated in Department of Defense treatment centers.

We must not take one bed from a veteran to put a drug addict in it. To do so when the military could be treating these individuals would be a serious mistake and could be harmful to the VA hospital system.

I have introduced legislation that would expand the authority of the armed services to deal with their drug abuse problem and to express the sense of Congress that the military must bear the burden for treatment and rehabilitation of persons who become dependent on drugs during their service careers.

The legislation now before us, H.R. 9265, should be a complementary measure to the legislation I have introduced affecting the Department of Defense. I believe both proposals should be enacted as rapidly as possible by this Congress.

Mr. RANDALL. Mr. Speaker, I will support H.R. 9265 not because it is the perfect answer to the treatment and rehabilitation of ex-servicemen suffering from drug abuse or drug dependency but because it is the only legislation at this point which sets out to do something about salvaging the lives of those who have drifted into dependency on drugs. The two great problems related to drugs consist of first, somehow arresting the supply or availability of harmful drugs, and second, the attempt at restoration of the lives of those who have once fallen into the use of drugs. H.R. 9265 addresses itself to ex-servicemen, in this second category.

It should be immediately noted that the wording in the preceding sentence did not use the word "veterans" although the title of the bill covers treatment and rehabilitation by the Veterans' Administration of servicemen, meaning those still in the armed services; veterans, meaning those who have been the recipient of an honorable discharge; and ex-servicemen, meaning those who have received a discharge less than honorable.

Thus, it could be said that for the first time by this legislation veterans hospitals are authorized to take those suffering from drug abuse or dependency even though they may still be in the service, and also for the first time may accept those men who are not veterans in the sense that they do not hold an honorable discharge but who while serving in the Armed Forces because of their addiction were not honorably discharged. They cannot be called veterans but only ex-servicemen.

Unless we are all willing to arbitrarily conclude that an addict deserves no future because he has succumbed to drug abuse while in the service, and unless we also conclude that we are unwilling to take a chance to salvage these lives, then the Congress will go ahead with this novel and innovative effort within the Veterans' Administration system. Mindful of the reluctance by certain VA personnel to accept those who have been discharged other than honorably, and mindful of the perennial problems of understaffing, notwithstanding, H.R. 9265 is very clear in its declaration of policy, that the admission of ex-servicemen to VA hospitals shall not be construed in any way as a precedent for the beneficiaries involved to receive any other veterans benefits or programs which are limited to honorably discharged veterans.

The sole purpose of H.R. 9265 is an effort to furnish medical care to disabled ex-servicemen whose disability results from drug abuse. If better legislation comes along later, it will of course replace H.R. 9265. In the interim, until a decision is reached whether Department of Defense will treat active-duty personnel, and whether Department of Defense will have its own rehabilitation services to include psychiatric treatment and counseling, H.R. 9265 should be passed into law.

As long as the services continue to turn out into society those drugs-disabled persons who have served but thus are not veterans, I think we should disregard the reluctance of some VA hospital personnel to accept these men. This should be the course at least until the office created by Executive order on June 17 and headed by Dr. Jerome H. Jaffee as a special action office on drug abuse makes its study and reaches a clear decision as to whether the director of the action office decides to assign drug treatment to the Department of Defense or to HEW under some new civilian agency, or to some other Federal officer or agency.

Meanwhile, there are between 50,000 and 60,000 ex-servicemen, even if they are not veterans, desperately in need of treatment whose lives may be salvaged and who, except for being weak instead of strong while in the service, would have been honorably discharged as veterans rather than simply as ex-servicemen.

Repeating, for the time being, and until future legislation can amend or improve drug rehabilitation procedures, H.R. 9265 is a measure that will hopefully serve to restore the lives of those who might otherwise continue on as drug dependents with all of the losses involved and entailed including the crimes which will continue to be committed to supply themselves with drugs.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion of the gentleman from Texas (Mr. TEAGUE) that the House suspend the rules and pass the bill H.R. 9265, as amended.

The question was taken.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 379, nays 0, not voting 54, as follows:

[Roll No. 193]

YEAS—379

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Betts
Bevill
Biester
Bingham
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dorn
Dow
Dowdy
Downing
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Gettys
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landgrebe
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—54

Adams
Alexander
Ashbrook
Bergland
Biaggi
Blackburn
Blanton
Blatnik
Conyers
Crane
Culver
Danielson
de la Garza
Delaney
Dellums
Denholm
Donohue
Dulski
Edmondson
Edwards, La.
Gallagher
Garmatz
Giaimo
Goldwater
Hanna
Harsha
Hastings
Hathaway
Holifield
Hosmer
Hungate
Jones, Ala.
Kyros
Landrum
Long, La.
McCormack
McCulloch
McKinney
Mayne
Mills, Md.
Nix
Pepper
Robison, N.Y.
Rooney, Pa.
Ruppe
Ruth
Sandman
Smith, N.Y.
Talcott
Tiernan
Van Deerlin
Whalley
Wilson, Charles H.
Yatron

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Edmondson with Mr. Sandman.

Mr. Garmatz with Mr. Smith of New York.

Mr. Tiernan with Mr. Ruth.

Mr. Holifield with Mr. Goldwater.

Mr. Charles H. Wilson with Mr. Talcott.

Mr. Adams with Mr. Harsha.

Mr. Biaggi with Mr. Halpern.

Mr. Blanton with Mr. Ashbrook.

Mr. Blatnik with Mr. Ruppe.

Mr. Culver with Mr. McKinney.

Mr. Danielson with Mr. Hosmer.

Mr. Delaney with Mr. Robison of New York.

Mr. Rooney of Pennsylvania with Mr. Hastings.

Mr. Jones of Alabama with Mr. Blackburn.

Mr. Hanna with Mr. Whalley.

Mr. Alexander with Mr. Crane.

Mr. Donohue with Mr. Mayne.

Mr. Dulski with Mr. Long of Louisiana.

Mr. Giaimo with Mr. Mills of Maryland.

Mr. Hathaway with Mr. Edwards of Louisiana.

Mr. Van Deerlin with Mr. Conyers.

Mr. Bergland with Mr. Kyros.

Mr. Nix with Mr. Hungate.

Mr. Gallagher with Mr. Dellums.

Mr. Denholm with Mr. Pepper.

Mr. de la Garza with Mr. Yatron.

Mr. Landrum with Mr. McCormack.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL EXPLANATION

Mr. McCORMACK. Mr. Speaker, I was unavoidably detained today during rollcall No. 193 on the bill H.R. 9265. I ask unanimous consent that the RECORD show that if I had been present I would have voted for this bill, and I further ask unanimous consent that this personal explanation appear immediately after the recording of that rollcall.

The SPEAKER. Is there objection to the request of the gentleman from Washington

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ASSISTANCE FOR NEW STATE MEDICAL SCHOOLS, EXISTING MEDICAL SCHOOLS, AND OTHER HEALTH SERVICE INSTITUTIONS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 748) amending title 38 of the United States Code to authorize the Administrator of Veterans'

Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration; and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel, as amended.

The Clerk read as follows:

H.J. RES. 748

Whereas there is a great national shortage of physicians and allied health personnel;

Whereas it is now estimated that there is a shortage of approximately 48,000 doctors of medicine and over 250,000 allied health and other medical personnel;

Whereas the Veterans' Adminnistration operates the largest medical care system in the United States, if not the world;

Whereas the Department of Medicine and Surgery of the Veterans' Administration has an active and close affiliation with over eighty medical schools;

Whereas if the training of sufficient numbers of physicians, other health professionals allied health personnel, and other health personnel is to be accomplished, it is essential that the educational capacities of medical and health professions schools affiliated with the Veterans' Administration be expanded, that new medical and health professions schools affiliated with Veterans' Administration hospitals be established, and that education and training opportunities for the training of existing and future allied health and other health personnel be expanded and improved;

Whereas because of the size, diversity, and quality of its medical program, the Veterans' Administration's Department of Medicine and Surgery is uniquely qualified to assist in the expansion and improvement of existing affiliated medical schools and other health professions schools, in the establishment of new medical and health professions schools, and in the expansion and improvement of education and training opportunities for allied health and other health personnel; and

Whereas it is essential that an adequate number of physicians, health professionals, allied health personnel, and other health personnel be trained if the Congress is to discharge its responsibility to provide the best possible medical care for the Nation's veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assemoled, That this Act may be cited as the "Veterans' Administration Medical School Assistance and Health Service Personnel Education and Training Act of 1971."

SEC. 2. (a) Part VI of title 38, United States Code, is amended by inserting immediately after chapter 81 the following new chapter—

"Chapter 82.—ASSISTANCE IN ESTABLISHING NEW STATE MEDICAL SCHOOLS; GRANTS TO AFFILIATED MEDICAL SCHOOLS; ASSISTANCE TO HEALTH MANPOWER TRAINING INSTITUTIONS.

"Sec.
"5070. Coordination with public health programs; administration.

"SUBCHAPTER I—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

"5071. Declaration of purpose.
"5072. Authorization of appropriations.
"5073. Pilot program assistance.
"5074. Limitations.

"SUBCHAPTER II—MATCHING GRANTS TO AFFILIATED MEDICAL SCHOOLS

"5081. Declaration of purpose.
"5082. Authorization of appropriations.
"5083. Grants.
"5084. Payments.
"5085. Limitations.

"SUBCHAPTER III— ASSISTANCE TO PUBLIC AND NON-PROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH SERVICE INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND TECHNICAL ALLIED HEALTH SERVICE PERSONNEL

"5091. Declaration of purpose.
"5092. Definitions.
"5093. Authorization of appropriations.
"5094. Grants.
"5095. Payments.
"5096. Limitations.

"§ 5070. Coordination with public health programs; administration

"(a) The Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate the programs carried out under this chapter and the programs carried out under section 309 and titles VII, VIII, and IX of the Public Health Service Act.

"(b) The Administrator may not enter into any agreement under subchapter I of this chapter or make any grant or other assistance under subchapter II or III of this chapter after December 31, 1978.

"(c) The Administrator shall prescribe regulations covering the terms and conditions for entering into agreements and making grants under this chapter.

"SUBCHAPTER I—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

"§ 5071. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to implement a pilot program under which he may provide assistance in the establishment of new State medical schools if such schools are located in proximity to, and operated in conjunction with, Veterans' Administration medical facilities.

"§ 5072. Authorization of appropriations

"(a) There is hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, and a like sum for each of the six succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants to States pursuant to section 5076(a) (3) of this title.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated.

"§ 5073. Pilot program assistance

"(a) Subject to subsection (b) of this section the Administrator may enter into an agreement to provide to any State the following assistance to enable such State to establish a new medical school:

"(1) The leasing to the State under such terms and conditions as the Administrator deems appropriate, of such land, buildings, and structures under the control and jurisdiction of the Veterans' Administration as may be necessary for such school. The three-year limitation on the term of a lease in section 5012(a) of this title shall not apply with respect to any lease entered into pursuant to this paragraph.

"(2) The extension, alteration, remodeling, or repair of buildings and structures provided under paragraph (1) to the extent necessary to make suitable for use as medical school facilities.

"(3) The payment of grants to reimburse the State for the cost of the salaries of the faculty of such school during the initial twelve-month period of operation of the school and the next six such twelve-month periods, but payment under this paragraph may not exceed an amount equal to—

"(A) 90 per centum of the cost of faculty salaries during the first twelve-month period of operation,

"(B) 90 per centum of such cost during the second such period,

"(C) 90 per centum of such cost during the third such period,

"(D) 80 per centum of such cost during the fourth such period,

"(E) 70 per centum of such cost during the fifth such period,

"(F) 60 per centum of such cost during the sixth such period, and

"(G) 50 per centum of such cost during the seventh such period.

"(b) (1) The Administrator may not enter into any agreement under subsection (a) of this section unless he finds that—

"(A) there will be adequate State financial support for the proposed medical school;

"(B) the overall plans for the school meet such professional and other standards as the Administrator deems appropriate; and

"(C) the school will maintain such arrangements with the Veterans' Administration medical facility with which it is associated (including but not limited to such arrangements as may be made under subchapter IV of chapter 81 of this title) as will be mutually beneficial in the carrying out of the mission of the medical facility and the school.

"(2) Any agreement entered into by the Administrator under this subchapter shall contain such terms and conditions (in addition to those imposed pursuant to subsection (a) (1) of this section) as he deems necessary and appropriate to protect the interest of the United States.

"§ 5074. Limitations

"The Administrator may not use the authority under this subchapter to assist in the establishment of more than five new medical schools. Such schools shall be in geographically dispersed States.

"SUBCHAPTER II—MATCHING GRANTS TO AFFILIATED MEDICAL SCHOOLS

"§ 5081. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to carry out a program of grants, on a matching basis, for medical schools which have maintained affiliation with the Veterans' Administration in order to assist such schools to improve and enlarge their facilities.

"§ 5082. Authorization of appropriations

"(a) There is hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, and a like sum for each of the six succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants to medical schools pursuant to this subchapter.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated.

"§ 5083. Grants

"(a) Any medical school which is affiliated with the Veterans' Administration under an agreement entered into pursuant to subchapter IV of chapter 81 of this title may apply to the Administrator for a grant under this subchapter to assist such school, in part, to carry out projects and programs for the improvement and enlargement of its facilities, *except that no grant shall be made for the construction of any building which will not be located on land under the jurisdiction of the Administrator.* Any such application shall contain such information in such detail as the Administrator deems necessary and appropriate.

"(b) An application for a grant under this section may be approved by the Administrator only upon his determination that—

"(1) the proposed project and programs for which the grant will be made will make a significant contribution to strengthening the medical education program of the school and will result in a substantial increase in the number of medical students attending such school;

"(2) the application contains or is supported by adequate assurance that any Federal funds made available under this subchapter will be matched by funds or other resources available from other sources, whether public or private;

"(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter; and

"(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary or assure the correctness and verification of such reports.

"§ 5084. Payments

"Payments pursuant to grants under this subchapter may be made in installments, and either in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine.

"§ 5085. Limitations

"A grant to any medical school under this subchapter with respect to any projects or programs approved by the Administrator may not exceed 50 per centum of the total costs, as determined by the Administrator, of such projects and programs.

"SUBCHAPTER III—ASSISTANCE TO PUBLIC AND NONPROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH SERVICE INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND TECHNICAL ALLIED HEALTH SERVICE PERSONNEL

"§ 5091. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to carry out a program of grants, on a matching basis, to provide assistance in the establishment of cooperative arrangements among universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health service institutions, affiliated with the Veterans' Administration, to coordinate and expand the training of professional and technical allied health services personnel; to develop and evaluate new health careers; and to improve allied health manpower utilization.

"§ 5092. Definitions

"For the purpose of this subchapter, the term 'eligible institution' means any educational facility or other public or nonprofit institution, including universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health service institutions for the training or education of allied health or other personnel affiliated with the Veterans' Administration for the conduct of or the providing of guidance for education and training programs for health manpower.

"§ 5093. Authorization of appropriations

"(a) There is hereby authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1972, and $4,000,000 for each of the six succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants to educational institutions, hospitals, or training establishments pursuant to this subchapter.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated.

"§ 5094. Grants

(a) Any eligible institution may apply to the Administrator for a grant under this subchapter to assist such institution to carry out, through the Veterans' Administration hospital with which it is, or will become affiliated educational and clinical projects and programs, matching the clinical requirements of the hospital to the allied health training potential of the eligible institution, for the expansion and improvement of such institution's capacity to train health manpower, including physician's assistants and other new types of health service personnel. Any such application shall contain a plan to carry out such projects and programs and such other information in such detail as the Administrator deems necessary and appropriate.

"(b) An application for a grant under this section may be approved by the Administrator only upon the Administrator's determination that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improve the education (including continuing education) or training program of the eligible institution and will result in a substantial increase in the number of students trained at such institution;

"(2) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter; and

"(3) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

"§ 5095. Payments

"Payments made pursuant to grants under this subchapter may be made in installments, and *either* in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine.

"§ 5096. Limitations

"A grant to any eligible institution under this subchapter with respect to any projects or programs approved by the Administrator may not exceed 50 per centum of the total costs, as determined by the Administrator, of such projects and programs."

(b) The table of chapters at the beginning of part VI of title 38, United States Code, is amended by adding

"82. Assistance in Establishing New State Medical schools; *Grants* to Affiliated Medical Schools; Assistance to Health Manpower Training Institutions 5070".

immediately below

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply------------ 5001".

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the background of this proposal can be summed up best by a paraphrasing of the various whereas clauses which set forth in cogent terms the medical health problem facing the Nation today and the present and potential role which the Veterans' Administration is so uniquely qualified to play in facing up to that problem.

The committee, accordingly, finds that first, there is a great national shortage of physicians and allied health personnel; second, it is now estimated that there is a shortage of approximately 48,000 doctors of medicine and over 250,000 allied health and other medical personnel; third, the Veterans' Administration operates the largest medical care system in the United States, if not the world; fourth, the Department of Medicine and Surgery of the Veterans' Administration has an active and close affiliation with over 80 medical schools; fifth, if the training of sufficient numbers of physicians, other health professionals, allied health personnel, and other health personnel is to be accomplished, it is essential that the educational capacities of medical and health professions schools affiliated with the Veterans' Administration be expanded, that new medical and health professions schools affiliated with Veterans' Administration hospitals be established, and that education and training opportunities for the training of existing and future allied health and other health personnel be expanded and improved; sixth, because of the size, diversity, and quality of its medical program, the Veterans' Administration's Department of Medicine and Surgery is uniquely qualified to assist in the expansion and improvement of existing affiliated medical schools and other health professions schools, in the establishment of new medical and health professions schools, and in the expansion and improvement of education and training opportunities for allied health and other health personnel; seventh, it is essential that an adequate number of physicians, health professionals, allied health personnel, and other health personnel be trained if the Congress is to discharge its responsibility to provide the best possible medical care for the Nation's veterans.

The resolution provides a new chapter to title 38, United States Code, entitled "Assistance in Establishing New State Medical Schools: Grants to Affiliated Medical Schools: Assistance to Health Manpower Training Institutions." This chapter is divided into three subchapters, each of which is designed to accomplish the following purpose:

Subchapter I.—This subchapter is designed to provide a pilot program for assistance in the establishment of new State medical schools in proximity to, and operated in conjunction with, VA medical facilities. The pilot program would be limited to not more than five new medical schools located in geographically dispersed States. The assistance authorized would include (a) leasing to the State of VA land, buildings, et cetera; (b) remodeling and repair of

VA structures to render them suitable for necessary school facilities; and (c) grants (on a reducing scale) to reimburse the State for faculty salaries. The resolution authorizes appropriations of $15 million for fiscal year 1972 and $15 million for each of the next 6 years for the purposes of this subchapter.

Subchapter II.—This subchapter authorizes the Administrator to carry out a program of grants, on a matching basis, for medical schools which have maintained affiliation with the Veterans' Administration in order to assist such schools to carry out projects and programs for the improvement and enlargement of its facilities. In order to control the extent of construction projects the committee has specifically provided that no grant shall be made for the construction of any building which will not be located on land under the jurisdiction of the Administrator. Applications for such grants may be approved by the Administrator only upon his determination that—

First, the proposed projects and programs for which the grant will be made will make a significant contribution to strengthening the medical education program of the school and will result in a substantial increase in the number of medical students attending such school;

Second, the application contains or is supported by adequate assurance that any Federal funds made available under this subchapter will be matched by funds or other resources available from other sources, whether public or private;

Third, the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter; and

Fourth, the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary or assure the correctness and verification of such reports.

The resolution authorizes appropriations of $15 million for fiscal year 1972 and $15 million for each of the next 6 years for the purposes of this subchapter.

Subchapter III.—The purpose of this subchapter is to authorize the Administrator to carry out a program of grants, on a matching basis, to provide assistance in the establishment of cooperative arrangements among universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health service institutions, affiliated with the Veterans' Administration, to coordinate and expand the training of professional and technical allied health services personnel; to develop and evaluate new health careers; and to improve allied health manpower utilization.

The grants contemplated by this subchapter are designed to assist an institution to carry out, through the Veterans' Administration hospital with which it is, or will become, affiliated, educational and clinical projects and programs, matching the clinical requirements of the hospital to the allied health training potential of the eligible institution, for the expansion and improvement of such institution's capacity to train health manpower, including physicians' assistants and other new types of health service personnel.

Applications for such grants may be approved by the Administrator only upon his determination that—

First, the proposed projects and programs for which the grant will be made will make a significant contribution to improving the education (including continuing education) or training program of the eligible institution and will result in a substantial increase in the number of students trained at such institution;

Second, the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter; and

Third, the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

Payments made pursuant to grants under this subchapter may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine.

Appropriations authorized for grants under this subchapter would be in the amount of $3 million for fiscal year 1972 and $4 million for each of the 6 succeeding fiscal years.

Mr. Speaker, I yield 10 minutes to the gentleman from Virginia (Mr. SATTERFIELD), chairman of the subcommittee that handled the bill.

Mr. SATTERFIELD. Mr. Speaker, House Joint Resolution 748 represents a forward-looking effort to utilize the present and potential role which the Veterans' Administration is so uniquely qualified to play in facing up to the problem of meeting the great national shortage of medical and allied health personnel.

Briefly, this bill contemplates certain Federal assistance through the Veterans' Administration to State and nonprofit private medical facilities in three areas.

First, the bill would provide a pilot program for assistance in the establishment of new medical schools located in close proximity to and operated in conjunction with the VA medical facilities.

This pilot program would be limited to not more than five new medical schools located in geographically dispersed States.

It would authorize the VA Administrator to lease VA facilities for school purposes, to improve and remodel and repair VA facilities for school purposes, and would authorize grants to help defray the initial cost of faculties for these new schools, starting at 90 percent during the first 3 years and declining over the remaining 4 until the last year, when it would be 50 percent of the total faculty cost.

Second, the bill would authorize the Administrator to carry out a program of grants on a matching basis, not to exceed 50 percent, for existing medical schools which have maintained affiliation with the Veterans' Administration in order to assist those schools in carrying out projects and programs for the improvement and enlargement of their facilities.

Their primary objective is to strengthen the medical education program and to increase the number of students enrolled therein.

I might add at this point, there is a provision in the bill which would prohibit the use of any Federal funds for the construction of any facility on land not owned by the Veterans' Administration.

Third, the bill would authorize the administrator to carry out a program of grants on a matching basis, not to exceed 50 percent, to provide assistance in the establishment of cooperative arrangements among universities, colleges, junior colleges, community colleges, schools of allied health professions, and other health services affiliated with the Veterans' Administration, to coordinate and expand the training of professional and technical allied health services personnel, and to increase the number of students enrolled in those facilities.

In view of the pilot nature of this bill, in relation to each of these proposals, the committee has felt it wise to limit the authorization for appropriations to a total of $33 million for the first year and $34 million for each succeeding 6 years.

I urge adoption of this worthwhile bill of my colleagues.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. SATTERFIELD. I yield to the gentleman from New York.

Mr. SCHEUER. May I congratulate my colleague for what seems likely a highly intelligent and worthwhile bill. I would like to ask my colleague, in view of the existing shortage of health personnel and in view of the fact that the Defense Department abroad has used extensively paraprofessional personnel and has trained many thousands of medical corpsmen who have performed magnificently not only in various health stations but on the field of battle and have proved beyond any question of doubt that they have a major contribution to make in the delivery of the health services, would it be the intention of the Congress in passing this bill to see that the medical schools create medical roles for the kind of paraprofessional medical personnel who have performed so magnificently in the Defense Department overseas, and would it be our intention that the medical schools not only train the paraprofessional personnel but also to train professional personnel in how to work closely with and supervise the paraprofessional personnel?

Mr. SATTERFIELD. I would say to the gentleman from New York that this is precisely what the bill contemplates. The second subchapter of the bill deals with the medical professionals and embraces the idea that they would learn to work with new allied health professions as the latter are developed.

I might point out to the gentleman also that a third portion of the bill deals with paramedics and others in the allied health professions, and I might add at this point that there is a program of physicians' assistants now underway in the VA.

Mr. SCHEUER. I am delighted to hear that. I congratulate the gentleman and the committee on what I think is a most significant and thoughtful advance in the rationalization of our health delivery services. New York State is the first and, at this time, the only State that has licensed the doctors' assistant, the new medical role of doctors' assistant. It was precisely for this purpose of accommodating some of the enormously talented people who have come out of the Defense Department and who have been very well trained in medical and health services as assistants to professionals that New York State did this. Would it be the intention of the Congress that the Veterans' Administration, in these new medical schools, would work closely with and encourage the States to provide new licensing procedures so that returning veterans who have been so well trained in our medical forces would find that they could continue their professions, perhaps with some additional training, in the various States where right now they find it difficult if not impossible to carry on the enormously useful skills that they have developed in the military?

Mr. SATTERFIELD. While there is no specific language in the bill dealing with the licensing provisions of any State, I think it goes without saying that if new types of medical personnel are to be trained and developed in VA facilities, that would be a factor to be reckoned with, and it might encourage new licensing procedures in many States.

Mr. SCHEUER. I thank my colleague very much.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SATTERFIELD. I yield to the gentleman from Florida.

Mr. ROGERS. As the gentleman knows, since I have discussed the matter with him before the debate here, I am concerned about the overlapping or the possible overlapping jurisdiction of this bill with the bill we have just passed and the Senate has already passed concerning the establishment of new medical colleges and medical manpower facilities, a bill in the amount of $2.7 billion. It is my understanding that this bill will restrict the new medical colleges to five. Is that correct?

Mr. SATTERFIELD. That is correct.

Mr. ROGERS. They would be built or have to be built on VA property or in a VA facility. Is that correct?

Mr. SATTERFIELD. I would say to the gentleman, this does not contemplate any particular school building. It does authorize the VA Administrator to make available certain space in VA facilities for initiating a State medical school.

Mr. ROGERS. I am somewhat concerned, although I do not want to disagree with the gentleman and his committee if we can get clear that we are not going to have a tremendous overlapping and duplicating of effort. I am particularly concerned about it, because the Veterans' Administration has filed a strong opposition to the bill, as well as the Office of Management and Budget. I think if we have it clear that it is to be directly on VA property—as I understand it, at Shreveport they modified the VA building and built a school there—I could see some reason for the enactment of this, but I think this ought to be made fairly clear in the legislation.

Mr. SATTERFIELD. I would like to point out to the gentleman that the first section of the bill makes quite clear that the VA Administrator and the Secretary of HEW must coordinate these programs, with titles VII, VIII, and IX of the Public Health Service Act, which are basically the provisions concerning the gentleman. I can understand why they would bother the gentleman, because at first they bothered me. I would point out however, that this is a pilot program provided in this bill, and that there are only very modest amounts available. Under its new medical schools provision, there is only $15 million available each year. I think from that standpoint alone one could see this would not be in competition with the comprehensive manpower bill the gentleman has referred to.

Mr. ROGERS. I think if the Secretary of HEW in the administration of that bill has the right to see that there is no conflict, if it is clear that the Secretary of HEW in administering those portions of the bill can see that there is no conflict, then I would be less concerned about the overlapping. Is that my understanding?

Mr. SATTERFIELD. I would say to the gentleman that under the Health Manpower Act, the Secretary of HEW would have certain authority delivered to him under that act, and this bill would in no way take that authority from him. This would be an additional input from the Veterans' Administration standpoint that might very well complement efforts by the Secretary of HEW, or in the alternative that would make available additional medical schools which in this time of shortage we all recognize, no one can seriously object to.

Mr. ROGERS. Is there any provision for any accreditation to make sure these schools meet certain standards? I did not see that in the provisions of the law.

Mr. SATTERFIELD. I call the gentleman's attention to language in the bill which makes it clear that this bill contemplates medical schools that are financed and supported by the States. One of the criteria that must be met to the satisfaction of the VA Administrator is that there are sufficient funds from the State to support the medical school in question. I would assume that would not be forthcoming unless accreditation was required.

Mr. ROGERS. Is there a limitation on the amount of money that could go to any one school?

Mr. SATTERFIELD. This is left to the discretion of the VA Administrator in connection with each individual project.

Mr. ROGERS. I thank the gentleman for yielding. I do have concern about this, because I have some fear we are duplicating existing authority. However, with the assurances of the gentleman that the Administrator will work closely with the Secretary of HEW and not duplicate what is being done there, I will not further my opposition.

Mr. SATTERFIELD. I think I can say that was the feeling of the committee. This was the reason the coordination provision was written into the legislation.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. SATTERFIELD. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, one point that the gentleman from Florida raises which perhaps needs a little clarification is that it is not the intention of the committee nor the Veterans' Administration that new medical schools be built in a permanent way on properties owned by the Veterans' Administration.

It is only intended at the outset that we add needed impetus to the creation of new medical schools to provide more trained doctors by allowing them in the interim, while the schools are being established by the State, eventually to be supported by the State, to utilize to the maximum existing VA facilities.

The restriction written into the bill limits grants only to those interim buildings which will be in the interim used and must be built on Veterans' Administration property.

I might say that the demonstration project which was made in order and has allowed the pilot project to be proposed is being conducted in my congressional district at the Shreveport, La., Veterans' Administration Hospital. I can tell Members from experience, that school having been operated for 2 years, this program will work as it has in my district where they have shortened the time of establishing a medical school probably as much as 7 years, and probably have done for a few million dollars what it would have cost $50 million to do in providing for such a medical school. And we are already producing doctors.

The demonstration project as well as the pilot project does provide for cost sharing on the part of the Veterans' Administration in the State of Louisiana, utilizing existing facilities, but the end result is going to be that the State of Louisiana will have a new medical school separate and apart from the Veterans' Administration hospital ultimately utilizing the Veterans' Administration hospital as a university teaching facility, along with other facilities in the area.

The benefit will come to the veteran, among others, because the quality of medical care of the veteran is going to be improved. Of course, we will have available additional and needed doctors.

This is the best legislation we have had in years to provide more doctors cheaper and quicker.

Mr. TEAGUE of California. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 748.

This measure will permit the Veterans' Administration to use its vast hospital facilities and staff in reducing the critical shortage of doctors, nurses, and allied health workers that exists in our Nation today.

The ranking member of the Hospital Subcommittee, the gentleman from Pennsylvania (Mr. SAYLOR) will discuss the bill in detail, but I want to commend both the gentleman from Pennsylvania and the subcommittee chairman, the gentleman from Virginia (Mr. SATTERFIELD) for developing the best thoughts of a number of expert medical witnesses and bringing to the floor this important measure.

Briefly, Mr. Speaker, the bill will permit the Veterans' Administration to assist in the establishment of five new State medical schools, geographically dispersed, utilizing surplus Veterans' Administration hospital buildings and land. Grants for faculty salaries will be available during the first 7 years of the schools' existence on a reducing basis with the Federal Government bearing 90 percent of the cost in the first year and terminating with 50 percent in the 7th year.

The bill also authorizes a 7-year program of matching fund grants for the expansion of existing medical schools that are affiliated with Veterans' Administration hospitals. One important condition for the receipt of such a grant is that it will result in a significant increase in the number of medical students enrolled in the school.

Finally, the bill authorizes matching fund grants to institutions engaged in training allied health workers. These are nurses, technicians, and other paramedical personnel needed to complete the delivery of comprehensive health services to the Nation. The same requirement is attached to the receipt of this grant. It must increase substantially the number of students being trained in the institution.

Mr. Speaker, on April 2, 1970, President Nixon said:

> Fuller reliance on the VA's system of 166 hospitals for medical education purposes would not only improve the VA's position—as a consumer of health services personnel—but would also help the entire nation meet its requirements in the health manpower area.

This measure will help to carry out the President's observation. I will vote for the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR) the ranking minority member of the subcommittee which handled the bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of House Joint Resolution 748. I believe we are all aware of the medical health problem facing the Nation today. It is estimated that we are confronted with a shortage of approximately 50,000 doctors and 250,000 allied health workers—not to mention dentists and nurses. To overcome this I believe we should bring to bear upon it every resource available. This bill, if enacted, would make use of one such resource, the Veterans' Administration.

The Veterans' Administration operates very close to the largest medical care system in the world and is already affiliated with 80 medical schools and has been offering for many years hospital-based educational experience to these schools. More than 50,000 students participated in more than 60 categories of training in Veterans' Administration institutions during the last fiscal year.

The Veterans' Administration, accordingly, is already geared to implement this bill. In so doing the agency will not only be assisting the country in getting the best of its medical manpower shortage, but also will be insuring the highest type of medical care for veterans—a cause to which the Congress is dedicated.

In short, this bill expands the Veterans' Administration's present program in the training of medical manpower by assisting in the creation of five new medical schools which are needed badly; the expansion of existing medical schools already affiliated with the Veterans' Administration on a matching fund basis and, finally, under the same terms, money for institutions engaged in training allied health workers. In effect this bill is well rounded and tackles the overall problem from every angle.

I support this legislation because I believe it represents a workable, commonsense approach in working toward a program of adequate health care for all of our citizens but particularly for our veterans to whom we owe so much.

Mrs. HECKLER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from Massachusetts, a member of the committee.

Mrs. HECKLER of Massachusetts. Mr. Speaker, a diagnosis of our Nation's health ills suggests that one of the most potent remedies is the approach contained in House Joint Resolution 748, which serves as a mechanism for enriching the flow and quality of medical services within Veterans' Administration facilities. This measure also enables enlarged support to present and newly established State medical schools associated with the Veterans' Administration.

Considering the present inadequacy and inaccessibility of needed health care to all Americans, and the fact that within this present decade, our population growth will number some additional 27 million, the urgency of strengthening our Nation's health manpower resources assumes new dimensions.

The impact of our presently inadequate health manpower resources is demonstrated graphically in these sobering facts:

While there are 228 physicians per 100,000 in New York, there are only 82 per 100,000 in Mississippi. Our physicians now practicing are overburdened.

The Joint Council of National Pediatric Societies has stated that at least three-quarters of the pediatric care provided by doctors could be done by a properly trained child health assistant. Similarly, it has been proven that a chairside assistant, utilized effectively, can increase a dentist's productivity by 50 percent.

According to the Public Health Service, our manpower shortage this year is nearly 500,000, including, doctors, dentists, nurses, optometrists, podiatrists, pharmacists, and allied health professionals.

House Joint Resolution 748 is an effective means of addressing ourselves to this critical need. This measure, in assuring the continuing quality of medical services within the Veterans' Administration facilities, will also serve effectively to bolster appreciably the capacity of State medical schools associated with the Veterans' Administration to perform with improved standards of effectiveness.

At a time when the crisis in health care is receiving attentive study throughout the Nation, this measures acts to underscore our realization of the crisis, and our commitment to successfully meeting it.

However advanced the techniques we perfect for the eradication of medical ills, these will prove of little worth if we fail to act now to strengthen the presently inadequate facilities offering the medical services needed. Medical technology itself without doctors and nurses and psychiatrists and paramedical assistants, in sufficient numbers, will accomplish little.

The approach contained in House Joint Resolution 748 is promising in its implications. It is a tangible expression of our readiness to meet the present crisis with meaningful and relevant responses. I support House Joint Resolution 748 wholeheartedly.

Mr. SAYLOR. Mr. Speaker, I rise in support of House Joint Resolution 748. This measure will permit the Veterans' Administration to utilize its vast medical facilities in helping to solve the Nation's critical shortage of doctors, nurses and paramedical personnel. This commendable purpose would be achieved by authorizing the Veterans' Administration to provide assistance in the establishment of new State medical schools and the improvement of existing medical schools that are affiliated with the Veterans' Administration.

Specifically, the measure authorizes the Veterans' Administration to establish a pilot program under which they would enter into agreements with not more than five States, geographically dispersed, to assist them in the establishment of new medical schools located near and operated in affiliation with Veterans' Administration medical facilities. The bill also authorizes the Veterans' Administration to provide grants on a matching fund basis for medical schools already affiliated with the Veterans' Administration for the expansion of such medical schools provided they can establish to the satisfaction of the Veterans' Administration that the project upon which the grant is based will result in a substantial increase in the number of medical students attending such schools.

Finally, the measure authorizes the Veterans' Administration to provide matching funds to assist universities, colleges, junior colleges, community colleges, and other educational institutions to assist them in expanding the training of professional and technical allied health service personnel.

This legislation, Mr. Speaker, represents the end product of several weeks of public hearings before the Subcommittee on Hospitals, during which testimony was received from Government witnesses, deans of medical schools, representatives of national associations of professional medical and paramedical personnel, hospital administrators, and the Nation's major veterans' organizations. These hearings, Mr. Speaker, have been extensive; they have been thorough, and I am satisfied they are the most complete hearings on this subject that have been held for many years. As the ranking Republican member of the Hospital Subcommittee, I want to commend the chairman of that subcommittee, the gentleman from Virginia (Mr. SATTERFIELD) for his fairness with witnesses and the nonpartisan manner in which these hearings were conducted.

Witnesses were almost unanimous in their view that the Veterans' Administration hospital system for the past 25 years has demonstrated a unique capacity for providing significant portions of the medical education acquired by the Nation's medical and paramedical professions. These same witnesses, Mr. Speaker, have testified that it is downright wasteful to fail to utilize more fully and more directly this hospital system as a resource in alleviating the critical shortage of medical manpower that exists today.

One witness, Mr. Speaker, termed the Veterans' Administration hospital system as a "massive national resource" and I concur in that designation. Ninety-five of the existing 166 Veterans' Administration hospitals are currently affiliated with 81 of the Nation's medical schools. Additionally, Veterans' Administration hospitals are affiliated with 51 dental schools, 287 nursing schools, and a large number of universities and colleges. During the current fiscal year, more than 50,000 students will participate in some 60 categories of health education in Veterans' Administration institutions.

Almost 12,000 medical students are currently receiving training in Veterans' Administration facilities. Twenty percent of all postgraduate dental training takes place at Veterans' Administration hospitals. Basic nursing students from 22 percent of the Nation's nursing schools are training in Veterans' Administration hospitals. These statistics offer living testimony of the remarkable role the Veterans' Administration plays in training the Nation's doctors and allied health workers. All of this has been accomplished, Mr. Speaker, despite the fact that it has not been legally permissible for the Veterans' Administration to use its resources for the specific purpose of increasing the supply of physicians in the Nation.

Despite the great amount of Federal financial assistance that has been earmarked for medical education and the construction of medical facilities, I have not been impressed with the results. There still exists a critical shortage of 50,000 physicians, almost 18,000 dentists, 150,000 nurses, and 266,000 allied health workers. In the post World War II years, faculties of medical schools have increased in some instances by as much as 500 percent while the increase in medical students at these same institutions has been minimal. Some medical schools have been constructed, remodeled, and refurbished to the point that they make the palace at Versailles look like a mausoleum in comparison.

The bill before the House today, Mr. Speaker, would authorize the appropriation of $15 million a year for 7 years to assist in the establishment and operation of five medical schools in various parts of the Nation. Unused Veterans' Administration hospital buildings and land would be utilized while the funds would be used for remodeling and repair of Veterans' Administration structures to make them suitable for school facilities as well as grants on a diminishing scale to reimburse the State for faculty salaries.

The bill also authorizes the appropriation of an additional $15 million a year for 7 years for matching fund grants to medical schools already affiliated with the Veterans' Administration to assist such schools in improving and enlarging their facilities. To qualify for a grant, the medical school must assure the Veterans' Administration that Federal funds made available will be matched by funds or other resources from other sources. None of the funds can be utilized for the construction of buildings which will not be located on Veterans' Administration property. Finally, the grant will not be approved unless it will make a significant contribution to strengthen the medical education program of the school but, even more important, will result in a substantial increase in the number of medical students attending such school.

Sixteen medical schools, authorized in the period 1960 to 1966, projected the time from authorization of the schools to enrollment of their first students as extending from 3 to 9 years, with an average of 5½ years. The total cost of these 16 new schools has been estimated at close to $1 billion. Contrast that if you will with the State of Louisiana and Louisiana State University in establishing a medical school in Shreveport, La.

Early in 1967, arrangements were consummated whereby the medical school would be granted the use of surplus space in and on the compound of the Shreveport Veterans' Administration Hospital. Soon, thereafter, the core administrative staff and faculty moved into the hospital. In the fall of 1969, only 14 months later, 32 students were admitted to the first class and another 32 were admitted in 1970, while 40 will be admitted for the class of 1971. In commenting upon this project, Dr. Edgar Hull, dean of the medical school at LSU said:

> A decision had been reached to construct a permanent building on the grounds of the Confederate Memorial Medical Center, a large State owned general hospital, but it was realized that the lead time for completion of this project, what with planning of the architectural program, obtaining matching Federal funds, and construction, would be a minimum of eight years.

The actual cost to the school in terms of construction to date is estimated at $59,000 plus rent of some $50,000 at the rate of $12,000 per year. The total Veterans' Administration investment to date in providing one time space alteration has been $168,000 with some of this being returned in the form of rent. In evaluating the project, Dr. Hull said:

> While we could have begun the medical school in other quarters, and indeed considered some other locations, there was no other place which so clearly fitted our needs. And any other method would have been far more expensive.

Mr. Speaker, I believe this experience illustrates far more adequately than any words the wisdom of and need for this legislation. I urge that it be passed.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I shall be happy to yield to the gentleman from South Carolina.

Mr. DORN. Mr. Speaker, again I want to say to my distinguished colleague, the gentleman from Pennsylvania (Mr. SAYLOR) that I have never heard a finer statement on the floor of this House. This is progress. This is a timely, realistic idea aimed at doing something about the shortage of doctors and medical technicians in this country. Participation by the Veterans' Administration in assisting medical schools associated with VA hospitals will in no way detract from any program now being conducted by HEW, for our bill is totally in keeping with the VA's primary mission of providing for the welfare of those who have served in our armed services.

But because of the outstanding facilities that have been established to provide adequate medical care to our veterans the VA is uniquely qualified to take an important role in solving one of the Nation's most critical problems, the shortage of medical doctors. The VA has medical facilities in many of our great cities and medical centers; the VA maintains the largest single medical system in the Nation, if not the world, with a staff of over 5,000 full-time doctors and a bed capacity of over 115,000 beds. These facilities give the VA a unique capability to render immediate assistance in starting new medical schools and in aiding existing medical schools.

Mr. Speaker, our Subcommittee on Hospitals, under the outstanding and tireless leadership of the gentleman from Virginia (Mr. SATTERFIELD) held exhaustive hearings on the subject of veterans medical care. One element that was constantly brought before the committee's attention was the critical national shortage of doctors, a shortage estimated now at about 50,000. Many counties in my own State and district are without a sufficient number of medical doctors. This is a dangerous and often tragic situation, Mr. Speaker, and this bill is a step toward solving it. It was my pleasure to cosponsor this bill, a bill first introduced by our great chairman "Tiger" TEAGUE. I support this bill without reservation and hope it will receive speedy and overwhelming approval by the Congress.

Mr. TEAGUE of California. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. Mr. Speaker, I rise in support of House Joint Resolution 748, which was authored by the distinguished gentleman from Texas (Mr. TEAGUE).

I am proud to be a cosponsor of this measure, as I consider passage of this legislation imperative if our country is to cope with the health crisis with which it is faced today.

I commend the members of the House Committee on Veterans' Affairs for their foresight in bringing this measure to the floor today.

For the past 9 years since first being elected to the Congress, I have been working on having a new State medical school constructed in Johnson City, Tenn., at East Tennessee State University.

For this reason, in addition to my deep concern over the critical shortage of doctors and medical personnel in the First District of Tennessee and throughout the country, I introduced an identical measure to House Joint Resolution 748.

It is encouraging that we, as Members of Congress, are in a position which will enable us to provide a solution to this widely acknowledged health crisis. There is a massive shortage of physicians, dentists, nurses, and all types of allied health personnel, and unless we take the initiative to expand the educational capacities of our health professions schools and provide for new schools, these serious shortages of health manpower will worsen.

We are at a time when scientific knowledge and technology are providing the means for improving the health of every member of our society. We are legislating more and more programs which place further and greater demands upon our present-day health care system. In a sense, we are putting the cart before the horse.

So it is very clear that we must truly commit ourselves and our leadership to overcoming this terrific health manpower crisis and thus provide for the fulfillment of our national purpose by promoting and assuring the highest level of health attainable for every person.

This joint resolution has two main parts: first, a pilot program of assistance in the establishment of five new State medical schools located in proximity to, and operated in conjunction with, a Veterans' Administration medical facility, and second, matching grants to medical schools now affiliated with the Veterans' Administration in order to assist such schools to improve and enlarge their facilities.

This legislation offers hope in our time of health crisis. It provides a method which will utilize, in multibeneficial ways, the knowledge, skills and facilities of one of the world's largest medical care systems—the Veterans' Administration. It will have the benefit of know-how from an active and close affiliation with 80 medical schools. It will provide a way of meeting the challenge of the great shortage of physicians and allied health personnel. And, it will provide more and better health care facilities.

This legislation meets the theme of the Carnegie Commission on Higher Education's October 1970 report on "Higher Education and the Nation's Health." This report states that to improve health care requires: First, more and better health manpower, second, more and better health care facilities, third, better financing arrangements for the health care of the population, and fourth, better planning for health manpower and health care delivery.

I am sure that each of you has seen other studies and reports and has been impressed with our tremendous need. However, one does not realize the full meaning or impact of this information until it is applied to a local situation. May I then apply this need to my State and district and parts of seven States.

It has been determined that there is a critical shortage of physicians in upper east Tennessee in comparison both with the Nation and with the rest of Tennessee, and this shortage is becoming increasingly more severe. The most practical long-range solution to meet this problem is the development of a medical school at East Tennessee State University.

A number of factors indicate that East Tennessee State University is the most logical and most economical site for development of a new medical school. The university is located in an area of great need.

The physician population ratio for the United States is 145 physicians per 100,000. In Tennessee the ratio is 119 per 100,000. In west Tennessee this ratio is 125 per 100,000; in middle Tennessee 97 per 100,000; in east Tennessee 95 per 100,000, and in upper east Tennessee 80 per 100,000.

Not only does upper east Tennessee compare poorly with the remainder of the State, but the situation is becoming progressively worse. A recent survey showed that during the period of 1960–68 the physician population of Tennessee increased by 15 percent, and the same ratio would apply to the 1968–70 period. Virtually every area of the State had a significant increase in the number of physicians; however, the upper east Tennessee region had a 1 percent loss of physicians while the population of the area increased by 6 percent.

The population of upper east Tennessee has steadily increased in recent years; however, this population has not been concentrated in a single city. For this reason medical facilities of highly specialized nature have not developed in the area. Establishment of a medical school in upper east Tennessee would stimulate the development of such facilities which are now available to the people only at distances of 100 miles or more. In contrast, the other metropolitan areas of the State including Memphis, Nashville, Chattanooga, and Knoxville have concentrated populations, resulting in the establishment of specialized medical facilities and internship and residency training programs for physicians.

Upper east Tennessee is located in one of the largest geographic regions of the Eastern United States without a medical school.

Population within a short distance of East Tennessee State University, embracing the Tri-Cities, is large enough to both support and to require a center of medical education in the area. An area of 50 miles radius around the university encompasses a population of a million or more. When this radius is extended to 100 miles, the population is close to 3 million.

In addition, certain regional features merit consideration. Although exact figures are not available, medical needs of mountainous areas of nearby States are at least as severe and in many cases probably more severe than those of upper east Tennessee. A State medical school at East Tennessee State University would tend to favorably influence the medical needs of the entire region. Within 50 miles of the proposed center lie portions of Virginia, North Carolina, and Kentucky, and within 100 miles are included several counties in South Carolina and West Virginia. In fact, there are 16 counties in the southern portion of West Virginia which are closer to East Tennessee State University than to West Virginia's own medical education center in Morgantown. In addition, parts of Georgia would benefit.

A number of characteristics of East Tennessee State University demonstrate that it is well-qualified to carry out a medical education program. The university has shown steady progress in both size and diversity of programs offered. Present enrollment is more than 10,000 of which nearly 75 percent are commuting students. Its size is comparable to or greater than 37 percent of universities in the United States having an associated school of medicine, including Vanderbilt, Duke, Tulane, Yale, and John-Hopkins Universities.

East Tennessee State University is unique because of its outstanding college of health. Within this college, programs are offered in health education, environmental health, human anatomy and physiology, microbiology, medical technology, associate degree nursing, baccalaureate nursing, health administration, speech pathology, audiology, special education, corrective therapy, and dental hygiene. The environmental health program at ETSU was the Nation's first fully accrediated baccalaureate degree program. These various programs in health sciences can very effectively support and supplement medical education.

As I mentioned earlier, the East Tennessee State University campus is adjacent to the Johnson City Veterans' Administration Center. The highly effective role of Veterans' Administration hospitals in medical education has been evidenced throughout the United States. The Johnson City VA Center includes a 500-bed general hospital and a 1,500-bed domiciliary and can serve as a major teaching area for the medical school. Consideration has also been given by the Veterans' Administration here in Washington for a new 800-bed general hospital facility in Johnson City.

The appropriate use of the VA facilities would greatly reduce capital outlay and long-term operational cost of the medical school. This is another great advantage of House Joint Resolution 748. Surplus land can be made available at no cost to the State for any necessary new construction. Also, certain VA buildings can be used for conversion to laboratory and classroom space, and the hospital staff could serve the additional role of clinical faculty, thereby further reducing the operating cost of the medical school.

It is concluded that a medical education center at East Tennessee State University would: First, provide a long term solution to the critical shortage of physicians in upper East Tennessee, second, tend to favorably influence medical care in nearby areas of adjacent States, third, entail a lower initial cost than in many other areas, fourth, as well as cost less for long term operation than in most other locations.

Mr. Speaker, east Tennessee and parts of seven States have been plagued by a shortage of doctors and allied health personnel for many, many years, and as I pointed out, this shortage is becoming more and more severe. This joint resolution is ideal to alleviate this situation and I am hopeful it will meet with the approval of both the House and Senate.

I know of no better way to reverse the existing trend in my State, which currently ranks ninth in training doctors and medical personnel, but 43d in retaining them. Tennessee and this region cannot continue to suffer from this outmigration of allied health personnel—a State medical school must be constructed in Johnson City.

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, let me add my endorsement to House Resolution 748. This measure was unanimously reported by our Committee on Veterans' Affairs, and I was one of the sponsors. It is a good bill which I hope the House will see fit to overwhelmingly approve.

The bill establishes a pilot program to assist in providing not more than five new medical schools near veterans hospitals. Existing Government-owned land and facilities can be made available to states for medical schools under the provisions of the bill. Matching grants are also authorized when it will result in an increase in the number of medical students attending school.

We all know that there is a national shortage of physicians and allied health personnel. In fact, it has been estimated that there is a shortage of 48,000 physicians and 250,000 in related medical fields. While this measure is aimed primarily at assisting veterans and is intended to make use at least temporarily of existing Government land and facilities for medical purposes, it should be helpful in relieving the overall shortage of medical personnel. Again, I urge its adoption.

Mr. TEAGUE of California. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Speaker, the Subcommittee on Public Health and Environment on which I serve recently produced a $2,700,000,000 bill in which we went into all areas of the public health manpower problems.

For years we have struggled to accelerate the production of more health manpower and, apparently, we have not done enough. In our bill we provided for startup grants for five new medical schools. With a price tag on the total bill of $2,700,000,000, I wonder how much of an appropriation will be needed to cover all of these things we pass in our legislative process.

But I may point out, it seems clear to me that there has not been enough coordination between the two committees involved in order that the best job be done.

In our bill, we have provided that there can be no new medical schools that are separate and apart from clinical facilities and hospitals.

It was our intention that veterans hospitals would fit into the picture as provided in our bill.

I just hope we are not diluting the possibility of the maximum end result by duplication. Certainly, at this time there needs to be a careful husbanding of finances in order that the dollar may do the best job.

I do believe there is duplication. I only regret that the two great committees here involved did not sit down together to see how we could best legislate.

It certainly is clear that the Health and Environment Subcommittee of the Interstate and Foreign Commerce Committee is charged with the responsibility of health manpower, hospitals, and medical schools, and that being the case we take interest of making our dollars go as far as possible.

With this in mind, good results can be achieved to meet the health needs of our Nation and insure proper and adequate medical care for our well-deserving veterans.

Mr. TEAGUE of Texas. Mr. Speaker, I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, as I understand it, House Joint Resolution 748 would authorize the Veterans' Administration to lease VA properties to the States, to remodel such facilities, and to subsidize the cost of operating them as new medical schools. This would be limited to five medical schools only. Other provisions would provide matching grants to construct facilities for private medical schools, with certain limitations.

Clearly the Nation needs more physicians. Certainly we need more nurses and medical technicians, and facilities to train them in.

Yet I hope that programs carried out under this resolution would not duplicate existing programs. The VA already cooperates closely with the State medical schools, and makes every effort to locate its facilities with medical schools nearby, so that VA hospitals can serve as teaching facilities. In this way, both the hospital and the medical school benefits; the one from having teaching stations available, the other by having access to the expertise and guidance of the medical school facilities. I think that this is the ideal approach. I would not want the proposed lease and grant program to duplicate existing medical school programs nor hinder the development of programs that are already in existence. Given the acute shortage of medical personnel and training facilities and the strains on the facilities and resources available, we need to manage grant programs such as this one now proposed with the utmost of care, so that our resources are utilized to the best possible effect.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, in reply to the gentleman from Minnesota, I thing there has been a very close coordination between our civilian medical schools and the Veterans' Administration.

Today our VA hospitals are affiliated with 80 medical schools, 51 dental schools, 287 nursing schools, 274 universities and colleges, and 84 community and junior colleges.

I would like to say to the gentleman that this has happened in a very short time and there is very close coordination between our veteran hospital programs and civilian hospitals and civilian schools.

Mr. TEAGUE of Texas. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Speaker, I thank the gentleman for yielding. I have asked for this time just so that I could ask a sort of provincial question about this.

For a long time we have been hearing about on eastern Long Island there was to be a new veterans' hospital co-located with a State university in a place called Stony Brook out there.

Does this bill have any impact on the arrangement whereby new veterans' hospitals themselves should be co-located with medical schools?

Mr. TEAGUE of Texas. Seldom any place in the country today do we build a VA hospital that is not tied in directly with a medical school. We are at the moment building two new medical schools, one in California and one in Texas, and both of them are just across the street from a medical school.

We have had some problems up in New York in the schools the gentleman talks about. This bill could have some effect, but I doubt that it would.

Mr. PIKE. Frankly, I do not know enough about it to ask very intelligent questions, but what I would like to get the assurance of the gentleman on is the fact that it is still the policy, so far as possible, to co-locate the two kinds of facilities.

Mr. TEAGUE of Texas. Very much so. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Speaker and Members of the House: Practically every Member of this House will agree that we need further facilities for the training of doctors. Other committees recognize this, and other legislation recognizes it.

We have supported other programs and I think properly. We need the medical schools. The only objection that has been given suggestion to this bill is the charge that it duplicates facilities which are included in other legislation. Even if it does, I would suggest that we need both this bill and the legislation from the other committee. Certainly 10 new medical schools in the United States is not the kind of duplication we fear. Actually it seems clear to me that this legislation should not present any problem to any Member. I do not see it as a duplication of what we already have. The legislation from the other committee is general in its scope and its purpose is general. It is intended to deal with the shortage of doctors all over the United States. This is a proper and laudable purpose. This bill relates solely to the establishment of medical schools in connection with Veterans' Administration facilities.

The doctors trained under its provisions would, of course, be an addition to the sum total of doctors needed in the United States. But they would in large part fill the needs of the veterans' facilities. In other words, this is a veterans' bill—not a general welfare bill.

Our veteran facilities are going to be greatly taxed in the next few years to care for the treatment of our returned servicemen. I have been privileged to represent areas in which three of these veterans facilities are located. One of the greatest problems in each of these facilities has been, and is, the finding of qualified doctors to staff these hospitals. If we are to rely merely on civilian medical schools, I am afraid we will never get the staff that we need in our veterans facilities. That is what this bill provides. Even though a doctor trained in one of the schools envisioned by this bill may ultimately go into private practice—and many of them will, there is, nevertheless, a much greater probability that he will stay with the work with which he is familiar. He is going to be familiar with the Veterans' Administration by virtue of his physical location. He will have received his schooling on the grounds of some veterans facility. He will have done much of his clinical work in the veterans institution. It is therefore but natural that he will more than likely remain to serve the veterans of the Nation.

Each of us can envision opportunities under this legislation of great service to the Veterans' Administration and to the Nation. For many years I have pointed out the importance of using the medical facilities that exist in Temple, Tex., for the improvement of both the VA facilities and to meet the civilian needs.

There are approximately 3,000 veteran beds within a radius of 30 miles of the veteran facility at Temple. Clinical material is there, the need for medical students is there, and the need for trained doctors is there in these veterans hospitals. Less than a mile away from the veterans facility at Temple is the Scott and White Clinic and Hospital—the outstanding institution of its kind in the whole South. Certainly not everyone on the staff at Scott and White would want to teach, but there are more than 100 doctors certified by American Specialty Boards who probably want to teach. I know of no community without a medical school with as generous supply of highly qualified medical men as has Temple and I know of no veterans facility of like size—including Temple, Waco, and Marlin—which does not now have a medical school in connection with the hospital.

Let me, therefore, Mr. Speaker, take this opportunity to direct the attention of the Veterans Administrator to the facilities at Temple and to direct the attention of the Members of this House to the specific and special need for the training of doctors in connection with the work of the Veterans' Administration.

Mr. Speaker, I yield back the remainder of my time.

Mr. TEAGUE of California. Mr. Speaker, I yield to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Speaker, I rise in support of House Joint Resolution 748, VA Medical School Assistance Act. This resolution is another very important proposal which the Congress has considered this session to meet the critical health manpower shortage in the country. I believe it underscores the recognition of the urgent need to utilize existing institutional capabilities and innovate new means in which we can provide the American people the best medical care possible.

The VA medical care system is the largest and best equipped system in the country and is in a unique position to contribute to a solution to our health problems by helping to expand and improve the manpower pool of the Nation. House Joint Resolution 748 provides for financial assistance for the establishment of new State medical schools to be located near and operated in conjunction with VA medical facilities. The resolution also enables the VA Administrator to make grants to affiliated schools to undertake projects which will serve to expand instructional capabilities and establish cooperative arrangements to increase professional and technical allied health services personnel.

The resolution will help create the kind of cooperative effort between the Veterans' Administration and medical schools that will maximize their capabilities to improve the Nation's health care and alleviate the health manpower shortage.

Mr. HILLIS. Mr. Speaker, I am proud to have the opportunity today to speak in support of legislation which will be of great help to thousands upon thousands of our Nation's veterans.

Early in this session of Congress I introduced this legislation which is designed to solve two major problems.

One problem is the lack of suitable facilities to meet the medical needs of our Nation's veterans.

The other is the lack of competent medical personnel to man the hospitals of this country and the shortage of qualified physicians.

This bill we are voting on today is a far-reaching proposal, aimed at helping solve both of these problems. This proposal would permit the establishment, on a pilot basis, of five new medical schools in conjunction with the Veterans' Administration.

This proposal is an effort to increase the number of doctors and trained medical personnel necessary to run the hospital and medical systems of this country and will also be a step forward in providing better medical care not only for veterans but for the entire population.

Objectives of this bill are—

First. Better care for the veterans of this Nation.

Second. Improve the training facilities for doctors, dentists, nurses, and paramedical personnel.

Third. To provide a greater supply of personnel not only for the Veterans' Administration but for all hospitals of the Nation.

Fourth. To reduce the estimated shortage of 50,000 doctors which we find in the country today.

Fifth. To provide an increase in the turnover ratio of patients not only in VA hospitals, but in all other hospitals affiliated in this program, thus reducing the cost of medical care and returning patients to their homes more promptly.

Sixth. To give improved individual attention to veterans providing a better quality of care than he has today.

Mr. Speaker, I urge all Members present today to support this bill.

Mr. PUCINSKI. Mr. Speaker, as a member of the Veterans' Affairs Committee, I am pleased to be a sponsor of House Joint Resolution 748 to expand the role of the Veterans' Administration in meeting the medical health problem of our country.

Presently, the Veterans' Administration operates the largest medical care system in the country. VA hospitals are affiliated with 81 medical schools, 51 dental schools, 287 nursing schools, 274 universities and colleges, and 84 community and junior colleges. Over 50,000 students have participated in various training programs in VA institutions during the past year.

Mr. Speaker, as all are aware, this country has a tremendous shortage of medical personnel. The shortage is estimated at about 50,000 doctors and over 250,000 allied health and other medical personnel.

The conclusion drawn by the Veterans' Affairs Committee after reviewing these facts is, in the words of the resolution:

> "The Veterans' Administration Department of Medicine and Surgery is uniquely qualified to assist in the expansion and improvement of existing affiliated medical schools and other health professions schools, in the establishment of new medical and health professions schools, and in the expansion and improvement of education and training opportunities for allied health and other health personnel.

The resolution, authorizing $33 million for the fiscal year ending June 30, 1972, has three basic purposes:

First, to provide a pilot program for assistance in the establishment of not more than 5 new State medical schools in proximity to, and operated to conjunction with VA medical facilities located in geographically dispersed States;

Second, to provide grants, on a matching basis, to medical schools which have maintained affiliation with the Veterans' Administration in order to assist such schools to carry out programs for the improvement and enlargement of its facilities. Applications will be approved only if the program will result in a substantial increase in the number of medical students attending such schools, and

Third, to provide grants, again on a matching basis, in order to provide assistance in the establishment of cooperative arrangements among universities, colleges, and schools of allied health professions, State and local educational agencies, hospitals and other nonprofit health service institutions affiliated with the Veterans' Administration to coordinate and expand the training of professional and technical allied health services personnel.

Mr. Speaker, this resolution will help to solve one of the great problems of our country—the urgent need for additional numbers of trained medical personnel.

Mr. DERWINSKI. Mr. Speaker, it is a pleasure for me to support this bill, a version of which I cosponsored. I believe it is essential that medical skills and institutions developing technicians in all phases of health services be expanded.

In previous sessions I have supported such legislation and feel that full appropriations should be authorized and supported by Congress, and reemphasize my support of this concept.

Mr. SISK. Mr. Speaker, I would like to say that I think House Joint Resolution 748 is a step in the right direction as it provides for assistance for five new pilot medical schools associated with Veterans' Administration hospitals and for the improvement of existing medical schools affiliated with the Veterans' Administration.

I have introduced a bill H.R. 5896, currently before the House Veterans' Affairs Committee, which would by law provide some of the same assistance for veterans of central California. It would set up a medical school in Fresno, Calif., in cooperation with the State of California, and in conjunction with the Fresno Veterans' Administration Hospital.

This latter hospital was one of the last authorized where no medical school was planned to coordinate the health care of veterans with education of physicians and medical personnel.

The need for better health care, more extensive health care facilities and the delivery of health care hits every segment of our society, including veterans. By relieving the problem for veterans we indirectly help the rest of society.

The number of bills now before Congress, which their backers all say have as the aim the improvement of health care for all citizens, attests to the earnest desire for better health care.

There may be disputes about which bill is the better one, which proposal would come nearest to providing good health care for all consistent with existing plans and facilities, but there is no dispute about the overall goal.

The same is true of the aims of this resolution, which has a double-barreled approach. In addition to improving health care for veterans it would also provide more health care and medical training. The resolution recognizes the shortage of trained physicians and other medical personnel.

The same is true of my bill, which also would provide other benefits to the veteran which I think are also to the benefit of society. But these are in addition to direct health care, the training of additional medical personnel, and the coordination of health care services, all worthy and sufficient goals in themselves, so I will not dwell on them.

We have heard the cry for better health care from citizens, from the medical profession, from medical insurance companies, from hospital associations, from Congress, and from the administration.

These are mighty forces alined behind better health care. I am proud to join those who are pushing for better health care.

To the present problems of health care for veterans, lack of facilities and doctors, and other problems, will be added another one soon. These are illnesses related to or aggravated because of drug addiction which some veterans have fallen victim to in Vietnam. Whether or not veterans are treated in Veterans' Administration hospitals for drug addiction, the fact remains that addiction will aggravate service-connected illnesses throwing an additional burden on medical personnel and facilities of the Veterans' Administration.

Medical education and other education is suffering in some areas in the United States because of a general cutback in funds for education by State governments trying to save money. This is true in California. You might argue that this is a shortsighted policy. I would say it is. It does not change the fact that the people have determined and Congress in the past has legislated this concern into law recognizing that the country has an extraordinary responsibility to provide for the health of its veterans.

We long ago have determined that veterans must have quality medical care.

House Joint Resolution 748, and my bill H.R. 5896, are in no way in conflict nor would they in any way duplicate facilities or cause overlapping in the training of medical personnel, or would there be duplication of medical care for veterans.

The pilot medical schools provided under the joint resolution introduced by our distinguished colleague, the gentleman from Texas (Mr. TEAGUE), would be in five geographical areas of the United States far separated from each other. I would hope that one of these locations chosen for the five pilot medical schools would be Fresno, Calif., thus accomplishing the aims of the joint resolution and the partial aims of my bill.

There is a Veterans' Administration hospital in Fresno now. There is no medical school. But the State of California, citizens of the district, and veterans throughout central California desire a medical school in Fresno, to provide a cadre of medically trained professionals in the area, and to also better veterans' health care.

As I mentioned before, the people, Congress, the administration, the medical profession, medical insurance groups, hospital associations, and others are all demanding action. The grave error lies not in the overlapping of some medical care but in leaving some, especially veterans, without adequate medical care.

I recommend that my colleagues very seriously consider this resolution, which I think, will be to the general benefit of health care for society. After all, what directly benefits the veteran in health care, indirectly benefits the citizen because it removes the veteran from the already overburdened general health care facilities. The medical education aspect of this legislation provides a way to help relieve the shortage of doctors and nurses and other medical personnel and also provide more trained medical personnel in society at large.

Thank you, Mr. Speaker.

Mr. RANDALL. Mr. Speaker, House Joint Resolution 748 deserves the support of all the Members of this House. At first it may appear to be somewhat confusing why we are asked to act upon a House joint resolution rather than a House bill. A moment's reflection will indicate that by means of a joint resolution the authors are thus permitted to recite in the preamble reasons for the need and the benefits to be derived from this resolution which could not be included within the confines of a title to a bill.

In these recitations appear perhaps the strongest justifications for enactment of this resolution. There it is pointed out the present shortage of approximately 48,000 doctors of medicine and over 250,000 allied health and other medical personnel. This bill is a brand new effort in that it authorizes a pilot program for five new medical schools, geographically dispersed, and also for assistance for already existing medical schools together with a small authorization for other members of a medical team besides the doctors, meaning health manpower so sorely needed in what is called the allied health professions.

Mr. Speaker, this is a very modest proposal authorized for only 7 years and then subject to review. Let us all hope that it works successfully and that it can be extended at the end of those 7 years.

Who is there in this House who has a VA hospital within the boundaries of his own congressional district who has not observed with approval the good relationship between the VA hospital and some neighboring medical school. All the time since World War II, there has been an increasing affiliation between our VA hospitals and medical schools and their teaching hospitals which are located within a convenient distance for interns to travel back and forth. This mutual training program has proven successful. This bill authorizes its continuance and extension. There is no reason why this resolution should not receive the unanimous support of all the Members of the House.

Mr. ZWACH. Mr. Speaker, I believe we are all aware of the health crises which our Nation faces today. It primarily stems from a shortage of health personnel which needs to be overcome. I support the legislation we have before us which would use the resources of one of our largest medical care systems in training needed medical personnel.

The Veterans' Administration is already affiliated with 80 medical schools. This bill would expand the VA's present program in the training of medical manpower by assisting in the establishment of five new medical schools along with assisting in the expansion of existing medical schools already affiliated with the VA. The bill also authorizes matching fund grants to institutions engaged in training allied health workers. These are nurses, technicians, and other paramedical personnel needed to provide complete health care.

Enactment of this legislation would also help toward continuing quality medical care to our veterans.

Of all the measures proposed to help ease the shortage of medical personnel, this use of Veterans' Administration facilities is the most promising and could result in new medical schools being established in a relatively short time.

Mr. TEAGUE of California. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the joint resolution House Joint Resolution 748, as amended.

The question was taken.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 371, nays 2, not voting—62, as follows:

[Roll No. 194]

YEAS—371

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Aspinall
Baker
Baring
Barrett
Begich
Bell
Bennett
Betts
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harvey
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Howard
Hillis
Hogan
Horton
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landgrebe
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Railsback
Randall
Rangel
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—2

Dellenback
Schmitz

NOT VOTING—62

Adams
Alexander
Anderson, Tenn.
Arends
Ashbrook
Badillo
Belcher
Bergland
Biaggi
Blanton
Carey, N.Y.
Clay
Conyers
Culver
Danielson
de la Garza
Dellums
Denholm
Donohue
Edmondson
Edwards, La.
Evins, Tenn.
Gallagher
Garmatz
Giaimo
Hanna
Hansen, Wash.
Harsha
Hastings
Hathaway
Hébert
Holifield
Hosmer
Hungate
Jonas
Jones, Ala.
Kyros
Landrum
Long, La.
McCulloch
McKinney
Mayne
Mills, Md.
Mitchell
Nix
Pepper
Quie
Rees
Rooney, Pa.
Ruppe
Ruth
Sandman
Smith, N.Y.
Talcott
Terry
Van Deerlin
Ware
Whalley
Wilson, Charles H.
Yatron

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The Clerk announced the following pairs:

Mr. Edmondson with Mr. Arends.
Mr. Garmatz with Mr. Harsha.
Mr. Holifield with Mr. Hosmer.
Mr. Charles H. Wilson with Mr. Quie.
Mr. Adams with Mr. McKinney.
Mr. Danielson with Mr. Mayne.
Mr. Hanna with Mr. Ruppe.
Mr. Alexander with Mr. Ashbrook.
Mr. Donohue with Mr. Hastings.
Mr. Van Deerlin with Mr. Mills of Maryland.
Mr. Hébert with Mr. Ruth.
Mr. Anderson of Tennessee with Mr. Smith of New York.
Mr. Biaggi with Mr. Sandman.
Mr. Blanton with Mr. Belcher.
Mr. Carey of New York with Mr. Talcott.
Mr. Rooney of Pennsylvania with Mr. Terry.
Mr. Giaimo with Mr. Ware.
Mr. Culver with Mr. Whalley.
Mr. Evins of Tennessee with Mr. Jonas.
Mr. Denholm with Mr. Conyers.
Mr. Hathaway with Mr. Clay.
Mr. Nix with Mr. Rees.
Mr. Gallagher with Mr. Dellums.
Mr. Yatron with Mr. Mitchell.
Mr. Jones of Alabama with Mrs. Hansen of Washington.
Mr. Bergland with Mr. Edwards of Louisiana.
Mr. Pepper with Mr. Landrum.
Mr. de la Garza with Mr. Hungate.
Mr. Kyros with Mr. Badillo.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the joint resolution just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

VETERANS' ADMINISTRATION PROGRAM OF EXCHANGE OF MEDICAL INFORMATION

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4762) to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans' Affairs to establish and carry out a program of exchange of medical information.

The Clerk read as follows:

H.R. 4762

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 5055 of title 38, United States Code, is amended by deleting in the first sentence of subsection (c)(1) "of the first four fiscal years following the fiscal year in which this subchapter is enacted" and inserting in lieu thereof the following: "fiscal year 1968 through 1971, and such sums as may be necessary for each fiscal year 1972 through 1975,".

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the authority of the Administrator of Veterans' Affairs to enter into agreements with medical schools, hospitals, medical centers, and individual members of the medical profession for the free exchange of medical information and techniques was enacted by Public Law 89-785, approved November 7, 1966, as one part of a comprehensive program for the sharing of medical facilities, equipment, and information—subchapter IV of chapter 81 of title 38, United States Code. The same law provided for the establishment of an Advisory Subcommittee on Programs of Exchange of Medical Information of the Special Medical Advisory Group to advise the Administrator of Veterans' Affairs on matters regarding the administration of this program and to coordinate these functions with other research and education programs in the Department of Medicine and Surgery.

The appropriation provided, not to exceed $3 million annually for each of the first 4 years following the fiscal year of enactment, was authorized for the purpose of assisting medical schools, hospitals, and research centers in planning and carrying out agreements under which medical information and techniques are freely exchanged and the medical information services of all parties to the agreement are available for use by any party to the agreement under conditions specified in the agreement. The grants made under this authority are for the employment of personnel, the construction of facilities, the purchasing of equipment when necessary to implement such programs, and for such other purposes that facilitate the administration of the program.

The committee is informed that in its meeting on December 8, 1969, the Advisory Subcommittee on Programs for Exchange of Medical Information recommended that this program be continued in its entirety. (Under current law the authority for grants to medical schools to carry out projects under this program is scheduled to expire June 30, 1971). This bill would accomplish this recommendation by extending the authorization in the sums necessary for the next 4 fiscal years following expiration of the initial period.

The exchange of medical information program has become part and parcel of the development of ongoing programs for patient care, research, and education in medicine. The specific exchange of information activities authorized by current law has aided the Veterans' Administration medical care system through pilot programs, exchange of information agreements, and grants. These new aspects of change of medical information activities exist to strengthen programs at hospitals not affiliated with medical schools and located remote from medical teaching centers, as well as to foster the widest possible cooperation and consultation among all members of the medical profession whether within or outside of the Veterans' Administration.

The committee believes that the exchange of medical information programs has proved highly beneficial not only to the Veterans' Administration hospitals but to the surrounding medical and scientific communities, particularly those located in remote areas. It is felt that there is adequate justification for extending this authority for 4 additional years.

The bill would authorize an appropriation of such sums as may be necessary for each fiscal year 1972 through 1975. The Veterans' Administration advises that, if funded, the total cost of the enactment of the bill would depend, to some extent, on the degree to which medical schools, hospitals, and research centers seek grants under section 5055 of title 38, United States Code. For fiscal year 1972, the cost is estimated at $2 million.

Mr. Speaker, the important Veterans' medical legislation which we are considering today stemmed from an extensive series of hearings conducted before the subcommittee on hospitals headed by the gentleman from Virginia (Mr. SATTERFIELD). Those hearings extended from May 11 through May 27, 1971. I would be remiss if I did not at this time extend a word of sincere thanks for a job well done in recommending these important measures which were unanimously approved by the Committee on Veterans' Affairs. My thanks go not only to the distinguished chairman of the subcommittee but also to his able colleagues, the gentleman from Florida (Mr. HALEY), the gentleman from Nevada (Mr. BARING), the gentleman from New York (Mr. DULSKI), the gentleman from Texas (Mr. ROBERTS), the gentleman from South Carolina (Mr. DORN), the gentleman from Illinois (Mr. PUCINSKI), the gentleman from Mississippi (Mr. MONTGOMERY), the gentleman from California (Mr. EDWARDS), the gentleman from Ohio (Mr. CARNEY), the gentleman from California (Mr. DANIELSON), the gentlewoman from Massachusetts (Mrs. HICKS) the gentlewoman from Connecticut (Mrs. GRASSO), the gentleman from New York (Mr. WOLFF), the gentleman from Pennsylvania (Mr. SAYLOR), the gentleman from Arkansas (Mr. HAMMERSCHMIDT), the gentleman from Virginia (Mr. SCOTT), the gentlewoman from Massachusetts (Mrs. HECKLER), the gentleman from Minnesota (Mr. ZWACH), the gentleman from Ohio (Mr. WYLIE), the gentleman from Kansas (Mr. WINN), the gentleman from North Carolina (Mr. RUTH), and the gentleman from Indiana (Mr. HILLIS).

Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of California. Mr. Speaker, I rise in support of H.R. 4762.

This bill, if enacted into law, will merely extend for 4 additional years an authority which the Congress gave to the Administrator of Veterans' Affairs more than 4 years ago with the enactment of Public Law 89-785.

The legislation authorized the Veterans' Administration to enter into agreements with medical schools, hospitals, medical centers, and individual members of the medical profession for the free exchange of medical information and techniques. In hearings conducted by the Hospital Subcommittee of the Committee on Veterans' Affairs, Veterans' Administration witnesses testified that the exchange of medical information program has become part and parcel of the development of ongoing programs for patient care, research, and education in medicine. The program has been particularly beneficial in strengthening and improving the delivery of health services at hospitals not affiliated with medical schools and located remote from medical teaching centers. The program has fostered the widest possible cooperation and consultation among all members of the medical profession, whether within or outside of the Veterans' Administration.

Unfortunately, the program authorized by Public Law 89-785 expired at the end of the last fiscal year, June 30, 1971. If this extremely beneficial program is to continue, it is essential that H.R. 4762 be approved. It is good legislation and I strongly support it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR.)

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 4762. This bill, if enacted into law, will extend for 4 additional years the authority of the Administrator of Veterans' Affairs to enter into agreements with medical schools, hospitals, and individual members of the medical profession for the free exchange of medical information and techniques.

The Administrator's authority in this regard was first authorized by Public Law 89-785. That authority expired on June 30 of this year.

At the time this legislation was first enacted, it was indicated that the Veterans' Administration would utilize electronic equipment to provide a close educational, scientific, and professional link between Veterans' Administration hospitals and major medical centers. It was anticipated that this communication would result in reciprocal improvements in hospital care, medical treatment, and research capabilities.

The purposes of the program are being accomplished, according to the Veterans' Administration, through the exchange of the most advanced medical and scientific information and techniques between the Veterans' Administration hospitals and medical schools. These activities utilize a wide range of methods of transmitting information, including closed-circuit television and other advanced media. The program has increased medical knowledge and consequently, improved medical care, particularly in remote areas of the country, not only to veterans but to the general population at large.

Because of its salutary effects, it is the committee's view that the program should be extended for 4 additional years. H.R. 4762 will accomplish that worthy purpose. I urge that it be passed.

Mr. SATTERFIELD. Mr. Speaker, this is the third bill from the Veterans' Affairs Committee which we have considered today, each of which were considered in hearings by the Hospital Subcommittee, which I have the honor of chairing.

I would like to take this opportunity to express my personal appreciation to the ranking minority member of the subcommittee, the Honorable JOHN SAYLOR of Pennsylvania, for the cooperation and assistance which he extended. I would also like to express my appreciation to all the members of the subcommittee for their diligence and cooperation, the Honorable JAMES A. HALEY of Florida, the Honorable WALTER S. BARING of Nevada, the Honorable THADDEUS J. DULSKI of New York, the Honorable RAY ROBERTS of Texas, the Honorable W. J. BRYAN DORN of South Carolina, the Honorable ROMAN C. PUCINSKI of Illinois, the Honorable G. W. MONTGOMERY of Mississippi, the Honorable DON EDWARDS of California, the Honorable CHARLES J. CARNEY of Ohio, the Honorable GEORGE E. DANIELSON of California, the Honorable LOUISE DAY HICKS of Massachusetts, the Honorable ELLA T. GRASSO of Connecticut, the Honorable LESTER L. WOLFF of New York, the Honorable JOHN PAUL HAMMERSCHMIDT of Arkansas, the Honorable WILLIAM LLOYD SCOTT of Virginia, the Honorable MARGARET M. HECKLER of Massachusetts, the Honorable JOHN M. ZWACH of Minnesota, the Honorable CHALMER P. WYLIE of Ohio, the Honorable LARRY WINN, JR., of Kansas, the Honorable EARL B. RUTH of North Carolina, and the Honorable ELWOOD HILLIS of Indiana.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill H.R. 4762.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE of Texas. My Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill H.R. 4762, and to include extraneous matter.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Texas?

There was no objection.

MARY McLEOD BETHUNE MEMORIAL AUTHORIZATION EXTENSION

Mr. NEDZI. Mr. Speaker, I move to suspend the rules and pass the Senate Joint Resolution (S.J. Res. 111) extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

The Clerk read as follows:

S.J. RES. 111

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective June 1, 1971, the last sentence of the joint resolution entitled "Joint Resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune", approved June 1, 1960, as amended (74 Stat. 154, 79 Stat. 822, 84 Stat. 303), is amended by striking out "within eleven years" and inserting in lieu thereof "within thirteen years".

The SPEAKER pro tempore (Mr. BOGGS). Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. NEDZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this joint resolution, Senate Joint Resolution 111, would extend for 2 years the existing authority for the erection in the District of Columbia of a memorial to the Negro educator Mary McLeod Bethune.

I might add at this point that this resolution was sponsored by Senator JORDAN on the Senate side and Representative SHIRLEY CHISHOLM on our side.

Mary McLeod Bethune died in 1955. She was perhaps best known as the founder of the Bethune-Cookman College for Negroes at Daytona Beach, Fla. In 1930 President Hoover invited her to participate in a White House Conference on Child Health and Protection. She served in the administration of President Franklin D. Roosevelt as the head of the Negro Division of the National Youth Administration. In 1945 President Roosevelt invited her to be a U.S. Delegate to the San Francisco Conference of the United Nations, at which the United Nations was conceived.

So in view of Mary McLeod Bethune's distinguished service to her country, the National Council of Negro Women has endeavored to erect a fitting memorial to this great American.

In 1960 the Congress approved this undertaking. At that time the Congress directed that the site of the memorial be approved by the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission, and that the erection of the memorial be commenced within 5 years. The United States was to be put to no expense by the erection of this memorial, all costs being borne by the National Council of Negro Women. While the location of this memorial in Lincoln Park, 10 blocks east of the Capitol, has been approved by the appropriate authorities, the funds necessary to begin construction have not yet been obtained by the National Council.

Accordingly, the joint resolution would in effect amend the original legislation to extend the building authority for a total of 11 years, to June 1 of this year.

At this time, thanks to a substantial contribution to this project from the United Methodist Church, the National Council of Negro Women are very close to their goal, and we have been assured that construction can begin within the 2-year extension authorized by this legislation.

This project has already been approved by the Senate and has consistently received the enthusiastic approval of the Congress during the past 11 years.

I am persuaded that this tribute to a distinguished American deserves our continued support, and I urge final approval of this joint resolution.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Speaker, Senate Joint Resolution 111 would extend for 2 additional years, through May 31, 1973, the authority to erect a memorial to Mary McLeod Bethune.

Mr. Speaker, at the hearing we requested testimony of the chairman of the commitee. I want to stress the importance of this type of thing in Washington, D.C., where many of the things that make so much difference happen and which is an appropriate place for this sort of thing to happen. Lincoln Park, of course, is an appropriate place for this.

Since the time of the hearing, I have investigated the competency of those who will do the art work, and I have been told on good authority these people are competent and we will have a fine monument as a result of their activity.

Mr. Speaker, the original resolution authorizing the memorial to be erected was enacted in 1960 and the authority has been extended periodically since that time to allow sufficient time to complete the project. The resolution provides that the Secretary of the Interior may grant authority to the National Council of Negro Women to erect on public grounds in the District of Columbia a memorial to honor Mary McLeod Bethune, and to commemorate the 100th anniversary of the signing of the Emancipation Proclamation.

Mary McLeod Bethune was a prominent Negro educator. She is a founder of the Bethune-Cookman College for Negroes at Daytona Beach, Fla.

There is no cost to the Government for this memorial. Funds to pay for the statue are being raised by the National Council of Negro Women. It is to be placed in Lincoln Park in the District of Columbia.

This resolution was reported unanimously by the House Administration Committee and I would recommend its adoption.

Mr. Speaker, I hope the legislation will pass unanimously. I think it will be in the public interest.

Mr. NEDZI. Mr. Speaker, I have no further requests for time.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Mr. Speaker, this resolution, Senate Joint Resolution 111, extends for 2 years the authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

Mrs. Bethune has compiled a long and distinguished record in the field of education, and, of course, I think before the Members are called upon to vote up or down this extension, they should be made aware of all of the activities in the field of education which Mary McLeod Bethune has participated in, some of which may not be known to the Members. From the public files, records, and publications of the Committee on Un-American Activities of the House of Representatives comes a six-page documented listing of various affiliations of Mary McLeod Bethune:

Reading from the report, we find these revealing associations and activities:

Information From the Files of the Committee on Un-American Activities, U.S. House of Representatives

Subject: Mary McLeod Bethune.

The public files, records and publications of the Committee on Un-American Activities reveal the following information concerning Mary McLeod Bethune:

The name of Mary McLeod Bethune appeared on the honor roll of Elizabeth Gurley Flynn, as published in the Sunday "Worker" of March 9, 1947 (page 7); Elizabeth Gurley Flynn is one of the few outstanding women leaders of the Communist Party in this country.

A pamphlet entitled "7½ Million . . ." (page 34), released by the American League for Peace and Democracy, lists the name of Mrs. Bethune as a member of the National Committee of that organization; a letterhead of the organization, dated July 12, 1939, furnishes the same information. "Fight" magazine for March 1939 (page 3), and a letterhead of the League dated March 24, 1939, both name Mrs. Bethune as Vice-Chairman of the League.

The American League for Peace and Democracy was cited as "the largest of the Communist 'front' movements in the United States . . . The League contends publicly that it is not a Communist-front movement, yet at the very beginning Communists dominated it. Earl Browder was its vice-president" (Special Committee on Un-American Activities in reports of January 3, 1939; March 29, 1944; January 3, 1940; January 3, 1941; January 2, 1943; and June 25, 1942). Attorney General Riddle cited the organization as having been established in the United States in 1937 as successor to the American League Against War and Fascism "in an effort to create public sentiment on behalf of a foreign policy adapted to the interests of the Soviet Union." (See: Congressional Record, September 24, 1942, pages 7683 and 7684.) Attorney General Tom Clark cited the organization as subversive and Communist (press releases of June 1 and September 21, 1948).

Mrs. Bethune was a sponsor of the Win-the-Peace Conference, as shown on a letterhead of that group dated February 28, 1946, the "Daily Worker" of March 5, 1946, and "A Call to a Win-the-Peace Conference" in the National Press Building, Washington, D.C., April 5–7, 1946; she was vice-chairman of the National Committee, New York Committee to Win the Peace, according to a letterhead of that group dated June 1, 1946, and the New York Committee Call to Win-the-Peace Conference, June 28–29, 1946.

The National Committee to Win the Peace was organized at the Win-the-Peace Conference in Washington, D.C., April 5–7, 1946, and was cited as subversive and Communist by Attorney General Tom Clark in letters furnished the Loyalty Review Board (press releases of December 4, 1947 and September 21, 1948).

Letterheads of the Civil Rights Congress, dated March 4, 1948 and May 7, 1948, list the name of Mrs. Bethune as Vice-Chairman of the Congress; she signed the call to the National Conference which was held in Chicago, as shown in the "Daily Worker" of October 21, 1947 (page 5); and was one of the sponsors of a meeting of the group, according to the "Daily Worker" of January 19, 1949 (page 10), in which source she was identified as president, National Council of Negro Women.

The Civil Rights Congress was a merger of two other Communist-front organizations, the International Labor Defense and the National Federation for Constitutional Liberties. It was "dedicated not to the broader issues of civil liberties, but especially to the defense of individual Communists and the Communist Party" and "controlled by individuals who are either members of the Communist Party or openly loyal to it" (Congressional Committee on Un-American Activities in its report released September 2, 1947). Attorney General Tom Clark cited the organization as subversive and Communist (press releases of December 4, 1947 and September 21, 1948).

In a Report on the American Slav Congress, released by this Committee on April 26, 1950, the organization was cited as "a Moscow inspired and directed federation of Communist-dominated organizations seeking by methods of propaganda and pressure to subvert the 10,000,000 people in this country of Slavic birth or descent." Mrs. Bethune was one of the sponsors of a Testimonial Dinner which was held in New York City, October 12, 1947, under the auspices of the American Slav Congress; the dinner was arranged in honor of * * * (Invitation issued by the Congress; and the printed program, page 2). Attorney General Clark also cited the group as subversive and Communist in letters furnished the Loyalty Review Board (press releases of June 1 and September 21, 1948).

The "People's Daily World" of April 20, 1944 (page 3), reported that Mrs. Bethune was one of the sponsors of the American Youth for Democracy club; on a program of the dinner celebrating the first anniversary of the American Youth for Democracy, October 16, 1944, Mrs. Bethune was also named as a sponsor of the group (see program, "Salute to Young America Committee").

The American Youth for Democracy was the new name under which the Young Communist League operated and which also largely absorbed the American Youth Congress, according to the Special Committee on Un-American Activities (Report 1311 of March 29, 1944); Attorney General Clark cited the organization as subversive and Communist (press releases of December 4, 1947 and September 21, 1948). In citing the group in 1947, the Committee on Un-American Activities revealed that its "high-sounding slogans" cover "a determined effort to disaffect our youth and to turn them against religion, the American hôme, against the college authorities, and against the American government itself . . ." (Report 271 dated April 17, 1947).

Mrs. Bethune signed the call to the Congress of Youth which was the fifth national gathering of the American Youth Congress, held in New York City, July 1–5, 1939 (from the Proceedings of the Congress, page 2).

The American Youth Congress was launched in August 1934 at a gathering held at New York University, New York City, and "has been controlled by Communists and manipulated by them to influence the thought of American youth" (Attorney General Riddle, Congressional Record, September 24, 1942; also cited in re Harry Bridges, May 28, 1942, page 10); Attorney General Clark cited the group as subversive and Communist (press releases of December 4, 1947 and September 21, 1948). The Special Committee on Un-American Activities called the group "one of the principal fronts of the Communist Party" and "prominently identified with the White House picket line * * * under the immediate auspices of the American Peace Mobilization" (Report of June 25, 1942; also cited in reports of January 3, 1939; January 3, 1941; and March 29, 1944).

Mrs. Bethune was a member of the Advisory Board of the Southern Negro Youth Congress (letterheads of the organization dated June 12, 1947 and August 11, 1947; and a page from a leaflet published by the organization). The Southern Negro Youth Congress has been cited as a Communist-front organization by the Special Committee on Un-American Activities in its report of January 3, 1940 (page 9); and as "surreptitiously controlled" by the Young Communist League (Congressional Committee on Un-American Activities, Report 271 released April 17, 1947, page 14). Attorney General Tom Clark cited the organization as subversive and among the affiliates and committees of the Communist Party, U.S.A., in a letter released to the press on December 4, 1947.

Mrs. Bethune was a member of the Council on African Affairs, Inc. (from a pamphlet of the organization entitled "Seeing is Believing" which was published in 1947); she participated in a conference of the Council, according to the pamphlet, "For a New Africa" (page 36), also published by the organization. She sent greetings to the National Negro Congress, October 1937, as shown in the proceedings of the Congress; she also participated in the Conference on Africa, held in New York City, April 14, 1944 (pamphlet of the proceedings of the Conference which was held under the joint auspices of the Council on African Affairs and the National Negro Congress).

The Council on African Affairs was cited as subversive and Communist by Attorney General Tom Clark (press releases of December 4, 1947 and September 21, 1948). "The Communist-front movement in the United States among Negroes is known as the National Negro Congress . . . The officers of the National Negro Congress are outspoken Communist sympathizers and a majority of those on the executive board are outright Communists" (Special Committee on Un-American Activities, Report dated January 3, 1939; also cited in reports of January 3, 1940; June 25, 1942; March 29, 1944). Attorney General Francis Biddle said that "from the record of its (National Negro Congress) activities and the composition of its governing bodies, there can be litle doubt that it has served as what James W. Ford, Communist Vice Presidential candidate elected to the executive committee in 1937, predicted: 'An important sector of the democratic front,' sponsored and supported by the Communist Party" (Congressional Record, September 24, 1942, pages 7687 and 7688). Attorney General Tom Clark cited the Congress as subversive and Communist (press releases of December 4, 1947 and September 21, 1948).

The "Daily Worker" of February 8, 1939 (page 2), published an appeal to the Negro People's Committee to Aid Spanish Democracy to lift the embargo on arms to Loyalist Spain; Mrs. Bethune was shown as one of those who signed the appeal. The Special Committee on Un-American Activities officially cited the Negro People's Committee . . . as a Communist-front organization in Report 1311 of March 29, 1944. Mrs. Bethune issued an individual statement which was printed in the booklet, "These Americans Say:" which was compiled and published by the Coordinating Committee to Lift the (Spanish) Embargo, urging that in the name of true neutrality, in the cause of world peace and democracy, lift the embargo (on the sale of arms to Spain)"; she sponsored the Spanish Refugee Relief Campaign, as was shown in the pamphlet, "Children in Concentration Camps." The Coordinating Committee to Lift the (Spanish) Embargo was cited as one of a number of front organizations, set up during the Spanish Civil War by the Communist Party in the United States and through which the Party carried on a great deal of agitation (Special Committee on Un-

American Activities, Report 1311 of March 29, 1944, pages 137–138). The Spanish Refugee Relief Campaign was cited at a Communist-front organization by the Special Committee . . . in a report released January 3, 1940.

Mrs. Bethune was a sponsor of the National Emergency Conference (letterhead of the organization dated May 19, 1939); and a member of the Board of Sponsors of the National Emergency Conference for Democratic Rights (press release of the group dated February 23, 1940). She signed the 1943 message of the National Federation for Constitutional Liberties, addressed to the United States House of Representatives, as shown on a leaflet attached to an undated letterhead of that organization. Mrs. Bethune was a sponsor of the Washington Committee for Democratic Action, as shown on the "Call to a Conference on Civil Rights, April 20–21, 1940" (page 4), and on a letterhead of the group dated April 26, 1940.

"It will be remembered that during the days of the infamous Soviet-Nazi pact, the Communists built protective organizations known as the National Emergency Conference, the National Emergency Conference for Democratic Rights, which culminated in the National Federation for Constitutional Liberties" (Report 1115 of the Committee on Un-American Activities, released September 2, 1947); the three organizations were also cited by the Special Committee on Un-American Activities in Report 1311 of March 29, 1944. Attorney General Francis Biddle cited the National Federation . . . as "part of what Lenin called the solar system of organizations, ostensibly having no connection with the Communist Party, by which Communists attempt to create sympathizers and supporters of their program. * * * (It) was established as a result of a conference on constitutional liberties held in Washington, D.C., June 7–9, 1940" (Congressional Record, September 24, 1942, page 7687). Attorney General Clark cited the National Federation . . . as subversive and Communist in letters furnished the Loyalty Review Board (press releases of December 4, 1947 and September 21, 1948).

The Washington Committee for Democratic Action was cited as an affiliate or local chapter of the National Federation . . . "The program of the Washington Committee followed that of the National Federation. National Communist leaders have addressed its meetings, and conferences sponsored by it have been attended by representatives of prominent Communist-front organizations" (Attorney General Biddle, Congressional Record, September 24, 1942, pages 7688 and 7689); Attorney General Clark cited the group as subversive and Communist (press releases of December 4, 1947 and September 21, 1948); the Special Committee on Un-American Activities found that "when the American League for Peace and Democracy was dissolved in February 1940, its successor in Washington was the Washington Committee for Democratic Action. The latter was affiliated with the National Federation for Constitutional Liberties" (Reports of June 25, 1942 and March 29, 1944).

Mrs. Bethune was one of the sponsors of the Congress of American Soviet Friendship, as shown in "Soviet Russia Today," for December 1942 (page 42); she participated in a meeting paying tribute to women of the U.S.A. and the U.S.S.R. held in Carnegie Hall, New York City, March 6, 1944, under the auspicies of the Committee of Women, National Committee of American-Soviet Friendship ("Soviet Russia Today," March 1944, page 35; and "New Masses" for February 29, 1944, page 29); she was named as a sponsor and a member of the Committee of Women of the National Council . . . . on the "Call to a Conference of Women of the U.S.A. and the U.S.S.R. in th Post-War World" on November 19, 1944, in the Commodore Hotel, New York City; a letterhead of the Committee of Women, National Council . . . dated March 1, 1948, contains the name of Mrs. Bethune in the list of members; she was a member of the Board of Directors of the National Council, as shown on letterheads of that organization dated February 8, 1946 and March 13, 1946.

In its report of March 29, 1944, the Special Committee . . . cited the National Council of American-Soviet Friendship as having been "in recent months the Communist Party's principal front for all things Russian." Attorney General Clark cited the group as subversive and Communist (press releases of December 4, 1947 and September 21, 1948).

A letter of the American Committee for Protection of Foreign Born, opposing alien registration, carried the signature of Mary McCleod Bethune, as shown in the "Daily Worker" of November 23, 1939 (page 3, columns 7–8); she was one of the sponsors of the Fourth Annual Conference of the organization which was held in Washington, D.C., March 2–3, 1940 (as shown on a letterhead of the Conference); a booklet entitled "The Registration of Aliens" which was prepared and published by the American Committee . . . . lists Mrs. Bethune as one of the sponsors of that organization.

The American Committee for Protection of Foreign Born has been officially cited as "one of the oldest auxiliaries of the Communist Party in the United States" (Special Committee on Un-Amercian Activities, Report 1311, March 29, 1944; also cited in Committee report on June 25, 1942). Attorney General Tom Clark cited the group as subversive and Communist (press releases of June 1, and September 21, 1948).

Mrs. Bethune was one of the sponsors of the League of Young Southerners which is the youth division of the Southern Conference for Human Welfare, as shown on a letterhead dated August 13, 1940; she was named in "The Southern Partiot" for December 1946, as a member of the Board of Representatives (1947–1948) of the Southern Conference; she was a member of the Executive Board, as shown on a leaftlet of the Conference entitled "The South is Closer Than You Think" (received about February 1947).

The Southern Conference for Human Welfare was cited as a Communist-front organization which seeks to attract southern liberals on the basis of its seeming interest in the problems of the South" although its "professed interest in southern welfare is simply an expedient for larger aims serving the Soviet Union and its subservient Communist Party in the United States" (Congressional Committee on Un-American Activities in Report 592 dated June 12, 1947). The Special Committee . . . also cited the group as a Communist-front which received money from the Robert Marshall Foundation, one of the principal sources of the funds by which many Communist fronts operate (Report of March 29, 1944).

Mrs. Bethune received the New Masses award for greater inter-racial understanding at a dinner in her honor at the Hotel Commodore, New York City, January 14, 1946 ("Daily Worker," January 7, 1946, page 11, columns 1–2); she received a similar award "for contribution made to promote democracy and inter-racial unity" at the New Masses Second Annual Awards Dinner, as shown, in "New Masses" for November 18, 1947 (p. 7).

"New Masses" was cited as a "nationally circulated weekly journal of the Communist Party . . . whose ownership was vested in the American Fund for Public Service (Special Committee . . . Report of March 29, 1944; also cited in Committee reports of January 3, 1939 and June 25, 1942). It was also cited as a "Communist periodical" by Attorney General Francis Biddle (Congressional Record, September 24, 1942, page 7688).

The Washington (D.C.) "Star" on February 3, 1949 (page A21), reported that Mrs. Bethune had withdrawn from a Civil Rights Rally scheduled to be held in Washington on February 11 and 12, 1949.

The "Daily Worker" of February 12, 1951 (page 4), reported that Mrs. Bethune was a sponsor of a testimonial on February 23, at Essex House to honor W. E. B. DuBois on his 83rd birthday. W. E. B. DuBois was one of the five officers of the Peace Information Center who were indicted by a Federal grand jury on February 9, 1951, for failure to register under the Foreign Agents Registration Act. The Peace Information Center was also cited as an organization which was described in the Worker of June 11, 1950, by the Communist Party's Peace Committee as one that was making available the Stockholm peace petition. (Congressional Committee on Un-American Activities, Statement issued on the March of Treason, February 19, 1951; and House Report No. 378, on the Communist "Peace" Offensive, April 25, 1951, original date, April 1, 1951, page 42.)

Mr. NEDZI. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Burton).

Mr. BURTON. Mr. Speaker, it was my pleasure to know this beautiful woman.

I might add, parenthetically, I was unaware she owned any stock in a bus company.

Mary McLeod Bethune—and history is very clear on this count—was undoubtedly one of the great Americans in the history of this country. She was not only a great American, she was a great human being, always concerned with improving the conditions of American society and trying to bring the American practices into consonance with our preachments.

This truly remarkable giant among the many thousands of Americans who, throughout the course of our history, fought for a better America, worked for a better America, pleaded and argued for a better America, this magnificent woman, who does not need the defense of any single Member of this body, because by her words and her deeds throughout her long and productive life she has written on the pages of freedom a story that could not be sullied from any quarter.

Mr. NEDZI. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. Chisholm).

Mrs. CHISHOLM. Mr. Speaker, first of all I should like it to be quite clear that there are two other Bethunes who have possibly been connected with some of the information that has been shared here with you this afternoon.

You know, in this House after awhile, one begins to recognize that certain things do run true to form. It is not surprising that this issue has been raised here this afternoon in the manner in which it has been.

For many years the black women of this Nation have been attempting to erect this statue to this particular woman, Mary McLeod Bethune, and have actually made collections of pennies, nickels, dimes, and dollars in order to be able to build a statue that means something to black women, that is, an image for black women in this Nation.

This statue is not being provided for by Federal funds of any sort in the way certain other statues from the days of the Confederacy have been maintained and built in Washington, D.C. This has been a movement on the part of a deprived, disillusioned ethnic minority in this country in terms of seeking for themselves an image to which they can relate.

I think those of us who know anything about Mary McLeod Bethune know that in terms of her background, that in terms of being able to lift herself from the depths of degradation and poverty, that she has made her mark on the American scene. I think the very fact that she was a counselor and an adviser to President Roosevelt and to Mrs. Roosevelt for many, many years also indicates the depth of feeling and confidence that these leaders had for her. I think we also have to say parenthetically that in this Nation, when there are those who dare to dissent or to cry out in the only way they know how that they are labeled very quickly. Parenthetically, again I may say that I, too, am labeled as many things besides being just a child of God.

I feel very keenly about this because now we are getting to the point where, for the first time, we have been able to receive just recently an additional $100,000 from the United Methodist Church in order to be able to help the black citizens of this Nation realize this particular goal which they have been trying to bring to fruition for so many years with the pennies, the nickels, and the dimes that they saved because they could not get help from the Federal Government for the erection of a black statue in Washington, D.C. To have this kind of thing done here this afternoon can only mean one thing, to my way of thinking.

The SPEAKER. The time of the gentlewoman has expired.

Mr. NEDZI. Mr. Speaker, I yield the gentlewoman 3 additional minutes.

Mr. GROSS. Mr. Speaker, will the gentlewoman yield to me?

Mrs. CHISHOLM. Yes. I yield to the gentleman.

Mr. GROSS. I am somewhat perplexed by the first remarks of the gentlewoman from New York. Did the gentlewoman from New York say that this is not the Mary McLeod Bethune as stated in the documentation from what was formerly the House Un-American Activities Committee?

Mrs. CHISHOLM. No, I am not saying that.

Mr. GROSS. I see. Then, this Mary McLeod Bethune is one and the same person referred to by the gentleman from Louisiana (Mr. Rarick), in the material he submitted to the House?

Mrs. CHISHOLM. Not all of the information that has been indicated here this afternoon is correct. I will have something for the record a little bit later.

Mr. GROSS. I thank the gentlewoman for yielding.

Mrs. CHISHOLM. I just want to say that those of us who are cognizant of the contribution of this woman to her country should join this afternoon and help to pass this resolution. I think we must make it quite clear in terms of the history of our Nation that this is the first time a group of people in this country who happen to be black have put their pennies, their nickels, their dimes, and their dollars together in order that they, too, can have an image to relate to when people come to the Capital of the United States of America.

For quite some time these people have been attempting to secure help. The Federal Government has not extended help. However, the people were determined, in terms of what this woman has meant to them, that they would go forward and attempt to secure this money themselves. The architect, the sculptor, everyone is now just about ready to see that the realization of this particular dream will come true for black people and not only for black people but for all people in this Nation when they come to the U.S. Capital and look at the statue of this black woman who said, "I leave you love; I leave you hope."

Let us pass this resolution this afternoon and bring about the completion of this dream, this image for black citizens, all over the United States of America.

Mr. NEDZI. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. Abzug).

Mrs. ABZUG. Mr. Speaker, Mary McLeod Bethune was a natural leader of not only black women but people all over this world. It was not for nothing that she was appointed one of our first delegates, for example, to the United Nations in San Francisco. I think what has been read by Mr. Rarick is totally irrelevant. This is the kind of character assassination which has been used many times before against people who have sought social change. None of these charges has been proven in any way. They do not in any way diminish the desire of those people who wish to bring into being and to dedicate a memorial to this woman in the form of a park for children.

Congress has passed favorably upon this project several times before today, and I think it does this body ill to listen to this kind of character assassination, to hear charges which are utterly unproven and unsubstantiated.

Mr. Speaker, when we analyze objectively the kinds of activities that Mary Bethune had the courage to lead in this country, I think that we will go forward without regard to this kind of nonsense, especially in view of the type of people, young and old, which she sought for so long to help.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. Rarick).

Mr. RARICK. I would like to remind the Members of the House that the records from which I have read applied only to those organizations which had been cited by the Attorney General of the United States as subversive and Communist. What method was used to adduce this proof or to make the citation, I do not know—I was not present. But, certainly, I do not think that bringing this information to the attention of the Members of this House is in any respect un-American. However, I think it is the Members' responsibility to know who they are being called upon to memorialize as a leader for children of future generations.

If, knowing the full facts, you want to vote for it, vote for it, but if you do not, at least, I have carried my duty forward to advise you as to what this record of Mary McLeod Bethune shows relative to her activities in education and their relationship to the security of the people of the United States.

Mr. NEDZI. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. Thompson).

Mr. THOMPSON of New Jersey. Mr. Speaker, I have been acquainted with the proposal for this memorial for a number of years. There have been some vague assertions in the past as to the activities of this late great woman, most of them adduced during the time of former Attorney General Thomas Clark, who is a former Justice of the Supreme Court.

I might say, in historical context, that these assertions were made during a time when anyone who could read without moving his lips was suspect. None of the accusations have been proven. They are not citations. They are not indictments. They are mere political differences adduced in large measure by the activities of a woman struggling for the equality which her people have so long deserved.

Notwithstanding whatever is in the file, I would like the gentleman from Louisiana (Mr. Rarick) to produce for us that which apparently he can get but none of the rest of us can get, and that is the files of the former House Committee on Un-American Activities, now the Committee on Internal Security. Let Mr. Rarick put the whole dossier of this woman in the Record and make it for the first time public to your 434 colleagues. No doubt the dossier will show what a great woman Mary McLeod Bethune was, and how deserving of a memorial she was.

Mr. RARICK. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I refuse to yield.

Make this information public to the other 434 of us, so that we may see this dossier that apparently you have been privileged to see; make it available for the rest of us.

I think that this woman's record speaks for itself, and we should support this resolution.

Mr. NEDZI. Mr. Speaker, I would just like to point out to our colleagues here that this resolution was passed in the Committee on House Administration in 1960, 1965, and 1970. The original resolution was brought out under the chairmanship of Congressman Paul Jones and Congressman Burleson of Texas, who was chairman of the full committee at that time.

The resolution was also passed in 1970 in identical form to that of today, and that this information which the gentleman from Louisiana presents to us today is something that no one had heard anything about, at a time when the allegations were certainly much more current than they are today.

Mr. SCHMITZ. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from California.

Mr. SCHMITZ. Would it have made any difference in the committee had this information been known at the time the resolution was originally passed?

Mr. NEDZI. I cannot answer the gentleman. My suspicion is that it would not have made any difference.

Mr. SCHMITZ. I would like to take this opportunity to thank the gentleman from Louisiana for bringing this information to the House so that we can have a better basis for making a decision than the committee had. I agree with the gentleman from Louisiana that the resolution should be defeated.

Mr. NEDZI. Mr. Speaker, I have no further requests for time.

Mr. GROSS. I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. NEDZI) that the House suspend the rules and pass the Senate joint resolution (S.J. Res. 111).

The question was taken.

Mr. RARICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 289, nays 89, not voting 55, as follows:

[Roll No. 195]

YEAS—289

Abourezk
Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Barrett
Begich
Bell
Bennett
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clark
Cleveland
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Dent
Derwinski
Diggs
Dingell
Dorn
Dow
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Gaydos
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Howard
Hutchinson
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Koch
Kuykendall
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKevitt
Macdonald, Mass.
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mollohan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Taylor
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
Watts
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Zablocki
Zwach

NAYS—89

Abbitt
Abernethy
Andrews, Ala.
Archer
Baker
Baring
Belcher
Betts
Bevill
Brinkley
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byron
Camp
Clancy
Clausen, Don H.
Clawson, Del
Collins, Tex.
Colmer
Crane
Daniel, Va.
Davis, S.C.
Devine
Dickinson
Dowdy
Downing
Duncan
Fisher
Flowers
Flynt
Fountain
Fuqua
Galifianakis
Gettys
Goldwater
Griffin
Gross
Hagan
Haley
Hall
Henderson
Hogan
Hull
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
King
Kyl
Landgrebe
Latta
Lennon
McEwen
McMillan
Mann
Mathis, Ga.
Mizell
Montgomery
Myers
Natcher
Nichols
Passman
Price, Tex.
Quillen
Rarick
Robinson, Va.
Satterfield
Scherle
Schmitz
Skubitz
Snyder
Spence
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Thompson, Ga.
Veysey
Waggonner
Whitten
Winn
Wyman
Young, Fla.
Young, Tex.
Zion

NOT VOTING—55

Adams
Alexander
Anderson, Tenn.
Ashbrook
Badillo
Bergland
Biaggi
Blackburn
Blanton
Clay
Danielson
de la Garza
Dellums
Denholm
Donohue
Edmondson
Edwards, La.
Evins, Tenn.
Gallagher
Garmatz
Giaimo
Hanna
Harsha
Hastings
Hathaway
Holifield
Horton
Hosmer
Hungate
Hunt
Jones, Ala.
Kyros
Landrum
Long, La.
McCulloch
McKinney
Mayne
Mills, Md.
Mitchell
Monagan
Pepper
Rooney, Pa.
Rousselot
Ruppe
Ruth
Smith, N.Y.
Steed
Talcott
Teague, Tex.
Terry
Van Deerlin
Whalley
Wiggins
Wilson, Charles H.
Yatron

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

The Clerk announced the following pairs:

Mr. Edmondson with Mr. Ruppe.

Mr. Garmatz with Mr. Hruska.

Mr. Holifield with Mr. Hosmer.

Mr. Charles H. Wilson, with Mr. McKinney.

Mr. Adams with Mr. Mayne.

Mr. Danielson with Mr. Mills of Maryland.

Mr. Hanna with Mr. Rousselot.

Mr. Alexander with Mr. Ashbrook.

Mr. Donohue with Mr. Ruth.

Mr. Van Deerlin with Mr. Smith of New York.

Mr. Biaggi with Mr. Hastings.

Mr. Rooney of Pennsylvania with Mr. Talcott.

Mr. Giaimo with Mr. Horton.

Mr. Teague of Texas with Mr. Hunt.

Mr. Denholm with Mr. Terry.

Mr. Hathaway with Mr. Whalley.

Mr. Blanton with Mr. Wiggins.

Mr. Gallagher with Mr. Edwards of Louisiana.

Mr. Yatron with Mr. Mitchell.

Mr. Jones of Alabama with Mr. Blackburn.

Mr. Bergland with Mr. Clay.

Mr. Pepper with Mr. Long of Louisiana.

Mr. Anderson of Tennessee with Mr. Steed.

Mr. Hungate with Mr. Badillo.

Mr. de la Garza with Mr. Dellums.

Mr. Evins of Tennessee with Mr. Monagan.

Mr. Landrum with Mr. Kyros.

Mr. DUNCAN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 8629, HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AMENDMENTS OF 1971

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8629) to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees. Messrs. STAGGERS, ROGERS, SATTERFIELD, SPRINGER, and NELSEN.

APPOINTMENT OF CONFEREES ON H.R. 8630, NURSE TRAINING AMENDMENTS OF 1971

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8630) to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees. Messrs. STAGGERS, ROGERS, SATTERFIELD, SPRINGER, and NELSEN.

DISPOSITION OF JUDGMENT FUNDS OF THE PEMBINA BAND OF CHIPPEWA INDIANS

Mr. HALEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6072) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18-A, 113, and 191, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, line 17, after "Secretary;" insert ": *And provided further*, That the Pembina descendents within the Turtle Mountain Band shall be authorized to establish pursuant to regulations set by the Secretary the Pembina Descendants Committee and that the tribal governing body shall be required to work in concert with such committee for the purpose of making recommendations to the Secretary".

(Mr. HALEY asked and was given permission to revise and extend his remarks at this point in the Record.)

Mr. HALEY. Mr. Speaker, the bill divides an Indian Claims Commission judgment in favor of the Pembina Band among the three tribes that include the descendants of that band today. Inasmuch as the Pembina descendants are a minority of the Indians on the Turtle Mountain Reservation, the Senate amendment permits the Pembina descendants on the reservation to form a committee, and requires the Turtle Mountain governing body to work in concert with that committee when planning the use of the judgment money. The amendment is a desirable addition to the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MARITIME LIEN BILL

Mr. DOWNING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6239) to amend the maritime lien provisions of the Ship Mortgage Act of 1920, as amended.

The Clerk read as follows:

H.R. 6239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Ship Mortgage Act, 1920 (46 U.S.C. 911-984) is amended as follows: By striking from subsection R thereof (46 U.S.C. 973) the semicolon, substituting a period therefor and deleting all thereafter.

The SPEAKER. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DOWNING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge passage of H.R. 6239, a bill that would amend subsection R of the Ship Mortgage Act in order to protect American terminal operators, ship chandlers, ship repairers, stevedores and other suppliers, commonly known as materialmen, who in good faith furnish supplies and services to ships calling at our ports.

At the present time, a "prohibition of lien" clause in a charter party and subsection R of the Ship Mortgage Act prevent such an American supplier from acquiring a lien on a vessel for so-called necessaries furnished to that vessel.

The "prohibition of lien" clause is inserted in a charter party by the owner of a vessel to prohibit the charterer from incurring liens on the vessel. This is a standard clause in charter parties today. Subsection R of the Ship Mortgage Act contains a provision that effectively denies a lien to the American materialmen when there is a "no lien provision" in a charter party.

As a practical matter the American materialmen do not have time to check whether a vessel is subject to a "no lien provision," and have to assume the risk that his bill will be paid. This has worked a hardship on American materialmen furnishing necessaries to a vessel.

The Committee on Merchant Marine and Fisheries heard testimony of losses by American materialmen and of companies that had been forced into bankruptcy because of the existing situation. We were informed that in the San Francisco Bay area alone there were losses of over $2 million.

The testimony tended to establish that the principal difficulty was connected with foreign-flag vessels, particularly those which might be making only very infrequent calls at U.S. ports. By and large, American charterers are reliable and pay their bills.

The bill, H.R. 6239, would assist such American materialmen in collecting their just debts by deleting this provision from subsection R of the Ship Mortgage Act so that they could acquire a lien on a vessel for necessaries furnished to that vessel.

After full and careful consideration of the record, the bill was unanimously reported with certain minor technical amendments.

I strongly urge the House to support H.R. 6239.

Mr. MAILLIARD. Mr. Speaker, I rise to support the bill (H.R. 6239) amending the Ship Mortgage Act of 1920, and to fully associate myself with the very able remarks of my colleague on the committee, the gentleman from Virginia (Mr. Downing).

Testimony before your committee fully supported and substantiated the need for this legislation. Your committee has made one technical amendment to the bill on lines 3 and 4 to correct an erroneously printed U.S. Code citation.

Present law, as embodied in the Ship Mortgage Act of 1920, and as interpreted by the Supreme Court in the case of *Dannebrog* v. *Signal Oil and Gas Company*, 310 U.S. 268 (1940), requires the materialman—in this case, our stevedoring companies—to inquire into the authority of the person ordering services before he provides supplies or makes repairs to a vessel. If the materialman fails to do so and his contractor in fact lacks authority from the vessel owner, the materialman can acquire no maritime lien on the vessel. Thus, the placement of an obscure "no lien" clause by the vessel owner in his charter contract effectively precludes any recovery by our domestic stevedores for service rendered but not paid.

The problem in regard to the present law is aptly illustrated by the case of *The Port of Tacoma, Washington* v. *S. D. Duval*, 364 F.2d 615 (CCA 9th 1968) wherein the Port of Tacoma sought to assert a lien for wharfage or dockage, and the court held that because there was a "no lien" clause buried in the charter party agreement under which the *Duval* was being operated that the port had no right to a lien.

This bill, if enacted, would correct a difficult situation which has been growing in intensity and complexity since 1910, and has now caused a great deal of concern and loss of money throughout the country as a result of vessels falling back on this "no lien" provision to escape payment for services rendered by our ports and stevedores.

Stevedores in the San Francisco Bay area have sustained losses over the years in excess of $2 million. In the Willamette-Columbia River area, in the last 5 years, losses in excess of $45,000 have been documented along with reports of companies being forced into bankruptcy because of such losses. Undoubtedly, the same situation is present along the remainder of the west, east, and gulf coasts.

Passage of this legislation is needed, warranted, and justified. I urge my colleagues to support its passage and enactment.

Mr. Speaker, to set the record straight, I notice on reading the committee report on the bottom of page 3, there is a paragraph and particularly one sentence which lends itself to misinterpretation I feel, where it says:

> H.R. 6239 change in maritime lien law, the priority of maritime liens, or in the accepted definition of necessaries.

Mr. Speaker, I think in fact that is not a true statement and I hope that that would not be the interpretation because clearly in providing material men with a lien remedy which under existing law they do not have, I think that is a confusing statement to have in the report.

I just want to point this out for the record and for the legislative history.

Mr. WYATT. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Oregon.

Mr. WYATT. Mr. Speaker, I rise in support of this bill.

During my days in the practice of law, I had more than a passing familiarity with admiralty law. This bill, I think, would go a long way toward curing what has been an almost impossible situation facing the material men and ships chandlers and suppliers, where in many cases they have had little or no way of knowing the facts in regard to a ship's charter and under the existing law they could not protect themselves unless they got a credit report on the persons who were chartering the ship, and relied upon the credit of the charterer.

I think this is needed legislation. The equities of the situation justify its enactment promptly.

Mr. DOWNING. Mr. Speaker, I yield whatever time he may consume to the gentleman from California (Mr. Leggett), one of the prime sponsors of the bill.

Mr. LEGGETT. I thank the gentleman from Virginia very much for yielding.

Mr. Speaker, I rise in strong support of H.R. 6239. The bill would delete from subsection R of the Ship Mortgage Act the provision that now denies an American materialman a lien on a vessel for necessaries furnished that vessel when it is subject to a "no lien provision" in a charter party.

The current practice of inserting a "no lien provision" clause in a charter party has worked a serious hardship on American materialmen. Subsection R of the Ship Mortgage Act requires that the American materialmen check each vessel for this "no lien provision" before supplying it. As a practical matter, the materialman does not have time to do this. Vessels today are operated on a fast turn around basis.

Every vessel is under severe economic pressure to get in and get out as fast as possible. This does not allow the American materialman sufficient time to perform the investigation required by the statute and, as a result, he often ends up assuming the risk that his bill will be paid.

Enactment of H.R. 6239 should have no adverse effect on responsible vessel charterers and should prove to be of great assistance to American materialmen in collecting amounts owed on necessaries furnished a vessel.

I strongly urge the House to support this bill.

There is no reason why the lien rules as applied to ships should be any different from planes or trains.

We also should encourage the repair of merchant ships to safeguard against ecological disaster.

Mr. Speaker, I include with my remarks the statement of Mr. Robert B. Duncan, a former Member of this House, who helped draft this legislation:

Statement of Robert B. Duncan Appearing on Behalf of Master Contracting Stevedore Association of the Pacific Coast, Inc., in Support of S. 1275, H.R. 6239 and H.R. 5286, Bills to Amend the Maritime Lien Provisions of the Ship Mortgage Act

Mr. Chairman, members of the Committee, I appreciate the opportunity to appear on behalf of my client in support of the above bills. The bills, if enacted into law, would solve a constant and nagging problem that has plagued the industry for years, namely, the usually foreign vessel or foreign charterer, who contracts for necessaries to be furnished to the ship and then sails without paying for them, protected under the section of the Code these bills seek to amend, because of a "no lien provision" in the charter party.

The purpose of the Maritime Lien Act was to expedite the movement of international commerce. By giving suppliers a lien for their charges, the law encouraged the prompt furnishing of necessaries to ships so that they could speedily be turned around and put to sea. This avoided the delays attendant upon credit checks of foreign vessels and assured American suppliers of prompt payment of their just bills. The "no lien provision" frustrates these objectives.

Under long established principles of maritime law, suppliers of necessaries to vessels have been accorded the right to impose a lien or arrest the vessel in support of their right to collect their proper charges for such necessaries. Over the years priorities between such suppliers have been established with the seaman's rights to his wages at the head of the list. Over the years the question of what services and supplies constitute "necessaries to the ship" have likewise become fairly well defined.

In 1910 there came into the Federal Maritime Law what is now 46 USCA 973. This section takes away these lien rights "when the furnisher (of necessaries) knew, or by the exercise of reasonable diligence could have ascertained, that because of the terms of a charter party, agreement for sale of the vessel, or for any other reason, the person ordering the repairs, supplies, or other necessaries was without authority to bind the vessel therefor."

This section of the code was relied upon recently in the case of *The Port of Tacoma v. S.S. Duval,* 364 F2d 615 (CCA 9th 1968) wherein the Port of Tacoma sought to assert a lien for wharfage or dockage and the court held that because there was a "no lien clause" in the charter party under which the Duval was being operated that the port had no right to a lien.

Stevedores, ship chandlers, ship repairers, as well as ports and marine terminal operators have likewise run into this problem primarily with foreign flag vessels chartered to foreign operators. Stevedores alone in the San Francisco Bay Area have sustained losses over the years in excess of two million dollars. In the Willamette-Columbia River Area in the last five years, losses in excess of $45,000 have been documented, along with a report of at least one company forced into bankruptcy because of such a loss. The losses to ports, ship chandlers and ship repairers doubtless would run into very substantial sums. All of these people report that their problems are not with domestic owners or charterers who for the most part are responsible.

It is difficult for these American businessmen to understand why our law should permit a contract to be made in Athens, for example, between an owner and a charterer, and to which no American supplier is a party, which effectively denies a right to a lien which they would otherwise have in the absence of such a contract provision.

Senator Magnuson, at the request of the National Association of Port Authorities, introduced S. 2817 in the 91st Congress. The bill would have given some, but not complete, relief to marine terminal operators, but none to stevedores, ship chandlers, ship repairers or other persons. The bill died in Committee at the end of the session.

Interestingly enough Senator Magnuson's remarks at the time he introduced his bill (Congressional Record, August 19, 1969) suggested that—

"The simplest amendment to that (lien) law might be said to be deletion of everything in Section 973 after the semicolon in the fourth line. This would permit the imposition of liens by all persons covered in Section 971, a much broader class than Marine Terminal Operators."

The Senator was absolutely correct and the proposed bill proceeds along that very "most practical legislative" road. The proposed bill makes no changes in the definition of necessaries, it makes no changes in the priorities of liens, it simply prohibits a clause in a contract to which the supplier was not a party and of which, in a practical sense, he has no knowledge, from being deprived of a lien for his services to which he would otherwise be entitled. It does not give anyone tortiously or wrongfully in charge of a vessel the right to incur or permit any such lien to attach.

The theory behind the present law apparently is that the owner, or perhaps the mortgagee, should not have his property or his security arrested without his consent or knowledge. But this is not the law on land. There is not a piece of property sold or mortgaged where in the documentation thereof, there is not a prohibition against the purchaser for credit, or the mortgagor suffering or permitting liens to attach. Yet this provision in the contract of sale or mortgage does not deny to the plumber, the carpenter or other artisan a lien for his services should they be furnished and not paid for. Nor should it with respect to a vessel.

While a supplier of necessaries might be said to be able to demand and inspect the charter party and refuse to supply necessaries in the face of such a "no lien clause" this is not a practical answer. The vessel is in the harbor, it must be unloaded, serviced or repaired by members of highly competitive industries. Except for such an obscure clause in an involved document they are entitled to a lien. As a practical matter they have no opportunity to advise themselves and protect themselves.

If the owner, or mortgagee, is to be considered an innocent party, certainly so is the supplier of necessaries. And there is a well-established principle of law that where one of two innocent parties must suffer a loss, that loss must fall on the one who by his affirmative act makes it possible, or creates the condition under which another suffers the loss. The owner, or mortgagee, by chartering or surrendering possession of the vessel, clothes the master thereof with at least apparent authority to bind the vessel. If a loss must be suffered the owner, or mortgagee, should suffer it.

And the fact of the matter is that the owner, or mortgagee, can much more easily protect himself contractually, by bonds, or otherwise, at the time he charters or advances money on the vessel than can the supplier of necessaries to a vessel under great economic pressure to get back to sea.

This no lien provision which the proposed bills seek to remove is really an anomaly of the law. It is difficult to see how this amendment would cause any hardship to legitimate responsible owners or charterers and particularly American owners or charterers. In the first place, they pay their bills and their ships are not liened. In the second place, the credit of American owners and charterers is easily and quickly checked. In the third place, American owners and charterers are amenable to a conventional action for debt with writs of attachment or garnishment available on other assets in this country.

The passage of these bills will remove this anomaly and restore traditional lien rights to American suppliers of necessaries, thus expediting the movement of international commerce and guaranteeing to the suppliers prompt payment of their bills.

It is a good bill and should be passed.

Mr. DOWNING. Mr. Speaker, I yield whatever time he may consume to the gentleman from Pennsylvania (Mr. Byrne).

Mr. BYRNE of Pennsylvania. Mr. Speaker, I rise in strong support of H.R. 6239. This bill would amend subsection

R of the Ship Mortgage Act so that an American materialman can acquire a lien on a vessel subject to a charter containing a "no lien provision."

The primary purpose of this bill is to assist American materialmen to collect for necessaries furnished foreign-flag vessels.

However, the bill has another purpose that would be beneficial to the foreign commerce of the United States. By permitting the materialman a lien for his services, the prompt furnishing of necessaries to vessels will be encouraged. This will speed up the turn around time of vessels in our ports. This is especially significant today when the emphasis on vessel performance is reduced port time and increased speed.

I strongly urge the House to support H.R. 6239, as it will benefit the foreign commerce of the United States.

Mr. DOWNING. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. JAMES V. STANTON).

Mr. JAMES V. STANTON. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Virginia.

Mr. MAILLIARD. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Speaker, as a sponsor of this bill I rise to support the passage of H.R. 6239, a bill which amends the maritime lien provisions of the Ship Mortgage Act of 1920.

The purpose of this bill is simple. It amends the Ship Mortgage Act of 1920 so as to provide that owners and charterers of vessels, primarily foreign-flag vessels, by contract between themselves and other third parties, will not be able to deny to U.S. terminal operators, ship chandlers, ship repairers, stevedores, and other domestic concerns who are supplying necessaries to the vessel, the lien rights which these concerns would have had in the absence of such a contract.

The bill makes no changes in the definition of "necessaries" and makes no changes in the priorities of liens. It simply prohibits a "no lien" clause in a contract between the vessel owner and the chartering party to which the supplier is and was not a party and of which, in a practical sense, he has no knowledge.

One section of the Ship Mortgage Act of 1920 gives anyone furnishing repairs, services, or supplies a maritime lien on the vessel being serviced. Such lien may be enforced in a suit in rem in which the vessel is attached in order to guarantee payment for services rendered in the case of a failure to pay.

Subsection R of that act, however, provides that no lien rights shall attach, under the terms of a charter, when the body of such charter agreement contains provisions which do not authorize the charter party the right to contract for and bind the vessel for such supplies, services, or repairs. An affirmative duty is placed on the servicer of the vessel to investigate, prior to performing services, to ascertain whether or not the charter agreement does, in fact, contain this "no lien" provision.

Under today's operating and servicing conditions in the Nation's ports and harbors, it is extremely impractical, in this highly competitive industry, to require inspection of each and every charter agreement by a competent maritime attorney to ascertain the presence of a "no lien" provision prior to actually performing any services for the vessel in question. It must be remembered that the present law was enacted in 1920—a year when turnaround time for vessels was considerably longer than at present—when domestic and foreign-flag vessels enter and depart our ports and harbors within a matter of days instead of weeks.

The situation which has prompted the introduction, consideration and, hopefully, passage of this bill has been caused primarily by vessels of foreign registry. In 1930, most of the vessels calling at U.S. ports were U.S.-flag carriers on a berth term basis. Today, stevedores do about 90 percent of their business with non-U.S.-flag vessels. Under certain circumstances, such a vessel, under present law, has the ability to move into a U.S. port, secure servicing, and then depart beyond the practical jurisdiction of the United States, prior to the time that the servicing concern at dockside is able to determine that the charter has "no lien" clause in his contract between himself and the owner, which effectively prohibits the imposition of an in rem action. Thus, Americans are denied the only tangible piece of property which they could look to in order to secure payment for cost servicing outlays—despite the fact that the vessel has received the benefit of the stevedoring services.

The net effect of this provision, under today's competitive market conditions, is that many local stevedoring concerns have declared bankruptcy due to an inability to collect for services rendered from such runaway vessels. Thus, many thousands of dollars worth of services, supplies, and goods given these vessels are lost and never recompensated for.

Mr. Speaker, passage of this bill today, and eventual enactment into law, will effectively curtail this loss of moneys and insure that foreign-flag operators calling on our ports and harbors conduct themselves in a businesslike and ethical manner.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 6239 that would assist American materialmen to acquire a lien on a vessel for necessaries furnished to that vessel. As my colleagues have stated, this bill is required in order to protect the various marine service industries in our ports when furnishing necessaries to foreign-flag vessels.

I would like to emphasize that the bill makes no change in maritime lien law. It makes no change in the priority of maritime liens. And it makes no change in the accepted definition of what is a "necessary" to a vessel.

The practical effect of the bill is to negate the operation of a "no lien provision" in a charter to which the American materialman was not a party, and of which he has no knowledge, so that he will not be precluded from acquiring a lien for his services to which he would otherwise be entitled.

Enactment of the bill should have no adverse effect on responsible charterers and should prove to be of great assistance to American materialmen in collecting amounts owned on necessaries furnished a vessel.

I strongly urge the House to support H.R. 6239.

Mr. DOWNING. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion of the gentleman from Virginia that the House suspend the rules and pass the bill H.R. 6239, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROMOTING MEMBERS OF THE UNIFORMED SERVICES WHO ARE IN A MISSING STATUS

Mr. FISHER. Mr. Speaker, during the time that the Consent Calendar was called earlier today, the bill H.R. 8656 was called, Consent Calendar No. 32. At that time the gentleman from Colorado objected to consideration of that bill. Subsequently, the gentleman from Colorado advised me that he was in error and that he desired to withdraw his opposition. I have checked with the objectors on the minority side and I am given similar information, that there is no objection. Under these circumstances, I ask unanimous consent to return for immediate consideration to Consent Calendar No. 32, the bill (H.R. 8656) to amend titles 37 and 38, United States Code, relating to promotion of members of the uniformed services who are in a missing status.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill as follows:

H.R. 8656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 552(2) of title 37, United States Code, is amended by adding the following sentence: "Notwithstanding section 1523 of title 10 or any other provision of law, the promotion of a member while he is in a missing status is fully effective for all purposes, even though the Secretary concerned determines under section 556(b) of this title that the member died before the promotion was made."

SEC. 2. Section 402(a) of title 38, United States Code, is amended by inserting immediately before the period at the end the following: "or as of the date of a promotion after death while in a missing status".

SEC. 3. For the purposes of chapter 13 of title 38, United States Code, this Act becomes effective upon the date of enactment. For all other purposes this Act becomes effective as of February 28, 1961.

With the following committee amendment.

On line 3, strike "(2)" and in lieu thereof substitute "(a)".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO PROVIDE INCREASED SUBSISTENCE ALLOWANCES FOR SENIOR RESERVE OFFICERS' TRAINING CORPS MEMBERS

Mr. FISHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6724) to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members, as amended.

The Clerk read as follows:

H.R. 6724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 209 of title 37, United States Code, is amended as follows:

(1) By striking out "subsistence allowance at the rate of not less than $40 per month or more than $50 per month" in the first sentence of subsection (a) and inserting in place thereof "a subsistence allowance of $100 a month".

(2) By amending subsection (b) to read as follows:

"Except when on active duty, a cadet or midshipman appointed under section 2107 of title 10 is entitled to a monthly subsistence allowance in the amount provided in subsection (a) of this section. A member enrolled in the first two years of a four-year program is entitled to receive subsistence for a maximum of twenty months. A member enrolled in the advanced course is entitled to subsistence as prescribed for a member enrolled under section 2104 of title 10 as prescribed in subsection (a) of this section."

SEC. 2. The amendments made by this Act shall become effective on July 1, 1971.

The SPEAKER. Is a second demanded?

Mr. BRAY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FISHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6724 is a bill to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members.

The bill as introduced would have increased ROTC subsistence benefits beginning in fiscal year 1972 from $50 to $100 per month and, further, provided that the allowance be increased each time there is a 3-percent increase in the Consumer Price Index.

The bill that the committee is reporting today provides for an increase from $50 to $100 per month but does not provide for the cost-of-living adjustment as recommended by the administration. We believe that Congress will have greater control if the departments are required to come back and ask for increases if the cost of living continues to spiral.

The $50 per month subsistence rate was established in 1946 as a part of the Holloway Act, the original Naval Reserve Officers' Training Corps scholarship program, and has not been adjusted since then. This $50 to $100 per month increase merely covers the cost-of-living increases since 1946. The committee did amend the bill which would limit the payment of subsistence to the first and second year ROTC students who are receiving scholarships to a maximum period of 20 months. It is our belief that there is no justification for paying a student subsistence during the summers that he was not required to attend a military camp.

This action in limiting the payments to 20 months will in itself save $930,000 a year, and we have further reduced the administration proposal by approximately $1.5 million annually by not providing the number of scholarships requested by limiting such increase to 1,000 each for the Army and Air Force and 500 for the Navy. Thus, the cost of this increased subsistence program rather than being $22.6 million as contained in the President's budget, is now estimated to cost $20,170,000 or a total savings of $2,430,000

Gentlemen, we looked at the cost of lodging of the schools having a naval ROTC program and in no instance was the $50 per month sufficient to cover the cost of room and board.

I am sure that you will agree that this is an equitable bill and one which merely recognizes the fact that the cost of living has increased since this original amount was provided in 1946.

I urge your support of this legislation.

Mr. BRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6724. This legislation will increase subsistence rates for ROTC cadets in the senior program and make certain other minor changes in the computation of these rates.

The primary purpose of this legislation is to increase ROTC subsistence payments from $50 to $100 per month. The $50 rate was established in 1946 as part of the Holloway Act, the original naval ROTC scholarship program. However, there has been no change in the rate since its origination in 1946. The original intent of subsistence payment was to help defray the cost of a student's food, lodging, and incidental expenses. A study made by the Navy showed that the subsistence payments of $50 per month covered the cost of food and lodging at 85 percent of Naval ROTC institutions in 1946. A recent Navy survey has disclosed that the $50 per month allowance does not cover room and board expenses at any of the schools where they have ROTC units. The consumer price index has doubled since the $50 subsistence rate was established in 1946. Using this as a guide, the proposed increase from $50 to $100 per month should cover the cost of living increases since that time.

The increased amounts involved in this legislation are not extravagant but I can assure you that to our ROTC students, very dollar counts. In many cases, these same young men must work in order to remain in college. It is they who suffer most that need this money. Our intent is not to alter the method of payment but rather to increase the amount to a more realistic figure based on the higher cost of living.

It is a fact that ROTC enrollment has dropped alarmingly during the past 3 years. Last fall participation in ROTC was down 50 percent for the Army, 45 percent for the Air Force and 25 percent for the Navy from 1969. Under these circumstances, it is not difficult to understand that unless other motivating devices are employed, we will not get the number of officers we need from the ROTC program. If the current trend continues, the services will have to rely heavily on other officer commissioning programs which are neither as economical nor give us the candidate with a college degree. The Army and the Air Force, which depend heavily upon ROTC for officer procurement, will ultimately be forced to accept men of lesser quality. It is my hope that this measure can be expeditiously moved through the legislative processes so that it can be implemented this fall to help stem the declining ROTC enrollment.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. ROBINSON).

Mr. ROBINSON of Virginia. Mr. Speaker, I am pleased to have the opportunity to rise in support of H.R. 6724, as it is in form similar to my bill, H.R. 7902, intended to provide an appropriate adjustment in the subsistence allowance for cadets in the Senior Reserve Officers' Training Corps program.

In view of cost-of-living increases over a substantial period of time since the existing subsistence rate was established, this adjustment is long overdue.

As we strive for greater emphasis on the volunteer concept in supplying manpower for our defense forces, it is important, I believe, that we give particular attention to the allowances intended to encourage enrollment in ROTC components, and completion of the training.

I should have preferred to have seen the committee retain the cost-of-living escalator feature to facilitate future adjustments, as recommended by the administration, but I am confident the Congress will respond again to the needs of the ROTC cadets if the inflationary forces are not brought under rein.

Mr. BRAY. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill, H.R. 6724, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROVIDING ADDITIONAL RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS FOR THE ARMY, NAVY, AND AIR FORCE

Mr. FISHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4729) to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force, as amended.

The Clerk read as follows:

H.R. 4729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2107 of title 10, United States Code, is amended as follows:

(1) By amending the second sentence of subsection (a) to read as follows: "Not more than 20 percent of the persons appointed as cadets or midshipmen by the Secretary in any year may be appointed from persons in the two-year Senior Reserve Officers' Training Corps course."

(2) By adding a second sentence to subsection (c) to read as follows: "At least 50 percent of the cadets and midshipmen appointed under this section must qualify for in-State tuition rates at their respective institutions and will receive tuition benefits at that rate."

(3) By striking out "5500" whenever it appears in subsections (d) and (f).

(4) By striking out "5500" whenever it appears in subsection (h) and inserting "6500" after "Army program", "6000" after "Navy program", and "6500" after "Air Force program".

SEC. 2. This Act is effective July 1, 1971.

The SPEAKER. Is a second demanded?

Mr. BRAY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FISHER. Mr. Speaker, I yield myself such time as I may require.

H.R. 4728 is a bill to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force.

To place this subject in the proper perspective, I think some background on the status of ROTC is essential.

Army and Air Force ROTC enrollments have dropped substantially over the past 3 years. In the beginning of academic year 1968–69, there were 218,466 students enrolled in the program; in academic year 1969–70, 161,507; and in 1970–71, 114,950. The reduction is due largely to two factors. One is that many students have taken a wait-and-see attitude with respect to their status under the selective service draft, anticipating that they may avoid military service altogether. The other factor is a decline in the number of schools which require all physically able male students to participate in the first 2 years of ROTC.

The overall decline in enrollment between fiscal year 1969 and 1971 is 51 percent for the Army and 45 percent for the Air Force. Navy enrollments have not suffered the same decline mainly because the Navy program is smaller and the percentage of scholarships higher than with the Army and Air Force. Navy nonscholarship enrollment shows a decline of approximately 27 percent.

The final measure of success insofar as numbers are concerned is, of course, whether the number of ROTC graduates meets the objectives set by the services.

The Navy forecasts that its ROTC graduation objectives for fiscal year 1971 and 1972 will be met. The Air Force anticipates a minor short fall in graduating cadets in fiscal year 1971 and is concerned about the fiscal year 1972 production short fall which will be in excess of 400 officers. The Army's ROTC graduates will decline, but it will meet its graduation objectives for 1972. However, in projecting the current freshman and sophomore enrollments through to their graduations, both Army and Air Force anticipate a short fall. It is difficult to project the magnitude at this time because of changes in the Selective Service System. A large number of ROTC enrollees are draft induced.

The bill, H.R. 4729, as proposed by the administration and introduced would have accomplished two objectives: First, it would increase the number of ROTC scholarships from 5,500 for each service, the current statutory ceiling, to an amount equal to 10 percent of the authorized strength of a military department in commissioned officers on active duty as prescribed by the Secretary of Defense for the fourth fiscal year after the current fiscal year. This would increase the number of authorized scholarships from 16,500 to 33,400 by fiscal year 1976. Second, it also would have authorized that up to 50 percent of the scholarships could be used in 2-year programs for juniors and seniors at the discretion of the military department. The existing law restricts scholarships to students enrolled in the 4-year program.

The justification for these requests were the declining enrollment necessitated some additional inducements in order to attract sufficiently qualified students to meet the ROTC portion of officer needs. Insofar as the scholarship program for the 2-year ROTC student, the department suggested that by 1980, more than half of the students enrolled in higher educational institutions will be in junior colleges and they wanted to be able to attract the bright young graduates of junior college programs into ROTC.

The committee rejected the formula contained in the administration bill because it would be basing its requirement upon a secret number as the 5-year manpower plan is secret, and suggested that the department provide a finite number of ROTC students for each of the services.

As each of you are aware, a scholarship provides tuition, books, and fees plus a subsistence allowance from the time the student entered school until they receive their baccalaureate degree. For this, they receive a commitment to serve 4 years on active duty.

We learned that there were more students taking the course who do not have scholarships than those who do, and questions were raised concerning whether the entire system was fair to give others. We asked the services to inaugurate a study to determine whether some better system might be devised to give a greater equality to all ROTC students.

The services and DOD representatives agreed to immediately inaugurate an in-depth inquiry to determine whether the scholarship program was the most effective means of meeting the service needs. So, the bill that we have before us represents only an interim solution to the problem, and we expect to have the results of the DOD-sponsored study before the committee sometime early next year.

For this interim period, however, we have devised a bill which would do several things. First, it would increase the scholarships for the Army and Air Force by 1,000, thus making each of the services having a total of 6,500 scholarships. For the Navy, we increased the number by 500, thus making the Navy have a 6,000 scholarship program.

Second, we will permit 20 percent of those receiving scholarships to be appointed in the 2-year Senior Reserve Officers' Training Corps program.

Third, we discovered that we were frequently permitting young men to attend out-of-State colleges when there was a ROTC unit for that particular service within-State. In California, for instance, we learned that the out-of-State tuition per semester at the University of California is $1,500 as compared to $500 tuition per semester for an in-State student. Therefore, we added language which would place a ceiling on the services requiring them to award no more than 50 percent of their grants to students charged out-of-State tuition. The service representatives said they could live with this limitation.

The action of the committee on this particular bill is estimated to reduce the first-year cost of this bill from $6.3 million to $3.16 million.

We believe the bill you have before you is a good one—although it does not meet long-term requirements—but it does present an interim solution to the problem of officer procurement.

I urge your support.

Mr. BRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4729, a measure vital to the survival of the ROTC program. This legislation will increase the number of ROTC scholarships and make some of them available to students in the 2-year ROTC curriculum.

The purpose of the bill is to increase the number of ROTC scholarships available to the Army, Navy, and Air Force from the current level of 5,500 each to 6,500 for the Army and Air Force and 6,000 for the Navy. Additionally, the legislation would permit each service to allocate 20 percent of their scholarships to students in the 2-year ROTC program.

Provisions of this proposal are intended to remedy future officer production shortages in each of the military departments. This situation has been caused not only by student attitudes but also by the number of schools which have placed ROTC on an elective rather than a compulsory basis. The net effect has been a substantial decline in ROTC enrollments during the past 2 years—51 percent for the Army, 45 percent for the Air Force, and 37 percent for the Navy. The Navy and Air Force will incur a shortage of officers from their ROTC sources beginning this year. The Army has a special problem since the size of its ROTC program is the largest. Based on the rapidly diminishing size of the Army, and the length of the ROTC curriculum, it is unable to make adjustments rapidly enough to compensate for requirements. However, even the Army has projected a deficiency in officer production from ROTC commencing in 1973.

The legislation will allow modest increases in the ROTC scholarship program. The Department of Defense has assured us that it will conduct a thorough study of officer production and its sources. But the problem is more immediate and unless we do something about the forecasted shortage now, the military departments will find it necessary to resort to other sources for their officers. These are neither as economical nor as satisfactory. The additional proposed scholarships are essential in continuing to attract enough good students to meet the requirements of the ROTC source.

Making scholarships available for students in the 2-year ROTC program will enable junior college graduates to compete in the tuition assistance program by enrolling in ROTC. By 1980, more than half of the students enrolled in institutions of higher learning will be in junior colleges. An increasing number of universities are finding that their junior and senior classes are burgeoning. This is particularly true in California, Pennsylvania, and Florida which have a large number of junior colleges which feed students into the State university system, but it is true of many other States too. If we are to obtain the bright young graduates of the junior colleges we must be able to attract them and I believe that these scholarships will.

There is no doubt that a strong ROTC program will become increasingly important in a zero draft environment. It is essential that the quality and vitality of the ROTC be maintained and strengthened. While the program has been under attack, even siege, on some campuses, it has managed to weather the storm. But it does need help. I believe that this measure will, in part, provide the necessary aid and heartily urge its approval.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. FISHER) that the House suspend the rules and pass the bill—H.R. 4729—as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read:

To amend Section 2107 of Title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force, and for other purposes.

A motion to reconsider was laid on the table.

INCENTIVES FOR MILITARY LAWYERS RETENTION

Mr. FISHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4606) to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces.

The Clerk read as follows:

H.R. 4606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 5 of title 37, United States Code, is amended as follows:

(1) By inserting the following new sections:

"§ 302a. Special pay: judge advocates and law specialists

"(a) In addition to any other basic pay, special pay incentive pay, or allowances to which he is entitled, each judge advocate of the Army, Navy, Air Force, or Marine Corps, or law specialist of the Coast Guard, as defined in section 801 of title 10, other than one ordered to active duty for less than one year, is entitled to special pay at the rates set forth below while he is performing judge advocate duties—

"(1) $50 a month for each month of active duty, if he is in pay grade O–1, O–2, or O–3;

"(2) $150 a month for each month of active duty, if he is in pay grade O–4 or O–5; or

"(3) $200 a month for each month of active duty, if he is in a pay grade above O–5.

"(b) The amounts set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay."

"§ 311a. Special pay: continuation pay for judge advocates and law specialists who extend their service on active duty

"(a) Under regulations to be prescribed by the Secretary concerned, a judge advocate of the Army, Navy, Air Force, or Marine Corps, or a law specialist of the Coast Guard, who—

"(1) is entitled to special pay under section 302a of this title;

"(2) has completed his initial active duty service commitment as a judge advocate or law specialist and not more than 10 years of active service; and

"(3) executes a written agreement to remain on active duty for a period of at least three, but not more than six, additional years;

may be paid not more than two months' basic pay at the rate applicable to him when he executes that agreement for each additional year that he agrees to remain on active duty. Pay under this section shall be paid in equal annual or semiannual installments, as determined by the Secretary of the military department concerned in the case of a judge advocate or by the Secretary of the Department of Transportation in the case of a law specialist of the Coast Guard, in each additional year covered by a written agreement to remain on active duty. However, in meritorious cases the pay may be paid in fewer installments if the Secretary concerned determines it to be in the best interest of the judge advocate or law specialist.

"(b) An officer who does not serve on active duty for the entire period for which he was paid under this section shall refund that percentage of the payment that the unserved part of the period is of the total period for which the payment was made."

The SPEAKER. Is a second demanded?

Mr. BRAY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FISHER. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4606 is a bill to insure the retention of an adequate number of experienced lawyers in the uniformed services. This purpose would be effected by providing military personnel performing as a judge advocate or law specialist with an increase in monetary compensation. This proposed increase involves two items. The first is a regular monthly payment of special pay, and the second is the payment of a so-called continuation pay bonus. The special pay, payable each month, would provide $50 per month for O-1's through O-3's—second lieutenants to captains—$150 per month for grades O–4 and O–5—majors and lieutenant colonels—and $200 per month for grades O–6 and above, O–6 being a colonel.

The purpose of this monthly special pay to JAG officers would be to provide them with a regular monthly income more nearly commensurate with that enjoyed by their civilian contemporaries in the Federal Government, industry, and also private practice.

The second part of this bill would provide for a variable continuation pay bonus for military lawyers at the rate of 2 months' basic pay for each year for which the judge advocate agrees to remain in an active duty status beyond any then outstanding active duty obligation or service commitment. The bill provides that such a contract for extension of services would require a minimum obligation of 3 additional years of service and a maximum obligation of 6 years. Let me give you an example of how this would work:

A major with over 6 years of service signs an agreement to serve an additional 6 years. His continuation bonus then would be figured on a formula as follows: 6 times 2 months' basic pay. This would amount to $11,167.20. The continuation pay bonus would, under the terms of the bill, be payable only once and at the point at which the young JAG officer with less than 10 years of commissioned service had completed his obligated period of service and would normally be required to make a decision to continue as a career officer in the military service or to return to civilian life.

The forceful testimony presented before our committee indicated an alarming problem of retaining senior lawyers in the military services. New requirements imposed by the Military Justice Act of 1968 will aggravate the imbalance. If the administrative discharge legislation which is being considered by subcommittee No. 3 at the present time is enacted, further increased demands would be made on uniformed lawyers. Additionally, the departmental program, currently in the pilot test stage, to expand existing military legal assistance programs to the use of military attorneys to increase the scope of legal services available to military personnel and their dependents who are unable to pay a fee for civilian lawyers will, if continued beyond the pilot phase, further increase requirements for and demands on experienced uniformed lawyers and further aggravate the imbalance.

Events of the past few months have focused worldwide attention on our system of military justice and those charged with its administration. Yet unacceptable personnel losses have continued and unless prompt action is taken to curb the drain of the career manpower pool, the ability of the JAG Corps to carry out its mandated responsibilities will be lost.

We now pay additional compensation to military physicians and dentists. We also pay veterinarians special pay. H.R. 6531 which is now pending on the Senate floor, would provide incentive pay for optometrists.

This bill merely recognizes that there is a severity in the area of military lawyers and attempts to provide a solution to their critical shortage.

We passed a similar bill last year only to have no action taken by the Senate—but this year the prospects seem better in the other body.

Mr. BRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4606. This bill is intended to provide the Armed Forces with certain financial incentives needed to attract and retain judge advocates and law specialist officers.

The bill would provide extra monthly pay for uniformed lawyers of the Armed Forces. Also, the bill would provide for payment of a bonus to uniformed lawyers who extend their service on active duty upon completion of their initial active service commitment as a military attorney, and who agree to remain on active duty for a period of at least 3 years, but not more than 6 additional years.

H.R. 4606 seeks to alleviate a critical, chronic retention problem which exists with respect to military lawyers. Unacceptable losses are occurring and failure to curb the current outflow of experienced lawyers could, within a few years, drastically impair the ability of those remaining military lawyers to provide necessary legal services within the Armed Forces.

A DOD study of military lawyer procurement, utilization, and retention, completed in October 1968, found that the military services experience no major problems in the initial procurement of junior military lawyers since the pressure from the draft produces an adequate number of applicants to fill vacancies.

On the other hand, major problems were found with respect to retaining seasoned military lawyers beyond the period of their initial obligation into the career force. The facts found by the study group remain basically valid, except that the shortages have worsened in the career force.

In general, the initial obligated tour for lawyers is 4 years. Accordingly, the career force may generally be regarded as consisting of those lawyers who have voluntarily remained on active duty into their fifth year and beyond. It should be noted, however, that many obligated tour captains who extend into their fifth year are motivated by some opportunity for which they are required to extend their tour, for example, assignment to Europe, and are not really career lawyers simply because they enter their fifth year.

To maintain a career force of the desired level an adequate number of junior officers must be first attracted into the career force each year and then retained.

During the period covering fiscal years 1968, 1969, and 1970, the DOD was able to attract into the career force, that is, the fifth year, only about 42 percent of the total number of junior officers considered necessary for retention in order to sustain an effective and adequately manned career force. It is appropriate to note here that although the services have been able to achieve and maintain overall authorized strength by drawing upon the reservoir of applicants who are seeking commissioned service as an alternative to the draft, achievement of our zero draft goals will reduce or eliminate this source of both initial procurement and retainable officer-lawyers for the career force.

Career force requirements are based on the number of experienced military lawyers—career force—in the total authorized lawyer force that are needed to render legal services of proper quality. Today the total authorized JAG force DOD-wide is 3,951; the total career force lawyers needed from that total is 2,153—or 54 percent—the total number of career lawyers actually on board is 1,311—or 33 percent—842 short of the total needed.

It is generally correct that as overall strengths are reduced, the total authorized JAG force, and consequently the total authorized career force, will be reduced. However, it is not correct to assume that such reductions will eliminate the critical shortage problem.

Although the total authorized JAG force DOD-wide today is smaller by some 424 than it was in July 1969, thereby reducing the authorized size of the career force today by some 122, the already short number of career force lawyers actually on board has, though losses, simultaneously decreased during the period by some 129, thereby enlarging the existing shortage.

These figures show that the retention problem does not stop at the entry point into the career force. It extends deep into the career force itself, and the extent of the problem varies in each of the military services.

In general, the percentages of experienced lawyers in relation to the total authorized force in each of the services are at the following levels: Army has 29 percent as compared with a needed percentage of 47 percent; Navy has 39.7 percent and needs 63 percent; Marine Corps has 20.8 percent and needs 55.4 percent; Air Force has 29 percent and needs 59 percent. It is believed that this is not a safe balance between experienced and inexperienced lawyers and the trends show the imbalance to be getting worse. Numerically, the military services are operating with the following career force shortages: Army, 291; Navy, 183; Marine Corps, 130; Air Force, 238.

Although the extent of the retention problem varies within the military services, the greatest number and percentage shortages of officer lawyers is uniformly in the 8- to 15-year service category; that is, the middle management group. Projections for the years ahead show that if present trends continue, and continuing losses indicate they will, there will be a very small number of experienced lawyers to provide legal services or to supervise young military attorneys fresh out of school.

New requirements imposed by the Military Justice Act of 1968 will aggravate the imbalance. Administrative discharge legislation, reintroduced in the House as H.R. 523, would, if enacted, further increase demands on uniformed lawyers. Additionally, a departmental program, currently in pilot test stage, to expand existing military legal assistance programs through the use of military attorneys to increase the scope of legal services available to military personnel and their dependents who are unable to pay a fee for a civilian lawyer will, if continued beyond the pilot phase, further increase requirements for and demands on experienced uniformed lawyers and further aggravate the imbalance.

In the interest of improving lawyer retention and alleviating this critical retention problem, actual financial incentives appear necessary. These financial incentives will also be necessary to initially attract the individuals who would otherwise be lost as a source of manpower due to reduced pressure from the draft.

In considering the needs for financial incentives to improve career retention of military lawyers, it is relevant to note that military physicians and dentists receive additional compensation ranging from $100 to $350 per month. Veterinarians receive special pay of $100 per month. The Congress has enacted a continuation bonus for certain nuclear-trained submarine officers. Physicians and dentists also receive longevity pay for their advanced education acquired at their own expense.

In addition, military physicians receive continuation bonuses for agreeing to remain in the service for varying periods of time. H.R. 6531, now pending in conference, would provide incentive pay for optometrists. Such legislation has, in each instance, been justified by the necessity to retain officers with those professional skills in the service. Similarly, retention incentives authorized by law for enlisted personnel include special—proficiency—pay which may range up to $150 per month per recipient. Variable reenlistment bonuses are also authorized. These generally vary from approximately $1,500 to a maximum of $10,000, depending upon the criticalness of the specialty. The existence of these special pays demonstrates that the military service requires special forms of pay for various professions and occupations to alleviate critical retention problems. At present none of the above career retention incentives are afforded to military lawyers.

In summary, the committee recognizes the chronic, critical nature of the military lawyer retention problem and the fact that incentives of the kind proposed in this legislation have been effective in relieving problems in other groups.

The 10-year ceiling on eligibility for the continuation bonus is consistent with the underlying rationale and purpose of the bonus. That purpose is to induce officer-lawyers to enter and remain in the career force. The critical decision period for this purpose is between the fifth and 10th year of active service. However, for a career decision to stick, the financial rewards past the 10-year point must be competitive and must offer sufficient inducements if we are to retain the needed number of experienced officers in the middle and upper management groups. The monthly extra pay of O–4's—majors—and above should provide the necessary incentive to keep those who make a career decision and accept the one-time bonus prior to completion of their 10th year.

The estimated first-year cost for the proposed legislation will not exceed $7 million. Subsequent year costs would not be expected to exceed this amount.

Funds for these additional costs are included in the fiscal year 1972 budget estimates of the Department of Defense.

This is, in the opinion of the committee, a most important bill and essential if the military is to continue to provide adequate legal services.

I urge the support of each Member of this House.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. PIRNIE), a member of the committee.

Mr. PIRNIE. Mr. Speaker, I thank the gentleman for yielding. I rise in support of this measure which is so critically needed for the reasons very simply set forth in the report.

Mr. Speaker, on December 2, 1969, this body considered the legislation before us today and passed it unanimously. It is in exactly the same form as those approved. Simply, the legislation is designed to solve a most critical problem facing the armed services of the Nation, namely, the serious shortage of senior military lawyers. Unfortunately, the other body failed to act prior to the close of the 91st Congress. The serious nature of this problem was recognized a year and a half ago and has even greater criticality today.

This measure would provide career incentives to our judge advocates and law specialists in the services through professional pay allowances ranging from $50.00 to $200.00 per month, graded by rank, with a continuation bonus payable to those who extend their service beyond their initial obligation. Since the critical career decision occurs between the fifth and 10th year of active service, eligibility for the continuation bonus would be limited to within this 10-year period. During this interval the JAG officer could sign up for 3 to 6 additional years and would receive 2 months' basic pay for each such year for which he contracts.

The Department of Defense placed this bill on its priority list for the 91st Congress and urged its passage. Again, that Department—with the concurrence of all the services—has rated it as one of of the real priority items in its legislative program for the 92d Congress.

Events of the past months have focused worldwide attention on our system of military justice and those charged with its administration. The added responsibility of the military lawyer, resulting from intensified social problems, places further demands on him as he is required to act on these complex and sensitive matters. In addition to administering military justice, the JAG officer has legal responsibilities in areas such as drug abuse, civil rights, labor-management problems, civilian personnel grievances, personal legal counseling, administrative discharge proceedings, and important governmental procurement contracts amounting to billions of dollars annually. Clearly, the need for experienced, seasoned military attorneys to man the largest law firm in the world, is apparent. A review of the personnel situation of all of our services reveals startling facts. The retention rate of the career force has persisted in deterioration. Although the figures vary with the several services, each faces a dire shortage of experienced lawyers. Each rank is approximately 50 percent of needed strength. Projections indicate an even further decline unless immediate action is taken to remedy the situation. The bill before us was reported out of the Armed Services Committee unanimously, both last year and this. It passed the House unanimously last year. I trust the other body will respond promptly following passage again today.

Mr. MATSUNAGA. Mr. Speaker, I offer my strong support for H.R. 4606, a bill sponsored by the distinguished gentleman from New York (Mr. PIRNIE), to provide recruitment and retention incentives for military lawyers.

This is not a new problem, Mr. Speaker. In 1969, during hearings on a similar bill, I pointed out that there existed at the time a shortage of 737 experienced lawyers throughout the Department of Defense. Since that time, despite substantial personnel reductions, that shortage has grown to 842. The Army needs 291 more experienced lawyers; the Navy, 183; the Marine Corps, 130; and the Air Force, 238.

And there is every indication, Mr. Speaker, that the problem will get worse in the future.

For one thing, young lawyers are finding that beginning salaries for civilian legal positions are up sharply in the last few years and promise to go higher.

Second, as we move toward a "zero draft" or volunteer armed force, the threat of induction will decrease and exert less influence on law school graduates to choose a military legal career initially.

Third, I believe it is safe to predict that as reforms of the military justice system are enacted and implemented, the need for military lawyers will rise to unprecedented proportions.

This shortage, described by the Department of Defense as a "critical, chronic retention problem," is a situation that would be substantially alleviated, if not eleminated, by the enactment of H.R. 4606.

The pending bill, which is identical to my own bill, H.R. 3979, would provide two different incentives: a monthly special pay ranging from $50 to $200 a month; and a one-time continuation pay bonus for those who agree to extend their active duty for a period of from 3 to 6 years.

An important side benefit of this legislation, Mr. Speaker, will be the improvement of the less-than-equal status of military lawyers among other professionals in the service. Military physicians, dentists and veterinarians all receive special pay. Optometrists will receive it upon enactment of H.R. 6531, the draft bill, now in conference. Other skills are similarly recognized. We cannot, nor should we, continue to treat the military lawyer as a second-class professional.

There is widespread agreement on the need for this legislation. The Department of Defense acknowledges that immediate steps to retain more experienced lawyers are required. The American Bar Association, the Federal Bar Association, and the Judge Advocates Association have all given this bill their strong backing.

H.R. 4606 is identical to a bill which the House passed in December 1969, but which, unfortunately, died in the Senate. I urge my colleagues to speedily approve this measure, so that it might be passed by the Senate and enacted into law.

Mr. WHALEN. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from New York (Mr. PIRNIE), and I commend him for the leadership which he has taken in bringing this meaningful legislation before the House. The reforms which he seeks to improve the compensation for judge advocates in our Armed Forces are urgently needed, and I am pleased to join him in supporting the passage of H.R. 4606.

The bill would create a "special pay" category for judge advocates and law specialists. This category would provide an additional $50 per month for second lieutenants through captains, $150 per month for majors and lieutenant colonels, and $200 per month for colonels and above.

Also incorporated in the measure is a "continuation pay" plan under which judge advocates who agree to remain on active duty would be entitled to receive 2 months' basic pay for every year served beyond any then outstanding obligation or commitment. Such a contract for extension of service would require a minimum obligation of 3 additional years of service and a maximum obligation of 6 years.

Mr. Speaker, for 22 years officers in the medical and dental corps have received special pay, which is often referred to as "professional pay." Since 1967, this group also has been granted "continuation pay." The enactment of these provisions for medical officers was prompted by the need to increase their retention rates to meet service personnel requirements.

The critical situation which prompted the excessive revision of medical pay policies during the last two decades now confronts the judge advocate division of every branch of the Armed Forces. As J. Fred Buzhardt, General Counsel of the Department of Defense, stated in his report on this legislation:

> Unacceptable losses are occurring and failure to curb the current outflow of experi-

enced lawyers could, within a few years, drastically impair the ability of those remaining military lawyers to provide necessary legal services within the armed forces.

Mr. Buzhardt then pointed out that the legal career force is operating under shortages amounting to 330 in the Army, 172 in the Navy, 131 in the Marine Corps, and 231 in the Air Force. Should the present trend continue, by 1975 the services will be operating their judicial systems with an inordinate number of lawyers who are recent law school graduates.

In closing, I would like to emphasize that the necessity for enacting this legislation is heightened by the increasing public scrutiny of military justice, as well as the numerous proposals pending before Congress to improve the military judicial system. These urgently needed reforms, even if approved by Congress, cannot effectively be implemented without the required qualified officers which this bill seeks to provide.

Mr. Speaker, H.R. 4606 of itself may not entirely resolve the retention problem. Nevertheless, it can be the first step toward retaining the lawyers required to insure a strong legal service within our Armed Forces. I respectfully urge that it be reported favorably by the subcommittee.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. FISHER) that the House suspend the rules and pass the bill H.R. 4606.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUBSISTENCE ALLOWANCES FOR MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAMS

Mr. FISHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6723) to provide subsistence allowances for members of the Marine Corps officer candidate programs, as amended.

The Clerk read as follows:

H.R. 6723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until June 30, 1976, except when on active duty, a member enrolled in a Marine Corps officer candidate program which requires a baccalaureate degree as a prerequisite to being commissioned as a regular or reserve officer, and who is not enrolled in a program or an academy established under chapter 103, 403, 603, or 903 of title 10, United States Code, may be paid a subsistence allowance at the same rate as that prescribed by section 209 (a) of title 37, United States Code.

The SPEAKER. Is a second demanded?

Mr. BRAY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FISHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6723 is a bill to provide subsistence allowances for members of the Marine Corps officer candidate program. This proposal was suggested by the administration as a part of its move toward an all-volunter force.

The platoon leaders class program was organized in 1935 and is the oldest Marine Corps sponsored officer procurement program for civilian college students. Formal training is accomplished at the Officer Candidates School in two 6-week courses for those candidates approved while enrolled as college freshmen or sophomores. For those who enroll as juniors, a single 10-week training course is given. Thus, there are two types of programs, one consisting of two 6-week training periods and the other, of a single 10-week training program. Through the years, the platoon leaders class program has provided a dependable "base" for officer accessions, although often augmented by other short-term programs when officer requirements increased. Marine Corps reliance on the platoon leaders class program is illustrated by the following recent statistics of officers commissioned through civilian source Marine male officer programs.

	Percent PLC-source officers	Percent all others
Fiscal year:		
1968	40	60
1969	37	63
1970	33	67

During the many years the platoon leaders class program has been in existence, it has remained virtually unchanged in basic concept. The college undergraduate enlists as a class III inactive reservists, completes two periods of active duty for training during the summer vacation, is commissioned upon receipt of a baccalaureate degree, and is subsequently ordered to active duty unless further delayed for an advanced degree. Each member of the platoon leaders class program accrues longevity from the date of enlistment. He receives pay and allowances only for the period of active duty for training. He has never received financial assistance of any type during the academic year except such as may have occurred as a result of his being eligible for pay by virtue of injuries incurred during training.

The platoon leaders class program has recently experienced increasing shortages of new candidates:

Platoon Leaders Class quota attained:

	Percent
Fiscal year 1968	97
Fiscal year 1969	77
Fiscal year 1970	72

It is estimated that if this present trend continues, next year the Marines will get only 400 of the 1,200 officers needed from this type of program.

In order to continue the necessary input of platoon leaders class candidates, service-connected incentives are required. It is considered that monetary subsidization of platoon leaders class applicants would greatly increase the enrollment incentive.

The present platoon leaders class program poses a financial problem to those students who are not financially well to do. The student is required to devote a portion of his summers to training which reduces his earning power to assist in paying for his education. Accordingly, considering the high cost of a college education, many qualified and desirable officer candidates are lost. If the proposed legislation were passed, the financial assistance provided in the platoon leaders class program would offset the loss of earning power and, therefore, make the program more attractive to qualified undergraduates.

It is envisioned that under normal circumstance, financial assistance would be provided to a selected Platoon Leaders Class candidate only during the school year—9 months—and then only if he satisfactorily completes the required military training during the previous summer. There would be no additional clothing, training, or travel expenses beyond those currently existing in the present Platoon Leaders Class. A stipend equal to that paid to members of the Senior Reserve Officers' Training Corps is considered an appropriate amount to provide partial assistance in defraying educational costs, though not so much as to be the main attraction for enrollment. In return for acceptance of financial aid, individual candidates would become liable for a minimum of 2 years enlisted service should they fail to complete the program by acceptance of a commission, with an increasing service obligation of 6 months for each academic year during which he received subsidy, commencing with a 2½-year obligation for those who complete the program without drawing any subsidy.

The program as envisioned would be phased into operation to reach a maximum goal of 3,000 officer candidates drawing a stipend at any one time. Authority for the program is provided only for 5 years, with extension to be the subject of future study and recommendations.

Gentlemen, as you will note, the bill is tied to the subsistence allowance given to an ROTC cadet. We have on our agenda today, H.R. 6724, a bill which increases the subsistence for ROTC cadets from $50 to $100 per month. Thus, if H.R. 6724 passes, the subsistence allowance would be $100 per month for Marine Corps cadets.

You will also note that we have stricken from this bill, and also from H.R. 6724, the provision of the bill which provides for a cost-of-living adjustment based on the Consumer Price Index published by the Bureau of Labor Statistics. We believe the cost is more controllable if, when increases are found to be required, the Department is required to secure Congressional authorization.

Some would compare the ROTC program and the PLC program, and could point out differences between them but, really, the concepts of the two programs are so entirely different that a comparison is impossible. For instance, an ROTC cadet may be on a full scholarship while this is never true for a Marine. The time of active duty required as a result of this financial subsistence is different.

The Marine Corps cadet becomes a

member of the Marine Corps Reserve upon entering into the program and, thus, is subject to the Uniform Code of Military Justice whereas this is not true for an ROTC cadet except when he is in the summer training program until he is commissioned. The Marine Corps cadet thus receives longevity for his service while the ROTC cadet does not. The training for the ROTC cadet is primarily during the academic year supplemented by a one-time summer training camp. Ordinarily the Marines will have two summer training camps. The Marine Corps cadet is subject to call to active duty, while this is not true for the ROTC cadet.

We are convinced of the compelling need for this legislation in order to provide a sufficient input into the Marine Corps Officer program, and are also impressed with its urgency.

I urge your support.

Mr. **BRAY**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6723. I feel it is essential if we are to successfully recruit college students into the Marine Corps Officer Candidate programs.

The able chairman of Subcommittee No. 2, the Honorable O. C. FISHER, has presented to you the basic facts concerning this bill so in the interest of brevity, I will not attempt to repeat them. But I would emphasize to you that if we are to have a successful Marine Corps in the future, it is necessary that we initiate this program to provide some sort of subsistence so that we can successfully recruit students into this program.

The present platoon leaders' class program poses a financial problem to those students who are not financially well to do. The student is required to devote a portion of his summers to training which reduces his earning power to assist in paying for his education. Accordingly, considering the high cost of a college education, many qualified and desirable officer candidates are lost.

If this legislation passes, the financial assistance provided in the platoon leaders' class program would offset the loss of earning power and, therefore, make the program more attractive to qualified undergraduates. In talking recently to some of the young people who are a part of this program, they told me that they could earn approximately $1,100 during a summer when they do not attend summer camp. Yet, in this program, they are required to attend two summer camps which really precludes them from obtaining any summer job.

I think that the type of young men who enter this program should be given sufficient inducement to continue with the program but under today's situation, we are making it impossible for all but the wealthy young men to enter this type of program.

Gentlemen, let us correct this inequity and initiate this program. It is not an expensive one. The first year costs are estimated to be only $900,000 with the fifth year cost rising to no more than $2,700,000.

I urge your support.

The **SPEAKER**. The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill H.R. 6723, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **FISHER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bills from the Committee on Armed Services which have just passed.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

INTERNATIONAL CENTRE FOR THE STUDY OF THE PRESERVATION AND RESTORATION OF CULTURAL PROPERTY

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **HANLEY**. Mr. Speaker, the United States has been called the "melting pot." That is a curious expression, but in this country we know what it means. It means that we are the heirs of a great cultural tradition of rich diversity. We ourselves, our institutions, our habits of life, and the shape of the things we daily see around us are the products of multiple historic sources—from this continent and from others. Here we bring together, in a way unparalleled in prior history, the best demonstration and the best hope of unity grown out of diversity.

Mr. Speaker, as we look around us today, in our own country and elsewhere, we are faced with the problems of a changing environment and changing cultural values. And we are reminded of the strength that comes from a sense of identity with great traditions and achievements; we are reminded of a sense of continuity and direction that comes from the past. At the same time, Mr. Speaker, we are made more consciously aware of the indispensable requisite of cooperation, within our national life and internationally, if we are to have before us the bright prospect of a harmonious future.

The American experience, with its multiple cultural inheritance, has provided an unusual, even unique, basis for the kind of international cooperation that a viable future will demand. And that viable future, we know, will require adequate consideration of those aspects of life that go beyond basic physical needs to appeal to the higher instincts of mankind and brotherhood. I am referring to the rich and varied cultural inheritance of all of us on this planet. The opportunity before us in this regard is promising and deserving of our best support.

Earlier this year I had the honor to be a member of the first U.S. delegation to the General Assembly of the International Centre for the Study of the Preservation and Restoration of Cultural Property. The Centre undertakes the scientific study of problems in the conservation of historic monuments and objects of worldwide interest. Its purpose is to make it possible to preserve and thus to have and to know those monuments and objects in the future.

It was extremely encouraging to witness the spirit of international cooperation that animates the work of the Centre, which addresses itself to the cultural inheritance of all of us everywhere. The study of cultural and artistic matters has a strong cohesive effect. In these matters we can see one of the most promising answers for enlarging the sphere of mutual trust and international cooperation. Since the United States has only recently become a member of the International Centre, I take this opportunity to commend it to you and to lay before you a further explanation of its purpose and function.

PURPOSE AND ORGANIZATION OF THE CENTRE

The Congress of the United States authorized the membership in the International Centre for the Study of the Preservation and Restoration of Cultural Property, Rome, Italy, on May 9, 1970, by amendment—Public Law 91-234—to the National Historic Preservation Act of 1966—80 Stat. 915. The formal adhesion of the United States to the Centre became effective January 20, 1971. This Government was first officially represented at the Centre by its delegation to the Sixth General Assembly held in Rome, Italy, April 26-29, 1971.

The beginnings of the international agency date back to 1953. In that year, at its ninth session, the General Conference of the United Nations Educational, Scientific, and Cultural Organization decided to establish an International Centre for the Study of the Preservation and Restoration of Cultural Property. Toward that purpose the Director-General of UNESCO was authorized to conclude an agreement with the Government of the Italian Republic, which had offered to provide facilities for the Centre on its territory. The organic agreement between the Director-General of UNESCO and the Government of the Italian Republic was signed on April 27, 1957, and duly ratified. Consequently the Centre was established in Rome, in premises adjacent to the Instituto del Restauro. It has become generally known as the Rome Centre.

FUNCTIONS

The functions of the Rome Centre are to:

First, collect, study, and circulate documentation concerned with scientific and technical problems of the preservation and restoration of cultural property;

Second, coordinate, stimulate or institute research in this domain, by means, in particular, of commissions to bodies or experts, international meetings, publications and exchanges of specialists;

Third, give advice and recommendations on general or specific points connected with the preservation and restoration of cultural property; and

Fourth, assist in training research workers and technicians and raising the standard of restoration work.

In carrying out these functions the Centre addresses itself to the scientific and technical study of preservation and restoration problems of worldwide interest. This interest embraces problems concerning both portable museum objects and historic monuments in situ. In conducting investigations at the highest level of professional competence, the Centre undertakes some studies in its own laboratories while others are assigned by arrangement to institutions of specialized capability. The Centre also arranges missions to investigate specific problems on site. In conjunction with the faculty of architecture of the University of Rome, the Centre conducts a course of specialization in the restoration of historic monuments and sites. Four American students have attended the courses in the past 4 years.

MEMBERSHIP

As provided in the statutes, the membership of the Centre consists of those member states of UNESCO which have sent a formal declaration of accession to the Director General.

The official list supplied by the Centre at the Sixth General Assembly names 52 members: Austria, Albania, Belgium, Brazil, Bulgaria, Cambodia, Ceylon, Cyprus, Dominican Republic, France, Gabon, Germany, Ghana, Guinea, Honduras, India, Iran, Iraq, Israel, Italy, Japan, Jordan, Korea, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Malta, Mexico, Morocco, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Poland, Portugal, Rumania, Spain, Sudan, Switzerland, Sweden, Syria, Thailand, Tunisia, Turkey, United Arab Republic, United Kingdom, United States, Yugoslavia.

By the amendment of May 19, 1970, the Congress authorized appropriations not to exceed $100,000 annually for fiscal years 1971, 1972, and 1973, to pay the membership fee and provide the necessary supporting services. The membership fee is paid by the State Department; staff services relating to the U.S. membership are provided by the Department of the Interior.

The act also directs that the Advisory Council on Historic Preservation, an independent Government agency, empowered to advise the President and the Congress, shall coordinate U.S. membership in the Centre. The Advisory Council presents recommendations and nominations to the Secretary of State, who appoints official delegations to the General Assembly of the Centre.

The statutes of the Centre also provide for a class of associate membership for public or private institutions of a scientific or cultural nature. The Smithsonian Institution became an associate member of the Centre in June 1970.

THE GENERAL ASSEMBLY

As provided in the statutes, the General Assembly consists of the delegates of the states belonging to the Centre, each of which is represented by one delegate. The General Assembly meets in ordinary session every 2 years, usually in Rome.

The functions of the General Assembly are to: decide on the policy of the Centre; elect the members of the Council; appoint the Director, on the proposal of the Council; study and approve the reports and activities of the Council; supervise the financial operations of the Centre, examine and approve its budget; fix the contributions of Members, on the basis of the scale of contributions for the Member States of UNESCO, and decide on sanctions for failure to pay contributions, according to provisions of the statutes.

THE COUNCIL

According to the statutes, the Council consists of members elected by the General Assembly and special members from among the best qualified experts concerned with the preservation and restoration of cultural property. They must all be of different nationalities. They are elected for terms of 2 years. Centre now comprising a membership of 52 states, the number who may be elected to the Council is fixed at nine.

The Council is the Centre's analog of a board of directors. Its functions are to: carry out the decisions and directives of the General Assembly; exercise such other functions as may be assigned to it by the Assembly; establish the draft budget, on the proposal of the Director, and submit it to the Assembly; examine and approve the work plan submitted by the Director, and establish the contributions of the associate members.

THE SECRETARIAT

The Secretariat consists of the Director and staff of the Centre. The Sixth General Assembly was the occasion of the retirement of Dr. Harold J. Plenderleith, Director and guiding strength of the Centre during its early years of growth. He was appointed Director Emeritus. Dr. Paul Philippot was appointed Director.

SIXTH GENERAL ASSEMBLY

The Sixth Session of the General Assembly of the International Centre for the Study of the Preservation and Restoration of Cultural Property was held in Rome on April 26, 27, 28, and 29, 1971. The sessions were held at the Villa Farnesina. The formal opening on the morning of April 26 was held in the Salone delle Prospettive in the Villa. Subsequent working sessions were held in the modern hall of the Accademia dei Lincei, situated on the grounds of the Villa.

The day of April 28 was given to an inspection of the Ospizio San Michele and a visit with the students in the international course, who are working on the techniques of the removal and preservation of frescoes. The Ospizio San Michele is a structure of the 17th and 18th centuries. Built on a series of courtyards, it is being provided by the Italian Government as new quarters for the Rome Centre.

DELEGATION OF THE UNITED STATES

The U.S. delegation to the Sixth General Assembly was the first official delegation of this Government to the Centre. The delegation consisted of the following:

Delegate: Dr. Ernest Allen Connally, Chief, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior.

Alternate: Prof. Lawrence J. Majewski, director, Conservation Center, Institute of Fine Arts, New York University.

Advisers: Dr. S. K. Stevens, chairman, Advisory Council on Historic Preservation. Hon. James M. Hanley, Representative in Congress, 35th District of New York. Hon. John M. Ashbrook, Representative in Congress, 17th District of Ohio. Mr. Charles Larhiguera, staff of the U.S. permanent delegation to UNESCO.

OFFICERS OF THE SIXTH GENERAL ASSEMBLY

The election of officers was conducted with Dr. Arthur Van Schendel—Netherlands—serving as chairman pro tempore. On nomination of the Council, the president and three vice presidents of the Sixth General Assembly were unanimously elected in the following order:

President: Sir Norman Reid, United Kingdom.

Vice Presidents: Dr. Ernest A. Connally, United States; Dr. Tomokichi Iwasaki, Japan, and M. Bel Houssine-Drissi, Morocco.

Following the installation of the president, the vice presidents were presented to the Assembly. Dr. Connally made a brief speech emphasizing the importance attached to membership in the Rome Centre by the United States and introducing the other members of the first delegation.

The report covering the Centre's activities for the biennial period 1969–70 was prepared and presented to the General Assembly. In that period the number of member states increased from 49 to 52. The Smithsonian Institution became an associate member.

The report gives details of the Centre's activities in documentation and publication, training of specialists in the conservation of monuments and historic sites—44 students from 22 countries in 1968–69—training of specialists in the conservation of mural paintings—10 students from 7 countries in 1968–69—participation by the Centre in international courses—Brussels, Ankara, Mexico, New Delhi, Santander—individual and collective training programs—numerous individuals, two organized groups for specialization of architect-restorer—scholarships administered by the Centre and made available to the Centre—approximately 15 percent—grants awarded by the Centre, promotion and coordination of research, contracts, special projects, and missions of the Centre to various parts of the world.

The program and budget was presented for the 1971–72 biennium. This budget is $584,426, representing an increase of approximately $173,000. This was made possible by the increase of 13 percent in the value of contributions of member states to UNESCO and by the new membership of the United States in the Centre. The enlarged resources will provide for increases in the cost of personnel and general services, the development of existing activities, and new activities.

The expanded program provides for the following items: library and documentation, publications and translations training—the annual courses, field training, scholarships, laboratory, and so forth—promotion of research, contracts, regional seminars, and missions.

Of particular interest in the training program is the desire of the center to have on its staff an American architect-restorer for the course in the preservation and restoration of monuments and historic sites.

The center will also contribute to the support of regional seminars to be held in Mexico, New Delhi, and the United States respectively, in order to examine problems particular to each region and bring to them the benefit of expert international experience. The regional seminar for the United States is already being formulated by the Rome Centre Standing Committee of the Advisory Council on Historic Preservation, and it is contemplated that it will take place in September 1972.

IS CONGRESS AFRAID OF ORGANIZED TELEVISION?

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, last Thursday night on WETA Television Mr. Neil MacNeil, Washington correspondent for Time-Life and a highly respected reporter declared that the House really defeated the contempt citation for CBS President Dr. Frank Stanton because Congressmen are "afraid of organized television the way they used to be afraid of organized labor."

A little later in that same program Mr. MacNeil stated that as a result of this vote "a new sense of power and thrust" beats in the hearts of TV executives.

Mr. NacNeil's statement outlines clearly why that motion should have never been brought to the floor of the House in the first place. It was a devil's dilemma which faced the House last week. If we passed the censure motion it could have been used as an excuse by some for further encroachment upon the first amendment. If we defeated it, it could have been viewed by a few irresponsible broadcasting executives as a virtual guarantee of immunity from the consequences of almost any act, no matter how irresponsible. In either case the country would be the loser.

Mr. Speaker, there is only one way Congress can act to disprove Mr. MacNeil's interpretation of the vote last Tuesday and that is to investigate methods which can be used to insure equality of access to television-radio media and to insure diversity of ownership with the television-radio industry. As the committee minority indicated last week, and as I indicated in my statement:

> Our broadcasting industry is a powerful and in many ways more concentrated industry than magazines and newspapers. A single newscast often reaches more citizens than the largest circulating newspaper.

The House should really not allow this entire question to die.

I repeat my urging of last week that the House and its proper committees must determine whether it is really in the public interest to allow this concentration to continue and even to grow. Among the questions we should be asking ourselves are the same four I listed in my statement last week:

Is it really healthy for instance, to allow a single economic group, through collective ownership of newspaper, television and radio outlets, to dominate access to an entire community?

What license renewal procedure should be followed to insure that a television or radio license once granted is not held almost in perpetuity regardless of the abuses of the licensee?

Would the public interest best be served by limiting the time that one group effectively holds a broadcasters license?

What policies would best guarantee that adequate public service time is made available to all groups within our society, popular or not?

We need answers to these questions and many others and the House should start getting those answers as soon as possible.

VICE PRESIDENT AGNEW WRONG IN HIS DENUNCIATION OF BLACK LEADERS IN AMERICA

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL. Mr. Speaker, Vice President AGNEW, acting either out of obtuseness or racialism, has again blanketly denounced black leaders in America. According to press reports, which I believe to be totally accurate, AGNEW condemned black American leaders, alleging that they spend their time in "querulous complaints and constant recriminations against the rest of society."

As a black man, I must ask Mr. AGNEW, is he content with the knowledge that black Americans in Federal civil service are concentrated in GS grades 5 and below? Would he be equally content if, let us say, all Greek-Americans were similarly situated. I must ask Mr. AGNEW if he is content with the fact that the State of Mississippi, acting in direct definance of Federal law, seeks to redisenfranchise thousands of black citizens? Would he be content if this same situation was confronted by Irish-Americans? I ask Mr. AGNEW, if the people of South Korea assault and vilify black American soldiers, taunting them with slogans such as "niggers go back to the cotton fields," is he content? Would he be content if German-Americans faced similar treatment? Such assaults and vilifications occurred in Korea only a few short days ago. Where was AGNEW's voice of protest; indeed, where was the protest from any quarter of the Federal Government.

The Vice President praised, among others, Jomo Kenyatta, of Kenya, for enlightened, dedicated, and dynamic leadership. Is the Vice President obliquely suggesting that black Americans should use the successful tactics of President Kenyatta in fighting against racism in the United States?

Perhaps the most unfortunate aspect of the Vice President's most recent diatribe against black Americans lies in the fact that it occurs at a time when the President of the United States is at least beginning to address himself to the problems of black Americans after having publicly admitted to the racism, prejudice and discrimination extant in this country. The President's problems are of such magnitude that he should not be bowed under the weight of an Agnew albatross.

SPIRO T. AGNEW failed to carry his home State of Maryland in the last presidential election primarily because black Marylanders, in unprecedented numbers, voted against him, recognizing that this man was not worthy to be Vice President of the United States of America.

As a black Congressman, representing the Seventh District of Maryland, I wish to indicate that AGNEW is not typical of the leadership of Maryland. My State does not thrust into prominence men like AGNEW who excoriate the news media whenever and wherever possible. Maryland's leadership is not of the Agnew ilk; we do not condone or accept men like the Vice President who castigate and rail against the institutions of higher learning. AGNEW, in his ravings against those who protest, those who are black, those who are poor, those who are oppressed, stands in sharp contradistinction to the kind of leadership the State of Maryland justifiably expects.

I cannot speak for all black Americans, but I do pledge you here and now that I shall use all the resources I possess to insure that AGNEW will once again be defeated in Maryland should he have the temerity to seek the Vice President's office.

SOCIAL SECURITY TAX DEDUCTION

(Mr. RUNNELS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUNNELS. Mr. Speaker, today I have introduced a bill to make our ever-increasing social security taxes deductible from Federal income taxation. Recent social security benefit increases have been accompanied by increases in both the wage base and the tax rates. The enormity of this increase is staggering. In 1965, the wage base for social security taxation purposes was $4,800. Under H.R. 1, as passed by the House on June 22, this wage base was raised to $10,200, an increase of over 112 percent in 7 years. The tax rate for employers and employees totaled 7.25 percent in 1965. Last month's bill raised that rate to 10.8 percent, effective next year. This rate will increase to an astounding 14.8 percent by 1977.

Thus, the working American continues to be taxed on a tax at an ever-increasing rate. His payroll tax burden is now reaching proportions comparable to his income tax in many instances. In my opinion, we cannot continue to expect a worker to provide for future contingencies at a rate which is seriously affecting his ability to meet day-to-day expenses. If these increases are continued a worker could find himself spending more for social security benefits than he keeps for his current needs. I hope we have not reached a point where the cost of a worker providing for his growing family composed of several children is surpassed by the cost, and I emphasize administrative as well as actual costs, of benefits for a retired couple.

It is time to be realistic about our social security system. As it is now structured, social security taxes are employed to fund the old-age, survivors, and disability insurance program as well as part A of medicare, the hospital insurance program. In theory, a worker's social security tax payments provide for that individual's later retirement needs through cash benefits as well as disability and survivor benefits. Some of that worker's hospital expenses are also provided for.

That is the theory of the system in simplified general terms. In reality, social security taxes are also employed, through the various funds created, to provide the benefits I have mentioned to older Americans who have not had the opportunity to participate in the social security program over their full, working lifetime. In effect, the lower spectrum of American workers and all salaried employees earning up to $10,200 per year, are footing the bill for an enormous number of retirees who were unable to contribute to the program through payroll taxes. In short, the American wage earner is now paying and will continue to pay for a program which should be financed by our general revenue. To do otherwise is to place an inequitable and grossly unfair burden on the low- and middle-income employee.

This inequity is compounded each time Congress raises social security tax rates or raises the wage base. The latest legislation to be passed by this body raised both the rates and the base.

It is my intent to partially eliminate this gross inequity by making social security taxes deductible from Federal income taxation. I realize the problems inherent in eliminating the social security tax system altogether. To call for an entire overhaul of the system at this date in the session would be a waste of our time and energy. However, the implementation of a social security tax deduction is a feasible and quite reasonable proposal at this point.

The economic problems of this Nation are a subject which has been and will be debated for so long as the present administration fails to act affirmatively to remedy these problems. On one hand, President Nixon tells us that a tax reduction will not be requested. He tells us that the economy is on its way toward full recovery. On the other hand, the consumer price index recently increased at a 7.2-percent annual rate and the wholesale index increased at a 4.8-percent annual rate. Unemployment has reached 6.2 percent. The debate continues from one Presidential announcement to the next. However, the plight of the forgotten American, the American taxpayer, cannot be disputed. Taxes are becoming a burden which is seriously affecting the very fiber of our great Nation.

Let me remind my colleagues of the correspondence we are all starting to receive from individuals who are refusing to pay one tax or another. These people have reached a point where they are willing to openly break the law in protest against their ever-increasing tax burden. I do not condone these actions. But I do think that this vividly points out the gravity of the need for immediate legislation to relieve our tax burden. That is why I support a social security tax deduction. It is simple, uncomplicated and realistic. It can be implement at minimal expense while at the same time correcting a gross inequity suffered by the workingman.

The American taxpayer must not be forgotten and the social security tax, a tax upon a tax, is the place to begin.

PRESIDENT NIXON CONTINUES LEADERSHIP FOR PEACE

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, during the past several months I have, from time-to-time, inserted in the Record a brief article entitled "President Nixon is Keeping His Word" which chronicles the steady reduction of U.S. forces in Vietnam. When the Nixon administration took office in January of 1969, over half a million American soldiers were fighting in Vietnam. Since that time U.S. troop strength in Vietnam has been reduced by over 300,000 men, and I am confident that the remainder will be returning home in the next few months. President Nixon has stated that our policy of withdrawal from Vietnam is irreversible and it cannot be denied that he has kept his word. Furthermore, the President has consistently proclaimed as his prime objective the securing of a full generation of peace. This is indeed a most worthy goal and one toward which all men can work together.

Mr. Speaker, President Nixon has taken a giant step toward achieving this most cherished dream with his recent announcement that he will be visiting the People's Republic of China by May of 1972. If the world is to know a full generation of peace, stability must come to all Southeast Asia, and it is imperative that the People's Republic of China should participate in resolving the various disputes which plague this area of the globe.

In my opinion, the United States must develop better lines of communication with the Chinese people, and in the interest of world peace we must make every effort to resolve these differences which still divide us. This is not a sign of weakness and should not be construed as a desertion of our allies; it is merely the recognition that a government heading a nation of 750,000,000 people which encompasses fully one-fifth of the globe cannot be ignored if a stable and lasting world peace is to be attained.

Mr. Speaker, President Nixon deserves the support of the Congress and the public as he embarks on a new era of American diplomacy. He has earned our praise for this further evidence of his outstanding leadership in working for a lasting world peace.

CANCER RESEARCH

(Mr. ROGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, there appeared in last week's Washington Star an editorial titled "Cancer Compromise." This editorial dealt with the bill passed by the Senate to establish, in fact, a separate Cancer Institute.

Although the lines of authority are somewhat less than definitive, the fact remains that if the Senate bill were approved by the House, the National Institutes of Health would be fractured in that the proposed new setup would not be under the purview of the Secretary of Health, Education, and Welfare and most probably be exempt from budget considerations even within NIH.

The editorial speaks of a compromise. But if there is a compromise, it is not of ideas. It is a compromise in research of the quest of conquering cancer. If allowed to proceed in research we would not have a new layer of bureaucracy or the loss of time and funds which are so desperately needed if we are to see a cure for this killer.

I do not feel we should compromise this quest for a cure for political reasons. And I am sure that the Members of the House will also see the wisdom of allowing research to continue, unimpeded by politics.

At this time I insert in the Record the editorial from the Star:

Cancer Compromise

> There is no dissent whatever about one national goal—the eradication of cancer. The laudable public passion for that achievement is manifested in the Senate vote of 79 to 1 for establishment of a special agency for a crash assault on the disease.
>
> But that Senate product is flawed, and could result in a less effective fight against cancer than might be carried out by other, less spectacular, means. It was born of compromise, and of the irresistible urge of some lawmakers to make a grand-slam production of this program. Some senators had doubts about what they were doing, but no alternatives were readily at hand and who is going to go on record against curing cancer? Only one senator, Gaylord Nelson of Wisconsin, was emboldened to assail the bill's deficient concept, and to vote against it.
>
> We hope the House will seriously consider his objections, because they are shared by many who are knowledgeable about this vital undertaking.
>
> The Senate-passed bill has been pictured as an agreeable compromise between plans offered early this year by the administration and some differing senators. Actually, the administration has retreated from its wise position that the anti-cancer drive should remain under the control of the National Institutes of Health. (The National Cancer Institute now is a part of the NIH.) President Nixon has urged much heavier funding for the cancer program, and his science adviser, Dr. Edward E. David, Jr., said last

February that its isolation from the NIH "would prejudice the very outcome we seek." The administration was arguing against legislation, offered by Senators Edward M. Kennedy and Jacob K. Javits, to establish an independent anti-cancer agency.

Well, what emerged in the bill passed by the Senate is a very fuzzy combination; the new cancer entity, which would absorb the National Cancer Institute, would be independent, yet would be connected to the NIH. It is unclear how that would work. The cancer agency would have a separate budget and its head would report directly to the President. The NIH director would have only an advisory role—would be bypassed in the main decision-making. So in major ways, the cancer activities would be split away from the NIH. In practice, they might only be housed at the institutes. And this well might start a trend toward fragmentation and politicizing of disease research that could seriously weaken the NIH and throw its well-integrated activities into disarray. If this arrangement is approved, demands may be expected for a whole raft of new agencies to deal with specific maladies. The upshot of that might be an impairment of research.

Some lawmakers believe the creation of a separate cancer authority would stir public enthusiasm and provide added momentum. But it seems doubtful that there could be any more enthusiasm than now exists for stamping out cancer. Also, there is a danger that too much razzle-dazzle will generate unrealistic hopes for a quick cancer wipe-out. The name chosen by the Senate—Conquest of Cancer Agency—is suggestive of hard-sell merchandising flackery. The best course would be to give the National Cancer Institute adequate funds and dispense with the show biz.

THE SHARPSTOWN FOLLIES—XVI

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, last Friday there was an unprecedented auction sale held in the lobby of the Sharpstown State Bank. In that sale the majority of stock of two federally insured savings and loan associations—First Savings & Loan of San Angelo, Tex., and the Lubbock Savings & Loan Association—were sold to the highest bidder. This had never happened before, and it came about as the result of typical Sharpstown shell games.

The sale was held because the majority of stocks in these savings and loan institutions had been pledged as security on three loans totaling $2.8 million at the Sharpstown State Bank. The bank is, of course, defunct, and the Federal Deposit Insurance Corporation sold the stocks to satisfy the debt.

Frank Sharp's interests had a shell game going with these savings and loan associations. There were numerous deals in which the associations would buy Sharpstown assets, and Sharpstown would buy their assets. This might have been done in order to mislead examiners of the savings and loans or the bank examiners, or both. By selling bad loans back and forth, the bank and the savings and loans could get bad loans out of sight of the examiners, and look as if they were in better condition than they actually were. Moreover some of these transactions enabled the savings and loan associations to book profits, again enhancing their books. But the glow of health thus imparted was most deceptive.

There was a kind of financial revolving door between Sharp and these savings and loan associations. The fellow who controlled them would get loans from Sharpstown State Bank. In return, Sharp's interests would get loans from the savings and loan associations.

In a typical sort of deal, there would be a loan from Sharpstown, such as the $2.8 million series that led to the ultimate sale of the associations, since the loans are now in default. Then out of the associations would flow loans to Sharp interests. One package of such loans involved a $6.5 million deal for the Sharpstown Shopping Center. In that package, the San Angelo's association, and the Lubbock association, plus the Community Savings association of Fredericksburg, Tex., contributed $1.2 million apiece. The rest came from a Miami investor. It is interesting to note that in some cases the man controlling one of the savings associations would get a $1.2 million loan against his stock, while Sharpstown Realty—the owner of the shopping center—was getting the same amount from his savings and loan association on a mortgage note.

These were most unusual deals, and most unusual loans. Savings and loan associations do not normally give short-term loans—these loans were often due and payable in 2 years or so—and they do not often accept as security a piece of a store or a piece of a parking lot—but that is what happened here.

What caused this shell game to fall apart? Well, in a financial revolving door like this they have to keep the deals going. Once Sharp's bank went under there was no longer a pump through which to circulate all this paper. There was no longer a way to kite assets back and forth. So the stock loans went in arrears, and now they are in default. And as far as I know, the savings and loan associations have loans from Sharpstown Realty that are in default. They have sued to protect their rights. Both the bank and the savings and loans have bad paper.

Sharpstown State Bank is defunct and in the hands of FDIC liquidators. Both the San Angelo and Lubbock savings institutions have sustained considerable damage, and need new capital and perhaps new management to place them back on sound financial footing. As far as I know neither is in any kind of danger of collapse—the Federal supervisory authorities have a close eye on them in order to stave off further damage and in order to provide the help they need to stay in business. These institutions at least have a good chance of surviving Sharp's shell games.

And so we find that Sharp kited assets back and forth not only to institutions that he controlled—his banks, his insurance companies, his realty companies and all the rest—he also played shell games with institutions owned by others.

VOA SHOULD BROADCAST YIDDISH TO SOVIET JEWS

The SPEAKER. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. Heckler) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, of all the captive nations behind the Iron Curtain, one whose lack of nationhood qualifies it for extraordinary repression and just as extraordinary sympathy from the free world is Soviet Jewry.

We are all painfully aware of the way the Jewish citizens of the Soviet Union have been persecuted, denied the rights of self-expression, travel, and worship. Our hearts have gone out to them. Now, I believe we have a chance to demonstrate our concern more concretely.

Mr. Speaker, I am introducing today a resolution urging the Voice of America to broadcast in Yiddish to the Soviet Union. Such broadcasts would be primarily a gesture telling the Jews in Russia that America cares about them.

To those of the 3 million Soviet Jews who speak Yiddish and to those who do not these broadcasts would be evidence that America and the free world know of their uphappy plight and extend the hand of sympathy and understanding to them.

The Voice of America now broadcasts to other ethnic minorities in the Soviet Union whose numbers do not equal that of the Jews. I see no reason, therefore, for Yiddish broadcasts not to be added on a regular basis.

It seems to me the least we can do to demonstrate in a meaningful way our outrage over the way these people have been treated.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Asked what she liked about America, Dale Evans said:

> I like the great principles on which our Constitution rests. I like the concern of this country for those less fortunate. I like the freedom and dignity of the individual—and the right to pursuit of happiness in the way one chooses. I like the way this country allows a boy of humble beginning to ascend to the highest post in the land—the Presidency. I like the representative form of government. The present-day problems of abuse of our matchless freedoms in no way diminish the value of the wonderful precepts upon which those freedoms rest. I am deeply grateful to Almighty God for having been born a free American.

IT IS HAPPENING NOW

The SPEAKER. Under the previous order of the House, the gentleman from Wisconsin (Mr. Kastenmeier) is recognized for 30 minutes.

Mr. KASTENMEIER. Mr. Speaker, in

recent years a growing number of oil companies have acquired substantial interests in the coal and uranium industries, a trend that could all but end effective competition between these fuel industries. The traditional interfuel competition, which has been the most effective weapon for business and consumer protection in the energy field, now is seriously threatened by the increasing concentration of energy resources which could, eventually, lead to the complete domination of the energy market by a single group of fully integrated total energy petroleum companies. A vigorous enforcement of our antitrust laws would prevent such a takeover from occurring. However, since the 1966 Continental Oil-Consolidation Coal merger which was not opposed, the Justice Department has not objected to oil company acquisitions into the other energy fuels. Thus, in order to preserve competition among corporations engaged in the production of oil, coal and uranium, I introduced legislation, H.R. 4731, to declare it unlawful for any oil company to acquire coal or uranium assets, and to require the divestiture by the oil companies of all presently held coal or uranium assets.

An editorial appeared in the July 14, 1971, Oil Daily criticizing H.R. 4731 and my contention that the oil industry acts as a monopoly. The Oil Daily, a newspaper of the petroleum industry, sees nothing wrong with the obliteration of the traditional separation of corporate control between competing sources of energy, and, apparently, has no objection to the fact that the energy industry is becoming more concentrated in the hands of a few, very large, fully integrated total energy companies controlled by petroleum interests. Instead, the Oil Daily editorial, notwithstanding its oversimplifications and regurgitation of the oil industry line, would lead us to believe we should be indebted to the oil industry for the "risks" they are taking in developing other fuel resources. Furthermore, the Oil Daily does not see the oil industry acting as a monopoly and points to the Alaska lease sale as an example of competition within the industry. Apparently, the Oil Daily chose to ignore the numerous joint ventures formed by the oil companies for the purpose of bidding for leases on Alaska's North Slope. The Oil Daily also has forgotten the consortium formed by the oil companies to construct an oil pipeline across Alaska without regard for the environmental hazards associated with this project. In any event, I do not believe the Oil Daily can convince the American consumers that they should be indebted to the oil industry when, in fact, the privileged economic position of the petroleum industry, through import quotas, tax writeoffs, a 22 percent depletion allowance, international cartel arrangements and joint ventures, costs the American public additional billions of dollars each year.

At this point, I would like to include the Oil Daily editorial of July 14, 1971:

[From The Oil Daily, July 14, 1971]

MR. CONGRESSMAN—WE DON'T BELIEVE IT WILL HAPPEN

The oil industry has been portrayed by the highly imaginative Congressman Robert W. Kastenmeier, D—Wis., as "an octopus reaching out to grab all energy supplies, the raw resources of coal and uranium in a bold and daring effort to completely dominate the energy fuels."

That conjures up quite a horrendous picture in the public mind. The fact of the matter is that it is a baldfaced mistatement put forth by a man who as a legislator deals with bills advocating TRUTH—truth in lending and truth in advertising designed to defend the consumer against practices that are shady. So why can't he seek out and speak the truth about oil? He owes that much to his constituents.

In the first place, he makes the accusation that all oil companies are in cahoots with one another. Had he looked at the market columns of The Oil Daily, he would have seen how prices range all over the lot. A monopoly would have fixed prices for each area.

If he'd attended the Alaska lease sale, he would have seen how jealously each company guarded its secret until ready to bid. Had he paid attention to the advertising of gasoline that has been going on, he would realize how varying are the marketing and promotion efforts—from Texaco's defense of unleaded gasoline to Sun's "the highest octane you can get," with Getty sandwiched in between with a single premium grade and each company touting its wares in sundry ways.

Would a monopoly permit such conflict among its members? Not by a long shot!

Earlier this year the Wisconsin congressman introduced legislation which would declare it unlawful for an oil company to acquire or hold any coal or uranium assets. The idea was based on his contention that the oil industry and the uranium industry would be in the hands of this mythical giant monopoly.

More fallacious thinking! It is logical to expect that coal and uranium interests acquired by competitive oil companies would also be just as competitive. How could they become a monopoly when their owners were fiercely battling one another? It doesn't make sense.

"Presently," Rep. Kastenmeier notes, "of the nation's largest oil corporations at least 12 have holdings in coal and 18 in uranium interests. These include Standard Oil of New Jersey, Texaco, Gulf, Mobil, Standard of Indiana, Shell, Union of California, Pennzoil United, Phillips Petroleum, Continental Oil, Sun Oil, Occidental Petroleum, Marathon, Amerada-Hess, Cities Service, Getty, Standard Oil of Ohio, Ashland and Kerr-McGee."

The congressman says there are 4,000 coal companies in the United States. Some, but not all of these, he says, are being acquired by oil companies; others will continue to go it alone. Whichever way the wind blows, it seems that a great deal of competition will continue.

Now, let's turn the pages of the calendar back to the '20s and the '30s when Dad decided he was tired of shoveling coal into the furnace and carrying out the ashes. He installed an oil burner. Railroads began switching from coal-fired steam engines to diesels, and oil moved in where other fuels had produced power in the past. Coal began to get sick and it got sicker as time went on.

What got the patient out of bed and on the road to recovery? The oil industry. With the foresight that is a distinctive characteristic of our industry, it began looking about for sources of synthetic fuel—shale, tar sands and coal—from which to make ersatz fuel if it became necessary. The oil industry realized that it was a gamble that would bring no immediate financial returns. It's been a tedious procedure, a costly one and a discouraging one. But with gas supplies getting lower because of FPC regulatory pricing and domestic oil reserves dwindling, companies—such as Sun in the Athabasca tar sands, Continental in the coal fields and TOSCO in the Colorado shale areas—had enough guts and foresight to look to the future so that the nation would not become entirely dependent on foreign sources of oil supply one of these days.

Hopefully, Rep. Kastenmeier will turn about—seek the truth, face up to the facts of life. He should realize that the nation faces an energy pinch and it will take the combined efforts of all types of energy sources to keep this nation healthful and productive. Calling the oil industry an octopus is certainly not the right way to go about it.

In contrast to the Oil Daily's lack of concern for the consumer, the Madison, Wis., Capital Times, which, from the first day of its founding, has been a vigorous spokesman for the public interest, has expressed its concern about the oil movement into other fuel sources in an editorial on July 13, 1971:

[From the Capital Times (Wis.), July 13, 1971]

U.S. OIL EXPANDS MONOPOLY

The highly monopolized American oil industry is "quietly embracing other energy sources, such as coal and uranium and threatens total domination of all energy fuel supplies in the foreseeable future." That disturbing warning was handed to the House subcommittee investigating the energy crisis by Rep. Bob Kastenmeier (D-Watertown) Monday.

Earlier this year, Kastenmeier introduced legislation which would declare it unlawful for an oil company to acquire or hold any coal or uranium assets.

Twenty petroleum companies in this country now produce more than one-half of all the nation's crude oil. These same companies, Kastenmeier testified, control pipelines which carry 80 per cent of the crude and refined oils transported within the U.S.

By controlling supply and distribution, the oil industry can raise the price of petroleum to all of the people. Not content with this stranglehold, the industry has branched out to grab all energy supplies, the raw resources of coal and uranium.

A total of 12 of the nations' 25 largest oil corporations have holdings in coal and 18 have uranium interests, according to Kastenmeier. Hundreds of thousands of acres of public land are now held under coal leases by oil firms. Kastenmeier added:

"Oil companies and others are trying to tie up our public land coal reserves now in the hope of gaining tremendous windfall profits when commercial processes for coal gasification and liquefaction become a reality."

Here is another prime example of the so-called "free enterprise" system at work. The oil monopolists have a record of unparalleled success in Washington. The government has permitted them to retain the unconscionable oil depletion tax allowance and has established an international quota that keeps the price of petroleum at outlandish levels.

We are on the verge of allowing a few very large oil companies to dominate the total energy supplies. This is the import of Kastenmeiers testimony and it is frightening.

Finally, to present the facts regarding oil penetration into the other fuel industries, I would like to include the statement I submitted to the Subcommittee on Special Small Business Problems of the Select Committee on Small Business which is conducting hearings on problems related to oil companies acquiring competing fuel resources:

STATEMENT OF REPRESENTATIVE ROBERT W. KASTENMEIER OF WISCONSIN

Mr. Chairman, the March 1, 1971 issue of THE OIL AND GAS JOURNAL stated, "The oil industry is moving more and more into coal and uranium. At least 22 large U.S. oil companies are involved in one or both, and they now control some 20% of the domestic coal reserves and close to 80% of uranium reserves." I see no reason to doubt these statistics. If anything, the coal reserve estimates may be low. I believe this statement by a trade publication for the oil industry, citing the oil acquisitions in coal and uranium, is a perfect justification for the holding of these hearings, and, in my opinion, stresses the urgency for the taking of antitrust action against oil companies acquiring holdings in coal and uranium.

The oil industry always has dominated natural gas, but the feeding of its insatiable economic appetite through the penetration of other competing fuels, particularly coal, was controlled until the mid-1960's. In September 1963, Gulf Oil acquired Pittsburgh and Midway, a coal company that accounts for about 2 percent of national production. Then, October 13, 1965, Continental Oil Company announced a major breakthrough; an agreement in principle to buy Consolidation Coal, the nation's largest producer which alone accounts for about 12 percent of total coal production. The merger was formally completed in October 1966.

Presently, of the nation's largest 25 oil corporations, at least 12 have holdings in coal and 18 have uranium interests. These include Standard Oil of New Jersey, Texaco, Gulf, Mobil, Standard Oil of Indiana, Shell, Atlantic Richfield, Phillips Petroleum, Continental Oil, Sun Oil, Union Oil of California, Occidental Petroleum, Cities Service, Getty, Standard Oil of Ohio, Pennzoil United, Inc., Marathon, Amerada-Hess, Ashland, and Kerr-McGee. Their acquisitions in coal and uranium have taken various forms, such as the purchase of reserve holdings, the buying of existing companies in the other fuels industries and the establishment of new ventures either alone or jointly with other companies within or outside the petroleum industry. If not halted, this trend will all but end effective competition between the oil, coal and uranium industries. The traditional interfuel competition, which has been the most effective weapon for business and consumer protection in the energy field is seriously threatened by this grand design, and such economic concentration can only lead to the total domination of the fuels industries by the vast oil corporations.

It is estimated that there are more than 4,000 producing companies in the coal industry, but many of the most important ones are under the control of the largest producers and virtually all of the remainder are insignificant. The industry has, therefore, become much more highly concentrated and now is clearly dominated by a relatively few large companies. Moreover, most of these dominant producers are controlled by some of the largest industrial corporations of the United States that until recently had not been engaged in the coal business.

Four of the nation's largest coal operations now are oil company subsidiaries and these four firms, in 1969, accounted for approximately 23 percent of the country's coal output. A listing of these oil companies, along with their subsidiaries and percentage of the nation's coal production follows:

CONTINENTAL OIL

Consolidation Coal Company, 12.4 percent:
Pittsburgh Coal Co.
Mountaineer Coal Co.
Christopher Coal Co.
Mathies Coal Co.
Hanna Coal Co.
Harmar Coal Co.
Pocahontas Fuel Co.
Tennessee Division.
Bishop Coal Co.
Truax-Traer Coal Co.
Western Division.
Itmann Coal Co.
Ohio Valley Division.
Rowland Division.
Blacksville Division.

OCCIDENTAL PETROLEUM

Island Creek Coal Company, 6.8 percent:
Island Creek Division (W. Va.).
Island Creek Division (E. Ky.).
West Kentucky Division.
Virginia Pocahontas Division (E. Ky.).
Virginia Pocahontas Division (Va.).
Beatrice Pocahontas Co.
National Coal Mining Co.
Northern Division (Pa.).
Northern Division (W. Va.).
Northern Division (Ohio).
Maust Coal and Coke.

STANDARD OIL OF OHIO—2.1 PERCENT

Old Ben Coal Corp. (Ill.).
Coal Processing Corp. (Va.).
Kings Stations Coal Corp. (Ind.).
Old Ben Coal Corp. (Ind.).

GULF OIL CORPORATION—1.9 PERCENT

Pittsburgh and Midway Coal Mining Co.

Studies indicate that the 13 largest coal companies now have about 53 percent of the coal market. Four of these 13 are oil companies, Consolidation Coal (Continental Oil), Island Creek (Occidental Petroleum), Old Ben Coal Corp. (Standard Oil of Ohio) and Pittsburgh and Midway Coal (Gulf Oil). Six are in other businesses, Eastern Associated Coal Corp. (Eastern Gas and Fuel), Peabody Coal (Kennecott Copper), U.S. Steel Corp., Bethlehem Mines Corp. (Bethlehem Steel), Ayrshire Collieries Corp. (American Metal Climax) and General Dynamics Corp. Only three, Pittston Company, Westmoreland Coal and North American Coal currently are independent coal producers. The output of the two steel producers, U.S. Steel and Bethlehem, is consumed directly by the operations of those two companies and does not affect the coal market. If these two corporations are eliminated, then the 11 largest companies would control about 56 percent of the market directly. These 11 companies also act as brokers for other producers so that their effective control is at least 60 percent of the market.

It should further be noted that the large coal producers are concentrated in Western Kentucky, Illinois, Indiana and Ohio, as well as in the western United States. As a consequence, on a regional basis, their impact on the coal industry probably is far greater than the national figures would indicate.

The movement by oil into the coal industry is by no means limited to the corporate giants. By way of illustration, in January 1971, Gulf Resources and Chemical which has a stake in oil through its subsidiary, Dunwick Oil and Gas, acquired C & K Coal Company which is reported to own about 18 million tons of coal reserves. In February 1971, McCulloch Oil Corp. acquired the assets of four coal producing and operating companies, the combined sales of which are anticipated to be approximately $6 million annually. The assets of the coal companies have been placed into McCulloch Consolidated Coal Co., a newly-organized, wholly-owned subsidiary of McCulloch Oil. In May 1971, Transcontinental Oil Corp. said it had completed the acquisition of Greer-Ellison Coal Company. In the same month, Kawanee Oil Company announced expansion activities that would enable it to enter the coal business. In June 1971, Crestmont Oil and Gas Co. completed the purchase of all the outstanding stock of the Black Lode Coal Co. which has estimated coal reserves of 24 million tons. It was announced on July 2, 1971 that Quentana Petroleum Co. purchased extensive coal reserves in Lawrence County, Kentucky.

Attempting to measure coal reserve ownership by individual oil firms is difficult. We know that some oil companies gained control over a number of important coal reserves through their acquisitions of major operating coal companies. Others purchased coal lands or entered into leasing or option agreements for the coal rights of certain lands. Still other oil companies own the subsurface mineral rights on a parcel of surface land owned by another company or individual. Oil firms also hold substantial minority interests in those companies holding mineral rights. Furthermore, many oil companies operate through subsidiaries, which, at times, are difficult to trace to the parent firm.

However, there is some scattered information that gives us a good picture of the dynamic movement of oil into the coal industry. A 1967 study done for the Federal Trade Commission involving Atlantic-Richfield, Continental Oil, Gulf Oil, Humble Oil and Refining (New Jersey Standard Oil) and Sinclair Oil showed that the combined holdings of these 5 companies amounted to 10,188.7 million tons of recoverable coal reserves and 2,491,000 acres of coal lands. Compared to 1960, only one of these 5 companies had any holdings, and this amounted to only 7.8 million tons of recoverable coal reserves and 4,524 acres of coal lands. A June 1, 1971 Forbes Magazine interview with Myron Wright, head of Humble Oil, indicated that Humble's coal reserves probably are the largest in the United States. During the interview, Mr. Wright apparently scoffed at critics who accuse the oil industry of trying to monopolize the energy business. "Anyone with enough capital can go into the coal business," Mr. Wright said, "if he has the courage to try." Concentration, however, in the coal industry is on the increase and entry barriers are high and becoming more formidable. In 1947, for example, there were 68 firms producing more than 1 million tons of coal annually which accounted for 48 percent of the domestic coal production. Today, as I previously mentioned, there are 11 companies controlling 56 percent of the market. This trend foreshadows ominous developments in the coal industry, with production and sale of coal concentrating in fewer and fewer hands.

There are almost 40 million acres of public domain lands that are classified as coal lands. According to the U.S. Geological Survey, the United States Government, as of April 1971 has issued 520 leases on 767,902.24 acres. The following tabulation of leases held by oil interests shows that oil companies already control a sizable segment, approximately 24 percent, of the coal reserve acreage that has been leased on our public lands.

State and lessee	Effective date of lease	Acreage
Oklahoma:		
North American Resources	Sept. 1, 1967	3,342.43
Do	May 1, 1968	2,927.45
Do	do	2,829.86
Montana:		
Concho Petroleum Co	July 1, 1965	540.86
North Dakota:		
Consolidation Coal Co. (Continental Oil)	Nov. 1, 1965	[1] 400.77
Kerr-McGee Corp	Nov. 1, 1967	2,033.71
New Mexico:		
Seneca Oil	Sept. 1, 1967	6,336.12
Gulf Oil	Apr. 1, 1961	[1] 2,485.12
Do	do	2,570.13
Do	do	2,560.00
Consolidation Coal Co. (Continental Oil)	July 1, 1967	1,998.14
Do	do	2,432,94
Do	July 1, 1968	2,505.47
Gulf Oil	Nov. 1, 1964	540.49
Consolidation Coal Co. (Continental Oil)	Feb. 1, 1969	160.00
Do	Dec. 1, 1964	2,206.14
Colorado:		
Gulf Oil	Apr. 23, 1925	280.00
Do	May 6, 1930	[1] 80.00
Do	June 10, 1947	89.04
Do	June 1, 1962	826.94
Atlantic Richfield Co	June 1, 1965	1,243.49
Do	Sept. 1, 1967	4,836.36
Alaska:		
Earth Resources Corp	July 5, 1950	[1] 880.00

Footnotes at end of table.

State and lessee	Effective date of lease	Acreage
Utah:		
Island Creek Coal Co. & Equipment Rental (Occidental Petroleum)	June 3, 1957	2, 480. 00
Heiner Coal Co. et al. (Occidental Petroleum)	Mar. 1, 1962	160. 00
The Kemmerer Coal Co. & Consolidation Coal (Continental Oil)	June 1, 1962	2, 576. 86
Do	do	2, 542. 25
Do	do	2, 557. 99
Heiner Coal Co. (Occidental Petroleum)	July 1, 1962	480. 00
The Kemmerer Coal Co. & Consolidation Coal (Continental Oil)	Nov. 1, 1962	2, 496. 62
Heiner Coal Co. (Occidental Petroleum)	Dec. 1, 1962	680. 00
Consolidation Coal Co. (Continental Oil)	May 5, 1967	2, 540. 64
Do	do	2, 537. 69
Do	do	2, 542. 84
Do	do	2, 560. 00
Consolidation Coal Co. (Continental Oil) & The Kemmerer Coal Co	June 1, 1965	2, 161. 57
Do	do	2, 314. 25
Do	do	856. 40
Do	do	640. 00
Do	do	1, 880. 00
Consolidation Coal Co. (Continental Oil)	Sept. 1, 1967	2, 560. 00
Do	do	2, 557. 36
Do	do	2, 560. 00
Do	do	2, 554. 88
Do	do	2, 560. 00
Hiko Bell Mining & Oil Co	Nov. 1, 1965	1, 920. 00
Do	Mar. 1, 1966	1, 920. 00
Heiner Coal Co. (Occidental Petroleum)	Sept. 1, 1966	2, 212. 00
Hiko Bell Mining & Oil Co	Dec. 1, 1965	2, 560. 00
Consolidation Coal Co. (Continental Oil)	Jan. 1, 1969	2, 560. 00
Consolidation Coal Co. (Continental Oil) & The Kemmerer Coal Co	July 1, 1970	720, 00
Wyoming:		
Concho Petroleum Co	Mar. 1, 1965	1, 571. 13
Do	do	195. 32
Do	June 1, 1963	2, 550. 98
Do	Sept. 1, 1963	1, 620. 07
Do	Mar. 1, 1965	756. 01
Kerr-McGee Corp	Jan. 1, 1970	1, 263. 35
Do	July 1, 1965	880. 00
Do	Oct. 1, 1965	2, 560. 00
Do	do	2, 200. 00
Belco Petroleum Corp	Jan. 1, 1970	4, 551. 46
Atlantic Richfield Co	Dec. 1, 1966	5, 844. 31
The Carter Oil Co. (Humble Oil and Refining, affiliate of New Jersey Standard Oil)	Dec. 1, 1967	5, 251. 44
Atlantic Richfield Co	Nov. 1, 1967	5, 800. 07
The Carter Oil Co (Humble Oil and Refining, affiliate of New Jersey Standard Oil)	Dec. 1, 1967	4, 781. 59
Do	do	5, 457. 47
Kerr-McGee Corp	Sept. 1, 1970	4, 191. 84
Mobil Oil Corp	Feb. 1, 1971	4, 000. 00
Belco Petroleum Corp	Jan. 1, 1971	640. 00
Sun Oil Co	July 1, 1968	14, 679. 98
Cordero Mining Co. (Sun Oil Co.)	Mar. 1, 1971	6, 559. 99
Ark Land Co. (parent firm is Arch Mineral in which Ashland Oil holds a 50 percent interest)	Nov. 1, 1961	1, 263. 72
Do	do	640. 00
Do	do	320. 00
Do	Jan. 1, 1964	640. 00
Do	do	640. 00
Do	Feb. 1, 1971	7, 594. 52

[1] Producing.

These 77 leases cover 187,250.06 acres. It is possible that these figures could be higher if one could cut through the maze of corporate structures to determine whether certain lessees were, in fact, subsidiaries or street names of firms with oil interests. Significantly, only 4 of the 77 leases, as of April 1971 are producing coal.

Furthermore, it is apparent that there is little development taking place on the 767,902 acres of Federal land under coal lease since only 73 out of the 520 leases are producing coal. If all leases issued since 1966 are excluded from consideration (on the average, 3 to 5 years are required to fully develop a mine) the unproductive lease acreage still is almost 90 percent of all acres leased through 1965.

The following table lists the percentage of outstanding coal leases which are now in production. The percentage figure given in the table is that portion of the currently outstanding leases issued in the time period specified which are in production:

Percentage of outstanding leases which are currently in production

1920–30	40. 7
1931–40	30. 8
1941–50	24. 4
1951–60	13. 7
1961–70	2. 4

The volume of coal production from public lands is another indicator of the development of Federal coal leases. Maximum coal production from public lands occurred in 1945 when more than 10 million tons of coal were produced. In this same year about 75,000 acres of land was under coal lease. At the end of fiscal 1969, the number of acres under lease had increased to over 725,000 acres while coal production decreased to less than 7½ million tons. Along with fewer producing leases, there is a trend toward an increase in the average size of coal leases. The average coal lease issued in the 1966–1970 period contained 2,173 acres. This is 400 percent greater than the average size of a lease issued in the 1940–1949 period.

The rate of leasing of publicly owned coal reserves is growing at an increasing pace. As of November 1970, there were almost 762,000 acres of Federal land under coal prospecting permits which represents almost a 50 percent increase over the previous fiscal year. As of March 1971, there were almost 300 coal prospecting permit applications outstanding, a record level. Prospecting permits are issued to prospective lessees in areas where the extent and workability of coal deposits are uncertain. The permit is good for a period of two years with the right to one 2-year extension. If the permit holder discovers coal and establishes its extent and workability, then a preference right lease will be issued for all or part of the lands included in the prospecting permit. Oil companies are among those holding prospecting permits and Kerr McGee, for example, has a prospecting permit for 42,250 acres in Colorado.

Despite the tremendous increases in the number of acres under coal lease and the large reserves contained in these leases, coal production from public lands is remaining constant and has actually decreased slightly in 1970. This is occurring at a time when demand for coal is increasing and coal prices are at their highest levels in decades.

Based on the statistics, one can conclude that there is rampant speculation taking place on our public lands containing coal. Oil companies and others are trying to tie up our public land coal reserves now in the hope of gaining tremendous windfall profits when commercial processes for coal gasification and liquefication become a reality.

I also would like to call to the attention of the Subcommittee another important resource which is in danger of becoming subject to oil control which further serves to illustrate the policy toward oil monopolization of our western coal reserves. That is the water in our western states. According to the Commissioner of the Bureau of Reclamation, Ellis L. Armstrong, "Water is the key resource which will catalyze the 'sleeping giant'—the indigenous coalbeds." The information on this subject is far from complete, but we can see a pattern developing. In the area of southeastern Montana and northeastern Wyoming, for example, Humble Oil has made inquires concerning the availability of water for industrial utilization. According to the Bureau of Reclamation, "Shell Oil Company and Kerr McGee followed" with similar requests. Shell and Humble Oil already have water under contract in the Yellowtail Unit and Sun Oil in the Boysen Unit serving Montana and Wyoming. Sun Oil and Continental Oil through its Consolidation Oil subsidiary have contract applications for industrial water in the same area.

Turning to the critical area of research to develop methods and processes for converting domestic coal supplies to clean forms of gaseous and liquid fuels, we find that the three largest Government contracts awarded for this type of work by the Department of the Interior's Office of Coal Research are held by oil companies.

The $16,606,202 contract (June 11, 1964–September 11, 1973) for the construction of a CO_2 Acceptor Process pilot plant, designed to convert 30 tons per day of lignite into a methane-rich, sulfur-free synthetic gas, is held by Consolidation Coal Company (Continental Oil).

The Project Gasoline contract (August 30, 1963–August 30, 1971) costing $17,800,000 was given to the Consolidation Coal Company (Continental Oil) to design and construct a pilot plant to produce gasoline from coal. Economic studies indicated that the potential of the process was high and the first pilot plant was designed and constructed to prove the process for commercial use. However, according to the 1970 Office of Coal Research report, operations to date have been inadequate because of operating problems related to equipment failure, and data obtained from the runs were inconclusive. In April 1970, the plant was shut down to permit equipment and flow problems to be studied and corrected. Major renovations and modification of the plant were found necessary to prove mechanical reliability and Consolidation Coal recommended to the Office of Coal Research that the Project Gasoline test operations be deferred so that the pilot plant could be used to verify a process to produce a clean heavy oil for power generation and industrial use. This work is expected to take approximately two years after which Project Gasoline is expected to be reactivated.

The $7,640,000 Solvent Refined Coal contract (October 10, 1966–October 10, 1971) was awarded to the Pittsburgh and Midway Coal Company (Gulf Oil). Solvent refined coal is believed to be one of the most economical and advanced processes that can be developed to produce electric power from high-sulfur coal with minimal air pollution. Although the contract was awarded in 1966, three years after Gulf Oil acquired Pittsburgh and Midway, it is interesting to note that the Office of Coal Research, in its report, fails to identify Gulf Oil as the parent firm of Pittsburgh and Midway, or, for that matter, no mention is made of Continental's control of Consolidation Coal. In any event, the oil industry appears to be dominant in the area of research into gasification and liquification.

Turning to uranium, the March 1970 issue of The Engineering and Mining Journal reported that "petroleum companies dominated the field of new discoveries" with respect to uranium exploration. Prompted by the expansion of the nation's nuclear energy industry, nearly all the large oil firms are either actively engaged in or planning to enter the mining and processing stages of uranium.

The interest that oil companies have shown in uranium can be demonstrated by the following information obtained from the Atomic Energy Commission. From April 1965 through March 1969, the AEC held 23 uranium workshops. During this period, the industry group sending the largest number of representatives was the 52 oil companies cited in the following list:

Allied Mission Oil.
Amalgamated Petroleum.
Amarillo Oil Company.
Amerada.
Ashland Oil & Ref. Co.
Antelope Gas Products Co.

Atlantic Richfield.
Buttes Gas & Oil.
Cabot Petroleum Ltd. (Canada).
Carver-Dodge Oil Co.
Chartiers Corp.
Cities Service.
Consolidated Oil & Gas.
Continental Oil.
Diamond Shamrock Oil.
ESSO.
Fundamental Oil Corp.
Getty Oil Co.
Glover-Hefner Kennedy Oil Co.
Grynberg-Eason Oil.
Gulf Oil Co.
Holly Oil Co.
Houston Royalty Co.
Humble Oil.
Hudson's Bay Oil & Gas (Canada).
Marathon Oil Co.
McCary, Harris & Clinton, Inc.
Midwest Oil Corp.
Mitchell Oil Co.
Mobil.
New Continental Oil Ltd.
Orion Oil Co.
Palm Petroleum Corp.
Pan American Petroleum Corp.
Petroleum Resources (Canada).
Phillips Petroleum.
Range Oil Co.
Samedan Oil Corp.
Shell Canadian.
Signal Oil & Gas Co.
Sinclair.
Skelly Oil Co.
Standard Oil Co. (Ohio).
Sundance Oil Co.
Sunray DX Oil Co.
Superior Oil Co.
Tenneco Oil Company.
Texaco.
Tidewater.
Union.
Vitro Marathon.
Warren American Oil Co.

Another oil firm, Kerr-McGee Corporation was listed as an integrated uranium mining and milling firm, as was Petrotomics Company, jointly owned by Getty Oil and Continental Oil. Another integrated uranium mining and milling firm that sent representatives was Foote Mineral, which owns or leases a number of uranium ore properties in Colorado, Utah, Arizona and New Mexico. Foote Mineral is 19.8 percent owned by Newmont Exploration, Ltd., which, in turn, is 100 percent owned by Newmont Mining Corporation which is primarily engaged in exploration and development of mining and petroleum properties.

According to the AEC, the following oil companies are active in uranium exploration: Amerada Petroleum Corp., APCO, Atlantic Richfield, Cabot Corporation, Continental Oil, Earth Resources, Getty Oil Company, Gulf Oil Company, Houston Oil and Mineral Corp., Humble Oil and Refining Company, Kerr-McGee Corp., King Resources, Louisiana Land and Exploration, Magna Oil Company, Mobil Oil Corporation, Orion Oil Company, Pan American Petroleum Corp., Petrotomics Co. (Getty Oil and Continental Oil), Phillips Petroleum Co., and Tenneco Oil Company.

The AEC report on the nuclear industry in 1970 stated that 20 oil companies accounted for 31 percent of the surface drilling in uranium. Kerr-McGee is the largest single producer of uranium in the U.S., accounting for 27 percent of domestic uranium capacity. Other companies are moving aggressively into the uranium field. Atlantic-Richfield owns 544,000 net acres of uranium rights in the U.S., and has rights to explore for uranium on approximately 770,000 acres in Canada. In June 1970, Gulf Oil announced plans for a $50 million uranium development program in Saskatchewan, Canada.

The chart on page 14 shows the critical position oil companies hold, as of November 1970, in the critical areas of the uranium fuel cycle and reprocessing field which involves taking spent nuclear fuel and preparing it for further use. Two suppliers listed in the chart, Allied Chemical and United Nuclear, are independent companies. Interestingly, however, both now are engaged in nuclear fuel ventures with Gulf Oil. In March 1971, Gulf Oil and Allied Chemical announced plans for the joint construction of an $80 million plant in South Carolina which, when completed in 1973, will reclaim spent uranium and plutonium from nuclear power plants. More recently, on July 2, 1971, Gulf Oil and United Nuclear signed a final agreement to form a joint venture, with Gulf holding a 57 percent interest, to design, manufacture and sell nuclear fuel for commercial nuclear power reactors.

COMMERCIAL POWER REACTOR FUEL CYCLE STEPS BY SUPPLIERS

[X—Company now capable of performing these steps. I—Companies indirectly involved inasmuch as parent companies are involved. O—Company planning additional step.]

	Gulf General Atomic (Gulf Oil)	Allied Chemical	Jersey Nuclear (Standard Oil of New Jersey)	Kerr-McGee	Nuclear Fuels Services (Getty)	NUMEC (Atlantic Richfield)	United Nuclear
Fabrication of core:							
Uranium exploration, mining or milling	I		I	X	I	I	I
Conversion of U_3O_8 to UF_6		X		X			
Enrichment of UF_6							
Fabrication of Zr into fuel-clad tubing			0				X
Conversion of UF_6 to UO_2	0		0	X	X	X	X
Pelletizing of UO_2	0		0	X	0	X	X
Fabrication of fuel elements	X				0	X	X
Fuel warranty	X		0		0	X	X
Management of fuel in reactor: Design of fuel management scheme	X		X		X	X	X
Recovery of spent core:							
Spent fuel shipping	0	0	0		X	0	
Reprocessing fuel elements and waste disposal	0	0	0		X	0	
Conversion of $UO_2(NO_3)_2$ to UF_6 for reenrichment	0	0			0	0	
Fabrication of Pu fuel elements	0		0	X	X	X	X

Mr. Chairman, the top 20 petroleum companies in the country produce more than one-half of all the nation's crude oil. Approximately 80 percent of the crude oil and refined oils shipped by pipelines move through lines under their control. They account for more than 80 percent of the crude oil refining capacity and more than 85 percent of crude refinery runs and are the largest sellers of natural gas to interstate pipelines. The oil industry in the United States is highly monopolized, and to prove that is as unnecessary as to attempt to batter down an open door. The oil industry is a monopoly primarily in the sense that it is able to exercise control over supply, and by restricting supply, to raise the price of petroleum energy to all the people of the United States. Unfortunately, through its concentrated economic and political power, this monopoly is protected and sanctioned by law, both by state and federal law, so that the oil industry is in the enviable position and the most antisocial position of all, that of a monopoly protected by public instrumentality for private gain.

We know that there has been a significant change in the ownership of our energy resources in the last few years. Not only have oil companies become major producers of coal and uranium, but, as I have pointed out, they have acquired critical positions in the areas of mineral reserves and research. The oil firms have even moved into acquiring water resources in the West. In the immediate wage of this consolidation of control, we have seen coal prices as much as doubled, shortages of natural gas and supply problems with oil. The question to be examined, then, is whether control of the major raw energy sources in the hands of a relatively few large oil corporations is, in fact, in the public interest. Our competitive free enterprise economy can function effectively only if there is competition. However, the traditional separation of corporate control between competing sources of energy is obliterating, and the ultimate coalescence of the energy industry in the hands of a few very large, fully integrated total energy companies controlled by oil would put an end to this important source of rivalry. It seems to me to be vital to the best interests of our nation that we not only maintain competition between companies, but, also, between energy sources. Competition here is of critical concern to every consumer in this country. How much competition is injected into the fuels industries will be reflected in consumer prices for decades to come. Prices of the obvious products will be influenced, such as the cost for heat and light for homes and gas for cars. Thousands of other items, directly and indirectly, also will be affected.

The whole key to much of the successes of our competitive system is the existence of a diversity of interests. Now, the monopolistic oil combine, like an octopus, is reaching out with its tentacles to grab hold of the supplies, the raw resources of coal and uranium, in a bold and daring effort to completely dominate the energy fuels.

Speaking to the Kentucky Coal Association Annual Membership Meeting in October 1966, Joseph E. Moody, President of the National Coal Policy Conference, said of the acquisition of Consolidation Coal Company by Continental Oil Company, "one company with its own reserves of oil, gas and uranium added the reserves of coal held by Consol and thereby Continental Oil Company, had under its control the greatest reserve of energy in the form of Btu's of any group in the world." Such an awesome concentration of energy power by one company or a group of companies leads to all sorts of anticompetitive behavior that is bad for the consumer and ultimately bad for the United States. We no longer must permit this great concentration by the most powerful economic and political element in American business to go unchallenged. Because of my concern to preserve competition among the various companies engaged in the production of oil, coal and uranium, I have introduced legislation, H.R. 4731, which amends the Clayton Act by declaring it unlawful for any corporation engaged in the production and refining of oil to acquire any coal or uranium assets, and which would require the divestiture by such companies of all presently owned coal and uranium assets. On the basis of testimony and evidence presented during these hearings, I hope and trust the Subcommittee will give serious consideration to H.R. 4731 when presenting its report and recommendations to the House.

VOICE OF AMERICA SHOULD BEGIN HEBREW-YIDDISH BROADCASTS TO JEWS IN RUSSIA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 15 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, the Voice of America is the only hope of millions of captive people trapped behind the Iron Curtain, isolated from the outside world and the truth.

Thus it is difficult to comprehend why the Voice of America refuses to transmit broadcasts in Yiddish and Hebrew to the 3 million Jews in the Soviet Union. I am told such broadcasts cannot be made because the State Department contends this would offend the Russians. Why should the VOA knuckle under to the Soviets? These broadcasts do not need the Kremlin's stamp of approval. Indeed, if the Soviets had their way they would ban all VOA broadcasts as propaganda.

The State Department recognizes Soviet Jews as a nationality within the Soviet Union, and permits the Voice of America to make Russian-language broadcasts to them. But the Voice of America will not broadcast in Yiddish and Hebrew "at this time" due to a "difficult technical problem." Such broadcasts, I understand, would help build morale among Soviet Jews and show them that the United States is willing to talk to them in their own language. This would be a more affirmative statement of sympathetic support than the present Russian broadcasts.

The Voice of America broadcasts to many far smaller groups behind the Iron Curtain in their native tongue. VOA's refusal to do the same for Soviet Jews is a strange contradiction to our longstanding support of the people of Israel. Russian is not the native tongue of Soviet Jews. It is the language they are forced to use by their Soviet captors. To continue this practice only reinforces Moscow's policy of cultural genocide against Jews in the Soviet Union.

I strongly urge the Voice of America and the State Department to make every possible effort to begin Hebrew-Yiddish broadcasts to Jews in Russia. To do otherwise is a hypocritical sacrifice of the people the Voice of America is trying to preserve.

CAPTIVE NATIONS

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, on this the 13th observance of Captive Nations Week, it seems to me that we in the United States should renew ourselves in the struggle of the 1 billion human beings who, because of Communist subjugation, are unable to exercise the basic right of national self-determination.

There are some in this country who condemn our system of Government and offer a utopian system designed for a nation of angels, not of men; there are others who seek to tear down the existing structure because of some admitted inequalities. But do these people have a viable alternate system of government to offer and how many of them would willingly change places with someone in a Communist-controlled country?

We have recently witnessed the inclusion of 11 million potential new voters in this country. The 18- to 20-year-olds who register and exercise their right to vote will have the opportunity to help forge the future of their country. Every American over 18 years of age has the power to participate in the shaping of this Nation. What we seek is for the people of every nation to have the freedom to exercise their right to national self-determination.

We have no fear in this country of protecting the people in their right to participate openly and freely in our system of Government because we believe in the intelligence of the American people and in the principle of a representative democracy of free men.

At the present time we are involved in a great national debate to determine the future course of our country. While our national conscience is turned inward on our own problems, we must not lose sight of the plight of the peoples of Central and Eastern Europe who have been denied by Communist aggression the rights we, in quieter times, often take for granted.

Because of the great risks these people in Communist-dominated countries run in bringing their story to the free nations, it is imperative that we rededicate ourselves to the cause of educating Americans to the situation of these people and not forget that within the satellite countries all is far from calm. Beneath the Russian hegemony over Central Europe, the memories of past freedom and independence still live and nurture new yearnings.

SHOOTING OF SILVER SPRING MAN

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, as I was addressing the House, July 15, 1971, on the deplorable shooting of a Silver Spring, Md., man by Internal Revenue agents and police who invaded his home out of uniform and without properly identifying themselves, an editorial appeared in The Washington Daily News on this very incident. I urge my colleagues to read it and judge for themselves whether a free country can tolerate such gross abuse of the great responsibilities entrusted to its law enforcement agencies.

It should be noted that while the News' editorial chastises Montgomery County's effort to justify the role of its police who participated in the "raid," county officials have repeatedly stressed that they went along only at the request of, and in assistance of, the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service.

That assertion is not surprising, since the county police had no other business being there. The United States Code, title 18, section 3105, requires that only a Federal officer may serve a Federal warrant, except a person in aid of that Federal officer on his requiring it, he being present and acting in its execution.

This means that the Treasury Department, and ultimately, Secretary of the Treasury Connally, must bear the responsibility for the misdeeds of all those—whether they be Federal agents or Montgomery County police—who carried out this sordid assault.

The Daily News has minced no words: the chief executive of Montgomery County has "splashed on the whitewash." The big question remaining is whether Secretary Connally will permit a similar whitewashing from the Internal Revenue Service of an affair which it planned, supervised, and carried out—and bungled from start to finish.

Mr. Speaker, I insert the text of the Daily News editorial at this point in the CONGRESSIONAL RECORD:

[From The Washington Daily News, July 16, 1971]

GLEASON SPLASHES IT ON

We have been searching around for a word to characterize Montgomery County Executive James P. Gleason's off-hand exoneration of police for their behavior in the ill-starred raid on a Silver Spring gun collector's apartment last month, and only "whitewash" comes to mind.

The authorities have been so timid about releasing the facts in this tragic case (the homeowner was nearly killed) that anyone making a final judgment must be aware of the queachy ground. However, assuming that Mr. Gleason hasn't been told much more than the public has—and so it appears—one has to assume that he finds it perfectly "justifiable" that a couple of dozen police and federal agents, most of them dressed like roughnecks, should batter their way into a man's house on a search for illegal arms, terrify his wife, shoot him in the head, and subsequently tear up the premises in a fruitless search for something to charge him with.

The fact that this same reckless bunch, on the very same night, managed to raid the wrong apartment upstairs would be, perhaps, high comedy, if the action—and the condoning of it—were not so utterly frightening.

Mr. Gleason lamely laments the general "breakdown of law and order" as some sort of justification for the overreaction of men whose principal concern should be upholding it.

Nobody, least of all Mr. Gleason, has made any effort to explain why it took 24 men to mount a search of these homes, why they had to break their way in, why most of them were out of uniform, and why anticipated that the occupants (the husband was in the bathtub, his wife was undressed) might resort to drastic measures to protect themselves.

In an editorial on this raid the other day, before Mr. Gleason's whitewash, we asked why one policeman in uniform, with the search warrant in his pocket, could not have knocked upon the door and politely stated his business.

So far, no one has answered that.

SUPPORT FOR BICYCLES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I have introduced a bill, H.R. 9369, to provide funds from the highway trust fund for the construction of bicycle lanes. On July 8 WNBC-radio broadcast an editorial in support of the concept behind the Bicycle Transportation Act of 1971—encouraging the use of bicycles and establishing special lanes for their use.

I would like to submit for printing in the RECORD the text of the editorial:

EDITORIAL BROADCAST ON JULY 8, 1971, BY PERRY B. BASCOM, GENERAL MANAGER

In the 1965 campaign for Mayor of New York, William Buckley, the Conservative proposed a bicycle lane running down Second Avenue. At that time the suggestion was the subject of a lot of humor. Six years later the idea is being proposed again, and time has caught up with the Buckley idea.

Koch wants to take the Buckley bicycle lane idea and expand on it. The Congressman feels that the Second Avenue bike lane should be started immediately and that a companion lane going uptown should be instituted on Eighth Avenue.

On June 23rd Congressman Koch introduced the Bicycle Transportation Act of 1971, which would allow states and communities to use highway trust fund monies for the development of bike lanes, bike shelters, parking facilities, and traffic control devices.

The management of WNBC Radio likes this idea. Bicycling to work, in addition to transportation, contributes to health, lessens air and noise pollution, crowding and parking congestion.

In Davis City, California, 40% of all rush hour traffic is bicycle, and so far there have been no serious car-bike accidents. In Europe the bicycle has long been a standard acceptable means of transportation. There it started because cars and fuel were expensive. Maybe we should make bikes acceptable here for ecological reasons.

We urge Mayor Lindsay and the City Council to immediately institute bike lanes on Second and Eighth Avenues. This is the time of year to kick off the program.

THREE SISTERS BRIDGE CONTROVERSY

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, I am pleased to report that the U.S. Court of Appeals for the District of Columbia has expedited its review of the Three Sisters Bridge controversy. Brief oral arguments are to begin Thursday.

Ordinarily, these might not have been scheduled until the fall. But the court has seen that speed is in the public interest in this case.

I hope the court will continue to expedite this case so that a decision might come in 2 to 3 weeks.

The bridge has been linked, by congressional action, to further funding of the Washington area subway system so that progress on the subway depends on progress on the bridge. This is an unfortunate link-up of unrelated projects—and it is a link-up that I opposed. The delay caused by this link, plus the litigation seeking to halt the bridge, have greatly increased the cost of subway construction, although no one sought such a result.

Continued speed by the court of appeals is needed, for many, many jobs and many, many dollars are at stake. Congress, too, should work to assure that subway funding will not continue to be delayed.

VICE PRESIDENT INSULTS BLACKS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, in a gratuitously insulting statement, the Vice President has attacked most black leaders in America as "complaining . . . carping" and unconstructive. The Vice President's comments show a singular lack of understanding.

There is strange irony in the fact that the Vice President made these statements only the day before he appeared at the annual reception in Madrid marking the anniversary of Generalissimo Franco's military uprising in 1936. He is the highest ranking American official ever to attend Franco's anniversary.

Thus, the Vice President succeeded in dishonoring the blacks of our own Nation who are fighting for the equality still denied them, while honoring a repressive foreign regime.

I think Dr. George Wiley, executive director of the National Welfare Rights Organization, aptly responded to Vice President Agnew:

> A lot of us are going to continue fighting and complaining and struggling for a fair share of the heritage that black people in this country helped to build and develop.

And Rev. Ralph David Abernathy, president of the Southern Christian Leadership Conference, said that the Vice President:

> Is seeking to inflame the American public when he says that black people feel that their leaders have dealt with rhetoric rather than programs.

The comment of Roy Wilkins, executive director of the NAACP, is also apt: he cited what he called:

> The confusion in the mind of Mr. Agnew.

The Vice President is indeed confused. And that is indeed a charitable commentary on his statements.

VIETNAM AND PARIS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the latest Gallup poll reveals that, by more than a 2-to-1 margin, the American public is opposed to leaving a "residual force" in Vietnam after July 1, 1972. Nationally, 61 per cent of the public favor withdrawing all troops from Vietnam by that date at the latest. Only 28 percent support leaving a residual force in South Vietnam after that date.

There simply can be no argument any more. The American public, 73 percent of whom have registered their desire for withdrawal by December 31, 1971, at the latest, want no more of this war. Yet, the administration continues to resist ending this immoral conflict.

This resistance is rendered even more untenable by the latest proposals made by the Vietcong in Paris. Put forward on July 1, this seven point proposal is a mixture of rhetoric and substance. The task now is to ignore the rhetoric, or to cut through it, and to respond to the substance. Thus far, that response has not been forthcoming.

Some have hailed the announcement of the President's forthcoming visit to China as an opening towards peace. That may be, and should his visit result in improved relations between the United States and China, and diminished tensions, that will be all to the good.

But, I insist that we cannot allow this visit to China to now become the carrot held out to the American public—the latest item on the agenda thrust forth as excuse to delay ending the war now. Before the elections in 1968, we were offered the carrot of a "plan"—a plan which the then-candidate Richard Nixon waved before the American public which would get us out of the war. After his inauguration, we were offered the carrot of Vietnamization—this was to be the process whereby we ended our involvement in Southeast Asia.

Those two enticements to lull the American public have gone their way. It is almost 3 years since the presidential campaign of 1968 began. Tomorrow will mark 2½ years since this administration took office. Meanwhile, the killing has continued; and the destruction has persisted. Cambodia is a battleground. Laos is a land of bombed out villages. South Vietnam is devastated.

Meanwhile, in Paris, a negotiated peace may be within our grasp. The seven-point proposal put forward seems to boil down to this: if the United States sets a 1971 termination date for its involvement in the war, there will be a release of American prisoners of war.

Why has there been no substantive response to this proposal? Some claim that the negotiators for the other side in Paris cannot be trusted, that they do not mean what they say. Let us put them to the test. Let us, in fact, announce a termination date.

The crux of the administration's lack of response appears to lie in its insistence upon giving the Saigon government a "reasonable chance" for survival. This is the real, underlying core of administration policy. When all the talk about withdrawals of American forces is over, when all the talk about prisoners of war being released is heard, we wind up at that basic concern of this administration—sustaining the Saigon government.

But where does that policy lead us? It can only mean continued massive military support of the Saigon regime by the supplying, at the least, of equipment. It can only mean the continued deployment of American airpower to provide a shield for the South Vietnamese Army. And it can only mean the maintenance of a residual force of American troops in South Vietnam, which the American public, by a margin of more than 2 to 1, opposes.

The time is long past to end U.S. involvement in Southeast Asia. Too many people have died—soldiers and civilians. Too much destruction has been wrought—villages burned to the ground, croplands ravaged by herbicides. Too much violence has been done—violence to the very fabric of Vietnamese society.

Once again, the administration has the opportunity to end this war. It had it when it took office. It could have announced withdrawal then, on the wave of support by an electorate tired and heartsick of war. It did not do so. Rather, it bound itself in deathly embrace to the Thieu-Ky regime of despotism and corruption.

Now is the time for the administration to set a withdrawal date. I believe the war should have never begun. Certainly, a high price has been paid for past mistakes. But it is possible to announce a termination no later than December 31.

TO AMEND THE FEDERAL EMPLOYEES' COMPENSATION ACT

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, I would like to direct my colleagues' attention to a most distressing inequity extant in the Federal Employees' Compensation Act.

As presently written, section 8116(a) of title 5, United States Code, prohibits concurrent receipt of benefits under that act with Armed Forces retirement pay.

Retired military personnel may receive Armed Forces retirement pay while employed; but if injured while working for the Federal Government, to the extent of becoming eligible for Federal workmen's compensation, a choice between the two forms of remuneration must be made. The resulting injustices are deplorable indeed.

Men who have honorably served their country suddenly, as a result of accidental occupational injuries, find themselves being punished for the commission of a most serious crime against humanity—trying to provide a reasonable existence for themselves and their families, and doing so in the capacity of service to the Federal Government.

The prohibitions found in the code in question apply only to the individuals receiving military retirement pay who subsequently find employment, in whatever capacity, in the Federal Government. Indirectly, these qualified and productive people are being punished simply because they chose to continue working for their Government.

It seems quite strange that hale and hearty persons in the Pentagon or retired military personnel privately employed can receive both their salaries and retirement pay while untold numbers of others are precluded from doing so, despite the fact that such recompense was grievously come by.

Thus, today I am introducing a bill to amend the Federal Employees' Compensation Act to permit concurrent receipt of benefits under that act with Armed Forces retired pay.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Garmatz (at the request of Mr. Price of Illinois), for July 19 and 20, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez, for 30 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Hillis) and to include extraneous matter:)

Mrs. Heckler of Massachusetts, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. McCormack) and to include extraneous matter:)

Mr. Kastenmeier, for 30 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. James V. Stanton, for 15 minutes today.

Mr. Burke of Massachusetts, for 10 minutes, today.

Mr. Alexander, for 60 minutes, on July 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Byrne of Pennsylvania to extend his remarks prior to the passage of S. 421, H.R. 8356, and H.R. 1409, on the Consent Calendar today.

Mr. Haley, immediately prior to the concurrence in the Senate amendment to H.R. 6072 today.

Mr. McCormack, immediately following rollcall No. 193 today.

(The following Members (at the request of Mr. Hillis) and to include extraneous matter:)

Mr. Scherle in 10 instances.

Mr. Chamberlain in two instances.

Mr. Veysey.

Mr. Wyman in two instances.

Mr. Steiger of Arizona.

Mr. Kyl.

Mr. Miller of Ohio.

Mr. Bray in two instances.

Mr. Fulton of Pennsylvania in 10 instances.

Mr. Schwengel in two instances.

Mr. Derwinski.

Mr. McClure.

Mr. Thompson of Georgia.

Mr. Reid of New York.

Mr. Schmitz.

Mr. Dellenback.

Mr. Hogan in 10 instances.

Mr. Hansen of Idaho.

Mr. Riegle.

(The following Members (at the request of Mr. McCormack) and to include extraneous material:)

Mr. Edwards of California in six instances.

Mr. Jacobs.

Mr. Eilberg in two instances.

Mr. Harrington in two instances.

Mr. Dingell in two instances.

Mr. Mazzoli in four instances.

Mr. Fauntroy in five instances.

Mrs. Abzug in 10 instances.

Mr. Waldie in six instances.

Mr. Corman.

Mr. Mollohan in five instances.

Mr. Fulton of Tennessee.

Mr. Rarick in three instances.

Mr. Mitchell in three instances.

Mr. Ryan in three instances.

Mr. Fraser.

Mr. Minish.

Mr. William D. Ford in two instances.

Mr. Vanik in two instances.

Mr. Rodino in two instances.

Mr. Hagan in three instances.

Mr. Hébert.

Mr. Aspin in 10 instances.

Mr. Casey of Texas.

Mr. Scheuer in four instances.

Mr. Bingham in two instances.

Mr. Hamilton in three instances.

Mr. Wolff in three instances.

Mr. Slack in two instances.

Mr. Dow.

Mr. Stokes.

Mr. McCormack in two instances.

Mr. Gonzalez in three instances.

Mrs. Hicks of Massachusetts in two instances.

SENATE BILL, JOINT AND CONCURRENT RESOLUTIONS REFERRED

A bill and joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2227. An act to amend title 44, United States Code, to authorize the Public Printer to designate the library of the highest appellate court in each State as a depository library; to the Committee on House Administration.

S.J. Res. 52. Joint resolution increasing the authorizations for comprehensive planning grants and open space land grants; to the Committee on Banking and Currency.

S. Con. Res. 31. Concurrent resolution authorizing the printing of the compilation entitled "Federal and State Student Aid Programs, 1971" as a Senate document, to the Committee on House Administration.

S. Con. Res. 34. Concurrent resolution authorizing the printing of the prayers of the

Chaplain of the Senate during the 91st Congress as a Senate document; to the Committee on House Administration.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 169. Joint resolution authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the U.S. Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor. first floor in the House wing of the Capitol, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 991. An act to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Tuesday, July 20, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

970. A letter from the Director of Civil Defense, Department of the Army, transmitting a report on property acquisitions of emergency supplies and equipment, covering the quarter ended June 30, 1971, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

971. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes; to the Committee on Banking and Currency.

972. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled "Recreation Opportunities at Hydroelectric Projects Licensed by the Federal Power Commission, 1970"; to the Committee on Interstate and Foreign Commerce.

973. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

974. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 14, 1970, submitting a report, together with accompanying papers and an illustration, on Delaware Bay between Cape May Canal, N.J., and Lewes, Del., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted October 2, 1963 and April 14, 1964; to the Committee on Public Works.

975. A letter from the Secretary of Commerce, transmitting the fourth in the series of interim reports stemming from the U.S. Metric Study, prepared by the Bureau of Standards, pursuant to Public Law 90–472; to the Committee on Science and Astronautics.

Received From the Comptroller General

976. A letter from the Comptroller General of the United States, transmitting a report on substantial savings by obtaining competition in the rental of the Government's punched card accounting machine equipment; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HÉBERT: Committee on Armed Services. H.R. 9844. A bill to authorize certain construction at military installations, and for other purposes (Rept. No. 92–362). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 546. A resolution providing for the consideration of H.R. 4354. A bill to amend section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System, in order to increase such limitations for motorbuses (Rept. No. 92–363). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 547. A resolution providing for the consideration of H.R. 9020. A bill to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such act for a certain period of time (Rept. No. 92–364). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules, House Resolution 548. A resolution providing for the consideration of House Joint Resolution 208. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women (Rept. No. 92–365). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 549. A resolution providing for the consideration of S. 699. An act to require a radiotelephone on certain vessels while navigating upon specified waters of the United States (Rept. No. 92–366). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 9861. A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials; to the Committee on Government Operations.

By Mr. ASHLEY:

H.R. 9862. A bill to permit interested organizations the opportunity to remove valuable flora from sites before the construction of public works is commenced; to the Committee on Public Works.

By Mr. BROYHILL of Virginia:

H.R. 9863. A bill to amend title 5, United States Code, to include as creditable service for purposes of the civil service retirement system certain periods of service of civilian employes of nonappropriated fund instrumentalities under the Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BURKE of Florida:

H.R. 9864. A bill to equalize the returned pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 9865. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes; to the Committee on Education and Labor.

H.R. 9866. A bill to provide increased annuities under the civil service retirement program; to the Committee on Post Office and Civil Service.

H.R. 9867. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits; to the Committee on Ways and Means.

H.R. 9868. A bill to amend title XVIII of the Social Securtiy Act to remove the present limit on the number of days for which benefits may be paid thereunder to an individual on account of posthospital extended care services; to the Committee on Ways and Means.

H.R. 9869. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in benefits, to increase the minimum survivor's benefit, and to liberalize the retirement test; to the Committee on Ways and Means.

H.R. 9870. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey:

H.R. 9871. A bill to amend the Federal Employees Compensation Act to permit concurrent receipt of benefits under that act with Armed Forces retired pay; to the Committee on Education and Labor.

By Mr. DICKINSON (for himself, Mr. Thone, Mr. Kemp, Mr. Davis of South Carolina, Mr. Hechler of West Virginia, Mr. Daniel of Virginia, Mr. Buchanan, Mr. Duncan, Mr. Spence, Mr. Morse, Mr. Pelly, Mr. Halpern, Mr. Bevill, Mr. Mayne, Mrs. Hicks of Massachusetts, Mr. Nichols, Mr. Rarick, Mr. Anderson of Illinois, Mr. Montgomery, Mr. Whitehurst, Mr. Fisher, Mr. Mathis of Georgia, and Mr. Mazzoli):

H.R. 9872. A bill to amend title 10 of the United States Code to provide for the awarding of lapel buttons indicating that an individual was a prisoner of war at one time or that a family member is currently held as a prisoner of war; to the Committee on Armed Services.

By Mr. HARVEY:

H.R. 9873. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced-fare transportation on a space-available basis for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts:

H.R. 9874. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 9875. A bill to amend title II of the Social Security Act to provide that a woman may become entitled to full old-age insurance benefits at age 60; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 9876. A bill to amend the Public Health Service Act to authorize grants for the acquisition of ambulances and other medical emergency vehicles; to the Committee on Interstate and Foreign Commerce.

H.R. 9877. A bill to amend section 402 of title 23, United States Code, relating to highway safety programs; to the Committee on Public Works.

By Mr. O'KONSKI:

H.R. 9878. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROBERTS:

H.R. 9879. A bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes; to the Committe on Agriculture.

By Mr. RUNNELS:

H.R. 9880. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain social security taxes; to the Committee on Ways and Means.

By Mr. SCOTT:

H.R. 9881. A bill to retrocede a portion of the District of Columbia to the State of Maryland; to the Committee on the District of Columbia.

By Mr. TERRY:

H.R. 9882. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. VEYSEY:

H.R. 9883. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

H.R. 9884. A bill to amend the Clean Air Act to clarify California's right to enforce its own stringent motor vehicle emission standards; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN (for himself, Mr. Dellenback, Mr. Frelinghuysen, Mr. Horton, Mr. Morse, Mr. Ruppe, Mr. Conte, Mr. Coughlin, Mr. Esch, Mr. Gude, Mr. Halpern, Mr. Railsback, Mr. Schneebeli, Mr. Schwengel, and Mr. J. William Stanton):

H.R. 9885. A bill to amend chapter 103 of title 10, United States Code, to reform the Senior Reserve Officers' Training Corps program; to the Committee on Armed Services.

By Mr. WRIGHT:

H.R. 9886. A bill to amend the act of July 24, 1956, to authorize the Secretary of the Army to contract with the city of Arlington, Tex., for the use of water supply storage in the Benbrook Reservoir; to the Committee on Public Works.

By Mr. ASPIN:

H.R. 9887. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small businesses; to the Committee on Ways and Means.

By Mr. BARING (by request):

H.R. 9888. A bill to amend the act of March 3, 1909, as amended; to the Committee on Interior and Insular Affairs.

H.R. 9889. A bill to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BARING (for himself, Mr. Saylor, Mr. Edmondson, Mr. Haley, Mr. Johnson of California, Mr. Taylor, Mr. Udall, Mr. Kyl, Mr. Burton, Mr. Steiger of Arizona, Mr. Kastenmeier, Mr. Don H. Clausen, Mr. O'Hara, Mr. Ruppe, Mr. Kee, Mr. Dellenback, Mr. Roncalio, Mr. Begich, Mr. Abourezk, Mr. Foley, Mr. Skubitz, Mr. Ryan, Mr. McClure, Mrs. Mink, and Mr. Meeds):

H.R. 9890. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. BYRNE of Pennsylvania:

H.R. 9891. A bill to amend the Federal Cigarette Labeling and Advertising Act to require cigarette packages to bear a statement of the fire hazards presented by smoking; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK:

H.R. 9892. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. FAUNTROY (for himself, Mr. Dellums, Mr. Diggs, Mr. Gude, and Mr. Mikva):

H.R. 9893. A bill to facilitate voting in the District of Columbia by persons who have been convicted of a felony and have been pardoned or have served their sentence imposed for that felony; to the Committee on the District of Columbia.

By Mr. WILLIAM D. FORD:

H.R. 9894. A bill to amend title 38, United States Code, in order to designate certain adult evening high school courses as full-time courses for purposes of educational assistance allowance payments; to the Committee on Veterans' Affairs.

By Mr. POWELL:

H.R. 9895. A bill to restore the income tax credit for investment in certain depreciable property; to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 9896. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 9897. A bill to amend the Federal Aviation Act of 1958 to authorize free or reduced-rate transportation for severely handicapped persons and persons in attendance, when the severely handicapped person is traveling with such an attendant; to the Committee on Interstate and Foreign Commerce.

H.R. 9898. A bill to amend the Federal Water Pollution Control Act to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. STEPHENS (for himself and Mr. Widnall):

H.R. 9899. A bill to authorize emergency loan guarantees to major business enterprises; to the Committee on Banking and Currency.

By Mr. VANIK:

H.R. 9900. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. CONTE:

H.J. Res. 786. Joint resolution limiting military assistance and military sales to Pakistan; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H.J. Res. 787. Joint resolution limiting military assistance and military sales to Pakistan; to the Committee on Foreign Affairs.

By Mr. PATMAN (for himself, Mr. Barrett, and Mr. Widnall):

H.J. Res. 788. Joint resolution extending for 2 years (until December 31, 1973) the existing authority for emergency implementation of the flood insurance program; to the Committee on Banking and Currency.

By Mr. REES:

H.J. Res. 789. Joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means; to the Committee on Government Operations.

By Mr. HAYS:

H. Con. Res. 367. Concurrent resolution authorizing the printing of the pocket-size edition of "The Constitution of the United States of America" as a House document, and for other purposes; to the Committee on House Administration.

By Mr. WOLFF:

H. Con. Res. 368. Concurrent resolution expressing the sense of the Congress with respect to the use by the Congress of paper made from recycled materials; to the Committee on House Administration.

By Mr. BURKE of Florida:

H. Res. 550. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mrs. HECKLER of Massachusetts:

H. Res. 551. Resolution urging the Voice of America to make broadcasts in the Yiddish language into the Soviet Union; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

245. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the protection of fishlife, which was referred to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ROYBAL:

H.R. 9901. A bill for the relief of Fidel Grosso-Padilla; to the Committee on the Judiciary.

By Mr. STEPHENS:

H.R. 9902. A bill for the relief of Paul Northington; to the Committee on the Judiciary.

H. Con. Res. 369. Concurrent resolution recognizing Jack Martin as an "Honorary Historian of the United States of America"; to the Committee on Education and Labor.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

105. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to causing U.S. paper currency to carry its denomination in braille; to the Committee on Banking and Currency.

106. Also, petition of Vernon W. Clifton, Elyria, Ohio, relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Monday, July 19, 1971*

The Senate met at 11 a.m. and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

The Reverend Dr. Horace A. Hamm, pastor, Hillcrest Baptist Church, Morristown, Tenn., offered the following prayer:

Our Father, we thank Thee for Thy every blessing of our life. For this land we seek Thy continued blessings on her highest ideals. We thank Thee for the blessings of life, liberty, and the privilege of representing our fellow man before this great Nation and seek always to give to it our best.

We earnestly and daily seek Thy guidance as we address ourselves to the resolving of great issues and to the fulfillment of great expectations.

We pray today for vision, that we may be seized by grand and noble ideas that enable great men to see beyond the horizon of personal desire. We pray for brotherhood within the family of mankind, that every man may have opportunity of fellowship that inspires and encourages man in unity of purpose.

We pray for peace that we may address ourselves to the manifold needs of our brothers and seek the refinement of Thy great purpose reflected in Thy creation.

In the name of Christ our Lord, we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 19, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, July 16, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE MINING AND MINERALS POLICY ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 259, S. 635.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 635) to amend the Mining and Minerals Policy Act of 1970.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 6, line 17, after the word "the," strike out "Secretary." and insert "Secretary, and the Comptroller General or any of his duly authorized representatives shall have access, for the purpose of review and audit, to the supportive books, records, and other pertinent documents maintained by the grantee in the administration of any grant under this act"; and, on page 7, line 23, after the word "the"; strike out "institute" and insert "institutes"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mining and Minerals Policy Act of 1970 (84 Stat. 1876) is amended by adding at the end thereof the following new sections:

"SEC. 3. It is the policy of Congress to support, enhance, and stimulate mining, mineral, metallurgical, ceramic, fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economics, and related environmental research, and the training of an adequate supply of scientists, engineers, and technicians in such fields, by supporting the establishment of an appropriate research and training center in each State.

"SEC. 4. (a) There are authorized to be appropriated to the Secretary of the Interior for the fiscal year 1972 and each subsequent year thereafter sums adequate to provide $100,000 to each of the several States in the first year, $150,000 in the second year, $200,000 in the third year, and $250,000 each year thereafter to assist each participating State in establishing and carrying on the work of a competent and qualified mining, minerals, and related environmental research institute, center, or equivalent agency (hereinafter referred to as 'institute') at one college or university in that State, which college or university shall be the tax-supported school of mines or shall have a college or school of mines, or if there be no college or school of mines or other tax-supported college or university having a department of mining and minerals, then it shall be a college or university established in accordance with the Act approved July 2, 1862 (12 Stat. 503), as amended, entitled 'An Act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanic arts', or some other institution designated by act of the legislature of the State concerned: *Provided,* That (1) matching non-Federal funds at least equal to the Federal share are used to support the institute; (2) if there is more than one such college or university in a State, established in accordance with said Act of July 2, 1862 funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to one such college or university designated by the Governor of the State to receive the same, subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act; (3) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (4) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in the work of the institute.

"(b) It shall be the duty of each such institute to plan and conduct or arrange for the conduct of competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to mining, mineral, metallurgical, ceramic, fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economics and related environmental research, and to provide for the training of scientists, engineers, and technicians in these fields. Such research, investigations, experiments, and training may include, without being limited to, aspects of the supply and demand for various minerals; conservation and the best use of available supplies of minerals; health and safety in mining; improved methods of mineral extraction and exploration; mineral and mining economics; improved methods of mineral production, extraction, and exploration which will reduce and minimize adverse effects upon the environment; and legal, social, geographic, ecological, national defense, land use, and other considerations to help assure satisfaction of the national needs and requirements, in both the short and long term, for minerals and their products, having due regard to the avoidance of unnecessary and unproductive duplication of research being conducted by agencies of the Federal and State Governments or other institutes receiving support under this Act.

"SEC. 5. (a) There is further authorized to be appropriated to the Secretary of the Interior for fiscal year 1972 and each subsequent year thereafter sums not in excess of the following: 1972, $1,000,000; 1973, $2,000,000; 1974, $3,000,000; 1975, $4,000,000; and 1976 and each succeeding fiscal year, $5,000,000. Such moneys, when appropriated, shall be available to meet the necessary expenses of special mineral resource research projects which would not otherwise be undertaken, and which the Secretary of the Interior has identified as being of high priority in meeting the objectives of this Act.

"(b) The Secretary shall, insofar as it is practicable, utilize the facilities of institutes designated in section 4 of this Act to perform such special research, authorized in subsection (a) hereof, and shall select the institute for the performance of such special research on the basis of the qualifications of the personnel who will conduct and direct it, the nature of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training mineral resource scientists, engineers, and technicians.

"SEC. 6. To assure that any institute established under this Act is adequately equipped to perform mineral resource research and to train individuals in the mineral resource fields, the Secretary of the Interior is authorized to make grants to each institute to pay up to 75 per centum of the cost of purchasing equipment, facilities, and library materials. No portion of any such grant shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation, or repair of any building. There are hereby authorized to be appropriated not to exceed $5,000,000, annually, to remain available until expended, to carry out the purposes of this section.

"SEC. 7. Sums available to the States under the terms of sections 4, 5, and 6 of this Act shall be paid to their designated institutes at such times and in such amounts during each fiscal year as determined by the Secretary of the Interior, and upon vouchers approved by him. Each institute shall designate an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary of the Interior on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any of the provisions of this Act during the preceding fiscal year, and of its disbursement, on schedules prescribed by the Secretary. Secretary, and the Comptroller General or any of his duly authorized representatives shall have access, for the purpose of review and audit, to the supportive books, records, and other pertinent documents maintained by the grantee in the administration of any grant under this Act. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this Act shall by action or contingency be found by the Secretary to have been improperly diminished, lost or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

"SEC. 8. No research, demonstration, or experiment shall be carried out under this Act by an institute financed by grants under this Act unless all uses, products, processes, patents, and other developments resulting therefrom, with such exception or limitation, if any, as the Secretary may find necessary in the public interest, be available promptly to the general public. There are authorized to be appropriated such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under the provisions of this Act and for administrative planning and direction, but such appropriations shall not exceed $1,000,000 in any fiscal year.

"SEC. 9. The Secretary of the Interior is charged with administration of this Act, and shall prescribe such rules and regulations as may be necessary to carry out its provisions. He shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior and other Federal establishments, and shall act as a central clearinghouse for the results of research conducted by the institutes.

"SEC. 10. The Secretary shall make an annual report to the Congress of the receipts and expenditures and work of the institutes in all States under the provisions of this Act. His report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

"SEC. 11. Nothing in this Act shall be construed to impair or modify the legal relation existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education or training at any college or university.

"SEC. 12. As used in this Act, the term 'State' includes the Commonwealth of Puerto Rico."

Mr. ALLOTT. Mr. President, the bill which the Senate is presently considering is one which, in my opinion, should have been enacted at least a decade ago. If we had acted then instead of now, I believe that many of our environmental, mineral supply, and fuels problems would have found their solutions in the research to be conducted under the provisions of this bill.

The United States is an enormous consumer of minerals and fuels. The startling truth is that we have consumed more of these resources in the past 10 years than the entire peoples of the world consumed in all previous history. Population growth and increased per capita mineral demands are placing unprecedented pressures upon the Nation's minerals base. The Congress cannot avoid its responsibility to establish policies designed to assure that an adequate supply of mineral commodities are available to our manufacturing industry. A minerals policy that encourages a strong domestic mining industry will assist in developing the capability of supplying these projected needs.

In recognition of these needs, President Nixon in his radio address of October 18, 1968, entitled "A Strategy of Quality: Conservation in the 1970's," called for the establishment of a national minerals policy. The National Mining and Minerals Policy Act of 1970, was signed into law by President Nixon on December 31, 1970.

However, a national minerals policy is only a pious sentiment if it is not implemented, and to implement a policy requires the development of an action program. S. 635 is an important first step in the formulation of an action program, it provides for research and encourages the training of qualified scientists, engineers, and technicians. It is difficult to conceive of any factor more basic to the implementation of any policy than research and qualified personnel, which is the continuing thrust of S. 635.

The wise and efficient use of our mineral resources is a necessary objective for the advancement of technological knowledge in the minerals field, on which in turn, the future of the Nation is dependent. S. 635 would assist in alleviating the severe shortage of trained mineral specialists and engineers by encouraging young people to favorably consider a career in the minerals industry. Today enrollments in mineral technology courses are at an all time low and the number of mining schools declines annually.

Ultimately, we are going to be required to turn to the lower grade ore deposits at very great depths to satisfy our mineral requirements. Such endeavors will require research, both basic and applied. Subsection 4(b) of S. 635 provides for the "conduct of competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to mining, mineral, metallurgical, ceramic, fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economics, and related environmental research."

While it is recognized that all of our mineral requirements cannot be met by domestic sources, improvement of our ability to produce important minerals, domestically, is in the national interest, both from a national security standpoint and from an industrial security standpoint. Recent events in Chile with respect to the nationalization of copper mines serve to underscore this. But greater production of minerals domestically will not be easily achieved, since the minerals industry must compete with all others for the resources of manpower, finances, and the use of land. The achievement of this will rely heavily upon research to develop new and better methods of discovery, mining procedures, and extractive processes. Research, of course, cannot be conducted without trained personnel. It is my firm conviction that the establishment of "mineral institutes," as envisioned by S. 635, will provide a spin-off benefit in attracting young people into careers associated with the minerals field. It is my belief that other general assistance to deserving students has not been utilized to aid students in the minerals field because of a lack of research and educational facilities necessary for ongoing college or departments of mining and minerals. S. 635 seeks to remedy this lack of facilities through annual grants to qualified institutes.

While Assistant Secretary of the Interior Hollis Dole was not able to testify at the hearings on S. 635, he did make this point quite graphically in his statement to the committee on July 9, 1969, when testifying in favor of the National Mining and Minerals Policy Act. Secretary Dole, on behalf of the administration, said:

> In the professional areas of mining and earth sciences, we are facing a crisis. Our colleges and universities are not producing enough graduates in the mineral sciences to meet our expanding needs. In fact, we are losing ground. This year, for example, American universities are graduating a total of only 110 mining engineers, and many of these are foreign students who are returning to their own countries.
>
> Equally alarming is the fact that in 1967 only 17 educational institutions had an accredited curriculum in mining engineering.

> The median number of seniors was approximately six. There were at the same time 19 graduate programs with a median participation of 8 graduate students and half of these were foreign nationals.

Mr. President, that was the situation in 1969, and our hearing record indicates that the situation has not improved, in fact, if anything, it has worsened.

Willard C. Lacy, head of the Department of Mining and Geological Engineering, University of Arizona, explained the situation in these words:

> There are at the present time 17 accredited mining engineering curricula in the United States (including Alaska) that turn out approximately 100 to 125 graduates each year. Ten of these schools are in serious danger of having the mining engineering options eliminated. Of the graduates approximately 25% are foreign students, and only about half of the remainder enter the mining industry as operating mining engineers and mine managers. This leaves an effective output of mining engineers at about 40 to 50 per year.

Dr. Carl F. Lutz, vice president and dean of engineering, South Dakota School of Mines and Technology, pinpointed the situation as it relates to the State of South Dakota in these words:

> For the past 18 months, the South Dakota Regents of Higher Education have been developing a master plan for the system. An overriding consideration in this development has been to improve the quality of education through a better utilization of resources brought about by the elimination of unnecessary duplication and the curtailment of high cost programs. A committee studying the academic programs in South Dakota, recommended with respect to mineral related programs, "the low enrollment, high cost programs should be studied as to their need. Perhaps a consolidation or elimination of some of these departments is in order. Geological, metallurgical, and mining engineering, are in this category."

Dr. John F. Elliott, professor of metallurgy, Massachusetts Institute of Technology, summarized the dismal situation at MIT with respect to mining engineering in these words:

> The decline in activities in mineral engineering has been particularly dramatic. In 1951 there were 3 faculty and 10 graduate students working in that area, but the numbers are now 1 faculty member and 1 student. This loss is particularly serious because between 1949 and 1955, over 50 people obtained graduate degrees in mineral engineering at M.I.T., and a number of others did postgraduate work in that area.

S. 635 seeks to deal with these problems, and perhaps the best statement of the purpose of S. 635 was provided by Prof. M. D. Hassialis of the Henry Krumb School of Mines, Columbia University, which reads as follows:

> The establishment and continued support of institutes for research in the minerals fields marks a turning point in the implementation of the mining and minerals policy of the U.S. Therethrough it will increase the production of trained engineers in these fields; it will attract and hold qualified teachers; it will help to develop knowledge that may increase the economic mineral reserves of the country and thus have an important impact upon our balance of trade; it will contribute importantly to the abilities of the relevant industries to operate more safely, more efficiently and in better harmony with the environment; and finally, by complementing the activities of the Bureau of Mines, it will serve to infuse a new spirit and determination in this agency which has been charged with one of the most important functions, i.e., to promote the development of the mineral resources of the United States.

Mr. President, I strongly urge the enactment of S. 635.

Mr. President, there have been so many outstanding statements presented to the committee in support of this legislation, that I recommend to all those interested to read the hearing record when it is printed.

I have previously inserted some of those statements in the CONGRESSIONAL RECORD and I should like to insert some statements and letters received subsequent to the April 28 hearing, or which were submitted for the record at that hearing. I should like to insert in the RECORD a statement by Dr. E. F. Osborn dated June 25, 1970 entitled "Costs and Means of Financing Mineral Education."

Mr. President, I ask unanimous consent that the statements and letters previously referred to, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MACKAY SCHOOL OF MINES,
UNIVERSITY OF NEVADA,
Reno, Nev., April 23, 1971.

Re: S. 635, To amend the Mining and Minerals Policy Act of 1970.

Hon. GORDON L. ALLOTT,
Senate Subcommittee on Minerals, Materials, and Fuels, Senate Office Building, Washington, D.C.

DEAR SENATOR ALLOTT: A moment's reflection is sufficient to convince a person that there are but two basic and fundamental industries and that all other human economic activity depends upon the satisfactory operation of: (1) the industry involved with living resources; that is agriculture (including forestry, fishing, etc.) and (2) the industry involved with non-living resources; that is the mineral industry. Without either of these industries; which compose the first level of human economic activity; the world, as we know it, ceases to exist and man becomes a wandering animal. Thus it is folly to debate which is more important: agriculture or mineral industry. Other levels of human economic activity are important to the life of our nation but they cannot exist without the first level!

Some hundred years ago Congress recognized that a healthy agricultural industry was necessary to our nation's well-being and by means of the Morrill and other Acts created agricultural research and training institutes throughout America. The results are world famous. Regrettably, research and training institutes for the non-living (earth and mineral) resources were not established at that time. Thus, America, although well-supplied by nature with mineral materials, has paid a heavy price through lack of research and training. The nation that does not consider the economic condition of each of its two basic industries may soon lose its right of free choice in guiding its own future in the world!

The time has come for America to think about its earth and mineral (non-living) resources. The education and research necessary for these resources to be properly extracted and used must be supported and encouraged. Then, and only then, will America know that both of its basic and fundamental industries will be healthy and will contribute to our Nation's safety and well-being.

As Dean of one of America's few remaining mineral industry colleges and as Director of one of our most active state bureau's of mines, I sincerely urge you to support the passage of S. 635; which calls for the establishment of mineral resources research and training institutes throughout America.

Most respectfully yours,

VERNON, E. SCHEID,
Dean and Director.

MICHIGAN TECHNOLOGICAL UNIVERSITY,
Houghton, Mich., June 10, 1971.

Senator GORDON ALLOTT,
Washington, D.C.

DEAR SENATOR ALLOTT: I am wholeheartedly in favor of the philosophy and need expressed in the bill, S. 635, which you have introduced into the legislature. The bill provides Federal assistance for research and training in the mineral industries at a number of our nation's colleges and universities. This assistance is imperative to insure the well being of the industry and the country.

The mineral industry of the United States faces a long term production crisis in order to supply a sufficient quantity of fuels and raw materials at a reasonable cost. The new laws regarding environment, health, and safety will increase the cost and technical problems of meeting the demand. In addition, the increased technical problems and attendant costs create a demand for mineral technologists and engineers that present colleges and universities cannot provide.

It is therefore imperative that Mineral Sciences and Technology begin expansion *now*. The minimum time lag in engineering is four years at the B.S. level and six to seven years at the M.S. and Ph. D. level. Most of the research within the university training system is accomplished after the B.S. level. Thus, even though the legislation were to be enacted this year, peak results cannot be obtained for a number of years and most likely will not occur until near the end of this decade.

There is no way to provide instant education and training. The time to begin is *now*. Your bill will provide the means of accomplishing this objective.

Sincerely,

LLOYD O. BACON,
Professor of Geophysics.

SOCORRO, N. MEX., *April 26, 1971.*

Hon. GORDON ALLOTT,
U.S. Senate, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR SENATOR ALLOTT: I would like to submit the following statement in support of S. 635:

The extraction and benefaction of minerals needs the creative reinforcement that has been so overwhelmingly successful in the rest of science and engineering, namely, the financial educational stimulation of the National Science Foundation. This independent reinforcement of creative ideas, as opposed to the purely financial reward in the market place, is needed in the United States and the world with greater urgency than before because:

1. The mining of lower-grade deposits necessitates at present a greater ecological transgression.

2. Population growth has not yet allowed a recycling economy.

Mineral education hithertofore has been isolated from the other educational financial sources because of the existence of the U.S. Bureau of Mines with, at the same time, no consistent educational support policy.

I strongly support aid to mineral education. I firmly believe that this support should be approximately equally divided between:

1. Institute grant-in-aid or department type funding, and

2. Independent research proposal support administered as does the National Science Foundation with anonymous independent peer group review.

Sincerely yours,

STIRLING A. COLGATE,
President and Director of Research.

AMERICAN INSTITUTE OF MINING, METALLURGICAL AND PETROLEUM ENGINEERS,
Houghton, Mich., July 12, 1971.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: The Upper Peninsula Section of the American Institute of Mining, Metallurgical and Petroleum Engineers has authorized me, as Chairman of the Section, to express to you the support of the Section and its members for the legislation S. 635, which you have introduced in the 92D Congress to provide essential financial support for education and research for the nation's mineral industry. The Upper Peninsula Section geographically includes the Upper Peninsula of Michigan plus several of the northern counties of Wisconsin. The Section has a membership of approximately 350 engineers and scientists professionally engaged in the mineral industry. The area encompassed has had an active history as a mining district, producing iron ore, copper, limestone, and a variety of other mineral products for over 100 years.

The Section recognizes that maintenance of a flourishing domestic mineral industry is vital to the continued well-being of the nation's economy and security. We also clearly recognize that this industry faces serious problems related to the demands for increased production, the preservation of our environment, and the health and safety of its employees. We are seriously concerned that these problems be solved in a manner acceptable to society and the industry.

We further recognize that solution of the problems facing the mineral industry will require the dedicated efforts of many kinds of scientists and engineers. The university campus affords a unique opportunity for this type of interdisciplinary study and research.

For all these reasons, the members of the U.P. Section are deeply disturbed by the present trend toward elimination of university programs of education and research concerned with the mineral industry. We consider the financial support proposed in Senate Bill S. 635 as absolutely essential if this trend is to be reversed. If the trend is not reversed, if skilled professional people no longer enter the industry in sufficient number, if the necessary research is not done, the industry and our nation can only suffer consequences of immense magnitude. On the other hand, we are convinced that, given adequate Federal support for education and research, the problems facing the industry will be solved.

The Upper Peninsula Section of AIME is grateful for this opportunity to express our concerns and hopes regarding our country's mineral industry, and we deeply appreciate your efforts on behalf of that industry.

Very truly yours,

W. L. FREYBERGER,
Chairman, Upper Peninsula Section of AIME.

DIVISION OF GEOLOGICAL SURVEY AND WATER RESOURCES,
Rolla, Mo., April 12, 1971.

Hon. GORDON ALLOTT,
Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SIR: In my letter of March, 1971, I expressed the desirability of including state geological surveys as designated participants under Sec. 4(a) (4) of S. 635.

After a detailed study of S. 635 and discussions with other state geologists, I have become even stronger in my opinion concerning the active part that state surveys should play in mineral resource research under S. 635. In fact, it is entirely feasible that state geological surveys should be designated as the principal mining, minerals, and related environmental research institutes in those states that support active state geological surveys.

State geological surveys—or their equivalent state agencies—in 49 states and Puerto Rico are the state agencies that have been active in, and concerned with, the nation's mineral resources. This is evidenced by the strong support of the Association of American State Geologists in favor of passage of the Mining and Minerals Policy Act of 1970.

A considerable number of state surveys have subsidized university staff and students engaged in mineral resource investigation. It has seldom been that the universities have assisted the state surveys in such projects. The state surveys are the prime source of data for university requests regarding mineral resource data that are usually supplied (and even tabulated or compiled) at minimal expense to the recipient.

Although Colorado, Missouri, and Nevada are most fortunate in having perhaps the outstanding "schools of mines," there are only some seventeen educational institutions in the United States with accredited mining engineering curriculum.

Many state surveys have a long record of active participation in cooperative programs relating to mineral resources with the U.S. Geological Survey and the U.S. Bureau of Mines. In 1964, during the formative stages of the Water Resource Research Act, the Association of American State Geologists urged "the expansion and acceleration of the program for collection of basic water data by the U.S. Geological Survey; that provision be made for adequate analysis and synthesis of these data; and that adequate liaison with, and *utilization of, existing* water resources agencies in the several states be developed."

I hope that serious consideration be given the thoughts expressed above in your deliberations of S. 635.

Respectfully,

WILLIAM C. HAYES,
State Geologist and Director.

SUMMARY OF STATEMENT BY M. D. HASSIALIS, KRUMB PROFESSOR OF MINING, HENRY KRUMB SCHOOL OF MINES, COLUMBIA UNIVERSITY, GIVEN BEFORE THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, MINERALS, MATERIALS, AND FUELS SUBCOMMITTEE HEARINGS ON BILL S. 635, APRIL 28, 1971

STATEMENT OF M. D. HASSIALIS

The establishment and continued support of institutions for research in the minerals fields marks a turning point in the implementation of the Mining and Minerals Policy of the U.S. Therethrough it will increase the production of trained engineers in these fields; it will attract and hold qualified teachers; it will help to develop knowledge that may increase the economic mineral reserves of the country and thus have an important impact upon our balance-of-trade; it will contribute importantly to the abilities of the relevant industries to operate more safely, more efficiently and in better harmony with the environment; and finally, by complementing the activities of the Bureau of Mines, it will serve to infuse a new spirit and determination in this agency which has been charged with one of the most important functions, i.e., to promote the development of the mineral resources of the United States.

Mr. Chairman and Members of the Subcommittee: Permit me to preface my comments by recording my hearty endorsement of the Bill S. 635. Its avowed purpose of encouraging and supporting research and the training of personnel in the minerals fields are major factors in the implementation of the Mining and Minerals Policy Act of 1970.

I am certain that the increasing need for engineers in the mining and minerals fields which closely parallels the increasing rate of consumption of ores and metals is adequately and convincingly documented by the literature which has been made available to this committee. I have taken the liberty of making available copies of an article which was part of the symposium entitled "Training for A.D. 2000" conducted by "The Mining Magazine" of England. In this article I have attempted to discuss some of the reasons that enrollments in mining, mineral engineering, and extractive metallurgy have failed to respond to increased demands for engineers in those fields. Today I would like to take advantage of the opportunity which has been afforded to me to discuss the role of research in the training of minerals engineers and in advancing knowledge in these fields.

Research which involves students is fundamentally a teaching tool which incidentally develops new knowledge and therethrough new and improved understanding. It is the educational device by means of which the student is weaned from the nourishment of knowledge supplied by his teachers. It is the educational experience whereby he achieves the greatest professional maturity short of the maturity which comes from the practice of his profession in the industrial world. When he embarks upon this experience he is still largely dependent upon his teacher for guidance and knowledge; as he acquires knowledge in the area of his research, he becomes a colleague to his teacher; and finally when he completes his research he becomes in fact the teacher, and his former teacher, the student in the research area. In the course of this experience he has learned to identify problems, analyze these problems into their subsidiary parts, determine the new knowledge that will have to be developed to resolve the subsidiary questions and finally synthesize an answer to the problem under research. He learns to stand on his intellectual feet and he gains confidence in his own abilities. Additionally, and of equal importance, his creativity is unshackled from the psychological bonds most students experience when they are acquiring the knowledge developed by their teachers and predecessors.

Research in the minerals fields is of many types and performed by different groups. The research done by equipment manufacturers—with one or two notable exceptions—is really developmental work. The research done by industry and contracting research institutes is largely "application and testing research." In recognition of this fact and as a remedy thereto, companies have banded together to form organizations—e.g. the American Iron and Steel Institute—to support research for the industry as a whole. The more fundamental and basic research is done largely in the universities and schools of mines, and to some extent in the laboratories of the Bureau of Mines. But the extent of this type of work is woefully small. There are many reasons for this situation. There is an old cliche which says that no two ores are the same and no two mineral properties are identical. Despite its triteness it is true. The result of this is that when a company does research connected with the development and exploitation of a mineral deposit, its efforts are directed more towards the peculiarities of the deposit and the ore. True, the information thus developed will in time add to the totality of knowledge and, in the hands of a researcher interested in the why's and wherefor's and the relationships existing between the variables of the system under study, can serve a very important purpose. But this knowledge is made available much too slowly, for initially it is classified as company confidential.

The research which is directed at improving our understanding as to how and why things work, though aware of the peculiarities of individual ores and deposits, generalizes these idiosyncrasies. It is this research which will convert the arts of the mineral fields into technologies and ultimately into applied sciences. It is this research for which the support from government and industry amounts to little more than tokenism. If my reading of the intentions of the Bill S. 635 is correct, it is this research which will now be strongly and vigorously supported.

Permit me to make a further distinction. The phrases "fundamental and basic research" have many meanings. Following the end of the second world war a change has taken place in the direction of engineering education. Increasingly it has taken on the aspects of an applied science, and the teachers of these programs have increasingly been recruited from the science fields. The research interests of these teachers is also fundamental and basic research. The problem-orientation of engineering research has waned; it is more "curiosity-oriented." Without mitigating the value of such research, it is my opinion that what the minerals fields need is problem-oriented research—and it is this type of research which should be used to complete the training of minerals engineers if their final degrees are to indicate *professional* attainment.

Another reason for emphasizing the problem-orientation of research in the minerals fields stems from the fact that many of our new ideas represent adaptation of knowledge developed in other fields. Thus the ion-exchange and solvent-extraction processes had their origins in chemical techniques. The adaptation to problems in the beneficiation of uranium ores was made possible by the strong support of U.S.A.E.C. directed at the problem of recovering uranium from low-grade ores. Another adaptation currently taking place is the use of the systems approach and operations research to operations and management in the minerals fields. If equal importance is the use of computer methods in the organization and assimilation of data and ultimately in the automatic control of operations. These and other adaptations are made by problem-oriented research.

Finally I would like to repeat the well-known fact that the U.S. is a have-not nation with respect to its general minerals requirements. It has been said that we have exhausted most of our economic ores. I do not subscribe to this viewpoint. Many mineral deposits exist which are uneconomic under the present price structure and with the present state of our knowledge. It is my conviction that many of these deposits can be made economic by developing more effective mining and beneficiation techniques. Following the first world war, it was said that the U.S. had run out of economic lead ores. When the flotation process was introduced, this situation changed overnite. Today, we are still mining lead ores and producing lead metal. The same is true of the low-grade porphyry copper ores: with the development of very efficient mining methods and beneficiation methods these deposits became economic and today are an important factor in the copper production of the U.S. Additionally, the exploitation of these ores has pointed the way to a new concept, i.e., the viewing of an ore not as a simple metalliferous ore but as a multi-component ore. It should be pointed out that our dependence on imports for many of our minerals requirements is an important factor in the trade-balance of the U.S. These imports have been increasing at an alarming rate. Any effort which can convert uneconomic into economic deposits by the development of new methods and technology is of great national importance; indeed, one might say it is a national imperative.

To summarize, the creation and support of institutes for research in the minerals fields affiliated with educational institutions will have the following beneficial effects:

1. It will improve the recruitment and retention of high-quality teachers.
2. It will attract students to the mineral engineering programs for the governmental support will underline the importance of and opportunities for careers in the minerals industries.
3. It will increase the production of graduates well-trained in the technologies of the minerals fields and capable of independent and creative work.
4. It will accelerate the assimilation and adaptation of knowledge developed in other fields.
5. It will help to increase the economic mineral reserves of the U.S.
6. It will make an important contribution to the balance-of-trade and therethrough to the balance-of-payments of the U.S.
7. It will improve the efficiency and effectiveness of the minerals industries.

Finally, and most importantly, it will go a long way in improving the tarnished image of the minerals industries by showing the people that our government is deeply concerned with one of our most important natural resources and that it intends to do something about it.

The Enrollment and Employment Problem of Mining

(By Prof. M. D. Hassialis) [1]

Declining enrollments in mining curricula and an insufficient supply of engineers to meet the increasing demands of the mining industry, have been the subject of much discussion within academic halls, at professional meetings and in industrial circles. Increasingly these discussions are marked by impatience, frustration and resentment—impatience with the slowness of response of the problem to attempted solutions; frustration because these solutions appear not to be working on a short-time basis; and resentment, particularly on the part of industry, because many of the constructive steps it has taken, only after much profit-and-loss statement searching, have not been followed by appreciative response on the part of enrollees and job applicants.

There is a tendency to approach the situation as another problem in technology or economics in the hope that a few primary causitive factors will be thereby established, which, upon manipulation, will cause the system to move in the direction of increasing enrollments and job applications. Unfortunately the system is far too complex for this type of approach—for it is a human system—and our concern is with the decision-making function of the individuals comprising this system. Probably no two individuals follow the same path in the selection of a profession; furthermore, no two individuals make this choice within identical circumstances; and finally, the decision-making process is nondeterministic for it has an emotional component varying in degree from individual to individual.

Before considering how and when individuals select their professions, it would not be inappropriate to ask: Is there a mining profession? What is it? Is there a need for mining engineers? In view of the topic under discussion these questions would appear to be impertinent. Certainly there is a mining industry. This industry uses many technologies of which mining engineering is but one. However, even a casual examination of the unit operations of mining soon discloses that these operations can be equally well, if not better, performed by other than mining engineers.

Only in the selection of the mining method, and in determining whether and how operating results should modify the mining method, does the mining engineer seem to have a unique role in the technology of mining operations. In the case of open-pit operations, even this role is suffering erosion by civil engineers. The other seemingly unique role of the mining engineer, is the management of mining operations but the assignment of this role is a more consequence of tradition and historical accident than professional training.

Sixty years ago the mining camp was so isolated by lack of communications and transportation that the mining engineer in charge had to be completely self reliant. He had to know how to build roads, run and maintain a power plant, handle all electrical and mechanical problems, service and repair equipment using the materials and tools on hand, supply and house his work force, on occasions serve as dentist, doctor and even as midwife, dispense justice, provide spiritual leadership, and healthy outlets for his men's energies off-time, etc., etc. All of these activities were directed towards a single goal—get the job done and show a profit. Engineering had not yet divided and subdivided into the specialties which exist today. The mining engineer was responsible for all the unit operations of mining.

With the perfection of planes, helicopters, radio and other means of transportation and communication, the isolation of the mining camp has virtually disappeared. It is difficult to imagine a problem arising for which a specialist and/or a specialised piece of equipment cannot be delivered at the camp site within 48 hours. In fact, each camp has its resident specialists who have taken over the detailed responsibilities previously assumed by the mining engineer. With the diminution of isolation, accountability for the mining operation has increased. Whereas previously the operation was reviewed yearly, or at best half-yearly, today accountability is at least a monthly affair. With these and other inroads on his time, the mining engineer withdrew somewhat from direct operations. In so doing, he assigned responsibility therefore and established management controls to keep him informed and in overall charge.

Today his job is essentially one of concerting the activities of various specialists responsible for the different mining operations. In the performance of his job he will be dealing with specialists in geology, ground control, ventilation, explosives, surveying, mechanical, electrical and civil engineering, communications, etc. He need not be a specialist in each of the areas in order to manage their effective coaction but he should know enough to deal intelligently with these areas. But this type of generalised knowledge could equally well be possessed by other than a mining engineer. Only insofar as his training provides the breadth of background implied above can it be said that the mining engineer is uniquely qualified. Certainly, not all mining engineers reach this level of responsibility for the overall management of a mine. Some remain at the lower levels of management and at still lower levels which may be more accurately described as operational levels. As has already happened in other fields of engineering, the operational levels are being manned increasingly by skilled technicians, and the mining engineer who stays at this level is actually under-employed.

As to the need for "mining engineers" there is no question that such need exists today and will increase in the future. This need exists at both levels, *i.e.*, the operational and administrative or management levels. In broad terms and without differentiation between metals, the annual rate of consumption of ores and their derivative metals will practically double by the end of this century. Some authorities believe this may be an understatement for such consumption is proportional not only to population growth but also to increased standards of living. Considering the fact that the great majority of the earth's population has a very low standard of living compared to the small minority and that the reduction in the standard-of-living gap should be a primary geopolitical goal, the above estimate of future consumption may well be an underestimate. But this increase in consumption implies an increase in demand for "mining engineers"; not necessarily the same percentage increase, for hopefully, improvements in techniques and efficiency should increase the units of production per engineer.

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[1] Henry Krumb School of Mines, New York.

DIVERGING TRENDS

We see, therefore, a rising demand curve for 'mining engineers' which practically doubles by the end of the century. Conversely, if we examine the supply curve of graduating mining engineers this shows a steady decline which reaches zero output by the mid-eighties if we are brash enough to extrapolate this curve. What has produced this state of affairs? Why do not our young people elect mining as a professional option? The reasons are so many, varied and individualistic that it is not possible to discuss them in a systematic manner.

For some ten years the author made a recruitment circuit of the New York metropolitan area. He spoke glowingly of the interesting and exciting opportunities in mining, mineral engineering and metallurgy. Yet in ten years it is doubtful whether his efforts were instrumental in deciding more than 4 to 6 youngsters to enter these fields. The obvious conclusion is that the speaker was ineffective. However, a comparison of notes with other speakers of unquestionable talents in the art of transferring their convictions to their audiences, showed similar, poor yields.

During this period and subsequently, by listening to young people and particularly older people, it was possible to first glimpse, then more clearly see, mining as the general public views it. To them it is an unclean, unhealthy, unsafe, unremunerative, unimaginative and unstimulating activity—in mod language, it is an un-profession. Who hasn't seen in the movies or on the front pages of his newspaper or on a TV screen, a miner emerging from a hoist cage, lunch-pail in hand, a short stubby pipe grimly clenched between teeth, a miner's light on his hard hat, with blackened or begrimed face setting off white eyes and giving to the general countenance the haunted look of a man emerging from the mysterious nether regions? Obviously a picture of man engaged in a dirty business who has just undergone a soul-searing experience.

Who has not heard of silicosis? Who has not heard of tales of mysterious ailments afflicting miners from breathing the insupportable dank fectors of the underground? Who has not guiltily thrilled to the unfolding drama of a mine disaster reported in all its gruesome details? By now the script is standard; there are only variations on the theme. The grieving wives and mothers keeping vigil at the headframe; the hush of expectancy as the cage comes into view; the reported tappings of trapped men which keep hope alive; the step-by-step descriptions of heroic men braving noxious fumes and falling rock to rescue trapped companions—this is the stuff that legends are made of. Who has not run the gamut of emotions from pathos to exhilaration as we vicariously react to these accounts from the safety and comfort of our armchair? Certainly it is a dangerous business.

The public's view of remuneration and rewards in mining is mixed. One extreme is dominated by the picture of a forlorn group of miners waiting at the employment office; the other extreme is composited of tales of fabulous wealth amassed within a short time by people whose names have passed into history. However, this extreme is tainted by the suspicion that such rapid acquisition of wealth could only have been achieved by devious, dishonest and indecent means. Spanning these extremes is the view that mining is a feast or famine business. The more knowledgeable still recall that a mere decade ago, graduating mining engineers were having difficulty in being employed while simultaneously their older colleagues were being laid off after years of service. They also recall that starting salaries offered to new graduates were substantially less than in other engineering fields. Certainly there is no history of steady employment at competitive salaries comparable to the situation in other engineering fields.

ART OR SCIENCE?

Another picture of the mining industry held by knowledgeable and even sophisticated people, is that though mining is one of the oldest engineering professions, it is still fundamentally an art using methods and techniques not vastly different from those described by Agricola. True, there have been modifications resulting from the introduction of steel, explosives, electrical power and the like, but the methods are all too similar to those used by the Egyptians, the Greeks and the Romans. They see little difference between the continuous ore conveyors of the Roman-operated mines in Iberia and the modern bucket elevators. Whereas the Romans used a continuous rope, we use a continuous belt of leather or articulated metal units; whereas the Romans used reed baskets tied to the rope, we use metal scoops riveted to the belt; whereas the Romans used animal or human power, we use electrical power as the motivating force. They see in this only the improvements resulting from the availability of a wider choice of improved materials of construction and from new energy sources but no improvements in methods as a result of new solutions to old problems.

Financial analysts evaluating different industries are quick to point out that research expenditures, if existent, are woefully small regardless of the yardstick used when compared to the more progressive such as the electronic, petroleum and chemical industries. It has also been noted that improvements follow, with a nearly unit correlation coefficient, a shrinkage in the margin of profit resulting from increased labour and material costs. This is not the picture of an aggressive, imaginative industry continuously striving for self-improvement but rather of an industry content to preserve the *status quo* and making advances in technology only when forced to.

In encapsulated form, this is the image the general public sees of our industry. We know it is a badly distorted image suffering from spherical and chromatic aberrations. Though badly delineated and highly coloured there is enough truth in it that when we attempt refutation we are inevitably led to the defensive phrase: "Yes, but —". Whether this image is true or false is irrelevant; what matters is that it is the view of the general public and to the extent it influences the decisions of young men in their selection of a profession, it must be taken seriously.

How and when do youngsters make up their minds as to their choice of a profession? How and to what extent is their decision affected by the general public's view of mining? It is not possible to give responsible answers to these questions. With all the studies being made and supported by federal, state or foundation funds, it is unfortunate that none has been undertaken to elucidate the processes involved in career selection. This would be of immeasurable value to parents, schools, government and industry. And the results would be applicable to all fields. Most of us know of at least one youngster, who at the age of 10–12 knows precisely what he wants to study and the career he intends to follow. This is usually a youngster with one-sided maturity and highly polarised interests. Similarly we know of many more cases of young men, of more balanced maturity who, even at the mid-point of their undergraduate years, are still undecided as to what they want to do. These are often highly intelligent young men of broad interests and great capability.

THE CAREER DECISION

The author has often had qualms of conscience and serious misgivings about the educational system which tends to force these young men to make a decision. What is striking is that the decision-making process is neither wholly rational or conscious. In many conversations spanning many years a pattern seems to have emerged. The facts, real or imagined, which have been acquired are used in the logical argument given to arrive at a wish which is then elevated to the status of a logical conclusion. It is interesting to note that when new facts are introduced or old "facts" are corrected, the adduced argument varies but the conclusion remains the same. Obviously the wish, which is the conclusion, has been arrived at by other than external, logical means. For all we know the decision to become a mining engineer may be nothing more than a wish to escape parental influence. Since mining offers the opportunity to work in some far-off place, it is not the young man's decision to remove himself from the parental orbit, it is the requirements of his profession.

One of the most popular misconceptions is that remuneration plays a vital role in the decision-making process. Perhaps, but in the writer's experience, he has never seen a case where this was even a minor, much less a major factor in the decision. It has been used as an *ad hoc, ex post facto* argument to validate a negative decision but even casual inquiry soon discloses the more potent and major reasons therefor. With students, who made their decision and who were graduating at a time when job opportunities were few and starting salaries were correspondingly low, remuneration did play an important part in deciding some of these men in turn to other fields. Four of the writer's best students never practised their chosen professions of mining and mineral engineering but chose, upon graduation, to seek employment in other industrial fields. Remuneration was part of the reason for their defection; lack of foreseeable future opportunities was the more important reason.

It should be recognised by industry that improving starting salaries to make them competitive with those in other engineering fields may have little effect on the decision-making process, which takes place anywhere between the ages of 12–21; only a continuous history of competitive salaries may have much effect. In any event, immediate results must not be expected for the lag time is anywhere from 7–10 years. Such action can affect and minimise the defections from the ranks of the graduating mining engineers.

PROFESSIONAL OBSOLESCENCE

Of equal importance in minimising defections upon graduation and thereafter, is to alter the time-honoured methods of 'in-company training'. To start a mining engineer on a muck pile so that he may learn the difference between a left-handed and a right-handed shovel is certainly by now an archaic management practise. To deny to this engineer, until he has suffered professional obsolescence, the opportunity to apply in the company's interests, the new and exciting techniques to which he has been exposed in his training, is to frustrate his initiative and emasculate his creativeness. In the case of overseas and remote-area assignments, it should be made clear that this is not relegation to Siberia and that opportunities for advancement within the central corporate structure do exist.

Another misconception often voiced by industrial representatives is that mining curricula are outmoded and somehow inadequate. Whether valid or not, this criticism does serve the useful purpose of reminding educators that they must continuously strive to improve and update their offerings. In general, a study of these programmes over recent past history will disclose substantive changes resulting from the inclusion of recently developed information and techniques, *e.g.*, rock mechanics, operations research methods, econometrics, chemical mining, computer methods, etc. The real danger is that, in trying to include these innovations, the more conventional requirements may be sacrificed. Another danger is that a graduate so trained may find that his industry does not and is not ready to use this more advanced technology and as a result disillusionment sets in. In any event, it is doubtful that either the tiro mining engineer or his counsellers use the mining curriculum as a pro or con argument in the selection of his profession—it may be used in selecting the school where he carries out his studies.

To use that irritating and overworked term of the ad men, the basic problem confronting the mining industry is its image. Unqualified though the writer is to offer constructive suggestions as to how this image may be improved, it is apparent that a massive effort will have to be mounted and sustained to correct this image. If successfully done, the beneficial consequences of attracting capable people into the industry will be overshadowed by the industry's improved relations with state and federal governments and above all, with the public at large.

Comments of the American Ceramic Society With Respect to S. 635

A Bill To Amend the Mining and Minerals Policy Act of 1970

(By William J. Smothers)

The following is an analysis of Senate Bill 635 to amend the Mining and Minerals Policy Act of 1970 based upon the experience and information available to The American Ceramic Society.

The American Ceramic Society has approximately 7,500 members, drawn from all areas of ceramic interest. It is the premiere publishing agency for scientific and esoteric ceramic-related data in the world. Through two monthly technical publications and several monographs published annually and some twelve national meetings each year the Society serves to record and disseminate the findings of the research and development of the members and contributors of its eleven Divisions, namely: Basic Science, Cement, Ceramic-Metal Systems, Design, Electronics, Glass, Materials and Equipment, Nuclear, Refractories, Structural Clay Products, and White Wares. Through two classes of membership the Society also makes use of some 1700 registered, professional ceramic engineers of the National Institute of Ceramic Engineers and the some 250 ceramic engineering and science educators through The Ceramic Educational Council.

The engineering and science community, to which the information disseminated by the Society is related, is engaged in the development and production of non-metallic minerals and subsequent processing into a variety of products with an annual value of some 15 billion dollars. There is no standard by which to judge the additional value of the contributions to society made by the educators, scientists, artisans, government employees and others whose participation in ceramic activity and development is not included in industrial production statistics.

The ceramic industry is a basic one in that its products are essential to all industries which employ high temperature processes, for example, the primary and secondary metals industries; electric power, both from fossile fuels and nuclear energy; petroleum and petrochemical; fine and heavy chemicals; and many others, including the ceramic industry itself. The structural clay products, glass, and cement divisions of the industry produce a wide variety of products essential to the construction industry. The ceramic insulators, ferromagnetics, ferroelectrics, piezoelectrics, phosphors, and dielectrics of the electronic ceramic division of the industry are essential to this nation's electronics industry, including the computer industry. The glass division supplies the optical industry a wide variety of lenses, prisms, filters, and optical fibers. Ceramic materials serve unique roles in this nation's nuclear, space, and defense programs.

The prevailing deficiencies in this nation's ceramic research and development and training of ceramic engineers and scientists have been documented in the 1969 report of the National Academy of Sciences compiled by the Panel on Nonmetallic Minerals of the Committee of Mineral Science and Technology, a document with which the members of the Senate Interior and Insular Affairs Committee is certainly knowledgeable. The American Ceramic Society is cognizant of the findings and recommendations of this most comprehensive study. Our national commitments of manpower, monies and materials over the past two decades to the nuclear, space, and numerous defense projects has served to deprive the ceramic industries and educational programs of the resources essential to sustaining this nation's past prominence in this basic technology. As a consequence the ceramic industry in this country cannot manufacture dinnerware, floor and wall tile, some electronic ceramics, optical glass, some specialized refractories and processing equipment in competition with products offered by foreign manufacturers. The plate and flat glass industry in this country has in the past five years acquired through license arrangements the complete technology for the float glass process, as developed by a British manufacturer, in an effort to provide a domestic supply of these glass products competitive in price and quality with that offered by foreign manufacturers.

There are other and increasing numbers of examples of declining ceramic technology which have an immediate and long term consequence upon our economy and security which should be of national concern. To reverse this trend there must be a significant increase in the education of ceramic engineers and scientists and funding for research and development. The data presented in Figure 10, page 34 of the National Academy of Science report *Nonmetallic Materials, see* attachment I, depicts the annual production of academic degree candidates in ceramics for the twenty-year period from 1947–1967, as developed from enrollment data compiled annually by the Statistics Committee of the Society's Ceramic Educational Council. In this twenty-year period the thirteen accredited ceramic engineering and eleven ceramic science departments in the country awarded some 6,000 degrees. However, inasmuch as those earning graduate degrees were recipients of two or three of the degrees awarded, the number of individuals educated during this period was only some 4,500. In the five-year period subsequent to the last year included in attachment I, the annual reports of the Ceramic Educational Council indicate that some 800 additional individuals have earned one or more degrees in the field, thus, bringing the total since 1947 to some 5,300.

A survey published in the March issue of the *Bulletin* of the Society indicates that approximately 5% of the total graduates are in the armed forces and some 16% are engaged in activities unrelated to the field, such that of the 5,300 awarded degrees in the past quarter century only some 4,200 remain associated with the field through employment in industry, government, or education. This number indicates that there is only one technically-trained ceramist per 140 employees in the ceramic industry, which number is well below the average in other basic industries. The survey cited above also indicates that only 18% of the 4,200 graduates active at this time, or some 750 individuals, are engaged in research and development. Of these, some 300 are employed in government and education such that on the average there is no more than one trained ceramist engaged in research and development per eight industrial organizations processing ceramic materials.

These data should evidence adequately the reason for our lag in ceramic technology; however, the annual national expenditure for nonmetallic mineral research and development is another obvious contributor. The previously cited National Academy of Sciences report provides a survey of such expenditures in 1966 by industry, government, and educational institutions, which was little more than 1% of the total value of ceramic products manufactured in that year. By any criteria, this annual rate of expenditure is grossly inadequate to sustain the technological progress of any basic industry. The excellent analysis of the contributions to the open technical literature in the field, as summarized in Table 9, page 37, of the National Academy of Sciences report, clearly evidences the consequences of this limited R&D investment in that U.S. contributions to the technical literature declined from 32.2% of the total in 1951 to 21.1% in 1963, while those of the USSR increased from 12.5% to 41.8% over this twelve-year period. Unfortunately, the quality or significance of the findings reported in the literature cannot be assessed from such an analysis, but there is a clear consensus within our engineering and scientific community that this aspect of our research and development activity is of equal or possibly greater concern.

There is, of course, a direct relationship between the number of students educated in the field and that portion of the annual R&D expenditure available to the universities. The National Academy of Sciences' Panel on Nonmetallic Materials estimated this expenditure in 1966 at $5 million, of which $2.7 million was administered by 24 institutions participating in the Society's enrollment survey. For these latter institutions this level of funding provided an average annual expenditure of approximately $7,400 per student enrolled in graduate programs, which was but half the accepted national norm of $15,000 per engineering or science student for that year.

Recent projections for the growth in the demand for nonmetallic mineral resources in the decade ahead give cause for further concern for the future of ceramic technology in this country. Domestic production of some nonmetallic minerals is currently inadequate to fulfill demand. New exploration techniques must be developed to increase the known reserves of these minerals and improved techniques must be developed for beneficiating known deposits which in their natural state lack the degree of purity to meet current requirements.

The manufacture of all ceramic materials requires one or more high temperature processes which consume significant quantities of energy, largely derived from natural gas or electric power. The efficiency of few of these processes has been examined at any time in the recent past, and with the ever mounting demands for energy and growing concern for the consequence of combustion products upon air quality and in turn the ecology, all present high temperature processing systems should be carefully studied and research and development initiated for the design and study of new systems with greater thermal efficiency.

Inasmuch as the future of ceramic technology in this country is dependent upon the future availability of trained personnel, The American Ceramic Society is very interested in the intent and provisions of S. 635 for the following specific reasons:

(1) Ceramic engineering, as one of the several disciplines comprising the broad field of mineral engineering education, has long been neglected in this country with the consequence that in the past decade some institutions have terminated programs in the discipline and others are currently threatened.

(2) The on-going ceramic engineering programs have offered upward to one hundred years of service to industry and government and their faculties have the dedication, technical competence, and capacity to contribute to the implementation of the intent of S. 635.

(3) This legislation could serve to evidence to the general public a national concern for the many problems confronting the country in the management of its natural resources, particularly to the young people of this country who must be encouraged to consider career opportunities in one of the mineral engineering fields, if this country is to regain its former technological preeminence in this field.

(4) The revitalization of academic research and development, as intended by the institutes to be established through the provisions of this legislation, would serve to strengthen the total academic programs in all mineral engineering disciplines, and an important secondary benefit of the research and development activities of the institutes would be the increase in trained manpower to fill the needs of industry, government and education.

COST AND MEANS OF FINANCING MINERAL ENGINEERING EDUCATION

(By E. F. Osborn)

I have been asked to talk about the cost and financing of mineral engineering education. Perhaps more in keeping with the national situation would be a talk on the high cost to the Nation of our neglect of proper financing of mineral engineering education. Many of our more dismal headlines relate to mineral resource problems—headlines about mine disasters, oil spills, acid mine water, air pollution, and so on. These spectacular troubles are only a part of the serious difficulties that we find engulfing the mineral industries; and these difficulties are related to the almost unbelievable neglect in universities of mineral engineering education.

The mineral engineering fields are those that have to do with the extraction and primary production of mineral resources, and in general with use of the underground. The mineral engineering fields in universities are essentially synonymous with the fields which our recent National Academy committee report[1] referred to as mineral science and technology. The spectrum of these and related fields is shown on Figure 1. We do not include the geological sciences on the left, but would include geological engineering; and do not include most of what is known as materials science and solid state physics on the far right. The fields as popularly known therefore are mining, mineral processing, extractive metallurgy, ceramics, fuel science and engineering, geological engineering, and I would also include mineral economics.

I	II	III	IV	V	VI
Exploration	Production of raw materials	Beneficiation of raw materials	Extraction and production of metals. Primary processing of minerals for nonmetallic uses. Processing and conversion of fuels.	Fabrication of materials with specific composition and structure	Properties and uses of materials
	Mineral science and technology				
Geological sciences				Materials science	

Figure 1.—Steps in the utilization of mineral-based materials for commerce.

COMPARISON OF ENROLLMENT IN MINERAL ENGINEERING AND IN COMPARABLE AGRICULTURE CURRICULUMS—TOTAL OF 2D, 3D, AND 4TH YEAR ENROLLMENTS, THE PENNSYLVANIA STATE UNIVERSITY, FALL 1969

Curriculum	Enrollment	Curriculum	Enrollment
Ceramic science	37	Wood science	10
Fuel science	10	Food science	5
Mining engineering	30	Agricultural engineering	30
Metallurgy	43	Horticulture	44
Petroleum and natural gas	45	Agronomy	43
Mineral economics	54	Agricultural economics	26

Fig. 2.—Penn State enrollment data.

The problems associated with mineral production must certainly be quite well known to this group. Included among these, and very obvious to the public, are those for example that have to do with coal mining. In my State of Pennsylvania we have almost unbelievably extensive pollution of streams by acid water draining from abandoned coal mines. About 40 of these mines are burning underground and in some cases the surface is subsiding and cracks opening. The lack of adequate technology in mining seems matched in the petroleum production industry where we are told we can expect oil spill disasters on an annual basis.

Then there is the serious matter of meeting our ever increasing requirements for mineral products, as other nations are becoming more industrialized and are competing for the same materials. Alarming is the fact that to meet the Nation's increasing mineral products requirements, we depend more and more on foreign sources, many of which cannot be considered as reliable long range sources. The net value of mineral imports over exports has tripled in the last decade; in 1966 imports were valued at 6.7 billion dollars and exports at 3.4 billion dollars. I believe that it is mainly the technology that we are running out of in America rather than mineral resources.

Mineral engineers not only deal with mineral production but are involved in every type of use of the continental crust. They have the knowledge and experience with respect to the underground "environment," and as engineers must be held responsible for the wise use of the underground. This responsibility is becoming more and more important as we increasingly use the underground for storage and disposal of materials of all kinds: solids, liquids, and gases. Such use must be on a planned basis, regionally as well as locally, to avoid serious contamination and at the same time to make maximum use of the underground. Yet the knowledge needed for this planning is not available nor is it in the process of being obtained on the scale needed.

The threat of serious pollution of the underground, jeopardizing future water supplies or the use of underground zones for other purposes in the future, is from many sources, but principally from: (1) the leachate draining into the underground water system from landfill garbage and trash disposal operations, (2) poisonous fluids being injected under high pressure into underground zones, escaping and possibly causing widespread crustal contamination, and even causing surface pollution as these fluids more and more frequently are found to be erupting at the surface, (3) radioactive wastes which are increasing rapidly in amount and are being buried in some cases without the thorough knowledge of the geology required for the full and needed assessment of the safety factors involved, (4) leakage from buried storage tanks and pipe lines, contaminating drinking water supplies and even seeping into basements of homes.

At the same time that we have a national crisis on our hands because of mineral resource problems and underground pollution dangers, it is an almost incredible fact that the very fields of university education and research dealing with these problems are being phased out at our education institutions. With a little thought on the situation, one realizes that there is a connection. Without the basic education and research, we are bound to be in trouble. With a weak educational base, the technology will be weak.

In contrast to our mineral resources, agricultural resources have been taken seriously. Federal and matching State funds have continually supported education and research on agricultural resources at a university in each State since the first Hatch Act of 1887. As a consequence, we have continually trained the experts we need in these fields at the many excellent colleges of agriculture in the country, and through research and extension programs have put into effect efficient production and conservation programs with respect to agricultural crops, forests, soils, wildlife, watershed management, etc. We in the U.S. can be very thankful for the wisdom exhibited by Congress, first in creating the land grant colleges, and then 83 years ago in providing funds to establish and continually maintain the State agricultural experiment stations.

In the case of our mineral resources we have had no such foresight. Support of mineral resources education and research has been sorely neglected. As one result, we find that one-third of the Nation's university departments for education and research in mining engineering closed their doors during the five year period 1962–1967, despite an increasing demand for mining engineers. Comparable departments in colleges of agriculture such as entomology, plant pathology, horticulture, poultry science, agronomy, etc., continue throughout the United States to carry on strong programs aimed at solving the problems and keeping the United States at the forefront in agriculture science and technology. These agriculture programs have also sparked the so-called "Green Revolution" which is so vital to developing nations. This is all possible because of a farsighted national policy providing among other things, continuing Federal and State appropriations to the agricultural colleges.

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[1] "Mineral Science and Technology: Needs, Challenges and Opportunities." A report by the Committee on Mineral Science and Technology of the National Academy of Sciences—National Academy of Engineering—National Research Council, Washington, D.C., 1969.

The declining state of mineral engineering education in our universities is not primarily because of cost but is because of a lack of interest in support of these by Federal and State governments.

Let us look briefly at some cost figures that I have obtained for disciplines at Penn State. This type of figure is calculated different ways at different institutions, but within a university, valid comparisons can be made among curricula. For the fall term of 1969, the cost per unit of instruction in mineral engineering was $16.70; in agriculture, $17.71; and in all other engineering, $19.67. The unit cost was thus actually less for mineral engineering than for agricultural fields averaged, or for other engineering averaged.

And so if it is not cost, why are mineral engineering curricula being phased out?

One reason is that support of graduate and research programs in these fields has been very small. They have simply missed out on funding by Federal agencies. Agriculture has the U.S. Department of Agriculture, but mineral engineering has the U.S. Bureau of Mines. The Bureau of Mines has, as we know, steadfastly maintained through the years its policy of no support of education and research programs in universities. Many fields of engineering have received good support of their graduate and research programs from other Federal agencies, especially DOD, AEC and NASA, but not mineral engineering.

The three extractive mineral engineering fields of mining, extractive metallurgy and petroleum engineering are notable for their relatively low level of funding of the graduate and research programs. This was emphasized in our recent National Academy report where the following statement appears (p. 77): "The total Federal support of graduate and research programs reported for mining, extractive metallurgy, and petroleum engineering was only $1.2 million a year in the fall of 1967. In these programs there was a total of 261 Ph.D. candidates and 467 M.S. candidates. The Federal support of graduate students in these fields is thus less than $2,000 per student per year. This compares with $6,000 of Federal support per graduate student per year in chemistry."[2] According to a recent NSF report, "On the average approximately $1 million in Federal funds is associated with the award of seven doctorates in science and engineering,"[3] or approximately $140,000 of Federal funds per doctorate. In mining and petroleum where there are now granted about 20 Ph.D. degrees per year in each field, the Federal contribution per degree is only about $15,000. Or in other words, per Ph.D. degree granted, mineral engineering receives only about one-tenth as much Federal support as the *average* for Ph.D.'s in science and engineering in this country. On any basis, graduate programs in mineral science and engineering receive comparatively little Federal support.

This lack of funding and absence of strong graduate and research programs as compared with other engineering, or with agriculture, or with most of science is one reason that mineral engineering departments have looked anemic and have disappeared.

Another reason is that university administrators tend to put great weight on the small number of students in some of the mineral engineering departments when compared with other engineering and science fields. This comparison I maintain is not a fair one.

Mineral engineering, dealing with the Nation's non-renewable resources, should be compared with agricultural fields which of course deal with our renewable resources. Agriculture departments, such as agronomy or plant pathology, continue whether or not there is a large group of students. Note in Figure 2 the comparison of total 2nd, 3rd and 4th year enrollments in mineral engineering and in agriculture at Penn State University. The agriculture fields of entomology and plant pathology, incidentally, have no undergraduates at all—only graduate programs.

The curricula in agriculture are supported because of their importance to the Nation. Strong faculty groups exist in these fields at the college of agriculture here at Ohio State and at Penn State and at a university in every State. With a college of agriculture in every State, despite low enrollments enough students are turned out, and we have the specialists being produced on an adequate scale. Broad spectrum research on the Nation's agricultural problems is a continuing activity.

In my view there is no question as to the appropriate manner of financing or of the cost of mineral engineering education and research. We have learned how to finance the agricultural resources fields. Let us simply do what we know how to do well—support mineral engineering as we support agriculture. Annual appropriations for this purpose should be provided to the land grant college, or to some other designated institution in each State. We have made a start in this direction with the Water Resources Research Act of 1964.

Every State has important, essential mineral resources—sand, gravel, building stone, water, industrial minerals, etc., and in addition may have one or more of metallic ores, petroleum, natural gas or coal. Every State must sooner or later have problems of landfill locations for trash disposal and other problems where pollution of the underground is a serious threat. A strong mineral engineering program in a university in each State is an educational base of extreme need and importance. Crash programs are needed to take care of some of the worst situations, but for the long run it is essential that the education base be built up to provide the specialists and the fundamental knowledge to anticipate and handle the mineral resource and underground problems of this Nation.

I have estimated that about $25 million per year is what is needed in Federal funds, and this will be matched by State funds, to build up and maintain viable mineral engineering groups at an educational institution in each State, as well as to support graduate and research programs on mineral problems in other institutions. This I am convinced is what is needed.

Those of us who appreciate the critical need for the knowledge and the specialists in mineral engineering, and who recognize the requirement for sound practices in mineral resources conservation and in utilization of the underground, must strive to reverse the deteriorating trend in mineral engineering education. I have pointed out that there is a way to do this. The cost in dollars is not high. The cost to the country will be increasingly great, however, as we continue to delay in adequately supporting education and research in the mineral resource fields.

ADDITIONAL COSPONSOR

Mr. ALLOTT subsequently said: Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of S. 635, a bill to amend the Mining and Minerals Policy Act of 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–266), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of Senate bill 635 is to support, enhance, and stimulate mining, mineral, metallurgical, ceramic fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economics, and related environmental research, and the training of an adequate supply of scientists, engineers, and technicians in such fields, by supporting the establishment of an appropriate research and training center in each State. This will be achieved through matching grants, subject to appropriation by the Congress, and commencing in the first year at a level of $100,000 per State, going to $150,000 in the second year, $200,000 in the third year, and leveling off at $250,000 in the fourth year and subsequent years. Such matching grants are for the purpose of assisting each participating State in establishing and carrying on the work of a competent and qualified mining, minerals, and related environmental research institute or center.

NEED

In the 91st Congress, the National Mining and Minerals Policy Act of 1970 was enacted into law (Public Law 91–631). Any policy requires the creation of implementing mechanisms, and S. 635, which amends the National Mining and Minerals Policy Act of 1970, is an important first step in formulating an action program to provide for research and training of qualified scientists, engineers, and technicians.

As Senator Gordon Allott, author of the National Mining and Minerals Policy Act of 1970 and of S. 635, observed when reporting the Minerals Policy Act:

As we permit our Nation to become more and more dependent upon foreign sources for minerals important to our industry and security, we tend to lose the ability to find and produce these minerals domestically. Our dependence tends to encumber our foreign policy and limit our freedom of movement within the family of nations. In my opinion, it is in the long-term national interest that our ability to domestically produce important mineral commodities be improved and maintained.

The best hope for achieving this objective is through technological advancement in methods of finding, mining, and processing available resources. Radically new approaches may be necessary to achieve this, and research is the logical path to new technology. Our continued progress depends upon it. As Dr. Lee A. DuBridge, Director of the Office of Science and Technology, pointed out in his report to the committee on this legislation:

"* * * Increased productivity through adaptation of new technology has been the established road to progress in this country in industry generally and has resulted in a standard of living for the U.S. worker second to none. I believe that the minerals industries can also expect to participate in an improved standard of living, but we must devote a great effort to the need for better technology in order to meet our future needs. Certainly a congressional declaration of policy to that effect—as is contemplated by S. 719—would be a useful step in that direction."

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[2] Chemistry: Opportunities and Needs, NAS–NRC Publication 1292, National Academy of Sciences—National Research Council, Washington, D.C., 1965, p. 168.

[3] "The Dynamics of Academic Science—A Degree Profile of Academic Science and Technology and the Contributions of Federal Funds for Academic Science to Universities and Colleges." National Science Foundation Report No. 67–6.

The alarming trend within the universities of the United States of discontinuing and closing the doors on departments for education and research in mining engineering, was made evident in the authoritative 1969 report of the Committee on Mineral Science and Technology entitled "Mineral Science and Technology, Needs, Challenges and Opportunities," sponsored by the National Academy of Sciences. As that report disclosed, during the 1962–67 period there was a demise of significant recommendations, two of which relate specifically to cited curricula in the country. The Committee on Mineral Science and Technology, under the able chairmanship of Dr. Elbert F. Osborn, who is presently the Director of the Bureau of Mines, made a number of significant recommendations, two of which relate specifically to purposes of S. 635:

> A program be established under the Assistant Secretary for Mineral Resources to provide continuing federally appropriated matching funds to each State in support of mineral-resource research.
>
> The Bureau of Mines develop sustaining research and educational programs in mineral science, technology, and engineering through grants, contracts, and traineeships at educational institutions.

The synergistic relationship between research and training and the role of the mining schools was placed in perspective in the testimony of Dr. Guy T. McBride, Jr., president of the Colorado School of Mines:

> Informed persons in Government, in education, and educational foundations, and in industry have become increasingly concerned at the imminent threat, and indeed, actual damage, to this major American and world industry from what they, and I, discern to be a grievous failure to advance its fundamental technology and to provide the trained manpower to lead it. These failures are alike centered in our schools of mining engineering, for research and teaching are synergistic—whether improving or deteriorating.

Mr. Roger M. Haynes, director of employee relations of the Consolidated Coal Co., presented a very informative paper to the committee. Limiting his remarks just to the coal industry, Mr. Haynes examined the problem and expressed the coal industry's dilemma as follows:

> Our dilemma is this: At a time when the demand for coal is ever increasing as an energy fuel for electrical, steel, and other industrial markets * * * the supply of competent research scientists, trained engineers and technicians needed to improve production techniques—to solve problems of health and safety—to solve problems of land reclamation and environmental control—is simply not available today. Not only are these areas of vital importance neglected, but there are insufficient mining engineers and technicians to take care of the growth of present mining activities!

The Nation has become painfully aware of our deteriorating environment. The mining industry is also aware of many of the environmental problems associated with the extraction of minerals, and has, in many instances, developed practical solutions for dealing with them. But, as further environmental improvement is sought, the technical difficulties and the cost of gaining each new increment of quality, greatly increases the costs of operation and may make the difference between feasibility and infeasibility in a mine's economic picture. The essentiality of research and skilled personnel was underscored in the Senate Report (No. 91–390) on the National Mining and Minerals Policy legislation, on page 3:

> Research can be particularly beneficial in assisting the mining industry to cope with the many new requirements that our increased concern over environmental quality places upon mine operators. The Federal Government should engage in long-range research programs which will provide the technology necessary for private industry to implement practices designed to improve the quality of our environment. It should establish and maintain policies and programs which supply the needed trained specialists, and publish and disseminate data and technical information relevant to environmental quality matters.
>
> Before the mining industry can be expected to deal effectively with the new demands of environmental quality concerns and remain economically viable, the industry must have the necessary tools. These tools include trained specialists, the results of successful research in improved mining, benefication, and waste disposal practices, and governmental policies which take into account the increased costs, involved.

It is for these reasons that the statement of policy includes the support of research in the areas of mined land reclamation, reservoir utilization, and related environmental problems.

HEARINGS

On April 28, 1971, the Minerals, Materials, and Fuels Subcommittee held hearings and received oral statements from 25 witnesses. In addition, numerous other statements and communications were received both prior and subsequent to the hearings. It should be noted that, without exception, all testimony, statements, and communications strongly endorsed S. 635. The witness list was composed of some of the most distinguished professionals in industry and the academic world. Representatives from virtually every region of the Nation were heard.

No testimony, however, was received from administration witnesses. The administration requested an additional 30 to 60 days within which to formulate its position. It should be noted that 77 days have elapsed, and the committee has neither received any notification of the formulation of a position nor been able to discern any progress in this regard.

COSTS

1. The first fiscal year's cost, providing all jurisdictions qualified, and the full authorization was appropriated, would total $12,100,000. The breakdown of these costs is as follows:

(*a*) $5,100,000 in matching grants to the State institute ($100,000 to each) under the provisions of subsection 4(a).

(*b*) $1 million for high priority special mineral resource research projects under the direction of the Secretary (subsec. 5(a)).

(*c*) $5 million for the purchase of equipment, facilities, and library materials (sec. 6).

(*d*) $1 million for printing and publishing research results (sec. 8).

2. The second fiscal year's cost could not exceed $15,650,000. The breakdown of these costs is as follows:

(*a*) $7,650,000 in matching grants to States ($150,000 to each).

(*b*) $2 million for high priority special mineral resource research projects.

(*c*) Same as 1(*c*) above.

(*d*) Same as 1 (*d*) above.

3. The third fiscal year's cost could not exceed $19,200,000. The breakdown of these costs is as follows:

(*a*) $10,200,000 in matching grants to States ($200,000 to each).

(*b*) $3 million for high priority special mineral resource research projects.

(*c*) Same as 1(*c*) above.

(*d*) Same as 1(*d*) above.

4. The fourth fiscal year's cost could not exceed $22,750,000. The breakdown of these costs is as follows:

(*a*) $12,750,000 in matching grants to States ($250,000 to each).

(*b*) $5 million for high priority special mineral resource, research projects.

(*c*) Same as 1(*a*) above.

(*d*) Same as 1 (*d*) above.

5. The fifth and succeeding fiscal year's costs could not exceed $23,750,000 each year. The breakdown of these costs is as follows:

(*a*) $12,750,000 in matching grants to States (same as 4(*a*) above.

(b) $5 million for high priority special mineral resources research projects.

(*c*) Same as 1(*c*) above.

(*d*) Same as 1(*d*) above.

STATE ELIGIBILITY

Under the provisions of subsection 4(a) each State and the Commonwealth of Puerto Rico may qualify. As was pointed out by Dr. Osborn, who is now the Director of the Bureau of Mines, during the July 9, 1969, hearings on the minerals policy legislation:

> Every State has important essential mineral resources—sand, gravel, building stone, industrial minerals, and so forth, and in addition may have one or more metallic ores, petroleum, natural gas, or coal.

The committee recognized that some elements of the research program outlined in section 3 will have application in every State, while others may not. And, while a substantial part of the research contemplated under this program may have application in many regions, much of the research will have a local application, dealing with problems unique to a particular area or State.

On the other hand, some States having similar topography, climate, and geology, may find it beneficial to pool their resources and establish one regional institute which would serve all of the cooperating States. Such an arrangement is authorized under the provisions of subsection 4(a).

The committee, also, recognized that in certain circumstances the State institute may wish to arrange for other colleges and universities within the State to participate in its work, for example, where a particular private university or college had developed a special capability in a discipline which could be the key to the solution of a research project. Such participation may also be beneficial due to geographical considerations. Such arrangements are permitted under subsection 4(a).

Subsection 4(a) requires the matching of Federal funds with non-Federal funds, and such non-Federal funds must be at least equal to the Federal share. This provision was included to insure the "good faith" effort of the State institute.

Recognizing that the prospects for earlier returns from the Federal investment would be better if the funds were directed to established mining schools and colleges or universities having a department of mining and minerals, a preference for such schools is contained in subsection 4(a). At the same time, the committee realized that the educational spinoff from the research institutes is better achieved through the establishment of many centers. To establish only a few regional centers may well result in the denial of opportunity for interested young people to benefit from the educational spinoff in this field, and the National would be the loser. The committee felt that by authorizing one center in each State, both objectives would more likely be achieved, while at the same time avoiding undue proliferation of such centers.

COORDINATION OF RESEARCH

Section 9 charges the Secretary of the Interior with the responsibility of insuring coordination of research programs under this

> bill. This applies to coordination of various research efforts between the institutes as well as research conducted by the Department of the Interior and other Federal establishments. The Secretary is to act as a central clearinghouse for the results of such research and section 8 provides for printing and publishing such results for dissemination to interested parties. Research results, except where the Secretary finds it necessary in the public interest, shall be available promptly to the general public. The Secretary, with his broad responsibilities with respect to natural resources, should be the focal point for all such research, and should be best able to insure that new data, findings, and processes are made known to those in industry and Government who need them and will apply them.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BIPARTISAN MEETING WITH PRESIDENT NIXON ON HIS FORTHCOMING TRIP TO MAINLAND CHINA

Mr. SCOTT. Mr. President, the President of the United States had a bipartisan meeting this morning with the President pro tempore of the Senate, the Speaker of the House, the majority and minority leaders of both Houses, and the chairmen and ranking members of the Committees on Foreign Relations, Foreign Affairs, Appropriations, and Armed Services.

It is obvious that the President's announced visit to China is of momentous import to the world, that it opens new aspects of foreign policy relationships in Asia, and that we are all hopeful of what may come from it.

It is essential that Members of Congress not engage in too much public speculation. Perhaps, for the present, we could restrain ourselves and not offer too much unsolicited advice, in the hope that we may, thereby, enhance the possibility of opening up relationships which would not be hostile, unfriendly, or directed against any other nation.

Therefore, I shall not indulge in any unnecessary speculation, except to praise the decision, to welcome whatever opportunities it offers, and to repeat my own concern—which I am sure is shared by the administration—that whatever we do will be done in friendship and as part of a journey toward peace, or, as the Bible has it, "To follow after the ways that lead to peace," rather than read into it something which could in any fashion whatsoever be to the disadvantage of any of our friends anywhere in the world.

Mr. MANSFIELD. May I join the distinguished minority leader in saying that the meeting of the leadership and the chairmen and ranking minority members of the committees the Senator has just enumerated was very much worthwhile.

Dr. Kissinger, Secretary of State Rogers, and President Nixon all gave us the benefit of their views on the situation which has developed in recent days. There was good give and take, I thought, on the part of those present. There was a mutual sense of responsibility on both sides, because of the delicacy of the negotiations, which, inevitably and hopefully, must lead to a meeting.

It is safe to state that no secret agreements were entered into, no promises made; instead, a general understanding was arrived at which, hopefully, will culminate in this meeting and will bring about the shift from an old era with much sorrow attached to it to a new era with much hope for all of mankind.

This country, under the Presidency and initiative of Mr. Nixon, has taken a long step forward.

On the other hand, Chou En-lai has also taken a long step forward.

It would be our hope that steps would be continued so that, eventually, the representatives of the two nations may meet. In that way, they may help bring into being a more peaceful future which is what the people of the world want most of all.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield further, I would say that there are two precepts which Confucius applied to a situation like the present—and I am serious today, although I did humorously paraphrase Confucius recently. But Confucius said to Duke Ling of Wei on two occasions what is applicable to this situation today—one is—

> If a man does not give thought to problems which are still distant, he will be worried by them when they get nearer.

The other is:

> Those who follow different roads cannot take counsel with one another.

Mr. MANSFIELD. Mr. President, we are all indebted to the distinguished minority leader for those aphorisms from Confucius. May I say that I hope a Confucian spirit will exist at the meeting, which is to take place sometime in the not too distant future.

It might be well to call the attention of the Senate to another true saying of Confucius, 6 centuries before Christ, but quite applicable to the Golden Rule of the latter period. During Confucius' time, the saying was:

> Do not do unto others as you would not have done unto you.

Mr. SCOTT. If the distinguished majority leader will yield further, Confucius defined that by a word we use frequently nowadays for "reciprocity," which appears in the translation.

Mr. MANSFIELD. That is right.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

DEATH OF FORMER SENATOR GERALD P. NYE

Mr. YOUNG. Mr. President, it is with deep regret that I inform the Senate of the passing of one of the distinguished former Members of this body—the Honorable Gerald P. Nye on Saturday, July 17.

Senator Nye had a long and distinguished career of public service, including service in the U.S. Senate as a Senator from North Dakota from November 14, 1925, to January 2, 1945.

Senator Nye was born December 19, 1892, at Hortonville, Wis., and came to North Dakota as a young man to enter the newspaper business.

He edited and published the Billing County Pioneer at Fryburg, N. Dak., beginning in 1915.

In 1919, he became editor and publisher of the Griggs County Sentinel-Courier at Cooperstown, N. Dak.

During this period, Gerald Nye took an active role in community and State affairs.

As a very able and aggressive young man, he became one of the leaders of the Non-Partisan League movement, which had its beginnings in North Dakota shortly after he came to the State.

Tis leadership in the Non-Partisan League led to his appointment to fill the U.S. Senate vacancy caused by the death of Senator Edwin F. Ladd in 1925.

Following his appointment, he was elected and then twice reelected to the Senate by overwhelming margins.

As a Member of the U.S. Senate, he established a national reputation for his part in the Teapot Dome investigations.

Later, for years he held not only a nationwide, but worldwide, reputation for his fight against the munitions industry.

Prior to World War II, he was one of the most quoted Members of the U.S. Senate, both nationally and internationally.

Senator Nye served as ranking Republican on the Senate Appropriations Committee, and also held the position of ranking Republican on the Public Lands and Surveys Committee of the Senate.

He was an able member of the Senate Committee on Agriculture and Forestry, and the Senate Foreign Relations Committee.

Along with his fight against the munitions industry, he was a fierce isolationist and spoke out eloquently against U.S. involvement in international entanglements.

History has proven that we could have avoided some of our unfortunate foreign entanglements and wars had Gerald Nye's policies even partially been adhered to.

Like many other North Dakotans during his time—and even today—I have shared some of his isolationist views.

Certainly, most will agree that this policy has proved to be sounder than the one which we later followed of trying to police the whole world.

Senator Nye was a very able legislator. He was a talented person and a gifted and persuasive speaker—certainly one of the best of his time.

He was a man of many talents. He was an outstanding journalist.

He had considerable ability as an athlete, and always had a great interest in athletics. In fact, in 1938 he was offered the prestigious position of Commissioner of Baseball.

Mr. President, I ask unanimous consent that the obituary of the late Senator Gerald P. Nye appearing in this morning's Washington Post be printed as a part of my remarks.

Mr. President, we have lost a conscientious and dedicated public servant. My wife, Pat, and I join in mourning his passing, and extend sincerest sympathies to his wife Marguerite and all the family.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

EX-SENATOR GERALD NYE, ISOLATIONIST, DIES

(By Martin Weil)

Former U.S. Sen. Gerald P. Nye, (R–N. Dak.), 78, an outspoken isolationist and a leader in the campaign to keep the nation out of World War II, died Saturday at Georgetown University Hospital.

Death was attributed to hemorrhaging following surgery at the hospital Friday for vascular difficulties that had plagued Sen. Nye for past 10 years. They had grown worse in April.

Mr. Nye was one of the most prominent figures in a Senate that included such celebrated personalities as William E. Borah of Idaho, Hiram W. Johnson of California, Robert M. La Follette, Jr., of Wisconsin and George W. Norris of Nebraska.

One of the highlights of his Senate career was an investigation into the munitions industry that began in 1934. It won him the Cardinal Newman award for contributing to peace by showing "the hidden factors which make for war and menace the peace . . ."

A 33-year-old country newspaper editor with a Populist orientation when he began his 20-year Senate career in 1925, Mr. Nye built an early reputation as an old-fashioned agrarian rebel.

With stubborn tenacity, he supported the small farmer, and opposed the "interests"—monopoly, chain stores, branch banking.

As head of a Senate committee looking into oil leases in the aftermath of the "Teapot Dome" scandal, he unearthed further indications of the use of public lands for private gain.

They showed, he said, "the frightful influence of money upon our political and economic life as a nation."

But as the 1930s drew on, and war clouds gathered in Europe and Asia, it was his isolationism that drew greatest attention to Mr. Nye, engulfing him in almost ceaseless controversy.

What has been described as his desire to keep America out of war at all costs appeared to lead to his taking stands or appearing before groups that seemed dubious to some at the time, and later became increasingly unpopular.

Even after World War II broke out in Europe, he continued to oppose changes in neutrality legislation here. Appointed to the Foreign Relations Committee in 1940, he became one of President Franklin Roosevelt's powerful foes.

He spoke to America First groups. He opposed aid to Britain. He opposed aid to Russia. He opposed the draft.

"The greatest aggressor in all modern history has been the British Empire," he said in the early part of 1941 in opposing the Lend-Lease bill.

Appearing critical of anti-Nazi motion pictures, he asserted that "four or five individuals" within the industry had the power to make the nation's theatergoers "feed on propaganda."

After he named some producers who were predominantly Jewish, he was accused of anti-Semitism. In rejoinder, he accused the interventionists of having introduced the issue to smear the non-interventionist cause.

On Dec. 7, 1941, he gave an antiwar speech at a meeting of America First, a major non-interventionist group. His first reported reaction after hearing of the Japanese attack on Pearl Harbor was "We have been maneuvered into this."

The next day, he returned to Washington to vote with the rest of the Senate to declare war.

Born in Hortonville, Wis., Mr. Nye became editor of his father's weekly newspaper there after graduation from high school.

He was editor and publisher of the Griggs County (N. Dak.) Sentinel Courier in 1925 when the state's governor named him to fill a vacant Senate seat.

After winning election on his own in 1926, 1932 and 1938, he was defeated in 1944.

Mr. Nye, and his wife, Marguerite, lived in Chevy Chase. They had three children. Mr. Nye also had three children by an earlier marriage.

He held several government and private business posts here after leaving the Senate.

H.R. 9272—UNANIMOUS CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate, after the conclusion of morning business, turns to the consideration of H.R. 9272, the State, Justice, and Commerce Appropriations bill, 1972, 1 of the 2 hours to be equally divided and controlled between the majority and minority leaders be placed under the control of the distinguished Senator from Arkansas (Mr. MCCLELLAN), who will be the manager of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL) laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director of Civil Defense, Department of the Army, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended June 30, 1971; to the Committee on Armed Services.

REPORT OF THE NATIONAL BUREAU OF STANDARDS

A letter from the Secretary of Commerce submitting, pursuant to law, a report from the U.S. metric study prepared by the National Bureau of Standards (with accompanying report); to the Committee on Commerce.

PUBLICATION OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Recreation Opportunities at Hydroelectric Projects Licensed by the Federal Power Commission, 1970" (with an accompanying document); to the Committee on Commerce.

PROPOSED LEGISLATION AUTHORIZING APPROPRIATIONS FOR THE COUNCIL ON INTERNATIONAL ECONOMIC POLICY

A letter from the Director of the Office of Management and Budget submitting proposed legislation to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting, pursuant to law, a report entitled "Need To Increase Rates To Recover the Cost of Providing Service to Commerce Firms Renting Multiple Post Office Boxes" with accompanying report); to the Committee on Government Operations.

PETITIONS

A petition was received and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GAMBRELL):

Two joint resolutions of the Legislature of the State of California; to the Committee on Commerce:

"SENATE JOINT RESOLUTION NO. 29

"Relative to the protection of fishlife

"Whereas, The United States Bureau of Reclamation, in undertaking development of the Central Valley Project upon the Sacramento, San Joaquin and American Rivers of this state, has destroyed substantial natural salmon and steelhead spawning habitat through the construction of its dams; and

"Whereas, The bureau has, with the expenditure of substantial sums of public funds, attempted to mitigate such fishery losses through construction of artificial fish propagation and handling facilities, including the Coleman National Fish Hatchery, the Nimbus State Fish Hatchery and the Keswick fish handling facility; and

"Whereas, Each of these bureau facilities has been characterized by chronic functional deficiencies which have prevented their public purpose from being realized and the public investment which they represent from being properly returned; and

"Whereas, Efforts by state conservation officials to persuade the bureau to remedy the aforementioned deficiencies have been largely unsuccessful; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to instruct the Secretary of the Interior to take those actions necessary to abate temperature control deficiencies now causing disease losses of up to 90 percent of the attempted production at the federally financed Coleman and Nimbus hatcheries; to increase rearing facilities at these hatcheries so as to permit the production of fish of sufficient size to survive; to amend the design and operation of the Keswick fish handling facility so as to permit its efficient year-around operation; and to take such other actions as are necessary to accomplish the long overdue fishery mitigation purposes of the aforementioned Central Valley Project facilities; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"SENATE JOINT RESOLUTION

No. 35

"Relative to transportation research and development

"Whereas, Legislation has been introduced in the Congress of the United States to carry out research and development and demonstration projects concerning modes of transportation which carry people or goods in or between areas of concentrated population; and

"Whereas, This legislation, S. 1382 and H.R. 7017, would further the development of such modes of transportation as vertical- and short-takeoff-and-land aircraft and high-speed ground transportation, and would in addition give secondary priority to improvement of the technology related to air traffic control, all-weather air navigation systems, and air safety; and

"Whereas, Priority will be given in awarding contracts under this legislation for these research and development and demonstration projects to applicants which have undergone reductions in their labor forces or which are located in areas of high unemployment; and

"Whereas, A special area of study under these bills will be the potential for conversion to alternative uses of the productive capacity, resources, and manpower of the airframe industry; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to support and enact this urgent and important legislation which will help develop critically needed transportation facilities and provide relief for the serious problems of the airframe industry in this state; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION No. 36

"Relative to the Federal Highway Trust Fund

"Whereas, The executive branch of the federal government is now impounding and for several years has been restricting and reducing California's share of the Highway Trust Fund; and

"Whereas, Congress, in the Federal-Aid Highway Act of 1970, has expressed its opposition to the impoundment and diversion of Federal Highway Trust Fund apportionments; and

"Whereas, It is against the best interests of the State of California for Federal Highway Trust Fund apportionments to be impounded, diverted, restricted, or reduced; and

"Whereas, California is losing about $150 million per year which would normally be used to construct necessary freeways; and

"Whereas, California can ill afford to lose this volume of funds at a time when its economy is seriously sagging and when the completion of the state's highway network is absolutely vital; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the President of the United States and the Secretary of Transportation to use their good offices for the release of California's share of the Federal Highway Trust Fund; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Transportation."

A letter enclosing a petition from Ernest E. Seaman, of Dallas, Oreg., regarding Public Law 90-548; to the Committee on Interior and Insular Affairs.

A resolution adopted by the National Association of Women Lawyers, Chicago, Ill., in opposition to any and all amendments to the equal rights amendment; to the Committee on the Judiciary.

A petition adopted by the National Council of Catholic Women, Wilmette, Ill., relative to the distribution of taxes in the field of education; to the Committee on the Judiciary.

REPORT OF A COMMITTEE

(S. REPT. NO. 92-270)

Mr. SPARKMAN. Mr. President, from the Committee on Banking, Housing and Urban Affairs, I report favorably a committee bill (S. 2308) to authorize emergency loan guarantees to major business enterprises, and I submit a report thereon. I ask unanimous consent that the report be printed, together with additional views, and that the Committee have until midnight to deliver the copy for printing purposes.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. BENTSEN:

S. 2300. A bill for the relief of J. B. Riddle. Referred to the Committee on the Judiciary.

By Mr. ALLEN:

S. 2301. A bill to amend the National Defense Education Act of 1958 with respect to the cancellation of loans under title II of such act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JORDAN of North Carolina (for himself, Mr. PROUTY, Mr. ALLOTT, Mr. KENNEDY, and Mr. PASTORE):

S. 2302. A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. TOWER:

S. 2303. A bill to amend title 5, United States Code, to authorize the payment of increased annuities to secretaries of justices and judges of the United States. Referred to the Committee on the Judiciary.

S. 2304. A bill to amend title 38, United States Code, to provide financial assistance to institutions for the establishment and expansion of programs under which veterans with military acquired skills will be trained and educated in the allied health professions. Referred to the Committee on Veterans' Affairs.

By Mr. HARTKE:

S. 2305. A bill relating to the payment of estimated income taxes; and

S. 2306. A bill to provide that certain corporations cannot limit the current payment of estimated income taxes to the amount of the tax for the prior year. Referred to the Committee on Finance.

By Mr. BENTSEN:

S. 2307. A bill to amend the act of July 14, 1956, to authorize the Secretary of the Army to contract with the city of Arlington, Tex., for the use of water, supply storage, in the Benbrook Reservoir. Referred to the Committee on Public Works.

By Mr. SPARKMAN (from the Committee on Banking, Housing, and Urban Affairs):

S. 2308. An original bill to authorize emergency loan guarantees to major business enterprises. Ordered to be placed on the calendar.

By Mr. McGOVERN:

S. 2309. A bill to provide for the establishment of the George Washington Memorial Institute for the Social Sciences. Referred to the Committee on Labor and Public Welfare.

S.J. Res. 133. A joint resolution to provide for the acknowledgement of the generous gift of President George Washington. Referred to the Committee on the District of Columbia.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN:

S. 2301. A bill to amend the National Defense Education Act of 1958 with respect to the cancellation of loans under title II of such act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. ALLEN. Mr. President, I introduce for appropriate reference a bill to amend the National Defense Education Act of 1958. The amendment adds a single provision to section 205 relating to the cancellation of student loans under title II of the act as applicable in cases where student borrowers have obtained degrees which qualify them to accept employment as full-time school teachers.

Under existing provisions of the act, student borrowers are entitled to cancellation of their loans for each complete year of full-time teaching service. In some instances, a borrower is eligible to receive partial cancellation at the rate of 10 percent per year, up to a maximum of 50 percent of the loan. In other circumstances, a borrower may receive cancellation of the full amount of the loan at the rate of 15 percent of the total, plus interest for each complete academic year of full-time teaching. The 15-percent cancellation entitlement applies to teachers in low-income schools designated on an annual basis. Generally speaking, schools which qualify for title I assistance would likely be designated low-income schools. These include most schools in the South and most in larger cities of the Nation.

Mr. President, student loan provisions under the act were designed to serve a commendable purpose in the area of public school education. There can be no question but that many capable young people were enabled to prepare for a teaching career by reason of cancellation of debts incurred for preparation. Now, however, having incurred a substantial indebtedness with a reasonable expectation of employment and eligibility for cancellation of their loans, an increasing number find themselves being denied employment only because Federal courts and the Department of Health, Education, and Welfare have imposed arbitrary racial ratios in school systems. These ratios effectively preclude employment of qualified teachers by reason of their race and, thus, deprive them of the value of cancellation of loan provisions of the act.

Mr. President, the situation is that a borrower may apply for full-time employment as a teacher in a public school system in which a vacancy exists and may be determined qualified to fill the vacancy by the school board to which the application is made and then find out that racial criteria affecting the employment of teachers in that system prevents employment for no reason other than the race of the applicant.

We have read of instances in the District of Columbia school system where classrooms have remained without teachers—not because of a shortage of qualified applicants, but simply because the arbitrary racial ratio imposed for the system precludes employment unless the applicant is of the color dictated by the racial ratio which happens to be in effect in the system. There is reason to believe that this situation is widespread and increasing.

Mr. President, most of the public schools in the South are faced with racial ratios imposed by Federal courts and the Department of Health, Education, and Welfare. White and black teacher applicants are affected—and the problem is not limited to the South. This idiotic racial ratio dogma is being imposed in areas throughout the Nation. Be that as it may, the problem to be resolved by this amendment addresses itself to considerations of law and questions of fairness.

I believe that most Senators will agree that student borrowers, induced to enter training for teaching careers by reason of the favorable cancellation provisions of loans, have acted in good faith and have acquired, as a matter of law, a vested interest in the entitlement to cancellation upon completion of their training. For example, Congress could not, consistent with due process, deprive student borrowers of the right of cancellation by enactment of legislation having retrospective effect. The vested interest has a determinable monetary value—it is a property right—and, as such, it is protected by due process of law. That is exactly as it should be.

Yet, we are confronted with the paradoxical situation. Federal courts and the Department of Health, Education, and Welfare impose arbitrary racial ratios on public school systems and these ratios become absolute criteria in the employment of teachers. If an applicant is not of the required color, the racial ratio criteria has the effect of depriving borrowers of monetary value of cancellation of their loans. The loss is no less because it results from court decrees and executive department regulations than if it resulted by an act of Congress.

Mr. President, the legal aspect of the problem is important, but perhaps less so than the necessity of being fair and reasonable with young people who have relied upon the good faith of their Government and who stand to suffer financial loss by reason of actions by agencies of their Government.

The amendment I have proposed simply provides that teachers, who have received loans under provisions of the act and have applied for a position in a school system where a teacher vacancy exists and have been found qualified to fill such vacancy, but cannot be employed because of racial ratios, shall, if otherwise entitled, receive the maximum 15 percent annual cancellation benefits plus interest for any year in which entitlement has been denied because of their race.

I request unanimous consent that the text of the bill be printed at this place in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2301

Be it enacted by the Senate cnd the House of Representatives of the United States of America in Congress assembled, That (a) section 205(b)(3) of the National Defense Education Act of 1958 is amended by striking out "and (C)" and inserting in lieu thereof the following: "(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as determined under regulations of the Commissioner) of service that the student borrower would have rendered as a full-time teacher in a public elementary or secondary school except that as determined by the Commissioner, such borrower was denied employment solely because of the application of racial criteria imposed by a court order to desegregate or pursuant to a desegregation plan approved by the Department of Health, Education, and Welfare or by an appropriate State agency, and (D)".

(b) The amendment made by subsection (a) of this section shall be effective with respect to possible service beginning after June 30, 1971, whether the loan was made before or after June 30, 1971.

By Mr. JORDAN of North Carolina (for himself, Mr. Prouty, Mr. Allott, Mr. Kennedy, and Mr. Pastore):

S. 2302. A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes. Referred to the Committee on Rules and Administration.

TECHNOLOGY ASSESSMENT ACT OF 1971

Mr. JORDAN of North Carolina. Mr. President, on behalf of Senators Prouty, Allott, Kennedy, Pastore, and myself, I introduce for appropriate reference a bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological applications. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2302

A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Technology Assessment Act of 1971".

DECLARATION OF PURPOSE

Sec. 2. The Congress hereby finds and declares that:

(a) Emergent national problems, physical, biological, and social, are of such a nature and are developing at such an unprecedented rate as to constitute a major threat to the security and general welfare of the United States.

(b) Such problems are largely the result of and are allied to—

(1) the increasing pressures of population;

(2) the rapid consumption of natural resources; and

(3) the deterioration of the human environment, natural and social,

though not necessarily limited to or by these factors.

(c) The growth in scale and extent of technological application is a crucial element in such problems and either is or can be a pivotal influence with respect both to their cause and to their solution.

(d) The present mechanisms of the Congress do not provide the legislative branch with adequate independent and timely information concerning the potential application or impact of such technology, particularly in those instances where the Federal Government may be called upon to consider support, management, or regulation of technological applications.

(e) It is therefore, imperative that the Congress equip itself with new and effective means for securing competent, unbiased information concerning the effects, physical, economic, social, and political, of the applications of technology, and that such information be utilized whenever appropriate as one element in the legislative assessment of matters pending before the Congress.

ESTABLISHMENT OF THE OFFICE OF TECHNOLOGY ASSESSMENT

Sec. 3. (a) In accordance with the rationale enunciated in section 2, there is hereby created the Office of Technology Assessment (hereinafter referred to as the "Office") which shall be within and responsible to the legislative branch of the Government.

(b) The Office shall consist of a Technology Assessment Board (hereinafter referred to as the "Board") which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

(c) The basic responsibilities and duties of the Office shall be to provide an early warning of the probable impacts, positive and negative, of the applications of technology and to develop other coordinate information which may assist the Congress in determining the relative priorities of programs before it. In carrying out such function, the Office shall—

(1) identify existing or probable impacts of technology or technological programs;

(2) where possible establish cause-and-effect relationships;

(3) determine alternative technological methods of implementing specific programs;

(4) determine alternative programs for achieving requisite goals;

(5) make estimates and comparisons of the impacts of alternative methods and programs;

(6) present findings of completed analyses to the appropriate legislative authorities;

(7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described in paragraphs (1) through (5); and

(8) undertake such additional associated tasks as the appropriate authorities specified under subsection (d) may direct.

(d) Activities undertaken by the Office may be initiated by—

(1) the chairman of any standing, special, select, or joint committee of the Congress;

(2) the Board; or

(3) the Director.

(e) Information, surveys, studies, reports, and findings produced by the Office shall be made freely available to the public except where (1) to do so would violate security statutes, or (2) the information or other matter involved could be withheld from the public, notwithstanding subsection (a) of section 552 of title 5, United States Code, under one or more of the numbered paragraphs in subsection (b) of such section.

(f) In undertaking the duties set out in subsection (c), full use shall be made of competent personnel and organizations outside the Office, public or private; and special ad hoc task forces or other arrangements may be formed by the Director when appropriate.

TECHNOLOGY ASSESSMENT BOARD

SEC. 4. (a) The Board shall consist of eleven members as follows:

(1) two Members of the Senate who shall not be members of the same political party, to be appointed by the President pro tempore of the Senate;

(2) two Members of the House of Representatives who shall not be members of the same political party, to be appointed by the Speaker of the House of Representatives;

(3) the Comptroller General of the United States;

(4) the Director of the Congressional Research Service of the Library of Congress;

(5) four members from the public, appointed by the President, by and with the advice and consent of the Senate, who shall be persons eminent in one or more fields of science or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities; and

(6) the Director (except that he shall not be considered a voting member for purposes of appointment or removal under the first sentence of section 5(a)).

(b) The Board, by majority vote, shall elect from among its members appointed under subsection (a)(5) a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Board may prescribe, but for a period of not to exceed four years. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall fulfill the duties and functions of the Chairman.

(c) The Board shall meet upon the call of the Chairman or upon the petition of five or more of its members, but it shall meet not less than twice each year.

(d) Six members of the Board shall constitute a quorum.

(e) Any vacancy in the Board shall not affect its powers, but shall be filled in the manner in which the vacant position was originally filled.

(f) The term of office of each member of the Board appointed under subsection (a)(5) shall be four years, except that (1) any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of such members first taking office after the enactment of this Act shall expire, as designated by the President at the time of appointment, two at the end of two years and two at the end of four years, after the date of the enactment of this Act. No person shall be appointed a member of the Board under subsection (a)(5) more than twice.

(g)(1) The members of the Board other than those appointed under subsection (a)(5) shall receive no compensation for their services as members of the Board, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence not to exceed the rates prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Board, without regard to the provisions of subchapter I of chapter 57 of title 5, United States Code, the Standardized Government Travel Regulations, or section 5731 of title 5, United States Code.

(2) The members of the Board appointed under subsection (a)(5) shall each receive compensation at the rate of $100 for each day engaged in the actual performance of duties in the Board, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses in the manner provided in paragraph (1) of this subsection.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 5. (a) The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(b) In addition to the powers and duties vested in him by this Act, the Director shall exercise such powers and duties as may be delegated to him by the Board.

(c) The Director may appoint, with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(d) Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this Act.

AUTHORITY OF THE OFFICE

SEC. 6. (a) The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited to, the authority to—

(1) prescribe such rules and regulations as it deems necessary governing the manner of its operation and its organization and personnel;

(2) make such expenditures as may be necessary for administering the provisions of this Act;

(3) enter into contracts or other arrangements as may be necessary for the conduct of its work with any agency or instrumentality of the United States, with any foreign country or international agency, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(4) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(5) acquire by purchase, lease, loan, or gift, and hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this Act; and

(6) accept and utilize the services of voluntary and uncompensated personnel and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation.

(b) The Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensations of such personnel as may be necessary to carry out the provisions of this Act. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; except that the Director may, in accordance with such policies as the Board shall prescribe, employ such technical and professional personnel and fix their compensation without regard to such provisions as he may deem necessary for the discharge of the responsibilities of the Office under this Act.

(c) The Office shall not, itself, operate any laboratories, pilot plants, or test facilities in the pursuit of its mission.

(d)(1) The Office or (on the authorization of the Office) any of its duly constituted officers may, for the purpose of carrying out the provisions of this Act, hold such hearings, take such testimony, and sit and act at such times and places as the Office deems advisable. For this purpose the Office is authorized to require the attendance of such persons and the production of such books, records, documents, or data, by subpena or otherwise, and to take such testimony and records, as it deems necessary. Subpenas may be issued by the Director or by any person designated by him. If compliance with such a subpena by the person to whom it is issued or upon whom it is served would (in such person's judgment) require the disclosure of trade secrets or other commercial, financial, or proprietary information which is privileged or confidential, or constitute a clearly unwarranted invasion of privacy, such person may petition the United States district court for the district in which he resides or has his principal place of business, or in which the books, records, documents, or data involved are situated, and such court (after inspecting such books, records, documents, or data in camera) may excise and release from the subpena any portion thereof which it determines would require such disclosure or constitute such invasion. Where the subpena or such portion thereof would require such disclosure or constitute such invasion but the books, records, documents, or data involved are shown to be germane to the matters under consideration and necessary for the effective conduct by the Office of its proceedings or deliberations with respect thereto, the court may require that such books, records, documents, or data be produced or made available to the Office in accordance with the subpena but subject to such conditions and limitations of access as will prevent their public disclosure and protect their confidentiality.

(2) In case of contumacy or disobedience to a subpena issued under paragraph (1) the Attorney General, at the request of the Office, shall invoke the aid of the United States district court for the district in which the person to whom the subpena was issued or upon whom it was served resides or has his principal place of business, or in which the books, records, documents, or data involved are situated, or the aid of any other United States district court within the jurisdiction of which the Office's proceedings are being carried on, in requiring the production of such books, records, documents, or data or the attendance and testimony of such person in accordance with the subpena (subject to any conditions or limitations of access which may have been imposed by such court

or any other court under the last sentence of paragraph (1)). Such court may issue an order requiring the person to whom the subpena was issued or upon whom it was served to produce the books, records, documents, or data involved, or to appear and testify, or both, in accordance with the subpena (subject to any such conditions or limitations of access); and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(e) Each department, agency, or instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Office, upon request by the Director, such information as the Office deems necessary to carry out its functions under this Act.

(f) Contractors and other parties entering into contracts and other arrangements under this section which involve costs to the Government shall maintain such books and related records as will facilitate an effective audit in such detail and in such manner as shall be prescribed by the Director, and such books and records (and related documents and papers) shall be available to the Director and the Comptroller General or any of their duly authorized representatives for the purpose of audit and examination.

UTILIZATION OF THE LIBRARY OF CONGRESS

SEC. 7. (a) Pursuant to the objectives of this Act, the Librarian of Congress is authorized to make available to the Office such services and assistance by the Congressional Research Service as may be appropriate and feasible.

(b) The foregoing services and assistance to the Office shall include all of the services and assistance which the Congressional Research Service is presently authorized to provide to the Congress, and shall particularly include, without being limited to, the following:

(1) maintaining a monitoring indicator system with respect to the natural and social environments which might reveal early impacts of technological change, but any such system shall be coordinated with other assessment activities which may exist in the departments and agencies of the executive branch of the Government;

(2) making surveys of ongoing and proposed programs of government with a high or novel technology content, together with timetables of applied science showing promising developments;

(3) publishing, from time to time, anticipatory reports and forecasts;

(4) recording the activities and responsibilities of Federal agencies in affecting or being affected by technological change;

(5) when warranted, recommending full-scale assessments;

(6) preparing background reports to aid in receiving and using the assessments;

(7) providing staff assistance in preparing for or holding committee hearings to consider the findings of the assessments;

(8) reviewing the findings of any assessment made by or for the Office; and

(9) assisting the Office in the maintenance of liaison with executive agencies involved in technology assessments.

(c) Nothing in this section shall alter or modify any services or responsibilities other than those performed for the Office, which the Congressional Research Service under law performs for or on behalf of the Congress. The Librarian is, however, authorized to establish within the Congressional Research Service such additional divisions, groups, or other organizational entities as may be necessary to carry out the objectives of this Act, including the functions enumerated in this section.

(d) Services and assistance made available to the Office by the Congressional Research Service in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Chairman of the Board and the Librarian of Congress.

COORDINATION WITH THE NATIONAL SCIENCE FOUNDATION

SEC. 8. (a) The Office shall maintain a continuing liaison with the National Science Foundation with respect to—

(1) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment, and

(2) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

(b) Section 3(b) of the National Science Foundation Act of 1950, as amended, is hereby amended to read as follows:

"(b) The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation, national security, and the effects of scientific applications upon society by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such activities. When initiated or supported pursuant to requests made by any other Federal department or agency, including the Office of Technology Assessment, such activities shall be financed whenever feasible from funds transferred to the Foundation by the requesting official as provided in section 14 (g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate official."

ANNUAL REPORT

SEC. 9. The Office shall submit to the Congress and to the President an annual report which shall, among other things, evaluate the existing state of the art with regard to technology assessment techniques and forecast, insofar as may be feasible, technological areas requiring future attention. The report shall be submitted not later than March 15 each year.

FINANCIAL AND ADMINISTRATIVE SERVICES

SEC. 10. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Office by the General Accounting Office, with or without reimbursement from funds of the Office as may be agreed upon by the Chairman of the Board and the Comptroller General of the United States. The regulations of the General Accounting Office for the collection of indebtedness of personnel resulting from erroneous payments (under section 5514(b) of title 5, United States Code) shall apply to the collection of erroneous payments made to or on behalf of an Office employee, and the regulations of the Comptroller General for the administrative control of funds (under section 3679(g) of the Revised Statutes (31 U.S.C. 665(g)) shall apply to appropriations of the Office; and the Office shall not be required to prescribe such regulations.

APPROPRIATIONS

SEC. 11. (a) To enable the Office to carry out its powers and duties, there is hereby authorized to be appropriated to the Office, out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000 for the fiscal year ending June 30, 1972, and thereafter such sums as may be necessary.

(b) Appropriations made pursuant to the authority provided in subsection (a) shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Act making such appropriations.

Mr. PROUTY. Mr. President, I am pleased to join the distinguished chairman of the Committee on Rules and Administration, Mr. JORDAN, in introducing the "Technology Assessment Act of 1971." This bill is yet another reminder of Senator JORDAN's constant determination to improve the ability of Congress to carry out its responsibilities.

The bill Senator JORDAN and I introduce today with Senators ALLOTT, KENNEDY, and PASTORE would create an Office of Technology Assessment to assist the legislative branch in making an independent assessment of the impact of existing, new and developing scientific technology upon society.

To me the key word is "independent." For too long and to too great an extent Congress has had to rely on the executive branch for technical information. This dependence has compromised and continues to compromise our independence. It is time for Congress to reassert itself. This measure is the appropriate vehicle for such a reassertion. The Washington Post of July 13 contained a compelling article by Joseph A. Califano, Jr., who was formerly Special Assistant to President Johnson for Domestic Affairs. Senator BAKER called this article to our attention by placing it in the RECORD of July 14.

In depicting the disadvantage at which Congress finds itself when competing with the vast resources of the executive branch, Mr. Califano concluded the Congress is a "separate but unequal branch."

I regret that my experience bears out Mr. Califano's observation.

It is not only Congress that has been overcome by the technological revolution. The whole world seems to stagger from the impact of an ever-increasing momentum of technological change. In a recent book, Alvin Toffler discusses the problems of this continuing change. Toffler divides mankind's existence into 800 lifetimes of 62 years each. He discusses the rise of technology as a comparatively new trend. Written communication has only been possible in the last 70 of these 800 lifetimes. Printed word has been available to man only in the last six lifetimes. Most of our material goods and many of our machines have been developed in our lifetime.

This revolutionary advance in technology has brought with it some unexpected and undesired effects. We have learned many things the hard way and, I suspect, we still have much to learn. Hopefully, our future lessons will be less painful.

We have learned that we cannot build dams considering only the effect downstream without looking upstream as well.

We have learned that we cannot think only of whiter, brighter washes without contemplating our algae-choked streams.

We have learned that we cannot think of our no-deposit, no-return, throwaway culture as a blessing without considering the problems of solid waste disposal.

In earlier times it was possible to dismiss the undesirable effects of an advancing technology as the partial price of progress. We can no longer afford the luxury. Our very survival depends on how we use technology.

Of late, it has been suggested with increasing frequency that in order to preserve our environment we must somehow revert to a more primitive form of civilization.

It is argued that progress has brought us to peril and should, therefore, be halted.

In part, these foes of progress are right. Progress has imperiled our planet.

However, the antiprogress advocates premise their argument on a misunderstanding of science and technology.

Science is the organized search for truth through knowledge.

Science is then an end in itself, but also something more. The knowledge we gain through scientific inquiry serves as an impetus to action.

Action based on knowledge is technology.

It is in this application of knowledge where we tend to lose our perspective.

We must realize our actions are not necessarily based on all knowledge, but are instead selective. We use parts of our knowledge for specific ends and ignore other areas of knowledge or scientific disciplines.

Therefore, we in Congress must be sure that we have all the knowledge available before we render our decisions.

In our quest for knowledge we must be able to proceed independently and not be required to depend exclusively on the executive branch.

We cannot properly oversee the executive branch through its eyes, yet that is what we are now compelled to do.

With the Office of Technology Assessment, which would be created by this measure, we could improve congressional vision with our own independent knowledge.

The accelerated rate of technological advance has clearly left Congress behind. The ability of Congress to be an equal as well as separate branch of Government has been brought into question. It is clear that we can and must move in the direction this bill prescribes.

I ask Senators to support this effort in order to give us new strength and vision to carry out our responsibilities independently and knowledgeably.

CREATION OF AN OFFICE OF TECHNOLOGY ASSESSMENT

Mr. ALLOTT. Mr. President, the underlying feature of the bill to equip Congress with a new office to assist in formulating judgments on matters relating to scientific developments is critically needed. When I introduced the bill last year I pointed out that: Not in the 170 years since the Library of Congress was founded has Congress created a significant new entity to provide up-to-date information—other than the fiscal information provided by GAO—and no significant innovations have been made within the Library itself to provide this kind of information since the founding of the Legislative Reference Service in 1915.

The need for this service was made abundantly clear during the past debate over the continued funding for the SST prototype development project. An independent source of information, an arm of Congress, was desperately needed to sort through the fallacies and misstatements that were enunciated as facts.

As a result, I am elated by the wisdom the distinguished chairman of the Rules Committee has demonstrated in adopting the proposal I introduced last year, introducing it under his auspices. Having the Senator from North Carolina endorse the merits of the bill is especially gratifying to one such as myself who has consistently advocated reasonable Federal support of the Nation's scientific effort, and one who, since the early days of the 90th Congress, has worked to bring Congress another capacity for making intelligent decisions relating to priorities of scientific endeavor. I believe this measure will help to strengthen this capacity within Congress. The adoption of the procedures provided in the bill will also help dispel the suspicion, within Congress and without, that the Government is operating blindly in an area demanding special knowledge.

I emphasized this point sometime ago in a letter which appeared in Science magazine for October 11, 1968. I stated at that time, in part:

> For some time, I have been warning members of the scientific community that unless some adequate means is developed so that the taxpayers and their elected representatives know what they are "buying" with their research dollars, a reaction would set in one day which would cause a severe cutback in funds allocated for research. Congress and the taxpayer have a right to expect that their research program has some strong overall direction and control.

The creation of this new office will assist Congress in their traditional task of setting national priorities. Technology Assessment will be a new tool for dealing with the growing dimension and complexity of this task. Our labyrinthine Government complicates the task of dealing with complex issues. This is a point I discussed when, on March 6, 1967, I proposed in the Senate the establishment of a Joint Congressional Committee on Science and Technology. At that time I said:

> Concomitant with the growth of Federal support has been a great expansion on the body of related knowledge and information. However, because of our highly compartmentalized Congressional committee structure, with its dispersed legislative authorities and jurisdictions, I find it difficult to obtain the comprehensive information describing the total Federal scientific and technical effort. . . . The problem is not, therefore, one of a lack of review, but a lack of coordination of reviews.

Also in that speech in the first session of the 90th Congress, I pointed to the need for capacity in Congress to meet the executive branch on a level of equal knowledge. This need is evermore present today. I said in 1967:

> It is frequently said in the Congress that too much power has shifted to the executive branch of our government. I believe that we have been somewhat at fault, because in the past we have been prone to accept programs which are conceived in and proposed by the executive branch with too little question, and this is especially true of programs having major scientific and technical content. Furthermore, we must realize that the executive branch perhaps responded to the challenge of modern science and technology with more foresight than we. Within the Executive Office of the President, there is a Special Assistant for Science and Technology, the President's Science Advisory Committee, the Office of Science and Technology, and the Federal Council for Science and Technology. Through these bodies the Executive has immeasurably strengthened its hand both with respect to shaping national science policy and to drafting legislation designed to implement that policy.

With what appears to be increasing doubt on the part of the public to accept and endorse national commitments in the area of research and development, it is imperative that we redefine our decisionmaking process. Last year when I introduced this technology assessment bill, I said:

> It is becoming increasingly important for us to refine our methods of reviewing our national science effort, and the processes whereby that effort is translated into technological advances. Technology Assessment is an important part of rational long-range planning for the long-range benefits of our current science effort.

There has always been a long leadtime for the conversion of knowledge into technology. In 1862, long before the space program, and long before the Manhattan project, the Morrill Act was passed to launch land-grant colleges. A primary purpose of this act was to encourage the growth of agricultural science. I believe the result is dramatic. Agriculture has become one of the most productive, most capital intensive, and most highly mechanized of the modern industries. It is so successful that we must limit our production capabilities. Many experts are pointing to the fact that the leadtime for conversion of knowledge into technology seems to have lengthened rather than shortened in recent years. If this is correct—and many informed people think it is—then it is increasingly important to provide the Congress with a new and continuing capability for evaluating technology and its uses.

There is a need to better manage and better use technology. The environmental concerns that are with us today are evidence of that fact. I stated last year:

> The Office of Technology Assessment will enable us to spend wisely on behalf of science, and to convince the public, whose money we are spending, that our spending is done intelligently and conscientiously.

Technology is simply the ability to apply knowledge. Its worth depends on how men handle it. When we learn to understand technology and how to implement it we will be better equipped to deal with the complex problems of modern society.

TECHNOLOGY ASSESSMENT ACT OF 1971

Mr. KENNEDY. Mr. President, I should like to voice my support of the Technology Assessment Act of 1971 sponsored by the chairman of the Committee of Rules and Administration, the distinguished Senator from North Carolina, B. EVERETT JORDAN.

The bill, in my view, represents a long-overdue attempt to establish in the Congress a mechanism to insure that judgments made by the Congress regarding science policy are based on the latest information available. For too long Congress has muddled through decisions involving the authorization and appropriation of billions of dollars in research relying more on intuition than informed judgments based on detailed knowledge of the issues.

As chairman of the Subcommittee on the National Science Foundation of the Labor and Public Welfare Committee, I have found considerable difficulty because of a lack of readily available scientific research data base. Because the executive branch has such vast information resources at its disposal, Congress must struggle to grasp even the essential elements of the President's proposed scientific research programs, much less the details.

Often Congress is faced with the Hobson's choice of having either to rely on the executive branch for the information necessary to review an agency's program or not get the information at all. This situation is clearly not in the best interest of obtaining an independent, informed judgment of the soundness of scientific programs. Undoubtedly Congress needs more effective informational and analytical tools if it is to fulfill its responsibilities to the American public in the area of science policy.

Joseph Califano, Jr., the very able former special assistant to President Johnson for Domestic Affairs has written an article entitled "The Separate But Unequal Branch—Congress Has Been Bypassed in Analysis Technology" which describes the adverse effect the lack of an adequate information base has had on Congress. This article, which appeared in the July 13 issue of the Washington Post says in part:

> The impact of this congressional failure to staff itself adequately and to take advantage of the analytical tools of modern technology is at least as responsible for the second class citizenship of the Congress among the three branches of Government as the seniority system or the antedulevian committee structure.
>
> The stark fact is that neither the Congress nor any of its committees have the consistent capability—without almost total reliance in the informational and analytical resources of the Executive Branch—of developing coherent, large-scale Federal programs.

Mr. President, it is time that the Congress stepped out of the dark ages and began to put to use the immensely important and useful technological advances this country has made. The added responsibilities of the Congress in legislative oversight brought about by the Legislative Reorganization Act of 1970 make it even more crucial that we begin to take some important steps forward in this area.

Mr. President, if the Congress is going to provide rational support of science, it must have the resources to comprehend and justify the issues. The Office of Technology Assessment will enable the Congress to equip itself with the type of science evaluation capacity we need to meet fully our responsibilities to the American people. To reach this goal at the earliest possible date, I urge prompt and favorable consideration on the proposal to establish an Office of Technology Assessment for the Congress.

By Mr. TOWER:

S. 2304. A bill to amend title 38, United States Code, to provide financial assistance to institutions for the establishment and expansion of programs under which veterans with military acquired medical skills will be trained and educated in the allied health professions. Referred to the Committee on Veterans' Affairs.

VETERANS' ALLIED HEALTH PROFESSIONS TRAINING ASSISTANCE PROGRAM

Mr. TOWER. Mr. President, I introduce today a bill which would authorize the Administrator of Veterans' Affairs to fund programs which were designed specifically to provide veterans possessing medical skills and experience acquired in the Armed Forces with the additional training necessary to obtain certification or licensing required to utilize their medical skills in the civilian community. These funds would be available to those institutions which are affiliated with hospitals of the Veterans' Administration. I believe that this bill is an essential supplement to Senate Joint Resolution 128, which I introduced on July 12. Senate Joint Resolution 128 would authorize the Veterans' Administration to provide financial assistance, on a matching basis, for the establishment and expansion of health manpower training programs. Together these two bills would greatly advance our efforts to alleviate our critical shortage of qualified health manpower.

Mr. President, at this time I want to commend my fellow Senators for their careful consideration of the myriad of problems facing our national system of health care. Of growing concern is the shortage of qualified health manpower. The Senate has just passed the Health Professions Educational Assistance Amendments of 1971 which would provide essential assistance to health manpower training programs.

The shortage of health personnel is so acute, however, that we must explore all possibilities of producing more qualified personnel, in increasing numbers, and in less time. Therefore, I am introducing this bill which would utilize relatively untapped national resources.

Each year, 30,000 to 35,000 men and women, with medical training and experience, leave the Armed Forces. Prior to receiving medical training, these individuals were extensively tested to determine their potential in a health occupation. They were then trained in an allied health occupation. The skills taught and practiced in the military cover the entire spectrum of medical specialties. The Army alone offers over 30 medically related specialties, from operating room technicians to physical therapy assistants. Retirees possess years of experience in health management in a wealth of different circumstances and environments. Men and women separating with less service possess a maturity and positive attitude based on their training and work experience. These individuals leaving the service constitute a valuable national resource which should be fully utilized.

Military experience directed into health careers, MEDIHC, is an on-going program designed to help alleviate the growing scarcity of qualified health personnel by utilizing this national resource. At the same time, it provides a meaningful career continuation for medical personnel trained in the military service. The program is a cooperative effort of the Department of Defense and the Department of Health, Education, and Welfare. The Department of Defense, through its transition program, provides counseling to individuals who have decided not to remain in the service. If the individual possesses medical skills, and wishes to pursue a health occupation in civilian life, he is referred to the MEDIHC coordinator of the State in which he wishes to continue his career. The coordinator assesses the individuals qualifications and interests and assists him in finding placement in an appropriate civilian health occupation, or health education program.

The State of Texas was one of the first States to establish this program. Since March of 1970, it has placed approximately 65 percent of its referrals. The remainder of the referrals are still in the service or have decided to pursue other careers. I applaud the fine efforts of this program.

The program, however, is limited by a relatively small number of referrals. I urge the Department of Defense to expand its efforts to identify those medically qualified personnel who have decided not to remain in the service. Furthermore, approximately 60 percent of the referrals in Texas required further training prior to entering civilian health occupations.

My bill, in essence, would provide such training in programs designed specifically for these veterans. These individuals do not need a full normal course of instruction which requires years. They need instead, training programs, as provided by this bill which would complement the training and experience that these veterans obtained in the Armed Forces.

In this way, an individual could make a successful transition to a civilian health career in a matter of months. As a veteran, these individuals could also use the educational benefits of the GI Bill to finance their training. Considering the high unemployment rate for returning Vietnam veterans, I feel that this bill will do much to provide gainful employment for many in vital health occupations.

The Veterans' Administration is well-qualified to undertake such a program. For over 25 years, it has been conducting training programs in allied health occupations. In 1970, the VA hospitals were affiliated with over 750 civilian health care training programs. This close working relationship with the majority of the Nation's health training resources, and the VA's immediate and intimate interest in the welfare of veterans, should be brought together to provide programs which would be uniquely designed to meet the specific needs of veterans with medical skills.

I believe that my fellow Senators are as concerned as I am with the needs I have detailed. I urge the Senate to give this bill its immediate and careful consideration.

Mr. President, at this time, I ask unanimous consent that the full text of this bill be printed at this point in the RECORD.

There being no objection, the bill was

ordered to be printed in the RECORD, as follows:

S. 2304

A bill to amend title 38, United States Code, to provide financial assistance to institutions for the establishment and expansion of programs under which veterans with military acquired medical skills will be trained and educated in the allied health professions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Allied Health Professions Training Act".

SEC. 2. Chapter 81 of title 38, United States Code, is amended by adding at the end thereof a new subchapter as follows:

"SUBCHAPTER V—VETERANS' ALLIED HEALTH PROFESSIONS TRAINING ASSISTANCE PROGRAM

"§ 5061. Purpose

"It is the purpose of this subchapter to authorize the Administrator to carry out a program under which grants shall be made to eligible institutions to establish and expand special training programs for veterans with military acquired medical skills so that such veterans can qualify under State or local law as allied health specialists.

"§ 5062. Definitions

"As used in this subchapter—

"(1) The term 'eligible institution' means any public or private nonprofit education institution, including, but not limited to, colleges, universities, junior colleges, community colleges, and schools of allied health professions. Such term also includes public and private nonprofit hospitals and other health service institutions which train and educate persons in the allied health professions or agree to do so with the assistance provided under this subchapter.

"(2) The term 'military medical skill' means any medical skill currently designated by one or more military departments as a military occupational specialty or skill.

"(3) The term 'eligible veteran' means any veteran who acquired a military medical skill while serving in the Armed Forces.

"§ 5063. Grants to eligible institutions

"(a) The Administrator is authorized, under such rules and regulations as he shall prescribe, to make grants to eligible institutions which agree to use the proceeds of such grants for the purpose of training and educating eligible veterans in the allied health professions. Grants made under this subchapter may be used by any eligible institution to develop, expand, or improve a program of training or education in the field of allied health services if the Administrator determines that eligible veterans will be directly benefited thereby; and the Administrator may impose such terms and conditions on the making of such grants as he deems appropriate to insure that such veterans will be directly benefited by such grants.

"(b) An application for a grant under this subchapter by any eligible institution shall be approved only if the Administrator determines that—

"(1) the proposed purpose for which the grant is to be made will be specifically designed to meet the training and education needs of eligible veterans and, to the maximum extent possible, shall be used only in connection with the training and education of such veterans;

"(2) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subsection; and

"(3) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for the keeping by such institution of such records and for affording such access thereto as the Administrator deems necessary to assure the correctness of such reports.

"(c) The Administrator shall require as one of the conditions of eligibility for receiving a grant under this subsection that an eligible institution provide training and education, with respect to the particular allied health specialty or specialties it offers eligible veterans, sufficient in scope and quality to enable eligible veterans completing such training and education to qualify for certification or licensing as allied health personnel under the laws of the State or local jurisdiction in which they plan to utilize such training and education.

"§ 5064. Payments

"Payments made pursuant to grants under this subchapter may be made in installments, either in advance or by way of reimbursement, as the Administrator may determine, with necessary adjustments on account of overpayments or underpayments.

"§ 5065. Authorizations for appropriations

"For the purpose of making grants under this subchapter, there is authorized to be appropriated for the fiscal year ending June 30, 1972, the sum of $2,000,000; and for each of the six succeeding fiscal years the sum of $3,000,000. Funds appropriated under this section shall remain available until the end of the second fiscal year following the fiscal year for which they were appropriated."

Sec. 3. The table of sections at the beginning or chapter 81 is amended by adding at the end thereof the following:

"SUBCHAPTER V—VETERANS' ALLIED HEALTH PROFESSIONS TRAINING ASSISTANCE PROGRAM

"5061. Purpose.
"5062. Definitions.
"5063. Grants to eligible institutions.
"5064. Payments.
"5065. Authorizations for appropriations."

By Mr. HARTKE:

S. 2305. A bill relating to the payment of estimated income taxes; and

S. 2306. A bill to provide that certain corporations cannot limit the current payment of estimated income taxes to the amount of the tax for the prior year. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, I introduce today, for appropriate reference, two bills relating to quarterly payments of estimated corporate income taxes. The first would alter the basis on which penalties are computed for underpayment of quarterly estimates. Under present law, a corporation must make quarterly income tax payments based on its estimated income. To satisfy the requirements, each payment must be equal to or greater than one-quarter of the total tax based on income for the prior year. However, if a mistake is made in calculating the tax, the penalty is based on the final tax bill for the current year. My bill would base penalties on the difference between the amount actually paid and the minimum required payment.

The second bill would restrict the option of basing quarterly tax payments on the prior year's income to companies whose net taxable income did not exceed $500,000 a year in any of the 3 previous taxable years. The rationale for using the prior year's figures is to eliminate what might amount to rather substantial accounting and bookkeeping costs which would be incurred if accurate estimates of current year income are required. However, it is now felt that such costs would not be so burdensome for large companies. If quarterly payments are based on current year's income, there would be a substantial benefit to the Treasury in the form of accelerated revenue collections, especially in years of increasing corporate profits when such an acceleration would be most desirable. In addition, the measure would have the effect of partially alleviating the intense seasonality of Federal revenue collections which has a tendency to exert an undue strain on the bond market. At present it is estimated that even in years when the Federal budget is in balance for the entire year, a deficit of some $16 billion is carried in the first three quarters of the fiscal year. This deficit is balanced by a similar surplus in the fourth quarter, and the result is that the money markets are forced to rechannel credit flows twice a year, first toward the Federal Government, then away from it. To adjust for this, a part of the burden falls on the private sector whose financing requirements must be altered from the optimal schedule to accommodate the Federal Government, and the rest of the burden falls on the Federal Reserve system which must introduce large seasonal bulges and dips in the money supply with consequent destabilizing effects on the economy. I feel that any measure that we can take, especially in these times, which are so trying for our economy, which would alleviate this condition would be well worth passing.

By Mr. McGOVERN:

S. 2309. A bill to provide for the establishment of the George Washington Memorial Institute for the Social Sciences. Referred to the Committee on Labor and Public Welfare.

S.J. Res. 133. A joint resolution to provide for the acknowledgment of the generous gift of President George Washington. Referred to the Committee on the District of Columbia.

GEORGE WASHINGTON INSTITUTE OF THE SOCIAL SCIENCES

Mr. McGOVERN. Mr. President, the U.S. Government produces an estimated $400 million worth of statistics every year in its more than 6,000 departments, services, councils, commissions, and committees.

Yet the experience of being unable to get concrete knowledge of many of the social situations Congress must deal with is common to almost everyone in this body. We have recently been confronted by the administration's family assistance plan, but we lack hard information on the feasibility of the plan or alternative methods of extending aid to poor people. We do not know the real effects of work incentives, or increased minimum wage, and end up making our decisions in the dark. Similarly, the absence of pragmatic, policy-oriented analyses of the grave housing and hunger situations in this country, utilizing the existing data in each instance, has hamstrung effective Government action in these areas.

The need is obvious. There must be a source of ready, reliable information on social issues to which both the Executive and the Congress shall have access. But information alone is inadequate without responsible, sophisticated analyses of public response to these issues and the effects of such actions.

The opportunity to provide just such a source of information is presented by a long-neglected clause of the will of George Washington, which donated to the Federal Government 50 shares of the Potomac Co., for the establishment of a national university.

While there now exist many institutions which might appropriately be called national universities, we can honor President Washington's request by acting to create in his memory the George Washington Institute of Social Sciences, to provide the Government with systematic processing of relevant information, and with interpretation of social policies.

The institute would have several broad areas of responsibility to help bridge the gap between existing information and governmental action, and would be staffed by scholars and experts in all the fields of the social sciences, appointed for fellowships of up to 27 months.

The primary functions of the institute would be to gather, analyze, and interpret information concerning social conditions, and existing and alternative social policies. An annual report on social conditions and programs would be prepared and submitted to the President and the Congress every February.

The programs and activities of the Federal Government would be appraised periodically by the institution, with recommendations made to the Executive, the Congress, and the Judiciary for possible policy modifications. The institute would particularly respond to requests by the Executive or the Congress for studies, reports, and recommendations appraising long-range aspects of social policy.

In addition, provision will be made for maximum interchange of information between the institute and State and local governments, and conferences and seminars will establish similar exchanges with the private sector.

The establishment of this institute would give the Government an effective instrument with which to tackle tough policy and information questions using sophisticated data-processing techniques and individual expertise. Its approach would be pragmatic and geared to providing knowledgeable analysis of policy alternatives.

Both the Executive and the Congress would have access to professional studies of the profound technological, environmental, psychological, and social effects of public actions upon the individual, the group, and the society at large.

We now have the capacity to meet many of the pressing social issues of today with much more knowledge and foresight than has been available in the past. The kind of data collection and analysis, and policy evaluation which the institute will provide has long been utilized in questions of national security, and its application to social questions is long overdue. It is time we used our knowledge and understanding to provide food as well as to design defoilants, to meet the chronic housing shortage in this country as well as to burn down huts in Southeast Asia, and to provide medical care for all Americans as well as develop better antipersonnel rockets, mines, and bombs.

We can no longer delay the serious approach to social issues which the institute would represent. For it has become clear that the only "security" a democratic nation can truly possess is the confidence of its people that the Government is energetically applying imagination and know-how to the social issues which grip the society.

Hearings were held on the creation of this institute before the Subcommittee on Evaluation and Planning of Social Programs of the Committee on Labor and Public Welfare in July of last year, so I would hope for expeditious treatment of this bill.

Mr. President, today I am introducing a more general joint resolution taking note, at last, of the generous offer of the first President.

Mr. President, I ask unanimous consent that the text of the bill and of the joint resolution be printed at this point in the Record.

There being no objection, the bill and joint resolution were ordered to be printed in the Record, as follows:

S. 2309

A bill to provide for the establishment of the George Washington Memorial Institute for the Social Sciences

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Institute for the Social Sciences Act".

DECLARATIONS

Sec. 2. The Congress declares that our first President, George Washington—

(1) left a bequest to endow a national university in his last will and testament;

(2) repeatedly urged upon the Congress the importance of establishing a national university; and

(3) surveyed a site for such a university with the cooperation and assistance of the Commissioners of the District of Columbia.

STATEMENT OF PURPOSE

Sec. 3. It is the purpose of this Act—

(1) to establish, as a memorial to George Washington, a national institute for the social sciences to carry out the first President's plan to "spread systematic ideas through all parts" of the United States; and

(2) to promote through such institute the social welfare of the United States by—

(A) encouraging research and scholarship relating to the social sciences;

(B) providing research relating to the social need of citizens and to policies which will give every American the long-range opportunity for "the pursuit of happiness";

(C) gathering, for study and evaluation, various reports, studies, documents, and data prepared by the Federal Government, and other public and private organizations, relevant to social conditions in the United States; and

(D) organizing conferences and seminars with persons of outstanding achievement and capacity from the professions, industry, agriculture, labor, commerce, institutions of higher education, and other appropriate areas.

ESTABLISHMENT OF INSTITUTE

Sec. 4. (a) There is hereby established in Washington, District of Columbia, an institute to be known as the "George Washington Memorial Institute for the Social Sciences" (hereinafter referred to as the "Institute"), to carry out the purposes of this Act.

(b) The Institute shall be housed in such public buildings as may be made available for this purpose in Washington, District of Columbia. In order to carry out the provisions of this subsection the Administrator of General Services is authorized to provide such buildings, facilities, and equipment to the Institute as may be necessary.

BOARD OF TRUSTEES

Sec. 5. (a) The Institute shall be under the direction and control of a Board of Trustees (hereinafter referred to as the "Board") which shall be composed of—

(1) the Secretary of Health, Education, and Welfare;

(2) the Librarian of Congress;

(3) the Chairman of the National Endowment of the Humanities;

(4) the Secretary of the Smithsonian Institution;

(5) the Director of the National Science Foundation;

(6) the Director of the Institute; and

(7) seven members to be appointed by the President, by and with the advice and consent of the Senate, two of whom shall be members of a university or college faculty and five of whom shall be drawn from State and local government and the cultural, industrial, agricultural, commercial, and other walks of life.

(b) The President shall designate a Chairman and a Vice Chairman from among the members appointed by him under subsection (a)(7). A majority of the members of the Board shall constitute a quorum.

(c) The seven members appointed by the President under subsection (a)(7) shall serve terms of six years, except that (1) of those members initially taking office, two shall serve terms of two years, two shall serve terms of four years, and three shall serve terms of six years, and (2) a vacancy shall be filled only for the unexpired portion of any term.

(d) Members of the Board shall receive no compensation, but shall be reimbursed for their travel expenses, including a per diem allowance, in accordance with section 5703(c) of title 5, United States Code, when engaged in the performance of their duties as such members.

FUNCTIONS OF THE INSTITUTE

Sec. 6. In order to carry out the purposes of this Act, the Institute shall—

(1) gather timely and authoritative information and statistical data concerning social conditions and existing and alternative social policies;

(2) analyze and interpret such information and data in the light of such purposes;

(3) prepare and submit to the President and the Congress in February of each year a report relating to social conditions and policies;

(4) appraise the various programs and activities of the Federal Government to determine the extent to which such programs and activities contribute to the achievement of such purposes and make recommendations to the President, the Congress, and the judiciary with respect thereto;

(5) make and furnish such studies, reports, and recommendations, with respect to programs, activities, and legislation as the President or the Congress may request in appraising long-range aspects of social policy;

(6) provide, when appropriate, for the maximum interchange of information between the Institute and State and local governments; and

(7) organize conferences and seminars with persons of outstanding achievement and capacity from the professions, industry, agriculture, labor, commerce, institutions of higher education, and other appropriate

areas, and reimburse such persons for their reasonable expenses incidental to their attendance, including travel and living expenses.

POWERS OF THE BOARD

Sec. 7. In order to carry out the provisions of this Act, the Board is authorized—

(1) to appoint and fix the compensation of such personnel as may be necessary;

(2) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(3) to accept, on behalf of the Institute, money or other property by gift, bequest, or devise, and to hold and dispose of the same in a manner consistent with the purposes for which the Institute is established;

(4) to request the cooperation and assistance of such other Federal departments and agencies as may be appropriate;

(5) to encourage and cooperate with public and private institutions engaged in research and studies consistent with the purposes of this Act;

(6) to enter into contracts or other arrangements, and modifications thereof, without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or other provisions of law relating to competitive bidding;

(7) to make advance, progress, and other payments deemed necessary without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529); and

(8) to exercise all powers necessary to carry out the purposes and functions of the Institute, including the delegation to any officer, employee, or office of the Institute of such powers vested in the Board as it deems necessary.

THE DIRECTOR

Sec. 8. There shall be a director of the Institute who shall be appointed by, and serve at the pleasure of, the Board. The Board shall fix the compensation of the director, and the director shall carry out such functions, powers, and duties as may be delegated to him by the Board.

FELLOWS

Sec. 9. (a) There shall be within the Institute George Washington Memorial Fellows (hereinafter referred to as "Fellows"), who shall assist the Board in carrying out the functions of the Institute.

(b) The Board shall select Fellows on the basis of outstanding achievement and capacity in the intellectual requirements of their special fields from among the social scientists of the United States (and, where appropriate, of other Nations) without regard to their current place of employment. In selecting Fellows, the Board shall maintain, to the extent practicable, a representative distribution among scholars in the various disciplines of sociology, political science, psychology, anthropology, economics, social work, urban affairs, law, and such other disciplines as the Board may consider to be engaged in social research.

(c) (1) Fellows shall be appointed for terms not to exceed twenty-seven months, except when the Board deems a longer period appropriate.

(2) Fellows shall be compensated at rates established by the Board sufficient to provide a stipend and expenses incidental to serving at the Institute, including travel expenses and a living allowance.

SATISFACTION OF BEQUEST

Sec. 10. Enactment of this Act shall serve to discharge any and all obligations on the part of the Federal Government under the bequest of President George Washington.

AUTHORIZATION OF APPROPRIATIONS

Sec. 11. In order to carry out the provisions of this Act there is authorized to be appropriated a sum not to exceed $10,000,000 for the fiscal year ending June 30, 1971, and not to exceed $5,500,000 for each succeeding fiscal year. Any sum appropriated pursuant to this section shall remain available until expended.

S.J. Res. 133

Joint resolution to provide for the acknowledgment of the generous gift of President George Washington

Whereas, The will of George Washington, first President of the United States of America contained the following: "I give and bequeath in perpetuity the fifty shares which I hold in the Potomac Company (under the aforesaid Acts of the Legislature of Virginia) [The stock was valued at 5,000 # sterling—approximately $25,000.00 Compounded at 6% interest its present value would exceed $200 million.] towards the endowment of a University to be established within the limits of the District of Columbia, under the auspices of the General Government, if that government should incline to extend a fostering hand towards it."

Whereas, Through correspondence and Congressional messages Washington spelled out his concern that the youth of our nation avoid: "contracting, too frequently, not only habits of dissipation & extravagence, but principles unfriendly to Republican Government and to the true & genuine liberties of mankind; which, thereafter are rarely overcome.—For these reasons, it has been my ardent wish to see a plan devised on a liberal scale which would have a tendency to spr. systematic ideas through all parts of this rising Empire, thereby to do away local attachments and State prejudices, as far as the nature of things would, or indeed ought to admit, from our National Councils."

Whereas, His message to the second session of the First Congress on July 8, 1790 stated: ". . . Knowledge is in every country the surest basis of happiness . . . Whether this desirable object will be best promoted by affording aids to seminaries of learning already established, by the institution of a National University or by other expedients will be well worthy of a place in the deliberations of the legislature."

Whereas, He was so certain that the Congress and the Nation were in accord with his plans that a site for an Institution had been surveyed and officially entered in the plan of the District of Columbia.

Whereas, Despite his abiding concern about the future of this Nation there is no record of his gift ever having been formally acknowledged by the U.S. Government.

Whereas, It was impossible for the gift to revert back to the estate because of the terms surrounding it.

Whereas, Eight Presidents have sent messages reminding Congress of its oversight. Over fifty bills have been introduced.

Whereas, The State of Virginia through a joint resolution of its general assembly on March 2, 1968 memorialized "Congress to investigate and implement the provisions of President George Washington's will. . . ." Therefore, be it

Resolved, That the Congress, hereby formally acknowledges the generous gift of our first President and will investigate and implement the provisions of our first President's will.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 377

At the request of Mr. Tower, the Senator from Arkansas (Mr. McClellan) was added as a cosponsor of S. 377, a bill to equalize the retirement pay of members of the uniformed services.

S. 635

At the request of Mr. Allott, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 635, a bill to amend the Mining and Mineral Policy Act of 1970.

S. 652

At the request of Mr. Proxmire, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 652, the Fair Credit Billing Act.

S. 1030

At the request of Mr. Randolph, the Senator from North Carolina (Mr. Jordan) was added as a cosponsor of S. 1030, a bill to amend the Vocational Rehabilitation Act in order to assure rehabilitation services to older persons, and for other purposes.

S. 1475

At the request of Mr. Stennis, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 1475, a bill to provide for the restoration, reconstruction, and exhibition of the Gunboat *Cairo*.

S. 1517, S. 1518

At the request of Mr. Hollings, the Senator from Idaho (Mr. Church) was added as a cosponsor of S. 1517, a bill to authorize insurance in connection with loans to finance the purchase of and improvements to lots on which to place mobile homes; and S. 1518, a bill to authorize Farmers Home Administration to insure mobile home purchases.

S. 1836

At the request of Mr. Byrd of West Virginia, for Mr. Hughes, the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Mansfield), the Senator from Michigan (Mr. Hart), the Senator from Montana (Mr. Metcalf), the Senator from Missouri (Mr. Eagleton), the Senator from Indiana (Mr. Hartke), the Senator from Illinois (Mr. Stevenson), the Senator from Connecticut (Mr Ribicoff), the Senator from California (Mr. Tunney), the Senator from Minnesota (Mr. Mondale), the Senator from California (Mr. Cranston), the Senator from West Virginia (Mr. Randolph), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of S. 1836, a bill to provide a comprehensive Federal program for the treatment and rehabilitation of drug dependent Federal offenders.

S. 1872

At the request of Mr. Case, the Senator from Kansas (Mr. Pearson) and the Senator from Connecticut (Mr. Weicker) were added as cosponsors of S. 1872, a bill for the relief of Soviet Jews.

S. 1985

At the request of Mr. Williams, the Senator from Indiana (Mr. Bayh), the Senator from Indiana (Mr. Hartke), the Senator from New York (Mr. Javits), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. Mondale), the Senator from Rhode Island (Mr. Pell), the Senator from Illinois (Mr. Percy), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. 1985, the Truth in Food Labeling Act.

S. 2023

At the request of Mr. Bayh, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 2023, a bill to provide for a procedure to investigate and render decisions and recommendations with respect of grievances and appeals of employees of the Foreign Service.

S. 2148

At the request of Mr. Bayh, the Senator from Nevada (Mr. Bible) was added as a cosponsor to S. 2148, the Juvenile Delinquency Prevention and Rehabilitation Act of 1971.

S. 2185

At the request of Mr. Bayh, the Senator from South Dakota (Mr. McGovern), the Senator from Wyoming (Mr. McGee), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), and the Senator from Minnesota (Mr. Humphrey), were added as cosponsors of S. 2185, a bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes.

S. 2221

Mr. BAYH. Mr. President, I ask unanimous consent that my name be added as an original cosponsor of S. 2221, Senator Symington's bill to amend title I of the Housing Act of 1949.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. This bill would permit a city such as East Chicago, Ind., whose population has fallen below 50,000 to convert any outstanding urban renewal projects from a two-thirds to a three-fourths capital grant formula.

Such flexibility in the administration of Federal programs is crucial during times when cities are struggling to use their budgets efficiently. Therefore, I hope that the Senate will act promptly on this needed legislation.

SENATE JOINT RESOLUTION 8

At the request of Mr. Bayh, the Senator from Arizona (Mr. Fannin) was added as a cosponsor to Senate Joint Resolution 8, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 70

At the request of Mr. Hollings, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of Senate Resolution 70, calling for publication of the National Nutrition Survey.

ATOMIC ENERGY COMMISSION AUTHORIZATIONS FOR 1972—AMENDMENTS

AMENDMENTS NOS. 255 THROUGH 259

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted five amendments intended to be proposed by him to the bill (H.R. 9388) an act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended.

AMENDMENT NO. 260

Mr. GRAVEL (for himself and Mr. Cranston) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 9388), supra.

AMENDMENT NO. 262

(Ordered to be printed and to lie on the table.)

Mr. INOUYE, for himself, Mr. Cranston, and Mr. Fong, submitted an amendment intended to be proposed by them, jointly, to the bill (S. 2150) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

THE CITIZENS' PRIVACY ACT—AMENDMENT

AMENDMENT NO. 261

REVISED VERSION OF CITIZENS' PRIVACY ACT

Mr. BAYH. Mr. President, today I am introducing an amended version of S. 975, the Citizens' Privacy Act. In both its original and amended forms, this bill is designed to guarantee every individual about whom the Federal Government keeps records the right to know that such a record exists; the right to prevent the disclosure of such information outside the agency; or, where such disclosure is expressly required by law, to know when and to whom such disclosure is made; and—most important—the right to see his own file, to make a complete copy of it, and to supplement his record where he believes it is appropriate. The amended version of the bill which I am introducing today reflects some further additions which Congressman Koch has made to the House version of the bill. He has added two sections to the existing bill.

The first new section creates a board to supervise the administration of the provisions of the bill; in particular it would permit an appeal by an individual seeking the removal of erroneous or misleading information contained in his file. The board would also hear complaints that an agency had not complied with other requirements of the bill. The "Federal Privacy Board" would be composed of several members: three appointed by the Speaker of the House, three by the President pro tempore of the Senate, and one by the President from the public at large. If the board found that one or more requirements of the Federal Privacy Act had not been met, it could issue a final order directing the agency to comply. The order would be binding on the individual and the agency. Appeals from the board's decision could be made to the Federal district court.

The second section adds a new requirement to the five listed above. Every agency would be required to remove erroneous or misleading information from an individual's file.

These changes, I believe, represent another important step in our efforts to give adequate protection to the reasonable expectations our citizens have concerning their right to privacy.

In the field of privacy, reasonable expectations play a very important role. For no matter how carefully and completely we try to analyze the problem, it all boils down to one thing: Americans have—and ought to have—certain broad, general understandings about what part of their personal and business life is public, and what part is private—none of the Government's business, none of anyone else's business.

But expectations of privacy have been shattered in recent years. Recent technological developments have narrowed the sphere of actual privacy by allowing intrusions—by bugging, and so forth—into previously protected areas. And the development of the computer has for the first time made it practical to collect, analyze, and instantly retrieve vast amounts of information, however gathered. For the first time it is now possible to maintain a dossier on the activities of great numbers of people. These dossiers may be used—or intended—to stifle political dissent. And even where the actual use of such information is benign, the very existence of it poses a threat to individual liberty.

I believe that these amendments will greatly strengthen existing provisions of the Citizens' Privacy Act. However, I want to take this opportunity to tell my colleagues that I am not offering this bill as the final answer. I am also considering a series of other approaches—both alternative and complementary—to this problem. The time has come to begin to give every citizen the protection he needs from unwarranted intrusions on his legitimate sphere of privacy. Only by passage of comprehensive legislative measures can we avoid the perils of a dossier dictatorship.

I ask unanimous consent that the text of the revised bill be printed in the Record at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 261

(a) subchapter II of chapter 5 of title 5, United States Code, is amended by adding immediately after section 552 thereof the following new section:

"§ 552a. Individual records

"(a) Each agency that shall maintain records concerning any individual which may be retrieved by reference to, or are indexed under, the individual's name and which contain any information obtained from any source other than such individual shall, with respect to such records—

"(1) notify such individual by mail at his last known address that the agency maintains or is about to maintain a record concerning said individual;

"(2) refrain from disclosing the record or any information contained therein to any other agency or to any person not employed by the agency maintaining such record, except with permission of the individual concerned or, in the event said individual cannot be located or communicated with after reasonable effort, with permission from members of the individual's immediate family or guardian, or, only in the event that such individual, members of the individual's immediate family and guardian cannot be located or communicated with after reasonable effort, upon good cause for such disclosure: *Provided, however,* That if disclosure of said record is required under section 552 of this chapter or by any other provision of law, the individual concerned shall be notified by mail at his last known address of any such required disclosure;

"(3) maintain an accurate record of the names and positions of all persons inspecting such records and the purposes for which such inspections were made;

"(4) permit any individual to inspect his own record and have copies made at his expense; and

"(5) permit any individual to supplement the information contained in his record by the addition of any document or writing containing information such individual deems pertinent to his record, and

"(6) remove erroneous information of any kind.

"(b) Each agency may establish published rules stating the time, place, fees to the extent authorized, and procedure to be followed with respect to making records promptly available to an individual, and otherwise to implement the provisions of this section.

"(c) This section shall not apply to records that are—

"(1) specifically required by Executive order to be kept secret in the interest of the national security;

"(2) investigatory files compiled for law enforcement purposes, except to the extent that such records have been maintained for a longer period than reasonably necessary to commence prosecution or other action or to the extent available by law to a party other than an agency; and

"(3) interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.

"(d) The President shall report to Congress before January 30 of each year on an agency-by-agency basis the number of records and the number of investigatory files which were exempted from the application of this section by reason of clauses (1) and (2) of subsection (d) during the immediately preceding calendar year.

"(e) This section shall not be held or considered to permit the disclosure of the identity of any person who has furnished information contained in any record subject to this section.

"(f) If any provision of this section or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this section and the applicability of such provision to other persons or circumstances shall not be affected thereby."

(b) The table of sections of subchapter II of chapter 5 of title 5, United States Code, is amended by inserting:

"552a. Individual records."

immediately below:

"552. Public information; agency rules; opinions, records, and proceedings.".

SEC. 2. (a) There is established a Board to be known as the Federal Privacy Board (hereinafter referred to as the "Board").

(b) The Board shall consider complaints from any individual that one or more of the requirements of section 552a(a) of title 5, United States Code, have not been met, with respect to the records specified in such section, by the responsible agency. The Board upon finding that one or more of the requirements have not been met, shall issue a final order directing the agency to comply with such requirement or requirements, and this order shall be binding on the parties to such a dispute.

(c) The Board shall consist of seven members, each serving for a term of two years, four of whom shall constitute a quorum. Three members shall be appointed by the Speaker of the House, three by the President pro tempore of the Senate, and one by the President. No more than two of the members appointed by the Speaker of the House shall be of the same political party. No more than two of the members appointed by the President pro tempore of the Senate shall be of the same political party. The member appointed by the President shall be from the public at large. Any vacancy in the Board shall be filled in the same manner the original appointment was made.

(d) Members of the Board shall be entitled to receive $100 each day during which they are engaged in the performance of the business of the Board, including travel time, but members who are full-time officers or employees of the United States shall receive no additional compensation on account of their services as members.

(e) The Chairman of the Board shall be elected by the Board every year, and the Board shall meet not less frequently than bimonthly.

(f) The Board shall appoint and fix the compensation of such personnel as are necessary to the carrying out of its duties.

(g) The Board shall hold hearings in order to make findings upon each complaint, unless there are reasonable grounds to believe that the complaint is frivolous or irrelevant. The Board may examine such evidence as it deems useful, and shall establish such rules as it determines are most apt to the purposes of this section, including rules insuring the exhaustion of administrative remedies in the appropriate agency.

SEC. 3. The amendments made by this Act shall become effective on the ninetieth day following the date of enactment of this Act.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 238

At the request of Mr. PEARSON, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of amendment No. 238, intended to be proposed to the bill (S. 382) to establish a Federal Elections Commission.

AMENDMENT NO. 248

At the request of Mr. INOUYE, the Senator from Hawaii (Mr. FONG), the Senator from Minnesota (Mr. MONDALE), and the Senator from California (Mr. CRANSTON) were added as cosponsors of amendment No. 248, intended to be proposed to H.R. 9388, the Atomic Energy Commission authorization bill.

ANNOUNCEMENT OF HEARING BY DISTRICT OF COLUMBIA COMMITTEE

Mr. EAGLETON. Mr. President, I announce that the Senate Committee on the District of Columbia will hold a public hearing on S. 1938, a bill to amend certain provisions of subtitle II of title 28, District of Columbia code, relating to interest and usury, on Thursday, August 5, 1971, at 9:30 a.m., in room 6226, New Senate Office Building. Persons wishing to testify on this legislation should notify Robert Harris, staff director of the committee, before July 28, 1971.

RURAL DEVELOPMENT HEARINGS SCHEDULED

Mr. HUMPHREY. Mr. President, on July 7, I, along with Senator HERMAN TALMADGE, chairman of the Senate Committee on Agriculture and Forestry, and six other members of the full committee, introduced the Consolidated Farm and Rural Development Act.

The bill is designed to give communities of up to 35,000 the credit and financial muscle they need to improve the quality of life in rural America and attract needed jobs so that the outmigration from these areas, which has been going on for many years, will stop and hopefully be reversed.

The bill will also help our major cities which have felt the brunt of this movement of our population.

Since we introduced the bill, we have been joined by Senator JAMES B. PEARSON, of Kansas; Senator QUENTIN BURDICK, of North Dakota; ERNEST HOLLINGS, of South Carolina; Senator WARREN MAGNUSON, of Washington; and Senator DAVID GAMBRELL, of Georgia.

On Friday, July 23, at 9 a.m., in room 6202 of the New Senate Office Building, our Rural Development Subcommittee will hold the first hearings on this landmark legislation. Hearings will also be held on a similar proposal by my distinguished colleague, JAMES B. PEARSON, of Kansas.

We have invited Secretary of the Treasury John B. Connally, Jr., Secretary of Agriculture Clifford M. Hardin, Secretary of Commerce Maurice H. Stans, and Thomas S. Kleppe, Administrator of the Small Business Administration.

A second day of hearings will be held at the same time and in the same room on Tuesday, July 27. Witnesses have been invited from the Department of Health, Education, and Welfare, the Tennessee Valley Authority, the Department of Housing and Urban Development, and the Environmental Protection Agency.

The hearings will be open on both days.

We are planning additional hearings on this proposed legislation for some time in September.

ANNOUNCEMENT OF MIGRATORY LABOR SUBCOMMITTEE HEARINGS

Mr. STEVENSON. Mr. President, as chairman of the Migratory Labor Subcommittee of the Committee on Labor and Public Welfare, I would like to announce the scheduling of hearings for Thursday and Friday, July 22 and 23, 1971, at 10 a.m., in room 4232 of the New Senate Office Building.

The subcommittee will investigate the subject of farmworkers in rural poverty, and our initial introductory hearings will focus on the 1967 President's National Advisory Commission on Rural Poverty report "The People Left Behind."

Witnesses will be Edward T. Breathitt, former Governor of Kentucky, and Chairman, President's National Advisory Commission on Rural Poverty, 1967; W. Wilson King, farmer, Kinglore Farms, Illinois, and member, President's National Advisory Commission on Rural Poverty; Dr. Leon Keyserling, economist, Washington, D.C.; and Philip Sorenson, former Lieutenant Governor of Nebraska, and chairman, Project on Agribusiness Accountability, Washington, D.C.

ADDITIONAL STATEMENTS

DEATH OF FORMER SENATOR GERALD P. NYE, OF NORTH DAKOTA

Mr. BURDICK. Mr. President, word of the death of former Senator Gerald P. Nye, progressive Republican from North Dakota, brings sorrow to many hearts in North Dakota, and vivid memories of the early days of the Non-Partisan League.

Gerald P. Nye was one of those who carried the torch of the Populist movement that set the Prairie States on fire in the early part of this century, sweeping into political office new faces and clarion voices demanding equity for farmers. As owner-editor of the Fryburg, (N. Dak.) Pioneer, he championed the Non-Partisan League movement in its early days in North Dakota. In 1919 he became editor of the league's outspoken Griggs County Sentinel-Courier.

In 1925, North Dakota Gov. A. G. Sorlie appointed Gerald P. Nye to the U.S. Senate seat made vacant by the death of Senator Edwin F. Ladd, a Non-Partisan Republican. In June of 1926, Nye won a special election to complete Ladd's term, and in November of that year he was elected to the full Senate term. He served in the Senate for 18 years, stormy years during which he battled vigorously for what he considered even when he stood alone. He was an independent man, a forthright man in the tradition of the old frontier.

Mrs. Burdick and I wish to join with his many friends in expressing our deepest sympathy for Mrs. Nye and members of his family.

ADMINISTRATION OVERLOOKS POTENTIAL OF SMALLER BUSINESSES IN SOLVING NATION'S PROBLEMS

Mr. BIBLE. Mr. President, our economy is not in good shape. During the first half of 1971, unemployment has persistently hovered at about 6 percent, plant utilization remained below 75 percent, and inflation at retail and wholesale levels has continued to erode our purchasing power at an unabated and worrisome rate.

As usual, small business was knocked down first and will probably get back on its feet only after the other players unpile.

One sure indicator is the growth of the business population, since business incorporations and failures are largely in the small business realm. Growth of the numbers of businesses in 1970 was 30 percent below the average for recent years. New incorporations were down 3 percent from 1969. Another clear signal is business failures—they were up 17 percent by number to a 3-year high, while the liabilities increased a startling 65.3 percent.[1] The greatest increases in failures have been in manufacturing and services. In the manufacturing sector after-tax earnings of smaller corporations were down 45 percent compared with 12 percent for larger companies.[2]

The perceptive financial and business editor of the Washington Post recently called attention to the apparent lack of effective national economic policies for coping with these problems in the following terms: [3]

> The real fact, of course, is that the Nixon Administration lays bare its inability to solve the pressing dilemma of our times—how to achieve full employment and relative price stability. What it should have learned from wartime experience is that it *is* possible to utilize fully the resources of the nation. The trick is to find out how to mobilize those resources for peaceful purposes—

At about the same time, another commentator[4] was interpreting President Nixon's policies as follows:

> (R) ecovery depends on the right quantity of money. It's just about . . . right . . . now (with a rate of increase) of about 13.6 percent since January. There's normally a time lag of about six months . . . according to the theory . . . So do nothing . . . and wait.

This latter characterization of seeming immobility is consistent with the current report of the President's Council of Economic Advisers that it is possible to pursue the twin goals of full employment and reasonable price stability only by not moving "too fast in either direction." Even more definite was the recent announcement of the President's chief economic spokesman, Secretary Connally, ruling out any new price, income, tax, or spending actions in the economic game plan.[5]

I think it is a fair question, however, whether the Nation's economic policies should move so slowly—and in some cases appear to be moving backward—under what amounts to special economic conditions. In addition to the normal increment to the labor force of about 1 percent, hundreds of thousands of servicemen are returning to civilian life; thousands more highly trained scientists and engineers are being thrown out of work by cutbacks in the defense, aerospace, and civilian aircraft industries; and graduates of our colleges and universities in large numbers cannot find jobs.

WHAT SMALL BUSINESS CAN CONTRIBUTE

During the last session of Congress, I and other Senators called attention to the role which could be played by the small business sector of the economy in meeting some of these challenges. The 5½ million small businesses in the country presently account for 40 percent of all the jobs and more than ⅓ of the gross national product.

Small Business Administration programs such as business loans, management and technical assistance, Small Business Investment Company aid, and community development loans are almost uniquely designed to help in many of these areas. Thus, these tools lie close at hand and ready to be used to take up some of the slack.

Many of us in the Senate believe that small business has been, and continues to be, the backbone of our economy. We have thus felt that it makes sense in attempting to revive the economy to pay attention to needs of the small business community. In our view, stimulating small businesses could quicken the flow of new and improved goods and services which could expand our economy. Such products could be provided at lower costs in many instances, thereby combating inflation.

We have pointed out that new and growing small firms could add flexibility in the transition to a more civilian-oriented economy. They can also assist less advantaged Americans into the mainstream of commercial life, thereby broadening the base of consumption.

CREDIT POLICIES SEEM LOPSIDED

Because of these advantages, we have asked that the administration restore the business loan budget of the Small Business Administration for fiscal year 1972—beginning July 1, 1971—to the level set by Congress in fiscal year 1968; namely, $307 million for direct and participation loan funds. This request was put in the form of a letter from Senator SPARKMAN and myself to President Nixon in December of 1970.[6] We argued the case as strongly as we could at that time.

However, the administration chose instead to cut the SBA loan budget further to $99 million. This climaxed a reduction of more than two-thirds over the past 4 fiscal years.

We have suggested modest appropriations requests in behalf of 17,000 firms which must comply with new sanitary standards in meat-processing industries under Federal deadlines. There has been no visible response from the White House on this.

In notable contrast, however, this administration has singled out the country's biggest railroad and biggest defense contractor as deserving of loan guarantees of $125 million and $250 million, and has come up on Capitol Hill to fight for this financial aid.

I think this case is even stronger for funding SBA loan programs now that the hard and discouraging economic evidence is coming in. I feel that the kinds of credit priorities we have seen are out of balance and difficult to justify.

TAX ACTIONS APPEAR LOADED AGAINST SMALLER FIRMS

In addition, many Members of the Senate have asked for tax reform for small business. Removing some of the burdens of complexity and high rates at the lower end of the economic scale promises fresh investment of mounting savings in new, growing, and independent companies because of increased profitability and better prospects. Legislation has been introduced[7] which has now been cosponsored by 30 Members of Congress, to provide this much needed break to the little guy who needs it most.

The administration does have a tax bill, S. 544, which consists of five sections plus a title and a definition. However, at last report, this bill had not even been introduced in the House of Representatives, which the Constitution requires act first in revenue matters. We have heard no economic spokesmen speaking well of it.

Simultaneously, we have seen some decisive tax policy decisions by the White House which massively favor big business. Details on three of these actions are contained in my recent remarks to the Senate.[8]

I now understand that the ADR depreciation regulations will mean a tax reduction over $3 billion a year, which has been estimated as a 5.8 percent reduction in business taxes.[9] It bears repeating that over half—50 percent—of this benefit will go to the 103 largest corporations in the country, and about four-fifths—80 percent—of this tax break will go to the biggest 2,500 companies, or one-

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Footnotes at end of article.

twentieth of 1 percent of U.S. businesses' totals.

We saw, in 1969, a tax cut of about 29 percent for the richest three-fourths of 1 percent of the taxpayers in the country. This will cost the Treasury about $200 million annually.[10] At the same time, taxpayers in the lowest brackets received a cut of 30 percent and many of the poorest were dropped from the Federal tax rolls. But what about the small businessman in the middle? Independent businessmen are providing the enterprise, the jobs, and the responsible community leadership in addition to making up a substantial share of the billions of dollars in taxes that are given up in these other areas. Are they not entitled to some tax equity?

HELPING SMALL BUSINESS WILL HELP THE ECONOMY

Because of these facts and figures, I feel the administration is overlooking the great promise of $5\frac{1}{2}$ million small businesses and of the SBA in helping to resolve many of the problems of today's economy that are causing frustration and indignation among a large segment of our business community. I cannot understand why the smaller cousins of the big businessman are not also entitled to the consideration of the executive branch of the Government. I believe this consideration is long overdue.

It seems to me that a little show of initiative in the small business field at the top of our Government, would, at a very low cost, do much to encourage similar initiatives in a broad band of the economy where enterprise has traditionally been concentrated. Indeed, there is good evidence to suggest that Government passivity itself is a proximate cause of the basic economic dilemma that Mr. Rowen and Representative MILLS and others are talking about.[11] For instance, the Director of the University of Michigan Survey Research Center was quoted as saying:

> It seems to me that some government officials go out of their way to say the government won't do anything.[12]

I hope that the Nixon administration will come to appreciate the value of policy initiatives in the small business field and the value of using the existing tools at SBA and at the Treasury Department to implement them. I again respectfully advocate that appropriate recognition be given to small business by a proper funding level at SBA and through active advocacy of small business tax reform by the White House. I urge and advise the administration provide such practical assistance to small business owners, employees, and stockholders, and their families throughout the country. We will all certainly harvest rich rewards for our economy and our citizens if the administration chooses to follow such a course.

FOOTNOTES

[1] According to Dun & Bradstreet, businesses going into bankrupty with losses to creditors totaled 10,748 firms with liabilities of $1.89 billion in 1970, up from 9,154 firms with liabilities of $1.14 billion in 1969.

[2] *SBA Economic Review*, Annual Issue, May, 1971, p. 3. Smaller companies defined as those with assets of less than $1 million.

[3] "Unemployment Dilemma Stirs Connally to Marxian Rhetoric," by Hobart Rowan, *The Washington Post*, July 11, 1971, p. H1: 1.

[4] "A Policy of Passivity," by TRB, *New Republic*, July 10, 1971.

[5] "There is not any question but what we have had a very substantial increase in money supply during the first six months of this year. . . . There is not any question but what there has been a very, very substantial fiscal stimulant added to this economy . . . (a) deficit . . . substantially in excess of the $18 billion that has been anticipated. Everyone will also agree that in each of these cases that there is a time lag of perhaps at least six months before the full impact of a monetary policy or a fiscal policy can be effective." Press conference of John B. Connally, Jr., Office of the White House Press Secretary, June 29, 1971.

Some support for this posture is contained in *The Merrill Lynch Review* of June-July, 1971, which states: "Basically, it is a mild recovery to date, but (one) that is nevertheless underway . . . . Employment and capital spending have historically lagged during the early stages of business expansion." See "Market Health—Economy Recovers Slowly," P. 1.

[6] See "Next Year's SBA Budget Will be Important Test—Direct Loan Funds Should be Restored," remarks of Senator Bible, Dec. 30, 1970, *Daily Congressional Record*, p. 44026.

[7] The Bible-Evins "Small Business Tax Simplification and Reform Act," (S. 1615 and H.R. 7692) has 14 Senators and 16 House members as cosponsors. Sen. Bennett has also introduced S. 544 containing additional Administration proposals.

[8] See Introduction of S. 1615, remarks on the Senate floor by Senator Bible, April 22, 1971, *Daily Congressional Record*, p. 11409, as follows:

"First, in September 1969, the administration proposed a 2-percent reduction in the corporate tax rate. It is clear that the original intention was to make the reductions in the surtax alone. By definition, the surtax applies only to companies earning more than $25,000 a year in net income. Thus, at the outset, this benefit would have been limited to only about 9 percent of the U.S. corporations, leaving the other 91 percent of the corporations—that is, small business—completely out in the cold.

"After the Senate Finance Committee gave this idea a rather critical reception, the Treasury proposal was to a 1-percent cut in the surtax and a 1-percent cut in the normal tax rate. The estimate of revenue loss put forward was about $1.6 billion after 2 years, with the lion's share of benefits still going to the largest business corporations.

"Second, in May 1970, the administration proposed a so-called "Disc" device for eliminating export income from taxation. The Joint Committee on Internal Revenue Taxation estimated that the revenue loss from this bill would reach nearly $1 billion within 5 years, and it appeared that some 50 to 90 percent of this benefit was earmarked for perhaps fewer than 125 of the Nation's largest corporations.

"Third, on January 11, 1971, the administration again proposed a tax reduction in the form of a depreciation deduction by about 20 percent. It was apparent that about 55 percent of this benefit will be conferred upon the 103 largest corporations in the country, while 80 percent will go to the largest 2,500 or one-twentieth of 1 percent of U.S. businesses. This seems to leave the remaining 20 percent to the other $99\frac{19}{20}$ percent of the Nation's business.

"This proposal initially was to involve a revenue loss of $2 billion in the first year, rising to somewhere around $4 billion within 3 years and tapering off slightly thereafter. However, I understand the first year loss is now estimated at closer to $3 billion because of later modifications."

[9] "Monthly Economic Letter," First National City Bank, July 1970, p. 4.

[10] The 50-percent earned income limitation: See "Congress's House of Secret Deals," by Albert Gore: *The Washington Post*, July 11, 1971, p. B1:5.

[11] "Why the Recovery Lags," *Newsweek*, July 19, 1971, p. 63; "Economic Growth Slips; Mills Asks Curbs, Tax Aid," *The Washington Post*, July 17, 1971, p. A1:1.

[12] "Confidence Seen Lacking on Economic Problems," *The Washington Post*, July 15, 1971, p. H13:4.

ENTRAPMENT AND IMPRISONMENT OF AN AMERICAN CITIZEN IN POLAND

Mr. DOMINICK. Mr. President, Adam Muller is an American citizen who was sentenced to 5 years in a Polish prison after being "convicted" of giving Polish State secrets to United States, British, and French intelligence people in 1958.

Fortunately, Mr. Muller was released recently by the Polish Government, and he has returned to his home in this country. But this incident illustrates a very serious situation which is a cause of great concern to me and is, I hope, equally unsettling to the people at the State Department. This is a classic case of entrapment. Muller was the victim of careful plotting by Polish authorities who granted him a visa to visit his ailing father and then arrested him just 3 weeks after he arrived in the country. Experts at the State Department, in public statements warning other travelers of the potential problems of visiting Poland, point out that the speed with which Muller was picked up indicates the Polish authorities were planning to arrest him from the moment they issued the visa.

Mr. President, let me emphasize that while Mr. Muller was tried and convicted in less than a week last May, he had been held in jail since October 10 of last year.

I mention all of this today to bring it to the attention of other naturalized U.S. citizens who may be thinking of visiting their former homelands because, as the State Department puts it, they may find themselves in jeopardy if they carry out their travel plans.

It is worth noting that the State Department action in this case was apparently quite successful, and I want to congratulate the people involved there.

But most of all, Mr. President, I want to bring this case to the attention of Senators as an example of the kind of international maneuvering that is still going on behind the scenes in Communist countries of the world. While we explore ways to improve our relations with them and to broaden our trade and travel programs, Poland conspires to lock up a naturalized U.S. citizen. And who knows what other plans may be in embryonic stages, waiting for the next unfortunate traveler?

It is high time that we took a firm stand on this and let it be known that countries which ignore the rights of our citizens traveling abroad cannot expect favored treatment when it comes to trade. It is time to let the world know that we do care about the rights of the U.S. citizen abroad and that this Government is ready and willing to put power and prestige on the line to the extent necessary to guarantee those rights.

Mr. President, two pieces of correspondence and two related newspaper articles are pertinent to my remarks and would seem to further dramatize this situation. I ask unanimous consent that my letter of May 11 to Mr. David Abshire, Assistant Secretary of State for Congressional Relations, his reply of May 25—with the public statement issued by the State Department—and the two newspaper stories published in the Washington Post May 5 and 7 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MAY 11, 1971.

Mr. DAVID ABSHIRE,
Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR DAVE: The enclosed clippings from the "Washington Post" indicate that Mr. Adam Mueller was sentenced to five years in prison on May 6 in warsaw under unusual circumstances.

Please advise me what action the State Department is planning in addition to your published warning about entrapment. Specifically, is it possible to negotiate an exchange which would secure Mr. Mueller's release in the near future?

I would appreciate all available information on this matter at your earliest convenience.

Best personal regards.

Sincerely,

PETER H. DOMINICK,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., May 25, 1971.

Hon. PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: I am pleased to reply to your letter of May 11 requesting information about the case of Mr. Adam Muller, an American citizen who was arrested in Poland and sentenced to five years imprisonment.

Both the American Embassy at Warsaw and the Department of State have made numerous representations to the Polish authorities stressing the bad effects this case has on bilateral relations in general. In order to underline this, the Department's press spokesman on May 6 made the attached statement upon which the UPI story you enclosed was based. We believe these representations have been taken seriously and we have some reason to hope that they will soon have a demonstrable effect on the case. In the meantime, we will continue to press the Polish authorities on every appropriate occasion to release Mr. Muller and allow him to return to the United States. If a satisfactory solution is not reached soon, it may prove necessary to give more specific cautionary advice to American citizens of Polish origin naturalized since 1951 who are considering travel to Poland.

Although we fully understand the humanitarian concern which prompts the suggestion for some sort of exchange with Poland under which Mr. Muller would be released, we believe it would not be feasible in this case. It should be noted, in this connection, that while we regard Mr. Muller as an American citizen, he is considered by the Polish Government to be a Polish citizen. There is on our part a general policy of opposing such exchanges because we wish to discourage Communist authorities from the belief that pressure can be exerted on the United States for the release of their nationals convicted of espionage charges by imprisoning American travelers and offering them up for exchange.

I hope that this information has been responsive to your inquiry. However, if you have any further questions, please let me know.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

STATEMENT MADE BY DEPARTMENT OF STATE PRESS SPOKESMAN

The Department of State has been informed that the Polish Government has tried and sentenced an American citizen, Adam Muller, to five years in prison on charges that after flight from Poland to West Berlin in 1958, he transmitted to American, British and French intelligence agents information which constituted state secrets under Polish law. Specifically, this information was said to concern the industry and armed forces in the Cracow area.

Mr. Muller obtained a visa to visit his aged father in Poland early last October and arrived in Poland on October 10. On October 31 he was arrested and held under investigation until the opening of his trial on May 4. The trial ended May 6.

During the period of his pre-trial detention, American consular officers were permitted to visit Mr. Muller on five occasions. However, they were not permitted by Polish authorities to discuss with him any matter connected with his arrest or the basis for it.

Although portions of the trial were open to the press, the American consul was not permitted to attend the substantive portions of it.

The American Embassy at Warsaw has made clear to the Polish authorities on a number of occasions our dissatisfaction with the manner in which this case has been pursued. It is apparent, in view of Polish visa procedures, and in view of the prompt apprehension of Mr. Muller following his arrival in Poland, that the Polish Government must have been aware at the time a visa was issued to him that charges would be pressed against him upon his arrival.

It would therefore appear that rather than rejecting his visa application, the Polish Government decided to permit him to return to Poland in order to be arrested and to face charges.

Obviously a decision of this nature raises questions with regard to American tourist travel to Poland which will require close examination.

[From the Washington Post, May 5, 1971]

AMERICAN ENGINEER PLEADS GUILTY TO SPYING ON POLAND

WARSAW, May 4—A Polish-born American engineer, Adam Teofil Mueller, admitted in a military court here today he gave Western intelligence officers information about a Polish steel plant and nearby military units when he fled the country nearly 13 years ago.

"I gave them all the information I knew. I answered all their questions," he told five judges trying him on charges of betraying industrial and military secrets.

The indictment said Mueller, former department planner in the Lenin steel works at Nowa Huta, near Cracow in south Poland, had admitted giving the information to British, American and French intelligence officers in West Berlin in order to be granted asylum in the West.

Mueller, 43, emigrated from West Germany to the United States in 1960 and was arrested last October while visiting his 81-year-old father in Kielce, south Poland.

His home is Dayton, Ohio, where his wife and three children aged four to eight live. He said he also had a 19-year-old son in Poland by a previous marriage.

The court went into closed session when Mueller was questioned on secret matters.

[From the Washington Post, May 7, 1971]

U.S. POLISH CITIZENS ARE CAUTIONED ON ENTRAPMENT RISKS IN HOMELAND

The State Department said yesterday that natives of Poland who have become naturalized U.S. citizens should think twice before visiting their former homeland, lest they find themselves "in jeopardy."

Spokesman Charles W. Bray III alleged that Polish officials were guilty of "entrapment" by expediting a visa for Adam Mueller, 43, Dayton, Ohio, resident who wanted to visit his father in Poland and then arresting him very shortly after he arrived there.

The son was sentenced to five years imprisonment yesterday after being convicted of giving Polish "state secrets" to U.S., British and French intelligence officers in 1958.

Mueller, who had been a department planner at the Lenin steel works near Cracow, came to the United States from West Germany in 1960 and became a naturalized citizen. He is an employee of the National Cash Register Company in Dayton. He has a wife and three children.

Mueller obtained a visa early last October to visit his ailing, 81-year-old father in Southern Poland and arrived there Oct. 10. He was arrested three weeks later and jailed until his trial, which began Tuesday and ended yesterday.

Bray said that the speed with which Mueller was arrested upon arrival indicated that Polish authorities planned at the time they issued the visa to arrest him. This, Bray said, constituted "entrapment."

Mueller was charged with giving the Western intelligence agents information about the Lenin steel plant and nearby military units. He left a conducted Polish tour in Berlin in 1958 and stayed on in West Germany.

PRESIDENT NIXON'S VISIT TO CHINA

Mr. KENNEDY. Mr. President, I wish to add my own congratulations to the overwhelming approval that President Nixon has already received for the dramatic announcement of his plan to visit China. Every President has immense potential for leadership in the Nation's foreign affairs, but rarely, I think, has the action of any President so captured the imagination and support of the American people as President Nixon's magnificent gesture last week for the improvement of our relations with China.

I do not share the views of some that the President's initiative is necessarily a step with obvious immediate and long-range domestic advantage. Perhaps such advantage will materialize and perhaps not. What is clear, however, is the great expectations that have already been raised by the announcement of the visit itself. The hopes for peace now set in motion are as vast as the imagination of man. We know that harmonious relations between America and China will have enormous benefit on all the other vital foreign policy issues of our time—especially on issues like peace in Vietnam, stability in Asia, and progress toward nuclear control and disarmament.

We know that, inevitably, these expectations will continue to grow as the time for the visit draws near, and we know that they will be difficult to fulfill. The President deserves great credit, therefore, for his courage in taking this step, not because of any narrow considerations, but because it is a step that is right for America and right for the world.

By some cruel paradox, an entire generation of young Americans and young Chinese have grown to maturity with their governments in a state of suspended war toward one another. Three times within our lifetime, American soldiers have been sent to fight and die in Asia. Today, 45,000 Americans are dead in Vietnam in a war whose primary purpose, we are told, has been the containment of China.

Now, thanks in large part to the initiative of the President and the response of Peking, we have an unparalleled opportunity to change all that, and to restore the ancient friendship between the Chinese and American peoples. President Nixon will carry the prayers of every citizen with him to Peking, and the cause of peace will be the richer.

CAPTIVE NATIONS WEEK

Mr. SAXBE. Mr. President, on July 17, 1959, Congress passed a joint resolution asking the President to designate the third week in July as Captive Nations Week and to continue this practice until such time as all of the captive nations of the world are free.

The issue as stated is a very basic one. Briefly, it is that all men have the right to be free. Perhaps what is more difficult to understand is what role the United States is to play in assuring this right. Certainly it is unrealistic to attempt to achieve this desirable goal by means of military force, for no country in the world, including the United States, is capable of assuming the role of universal policeman. However, we cannot abandon the principles outlined in our Declaration of Independence, nor can we apply these principles on a selective basis. We must and do recognize that any nation, no matter how small, has the right to determine its own destiny and that as long as there exist in the world nations that are forcefully subjugated it is impossible to achieve world harmony and peace.

Peace is that state of mutual respect for the right of others that can only be achieved by free men, thus if we advocate peace we must advocate freedom. It is most fitting that during this time set aside by our President we reaffirm our commitment to individual and national freedom and specifically to all the captive nations that aspire to regain what is rightfully theirs. Peace without justice is temporary and in the case of the captive nations justice must be served and we as a nation founded on the principles of justice must make a long term commitment to this end.

RECENT DISTURBING EVENTS AND ATTITUDES

Mr. TALMADGE. Mr. President, Newsweek magazine of July 19 contains an editorial entitled "Could It Happen Here?" written by Stewart Alsop.

Mr. Alsop examines recent disturbing events and current attitudes. His rationale and conclusions as to how these reflect the state of our Nation are worthy of the attention of every Member of the U.S. Senate. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COULD IT HAPPEN HERE?

(By Stewart Alsop)

WASHINGTON.—It is interesting to ask certain hypothetical questions, because their hypothetical answers tell a good deal about the state of the nation:

1. Ten years ago, would the editors of The New York Times, though advised by counsel that to do so might well be illegal, have published verbatim very large numbers of stolen secret government documents. Twenty years ago?

2. Ten years ago, would the keepers of Manhattan's bridges knowingly have broken the law by sealing off those bridges, to support their pay and pension demands? Twenty years ago?

3. Ten years ago, would many thousands of young people have invaded the national Capital in order to "close down the government," committing many illegal acts in that attempt? Twenty years ago?

4. Ten years ago, would Washington's police have responded by making mass arrests, disregarding established constitutional procedures? Twenty years ago?

5. Ten years ago, would workers in essential public services—garbagemen, postal workers, police—knowingly break the law by going on strike? Twenty years ago?

SIMPLE DUTIES

Take the case of The New York Times. In his dissent, Chief Justice Warren Burger remarked that it was "hardly believable" that a "great institution" like the Times "would fail to perform one of the basic and simple duties of every citizen with respect to the discovery . . . of stolen property . . . That duty, I had thought—perhaps naively—was to report forthwith, to responsible public officers. This duty rests on taxi drivers, Justices, and The New York Times."

Suppose that the Times had been offered hundreds of stolen government documents during the Kennedy, Eisenhower, or Truman administrations. It seems very probable that, in that era, the Times would have notified "responsible public officers" and suggested a meeting to decide what to do about it. Thus Justice Burger was not being so much "naive" as old-fashioned.

The answers to the other hypothetical questions are also "no" or "very probably not." The conclusion is obvious: nobody plays by the rules any more. Not the kids, not the cops, not the garbagemen, not the editors of the Times, not the keepers of Manhattan's bridges. This has, to be sure, never been a notably law-abiding country. Even so, there was a national consensus even as recently as ten years ago that law breaking was a pretty risky business, and morally dubious to boot.

MARTYR-HEROES

This is no longer so. If Daniel Ellsberg goes to jail, he will be widely hailed as a martyr-hero like the Berrigan brothers. Among the radical young, it is almost a necessary badge of manhood to be "busted" by the "pigs." And a union leader in one of the essential public services who respected the laws against strikes in such services would soon cease to be a union leader.

What has happened to make the great change suggested by those hypothetical questions and their answers? One thing that has happened is that "civil disobedience"—a euphemism for breaking those laws in which the law breaker does not believe—has become both respectable and relatively safe. The civil-rights movement of the early '60s began to make it respectable, and the increasing unpopularity of the Vietnam war has helped to make it safe as well as respectable.

The unpopularity of the war is the unique factor that makes Daniel Ellsberg a hero for breaking his pledge to protect government secrets, or the Berrigans heroes for spilling animal blood over draft papers. No one would have hailed Ellsberg as a hero if he had tried to peddle official documents about President Johnson's secret dealing with Israel, or NATO defense arrangements. If he had tried to do so, the Times would have responded as suggested by the Chief Justice.

The unpopularity of the war has also lent respectability to the "revolution" of the radical young. The "revolution" is ersatz—Lenin would have dismissed it as a "petty-bourgeouis" phenomenon. Even so, the young have taught the angry workers and other interested onlookers an important lesson—that if a great many people are breaking the law at the same time, an individual doing so runs little risk of severe punishment.

The Times, to its credit, has published an article by Prof. Roger Fisher of Harvard, stating that "the Times and its officers broke a valid law . . . engaged in a form of civil disobedience." This conclusion was clearly shared by Justices White and Stewart, as well as the three dissenters. The editors of the Times are not fools, and they must have known that they might be breaking the law, but it is most unlikely that they have spent any jail-haunted sleepless nights.

In other areas, breaking the law involves very little personal risk. The "kids" who are "busted" risk at most a whack on the head, maybe a whiff of tear gas, possibly a night in jail. They thus become, almost painlessly, instant heroes. The garbagemen or postal workers who strike don't even risk that much—on the contrary, they are rewarded with fat pay raises.

A REAL DANGER

Obviously, it is possible, and always has been, to break the law in a good cause. Undoubtedly, the editors of the Times most sincerely believed that their cause was good. So did the kids, the cops, the bridge keepers and the garbargemen. But surely there is a real danger here. In his Farewell Address, that eminently sensible fellow, George Washington, had this to say: "The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government."

Many Americans now regard it as the duty of the individual to defy "the established government." Past history suggests that mass defiance invites, sooner or later, an authoritarian and repressive response. Today in this country there is less repression of dissent than in any other nation, as Britain's radical New Statesman has pointed out. Moreover, no man on horseback is even dimly visible on the horizon—it is not really possible to imagine Richard Nixon, or Spiro Agnew or George Wallace in that role.

So the danger is not immediate. But the disintegration of the authority of the "established government" could produce an authoritarian regime, *if* it were combined with a severe economic depression. That combination could happen here.

THE NEED FOR A BALANCED TRANSPORTATION POLICY

Mr. PERCY. Mr. President, in fiscal year 1971, the percentage of Federal outlays for various modes of transportation was as follows:

Mass transit	2.8
Highways	62.9
Aviation	20.9
Railroads	0.6
Water	12.8

It has been estimated that as much as 60 to 70 percent of our total population lives on less than 10 percent of the land—in crowded, metropolitan areas where mass transit is the only practical mode of transportation. The above percentages would therefore seem more logical if they were reversed; that is, if 62.9 percent of Federal funds were going to mass transit and 2.8 percent to highways.

On March 23, 1971, I introduced proposed legislation designed to achieve a more rational, balanced transportation policy. One of my bills would replace the existing highway trust fund with a national transportation trust fund. Under the bill, revenues collected for highways, airport development, and other transportation programs would be pooled into one trust fund, and the money would be distributed far more rationally and equitably than at present. If States wanted to build mass transit systems instead of more highways they could do so without worrying about massive losses of Federal funds.

The need for this kind of legislation was emphasized in a recent article written by Denis Hayes, and published in the Saturday Review of June 5. Mr. Hayes discusses the folly underlying our present and past transportation policies, and points out the direction in which we should move if we wish to preserve a livable environment and at the same time increase our mobility. I commend Mr. Hayes for this excellent article, and bring it to the attention of Senators by asking unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Can We Bust the Highway Trust?

(By Denis Hayes)

Two-thirds of the land encompassed by the city of Los Angeles is covered by freeways and roads and streets and parking lots and gasoline stations and automobile salesrooms and private garages and other appurtenance of automobiling. Fumes from automobile exhaust pipes have turned the skies above the city a wierd shade of yellowish green, obscuring the nearby purple-mountained majesty. On many days of every year the accumulated smog is so unbearable that school children are not allowed to play outdoors. Last year someone placed a hand-lettered sign at the city limits reading: BREATHING IS UNHEALTHY FOR CHILDREN AND OTHER GROWING THINGS. Emphysema, a lung disease caused by gases and particulates in the air, has killed 12 percent more people every year for the past twenty years. The death toll from crashing automobiles is staggering. The city grows relentlessly noisier, dirtier, and uglier.

Why is this affront to public decency tolerated?

According to advertisements written and distributed at considerable expense by automobile makers, gasoline salesmen and road builders, it is because the private automobile is an unsurpassed convenience for all of us—because it takes us wherever we need or want to go more quickly than we could get there by any other means of transportation, and in the most pleasing fashion imaginable.

But people who drive or ride private automobiles through Los Angeles rarely if ever enjoy the experiences. Any trip into, within, or out of the city is hard work at best and at worst a grating ordeal. All involved suffer a similar fate. They inch their exasperated way up waiting lines at freeway entrances, stand almost motionless bumper to bumper for as long as two hours at a time, find all available parking spaces filled upon reaching the central city and ultimately arrive back home disgusted and exhausted by the compulsive aggressiveness that has come to characterize automobiling. Instead of enjoying an exhilarating exercise in personal freedom, the motorist endures a sweaty war of nerves.

The inhabitants of Watts and the Chicano barrios of East Los Angeles have never had an illusion about the private automobile's fundamental hostility to the simple humanity that once was found in cities. The asphalt-paved culture surrounding these people brings them no pleasure. Few of them have automobiles of their own, and they live at the end of the line. Only there is no line. No streetcar, no subway. Only occasional buses travel the roads, and those who cannot afford wheels must either hitch a ride from someone who has wheels or walk. These people see more than the fact that transportation in Los Angeles is inefficient, unhealthy, and ugly. They see that it discriminates against the young, the old, and the crippled as well as against the poor.

If the private automobile's degrading effect on Los Angeles were unique, the phenomenon would merit an exhaustive analysis as a dangerous inversion of social values. But it is not unique. No major city in the country has escaped automobile poisoning. Atlanta, Baltimore, Boston, Charleston, Chicago, Cleveland, Detroit, Indianapolis, Memphis, Milwaukee, Minneapolis, Nashville, Newark, New Orleans, New York, Philadelphia, Phoenix, Seattle, and Washington, D.C. (to name only a prominent score), all display the same symptoms of debilitation; all have been weakened by the same dehumanizing fever.

Plainly, something must be done to arrest the spread of this technological malady. Plainly, too, that something must somehow restrict the growth of highways, for automobilitis is carried by highways. Every American motorist contributes to acceleration of the epidemic through the gasoline, tire-sales, and other auto-use taxes he pays into the federal government's Highway Trust Fund.

Since 1956, money in the Highway Trust Fund (it totals about $5-billion a year) has been sequestered for the exclusive purpose of building roads, principal emphasis going to an interstate highway network linking all the nation's cities that have populations greater than 50,000. Planned at first to stretch more than 41,000 miles and to be completed by 1972, the system is now targeted at 42,500 miles and is certain to be extended in length until the year 1977.

In the beginning, interstate highways were intended only to *connect* the cities. Later, the purpose was restated to include *passage through* the cities. Of course, the cost of the highway increases progressively as the core of the city is approached and traversed. Yet, any piece of interstate highway, no matter how extravagant, costs the city or state that builds it only 10 cents on the dollar. The other 90 cents is paid by the Highway Trust Fund. Although buses, subways, and railroad trains carry many times more people than private automobiles do, cities and states preferring those facilities must pay from 33 cents to 50 cents on the dollar. With urban tax sources shrinking steadily because of the amount of productive land eaten up by roads and parking spaces, local government officials find it hard to raise 33-cent dollars or 50-cent dollars when 10-cent dollars are so much more readily available.

The simplest cure for automobilitis in the cities, then, is to bust the Highway Trust and to release its monies on a fair, competitive footing for whatever means of conveyance proved most adaptable to human sensitivities.

Can the Highway Trust be busted? I believe that it can be. Furthermore, I am convinced that it will be when enough people understand how the Highway Trust is wrecking America, not only esthetically but economically and spiritually.

This understanding cannot be expected overnight, nor even in a year or two. Mainstream America has exulted in its love affair with the private automobile for too long. The automobile is a truer symbol of the essence of America than is the bald eagle, Uncle Sam, or apple pie. The automobile is glamorous. It is sexy. It is the dream of every high school kid. Model kits, magazines, even popular music enshrine it. Adults put it at the top of the scale of values they use to judge the neighbors and themselves. The highest expression of national grandeur is the pretentious coat of arms on the new Cadillac.

The automobile is a powerful economic force. Directly and indirectly, it provides jobs for one in every five employed persons.

The automobile takes most Americans to work, and returns them home. It picks up supplies at the supermarket, transports the kids to and from school, and facilitates the rites of passage when Johnny turns sixteen.

With chrome teeth glistening beneath its glassy eyes, the automobile is perceived as the most indispensable commodity in contemporary American life. One questionnaire frankly identified the automobile as the cause of most air pollution, the cause of nerve-racking traffic congestion, the cause of 50,000 deaths every year, the cause of displacement of tens of thousands of home owners, and the cause of destruction of irreplaceable open spaces; then the individuals to whom the questionnaire was addressed were asked: "Is it worth it?" Eighty-five per cent of the 5,000 persons sampled said yes.

It must be admitted that the automobile does provide a unique and desirable freedom on lengthy, leisurely trips. Ninety per cent of all Americans who took vacations last year went by automobile. Forty million Americans visited national parks last year, and more than 95 per cent of them arrived in automobiles. Even for short-haul amusement, automobiles are still almost unalloyed blessings to millions of residents of the countryside, isolated towns, and small cities. The Saturday drive to market, the Sunday afternoon tour of the rural neighborhood—though infinitely rarer than in the early day of automobiling—continue as happy rituals for thousands of families.

In short, abolition of the automobile is impractical for the present and the foreseeable future. Limitation of use of the automobile in big cities, however, is inevitable. Environmental Protection Agency Administrator William D. Ruckelshaus said as much in his recent public warning that EPA has no intention of lifting the stringent ceilings on air pollution that have been set for 1975. Chicago, Denver, Los Angeles, New York, Philadelphia, and Washington won't be able to lower the carbon monoxide content of air in their streets to the designated levels without adopting extraordinary measures. Ruckelshaus predicted "some rather drastic changes in . . . commuting habits." Outright prohibition of automobiles during peak traffic hours was one of the alternatives he foresaw. Others were mandatory car pools and greater reliance on mass-transit facilities.

Where is the money for the mass-transit facilities to come from when the cities are heading for bankruptcy? President Richard Nixon's plan for sharing federal revenues with the states proposes to give at least $522-million a year for mass-transit facilities and to free as much of $2-billion a year additional as the states and cities wish to put into mass transit. Neither the cities nor the states would have to pay out anything to get those dollars, which would come from the Highway Trust Fund, the Airport and Airway Trust Fund, and general tax revenues. "Despite our technological capacity, we do not enjoy a fully balanced transportation system in modern America, particularly in our larger cities," the President explained to Congress in a special transportation message last March. "A balanced transportation system is essentially one that provides adequate transportation not just for *some* of the people in a community but for *all* the people in a community. . . . We have relied too much in our cities on cars and on highways; we have given too little attention to other modes of travel. Approximately 94 per cent of all travel in urbanized areas is by automobile, yet, about 25 per cent of our people—especially the old, the very young, the poor, and the handicapped—don't drive a car." After that token acknowledgment that the future of the country does not rest on more highways, Mr. Nixon advised Congress to leave the Highway Trust in charge of interstate roads "at this time."

Being several years short of my thirtieth birthday, I would take special pleasure in reporting that the young activists who engineered the Earth Day events of April 22, 1970, were the first to appreciate the central role of the Highway Trust in urban blight and air pollution. However, such a report would fall short of accuracy. A fortyish, white, middle-income housewife who lives in a predominantly black neighborhood in northeast Washington, D.C., is the earliest public antagonist of the Highway Trust known to me. She is Mrs. Angela Rooney, wife of an art professor at Catholic University, cultural center of the community of Brookland.

Seven years or so ago, Mrs. Rooney became aware that if plans then on the drawing board should materialize, as they seemed about to do, a six-lane interstate highway launched in Maine and headed for Florida would pour 200,000 automobiles and trucks a day through a string of seven towns, including Brookland. Scores of homes would be flattened to open the route.

Mrs. Rooney was not a rich woman, nor even well-to-do. But she loved her home and her town. She sat down at her kitchen table, lifted the telephone off its cradle, fingered the dial, and began spreading the news to neighbors and friends. Before she finished her marathon, a new organization existed. The Emergency Committee on the Transportation Crisis, it was called and it had a motto: "Not one more inch of freeway."

Now Washington, D.C., is the only city of its size in the country that is not crossed north-south and east-west by interstate freeways. Highway Trust lobbyists look upon this exceptional situation as a national disgrace. Mrs. Rooney strikes them as a misguided relic of the Stone Age who is trying to knock automobiles off the road with a rolled-up newspaper. But Mrs. Rooney is not intimidated by their taunts.

At one point in her crusade, sixty-nine houses were emptied of tenants and boarded up in preparation for the coming freeway. Mrs. Rooney wrote letters and typed leaflets faster than ever. Not to be outdone by his wife, Professor Rooney headed a band of people who reoccupied the abandoned homes. When the professor went to jail for that, Mrs. Rooney returned to the telephone and extended the span of her calls to long distance. At the end of that burst of activity, she was executive secretary of another organization: the National Coalition on the Transportation Crisis, with the same motto as the Emergency Committee on the Transportation Crisis: "Not one more inch of freeway."

Today Mrs. Rooney is under her physician's orders to slow down her war against the Highway Trust for the sake of her health. By this time, thousands in the District of Columbia think of her as a secular saint. Several court suits have been brought to prevent freeways from penetrating Washington either in the direction of Brookland or at other points of the compass.

I don't share Mrs. Rooney's objective of stopping all freeway construction everywhere. That is a decision I believe each community has a right to make for itself. I think it is enough to break up the Highway Trust and to make its monies available for bus lines, subways, railroads, air-cushion vehicles, and other means of transport as well as for highways. If this is done—if 10-cent dollars are spread across the board—I am sure that many states and smaller cities and towns will continue to ask for freeways. Fair enough, if that is what the people really want. It is equally fair for citizens of the big cities to have what they want and need.

The people patently are not making such choices today. Some decisions are being made by Congress purely at the behest of the highway lobby. In Washington, for example, enough residents favored subways over freeways to persuade the Mayor and municipal council of the District of Columbia to ask Congress for subway construction funds. Congress authorized an expenditure of $34.2-million.

Sensing that the subways would make the freeways unnecessary, the road lobby hurried to its friends in Congress with a plea that the Washington subways be stopped. Congressman William Natcher of Kentucky, chairman of the District of Columbia subcommittee of he House Appropriations Committee, tightly bottled the subway appropriation (of money already approved by the Congress) in his committee and announced that he would keep it there until freeway opponents agreed to end their opposition to construction of a proposed "Three Sisters" bridge over the Potomac River. That bridge, named for a trio of small islands on its route, is the key to a complex of freeway interchanges that would destroy the graceful pattern of one of the finest assemblages of national monuments on earth.

The antiquated and autocratic Congressional committee machinery had been used before, in a somewhat similar fashion, to protect the Highway Trust from the popular will. The National Committee on Natural Resources, a long established conservation lobby, tried in 1965 to have Highway Trust spending stretched to cover costs of roadside beautification, including abolition of billboards. After that effort failed, another try was made in 1966. That, too, failed, but a third attempt was made in 1968, and it produced a Congressional authorization for the purpose sought. In spite of the personal interest and influence of President Lyndon Johnson's wife, Lady Bird, a Congressional conference committee quietly killed the appropriation.

Shortly after Earth Day 1970 a new voice was heard in the highway arena: that of Earth Day's primary organizer, Environmental Action. One hundred and fifty of its representatives attended the National Conference on Environmental Action inspired by the late Walter Reuther at Black Lake, Michigan, in July 1970, and there began developing tactics to drive the automobile from the inner city. Sponsored jointly by the Alliance for Labor Action and the Methodist Church, the meeting had been planned for June but was delayed by Reuther's unexpected death. The conferees agreed to support as an ultimate goal the total removal of the automobile from the central-city environment. The closing of a single street in each big city for a few hours every day was indicated as an opening tactic, and New York City's Environmental Protection Commissioner, Jerome Kretchmer, encouraged the conferees by reporting Mayor John Lindsay's intention to close the exclusive shopping section of Fifth Avenue to traffic every Saturday in the month of July.

The activists left Black Lake resolved to attack automobiles with every resource at their disposal. But the newborn organization was living from hand to mouth. Other than enthusiasm, the only resource it had was ingenuity in popularizing little-appreciated ecological facts in such a way as to arouse public reaction. Turning first to politics, we compiled a list of what we called a "Dirty Dozen" Congressmen whose voting records on environmental issues were insupportably bad.

Among the "Dirty Dozen" we named a veteran of thirteen terms in the House of Representatives, Maryland Democrat George Fallon, chairman of the House Public Works Committee. The chairmanship provided him with a strategic post from which to act as chief watchman over the Highway Trust Fund. He had in fact invented the Highway Trust, and he behaved toward his brain child in the manner of an excessively jealous parent. As such parents often do, he misjudged the force of opinions differing from his own. He especially undercalculated the opposition of residents of Baltimore to an interstate freeway that Highway Trust backers were trying to bash through one of the most stable middle-income black neighborhoods in the city.

We put all the fiery words that Environmental Action could muster behind Fallon's Democratic party primary election challenger, Paul Sarbanes, a former member of the Maryland State House of Delegates. Meanwhile, the Friends of the Earth, an outspoken group of environmental lobbyists, encouraged emergence of an affiliate called the League of Conservation Voters, and the league contributed $8,000 to help pay Sarbanes's expenses. Poetic justice then intervened in the form of the worst visitation of smog the Eastern Seaboard has suffered in many years. Sarbanes reminded voters that smog is chiefly due to the automobile and that automobiles are hogging the countryside because of the 10-cent highway-building dollars strewn about by Fallon's Highway Trust.

When Fallon lost his bid for renomination last September, we saw for the first time a fair chance to bust the Highway Trust. In the month immediately before the Maryland primary, the Congressional Joint Economic Committee's subcommittee on economy in government, chaired by Senator William Proxmire of Wisconsin, had issued a report urging that the Highway Trust Fund be phased out of existence. Although the committee had no power to do more than recommend, the tiny staff of Environmental Action felt encouraged by even that much gain, and it turned its skills to the sharpening of teeth in Senator Edmund S. Muskie's 1970 Clean Air Law. The stunning effect of that honing can be read in the subsequent prediction by EPA's Ruckelshaus that the law's post-1975 pollution limit will force diminution of private automobile traffic in the nation's six biggest cities.

The vote of no confidence from his Maryland constituents did not prevent Congressman Fallon from wielding the authority of the House Public Works Committee chairmanship to keep the Highway Trust going. He used his lame-duck period to extend the life of the Highway Trust Fund from 1972 to 1977.

Fallon at last disappeared from the House with the reorganization of Congress in January 1971. His successor as Public Works Committee chairman was John Blatnik of Minnesota, who told news reporters he intends to review the whole question of the Highway Trust Fund's place in America's current urban crisis. The action he ultimately must take may be simplified for him by happenings in the Senate, which already is considering four omens: 1) the 1971 year's urging of a phase-out of the Highway Trust Fund and pleads that plans for the phase-out be drafted now; 2) introduction by

Massachusetts Senator Edward Kennedy of a bill to replace the Highway Trust Fund with a transportation trust fund designed to subsidize all types of urban transit facilities on an equal footing; 3) another bill submitted by Illinois Senator Charles Percy, authorizing the governors of the fifty states to spend their shares of Highway Trust monies as the governors think best; and 4) the appointment of Indiana Democratic liberal Birch Bayh as chairman of the Senate Public Works subcommittee on roads, coupled with the appointment to that subcommittee of Democratic Presidential front-runner Muskie.

As the Presidential campaign warms up, Senate hearings on broad transportation issues seem well within reach of sustained initiative. Sensing the challenge in these circumstances, two young environmental activists last February took on the job of organizing a Highway Action Coalition. They were Barbara Reid, Midwestern regional director of Earth Day 1970, and Bob Waldrop of the Sierra Club. He had been sniping at the Highway Trust since the National Committee on Natural Resources made its first futile move back in 1965; she had been a worker in the late Bobby Kennedy's Presidential nomination campaign, an educational staffer at the Conservation Foundation, head of Environmental Action's 1970 clean air alliance with Senator Muskie, and a major activist in the Coalition Against the SST.

As co-directors of the Highway Action Coalition, Barbara and Bob first enlisted the support of the Sierra Club and Environmental Action. Then they drafted Environmental Action's Linda Katz, a University of Michigan graduate trained in labor union grass-roots lobbying techniques, to coordinate the HAC activities. Next they obtained the participation in HAC of Friends of the Earth, the League of Conservation Voters, the Wilderness Growth. This gave HAC an initial membership of about 300,000. An introductory letter went out to these people in March. It got straight to the point:

"More than 60 per cent of the total land area of most large American cities is devoted to the movement and storage of the automobile. Not only do cars in cities fail to transport people efficiently (as we all know from experience in rush-hour traffic jams) but, in addition, cars are the major source of urban air pollution. What's more, land that is taken out of private ownership to be used for streets or freeways is removed from the all-important tax base, thus contributing to the financial crisis of urban areas. Another major problem in cities is housing. At a time when we desperately need new units, we are tearing down existing dwellings to build new roads. No less important are the psychological effects of cars in cities. Our consciousness is assaulted daily by the thousands of automobiles competing for space to drive and park in downtown areas.

Cities are not the only areas where the values of the automobile and new road construction are in question. The ecologically destructive form of land use known as "suburban sprawl" is directly attributable to a random frenzy of road building. And, looking beyond the suburbs, the single greatest threat to the survival of our nation's forests and other wild areas is roads and automobile traffic."

The letter assured its readers that HAC does "not propose that people be prevented from using their cars or that states be prevented from building new roads." Rather, the proposal "is that people and states be given the option to utilize good public transportation if they so choose." The pernicious role of the Highway Trust Fund was succinctly described:

"The sacrosanct Highway Trust Fund . . . is a self-perpetuating mechanism. Money flows automatically into the fund, mainly from the 4-cent per gallon gasoline tax. The more the American public drives, the more gas is used. This causes the trust fund to grow, bringing about the construction of new highways. New highways encourage more people to use automobiles more often. Every time a road gets crowded, the need for another road is proclaimed. And so by circular and self-perpetuating mechanisms, we are buried under concrete. Meanwhile, . . . the more people get into the habit of driving, the less likely they are to make use of mass transit. This causes bus and train patronage to fall off. The transit companies are forced to raise fares, causing many riders to switch to automobiles. All of these effects are snowballing . . . to the chagrin of those who cannot or do not drive cars."

The HAC letter promised distribution of "a complete citizen action handbook" during the summer of 1971. But recipients of the letter did not wait for the handbook. Between 100 and 125 citizen groups already actively involved in debates over local transportation crises wrote to declare their allegiance to HAC.

There was a loud encouraging ring to one message from San Francisco. It came from citizens who had raised such a rumpus that the Mayor and city council stopped the Embarcadero Freeway dead in mid-1968, accepting as a penalty the loss of $280 million in Highway Trust monies.

Cheering news also came from the Committee for the Preservation of Overton Park. Overton Park is a 342-acre sweep of wilderness in the midst of Memphis, Tennessee. The Committee for Preservation of Overson Park has existed, on and off, since 1957, when a proposal first was made to push a six-lane interstate highway across the park in order to shorten the automobiling distance between the city's eastern suburbs. The real local reason for the road was obscured by claims that this was a defense highway—not an unusual tactic for the Highway Trust.

The space required for the road lay between the zoo and the remainder of the park, which includes a nine-hole golf course, an outdoor theater, an art academy, bridle paths, nature trails, picnic grounds, and 170 acres of forest.

Because of the tenacity of the Committee for the Preservation of Overton Park, construction of the road through the park has been repeatedly delayed. In 1968, the U.S. Secretary of Transportation agreed with Memphis city officials that the project should be started. This action sent the Committee for Preservation of Overton Park to Federal District Court. When the court upheld the right of the DOT Secretary to proceed, an appeal was taken to the Sixth Circuit Court of Appeals, which sustained the District Court decision. Another appeal was taken to the Supreme Court of the United States, and that body ruled in October 1970 that the DOT Secretary had failed to fulfill the intent of Congress. It was clear, the Justices held, that parklands (not just those in Memphis but everywhere in the country) were not to be taken for highway purposes unless no other feasible alternate routes are available and even then only after all possible steps have been taken to minimize damage to the environment. The DOT Secretary had not demonstrated the absence of alternatives in the case of Overton Park.

Response to the HAC letter uncovered another blow for freedom from the Highway Trust. After twenty-eight years of controversy, a proposal to plunge a freeway across the Great Smoky Mountains National Park had finally been killed.

A myriad of motives merged as the HAC recruitment list grew. In Eastham, Massachusetts, there was "Operation Roadblock." It was put in motion by the Eastham Board of Selectmen, the local Historical Society, the Jaycees, the Garden Club, the Conservation Commission, the Rod and Gun Club, and the Natural Resources Trust of Eastham to stop a four-lane limited-access highway that would cut Eastham in half, threaten the water supply, alter its drainage pattern, and loose a tempest of traffic noise. The Valley Transportation Coalition in Phoenix, Arizona, is determined to save the valley in which Phoenix lies from "being paved over as solidly as Los Angeles." A moratorium on all new highway construction in Milwaukee and rural southeastern Wisconsin is being sought by environmentalists there. The League to Save Lake Tahoe is opposed to any new highway in the Tahoe basin of California. In Denver, citizen resentment against smog that veiled the mountains from a view for 100 days last year has led to an application for federal subsidy of an air-cushioned-vehicle mass-transit system to serve Denver's 8,500-square-mile transportation district. The Mid-North Association of Chicago has vowed to fight all new roads through the city's Lincoln Park area. Father John Hinkley is leading a coalition of low-income groups against freeways that would destroy their neighborhoods in Boston. The Community Park Coalition of the University of Pennsylvania is opposing university efforts to pave a small public park and convert it to a parking lot. Jonathan von Ranson, editor of the West Hartford *News*, is campaigning against an interstate road that would drive through a reservoir and cleave a four-mile square of wilderness in Connecticut. Marc D. Hiller of Environmental Action-Zero Population Growth in Pittsburgh reports a campaign to halt a highway headed through the center of Duff Park in Murrysville, Pennsylvania. The Oregon Environmental Council is trying to stop construction of a sixteen-story parking garage in downtown Portland.

This motley company of crusaders has a common adversary: the highway lobby, an amorphous and sometimes uneasy alliance of interests—many of whom have little formal contact with one another. It is difficult to define where the highway lobby begins and ends because the automobile is so completely woven through the fabric of American life. Clearly, the highway lobby contains the highway builders—the contractors, the construction unions, the manufacturers of asphalt and concrete and steel and construction equipment. They belong to overlapping organizations, such as the American Road Builders Association and the Associated General Contractors of America. The highway lobby also includes those state organizations and officials whose very future depends upon the construction and maintenance of an ever-expanding system of roads and highways. These are most effectively represented by the American Association of State Highway Officials, a fifty-year-old organization with an enormous capacity to generate political pressure back home in the district of any recalcitrant Congressman.

Other members of the highway lobby include automobile manufacturers, makers of automobile accessories, the petroleum industry, the American Automobile Association, and even traditional adversaries such as the American Trucking Association and the International Brotherhood of Teamsters. The lobby has less obvious members, too. Land speculators sometimes make more money off highways than do contractors. Chains of roadside restaurants and motels are inevitably linked to the future of the highway. Then there are the people who repair the roads, who clean the roads, who erect billboards along the roads. Although not technically a part of the lobby, the National Highway Users Conference cannot be overlooked. Founded in 1932 by Alfred P. Sloan, the conference includes virtually every business in America that uses cars or trucks.

Although not ready to tackle the highway lobby head on and count in winning, HAC nonetheless is a force to reckon with. To the extent that a goal can be agreed on and energies can be at least loosely coordinated, the new coalition can have an important effect. Whether individual hopes call for monorails, air-cushion vehicles, gravity-vacuum-tube subways, electromagnetic propulsion systems, turbojet trains, or dial-a-bus-from-home systems, the common need is to achieve a shift in public attitudes toward transport financing.

As I noted earlier, the Highway Trust Fund has been extended to 1977. There is no realistic way to alter that fact. In my opinion, energies now should be focused on converting that fund into a general transportation trust fund for the duration of its existence and allow this $5-billion a year to be spent on any and all forms of transport at the 9-to-1 matching terms reserved to date for highways.

It is critically important that we not move irresponsibly. Nor must we allow our thinking to become rigid, our thoughts doctrinaire. The shape, and much of the very nature, of the modern city was determined by reliance on the automobile. Any new transportation system receiving massive federal assistance is likely to exert a similar far-reaching influence.

We can, however, state quite boldly just what interest we wish to serve. Not the interest of Detroit, or of the petroleum or tire industries, or of the builders of highways. Not the urban planners' and academic rhetoricians' compulsive need for vindication of theories. Not the political fortunes of any particular band of elected representatives. Our goal must be no less than the ultimate best interest of the whole people.

What can *you* do? Join an existing group and help to fire it up. Or, if no group exists, start one. Spread the message around. Never refuse an invitation to speak on the subject. Testify at public hearings. Petition your local government bodies. If you are just getting interested in the field, read *Earth Tool Kit, Super Highway-Super Hoax,* and *Road to Ruin*. Get your facts in order first. Don't pull your punches after that. Weaken the Highway Trust from within if you can, perhaps by joining the American Automobile Association and exerting your privileges as a member to introduce new ideas. Find out where your Congressman stands on this issue (i.e., how he votes). Question him about it when he appears in public on his visits home.

Don't be afraid of occasional street theater. Remember the story about the San Francisco hippie who put a dime in a parking meter and lay down for an hour's sleep in the little plot of land he had just rented from the city. Imagine the result in Manhattan if 1,000 anti-freeway partisans arrived one morning at 7:30 with folding chairs and "rented" all the available parking space on several major streets for two hours.

The address of the Highway Action Coalition is Suite 731, 1346 Connecticut Avenue N.W., Washington, D.C. 20036. Your name will be added to its mailing list on request, and you will be kept informed about transportation activities in the Congress. If you belong to a local group that is trying to obtain reconsideraton of a freeway project, HAC will welcome whatever news of it you can offer.

SOVIET VIEWS OF THE PENTAGON PAPERS

Mr. McGEE. Mr. President, one of the big problems facing the world is the problem of understanding each other. Columnist Kenneth Crawford, writing in Sunday's Washington Post, provided an excellent example which would strike all of us as highly amusing were it not so sad. Crawford wrote of the Soviet periodical Literaturnaya Gazete interpretation of why some of this country's larger and well-established newspapers had defied the Government in printing what have come to be called the Pentagon papers. According to this Russian journal, these newspapers acted out of pique because they are tied closely to monopolies which either have not enjoyed the benefits of arms orders for Vietnam or because such orders have been falling off in their particular geographical locations. In short, the entire hulabaloo stems from one of the contradictions within capitalism which Karl Marx pointed to.

On our side of the world, too, Mr. President, we often see similar oversimplifications of the affairs of the Soviet Government and other Communist governments, not to mention our own.

Mr. President, I ask unanimous consent that Kenneth Crawford's column, entitled "Soviet Press Clears Up the Pentagon Papers Mystery," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE "CONTRADICTION" THAT SPLIT THE CAPITALIST MONOPOLY—SOVIET PRESS CLEARS UP THE PENTAGON PAPERS MYSTERY

(By Kenneth Crawford)

The mystery has been cleared up—why The New York Times, The Washington Post and other newspapers printed the secret Pentagon Papers. Everybody has been wondering. Now it is ridiculously simple. The *Literaturnaya Gazette,* a Soviet periodical, has explained it. *Pravda* had privately hinted at the true reason but it remained for *Gazeta* to supply a full-page exegesis, with diagramatic illustration.

As is well known, The New York Times and The Washington Post, together with The Boston Globe, The St. Louis Post-Dispatch, The Chicago Sun-Times and The Los Angeles Times, are integral parts of the monopolistic American power structure. As is also well known, the Pentagon is operated by the military-industrial complex, which lies at the very heart of the evil complex. How then could these newspapers betray the criminal secrets of the Pentagon?

Because there are "contradictions" in the American system, just as Marx said there were in all capitalistic systems. These contradictions, newly sharpened by the war in Vietnam, have become wedges splitting the monopoly into three geographical pieces: the military-industrial of the Southwest; the military-civilian of the Northeast; and the civilian of the Midwest, and, in part, the Northeast. Each has a different piece of the monopoly, see?

The Southwest and the Northeast have a big stake in profits accruing from the Vietnam war. They comprise, between them, the "Vietnam sector." The Midwest isn't getting much out of the war now and, miffed, is losing interest in it. The same goes even for military suppliers whose products don't go to Vietnam. Gazeta chides sister publications in the Soviet Union for classifying General Motors as a military-industrial corporation. Actually, it says, only 2 percent of GM's business is military.

"Only by taking into account these contradictions," *Gazeta* declares, "can one understand the important economic, political and social phenomena of the United States and in particular those which led to and were connected with the publication of the secret documents of the Pentagon by such a representative of the American monopolies as the publisher and owner of The New York Times, Arthur Sulzberger."

The Times, The Post and other Eastern newspapers published the papers because they had "very close relations with the very old monopolies not involved in the Vietnam sector of the economy." The same goes for The Chicago Sun-Times. What all these papers want is industrial expansion in the developing countries and at home. That leaves The Post-Dispatch and The Los Angeles Times. They are sore, it develops, because Vietnamese war orders are falling off in their sector.

Once it is explained and disgramed, it all comes clear, doesn't it? Shame on all you publishers. Your capitalistic conspirators have fallen out and you go with them. And the conspiracy, now tripartite, goes on. The freedom-of-the-press issue was merely a smoke screen behind which the monopolists and their press stooges had at the Pentagon. Presumably, the Supreme Court, another part of the conniving establishment, thought the Pentagon had it coming and so ruled for the newspapers.

To anyone with a rudimentary understanding of the infinitely complex ways of a competitive society, *Gazeta's* oversimplification seems a bad joke, bad enough to be funny. Yet it doubtless reflects the view of serious Soviet students of the United States, who enjoy after all, the advantages of detachment and ignorance. They are the Soviets' Pentagonologists, the opposite numbers of our Kremlinologists, and they look at us through the big end of a Marxian telescope. They probably believe, more or less, in their own theories of what makes Uncle Sammy run.

Their theories are not wholly at odds with those of some American theorists, past and present. *Gazeta's* view is only a little more nonsensical where the causes and cures of war are concerned than those which motivated former Sen. Gerald P. Nye's investigation of the arms industry between the two world wars. Nye proved, at least to his own satisfaction, that the First World War came about not so much because statesmen had bungled but because armorers, "merchants of death," had fomented it to provide outlets for their wares.

That some arms manufacturers had profited enormously from that war—even by selling to both sides—could be demonstrated. But to believe that this was the only explanation for the most miserable of modern wars, with the possible exception of Vietnam, is to believe nonsense. Nye's hearings had enough impact to persuade Congress to pass a neutrality act. Also enough to touch off bitter debate. Defending Woodrow Wilson from one of his colleagues who had attacked the by-then dead President for taking the United States into that war, the late Senator Henry Ashurst snorted: "Remember that when Prometheus was bound to a rock, it was a buzzard, not an eagle, that ate out his heart."

No less an oracle than J. Kenneth Galbraith, the Harvard economist, is authority for the statement, made only last week before the Senate Banking Committee, that "the military-industrial complex is alive in Washington and doing well." Galbraith appeared before the committee to oppose a government-guaranteed loan to the Lockheed Aircraft Corp. of $250 million to bail it out of its present financial difficulties. Obviously, though a member of the military-industrial fraternity in good standing, Lockheed wasn't doing very well.

If there was an inconsistency in Galbraith's position, however, it was not apparent to the gallery, which laughed at his witticisms and applauded his exposition. He was against government rescue for Lockheed, which had outrageously managed to fall on evil times in spite of Galbraith's theory, developed at length in his book, "The New Industrial State," that big American corporations are in effect failure-proof because they control government, prices, the markets and even, through the power of advertising, consumer tastes.

Galbraith once suggested that the American arms industry be nationalized and operated by the government to insulate it from the corrupting influence of the profit motive. This was not a wholly new idea. Nye and his sympathizers had played with it as a way of insulating the country from war. Whether nationalization would contribute to the cause of peace is debatable. But one thing it would do: it would make a still worse mess of the theories of *Literaturnaya Gazeta*.

A NOTABLE ADVANCE OCCURS IN THE CONQUEST OF CANCER

Mr. HRUSKA. Mr. President, it was my pleasure last week to participate in the ground-filling ceremony marking the beginning of construction for the Eppley Hall of Science at the University of Nebraska Medical Center in Omaha.

I was joined on the occasion by my colleague from Nebraska (Mr. Curtis) and by Dr. Carl Baker, Director of the National Cancer Institute, both of whom addressed the group which was gathered to commemorate the occasion.

It was encouraging to note that Dr. Baker paid tribute to the Eppley Cancer Institute as one of the world's leading groups studying chemicals and cancer. It was exciting to hear him discuss the prospective expansion in cancer-fighting programs which will result from the new conquest of cancer legislation when the House of Representatives acts on the measure this body approved last week.

We in Nebraska are especially appreciative of the tribute which Dr. Baker paid to Dr. Philippe Shubik and his fellow scientists at the Eppley Center. We are proud of our Nebraska medical centers and the advanced work which is performed at them. It is good to see that someone in Dr. Baker's position agrees with our assessment.

In his remarks to the audience, Senator Curtis observed that we are, as a nation, passing a critical crossroads in the fight against cancer. He noted that the Eppley Center is in the vanguard of the cancer fight and that the Shubik-Eppley research group is one of the larger ones in the Nation devoting its study to environmental causes of cancer.

He offered great hope that the Eppley Center, with its advanced research, development of new analytical methods and excellent virus laboratory will make a most significant contribution to the eventual eradication of the dread disease.

I ask unanimous consent that Senator Curtis' remarks at the dedication of the Eppley Hall of Science and the Omaha World-Herald report on the ceremonies be printed in the Record.

There being no objections, the items were ordered to be printed in the Record, as follows:

Speech of Senator Carl Curtis

Dr. Wittson, Dr. Shubik, Dr. Baker, esteemed staff members of the University of Nebraska Medical Center and the Eppley Institute, distinguished guests, friends all.

It is significant that we gather here today for a ground-filling ceremony rather than a ground-breaking. The people who direct this Institute, as well as the Medical Center to which it is attached, do not start a project where ordinary people would. They are always a jump ahead. They already have the hole dug for the Eppley Hall of Science, and they did this before they had a firm, fixed commitment of funds to construct the building.

As a Nation we are passing through a critical crossroad in the human fight against cancer. We could have veered right or left, and perhaps run off the road. But we are moving straight ahead, increasing the pace to the maximum controllable speed, unimpeded by political considerations or in-fighting or any disagreement over the value of spending the money. We are doing this because the health and lives of the American people are at stake.

On Wednesday of this week the Senate passed a bill to create the Conquest of Cancer agency. Many well-qualified experts believe that we are near the break-through in finding the cause and cure as well as the means for prevention, of all kinds of cancer. This agency will conduct an all-out drive toward that goal. It will be headed by a Director responsible directly to the President, although the organization will be part of the National Institutes of Health. The present National Cancer Institute will be part of the new agency, and the Director will recruit the additional scientists and doctors needed for his agency.

The proposal also provides for grants and contracts to cancer research centers and institutes outside the Federal government, including the splendid facility at which we are gathered today. It is my hope that the new agency will very quickly get its stepped-up activities going, to the end that the Eppley Cancer Research Institute can be an active partner in this new crusade.

The significant thing about this gathering today is that you people here at the Eppley Institute and the University of Nebraska Medical Center are already in the vanguard in this new fight against cancer. You have already passed beyond the crossroads through which the Nation at this moment is passing. You have prepared your ground and laid your foundations. You did this on faith, without knowing for sure what the future attitude of the Nation and its governmental leaders would be. You knew there was a tremendous job to be done, and you moved straight ahead to perform it. Dr. Wittson and the Eppley Foundation and the University of Nebraska Board of Regents, as well as the medical community of Omaha, made the same type of decision years ago when they acted in unison to bring the Shubik cancer research group here from Chicago, and their decision has proved right many times.

The Shubik-Eppley group is one of the larger teams in the United States devoted to studying the environmental causes of cancer. They have introduced a model system for investigating the hazards of lung cancer and are now exploring the individual components of cigaret tars, one of which has been found to be a particularly important cancer producer. They are currently finishing a study in which more than 40 well-known pharmaceutical products have been tested for a life time in at least two species of animals; a majority of these products have proved to be safe, but some of the tests have led to suspicions requiring further investigations. The Shubik-Eppley group has developed new methods which are being used around the world for determining the causes of cancer by chemical analysis alone. The group has established a virus laboratory equal to any in the United States, and they are now designing a series of studies for the first time combining the effects of viruses and chemicals in cancer.

In three years the budget of the Institute has doubled—from $1 million to more than $2 million.

The building which will rise here, to be known as the Eppley Hall of Science, will cost $3,100,000, of which $2,200,000 from the Eppley Foundation and $900,000 from the National Institutes of Health in a combined grant that also is helping to remodel Poynter Hall at the Medical Center. The new building will double the working space of the cancer researchers and at the same time provide a much-needed Center for Continuing Education for the health professions in Nebraska and surrounding states.

You people here at the Eppley Institute and in the Eppley Foundation and at the University of Nebraska Medical Center knew what you were doing when you committed yourselves to digging the hole and pouring the foundations for this new building. You knew that the product of your labors—protection of the health and lives of mankind—is more valuable than any other product on earth.

You know that what you are doing and preparing to do in helping to plan, lead and conduct the fight to conquer cancer is right. Yours are firm, skilled hands and minds to which all of us entrust our future health and well-being as a people and a Nation. I salute all of you connected with this project here today, and I wish you Godspeed in your monumental mission.

Eppley Cancer Research Fund May Grow

(By Mary McGrath)

More research dollars could well come to the Eppley Cancer Institute from the government's proposed new master cancer-fighting agency, Dr. Carl Baker, director of the National Cancer Institute (NCI) in Washington, D.C., said here Saturday.

The agency, referred to as the Conquest of Cancer, was authorized by the Senate last week in a bill cosponsored by Nebraska Sen. Carl Curtis. Yet to get House approval, it is expected to have millions to spend.

The Eppley Institute is working in what is expected to be a "high priority" research field—the relationship of chemicals to cancer—said Dr. Baker, whose institute would be under the new agency.

He and Sen. Curtis spoke Saturday at ceremonies marking the start of construction of the Eppley Hall of Science which will adjoin the Eppley Institute on the University of Nebraska Medical Center.

"There are over 2,000 chemical compounds introduced per year. We need to assay them for their possible cancer causing ability," said Dr. Baker.

Eppley scientists headed by Dr. Philippe Shubik are one of the world's leading groups studying chemicals and cancer, he said.

Referring to the excitement caused when Texas researchers recently isolated a virus from human cells, Dr. Baker said this does not mean that a virus has been proven to cause a human cancer.

It will take considerably more work to prove that, he said, adding that the Texans' research is very important because it means the isolated virus can be produced in enough quantity to allow research on it.

Dr. Baker said that if the planned new agency is spending $1 billion a year by 1976, as some have proposed, it will mean a five-fold increase in cancer research manpower from 10,000 to 50,000.

"I don't think we can come up with that kind of manpower without disturbing other research fields, which I'm not in favor of," Dr. Baker said.

In an interview, Dr. Baker said he would have no objection to a layman being named to head the Conquest of Cancer agency. "It might be someone like James Webb, former head of the National Aeronautics and Space Administration."

Dr. Baker said he doesn't know what his role will be in the new agency, but his main concern is in keeping the cancer effort moving ahead.

Asked what the Conquest of Cancer will mean for the public, Dr. Baker warned that people should not expect miracles overnight.

"In the clinic, cancer is 100 different diseases. I think our progress will come in several different ways, rather than as a single remedy," Dr. Baker said.

At the ceremonies attended by about 200 persons, Sen. Curtis said:

"As a nation we are passing through a critical crossroads in the human fight against cancer."

"It is my hope that the new agency (Conquest of Cancer) will very quickly get its stepped-up activities going, to the end that the Eppley Cancer Institute can be an active partner in this new crusade."

Sen. Curtis said the N.U. Medical Center was ahead of the nation in that it had "prepared the ground and laid the foundations" for its additional cancer research facilities.

The addition and renovation of Poynter Hall is being carried out with a $2 million Eppley Foundation grant and $1.4 million from the National Institutes of Health.

Since foundations for the Hall of Science were put in two years ago and construction was stalled for lack of funds, there was a "hole-filling" rather than a "groundbreaking," ceremony.

Various dignitaries tossed buckets of dirt into the excavation.

As Sens. Roman Hruska and Curtis teamed to toss over one bucketful, Sen. Curtis quipped:

"This is the Washington way. Two men doing one man's job."

CREDIT SYSTEM FOR DEVELOPMENT OF RURAL AREAS

Mr. TALMADGE. Mr. President, on June 7, 1971, I introduced, together with seven other members of the Committee on Agriculture and Forestry, S. 2223, a bill to establish a comprehensive system of credit for the development of rural areas.

The need for expanded credit facilities to provide the capital needed to establish and operate nonfarm private economic enterprises has been given added emphasis by the scientific research project just completed by the Economic Research Service of the Department of Agriculture.

The study emphasizes the importance, even to farmers, of good paying nonfarm jobs in the countryside.

Even in the Great Plains, the region most dependent upon farming, more than 40 percent of the farmers received most of their income from sources other than farming. In the Southeast, 70 percent of the farmers received more income for nonfarm sources than from farming. The several regions varied about the national average of 40 percent.

These figures indicate that if we are to preserve farming as a business and a way of life in this country, we need to do everything we can to raise farm income, and to provide economic opportunities and off-farm jobs to supplement the income from the farm.

The need for an off-farm job for one or more members of the family is particularly critical for the small farmers in all sections but particularly in the South, if they are to be able to attain a decent standard of living and a desirable quality of life.

I ask unanimous consent to have printed in the RECORD, an article entitled, "Farming's Income Share Slips in All Regions," from the June 1971 issue of the Farm Index, a publication of the U.S. Department of Agriculture.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARMING'S INCOME SHARE SLIPS IN ALL REGIONS

The production and marketing of agricultural commodities may well be one of the Nation's leading industries. But farming accounts for a small part of the total personal income of people in the U.S. In 1970, less than 3 percent of personal income was directly attributable to farming per se.

The percentage has been trending downward for some years. In the 1963–69 period, farming's share of total personal income dropped from 3.4 percent to 2.6. All 10 agricultural regions experienced declines.

An analysis of data from Federal income tax returns for 1966 showed that even of the 3 million individuals reporting farm income in that year, only 1.2 million reported farming as their main source of income.

Among the production regions, the Northern Plains was clearly the most dependent on farming. Yet even there, fewer than one-fifth of all individuals reported farm earnings. More than 40 percent of these received most of their income from sources other than farming.

The regions relying least on farming were the Northeast and Pacific areas, where fewer than 2 percent of the individuals reported farm earnings.

Likewise, relatively few individuals derived most of their income from farming in the Southeast, Delta, and Southern Plains. Part of the reason may be that the per farm earnings are relatively low in these regions, and are more apt to be exceeded by off-farm income.

The average individual with combined earnings was better off economically in 1966 than in 1963. Together, farm and off-farm income averaged $6,460 in 1966, compared with $4,650 3 years earlier.

FARM INCOME: NORTHERN PLAINS RELIES ON IT THE MOST

	Personal income attributable to farming [1] (percent)			Individuals with farm income in 1966 (percent)		
Region	1963	1966	1969	Number (thousands)	As percent of all individuals	With farming as major source [2]
Northeast	0.8	0.8	0.7	198	1	33
Lake States	3.4	3.4	2.5	350	6	44
Corn Belt	3.8	3.8	2.8	759	6	45
Northern Plains	12.7	13.9	11.6	306	17	57
Appalachian	5.1	4.1	3.5	426	7	38
Southeast	4.9	4.0	3.5	200	4	30
Delta	9.6	7.7	8.1	145	6	32
Southern Plains	5.3	5.0	3.8	307	7	30
Mountain	5.9	5.6	5.0	146	6	39
Pacific	2.8	2.8	2.3	166	2	26
48 States	3.4	3.2	2.6	3,003	4	40

[1] Personal income is current income from all sources, including transfer payments, measured before taxes except for individual contributions to social security.

[2] Among individuals with farm income, those reporting farm losses accounted for more than half of all individuals with a nonfarm major income source.

Sources: Departments of Commerce and Treasury.

CAPTIVE NATIONS WEEK

Mr. BEALL. Mr. President, today marks the beginning of Captive Nations Week, inaugurated in 1959 by a joint resolution of the Congress—Public Law 86–90—a time when we must once again solemnly reaffirm our commitment to the 100 million people of nine captive East European lands. The peoples of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania daily exist on the hope that some day the chains of tyranny will be thrown off. We, as the symbol of freedom throughout the world, must do our active part to keep this flame of hope alive, not only during this week, but throughout the year.

When one thinks of the captive nations, thoughts go back to post-World War II Europe, when the Soviets occupied the many countries who had struggled so desperately against nazism, and were too weak to repulse another invader. One after another, the Russians substituted their politics of despair for the fledgling nationalism of the East European states. 1953 and 1956 brought rays of hope to these dominated peoples, as men struggled for their freedom in the streets of East Berlin, Budapest, and Warsaw. But these aspirations were cruelly crushed under the treads of Soviet tanks. The death toll of those struggles starkly testified to the oppression under which they lived. In 1968, Czechoslovakia's search for reform was halted by another Soviet-led invasion and occupation. Clearly, the history of captive nations is one of struggle against overwhelming odds, but nonetheless a struggle that is worth the sacrifices.

The desire of the captive nations for freedom is not, however, just a historical study. It is continuing now, today, which makes our support of this struggle imperative. Captive Nations Week still retains its relevance in light of international developments and internal trends in Eastern Europe. The Polish upheavals of last December focused world attention anew on the problems of East-Central Europe and demonstrated the captive people's continuing opposition to Communist rule. Although a Communist regime still rules Poland, the fall of Gomulka has driven home the point that the Kremlin can be forced to bend the wishes of the people under extreme circumstances. The lesson of the Polish patriots undoubtedly will have its repercussions in other captive countries.

So, Mr. President, during this Captive Nations Week, we look back at the heroic struggles against oppression that the peoples of East-Central Europe have made. But most importantly, we look to the future. The hopes and aspirations of these enslaved people for equal justice, and freedom and independences of their countries under governmental institutions of their own choice must not be allowed to be extinguished. It is incumbent upon free men everywhere to resist tyranny and promote the growth of freedom where it does not presently exist. America as a great, powerful, and free Nation can follow no other course.

GENOCIDE AND THE TREATY POWER

Mr. PROXMIRE. Mr. President, the United States is one of the very few nations in the world, which has not signed the U.N. Convention on the Prevention and Punishment of Genocide. The only obstacle to U.S. accession to this document is Senate ratification.

A little over a year ago, the Special Subcommittee on the Genocide Convention of the Foreign Relations Committee held hearings on this treaty. Seventeen testified in person, and more than 50 written statements were submitted. One of the witnesses, Rita E. Hauser, U.S. representative to the U.N. Commission on Human Rights, articulated some of the important points I have tried to bring out, in particular that "ratification of the Genocide Treaty is a proper exercise of the treaty power."

In a legal sense, we know this is true. The Constitution specifically provides that the Congress should make laws and consent to treaties to enumerate and punish "offenses against the Laws of Nations." We have throughout history enacted laws to guarantee freedom of the seas, to stop sea and air piracy, and to create limits on the behavior of armed forces. We would, through the Genocide Treaty, proceed farther down this virtuous path, by assuring the nations and people of the world that we stand unalterably opposed to what must rank as the greatest and most horrible "offense against the Law of Nations": genocide.

For both legal and moral reasons, this body should take upon itself the responsibility for exercising its ratification power.

I ask unanimous consent that the statement of Rita E. Hauser be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF RITA E. HAUSER

During the questioning period Mr. Aldrich was queried on the policy of the Department of State on ratification of the Convention and Congressional passage of the implementing legislation called for in Article V of the Convention. According to correspondence from the Department of State dated May 22, 1970: "It's the Department's intention to recommend to the President that his instrument of ratification to the Genocide Convention not be signed, and if signed not be deposited, until after implementing legislation for that Convention has been enacted." (p. 59, Hearings.)

Another government witness in support of the ratification of the Genocide Convention was Rita E. Hauser, U.S. representative to the United Nations Commission on Human Rights. The following is a brief summary of her statement. She first points out that "ratification of the Genocide Convention is a proper exercise of the treaty power." The Convention flows from the provisions of the UN Charter on human rights by which an international organization was established but which also comprises a code of conduct binding on all members. The scope of treaties since 1945 has been diverse; genocide is a matter of concern to all states and one requiring common treatment. Massive horror anywhere affects all the world and is usually associated at some point with threats to or breaches of international peace and security. The fact that 75 States have entered into a treaty on genocide in and of itself makes the subject one of international concern. And, if genocide is a matter of international concern, then the U.S. has the constitutional power to enter into a treaty on the subject. In addition, the Constitution grants to the Congress in Article 1, section 8, power to define and punish "offenses against the Law of Nations." The world community by its widespread ratification of the Genocide Convention has defined genocide as a crime against the law of nations.

Secondly, "ratification of the Convention does not, per se, make genocide a punishable crime under domestic law." The Genocide Convention is not self-executing; ratification does obligate the U.S. to enact implementing legislation.

Thirdly, "the Genocide Convention recognizes that both states and individuals must be deterred in order to minimize the risk of genocide." States must be liable to answer in international organs for actions taken by their governments or actions taken in their territory—even without official government sanction. A state is given the affirmative obligation to prevent and punish genocide within the area it controls. Also, individuals are put on notice that they cannot hide behind the actions of governments in which they participate. (p. 39–46, Hearings.)

IMPROVED COMPENSATION FOR VETERANS UNDER GI BILL

Mr. CASE. Mr. President, the Senator from Maryland (Mr. MATHIAS) has introduced a bill which I have been glad to cosponsor, greatly improving the compensation to be received by veterans under the GI bill.

The bill represents a return to the idea behind the World War II GI bill, in that a veteran would be entitled to an allowance of up to $1,000 a year for tuition and books in addition to the monthly educational allowance now authorized. As the World War II bill was of genuine assistance to thousands of veterans who otherwise could not have gone to colleges and technical schools, this bill might well stimulate a revival of this type of interest among Vietnam veterans.

I ask unanimous consent that an article on the proposed legislation, published in the Washington Afro-American, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Afro-American, July 6, 1971]

MATHIAS NEEDS NIXON AID

Nothing the Nixon Administration is doing for Vietnam veterans is more important to their future welfare than the move Republican Senator Charles McC. Mathias of Maryland has made to restore tuition grants to the GI Bill.

Under Senator Mathias' bill veterans still would get $175 monthly now provided a single man, with higher sums for men with dependants, but also would qualify for up to $1,000 a year to be used for college tuition, fees, etc.

This change would make the difference for many poor veterans, black and white. Low-income youngsters made up the bulk of the fighting forces in this war and they deserve every possible help in getting into the mainstream of life.

For some the extra money would encourage them to go on and get the education they never hoped or planned to achieve.

For others it would make possible the continuation of educations that lack of funds cut short.

Anyone familiar with the costs of public and private higher education these days knows that a veteran cannot make it in college on $175 a month.

It helps him none at all to be told the GI Bill is meant as only a supplement. It's worth nothing at all to him unless he can use it.

The Nixon Administration, which is strongly attempting to help Vietnam veterans, should give Senator Mathias' proposal its support. Whatever the new bill might cost would be worth it.

For more than a year the Afro-American has been plugging for a return to the tuition grants that made it possible for thousands of World War II veterans to complete their college educations.

Veterans of Vietnam feel they have been cheated in many ways because of the mixed reaction in the country regarding the war. They should not have the U.S. government that asked them to serve give them less of an education break than it did other veterans.

REMARKS BY ALAN PATON, LEADER OF THE LIBERAL PARTY IN SOUTH AFRICA

Mr. KENNEDY. Mr. President, I shall place in the RECORD the remarks of Alan Paton, novelist and leader of the Liberal Party of South Africa, prepared for delivery at the annual meeting of the Associated Harvard Alumni at the Harvard commencement on June 17, 1971.

Mr. Paton's perceptive and thoughtful comments about race relations in this country and in South Africa fully deserve the attention of every Senator. His remarks accurately describe my own concerns about the need for America to disengage its commercial commitments to that racist regime. I can see no way for us in this country to continue the financial and economic support invested in that country while the tragedies of apartheid are allowed to exist. Hypocritically, Americans have decried the repression of that government, while at the same time continuing to pump American dollars into the South African economy. Such behavior can only serve to comfort the white South African who believes that Americans are willing to place profit above principle.

Mr. Paton presents an articulate and resolute expression of why the battle for human justice and racial equality deserves a high priority at all times.

Alan Paton's words eloquently challenge America to continue working for solutions to the problems that have plagued Americans for centuries. He calls to us to continue world leadership in the struggle for solutions to the problems of race that plague most nations of the world.

I believe his words deserve the careful attention of all Senators. I ask unanimous consent to have printed in the RECORD the remarks of Alan Paton at the June 17 commencement at Harvard University.

There being no objection, the remarks

were ordered to be printed in the RECORD, as follows:

REMARKS OF ALAN PATON

It is a great honour, but it is also a considerable challenge to address the Alumni of Harvard University, of whom I am one of the very youngest. What should one say on such an occasion? It seems to me that it would be inappropriate to discuss writing or letters, even though it is because of these that I have become one of you today. It is clear to me that the theme which occupies our minds, even obsesses them, is the life of man in society. To discuss this as a philosopher should, is beyond my powers, nor would it be appropriate. To discuss the life of man in American society would be in me presumptuous, although I follow his contemporary history with great attention. A discussion of the life of man in South African society would be too specialised a theme. So I am going to talk on "Our Two Countries."

I first visited the United States in 1946, and was overwhelmed by it, by its size and its competence, and its extraordinary mood of optimism and confidence; the mood of doubt and anxiety was then rarely encountered. I left it with a multitude of impressions, of which one was easily the greatest and most easily remembered. That was the way in which the founders of your society had dared to set down in black and white a charter for the future, which was to be subscribed to then and there, which was to be amendable only in ways which were purposely made difficult, and which was not only to limit the power of the law-makers, but which was to subject their laws to the scrutiny of the highest court of the land. That there were defects in this fundamental constitution I have no doubt, but they did not obscure for me the majesty of the conception. And it was a natural consequence of your colonial history that the liberties of men should have been protected against the attacks of overweening authority.

The position in my own country is quite different. Parliament is sovereign, and this sovereignty has enabled it to embark on a programme of racial legislation the like and scope of which have never before been seen in the history of man. If one supports these laws, one calls them laws of racial differentiation, laws for the preservation of racial identity, laws ensuring the peaceful and harmonious social and cultural and political development of all the different racial groups in the country, laws enabling them to move side by side but separately to their own individual and autonomous destinies. If one does not support these laws, one calls them laws of racial discrimination, and one regards the ideal of separate autonomous development as unrealisable, particularly in a country whose economy has brought together the people of all its races, even though their status within that economy is decided by ideological rather than by economic considerations. What is more, one does not believe it possible to implement such laws without inflicting hardship and suffering on voteless and voiceless people.

At this point there is something that I should make quite clear. When I am honoured by your University, and am invited to address its alumni, I have one over-riding obligation, and that it is speak that truth which is the object of pursuit of every university which deserves the name. That is what I am trying to do now, and I am trying to do it as a university man should, soberly and clearly, without offensiveness. I might have chosen some safer subject, but I would much rather speak on a subject which is related to our lives and our aspirations. And this brings me to another issue that vitally concerns our two countries.

To what does one give one's highest loyalty? A religious person—which I myself am, though of no great quality—could claim that his highest loyalty is given to God, which is a just claim and a safe claim only when it is made humbly. A person who claims to have no religion could justly claim that his highest loyalty is to the truth, and that also is a safe claim only when it is made humbly. But in what way can one's highest loyalty be given to one's country? Surely only in one way, and that is when one wishes with all one's heart, and tries with all one's powers, to make it a better country, to make it more just and more tolerant and more merciful, and if it is powerful, more wise in the use of its power. I should add that I am stating a very high ideal, because it is seldom that one wishes a thing with all one's heart or tries to do it with all one's might, even though there are sometimes external observers who imagine one to be doing just that. But when loyalty to one's country means loyalty to some party or some government or some policy, or even to that mythical power known as the State, there are many people in both your country and mine who find it difficult, and sometimes impossible, to give that kind of loyalty. I would find it difficult to say what love of South Africa means to me. It certainly means a love of the place where I was born, a love of the physical land, of mountain and river and plain, a love of its infinite variety, a love of its peoples and especially of those who have suffered for the things that they believe in. South Africa is often called a land of fear, and so it is. But it is also a land of great courage—and so is this. A friend of mine was once asked at a symposium, "if you did not live in South Africa, where would you like to live?" to which he gave the totally unexpected answer, "if I did not live in South Africa that's where I should like to live." My own views and beliefs which are often called un-South African, were made nowhere else but there in South Africa, just as many of the views that are called un-American were made nowhere else but in America.

Now when people hold un-South African and un-American views, there is a great temptation on the part of rulers to take steps against them. I should say at once that protest in South Africa has never been as vigorous and as widespread as it is in the United States. And I should say at once that the reason for that is that one has to pay a much higher price for protest in South Africa. Therefore one is tempted to conclude that if rulers took a firmer line in the United States, protest would to some extent die away. And in order to take a firmer line, rulers would have to interfere with that charter that was subscribed to when your country achieved its independence, and would have to curtail that liberty the entrenchment of which was the firm resolve of your founders, and would have to adopt the methods of Hitler and Stalin, which methods have rightly been held in such abhorrence by Americans.

So it is—in your country as well as mine—that there comes this schism between those who believe that the maintenance of law and order is the prime obligation of any good society, and those who believe that the preservation of civil liberty is the prime obligation. And this schism is made more bewildering by the coming into being of other schism which are related but not identical—between the rich and the poor, the old and the young, the white and the black, the rulers and the ruled. The temptation to achieve conformity by legislation is very powerful, and I hope that the American people will never yield to it, because it will mean the erosion of liberty and the rule of law, and that is what it has meant in my own country, whose parliament has sovereign power, and whose government is representative of one-eighth of the total population.

It may distress you that the blemishes of your body are so visible to the outside world. But at least you lance your boils and suppurations. It would be a tragic error of judgment if you allowed yourselves to believe that a total bandagement would restore your body to health. You at least know you are sick. We do not believe that we are. It is true I think to say that we do not really know what goes on beneath the all-covering mantle of our law and order.

It is time for me to be drawing towards a close, but I want to note one more difference between our country and yours. We are both countries of many races, but whereas your policy—with many halts and hesitations—has been to aim at one American society, our policy—vacillating under earlier governments but determined under the Nationalist government—is to create a multi-racial society, with its African nations, which comprise 70% of the total population, allotted various portions of the country which total something like 13% of the total area, and the aim of the policy is to create homelands where these national groups will achieve cultural, social, economic and eventually—in ideal theory—political autonomy. To a person like myself the policy is a self-deception, a way of disposing of a problem by putting it somewhere else. The possibility of achieving economic independence, or even a health economic interdependence, by people whose average earnings are often one-tenth or less of the average earnings of white South Africa, seems totally remote. And it is a source of grief, frustration, and anger and hatred to many that the policy of separate development seems likely to make real economic advance improbably, if not impossible.

I was the President of the inter-racial Liberal Party which was made illegal in 1968, and we opposed uncompromisingly the policies of separate development, and the creation of what we would have called subservient sub-governments. Now I find myself hoping that all our people who are not white, will make the fullest use of these instruments of power which are being put into their hands by the architects of separate development, no matter how feeble they may be; for the creation of these instruments has made it possible for the leaders of these sub-governments to speak with authority to an audience they could never have reached before. And it be my hope that this would be a stage in our development towards some kind of common society. For in my view no other kind of society could ever give to black men a just share in the fruits of their labour and the earth.

I am often asked the question as to whether Americans should withdraw all investments in South Africa. I know this view is strongly held by some, and I respect it, but it is not my own. If those American enterprises in South Africa—and there are not a great many—and here I am quoting from the statement of the Polaroid Corporation entitled "An Experiment in South Africa," would "improve dramatically the salaries and other benefits of their non-white employees" then I have no doubt that this would exert a moral pressure on South African employers to do the same. It is my opinion—that apart from any colour of skin or difference of race and culture—the great disparity between white and black wages leads, paradoxically enough, to an intensification of white fear, for people of other colours and races, when they also, owing to their poverty, live a totally different kind of economic life, seem more alien and more other than ever. Therefore I stand not for the withdrawal of American investment but for this dramatic improvement in salaries and benefits.

Now I have reached my end. Your tribulations are known to the whole world. Some of us in the outside world derive satisfaction from them. Some of us in South Africa believe that your troubles are due to your policies of racial integration, and such people are trying anew to prove that separate can be equal. Yet you should not be discouraged by this. The problems of racial prejudice and friction, the problems caused by man's destruction and pollution of his environment, the problem of war and of deluding oneself—after all these centuries of experience—that war can make the world better, the problem of the terrible gulf that yawns between the rich and the poor, the problem of the impersonality and meaninglessness of human life, especially in the great city, they are our problems too, even if only in miniature. It is foolish of us to gloat when you appear to fail to solve them, for are we any better, any wiser than you? Therefore you must regard yourselves as the testing ground of the world, and of the human race. If you fail, it will not be America that fails, but all of us.

And may I say a word to the younger people of my audience? I understand well your dissatisfaction with the world that we have made. But I do not believe that one can make it any better by withdrawing from it. I understand your argument that if you take part in it, you are only prolonging its existence. I understand your argument that if you take part in it, it will corrupt you just as it has corrupted us. But it is not a very good or a very brave argument. The only way in which one can make endurable man's inhumanity to man, and man's destruction of his own environment, is to exemplify in your own live's man's humanity to man and man's reverence for the place in which he lives. It is a hard thing to do, but when was it ever easy to take upon one's shoulders the responsibility for man and his world? So good luck to you all.

THE CANNIKIN TEST—SENATOR GRAVEL AND REPRESENTATIVE GUDE REPORT FOR MEMBERS OF CONGRESS FOR PEACE THROUGH LAW

Mr. PROXMIRE. Mr. President, today two distinguished Members of Congress, Senator Mike Gravel and Representative Gilbert Gude have released a report entitled "U.S. Underground Nuclear Testing: Cannikin as a Case in Point." The report was prepared under the auspices of Members of Congress for Peace Through Law, of which I have the honor to be the cochairman of its Military Spending Committee.

The report questions very seriously both the need for and the usefulness of the Cannikin test. It warns of the very serious dangers of testing a 5-megaton underground weapon in the particular geological atmosphere in which it will take place. The danger of extensive earth tremors and tidal waves are serious. It also weighs the international risks against the benefits. The report concludes that the test should be canceled.

Everyone knows that the purpose of the action is to test a 5-megaton warhead for the Spartan missile—a part of the ABM system. But the AEC and Defense Department refuse to admit what the purpose of the testing is.

If the Government wants to know why its credibility is at stake, let this be example No. 1.

The Russians know the purpose. The Chinese know the purpose. We know the purpose. Every informed Member of Congress and the general public knows what is going on. Why do not the AEC and the Department of Defense admit it?

I ask unanimous consent that the report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

U.S. Underground Nuclear Testing: Cannikin as a Case in Point

(By Senator Mike Gravel and Congressman Gilbert Gude)

As with most complex issues there are many facets to the question of continued underground nuclear testing. The authors have chosen to organize their remarks around the weapon system, environmental and foreign policy aspects of the issue.

For manageability of the topic and immediacy of the issue the proposed Atomic Energy Commission 5-megaton Cannikin test planned for Fall of 1971 at Amchitka, Alaska has been chosen as the instant case. This massive test was examined against the backdrop of the three considerations mentioned above. On all three counts: (1) mission and weapon system usefulness, (2) environmental costs and dangers, and (3) induced reactions in foreign affairs, the presumed benefits of the AEC underground nuclear test planned for the Fall in Alaska are far outweighed by the risks.

It is the conclusion of the authors that the test should be cancelled.

1. THE WEAPON SYSTEM ARGUMENT

The basic problems of our national security and defense posture today remain those that we have learned to live with over the past two decades. Our fundamental premise has always been that the United States must be strong enough to convince any would-be aggressor that an attack on us would be suicidal.

We have created capacity for varied nuclear retaliatory response in our land-based, undersea, and strategic bomber forces. That awesome combination still affords the best guarantee against any Soviet or Chinese first strike. Even the most pessimistic of strategic nuclear thinkers has never asserted that an aggressor could succeed in knocking out all elements of the U.S. nuclear arsenal simultaneously. As long as the most invulnerable of our strategic forces—our fleet of nuclear submarines armed with Polaris and Poseidon missiles—remains intact, no nation on earth can undertake an attack on the United States without inviting self-destruction.

The debate over the ABM stems from the growing realization that the value of fixed, land-based missiles, such as our Minutemen, is slowly but surely being eroded by advancing technology. The ever-increasing range and accuracy of enemy missiles, and the concurrent revolution in the design of nuclear warheads for those missiles, now enables an aggressor to deliver not one blow per rocket but several, of tremendous power, either in a pre-set pattern or against widely scattered individual targets.

Even in their imposing concrete silos, therefore, our Minutemen day by day are losing a degree of their potency in the strategic equation. This fact should suggest a number of possible alternatives to us, since so far we have not been able to halt the progress of military technology or nuclear weaponry.

We can try to further harden the emplacements of our land-based missiles, in the hope of increasing their capacity to withstand a near or direct hit. Or, we can take our missiles out of their silos and try to make them mobile, possible through reinstallation on specially constructed trains, or in surface vessels scattered across the oceans.

Instead, both this Administration and the last have chosen to pursue still another course—to try to lengthen the life of our existing Minutemen by super-imposing a protective anti-missile defense, with the goal of interdicting and destroying enemy rockets in space or in outer earth atmosphere before they can reach their targets. This is the Safeguard system and it is one component of this system that is planned for testing at the AEC site in Amchitka, Alaska in October of this year in a test dubbed Cannikin.

The AEC was forced to move from its former test sites in Nevada and elsewhere in the West in order to detonate any weapon of larger than one megaton size—that is, fifty times the size of the bomb that all but obliterated Hiroshima in 1945.

To conduct such tests in those western states, even underground, would involve direct seismic danger to cities as Las Vegas, Reno, and Salt Lake City.

So in order to climb the ladder of atomic escalation in greater freedom, the AEC shifted its test operations to the Aleutian Chain, to the Island of Amchitka, which lies on top of one of the most treacherous earthquake zones in the world. The AEC set the stage in 1969 with the so-called Milrow test involving a one-megaton explosion at Amchitka. At that time concern was expressed not only about immediate danger to Alaska and the West Coast, but the chances for surface venting of radioactive material over Canada, Scandinavia, or the Soviet Union, in violation of the obligations the U.S. assumed under the limited test ban treaty.

No one including the AEC, knew exactly what would happen in Milrow. But when the worst fears of triggering an earthquake or cataclysmic tidal waves were not realized, the AEC took this as license to proceed with planning for a significantly bigger test shot in Amchitka, Cannikin.

The best experts outside the government have estimated that the maximum yield of Cannikin probably will be in the range of five megatons, in order to produce effects sufficiently greater than those previously attained by one megaton tests in Nevada and Amchitka. This five megaton value also would be consistent with the announced depth of the Cannikin event.

It is important to establish the link between the Cannikin test and the safeguard system. Although neither the Department of Defense or the AEC has made a specific admission of this fact, there is every indication that Cannikin will be a test of a Spartan anti-ballistic missile warhead, and Spartan of course is one of the two missiles employed in the safeguard system.

So far the AEC has said only that Cannikin will be "a vital part of the U.S. weapons development program." Strategic analysts have pointed out that the only Defense Department weapons programs now "vitally" in need of tests of high yield warheads are the Spartan ABM and the MIRV warheads for the Poseidon and Minutemen missiles. But the latter two warheads clearly will fall in the less than one megaton range, so that leaves Spartan.

More recently Administration members have talked of the need for an "improved Spartan with much lower yield" to be ready in 1976 to supplant the basic Spartan, i.e., a second generation system would be the new requirement.[1]

In short the Cannikin test appears to be designed to advance the development of a large warhead for an inferior, first generation Spartan missile, which even Pentagon experts concede will soon be out of date, and whose capabilities are inconsistent with the only ABM mission approved by the Senate Armed Services Committee. To make it even clearer, if SALT leads to mutual limitation of ABM defenses to national capitals, then the standard Spartan missile and Cannikin will not be needed.

In that light the expenditure of more than a billion dollars for a test program with such dubious prospective value, and with such

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Footnotes at end of article.

serious environmental risks, is sheer folly. At the very least, authorization for Cannikin should be postponed until the probable results of SALT are more apparent.

The most recent authoritative statements on the technical deficiencies and shakey rationale for the Spartan missile and hence the Cannikin test came out of the May hearings on the subject in Anchorage, Alaska. The statement of the Director of the Federation of American Scientists contains a tightly logical and persuasive argument for cancellation of this underground nuclear test. Parts of this statement are here excerpted without further attribution to conclude this section.[2]

The Federation's starting point is a conclusion of the Pitzer report (an independent study of Cannikin prepared for the President's Office of Science and Technology in 1968) that, "the need for these tests must be *compelling* if they are to be conducted in the face of the possible risks that have been identified." (Emphasis added).

Is Cannikin a Compelling Necessity?

The following questions arise in applying the "compelling" necessity criterion of the Pitzer report: (1) is Cannikin a compelling necessity to deploy the basic Spartan? (2) If so, is the basic Spartan a compelling necessity for the defense of Minuteman? (3) Is the basic Spartan a compelling necessity for the defense of bomber bases or of national command authorities?

Is Cannikin a Compelling Necessity to Deploy the Basic Spartan?

The AEC Environmental Impact Statement argues only that a failure to proceed with Cannikin would "severely hamper" the "development of nuclear weapons technology." Thus the AEC does not claim that a failure to proceed with Cannikin would, for example, preclude the deployment of a weapon system necessary to national security. Indeed, confidence in Spartan, and estimates of its effectiveness, cannot be substantially improved even with unlimited tests. In the first place, there is little doubt that the Spartan warhead will detonate; and confidence in the warhead's effectiveness depends more critically on other considerations: The tactics used by the Soviets (number and kinds of decoys, simultaneity of arrival, separation of incoming warheads, etc.); the failure of Spartan to fire (reliability of missile, computer software bugs, etc.).

Further, it should be pointed out that the entire Safeguard missile defense is being justified on the ground that the Soviets cannot be sure that Safeguard will not work and will accordingly be deterred. In this context, Cannikin will be of essentially zero significance in changing Soviet perceptions of the likely effectiveness of the entire Safeguard system—involving, as this system does, so many other significant uncertainties.

In short, Cannikin is not compelling necessity to deploy the basic Spartan; from an overall perspective it may be no more than an irrelevancy.

Is the basic Spartan a compelling necessity for the defense of Minuteman?

Even if Cannikin were to be judged necessary to deployment of the basic Spartan—which we have judged is not the case—it would still be necessary to ask whether the basic Spartan was a compellingly necessary part of Safeguard.

The improved Spartan—which does not require Cannikin—will take over many basic Spartan functions. According to DOD, "(it) will carry a smaller warhead but to much higher velocities. This missile will enable the system to more effectively intercept SLBM's and depressed trajectory ICBM's. They will have a larger area capability than the standard Spartan and reduce the nuclear effects on the system."[3]

The Director of the Los Alamos Scientific Laboratory, Dr. Harold M. Agnew, put it this way in his recent testimony in favor of Safeguard: *Senator Symington.* In your article you opposed the use of high-yield warheads for ABM such as the one used in the basic Spartan. Do you still oppose their use? *Dr. Agnew.* I don't think I opposed the use. I said that they would be useful in a limited way, as I said in my previous testimony, with regard to breaking up high rate attacks and to provide a mechanism for high altitude attacks against very large yield weapons which might be used in a particular role which the Soviets might employ.[4]

Considering the large costs of Cannikin the total costs of basic Spartan and Cannikin combined will be so large that the basic Spartan is unlikely to be cost-effective from any point of view.[5]

In short, far from being a compelling necessity, basic Spartan is simply something that might be "useful in a limited way" against tactics the Soviets "might" adopt. But at the same time, it might assist the Soviets in degrading the performance of Safeguard. And its deployment is almost certainly a strategic mistake in allocation of Safeguard resources.

Is the basic Spartan a compelling necessity for the defense of bomber bases or of national command authorities?

The Air Force is engaged in dispersing its bombers to inland airfields. Its main fear is submarine launched ballistic missiles (SLBM) and depressed trajectory ICBM attack which might arrive with relatively little warning. Improved Spartan is specifically designed to be the best answer to this.

The defense of command authorities or capital cities will rely upon Sprints primarily, and upon improved Spartan. Since the Capital is not going to be defended against determined attacks—but against accidents or small attacks—the contingencies in which basic Spartan is likely to be useful (threat of "high-rate" attacks or "very large yield weapons" for high altitude attacks) are largely or completely irrelevant.

SUMMARY

In summary, the case for Cannikin now turns on:

(A) The need for Cannikin in order to deploy a basic Spartan in order to

(B) Supplement, for special purposes, the improved Spartan that are themselves only

(C) Supplementing Sprints in the Safeguard defense of Minuteman—a defense

(D) Whose overall justification and effectiveness is under serious question.

Thus, those who reject Safeguard reject the necessity for Cannikin. Those who reject the necessity for Spartan in Safeguard reject the necessity for Cannikin. Those who reject the necessity for basic Spartans in Safeguard reject the necessity for Cannikin. And even those who want the basic Spartan still reject the necessity for Cannikin unless they insist on proof-testing it at great financial expense and at the environmental risks described in the following section. Under these circumstances, who can possibly call Cannikin a compelling necessity.

2. ENVIRONMENTAL ISSUES AND UNDERGROUND NUCLEAR TESTING

The environmental issues associated with continued underground nuclear testing center on the possible triggering of earthquakes and tidal waves, and ocean and surface radiation contamination through venting. Because of its imminence and eminence, the proposed five-megaton explosion, Cannikin, at the Atomic Energy Commission's Amchitka Alaska Test Site in the fall of 1971 is the primary case against which these environmental considerations should be weighed.

The explosion of a five-megaton nuclear bomb more than a mile beneath the surface in one of the world's most seismically active regions presents Alaskans and the people of the Pacific Rim with some element of risk.

The risk is undeniable. The AEC admits it in the most recent Environmental Impact statement dealing with the Canniken Test. No competent government or scientific authority will testify that the test is absolutely safe. What the AEC does say is that the risk is small and, when balanced against the importance of the test to our national security, the risk is acceptable.

As noted in the previous section, a number of the Nation's leading weapons experts, many of whom have been in government advisory and policy-making roles, have offered testimony that the test is not necessary. To summarize, they believe that the ABM weapon is not essential to our national security.

But even if it were, the Spartan Warhead, which would be tested in Cannikin, is only a very supplemental missile in the ABM system And, even if one believes the ABM is necessary and the Spartan Missile is necessary, the proposed test will not significantly resolve the many uncertainties associated with performance of the basic Spartan.

Certainly, if Cannikin goes ahead as scheduled, scientists will learn something. But going ahead to improve marginally our arsenal of information is not the same as going ahead with development of a weapon to insure our very survival. The risk versus benefit scales tip differently.

In 1969, a number of competent authorities directed their attention to the benefit-risk question. No one knows precisely where the great Aleutian Fault lies. It is believed to pass within 30 to 100 kilometers of the Amchitka Test Site. Seismologist James Brune of Cal. Tech has said: "I would think that scientists would be very hesitant to fire off a large nuclear explosion 30 kilometers from the San Andreas Fault. One hundred kilometers would be better. But I'd still be a little worried about it."[6]

Dr. Frank Press, Chairman of the Department of Earth and Planetary Sciences at the Massachusetts Institute of Technology and perhaps the most acknowledged expert in this field, says that Amchitka lies in a zone perhaps ten times more seismic than Nevada. That fact, he says and the fact that the large explosions being planned are without precedent, suggests that previous experience may not be pertinent. About the Milrow Calibration Test in 1969, Dr. Press said: "Unfortunately, a series of tests with progressively increasing yield is a precaution of uncertain value if the instability mechanism which triggers an earthquake has a threshold.

"For these reasons," Dr. Press continues, "I would associate a definite, though small risk with large nuclear explosions in seismic belts like Amchitka. The very small possibility of very large damage must be balanced against national security needs. In my opinion, the need to test these large yields must be very compelling to justify the risk."[7]

The AEC's own earthquake consultant, Wendell Weart from the Sandia Laboratory said in 1969, "There is obviously some point in yield (test size) beyond which there would be danger . . ." and in May 1968, he said, "Further understanding is necessary to permit extension of present observations to higher yields and especially to other, perhaps more tectonically active test sites."[8]

Numerous authorities offered similar testimony. One was Dr. Kenneth Pitzer, then President of Stanford University and of a commission appointed by the White House to investigate the safety of underground nuclear tests.

The Commission's conclusions, published in what became known as the "Pitzer Report", were in part:

"The panel is seriously concerned with the problem of earthquakes resulting from large-yield nuclear tests. Although the possibility

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that underground nuclear tests might initiate one or more earthquakes has been suggested in the past, new and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large yield test explosion and in the following weeks. The largest of the observed associated after-shocks have been between one and two magnitudes less than the explosion itself. However, there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site." [9]

Let there be no doubt. The risk of earthquake exists. The extent of risk cannot be measured because no one knows with assurance the geologic substructure of the region, or the mechanism that creates earthquakes, or the effect of man-made explosions on a seismically volatile region. That is why the AEC's environmental impact statement does not dismiss the possibility of earthquakes. The AEC report reads, "Because the understanding of earthquake mechanisms is still developing and is not yet sufficient for exact calculations, the possibility of such an occurence cannot be ruled out." [10]

A vast body of scientific opinion views the earthquake in itself as a triggering mechanism. The Great Alaska Earthquake of 1964 began with a shock of about 6.5 and triggered itself to a peak of 8.4. The Aleutian Islands earthquake of September 11, 1969, began with a shock measured at 5.2 and peaked at 6.6.

Cannikin may provide a trigger of between 6.8 and 7.2. What type of energy can be released with that kind of trigger? No one knows.

It may be that the bomb will be exploded near a previously unknown fault line, that no natural earthquake was poised, waiting to occur, and the predictions of the Agency will be borne out. In all fairness, the odds are on that side. The possibility of an accident is only that—a possibility—not a probability. But the risk is there because the test is a gamble with the unknown.

Suppose there is an accident, a mistake. Suppose there is, as the Environmental Impact statement says it, an imminent earthquake very near Amchitka, for which Cannikin is the trigger. Would Cannikin's 7 point natural earthquake remain a harmless 7 point event? The odds shift markedly against such an eventuality occurring without some toll.

The AEC believes the magnitude of shock would be slightly greater if both events occurred together. At 7 points on the Richter Scale we are already courting the birth of a tsunami wave. If 7 and 7 add up to 7.5, such a wave is a certainty. The AEC's own literature lists 7.5 as the level of shock at which a dangerous tsunami is certain to occur.

As evidence that the risk is small, the AEC offers the results of the 1969 Milrow Test and experience at the Nevada test site.

Any competent statistician would question the use of the Nevada experience in calculating the odds for a five megaton test in Alaska.

Our nation has never before conducted a five megaton underground test anywhere. Certainly, the Nevada tests, in a seismically quiet area, cannot be applied to the experience in Alaska where the earth is violently unstable.

In 1964, the AEC categorically claimed that underground nuclear tests would not trigger natural earthquakes except under extremely unusual circumstances. But after the experience of six one-megaton bomb tests at the Nevada Test Site that assurance was completely reversed. Now the AEC says that large explosions *invariably* trigger natural earthquakes. Recall that the Alaska Test Site was developed only because the planned explosions were found to be too big and too dangerous for Nevada.

In addition to 16 Nevada tests which leaked enough radioactivity to be detected beyond the test site boundaries, 11 more leaked enough to be detected beyond ground zero, but not beyond the test site. In addition about 40 tests leaked radioactivity detected only in the "immediate vicinity" of the firing point. (Theses figures from Seaborg to Gravel, letter of March 11, 1971). Out of 230 underground tests, each designed to be fully contained, 67 leaked.

It is true that the amount (curies) leaked, except in the major vents, has not been much. That is not the point. The point is, how many of the 67 leaks were associated with earthquake faults? How much faith should we have in the AEC assurance that Cannikin is far enough from earthquake faults.[11]

Another reason why the Nevada triggering experience is largely irrelevant is because the largest Nevada test has been a 1.2 megatons, not nearly 5 megatons like Cannikin. The largest seismic punch of a Nevada test has been 6.2, whereas Cannikin is expected to be 6.8 or 6.9 or "about 7.0." That means Cannikin will have, at the very least, *6 times more seismic energy* than the largest Nevada experience.[12]

In passing up from 6.2 to 6.8 seismic mag, for all anyone can know, the AEC may pass over another "threshold" of triggering activity.

It is true that no ventings have occurred from any of the large-yield, deeply buried explosions. But accidents are almost always preceded by a string of successes. A single success (Milrow) statistically proves absolutely nothing about another one-megaton test, much less a 5-megaton explosion.

This little homily is important, because there should be no crowing about the alleged success of Milrow. The failure of Milrow to trigger an earthquake or sea wave proves nothing for Cannikin. Further, it is not yet known whether Milrow will contaminate the ocean in a relatively short time period, either from its own subsurface restructuring or the restructuring that would occur from the Cannikin test. The movement of unsuspected subsurface faults could wipe out the base upon which the AEC has confidently made its argument about the containment of radioactivity. If the subsurface structure moves in unpredicted ways, the radioactive waste could find a funnel to the surface.

The bomb explosion will create a cavity about the length of two football fields and will do so instantaneously. The Environmental Impact Statement assumes that the cavity will contain the radioactivity, both immediately and in the long term, to prevent underground radiated water from reaching the surface within 1,000 years.

But the Impact Statement also includes what the AEC terms an "unlikely possibility." That is, that the water within the cavity chimney system created by the blast becomes mixed and flows through a system of inter-connecting rock fractures. This model is likened to an "open crooked pipe" through which radiated water would reach the surface within two or three years and flow into the ocean concentrations of radioactivity 1,200 times the level considered safe. That process would continue for an estimated 130 years. Rapid migration and ocean contamination is the most grotesque and worrisome possible consequence from Cannikin.

The AEC in its most recent Environmental Impact Statement fails to mention the possibility that Longshot, Milrow, and Cannikin could all three start discharging radioactivity concurrently around Amchitka. What would that do to the dilution factors and the accumulation factor? [13]

The AEC downgrades this possibility and downgrades the effects if it should occur. But the risk of error is taken seriously by Alaskans and others who have an enormous economic stake in the resources of the sea.

In these days when the nation is deeply concerned about mercury poisoning and the market for seafood products has fallen off sharply, even the suspicion that radioactive water is leaking to the surface could devastate the market for all fishery species of the North Pacific.

It is not at all certain that radioactive waste is diluted by seawater. Radioactivity reconcentrates in seafood. Those who dumped mercury in seawater said it was safely diluted. Now it is found that larger fish concentrate mercury at levels dangerous for those who eat them. DDT is such a problem it is being outlawed by some states. Comparatively, certain radionuclides like strontium and cesium have fabulously greater reconcentration features in the food chain.

The danger that radioactivity will escape is no less than the danger that an earthquake may be triggered. Indeed, these two actions could inter-react, the earthquake affecting the cavity; not only the cavity caused by Cannikin, but the cavity caused by Milrow. The Milrow test produced an enormous amount of radioactive waste that could still be brought to the surface by groundwater, or through an unsuspected fault opened by a natural earthquake or the Cannikin test itself.

One may accept without question the AEC's assurances that all will go well. But all too often, such forecasts have not been borne out by circumstances.[14]

To go ahead with this test is courting a risk of a magnitude that cannot be determined. The risk is not worth taking. The national security of the U.S. will not be imperiled if the test is cancelled.

Since this is an experiment, and it is the nature of experimentation that sometimes things do not go as planned, one wonders at the AEC's assurance that this is the last test at the Amchitka site. If scientists do not learn what they hope to learn from this test, would not that necessitate a further test of equal magnitude?

If not, if testing at Amchitka can be stopped regardless of the outcome of Cannikin, why is Cannikin considered so important to our national security?

It is worth pointing out that Alaska has had an extended and rather uniform history in dealing with Atomic Energy Commission proposals for tests in Alaska.

In 1960, the AEC proposed to blast a deep water harbor in northwest Alaska utilizing an atomic bomb. Plans went ahead until Alaska scientists and state leaders expressed their opposition. Such an explosion would have seriously affected the delicate food chain of the north—a food chain that already has suffered adverse effects from the atmospheric testing of the fifties and early sixties.

Even today, body burdens of radioactivity carried by some Eskimos and Indians of the North are far beyond normal measurements.

When project Longshot was proposed for 1965, the AEC said it would not be the forerunner of any test series, but rather a one-shot experiment.

Yet, two years later, the AEC was back again, with massive plans for conversion of Amchitka Island—a wildlife refuge—into a major new test site.

Prior to the Milrow experiment considerable opposition was expressed by the Alaska public and by elected leaders. The day of the test, which the AEC confidently said would produce no harmful effects—the civil defense network was alerted all along the Northern Pacific coast. The Navy moved its Kodiak emergency hospital to higher ground.

Now the largest test yet is planned for the fall of 1971.

The test is not necessary; it is not with-

Footnotes at end of article.

out risk; and should be opposed. Alaskans and the people who live along the Pacific rim should not be asked to accept such a risk for so questionable a purpose.

The test should be cancelled, the island fully restored and the AEC should count Amchitka and Alaska out of any future plans for the detonation of atomic bombs.

3. PROSPECTS FOR A COMPREHENSIVE NUCLEAR TEST BAN TREATY

The United States and the Soviet Union agreed in 1963 to ban nuclear testing in the atmosphere, outer space, and under water. Negotiations to achieve a comprehensive ban including underground nuclear testing floundered on the issues of on-site inspection. Neither side has shown great interest in extending the ban, and a large number of underground tests have been conducted, particularly in the development of MIRV and ABM warheads.

There is increasing dissatisfaction with the lack of progress among non-nuclear nations who have signed the 1970 Non-Prolieration Treaty. Recent scientific reports indicate that substantial progress has been made in detecting and identifying underground nuclear tests, reducing the problem of on-site inspections. As elaborated in the previous section, concern over contamination of the earth's surface and other environmental hazards of underground testing, now focused on the Cannikin test at Amchitka Island in Alaska is growing.

The preambles to the 1963 Test Ban Treaty and the Treaty on Non-Proliferation of Nuclear Weapons which went into effect in March, 1970 both contain a commitment to continue negotiations leading to a ban on underground nuclear testing.

The existing limitation on above ground testing has generally provided protection against contamination of the atmosphere, but few believe that it has slowed the arms race. New techniques were developed to try out devices which were both more powerful and, as in the case of ABM and MIRV testing, more sophisticated than had previously been carried out underground. According to the Atomic Energy Commission, the United States has conducted 228 atomic weapons tests underground since the limited test ban was signed. The Commission reports 47 Soviet tests during the same period.[15]

From the standpoint of non-nuclear nations who signed the Non-Proliferation Treaty, the superpowers have given up nothing in the area of weapons development because of the failure to negotiate a ban on underground testing. It is difficult moreover, to persuade China and France, as nuclear powers, to adhere to even the limited test ban so long as the United States and the Soviet Union are conducting a large-scale underground testing program. India and Israel, the prime potential nuclear powers, have declined to sign the Non-Prolieration Treaty, but have signed the 1963 test ban treaty. As a result, there has been mounting pressure from the non-nuclear states to resume serious discussions of a comprehensive ban at the 25 nation Geneva Disarmament Conference.

At the February 1971 session of the Conference, Canada proposed a preliminary ban on large underground nuclear tests, covering tests that could be detected and identified by existing seismological methods. The United States rejected the proposal on the ground that on-site inspections remain necessary to detect low-yield tests. The Soviet Union has always objected to on-site inspection and initially supported the Canadian proposal. Subsequently, however, the Soviets also rejected the proposal, stating that the effect of a partial ban would be to legalize smaller explosions.

Other delegates to the Geneva Conference view these responses as excuses covering a distinct lack of enthusiasm for limits on underground testing by the United States and the Soviet Union. The Swedish government has taken the position that the technology exists to verify a comprehensive test ban without on-site inspection and that the superpowers are publicly unwilling to give up testing to refine the weapons under discussion at SALT.

The delegate from Mexico raised the test ban question again in May, voicing the dissatisfaction of most of the non-aligned members of the Conference with the efforts of the United States and the Soviet Co-Chairmen to confine discussions to the prohibition of biological weapons. (These members are also concerned about the postponement of an accord on chemical weapons.) As a concession to these views, the Co-Chairmen agreed to allow conference members to bring in experts to discuss the use of seismological instruments to detect underground nuclear tests.

The Geneva meeting which began on June 30 is most timely. The successful negotiation of the 1963 test ban was due in large part to scientific advances in launching of far earth and solar satellites and in undersea detection capabilities which generally reduced the risk of undiscovered cheating under the agreement.

In April of this year, there were reports of substantial progress in developing methods of detecting and identifying underground nuclear explosions. Since 1963, about $300 million has been spent in the detection research program known as Project Vela. At a conference sponsored by the Department of Defense Advanced Research Projects Agency at Woods Hole, Massachusetts last summer, scientists discussed techniques for distinguishing between earthquakes and explosions based on differences in the character of the waves in the earth's crust generated by the two types of events.

The discrimination between earthquakes and underground tests is based on measurements of two kinds of waves produced by both earthquakes and explosions: surface waves and body waves through the body of the earth. Measurement of a large number of earthquakes and underground explosions revealed that at least down to a certain level of magnitude, an earthquake will almost always produce substantially more surface waves relative to its body waves than a nuclear explosion.[16]

Unfortunately, there is no formal report of the Conference apart from the collection of technical papers presented by participating scientists. There is some disagreement over the conclusions and their implications for verifying underground nuclear tests due to the discrepancy between the first, unofficial summary of the proceedings, and a second summary cleared for publication by the Department of Defense. There is no dispute however, over the conclusion that important scientific gains have been made.

At the time of negotiation of the 1963 test ban, U.S. scientists were able to detect underground tests in the Soviet Union equivalent in earthquake force to 4.75 on the Richter scale. This amounts to about 20 kilotons (20,000 tons) of explosive energy. According to the revised and approved summary of the meetings, it is possible to distinguish earthquakes from underground tests below a Richter magnitude of 4.5 corresponding to the 10 kiloton range. The original summary suggested seismic discrimination techniques could differentiate earthquakes from tests with accuracy at a level of 4 on the Richter scale, or as low as one to two kiloton explosions. This kind of capability would detect substantially all of the underground weapons tests conducted by the United States and the Soviet Union since atmospheric testing was banned. Either of these estimates justifies a new look at the possibilities for verifying a partial or comprehensive ban on underground testing.

Senator Edmund S. Muskie and Senator Clifford P. Case, Chairman and Ranking Republican on the Subcommittee on Arms Control, International Law and Organization of the Foreign Relations Committee, have recognized the importance of exploring the implications of the new detection capability. Senator Case has suggested that greater seismological detection capability may make it possible to monitor a comprehensive ban with the two or three on-site inspections the Soviet Union was willing to allow in 1963. He also pointed out that some American experts now believe that a comprehensive ban could be verified with no on-site inspections.

Former Director of the Arms Control and Disarmament Agency, William Foster, expressed the opinion in a February 1971 speech that "it is fully within our scientific competence to monitor adequately such a total test ban. With our present means of instrumentation and other sources of information, it is not conceivable that the Soviets could carry out clandestine testing on a scale which could affect the strategic balance."

On the other hand, the Pentagon statement on the Woods Hole meeting (referenced above) emphasized that "much research remains to be done," and implied that scientific progress registered at the conference did not affect the issue of on-site inspections. The statement, distributed to the press on April 14, 1971, stressed the following points:

1. All one-KT tests cannot be detected. Possibility of detection and identification of underground explosions depends on the types of medium in which the test is conducted.

2. All detected events cannot presently be identified as earthquakes or nuclear explosions.

3. Desert sands are not the only medium which could hide a test, because tests could be concealed in earthquakes, large cavities in the earth and other locations.

4. The need for on-site inspection has not been eliminated, because there will continue to be seismic events detected at teleseismic distances. Further, remote seismic monitoring cannot distinguish between nuclear and non-nuclear explosions.

Senator Muskie has announced that the Arms Control Subcommittee will hold hearings to review the latest scientific data and to consider the risks and benefits of continued testing. In any event, the critical question raised by scientific developments is not whether every low magniture test can be identified, but whether the type of testing that might escape detection could provide a significant advantage to the violator. If such an advantage is lacking, it will be necessary to determine whether continued testing increases our security more than a generally effective ban on underground testing by both superpowers.

The risks and benefits of a comprehensive test ban cannot be calculated wholesale without further information on the purpose and scope of the U.S. testing program. There is, however, sufficient information available on the Cannikin test to shed considerable light on the dubious military and political calculations at issue in large underground nuclear tests. The environmental hazards of Cannikin are of great concern, not only to Americans but to our allies, Canada and Japan. Other nations of the world are waiting, with increasing impatience, for the United States and the Soviet Union to deliver on their pledges to seek a comprehensive test ban, and to move this issue off the back burner at the Geneva Conference.

FOOTNOTES

[1] If agreement were reached in SALT to limit U.S. and Soviet ABMs to the defense of Washington and Moscow, as has been

speculated in the press, then without doubt this improved Spartan would be the missile to be used.

[2] Drawn from the statement of Dr. Jeremy Stone, Director of the Federation of American Scientists, on Cannikin nuclear test, before the Atomic Energy Commission, Anchorage, Alaska, May 28, 1971.

[3] Statement of Dr. John S. Foster, Director, Defense Research and Engineering, February, 1970, Release No. 146–70.

[4] April 20, 1971, Testimony to Senate Armed Services Committee.

[5] In addition, the President's announcement on May 19 of a hopefully imminent agreement on SALT, that would limit ABMs, has implications for this nuclear test. The SALT agreement would limit numbers of interceptors and force the defense planners to choose between Sprints, basic Spartans and improved Spartans. Under these circumstances they might well choose to buy no basic Spartans at all. Many defense planners believe that, in essense, there is nothing important which basic Spartan can do that improved Spartan cannot do better. In short, the President's announcement represents an important new reason for deferring Cannikin until we discover whether SALT agreement can be reached this year, as seems to be expected by the Administration.

[6] From *Science Magazine,* article, "Earthquakes and Nuclear Tests: Playing the Odds on Amchitka," by Luther J. Carter, reproduced in *Congressional Record,* September 23, 1969.

[7] Testimony of Professor Frank Press, Department of Geophysics, MIT, *Hearings Before the Committee on Foreign Relations on SJR 155,* "Underground Nuclear Testing," September 29, 1969, p. 23.

[8] "Technical Discussion of Offsite Safety Programs For Underground Nuclear Detonations," AEC Manual NVO–40 Revision No. 2, May 1969, p. 230.

[9] "A Report: Underground Nuclear Testing," Report of the Ad Hoc Panel, Office of Science and Technology, AEC TID–25180, Chapter 5, November 27, 1968, p. 51.

[10] Redraft of AEC Environmental 102 Statement in Cannikin, May 1971, pp. 2–3.

[11] According to the AEC release May 14 (#NV–7;—29) about the leaky test BANEBERRY in December 1970, the leak did not occur through a fault. The test at 910 feet deep just split the earth with its own pressure which pressure exceeded expectations because "the earth around the explosive device was more saturated with water than had been expected". Water causes increased pressure.

[12] Because EQ magnitude is on a logarithmic scale, each magnitude increase means 10 times more energy. 7.0 means ten times more seismic energy than 6.0. As for fractional increases, a 6.3 magnitude is 3 times greater than 6.8 magnitude is 8 times greater than 6.0.

[13] The impact statement says that "The chance of prompt venting of mixed fission products in quantity is remote." This raises a larger question on the obligation of AEC under the Environment Policy Act. Suppose CANNIKIN does vent promptly doesn't the Environmental Policy Act require the AEC to discuss the "adverse environmental impact? Does the AEC believe the law requires only a description of the impact if everything goes right? What about the impact if everything goes wrong?

[14] Project Longshot, the 80 kiloton test conducted at Amchitka, Alaska in 1965 was not expected to leak radioactivity for hundreds of years. But only a few months after the test radioactivity surfaced in at least two small fresh water ponds.

The AEC did not expect Strontium-90 to accumulate in milk. The AEC did not expect its 1964 test in Mississippi to cause $600,000 in property damage. The AEC did not expect its 800-kiloton test in January, 1968, in central Nevada to rock an area as wide as Salt Lake City to the East and San Francisco to the West—but it did.

[15] Washington Post, April 11, 1971. The AEC estimate of Soviet tests is generally thought to be low, due to unwillingness to reveal U.S. detection capability.

[16] "Will a Test Ban Work?," Henry R. Myers, *The Washington Post,* May 16, 1971, Section 7, pp. 9–10.

REGIONAL MEDICAL PROGRAMS

Mr. **HUMPHREY**. Mr. President, I invite the attention of the Senate to an unconscionable act of backpeddling by the administration toward funding regional medical programs.

Regional medical programs play a vital role in the delivery of health care throughout this country, particularly in rural areas where there is a shortage of doctors and medical facilities.

Congress appropriated $111.6 million in 1971 for regional medical programs. However, the administration withheld $34.5 million of these funds. Another $10 million appropriated in a supplemental bill also was held up.

This means that $44.5 million in funds appropriated by Congress for regional medical programs is being withheld. An administration spokesman, Assistant Secretary James B. Cardwell of HEW, has informed my office that the 1972 budget request for the regional medical program service is $52.8 million. He also states the administration plans to obligate the $34.5 million carried forward from 1971.

I greatly fear such an intention may be only the juggling of figures. I also am greatly concerned that the administration is stepping backward in such a vital area as regional medical programs. The administration's proposal for fiscal 1972 is half of what Congress appropriated a year ago.

It is obvious to me that by this action the administration is turning its back on this program. Many planned and approved projects will be delayed or abandoned altogether because of inadequate funding.

In a recent presentation before the National Institutes of Health a coalition of health groups indicated the potential damage and harm that could come from inadequate funding of regional medical programs. In the State of Georgia, the group said, the RMP could expand its activities in an experimental health delivery system in rural areas that are critically short of physicians or completely unattended by physicians. In close to 20 percent of the total of 159 counties in Georgia, there are no doctors. The same situation exists in many other rural sections of the country.

I am told that in Iowa added funds would make it possible to implement a statewide program to train nurses to become pediatric clinical associates able to perform such tasks as history-taking, partial physical examinations, and other services which would relieve trained physicians to handle other medical problems requiring their advanced skills.

The coalition, which has made a study of regional medical programs, has indicated other benefits that could be derived from an improved RMP system. The State of Maine, which currently has no medical school, could receive RMP money to develop a college training program in the allied health professions and to help set up a department of community medicine at the medical center in Portland.

I also understand that the Washington-Alaska area could expand a communication systems which ties hospitals in with remote rural medical centers, making it possible to improve the study of health care despite the acute shortage of trained medical personnel. Interns in rural areas would be exposed to the training ideas being used in urban centers.

The Illinois Nursing Association has an approved authorization of $150,000 from RMP money to train nursing teachers.

In West Virginia, an approved $140,000 project to establish a system of medical peer review and self-audit of health care delivery systems will be abandoned if the administration's proposal is approved.

In Maryland and Virginia, a $850,000 program to help patients with chronic lung disease would be eliminated. Other cutbacks will be undertaken because of the administration's action unless the Congress acts.

There also is much concern in my home State of Minnesota over the administration's impoundment of RMP funds. I would like to share wtih the Senate a letter from Dr. Jack P. Whisnant, chairman of the regional medical program for Minnesota. I ask that it be printed in the RECORD, along with the report I requested from Assistant Secretary Cardwell.

Dr. Whisnant indicates in his letter the great benefit the northlands regional medical program has been to the State of Minnesota. In Minnesota, the NRMP has helped train 631 nurses, 544 doctors, and 114 medical electronic technicians as personnel for intensive coronary care units. The program also has worked to improve 119 medical libraries in community hospitals for physicians, nurses, and other allied health workers. Nurses who have been away from their profession have undergone refresher courses sponsored by RMP.

I believe Dr. Whisnant's letter clearly indicates the potential damage the administration can cause to a vital program by continuing to hold money back and by not making as strong a commitment as is needed in the health field. There is a great need for regional medical programs. There are hundreds of areas in this country where there is a critical shortage of physicians. In these areas a regional medical program is necessary and serves to improve health care delivery systems. To hold money back from these programs and to shortchange them at a time when expansion is highly desirable, is unconscionable.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAYO CLINIC,
Rochester, Minn., May 20, 1971.
Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: I am writing as Chairman of the Board of Trustees of the Northlands Regional Medical Program (the Regional Medical Program for Minnesota). That position is entirely voluntary and there is no financial remuneration. I might add that there are quite a number of other persons in this state including the other members of the Board of Trustees, various committee members, regional advisory group members and other individuals who have voluntarily contributed their time without financial reward to try to make the Regional Medical Program an effective operation in Minnesota.

In my opinion, the Northlands Regional Medical Program has developed excellent rapport among health care provider groups in the State, and the staff of the NRMP, without question, has a more comprehensive knowledge of health affairs and health problems in the state than any other body or organization. Furthermore, this Regional Medical Program is presently in an advantageous position to implement many of the proposals that President Nixon has indicated as goals concerning health care in the nation.

In Minnesota, the NRMP in cooperation with volunteers from the Minnesota Heart Association has trained 631 nurses, 544 doctors and 114 medical electronic technicians as personnel for intensive coronary care units which have been developed in community hospitals in the state. NRMP has also assisted in the development of a two county health services corporation in southern Minnesota in cooperation with the University of Minnesota and Mayo Foundation; it has developed or expanded 119 medical libraries in community hospitals for physicians, nurses and other allied health workers in the state; it has developed short-term residency training programs for refreshers for physicians in Minnesota; it has given financial support to an OEO rural health care experiment in southeastern Minnesota; it has started a nurse refresher program which so far has trained 30 inactive nurses who have returned to active service; it has coordinated the rehabilitative services throughout the state; it has started a statewide refresher program for dieticians to return inactive dieticians to the health care system; it has initiated a quality control program for small hospital laboratories in rural Minnesota; it has assisted rural Minnesota communities in developing materials to recruit physicians; and it has developed a telephone information system for physicians providing direct medical care. A variety of other activities have been initiated or plans have been developed but continuing restriction of funding at this time is allowing the Regional Medical Program to wither. If the capabilities of effective programs are to be maintained, to aid in implementing changes in the health care system, it is imperative that adequate levels of funding be provided in a manner by which reasonable projections can be made by our staff and volunteers.

In the Northlands Regional Medical Program fiscal year ending April 1, 1971, funding was at a level of $1,676,030. This allowed an effective operation but with no opportunity for expansion of programming. Renewal applications submitted in the early Fall of 1970 requested expanded funds for plans that were already developed. In the third week of January, 1971, we were informed by telegram that the *expected* level of funding for the current fiscal year ending April 1, 1972, would be $1,315,368, which was the originally committed amount for the first year of the operational program, which ended early in 1970. The week following the February meeting of the National Advisory Council for Regional Medical Program, we were advised that it would be necessary for our program to function with funding at the level of $1,203,562. With considerable effort on the part of the staff and the various volunteers and other individuals participating in the Regional Medical Program in this state, this level of funding was accommodated, but with considerable misgivings for the future of the operation. After this fiscal year had started, we received another letter dated April 7, 1971, from Dr. Vern Wilson, indicating that the funding level will be only $1,157,524. The award statement formally advising us of this amount was just received and indicates that the same amount will be the level of funding for each of the next two years of this operational program. Needless to say, if this is the level of funding for the following two years, it puts us into the position of holding on to an effective, informed staff in anticipation of a change, but without the opportunity to undertake any kind of development for which the Regional Medical Program may be fitted. I am attaching a copy of the award statement for your information.

Although I am aware that no 1972 appropriations for Regional Medical Programs have been made by the Congress, it would appear that it is the intent of the administration to maintain level funding with the restrictions that I have noted. I received from Mr. Gray in your office the statement which you placed in the Congressional Record on May 11th concerning the funds which have been held in reserve. If, in fact, the HEW administration does intend to obligate the $34.5 million reserve from the Regional Medical Program appropriation in 1972, I am concerned lest another sum from the 1972 appropriation might be then held in reserve during that fiscal year. In fact, the letter that I mentioned previously from Dr. Vern Wilson indicates that the authorized budget for Regional Medical Programs for fiscal year 1972 will be less than the expenditure rate for fiscal year 1971. I am also attaching a copy of the letter indicating this point.

I am quite concerned about the fact that the administration has held funds in reserve for a number of other health programs, and I know that you have gone on record opposing that procedure.

Thanks very much.

Sincerely,

JACK P. WHISNANT, M.D.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF THE SECRETARY,
Washington, D.C., June 1, 1971.
Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: This is in reply to your letter of May 17 requesting further clarification of the data provided in my letter of May 6 on funding for the Regional Medical Programs.

The enclosed table shows the 1970 and 1971 appropriations, 1972 request for budget authority, carryover from prior years, and obligations. The 1972 budget request for the Regional Medical Program Service is $52.8 million, although we plan to obligate $87.3 million, because of the $34.5 million carried forward from 1971.

If Congress should again appropriate $106.5 million as they did in 1971, we would have funds available which would support $141.0 million in obligations for 1972. To what extent we might actually use obligational authority of this magnitude is impossible to say at this time. We would have to take another look at the whole situation after the appropriation bill is passed.

Sincerely yours,

JAMES B. CARDWELL,
Assistant Secretary, Comptroller.

Enclosure.

BUDGET DATA FOR THE REGIONAL MEDICAL PROGRAMS SERVICE

[Amounts in millions of dollars]

	1970 comparable	1971 comparable	1972 estimat
1. Grants:			
Budget authority	73.5	89.5	40.5
Add: Carryover from previous year	+20.0	+15.3	+34.5
Subtract: Carry forward into subsequent years	−15.3	−34.5	
Subtotal, obligations	78.2	70.3	75.0
2. Technical assistance, disease control, and program management	10.364	12.108	12.271
Total, budget authority	(83.864)	(101.608)	(52.771)
Total, obligations	88.566	82.406	87.271

TAX JUSTICE FOR SMALL BUSINESS

Mr. KENNEDY. Mr. President, it is gratifying to me that bills to provide tax simplification and reform for small business are attracting increased attention and support in the Senate and the House of Representatives.

In Massachusetts as throughout the Nation small and new business account for about 95 percent of the number of firms, as well as 40 percent of the jobs and one-third of the gross national product. The importance of new enterprise is particularly plain in New England, which has seen the rise and decline of several major industries such as whaling, textiles, and now research.

It seems to me that the very complexity of the modern tax law and regulations continues a discouragement to the founding and growth of new businesses, which may only be able to afford accounting and legal services periodically, rather than continuously. However, it is just such enterprises that would be especially helpful in providing employment and absorbing the energies of our returning veterans, unemployed scientists and engineers, and recent graduates.

New firms can bring new and improved products and services into the economy of our region and our country and can help keep costs down and quality up through competition.

It was my pleasure to cosponsor legislation introduced by Senator BIBLE and Representative EVINS (S. 1615 and H.R. 7692), which stands as a commitment to systematic tax reform for small business. This bill contains many provisions which are urgently needed if small businesses are to survive and contribute to the economy of the 1970's. Among the most important provisions of the bill are those dealing with tax simplification, the investment tax credit, equitable tax rates, and fair depreciation policies.

An excellent summary of the bill is contained in the July issue of the Tax Adviser, a publication of the American Institute of Certified Public Accountants.

I ask unanimous consent that the article written by Mr. Gilbert Simonetti, Jr., and entitled "Small Business Tax Reform Gaining Support," be included at this point in the RECORD, for the benefit of all of us in the Senate concerned with the cause of tax justice for small business.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS TAX REFORM GAINING SUPPORT

There appears to be mounting support for tax relief for small business. While legislative activity in this area cannot be described as "boiling," it seems quite clear that congressional concern for the needs of the small business community is growing at an accelerated pace.

A leading proponent of small business tax relief is Senator Alan Bible, Chairman of the Senate's Select Committee on Small Business, who recently introduced S. 1615 entitled "The Small Business Tax Simplification and Reform Act of 1971." This is a refined and revised version of a bill (S. 4039) first introduced by Senator Bible in the last Congress. (See TTA, Nov. 70, p. 716.) S. 1615 reflects suggestions from a variety of sources, including the AICPA's Tax Division.

While no action was taken on S. 4039 in the 91st Congress, it has had a catalytic effect in generating support for tax relief for small business. There is clear evidence that the new small business tax bill, S. 1615, is attracting considerable interest. For example, 14 senators have co-sponsored it. In addition, a companion bill, H.R. 7692, which has 16 co-sponsors, was introduced in the House by Representative Joe Evins, Chairman of the House Small Business Committee. The 1970 Senate bill had only one co-sponsor and there was no companion House measure.

A further indication that the small business community is in the spotlight is S. 544 which was introduced by Senator Wallace Bennett. This is the Administration-sponsored bill to provide tax relief for small business.

Notwithstanding the heightened interest in tax reforms for small business, it must be recognized that active consideration of this legislation by the tax-writing committees of Congress is still a number of months away. The calendars of these groups are already jammed with matters such as revenue-sharing, Social Security and national health insurance.

The balance of this column is devoted to a brief comparison of the major features of S. 1615 and last year's bill (S. 4039). Also briefly compared are the major differences between S. 1615 and S. 544.

TAX SIMPLIFICATION

Small Business Tax Analyst. The 1970 bill proposed that a position of Small Business Tax Analyst be created within the Treasury Department. This official would be responsible for looking at tax problems primarily from the view of small business. S. 1615 would enlarge this concept by the creation of an Office of Small Business Tax Analysis in the Treasury Department of which the Small Business Tax Analyst would be a part.

Code chapter on new and small business. The present organization of the Internal Revenue Code of 1954 is mainly by subject matter. S. 1615 would have the Treasury consider a special title or chapter of the Code to consolidate all tax provisions relating to new and small business. (Substantially similar to 1970 bill.)

ADJUSTMENT OF CORPORATE NORMAL TAX

S. 1615 would reform the entire corporate tax structure by shifting about 1% of corporate revenue from the smallest to the largest corporations. (Same as 1970 bill.)

NEW SMALL BUSINESS ENTERPRISES

Exemption of operating income. To encourage new small business, the 1970 bill introduced the concept that the net operating income of new "eligible small business corporations" would be exempt from federal income taxes during the first five years in which it conducted business. S. 1615 has scaled down this exemption period to three years, In addition, S. 1615 would:

Impose a $1 million annual ceiling on exempt income;

Place a ban on "successor" businesses of any kind; and

Disqualify any new enterprise having a shareholder-employee who was actively engaged in a business in which he had more than a 5% interest.

Carryover of net operating losses. Under the 1970 bill, net operating losses incurred in the first five years of operation could be carried over to the ten years following the year of loss. Conforming with the new eligibility period under S. 1615, only the first three years' losses would be entitled to the ten-year carryforward.

Partnership organization expenses. Partnerships would be extended the option now enjoyed by corporations—to amortize their organization expenses over 60 months if they so desire. (Same as 1970 bill.)

Bad debt deduction for lenders to or guarantors of corporate obligations. The tax treatment of lenders to or guarantors of business obligations would be equated, whether the businesses are incorporated or not by extending the ordinary loss rule presently applicable to unincorporated business lending. (Same as 1970 bill.)

Losses on small business stock. To update incentives to invest directly in small business which are presently contained in the Code, S. 1615 would increase from $25,000 to $50,000 the annual limitation on ordinary treatment of losses resulting from investments in Sec. 1244 stock.

Another provision would authorize a "small business corporation" to issue Sec. 1244 stock up to $1.5 million (now only $1 million) in "equity capital" as defined by the section. This would have the effect of allowing previously ineligible corporations with equity capital of between $1–$1.5 million to issue Sec. 1244 stock in the amount of $750,000 (compared with $500,000 under the present section) and to permit previously eligible small business corporations to issue stock up to the $750,000 amount, if they are otherwise in compliance with the applicable rules.

A further provision would increase from two to five years the time within which a Sec. 1244 plan must be executed and would permit stock options to be issued to employees without disqualifying the stock issue. (Same as 1970 bill.)

ASSISTING SMALL BUSINESS GROWTH

Restoration of investment credit. Both the 1970 and the 1971 versions of Senator Bible's bill provide for a partial restoration of the investment credit. However, S. 1615 eliminates any retroactive aspects of the restoration. Under its provisions, the investment credit would only be attributable to qualified property acquired after the date of enactment of S. 1615.

Optional NOL carryback and carryover period. The 1970 bill contained a provision which would have allowed small businesses to slide losses in either direction over an eight-year period (four years forward and four years backward at their option). No similar provision is contained in S. 1615 which now only provides for the ten-year loss carryforward provision mentioned above.

Accumulated earnings. An increase in the accumulated earnings credit to $150,000 was provided in the 1970 bill. S. 1615, while retaining this concept, adds a proposal that would allow the Treasury to raise this limit to $250,000 for small business concerns which can establish that the need for such funds was mandated by the intention to expand. The new bill retains the provision to shift the burden of proof to the Service in accumulated earnings proceedings.

Additional first-year depreciation allowance. The additional first-year depreciation allowance would be increased from $10,000 to $20,000 in accordance with increases in the cost of living and doing business. (Same as 1970 bill.)

Amortization of certain securities expenditures. Provision would be made for the expenses of certain types of small business stock flotations, such as those under the SEC's Regulation A and under Code Sec. 1244 which are not otherwise deductible to be amortized over a period of 60 months. An additional provision in this vein would accord the same treatment for the expenses of an initial registration of a company's securities on a regional stock exchange. (Same as 1970 bill.)

Amortization of research and development activities. Research and development expenses would be amortized beginning at the time they are made, rather than at the time the taxpayer "first realizes benefits" from such expenditures. (Same as 1970 bill.)

Multiple surtax exemptions under single family control. To encourage opportunities for family ownership of business, S. 1615 would permit a limited number of surtax exemptions for related corporations (up to five) in the event members of a family are placed in proprietary positions where they have ownership of at least 50% of the stock and meet certain other conditions. (Same as 1970 bill.)

PROVISIONS RELATING TO PARTNERSHIPS

Guaranteed payment to partner. Provision would be made to avoid double taxation of guaranteed payments from a partnership to a deceased partner. The present value of the guaranteed payments is includable in the gross estate, and the payments may now be taxed as distributive income of a person not considered a partner under Sec. 707(c). (Same as 1970 bill.)

Closing of taxable year at death of partner. The closing of the partnership year would be permitted at any of the following times:

1. The normal close of the partnership year if there has been no prior sale, exchange or liquidation of the partnership interest;
2. The date of any of the above described transactions; or
3. The day after the partner's death.

Furthermore, the bill would modify the termination provision of Sec. 708(b)(1)(B) in certain instances and would amend Sec. 752 regarding partnership losses in excess of basis under certain conditions. (Same as 1970 bill.)

SUBCHAPTER S CORPORATIONS

Increase in number of permissible shareholders. Enlargement of the subchapter S "tax-option" small business corporations in the following three ways would be allowed:

1. Initial shareholders could number 15, rather than the present ten;
2. Shareholders in excess of this ceiling who take their stock by reason of heirship would not disqualify election; and
3. After five years, the number of permissible shareholders would increase to 25. (Same as 1970 bill.)

Broadening classes of permissible shareholders. The classes of shareholders would also be expanded to include:

1. Trusts where the stock passes pursuant to a will and the trust is used merely to ultimately convey the stock to a long-term eligible holder within 60 days;
2. Trusts where the entire income is taxable to the grantor; and
3. Small business investment companies, subject to the elimination of the dividends-paid credit on such income.

Other sections of the bill affecting subchapter S corporations would liberalize the rules regarding election termination, passive income and inadvertent termination. (Same as 1970 bill.)

BUSINESS DEVELOPMENT CORPORATIONS

Certain nonrecurring income. Both the 1970 and the 1971 Bible bills provide that certain nonrecurring income of "nonprofit Local Business Development Corporations" would generally not be subject to tax if the income is reinvested within the area of the service provided by the corporation. However, S. 1615 makes two changes:

1. It tightens the conditions for electing nonrecognition by requiring that the company to be benefited may not compensate anyone for performing personal services for it; and
2. It liberalizes the reinvestment period in connection with the nonrecurring income by extending the period from two to three years.

PRESERVATION OF SMALL BUSINESS

Payment of estate tax. S. 1615, unlike the 1970 version, would add a new Sec. 804 which would help closely-held businesses to remain in family hands following the death of a major stockholder. To this end, it would change the standard of "undue hardship" (required to qualify for ten-year estate tax installments) to "hardships," which should be an easier test to meet.

S. 1615 VERSUS S. 544

S. 544, Senator Bennett's bill, is much narrower in scope than S. 1615 and approaches small business problems from a different perspective.

In the first place, S. 544 makes no attempt at tax simplification which is a major objective of S. 1615.

As for capital needs, S. 544 places stress on increases in the borrowing ability of small business by providing a deduction equal to 20% of gross income derived by corporations from obligations guaranteed by the Small Business Administration. S. 1615 places more emphasis on retention of earnings and larger bad debt reserves. Both proposals would increase the number of permissible shareholders in a subchapter S corporation, although each would do it differently.

Finally, S. 544 contains provisions designed to attract key management and to aid minority enterprises which are not considered in S. 1615. (See *TTA*, Apr. 71, p. 242 for a fuller coverage of S. 544.)

It is interesting to note that both Senator Bible and Senator Bennett have stated that they do not consider their bills as the "last word." Rather, the measures provide, as Senator Bible notes, "a seed from which meaningful and overdue small business tax reforms can emerge."

PITFALLS FOR THE COMPLACENT-EXCISE TAXES

"News and Notes for the Tax Practitioner" (71-4) by the Los Angeles District Director: the predominant influence of income taxes tends to obscure the provisions (and sometimes even the existence) of excise taxes in the minds of many practitioners. Several recent examinations have disclosed serious delinquencies in that area in cases where the taxpayer had placed total responsibility for all tax matters in the hands of his outside accountant. Two examples illustrate the most frequent types:

The taxpayer is a person or firm using trucks for transportation of his own property—not "For Hire." A widespread misconception concerning the Highway Use Tax is that it does not apply to vehicles which are not used for hire. A careful reading of Form 2290 would dispel this idea, but delinquent returns are frequently secured from taxpayers who are totally ignorant of this tax. In many of these cases, the result is a financial hardship—sometimes it is disastrous. See Sec. 4481.

Attracted by the "low price per gallon" at which bulk purchases of diesel fuel may be made, a truck fleet operator installs a bulk storage tank and pump on his premises and purchases such fuel directly from a distributor, being unaware that delivery into a bulk storage tank is not a taxable sale. The excise tax on diesel fuel applies only to deliveries into the fuel tank of a highway motor vehicle. Vehicle operators using bulk storage tanks are required to file Form 720 quarterly and pay the tax at the rate of 4c per gallon for diesel fuel used in highway vehicles. A large fleet can build up a very serious delinquency in a few months. See Sec. 4041.

A reappraisal of your client's situation with particular attention to excise taxes may serve to avoid much embarrassment or hardship for both practitioner and client.

PUBLIC OPINION ON NATIONAL ISSUES IS SHATTERED

Mr. FANNIN. Mr. President, public opinion on many of the big issues facing our Nation is not divided.

It is shattered.

Pollsters have been able to present us with any view that we may want of what the people are thinking.

If asked whether they want American troops home from Southeast Asia by next December 31, an overwhelming number of our citizens will say yes.

But when the question is phrased to point out problems or conditions that would result from a rapid withdrawal, the answers change.

Politicians opposing the Nixon administration have capitalized on the fact that public opinion is shattered.

Every action the President takes in Vietnam or Asia is criticized as too little or too much or too soon or too late.

In the United States we elect our representatives. We chose a man to be President knowing that we do not agree with him 100 percent, that there will be times that we think he should do more or do less or do nothing. Nitpicking at crucial times in our history serves no good purpose and weakens our Government in its relations with other governments.

Despite the sniping from both sides of the political spectrum, President Nixon has scored some amazing diplomatic triumphs in only 2½ years. He has set us on a positive course in Southeast Asia; and now he has laid the groundwork for an easing of tensions in an area of the world that has caused us so much grief and concern for the past quarter of a century.

Mr. President, the Arizona Republic on Sunday carried a page 1 editorial calling for support for the President in his efforts to work with Mainland China. This editorial was written by Eugene C. Pulliam, a publisher who has known many of the world's leaders and who has a deep understanding of world problems. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LET US SUPPORT THE PRESIDENT

Americans in all walks of life long have been appealing for an end to U.S. participation in the Vietnamese conflict. Now President Nixon, by the most important diplomatic move since World War II, has found a way to this goal and perhaps others.

His acceptance of Chinese Premier Chou En-lai's invitation to visit mainland China not only expedites negotiation for peace in Asia but will restore the United States to its traditional position of world leadership.

Diplomats everywhere have been busy since Nixon's announcement of Thursday night examining everything he said and much that he left unsaid. No one will more meticulously study his brief message than the Kremlin leaders. They realize fully what a U.S.-China accommodation could do to Soviet influence in Asia and especially in disputed Mongolia. It would give China recognition as a sovereign country free of domination by Russia.

There has been criticism already that a Nixon visit to Red China would indicate support of communism. Much of this comes from the same people who earlier were appealing both within and outside Congress for closer relations with the Soviet Union, which we believe represents a greater menace to the United States and world peace.

A trip over the Pacific and to China offers no guaranteed panacea for the solution of our problems in Asia. But it involves such great possibilities that it is well worth the calculated risks involved.

Majority opinion supports with Nixon the thesis that there can be no stable or enduring peace in the world today without the participation of Red China. The President's visit will start the necessary processes to achieve this.

Nixon's venture could pay off handsomely for our country. But only if he goes to Peking with the complete backing of his government and his people. It is time to lay aside petty politics by all parties to supply this help he needs. Yapping by politically ambitious nitpickers should no longer be heard in this land.

Nixon's proposal was well-conceived and expertly handled, despite the anguished cries from those both inside and outside Congress who were denied participation in the secret diplomacy which made it possible.

There can be no greater God-speed for President Nixon on his flight to China than the united support of the American people. Let's give it to him.

A DEPARTMENT OF PEACE: WHY NOT?

Mr. HARTKE. Mr. President, I have for several years introduced proposed legislation which would establish a Cabinet-level Department of Peace. It would be the purpose of the new department to develop long-range policies for peacekeeping for it has long been my opinion that no institutional advocate of peace exists in our Government. On the other hand, those agencies and departments which view the application of military force as the most effective and efficient way to settle international disputes abound.

In view of my interest in this question, I was heartened to read of a similar interest as expressed by Dr. Arnold A. Hutschnecker in a two-part article appearing in the New York Times. In his article entitled "The Road to Peace," Dr. Hutschnecker asserts that—

> A Department of Peace would not produce a magic cure but it would become the coordinating agency for exploring the dynamics of violence and supervise the manifold ways of conditioning the human mind to react to signals of aggression with new, controlled, assertive and yet peaceful responses.

I agree with Dr. Hutschnecker's estimate of the Department of Peace's potential and invite the attention of Senators to a concept which disputes the accepted wisdom that war is inevitable.

Mr. President, I ask unanimous consent that Dr. Hutschnecker's most reflective statement be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ROAD TO PEACE: I

(By Arnold A. Hutschnecker)

In 1953 I attended a reception that marked the conclusion of the seventh session of the General Assembly of the United Nations, a session that had been particularly stormy and frustrated. When one of the diplomats asked me to which delegation I belonged, I replied, only half in jest, "To none. I am just a physician, but if you diplomats cannot achieve peace, perhaps we doctors will."

The delegate was surprised, for making peace is considered the province of statesmen and the clergy. Yet is it not true that when they fail, it is the physician who is called upon to heal the victims of their defeats, either on the battlefields, in mental hospitals or in institutions for the crippled and disabled?

So why shouldn't we doctors address ourselves to the prevention of war? In the words of the American Medical Association, we doctors are equipped for the first time in history to "help mould citizens of tomorrow and influence the trend of human destiny."

Actually, our course of action has been clearly stated in the constitution of UNES CO. Its second paragraph reads: "Since wars begin in the minds of men, it is in the minds of men that the defense of peace must be constructed." The question then is how to implement this principle since the world is not ruled by mature, empathetic psychotherapists but by politicians, partisans or revolutionaries, not always the best-adjusted people and often driven by an inner unrelenting compulsive will to power.

Reading our daily newspapers we may feel sickened by a war that nibbles away life tissue like a cancer and which governments seem unable to bring to a halt. But the incredible fact is that deep in their unconscious there are people who feel ambivalent about violence and not appalled by it since the acting out of violence or even watching it serves as a release from unbearable tension or boredom (war pictures, violence on TV). It has therefore never ceased to have an appeal to those people who have difficulties coping with their inner restive aggression. However, to more secure, peaceful and adjusted citizens, those with compassion, displays of violence, including those we have seen in the streets and campuses of America, are disturbing, horrifying and intolerable.

But open outbursts are only part of our problem, for we must deal with another concealed and more dangerous type of violence that exists in the minds of men in position of power behind polished desks whose rationalized opinions as theoretical experts or advisers help form the decisions which lead to conflict, torture and violence on faraway battlefields. Since punishment does not prevent either crime or a drive to war it is perhaps useless to ask who are the more guilty, the men in the field who are indoctrinated to kill with no remorse—such as the lieutenant who brushed off the accusation of having "wasted" 102 men, women and children as "no big deal"—or the civilized men behind polished desks who by means of projection attribute their own unacceptable and unconscious aggression on to others, the enemy.

We then have the vicious circle of two hostile groups or ideologies which feed on one another's fear, hate and distrust (the issue changes in each century). But the drive to war for a righteous cause remains, fanned by men who tend to advocate—as they must because of their basic hostile-aggressive personality structure—ever stronger acts of confrontation, making weaker the chance for negotiations.

It may well be as Ernest Jones (quoting Freud) put it, that "the very emphasis of the Commandment 'Thou shalt not kill' makes it certain that we are descended from an endless chain of generations of murderers, whose love for murder was in their blood as it is perhaps in ours." As civilized people we would perhaps have overcome this dreadfull heritage and its legalized form, war, if there did not appear from time to time false apostles capable of stirring up the lust for blood as evidenced by Hitler's statement that "the very first essential for success is a perpetually constant and regular employment of violence."

But our theme is prevention. Knowing that man for millennia has been conditioned to war, we physicians in all countries must move to enlighten all people so that they can assert pressure on their governments to apply newer scientific methods, of detecting and curing by Pavlovian methods the disposition to violence (the mass-expression of which is war).

The question of how we may approach the problem will be tackled in tomorrow's article.

THE ROAD TO PEACE: II

(By Arnold A. Hutschnecker)

In the mid-fifties I drew up a six-point program, which, in 1968, I sent to both Presidential candidates, being fully aware of the long and thorny road it would take to make an idea of this kind palatable. In the meanwhile, I have learned that independently a bill about a Department of Peace has been introduced in Congress (Hartke-Halpern).

My points were:

Peace is more than the absence of war—just as health is more than the absence of illness.

Since decisions of peace and war are made by human beings, the psychological make-up and mental functioning of the people in power will in a last analysis be the decisive factor of how innate human aggression will be employed in decisions about peace and war.

In order to attain real and lasting peace the concept of peace must be changed from a passive, non-aggressive concept to a new dynamic way of life. The energies of repressed human aggression (absence of war and/or violence) must be liberated and channeled into meaningful, creative and productive pursuits.

The ideology and practical application of peace will demand a gigantic program of education and reconditioning of thinking, so enormous that it must become the main business of government.

To study, to develop and to execute a program of the dynamics of peace, a new agency must be established. Techniques of sublimation of human aggression must be developed and perfected. A Department of Peace must balance the existing Department of Defense (formerly War).

The Secretary of Peace must mobilize all human energy toward the benefit of all people and beyond this to all mankind, for happiness can not flourish long in one part of the world if there is hunger, oppression and violence in another. The Secretary of Peace must be present at all policy-making decisions to safeguard peace by presenting controlled alternatives to the old conditioned violent solutions by the use of physical force, whenever political negotiations appear to fail.

That we have not blown each other into nuclear dust has not come because of our sense of morality or because of governmental love for the human race, but because of sheer fear of dreaded retaliation. Most people, especially the young, want peace because of their healthy will to live.

So far, the Great Powers seem to move painfully slow toward building peace, blaming obstructions on a reluctant enemy. So fear and suspicion perpetuate an irrational arms race at incredible costs.

What can we individual people who abhor violence—war—do? In defense of peace we could begin by urging our lawmakers to help restore the prestige and phyical power of the United Nations. The United Nations should be supplied with a strong international police force. But we must have no illusions—the will to peace must come from within.

On national levels we must move toward an agency whose business is peace and nothing but peace. But our concept about peace needs to be changed. Even if the governments should pronounce general cease-fires all over the world, if they deprive war of its glamour and profits, such a plan would not banish war because it would leave unchanged man's inner proneness to violence.

Therefore, doctors must work with their governments and be given the chance *to start in childhood* applying the techniques of sublimating trends to violence to suitable ways of self-expression in work, of learning to get along with other people and of gratifying leisure activities. People must learn freedom from fear so that they can learn the meaning of love. And people must learn a new reality, that millions for peace would do more for them than billions for defense.

A Department of Peace would not produce a magic cure but it could become the coordinating agency for exploring the dynamics of violence and supervise the manifold ways of conditioning the human mind to react to signals of aggression with new, controlled, assertive and yet peaceful responses. The principles of reconditioning must be coordinated with our system of education. As I have said in "The Will to Happiness": Reconditioning to peace has not failed, it just has not ever been properly applied and certainly never been accurately practiced.

If we accept the premise that the defense of peace must be constructed in the minds of men "then the problem is for people to get together and to leap governments—if necessary to evade governments—to work out not one method but thousands of methods by which people can gradually learn a little bit more of each other."

It was Dwight D. Eisenhower who made this statement in 1956 when he spoke of how "to help build a road to peace."

MEDICAL-ETHICS PANELS REVIEW RESEARCH PROJECTS

Mr. KENNEDY. Mr. President, the April 14 issue of the Wall Street Journal contained an article written by Liz Roman Gallese on medical-ethics committees. These committees have been set up in hospitals to deal with the dilemma posed by the use of humans for medical research and the use of experimental treatment techniques by physicians. Since 1966, when the National Institutes of Health made the existence of a medical-ethics committee a requirement for a hospital interested in getting research grants, the number of such panels has increased more than fivefold to over 1,900.

One of the cardinal principles that medical-ethics committees must be guided by is the necessity to obtain the fully informed consent of every patient involved in a research project. If the patient is a minor, the consent of the parents is also required. But the Wall Street Journal article points out cases where obtaining the necessary consent presents special problems. For example, one study conducted by a Johns Hopkins University researcher involved juvenile delinquents in State institutions. One of the concerns of the American Civil Liberties Union was that proper safeguards were not being used to prevent parents from feeling coerced into giving permission.

Difficult problems arise, in many cases. Sometimes, according to Dr. John E. Plager, a member of the ethics committee at Roswell Park Memorial Institute in Buffalo:

> Real, informed consent would send patients into acute anxiety and terrify them.

Still another difficulty occurs with young children, particularly those who are mentally retarded. How can a mentally retarded child give informed consent? Yet in some cases, mentally retarded children are the only suitable subjects for a research project.

The article discusses a cancer-related study which requires the use of some children who are without thyroid glands. The absence of the glands can cause mental retardation. The ethics committee in this case approved the project, after appointing a physician-advocate to represent the children's interest. The physician-advocate, who is not one of the researchers, is required to assure that full information is given to parents when their consent is asked, that undue risk is avoided, and that every safety precaution is taken. The physician-advocate can withdraw the children from the experiment if he determines that the risk is too great.

The use of physician-advocates is increasing at research hospitals. In some cases, they may even accompany the patient into the operating room.

Mr. President, the issues raised in the Wall Street Journal article are by no means easy ones. Research in many areas of medicine promises great advances that can significantly improve the quality of health care for people throughout the country. But in the research process, we must scrupulously guard the rights of all patients involved in experimental programs. That is why the proliferation of medical-ethics committees is a welcome trend. As our medical knowledge and research techniques become more sophisticated, it is likely that new and more complex ethical problems will present themselves. It is important that we now begin to set up more effective systems to deal with ethical questions, so that we will be prepared for what may lie ahead in the future.

I ask unanimous consent that the article to which I have referred may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATCHING DOCTORS: ETHICS PANELS SET UP TO SOLVE RESEARCH DILEMMAS

(By Liz Roman Gallese)

BOSTON.—Antonia, a pretty, blue-eyed five-year-old, is slowly dying of leukemia at Massachusetts General Hospital. Doctors here are working on a new drug that has a chance—though only a remote one—of curing her and many other leukemia patients. But the drug is so potent that it might also suddenly trigger severe liver damage.

Should the little girl be given the drug?

This sort of agonizing dilemma confronts medical researchers across the country almost every day. The dilemmas have become so controversial within the medical profession that individual doctors are no longer formulating the answers.

Instead, medical-ethics committees, usually made up of doctors who are neither involved in testing a new drug nor directly responsible for the care of the patients, are trying to make independent decisions. In some cases, however, these decisions are themselves sparking controversy.

A BID TO BALANCE INTERESTS

Some hospitals have had ethics committees for many years. But the real impetus to establish them came in 1966, when the National Institutes of Health decided not to award research grants to hospitals or other institutions that don't have such panels. In that year there were 371 committees; today there are more than 1,900. The NIH made grants totaling $827 million in 1970, thus financing a major part of U.S. medical research

Everyone agrees that the ethics committee's job isn't easy. Bernard Barber, a Columbia University sociology professor, who has studied the committees, says that frequently their task is to try to balance a patient's rights to have the best possible treatment against society's interest in medical advancement.

"Sometimes cases are difficult, if not impossible, for the committee to decide, and members must act on insufficient knowledge of the risks and benefits involved," Prof. Barber says.

The committees, composed of from three to a dozen or more top doctors at a hospital, meet once a week or once a month to check projects proposed by researchers and physicians, in many cases, a project wins approval without running into any obstacles.

ANTONIA'S DRUG APPROVED

Antonia, for example, has taken five doses of the experimental drug since the Massachusetts General ethics committee gave a go-ahead to the research project that included her. The drug hasn't caused any liver damage in the girl. On the other hand, there isn't any evidence it has cured Antonia's leukemia, either. Doctors still figure there's a 90% probability her disease will prove fatal.

In cases where a project is questioned, ethics committees and researchers often work out compromises. One technique is to alter the study somewhat, sometimes by varying a drug dosage.

Seeking a way to treat excess facial and body hair and acne in adolescent girls, a researcher at one Eastern hospital recently proposed a five-milligram dose daily of the hormone stilbestrol. The ethics committee, however, questioned the dose because the hormone was suspected of retarding growth in adolescents. The researcher says the committee was also concerned about the possibility of blood clotting resulting from five milligrams of the hormone, an estrogen drug.

The researcher, after checking earlier experiments, found the committee correct on both counts, although the blood clotting had occurred in women in their 30s, usually after childbirth. Now, with the committee's approval, the researcher is using a two-milligram dose in the experiments and, as an added precaution, is using it only on tall girls.

CASES OF SHARP CONFLICT

In some cases, however, researchers trying to achieve medical breakthroughs are coming into sharp conflict with ethics committees worried about patients' welfare. After several years of conflict, Dr. Adrian Kantrowitz, a noted heart surgeon, left Maimonides Medical Center in Brooklyn late last year for Sinai Hospital in Detroit. With him went a group of 20 surgeons, nurses and researchers and $2,500,000 of federal funds for heart research.

"I was ready to perform a heart transplant a year or so before Dr. Christian Barnard (the South African physician)," Dr. Kantrowitz says. But the Maimonides ethics commit refused to grant approval because "it had never been done before," Dr. Kantrowitz contends. When the committee finally approved the proposal about a year later, he says, Dr. Barnard had already done the world's first heart transplant, on Dec. 3, 1967. Dr. Kantrowitz did his first heart transplant three days after Dr. Barnard's operation.

Dr. Jacques Sherman, acting director of Maimonides, denies Dr. Kantrowitz's description of events and says his transplant proposal was approved a year or so before he performed the operation.

Another and more recent clash at Maimonides involved Dr. Kantrowitz' attempts to use a mechanical pump to aid in bringing heart attack patients out of shock. The mechanical pump was to supplement the heart's own pumping action.

"There's usually a 95% mortality rate for these patients, but I was able to bring 60% of them out of shock," although not all of them survived, Dr. Kantrowitz says. After initial experiments, the Maimonides ethics committee rejected further work "because I couldn't save all my patients," Dr. Kantrowitz says.

Again Dr. Sherman of Maimonides differs. He says the ethics committee rejected the research only at first because the proposal failed to contain an adequate definition of heart patients in shock. He adds that once the proposal was rewritten, it was approved.

Ethics committees have also become involved in the controversy surrounding patient consent. Medical ethics require—and most doctors agree—that a patient be fully informed and his consent obtained when he is a subject in a research project. Both the National Institutes of Health and the Food and Drug Administration require such patient consent, and ethics committees routinely check to see that it is obtained.

But the committee checks are sometimes too routine, it is charged. At Johns Hopkins Hospital in Baltimore, a researcher sent a letter to parents telling them their child—all those involved were juvenile delinquents in state institutions—"has been included" in a study. The letter described the project merely as involving "a special diagnostic genetic (chromesome) study" and concluded by saying "please sign" the consent form.

The study was actually aimed at determining whether the delinquent youngsters had an extra chromosome, often called the XYY chromosome arrangement, which researchers speculate many lead to criminal activity.

"The Hopkins' form did not advise that participation was purely voluntary and it did not reveal that the existence of any XYY chromosome pattern might be related to criminal behavior," the American Civil Liberties Union charged. The ACLU also feared that the research results wouldn't be kept confidential and that individual youngsters could be stigmatized as having a "dangerous" XYY pattern. "In addition, correctional and parole officers were being utilized to obtain the consent of parents of institutionalized boys, a situation which smacked of coercion," the Civil Liberties Union said.

CONSENT FORM REVISED

The hospital denies that parole officers were specifically used to gain parental consent. Rather, it says, the officers were informed of the details of the experiment, which they could pass on to the parents if asked. The hospital says it still isn't using the officers to obtain consent.

The hospital temporarily suspended the research project and revamped its consent form to satisfy the ACLU's objections. Dr. Gordon Walker, chairman of the hospital's research committee, concedes that the committee didn't review the written form the researcher used at first, but he says committee members asked the researcher what information he would orally give his subjects.

"The researcher told us he would explain all medical implications of the study to his subjects and their parents," Dr. Walker says. He adds that the ethics committee didn't delve into the issue of confidentiality because "we're not lawyers."

In some cases, obtaining fully informed consent is very difficult if only because giving a patient full details about his disease and about the risks of experimental treatment might unduly upset him, ethics committee members argue. This is especially so in the case of cancer, they say.

"Real, informed consent would send patients into acute anxiety and terrify them," says Dr. John E. Plager, an ethics committee member at Roswell Park Memorial Institute, a cancer research center in Buffalo.

THE PROBLEM WITH CHILDREN

In cases involving young children, especially those who are mentally retarded and unable to understand a research project, obtaining patient consent is all but impossible, ethics committee members also say. The consent of both young patients and their parents is often required. Yet research with such children is practically the only way to obtain certain scientific information.

The ethics committee at Massachusetts General recently wrestled with this dilemma. Scientists know that certain types of cancer trigger a high level of calcium in the blood that can kill the patient far faster than the cancer itself. They also suspect that the amount of calcium in a person's blood may be at least partly regulated by calcitonin, a recently discovered hormone produced by the thyroid gland. This opens the possibility of using calcitonin to control calcium levels and thus greatly prolong the patient's life. Scientists also suspect that calcitonin may have other and as yet undefined therapeutic value.

But first scientists are trying to nail down the fact that calcitonin does indeed control calcium and how it does so. To prove this, the scientists need a group of normal children whose thyroids produce calcitonin and a group of children without thyroids producing this hormone so that the two groups can be compared.

PANEL QUERIES RESEARCHER

Dr. Alberto Hayek, a Harvard University researcher who is working on the calcitonin study, proposed using mentally retarded children in an institution affiliated with Massachusetts General for the group without thyroids. This upset the ethics committee. During a committee meeting to consider Dr. Hayek's written proposal, members posed question after question.

"Why does he wish to use mentally retarded children?" one ethics committee member asked.

"Why use institutionalized children, who constitute a captive group?" another member asked.

"Can't other subjects be found who are intelligent enough to give consent to the study?" a third member asked.

The committee framed its questions in a letter. In a written reply to the committee and in a later interview, Dr. Hayek said other subjects aren't suitable.

"Only one in every 30,000 babies is born without a thyroid gland and more than half of these have an IQ far less than 90. The result is that many of the members of this very tiny group are in institutions for the mentally retarded. There is virtually no place else to find them."

Dr. Hayek also emphasized that the study, while tedious, would pose very little risk to the children. The project involves three-hour calcium infusions into the bloodstream and blood samples taken every half-hour to check calcitonin levels so doctors can assess the relationship between the two chemicals.

THE PHYSICIAN-ADVOCATE

The ethics committee finally agreed to approve the project but only after appointing a physician-advocate—a move that is increasingly being used at research hospitals.

The physician-advocate, who is not one of the researchers, is named to represent the children's interests. His duty is to make sure that full information is given to parents when their consent is asked, that undue risks are avoided and that every safety precaution available is taken. He can withdraw the patients he represents from a research project if he thinks they are taking too great a risk.

In rare cases an ethics committee may have a physician-advocate peering over a researcher's shoulder to make sure all is well. In one big hospital, for example, a brain surgeon is seeking to use electrodes to stimulate the brains of patients undergoing surgery for various reasons.

The surgeon's project is based on discoveries that short bursts of electricity into certain parts of the brain can cause persons to "see" things, raising hopes that an artificial seeing device might someday be devised for the blind. As preliminary research, the surgeon intends to ask the patients, under local anesthesia, what they "see" as he stimulates their brains.

The hospital's ethics committee recently approved the project when the researcher clarified his intention that the electrodes be placed only on the surface of the brain. But the committee was deeply worried lest an electrode be pushed into the brain itself, a move that might cause permanent brain damage.

The project is approved, the committee stated, only so long as the physician-advocate in the case is present in the operating room to make sure an electrode doesn't penetrate into the patient's brain.

CONCERNS OF EUROPEANS ABOUT AMERICA

Mr. **FANNIN**. Mr. President, the editor of the Tucson Daily Citizen, Paul A. McKalip, recently made a trip to Europe. Upon his return he wrote an interesting and revealing article about the concerns that Europeans have about America. Since I believe that this article has an important message for all of us, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EUROPEANS ARE WORRYING; BUT NOT ABOUT VIETNAM

(By Paul A. McKalip)

This may come as a surprise to you.

It did to me.

I have just returned from three weeks in Europe on a newspaper trip. And the surprise to me, in every place I went and in every conversation with a lot of people, was this:

Not a single person even mentioned the Vietnam War to me. Not once.

Europeans are worrying about the United States, all right. But their worries are about other things than our involvement in Asia. Here are the concerns they voiced to an American about America:

1. The fragile condition of the once solid dollar.
2. The attempts in Congress to curtail the U.S. defense budget.
3. The dependability of America's commitment to NATO (the North Atlantic Treaty Organization).

I had occasion and opportunity to talk with editors, government officials and businessmen in England, Scotland, Finland and Holland.

Their questions and comments were eye opening and disturbing. They seemed to be pinpointing problems that will remain with us, and with them, long after we have successfully disengaged ourselves in Vietnam.

Heretofore, when we Americans have traveled abroad we have found our dollars eagerly sought after and respected. Let me cite just two specific experiences I had this time.

When I rented an automobile in England, the agency manager totaled up the advance payment and deposit required and then said:

"I have to charge you a one per cent fluctuation fee on your American money. You know, you people ought to protect your dollar and keep its value from jumping up and down."

It was a rather friendly jab, but the dollar's recent bobbling on the international currency exchanges left me no defense. His fluctuation charge was no joke at all, though it was more a blow to pride than pocketbook.

On a subsequent air flight to Helsinki, I sat with a Finnish businessman returning from abroad. It was he who brought up the matter of the American position in world trade and, again, the weakness of the dollar.

"I make 10 to 12 trips abroad each year," he told me. "And I always used to carry a supply of American money. Not any more. Do you know what I carry now?"

He pulled out his wallet and showed me the stuffing of bills—West German marks!

Later, when I was in Amsterdam, I found that the ratio of Dutch guilders to dollars changed almost every day. These used to be a premium on dollars. Now, the offering of guilders varied from 340 to 355 for $100. That's almost a five-dollar swing.

Fortunately, the day I paid my hotel bill was the day when I could get 355 guilders per $100 from the bank's exchange counter. But that degree of instability is not the happiest circumstance for either international trade or international travel.

The matters of America's sustained defense effort and America's continued strength in the NATO defense system are quite interrelated.

While we may be lulling ourselves at home into a false complacency because of Russia's SALT negotiations and Red China's Ping-Pong diplomacy, our friends and allies (and we do still have both) are continuing to be far more pragmatic and wary of both Communist giants.

Western Europeans are not about to discount the undiminished threat posed by the menacing Russian Bear. The NATO countries bordering the North Sea are determined to keep their defenses up.

I was told by authoritative sources whom I am not at liberty to identify that the NATO powers are capable of providing sufficient ground forces of their own for defense. But they want U.S. Army units to stay on the continent in force for one primary reason:

If serious trouble threatens, they want our military presence to be already there as a guarantee of the participation to which we are committed. Presence is much more reassuring than more mere promise to show up in case of need.

The same thing goes for our participation in the NATO submarine force which is comprised of undersea boats committed by England, Holland, Denmark, Norway, West Germany and the U.S.A.

Command of this sizeable and potent complement for first line defense is in the capable hands of British three-star Vice Adm. J. C. Y.

Roxburgh. Capt. P. N. Searles, USN, a 30-year veteran submarine officer, is his American liaison officer.

If the U.S. defense budget is curtailed by an ill-advised drive for economy, it is possible that America's submarine forces and operations could be hamstrung.

Yet it takes no secret intelligence to remind us that Russia's submarines are mounting in number and are broadening their regular operations into virtually all the world's oceans.

When one goes to Gosport in the south of England, where the big British submarine base is also NATO flag headquarters, one gets a very real feeling of the responsibility which the United States shares for guarding the security of the Free World.

Western Europe and the North American continent are no longer divisible. The common cause of the NATO nations is being pursued with remarkable cooperation. Effective maintenance of that common cause will depend upon our continued fulfillment of a commitment which is as necessary for our own sake as for the sake of our NATO allies.

During my stay in Finland, I was associating with editors from 32 countries who were in Helsinki as delegates to the annual assembly of the International Press Institute.

One encouraging note which I heard over and over from various editors was the note of respect and approval for the performance of President Nixon. The president was considered to be a responsible and capable leader for the government of a nation whose successes or failures—economically, politically, militarily—inevitably have their effects upon other nations large and small.

Editors from other countries expressed their hope that Richard Nixon would continue to head our national administration for another four years beyond 1972.

They responded with satisfaction when I told them that I, at this point, believed Mr. Nixon would be re-elected by the American people to do just that.

SENATE INTERIOR COMMITTEE BEGINS FUELS AND ENERGY POLICY STUDY—COAL PRODUCTION INCREASED AFTER NEW CAPITAL INFUSIONS WHEN OIL COMPANIES ACQUIRE COAL OPERATIONS AND RESERVES, WITNESS TESTIFIES

Mr. RANDOLPH. Mr. President, it is a gratifying experience to report that the Senate Committee on Interior and Insular Affairs is moving in an affirmative way, under the mandate given it by the passage of Senate Resolution 45, to make a national fuels and energy policy study. It is a difficult mission and a most important one that stands high on the Nation's list of priorities.

As an ex-officio member of the Interior Committee for purposes of the study, this Senator was privileged to sit with the committee when it met July 13 to receive a study plan for implementation of Senate Resolution 45. As the original sponsor of the Senate resolution, I was pleased to be apprised of the prestudy planning progress and the course of action being charted.

I commend Chairman HENRY M. JACKSON and his colleagues, as well as the staff of the Interior Committee, on the quality of the planning and the soundness of the actions being charted. And I am especially cognizant and appreciative of the bipartisan solidarity being manifested by the committee in implementing Senate Resolution 45.

As I remarked in addressing the American Bar Association convention in New York City on July 6, the increasing disparity between projected demand and planned availability of fuels will surely lead us to an extended energy crisis if positive steps are not taken to begin quickly to develop and implement a rational, soundly based national policy governing fuels and energy.

And I emphasize now that which I said in that convention speech:

> I can think of no more appropriate time than the present for the initiation of the fuels and energy policy study by the Interior Committee under the resolution cosponsored by Senator Jackson and this Senator. Notwithstanding the fact that these topics are the current concern of various groups in industry and in the executive branch of the Federal Government, the Senate Interior Committee study (with ex-officio support from committees with related interests) offers the hope of being the most thorough and objective exposition of the problems of energy demand and fuel resources.

The study plan to implement Senate Resolution 45 and the information gathering activities underway convince me that the study will be thorough and comprehensive.

Other committees of the Congress have been and continue to be investigating facets of the total problem—and I do not depreciate their purposes and efforts. Their findings and recommendations doubtless will come within the purview of and will be duly considered by the Senate Interior Committee. Its authority and its mission under Senate Resolution 45 constitute a broad charter which touches at some point on virtually all long range national goals. And the investigation and study contemplated by Senate Resolution 45 are very sweeping.

Last week, beginning July 12, a subcommittee of the House Committee on Small Business held hearings which were covered by the press. That subcommittee seemed to be emphasizing lines of questioning and investigation of oil company acquisitions of coal firms and coal reserves, allegations of coal price-fixing, and economic concentration in the energy industry.

The Washington Post of July 13, reporting on the opening hearing by that subcommittee, noted that—

> The Federal Trade Commission disclosed Monday that it is reviewing all oil company acquisitions of coal firms and coal reserves which the FTC and the Justice Department in the 1960s did not oppose with antitrust action.
>
> Holding out a possibility of retroactive antitrust action against such mergers, Alan S. Ward, director of the Bureau of Competition, said FTC "enforcement judgments" need not await completion of its continuing investigation of economic concentration in the energy industry.
>
> The most important acquisition occurred in 1966, when Continental Oil acquired a firm that alone accounts for about 12 per cent of the nation's coal production. The firm is Consolidation Coal.
>
> "The Department of Justice has cleared to FTC those mergers of coal and oil companies which it studied and has made their files available to us," Ward told the House Small Business subcommittee.
>
> The subcommittee is investigating a trend that has given oil companies substantial control over competing fuels in addition to natural gas, which they always have dominated.

The Washington Post of July 14 reported the previous day of hearings by the House subcommittee with headline and story in part as follows:

> COAL PRICE RISES CALLED POSSIBLE SIGN OF PRICE-FIXING
>
> A spokesman for three groups of consumer-owned electric utilities contended Tuesday that rising coal prices are evidence of possible price-fixing in the coal industry.
>
> Washington attorney Worth Rowley said coal prices have risen 60 percent nationally over the past 18 months, and in "some localities it amounts to more than 100 per cent."
>
> Rowley, testifying before a House Small Business subcommittee, represented the American Public Power Association, the National Rural Electric Cooperative, and the Tennessee Valley Public Power Association.
>
> Rowley testified that "a careful grand jury investigation of price-fixing in the coal industry is long overdue." He said the price increases are not justified by supply problems . . .
>
> Rowey, however, said the Justice Department had already told a public power group that facts as presented last March "indicated that a grand jury investigation was not justified."
>
> "Our complaint is more against the Antitrust Division than against the coal companies," Rowley said. . . . .

Mr. President, I ask unanimous consent at this point to have printed in the RECORD the story from the Washington Post of July 15 on the hearing of the previous day.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONTINENTAL OIL CHIEF DEFENDS COAL TAKEOVER

(By James L. Rowe, Jr.)

An official of Continental Oil Co. yesterday defended Conoco's 1966 takeover of Consolidated Coal Co., saying it not only had no anticompetitive aspects, but also "resulted in increased supplies of coal at fair and reasonable prices."

C. Howard Hardesty Jr., a senior vice president of Conoco, told a House Small Business subcommittee that the combination of the two companies "will make a substantial contribution toward meeting the nation's escalating demands for fuel."

The House subcommittee, chaired by Neal Smith (D.-Iowa) is studying the nation's energy problems with particular emphasis on the tendency of oil companies to gain substantial control over competing fuels.

On the first day of hearings Monday, the Federal Trade Commission said it was looking into all oil company acquisitions of coal firms and coal reserves and held out the possibility of retroactive antitrust action—even though the Justice Department cleared the mergers.

In testimony made public by the Justice Department yesterday, Assistant Attorney General Walker B. Comegys said present antitrust laws are adequate to handle mergers between oil and coal or other energy sources. Comegys was scheduled to testify yesterday, but his appearance was delayed until today.

The FTC said the Continental Oil-Consolidated Coal merger was the most important of the 1960s actions. The Conoco-Consol merger took place in 1966.

Hardesty, and American Petroleum Institute president Frank Ikard, both contended that last year's sharp rise in coal prices was neither due to the oil and coal mergers nor any coal industry collusion.

Tuesday, Worth Rowley—who represented three publicly owned utility groups—said that sharply escalating coal prices indicated the need for a grand jury investigation into possibility industry price-fixing.

Hardesty, under questioning, said the public power groups had presented their information to the Justice Department, which turned down their request for a grand jury investigation.

"We're not scared of a grand jury investigation," Hardesty said. He said if the groups have more information they should present it to justice, challenging them to "Put up or shut up." The conspiracy charge "is a lot of nonsense," he said.

Ikard said the vigorous competition which exists in the coal and oil industries would prevent a company from holding back research and development of synthetic fuels.

Mr. RANDOLPH. Mr. President, I have known C. Howard Hardesty, Jr., long and favorably as a West Virginia lawyer, as a State tax commissioner, as coal company executive, and as an executive of the Continental Oil Co. I vouch for his integrity as a witness.

I know from facts relating to the condition of the coal mining industry in West Virginia in the 1960's, that new capital from new sources was very essential to even such large producers as Consolidation Coal Co., acquired in 1966 by Continental Oil, and to Island Creek Coal Co., acquired approximately a year later by Occidental Oil.

The testimony by Mr. Hardesty to the House subcommittee on July 14 was pertinent and informative. I know that the high rate of productivity of Consolidation Coal and Island Creek Coal in West Virginia during the past few years would not have been possible to augment the Nation's short coal supply for energy production if those companies had not received new capital infusions from Continental Oil and Occidental Oil, respectively.

The facts related by Mr. Hardesty seem to me to be so informative to persons truly interested in finding answers for the Nation's fuels and energy crisis that they should be made available more generally. Mr. President, I ask unanimous consent to have Mr. Hardesty's statement to the House subcommittee printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF C. HOWARD HARDESTY, JR.

My name is C. Howard Hardesty, Jr. I am a Senior Vice President of Continental Oil Company. Prior to my transfer to Continental in 1968, I was Executive Vice President of Consolidation Coal Company. At the time of the merger between Continental and Consol in September, 1966, I was Vice President and General Counsel of Consol. The merger occurred on September 15, 1966 following approval by the stockholders of both companies and only after the Internal Revenue Service had indicated its approval and the Department of Justice advised of its decision not to object.

It is my firm belief that the association of Continental and Consol has resulted in increased supplies of coal at fair and reasonable prices and that the blending of talents and research facilities of the two companies has made and will make a substantial contribution toward meeting the nation's escalating demands for fuel.

In support of this conviction and in response to questions previously raised by this Committee, I would like to detail facts and accomplishments of Continental and Consol as they relate to production, prices, research and competition in the coal industry.

PRODUCTION

If the coal industry had expanded at the same rate as Consol between 1966 and 1970, there would have been a surplus coal production in 1970 of about 120 million tons rather than a threatened shortage. Instead of producing 596 million tons, the coal industry would have produced about 716 million tons. Here are the facts.

In 1966, Consol produced 51.4 million tons of coal. In 1970, Consol produced 64.1 million tons, an increase of 25%.

In 1966, Consol owned and operated 47 underground and surface mines (including those owned by associated companies). At the end of 1970, the figure was 56. During that four-year period, Consol actually developed 17 new mines. There were 16 major expansion projects in operation during 1970 which had not attained capacity operation for the year 1969. Annual production from these projects increased 4.4 million tons over 1969 to 11.5 million tons in 1970 and will further increase by 17.0 million tons for a total expansion of 28.5 million tons when capacity operation is attained.

Seven other expansion projects, under development but not in operation during 1970, will add 6 million tons to the company's annual capacity. In 1971, Consol is initiating development of another 11 expansion projects which will increase annual capacity by 9.6 million tons. In summary, projects in operation or being developed total 44.1 million tons.

These projects reflect a sharp increase in capital expenditures. In the four years preceding the merger, Consol made capital outlays of $76 million for new mines and expanded capacity. In the four years subsequent to the merger, 1967 through 1970, Consol has made capital outlays of $184 million, an increase of 142% for new mines and expanded capacity.

This would not have been possible without dedicated hard working employees. In December, 1966, Consol employed 11,697 people. By the end of 1970 employment had increased 36% to 15,896.

Continental and Consol are proud of this record of growth and expansion. It did not come easy and stands as a tribute to the employees of Consol who labored tirelessly in an effort to meet unexpected demands and overcome uncertainties and many difficult problems.

PRICING

I am not directly involved in coal sales or coal pricing; however, information furnished by Consol indicates that within the industry as a whole, the average price of bituminous coal increased by about 20% in 1970 over 1969. A preliminary analysis by the Bureau of Mines indicates that the average price of all coal went up no more than 22% in 1970, in sharp contrast to allegations that coal prices increased 50 to 100% during the year. Consol's average price increase on all sales to electric utilities in 1970 over 1969 was only 13.2% and the average sales prices for all of Consol's coal increased 19%.

72% of Consol sales are made under long term contracts containing escalation provisions. Prices are determined in the market place and it is our experience that any increases are subject to the careful scrutiny of our customers.

Inflationary pressures upon the mining industry are very real—not imaginary. Between 1967 and 1970, miners' wages increased 22%, machinery prices 11%, supply costs 14%, and plant construction costs 29%. Compounding these inflationary forces is the fact that tons produced per man day in 1970 experienced a net decline—the first drop since 1950—so that for the first time in two decades the coal industry was unable to offset, at least in part, higher wages through improved labor productivity. Compliance with State and Federal Mine Health and Safety laws, productivity losses, and many other factors will prompt further price increases in 1971.

I have already mentioned the cost impact of new mine health and safety regulations. I do not believe that any person will protest cost or price increases which promote the health and safety of the industry's most valuable asset—miners. Consol, and we think our experience is typical, has suffered significant productivity losses in underground mines. At one mine the productivity dropped as much as 45%.

In a recent paper delivered to the American Mining Congress by John W. Straton, Executive Vice President, Gates Engineering Company, it was stated that safety legislation decreased tons per man day approximately 22%, resulting in cost increases from $1.00 to $2.00 per ton. This fact of life has affected all underground operators, large and small.

The nation's demand for an improved environment has obvious cost implications. The coal industry feels the full brunt of this need as it purifies its mine water discharges, controls particulates at cleaning plants, and faces up to rigid surface reclamation standards.

Men of knowledge and experience have commented on price trends in the coal industry and I think the record should reflect their thoughts.

Hollis M. Dole, Assistant Secretary for Mineral Resources of the Department of Interior, described energy price increases this way in December 1970:

"Given time—and I'm speaking in terms of a year or more—the likelihood is that the price equilibrium will be reestablished at somewhat lower levels. But the point is that we are not going back to the bargain basement prices we have so long been accustomed to paying for energy. Not this year, or next. Not ever.

"The conventional, identified ledger costs of energy are trending inexorably upward, and that is one reason. But even more significant, we are now prepared for the first time in history to recognize the social costs of energy production and use which were there all along but which until now were distributed to society at large—and even to succeeding generations—in the form of polluted lakes and streams, foul and dirty air, gutted hillsides, and eroded topsoil. Now as industries everywhere strive to restore the damage of the past, and correct the abuses of the present, these social costs will at last be charged to the proper accounts, and they, too, will be duly recorded as book costs connected with producing and using energy."

Just eight days ago in an address to the American Bar Association, Senator Jennings Randolph, Chairman of the Senate Public Works Committee, stated:

"Providing secure sources of energy surely will involve increased costs and bring higher prices for consumer products. Vast new capital investments will be required. These are costs we must be prepared to meet for the fulfillment of the double objective to secure more reliable energy sources and a cleaner environment."

Unfortunately, increased prices have an effect on all consumers regardless of size. The task ahead—the real challenge—is crystal clear. Management must supply all its talents to find ways to produce coal more safely and more efficiently.

RESEARCH

Achievements in any industry flow only from the dedicated efforts of talented and inspired men and women. No one can question the assertion that the interaction of scientists and technicians from varied disciplines and experiences hastens the development of teohnology and spawns new concepts.

We are experiencing such results from the blending of Continental and Consol research and engineering capabilities and facilities. Our combined research efforts reach across the horizon and involve pollution-free synthetic fuels, mine health and safety, environment, efficiency and transportation. Permit me to give a few examples of each kind of undertaking.

In the field of conversion of coal to synthetic liquids and gas, Consol is working on two projects with the Office of Coal Research. The advances and knowledge gained from these joint efforts is available to all. Already "Project Gasoline" at Cresap, West Virginia has demonstrated the feasibility of a liquefaction process having substantial cost advantages over earlier technology. In addition to the Consol talents at work on this project, Continental assigned at least 5, and some times as many as 8, top technical and process engineers to assure the project's successful operation. Economic viability of gasoline from coal largely depends upon the cost of raw materials—coal and hydrogen—and the availability and cost of competing sources of gasoline.

The same blending of diverse talents is taking place at Rapid City, South Dakota, as a most important project seeking to convert coal to pipeline gas gets underway under the auspices of the Office of Coal Research. Continental has five construction engineers overseeing the work of the contractor. As this country faces declining reserves of natural gas, coal conversion processes will play an increasingly important role in lighting our homes and turning the wheels of industry. Continental is actively pursuing projects of this nature.

The transportaton of coal by liquid slurry was developed by Consol several years ago. It has been further advanced by the application of Continental's pipeline expertise. Experimentation continues and we intend to bring coal and other commodities to distant markets at reasonable costs.

In the field of mine safety, Continental's expertise in the field of audio-exploration techniques and flow of electromagnetic waves in the earth has been brought into play. This experience is helping to devise an underground communication system no longer dependent on wire and rails. The same group is also devising a system for the transmission of coded signals to the surface via earth sound waves.

Our joint research groups are also deeply committed to finding new and evolutionary methods of mining coal safely and more efficiently. All we can say is that hydraulics are involved and we are encouraged, in fact excited at the goals it may achieve.

To increase efficiency, Continental's metallurgists have found alloys and devices which will prolong the life of mining machinery—a never ending challenge.

I never had understood how enzymes and microbiology work. In fact it scares me a little. Continental has found through testing and demonstration that one of its "bugs" will greatly accelerate the process of ameliorating acid mine water discharges.

Recently we announced two joint industry projects of importance to the nation.

The first, in association with steel companies, is culminating in a $20 million dollar demonstration plant to further test "form coke." The ultimate goal here is blast furnace coke derived from non-metallurgical coals and devoid of pollution associated with traditional coking processes. The second is a joint project with electric utility companies to test a new and economically encouraging means of removing sulfur from stack gases at utility plants.

This kind of research effort benefits all consumers and in fact the entire nation. It is responsive to need and should be encouraged, not discouraged.

COMPETITION

The oil and coal industries are highly competitive.

Anyone who has actually struggled on the petroleum industry's "product and marketing gridiron" knows that competition is intense. There are some 10,000 companies engaged in exploration and in the production of crude oil and natural gas. The largest of these companies accounts for only 7% of total production. In refining, there are some 130 companies, with the largest accounting for less than 10% of U.S. refining capacity. In petroleum marketing, according to the American Petroleum Institute, there are some 15,000 industrial wholesalers and jobbers, large and small, with the top firm marketing about 10% of the total. This kind of intense competition has been, and continues to be, characteristic of the oil and gas industry, no matter what products, or how many products, it develops and brings to the market.

Coal salesmen also know that their industry is highly competitive. There are some 5,000 coal companies in the U.S. Of these, approximately 575 companies produced more than 90% of the total. The top fifteen operating groups produce only slightly more than 50% of the total. Oil associated coal companies produce 19% of the total. Such an industry structure assures aggressive competition to satisfy consumer needs. Another factor that influences competition is the abundant availability of coal reserves. The arrival of the oil companies on the coal scene has, in my opinion, further intensified the existing high level of competition. This competition will continue regardless of who owns participating companies. No company has a large enough share of the industry to control prices.

The nature and extent of Continental's activities illustrate this point. The company accounts for 1.8% of the U.S. crude oil production, 1.4% of the U.S. marketed gas production, 0.1% of the residual fuel oil market, a prospective 2% of the uranium market, and 10.7% of this nation's coal production. These operations just do not reflect a concentration or a monopoly. To the contrary, they reflect a company faced with healthy competition in all aspects of its business.

The best way to insure fair prices is to encourage increased production. The best way to insure competition is by maintaining free entry into the industry.

Our laws protect the public from monopolies and no one doubts the propriety, jurisdiction and right of our government to insure healthy vigorous competition. It is within this established framework that we seek to engage in competitive undertakings and to apply our experience in meeting the increasing demands for energy in a manner that will enhance the quality of our environment.

The evidence that I have presented to you today demonstrates clearly that Consol has been a vigorous competitor since 1966. Consol has greatly expanded its mine capacity, its capital investments, and its research efforts. It has provided coal at fair prices. We are proud of this record.

The Committees of Congress, the agencies of government, and the business community that address themselves to the adequacy of fuel supplies cannot ignore the enormity of the challenge involved. We will have adequate supplies, at fair prices, produced compatibly with our environment only if government and industry engage in intensive coordinated planning. Continental has already publicly declared itself in support of all efforts to define and develop a national energy policy. It is imperative to establish our nation's energy goals. This can only be done with your help and guidance.

Mr. RANDOLPH. Mr. President, I have no doubt that all such vital considerations as fuel prices, production costs, marketing, supply availability and distribution, capital financing of fuels and energy production, and so-called economic concentration in the energy industries will have the cognizance and careful study of the Senate Interior Committee.

Furthermore, Mr. President, I feel sure that the implications of still another important article in the July 16, 1971 Washington Post, under the headline, "Severe Oil Shortage Predicted," should be carefully read and considered. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEVERE OIL SHORTAGE PREDICTED

(By James L. Rowe Jr.)

A special advisory council of oil industry officials told the Interior Department yesterday that by 1985 the nation can expect severe shortages of natural gas and a heavy dependence on oil imports unless the government's policies and the industry's economic climate change significantly.

A study prepared by the National Petroleum Council, an industry-supported council advising the Secretary of the Interior, said that U.S. oil imports will climb to 14.8 million barrels per day by 1985, compared with 3.4 million barrels per day in 1970. Foreign oil would account for 57 per cent of the total oil supply, the council's report said, compared with about 30 per cent today.

Speaking to the council, Interior Secretary Rogers C. B. Morton said the nation might face "a frightening energy scarcity" in the last decade of the century. He said energy consumption as compared to 1970 would double by 1990, and triple by 2000.

But he stressed that environmental concerns must be appreciated in searching for solutions to the energy problem. "We cannot continue to have such a large proportion of the cost of energy borne by the environment," he said.

However, Commerce Secretary Maurice Stans had some harsh words for environmentalists, especially those who accuse industry "of ignoring the pollution problems of our times and being responsible for most of them."

"The fact is that without denying industry's share of the blame, many of the worst polluters are outside of industry-Municipalities, other governments, agriculture, and even the public itself," Stans told the 25th anniversary meeting of the advisory group.

He said the environmental movement has forged ahead, often without regard for industry's ability to meet the rigid standards set by law or without adequately determining the economic costs of such moves.

The Petroleum Council's report on the nation's energy outlook is the first of a three-part study on fuel. Stage two, due next summer, will attempt to identify and evaluate various policy alternatives for the government and the oil industry. The third stage will examine the nation's energy posture from 1985 until the end of the century.

In developing yesterday's report, the committee assumed, according to its chairman, Continental Oil President John G. McLean, that "oil import controls, natural gas price regulations, leasing of federal lands, environmental controls, tax rates, and research would continue on essentially the same basis as at present.

The report concludes:

Total energy consumption would double by 1985, growing at an average rate of 4.2 per cent per year.

Demand for natural gas will grow from 22,700 billion cubic feet in 1970 to 38,900 billion cubic feet in 1985. But supplies would actually fall to 21,500 billion cubic feet.

Despite an addition of 2 million barrels per day from the Alaskan North Slope and another 2.7 million barrels per day from post-1970 discoveries, U.S. oil production would slip to 11.1 million barrels per day from 11.3 million barrels per day in 1970.

Most of the increased oil imports would have to come from the Middle East, because of limited potential in the Western hemisphere.

At a press conference following the council's meeting, McLean called dependence on Middle East oil to such a large extent "excessive." He said the Middle East is too unstable for the United States "to have a secure national energy posture with that kind of dependence."

McLean stressed, however, that the report's conclusions are "not a forecast of what we think will probably happen." Instead, "it is solely a frame of reference, assuming continuation of existing conditions."

Meanwhile, at House hearings on energy problems, Humble Oil Co. Vice President Carl G. Herrington came under attack for his company's acquisition of coal mines and coal reserves.

Joseph Addabbo (D-N.Y.), a member of a special subcommittee of the House Small Business Committee, said Humble's acquisition of an Illinois coal mine and about 7 billion tons of coal reserves put Humble and other oil companies purchasing coal in unfair competition with small independent coal suppliers.

Because the petroleum firms enjoy oil depletion allowances and other tax benefits, Addabbo said, they are able to absorb initial losses in their coal operations. Firms that only supply coal cannot fall back on such devices, Addabbo said.

DEBS MYERS

Mr. KENNEDY. Mr. President, Debs Myers was a good newspaperman, a fine writer, a capable public relations man and political adviser, but he is most clearly remembered for his capacity for friendship. At his death last February, his friends came forward to eulogize him for just that friendship which touched and enriched many lives. Deb's spirit reflected his own measure of human values, for the regard he had for his friends followed in depth only the love he held for his family.

My brother Robert held Debs in high esteem as a trusted aide and as a personal friend. I know Debs' reliability and his firm determination, laced with his good humor, were characteristics which closely bound him and my brother personally and professionally.

Mr. President, as another friend of Debs Myers, I would like to submit for the record these remembrances of him by his friends which so revealingly depict the man and his career, adding only the words of the philosopher, Kahlil Gibran:

> When you part from your friend, you grieve not,
> For that which you love most in him may be clearer in his absence, as the mountain to the climber is clearer from the plain.

I ask unanimous consent that eulogies of him be printed in the Record.

There being no objection, the eulogies were ordered to be printed in the Record, as follows:

Eulogy for Debs Myers

(By Ralph G. Martin)

A dear friend of Debs' and mine, John Weaver, passed on this quotation from Dr. Samuel Johnson. It was something Dr. Johnson said when one of his closest friends died. And since Debs always told me to put the cream on top—the best writing advice I ever got—here it is:

"I am afraid of thinking what I have lost. I never had such a friend before. I feel myself like a man beginning a new course of life. I had interwoven myself with a dear friend."

There are so many of us who have interwoven our lives with Debs. I don't know what my life would have been without Debs. I'm a writer of books but maybe I never would have written a book if it wasn't for Debs. We met in Paris during the war, when we were both on YANK. I always had been told that I was one of the sloppiest soldiers in the Army because I sometimes put one of my leggings on backwards, but Debs was so sloppy he made me look like Beau Brummel. He always walked around as if he was holding his pants up, and he usually was. I think that's why we automatically liked each other.

After the war, somebody asked Debs if he wanted to do a biography of a Nisei named Ben Kuroki who had become a war hero, and Debs said no, he couldn't do it, but he knew somebody who should do it—and he passed it on to me. Well, Debs could have done it easily. He was a beautiful writer. He wrote a story about the Roosevelt funeral train that will live as long as there are anthologies. Let me read some of it to you:

"The funeral march stretched for a thousand miles. The train, with the flag rippling from the engine, had come up from Georgia, past the old battlefields of another war fought 80 years ago. There was a great hush over the land. The people came and stood by the tracks as the long train rolled on, bound for Washington and later a quiet garden high above the Hudson. The President was dead.

"The train moved slowly through the night. At Charlotte, N.C., a troop of Boy Scouts started to sing 'Onward, Christian Soldiers,' and massed thousands took it up in a mighty chorus. Along the way people dropped to their knees in prayer. Bells tolled a requiem.

"By countless thousands the people came to say goodbye to Franklin Delano Roosevelt. Men in overalls, men with gnarled hands, women with shawls, kids, wet-eyed and solemn, lined the tracks and bowed their heads. . . .

"The train moved through the night, and the dim lights of the towns etched the faces of the people standing near the tracks. Across one station there was a line of boys and girls—boys holding caps in their left hand and girls with pigtails. They stood with chests thrust out at attention. A band played 'Hail to the Chief.' Some of the kids were crying.

"Northward the train rolled, taking Franklin Roosevelt home. At the edge of a little town an old man was spearing waste paper with a pointed stick. In his right hand he carried a greasy cap. As the train passed, the old man put on his cap, drew himself jerkily up, and saluted. His heels were together, his chest was out. Clearly, he had saluted before, maybe in some war long ago.

" 'I rode with him on all four of his campaigns,' said the reporter. 'A lot of people praising him the most now are the ones who fought him the hardest. That would amuse the old man. He always knew the pitch on those phonies.'

"At lonely crossroads and in great cities, the common people had come to say their own goodbye to this crippled man who had taken a crippled nation and helped it walk once more.

"The next morning was Sunday, April 15, 1945. At 10:15 a.m. Franklin Delano Roosevelt, four times chosen by the people as President of the United States, was committed to the earth of his beloved Hyde Park birthplace.

"Against a 15-foot hemlock hedge surrounding the old garden which the President long ago had designated as his burial place, files of soldiers, sailors and marines stood rigidly at attention, their eyes fixed on the flag-draped coffin. A battalion of gray-and-white clad West Point cadets were massed at one end of the garden. The cadets' crepe-hung drums rolled mournfully across the chill morning air.

"The Rev. Dr. George W. Anthony, Rector of St. James Church of Hyde Park, quoted from 'Requiescat' by John B. Dykes:

" 'Now the laborer's task is o'er;
  Now the battle day is past;
Now upon the farther shore
  Lands the voyager at last.
Father in your gracious keeping,
  Leave we now thy servant sleeping.'

"Three cadets fired deliberately spaced volleys across the President's grave. A bugler stepped forward and softly blew 'Taps.' A sergeant of the Honor Guard selected to carry the coffin lifted the American flag from the top, folded it carefully, and handed it to Mrs. Roosevelt. Mrs. Roosevelt, ashen-gray but dry-eyed, accepted it proudly.

" 'Last time I talked with him,' said the neighbor, 'the President told me he didn't know how history would record him as a President, but he said he knew for sure that he was one of the best dog-goned tree-growers ever to come up the pike.'

"Within a half-hour after the burial all the mourners had left. Franklin Roosevelt was alone in the garden where he had played as a boy and where he had teased a childhood playmate named Eleanor. The only sound was the footbeat of sentries walking their posts."

After the war, Debs helped edit an anthology from YANK and I remember he was being interviewed on the radio and the interviewer gave him a big buildup as a fighting soldier. Debs broke in, in that short, sharp way of his, and made it plain that he had never heard a shot fired in anger. He just wasn't going to take credit for something he didn't do. He never did and he never would.

Let me read part of the introduction he wrote for that book:

"The civilian went before the Army doctors, took off his clothes, feeling silly; jigged, stooped, squatted, wet into a bottle; became a soldier.

"He learned how to sleep in the mud, tie a knot, kill a man.

"He learned the ache of loneliness, the ache of exhaustion, the kinship of misery. From the beginning he wanted to go home. He learned that men make the same queasy noises in the morning, feel the same longings at night; that every man is alike and that each man is different."

Debs believed that; shortly before he died, he told me: "People are pretty much the same, Ralph—it's the governments that are different."

That's something to chew on, isn't it?

Debs was the kind of friend who was not only there when you needed him, but he was there BEFORE you needed him. He seemed to sense when you would need him.

When I was a freelance magazine writer, and I was having some trouble making it sometimes, it was Debs who got me on the phone and offered me a job on NEWSWEEK. He got to be Managing Editor of NEWSWEEK and he loved it.

And it was Debs who got me into politics—on the Stevenson campaign staff in 1952 and again in 1956. Debs used to talk a lot about self-interest, that it was the motivating force for most of mankind. Maybe it is. But so much of Debs' life seemed to disprove that.

I remember once we had to write a short biography of Stevenson for his first book of speeches to be published during the campaign. We only had a weekend to produce the finished copy. I remember we worked through the night, using secretaries in relays and I remember Debs finally falling asleep at his desk. There wasn't very much self-interest in that.

After one of those Stevenson campaigns, Stevenson sent a signed photograph to some of the people who helped him the most. The one to Debs said, "Thanks to Debs Myers for his great work in the campaign." Debs' reaction to that was typical Debs. He just grunted and said, "Poor staff work."

But Stevenson made up for that when he was the featured speaker at a Testimonial Dinner for Debs. Everybody had called Stevenson and his staff a bunch of amateurs and Stevenson said of Debs, "I'm glad one of us amateurs made it." Debs at that time was Press Secretary and Executive Assistant to Mayor Wagner. When Debs left City Hall, Mayor Wagner noted how Debs had "expanded the scope and elevated the stature of the job." Debs just smiled at that and said later, "When the Mayor was out of town, sometimes I felt I was the Mayor."

Only the newspapermen involved know how Debs worked night and day to get them other jobs during that newspaper strike in New York and how vital he was in arranging the final settlement of that strike. The New York Times even had an editorial about Debs when he left to go into public relations.

Of course Debs made compromises in his life. Everybody does. But he never compromised on basic principles; he never compromised on right and wrong. I remember in some of his leaner, hungry days when he was offered big money jobs and turned them down because he didn't like where the money was coming from.

The Sanitation Union gave Debs a watch when he left City Hall and Debs asked the head of the union, "Why did you give me this watch? We were never that close." And the man said, "Well, we always knew exactly where we stood with you."

Debs would tell people what he felt they should know—not necessarily what they wanted to hear. And when he talked to people, he looked directly at them when he spoke. And the wise people recognized this directness and this honesty for the rare thing that it is, and they never let him go.

There are a million stories about Debs, but we were never smart enough to take notes, and we should have. Anyway, most of the best stories we can't tell here because they're pleasantly pornographic.

But Debs always had a story to illustrate almost everything he said. And when he talked, you wanted to listen. He never wasted words and so when he spoke, he always had something to say, and you knew it. He was an uncommonly good thinker with a logical mind. The New York Times obituary quoted Debs as saying that if you do the right thing, it often turns out to be the right politically. But it didn't quote Debs' corollary to that: it was something Mark Twain had once said—"The difference between doing the right thing and doing almost the right thing is the difference between lighting and the lightning bug."

There were so many things Debs didn't care about.

He didn't care about clothes. He couldn't care less what suit he wore, and for a long time he only had one suit. I remember going with Nellie one day, practically dragging him into a store to get another suit. When he was at City Hall, somebody said he looked more like a messenger from the Municipal Building than the head of a brain trust.

He couldn't care less about food, unless it was chili, which he loved. Whenever we went into a Chinese restaurant, he always—but always—ordered the same shrimp fried rice.

He didn't care about travel. He had no interest at all in getting into a plane to go to romantic or exotic places. Paris was just another city to him.

He didn't like music. He divided music into two categories—loud or soft, and he cared for neither.

Then what did he care about?

He cared about people.

I was with him in the hospital the night before he died and I was asking him if he would change anything if he had to do it all over again. He said, "Oh yes, Ralph, I'd change so many things. When you're in a hospital bed, fighting for your life, you realize that so many things you thought were important are not really important at all. You realize that there are only three things that really mean anything, and everything else is gravy. Love of family. Love of friends. Love of work."

He was saying how lucky he was to have so many good friends. Of course it wasn't luck at all; it was Debs. There are so many people who pass through life and never touch anybody. They never touch anybody at all. But Debs reached deep into people. So many people. If he met you and he liked you, then you were caught, because he had an irresistible charm. It was the charm of absolute honesty. It was the charm of a marvelous sense of humor.

When Debs laughed, you knew it. He threw his head back and he roared. He'd slap his knee and even wipe the tears from his eyes. How many people do you know who laugh like that anymore?

Nellie, he talked a lot about you in the hospital that night. He was marvelling how wonderful Nellie was. Whenever the crisis was the worst, Nellie was at her best. She was always there, the Rock of Gibraltar, ready to take care of things, Debs, of course, was absolutely helpless around the house. He couldn't drive a car, he couldn't balance a checkbook, he couldn't hammer a nail. Nellie had to do everything. Nellie, you must have wondered often how a man could be so helpless in so many things, and yet have the great political leaders of the country come to him for advice and guidance. Governor Leader of Pennsylvania, Mayor Wagner, Senator Robert Kennedy, among so many others. And it didn't matter who it was, the President of a giant corporation, the President of the United States, or a cabdriver—Debs was always Debs, the same directness, the same sharp honesty.

Debs talked so much, too, about his son Mike and his daughter-in-law Barbara that last night in the hospital. He was so proud of Mike. Mike is a lawyer and he could have stayed in New York and Debs could have pushed so much business his way. But Mike decided to be his own man and he went to Chicago and he made it by himself. And he made it big. Debs was proud of that, but he was even prouder of something else: he repeated over and over to me—"Mike is a good human being. Mike is a *really* good human being." And when you look at Mike, you already see so much of Debs in him. And Barbara, Debs was so delighted that she had been a teacher in a ghetto school and that she was now accepted at the Chicago Art Institute.

Debs loved books. The walls of his house are covered with books, and he knew where each one was and he knew what was in it. For somebody who never got past Allison Junior High School in Wichita, Kansas, here was a man who was one of the best educated men I've ever met. His range of interest and his range of knowledge was enormous. He never flaunted it, but his mind and his memory could reach in anytime for anything he wanted.

He also digested the sporting news. He had an expert's knowledge of baseball and football. I'll never forget watching a World Series with him and listening to him matter-of-factly call the exact next pitch that was coming.

Debs loved children. He sat down on a couch with them and talked to them directly, on an equal level, without patronizing. When I told my daughter, Betsy, about Debs' death, she cried out and said "But, Daddy, he was so special . . . ! ! !"

He was so special.

He loved dogs. How many people do you know who would name their dog after their favorite bartender? Timmie was more than a dog to Debs—he was almost a human being. How Debs used to worry about Timmie. And how Timmie loved Debs!

What else can we say about Debs? He left school at fifteen to get a job on the sports desk of the Wichita Eagle to get some money to support his family. Debs never forgot about the Depression. The need for security was bred into his blood and bones. It was part of the reason for some of the decisions he made, some of the jobs he took, some of the compromises he made. His friend and neighbor, Ebba Lehman, a teacher, always used Debs as a classic example to her students of a dropout who made it. Debs always agreed that you need three things to make it: you need talent, you need energy, and you need luck. And if you have less of one, you need more of the others. He also had courage. And he had style. He really had style.

He became City Editor of the Wichita Eagle, then Bureau Manager of the United Press in Oklahoma. The New York Times quoted him as saying he had seventy dollars a month to pay seventy-seven part-time reporters around the state.

He was City Editor of the Chicago Sun, the youngest City Editor in its history. And the rest you know.

For a stretch of time, Debs wrote for the magazines. There was one piece he did for HOLIDAY about Will Rogers. It's quite a story that's been widely reprinted. At the end of the story he quotes a conversation he overheard between a father and son at Claremore, Oklahoma, where Will Rogers is buried. The father was telling the son what a famous man Will Rogers was and the son asked the father, "If he was such a famous man, why did they bury him in Claremore when there are so many fancier places?" And the father answered: "No matter how far a man goes, at the end he likes to come back to his roots."

Therefore it's so fitting that Debs should come back to Bethel. I don't think he's planted any roots any deeper than he has here. You all know Debs, such a restless man. After a year of hard work, Nellie would drag him away for a vacation, to some beach somewhere, and he would collapse quietly. But after a few days, he was already thinking about leaving. Put him anywhere for too long and he'd start climbing the wall.

But it was different here in Bethel. I've never ever seen him so relaxed in his life. He loved to walk in the woods with Timmie. His woods and his dog. He loved trees. I mean he developed a real deep feeling about trees. He started to read all about them. He talked about them. He started buying trees and planting them, and he was very careful where he planted them so they'd have all the light and all the space they needed to grow. He became interested in birds. He became very close to nature in a basic kind of way. Maybe this is one of the things he meant in that hospital, about things that he would have done differently.

And so he belongs here in Bethel.

* * * * *

(At Wolfpits Cemetery, Bethel, Connecticut) And so we will give this body of our dear friend Debs Myers to the earth near the land he loved. And we will give part of his spirit to the mystery of the universe. But we will keep that part of his spirit that enriched our lives because that part of Debs Myers belongs to us.

(The pallbearers were Mr. Paul Bragdon, Mr. Joseph Breu, Mr. Knox Burger, Mr. Edward Cunningham, Mr. Robert Hind, and Col. Lowell Oder.)

The Memorial Service for Debs Myers, Unitarian Church of All Souls, New York City

[The Reverend Walter Kring.] We are gathered together today to pay our respects to the memory of Debs Myers. This is a time when each one of us should think about the good things that came out of his life into our lives. This is a time when we should be thankful for the great gift that has been ours. All of us know that death is an inevitable part of life. Now, we do not understand life. How could we possibly understand death? But we should approach both life and death not with the fear of a coward but, in the words of the late Paul Tillich, "with the courage to be."

I want to read three very brief snatches of poetry. The first is from the writings of the great Hindu poet Rabindranath Tagore:

Peace, my heart, let the time for the parting be sweet.
Let it not be a death but completeness.
Let love melt into memory and pain into songs.
Let the flight through the sky end in the folding of the wings over the nest.
Let the last touch of your hands be gentle like the flower of the night.
Stand still, O Beautiful End, for a moment, and say your last words in silence.

Then, portions of the great poem "Renascense," by Edna St. Vincent Millay:

The world stands out on either side
No wider than the heart is wide;
Above the world is stretched the sky—
No higher than the soul is high.
The heart can push the sea and land
Farther away on either hand;
The soul can split the sky in two,
And let the face of God shine through.
But East and West will pinch the heart
That cannot keep them pushed apart;
And he whose soul is flat—the sky
Will cave in on him by and by.

Before Adlai Stevenson died in London, I'm told that on his last Christmas card were words which come from a tablet dated 1692, found in Old Saint Paul's Church in Baltimore, Maryland, and I want to read just a few of those lines:

"Nurture strength of spirit to shield you in sudden misfortune. But do not distress yourself with imaginings. Many fears are born of fatigue and loneliness. Beyond a wholesome discipline be gentle with yourself. You are a child of the universe, no less than the trees and the stars; you have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should. Therefore be at peace with God, whatever you conceive him to be. And whatever your labors and aspirations in the noisy confusion of life, keep peace with your soul. With all its sham, drudgery and broken dreams, it is still a beautiful world."

Today we are going to have brief commentaries from seven friends of Debs Myers whose relationships with him spring from three facets of his life: the editorial triumphs and frustrations of YANK magazine; the inspiring, though unsuccessful, pursuit of the Presidency for Adlai Stevenson; and the rugged tests of sharing the burden of high political office. These friends and colleagues who shared a treasured friendship with Debs Myers will speak in the order in which I am now going to introduce all seven of them: Mr. Porter McKeever, President of the United Nations Association of the United States; Mr. Neal Gilliatt, Vice-Chairman of the Interpublic Group of Companies; Mr. Walter Bernstein, an alumnus of The New Yorker, as well as of Yank magazine, and author of books and films; Mr. Knox Burger, writer, editor and outstanding literary agent; Mr. Ralph Martin, a familar name on the best-seller lists, author of many books and articles; former Mayor Robert F. Wagner, with whom our mutual friend spent some of the happiest years of his life; and the former Governor of Pennsylvania, the Honorable George Leader, who introduced him to the joys and trials of high public office.

[Mr. Porter McKeever] You know, a memorial service for Debs is something of an anachronism because I think for most of us Debs became an indelible part of our memories from the very first moment that each of us met him. I know I'll never forget the day he walked into my office and said, "You don't know me, but you need to."

There's probably no other human being who could have made such a statement without the slightest trace of arrogance. To Debs, it was just a simple, straightforward, objective statement of a fact . . . and Debs had little patience for anything else. And it came out sounding that way. As usual, he was right. I did need to know him. And one of the many reasons I'm glad that Adlai Stevenson walked this earth is that because of him Debs came into my life and enriched it as he has the lives of so many of us.

This happened just a few days after the relatively obscure Governor of Illinois had been nominated to run for the Presidency against the best known personality in the land. Adlai had forbidden his friends to work for him prior to the convention and once he was nominated, he refused to use the services of those who had violated his wishes. At the same time, he insisted on separating his campaign from the headquarters of the Democratic National Committee and he insisted on focusing it in Springfield and in Chicago. So, with barely three months to go until the election, we were starting from considerably less than scratch to get a campaign organized and underway.

My particular segment was to organize the publicity and the public relations for The Volunteers for Stevenson—and what a Volunteer Debs was! After more than a week of working together day and night, it suddenly occurred to me during gulps of a ham sandwich we were sharing that he had come to Chicago from New York and was living in a dingy hotel room nearby that he rarely got to sleep in, and he had never mentioned salary or even expenses to me. So I asked him how he was making ends meet. "Well," he said, "It would be helpful if you could find enough money to keep me in clean underwear and cheap cigars." I think that's the most selfish request I ever heard Debs make.

Now, a campaign for the Presidency is almost an exercise in decent exposure of selfish motivations. Certainly it's not the ideal environment for developing respect and affection . . . but that's what Debs inspired. I recall vividly the election night when, as returns piled up the awareness of defeat, we shared a misty-eyed cry for having been associated with a man who had raised political discourse to the level that's worthy of a great nation.

Now, the qualities that emerge from this recounting of our initial and intense relationship really are well known to us all. Honesty, an almost brutal honesty that had one small lapse: that was Debs effort to hide a very sensitive and affectionate nature under a grumpy outer crust. But it was a very thin and a very transparent crust, and it could never conceal the integrity, the loyalty and the dependable friendship that ever were abundantly there. And the closer we got to him, the more we were aware of a very large and a very special place that was reserved in his expansive heart for Nellie and Mike and Barbara.

He was a man with very strong convictions but also with an open mind and he never ceased to learn. He never lost his capacity to weigh facts objectively, however harshly they might deal with the ends he was seeking, and he provided an uncommonly congenial coexistence for hard reality and warm sentiment.

He worked hard as a political partisan but he was never a partisan man. His real commitment was to our political system. He passionately sought to make the democratic process work and to bring better government to everyone. It was this abiding commitment that inspired his great talents as a journalist.

These are times than can ill afford to lose his kind of commitment, and each of us who loved him for these qualities now need to fan the spark that he kindled in each of us. I think that's probably the kind of memorial that would please him most.

[Mr. Neal Gilliatt] In recent years, you know, Debs has headed up the public relations business of the Interpublic Group. I'm going to try to comment just briefly on behalf of the thousands of people in the Interpublic Group world-wide who knew Debs as head of the Myers-Infoplan Company.

Debs was a thorough professional. I can use no other word to talk about his pre-eminence in his field. Debs did not seek publicity for himself, nor did any of us ever know of his spending time on his own position. Debs was eternally involved in the problems of his time. He was utterly concerned about whatever question he was seeking to solve. Although every business session he attended was overlaid with Debsian wit, he nevertheless approached every meeting with the simple idea that there was a job to be done and we should get on with it. I shall never forget the look of joy that would come over the man when he would report and tell us about some accomplishment.

As a professional, Debs was tough-minded. When he had wrestled with a knotty problem and had adopted a point of view, Debs could not be swayed. He brought to his professional life an honest appraisal of the world: what is possible; what isn't possible. But he overlaid that practicality with a very real social consciousness which, of course, as you all know, he tried very hard to conceal under that unforgettable facade of the poor, small-town, midwestern newspaper reporter lost in a den of city slickers.

There have been few true professionals in the world of public relations. Debs was one. But there is more for, unlike many professionals, Debs was also a businessman. He ran a good business profitably. The corporate budget department never had a worry about Debs. If the revenue went down, Debs told you how he had already cut expenses. When the business went up, he told you how much more profit he could deliver.

He operated, of course, in typical Debs style. There are some of us who can explain with lots of charts and figures why we are not running a good business. Debs, of course, paid no attention to all of that paraphernalia of business. He just sat down and it came all out of his mind: we had so much money and we spent so much and this is how much we had left. If the problem was a difficult one, as I'm sure you all remember and as we shall never forget, he might shift his cigar a little bit and he might take it out and put it back, but that, pretty much, would be the end of it.

So Debs was a professional and a businessman. But we carry his name on the masthead of his company for another reason: Debs was a thoroughly honest, warmly human guy. In our company we very seldom —almost never—use people's names in the titles of our various operating companies because, as all of us know, people sometimes can be difficult. But not Debs.

The business is Myers and we salute the man who made it so.

[Mr. Walter Bernstein] I knew Debs only as a friend for over twenty years and so the side of him that I saw—that I loved, really—was the fact that I felt that above anything else Debs was really a romantic, and that the realism and the pragmatism—cynicism, especially—all went to cover this up.

His starting point was always a kind of healthy despair, but he loved to have this proved wrong and he was delighted when things went well. He could believe, as I remember him saying often, that the City of New York was unmanageable, but if something happened to work, either accidentally or on purpose, Debs was delighted.

He was always much more cynical about victories than defeats. The cross he bore often was to be thrown among liberals, so defeat became very familiar. But Debs was never thrown by it. He never fell in love with it. He never lost sight of the necessity to keep making the fight in any way you could.

Being in politics and then in business, he was surrounded more often than not by the greedy and the mediocre, but he believed in the human possibility. He believed in people. He always continued to hate and despise the phony and the pretentious, those on the make and those who didn't care.

But what I remember about Debs most and what really meant most to me, personally, just seeing him in action, was that he did care. He cared for people. He cared for issues. He cared for certain ideals that he never thought could be realized but he knew always had to be fought for and towards. He was a professional and he liked other professionals; he never had much use, so far as I could see, for talented amateurs. He always preferred a good honest crook to a noble do-gooder—and if you accused him of being a do-gooder, he would laugh at you. But he did do good. He was a friend, a real friend . . . someone who was there when you needed him, sometimes with advice or offers of help, often just with the rumpled, baggy, crusty, randy presence that was Debs. He was never really sophisticated about a lot of things, I thought, which always left him with the capacity to be surprised, and that was one of the most endearing things about Debs.

I remember the first time I saw him, when he came into the office of YANK. He was probably the worst looking soldier anybody ever saw and he treated the Army the way it should be treated—like a nuisance! . . . so you immediately knew that there was a man of substance! And he was a good editor, even though, as with so many other things, he would put down what he did—joking often about us and about the loneliness of having been in civilian life a day city-editor on a morning newspaper. But he became my friend and he stayed my friend, even though we'd lose sight of each other from time to time.

I find myself now angry at him for not being here, for leaving when he's needed. No, not just by me. I think we all need someone now who won't be fooled or taken in, who'll say what needs to be said. At a time when our country seems increasingly to be run by madmen, we need his sane and caring voice and I think we are, all of us, much worse off because it won't be heard again.

[Mr. Knox Burger] I, too, knew Debs not as a public figure, not touching all the many circles of friends and acquaintances he had in public life, but in a very private way.

I've known him for twenty-odd years and during the last four or five of them, he seemed to find a refuge in my wife's and my apartment during his week-night stays in New York. Nothing gave us more pleasure, nor our sons more pleasure, than to see Debs puffing up the stairs with a box of candy for Kitty and sitting down, relaxing a little bit . . . as much as he could relax. The only place I every saw him really relax was at his house in Bethel, on his land.

Once, some years ago, I was going through some troubles and had to give up a house in New York and what little money I had and so on. I was commiserating with Debs and as I'd tick off these things that I was divesting myself of, Debs would say, "That's tough, kid. Tough." I finally got up to forty acres of woodland in the northwest corner of Connecticut, with hemlocks three feet thick and a little trout brook, and Debs said, "You had to give that up too? You better get a better lawyer. That's no good." That's the thing that really touched him.

Last summer, my wife and I visited Debs and Nellie for a weekend in Bethel. It was during the time of "The Great Inchworm Infestation" there and Debs took me out to his back lawn, overlooking a lovely thick woodlot, of which he was terribly and justifiably proud. And Debs took a little spraycan and a stick, and started to knock down the inchworms that were hanging in great profusion from his newly planted fruit trees. He cursed them and he probably killed several hundred inchworms, and there were, I'm sure, no more than eighteen billion left. [Laughter] But he had lighted his candle and done what he could.

On that afternoon Debs was slated to purchase a suit in Danbury and Nellie, feeling that two women might have a better chance of getting him into the suit than one, took Kitty over with them. I was not there, but I gather there was something of a struggle and he thought the suit was too blue. Before he'd left, we had noticed a hole in his shoe—a true, Adlai Stevenson hole in the black loafers that Debs was given to wearing. So, while they were getting the suit, (and Debs finally did purchase it and adjustments had to be made—he was not the perfect forty-four. And the clerk, so pleased that he'd been able to sell Debs the suit, threw in a necktie. So, of course, Kitty and Nellie picked out a necktie . . . a very handsome one, indeed.) the clerk said, "What about a new pair of shoes? You seem to need some loafers." And Debs grumbled and said, "All right."

He sat down and the man said, "What size shoe do you wear?" Debs said, "I don't know . . . eight, eight-and-a-half. They're wide, I know." So the man took off the shoes and he looked in one and he looked in the other, and he said, "Mr. Myers, these aren't a pair!" [Loud laughter] And Mr. Myers said, "Of course they're a pair. That's the right one and that's the left one." [Laughter] "But," the man said, "This one says eight-and-a-half and this one says eight, and there's some little difference in the stitching. They're not a pair." So they all wondered what had happened to the other left and the other right; nobody could figure that out. And Debs came back to the house with the necktie and he thrust the necktie out at me and said, "Look what they made me take. It's too loud, that red stripe, it's much too loud." Everybody talked him out of that finally and he did wear the necktie.

Someone asked me when Debs died why I was so terribly and particularly fond of him. I really had never given it any thought, but I've come to realize that it was probably for a very selfish reason. When I was with him, I felt wiser, wittier, more knowing, more aware of what the earth and the world and its people are about because Debs was so direct, so honest, so impatient of foolish materialism and fake motives.

I think he brought out the very best in probably more people than anyone else I've ever known.

[Mr. Ralph Martin] Debs used to like to quote a line from the Bible. It was the one: "Man born of woman is of few days and full of trouble." But when he said it, he always, or usually, said it with a twinkle in his eyes—oh, I'm going to miss those twinkles. And he said it as if to say, "Well, sure, it's a lot of trouble, but the price is right."

And for Debs, the time was wrong, but the price was right because I don't know anybody who's packed more things in a single lifetime than he has, who's made more friends, who's reached more deeply into things and people. So many people just pass through life and they never touch anybody—I mean they never touch anybody at all. But Debs had that gift of catching people and giving them his love, and they knew it and they were caught forever.

I had a long talk with him the night before he died in the hospital and he talked so much of Nellie and how remarkable she was and what she'd gone through, and of Mike and Barbara. How proud he was of them. And how lucky he was to have all the friends he had. But it wasn't luck; it was Debs. He somehow, long ago and instinctively, I suppose, knew that the only way to get love is to give love.

There're so many stories about Debs. They should be in a book. A lot of them don't belong here because they're pleasantly pornographic. But there's one I like so much because it just typifies Debs: When he worked for Mayor Wagner, they were having lunch one day and with them was the president of one of the largest advertising companies in the country. The major was asking Debs' opinion about a lot of things and Debs gave it to him. When lunch was over, the mayor had to go away and this president of the advertising company and Debs were waiting for the elevator. And this man said to Debs, "Gee, I heard you giving so much advice to the mayor. Have you got any for me?" And Debs looked him up and down, and said,, "Yeah. Get a haircut." (Laughter.)

There was another time, when he was on YANK and he was a much leaner corporal, and he was sent to interview Senator Vandenberg. Debs asked the senator a question and the senator, instead of answering it, gave a twenty minute oration. Debs very deliberately—as he could—looked at his watch and the senator said, "What's the matter, soldier? Are you in a hurry?" And Debs said, "Well, I do have a train to catch." The senator said, "What time is your train?" And he said, "It's seven o'clock." "Well," the senator said, "You've got plenty of time. It's only five o'clock now." And Debs said, "No, Senator. I mean seven o'clock tomorrow morning." (Laughter.) There was a long pause and Vandenberg said, "All right, you so-and-so. What do you want to know?"

That was Debs. He didn't care who it was; whether it was a president of a corporation or the president of the United States, he said what he had to say. And he told people not what they wanted to hear, but what he thought they ought to know. The wise people loved him for it and never let him go; they followed him everywhere.

There were a lot of things about him and many parts of his life that I don't know of; I wasn't with him. But, when he retired from the mayor's office, I do remember reading in the Times editorial that they called him "something of a philosopher and a political scientist." But a comment that I liked a lot better was something that his friend and neighbor Ebba Lehmann, a teacher, said when she was talking to her classes. She said, "Debs Myers is the classic case of the drop-out who made it." You know, he quit school at fifteen; he dropped out from junior high school and he worked from then on. And he was the classic case of the drop-out who made it. He knew more from his books than most people who get many degrees. He knew what was in his books; he loved his books; he had so many books.

I love Debs. I don't say "loved" because nobody dies as long as people love and remember. And I'll remember the way he walked with his hands in his pockets as if he was holding his pants up, which he usually was. And I'll remember the way he laughed with that belly laugh—and he had the belly for it; throwing his head back and slapping his leg and wiping his eyes—I mean how many people laugh like that any more? And I'll remember the gravy stains on his tie and the ashes on his rumpled suit.

We'll miss his honesty and the way he looked directly into your eyes when he talked to you. And we'll miss his wisdom. And we"ll miss his love. We'll miss him, very, very much.

We put his body in the earth yesterday. And we gave some of his spirit to the mystery of the universe. But we will keep that part of his spirit which enriched our lives because that part of Debs Myers belongs to us.

[The Honorable Robert F. Wagner] I wonder what terse declaration Debs would make here to see so many of his friends so solemnly assembled.

I'll always remember the classic story of Debs. It was when we were at the beginning of a long newspaper strike in 1962. We had all of the publishers, as well as the representatives of the unions, down at City Hall and allowed them to go home about 10:30 or 11 p.m., but they were to check back in. At 1:30 Debs came in to me and said, "Mayor, one of the great moments of my life finally arrived." I said, "What was that, Debs?" And he said, "I just got a call from Jock Whitney [who was then the publisher of the Herald Tribune] and he said, 'Debs, is it all right if I go to bed?' " [Loud laughter] He said, "That will never happen again.' [Laughter]

Like many of you, I have read about Debs in the obituary columns of our newspapers. What comes through, as we know, is the picture of a man who excelled at his craft; it's true. Of a man who has been a trusted advisor to many significant figures who held or aspired to high public office; it's true, and the names of George Leader, who's with us today, the late Adlai Stevenson, the late Robert F. Kennedy come immediately to mind. Of a man who avoided the current fashion of exploiting a staff position for personal fame or fortune at the expense of the public official he is supposed to be helping; I know this is true. Of a man who could deflate the foolish or pompous, put a perspective on the serious, make the seemingly unbearable endurable, capture the essential truth, and make light of himself without loss of integrity or seriousness of purpose through a penetrating mind, through a penetrating wit, through a penetrating humor; we all know that this is true. Of a man who was regarded with respect and affection by those in his profession and his former colleagues in politics, government and the press; true, and his friendships endured through the years.

No, not a false line has appeared in the sympathetic stories about Debs, and yet I can't help feeling that the stories fail to bring out the full dimension of the man. Debs to me was a special man: a simple and also a very complex man. Though I'm afraid that no one account or series of accounts can give the full measure of this unique man—his contribution, his complexity, his profundity—perhaps, however, you'll let me try briefly to add a new, if not full, dimension to the story with a few other observations about Debs, the politician and the public servant, and Debs, the very human man.

Debs wasn't just a Democrat; he was rolled and kneaded as one so that it was an article of faith, and yet this partisan was neither narrow nor lacking in objectivity. Certainly he was a great public relations man and political advisor. He knew how to run a press conference—quietly, from the back of the room; the reporters recognized his authority and integrity, and so did I. He was able to walk the narrow line that a public relations man must walk, but I know of no instance when he told a lie. He was at his best giving advice and counsel. Debs was a man of words, but of few words; he loved words, but he was very sparing in their use: he would never use two when one would do—and one of his favorite words to me was "No."

But, in describing Debs as a political or governmental press aide the impression may be created that he was most interested in how things looked. Debs did like to win elections and he wasn't an advocate of hanging soiled linen on the line, but he was a good-government man. It isn't easy to be a force for good government in a public relations job, but Debs was a very strong force; he was sentimental about the oppressed and the poor, and he was tough as nails about integrity. I can tell you—and the late Senator Kennedy, for one, had similar tales—that Debs pressed his views forcefully and, at times, ferociously when he was convinced he was right and the issue important. He was generally taciturn and beautifully controlled, but when he was angry, everyone knew it and the cause of it would feel it . . . and woe to him who neglected the public interest.

His commitment and convictions set Debs apart; so did his humility and loyalty. He realized that others took the consequences for following his advice, and he often cautioned over-zealous advisors that it was the other fellow, not the advisor, who had his name on the ballot. Debs would never have allowed disagreements to serve as justification for leaks to the press, magazine articles or books to the detriment of others and for his own greater glory or profit.

Debs was tough on anyone of any rank who had fallen down on the job, but he was also the staunchest of allies to those men and women whom he regarded as able and performing well in the public interest. Many a policy was advanced by persuading Debs of its importance and many a person—I'm sure including many here today—benefitted from timely advice or a needed boost from him.

To characterize and capture Debs Myers, the man, is far more complicated than to describe him as an actor in the political and governmental arena. I'm tempted to sum it up on behalf of all of his friends by paraphrasing Harrison Tweed's observation about lawyers: we have a high opinion of Debs Myers; he was better to work with, or play with, or fight with, or drink with than most anyone in the world. And so he was.

Yet I must say more. We know of Debs' enormous appetite for all those things which make life pleasant and meaningful. All of us, I'm sure, can remember how much he enjoyed a good joke, his cigars, his family, and his friends; how, when he laughed, the windows rattled. We also know that he did not suffer fools or charlatans gladly, but it sometimes seemed that he did not tolerate himself easily, either. As a friend once said, the cloud descended on Debs more than occasionally; introspection was no stranger to this man whom some will remember as merry and gregarious.

If I had but one thing to say of Debs, it would be that he always had time for a friend; he never let a friend down. For us, his friends, something is and will be missing from our lives. And for Debs, there is peace and tranquillity, and no cloud descending.

[The Honorable George Leader] As I read the obituary in the February 3rd New York Times by James F. Clarity, I began in deep sadness. And then, as I went on reading it, I began to smile. I can assure you there was nothing incongruous about this; I had smiled at those same quotations of Debs a hundred times before because those quotes were so typical of Debs, as were so many of the things said here this morning.

No one received a lot of his time quantitatively, but what we received qualitatively was just magnificent. He enriched the lives of every one of us with whom he came in contact. He made two years of my life a great deal happier and hopefully a great deal more effective.

Debs was a very complicated person, as are all human beings, in some ways, and in other ways he was highly uncomplicated. He knew exactly what he was, but it was a little hard to know *why* he was what he was. He gave up one of the greatest positions he ever held on a matter of policy which, to him, became a matter of principle. He was completely honest; there was no showmanship, no hypocrisy, no front, no dramatics, no play acting, no fat ego. He never worked at making friends—in fact, he avoided almost everything in life except hard work, I believe—and yet, the great and the near-great beat a path to his door. It was obviously in part his talent, in part his honesty, in part his sincerity, in part his basic decency. Everybody really loved him. In life, I'm convinced, we get back what we give, so we have to know that he really and truly loved us.

I like to think that Debs was a man really before his time, perhaps even a whole generation before his time. Debs, as all of you know, was Depression-born. He didn't boast about it, but he said matter-of-factly that he quit school at fifteen years of age and took a job and on about $16.50 a week, I believe, he supported himself and his father and his mother and his uncle and a sister. And I think it was being Depression-born that perhaps dictated some of his habits and some of his idiosyncrasies. I remember very well that one rumpled suit he had which he wore all week, and then he got into an old bathrobe and a pair of disreputable slippers and Nellie went off and had it cleaned and pressed on Saturday morning while he impatiently waited for her to return with it.

I remember, too, his total disregard for making money, as it was so accurately put, until the time came that he thought he needed some for his old age. He did the things that he thought were important, regardless of the financial consequences.

I said I think Debs perhaps was at least a generation ahead of his time. I think really he represented the best of the mod generation; I don't know necessarily that it was the beard and the blue jeans that I'm thinking of—he may or may not have been interested in that. But I think Debs was a great and warm human being. I think he was truly against violence, against hypocrisy, against poverty, against killing, against anything that had to do with facade or outer appearances. And, conversely, he was for all the things that were good for mankind. Oh, he would have denied it, but he was really a part of the love generation; he lived all of the good things that they seem to want.

My grandmother on my father's side was a Myers. Perhaps somewhere, way back where, we may even have been related. And I hope we were and are because I'd like my sons—like you, Mike—to have some of those genes that were his. I'd love to see my children grow up to be as intellectually honest, to have the deep human concern, to have the great wisdom and understanding of life that he had.

I can only say to Nellie and to Mike that I hope some of the happy memories, the happy experiences—and, yes, even some of the not-so-happy experiences—will warm you in the days and the years ahead. And may they warm us all.

[The Reverend Walter Kring] Let us receive the benediction: Now may the Lord bless us and keep us. The Lord make His face to shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace. Amen.

THE STRIKE MANIA

Mr. FANNIN. Mr. President, these are strange times.

Union bosses berate the President because an estimated 5 million men and women in our Nation are unemployed.

And then these same union bosses call tens of thousands of persons out on strike.

A renewal of strike mania has hit our Nation at a time when there was a glimmer of hope that our economy would regain its momentum. These strikes will cause widespread hardship for the public and strikers themselves; if successful in gaining their demands, the unions will have given another boost to inflation; the trading position of American industry deteriorates; and there will be even fewer jobs when the labor disputes are settled.

Less than 4 years ago a disastrous copper strike in Arizona ended after 8½ months. Many miners and businesses were ruined. Now we have another copper strike which is in its third week.

We have a nationwide telephone strike; we have a major rail strike. There is the threat of a steel strike.

This is all dismal testimony to the effectiveness of our current labor laws. The system simply is not working.

Last Wednesday the Chicago Tribune published an editorial pointing out that our laws actually encourage economic disorder rather than promote tranquillity.

I ask unanimous consent that the editorial be printed in the RECORD for the benefit of all who are concerned about this problem.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PRO-STRIKE LAWS

This week's crop of strikes threatens to tie up first the telephone system and then, once again, the nation's railroads—or at least some of them. As usual, we'll be hearing a good deal about the need for legislation to protect the country from crippling strikes in essential industries.

Such legislation has been promised by leaders of both major parties, but somehow nothing ever seems to get done. Congress rouses itself from its lethargy only to enact those stopgap measures necessary to ward off each emergency when it becomes unbearable. It has shied away from preventive measures which might offend powerful labor leaders.

But much as we need laws to protect the public from injurious strikes, we also need to get rid of existing laws and procedures which actually encourage strikes by protecting the strikers themselves from the effects of their own strike.

The traditional part played by strikes in collective bargaining has been badly distorted in 35 years of labor legislation. The original and proper purpose of labor laws was to put labor on an equal legal footing with management. A strike, like a lockout, was a last resort to be used only when all else failed; and the verdict would then be left to the natural forces of a free economy. Before deciding to strike, a union had to ask itself, "Are we willing to forfeit our pay in the hope of bringing the company to heel?"

Today the decision can be taken much more casually. In most instances strikers are sheltered from the effects of their strike. Some of this protection comes, quite properly, from union strike funds toward which they have contributed. A company, similarly, builds up a reserve to tide it over troublesome times, including strikes.

But strikers also receive other protection, paid for by the public (which is often the chief victim of a strike) and even by the companies themselves. Depending on individual state laws, they may receive unemployment compensation (from funds put up by the companies) or food stamps or welfare assistance (paid for from state and federal funds).

And all of these are in addition to other laws which give the unions a legal advantage over management in the bargaining process.

For a company facing a strike, a prospect is generally bleak. The only consolation is that it won't have to pay income taxes on the income it loses—a consolation which strikers likewise enjoy, to a lesser extent. Yet the strikers can often face the prospect with equanimity, knowing that the suffering public will help support them. This encourages them to stick to demands which are sometimes outrageous and to be willing to strike to support them.

If Congress can ever screw up the courage to protect the public from damaging strikes, perhaps it will have enough enterprise left over to protect the public also from the indignity of having to pay cash for the privilege of being abused in any strike. It could prohibit the use of federal funds or federal programs to subsidize strikes.

RESOLUTIONS ADOPTED BY RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES AT 1971 CONVENTION

Mr. THURMOND. Mr. President, the Reserve Officers Association of the United States conducted its annual convention last month at San Diego, Calif., and approved 23 resolutions and reconfirmed or updated 19 other resolutions.

The ROA, under the leadership of Rear Adm. Jim K. Carpenter and executive director Col. John T. Carlton, has rendered a distinct service by speaking clearly on a number of national defense issues.

This total of 42 resolutions encompassed areas involving the support of a "Triad" defense system to retirement policies affecting only a small group of officers.

One resolution dealt with a call for all nations to foster the humane treatment of prisoners of war, while another warned about the threat to reserve manning levels in a zero-draft environment.

Mr. President, because of the excellent work of the ROA, as indicated by the resolutions adopted at the June 19 meeting, I ask unanimous consent that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 1—SUPPORT OF THE PRESIDENT IN HIS SOUTHEAST ASIA POLICY

Whereas, the President of the United States deserves the support of all Americans in his efforts to conclude the war in Vietnam, and

Whereas, those who belittle or protest his efforts, demanding an immediate withdrawal are, in effect, giving aid to the enemy and making the timely conclusion of the Vietnam War more difficult,

Now therefore be it resolved that the Reserve Officers Association of the United States supports the position of the President in relation to deescalating the Vietnam War and recommends that the nation unify behind the great efforts of our Chief Executive to achieve an honorable conclusion to the conflict in Southeast Asia.

RESOLUTION NO. 2—HUMANE TREATMENT OF PRISONERS OF WAR

Whereas, being deeply concerned that all combatants detained by opposing forces in the armed conflict now being waged in Southeast Asia be afforded the basic humanitarian treatment required by international law and specifically to be provided the benefits of the 1949 Geneva Convention relative to the treatment of Prisoners of War, and

Whereas, the general principles of human rights are contained in the Laws of Armed Conflict, in the Geneva Conventions of 1949 on the Protection of War Victims and in the Charter of the United Nations, and

Whereas, over 130 nations of the world, including all of the major parties to the conflict in Southeast Asia, have ratified or acceded to the 1949 Geneva Convention Relative to the Treatment of Prisoners of War and are, accordingly, bound by the provisions thereof, and

Whereas, Resolution XI of the Twenty-first International Conference of the Red Cross in 1969 called for the humane treatment of prisoners of war in any armed conflict, no matter how it is characterized, and

Whereas, Resolution 2676 (XXV) adopted by the General Assembly of the United Nations on December 9, 1970, called for the humane treatment of all prisoners of war and compliance by all parties to an armed conflict with the provisions of the 1949 Convention, and

Whereas, in 1965 the International Committee of the Red Cross determined that the said Convention was applicable in the Southeast Asia conflict and called upon all parties thereto to comply with the provisions thereof, and

Whereas, the Government of the Democratic Republic of Vietnam has denied the applicability of the Convention in the Southeast Asia conflict and has refused to afford prisoners of war detained by it the benefit of its provisions, and

Whereas, both the United States Government and the Government of the Republic of Vietnam have stated that the provisions of the Convention will be applied and that such has been verified, on a continuing basis, by the International Committee of the Red Cross.

Now therefore be it resolved by the Reserve Officers Association of the United States that all Reserve organizations of the Countries of the World are called upon to convey to their Governments their deep concern that the provisions of the Geneva Convention, being solely humanitarian in nature should be applied in every case of armed conflict and to encourage their Governments to take whatever actions are possible to convey their concern to all parties participating in the present armed conflict in Southeast Asia and especially those specific matters set out in this resolution,

That the Government of the Democratic Republic of Vietnam be urged to reconsider its refusal to apply the humanitarian provisions of the Convention to the prisoners of war detained by it and to use its influence to insure that their cobelligerents comply with international law in this respect,

That all States be urged to comply immediately with the provisions of Article 109 of the Convention which call for the voluntary repatriation of seriously wounded and sick prisoners of war and which further provide for agreements with a view to direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone lengthy periods of captivity.

That all belligerent states be urged to endorse the concept of third states accepting, for internment, all sick and wounded and long-term prisoners of war held by the Parties in Southeast Asia, pending resolution of the conflict, That all prisoners of war who have been detained for a period in excess of eighteen months be considered eligible for such internment in a neutral country or for direct repatriation,

That at a minimum, in the name of humanity and to relieve the anxiety of the next of kin, all parties to the conflict in Southeast Asia provide the International Committee of the Red Cross, in accordance with Articles 70, 120, 122 and 123 of the Convention, with a full list of all persons now detained by them and any information which such Detaining Power may possess concerning the death of any combatant within its operating area or territory,

That all Governments who have yet to allow inspection of their prisoners of war detention camps to permit the International Committee of the Red Cross, or some other neutral agency, be urged to perform the humanitarian functions assigned by the Convention,

That a copy of this resolution be forwarded to the organized Reserves of the various countries of the world,

That we support the efforts of the American Bar Association in urging the organized bars of the various countries of the world to similarly support humane treatment of Prisoners of War.

Resolution No. 3—In Support of TRIAD

Whereas, the importance of this nation to defend itself against all possible enemies which includes having a viable deterrent force that will be prepared at all times to counter any military aggression and will serve notice to potential enemy nations of our ability to counter any possible attacks is self-evident, and

Whereas, the military defense of this nation is vested in three basis elements of military capability—land, sea and air superiority, primarily established in the land missile system, the submarine force, and the manned bomber, and

Whereas, the combination of these basic elements working in concert with each other is essential to developing and maintaining a total responsive capability, and

Whereas, the loss of any one element in this "Triad" system would bring about a serious and hazardous weakening of our military posture, and

Whereas, our Association does recognize the efficacy and necessity of such a national defense system and the essentiality of the United States to maintain a military posture capable of defending itself against all possible enemies,

Now therefore be it resolved that the Reserve Officers Association of the United States supports the concept of "Triad" as it applies to the defense forces of this nation, and

Be it further resolved that this organization urges every legislator in the Congress of the United States to also recognize the necessity for a fully responsive deterrent system containing as a primary capability the mix of land-based missiles, submarines and manned bombers, and to use the strength of their offices to assure the preservation of peace for this nation through support of the "Triad" concept.

Resolution No. 4—Actions Necessary to Keep Reserves Viable in a Zero Draft Environment

Whereas, the Secretary of Defense has declared the Reserves must be ready as an immediate back up of the active forces in any mobilization, and

Whereas, a fully staffed, viable Reserve is necessary to be able to carry out its assigned missions, and

Whereas, current support programs in the personnel field are not sufficient to retain enough qualified personnel in the Reserves to maintain its present mobilization readiness, and

Whereas, additional incentives are needed to attract personnel into the Reserve forces on a priority basis to maintain a Ready Reserve in a 'zero draft" environment,

Now therefore be it resolved that the Reserve Officers Association of the United States urge the Congress and the Secretary of Defense to take all steps necessary now to develop incentives for the Reserve forces which are related to incentives for the active forces personnel, such as:

1. Make SGLI life insurance coverage on Reserve personnel applicable 365 days a year
2. Provide for payment of retirement benefits, reduced on an actuarial basis, upon the completion of 20 years of satisfactory Reserve service and attainment of at least age 50
3. Provide survivors' benefits from earned retirement pay, or dependents indemnity compensation on a relative service basis.
4. Provide enlistment and reenlistment bonuses to enlisted members of the Reserve Components
5. Credit additional retirement points over 60 but not more than 120 earned through additional inactive Reserve training periods
6. Provide appropriate educational benefits for Reserve service.

Resolution No. 5—Space Available Travel in Non-Scheduled Military Aircraft

Whereas, Reserve personnel of the armed services serve faithfully, often at great personal sacrifice to themselves and their families, and

Whereas, benefits in addition to drill pay and/or retirement credit are minimal, and

Whereas, in an attempt to approach a "zero draft" situation it is a universally admitted necessity to increase benefits, prerequisites and privileges to attract personnel to make the sacrifices involved in Reserve service, and

Whereas, one of the few, but long-standing benefits is that of the right to travel on non-scheduled military aircraft on a space available basis, and

Whereas, this benefit is one which can be provided at no cost to the government, and

Whereas, it has been reported that attempts are being made to eliminate this no-cost benefit,

Now therefore be it resolved that the Reserve Officers Association of the United States express, in the national interest, to the Secretary of Defense its strongest objection to any attempt to eliminate or erode the right of all Reservists to space available travel on military aircraft as provided in current joint regulations.

Resolution No. 6—Adequate Medical Facilities for Veterans

Whereas, in many areas of the nation there are presently inadequate medical facilities available to veterans, and there is proposed by the Bureau of Management and Budget a further reduction of the number of hospital beds and other medical care available to veterans in the next fiscal year,

Now therefore be it resolved that the Reserve Officers Association of the United States supports authorization and appropriations legislation which will provide expenditures for the Veterans Administration that will assure adequate medical facilities and services for veterans, insuring equitable availability of such services in relation to geographical and population distribution of eligible recipients.

Resolution No. 7—Expansion and Support of ROTC

Whereas, the commitments of the United States for world peace are extensive and worthwhile, for now and for the future, and

Whereas, the planned reductions of the armed forces will require a greater reliance upon a strong and efficient Reserve Component, and

Whereas, ROTC units in high schools, colleges and universities provide outstanding services in the education of such Reserve officers,

Now therefore be it resolved that the Reserve Officers Association of the United States encourage and support the ROTC programs in our various schools and assist them in maintaining their present high standards, and

Be is further resolved that encouragement and support be given to expanding the ROTC program, and

Be it further resolved that the Reserve Officers Association of the United States support the passage of legislation to expand the number of ROTC scholarships, increase the cadet subsistence allowance, and reimburse educational institutions for cost of maintaining ROTC units.

Resolution No. 8—Opening ROTC to Women Students

Whereas, it is national policy to eliminate discrimination in employment opportunities between the sexes, and

Whereas, there is a recognized need for qualified women officers in the active and Reserve forces, and

Whereas, the opportunity for commissioned officer status for women is presently only afforded through Air Force ROTC, and

Whereas, there are many women college students who desire to enter ROTC, and

Whereas, these women students are unable to participate in ROTC on a credit basis except at those colleges which have Air Force ROTC programs,

Now therefore be it resolved that the Reserve Officers Association of the United States urge the Secretary of Defense to open ROTC to qualified women students desiring the opportunity to achieve a commission in all services of the Armed Forces.

Resolution No. 9—Equality of Basic Quarters Allowances

Whereas, unmarried officers of the Reserve Components serve on short tours of active duty alongside their married counterparts, and

Whereas, their married counterparts receive a basic allowance for quarters, and

Whereas, the single officer of all Reserve Component forces does not receive a basic allowance for quarters, and

Whereas, the unmarried Reserve officer, unlike his active duty counterpart and as well as a married Reservist, is forced to maintain two domiciles while on such a tour,

Now therefore be it resolved that the Reserve Officers Association of the United States endorse the principle of equal allowances for all officers regardless of marital status and urge the Secretary of Defense to take the necessary action to correct this inequity in basic allowance for quarters between married and unmarried officers.

Resolution No. 10—Expansion of Champus Privileges

Whereas, retired members of the Armed Services, especially those located at a point remote from medical facilities of these services, have been given the privilege of the use of Civilian Health and Medical Programs of the Uniformed Services (Champus), and

Whereas, this privilege is taken from these retirees upon their becoming sixty-five years of age at which time they become eligible for medical care provided by the Social Security Administration (Medicare), and

Whereas, Medicare has disadvantages not inherent in Champus for example:

1. Most subscribers must pay for additional medical coverage not covered in Medicare to provide the same payments included in Champus

2. Medicare does not cover part payment for out-patient prescriptions whereas Champus does

3. Medicare in most cases pays for medical services at a rate lower than that allowed by Champus

4. Champus coverage is worldwide whereas Medicare is restricted to those living in the U.S. only,

Now therefore be it resolved that the Reserve Officers Association of the United States support legislation which would allow a military retiree to continue to utilize Champus benefits for as long as he desires, without regard to his age.

Resolution No. 11—Legality of Reservists Serving in the Congress

Whereas a U.S. District Court recently ruled that the Constitution forbids Members of Congress to hold office as members in the Reserve Components of the Armed Services, and

Whereas, this ruling violates the fundamental responsibility of every citizen to defend his country if needed, and

Whereas, this ruling reverses previous decisions that a Reservist has all of the rights and privileges of any other citizen when not on active duty, including the right and privileges to serve as a Members of the Congress,

Now therefore be it resolved that the Reserve Officers Association of the United States urges that the ruling be appealed through judicial channels.

Resolution No. 12—Equality of Pay and Promotion Opportunities Between Medical and Dental Officers

Whereas, there is an inadequate retention rate for active duty dental officers in the Armed Forces, and

Whereas until recently there had been equality between the medical and dental officers regarding pay and promotion, and

Whereas, the special benefits awarded to medical officers only has led to a significant morale problem in the dental services, and

Whereas, the Surgeons General of the Army, Air Force and the Chief of Medicine and Surgery of the Navy are on record as favoring equality of treatment between medical and dental officers,

Now therefore be it resolved that the Reserve Officers Association of the United States supports the principle of equality of pay and promotion between the medical and dental officers of the Armed Services.

Resolution No. 13—Utilization of Real Property and Facilities

Whereas, Executive Order No. 11508 specifies the release for other uses of military properties and facilities which are underutilized, and

Whereas, the standards in this directive do not take into account the part-time nature of Reserve and National Guard activities and training, and

Whereas, training facilities for Reserve and National Guard units and individuals, including armories, weekend training areas and field training sites are essential for the training and maintenance of Reserve and National Guard units for national defense and

Wheras, the total force concept requires the mobilization readiness of both the Reserve and National Guard units as part of the deterrent to aggression against the United States, and

Whereas, many units of the Reserve and National Guard are currently conducting community support and related action programs, while at the same time maintaining their military preparedness,

Now therefore be it resolved that the Reserve Officers Association of the United States urges appropriate officials of the Government to give priority consideration to the need for military preparedness and training of the Reserve and National Guard units in the utilization of property and that when such priority will permit that local military commanders be authorized and enjoined to to continue to support community and related action programs which will not interfere with preparedness training programs.

Resolution No. 14—Recruitment Program for Army Reserve

Whereas, the regular Army has a fully supported recruitment program, and

Whereas, the Army Reserve recruitment program has not been properly funded or supported, and

Whereas, the Army Reserve needs an active recruitment program including some full-time Reserve personnel to support its vital mission.

Now therefore be it resolved that the Reserve Officers Association of the United States urges the Secretary of the Army to establish and fund adequate Reserve recruiting programs including full-time Reserve recruiting officers for each general officer and Army Reserve Command.

Resolution No. 15—Reconsideration of Army OCS Candidates for Reserve Commissioning

Whereas on 15 May 1970 Army Officer Candidate School students were asked to give up their contracts to become junior officers in the Army, and

Whereas subsequent pressures were exerted on certain of these men to give up their contracts, and

Whereas because of these pressures and the Army's promise to reduce all OCS candidates tours of duty to two years, the majority of the students signed agreements to give up their legal contracts, and to return to enlisted status,

Now therefore be it resolved that the Reserve Officers Association of the United States appeal to the Secretary of the Army to prepare a comprehensive plan to offer Reserve officer commissions after the successful completion of their enlisted tour to those who are otherwise qualified but were affected by this OCS cutback.

Resolution No. 16—Maintenance Technicians for Army Reserve Units

Whereas, Army Reserve units are now being more adequately supplied in accordance with training standards, including vehicles, armament, communication equipment, aircraft and such comparable complex materiel, and

Whereas, the current maintenance support program is inadequate for the requirements of these units,

Now therefore be it resolved that the Reserve Officers Association of the United States urges that the Army Reserve Maintenance Technician Program be expanded and accelerated to provide full-time qualified maintenance technicians at the unit level in order that these units will be able to achieve their readiness responsibilities.

Resolution No. 17—Adequate Support for Naval Reserve Inshore Underseas Warfare Divisions

Whereas, Naval Reserve inshore underseas warfare divisions have the responsibility in the event of mobilization for defense of key ports in the continental U.S. and certain strategic ports outside the continental U.S. in which this country has a vested interest, and

Whereas, these Selected Reserve divisions of the Naval Reserve presently have inadequate allowance of personnel, little or no equipment with which to train, and insufficient funding to transport necessary training equipment to the designated mobilization sites for annual active duty for training,

Now therefore be it resolved that the Reserve Officers Association of the United States strongly recommends that the Secretary of the Navy provide: that a workable allowance of personnel for Naval Reserve inshore underseas warfare divisions (NRIUW) units be approved and personnel recruited to fill this allowance; that all NRIUW units be outfitted with all necessary and required equipment; and that NRIUW personnel supporting equipment and supporting active duty personnel be transported to designated mobilization sites annually for on-site training.

Resolution No. 18—Support of AF Reserve Forces by Major and Specified Commands

Whereas, on 21 August 1970 the Secretary of Defense indicated that the Reserve Components would share a greater responsibility in the defense of this nation, and

Whereas, recent actions by the Air Force to increase readiness and up-date equipment have improved the overall image of the Air Force Reserve, and

Whereas, there is a critical lack of information about the Reserve Forces at the unit level within the major and specified commands, and

Whereas, numerous Reserve units suffer from lack of adequate support and understanding of the Reserve mission by many of their parent units in these commands,

Now therefore be it resolved that the Reserve Officers Association of the United States request the Secretary of the Air Force to include as one of the inspection criteria of major and specified active Air Force commands the manner in which their bases and units support the Reserve program, and

Be it further resolved that the active Air Force units be rated unsatisfactory if the support of the Reserve Forces is not adequate.

Resolution No. 19—Scheduling of AF Reserve Unit Vacancy Promotion Boards

Whereas, unit vacancy promotions are currently considered by boards convening at the Air Reserve Personnel Center on an annual basis which in the future will coincide with the convening of the annual ROPA mandatory promotion boards, and

Whereas, this limits the opportunity for unit vacancy promotion to a one-time date each year,

Now therefore be it resolved that the Reserve Officers Association of the United States recommends that a semi-annual board be convened at the Air Reserve Personnel Center to consider recommendations for unit vacancy promotions.

Resolution No. 20—Transfer of Coast Guard to Department of Defense

Whereas, the mission of the Coast Guard include, to a major extent, those which have a direct and important bearing on national defense, and

Whereas, the Coast Guard is a military organization, and

Whereas, the Coast Guard is one of the five armed services, and

Whereas, the Department of Defense and the various Congressional committees having jurisdiction over said department have a direct interest in the operations and capability of the Coast Guard, including its Reserve, and

Whereas, the Coast Guard is an important and vital element in our nation's defense team,

Now therefore be it resolved that the Reserve Officers Association of the United States supports legislation which would transfer the Coast Guard to the Department of Defense as a separate service in the Navy Department, and

Be it further resolved that this Association urges the inclusion in such legislation, provisions which would require an Assistant Secretary of the Navy for Coast Guard Affairs, and provide that the Commandant of the Coast Guard be a member of the Joint Chiefs of Staff acting in the same manner as the Commandant of the Marine Corps.

Resolution No. 21—Retention of Coast Guard as an Armed Force

Whereas, the United States Coast Guard Reserve mission is military by statute, by tradition and history, and

Whereas, the Coast Guard itself, since its inception by Alexander Hamilton in 1790, has been engaged in all our nation's conflicts since 1798, and

Whereas, there has been an apparent trend toward downgrading the military mission and preparedness of the Coast Guard, and

Whereas, the proposed restructuring of the Executive Branch as submitted by the President's Advisory Council on Executive Organization would place the Department of Transportation, the Coast Guard's parent body, under the Department of Economic Development, and

Whereas, the corresponding functions of this department are essentially civilian oriented and thus possess the probability of making the Coast Guard a non-military service.

Now therefore be it resolved that the Reserve Officers Association of the United States strongly oppose any action that would cause the Coast Guard to cease to be one of our nation's armed forces.

Resolution No. 22—Jobs for Veterans

Whereas, during 1971 this country will return to civilian life an inordinately large number of servicemen and women who will be seeking employment, and

Whereas, finding jobs for and assisting these veterans with their readjustment to civilian life is a top priority item facing this country today, and

Whereas, this Association has always been responsive to the needs of its country's servicemen and servicewomen,

Now therefore be it resolved that the Reserve Officers Association of the United States supports and urges its Departments, Chapters and members to support the Jobs for Veterans Effort.

Resolution No. 23—Department and Chapter Encouragement for ROTC Students

Whereas, this Association may and should be considered the alumnus organization for all ROTC cadets and midshipmen, and

Whereas, there is a need to establish our identity with ROTC cadets and midshipmen and provide them tangible evidence of ROA support, and

Whereas, ROA departments and chapters must provide information on our goals and purposes,

Now therefore be it resolved that the Reserve Officers Association of the United States adopt a policy to demonstrate our historic and continuing support of ROTC by encouraging its departments and/or chapters to provide gratuitous student memberships from their own resources for ROTC cadets and midshipmen during their senior year in college.

(Note.—The following resolutions are a reconfirmation and update of resolutions adopted by the national council and national convention in 1968. All other resolutions of 1968 and earlier (except those pertaining to internal policy of ROA) not so updated have been placed in the ROA repository file of accomplished, superseded and/or outdated resolutions of the association.)

Resolution No. 24—To Increase the Morale, Effectiveness and Retention of the Nation's Military Forces

Whereas, the solid base for effective National Defense rests upon the manpower of the Armed Forces of the United States, including its Reserve Forces, and

Whereas, the morale, effectiveness and retention of the highest quality military personnel requires that this Nation provide them with adequate compensation, career incentives, and financial security,

Now therefore be it resolved by the Reserve Officers Association of the United States that it urge the Department of Defense and the Congress of the United States in their deliberations and their considerations of bills to amend the Career Compensation Act, the Dual Employment and Dual Compensation Acts, the Officer Personnel Act of 1947, and related statutes, to be guided by the following principles:

(1) that the pay scales provided the members of the Armed Forces, Regular and Reserve, be determined on the basis of adequate compensation for selected, devoted, professional personnel, who, by nature of their duties, responsibilities and because of the risks and hazards they always face, make personal and family sacrifices beyond that of any segment of our American society, and

(2) that there be developed uniform, predictable promotion systems that can be applied with the greatest possible equality among all Services, and that will provide equality of active duty promotion opportunity for Regular and Reservists alike,

(3) that the retired pay of military personnel shall now and henceforth be computed on the pay rates authorized for active duty personnel and shall be adjusted accordingly in any future adjustment made in active duty pay rates, and

(4) that all discriminations in the employment of retired Regular or Reserve personnel or against the pay of those who are employed by the Federal Government be repealed.

Resolution No. 25—Deployment of the Anti-Ballistic-Missile System

Whereas, an effective ballistic missile defense at the earliest practical time is an essential element necessary to the security of the United States, and

Whereas, offensive forces alone cannot limit wholesale destruction of our population, and

Whereas, passive defense measures alone cannot insure survival of our population, retaliatory weapons systems or critical industrial complexes if an attack occurs, and

Whereas, the decision to deploy the Anti-Ballistic System to defend the United States against an ICBM attack is considered an urgent and timely step towards provision of an effective ballistic missile defense,

Now therefore be it resolved that the Reserve Officers Association of the United States, in the interest of saving millions of American lives and our industrial capacity, urges that there be no delay in the deployment of an Anti-Ballistic Missile System to counter the ICBM threat that now exists.

Resolution No. 26—Reserve Participation Incentive Plan

Whereas, it is a national goal to reach a "zero draft" situation, and

Whereas, each year brings greater demands for increased readiness of our Reserve Forces, and

Whereas, the degree of readiness of the Reserve is directly dependent on the experience and training of its members, and

Whereas, the absence of the threat of the draft will reduce incentives for service in the Reserve Components, and

Whereas, the recruitment and training of non-prior service personnel is a costly and time-consuming process, and

Whereas, if personnel already trained would be provided sufficient incentives they could be prevailed upon to continue to participate in the Selected Reserve, and

Whereas, a reenlistment bonus has been successfully utilized to increase retention in the active duty forces, and

Whereas, this Association has for the past several years proposed legislation entitled a "Ready Reserve Participation Incentive Plan" to provide bonuses for the enlistment of experienced enlisted men in the Selected Reserve, and

Whereas, this plan would not only increase the readiness of the Selected Reserve but would provide significant savings in Reserve training costs,

Now therefore be it resolved that the Reserve Officers Association of the United States urge the early enactment of legislation, which would provide a realistic incentive for enlistment and reenlistment in the Selected Reserve.

Resolution No. 27—Concurrent Receipt of VA Compensation and Retired Pay

Whereas, this Association has long supported legislation to provide for concurrent receipt of retired pay and VA compensation in appropriate cases, and

Whereas, as repeatedly asserted by the Congress and by the Department of Defense, "retired pay is earned income and constitutes 'retainer' pay as deferred payment for services previously rendered", and

Whereas, VA compensation is a wholly unrelated form of compensation dependent upon, and measured by, injuries received while in military service which injuries have been found to reduce to a compensable degree the earning capacity of the victim of such injuries, and

Whereas, military pay is fully earned at time of retirement, and its reduction because of receipt of compensation from other sources is wrong, inequitable, and destructive of the entire concept upon which military retirement is based, and

Whereas, present law discriminates against those who have suffered reduced earning capacity by reason of service-connected disability, by unfairly reducing their earned retirement income, whereas those who suffered no such disability are permitted to receive their retirement pay in full,

Now therefore be it resolved that the Reserve Officers Association of the United States support legislation which would provide for the concurrent receipt of VA compensation and Retired Pay by retired members of the Uniformed Services, within the limitations set forth in those bills.

Resolution No. 28—Additional Medical Care and Related Benefits for Members of the Reserve Components

Whereas, members of the Reserve Components of our Armed Forces are, in the course of their training and in support of the active forces, increasingly engaged in hazardous training and duty, and

Whereas, current law does not provide adequate protection for all Reservists taken ill during training, injured during training and while traveling to and from such training, nor does it provide adequate medical care for survivors of those who are killed during training, and

Whereas, a bill entitled "The Reserve Forces Benefits Act" has passed the House of Representatives during several Congresses will provide the coverage now omitted in law,

Now therefore be it resolved that the Reserve Officers Association of the United States strongly support "The Reserve Forces Benefits Act" or similar legislation that will provide this medical care and related benefits to Reservists and their dependents.

Resolution No. 29—Expansion of Military Hospitals

Whereas, there is an inadequacy in the military hospital facilities now available, and

Whereas, these facilities should be adequate to take care of the active military forces in time of full mobilization, and

Whereas, these facilities should be maintained during peacetime to care for retired personnel and dependents,

Now therefore be it resolved that the Reserve Officers Association of the United States support legislation to provide adequate expansion of military hospitals to provide for the proper medical care of the active military establishment during wartime mobilization and to provide care for retired personnel and dependents during times of war and peace.

Resolution No. 30—Dependents' Dental Care Program

Whereas, dental care is an integral part of health care and is essential to the maintenance of proper health, and

Whereas, the extremely limited dental care available to dependents of military personnel is one of several important negative factors considered by highly trained servicemen in making reenlistment decisions, and

Whereas, legislation has been introduced which would provide dental care to military dependents,

Now therefore be it resolved that the Reserve Officers Association of the United States support legislation which would provide adequate dental care to dependents of members of the military services.

Resolution No. 31—Support of Basic ROTC Training

Whereas, one of the prime objectives of a great college or university should be to produce well-rounded citizens by giving students a broad educational outlook both for subsequent specialized training and the assumption of the duties of citizenship, and

Whereas, the content of military science courses and leadership exercises included in the basic ROTC program uniquely prepares the student for the realities of life, and

Whereas, knowledge and experience gained from such training is vital to the personal safety of the student and the security of the United States, and

Whereas, traditionally and constitutionally it is imperative that the military remain essentially under control of civilian authority, and an informed and adequately trained citizenry is necessary for this to be accomplished, and

Whereas, there is no rationale to support the contention that a truly excellent institution of higher learning must eliminate compulsory basic ROTC if it is to attract the better students and faculty,

Now therefore be it resolved that the Reserve Officers Association of the United States urge that two years of basic military science be continued at all institutions of higher learning as approved by the service concerned, and

Be it further resolved that efforts be made to expand the program to other qualified institutions which do not now offer it.

Resolution No. 32—Academic Credit for ROTC

Whereas, there is ever-increasing evidence of well planned and organized campaigns on the part of dissident elements on college campuses to seek faculty and college administration support and other activities designed to disable and discredit service Reserve Officers Training Corps (ROTC) programs through removal of academic credit for ROTC, and

Whereas, these systematic efforts in several instances have been successful in obtaining faculty and college administration support for action to remove academic credit for ROTC primarily on the contention that ROTC is not a true academic course in the established sense, and

Whereas, the ROTC programs are the only ones in most institutions that teach and inculcate self-discipline and leadership which are essential characteristics for success in the several military services and in other professions and careers in the American way of life, and

Whereas, the ROTC programs are a major source of officers for the Armed Forces which provide security for America, and

Whereas, it is a fundamental and constitutional obligation of all able-bodied male citizens, 17 years of age or older, of America to receive military training and bear arms if needed,

Now therefore be it resolved that the Reserve Officers Association of the United States publicly adopt a position to condemn and oppose any and all actions which serve to discredit or lessen the value of ROTC to the student population on all college and university campuses, where established, and that it urges the Secretary of Defense to encourage the granting of appropriate academic credit for ROTC courses by all institutions under contract to conduct such ROTC programs,

And be it further resolved that all Reserve Officers Association Departments and Chapters actively participate in such programs at the state and community levels that will carry out the concepts of this resolution.

Resolution No. 33—Protection of the Right for Reserve Officers To Retire in Their Reserve Grade

Whereas, in enacting the Reserve Officers Personnel Act of 1954 (ROPA) the intent of Congress was to provide promotion systems for the Reserve Forces paralleling, to the extent practicable, the promotion provisions for Regular officers contained in the Officer Personnel Act (OPA), and

Whereas, in doing so, for Reserve officers of the Army and Air Force, they provided for promotion to captain, major and lieutenant colonel without regard to vacancies at the same phase points as provided Regular officers of those services under OPA, and

Whereas, it was determined that the active duty forces' strength limitations could not absorb these promotions afforded under ROPA, and

Whereas, it was determined therefore that Reserve Officers should be afforded these promotions without changing active duty grade or pay because of the above-mentioned limitations, and

Whereas, it was further determined that other than this last provision heretofore mentioned, Reserve officers so promoted should be entitled to all other perquisites, including the right to retirement in that grade, and

Whereas, subsequent to the enactment of ROPA there have been several proposals that would eliminate this provision,

Now therefore be it resolved that the Reserve Officers Association of the United States oppose any attempt to eliminate or impair the existing right of Reserve Officers of the Army and the Air Force to retire in their Reserve grade.

Resolution No. 34—Crediting of Reserve for Computation of Enlisted Retired Pay

Whereas, under current law, officers may count certain non-active duty for Reserve service for the purpose of computing retired pay, and

Whereas, enlisted personnel may not count the same inactive service in computing their retired pay, and

Whereas, the House of Representatives has in three sessions of Congress approved legislation which would provide this service credit to enlisted men when retired,

Now therefore be it resolved that the Reserve Officers Association of the United States support legislative proposals which would provide credit for certain Reserve service in computing the retired pay of enlisted members of the Armed Services in the same manner as now provided for officers.

Resolution No. 35—Waiver of Limitations Upon Claims by Retired Members of the Military Services

Whereas, the 88th Congress enacted Public Law 88–519, to confer jurisdiction upon Federal District Courts to hear and render judgment upon the pay claims of members of the Uniformed Services and others, and

Whereas, in seeking the protection and benefits of this Act of Congress, there are many retired military personnel whose age, and whose early dates of retirement, deny them such protection and benefits so long as there continue to exist certain limitations so that they or their widows may still seek correction of their retired pay status,

Now therefore be it resolved that the Reserve Officers Association of the United States support the enactment of legislation which would waive certain limitations upon actions in Federal District Courts under the provisions of Public Law 88–519.

Resolution No. 36—Airlift and Sealift

Whereas, the ability of United States Armed Forces to respond promptly and decisively is essential in deterring war or limiting a conflict already started, and

Whereas, adequate modern airlift is vital for the rapid deployment and support of Armed Forces overseas, shortening reaction time and increasing combat effectiveness, and

Whereas, adequate modern sealift is essential to deliver and maintain additional combat power overseas, and

Whereas, progress is now being made in improving airlift and sealift capabilities,

Now therefore be it resolved by the Reserve Officers Association of the United States that actions to provide adequate amounts of airlift and sealift for the Armed Forces and to develop modern equipment to meet these requirements be continued and expanded.

Resolution No. 37—Amphibious Assault Force

Whereas, the current amphibious sealift available to the Naval services is made up primary of converted WW II merchant ships, and

Whereas, high speed Naval amphibious ships designed for the purpose are currently under construction, and

Whereas, the rate of construction is such that an amphibious force is necessarily limited to the speed and capabilities of obsolete amphibious ships still in commission,

Now, therefore be it resolved that the Reserve Officers Association of the United States support a ship construction program that would give the Navy the capability of a high speed amphibious assault force capable of lifting at least one reenforced marine division.

Resolution No. 38—Afro-Asian Ocean Fleet

Whereas, international Communism, as exemplified by aggression in Laos and South Vietnam, is threatening the very existence of the free and democratic nations of Southeast Asia and East Africa, and

Whereas, it is the demonstrated tactics of international Communism to attack these smaller and weaker countries by political subversion, infiltration of arms and fifth column elements leading to direct internal armed aggression by Communist forces, and

Whereas, there is a very real need to effectively support our Free World allies in Southeast Asia Treaty Organization and the CENTO Treaty Organization, and

Whereas, those weaker countries most directly threatened by Communist forces are readily accessible from the adjoining oceans, and

Whereas, the eviction of the United States from overseas bases will greatly reduce our ability to quickly respond to aggression in the newly developed nations, and

Whereas, this weakness can be effectively offset by a United States Navy task force operating in these ocean areas, and

Whereas, a United States Afro-Asian Fleet would provide the capacity to intervene favorably for the protection of United States interests and support of friendly governments in this critical area of growing Communist infiltration,

Now therefore be it resolved by the Reserve Officers Association of the United States that:

(a) A United States Afro-Asian Fleet be established as a means of carrying out United States National policy and preventing Communist conquests in that area, and

(b) That the United States Navy be provided sufficient additional funds to procure the ships, aircraft, personnel and logistic support for an Afro-Asian Fleet.

Resolution No. 39—Deployment of Seaborne Anti-Ballistic Missiles

Whereas, the Secretary of Defense and the President have approved deployment of anti-ballistic missiles on board ship, and

Whereas, the state of scientific development is such as to permit the installation of ani-ballistic missiles on board ship, and

Whereas, the utilization of the seaborne anti-ballistic missile will permit interception and destruction of enemy missiles at sea,

Now therefore be it resolved that the Reserve Officers Association of the United States support the deployment of Seaborne Anti-Ballistic Missiles in conjunction with land-based anti-ballistic missiles in defense of the United States.

Resolution No. 40—TAR Reenlistment Bonuses

Whereas, the TAR enlisted personnel are an important part of the Naval Reserve Program and the Department of Defense Mobilization Plan, and

Whereas, the TAR enlisted personnel perform important and necessary functions in the readiness of the Naval Reserve, and

Whereas, the Regular Navy Personnel receive reenlistment bonuses and TAR enlisted personnel do not,

Now therefore be it resolved that the Reserve Officers Association of the United States urge the Secretary of the Navy to take such action as necessary to authorize reenlistment bonuses for TAR personnel in the same number and in the same amounts as provided for Regular Navy personnel.

Resolution No. 41—Retirement Credit for Naval Officers Completing Twenty Years of Satisfactory Service After Reaching Age Sixty

Whereas, a decision of the Comptroller General (38 Comp. Gen. 647) has held that a retired Reservist who attains the age of sixty, then later completes twenty years of satisfactory Federal service may not be credited with any retirement credits or service after the date of initial qualification, and

Whereas, this interpretation of the law is at variance with the law as specifically written in Section 1401, title 10, U.S. Code, Formula 3, and

Whereas, in Chapter 67, title 10, U.S. Code, this formula specifies that the service credited officers who are retired under Section 1331 shall be computed in accordance with Section 1333 which relates specifically and solely to the use of years of Satisfactory Federal Service as a multiplier, and

Whereas, the monthly base pay required to be used as the multiplicand in the formula for the computation of retired pay is defined in Section 205, title 37, U.S. Code and has no relation to Satisfactory Federal Service but includes *all service* performed, and

Whereas *all service performed* is bound to be equal to or greater than Satisfactory Federal Service, and

Whereas, Section 1331, title 10, U.S. Code, Formula 3, specifies that the multiplicand be computed at rates applicable on the date when retired pay is granted, not when the individual qualifies,

Now therefore be it resolved that the Reserve Officers Association of the United States bring this unjust interpretation to the attention of the Secretary of the Navy and request that he direct that the pay of Naval officers who are retired under Chapter 67, title 10, U.S. Code, be computed as directed by law.

Resolution No. 42—AF Active Duty Career Motivation

Whereas, the 1964 Career Motivation Congress submitted recommendation Number 10, which reads as follows:

"A. A single career system for all Air Force officers, with initial obligated service (except for academy and distinguished ROTC graduates) to be in Reserve status, and all extended active duty to be in regular status;

"B. Selection for extended active duty to be made near the completion of obligated duty tours (4½ years) and with selection and the tender of a regular commission to become synonymous actions;

"C. Extension of maximum length of service careers, with new limits to be established as follows:

Captain 20 years.
Major, 20 years.
Lieutenant Colonel, 30 years.
Colonel/general, 35 years.

"D. A revised promotion system to permit earlier eligibility, continuation of eligibility until retirement or release from active duty, and use of the best qualified system for selection," and

Whereas, this recommendation, if implemented, would remove the glaring discrepancies now inherent in the revised 20 Year Reserve Career Program, and

Whereas, a DoD Study Group has proposed a career pattern for active duty officers, closely paralleling that outlined above.

Now therefore be it resolved that the Reserve Officers Association of the United States supports the development of legislation which would provide a single career status for all officers on active duty after an initial probationary period in the company grades.

MILITARY AND ECONOMIC AID WITHHELD FROM GREECE AND PAKISTAN

Mr. SAXBE. Mr. President, I wish to congratulate the House Foreign Affairs Committee for its wise action in withholding military and economic aid from Greece and Pakistan. As you know, the Saxbe-Church amendment pending before the Committee on Foreign Relations would accomplish a similar result. The Saxbe-Church amendment now has 31 cosponsors. I hope that the House will ratify the action of the Committee on Foreign Affairs.

Today I take pleasure in announcing that the Senator from Alaska (Mr. STEVENS) joins the list of cosponsors of this amendment. I invite Senators who have not yet cosponsored to join us in our attempt to end this terrible conflict and our Government's economic and military support of it.

Mr. President, I am dismayed to learn that the President of Pakistan's martial law regime, General Yahya Khan, is planning on putting East Pakistani leader Mujibur Rahman on trial for treason within the next month. At a time when a meaningful accommodation is necessary, this action would make a martyr out of Mujibur and increase the already existing bitterness.

C. L. Sulzeberger, in yesterday's New York Times, said:

> The Kissinger trip produced an impression that the greatest immediate danger to peace lies in steadily worsening India-Pakistan relations and a possibility that war might explode between these South Asian neighbors respectively supported by Russia and China. This would destroy Washington's effort to create a new international equilibrium improving relations with Moscow while developing fresh contacts with Peking.

Mr. President, the test of governments is their maturity. India has shown its humanity, morality, and maturity by accepting close to 7 million refugees without engaging in active hostilities against the Government of Pakistan. Yet the longer the situation continues, the more difficult it will be for a reconciliation.

Finally, there are reports that President Yahya Khan and his small group of advisers, who have attempted to destroy the Awami League and its leader, Sheik Mujibur Rahman, winners of virtually all of the seats in the East, are now seeking to wrest power from former Foreign Minister Bhutto, winner of a majority of the seats in the West. The United States must stop additional arms shipments and aid until efforts are made at reconciliation.

I invite the attention of Senators to further press accounts concerning the tragedy in East Pakistan. I ask unanimous consent that a number of articles on Pakistan be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Star, July 14, 1971]

Pakistan Action in East Clouds West's Hopes

(By Henry S. Bradsher)

ISLAMABAD, PAKISTAN.—The results of Pakistan's only free national elections, which were overturned in East Pakistan by a military crackdown in March, have now been thrown into doubt in the rest of the country.

Former Foreign Minister Zulfikar Ali Bhutto is struggling against an apparent effort by President A. M. Yahya Khans' military government to keep him out of power.

The traditional Pakistani establishment of big landlords, industrialists and army officers lost the elections in December. Now the establishment is recouping.

New social and political forces demanding changes won control of the national assembly elected Dec. 7. It was supposed to have written a constitution to end Gen. Yahya Khan's martial law rule and begin democratic government.

In the East those forces sought a large measure of autonomy under the leadership of Sheikh Mujibur Rahman in order to escape what Easterners considered inferior treatment by the West. Rahman pushed his demands to the point that Yahya considered them a treasonous effort to break up Pakistan.

Rahman is now imprisoned, his Awami League which won 72 percent of the provincial vote is outlawed and the province lies almost prostrate under terror of an army from West Pakistan.

SOCIALISTIC APPEAL

In the West, demand for change was voiced by Bhutto. A big landowner, he joined the leftists to make a socialistic appeal to the poor that won a majority of the West's assembly seats.

But Bhutto was unwilling to see the East obtain the degree of autonomy it wanted because that would have weakened the nation which he hoped to help lead. Bhutto became the catalyst of the political situation that led to the army's crackdown in the East on March 25.

As Yahya Khan later told it, Rahman warned Bhutto privately outside a meeting the three leaders had shortly before the crackdown that "the army intends to finish me, and then they'll finish you."

Bhutto quoted this to Yahya later in the apparent belief it would not happen. But it seems now to have been a realistic forecast.

Bhutto's initial reaction when the army began shooting up the East was that "the country has been saved" by suppression of the Awami League. But Yahya announced a ban on all political activities and soon the members of Bhutto's Peoples party in the West became restive.

Bhutto began publicly insisting that the situation in the East should not prevent the establishment of an elected government in the West where his party was dominant. It won 81 of the West's 138 elected assembly seats and also control of two out of four provincial legislatures in the West.

Yahya and his small group of generals and civilian advisers showed no inclination to give power to Bhutto. They are believed to regard him as a power hungry opportunist who is a potential danger to the establishment.

Factionalism which had appeared in Bhutto's party shortly after the elections widened during the wait for power. Some of more leftist—possibly even Communist—followers disagreed wtih the way Bhutto moderated his radical election stands.

At the same time a movement developed to unify three political parties all claiming the inheritance of the Moslem League, the party that led Pakistan to independence from the breakup of British India in 1947.

FRONT MAN

Yahya's government is generally believed by political observers to be behind this move. Its front man is head of the All-Pakistan Moslem League (APML), Abdul Qayyum Khan.

Qayyum always favored a strong central government and little provincial autonomy, which is the attitude of Yahya's clique, also.

The three Moslem Leagues together only won 18 out of 300 elected assembly seats in December.

Building them into a majority is difficult but not impossible.

The legal order that an assembly member loses his seat if he switches parties is expected to be changed, ostensibly so Awami League members can rally to the new loyalist party. But such an order also would permit efforts to lure away some of Bhutto's followers. Efforts along these lines already have been reported. Some of his more feudal landlord followers are reportedly ready to break with the party's leftist line. They might join the old establishment men in the Moslem League.

Yahya has announced that by-elections will be held in East Pakistan to fill seats of the Awami Leaguers who have taken part in "antistate activities . . . criminal acts . . . antisocial activities."

In the present disturbed conditions in the East, with a number of government supporters already assassinated by the Bengali liberation army, the ability to hold meaningful elections is doubtful.

Many political observers suspect seats might end up being filled by government choices who will support the Moslem League.

There are also independents and parties based on the Moslem faith that will add strength to the bloc supporting Yahya's policies.

LEAGUE EXCLUDED

Yahya outlined plans June 28 for establishing representative government based on his definition of representative which excluded the Awami League.

He said his experts would write the constitution instead of letting the assembly do it. He hoped to have the government going within four months but martial law would remain in force even after it was established.

Yahya said he had instructed the committee drafting a constitution that there should be a ban on political parties which are "confined to a specific region and not national in the practical sense." He also said there must not be factional subparties within a party.

In public statements since then Bhutto has showed sensitivity about his, obviously fearing Yahya is moving toward a ban on his Peoples party.

Bhutto denies it is regional, arguing that it won in two of the West's provinces. But an alternate interpretation which Yahya might have had in mind was that a party has to have strength in both East and West Pakistan.

The Peoples party has no standing in the East just as the Awami League had none in the West.

Although they failed to win seats in the East, the Moslem League factions and Moslem religious parties do have eastern organizations.

Bhuttos' party is also obviously split into subparties. Yahya's remarks might have been framed to point at the Peoples party.

Increasingly frustrated as his hopes of gaining power are frustrated. Bhutto has been increasingly critical of Yahya's regime—in contrast to his role as the regime allied against Rahman between the elections and March.

After Yahya outlined his plans June 28th Bhutto said that by November—after the four months Yahya mentioned—he would either be in power or in prison.

This was a threat to cause trouble if he were denied power. But the present mood of the government indicates it is unlikely to be coerced by the threat of public disturbances which Bhutto has the ability to stir up. Disturbances are more likely to be met with stern repression.

Bhutto is not the only potential source of trouble in the West.

Assertion of East Pakistan's right to autonomy stirred up the resentment of West Pakistan's other three provinces against domination from Punjab Province which is the heartland of the establishment.

The leading regional firebrand of Sind, the province containing Karachi, has been banished to his native village to keep him off the political stage. In Baluchistan there has been a series of train derailments and ambushes on highways which informed sources relate to regional resentment against the government. And in the Northwest Frontier Province landlord-tenant strife has excerbated the political situation.

[From the Christian Science Monitor, July 14, 1971]

U.S. Over Barrel on Pakistan Aid

(By Lucia Mouat)

WASHINGTON.—The United States is trying to play both sides of the Pakistani conflict with its influential wallet.

It is cutting back on, but by no means cutting off, development aid and delivery of certain military items purchased by the Pakistani Government before the Army and Bengali separatists in East Pakistan clashed in full on March 25.

The result is a somewhat murky policy, the logic of which is unclear and unconvincing even to some officials here. By most measures, the U.S. course of action is winning few friends.

India, for one, is enraged by the U.S. choice of options. The policy has also added considerable fuel to a growing congressional move to cut the purse strings quickly and completely.

FOREIGN-AID NECESSITY

Foreign aid and purchases from any source are considered all important to Pakistan in its struggle with Bengali rebels at this point. Many longtime students of the India-Pakistan subcontinent argue that since the Pakistan Government has been admittedly on the verge of bankruptcy, without aid it would have no choice but to pull back its Army and reach some kind of political accord with the east.

For the United States, in which Pakistan has been heavily dependent financially, genuine neutrality would have been an impossibility. Any action, even if only continuing its old economic policies, would have influenced the course of events.

Though some sources such as the World Bank's recent Cargill report, strongly recommended an economic standback, the U.S. has opted to continue at least existing loans and limited equipment supply on grounds it enables this country to keep a "constructive political relationship" with Pakistani President Yahya Khan.

MATTER OF LEVERAGE

Christopher van Hollen, Deputy Assistant Secretary of State, told a Senate subcommittee hearing in late June that it would give the U.S. "leverage" in persuading President Yahya to establish conditions favorable to the return of the estimated 6 million refugees who have fled to India in the course of the civil war. An outright embargo, said Mr. van Hollen, would be interpreted by the Pakistani Government as "a sanction and intrusion into internal problems."

Another explanation is the danger in encouraging Pakistan to shop elsewhere. If Pakistan wese not allowed to buy spare parts here for military equipment the U.S. provided some years ago, sources say, it might buy the newest and most expensive equipment elsewhere, diverting needed funds from its own development and possibly triggering an arms race with India.

Unofficial sources speculate that the more compelling rationale for what seems to many an irrational policy is more closely related to the balance-of-power theory.

President Nixon, a longtime friend of President Yahya's, said in his February state-of-the-world speech that his major concern in South Asia was "to bring our activity into a stable balance with that of the other major powers in the area."

Since the U.S. banned military-aid grants to India and Pakistan in 1965, Peking has replaced the U.S. as Pakistan's major military supplier. India leans heavily on the U.S.S.R.

AID MOVES NOTED

In its dual economic policy, the U.S. has made a few moves which could be interpreted as signs, however mild, of disapproval of Pakistani Government action:

It has authorized no new bilateral loans since March 25. Officials claim it will not until the Pakistani Government submits a workable development plan, and begins to implement it. The other 10 members of the AID to Pakistan Consortium, chaired by the World Bank, have held off on similar grounds.

On April 6 the State Department said it would not issue new or renewed licenses for purchase of the thousands of items ranging from spare parts to weapons on the official munitions list. It also banned delivery of items purchased from Defense Department stocks or contractors under the foreign military-sales program, and said military supply policy to Pakistan was under "close review."

The U.S. has been noticeably generous—to the tune of $70.5 million—in providing food and other supplies for refugees in India and East Pakistan.

A number of other countries have ordered firm aid cutoffs, movements to recognize the Bangla Desh are also growing.

Certain military goods, as long as they are not "lethal end-items" such as tanks and guns and were technically purchased commercially before the State Department ban took effect, may still be shipped to Pakistan.

SHIPS SET SAIL

Three ships, loaded with ammunition and spare parts for military equipment (but no aircraft, the State Department insists) have set sail for Karachi from this country since the war broke out. Another four or five shiploads are expected to get under way before the summer is over.

The Padma, one of the three that has sailed, stopped in Montreal en route but at the order of the Canadian Government was not loaded with its expected cargo of some 46 crates of F-86 Sabre-jet parts.

Sen. Frank Church (D) of Idaho, one of several congressmen sponsoring bills to cut off military and economic aid, has estimated that as much as $35 million worth of supplies are still in the "pipeline," purchased under licenses granted before the ban but still waiting to be delivered.

State Department officials say the figure sounds somewhat high.

[From the Boston (Mass.) Globe, July 14, 1971]

PLEA FROM CARE

CARE's staff in India has been sending urgent cables for additional relief supplies to help save the lives of an estimated six million people who have crossed the Pakistan border.

These people are hungry and homeless, and unless their needs can be met the world may witness an enormous human tragedy.

CARE's resident staff in India has been distributing since April nearly 4,000 tons of food and 12,000 large tarpaulins for use as shelter.

Regrettably, our emergency funds are now exhausted and we are compelled once again to turn to the American people to finance the continued massive effort which must be made.

New Englanders have been extremely generous in recent months, and we have no choice but to ask that this generosity be repeated. The lives of millions are at stake.

Donations may be sent to: CARE Emergency Relief Fund, 120 Boylston Street, Boston, Massachusetts 02116.

GRIM REPORT ON PAKISTAN PIGEONHOLED

WASHINGTON.—Somewhere in the recesses of the State Department is a classified report which tells a horrendous tale of what is in store for East Pakistan in the months ahead.

Those who claim to have seen the document say that it concludes that East Pakistan faces one of the worst famines in modern history.

That such a prospect is now a real possibility is not denied by most experts here who have been in close contact with the developments in that country, particularly the economic and political morass in the Eastern half.

Thus, even the World Bank, which is usually circumspect and generous in its evaluation of crisis situations, has put its stamp of disapproval for any aid, except food shipments, to Pakistan for at least another year.

It did so after investigating the situation in the East in the wake not only of the political upheaval since March 25 but also of the tragic cyclone devastation last October.

But on the situation directly resulting from the ruthless repression of the Bengla Desh movement, the Bank claimed that East Pakistan is most unlikely to return to normal "until there is a drastic reduction in the visibility and preferably even the presence of West Pakistani military in the Eastern region."

It recommends instead massive food shipments to prevent starvation as a result of the disruptions in transportation and agricultural production in the rice growing province.

Yet, the Administration has asked Congress to approve a total of $118 million in economic assistance and $5 million in foreign military sales credits to Pakistan for fiscal 1972.

It did so on the premise that the rationales for economic aid should be kept separate from relief assistance. But that separation is an arbitrary one and not justified.

The bulk of development asistance in the past has been used principally for West Pakistan which, in turn, has only strengthened the political and military hands of the regime of President Yahya Khan.

Furthermore, there is no cogent reason why long-term relief assistance should be second to development and arms aid.

Administration spokesmen have stressed the extent of grain deliveries that have been authorized but that aid is small compared to East Pakistan's immediate needs and to the amounts requested for development.

The real reason for continuation of economic and arms assistance despite warnings of the World Bank is to stay on Yahya Khan's good side lest he turn his country over to Communist China.

Thus the lid that has been put on the starvation report is evidently intended to deny grist to those in Congress who have been advocating a total halt in aid to the West Pakistani government.

Pakistan is incapable of launching a successful relief effort to save its own population. The humanitarian task has fallen, therefore, on the rest of the world.

The US as the strongest power in the world has the moral obligation to save East Pakistan from the colossal tragedy that is staring it in the face.

It ought to and can remove the prospect of starvation there—even unilaterally if the need be.

[From the Washington Daily News, July 15, 1971]

NO AID FOR PAKISTAN

An on-the-spot team from the World Bank has made a damning report on the Pakistani army's murderous suppression of the East Pakistan home-rule movement.

The report's conclusion: The military have made such a bloody shambles out of the tortured province that any economic-development aid sent there in the next year or so would be wasted.

Altho World Bank officials are usually cautious civil servants, this group had the courage and honesty to state that the army ought to withdraw from East Pakistan and let the Bengali people govern themselves.

That is more than the Nixon administration has dared say. Probably out of fear of "throwing Pakistan in Communist China's arms," Washington has not had the nerve to stop sending military and economic aid to the Pakistan military regime.

So far the West Pakistan central government has slaughtered 20,000 Bengalis, caused 6.5 million to flee to neighboring India, hunted down and killed minority Hindus like dogs and brought Pakistan and India close to a major war.

All this has not been enough to make the ponderous United States bureaucracy view Pakistan as less than a favored aid client. After spending $88 million on Pakistan in fiscal 1971, the administration is asking Congress for $118 million this fiscal year.

One wonders why the extra $30 million. Is it a reward for butchery? Or to insure that President A. M. Yahya Khan will have enough shovels to bury the Bengalis?

Whatever the answer, we are confident that Congress will show more common sense than the bureaucrats. It should shut off the flow of aid, particularly weapons, until the West Pakistanis stop killing the darker-skinned Bengalis, persecuting Hindus and treating East Pakistan as a colony to be subjugated by force of arms.

The World Bank and such member states as Britain and Canada are ready to follow such a sensible course. We hope Washington will join them, even at the risk of offending the Islamabad dictatorship.

Naturally, the world community should send humanitarian aid—food and medicine—to keep the ill-fated Bengalis alive. But not development aid for civilized purposes until the Pakistani regime behaves in a civilized way.

[From the New York Times, July 16, 1971]

GUERRILLAS IN EAST PAKISTAN STEP UP HIT-RUN ATTACKS ON TROOPS AND POLICE

(By Sydney H. Schanberg)

NEW DELHI, July 15.—The resistance fighters in East Pakistan have been increasing their hit-and-run attacks on small West Pakistani Army units and police stations.

As the still-disorganized Bengali autonomy movement appears to be gaining momentum, the guerrillas have been avoiding frontal battles but have inflicted a sizable number of casualties.

They have also stepped up executions, sometimes by beheading, of those collaborating with the army.

In many areas the army pulls back to the relative safety of its cantonments at night, leaving the rebels free to move through the countryside. Soldiers who stride confidently down country lanes in the daytime disappear into their barracks as the sun sets. Army convoys that move at night do so without headlights.

CURFEWS ARE REIMPOSED

With the growing resistance, the army has had to reimpose curfews in an increasing number of towns. Foreign observers are beginning to draw parallels to Vietnam.

As in most insurgencies, only a small percentage of the people are active participants or combatants, but the overwhelming majority of the 75 million East Pakistanis seem to be at least passive resisters. This correspondent found that poor Bengali villagers, though too occupied with daily survival to think about defying the army openly, were quietly cheering the insurgents on and hoping for a chance to help them.

The Pakistani Army's usual tactic against a guerrilla raid is swift reprisal against the civilian population in the area. While that has made some villagers reluctant to hide and shelter guerrillas, it does not seem to have produced wide-spread civilian resentment against them.

Though most of the resistance activity has been concentrated in border areas—where the Bengalis can strike and slip quickly back to sanctuaries in India—the insurgents are widening their area of operations.

Guerrillas have recently carried out several raids in and around Dacca, knocking out power supplies, attacking an ordnance factory and damaging a plant that was converting motor launches into gunboats for the army.

Dacca's electric power was knocked out over the July 4 weekend in a dramatic raid demonstrating the guerrillas' ability to make forays into the heart of the province and cause considerable trouble.

The rebels, wearing the lungi (sarong) and undershirt of the working class, slip into Dacca and other towns regularly to recruit men with needed skills—radio technicians, engineers, a crop-dusting pilot. The explosions of grenades and homemade bombs were everyday sounds in major towns as the insurgents attempted to kill collaborators and frighten off potential ones.

The heaviest action has been in the eastern border districts of Sylhet, Comilla and Noakhall, especially in the latter two, where the guerrillas have been able to keep the vital road and rail links between Chittagong and Dacca severed.

Some of the demolition has been expert, and Pakistani officers contend that it could only be the work of experienced Indians. The West Pakistanis generally believe they are fighting India, not Bengali insurgents.

In the tense border areas, the troops are on combat alert, as if in defense against an invasion. Unit and rank markings have been removed from uniform. Artillery pieces are in position. Officers wear sidearms at all times.

The Pakistani troops, said to number 70,000 to 80,000 seem to be spread thin for the dual job of occupation army and combat force to deal with the insurgency. Guarding the 1,350-mile border with India is in itself a mammoth job.

[From the Washington Post, July 16, 1971]

Pakistan, Greece Aid Halt Is Backed

(By Murrey Marder)

The House Foreign Affairs Committee voted yesterday to cut off military and economic aid to Greece unless it restores constitutional rule, and to suspend major aid to Pakistan until persecution of East Pakistan refugees ends.

This major, double challenge of Nixon administration policy by the once-passive House committee caught U.S. officials by surprise. State Department sources said they hope to overturn the actions in the full House or in the Senate.

The following votes were reported taken in a closed meeting of the House committee which is still in the process of marking up the $3.3 billion foreign aid authorization bill:

On a 17-to-12 vote, to stop all military assistance and sales to Greece until the present military junta permits a return to constitutional rule, unless President Nixon specifies in writing that continued U.S. aid is required by "overriding requirements of the national security of the United States."

Even if the President makes that finding, U.S. military aid to Greece still would be limited to the $80 million ceiling for the fiscal year that ended June 30. Instead, $117 million is being requested for Greece in the current 12 months that started July 1.

On a 17-to-6 vote, to suspend for the time being all military and economic aid to Pakistan.

It would be suspended until the President reports to Congress that Pakistan is "cooperating fully in allowing the situation in East Pakistan to return to reasonable stability" and millions of refugees who have fled to India have been allowed to return to East Pakistan to reclaim lands and property, to the extent feasible.

The aid suspension for Pakistan would permit use of $100 million voted earlier by the committee for refugee relief. But the withholding vote on other aid would suspend $118.3 million requested by the administration for development and technical aid to Pakistan.

Among other actions taken by the committee, an attempt to increase by $50 million the $239.4 million sought by the administration for military aid to South Korea was defeated, 16 to 12.

The votes to withhold Greek-Pakistan aid funds were described by congressional sources as "a questioning of the administration's judgment," arising in large part from the "re-thinking" underway in Congress stimulated by U.S. policy in the Indochina war.

Rep. Wayne Hays (D-Ohio) led the fight to ban arms aid to Greece, which he lost in the committee on Wednesday on a 14-to-12 vote. At that time, a more moderate proposal by Rep. Paul Findley (R-Ill.) to limit military grants to Greece also was defeated.

Supporters of the varying Hays-Findley approaches were reinforced by critical testimony about the four-year-old Greek junta in current hearings by Rep. Benjamin Rosenthal (D-N.Y.), chairman of a European subcommittee of the House Foreign Affairs Committee.

Hays said yesterday that his objective is "to prod the Greek junta to do what they said they would do—to move back toward constitutional government." He said, "We don't think the House should put a seal of approval on this mutineers group—this is what they are."

The drive to put pressure on the Pakistan government was led by Rep. Cornelius Gallagher (D-N.J.), chairman of the Asian Affairs Subcommittee. He said yesterday, "To me it was intolerable that we should subsidize for another minute in Pakistan the terrible tragedy that is going on" since the recent crushing of the East Pakistan autonomy movement.

A "reign of terror" is now under way in East Pakistan, said Gallagher, and U.S. aid has been used to "contribute to unspeakable agony."

In describing the current mood in the committee, Gallagher said, "I think the overall self-analysis that we have been going through on what our proper role should be on the whole Vietnam question has made us take another look at what we are doing in all these areas."

Sen. Edward M. Kennedy (D-Mass.) has called on the General Accounting Office to investigate U.S. arms shipments to Pakistan. Kennedy said, "For too long, the Congress has confronted misleading statements on this administration's policy towards the supply of arms to Pakistan, while each day brings news of more ships loaded with arms."

The administration imposed an embargo on new arms aid for Pakistan after civil war broke out in March but allowed arms in the "pipeline" to proceed. The State Department said yesterday that military spare parts sent to Pakistan aboard two freighters, which recently arrived in Pakistan and the vessel Padma, now in Baltimore, total about $2.2 million.

[From the New York Times, July 16, 1971]

House Unit Favors Halting Aid to Greece and Pakistan

(By Henry Tanner)

WASHINGTON, July 15.—The House Foreign Affairs Committee voted today in favor of proposals to withhold military and economic assistance from Pakistan and Greece.

The proposal regarding Pakistan would cut off United States funds until East Pakistani refugees have been returned to their homes and "reasonable stability" has been achieved in the country, where the army has moved to crush an East Pakistani movement for independence.

The action on Greece was a reversal of a vote yesterday by which the committee defeated, 14 to 12, another proposal to bar arms aid to Greece. That vote was on an amendment offered by Representative Wayne L. Hays, Democrat of Ohio, to the Administration's $3.3-billion foreign aid authorization bill.

Today's vote was on an amendment jointly offered by Mr. Hays and Representative Paul Findley, Republican of Illinois. It was approved 17 to 12.

The vote on Pakistan was 17 to 6 in favor of an amendment by Representative Cornelius E. Gallagher, Democrat of New Jersey.

The two votes today were the first concrete moves in Congress to use foreign-aid policies as a means to bring about improvement in the internal situations of Greece and Pakistan.

Congressional sources said today that the chances were excellent that the entire House would follow the committee's recommendations.

In the Senate, the feeling against military aid to the two countries has been even stronger than in the House.

The Administration has asked Congress to authorize $118.3-million in economic aid, $5.5-million in military aid and $8-million in technical assistance for Pakistan for the fiscal year that began July 1.

The request for Greece is $117.9-million in military aid for the new fiscal year, compared with $80.3-million for last year. No economic aid was given to Greece last year and none was requested for this year.

Senator Edward M. Kennedy said in a statement today that the Administration had confronted Congress for too long with "misleading statements" about its policy of supplying arms to Pakistan. He added that he had requested the General Accounting Office to investigate the volume and content of United States military aid to Pakistan.

"It saddens me that our great nation continues to be more efficient in moving military hardware than in arranging humanitarian relief in East Pakistan," Mr. Kennedy said.

As defined by State Department officials, the Administration position on Pakistan is that economic assistance is being held in abeyance pending a clarification of the situation in East Pakistan and that military assistance in sales of "non-lethal" items was stopped on March 25 when the Pakistani Army moved in the East. Pakistan is allowed, however, to receive military items for which export licenses were issued before March 25.

Charles W. Bray 3d, the State Department's spokesman, said today that the amounts contained in the Administration's bill should be authorized and appropriated by Congress "against the possibility" that the situation in East Pakistan would improve during the fiscal year, thus permitting resumption of aid.

Administration officers today made a distinction between suspension of economic assistance pending a return to normalcy in East Pakistan and a deliberate policy of using aid as a means to impose on the Government of President Agha Mohammad Yahya Khan a "particular" solution to the conflict in East Pakistan. They added that the Administration has consistently been using its influence to persuade the Pakistani Government that a political accommodation in the East was the only way out of the present situation. But the Administration is not trying to dictate what form this accommodation should take, it was said.

Both amendments passed by the House Foreign Affairs Committee today contain Presidential waiver clauses.

The amendment on Pakistan stipulates that assistance to that country may be resumed if the President reports to Congress that the Pakistani Government has restored "reasonable" stability and is permitting the East Pakistani refugees in India to return and claim their lands and properties.

The amendment barring military and economic assistance to Greece stipulates that this ban may be waived only if the President finds that overriding requirements of United States security justify such a waiver and if he reports such a finding to the Congress in writing.

Representative Benjamin S. Rosenthal, Democrat of Queens, whose Foreign Affairs subcommittee has been holding hearings on Administration policies in Greece since Monday, sent letters today to Secretary of State William P. Rogers and Secretary of Defense Melvin R. Laird complaining of "conflicting testimony" given by witnesses on the origins and effects of American military aid policies in Greece.

[From the New York Times, July 18, 1971]

THE SEARCH FOR A POLICY THAT MAKES SENSE

WASHINGTON.—The Nixon Administration's policy toward Pakistan since March 25—the day the Pakistani Army launched its bloody repression of the East Pakistan autonomy movement—has been the object of both considerable diplomatic confusion and sharp criticism here and abroad.

The confusion, which State Department officials have found hard to clarify, is over what the United States hopes to accomplish by insisting that additional economic aid to Pakistan should not be foreclosed and by using technicalities to allow continued shipments of military equipment for the regime of President Yahya Khan. This policy has been strongly criticized by India, which resents such shipments to her less-than-friendly Pakistani neighbor, as well as by some American Senators and Congressmen who see plain "immorality," as one Senator put it, in seeming to ignore the East Pakistani massacres.

Thus, last Thursday the House Foreign Affairs Committee voted to block all economic and military assistance to Pakistan until the 6.5 million East Pakistani refugees can return home from India and "reasonable stability" has been restored to their country. If confirmed, as expected, by the full House and by the Senate (where 31 Senators are sponsoring a similar measure), this decision will prevent the United States from supplying Pakistan with $118-million in economic aid, $8-million in technical assistance and $5.5-million in credits for military sales and training for the fiscal year which began July 1.

In denying assistance to Pakistan, the legislators sided with the opinion of the World Bank and most of the members of the 11-nation "Aid-to-Pakistan" consortium, headed by the bank, that new funds for the Islamabad Government should be withheld until President Yahya Khan has worked out a "political accommodation" with the East Pakistanis.

The State Department insists that it is not pushing for continued aid for Pakistan, but simply holding in "abeyance" all decisions on economic and military assistance pending a policy "review" that has been underway for more than three months without signs of a decision. Administration spokesmen have also said that aid requests for Pakistan are only "planning figures" and do not necessarily represent a commitment actually to disburse the funds. They argue further that the situation in Pakistan later this year is unpredictable, therefore it would be "unwise" to cut off the Pakistanis from American aid, directly or through the international consortium.

Still another Administration argument is that by applying too much pressure against President Yahya Khan the United States may lose "leverage" in Islamabad and, possibly, invite even closer cooperation than that now existing between Pakistan and China. The reasoning was offered to deflect criticism of the White House decision to go on honoring export licenses for military equipment for Pakistan issued before March 25. Two Pakistani freighters carried $2,227,771 worth of military equipment, including spare parts for tanks, combat aircraft and artillery, from the United States to Karachi in the last eight weeks.

Another possible reason for the Administration's refusal to be harsh on Islamabad emerged Thursday night when President Nixon disclosed that Henry A. Kissinger, his foreign policy adviser, had secretly visited Peking for talks with Premier Chou En-lai between July 9 and 11.

Diplomatic sources indicated that Pakistan might have been instrumental in arranging the Kissinger trip, and, in any event, it is known that he had flown from Pakistani territory with the local government maintaining secrecy over his movements.

Before the Presidential disclosure, the criticism of the Administration grew with the appearance of a report by a special mission of the World Bank describing the destruction wrought in East Pakistan by the West Pakistan troops—the State Department separately estimated nearly 250,000 deaths in the conflict—and declaring that for at least a year the eastern province will be unable to absorb economic development aid.

With India increasingly aligning its policies with the cause of the East Pakistani insurgents, the Nixon Administration risks turning the Indians as well as the 60 million people of East Pakistan against the United States over what they consider Washington's tacit support of President Yahya Khan. And with tensions in the subcontinent growing—fears are even being express of an Indian-Pakistani war—pressures are rising for the Nixon Administration to reconsider its handling of this latest international powder-keg.

[From the Washington Star, July 18, 1971]

PAKISTAN PLANS TO TRY RAHMAN

(By Henry S. Bradsher)

DACCA, EAST PAKISTAN.—The Pakistani government plans to put East Pakistani leader Mujibur Rahman on trial for treason within a month, according to authoritative sources.

Sheikh Mujib, the head of the political party which won a national majority in last December's elections but was banned when the army cracked down on East Pakistan March 25, is now imprisoned in West Pakistan.

The trial will be held there, probably by a military court. Trying to hold it here would mean too great a risk of disturbances, the sources said.

The president of Pakistan's martial law regime, Gen. A. M. Yahya Khan, has sent word that he is likely to visit Dacca before the trial to survey the situation here.

Officials claim that East Pakistan has returned almost to normal after the bloodbath unleashed by the army's move. But a survey of the province indicates that fear and bitterness have crippled normal life.

The U.S. government has said in Washington it believes "that normalcy should be restored in East Pakistan and there should be a political accommodation there."

Neither is in sight.

Putting Rahman on trial would be a major step away from a political accommodation, foreign observers here believe. Even without a trial, they see little prospect of the West Pakistani leaders of the country unbending their domination here enough to permit any meaningful accommodation.

Some prominent Bengali leaders of East Pakistan think Rahman mishandled the situation that led to the crackdown and subjugation of the province to widespread reprisals by the army of West Pakistanis. Non-Bengalis also were slaughtered by avengeful Bengalis.

The official estimate of deaths is less than 100,000, but the best available independent estimates run between 200,000 and 300,000 dead, and India says 6 million persons have fled there.

STILL VIEWED AS HERO

These Bengali leaders say that, regardless of intellectual opinion about Rahman, he remains a popular hero throughout East Pakistan.

Hatred of the army and the West Pakistani elite that now run this province has intensified the feeling of Bengali nationalism which Rahman represents, the leaders say, even though fear has restricted outward signs of it.

If Rahman is tried, they say, the reaction here will be bitter. Regardless of whether he is sentenced to death or given a long prison term, the trial will aggravate an already black situation.

The day after the army moved into Dacca with guns firing and arsonist torches blazing, Yahya told the nation that the civil noncooperation movement which Rahman had led in East Pakistan for three weeks was "an act of treason. . . . He has attacked the solidarity and integrity of this country—his crime will not go unpunished."

Yahya reportedly told a foreign visitor in early June that Rahman was a traitor and should be hanged.

PREPARING FOR TRIAL

The authoritative sources said material is now being collected and witnesses prepared for a trial.

Another source, a prominent East Pakistani, said he was taken to an army cantonment and forced to sign an untrue affidavit incriminating Rahman in illegal actions. It was not possible to check how extensive this practice might be.

The case is expected to rest on the "parallel government" which Rahman ran.

It came into being after the postponement of the opening of the National Assembly which was supposed to have written a constitution for a return to elected government. Rahman's Awami League swept the elections in East Pakistan, which has about 55 percent of the national population, and won an assembly majority.

Yahya's postponement order under pressure from the leading West Pakistani politician, Zulfikar Ali Bhutto, was seen here as a thwarting of the East's desire for autonomy within a new constitutional framework. Protest demonstrations, some turning violent, led to Rahman's taking de facto control of the provincial government and ignoring of national government orders.

AWAMI LEAGUE BLAMED

Since our army smashed all local power, national officials have contended that a rebellion of East Pakistani soldiers, border forces and police was planned, and the army had to pre-empt it. Rahman's Awami League was blamed for planning armed rebellion.

It is uncertain whether this will be part of the indictment at Rahman's trial, however.

An army colonel who was commanding border forces in March conceded in an interview that there were only rumors but not written proof of a planned rebellion.

In his March 26 speech, Yahya charged that Rahman had proposed, during their talks here in Dacca for 10 days before the crackdown, a political solution to the mounting crisis that was "nothing but a trap."

Yahya said earlier in the speech that he had at one stage tentatively agreed to Rahman's plan. He later told some persons that he had agreed to lift martial law during a transitional period.

FEARED TRAP

It was after the arrival here of West Pakistani political leaders, most importantly Bhutto, that Yahya backed away from the plan and decided it was a trap. Why he had agreed to it originally if he felt that way was left unexplained.

When the political talks broke down, Yahya gave orders for the army to move and then he flew secretly to West Pakistan.

Rahman and other Awami League leaders got warnings about 9 p.m. on March 25 that the crackdown was coming. The others went underground and all but one of them escaped to India, where they lead an exiled "Bangla Desh" government for the province.

But Rahman stayed in his house, waiting. Soldiers seized him shortly after 1 a.m. on March 26. After being held for 10 days at Adamajee College by the army cantonment here, he was flown to West Pakistan.

He is now reported to be imprisoned at Mianwali, 125 miles southwest of Islamabad, the national capital.

HUNGER STRIKE

The government refuses to discuss his whereabouts or physical condition, but he was said to have gone on a hunger strike about two months ago and been hospitalized for a while.

Why did Rahman allow himself to be captured? The question has puzzled many people here.

The best available answer—which he reportedly gave to colleagues before they fled—is that if he went into hiding the army would kill and destroy in an angry search for him. He assumed that with himself in custody the resistance would be believed broken and deaths and destruction would be light.

But he misjudged the government's attitude and the army's determination to crush all Bengali opposition by terrorism.

Rahman also thought that a firm but not very bloody army takeover would leave the way clear for eventual political negotiations.

ACCUSED OF SECESSION

But the government now accuses him in public statements of secession, which is treason. It is not interested in negotiating with him or any other Bengali who shows any regional feelings.

The government has propped up as local leaders those old politicians who lost last December's elections to the Awami League. Bengali resistance forces have assassinated between 300 and 400 of them.

Some Bengali leaders think Rahman has a martyr complex that compelled him to go back into prison rather than run away to fight another day. They are angry with him for bringing the present suffering on his people.

But this anger is nothing compared with the bitterness of the people toward the West Pakistanis who now hold them in terror.

Villagers are frightened that the army will come back shooting again. Even some senior Bengali government officials who have dutifully knuckled under to the army regime live in fear of a midnight knock on the door.

The initial bloodletting of late March and April has ended, or at least slowed greatly. But both nonpolitical civic leaders and Bengali government officials continue to disappear.

In the countryside, the guerrilla opposition seems weak. It remains to be seen whether Bengal will make the long, hard fight against the West Pakistanis here which would reduce this province from the present Vietnam-1960 situation to more like Vietnam at the worst of Viet Cong activity.

[From the New York Times, July 18, 1971]

AN ENORMOUS STRIDE

(By C. L. Sulzberger)

ROME—Announcement of President Nixon's eventual Chinese visit dramatically underlines the extent to which the United States is now reexamining Far Eastern policy. The current reappraisal began this summer with signature of an accord returning Okinawa to Japan, the steady decline in tensions between Washington and Peking, and a series of visits to the Orient by leading American officials, including Secretary Laird, Vice President Agnew and Mr. Kissinger.

The Kissinger trip produced an impression that the greatest immediate danger to peace lies in steadily worsening India-Pakistan relations and the possibility that war might explode between these South Asian neighbors, respectively supported by Russia and China. This could destroy Washington's effort to create a new international equilibrium improving relations with Moscow while developing fresh contacts with Peking.

The ultimate implication of changes now under way is a new relationship between the U.S.A. and China on the one hand, and with Japan on the other, a relationship that would have to be balanced by closer ties between China and Japan as well. To accomplish this kind of power triangle it is evident that Washington is pressing Tokyo to assume a far larger burden of its own and regional defense than it has so far been willing to carry.

The obvious block remaining along the road to any such rearrangement is Taiwan, where Chiang Kai-shek still rules "the Republic of China." Peking's Premier, Chou En-lai, told newspapermen last month that the U.S. security screen around Taiwan represented a key obstacle to diplomatic ties with Washington. Clearly, discussions of how this obstacle can be circumvented must precede Mr. Nixon's China trip.

It is against this background of a trend toward dynamic changes in the Far East, changes that may be gradual but will be of profound significance, that one must read a forthcoming book entitled "Re-Making China Policy: U.S.-China Relations and Governmental Decisionmaking."

The work, to be published next month, is by Richard Moorsteen and Morton Abramowitz, a Rand Corporation consultant and a U.S. Foreign Service officer. Britain's Institute for Strategic Studies has just published in its magazine, Survival, an excerpt entitled "One China, but Not Now—a Proposal."

The essence of the argument presented is that the Taiwan issue cannot be settled swiftly and its ulitmate solution must be based on accord among Peking, Washington and Tokyo—plus, of course, respect for the utlimate desires of the Taiwanese population.

Taking into account a continuing rise in the prestige and power of post-war Japan, the authors say: "Most Japanese would be very uneasy over an accommodation that threatened to turn Taiwan over to the mainland at any early date. Japanese feelings derive mainly from a large and growing economic stake and from emotional ties from their occupation of Taiwan."

They forecast that, "As time passes, the problem of Taiwan will become less one to be dealth with between the United States and China alone and more a triangular problem with declining freedom of action for all parties." This forecast is given additional weight by American withdrawal from Okinawa and encouragement for increased Japanese defense responsibilities.

Moorsteen and Abramowitz insist that, "It is not in Peking's power to get what it wants now. Today's policies, therefore, must focus on increasing tomorrow's prospects . . .

"Realistically, very small steps now are as much as Peking can expect. The United States can try a few small steps in this direction without committing itself to any final outcome. In this way, Peking's reactions could be tested . . . our answers could only be that future movement hinged on Peking's future conduct—both with respect to our other interests and in making reunification more acceptable to the people on Taiwan . . .

"A more flexible leadership in Peking could adopt a policy of 'small steps' toward reconcilitation, in the pattern now used by West Germany toward East Germany. If the United States [and Japan] gave both positive encouragement and reassurances, a future regime on Taiwan might ultimatley find both the confidence and motivation to respond—cautiously, selectively and guardedly, to be sure."

The two American experts recognize that a time of great change has started in the Far East. They want to remove the roadblock hampering development of U.S.-Chinese relationships but they want to do this without either jeopardizing the desires of the Taiwanese or creating new points of friction between a resurgent China and a resurgent Japan. The Nixon journey certainly should provide a real chance to arrange possible formulas for achieving this. It will be not a "very small step" but an enormous one.

[From the Washington Post, July 18, 1971]

FLOOD OF REFUGEES HITS INDIA

MADHUPHUR, India, July 17 (AP).—A new, seemingly endless wave of refugees is now entering India from East Pakistan—this time from interior regions, 200 miles and 10 days walking from here.

Four months after the Pakistan army moved into the eastern wing of the divided nation, the refugees are still fleeing—frightened, exhausted, defeated.

Walking single file through lush fields of palm trees, sugar cane and jute, the East Pakistanis appear oblivious to torrential monsoon rains that turn the border region into a muddy swamp.

Indian officials had expected the monsoon to stem the tide of refugees, officially estimated at 7 million, but their hopes have disappeared.

The latest refugees had not been caught in the army crack down that began March 25, but now the army is burning their homes and killing their kin, they say.

On one day this week at least 4,000 refugees crossed into India in three hours—320 in one five-minute period according to a headcount.

The refugees found there was little or no room for them.

"The problem is to get them some free space, and we don't have any," said K. K. Naskar, chief executive officer in the Bongaon subdivision, which has one of the most densely populated refugee communities.

Before the East Pakistan conflict began, Bongaon had a population of 400,000. Now it is nearly 1 million.

A United States airlift of refugees from overcrowded camps in eastern India will end today although the United Nations feels it should continue, U.N. sources said in Calcutta.

They said the Indian government brought the mission to an end for unknown reasons.

A similar Soviet airlift is also likely to end soon, authoritative sources said.

[From the Washington Post, July 19, 1971]

EAST PAKISTAN: A FRIGHTENED LAND

(By Lee Lescaze)

DACCA.—Almost four months after the Pakistani army attacked in Dacca, East Pakistan is a frightened land.

Murder is commonplace, men are arrested and never seen again, guerrillas snipe at the army and millions of people have been uprooted—an estimated 7 million are refugees in India and at least an equal number are hiding within East Pakistan.

The central government insists that normality has returned, but a visit to Dacca and a dozen other towns and villages in East Pakistan last week was a tour of ruined buildings, partially neglected fields, roads without traffic, looted shops and industries without workers.

Many are afraid to be seen talking to a foreigner and turn away, but some risked furtive meetings in which they whispered of their fear and what they have lived through since violence seized this region March 25.

Those Pakistani army officers here who concede that some opposition exists among East Pakistan's 75 million people ascribe it to "miscreants," "anti-elements," "anti-state forces," or a handful of other phrases implying small groups of habitual criminals of Indian guided infiltrators.

India certainly gives considerable material as well as moral support to guerrillas fighting against the army. But, at the same time, the guerrillas appear to have the sympathy of almost all East Pakistanis nowadays, small-town Bengali lawyer said.

Although Bengalis, particularly Hindus, have suffered most, the violence that erupted in March has made everyone here vulnerable. As the civil war goes on, old scores unrelated to politics are being settled and some now kill in order to loot—often with military encouragement. The response to "How are you?" one Bengali remarked, is now most frequently: "I'm still alive." It is not said jokingly.

No one knows how many people have been killed since March. Estimates run from 200,000 to 1 million. The bloodshed, which springs from three main racial and religious animosities, is far from over.

The hatreds now unleashed have existed since Pakistan was carved out of British India and became an independent Moslem nation in 1947.

They divide West Pakistanis from East Pakistani Bengalis and within East Pakistan they divide the Bengalis and about 1.5 million non-Bengali Moslems generally called Biharis. In addition, about 10 million Bengali Hindus lived in East Pakistan, getting on not too badly with Bengali Moslems, worse with Biharis and regarded for the most part as pro-India and therefore anti-Pakistan by the army and authorities in West Pakistan.

TEMPTATION TO KILL

In this desperately overcrowded land where the population has more than doubled since independence and is believed to double again in 23 years the temptation to kill for profit, to gain by being on the winning side of a fight and to take advantage of chaos to steal is enormous.

Before the army succeeded in occupying all East Pakistan's towns, Bengalis sought to eliminate Biharis. Now, the wheel has turned and Biharis help the army hunt Bengalis.

"Everyone here has someone who wants to kill him," one man remarked. These are the voices of some Bengalis, West Pakistani soldiers and Biharis. Since each Bengali who spoke critically of the central government committed an offense punishable by death, none is named.

"This is the first time in three months that I have come out in the daytime," a Hindu Bengali businessman said.

For his first daylight trip, he carries a black umbrella low over his head and preferred to talk in the shelter of a building where he could not be seen from a nearby dirth path.

"They are looking for me," he said of the army. "But only a few friends know where I am living now."

His own house has been destroyed and a non-Hindu friend has taken him in. Ironically a month before he had to go underground, the Hindu hid two Biharis in his house while gangs of Bengalis looked for them.

Hindus are difficult to find here now. As the special targets of the army, almost all have fled to Indian, gone into hiding in rural villages, or been killed. The army attacks on Hindus have been so widespread that few here doubt they were ordered by Pakistan's government—an order that many West Pakistan officers and soldiers appear to have obeyed with enthusiasm.

An army captain approached a teen-age Hindu girl recently in a town not far from where the businessman is hiding. "Are you a Hindu?" he asked. Then, he held out his automatic rifle. "Feel the barrel," he ordered. "It's still warm from killing Hindus."

To identify Hindus, the army sometimes relies on the newly formed Peace Committees—small groups of army supporters who, one major put it, "supply very valuable information." Since all Moslems are circumsized, a simpler and widely popular method is to lift the men's sarongs and shoot the uncircumsized.

A second major army target has been the leadership of the Awami League, Sheikh Mujibur Rahman's Bengali political party that won last December's elections. The sheikh is now called a traitor and imprisoned, his party is outlawed and the government says that they would have declared independence for East Pakistan rather than settle for the program of greater regional autonomy on which he campaigned.

Many of his supporters deny that Mujibur wanted to secede from Pakistan and the debate can continue endlessly for the army attack ended Mujibur's leadership and any chance that he would reach an agreement with the military government on the distribution of power.

"We're 100 per cent Awami League here," a doctor said in one relatively large town. "The army has burned many homes and arrested many people."

"We are afraid to speak the truth," he said. "Those who speak the truth are punished and the only punishment is death."

The doctor was compelled to open his small clinic or have it taken away. He says that his family still hides in a village while, although he is a Moslem, he is growing a beard to look more old-fashioned and orthodox like the people of the Peace Committee whom the Army trusts.

"I never had a beard before," he said.

GREATEST FEAR

His greatest fear is that the army will discover he served five years in the Pakistan army. "They are killing all former Bengali officers," he said.

But he has many other fears. Last week the army came to him with a list of the town's college students and pointed to the names of his younger brothers. The soldiers ordered him to sign and guarantee as their guardian that they would show up when colleges are scheduled to reopen in August.

The doctor lied and said he was not his brothers' guardian. He knows that they will be too frightened to attend classes, because students are also an army target.

"The people of East Pakistan have been misguided. They are very simple and uneducated," a Peace Committee member in another town said. "Especially the ranks of students."

"Classes are to begin Aug. 2," a teacher at one campus said. "But the army troops are occupying two of our dormitories. I wouldn't tell my son to come back."

Some students have joined the Mukti Faui (liberation army) but more have simply gone into hiding.

A college student explained that he has obtained a forged identity card which does not say he is a student. He has been stopped occasionally by soldiers. "I show them my card and they let me go," he said. Once a soldier remarked to him: "We never find any students here."

More than 70,000 students were supposed to sit for the nationwide final high school examination last Thursday. About 20 per cent are believed to have appeared.

In one town, the "liberation army" scrawled: "Don't take the examination or you'll be killed" on the wall of the examination hall. The army rushed to the building after the guerrillas had left, but the building caretaker who tried to run away was shot dead. Attendance in that town was very low.

"I would have been killed by my subordinates if the army had not come," a Bihari banker said. "The Bengalis wanted the best jobs in businesses, factories and the government," he said. "Everything is returning to normal now."

Like other Biharis, the banker spoke of "our army," and "our government" while most Bengalis speak of "them."

"It made your blood boil, an army major said, describing the killing of almost 1,000 Biharis by Bengalis before his troops arrived to occupy Ushurdi town.

"I could show you where they killed them and pushed the bodies in the river," he added. One girl who had survived has been raped, had her right hand cut off, her neck slashed and had gone mad, the major said.

KINGDOM OF GUNMEN

"This became the kingdom of the man who had a gun," the officer said of the lawlessness before his troops arrived.

Ushardi's marketplace and many of its houses were burned down by Biharis in retaliation for the massacres by Bengalis. Now the major is trying to make the two groups cooperate.

"The Bengalis aren't afraid of us," he said. "But they were afraid of the Biharis."

He stood on a ferry crossing the Ganges and every man who had to squeeze by him on the narrow deck bowed his head in salute. The Bengalis crowded on the other side of the boat from the major and his foreign visitors.

"I don't think that any real battle had taken place here for hundreds of years," Maj. Gen. Rao Farman Ali Khan said.

An elderly Bihari, whose English is a remnant of his British army days, described the events since March with politically neutral disgust.

The army and the Biharis killed many Bengali buggers and the Hindu buggers ran away." On the other hand, he said, "Many Bengalis killed many Bihari buggers."

An elderly man knocked on a friend's door one evening last week looking for his son. The boy was there and the father sat down for tea. "Parents get anxious when their sons aren't home by dusk," he explained. High schools and elementary schools are already open, but attendance in six towns seemed to be between 20 and 40 per cent of normal.

LIBERATION ARMY

Not only are students afraid of the army, but the "liberation army" has been trying to disrupt classes to demonstrate its influence.

[From the New York Times, July 19, 1971]

A House Committee Rebels

A majority of the House Foreign Affair Committee has finally rebelled against stale and suprious arguments of the Defense and State Departments and voted to cut off aid to the military regimes of Greece and Pakistan. Rather than attempting feverishly to overturn the decision in the full House, the Nixon Administration should try to understand what this usually docile committee majority was telling it with these votes.

Chairman Thomas E. Morgan and colleagues of both parties were endeavoring first of all to reassert the proper role of this committee in the shaping of foreign policy. The Administration henceforth can expect many more such challenges from both houses as Congress strives to restore a long-absent balance between executive and legislative branches in foreign affairs.

Secondly, the majority was rejecting the notion that it is always unwise for the United States to rock the diplomatic boat by suspending military or economic aid to dictatorships that fail to make good their commitments to their own oppressed people. In voting to cut off nearly $132 million in aid to Pakistan, the committee was taking a stand previously advocated by the World Bank in light of the Yahya Kahn regime's bloody repression in East Pakistan. And could be resumed under certain conditions but in any case the cutoff would not bar the use of $100 million approved earlier by the committee for refugee relief.

Action to halt aid to Greece resulted directly from testimony last week before a Foreign Affairs subcommittee headed by Representative Benjamin Rosenthal of Queens. Here some members learned, evidently for the first time, that the 1967 coup had not been an action of military leaders to head off Communism, as so frequently represented, but "an open mutiny within the armed forces and a rebellion by those mutineers against their King and the constitutional Government of Greece."

The man who said this was Col. Oliver Marshall, now retired, American Defense and Army attache in Athens, 1963–67. He sees "the greatest danger to future Greek-American and Greek-NATO relationships" in the widely-held belief that "the United States supported this military mutiny and continues to do so." In other words, by sustaining the junta this country will jeopardize its own and NATO's security rather than protect it.

Colonel Marshall advocated an all-out effort to convince Greeks that the United States does not back the junta and to persuade the junta to keep its promise to restore democratic government. Contradicting the State-Pentagon line, he said this effort should take priority over "our immediate military needs on Greek soil."

In the Greek case, the President can resume aid if he reports to Congress that the overriding security requirements of the United States justify it. Even then, however, the miliary aid would be resumed at the current annual level of $80.3 million rather than the $118 million the Administration requested.

The Foreign Affairs Committee has projected the national interest on a broader canvas than that employed by the State and Defense Departments. It would be foolhardy for the Administration to ignore the meaning of its actions.

[From the New York Times, July 17, 1971]

A Pakistani Terms Bengalis "Chicken-Hearted"

(By Sydney H. Schanberg)

Faridpur, Pakistan, June 29—Maj. Nazir Baig, the martial-law commander in the Faridpur District just west of Dacca, is a chunkily built Baluchi tribesman from West Pakistan who has spent nearly six of his 20 years of military service in East Pakistan.

His contempt for the Bengalis of this eastern wing of the country is not only common but also proudly held in the Pakistani Army, which began its military campaign to crush their movement for provincial autonomy on March 25.

The Bengalis, he said in an interview, are a "chicken-hearted people" who "never miss a chance to stab you in the back."

The Bengali Hindus, a minority in this heavily Moslem province of 75 million people, are the worst, according to the major, because they have been "sucking the blood" out of East Pakistan and sending their money to India, Pakistan's Hindu enemy.

MAJOR EAGER TO TALK

During a recent week of traveling through East Pakistan, it was evident that, although many army officers were less articulate than Major Baig, they shared his opinions.

The interview with the major—held in a building that once was the headquarters of the popularly supported Awami League party which campaigned for autonomy and is now banned—lasted more than two hours. He was eager to talk, to try to convince a foreigner of the correctness of his views. He was often fervent.

He said that his troops had met no resistance when they entered Faridpur, "not a single bullet," and he explained the destruction in the town and the killing of townspeople by saying it was all done by miscreants—the word used by the Pakistani Government to describe the Bengali insurgents.

Major Baig denied what frightened townspeople whispered to a visitor—that the killing and destruction were entirely the army's work.

"Our men are properly motivated," he said. "They have been told they were brought here to help another Moslem brother in trouble. There was no case of rape or looting or any antisocial activity. Islam as a religion forbids this kind of thing. This is a Moslem country where they have come, not a foreign land."

ONLY AN "ODD PINPRICK"

Asked if there was any resistance in the area now, he said: "Nothing except for an odd pinprick". This disappointed him as a professional soldier, he said.

"The Bengalis," he went on, "are very, very soft and chicken-hearted people. The sound of just one bullet sends hundreds of these people flying like chickens. They have no guts."

He added, "They are lambs in front of you, tigers behind your back. They are a people who never miss a chance to stab you in the back."

The major said, after a pause, that maybe his assessment did not apply to "100 per cent" of the people, "the common man here," he said, "is very simple and has very limited needs and is not very troublesome."

Pressed about why so many Hindus were killed, the major again denied that his soldiers were responsible. Then he added: "Out of such a large population, if a few innocent people suffer in such abnormal conditions, is it not natural?"

Major Baig said that the Hindus had dominated the teaching profession in East Pakistan and had subverted the province by teaching un-Islamic concepts. "This rot has happened now in East Pakistan because of this," he said. "These teachers and all the Hindus have not accepted Pakistan as a reality. They live in a dreamland. They believe that Mother India will be united again."

The major was confident, however, that India would never be able to swallow Pakistan.

[From the New York Times, July 19, 1971]

Relief for Refugees in India

To the Editor:

Chester Bowles (Op-Ed July 5) has made a cogent case for discontinuing aid to Pakistan and granting aid to India for refugee relief. In the process he has exposed the moral bankruptcy of the Administration's decision to continue economic, and possibly military, aid to the West Pakistan Government.

So far the U.S. has granted India emergency relief of a mere $90 million for the refugees on an ad hoc basis. This is totally inadequate and leaves India with an intolerable strain on her meager resources, pushing her steadily into a militaristic solution.

A fair and tactically tenable U.S. policy would be to divert her normal aid to Pakistan into refugee relief in India and use the emergency aid instead in East Pakistan under the Aid-Pakistan Consortium's supervision. Such an "aid-switching" policy should be continued until a political accommodation is reached in East Pakistan and has lead to a safe return home of the six million refugees.

Jagdish N. Bhagwati,
Padma Desai.

Cambridge, Mass., July 7, 1971.

MAKING AMERICA BETTER

Mr. MATHIAS. Mr. President, in conjunction with the make America better program of the National Association of Real Estate Boards, the Montgomery County Board of Realtors in Montgomery County, Md., recently sponsored an essay contest for high school students in the county.

In an effort to encourage young people to consider particularly the community in which they live, the contest was entitled "How I Would Make America Better—In Montgomery County."

The winning essay was submitted by Richard P. Shields, who just graduated from Richard Montgomery High School in Rockville and will enter college this fall.

I ask unanimous consent to have printed in the Record the text of Mr. Shields' essay.

There being no objection, the essay was ordered to be printed in the Record, as follows:

How I Would Make America Better—In Montgomery County

Winston Churchill said once that democracy is absolutely the worst form of government there is—except for all others. When I hear some of the people my own age today knocking our country, they almost seem to be saying: "The United States is the worst country in the world." I feel like replying with Churchill's line: "except for all others."

No matter how great a country we have, it can always be improved in some ways. When I was working for my Eagle Scout rank, I had to carry out a project of service to my community. While I was working with our Rockville fire chief on a program of safety training for baby sitters, I came to realize that he was a man who was giving a great deal of his free time to promote something he believed in; something valuable to the community, and with no expectation of any reward.

As I've gotten a little older, I can see that one of the most important things that has made our country such a great one is the spirit of people, like the fire chief, who are willing to give themselves in serving others. This is not just a case of a few people doing a big job (although this often happens), but of a great many people with this spirit each doing little "extra" things—giving their time for a cancer or heart fund drive; giving up evenings or weekends to work with Scout troops or other youth groups; devoting time and money to service clubs which carry on worthwhile service projects.

An example of this is the annual light bulb sale by a service club to raise money to help the blind and to help prevent vision problems. Every year a member of this club comes to our door selling light bulbs for this purpose. I don't know who he is or what his business is, but I know his time has got to be worth a good deal to him, and that pounding on people's doors is a real sacrifice. You would never think this to talk to him, though, simply because he knows that what he's doing is important and worthwhile, and he has the spirit of help and cooperation which makes the program a success, and which makes our country a better place.

How can we make it even better? Partly, I think, by calling attention and honoring the civic spirit that always has been so important to Americans—doing voluntarily things we don't have to do, but which we know help make a better life for everyone.

Another way that we could make our country a better place would be to insist that our schools turn out not only educated people but citizens who know what their country is all about. We need education in civics and history that doesn't stop with just dry facts and dates. This is not just a matter of a new course or two, but a spirit by our educators that one of their most important jobs is making certain their students don't just know what's wrong with our country but know the very many things that are right about it.

We don't lack good teachers; most of mine have been good ones and concerned ones. What seems to be missing, though, is more willingness to sing a few praises when they are deserved. It seems to be a question of what is or isn't "stylish," or whether students will accept the teaching of some truths that are so obvious that we have come to consider them outdated.

For instance, when my grandfather was born, probably half—or more—of the people in this country lived in what today someone would call "poverty." By the time my father was born, 30 years later, this figure was probably around 20 or 25 percent. Even with depression occurring when he was a boy, we live in a country today where those living in such conditions are down to around 10 or 11 percent. Yet we rarely find anyone pointing out this fact.

It is easy to say that our country would be better if we had greater respect for rights of others and for our laws and government. What is hard is making this a reality. When so much that we see on television emphasizes the oddballs, the dissatisfied, and the destructive, you could easily convince yourself that the country is going to pieces. And this simply isn't so. The answer isn't censorship. It is, partly anyway, more balanced and responsible use of newspapers and broadcasting.

How can we make our country better? By letting ourselves catch the "disease" of unselfish service to others—even on a very small scale if that's all we can do. By being concerned enough to insist that our environment be protected and preserved, but without making a "fad" of the subject or destroying our system of manufacturing and business which is envied by every country on earth. By insisting that our education give at least equal time to the positive aspects of our country, instead of overlooking much of it because "patriotism is bunk." I think that every generation of young people has to be told about our country, educated in its meaning. Today we seem to think that we'll just "pick it up" naturally. This isn't always so.

We can make our country better by feeling—and showing—our pride in it. We have to think and act in a positive way instead of a negative one. This is a job where leadership has to come from the attitudes of our politicians, our teachers, our religions, but in which each one of us has an important role to play too.

We have an awful lot to be thankful for and proud of. If we work to make things better, they will become better. They will never be accomplished by people who sit on the sidelines and offer nothing but criticism. If we don't bother to do what we are capable of as individuals, and let people who think only in terms of tearing down have their way, and let them dominate public media, their gloomy predictions will come true.

You don't have to use propaganda to glorify a country which has always been a goal for a lot of little people all over the world. We do have to take stock of what we have, though, and to tell others—especially our own children—about it, so that they will understand and appreciate it and work themselves to make it better.

But in the end, it is not just words and ideas that are going to make it that way. It is the private actions of each one of us, because we're not just a people, or a nationality; we're 200,000,000 Americans—each one an individual, and each one free to add to or detract from this country of ours.

THE PRINCETON-PENNSYLVANIA ACCELERATOR: A POTENTIAL WEAPON IN THE CONQUEST OF CANCER

Mr. WILLIAMS. Mr. President, on Friday, July 16, I introduced an amendment—254—to the Atomic Energy Commission Authorization bill, H.R. 9388, to provide for $300,000 interim funding for the Princeton-Pennsylvania Accelerators—PPA. The $41 million accelerator, which will run out of funds on August 31, has a definite potential in cancer therapy which exceeds the present X-ray treatment. The accelerator is hopeful of receiving funding from the new Conquest of Cancer Agency in January 1972, but would need funding for the 4-month interim period to remain in operation.

The text of the amendment, along with an informative article describing the work of the facility appears on pages 25586–25588 in the July 16 issue of the CONGRESSIONAL RECORD, and I commend it to Senators. I should like to place in the RECORD today an additional statement by Professor M. C. White, director of the Princeton-Pennsylvania Accelerator, which explains, in layman's language, the efficacy of the facility in cancer treatment, and also a sampling of the correspondence relating to the accelerator from the chairman of the Joint Committee during the 91st Congress, the Honorable CHET HOLIFIELD, and from other knowledgeable people in the fields of radiology. I ask unanimous consent that Dr. White's article and the accompanying letters be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HEAVY ION APPLICATIONS IN CANCER TREATMENT AND RESEARCH

At the present time, X-ray treatment is second only to surgery in the treatment of cancer. Unfortunately, X-rays cause considerable damage to surrounding healthy tissue. What is needed is a "magic bullet" type of approach in which only the cancerous regions of the body are affected and in which the width and depth of the treatment can be precisely controlled.

X-ray killing of cancerous cells is handicapped by the fact that cells poor in oxygen are three times more difficult to kill than normally oxygenated cells, and tumors are believed to contain clumps of poorly oxygenated cells. As a result, X-ray treatment sufficient to kill a cancer can result in serious damage to surrounding healthy tissue. This effect, the so-called oxygen enhancement ratio, is observed only with lightly ionizing particles. It does not occur for heavily ionizing particles, such as nitrogen ions, near the end of their path in tissue, where there is a rapid rise in ionization. Thus a heavy ion, slowing down in cancerous material, is highly effective in killing even poorly oxygenated cells.

Also important is the fact that heavy ions such as nitrogen have a sharply defined distance of travel in tissue and therefore, unlike X-rays or neutrons, contribute very little exit dose. This becomes very important when the cancer lies close to sensitive organs which do not tolerate radiation well. A third highly significant point is that heavy ions near the end of their paths produce "single-hit" kills from which the cells never recover, while near the skin there is substantially less lethal damage done.

By using a suitable dose fractionation schedule it has been calculated that nitrogen ions would deliver about 1/30 the skin dose as X-rays while achieving the same degree of cancer destruction. If confirmed, this marked theoretical advantage of heavy ions over X-rays would make them greatly superior in treating many forms of cancer.

It should also be emphasized that the study of the interaction of highly ionizing particles with living material is expected to uncover a great deal of fundamental knowledge which may be of even greater significance than the cancer radiation therapy studies.

Until the conversion of the Princeton Particle Accelerator to the acceleration of nitrogen ions to very high energies, there was no facility available to test the clinical value of heavy ions in cancer therapy. Our present schedule calls for starting biomedical research in June and continuing so long as funds are available. It is most important to keep the Princeton Accelerator in continuous operation, since no other existing large accelerator is capable of being readily and cheaply adapted to high energy, heavy ion acceleration suitable for cancer therapy.

The reasons for this are several, chief among which are the need for rapid magnet pulsing, a very good accelerator vacuum, a wide frequency coverage in the acceleration system, and an appropriate heavy ion injection system. All other large synchrotrons lack at least one and usually several of these essential factors. The cost of converting other synchrotrons to heavy ions with beam currents and associated properties suitable for clinical application to cancer therapy would be in the neighborhood of several million dollars and would take several years to achieve. In contrast, the Princeton Particle Accelerator is now essentially converted to nitrogen ions after a few months effort, with a useable beam expected by June.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON ATOMIC ENERGY,
Washington, D.C., May 6, 1970.

Prof. MILTON G. WHITE,
Director, Princeton-Pennsylvania Accelerator, Princeton, N.J.

DEAR PROFESSOR WHITE: I would like to thank you for taking the time to visit me on Monday, May 4, 1970 and for the enlightening discussion on the Princeton-Pennsylvania accelerator. I am in complete agreement with you that the facility should be kept in operation until the Executive Branch can sort out what its final plans are for research in this country.

In keeping with that opinion, I inserted the following statement in the Fiscal Year 1971 Atomic Energy Commission Authorization Report:

The plan of the Commission to start to phase out the Princeton-Pennsylvania Accelerator (PPA) during the latter part of fiscal year 1971 is most disturbing to the Committee. The PPA facility, which involved a U.S. Government investment of approximately $40 million, has only been in full operation for the past five years. It has been the main stay for high energy research for 15 university groups. The Committee recommends strongly that steps toward termination be deferred pending efforts by the Universities of Princeton and Pennsylvania, with the cooperation of the AEC, to obtain sufficient funds to permit the continued use of this facility.

I have instructed the Committee staff to follow AEC actions with regard to PPA very closely and to keep me informed of the latest developments. I have also instructed the staff to send you a copy of the full report.

Thank you again for your visit, and I sincerely hope we can work something out to keep PPA from closing down.

Sincerely,

CHET HOLIFIELD, *Chairman.*

College of Physicians and Surgeons of Columbia University,
New York, N.Y., April 24, 1970.
Dr. M. G. White,
Princeton, N.J.

Dear Dr. White: I should like to thank you for the opportunity you provided for me and my colleagues from this Laboratory to visit the Princeton-Pennsylvania Accelerator.

I believe that research with heavy ions having energies of the order of 1 GeV per nucleon is of great fundamental interest in radiobiology and quite possibly also in radiotherapy. If such particles have a Z between 2 and 6, there is already a great deal of work that can and should be done. However, should you succeed in accelerating even heavier nuclei and particularly those beyond a Z of about 30, an entirely new field of radiobiology would be opened up. The research would not be of great intrinsic interest but it would also have very important applications with regard to space radiobiology. It now appears that high energy heavy nucleons may present the most serious hazards to manned interplanetary missions. In fact, I find it difficult to believe that such missions could be undertaken without prior research into the biological action of these nuclei. I also know that the NASA Radiobiological Advisory Panel is quite concerned about this.

Because of their very high dE/dx and because of their penetration over distances that are larger than the human body, such particles have three important characteristics.

One of these is that they can quite possibly cause complete cell destruction in interphase. It has been pointed out that this might have the most serious effects on the nervous tissue of astronauts. It would, of course, result in novel radiobiological effects.

Another characteristic is that the tracks of these particles must have diameters that exceed cellular diameters. We have at present no certain knowledge as to what morphological or functional changes would be produced under these conditions. However, an important possibility is that carcinogenesis may be greatly enhanced.

Finally, since these radiations have high penetration, eliminate tumor cell protection by hypoxia, and end in broad Bragg peaks, they represent the ideal for radiotherapy. I think that therapy research of the effects on animal tumors should be initiated if at all possible. This may well have to be followed by research with humans. I consider the argument that the cost and complexity of such machines prohibits their use in cancer treatment to be fallacious. Such opinions were certainly expressed before the introduction of Van de Graaf's and betatrons to radiotherapy, where these accelerators are now quite common. Although the Berkeley 186" cyclotron has only very limited capabilities for therapy, it has in fact been used routinely and successfully in the treatment of many patients.

To my knowledge, there is no machine anywhere which has the capacity of producing these radiations. The plans for the Omnitron at the University of California have been disapproved. The proposal for the establishment of the synchrotron to be coupled to the Berkeley Hilac is presently under consideration by the Division of Biology and Medicine. However, the energies which would be reached would be lower by at least a factor of 2 and the cost would be considerably higher. If you do not succeed in obtaining funds for conversion of your accelerator to heavy particle research and if as a result the accelerator will have to be abandoned, it will be many years before these radiations can be made available and no doubt the cost will be very much greater.

For the above reasons, I strongly support your efforts to accomplish the conversion and I should be only too happy to express this opinion to any agencies or committees that have to decide on the matter.

Yours sincerely,
Harald H. Rossi,
Professor of Radiology.

Stanford University Medical Center,
Stanford, Calif., May 24, 1971.
Dr. Milton G. White,
Department of Physics, Accelerator,
Princeton, N.J.

Dear Dr. White: Thank you for your letter of May 5 and enclosures concerning the possible conversion of the Princeton Particle Accelerator to heavy ion production for experimental radiotherapy. There is little doubt that heavy ions share many of the attractive physical and radiobiologic properties of pi-mesons for radiotherapy, and I would be quite prepared to make a statement to that effect if the National Cancer Institute were to request my opinion.

However, an evaluation of the relative priority of this program versus competitive programs for negative pi meson therapy will of course depend on the relative magnitude of the budgets involved, as well as on other factors which cannot, at this time, be assessed.

Sincerely,
Henry S. Kaplan, M.D.,
Professor and Chairman, Department of Radiology.

Veterans Administration Hospital,
Bronx, N.Y., June 28, 1971.
Milton G. White, Ph. D.,
Director, PPA,
Princeton, N.J.

Dear Dr. White: We were fortunate to have and enjoy Dr. Schimmerling visit us and discuss the PPA.

In keeping with some of our work, it would indeed appear to be of mutual interest to discuss some of our experimental research ideas involving phantom and biological studies.

Should these prove satisfactory we could discuss other areas which could conceivably bring the human experience into focus.

I hope in the near future, to have the opportunity of visiting your facilities with Dr. Roswit, our Chief of Radiotherapy Service.

Sincerely,
Stanley J. Malsky, Ph. D.,
Assistant Chief, Radiotherapy.

National Science Foundation,
Washington, D.C., October 22, 1970.
Dr. J. W. Humphreys, Jr.,
Director, Space Medicine Manned Space Flight, Washington, D.C.

Dear Dr. Humphreys: The program of radiobiological experiments which you describe in your letter of October 19th requires high energy heavy ions with sufficient range to penetrate several centimeters in tissue. To our knowledge there are no facilities in the U.S. capable of providing these particles.

However, it has come to our attention that, at relatively minor cost, modifications to the Princeton-Pennsylvania Accelerator (PPA) would allow it to produce the appropriate particles; such as, for example, krypton at 250 Mev/nucleon with a range of 2 cm. This potential to accelerate heavy ions to the high energies required by your needs is unique to the PPA.

We are aware of the fact that this laboratory will no longer receive AEC support and expects, therefore, to start closing down very soon. The closing of this accelerator would be unfortunate for the NASA mission, since providing the equivalent capabilities for heavy ion research would require funds far in excess of those involved in the PPA modification and operation.

Sincerely yours,
Paul F. Donovan,
Head, Physics Section.

Brookhaven National Laboratory,
Upton, N.Y., June 24, 1970.
Prof. Milton G. White,
Director, Princeton-Pennsylvania Accelerator,
Princeton, N.J.

Dear Professor White: I am writing on behalf of the Committee on Major Nuclear Facilities of the American Chemical Society's Division of Nuclear Chemistry and Technology to express that group's strong interest in and enthusiastic support for the development of high-energy heavy ion beams at the PPA.

We feel that the availability of beams of complex ions such as C^{12} at energies in the region of 1 GeV per nucleon would provide a unique tool, probably not achievable with any other machine in the next decade, for exploring a whole set of new phenomena including the behavior of nuclear matter at extremely high excitation energies. We therefore strongly support your efforts to keep the PPA in operation beyond Fiscal Year 1971 and to adapt it for heavy-ion acceleration.

Even if these efforts should fail for lack of assured financial support, we consider it very important to obtain a 14 GeV C^{12} beam and to use it for significant exploratory experiments before the machine is shut down. A number of experimenters including groups from Brookhaven, Berkeley, Carnegie-Mellon University, Purdue, and probably several others, as well as, of course, Princeton have expressed the desire to participate in a cooperative program of relatively simple and short experiments to explore the interactions of high-energy C^{12} ions with complex nuclei this fall. if the beam becomes available. Professor Naumann has been keeping us posted about progress on the machine, discussed the various proposals for experiments with the interested parties, and generously offered space and facilities for use of the visiting groups during the projected experiments.

Sincerely yours,
Gerhart Friedlander,
Chairman, Committee on Major Nuclear Facilities.

The University of Chicago,
Chicago, Ill., June 30, 1970.
Prof. Milton White,
Accelerator,
Princeton, N.J.

Dear Professor White: I am very excited about your proposal to accelerate carbon atoms and heavier nuclei. As I indicated in my telephone conversation I am enclosing with this letter some selected reprints and preprints and one so-far unpublished graph on relative abundances. From the two short notes for the Budapest meeting, 1969, you will see that a detailed knowledge of spallation cross sections and high energy interactions of the heavy nuclei now play a crucial role in extending our understanding of satellite experiments. I look forward to hearing from you.

Sincerely yours,
J. A .Simpson, *Professor of Physics.*

Brookhaven National Laboratory,
Upton, N.Y., July 9, 1971.
Prof. Milton G. White,
Princeton-Penn Accelerator,
Princeton, N.J.

Dear Professor White: I am writing in support of your efforts to employ the Princeton-Penn accelerator in biomedical and radio-therapeutic experiments. It is my belief that effective use of accelerators can greatly enhance the abilities of medical therapists to deal with tumor treatment. As you may know, we at Brookhaven, are seriously proposing to use the AGS as a pi-meson source to test that modality of treatment. Further, we are studying the possibility of using 200 MeV protons from our new linear accelerator for similar purposes. As for myself, I was previously engaged in the development of fast neutron generators at the University of Wisconsin for clinical use. I believe all the "exotic particles" which can be usefully employed to provide high LET radiations to defeat the oxygen effect should be evaluated prior to an all-out effort to devise a cheap accelerator to be used universally for this purpose in therapy.

Brookhaven is presently cooperating with you on the basis of equipment to be used in your beams for this purpose. This letter will constitute further endorsement of your activities.

Sincerely,

F. E. MILLS.

WILL THE PEOPLE GOVERN THEMSELVES?

Mr. MATHIAS. Mr. President, Gerald W. Johnson, long known for his columns in the Baltimore Sun, has asked the important question: Will the people govern themselves?

Mr. Johnson needs no elaboration by me, so I ask unanimous consent that his letter to the editor of the Baltimore Sun, which appeared in that paper in Baltimore on July 11, 1971, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WILL THE PEOPLE GOVERN THEMSELVES?

(By Gerald W. Johnson)

SIR: After the uproar has subsided and the dust settled, after they have hanged Sulzberger or given him the Congressional Medal of Honor, after Nixon has been re-elected or defeated in every state, including Maine and Vermont, still the non-justiciable question will remain pending before the only court that has jurisdiction in the case, the court of public opinion.

That question is, are the American people capable of exercising the sovereignty they claimed in 1776 and still hold in theory, although not in practice? The answer depends on the answers to two preliminary questions, (1) could they? and (2) would they? If the answer to (2) is "no" then there is no point in asking the others. If people will not govern themselves, then they cannot, and should not. If civilization is to survive, there must be government, and if self-government is impossible, then it must pass to anyone who can and will govern. If it happens to be a Hitler of a Stalin or Beelzebub that would be bad, but not as bad as pure anarchy.

The late H. L. Mencken contended that democracy is a fraud for the simple but sufficient reason that the average American hasn't guts enough to be free. The masses according to this theory are, in Franklin's words, "they that can give up essential liberty to obtain a little temporary safety," and they, in old Ben's opinion, "deserve neither liberty nor safety." The supreme value of this republic, the thing that makes it worth the sacrifice of life itself, is its assertion of the right and the capacity of the American people to govern themselves. Remove that, and you have taken all virtue out of it. Remove that and the remainder is, to adapt Bismarck's phrase, not worth the bones of one black infantryman killed in Vietnam.

Yet an early President—the third, to be precise—laid down as a fundamental principle of our form of government "though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable." Jefferson referred, of course, to all important cases. Only a lunatic would contend that the majority must decide who shall be postmaster at Podunk, but it is definitely the will of the majority that the United States mail shall go through promptly and safely.

When the decision is one involving the sacrifice of the lives of 50,000 brave men, the expenditure of more than $100 billion of tax money and a struggle lasting eight years, it is no trivial matter. It is one on which the will of the majority should be ascertained beyond the shadow of a doubt. Even if it is wrongful that will must prevail, but a wrongful decision in such a case gravely imperils the national security. To be rightful, it must be reasonable, but who can make a reasonable judgment if he does not know all the pertinent facts?

A great many people are persuaded—many of them very reluctantly but none the less firmly persuaded—that that is what we did in Vietnam. The blame cannot be laid at the door of any one man. Perhaps Eisenhower was at fault when he appointed an hysterical old woman (of masculine gender) as Secretary of State, but Eisenhower never allowed Dulles to send more than army and drill-sergeants to Vietnam. Perhaps Kennedy was wrong in sending troops to guard the arms and ammunition we sent to keep them from being stolen and sold to the Viet Cong. Undoubtedly Johnson was wrong when he threw in half a million men to brace up a government so hateful to its own people that it was tottering to a fall unless supported by foreign arms. Undoubtedly, Nixon was wrong when he imagined that we can impose a settlement satisfactory to ourselves by any means short of destroying what remains of both Vietnams, north and south. Our military leaders were wrong in grossly underestimating the difficulties of guerrilla warfare and overestimating the efficacy of air power in that situation.

But all these errors were subsequent to and grew out of the great original mistake, which was made by you and me, and Joe Doakes down the street and the rest of the 200 millions who hold the sovereign power of the people. That mistake was our failure to demand right at the start that the power to make war should remain where we had put it when we ordained and established the Constitution—in Congress, that acts only after full and public discussions. That power has been modified in only one important respect since 1789—if and when the United Nations formally calls on us to help resist clear, unprovoked aggression, Congress is pledged to respond. No such call was issued in the case of Vietnam.

But we, the people, cannot escape all responsibility. We made a mistake, and dearly have we paid for it. By silence we gave consent.

That, though, is water over the dam. What remains is to guard against repeating that mistake by making another decision based on false information, or none, for such a decision is not reasonable and therefore not rightful. To say that such a decision threatens the national security is a gross understatement. If persisted in such decisions will assure the destruction of the nation, for they will prove that the people are incapable of self-government.

That is the non-justiciable issue that underlies the present controversy. The Supreme Court cannot decide it. Congress cannot decide it. The President cannot decide it. They are all agents, authorized to carry on the business of government subject to the sovereign power, which is the will of the majority. If that permits any agency to override its will, it has abdicated and the whole system of democratic government is an exploded theory.

COMPUTERS AND IMPROVED MEDICAL CARE

Mr. EAGLETON. Mr. President, the importance of computer technology as a device for increasing the quantity and improving the quality and efficiency of medical and other health care services is becoming increasingly recognized. It has the potential for improved distribution of services of high quality through communications networks and computerized medical information and diagnostic aids.

In view of this recognition, the Health Professions Educational Assistance Amendments of 1971, recently passed by the Senate, contains a new authority for a 5-year program of grants to public or nonprofit schools, agencies, organizations or institutions, or combinations thereof, to plan and develop freestanding or university-based computer laboratories to enable physicians and other health personnel to utilize modern computer technologies in the provision of health services.

Mr. President, the July 11, 1971, issue of Parade magazine contained an article entitled "Dr. Billy Jack Bass: He's Helping To Make Medical History." Dr. Bass of Salem, Mo., and his staff have developed, with the Missouri regional medical program, a new automated, computerized medical service which has proved to be of great assistance to practitioners in rural areas. Though located at a considerable distance from any large city, Dr. Bass has at his fingertips nearly all of the advisory and diagnostic services of a university health center.

I believe the success of this program in Missouri holds great promise for other medically underserved areas and is an example of the growing importance of regional medical programs in improving the delivery of health services.

Mr. President, I ask unanimous consent that the Parade article be printed in the RECORD.

There being no objection, the article as ordered to be printed in the RECORD, as follows:

DR. BILLY JACK BASS: HE'S "HELPING TO MAKE MEDICAL HISTORY"

(By John G. Rogers)

SALEM, MO.—When Dr. Billy Jack Bass recently had urgent need for the latest techniques in treating a patient for lead poisoning, he picked up a phone, made a simple request, and in five minutes a facsimile device in his office turned out a printed page containing the information. And when he does an electrocardiogram on a heart patient, it is recorded almost instantly 130 miles away in a computer that gives him a preliminary diagnosis over a leased phone wire within ten minutes.

BIG CHANGE AHEAD

Although Dr. Bass is a general practioner in a remote Ozark Mountain village, he's very special—probably the most-favored small-town doctor in the world, the key figure in a project that may revolutionize medical procedures. Physically far removed from sophisticated medical centers with their staffs of specialists and up-to-the-minute know-how, he has their knowledge at his fingertips—by wire.

"This project," says Dr. Bass, "that we call the Automated Physician's Assistant, is likely to change the practice of medicine as we've known it up to now. It guarantees better treatment for people in rural areas. And it ought to attract more good young doctors to practice in those areas where they're so badly needed. We're showing that a rural doctor can have almost every advantage that's normally available only in a big medical center."

Forty-six-year-old Dr. Bass, his four nurses and his patients make up half of a federally funded pioneering propect being developed by the Missouri Regional Medical Program (MRMP). The other half is the MRMP headquarters in Columbia, Mo., which has the big IBM computer. It also has a vast memory bank that can store 10 million pages of medical information, and other medically-useful gadgets—all linked directly to the Bass office. In addition, MRMP has available a number of specialists from the University of Missouri Medical Center, directly at the service of Dr. Bass.

PATIENT'S BENEFIT

"When I wanted a complete checkup, I used to go to St. Louis more than 100 miles away," said a Bass patient the other day. "It would take up to three days, cost me for the travel and a hospital room, plus my time away from work. Now Dr. Bass' office can do the whole job in about three hours right here in my home town."

One of the great time-savers in the Bass office is the do-it-yourself medical history. No longer does the doctor ask endless questions and make penciled notes. Instead the patient sits at a keyboard and "talks" to the computer in Columbia. Questions are printed out before him: Operations? What kind? Dizzy spells? Lumps on skin? The patient compiles his own medical history by punching keys opposite multiple-choice answers. This record of his health and physical condition is stored permanently in the computer. Anytime Dr. Bass needs it he simply asks the computer for the history by the patient's number and it's printed out in his office in a matter of minutes.

PARADE watched Fay Schafer, a local cattleman, complete his history recently in 40 minutes. It was a busy day, and Dr. Bass and his staff didn't have to attend him. They were free to bustle about on a variety of other cases. We asked Schafer if his experience with keyboard and computer seemed too impersonal.

THAT WAS FUN

"Not a bit," he replied. "It was fun, sort of like a game. The questions were interesting. And I know that eventually I'll have more time with Dr. Bass because all these contraptions he's got in here let him make better use of his time."

Some of the "contraptions" are standard IBM, some were modified for special use. For example, Allan Purdy, an electrical engineer with MRMP, and his men took a commercial breath- and lung-testing machine and spent eight months adapting it so that the computer could "understand" its messages. "Someday," says Purdy, "when medicine has become revolutionized through computers and automation, we think they'll be using our principles in mass production."

Right now the $500,000 MRMP project is limited to one doctor in one rural area. But in years to come the nation may well be dotted with automated medical centers, each serving thousands of doctors not only in rural areas but also in big cities. The Bass office, of course, is subsidized by MRMP but eventually each doctor would have to buy or lease his own equipment. Hence, it's important to reduce the now high expenses.

There's one rig, for example, that puts heart performance data on tape for the computer. It costs $6600 and is too big to ship away for repairs. Now a smaller one has been developed at $1500 that can be shipped for repairs for about $5.

Gayle Adams, an operations executive with MRMP, says that costs will go down as the number of participating doctors goes up: "At present each 24 seconds of computer time devoted to a certain aspect of a Bass patient $16.91. If ten doctors shared the cost, each 24 seconds would reduce to $3.30. For 100 doctors—only $1.94."

UTAH WIRE SERVICE

The MRMP project is a vast, complex extension of earlier medicine-by-wire services. For example, the University of Utah Medical Center analyzes brain waves received by telephone wire from patients as distant as 240 miles. (PARADE reported on this on April 12, 1970.)

How did Dr. Bass happen to be selected to play what may be a historic role in medicine?

"We knew about him," says an MRMP official, "because of his past cooperation with the Missouri Medical Center We knew he had a busy practice serving an area that stretches many miles from Salem in all directions. And he is *remote*. We reasoned that if long-distance, automated medicine would work out of Salem, it would work anywhere."

Says Dr. Arthur E. Rikli, MRMP coordinator: "We're not trying to replace doctors or even cut down on their numbers. But we're out to help the doctors. A doctor is only as good as the information he has. If there's a cure for cancer but he doesn't know it, he can't be of much help. Our job is to speed the flow of information to the doctors—information not only on their own patients but the latest development in their profession."

These latest developments involve the vast FACT (Fast Access to Current Text) bank in Columbia. Don Wilson, its director, says, "I think we can respond to almost any question anyone might ask. If we don't have it here we can get the information from the National Library of Medicine. For Dr. Bass we've recently given him stuff on lead poisoning, spider and snake bites and a rare type of muscular dystrophy. We can do it by phone, by screen or by facsimile printout right to his office in minutes."

A CONSTANT THRILL

For his part, Dr. Bass is greatly appreciative: "Professionally, it's a constant thrill to take part in the project. Of course, we hit snags. At one point we found we needed a better grounding system for the electrical equipment. You have to plan ahead on how to get quick repair if you have an equipment breakdown. And at the development end there's the matter of constantly trying to simplify the equipment so that the doctor and his staff can easily operate it. But the reward is very large—the feeling that you're helping to make medical history."

JACOB R. RAMSBURG, SR.

Mr. MATHIAS. Mr. President, the death of a friend is a time that tests us in many ways. In addition to the sense of personal sorrow there is a sense of loss of guidance, of support, and of encouragement. Something important in our lives is missing and will never be replaced. Our lives may continue, but will never be the same.

So it is with the death of Jacob R. Ramsburg, and so a multitude of his friends will feel.

I ask unanimous consent to have printed in the RECORD an editorial from the Frederick Post, of July 9, 1971, outlining Senator Ramsburg's substantial public service.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JACOB R. RAMSBURG SR.

Jacob R. Ramsburg Sr. was a member of the school which believed in hard work, full dedication to everything he undertook, and in the brotherhood of man.

The most productive of the 63 years of his life were given in service to his church, to his community, his county and his state, and in the rearing of a fine family.

The unexpected death Wednesday by heart attack of this former Mayor of Frederick, State Senator, member of the House of Delegates, outstanding businessman and civic worker came as a shock to the legions who knew him and who join with the family in mourning his untimely passing.

"Jake" Ramsburg put the same full measure of effort which made him successful in the insurance business into his other undertakings, whether it was as an active member of St. Paul's Lutheran Chuch at Utica, as a member of the Lions Club or as an effective and successful politician.

He served well as Mayor of Frederick from 1958–62, as a member of the House of Delegates for four terms, 1934–50, and as a State Senator 1954–58.

In business, in government, in all his undertakings—that which distinguished Mr. Ramsburg most was his leadership and his concern for other people and for the welfare of the community and his state.

He entered the insurance business upon graduation in 1926 from Frederick High School, and in 1933 with Joseph W. Urner founded Frederick Underwriters Inc.

Frederick County mourns the loss of such an outstanding citizen as Jacob Ramsburg, but his contributitons to its general betterment will be as everlasting as his memory . . . and he will never be forgotten.

WOMEN'S EQUALITY ACT

Mr. BAYH. Mr. President, 2 weeks ago I introduced S. 2185, the Women's Equality Act. The bill is designed to improve and extend our woefully inadequate laws dealing with sex discrimination.

As I pointed out on introducing the bill, one of the most pervasive types of sex discrimination is university employment for educational purposes. The Women's Equality Act would eliminate the exemption universities now have from the equal employment opportunities provisions of the 1964 Civil Rights Act. I ask unanimous consent that an article entitled "Female Academicians Claim Careers Curbed by Male Chauvinists," which graphically illustrates the extent and the cost of this discrimination, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEMALE ACADEMICIANS CLAIM CAREERS CURBED BY MALE CHAUVINISTS

(By Susan B. Miller)

Margaret Cussler, an associate professor of sociology at the University of Maryland, is paid $2,000 less than anyone else at her level in her department, but she claims that's just one of her worries.

Prof. Cussler, who has taught at the univerity since 1954, says her department has blocked her advancement by refusing to help her get research grants, by not assigning her to teach "important" courses and by denying her key faculty committee appointments. Last December, the four men in her department who outrank her turned down her request, to become a full professor with tenure.

"If I were a man, there would be no question about my promotion or anything else," she asserts. "My credentials are better than those of the men who turned me down."

But wait. Can there be sexual bias in academia, that supposed bastion of tolerance and reasonableness? You'd better believe it, claim women faculty members at colleges and universities across the country. Many of them are organizing local campus pressure groups and filing complaints against their employers with the federal government under a 1968 presidential order barring sex discrimination by federal contractors. Under attack are university hiring and promotion procedures and salary levels for women.

NOT BLACK AND WHITE

Many male academicians argue that the women—including Prof. Cussler—are exaggerating the problem. "Like other complaints in this category, Prof. Cussler's case isn't black and white" contends her department chairman, Prof. Robert A. Ellis. Indeed, a university committee to which Prof. Cussler took her gripes recommended a salary increase but found no grounds for charges of discrimination in promotion procedures.

Naionwide, however, there is statistical evidence that women don't advance at the same rate as men, for whatever reason. According to the U.S. Office of Education, women account for about one-fifth of the nation's 533,000 faculty members. Recent surveys show that 35% of faculty women hold the rank of instructor, the lowest in academia, while only 9% are full professors; among faculty males, 16% are instructors and 25% are full professors.

Salaries for women college teachers are lower across the board than those of their male colleagues. The American Council on Education, a private research group, reports that in 1969, 63% of faculty women were paid less than $10,000 a year while only 28% of faculty men earned less than that amount.

Moreover, faculty women tend to be clustered in such traditionally female fields as home economics, education, nursing, and the social services—while men dominate the more prestigious liberal arts and sciences. At the University of Wisconsin's College of Letters and Science last year, 25 of the 55 departments had no women members, while only 19 of the 561 tenured professors in the college were women. Women made up just 2% of the full professors at the University of California at Berkeley last spring. Harvard University, in a recent report on the status of women on its staffs, stated that "women had been virtually absent" from the upper ranks of its arts and sciences departments for the past 10 years.

LOSING GROUND

In some respects, academic women actually have lost ground of late. In the past five years, men have replaced women as presidents of prestigious Sarah Lawrence, Bryn Mawr and Vassar colleges. Overall, women accounted for 28% of all college teachers in 1930 against their present proportion of 20%, the Office of Education says.

Many university officials say that these comparisons aren't necessarily the result of discrimination. Mainly they base their reluctance to hire women for faculty posts on the belief that women will quickly quit to marry and raise families.

For a woman who wants to work, a husband or child can be a liability, says Lane Davis, a professor of political science at the University of Iowa. "We tried to hire one woman but she wanted us to hire her husband too. Now what in hell were we going to do with him?" he asks. Pregnancies present special problems, particularly if a woman who is a department's only specialist leaves for a year, officials say.

"On the whole, women aren't able to make the reputation as scholars that men are," says Richard Lester, dean of faculty at Princeton University. "Family responsibilities make it hard for them to keep up to date in their field and to turn out as much research as men do."

That may be true in some cases, critics concede, but they claim that the small number of women in many areas of academia stems directly from bias in hiring and promoting. Women critics say, some men feel that a large number of women in a field will lower its prestige. "I have men on the staff who will vote against a woman for a job just because she's a woman. They just don't want women around," says one Harvard department head.

Moreover, whether intentionally or not, traditional academic hiring practices tend to work against women when it comes to filling prestigious posts, say campus women's groups. Top-flight colleges typically don't advertise openings, and often it's considered bad form to apply for a job; professors wait to be called. When a department has an opening, its ranking members commonly contact their colleagues at other institutions to ask for recommendations and then invite one or two favorite candidates to visit the campus.

Women have dubbed this the "old buddy system." Shirley Clark, associate professor of sociology and education at the University of Minnesota, says: "It may not be as blatant as an application returned to you stamped 'male only,' but it works the same way. A woman is at a disadvantage once a department chairman so much as uses masculine pronouns to describe the person he wants to hire."

Another obstacle to women in academia has been rules that forbid both husband and wife from working in the same institution or in the same department. The rules, designed to prevent such problems as one spouse passing judgment on another, don't discriminate on the basis of sex. But when, as frequently happens, an academic woman marries an academic man, it's usually her career that is sacrificed.

Consider the case of Margaret Harlow, who was an assistant professor of psychology at the University of Wisconsin when she married another professor in the department in 1948. Faced with a university rule against nepotism, she resigned her post. She spent most of the next 17 years assisting her husband and his colleagues in their research without formal recognition or pay.

In 1965, the university bent its regulations enough to allow Prof. Harlow to be a lecturer in another department. But it wasn't until 1970—22 years after she was forced to resign—that the university finally agreed to make her a full professor. "I could cry when I think of all the years I lost because of that silly rule," she says.

Academic women have made some headway in removing barriers to their progress, however. Nepotism rules have been revised at the universities of Arizona, Michigan, Pittsburgh and Wisconsin. Tufts University has established a university-wide clearing house for hiring that not only publicizes faculty vacancies but seeks out and encourages women and minority-group candidates to apply.

Individuals and groups have filed more than 250 employment discrimination complaints against colleges with the federal government under President Johnson's 1968 anti-bias order. But widespread results aren't expected to come soon because the Department of Health, Education and Welfare, which is charged with enforcing the rule, has only a small investigation staff.

However, one complaint led to the withholding of some $7.5 million in federal contracts from the University of Michigan until it came up with an acceptable plan to end sex discrimination. Among other things, Michigan agreed to give women staffers an estimated total of about $6 million in back pay, retroactive to 1968, to make up for past salary inequities. Contracts totaling about $3 million also were withheld from Harvard University until it furnished previously unreleased information about its hiring practices.

SENATOR MUSKIE SPEAKS ON DRUG ABUSE

Mr. EAGLETON. Mr. President, recently, in testmony delivered before the Foreign Relations Committee, the Senator from Maine (Mr. MUSKIE) discussed one of his drug control bills, S. 1944, to provide for international drug control assistance.

In his testimony, Senator MUSKIE emphasized the need for immediate action on the international as well as the domestic front if the traffic in illegal drugs is to be stopped. The Senator's testimony suggests some possible solutions to our massive drug problem, and to give it the widest possible circulation I ask unanimous consent that it be printed into the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR EDMUND S. MUSKIE

I want to thank the Committee for this opportunity to discuss my bill, S. 1944, to amend the Foreign Assistance Act of 1961 to provide for International Drug Control Assistance.

My bill authorizes the President to furnish bilateral assistance to any friendly foreign country, and to international organizations—such as the United Nations Special Fund for Drug Abuse Control—for the control or elimination of the production, processing, or distribution of narcotic and psychotropic drugs. It emphasizes crop substitution in opium-producing nations; new employment opportunities for those now engaged in opium production; assistance to law enforcement and government regulatory agencies; and treatment, rehabilitation, and preventive education programs suitable to diverse cultures.

This bill is similar to legislation introduced by Representative Scheuer in the House (H.R. 7492), with whom I have been working closely. It is also similar to portions of Senator Mondale's bill (S. 509) and Senator Church's bill (S. 1188) which I also support.

Mr. Chairman, we must bring opium production under control. The narcotics plague in this nation has reached such proportions that any delay in our efforts to destroy it can only have devastating effects on our people.

I am talking about the evil white powder Stewart Alsop calls the "city killer"—the powder that produces half of our crime and most of the fear which stalks our streets.

I am talking about the epidemic of heroin—the sickness of an addiction which has already afflicted people in every part of our country.

And I am talking about the countless condemned Americans:

About 1,000 babies born each year in New York City as addicts, helpless heirs to the terrible pain of their mother's habit.

About the thousands of veterans exposed to heroin in Vietnam who are now carrying a horrible curse home to their families and our towns.

About more than 100,000 despondent and disillusioned people whose health and will and hope have been shattered almost beyond repair.

We have not done enough to cope with that problem. But we have made a beginning. Last year, the Congress authorized nearly a quarter of a billion dollars for narcotics treatment and prevention programs over the next two fiscal years. In May I introduced a bill (S. 1945) also introduced by Rep. Scheuer, to create a special White House Office to coordinate the drug fight here at home and around the world.

I am pleased that the Administration has finally decided to follow up on these congressional initiatives. I commend the President for reversing his earlier decision and requesting the money Congress has authorized for treatment. And I am pleased that the President has sent up legislation similar to the Muskie-Scheuer bill to create an Office of Drug Abuse Control.

But narcotics addiction is not just an American problem. Opium and its derivatives are used by addicts all over the world, and in some areas the per capita consumption of narcotics is a good deal larger than in the United States. As long as poppy is grown to supply addicts and users in these foreign areas, some opium will be available and will be utilized to supply the demand for opiates in this country. *Thus, if the United States is ever to control narcotics addiction in this country, we must participate in a meaningful way in an international effort to control or eliminate opium production wherever it exists.*

Today, the major international treaty which relates to the drug trade is the single Convention on Narcotic Drugs of 1961.

This convention is primarily designed to control the production of opium for legitimate medicinal purposes—for such drugs as morphine and codeine. The single convention is supervised by the International Narcotics Control Board which reports to the Economic and Social Council of the United Nations.

In one sense, the single convention must be considered a great success. Opium grown in India, Turkey, and the USSR for medicinal use does not enter the illicit market once it is collected by the governments concerned. The problem is with opium which never passes through official channels. From the American point of view, this problem has been particularly serious in Turkey, which until recently has been estimated to supply 80% of the illegal opium that reaches our shores.

For this reason, I was particularly gratified by the announcement yesterday of Turkey's decision to eliminate opium production in 1972. Representative Scheuer and I had urged the Administration in a letter of April 29 to negotiate with the Turkish Government a reduction this fall of the opium producing provinces to 3 or 4 and a total ban of all production by 1972. Yesterday we issued a statement congratulating the Administration for its success in arriving at just such an agreement and praising the Turkish Government for taking this major step in helping to curb the world-wide heroin trade.

I hope the Administration will follow up on this agreement by assisting Turkey in the difficult task of enforcing such a ban. The problem of law enforcement is all the more difficult when one considers that enough opium to supply all addicts in America today could be produced in a 5 to 10 square mile area. The United States is in a unique position to give Turkey the technical and financial assistance necessary to enforce the opium production ban, as would be provided by the Muskie-Scheuer bill.

But even if Turkish opium supplies to the illegal market are eliminated, a broad international approach to the problem will still be required. The successful elimination of Turkish sources would probably not cut significantly the flow of illegal drugs into the United States. Dealers in illicit drugs have demonstrated remarkable flexibility in replacing sources of supply that have been eliminated. And new sources of supply are easy to find. Most of the world's supply of illegal opium is produced in the far east. Burma, Laos, and Thailand account for more than half of the illegal world supply, with the Afghanistan-Pakistan region running second. The elimination of opium-production in these areas will no doubt prove even more difficult than the Turkish case, since production usually occurs in remote areas over which the central government has inadequate administrative control, and since opium is often the only cash crop which can be both grown in these areas and transported to markets.

In fact, there is evidence now accumulating that the poppy fields of southeast Asia are contributing more and more to the heroin epidemic in the United States. And that is directly connected to our tragic involvement in the war in southeast Asia.

During the last few years, as production of opium gum has been gradually reduced in Turkey, the number of heroin addicts on the streets of American cities has nonetheless doubled, tripled, and quadrupled. And so has drug-related crime. In 1967, for example, the President's National Crime Commission reported that less than 10% of the persons arrested for serious crimes in New York City were addicts. Today, in cities like New York or Washington, half or more of the serious crimes are committed by addicts.

The spread of the heroin epidemic in America corresponds precisely to the escalation of our involvement in the war in southeast Asia.

The amount of illegal narcotics being smuggled into this country from southeast Asia has already reached shocking proportions. The Bureau of Customs has recently announced that between the beginning of March and April 24 of this year, it made 248 seizures of narcotics through Army and Air Force post offices. One package it seized originating in Bangkok contained 17 pounds of heroin, an amount valued at $1.75 million when sold on the street.

One of the most disturbing aspects of the drug traffic in southeast Asia is that it is apparently carried on, to a considerable degree, right under the noses of American officials, and many of its kingpins are evidently corrupt officials receiving American assistance. These facts were contained in a remarkable study compiled by Reps. Morgan F. Murphy (D–Ill.) and Robert H. Steele (R–Conn.) for the House Committee on Foreign Affairs.

The report alleged, for example, that the Laotian and South Vietnamese air forces are deeply involved in smuggling heroin into South Vietnam. It also said that Air America planes have been used to smuggle heroin, although it adds that there is no evidence to link American officials or an American agency to the smuggling activities. And the report claims that the Laotian tribesmen, who with U.S. aid are fighting the Communists, are principal growers of poppy.

But most alarming, the report alleges that official corruption among our allies in southeast Asia plays an important role in the drug traffic that is destroying the social and economic fabric of our cities here at home. Though they say it is difficult to assess the extent of corruption, Murphy and Steele report:

> Reliable sources report that at least two high-ranking Laotian officials, military and governmental, including chief of the Laotian general staff, are deeply involved in the heroin business.
>
> In Thailand, a former diplomat and member of one of the most respected Thai families is reputed to be one of the key figures in the opium, morphine base, and heroin operations in that country and throughout southeast Asia.
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> Recently, a member of the South Vietnamese legislature and friend of high-ranking governmental officials, was arrested smuggling heroin into Vietnam. The U.S. military command has supplied Ambassador Bunker with the names of high-ranking Vietnamese officials it suspects of involvement in the heroin trade, and believes the corruption has reached the point where only forceful intervention by President Thieu can succeed in checking the traffic.
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> There have also been reports that Vice President Ky is implicated in the current heroin trade. The study mission was unable to find any evidence to support this allegation.

Mr. Chairman, this burgeoning narcotics traffic in southeast Asia cannot go unchecked. If it is in the interest of our national security to save the people of southeast Asia from Communism, it is certainly in our interest to save our citizens from the devastation of heroin addiction. Certainly, a first step for the United States in the war against drug addiction must be to pull our troops out of southeast Asia by the end of this year.

But, we must go further; we must demand that, as a condition of receiving further economic assistance, that our allies in southeast Asia smash the heroin traffic within their borders. They must root the corruption out of their own governments, arrest and convict the financiers of heroin traffic and the distributors of illegal drugs, and engage in aggressive programs to substitute other cash crops for the cultivation of poppy.

To engage in such a program will require massive assistance from the United States and from international organizations such as the United Nations special fund for drug abuse. A massive program to eradicate illegal drug traffic in southeast Asia must become a principal aim of our foreign assistance program to that part of the world. And it is to create a mechanism for such a program that S. 1944 must be enacted.

Mr. Chairman, I have been emphasizing that a true solution to the problem of drug abuse will be reached only through international cooperation involving the support of both producing and consuming countries. Later this year, in my Subcommittee on Arms Control, International Law and Organization, I hope to hold hearings on a range of programs in international organizations, and on possible changes in international treaties, for better control of the illegal drug trade. At that time, I hope to be able to supplement the efforts you are making here today, and that the Congress will be making in the coming months, to fight the drug crisis in the nation.

Drug addiction and related criminal activities will become worse before they will lessen. We must move to stop the illegal drug traffic—domestically and internationally. And we must move quickly.

Thank you very much for granting me the opportunity to testify.

RACISM IN SOUTH AFRICA

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Helen Suzman, published in Sunday's New York Times.

The article is remarkable, for several reasons. First, it captures in a relatively few words the tragedy and destructiveness of racism as it now exists in South Africa. It describes with clarity the cruelty and tawdry deception which is involved in the concept of "Bantustans" or "homelands" for black South Africans. It projects, too, the eventual devastating effects for black and white South Africans alike, of continuation and enforcement of the policy of apartheid.

But even more remarkable—given the colossal obstacles Mrs. Suzman and other South Africans of all races who share her outlook face, and given the social and legal harassment to which they are subjected—is Mrs. Suzman's reason, moderation and constructiveness.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Sharpeville Forgotten

(By Helen Suzman)

The feeling of unreality that always pervades one when listening to the proceedings in the South African Parliament is stronger than ever this session.

Outside the House of Assembly in real life, inflation caused by the high costs of production engendered by the artificial shortage of skilled labor is reaching an all-high level; services are markedly less efficient, and flashpoints of violence have recently occurred, like warning symbols.

Inside the House, the Government calmly announces it has no intention of deviating from its traditional policy of reserving (tacitly and by law) most of the skilled jobs for whites who incidentally are numerically unable to fill such jobs. It tackles the inflation by upping taxes, particularly indirect taxes, to curb consumption, and it ignores the flashpoints of violence.

The Government has forgotten Sharpeville. It is intent on implementing its political solution to the African "problem"—separate development and the creation of self-governing, possibly independent, African territories within the body-mass of the Republic of South Africa. Parliament has recently passed a bill setting up model constitutions for such future Bantustans.

The Government is hung up on the idea propounded by the late Prime Minister, Dr. Hendrik Verwoerd, whose lofty intellect was revered by his supporters, that since naked "wit baasskap" or white supremacy is not acceptable in the outside world, and a multiracial South Africa with whites hopelessly outnumbered, is quite unacceptable here, the only alternative is to create independent Bantustans for the different Bantu or African tribes. This then would be the ethical quid pro quo for the denial of all meaningful rights to black Africans in so-called white South Africa.

The fact that the homelands consist of over 250 fragmented areas, with only one, the Transkei, a large contiguous area, that they are economically nonviable, that they provide only 8,000 jobs outside of subsistence agriculture, is brushed aside by the Government.

So, too, is the fact that many years of striving after separate development has left South Africa in the same demographic situation as before—that there are many more Africans living in so-called "white" South Africa than in the homelands—8 million in the cities and on the white farms according to the latest Census figures, while 6.9 million live in the homelands.

That hundreds of thousands of these black Africans have never set foot in the Bantustans is no concern of the Government. It is there the black Africans must seek their national identity, there they must enjoy political rights. Their status elsewhere is that of temporary sojourners, migratory workers, who, while permitted to remain in the white areas as long as their labor is required, will be sent back to the homelands when they become what one prominent Nationalist politician called "superfluous appendages."

To this end, vigilant officials are constantly busy weeding out Africans, mainly old men, women and children who do not "qualify" to remain in the white areas. Some 26 resettlement villages have been established in the Bantustans, and into these forlorn places go those people whose presence in the white areas is deemed superfluous.

No men not already in the towns are allowed in from the Bantustans except as contract laborers, who return to visit their families once a year. No women not already in the towns are allowed in at all, except for short visits.

The existing urbanized African community is for the time being allowed to enjoy family life. Those who were born in the towns or who have lived there continuously for a number of years enjoy a certain privileged status. All, however, are under constant threat that this legal protection will eventually disappear, as it is pronounced Government policy that ultimately the entire African labor force must be placed on a migratory basis.

One's mind boggles at the thought of the grotesque society the South African Government is deliberately creating for the African people.

Economists have warned that the migratory labor system is costly and inefficient, that it is impossible to train men on the move and that a modern industrial society requires ever-more skilled workers.

Sociologists warn that restless, rootless masses of men separated from their families are the least responsible members of a community. Grinding poverty and its handmaiden, malnutrition, are only too common among deserted families in the rural areas.

Already the rate of illegitimate births in the homelands and in the urban townships has reached very high proportion. Crime—violent crime—is on the increase.

Life on the surface is peaceful and orderly enough in South Africa.

All the hallmarks of a prosperous modern industrial country are to be found in the bustling cities; where black Africans too, despite everything, have themselves developed a growing middle class. In many respects, the urgent needs of the economy have proved stronger than political policies.

South Africa has been propelled along by the sheer power of her vast economic resources.

Now, somehow, one has the feeling that things are catching up on us. It remains to be seen whether Dr. Verwoerd's famous dictum "We'd rather be poor and white than mixed and rich" is indeed South Africa's choice.

FUNDING FOR HEALTH: AN EXCELLENT INVESTMENT

Mr. WILLIAMS. Mr. President, on July 13, the senior Senator from California (Mr. Cranston) presented valuable and extensive testimony to the Labor, and Health, Education, and Welfare, and Related Agencies Subcommittee of the Senate Appropriations Committee.

In this testimony, he highlighted the direct benefits accruing to our Nation's citizens from programs dealing with everyday human problems in health and welfare, and the potential human tragedy that could result from reducing or retrenching development of these programs by inadequate financial support.

He also pointed out that the Federal dollar invested in these programs is returned many times over both in dollars as well as in human terms. His exposition is most persuasive and makes clear the urgency for adequate financing of these all-important programs. As usual Senator Cranston has demonstrated his deep sensitivity for the pressing human needs in the United States. This impressive document is clear evidence of his consistent efforts on behalf of the people of California and the Nation.

Mr. President, I ask unanimous consent that Senator Cranston's testimony be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Alan Cranston

I would like first to congratulate Senator Magnuson on his outstanding accomplishment since he has chaired this subcommittee in obtaining substantially increased appropriations for Health, Education, Welfare and Poverty programs despite drastic cutbacks in numerous vital areas recommended by the administration in the last several years. It has been a long uphill fight but through Senator Magnuson's dedicated perseverance and astute initiatives many federal programs have been able to continue providing needed services to the individual and needed support to the community in the vital areas of health, poverty and social services. Last year he was successful in maintaining appropriations at a level consistent with national need despite unreasonably low budget requests to curtail some very important programs.

Once again, the administration has indicated its failure to attach adequate importance and priority to the areas of social concern represented by these programs. I submit that this is a false economy, and a decision with a potential for tragic effects on every citizen. These programs deal with everyday human problems. They can alleviate severe burdens thrust on individuals by illness, unemployment, lack of training and preparation for full involvement and social adjustment in a complex society, and the pervasive debilitation of the poverty environment. Each dollar placed in these programs promise a return, with interest, to the national economy through the resulting increase in productivity of each individual assisted.

NIH RESEARCH

Nowhere is this more evident than in the area of biomedical research where progress frequently is ultimately measureable in dollars as well as in human terms. An interesting study has been undertaken by Dr. Hugh Fudenberg, a San Francisco immunologist and physician, and professor at the University of California Medical Center there. He made a cost benefit analysis of the research and development that led to vaccines against polio and measles, and to the discovery of chemicals now used to treat and prevent tuberculosis. After subtracting the scientific costs from the toll in dollars of hospitalizations, custodial care and lost earnings due to disability, he figured that successful research into those three diseases alone has already saved Americans the enormous total of $12 billion to $23 billion since these advances were made.

Kidney transplants, for example, are a new development in life-saving surgery. The surgery itself is straightforward, but the real progress has come as scientists have discovered the basic principles of the immune reaction whereby a patient's body may reject one donor kidney while accepting another.

According to Dr. Fudenberg, about 10,000 acutely ill patients with kidney failure could be saved each year in the United States through kidney transplants which are increasingly coming from donors who bequeath their organs for use after death. Computer matching of white-cell types and new drugs to suppress immune reactions when they arise make long-term survival increasingly likely.

Dr. Fudenberg estimates the cost of transplants for all eligible kidney patients in the U.S. at about $10 million a year. To keep these same patients alive by artificial kidney machines would cost about $100 million a year—and each year, with new patients needing more machines, the cost would go up. In a ten-year period the use of kidney machines, if there were no transplants, could cost Americans $1 billion a year.

Hemophilia, the genetic disease marked by severe and often uncontrolled bleeding, is another case where fundamental research has led to a medical advance with huge dollar savings as well as human benefits.

The disease is caused by an inherited defect in a natural clotting chemical called AHF—for anti-hemophilic factor.

More than a decade ago, Dr. Judith Pool, a researcher in Stanford's hematology department, was looking for the specific organ in the body where she could pinpoint the synthesis of the defective AHF protein.

As a result of her discovery in 1964, AHF is now widely available—not merely to stop excessive bleeding when hemophilic patients must undergo surgery, but as a preventive chemical which victims of the disease can administer to themselves regularly so they can lead virtually normal lives.

It is estimated the cost of self-administered preventive care and treatment at home comes to about $1,200 to $1,400 a year for each patient. Previously, patients had to be hospitalized frequently with repeated blood transfusions, at costs as high as $10,000 a year.

About 12,000 Americans suffer from severe hemophilia today. For those hospitalized, the cost of their disease may come to $120 million a year. As a result of Dr. Pool's basic research and the subsequent development of commercially available cryoprecipitate, that cost can now be brought down to less than $15 million, and the millions of dollars restored to adult patients in annual earning power have not even been calculated.

The annals of medicine abound in other instances where fundamental research is ultimately translated into practical advances at enormous savings in human lives and money, and many of those translations are on the horizon now. For example, investigations in basic immunology have recently led to methods for the detection of carcinoma of the colon by immunologic analysis of serum, and detection of digoxin toxicity (digoxin is a drug frequently used in heart failure therapy), using antibodies for diagnoses. The savings are estimated at more than $½ billion yearly.

One more example will suffice. Basic research by neurochemists and by individuals interested in the metabolism of trace metals, by a series of events led to the recent development of a new therapy for Parkinson's disease, which affects ½ to 1 million persons in America. The cost benefits for the disease alone (more than 70% of the patients treated with the new medicine are able to return to work) are estimated to be $1.6 billion yearly.

These are, of course, just a few of the many instances where fundamental research is ultimately translated into practical advances at enormous ultimate savings in human lives and money, and overall national economic gain. Many such new, cost effective biomedical breakthroughs are on the horizon now. However, the administration's budget request for the National Institutes of Health, except for the $100 million Special Cancer Research appropriation, is actually a decrease of $20 million below the level of appropriations for biomedical research programs in 1971.

This is shocking and must not be accepted. We must not permit the urgent national crusade against cancer to drain dollars from equally vital and promising research areas. On this, all agree, including the report of the National Panel of Cancer Consultants. The NIH programs have suffered a consistent reduction in level of effort—taking into account the high annual inflation in research costs—since Fiscal Year 1969 because of price-wage increases even where funding amounts have been maintained.

The Coalition for Health Funding has determined that in order to maintain the 1969 level of research effort in NIH programs and to provide the special program development proposed by the President would require an appropriation level of $1,519,000,000 or $232 million above the President's request. I believe this national movement of outstanding organizations and individuals in the health field has conducted a fair, exhaustive, objective, educated evaluation of the alternatives available in the area of biomedical research and realistically balanced the national resource capability against the possibilities. Because I believe this is a carefully measured figure with a realistic objective, I urge the committee to accept this recommendation.

In the Health Institutes, the reasonable figure recommended by the Coalition would correct the underbudgeting of the President's request as follows:

National Heart and Lung Institute

The President's budget requested $194,448,000 for 1972, the same amount that was appropriated in 1971. This is a regressive proposal for the number one cause of death in America—in 1969 about three times as high as cancer deaths and 38.4 percent of all American deaths that year. The American Heart Association has recommended that this amount be increased by $44.3 million. This figure would take into account the effects of inflation, as well as an increment of 20% to cover a minimum amount of growth since 1969—less than seven percent annually. In addition, it would include the sum of $5 million to begin studies in Sickle Cell Anemia, which has been earmarked by the President for high priority attention. Increased appropriations for this Institute would permit advancement of several of many promising on-going programs, including more adequate financing for 12 heart attack specialty centers.

Research in lung disease was identified as a responsibility of the Heart and Lung Institute in November, 1969. I have been concerned about the serious shortage of researchers in the field of pulmonary disease at a time when serious respiratory diseases such as emphysema and bronchitis are on the increase. As our abuse of the environment increases, the effects show up in increased respiratory ailments, many of them disabling, some of them fatal. The serious gaps in our knowledge about the incidence, cause and cures of lung disease can be filled only through increased training of researchers to perform the time-consuming studies needed and through increased epidemiological studies to search for clues regarding the causation of lung diseases.

By contrast, the administration request will result in a decrease in research grants for both heart and lung disease from 1,563 in 1971 to 1,533 in 1972; in a decrease in fellowships from 288 to 278 undergraduate cardiovascular training funds will remain the same); and a decrease both in grants for graduate cardiovascular and pulmonary research (from 255 to 243) and in grants for clinical training from 1,020 to 972.

National Institute of Dental Research

This Institute supports some 80% of the research in the nation's dental research system. It has also been the Institute subject to the greatest proportion of cuts in the past three years. For instance, while 271 research grants were supported in 1969, the administration proposes to fund only 208 in 1972; where 97 training grants were awarded in 1969, only 81 will be awarded in 1972; and the number of fellowships awarded represents a 33 percent drop, from 121 in 1969 to 81 in 1972.

In a field where practitioners and the public agree that preventive care can forestall many problems which frequently will impair the overall health of the individual it is a major error to detract from efforts to find the causes and cures of dental disorders by systematically reducing dental research support.

The National Institute of Dental Research has been instrumental in furthering the study of the Buonocare sealant. This sealant attacks a major cause of tooth cavities by sealing the pits and fissures or grooves, in teeth which trap decay-causing bacteria that toothbrush bristles cannot reach. The sealant is designed to increase the effectiveness of the resistance to decay that fluoride supplies.

In an experiment, Dr. Buonocare sealed 200 teeth in 60 children aged 4 to 15, leaving the children's other teeth unsealed. After one year, he found cavities in 42 percent of the untreated test teeth, but none in the sealed teeth. Initial studies directed by NIDR indicate the sealant has been retained in over 50% of those teeth painted.

This sealant breakthrough promises a real-life gleaming child's smile in every mother's kitchen exclaiming, "Look, Ma, no cavities!"

NIDR research into plastics has led to a more durable, attractive, composite type of filling material for front teeth. New plastics also promise to hold brackets for orthodontic wires so well that unsightly bands may soon be a thing of the past on teenagers undergoing tooth straightening. Plastics and ceramics emplanted in jaws may provide substitutes for missing teeth. Another imaginative line of research is exploring the potential of natural cements marine animals, such as mussels and barnacles, use to hold fast to ships and rocks. A waterproof cement able to bond fillings to teeth regardless of the shape of the cavity would save hours of drilling away sound tooth mineral to make mechanical locks between non-adhesive material and teeth. Even the traditional amalgam used to fill molars is being studied to improve its durability. Replacing a small amount of the silver with gold, promises to make a tougher, longer lasting filling.

All of these are part of the national caries program, which is a targeted program and will require additional funding to achieve its goal of making caries almost completely preventable by the 1980's.

I believe the suggestion of the Coalition on Health Funding that this Institute's funds be increased to $43.6 million is a fully justified one and urge your Committee to recommend that amount for the National Institute of Dental Research.

I'd like to say that I was proud to cosponsor Chairman Magnuson's bill, S. 1874—the proposed "Child Dental Health Act," which would elevate dental care to a level comparable with its need and importance to a child's health and development.

National Institute of Arthritis and Metabolic Diseases

This Institute provides support for research in a broad spectrum of diseases and metabolic disorders, including such prevalent ones as diabetes, kidney disease, gastrointestinal disease, among others. It also supports research in the vital area of nutrition. The President's budget has reduced support in these fields by almost $5 million in fiscal year 1972, with a resulting decrease of approximately 10% in the level of research program support in projects from 2,028 to 1,823; in fellowships from 343 to 280 and in graduate training grants from 264 to 249.

This is hardly an adequate response to the crying need for answers to the prevention and treatment of these diseases. Diabetes is the eighth leading cause of death; recent research indicates we are on the threshold of unlocking the door to its cure. The tragic consequences of kidney disease are well known—the terrible life and death choices that must be made in distributing dialysis treatment to only a portion of those needing it while inadequately financed research teams continue to seek out improved methods of kidney transplants and artificial kidneys.

As an outgrowth of the development of the artificial kidney machine, developed by Dr. Scribner at the University of Washington, with NIAMD support, he also developed the "artificial gut system." This is a system that can give total nutrition to a human being for indefinite periods. It is useful for several groups of patients:

For individuals with chronic bowel diseases (who cannot absorb nutrients).

For infants born with congenital defects enabling them to remain alive until they are old enough for surgery to correct the defect.

For those waiting for kidney machines or transplants.

Research in nutrition while having less dramatic implications lies at the basis of human development and well-being. With the substantial cuts proposed by the President for this Institute, nutrition research will undoubtedly share in the serious reductions. I urge the Committee to recommend $166,700,000 for the Institute of Arthritis and Metabolic Diseases, an increase of $32,300,000 over the President's request.

National Institute of Neurological Diseases and Stroke

This Institute received the greatest reduction on the NIH Institutes in the budget request of the President, a cut of $11 million dollars or over 10 percent over last year's appropriation. This will result in the interruption of on-going programs which have provided useful and valuable information in mental retardation, epilepsy, muscular disorders, head and spinal cord injury and many other equally vital areas. One major loss, will be the failure to continue the development of clinical stroke centers, which your committee, last year deemed of such paramount importance and so capable of expansion that you directed $12 million be utilized to develop ten additional centers, to expand the activities of the 17 then existing centers, and to support training programs.

Unfortunately, although stroke is the third largest killer in the nation, the Institue has not been able to comply with this mandate. Only one additional center was funded in FY 1971, rather than ten as directed by this Committee. Planning for six additional stroke centers had progressed to the talking stage, but negotiations were postponed because of lack of funds. One of these centers was a much needed stroke center in Southern California. Furthermore, all existing stroke centers, rather than expanding activities as directed by your Committee have suffered a 10 percent cut from approved levels.

Another critical problem is the effect on the Institute of Neurological Diseases and Stroke of the freeze placed upon all training programs at NIH two years ago. This means no training of doctors in the early diagnosing of potential stroke victims, a vital preventive measure which can save many from the tragic consequences of this illness by referring them to stroke centers for early treatment. I urge your Committee to recommend an appropriation of $120,996,000, an increase of $25,500,000 over the President's request, for the Institute of Neurological Diseases and Stroke.

National Institute of General Medical Sciences

The basic research supported by this Institute underlies all the research activities in specific disease areas. Many of the discoveries which led to the eradication or prevention of given diseases, or to new diagnostic and therapeutic methods, were the results of basic research by individual scientists not thinking of the application of their work to a specific disease.

In addition, this Institute supports research in certain clinical disciplines that are of central importance to a variety of medical problems. Among these are studies on trauma, and on pharmacology and toxicology, both areas of great potential and need. The administration has reduced its request for this Institute by over $16 million dollars from the amount appropriated in 1971. This is a step that can have severe repercussions in the entire medical research field, and I hope your committee will recommend an increase of $46,300,000 over the President's budget for a total appropriation for this Institute of $196,391,000.

National Institute of Allergy and Infectious Diseases

This Institute, though one of the smallest at NIH, has been no less productive than the others. It has been credited with a major responsibility in the development of the vaccine against German measles. This Institute, also, received a substantial reduction —$4.6 million—in the amount requested in the Presidents budget. Dr. Fudenberg, who conducted the cost benefit analyses on basic medical research, came up with an interesting statistic relating to this Institute. His analysis of only four immunologic and infectious diseases which have been eradicated or dramatically reduced as a result of basic research reveals a total savings ten fold life span for Research Grants, Training Grants, Fellowships and Development Awards. I urge the Committee to invest in this highly cost-effective, humanitarian effort by recommending a budget increase of $13.6 million to $112,031,000 for FY 1972.

I have discussed only some of the Institutes budgets in any detail, but I feel the same pattern exists in each Institute, and would recommend an increase in each Institute comparable to that suggested by the Coalition for Health Funding. As the Coalition astutely pointed out, "the most critical consequence of the Administration's budgetary actions on NIH programs flow from the drastic reductions made in funds available for training grants and fellowships and in the support that will be available for new research projects. These actions will seriously diminish the number of trained young men and women available to further the progress in the medical sciences, to provide the faculties of expanding health professional schools, and to generate and exploit the new research ideas and leads upon which future health progress is dependent."

National Cancer Institute

I am gratified that no special plea is necessary for an increase in the budget for funds to support cancer research. The President's $100 million increase in funds for this purpose is well justified and I am heartened by the general commitment on the part of the President and Congress to authorize additional appropriations as needed. Special congratulations are due the members of this Committee for their prompt action in enacting this $100 million increase in the 1971 second supplemental budget.

National Library of Medicine

Another major contribution made by the National Institutes of Health to medical science and to the medical community is through the National Library of Medicine. The tremendous expansion in biomedical knowledge and information in the last 25 years has made it imperative that there be a central national and international resource that can compile and disseminate all important data. At the same time, there has been a tremendous breakthrough in the development of communications technology. The National Library of Medicine has met both these challenges. The enormous collection of medical writings held by the Library, its world-wide acquisition program, coupled with its bibliographic activities, notably the Index Medicus and Medlars, constitute the basic intelligence process of medicine not only for the United States but for the international medical community.

I was very disappointed to learn that because of financial restrictions, the Library placed a ceiling on the number of research searches it performs for individuals physicians, research centers, hospitals, medical schools, and other members of the medical community. In 1970, over 20,000 searches were performed. In May this year, the Library was instructed to reduce by ten percent the number of requests it filled because the funds did not exist to support the computer processing.

One of the exciting communication systems developed by the Library is its on-line bibliographic service which has been enthusiastically accepted by the medical community. This service consists of a keyboard physically situated in a medical library, such as a hospital library, medical center library or research institute library, which is connected to a data base (one in Santa Monica, California, and one at the National Library of Medicine here in Washington). The physician or researcher can ask a question directly of the data base through the keyboard and receive, through a series of exchanges between himself and the data base a bibliography of all data pertinent to his question. Each request is answered within 15 minutes, through use of this on-line device, as against the normal delay of three to six weeks for processing and retrieval of written requests. The costs are estimated to be about one fifth of previous costs, and the system has doubled the capacity of the National Library of Medicine to handle requests. Current estimates indicate the information retrieved is about equally divided among treatment of an individual patient, research, and education.

Currently 52 of these on-line devices are operating throughout the nation, with a demand for many more. The Library estimates it could usefully provide terminals and training for 25 more devices at a cost of $125,000. In addition, the entire system could be made toll free (at great reductions in both user and library costs) for an additional $75,000.

While one thinks of a library as being rather remote from the direct care of a patient, these new developments in communications utilization bring the library to the patient's bedside and offer a tremendous potential to the physician.

Funding for the Library has remained fairly constant since its founding; however, when inflation-caused increased costs are taken into account, the Library has in reality been suffering a 5% reduction each year. I support the recommendation of the Coalition on Health Funding and urge the Committee to recommend an increase of $3.5 million over the President's budget to enable the Library to continue the outstanding work it is doing, and to expand activities which indicate a great potential.

Health Manpower

Another major responsibility of the National Institutes of Health is the development of health manpower. The Senate Committee on Labor and Public Welfare, of which I am a member, has just completed its deliberations on legislation to extend programs in health professions and in nurse training. We have adopted a new capitation-tied-to-innovation approach I feel will have the double benefit of increasing the supply of scarce manpower in the health field and at the same time improving the training provided. I urge that when this legislation is enacted, your committee recommend appropriations up to the full amounts authorized for this vital institutional support for health professions and nurse training.

Last year Congress extended the Allied Health Professions programs and recommended significant improvements in their operation as well as increased financial support. Society's demand for more and better comprehensive health care has created a demanding challenge for the nation's institutions to increase both the quantity and quality of allied health professionals. This challenge can best be shown by the unparalleled growth of the allied health professions. In 1900 there was only one allied health professional for every physician. In 1970 there were 15 allied health professionals for every physician and by 1980 there will be a demand for 25 allied health professionals for every physician. The development of new types of allied health professionals, the increasing recognition given to specialized skills and roles performed by allied health professionals, and the development of team training have made these programs vital to the overall improvement in the rendering of health care.

The Division of Allied Health Manpower has half a million dollars in approved but unfunded special project grants from FY 1971, and a backlog of $1 million in training grants. Next year, applications can be expected to be approved at a much higher rate, due to the growing expertise of schools of allied health in planning and developing needed programs.

The Association of Schools of Allied Health Professions cites construction as a need of high priority. The administration has requested zero funds for this purpose. The Coalition for Health Funding has suggested $30 million, a large sum, but not when viewed in context of the great number of allied health professions schools and their urgent need for facilities.

To support the increase of manpower in the vitally important allied health professions, I support the Coalition's total recommended funding of $69,244,000, an increase of $42,750,000 over the President's request.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

In shifting attention from the National Institutes of Health to the Health Services and Mental Health Administration, one finds the same pattern of reductions resulting, I feel, in the same long-term critical losses in potential benefits to the nation.

National Institute of Mental Health

There are four major issues involved in the nation's ability to perform adequately in its programs for prevention and treatment of mental illness: The construction of community mental health centers; the staffing of such centers; special programs for child mental health; and the critical reduction in psychiatric training.

Construction of community mental health centers

In fiscal year 1971, there was no appropriation for construction of Community Mental Health Centers. The only funds available were those carried over from the 1970 appropriation. The situation, already critical due to the lack of appropriations in FY 1971, will become progressively worse unless appropriations are made for fiscal year 1972. The failure to provide funds in the 1972 request contrasts with a need which Dr. Bertram Brown, Director of the National Institute of Mental Health, in testifying before the House Subcommittee on Appropriations, assessed at $35 to $50 million. In California, alone, I would anticipate a need in 1972 for at least the $2,300,000 in Federal funds obligated for Community mental health centers construction in 1971.

The administration has recommended that in the future funds for construction of community mental health centers be provided by Hill-Burton programs. This is a totally unrealistic suggestion, in light of the severe cutbacks the administration is offering in hospital construction funds under the Hill-Burton program. I would recommend that $45,000,000 (as recommended by the Coalition for Health Funding) be added to the appropriation for the National Institute of Mental Health in 1972 to partially offset the present needs in the States, and to provide continuity for the Community Mental Health Center construction program. This compares to an authorization of $90,000,000 for fiscal year 1972.

What is really at stake on the construction question is the future of the community mental health centers program. For the Administration has adopted a policy to limit staffing grants to centers constructed with NIMH funds, and that construction program, if the administration has its way in being phased out with zero appropriations for FY 1971 and 72.

Staffing grants for community mental health centers

The fiscal year 1971 appropriation for Community Mental Health Center new staffing grants in the Mental Health appropriation included an increase of $30,000,000 above the President's Budget request. The statement of the Managers on the part of the House made it quite clear in the Conference Report that the funds were being appropriated to support applications recommended for approval in fiscal year 1970 and additional applications expected to be approved during 1971. Later, however, a decision was made by the Administration to limit the amount of money made available for new awards in fiscal year 1971 to $18.8 million.

Further, these awards were limited to centers which had received prior construction support under the Community Mental Health Centers program. Consequently, at the close of fiscal year 1971 I understand that there are approximately 63 applications on hand at the National Institute of Mental Health, requesting a total of $24,000,000 in staffing grant support, that will remain unfunded because of a lack of available funds. There are 7 applications from the State of California alone, including 4 centers that have been designated by the Secretary of HEW as serving poverty populations.

Assuming that the same number of applications are recommended for approval in fiscal year 1972 as were recommended in 1971, the National Institute of Mental Health will have on hand $32,000,000 of approved but unfundable applications at the close of fiscal year 1972, because of a lack of available funds. Therefore, I would recommend that at least an additional $25 million be added to the Mental Health request for fiscal year 1972 for new staffing grants for community mental health centers. Combined with the need for continuation staffing grants of approximately $145 million, the total appropriation for staffing grants I feel essential is $170 million. This will not meet the total need, I realize, but again, I feel this figure, which was the recommendation of the Coalition on Health Funding, represents a realistic distribution of available funds.

Mental health of children

Over half of the U.S. population is now under 25 years of age. It is estimated that about 10 percent of this group, or ten million children, require some form of mental health services. Despite the fact that the total population of the Nation's mental hospitals has decreased during the past 15 years, resident population rates for children have increased.

Out of approximately 2,300 mental health clinics throughout the Nation, less than one-tenth were child guidance clinics. Moreover, only 40 percent of the 268,000 patients under 18 years seen at such clinics were actually treated, with the remaining 60 percent receiving no more than a diagnosis. The cost to society is difficult to measure, but it is known that in 1969, nearly one million children aged 10 to 17 were brought before juvenile courts. Further, during the past two decades, the suicide rate among adolescents and young adults has increased by 60 percent.

The National Institute of Mental Health has made the mental health of children one of its highest priorities, and is pursuing the problem through a combination of research, training and community services. Approximately two-thirds of the community mental health centers funded to date highlight specialized services to children, with over 52,000 children under 18 treated in 1970. Those projects designed to improve the Nation's mental hospitals focus heavily on upgrading the quality of institutional care provided to seriously disturbed children. In the area of training, several programs are directed at developing skilled child therapists, many of whom are emphasizing the prevention of child behavior disorders. Such programs have led to a significant increase in the number of professionals and paraprofessionals qualified to work with children and their families in both preventive and remedial activities.

Even if one considers total national resources, the provision of services to only 268,000 out of a potential total of ten million mentally ill children is intolerable. Section 271 of the Community Mental Health Centers Act as amended authorizes $20 million for construction and staffing of child mental health facilities, but the 1972 Mental Health budget includes no funds under this authority. I urge that these programs be funded at at least the level recommended by the Coalition for Health Funding of $12 million.

Psychiatric training

While the President has affirmed the need to expand physician training, the National Institutes of Mental Health budget for fiscal year 1972 for psychiatric training support reflects a reduction of $6.7 million. This is the first step of a plan to phase out, within three years, the entire psychiatric training support program which now stands at about $34,000,000.

Since 1946, the number of psychiatrists in the United States has increased from 3,000, mostly working in overcrowded state hospitals, to almost 25,000 as a result of Federal support of psychiatric training programs and training stipends through the National Mental Health Act of 1946. The administration proposes to phase out this program as it moves to a program of block grants to medical schools nationally. Such a move will be catastrophic to just-developing community mental health programs across the nation as it precipitates a crisis in professional manpower and psychiatric leadership for the 70's. Service programs in alcoholism and drug abuse, as well as services focused on mental health needs of children and families, will be hamstrung in their development. For the 45 psychiatric residency training programs of the eight California medical schools and state and community hospital psychiatric services, this means an *eventual* loss of at least $3.5 million per year.

The Manpower Division of the American Psychiatric Association reports that this will result in the loss of 1296 out of 4117 residency slots nationally. For California this means that at least 167 approved residencies will be lost out of 579 available for graduate training in psychiatry.

It is difficult to conceive of any rationale for these reductions at a time which has been cited by the President as one of "a crisis in health care." That offered by the Office of Management and Budget, when measured against the facts, is seen as lacking substance. For instance, OMB suggests that most psychiatrists trained since 1946 under the NIMH program are now highly paid private practitioners in urban or suburban settings serving a selected affluent clientele. In fact, almost 60% of psychiatrists are principally engaged in public service settings. In California, many private psychiatrists are providing professional services for newly developing community mental health programs. Most of the psychiatrists who are principally engaged in private practice devote significant time to community service and teaching, often without compensation. The income level of psychiatrists is one of the lowest of the various medical specialities.

The OMB further suggests that shifting psychiatric training funds to medical school grants will improve the psychiatric manpower situation in the 70's. In fact, many Departments of Psychiatry in medical schools will be gravely disabled with both undergraduate teaching of medical students and postgraduate training of psychiatrists curtailed. The already-limited numbers of medical school graduates going into psychiatry and child psychiatry will be decreased, not increased.

The proposed deletion of Federal support for psychiatric training will return psychiatric training to the private mental hospital, will cripple one of the few innovative programs in American medicine, and will deprive the nation of manpower and leadership for the fight on old and new forms of mental illness. To prevent this calamity, I urge this subcommittee to restore the $6.7 million cut to the NIMH budget for psychiatric training.

Alcoholism treatment

In December of last year, the Congress unanimously passed the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (P.L. 91–616) and the President, on December 31, 1970, signed this landmark legislation into law. This Act has been widely hailed by the leading medical and health associations of the nation as the first comprehensive federal legislation in our history that would realistically deal with the epidemic of alcoholism in our nation. For reasons unknown, the administration has requested no funding to implement the program to attack alcoholism which this law would provide.

In March I participated with Senator Hughes, Chairman of the Subcommittee on Alcoholism and Narcotics, of which I am a member, of the Labor and Public Welfare Committee, in hearings to inquire into the plans for the implementation of this Act. Our Subcommittee was informed by NIMH, OEO, and OMB personnel that the Administration has no intention of requesting an expanded budget for FY 1972 to implement this law, which authorized $100 million for this fiscal year.

At the same time, the Administration has proposed that the alcoholism program in OEO under the Economic Opportunity Act, for which the Congress required mandatory funding of $10 million in FY 1970 and $15 million in FY 1971, be cut back from the $12.8 million actually funded by the Administration in FY 1971 to $2 million in FY 1972. S. 2007, Senator Nelson's bill to extend the Economic Opportunity Act, has earmarked $18,000,000 in FY 1972 for OEO's Alcoholic Counseling and Recovery program, and I will support this earmarking in subcommittee, full committee, and on the floor of the Senate.

But I do not feel that this is enough. I firmly agree with Senator Hughes that, by proposing nothing to fund the vital programs authorized by P.L. 91–616 the Administration is, in effect, vetoing a law passed unanimously by the Congress and signed by the President. I urge this Committee to recommend funds at the full level of authorization for FY 72—$100 million—to begin to implement, albeit belatedly, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

Regional medical programs

Another major program operating within HSMHA is the Regional Medical Programs, the program established in 1965 in response to the recommendations of a Presidential Task Force on heart disease, cancer and stroke. Practice has led those involved to move from the categorical base of heart, cancer and stroke (and kidney which was added last year by the Health Services Improvement Act of 1971—P.L. 91–519) to deeper involvement in the provision of health care as a whole. RMP has developed into a major link between the Federal government and the private sector of health providers at the local level. A strong momentum has gathered for regional medical programs to improve the capacity of the health system, and in order to maintain this interest at its peak, firm commitments for future maintenance and development of the programs are essential. Instead, what we have is an administration decision to retrench and retrench drastically.

The President has proposed a new obligational authority of $52,456,000 for these programs, which when added to the sum of $34.5 million which were impounded in FY 1971 would make only $86.9 million available for obligation for regional medical programs in FY 1972, a sizeable reduction from the $106 million appropriated last year. This reduction is recommended in the face of a large backlog of approved but unfunded RMP projects—in excess of $45 million. This amount, when added to the $5 to $10 million in new projects, which the RMP can be expected to approve in its August meeting, demonstrates how far the Administration budget request falls short of the need.

It is estimated by those deeply involved in regional medical programs that they can wisely and usefully utilize the full $150 million authorized. I don't doubt this figure. However, I believe that when looking at the overall critical needs in health programs, each program potential must be adjusted to conform to realistic budgetary limitations. For that reason, although I believe more can be effectively spent for RMP, I ask that your Committee recommend the $118 million suggested by the Coalition for Health Funding. The reductions proposed by the Administration will result in severe cutbacks in ongoing programs, such as those directed at improving health care systems, developing critically needed health manpower, and improving treatment and disease prevention procedures.

In my own State of California, the California RMP has achieved an outstanding program for care in the treatment of kidney disease. We are fortunate in my State to have enough life saving dialysis machines to service each individual needing dialysis. The problems attacked by the regional medical program was that of getting the people to the machines. A plan which would have achieved 100% utilization of these machines, coupled with a major effort to remove kidneys from cadavers and subject them to classification for matching with patients was ready for implementation. However, without sufficient financial support, this program will be curtailed with the result of continued major medical expense for treatment, and, more importantly, continued agony and uncertainty for victims of this disease.

Another promising RMP program in California which will be curtailed is the development of a dysemmetry system, in which the Mt. Zion Tumor Center has instituted a computer link with community hospitals which provides the exacting and highly technical data necessary in radiotherapy treatment. This program showed great promise in the treatment of cancer patients. Unfortunately, its further development has also been retarded by the Administration's proposed RMP cutback.

These examples are repeated in every region—the Washington-Alaska region could expand the tremendously promising relationships between remote community hospitals and urban medical centers for the training of medical manpower and treatment of patients. In Georgia, RMP could expand its activities relating to experimental health care systems in rural areas which do not have physicians. This program has been begun on a minor level with considerable success and its curtailment brings to a stop dramatic inroads in rendering health care to areas where it was nonexistent.

Emergency health personnel

I would like at this point to congratulate the chairman on his success in convincing the Administration of the value of the Emergency Health Personnel Act which he introduced last year and which was adopted almost unanimously in both houses. I'm sure he is gratified that the administration has decided to include in its budget request $10 million for implementation of this program which would provide medical manpower to areas of critical need. The Administration's request of $10 million will hardly meet the expectations of the many applicant communities who have critical shortages and have the full support of their health establishment in complementing existing resources through this means. Because the need is so great, I would urge this Committee to increase the appropriation for this program to the full authorized amount of $20 million for fiscal year 1972.

FAMILY PLANNING AND POPULATION GROWTH

Congress has consistently assumed the leadership in the field of family planning and population growth. In 1967, it was Congressional initiative that resulted in the amendments to the Social Security and Equal Opportunity Acts that created the original authority for federal family planning services programs. Last year, Congress again led the way by enacting the Family Planning Services and Population Research Act (P.L. 91–592) of which I was a cosponsor. Approved unanimously in the Senate and by an overwhelming margin in the House, the Act established a national family planning policy aimed at providing every American woman, regardless of income, the opportunity to plan voluntarily the size and spacing of her family. To achieve this goal, the Act created new authority intended *to supplement existing authority* for federal financing of family planning services and population-related biomedical and behavioral research.

On June 2, I introduced S.J. Res. 108, calling for establishment of a national policy of achieving population stabilization in our country by voluntary means consistent with human rights and individual conscience. It is now co-sponsored by one-third of the United States Senate. I expect to begin hearings shortly on that measure in the Special Subcommittee on Human Resources, which I am privileged to chair, of the Labor and Public Welfare Committee.

Now, the Congress must once again show the way—this time in the realm of funding. For, despite the Administration's favorable response to the passage of the Family Planning Services and Population Research Act, its budget totally ignores the Act's population research provisions. Instead, it seeks funds only under previous general National Institute of Child Health and Development authority.

As a result, out of a total research authorization for FY 1971 of $58 million, only $28 million was appropriated. Out of a total authorization of $78 million in FY 1972, only $37.7 million has been requested.

Continuing to fund population research at less than half the authorized level is another tragic instance of misplaced Federal priorities. Few public research efforts promise such immense social and economic returns for what would amount to only a modest investment even if fully funded.

To begin with, the less effective our contraceptive technology, the higher the costs of family planning services.

Because of side effects frequently produced by the most effective methods of birth control available today—oral contraceptives and intrauterine devices—two-thirds of the women choosing these methods abandon them within two years and must be instructed in other methods. Those who are able to use the pill or loop require continuous medical monitoring and checking. This increases substantially the costs of providing family planning services. In short, we are trying to provide 20th Century medical care in an area where we do not begin to possess 20th Century technology.

But the gap between the contraceptives we *have*, and those modern medical science *could provide* is slowly being closed. A number of leading researchers in the field have recently submitted to the Special Subcommittee on Human Resources a series of brief papers on promising areas of research. The overwhelming thrust of these papers is that lack of adequate funding more than any other single factor is retarding progress in developing new contraceptive methods. I strongly urge you to raise the fiscal year 1972 appropriation for this subject from $16.1 million to $53.8 million as suggested by the public witnesses.

Let me now turn briefly to the question of funds for population education.

During consideration of the Family Planning Services and Population Research Act in the last Congress, I offered an amendment authorizing funds for the development of family planning and population growth information and materials. The amendment was incorporated in the final legislation signed by the President. The purpose of this amendment—which authorizes only $1 million for FY 1972—was twofold:

First, it was designed to improve the efficiency of the federal effort in family planning by developing effective outreach and education materials for users and potential users of federally funded family planning programs. To its credit, the Administration also asked for $700,000 of the authorization to be used by the Health Services and Mental Health Administration for this purpose.

Second, the amendment was intended to provide resources for the development of population growth materials and information. Regrettably, the Administration has completely overlooked this second legislative purpose.

Each year the Center for Population Research in NICHD funds studies into the nature, causes and consequences of population growth in this country. As the nation begins to focus on the issue of population growth, it is essential that the results of these studies be made widely available to all our people, not just to the academic community.

Mr. Chairman, I urge the Committee to appropriate the remaining $300,000 of the FY 1972 population education authorization for the direct use of the Office of Population Affairs under the Assistant Secretary for Health and Scientific Affairs, to develop and disseminate population growth materials.

As an example of the kind of information that could be disseminated under such a program, I would like to submit for the Committee's examination a copy of the Interim Report of the President's Commission on Population Growth and the American Future, on which I have the honor to serve. This report outlines some of the choices facing this country with regard to population growth.

Next March, the Commission will issue its final report. I am confident that along with this report will come a great deal of educational material to provide the background for our conclusions.

It is vital that the American people have access, not only to the report of the Commission, but to a wide variety of new information in the years to come concerning the impact of population growth on our society.

Early childhood development

There is another critical area that I would like to discuss today, and that is the area of early childhood development.

As you know, last year the President sought only $339 million for the Head Start Program. The final Head Start appropriation figure for FY 71 was $360 million. I had cosponsored with the Senators from Minnesota, New York, and Wisconsin (Mr. Mondale, Mr. Javits, and Mr. Nelson), an amendment which was adopted by the Senate to appropriate the full authorization of $398 million. Although the conference report authorized less, the funds finally appropriated amounted to $21 million more than rquested by the Administration, and $34 million more than expended the previous year—the same level as in the House-passed bill.

Last year's appropriation supported year round pre-school training for 263,000 disadvantaged youngsters nationally, plus another 209,000 during the summer. There are 3.5 million children under the age of six whose families live below the poverty level—and children from marginal income families as well—who vitally need the head start afforded them by this program.

The present Head Start program needs expansion to serve as many children in as wide an age group as possible with sufficiently comprehensive services as are necessary. For this reason, I cosponsored with Senator Mondale S. 1512—the proposed "Comprehensive Child Development Act of 1971"—which will be incorporated as an amendment to S. 2007, legislation providing for the continuation of the expired Economic Opportunity Act for an additional two years. S. 2007, is currently being considered in the executive session by the Employment, Manpower and Poverty Subcommittee, of which I am a member, of the Labor and Public Welfare Committee.

Earmarked in this bill for the Head Start and Follow Through programs is a total of $500,000,000 to be authorized for fiscal year 1972. I trust that this figure will remain unchanged as the bill progresses to the Senate floor, and I most strongly will support full funding.

The President has requested $376,817,000 for the Head Start Program in FY 72, with the intention of giving special attention this year to the children of persons eligible for assitance under the proposed welfare reform bill. I believe that Head Start must continue to be a comprehensive child development program and not a babysitting program for working mothers. This is not enough. For this reason, I recommend that this Subcommittee ultimately report no less than $437 million so that we can begin to expand on the Head Start concept in FY 1972, and build a truly comprehensive development program for our young.

Social and rehabilitation service training

Another area of special concern to me is the severe budget cuts in training programs of the Social and Rehabilitation Service, particularly in the rehabilitation training authorized by the Vocational Rehabilitation Act. These programs support training in rehabilitation counseling, occupational and physical therapy, speech pathology and audiology, prosthetics-orthotics and special training in the rehabilitation of the deaf, blind, and mentally retarded.

This program has been cut 47%, from $27.7 million in FY 1971 to $14.65 million in FY 1972. The rationale offered for the administration cut is that the administration would like to stop and evaluate the kinds of training they have supported in the past. That rationale is entirely unacceptable to me. These programs make a positive contribution to our society far beyond the costs involved. Through these programs, disabled individuals who otherwise would often be forced to seek financial support from federal or state programs, can be helped to become economically independent and productive members of society. This is yet one more instance of the false economy pursued by the Administration at the expense of necessary services for individuals. I ask that you appropriate no less than the amount that was appropriated in FY 1971.

Welfare administration freeze

Related to this problem is the fact that the President, as he did in his FY 1971 budget, has once again included a 110 percent freeze on the federal share of welfare supportive costs (administrative social services, and personnel training expenses for all welfare programs—old age assistance, aid and medical assistance to the blind and disabled, and AFDC). The House quite properly rejected this provision last year, but the Senate Appropriations Committee decided to insert a compromise limitation—raising the ceiling to 115 percent and eliminating the exception language.

As you know, it was the feeling of the Senate Finance Committee that any such limitation required substantive legislation to alter the Social Security Act. The Finance Committee vigorously opposed the provision, and it was defeated on the floor of the Senate by a two to one roll call vote. I was principal sponsor of the amendment (No. 1076) which deleted section 208 from the committee-reported H.R. 18515, the Labor-HEW Appropriation Act, FY 1971.

Once again, however, both the House and Senate Appropriations Committees must grapple with the question of the 110% limitation. And once again I want to re-emphasize my strong opposition to the provision, and my vigorous support for the restoration of the open-ended nature of the federal share for these programs established by the Congress under the Social Security Act.

Under the Act, all individuals wishing to make application for aid are guaranteed the right to do so, and the Act requires that the aid be furnished with reasonable promptness to all eligible individuals. At this time of high unemployment, and in the aftermath of the Supreme Court ruling invalidating residency requirements for public assistance, many states, including California, have been experiencing significant increases in new applications for assistance.

In California, for instance, the latest HEW figures available show an AFDC caseload of 1,639,000 recipients, an increase of 33% above the March 1970 caseloads. Such increases in turn inevitably escalate administrative costs for personnel to engage in determining and validating eligibility, program management, and making monthly payments to millions of recipients. The meat-axe approach to cutting down on welfare costs which the administration advocates makes no sense to me, especially in light of the continuing increases in the public assistance rolls.

How can we justify placing an arbitrary limitation on federal spending in this area, when the statistics clearly show that the numbers of those seeking public assistance are increasing at such rates and when the Social Security Act requires States to provide services to families seeking aid, in order to "prevent and reduce dependency on welfare"? The 110% ceiling or any other similar arbitrary ceiling would place an unfair burden on already hard-pressed county and state taxpayers who would be forced to provide for the extra local share of the funding if this arbitrary limitation is imposed. An attempt to restrict overall federal expenditures at the expense of States and the welfare recipients themselves is totally unacceptable.

As you know, this Congress is presently considering legislation which would establish an entirely different approach to meeting the problem at issue here. If H.R. 1, the Social Security Amendments of 1971, clears the Congress and is signed into law this Session, the federal government will be assuming the cost of providing these services, and the question of open-ended funding in this area will be moot. This development, in itself, stands as sufficient reason for the Senate to reject any arbitrary welfare administration limitation at this time.

Emergency Employment Act

As you know, yesterday the President signed into law the Emergency Employment Act of 1971. I was privileged to work closely with Senators Nelson and Javits in preparing S. 31, the public service employment bill introduced in the Senate with 34 bipartisan cosponsors on January 25, and I am proud to say that I participated at every subcommittee, full committee, and conference committee meeting considering this landmark legislation. I am also extremely pleased that this act provides that "special consideration in filling public service jobs will be given to veterans who served in Korea or Indochina on or after August 5, 1964, and who received other than dishonorable discharges."

The unemployment rates for veterans as

compared to nonveterans in the same age group demonstrate the extra sacrifice today's young veterans are being required to make. Veterans 20 to 24 years old are now unemployed at a rate of 14.6 percent, while the rate for nonveterans in that age group is 10.8 percent. Among men 20 to 29 years old the rate for veterans averaged 10.8 percent compared to a rate of 8.4 percent among nonveterans. Furthermore, the rate for veterans 20 to 29 years old is almost 50 percent higher than it was in the first quarter of 1970. This tremendous increase in unemployment highlights the great need to act to stem the rising tide of young veterans' joblessness.

The Emergency Employment Act authorizes a total of $1 billion for fiscal year 1972, and I strongly urge that, without delay, full funding be appropriated for this most important measure. Those unemployed for 27 weeks or longer now number well over 500,000 and this bill authorizes only half that number of jobs. Anything less than full funding would be inconsistent with the efforts of this Congress to reduce the staggering rate of unemployment.

Commission on railroad retirement

Before closing my remarks, I would especially like to bring to your attention the budget for the Commission on Railroad Retirement. The life of this Commission has just been extended by P.L. 92–46 from July 1, 1971 to June 30, 1972. The study being conducted by the Commission on Railroad Retirement is extremely important to the work of the Subcommittee on Railroad Retirement, of which I am Chairman. The Railroad Retirement system faces several serious long-term problems which Congress must address in the near future. The last independent evaluation of the operation of the Railroad Retirement system was completed over 17 years ago, in 1953.

There are sharp controversies over the validity of the Railroad Retirement Board's actuarial assumptions, whether the railroad retirement fund is operating at an actuarial deficiency, whether the investment policies regarding the fund should be changed, and whether the system should be merged with social security. The report and recommendations of the Commission should provide the necessary information on which Congress can base its action.

The Commission has requested $483,000 during fiscal year 1972, and in addition seeks authority to carry over from fiscal year 1971 approximately $82,000. I urge that the work of this Commission be adequately funded.

Mr. Chairman, I would like to thank you very much for the opportunity to appear before your subcommittee to express my views about these vital matters of such importance to the well being of my 20 million constituents and indeed all in this nation. In this statement, I have covered only a portion of the many vital areas within the jurisdiction of this Committee. There are other areas in health research, in the provision of health services, in programs to protect the health and safety of the individual, and to ensure his ability to adjust to social change, that I have not mentioned specifically. My omission has not been because these areas are less deserving, but because of the impossibility of devoting the time necessary to explain them adequately in this testimony. I have great confidence that the members of this subcommittee and the full Committee will fully deliberate all the facts presented to them and act wisely and generously in the best interests of the American people in making their recommendations to the Senate.

THE PROSPECTIVE ABM AGREEMENT

Mr. BAYH. Mr. President, I invite attention to an article by Dr. Bernard T. Feld, published in the New York Times several days ago.

Among other things, Dr. Feld's article raises three significant warnings with respect to an ABM agreement which press reports continue to indicate may shortly result from the SALT negotiations.

First, Dr. Feld counsels against an agreement which permits the continued development and deployment of large ABM radar. I want to express my own concern on that point as well.

As I noted when I introduced my resolution urging an ABM agreement in March, such an agreement must restrict ABM radar deployment as well as interceptors. The large, sophisticated radars are the central nervous system of ABM. They are easily observable. They take years to build and must be operated frequently and in a particular, identifiable mode to assure their usefulness. Our most knowledgeable scientists assure us that detection of their deployment is relatively easy.

Current evidence indicates that effective expansion of either the United States or Soviet ABM system is not feasible without new deployment of these special, oversized radars. Thus, if such deployments were banned, attempts by either side to surreptitiously expand their ABM system would become most impractical. Violations would be far easier to detect.

Conversely, if further radar deployment were permitted and did in fact occur, one side or the other might go ahead with a rapid program of ABM interceptor development. When satisfied with that development it could denounce the treaty and deploy the improved interceptors—a much faster operation than constructing the radars—in hopes of having achieved some form of strategic superiority.

The destabilizing effects of leaving that kind of possibility open should be obvious to all. Therefore, I hope and urge that the Nixon administration will conclude an ABM agreement that restricts ABM radars as well as interceptors to a small number and a very limited geographic area.

Dr. Feld's article also points up the fact that the desire to conclude some agreement can lead to an unfortunate dilution of the provisions of that agreement. Furthermore, the sense of relief and accomplishment which follows lengthy and successful negotiation efforts can obscure recognition of the limitations of the agreement reached and the necessity of coming to grips with the issues that agreement left untouched or only partially resolved.

I must make a mild demurrer to Dr. Feld's use of the limited test ban treaty as an example of the first of these two points. Even without the onsite inspections which we had hoped to secure, the tremendous advantages to all mankind in terminating nuclear pollution of the atmosphere made a limited test ban justifiable when it was negotiated—and today as well.

The tragedy is that the limited test ban treaty was not followed quickly by even more significant agreements in nuclear arms control. I do not disparage the useful advances subsequently made—the nonproliferation treaty, and the treaties on peaceful uses of outer space and the ocean bed. Each of these serves a most useful purpose. But they do not get directly at what remains the most critical problem—the superpower nuclear arms race.

I am concerned, therefore, at the effect of celebratory rhetoric about the prospective agreement. This is not to gainsay the importance of an ABM limitation treaty. Such an agreement is essential to our long-term national security. I believe—with many others—that such an agreement could and should have been reached many months ago. We must recognize, however, that an ABM agreement will necessarily have limited impact. It should be regarded not as an ultimate accomplishment in arms control, but rather as a first step on a long road—a first step which must be followed promptly by others if we are truly to limit the threat—and the cost—of the nuclear arms race.

A treaty to limit ABM should be seen as an incentive to make new progress on questions such as MIRV limitation, ICBM accuracy, and other technological advances which can have not only a costly but also a destabilizing effect. We should see this agreement, too, as part of a process which should eventually not only deter further escalation in the arms race, but also include reduction of the strategic stockpiles which now exist. Such reductions today are in our own interest, and the interest of world peace.

Finally, Dr. Feld points to the interaction between Soviet and American strategic weapons decisions and to the fact that "arms control is largely an internal problem, both here and in the Soviet Union." It is demonstrably true that the actions or alleged intentions of the "militarists"—as he calls them—on both sides inadvertently provide their opposite numbers with the strongest support. Each time defense authorities on one side see the other side buying some new weapon system, it becomes their most formidable argument for buying a similar or more destructive weapon system. Each time one protagonist perceives some new capability in the adversary, it becomes an argument for expanding his own capability and for resisting or postponing arms control agreements until he has done so.

But just as the actions of the military-oriented elements in both countries can be mutually reinforcing, so can the actions of those who argue within their own society for nuclear restraint and the gestures of political leaders willing to take an initiative for peace.

It is evident that John Kennedy became convinced of the need for such an initiative to get stalled discussions of a test ban moving in 1963. That is why he declared, in a June speech at American University, that we would no longer test in the atmosphere if the Soviets would not. Kennedy's initiative undoubtedly made it easier for Khrushchev to respond encouragingly. His response took the form of an invitation to conclude a test ban treaty, set in an otherwise truculent speech at Potsdam in July. Thus, flexibility on one side evoked flexibility on the other and led rapidly to a mutually beneficial understanding.

The Kennedy precedent was one reason why, from the spring of 1969 on, many of us urged that President Nixon make a similar gesture related to ABM and MIRV. It is why there will be a bitter-sweet quality to any agreement emerging from the current SALT session: too many Americans feel that a chance to halt ABM and all its expense much earlier has been missed; too many of us feel that the chance to prevent the destabilizing and expensive MIRVing process has been lost altogether.

We must do our best now to see that no more opportunities are missed, that we make our signals and our reception of Soviet suggestions as clear as possible. In March 1970, just before the opening of the second round of SALT, the Soviets signalled their seriousness in a Pravda article signed by "Observer." Like Kruschev's invitation on the test ban, the favorable elements were set in a contest of sharp criticism of U.S. policy. However, citing favorably an American, McGeorge Bundy, who was advocating the doctrine of "sufficiency" in strategic arms, the Soviets indirectly but clearly put themselves on record as accepting that concept.

It is worth noting that a similar article, under the pseudonym "V. Viktorov" appeared in Pravda on the eve of the opening of the current session of SALT. In that article, by positive citations of Herbert York and Jerome Wiesener, the Soviet Communist Party embraced the view long held by many in this country that ABM is both unreliable and destabilizing and that, therefore, its limitation by agreement is desirable.

This augurs well for the conclusion of some form of ABM agreement in the current talks at Helsinki. I hope we will seize this opportunity—and that we will at the same time maintain these broader and even more urgent concerns which reflect our fundamental interests.

I ask unanimous consent that Dr. Feld's article, the "Observer" article, and a New York Times account of the "V. Viktorov" article be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the New York Times, July 9, 1971]

SALT—With a Dash Of

(By Bernard T. Feld)

Cambridge, Mass.—Spring arrived late this year in New England but it was accompanied by a whole series of thaws on the international front. We and the Russians have finally concurred on a course in the Strategic Arms Limitation Talks (SALT) that could lead to an agreement this year, first to limit ABM defenses and then offensive nuclear weapons. We've also agreed to start talking serious about mutual troop reductions in Europe. France has unlocked the door through which England could enter Europe. Seymour Topping has been in China and Scotty Reston is there now. Even in the Middle East, the level of verbal belligerency is down several decibels.

So many logjams seem to be breaking up, and all at once, it is difficult to stay off the euphoric band wagon—especially if, like me, you are a congenital optimist. Nevertheless, I believe a few words of caution are in order.

The loudly heralded SALT breakthrough could have been arrived at any time during the last six months. What stood in the way was our insistence that the entire strategic offensive-defensive build-up be tied into one package, and the Russian insistence that any such package had to include either the thousands of our European and carrier-based "tactical" nuclear weapons or no offensive weapons at all.

One can only guess at Russian motives for agreeing now to consider only ICBM's in a first-stage offensive limitation; perhaps, having obtained numerical parity, economic factors are now being given greater weight. On our side, with the swollen military budget under serious attack, can it be that the Administration is preparing to dust off the "bargaining chip" argument that, last year, saved the ABM? (You don't need bargaining chips if you're not bargaining.) Furthermore, the image of peacemaker never did any Presidential candidate any harm.

In any case, a nuclear arms limitation agreement is so long overdue that almost any start must be welcomed. A freeze or ceiling on ABM's represents the easiest, and therefore the most natural starting point. And if it could be accompanied by some limitation on the new offensive systems that have been spurred by the threat of ABM deployment—the large Russian SS–9 missile and our (and soon their) MIRV—so much the better. But such an ABM-only or ABM-plus-partial-missile-freeze agreement could be a trap if it were to leave the door open to a technological race in improvement of ABM and MIRV.

The danger is that U.S. and Soviet leaders may decide, for internal political reasons, that the agreement shall permit the deployment and continued development of large ABM radars and further testing and deployment of MIRV systems. Such an agreement appears to be favored at this time by both governments, probably because assurances of continuing, vigorous military research, development and deployment are needed to win the support of militarists to any proposed treaty. But it would be tragic if the benefits of a SALT agreement were diluted by provisions encouraging the continuation of intensification of the race in military technology.

The partial Nuclear Test Ban Treaty of 1963 illustrates this danger. An ecological blessing, because it put an end to large-scale radioactive contamination of the atmosphere, the treaty's arms-control benefits have been nullified, over the years, by progress in utilizing permitted underground explosions to test new nuclear weapons. (In retrospect, disappointment is heightened by the realization that the obvious compromise, between the three annual on-site inspections offered by the Russians and the seven insisted upon by us, which would have made the test-ban universal, might have been possible if public pressures for such a compromise had been as persuasive as the prevailing military pressures on President Kennedy and Premier Khrushchev to retain the underground testing loophole.) Yet in 1963, as may again be the case in 1971, public sentiment in favor of a meaningful step to limit nuclear arms was so strong that, again in retrospect, it was a tragic mistake to settle for less.

What most people have failed to understand is that arms control is largely an internal problem, both here and in the Soviet Union. In both countries, insistence on "bargaining from a position of strength" has, until now, outweighed arguments in favor of bold initiatives to reduce the nuclear danger. Russian generals, writing about tactical nuclear weapons doctrine, are distinguishable from their American mirror-images mainly through the differences between Anglo-Saxon and Slavic names. When American hard-liners, in the name of arms control, propose agreements that insist on the complete opening-up of the Soviet Union in exchange for minor arms limitations, they are acting in unintended alliance with Soviet hard-liners who insist that vague pledges of good intentions are sufficient to verify drastic arms reduction measures.

A major difficulty comes from the closed nature of Soviet society as compared to ours. The U.S. internal hawk-dove struggle is ostentatiously aired. In Russia the conflict is more silent, only infrequently becoming visible through the heroic acts of a Sakharov or a Solzhenitsyn.

But there has been a great deal of change in Russia since Stalin, and enough of what goes on inside can be seen to make it clear that the struggle is being waged with vigor on both sides, and that what happens in the United States has a strong influence on this struggle. Defeat of American anti-ABM forces makes it more difficult for the Russian anti-ABM scientists to maintain the containment of their military expansionists; victory of the U.S. anti-SST lobby strengthens the hand of the Russian ecologists in their struggle to save Lake Baikal.

What happens this year at SALT will represent the outcome of these internal tug-o-wars in both countries. We have an unparalleled opportunity—perhaps a last chance—really to bring the nuclear menace under control. Or we can settle for small, weak, or useless public relations stunts.

[From the New York Times, July 8, 1971]

Soviet Suggests Accord With the United States Is Nearing on Limiting ABM's

Moscow, July 7.—The Soviet Union indicated today that prospects were good for an agreement with the United States on the limitation of defensive weapons at the strategic-arms talks, which resume in Helsinki tomorrow. But it warned that the two sides faced a more difficult task in reaching an accord on offensive weapons.

A lengthy policy article in Pravda, the Communist party newspaper, stressed that any agreement must provide "equal security" for both sides, a concept first stated last month by Leonid I. Brezhnev, the Communist party leader.

The tone of the article left Soviet readers with the impression that the two powers were on the verge of an accord curbing antiballistic missiles or ABM's. For the first time, Soviet authorities sought to inform their people on the background to an ABM agreement and to why it was justified.

The article recalled that on May 20 the Soviet Union and the United States made public an interim accord on giving priority this year to agreements on both ABM's and some offensive weapons.

AMERICANS ARE QUOTED

Because of the strict rules here against discussing weapons systems in public, Pravda was forced to quote American sources to answer the question "Why is it expedient to begin the limitations of strategic arms with defensive systems?"

"The answer to this question can be found in the statements of many Americans—not dilettantes, but leading scientists with world reputation," Pravda said.

The article noted favorably remarks made by such scientists as Dr. Herbert F. York, former Pentagon research chief, and Dr. Jerome B. Wiesner, former White House adviser, who are known in the United States for their opposition to the ABM. They were quoted to the effect that ABM's were not reliable defensive shields, and that they could accelerate the arms race by forcing the deployment of more defensive weapons.

"Action is met by counteraction," Pravda said. "If one side strengthens its defense, then the other feverishly looks for new, more powerful means to pierce the defensive shield of the opponent. This process, if it is not stopped with the help of reasonable agreements on curbing the arms race, is endless."

Russians were given some idea of what ABM's would cost. American sources were quoted as saying that the Safeguard ABM system to protect American land-based Minutemen offensive weapons would cost about $50-billion.

THE EXPECTED TERMS

The Pravda article, signed by "V. Viktorov," assumed to be a pseudonym for a Soviet official, seemed to indicate that the Soviet authorities had decided that despite some claims made in recent years by their military, an ABM system was not worth the effort or expense. Some 64 ABM launchers are reported to have been built around Moscow, and it is assumed that the Russians are seeking an agreement under which they would be retained and the Americans could build a similar system around Washington.

American sources here said that the rather full discussion of why an ABM accord would be useful seemed to indicate that the Soviet side at Helsinki had instructions to press hard for an agreement. This seemed borne out by the statement made by Vladimir S. Semyonov, a Deputy Foreign Minister, who heads the Soviet delegation. Mr. Semyonov, upon arriving in Helsinki today, said that he had clear instructions "to secure constructive results."

Pravda was less positive about the situation regarding offensive weapons. It repeated the oft-stated Soviet concern that "militarist circles" in the United States were seeking to block an accord or to negotiate from positions of strength.

But essentially, Pravda sought to make it clear that the Soviet Union would not agree to any limitation on offensive weapons that left the United States with an advantage or which was not based on "equal security" for both sides.

AN IMPORTANT PROBLEM

(Article by Observer)

The Soviet-American talks on the limitation of the strategic arms race—which took place at the end of last year in Helsinki and will be resumed in Vienna on 16 April—are arousing the unremitting interest of the international public. It is evident that a great deal in insuring international security will depend upon whether there is success in ending or at least limiting this race.

The Soviet Union unswervingly advocates the peaceful coexistence of states—irrespective of their social system—peace, and security. Its consistent and principled position aimed at easing international tension and at ending the arms race is extensively known. At its foundation lies the peoples' fundamental interests—strengthening peace and organizing good relations between states. This is an ineradicable feature of USSR foreign policy. General and complete disarmament is the most radical method of eliminating the dangers connected with the accumulation of increasingly more powerful means of destruction. During the entire history of the Soviet state the Soviet Government has repeatedly advanced proposals for implementing such disarmament.

In waging the struggle for general and complete disarmament our state by no means believes that here one can be guided by the principle "all or nothing." Given the presently continuing process of accumulating armaments, including the most destructive armaments, the interests of the struggle for peace demand utilization of all opportunities for restricting the arms race, reducing military danger, and relaxing international tension.

Proceeding from this, the Soviet Union has proposed and does propose the implementation, through reaching agreement, of a number of such measures which would reduce tension, cut back the scales of the arms race whipped up by the aggressive imperialist circles, and avert the possibility of the unleashing of a thermonuclear war. Limiting the strategic arms race could become one of the important and timely steps in this direction.

The 1963 Moscow treaty on banning nuclear tests, the 1967 treaty on space, which particularly envisages banning the orbiting of nuclear weapons and emplacing them on the Moon and other heavenly bodies, the treaty on the nonproliferation of nuclear weapons, and certain other international agreements were the beginning of the movement in such a direction. Article 6 of the nonproliferation treaty, which came into force on 5 March this year, specifically commits its signatories to conduct, in the spirit of good will, talks on effective measures for ending the nuclear arms race and for nuclear disarmament as well as talks on a treaty on general and complete disarmament under strict and effective international control.

Undoubtedly, the efforts not of one or two states but the united efforts of the world's states are required to resolve the problem of general and complete disarmament. Nuclear disarmament requires the participation of all nuclear states. At the same time the correlation of strategic forces on an international scale is now such that the efforts of the United States and the Soviet Union—which possess the greatest nuclear potential—aimed at the limitation of the strategic arms race could greatly promote the interests of the security of other countries also, along with the interests of universal peace.

Of course, to do this it is necessary that a serious and honest approach be taken by both sides, an approach shorn of intention to achieve unilateral advantages by means of talks or to utilize the talks as a cover for the development of a new round in the arms race.

In its approach to the resolution of the problem of limiting the strategic arms race, and also in its approach to the disarmament problem as a whole, the Soviet Union is invariably guided by the interests of strengthening general security and consolidating peace.

The present-day situation is such that science and technology have enabled man not only to harness the power of the atom, to create cybernetic and computer devices which considerably ease man's mental labor, to build anew new branches of industry, to revolutionize the science of control, and to accomplish a breakthrough in space, but has also placed in man's hands weapons of destruction which are monstrous in their force. Recent years have seen the creation of new generation of missiles, submarines, bombers, and other offensive means which are much more powerful and yet at the same time less vulnerable than their predecessors. The emergence of the new offensive means has brought into being means of combating them, and this, in its turn, has entailed a further improvement of the offensive means. Thus, there has arisen a real threat of the beginning of a new stage in the arms race, which on the political and military plane means the intensification of the danger of a world thermonuclear conflict.

The military-strategic balance of forces existing in the world makes quite unrealistic any of the West's militarist circles' calculations about the possibility of winning in the event of a thermonuclear war, and judging from everything, a new spiral in the arms race could not change the essence of this balance. If an unrestricted strategic arms race were to take place, one could expect a growth in the imperialist aggressive circles' illusions about the possibilities of obtaining military superiority, and, consequently, also the temptation to put fate to the test by means of unleashing a thermonuclear war.

On the admission of many bourgeois figures in the West who are fully informed about the true state of things, with every passing year the arms race becomes increasingly more unpromising. Thus, former adviser to Presidents Johnson and Kennedy on questions of security and military strategy McGeorge Bundy wrote recently: "A strategic nuclear engagement cannot lead to any kind of gain either from the viewpoint of national interests or from the viewpoint of ideology or the individual political positions of any leader in this or that country. None of the weapons systems now seemingly within the reach of this or that side can change this fact."

Meanwhile the race for strategic offensive and defensive weapons is using up huge resources. According to appraisals by the American press the cost of building the safeguard ABM system, which is now being developed, will reach approach 50 billion dollars.

If the strategic arms race is not halted there may be a repeat of what happened as regards nuclear weapons when in 1946, as a result of the refusal of the United States and other Western countries to accept the sound and concrete Soviet proposals on the banning and liquidation of nuclear weapons, the nuclear arms race started.

How then can a barrier be erected in the path of a further strategic arms race? The USSR and the United States have set about finding an answer to this question in Helsinki.

The very fact that talks on such an important question have begun between the USSR and the United States has enjoyed broad support on the part of the peace-loving public and the more farsighted political and government figures, including those in Western countries. Commenting on the Helsinki talks the CHRISTIAN SCIENCE MONITOR wrote that "in the United States the public yearns for an end to the fruitless accumulation of weapons." Here the world press has noted that Soviet Union's serious and businesslike approach to the talks—an approach that has also been recognized by U.S. officials, the chief of the U.S. delegation, G. Smith, and delegation member and former U.S. ambassador to Moscow, L. Thompson, at a press conference in Washington on 30 December 1969.

However, there are also forces—and these too are precisely in the West—that are not pleased with the talks on the restriction of strategic weapons and even less pleased with the prospect of an agreement between the USSR and the United States on this question. For example, the West German newspaper DIE WELT and certain other press organs, reflecting the attitude of the more reactionary, militarist circles of the Federal Republic of Germany, have actually spoken out against the Soviet-American talks on the limitation of the strategic arms race. The enemies of the restriction of the strategic arms race directly in the United States have also been more active recently.

It is impossible to pass over the fact that precisely now, on the threshold of the round of talks in Vienna, many U.S. newspapers and journals have started to write less frequently about the restriction of the strategic arms race, while giving somewhat more space to a diametrically opposed theme—the question of developing and deploying new systems of strategic armaments. In essence this campaign was begun by Defense Secretary Laird. The leader of the U.S. military department has recently made a whole series of public speeches in which he persistently calls for the buildup of various systems of strategic armaments. Laird particularly zealously insists that the development of the Safeguard ABM system should be immediately accelerated in the United States, and he is fighting for increased congressional appropriations for this purpose.

Neither is it possible not to be alarmed by how often and how many times the defense secretary discusses Pentagon plans for creating new offensive strategic weapons systems. For example, at a press conference on 7 January. Laird designated the creation of a new strategic bomber to replace the B-52 and the development of improved underwater long-range offensive systems "as a most important task." He also advocated the development of an improved offensive intercontinental ballistic missile and so forth. On his own admission, many of the projects mentioned above are already in the "research and development" stage.

It is characteristic that whereas last year in seeking congressional approval of appropriations in the first place, for the Safeguard system, the government certified that the latter's further development would depend to a large extent on the results of the SALT talks with USSR. Now U.S. leaders prefer not to recall this.

The defense secretary is lavishly spicing his demands for the intensification of the arms race with references to the mythical "Soviet Threat." The utter groundlessness of such accusations directed against the Soviet Union is obvious. It is well known that the measures implemented in the USSR in the postwar period to strengthen its defense capability were a reply to the unrestrained race in nuclear missiles and other arms whipped up by the United States.

For it is sufficient to recall that hitherto the notorious theory of the need to insure military supremacy over the Soviet Union has been rife in the United States, particularly in military circles. The New York Post reasonably suggests: "In the light of the Pentagon's traditional negative approach to disarmament it is logical to suspect that this argument is designed to prevent the United States from holding talks."

The American press is paying attention to the fact that the voice of those who are seeking an increase in appropriations for military preparations is resounding ever louder in Washington. The New York Times recently wrote: "In the process of elaborating the American position in the talks with the Soviet Union on the restriction of strategic arms, some alarming signs of the military's excessive influence have come to light. . ."

In connection with Laird's increasingly frequent speeches in favor of the accumulation of U.S. strategic arms, many American observers are pointing out that this answers the interests of the military-industrial complex. It is no secret that the military-industrial complex would like to start an expensive new round in the strategic arms race, whip up a militaristic tendency in Washington's foreign policy, and lead matters to a further exacerbation of international tension.

Laird's traditional inclination toward bellicose speeches does not surprise us, but nobody can close their eyes to the fact that he occupies the responsible post of a member of the government. Every one of Laird's public statements is legitimately regarded by the public as a statement or reflection of the U.S. ruling circles' positions. It is asked: To what extent do Secretary Laird's militaristic appeals reflect the position of the U.S. Government?

A number of observers including those in the United States itself, are asking the question with a certain uneasiness; but is not this entire campaign in the United States for the benefit of the further development of the arms race a new relapse of the old American political disease which acquired, back in the time of J. F. Dulles, a sad notoriety under the name of the "position of strength policy"? What is the correlation between the well-intentioned official speeches which ring out at times in the United States in connection with negotiations, and those deeds and tendencies which are manifest in practice in the development of the strategic arms race? Is it really not clear that the essence of the position is tested by actions, by practice, and not by statements for the sake of effect if they are not confirmed in fact, and if they are not translated into reality.

If the vestiges of former notions from which even J. F. Dulles was forced to depart in his last years as secretary of state really are being reborn in the United States, then such a development of events cannot fail to give rise to the most serious doubts regarding the sincerity of U.S. intentions with regard to talks with the Soviet Union on limiting the strategic arms race.

History has many times irrefutably proved the whole groundlessness and illusionary quality of the calculations of those who have tried to talk to the Soviet Union "from a position of strength." The policy of pressure on the USSR is an attempt by unsuitable means. No one can have, nor must have any illusions on this score. The past half century has shown in deeds the capability of the working class and of all the working people of the Soviet Union to prove the firmness of their socialist gains and of the international positions of our motherland.

But the question is involuntarily asked: Do the latest statements by Washington officials about the further accumulation of armaments not reflect that growing influence of those military-political forces in the United States which do not want agreement with the USSR on strategic arms limitation? Such a question has recently been appearing more and more frequently on the pages of the American press too.

The solution of questions connected with strategic arms race limitation is doubtlessly not among the simplest of tasks. This is explained not only by the nature of these armaments, but also by the fact that the solution of problems connected with them touches upon such a sensitive question for every state as the problem of national security.

All the same, despite the difficulties, it is obvious that there is still time and there are still possibilities for reaching an understanding which all states are waiting for and which they will gain by. However, and indispenable condition for this, as the experience of international relations convincingly testifies, is the existence of goodwill on the part of both sides and the striving for mutually acceptable agreement. If both sides intend to hold honest talks without striving to obtain any unilateral military advantages and if the negotiations proceed from the necessity of insuring equal security for both sides with the simultaneous complete consideration of the task of reducing military danger and consolidating peace as a whole, then one can count on achieving agreed solutions. But if one of the sides tries to use the talks merely as a screen for expanding the strategic arms race, then naturally the whole weight of political responsibility for all the consequences of such a position will fall on it.

As the USSR delegation in Helsinki emphasized, the Soviet Union is approaching the talks with the most serious intentions and is striving to achieve a mutually acceptable and mutually beneficial understanding. At the basis of the Soviet approach to the problem of restricting strategic arms there is no desire to receive any additional unilateral advantages for itself in the sphere of safeguarding just its security alone. The Soviet Union has at its disposal an arsenal of modern armaments enabling the interests of the security of the USSR and its allies to be guaranteed to the necessary degree. The Soviet Union's position on this question is determined by concern for strengthening international security without harming the interests of all other countries.

The solution of the disarmament problem would help to release from the sphere of military production colossal means which are expended on armaments throught the world and whose utilization on economic development needs could assist the scientific, technical, and economic progress of all mankind, including the most developed capitalist countries, where the ostentatious prosperity of the minority cannot conceal, on the admission even of the bourgeois governments and press, the glaring elementary needs and requirements of the working majority.

The Soviet Union has confirmed by deeds its sincere interest in assisting by all possible means the solution of the tasks which ever more acutely face mankind in the field of restraining the arms race and of advancing along the path leading to partial disarmament measures and to universal and complete disarmament. Only such a path can provide an effective solution to the problems connected with insuring a stable peace.

CLINTON HESTER, FIRST ADMINISTRATOR OF CIVIL AERONAUTICS AUTHORITY, DIES—PROVIDED DEDICATED LEADERSHIP IN GOVERNMENT

Mr. RANDOLPH. Mr. President, a true gentleman and a former dedicated Government official, the Honorable Clinton M. Hester, died Sunday. He was at one time the chief attorney for the Department of Justice. Mr. Hester held personal and official friendships with many Members of the Congress.

I ask unanimous consent to have printed in the Record a news story on his life and public service, appearing in the Washington Post of today.

There being no objection, the article was ordered to be printed in the Record, as follows:

First Head of Civil Air Bureau, 76

Clinton M. Hester, 76, the first administrator of the Civil Aeronautics Authority, now the Civil Aeronautics Board, died Sunday at George Washington University Medical Center after a stroke and a heart attack.

Mr. Hester was born in Des Moines, Iowa, and received his law degree from Georgetown University. During World War I, he served overseas with the 301st Army Engineers, 76th Division.

He was assistant general counsel for the U.S. Shipping Board, special assistant to U.S. Attorney General Homer Cummins, and chief attorney for the Department of Justice before being appointed administrator of the CAA by President Franklin D. Roosevelt.

While in office, he supervised the construction of Washington National Airport.

An acknowledged authority on the life of President James Madison, Mr. Hester had served since 1960 as chairman of the executive committee on the design of the James Madison Memorial Library of Congress.

He maintained homes at the Watergate Apartments in Washington and in Boca Raton, Fla.

He is survived by his wife, Margaret; two children, Jean H. Wallace, of Washington, and Todd McCane, of St. Louis; one brother, two sisters and two grandchildren.

HARPER SQUARE

Mr. PERCY. Mr. President, during the past decade, there has been considerable discussion concerning the Nation's housing problems. Much recent attention has centered on two of these problems. First, it has become clear that there are still only minimal opportunities in the construction industry for minority group contractors, subcontractors, and employees. According to a recent article in the Wall Street Journal—"Black Construction Contractors Find Selves Cut Out of Lucrative Long-Term Contracts," Friday, May 7, 1971:

> Despite more than three years of government and private discussions of how to help them, the country's estimated 8,000 minority group construction contractors, most of them black, largely remain trapped with limited opportunities.

And, a recent feature story in the New York Times—"Blacks Making Few Gains in the Construction Trades," Sunday, June 27, 1971—observed:

> Despite Government-imposed quotas and timetables, despite voluntary "home town solutions," despite "Outreach" programs to train inner-city youths and despite seemingly constant litigation, the number of black and other minority workers entering the construction industry remains a thin trickle.

Second, it is clear that existing Federal housing laws are inadequate as related to the economic mixing of tenants. "The Report of the President's Committee on Urban Housing: A Decent Home" cited as an inadequacy of Federal housing programs:

> Statutory restrictions and administrative practices which have raised unnecessary red tape barriers to private developers and sponsors and have limited their latitude for innovation and decision-making in project design, location and economic mix of tenants.

While some efforts have been made to encourage a better mix of tenants through "piggyback" payments for up to 20 percent of the units in a moderate-income subsidized project, these efforts have been restricted to rental housing and have met with only limited success.

These two housing-related problems challenge the conscience, commitment, and ability of our private sector and federal system to work together in meeting the need of citizens and communities.

I am very pleased to announce that the Harper Square project in Chicago, now under construction and approaching completion in the famous Hyde Park-Kenwood community of Chicago, is responding to this challenge and attacking these two problems simultaneously. To my knowledge, Harper Square is the Nation's first housing development that combines a full implementation of policies for hiring of minority group subcontractors and employees and a cooperative association with undesignated moderate- and middle-income units under the same roof.

With regard to hiring practices, it is the policy both locally and nationally of Crane Construction Co., Inc., the general contractor for Harper Square, to recruit, hire, and upgrade employees without regard to race, color, creed, or national origin; and to treat all employees equally as to compensation and advancement opportunities. In addition, Crane has insisted that its subcontractors, by signing a written agreement, adopt the same policies. Crane's policies appear to be action oriented in every sense. Labor analyses of three 1-week periods, chosen at random, indicate that the percentage of minority employees in the total Harper Square work force has never been less than 55 percent. Furthermore, as of February 1, 1971, six contracts totaling $1,530,000 had been awarded to minority subcontractors.

As for there being moderate- and middle-income units under the same roof, Harper Square is a privately built community assisted by city, State, and Federal programs intended to relieve the housing shortage for moderate- and middle-income citizens. It offers a unique and imaginative approach for the economic mix of tenants. One-third of the apartments are reserved for lower- and moderate-income families, but these units are undesignated so that no resident knows whether his neighbor has received a subsidy through lower income qualification or not. Government subsidies under sections 235 and 236 of the National Housing Act of 1968—legislation that I was pleased to help draft with my Senate colleagues in the Banking, Housing, and Urban Affairs Committee—make possible lower monthly charges and down payments for the moderate-income families who qualify.

Located on a 7.2-acre urban renewal site, Harper Square comprises two 25-story towers and 22 townhouses in a parklike area overlooking Lake Michigan. The development's total cost is $16.5 million. The first of 591 cooperative apartments and townhouses will be ready for occupancy by fall 1971, with full completion less than 10 months away.

Harper Square is a first-of-its-kind undertaking sponsored by the United Dwellings Foundation, a nonprofit corporation established by the Chicago Joint Board of the Amalgamated Clothing Workers of America. It is the union's first major housing venture outside New York City. In the words of Murray H. Finley, manager of the 11,000-member Chicago joint board and vice president of the Amalgamated Clothing Workers of America:

> Socially responsible organizations like our own can make a tremendous contribution to solving what is an acute shortage of moderate- and middle-income housing. In fact, we believe organizations with the resources have an obligation to do this.

I particularly appreciate these remarks which reflect the Amalgamated Clothing Workers' serious commitment to provide housing for the workingman of moderate means.

Harper Square is also the first residential development financed with a bond issue backed by the Illinois Housing Development Authority, a new State-chartered public corporation. According to Daniel P. Kearney, director of the authority:

> The Amalgamated Clothing Workers of America is totally committed and dedicated to providing decent housing and we are very pleased to be associated with them.

Baird & Warner, Inc., one of Chicago's most experienced property management firms, has been selected by the United Dwellings Foundation to manage Harper Square. Prospective buyers will meet with Baird & Warner to determine if they qualify for a moderate- or middle-income apartment, but this information will be kept completely confidential. No resident, including those serving on the board of directors elected by the co-op's buyers, will know the income level of any other buyer.

I would also point out that Harper Square reflects the many advantages of home ownership. Because the residents own instead of rent, they save income tax. The money paid in for interest and taxes can be deducted from their gross income, thus decreasing their tax. Because they own instead of rent, they have greater participation in management. As members of the Harper Square Association, they will vote on all major policy decisions. Because they own, the pride in possession and the bond among fellow owners are likely to result in better appearance and greater sociability.

Harper Square also reflects societal concerns for a better environment. Three-fourths of its land will comprise trees and landscaping, thus creating an atmosphere of an oasis in the city. To avoid what architect William Keck aptly describes as "postage stamp landscaping in a sea of asphalt," parking space for 475 cars in a 3½-story garage has been placed off to the side of the development, away from the landscaped park. The garage was specifically designed to not detract from the environment.

Mr. President, I think the many fine aspects of the Harper Square residential development recommend it as one example of a model for individuals seriously interested in urban housing problems and solutions. It is the Nation's first housing development that implements policies for the hiring of minority subcontractors and employees and offers undesignated moderate- and middle-income units under the same roof in a cooperative association. It is also the first residential development financed with a bond issue supported by the Illinois Housing Development Authority. In addition, it reflects the advantages of home ownership and the society's concern for a better environment.

Before closing, I would like to commend Julian Levi, who played an instrumental role in convincing the Illinois Housing Development Authority and the Federal Housing Administration to support Harper Square. Julian Levi is professor of Urban Studies at the University of Chicago, executive director of the Southeast Chicago Commission, and Secretary of the American Council of Education. He devoted selfless time in his busy schedule to work on making the dream of Harper Square a reality. I very much appreciate his unselfish commitment and persistent effort in behalf of Harper Square.

CLARENCE M. MITCHELL, JR.

Mr. SYMINGTON. Mr. President, many years ago, before either of us had any idea we would be interested primarily in government, I had the privilege of getting to know Clarence M. Mitchell, Jr.

We became friends, and over the years I have come to admire his character, energy, and ability.

The July issue of Tuesday magazine, distributed by the Washington Star, includes a commendatory article on Mr. Mitchell, entitled "Black America's Lobbyist in Washington." I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

CLARENCE MITCHELL JR.—BLACK AMERICA'S LOBBYIST IN WASHINGTON

(By William J. Eaton)

Clarence M. Mitchell Jr. stands nearly 6 feet, 2 inches tall and he weighs 215 pounds. He's a hard man to miss as he sits quietly in the gallery of the Senate or the U.S. House of Representatives, listening to the lawmakers below.

Often, it is the congressmen who do the listening as Mitchell talks in their offices or the hearing rooms on Capitol Hill. For Mitchell is one of the most trusted and respected lobbyists in Washington, where for 21 years he has been the chief legislative spokesman of the National Association for the Advancement of Colored People.

"A man who embodies all that is best in lobbying," said Sen. Philip A. Hart (D-Mich.), speaking of Mitchell. "He asks not for special favors, but for equal treatment."

Others, both Republicans and Democrats, have attested to his influence in the passage of every civil rights bill since 1957. Mitchell was credited personally by President Lyndon B. Johnson for assuring adoption of the fair housing law in 1968. Mitchell helped to defeat the Supreme Court nominees G. Harrold Carswell and Clement Haynsworth, and took the lead in the battle for extension of the 1965 Voting Rights Act.

"The 101st U.S. Senator" is the description that has been applied to him more than once.

Mitchell probably enjoys the limelight as much as any man, but he shuns it, partly because he is so busy on NAACP affairs during his typical 10-hour day. He has also had his share of critics. Former Rep. Adam Clayton Powell once scorned Mitchell's approach as that of an Uncle Tom. Black militants and separatists have launched similar attacks.

When he received the Spingarn medal from the NAACP in 1969, Mitchell addressed himself to the younger, more militant Black people in the convention hall at Jackson, Miss., saying:

"We are the first to admit that we have not gotten rid of sickness, poverty, inequality and discrimination in our country and the world. But we have made a good start. . . . We are asking you to share in the building of a democracy that is a shield for the humble and the weak as well as a sword for the strong and the just.'

And he expressed his strong belief in the rule of law:

"I, too, am a law and order man. But I am a man who seeks just law. I am a man who seeks the kind of order that makes freedom grow instead of stifling it.

"We must be on guard against and repudiate those forces that would destroy us and our country by causing us to lose faith in the power of just law. Whether it comes from a Ku Klux Klan meeting in a cow pasture or a street-corner meeting in Harlem, the voice that ridicules our Constitution, that demeans our Supreme Court and discounts our civil rights laws is the sound of man's ancient enemy—ignorance."

But Mitchell does not spend much of his time making speeches. His specialty is Congress and civil rights legislation, and in these fields he is acknowledged to be without peer. Sen. Edward M. Kennedy (D-Mass.) put it this way about Black America's man in Washington: "His judgment is superb and his wisdom unsurpassed."

Remarkably enough, Mitchell does not live in the shadow of the Capitol dome but nearly 40 miles away in a neighborhood he describes as a slum area of Baltimore. He was born in that city 60 years ago and grew up there before going away to college at Lincoln University.

Mitchell received a law degree from the University of Maryland and pursued graduate studies at the University of Minnesota and Atlanta University. He was a newspaper reporter for awhile before arriving in Washington in 1941 to work for the Office of Production Management, which later became the War Production Board. Mitchell's assignment involved the handling of labor problems, especially opening up defense jobs to Blacks. Later, he became a member of the wartime Fair Employment Practices Commission set up by executive order of President Franklin D. Roosevelt.

After the war, Mitchell signed on with the NAACP, at first assisting the late Walter White and, later, becoming labor secretary of the organization. He was named director of its Washington bureau in 1950.

In one of his first controversial actions, Mitchell testified on organized labor's side during the hotly fought battle over the Taft-Hartley Law in 1947. It brought him sharp criticism from some big contributors to the NAACP who, as Mitchell recalls, were "good on civil rights but bad on labor." The NAACP board, however, supported his position that a law that would hamper labor unions would be harmful to Negro workers, too.

That 1947 alliance with organized labor has continued and been strengthened through the years, with a close personal relationship developing between Mitchell and Andrew J. Biemiller, chief lobbyist for the AFL–CIO and George Meany's man on the hill. On rare occasions, when the NAACP is at odds with the labor federation, Mitchell tries to resolve or mute the differences in his talks with congressmen. He clearly regards the AFL–CIO's aid on civil rights bills as more important than its opposition to President Nixon's "Philadelphia Plan" for enlarging the number of Blacks in building trade unions that traditionally excluded minorities.

During much of the 1950s, when Dwight D. Eisenhower was president, civil rights progress was slow, but Clarence Mitchell did not lose faith. He discovered that Ike believed that the federal government had the power to stop racial discrimination wherever federal funds were spent. "I don't think he realized how far that went," Mitchell said. "We were able to make a successful attack on school desegregation on military posts and areas adjacent to military posts, even before the 1954 [Supreme Court] decision."

Once the Supreme Court had ruled in the landmark *Brown v. Board of Education* case, Mitchell hit hard on the tribunal's finding in his talks with lawmakers "because this was the first time that the government had officially said segregation per se was unconstitutional."

In the mid-50s, Mitchell became the go-between on civil rights proposals for the Eisenhower Administration and liberal forces in Congress. He arranged a set of proposals that both Republicans and Democrats could support and won the backing of Lyndon B. Johnson, then majority leader in the Senate, and Johnson's GOP counterpart, William F. Knowland of California. The Senate balked at bypassing the conservative Judiciary Committee, however, and the civil rights package was dead for that year.

Sensing victory at the next session, Mitchell extracted promises from Johnson and Knowland to bring the measure up for vote early in 1957. They did, and the Senate outlasted a filibuster. Thus the first civil rights bill in a century became law.

"There wasn't anything magic about it," recalls Mitchell. "It was just a matter of going to all possible sources, some of whom people ordinarily would ignore. To me, the importance of getting that bill through was that we could break the spirit of defeat around here on civil rights legislation." It was mild legislation, providing for a civil rights commission, an assistant attorney general for civil rights and authorizing federal lawsuits to protect the right to vote.

During the early years of John F. Kennedy's presidency, no civil rights legislation was proposed. Kennedy and his brother, Robert, said the slim Democratic margins in both Senate and House made passage of further laws unlikely. Clarence Mitchell filed a dissenting opinion, saying: "What they didn't realize was that although Republicans were conservative on economic matters, sometimes you'll find there are Republicans who are liberal on civil rights."

Mitchell had in mind Rep. Clarence Brown (R-Ohio), the ranking GOP member of the House Rules Committee, who eventually provided a key vote in moving the 1964 civil rights bill toward final passage. Brown, considered an arch-conservative on most matters, had been scouted extensively by Mitchell in advance of the showdown, contributed to his optimism over the overcome.

In 1965, many liberals felt Congress should "take a breather" and not consider more civil rights bills. Not Clarence Mitchell, who said: "I guess many of us felt that when the tide's going your way, it's no time to start resting on the beach." The voting rights act, which has since put millions of Negroes on the voting rolls in South, was the result of such perseverance.

By 1968, the question was whether to seek a bill to halt discrimination in the sale or rental of homes and apartments. It was an issue with high political risk for President Johnson, many observers believed at the time.

On the wall of Mitchell's office not far from the Capitol, there is a picture of him with Mr. Johnson and the mongrel puppy known as Yuki. "It was at that meeting," says Mitchell, pointing to the photograph, "that we decided to go forward with the fair housing bill."

The Rules Committee of the House was again the bottleneck. Clarence Brown was dead. But Mitchell found another Republican to deliver a key vote—Rep. John Anderson of Illinois—and the bill came to the floor and won approval by a narrow margin. It zipped through the Senate with the aid of the late Sen. Everett M. Dirksen, also of Illinois, who said fair housing was an idea "whose time has come" despite his earlier opposition.

When the votes were approaching on the floor of Congress, Mitchell often would look to his Bible for comfort. Raised as an Episcopalian, he has switched to the Methodist church and takes an active layman's role. One of his favorite passages is II Kings 6:16-17, which tells the story of a servant who expresses concern to his master, Elisha the prophet, about being outnumbered in battle. Elisha replies: "Fear not: for they that be with us are more than they that be with them." The story says the Lord opened the eyes of the servant so he could see that "the mountain was full of horses and chariots of fire round about Elisha."

"I like to think that the Power that runs this world and the universe is really greater and more potent than anyone who gets elected to office or is in control of anything." Mitchell says. "If that Power gets into the picture it's bound to come out the right way."

Mitchell dislikes noisy business lunches. As a result, he rarely eats lunch at all. He starts his day in Baltimore early, rising about 6 o'clock each workday morning to make the 40-mile trip to his Washington office. He travels in a 1967 Buick which now has 140,000 miles on the speedometer. The driving time is used to think over plans for the day, while on the way to Washington, and contemplating what happened, on the way home.

In Maryland, Mitchell is a politically powerful name. Clarence's younger brother, Parren, was elected to Congress last November, narrowly defeating a 20-year incumbent in a Democratic primary and then coasting to an easier victory over a Republican opponent.

Clarence Mitchell III, just 30 years old, is a member of the Maryland Senate and is considering running for mayor of Baltimore.

The elder Mitchell's wife, Juanita, a lawyer, was a delegate to the Maryland Constitutional Convention and is president of the state's NAACP.

In Congress, Parren Mitchell is a member of the increasingly outspoken 13-member Black Caucus, all Democrats, from New York, Maryland, Pennsylvania, Illinois, Ohio, California, Missouri, Michigan and the District of Columbia.

Clarence Mitchell is pleased by this development, saying: "All in all I think of their operation as one that complements what we are doing. I think we need each other very much."

But he sees the Black Caucus' most valuable contribution in the working of the House always and its committees, noting: "It's always been my belief that the presence of a dark face in a room is in itself an important thing. People who may try to pull certain kinds of fast ones don't do it."

On the House Appropriations Committee, for example, powerful Rep. Jamie Whitten (D-Mass.) must now confront Rep. Louis Stokes (D-Ohio) on the controversy over food stamp expansion. "Even the opposition realizes that it has to have a dialog now," Mitchell says. "This is very healthy."

Mitchell, an early supporter of Hubert H. Humphrey for President in 1968, wore his slavery "HHH" button in his lapel long after the election was over. He has had a long acquaintance with Richard M. Nixon, who had spoken to many NAACP groups in Washington with Mitchell's sponsorship, and the lobbyist still has contacts with members of the White House staff. On two occasions, Mr. Nixon invited Mitchell to meet with him in the Oval Office where Mitchell had been so often with Lyndon B. Johnson. The Nixon-Mitchell meetings never occurred because of conflicting engagements. Once, Mitchell was unable to accept a White House invitation because of a prior commitment to address the Laundry Workers' union in Chicago.

What would this veteran Washington hand tell the President if he had the chance to address him directly? Mitchell quickly replies:

"Well, I would certainly feel he ought to take a position that we've got to pass a strong equal employment opportunity bill with enforcement powers . . . but the President has already given his blessing to a different approach. I would feel that we couldn't dismantle programs like the Office of Economic Opportunity but, again, the justification for the two-year extension makes it clear the Administration is aiming at dismantling that agency.

"I would feel the Administration ought to take a hard look at its whole policy in connection with appointments. I know, for example, that they are denying an appointment (as a Federal judge) to a very well-qualified Black man up in the 3rd Circuit [Court of Appeals] because he undertook, along with his associates, to defend the Supreme Court when he was working on the District of Columbia Crime Commission.

"I would feel also that they've got to start checking the whole judicial system. The time is long past when we should just appoint white people [to the federal bench] in the southern and border states. It seems the federal government ought to keep up with the political realities that are developing with increased voter participation, and start now to put people on [the bench] on the basis of their ability. It would seem to me it would have a tremendous impact in keeping faith in our judicial system if the people could look at the federal government and see that it was being fair. This is something wholly in the hands of the President.

"I would try to get the President to stop this kind of reverse English on race matters. The example is coming out and saying, 'I'm for the enforcement of fair housing legislation but I'm not in favor of getting [Black] people into the suburbs because that isn't what Congress intended.' Well, this causes people to think the President can't possibly be sincere."

(Earlier, in a 1969 speech, Mitchell had expressed a similar thought in far more colorful language when he said: "We must save the Republican party by giving massive support to those Republicans in office who back civil rights and we must save the soul of the party from the hell of equivocation.")

Mitchell, who has helped to "cool" racial disorders in his native Baltimore, said providing a method of redress for the poor is a sure-fire solution to disturbances. "You can prevent fomentation of trouble if you can show the people there is a way of accomplishing things without brick-throwing. A few may throw bricks and light fires but the great mass of people want to do things in an orderly way."

Mitchell is trying to provide those methods of redress through law. As Sen. Charles Mathias (R-Md.) once said of him: "In these days of turmoil, shouting and disruption, it is more important than ever to pay tribute to the men and women who have labored quietly, patiently and effectively within the democratic process."

What are his views on racial separatism, a doctrine increasingly publicized?

"Basically, the idea of separatism has never really caught on in this country," Mitchell replied. "In the South, where separation has been most acute, there's very little talk of trying to set up a separate something based on race. The places where you hear most of that are New York and Chicago. Those people, for the most part, have always been making noises of that kind, on stepladders in Harlem or on the South Side of Chicago. Now, of course, they get down to City Hall and they start talking like that and they can get on television. It looks like they have a big following but that's not true.

"I would say it's a small percentage . . . and it's usually made up of people who haven't thought the proposition through or don't practice it themselves."

His attitude is reflected in the citation for the Spingarn Award, which says Mitchell has shown "uncompromising rejection of racism, white or black."

It is satisfying to Mitchell to watch some of the most rigid segregationists in the Senate begin to loosen up and recognize the tide of reality. Sen Strom Thurmond (R-S.C.), recently hired a Black staff member. Another Deep South senator sent Mitchell a book with a warm personal inscription—a striking contrast to the senator's predecessor who balked at having his picture taken with the NAACP official.

He traces the changed political conduct directly to the number of Blacks now eligible to cast ballots in southern states. (For example, almost 30 per cent of registered voters in Thurmond's home state of South Carolina are Black), following the adoption of the 1965 voting rights law. And one of Mitchell's biggest concerns now is that the Nixon Administration might try to weaken the effect of that law by issuing regulations that might open the way for some states to reduce the number of Black voters.

So his job is never-ending, with threats or opportunities alternating in bewildering variety. The only constant is Clarence Mitchell Jr., himself, gazing down from the Congressional galleries or patrolling the corridors of power in the Capitol.

Rep. Charles C. Diggs (D-Mich.) put it this way about Mitchell:

"He speaks softly but with wisdom and authority. He is a man of faith and patience but militantly persistent and stubbornly courageous. He is a creative agitator for change in making our federal government more responsive and relevant to the needs of Black people, in particular, and the poor and disadvantaged, in general."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATION BILL, 1972

The ACTING PRESIDENT pro tempore (Mr. Gambrell). Under the previous unanimous-consent agreement, the Chair now lays before the Senate H.R. 9272, the unfinished business, which the clerk will report.

The legislative clerk read as follows:

> Calendar No. 258, H.R. 9272, a bill making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. SAXBE. Mr. President, on behalf of the minority leader, I ask unanimous consent that the time allotted to the minority leader on H.R. 9272 be allotted to the Senator from Maine (Mrs. Smith), the ranking minority member of the subcommittee handling the appropriation bill.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the record, the time under the control of the majority leader and the distinguished acting minority leader has now been transferred to the chairman of the subcommittee and the ranking Republican member of the subcommittee.

Mr. SAXBE. That is correct.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. On whose time?

Mr. MANSFIELD. Apart from the time allocated.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 10 minutes on the bill.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I will be brief in my overall analysis of the pending appropriation bill, H.R. 9272, making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year 1972.

As the report indicates, the total amount recommended is $4,091,973,337 in new obligational authority. This sum is $407,790,337 over the sum allowed by the House, is $268,621,037 over the total adjusted appropriations for 1971, and $124,828,663 under the total revised budget estimates for fiscal year 1972. It is worthy to note that included in the $407,790,337 total increase above the House allowance there is $352,615,000 for two activities that had been recommended by the House Appropriations Committee but were deleted on points of order raised on the House floor, as the language included in the text of the item, or the sum recommended therein, was unauthorized, and $9,435,000, the total allowed in four supplemental requests that were not presented to or considered by the House.

The two restored items previously deleted as unauthorized, concerned $283,961,000, the total amount needed to finance the five appropriation accounts of the Maritime Administration, and $68,654,000, the sum approved for salaries of supporting court personnel.

The four new items recommended by the committee would provide $8 million to the Bureau of Narcotics and Dangerous Drugs to implement the programs outlined in the President's message to the Congress on June 17, 1971; $735,000 additional for expansion of the community relations service; $400,000 for expenses of the Fire Prevention and Control Commission, and $300,000 for the National Tourism Resources Review Commission, in fiscal year 1972.

Other essential items added to the House bill involved the following:

For the Department of State, the sum of $7,816,337 was provided to cover the U.S. share—25 percent—of the 1971 calendar year budget of the International Labor Organization; $1,780,000 for expenses in the design and initial construction of the Tiajuana flood control project; and for the cultural exchange programs, the additional sum of $2 million in hard dollars for the regular—we reduced foreign cultural and exchange program, and $740,000 for the East-West Cultural Center in Hawaii.

For the Department of Justice, the committee recommended that $600,000 be restored to the bill for the community relations service. This sum, together with the $735,000 allowed in the supplemental request, will provide a total of $1,335,000 for expansion of the service. Also allowed was $1,959,000 for planning and site acquisition of a new metropolitan correctional center at San Diego, for the Bureau of Prisons.

For the Department of Commerce, the committee has provided an additional $20,803,000 to cover the high-priority items needed to finance essential activities, including the sea-grant programs, payable from the three appropriation accounts of the National Oceanic and Atmospheric Administration, and $1 million additional to help finance the research and technical services programs of the National Bureau of Standards.

For the judiciary, the committee has added $642,000 for salaries of 61 assistant secretaries that are needed to help cope with the workload in particular areas of the circuit courts. This sum is in addition to the $68,654,000 mentioned above as a restored item for salaries of supporting court personnel.

In the category of related agencies, the committee has added—

The sum of $100,000 for costs of contractual studies and investigations by the Commission on American Shipbuilding;

The sum of $700,000 additional for expansion of subcontracting programs and management assistance for the Small Business Administration; and

The sum of $300,000 for additional personnel and other costs essential for the Tariff Commission to help with the workload in serving the Congress and the President on trade and tariff policy matters.

Mr. President, this gives a brief outline of the most important changes by the committee to the House bill. Of course, the details of all appropriation items are set forth in the committee report, a copy of which is on each Member's desk.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded, for purposes of amendment, as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this request.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 4, line 10, after "5 U.S.C. 3109", strike out "$18,000,000" and insert "$19,000,000".

On page 5, line 19, after the word "Congress", strike out "$152,774,000, of which not less than $2,100,000 shall be used for payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States" and insert "$160,590,337".

On page 6, line 12, after "(22 U.S.C. 2669)", strike out "$4,793,000" and insert "$4,815,000".

On page 9, line 4, after "1944", strike out "$4,500,000" and insert "$6,280,000".

On page 11, line 9, after the word "Congress", strike out "$2,900,000" and insert "$2,918,000".

On page 12, line 5, after "(31 U.S.C. 529)", strike out "$40,000,000" and insert "$42,000,000"; and, in line 6, after the word "than", strike out "$5,800,000" and insert "$4,000,000".

On page 12, at the beginning of line 18, strike out "$5,260,000" and insert "$6,000,000".

On page 15, line 23, after "(42 U.S.C. 2000g–2000g–2)", strike out "$5,250,000" and insert "$6,585,000".

On page 19, line 18, after the word "account", strike out "$57,842,000" and insert "$59,801,000".

On page 20, at the beginning of line 20, strike out "twenty-eight" and insert "sixty"; in line 26, after the word "exceed", strike out "$300,000" and insert "$375,000"; and, on page 21, line 2, after the word "activities", strike out $57,089,000" and insert "$65,089,000".

On page 28, line 3, strike out "$6,500,000" and insert "$7,500,000".

On page 28, line 16, after the word "use", strike out "$180,000,000" and insert "$186,134,000".

On page 29, line 3, after the word "facilities", strike out "$100,000,000" and insert "$116,430,000".

On page 29, at the beginning of line 19, strike out "$27,500,000" and insert "$30,739.000".

On page 30, line 19, after the word "Patents", strike out "$59,250,000" and insert "$59,450,000".

On page 31, line 3, after "(15 U.S.C. 278d)", strike out "$46,000,000" and insert "$47,000,000".

On page 32, after line 4, insert:

"SHIP CONSTRUCTION

"For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U.S.C. 1152, 1154); for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1154); and for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160); to remain available until expended, $229,687,000."

On page 32, after line 15, insert:

"OPERATING-DIFFERENTIAL SUBSIDIES—LIQUIDATION OF CONTRACT AUTHORITY

"For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, $239,145,000, to remain available until expended: *Provided*, That no contracts shall be executed during the current fiscal year by the Secretary of Commerce which will obligate the Government to pay operating-differential subsidy on more than one thousand seven hundred voyages in any one calendar year, including voyages covered by contracts in effect at the beginning of the current fiscal year."

On page 33, after line 4, insert:

"RESEARCH AND DEVELOPMENT

"For expenses necessary for research, development, fabrication and test operation of experimental facilities and equipment; collection and dissemination of maritime technical and engineering information; studies to improve water transportation systems; $23,750,000, to remain available until expended: *Provided*, That transfers may be made from this appropriation to the "Vessel operations revolving fund" for losses resulting from expenses of experimental ship operations."

On page 33, after line 14, insert:

"SALARIES AND EXPENSES

"For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered by the Maritime Administration, including not to exceed $1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed $1,250 for representation allowances; $22,210,000."

On page 33, after line 21, insert:

"MARITIME TRAINING

"For training cadets as officers of the Merchant Marine at the Merchant Marine Academy at Kings Point, New York; not to exceed $2,500 for contingencies for the Superintendent, United States Merchant Marine Academy; to be expended in his discretion; and uniform and textbook allowances for cadet midshipmen, at an average yearly cost of not to exceed $475 per cadet; $7,513,000: *Provided*, That except as herein provided for uniform and textbook allowances, this appropriation shall not be used for compensation or allowance for cadets: *Provided further*, That reimbursement may be made to this appropriation for expenses in support of activities financed from the appropriations for 'Research and development', 'Ship construction', and 'Salaries and expenses'."

On page 34, after line 11, insert:

"STATE MARINE SCHOOLS

"For financial assistance to State marine schools and the students thereof as authorized by the Maritime Academy Act of 1958 (72 Stat. 622–624), $2,200,000, to remain available until expended, of which $801,000 is for maintenance and repair of vessels loaned by the United States for use in connection with such State marine schools, and $1,399,000, is for liquidation of obligations incurred under authority granted by said Act, to enter into contracts to make payments for expenses incurred in the maintenance and support of marine schools, and to pay allowances for uniforms, textbooks, and subsistence of cadets at State marine schools."

On page 39, after line 20, insert:

"SALARIES OF SUPPORTING PERSONNEL

"For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $69,296,000: *Provided*, That the salaries of secretaries to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code for General Schedule grade (GS) 5, 6, 7, 8, 9, or 10, and that the salaries of law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code for General Schedule grade (GS) 7, 8, 9, 10, 11, or 12: *Provided further*, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed $49,642 and $30,089 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $61,159 and $38,671 per annum, respectively."

On page 41, line 3, after "$15,930,000", insert a colon and "Provided, That not to exceed $100,000 shall be available for liquidation of obligations incurred in prior years".

On page 41, line 11, after the word "Columbia", strike out "$9,600,000 and insert "$9,660,000".

On page 44, line 20, after "(84 Stat. 1037–1038)", strike out "$45,000" and insert "550,000".

On page 46, after line 16, insert:

"NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

"SALARIES AND EXPENSES

"For necessary expenses of the National Commission on Fire Prevention and Control, authorized by Act of March 1, 1968 (Public Law 90–259), $400,000."

On page 46, after line 22, insert:

"NATIONAL TOURISM RESOURCES REVIEW COMMISSION

"SALARIES AND EXPENSES

"For necessary expenses of the National Tourism Resources Review Commission established by section 6 of the International Trade Act of 1961, as amended (Public Law 91–477), $300,000."

On page 47, at the beginning of line 10, strike out "$22,300,000" and insert "$23,000,000".

On page 50, line 1, after "5 U.S.C. 3109", strike out "$5,036,000" and insert "$5,336,000".

Mr. McCLELLAN. Mr. President, I understand that other Senators wanted to be present as we proceed.

I ask unanimous consent that I may now suggest the absence of a quorum and that the time consumed not be taken from the time agreed to on the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, in the absence of the Senator from Maine (Mrs. SMITH), I yield myself 4 minutes on the bill.

Today the Senate has before it for consideration an appropriation bill to cover the fiscal year 1972 expenses of one of our coordinate branches of the Federal Government, the judiciary, three vital departments in the executive branch, the State Department, the Commerce Department, and the Justice Department, and various related agencies. The bill as approved by the Senate Appropriations Committee totals almost $4.1 billion, which is 407.8 more than the amount approved by the other body but $124.8 less than the budget estimates.

The subcommittee with responsibility for this bill has worked very hard on this matter and has, in this Senator's opinion, come up with an excellent bill which balances the requests of the interested parties against the need for careful spending. Under the very able leadership of the chairman of the subcommittee, my good friend from Arkansas (Mr. MCCLELLAN), and the gracious guidance of the ranking Republican, the Senator from Maine (Mrs. SMITH), 8 days of hearings were held and more than 100 witnesses were heard. It is my hope that after some discussion today, the full Senate will validate the work of the committee without amendment.

Other members of the committee and interested Senators will be discussing various aspects of this bill today. I would like to take just a few minutes to comment on some portions of the measure which are of particular interest to this Senator, particularly in relation to my membership on the Committee on the Judiciary.

I. THE DEPARTMENT OF JUSTICE

For the operations of the Department of Justice in fiscal year 1972, the President requested a total of $1,587,806,000. The House allowed $1,552,696,000 and the Senate committee has increased this by $11,294,000 to a total of $1,563,990,000.

Mr. President, the work of this great Department is vital to a country which prides itself as a nation of laws. I am very pleased that Congress in the past few years has seen fit to greatly expand the appropriation for the Justice Department, the great bulk of this growth coming within the budgets of the Law Enforcement Assistance Administration and the Bureau of Narcotics and Dangerous Drugs. I am hopeful that this year will be no exception. Under the very effective leadership of the present Attorney General, the Department has done an excellent job of meeting its responsibilities in all areas of its jurisdiction.

(A) LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Because of my longstanding interest in reducing crime in America, I am most gratified at the action of the Appropriations Committee in approving the full budget requested by President Nixon for the Law Enforcement Assistance Administration. For fiscal year 1972 LEAA will be appropriated under this bill $698.9 million to assist State and local governments mount effective law enforcement programs.

The committee's action is a meaningful comment, not only on the continuing need for large-scale funds for anticrime efforts, but on the current effectiveness of the LEAA program as well.

The LEAA program is a complex one and its goals are as important as they are broad. It is working to reduce crime, to improve every aspect of our law enforcement and criminal justice system, and to improve both the degree of safety and quality of life for all Americans.

The ACTING PRESIDENT pro tempore. The Senator's 4 minutes have expired.

Mr. HRUSKA. I yield myself 1 additional minute.

It is clear—from support given by the Congress and numerous other sources—that the program is a striking success. In a very short period of time a national crime control program has become a working reality, with tens of thousands of projects under way.

Jerris Leonard, the new Administrator of LEAA, has set the agency on a course that will be even more productive and new progress is being built on the solid base constructed under the past leadership of Richard W. Velde and Clarence M. Coster, the Associate Administrators.

Those of us who have been deeply involved in efforts to reduce crime are, like the vast majority of Americans, interested in results—hard, measurable results. It is, therefore, most heartening to note the recent report from the Federal Bureau of Investigation that of 61 major cities recorded reductions in their rate of crime in the first 3 months of this year. That is a striking achievement and it is more than coincidence that LEAA has given substantial funds to those cities. In all, some $87 million in Federal anticrime funds have gone to those 61 cities since the agency began operation less than 3 years ago.

I would note particularly, Mr. President, that my own city of Omaha reported a decrease of 19 percent in its crime rate and a 26-percent decrease in violent crime in the first quarter of this year. More than $2 million of Federal anticrime funds have helped bring about this happy result.

Last week we were all heartened to learn that Washington, D.C., which should be a showcase for the Nation, reported its first annual decrease in major crime since 1956 when crime index reports were begun here. For the year ending June 30 police reported an 18.7 percent decrease in crime reports. LEAA has granted more than $14 million to the District of Columbia to assist in this effort.

The confidence of the Senate in LEAA is well placed. There is every reason to believe that the accomplishments to date, notable as they are, really represent only the beginning of the inroads that will be made against crime in every part of the Nation over the next few years.

BUREAU OF PRISONS

This bill through the appropriations provided for the Bureau of Prisons takes what I consider to be positive action toward the resolution of one of our most pressing problems—our antiquated jails. The 1972 appropritions which the committee is recommending for the Bureau of Prisons reflects a positive approach to improving our corrections programs. Critical resources are being provided to assure that more effective resources are available to meet the needs of jails and prison systems.

It is particularly noteworthy that funds are provided in the appropriations bill for construction of the Behavorial Research Center at Butner, N.C. This long-needed center will be conducting studies to develop methods for treating offenders with psychiatric disorders. I believe the development of this new center represents a major thrust forward in the field of corrections. Significant progress has been made in the planning of this facility and I am hopeful that it will become operational at the earliest possible date.

One item in the Bureau of Prisons appropriations disallowed by the House was planning and site acquisition money for the San Diego Metropolitan Correctional Center. The Senate committee is recommending restoration of these funds amounting to $1.96 million, because the institution will provide relief for immediate and very critical law enforcement and corrections problems in the San Diego area. During the past several years there has been a substantial increase in Federal prosecutions in the southern California area. At the present time, the principal jail housing Federal prisoners is the San Diego County jail. While I am told that officials at the San Diego jail have been extremely cooperative, the overcrowded conditions have caused major problems. The Federal caseload in the southern district of California is such that additional capacity is the only solution for the problem. We believe that planning efforts for this metropolitan correctional facility should begin immediately and I am very hopeful that if the Senate approves this item we can make a strong case for the restoration by the conference committee.

(C) BUREAU OF NARCOTICS AND DANGEROUS DRUGS

The 1971 appropriation for the BNDD was $43,705,000. In line with his continuing commitment to the war against drug abuse, the President requested $57,089,000 for this agency for fiscal year 1972. This amount was approved in its entirety by the other body and among other things will permit the BNDD to add 2,417 new positions.

Following action by the House the President sent to Congress his landmark message on drug abuse of June 17. As a result, the BNDD came to the Appropriations Committee with a supplemental request for $9.6 million over and above the amount approved by the House. This additional amount would implement the President's message by providing funds for research and development of special detection methods; for training of foreign narcotics enforcement officers; for 300 additional positions in the enforcement area; and for other miscellaneous expenses.

The committee has approved a total of $65,089,000 for BNDD operations in fiscal year 1972, or $8 million more than the figure approved by the House. Aside from uncontrollable increases, key factors in this increase of $21,384,000 over fiscal year 1971 are expanded enforcement activities, growing laboratory operations, and stepped-up training.

The threat of drug abuse in this country has not diminished. I am very hopeful that the increase of $8 million over the House-approved amount will be approved by the Senate and retained in conference.

(D) FEDERAL BUREAU OF INVESTIGATION

For the work of the FBI during this fiscal year the Department requested $334,486,000. The House approved the full amount and the Senate Appropriations Committee has suggested no departure from this amount. These funds will bring FBI strength to 21,318 positions, which is an increase of 1,371 positions.

The Director of the FBI, J. Edgar Hoover, gave the committee detailed testimony on the present activities of the Bureau and general information on some of the cases presently under investigation. He indicated that these funds will be used to increase FBI field strength and to give it greater capacity to handle its growing investigative workload, particularly in organized crime and violent-oriented group activities. Another area of attention this year will be the staffing of the FBI Academy at Quantico, Va.

As usual Mr. Hoover was most informative and responsive to the questions asked by the committee and this Senator, for one, feels that the work of this vital agency continues to be administered by a most capable and dedicated man.

II. DEPARTMENT OF COMMERCE

For the Department of Commerce the President submitted a budget request of $1,258,020,000. Of this amount the House allowed $892,811,000. The Senate has restored several important items amounting to $311,944,000 which brings the total appropriations for this Department in the committee bill to $1,204,755,000. This figure is some $53.2 million less than the administration's request.

(A) MARITIME ADMINISTRATION

The great bulk of this Senate increase is to restore $283.9 million for the Maritime Administration. These funds were approved by the House committee but were deleted on the floor of the other body on a point of order for lack of authorization. The President on July 9 signed the authorization for all maritime items and accordingly the committee has restored these appropriations to the bill. These funds are for the purpose of carrying out the provisions of the Merchant Marine Act of 1970 to once again place the U.S. Merchant Marine on a par with the other leading maritime nations. These funds will be used to construct 22 new ships and to expand maritime research and development.

I believe there should be no problem with these appropriations in light of the action by the President and I am hopeful that the conference committee will not need to dwell on this item for long.

(B) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The next largest addition to the Commerce Department budget approved by the committee is $20,800,000 for three items for the National Oceanic and Atmospheric Administration. The creation of NOAA became effective October 3, 1970, pursuant to Reorganization Plan No. 4 and is designed to bring together closely related functions of various departments and agencies. The administration is charged with developing programs relating to marine resources, environmental monitoring and prediction, and greater understanding of oceanic and atmospheric phenomena.

The additional funds recommended by the Senate committee will provide the means whereby NOAA can carry on high priority programs in the areas of air pollution, weather forecasting, deep ocean exploration, tropical experiments for prediction of storms, and other items. These are very important functions which will be of great benefit to the Nation and it is hoped that these additional sums can be retained in the final bill.

(C) U.S. TRAVEL SERVICE

Before discussing the appropriations for the Department of State, I want to make mention of an additional $1 million added to the bill by the Senate committee for the U.S. Travel Service.

To carry out the provisions of the International Travel Act of 1961, as amended, President Nixon requested for fiscal year 1972 the sum of $9,474,000. The House cut this to $6.5 million, but our committee has recommended the addition of $1 million to enable the Department of Commerce to step up its campaign to bring overseas visitors to the United States. Aside from the obvious balance-of-payments benefits increased tourism will bring to this country, it is difficult to imagine a more effective device than exchanges of this type to enhance, broaden, and improve world understanding and knowledge.

III. DEPARTMENT OF STATE

The smallest appropriations for any of the three Departments covered by this bill is for the Department of State. The President requested $509,598,000 for this Department for fiscal year 1972. The House allowed $491,673,000 and our committee has recommended $505,049,337 or an increase of $12,376,337.

While the subcommittee was privileged to hear from the Attorney General and the Secretary of Commerce, we greatly missed the testimony of Secretary Rogers whose presence was required by the President in California. In light of the very dramatic and welcome developments during the past week in the foreign affairs field, however, the committee understands the reasons and need for the Secretary's absence.

(A) INTERNATIONAL LABOR ORGANIZATION

The House refused to approve the request for $7.8 million to pay the U.S. contribution to the assessed budget of the International Labor Organization. Our committee has voted to approve these funds—in contrast to our position of a year ago—because we have been told that very constructive steps have been taken by the ILO to rectify the problems which caused our action last year.

Witnesses from the Department of State testified that U.S. labor is being given again an important voice in the ILO and that many of the weaknesses and biases of the organization are being corrected.

Because we as a nation are anxious to meet our treaty commitments and obligations and because we are devoted to the goal of international organization and cooperation, we are desirous of paying our assessments if at all possible.

Part of the testimony from the Department of State said:

> The curtailment of [ILO's] programs would be blamed on the United States and we would be condemned for attacking an organization of service to working people everywhere. Under these circumstances our ability to influence the course of events will drop sharply. In this sense, the continued failure to pay would decrease, rather than increase, our influence in charting the future course of the organization.

This, combined with our desire to remain a member of ILO and not to withdraw leaving the Soviet Union as the dominant power in the organization, convinced our committee that the effects of our boycott had been felt to the fullest extent and that the continuation of this policy would be counterproductive. For these reasons we voted to approve these funds. If the Senate ratifies our action we must take this matter to conference and meet head-on the opposing views of the other body.

(B) PASSPORT OFFICE

The Senate bill, like that approved by the House, provides funds for 35 additional positions for the Passport Office. No funds are appropriated for increasing the number of branch offices for the Passport Office.

Earlier this year in Public Law 92–14 (S. 531), Congress gave its tacit approval to a 2-year trial program for the processing of passport applications to take place at first-class post offices throughout the United States. This program is designed to make it more convenient for the public to obtain required travel documents as the demand increases annually.

Now that this test period has been approved, this Senator is most anxious that careful records be kept during this time so that Congress can be assured that the accuracy and security of these documents is being maintained as efforts are made to make their acquisition easier.

(C) BUILDINGS ABROAD

The Senate committee has added a $1 million item to the House allowance for this program. It was brought to our attention that during the past 9 years the United States has paid about $2.8 million in rent for inadequate chancery facilities in Buenos Aires, Argentina. Testimony indicated that construction of our own chancery building for this city would cost $3.8 million, of which $2.8 million could be generated from the sale of presently owned property. Our committee approved the $1 million difference so that construction could begin immediately.

IV. THE JUDICIARY

For the 12 months comprising this fiscal year the Judiciary has requested $178,679,000. The House committee approved $169,531,000, which was a reduction of slightly more than $9 million. This sum was cut to $100,877,000 on the floor of the other body on a point of order, because the $67.8 million approved for the salaries of supporting personnel did not conform to the language of the existing authorization. Our committee has recommended a total of $170,233,000, including the restoration of the challenged item, and an additional $702,000 for travel expenses and 61 secretarial assistants for circuit court judges.

I am confident that the new language relating to the salaries of supporting personnel will meet the previously raised objections.

These sums should be considered in contrast to the vast expenditures by the other two branches of the Federal Government. In light of the invaluable service to the Nation rendered by the Judiciary, the cost appears small indeed. This Senator would like to have seen approved several additional requests made by the Judiciary, but is convinced that the funds appropriated will be sufficient to permit the various Federal courts to carry out their responsibilities.

One example of the relative staffing for the Judiciary is indicated by the fact that the Chief Justice of the United States carries out his vast responsibilities with the aid of only six assistants—including secretaries and a driver. It might be well for other officials to try to emulate this example.

V. RELATED AGENCIES

(A) COMMISSION ON CIVIL RIGHTS

For the work of the Commission on Civil Rights, a budget request of $3,960,000 was filed, which is $560,000 above the present authorization. Because the House had already approved an authorization of $4 million, the committee of that body approved an appropriation of $3.5 million. This was trimmed back to $3.4 million on the floor of the House, because the increased authorization had not as yet been approved by the Senate. An appeal was filed with our committee to restore the full amount of the request and I regret that a decision was made to approve only the $3.4 million authorized.

The Senate authorization has been reported favorably to the full Judiciary Committee by the Constitutional Rights Subcommittee and may come up for consideration at the full committee meeting scheduled for tomorrow.

The full amount of this authorization is needed by the Commission so that it can enlarge and improve its ongoing projects in the fields of Puerto Rican, American Indian, and Mexican American rights. In addition, new projects relating to the restrictive employment practices of labor unions, health services provided to minority citizens and the administration of justice in prisons will have to be eliminated unless the full appropriation is approved.

It is the hope of this Senator that some way can be found to provide additional resources to the Commission so that it may carry on its important work.

(B) SUBVERSIVE ACTIVITIES CONTROL BOARD

A request of $467,000 was received to fund for an additional year the activities of the Subversive Activities Control Board. The House allowed $450,000 and our committee concurred.

In the recent past, few cases have been referred to the SACB by the Attorney General and the workload of the Board has been light. To better utilize the expertise of this body, President Nixon on July 2, 1971, signed an amendment to Executive Order 10450, dated April 27, 1953. The effect of the President's action was to enlarge the responsibilities of the Board so that among other things it will have jurisdiction to determine which of several categories of organizations and, within specified guidelines should be placed on the Attorney General's list for use in the Federal Government's employee security program. In addition, under the new amendment to the order, the Subversive Activities Control Board will be authorized, upon petition of the Attorney General, to hear cases and make findings involving organizations which are alleged to fall within the following criteria: Totalitarian, Fascist, Communist, or subversive, or as having adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States, or of any State, or which seeks to overthrow the Government of the United States, or of any State or subdivision thereof, by unlawful means. The above criteria are substantially the same as those prescribed by Executive Order 9835 dated March 21, 1947, and continued in Executive Order 10450, dated April 27, 1953. The amended Executive order provides definitions for each one of the categories of organizations listed in the present Executive order and, as noted, provides for a new class of organization and a definition of that class in recognition of recent history.

The amended Executive order also provides that the Board may determine, after consideration of the evidence, whether those organizations previously designated have ceased to exist, or upon petition of the Attorney General or any cited organization, that such organization does not currently meet the standards for designation. In short, an additional purpose will be to update the list where needed and to eliminate listed organizations which no longer exist or do not meet the criteria established.

The Executive order thus separates the hearing function from the Department of Justice by transferring those functions to the Subversive Activities Control Board. It provides for a due process hearing before an independent body with the Attorney General making his decisions based upon the recommendations and findings of that body.

It must be stressed that the objectives of Executive Order 10450, as amended, relate to the continuing vitality of the Federal employee security program. It should be pointed out that under Executive Order 10450, membership in the designated organizations is but one factor to be considered in implementation of the Federal personnel security program.

The need to provide for the integrity of Government employees is, of course, as old as the Government itself. The present security programs were set out in Executive Order 9835 of March 1947, and confirmed by the present Executive Order 10450 in April 1953. The new amendments are designed to guarantee the continued vitality of the program in light of current circumstances and to provide additional procedural safeguards.

The purpose of the bill we are introducing today is to apply the further constiutional safeguards of the Subversive Activities Control Act of 1950 and to extend presently existing powers of the Board to hearings conducted pursuant to the recent amendment to Executive Order 10450. Specifically, it would include the holding of public hearings with all of the customary due process procedures attendant to administrative hearings under the Federal Administrative Procedures Act.

Other provisions of the Subversive Activities Control Act of 1950 which this legislation would apply to hearings under Executive Order 10450 include those providing that the party proceeded against shall have the right to present its case with the assistance of counsel, to offer oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and fair disclosure of all relevant facts. An accurate stenographic transcript must also be taken of the testimony of each witness, and a transcript filed in the office of the Board.

In addition to these "due process" features, an aggrieved party shall have the right of appeal to the U.S. Court of Appeals for the District of Columbia Circuit.

This legislation will also change the name of the SACB to the Federal Internal Security Board.

I feel that these provisions of the Subversive Activities Control Act of 1950 are necessary to provide all the safeguards of a judicial hearing for organizations proceeded against under Executive Order 10450 while providing the Government with the necessary tools to make certain that these hearings are conducted in a judicious manner.

I thus urge the Senate to enact this legislation at its earliest possible convenience.

Mr. President, at the present time there are 283 organizations maintained on the Attorney General's list. This number has held steady since 1955 when the last review and updating of the list took place. The Justice Department now believes that as many as 263 of these 283 organizations are no longer active or in existence. Under the jurisdiction granted by the amendments to EO-10450 and the procedures contained in this bill now being introduced, the SACB will have the responsibility for making a determination that these 263 organizations should be removed from the Attorney General's list. In addition there are as many as 25 additional organizations which the Justice Department has reason to believe should be put on the list. The SACB would also be given authority to conduct hearings and make determination concerning the additional organizations.

These new responsibilities will mean that the Board will have a great deal of activity with which to remain occupied throughout the coming year. At the end of that time we can reexamine this entire question to see what the role of the SACB should be in future years.

There will probably be at least two amendments offered later today relating to the SACB and I expect to have more to say concerning the President's order and the need for the Board at the time these amendments are called up.

VI. CONCLUSION

I have discussed in these remarks just a few of the many, many items of great importance contained in this bill. As I said at the opening of my statement, the subcommittee with responsibility for this bill has taken great care to see that this bill balances the request of the interested parties against the need for careful spending. I believe the bill as reported from the Committee on Appropriations is an excellent one which deserves the full support of the Senate.

Mr. SCOTT. Mr. President, in the absence of the Senator from Maine (Mrs. SMITH), I yield myself 5 minutes.

I send an amendment to the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 45, line 7, strike out "$1,500,000" and insert "$2,000,000".

On page 45, line 9, strike out "$22,000,000" and insert "$27,620,000".

Mr. SCOTT. Mr. President on behalf of myself and the distinguished Senator from Michigan (Mr. HART), I offer an amendment to restore the full amount of the funds cut by the House from the fiscal year 1972 budget for the Equal Employment Opportunity Commission.

President Nixon's budget requested $27,620,000 for the Commission but the House of Representatives cut this to $22 million. The Senate Appropriations Committee has retained the figure adopted by the House.

However, the President has indicated his strong interest in maximum possible funding for EEOC, and I hope that my colleagues on both sides of the aisle will support this amendment.

The Commission has experienced severe problems, since its very beginning, in dealing with the tremendous number of complaints filed with it by individuals who feel they have been discriminated against as they sought to find, or retain, jobs.

As an indication of what is happening, let me cite a few statistics. During fiscal year 1970, the Commission received approximately 14,100 complaints from such individuals. The original budget estimate for fiscal year 1971 was based on the expectation that there would be about 16,900 complaints filed during that 12-month period. However, there were actually 22,920 complaints received during fiscal year 1971. This represents an increase of 35 percent over the original estimate, and an even greater 62 percent over the number of complaints received during fiscal year 1970. The Commission expects that there will be another 30- to 40-percent increase in incoming complaints during fiscal year 1972, as opposed to fiscal year 1971.

With complaints coming in at this rate, and even though the House allowance provides for approximately 350 new positions, the Commission will still not be in a position to effectively carry out the responsibilities that have been entrusted to it by the Congress in the critical area of job discriminaton. The purpose of this amendment is to restore the $5.62 million which was cut from the amount requested by the President and to bring the amount of the appropriation up to the budget request.

The Commission, as my colleagues know, is authorized to receive charges of discrimination and to attempt to resolve grievances through informal means of conciliation and persuasion. But neither the Congress nor the Commission has any control over the number of complaints the Commission receives. Any individual who feels he has been discriminated against in employment may file a charge, and the Commission is required to investigate it.

The Commission has a substantial backlog, amounting to approximately 25,000 complaints that are in some stage of processing by the Commission. On the other hand, during the last 18 months a number of steps have been taken by the Chairman of the Commission to streamline its procedures and to restructure the Commission's field operations. There has been substantial improvement in terms of the number of investigations that have been rendered. During fiscal year 1971, investigations completed increased by more than 50 percent as compared to the fiscal year 1970 results. The number of completed decisions was more than twice as many as those completed during fiscal year 1970. So they are making substantial progress.

But as the number of incoming complaints increases, the Commission's backlog will also increase if we do not give them the full amount of the money that has been requested so that they can hire the people in their field offices to deal with these complaints.

In my view, it would be disastrous if this body fails to take whatever steps it can to make sure that this Commission has all the tools and personnel necessary to do the job which we have mandated to it.

Even with the amount which has been approved by the House, the Commission would only be able to add to its staff about 50 percent of the compliance personnel which it needs to do the job in the field.

It was a proud day in the history of this body when we enacted legislation to set up the Equal Employment Opportunity Commission. I am proud to have been one of title VII's strongest supporters, and I know many of my colleagues share my views in that regard. But I am absolutely convinced that despite our strong commitment to the mission of EEOC, we must take this step now to insure that the agency can perform its tasks to the maximum extent. In the past, the President has indicated the strongest possible support for full funding for the Commission, and his support is equally as strong now as it was then. This administration is strongly committed to the elimination of discrimination in employment, and I hope that all of my colleagues will take this opportunity to express their own commitment toward that goal.

Mr. President, at this point I suggest the absence of a quorum, as I am about to ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Bentsen). Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I want to call attention to what the amendment does. I know that if we tag any item with a civil rights label we have an uphill fight to try to fight its enactment, but I want to call attention to what the amendment would do. They have an agency here that had 910 positions last year. The House has, after thorough examination of the record of the agency, its work and its program, which is reflected in the House hearings, allowed an increase of $5,815,000, I believe it is, over 1971 allowance. That provided additional job personnel of 346 people. That was added to the 910 people, or a 33-percent increase in personnel strength. This amendment would add another 324 positions, making a total increase in personnel strength for this small agency from 910 employees to a total of an additional 670 employees in 1-year, about an 80-percent increase in personnel strength.

I do not think that is justified, and I shall later have printed in the Record the matters that came up before the Appropriations Committee when the committee voted 9 to 6 to reject the proposal.

I cite the House hearings, pages 703 and 704, where Representative Rooney, the chairman of the House Appropriations Committee, questioned Mr. Brown closely about his previous estimate and the workload, and what occurred.

Mr. Rooney. How many new incoming complaints did you estimate for fiscal year 1970?

I suppose he meant 1971, estimated in 1970.

Mr. Brown. The estimate for 1970 was 17,000.

That, Mr. President, was when they were asking for increases in this appropriation last year.

Mr. Rooney. What was the actual number?

Mr. Brown. New incoming complaints for 1970 was 14,129.

Mr. Rooney. How many investigations did you estimate last year would be completed in fiscal year 1970?

Mr. Brown. 6,300.

Mr. Rooney. How many were actually completed?

Mr. Brown. 4,471.

On the next page, we find some explanation of why he contends the workload was not lived up to.

It states:

Mr. Rooney. Let's take a look at decisions to be rendered at page 13 of your justifications. What was your estimate last year for "received during the year?"

Mr. Brown. 5,040.

Mr. Rooney. What was the actual figure?

Mr. Brown. 2,720.

In other words, only about 60 percent of the estimate that they had estimated actually materialized. Yet they want almost double, about an 80-percent increase in personnel over what they had.

Mr. President, I ask unanimous consent that beginning on page 703, under the title "Workload Statistics," and page 704, and the workload statistics on page 705 be printed in the Record, to show absolutely the lack of need for any such personnel as is here proposed.

There being no objection, the material was ordered to be printed in the Record, as follows:

Workload Statistics

Mr. Rooney. Let's take a look at your workload statistics at page 13 of the justifications. Compare these statistics with your estimates submitted last year as they appear at page 591 of the printed hearings. When you were here a year ago the three folks presently at the table were here a year ago, too, were they?

Mr. Brown. Yes, they were.

Mr. Rooney. How many new incoming complaints did you estimate for fiscal year 1970?

Mr. Brown. The estimate for 1970 was 17,000.

Mr. Rooney. What was the actual number?

Mr. Brown. New incoming complaints for 1970 was 14,129.

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Mr. Brown. 6,300.

Mr. Rooney. How many were actually completed?

Mr. Brown. 4,471.

Mr. Rooney. Let's take a look at decisions to be rendered at page 13 of your justifications. What was your estimate last year for "received during the year?"

Mr. Brown. 5,040.

Mr. Rooney. What was the actual figure?

Mr. Brown. 2,720.

Mr. Rooney. What was your estimate for "completed" during the year?

Mr. Brown. 5,700.

Mr. Rooney. What was the actual figure?

Mr. Brown. 1,145.

Mr. Rooney. Now we should look at "conciliations." What was your estimate for 1970 for received during the year?

Mr. Brown. 3,306.

Mr. Rooney. What did it turn out was the actual figure?

Mr. Brown. 515.

Mr. Rooney. What was your estimate for completed during the year?

Mr. Brown. 3,000.

Mr. Rooney. What did it turn out was the actual figure?

Mr. Brown. 623.

Mr. Rooney. If we look at reinvestigations on the same page, page 13 of your justifications book, what was your estimate for fiscal year 1970 for received during the year?

Mr. Brown. 390.

Mr. Rooney. What was the actual figure?

Mr. Brown. Sixty-five.

Mr. Rooney. What was your estimate for fiscal 1970 for completed during the year?

Mr. Brown. 400.

Mr. Rooney. What did it turn out was the actual figure?

Mr. Brown. Sixty.

Mr. Rooney. At the bottom of the page you have some figures with regard to conciliations followup. Let's look at those. What was your estimate for received during the year?

Mr. Brown. 1,500.

Mr. Rooney. What did it turn out was the actual number received?

Mr. Brown. 227.

Mr. Rooney. What was your estimate for completed during the year?

Mr. Brown. 1,490.

Mr. Rooney. How many did you actually complete during the year?

Mr. Brown. Ninety-one.

Mr. Rooney. I do want you to know, Mr. Brown, as one who has supported this program ab initio, that these kinds of figures in a workload do not offer me too much encouragement. Encouragement to do what? To do the things you were told not to do. That is about what it amounts to.

RELOCATION OF OFFICES

As I recall, in that conference with the Senate last year, there were discussions as to relocating offices. A Member of the House from Texas made a mighty effort in this regard. It turns out that you have used funds appropriated for another purpose to thwart the stopping of your relocations.

By the way, what relocation was Congressman Pickle of Texas interested in?

Mr. Brown. From Austin to Dallas.

Mr. Rooney. What did you do about that, if anything?

Mr. Brown. That has been relocated. That is in the process. It will be finalized probably this month.

Mr. Rooney. You just went ahead and did it?

Mr. Brown. Mr. Chairman, unfortunately I was faced with a very substantial problem. I had to make a decision as to whether all the work and effort and time that had been put into the reorganization was going to be wasted and we would have to start all over again and waste all the money we had put into it.

Mr. Rooney. Here is the chance for you to talk as long as you want. See if you can somehow justify this, so that when Mr. Pickle reads this record he won't think that you defied him and just went ahead and did what you felt like doing.

WORKLOAD STATISTICS

Mr. Brown. First, let me address myself to the question which you have raised by reading the figures of our estimates for fiscal year 1970, and the actual figures.

I think perhaps as I have explained before, during that year I took a look at the entire procedures for the Commission. I felt that we were not turning cases out as fast as we possibly could. I felt that what was needed, as I looked at the entire structure of the Commission, was a new procedure for handling complaints.

During that year, we instituted completely new procedures. The institution of these new procedures required that we throw out most

> of the work that we had done before. It required that we do an extensive amount of retraining of the staff which was on board at that time. It required an extensive amount of time to shake the new procedures down. We knew at the time we undertook the new procedures that the short-term effects of those procedures would be to lessen the amount of work which we could turn out.
>
> I can say, as a result of those procedures, the amount of work which we have turned out this year is substantially above that which we had turned out last year.

Mr. McCLELLAN. Mr. President, I should like to read this paragraph under "Workload Statistics" on page 705. This is the testimony of Mr. Brown, the Administrator.

He says:

> Mr. BROWN. First, let me address myself to the question which you have raised by reading the figures of our estimates for fiscal year 1970, and the actual figures.

That is what I have just referred to, Mr. President.

Then he said:

> I think perhaps as I have explained before, during that year I took a look at the entire procedures for the Commission. I felt that we were not turning cases out as fast as we possibly could. I felt that what was needed, as I looked at the entire structure of the Commission, was a new procedure for handling complaints.
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> During that year, we instituted completely new procedures. The institution of these new procedures required that we throw out most of the work that we had done before. It required that we do an extensive amount of retraining of the staff which was on board at that time. It required an extensive amount of time to shake the new procedures down. We knew at the time we undertook the new procedures that the short-term effects of those procedures would be to lessen the amount of work which we could turn out.
>
> I can say, as a result of those procedures, the amount of work which we have turned out this year is substantially above that which we had turned out last year.

Mr. President, I call attention to the fact that to increase the staff by 80 percent would simply mean that they cannot get the additional training and they cannot get them in operation. They have to get them on board. To have an agency with 910 employees now and to increase them by an additional 670 and throw that staff in with the 910 employees they already have would simply create a situation from which we will not get beneficial results. They will not be trained. They will repeat the error they made before, because if we give them that money it means that with that many employees they have to set up a system and, of course, operate it properly.

I think we should go along with the House and give them about half of what they are asking and then let them get the additional employees if they can demonstrate on the basis of the workload they have before the end of the year that they can handle and dispose of more cases by reason of being given additional staff.

We have the supplemental appropriations process under which they can be heard and can demonstrate the need much better than under the pending bill in which they are asking to have their staff increased by approximately 80 percent.

We ought to go along with the House. I think the House was very generous in increasing them by about 33⅓ percent.

I think we would treat the agency fairly by doing so and we would be protecting the public interest. The door would be open if they can demonstrate the need and the capacity to assimilate additional employees and train them and get results and achieve an efficient operation from the additional staff that they want. At a later time, we could do that.

Mr. President, this agency started in 1965 with appropriations of $2.250 million.

In 1966, the amount was raised by $1 million. It was $3.250 million.

In 1967, it was $5.240 million.

In 1968, it was $6.655 million.

In 1969, it was $9.120 million.

In 1970, we increased them by more than $4 million. The amount was $13.4 million.

Mr. President, that is when they found out that they had to retrain their people and start all over again after all of these years and after all of this money had been spent.

Last year we gave them $16 million, another increase of nearly $4 million. The amount was $16.185 million.

This year the House has given them nearly a $6 million increase—$5 million and some odd thousands of dollars. If we give them this amount, it would be an increase of more than $10 million in 1 year.

With an agency that has operated for 6 years and has said that it had to retain its people and that it was not getting good results, I think it is better to do this gradually, if that will permit them to do it effectively and if they will get results, rather than to give them too much money and think that we are doing good when we are not.

Mr. SCOTT. Mr. President, I yield myself 3 minutes on the amendment.

Chairman Brown testified at page 854 of the hearings:

> As I indicated when I testified before the House Committee last month, the new procedure are having beneficial results, particularly in terms of work produced by our people in the field. I fully expect that in terms of investigations completed, 1971 will show an increase of more than 50% over the 4,471 completed during 1970.

He also points out on page 856 of the hearings:

> Mr. BROWN. I would think we are going to have a very substantial backlog still, even with the full budget, since we have underestimated this. We originally thought we would have 19,000 incoming charges, and that figure is now 31,000.
>
> Senator MCCLELLAN. Are you going to have a backlog of 25,000?
>
> Mr. BROWN. Probably a backlog close to 31,000; and we already have a backlog close to 21,000. With the tremendous increase in cases, I think the backlog would go up somewhere in the neighborhood of 30,000.

Why the increase? The increase is not because of questions arising from differences in color anywhere near as much as it arises from the greater awareness of women in this country of this discrimination against them as women.

On page 860, Chairman Brown, when asked whether these discriminations over the country are getting worse, stated:

> Mr. BROWN. I don't know if they are getting worse, I think we have more people aware of what their rights are and the fact that the Commission does exist, and this was not true in the early days. We are getting a great number of additional complaints from the women group. The number of complaints from women has increased substantially, and we are running 20 to 25 percent ahead of where we were last year.
>
> The final thing—well, perhaps two things—the type of investigation is getting much more complex than in the early stages.

So, this is not merely a matter which arises from questions of race or differences of discrimination as to age. A very large number of questions arise concerning the discrimination against women in employment. That is the reason, along with the reasons I have just stated, that the administration suggests that we go back to the amount in the budget. It is not an increase over the amount of the administration, but is a return to the budget figure. That is the request of the administration.

I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, with all of the strain and stress that has been going on about someone needing to be represented in the cases to be investigated, this commission has flouted the will of the House Members by converting some of these funds for the purpose of moving their headquarters. They moved their place from Austin to Dallas.

Mr. President, I ask unanimous consent that there be printed in the RECORD the portion on page 705 of the House hearings dealing with Relocation of Offices.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RELOCATION OF OFFICES

> As I recall, in that conference with the Senate last year, there were discussions as to relocating offices. A Member of the House from Texas made a mighty effort in this regard. It turns out that you have used funds appropriated for another purpose to thwart the stopping of your relocations.
>
> By the way, what relocation was Congressman Pickle of Texas interested in?
>
> Mr. BROWN. From Austin to Dallas.
>
> Mr. ROONEY. What did you do about that, if anything?
>
> Mr. BROWN. That has been relocated. That is in the process. It will be finalized probably this month.
>
> Mr. ROONEY. You just went ahead and did it?
>
> Mr. BROWN. Mr. Chairman, unfortunately I was faced with a very substantial problem. I had to make a decision as to whether all the work and effort and time that had been put into the reorganization was going to be wasted and we would have to start all over again and waste all the money we had put into it.
>
> Mr. ROONEY. Here is the chance for you to talk as long as you want. See if you can somehow justify this, so that when Mr. Pickle reads this record he won't think that you defied him and just went ahead and did what you felt like doing.

Mr. McCLELLAN. Mr. President, they were spending the money that was appropriated for investigations to move their location, defying the will of the

House. The House had instructed that they not do it.

I think the time has come to put this thing in its proper perspective and let it develop and grow. As they get more qualified and as they get more competent to do this work, we can increase appropriations if they are warranted.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has one minute remaining on the amendment.

Mr. McCLELLAN. Mr. President, I yield 4 minutes to the Senator from Nebraska, 1 minute from the amendment and 3 minutes from my time on the bill.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 4 minutes.

Mr. HRUSKA. Mr. President, somewhat reluctantly I rise in opposition to the amendment. I say reluctantly because the objectives of the Commission are good. I think they are in harmony with the general policy approved repeatedly by the Senate and by the House of Representatives. They are part of our national policy: to see that equal employment opportunities are extended to all persons.

However, there are several practical aspects to this situation which induced the subcommittee of the Committee on Appropriations and the committee proper to hold the increase in personnel and funds down to the level which the other body had approved. We should take into consideration that the authorized personnel for these purposes in fiscal year 1971 was 910 positions. Actually on board and employed and engaged in those positions were only 799 positions as of April 30, so I am informed. I do not have the actual number that are on board now or how many were on the payroll on June 30.

Mr. President, 910 positions were authorized for fiscal year 1971. The other body authorized an increase of 346 positions. If there is added to that number those that would be provided under the pending amendment it would be an increase in personnel of some 75 percent over last year. It is more than that when we consider the actual average number of people on the payroll during fiscal year 1971.

It is not only a matter of furnishing additional personnel, but it is also a matter of recruiting them and placing them in positions where they can accomplish the tasks assigned to them. It was the belief of the other body and of our committee that 346 positions would be an adequate increase until it was demonstrated that they have satisfactorily utilized these additional slots. If during the next 6 months they are able to proceed satisfactorily on the basis of the allotments in personnel and funds as provided in the bill, there will then be the opportunity to come in by way of supplemental requests. I am sure such a request would be viewed in light of the developments which occur between now and then.

So it is not that I would be opposed to the program or unaware of the necessity for prosecution of the equal employment program vgiorously and effectively. It is rather the practical cost of demonstrating that the added positions and funds will be effectively used. When that is done we can consider additional personnel and funds.

Mr. McCLELLAN. Mr. President, will the Senator yield for a question?

Mr. HRUSKA. I yield.

Mr. McCLELLAN. How many vacancies do they have in the positions authorized now?

Mr. HRUSKA. As of April 30, there were 799 actually employed. That would be roughly 800, so that over 100 positions were not filled.

Mr. SCOTT. My reading of the committee report shows that 888 of the 910 were available, either employed or on board, and the "on board" was defined as persons who had been accepted but who had not reported for work. So between April and the date of these hearings it is my understanding the figure went up to 888, less 21 actually hired but who had not reported.

Mr. HUMPHREY. Mr. President, I strongly support the amendment to H.R. 9272—State, Justice, Commerce, Judiciary, and Related Agencies Appropriations for fiscal year 1972—to provide an additional $5.62 million for the operations of the Equal Employment Opportunity Commission.

It was my privilege to play a central role in the effort in the Senate to secure enactment in 1964 of the historic Civil Rights Act. The Commission has been responsible for carrying out the provisions of title VII of that act, designed to eliminate discrimination in employment based on race, color, religion, sex, or national origin.

Yet today, we must recognize that discrimination in employment is a fact. We do not like to admit it, but it exists, it is widespread, and it must be corrected.

While the Commission was created to remedy this situation, it has been consistently underfunded and thereby limited in its efforts. The Commission's 875-man staff cannot keep up with the demand for its services. An individual who has been illegally discriminated against must often wait nearly 2 years before the final disposition of his complaint—10 times the length of time prescribed in the Civil Rights Act. At the present time, EEOC has a backlog of 25,000 cases of complaints discriminatory practices, yet is without sufficient funds and manpower to deal with them.

Justice deferred is justice denied, when men and women are required to wait as much as 2 years just to find out from the Commission if they have a case, and may file suit in court. These people want an equal chance at a job for which they qualify, and they have been guaranteed that right not only by the Constitution but also by the Congress in the Civil Rights Act under title VII. We must at long last give the Commission the full support that is necessary to make this promise real.

By approving these additional funds to enable the Commission to carry out its mandate, the Congress will not only be endorsing the right of every citizen to obtain equal employment opportunity, but will be taking a decisive step toward full utilization of the Nation's manpower in a just and democratic way.

Equality of opportunity is the birthright of all Americans. Our failure to protect this right must concern us all. The guarantee of job equality is a basic requirement of a healthy and dynamic society. It affects every aspect of a person's life: it gives a perspective, and therefore an incentive, to education; it gives a vested interest in the society and therefore a personal interest in its preservation and its well-being; it provides personal security and therefore a personal identity and integrity.

I cannot overemphasize the enormity of the task facing the Commission, and the priority we should give it in terms of the health of the Nation's economy and moral force. Continuing the existence of the Commission without full support in terms of adequate funds to carry out its function can only make the promise of the Civil Rights Act of 1964 less and less credible. I strongly believe we must now move instead to fulfill that promise, and one essential step must be to assure that Federal enforcement machinery to end discrimination in employment practices is fully operational and effective.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. McCLELLAN. Mr. President, that shows that after an entire year they did not have their personnel; they did not have that much complement.

Now, we want to boost it by 670 people all at once when after 1 year they could not get up to the 910 figure by proper processing. It seems to me we would only be throwing money away.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

There is another factor to this question. During the course of the last fiscal year a total reorganization of that Department and its personnel procedures and the allocation of personnel was undertaken. Chairman Brown of the Commission explained it to us and said the Commission is now much more effective and is turning out much more work with less personnel than before.

That factor entered into consideration by the other body and our committee. We would like to see what progress will be made with 346 positions. If another increase is warranted and the request is made, this Senator will speak out for them in committee and on the floor of the Senate. But we should do it in an orderly fashion.

The PRESIDING OFFICER. All time on the amendment has expired. The question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. SCOTT). On this question the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Florida (Mr. CHILES), the Senator from

Idaho (Mr. Church), the Senator from Washington (Mr. Jackson), the Senator from Louisiana (Mr. Long), the Senator from Wyoming (Mr. McGee), the Senator from Montana (Mr. Metcalf), the Senator from Connecticut (Mr. Ribicoff), are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Washington (Mr. Jackson), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from New Hampshire (Mr. Cotton), the Senators from New York (Mr. Buckley and Mr. Javits), the Sentor from Michigan (Mr. Griffin) and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent on official busines.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Maryland (Mr. Mathias) is detained on official business.

If present and voting, the Senator Oregon (Mr. Hatfield), the Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias) and the Senator from Ohio (Mr. Taft) would each vote "yea."

The result was announced—yeas 51, nays 29, as follows:

[No. 148 Leg.]

YEAS—51

Allott
Beall
Boggs
Brooke
Byrd, W. Va.
Case
Cook
Cooper
Cranston
Dole
Dominick
Eagleton
Fong
Fulbright
Gravel
Harris
Hart
Hartke
Hughes
Humphrey
Inouye
Kennedy
Magnuson
Mansfield
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Spong
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—29

Aiken
Allen
Anderson
Bennett
Bentsen
Bible
Brock
Cannon
Curtis
Eastland
Ellender
Ervin
Fannin
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—20

Baker
Bayh
Bellmon
Buckley
Burdick
Byrd, Va.
Chiles
Church
Cotton
Griffin
Hatfield
Jackson
Javits
Long
Mathias
McGee
Metcalf
Mundt
Ribicoff
Taft

So Mr. Scott's amendment was agreed to.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CASE. Mr. President, will the Senator from Maine yield me 1 minute on the bill?

Mrs. SMITH. I yield the Senator 1 minute.

Mr. CASE. I thank the Senator. I take this time, first, to commend the Senator from Pennsylvania for his initiative in regard to the last amendment, and to express my great satisfaction that it was successful, and then to ask him whether I am not correct in my understanding that the amendment was an amendment to support the President's program, and that a vote in favor of the amendment was a vote in favor of the President's program. Is that correct?

Mr. SCOTT. That is correct. The President's request was for the full amount in the budget.

Mr. CASE. And a vote against the amendment would have been and was a vote in opposition to the President's program; is that correct?

Mr. SCOTT. Yes. I think I have answered the Senator. The President requested the full amount of the budget, and an affirmative vote was a vote in favor of restoring the budget to the full amount.

Mr. CASE. I thank the Senator. My question was prompted by possible confusion that might have resulted from the somewhat arcane method of tabulating votes in this body, and I felt that a statement straight from the horse's mouth would be reassuring.

Mr. SCOTT. I thank the Senator for his description of me. [Laughter.]

Mr. McCLELLAN. Mr. President, I remember many times when gentlemen on that side of the aisle have not supported the President's program. So this is a two-way street, depending on whose ox is up to be gored.

Mr. HRUSKA. Mr. President, will the Senator from Maine yield me 1 minute on the bill?

Mrs. SMITH. Yes.

Mr. HRUSKA. Mr. President, I should like respectfully to differ with the conclusion that a vote of "nay" would have been a vote against the President's program. We had 900 authorized personnel. The action of the committee was to increase that number by 346. That was a respectable number, approved by the other body and the committee of this body. Comes now a request for 346 more positions, which would have represented an increase of 75 percent of the present authorized personnel.

I suppose if we had had an amendment asking for 500 additional personnel, that would be the President's position, and a vote of "nay" would have been a vote against the President's program. But I respectfully suggest that a vote of "nay" in this instance would have been in pursuance of the President's program, in a logical, orderly, effective way, and not against it.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

The bill is open to further amendment.

Mr. HUMPHREY. Mr. President, will the Senator yield? Who has the time, Mr. President?

Mr. McCLELLAN. Does the Senator have an amendment?

The PRESIDING OFFICER. The Senator from Arkansas and the Senator from Maine have control of the time.

Mr. McCLELLAN. I yield the Senator 2 minutes on the bill.

Mr. HUMPHREY. Just a half minute, Mr. President, to say that I was glad to get the President's positions on the previous amendment—yes, both positions as interpreted by the Republican Senators.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 991) to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Gambrell).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Bentsen) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today, are printed at the end of Senate proceedings.)

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

Mr. HART. Mr. President, I call up my amendment, and ask for its immediate consideration. I am not aware that the President has taken any position on this matter.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 11, line 9, strike out "$2,918,000" and insert in lieu thereof "$3,318,000".

Mr. HART. Mr. President, this amendment, which Senator Griffin had hoped very much he would be able to offer, and which I am glad to offer as cosponsor, would increase by $400,000 the $2,900,000 that has been recommended for the American share for the International Fisheries Commission.

I feel certain that all the Senators from the Great Lakes States would support and cosponsor the amendment, although we have not had opportunity to circulate it.

Specifically, it would provide this additional amount for the Great Lakes

Fisheries Commission to enable the commission to carry out an intensified program for eradication of the sea lamprey.

As reported by the Senate Appropriations Committee, the bill provides $1,613,000 for the Great Lakes Commission. This amendment, if approved, would increase that to $2,013,000—a very modest expenditure, it seems to me, in terms of what it means to the Great Lakes States and Canada.

Despite nearly a quarter of a century of efforts by Federal, State, and Canadian agencies, working in cooperation, control of the sea lamprey in the Great Lakes has not yet been achieved. Substantial progress has been made in this direction.

According to Dr. Robert W. Saalfeld, executive secretary of the Great Lakes Fisheries Commission:

> The difficulty of establishing a fully effective program of sea lamprey control simultaneously on four of the five Great Lakes (sea lamprey are no threat to the fisheries of Lake Erie) stems mainly from the failure of the Commission to obtain the funds it believes are required to accomplish the job.

It is most difficult to estimate what the sea lamprey has cost since it first invaded the Great Lakes about 40 years ago.

By 1960 the lamprey had ended the commercial fishing industry in Lakes Superior, Huron, and Michigan. Some idea of the economic loss alone can be obtained from these figures:

Between 1938 and 1947 the trout catch in Lake Huron dropped from 5 million pounds to less than 400,000 pounds.

In Lake Michigan commercial production dropped from 6.5 million pounds in 1944 to 50,000 pounds in 1950. In Lake Superior trout production dropped from an average of 4.4 million pounds in 1947 to 500,000 pounds in 1960.

Commercial fishermen in these upper three lakes, therefore, lost a combined annual income of $7.5 million.

Through chemical control efforts, the lamprey population in the upper Great Lakes is estimated to be 10 to 15 percent of the 1960–61 peak.

This reduction has been brought about largely through treatment of breeding grounds with a chemical lampricide called TFM. The additional funds sought by this amendment would enable the Great Lakes Fisheries Commission to expand the control to other streams in the three upper Great Lakes, and, in addition, to the American side of Lake Ontario.

Commission estimates indicate the cost of not expanding this program. For example, last year I was told that a delay in treating three key rivers in northern Lake Huron could result in production of 700,000 young lamprey a year. This number of lamprey could destroy as much as 30 million pounds of fish in Lake Huron, the equivalent of five times the estimated commercial harvest from that lake.

At a time when we are deeply—and justly—concerned about maintaining a balanced ecology, this is a small amount to expend to help restore that balance in our Great Lakes.

Mr. BYRD of West Virginia. Mr. President, may we have order in the rear of the Chamber? The Senator is entitled to be heard; and as long as even one Senator wishes to listen, that Senator is entitled to hear.

Mr. HART. I thank the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HART. I realize that the House has advanced moneys to support this effort. I realize fully the restraints that operate on our own Appropriations Committee as they consider it. But just this morning I had a conversation, by phone, with Mr. John Bailes of the Michigan Department of Natural Resources, and he underscored the urgency with which we view the necessity of capitalizing on the progress we have made in arresting and eradicating the lamprey He made the following comment:

> About one-half of the $400,000 increase would be utilized to intensify sea lamprey control efforts on the Upper Great Lakes of Huron, Superior and Michigan. This new effort would be directed toward control of sea lamprey reproduction in certain river estuaries and inland lakes. Lamprey from these areas have gone uncontrolled up until now due to the high cost and difficulty of treatment. The scarring rates and mortality of planted trout and salmon are high in these areas. The other one-half of the $400,000 increase would be utilized to extend lamprey control to Lake Ontario and bring the U.S. treatments on that Lake in phase with Canada, which has already made plans to begin sea lamprey control in Lake Ontario this summer. Sea lamprey is now so abundant in Lake Ontario that trout and salmon stocked by the Province of Ontario and State of New York have all been scarred and most killed by predatory sea lamprey. Currently in the Great Lakes, the eight Great Lakes states are stocking approximately 7 million salmon, 500,000 steelhead or rainbow trout, and the Federal Government is planting approximately 4 million lake trout. This $400,000 would assure a greater survival for these planted fish and would be a net savings in the total Great Lakes rehabilitation program.

I hope the amendment will be adopted.

Mr. President, I ask unanimous consent to have printed at this point in the Record a statement by my colleague, Senator Griffin.

There being no objection, the statement by Senator Griffin was ordered to be printed in the Record, as follows:

Mr. President, I join my colleague, the Senior Senator from Michigan (Mr. Hart), in strongly urging that Congress appropriate an additional $400,000 for the Great Lakes Fishery Commission to intensify its sea lamprey control program.

This $400,000 would bring appropriations for the Commission up to the level originally requested by that agency.

Mr. President, control of the sea lamprey in the Great Lakes has not yet been achieved despite 23 years of effort by Federal, state, provincial, and international agencies.

According to Dr. Robert W. Saalfeld, Executive Secretary of the Great Lakes Fishery Commission, the international organization charged with sea lamprey control:

"The difficulty of establishing a fully effective program of sea lamprey control simultaneously on four of the five Great Lakes (sea lamprey are no threat to the fisheries of Lake Erie) stems mainly from the failure of the Commission to obtain the funds it believes are required to accomplish the job."

The lamprey has been a chronic menace to large fish in the Great Lakes—especially the lake trout—ever since it first appeared in Lake Huron in 1938.

The lampreys effect on the ecological balance of the three Upper Great Lakes has been devastating. As Norman S. Baldwin, former Executive Secretary of the Great Lakes Fishery Commission, put it:

"Although the sea lamprey is not solely responsible for the scarcity of valuable fish in the Upper Great Lakes, it must bear a major share of the blame, and its control is basic to restoration of an ecological balance and rehabilitation of the sport and commercial fisheries."

A parasite, the lamprey survives by attaching itself to a large fish, sucking the life from it, and then moving on to its next victim.

Dr. Baldwin's description is vivid:

"A parasitic lamprey is equipped with a sucker-like mouth rimmed by horny teeth for attachment, a horny tongue for rasping a hole in the skin of its prey, and a set of glands which discharge a secretion into the wound made by the tongue. This secretion prevents coagulation of the prey's blood and breaks down the flesh. On a diet of blood and bits of flesh the adult lamprey grows from 7 to 18 inches in 12 to 20 months. . . . Judging from laboratory feeding studies, a lamprey can destroy 35 to 40 pounds of fish during its adult parasitic life."

By 1960 the sea lamprey had demolished the commercial fishing industry in Lake Huron, Lake Michigan, and Lake Superior. Fishermen who once made an annual catch of 16 million pounds worth $7.5 million are now forbidden by State authorities to fish for lake trout.

Although commercial fishing is dormant, progress has been made in the fight against the lamprey, largely due to the efforts of the Great Lakes Fishery Commission, an international agency created in 1956.

Today the lamprey population in the Upper Great Lakes is estimated to be 10–15 per cent of the 1960–1961 peak.

This impressive reduction has come about largely through treatment of breeding grounds with a chemical lampricide called 3-trifluoromethyl-4-nitrophenol (TFM).

TFM, when deposited in precisely measured concentrations in streams where lampreys breed, is lethal to sea lamprey larvae but has no effect on other fish.

Even though the sea lamprey has been reduced to 10–15 per cent of its former population, the lake trout has not yet returned in significant numbers, despite an extensive planting program. Scientists estimate that in order to achieve a self-reproducing stock of lake trout it will be necessary to reduce the lamprey population to 5 per cent of the 1960–1961 peak. This would result in restoration of 85 per cent of the pre-lamprey population of lake trout—a visible self-sustaining fishery. Dr. Saalfeld states:

"If current lamprey abundance could be reduced another order of magnitude (or about 5 per cent of their abundance before control measures took effect) by intensification of the chemical control program it would trigger a rapid development of a spawning lake trout stock."

Such an intensified program requires additional funding.

When the Commission made its initial budget request for fiscal year 1972, it asked for $1.788 million. This request was trimmed by $400,000 by the Office of Management and Budget. Subsequently, the Commission learned that an additional $200,000 would be required to test the lampricide, TFM, in order to comply with pesticide regulations of the Environmental Protection Agency.

This additional $200,000 (actually $225,000 to meet the cost of inflation) was approved by OMB, by the House of Representatives, and by the Senate Appropriations Committee, thus bringing the total appropriation for the Great Lakes Fishery Commission in H.R. 9272 to $1.613 million. It should be emphasized, however, that this additional $225,000 is for an unforeseen expense and cannot be used for intensification of the lamprey control program.

Therefore, I strongly urge that $400,000 in additional funds be appropriated for the lamprey program. This figure corresponds with the initial request made by the Commission and would enable the Commission to intensify the control program in the upper three lakes and to extend the program to the United States side of Lake Ontario.

Mr. President, recent appropriations for the Great Lakes Fishery Commission have been sufficient only to permit the Commission to establish a maintenance operation. The lamprey program is now at a point where a concerted effort by the Commission can tip the balance in favor of the lake trout. Presently, the sea lamprey is holding its own.

A 1968 study by the Commission estimated that restoration of a viable lake trout fishery in the Great Lakes could result in a net annual benefit of $1.5 billion to U.S. commercial and sports fishing interests alone.

Clearly, an additional $400,000 appropriated now means economy in the long run.

Mr. President, I hope that Congress will see fit in 1971 to enable the Great Lakes Fishery Commission to move to finish the job it started in 1956.

Mr. President, I ask unanimous consent that the following documents be printed in the RECORD immediately following my statement:

(1) A copy of my letter to the Honorable George H. Mahon, Chairman of the House Committee on Appropriations, dated June 11, 1971.

(2) A copy of a letter from Robert W. Saalfeld, Executive Secretary of the Great Lakes Fishery Commission, dated June 7, 1971.

(3) A copy of an article entitled "Sea Lamprey in the Great Lakes" by Norman S. Baldwin, former Executive Secretary of the Great Lakes Fishery Commission, which appeared in the Fall 1968 issue of Limnos magazine.

U.S. SENATE,
Washington, D.C., June 11, 1971.
Hon. GEORGE H. MAHON,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to urge increased funding for the control and eventual elimination of the sea lamprey in the Great Lakes.

I have enclosed a copy of a letter from Robert W. Saalfeld, Executive Secretary of the Great Lakes Fishery Commission, which I believe clearly documents the need for additional funding.

As you know, the lamprey has been a chronic menace to large fish in the Great Lakes—especially the lake trout—ever since it first appeared in Lake Huron in 1938.

By 1960 commercial fishermen who had made an annual catch of 16 million pounds of lake trout in previous years were out of business. Today, due to the efforts of the Great Lakes Fishery Commission, the lamprey population has been reduced to 10–15 per cent of the 1960–1961 peak.

But the lake trout has not returned in significant numbers, and commercial fishing in the upper Great Lakes has yet to be reestablished.

Recent appropriations for the Great Lakes Fishery Commission have been sufficient only to permit the Commission to establish a maintenance operation. The lamprey program is now at a point where a concerted effort by the Commission can tip the balance in favor of the lake trout. Presently, the lamprey is holding its own, as the enclosed correspondence clearly indicates.

It is my understanding that the Subcommittee on the Departments of State, Justice, Commerce and the Judiciary has reported to the full Committee a bill that would appropriate $1,613,000 for the Great Lakes Fishery Commission.

I strongly urge that $400,000 in additional funds be appropriated for the lamprey program. This figure corresponds with the initial request made by the Commission and would enable the Commission to intensify its control program in the upper three Lakes and to extend its program to the United States side of Lake Ontario.

More money now can enable the Commission to take the necessary steps to assure eventual elimination of the lamprey as a threat to Great Lakes fish.

This, of course, means economy in the long run, a goal I share with every member of your Committee.

With best wishes, I am
Sincerely,
ROBERT P. GRIFFIN,
Minority Leader.

GREAT LAKES FISHERY COMMISSION,
Ann Arbor, Mich., June 7, 1971.
Hon. ROBERT P. GRIFFIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRIFFIN: In response to a request from your office, I am pleased to provide the following capsule version of the sea lamprey control program on the Great Lakes.

When the sea lamprey entered the Great Lakes above Niagara Falls through the Welland Canal about 1921, conditions were ideal for its explosive increase. Lake trout were in abundance in Lakes Huron, Michigan, and Superior and their habits matched those of the sea lamprey admirably. The exclusively parasitic lampreys soon reduced the lake trout to virtual extinction in these lakes by sucking blood from wounds made by rasping teeth. Between 1938 and 1947, Lake Huron trout production dropped from 5.0 million pounds to less than 400,000 pounds and the fishery collapsed. In Lake Michigan, commercial production dropped from 6.5 million pounds in 1944 to 50,000 pounds in 1950. Lampreys encountered some trouble negotiating the locks in St. Marys River to reach Lake Superior, but by 1947 enough of them had made it to establish a rapidly growing population. Lake trout production in Lake Superior dropped from an average of 4.4 million pounds per year to less than 0.5 million pounds in 1960. Commercial fishermen in these 3 upper lakes, therefore, lost a combined annual income of more than 7.5 million dollars. Losses to other channels in the trade and to the sport fisheries are inestimable.

The sea lampreys spawn in the gravel riffles of streams during the spring and early summer. When the eggs hatch the larvae drift to areas of softer bottom where they burrow and spend 2 to 10 years of their larval existence. After their larval existence they metamorphose or transform into the adult parasitic form and migrate to the Great Lakes during the fall or spring months. The next 12 to 20 months are spent feeding on fish of the lakes. During this period they grow from about 7 to 17 inches. At the end of this period the adult lamprey enters a stream to spawn and dies.

Sea lamprey control is carried out under the direction of the Great Lakes Fishery Commission, an international organization created by treaty between the United States and Canada. The Fish and Wildlife Service is the contracting agent for the United States and the Department of Fisheries and Forestry is the agent for Canada.

The principal method of control involves the application of a selective toxicant "lampricide (TFM)" to streams to destroy larval sea lampreys. It has become abundantly clear over the past few years that the control program is basic to the redevelopment and re-establishment of the Great Lakes fisheries, and it is gratifying to know that a substantial degree of control has been achieved in Lake Superior, Lake Michigan, and Lake Huron by periodic chemical treatment of lamprey-producng streams. At the present level of intensity the program is holding the lamprey in Lakes Superior and Michigan at about 10–15 percent of their abundance before control measures took effect; and a similar decline of lampreys is already evident in Lake Huron where first-round chemical treatments will be completed this year.

Coupled with sea lamprey control is the trout-salmon rehabilitation program which involves intensive annual plantings of hatchery-reared fish. This program carried out cooperatively by State, Federal, and Provincial agencies has involved plantings totalling 28.4 million lake trout, 2.4 million coho, and 0.4 million chinook salmon in Lake Superior since 1958; 11.3 million lake trout, 10.8 million coho, and 6.2 million chinook salmon in Lake Michigan since 1965; and 2.8 million coho and 2.1 million chinook in Lake Huron since 1968. As the sea lamprey have yielded to control, these planted fish have survived and grown exceptionally well on the forage fish available; and their presence in the lakes has been responsible for the development of significant sport fisheries in the upper three lakes. In Michigan waters alone, preliminary studies indicate that an estimated 180,000 anglers spent 2 million days of sport fishing in 1970. The catch of salmon and trout was estimated at 1.0 million fish and the net value of the resource between 5 to 7 million dollars.

Currently, the major problem of sea lamprey control is the difficulty of reducing the lamprey population to a level which does not hinder the development of a self-reproducing stock of lake trout—the primary objective of the program. Unfortunately, lake trout do not mature and reproduce until they reach 7 years of age and about 28 inches in length, and since lamprey prefer to attack larger fish, even a remnant population can inflict heavy losses on lake trout for about 3 to 4 years before they spawn for the first time. Scientists studying lake trout in Lake Superior have provided evidence that lamprey predation is the major source of mortality of lake trout over 25 inches in length. They believe that if current lamprey abundance could be reduced another order of magnitude (or about 5 percent of their abundance before control measures took effect) by intensification of the chemical control program it would trigger a rapid development of a spawning lake trout stock.

The difficulty of establishing a fully effective program of sea lamprey control simultaneously on four of the five Great Lakes (sea lamprey are no threat to the fisheries of Lake Erie) stems mainly from the failure of the Commission to obtain the funds it believes are required to accomplish the job. As a matter of fact, the differential gap between the funds requested by the Commission and those received from the two governments has grown wider in the last few years. The financial problem is compounded by the fact when the United States Government is unable to provide the funds requested, the Canadian contribution must be automatically lowered to meet a cost sharing formula which calls for the U.S. to contribute 69 percent and Canada 31 percent of total program expenses.

To illustrate the problem specifically, in July 1970 the Commission submitted to the two governments a sea lamprey control and research program for fiscal year 1972 which provided for intensification of lamprey control in the 3 upper lakes and an extension of chemical control to Lake Ontario lamprey streams. The program called for a total expenditure of 2.613 million dollars—U.S. contribution of $1.788 million dollars and Canadian contribution of $0.825 million dollars. Later in 1970, the Commission was advised by the U.S. Government that its contribution would have to be limited to $1.388 million dollars rather than the $1.788 million requested. At the same time, the Commission received the distressing news that in order to obtain continuing clearance for its registration of lampricide (TFM) by the Pesticide Regulation Division of the Environmental Protection Agency (EPA) it would be necessary to carry out a wide range of toxicology and residue chemistry studies that would eventually yield the data needed to establish tolerance limits in water, fish, and food or food stuffs. The estimated cost of this registration-oriented research on TFM in fiscal year 1972 alone was $290,000.

In January 1971, the Commission held an emergency meeting to determine what revisions in the fiscal year 1972 program were needed to include research on TFM and stay within a budget limitation established by a U.S. contribution of $1.388 million dollars. An immediate decision was to defer intensification of control in the 3 upper lakes and an extension of chemical control to lamprey streams on the U.S. side of Lake Ontario. If the Commission was forced to absorb the costs of TFM research in its operational control program, it would also be necessary to curtail chemical control on the U.S. side of Lake Huron and carry out only a "maintenance" program on Lake Michigan and Lake Superior. Recognizing that the two governments might be sympathetic to these problems, the Commission requested an increase in contributions for fiscal year 1972 amounting to $200,000 in the U.S. and $90,000 in Canada to cover the cost of TFM registration-oriented research. The request is now being considered favorably by the U.S. Congress and the House of Commons in Canada. If these additional funds are obtained, the Commission would then be able to carry out in fiscal year 1972 the TFM research, conduct a maintenance control program on the 3 upper lakes, and extend chemical operations to the Canadian lamprey streams of Lake Ontario.

It is hoped that the foregoing is sufficient to bring you abreast of the progress made and some of the biological and fiscal problems confronting sea lamprey control in the Great Lakes.

Respectfully yours,
ROBERT W. SAALFELD,
Executive Secretary.

SEA LAMPREY IN THE GREAT LAKES

(By Norman S. Baldwin)

Movement of sea lamprey (*Petromyzon marinus*) from Lake Ontario to Lake Erie through the Welland Canal about 1920, and their subsequent establishment in the Upper Great Lakes, initiated a series of biological changes which have extended beyond the fish directly attacked by this parasite. The initial impact was borne by the large, cold-water fish such as lake trout (*Salvelinus namaycush*), burbot (*Lota lota*), whitefish (*Coregonus clupeaformis*), and rainbow trout (*Salmo gairdneri*). The catch of these species dropped sharply and one, the lake trout, was almost completely eliminated in Lake Huron and Lake Michigan. Smaller cold-water species which became abundant in the absence of lake trout have recently been displaced in Lake Michigan by the alewife (*Alosa pseudoharengus*). Alewives have become so numerous that certain plankton species which they prefer for food have now become scarce.

Although the sea lamprey is not solely responsible for the scarcity of valuable fish in the Upper Great Lakes, it must bear a major share of the blame, and its control is basic to restoration of an ecological balance and rehabilitation of the sport and commercial fisheries.

The threat posed by the sea lamprey was not generally recognized until it was well established in all the lakes and had seriously affected the commercial fisheries in Lake Huron and Lake Michigan. Control by federal, state, and provincial agencies began in 1948, and in 1956 was made one of the responsibilities of Great Lakes-Fishery Commission, an international agency established by the United States and Canada for the conservation and development of Great Lakes fishery resources.

Early steps to control lamprey were too little and too late to prevent the parasite from becoming firmly established in all of the lakes; screens placed in streams to block lamprey from spawning grounds were repeatedly washed out and were soon replaced by electrical barriers. These devices consisted of a series of electrodes which, when charged with line or generator power, produced an electrical field in the waters and lamprey and fish moving upstream could not penetrate. These electrical barriers were not fully effective in some large rivers during severe flooding, although they rarely washed out.

It was not until 1958, after more than 6 years of experimentation by the U.S. Bureau of Commercial Fisheries, that a chemical method to reduce lamprey was perfected and applied, first on Lake Superior, then on Lake Michigan, and recently on Lake Huron, paving the way for the restoration of lake trout, rainbow trout, whitefish, the introduction of Pacific salmon, and a return to a more balanced ecological situation.

The sea lamprey might seem an unlikely candidate for the role of "spoiler" on the Great Lakes. In the ocean, attacks on fish have been reported but there is little evidence that the parasite causes serious losses to important species. Furthermore, in Lake Ontario and the Finger Lakes of New York, landlocked sea lamprey and lake trout have co-existed for at least 100 years and possibly since the retreat of the glaciers thousands of years ago. It should be pointed out, however, that in these lakes trout survival appears relatively low and the populations are in a precarious position when exposed to fishing pressure. A significant fishery appears to require the support of hatchery plantings.

It may be surprising to some to learn that in addition to the sea lamprey, the Great Lakes contain four native species of lamprey—two non-parasitic and two parasitic. The northern brook lamprey (*Ichthyomyzon fossor*) and the American brook lamprey (*Lampetra lamottei*) remain in streams during their entire life without parasitizing fish. The silver lamprey (*Ichthyomyzon unicuspis*) and chestnut lamprey (*Ichtyomyzon castaneus*) on the other hand are parasitic for about a year before they spawn and die. The silver lamprey was reportedly abundant in Lake Erie during the last century but is rarely encountered now. It appears to prefer warmer water than the sea lamprey and its distribution in the colder lakes is restricted. The chestnut lamprey generally remains in rivers and is abundant in several including the Manistee in Michigan where it causes significant damage to brown trout.

Although no fish in the Great Lakes, except the very small species, are immune to sea lamprey attack, lake trout are by far the most vulnerable. They inhabit the cooler water preferred by sea lamprey and are perhaps attacked more successfully because they present a large "target." More importantly, they mature at a relatively large size and advanced age and are exposed to sea lamprey for several years before they spawn. Lake trout planted where lamprey are abundant show good survival until they reach about 20 inches at which time they come under heavy attack with few reaching 24 inches.

The key to controlling a species is usually found only after a careful study has been made of its habits and behavior. The sea lamprey is no exception and during the early years was closely studied. Despite the collection of much information these studies are continuing so that control methods can be improved.

The sea lamprey in the Great Lakes spawn in the gravel riffles of streams during the spring and early summer. The eggs are deposited in depressions made by moving stones. On hatching, the larvae burrow into the bottom mud where they spend from 3 to 9 years depending on growing conditions. During this time they are called ammocetes. These larvae are seldom seen since they move only occasionally and usually at night. They feed on small organisms filtered from the water which they pump into their burrows for respiration. Growth is typically slow but in a few streams may be fast enough to bring about transformation of a small proportion of a hatch in 3 years. Generally, larvae remain in streams for about 5 years and reach a length of 7 inches before assuming parasitic characteristics (transforming) and migrating to the lake to feed on fish. A parasitic lamprey is equipped with a sucker-like mouth rimmed by horny teeth for attachment, a horny tongue for rasping a hole in the skin of its prey, and a set of glands which discharge a secretion into the wound made by the tongue. This secretion prevents coagulation of the prey's blood and breaks down the flesh. On a diet of blood and bits of flesh the adult lamprey grows from 7 to 18 inches in 12 to 20 months. At the end of this period, the adult lamprey enters a stream, spawns, and dies. Judging from laboratory feeding studies, a lamprey can destroy 35 to 40 pounds of fish during its adult parasitic life. On the other hand, the capture of fish with healed wounds indicates that not all victims succumb. However, attacks which perforate the body cavity, exposing the internal organs, invariably prove fatal. Simultaneous attacks by two heavily feeding lamprey must be lethal to all but the largest fish.

Attempts to control lamprey have been aimed at preventing reproduction by blocking spawning streams with mechanical or electrical barriers or destroying the larvae during their prolonged stay in streams. The first method was abandoned in 1960 when it became apparent that the chemical treatment of streams which had begun in 1958 was proving more effective. Electrical barriers are still operated on certain streams, but only to follow changes in lamprey abundance. These installations are fenced and booms placed above and below to safeguard the public.

The application of chemical control methods in 1958 on Lake Superior was preceded by almost 7 years of intensive research to find a chemical that could be used in lamprey streams without seriously effecting other fish species. Out of some 6,000 chemicals screened one has emerged as the best of several which are selectively toxic to lamprey. The chemical, which has no known use outside the lamprey control program, is 3-trifluoromethyl-4-nitrophenol and is referred to as TFM.

Exposure to a concentration of TFM from 1 to 6 parts per million for a period of 8 hours is lethal to sea lamprey larvae in most streams. In a few streams where the concentration of dissolved substances is high, 14 ppm TFM may be required. At these concentrations there is no danger to humans or animals drinking the water. Fish display varying degrees of resistance to the lampricide. Of 11 species, tested, smallmouth bass (*Micropterus dolomieu*) were least susceptible, requiring about 8 times the concentration required to kill lamprey. Rainbow trout and coho salmon (*Oncorhynchus kisutch*) require about 3.6 times the concentration needed to kill lamprey. Walleye (*Stizotedion vitreum*) are almost as susceptible as lamprey and particular care must be taken to maintain precise concentrations in rivers where these fish are present. The condition of fish also affects resistance to TFM; individuals that have spawned or are heavily diseased are likely to succumb while healthy individuals show no ill effects from exposure.

The way in which TFM acts to kill larval lamprey is not clear. Death appears to be due to a combination of circulatory and respiratory failure. Inhibition of certain enzymes and irreversible blockage of oxygen uptake by the blood are also suspected.

Further investigation of chemicals led recently to the discovery that TFM could be synergized with a molluscicide 5.2′-dichloro-4′-nitrosalicylanalide which, when added in small amounts (2 percent by weight) doubled TFM toxicity without reducing its selectivity. The synergist has a low solubility and precise concentrations are hard to achieve in certain streams. Therefore, it is not used where susceptible species may be endangered.

A stream treatment requires a considerable amount of information before it can be properly carried out. First, a survey is made with portable electric-shocking equipment to locate the sections of the stream inhabited by young lamprey, for it is necessary to know what tributaries of the main stream need to be treated and how far upstream the chemical must be introduced to destroy all the ammocetes. The survey crews move electrodes on poles over the stream bottom creating an electrical current which causes the ammocetes, hidden in the mud, to emerge. These are collected and identified, for it is necessary to distinguish sea lamprey larvae from one or other of the native species usually present.

The molluscicides used to synergize TFM has also been used as a survey tool in water where electro-shocking is not always effective. Sand granules impregnated with the synergist are spread over the surface and sink to the bottom where they slowly release the chemical. Lamprey then emerge in about 30 minutes and can be easily collected.

Before treatment begins, a test of the effectiveness of TFM with and without the synergist is made at each stream to determine the concentration required. This is necessary because subtle changes in water chemistry modify the action of the lampricide. It is not unusual to find that the required concentration varies widely in neighboring streams, or in the same stream from season to season. In the trailer laboratory set up on the stream to be treated lamprey ammocetes and fish are placed in jars filled with water from the stream and different amounts of chemical are added to expose the fish and lamprey to a wide range of concentrations. In this way the lowest concentration required to kill lamprey and the highest concentration tolerated by fish are determined. A suitable concentration between these limits is selected for the actual treatment.

In streams with numerous branches, chemical feeding must be carried out on a schedule which will allow the treated water in a side branch to reach the main stream as the main mass of treated water arrives. Dilution of the lampricide to sub-lethal concentrations is thereby avoided. Dyes such as fluorescein are used before hand to estimate the time it will take treated water to move down the stream system.

The lampricide is fed to the stream at the pre-determined rate by a pump which accurately delivers the required amount of chemical through a perforated plastic hose placed across the stream above the upper limits of lamprey distribution. Adjustments in the rate and period of chemical feedings are generally necessary, and the pump operator is in radio contact with the field headquarters where water samples from downstream are periodically analysed. After about 2 hours' exposure to the chemical, ammocetes begin to emerge from the bottom in a helpless state and, after 12 to 18 hours, large numbers of dead larvae can be seen on the bottom. The stream is re-surveyed later with electric shockers for surviving ammocetes to check on the effectiveness of the treatment.

Approximately one-tenth of the 3,000 tributaries entering the upper three Great Lakes have been found to contain lamprey larvae; 113 in Lake Superior, 98 in Lake Michigan, and 83 in Lake Huron. Surveys in the lower lakes, still to be completed, have located 12 lamprey streams on Lake Erie and 22 on Lake Ontario.

Chemical treatment of streams began in 1958 on Lake Superior where lake trout, although declining rapidly, were still present in fair numbers. By 1961, the main lamprey streams had been treated and results were beginning to show. In the fall of that year, the proportion of lake trout with lamprey wounds dropped sharply and in the following spring the catch of spawning lamprey at barriers fell to one-fifth of the average catch of the preceding five years. In order to maintain control, it was necessary in 1962 to begin the re-treatment of streams in which larval lamprey had become reestablished following the initial treatment. By the end of the second round of treatments in 1966, the catch of spawning lamprey had fallen to one-tenth of the precontrol level.

Before control measures could take effect, however, sea lamprey had so reduced lake trout in inshore waters of Lake Superior that natural reproduction had essentially ceased by 1959. These inshore stocks have been re-established by an extensive planting program and trout in these areas are now mainly of hatchery origin. Natural reproduction resumed in 1964 on major spawning grounds in Wisconsin waters and naturally produced trout are appearing in greater numbers each year. Isolated populations of lake trout on offshore grounds which suffered less from lamprey are now almost fully recovered.

Chemical treatments were extended to Lake Michigan and Lake Huron in 1960 but suspended in the latter lake when it became apparent that funds would not be available to establish control on these two lakes simultaneously while maintaining control on Lake Superior. The first round of stream treatments was completed on Lake Michigan in 1966. It also produced a decline in the catch of spawning lamprey at barriers on 3 streams from 12,855 in 1962 to 1,168 in 1966, and an increase in the commercial catch of whitefish from 226,000 lb. to 1,422,000 lb. The angler catch of lake-run rainbow trout or steelhead in 1967 was reportedly the largest ever taken by the sport fishery.

Although the treatment of some 24 streams on Lake Huron in the period 1960 to 1962 brought about a temporary improvement in whitefish and rainbow trout abundance in the areas covered, recovery was quickly suppressed when the control program could not be continued and the streams re-treated. In 1966, however, when it became evident that the cost of maintaining control on Lake Superior and Lake Michigan would be significantly less than expected, the program on Lake Huron was reactivated. More than half its lamprey streams have now been treated and the remaining streams will all be disposed of by the summer of 1970 if requested funds are made available.

The success of the lamprey control program must ultimately be judged on its ability to hold predation losses from lamprey at such low levels that populations of lake trout, rainbow trout, and whitefish will maintain themselves without the aid of planting and still provide a significant sport and commerical fishery. Rainbow trout, lake trout and whitefish populations have responded favorably to the reduction in lamprey. Spawning has resumed in Lake Superior and young naturally-produced lake trout are beginning to show among the hatchery fish that make up most of the stock in inshore waters. It has been estimated that if lamprey in Lake Superior can be held at 5 per cent of the pre-control level, the potential harvest of lake trout by the sport and commercial fisheries will be 4 million pounds by 1976, roughly 85 per cent of "normal" production. The annual net benefit forecast for these fisheries is $2,100,000 while the estimated cost of lamprey control is $400,000. In recent years, the lamprey population has been about 10 per cent of the pre-control abundance.

Even greater benefit may be realized in Lake Michigan and Lake Huron with a major expansion of sport fishing for coho salmon. The effect of sea lamprey on this new species cannot be predicted as yet but it may be less vulnerable than rainbow trout or steelhead. The latter persisted in Lake Michigan during high lamprey abundance but did not provide good fishing until the parasite was reduced.

Finally, the control of alewife populations by lake trout, coho, and rainbow trout, may be the most important by-product of lamprey control particularly in Lake Michigan.

In order to maintain control, streams which produce lamprey must be re-treated periodically to destroy re-established larvae before they can become parasitic and move to the lakes. In Lake Superior and Lake Michigan, roughly half the streams which at one time produced lamprey become reinfested after each treatment and require re-treatment usually within 4 years. These treatments will probably have to be continued indefinitely.

The greatest benefits from sea lamprey control will be realized in the Upper Great Lakes where the parasite has been particularly destructive. However, extension of the control program to Lake Erie and particularly Lake Ontario will also bring rewards. Sea lamprey have never been abundant in Lake Erie and have not had a detectable effect on the warm-water fishes that are now dominant in that lake. Larvae have been found in only 12 streams, mainly at the eastern end. Control of these populations should not be difficult.

In Lake Ontario, where lamprey have been present since the earliest records of the fishery, there is evidence that the parasite is taking a significant toll of whitefish and rainbow trout and has contributed to the poor survival of planted lake trout. There is also a growing conviction among fishery scientists that the historically poor fish production of Lake Ontario may be partly due to the presence of sea lamprey and alewife. The establishment of predatory species in Lake Ontario would give tremendous impetus to the sport fishery.

It is expected that lamprey control will be well established on all three of the Upper Great Lakes by 1970. It will then be possible to begin treating streams on Lake Erie and Lake Ontario. Preliminary surveys have not been completed on the south shores but it appears that there may be about 15 lamprey streams in Lake Erie and roughly 30 in Lake Ontario.

It is tempting but dangerous to view lamprey control as a routine operation, for the residual sea lamprey may adapt in a number of ways to the pressure now placed on them. The sea lamprey must, therefore, continue to be closely studied and control methods modified to compensate for changes in the habits of the parasite. The research which led first to the development of a control method must be continued to keep it effective.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

On page 794 of the House hearings, we find a table showing these appropriations for the last 2 years and as proposed for this year. It will be noted that these appropriations have increased. For 1972, we have provided very substantial increases. Last year, the total amount appropriated was $1.388 million. This year, the total amount appropriated is $1.613 million, an increase of $225,000.

Mr. President, what is requested here is over and above the budget request. I suggest to those who like to follow the President's program that they should vote against this proposal. It is not in the President's program. There have been substantial increases. There was no testimony before the committee warranting this increase, other than a letter from Senator Griffin.

I suggest that the amendment should be rejected.

Mrs. SMITH. Mr. President, as the ranking minority member of the subcommittee which handled H.R. 9272, the appropriation bill for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, I want to compliment the distinguished chairman of the subcommittee (Mr. McClellan) for the excellent manner in which he carried out his assignment and duties in reporting the bill at this early date. I commend the members of the subcommittee staff, William J. Kennedy, Harold Merrick, and Joe T. McDonald, for their invaluable assistance.

The chairman has already discussed all the money items in the bill, so I shall not take the time of the Senate to expand in this area, except to state that the appropriation bill before us totals $4,091,973,337 and is $124,828,663 under the estimate. There was a need to preserve a certain balance to maintain the integrity of the most necessary programs, while still indicating that we were aware of the need to avoid adding to inflationary pressures.

So far as the money items in this bill are concerned I support them wholeheartedly. I was amazed when it was brought to my attention that in a 9-year period the taxpayers of the country paid in rent $2,752,524 for an Embassy office building in Buenos Aires and that the amount of the present rent there is $280,000 a year. This kind of expense is irresponsible management when we consider that a new building can be erected for $3,800,000. I have asked for a listing in other areas where hard dollars are being paid for rentals, and I will serve notice now that if any more situations like the one in Buenos Aires are on this list I will do all I can to correct these inequities.

For the mutual educational exchange program it was my suggestion and amendment to add some additional hard dollars for the program. I believe a good job is being done under a very capable new leadership.

There are other areas in the bill where additional funds were requested but could not be allowed at this time. For instance, the Civil Rights Commission requested an increase in the House allowance of $3,400,000 to $3,960,000. The ceiling on the present authorization is $3,400,000. The House recommended $3,500,000, but a point of order was raised, so the House had to go back to the amount authorized.

Mr. President, I believe that the committee used excellent discretion in these decisions before reporting the bill. I feel that the amounts recommended in the bill for the various departments and agencies will provide adequate funding for the current fiscal year and will meet the obligations of the department.

Mr. President, I join the chairman of the subcommittee in support of the passage of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, as I indicated in my remarks, I appreciate the concern that both committees have shown over the years in their approach to lamprey eradication. I am advised that the $225,000 which the chairman has just commented on as being added by the House actually is aimed not at the fight directly against the lamprey but, rather, to provide resources to test a chemical which may or may not improve in its use in the program.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. (Putting the question.)

The Chair is in doubt.

Mr. MILLER. Mr. President, I ask for a division.

The Senate proceeded to divide.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

Mr. HART. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. MILLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

Mr. HART. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Allen). All time has now been yielded back on this amendment.

The question is on agreeing to the amendment of the Senator from Michigan (Mr. Hart).

On this question, the yeas and nays have been ordered.

Mr. HUMPHREY. Mr. President, may I ask, can I get 2 minutes to speak from time on the bill on this amendment?

The PRESIDING OFFICER. There is no time. All time on the amendment has been yielded back.

There is time available on the bill.

Mr. HUMPHREY. If one wished to have something to say on this amendment, is it subject to further amendment?

The PRESIDING OFFICER. The Senator from Arkansas (Mr. McClellan) could yield the Senator time on the bill to speak on the pending amendment.

Mr. HUMPHREY. Mr. President, will the Senator from Arkansas yield me 2 minutes from the time on the bill?

Mr. McCLELLAN. For what purpose?

Mr. HUMPHREY. To discuss the pending amendment.

Mr. McCLELLAN. I am happy to yield 2 minutes to the Senator from Minnesota from time on the bill for that purpose.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. HUMPHREY. Mr. President, the reason for my interest in this amendment is that some years ago it was my privilege to offer amendments in this body relating to the control of sea lamprey in the Great Lakes. We began a system of barriers to prevent the flow of this particular kind of insidious infection in the waters of the Great Lakes that takes out white fish and lake trout. Sea lamprey attach themselves to the bodies of these very fine fish, the white fish and the lake trout, and destroy them.

If we retreat from this effort, we will lose tremendous opportunities to win this battle.

What the Senator from Michigan is proposing is a modest—indeed a very modest effort to save commercial fishing in the Great Lakes.

The other day, we appropriated millions of dollars for all kinds of research and hardly a word was raised against it.

All we are asking here is an opportunity to preserve one of the greatest sources of fresh water fish in the world, fish that once provided economic opportunity as well as wholesome recreation for thousands and thousands of people.

I would hope that the Senate would just give the Senator from Michigan the opportunity to pursue this research through this appropriation, because it is needed. Very candidly, our fishing industry in the Great Lakes is practically at an end due to the sea lamprey. We have made some progress. Let us not turn back for the sake of $400,000. I believe that with $400,000, we would have a chance to make a breakthrough that might save one of the most important industries in the Great Lakes; namely, the fishing industry.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Michigan. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. Burdick), the Senator from Washington (Mr. Jackson), the Senator from Louisiana (Mr. Long), the Senator from Wyoming (Mr. McGee), the Senator from Montana (Mr. Metcalf), the Senator from Missouri (Mr. Symington), and the Senator from Virginia (Mr. Byrd) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick) and the Senator from Washington (Mr. Jackson) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from New Hampshire (Mr. Cotton), the Senators from New York (Mr. Buckley and Mr. Javits), the Senator from Michigan (Mr. Griffin), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kentucky (Mr. Cooper) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. Cooper), the Senator from Michigan (Mr. Griffin), the Senator from New York (Mr. Javits), and the Senator from Oregon (Mr. Hatfield) would each vote "yea."

The result was announced—yeas 47, nays 36, as follows:

[No. 149 Leg.]

YEAS—47

Bayh
Bennett
Bentsen
Boggs
Brooke
Case
Church
Cranston
Dole
Eagleton
Gambrell
Gravel
Gurney
Hansen
Harris
Hart
Hartke
Hughes
Humphrey
Inouye
Kennedy
Magnuson
Mansfield
McGovern
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Stevens
Stevenson
Tunney
Weicker
Williams

NAYS—36

Aiken
Allen
Allott
Anderson
Beall
Bible
Brock
Byrd, W. Va.
Cannon
Chiles
Cook
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
McClellan
McIntyre
Prouty
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—17

Baker
Bellmon
Buckley
Burdick
Byrd, Va.
Cooper
Cotton
Griffin
Hatfield
Jackson
Javits
Long
McGee
Metcalf
Mundt
Symington
Taft

So Mr. Hart's amendment was agreed to.

Mr. HART. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOGGS. Mr. President, I would like to ask the distinguished Senator from Maine (Mrs. Smith) if she would yield me a couple of minutes in order that I might ask a question or two of the chairman of the committee.

Mrs. SMITH. Mr. President, I am glad to yield the Senator up to 5 minutes.

Mr. BOGGS. I thank the Senator very much.

Mr. President, I would like to congratulate the chairman and the members of their committee for their fine work on this bill. I think they have done an outstandingly fine job. I do have one question I would like to ask the distinguished Senator from Arkansas (Mr. McClellan), floor manager of the bill, if I may.

It is my understanding, from reading the committee report on page 25, that the bill provides an increase of $16.430 million over the House figure for research and development and facilities of the National Oceanic and Atmospheric Administration. My concern is in regard to the sea grant program which is mentioned here. Do I understand that this increase includes a $5 million increase for the sea grant program, may I ask the chairman of the committee?

Mr. McCLELLAN. The Senator is correct. The committee granted $5 million over and above the House figure.

Mr. BOGGS. Would that bring the sea grant program to $20 million?

Mr. McCLELLAN. $20.190 million.

Mr. BOGGS. I thank the Senator very much. I thank the Senator from Maine for yielding to me.

I yield back my time.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. MATHIAS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment of the Senator from Maryland will be read.

The legislative clerk read the amendment, as follows:

On page 3, line 3, immediately after the word, "abroad;" insert the following: "and for staff and resources for historical research; and for staff and resources for the declassification of documents;".

On page 3, line 7, stike out "$244,750,000" and insert in lieu thereof: "$245,400,000".

The PRESIDING OFFICER. Does the Senator from Maryland wish to have the amendments considered en bloc, since more than one amendment is being offered?

Mr. MATHIAS. Yes.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. MATHIAS. Mr. President, this amendment simply proposes to provide to the Department of State an additional $650,000 for staff and to accelerate two very important functions. One of them is the examination and publication of historical papers, and, second, the declassification of documents——

Mr. McCLELLAN. Mr. President, we cannot hear the Senator. I would like to get the two points he is making; I mean, the two aspects of the amendment. I did not quite understand them.

Mr. MATHIAS. Let me say again to the Senator from Arkansas——

Mr. McCLELLAN. I could not hear the Senator.

Mr. MATHIAS. The amendment proposes an additional $650,000 for the State Department to enable it to have additional staff and equipment for two purposes: one, the examination and the publication of historical papers; and, second—very pertinent for the current moment—the declassification of documents.

I would like to emphasize, of course, that these are both ongoing functions now being carried on within the Department of State. The purpose of this amendment is to provide the extra resources to accelerate—to speed up—this process because some of the material that is now entombed in the Department might be of very great value to the Congress and to the rest of the country in determining some of the issues that are before us.

As the Senator from Arkansas is aware, the Historical Office of the Bureau of Public Affairs in the Department of State has been sifting these historical documents over the years, and they are periodically published in volumes which are entitled "Foreign Relations of the United States." These publications are, I am sure, of very great value to historians and other scholars, to the press, and to the public at large.

The unhappy thing is that there is at this time a lag of 25 years. The latest published documents are those that carry dates in the year 1946.

I would hope that, with the addition of a few more personnel, this timelag could be reduced to 20 years.

This acceleration would, of course, encompass an era of intense historical interest—1946 to 1951—which was the early part of the cold war. I would expect that an additional sum of about $200,000 could appreciably accelerate the work of the Historical Office and quickly reduce the timelag by these 5 crucial years.

The importance of declassifying State Department documents which no longer warrant classification needs no elaboration. It is an arduous and painstaking process already being carried out by the State Department. What the Department does need is more personnel and resources in order to speed up this important function. I would envision that with an additional allocation of about $450,000 the Department of State could beef up its declassification program and also provide reading room facilities in which the declassified documents could be indexed and made available for examination by the public, by the press, and, Mr. President, even by Members of Congress.

Let me emphasize that this proposal deals only with the ongoing program of declassifying past documents. The question of finding a fundamental solution for the future which will build a greater degree of automatic action into the declassification process is now under consideration in a number of offices in the Congress, but, I think, Mr. President, that is a matter for another day.

What I am suggesting here is providing the sinews to speed up an important public service which the public deserves and could well use.

I hope the Senate will support this amendment.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

I may say to the Senator that the committee had no request for this item. I have no information about it, as to whether it is needed, whether it is required. I have no information that the Department is not now doing what the Senator wants done, perhaps not doing quite as fast as he would like to have it done, but can the Senator tell us how many people are working on this project now?

Mr. MATHIAS. Let me say to the Senator that this is a regularly established office——

Mr. McCLELLAN. It is what?

Mr. MATHIAS. It is doing the job, but it is doing it only up tc the point of the year 1946. It would certainly seem that with respect to the very critical Cold War years, for instance, when we were giving aid and support to Ho Chi Minh, helping to install him as leader in Vietnam, and then when we changed our course and decided we did not want to support Ho Chi Minh any more—all of the facts which were covered in that critical period could be unfolded if we put a little more effort behind it.

The State Department, as I said, is engaged in this work, but it does seem to me that a 25-year timelag reduces the usefulness of the work.

Mr. McCLELLAN. I ask the Senator, can he tell me, using my time, how many people are engaged in doing it now, how many jobs this would provide, and how it would speed it up? We have had no hearings.

Mr. MATHIAS. It is my understanding that the number of people engaged in this work is in the neighborhood of 25. If they had three or four additional people, I am told they could materially speed up the work.

Mr. McCLELLAN. Mr. President, I do not know that I would oppose this if I had further information, but this is the first time I ever heard of it, the first time any request has been made. The committee had no information about it, and did not know the Senator was interested in increasing the appropriation. We have heard nothing from the Department.

Rather than appropriate in this fashion, I would suggest that if this matter has merit—and it may well have—it is a matter that ought to be presented on the supplemental.

We have had all year here. We got the budget and had our hearings, and nothing came before us about it, either from the Department, from those favoring it on the outside, or from the Senator himself.

It is difficult for the committee to function, and function properly and judiciously, if we are going to try all these things on the floor of the Senate without any previous information about them. If the Senator wishes to operate that way, all I can do is say what I have said. But I think we ought to let it come before the Appropriations Committee in the supplemental.

There may be a lot of documents down there that ought to be opened up. Opening up the files is not doing as much harm to some of the people involved as it is to those wanting them opened up, the way it appears to me. I am in favor of them all being opened up as long as we do not harm the national security. As far as the rest of them are concerned, let them go.

Mr. HRUSKA and Mrs. SMITH addressed the Chair.

Mr. McCLELLAN. I yield the Senator from Maine 2 minutes.

Mrs. SMITH. Mr. President, this sounds like a very worthy amendment. I would like to support it; but I would suggest that we are appropriating more than $244 million for salaries and expenses, and I am sure there is no prohibition in the law that some of this money cannot be set aside for this very purpose.

As the chairman has explained, we have not had any justification—not even a request, to my knowledge—for this. This is a completely new item, and I would hope the Senate would think a second time before adopting the amendment.

Mr. McCLELLAN. I yield 2 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I find myself in accord with the views of the Senator from Arkansas on this amendment. Whatever effort is being made to declassify these papers, whatever personnel are devoted to it, and whatever haste or lack of haste may be applied to the program is a policy matter. We have no information on it. It is a policy matter to be determined by the legislative committee, the Committee on Foreign Relations.

Any finding they make or any information they submit, I am sure, would receive very receptive and favorable consideration by our committee.

But even if we disregard that orderly process in this appropriations procedure, we could turn to the proposition that here the State Department is doing what is enjoined upon it by the law, and by its practices and procedures. If there is anything wrong with it, and if they feel they do not have enough money, they should make their wants known.

I believe, on the basis of the way this committee has functioned in the past, that they would consider any request very sympathetically if a request were made. I would suggest that the matter be deferred until the Committee on Foreign Relations can be consulted, and the State Department, and if they want to make a case for it, they can ask for the money in the supplemental.

Mr. MATHIAS. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. MATHIAS. I yield myself 5 minutes.

So that there may be no misunderstanding at all with the Senator from Arkansas, I should like to further answer his question. He asks how many people are involved here. I told him three or four additional people; but that figure deals with the publication. As the Senator will recall, this amendment is in two parts, and there is also a portion dealing with declassification. As far as that function goes—again let me emphasize, this is nothing new; we are not talking about Pentagon paper or pumpkin papers or anything else; we are just talking about what is going on every day down at the State Department—as far as the declassification function is concerned, we are advised by officials in the State Department that in order to keep somewhere near current, they would need about 20 additional people for this function.

I think we need to do this. I regret that the matter did not come up in time for the committee to give it consideration. But, as the members of the Appropriations Committee will recognize, it has all become topical in recent weeks, as our attention has been drawn to it.

So that is the reason we are somewhat taken by surprise. I listened with great attention to the Senator from Maine, and, having found that her advice is always good advice, and thinking that I detect in what she says a willingness to listen to this matter as a substantive proposition at another stage in this session of the Senate, I ask unanimous consent, Mr. President, to withdraw the amendment.

The PRESIDING OFFICER. The Senator may withdraw his amendment. The amendment is withdrawn.

Mr. BIBLE. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 5, line 23, strike "$160,590,337" and insert "$160,680,000".

Mr. BIBLE. Mr. President, this amendment provides $89,663 for U.S. participation in the International Center for the Study, Preservation, and Restoration of Cultural Objects, the so-called Rome Centre.

The so-called Rome Centre is an independent intergovernmental organization which was established by UNESCO in 1958. It collects, develops, and disseminates technical information relating to the preservation of culturally and historically important objects. There are at present over 50 members and, in my judgment, its greatest value to the United States would be the sponsorship of educational programs to train and inform professional conservators.

At our hearings we were told by Secretary Ripley of the Smithsonian Institution that there is a great shortage of professional museum conservators in the United States. He testified that there was a need for training 100 to 200 conservators in the next decade. Eighty-five percent of them would be needed as specialists in archeological work and the others in art restoration. At the present time the supply of American specialists is so inadequate that museums advertise these vacancies for many months. Because of the rich cultural heritage in Europe, the Rome Centre has served as an ideal institution for training these people and should provide a good return for the money spent in training and educating the professional people who will be needed in our own country.

The experts say that the 10 years' experience with the Rome Centre has convinced them that it is a very worthwhile institution. The Centre is financed by 1 percent of the contribution of a particular nation to UNESCO. There is only a 3-year authorization for our participation which was deliberately set by Congress in order to allow a careful review of the money spent and to measure the benefits received.

The funding is established by formula whereby no nation would have allocated more than 1 percent of its contribution to UNESCO for the activities of the Centre. The Smithsonian Institution, the National Park Service, the National Trust, and other leading individuals and organizations in the field of cultural preservation strongly support our Nation's participation in the Centre. It would appear to me that with the millions and millions of dollars we have spent in other fields this relatively small amount might be a good investment to make. In connection with the 1-percent formula, in no event can any one nation contribute more than 30 percent of the total budget of the Centre.

I submit the amendment to the chairman of the committee for his consideration.

Mr. McCLELLAN. I yield myself 5 minutes.

Mr. President, this request would enable the payment for the U.S. share of the 1971 calendar year budget of the International Bureau for the Study of the Preservation and Restoration of Cultural Property, as authorized by Public Law 91–243 of May 9, 1970. The act provides, as the distinguished Senator from Nevada has just said, that not to exceed $100,000 may be appropriated to pay the membership fee and for necessary supporting services. The Department of the Interior supplies the staff services.

The committee disapproved this item, as did the House. Testimony by representatives of the State Department was rather vague as to the purpose to be served by the United States joining the International Center.

Mr. President, this item was authorized by Congress last year.

I do not know whether we ought to wait another year to put this in the bill or not. The House left it out. In order to be fair to those who think it should be placed in the bill this year, if my colleagues have no objection, I will be willing to take it to conference.

Mr. HRUSKA. Mr. President, I certainly would not have any objection. It is a new item. We did not know quite how to handle it. It is an activity that we had hoped the Smithsonian Institute would undertake on its own. However, Congress has said, as a matter of policy, in the public law to which reference has been made, that there would be a separate organization.

I have no objection to taking the amount to conference and seeing what progress we can make.

Mr. McCLELLAN. I do not know whether the House would be adamant on it or not.

Mrs. SMITH. I agree that it sounds as though it is a Smithsonian Institute obligation or responsibility. However, I would have no objection to taking it to conference.

Mr. BIBLE. Mr. President, I yield myself 2 minutes.

I appreciate the sentiment of the members of the committee. The legislative committee had some doubts with respect to this program, because we limited its authorization to 3 years. It has been represented to us as being tremendously valuable in gaining the expertise to preserve the monuments and the archeological work in which this country is engaging today. This is a very important field. If it helps in that area, I think it is at least worth a trial. I am delighted that the Senator has agreed to take the amendment to conference. I hope he will be successful, because I think the program is worth at least the experimentation on a 3-year trial.

I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, I call up my amendment which is at the desk.

The amendment will be stated.

The legislative clerk read as follows:

On page 49, strike lines 16 through 21, inclusive.

Mr. PROXMIRE. I yield to the senior Senator from Louisiana whatever time he requires.

Mr. ELLENDER. I thank the Senator. I must attend a meeting of the Appropriations Committee in a few minutes.

Mr. President, this Board was created in 1950, with five Commissioners, and it now has 10 clericals. This Board has been in existence more than 20 years. It has been given by the Congress in excess of $7.5 million. Nothing has been gained for our domestic or international security by that expenditure.

In the past, the life of this Board has been extended by the Congress, after promises were made that the Attorney General would find some work for it to do. Those promises were not met. During the hearings it was indicated that this Board heard only three witnesses during the entire year, and the record of other recent years presents the same picture of inactivity.

After much consideration, I have decided to cosponsor with Senator William Proxmire an amendment to halt the financing of the now obsolete Subversive Activities Control Board and to encourage the appropriate committees of the Congress to consider the establishment of a more efficient unit. This amendment would not abolish the Board but would halt its financing until we are shown that it has definite legal duties to carry out.

As I said, it is evident that SACB can no longer carry out the investigative functions assigned to it by the Congress many years ago. In fact, the head of this Board was honest enough to admit in open hearings that his people no longer have enough work to keep them busy.

As chairman of the Senate Appropriations Committee, and as concerned as I am about the financial status of our Government today, I cannot justify the spending of nearly a half million dollars per year on a board and a staff that, by its own admission, has no work to do.

For years now the Justice Department has told us that it would give the Board sufficient work to keep it busy. Yet this past year, as in previous years, these five $33,000 per year Board members and their 10 well-paid staffers have literally had nothing to do except question three witnesses.

I have nothing adverse to say about either the Board members or about their staff. But the fact is that under recent Supreme Court decisions they are now left without authority to act on anything at all. This is not the fault of the Board, but the fact is that the SACB is a meaningless body.

We have no more assurance that the Justice Department will be able to carry out its latest promise to provide the Board with work than we had in the past several years, even though the President issued an Executive order on July 2 expanding the duties of the Board.

Judging from recent Supreme Court decisions the Court will probably act on several counts to nullify the new duties created by the President's recent Executive order.

In addition, regardless of what the Court might hold, there is a serious problem with this Executive order from the viewpoint of the Congress. There is real question in my own mind—a doubt shared by Senator McClellan of Arkansas, Senator Ervin of North Carolina and others who have looked into the matter—that the executive department should be allowed to expand the purpose and scope of a board created for specific and limited purposes by the Congress. This type of action could cut deeply into legislative control over Government agencies and would set a dangerous precedent in the balance of powers concept on which our Government operates.

If there is investigative work of this type to be done—and there may well be considering the actions of some of the self-proclaimed revolutionary forces at work in this country today—the Congress should establish a new board that can actually investigate subversive forces.

This would be much more effective than pouring more money into an obviously obsolete board which through no fault of its own, can no longer carry out the functions assigned it by the Congress.

Mr. President, the pending amendment would save the Government at least a half million dollars, for this fiscal year alone. It would also assist the Congress to protect itself against the unwarranted expansion of executive authority in this field.

In conclusion, I ask unanimous consent that a table I have prepared, showing the amounts appropriated to the SACB in the past, be entered in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

SUBVERSIVE ACTIVITIES CONTROL BOARD—AMOUNTS REQUESTED IN BUDGET AND APPROPRIATED BY FISCAL YEAR

	Estimates	Appropriations
1951	$250,000	$175,000
1952	620,000	235,000
1953	470,000	291,305
1954	550,000	350,000
1955	300,000	285,000
1956	300,000	298,600

SUBVERSIVE ACTIVITIES CONTROL BOARD—AMOUNTS REQUESTED IN BUDGET AND APPROPRIATED BY FISCAL YEAR—Continued

	Estimates	Appropriations
1957	$350,000	$350,000
1958	395,000	375,000
1959	375,000	375,000
1960	400,000	380,000
1961	395,000	395,000
1962	395,000	395,000
1963	395,000	395,000
1963 (supplemental)	150,000	
1964	448,000	525,000
1965	475,000	475,000
1966	480,000	480,000
1967	291,000	289,050
1968	330,000	295,000
1969	425,000	344,400
1970	422,000	401,400
1971	404,400	401,400
Subtotal	8,711,400	7,511,600
1972	455,000	[1]450,000
Grand total	9,166,400	7,961,600

[1] Amount contained in H.R. 9272, as reported to Senate.

The **PRESIDING OFFICER.** Who yields time?

NO MORE FUNDS FOR THE SACB

Mr. PROXMIRE. Mr. President, as the distinguished chairman of the Committee on Appropriations has pointed out, this amendment would delete the $450,000 appropriation voted by the House and the Appropriations Committee for the operation of the Subversive Activities Control Board.

This group was established by the Internal Security Act of 1950. As outlined in the law, the board was to provide a registry of Communists and subversives in this country. The Board was to act as a factfinding panel and was given no prosecuting function.

The original act required subversives to come forward and register themselves and provided penalties for willful refusal to register. In 1965, in Albertson against SACB, the Supreme Court held this self-registration requirement unconstitutional as a violation of the self-incrimination provisions of the fifth amendment.

For 2½ years thereafter, the Board held no hearings, called no witnesses, did no work whatsoever—except spending the taxpayers' money.

In 1967, Congress amended the Internal Security Act, taking the burden off individuals to come forward and register themselves. The law was changed to provide that the Attorney General could cite individuals and groups to the Board, which would in turn hold hearings to determine if the individuals or groups were subversive. The 1967 amendment also provided that if no new cases came before the Board by the end of the 1968 fiscal year, the Board would cease to exist. I stress that, Mr. President, because the same kind of procedure is before us today. Back in 1967 we said we were going to give them one last chance, and if nothing occurred in the next year, that would be the end. Well, the Board was perpetuated when in June 1968, a few hours before the Board that had done nothing was about to expire, Attorney General Ramsey Clark certified seven new cases to the Board.

But even the new provisions were found to be unconstitutional, in a December 1969 decision of the Circuit Court of Appeals for the District of Columbia. In Boorda against SACB, the appeals court held that penalizing membership in an association without requiring any finding that the member knew of the group's purposes, or intended to participate in those purposes, violates the freedom of association guarantees of the first amendment of the Constitution. The Supreme Court refused to grant certiorari, thus allowing the decision to stand.

In its 20-odd years of existence, the Board has not registered anyone—not a Communist, not a subversive, not anyone. It was established as a registry for subversives, but the registry has not registered anyone. Its list is blank. The result—20 years of futility.

The clearest documentation of this futility comes from the annual reports the Board is required to file under section 12 of the Internal Security Act.

The Board has determined on its own that one organization is a Communist-action organization—and that is the Communist Party of the United States of America. That certainly is a brilliant piece of investigative work—that they found the Communist Party of the U.S.A. to be a subversive organization.

The Board has determined that there are seven organizations which it considers to be Communist fronts.

Adding the two figures together and dividing by the amount which has been spent by the Board, we get $744,000 per organization. That three-quarters of a million dollars was not spent to fight communism and subversion, but just to enter the names of the organizations on a list.

That is all the Board has done. It has chalked up zeroes in terms of the number of registration resulting from its orders, the number of final orders determining an organization to be a Communist-infiltrated organization and the number of final orders determining individuals to be a member of a Communist action organization—because the Supreme Court has ruled such action to be unconstitutional.

In terms of financing, the Board has always been a "cushy" sinecure. The Board's budget has always been six figures—usually in the neighborhood of $300,000. Since its creation, it has cost the taxpayers $5,958,000—exclusive of the $450,000 appropriation before us today.

Mr. President, I ask unanimous consent that a summary of the Board's financing and actions be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, one word stands out in this summary, and that is the word "None." The Attorney General would propose some action, then the subsequent action of the Board would be "None," or the final Board determination would be "None."

The last 6 months provide a good example of what the Board does. Since the first of the year, the Board has held 10 days of hearings and heard three witnesses.

That is 10 days out of 130 working days. This means the Board is working 7.7 percent of the time and is idle 92.3 percent of the time. That is an interesting ratio for someone pulling down $36,000 a year in dollars which the taxpayers worked a lot harder to earn.

Now, in an attempt to breathe some new life into the Board, President Nixon has issued an Executive order which gives the Board authority over what is commonly known as the Attorney General's list, a list which has been dormant for about 15 years. This is the list which is compiled for Federal personnel security. It is designed to list not just Communist-type subversives, but anyone who might threaten security—including Fascists, advocators of violence to deny constitutional rights and others. Under the Executive order, the Board, not the Attorney General, would compile the list.

The use of the Executive order to amend the law is a strange procedure and raises three questions:

First. How can the Internal Security Act be amended? The standard way is by Congress, not the Executive. If the Board's power should be expanded, that action should be taken by Congress.

The Justice Department, however, argues that if this appropriation is approved today, Congress has given the go-ahead to the Board to take over the list, without legislation, without congressional hearings, without any authorization at all. The power would be transferred by the action we take on this appropriation bill.

Robert C. Mardian, Assistant Attorney General in charge of the Internal Security Division, told the Appropriations subcommittee working on this legislation:

> I think that if the Congress acts on the appropriation which is now pending for the SACB, with the kowledge that additional functions are to be given to the SACB, that based on custom, usage, and I think existing law, the SACB may upon petition of the Attorney General make recommendations to the Attorney General for additions to the list.

It is that simple. If this appropriation is approved, the executive branch will feel that it can move full steam ahead in letting the Board take charge of the list.

Second. Does this expansion of the Board's jurisdiction remove any of the problems raised by constitutional challenges? I feel strongly, Mr. President, that the answer to that question is "No." The basic problems which gave rise to the 1969 Boorda against SACB decision still exist; namely, that the action of the board is an infringement of the freedom of association guarantee of the first amendment.

Third. Is the expansion of the Board's authority envisioned by the Executive order consistent with the other provisions of the Internal Security Act? No, it is not. By giving the Board jurisdiction over groups which would deny constitutional rights by violence, we will be substantially extending the Board's powers beyond just those who advocate the overthrow of the Government. The "clear and present danger" exception to the freedom of speech applies only to the overthrow of the Government and does not encompass the broader category. Hence, the Board's new jurisdiction not only is in violation of the freedom of association, but also of the freedom of speech.

Mr. President, the case for the abolition of the Board is pervasive and overwhelming. I hope that today will be the day the Senate moves to end this era of futility and waste. I urge the adoption of the amendment.

Mr. President, I ask unanimous consent that a memorandum on the SACB, written by the American Civil Liberties Union be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM OF THE AMERICAN CIVIL LIBERTIES UNION ON THE SACB

Congress created and has supported by appropriation the SACB. Congress has done so because of its initial and successive determination that there should be such a body, whose functions are those set out in 50 U.S.C. § 791, *et. seq.* Without reviewing those functions in detail, suffice it to say that the Board has been given authority by Congress only to concern itself with communist organizations; not other allegedly "subversive" political activity can be the object of investigation by the SACB. In fact, the SACB has become a moribund relic.

By promulgating Executive Order 11606, President Nixon has attempted to resurrect the SACB by giving it the authority and responsibility to undertake investigations which are wholly without the scope of a Congressional mandate. In so doing, the President has seriously trespassed on the domain of Congress. Congress can, and should resists this intrusion by refusing to appropriate monies for the support of the SACB.

In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his function in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocable about who is to make laws which the President is to execute. The 1st Section of the First Article says that, "All legislative Powers herein granted it be vested in a Congress of the United States. . . ." After granting many powers to the Congress, Article I goes on to provide that Congress may "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof"

Youngstown Sheet & Tube Co. v. *Sawyer* 343 U.S. 579, 587–88.

Where Congress has specifically defined the limits of a body's authority, and the President would flat attempts to radically broaden those limits, the Chief Executive is breaching the sphere of power reserved to Congress.

The President has placed Congress in a position where, if its votes to appropriate monies to the SACB, it will be granted that it has "ratified" the Executive restructuring of the SACB's authority. If the SACB is to be given vastly increased investigative authority—particularly since such a grant of authority raises grave issues of personal liberty—it should be because Congress has had full opportunity to consider and debate such an enlargement. Congress should have the benefit of judgment and the advice of the Appropriations Committee. This sort of decision is Congress' to make in its own orderly, considered and prescribed fashion.

The danger here though, is not merely that of inadvertent or inadequately considered ratification of the President's order. More significantly still is the very real probability that Congressional acquiescence, by appropriation in this instance, will be taken as ratification of the process of Executive usurpation itself, as an endorsement of the violation of the autonomy of Congress in matters legislative.

The words of Mr. Justice Frankfurter are instructive.

"The Founders of this Nation were not imbued with the modern cynicism that the only thing that history teaches is that it teaches nothing. They acted on the conviction that the experience of men sheds a great deal of light on his nature. It sheds a great deal of light not merely on the need for effective power, if society is to be at once cohesive and civilized, but also on the need for limitations on the power of governors over the governed.

"To that end they rested the structure of our Central Government on the system of checks and balances. To them the dictum of separation of power was not merely a theory; it was a felt necessity. It was not long ago it was fashionable to find our system of checks and balances obstructive to effective government. It was easy to ridicule that system as outmoded—too easy. The experience through which the world has passed in our own day has made vivid the realization that the Framers of our Constitution were not inexperienced doctrinaires. These long-headed statesmen has no illusion that our people enjoyed biological or psychological or sociological immunities from the hazards of concentrated power. It is absurd to see a dictator in a representative product of the sturdy, democratic traits of the Mississippi Valley.

"*The accretion of dangerous power does not come in a day. It does come, however, slowly, from the generative force of unchecked disregard of the restrictions that sense in even the most interested assertion of authority.*" (Italics added.) *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 593–4.

EXHIBIT 1

(Summary of Board's financing and actions)

Summary of SACB action, 1950–70

Number of final orders determining an organization to be a Communist-action Organization	1
Number of final orders determining an organization to be a Communist front	7
Number of final orders determining individuals to be a member of a Communist organization (Such determination declared unconstitutional by the Supreme Court)	0
Number of final orders determining an organization to be a Communist-infiltrated organization	0
Number of registrations resulting from SACB's orders	0

Yearly expenditures

Fiscal year 1951	$160,000
Fiscal year 1952	204,000
Fiscal year 1953	229,000
Fiscal year 1954	236,000
Fiscal year 1955	269,000
Fiscal year 1956	279,000
Fiscal year 1957	315,000
Fiscal year 1958	325,000
Fiscal year 1959	325,000
Fiscal year 1960	285,000
Fiscal year 1961	320,000
Fiscal year 1962	339,000
Fiscal year 1963	336,000
Fiscal year 1964	325,000
Fiscal year 1965	409,000
Fiscal year 1966	426,000
Fiscal year 1967	280,000
Fiscal year 1968	247,000
Fiscal year 1969	274,000
Fiscal year 1970	375,000
Total	5,958,000

SUBVERSIVE ACTIVITIES CONTROL BOARD, 1950–71

Fiscal year	Attorney General action	Subsequent Board action	Final Board determination
1951	Nov. 22, 1950: Petition that Board determine Communist Party of the United States a Communist-action organization and require it to register.	Apr. 23, 1951: Hearings commenced	None.
1952	Communist Party case carried over	June 9, 1952: Hearings concluded	Found that the Communist Party is a Communist-action organization within the meaning of the act and ordered it to register with the Attorney General. (The Communist Party never registered.)
1953	Apr. 22, 1953: Petition that the Board determine the following organizations Communist fronts and require them to register:	Board ruled that all motions from organizations be filed by June 8, 1953.	None.
	American Committee for Protection of Foreign Born		
	American Slav Congress		
	Civil Rights Congress		
	Committee for a Democratic Far Eastern Policy		
	Council on African Affairs, Inc		
	International Workers Orders, Inc		
	Jefferson School of Social Science		
	Joint Anti-Fascist Refugee Committee		
	Labor Youth League		
	National Council of American-Soviet Friendship, Inc		
	United May Day Committee		
	Veterans of the Abraham Lincoln Brigade		
1956	Consideration of cases carried over	(a) Considered recommendation of presiding member concerning hearings on Veterans of the Abraham Lincoln Brigade, National Council of American-Soviet Friendship, and United May Day Committee. (b) Dropped case against Council on African Affairs, Inc.	Ordered that organizations register as Communist fronts. (The organizations never registered. In fiscal year 1963 the U.S. Court of Appeals ordered the Board to vacate its order in respect to the National Council of American-Soviet Friendship, ruling that evidence presented by the Government was not proved by sufficient objective criteria. On April 20, 1966, the Board also vacated its order against Veterans of the Abraham Lincoln Brigade.)

SUBVERSIVE ACTIVITIES CONTROL BOARD, 1950-71—Continued

Fiscal year	Attorney General action	Subsequent Board action	Final Board determination
1965	Petition that Board determine the following organizations Communist fronts:		
	American Peace Crusade	Hearings on American Peace Crusade	None.
	National Negro Labor Council		
	Petition that Board determine the following organizations Communist-infiltrated:		
	International Union of Mine Mill & Smelter Workers of America	None	None.
	United Electrical, Radio & Machine Workers of America		
1957	Consideration of cases carried over	(a) Adopted recommendation of presiding member in hearings on California Labor School, Inc.	Ordered organization to register as a Communist front. (Organization never registered.)
		(b) Hearings commenced on International Union of Mine, Mill & Smelter Workers and United Electrical, Radio & Machine Workers of America.	None.
1960		(a) Feb. 9, 1959: issued report affirming its earlier determination in Communist Party case.	
		(b) Concluded hearings on American Committee for Protection of Foreign Born.	Ordered organization to register as Communist front. (Organization never registered. On Apr. 6, 1966, the Board ordered this registration order vacated and the petition dismissed.)
		(c) Hearings continued on International Union of Mine, Mill & Smelter Workers.	None.
1961		Concluded hearings on International Mine, Mill & Smelter Workers.	None.
1962	Petition that Board deliver an order to register as provided by the Subversive Activities Control Act to 10 individuals.	(a) May 4, 1962: issued report determining International Union of Mine, Mill & Smelter Workers a Communist-infiltrated organization.	None.
		(b) Issued notice of a prehearing conference to 10 individuals.	None.
		(c) Hearings to determine whether following organizations had undergone alleged dissolution: American Peace Crusade California Labor School, Inc Civil Rights Congress Colorado Comm. to Protect Civil Liberities Jefferson School of Social Science Labor Youth League Washington Pension Union	None.
1963	Carryover of individual party membership cases; petition filed for additional 17 individuals.	(a) Heard 19 individuals' case to determine whether or not they were Communist.	Board determined that 14 individuals were members of party and should register. (Individuals never registered; order was later declared unconstitutional.)
1966	March 4, 1966: Petition that Board determine WEB DuBois Clubs of America a Communist front organization and order it to register.	None	None.
1967		None	None.
1968		None	None.
1969	Petition that Board determine 12 individuals members of a Communist action organization.	Evidentiary hearings held on 8 of these individuals	4 individuals were determined to be members of the Communist Party. (This determination was vacated after the Supreme Court ruled it unconstitutional.)
1970	Petition that Board determine 10 individuals members of the Communist Party.	Evidentiary hearings held on 5 individuals	5 individuals were determined to be members of the Communist Party. (The order making this determination was vacated after the Supreme Court ruled it unconstitutional.)
		Board dismissed all individual membership petitions pending before it.	
1971	Petition that Board determine Center for Marxist Studies and Young Workers Liberation League Communist front organizations.	Evidentiary hearings	

Mr. PROXMIRE. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROCK). Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. McCLELLAN. Mr. President, I appreciate that the Board has had a rough and kind of tortuous career from the time it was first established. It was first established by act of Congress. Many parts of that act later, after the Board had had time to do a lot of work, were held to be unconstitutional. Some of the things that we are blaming the Board for at this time we could better blame ourselves for, or blame the Supreme Court for. The Board did a lot of work and a lot of hard work, and a lot of courageous work, but its efforts were set aside by the Supreme Court.

Thus, I think that if there is any blame, it should not be placed on the Board in that regard particularly, because the Board followed the orders and directives of Congress and the statute which Congress enacted. It was the Supreme Court which held that that act, in some of its parts, was unconstitutional. So I think we should keep this in proper perspective and not blame the Board for having done the best it could and then find its work to be overruled by the Supreme Court.

Mr. President, this has been a controversial Board, as there have been those who wanted to get rid of it from its inception, those who did not approve of it from the beginning.

The House kept this item in the bill, as the President requested. I heard some Senators say on the floor a while ago that by having voted the way they did they were voting for the President's program. I want to see how those Senators will vote on this amendment.

This is a part of the President's program; and to make sure that the Board had more to do than it would have under existing law, the President issued an Executive Order, No. 10450, which I ask unanimous consent to have printed in the RECORD together with the amendment of Executive Order No. 10450, signed by the President on July 2, 1971.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUBVERSIVE ACTIVITIES CONTROL BOARD

Executive Order 10450, as amended July 2, 1971, make the following changes in existing procedures with respect to the Federal Personnel Security Program and the Subversive Activities Control Board.

1. It transfers to the SACB the responsibility for conducting hearings and making determinations, on petition of the Attorney General, concerning certain organizations which he believes should be considered for designation on the Attorney General's list.

2. It does not materially alter the present standards, except that it establishes a requirement that advocacy of force or violence must be "unlawful."

3. It provides definitions for the terms "totalitarian," "fascist," "communist," and "subversive."

4. (a) It provides criteria for the Board in its consideration of whether an organization unlawfully advocates force or violence to deny others their constitutional or statutory rights. It also provides criteria for the Board when it considers whether an organization seeks to overthrow the government of the United States, or any state or subdivision thereof, by unlawful means.

(b) The above criteria include the unlawful destruction of property or injury to persons and the commission of acts which violate certain laws pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, and related crimes and offenses.

5. It confers on the Board the power to consider whether an organization has ceased to exist, and to make such determination.

6. It empowers the Board, on the petition of the Attorney General, or on the petition of any organization which has been designated pursuant to a determination of the Board, to conduct appropriate rehearings to determine whether an organization currently meets the standards for designation.

7. The Board's determinations are to be regarded as final, subject to appeal by an organization, and the Attorney General is required to appropriately review and modify the information furnished to the departments and agencies consistent with the determinations of the Board.

8. The Board is directed to issue appropriate regulations for the implementation of this Order.

The above provisions will have the following effect on the Board's workload:

1. It will cause the Board to hear approximately 260 cases for removal of organizations presently on the Attorney General's list.

2. It will provide the Board with a number of cases, potentially 25, which are presently under consideration by the Department of Justice.

3. As new organizations are formed and sufficient evidence becomes available which indicates that these organizations may fall within the criteria established by Executive Order 10450, the Department of Justice will send these additional cases to the Board.

SUBVERSIVE ACTIVITIES CONTROL BOARD

It is important at the outset to distinguish between the functions of the Subversive Activities Control Board under the Internal Security Act of 1950 and the responsibilities of the Attorney General under Executive Order 10450, insofar as they relate to determinations concerning organizations which pose a threat to the Nation's security.

Broadly stated, the purpose of the determinations made pursuant to the 1950 Act is to give wide public dissemination of the fact that an organization is communist dominated, infiltrated or controlled.

The purpose of the designation responsibility imposed on the Attorney General under Executive Order 10450 relates solely to Federal personnel security. It is the responsibility of the Attorney General in this connection to furnish the heads of departments and agencies the names of foreign or domestic organizations, associations, movements, or groups or combinations of persons that he has determined to be totalitarian, fascist, communist or subversive or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means. Organizations which have been designated by the Attorney General have been placed on a consolidated list captioned "Organizations Designated Under Executive Order 10450." It is commonly referred to as the Attorney General's list.

Until the recent amendments to Executive Order 10450, there was no relationship between the hearing functions of the SACB and the designation functions of the Attorney General under Executive Order 10450. However, with the recent amendments to Executive Order 10450, the SACB has been given an important function, i.e., the hearing function in connection with designations on the Attorney General's list.

Principally because the Attorney General was charged with the sole responsibility for both the prosecutive and designation functions prior to the recent amendment, thus placing him in the unfortunate posture of both prosecutor and judge, the Attorney General's list has not been revised for approximately 17 years. Although the Attorney General's list is maintained for Federal personnel security purposes only, the thousands of requests received annually by the Department of Justice for copies of the list demonstrate the urgent need for updating it.

The Department of Justice is presently processing a large number of cases to be sent to the Board for the purpose of removing from the list organizations previously designated, but which have been out of existence for a number of years or which no longer meet the criteria for designation. In fact, our records disclose that of the 283 organizations now designated, not more than 20 are still in existence or have been active in the past several years. In addition, the Department currently has under consideration approximately 25 potential cases involving organizations of national or regional significance. When these cases are ready for presentation, the Attorney General will refer them to the Board for a determination. These new cases will deal principally with the violent-action organizations which are covered by the criteria set forth in the new amendments to the Order.

In connection with new cases, it should be noted that the new amendments provide definitions and criteria to guide the Board in making its determinations. Under these definitions, the Board will be permitted to conduct hearings and make determinations with respect to violent-action oriented groups which have recently become part of our history.

DEPARTMENT OF JUSTICE,
Washington, D.C., July 8, 1971.
Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: There is attached a Memorandum of Law dealing with the question as to whether the Subversive Activities Control Board can be assigned the function of conducting hearings under Executive Order 10450 to determine whether organizations should be listed pursuant to that Order.

Sincerely,
ROBERT C. MARDIAN,
Assistant Attorney General,
Internal Security Division.

USE OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD TO CONDUCT HEARINGS UNDER EXECUTIVE ORDER 10450 IN CONNECTION WITH THE DESIGNATION OF CERTAIN ORGANIZATIONS

The function of designating subversive organizations was both established and assigned to the Justice Department by Executive order. It seems clear that the President could reassign this task to another agency in the Executive Branch by issuing a subsequent order (3 U.S.C. 301). Question has been raised, however, as to whether the Board's status, which resembles that of the traditionally independent regulatory agencies, precludes such a transfer. We conclude that there is no rule which forbids such agencies from accepting functions assigned by Executive order. There are, in fact, precedents for such action. These include the following Executive Orders:

(1) The FPC is authorized to have hearings and issue permits for the construction and operation at the borders of the U.S. of gas and electric transmission facilities. Executive Order No. 10530, May 10, 1954. The inherent power to issue such permits is considered as being vested in the President by the Constitution. The delegation was sustained under the President's inherent right to delegate functions vested in him by the Constitution.

(2) The President has delegated to the FCC his statutory power to issue and to revoke on notice and hearing licenses to land or operate submarines cables in the U.S. Executive Order No. 10530 of May 10, 1954. The Executive order recites that the delegation is made under 3 U.S.C. 301, which authorizes Presidential delegations within the Executive Branch.

(3) Under E.O. 8843 of August 9, 1941, the President authorized the Board of Governors of the Federal Reserve System to establish consumer credit controls. These controls included a licensing system and administrative hearings for revocation of licenses.

(4) E.O. No. 11423 of August 16, 1968, delegates authority for granting permission for facilities at U.S. borders such as conveyor belts for coal. Ultimate authority is placed in the Secretary of State but he is directed to request the views of the ICC on such matters.

This list of precedents does not pretend to be exhaustive; however, based on the above, certain conclusions may be offered. It seems that an independent regulatory agency may acquiesce in an order from the Executive to perform a new function if (a) the function is otherwise authorized by law, (b) it does not interfere with other agency functions, and (c) it is closely compatible with the agency's other activities. On this basis it seems that the Order is on reasonably sound grounds.

The SACB appropriation for fiscal 1970 is set forth in the "Department of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1971," which was approved on October 21, 1970, 84 Stat. 1940. It reads in its entirety (84 Stat. 1061):

"For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109,[1] not to exceed $15,000 for expenses of travel, and not to exceed $500 for the purchase of newspapers and periodicals, $401,400."

It would be fair to construe the term "necessary expenses" as including any expenses necessary for executing tasks lawfully assigned to the agency. Assuming that the power to list groups can be validly transferred to the SACB, there seems to be no problem in using the Board's appropriation to carry out the proposed order.

The legislative history of the Act shows that there was concern with whether the Board would be able to receive and hear cases under existing law. See *Hearings before the Senate Committee on Appropriations, State, Justice, Commerce, the Judiciary, and Related Agencies,* 91st Cong., 2d Sess. pp. 871 ff.; S. Rep. No. 1135, 91st Cong., 2d Sess., 35; *Hearings before a Subcommittee of the House Committee on Appropriations,* 91st Cong., 2d Sess. pp. 737 ff. Congress was aware that appropriations might well be used for new and unspecified duties which were to be found for it. Thus, Chairman Rooney of the Appropriations Subcommittee dealing with the Board stated on the House floor at the time the appropriation was approved; (CONGRESSIONAL RECORD, vol. 116, pt. 12, pp. 15580–15581):

"Mr. ROONEY of New York. They have practically no jurisdiction at the present time. As I said to the distinguished gentleman from Illinois (Mr. Yates) in the full committee, they are in a standby position.

"We have been told by administration officials, that they wanted us to go ahead with this appropriation because they were going to find new duties for the Board. I do not know what duties they will find for them. But I do not think it is a function of this committee to cut their appropriation out completely. We have them down to bare bones, and we do have to pay salaries to the Presidential appointees."

Subsequently, in Senate hearings on the appropriation Senator Thurmond appeared as a witness and testified (*Hearings, supra* at 908):

"PLANS OF ATTORNEY GENERAL TO GIVE BOARD NEW AND EXPANDED DUTIES

"Furthermore, I am informed by the Attorney General that he has plans to give the Board new and expanded duties, and that these plans should be forthcoming shortly. The Board should receive appropriations so that it will be prepared for these new duties."

Senator Thurmond later repeated this statement during debate on the Senate floor on an amendment by Senator Proxmire designed to eliminate the Board's appropriation. (CONGRESSIONAL RECORD, vol. 116, pt. 22, p. 29865).

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[1] 5 U.S.C. 3109 provides for employment of services of experts and consultants.

Based on the broad language of the Appropriation Act and its legislative history, it is clear that the Board's appropriation can be spent on the proposal to give the Board "new and expanded duties" and that Congress was aware of such a proposal.

AMENDMENT OF EXECUTIVE ORDER NO. 10450 OF APRIL 27, 1953, RELATING TO SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

By virtue of the authority vested in me by the Constitution and statutes of the United States including 5 U.S.C. Sections 1101 *et seq.*, 3301, 3571, 7301, 7313, 7501(c), 7512, 7532 and 7533; and as President of the United States, and finding such action necessary in the best interests of national security it is hereby ordered that Executive Order No. 10450 of April 27, 1953, as amended, is hereby further amended as follows:

1. Paragraph (5) of Section 8(a) shall read: "(5) Knowing membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organization) which is totalitarian, fascist, communist, subversive, or which has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

2. Section 12 shall read:

"(a) Executive Order No. 9835 of March 21, 1947, as amended is hereby revoked.

"(b) The head of each department and agency shall be furnished by the Attorney General with the name of each organization which shall be or has been heretofore designated under this order. Except as specifically provided hereafter, nothing contained herein shall be construed in any way to affect previous designations made pursuant to Executive Order No. 10450, as amended.

"(c) The Subversive Activities Control Board shall, upon petition of the Attorney General, conduct appropriate hearings to determine whether any organization is totalitarian, fascist, communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

"(d) The Board may determine that an organization has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their constitutional or statutory rights or that an organization seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means if it is found that such group engages in, unlawfully advocates, or has among its purposes or objectives, or adopts as a means of obtaining any of its purposes or objectives—

(1) The commission of acts of force or violence or other unlawful acts to deny others their rights or benefits guaranteed by the Constitution or laws of the United States or of the several States or political subdivisions thereof; or

(2) The unlawful damage or destruction of property; or injury to persons; or

(3) The overthrow or destruction of the government of the United States or the government of any State, Territory, district, or possession thereof, or the government of any political subdivision therein, by unlawful means; or

(4) The commission of acts which violate laws pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses.

"(e) The Board may determine an organization to be 'totalitarian' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is autocratic and in which control is centered in a single individual, group, or political party, allowing no effective representation to opposing individuals, groups, or parties and providing no practical opportunity for dissent.

"(f) The Board may determine an organization to be 'fascist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is characterized by rigid one-party dictatorship, forcible suppression of the opposition, ownership of the means of production under centralized governmental control and which fosters racism.

"(g) The Board may determine an organization to be 'communist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a government in the United States which is based upon the revolutionary principles of Marxism-Leninism, which interprets history as a relentless class war aimed at the destruction of the existing society and the establishment of the dictatorship of the proletariat, the government ownership of the means of production and distribution of property, and the establishment of a single authoritarian party.

"(h) The Board may determine an organization to be 'subversive' if it is found that such organization engages in activities which seek the abolition or destruction by unlawful means of the government of the United States or any State, or subdivision thereof.

"(i) The Board may further determine, after consideration of the evidence, that an organization has ceased to exist. Upon petition of the Attorney General or upon petition of any organization which has been designated pursuant to this section the Board after appropriate hearings may determine that such organization does not currently meet the standards for designation. The Attorney General shall appropriately revise or modify the information furnished to departments and agencies consistent with the determinations of the Board.

"(j) The Board shall issue appropriate regulations for the implementation of this section."

RICHARD NIXON.

THE WHITE HOUSE, *July 2, 1971.*

Mr. McCLELLAN. Mr. President, in my judgment there is a question as to whether the President had the authority under the Executive order to increase the powers of this board and to increase its authority in the field of investigation.

I asked the Justice Department to submit to the Appropriations Committee a brief pointing up their authority or what they felt it was their authority to do. I have a memorandum here from the Department of Justice entitled, "Use of Subversive Activities Control Board to Conduct Hearings Under Executive Order No. 10450 in Connection With the Designation of Certain Organizations." That is what the President's order covers. This memorandum pointing up the President's authority to issue this directive has been printed in the RECORD as previously requested.

Mr. President, I point out that in the memorandum, after stating the functions of the Board, the following is stated:

> The approved provisions will have the following effects on the board's workload: It will cause the board to hear approximately 260 cases for removal of organizations placed on the Attorney General's list. It will provide the board with a number of cases, potentially 25, which are presently under consideration by the Department of Justice.

That is not my statement. That is, in effect, the President of the United States saying that he has potentially 25 cases at this time to submit to the Board.

It further states:

> As new organizations are found and sufficient evidence becomes available which indicates that these organizations may fall within the criteria established by Executive Order No. 10450, the Department of Justice will send these additional cases to the board.

Mr. President, I know it is easy to say that they had three cases and did 10 days work. I would point out that I have a little experience with investigative work as it pertains to hearing cases where we would have to make investigations for 10 days of hearings before the Permanent Investigations Subcommittee of the Committee on Government Operations. It often required 60 or 90 days' work, and sometimes longer, to get those cases prepared for presentation.

A lawyer in getting a case ready for trial and getting the material ready to present in court spends much more time in preparing the case than he does in the actual courtroom trial. I expect that is the situation with respect to this Board. I am not defending it. It has done the best it could with what it had. The past administration gave it practically no business to work on.

Mr. President, I have no brief for any board or agency of this Government that is not needed. If it is the sense of the Senate, of this branch of the legislative branch of the Government, that this Board and its work is not needed, then I think the duty of the Senators here is to vote against the Board and to vote for the amendment to strike out this appropriation. However, I submit as to the need for this kind of authority, tribunal, or agency vested with the power to investigate subversive activities in this country that those activities are increasing. And if we strike down this Board, it is my opinion that the subversive activities will accelerate further.

If we strike down this Board by not making these appropriations, I say to the Senate today without any reservations that I believe it becomes immediately incumbent upon Congress to set up some machinery, some quasi-judicial tribunal or agency to investigate and to weigh carefully what is happening in this country with respect to some organizations, too many, that have already appeared to be subversive or tend to be subvervise, that distribute subversive literature and advocate the overthrow of the Government by force and would undermine and subvert this Government if they could.

I believe that we ought not to completely destroy and ought not to completely abandon all efforts to try to protect America from its enemies within.

I have no one on this Board. I have never had anyone on it. I have no political interest in it. I have no personal interest in any person on the Board. But there is a problem developing in America and it is growing worse and more critical.

If we want to make a complete retreat and abandon all efforts on the part of the Congress and on the part of the administration and not support the House or the Department of Justice, this is the opportunity to do it. And Senators must vote accordingly.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, will the Senator yield to me?

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, this amendment should be considered in its broadest context and in a historical perspective. Ever since the beginning of our Republic there has been a concern about making proper provision to insure that Government employees possess that integrity which is necessary if this experiment we are engaged in as a self-government known as the United States of America is to succeed.

From time to time in our history there have been various threats to our national security that may appear in various forms. We have had many such situations in the last 20 to 25 years especially. However, the threats are always there, and the effort to undermine the Government—the actual, declared, open, and avowed declaration or purpose of destroying the effectiveness of this Government—continues.

Back in 1950 the first legislative effort was made under President Truman. In 1950 Congress first enacted a law on a national security program for personnel security.

Three years before that, President Truman had issued an Executive order which created the very well known Loyalty Review Board. It had for its purpose the making of provisions to insure integrity in Government employees.

In 1950 there was the act of Congress, 64 Stat. 476, which was the statutory basis for the origin of the Attorney General's list of subversive organizations.

That was followed by another Executive order in 1951 to extend the coverage of the original Executive order to all executive agencies instead of only to the Defense Department. During that time the original direction of the program was shifted from loyalty to the United States to security for the United States, a much more comprehensive concept, a much more firm basis for a personnel policy insofar as Government positions are concerned.

The present Executive Order No. 10450, approved by President Eisenhower in 1953, made a very broad and comprehensive amendment to the earlier Executive orders. It provided, among other things, that the Attorney General render such advice as may be requisite to enable heads of Federal agencies to establish and maintain appropriate employee security programs. A list was compiled in connection with this effort. Almost 300 organizations are currently on the list which has not been revised since 1955. One of the purposes of the most recent amendment of Executive Order 10450 is to see that that list will be updated and revised.

In the performance of its duties the Subversive Activities Control Board has encountered legal difficulties. We know the history of that, and it has been debated here many times in the last few years. But the obstacles do not eliminate nor do they end the necessity to have an effective program for Government personnel security. That is the overriding issue, and the question to which we should address ourselves today is whether or not there is need for the Board and the responsibilities assigned to it. This Senator strongly believes there is a need and that that need is very immediate and very, very important.

The previous Executive order has now been amended. Among other things President Nixon provided in the amendment of July 2 of this year for a definition for each of the categories of organizations listed in the present order. It adds a new category—violent action oriented—in recognition of recent history in connection with subversive organizations that are actively working in this country today, and in a very vicious and dangerous fashion.

The most recent amendment to the Executive order also provides certain guidelines, criteria, and standards by which the Board can determine which organizations should be placed on the Attorney General's list.

It should be borne in mind that this designation of one of these categories of subversive organizations, or membership, or activity therein, is not a veto of an applicant for Government employment, it does not deny him that employment, nor is it ground to terminate his employment; it is only one of the many factors to be taken into consideration either in hiring an applicant for Government employment or in terminating his employment.

Under the new amendment, the Subversive Activities Control Board would be authorized, upon petition of the Attorney General, to hear cases and to make findings involving organizations which are alleged to fall within the following criteria:

> Totalitarian, fascist, communist, or subversive, or as having adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States, or of any State, or which seek to overthrow the Government of the United States, or of any State or subdivision thereof, by unlawful means.

Therein lies the recognition of recent history.

In this connection, let me quote several statements by the leaders of these organizations which illustrate the goals of some groups to destroy the presently constituted Government of the United States. It is to investigate groups such as this that the new powers have been assigned to the Board.

We have a vigorous and persistent organization like Youth International Revolution, the members of which, for the sake of convenience, call themselves Yippies.

The following is language found in Jerry Rubin's book entitled "Do It—Scenarios of the Revolution":

> The Youth International Revolution will begin with mass breakdown of authority, mass rebellion, total anarchy in every institution in the Western world. Tribes of longhairs, blacks, armed women, workers, peasants and the students will take over.
>
> The yippie dropout myth will infiltrate every structure of Amerika. The revolution will shock itself by discovering that it has friends everywhere, friends just waiting for The Moment.

Mr. President, the moment to do what? The moment to destroy our present form of government. That is to be found again and again in the literature, findings, and judgments of these organizations.

In the testimony of Mr. J. Edgar Hoover before the House Appropriations Committee, we find, at page 74, an example of the language of the official Black Panther Party News, the Black Panther Party newspaper:

> The official Black Panther Party newspaper, the Black Panther, with a weekly circulation of nearly 100,000 copies, continues to be the chief propaganda voice of the group. Articles and cartoons regularly characterize the Government and local law enforcement as "pigs" and calls for the overthrow of the Government and the killing of Government officials as well as police officers. The paper repeatedly urges its readers to "kill racist pig cops"; to throw a "nigger wrench" into the machinery of the Government; to form underground terrorist groups; and to "rise up and take the power out of the hands of the pig."
>
> * * * * *
>
> Threatening open warfare if the Constitution is not replaced, the Panthers in their original call for a new Constitutional Convention said: "For the salvation, liberation and freedom of our people, we will not hesitate to either kill or die!"

Mr. President, I ask unanimous consent to have printed in the RECORD two other excerpts from the testimony of J. Edgar Hoover, Director of the Federal Bureau of Investigation, in his testimony before the House Subcommittee on Appropriations, which illustrate this same point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS OF TESTIMONY OF J. EDGAR HOOVER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, BEFORE THE HOUSE SUBCOMMITTEE ON APPROPRIATIONS, MARCH 17, 1971

At a press conference held at Youth International Party headquarters in New York City on October 6, 1970, an announcement was made that a tape recording had been received from the Weatherman underground. The voice on the recording, reported to be that of Bernardine Dohrn, credited the Weatherman underground with the bombing of a police statue at Haymarket Square, Chicago, on October 5, 1970. The recording stated that the Haymarket Square bombing "begins a fall offensive of youth resistance that will spread from Santa Barbara to Boston, back to Kent and Kansas. Now we are everywhere and next week families and tribes will attack the enemy around the country." The recording warned "* * * guard your planes, guard your colleges, guard your children, guard your doors." Since the release of this recording, a number of bombings have occurred throughout the United States directed at colleges and military installations.

* * * * *

A pipe bomb exploded at the Bank of America office in New York City on July 27, 1970. Five minutes after the blast a male called the New York Daily News stating, "This is a Weatherman * * * We have just bombed the Bank of America * * * Tell John Mitchell that no matter what he does, we cannot be stopped."

Early on October 10, 1970, an explosion occurred in the Long Island City Courthouse, Queens, N.Y. Shortly before the explosion, a telephone call was received at the Long Island City jail and an unknown male stated: "This is the Weatherman calling. There is a bomb placed in the court building that will go off shortly. This is a retaliation for what happened during the week." The significance of the caller's retaliation statement is not known.

Mr. HRUSKA. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter by the Weatherman leadership entitled "Weather Letter," directed to their followers as well as excerpts from communications from the Weatherman underground.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Our task now is to join the people of the world in destroying U.S. imperialism and building a socialist society. We must all understand what destruction and construction mean for us in our daily political lives. While the political direction of armed struggle is indicated by the underground, this does not mean others can sit back and let the underground do it alone. Our struggle must be waged on every level, on every front. We must learn from the Viet Cong, the Latin American revolutionaries, and the Palestine Liberation Front. We must all begin to think of ourselves as urban guerrillas and attack the enemy where we can. The communique issued after Pig Headquarters blew up, said, "Political power grows out of a gun, a riot, a Molotov, a commune . . . the soul of the people." We all have the power to change our lives, to begin to build as we begin to destroy, to begin to live our revolutionary love and our revolutionary hatred.

"He that's not busy being born is busy dying."

"Make Love and War."

—WEATHER LETTER.

* * * * *

COMMUNIQUE NO. 1 FROM THE WEATHERMAN UNDERGROUND

Hello. This is Bernardine Dohrn.

I'm going to read A Declaration of a State of War.

"Black people have been fighting almost alone for years. We've known that our job is to lead white kids into armed revolution. We never intended to spend the next five or twenty-five years of our lives in jail. Ever since SDS became revolutionary, we've been trying to show how it is possible to overcome the frustration and impotence that comes from trying to reform this system. Kids know the lines are drawn; revolution is touching all of our lives. Tens of thousands have learned that protest and marches don't do it. (Revolutionary violence is the only way.)

"Now we are adapting the classic guerrilla strategy of the Viet Cong and the urban guerrilla strategy of the Tupamaros to our own situation here in the most technically advanced country in the world."

* * * * *

COMMUNIQUE NO. 2 FROM THE WEATHERMAN UNDERGROUND

Tonight, at 7 p.m., we blew up the N.Y.C. police headquarters. We called in a warning before the explosion.

The pigs in this country are our enemies.

"They build the Bank of America, kids burn it down. They outlaw grass, we build a culture of life and music.

The time is now. Political power grows out of a gun, a Molotov, a riot, a commune . . . and from the soul of the people."

WEATHERMAN.

* * * * *

COMMUNIQUE NO. 4 FROM THE WEATHERMAN UNDERGROUND

September 15, 1970.

This is the fourth communication from the Weatherman Underground.

Now we are at war.

With the NLF and the North Vietnamese, with the Democratic Front for the Liberation of Palestine and Al Fatah, with Rap Brown and Angela Davis, with all black and brown revolutionaries, the Soledad brothers and all prisoners of war in Amerikan concentration camps we know that peace is only possible with the destruction of U.S. imperialism.

Our organization commits itself to the task of freeing these prisoners of war.

"We are outlaws, we are free!"

BERNARDINE DOHRN.

Mr. HRUSKA. Mr. President, this is the new thrust of this Executive order. There is a need for processing of some 25 organizations of this type which the Attorney General is ready to refer to the Subversive Activities Control Board for this purpose. So the need is that in one part. Another part is for revision of the Attorney General's present list—badly in need—because this list, pursuant to the law, is made available to all Federal Government agencies and to the public. The list is obsolete and it should be revised. Now there has been no machinery to do it. This order provides such machinery.

Mr. President, there is another need we should mention at least in passing and that is the pendency of a bill in both bodies which will give the Board certain additional duties and responsibilities; namely, there would be imposed upon them the necessity of protecting constitutional rights and extending constitutional safeguards to anyone who has a case to come before the Board.

That legislation, as proposed, will be discussed in due time on its own merits.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, the work of this Board is well cut out for it in the coming year. There is the revision of the Attorney General's list of 283 organizations. It is said 263 of them are either nonexistent or nonfunctioning. That is one.

The second task will be to review the organizations and files of the Attorney General to find out where they fit into this new category or any of the old ones under the criteria prescribed in this new Executive order.

It seems to me that is enough justification for the continuance of the Subversive Activities Control Board so that it may proceed.

It has been suggested that the proper form of amendment is by Congress, and not by Executive order. It is late in our history and our consideration of this item to consider that. I fully subscribe to the idea that we have a legal method of amendment and a legal assignment of work. I believe that has been followed in the amendments to Executive Order No. 10450. But to get at this proposition, ever since 1947, our Presidents—five in number—have either created Executive orders or implemented them in the same fashion and in the same general area of personnel security. That has been done from 1947 to the present time.

So the precedents are here. The precedents are contained in the legal memorandum which the Senator from Arkansas put in the RECORD. We should go forward with this work. Bear in mind that even if this Board is not functioning, there will be the act of 1950 for the Attorney General to comply with.

May I have 2 more minutes?

Mr. McCLELLAN. I will yield 1 more minute to the Senator.

Mr. HRUSKA. One minute is enough.

There will still be the act of 1950 in the field of personnel security to comply with. Will that be undertaken by the Attorney General on his own, without hearings, without appeal, without the constitutional safeguards which are assured for persons and organizations appearing before the Board at the present time? It seems to the Senator from Nebraska that it would be the better part of prudence for the Government to retain the Board and to retain the Board's procedures.

Mr. MANSFIELD. Mr. President, will the Senator yield to me, for a request, without the time being charged to either side?

Mr. McCLELLAN. I yield.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, at 12:32 p.m. the Senate took a recess.

The Senate reassembled at 12:37 p.m., when called to order by the Presiding Officer (Mr. BROCK).

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Arkansas (Mr. FULBRIGHT).

Mr. FULBRIGHT. Mr. President, I rise to support the amendment offered by the Senator from Wisconsin. He has already put in the RECORD, as I understand, a summary of the action, or nonaction, of the SACB since 1950. This is 21 years in which the Board has done virtually nothing. This organization is simply one piece of debris, or, as I think the term is sometimes used, "flotsam and jetsam" of history which is no longer relevant to present conditions. If it ever was relevant, that time is past.

I think nothing could demonstrate that any more than the President's actions in the last few days and his statement that he intends to go to Peking. I think that should be considered the end of the era of profound apprehension that grew out of the early period of the cold war, at the time of Stalin. The Board was created at the height of the Stalin era, in which there was great concern resulting from the frustrations of the then cold war, and especially out of the frustrations that resulted from the defeat of Chiang Kai-shek in China. That, added to the other misfortunes that developed in Berlin and elsewhere, created a deep feeling of apprehension and resulted in the creation of this Board.

I think it was an unnecessary board, to begin with. We have a Department of Justice. It is sound and intact and a very large organization. I think the money we spend on it each year is in the neighborhood of $1.5 billion.

I ask my friend from Wisconsin if that is not correct. One of the principal objectives of the Department of Justice is to keep track of dangerous individuals within our society, and the Department has done it. I believe Mr. Hoover every year used to give statements, usually at the time of appropriations, of how many Communists there were in this country, et cetera.

But I do not want to belabor that. The fact is that this Board has done nothing worthwhile whatever in 21 years. It has cost almost $6 million. It is a convenient hideaway for people who are deserving in the eyes of the Executive and need a nice salary with nothing to do.

Every Government has such jobs. I do not complain about that. Usually they have more to do than this one; but this is also a symbol of a period which we are now outgrowing. I support what the President's new attitude is, and what I think he is moving toward, and I shall do what I can to make that effective. I think one of the things we can do is liquidate this vestige of a period of great frustration and disappointment.

There are other activities, I might say, that, like this one, ought to be liquidated, such as Radio Free Europe and Radio Liberty. They were also created under the same conditions under which this Board was created. They not only do not do any good, they do actual harm to the reputation and the standing of this country among many of our allies, and certainly among many of the Eastern European countries which are not allies, but which we hope will some day establish independent policies.

I think a great deal of the activity of The Voice of America is unnecessary. It was built up under the same circumstances which dictated the measures which we thought were designed to contain communism, as it was told to us—the same kind of reasons advanced for our entry into the war in Vietnam.

The President is seeking to liquidate this board, in my opinion. He says that. He has already made public a statement to that effect, and I think he ought to be supported. Although he has made this recommendation, I realize there are great pressures on him. In my opinion, this proposal is inconsistent with the direction in which the President is now moving. I think we ought to discontinue it, and at the same time save nearly $400,000 we are now spending for a useless activity.

Mr. PROXMIRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. PROXMIRE. I yield 10 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I urge the Senate to adopt the Proxmire amendment. During a previous session I voted against this amendment upon the assurance that the executive branch of the Government would recommend to Congress the enactment of legislation which would assign to the Board a constitutional task. I have waited for 4 or 5 years for that legislation to be brought before Congress. It has not been brought. Instead of that, on the 2d of July, this month, we had an effort on the part of the executive branch of the Government to do some lawmaking through the agency of Executive Order 11605.

No person can deny the fact that this is legislation, not regulation of congressionally authorized activity. This Executive order is based on the pretext that the President has the power to regulate Federal employment, and that by virtue of that he has the power to give to this Board jurisdiction to pass upon the thoughts and the words of every group of people in the United States numbering from two up, to see whether they are advocating any of the unwise and foolish things mentioned in this Executive order.

Now, what is the purpose of this? It is done under the pretext that everyone of the 200 million people in the United States may sometime in the future seek employment with the Federal Government, and for that reason the President has the right to let this Board investigate every organization, and not only organizations, but unorganized groups consisting of combinations or groups of as many as two people to see whether they are thinking the foolish thoughts or advocating the foolish things mentioned in the order irrespective of whether they are trying to incite any actions to implement those foolish thoughts or to accomplish those foolish things. This is to be authorized by Executive order because, forsooth, those 200 million people may apply for jobs with the Federal Government, and there ought to be some record about them in the Civil Service Security Investigations Index.

This is an amendment to the Executive order of April 27, 1953; and section 9(a) of that Executive order provides:

> There shall be established and maintained in the Civil Service Commision a security investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order.

In other words, if this Executive order is carried out to the letter, every person that belongs to one of these organizations, or even joins with one other person to think the foolish thoughts mentioned or to advocate some of the things mentioned, will have his name placed in the Civil Service Commission security file so that he can be denied employment by the Federal Government in the future.

The Executive order manifests a fear of freedom. It manifests a fear of the American people. The strange thing about it, which I will say if I have time enough to do it, is that this very Board would be empowered by this Executive order to do one of the things which the Board is set up to keep other people from doing, that is, denying people their rights under our Constitution. This Board is set up to deny Americans their rights under the first amendment.

There are two fatal objections to this Executive order. The first is that it represents legislation, and the second is that if it were adopted by Congress, instead of by the fiat of the President, it would be unconstitutional under the decisions of the Supreme Court in many cases.

The distinguished Senator from Arkansas (Mr. McCLELLAN) put his finger on the first of these defects during the committee hearings. Assistant Attorney General Mardian came to testify, and he said that the President had constitutional and statutory authority to write this Executive order.

He never cited any authority, and I am inclined to think that the copy of the Constitution they have in Mr. Mardian's division of the Department of Justice, is like one that someone brought me the other day from the Military Intelligence Agency. That copy of the Constitution was stamped in this way:

> The opinions expressed in this document do not necessarily represent the opinions of this agency.

Mr. Mardian never cited any constitutional or statutory provision to sustain his contention and Senator McCLELLAN said there might be some statute that gave the President certain powers, but unless it does, he did not see how the President by Executive order can give to a board created for one purpose by Congress, with its powers and limitations prescribed, a function which Congress did not authorize.

Now, that was a firsthand observation of the extremely able and dedicated and distinguished chairman of the subcommittee which handled this bill, and the floor manager of this bill. That is unanswerable, but Mr. Mardian attempted to answer it this way: He said that if Congress authorizes this appropriation, it thereby ratifies any powers that the President attempted to give to the Board by the Executive order.

I want the Senate to know that if it approves this appropriation, it is ratifying a usurpation of the power of Congress by the President of the United States. There can be no question about this.

Article I of the Constitution declares, in section 1:

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

If my recollection is correct, this provision is one of the few times that the word "all" is used in the Constitution of the United States. It says that all legislative power is vested in Congress and none in the President. The President, by this Executive order, undertakes to authorize a witch hunt to be carried on by the Board in every area in the United States in which two or more people join in any movement or any organization for the purpose of advocating the foolish things stated in the Executive order.

The outstanding case on this subject is *Youngstown* v. *Sawyer*, 343 U.S. 579. That was the famous case in which President Truman seized the steel mills without an act of Congress authorizing it.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. ERVIN. Will the distinguished Senator from Arkansas yield me 2 minutes on the bill?

Mr. McCLELLAN. I yield 2 minutes to the distinguished Senator from North Carolina.

Mr. ERVIN. The justification which the Department of Justice gives for all these things is that the President is charged with the duty of enforcing the laws.

Justice Black, who wrote the opinion in the Youngstown case, stated as follows, on page 587:

> In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that "All legislative Powers herein granted shall be vested in a Congress of the United States. . . ."

Then he concluded the opinion as follows, on page 589:

> The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand.

Virtually everything that this board is authorized to do by the Executive order was declared unconstitutional by the Supreme Court in the Yates case. I wish I had the time to explain that case to the Senate.

I thank the Senator from Arkansas and the Senator from Wisconsin for their generosity.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. I yield 1 minute to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope that with this vote today, the Senate will once and for all order the extinction of one of the last vestiges of the McCarthy era—the Subversive Activities Control Board.

Since 1950, this Board has existed solely for the purpose of registering Communists, and subversives. Yet it has not registered successfully a single subversive. And five times, the Supreme Court has declared that orders of this Board have violated the Constitution.

Only 2 years ago, in the Boorda case, the courts determined that some of the Board's preliminary fact-finding functions abrogate the freedom of association protections of the first amendment of the Constitution.

Now the distinguished Senator from Wisconsin and the distinguished chairman of the committee have demonstrated quite effectively that Congress has been throwing its money away for the past 20 years by funding this Board. The last 6 months in this Board's existence reflect its past record. It has heard three witnesses and it has held 10 days of hearings. No wonder that its Chairman acknowledged to the Appropriations Committee that the Board does not "have enough to fill our time." As the hearing record points out in the exchange with Mr. Mahan and members of the committee:

TOTAL WITNESSES HEARD

Chairman Ellender. How many witnesses did you hear this year?

Mr. Mahan. We have heard three so far in relation to these two cases.

Senator McClellan. Only three?

Chairman Ellender. That is all you have done?

Mr. Mahan. Two who were informants.

Chairman Ellender. What do you do the rest of the time?

Mr. Mahan. The rest of the time——

Chairman Ellender. Sit around?

Mr. Mahan. No; as the Senator knows, I have spent some time, as much as possible, in the House and Senate trying to correct the laws so they will work more efficiently and effectively. I give advice when they ask for it in an attempt to get this law through——

Chairman Ellender. That is not your job. You are doing that to kill time. You have heard only three witnesses in 12 months?

Mr. Mahan. We do not have enough to fill our time, that is correct, Senator.

Twenty years have passed. The shrill cries of former Senator Joseph McCarthy have long since died away. It is time to end the witchhunt.

I strongly urge my colleagues to support the amendment now before us to eliminate the Subversive Activities Control Board appropriations.

Mr. President, I ask unanimous consent to have printed at this point in the Record an editorial published in the Washington Post of today, and a summary of SACB action from 1950 to 1970.

There being no objection, the editorial and the summary were ordered to be printed in the Record, as follows:

Curbing Freedom of Association

There are two principal arguments against providing public money to finance the Subversive Activities Control Board—something the Senate is supposed to decide today. One argument is purely pragmatic: the agency is useless—totally, completely, unequivocally and indisputably useless. The courts have found the function for which it was created 20-odd years ago to be unconstitutional; and there is simply no way to pursue its purpose that would not subvert and impair the Constitution.

Senator Proxmire, who has been leading a fight to put the board out of harm's way by denying its appropriation request, said of it in an interview the other day: "Its sole purpose was to provide a registry of Communists and subversives in this country. But during the 20 years of its existence it has never registered any Communists or subversives—not a single one. For two and a half years the board didn't even hold a single hearing. Then Congress changed the law. As a result of the new law, since the beginning of the year, the board heard a grand total of exactly three witnessess. It still hasn't registered anyone. It hasn't even come close. The SACB is a monumental exercise in futility."

The senator is precisely right in his statistics. But the SACB is supposed to register organizations as well as individuals. After due deliberation, which must have used up several hours of its members' time during the past 20 years, it issued a final order determining that the Communist Party USA is a "Communist-action organization" within the meaning of the law. And it issued seven orders denominating organizations it didn't like as "Communist fronts." That is all it did—except, perhaps, for holding annual parties at Christmas-time, compiling annual reports on its annual idleness and, of course, cashing or depositing those government paychecks which amount in the case of each of the five board members to $36,000 a year. It must be exhausting. What with secretaries, assistants and other staff to help the board members, the SACB is asking for $450,000 for the fiscal year ahead. The Senate could more equitably and with far greater service to the national security use that tidy sum to buy the Washington Senators a couple of good pitchers and another long-ball hitter.

There is, however, an argument against extending the life of the SACB far more fundamental than the waste of public funds involved. President Nixon has proposed that the board be put to work listing voluntary associations of which it thinks, in its collective wisdom, that Americans shouldn't be members. Throughout the American past the choice as to what organizations to get into or to stay out of was left entirely up to the Americans themselves. Indeed, this was considered an elementary American freedom, guaranteed by the First Amendment as a cornerstone of the American political system.

Voluntary associations have been, much more than political parties, the motive force of the democratic process in this country. They are the characteristic American device for getting things done. Alexis de Tocqueville recognized their importance when he looked at the American scene 130 years ago. "In countries where associations are free," he wrote, "secret societies are unknown. In America there are numerous factions, but no conspiracies. The most natural privilege of man, next to the right of acting for himself, is that of combining his exertions with those of his fellow-creatures, and of acting in common with them." It is this natural right of free men which President Nixon would now authorize the SACB to curtail by putting the brand of official disapproval on dissident groups.

There is a quick, easy, effective and apt way to put a stop to this meddlesome interference with freedom of association and that is for the Senate to vote today against any appropriation for the SACB.

Summary of SACB action 1950–70

Number of final orders determining an organization to be a Communist-action organization	1
Number of final orders determining an organization to be a Communist front	7
Number of final orders determining individuals to be a member of a Communist action organization (such determination declared unconstitutional by the Supreme Court)	0
Number of final orders determining an organization to by a Communist-infiltrated organization	0
Number of registrations resulting from SACB's orders	0

Yearly expenditures

Fiscal year 1951	$160,000
Fiscal year 1952	204,000
Fiscal year 1953	229,000
Fiscal year 1954	236,000
Fiscal year 1955	269,000
Fiscal year 1956	279,000
Fiscal year 1957	315,000
Fiscal year 1958	325,000
Fiscal year 1959	325,000
Fiscal year 1960	285,000
Fiscal year 1961	320,000
Fiscal year 1962	339,000
Fiscal year 1963	336,000
Fiscal year 1964	325,000
Fiscal year 1965	409,000
Fiscal year 1966	426,000
Fiscal year 1967	280,000
Fiscal year 1968	247,000
Fiscal year 1969	274,000
Fiscal year 1970	375,000
Total	5,958,000

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, as the record reflects, as chairman of the subcommittee, I had some serious concern about continuing the appropriation for this Board—not on the basis that I do not feel there is a need for it, not on the basis that there is no work for it to do; but simply on the premise that it had not been given the work to do, with the purpose of determining whether, if the appropriation were made, the board would be occupied, and occupied with legitimate work that was of some value to this country.

I know that it may be very unpopular today to oppose subversion in this country, to try to do something about it, and to oppose the organizations in this country which are resorting to violence and which are advocating the overthrow of the Government. Mr. President, I will have to take that unpopular stand, because I do believe that a condition exists in this country that needs investigation. I believe there is a job for this Board to do; and the President, by this Executive order, has undertaken to outline, define, and direct the Board into this field of inquiry and determination.

I can appreciate that there may be a valid objection to the President's Executive order. I do not know what the Court will hold about it. That is a Court question. All I know about the Supreme Court is that it often reverses itself. Whatever it held last year or the year before or some other time may not be its guiding light in the next decision it makes. No one can depend on it. One cannot rely on it, with the record it has of repudiating its own precedents. It will just have to make the determination. I cannot.

I am hopeful that if this appropriation is made, this Board will become active in the field in which the President now directs its activity. It is very well to say that the Board is irrelevant, that its functions are irrelevant. But I do not think it is irrelevant, with conditions that prevail in this country, to try to do something about subversion.

If communism is irrelevant, then it is irrelevant today to spend some $3 or $4 billion every year to keep an army in Europe. For what? To protect Europe. From whom? If communism is no danger, every one of those troops should be brought home and that money should be saved. I voted to bring some of them home at the last opportunity—not necessarily because of that, but because I feel that over there, those countries now have developed an economic strength sufficient to support themselves and to defend themselves, without our trying to defend the entire free world.

Mr. President, as to whether it is a witch hunt, many things can be a witch hunt. The test here, the issue here, is this: Do we have a condition that should be given attention? I think we do. I think that support of this amendment and abolishing this Board will simply bring rejoicing in the camps of subversive forces in this country. There may be a better way to approach it, and I would like to find a better way, and I will support a better way; but I am not going on record today to repudiate the only effort being made in this field in this direction at this time and say to these elements and these organizations, which are openly abrogating the overthrow of the Government and are resorting to force and violence, "Go ahead. We're not going to investigate you any further. We're going to let you have your own way." I am not going to say that. My colleagues may say it. They may not mean it that way. That is the way, it seems to me, it will be interpreted by them. I cannot do that. I hope they will find a better way. I hope that the President is right. If he is not, then it is incumbent upon Congress to enact legislation within the framework of the Constitution, if that can be done, to give the country the protection it should have, protection from elements at least from within who are subversive, who are avowed enemies of our system of government, and who want to change it by force and violence.

Let me point this out: I have shown my concern. I have been open about it. The committee stated in its report, in which I joined, and I feel that way about it, with this assurance of the work they propose to give the Board, the committee is willing to recommend funds for the operation of the Board for 1 additional year.

In other words, with reference to relevancy, if it is irrelevant now, then the whole concept of the CIA is irrelevant and we should abolish it, too.

Mr. PROXMIRE. Mr. President, in the 1 remaining minute I have left, let me say that I am sure every Member of the Senate is opposed to communism. We are all against it. We are all deeply concerned about subversion. We all want to stop it. But, we want to do something effective—I repeat, effective.

The Board has been in existence for 20 years and it has done nothing. It consists of five members who receive $36,000 a year, who do not have the professional qualifications to act within the law against subversion.

I submit that the way to fight subversion is through professional organizations such as the FBI, the Defense Intelligence Agency, and the Attorney General's Office itself, and not by creating a board that is a sinecure for politicians who know other politicians.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Brock). The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. Proxmire).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Virginia (Mr. Byrd), the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Jackson), and the Senator from Montana (Mr. Metcalf) are necessarily absent.

I further announce that, if present, and voting, the Senator from Alaska (Mr. Gravel), and the Senator from Washington (Mr. Jackson) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senators from New York (Mr. Buckley and Mr. Javits), the Senator from Michigan (Mr. Griffin) and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Maryland (Mr. Beall) is absent to attend the funeral of a friend.

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from New York (Mr. Buckley). If present and voting, the Senator from Oregon would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from New York (Mr. Javits) is paired with the Senator from Ohio (Mr. Taft). If present and voting, the Senator from New York would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 41, nays 47, as follows:

[No. 150 Leg.]

YEAS—41

Aiken
Bayh
Boggs
Brooke
Burdick
Cannon
Case
Church
Cooper
Cranston
Dominick
Eagleton
Ellender
Ervin
Fulbright
Harris
Hart
Hartke
Hughes
Humphrey
Inouye
Kennedy
Mathias
McGee
McGovern
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Prouty
Proxmire
Ribicoff
Saxbe
Stevenson
Symington
Tunney
Williams

NAYS—47

Allen
Allott
Anderson
Baker
Bennett
Bentsen
Bible
Brock
Byrd, W. Va.
Chiles
Cook
Cotton
Curtis
Dole
Eastland
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McIntyre
Miller
Montoya
Pearson
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—12

Beall
Bellmon
Buckley
Byrd, Va.
Gravel
Griffin
Hatfield
Jackson
Javits
Metcalf
Mundt
Taft

So Mr. PROXMIRE's amendment was rejected.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 169) authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the U.S. Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor, first floor, in the House wing of the Capitol, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 19, 1971, he presented to the President of the United States the enrolled bill (S. 991) to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

Mr. ERVIN addressed the chair.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order.

The Senate is not in order and the Senator will not proceed until the Senate is in order.

The Senator from North Carolina is recognized.

AMENDMENT NO. 253

Mr. ERVIN. Mr. President, my amendment No. 253 is at the desk. I modify my amendment so as to correct an error as to the reference to the page and line number. I send forward my amendment as modified, and ask that it be stated.

The PRESIDING OFFICER. The amendment as modified, will be stated.

The amendment, as modified, was read as follows:

On page 49, line 21, before the period insert a colon and the following:

"*Provided, however,* That none of the funds appropriated in this paragraph shall be made available for the Board to execute any of the additional functions, duties, or powers which Executive Order 11605, dated July 2, 1971, purports or undertakes to confer on the Board."

ORDER OF BUSINESS

Mr. ERVIN. Mr. President, I yield 30 seconds of my time to the distinguished Senator from Idaho for a brief statement.

Mr. CHURCH. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

INTERVIEW OF PREMIER KOSYGIN AND REPORT OF RUSSIAN REACTION TO PRESIDENT'S ANNOUNCEMENT OF VISIT TO PEKING

Mr. CHURCH. Mr. President, I have just completed a 10-day journey to the Soviet Union as a delegate to the sixth meeting of the Dartmouth Conference held this year at Kiev.

I was in Moscow the day the news broke of President Nixon's acceptance of the Chinese invitation to visit Peking. That day, in company with Mr. David Rockefeller, Gen. James Gavin, and Ambassador Charles Yost, former Ambassador to the United Nations, I had the opportunity to participate in an interview with Premier Kosygin for 2 hours and 30 minutes.

I have prepared a news release describing the general Russian reaction to the news of President Nixon's proposed visit to Peking together with a summary of the interview with Premier Kosygin. I have issued the news release today and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

RUSSIAN REACTION TO NIXON'S CHINA VISIT

WASHINGTON, July 19—Russians reacted with a quizzical, wait-and-see attitude to the news that President Nixon will visit China, Senator Frank Church disclosed today.

Just returned from a 10-day trip to the Soviet Union, climaxed by a two-and-one-half hour interview with Premier Kosygin at the Kremlin, Church said that the Russians, with whom he discussed the surprise announcement, displayed "mixed feelings" at the unexpected news.

"On the one hand, they admitted that the Nixon trip was consistent with their own view favoring universal normalization of relations with China," Church said. "On the other hand, they confessed a suspicion that anti-Soviet bias may be motivating recent American overtures toward China."

"My own efforts to assure them that the President's motives spring solely from a desire to promote peace in Asia," Church said, "were met with a plea for a similar gesture in Europe, such as American participation in the upcoming Conference on European Security, to which the United States has been invited, but not yet responded."

The Idaho Senator was a member of the American delegation at the sixth meeting of the Dartmouth Conference, held this year in Kiev. On its final day, Church—along with David Rockefeller, General James Gavin, and Charles Yost, former American Ambassador at the United Nations—were invited to fly to Moscow for the Kosygin interview.

"The purpose of the interview," Church said, "was to discuss the major topics taken up at the Kiev conference, and Kosygin himself made no mention of the Chinese invitation to President Nixon.

"However, other prominent Russians with whom we met spoke freely of their surprise and kept probing for a hidden meaning behind the announcement," Church added.

In the Kosygin interview, the subjects of American-Soviet cooperation in solving global environmental problems, strengthening the United Nations, and expanding trade between the two countries were explored.

A fourth topic had to do with the SALT talks now underway in Helsinki. Church said that Kosygin expressed agreement with his own view that these talks on limiting nuclear arms were most important in the world today.

"Mr. Kosygin maintained that the Soviet government would strive at Helsinki to reach agreements with the United States, even if it became necessary to enter into these on a step-by-step basis," Church said.

The four Americans who participated in the interview were the first to see Kosygin in more than five months.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

Mr. ERVIN. Mr. President, I would like to point out at the outset that my amendment does not affect in any way the existence of the board and it does not affect in any way any powers which the board has acquired under any act of Congress or under any Executive order preceding the second day of July 1971.

My amendment would simply prohibit the use of any part of the appropriation made by this act to the board to implement the legislative action which the President undertook to exercise on July 2 in violation of section 1, article V of the Constitution, which vests all of the legislative power of the Federal Government in Congress, and none in the President.

This Executive order is clearly legislation. It extends the jurisdiction of the board far beyond any jurisdiction the board has received from Congress or under any former Executive order.

In the interest of time, I ask unanimous consent that a copy of the Executive order be printed at this point in the body of the RECORD as a part of my remarks.

There being no objection, the Executive order was ordered to be printed in the RECORD, as follows:

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 11605

Amendment of Executive Order No. 10450 of April 27, 1953, Relating to Security Requirements for Government Employment

By virtue of the authority vested in me by the Constitution and statutes of the United States including 5 U.S.C. Section 1101 *et seq.*, 3301, 3571, 7301, 7313, 7501(c), 7512, 7532 and 7533; and as President of the United States, and finding such action necessary in the best interests of national security, it is hereby ordered that Executive Order No.

10450[1] of April 27, 1953, as amended, is hereby further amended as follows:

1. Paragraph (5) of Section 8(a) shall read: "(5) Knowing membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organization) which is totalitarian, fascist, communist, subversive, or which has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

2. Section 12 shall read:

"(a) Executive Order No. 9835 of March 21, 1947, as amended is hereby revoked.

"(b) The head of each department and agency shall be furnished by the Attorney General with the name of each organization which shall be or has been heretofore designated under this order. Except as specifically provided hereafter, nothing contained herein shall be construed in any way to affect previous designations made pursuant to Executive Order No. 10450, as amended.

"(c) The Subversive Activities Control Board shall, upon petition of the Attorney General, conduct appropriate hearings to determine whether any organization is totalitarian, fascist, communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

"(d) The Board may determine that an organization has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their constitutional or statutory rights or that an organization seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means if it is found that such group engages in, unlawfully advocates, or has among its purposes or objectives, or adopts as a means of obtaining any of its purposes or objectives.—

(1) The commission of acts of force or violence or other unlawful acts to deny others their rights or benefits guaranteed by the Constitution or laws of the United States or of the several States or political subdivisions thereof; or

(2) The unlawful damage or destruction of property; or injury to persons; or

(3) The overthrow or destruction of the government of the United States or the government of any State, Territory, district, or possession thereof, or the government of any political subdivision therein, by unlawful means; or

(4) The commission of acts which violate laws pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses.

"(e) The Board may determine an organization to be 'totalitarian' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is autocratic and in which control is centered in a single individual, group, or political party, allowing no effective representation to opposing individuals, groups, or parties and providing no practical opportunity for dissent.

"(f) The Board may determine an organization to be 'fascist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is characterized by rigid one-party dictatorship, forcible suppression of the opposition, ownership of the means of production under centralized governmental control and which fosters racism.

"(g) The Board may determine an organization to be 'communist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a government in the United States which is based upon the revolutionary principles of Marxism-Leninism, which interprets history as a relentless class war aimed at the destruction of the existing society and the establishment of the dictatorship of the proletariat, the government ownership of the means of production and distribution of property, and the establishment of a single authoritarian party.

"(h) The Board may determine an organization to be 'subversive' if it is found that such organization engages in activities which seek the abolition or destruction by unlawful means of the government of the United States or any State, or subdivision thereof.

"(i) The Board may further determine, after consideration of the evidence, that an organization has ceased to exist. Upon petition of the Attorney General or upon petition of any organization which has been designated pursuant to this section the Board after appropriate hearings may determine that such organization does not currently meet the standards for designation. The Attorney General shall appropriately revise or modify the information furnished to departments and agencies consistent with the determinations of the Board.

"(j) The Board shall issue appropriate regulations for the implementation of this section."

RICHARD NIXON.

THE WHITE HOUSE, *July 2, 1971.*

[FR Doc. 71-9765 Filed 7-7-71; 12:01 p.m.]

Mr. ERVIN. Mr. President, my amendment should be adopted for two reasons. In the first place, if Senators of the United States believe in abiding by their oaths to support the Constitution, the amendment ought to be adopted. This is so because it will nullify the attempt of the President to make law. The President, clearly has no power to make law under our system of government.

During the argument on the Proxmire amendment, I referred to the case of *Youngstown Co.* v. *Sawyer*, 343 U.S. at page 579. This was a case where President Truman claimed he had powers as President and as Commander in Chief of the Army and Navy to seize the steel plants without authority from the Congress. The Supreme Court decided in that case that the President had no such power. The Supreme Court said some things about section 1 of article I of the Constitution that we need to heed this hour. Justice Black said:

> It is clear that if the President had authority to issue the order he did, it must be found in some provision of the Constitution. And it is not claimed that express constitutional language grants this power to the President. The contention is that presidential power should be implied from the aggregate of his powers under the Constitution. Particular reliance is placed on provisions in Article II which say that "The executive Power shall be vested in a President . . ."; that "he shall take Care that the Laws be faithfully executed"; and that he "shall be Commander in Chief of the Army and Navy of the United States."
>
> The order cannot properly be sustained as an exercise of the President's military power as Commander in Chief of the Armed Forces.

Then omitting some portion of the opinion irrelevant to the present argument, I continue reading Justice Black's opinion:

> Nor can the seizure order be sustained because of the several constitutional provisions that grant executive power to the President.
>
> In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make the laws which the President is to execute. The first section of the first article says that "All legislative Powers herein granted shall be vested in a Congress of the United States.

Then omitting other certain portions, I continue my reading:

> The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President.

I digress to note that that is exactly what the Executive order mentioned in my amendment does. I continue:

> The preamble of the order itself, like that of many statutes, sets out reasons why the President believes certain policies should be adopted, proclaims these policies as rules of conduct to be followed, and again, like a statute, authorizes a government official to promulgate additional rules and regulations consistent with the policy proclaimed and needed to carry that policy into execution. The power of Congress to adopt such public policies as those proclaimed by the order is beyond question.

I digress to observe that the question whether Congress itself could adopt the provisions in the Executive order is a most serious constitutional question. I resume reading:

> It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive contitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution "in the Government of the United States, or any Department or Officer thereof."
>
> The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand.

The time is here, right now, for the Senate to decide whether the Congress should retain its legislative power or whether it should abdicate that power to an Executive order adopted by the President in the usurpation of authority which the Constitution denies to him.

It is a very serious question, Mr. President, whether Congress itself has the power to adopt laws containing the provisions of this Executive order. That question ought to be resolved by the Congress. Does the Constitution of the United States permit Congress to establish an executive board to exercise judicial power and to brand and stigmatize Americans because they belong to organizations which are foolish enough to believe or advocate the unwise things specified in the order? Congress should face that issue and make that decision. It ought not to tolerate the usurpation of legislative power by the President, as this Executive order attempts to do.

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[1] 3 CFR 1949–1953 Comp., p. 936; 18 F.R. 2489, 26 F.R. 6967.

Oh, it may be said that other Presidents have issued Executive orders, but that does not do away with the power of Congress under the Constitution. Murder and larceny have been committed in every generation since mankind made his appearance on this earth, but that fact does not make murder meritorious or larceny legal.

Mr. President, the first amendment to the Constitution was designed to make Americans politically and intellectually and spiritually free. Under the first amendment to the Constitution, an American can advocate anything he desires to advocate, no matter how disgusting it may be, as long as he does not advocate action to bring it about.

He can advocate overthrow of the Government by force and violence as long as he does not urge action be taken to carry his advocacy into effect.

The Supreme Court said, in an opinion by Justice Brandeis, that the remedy for unwise ideas is education. Thomas Jefferson said no country has any need to fear injury at the hands of free speech as long as it leaves truth free to combat error. Justice Brandeis said, in one of his wise opinions, that remedies for foolish ideas such as those this Executive order is directed against are twofold. First, we should eradicate such ideas by education. We do not need less free speech, he said; we need more. We need Americans to stand up and tell what a great country we have. Then, he says, if bad ideas induce people to violate the law, they ought to be tried for their crimes in courts, where they have the presumption of innocence and where they have a right to confront their accusers and where they are entitled to a judicial trial before an impartial judge and jury. This is the important point I desire to make.

This Executive order is clearly unconstitutional, even if its contents had been incorporated in an act of Congress instead of in an Executive order made by a President who has no power to make any law.

I read from *Yates* v. *United States*, 354 U.S. 298, page 321, where the opinion was written by Justice Harlan, who is certainly no apologist for people who desire to overthrow the Government of the United States by force and violence. He said:

> The essence of the *Dennis* holding was that indoctrination of a group in preparation for future violent action, as well as exhortation to immediate action, by advocacy found to be directed to "action for the accomplishment" of forcible overthrow, to violence as "a rule or principle of action," and employing "language of incitement," *id.*, at 511–512, is not constitutionally protected when the group is of sufficient size and cohesiveness, is sufficiently oriented towards action, and other circumstances are such as reasonably to justify apprehension that action will occur. This is quite a different thing from the view of the District Court here that mere doctrinal justification of forcible overthrow, if engaged in with the intent to accomplish overthrow, is punishable *per se* under the Smith Act. That sort of advocacy, even though uttered with the hope that it may ultimately lead to violent revolution, is too remote from concrete action to be regarded as the kind of indoctrination preparatory to action which was condemned in *Dennis*. As one of the concurring opinons in *Dennis* put it: "Throughout our decisions there has recurred a distinction between the statement of an idea which may prompt its hearers to take unlawful action, and advocacy that such action be taken."

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. ERVIN. I wonder if I might have 2 minutes to finish.

Mr. McCLELLAN. I yield the Senator 2 minutes on the bill.

Mr. ERVIN. That is the fatal defect, I think, in this Executive order, if it had been incorporated in an act of Congress. It undertakes to reach ideas, and not to reach advocacy of action. It condemns advocacy of ideas as distinguished from advocacy of action.

I agree with the Senator from Arkansas that no one can foretell exactly what the Supreme Court is going to decide on a matter, but I do say that anyone who can read the English language, and reads article I, section 1 of the Constitution, knows that the power to make laws belongs to Congress and not to the President. And I say that anyone who reads the opinions in the *Yates* case and a multitude of other decisions, must realize there is a serious constitutional question here. So I urge the Senate to adopt my amendment, and to prevent this money from being used for anything except the exercise of powers given the Board by Congress and prior Executive orders. Let the administration or anyone interested propose legislation to be acted by Congress, and let Congress determine whether we can prescribe some kind of constitutional law to protect America against persons such as those described in the Executive order, without violating the Constitution of the United States.

Let us keep the power of Congress where the Constitution placed it. That is all my amendment seeks to do.

I thank the Senator for the additional time.

Mr. McCLELLAN. Mr. President, I yield myself 4 or 5 minutes. I shall be very brief.

The issue as to whether this Board will continue has been settled by the vote on the previous amendment. The House of Representatives has already appropriated the money in the bill. By the action of the Senate a few minutes ago, the Senate retained the appropriation for this Board to function.

We have complained that the Subversive Activities Control Board has had nothing to do. So the President, in good conscience, has undertaken by Executive order to give the Board some additional responsibility. I know there is a constitutional question here. I know that constitutional question will likely ultimately go to the Supreme Court. I do not know how the Court will decide it, but I do know that in the meantime what we are doing here is undertaking to get results for the good of this country out of this appropriation.

We can throw it away. The money is going to be spent anyway. As far as we can tell now, both Houses have appropriated it, and this is just an issue on the question of the President's power. There are honest differences of opinion.

We have literally thousands of Executive orders issued by the President. That has been a practice for years. Whether this one transgresses the power of the legislature is a question which, as I see it, the Supreme Court will have to decide.

But in the meantime, there is no one in this body, in my judgment, who will deny there is work that ought to be done either by this agency or by some agency of the Government in this field, with the threat of subversion increasing all the time. If this is not the right way to do it, then do not blame the Board, blame the legislature. Blame Congress. What are we doing about it, sitting here blaming the Board, with these conditions going on all the time? It is time for us to get into action, and quit trying to throw the blame off somewhere else. We have a responsibility, too, for the security of this Nation; and if the Board is not to weigh it, if we are not going to support it, then we should introduce legislation to take some action legislatively, to try to remedy this condition. We cannot escape by sticking our heads in the sand and blaming the Board.

We have got the appropriation now. The President says he wants to do it this way. He has the right. I am not sure. The Supreme Court itself at this moment does not know. If we would ask them today, they might change their minds by the time the case got to them, or they might decide it one way today and change their minds next year. There is no way to rely on that source; we have relied on it before, Mr. President, and found it repudiating its own decisions and its own precedents.

That is why there is a need for the Board. I submit, having retained the Board, let us not say to it, "Now, you cannot do the job the President asked you to do." Again I say to those who are complaining about someone not supporting the President's program, "This is your President's program. How will you vote on this issue? Where is the consistency?"

Mr. President, I am going to support the President. I am going to continue to do what I can in this field against subversion in this country. We may get on the wrong track; the Supreme Court may say we are on the wrong track. We may have to back up and try somewhere else. But in the meantime, the President and his Attorney General say this is the way. I have just about as much confidence in the judgment of the Attorney General of the United States as I have in the Supreme Court. That may be saying a whole lot, but I say it without any reservations.

Mr. President, this is the President's program. Let us follow it. We have got the Board; let us give it something to do.

The PRESIDING OFFICER. All remaining time having been yielded back——

Mr. McCLELLAN. I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, much has been said that the President by use of his power to issue Executive orders does not have the authority to grant these additional powers to the SACB. It seems to this Senator that he does have the power to shift from one agency or commission or department or board under his supervision, powers which are not in conflict with those presently held by the receiving body. Several examples of this have been given in the past and I ask unanimous consent that the list be printed at this point in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Use of the Subversive Activities Control Board To Conduct Hearing Under Executive Order 10450 in Connection With the Designation of Certain Organizations

The function of designating subversive organizations was both established and assigned to the Justice Department by Executive order. It seems clear that the President could reassign this task to another agency in the Executive Branch by issuing a subsequent order (3 U.S.C. 301). Question has been raised, however, as to whether the Board's status, which resembles that of the traditionally independent regulatory agencies, precludes such a transfer. We conclude that there is no rule which forbids such agencies from accepting functions assigned by Executive order. There are, in fact, precedents for such action. These include the following Executive Orders:

(1) The FPC is authorized to have hearings and issue permits for the construction and operation at the borders of the U.S. of gas and electric transmission facilities. Executive Order No. 10530, May 10, 1954. The inherent power to issue such permits is considered as being vested in the President by the Constitution. The delegation was sustained under the President's inherent right to delegate functions vested in him by the Constitution.

(2) The President has delegated to the FCC his statutory power to issue and to revoke on notice and hearing licenses to land or operate submarine cables in the U.S. Executive Order No. 10530 of May 10, 1954. The Executive order recites that the delegation is made under 3 U.S.C. 301, which authorizes Presidential delegations within the Executive Branch.

(3) Under E.O. 8843 of August 9, 1941, the President authorized the Board of Governors of the Federal Reserve System to establish consumer credit controls. These controls included a licensing system and administrative hearings for revocation of licenses.

(4) E.O. No. 11423 of August 16, 1968, delegates authority for granting permission for facilities at U.S. borders such as conveyor belts for coal. Ultimate authority is placed in the Secretary of State but he is directed to request the views of the ICC on such matters.

This list of precedents does not pretend to be exhaustive; however, based on the above, certain conclusions may be offered. It seems that an independent regulatory agency may acquiesce in an order from the Executive to perform a new function if (a) the function is otherwise authorized by law, (b) it does not interfere with other agency functions, and (c) it is closely compatible with the agency's other activities. On this basis it seems that the Order is on reasonably sound grounds.

The SACB appropriation for fiscal 1970 is set forth in the "Department of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1971," which was approved on October 21, 1970. 84 Stat. 1940. It reads in its entirety (84 Stat. 1061):

"For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109,[1] not to exceed $15,000 for expenses of travel, and not to exceed $500 for the purchase of newspapers and periodicals, $401,400."

It would be fair to construe the term "necessary expenses" as including any expenses necessary for executing tasks lawfully assigned to the agency. Assuming that the power to list groups can be validly transferred to the SACB, there seems to be no problem in using the Board's appropriation to carry out the proposed order.

The legislative history of the Act shows that there was concern with whether the Board would be able to receive and hear cases under existing law. See *Hearings before the Senate Committee on Appropriations, State, Justice, Commerce, the Judiciary, and Related Agencies,* 91st Cong., 2d Sess. pp. 871. ff.; S. Rep. No. 1135, 91st Cong., 2d Sess, 35; *Hearings before a Subcommittee of the House Committee on Appropriations,* 91st Cong., 2d Sess. p. 737 ff. Congress was aware that appropriations might well be used for new and unspecified duties which were to be found for it. Thus, Chairman Rooney of the Appropriations Subcommittee dealing with the Board stated on the House floor at the time the appropriation was approved; (Congressional Record, vol. 116, pt. 12, pp. 15580–15581):

"Mr. Rooney of New York. They have practically no jurisdiction at the present time. As I said to the distinguished gentleman from Illinois (Mr. Yates) in the full committee, they are in a standby position.

We have been told by administration officials, that they wanted us to go ahead with this appropriation because they were going to find new duties for the Board. I do not know what duties they will find for them. But I do not think it is a function of this committee to cut their appropriation out completely. We have them down to bare bones, and we do have to pay salaries to the Presidential appointees."

Subsequently, in Senate hearings on the appropriation Senator Thurmond appeared as a witness and testified (*Hearings, supra* at 908):

"PLANS OF ATTORNEY GENERAL TO GIVE BOARD NEW AND EXPANDED DUTIES

"Furthermore, I am informed by the Attorney General that he has plans to give the Board new and expanded duties, and that these plans should be forthcoming shortly. The Board should receive appropriations so that it will be prepared for these new duties."

Senator Thurmond later repeated this statement during debate on the Senate floor on an amendment by Senator Proxmire designed to eliminate the Board's appropriation. (Congressional Record, vol. 116, pt. 22, p. 29865).

Based on the broad language of the Appropriation Act and its legislative history, it is clear that the Board's appropriation can be spent on the proposal to give the Board "new and expanded duties" and that Congress was aware of such a proposal.

Mr. HRUSKA. A reference to the history on this subject of providing for integrity of employees of Government shows that following World War II President Truman determined that there was a need for questions of security to be considered in hiring Federal employees. To establish procedures for this program Truman in 1947 issued Executive Order 9835 which created loyalty review boards.

In 1950, Congress enacted 64 Stat. 476 which created a national security program and which is the first origin of the Attorney General's list of un-American organizations. This statute gives only inferential authority for such a list. There is no specific statutory authority. However, to carry out the directives of the act to maintain national security, Truman directed that the list be maintained so that Federal employment officials could have a list of organizations membership in which was considered a danger to security. The original act related to only some agencies, but this was extended by Truman in Executive Order 10237 of April 1951 to cover all Federal agencies. During this time the original direction of the program was shifted from loyalty to the United States to security for the United States. The Supreme Court case of Cole against Young directed that this type of screening could be used only for sensitive positions whereas it had previously been used for all positions.

President Eisenhower in Executive Order 10450 repealed Truman order Executive Order 9835 and ordered the "Attorney General to render such advice as may be requisite" to enable the heads of Federal agencies to "establish and maintain an appropriate employee-security program."

During the 1950's, Attorney General Brownell added a great many organizations to this list until by 1955 there were close to 300. Because of recent actions of later Attorneys General and the courts, this list has not been reviewed or updated since 1955 although civil service offices still use it for assistance in determining questions of security for Federal employment.

Of the 283 organizations presently on the list, the Justice Department has information that 263 are no longer active and believes that they should be removed from the present list, leaving only 20 now functioning. In addition Justice has under consideration 25 new organizations for addition to the list. It was felt that it would be far better to have the hearings and determination of security concerning these organizations carried out by the SACB pursuant to all of the procedural safeguards regarding such matters as subpoena powers, open hearings, right to counsel, transcripts of the proceedings, and right to cross-examination rather than in the privacy of the Attorney General's office pursuant to routine procedures without these safeguards.

In addition it should be pointed out that independently, Federal employment personnel are right now taking into consideration membership in such organizations as the Black Panthers before hiring. Notwithstanding the fact that the Black Panthers is not on the list. Would it not be better to have such an organization placed on a public list after due process hearings so that citizens can know that if they maintain membership in this organization they may be considered as security risks and denied Government employment rather than have them innocently join only later to realize the consequences? A nationwide public list is far better than a covert but powerful blacklist.

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[1] 5 U.S.C. 3109 provides for employment of services of experts and consultants.

Under the amendments to EO–10450 the Attorney General will be relieved of his present role of "prosecutor and judge" of these matters and the fact finding will be transferred to the SACB with the Attorney General maintaining his present responsibility for final listing and dissemination of this information.

The action of the President in his Executive order of July 2 is no different from those just cited. I do not believe that he has overstepped his authority or transgressed on the legislative powers of Congress in any way.

Mr. KENNEDY. Mr. President, last week I spoke out against legislation proposed by the Attorney General which would apply to citizens in all Federal cases the same preventive detention measures which have been thrust upon the citizens of the District of Columbia.

At least with respect to that measure, however, the Congress will be able to work its legislative will. We have now learned that with respect to the Subversive Activities Control Board, the President of the United States has recently decided that the Congress should no longer legislate.

By issuing Executive Order 11605, which is unparalleled in scope, unprecedented in power, and dangerous in purpose, the President of the United States has sought to establish a "McCarthy committee" by Executive fiat. His order claims the right to create new powers for the Subversive Activities Control Board.

Without seeking congressional action, without permitting committee hearings, without allowing "speech and debate," without even filing a reorganization plan for congressional consideration—the President of the United States has proposed, enacted, and signed into law, his own personal legislation.

Perhaps we are losing our ability to be shocked. For in the recent past we have experienced the temporary suspension of several of our constitutional guarantees—all in the name of "national security," and all under a doctrine called "inherent power." First it was the right of free speech, chilled by military spying. Then it was the right to be secure in our homes, eroded by unsupervised wiretapping. It was due process of law, and the right to be protected against cruel and unusual punishment, which were ignored on May Day. And then the right of a free press was diluted in the case of the Pentagon papers.

And now, in furtherance of what this administration has apparently come to conclude is its inherent power "to expose"—as one official recently put it—we see an effort to suspend the very first constitutional mandate that "all legislative powers herein granted shall be vested in a Congress of the United States."

The so-called principle of law which has been cited in support of the Presidential power to make law was articulated by a high Justice Department official last week. He said:

> Where the appropriate committee having jurisdiction is advised of the functions, additional functions, which the Commission is granted, and the Congress acts upon that appropriation with that knowledge, that, as in this case, the SACB would have the authority to engage in that type of hearing activity.

That is the same theory that has been cited time and again in support of assertions that the Congress has declared war in Southeast Asia. The Congress has not accepted that theory before, and must not accede to it now.

I trust that all of us here today, no matter how we stand on the merits of the SACB, or on the powers of the SACB, will stand fast to the basic principles of constitutional government, and insist that these new measures be submitted to the normal machinery of the legislative process.

And so, I support the amendment introduced by the distinguished Senator from North Carolina, and I commend him for the courage, the wisdom, and the leadership, which he has once again displayed.

Mr. McCLELLAN. I yield back the remainder of my time.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Jackson), and the Senator from Montana (Mr. Metcalf) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), and the Senator from Washington (Mr. Jackson) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senators from New York (Mr. Buckley and Mr. Javits), the Senator from Michigan (Mr. Griffin), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from Maryland (Mr. Beall) is absent to attend the funeral of a friend.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New Hampshire (Mr. Cotton) is detained on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "yea."

On this vote, the Senator from New York (Mr. Javits) is paired with the Senator from Ohio (Mr. Taft). If present and voting, the Senator from New York would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 51, nays 37, as follows:

[No. 151 Leg.]

YEAS—51

Aiken
Anderson
Bayh
Boggs
Brooke
Burdick
Byrd, Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Ellender
Ervin
Fulbright
Harris
Hart
Hartke
Hughes
Humphrey
Inouye
Jordan, N.C.
Kennedy
Long
Mathias
McGee
McGovern
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Schweiker
Scott
Spong
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams

NAYS—37

Allen
Allott
Baker
Bennett
Bentsen
Bible
Brock
Byrd, W. Va.
Curtis
Dole
Dominick
Eastland
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, Idaho
Magnuson
Mansfield
McClellan
McIntyre
Montoya
Prouty
Randolph
Roth
Saxbe
Smith
Sparkman
Stennis
Thurmond
Tower
Weicker
Young

NOT VOTING—12

Beall
Bellmon
Buckley
Cotton
Gravel
Griffin
Hatfield
Jackson
Javits
Metcalf
Mundt
Taft

So Mr. Ervin's amendment was agreed to.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MATHIAS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

The PRESIDING OFFICER. The clerk will suspend. The Senate is not in order.

Mr. PASTORE. Mr. President, why can we not have order?

The PRESIDING OFFICER. The Senate will be in order. The clerk will not proceed until the Senate is in order. The clerk will not proceed. The clerk may proceed to state the amendment.

The assistant legislative clerk read as follows:

> On page 22, following line 8, insert the following:
>
> "Sec. 208. None of the funds appropriated by this title may be obligated or expended for the establishment, operation or support of any new or substantially expanded Federal, state, local or interstate computerized system for the collection, classification, indexing, exchange or dissemination of criminal offender records, criminal intelligence information, or the criminal histories of individuals until (a) the Congress has enacted legislation establishing policies and procedures to insure the integrity and accuracy of such systems and to protect the constitutional rights of all persons covered or affected by such systems, or (b) 120 days after the Law Enforcement Assistance Administration has transmitted to the Congress the report and legislative recommendations required to be submitted not later than May 1, 1971, pursuant to section 7(7) of the Omnibus Crime Control and Safe Streets Acts Amendments of 1970 (P.L. 91–644, 84 Stat. 1888), whichever occurs first."

Mr. MATHIAS. Mr. President, the very moratorium which I propose will not stop any existing computerized data systems in the Department of Justice, such as currently operating organized crime intelligence programs or the National Crime Information Center exchange of information on wanted persons and stolen property. Nor would my amendment suspend any State or local criminal information or intelligence program currently receiving Federal aid. It would certainly be shortsighted to pull the plug on all computerized systems, or to decree that they could not add a single bit of new information or respond to any greater number of inequities than they receive today. I want to make it very clear that this is not the intent or effect of my amendment.

I do believe, however, that we should suspend the funding of new criminal justice data banks until the state of the law catches up with the state of the art.

Mr. President, this amendment would temporarily suspend Justice Department funding of any new or substantially expanded criminal justice data banks on individuals, to give the Congress, hopefully with the cooperation of the executive branch, a reasonable opportunity to enact uniform policies and procedures to govern such operations and insure that they will fully protect individual rights.

For example, the pending bill includes $4.3 million—$1.3 million for the FBI and $3 million for LEAA—to launch a new, ultimately nationwide computerized system for the exchange of criminal histories. The $4.3 million would support the hiring of 60 additional NCIC clerks to administer the national index for this new system, plus additional NCIC computer and transmission facilities, and Federal aid of $3 million to the States to expand the network from the Project SEARCH base of 15 States to 25 States and to convert an unspecified number of individual case histories.

More millions in LEAA funds are intended to support a wide variety of State and local criminal information and intelligence projects. According to one published report, as many as 46 States are expected to have some type of computerized data system by the end of fiscal 1972.

In short, we are being asked today to approve millions for data banks which will potentially affect the lives and freedom of millions of Americans. Yet, as I will discuss later in my remarks, Federal law on this sensitive subject is inadequate and obsolete, while State and local statutes lag even further behind the times.

I believe the Congress has an obligation to establish clear guidelines and controls for criminal justice data banks operated by Federal agencies, supported by Federal funds, or connected with Federal systems. Accordingly, last year I offered an amendment to the Omnibus Crime Control Act of 1970 which was adopted in section 7(7) of that act. That section states:

> Not later than May 1, 1971, the Administration [LEAA] shall submit to the President and to the Congress recommendations for legislation to assist in the purposes of this title with respect to promoting the integrity and accuracy of criminal justice data collection, processing, and dissemination systems funded in whole or in part by the Federal Government, and protecting the constitutional rights of all persons covered or affected by such systems.

Unfortunately the Justice Department has failed to comply with this clear directive of Congress. The report is now more than 6 weeks overdue. The last word to me from the Justice Department was that the LEAA recommendations are still undergoing review and revision somewhere in the executive branch.

Mr. President, I am not sure at what precise point in time or the bureaucracy a detailed review becomes a stall. I do know that I proposed a May 1 report last year to solicit the views of the executive branch on data bank controls in a timely and orderly way, so that Congress could legislate and then appropriate in a sensible manner. Instead, we are now facing the precise situation I hoped to avoid. We are being asked to pay now and legislate later.

Mr. President, there is new case law in this area. In this connection, I ask unanimous consent to have printed in the Record the opinion by Judge Gesell in Menard against Mitchell, and the report and model State law proposed by the Project SEARCH Committee in Technical Memorandum No. 3.

There being no objection, the material was ordered to be printed in the Record, as follows:

[In the United States District Court for the District of Columbia, Civil Action No. 39–68]

DALE B. MENARD, PLAINTIFF, VERSUS JOHN MITCHELL, ET AL., DEFENDENTS

MEMORANDUM OPINION

Plaintiff has brought this action to expunge his arrest record contained in the Fingerprint Identification files of the Federal Bureau of Investigation. That record reads as follows:

Date arrested or received: August 10, 1965.

Charge or offense: 459 PC Burglary.

Disposition or sentence: August 12, 1965. Unable to connect with any felony or misdemeanor—in accordance with 849b(1)—not deemed an arrest but detention only.

Occupation: student.

Originally the matter was presented to another Judge of this Court on cross-motions for summary judgment and defendants prevailed. The Court of Appeals reversed and remanded for the taking of testimony after expressing interest and concern with issues suggested by the pleadings which the Court apparently felt had not been fully developed in the record. *Menard* v. *Mitchell*, U.S. App. D.C., 430 F.2d 486 (1970). Accordingly, further evidence was taken at a full hearing and the issues have been briefed and argued.

Menard, age 19 at time of arrest and subsequently an officer in the Marine Corps, contends that his arrest in Los Angeles was without probable cause and that future dissemination of the above arrest record, now in the files of the FBI, may impede his employment opportunities and subject him to an increased risk of being suspected and arrested for crimes on other occasions. He seeks expungement of the record or, in the alternative, strict limitations on its dissemination by the FBI.

Before considering the merits of the expungement issue raised, it is appropriate to set forth complete findings on two subjects indicated by the Court of Appeals as matters for particular inquiry on remand: the procedures and practices of the FBI with respect to maintaining arrest records and the circumstances of Menard's arrest.

I. *The Procedures of the FBI Identification Division*—Fingerprint and arrest records such as Menard's are under the jurisdiction of the Federal Bureau of Investigation's Identification Division. This Division, which has been in existence since 1924, functions under the Attorney General, and proceeds by authority of 28 U.S.C. 534, which reads as follows:

> § 534. Acquisition, preservation, and exchange of identification records: appointment of officials.
>
> (a) The Attorney General shall—
>
> (1) acquire, collect, classify, and preserve identification, criminal identification, crime and other records; and
>
> (2) exchange these records with, and for the official use of, authorized officials of the Federal Government, the States, cities, and penal and other institutions.
>
> (b) The exchange of records authorized by subsection (a) (2) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.
>
> (c) The Attorney General may appoint officials to perform the functions authorized by this section. Added. Pub. L. 89–554, § 4(c), Sept. 6, 1966, 80 Stat. 616.

The Attorney General has made a series of rulings interpreting the statute. These are largely codified in 28 C.F.R. § 0.85(b) which provides that the Director of the FBI shall:

> Conduct the acquisition, collection, exchange, classification, and preservation of identification records, including personal fingerprints voluntarily submitted, on a mutually beneficial basis, from law enforcement and other governmental agencies, insurance companies, railroad police, national banks, member banks of the Federal Reserve System, FDIC-Reserve-Insured Banks, and banking institutions insured by the Federal Savings and Loan Insurance Corporation; provide expert testimony in Federal or local courts as to fingerprint examinations; and provide identification assistance in disasters and in missing persons type cases.

The FBI Identification Division has fingerprints of some two hundred million persons on file. These records are maintained in separate criminal and applicant files. Fingerprints are submitted to the Bureau by federal, state, and local agencies on a reciprocal basis. Law enforcing agencies, primarily local police and sheriff's offices, submit prints of arrested persons in order to receive information on the person's prior criminal involvement. The Bureau reports its findings and maintains the fingerprint card so submitted, along with the accompanying arrest data, in its criminal file. Information on the subsequent disposition of each arrest is posted if received from the submitting agency. The information so recorded is cryptic and formal, without explanation or elaboration. Juvenile arrests and convictions, when submitted by local agencies, are treated the same as similar adult data. The criminal file currently contains information on some sixty million arrests of approximately nineteen million people.

Fingerprint cards are also received from agencies of the state and federal governments and others who seek information on an individual's record of criminal involvement in connection with permits, licenses, and employment clearance.

After check against the criminal file, these cards are maintained in the applicant file for future reference. The Division also receives hundreds of "name check" requests from contributing and non-contributing sources, including an occasional Congressman, asking for the criminal record of an individual by name without submitting any fingerprints for comparison. Many of these cannot be processed because of inadequate identification of the person named, particularly where common names are involved. Where possible, however, and where the inquiring agency gives what the FBI considers a legitimate reason for the request, these inquiries are processed.

The volume of work of the Division is enormous, requiring about 3,300 employes. The Division receives an average of 29,000 fingerprints a day for processing, of which about 13,00 are received from law enforcing agencies in connection with arrests.

The Division, broadly speaking, considers any state, city or county official to be authorized to receive information if the agency has something to do with law enforcement or if it is authorized by statute, ordinance, or rule to fingerprint applicants for employment or for a permit or license. The laws and ordinances of various local areas vary widely. Some areas do not require fingerprinting for practically any pupose while others have highly detailed fingerprinting requirements for varied and often quite minor occupations. Examples are listed in Appendix A. The record contains a long list of state and local governments and a large number of different licensing authorities who by law or regulation are required to take fingerprints as part of their licensing duties. The Division maintains a current list of contributing or participating state and federal agencies which now numbers between 7,000 and 8,000. Of these, approximately 3,750 are local police departments and sheriff offices. Criminal record data is not sent directly to private employers, except in a few instances such as 390 banks insured by the F.D.I.C. and certain hospitals.[1]

As far as the Federal agencies are concerned, Executive Order 10450 of April 1953, C.F.R. 936 (1949–53 Comp.), 5 U.S.C. 7311, requires a check of the FBI fingerprint files on practically all applicants for employment in the Federal Government whether or not engaged in law enforcement. The Civil Service Commission and the Military account for the highest volume of fingerprints submitted to the Bureau.

Given the very general nature of its purported authority the Bureau has proceeded cautiously. It investigates the authority of local agencies to require fingerprints and insists that detailed forms be filled out by contributors showing the purpose for which fingerprints are to be submitted. The Attorney General advises in doubtful situations. The Division has carried out its work in a responsible, meticulous manner. Nonetheless, the end result is most unsatisfactory. While the Division has vigorously sought to develop complete records and particularly to learn of dispositions resulting from each arrest, this effort has not been successful due to the failure of arresting agencies to send in follow-up data on forms provided. Some police departments do much better than others in this regard, but the Division has no sanctions and must be satisfied with what it can get by persuasion since the whole system functions on a voluntary basis. Even more troublesome is the fact that the Division has little opportunity to supervise what is actually done with the arrest records it disseminates. It requires that a proper purpose be stated by the agency requesting information but what is in fact done with the information as a practical matter cannot be constantly checked. It is apparent that local agencies may often pass on arrest information to private employers. The Division makes no regular inspection to prevent this, for it has neither funds nor sanctions, and accordingly responds only to complaints. In a few instances police departments have been restricted, and in other instances when complaints were received personnel or administrative changes were demanded by the FBI and put into effect.

The FBI does not supply an individual with his arrest record except under rare special circumstances. The reasons are apparently two: the difficulty of obtaining definite identification of the person requesting the record, and fiscal considerations. There is no sure procedure for finding an arrest record by name only. A clear set of fingerprints is required for matching purposes. Thus as a practical matter an individual must submit his prints to get a check made of his record. This is cumbersome. Moreover, the Division is already so hard-pressed that it cannot now meet the demands on it from all local agencies. A regular system of servicing individual requests would require an estimated $110,000 per annum, plus appropriations for at least six additional employees.

Any agency that forwards fingerprint arrest data to the Division may request the Bureau to remove the data from the file and return it. This the Bureau does automatically, retaining no copies and without inquiring as to the reasons underlying the request. Thus control of what arrest or criminal data remain in the files rests in every case (except where an arrest on Federal charges is involved) with the local arresting authority. In 1970 over 8,000 arrest records were returned by the FBI to local authorities. Some thirteen states, including California, have laws or procedures for authorizing this form of expungement in varying circumstances. In addition some states have laws limiting the type of arrest data that can be forwarded routinely to the Bureau.

Against this background, which was more fully developed in the record in an effort to supply the type of data requested in the decision of the Court of Appeals, it is possible to turn to the issues presented by this particular lawsuit.

II. *The Circumstances of the Arrest*—Menard was arrested on suspicion of burglary by two officers of the Los Angeles Police Department. The arrest occurred around 4:00 a.m. on August 10, 1965. The police had earlier that morning received a complaint of a prowler at a sanatorium located in a high crime area. The prowler was reported looking in windows and at the back parking lot of the institution. Checking on this complaint, the police obtained a description of the man and proceeded to patrol the area. A short distance away they saw an unkempt, unshaven man fitting the description, dressed in dark clothing lying on a park bench. That man was Menard. Near him on the ground was a wallet belonging to someone else containing $10. The officers had reason to believe the wallet might have been discarded by Menard as he observed the officers approaching him through the park. The arrest was made without knowledge of any specific burglary[2] but on the basis of the prowler complaint, the suspicious presence of the wallet, and the general circumstances outlined above. Menard's arrest was with probable cause. *Ker* v. *California*, 374 U.S. 23, 34–35 (1963); *Jackson* v. *United States*, 112 U.S. App. D.C. 260, 302 F. 2d 194, 196 (1962); *People* v. *Fischer*, 49 Cal. 2d 442, 314 P. 2d 967, 970 (1957).

Menard was booked at the precinct after the Watch Commander reviewed the facts and circumstances reported by the officers. He was fingerprinted and his prints with a notation of his arrest were sent to the Bureau in accordance with regular procedures. After further investigation, Menard was released in accordance with the provisions of the California Penal Code, the police being "unable to connect with any felony or misdemeanor at this time." Plaintiff and his family then sought by lengthy correspondence with the Los Angeles Police Department to have the record expunged by the Police Department but were finally advised on May 31, 1966, that removal of the record would be possible "Only upon order of a court of competent jurisdiction." This was confirmed by correspondence with the Bureau which took the position that the Bureau had no authority to determine what fingerprints should be in the FBI files.

III. *Expungement:* The Government argues persuasively that a district court is without authority to make a determination of probable cause where a state arrest is concerned, and that in any event the Court should in such cases exercise its discretion and not intervene, leaving Menard to pursue his expungement remedies in the California state courts. There is substantial authority and much common sense supporting this position.

The FBI simply records in its files information supplied by other agencies, and is in no position to make an independent investigation of the circumstances of an individual's arrest by state authorities or later developments in his case. Nor is a Federal District Court in a position to litigate the merits of arrests made by state authorities far away from its jurisdiction, as the problems of proof in this case demonstrate.

The Bureau uniformly honors requests by contributing agencies that a record be removed from the FBI files and returned to the agency. Whatever the issue as to the legality of an arrest record, an action for its expungement cannot be maintained unless administrative remedies are first exhausted; and where these efforts are unsuccessful, as were Menard's, resort should be had in the first instance to the state courts. This procedure is strongly suggested if not compelled by recent cases which hold that federal courts should refrain from interfering with a state's administration of its own criminal laws, and should abstain from deciding issues of local concern until they are first presented to the state courts. *See, e.g., Younger* v. *Harris*, 401 U.S. 37, 43–44 (1971); *Fay* v. *Noia*, 372 U.S. 391, 417–20 (1963); *Buechold* v. *Ortiz*, 401 F.2d 371, 373 (9th Cir. 1968); *Ganger* v. *Peyton*, 379 F.2d 709, 710 (4th Cir. 1967). The fact that the Court has made the factual determination of probable cause in this case arises solely from the specific directions given on the remand and should be no precedent for the future.

The Court of Appeals apparently felt that a finding of probable cause was relevant to a determination of the question whether Menard's arrest record is a "criminal record" of the type which the Bureau is authorized to maintain under 28 U.S.C. § 534. Analysis demonstrates, however, that the question of probable cause has little to do with the merits of the underlying controversy. An arrest whether made with or without probable cause is to be sure a fact, but one that proves nothing so far as the actual conduct of the person arrested is concerned. An arrest without probable cause may still lead to conviction and one with probable cause may still result in acquittal. Under our system of criminal justice, only a conviction carries legal significance as to a person's involvement in criminal behavior. As the Supreme Court stated in *Schware* v. *Board of Bar Examiners*, 353 U.S. 232, 241 (1957):

> The mere fact that a man has been arrested has very little, if any, probative value in showing that he has engaged in any misconduct. An arrest shows nothing more than that someone probably suspected the person apprehended of an offense. When formal charges are not filed against the arrested person and he is released without trial, what-

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[1] Insurance companies are aided in necessary identification work but are not furnished criminal record data by the FBI.

[2] Burglary is defined under the California Criminal Code § 13–459 as follows: Every person who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building . . . with intent to commit grand or petit larceny or any felony is guilty of burglary.

ever probative force the arrest may have had is normally dissipated. [Footnote omitted.]

Other cases have held that arrests without convictions may not legally be used as the basis for adverse action against an individual. In *Gregory* v. *Litton Systems, Inc.*, 316 F. Supp. 401 (C.D. Calif. 1970), the practice of an employer in denying employment to persons with arrest records was found to violate Title VII of the Civil Rights Act of 1964. The court made factual findings that such a practice disqualified a higher proportion of blacks than whites, and that "information concerning a prospective employee's record of arrests without convictions is irrelevant to his suitability or qualification for employment." 316 F. Supp. 401, 403. *See also United States* v. *Kalish*, 271 F. Supp. 968, 970 (D. Puerto Rico 1967).

Relying on these general principles, Menard argues that in the absence of a conviction, the maintenance and use of his arrest record for any purpose whatsoever violates several constitutional guarantees—the presumption of innocence, due process, the right to privacy, and the freedom from unreasonable search under the Fourth Amendment. There are few precedents which deal directly with these issues. Those that do exist usually involve special circumstances such as dragnet arrests or arrests under patently unconstitutional statutes. *See, e.g., Wheeler* v. *Goodman*, 306 F. Supp. 58 (W.D. N.C. 1969); *Hughes* v. *Rizzo*, 282 F. Supp. 881 (E.D. Pa. 1968). Others have granted relief on motion ancillary to a pending criminal proceeding, calling upon general equity principles or local rules rather than constitutional considerations. *See, e.g., Morrow* v. *District of Columbia*, 135 U.S. App. D.C. 160, 417 F. 2d 728 (1969); *United States* v. *Kalish*, 271 F. Supp. 968 (D. Puerto Rico 1967); *Irani* v. *District of Columbia*, — A. 2d — (D.C. App. Jan. 27, 1971).

Each of Menard's constitutional arguments makes certain assumptions about the uses to which his arrest record will be put. As the Court of Appeals noted, it is a fact subject to ready judicial notice that dissemination of an arrest record may place substantial obstacles in the way of a person's opportunity for employment or advancement, and may also affect aspects of law enforcement and judicial action. No court has yet examined the legality of FBI practices with respect to the dissemination of arrest records. It is appropriate, therefore, to deal fully with those issues before reaching any expungement claims. The Court is required to determine under what circumstances, if any, arrest records not reflecting a later conviction may be disseminated by the Bureau either within or outside the Federal Government.

IV. *Dissemination of Arrest Records*—Throughout the years Courts have sought to preserve a citizen's right to privacy against changes in our culture and developing modes of governmental regulation. As early as 1886 the Supreme Court stated in *Boyd* v. *United States*, 116 U.S. 616, 630 (1886), that privacy is inherent in our constitutional form of government. Referring to earlier British precedent the Court noted that privacy was a sacred right, stating:

> The principles laid down in this opinion affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case then before the court, with its adventitious circumstances; they apply to all invasions on the part of the government and its employees of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty and private property, where that right has never been forfeited by his conviction of some public offence—it is the invasion of this sacred right which underlies and constitutes the essence of Lord Camden's judgment. . . .

A moment's thought demonstrates the wisdom of this precept, as of course many subsequent decisions and commentators have noted.[3] While conduct against the state may properly subject an individual to limitations upon his future freedom within tolerant limits, accusations not proven, charges made without adequate supporting evidence when tested by the judicial process, ancient or juvenile transgressions long since expiated by responsible conduct, should not be indiscriminately broadcast under governmental auspices. The increasing complexity of our society and technological advances which facilitate massive accumulation and ready regurgitation of far-flung data have presented more problems in this area, certainly problems not contemplated by the framers of the Constitution.[4] These developments emphasize a pressing need to preserve and to redefine aspects of the right of privacy to insure the basic freedoms guaranteed by this democracy. and citations.

In short, the overwhelming power of the Federal Government to expose must be held in proper check.

A heavy burden is placed on all branches of Goverment to maintain a proper equilibrium between the acquisition of information and the necessity to safeguard privacy. Systematic recordation and dissemination of information about individual citizens is a form of surveillance and control which may easily inhibit freedom to speak, to work, and to move about in this land. If information available to Government is misused to publicize past incidents in the lives of its citizens the pressures for conformity will be irresistible. Initiative and individuality can be suffocated and a resulting dullness of mind and conduct will become the norm. We are far from having reached this condition today, but surely history teaches that inroads are most likely to occur during unsettled times like these where fear or the passions of the moment can lead to excesses. The present controversy, limited as it is, must be viewed in this broadest context.

Menard, formerly a responsible officer in the Marine Corps, will in all likelihood not be hurt by his arrest which proved unfounded, but as a citizen he has the right to question the largely uninhibited distribution of information about this episode in his past. Where the Government engages in conduct, such as the wide dissemination of arrest records, that clearly invades individual privacy by revealing episodes in a person's life of doubtful and certainly not determined import, its action cannot be permitted unless a compelling public necessity has been clearly shown. Neither the courts nor the Executive, absent very special considerations, should determine the question of public necessity *ab initio*. The matter is for the Congress to resolve in the first instance and only congressional action taken on the basis of explicit legislative findings demonstrating public necessity will suffice.

This brings under pointed analysis the import of the legislation under which the Attorney General has delegated fingerprint identification functions to the Bureau. The statute previously quoted, 28 U.S.C. § 534, must be narrowly interpreted to avoid the serious constitutional issues raised by Menard and noted by the Court of Appeals. Viewed in this light, it is abundantly clear that Congress never intended to or in fact did authorize dissemination of arrest records to any state or local agency for purposes of employment or licensing checks.

The statute read as a whole is obviously designed only to facilitate coordinated law enforcement activities between the federal and local governments, that is, to assist arresting agencies, courts and correctional institutions in the apprehension, conviction and proper disposition of criminal offenders. Neither the statute nor the debates[5] so much as mention employment, and it is beyond reason to assume that Congress intended that this confidential quasi-investigative data should be handed to anyone who under authority of local ordinance or statute was authorized to take a fingerprint from an applicant for a position in public or private employment. At the time the statute was passed and since, there is no rational or uniform system among the states and local governments for obtaining fingerprints from applicants, and the compelling necessity of federal action to supply criminal information cannot be established by the whim or intolerance of any local board of selectmen.

The principal faults in the present system may be briefly indicated:

(1) State and local agencies receive criminal record data for employment purposes whenever authorized by local enactment. These enactments differ state-by-state and even locality-by-locality within a particular State. See Appendix A. Thus there is no pattern that finds justification either in terms of over-all law enforcement objectives or by category of employment.

(2) The Bureau cannot prevent improper dissemination and use of the material it supplies to hundreds of local aegncies. There are no criminal or civil sanctions. Control of the data will be made more difficult and opportunities for improper use will increase with the development of centralized State information centers to be linked by computer to the Bureau.

(3) The arrest record material is incomplete and hence often inaccurate, yet no procedure exists to enable individuals to obtain, to correct or to supplant the criminal record information used against them, nor indeed is there any assurance that the individual even knows his employment application is affected by an FBI fingerprint check.

(4) The demands made of the Division for employment data have so increased that the Bureau now lacks adequate facilities to service new applicants who fall within its own vague standards of eligibility.

In short, with the increasing availability of fingerprints, technological developments, and the enormous increase in population, the system is out of effective control. The Bureau needs legislative guidance and there must be a national policy developed in this area which will have built into it adequate sanctions and administrative safeguards.[6] It is not the function of the courts to make these judgments, but the courts must call a halt until the legislature acts. Thus the Court finds that the Bureau is without authority to disseminate arrest records outside the Federal Government for employment, licensing or related purposes.

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[3] *See especially* A. Miller, The Assault on Privacy (1971), and his voluminous notes

[4] See President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: Science and Technology, at 74–77 (1967). Dealing specifically with arrest records, the Commission noted three serious problems in their use:

The record may contain incomplete or incorrect information.

The information may fall into the wrong hands and be used to intimidate or embarrass.

The information may be retained long after it has lost its usefulness and serves only to harass ex-offenders, or its mere existence may diminish an offender's belief in the possibility of redemption.

[5] The legislative history is exceedingly spare. The discussion which did take place in Congress only emphasizes the limitation of the Identification Division to criminal law enforcement purposes. 72 Cong. Rec. 1989 (71st Cong., 2d Sess., Jan. 20, 1930).

[6] An extended discussion of the problem and some reasonable recommendations for legislation were made in the Task Force Report on Science and Technology, President's Commission on Law Enforcement and Administration of Justice, pp. 74–77 (1967).

When the statute is thus construed there is no difficulty in upholding it for the limited purpose that was intended. There is a compelling necessity to furnish arrest data to other law enforcing agencies for strictly law enforcement purposes. Arrest records are available in uncovering criminal conduct, they play a significant role in the prosecutor's exercise of discretion, they greatly aid in setting bond, determining sentences and facilitating the work of penal and other institutions of correction. When arrest records are used for such purposes, they are subject to due process limitations within the criminal process, and misuse may be checked by judicial action. The same safeguards are not present when an arrest record is used for employment purposes, often without the knowledge of the person involved. Menard's arrest record will not be expunged where its dissemination outside the Federal Government is limited to law enforcement purposes.

This leaves open for consideration the Federal Government's use of these records for purposes of governmental employment only. Executive Order 10450, *supra*, limited as it has been by previous Court decisions, must be recognized as a proper exercise of the President's responsibilities in the name of national security. There are many Civil Service and other built-in safeguards which protect misuse of this information. It cannot be passed on to private employers, including Government contractors. The Government's discreet use of this information already in its possession for its own limited employment purposes in aid of national security cannot be said to infringe any constitutional right asserted by Menard. While the point is of no consequence in his particular case, the Court ventures to suggest that the Executive Order should be reexamined in the light of present conditions and can in several respects be made more consonant with fair play, particularly if all applicants for federal service receive a personal copy of their record in time to correct or explain any data therein contained.

Menard's prayer for expungement is denied. His arrest record may not be revealed to prospective employers except in the case of any agency of the Federal government if he seeks employment with such agency. His arrest record may be disseminated to law enforcement agencies for law enforcement purposes. An appropriate order to this effect is attached.

The foregoing shall constitute the Court's findings of fact and conclusions of law.

GERHARD A. GESELL,
United States District Judge.

June 15, 1971.

APPENDIX A

Sample of persons required to be fingerprinted by State or local statute, ordinance or rule

Glendale, Arizona: Taxicab drivers and operators; transient, itinerant or traveling merchants, peddlers, private detectives, solicitors or canvassers, massage parlor operators, and employees.

Denver, Colorado: Any applicant for a driver's license.

District of Columbia: Auctioners, fortune tellers, hackers, junk dealers, mediums, parking lot attendants, pawnbrokers, second hand dealers, solicitors, vendors; operators of billiard parlors, bowling alleys, detective agencies, massage establishments, pool rooms, shooting galleries; ABC licensees.

Town of Manalapan, Florida: Every person employed in any club, any place handling liquor, beer or wine in any form, motels, hotels, apartment houses, health spas, hospitals, and all newspaper carriers over the age of sixteen years, service station employees, special police officers, nurses, boat captains and crew members, town employees, estate maintenance employees, including lawn men, gardeners, and caretakers, and all domestic servants in the town.

State of Idaho: All real estate salesmen and brokers.

State of Maryland: Pari-mutuel employees and stable employees, including but not limited to foremen, exercise boys and grooms.

Springfield, Missouri: Female entertainers performing in establishments serving intoxicating beverages.

State of Nevada: Every applicant for a license to practice medicine.

State of North Carolina: Applicants for admission to the Bar.

Provincetown, Massachusetts: All non-residents seeking employment.

ORDER

This cause having come on for trial and the Court having this day filed a Memorandum Opinion containing its findings of fact and conclusions of law, it is this 15th day of June, 1971.

Ordered that defendants, their agents, successors and assigns, are permanently enjoined from disclosing the fingerprint card containing the arrest record of Dale B. Menard, or any facsimile thereof, to any person other than the following:

1. Employees of the Federal Bureau of Investigation;

2. Officials of any agency of the United States Government, in the event that Dale B. Menard applies to such agency for employment; and

3. Officials of any law enforcement agency of the United States Government or of any state or local govenment, provided that such official certifies that the record is to be used by that agency internally and solely for law enforcement purposes. The term law enforcement agency shall include only police and other agencies authorized to make arrests for criminal violations; courts; prosecutors' offices; and penal or other correctional institutions.

Nothing in this Order shall limit the ability of the Bureau or any receiving agency from disclosing the arrest record on order of any court of competent jurisdiction.

It is further ORDERED that plaintiff's prayers for relief in the complaint are in all other respects denied.

A MODEL STATE ACT FOR CRIMINAL OFFENDER RECORD INFORMATION

(Prepared by the Project SEARCH Committee on Security and Privacy)

CHAPTER I. INTRODUCTION

This report is designed to serve as a reference and as the medium for the promulgation of A Model State Act for Criminal Offender Record Information. While the Act should have the effect of enhancing the efficiency of criminal offender record keeping within the various states that adopt some or all of its provisions, the primary purpose of the Model State Act is to provide security and privacy protection. The report consists of this Introduction, a chapter on Drafting Philosophy, the Model Act, a Section-by-Section Analysis, and an extensive Bibliography.

Background

Project SEARCH, an acronym for System for Electronic Analysis and Retrieval of Criminal Histories, began on June 30, 1969. The project was designed to develop a prototype computerized criminal justice information system.

At present, having successfully developed and demonstrated the prototype, the 15 participating states—Arizona, California, Colorado, Connecticut, Florida, Illinois, Maryland, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Texas, and Washington—are cooperating with the FBI in the development of an operational system to be part of the National Crime Information Center.

The studies upon which the Model State Act is based were conducted by the Project SEARCH Committee on Security and Privacy with the continuing cooperation of all members of the SEARCH Project Group. This was a logical follow-on of the work of the Security and Privacy Committee and was anticipated in Technical Report No. 2:

"The committee is presently studying model legal statutes for the participant states and model administrative regulations for participant agencies. The conflict and diversity of legal structures supporting the identification function in the various states need to be reconciled for purposes of uniform requirements relating to security and privacy. Likewise, federal and state administrative regulations need to be standardized so that they are uniformly protective of civil liberties." The committee's thrust to develop model administrative regulations continues and they will be prepared for publication in the near future. This Model Act is intended to provide the legal framework within which standardized regulations may be fostered. It is essential that the Act be read in conjunction with the Analysis and that they be considered jointly, since the apparent rigidities of the Model Act are explained in the Analysis. The statute is intended as a model and not a straight-jacket; it is intended to set out general guidelines, and not to prescribe specific organizational commitments. Alterations may be needed in each state to take fully into account local needs and conditions. Such adjustments could be made without any serious reduction in the protection given to security and privacy.

Federal legislation

While the Security and Privacy Committee was busily engaged in developing the Model State Act, Congress passed the following provision (the so-called "Mathias Amendment") adding to the Safe Streets Act:

"Not later than May 1, 1971, the Administration (LEAA) shall submit to the President and to the Congress recommendations for legislation to promote the integrity and accuracy of criminal justice data collection, processing and dissemination systems funded in whole or in part by the Federal Government, and to protect the constitutional rights of all persons covered or affected by such systems.

The relevance of any such federal legislation to the Model State Act is, of course, quite obvious, even though there are significant differences involved. The State Act is concerned with criminal offender record information only, but it impacts all states and all state and local identification systems within the states. On the other hand, the recommended federal legislation applies only to those systems funded by the Federal Government; however, it is not limited to criminal offender identification records alone, but may include intelligence systems as well—indeed it may pertain to all kinds of criminal justice data systems wherever federally funded. Thus the federal and state statutes should ideally complement common goals.

Effect of the statutes

It is likely that both these efforts will have a profound effect upon the security and privacy of criminal history records for the following reasons:

1. There are currently some jurisdictions that provide criminal offender record information to private persons, sometimes for a fee;

2. Where there is no legitimate avenue presently available to obtain such data, people often attempt to obtain it by devious means. In some of these cases a criminal justice purpose might be served by permitting access if it could be legally authorized;

3. The fact that acceptance of Federal funding will be contingent upon meeting the stringent criteria likely to be promul-

gated as a result of the so-called "Mathias Amendment", should serve as a powerful stimulus for increased concern about security and privacy in all criminal offender record systems.

Thus, on the one hand, there will be strenuous efforts made to prevent improper access, while, on the other hand, some people and agencies now foreclosed from access are likely to be acknowledged as appropriately entitled to obtain limited access to the data. There should be, therefore, fewer "leaks" of the data to improper and unlawful recipients and, likewise, fewer attempts to illegally penetrate the system.

The need to develop these kinds of statutes (both the model state statute and the Mathias Amendment statute) has stimulated a great deal of re-examination of past practices in the field of criminal justice data systems. This is all to the good, for as files are computerized, it must be recognized that added dimensions occur with the increase in accessibility and the almost unlimited scope of responsiveness. Without reasonable security and privacy protections we will have less, not more, secure systems than we had in the past. However, it appears that the new emphasis upon personal privacy, plus the almost universal recognition of the need for the most sophisticated security measures possible, is a very healthy sign.

CHAPTER II. DRAFTING PHILOSOPHY

Strategy

The basic strategic approach adopted by the Security and Privacy Committee was a conscious affirmation that computerized criminal justice information systems are essential for the effective administration of criminal justice and that such systems can be developed and operated with adequate security against unreasonable invasions of individual privacy—indeed, that they can be so developed and operated as to provide new dimensions of personal freedom and protection for civil liberties and constitutional rights. The committee was keenly aware that criminal justice operations today form a large and complex system that spans geographic, administrative and political boundaries. Too frequently these boundaries become barriers to interaction and the flow of information between the relatively autonomous functioning units of the criminal justice system. This may be for reasons of functional isolation, geographic distance, financial conditions, communications problems, and/or the complexity of establishing practical channels for interaction and the flow of information, among other factors.

SEARCH was conceived for the very purpose of assuring more effective criminal justice and facilitating information sharing between and among criminal justice agencies through the employment of modern technology. From its very inception, the Project Group was genuinely concerned about security and privacy; indeed, both implicitly and explicitly, SEARCH participants set forth security and privacy as a prime priority.

The fundamental premise of the SEARCH system is to achieve a balance of interest between the need of government to obtain information about offenders and government's responsibility to protect civil liberties. The basic question is always: Is the information collected, stored and disseminated reasonably related to advancing the general welfare, health or safety of society? A unified information system has untold economic, efficiency and spatial advantages but these are not the primary considerations. The maintenance of a free society is more important than any argument for efficiency.

Tactics

The tactical approach adopted by the Security and Privacy Committee was a deliberate effort to bring forth an "ideal" type of Act—one that would reflect the highest possible standards, while at the same time, retaining practical viability. If the statute was to err, it was intentionally designed to err on the side of privacy protection. There was no model of any kind to guide the committee, so every step was a first step. It was recognized that the future success of any SEARCH-type system depended to a great extent upon the security and privacy protection capabilities of the various states and that these must be supported by appropriate legislation.

There were many problems and many opportunities in the gestation of the Act.

The entire problem of access was perhaps the most difficult security and privacy problem to resolve. Physical security in a government agency is pretty clear-cut in its implications and the degree of physical security is limited only by the availability of budget funds. Similarly new reasonably-priced message scramblers and other communication devices are making possible the prevention of surreptitious sabotage through electronic surveillance. Personnel security can be obtained by upgrading of personnel, careful prior screening and on-the-job supervision—once again, a matter of dollars rather than difficult decision. When the committee began to explore the ramifications of legal access—indeed the whole spectrum of information security—it was faced with questions that have never really been resolved in the past and have too often been swept under the rug. Wrestling with the concepts that must be dealt with in drafting a model statute helps to define and diagnose problems that have eluded satisfactory solution over the years. For the most part, these center about the fundamental issue of deciding to whom information contained in criminal offender record files should be given.

Which governmental agencies should be permitted access to which data items? All agencies to all data? Some agencies to all data? Some to some? Some to none? What categories of nongovernmental persons and organizations should be permitted access to criminal justice records? The news media? "Interested" citizens, in the sense of the usual public records doctrines? The subject himself? Can the statute establish categories of data and match them with categories of access? How about the special problems of class access in a computerized system as opposed to a search based upon an individual identification. These are some of the more obvious types of questions that had to be dealt with before a viable model statute could be drafted.

The committee seized the opportunity to face up to the problem of indirect access by noncriminal justice government agencies and by nongovernmental agencies and individuals who are currently alleged to be putting to good use the criminal offender records they receive from federal, state and local criminal justice agencies. The "good use" is claimed to contribute to the prevention of crime and, therefore, presumably, serves appropriate criminal justice purposes. In many jurisdictions there are currently valid statutes requiring state and municipal agencies to search fingerprints and report offender record information to a whole host of noncriminal justice agencies. It should be noted that a substantial pecentage of the fingerprint submissions processed by some central state bureaus, and responded to with a summary case history record are received from other than criminal justice agencies. The wise use of criminal offender information in the applicant/license area very likely helps prevent a significant amount of crime, and to that extent, it undoubtedly serves society as meaningfully as when such information is utilized in the post-criminal event sequence. The model statute was drafted to take into account the "need to know" of many fingerprint contributors who are not usually included in any list of criminal justice agencies. By the same token, the Act contemplates very strong proscriptions against access where legitimate criminal justice purposes cannot be clearly spelled out.

Another important consideration that was considered in the model state statute, and which is particularly relevant to the anticipated proliferation of direct on-line access terminals, is the distinction between primary users and secondary users. Only primary users (criminal justice agencies) would be allowed direct terminal access and secondary users must receive their information in appropriate cases from the primary users.

Format

Following analyses of the various possible formats for the model state statute, the committee decided that the realistic alternatives were:

1. A statute which attempted to detail all the specifics of a security and privacy program applicable directly to present and proposed systems.

2. A statute which created a broad framework of objectives and goals within which specific regulations would be formulated by a continuing committee of professionals who would audit, supervise and coordinate system operations.

A decision was made to opt for the more general type of statute. Among other considerations involved in this discussion was the very real concern that the courts would interpret omission in the statute, of any possible necessary element of security and privacy as international, rather than an oversight or a failure to anticipate future circumstances. (This is the legal doctrine of statutory interpretation—"expressio unius est exclusio alterius.") The rigidity of this type of statute did not commend it to the committee members for application to a fluid and dynamic social situation such as exists in this area, particularly in view of the rapidly evolving technology involved.

Content

A very significant decision was made by the committee that the statute would be directed to *all* "criminal offender record information" files or systems within the state. A corollary decision was made to limit the definition of "criminal offender record information" to identification type data and the proposed statute specifically excludes from the definition intelligence, analytical and investigative data and reports. The decision to include all files (both state and local) within the purview of the statute was arrived at after agonizing for some period of time over the feasibility of earmarking data which had been received from an interstate source and segregating it from the rest of the offender files. The decision to specifically exclude intelligence, analytical and investigative data and reports was based upon clarifying beyond any doubt the fact that the statute was intended to apply to identification files only. It was never the intent of the drafters to prevent the development of state and local files, reports and computer programs for intelligence, modus operandi, fraudulent check, latent fingerprint, or other analytical capabilities, or investigative programs, data and reports—yet these types of files are often necessarily accessed by other than name, fingerprints or other personal characteristics.

Logic

It is this balancing of values that is the essence of the drafting philosophy applied by the committee to the Model State Act. The committee sought to be both realistic and idealistic in proper measure and in a logical and coherent manner. The Act is fashioned so as to establish strict controls without being arbitrary or capricious; to retain flexibility within the context of salutary constraints. Such a statute is a vital necessity at this point in time.

Statewide information systems, the addition of computers and related technology to the identification process, the judicial interpretation of privacy as a constitutionally-protected right—all have contributed their share to a renaissance of interest and support for the adoption of measures to strengthen the hands of administrators in the prevention of possible compromise of criminal history records. It is anticipated that this Model State Act will also contribute to this new enlightenment and help bring about the most secure systems criminal justice has ever known.

CHAPTER III. A MODEL STATE ACT FOR CRIMINAL OFFENDER RECORD INFORMATION

1. Legislative findings and purpose

The legislature finds and declares that a more effective administrative structure now is required to control the collection, storage, dissemination and usage of criminal offender record information. These improvements in the organization and control of criminal offender recordkeeping are imperative both to strengthen the administration of criminal justice and to assure appropriate protection of rights of individual privacy. The legislature further finds that vigorous protection of such rights of individual privacy is an indispensable element of a fair and effective system of criminal offender recordkeeping. The purposes of this Act are (1) to control and coordinate criminal offender recordkeeping within the State; (2) to encourage more efficient and uniform systems of criminal offender recordkeeping; (3) to assure periodic reporting to the Governor and legislature concerning such recordkeeping; and (4) to establish a more effective administrative structure for the protection of individual privacy in connection with such recordkeeping.

2. Definitions

For purposes of this Act, (a) "criminal justice agencies" shall be understood to include only those public agencies at all levels of government which perform as their principal function activities (i) relating to crime preventiton, including research or the sponsorship of research; (ii) relating to the apprehension, prosecution, adjudication, or rehabilitation of criminal offenders; or (iii) relating to the collection, storage, dissemination or usage of criminal offender record information.

(b) "criminal offender record information" shall be understood to include records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, rehabilitation and release. Such information shall be understood to be restricted to that recorded as the result of the initiation of criminal proceedings or of any consequent proceedings relating thereto. It shall be understood not to include intelligence, analytical and investigative reports and files, nor statistical records and reports in which individuals are not identified and from which their identities are not ascertainable.

(c) "interstate systems" shall be understood to include all agreements, arrangements and systems for the interstate transmission and exchange of criminal offender record information. Such systems shall be understood not to include recordkeeping systems in the state maintained or controlled by any state or local agency, or group of such agencies, even if such agencies receive or have received information through, or otherwise participate or have participated in, systems for the interstate exchange of criminal offender record information.

(d) "state" shall be understood to mean, unless otherwise expressly indicated, this state.

3. Relationship to other statutes

(a) In the event of conflict, this Act shall to the extent of the conflict supersede, except as provided in subsection (b), all existing statutes which regulate, control or otherwise relate, directly or by implication, to the collection, storage, dissemination or usage of criminal offender records. So far as consistent with this Act, the [state administrative code shall govern the transactions and proceedings conducted pursuant to this Act].

(b) Notwithstanding the provisions of the subsection (a), this Act shall not be understood to alter, amend or supersede the statues and rules of law which govern the collection, storage, dissemination or usage of records concerning juvenile or youthful offenders.

4. Criminal offender records control committee

(a) The Criminal Offender Records Control Committee (hereinafter the Committee) is established to regulate the collection, storage, dissemination and usage of criminal offender record information. The Committee shall be composed of persons representing the following state and local criminal justice agencies: [ ]. The Committee's Chairman shall be appointed by [the Governor] and shall serve at his pleasure. The Committee may appoint and fix the compensation of a staff director, a legal counsel and such other staff personnel as it may from time to time deem appropriate.

(b) The Committee may coordinate its activities with those of any interstate systems for the exchange of criminal offender record information, may nominate one or more of its members to serve upon the council or committee of any such system, and may participate when and as it deems appropriate in any such system's activities and programs.

(c) The Committee shall adopt such regulations as it finds appropriate to carry out its functions under this Act.

(d) The Committee may conduct such inquiries and investigations as it finds appropriate to carry out its functions under this Act. It may for this purpose request any agency that maintains, or has received, or that is eligible to maintain or receive criminal offender records to produce for inspection statistical data, reports and other information concerning the collection, storage, dissemination and usage of criminal offender record information. Each such agency is authorized and directed to provide such data, reports, and other information.

(e) The Committee shall report annually to the Governor and legislature concerning the collection, storage, dissemination and usage in this state of criminal offender record information. The Governor or legislature may require such additional reports as they deem desirable.

5. Security and Privacy Council

(a) [The Governor] shall appoint a Security and Privacy Council (hereinafter the Council), consisting of a chairman and not more than eight members, to conduct a continuing study and review of questions of individual privacy and system security in connection with the collection, storage, dissemination and usage of criminal offender record information. In appointing the Council [the Governor] shall seek such represenatives of the general public, state and local government, and the criminal justice community as may be expected to express fairly and vigorously the various interests involved. The Council's Chairman and members shall serve at [the Governor's] pleasure. The Council may appoint and fix the compensation of a staff director, a legal counsel and such other staff personnel as it may from time to time deem appropriate. The Council shall meet at the call of the Governor, its Chairman, or any three of its members to carry out its responsibilities under Section 11 of this Act to study the privacy and security implications of criminal offender records, or to formulate recommendations concerning their collection, storage, dissemination or usage. Each Council member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties.

(b) The Council may conduct such inquiries and investigations as it finds appropriate to achieve the purposes of this Act. The Committee, each criminal justice agency in this state, and each state and local agency otherwise authorized access to criminal offender record information is authorized and directed to furnish to the Council, upon request made by its Chairman, such statistical data, reports, and other information as the Council deems necessary to carry out its functions under this Act.

(c) The Council shall report annually to the Governor and legislature concerning both its responsibilities under Section 11 and other questions of privacy and security in connection with the collection, storage, dissemination and usage of criminal offender record information. It may make such additional reports and recommendations as it deems appropriate to carry out its functions under this Act.

(d) The Council may nominate one or more of its members to serve upon any similar council or committee connected with any interstate system for the exchange of criminal offender record information, and may participate when and as it deems appropriate in the activities of any such system.

6. Data verification and purging

(a) The Committee shall adopt regulations creating a continuing program of data auditing and verification to assure the accuracy and completeness of criminal offender record information.

(b) The Committee shall adopt regulations to assure the prompt and complete purging of criminal record information, insofar as such purging is required.

(i) by any statute or valid administrative regulation of this state;

(ii) by the order of any court of competent jurisdiction in this state;

(iii) by the law of any other jurisdiction, where the data or records in question have originated in that jurisdiction;

(iv) to correct any errors shown to exist in such information;

(v) to achieve any of the purposes of this Act, to improve the efficiency of criminal offender recordkeeping, or otherwise to promote the fair and efficient administration of criminal justice.

7. System security

(a) The Committee shall adopt regulations to assure the security of criminal offender record information from unauthorized disclosures at all levels of operation in this state.

(b) The Committee shall cause to be initiated for employees of all agencies that maintain, receive, or are eligible to maintain or receive criminal offender record information a continuing educational program in the proper use and control of such information.

8. Access

(a) Criminal offender record information shall be disseminated, whether directly or through any intermediary, only to (i) criminal justice agencies and (ii) such other individuals and agencies as are, or may subsequently be, authorized access to such records by statute. The Committee shall issue regulations to assure that such information shall be disseminated only in situations in which it is demonstrably required by the individual or agency for purposes of its statutory responsibilities.

(b) It shall be the Committee's responsibility to determine whether each agency requesting access to criminal offender record information is authorized such access under the terms of this Act. The Committee shall, as to each such agency, make a finding in writing of its eligibility or noneligibility for such access. Except as provided in subsection (c) of this section, no such information shall be disseminated to any agency prior to the Committee's determination of its eligibility or, in cases in which the Committee's decision is appealed under Section 12 of this Act, prior to the final judgment or a court of competent jurisdiction that the agency is so eligible.

(c) For a period of [six months] following the adoption of this Act, or until such time as the Committee completes its determination of the eligibility or non-eligibility for access of a requesting agency, whichever first occurs, any such requesting agency that is receiving criminal offender record information at the time of this Act's passage shall be deemed to be eligible for such access.

(d) Each agency holding or receiving criminal offender record information shall maintain, for such period as is found by the Committee to be appropriate, a listing of the agencies to which it has released or communicated such information. Such listings, or reasonable samples thereof, may from time to time be reviewed by the Committee, Council, or any of their staff members to determine whether this Act or any applicable regulations have been violated.

(e) Dissemination from any agency in this state of criminal offender record information shall, except for purposes of programs of research approved under Section 9, and with the further exception of instances in which a warrant has been obtained in accordance with subsection (f) of this section, be permitted only if the inquiry is based upon name, fingerprints or other personal identifying characteristics. The Committee shall issue regulations to prevent dissemination of such information, except in the above situations, where inquiries are based upon categories of offense or data elements other than name, fingerprints or other personal identifying characteristics.

(f) Notwithstanding the provisions of subsection (e), access to criminal offender record information on the basis of data elements other than personal identifying characteristics shall be permissible if the criminal justice agency seeking such access has first obtained from a (magistrate, judge or justice) a class access warrant. Such warrants may be issued as a matter of discretion by a (magistrate, judge or justice of any court of this state) in cases in which probable cause has been shown that (i) such access is imperative for purposes of the criminal justice agency's investigational or other responsibilities, and (ii) the information sought to be obtained is not reasonably available from any other source or through any other method. A summary of each request for such a warrant, together with a statement of its disposition, shall within ninety days of disposition be furnished the Committee.

9. Research

(a) The Committee shall issue regulations to govern the usage in this state of criminal offender record information for purposes of programs of research. Such regulations shall require preservation of the anonymity of the individuals to whom such information relates, shall require the completion of nondisclosure agreements by all participants in such programs, and shall impose such additional requirements and conditions as the Committee finds to be necessary to assure the protection of privacy and security benefits.

(b) The Committee may monitor any such programs to assure satisfaction both of the requirements of this Act and of any applicable regulations. The Committee may, if it determines either that such requirements have not been satisfied or that a program's continuance otherwise threatens privacy or security interests, prohibit access on behalf of any such program to criminal offender record information.

(c) Any state or local agency may request the Committee to evaluate any proposed program of research and to offer recommendations concerning its consistency with the purposes and requirements of this Act.

10. Interstate systems for the exchange of criminal offender record information

(a) The Committee shall regulate the participation by all state and local agencies in any interstate system for the exchange of criminal offender record information, and shall be responsible to assure the consistency of such participation with the terms and purposes of this Act. The Committee shall have no authority to compel any agency to participate in any such interstate system.

(b) Direct access to any such system shall be limited to such criminal justice agencies as are expressly designated for that purpose by the Committee. Where any such system employs telecommunications access terminals, the Committee shall limit the number and placement of such terminals to those for which adequate security measures may be taken and as to which the Committee may impose appropriate supervisory regulations.

11. Rights of access and challenge

(a) Each individual shall have the right to inspect criminal offender record information located within this state which refers to him. If an individual believes such information to be inaccurate or incomplete, he may request the agency having custody or control of the records to purge, modify or supplement them. Should the agency decline to so act, or should the individual believe the agency's decision to be otherwise unsatisfactory, the individual may in writing request review by the Council. The Council, its representative or agent shall, in each case in which it finds prima facie basis for complaint, conduct a hearing at which the individual may appear with counsel, present evidence, and examine and cross-examine witnesses. Written findings and conclusions shall be issued. Should the record in question be found to be inaccurate, incomplete or misleading, the Council shall order it to be appropriately purged, modified or supplemented by an exploratory notation. Each agency or individual in the state with custody, possession or control of any such record shall promptly cause each and every copy thereof in its custody, possession or control to be altered in accordance with the Council's order. Notification of each such deletion, amendment and supplementary notation shall be promptly disseminated by the Committee to any individuals or agencies to which the records in question have been communicated, as well as to the individual whose records have been ordered so altered.

(b) Agencies at which criminal offender records are sought to be inspected may prescribe reasonable hours and places of inspection, and may impose such additional restrictions, including fingerprinting, as are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them.

12. Appeal

Any individual or agency aggrieved by any order or decision of the Committee or Council may appeal such order or decision to the [trial court] in the county in which he is resident or in which the Council, the Committee, their representative or agent issued the order or decision from which the individual or agency appeals. The court shall in each such case conduct a *de novo* hearing, and may order such relief as it finds to be required by equity.

13. Civil liability

(a) Any person may institute a civil action for damages or to restrain any violation of this Act, or both. Should it be found in any such action that there has occurred a willful violation of this Act, the violator shall, in addition to any liability for such actual damages as may be shown, be liable for exemplary damages of not less than one hundred and not more than one thousand dollars for each such violation, together with costs and reasonable attorneys' fees and disbursements incurred by the person bringing the action.

(b) If, in any civil action alleging the publication or dissemination of criminal offender records, it is found that the provisions of this Act or of any regulations issued thereunder with respect to the communication or dissemination of such records have been violated, the violator shall not be entitled to claim any privilege, absolute or qualified, as a defense thereto.

14. Criminal penalties

Any person who willfully requests, obtains or seeks to obtain criminal offender record information under false pretenses, or who willfully communicates or seeks to communicate criminal offender record information to any agency or person except in accordance with this Act, or any member, officer, employee or agent of the Committee, the Council or any participating agency, or any person connected with any research program authorized pursuant to Section 9, who willfully falsifies criminal offender record information, or any records relating thereto, shall for each such offense be fined [not more than five thousand dollars, or imprisoned in the state penitentiary not more than two years, or both]. Any person who knowingly, but without criminal purpose, communicates or seeks to communicate criminal offender record information except in accordance with this Act shall for each such offense be fined [not more than one hundred dollars, or imprisoned not more than ten days, or both].

15. [Authorization of appropriations]

CHAPTER IV. SECTION-BY-SECTION ANALYSIS OF THE MODEL STATE ACT

Section 1. Legislative findings and purpose

This legislation is designed to improve the organization, coordination and control of criminal offender recordkeeping. It establishes an administrative structure which is intended to emphasize strongly the mutually dependent goals of system security and individual privacy. The development of procedures which provide vigorous protection for individual rights of privacy, while at the same time strengthening the record-keeping capabilities of criminal justice agencies, will assure a more credible and useful criminal offender recordkeeping system. Moreover, it seems clear that interstate systems for the exchange of criminal offender records will shortly be organized, and standards to protect privacy and security may be most effectively and easily formulated early in the development of such systems.

This statute has its origin chiefly in recommendations contained in Project SEARCH Technical Report No. 2. Additional information pertinent to these issues is included in the Report.

Section 2. Definitions

It should be emphasized that "criminal offender record information", as defined in subsection (b), essentially includes only information traditionally recorded in the form of rap sheets. This statute is not intended to regulate either other sensitive forms of criminal justice records, such as intelligence, analytical and investigative files, or purely statistical files and records in which individuals are not identified and from which their identities are not ascertainable.

Section 3. Relationship to other statutes

The second sentence of subsection (a), which contains a reference to state administrative codes, is applicable only to those states which already have such a code. It should, of course, be deleted by the legislatures of other states. Subsection (b) assumes the existence of a discrete system of rules for the control of records concerning juvenile and youthful offenders. The phrasing of this subsection may have to be altered to conform to local usage.

Section 4. Criminal Offenders Records Control Committee

The Committee is intended to set privacy and security standards, promulgate regulations, and generally to be responsible for controlling the operation of the recordkeeping system. It is intended to be a coordinating body, drawing together criminal justice agencies which already are engaged in the collection, storage, dissemination and usage of criminal offender records. It is not intended as a heavy administrative structure, superimposed upon existing agencies, but instead as a working group of representatives of those agencies.

We recommend that certain categories of criminal justice agencies should in every state be represented on the Committee. These agencies include the state identification bureau, the state police, local police (both from municipalities of various sizes and from rural and suburban areas), and sheriffs in those states in which they have law enforcement functions. In addition, representatives of certain other agencies should be included on the Committee. These agencies include those concerned with probation, parole and corrections, the state criminal justice planning agency, the prosecutorial agencies, and an administrative representative of the state's court system.

It must be emphasized again that this is intended only as a model, which will require revision in light of local usage and circumstances. The Act requires the creation of a committee to govern the organization of criminal offender recordkeeping because we believe that this will, in most states, most effectively accommodate the various needs and interests of criminal justice agencies. Nonetheless, some states may find that a single administrator, armed with the authority given here to the Committee, will be the more efficient and effective arrangement. Where this is found to be true, we see no objection to the substitution. Moreover, it should be understood that the system suggested here for the appointment and removal of Committee members is only illustrative. Some states may find that other arrangements conform more closely to local needs and circumstances.

Although the Model Act does not specify the size of the Committee, we suggest that a reasonably small Committee, with no more than 12 to 15 members, would function most efficiently and effectively.

The Act declares that the Committee's Chairman shall be appointed by the Governor. Some states may prefer to have the Committee's Chairman appointed by the Governor with the advice and consent of the upper legislative chamber. Still other states may prefer the Committee's Chairman to be appointed by an executive officer other than the Governor.

Section 5. The Security and Privacy Council

The Council is chiefly an advisory body, designed to represent the interests of both the criminal justice community and the general public. Its members should be broadly representative both of the community and of the relevant interests. Some states may wish to include, either at the Governor's discretion or as a matter of statutory obligation, representatives of the legislature and of state and local executive authorities. It is hoped that this body will create and maintain greater public confidence in criminal justice recordkeeping. The Council is intended to be sensitive to problems that the public, or some portions of the public, may think exist in the recordkeeping system, to identify and examine the system's deficiencies, and to offer prompt and appropriate recommendations for the correction of those deficiencies. The Council has also been given responsibility for the evaluation of individual complaints that criminal offender records are inaccurate or otherwise misleading.

Here again, it should be emphasized that the mechanics of the Council's appointment and removal, as they are described here, are intended only to be illustrative. These procedures may be readily varied to conform to local usage and circumstances.

Section 6. Data verification and purging

(a) It is important both for the effective operation of criminal justice agencies and for the fair administration of justice that records containing criminal offender information be entirely accurate. It is hoped that the Committee will adopt the most modern and thorough methods possible to maintain their accuracy, including (1) provisions for systematic auditing of records by participating agencies, to assure that those records have been regularly and properly updated, and (2) periodic programs of employee re-education.

(b) This subsection is designed chiefly to implement existing law. Except in situations in which errors have been detected, purging is required only if it is now authorized by state law. The Committee could, however, permissibly undertake further purging if it deems such purging to be desirable for any of the purposes listed in (v).

Nonetheless, it is strongly recommended that both the Council and the Committee promptly undertake careful studies of the usefulness of various purging provisions. In particular, they should consider whether either or both of the following purging rules would be desirable. First, it might be required that records of arrests which do not terminate in convictions should be completely purged. A variant, already adopted in some states, would be to purge such arrest records only in situations in which the arrested person has not previously been convicted of any crime. Second, it might be required that records with respect to individuals who are unlikely in the future to engage in criminal conduct should be purged. A decision that an individual is unlikely to engage in future criminal conduct might be based upon the individual's age, health, pattern of recent behavior, or the length of time since the individual was last involved in any criminal justice proceeding. This second rule presents particularly complex and difficult factual issues, to which the Council and Committee should give full and careful study. We emphasize, however, that questions of purging are of major significance both for rights of privacy and for the efficiency of criminal offender recordkeeping, and they thus warrant urgent attention.

Section 7. System security

Technical questions of computer, physical and personnel security are examined in Chapter 4 of SEARCH Technical Report No. 2. Additional information is contained in the report from which that chapter was extracted.

Section 8. Access

It is the purpose of subsections (a) and (b) to limit access to criminal offender record information to (1) criminal justice agencies and (2) non-criminal justice agencies, if the latter are now authorized by statute to receive such information. Non-criminal justice agencies have been included because under existing law in many states they are now permitted direct or indirect access to criminal offender record information. We strongly recommend, however, that state legislature should carefully re-evaluate each such situation to determine whether such access is in fact necessary and desirable. It is essential both for the success of the system and to assure proper adherence to security and privacy standards that access to criminal offender record information should not be permitted non-criminal justice agencies without clear and compelling evidence of public need.

Dissemination of criminal offender record information should be permitted only when inquiry is made by name, fingerprints or other personal identifying characteristics. Dissemination of criminal offender record information accessed by categories of offense, or on any basis other than personal identifying characteristics, should be forbidden, except for limited research purposes or under the authority of a specific court order. The latter is modeled on the provisions which now govern wiretapping and electronic eavesdropping. It is intended to interpose the judgment of an impartial magistrate to control the usage of an investigative method that may, if misused, create important hazards for individual privacy rights. It should be emphasized again that this Act does not prevent intra-agency freedom of access, nor does it reach or affect analytical and investigative files. The references to magistrates, judges and justices should be revised to conform to local usage with respect to judicial officers authorized to issue warrants.

Section 9. Research

Research involving criminal offender record information should be closely monitored to prevent any violation of individual privacy rights. The Committee should promulgate regulations that would (1) preserve the anonymity of the records' subjects, (2) shield research data by a stringent security system, (3) require nondisclosure forms, and (4) limit the use of criminal offender records to legitimate, qualified researchers engaged in verified projects.

Section 10. Interstate systems for the exchange of offender record information

This section is responsive to problems illustrated by the SEARCH demonstration system and by the similar interstate system that may be expected soon to develop. The rules it contains are applicable only to such interstate systems. Direct access to such systems should be strictly controlled and limited. In particular, non-criminal justice agencies should under all circumstances be denied direct access to such systems, and the number even of criminal justice agencies shall be closely limited to those which necessarily and plainly require such access. Criminal justice agencies for which direct access would be merely a relatively minor convenience, such as agencies engaged exclusively in research, should be denied such access.

Section 11. Rights of access and challenge

It is imperative that rights of access and challenge should be given to those persons whose criminal records are contained in the system. Such rights will help to guarantee the accuracy of criminal offender records, to prevent unnecessary injuries to individual citizens, and moreover will help to create wider public confidence in the fairness and accuracy of the recordkeeping system. These purposes are particularly served by giving the Council authority to review and decide complaints concerning alleged omissions and inaccuracies in criminal offender records.

We recommend that no fees or charges should be imposed for the inspection of records or the institution of proceedings before the Council. Nonetheless, the Act's provisions are not intended to prevent the impositions of reasonable charges, based upon actual costs, if individual states believe such charges to be necessary.

We recognize that the obligation to notify agencies to which records have previously been communicated of any alterations in those records may be thought to involve heavy administrative burdens. Nonetheless, it should be understood that this is essential to assure the accuracy of criminal offender records and hence the fairness of the record-keeping system. Further, it should be observed that as a practical matter the notification obligation will be limited to the time period selected by the Committee for purposes of Section 8(d).

Section 12. Appeal

Each state should include an appropriate reference to its own system of trial courts.

Section 13. Civil liability

The exemplary damages are recommended figures which may be adjusted to conform to local rules and statutes.

Section 14. Criminal penalties

The criminal penalties are recommended figures which may be adjusted by each state to conform to its other statutory provisions. It is, however, intended that willful violations of the Act should be regarded as serious criminal offenses, for which substantial penalties should be imposed.

Section 15. Authorization of appropriations

Each legislature should adopt here the form of words customarily used by it for these purposes.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, this amendment is something new. I had no knowledge of it until a little while ago. From an examination of it it is a legislative amendment and not an appropriation amendment. It undertakes to limit the expenditure of funds and it would trespass on the legislative prerogatives of this body.

I think I would be derelict in my responsibility if I did not raise a point of order to it. Therefore, I raise a point of order because there has been no notice that a legislative proposal would be raised.

The PRESIDING OFFICER. The point of order will not be in order until the Senator from Maryland has yielded the floor.

Mr. McCLELLAN. Did the Senator from Maryland yield the floor?

Mr. MATHIAS. No; I had not yielded the floor.

Mr. McCLELLAN. I will wait. I thought the Senator had yielded the floor.

Mr. MATHIAS. If the Senator wishes to make a point of order I will yield back my time so he can make his point of order and then I will have an amended version of this amendment.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. MATHIAS. I yield back my time.

Mr. McCLELLAN. Mr. President, so that I will not repeat myself I refer to the record of what I have just said as to the point of order, and I make the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. MATHIAS. Mr. President, I withdraw the amendment.

The PRESIDENT OFFICER. The point of order has been sustained.

Mr. MATHIAS. I offer a further amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 22, following line 8, insert the following:

"SEC. 208. None of the funds appropriated by this Bill may be obligated or expended for the establishment, operation or support of any new Federal, state, local or interstate computerized system for the collection, classification, indexing, exchange or dissemination of criminal offender records, criminal intelligence information, or the criminal histories of individuals during the first half of fiscal year 1972."

Mr. MATHIAS. Mr. President, this amendment goes to the same purpose as the amendment previously offered. It might be said that it is a law and order amendment, because all it intends to do is to persuade LEAA to submit a report which was supposed to have been summitted by the first of May of this year with respect to criminal justice data banks before we go ahead with any assistance of data banks or expand existing data banks. It is no more and no less than that.

I regret very much that the point of order was made against the previous amendment because it was a more flexible amendment. It was an amendment which would have automatically lifted any embargo of funds when the Department of Justice had complied with the law.

In this amendment, because of parliamentary restrictions, we have to suggest a specific time period or time lag, which is estimated to be long enough for them to comply with the requirement of law that certain reports and recommendations with respect to data banks should be submitted. That is not quite as flexible or quite as convenient from the Department's point of view, but I think it will get the point across.

As I noted earlier, there are wide variations in statutes governing access to records, particularly access by private firms and public agencies only marginally involved in law enforcement. Within the past month, since the decision of the District Court for the District of Columbia in the case of Menard against Mitchell, the FBI's Fingerprint Division has stopped responding directly to requests for information from private employers. Wherever State or local law permits, however, such firms can still obtain information about employees or applicants through the medium of a State or local law enforcement agency.

As District Judge Gerhard A. Gesell wrote in Menard against Mitchell:

> The Bureau needs legislative guidance and there must be a national policy developed in this area which will have built into it effective sanctions and administrative safeguards.

Another issue of growing importance as data banks proliferate is the right of individuals to inspect files about themselves and correct erroneous or misleading information.

Clearly this is another crucial point on which congressional decision and clear, uniform directives are required. Like so many of the issues raised by computerized data banks, it is a problem fraught with subtleties and distinction of the types which can engage lawyers and legislators endlessly.

Mr. President, all I am suggesting is that we delay for 6 months from the beginning of the fiscal year. It will amount to only a few days by the time this bill goes through conference and the conference report is adopted and the President signs the bill; it is just a few days to underscore to the Department of Justice the importance Congress attaches to the issue of data banks and what they are going to mean to America in the future. This is one of the real issues on which the freedom of American citizens may be determined in years ahead.

We are not saying at this point how to do it; we are just saying there must be a policy, there must be a philosophy, there must be some principles governing those who hold the keys to data banks with regard to the information on the private lives of every one of us. That philosophy must be established and adhered to. That is all that is requested by the modest delay suggested in the amendment.

Mr. President, I yield back my time.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. McCLELLAN. Mr. President, I really do not know the purpose of the amendment. I never heard of it until a few minutes ago, before the other one was introduced.

Apparently the Senator from Maryland wants to stop the expenditure of money for the next 6 months; for the first half of fiscal year 1972; he wants to stop expenditure of money that is in the bill, that may be obligated for the establishment, operation or support of any new Federal, State, local, or interstate computerized system for the collection, classification, indexing, exchange or dissemination of criminal offender records, criminal intelligence information, or the criminal histories of individuals during the first half of fiscal year 1972.

Well, I thought that was why we have been passing laws here, to try to do something about crime. Certainly it is of great service if officers apprehend someone out here for speeding in an automobile and they have some source where they can check and ascertain if the car is stolen and ascertain whether the person is wanted somewhere or not. That is what we have been trying to do with LEAA, and in connection with other laws we have passed. I do not understand why this delay is in order.

I do not understand the amendment.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. McCLELLAN. Yes, I shall be glad to yield in a moment. I would have been very glad if the amendment had been brought to the attention of the Appropriations Committee and there had been support for it and something to sustain it, and we had had an opportunity to consider any reason that might be offered for its acceptance. But I am at a complete loss, and obviously, from the previous amendment that was introduced by the Senator, which is along the same line, only having legislative provisions in it, if this is to be done, we ought to have legislation, and not just a limitation on an appropriation bill here to stop for 6 months the development of this kind of system. I do not think we want to do that.

Now I am glad to yield.

Mr. MATHIAS. The Senator has outlined a very impressive and very necessary list of functions which are performed by the data bank program. I want to assure the Senator that there is nothing in this amendment that is going to interfere with the functions of that program. All it is going to interfere with is the establishment of new data bank systems or a substantial expansion of existing systems.

The Senator will recall that I sent him, as chairman of the committee, a copy of my correspondence with Mr. Shultz which dealt with the very fact that the report required by Congress and due on the first of May, now almost 8 weeks ago, had not been submitted.

I called the Department's attention to it by correspondence during the month of June and sent copies to the Senator from Arkansas. It obviously is very important for us not to appropriate funds to greatly enlarge the systems when we do not have any idea how the Department is going to run the systems, what the philosophy is of holding the key or turning the key.

All I am suggesting is that we delay new projects 6 months from the beginning of the fiscal year and give the Department of Justice a chance to comply with the law. The law requires that they submit a report with a recommendation, which they obviously have not done. They obviously need more time. I think we should give them more time. I think it is obvious that they need a little more time to submit the report. They ought to be given that time to make the report by not expanding the system. The Senator will recall that was the gist of the correspondence which I sent to him under date of June 29.

Mr. McCLELLAN. I do not remember receiving the letter. If the Senator did send me the letter, I may have referred it to the Appropriations Committee or the Judiciary subcommittee. But let me point out that I do not see any objection to a report. It may be well to have a report. Nobody is objecting to having a report. But I do not see why we ought to cripple law enforcement during that period of time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I yield myself another 3 minutes.

I point out to the Senator that this could very well affect the whole thrust of the LEAA as it is trying to develop these systems, and they are very effective. And then the FBI is affected. It could not give out the information. Also it would affect our efforts in the narcotics field. I do not see the wisdom of delaying these operations 6 months. Certainly we ought to get a report. Everybody wants the report. But why punish society? Why jeopardize the safety of Americans by interfering with law enforcement during that period of time? I just do not see it.

Mr. MATHIAS. Will the Senator yield?

Mr. McCLELLAN. Yes, I yield.

Mr. MATHIAS. I would again remind the Senator that there is not one thing being done today by the Justice Department or any of its component agencies, including LEAA, that will be affected or slowed down or stopped by this amendment. All it will do is say, "We are going to give you more time to get your report in so that we can look at it before you start building these new systems," and it seems to me that that is a fair safeguard. I think it is a fair compromise. I think it is one that the Senate should support.

Mr. McCLELLAN. Mr. President, there has been no hearing. I could not make that judgment today. I would like to take the Senator's word for it and his judgment, but I think this is too serious. I think this matter ought to have the proper processing.

Mr. HRUSKA. Mr. President, will the Senator yield me 2 minutes?

Mr. McCLELLAN. I yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. There are some administrative difficulties with the amendment as it exists. For example, it refers to the fact that no funds will be expended for "the establishment, operation, or support of any new or substantially expanded programs in this field."

Mr. MATHIAS. Will the Senator yield? That language is not in the pending amendment.

Mr. HRUSKA. What language is retained? Does it refer to stopping all computer programs?

Mr. MATHIAS. No, just new ones.

Mr. HRUSKA. New ones?

Mr. MATHIAS. Just the new programs.

Mr. HRUSKA. What is a new program, Mr. President. Is it one that has not been used up until last month, or the first of June, or the last of July last year? What is new? It would be most difficult to make an adjudication on that, because there are new things phased in, and there are others that are discarded constantly.

There is another administrative difficulty that will be sure to arise. That department is now functioning on a continuing resolution. It is authorized under the law to make partial commitments and distributions and allocations of money. Those have already been made, and now ex post facto we are going to enact a law saying it shall not use moneys for certain purposes. The net result will be that it either will have to disregard it altogether or it will have to accept it altogether, and stop not only those things considered new by the author of the amendment but considered new by anybody else; that will mean a complete stultification of that program.

Notwithstanding the sincerity and the enthusiasm of the Senator from Maryland for making progress in this field, there is an overriding importance in having continued law enforcement efforts, because the criminal of today will only thrive upon the 6 months' delay that will intervene by reason of this amendment.

It would seem to me that it would have been better had we been able, by the presentation of this matter before the committee, to call witnesses from the Department and ask for an explanation, and ask them how much longer will it take to complete and transmit the report. What are the things that are hanging this thing up? I understand it has already been transmitted by Justice to OMB and is awaiting final clearance there. We were denied that opportunity, and it would be my hope that the Senate would reject this amendment and that we make as much progress as we can in other ways rather than usurp the legislative prerogative of the Committee on the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, I yield back my time.

Mr. MATHIAS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, and the yeas and nays having been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Montana (Mr. METCALF), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS) and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is abent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Hampshire (Mr. COTTON) is detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), and the Senator from New York (Mr. JAVITS) would each vote "yea."

The result was announced—yeas 29, nays 58, as follows:

[No. 152 Leg.]

YEAS—29

Bayh
Beall
Bentsen
Case
Chiles
Cook
Cranston
Eagleton
Ervin
Goldwater
Harris
Hart
Hartke
Hughes
Kennedy
Mathias
McGovern
Mondale
Moss
Muskie
Nelson
Packwood
Percy
Proxmire
Scott
Stevenson
Taft
Tunney
Weicker

NAYS—58

Aiken
Allen
Allott
Anderson
Baker
Bennett
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cooper
Curtis
Dole
Dominick
Eastland
Ellender
Fannin
Fong
Fulbright

Gambrell
Gurney
Hansen
Hruska
Humphrey
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Montoya
Pastore
Pearson
Pell
Prouty
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Sparkman
Spong
Stevens
Symington
Talmadge
Thurmond
Tower
Williams
Young

NOT VOTING—13

Bellmon
Buckley
Cotton
Gravel
Griffin
Hatfield
Hollings
Inouye
Jackson
Javits
Metcalf
Mundt
Stennis

So Mr. MATHIAS' amendment was rejected.

Mr. HRUSKA Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bill and joint resolution:

S. 421. An act to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents; and

S.J. Res. 111. A joint resolution extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 6072) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18–A, 113, and 191, and for other purposes.

The message further announced that the House had agreed to the requests of the Senate for a conference on the bill (H.R. 8629) to amend title VII of the Public Health Service Act to provide increased manpower for the health profession, and for other purposes; and a conference on the bill (H.R. 8630) to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses; and that Mr. STAGGERS, Mr. ROGERS, Mr. SATTERFIELD, Mr. SPRINGER, and Mr. NELSEN were appointed managers on the part of the House at the conferences.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, will the Senator from Maine yield me 5 minutes, so that I may inquire as to the schedule?

Mrs. SMITH. Yes, indeed.

PROGRAM

Mr. SCOTT. Mr. President, I rise to express my appreciation to the distinguished Senator from Maine (Mrs. SMITH) and to ask the distinguished majority leader if he can advise us as to the ongoing program.

Mr. MANSFIELD. Yes.

Mr. President, in response, may I say to my distinguished friend, the Republican leader, that it is my understanding there will be one more amendment, by the distinguished Senator from Michigan, to the bill and then there will be a rollcall vote on final passage, after which the Senate will stand in recess until 10 a.m. tomorrow, at which time, immediately after the prayer and the recognition of the joint leadership under the standing order, the Senate will proceed to the consideration of the bill, H.R. 9382, making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes.

Following disposal of that appropriation bill, it is anticipated, again under the chairmanship of the distinguished Senator from Rhode Island (Mr. PASTORE) that the bill, S. 2150, authorizing appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, will be taken up.

It appears that then the next item on the calendar will be S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes. That bill has been on the calendar since June 21.

It is my understanding that the bill having to do with Lockheed and related corporations will be reported, and that will likely follow the bill just referred to, S. 382, to promote fair practices in the conduct of election campaigns. That bill, in turn, will be followed by the Department of Transportation appropriation bill, H.R. 9667, which was reported this afternoon but which has not yet been placed on the calendar.

Just placed on the calendar this morning is S. 2296, a bill to amend sections 107 and 109 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively. That will be taken up, to be followed hopefully by H.R. 4590, an act relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore. I understand that this act expires either today, or did expire yesterday, on the 18th. It calls for immediate consideration.

Then there is S. 986, a bill to provide minimum disclosure standards for written consumer product warranties against defect or malfunction, and so forth.

That is about as far as the calendar goes.

Mr. SCOTT. I thank the distinguished majority leader. Obviously, we have a great deal of legislative business before us.

The distinguished majority leader has said on an earlier occasion that there is a possibility we may be working on Saturdays. Do I understand correctly that that possibility is still very much alive?

Mr. MANSFIELD. Yes. That was announced last week. It is now being announced again. Senators should be prepared to meet on Saturdays, if need be, because within a matter of 3 weeks now we will take a month's vacation. I think that is little enough time to spend on the business at hand in view of the vacation recess which will take place.

Mr. SCOTT. I thank the distinguished majority leader and the distinguished Senator from Maine (Mrs. SMITH).

H.R. 9382—APPROPRIATIONS FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. MANSFIELD. Now, Mr. President, I ask unanimous consent at this time, as long as the HUD appropriation bill will be laid before the Senate, that it be in order to ask for the yeas and nays on that appropriation bill.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

Mr. HART. Mr. President, I send an amendment to the desk and ask that it be started.

The legislative clerk read as follows:

On page 44, lines 25 and 26, strike out "$3,400,000" and insert in lieu thereof "3,960,000".

Mr. HART. Mr. President, the substance of the amendment I can state briefly—indeed, most of us are familiar with it. I suspect most of us know exactly what we are going to do about it.

Mr. President, one of the most effective ways of thwarting progress in this Nation, and of suggesting to the American people that we in the Federal Government lack sincerity in trying to do something about the problems confronting us, is to deny adequate funds to those agencies given the responsibility for moving us forward.

That is exactly what we have done in the case of the chronically underfunded U.S. Commission on Civil Rights. The administration has requested a budget of $3.96 million for the Commission. The House and our Senate Appropriations Committee have approved $3.4 million. It is imperative that we restore the $560,000 that has been cut from the budget request. To accomplish this, for myself and Senator SCOTT I offer this amendment.

Unless we restore these funds, the Commission this year, as it has in past years, will face the prospect of curtailing activities vital to its responsibilities because of a shortage of money. While we quibble about an amount that scarcely would buy the ink to print the Federal budget, serious national problems involving members of minority groups go unattended for want of a few Federal dollars.

Mr. President, the Commission on Civil Rights is a unique agency. It has strong friends and it has bitter foes. But, unfortunately, it continually has been plagued by inadequate funding. Although the amount of money it is seeking is relatively small, the matter is important to the Commission and—more important—the country.

From 1968 until last year the Commission's spending was limited to $2.65 million. As each year went by, because of increasing costs, that level became more and more constricting.

Finally, last year the Commission's authorization was raised to $3.4 million. This sum at least enabled the Commission to regain its 1968 level of operations.

This year, the Commission is seeking funds to extend and initiate studies and projects involving minorities other than blacks and regions other than the South. In addition, as the Senate will recall, legislation has been passed increasing the salaries of all Federal employees. Part of the increase was effective in the last fiscal year, and part is effective in the current fiscal year.

On the basis of these Commission needs, the President's budget request this year for the Commission is $3.96 million. This bill cuts the President's request by over half a million dollars.

Let us not kid ourselves. To those who disclaim any intent to undercut the operations of this agency, let me point out that while this bill would increase the Commission's appropriation over last year's by $3,000, the effect of the last mandatory pay raise will be to increase the fiscal 1971 salary base by $160,000. In other words, we are not only precluding any possibility of expanding their vital efforts, but we would be putting them in the hole, in comparison to their 1971 level of operations, to the tune of $157,000. If that is anybody's idea of dedication to civil rights, this Senator would appreciate an explanation.

I think the issue has been succinctly stated by an editorial in the Sunday, July 18, Washington Post, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. Mr. President, in the meanwhile, the House has voted 262 to 67 on May 17 to increase the Commission's authorization to $4 million. In the Senate, the Subcommittee on Constitutional Rights reported favorably this increased authorization. That authorization is now pending in our Committee on the Judiciary, which I understand will meet this Tuesday.

The elements in the amendment involved are fairly, though admittedly rather briefly, stated in these remarks but let me address myself now to something which I anticipate—and were I in the chairman's position, I would certainly do the same—will be raised with respect to a point of order.

The fact that Commission's current authorization stands at $3.4 million and the fact that the Senate Appropriations Committee decided to hold the Commission's appropriation to $3.4 million will raise in the minds of some of my colleagues the appropriateness of increasing the existing appropriation above the existing authorization, as to whether it is in order under our rules.

I believe that there is no procedural problem involved in granting the Commission the amount requested in the President's budget. The Senate rule that bears on this is rule XVI.

It provides that on appropriation bills "no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or, unless the same be moved by direction of a standing or select committee of the Senate"; then here is the language I suggest establishes the legitimacy of the amendment under consideration, that it shall not be received unless it is "proposed in pursuance of an estimate submitted in accordance with law."

I repeat, one exception to the general rule is if the amendment is "in pursuance of an estimate submitted in accordance with law."

One such estimate that is submitted in accordance with law is the budget of the President. And as I have mentioned, it requests $3.96 million for the Commission on Civil Rights.

Mr. President, I ask unanimous consent that the correspondence between the Commission and the Office of Management and Budget be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

Hon. CASPAR W. WEINBERGER,
Deputy Director, Office of Management and Budget, Washington, D.C.

DEAR MR. WEINBERGER: As required by Office of Management and Budget Bulletin No. 71–5, I am submitting an exhibit projecting the increased pay costs for Fiscal Year 1972 brought about by Public Law 91–656, a narrative explanation of the method used in computing the increased pay costs and a copy of suggested changes in appropriation language which has been previously submitted to the Office of Management and Budget.

METHOD OF COMPUTING PAY COSTS

A percentage increase of .059, which is the average percentage increase effectuated by PL 91–656, was applied to all estimated direct and related personnel costs which were shown in the President's FY 1972 budget.

Sincerely,

HOWARD A. GLICKSTEIN.

SUMMARY OF 1972 INCREASED PAY COST—U.S. COMMISSION ON CIVIL RIGHTS

Page number in 1972 budget appendix (1)	Organizational unit and account title (2)	Request pending (3)	Proposed amendment (4)	Revised request (5)
898	Commission on Civil Rights, salaries and expenses	$3,800,000	$160,000	$3,960,000
	Total of above account	3,800,000	160,000	3,960,000

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 18, 1971.

To the heads of executive departments and establishments.

Subject: 1972 increased pay costs.

1. *Purpose.* This Bulletin provides instructions for submission of a summary of the estimated *1972* increased pay costs of:

a. Civilian personnel pay increases effective in January 1971, under Executive Order 11576, which was issued pursuant to Public Law 91–656, and comparable increases granted by administrative action; and

b. Military personnel pay increases effective in January 1971, under Executive Order 11577, which was issued pursuant to Public Law 90–207.

The information submitted will serve as the agency request for amendments to the 1972 Budget for these additional pay costs. Amendments to the 1972 Budget for wage board or other pay increases not related to the Executive orders specified above will not be requested at this time.

2. *Requirements:* Each agency is requested to submit a summary of the estimated 1972 increased pay costs listed above by *March 5, 1971*, in accordance with the instructions provided in Attachment A. A short narrative explanation of the methods used in computing the increased pay costs should accompany the summary, along with any change in appropriation or limitation language, if required. Upon request, agencies will be required to provide a full analysis and backup of the summary data submitted.

3. *Policy.* The following policies will apply:

a. *Basis for estimates.* The amount of the 1972 pay increase costs specified above will be computed on the basis of program levels as contemplated by the costs and obligations shown in the 1972 Budget Appendix.

In calculating the amount of the budget amendment to be requested, consideration should be given to the additional payments for increased pay costs required to be made *to* other agencies or accounts for work being done on a reimbursable basis, as well as offsets to increased pay costs derived from advances and reimbursements *from* other agencies or accounts.

Appropriations should *not* be required for revolving and management funds (including consolidated working funds), since the increased pay costs for such funds should be completely covered by increased reimbursements and receipts.

b. *Absorption.* No estimate of absorption of these increased pay costs is required at this time. Present plans call for the later issuance of further instructions with regard to absorption of the increased pay costs to be incurred in 1972 (including increases which may be put *into effect* during the last half of that fiscal year).

4. *Agency justifications of 1972 requests.* Each agency will be notified by the Office of Management and Budget as soon as practicable of its portion of the budget amendment which the President will transmit to Congress for these pay costs. After such transmittal, budget justifications for committees of Congress should be based upon the amended recommendations. Prior to that time, justifications and testimony should be directed toward the unamended amount.

CASPER W. WEINBERGER,
Deputy Director.

SUMMARY OF 1972 INCREASED PAY COSTS

Each agency is requested to submit a summary of 1972 increased pay costs resulting from the items specified in paragraph 1 of this Bulletin. This summary will be in the form illustrated by Exhibit 1, and will be accompanied by the narrative explanation and appropriation language required in paragraph 2 of this Bulletin. Agency submission of the required summary will be made by *March 5, 1971*, in an original and two copies.

For purposes of this summary, allocation accounts (transfer appropriation accounts) will be reported with the parent account rather than with the receiving agency. It is therefore necessary that each agency receiving an allocation furnish to the agency responsible for the parent account the data necessary to prepare the report. Unless otherwise arranged between the agencies concerned, the information should be furnished to the parent agency by *February 26, 1971*.

In the case of advances and reimbursements paid into revolving and management funds (including consolidated working funds) and appropriation accounts, the associated increase in advances and reimbursements will be deducted from the increase in direct pay and related costs in the account of the receiving agency in arriving at its budget amendment request. This may be done without the necessity of clearance with the paying agency. Similarly, the agency making the advance or reimbursement will add the associated increase to the increased direct pay and related cost for its account in arriving at its budget amendment request.

The summary will be prepared on 8" x 10½" paper, as described below. Each account affected by the specified pay increases will be listed and the amount applicable to each account will be shown, with the total for all listed accounts provided as indicated in Exhibit 1.

Column 1. List the page number in the *1972* Budget Appendix on which can be found the account or fund listed in column 2.

Column 2. List under each bureau or organizational unit to which separate appropriations or funds are available, the title of each appropriation or fund account (other than allocations from other agencies) which is affected by the specified pay increases. These will include revolving and management funds (including consolidated working funds) and trust funds. Account titles will be listed in the order in which they appear in the budget.

Column 3. Show the amount requested in the 1972 Budget for the account or fund listed in column 2. This will be the amount shown in the appropriation language as proposed in the 1972 Budget Appendix. Where an administrative expenses limitation is shown in the 1972 Budget Appendix, the amount of the limitation will be shown in parentheses as a non-add entry.

Column 4. Identify the proposed 1972 budget amendment for the account or fund shown in column 2. Additional appropriations required will be the sum of the following:

a. The increased direct pay and related costs to the account;

b. *Plus* any increased payments or reimbursements required *to* other accounts;

c. *Minus* any increased payments or reimbursements *from* other accounts.

Where an increase in an administrative expenses limitation is required, the amount of the increase will be shown in parentheses as a non-add entry and identified with the symbol, "(A)". Where a waiver of a limitation on personal services is required, the amount shown in this column will be identified with the symbol "(W)".

Amounts requested and shown in this column should be in round thousands, i.e., if the above calculation comes to $34,231, the amount to be shown should be $34,000.

Column 5. Enter the sum of columns 3 and 4.

SUMMARY OF 1972 INCREASED PAY COST—DEPARTMENT OF GOVERNMENT

Page number in 1972 budget appendix (1)	Organizational unit and account title (2)	Request pending (3)	Proposed amendment (4)	Revised request (5)
875	Office of the Secretary, salaries and expenses	$6,900,000	[1] $480,000	$7,380,000
	Bureau of Inspection:			
877	Salaries and expenses	7,253,000	430,000	7,683,000
878	Inspection services	5,800,000	220,000	6,020,000
897	Government Corporation ABC revolving fund	(9,450,000)	[2] (567,000)	(10,017,000)
	Total of above accounts	311,650,000	18,792,000	330,442,000

[1] Waiver of limitation on personal services required.

[2] Increase in administrative expenses limitation required.

Mr. HART. Mr. President, I hope that the Senate will join with me and appropriate the full sum of $3.96 million requested in the budget request by the administration.

But now it seems that an additional question will now be raised. It is claimed that the President's budget estimate, itself, is contingent upon authorization legislation not yet enacted. This claim, as I understand it, is based upon one sentence in the official budget sent to Congress. In the appendix of that budget on page 898, it is stated that the budget request for the Commission is $3.8 million. I have already indicated that this has been revised to incorporate mandatory pay increases, and the Senate committee reported the revised budget request at $3.96 million, the same amount called for in the amendment.

In the appendix, the estimate is followed by a sentence which reads:

> Additional authorizing legislation will be proposed for $400,000.

That sentence in no way states that the estimate requested by the President is contingent upon new authorization to be passed. It does not state that the new authorization is a condition precedent of the $3.8 million amount, now revised to $3.96 million.

I have today received a letter from the Director of the Office of Management and Budget, George Shultz. He states that the estimate is not intended by the President to be in any way contingent upon prior authorization.

If I may, Mr. President, I will read the letter. The letter reads:

> You have inquired regarding the Presidential Budget request for fiscal year 1972 for the Commission on Civil Rights. The appendix to the budget on page 898 states that the requested amount is $3,800,000, which has since been revised to $3,960,000 to cover mandatory pay raises. The section of the budget goes on to state that additional authorization legislation will be sought. This statement was not intended in any way to constitute a condition precedent to the President's request. That request remains in the amount of $3,960,000.

It seems to me that since the plain words themselves do not state the request is contingent, the additional sentence included on page 898 can be seen as an additional explanatory piece of information provided to the Congress, and not as a statement of a condition precedent to the request. We should not read into the budget document language which simply is not there.

We can, if we want to, deny the money. In short, if we must interpret that language as to the intent from the budget authority, it should be inserted, then certainly this authoritative statement as to the intent from the President's chief budget officer is decisive.

The President has indicated, according to Mr. Shultz, that this is his estimate and no condition is attached to it. It is the full amount which he wants.

Even if in some sense this language can be deemed an acknowledgement of contingency, any ruling that this precludes reliance on the exception provided in rule XVI, which I have read, would make that portion of the rule essentially meaningless.

Clearly this exception referring to an estimate would only be needed and resorted to when appropriations are sought in excess of the existing authorization. But precisely in such situations as this, the normal situation is for the budget to acknowledge that an increased appropriation will also be sought. If we cannot utilize the exception provided in rule XVI in this situation, the clear purpose of this particular provision in the rule would be nullified.

Therefore, I repeat that in my view a point of order does not lie.

In conclusion, let me reemphasize that maintaining the Commission at its present funding level of $3.4 million would seriously damage its work. As I have mentioned, simply meeting the automatic pay increase will cost an additional $160,000. Unless additional funds are forthcoming, the Commission will have to absorb this pay increase and reduce its program accordingly. Other funds are needed to extend current studies and activities in the direction I have touched on.

The Commission informs me that the studies and projects at stake involve Indians, Puerto Ricans, Mexican Americans, prisons, health services, and the role of labor unions in equal employment. The Commission has been doing valuable work in bringing to national attention discrimination, not only against blacks but against all minority groups, and wherever it exists in all parts of our country. It would be tragic to curtail these activities just as they are beginning to take shape.

In recent years, moreover, the Commission has been particularly outspoken in pointing out the distance between our ideals and our policies. It would be unfortunate if the impression were given that such forthright reminders were rewarded with a limitation of funds.

The very distinguished Commission Chairman, Father Theodore M. Hesburgh, president of the University of

Notre Dame, told the Senate Subcommittee on Administrative Practice and Procedure last month that four successive Presidents have assured him that civil rights is the Nation's most pressing domestic problem. The size of the Commission's budget reflects no such priority, and I regret to say that we in Congress are primarily to blame.

Father Hesburgh's plea is not alone. The Eisenhower Commission on the Causes and Prevention of Violence, and the Kerner Commission on Civil Disorder each tragically divide our Nation.

I hope very much that the Senate today will enable the Commission to move forward as intended.

EXHIBIT 1

FUNDS FOR THE CIVIL RIGHTS COMMISSION

The effectiveness, perhaps the very existence, of the Civil Rights Commission is at stake in the vote on its appropriation scheduled for tomorrow in the Senate. The commission has been the conscience of the federal government in the area of racial equality ever since its creation by Congress as an element of the Civil Rights Act of 1957. But as is so often the case with consciences, it has been too little heeded—and especially in regard to the funds necessary for its effective operation.

President Nixon asked for an appropriation of $3.96 million for the commission for the 1972 fiscal year. Unfortunately, the House reduced this to $3.4 million, and the Senate Appropriations Committee recommended acceptance of the House figure. An amendment to restore the $560,000 cut from the President's budget request will be offered on the Senate floor Monday morning. The additional money is imperatively needed; $160,000 of it must go to meet the cost of pay increases which Congress promised to all federal employees last year, and the remaining $400,000 will be used to extend and initiate vital commission programs.

The commission will suffer a serious blow with the resignation of its exceptionally able young staff director, Howard A. Glickstein, due to take effect next month. Mr. Glickstein has carried forward a remarkable tradition developed by a succession of devoted, imaginative and resourceful CRC staff directors who have given the tiny agency an impact out of all proportion to its modest means. He deserves the very warm thanks of the country for jogging it tirelessly about its obligations in respect of civil rights.

The CRC should be kept on the job. Its thankless role is to remind us of our failures, our shortcomings—and our promises. The Congress can best acknowledge that it genuinely means to meet those promises by giving the commission the funds it needs for its essential task.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. MONDALE. Mr. President, I join with the Senator from Michigan in supporting the amendment. I do not know of any agency of the Federal Government that delivers more for less than does the Civil Rights Commission. It operates on a budget which, in my opinion, is scandalously low. It has continued to be the conscience of the country in this area.

The Civil Rights Commission, under the inspired leadership of its chairman, Father Hesburg, is continuing to perform its services in a nonpartisan and dedicated way. I believe this increase in the amount of appropriations recommended by the committee is essential. There can be no doubt that the Commission, in order to fulfill its responsibility, must broaden its effort to include a deeper study of civil rights and the implications of our treatment of all minorities, not only the black, but also all other minorities.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. Mr. President, I yield the Senator 1 minute on the bill.

Mr. MONDALE. Mr. President, there are other minorities, many of which are not only nonwhite but which have language and cultural differences as well that add further complications. For example, in the city of Boston where there were 9,000 Puerto Ricans in school, only seven graduated last year from high school and four were from private schools. In New York City 250,000 Puerto Ricans were in schools and only 200 graduated last year with academic degrees.

There are other minorities in this country such as Portuguese, Orientals, Indians, Puerto Ricans, and Cubans, who face an unfair life in this country, and for whom it cannot be said that the words "equality and justice" fully apply to them and their lives.

I hope these funds can be added and that the Civil Rights Commission can broaden its efforts to more fully understand the problem and speak out for the justice these remarkable Americans deserve.

Mr. HUMPHREY. Mr. President, as one who was directly involved in the legislative effort to provide for the establishment of the Commission on Civil Rights, I have joined in the sponsorship of the amendment to H.R. 9272—State, Justice, Commerce, judiciary, and related agencies appropriations for fiscal year 1972—to provide additional funding for this vital Federal agency at the full level of authorizations requested by the administration for fiscal year 1972.

The Civil Rights Commission has had a short history but has made an impressive record in the 14 years of its existence. The Commission was created in 1957; its creation was part of the civil rights legislation of that year. In retrospect I think that we can all agree that it should have been created much earlier—in 1947 or 1937. I proposed a bill to establish a body such as the Commission in 1951. It was defeated that year and did not become enacted for another 6 years.

When the Commission finally was created, it was in a much weaker form than I had originally hoped for. It had no powers of enforcement, only the authority to hold hearings and issue reports.

These limited powers the Commission has used with surprising effectiveness.

We take for granted historic recent changes, even when they come after long struggle. Let me remind you where we were in civil rights in 1957.

Very few blacks in the South were able to vote in 1957. There were many counties in which not a single black was registered. It was the Civil Rights Commission that documented this situation through its hearings and reports and established for the record what the causes were of this great absence of black participation in the political process. Based on this foundation, and guided by recommendations of the Commission, the Congress enacted the Voting Rights Act of 1965, the most effective piece of civil rights legislation in this Nation's history. Five years later, it was the Commission that presented the evidence that convinced Congress that this voting legislation should be extended.

Returning to 1957 again: Blacks in all parts of the country had no right recognized under Federal law to choose the neighborhood in which they would live. Discrimination was legal. Again, the Commission investigated and documented the situation. The result was the Fair Housing Act of 1968.

The story is the same in education and employment. In 1957, 3 years after the decision in Brown against Board of Education, schools were still segregated. Long before others thought it was feasible or politically possible, the Commission recommended legislation which was finally enacted as title VI of the Civil Rights Act of 1964, which has proved an effective tool in bringing about the desegregation of schools.

Likewise in employment, Commission factfinding and recommendations led to the passage of title VII of the 1964 Civil Rights Act, banning discrimination in employment.

Despite this record I know that no one here will draw the inference that the Civil Rights Commission can or should now relax. On the contrary, its job is now harder than it was before any of this antidiscrimination legislation was passed.

First, the Commission now has the job of judging the performance of Government in assuring that our civil rights statutes become, in fact, the law of the land. The Civil Rights Commission has issued major reports critical of the enforcement efforts of all administrations over the past years. Their criticism has been highly constructive and vitally important. I am pleased that President Nixon agrees with this judgment and supports the $3.96 million appropriation for the Commission, which I am now urging the Senate to adopt.

Second, the Commission has been trying very hard for a number of years to document deprivations confronting minority groups other than blacks and propose effective remedies. They have been investigating the problems of Puerto Ricans in the eastern part of the country, of Mexican-Americans in the Southwest and of other Spanish speaking minorities and of Indians. To begin to deal adequately with the problems of these groups requires resources that Congress has never given to the Commission.

Third, civil rights problems are even more difficult. Passing and enforcing a few antidiscrimination laws does not solve all the problems. We need the Civil Rights Commission to keep abreast of the changing problems in the area of civil rights and to keep making new recommendations on how to meet these problems.

For these reasons, I strongly urge that the amendment increase funds for the Commission on Civil Rights by $460,000.

I do not concur in the ruling of the Chair, sustaining the point of order raised by the Senator from Arkansas (Mr. McCLELLAN). I join the Senator from Michigan (Mr. HART) in his interpretation of rule 16 and its application to this amendment. The amendment is in order and merits Senate approval.

Mr. PEARSON. Mr. President, today the Senate will vote on measures vital to the continuation of programs designed to uphold equal opportunity under the law. The accomplishments which the Civil Rights Commission and the Equal Employment Opportunity Commission have made since their inception have been instrumental in helping guide America out of the jungle of prejudice and discrimination and into a period of our history which recognizes more than ever before the primary responsibility to insure the rights guaranteed to every citizen of this Nation.

Mr. President, we are all familiar with the truly remarkable work the Civil Rights Commission has performed since its establishment nearly a decade ago. In a time when all responsible citizens are concerned that many elements of our society have lost contact with the democratic process, in a time when many of our most cherished institutions are questioned, and in a time when our primary function should be one of education as well as restoration of confidence, this Commission has resolutely and diligently pursued a course which has brought thousands of formerly disenfranchised citizens into the political process—many for the first time in their lives.

Likewise, the work of the Equal Employment Opportunity Commission has been instrumental in ferreting discrimination from the employment policies of this Nation. Its work is just begun, however, and it would be a serious mistake for Congress to reduce its funds at a time when the ground swell for equal rights in all areas of life is rising to unprecedented levels.

Mr. President, there is much talk these days about a reordering of priorities. Yet, if we are to begin to consider this area, it is imperative that we do so with the full understanding and attention of all the American people. This means that the Federal Government must continue to insure adequate access to the ballot box as well as the employment office. The way we vote today can determine whether the Federal Government will continue to provide leadership in this area or allow victories, gained with so much sacrifice and effort, to be discarded.

Mr. McGOVERN. Mr. President, I strongly urge the passage of the amendment proposed by Senator HART to restore the budget of $3.97 million for the U.S. Commission on Civil Rights.

Even this amount of funding is inadequate for the proper operation of the Commission. It stands as the sole independent agency acting as a watchdog and a conscience for our Government in the field of civil rights. We all well know that our record of fulfillment in the field of civil rights still leaves much to be desired. The Civil Rights Commission has served us well in pointing out the most flagrant cases of civil rights violations and by indicating where greater effort by the Federal Government is urgently needed. It would be a tragedy if the funds requested by the administration were further reduced.

It is a matter of simple justice to restore this appropriation from the $3.4 million level voted by the House of Representatives to the amount requested by the administration. Of course, $3.4 million is better than nothing, especially when the amount proposed by the administration is demonstrably inadequate. But it is one way to keep this vital agency functioning. We should be able to do much better than simply passing a minimal appropriation at this stage of our history, when we generally recognize the need to set right the centuries of injustice to those deprived of their civil rights.

Mr. President, in the event that Senator HART's amendment passes, I would urge the Senate conferees to be unyielding in their insistence on that appropriation. Passage of the amendment would demonstrate our commitment; maintenance of it would show the depth of that commitment.

Mr. KENNEDY. Mr. President, almost a month ago the Subcommittee on Administrative Practice and Procedure—in the course of its inquiry into implementation of the recommendations of Presidential and national commissions—heard testimony from Father Hesburgh, Civil Rights Commission Chairman. We had already examined the work of other recent social issue commissions, like the Crime Commission, the Violence Commission, and the Commission on Civil Disorders, and we had seen how little response there has been in terms of implementation of the recommendations of those commissions. Yet the record of the Civil Rights Commission was unique and significant: in 13 years the Commission has seen almost 80 percent of its recommendations implemented in some form. And surely this is not a Commission that has outlived its usefulness.

Father Hesburgh indicated at our hearings that the past four Presidents have publicly stated that civil rights is the most important domestic problem facing the Nation. Even so, at times like this, Mr. President, one wonders just where our present priorities are placed. As Father Hesburgh observed:

> This is another cause of frustration on the part of minorities as well as on the part of young people. If indeed I can quote four Presidents to this effect, starting with Eisenhower continuing to Nixon, that this is the most important domestic problem facing the nation, then one begins to wonder how important it is if our budget last year was $3,250,000 with a supplement of a little under $200,000 for pay raises and we are having difficulty even keeping that figure this year.
>
> Now, I am saying that if you ask youngsters how they determine what the priorities are, they say simply look at the federal budget and see where the money goes. If you go down a list of things budgeted in the federal budget and you see that one airplane with a very bad record as an airplane is getting four times as much as the total effort of the U.S. Commission on Civil Rights, I think that tells you something about the priorities of this country.

Mr. President, I do not believe I need to go into the accomplishments of the Civil Rights Commission since its establishment. I think we all know its substantial contributions to the progress of civil rights over the past decade. Nor do I believe that the Senate's power to authorize the additional $560,000 requested by the administration can be seriously questioned.

We are faced with an opportunity to do what should be done—what must be done—to begin to shape our budget to conform with our stated priorities. I am confident that the Senate will grasp that opportunity.

Mr. SCOTT. Mr. President, I am pleased to join with the distinguished Senator from Michigan (Mr. HART) in his amendment to provide the U.S. Commission on Civil Rights with the full appropriation requested in the President's budget.

The President has requested an appropriation of $3.96 million for the Commission for fiscal 1972. An amount of only $3.4 million was approved by the House and by our own Appropriations Committee. It is vital that the full amount of the President's request be voted today so that the Commission on Civil Rights can carry on its vital activities.

The President is very much concerned that civil rights agencies be provided with needed funds. His budget request for fiscal 1972 seeks to meet the need for adequate staff and other resources for effective civil rights enforcement by calling for a substantial across-the-board increase in budget for civil rights. In fact, the Commission on Civil Rights publicly commended the President for his action in seeking this increased funding. The civil rights problems facing this Nation continue to be severe and complex. Those agencies diligently working to solve these problems should not be hampered by inadequate funding.

I remind you that President Nixon played a leading role in the creation of the Commission in 1957. Mr. Nixon, as President of the Senate, rendered a number of rulings which made it possible for this body to vote on the Civil Rights Act of 1957. I am proud to recall that on a key vote on the Civil Rights Act of 1957 all 43 Republican Senators voting were recorded as voting in favor of the bill. This is a proud tradition. I call upon all of you, and especially my colleagues in the Republican Party, to continue this tradition and provide the Commission with the funding it so desperately needs.

The Commission is continuing to deal with the most critical issues facing this Nation. As you know, on June 11 the President issued a historic statement on housing policy. That statement recognizes the severe barriers that exist to providing housing to our people and the role Federal policy has played in creating the unjust conditions that are so extensive. The President's statement also sets forth imaginative guidelines for moving ahead in this area. The Commission on Civil Rights has been focusing national attention on the need to restructure our housing policies so that our cities do not continue to become increasingly black and poor while our suburbs are increasingly white and affluent. Also, in June of this year, the Commission held a major hearing here in Washington that dealt largely with Federal housing policy. Top administration officials, including Secretaries Romney and Volpe and Attorney General Mitchell testified at that hearing. For all concerned—for the administration, for the Commission, and, most importantly, for the country—this was a constructive activity. We cannot now apply the brakes and force the Commission to curtail its programs.

If the Commission's appropriation is allowed to remain at $3.4 million many program restrictions will be required. This month, the Commission is operating under a continuing resolution which authorizes it to spend at the rate of $3.4 million. The month is not yet over, but I am advised that the Commission already has been required to curtail some of its activities. This should not be permitted to occur any longer than necessary.

It is not enough to enact legislation that guarantees and secures to all of our citizens their rights under the Constitution. We must make certain that those agencies charged with the responsibility of enforcing these laws have adequate tools with which to do the job. We raise expectations every time we pass a new civil rights law. We increase frustrations when we do not do what is necessary to insure that those laws are effectively implemented.

The Commission on Civil Rights has served as a watchdog to alert the country to what needs to be done to effectuate our laws. Its voice should not be stilled, even for a day.

I urge you to approve full funding for the Commission and enact an appropriation of $3.96 million.

Mr. MUSKIE. Mr. President, we have saddled a small but important agency, the Commission on Civil Rights, with a budget far too tiny to meet its important duties. For fiscal year 1971 the Commission has an authorization of $3.4 million and an appropriation of $3.397 million. It needs a budget of $3.96 million to function fully in fiscal 1972. The appropriation voted by the House last month—because of increased costs and mandated salary increases—would severely damage the Commission's operation. Its plans to expand its programs into important new civil rights areas would be set back drastically. This would include an Indian rights project and studies on the administration of justice in prisons, discrimination in health services, and equal employment and labor unions. A new field office in the North-Central States to serve the Indian program would not be opened and the Commission's Puerto Rican project and Mexican American education study could not expand beyond their present levels.

Since the establishment of the U.S. Commission on Civil Rights in 1957, it has been doing invaluable work in bringing to national attention discrimination against all minority groups, in all its forms and locations. It has been outspoken in pointing out to the Nation that our most pressing domestic problem is denial of equal rights to large segments of our population. Its criticisms have been factual and constructive. Its recommendations and contributions to the problem areas of voting, housing, employment, education, and suburban access had a visible effect and impact on the policies of the Government.

The Commission since its creation in 1957 has documented the denial of equal protection of the laws which has done deep harm to our fundamental concepts of equal justice and equal opportunity.

The denial of the right to vote was a common practice in many parts of the Nation in the late 1950's. Governmentally enforced school segregation, which the U.S. Supreme Court had held to be unconstitutional 3 years before the Commission was established, was not being eliminated. Housing discrimination against members of minority groups was practiced widely by builders, brokers, and lending institutions in all parts of the country. Hotels, restaurants, and other places of public accommodation commonly denied service to travelers for no reason other than their race. And federally assisted programs and activities were often administered on a racially discriminatory basis with no substantial effort on the part of the Federal Government to assure that Federal benefits reached all citizens.

Although many of these problems have persisted, much has changed over the last 12 years. Voting is a striking example. In many communities where few if any blacks were ever permitted to exercise the franchise, they now are voting in large numbers. Hotels, restaurants, and theaters which once refused to serve black citizens now are serving all customers. Many facilities provided under federally assisted programs, such as hospitals aided by the Hill-Burton and Medicare Acts, have changed their practices so that they now are serving all without discrimination.

These changes came about primarily through the enactment of Federal laws such as the Civil Rights Act of 1964 and the Voting Rights Act of 1965 and the numerous executive and administrative actions which were promulgated to implement and enforce these two historic acts.

It was the findings of the Commission on Civil Rights which paved the way for these pieces of legislation and administrative decisions.

The Commission's hearings, reports, and recommendations have played an important and valuable role in bringing about change. The Commission has helped to awaken the Nation to the existence of problems which previously were largely unrecognized. Its reports have provided the factual base for much of the legislative and executive action taken in the area of civil rights in recent years. Many of the Commission's recommendations, considered controversial at the time they were made, have been adopted in the form of legislation or executive action. For example, in 1959, the Commission recommended the enactment of legislation providing for Federal registrars to assure to blacks and other minority group citizens the right to vote. This recommendation provided the basis for the Voting Rights Act of 1965. A series of Commission recommendations aimed at assuring nondiscrimination in federally assisted programs was enacted into law as title VI of the Civil Rights Act of 1964.

In its recent report on "Federal Civil Rights Enforcement Effort," the Commission evaluated civil rights enforcement mechanisms within the Federal bureaucracy and found them to be suffering from lack of staff, coordination, and commitment. Its followup report found some encouraging developments, but this does not mean that strong civil rights enforcement is now assured or even that we have turned the corner in eliminating the many weaknesses that were found to exist.

The Commission's report on the "Ethnic Isolation of Mexican Americans in the Public Schools of the Southwest" was the Federal Government's first comprehensive look at Mexican Americans in the Nation's schools. Its report on "Home Ownership for Lower Income Families" found that the traditional pattern of racially segregated residence is being perpetuated and current programs are failing to fulfill their enormous promise of providing new housing opportunities to minority families who previously had little housing choice.

With this record of past service, I believe the Senate should approve for the Committee on Civil Rights the full appropriation recommended by the White House.

While the number of dollars is small, the principle is large indeed. The question is whether this body chooses to affirm today—July 19, 1971—that we are committed to continuing and expanding the struggle for racial equality in this Nation.

The Commission on Civil Rights, both in symbol and in reality, is at the center of this Government's commitment to the solution of the problems of our oppressed minorities.

How difficult it would be to place a dollar value on what this Commission has done, on what it now represents to the blacks and the browns of this country. But given the problems of domestic strife and racial injustice we face, can it be anything but ludicrous to say that this Nation does not have the additional $560,000 needed to enable this Commission to function effectively. What can such economizing say of our sense of national priorities?

We must not weaken the Civil Rights Commission. It must be strengthened. That is why I shall today vote for the amendment to increase the appropriations for the Commission.

Mr. McCLELLAN. The reason, I am sure, this amount was not included in the appropriation bill, and I am confident that a majority of the members of the Committee on Appropriations would have supported increasing the total amount of the budget, is that we have rules that govern the proceedings of our body, of our legislative process, and also of our appropriation process, and this amount clearly exceeds what is authorized up to this time. The House recognized that and voted accordingly.

Subsequently an authorization bill has been passed by the House and it is now before the District Committee of the Senate, and in all probability, in due time, it will be enacted into law.

But I have no alternative as chairman of the committee, as my distinguished friend recognized when he inferred that if he were in my position he would do what I now feel constrained to do as chairman of the committee to protect the integrity of our processes. Until this amount is authorized I cannot support this appropriation. This will not stop anything. There is enough appropriation here to carry on; and in due time when the bill is passed there will be a supplemental appropriation bill and by waiting until then and bringing it here then, the processes and the integrity of the proceedings of this body will be preserved and the interests of those the Senator seeks to serve will be served.

It is a question of whether we want to abandon the rules of the Senate. If it were a great emergency, I probably would feel constrained to waive it, as far as I am concerned, but I do not feel that that kind of emergency exists.

I simply raise the point of order and will be governed accordingly by the ruling of the Chair.

However, I feel it my duty to do so and I feel that is what the committee would have me do. We weighed it and considered it, and felt it should wait until there was an authorization. There was not any strong opposition from any source, as far as I know, but it was a question of whether we preserve the integrity of our processes or if we wished to establish the precedent here of not observing the rules. If we establish that precedent today, it will be done again tomorrow.

Mr. HART. Mr. President, will the Senator yield?

Mr. McCLELLAN. Yes. I believe I made a point of order. I meant to make it.

The PRESIDING OFFICER. The Chair will allow the Senator to ask a question. The Chair will withhold ruling on the point of order if the Senator wishes to ask a question.

Mr. HART. Mr. President, will the Chair indulge me?

The PRESIDING OFFICER. Does the Senator from Arkansas yield?

Mr. McCLELLAN. I am glad to yield. I stated frankly the situation.

Mr. HART. Mr. President, when I first had this matter called to my attention I thought we would have to ask the Senate to ignore or override a rule, and it was on that assumption I said that if I were handling the bill, as the Senator from Arkansas is, I would make the point of order.

But I rise, again, to suggest that our studies indicate that we are using the rule. We are seeking to use the exception in rule XVI in order that we may not have to wait for a supplemental bill.

The activities of this Commission will be reduced by every day that intervenes between now and the supplemental. I have cited the consequences of the pay increases. Activities would be cut back. Who among us would venture when that supplemental will come in? But whenever it comes, much of the effect of this in the intervening time will have been lost as far as the Commission is concerned.

Prior to the ruling by the Chair I wish to suggest again that the exception in rule XVI, "in accordance with law," means just that: An estimate submitted pursuant to statute, and that is what the President's budget is.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator whatever time he needs.

Mr. BYRD of West Virginia. I have two questions to ask of the Senator from Michigan.

First of all, from what source was the "estimate," referred to in rule XVI, derived; and second, from what "law," as mentioned in the rule, does the authorization derive?

Mr. HART. If I may reply to the first point, the estimate derives from the annex or supplemental budget of the President, which budget has been filed in accordance with the law. Having established that figure, it is our contention and belief that rule XVI has precisely that kind of estimate in mind when it permits the Senate by amendment to go to a figure in excess of existing Senate authorization, which this does.

Mr. BYRD of West Virginia. If I understand what the Senator is saying, he is saying that the amendment here complies with rule XVI simply because the budget itself has been submitted in accordance with law.

It seems to me this misses the gravamen of the issue. It seems to me that what rule XVI says is that the estimate should be submitted in accordance with a specific authorization act.

Mr. McCLELLAN. Will the Senator yield at that point?

Mr. BYRD of West Virginia. Otherwise, Mr. President, we would need no authorization laws at all—and no authorization committees.

Mr. McCLELLAN. That is correct.

Mr. BYRD of West Virginia. The budget itself would then be self-enforcing, because it would provide the authorization in each instance simply by stating an estimate.

Mr. HART. Mr. President, if I may suggest, we would not need the exception to rule XVI if its meaning was as the able Senator from West Virginia says. I think rule XVI's exception, "or proposed in pursuance of an estimate submitted in accordance with law," is wiped out if we are to take the position that it must nonetheless be a submission which is not in excess of the existing.

To read it otherwise and to suggest that those words limit reliances on a budget estimate to situations where the budget request is no higher than existing authorization would make the express provision useless in precisely those situations for which it is needed and was designed to meet. Because if the estimate of the budget is no higher than the old authorization, the basic limitation of the rule is satisfied and the exception provided for increases in accordance with budget estimates would never be needed.

It is that reasoning that persuaded us that we are indeed operating the rule, and the rule does authorize us to reach this higher figure, all figures having been submitted in accordance with law.

Mr. BYRD of West Virginia. Mr. President, if I have heard correctly as I have listened to the discussions here, the budget estimate itself referred to the authority therefor as being yet in the future.

The PRESIDING OFFICER (Mr. CHILES). The Chair is ready to rule.

Mr. HART. Mr. President, I wonder if the Chair would permit me a very brief reply to the last point?

Mr. McCLELLAN. Mr. President, I yield such time as the Senator requires for that.

Mr. HART. I thank the Senator.

Mr. President, for two reasons I suggest that the budget itself does not condition this estimate upon a subsequent authorization. First, the very explicit statement from the budget director, Mr. Shultz, in the letter, reference to which I made a part of the RECORD. Second, if one reads the language in that budget, it is simply a statement of fact. Additional authorizing legislation will be proposed. It is the same boilerplate that one finds, if he wants to, with respect to other items in that budget where the additional new authorization figure has been recommended, because the budget request exceeds existing authorization.

For the variety of reasons assigned. I do trust the point of order will not be sustained.

The PRESIDING OFFICER. The Chair rules that the point of order is well taken and that the amendment is out of order.

Under the rule, the estimate is in excess of the amount authorized by law, the amount authorized by law being $3.4 million.

The Chair feels that the language cited by the Senator from Michigan as the exception in rule XVI "or proposed in pursuance of an estimate submitted in accordance with law," would be language that would come into play if the authorization was, perhaps, for the Department of Defense in giving it duties and saying it should have those funds as shall be necessary and required to carry out its duties. In that instance, estimates would be submitted in accordance with law. But in the act in force here, we have a specific appropriation with specific language. The authorization was for $3.4 million. That is further referred to, as stated by the Senator from West Virginia, in the budget estimate itself, when it says, "Additional authorizing appropriations will be proposed in the amount of $400,000." That is the language before the Congress, and there would be no need for the additional authorizing legislation at all if the amendment would be in order.

For that reason the Chair would have to rule that the amendment is out of order.

Mr. HART. Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Under our rules, am I permitted to appeal from the ruling of the Chair?

The PRESIDING OFFICER. The Senator is.

Mr. HART. Mr. President, I realize it is late, but many Senators are interested in this question. With that explanation, I do appeal from the ruling of the Chair, and ask for the yeas and nays.

The PRESIDING OFFICER. The question is: Shall the decision of the Chair stand as the judgment of the Senate?

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. If the Chair is overruled in the appeal from the ruling of the Chair, will that become a permanent precedent of the Senate?

The PRESIDING OFFICER. Yes.

Mr. BYRD of West Virginia. Mr. President, I hope the Senator from Michigan will not ask for the yeas and nays simply for the reason that Senators who are not now present, when they come into the Chamber, will not have a clear understanding as to what they are voting on. They may vote to overrule the Chair and thus set a dangerous precedent. Let us have a voice vote. Otherwise, I shall have to move to lay the appeal from the ruling of the Chair on the table.

Mr. HART. Mr. President, that argument would have much stronger appeal if Senators knew every other time what they were voting on.

Mr. BYRD of West Virginia. Mr. President, I move to table the appeal from the ruling of the Chair—not because of the substance of the Senator's amendment, but because of the precedent which could be otherwise established.

The PRESIDING OFFICER. The Chair believes that the previous question was on ordering the yeas and nays.

The question, then, is on the motion by the Senator from West Virginia to lay on the table the appeal from the ruling of the Chair.

Do Senators request the yeas and nays?

Mr. McCLELLAN and other Senators requested the yeas and nays.

The PRESIDING OFFICER. The question is on the motion to lay on the table the appeal from the ruling of the Chair. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BENNETT (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Michigan (Mr. GRIFFIN). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Connecticut (Mr. WEICKER) is detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), and the Senator from New York (Mr. JAVITS) would each vote "nay."

The pair of the Senator from Michigan (Mr. GRIFFIN) has been previously announced.

The result was announced—yeas 51, nays 38, as follows:

[No. 153 Leg.]

YEAS—51

Aiken
Allen
Allott
Anderson
Bentsen
Bible
Brock
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hollings
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Montoya
Pastore
Pell
Prouty
Randolph
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Young

NAYS—38

Baker
Bayh
Beall
Boggs
Brooke
Burdick
Case
Cook
Cranston
Eagleton
Harris
Hart
Hartke
Hruska
Hughes
Humphrey
Inouye
Kennedy
Mathias
McGovern
Mondale
Moss
Muskie
Nelson
Packwood
Pearson
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Stevens
Stevenson
Taft
Tunney
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bennett, for.

NOT VOTING—10

Bellmon
Buckley
Gravel
Griffin
Hatfield
Jackson
Javits
Metcalf
Mundt
Weicker

So the motion to lay on the table was agreed to.

NATIONAL MARINE FISHERIES SERVICE

Mr. KENNEDY. Mr. President, I am delighted that the Appropriations Committee under the leadership of its distinguished chairman, the senior Senator from the State of Arkansas has restored the cuts made by the House to the budget of the National Marine Fisheries Service.

The American fisherman today is being assailed on all fronts—by a severe financial decline in the industry, by powerful competition from subsidized, modern, well-equipped foreign fleets, and by harassment by foreign vessels.

The National Marine Fisheries Service—formerly the Bureau of Commercial Fisheries—for decades has provided leadership and assistance to the fishing industry. The authorization approved by the committee would permit it to continue to act on their behalf—providing essential services that fishermen require.

First, it would provide funds for increased surveillance of foreign fishing vessels off our coasts. The past several months have been an object lesson in the inadequacies of the present system of surveillance and enforcement. It is essential to protect American fishermen from continued harassment and provocations by foreign vessels which occurred off the coast of Massachusetts in recent months.

Second, it would assure the development of improved methods for detecting and locating fish. There is a real need today to chart and assess the present fish resources to plan judiciously for their future use and to protect against species depletion. This is also of particular importance where the fisherman must seek alternate species because of contamination or exhaustion of his primary catch.

Third, it would provide for an intensive study in cooperation with the States of management alternatives for fisheries. Such a study could define methods for removing Government problems which present barriers to efficient and economical operations.

Our Nation's fishermen, whether in Massachusetts, or Washington, are caught in a vicious cycle—their equipment and boats require renovation and improvement in order to meet its Government-subsidized competition. Yet the funds for these improvements are becoming more and more scarce.

Mr. President, that is why I believe the $3 million cut by the House in the budget of the National Marine Fisheries Service was unwise. I want to commend the committee for its restoration of these funds. I feel it is important to the health of the fishing industry—and to the economy as a whole—to maintain a strong commitment to the American fisherman.

U.S. TRAVEL SERVICE

Mr. SCOTT. Mr. President, I rise in support of the recommended increased appropriations for the U.S. Travel Service. As approved by the Senate Appropriations Committee, this vital arm of the Commerce Department will be allocated $7.5 million, less than the full administration request, but $1 million over the House allowance.

Anyone who has reviewed our current balance of payments recently knows that we are sending out more dollars than we are taking in. As I have said on the floor of the Senate many times in the past, we certainly can reverse this unhealthy trend by encouraging more foreign visitors to see America. This is the job of the U.S. Travel Service, but they need additional support for their promotional activities.

I was a sponsor of the legislation 10 years ago to create the U.S. Travel Service. Since that time, their program has expanded significantly. USTS has done a remarkable job in promoting Pennsylvania, and I am pleased to note some of these activities specifically:

First, USTS has developed an attractive city folder on Philadelphia in 10 languages for use in promoting the city abroad.

Second, Pennsylvania attractions are prominently covered in USTS promotion materials that are used abroad.

Third, USTS works closely with the Pennsylvania tourism bureau and with the convention and visitor bureaus of Philadelphia and Pittsburgh.

Fourth, the plant-tour books carries a list of 58 Pennsylvania plants that have plant tours for foreign visitors.

Fifth, both Philadelphia and Pittsburgh have "Americans-at-Home" programs to open their homes to foreign visitors.

Sixth, USTS participated in the annual Pennsylvania travel conference.

Seventh, USTS has sponsored familiarization tours of Pennsylvania attractions by foreign travel writers and travel agents so they could go home and write about and sell Pennsylvania as a travel destination.

Eighth, 2 years ago, USTS held the annual meeting of the USTS overseas directors in Lancaster, so they could become better acquainted with the attractions of Pennsylvania.

Ninth, USTS has participated in two community meetings in Pittsburgh, the last called by the chairman of the county commissioners to develop foreign-visitor promotion and visitor-facilitation programs.

Tenth, several Pennsylvania hotels participate in the hotel language certification program.

One additional item of interest is the current Festival of American Folklife, at the Visit U.S.A. pavilion in Montreal. This program is part of the Man and His World exhibit, which runs through Labor Day. One of the prominent displays there is a Pennsylvania Dutch farm, where visitors can watch craftsmen and cooks show off their talents.

Mr. President, I urge the Senate to approve the recommended $7.5 million appropriations for the U.S. Travel Service. More than ever before, America must develop its ability to attract foreign visitors in greater numbers.

Mr. BURDICK. Mr. President, I rise today in support of something which I think is a good investment in the future of our Nation—added funds for the rehabilitation of criminal offenders.

There is no question that every one of my colleagues shares with me the strong desire to reduce crime. It is among the gravest concerns which the public has expressed to us in words and letters from our constituents.

If we are going to accomplish something, we first must recognize that the majority of crimes are committed by repeaters—and the cost of this recidivistic crime is billions of dollars per year. If we are to reduce crime we must do something about rehabilitating offenders, instead of turning hardened criminals back out on the streets again at the completion of their sentence.

The budget before us—for the Departments of State, Justice, Commerce. and related agencies—includes money for two agencies which have the potential for doing something about the problem of recidivism. I applaud the administration for having requested added funds for these activities, and I applaud the Committee on Appropriations for recommending these investments in rehabilitation.

As chairman of the Subcommittee on National Penitentiaries, I have had opportunities to observe first hand the work of the U.S. Bureau of Prisons, and I know that they are doing the best that they can, within the resources available, to provide treatment programs to the more than 22,000 Federal prisoners. Through the work of the Bureau's Director, Norman A. Carlson, they are providing leadership for the Nation in corrections.

Budgets approved in the past, however, had had to go largely for the maintenance of the custody and security of people in the Federal penal institutions, with only a small part—about 15 percent—for rehabilitative efforts.

The new Bureau budget which we are considering today includes an increase in funds, from $125 million to $176 million, and a substantial percentage of those added funds will be used for rehabilitative efforts. Compared to the billions of dollars which the criminal repeaters cost our society in the form of taxes, loss of life, limb, and property, this increase is extremely modest.

I think, however, that approval of this increase must be taken as a commitment on the part of Congress to try to do something about crime at the point where something most needs to be done. It is only during the correctional process that the public has the offender under its supervision, and it is here—or maybe never—when we can do something to influence these men and women to live lawfully. Any investment we make in such innovative forms of correction as community treatment centers will be small in comparison to the costs of crime to our society.

I also wish to express my support for the new funds which this legislation before us would make available in grants for improved State and local correctional programs by the Law Enforcement Assistance Administration, because the majority of criminal offenses are against State and local law.

This is an area where leadership is necessary. The Bureau of Prisons, as a model for the Nation, can provide program leadership which can be implemented around the Nation with the aid of LEAA funds.

I also wish to call the attention of this body to an article by Richard Starnes, distributed by the Scripps-Howard News Service, which states very eloquently some of the problems and solutions for corrections in our Nation. I ask unanimous consent that it be reprinted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAINT FLICKER OF HOPE LIGHTS OUR PRISONS

(By Richard Starnes)

As a young prison guard Norman Carlson occasionally watched old convicts who had been a decade or more behind bars make their way thru the gates toward a precarious freedom.

What should have been a happy occasion often was not.

"Many of them would go literally in fear and trembling," recalls Mr. Carlson, who is new director of the U.S. Bureau of Prisons. "They were completely institutionalized, totally unprepared to return to society.

"We'd given them their $10 gate money and a suit of prison-made clothes and turned them loose. Often they had no friends or family, rarely even a job. It's no wonder so few of them made it. I often wonder if I could have made it myself in the same circumstances."

At 37, Mr. Carlson is responsible for some 21,400 federal prisoners and presides over spending an annual budget of $176 million. In many ways he epitomizes the refreshing breeze that has begun to sweep the dank and cheerless corridors of America's jails and prisons.

ATTEMPTS TO LEARN WHY

For the first time in man's 5,000-year history of keeping other men locked up, society is beginning to make systematic efforts to learn why some men wind up in prison, why some who regain their freedom stay out, and why an appalling number do not.

Altho federal institutions account for only a small percentage of those who are imprisoned in the United States (on any day the total behind bars is around 365,000), the U.S. Bureau of Prisons is in the forefront of reform.

"Entirely apart from humanitarian considerations," Mr. Carlson notes, "pure economics demand that we find ways of improving our correctional system. The direct cost of keeping a man in prison for a year runs to $4,000 or $5,000. But there are studies showing that when other costs are added in, such as keeping a man's family on welfare, it can cost the taxpayers as much as $10,000 per prisoner per year."

For a $3.6 billion industry, U.S. jails and prisons must rank along with Penn-Central and Lockheed for poor return on investment.

Success or failure in prison work is measured by a $5 word: recidivism. It means simply backsliding—the percentage of released men who again resort to crime and again find themselves in the hands of the law. It is a percentage that runs very high in the United States.

Even good institutions often have a 50 percent rate of failure; the national average is around 70 percent. That means essentially that a lot more than half of the $3.6 billion spent keeping men in jail is wasted.

"FLICKER OF LIGHT"

While Mr. Carlson is a realist and concedes that some of his wards are so hostile and aggressive that there is little that can be done except to protect society from them, his real enthusiasm is reserved for a number of innovative Bureau of Prisons programs "that are beginning to show a little flicker of light at the end of the tunnel."

One of these is the Robert F. Kennedy Youth Center at Morgantown, W. Va. An ultramodern institution where prisoners are called students, where there are no walls and guards, RFK has been open little more than two years. But the first fragmentary results of intensive computerized studies of its records are becoming known, and Mr. Carlson finds them "extremely encouraging."

Indications are that as many as 80 percent of Morgantown's "graduates" are still on the straight and narrow after a year. If these figures hold up (and Mr. Carlson is at pains to emphasize their tentative and preliminary nature) they are encouraging indeed. For at another Federal youth institution, a traditional closed prison at Englewood, Colo., the rate of failure may be as high as 50 percent, although Englewood itself is counted a good institution.

WHAT MAKES SUCCESS?

"Even at Morgantown," Mr. Carlson observes, "one of the problems is that it is difficult to know exactly which programs are responsible for whatever success we may be having. Is it the open nature of the institution? Religious program? Work-release? Vocational training? Academic programs? We simply don't know yet."

Extensive use of computerized psychological studies is being made at federal institutions for hardened criminals as well as at its youth centers. The aim is twofold: To try to find why men go wrong, then to try (as at Morgantown) to tailor correctional programs that will insure the enormous expense of their treatment will not have to be repeated again and again. All these studies are in their infancy, but some facts are already beginning to emerge.

Ninety-five per cent of the men sentenced to federal prisons, for example, need medical or dental care. But what is more startling, 66 per cent of these never before in their lives have had any medical care at all. Ninety-five per cent are high-school dropouts. Seventy-five per cent come from broken homes.

"If there is a generalization that can be drawn it is that these men are terribly lacking in the kind of warm, interpersonal relationships that the rest of us take for granted," Mr. Carlson says.

"I visited Morgantown recently and talked to a number of students and it was remarkable how many spoke of one or another staff member to whom they could relate. For some of them it was probably the first relationship with a stable adult they'd ever had."

FEW SHOWPLACES

Altho Mr. Carlson is fond of quoting a bromide popular in the correction business ("with the right staff you could run a good institution in an old red barn") he is acutely aware that much of the federal prison system is being run in woefully obsolete plants.

While showplaces such as Morgantown or a new maximum security prison at Marion, Ill., seem to hold great promise, the grim fact is that most of the men in federal custody are being housed in buildings so old and crowded that it is all but impossible to get on with the process of trying to change men's lives.

"McNeill Island (a federal adult penitentiary in Washington State) was built in 1870 as a territorial prison. It is still in use, and 1,200 men are kept there. Atlanta and Leavenworth were both built around 1900. You don't find schools and hospitals that old still in use—only prisons."

But the vast majority of men behind bars are clustered hopelessly at the bottom of the correctional ladder in city and county lockups, and Mr. Carlson feels that these local jails (many of them barbarous, almost all of them obsolete) are "the crux of the correctional problem."

"Everyone we get, and everyone who is sent to a state institution, has first been in a city or county jail—often rotting with nothing to do for months," he says. "If they were not criminals when they went in they certainly are when they get out."

CORRESPONDENCE COURSE

In cooperation with the Law Enforcement Assistance Administration (LEAA), the Bureau of Prisons is helping upgrade local lockups. A bureau correspondence course for town and county-level correctional officers was oversubscribed and has gone into a second printing.

Bureau officers are stationed at each LEAA regional office to give technical assistance to local jailers, and Mr. Carlson himself is a tireless lecturer to sheriffs' associations, halfway-house groups and other organizations concerned with the custody and rehabilitation of criminals.

LEAA will spend about $100 million in the next year to help improve local lockups, but as enormous as that sum is, it is only a tiny fraction of what is needed.

It has been estimated that it would cost in the neighborood of $12 billion at today's prices to modernize present (prison) physical facilities," Mr. Carlson told a Massachusetts group dedicated to promoting halfway houses last spring. "In economic terms alone we would appear to have no alternative but to turn to the community and its resources. . .

"We know that over 95 per cent of those committed to prison ultimately are returned to society," he continued. "The fact that some 70 per cent of all offenders released from custody will be arrested again is conclusive evidence that institutional confinement is not serving its intended purpose of correction."

HELP FROM SCIENCE

Mr. Carlson, who holds a Master's degree in Penology, thinks correction is "an art not a science." But like everyone else troubled by society's ancient inability to understand why some of its members become outlaws, Mr. Carlson keeps hoping for hard scientific evidence that will give the answer.

"Already funded and on the drawing boards is our new behavorial research center that will be built at Butner, N.C.," he says.

"We'll have prisoners there from across the board—kids, men from maximum security institutions, even women. The center's principal assignments will be to study, evaluate and diagnose people with the sort of emotional problems that lead to violence.

"In this country we still do not know anything about what causes violence."

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McCLELLAN. Mr. President, in order to correct a printing error in the pending bill, I ask unanimous consent that on page 32, line 22, the figure $230,145,000 be stricken and that the figure $239,145,000 be inserted instead, which is the correct amount. This was caused by a typographical error in the printing of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCLELLAN. Mr. President, so far as I know, there are no other amendments.

Mr. BYRD of Virginia. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I yield.

Mr. BYRD of Virginia. I note on page 8 of the report that the committee increased the appropriation by $22,000 for the rental fee to the Waldorf-Astoria for the quarters of the official U.S. Representative to the United Nations. My question is this: What is the annual rental now being paid to the Waldorf-Astoria?

Mr. McCLELLAN. At present it is $33,000.

Mr. BYRD of Virginia. The rental at the present time is $33,000, and it will now be $55,000?

Mr. McCLELLAN. It will be $55,000, yes. It has gone up that much. We either have to do that or try to build something. They have been occupying those quarters for the past several years.

Mr. BYRD of Virginia. I thank the Senator.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 9272.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I know of no other amendments——

Mr. FULBRIGHT. Mr. President, will my distinguished colleague yield to me for a comment or two?

Mr. McCLELLAN. I am glad to yield to my distinguished colleague from Arkansas.

Mr. President, how much time do we have on the bill?

Mr. FULBRIGHT. Just a few minutes is all I shall need.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time.

Mr. FULBRIGHT. Mr. President, I have considered and discussed this matter with my distinguished colleague from Arkansas, and I have decided not to offer an amendment.

The budget estimate for the item on educational and cultural exchange activity was $45,466,000. The House allowed only $40 million. They also required that $5.8 million be used to purchase excess foreign currencies. Most of the foreign currencies are not really usable in this program. They consist of Indian, Pakistani, and Egyptian funds, which cannot be utilized successfully in this program. If they were, it would distort the program beyond all recognition and reason.

I only want to say that this matter is in the bill and was discussed in the hearing. I regret that they could not get the full amount recommended by the administration. Yet I am pleased that they did recommend an increase in the total figure from $40 million to $42 million, and also cut the requirement of $5.8 million in foreign currencies to $4 million. It will be a useful step forward, provided they can hold this in conference.

The history of the program has been that the Senate has always been much more understanding and forthcoming on the program than the House, for reasons I cannot go into now. The House has always been extremely critical and unsympathetic to the program. In 1966, the program was $53 million. They cut it back to $31 million. It is just now gradually being increased.

The chairman of the subcommittee handling the bill was very kind to allow the increases which I have mentioned. I only wish to urge him to hold this, if he possibly can, in the conference, because when we compare the result of the activities with activities such as Radio Free Europe, which costs about the same, or the USIA, which costs about 4 times as much, there is no question about the effects of it.

The record of John Richardson, the administrator of the program, shows him to be the best man whom I have ever seen in this activity. His testimony, which is very enlightening, will, I hope, be read by all Senators.

For example, he gave one startling fact, which I think is a typical example, that of the 16 present members of the West German Cabinet, 13 had been beneficiaries under the program. There are many other statistics here as to other governments, that this has had the effect of concentrating the activities both here and in the various countries which have participated.

Neither USIA or Radio Free Europe are comparable to the exchange program. In fact, I think that Radio Free Europe has, like Radio Liberty, has had an advance effect on the President's policies in Europe, particularly Eastern Europe. Those programs have long outlived their day. They were originated some 20 to 25 years ago and I think they are no longer useful to present administration policy as announced in that area.

I urge the conferees to stand firm in the conference on the amounts which the committee has allowed.

I thank my distinguished colleague for yielding to me.

The PRESIDING OFFICER. Who yields time? Do Senators yield back their time?

Mr. McCLELLAN. I am ready to yield back all time on this side if the other side is.

Mr. HRUSKA. Mr. President, I yield back all time on this side.

The PRESIDING OFFICER. All time on the bill has now been yielded back.

The question is on final passage of the bill, H.R. 9272.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART) the Senator from Washington (Mr. JACKSON), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD), and the Senator from New York (Mr. JAVITS) would each vote "yea".

The result was announced—yeas 88, nays 0, as follows:

[No. 154 Leg.]

YEAS—88

Aiken
Allen
Allott
Anderson
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—12

Bayh
Bellmon
Buckley
Gravel
Griffin
Harris
Hart
Hatfield
Jackson
Javits
Metcalf
Mundt

So the bill (H.R. 9272), as amended, was passed.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. INOUYE) appointed Mr. McCLELLAN, Mr. ELLENDER, Mr. PASTORE, Mr. HOLLINGS, Mr. FULBRIGHT, Mrs. SMITH, Mr. HRUSKA, Mr. FONG, and Mr. YOUNG conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Arkansas (Mr. McCLELLAN), deserves the highest commendation of the Senate for the manner in which he won final approval for the State-Justice-Commerce appropriation bill. The Senator's dedication as shown by his many years of untiring work, was shown many times today. The judicious and helpful observations concerning various parts of the bill helped this body more clearly understand the importance of this legislation.

The charming and able help offered by the Senator from Maine (Mrs. SMITH), certainly expedited this important legislation. Her patient and forthright comments certainly helped form the working consensus we have witnessed here today.

Other Senators added immensely to the discussion of this measure also. Notable were the contributions of the distinguished senior Senator from Michigan (Mr. HART) and the distinguished senior Senator from Wisconsin (Mr. PROXMIRE). They urged their own strong and sincere views on certain features of this measure with great skill and ability. The same is certainly true for the efforts of the able senior Senator of Maryland (Mr. MATHIAS).

The senior Senator from Pennsylvania (Mr. SCOTT) deserves special recognition for offering his important amendment to the bill and guiding it to acceptance by a majority of the Senate. The distinguished minority leader is certainly always helpful in legislative matters.

Just as Senator SCOTT may be proud of his achievement today so may the distinguished and able Senator from Nevada (Mr. BIBLE) be justly proud of the adoption of his amendment by voice vote. His offering of this amendment certainly helped gain support for it in the Senate.

The distinguished and able Senator from North Carolina (Mr. ERVIN) also deserves a note of thanks for his contributions to the discussion today. The fairness with which he approached the passage of his amendment should be noted by all Members of this body.

The disposition of these many issues has made this a very productive day. The able and distinguished leadership of the Senator from Arkansas (Mr. McCLELLAN) and the strong, able assistance from the Senator from Maine (Mrs. SMITH) are appreciated by this body.

THE "MISSING" $1.7 BILLION: WHERE DID IT GO?

Mr. PERCY. Mr. President, last week the Subcommittee on Foreign Operations and Government Information of the House Committee on Government Operations heard testimony from Mr. Oye Stovall, Director of the General Accounting Office's International Division, on Vietnam pacification programs and their costs. These programs, eight in all, are organized under the central management of an organization known as CORDS—Civil Operations and Rural Development Support. CORDS is administered by a Deputy to the Commander of the U.S. Assistance Command in Vietnam, who has the rank of Ambassador. CORDS was set up in 1967. In 3 fiscal years 1968, 1969, and 1970, slightly less than $4 billion was spent on CORDS programs—$2.1 billion of which was contributed in the form of materiel, services, and money by U.S. Government agencies, and the remainder contributed by the Government of Vietnam. It is estimated that as much as 70 to 90 percent of the Vietnam Government's contribution is made by the United States.

Mr. Stovall's testimony and subsequent questioning by members of the subcommittee, was very valuable because it revealed definitively that the Defense Department which supplies the bulk—about 85 percent—of the direct U.S. contribution to CORDS programs, does not have accounts or audits to show how much money actually has been and is being spent on the pacification programs, and what it is being spent for.

These accounts are not maintained either by the CORDS command, the Military Assistance Command in Vietnam—MACV—or the U.S. Embassy.

The Defense Department, in a statement issued July 13, assured the public that it and the individual armed services do in fact have "obligational data" to account for all DOD contributions of material and money to pacification and development programs. This statement is misleading and evasive, and does not respond to the finding of the GAO or the concerns that I have expressed about the needs for control and accounting of these vast sums.

The GAO witnesses last week said that while DOD may have accounts for material sent to Vietnam, it cannot show how this material and money is used. End use accounting does not exist. The accounting ends in most cases when the material arrives in Vietnam, and its use is not traced further. The witnesses said they doubt whether they will ever be able to trace the train of supply from U.S. sources through to end uses. Were it possible to do so, GAO would eventually be able to supply Congress with an accounting of the uses to which billions of dollars have been put in Vietnam—an accounting that should have been kept by the Department of Defense since CORDS inception in 1967.

The present practice is shocking in its disregard for the proper stewardship of American taxpayers' funds. Yes, we know the material was shipped but we have no way of knowing whether it was used as intended. We know the money has been spent but we cannot tell whether it was spent properly. The GAO witnesses last week under questioning said it was possible that some of the U.S. aid could have fallen into enemy hands, or ended up in the black market.

The General Accounting Office has, under the Budgeting and Accounting Act, sections 112 and 113, the responsibility to set accounting standards and practices by the executive departments. The GAO must pursue its investigations immediately and urgently, and we in Congress must give it complete backing. Additional hearings into the operation of the CORDS program are necessary and should be undertaken. At the minimum, the Defense Department must immediately give its full cooperation to establishing a centralized accounting and auditing procedure for CORDS programs in the CORDS command.

Mr. President, when I consider the number of hours I have spent with the distinguished assistant majority leader, with the distinguished chairman of the Washington, D.C., Subcommittee on Appropriations, trying to account for hundreds and thousands and tens of thousands of dollars, and cut down and pare and reduce expenses; when I find that we have a program here where $1.7 billion somehow is lost and cannot be fully accounted for; when we feel that we have discharged our full obligation by shipping billions of dollars of materiel and equipment to Vietnam, and then just issuing it upon call to the South Vietnamese without really being able to determine whether the various supplies and equipment that we are sending there might not be sold or siphoned off to the enemy and used against our forces, or might not be shoved into the black market, requiring greater American support for the economy of South Vietnam; when we consider that we have been sending bombers for years and spending billions of dollars bombing supply routes, and yet because of the lack of paper work or accounting and auditing procedures we really cannot determine where millions of dollars, hundreds of millions of dollars, of materiel have actually gone, and whether it has gone for the purpose and objective intended for it—then I think something should be done about it; and I feel it is time that the Congress of the United States exercises its oversight responsibility to make certain that we do all know what happens to taxpayers' funds of the American Government.

THE ECONOMY

Mr. PERCY. Mr. President, the prestigious conference board has just issued a report of considerable concern to me, as it has profound implications for our economic recovery. According to a recent conference board survey, consumer buying intentions have begun to wane after rising in the first months of 1971. Effects of this fall-off in consumer sentiment will be felt increasingly in several industries, notably the automobile and major appliance industries, unless prompt action is taken. Coming on the heels of statistics which indicate that inflation continues to be a major problem, this news of consumer attitudes must be taken seriously.

During the last 6 months the evidence has continued to mount that consumer attitudes will play the major role in the current economic recovery. Econometric studies have shown that a significant rise in consumer confidence could alone create more jobs and set in motion more production than tax reductions or public works projects combined. Figures prepared by the Joint Economic Committee, on which I serve, indicate that such a rise could make a difference of 1 million extra jobs by the end of this year.

These figures only confirm what my business constituents tell me in too many areas: American business is waiting for the consumer to signal the call for more production. This call has evidently not yet come, at least to a sufficient degree.

I support every effort of the President and the administration to make the restoration of confidence its major goal of economic policy. But there is more the administration can do, I believe, to convince the American people that positive programs now in effect are turning our massive economy around and heading it in the right direction. And there is also more the administration can do to mobilize the powers of the Federal Government in an effective fight against inflation and unemployment.

All of the flashy palliatives which critics of the administration propose pale into insignificance beside the power of a confident consumer public. By the same token, however, I cannot agree with the interpretation of negativism and "wait and see," attributed to administration statements recently.

The President has already set in motion a $20 billion plus program for economic recovery, budget figures indicate. He has won from the Federal Reserve a monetary policy to complement this massive fiscal expansion. He has proposed far-reaching legislation to bring relief to hard-pressed States and cities. He has just signed into law a program creating 150,000 jobs for essential State and local government services. He has prevented an international monetary crisis from affecting the course of our economic expansion. He has taken decisive action to cool the runaway inflation in the construction industry. He has successfully intervened in rolling back a steel price hike. The administration has implemented new regulations for accelerated depreciation for business, which will enable American business to write off equipment at a more realistic rate and make it more competitive in world markets.

These are not the actions of a "wait-and-see" President.

On the other hand, I share the growing impatience of the American people that methods for controlling inflation and generating jobs are not being found fast enough. I urge the President to demonstrate to the American people in every possible way that the Government will not stand idly by while inflation erodes the dollar and, in effect, undermines our society and the American family. We cannot afford to be doctrinaire about the use of emergency powers, or about revising economic legislation, such as our antitrust laws, if the failure to take action will merely perpetuate this unacceptable inflationary spiral.

A further step that would increase productivity would be the restoration of the 7 percent investment tax credit which would provide new incentives for investment in plant and equipment.

I also urge the President to declare that the Federal Government will not hesitate to expand the scope and size of the public sector jobs concept if future conditions warrant. The American people deserve to know that their Government can and will provide the stimulus which is necessary to help bring unemployment down to acceptable levels within the shortest possible time.

For my part, I am studying legislation that will strengthen agencies of the Federal Government most concerned with wage and price behavior. The President's National Productivity Commission, for example, should be leading the way toward cost control, but to date it has produced almost nothing tangible. So far as results are concerned, the same can be said for the Regulations and Purchasing Review Board, which was supposed to pinpoint areas where changes in Government procurement could reduce inflation. The system of inflation alerts, launched with considerable fanfare last year, has clearly lacked both sufficient staff and sufficient guts to put the spotlight on unduly inflationary wage and price behavior. I believe there is considerable room for strengthening these important but neglected operations.

I agree with Arthur Burns, the chairman of the Federal Reserve Board, that the President ought to establish a wage-price commission which, although it would not have the authority to impose controls, would throw the light of publicity on excessive price or wage increases.

Mr. President, confidence grows slowly. It is fragile, too. But its effect on the course of our economy can outweigh the predictions of an army of economists. In the highly politically charged atmosphere which greets each new economic statistic, confidence is likely to suffer from extremes of ups and downs. But what is needed at the present is a substantial, consistent injection of confidence into our economic outlook. I hope to help show how this can be done. I commit myself to working cooperatively to see that it is done.

Finally, I am encouraged that the conference board report shows home buying expectations remaining strong and consumers more optimistic than 2 months ago. Twenty-seven percent of consumers interviewed expect their incomes to go up over the next 6 months, up from 24 percent just 2 months ago. Let us hope that this optimism will be reflected in stronger retail sales and a proportionate reduction in the present high record breaking 7 percent savings rate. Estimates that the economy grew by $20 billion between April and June is solid evidence that the economy is recovering, though not yet at a fully satisfactory rate.

Mr. President, I have just been advised by a constituent in the container business, which to me has always been a good barometer of economic outlook—that business includes containers, boxes, and bottles—that business was good in the month of June, continued strong in July, and appears to be strong for the third quarter. Economists for the container industry predict it will be very strong for the third quarter.

Manufacturers do not buy containers ahead of time unless they anticipate they are going to have something to put in them. So I trust the registration of confidence in this industry will reflect itself in consumer confidence and that we will have no fear of the future.

Certainly, one of the dramatic points made manifest in recent days is that there can be a basis for renewed confidence in the future based on the lessening of the world tensions. This can have a significant impact on our trade possibilities. Certainly when the President goes to Peking in the spring, one of the early items on the agenda will be the possibilities of trade with mainland China. Certainly, they are interested in such trade. Every Communist country is interested in finding a way of having a market for its products.

I feel that is an area where we need have no concern. If there is any area where we are pre-eminent, it is in our ability to trade. During the years ever since World War II we have had immense trade surpluses, indicating that we have the resources and ability to trade in world markets, and that it was of advantage to the American public and the American economy.

We can just take one illustration. In China, we have 750,000,000 people. One of the early actions after diplomatic recognition by Canada was an agreement for grain products to be sold to mainland China. China's 750,000,000 people can use a great deal of food, and it is obvious that they are not producing enough to feed themselves, much less have any to export.

We are the largest exporter in the world of agricultural products, and I cannot think of any good reason why we should not sell agricultural products abroad to mainland China, and take back in return items that are in short supply here. There might be critical raw materials that we need to feed the machines and factories of American industry.

So here again, I think our objective could be to increase our trade in nonstrategic goods with eastern European countries, with mainland China, and with other areas of the world with which we have been deprived from trading in the past. We could have an expectation that a possible half million jobs could be created by opening up these new fast-growing markets to American industry.

So I think there is basis for cautious optimism for the future, and the near future as well as the long-range future. I hope that optimism will be shared by the American public, that they will not be retaining holdings and savings in fear, but that they will feel they can expand their expenditures, keep our industry moving, take people off of welfare rolls and put them on payrolls, and once again get the economy moving and help us reduce this horrendous Federal debt we now have as a result of lower corporate incomes as well as lower personal incomes.

Mr. President, I yield the floor.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATION BILL, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 257, H.R. 9382; that the bill be laid before the Senate and made the pending business; and that time thereon not begin to run until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be read by title.

The assistant legislative clerk read the bill (H.R. 9382) by title, as follows:

> A bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and for the information of the cloak rooms, I trust that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m., following a recess.

Immediately after the recognition of the two leaders under the standing order, the Senate will proceed to the consideration of the pending business, H.R. 9382, the HUD appropriation bill.

Under the agreement, there is a time limitation of 1 hour on the bill, with one-half hour on any amendment thereto. The yeas and nays have already been ordered on passage of the bill.

Upon disposition of the HUD appropriation bill, the Senate will proceed tomorrow to the consideration of the AEC authorization, upon which there is a time limitation agreement. Under the agreement there is a time limitation of 1 hour on the bill, with one-half hour on any amendment thereto with the exception of any one of the four amendments which may be offered by the Senator from Alaska (Mr. GRAVEL), in which case there is a limitation of 1 hour on each amendment.

One rollcall has already been ordered for tomorrow. Undoubtedly there will be other rollcalls during the day; so it will be a busy day.

The distinguished majority leader has indicated, and has asked me to reiterate, that there may be Saturday sessions in the event they are needed, in view of the August 6 recess, which is only 3 weeks away.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 45 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, July 20, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, July 19, 1971:

U.S. CIRCUIT COURTS

James Hunter III, of New Jersey, to be a U.S. circuit judge, third circuit, vice William F. Smith, deceased.

James Rosen, of New Jersey, to be a U.S. circuit judge, third circuit, vice William H. Hastie, retired.

U.S. DISTRICT COURTS

Herbert F. Murray, of Maryland, to be a U.S. district judge for the district of Maryland, vice Roszel C. Thomsen, retired.

Joseph H. Young, of Maryland, to be a U.S. district judge for the district of Maryland, vice R. Dorsey Watkins, retiring.

Albert V. Bryan, Jr., of Virginia, to be a U.S. district judge for the eastern district of Virginia, vice a new position created by Public Law 91-272, approved June 2, 1970.

OFFICE OF SCIENCE AND TECHNOLOGY

John Dickson Baldeschwieler, of California, to be Deputy Director of the Office of Science and Technology, vice Hubert Heffner, resigned.

U.S. AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10, of the United States Code:

To be Brigadier Generals

Col. William A. Browne, [redacted] FG, Mississippi Air National Guard.

Col. William S. Elmore, [redacted] FG, Alaska Air National Guard.

Col. Wendell G. Garrett [redacted] FG, Indiana Air National Guard.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be captains

Clinton D. Upham
Floyd J. Tucker, Jr.
James P. Randall

To be lieutenant commanders

Albert J. Semtner, Jr.
Bernard N. Mandelkern
Thomas E. Gerish
Melvin S. Asato
Caroll D. North, Jr.
William W. Spychalla
Donald E. Nortrup

To be lieutenants

William F. Murphy
Kenneth A. Pier
C. Patrick Hodgson
Charles G. Adelseck, Jr.
Allan F. Divis
Jerry A. Miller
Douglas A. Briggs
Paul M. Duernberger
Richard M. Mathis
John P. Campton
Lowell R. Goodman
Andrew N. Bodnar, Jr.
Martin R. Mulhern
Charles H. Langdon III
Kenneth W. Potter
Stephen H. Scolnik
Gerald C. Retzlaff
Donald C. Suva
Newell W. Wright
Donnie M. Spillman
Joseph J. Morley
John E. Thomasson
Larry A. New
Michael L. Adams
Garry W. Elliott
Albert E. Theberge, Jr.
Arthur N. Flior
John R. Hudson, Jr.
James L. Stokoe
Michael E. Wagner
Robert E. Hunt, Jr.
Richard K. Muller
Donald L. Suloff
Stephen J. Mangis
Roger P. Hewitt
David H. Johnson
Alan D. Hirschman
Lawrence L. Lake
Norman L. Lovelace
Andrew L. Sikes
Thomas Ballentine
Robert B. Lawson
Harvey L. Parry, Jr.
Ronald L. Gester
Thomas W. Richards
Robert W. Rushing
Howard W. Herz
Ronald J. Smolowitz
Donald W. Nostrant
Stephen C. Schwartz
Archibald C. Davis III
Raymond W. Reilly
Robert C. Roush
Stephen E. Anderly
William A. Viertel
Robert L. Johnson
George C. Fuller
John R. Annett
Thomas M. Goforth
William M. Hornick, Jr.
Wayne A. Hoyle
Raymond Louis
Stewart McGee, Jr.

To be lieutenants (junior grade)

Warren K. Taguchi
Abram Y. Bryson, Jr.

To be ensigns

Michael J. Eisenstat
Steven J. Hollinshead
Robert E. Karlin
Lawrence E. Keister
Thomas W. Raszala
Bobby J. Taylor
James A. Watkins
Thomas R. Crane
Joseph M. Kunches
Kenneth H. Underwoo

Richard D. Black
Jeffrey P. Calebaugh
Richard H. Daly, Jr.
Brent G. Harris
James R. Hastings
George W. Jamerson
James H. Hartzell
Stephen H. Manzo
Michael R. McCaslin
Michael C. Meyer
Craig S. Nelson
Alan J. Potok
Robert J. Schmidl
James D. Servais
David J. Stockwell
Richard Tabor
James L. Warner
Burl L. Wescott
Sydney R. Withers

EXTENSIONS OF REMARKS

ENERGY AND THE ENVIRONMENT DISCUSSED BY SENATOR RANDOLPH IN ADDRESSING AMERICAN BAR ASSOCIATION—NEW YORK TIMES FUELS AND ENERGY SERIES PRAISED

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, July 19, 1971

Mr. RANDOLPH. Mr. President, in addressing a July 6, 1971, luncheon session of the American Bar Association convention in New York City, this Senator declared that the public again is being placed on notice that the Nation is on the verge of being confronted by a deepening energy crisis. It was noted in this connection that newspapers in Washington and elsewhere recently carried articles announcing a Government program which relies on volunteer action to conserve electricity. I pointed out that in the Government report, "Survey of Electric Power Problems," by the Office of Emergency Preparedness, Executive Office of the President, the immediate energy outlook seems to be discouraging.

On the same day, July 6, the New York Times published the first of three articles by John Noble Wilford on the energy crisis. The first was captioned: "Nation's Energy Crisis: It Won't Go Away Soon, as Demand for Power Grows." Mr. Wilford opened with this paragraph:

> For the third straight summer, Americans by the millions are living under the daily threat of power brownouts, blackouts and possible electric rationing. But it is more than a seasonal shortage of power. It is part of a national crisis that won't go away—the energy crisis.

Mr. Wilford wrote further:

> Nationwide, authorities in the Administration and out expect the crisis to continue for some time . . . In Fact, they say, it is likely to persist for years . . .

The second of Mr. Wilford's articles appeared in the July 7 issue of the New York Times and was captioned, "A Nuclear Future Looms the Nation's Energy Crisis." It was devoted mainly to nuclear approaches to solving the energy crisis. But there is a warning based on events of the past, such as this portion of Mr. Wilford's first article:

> Another miscalculation was made back in 1966 when the nation's first truly commercial nuclear power plant was completed at Oyster Creek, N.J. Utilities began 'thinking nuclear'. They rushed to place orders. Consequently, the coal industry slowed down the development of new mines and, looking for new markets, signed some big export contracts, especially with Japan.

So we must ask, Will nuclear power be a continuing will-o-the-wisp as the search continues for technologically feasible breeder reactors? Can the country really rely during the next 10, 15, or 20 years on nuclear power as the single most productive answer to the energy crisis, or are we over-optimistic as we were in 1966 at the time the Oyster Creek plant came on the line? The chances are that, for the short range, we are experiencing considerable nuclear power and breeder reactor over-optimism. Fo the long range, it is to be hoped we can be more optimistic concerning the breeder reactor and nuclear power.

It is interesting and a tribute to realism to read in Mr. Wilford's article No. 2:

> Not all current energy research involves nuclear technology. A number of researchers are working on processes to remove polluting chemicals from fuels before combustion and on devices, such as improved electrostatic precipitators, to clean stack gases. Utilities are supporting research to improve transmission lines.

My regret is that insufficient technological progress is being made in these endeavors to improve use of fossil fuels while the search for better nuclear power processes continues. And the costs of these processes—so far as they have advanced—are reported to be incredibly high.

It is important to note in Mr. Wilford's second article the recognition he accords to one of the brighter prospects for development of a new clean fuel to expand energy supply and to improve the environment; namely, gasification of coal.

He wrote:

> One of the more promising lines of research is directed toward converting high-sulfur coal into sulfur-free, pipeline quality gas—a synthetic form of natural gas.
>
> The Department of Interior's Office of Coal Research is doubling its efforts in coal gasification, aiming toward the operation of a large demonstration plant by 1976. A smaller pilot plant is running in Chicago.
>
> The gasification process involves heating crushed coal under very high pressures. Reactions between steam and the coal's carbon gives off carbon monoxide and hydrogen. In a series of further reactions, sulfur is removed and the gases are converted to methane, which is what natural gas is.

Mr. President, I urge that we work energetically on the short-range solutions to the energy *crisis* and persistently on the long-range answers. The Times series is thought-provoking and informative. The third and final part was printed July 8 under the caption: "Nation's Energy Crisis: Is Unbridled Growth Indispensable to the Good Life?" The series made a more-than-adequate case for the fact that the energy crisis is real and its articles are thoroughly responsive to the energy-economy-environment interrelationship. Representative Chet Holifield of California placed the series in the Thursday, July 8, 1971, Record, pages 24178 through 24183, with cogent comment. And the distinguished Senator from Minnesota (Mr. Humphrey) spoke appropriately of the energy problems and likewise sponsored the printing of the New York Times series, pages 25180 through 25023, of the Wednesday, July 14, 1971, Record.

Mr. President, my July 6 speech on the subject "Energy and the Environment," and the need for a national fuels and energy policy for the United States of America, was delivered as an abbreviation of a comprehensive text. I believe it complements the Times series, I ask unanimous consent that the complete text be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Energy and the Environment; National Fuels and Energy Policy Is Needed for U.S.A.

The public is being placed on notice once again that the nation is on the verge of being confronted by a deepening energy crisis.

Newspapers in Washington and elsewhere recently carried articles announcing a government program which relies on volunteer action to conserve electricity.

At the time of the short-duration railroad strike last month, the accelerated deepening of the crisis was related to that strike in press evaluations.

The possible depletion of electric utility companies' coal reserves, due to interruptions in coal shipments by rail and the closing of coal mines as a direct result of coal miner strikes, does not offer any degree of encouragement. When short-duration railroad service interruptions and brief wildcat coal miner strikes cause energy supply danger signals to appear, the tenuousness of the over-all energy situation becomes more apparent.

In my view, these conditions illustrate symptoms arising from the lack of a national fuels and energy policy. Until such a policy is clearly enunciated and effectively instituted, this nation will continue to proceed from mild crisis-to-crisis until irreparable damage is done by a crisis of major proportions.

One obvious and visible facet of what appears to me to be an impending critical problem in meeting national energy demands is the expected worsening of the electric power supply situation in several parts of the United States.

In the government report, "Survey of Electric Power Problems," published by the Office of Emergency Preparedness, Executive Office of the President, the immediate outlook seems to be discouraging. This OEP document predicts:

"This summer, much of the nation—particularly the area from the Midwest to the Atlantic Seaboard—is expected to face an especially tight power capacity problem unless normal summer temperatures prevail and, in general, system capacity performs as scheduled. Equipment breakdowns or unscheduled outages similar to those which have occurred so far in calendar 1971 could aggravate the situation. Because of the continuing tight electric power situation in many areas, especially New York City, normal maintenance has not been performed on some units. In addition, many units are old and unreliable and normally would have been replaced, except for the current problems of obtaining replacement capacity."

In a statement accompanying the OEP report, the OEP director, George A. Lincoln, in his capacity as Chairman of the Joint Board on Fuel Supply and Fuel Transport, said:

"We find that electric power generating capacity to meet peak loads this summer will be in tight supply in many areas from the Midwest to the Eastern Seaboard—and particularly in New York City. Fuel supply to (electric) utilities is generally improved, allowing plants to rebuild stocks. Barring unexpected reductions in coal production and imports of residual oil, no interruption of power is expected from fuel shortages. In the areas which experienced difficulties last summer, the reserve margins have improved, *but are still below desired levels. And some areas have slightly less reserve capacity than last year.*"

It is disturbing that the ability of this nation to meet the demand for electric power rests on so many "ifs".

We are told repeatedly that there will not be a problem "if" normal summer temperatures prevail, "if" system capacity performs as scheduled, "if" peak loads are not much higher than utility company estimates, "if" no major equipment outages occur, "if" planned additions of capacity are available when expected, "if" there are not unexpected reductions in fuel supplies due to strikes or other causes—and so on almost indefinitely. How did such a great country as ours permit itself to reach such an "iffy" energy position, to which General Lincoln seems to have added another potential eventuality when he said:

"A combination of an intense heat wave and poorer-than-expected power system performance could result in the elimination of reserve margins and a failure to meet peak loads."

Year after year, season after season, increasingly larger parts of the United States are continually faced with energy uncertainties. I cannot think of a worse example of the consequences of failure to have developed and adopted a national energy policy.

There are far too many "ifs".

Now, listen, please, as I quote on this aspect from the 1971 annual report of the Office of Coal Research, U.S. Department of the Interior:

"With increasing population and increased per capita consumption of energy, all domestic energy forms, and especially coal, will have to make a maximum contribution to supply the demand and forestall dependence on overseas fuel sources."

Further:

"Energy supply requires the same kind of national concern that is now being shown for the problems of the environment. In fact, the solution of environmental problems depends on a major degree upon solving the problems related to the supply of clean energy."

The same report restates a warning often heard lately:

"Perhaps the most critical aspect of the forecast energy-shortage is that it is likely to develop before some of the remedies are fully available. There is real concern, in the near term future, that adequate supplies may be available from domestic sources."

We hope, and we have every right to expect, that government leaders will offer programs and direction to lead the Nation out of a situation in which the maintenance of even normal energy supplies is surrounded by "ifs". But I have doubt that such hope and expectation will be realized in the near future.

The problems of energy demands and fuel resources have been considerably under discussion by members of the Administration. There seems to me to be a lack of agreement and cohesiveness in what they have been saying.

In an address at Stanford University in January 1971, Hollis M. Dole, Assistant Secretary of Interior for Mineral Resources, discussed America's energy needs and resources. He referred to critical points in the course of our affairs as a people, "where we are forced to recognize that something we had long taken for granted is no longer true."

He was specifically concerned with the Nation's problem of energy demand and supply. The problem as seen by Assistant Secretary Dole, in whom I have a high degree of confidence, is clearly enunciated in this excerpt from his talk:

"I refer, of course, to the subject of energy. After years of supposing that we could count on all the energy we needed, we are now finding that the focus of our concern has suddenly moved from the disposal of abundance to the rationing of scarcity. The newspapers and magazines in recent months have been full of references to the oncoming energy shortage, and in the interest of saving time, I am simply going to stipulate as the major premise of my remarks what has been the consensus of these many separate articles and reports: namely, that the United States is facing an energy gap of major proportions which is now opening between its needs for energy and its capacity to supply them."

"The long-term reality of this energy gap is in no way diminished by the President's statement in December 1970 that the danger of an energy shortage this winter is substantially behind us. For the moment, at any rate, we have been rescued by a fortuitous combination of events which served to dampen energy demand enough to allow supply to catch up with it: namely, the exceeding mild weather conditions that prevailed over most of the country almost until Christmas, the general slowdown in business activity; and the General Motors strike. On the supply side, the deficit in crude oil imports caused by the most recent disruption of foreign oil supply is being made up by calling on our spare capacity at home."

Mr. Dole discussed further the question of fuels and energy before the House Subcommittee on Mines and Mining on May 17, 1971. There, he said:

"The energy crisis has been the subject of much discussion recently, and not without substantial justification. At the present time, U.S. sources are providing fuels at close to $19 billion, or 85 percent of the domestic demand. By the year 2000, these sources will be meeting only 48 percent of the demand at a value of nearly $42 billion."

The Assistant Secretary discussed the need for a national energy policy as follows:

"Now, I would like to turn to the subject of energy. After years of comforting belief that the Nation's supply of energy was a veritable cornucopia of abundance, we now foresee the ominous beginning of a growing scarcity. As I pointed out earlier, the United States is facing an energy gap of portentous proportions that is now opening between its needs for energy and its capacity to supply them.

"This energy gap does not result from the lack of fuel resources, for there is no immediate shortage of coal, oil, or natural gas under-ground. In fact, the Nation's resources of all three fuels are, indeed, adequate for some years to come. Our predicament with regard to meeting the requirements for energy stems from the need for technologic advances and the need for a coherent, long range, energy policy that comprehends the whole range of factors bearing upon energy exploration, production, transportation and use, and which optimize the contribution that each source and form of energy can make to our total supply. This policy must reconcile the requirement for environmental protection with the equally important and urgent requirement for adequate and secure supplies of energy. Most important, it must provide timely, consistent, and stable guidelines to enable private investors to make long-term decisions to commit their resources with confidence."

I agree that our natural fuel resources are tremendous and that their existence is not in itself related to meeting future demand. The problems are the result of the disparity between resources and reserves and are due also to environmental considerations associated with the production and utilization of the different fuels. If environmental quality and consumer costs were ignored, there would not be an energy crisis. But environmental quality and consumer costs cannot be neglected or ignored.

Another view of the problem was revealed in a talk by Hendrik S. Houthakker, Member of the President's Council on Economic Advisers, at the Mid Pacific Gas Marketing Conference held in Honolulu, Hawaii in May, 1971, where he discussed economic growth and the efficient use of energy resources. After summarizing overall energy demands for 1975 and 1980 and projected requirements for the individual energy resources, including fossil fuels, nuclear energy and hydro-power, Mr. Houthakker stated:

"Despite the many uncertainties in these projections one point can be made with some confidence, namely that the talk about an emerging energy crisis is greatly exaggerated even though there may be some temporary problems in the near future. Unless our projection of energy demand is far too conservative, it can be met by relatively small changes in relative prices, and without excessive reliance on imports. In view of the many uncertainties about the individual components of the energy supply, the best policy may well be to maintain sufficient flexibility, so that we will not become unduly dependent on any single source of energy, whether domestic or imported."

And, in concluding his presentation, Mr. Houthakker said:

"There are few economic problems that cannot be solved by private competitive enterprise with a minimum of Government intervention. Nothing I have seen or heard in the area of energy so far has convinced me that exceptional measures by the Government are warranted. Provided we let the free market do its job, we shall be neither cold nor powerless in 1980."

I have quoted from what seems to be two contradictory positions assumed by two prominent officials of the Administration. Is there an imminent or foreseeable energy crisis or is there not? This confusion must be resolved at once.

I am particularly concerned with the accuracy of projections of energy demand. Historically, they have consistently been conservative.

Projections published in 1968 of energy demands for 1970 were more than 4 quadrillion BTU's below the actual consumption for that year. We must remember that an unanticipated demand for energy can only be met by an unanticipated demand on energy resources. Whether this demand on resources can be met is determined by fuel industry commitments at that time or other unforesen calamitous events.

And the additional fuel demands are not trivial. For example, the need for 1 quadrillion BTU's based on current conversion practices, requires the utilization of approximately 8 million tons of coal, plus 0.3 trillion cubic feet of gas, plus 68 million barrels of oil. It is the increasing disparity between projected demand and planned availability of fuels that will surely lead us to a permanent energy crisis, if immediate steps are not taken to develop and implement a rational, soundly based national policy governing fuels and energy.

I can think of no more appropriate time than the present for the initiation of the fuels and energy policy study by the Senate Interior and Insular Affairs Committee, as authorized by Senate Resolution 45, cosponsored by Senator Henry M. Jackson and this Senator. Notwithstanding the fact that these topics are the current concern of various groups in industry and the executive branch of Federal Government, the Interior Committee study offers the hope of being the most thorough and objective exposition of the problems of energy demand and fuel resources. The staff to work with the Committee on this special endeavor is being assembled and the study will be underway next week.

The Interior Committee was awaiting the President's energy message and the opportunity to hold hearings on it before moving into the policy study. That message by President Nixon reached the Congress on June 4. In it, the President announced what the White House described as "a broad range of actions to ensure an adequate supply of clean energy for the years ahead." The Chief Executive said that private industry is expected to play the major role with government helping. The message addressed research and development, access to energy resources on Federal lands, the supply of enriched uranium, more efficient use of energy, planning for power plant sites and transmission line routes, economic incentive to reduce sulfur oxide emissions, and establishment of an Energy Administration.

On June 15, the Interior Committee held hearings on that message and its chairman and members and this Senator questioned several of the witnesses at length. The witnesses included Secretary of the Interior Rogers C. B. Morton; Dr. Paul McCracken, chairman of the President's Council of Economic Advisors; General George Lincoln, director of the Office of Emergency Preparedness; and Dr. Glenn Seaborg, chairman of the Atomic Energy Commission.

It is my opinion that, with a few exceptions, the President's energy message stresses the pursuit of a series of programs on the hypothesis that a valid national fuel and energy policy already exists.

But there is not such a national fuels and energy policy—at least not a coherent, synchronized policy—and the Presidential message did not include several important topics which, it seems to me, should be considered in the development of such policy.

Primary among the deficiencies to which I alluded is the matter of the relationship between energy demand and national productivity. For the past several years, the annual energy consumption in the United States has grown at a faster pace than the annual level of productivity. Hence, increases in productivity require increasing amounts of energy. If demand is related to productivity, this situation makes it almost impossible to forecast energy requirements—even for the very near future.

While economic growth is obviously necessary, the ability to meet energy demands—especially demand for electric power—is becoming increasingly difficult. The use of energy throughout the American economy must be evaluated more precisely so that the trend toward economically inefficient use can be reversed.

The President's proposed energy program combines technological efforts and administrative procedures. I have attempted to determine how long it will take for each element to start to exert a significant effect on the overall fuels and energy problem. The time estimates are admittedly approximate but they are primarily based on available information related to the expected performance of each element.

This analysis indicated that the total realistically significant effects will be felt in 5 to 15 years from now but closer to the end of such period. The Presidential program elements that will have significant impact within the next five years include:

(a) Incentives for industry to search for new sources of natural gas;

(b) Stepped-up coal gasification;

(c) Facilitating imports of natural and liquified gas from Canada and other nations; and,

(d) Improving trade in crude oil with Canada.

The success of these elements is very much dependent upon the amounts of fuels that are available, both immediately and later, assuming that these elements are to be continuous.

A further gross omission in the executive message is the interrelationship of the individual elements. For example, what will be the impact on the coal gasification program priority if incentives and increased imports of natural gas do make large quantities of less-expensive gas available? Conversely, what will happen if the gasification program results in large quantities of gas at prices competitive with domestic natural sources and imports?

Perhaps the most important element missing in the message is that of oil imports from nations other than Canada. Without a complete discussion of this and lacking a fuller understanding of import relationship with all the elements now and in the future, the President's message lacks cohesion.

In summary, mine is the belief that the fuels and energy crisis is so acute, and the environmental problems so tense, that we must endeavor to give them almost equal priority and act on them together, rather than treat them separately.

Few people belittle the need for electrical power nor under estimate its present uses. It is noted, however, that power projections are arousing a torrent of public protest.

But, when they occur anywhere in America, *so do brown-outs and black-outs cause "torrents of protest."*

With the controversy deepening between energy and ecology, what are the prospects for power in the remaining years before 2000? And it is pertinent to ask: "Does more 'power for the people' mean the abandonment of what is left of a deteriorating environment?"

The quality of life and the use of energy are inextricably tied together.

Yes, there are problems of conservation and environmental concern, but I agree with Federal Power Commission Chairman John N. Nassikas' observation that "Every major industrial and economic decision that results in a change in our land, water, and air resources cannot be condemned out of hand without sacrificing decades of important advances in our standard of living in this country."

I believe that there really is no margin for freedom of choice as to priority between working, on the one hand, for preservation of high quality environment and, on the other hand, working to preserve and expand the energy base on which our complex economy rests.

We can maintain energy supply reliability compatible with demand. Maintenance of this reliability is dependent on adequate sources of crude oil, natural gas, and coal. But these alone will *not* be enough. There must be other immense sources of energy—(possibly the breeder reactor, fusion instead of fission, or the fuel cell)—to augment the fossil fuels. And there must be broader uses of the fossil fuels, such as gasification of coal. There must, of course, be more exploration for and discovery of domestic petroleum and natural gas—and exploration should be encouraged, not impeded. We are too reliant on foreign sources of oil.

One reason for the confusion in national policy is that Americans have been accustomed to act as if cheap and abundant energy were assured through eternity. Power—to heat and light buildings, propel cars and planes, keep computers and other machines purring—is the backbone of an industrial society. The U.S. has been consuming it far more greedily than any other nation. Americans make up 6% of the earth's population but use approximately 40% of its energy-producing fuels

Concurrently, and partly as a response to the side effects of expansion of energy requirements and the accompanying growth in our economy, a broadening public concern has developed for environmental quality.

In reaching this awareness, however, we have become uptight environmentally. As a nation we appear to be entering a new era of nature worship. There is talk of returning to a "balance of nature." Those who propose this, however, imply that the natural balance is the only one and if man would just effect a hands-off policy, nature would adjust itself by natural processes to everyone's benefit.

This attitude fails to recognize that man is a part of the ecological system and by our presence we affect the balance of nature. Public policies must be tempered to a rational outlook toward environmental problems while, at the same time, retaining the necessary sense of urgency concerning technology, energy needs, and economic growth.

We are the custodians of nature. The environmental confrontations we are experiencing result from our failures to properly exercise this custodianship. We have failed to consider the effects of our modern technology on the environment, not only detrimentally, but in terms of what can be done through technology to improve our environment. I am concerned that neither the Congress nor the Executive branch is placing enough emphasis on improving the pollution abatement technology.

There are environmental extremists who would sacrifice technological advancement and economic growth on the altar of ecology.

I believe that balanced federal policy can promote energy growth and economic growth and better protection of the environment at the same time.

Yes, the public interest demands that there be a balanced federal policy that not only can promote but, in fact, will promote economic growth and better protection of the environment AND THE PUBLIC HEALTH simultaneously.

But not only must we meet the challenges and requirements of environmental law, there must also be met the challenges and requisites of society for ever-increasing supplies of fuels and energy.

There must be an updating of evaluations—a crash program for the strengthening and the acceleration of research and development and a reordering of priorities on the fuels and energy front, as well as in environmental endeavors.

Obviously, reliable long-term sources of energy must depend on more exploration and discovery of reserves of fossil fuels, followed by increased domestic productions, and the developing of unconventional replacement supplies. Therefore, any viable National Fuels and Energy Policy must include consideration of incentives. But it must be in tune also with environmental requirements. Such sensitive policy balances will not be easy to accomplish.

The immediate need is to overcome a fossil-fuel supply shortage and to develop more effective, more efficient, and cleaner methods of power generation and transmission without doing excessive ecological violence.

Providing secure sources of energy surely will involve increased costs and bring higher prices for consumer products. Vast new capital investments will be required. These are costs we must be prepared to meet for the fulfillment of the double objective to secure more reliable energy sources and a cleaner environment. We hope the Interior Committee Study will pull the many fragmented parts of the fuels and energy picture together into a meaningful whole that will lead to a long-overdue National Fuels and Energy Policy. And we hope it will meld with the National Policy on the Environment, rather than clash with it.

CONGRESSWOMAN ABZUG WARNS PRESIDENT NIXON WOMEN'S POLITICAL CAUCUS IS "NO LAUGHING MATTER"

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mrs. ABZUG. Mr. Speaker, it is unfortunate that the men who are leaders of this country fail to recognize the needs and potential of women. That President Nixon, Secretary of State Rogers, and Mr. Kissinger chose the opening of the National Women's Political Caucus as an opportunity to ridicule and insult women is upsetting—but not surprising. This administration has done nothing to increase women's participation in the political process and, evidently, intends neither to appoint women to policymaking positions nor to encourage them to run for political office.

The National Political Women's Caucus was started to help women of all political affiliations organize to use their political power effectively. In the past women have not been fully represented by or in any of the political parties. It is high time that the male power structure realizes that we are not satisfied with this situation, and that we intend to share equally in governing this country.

I am entering in the RECORD a working paper from the National Women's Political Caucus concerning the role of women in politics as well as statements that Gloria Steinem and I made in response to Mr. Nixon, Rogers, and Kissinger.

I hope that the administration will redirect its efforts from making derogatory comments about the National Women's Political Caucus to developing constructive affirmative action plans that will involve women at all levels of government.

The material follows:

CONGRESSWOMAN BELLA S. ABZUG WARNS PRESIDENT NIXON WOMEN'S POLITICAL CAUCUS IS "NO LAUGHING MATTER"

WASHINGTON, July 14, 1971.—"President Nixon will find out in 1972 that the newly formed nonpartisan National Women's Political Caucus is no laughing matter," Congresswoman Bella S. Abzug said today.

Commenting on news reports which had Secretary of State Rogers comparing the leaders of the women's caucus to a "burlesque" and the President replying, "What's wrong with that?," the New York Congresswoman said:

"Obviously, the President and his advisers are accustomed to viewing women only in terms of flesh shows. It's insulting, but not surprising. The President has never said or done anything to indicate that he has the slightest understanding of women, their power, diversity, potentiality or needs.

"The fact is that women represent 53 per cent of the population, but they're almost invisible in his administration. Women hold a total of only 1.6 per cent of 3,796 Grade 17 policymaking jobs in the government. Mr. Nixon has made no appointment of women to Cabinet rank or to ambassadorial rank, which leaves us even worse off than we were under the Eisenhower Administration.

"Of the 200 women whom he claims to have named to 'top' jobs, 30 were appointed to the JFK Committee on the Performing Arts, two to the Committee for the Preservation of the White House, and others to museum advisory boards and the Advisory Council on Historic Preservation.

"Mr. Nixon is going to find out in 1972 that women will no longer let themselves be consigned to kitchens, to museums, or to the sidelines of political power.

"The National Women's Political Caucus, which was initiated this past weekend, is organizing women of *all* political parties and affiliations to demand an equal share in elective and appointive office.

"We're serious, we're here to stay, and we're determined to use the enormous political power of women to see that we share equally in governing our country and change our nation's priorities to place human needs first."

STATEMENT BY GLORIA STEINEM ON NATIONAL WOMEN'S POLITICAL CAUCUS

I am not now and never have been a girl friend of Henry Kissinger.

If Mr. Kissinger and Mr. Rogers treat Madame Binh, the chief negotiator for the North Vietnamese in Paris, with the same disdain and male chauvinism displayed in their comments on the National Women's Political Caucus, it may be a major reason for the failure of our negotiations in Paris.

I can think of nothing more likely to encourage Republican women to join the caucus than this attitude on the part of their male representatives.

NATIONAL WOMEN'S POLITICAL CAUCUS—JULY 10-11, 1971: WORKSHOP ON POLITICAL PROCEDURES AND STRATEGY

The following figures on women in public office give us some idea of the decline of women's political strength over the past eleven years:

Women	1959	1969
State representatives	347	306
U.S. Congresswomen	17	11
State elective positions	41	31
Mayors	4	23

As awareness of the insignificance of women's participation in the political process increases, there will have to be an equal increase in knowledge of the techniques of real political involvement. Women today are the coffee-pourers of both parties. "It's time," as Congresswoman Bella Abzug has said, "For women to come out of the back rooms of politics."

The statement of purpose for the Women's Political caucus includes these calls for action. Suggestions of how to implement them are the *subject of discussion of this workshop*:

1. Confront our own party structures.
2. Disseminate information on filing deadlines and election procedures—state, local national, for use of women candidates.
3. Monitor selection of delegates as presented to the credentials committee of Presidential Nominating Conventions.

4. Raise women's issues in every election.
5. Register new women voters.
6. Rally national support for campaigns of women candidates.
7. Publicize record of male politicians on women's and humanist issues.
8. Withdraw support from candidates who do not take concrete steps forward for women.

I. PARTY STRUCTURE—REPUBLICAN AND DEMOCRAT

Out of 108 state and territorial Democratic and Republican parties only two are chaired by females. (Oregon Democratic Party chaired by Caroline Wilkins and Nebraska Republican Party chaired by Lorraine Orr).

Although most states are required to elect an equal number of committeewomen and committeemen to operate the basic units of political party organization (precinct, ward, town or voting district) *equal access to leadership positions has been severely limited.*

Proposed action

The Democratic Party in the 50 states is in the process of conforming to the 18 guidelines for reform issued by the McGovern-Fraser Commission on Party Structure and Delegate Selection. (The commission itself contained *3* women out of *28* members.)

Among the guidelines are a request to "encourage representation on the state's delegation to the convention of minority groups, young people and women in a reasonable relationship to their presence in the state's population."

To date, the following have taken *no* action on complying with the age/sex guidelines:

California, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, and Massachusetts.

Michigan, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, and Ohio.

Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands, West Virginia, and Wyoming.

Women should become familiar with these guidelines for reform within the Democratic Party, agitate within their state for compliance, cooperate with efforts being undertaken for party reform. For example, there is an ad hoc task force of Democratic women who are attempting to make proposed changes within the party meaningful to women.

See: "The National Democratic Party and the Status of Women," Congressional Record Reprint of April 7, 1971—Congresswoman Bellla Abzug. *Policy Council Resolution on the Status of Women in the Party* (attached)

For further information:

Official Guidelines for Delegate Selection adopted by the Commission on Party Structure and Delegate Selection, 1969. Address: Democratic Nat. Comm.

Mandate for Reform, Commission on Party Structure and Delegate Selection, April 1970, Dem. Nat. Comm.

Political Report Democratic reform drive falters as spotlight shifts to Presidential race, Andrew J. Glass and Jonathan Cottin in *National Journal,* June 19, 1971, P. 1293.

"Women and Political Parties: The Legal Dimension of Discrimination," by Phyllis Segal. Congressional Record reprint, April 6, 1971—Congresswoman Martha Griffiths (attached)

Republican Party

Republican Party has no similar reform movement underway but is actively making an effort to show women in visible positions within the government and party. (See handout on Nixon policies toward women.) Women's Division of the Republican National Committee has a report on Republican appointments of women entitled "Women in Public Service." (Also see *The Progressive,* August, 1971, "Nixon's 200 Women" by Judy McFadden.)

II. ELECTING DELEGATE TO PRESIDENTIAL NOMINATING CONVENTION

In 1968 only 13% of the Democratic delegates in Chicago were women; in Miami at the Republican National Convention only 17% of the delegates were women. Four Democratic delegations included only one female delegate (the National committeewoman who by Convention rule was an automatic delegate.) In Illinois only 8 of 118 Democratic delegates were women; in Indiana only 4 of 68; in Alabama 1 of 48.

In the Republican delegations of New Hampshire, West Virginia and the Virgin Islands no women at all were represented.

Information on the delegates selection process, dates of filing, state and party requirements *have to be researched state by state.* Political action takes place primarily at the local level. Therefore, the NWPC needs to provide information, money and visibility for women organizing at the local level.

Sources of information *on The Selection of Delegates to Conventions, election Procedures and filing deadline:*

(a) Secretary of State of the individual state for copy of election laws.

(b) State Party Chairman for party regulations.

(c) *Registration and Voting Laws of the 50 states:* Youth Citizenship Fund, 2100 "M" Street, NW, Suite 306, Washington, D.C., $12.00.

(d) Registration and Voting Laws and Procedures State by State: League of Women Voters, 1730 "M" Street, NW, Washington, D.C. (pamphlet being updated. $.75).

(e) Center for the Study of the American Woman in Politics at Rutgers University, New Jersey is planning to hold a conference in September on Increasing Women Participation in National Conventions. They plan to deal with problems of how to become a delegate. Material should be available from them.

(f) Guidelines for Delegate Selection—Democratic National Committee.

(g) Common Cause, 2100 "M" Street, NW, Washington, D.C. is compiling material on state changes in election laws, etc. This study should be available sometime in September or October, 1971.

THE TELEPHONE STRIKE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, July 19, 1971

Mr. THURMOND. Mr. President, an editorial entitled "The Coercionists" appeared in the July 15, 1971, issue of the August, Ga., Chronicle.

The editorial pointed out that one element of the current strike by telephone workers is related to the demand that all workers be compelled to pay union dues if they work for the telephone company.

Mr. President, this demand is not only unreasonable but dangerous to the health of the communications industry. It would deny an individual the right to work unless he became a member of the union.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Augusta (Ga.) Chronicle, July 15, 1971]

THE COERCIONISTS

One issue which contributes to the present telephone strike, with its threat of a communication crisis, is a demand that all workers be compelled to pay up in the form of union dues, or be fired.

The demand for a compulsory union shop is, of course, only one part of the package the union wants. We make no judgment herewith on proposed changes in wage structure, pension improvements and job security.

We do, however, brand as grasping and hypocritical any proposal to make secure the jobs of those who suppress their distaste for compulsion and pay up, while making 100 per cent insecure the job of an individual who feels that he does not want or need the union. The American way is the way of freedom of choice, and the more alternatives are eliminated, the closer we come to medieval serfdom.

The tired old argument that a compulsory union shop is necessary for the existence and growth of a union won't hold water. In the case of the telephone workers, the solid record of growth of the Communications Workers of America is in itself proof of the fact that they do not have to use coercion to expand. Over the past 20 years the CWA has almost doubled its numerical strength—in circumstances permitting freedom of choice by the worker.

Such freedom is not inconsistent with the principles of great union leaders. At an American Federation of Labor convention nearly 50 years ago, Samuel Gompers, a pioneering union builder, said: "I want to urge devotion to the fundamentals of human liberty—the principle of voluntarism. No lasting gain has ever come from compulsion."

AFL–CIO President George Meany, furthermore, told a congressional committee in 1965 that disputes over compulsory unionism are "a major cause of industrial strife."

While this issue is before the American public in such dramatic fashion, it would be timely for that public to insist to its congressmen that legislation be passed protecting the freedom of workers in all federally regulated utilities. Last year, a victory for individual freedom was won when, by legislation, a ban on coercive unionism was applied to the new U.S. Postal Service.

To extend this same protection to all utilities subject to national regulation would be an extension of the rights for which our forefathers fought in 1776.

FULL EDUCATION BENEFITS FOR VETERANS ATTENDING NIGHT SCHOOL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, I recently received a letter and petition from a group of veterans in my congressional district which brought to my attention a serious inequity in the present system of veterans' educational assistance programs.

Under current law, a veteran who attends high school during the day and works afternoons or evenings is eligible to receive full veterans' benefits for educational assistance. However, a veteran who works days and attends night classes is only allowed a maximum of half benefits despite the fact that he is taking the same course load.

The bill which I am introducing today will correct this inequity. It will provide that educational allowances for veterans be distributed on the basis of the number of credit hours of course work taken regardless of whether the classwork is completed in day or evening classes.

I believe, Mr. Speaker, that we owe it to our returning veterans to offer them and provide them with the best opportunities for educational assistance possible. A veteran who returns home and attempts to further his education while holding down a job certainly deserves our praise and encouragement, and should not be discriminated against merely because it is necessary for him to attend night school.

At this point, I would like to insert the text of this bill into the RECORD. I would hope that my colleagues will give the bill their prompt and favorable consideration:

H.R. 9894

A bill to amend title 38, United States Code, in order to designate certain adult evening high school courses as full-time courses for purposes of educational assistance allowance payments

Be it enacted by the Senate and House of Reprsentatives of the United States of America in Congress assembled, That section 1684(a)(3) of title 38, United States Code, is amended by inserting "(A)" immediately after "(3)"; and by adding at the end thereof the following:

"(B) an adult evening high school course in which two or more Carnegie units are required per semester shall be considered a full-time course;".

SEC. 2. The amendment made by the first section of this Act shall take effect on the first day of the month after the month in which this Act is enacted.

TESTIMONY OF EDMUND G. BROWN, JR., SECRETARY OF STATE, STATE OF CALIFORNIA

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Monday, July 19, 1971

Mr. CRANSTON. Mr. President, one of the able new young leaders recently elected to statewide office is Edmund G. Brown, Jr., California's Secretary of State.

Jerry Brown recently demonstrated his ability and insight in testimony before the House Committee on Interstate and Foreign Commerce.

Having just won the confidence of the voters of our Nation's largest State in a campaign in which he had to raise $250,000 for a constitutional office not well understood by most Californians, Jerry has developed an excellent grasp of the excesses which threaten our electoral processes.

I believe his testimony should be of great interest to the Senate. I ask unanimous consent that Jerry's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY EDMUND G. BROWN, JR.

Last year, as a candidate for Secretary of State in California, I spent a quarter-million-dollars—more than half of it on television. Since I had no significant financial resources of my own, I was forced to spend approximately 80 per cent of my time raising money. This prevented me from doing more of what I really should have been doing—discussing the issues and communicating with California's 8.7 million voters.

Other candidates in California raised and spent approximately $26 million to conduct their campaigns last year. And—for the most part—a handful of wealthy people gave the money.

In California and most large states skyrocketing campaign costs are turning candidates into beggars who are forced to go hat in hand to lobbyists, special-interest groups and wealthy individuals. It is no longer possible to conduct an adequate campaign in a major state without buying lots of costly TV time. Candidates who are not wealthy must solicit funds from what I believe are questionable . . . and sometimes highly improper . . . sources.

We have now in this nation a campaign system that actually invites corruption.

You gentlemen have before you several bills which attempt in one fashion or another to deal with this growing problem. In my opinion, any bill which would lessen the role of money in politics would be beneficial.

Rather than discussing the specific bills in detail, I would like to offer you my views on how the goal of lessening the importance of money in politics can be reached through Congressional action.

Let me point out first that in California the Secretary of State is the chief elections officer. He not only supervises the actual conduct of elections, but he also files and reviews the campaign financial reports required by our state law.

I have spent considerable time studying these reports and discussing them with candidates. All this has led me to conclude that immediate steps must be taken to control the spiraling cost of *local* and *statewide,* as well as *federal,* campaigns.

We now have pending in the California legislature several proposals dealing with campaign finance. Some of the bills set expenditure limits. Others impose tighter financial reporting requirements. Some provide for tax credits for contributions.

These bills, if adopted, may help with state legislative campaigns, but they will *not* deal with the major campaigns—those for statewide office, for example, or Presidential or U.S. Senate campaigns.

The problem of money in major races must be tackled by Congress because most of the money in those campaigns is spent on television. Unless you gentlemen deal with the question of TV advertising, we will continue to see ever increasing costs for statewide as well as federal campaigns.

Rather than taking the much-discussed step of limiting expenditures for broadcast or other media, I suggest the following six-point plan:

1. Candidates in a general election for President, Vice President, U.S. Senator and Governor should be prohibited from purchasing television time.

2. Those same candidates should be given a substantial amount of free television time on every station in the country.

3. Political campaign mail should be eligible for the low non-profit organization rate rather than the higher third-class bulk rate.

4. Contributions of more than $5,000 should be effectively outlawed and loopholes allowing separate contributions to various committees should be eliminated. Persons who contribute more than $5,000 and candidates who accept more than $5,000 from any single source should be subject to stiff fines and possible imprisonment.

5. Small contributions should be encouraged by granting 90 per cent tax credits for contributions of $10 or less by individuals.

6. Candidates for offices where television advertising is allowed should be sold time at a station's lowest unit rate. This same lowest unit rate provision should apply to other media, such as radio, billboards, newspapers and magazines, which sell time or space to candidates for any office.

Each of these proposals must, of course, be spelled out in detail in any legislation which may be adopted.

I would like to briefly elaborate on several of the more difficult questions which my suggestions raise.

First, the proposal to prohibit TV advertising. I limited this prohibition to candidates for President, Vice President, Governor and U.S. Senator because I believe it is practical to provide a substantial amount of free television time to nominees for these offices. If adequate free time is available, there is no need for candidates to supplement that with paid time. And I believe it would be contrary to the public interest to allow rich candidates to purchase additional, and unnecessary, commercial spots. If our goal is to reduce the role of money in politics, then we must remove the advantage that money now buys in campaigns. This can only be done by prohibiting candidates for President, Vice President, Governor and Senator from purchasing commercial television time.

When free time is provided to candidates the question arises, who will pay for the time? There are three options: First, the stations themselves could be required to donate the time under the theory that they are using the public's airwaves and have an obligation to make time available for public purposes free of charge. Second, the federal government could pay the stations for the time. This, of course, would be a direct federal campaign subsidy. Third, some combination of donated and subsidized time could be worked out.

I believe Congress, with the aid of the Federal Communications Commission, should study the economics of these various options before choosing between them.

When free TV time is provided, somebody must determine the amount and format of the programs

I am sure you are familiar with the Twentieth Century Fund's Voters' Time proposal, which suggests a series of six half-hour prime time programs for major party Presidential nominees. I do *not* believe that is the best way to allocate television time.

It is well-known by those who have been involved with TV advertising that short "spots" are generally the most effective way to reach the public. Most people simply will not watch a half-hour political program. Consequently, most candidates would rather use their money to buy 20-second, 30-second and 1-minute commercials.

This same principle can be applied to my free time proposal. I suggest that each team of major party Presidential and Vice Presidential nominees be given two prime-time spots, each two-and-a-half minutes long, on every television station in the nation every night during the four weeks immediately preceding the general election. In addition, each Presidential nominee should be given one half-hour program to be aired in prime time on every station during the last week of the campaign.

Major party Gubernatorial and Senate candidates should be given the same amount of time on every station in their state. If, as is the case in some areas, a candidate's state is substantially served by a station located in another state, then that station must provide time in the same amount as would be required if the station were located in the candidate's home state.

I chose the two-and-a-half minute length because it is a reasonable compromise between optimum advertising and what is needed to convey a message with some rational content. At least half of each candidate's spots should consist of the candidate himself speaking directly to the viewers.

The time amounts I have recommended apply to what I call "major party" nominees. I define a "major party" as one whose nominee for the office in question placed first or second in the popular vote in at least two of the three preceding elections.

I believe some television time should also be provided to "minor party" candidates, defining a "minor party" as one whose nominee received at least one-eighth of the votes cast in the preceding election for the office involved.

In addition, some minimal time should be provided to what I call "emerging parties." This category makes room for the new party that arises from time to time. To be considered an "emerging party" for Gubernatorial and Senate campaigns, the party would merely have to qualify for the ballot in the state involved. To qualify as an "emerging party" for a Presidential campaign, the party would have to appear on the ballot in at least three-quarters of the states, and these states would have to represent enough electoral votes to constitute a majority in the electoral college.

"Minor pary" nominees should be given five separate two-and-a-half minute prime time spots during each of the four weeks preceding the election. "Emerging party" nominees should be granted three separate two-and-a-half minute prime time programs during each of the last four weeks before the election.

The relative apportionment of time, by the way, is generally in line with the ratio suggested in the Twentieth Century Fund report.

If my free time proposal or one similar to it were adopted, American voters would be given substantial opportunity to hear the views of Presidential, Gubernatorial and Senate candidates seeking their votes. A candidate's wealth or ability to raise money from rich friends would no longer determine whether he could gain access to the voters' living rooms.

Although I am suggesting free TV time only during the general election campaign, my third proposal—a reduced political mail rate—would apply in the primary, as well: I believe these mailings should be available to political candidates at all levels, from city council to President.

As you may know, the U.S. Postal Service proposes to raise the third-class rate to 5-cents per letter, a move that would increase campaign costs. I believe qualified candidates should be allowed to mail campaign material at the 2.1-cent rate being proposed for mailing by non-profit organizations.

Just last week I filed a petition with the Postal Rate Commission asking for a reduced political rate. If the Commission denies my petition, I am hopeful this committee will consider adding postal reduction sections to the various campaign finance bills now being studied.

Postage is a large cost in local campaigns. A survey by my office shows that candidates for the California state legislature last year spent considerably more than a third of their total budgets on mail. Reducing the postage rate would go a long way toward reducing the cost of conducting legislative campaigns in California and other states.

My fourth proposal—prohibiting contributions larger than $5,000—is one that is dealt with in some of the bills before you. I strongly support limiting the role that any wealthy individual can play in a campaign and I believe this prohibition, if backed up with a tough enforcement mechanism, will be beneficial.

Tax credits—my fifth proposal—are also called for in some of your bills. In my opinion small contributors should be given 90 per cent for their contributions. A 50 per cent credit, as supported by some, will not adequately accomplish the goal of encouraging small donations.

My sixth proposal—guaranteeing lowest unit cost for advertising media—is one that again is contained in many of the bills you are considering. I believe the lowest unit cost provision should apply to billboards, newspapers, magazines, radio and television.

In conclusion, let me emphasize the critical role that television plays in all statewide campaigns in California. We are a state of 20 million people, most living in single-family residences. A statewide candidate who does not use television simply cannot communicate with the electorate. Spending huge sums for paid TV advertising does not guarantee victory, but failure to spend huge sums does seem to guarantee defeat. You may be interested to know that in the eight statewide races conducted last year in California, the candidate who purchased the most TV time won in every instance.

So, on the one hand we have the extreme importance of television in California. On the other hand, we have the great impracticality of using television in races for the House of Representatives or state legislature. Slightly more than 52 per cent of California's voters live in what is called the Los Angeles television market. This means that about half of our state's 38 Congressmen would have to use Los Angeles stations if they wanted to buy TV spots. Each Congressman would be paying to reach about 11 million Californians, but only a fraction of those people would live in his district.

Television, in California and many other areas, is strictly a medium for candidates with statewide or close to statewide constituencies. This is why I have limited my combination of free TV time and prohibition of paid TV advertising to candidates for President, Vice President, Senator and Governor. It simply is not practical to extend this plan to other candidates.

I have with me and am submitting for the record a copy of a petition I filed last year with the Federal Communications Commission requesting a rule that would require TV stations to provide some free time for major candidates. I filed an amendment to that petition earlier this week and I believe these documents will be of interest to those concerned with the use of television in campaigns.

I am also submitting for the record a copy of the petition I filed last week with the Postal Rate Commission requesting reduced rates for political mail. That petition contains detailed information on the importance of mail in political campaigns.

Public office is rapidly becoming a rich man's preserve. Each year it is more difficult for an honest man of moderate means to conduct an adequate campaign. Skyrocketing campaign costs have opened the door to influence-peddling by those who command sufficient resources to bankroll campaigns. Immediate Congressional action is needed to prevent our democracy from becoming a plutocracy.

U.S. OIL NEEDS AND THE MIDDLE EAST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. HAMILTON. Mr. Speaker, there is a strong possibility that the United States will have to obtain an increasing amount of its oil supplies from the Middle East and north Africa in the coming years unless there are drastic changes in consumption patterns and many new energy discoveries. Trends in the world oil industry, the role of Middle East oil in the world, and future U.S. needs were the topic of James E. Akins' testimony before the Near East Subcommittee on July 15, 1971. Mr. Akins is director of the Office of Fuels and Energy at the Department of State. I urge my colleagues to read his remarks:

MIDDLE EAST AND NORTH AFRICAN OIL

(By James E. Akins)

INTRODUCTION AND SUMMARY

The main feature of the world oil picture is that three-fourths of the non-communist world's proven, recoverable reserves lie in the Middle East and North Africa. The main corollary is that Europe and Japan, which now get 90 percent of their supplies from this area, will remain dependent on it for almost all of their hydrocarbons and for much of their energy through 1980, and very likely through the remainder of the century. While the United States is in a more fortunate position with its domestic supplies and with synthetic oils which could be developed, it too could very likely be forced to import one-half of its petroleum needs from the Middle East and North Africa by 1980.

WORLD RESERVES

According to recent estimates prepared by various industry sources the world oil reserves are roughly as follows:

[In billions of barrels]

Arab Middle East and North Africa	350
Iran	60
United States (including Alaska)	40
Venezuela	15
Indonesia	15
Canada	10
Other Western Hemisphere	10
Other African	5
Others	5
Total	510

Although this table shows that two-thirds of the non-communist world's reserves are Arab and 80 percent are in the Middle East and North Africa, the picture is in fact understated. The reserves from the Middle East include "only" 150 billion barrels for Saudi Arabia, whereas most authorities are convinced that the figure should be at least twice that high; and the figure for Iraq is only 30 billion whereas the actual figure is more probably closer to 75 billion barrels.

Much has been said about the necessity of looking for oil outside the Middle East and North Africa, with the implication that the size of these reserves reflects the amount of exploration being performed. In fact the opposite is true. Most companies operating in the Middle East and North Africa have already found reserves sufficient to meet their needs for many years to come and almost all exploratory activity today is being carried out in other areas: Indonesia, the North Sea, Canada, and Alaska, off the Coast of Africa—indeed wherever there are sedimentary basins.

Much, too, has been said about the importance of recent discoveries. The finds at Prudhoe Bay Alaska were greeted with great enthusiasm by many who were dealing with energy problems. This enthusiasm unfortunately carried away many who predicted that Europe and Japan would be supplied by Alaska and Canada and who continued this with a prediction of the gradual withering up of the Middle East. We now look at Alaska much more soberly. Our most optimistic hope at present is that Alaskan production will offset declining production elsewhere in the United States. Similarly, the discoveries in the North Sea were welcomed enthusiastically and some even predicted that "the North Sea will free Europe forever from dependence on the Middle East." Here too the facts are much more sober. Current projections are that the North Sea will produce one million barrels/day by 1975. If Europe's needs continue to expand as projected, the North Sea will take care of only nine months growth in 1975.

Production is also expected to grow in Indonesia and Nigeria and possibly elsewhere off the coast of Africa and Asia but the growth in demand throughout the remainder of this decade will continue to be covered by the Middle East and North Africa.

The United States has extremely large reserves in shale and very large reserves of coal, both of which could serve as sources of hydrocarbons for the United States if not for the entire world. The cost of production from either source however is very likely to be higher than conventional petroleum. One company estimates that oil from shale will never be less than $5.80 a barrel, in current dollars. Other companies are somewhat more optimistic but we have seen no reports predicting that oil from shale will ever be below $4 a barrel. This latter figure however is only marginally above present U.S. oil prices and may ultimately set the upper limit on world oil prices.

This oil however is not immediately available; it requires a very large capital investment and a long lead time. One firm interested in the development of shale oil has told us that if there were immediate leasing of shale lands and a crash investment program, 3 million barrels/day could be produced from shale in the United States by 1980. Most others working in this field predict no more than a million barrels/day and possibly much less at that time.

Canada has large reserves (c. 300 billion barrels) of oil in the tarsands of Athabasca but here, too, the cost of production is high, although not as high as shale; the investment is also high and the lead time is long.

Venezuela may have as much as 3 trillion barrels of oil in the heavy oil belt of the Orinoco but the cost of development is also high. One company has estimated that a 250,000 barrels/day plant—the minimum practical size—would cost $500 million. With the pending Venezuelan legislation on reversion of assets, which many of our companies consider to be confiscatory, it is not certain how investments of this magnitude could be made. In any case, the oil would be high cost and it is unlikely that it could be sold on the world market today. It could, however, be produced and sold profitably in the United States at today's US price or even somewhat lower.

There are also large reserves of shale and tarsands in Brazil and elsewhere in the world and many countries have coal which could be converted into synthetic oil. It is quite likely that all these sources will be exploited sometime in the future, but it seems unlikely that the world will turn to high cost conventional or synthetic oils until the price of conventional petroleum has risen to something near the American price—or more aptly to something near the price of shale oil converted in the United States.

CONSUMPTION

Consumption projections have been notoriously inaccurate in the past. The President's Task Force on Oil Imports for example, which completed its work only eighteen months ago, estimated that US consumption in 1980 would be only slightly above 18 million barrels/day. Our consumption today is about 15.5 million barrels/day and we now expect consumption to reach 18 million barrels/day in 1975.

A rough estimate of world consumption is as follows:

[Figures in millions of barrels/day]

United States

1970	15
1980	24
1990	32
2000	40

Non-Communist World

1970	40
1980	80
1990	120
2000	160

COST OF PRODUCTION

The average well in the United States produces around 14 barrels/day and the cost of production is of the order of $2.50. In the Middle East the average is over 5,000 barrels/day with some fields producing 15,000 barrels/day per well. The cost of production throughout the Middle East is not much over 10 cents/barrel. In North Africa it is somewhat more expensive than the Middle East but cannot be compared with the United States. Transportation costs from the Persian Gulf to Europe by giant tankers around the Cape of Good Hope or by smaller tanker through the Suez Canal will probably be something of the order of 70 cents/barrel through the remainder of this decade. The total delivered cost of this oil to Europe would therefore only be 80 cents/barrel. It is this fact which has led several economists to conclude that competition among producers will soon result in the reduction of oil prices very dramatically.

Theoreticaly, of course, the delivered cost in Europe could fall to less than $1 a barrel and at least one noted economist has in fact predicted a maximum of a dollar a barrel for the oil in the Persian Gulf. This assumes that there will be full competition among the producers, that they will all try to maximize their production and that cooperation or collusion among the producing states will not exist. In other words that OPEC (the Organization of Petroleum Exporting Countries) will collapse. There is very little evidence that this will happen—in fact, there is much evidence to the contrary. OPEC has recognized the value in cooperation and facing the companies with unified demands. There seems little reason to believe that the schedule of increased taxes and royalty payments to the host governments which has been projected through 1975, will be altered downwards.

INCREASE TO PRODUCING GOVERNMENTS

The income to the producing states from oil is of course enormous. In some cases it will treble within the next 5 years because of increased production and increased payments per barrel. The following table gives comparison of production and income for the years 1965, 1970 and projections for 1975.

OIL PRODUCTION (IN THOUSANDS OF BARRELS PER DAY) AND GOVERNMENT REVENUES (IN MILLIONS OF DOLLARS ANNUALLY)

	1965		1970		1975 (estimate)	
	Production	Revenue	Production	Revenue	Production	Revenue
Middle East:						
Iran	1,885	$522	3,848	$1,106	6,500	$3,345
Saudi Arabia	2,205	655	3,798	1,228	6,500	3,487
Kuwait	2,351	671	2,989	891	4,000	2,059
Iraq	1,320	375	1,558	511	2,600	1,433
Abu Dhabi	282	77	691	222	1,000	536
Qatar	230	63	361	116	361	194
Oman			333	107	400	215
Dubai			86	28	150	80
Bahrain	57	16	77	25	77	41
Total Middle East	8,330	2,379	13,741	4,234	21,588	11,390
North Africa:						
Libya	1,213	371	3,321	1,300	3,170	2,476
Algeria	565	144	990	361	1,430	1,065
Total north Africa	1,778	515	4,311	1,661	4,600	3,541
Total Middle East and north Africa	10,108	2,894	18,052	5,895	26,188	14,931

Note: Figures for Middle East oil production in 1975 are conservative estimates, using an aggregate rate of growth of just under 10 percent annually after 1971. Middle East production growth was 12 percent in 1970, and has been even higher (18 percent) so ar this year.

It has been argued that the oil is grossly overpriced and that the producing countries have no "right" to such income. While it is futile to discuss the morality of this issue, the question of the value of the oil has been answered most strikingly by Senator Bellmon of Oklahoma. He said "the cost of production of the oil is irrelevant to its value. If you find a diamond in a field at no cost whatsoever, it is worth just as much as a diamond extracted from a multimillion dollar mine in South Africa." A relevant comparison would be costs of other sources of oil or of energy, and this would show that oil in the world markets, even with the recent price increases, is still a bargain.

IMPORTANCE OF THE MIDDLE EAST TO THE UNITED STATES

The United States oil industry, from its investments in the Middle East and the downstream investments in tankers, refineries and distribution networks in Europe and Japan, remits about $1.6 billion per year to the United States. Frequently this entire sum is ascribed to the production end but this implies a far greater return on investment in production than should actually be the case. Nonetheless, the figure is an impressive addition to our balance of payments. pendence. Others are more optimistic al-

Estimates of the value of the investment itself in the Middle East and North Africa vary from a low $2.5 billion for depreciated bookvalue up to $50 billion or even more for replacement value. Neither figure of course gives an adequate indication of the true current value. The latter figure would have some validity except it would be impossible to replace the oil from other sources—at least not in any time frame that we could consider, i.e. 10 to 20 years.

Unless the United States takes measures either to restrict consumption or to develop indigenous sources of oil or to encourage development of oil from secure sources, all projections we have seen show substantial US dependence on the Middle East and North Africa by 1980. One major oil company believes that there is nothing that could be done at costs acceptable to the United States consumer to avert this dependence. Others are more optimistic although most seem to agree that reducing this dependence would be fairly costly—at least in the short run.

The main importance of the area to the United States is that our NATO allies and Japan are and will remain almost totally dependent on it for their energy for the foreseeable future. If the Middle East and North Africa were controlled by forces hostile to us, our allies' security and therefore our own would be compromised.

This is of course one of the main reasons for the interest of the Soviet Union and China in the area. It is not because either country is expected to become dependent on the Middle East or North Africa for its own energy. The Soviet Union will almost certainly remain a net exporter of oil through this decade and probably beyond, and there is no evidence that China, which is now self-sufficient in oil, is disposed to becoming again dependent on imported oil.

ROBERT H. WYATT, INDIANA EDUCATOR

HON. BIRCH BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Monday, July 19, 1971

Mr. BAYH. Mr. President, an article published in the summer issue of Indiana Teacher describes the many battles for education waged by Mr. Robert Wyatt and a portrait of this man who so ably presented the case for quality education in Indiana and the United States.

Mr. Wyatt is certainly among the most distinguished educators in the country and is among the vanguard securing better education for all Americans by merit of his efforts marshalling teachers behind legislative proposals concerning education.

This account of his life of efforts is certainly worthy of the highest commendation, which his fellow teachers have awarded him by his selection in 1963 as President of the National Education Association. Mr. Wyatt has eloquently spoken of the social conscience of teachers; his eloquence is well understood after a study of his long and admirable career.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RERORD, as follows:

FRONTLINE FIGHTER IN TEACHERS' BATTLES NEVER GIVES UP

(By Dorothy E. Steinmeier)

The scars are there. The wounds have been deep, but Robert H. Wyatt is a man who never gives up in battle.

As he fought in the frontlines carrying the teachers' banner, many times it must have seemed that he was alone. But the troops were there—the thousands of teachers in Indiana who have backed him every step of the way.

The man who has been the undisputed leader in Indiana's teachers for more than 32 years and served a term as president of the National Education Association, the largest independent professional organization in the world, is called "Mr. ISTA" by teachers, or "Mr. Educator." Or sometimes "Mr. Education."

Editors and newsmen have often called him other names. So have many of Indiana's legislators. Among them, however, are more friends than enemies.

WYATT CALLED "TOUGH COOKIE"

One reporter wrote, "Robert H. Wyatt is a tough cookie who almost always gets the job done. Not everyone is pleased in the process."

The Indiana State Teachers Association is looking around for another "tough cookie" who will get the job done. Wyatt retired last month (April 30) as ISTA's executive director. His tenure in office was longer than that of any state association executive in the nation.

He was elected to the office of executive secretary in 1938 by ISTA members (all of them) who voted by secret ballot. Wyatt has moved with the times. It can be said, in the world of education, he moved things a bit himself. He was unanimously re-elected to the ISTA top office for each term he served. No one even appeared as competition.

ASK A VETERAN TEACHER

Indiana's veteran teachers know exactly what Wyatt (and his name has been synonymous with that of ISTA) has done for them—and for education. Thousands of young teachers may not even imagine the struggle it took to advance their welfare and prestige, to improve the quality of education and of teachers in Indiana, and to make schools better for the children.

Legislation had to be the key to open the doors to better schools.

An *Indianapolis Star* reporter once wrote that "he (Wyatt) has been accused of defeating political candidates who oppose his views by marshalling his huge teacher corps in opposition.

"And he is not particularly liked by most of the other large lobbying organizations in the state.

"But few will deny that Robert H. Wyatt has probably done more to gain higher teachers' salaries improved fringe benefits, and high prestige for Indiana teachers than probably any other man in the state's history."

"And this is what I'm paid for," Wyatt told the reporter.

HIS METHODS EFFECTIVE

Edward Ziegner of the *Indianapolis News*, one of the state's top political writers, had this to say in 1963 about the man who worked for so many years an average of 70 hours a week for all Indiana teachers: "No lobbyist is more frequently denounced and criticized on the floor of the House and Senate in the Indiana General Assembly than Wyatt. Few lobbyists, if any, are as consistenly successful in winning their goals."

And Wyatt told Ziegner about the unusual and difficult problem in the fight for ever-better education. He said:

PRODUCT IS THE FUTURE

"We have an enormous handicap in the fact that paying for education is widely separated in point of time, form enjoyment of the product. If you want to buy a tangible product, you walk into a store, buy it, and you have it immediately. With education, payment goes on for years, and it's years before it can be seen if the child grown into an adult has had a good education, fitting the person for his job in today's complex world.

"It's a question of present goods vs. future goods."

Wyatt has done a mighty good selling job. He has written and helped to steer through the Legislature some 11 teachers' salary laws and 12 retirement laws, and has cooperated in the enactment of several school finance acts and school reorganization laws.

Under his leaderships, ISTA has provided many firsts in the nation. Among these are the first state minimum salary schedule extending to $10,000; the first State Teacher Training and Licensing Commission composed of professional educators; the first $2,400 state minimum salary schedule (1947); the first Defense Commission; the first state Teacher Education and Professional Standards Committee, established prior to the national TEPS Commission, and the first statewide student education association in the United States.

WYATT IS I.U. GRADUATE

Wyatt is a native of Allen County, Indiana. He attended Laotta High School, earned his Bachelor of Arts and the Master of Arts degrees from Indiana University, and has done graduate study at Indiana University, the University of Chicago, and the University of Southern California. Ball State and Taylor Universities awarded him the honorary degree of Doctor of Laws. He is a member of numerous honorary education fraternities.

His teaching career, over a span of 15 years, began at age 16 in a one-room schoolhouse. He became head of the social studies department at Central High School, Fort Wayne, and was a guidance director in that school.

At the age of 27, he became president of the Fort Wayne Classroom Teachers Association, and four years later was elected president of the Indiana Classroom Teachers Association.

Wyatt has been president of the Indiana State Teachers' Retirement Fund, and a member of many state and national commissions and education organizations. He established and is now president of the NEA Mutual Fund.

In 1939, along with 20 other citizens of the Fort Wayne area, he helped found the Mutual Security Life Insurance Company, which has now attained the status of nearly one billion dollars of insurance in force.

What does Wyatt consider the most pressing problem in education today?

"ADAPT SCHOOL TO CHILD"

"I think our greatest problem is to try to identify the individual needs of a child and to try to adapt a school to him rather than trying to run him through a procedure which stamps him as it would a piece of metal," he said.

"I think there is great progress being made in schools today in trying to identify special problems children have, not only mentally and intellectually, but emotionally and physically. Right now, one of the great needs we have is to equip the teacher to identify problems and to engage a specialist in solving problems so that they can be diagnosed and treated," he continued.

"The current movement in this particular year and in the next two years is going to set this process back very materially," he predicted.

"Hundreds and hundreds of capable people in the school field are being dismissed; positions are being eliminated so that the classroom teacher who has an abstreperous, unusual special case child in his classroom is going to be greatly handicapped. These unusual children disturb all the rest of the pupils in the classroom—and make teaching more and more difficult," said Wyatt.

Wyatt went on to say how serious this situation may become, and that he feels that it "may come to the point where I fear great deterioration in education will occur within the next few years."

SOME TEACHERS MAY GIVE UP

"I think that the health of the teacher is going to be impaired to the place where his efficiency will drop—and some teachers, after a certain length of time with this kind of experience, are simply going to quit.

Wyatt was asked what kind of bouquets he would like to give "his" teachers, and gave this answer:

"Teachers are teachers because they have a basic desire to serve humanity. The general social conscience of teachers is probably higher than that of any other occupational group. I would not even except the ministers—although I might give them par with the teachers. But the real drive of school teachers is to serve humanity by educating young people. The teachers' work is not exceeded by any group of people in this country."

It follows that serving the teachers must be the greatest work in the country. For the warrior, Robert Wyatt, it has been that way.

BIG BUS BILL—ERRORS IN COMMITTEE REPORT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. SCHWENGEL. Mr. Speaker, in reviewing the committee report on the big bus bill, H.R. 4354—House report 92–345—I have discovered a number of inaccuracies of which my colleagues should be aware.

The first error deals with a statement made on page 3 of the report. The report states:

> Practically all of the cities in the country presently permit 102-in buses to operate on their streets and highways.

This statement gives the impression that the cities of this country are practically unanimous in this use of 102-inch buses. The facts in this respect are spelled out at page 339 of the hearing held on this legislation in 1969. In response to a question from me as to the number of cities with bus systems, the following dialog occurred:

> Mr. GUNTHER. There are 14,500 cities that belong to the National League of Cities through their State affiliates.
>
> Mr. SCHWENGEL. Would you say at least half of them have bus systems?
>
> Mr. GUNTHER. There are about 1,500 bus systems in the Nation, some cover more than one city.
>
> Mr. SCHWENGEL. The 94 cities that are listed here is a pretty small percentage of the total?
>
> Mr. GUNTHER. That is right. It is the large cities.
>
> Mr. SCHWENGEL. It is not even all the large cities?
>
> Mr. GUNTHER. That is right.
>
> Mr. SCHWENGEL. Many of the large eastern cities do not allow 102 inches.
>
> Mr. GUNTHER. Yes.

A second error relates to the statement in the report:

> Yet, in these cities the newly constructed Interstate System is not available to them under curent law.

Again, I quote from the 1969 hearings on this same legislation. At page 9, Mr. Charles A. Webb, president, National Association of Motor Bus Owners, testified:

> In about 25 of these States, operations of 102-inch-wide local and suburban buses were permitted prior to July 1, 1956, which means such operations are permitted today on local and suburban segments of the Interstate System. In the remaining 15 States, local and suburban bus operators must confine their modern 102-inch-wide buses to routes which do not embrace any part of the Interstate System.

Thus, it seems clear to me, that one of the main reasons the proponents are seeking the increased width is for intercity buses and not intracity buses.

A third point relates to the number of 102-inch buses now in service. The majority report states that there are approximately 22,000 buses of 102-inch width in operation. This figure is probably accurate, the error here lies in the false impression of the number of 102-inch buses now in use. To get a correct picture, you must look at the total number of buses now in use. The 1970 issue of Motor Truck Facts published by the Automobile Manufacturers Association states that 364,340 motor buses of all types were registered in the United States in 1969. This means that less than 7 percent of the buses in the United States are 102 inches in width—a much smaller relative quantity than the majority report would imply.

At page 4, the report states:

> An excellent example of this situation is right in the Nation's Capitol where the seven bridges crossing the Potomac River from Virginia four are on the Interstate System, and therefore, cannot be used by 102 inch buses. The three remaining bridges all have lane widths less than 12 feet, but are available for the 102 inch buses. Yet, within Washington, D.C., the bus system contains over 300 buses of 102 inch width which operate legally on the city street system.

The report bemoans the fact that 102-inch buses can operate in the District of Columbia, but cannot cross the Interstate bridges. The fact is there is no need for D.C. Transit buses to cross these bridges because D.C. Transit has no operating authority or route requiring them to cross the Potomac, except for one short route between Bethesda and the CIA. In fact, it is interesting to note that D.C. Transit has only 173 buses which are 102 inches wide. That is out of a total fleet of 1,167 vehicles, the majority of which are only 95 inches wide. The report claims D.C. Transit has over 300 buses, 102-inches wide, however, I have been assured by D.C. Transit officials that they have only 173 buses that are 102-inches wide.

Still another fallacy in the majority report stems from the statement:

> The clear facts that the 102 inch bus is in widespread use with an excellent safety record on narrow lanes with lesser safety characteristics then the Interstate System has convinced the Committee that the 96 inch restriction on the Interstate System should be removed.

When viewed from the perspective of the fact that widespread use means less than 7 percent of all buses, the safety record may not be as impressive as it appears at first blush. The National Safety Council publication, Accident Facts—1970—indicates that for the year 1968–69, the accident rate for buses were as follows:

Accidents per million vehicle miles

City	56.45
Suburban	31.71
Intercity	6.34

While it is impossible to tell what percent of the buses involved in these accidents were 102 inches wide, it is quite clear that the city buses do experience a much higher accident rate. Hardly what should be termed "an excellent safety record." In addition, since the safety record of 102-inch buses is based mainly on city usage, some of the other safety problems, particularly those of the blast effect have not been fully evaluated. The blast effect would not be significant under most city traffic conditions.

Also, at page 4, the report states:

> The other part of the bus operation—intercity long haul buses—presents still another phase of the transportation system which must be realized to its peak efficiency. This fact is accentuated by the recent developments in the railroad industry which have completely removed passenger service to many of our cities and so curtailed others as to create hardships on the total mobility of the American people.

It seems clear to me that the major portion of the urban traffic congestion results from intracity traffic and not intercity traffic. Encouraging people to ride intercity buses will do little to solve our urban-intercity traffic problems. In recent years, the number of intercity passengers carried by bus has steadily declined. The 1970 World Almanac cites the following figures:

1966	169,323,447
1967	166,285,070
1968	160,692,862

So the argument that "recent developments in the railroad industry" necessitate increased intercity bus service hardly squares with the fact bus ridership has been declining drastically during the period passenger trains were being dropped at an alarming rate. The bus owners themselves admit that their buses travel, on the average, half empty. It is for that reason, I suggested to the bus owners that they can get additional seating space by removing one row of "unused" seats.

Another point which needs clarification is that the size and weight of the new wider buses. While the present bill clearly deals only with an increase in the width of buses, it should be noted the new "family" of Greyhound buses would be 5 feet longer, 2 feet higher, and 13,267 pounds heavier than present buses. These increases are within the present size and weight limitations, and no changes in the law are necessary to accommodate them. It seems readily apparent to me that a bus 13,267 pounds heavier is going to cause more wear and tear on our highways. Thus, contrary to the statement contained in the report, there will be substantial costs to the Government and thus to the taxpayers beyond the cost of the studies mentioned in the report.

Finally, it seems to me that there are a sufficient number of inaccuracies in the majority report as to raise serious questions about the conclusions drawn by it in favor of the bill. Conclusions based on such questionable facts, certainly should not be given much weight. I would again urge you to read the entire report, including the minority, supplemental, and additional views, and draw your own conclusions.

THE KEY TO FULL EMPLOYMENT

HON. WILLIAM B. SAXBE

OF OHIO

IN THE SENATE OF THE UNITED STATES

Monday, July 19, 1971

Mr. SAXBE. Mr. President, American Machinist magazine devoted a special edition on June 28 to the findings of an independent research company which did a study of 129 companies in 20 industry groups with an emphasis on capital spending. The findings offer an excellent analysis of capital outlays in our country today.

The companies sounded out basically favor free trade internationally and competition at home in order to breed efficiency. Some of their ideas are new and they seem quite well thought out. The final eight pages of the study summarize their recommendations. Because I think the topic of the study is particularly timely, I ask unanimous consent that the findings be printed in the Record.

There being no objection, the magazine was ordered to be printed in the Record, as follows:

[From American Machinist magazine, special June 28 edition]

The Key to Full Employment

NEW FACTS ON CAPITAL OUTLAYS

Computer analysis of the records of 129 companies shows how capital investments relate to the value of installed plant, the depreciation taken, and the net cash flow.

How much are American manufacturers actually spending on capital investment? Is the rate of investment growing or declining? And how does the total capital investment stack up as a percentage of gross plant, as a percentage of net cash flow, and as a percentage of depreciation booked?

The answers given by politicians tend to be more emotional than factual, partly because the facts have not been readily available. Therefore, in order to get at the truth, American Machinist commissioned Investors Management Sciences to perform a computer study based on actual figures over a period of ten years.

The study revealed wide variations in the capital-investment practices of manufacturing companies, as shown by the investment ratios in the table that starts on the facing page. The table gives data on 129 companies in basic manufacturing arranged in 20 industry groups.

These companies had gross plant and equipment valued at $117 billion in 1970 and made capital expenditures for new plant and equipment amounting to almost $13 billion, or 11% of the value of installed plant. This was about the same ratio as the average for the past ten years, which is 10.8% for these companies, calculated from the ratio of capital expenditures each year to the value of gross plant for that year.

Sales of the 129 companies totalled $156 billion last year, on which the net profit after taxes was 4.4%.

Capital expenditures in 1970 amounted to 28% more than the retained cash flow of these companies and to 74% more than the amount of depreciation booked.

The ratios were calculated from the data in the computer bank of Investors Management Sciences. The companies selected were the largest companies in each industry for which relatively complete data was available. No company was included unless the information on capital spending was available for the past five years. For 103 of the companies, data for the past ten years was available.

MOST MEANINGFUL RATIO

Because the capital expenditures are reported in the amounts spent each year while the book value of gross plant is not increased to correct for inflation, a given ratio of investment to gross plant tends to mean a smaller real investment after a period of inflation than it does before it. However, this complication operates in essentially the same way for every company on the list, and it seemed likely that this ratio of capital outlays to gross plant would provide the most meaningful base. It was calculated, therefore, for the last year, as an average of the past five years, and as an average of the past ten years.

Industry composites were calculated except in three industries for which there was not enough ten-year data for meaningful calculation. The table on this page shows the ten-year investment rate for the other 17 industry groups. For manufacturers of office machinery, the average rate is more than four times what it is for the steel industry. Within each industry group, however, there are variations from company to company that are equally striking.

Among office machinery firms, for example, the ten-year ratio for Diebold is 11% and for Xerox is 48%. Among the steel companies, the range is from 5.3% at U.S. Steel to 9.9% at Republic Steel.

The investment ratio to gross plant was higher for the most recent five years than for the previous five in nine of the industries, lower in seven. This fairly even split contrasts with the performance of individual companies; for 72 companies the ratio was higher in the past five years than in the previous five, while in only 23 companies was it lower.

Last year was a year of cutback for many. In only 27 companies was the investment ratio higher last year than the average for the last five years, while in 100 companies it was lower. But in a third of the companies for which data was available, the investment ratio last year was higher than the average of the last ten year.

RATIO OF INVESTMENT AND PROFIT

If we contrast the seven industries which have the highest composite net profit with the seven that have the lowest net, there is a difference in investment ratios that may be small but is remarkably consistent. The ten-year ratio for the higher profit industries is 14.1% while for the lower profit industries it is 13.0%. The five-year average for the higher profit group is 15.5%, for the lower profit group it is 14.8%. And last year the outlay by the more profitable industries was 14.2%, compared with 10.1% for the lower profit industries.

One can ask: Are the better companies more profitable because of more capital investments, or do they make more investments because they are more profitable? Is it a chicken-egg question, but the correlation is too great to be accident. It suggests that profits and investment go together and each makes growth of the other possible.

RELATION TO DEPRECIATION

The ratio of capital investment to depreciation for these companies may prove surprising to many. The U.S. Treasury Department devised the reserve ratio test some years ago to force companies to invest in new equipment at the rate at which they depreciated the old. However, the test proved so cumbersome and so hard to meet that application of the test has been repeatedly postponed and will be cancelled under the revised procedures recently developed by Treasury. Abandonment of the reserve ratio test has been denounced as a "giveaway" to business. Much of this criticism has suggested that business is not investing at a rate comparabe to that at which old equipment is being depreciated.

These ratios provided evidence to the contrary. Even last year there were only 20 of the 129 companies that spent less than the amount of depreciation they took. When you look at the five-year average, there is only one company (Ampco Pittsburgh) that has spent at a lower rate than it has been depreciating.

And for the past five years there have been 53 companies whose capital outlays have been more than twice the depreciation rate!

Such levels of capital spending in relation to the amount of depreciation taken refute the charge that proposals to accelerate depreciation are a "raid on the Treasury," but they do not give as realistic a picture of investment practices of companies as does the basic ratio of capital spending to gross plant.

In the table on this page, for example, you see that the makers of railroad equipment are spending the most in relation to depreciation (nearly three times as much) yet are not really making a large increase in value of gross plant. In contrast, the office-machinery producers are spending less than average in relation to depreciation but have the most rapidly growing plants of any.

These and other seeming inconsistencies in the comparison on this page reflect both the cumulative effect of capital investment on depreciation and the options currently available to business as to the type of depreciation booked.

The amount of depreciation a company can charge is a reflection of the amount of money previously invested, the timing of that investment, and the method of depreciation used. Such accelerated methods as declining balance and sum-of-the-digits permit more of the capital investment to be recovered in the early years of use, compared with conventional (or straight-line) depreciation, which spreads the recovery evenly over the estimated life of the asset.

A company that has been spending relatively little and then begins to spend at a higher ratio to gross plant will find that several years are required to bring annual depreciation charges in line with the new levels of capital outlay. Of course, if the company uses accelerated depreciation rates, it will happen more quickly than if straight-line rates are used. It would appear from this evidence that the average office-machinery firm is making much more effective use of the capital recovery provisions of the present tax regulations than is the average railroad-equipment manufacturer.

There are, of course, industries such as automotive, farm machinery, and hardware where the ratio of capital investment to depreciation is low because the ratio of investment to gross plant is low. In the same way there are industries like photographic and electronics where both ratios are high.

It is probably also safe to generalize that industries with a high ratio to depreciation are following more "conservative" policies—and paying higher taxes as a result.

THE IMPACT OF CASH FLOW

Cash flow in a company is essentially the net profit after taxes, plus depreciation. Retained cash flow is this same figure minus the money paid out in dividends. Any money spent on capital investment in addition to the retained cash flow is money that will have to be borrowed on either a short-term or a long-term basis.

The table on this page shows that 12 of the 20 industry groups averaged a level of investment that was higher than the level of internal funds available during the past five years. Some, but not all, of the industries where relatively high rates of investment are maintained have gone into debt to do it in recent years. However, many of the industries with the highest borrowing needs seem to have been companies that were earlier maintaining relatively low rates of investment.

COMMENTS ON INDIVIDUAL COMPANIES

Here are some points worth noting about companies in several industry groups:

Aerospace.—The industry as a whole has been winding down very tightly in view of the discouraging outlook for aerospace. All but Martin-Marietta held outlays last year below retained cash flow. Boeing has done the fastest turnaround from an average of more than 24% on gross plant for the past five years to only 2% last year.

Automotive.—The most striking feature in this group is the consistently low investment levels (for its size) at General Motors. The level of the industry as a whole is low, and it has been declining in recent years. Even so, the GM investment runs more than $1 billion a year and in a year of poor profit like 1970 required an outlay equal to 2.5 times the net cash flow. Note that Ford, which normally spends a higher proportion, cut more sharply last year than GM, while Chrysler with a net loss cut the sharpest of any firm in the industry.

Construction, mining, material handling.—All of the companies in this group show essentially the same pattern: They increased spending in the last half of the '60s over the first half but then cut back sharply last year. A notable exception is Schulumberger, which increased capital outlays substantially last year—but net profit was the highest of any firm reported in the group, even though off substantially from the year before.

Electrical.—Emerson Electric runs against the pattern here. The company made a higher investment last year than the average for either the last five or the last ten years. Because of high profitability the company has done this out of retained cash flow.

Electronic.—Four of the companies in this sample (Admiral, AMP, Fairchild, and Hewlett-Packard) managed investments in excess of 20% of their gross plant last year, though all but AMP had trimmed below the average for recent years.

Farm machinery.—The pattern here is similar to that in the automotive industry, perhaps because nobody is making much money. Wickes is an exception, but that investment is largely going into retail and service operations, not into manufacturing.

General industrial machinery.—Gardner-Denver and Hobart each increased their investment levels last year, compared with the previous five years. Most of the firms have been handling investment from cash flow.

Metalworking machinery.—Net operating losses last year caused investment at both Brown & Sharpe and Giddings & Lewis to exceed four times net cash flow, though each firm cut the level to about half that of the previous five-year average.

Photographic.—Polaroid has averaged an investment equal to 27% of its gross plant in each of the past ten years and was up to nearly 34% last year.

Office machinery.—Several companies in this group have been expanding with unusual rapidity. Xerox has the highest investment, 48%, for the ten-year average, of any company in the study. Xerox was relatively quite last year, investigating only 27% more in gross plant. Burroughs, with a ten-year average of 26%, was up to 36% last year. And IBM edged to 27% last year—and that is 27% of a $9.5 billion existing gross plant.

Special industry machinery.—Black & Decker has been increasing its rate of investment, generally without exceeding net cash flow, and reached nearly 22% last year. It has the highest net return in the industry sample shown here.

Conglomerates.—The mixed nature of these companies makes comparisons difficult, but notice how much more heavily and consistently Litton and ITT invest than do the others.

FOURTEEN COMMON PANACEAS

Almost everybody has the key to full employment. The trouble is that almost everybody has a different key. Some of the proposed solutions, like the recent $2-billion appropriation to expand public works, are methods of making work for the unemployed rather than methods of creating conditions for full employment.

Most people also think of full employment as being something less than 100% employment. Recent experience has confirmed that when unemployment comes down near 4% virtually everyone who wants a job can find one. When it is at 5% or 6%, many people are unable to find work.

On the following pages we consider the fourteen basic proposals most frequently advanced in a serious way as keys to full employment.

PROMOTE EXPORT EFFORTS

The United States has never relied heavily on exports. For more than 20 years we have exported only about 4% of our gross national product while many other nations have exports that total 15% or more of their GNP. At the same time, our imports have continued to rise; and although we still have a favorable trade balance, it is continuing to slip. The Labor Department estimated that as many jobs in the U.S. are now dependent on imports as on exports.

Several ways to promote exports are getting prime attention in Washington, although none seems to hold the prospect of a major breakthrough. Some officials, notably in the Commerce Department, feel that America has little growth potential in exports because the nation lacks an overall, unified export policy.

Beyond the establishment of a national export policy, the U.S. can consider several other means to increase the number of goods it sells abroad. The Administration has already been urged to mount a major export drive, to underwrite drives by manufacturers, and to make the financing of exports more accessible.

Pros and Cons.—The benefits from exports are many. By selling more American goods abroad, we can improve our balance of payments and create more jobs at home. An ironic drawback is that some U.S. firms may decide to move abroad when they discover techniques of marketing overseas. Another disadvantage might be the timing. Some manufacturers question the value of export promotion at this time, claiming that it isn't lack of drive but the high price of American manufacturing that is holding back exports.

Evaluation.—It is vital to promote an "export climate" in the United States, and perhaps the recent creation of the Council on International Economic Policy is a step in that direction. It will take much more, however, before manufacturers in America's heartland realize that the nation must export to survive. We need to educate both labor and management in this area.

We also need trained and experienced men from the Commerce Department, not the State Department, in commercial posts at embassies.

REVISE EXPORT POLICY

Just as restrictions on imports affect the nation's industrial health, limitations on exports have at least as great an impact. But unlike the former, restraints on exports have their foundation in military considerations. Virtually all policy-makers agree that there is no reason to restrict exports except to prevent other nations from obtaining militarily valuable products.

The cold war made the United States very sensitive on this issue, but prolongation of the stalemate has paradoxically caused some officials to believe that we might as well be exporting more products to Communist nations. A breakdown of Russia's hegemony over those nations has intensified the belief.

Until very recently it was next to impossible to sell production items that might go toward a military use in the Soviet Union. Machine tools were a prime example. Now policy has changed, and the Administration has even okayed a substantial list of products that can be sold to Communist China.

Another type of export restriction prohibits the selling of technology to other countries. Except where military considerations are involved, the U.S. has never had such restraints. Suggestions in their favor, however, are now occasionally heard, particularly from organized labor; it contends that the exporting of technology in the form of licensing agreements has been a giveaway to foreign competitors.

The IUE, for example, has a list of 177 RCA licensing agreements with Japanese electronics producers, 61 agreements made by Western Electric, 79 by General Electric, 27 by Bendix, and about 169 other agreements by firms that read like a Who's Who of U.S. manufacturers.

Pros and Cons.—By restricting the export of products with a military potential, the United States might be able to ease is military expenditures at home. By limiting license agreements abroad, the nation might not have to worry about an influx of products made more cheaply overseas with American technology.

On the other hand, it has proved almost impossible to prevent manufacturers from selling to Communist countries, and enforcement will be an even bigger problem as multi-national companies grow in number. While imported products made with American technology are an inevitable consequence of licensing agreements, such agreements allow U.S. companies to make bigger profits from R&D investments. A limitation on overseas licensing might, therefore, reduce the incentive to innovate.

Evaluation.—Communist nations are going to import just about whatever they want, if not from the United States then from other nations. The key to deciding what products to embargo should be their availability from other countries. If the United States is the sole producer of a particular high-technology item with military value, then we may be justified in not selling it behind the Iron Curtain. But otherwise, we might as well make a profit from our enemies as well as our friends. "If we'd sold Russia a fleet of F-111s, the U.S. could have assured itself of air superiority," a Defense Department official said off the record—and only half-jokingly.

Restrictions on licensing agreements would be harmful to the United States and to its manufacturers, who should be allowed to recoup their investment in research and development. It is naive to believe that foreigners can't make the same developments, and in the meantime other countries may retaliate with licensing restrictions of their own. Cheap imports made with American technology admittedly are a problem, but the solution lies in reducing our own manufacturing costs, not in restricting the sale of technology.

REVISE ANTITRUST LAWS

Business activity has come under increasingly tight control in the United States as the list of anti-trust laws lengthens. Manufacturers are prevented from engaging in a wide range of activities, and many consumer advocates, including Ralph Nader, would like to see the laws enforced more rigidly. One current controversy centers on whether a patent-holder violates anti-trust legislation when he negotiates contracts that call for broad restrictions on use of his patent. Another controversy concerns the applicability of antitrust legislation to American companies doing businss overseas.

Legislation now in force puts the same restrictions on overseas business practices as it does on domestic operations. Pressure is mounting, however, for a relaxation of the outside the U.S. in order to let American firms compete more favorably with foreign manufacturers.

Pros and Cons.—If American companies were allowed to stake out market areas, form monopolies, and join together in making bids overseas, they could unquestionably do more business. There are definite dangers, however. Relaxing anti-trust laws outside the U.S. may encourage manufacturers to expand abroad at the expense of domestic operations. It might also encourage foreign producers to carve up the U.S. market more effectively. Finally, empire-building by large multi-national companies could lead to cartels that would be difficult to control.

Evaluation.—Some anti-trust restrictions should be eliminated for overseas operations, but we should go easy and by all means work closely with other nations. It might not pay to put much effort in this area, however, since the mood of the country has generally been hostile toward big business, making it next to impossible to change the law.

CONTROL WAGES AND PRICES

The United States used a system of rationing, wage controls, and price controls during World War II. Wage and price controls were imposed again during the Korean War. A set of guidelines based on productivity have also been offered for voluntary use, supported by a certain amount of "jawboning" and arm-twisting from the White House.

Wage and price controls have generally been applied during periods in which the demand exceeded the supply. In recent years there have been increasing demands from business for wage control and from labor for price control.

Pros and Cons.—Proponents of price control argue that it will end the greed of big business and stop inflation. Those for wage control argue that organized union labor is a new factor in the economic picture with great power and an immunity to the forces of the free market.

Opponents say that wage and price controls have never worked, either in this country or abroad. They say it is politically impossible to have one without the other. Price controls create cumbersome and lasting bureaucracies. They also create black markets. Wage controls are easily evaded because of the power of unions among factory workers and by changing titles and job descriptions for others.

Evaluation.—It is our belief that controls do not work and cannot work. Dale's approach is the only one that might stop inflation, but we find it difficult to conceive the Congress of the United States enacting it. Even if it did, when the two years were up, inflation would start again.

We have never eliminated the bureaucratic thickets that grew with the several previous efforts at control we have had in this century. New controls would only create new thickets atop the existing ones. To attempt to apply controls today would be a classic case of trying to cure a symptom instead of a disease.

LIBERALIZE CAPITAL RECOVERY

Capital recovery and depreciation are the same thing to some people, quite different to others. Depreciation is a concept of writing off the capital base as a piece of equipment wears out. In effect, it converts capital cost to expense as that capital value is used up. Capital recovery suggests the reclaiming of the money tied up in equipment and for other capital needs. In effect, it converts capital cost to expense at some rate not tied to the physical life of the equipment.

No government regulations on the rate at which capital assets were written off were needed until the income tax was started in 1913. The law said the rates had to be "reasonable" and business firms in general followed whatever procedures they had followed previously, though the Treasury's Bulletin F, first published in 1920, began to deal with the subject, suggesting acceptable lives and indicating a preference for straight-line methods of depreciation.

In 1933 the House of Representatives considered a bill to reduce depreciation allowances by 25% for three years to increase tax revenue. The bill was not passed because Treasury promised to do the same thing by regulation—and did by new regulations in 1934. In 1942 the third and final version of Bulletin F was issued. It increased the useful lives (thus reducing depreciation allowances again) for 1038 types of assets, reduced them for 54 types, and left the 1934 lives unchanged for the remaining 1608.

After nearly two decades of demands for "accelerated depreciation," the Treasury in 1954 authorized the use of a choice of depreciation methods: straight-line, double-declining-balance, sum-of-the-years digits, or any other method that would not result in a larger write-off during the first two-thirds of the asset's life than the double-declining-balance method.

In straight-line depreciation, the cost of the asset is divided by the number of years assigned as its "life" and this amount is deducted as an expense each year. Thus, a $50,000 piece of equipment with a ten-year life is depreciated at $5000 a year.

In the double-declining-balance method, you take double the amount of depreciation but apply it to the undepreciated balance. Thus, a $50,000 asset with ten-year life would be depreciated at $10,000 (20% of $50,000) the first year, $8000 (20% of $40,000) the second year, $6400 (20% of $32,000) the third year, and so on. By this method, the asset is never fully written off. The taxpayer has the choice of considering the unwritten remainder as salvage value or of switching to the straight-line method at the end of the fourth year.

In the sum-of-the-years digits method, depreciation is taken by adding up the digits in the life of the asset (1 2 3 4, etc.) and using this as the denominator of the fraction of which the numerator is the inverse of the year of use. Thus, for a $50,000 asset with a ten-year life, the sum is 55, and the fraction the first year would be 10/55, or $9090. The second year, it would be 9/55, or $8180, and so on.

The relative merit of the three methods varies with the life of the assets, but, as a practical matter, it is generaly necessary for one company to use the same method for all its assets, or for all of one class of assets.

In 1967, 13 years after the accelerated methods had been legalized, a survey reported by Norman Ture indicated that only 45% of corporate assets were being depreciated by the faster methods.

The 1954 changes in procedure had not changed the prescribed lives of equipment, and the demand for this continued. In 1962 the Treasury abolished *Bulletin F* and replaced it with *Revenue Procedures 62–21*. This established new group of assets, shortened lives by 20 to 25%, and gave taxpayers the option of using even shorter lives if they were justified by the firm's replacement practices.

The 1962 changes also established the reserve ratio test. Starting in 1965, this test was to measure the correctness of the useful lives established by a firm. Ratios were calculated for each guideline class by dividing total depreciation allowances claimed to date on the class by the original cost of such assets. The resulting ratios were to be compared with tables provided in Revenue Procedure 62–21 to separate the good guys from the bad guys. Application of this test has repeatedly been postponed.

In 1970 a Task Force on Business Taxation appointed by President Nixon proposed abandoning the concept of depreciation based on useful life and replacing it with a concept of capital recovery based on economic considerations, the elimination of the reserve ratio test, the grouping of assets into new and simpler classes with a 40% shortening of lives, and several procedural changes.

In 1971 the Treasury announced new regulations that encompass a 20% shortening of lives and most of the other proposals of the Task Force. This group of proposals, generally called the ADR (for Asset Depreciation Range) system, will presumably be finally adopted sometime this year, retroactive to last January 1.

Pros and Cons.—Businessmen generally favor faster depreciation methods and shorter lives in theory but often don't use them in practice because they reduce profits now. Engineers tend to view the whole subject with suspicion but are usually shocked to discover that faster depreciation reduces the return on investment and makes it harder to justify the purchase of new equipment. Labor leaders tend to view any capital recovery as a tax loophole designed to permit exorbitant profits.

More and more companies have been dealing with these problems in recent years by accounting for depreciation by accelerated methods for tax purposes and by slower methods for profit reporting to the stockholders. When this is done, the difference shows up on the balance sheet as a reserve for future taxes.

Recently, proponents of liberalized depreciation have been pushing the capital recovery concept in which, because of the ravages of inflation on the value of the assets of companies, prudence dictates a shorter capital write-off period that can be justified under the useful-life concept. Some of these argue that the two-sets-of-books approach is acceptable; others, that management should tell it straight and educate the public to accept the lower profits and higher cash flow that go with speedy capital recovery.

The Tax Foundation said recently that "a half century of thought and debate have not produced agreement on issues involved in depreciation policy for tax purposes. The matters involved are complex, extending beyond the amount of the tax and the timing of payment, to the effectiveness with which the economy will function. Depreciation tax policy exerts a strong influence on investment incentives, the supply of modern productive facilities, and thus on the rate of progress of the economy as a whole."

Evaluation.—Both political parties and many points of view were included in the President's Task Force on Business Taxation, and their proposals represent the soundest compromise between what is desirable and what is feasible that AM has seen. Opinions in Congress are so sharply divided that the Administration chose the quicker, surer, but partial route of ADR. Rightly so. Once ADR is established, an effort to legislate the larger changes of the Task Force proposals is anticipated, but the outcome of that effort is unpredictable.

REINSTATE TAX INCENTIVES

A major innovation in tax policy in the United States was the investment tax credit of 1962. This was intended to work with the new depreciation guidelines as an extra incentive for investment.

Essentially, the credit provided for a reduction in tax liability equal to 7% of the investment in new machinery and equipment. Originally, the asset's cost had to be reduced, for depreciation purposes, by the amount of the tax credit. In 1964 this requirement was eliminated.

The investment credit was not enthusiastically supported by either business or most observers on the economic scene when first proposed.

The investment credit did prove to be the strong incentive that had been promised by its advocates. This was clearly demonstrated when the credit, suspended in 1966, was reinstated earlier than originally planned in 1967.

The investment credit was permanently repealed in 1969 at the request of President Nixon. In 1971 several bills to restore the investment credit have been introduced, but none has reached the stage of committee hearings.

Pros and Cons.—Gaps were popular in

1962, and Treasury Secretary Dillon said the investment credit was needed to close the "depreciation gap" between the United States and other industrial nations. Experience with it has led advocates to say it is easy to use, equitable in its application to all types of capital equipment, and extremely effective as an incentive.

Opponents object that it is a subsidy to business, that, if there is to be tax relief, it should be provided to individuals and not to business. The credit is also blamed for overheating the economy and causing inflation. Proponents counter that it only overheats the economy when its withdrawal is anticipated.

Tax credits have also been proposed for a variety of specific objectives: manpower training, low-income housing, location of business in ghetto or poverty areas, antipollution equipment, and so on. It was generally believed that the 1969 repeal was to clear the way for such special credits in ghetto areas. If so, the plans have evidently been changed.

Evaluation.—We believe that, without question, the investment tax credit is the most effective stimulus to capital investment that has been devised. It is fair and effective and, so long as we rely on the corporate income tax instead of the value-added tax, we believe it is needed. We do not favor investment credits for special purposes because they do tend to work unfairly and to further unbalance the tax system. Such purposes should be served by direct subsidies, as is now done with low-income housing, rather than tax credits.

However, there have been four bruising battles in Congress over the investment credit: 1962, 1966, 1967, 1969. We are not optimistic that there will be a fifth battle or that the proponents of the credit could win if there were.

ADOPT A VALUE-ADDED TAX

The value-added tax is a tax paid on the value added at each step in any economic process. In effect, the tax is shown as a separate item on every invoice as a percentage of the total value of the invoice. A business pays the total tax shown on sales invoices minus the total tax shown on purchase invoices.

Historically, the tax was used in France at the wholesale level but in its present form was first adopted in Denmark in 1967. All countries belonging to the European Common Market are now required to use the tax. The tax is generally passed on to customers and is often confused with a sales tax, but it is essentially different in being divided up in its application among all the different people who contribute to the product or service.

The value-added tax is applied at the border to imports, in addition to the tariff, and is rebated at the border on exports.

Pros and Cons.—The tax is simple and easy to collect. It provides a simple way to equalize tax treatment between countries with different tax rates. Thus, a Frenchman pays a 20% VAT on a car whether it was made in France, Germany, or the United States. A German pays a 10% VAT on the same car.

Because the General Agreement on Tariffs and Trade permits the rebate of value-added taxes on exports and their imposition on imports but does not permit the same treatment for corporate income taxes, those countries that rely on the income tax are at a disadvantage in trading with those that rely on VAT.

Proponents of the tax generally want it as a partial substitute for the income tax, perhaps being paid as a deduction from the income tax. Opponents are certain that the value-added tax would be a new and increased tax, not a substitute.

Other objections are that the tax falls more heavily on the poor and that it is not in line with traditional forms of tax in this country, where we have relied primarily on the graduated federal income tax.

Evaluation: A few years ago the value-added tax had few friends. It was used in France primarily because it is such a difficult tax to evade. It has begun to acquire support with amazing rapidity, largely because it seemed the only way to provide free trade between Common Market countries while retaining unequal tax rates.

Two of the 15 members of President Nixon's Task Force on Business Taxation favor it. Only two. They are Dan Throop Smith and Norman Ture, and they are an articulate minority. Smith favors the value-added tax as an added source of revenue to meet new tax requirements. Ture favors substituting it for the corporate income tax and the payroll tax both because of the advantage of foreign trade and because of problems inherent in the corporate income tax. The income tax puts a special burden on the capital base that is to the disadvantage of society in a private-enterprise system. It provides a tax shelter for waste and inefficiency. Under a value-added system, a dollar saved in expense would be a dollar of profit, whereas it is not a 50¢ profit.

BOOST RESEARCH AND DEVELOPMENT

One of the traditional strengths of American industry has been its ability to develop new, marketable products. Though much of this development is evolutionary, it has often depended for practical value on basic research and applied engineering. Long-term lubrication periods for automobiles came about through the development of suitable plastic sealing materials; electric toothbrushes hinged on lightweight electric motors; and even computer-controlled machines have come along with electronic miniaturization that was enormously stimulated by aerospace work, which has dropped off in recent years.

R & D in the U.S. includes aerospace work under government sponsorship, commercial efforts at such places as IITRI and Battelle Institute, studies in many U.S. universities working on their own and under commercial contracts, and private in-corporation research aimed at specific products. In total, this mass of R & D is, and has been for years, unmatched in the world.

Pros and Cons.—New products do create new jobs. Providing there is reason for commercial stimulus, it can be shown that an innovative commercial organization can stay with or ahead of the field. It can also be seen that a manufacturer who stubbornly or lazily clings to last decade's design is not long for this world. But research costs money, and a return on this kind of investment, while theoretically sound, may take more (or less) time than estimated. If a manufacturer is in difficult financial straits, research is an easily cut department, even if only "temporarily." In a difficult time on the national scene, government economizing or stretch-out (or cancellations) can seriously disrupt R & D, and has done so recently.

Evaluation.—Research and development is an essential spur to technological alertness and supremacy. It is also a source of commercial starting points for businesses that may not even have been thought of yet. Even though our commercial electronics industry is in current trouble, the nation was able to ride a wave of new ideas for some years, and there may be something comparable just about to break.

But R & D is not something that can be turned on and off at will and still be expected to produce new trade possibilities. It must be largely a continuing effort. For this reason, AM suggests that one of the most thoughtful and long-ranging investments the government can make in the future of the country is continued efforts at the R & D level. Even if cut, R & D must be considered vital.

There is also a special situation in existence at the moment. Many scientific authorities have suggested that new ideas have, for some years, been coming out of advanced research at a rate far beyond our capacity to develop and commercialize them. If this is so, more emphasis should be placed on development engineering to spur the ripening of potentially valuable commercial possibilities. The temptation to put a little less emphasis on pure research should be resisted. It always looks easy to postpone this if we have to let up on something. But the long range effects are so serious that we had better resist the temptation.

EXTEND AUTOMATION

Manufacturing technology itself offers potential solutions, and one of the more potent of these is automation. This boils down, quite literally, into a proposition of giving each individual worker more and better tools with which he can lift his real productivity.

The U.S. has long been the acknowledged leader in the field of industrial automation, a result of its having been one of the earliest mass markets. It is still the leader. But at least two factors are working to reduce the effectiveness of the technological gap if not its actual breadth.

These are:

1. Manufacturers in other nations of the industrial world are increasingly adopting automated methods. They are borrowing upon, or actually licensing American-born techniques. And they are developing their own; the U.S. has no patent on ingenuity.

In combination with basically lower wage rates, even a degree of automation lower than that which is typical in many U.S. industries provides competitive leverage. This demands redoubled efforts from U.S. manufacturers.

2. The basic nature of automation itself is changing, a fact that is not as widely recognized as it should be. The revolution in automation, and it is one, is the swing away from mass marketing and mass production. Today's consumers, whether industrial, governmental, or just the man in the street, are increasingly expecting industry to provide them with specially tailored products.

This, of course, has a profound effect on the demands placed on industry's manufacturing arm. The primary new requirement is for flexibility—which is precisely what "traditional" automation finds most difficult.

Pros and Cons.—There is no question that lifting the real productivity of the American labor force by means of automated equipment can strongly enhance the competitive attractiveness of U.S. manufactured products—both here and abroad.

But this must be achieved without excessive additions to capital cost. Automated equipment is not cheap. And as long as any single task can be performed cheaper by manual labor, the automation of that specific task is economically unjustifiable.

Organized labor often puts forth the case that automation replaces people. This is undeniable. This is the essential characteristic of automation that makes it attractive to industry.

Evaluation.—Although the latter negative cannot be denied, it must be recognized as both a short-term and microcosmic truth. More important from the national perspective is that the long-term effect is to increase the sum-total of employment.

Displacement of a man by a machine is a personal tragedy, but failure to automate provides only temporary extension of employment. Businesses which fail to keep pace with the most economic techniques of production simply go out of business sooner or later.

On the other hand, those companies which do modernize their facilities have a better chance to prosper and grow, thus providing increased employment. Overall employment is further enhanced by the creation of jobs in those industries producing and servicing the automated equipment and associated controls.

The question of high cost is also undeniable. But all too often the cost of not automating is still higher. Sharp pencils are mandatory in any such major investment, especially since the adoption of automated techniques has effects throughout a corporate organization—whether or not these effects are recognized by management. Total reorganization of manufacturing operations may be desirable for fullest achievement of automation's potential.

Also vital is the recognition by management that automation in the '70's calls for far greater flexibility than in the past. Equipment of this type inherently provides the ability to adjust not only to individualized production but also to future product and production changes. Manufacturing management must heed the military injunction that generals should not prepare to fight the previous war.

ADJUST THE EXCHANGE RATES

Our inability to increase exports significantly indicates to some economists that the dollar has become an overvalued currency because of inflation and a variety of other reasons. Our products, they say, cannot compete effectively on the international market because they cost more than they should in terms of marks, yen, francs, guilders, pounds, and other foreign currencies.

Therefore, some say we should simply recognize the fact and devalue the dollar in relation to other currencies.

Pros and Cons.—A devaluation of 5% or 10% would immediately cut the price of our exports and increase the price of our imports by a corresponding percentage. This would cause a tremendous improvement in our balance of trade.

However, there's no reason why we should expect other countries to accept such a change without fighting back to preserve their markets. Many, in fact, might simply devalue their own currencies by an equal percentage so that there would be no net change.

Furthermore, the international monetary agreements, with their fixed rates of exchange, have been a major factor in the booming international trade of the past quarter century. Because of these fixed rates, companies engaged in international trade have been able to make contracts with some degree of confidence that the values agreed upon at the time a contract is signed will be the same as the values in effect when the contract is completed. Any change in the established rates threatens international trade because it upsets the delicate balance on which this trade depends.

It's true that there have been devaluations, and there have been upward revaluations of different currencies. However, both types of adjustment have occurred only in cases of dire necessity.

Evaluation: The main handicap of this proposal is that, because of technical reasons, it is not actually possible. The dollar is pegged only to the price of gold; other currencies are pegged to the dollar. Thus, under the present setup, the United States cannot change the price of its currency with respect to other currencies.

However, other countries can adjust the price of their currencies with respect to the dollar. This has happened recently when Switzerland, for example, boosted the price of its franc by 7% and West Germany allowed the mark to "float" until it finds an accepted price. These moves were made reluctantly and only because of a monetary crisis that could not be corrected any other way.

If the dollar is overvalued as some people claim, there may be other moves such as these. However, we don't believe the United States is in such dire circumstances that it should urge other countries to take this action. Inflation is a worldwide phenomenon, after all, and the rate of inflation in many countries is now higher than it is in the United States.

RAISE TARIFFS

Higher tariffs are the classic measure to halt the influx of imported products. By raising duties on imports or by increasing the list of goods subject to existing duties, a country can put up an effective barrier against foreign producers. A more protectionist tariff policy in the United States might mean that consumers could no longer buy cheap Italian shoes, but it could also stem the tide of such imports as machine tools and electronic equipment.

The U.S. has been oriented toward free trade since the 1930s, but protectionist pressures have recently been mounting, initially from industries hurt by imports, and then by some unions. The latter move is surprising since unions have been among the most vocal champions of free trade.

Pros and Cons.—The advantages of tariffs are obvious. They protect home industries and increase federal revenue. According to most economists, however, the disadvantage is that the protectionist measures only *appear* to work. A case can be made for shielding infant industries from large and experienced foreign competitors, but U.S. policy-makers generally believe that high tariffs merely protect domestic industries that aren't efficient enough to meet foreign competition, and, at the same time, raise prices on imported products.

Evaluation.—American Machinist agrees with those economists who hold that the optimum trade situation occurs when each nation produces the goods it can make most efficiently and sells these to other nations, buying in return the products which others make more efficiently. Industries tend to become more efficient when they're exposed to competition. Beyond this concept, we also note the historical failure of protectionist measures to achieve economically desirable goals.

One of the strongest arguments against tariffs is the fact that free trade breeds peace. Henry Ford II recently put it this way: "International trade does not make war impossible but *does* make it less likely. It was no accident that World War II came at the end of a decade in which international trading relations had been disrupted by depression, the collapse of international monetary arrangements, and prohibitive tariff increases. The interweaving of Western Europe's economies since World War II has now made it unthinkable, for the first time in history, that any country in the West could make war on any other."

UPGRADE MANUFACTURING CONTROL

One factor sometimes limiting the ability of workers to work effectively is the ability of managers to manage effectively. This is not necessarily a result of managerial incompetence. Rather, it is increasingly the result of a corporation falling behind in the techniques of management control while its competitors, wherever they may be located, forge ahead in adopting and adapting effective new manufacturing control concepts.

Seat-of-the-pants management is no longer a sharp enough instrument to achieve optimum economy in manufacturing operations, especially the larger and more complex ones. Paring non-productive costs (inventories of raw material, parts in process, and finished goods, for example) without hampering manufacturing operations or delivery of products demands a delicate balance of knowing what to do and when to do it. Which, in turn, demands timely information as the basis of decisions.

A new phase of the industrial revolution is now taking place in which management is the recipient of the improved tooling. This, of course, is the use of computers not merely to count money but, more importantly, to help make money.

Call it "data feedback;" call it "a systems concept." Whatever you call it, it is an area in which this nation leads the world.

Pros and Cons.—Simply stated, an effective manufacturing control system provides needed information when it's needed for decision-making on a rational basis. This is true with or without computers. The computer provides a new potential for speedy reporting and for correlating more factors than a human mind can accommodate at a single time.

Objections are many. The expense is high, for both data-processing hardware and the necessary software. Implementing such a system is a lengthy process. The system often fails to function as promised. Management can be literally deluged with printouts. Fiascos can result—and there have been some lulus!

Evaluating.—Some of the successes of computerized management information systems, both in manufacturing activities and in overall corporate operations, have been so striking that the concept must not be overlooked. Benefits, in terms of productivity per manufacturing dollar, can be immense.

One of the principal difficulties that must be overcome in design, implementation, and application of these new techniques is their very newness. Both the length and the breadth of experience in the field are still quite limited. There is still some tendency to have such systems designed by computer experts. And, while these people are certainly necessary and valuable, it must be remembered that they are not necessarily experts in the particular field and the specific company for which the system is being designed. Much time and much money can go down the drain if the design team does not include experts in both computer systems and the specific manufacturing situations involved.

Radical reorganization of the manufacturing—even the corporate—structure is often necessary for effective use of computerized management information and control schemes. Of itself, this is neither good nor bad. It demands thoughtful analysis for each specific case. And where such change is really found desirable, care should be taken in any compromises. Half a loaf may be worse than none.

On balance, the computerization of manufacturing management offers considerable promise as a means toward more efficient production, and it is an area in which the U.S. currently holds a world lead. This combination, thus, provides a unique potential for improving the competitive position of American manufacturers. This means jobs.

CHANGE NON-TARIFF BARRIERS

Subtle means of restricting imports are often used by countries that don't want to raise duties. Quotas, which limit the number of products that can be imported, are the most familiar type of non-tariff barrier. Others include border taxes and laws which, in dozens of different ways, make it difficult for foreign producers to sell goods on the domestic market. Foreign boiler-makers, for instance, often charge that boiler standards in the U.S. are, in effect, a non-tariff barrier.

American manufacturers come up against another type of barrier in some countries which prevents them from selling unless they also manufacture there. A non-tariff barrier of increasing popularity, especially in Latin America, maintains that a minimum percentage of important products must be locally manufactured.

The IUE, IBEW, and the IAM have drawn up a seven-point program designed to reduce the flood of imports by both tariff and non-tariff barriers, the latter including a truth-in-labeling law to identify the manufacturer and the origin of imported products. The IUE has also suggested a quota based on the average level of imports from Japan during the 1950s when only 28% of the consumer electronic goods came from Japan.

Pros and Cons.—Because of the wide variety of non-tariff barriers, it is almost impossible to make a clear-cut distinction between advantages and disadvantages. Local-content laws have certainly helped countries like Mexico develop industries which they might not otherwise have, but it's difficult to tell what they gave up in the process. Many economists feel that non-tariff barriers are tolerable when their object is to stimulate domestic industry or when they merely make foreigners pay a premium for tapping the domestic market.

Evaluation.—Most Americans feel that the U.S. has been naive about non-tariff barriers and has negotiated the lowering of tariffs with too little attention to these other barriers. AM feels that more specific information needs to be developed on how such barriers work and how effective they are. Armed with such information, we would be in a better position to negotiate their elimination on an equalizing basis or to justify the barriers we did install. In the absence of such information, a "Christmas Tree" trade bill (one with something for every special interest), such as the 1970 bill created in the House and defeated in the Senate, could become reality. The likelihood is that this would merely lead to reciprocal action by other nations.

CURB UNION POWER

By and large, the labor unions, in their efforts to secure decent working conditions and improve the income of their members, have worked for the benefit of the country and the economy.

Now, however, there are many who say the pendulum has swung too far, that the unions have too much power and that they are using it irresponsibly. They say that, because of exorbitant wage demands and because of restrictive work rules ("featherbedding"), it is the unions that are pushing the prices of American products too high for the world market and that are, at the same time, stimulating the flow of imports made by foreign workers. There must be some way to curb the power causing these evils.

Pros and Cons.—If there is, in fact, a way to curb union power, the result might eventually improve this country's competitive position in the world market and thus improve our trade balance. On the other hand, it might also start a trend back to the sweatshop conditions that gave rise to the unions in the first place.

Evaluation.—We do not believe there is any way to legislate a reduction in union power, nor do we believe it would necessarily be a good thing. We believe that the correct solutions to labor-management problems are more likely to be achieved through free collective bargaining, with the government staying neutral, than through any legalistic formulas or government intervention.

THE REAL SHAPE OF THE KEY

Let us review the basic problem. There is a drift in the United States economy from basic manufacturing to service that has long been evident. In recent years this drift has accelerated. One measure of that acceleration is the rising ratio of imports to exports in manufactured goods. Another measure is the rising volume of foreign capital investments.

A customer faced with a choice between two products for which the price, quality, and availability are equal, with the only difference being that one is domestic and one is foreign, will almost always select the domestic product. That is true anywhere in the world. Therefore, when our imports rise or our exports fall we are being beaten in price, quality, delivery, or some combination of these factors.

In most cases, we are being beaten in price. Price depends mostly on cost, and cost is essentially the cost of materials plus the quotient of wages divided by productivity. As wages go up, cost goes up; a productivity goes up, cost goes down.

Not only has our shrinking trade balance contributed to unemployment, it has been the alarm reporting the extent to which inflation has unbalanced our economy. If we find the way to enlarge our ability to compete in international markets we will at the same time be finding the way to curb inflation at home and we will have found the key to full employment.

If you stuck with us this far, it should be clear, as it was to us at an early stage in our research, that the "key" to full employment is not to be found in a single technique. Not one of the fourteen groups of solutions we have reviewed here possesses the capacity of a cure-all. Yet several of them hold major promise as contributing factors. As we fit them together, we can begin to discern the real shape of the solution.

First, we must reject several of the most popular proposals. Each of these has a strong appeal to some group but each of them treats effects rather than causes or exacts penalties that make them unacceptable.

We must reject the use of higher tariffs or quotas, however tempting, for the simple reason that they do not correct the problem, they hide it. Tariffs and quotas protect inefficiency and incompetence at home and invite retaliation abroad. The pressure of imports is today a strong and effective form of wage and price control at home. Without this pressure we would have to resign ourselves to an inflation that would curl the longest hair.

For the same reasons we reject the use of restrictions on foreign investment. Such restrictions do not help the balance of payments. They do not stop the export of jobs; they only insure that the jobs exported by loss of competitive ability will land in foreign firms as well as on foreign shores. Such restrictions often make it more difficult for domestic firms to establish the base they need to export effectively.

We reject proposals to curb union power. For unions to work as diligently as possible for their members is as natural as for politicians to seek votes and for corporations to seek profits. Illegal activities should be curbed, as they sometimes are not, and it is no longer necessary for government to lean on the union side to balance the forces in negotiations, but we do not believe that the American people want labor returned to its unorganized position, and we believe they are correct in this view.

Non-tariff barriers cannot be dismissed so easily. Each barrier has a different rationale and its promoters will deny that it is intended as a barrier. To foreign firms our boiler code, our insurance requirements for tests by Underwriters Laboratories, and our new Federal requirements on bumper height and shock resistance are each a non-tariff barrier, yet none of them were established for that purpose. We suspect that many barriers abroad were also started for other purposes. To many American firms the metric system is a barrier. Unfamiliar standards and specifications are barriers. For those exporting to Western Europe the value-added tax is a barrier.

The impact of many of these measures has been underestimated in past negotiations of tarff reductions. They need to be studied and then a balance developed by hard-headed negotiation just as labor contracts, tariffs, or other agreements are negotiated. Because the primary blame for our worsening trade situation does not belong to the non-tariff barriers, their reduction, while desirable, will work no mircales.

Archaic restrictions on exports such as those that prevent the shipment of once-strategic products now available from many countries should be reduced but again will not provide major help.

It is clear from the charts at the beginning of this report that if we are to restore vigor to durable goods manufacturing in ways that will stimulate full employment, we must create conditions that will stimulate sensible capital investment. This is the real shape of part of the key.

The most effective way to stimulate capital investment tried so far has been the investment tax credit. This magazine was one of the earliest supporters of the credit when John Kennedy first proposed it. At that time the credit was opposed by many businessmen and many legal and trade groups. It is now supported by many who once opposed it and opposed by many of its early supporters.

Four congressional battles over the credit, each lasting for months, produced indecision and confusion in planning and tangled the financial and tax records of companies in enduring ways. Currently the credit is seriously proposed as a useful temporary device specifically because it provides temporary stimulation both when it is turned on and when it is about to be turned off. Such misuse of the credit can only accentuate the unavoidable cycles in our economy. We like the credit and believe it is the most effective stimulant yet tried, but we no longer believe it can be made a permanent part of our tax structure. We had better look elsewhere for any real solution.

The conventional cry for three decades has been, under various names, for more rapid capital recovery for tax purposes. A thoughtful study of the problem was made last year by a politically mixed group of 15 lawyers, bankers, economists, and businessmen—the President's Task Force on Business Taxation. In essence, the proposal was to abandon the useful-life concept of depreciation and base capital recovery on economic considerations, including inflation. Types of assets would be assembled in groups and permissible lives shortened up to 40%.

In order to achieve prompt action, the Administration in January adopted by administrative order a series of changes, called the Asset Depreciation Range or ADR plan, that would achieve something over half the impact of the Task Force plan. Despite the protests this action has aroused, it seems likely to stand and thus seems a good pragmatic move. However, we believe the full Task Force proposals are a sound change of policy and urge the Congress to enact them into law.

But the underlying villain that has emerged as we have studied the problem is the corporate income tax. All of the problems with capital recovery that have developed in the last 30 years have developed because of the increase in that tax. Capital recovery provisions are significant primarily because of their impact on the amount of corporate income tax due.

During World War II this tax soared to new levels from the pre-war 31%. In the top "excess" bracket it took 95% of each new dollar of profit. This meant that a company in the 95% bracket was buying things with 5¢ dollars. This tax was an incentive to spend lavishly. Among other things it created the expense-account syndrome that persists to this day.

After the war the corporate income tax was reduced to about 50%, a figure around which it has since hovered. It is currently at 49% for manufacturing companies.

With a 50% tax rate, a company is buying with 50¢ dollars. In effect the corporate income tax is a tax on efficiency. It is also a tax on capital that discourages investment and encourages debt.

In the same way our "social security taxes" on workers and on employers, currently taking an amount equal to 10.4% of the first $7800 payroll dollars of each worker, are a tax on labor that discourages the use of labor. Some people argue that the two taxes, the income tax which discourages capital and the payroll tax which discourages labor, are countervailing. The declining comparative efficiency of our manufacturing establishments suggests, rather, that they are dragging each other down.

In contrast, the value-added tax is neutral. To substitute it for the corporate income tax would be a grievous blow to companies that now lose money. But every dollar saved would go directly to reduce loss or to increase profits. The greater leverage for the efficient and effective use of resources is evident.

If the value-added tax were substituted for the payroll tax it would reduce the cost of labor in relation to other factors in production and would substitute a neutral tax. To those who protest that the social-security "contribution" is part of a trust fund are out of touch with what is happening in Washington.

If the value-added tax were substituted for the corporate income and the payroll levies, our border tax problems with Western Europe would be solved. We believe, however, that this is less important than the impact it would have on the basic taxation of our manufacturing industries in ways that would stem their decline and move us toward full employment.

Norman Ture, an economist with the Planning Research Corp., has made a detailed and effective review of the case for this view in the report of the Task Force on Business Taxation. His views did not yet persuade the other members of the commission. They have persuaded us.

We think that is part of the key, but only part. Even if government provides the climate to encourage full employment, it is private business that must grow enough and operate efficiently enough to create the jobs. Unless, of course, we wish to abandon the free-enterprise system for some form of national socialism (and *very* few people who have seen a socialized system in operation do).

Earlier we pointed out that when our imports rise or our exports fall, we are being beaten in some combination of price, quality, and delivery. In contrast, when our imports fall or our exports rise, it is we who have some decisive edge in manufacturing effectiveness. If we look at the detailed table on the imports and exports of various industries in the past decade, we see many substantial rises in exports. Most industries have some winners and some losers even under the present ground rules. A close look at the ratios of the 129 companies in this report suggests substantial differences from industry to industry but equal or greater differences from company to company in each industry.

Improved tax treatment of investment will encourage the kinds of extension of automation that are needed to promote healthy, competitive industries. But obviously some companies are doing pretty well without that improved tax treatment.

And a healthy company also depends as much on effective scheduling, inventory control, motivation of workers, planning of production, control of quality, and other aspects of manufacturing management as it does on a good ratio of investment to gross installed plant. It also depends on an intelligent R & D effort along basic lines, in product development, and in manufacturing methods. These things too are an important of the shape of the key.

We know of no government regulation, tax, or technique that can effectively distinguish good from bad management and eradicate the latter any more than we know a way to teach owners to recognize the difference between the manager who is motivated to make a record this quarter and the one who is motivated for the long run. But we think that improved capital recovery procedures like those proposed by the Task Force will help the good guys (and there must be some of them in almost every company) sell the kinds of investment policies that build success.

And we might add that the impact of the value-added tax would be to so enlarge the difference in performance between the effective and the incompetent that ability of the stockholding public to distinguish between the two would be greatly enhanced.

Finally, some companies that are healthy now and some that would become healthy under this system know nothing of the intricate and different business of international trade. We have seen repeated examples of small firms that have been immensely successful. We have seen others that were not. Small companies need skilled help. Sometimes large ones do too.

Fortunately this little piece of the key is available and in good shape. The Bureau of International Commerce has done an increasingly effective job of export promotion in recent years. Its trade shows, its market studies, its specialized assistance have all improved substantially. It still has trouble with inept diplomats who don't care much for commercial matters and with bumbling from lack of bureaucratic coordination. A brilliant trade show and a simultaneous high-level diplomatic negotiation on trade with Mexico were torpedoed a couple of years ago by a simultaneous Treasury campaign to intercept marijuana that temporarily destroyed the U.S. tourist traffic to Mexico. Later a cooperative and more effective program of drug interception was developed but the original blunder undid a lot of patient BIC groundwork.

In this entire analysis there has been no discussion of fiscal and monetary devices for stimulating and depressing the economy. It is not that we don't think the level of taxes and the volume of money are economic factors. They are. But they are not quite the pin on which the universe turns—despite what most economists, politicians, and reporters seem to think.

The real shape of the key to full employment in this country lies in large part in our ability to restore competitive capability to our manufacturing abilities. The program that will do this, in our view, is:

1. A switch to the value-added tax from the corporate income tax and the payroll tax.
2. Enactment of the capital recovery proposals of the Task Force on Business Taxation.
3. Firm resistance to new tariffs or quotas.
4. Negotiated removal of non-tariff barriers.
5. Extended use of manufacturing automation.
6. Improved control of all aspects of manufacturing.
7. Review and modernization of archaic export curbs.
8. Increased use of the effective export promotion programs of the Bureau of International Commerce.

The most controversial of these, yet of central importance, is the form of tax collection from business. Because the value-added tax would have so much impact on how our economy operates it would take place in steps over a period of several years.

Because it is a concept of business taxation so alien to our experience, a lot of searching study, debate, and evaluation must go into its consideration. Because the threat to the manufacturing segment of our economy is real and immediate, it is important that we not waste time in undertaking that consideration. We hope every businessman, every politician, every labor leader, and every tax collector will begin a serious look at how it would affect our economy.

Let us begin.

GERMANY TO PAY PART OF U.S. TROOP EXPENSES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. RARICK. Mr. Speaker, we now learn that our U.S. diplomats in Germany have been able to negotiate with that government to meet the going price of hiring U.S. troops to continue the occupation of Germany.

We can only hope that the troop contract contains an escalator clause for the cost-of-living rise, or at least some protection to our military men so that the Germans meet the proposed military pay raise.

It must be regarded as laudatory action by the West German Government to prefer to hire American soldiers to serve in Germany, rather than to force the young men of Germany to serve in the armed forces of their own country. The same cannot be said of the American leaders.

I insert a newsclipping at this point in the RECORD:

[From the Washington Post, July 18, 1971]

WEST GERMANY AGREES ON U.S. TROOP PAYMENTS

(By Joseph R. Slevin)

West Germany has yielded to insistent U.S. demands and has agreed to help pay the cost of keeping a 200,000-man American Army within its borders.

The German agreement is a breakthrough acceptance of a U.S. contention that European countries should share the huge overseas American defense burden. The Pentagon will spent $5 billion in foreign countries this year, including $1.2 billion in Germany.

The exact amount of the German contribution still is being negotiated but officials say it will total more than $150 million and could approach $200 million.

The payment will not be large enough to satisfy Senate Majority Leader Mike Mansfield and other congressional critics of the heavy overseas U.S. military outlays. Officials stress, however, that burden-sharing now has been accepted and the hope is that larger payments will be obtained in the future.

West German Chancellor Willy Brandt has given only reluctant approval to the support arrangement for it will be politically unpopular.

Despite a U.S. contention that its troops are in Germany as part of a common Free World defense effort, many Germans look on the Americans as an occupation force and bitterly object to helping to support an occupation army.

Brandt has budgetary troubles, too. Inflationary pressures have forced the chancellor to keep a tight rein on government spending. He has been unable to carry out a number of projects he promised the voters and there will be angry criticism of a decision to give more than $150 million to the United States while German domestic needs go unmet.

But Brandt has been impressed by the isolationist swing in the United States. He was shaken, as other NATO leaders were, when Mansfield proposed in May that the United States bring back half of the 300,000 troops it has in Europe and he has been persuaded that the American people are increasingly loathe to spend their tax dollars to keep a large military force in prosperous Western Europe.

The German burden-sharing arrangement

will be a two-year pact. It will cover fiscal 1972, which began on July 1, and fiscal 1973.

The payments to the U.S. Treasury will be part of a renewed offset agreement under which Germany makes a variety of financial concessions to help the United States cushion the balance of payments impact of its troop commitment. The last offset agreement expired on June 30.

Germany has rejected a U.S. request for an interest-free loan on the ground that it would be illegal but the pact is expected to include a loan of more than $250 million at an interest rate that will be well below the going cost of money. The last offset agreement featured a 10-year, $250 million loan at a relatively cheap 3.5 per cent interest cost.

Additional balance of payments aid will come from German purchases of American planes and other weapons. The Bonn government has offered to spend $435 million a year in this country, but the Administration still is demanding a larger commitment.

The U.S. negotiators are pressing for the best loan terms and biggest defense orders they can get, but it is the burden-sharing agreement that is touching off a few small cheers.

The Germans are not making as generous a contribution as the Administration would like, but they will be paying part of the support costs for the first time and that is an important symbolic gain for the wealthy but overextended United States.

SENATOR MUSKIE'S PERSPECTIVE ON AMERICA

HON. THOMAS F. EAGLETON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Monday, July 19, 1971

Mr. EAGLETON. Mr. President, Senator Muskie, as a Democratic leader, has been speaking across the Nation on some of the major issues facing the United States in this decade. Taken together, these speeches represent a unique and hopeful perspective on the needs of America.

So that more people may be able to have the benefit of our distinguished colleague's views, I ask unanimous consent that these speeches be printed in the Record.

There being no objection, the speeches were ordered to be printed in the Record, as follows:

Election Eve Remarks by Senator Edmund S. Muskie, Cape Elizabeth, Maine, November 2, 1970

My Fellow Americans—I am speaking from Cape Elizabeth, Maine—to discuss with you the election campaign which is coming to a close.

In the heat of our campaigns, we have all become accustomed to a little anger and exaggeration.

Yet—on the whole—our political process has served us well—presenting for your judgment a range of answers to the country's problems . . . and a choice between men who seek the honor of public service.

That is our system.

It has worked for almost two hundred years—longer than any other political system in the world.

And it still works.

But in these elections of 1970, something has gone wrong.

There has been name-calling and deception of almost unprecedented volume.

Honorable men have been slandered.

Faithful servants of the country have had their motives questioned and their patriotism doubted.

This attack is not simply the overzealousness of a few local leaders.

It has been led . . . inspired . . . and guided . . . from the highest offices in the land.

The danger from this assault is not that a few more Democrats might be defeated—the country can survive that.

The true danger is that the American people will have been deprived of that public debate—that opportunity for fair judgment—which is the heartbeat of the democratic process.

And that is something the country cannot afford.

Let me try to bring some clarity to this deliberate confusion.

Let me begin with those issues of law and order . . . of violence and unrest . . . which have pervaded the rhetoric of this campaign.

I believe that any person who violates the law should be apprehended . . . prosecuted . . . and punished, if found guilty.

So does every candidate for office of both parties.

And nearly all Americans agree.

I believe everyone has a right to feel secure . . . on the streets of his city . . . and in the buildings where he works or studies.

So does every candidate for office, of both parties.

And nearly all Americans agree.

Therefore, there is no issue of law and order . . . or of violence.

There is only a problem.

There is no disagreement about what we want.

There are only different approaches to getting it.

And the harsh and uncomfortable fact is that no one—in either party—has the final answer.

For four years, a conservative Republican has been Governor of California.

Yet there is no more law and order in California today than when he took office.

President Nixon—like President Johnson before him—has taken a firm stand.

A Democratic Congress has passed sweeping legislation.

Yet America is no more orderly or lawful—nor its streets more safe—than was the case two years ago . . . or four . . . or six.

We must deal with symptoms—

Strive to prevent crime;

Halt violence;

And punish the wrongdoer.

But we must also look for the deeper causes . . . in the structure of our society.

If one of your loved ones is sick, you do not think it is soft or undisciplined of a doctor . . . to try and discover the agents of illness.

But you would soon discard a doctor . . . who thought it enough to stand by the bed . . . and righteously curse the disease.

Yet there are those who seek to turn our common distress to partisan advantage—not by offering better solutions—but with empty threat . . . and malicious slander.

They imply that Democratic candidates for high office in Texas and California . . . in Illinois and Tennessee . . . in Utah and Maryland . . . and among my New England neighbors from Vermont and Connecticut—men who have courageously pursued their convictions . . . in the service of the republic in war and in peace—that these men actually favor violence . . . and champion the wrongdoer.

That is a lie.

And the American people know it is a lie.

And what are we to think when men in positions of public trust openly declare—

That the party of Franklin Roosevelt and Harry Truman which led us out of depression . . . and to victory over international barbarism;

The party of John Kennedy who was slain in the service of the country he inspired;

The party of Lyndon Johnson who withstood the fury of countless demonstrations in order to pursue a course he believed in;

The party of Robert Kennedy, murdered on the eve of his greatest triumphs—

How dare they tell us that this party is less devoted or less courageous . . . in maintaining American principles and values . . . than are they themseves.

This is nonsense.

And we all know it is nonsense.

And what contempt they must have for the decency and sense of the American people to talk to them that way—and to think they can make them believe.

There is not time tonight to analyze and expose the torrent of falsehood and insinuation which has flooded this unfortunate campaign.

There is a parallel—in the campaigns of the early fifties—when the turbulent difficulties of the post-war world were attributed to the softness and lack of patriotism of a few . . . including some of our most respected leaders . . . such as General George Marshall.

It was the same technique.

These attacks are dangerous in a more important sense—for they keep us from dealing with our problems.

Names and threats will not end the shame of ghettos and racial injustice . . . restore a degraded environment . . . or end a long and bloody war.

Slogans and television commercials will not bring the working man that assurance—of a constantly rising standard of life—which was his only a few years ago . . . and which has been cruelly snatched away.

No administration can be expected to solve the difficulties of America in two years.

But we can fairly ask two things: that a start be made—and that the nation be instilled with a sense of forward movement . . . of high purpose.

This has not been done.

Let us look, for example, at the effort to halt inflation.

We all agree that inflation must be arrested.

This administration has decided it could keep prices down by withdrawing money from the economy.

Now I do not think they will ever control inflation this way.

But even if their policy was sound, the money had to come from someone.

And who did they pick to pay?

It was the working man . . . the consumer . . . the middle class American.

For example, high interest rates are a part of this policy.

Yet they do not damage the banks which collect them.

They hardly touch the very wealthy who can deduct interest payments from their taxes.

Rather they strike at every consumer who must pay exorbitant charges on his new car or house. And they can cripple the small businessman.

Their policy against inflation also requires that unemployment go up.

Again, it is the working man who pays the price.

In other fields the story is the same.

They have cut back on health and education for the many . . . while expanding subsidies and special favors for a few.

They call upon you—the working majority of Americans—to support them while they oppose your interests.

They really believe that if they can make you afraid enough . . . or angry enough . . .

you can be tricked into voting against yourself.

It is all part of the same contempt . . . and tomorrow you can show them the mistake they have made.

Our difficulties as a nation are immense, confused and changing.

But our history shows—and I think most of you suspect—that if we are ever to restore progress it will be under the leadership of the Democratic party.

Not that we are smarter or more expert—but we respect the people.

We believe in the people.

And indeed we must—for we are of the people.

Today the air of my native Maine was touched with winter . . . and hunters filled the woods.

I have spent my life in this State . . . which is both part of our oldest traditions and a place of wild and almost untouched forests.

It is rugged country, cold in the winters, but it is a good place to live.

There are friends . . . and there are also places to be alone—places where a man can walk all day . . . and fish . . . and see nothing but woods and water.

We in Maine share many of the problems of America and, I am sure, others are coming to us.

But we have had no riots or bombings and speakers are not kept from talking.

This is not because I am Senator or because the Governor is a Democrat.

Partly, of course, it is because we are a small State with no huge cities . . . but partly it is because the people here have a sense of place.

They are part of a community with common concerns and problems and hopes for the future.

We cannot make America small.

But we can work to restore a sense of shared purpose, and of great enterprise.

We can bring back the belief—not only in a better and more noble future—but in our own power to make it so.

Our country is wounded and confused—but it is charged with greatness and with the possibility of greatness.

We cannot realize that possibility if we are afraid . . . or if we consume our energies in hostility and accusation.

We must maintain justice—but we must also believe in ourselves and each other—and we must get about the work of the future.

There are only two kinds of politics.

They are not radical and reactionary . . . or conservative and liberal. Or even Democratic and Republican. There are only the politics of fear and the politics of trust.

One says: You are encircled by monstrous dangers. Give us power over your freedom so we may protect you.

The other says: The world is a baffling and hazardous place, but it can be shaped to the will of men.

Ordinarily that division is not between parties, but between men and ideas.

But this year the leaders of the Republican party have intentionally made that line a party line.

They have confronted you with exactly that choice.

Thus—in voting for the Democratic party tomorrow—you cast your vote for trust—not just in leaders or policies—but for trusting your fellow citizens . . . in the ancient traditions of this home for freedom . . . and most of all, for trust in yourself.

"A Pilgrimage Home" Closing Remarks, Maine Senatorial Campaign, 1970

I feel, and I know that Jane does as well, that these weeks of traveling among all of you—and there are so many from all sections of the State here tonight—that this traveling has been in the nature of a pilgrimage, a pilgrimage home. We've had an opportunity to renew our energies, our faith in our people and our hope for the future of our State and of our country.

And to be able to end a campaign in a sense with this audience is very appropriate. This place where we stand and where we sit is close to the place of my origins. I went to school here in this city. In a sense I began my political apprenticeship with many in this room. The political campaign of 1954 which resulted in our first great victory of the modern era began on this stage.

Some memories come flooding in upon all of us who have been privileged to move down that 16 year old road. But this is not a time for memories. It's a time for looking ahead—and looking ahead beyond November 3.

This is my ninth successive statewide campaign beginning with that first one for Governor. And I've been a candidate in six of those campaigns. As I think about them, I'm conscious of the fact that the Democratic Party has always regarded a political campaign as an opportunity to talk about and deal with the people's business. I can't recall ever regarding a campaign as an opportunity to destroy somebody else's reputation.

Or to destroy his character. Or to misrepresent his life's work. Reinhold Niebuhr once said this, "There is just enough bad in human beings to make democracy necessary, and there is just "enough good in them to make it possible." The challenge of leadership and of citizenship in our country is to try to make the good rather than the bad prevail.

What do people look for in candidates in a country like ours? Do they look for complete wisdom? Do they look for all of the answers instantly to all of the problems which press upon them? Do they look for gifts?

I think what they look for is men of character, men of judgment, men of intelligence, men capable from time to time of summoning up the understanding and the wisdom to deal with the complex problems that can afflict a complex country such as ours.

They don't expect and certainly never get perfection. They don't expect and never get men and women who never make mistakes. But in every campaign in which men and women seek public office, they've got a right to the opportunity to measure those who seek their support in accordance with the reasonable standards we would expect others to judge ourselves by.

They have a right to a reasonable opportunity to know the truth about candidates. And they've got a right, I think, to expect candidates to stick pretty close to the truth about each other.

I was born in this State. I grew up in a town not far from here. I was the son of parents who were deeply concerned that I learn the difference between right and wrong. And I was privileged to have a father who knew how to define in words understandable to his children what that difference was.

I grew up in an environment where it was relatively easy to face life at a pace that made it possible to grow up in good health, with a good opportunity to get an education, with chances to enjoy the woods and the lakes and the streams of Oxford County.

I was fortunate enough to have teachers who took an interest in their students as children and who were interested in doing more than simply teaching them reading and writing and arithmetic, who were interested in addition to helping their young charges to become good citizens, healthy adults, with a respect for each other and to understand each other.

The other day I read an advertisement in several Maine papers I never expected to see in a Maine political campaign. It began with a question, "What kind of a man is Edmund S. Muskie?" And then it offered an answer.

I expect to get bruises in political life. I'm not a child. I've been in politics a long time. But I know also that Maine people, including my opponent, have had an opportunity for a quarter of a century to study me, to read or hear the thousands upon thousands of words that I've spoken, to evaluate all of the things I've done in and out of political life.

And I know that they've done so with greater care than with most political figures in this State because of the peculiar circumstances of my political career. They had a chance for a quarter of a century to know what kind of a man I am.

Why did they wait until less than a week before election day to tell the people of Maine that I was the kind of monster they described in that advertisement the other day?

If I am as evil as they painted me to be, they had a responsibility to say so before. I was under the impression that we in America had a capacity to grow up. That ought to apply to politicians as well.

Don't they know how to deal in a direct, honest man-to-man fashion with their opposition?

Don't they know how to go to a man and say to his face if they believe what they said about me in that advertisement last week?

Don't they have the backbone to rely on the facts of a man's life—what he actually says?

Do they have to distort what he says to try to defeat him?

Do they have to distort what he's done in order to defeat him?

What kind of people are these who would use the American political process to abuse the truth to which the American people are entitled in a political campaign? They challenge us to a debate. To debate what? Their falsehoods? To debate what? Their assassination of the characters of honorable Americans?

We live in a divided time in our country. If there was ever a time when we needed from leaders or potential leaders or would-be leaders a capacity to draw out the best of our people, now is such a time.

The Presidency and the Vice Presidency of the United States are more than political jobs. They are the most eminent places of leadership within the gift of this country to bestow.

If any political office has the capacity to call out greatness in a man, history tells us, those do. And we've got the right to expect of a man who occupies the Presidency, on the Saturday and Sunday before an American election day an appeal to the best that we can do for our country in the years ahead, the best of what we are for our country in the years ahead.

This is a time to ask the American people to make our country great, not small. This is a time when we ought to be reaching out to each other not simply to destroy each other. This is a time when political parties and political opponents ought to be testing their ideas against each other, testing their wisdom against each other, testing their capacity to think and to innovate against each other.

This is no time to be competing to see which Party is best suited to Halloween and the witches, the goblins, and the trick-or-treating and the pranks and the games that children play on that holiday.

Don't they understand that the fabric of a people's understanding, capacity for sympathy and compassion is a fragile thing. And it is that kind of a delicate, intangible thing that has great strength to bind us together, notwithstanding our great differences and our hostilities and our suspicions and our distrust.

Oh, I wish I could see a President in such a time appealing to his people to trust each other, to have faith in the perfectibility of other Americans, to believe that whoever we are, wherever we live we can, if given a chance, overcome our weaknesses and our shortcomings . . . that we can be, as we have been, a great people.

Presidents have done that in the past—great presidents. And they have led their people through difficult and perilous times—to higher plateaus and achievements in peace and justice for our people.

Why can't this President try that role? Why?

Is victory so important? Is a few more seats in the Congress so important? What kind of a country does he want to lead? A country made up of people who have a capacity for believing in each other? Or a country made up of people who are learning to hate each other?

What kind of a country does he want to lead? If he wants a whole country, if he wants a healthy country, if he wants a great country, if he wants a growing country, then why won't he treat us like that? He might be amazed how the American people would respond to that kind of leadership. These past two years have taken me more away from you and the people of Maine than has ever been the case—more than I like. And I suspect this will be true in the months ahead.

Before the election separates us again, I hope you always believe what is true—that I am one of you. I couldn't be anything else if I tried.

I can't expect that you will always know fully why I say what I do or why I do what I do, because you won't always have all the facts. But I want you to believe that whatever I say or do, I'll always measure it against what the people of Maine in my home town, in my State, have taught me of the fundamental values that ought to govern a man's life.

We have an election coming. I'd like to urge you to give all of your support to this young man who has served you well as governor and who has acquired the ability to give you great service in the next four years.

I hesitate to make this next point because Peter and Bill don't really need it that badly. But they've earned it as well and I know you're going to give them your support. . . .

But whatever else you do on November 3rd, and in all the days and weeks and months and years ahead . . . if you forget everything else I've said tonight, do this for me: learn to trust each other because unless you do, unless you can, freedom in this country has no future.

There's no other way to put it. There's no other way to keep it. There's no other way to make it grow. There's no other way to build a country. Learn to trust each other. Not only when it's easy to do, but when it's hard to do as well; not only when things are peaceful, but when they're turbulent and even violent.

That doesn't mean that you become foolish about those who would do you harm. That doesn't mean that you don't enforce the laws or write better ones in order to keep the weaknesses in people under control.

But underlying it all must be this fabric of trust and confidence that only you can give to your country. It's the most important gift you have to bestow upon freedom in the United States of America. I know you will because you've done it in the past. I urge you to continue.

With that may we all say or may I say, on behalf of Jane and myself and our family, you've been good to us. You've given us a meaningful life for a quarter of a century. We'll always be grateful for it and we hope to conduct ourselves in such a way that you'll never be sorry that you did.

VIETNAM: THE WAY OUT

(Remarks by Senator EDMUND S. MUSKIE at the Connaissance Lecture, University of Pennsylvania, Philadelphia, Pa., February 23, 1971)

George Kennan once wrote that "A political society does not live to conduct foreign policy . . . it conducts foreign policy in order to live."

Our experience in Indochina is a tragic demonstration that our foreign policy affects us no less than it affects other nations.

Foreign policy is not a game. It should be a means for allowing us to get on with what ought to be our fundamental tasks—of building a whole society here in America, and of helping other nations improve the quality of life for their citizens. The time has come to return to these tasks.

Now is the time to do what we must; to end the war; to end the killing 10,000 miles away; to stop tearing our own country apart. For almost 200 years as a nation, we have proclaimed our belief in peace and in the dignity of man. Yet for too many years, we have permitted that belief to wither away in the jungles of Indochina. We have too often behaved in Indochina as if the use of force should be a first alternative rather than a last resort. We have too often behaved in Indochina as if our nation's men and resources were bargaining chips in an international game of poker. We have too often behaved, in Indochina and elsewhere, as if the preservation of the status quo abroad were essential to our survival here at home. We have too often behaved, in Indochina and elsewhere, as if international politics were a simple contest between the forces of darkness and the forces of light.

How, then, *should* we behave in a world where distrust and hostility still run deep, where the aims of nations continue to differ in fundamental respects? While remaining prepared to resist the threat or use of force, we must also be prepared to exercise the wisdom, moderation, and restraint which are necessary if man is to create the conditions for peace.

We must remember that saving men's lives is more important than saving face for governments. We must remember that a foreign policy which cannot be presented honestly to the American people does not deserve their support. I speak tonight out of deep concern that we have forgotten these very principles in Indochina, and so the war goes on.

I am deeply concerned that after this Administration has assured us it was winding down the war, it has taken new military actions across the face of Indochina. I am deeply concerned that this Administration has ruled out any further initiatives by our negotiators at the Paris Talks. I am deeply concerned by the news blackout before the invasion of Laos, and the conflicting reports of what is happening there now. Eventually, we will know, and the Administration will learn that it can embargo the news, but it cannot embargo the truth.

It is cynical for this Administration to argue that Americans are not engaged in ground combat in Laos when American helicopter gun crews are involved in ground combat, and American lives are being lost. A difference of thirty feet in altitude between helicopter gunners and the ground troops they are firing at is no difference at all in function.

I believe it was wrong to unleash South Vietnamese troops across the border of Laos and support them there, as I believe it was wrong to lead them across the border of Cambodia. What we have attempted, with a limited number of South Vietnamese, is an operation that has been rejected in the past for far stronger U.S. forces. Once again, this Administration has minimized the risks and exaggerated the benefits of a new military adventure. Whatever the apparent or illusory short-term military gains, this action has resulted in a substantial extension of our military involvement and has further undermined the Paris talks.

I believe it was right for the President to have told us last June that no combat support mission would be flown across the skies of Cambodia. I believe it was wrong for his Secretary of Defense, six months later, to characterize this pledge and the words of the Cooper-Church Amendment as matters of "semantics." If these matters are semantics, then neither the pledge nor even the laws of our government can have any reliable meaning.

I believe it is wrong to increase once again the bombing of North Vietnam. And I believe it was wrong for the President to refuse to rule out an invasion of North Vietnam by the South Vietnamese—who could not attack the North without our support.

The longer we lend our presence to this expanding conflict, the longer this conflict will endure. And the longer it endures, the more profound will be the injury done, not only to the peoples of Vietnam and Cambodia and Laos, but to our own country—to our men who are killed or maimed and to their families, to our institutions of learning, to our procedures for governing, to our confidence in our society's ability to reach for its own ideals.

The President has had more than two long years to implement his so-called plan to end the war. But all that he has revealed is a program for maintaining a substantial American military presence in Indochina. Our troop level in South Vietnam will have been reduced to 284,000 men by May of this year. I welcome that reduction. I believe all Americans welcome that reduction. This Administration has tried to make us believe, however, that its policy is to train the South Vietnamese to take over the fighting so our troops can be withdrawn. But has the President said that this is his policy? No—he would only say last Wednesday that we will withdraw all our troops as part of a mutual withdrawal.

Then what are we to make of the President's refusal to say his policy will lead to a complete withdrawal of American troops? Must Americans fight and die indefinitely in Vietnam and Cambodia and Laos? Must our men in South Vietnam remain indefinitely as props for the Thieu-Ky regime? And how long must further thousands of our men in Thailand and on the seas off Indochina be committed to this war? These are the things we want this Administration to make perfectly clear.

This much we already know: Vietnamization is not the answer. Vietnamization is no answer for our American men still held captive as prisoners-of-war. Vietnamization is no sure answer for the safe withdrawal of our remaining troops. Vietnamization is no answer for a neglected settlement to end all of the fighting. Vietnamization perpetuates the illusion of ultimate military victory.

This administration now argues that its activities in Cambodia and Laos will protect Vietnamization and thereby hasten an end to the war. It is a curious logic that would conclude a war by widening it. What will happen if American troop levels continue to drop and our forces become more vulnerable to attack? Will there then be more invasions of Laos by the South Vietnamese, with continuing American support? Or will the President then resume the air war against North Vietnam beyond the vague limits of what is now called "protective reaction?"

Only last Wednesday, the President said he was "not going to place any limitation" on the use of conventional air power anywhere in Indochina, including North Vietnam. Let us remember that the bombing of North Vietnam accompanied a massive increase in American troops from 1965 to 1968.

The bombing left hundreds of American pilots prisoner in North Vietnam. The bombing did nothing to prevent the TET offensive. And when we stopped the bombing in October 1968, our objective was to begin substantive negotiations.

The President now says he will take no new initiative at the Paris talks. All that is left of the President's so-called plan is Vietnamization. Some say that plan will work. Some say it will not work. I say it is the wrong plan in either case.

If the plan does work, we can look forward to continued warfare among the Vietnamese and an indefinite American presence. If it doesn't work, this Administration does not exclude the possibility of attacks on North Vietnam itself. The dangers are incalculable. A plan which leaves only these alternatives, which gives us only these bleak expectations, is the wrong plan. It is the continuation of a war which must come to an end.

I am convinced that for the right policy we must look—not toward Vietnamization, but rather toward the peace negotiations and toward creating the conditions for peace. We must seek to negotiate in Paris what is negotiable and what can never be settled on the widening battlefields of Indochina.

We cannot hope to dictate the lasting terms or even the shape of a political settlement of this conflict. Only the Vietnamese can settle their political differences. Only they can fashion a settlement in which they have a stake. Only they can understand the political realities which such a settlement must reflect.

It should be clear to all of us by now that this war is essentially a war fought among the Vietnamese people for political ends. And therein lies a lesson of this tragedy. We cannot substitute our will and our political system for theirs. We cannot write the social contract for another people. We may, however, be able to reach agreements on those issues which concern us most, provided we make clear our intention to withdraw all our troops from Vietnam by a fixed and definite date.

I have no doubt we could then negotiate the release of our American prisoners-of-war before that deadline. I have no doubt we could then negotiate the safe withdrawal of all our troops now stationed in South Vietnam. In addition, there could be a cease-fire between our troops and theirs which could be the first step toward a complete standstill cease-fire among all the parties. At the same time, we could work toward agreements to end the fighting in Cambodia and Laos. And we could encourage the Vietnamese parties to negotiate a political settlement that would restore a measure of peace to all of Vietnam. These must be the goals of our policy in Indochina.

Many Americans believe that events have taken over, that things have gotten out of hand, that nothing they can do will change the policy of this Administration. But I believe you can make a difference, even before 1972. You can exert responsible public pressure upon the Executive branch for an American commitment to complete withdrawal, before 1972. You can support initiatives in the Congress to establish an Indochina policy which makes sense, before 1972.

That is why I introduced a sense of the Senate Resolution last May, calling on the President to establish a timetable for the complete and orderly withdrawal of all American troops. That is why I co-sponsored the McGovern-Hatfield Amendment in the last Congress. And that is why I have agreed to co-sponsor it in this Congress, and to support its establishment of a deadline of December 31, 1971.

It should be clear to us by now that for too many years, we have pursued the wrong policy in the wrong place in the wrong way. The price of that policy has been a terrible cost in American lives and resources. The price has been a terrible cost in the suffering of the peoples of Indochina.

We have helped to destroy their countryside, their towns and their villages, the very fabric of their lives. And if we now have any commitment in Indochina, it must be this: we must help the people of this region rebuild their countries and heal the wounds of war. We must show in Indochina that we understand what foreign policy is all about, what wisdom and judgment and restraint are all about, what compassion and moral obligations are all about.

Isn't it clear then what we must do? After so many young Americans have felt compelled to demonstrate against their own government; after so many Americans of every description have come to doubt what their government says and to doubt that their government will listen; after so much division and disillusionment throughout this land; isn't it clear?

Of course, it is clear. It is clear that the only light at the end of the tunnel will be the one we strike ourselves. We must withdraw all our troops from Vietnam. We must do so by the end of this year. We must be willing—all of us—to say, "Enough."

TO RESTORE AMERICA'S TRUST: COMMENTS ON THE PENTAGON PAPERS

(Remarks by Senator EDMUND S. MUSKIE at the Eugene Nickerson Testimonial Dinner, Garden City, N.Y., June 20, 1971)

This is not really the right week for a political stump speech or predictions of partisan victory. This is instead one of those very few, very critical moments when we must think together about the future and the fate of America. So I would like to borrow some time from your celebration tonight to talk about a fundamental question—a question we must answer, not only for ourselves, but for our children and their children after them. It is a question about what kind of country America should be.

Our forefathers wrote the first answer almost eight generations ago in the Declaration of Independence and the Constitution of the United States. The words they left us are the principles of our free system, where the allegiance of Americans is supposed to come from their trust in a Government worthy of trust. On all the vital issues, our country's founders affirmed, people on every side have a right to know and to decide—and the Government has a responsibility to tell them the truth, to hear their voices and heed their will.

The skeptics—and they were most of the world then—scoffed at the principles of the first Americans. They believed that the exercise of power required a secure elite and could not stand real elections or real liberty. They pointed to the past—to Government by privilege, economic strength, and force of arms—and there they found proof for their case against the survival of a society designed, not to coerce, but to command loyalty.

How wrong the skeptics were. The whole long history of America confounds their view and validates the vision of our forefathers. Through time and trials and even in the toughest moments, we have remained a Government by the informed consent of the governed. We have seen the death of virtually every other system alive at America's birth. And we have kept our country and our freedom. Because Government has trusted people to choose, people have trusted Government to rule.

But not in 1971. In 1971, we are living with the results of an incredible erosion in faith during the last half-decade. You can see the erosion across our land.

A ten-year old who was opening toys under the Christmas tree in 1955 has now wronged his country and himself by joining the weatherman's campaign of violence and terror. Some of his friends down the street have given up, copped out, and turned on. And there is also a new vocabulary for the feeling which pervades his parents and people everywhere. The phrase-makers call it a credibility gap. But behind the phrase, there is the simple fact that countless citizens no longer believe their government. What they do believe is that the government lies—and some of them are even convinced that government itself is a lie.

And disbelief has reached a new high with this week's publication of the Pentagon papers in the *Times* and the *Washington Post*. They are the daily front page story—and the urgent concern of anyone who cares about the tie of trust that binds America together. Few of us have read all of the documents. But most of us share a common sense of pain and danger.

There is pain and danger in the spreading suspicion that talking peace was a disguise for planning war.

There is pain and danger in the shocking evidence that what some officials were saying to the Congress was the opposite of what they were doing in the Pentagon.

And there is pain and danger in the certainty that we remain uncertain about whether the Pentagon papers were or were not contingency plans—whether they were or were not accepted by the President. The appalling reality is that the Senate, the House, and the Nation were never told that they were considered or even possible.

If the American people or their representatives had read those reports as they were written—if they had seen the advice to sacrifice lives in order to save face—if they had looked at the proposed diagrams for provoking a wider conflict—they would have resisted the policy of escalation then, perhaps even before it was made. But we cannot go back now—and we must go forward. The question is the direction we will take.

In a speech only hours old, the Republican National chairman opted for partisan recrimination. From him, the Nation is now hearing the hard, unsmiling hypocrisy of exploiting the disclosures he damns as irresponsible to damn the entire Democratic party as responsible for the war. It is as though all Republicans opposed Vietnam from the beginning—and as though nothing was concealed from Democrats outside the Executive branch. That is not true—and Senator Dole knows it is not true. He should also know how destructive it is to play politics with this tragedy. Too much is at stake.

We cannot pronounce history's judgment on men—all the facts are not yet in. But our own history tells us that we cannot risk a further corrosion of the trust which has nurtured and sustained America for almost two centuries. Our imperative task—yours and mine and Senator Dole's—is to restore that trust so we can believe again in our country and ourselves.

We must again be able to trust Government to make our policies a reflection of our People's will. The essential first step is to end the war by the end of the year. That is what more than seventy percent of Americans want. And as long as the administration refuses to set a date, millions of them will remember the past and doubt Washington's assurances about the future. We surely understand by now that our cause was a mistake. And we should understand that prolonging the mistake is surely not worth a lengthened shadow of suspicion here at home.

But a decision to stop the wrong will not alone make things right. We must also be able to trust Government to subject its past conduct to the scrutiny of our people. The Justice Department should drop the constitutionally dubious attempt to muzzle the Times and the Post. Unless they publish and unless the Pentagon papers are declassified, too many Americans will think there is still something to hide. Whatever the facts are, they cannot inflict more damage than a rising tide of disbelief.

And more disbelief would be the sad result if newspapers had to prove their patriotism by sitting down with Federal officials to decide what they could or could not publish. A patriotic press should stand up and publish the news, which is almost never unfit to print. Such freedom is the only way to check the accuracy of Government—the only way to prove that Government trusts us enough to tell us what has really happened.

We hear arguments that the Pentagon papers are stolen property—property which belong to the Defense Department. But in a free society, the truth finally belongs to the people. And it is stolen property only when it is unjustly concealed from them.

We are cautioned that national security may be threatened. But the sole evidence is purely hypothetical charges from high officials and a report that the Government is still trying to establish a possible break in our secret codes. No American wants to play fast and loose with security. And the threat here is so slight that no American should want continued suppression of the news.

We are also warned of the potential harm to some reputations. But this is not Russia or the Politburo—and it is not the business of our Nation to protect anyone's bad name at the price of losing a free press or an informed public.

This does not mean indifference to the claims of those damaged by the Pentagon papers. We must not permit fragments of the story to form any completed assessment. And we must put as much as we can into the open as fast as we can.

We must begin now Senate Majority Leader Mike Mansfield's proposed investigation of the origins of the war—so we can discover every fact and give every official, in Senator Mansfield's words, "the right to defend himself from unfair accusations."

A total accounting could go a long way toward restoring trust. But the restoration will be a fragile and temporary thing, unless we act to assure that another Pentagon papers will never happen again. We must be able to trust Government to decide with the knowledge of the people.

Vital choices must be made in public view. In domestic affairs, that may be easy. In foreign affairs, it will often be hard. But it is perhaps the definition of liberty in a Nation that it is ready to do things the hard way.

When a genuine danger to security is present, the facts may have to be withheld from the people. But they must be given to the Congress—so the people's representatives will be full partners in any decision to commit America's sons and America's wealth and America's prestige to a foreign conflict. There will be rare cases where there is no time to consult. But more often, the temptation will be oversecrecy in 1964, everyone including our adversaries was apparently aware of potential escalation—everyone except our own people. The next time, our citizens if possible and the House and the Senate for certain must have the chance to know and to react.

That is fine in principle—but virtually everyone who has violated the principle has paid lip service to it. What we must have is a procedure to insure that the principle will prevail.

That is why I intend to propose the necessary legislation to permit the Congress and the Executive Branch to create an independent board responsible for declassifying documents. After a two year waiting period, the board could make a document public. And at any time, it could send relevant documents to the appropriate committee of the Congress. This system would give the President and the departments the strongest incentive to be frank about the facts—which would in any case come out almost immediately or very soon. At the same time, an independent board could protect national security without using it as an excuse to hide blunders or launch covert policies.

My hope is that the executive branch will co-operate by supporting this reform. Nineteen seventy-one has brought a vast widening in the credibility gap. It is not the time for the President to resist disclosure by retreating to institutional defenses like executive privilege. The national interest must overcome personal interest. We must give people a reason to believe anew in their ability to control the great events that shape and alter their fate.

And that is why the Board must also be independent in appearance as well as in fact. Members should serve a substantial, nonrenewable term. One of them should come from the press, one from the Government, and the other five from private life. They should be split as closely as possible between the two political parties. And the Board's staff should be recruited both inside and outside the Government.

It is said that in the modern world nations always decide in secrecy. But in a free country, that is not necessary and it is not safe. Fair procedures can strike the essential balance between security and the right to know. And what we have now will only forfeit more trust and weaken the bonds of allegiance to Government.

A free society has never been easy. But our forefathers out on the edge of the only world they knew, with danger on every side and so much to lose, had the courage to start the first modern experiment in liberty. In 1971, we are the most powerful Nation in the world and we can at least sustain the awesome inheritance they left us. We must heal the doubts and restore trust and build a nation worthy of their beginnings.

We often tend to think of America's foundation principles as obvious or even cliches. We have heard them in school and on the Fourth of July and from every politician. And so we sometimes forget that the principles of liberty exist not only to be listened to, but to be lived up to. Recent events should remind us of that—and of some words spoken by an embattled President in our country's hour of maximum danger, when the survival of America itself was in question. Abraham Lincoln knew what he was fighting for then—and we must fight for the same goal now. It is a goal so simple to say, so hard to reach. It is the hope that "Government of the people, by the people, and for the people shall not perish from this earth."

A Job for Every Worker

(Remarks by Senator Edmund S. Muskie at the Detroit Economic Club, Detroit, Michigan May 24, 1971.)

America's economic heartland is the city of Detroit and the State of Michigan. And in 1971, this is also the heartland of America's unemployment.

Across the country, six percent of our working men and women are out of work. But as bad as things are everywhere, things are even worse here. In this city and this State, the unemployment rate is now over eight percent.

Six percent and eight percent are only numbers. They sound very precise and very abstract. But behind the numbers, there are people—and in 1971 it is people who are in trouble.

A machinist in Port Huron sits idle on the front porch of the home his family may lose—because there is no money left for next month's mortgage payment.

A shocked aerospace engineer walks from agency to agency in Seattle with a portfolio that proves he is good enough to get almost any position—but the interviewers keep telling him there are no positions to be had.

In New York City, a worried cleaning woman knows the tenants are moving out of the offices in her building—and she wonders what will happen to her kids when all she has is a dismissal slip instead of a pay check.

In Washington, D.C., an eighteen year old who believed the television ad about staying in high school is tired of looking for the job the ad promised. Next week, he will decide to go with the numbers dealer or the pusher man.

That is what the unemployment crisis means in America. It means five million human casualties in a war against inflation that puts productive workers on the front lines. It means the loss of overtime and enforced part-time. It means that, in the first three months of 1971, 400,000 Americans gave up on America's economic system and just stopped looking for a job.

No wonder job security is a constant worry for the majority of workers. No wonder your own University of Michigan survey research center reports a postwar low in consumer confidence. No wonder businessmen are reading daily about losses instead of profits. Henry Ford knew that the prosperity of industry depended on well-paid and secure workers to buy the products of industry. We are learning that lesson the hard way in 1971, as sales are squeezed by the caution of people who are afraid to spend even what they can earn.

The administration set out to trade inflation for unemployment. What it ended up with was a bad deal for every businessman and every worker.

In recent weeks, we have heard new predictions of success for the old game plan. The proof for the prediction is a rise in industrial production. But apart from the resumption of automobile output after last year's strike, the pace of production certainly did not quicken and probably slowed in the first four months of 1971. An artificial recovery due to the after-effects of a labor dispute is not the kind of recovery any corporation or any worker can rely upon.

And there is another persuasive reason to doubt the administration's claim that the economy is headed for good health. Homebuilding—which accounts for only four percent of the gross national product—has been responsible for more than half of the recent upturn. But a very small part of the economy cannot indefinitely sustain a rise in the entire economy. There is simply not enough evidence that, this time, prosperity really is just around the corner.

To borrow President Nixon's phrase, what we need now is not more promises, but more performance.

To reclaim prosperity, we need a program of self-terminating fiscal stimulation. We need a *temporary* tax cut and *temporary* expenditure increases. We must not commit the federal government to an inflationary budget in future years. But this year's budget should put an additional six to eight billion dollars into the economy. That would create jobs for people and business for industry.

To guarantee the value of the resulting wages and profits, we also need a stronger attack on inflation. The administration should immediately establish a program of voluntary price and wage restraints. The record of the guideposts in the early '60s was somewhat uneven, but very encouraging. They permitted prosperity with price stability then—and I believe they can do it again. I also believe that an administration too ready to keep intervening in southeast Asia should be less reluctant to start intervening in our own economy. Too much is at stake—not only material progress—but the hopes of our people.

Of course, it is always easier to be critical than correct about economics. What has been called the dismal science is also the inexact science. Fiscal and monetary policy created the wartime overheating the Nixon administration inherited. And in the hands of the Nixon administration, they created the recession of 1970. But I believe the same tools which have been so badly mishandled for so long can now bring our economy back. What is required is the will to use them right.

But a worker without work cannot just wait for recovery. Recessions are made in Washington—but they are felt in the homes and neighborhoods of your town and mine. When national economic decline destroys jobs—when breadwinners out of work have shopped out the job market—they should be able to turn to the Federal Government as the employer of last resort. They should be able to keep their self-respect and self-reliance instead of standing hopelessly in an unemployment compensation line.

Every relevant authoritative study estimates that there are at least hundreds of thousands of vital public service jobs unfilled because they are unfunded. The Federal Government could put the jobless into those jobs. The program would not be mere make-work—and it would make a real difference in our hospitals, our schools, our social services and our environment.

And it would make economic as well as human good sense.

Individuals would enter the program as a recession begins—and their income would help to stimulate the economy. As the recession receded, they could return to the private job market—and government spending would be reduced. Obviously, we would face difficulties in translating this concept into a working and efficient reality. But I am sure they can be solved, with careful planning and constant attention to detail. And I am also sure that public employment is better than relief—better for society, better for the economy, and better for people.

But policies for prosperity and for public employment in the meantime are not alone enough. Too often, we tend to behave as though recovery from a recession freed us from our concern for the unemployed. Too often, we forget the workers who are left out—and the local areas which are falling behind.

The technical name for their problem is economic dislocation. The stark reality is that, even at the peak of prosperity, one million Americans are unemployed because economic change has wiped out their jobs. The demands for the products they once made has disappeared. New products are probably manufactured in a different city or town—and even established production is often shifted to another location. Communities are left with a lot of houses and streets and no job opportunities. Workers are faced with finding a retraining program, finding another job, and finding another place to live.

This kind of change is an inevitable and continuing process in a free market economy. In 1971, you can see the signs of the process everywhere in America.

As foreign shoes become less expensive, American shoes become harder to sell. That's why the shoe industry is in trouble in New England.

As we withdraw some of our troops from Vietnam, hundreds of thousands of veterans who served their country are finding it tough to get a job which suits their skills. That's why a national magazine recently ran a long story about a soldier who came home to Indiana—and to unemployment.

As we slowly shift our priorities from the task of killing abroad to the tasks of life at home, defense workers must start to search for non-defense jobs. That's why there is a sign outside Seattle that says: "Would the last person to leave Seattle please turn out the lights?"

As air travel undermines rail travel, people who have always worked the rails watch their trains and their jobs disappear. That's why the Penn Central crisis threatened the livelihood of 94,000 employees with a total weekly income of $20 million.

And as new regulations save our environment so man can survive, polluting plants may decide to shut down instead of controlling their pollution. That's why Saltville, Virginia, now faces the loss of 600 jobs.

Many of these economic shifts are evidence of the vitality of an economic system with a genius for adaptation and progress. They are not only inevitable—they are also indispensable. But telling communities or workers in jeopardy that the G.N.P. will go up or the railroads will run on time is not an acceptable answer.

Economic change benefits two hundred million Americans. A million Americans should not have to bear the burdens alone. The country should not make progress on the backs of some towns and workers. We must cushion the impact of economic and human dislocation. We must save communities and stem the tide of migration to overcrowded urban centers, where too many people are already chasing too few jobs. Three-quarters of the welfare mothers in New York were born outside New York. Most of them came north when the pattern of agriculture in the south moved from small to large farms.

A just society must do better than exiling them to dependence on relief and dumping the resulting tax burden on already overtaxed cities in crisis.

One solution—the wrong solution—is to supplant the free market mechanism instead of strengthening it. We are asked to purchase more arms than we should—so there will be more jobs in the defense industry. We are asked to spend hundreds of millions of dollars more on an environmental disaster called the SST—so thousands of aerospace workers can waste their talents and their time instead of applying them to our most urgent national tasks. And we hear those requests from the same forces that last year killed a bill to provide 40,000 jobs in essential public services. By government fiat, they want to buy useless new products the free market could not otherwise sell.

Their mistake is matched only by men who deal with market changes by denying them—by trying to hold on to the past and hold off the future. Apply their arguments throughout American history. Should we have subsidized the kerosine industry when electric power came along? Should the Government have bought buckboards and stagecoaches to make up for the competition from cars? Should the Congress have appropriated money to keep the number of blacksmithies equal to the number of gas stations?

Surely, none of us would have supported any of that—and none of us should support anything similar now. What we should support—and what we must work for—are policies that put our resources into our opportunities for progress. But when we spend less on defense—when we reshape our economy with new technology and new products—when we shift from war to peace and from pollution to a clean environment—we must make certain that every American breadwinner and every American community have a decent chance for a decent share of a prosperous country.

I believe that is possible.

I believe that Marx was wrong.

I believe that we don't need war for prosperity—or subsidized waste for employment.

I believe we can strengthen the free market system by underpinning it, instead of supplanting it.

I believe we can give every American who heads a family or supports himself the right to a job.

We must begin now the tough, tedious nuts and bolts work necessary to make that right a reality.

Specifically, we must design a system for an equitable prosperity which will meet five priority goals.

First, the system must guarantee every eligible unemployed worker access to an effective retraining program.

Second, the system must guarantee truly adequate financial support to every eligible unemployed worker who is entering retraining or must move to take a new job.

Third, the system must guarantee a better match of jobs with workers by combining present scattered programs into a comprehensive effort—and it must also use technology to guarantee the relevance of retraining to future skill needs.

Fourth, the system must guarantee incentives sufficient to bring new industry to depressed areas.

Fifth, the system must guarantee short-term emergency grants to local communities like Seattle, where even basic services are threatened by economic crisis.

Finally, the system must guarantee that the Federal Government will act as an employer of last resort, not only in a recession, but in a time of national prosperity.

There will always be competent, able-bodied breadwinners with no immediate place to go in the free market system. We must protect them by giving them absolute access to a job. If a worker is too old to retrain or relocate, he should receive a decent early retirement income—if that is what he wants. But he should also have a chance to choose public employment. The gifts of experience and age could contribute in countless ways to communities across the country.

Building a system for an equitable prosperity will require hard choices—about wages and standards—about financing and administration. But it is the only choice we have.

This year is the 25th anniversary of the Employment Act of 1946. For a quarter of a century, the act has failed its own title. We have made some progress. We have endured no second great depression. But we have not produced the full employment we pledged twenty-five years and two wars ago.

It is time for something better.

It is time to commit our Nation to the right to a job.

It is time to abolish the concept of unemployment in America.

Unemployment occurs when there are more people to work than things to do. But there are plenty of tasks in our society for every pair of willing hands in our economy. And I am convinced that a new partnership between the genius of a free market and the genius of a free government can bring workers and work together.

Then, we can mean it when we say to the American breadwinner: "You'll get a decent job—and you'll get a decent paycheck."

And we can mean it when we say to American business: "You'll make a fair profit in a prosperous country."

All that requires is to stamp three simple, vital words on to the employment Act of 1946: "This means you."

THE FORGOTTEN AMERICAN FARMER

(Wisconsin State College, Stevens Point, Wis., May 16, 1971)

I'm proud to speak in a congressional district that has gone in a few short years from Melvin Laird to David Obey.

I've heard of good trades before—but even the Green Bay Packers have never done that well.

A week or so ago, the President celebrated Salute to Agriculture Day by throwing a big dinner for farmers at the White House. Over a hundred people were on the guest list. But only sixteen of them were farmers. . . . I guess the President realizes that, after four years of his administration, there may be just a few farmers left in the United States.

At the dinner, the President was asked if he was going to serve butter. He replied: "Oh, butter—is that the margarine with the extra food coloring?"

Even though farm income may be going down, I think he should give the administration credit for the things that are going up . . . unemployment, prices, and the cost of postage stamps.

At this rate, the recession will last as long as a speech by my friend Hubert Humphrey.

I promise to finish this speech in a lot less time than that.

And I would like to begin by sharing with you some fascinating facts I read the other day.

You would be more likely to hear about them in a classroom than in a stump speech. But I think they tell us something important about our business here tonight—and about the everyday business of farms and factories across America.

Scientists have discovered that the physical structures they call genes are the essential building blocks of life. From generation to generation, genes transmit the traits that make every man human and each man individual. They are our most direct link to the past—and our only certain bequest to the future.

There are three billion people on this planet and each of them has 100,000 genes. But if we put all those genes together, the result would be a ball only one millimeter in diameter. That is the small margin between our humanity and a mere physical protoplasm.

And there is another, equally small margin that we must also live with—because we could not live without it. The atmosphere surrounding our earth—the atmosphere that gives us the air we breathe and the water we take for granted—is just a thin layer of life support in an almost empty universe. Above it, there is only the black darkness of outer space. Below it, there is only the black darkness of the inner earth. We survive by the grace of a resource we have constantly contaminated. We can endanger it—and we can destroy it and ourselves.

Some of us were concerned about that threat years ago. But only in the last few years have our warnings been heeded. Only recently have Americans realized how fragile our environment really is. And only recently have we started to see the similar fragility of our own genetic structures.

Now we know that everything that is important is also fragile. And that simple truth applies not only to the earth God made—but to earth man has remade. Our political and social institutions sustain us only if we sustain them. There is no invisible hand protecting our principles or our economy. Not fate, but the work of our own hands, is what keeps us prosperous and free.

And when our hands falter or fail, the strain on our fragile but vital institutions is felt immediately. In recent years, we have often faltered and occasionally even failed. And you can now feel the strains everywhere in America.

You can see them on the nighttime streets of our cities—where there is often no one to see and the only thing that walks the sidewalks after dark is fear.

You can hear them in the words of the Vietnam veterans against the war—who found out what it was like over there and wonder now whether anything is right back here.

And you can sense the strains in the new divisions that separate our country—black and white, young and old, longhair and hardhat.

We have not tended to America's needs. We have neglected America's ideals. We have damaged the fragile institutions that hold America together and move America forward.

The most recent damage is the recession inflicted on the National economy by failing Federal policies. Our economy is supposed to provide prosperity for our people. In 1971, it is instead putting working men and women out of work—and pushing productive farmers into bankruptcy. We are painfully rediscovering how fragile our economy really is.

In the last two years, unemployment in America has soared to over 6%. That's not just a number—that number is people—people standing in welfare lines instead of payroll lines—people nailing a "For Sale" sign to their homes because they can no longer meet the monthly mortgage payments. And that number is also your friends and neighbors. Between February, 1969, and February, 1971, unemployment down the road in Wausau climbed from 1400 to 2700.

The administration's game plan traded away Wausau's jobs for lower prices—but the only prices that are going down in 1971 are farm prices. And that is one place where income was already far too low.

The average non-farm family makes $8,800 a year—$3,000 more than the average farm family. The administration responded to this injustice with the agricultural act of 1970—an act that threatened an even further decline in farm income. I am proud that I voted against it. And I am proud to speak up against a policy that reduced the parity ratio to 69% in April, 1971—and then attempted to cover up the reduction by changing the base period for calculating the ratio.

No wonder the decline in the number of farmers has accelerated. No wonder farmers have to work away from their fields for nearly 50% of their income. No wonder family farms are disappearing so fast that we may soon see them only in a Grandma Moses painting.

The only wonder is that the administration still refuses to act. In the midst of this crisis, President Nixon remains the first President since Herbert Hoover who has not sent a farm message to the Congress. And he is the only President ever who tried to abolish the Department of Agriculture. What he may succeed in abolishing is the security and growth of American agriculture.

A county fair on the White House lawn is no substitute for a better life on Wisconsin's farms.

And the mere promise to restore prosperity in our factories and farms is no substitute for new jobs and a milk parity price of 90%.

From the middle of 1969 until November, 1970, a coalition of farm organizations constantly asked for an appointment with the President. Their request was constantly rejected. The administration apparently did not want to listen to them—just as it does not want to listen to the voices of peaceful protest against the war. And the refusal to listen is turning a fragile society into a brittle society. It is eroding our bonds of trust and our tradition of prosperity. Refusing to listen—to farmers or students or United States Senators—is no service to America. It is the way to make a brittle society break.

None of us wants that—now or ever.

We know that there is only a thin margin between the future of America and the failure of America.

If we can create such a society in our land, we will strengthen the fragile enterprise we call America. We will shape a future worthy of the hopes our fathers brought with them from the old world to the new.

I believe that we can do that much.

I believe that we can do no less.

And I believe that we can do even more.

The Democratic Party has pointed the way—in Wisconsin and in the Nation. And the people will follow us—all the way to Washington in 1972.

A Coalition of Interest: Black and White Together

After years of practice, white politicians know the right things to say to an audience of black people. But we cannot really comprehend the depth of the wrong done to black America.

A white politician can speak about the shame of segregated slums. But he cannot feel the pain of a black father living in a neighborhood of boarded windows and sagging buildings, far from a decent job or a safe place for his kids to play.

A white politician can talk school integration. But he cannot feel the anguish of a black mother sending her sons and daughters off to classrooms with too few books, too many pupils, and too much risk of failure.

A white senator can vote against a mediocre appointment to the Supreme Court—and his vote can deny the insulting claim that this was the best the South could give to American justice. But he cannot feel the insult it was to blacks to even consider the nomination of a man whose most famous public remark was a racial slur.

So I did not come here tonight to lecture you on the wrongs you have endured for so long. You understand them in a personal, everyday way, far better than I ever could. And I did not come here to tell you again where I stand. I hope you already realize that I am with you now as I have been in the past. I believe now more strongly than ever that the future and the fate of America depend on our fight for racial justice. And I believe it is time to win that fight.

Presidential commissions and Senate Committees and executive task forces have already parsed and analyzed the crisis. They have studied the prejudice which surrounds you. They have denounced the discrimination which deprives you. And they have pointed the way to something better. They have left us with eloquent pleas and detailed plans for equity in America.

But defining the solution is no longer the problem. If we do not know by now what must be done, then we will never know it or do it. The challenge of racial justice in 1971 is not to construct a stronger case for a cause already so clearly and completely right. Our real challenge is to construct a strategy which will permit that cause to prevail.

We must build a coalition for change in America—a coalition that reaches beyond one race and any single group—a coalition with enough power and enough votes to make the American dream a reality for every American.

I am talking about a coalition of conscience, committed to creating a nation worthy of our hopes and our boasts. White Americans must ask themselves and each other—again and again—the same question President Kennedy asked them eight years ago: "which of us would willingly trade place (with a black man)?" In the last decade, the answer was a stream of civil rights legislation which left our people equal in law, but not in life.

Now we must answer, not only with a coalition of conscience, but with a coalition of interest. For we are learning that millions of whites share something of the black man's fate. We are learning, in the words of Congressman William Clay, that blacks "have no permanent friends and no permanent enemies—just permanent interests."

Since 1964, the social commentators have trafficked in words like "backlash" and "hardhat." They have identified the whites with lower and middle incomes as a center of popular resistance to racial equality. But those same white Americans are also deprived and pressured and ignored. In a very real sense, they have the same permanent interests as black Americans. And I am convinced that in a coalition of interest, the things that unite us can overcome the things that divide us.

A coalition of interest, blacks and whites together, can fight for prosperity and against poverty. Americans of every race have a vital stake in the outcome.

When a worker loses his job, the lay-off slip is not white. It is not black. It is a common gray color of tragedy for the breadwinner and his family. Today, ten percent of all black workers are living that tragedy. Their unemployment rate is nearly twice as high as the National average. But millions of white workers are also out of work. And millions more see their job security threatened on every side.

Their concern is not the color of the next worker's skin, but the chance to work at all They want jobs—and they want them now. They want federally-funded public service jobs—to provide an absolute and constant guarantee of employment for every unemployed breadwinner. They want far more summer jobs for the young than the administration's proposal of a mere 600,000—because they want far less teenage unemployment than the current rate of 40% for blacks and 15% for whites. Most of all, they want to restore the dignity of the productive adults who are losing their hope and wasting their talents on endless welfare and relief lines.

A coalition of American workers can muster the influence to create a prosperous economy—where people of every race can be partners in progress instead of rivals for scarcity. Returning veterans should never have to be told that being out of the service means being out of a job. But that is what happened to 60% of the veterans in New York City who turned to the State Employment Service in 1970. They were black and they were white. They deserved a better response than the discouraging reply that no help was wanted. And they must never hear that reply again.

A coalition of American workers can also muster the influence to insure a stable economy—where this year's higher wages no longer buy less than last year's lower wages. In 1970, the average family of every race actually suffered a decline in real income of over 1%. Breadwinners carried a sandwich lunch and gave up a vacation trip and put off the new car—but in the end, inflation drained their savings away. That, too, must never happen again.

And a coalition of American workers can muster the influence to build an economy of opportunity—where the majority of the poor who are white and the minority of the poor who are black can earn their own way to a decent future. In the first twelve months of this decade for the first time since the statistics were kept—there was a significant increase in the number of Americans who had to subsist on less than subsistence requires. In 1970, over one million more blacks and whites fell below the poverty line. They must not be forced to stay there—and we must help them help themselves up.

So there is a solid and promising basis for a coalition of interest on the issue of the economy. Workers of every race care about jobs, inflation, and poverty. That concern can bring them together. And, together, they can do something about economic decline. They can reverse the appalling recession which has hit whites as well as blacks and blacks even harder than whites.

But economic conditions are not the only tie that can bind a coalition of interest. The plight of America's great cities is another reason for common concern—and another invitation to common action.

According to some of the experts, the urban crisis is a crisis of minorities—of blacks and Chicanos and Puerto Ricans. But the urban crisis is in fact a crisis of the majority. It touches and threatens citizens of every race.

When industry flees our urban centers, it leaves thirteen million blacks behind. But such departures also endanger the forty-five million whites who have made their homes in our cities. Some of them follow industry's exodus. But many of them are like most blacks—they cannot afford to flee. Blacks and whites together, urban Americans become victims of urban decline.

As jobs shrink and welfare rolls soar, so do the rents that reflect property taxes—and the tax bills of the small homeowner. And in return for paying more, the citizens of most cities are now receiving less. Basic services like police and fire and sanitation face cutbacks, while basic problems are getting worse instead of better.

Next year taxes in New York City will go way up—while the quality of life will probably go way down. Across the country, overcrowded schools, deteriorated housing, and obsolete transportation are shortchanging urban blacks and urban whites. By circumstance if not by choice, the races are united in a coalition of frustration about the cities they inhabit.

And that frustration can inspire a new coalition of interest on the urban issue. At the municipal level, the coalition can work for modern and efficient government—so cities can get the most out of the resources they already have. At the state and federal levels, the coalition can use its voice and its votes to insure a sensitive, responsive policy toward urban America.

There is nothing in public life more powerful than fifty-eight million urban citizens of every race demanding their due. Almost alone, their power could secure reforms to keep industry in our cities—and fast public transportation to carry people from the cities to jobs in the suburbs. Business must stop running away from urban centers. And workers must have real access to available employment.

Our Nation's cities are far from finished. They can endure—and they can flourish again. The remarkable renaissance of downtown Chicago is proof of their essential vitality. But so much more must be done—for urban America—and for the Black Americans and the White Americans who live there. It can be done by them—and only by them—in a coalition of interest among all the races.

I think the black people and the white people of our cities care enough about urban survival to do enough about it together. And I think they also care enough about their own survival to form a coalition of interest on a third vital issue, the future of health care in America.

Even in the distant days when inequality was an accepted principle and practice in our land, there was one inescapable equality. It is with us now and will be with us always. It is our most basic common link—the simple fact that we are all mortal.

And in 1971, the sad truth is that America's failing medical care system is helping our mortality along.

In the last decade, hospital charges increased six times more than other prices—and doctors' fees climbed twice as fast. The tragic results are visible everywhere in America.

Poor blacks are abandoned to uneven and often inhuman public health services. Their babies die twice as frequently as white infants. Their wives die four times as frequently in childbirth. And their life expectancy is seven years shorter. Black Americans are the worst victims of the system's failure—as they are often and in so many different ways. But they are not the only victims.

Poor whites suffer, too. And the middle class is caught squarely in the middle—too well-off to qualify for Government help—too pressured to help themselves with comprehensive insurance. They often end up with an excruciating choice between losing their health and losing their savings. And that is why the United States has ended up with an infant death rate higher than fourteen other countries—and a male life expectancy lower than nineteen others. That is why young people in America are dying before their time and old people are dying when there is some precious time left. That is why the Nation which is first in the world in wealth is not first in the world in health.

If there is any place for a coalition of interest, this is surely it. What hangs in the balance is nothing less than life itself—and skin color will protect no one from sickness or death. A coalition of blacks and lower and middle income whites can insist on a medical bill of rights for themselves—and for every American of every race.

They can insist on the right to care within their means—Federal health insurance that takes the dollar sign out of medical services. They can insist on the right to care within their reach—Federal subsidies to train enough doctors and nurses and then to locate them where the people and the problems are. And they can insist on the right to care within their needs—medical attention which is comprehensive in scope, preventive in emphasis, and restricted only by the range of scientific knowledge.

America's concern over health services has reached a high water mark in 1971. A coalition of interest can make certain that something comes of that concern—a new health care system for blacks and for whites—and for every medically deprived American.

In the economy, in our cities, and in medical care, a coalition of interest could transform our lives and our politics. Obviously, its sweep would be potentially far broader than this speech. Education and business opportunities and a host of other critical endeavors could command its attention and its efforts.

And in the final analysis, a coalition of interest would be our single best hope for racial justice—because it would also serve the vast majority of our people. The legal guarantees of equality will become an everyday reality only when blacks and whites have equal rights to American prosperity as well as equal rights in American law.

But some Americans are pulling against a coalition of interest. They are worried about the breadth of the changes it would bring. They suspect that it would disturb established power and privileges—and they are right. Where they are wrong is in their confidence that racial and economic rivalry will inevitably destroy the coalition from the start.

In recent years, we have seen repeated attempts to divert our people from the pursuit of common interests by appealing to groundless fears. Perhaps the most vicious implication we have heard is that black Americans are against law and order. No one quite says it that way—but there are voices which convey that meaning—voices which use law and order as a code word for prejudice instead of a keynote for crime control.

But blacks suffer more from crime than most of our society. In our cities, they are the victims of a majority of all rapes and homicides and a near majority of all robberies. And long before drugs touched white America they were preying upon the despair in black America.

No wonder every indication we have tells us that blacks overwhelmingly support our police—to make them as effective as they can be—and as fair as they should be. No wonder black leaders have spoken up for courts which swiftly convict the guilty and swiftly release the innocent. No wonder they have also demanded reforms that will make our prisons places for rehabilitation instead of schools for crime.

Those who are banking on black opposition to law and order to break up a coalition of interest should remember what crime has done to black people. And they should recall the reaction of Harlem when two policemen—one black and one white—were brutally gunned to death only weeks ago on a public street. Ministers preached from their pulpits against terror and violence. Citizens cooperated with the police in the search for the killers. And Harlem showed us all what law and order really means. Harlem showed us that a coalition of interest can be strengthened rather than subverted by the rising threat of crime.

But there is another obstacle to any new coalition—the economic rivalries which have been used again and again to dissolve an alliance of blacks and whites. The whites who are least able to pay are often told that they must bear the social costs of racial justice. A black worker's advance comes to be seen as a white worker's setback. And shared concerns are lost in a tide of mutual suspicion.

To survive, a coalition of interest must stand against that tide. Progress for the poor financed on the backs of the near poor would mock its own purpose. It would destroy the chance for coalition and the chance for change. So our first priority—the priority upon which all the rest depends—is to put the burden of reform where it belongs—on the individuals and the institutions which can afford to pay the bill. When millionaires are paying lower taxes than their secretaries or none at all—when great fortunes are passed through tax loopholes virtually intact—when giant corporations spend millions lobbying for tax preferences and save billions from them, it is time for thorough and total tax reform. Then we can finance guaranteed jobs, decent schools and cities and national health insurance without telling lower middle and middle income Americans to sacrifice beyond their means. That is the way to build and sustain a coalition of interest.

I have talked with you tonight about the common needs of your race and mine because I am certain that the success of the civil rights movement—now and in the years ahead—requires our common commitment to common goals.

I think the barrier is suspicion and fear, some of it accidental, some of it purposeful, and none of it founded in fact.

But the barrier can be overcome by helping people on both sides to perceive their shared interests.

You can see encouraging signs throughout the country. In Detroit, a black-Polish conference has enlisted the leadership of the Polish and black communities. In the new south, blacks and whites together have elected governors and senators who are pledged to serve all the people.

Our task—your task and my task—is to turn those beginnings into a lasting coalition of interest.

Nothing could better fulfill the tradition of the NAACP—or the ideals of America.

Nothing could bring us closer to Whitney Young's hope for an "open society"—where anyone can live anywhere and everyone will have every chance.

Like you, I am frustrated because we will not get there tomorrow. But I am hopeful that with leadership like yours we will get there in the 1970s. And I am convinced that whatever we can do, and whatever we dream we can do, we must begin now.

REFLECTIONS ON DEATH OF JOETHA COLLIER

(By Senator EDMUND S. MUSKIE at Rivier College Commencement, Nashua, N.H., May 30, 1971)

Last Tuesday night, more than a thousand miles away from Rivier College, there was another commencement at a small high school in Drew, Mississippi. At the end of the ceremony, where the graduates were told to "make America a better place," eighteen-year-old Joetha Collier was killed by a sniper in a passing car.

No one knows why Miss Collier was singled out to die. There were only two things about her that most people noticed after she was murdered on Tuesday night. She was clutching her diploma in her left hand—and she was black. When her mother heard the news, she recalled her daughter's determination to finish high school and her own efforts to help. She told a newsman, "It's been so hard."

But Joetha Collier made it—all the way to graduation day. And next fall, she was supposed to go to Mississippi Valley State College. Now she is dead—and so is the once distant dream which would have become a reality for her only four years after her commencement.

Here in the sunshine and the green hills of New Hampshire—here, where the sidewalk bloodstain that marks her killing seems so far away—here, and on this happy day, we must ask some sad questions about Joetha Collier—and about our own country.

What has happened to America—when some men decide to take out their hate on teenagers and children?

What is wrong in America—when Dr. Milton Eisenhower warns a Senate committee that the radical left and the radical right are arming themselves with guns and bombs?

What will be left of the American future—if we must continue to endure the random and wanton killing of innocents?

In a very real sense, it is easy to ignore those questions because they should be asked so often. It is almost like seeing the Vietnam war on the television news—after a while, the numbers of the body count begin to sound like the numbers of the weather report. There have been so many Joetha Colliers and so much violence in America, that there is now a ritual of reaction for each new atrocity.

Public figures express their condolences and their outrage.

The local police and the FBI investigate.

Someone is usually caught—and sometimes even convicted.

The story is on page 1, then page 9, and finally it is not mentioned at all. Buried in a past we cannot change and want to ignore, the last tragedy is forgotten until the next tragedy shocks us again.

Surely, we can muster a better response to recurring tragedy than recurring numbness.

Surely, we can find a larger consolation than the narcotic thought that it will all be over when the latest victim is buried.

Our duty—as Americans and as human beings—is to make sure that it is never all over—until we can be sure that it will never happen again.

Obviously, we cannot expect to erase altogether the stain of violence. But we can at least, by our words and our deeds, begin to rebuild peace in this nation.

In recent days, there has been a striking and encouraging sign of hope. Some little noted Americans—some of the ordinary people who really count—have served clear notice that they will not accept or permit the subversion of America's soul by violence. Last week in Harlem, they showed us the simple decency of caring about human life.

Two policemen—one black and one white—had been brutally gunned to death on a public street. The news of this unprovoked attack stirred speculation about the reaction of the Harlem community. Some commentators hinted that the murders reflected the neighborhood's real attitude. But the men and women of Harlem had not read the commentators. They looked into their consciences and made the grief of the patrolmen's families their own.

Ministers preached from their pulpits about their congregation's responsibility to stand against terror and violence.

Citizens co-operated with the police in the search for the killers. They are watching their streets and their playgrounds and their apartment buildings for a trace or a clue.

Harlem has told itself, its city, and the world what even the most neglected Americans are really like. Their society has done far less than it should for them—but they are ready to do as much as they can for their society.

That alone should offer us more hope for America's survival. Beyond all the programmatic specifics and all the cost analysis, behind the Senate bills and the debate over defense spending, what will finally make the crucial difference is our feeling for each other. We call ourselves Americans. Are we ready to give that name and grant its meaning to every one of the two hundred million citizens who share this country with us? Are we ready to respect their dignity though we disagree with their views or their conduct? Are we ready to care about another man's life and another man's rights as though they were ours instead of his?

I do not know how every public official would answer each of those questions. I think I know the answer of America's people. I think people are tired of the hatreds and the prejudices and the assorted stupidities that have driven us further and further apart. I think people are angry about the anger which inflicts so much pain and suffering. I think people—your parents and my family and our friends—want to believe again in the common enterprise we call America.

In Harlem and Nashua, in Seattle and Los Angeles, every individual, each in his own life, can start to move in a new direction. Understanding and compassion toward others can touch and reshape our country's future. We have all heard that in the past—but we have not done enough about it in the past. But in 1971, we must not only hear but also heed the voice of our shared humanity. The people of Harlem listened and responded. Now, for every American in every section, it is time to use the things that unite us to overcome the things that divide us.

Every individual must try—but individuals cannot succeed alone. Government, too, has a critical role to play. And it cannot bring us together merely by adopting those words as its slogan. What national leaders say to the public and what they do with their power can tip the balance for or against the strength of our common bond.

Our leaders must stop the war in Vietnam—a war no general can win and few citizens still support. Only in peace, can we restore the faith of all Americans in the vitality of the American system.

Our leaders must insure a job for every worker—to end the humiliation of relief and the tragedy of unemployment. Only in a growing America, can we make whites and blacks and every race partners in economic progress instead of rivals for economic scarcity.

Our leaders must spend their resources to save cities in crisis from the threat of financial and social collapse. Only in cities which are livable and safe, can we live without frustration, fear and suspicion.

And finally, our leaders must work to make the promise of racial equality a reality for every citizen. Only in justice, can we secure a lasting domestic tranquility, free from the tensions which have wracked us in recent years.

Almost ten generations ago, the first Americans had the courage to launch the first modern experiment in government founded on liberty. Theirs was a difficult and hostile time. All they had was a little community of colonies out on the edge of the world. They were locked in struggle with a great empire and their great idea was hanging in the balance. But they believed in one another. With danger on every side, they wrote about the inalienable rights of man. Then they took their declaration and put it into practice even before their independence was fully won.

Our challenge and our chance is to make America equal to those beginnings. From the time when we were the newest nation in the world, we must reclaim the faith that can keep us the greatest nation in the world. It is nothing more—and it is nothing less—than a faith in the capacity and freedom of the individual human being. Government must guarantee the exercise of that freedom and the opportunity to realize that capacity. Unless our country lives up to such principles, we will never be able to live together.

I cannot help thinking as I speak with you now of the fundamental choices you must soon make for all of us. You will decide, as much or more than anyone, what shape American society will take. You can choose to care, as the people in Harlem have. Or you can succumb to the pressures of this terribly troubled time and choose to give in, drop out, or turn on.

Too many in your generation have already traded away their responsibility in return for the bitter promise of a hypodermic needle, or a hallucenogenic pill.

You cannot let that happen to you.

We need you too much—just as we have always needed the young. Where would we be in the fight for peace and civil rights and personal liberty if the young had not pushed and prodded us toward a more decent society?

Your task now—in our communities and in our nation—is to make the American dream work. And no American can do that by pursuing the false dreams held out by drugs.

I am convinced that most of your generation understands that.

I am convinced that the best young generation we have ever had is keeping its commitment to our best chance for change—from violence to reason—from despair to hope —from war abroad to peace at home.

I am convinced that you will persevere, as Joetha Collier did. And so I would like to end this commencement speech with the words she heard on her last day, her commencement day:

"Make America A Better Place."

THE FIFTH FREEDOM

(Remarks by Senator Edmund Muskie at the Four Freedoms Award Dinner, New York City, May 20, 1971)

The program says that you are here to honor me. But you and I both know the truth. We are really meeting to honor a very special man among men—and the ideals he left to all mankind.

In the midst of war, Franklin Roosevelt had the courage to proclaim a new vision of peace. He looked beyond the death and the destruction to affirm the hope for a decent life.

Thirty years later, his hope still lights our way. We are still fighting for the future—and that is why we are still fighting for the four freedoms.

We believe in freedom from fear. But we live with the terrible fear of world war and the grim reality of an Asian war. Nations agree again and again to a contest of arms, but seldom to the control of arms.

We believe in freedom of speech and the press. But we hear constant attacks on the networks and the newspapers that are trying to tell us the truth. Their right to report the news is threatened by men who have inherited Franklin Roosevelt's place, but not his principles.

We believe in freedom of religion. But we too often forget our first moral duty—to grant each person the full equality God gave all people. Prejudice and hate have no place in any man's faith.

We believe in freedom from want. But we witnessed in 1970 a rise in the number of Americans forced to survive on less than survival requires. This Nation once proudly announced a war on poverty—but there was almost no reaction to last year's defeat.

America is still far from the four freedoms—and we are now learning that even the four freedoms are no longer enough. We are learning that we must also fight for another freedom—the fifth freedom—the freedom to achieve.

In 1971, people will not settle for just enough food and just enough shelter. Even in the midst of want, they are intent on more than freedom from want. Whether they are black or white—whether they have a poverty level income or a blue collar income—millions of Americans are now looking for an opportunity to achieve.

They are looking for hiring lines instead of welfare lines—so they can earn their own livelihood in dignity and with respect.

They are looking beyond dead-end jobs to new skills and new chances—so they can test the range of their talents and reach for their dreams.

They are looking for good schools—so their sons and daughters can learn the way to a more rewarding life.

They are looking for the right of every American to compete fairly against any American.

Three decades ago, barely past the disaster of the great depression, many of our people would have welcomed minimum material security But not in 1971—when even deprived Americans see all around them the promise of American life. They know how prosperous things can be—and they will not accept things as they are.

They will not accept a six percent unemployment rate. They will not accept a subsistence farm wage or a depressed factory wage. They will not accept disrupted and declining schools. And they are right. Those things are unacceptable. Those things deny the freedom to achieve. No accident of birth should ever decide who goes to college and who goes to boot camp.

We once thought of relief and unemployment compensation and public housing as landmark social advances. They were and they are. But we must advance beyond them now. We must commit our society to the realization in our time of a new freedom to achieve.

And the commitment must be total.

Franklin Roosevelt's four freedoms were supposed to reach every American. Now a new freedom to achieve must include all of us, women as well as men. The mother and the daughters of any family should have an equal chance to become the best artists—the best professionals—and the best politicians.

Franklin Roosevelt's four freedoms were supposed to reach "everywhere in the world." Now a new freedom to achieve must encompass every part of the third world. In Africa and Asia and in Latin America, poor countries are working desperately against long odds for social progress. They are determined to create an agricultural system that can feed the millions who are literally starving. They will not rest until they build an industrial plant that can make the reality of their economy equal to the potential of their independence.

And their concern is not so different from ours. In a very real sense, our country and the poor countries are the common casualties of a common tragedy.

I believe that we cannot gain the freedom to achieve anywhere in the world until we guarantee freedom from fear everywhere in the world. As long as we spend $200 billion dollars a year so we can kill people, we will never muster the resources to enhance people's lives. The burden of our defense is breaking the back of our best hopes. Nuclear bombs and non-nuclear weapons alike are stockpiled in every nation. The result is an arms race that breeds insecurity—and an insecurity that breeds an escalating arms race. The vicious cycle has many victims.

Sometimes, the victims are the villages bombed into rubble, the children dead before their time, the aged killed when there was some precious time left.

More often, the victims are economic plans that have to be abandoned—cities that must remain in crisis—schools that are allowed to decline—job opportunities that cannot be created—and housing that cannot be built—all because our wealth is diverted to rifles that cannot heal and missiles that cannot teach. What it all adds up to is the pervasive fear that put the freedom to achieve beyond man's grasp and sometimes even beyond his vision.

You can see the result in the condition of the great powers, who have barely started to make their societies as good as they could be.

You can see the result in the new nations, which have been left with societies that are less than they should be.

That is the steep price we have all paid to enter the arms race. The price is people—their aspirations and their rights. The price is an American student who could not afford college last year in Brooklyn—and a Russian machinist who had to turn down a better job because he couldn't find an apartment in Leningrad. The price is too high—and the world must stop payment now.

In January, Governor Harriman and I spent four hours talking with Premier Kosygin in Moscow.

I told him then essentially the same things I have told you tonight.

I voiced my concern about what the competition in arms has given us in return for all our expense: Nothing but more insecurity between nations and more insecurity within nations. I believe we must repeat and reemphasize a vital truth until it becomes a rule of behavior: The security of every nation depends on the mutual arms restraint of all nations.

As I said on my return from Moscow, I sensed that the Soviets may be ready to negotiate specific agreements for a specific reduction of arms.

Today's news from the SALT talks is an encouraging sign.

The United States and the Soviet Union have reached an agreement about what to negotiate. Now we must negotiate an agreement that actually reduces the weight of arms.

That is the most urgent priority.

The talks must also begin to deal with improvements in the quality of weapons, not just increases in their number.

And, ultimately, the world must move beyond strategic weapons restraint to limits on the conventional arms of all countries as well as the nuclear arms of the great powers.

It is time for the nations of the world to give the people of the world the freedom to achieve. The first step and the most crucial step is to win freedom from fear.

It may take a long time. There will be difficulties and frustrations and defeats. But if we persist, peace will ultimately prevail—in our own nation and around the globe.

We must believe that the four freedoms are essential to the establishment of sane and rational relations among all men.

We must believe that the power of these ideals can persuade other peoples and other societies to make the same commitment.

By our example and by our initiatives we must convince others of our own commitment to the specific steps which must be taken if we are to achieve them.

We have the opportunity in arms control and in so many other areas. We must seize it now.

In Southeast Asia, we must negotiate an end to the fighting—we must withdraw our forces by the end of the year.

In Berlin, we must make the agreements

that may make it possible to heal the division in Europe.

In the Middle East, we must support efforts by the parties themselves to negotiate a settlement that provides security.

On our trade policies we must work for the day when men will trade goods and never bombs.

In our aid program we must do as much as we should and more than we are doing in Latin America, Africa and Asia.

The most powerful nation in man's history surely has the power to change man's destiny on earth from the potential destruction of his prospects for life to the enlargement of his prospects for hope.

We can do so not just by reliance on arms, but by a demonstration of our capacity for leadership—leadership which has the faith and the strength to build upon man's potential to be human.

That was Franklin Roosevelt's faith when he proclaimed the four freedoms. That is your faith when you present the four freedoms award. I am proud to accept the award tonight because I have always shared that faith.

I believe that together we can make our common faith the common fate of man.

A MEDICAL BILL OF RIGHTS

(Remarks by Senator EDMUND S. MUSKIE at the Albert Einstein College of Medicine, New York City, May 27, 1971)

When politicians speak at college commencements in 1971, careful students raise their guard. You wonder what we really have to say—and whether you should even try to listen. The world in your time has left you with a sure sense of skepticism about public men and political life.

A graduate of Einstein has seen too much in recent years to accept very much of the rhetoric he hears.

For as long as you have been in college, America has been in Indochina. Your generation has stood up for peace—and your protest has persuaded most of my generation to oppose the war. But still the fighting rages on—and still our free system fails to bend our policy to the will of our people.

For as long as you have been in medical school, you have witnessed in some neighborhoods of the Bronx the starkest evidence of man's inhumanity to man. You long ago heard the pledge of new priorities—but daily you encounter mothers without food, workers without work, and children hooked on heroin. Politicians have always made promises to the south Bronx—but they have seldom made progress for the families who live there.

Finally, for as long as you can remember, the stain of racial prejudice has mocked our claim to national equality. We have talked civil rights and supported civil rights and even proclaimed civil rights. But how would white Americans now answer President Kennedy's probing question: "which of us would willingly trade places with a black man?"

So I understand whatever skepticism you bring to this ceremony today, I know that my words cannot erase your doubts. Only the deeds of government in the years ahead can restore your confidence and renew our country. But I think we can do what we must—and I think that we will. I think that ultimately America will turn from the tasks of death abroad to the tasks of life at home.

I cannot prove my conviction. But I ask you to share it—in spite of the wrong you have seen—and because of the right you have experienced. Your education alone is vital evidence of an ability to build justice here in America.

In 1954, Dr. Samuel Belkin founded Einstein, not only because New York City needed another high quality medical school, but because the Nation needed another nondiscriminatory medical school. His faith and the faith of his fellow founders can be reduced to a single, simple truth. They believed that something better than bias should determine the chance to learn how to heal. They believed that general quotas could not measure individual qualifications. And they translated their belief into a place that is first rate in its profession and first rate in its principles.

In 1971, Einstein is a quietly eloquent testament to the good that Americans can create. And Einstein's remarkable record gives us reason to hope that our institutions can respond to our conscience and our social crisis.

Between 1958 and 1971, your medical school graduated only 15 blacks and Puerto Ricans. In 1974 alone, it will graduate 20. The difference is that Einstein is no longer waiting for minority applications. It is actively seeking them—and it is succeeding in its search. Your institution has done what some say no institution can do—it has adapted the practices of the past to the present and the future needs of people.

But Einstein's response has not been limited to serving the cause of racial justice. This new college has also discarded the old prejudice of the medical profession against women. Twenty-nine of them become doctors here today—twenty-nine more than almost any medical school would have wanted or accepted only a few years ago. Their hands and brains will save lives—because Einstein has broken with an ancient tradition that was wrong from the beginning.

And now Einstein is pointing the way to further reform. In response to the shortage of doctors, it is increasing its enrollment and reducing its course of study. The result of the three-year program will be more doctors of equal competence trained in less time. And the result of that will be more health care for more Americans.

Anyone privileged to graduate from Einstein cannot be completely skeptical about institutions and their potential to advance the cause of compassion and decency. You should be proud to come from a medical school which is serving, not only your special profession, but our entire society. Its example is a lesson to take with you as you leave here today—a lesson equal to any you have learned—a lesson as important as anatomy or physiology or biochemistry. For you, like your college, have a social as well as a professional service to perform.

This morning you receive a piece of paper and swear a solemn oath that will permit you to cure the sickness of people. But the diploma and the oath will require something more from each of you—a constant commitment to cure the sickness of a medical care system which too often keeps doctors and the people who need doctors far apart. The technical name for the system is "health care delivery." The human reality behind the name is painfully visible everywhere in this city.

In the South Bronx, a young couple dips into their meager savings, not to send a son to school, but to bury their youngest child. It is no consolation for them to learn that their neighbors share their sorrow—that the rate of infant mortality in the South Bronx is double the rate of communities to the north.

In Brownsville, a seven-year-old is brought to an emergency room with stomach cramps from eating lead paint. After treatment, he is returned home to more hunger—and to a further risk of lead poisoning—a risk that each year becomes a reality for at least 900 children throughout New York City.

On the lower east side, a Spanish speaking mother takes her injured daughter to the hospital. After waiting around for seven hours, she is told in words she barely comprehends to return tomorrow. She does not know enough English to understand the explanation that there are not enough doctors. All she is left with is a worried night alone with her child.

And on Staten Island, a widow discovers that all the insurance and investments of years have been drained by the $30,000 bill for her husband's cancer treatments. She is discovering a hard fact of life and death in America—that sickness is often a financial as well as a physical catastrophe.

Multiply all these tragedies a hundredfold—reduce them to categories and numbers—and you will end up with the sad statistics of a failing health care system.

Between 1966 and 1980, the number of workers who cannot work due to illness will climb from 18 million to 21 million.

75,000 newborn babies die in the United States each year.

The number of general practitioners has declined 35% since 1957—and foreign physicians now constitute more than 25% of our nation's doctors.

150 counties across the country have absolutely no health professionals of any kind. In most central cities, the situation is as bad—or just a little better. In the Kenwood section of Chicago, there are only two physicians for 46,000 people.

The cost of medical care has skyrocketed to over $60 billion annually. At the same time, the health insurance industry has used its actuarial studies to exclude segment after segment of our society from access to medical protection. The poor are abandoned to uneven and often inhuman public health services. And the middle class is caught squarely in the middle—too well-off to qualify for government help—too pressured to help themselves with comprehensive insurance.

In the end, millions of Americans go without adequate medical care. They cannot afford it. They are afraid it will break them. Or they cannot find a doctor. Some of them die. Others are left destitute. And most of them fall victim to needless pain and needless suffering. They are your parents or mine—your children or mine—our friends and our fellow citizens.

The disaster we call medical services makes most Americans forgotten Americans. It betrays each of them and all of us. Our system of medical care is in fact a system of medical neglect. It is in the deepest sense un-American.

Despite our power and our strength, despite our trillion dollar G.N.P., we have let young people die before their time and old people die when there was some precious time left. How will history judge us, a country which was first in the wealth of its resources, but far from first in the health of its people? And more importantly, how will we judge ourselves in those quiet, inner moments, when we remember that what finally counts is not how much we have, but what we are?

It is time for us to do more until we have done enough to sustain and enhance the health of our Nation.

Countless medical students and some doctors have already answered the call to a new kind of service. In the early 1960s, student health organizations from Los Angeles to Boston pioneered concepts for comprehensive health care. In the summer of 1967, students like you joined together in New York City to found the student health project of the south Bronx. Their historic initiative was a sign of a new generation's determination to make medicine work for people.

But the young and the concerned in the medical profession cannot do the whole job alone. Your voices have been heard—and sometimes even heeded. But your own efforts will take too long. And the results will be too uncertain. The only certainty is that entrenched and established forces will oppose you every step of the way. We cannot wait or gamble on the outcome. Human life and human health hang in the balance.

Four decades after organized medicine almost adopted a report favoring uniform financing for medical services—four decades and a hundred million illnesses too late—we must enact a medical bill of rights for all Americans. The constitution commits our country to protect political freedom. Now, by legislation, the Congress must commit America to protect the physical health which alone makes possible the exercise of liberty.

The first medical right of all Americans is care within their means. Admission to a hospital or a doctor's office should depend on the state of an individual's health, not the size of his wallet. And we cannot depend for reform on half-way measures and half-hearted compromise. A right to medical care which left the burden of cost on the poor and the near poor would mock its own purpose. The only sure security is federally funded universal health insurance. That is our best hope for the future—and a priority goal in 1971.

We must take the dollar sign out of medical care. We must destroy the financial barrier between deprived people and essential medical services. We must end the terrible choice so many Americans face between losing their health and losing their savings.

The second medical right of all Americans is care within their reach. Even if we guaranteed the payment of health costs, millions of our citizens could not find sufficient medical services. The system is not only inequitable—it is also undermanned and inefficient. It is on the verge of collapse. The Nation must now respond with Federal financial incentives that will insure real reform.

There are not enough doctors. But Federal incentives can persuade medical schools to follow Einstein's lead and expand their enrollment. New schools can be created and sustained by Federal loans and grants. And Federal funds must also be provided to help medical students who should have something better than money to worry about. A program of scholarship aid must include all who are in need—and it must encourage minority students who intend to return to the old neighborhoods.

Yet the number of doctors is not the whole answer. If we produce 50,000 additional physicians and plug them into the current structure, our efforts for reform will certainly fail. Some of the health manpower legislation now before the Congress would do just that—and the result would be too many more doctors serving too few people at too high a cost.

Here, too, Congress must set up financial incentives that can move medicine in a new direction. We must encourage a shift from a system dependent on the individual doctor to a system built around the concept of the health team, composed of primary care physicians and other medical professionals. Teams would allow us to allocate medical resources with maximum efficiency and to maximum effect. They would employ paraprofessionals to relieve nurses and doctors from routine, time-consuming tasks. They would gather together diverse skills—from internists to pediatricians—and patients would deal with the team, not just a single physician. Einstein has experimented with the health team concept. The Federal Government must make Einstein's experiment national policy.

And health teams must be sufficient in distribution as well as in number. Federal bonuses must make it worthwhile to practice in the inner city and in rural America. Medical care cannot reach people unless people can reach doctors. And people must have more than geographic reach. A health team should also be subject to the reach of local influence.

Location incentives for health services must be designed to create responsive, personal structures. It was never right—and it is no longer possible—to satisfy Americans with distant, impersonal medical care. The system must respect everyone's identity—and sacrifice no one's dignity. And we must always remember that it is easier for a patient to reach a health team that he knows—than a shining new medical center walled off from surrounding rural poverty or a nearby urban ghetto.

The third medical right of all Americans is care within their needs. The present health insurance system is heavily biased toward high-cost hospital treatment and against preventive health care. That is incredibly expensive—and incredibly insensitive to the real needs of people. It has filled hospitals with patients who should not be there and would be better off elsewhere. A new national health program must reverse the old priorities. It must guarantee a range of medical services, comprehensive in scope, preventive in emphasis, and restricted only by the scope of scientific knowledge.

America's concern over the quality of health care has reached a high water mark in 1971. You are graduating from medical school at a time when the whole medical profession may be profoundly altered. You should welcome change—and work for change. Only in the context of a medical bill of rights for every American, can each of you truly and in the most literal sense profess your profession—which is nothing more and nothing less than the protection of human life.

And that requires not just a medical bill of rights, but a social bill of rights. The real cure for lead poisoning is not hospital care, but decent housing. The most effective treatment for malnutrition is adequate food. And the best guarantee of good health is a physically and emotionally healthy environment.

As health professionals, you must commit yourselves to total health care. And total care includes virtually everything that determines whether we are sick or well. You cannot confine yourselves to the technical skills you have learned here. You must also practice the fundamental human concern of a school like Einstein.

You must speak out for a fair and sensible medical care system.

You must stand up for social progress and for people—whether they are your patients or migrant workers two thousand miles away.

You can cure individuals—and you must help America build a compassionate society.

It will take time. There will be setbacks and frustrations and defeats. But men and women who come from Einstein have good reason to believe that we can finally fashion a country that is great enough to be good. You have seen in your own lives what a difference one school can make. Now all of you have a chance to make a real difference in the lives of others.

The practice you choose and the practices you follow may not change our country overnight. But you can remind us by example of Aristotle's ancient truth: "Health of mind and body is so fundamental to the good life that if we believe men have any personal rights at all as human beings, they have an absolute moral right to the measure of good health that society is able to give them."

That is our challenge and our chance. Two thousand years after Aristotle wrote, we must secure a medical bill of rights for our own people. We can wait no longer—in health care or in society. In our individual lives and in our national life, whatever we can do, and whatever we dream we can do, we must begin now.

HEALTH CARE FOR OLDER AMERICANS: A RIGHT, NOT A PRIVILEGE

(Opening statement by Senator EDMUND S. MUSKIE, Chairman, at a hearing by the Subcommittee on Health of the Elderly, U.S. Senate Special Committee on the Aging on "Cutbacks in Medicare and Medi-Cal Coverage", Los Angeles Calif. May 10, 1971)

Today the Subcommittee on Health of the Elderly of the Senate Special Committee on Aging begins a series of hearings on the health crisis that confronts our older Americans. During the year we hope to explore various facets of the problems: the high and rising costs of health care; some rigid Medicaid regulations that frequently prevent medical care from being effective or efficient; an inadequate supply of medical and paramedical personnel; and outmoded health care institutions that cannot deliver a decent standard of health care.

The hearing today will focus upon the standards of health care that older Americans are receiving under the Medicare and Medi-Cal programs. Because of its high concentration of older citizens, Southern California is an appropriate place to begin this study. We hope to examine carefully what impact recent cutbacks in the Medicare and Medicaid programs have had upon the lives of senior Americans. In order to obtain this information, we have invited health consumers, medical practitioners, and medical administrators to appear this morning.

Before we begin, I would like to outline briefly the problems which have created this health care crisis for millions of our elderly. Much of this recent data comes from a Working Paper written for the Subcommittee on Health of the Elderly by Mrs. Agnes Brewster, a health consultant who has been of great service to this Committee in the past.

Our elderly require greater health care than any other age group. Americans over 65 are twice as likely to have one or more chronic conditions than younger persons. They are in hospitals more frequently for longer stays caused by more serious illnesses. In 1970 the average stay in a hospital for an older American was 13 days.

Those who suffer most from illness—our elderly—can least afford to pay for health care. Persons 65 and older comprise about 10 percent of our population, but they account for nearly 20 percent of all persons in poverty; they are twice as likely to be poor. One out of every four persons 65 or older lives in poverty. Over half of all persons 65 and older who live alone have annual incomes below 2,000 dollars.

Yet, the cost of health care for the elderly—despite Medicare and Medicaid—is rising:

In fiscal year 1970, the average health bill for a person 65 or older was 791 dollars, six times that of a youth (up to 18) and three times that of people between 19 and 64 years old.

Medicare covers 43 percent (down from 45 percent in fiscal year 1969) of the total health care cost of the aged, leaving uncovered an amount larger than the total health bill for the average younger person.

Despite the valuable protection that Medicare and Medicaid affords, the older person must still pay annually 226 dollars out-of-pocket for health care. This is more than double the out-of-pocket payments for those under 65.

Thus the elderly—with less than half the income of those under 65—pay, themselves, on the average twice as much for health services.

Even with Medicare and Medicaid, many elderly do not receive a decent level of health care.

What this means in human terms is that our elderly, even with our health care programs, must still spend a huge part of their limited income for health care. Many cannot afford it. Serious illness can mean destitution. The threat that major illness will wipe out a life's savings still haunts millions of older Americans.

This is a serious problem for older people who are poor, and is becoming a threat for all of those who retire and face major health problems.

Recent cost-cutting cutbacks and regulations have saved money, but at the price of denying urgently needed health care to our older citizens. By placing limits on care available and by increasing costs, we have merely decreased the health and the happiness of our older people. Too often the choice must be made between food or medicine.

Untreated minor illnesses become major diseases. Cancelled doctor visits and home care mean later expensive hospitalization. With health care primarily on an emergency only basis, preventive medicine becomes near impossible. Without attention or drugs many older Americans are forced to face the pain and terror of sickness alone.

When this Nation adopted Medicare and Medicaid, it made a commitment toward providing adequate health care to those who spent their lives building America. We began turning a dream into reality—that all our older citizens could live their years with the best health care available and without the fear of financial ruin caused by serious illness. These programs were not a complete answer, but they were a solid foundation upon which we could build.

Now we seem to be turning back upon our commitment, and instead of pushing towards better health care, we are dismantling our first effort. We are turning our backs upon older Americans, forcing them to face illness and pain alone.

This is not the way a great Nation should treat a generation that helped make it great. It is not generous. It is not fair. It is not decent. Every person over 65 should receive the health care he needs. Let us make good health care a right, not a privilege.

"CITIES OF HOPE—A CHANCE FOR THE NEW SOUTH"

(Remarks by Senator EDMUND S. MUSKIE to the second annual symposium of the L.Q.C. Lamar Society, Atlanta, Ga.)

Thank you, Brandy Ayers, for that kind and generous introduction. As a country boy from Maine I can tell that you haven't lost everything you picked up on the farm.

When Brandy first asked me to join you for this symposium, I couldn't say, "No." After all, it was to be a pleasant gathering of friendly people like Brandy who wanted to talk about cities. He didn't tell me it was a meeting against northern cities, which puts me in the position of being the sinner on exhibit at a revival meeting.

It may be, though, that I can help bridge the gap between northern cities and southern civilization. After all, I have spent the last twelve years in Washington, a city President Kennedy said was noted for its southern efficiency and northern charm.

There was a time when I saw some irony in requests that I speak as an authority on cities. I grew up in a small town in a rural state, and I turned down a chance to practice law in New York City. I ran for mayor of Waterville, Maine, once, and was defeated. Waterville's gain turned out to be the Senate's loss, and the Senate gave me a chance to learn about cities—among other things.

There are some advantages in coming upon the problems of the city from a rural perspective. You know what a sense of community can mean, and you can understand the attraction and the horror of first encounters with a large city.

There is excitement in the life and movement of the city. There is also fear and loneliness.

A city generates a sense of power, while many of its residents feel powerless. The city holds great promise, but too many of those who rush to it feel cheated.

Thomas Jefferson feared the city, and hoped his country could avoid its horrors. We know that cities cannot be avoided, but we have not yet learned how to make them places of hope.

What is it that we want from our cities? I suspect each of us wants from a city what we all want from whatever community we call our own. We want a place to share with others who care about that place, because they have roots there, because they feel that they belong, and because they believe they will have a chance to grow there. We want to live in a community where we can help shape its future, where we can control our own destinies.

Those feelings are a part of our national traditions. Some of us have experienced those traditions. Some have read about them. Too many have been excluded from them.

I am one of those fortunate ones who experienced the life and politics of trust. If my father forgot to lock his tailor shop, he did not wake in panic, dress and go down to make sure everything was alright. He went back to sleep, quite sure nothing would be disturbed. The ordinary commerce of life: Walking down the main street, getting a quart of milk at the Grocery, attending the PTA, passing the time of day after church, all the everyday rituals were a series of accidental but pleasant encounters.

In such a world, where the natural environment and the environment man created were comfortable and unthreatening, our sense of family and community grew. We were participants in our community. Even government was not distant and unapproachable.

Everyone knew his town selectman and state legislator, and many even knew the Congressman. There were familiar faces in the town hall, people we knew, who lived nearby or across the town. And anyone who has attended a New England town meeting knows that "participatory politics" is not a new invention.

I guess it was an attempt to recapture such pleasant memories of an earlier day that led those who could afford the journey on the great crabgrass stampede to the suburbs.

It hasn't worked, and that is as plain to the suburbanites as it is to the armies of strangers left behind in the dying shells of the central city. In an attempt to plant new roots, many suburbanites have found their lives to be rootless, without a sense of belonging anywhere. The poor who have come to the cities find that they have arrived nowhere.

The city is nowhere when it lacks job opportunities, when financial resources are drained to the point where schools cannot be funded, where health programs are practically non-existent, where housing is overcrowded, filthy and unsafe, where crime and drugs rule the scene, and where living is a hazard, not a pleasure.

For many southern communities, this is the nightmare of the future. For too many northern cities, this is the reality of the present.

Your symposium is a timely one, but the time is late.

The south still has a lower density of population than the north, but the pace of in-migration is quickening.

The south still has a fair mix of residential patterns, racial and economic, but the pattern is changing. In the last ten years, for example, southern suburbs became ninety percent or more white, as did northern suburbs.

The south still has open space around its cities, but from the air the unmistakable signs of suburban sprawl are scarring the landscape.

And Southern mayors and county executives are part of the parade of local officials trying to get the President and the Congress to respond to the desperate financial plight of our cities.

With the history of urban blight in the North, the signs of blight in the South, and the trials and tribulations of the South, is there any hope for the future of Southern cities? I think there is.

If we are looking for signs of hope that our Nation can deal with its enormous social problems, we will find some of those signs in the South. That may sound like a sardonic statement to many of you who have been through the agonies of the past fifteen or twenty years. But the history of the South during the past decade offers proof that it is possible to achieve fundamental social change in this country. Customs and practices which seemed fixed in concrete have been overturned.

The changes in the South have proved that personal courage, among whites as well as blacks, can make a difference. Out of a troubled and tortured past, you are creating a brighter future for yourselves, and you have a chance to show the way for the North.

You still have a chance to structure your communities in a way whicl. will make equal access and equal opportunity an advantage for all.

This is not to say the South can or must solve her urban problems by herself. The Nation has an obligation to help relieve the fiscal burdens of the cities. We have an obligation to correct those national policies which encourage the destruction of inner-city resources. We have an obligation to help cities and metropolitan areas improve the efficiency of their public services. We have an obligation to increase Federal assistance for education, health services, public safety, public transportation, environmental improvement, and the stimulation of healthy economic growth.

I do believe we need to go beyond the traditional, categorical grants-in-aid, to provide general budget support for social services in the cities. Such support, designed to help cities meet the operating costs of fire and police protection, sanitation, health, and—where appropriate—education, would lift an enormous burden from local taxpayers.

The Federal Government can provide that kind of assistance only if we put more of our resources to work for the building of our society, and less of our resources are invested in weapons of destruction. Our commitment to the well-being of our citizens will be measured by the steps we take to end the war in Vietnam—not someday, but now. That commitment will be measured by the moves we make to end the upward spiral of the arms race—not someday, but now.

I have been in Washington long enough, however, to know that neither I nor anyone else in the Nation's Capitol has all the answers to our urban problems. We can supply money, we can identify national priorities, and we can provide support for certain approaches to the problems of the cities. But we cannot, and should not, pretend to have the solution.

Urban renewal was supposed to answer the problem of city slums. Urban renewal has torn down slum buildings, but it has not restored the life of the city.

Our housing programs were supposed to end shortages in middle income and lower income housing. We have built housing, but too many of the middle income houses have been in the suburbs, contributing to the flight from the city, and too many low income housing units have been in new ghettoes of isolation.

Our highway programs were supposed to end traffic congestion. They have increased the flow of traffic, accelerating the flight to the suburbs and destroying houses and communities in the city.

Our farm programs were supposed to keep the farmer on an equal footing with his counterpart in the city. But instead of improving and enriching rural life, we have forced people off the land and into the cities totally unprepared for new jobs and new lives.

Now, in our effort to overcome the crisis in urban finance, in our attempt to control pollution and improve the environment of the cities, and in our search for better ways of governing metropolitan areas, we are trying new ideas for metropolitan government.

These suggestions—for annexation, for regional pollution control agencies, for metropolitan-wide land use controls, for regional school systems, and for more comprehensive law enforcement jurisdictions—all these suggestions make sense. After all, one small jurisdiction cannot hope to control pollution in a metropolitan area. Pressures to zone businesses in and low income families out to broaden property tax bases cannot be resisted very well by one small jurisdiction. Restricted school districts cannot meet all the demands for high quality, equal opportunity education. And limited law enforcement jurisdictions cannot begin to handle highly mobile criminal activities.

Arguments for efficiency can drive us inexorably toward dependence on larger units of government, just as arguments for a massive attack on slums drove us to dependence on urban renewal. That approach alone will not lead us to the sense of community we so desperately need.

We can, confronted with a paradox, a seeming conflict between the needs of efficiency and community, and none of us has the answer to it.

But I have an underlying faith in the intelligence and good sense of the American people that they can resolve that paradox, if given the opportunity and the right kind of leadership.

Almost two hundred years ago, a group of American citizens met in Philadelphia to resolve a similar paradox. The weak and quarrelsome confederation of American States was confronted with international threats, domestic disruption, economic chaos and governmental inefficiency. Big States and small States were suspicious of each other. Regional pride ran high, and mutual confidence was low. They wanted a more perfect instrument of Government, but not at the expense of local control.

The result of their labors was the Constitution of the United States, a remarkable instrument of Government which has survived the test of time as a framework for endless adjustments in the body politic.

But the Constitution provides a national framework, and a statement of common objectives. It provides no blueprint for the governance of metropolitan areas, whose growth and complexity the Founding Fathers could not foresee. If we are going to make it possible to govern these areas, we must do it ourselves.

There are those who have suggested another constitutional convention—one they call an "urban convention". I think the time is indeed ripe to pursue new ideas and new relationships between State and local governments, and between people and their State and local governments. No single solution will meet the varying conditions in all parts of our country. But new ideas can stimulate a variety of solutions, adapted to local needs and consistent with our objective of a humane, responsive and responsible society.

Your symposium marks one of the most hopeful signs in the struggle of thoughtful Americans toward the creation of cities—and communities—of hope. I suggest that you carry your discussions beyond this point: that you explore the possibilities of "urban conventions", within your region and within your States.

These urban conventions could bring together Governors, legislators, mayors, county executives, and other leaders from public and private life, all dedicated to the goal of cities of hope in the new South.

The agenda at such conventions would be full, but your work would be given direction and purpose by your goal—the goal of planning the basic changes in government needed to create humane, livable cities of tomorrow.

You could tackle the problem of creating and implementing a state urbanization policy, in which zoning authority, land use and building regulation, and other fundamental determinants of the quality of urban life would be shaped to serve public needs.

You could go to work on building a high-quality state-local tax system, effective in its capacity to raise revenue, efficient in its administration, and fair in its impact on the tax-paying citizen.

You could deal with the question of disparities in public services between neighborhoods of different economic and social character, and you could consider the development of enforceable minimum standards designed to achieve fairness in the provision of services in education, sanitation, and other areas of fundamental human need.

In your urban conventions, you could go to work on that paradox I mentioned a moment ago—the paradox of efficiency and community. Perhaps this would be the most important task of all. If we are to make our cities places of hope, we must have more than efficiency, important as that is. We must insure that in our cities, as in smaller communities, individual citizens have a measure of control over their lives. They must have a real voice in the shaping of their neighborhoods, the patterns of transportation, the educational opportunities for their children, and the exercise of law enforcement authority. They must have a direct relationship with their elected representatives, and those representatives must have an effective voice in the governing of the city.

And so, as we consider expanded, simplified metropolitanwide government, we must also consider new ideas for neighborhood government, to overcome the alienation between big city government and its citizens. It has been suggested that state legislatures authorize city and county councils to establish neighborhood sub-units of government, each with an elected council, and with power to undertake self-help projects and to influence city actions having special impact on the neighborhood. Each neighborhood district could also elect its own representatives to the overall governing body of the metropolitan area, and each could serve as the focus of community and social contact. These ideas, their promises and their problems, are all part of the agenda for your urban conventions.

You have before you, then, an opportunity to make the south a laboratory for the future, rather than a reminder of a troubled past. Your urban conventions can be the preparation, and the inspiration, for national urban convention, which could mobilize our energies to build the new America of the third century of our history.

In making this suggestion tonight, I speak for the millions who live and work in the cities of this land, who have witnessed the death of civility and the loss of a sense of belonging. They are the millions of Americans who suffer from loneliness in the midst of crowds, while their retreats of privacy are destroyed.

I speak for them when I appeal to the people of the south—and through you to your city councilmen, and mayors, county executives, legislators and governors—I appeal to you to make this region, in this decade, a great laboratory for the creation of the humane city. You have the tools and the talent, and I believe you have the imagination and the will. I know you have the leaders, from my contacts with your mayors and many of the members of this society.

But make no mistake, it will not be easy.

It will not be the meek who inherit the southern land before it is bulldozed and buried under miles of concrete.

It will not be the timid who control the instruments of Government which shape the future of the south.

It will not be one class or one group which determines how the south shall grow.

What are the choices? And who shall the south be for? Will you abandon your cities to development by the random, insensitive blades of the bulldozers, fueled and piloted by short-term profits. Bulldozers and highways do not vote. They feel no pain and have no sense of community: Neither do they need privacy.

Privacy, hope, love and trust, dignity, kindness: An eye for beauty, an ear for laughter, sympathy for the sorrowing—these are human traits, not the desires of economic man or political man, but man, period. Cities must be built and governed by those who put those traits first, for every man and woman, not those who put economic gain and political power first.

I believe the people of the south can find the way. That is why I came to be with you and to listen to you this week. I believe you will make the urban environment yield to the necessities of man, not to his machines. And if the great urban laboratory of the south succeeds, as I think it can, then you will have discovered something you can present as an example and a gift to the nation.

Rebuilding Urban Government

(Remarks by Senator Edmund S. Muskie to the American Jewish Committee, Waldorf-Astoria Hotel, New York City, May 14, 1971)

There are places where every concerned politician should speak—and the American Jewish Committee is at the top of the list.

For generations, the leaders of America have not only been talking to you, but learning from you.

Your innovative ideas and perceptive position papers have pushed and prodded our society toward something better.

You have probed for our failings and enhanced our potential for success.

And in 1971, the American Jewish Committee is still standing on the high ground of American life—for decency and justice, and for the compassion that can come only from a caring nation.

Any public official should be honored to visit with you. But when he comes, he better have something to say. I hope I can meet that obligation this afternoon. I know I have something on my mind that is high on your agenda. It relates to the crisis in our own country. But it is not unrelated to another crisis thousands of miles away.

Last week, an American in Israel told his hosts that they had suffered the agony of war and now they must suffer the agony of peace. His advice deserves an answer—and the answer is obvious: Israel has suffered enough. It is time for an end to the agony and the beginning of a just peace.

In my recent visit to Israel, I learned anew what a just peace means. It means security guaranteed by border adjustments. It means that those adjustments must be negotiated by the nations involved. And it means that the United States must do nothing to undermine Israel's bargaining position.

The American Jewish Committee has been Israel's staunch ally in seeking all of that. You have spoken up for a fair settlement—and you have labored for it, day after day, for more than two decades. You have been effective—and you have also been criticized. There are those who have questioned your right as Americans to work for the rights of Israel. They wonder whether you should care so much and fight so hard.

What they do not understand is that your concern for Israel is a healthy sign of how special our nation really is.

Here in America and only in America, can free men affirm a common patriotism by celebrating their roots in a hundred different countries and cultures. Handing away the heritage of the past is not the admission ticket to America. My father did not do that when he came from Poland to Maine almost seventy years ago. He was a tailor—and I still have a suit he made for me. I also still have the tradition he passed on to me. I have not forgotten it. And the members of the American Jewish Committee have not forgotten the tradition they inherited. That's why you care about Israel—and that's why you should care.

It is perhaps the essence of America's greatness that our national unity gains strength from our group diversity.

But today that unity is threatened—not by our differences in cultural heritage—but by dangerous social divisions. You can see the danger in this city—and in every part of America. We worry about whether we can continue to live together—black and white, longhair and hardhat, young and old.

And that danger is perhaps the greatest danger we face. Americans have always been able to overcome a crisis of substance. In our own lifetime, we have seen supermarkets built where soup kitchens used to stand. But seldom in our history and not since the Civil War, have we seen a crisis of the American spirit. In 1971, the real test for our country is not a test of our power, but of our people. It is a test of our pluralism and our tolerance—and of our ability to work together in the enterprise we call America.

So our first priority and our toughest task is to heal our land. It may take a long time. But we must begin now—at every level of government and in every sector of society.

Our elected national leadership must stop using our divisions to win our votes. A Southern Strategy is no substitute for American progress. And progress is the key to unifying our people.

We need progress in our economy—to still the fear that jobs for black people will put white working men and women out of work. We must give all Americans a chance to be partners in a prosperous economy, instead of rivals for economic scarcity.

We need progress in our cities—where federal inattention today creates group competition for services that are in desperately short supply. Neighborhood should not have to stand against neighborhood to get the garbage picked up or the streets cleaned.

And we need progress toward peace—so that we can win together in America what we can never win in Indochina—a better future for our own country.

The Administration tells us to watch what they do, not what they say. But what they are doing—and not doing—is driving Americans further apart. And what they are saying spreads even more suspicion and mistrust. In action and in rhetoric, the Administration now has one overriding duty—one promise that must be kept—the promise we heard three years ago: Bring us together.

Sensitive national policies are the best way to fulfill that pledge. But they are not the whole answer. In New York and Houston, in Seattle and in Portland, Maine, in every town and village in America, the ability of people to live together also requires the best energies of local government and private groups.

The American Jewish Committee has already responded. At Fordham University in 1968, you sponsored the first National Consultation on Ethnic America. Since then, you have convened similar consultations across the country. And you have not stopped with a few conferences. You decided to establish—and you are still sustaining—the National Project on Ethnic America. Its progress and its publications have pointed the way, not to a mythical melting pot, but to a true cultural pluralism. And your committee has also worked to make urban government more responsive to urban people.

Of course, your ultimate success—and the success of other private groups—depends on whether public officials listen to what you learn. Only they can change the structures of power. And structural change is one reform our cities really need.

The efforts of the American Jewish Committee have given shape and direction to that reform. Your studies emphasize not just administrative decentralization, but political decentralization as well. That is a dry, rather technical term for a vital and exciting concept—putting power where the people are. It is perhaps our best chance to create livable cities.

Too often in 1971, the problems of people are at one end of a vast, virtually immovable municipal bureaucracy—while the power to do something is at the other end, beyond any citizen's reach. People feel isolated and helpless. A pothole in front of the house or a broken street light on the corner becomes what New Yorkers call a big deal—and it tends to stay that way. A complaint often commands too little attention—and even less response. More basic decisions seem even further removed. Usually, they are heard about only after they are made.

The inevitable result is resentment and angry resignation. The beginning of an answer is to give people some real influence over the choices which affect and alter their lives. We have seen some progress in block associations, neighborhood organizations, and community planning boards. But most of them give people nothing more than advisory authority. And that is not enough. In every neighborhood of every city, people must have an opportunity to dissent and to decide, to propose and to veto. We are told that there are issues inappropriate for community consideration—and that is true. But there are a host of other issues that should belong to the people, not to some distant public official.

Neighborhood voices should be heard—and neighborhood views should be heeded. And if they are, we will see different neighborhoods in different cities. We will see cities whose citizens again believe that they can make a difference. And we will see neighborhoods whose residents again work together and truly live together—instead of imprisoning themselves in the tragic solitude of houses, isolated each from each by frustration and suspicion.

I was brought up in a town with a population probably equal to the number of people who live between 78th Street and 79th Street on Riverside Drive. There is no way that block and Rumford, Maine, can ever be exactly the same. But that block should be able to have some of the good things I had in Rumford. Neighbors should know each other's names. They should meet together and decide issues together. And they probably should even talk about the argument two friends down the street had at the last community meeting.

I believe that urban neighborhoods can be that way—if we give urban neighbors a reason to learn about each other and work with each other. When you strip away all the bureaucratic and academic language, that's what neighborhood government is really all about.

But when we talk of the need for smaller units of government, some planners are quick to remind us that many of our problems require larger units than we already have. Anyone who lives in a city feels the impact of the surrounding region. Newark smog is also New York smog. Jersey City's pollution does not stay on the Jersey side of the Hudson River. And a housing shortage in Queens is invariably felt in Fairfield County.

In short, many of our local challenges are really regional challenges—and they require a regional response. But how can we create a metropolitan urban planning without destroying the hope for neighborhood power? How can we satisfy legitimate demands for local control without sacrificing our chance to control an urgent regional crisis?

I am convinced that we can answer those questions and I am convinced that the answer is in our own history. Americans have always believed that each public function should belong to the level of government that can carry it out effectively and efficiently. But in recent years, we have allowed our practices to slip away from our principles. Cities have ended up with power that should be assigned to larger units of government—and to smaller ones as well.

The only solution is a thorough structural reform of public power. As we approach the two-hundredth anniversary of our Nation's beginnings, we must make a new beginning in urban government. That may even require that we take another lead from our forefathers by calling a multitude of "urban constitutional conventions"—conventions where governors and mayors, legislators and community leaders can raise and resolve some of the hardest problems our cities and suburbs face. With a little luck and a lot of reform, we might end up with government subunits in every city and a government superunit in every metropolitan area.

That really doesn't sound very glamorous. It would require tough, tedious nuts and bolts work. But that is also the only way to make the system work for people. And that, after all, is the real meaning of American politics.

Of course, turning that meaning into a reality is never easy. Urban constitutional conventions would have to overcome the influence of special pleaders and the pull of vested interests. The stakes would be high. The struggle would take time and energy and commitment. Success would be as difficult to achieve as success at the national level in bringing people together.

But I think we can win both of those battles.

I think we can build a society good enough to be great.

I think we can create rational governments that pursue rational policies.

I think we can make ourselves again one people, each of us different and all of us united.

And when we grow tired or discouraged, we can always look to Israel. Surrounded by hostile forces, the Israelis have fashioned a nation where there was none before. They started with only an idea and a prayer. And there is no end to what they have accomplished.

Their example can help to light our way. And we can realize here in America the hope we also hold for the Middle East: a time of peace. Shalom.

Revenue Sharing

(Statement of Senator Edmund S. Muskie before the Committee on Ways and Means, U.S. House of Representatives, Washington, D.C., June 9, 1971)

Mr. Chairman, I am grateful to you and the members of your committee for allowing me this opportunity to appear before you this morning.

Whenever I enter this room, I am struck

by the awesome responsibility of this committee to originate all measures of Federal taxation—a responsibility given to the House of Representatives by our Founding Fathers.

Mr. Chairman, the nation owes a debt of gratitude to you and to this committee for its remarkable legislative achievements under your chairmanship. Landmark legislation like the Trade Expansion Act of 1962, the Medicare Act of 1965, and the Tax Reform Act of 1969 all bear testimony to the labors of this committee.

And, as you know, Mr. Chairman, you and I were in substantial agreement on all of those matters.

Today, this committee is considering another matter of landmark importance—the question of how the Federal Government can provide financial relief to State and local governments.

Mr. Chairman, while I in no way intend to minimize our differences over the issue before your committee, I believe we have substantial areas of agreement as to how the Federal Government should proceed in aiding the cities and States.

We agree, for example, that most State and, in particular, most local governments, face heavy financial burdens and are in critical need of relief.

We agree further that the Congress should and will provide them with that relief. Mr. Chairman, you made that point very clearly just two weeks ago when you told the members of the Illinois legislature: "I will assure you that this Congress does intend to provide relief to both State and local governments. But we will do it in the right way."

Finally, Mr. Chairman, we agree that the Administration's general revenue sharing bill, as presently drafted, is not the answer to assisting State and local governments. It does not, to use your words, "do it in the right way."

The President's bill does not meet the three standards I believe must be met by any legislation Congress enacts to provide financial assistance to State and local governments.

First, it does not channel the most assistance to those cities and counties that need it the most.

Second, it does not contain incentives to the States to improve their own systems of raising revenue. For the Congress to pass general revenue sharing legislation without these incentives would be to give the State governments a carte blanche to perpetuate the inadequate revenue raising systems that have gotten them and local governments into their current fiscal crises.

Third, it does not contain what, in my view, are adequate protections against the shared revenues being used in a discriminatory manner.

I would like to dwell for a moment on what I believe is the most serious deficiency in the President's proposal—its failure to include need as a criterion for apportioning assistance to local governments. The President's formula distributes assistance at the local level merely on the basis of revenue raised. As we have determined from careful examination, that formula simply does not get the most assistance to the cities and counties that need it the most. It does not take into account the desperate needs and the eroding tax bases of our cities.

Mr. Chairman, we are all aware of the terrible plight of our central cities. We all know that cities today are called upon, like never before, to provide additional services—more police protection, better sanitation services, better schools, treatment of addicts, public health services and many others. More and more our cities are becoming repositories for the poor and the elderly. Because in increasing numbers, substantial taxpayers and businesses are fleeing to the suburbs, city governments have become hard pressed to find the revenues to pay their bills. Yet all city residents, rich or poor, young or old, demand and deserve decent services.

Last week the mayors of ten of our largest and most hard-pressed cities dramatically brought their plight before my Senate Subcommittee which is considering the same question you are examining here this morning. Mayor after mayor described cutbacks in vital services, and warned of more drastic cuts to come. In Cleveland, for example, there will be no city-run recreation centers this summer. And that city has had to fire 1500 public health doctors and nurses, garbage collectors, and recreation workers. Cleveland's plight may be a little more severe than some of our other large cities. But it is not unique.

In Newark, of 20,000 drug addicts, only seven percent are in treatment. In New Orleans, crime was up 43 percent last year and visits to VD clinics up 32 percent, but the numbers of police and health workers, for lack of funds, remained the same. In Pittsburgh, the city government cannot afford to buy new police patrol cars or build new fire houses.

In New York, Newark, Detroit, Philadelphia, and Atlanta, to name just a few, city workers face the prospect of being laid off within months if no new revenue is found. Indeed, in most of these cities some layoffs have already begun and vacancies are no longer filled.

The harsh reality is that no matter how hard they try, there is no way without outside help the cities can raise the kind of money they need to meet the rising cost of government. In Baltimore, for instance, only one out of six residents has a taxable income of more than $3,000 a year. In Newark property taxes are so high they are no longer just regressive, they are confiscatory. Buildings in that city are being abandoned so fast that a nine percent increase in the property tax rate this year resulted in a three percent decrease in revenue from that tax.

In short, our cities have reached the end of the line. Unless they get help—and get it fast—city after city in this nation may fall into bankruptcy.

There is little doubt, Mr. Chairman, that the State governments are, in many ways, responsible for the sorry status of the cities. State governments have all too often denied the cities the power they need to raise adequate revenues. And the States in too many cases have shirked their responsibility to provide cities with financial help.

But now is no time to assess blame. The demise of our great cities would not be just a local or a State tragedy. It would be a national tragedy. That is why it is incumbent upon us—the members of both Houses of the Congress—to see to it that that tragedy is averted.

No revenue sharing legislation, at the funding levels proposed, will by itself avert that tragedy. But I believe revenue sharing, properly tailored, can move us in the right direction.

Unfortunately, the Administration's revenue sharing bill is inadequate. It would maintain the status quo.

It does not provide our large urban areas with the kind of assistance they need to survive. Rather it gives a distinct advantage to those communities which are enclaves of wealthy residents—too often residents who have fled the cities. The President's formula results, for example, in Commerce, California, receiving nearly four times as much per capita as Los Angeles, and in Highland Park, Michigan, receiving two and one-half times as much per capita as Detroit. And it results in Miami Beach receiving nearly twice as much per capita as Miami and Tampa and four times as much per capita as Jacksonville.

That is why I have introduced an alternative to the President's bill. My alternative would provide $6 billion in general financial assistance to the hard-pressed cities and to the States.

S. 1770 apportions financial assistance to cities and counties in relation to their needs as well as their population and tax effort. And my bill contains incentives to encourage the States to improve their own systems of raising revenue.

I believe S. 1770 would represent a sound beginning to solving the fiscal crises of State and local governments. It recognizes that the need for financial assistance of cities and counties with large percentages of poor people are greater than the needs of wealthy communities which can raise additional revenue on their own with little effort.

The bill accomplishes this by incorporating a "poverty ratio" into the formula for distribution to local governments. That "poverty ratio" measures two factors which have a direct bearing on the ability of a city to raise its own revenue—the percentage of families within it who receive public assistance. Cities like New York, Detroit, Philadelphia, Los Angeles, and hundreds of others, large and small, would be compensated for the fact that a large number of their residents are too poor to pay their way.

To cite just one example of the effect of the "poverty ratio" in apportioning assistance to local governments. Under the President's bill, which has no need criterion, Montgomery County, Maryland, an affluent county, receives just one-third less per capita than does Baltimore City. Under the formula in my legislation, which includes the "poverty ratio," Baltimore City will receive approximately six times as much per capita as does Montgomery County.

I think there is another aspect of the pass-through formula in S. 1770 which will be of interest to this committee. Unlike the President's bill, my proposal does not attempt to decide in Washington how much assistance each local government, no matter how small or no matter what services it provides, should receive. Rather, its statutory pass-through formula applies only to those cities, counties and townships with populations over 25,000. The shares for communities below 25,000, under my bill, would be decided by the State governments, which are in a better position than we here in Washington to determine the specific needs of small communities within their boundaries.

As I mentioned earlier, I believe general revenue sharing legislation without incentives to the States to improve their own systems of taxation could only serve to perpetuate existing inadequate revenue raising systems. For that reason, I have included two provisions in my bill to encourage, but not coerce, the States to improve their tax structures.

The first would offer a bonus to those States which collect a State income tax. The bonus would be equal to ten percent of the State's income tax collections for the previous year.

The second provision would offer the States the option of utilizing the machinery of the Federal Government to collect State income taxes for them. Both of these provisions are intended to encourage the States to make better use of the progressive income tax rather than continuing to rely so heavily on regressive taxes like the property tax and the sales tax.

During the past decade, Mr. Chairman, the Congress has repeatedly responded to the needs of the cities and States. It declared a national war against poverty. It committed the nation to rebuilding our core cities through the Model Cities program. It has vowed to preserve our environment through programs to control air and water pollution. We must continue these important initiatives, and expand them. And we must undertake new initiatives to solve national problems, as this committee has done in yeoman fashion by reporting urgently needed welfare reform legislation.

But we can never get maximum benefit from the war against poverty, from the Model Cities program, from the air and water pollution control programs, or from welfare reform so long as the streets of our cities are strewn with garbage for lack of money to collect it, or so long as our cities remain hotbeds of crime and violence because they cannot afford police to prevent it.

What the cities and States need now is financial assistance they can use to pay the operating costs of government. They need money to pay for police and fire protection, schools, and garbage collection. It is time for the Congress to respond to this need.

Mr. Chairman, my proposal, to be sure, is no panacea for the financial ills of city and State governments. But, I believe, it is a reasonable alternative to the President's program, and I believe, its provisions merit careful consideration by this committee.

I would like to say again that it is a privilege for me to appear before this distinguished committee. Thank you for your patience, and I'd be delighted to try to answer any questions members of the committee may have.

"BEYOND URBAN SURVIVAL"

(Remarks by Senator EDMUND S. MUSKIE, Philadelphia, Pa., June 14, 1971, to the U.S. Conference of Mayors)

We meet today in a moment of hope for the cities of America.

Our hope comes from another meeting last week in Washington—a meeting of mayors, governors, and key congressional leaders called by Democratic National Chairman Lawrence O'Brien. Its results have been widely reported. Because I was there, I feel safe in saying here that cities everywhere in America have a chance to survive in 1971.

It has taken so much time to secure even that much hope. Our cities have been in danger for more than a decade. Washington has been indifferent for almost as long. I have witnessed the indifference again and again during my twelve years there.

In 1959, my first year in the Senate, I was given committee assignments closely related to urban affairs—an issue clearly regarded as equal to the lowly status of a freshman Senator.

In 1962, my proposal for a subcommittee on intergovernmental relations stirred very little opposition—because there was very little competition for the opportunity to worry about State and local finance.

In 1966, as the floor manager for Model Cities, I had to agree to a cut in funds to gain enough support for the bill—and even then it was still touch and go until the votes were finally counted.

And in 1969, my subcommittee held the first congressional hearings on revenue sharing—but we were advised not to report legislation to the Senate because there was no prospect for its passage.

Those years were a time of Federal failure. They were frustrating and they seemed almost endless. Most mayors and some Senators and a few Congressmen were trying to teach a vital lesson—but it often looked as though almost no one was learning. Now, in 1971, the message is finally coming through. If the cities go under, so will the suburbs and the towns and ultimately the country—and that's the only domino theory I know of which is true.

Fortunately, the events of recent days will probably prevent a testing of that truth. In response to the fiscal plight of States and counties, the Congress is likely to enact a phased Federal takeover of welfare cases. And the outlook for the cities is now enough new Federal money to stay in business.

That money is the real question. The name of the game in the cities is survival—and the name of the survival dollars is unimportant. I have introduced a revenue sharing bill which your legislative action committee has endorsed. I believe in that bill. But I also believe that this is not the time to argue over titles or authorship. How much credit there is for any individual is far less crucial than how much money there is for every city.

Our goal now must be survival dollars for the cities—in sufficient amounts, with sufficient local discretion, distributed according to need.

A program for survival must provide at least as much help as my revenue sharing proposal—which gives the cities far more than the President's bill. A program for survival must allow very broad discretion in allocating aid—which is the only way mayors can meet the mounting price of public services. And a program for survival must put the money where the problems are—which cannot be done by an administration formula that leaves a gold coast resort like Miami Beach with twice as much aid per capita as its hard pressed neighbor, the city of Miami.

When we first discussed distribution according to need, we were told that it just couldn't be done. But it has been done. It will be the basis for the plan that finally emerges. And it will be better for the big cities and better for this country, which simply cannot afford anything less than a focused attack on urban decay.

Each of us—mayors and senators alike—must work together for this kind of survival program. Your legislative action committee has been flexible—and you must remain flexible in the days and weeks to come. The outcome will be a bill you can live with—and a bill your cities cannot live without.

We have fought long and hard for the substance of revenue sharing. Now we see the possibility of victory—not for a specific name or a specific proposal—but for the reality of dollars to the cities. It is a victory that once seemed so distant and today seems so close. It will be a victory for all of us—for mayors who worry about the future of their cities and for concerned citizens who care about the fate of our country.

But there is a danger in the possibility of victory perhaps not as clear but almost as serious as the danger in defeat. Some politicians seem to think that survival dollars alone will satisfy the federal obligation to urban America. We must not permit their view to prevail. We must persuade the Congress and the administration and the nation to look beyond urban survival.

The blunt inescapable truth is that this year's likely legislation will leave the cities about where they were when the Kerner commission reported—with just enough money to finance austerity. Budgets, just enough services to stave off total breakdown, and not nearly enough resources to do enough of the critical work which must be done. Rescue from imminent urban disaster is not equivalent to urban salvation. And each of you know that in a very direct and very painful way.

Mayor Ray Gribbs of Detroit could use survival dollars to rehire 600 laid-off employees, to retain 1,000 who are now in jeopardy, and to reverse reductions in essential health and safety functions. But he would still be helpless in the face of a 45% unemployment rate among black youths in central Detroit.

Mayor John Lindsay of New York could spend survival dollars to resore recent job slashes and to maintain the present, inadequate level of police protection and sanitation services. But he still could not begin to rebuild the sections of Brownsville which look like Dresden after World War II.

Mayor Henry Maier of Milwaukee could use survival dollars to avert what he describes as "drastic cutbacks". But he could not stop the deterioration in housing and schools which has driven 24,000 citizens out of Milwaukee in the last ten years.

Mayor Ken Gibson of Newark could put survival dollars into so many urgent tasks that I would not even try to list them now. But what could he do about 20,000 drug addicts and 114,000 citizens dependent on welfare—a third of Newark's whole population?

And Mayor Jim Tate of Philadelphia could plug survival dollars into the $90 million budget gap which forced the city council to make slashes across the board in police patrols, prison security, and food allowances for needy children. But he could not repair the terrible blight which afflicts so many homes and apartments in the slums just blocks from this hotel.

Most mayors here today could tell similar stories of deprivation and disaster. What it all adds up to is a fundamental urban tragedy that will barely be touched by revenue sharing or its substitute. Unless Washington does much more in every area of concern, most of you will return to this conference next year as little more than caretaker mayors of caretaker governments in cities where survival is a code word for slow disintegration.

I have heard it said that this is what you deserve—that archaic and inept local administrations have bred their own problems—that the mayors are solely responsible for the urban mess. I have heard the charge that you cannot spend wisely and the implication that greater wisdom resides in Washington. And I cannot believe what I am hearing.

Mayors are not prolonging the war in Viet Nam—a war no general can win and no reason can now make right—a war which has drained our treasure from the tasks of life at home to the tasks of death abroad.

Mayors have not driven our prosperity into the ground, pushed our prices out of sight, or made the jobs of working men and women pawns in a failing economic game plan.

Mayors have not impounded $800 million dollars of desperately needed domestic funds. Mayors have not decided that an ABM deserves priority over decent housing. And mayors have not vetoed increased appropriations for the education of children.

All of that was done in Washington by supposedly wise Federal officials. Mayors are responsible for none of it. But their cities and urban citizens are living every day with the painful impact of such mistakes—mistakes mayors did not make and cannot reverse.

So in the 1970's, the Federal obligation is larger than mere survival dollars to hold the line on decay. It is as large as the damage Federal policies have already inflicted on our cities. Washington must recognize that there is no urban crisis. Not because there is no crisis. But because it is not just urban. It is a total national crisis—and it requires a total national response.

That goal is so easy to say, so hard to reach. How hard, we have found out in recent years. Despite the warnings of the Kerner Commission—despite the earnest words of mayors and the best efforts of worried Senators and Representatives—despite the resolutions of this conference—we have not come even close to what Senator Humphrey once called a Marshall Plan for urban America. No wonder the cities have remained so far from their potential for a truly civilized life.

We cannot accept more of this failure. The key to our success now is power—a coalition for progress in the cities with enough power in the country to make change happen. In these last hopeful days, we have seen what such a coalition can accomplish. Just weeks ago, the prospect for even a few new urban dollars seemed so bleak. The cities were drowning—and Washington was standing on the dock debating the shape of the life preserver. But together, mayors and city officials and congressional leaders have moved the debate off dead center and toward survival for urban America.

So this is not the moment to disband our coalition, but to expand its scope. Nineteen seventy-one may be the year of survival. Nineteen seventy-two and the year after and the rest of the seventies must become a decade of progress in the cities.

A coalition for progress must make its voice heard and its views count—all the way from city hall to Capitol Hill. It must exert a maximum effort for three minimum demands.

First, the Federal Government must guarantee a job for every worker.

Even when the indicators told us there was a boom, there was no boom in your inner cities. And the current bust has hit harder there than anywhere else. Only when the Federal Government becomes the employer of last resort, can we ease the despair of countless urban Americans—workers without work—workers whose anger could snap urban tensions into urban explosion at any moment. We must create jobs for them in the public sector—and we must begin with the current public service employment bill.

The President vetoed the bill last year—and he has threatened another veto in 1971. That is not the way for this administration to keep its pledge to take people off of welfare rolls and put them onto payrolls. America must fulfill that pledge. And mayors and Senators must play their part by demanding a Federal job guarantee for every worker.

Second, the Federal Government must assure a livable urban environment.

I am not just talking about pollution. I am talking about the total physical environment. I am talking about cities strangled in their traffic because they cannot sell enough bonds to build enough mass transit. I am talking about schools where students fall further and further behind and hospitals where patients grow sicker while they are neglected. And I am talking about slum children who cannot move to housing that is not there—and cannot avoid the lead poisoning that is everywhere.

We have discovered and studied and even endured the decline of the urban environment. Now we must do something to change and enhance it—to make the reality of our cities equal to the promise of urban life. The Federal Government must muster the resources to build and sustain mass transit, better schools, and quality housing. We must reform our medical care system and enact national health insurance. We must make cities more than places to exist. We must make them truly places to live.

Third, the Federal Government must mount a maximum attack against urban crime.

Creating jobs and repairing the total physical environment is not our entire urban task. It is also essential to restore the rule of law in the streets of our cities.

In the urban America of 1971, too often the only thing that walks the sidewalks after dark is fear. Crime has subverted the sense of community and trust and driven more and more families into the isolation of their own homes—guarded by triple locks and the solitude of separation from the neighbors who should be their friends. The people of our cities have a right to be more than prisoners of suspicion and apprehension. They have a right to safe streets and secure lives and parks where a careful mother can let her children play.

But the federal government has done so little to protect that right. We have a new attorney general and new restrictions on the bill of rights and a swing toward strict construction. But violence and theft and addiction have continued to climb.

What the cities need from Washington is more resources, not more tough talk. The cities need federal aid for additional policemen, better trained and better equipped. The cities need an all out federal campaign against drugs, at home and abroad, to destroy the curse of addiction which spawns half of our urban crime. And cities and states alike need help to make our courts sure and swift in convicting the guilty and freeing the innocent—just as they need federal help to make our prisons places for rehabilitation instead of schools for crime.

In short, billions of new federal dollars must be poured into every area of urban endeavor for every year of the seventies. The cost in money may seem high—but the cost of what we are doing now is human suffering and human deprivation.

And we can afford to pay the price for urban decency. We can afford less than seventy-five billion dollars for defense. We can afford to stop a war which is infecting brave young Americans with the disease of heroin. We can afford to invest the savings in the salvation of our cities. And we can afford nothing less.

For half a decade and more, mayors have been standing on the thin margin of disaster. I am convinced that in the last week you and your cities have won a chance to step back from the edge. You have probably won some time for urban America—something which was in desperately short supply just a few days ago.

We must now use that time to move beyond urban survival.

If foreign enemies were destroying our neighborhoods, undermining our health, poisoning our air, and spreading crime and violence in our streets, this nation would stop at nothing to stop them.

And that is almost what is happening to urban America. The only distinction is that the enemy is within—the enemy is indifference and neglect.

We must begin now to defeat that enemy—or we will ultimately lose our cities and our country.

As mayors, you have been in the thick of the battle year after year.

You and your allies at every level of government have gained some vital ground.

Now together, we can win the urban battle. Our cities can do more than survive. They can prevail.

A WAR AGAINST HEROIN

(Remarks by Senator EDMUND S. MUSKIE, to the New Hampshire Bar Association, Bretton Woods, N.H., June 18, 1971)

Whenever I think of coming home to New England, I remember the green hills and the clear air and the sense I have always had that this is the place to live.

From here, the problems in Washington seem so distant. From here, the Senate may appear as just a place of honor, not a chamber for tough work and hard decisions. Here, men and women take confidence from the past and keep confidence in the future.

But in this last, difficult decade, the crisis of America has intruded on the calm of Northern New England.

Your sons have been sent to fight and kill and die in a war started without our consent or even our knowledge—a war no general can win and no reason can now make right.

Your neighbors in the factories and stores of Durham and Newport have felt the swing from bust to boom and back to bust again—a swing which has put workers out of work and pushed prices out of sight.

And each of you has learned through this time and these trials to wonder about the future and the fate of America—something which once looked as secure as Mount Washington.

I wish I could tell you now that all of this will soon pass. But any politician who says that after the events of recent days would not be serving you or the truth. There is too much we do not know—and too little we can still be certain of. So tonight I want to speak with you about another threat which has invaded your communities from the larger world—a threat to your children and New Hampshire's safety.

I am talking about the evil white powder Stewart Alsop calls the "city killer"—the powder that produces half of our crime and most of the fear which stalks our streets.

I am talking about the epidemic of heroin—the sickness of an addiction which has already afflicted people in every part of our land.

And I am talking about the countless condemned Americans:

About 1,000 babies born each year in New York City as addicts, helpless heirs to the terrible pain of their mother's habit.

About the thousands of veterans exposed to heroin in Vietnam who are now carrying a horrible curse home to their families and our towns.

About more than 100,000 despondent and disillusioned people whose health and will and hope have been shattered almost beyond repair.

And their disease has infected New Hampshire. For almost a generation, your state and my state seemed virtually immune. But now we know that no place anywhere is immune. Now we know that drugs and addiction can strike at any town or any family. Rockingham County District Attorney Carleton Eldredge warns: "Our county is experiencing an epidemic of drug-related burglaries, larcenies, and robberies. Unless we approach these problems with more effective measures, both drug abuse and drug related crimes will increase—and what is now an epidemic will become a chronic condition."

Yet we are doing so little about a danger that jeopardizes so much. And the little we are doing adds up to even less action against the deadliest drug of all. In Washington, I have seen the crisis of heroin noticed and studied and denounced. I have seen Washington talk a good game against heroin, but the facts show that everywhere people are losing.

You can see why in the sad statistics of the current, half-hearted federal effort.

This year, the federal government will spend only $62 million enforcing our drug laws. That's less than the price of shutting down the SST.

This year, the federal government will spend only $7 million on drug education, $20 million on drug research, and $43 million on treatment and rehabilitation. That equals the cost of the Vietnam War for one day in 1968.

Last year, the National Institute of Mental Health treated only 1,100 patients—at the incredible cost of $10,000 each.

Last year, the Community Health Centers Act reached just a few more than 3,000 addicts.

And, while 25% of all addicts are veterans, the Veterans' Administration maintains exactly five drug treatment units with an average of fifteen beds each.

In short, the federal government is helping just 2% of the addicts in America. Any system with a record like that is nothing less than an absolute and total failure.

Obviously, we can and must do more by spending more on law enforcement, research, and treatment. But that is not the whole answer or even most of the answer. As long as drugs flow freely into our country, heroin will hook people faster than we can educate them, faster than we can catch them, and faster than we can cure them. We will not even begin to defeat addiction until we care as much about his fix as the junkie does.

We must care at home and abroad. We must care in every neighborhood and in our foreign policy. The federal government must launch a war against heroin as broad as the world that produces it and as defined as the addict who craves it.

That is why I introduced new narcotics legislation in the Senate in May. The legislation calls for two major reforms. I believe both of them are essential.

We must set up a central federal agency with overall responsibility for fighting drug abuse.

This agency must have as much money as it needs. It must be directly responsible to the president. And it must devise and implement a coherent national effort to pull all our present programs together and push them to their maximum limits. A single office of drug abuse offers far more hope than a federal effort fragmented among several cabinet agencies—each of them hobbled by inadequate power and insufficient skills—all of them partly responsible for a problem none of them can resolve.

Destroying heroin at its source will be difficult. It will take a long time and it will cost money. But this country spends $75 billion on defense and war. Surely, we can afford a fraction as much to protect our children, our cities, and our safety.

Today, the Administration sent the Congress a bill similar to my proposal for coordinating the domestic war against heroin. I welcome the bill. Though it is somewhat different from mine, the aim is the same—to exterminate addiction in America. That goal is so easy to say, so hard to reach. And it is too vital for destructive partisan disputes or debates about who deserves the credit for what. That is why I am co-sponsoring the Administration's bill—and that is also why I will try to strengthen it. I will have criticisms and I will offer amendments—not as a Democrat against Republicans, not as a Senator against the President, but as a concerned American, worried about what drugs are doing to America.

I think the Administration's program is not enough—and I hope that together the Congress and the President can do better.

The Administration's bill provides coordination only for treatment and education programs. Law enforcement and veterans' problems are still left in their current condition of fragmented disarray. Moreover, the bill simply ignores the challenge of foreign heroin production. It calls for no expansion in our efforts to substitute other crops for opium around the world—an expansion that is essential to any successful attack on heroin.

Finally, the Administration has asked for some new funds to fight drugs. The amount will just about make up for the failure to request the anti-drug money Congress has already authorized. Last year, for example, Congress authorized $102 million for narcotics treatment and education. But this January, the Administration requested less than one-quarter of that amount.

A nation with as much wealth as ours must do more than this for the health and safety of our people.

The Administration's bill is a late but encouraging beginning. Its provisions must be toughened and its financing must be vastly increased.

There are no easy answers to heroin—and there is no single answer. Methadone maintenance can pull some junkies away from heroin—but it cannot help others and it is itself addicting. Antagonist drugs may someday virtually immunize heroin's victims from further disaster—but there is too little money for research and probably too much time to wait. Perhaps the most vital step would be a truly effective anti-drug education program in our schools—to teach our children the terrible truth about the dreams in a hypodermic needle or an amphetamine pill.

And beyond all this, we must ask ourselves why this has happened to America—and we must do something about the answer.

Only a month ago, an army psychiatrist reported that the reason soldiers in Viet Nam were turning to heroin was because they did not want to be there. "The men," he said, "were reacting to Viet Nam much like the deprived in a ghetto." So our task—yours and mine and every American's—is not only to battle heroin directly, but to go after the conditions which breed addiction. Not just poverty in housing or in income, but the poverty of soul which leads people to lose faith, to drop out, cop out, and turn on. Not just the wrong of a war over there which drives young Americans to drugs, but the wrongs back here which leave so many with the sense that there is no way to build a better life or make the system respond.

You and I realize that the American ideal can work. Now we must make it a reality for every American.

No one can claim that this will wholly control heroin. We also need a tough, all-out effort by police and prosecutors, courts and treatment centers, schools and parents. But in the final analysis, all of that will fail unless we build a country worthy of our beliefs—a country where prosperity and politics alike serve all of the people.

When I visit New Hampshire now I think here as elsewhere of the problems of American life. But here, too, and across New England, I see the promise of American life.

I see what our fathers and their fathers before them were able to do.

I see the character that gives us the strength to fight for what is right—in our own towns and wherever else America is in danger.

I see people who understand how to live in peace with each other and in harmony with their surrounding.

And I am convinced that the promise of our country can be kept. Recession and war, credibility gaps and drug addiction will test America. But they will never defeat America—if we care enough to do enough about them.

You know how much you care—and so do I.

And that is why I believe we will prevail—in New Hampshire, in New England, and in the nation.

You know how much you care—and so do they.

Law and Order: Beyond the Code Word, Summary 1971—Part I

This is a difficult moment to write about America. In the one hundred and ninety-fifth year of our history, our people's faith in our country's fate is profoundly shaken. A recent survey tells us that almost half of them now expect our national divisions to lead to national breakdown. That is so easy to say, so hard to comprehend. Most of us have assumed the durability of the system which has always sustained our hopes. Through time and trials and in the toughest moment, our country and our country's principles have prevailed. Despite the dangers and the doubts, most of us have felt a sure sense of security about our place in America and America's place in the world.

Our unease now is unusual—and it will not be easy to cure. We are told that our most urgent task is to heal division and build confidence and restore trust. But no one can fulfill the promise to bring us together unless he can also show us where we are going. We must believe again that we can find out what is wrong and begin to make things right.

So it is not possible, in a borrowed phrase, to just "cool" America. There is too much people will not be cool about. They see their sons sent to war and their jobs disappear. They are living everyday with the disquieting question a national news magazine asked more than a year ago: "Why doesn't anything work anymore?"

And nowhere is there less cool and more worry than in the tide of anger and apprehension about crime in America. Too often, on the night-time streets of any town, there is no one to see and the only thing on the sidewalks after dark is fear. In the last decade, crime across the country climbed by an incredible 148%—and violent crime alone increased 130%.

Those numbers were election issues in 1968 and 1970. They are likely to be an issue again in 1972. But those numbers are also people—and in 1971 it is people who are in trouble. A cabdriver in the city of New York refuses to change anything larger than a five dollar bill—but he still worries that his next passenger may kill him for the petty cash. A father in the slums of Detroit does his very best with the very little he has—and then one day he finds heroin and a hypodermic needle hidden on his fourteen-year-old's closet shelf. A housewife in the suburbs of Los Angeles wants to read the late evening edition of the next morning's paper—but yesterday's news warns her not to test her safety with an 11 P.M. walk to the corner store. A merchant in the center of Dallas buys burglar alarms and safety locks and shatterproof glass—but repeated robberies drain his profits and finally destroy his business.

No matter what else we do for our country, we must do far more to combat the mounting wave of crime. So much is at stake. What will we gain from prosperity—if crime continues to threaten our livelihood and our lives? What tranquillity will come from peace—if crime turns more urban streets into virtual free fire zones? Americans will not settle for that—and they should not have to settle for it. They have the right to live and work free from fear.

There are men in high places—men of the law who should surely know better—who ask us to rely on tough talk and a turn toward repression. They are trying to enforce order by stretching the law. They are trying to preserve the country by whittling away at constitutional rights. And their tactics are a real danger to justice in America. American justice is endangered when an official voice proclaims the guilt of a suspect still presumed innocent—and when, in the midst of the Calley case, it takes a letter from a young army captain to remind the President of the United States of his responsibility to the rule of law. American justice is endangered when disrespect for legal principles becomes an accepted public practice: disrespect in the form of wiretapping without a court order—which is simply and plainly unconstitutional; disrespect in the form of preventive detention—which the Administration's own study tells us will not work; and disrespect in the form of "no knock" procedures—which violate a citizen's precious right to privacy in his own home.

And perhaps the worst tragedy is that repressive tactics like this have made no gains against rising crime. In the last two years—years when we were promised success—we have seen more and more failure as the crime rate continued to soar. Tough talk and repression may satisfy a psychic longing to strike back at lawlessness. They may win a few more precincts or a few more votes. And they will also defeat the cause of liberty and distract us from the real work of fighting crime.

But I believe that there is hope—that we can make our streets safer and our homes more secure. I believe in this America—that the system has not failed, though some leaders may have failed the system. I believe we can use our country's principles to build law and order—and law with order—and crime control instead of code words. We will not find any of those in campaign speeches or epithets or sudden dramatic shifts in the Supreme Court. Instead, we must ask hard questions, settle for no easy answers, and insist on solutions which can really turn the tide against lawlessness.

We have already been told much of what must be done. Presidential Commissions and Executive Task Forces and Senate Committees have parsed and analyzed the crisis. In 1969, the President's Commission on Violence in America estimated that it would cost an additional $6 billion to mount an effective fight for law and order. But we are still spending far less than we should—and accomplishing far less than we must. It is time to act now—in all the ways we know are critical. I hope to outline a program for action in my next column.

LAW AND ORDER: BEYOND THE CODE WORD, SUMMER 1971—PART II

In my last column, I wrote about the urgent threat of crime and the Administration's failure to build law and order. But merely naming the threat and pointing to the failure is not enough. A victory for the rule of law and the security of people will require reform throughout the criminal justice system.

We have been warned again and again that the system is overburdened with victimless crimes. Too often, we have tried to deal with personal problems that are social problems by outlawing them. Now federal help and local reform must develop alternative methods to treat offenses like drunkenness. We can no longer afford to tolerate the policies which force the police and the courts to waste their time instead of protecting people and property from crime.

Police departments should not be a dumping ground for our neglected social ills. And neither should policemen be forced to act as clerks. A recent study in a medium-size city reported that over 50% of police time was committed to administrative assignments. A patrolman belongs on his beat, not behind a desk—and Washington must make that possible with money to train and hire administrative help. Washington must support our local police—to make them as effective as they can be and as fair as they should be. They deserve better pay, better equipment, and better training. Only then, will society deserve and command the best possible law enforcement.

But more policy with more resources are not the whole answer because our police cannot do the whole job alone. So much ultimately depends on our courts and our correctional system. And their persistent defects have led to repeated disaster.

If justice delayed is justice denied, there is far too little justice in America's courts. Across the United States, according to the Census Bureau, over half of the persons in prison or jail are not there because they have been judged guilty of a crime. Most of them are simply waiting, often as long as eighteen months, for a day in court. It is like the Red Queen's jurisprudence in *Alice in Wonderland:* first the punishment, then the trial. And the results should not be surprising. To clear the backlog, judges and prosecutors allow thousands of defendants to plead guilty to reduced charges. In the end, whatever sentence is passed is frequently less that it should be and usually long after the offense. No wonder the President's violence commission concluded that court delay was contributing significantly to a nationwide breakdown in law and order.

I am convinced that we can change all that. We can act at the national level to pay at least some of the bill for modernizing court procedures, hiring professional administrators, and streamlining jury selection. If computers can program our intercontinental defense, they can surely program court calendars to assure swifter justice for every suspect—and a stronger defense for every city and neighborhood. With the right investment, we can achieve Chief Justice Burger's goal of a sixty-day limit before trial—and that would mean fairer law and more order everywhere in America.

And we must make a similar investment in our correctional system. Today, we are giving less than 3% of our criminal justice funds to penal reform and convict rehabilitation. What are we getting in return? Prisons that are schools for crime—prisons that turn first-time criminals into repeat offenders instead of productive citizens. How ironic that we are willing to spend so much to catch a thief—and so little to change him so that we will not have to catch him over and over again.

A commitment of will and resources to reform the criminal justice system can begin to build law and order. But we must do far more.

We must try to root out the causes of crime. I am not talking about deteriorated housing or the shame of poverty—we must respond to them because response is right, not for the sake of a distant relief from crime. And I am not talking about Supreme Court decisions—few prospective lawbreakers hear of them and even fewer read them.

I am instead talking about the evil white powder Stewart Alsop calls the "city killer". I am talking about the epidemic of heroin which is responsible for 50% of our urban crime. And I am talking about people twisted into addicts and lawbreakers: about a section of New York City, where 18,000 men and women—out of a total population of 58,000—are helpless slaves to a heroin habit; about the city of Washington, where 67% of the addicts are less than 26 years old—because very few addicts live to be very old; about the soldiers who did not go to jail or flee to Canada—and are now carrying a horrible curse home to their towns and their families; about 250,000 Americans who attack countless fellow citizens and steal billions of dollars to feed an expensive, murderous, implacable addiction.

A large part of the answer to the question of what causes crime is heroin. But for heroin itself, there are no easy answers and there is no single answer. So much has failed and so little has succeeded. And at least part of the reason for failure is our half-hearted effort. Together, federal, state, and local programs are today reaching less than 10% of America's addicts.

Over a month ago, I sponsored new narcotics legislation in the Senate—and the President called for very similar legislation two weeks later. But because the heroin threat is so urgent, I am now certain that every recent proposal from every source is too little and too late. We are accomplishing and even asking for much less than we should.

What can we achieve? Obviously, there are both strengths and drawbacks in every current treatment method—from antagonist drugs to methadone maintenance. But those methods in combination can cut sharply into the rate of addiction. One authority tells us that methadone alone can become a heroin substitute for half of our potential criminal addicts.

We cannot neglect such an opportunity. The federal government must guarantee a comprehensive drug treatment program in every city and town facing a serious drug problem. And every local program must have enough room for every local addict—whether he volunteers for treatment or is required to take it after arrest. There must be no more waiting lists—while addicts wait, citizens are robbed and mugged. And there must be no competition for scarce federal funds—we must find enough money to combat heroin wherever it strikes, in our cities and among our soldiers.

A truly broad national program would cost $5 billion in the first five years. That is a lot of money—but it is only a fraction of the financial loss in the same period from the crime spawned by addiction—and it is a small price to pay for the security of our families, our friends, and our fellow citizens.

That's why I recently joined with Senator Harold Hughes and Senator Jacob Javits in introducing a bill to reform the entire federal attack on dangerous drugs. The bill will provide desperately needed funds to state and local governments to establish and evaluate their own treatment systems. It will provide new dollars for research and experimental programs. And it will expand nearly four-fold the federal commitment to treat addicts through local community centers. In all, it will add almost half a billion dollars to the war against narcotics.

That is a great advance, but the country still has a long way to go. The bill will create the basic structure for a comprehensive attack. We must use that structure to the maximum by appropriating more and more money for it over the next few years until we reach the level of a billion dollars a year—enough for a comprehensive federal guarantee. We owe that much to our children and ourselves.

There is no cheap way to conduct a war against heroin or a war against crime. There will be no gains without financial pains. And there is no escape from a fundamental choice.

We must decide to put our priorities where our problems are—in the streets of our own cities and the farms of our own land. We cannot tolerate a $5 billion cost overrun in a dubious ABM system—a 50% price increase in just two years—when we are spending less for a national war on cancer than the cost for one week of war in Viet Nam. From Seattle to Miami, in crime control and every other field of domestic endeavor, we must now turn again to the vital goals Lyndon Johnson so well advanced in the middle years of the last decade. We must find a new direction for America so we can bring Americans together.

The American system has been good to most of us. It now asks in return for our voices, our energy, our faith, and our trust in each other. I hope Americans are ready to respond—because together we can succeed. And success for America is the only aim worthy of our common heritage—which teaches us how good and how great our country can be.

THE RIGHT TO KNOW AND THE RIGHT TO BE LEFT ALONE

(An address by Senator EDMUND S. MUSKIE to the National Magazine Editors Award Luncheon, New York City, April 26, 1971)

I take particular pride in the invitation to address this distinguished audience when I recall that your counterparts in the newspaper business had President Nixon as their guest speaker this year. The newspapers, of course, are inevitably concerned with the here and now, but magazine editors can take the long view. I hope you and I are taking the same long view.

In one respect the President was more fortunate than I. He used the occasion of the newspaper editors' dinner to get his 1971 Presidential Press Conference out of the way. Those of us who are not presidents do not get off so easily.

Those of us who are not presidents also hear a lot these days about the need for preserving traditional values against destructive attacks from all sides. These attacks, it is said, are part of a conspiracy to overthrow the head of the FBI and replace him with a regime that will take orders from some outside power—such as the Government of the United States.

At a time of crisis in our values, it is not surprising that our leaders should be concerned with preserving traditional standards. But it is astonishing that, while professing such concern, they should be conspicuous accomplices in the erosion of values as fundamental to a democracy as the right to know and the right to be let alone.

Such political values serve a special need in our society. They are among the dreams of liberty that have given meaning to our history. More than most peoples, we have found our identity and our unity in our national dreams. At a time when there is so much disillusionment with the present state of the union, and so much bitter division as to where we should go from here, we can ill afford to be careless with our first principles.

I hope that carelessness is the proper word to describe the attitude of the present administration toward the public's right to know about their government and their government's policies. I am sure that you of the periodical press need not be reminded of the repeated attacks the Administration has mounted on some newspapers and most television journalism.

I do not believe that the freedom of the press makes journalists immune from attack by men in public office. I would hate to think that the freedom of the press means that politicians must always turn the other cheek. In fact, a hostile editor or writer is always a tempting target. Some of my best friends are journalists, but I have noticed that as a general rule they are likely to be even less popular than politicians.

While political leaders may be entitled to hit back at the press from time to time, a government firmly dedicated to the public's right to know and to the principle of freedom of the press must bend over backwards to avoid any hint of threat or intimidation.

In this Administration there has been no such bending over backwards. Apart from ritual disclaimers, this Administration has made no serious effort to dispel the widespread belief among television newsmen and broadcasters that its attacks are designed to make them more responsive to the party line. Even if these beliefs are mistaken, their existence is a threat to the public's right to know.

Such fears are not quieted by the Administration's aggressive use of its subpoena power to obtain reporters' confidential notes and sources. Nor can such fears be allayed when the government tries to force a major television network to disinvite an opponent of legislation supported by the Administration so that the Administration's own lobbyist might state his case without opposition.

Moreover, the Administration's war with the press is being fought in an atmosphere that is dominated by evidence that it is indifferent to the public's right to get the facts. The Administration attacks the press, not so much for opposing the Administration's policy, but for reporting facts that contradict the Administration's line. Among the new executive prerogatives now being claimed by the government is the right to prominence, if not to dominance, for the official version of the facts, whether or not that version is the right one.

If the Administration has decided that there is no hunger in America, it will seek to discredit the press that finds hungry people.

If the Administration has decided that the invasion of Laos was a glorious victory, woe unto the reporters who feature evidence of a defeat.

If the expert interpretations of the monthly employment statistics by labor department civil servants conflict with the Administration's official gloss on those statistics, then the expert briefings have outlived their usefulness.

In the things that it thinks matter most to the public, the Administration's basic instinct is to hide the ball and, if possible, the players. This attitude is understandable in an Administration in which the medium is so large a part of the message, and in which the message is so often contradicted by the facts. But it is an attitude that does not dissipate the impression that this Administration is hostile to the public's right to know.

To judge by what we have been reading in the press of late, and particularly in some of your magazines, you would think the right to know belongs only to the government.

We have learned that army units have been compiling dossiers on people who attend antiwar meetings.

We have learned that the FBI has been compiling dossiers on people who attend antipollution meetings.

We have also learned that the FBI keeps close tabs on people who consort with black activists or student activists or, so it seems, almost anyone who supports changes in our society.

We have learned from Senator Ervin's subcommittee that all sorts of governmental institutions are compiling impressive volumes of personal information about people who come in contact with the government. And we have been reminded of just how frequent a tool of government the practice of wiretapping has become.

Thanks in no small part to the courageous work of magazine editors, we are beginning to realize that this is an area in which the public's right to know has been almost wholly ignored. Even now, we know only that the government is watching more of us than we thought. We do not know which of us or how many. We do not know what information is in our own dossiers, or what are its sources. We do not know whether it is accurate, or what use will be made of it.

We are told, for example, that the FBI infiltrated Earth Day meetings in order to watch a few individuals with known propensities for violence. Yet the FBI's report on Washington's Earth Day activities runs to eleven pages and hardly mentions such individuals. Instead, it takes a general inventory of the participants, and focuses on the presence of members of certain controversial political organizations.

It does not seem too much to ask of a free government why they happened to collect all this information about ordinary political activity of ordinary citizens, and what they propose to do with it now that they have it.

Who will be told, and with what implications, that each of many thousands of Americans concerned about the desecration of their environment were consorting on Earth Day in the company of radical political groups?

This is one case where what we don't know *does* hurt us. The immediate hurt that all these unanswered questions does to us is plain enough. They give rise to the suspicion that people will be known to the government by the political company they keep; they may be one day held accountable by their government for their efforts to change its policies. Such suspicions destroy the spontaniety of a free society and paralyze the workings of a free political process.

It is in order to answer these gnawing questions and hopefully to allay the suspicions they raise, that I recently proposed a means of supervision and control over our domestic intelligence operations.

But the indifference of the Administration to the implications of widespread government surveillance of ordinary citizens does more than chill the exercise of political freedom, just as its hostility to the news media does more than chill the freedom of the press. In both cases, the harm done to our shared ideals may well be the more lasting injury to our society.

I do not need to preach to this audience on the overriding importance of the freedom of the press in our system. In fact, I once knew a magazine editor who thought the freedom of the press was established in the First Commandment.

But the first amendment has had a heavy load to carry in recent years. It has had to bear the onus of protecting, not only the press—which is burden enough—but also the rights of dissent and protest and academic freedom. In the process it has become identified with most of the wrenching changes and much of the turbulence of our times. The elementary right of the press to inform has been swept up in the controversies involving these other important First Amendment freedoms. In too many instances the Administration has used public uneasiness over those controversies as a weapon in its effort to damp down challenges from the press. The right of information is too basic to be destroyed in a society which claims to hold its governors accountable for their acts. No government can be held accountable, except arbitrarily, by men who are ignorant of the crucial facts. And no government can be held truly accountable if it controls the information on which it is judged.

Furthermore, great as is its practical value to a free government, the symbolic value of the public's right to know is equally great; for it represents our faith that we can still control our government.

The public's right to know is protected by the press's right to be let alone by government. But the right of the rest of us to be let alone is a different sort of right. It represents to us our faith, not that we can control the government, but that in some things at least we can escape its control.

Justice Brandeis once called the right to be let alone "the right most valued by civilized men."

In some areas, the right to be let alone is explicit. The First Amendment makes it clear that we have a basic right to be let alone in anything that concerns our religious or political beliefs. On that ground alone, general surveillance and reporting of political activities is offensive to rights which ought to be beyond attack.

The Bill of Rights also protects us explicitly against unreasonable searches and seizures of our homes and of our persons. That protection is good enough to keep the government out of our closets, and it may well be wondered if it is not also good enough to keep them off our telephones.

But the right to be let alone is more comprehensive than these specific constitutional protections. Freedom is not a simple thing or a some time thing. And the Constitution was intended to protect against more than the midnight rap on the door. Our Government was put together on the theory that free men were their own sovereigns except for the specific powers that were conferred upon government.

Our founders' concept of freedom revolved around the notion that a part, and indeed the greater part, of a man's life was his own business and none of his government's. They believed that the state was ultimately an instrument for serving men, and not the other way around. They put the burden on government to justify its intrusion upon the lives of citizens.

Today, in a complex society, where the role of government is very nearly pervasive, these concepts of liberty mean even more to us than before. In the last analysis, the right to be let alone is the guarantee that we still retain the sovereignty, the power of control, over the parts of our lives we call our own.

It is, therefore, an affront to our most traditional values to hear the government say, as we have heard it say, that it will vigorously oppose any restraints upon its right to collect and file information about its citizens.

It is an affront to hear the government say, as we have heard it say, that it has the "inherent right" to tap the telephones of anyone who it believes may pose a threat to our national security, without answering, or explaining, or justifying to anyone, without obtaining a warrant from a magistrate, and without complying with the rules laid down by the Congress to control electronic eavesdropping.

It is an affront to hear the government say, as we have heard it say, that we must have faith in its own good sense and self-restraint.

These bold claims insult our history and stand our very concept of freedom on its head. As a federal judge pointed out a few weeks ago, in rejecting the claim to an inherent right to wiretap, we threw out notions such as that, nearly 200 years ago, along with the divine right of kings. It is difficult to believe that we now have a government that would wish to restore them. Perhaps those new uniforms for the White House Police that entertained us a year ago were more serious straws in the wind than we knew.

I do not believe that the Administration has set out to destroy our liberties. If it had, I do not think that it could succeed in the short time remaining to it. But mere insensitivity to our first principles can do them grievous harm when it is displayed by the government. It can tear the already frayed fabric of our community of common ideals. A government which mistrusts large numbers of its own citizens and turns on the values that give substance to the society will soon have something to fear, even if it had nothing before.

The public's right to know, and the citizen's right to be let alone, are not only the hallmarks of a free society; they are also the ideals and the symbols that still unite us. The right to know and the right to be let alone are, in a real sense, the flags we can all wave. It is unforgivable that our government should trample them.

The only way to keep those ideals from being trampled is to uphold them.

That's your job, and mine too.

ARMS CONTROL: A STEP TOWARD SURVIVAL

(Remarks by Senator EDMUND S. MUSKIE, to the town meeting, World Affairs Council, Philadelphia, Pa., April 6, 1971)

I have chosen to speak to you tonight about nuclear weapons and the need to control their cost and their dangers.

Today the United States and the Soviet Union have enough nuclear weapons to destroy each other many times over. They are each capable of ending civilization on this planet.

Nevertheless, in their search for military security, they have been building new offensive weapons. And each has developed defensive weapons in an attempt to neutralize the offensive missiles. This has led to new offensive weapons to overcome the defensive weapons.

The result is an arms race in which each side is less secure than before. Each has put precious resources—amounting to billions of dollars each year—into more expensive and more dangerous weapons because neither dares to stop.

For one and a half years the two countries have been engaged in strategic arms limitation talks—usually referred to as SALT talks. The purpose of those talks has been to reduce the pressure to develop new weapons and to end the push for more weapons. That, at least, has been our hope, but what are the prospects?

The fact is that there is no sense of urgency about the negotiations. Both sides seem to ignore the risk that, as the talks continue, still more weapons will be built, as they have, raising new uncertainties and new fears.

I wish I could say that the arms talks will soon lead to a firm agreement, or that the talks are slowing down the arms race. But this is not so. We are not likely to get an agreement during the current round of talks.

The talks are in trouble for several reasons.

First—while the talks go on—the Soviets may be making changes in their offensive weapons deployments. We do not yet know what these changes will prove to be. Whatever they are, they increase *our uncertainty* as to Soviet intentions, and they make it more difficult for us to conclude our agreement to halt the arms race.

Second—since the talks began—the United States has begun to deploy a vastly improved new warhead system, the MIRV—a multiple, independently-targetable re-entry vehicle. Our Minutemen missiles are each being converted to carry three of these warheads. That means that each Minuteman missile can attack three separate targets instead of one.

We are now putting MIRV warheads on Poseidon missiles aboard 317 submarines. There will be ten warheads on each of the sixteen missiles carried by each submarine. Each submarine will be able to attack as many as 160 different targets. The first submarine fitted with these missiles was launched last Wednesday.

When these programs are completed, our arsenal of nuclear weapons, capable last year of delivering about 2,500 missile warheads, will total more than 7,000 warheads. Each of these warheads is considerably more powerful than the atomic bomb which killed 68,000 people at Hiroshima.

Understandably, the Russians are making every effort to match this weapon.

Third, while the talks go on—the United States is continuing to install the defensive Safeguard anti-ballistic missile system to protect three offensive Minuteman missile sites. The Russians, on the other hand, have one obsolete anti-ballistic missile system around Moscow.

Our ABM system does not threaten the Russians' ability to retaliate, because it is too small and it does not protect our cities. But it does permit military leaders in the Kremlin to argue that our ABM system can be expanded. Therefore, it can make them uncertain about our intentions.

In addition, as we build the Safeguard system the pressures to keep it will become stronger.

Fourth, while each side has made a proposal in the talks, neither proposal has been given any encouragement by the other.

If we are to solve these problems, the Russians will have to give positive evidence that they will restrain their nuclear weapons program. They will have to be more responsive to our ARMS limitation proposals.

But we, too, must be willing to restrain our program and to respond to Soviet proposals. We must be willing to take the initiative in moving toward the other side.

In June, 1969, before the announcement of the opening round of SALT, I urged a six-month moratorium on the testing of our MIRV warheads. That moratorium would have permitted the talks to open on a positive and constructive note. The Nixon administration rejected my suggestion.

When the second round of the SALT talks opened a year ago, I recommended that we try to negotiate an interim standstill by both sides on all strategic weapons, That standstill would have placed an immediate freeze on all further deployments of offensive and defensive strategic weapons systems. It would have halted the testing of multiple warheads.

If that standstill had taken place, the arms race would have come to an end, for all practical purposes. All that would have remained would be a formal agreement. But my proposal was ignored by the Nixon administration, as was a similar proposal, which passed the Senate by a vote of 72 to 6.

We have seen the consequences, both in the continuing arms race and the slow pace of the talks.

I remain convinced that such an interim agreement would greatly improve the prospects for success at the arms talks. I urge the President to propose such a standstill in strategic weapons. It should cover the testing, production and deployment of offensive and defensive missiles.

I regret to say that the Nixon administration does not seem ready to take such an initiative. Instead, it seems to be operating on a double standard. It has called for Soviet restraint in deploying weapons: yet it is not willing to exercise comparable restraint. It fears the development of a Soviet MIRV—which the Soviets have not even tested adequately, if they have tested it at all: yet it refuses to admit that the Soviets have cause for concern about our MIRV, which is already being deployed.

At the SALT talks, we have proposed to include an ABM agreement in a package that would also place a numerical ceiling on both sides' offensive weapons, and a special sub-ceiling on the largest of the Soviet missiles. The Administration's package puts numerical limits on both offensive and defensive weapons, but it does not limit qualitative changes in the weapons systems.

The Russians have proposed a limitation on ABM defensive systems.

Each of these proposals is a limited—not a comprehensive—proposal. Ours involves a wider range of problems to be solved before agreement can be reached.

The question, then, is whether we should try to work out an ABM limitation as a first step toward a broader agreement. The Nixon Administration has apparently rejected this possibility. It has said that such an agreement would reduce the incentive for the Russians to bring the entire arms race to a halt.

I disagree. An agreement on defensive missiles would reduce the pressure for further development of offensive missiles.

Therefore, if we cannot get the Soviets to agree on the United States proposal at this round, I urge the President to try to negotiate an agreement limiting or banning anti-ballistic missiles. Such an agreement should be made with the clear understanding that it is the first step toward broader controls of offensive weapons as well. Both sides would have the right to reconsider the commitment if, after a specified time, they had not achieved further progress toward arms limitations.

Such an agreement would be in the interest of each side and could lead more quickly to the next step.

It is important to take that first step at a time when there is a balance in nuclear weapons, when neither side dares attack the other, and before ongoing developments on each side upset that balance.

Such a first step can slow down the waste of precious resources on a fruitless arms race, which only increases our danger, while reducing our ability to meet pressing human needs.

The costs of the arms race are very high. This year alone, the Nixon Administration is asking about $3 billion to carry on construction of the Safeguard anti-ballistic missiles systems and deployment of MIRV warheads.

This $3 billion could virtually cover the cost of Medicaid this year; or could help us to make major strides in providing good schools and adequate health care for all our citizens; or it could pay for the budget of the Environment Protection Agency more than six times over.

In coming years, funds committed to nuclear weapons programs could provide untold benefits for our people in a host of critical areas.

We face, therefore, a basic decision. How can we best take advantage of what may be a fragile opportunity to reduce the dangers and the costs of nuclear arms?

If each side holds out for its own proposal in this fourth and crucial round of the arms control talks, the prospects for agreement may be reduced. I urge, therefore, that we improve those prospects by taking the most likely first step which I have described.

It would be a step in the right direction—a reduction in the hazards to survival for all mankind.

A Strategy for Peace in Europe

(Remarks by Senator Edmund S. Muskie, U.S. Senate, May 18, 1971)

Mr. Muskie. Mr. President, I agree with the distinguished majority leader, Senator Mansfield, that there is no magic or sanctity about a European force level of 300,000 Americans.

I have supported him in seeking a reduction in our troop level in Europe.

I have supported him in pressing our European allies to pick up a greater share of the burden.

I applaud the results that he has achieved.

It is time to take a new look at Europe—East and West—and to accommodate our policies to the perspectives and prospects of the 1970's.

Mr. President, I do not believe that Senator Mansfield's amendment is the right way to do it at this time.

I believe that negotiated cutbacks by both the NATO and Warsaw Pact countries are now the most potentially productive path to a reduced American military presence in Europe, a reduction of tensions, and more open relationships between Eastern and Western Europe.

The Senate should encourage the administration to vigorously and strongly pursue the opportunity opened up by Mr. Brezhnev's recent call to start troop withdrawal negotiations, and Mr. Gromyko's subsequent discussion with Ambassador Beam. Such an effort would give us the chance to meet the objectives of this amendment while enhancing the stability and security of Europe. And that is what today's debate in the Senate is really about.

The issue is not whether Congress has the constitutional right and the sworn responsibility to review and reshape our force levels and our overseas deployment. We have that right—and we must meet that responsibility.

The issue is not whether our European partners should carry a partner's share of the economic and military burden of security. They have the strength to do much more—and it is time for them to begin matching their will to their ability.

And the issue is not whether the United States should withdraw troops, but when and how. Not our direction or our purpose, but timing and method are the heart of this debate.

How should we decide?

What are the advantages and risks that we would run if 105,000 American servicemen were unilaterally and quickly withdrawn from Europe?

First, there is the rough military balance of power in Central Europe between the NATO and the Warsaw Pact countries. For 25 years our troops have helped keep that balance and have contributed to maintaining peace in Europe. A substantial American withdrawal might not upset that balance, and the calculus of deterrence—but it might. We should not make such a drastic change hastily.

Second, a substantial American withdrawal at this time could endanger deterrence by increasing NATO's dependence on tactical nuclear weapons. Most of a 150,000-man withdrawal would come from our land-based forces—not from the approximately 20,000 sailors and marines in the 6th Fleet. Consequently, the forces that were left behind would have to be heavily reoriented toward a tactical nuclear capacity. But Soviet leaders might find a primarily nuclear force a less believable deterrent to military probes than the present mix of conventional forces. Here again, we cannot know for sure. We do know that the President of the United States should never be put in a position where his only choices when faced with limited conventional attack in Europe are to do nothing or to use nuclear weapons.

Third, the most desirable way to strengthen deterrence in Europe is by mutual cutbacks in the armed forces of NATO and the Warsaw Pact. If both sides agree to reduce their forces, they will reduce the threat that either side will gain a military advantage. Such an agreement would also reflect and enhance a more basic relaxation of political tensions. It would strengthen the chances for peace on a continent and in a world that has for too long lived with war. We cannot afford to bypass this kind of opportunity.

Mr. Brezhnev's recent remarks indicate a Soviet willingness to negotiate about mutual withdrawals. Yesterday's discussion between Ambassador Beam and Mr. Gromyko offer encouraging signs that such talks could be undertaken without delay.

Negotiations on balanced force reductions should have been and still should be high on our list of diplomatic priorities. As I said when I returned from my visit to Russia, this is one of a number of areas in which we can and must try to do business with Soviet leaders. We should vigorously explore the negotiating possibilities instead of taking unilateral action which could damage the prospects for their success.

Fourth, we should weigh the impact of force reductions in Europe on situations like the Middle East.

Fifth, U.S. force reductions in Europe could also have a bearing on current East-West negotiations, including the SALT talks. Progress on both sides in reducing conventional forces in Europe could improve the prospects for agreements in other areas.

Sixth, and I believe most importantly, one-sided U.S. troop reductions now would set back vital efforts to reduce East-West tensions and would particularly damage Chancellor Brandt's ostpolitik. The stabilization of East-West relations was the basic purpose behind the original decision by President Truman and the Congress to station American forces in Europe. Chancellor Brandt of West Germany is engaged in extremely delicate negotiations with Moscow and other East European nations to establish more normal relations. His policies, and particularly our joint efforts on the question of Berlin, are of great potential value, not only to Germany, but to all of us. They deserve more than the lukewarm support which the administration has given them. In my recent talk with Chancellor Brandt, he described the strong efforts he is making to maintain the balance between German diplomacy in the East and German commitments to NATO in the West. Unilateral American troop withdrawals at this time could weaken the NATO side of the equation and could make it far more difficult for Chancellor Brandt to keep the necessary balance.

We must also face the hard fact that the diplomacy of normalization is not without opposition in Germany itself. There, and elsewhere, powerful voices are opposed to any arrangements with the Russians and any relaxation of tensions in Europe. At the very least, the timing and character of the U.S. force reductions called for in this amendment could unsettle German politics.

For almost three decades, we have recognized that our troops in Europe serve a purpose beyond deterring a Soviet attack. Our NATO commitment helps to provide stability in German politics. Our troops help to cement German confidence in the West. They represent the basis for continued German integration into Western Europe. These purposes would not be well served by U.S. troop withdrawals at a time when the Germans themselves are debating a relaxation of tensions with the East, and have taken important initiatives to do so.

Finally, Mr. President, there are the financial and economic questions. They cannot be dismissed as peripheral or trivial, but I think we should avoid placing too great stress on them, from either side of the issue.

In the current balance-of-payments situation, the cost of America's presence in Europe must be taken into account. While the precise figure is difficult to calculate, the best estimate is that our European troop commitments represent a payment outflow of about $1.5 billion a year.

The immediate cause of our balance-of-payments problem is flows of short term capital—so-called "hot money"—and domestic inflation. Each of these problems must be solved, but neither will be solved by reducing our military presence in Europe.

This is not to say that we should avoid cutting the costs of our military support for NATO. We can and should insist that the Europeans—who want our troops in Europe—must pay more of the cost of keeping them there. We can and should insist that the administration cut the fat from our military forces in Europe, and elsewhere. Those must be urgent priorities.

We should not confuse a balance-of-payments savings overseas with a budgetary savings here. Redeployment of the forces based in Europe might contribute to the former—but it would do nothing about overall defense costs unless the forces were not only redeployed, but disbanded. Even if this amendment forced the withdrawal of 150,000 American soldiers from Europe, presumably they would be maintained in the United States, specifically earmarked for NATO.

We would still be paying approximately the same budget cost, or more, for exactly the same forces. The only difference is that we would get less for our money. We would lose the political and military advantages of the current deployment in Europe.

These, then, are the issues which should concern us today: the convenitonal force balance of power—the threshold for the potential use of tactical nuclear weapons—the possibility of negotiation on mutual force cutbacks, as called by Mr. Brezhnev—the effects of troop deployments on the Middle East and on SALT—and the impact of unilateral American withdrawals both on German efforts to settle festering issues to the East and on delicate problems in German internal politics.

So the essential question is not whether we should continue to do for the Europeans what they can do for themselves. We all agree on the answer to that.

The majority leader has courageously dramatized our answer—and he is again reminding the Europeans of how we think and what we expect. His reminders have been felt in Europe in the past and will be felt there now and in the future. European governments have responded in the last few years with larger steps toward joint force planning and more equitable defense spending. They have recently made arrangements with the United States to assume a larger share of NATO infrastructure costs of the next 5 years.

Little of this would have come to pass were it not for Senator Mike Mansfield. Our European partners should understand that virtually all of us in the U.S. Senate are with him in expecting them to pick up a fair part of our mutual defense costs. And we are with him in our impatience. We may wait longer for the sake of Europe—but we cannot wait forever.

And just as our NATO partners should not misread what some of us are saying, so our own executive branch should not misread us either. I am opposed to reducing our forces in Europe by 150,000 men at this time and in this way. But this does not mean that I oppose reducing excess military manpower, that is something which could and should be explored. There is plenty of fat in our Armed Forces, including our European forces.

I am not sure that the administration has done all it could to pressure our European allies to shoulder more of the cost of NATO forces. I am not sure that the administration has done all it could to press for a mutual balanced force reduction in Europe. That is why Senator MANSFIELD's efforts are so important. His proposals have motivated more action on these fronts than might otherwise have occurred.

Mr. President, we went to Europe in 1941 to fight a war. We have stayed there ever since to help avoid another war. We have succeeded. I hope and believe that we are nearing the time when peace can be maintained by diplomacy and trade, not primarily by arms and military might. There is evidence in SALT, in Mr. Brezhnev's recent statements, and in the Gromyko-Beam conversation that we have an opportunity now to begin to negotiate seriously about force reductions and the future of a stable peace in Europe.

We must seize our chance. For the time being, our troops in Europe are part of the negotiating equation. We must use them in the pursuit of a negotiated peace, as we have used them to deter war. They can serve no greater cause. It is the same cause the majority leader seeks to serve with his amendment. I disagree with his amendment, because I believe there is a better way.

ISRAEL'S SURVIVAL AND AMERICA'S SECURITY

(Remarks by Senator EDMUND S. MUSKIE, Denver, Colo., June 25, 1971)

It has been some time since I was on the receiving end of a national campaign. And in the last two or three years. I have often wondered what it's like to watch the candidates from a distance. Can most voters see beyond the press releases and the jokes, the proposals and the television commercials, to the unique, individual flesh and blood human beings? Where does the plastic of image-making stop—and where does the hard-rock of character begin?

There are no easy answers to questions like that. Technology and history have sentenced candidates and citizens alike to a long and expensive ordeal, where people can often reach a politician's hand, but can seldom touch his soul. It's a frustrating process—this business of listening through the noise and listening for the man somewhere in the midst of the campaign. It's like buying a brightly colored grab bag—you can never be completely sure what's inside.

And the process is almost as frustrating from the other end. There, the task is to make people understand, to move them, to discover with them a new way to a better country. From airplane to airplane, from meeting to meeting, from speech to speech, the potential candidate keeps following the liturgy of politics and keeps repeating his litany of promises.

I don't know how the public endures it for so long. But I can explain how just one politician does because I have asked myself "why" again and again.

Part of the answer is the challenge—the chance to shape events and change the life of the nation. The other part is concern—the simple decency of caring what happens to real people and vital principles. Every American has a vision for America. The opportunity to make that vision a reality comes to few men. And because it may come to me, I want to talk with you tonight about my hopes and beliefs.

The conventional way to speak with you would be a laundry list of problems and plans. But that really says so little and reveals even less. In 1968, Richard Nixon put out a book proving that he had taken over a hundred specific positions on the issues. I was no more comfortable with him after publication than before.

Instead of something like that, I would like to tell you what I think about a single issue—an issue which I know is close to everyone here—the issue of Israel's survival and security. I have spoken about that issue time and again—and I have been disappointed by the occasional doubts about where I stand. I hope there will be no doubts left after tonight. That's why I want to tell you not only what I think, but what I feel.

I am talking about the feeling I had last January, when I visited a young country built and sustained by an abiding faith in humanity's oldest heritage.

I am talking about my feeling when I stood in Yad Veshem, the memorial to six million dead Jews who will always live in the memory of their martyrdom.

I am talking about my feeling in the bomb shelter of Kibbutz Gesher, where the children had painted wall pictures about peace that is their dream instead of the war that has been their fate.

And I am talking about my feeling in Kibbutz S'de Boker during my talk with David Ben Gurion—a feeling equaled only by my reaction to the bravery of Golda Meir, whose spirit is as young as the country she leads.

So when I left Israel only a few months ago, I felt something in my heart that I had known in my head for a long time. I felt Israel's urgent, moral claim on our support—not merely the support of our words, but the support of our deeds. And in the Middle East I also learned again a stark and simple truth—that the security of Israel is closely related to the security of the United States.

In 1971, this truth must be the foundation for American policy. It is no longer enough—and it never was enough—to rely on the diplomacy of mere reaction of Russian power politics in the Middle East. What may seem details of diplomacy to us may be matters of survival for Israel. Both our policy and our strength must remain constant—so Israel can become as certain of our support as she is of her own resolution.

We must back Israel's demand for defensible borders. From the beginning until 1967, the weakness of Israel's frontier was an enemy's best ally. The way to prevent a new and similar alliance now is an internationally recognized border adjustment. That would not be unusual aid it would not be unfair. As I pointed out to Premier Kosygin in Moscow, Israel needs the kind of border security Russia claimed to need after the Finnish War and World War II—the security of frontiers that are a shield against attack instead of an invitation to aggression.

And Israel deserves more than that. She deserves the right to determine her own fate—and every other country in the Middle East has a similar right. The great powers should help—but they cannot decide. A lasting peace will result only from negotiations by the parties directly involved. And the United States must do nothing to undermine Israel's bargaining position.

But there is something our country can and must do. Though we hope as much as Israel for a permanent peace, we must also assure Israel of enough power to deter renewed war. The right aim is to stop the arms race in the Middle East. But arms control on one side and an arms increase on the other will only tighten the tensions and encourage more bloodshed and violence.

That would threaten our own security—and that is another reason why we must secure the strength of Israel.

I have believed that from the beginning. I believed it in 1967 when I co-sponsored the Symington-Javits Resolution for a just settlement in the Middle East. I believed it in 1970 when I supported more planes for Israel. And I believed it when I went to Israel last January and a week later when I told it to Premier Kosygin in Moscow.

In my short time in the Middle East, I found a new sense of understanding about that belief. I saw better than I ever could on paper or in State Department reports what Israel is really all about. And I remembered my father's explanation of America's meaning to him—to a man who finally found in Rumford, Maine, a decent refuge from the oppression of Eastern Europe.

The kind of life he built there and the kind of life Jews have built in Israel are things too precious to lose. They must command our energy and our attention now and in the years to come. We must wage the struggle together—in politics, in government, and in private life. And no matter where events and fortune take me in the next few months, I intend to remain part of that effort.

THE AMERICAN ROLE IN AFRICA'S FUTURE

(Remarks by Senator EDMUND S. MUSKIE at the African-American Dialogues, Lagos, Nigeria, March 8, 1971)

It has taken me much too long to make this trip to Africa.

I have looked forward to coming.

I am glad to be here.

I would like to see Africa achieve its potential.

I would like to know what America can do to help.

I want to hear what Africans have to say on that subject.

I suspect that, given the present mood of Africans, it might be better for an American—especially on his first visit—*to listen* rather than to speak.

I hope when I have finished, I will not be vulnerable to a criticism which Churchill once addressed to a parliamentary critic in the House of Commons, when he said:

"He can best be described as one of those orators who before they get up do not know what they are going to say; when they are speaking, do not know what they are saying; and when they have sat down, do not know what they have said."

With that reservation, there are some observations I would like to make, as one who has been long interested in Africa, and as an American who has had some responsibility for American policy toward Africa.

An American poet once wrote: "There is only one man in the world and his name is all men."

We are meeting here this week to help translate these words into economic and political facts:

We all remember the fresh beginning of African independence in the 1960's. It was a time when a new relationship between Africa and America seemed inevitable. It was a time when Americans who had won their independence from a colonial power nearly two hundred years earlier, responded sympathetically to the African struggle for independence and freedom and self-respect. It was a time when we thought we could see the end of colonialism.

We should not be surprised that colonialism has not ended easily, and we should not be surprised that independence has not made nation-building an easy task.

America won her independence through a revolution which did not produce a stable government until eleven years had passed. Seventy-one years after the inauguration of our first president the country was torn apart in a civil war. Our early growth was largely dependent on capital resources from Europe. Today, after two hundred years, we are still struggling with deep and divisive questions about freedom, equality, opportunity and justice.

The process of achieving nationhood—of establishing a country in which men and women can live with freedom from fear, freedom from suspicion and mistrust, freedom from want and disease, and freedom to grow and achieve their natural potential—that process can be long and painful.

We who know this from our own national experience knew also that struggling nations need help to grow. We took some steps to help, but the promise was easier than the reality. Once independence was achieved, once the new constitutions were adopted and the new flags were raised, once the difficult task of building new nations really began, our support fell short of what it might have been. It is not that the United States could—or should—have tried to manage and solve the problems of Africans. That would have been unwise and impossible. But, looking back, we can see how much more we might have done to help.

America was diverted by her own troubles. We had gone to war in Indochina. Our attention was divided between that war and our internal problems. I am not here to tell you that this has changed. I cannot promise that there will be an upsurge in material support and assistance for African countries. We are still involved in a tragic war, and even if we end our military involvement in Indochina—as I believe we must—many Americans will be reluctant to assume any involvement elsewhere in the world.

The problems in our own country, in our cities and towns and small communities, are enormous. They demand and they deserve a far greater share of our attention and our total resources than we have given them in many years.

Nevertheless, we do have concerns and responsibilities in the rest of the world. We have them here in Africa. Out of our traumatic experience in Southeast Asia we are seeking wiser ways to play our proper role in the affairs of mankind. I believe we can do more on this continent than we have been doing. I believe we can do so together with those who seek understanding, respect and friendship. I think the American people have a desire to do so.

This is not because of any direct security interest we may have in Africa, or because we should wish to compete for favors with other great powers. It is simply because we cannot be faithful to fundamental American values, unless we show our concern for the human condition wherever men and women live.

We should, all of us, realize by now that the problems of mankind and the promise of mankind are two sides of the same coin.

What, then, should America do?

First, I believe America should raise, and not reduce, the level of development aid. That aid should respond both to the needs for individual country assistance and to arrangements for regional development. Our support for regional and multilateral efforts should be no excuse for cutting our overall aid commitment, and it should not be a substitute for supporting assistance to specific countries where it is needed.

America's resources for foreign assistance are not unlimited. I would suggest that one of the most productive uses of this conference would be to discuss how these resources might be allocated. For example, the so-called "brain drain" has been a serious and continuing problem for many nations, especially in the field of medicine. Our programs in the 1960's for training men and women in the United States have been partly responsible. I believe the time has come to reinforce the capacities of educational institutions in Africa so that her people may receive the medical training they need on their own continent. We should assist African countries to develop health care systems suited to their needs.

We should also consider the critical importance of long-term improvements in the quantity and quality of food supplies. The Institute for Tropical Agriculture here in Nigeria is an example of what can be done. I believe we should undertake additional cooperative efforts to help meet the growing requirements for basic foods in tropical areas.

Second, I believe America should do more than express her sympathies for the need to stabilize commodity prices, to eliminate trade barriers, and to establish tariff preferences for goods from developing nations. We should use this conference to discuss how we can act on these matters together.

Third, I believe America should encourage private investment in the independent countries of Africa, wherever it can help, and particularly where it will tend to stimulate local investment. We must do so with the understanding that when local capital becomes available, it has a right to participate in a meaningful way.

Fourth, I believe America should be ready to help where she can to meet the challenges of population growth and distribution. In too many instances in the United States and elsewhere, we have seen the pressures of increased populations causing problems in education, housing and the environment, undoing the benefits of economic development. We should not presume to suggest population policies, but we can help support the population policies African nations decide to pursue. Above all, we in America must be without preconceptions as to what African countries need. We must listen to African definitions of what should be done in African nations. That is one of the basic reasons why I am here.

If peace and progress in Africa depended on friendly assistance, we could be satisfied with addressing ourselves to the practical problems of health, education, housing, food, employment and the conservation of natural resources. But aid alone cannot ensure peace or defend the dignity of man. We know from our experience in the United States that relations among men depend on more than economic development. They also depend on mutual respect and equality.

That is why we must address ourselves frankly and openly to the problems of freedom, justice, discrimination and racial oppression. I did not come here to tell Africans how to solve these problems. As an American, I cannot tell you that our country has yet solved its own problems of racial injustice and racial discrimination. Indeed, before I left for Lagos, a student wrote me in these words: "Senator, please don't be the usual politician who tells it like he wants it rather than how it really is."

More and more Americans are coming to recognize racial injustice for what it is. More and more Americans understand that no society can really be at peace so long as it sustains racial injustice. More and more Americans are committed to equal opportunity, in law and in fact.

But concern with the human condition cannot stop at our nation's borders. Every form of tyranny—wherever it occurs—is an outrage; and none is more evil than the oppression of a man because of the color of his skin. That is why I believe apartheid is wrong. That is why I believe white supremacy is wrong. That is why I believe colonial domination is wrong. These are not simply intellectual conclusions. They are convictions rooted in the experience and circumstances of my own life and background.

They are convictions which lead me to the conclusion that support of racial oppression in other countries by words or by silence, is against the best interests of the United States.

I know it is not easy to deal with these questions in terms of our relations with other countries. They are complex and they involve decisions of great difficulty, but they are questions which deeply affect the future development of this continent, and its capacity to achieve peace and justice for all its people, of all races.

How does one deal with questions of apartheid, white supremacy, and colonial interference with the rights of self-determination, particularly if you are a large and powerful nation such as the United States? The easy answer to some might appear to be massive intervention. But we have learned from our experience in Indochina that intervention, even by a powerful country, does not produce the results we may want.

My strong opposition to the military involvement in Vietnam, Cambodia and Laos is a reflection of my conviction that we have seen too much direct interference in the affairs of other nations by the so-called great powers. There has been too much exertion of military power in international affairs, with nations attempting to bend other nations to their will.

Does this mean that we should stand aside, ignoring what is happening in South Africa, in Rhodesia, in Nambia, or in the Portuguese colonies? We cannot, if we are to do justice to our moral concerns. There should be two guidelines for our policies toward South Africa:

First, we must maintain our own arms embargo, and seek to persuade our allies to do likewise.

Second, we must recognize that a relations-as-usual, business-as-usual, communications-as-usual approach is inadequate. A neutral attitude, whatever its intent, may in fact contribute to support of apartheid. We need communication with South Africa, if we are to have a positive influence. But it must not be communication which gives a badge of respectability to oppressive regimes, or which is only one-way, or which is only with the dominant minority.

Adopting these guidelines does not give us an automatic answer to the question of what actions would be both realistic and right. The last decade has shown that Americans and others have not yet found that answer. The years since the Sharpeville massacre have been marked by much talk outside South Africa; the tragedy within is no less cruel than before.

We in America cannot ignore that tragedy. It is a matter of importance, and it is urgent. It is no longer enough to try to deal with this festering and explosive situation merely by incantation or by ignoring it.

We must seriously re-examine our policies and practices with respect to South Africa. The conscience of an America determined to solve a racial problem of her own must explore ways and means of stimulating and supporting genuine changes in South Africa's racial practices.

The objective of this re-examination must be to identify every present relationship and form of cooperation which may have the effect of aiding and abetting the present denial of equal rights to all South Africa's citizens. The United States cannot and should not try to solve the problem—which is the right and responsibility of Africans. But it must not—even inadvertently—make their problem worse.

Unless men can find the answer to this problem of relations among races—which spreads across the face of this planet—there can be no peace. It is the problem of all nations. If South Africa were on the road to justice for all its races, it would move us all down the road toward peace and understanding throughout this continent and the world.

The Rhodesian situation continues to be troublesome for all of us. We hope the United Kingdom can work out a settlement to prevent the creation of another South Africa in Rhodesia. But until and unless a settlement respecting the rights of black Rhodesians is achieved, we should be completely scrupulous in fulfilling the obligations we have assumed under the economic sanctions imposed by the United Nations.

In the case of Namibia, I believe the right course for the United States is to support peaceful efforts under the United Nations to stop this spread of apartheid and to make international responsibility for the area effective.

The question of the Portuguese colonies in Africa presents other problems for the United States. We have treaty commitments with Portugal, primarily through the North Atlantic Treaty organization. Those commitments are related to the general defense system developed between the United States and its Western European allies. They are not commitments which can be taken lightly by any responsible American leader.

They represent one side of the Portuguese colonial issue for the United States. The other side of the issue is represented by our concerns and interests in Africa. For too long some Americans have held that only our European commitments and only our military-strategic interests are important. According to that view of the world, at any time they intersect with other interest or concerns, narrowly defined military-strategic interests should prevail.

If the world is going to survive, and if American society is not to be ripped to shreds in dissension and disillusion, this way of viewing American interests in the world must be changed. We do have interests and responsibilities in Europe, but we also have interests and responsibilities in Africa. These interests must be given their full weight and importance in our policy choices.

Some of those interests relate to our increased economic investments in Africa. Some relate to the importance of avoiding the horrors of war and its impact on the world community. More important still are our interests in the principles of human freedom and national independence. We do have an obligation to set an example in human decency, generosity and concern for the rights of others.

How, then, do these general principles apply to our relations with Portugal and the issue of her African colonies? Some of us thought a new government in Lisbon might pursue new policies in Africa. But no real change is apparent. Instead, we have seen a continuation of the fighting to preserve colonial control. We have seen indications that planned movement of more Portuguese settlers to Africa will further complicate the problem. We have seen no break in her determination to withhold the right of self-determination from 13 million Africans.

I believe the United States has a duty to itself as a nation committed to the principle of self-determination to make our views known to the Portuguese government in no uncertain terms. I believe we have a duty, as a friend of African independence and peaceful development, and as an ally of Portugal to work as hard as we can to persuade Portugal to change her colonial policies.

We have an obligation to try to persuade Portugal to see the wisdom and necessity of bringing to a prompt end her military activities in Africa and to grant the right of self-determination to all people in her overseas territories.

If Portugal refuses to end her colonial policies in Africa, we may be confronted with a hard choice between our treaty relations with Portugal and our interests in the peaceful development of self-determined nations in Africa. I hope they change their policies, and we are not faced with that choice. But if we are, then we must not operate on the automatic assumption that these relations with Portugal are more important than our African interests and responsibilities.

I have spoken at some length of the negative actions the United States must take or consider in opposition to racial injustice and oppression in Africa. Such actions are important, but they are not all we can or should do to encourage the growth of freedom and equality in Southern Africa and throughout the continent. Our commitments must include economic and technical assistance to help strengthen the promise of independent Africa.

Americans do not have all the answers in a troubled world. We know, however, that peace and the dignity of man cannot be maintained in isolation from other nations.

More than ten years ago, before he was President, John Kennedy said that "Every Ameircan is now involved in the world."

Our involvement with Africa provides us with an opportunity. We have an opportunity on this continent to prove that cold war politics need not be the basis for American foreign policy. We have an opportunity to prove that compassion and conviction and moral obligation can and should be the moving forces of that policy.

I do not believe we can expect change to be apparent overnight, but I believe relations between Africa and America can be strengthened in the 1970's. I believe they will be strengthened, provided we have the courage always to speak honestly and to continue our dialogue in friendship.

An Alliance for Survival

(Remarks by Senator Edmund S. Muskie, at the Conference on International Organization and the Human Environment, New York City, May 21, 1971)

Mr. Secretary-General, Mr. President of the General Assembly, Judge Jessup, ladies and gentlemen:

On various occasions, the Secretary General of the United Nations has spoken positively and prophetically of the need to see this entire globe as a habitat that must serve the needs of mankind. I know of few men in the world today who more fully exemplify Plato's ideal of statesman-philosopher than U Thant. It is a privilege to be his contemporary, and an honor to share this platform with him.

I am pleased, too, to have been able to meet Mr. Maurice Strong, Secretary-General to the United Nations Conference on the Human Environment to be held in Stockholm. The fact that Mr. Strong was willing to give up his distinguished career in government in Canada in order to take on this assignment is a tribute to the persuasive powers of the Secretary-General—just as it is an authoritative assurance of the high quality of the preparatory work going into the Stockholm meeting.

Today, we meet in the forum of man to discuss the survival of man.

In other times, people have come to the same place for the same purpose.

But today's crisis is different from most the United Nations has seen.

No ultimatum signaled its coming—and no bugles summoned its contestants. What is at stake is no one's security and everyone's life. Ally and adversary, we all share the pain and the danger of the environmental crisis.

A wall may keep freedom out and people in—but no wall could be high enough to keep the smog out of Potsdam or inside West Berlin.

Artillery and aircraft once turned the peaceful Ussuri River into a tense borderline—but bullets and bombs cannot deter the bacteria in the water that separates China from Russia.

Israelis and Arabs have fought over Sharm-el-Sheik—but war and the threat of war will not avert a disastrous oil spill in the Gulf of Aqaba.

Americans cannot travel to North Korea—but Americans breathe the same air the jet stream carries here from there.

The simple truth is that no place on our planet lives alone—and no place can deal alone with the pollution of the planet. We are far from one world politically—but, by necessity if not by choice, we are one world environmentally. And the crisis of the environment has made us common victims of a common adversity.

Together, we must create something better.

Together, we must build an alliance for survival—an alliance beyond our separate ambitions to serve our shared interests—an alliance that includes all nations and excludes no nation. That is our only decent chance—and our only real choice.

People are the issue. States have sovereign rights—but so do people. People have a right to clean air and clean water. They have a right to the international resource we call the ocean—which gives us food and even the atmosphere itself.

So much hangs in the balance. We cannot rely on the political habits of the past to save our environment for the future. We may be tied to habit when we take up the issue of war and peace. We must free ourselves from it when we turn to the problem of pollution. And I believe that now is the time to try.

Our best hope for initial success is the Stockholm Conference next year. The composition of the conference should be equal to the * * * of the conference. It should be as universal in 1972 as the United Nations should become in 1971. The General Assembly should ask every government in the world to a meeting called to consider pollution everywhere in the world. And the most essential addition to the conference is the People's Republic of China.

China is too large and too populated to be left out. It has the world's greatest river system and one of the world's longest coastlines. It is a growing industrial power and a maturing consumer power. Its present and potential impact on our human and physical environment is comparable only to the number of its people. We simply cannot expect to create an environment that will work for man if our efforts ignore one-fifth of mankind.

And the General Assembly should not refuse China an invitation to Stockholm out of fear that China would reject it. That might happen—but it might not. A time of ping pong diplomacy holds out at least some hope for the success of environmental diplomacy. If China is willing to let its athletes compete with the rest of the world, China might also be willing to let its scientists help the whole world survive. It is worth finding out—and it is vital to find out.

If China will not participate in 1972, the United Nations should issue similar invitations in the years to come. I believe that, in the end, China must say yes to the invitations—and yes to a safe future for our fragile environment. An alliance for survival is in China's interest because it is in the human interest.

It may take time to convert that simple perception into international policy. But we cannot just sit back and wait. An alliance for survival incomplete at its inception would still be an infinite improvement over no alliance at all. And we must begin now. The crisis in the environment commands our immediate attention and our best efforts. In 1971, every concerned nation must become a partner for environmental protection. Every concerned nation must cooperate to create a multilateral attack on pollution.

If we can spend billions for our security from each other, then surely each of us can spend some of our wealth and some of our power on the common security of man.

Four specific steps deserve the highest priority.

First, we must more effectively co-ordinate current international policy toward the environment.

No one believes that present international arrangements can alone resolve the crisis. But we must make sure that we are doing as much as we can with what we already have. Co-ordination should be centralized at a high level in the United Nations to direct priorities, to avoid wasteful duplication, and to assure comprehensive action. The exact design of a co-ordinating mechanism and the role of U.N. agencies, new or old, are matters for intensive study and prompt action. And the resulting structure must reach beyond the U.N.—to take advantage of the promising efforts of other multilateral and regional organizations.

Second, we must set international standards and norms for environmental behavior.

Some very serious offenses—like dumping certain toxic substances into the ocean—should be flatly prohibited. That is something the Stockholm conference should accomplish next year. In less troublesome areas, we may be able to rely on recommended uniform practices. But whether standards are mandatory or voluntary, we must speed up the process of setting them. We must assure that the best scientific opinions are taken into account as knowledge and circumstances change. And we must minimize the competitive disadvantages in world trade of acting responsibly toward the world environment.

Setting standards is, of course, a national as well as an international duty. For example, the United States can—and should—move against American firms for the environmental excesses of their foreign subsidiaries. No company should ever be permitted to export its pollution.

Third, we must establish an international system for environmental control.

We do not know enough about the trouble the world is in—and consequently we cannot do enough about it. The remedy is to identify, analyze, and disseminate relevant information about the global environment. We have seen a hopeful beginning in limited sectors—the prime examples are the world weather watch and the reports on threatened animal and plant species by the international union for the conservation of nature and natural resources.

But we cannot stop there—or even with an expanded version of monitoring physical data. Equally vital is the monitoring of national environmental policies. American law requires America's government agencies to submit detailed statements before they do anything that might impair the quality of the environment.

I believe those statements should be passed on to the United Nations. I believe other countries should adopt a similar policy. And I believe that the U.N. should apply the same standard to the conduct of its own agencies.

This system would let every government review and comment on what every other government was doing. I doubt that any country is yet prepared to grant a veto over all its decisions about the environment. But every country should be prepared to consult in good faith—as a first step toward an institution with the power to prevent the pollution of resources which belong to people everywhere.

We must earn a hard and fundamental truth: The atmosphere—which is essential to life—and the ocean—which is the source of life itself and of the renewal of life—are in jeopardy because of man himsel. We can save them from man and for man only if they are brought under effective international jurisdiction.

We have a treaty to protect the empty blackness of outer space. At the very least, we should agree to full disclosure and due process about what happens here on earth—to the air we breathe and the water we drink and the land that sustains us.

When some scientists tell us that five hundred SSTs could destroy the ozone in our atmosphere and leave us exposed to deadly radiation, we cannot afford to let one nation decide for all mankind. Every interested country's voice should be heard—and such voices should be heeded. The international community must determine the truth about its environmental dangers before the SST is allowed to fly.

Pending the development and release of such information, I would hope that all the nations now engaged in the manufacture of supersonic transports would consider suspending such manufacture and development.

And that principle must prevail across the sweep of the world environment.

I took the view in the Senate of the United States that no measure can be regarded as a national good if there is a serious danger that it would run counter to the human good.

If this view is to have any validity in any one place, it must have validity every place.

Our concerns are not confined, of course, to the world's atmosphere.

We read of mercury levels in swordfish. In the United States, the Government has acted to protect the health of its people by banning sales of swordfish.

What about other peoples? Other peoples throughout the world eat swordfish. If the United States is right in its analysis of contamination levels in swordfish, then are not other people entitled to the same protection?

It isn't just swordfish that ingest mercury. All seafood exposed to mercury are contaminated.

The entire chain of ocean life is affected.

Again, what I am asking is whether this is really a matter that can be responsibly left to the separate determination of individual nations.

Are we acting sensibly to protect the human habitat unless we set up effective world agencies that can act in the human interest?

Is there any rational approach to this problem unless a world agency sets world health standards and can apply them effectively in the human interest?

In the years just ahead, we will hear more and more about the harm one country has inflicted on the ecology of others. The construction of large dams may flood a nation upstream and dry up the irrigation system of a downstream neighbor. The disposal of wastes in rivers and estuaries can hit another country hard—and so can efforts at weather modification. In all these areas, men must find and face the facts together—and then men must decide together.

Fourth, the nations that have shared the financial benefits of environmental anarchy must now share the financial burden of environmental control.

We must beware of the voices that are urging the third world to settle for stunted development in the name of the environment. That advice is self-defeating—it will never be taken. And it is also wrong. We cannot sacrifice the human environment to the physical environment. We are against pollution—but we are not against people. We cannot begin an environmental crusade by telling primarily the poorest nations among us to ask what they can do for the world.

Before we who are lucky enough to live in a wealthy society start lecturing deprived societies, we should look to our own backyard. When I was a boy in Rumford, Maine, my friends and neighbors used to sniff the odor from the mill and say—"That's the smell of money." Why should we expect Asians and Africans to react differently?

What we should expect of them is what we expect of ourselves—a readiness to control the impact of industry and agriculture on the quality of life. But we cannot ask them to pay every cent of their own bill. They lack the profits we have already made from pollution. We must now use some of those profits to help them help the environment.

Economic aid should give the developing countries the chance to install anti-pollution devices at the outset of industrialization. We should be willing to pay more for less damage to the environment. We should also be willing to give international lending agencies the power to grant low interest development loans—loans that would prevent pollution now and would have to be repaid only in prosperity. If the advanced nations now believe that a product like DDT is a threat, they should provide the third world with any cost difference between it and a safer alternative.

It would be a crime to stop progress in the developing countries. And it would also be a crime to lose their unique opportunity for progress without pollution. Decent development and a decent environment are one and the same. That should be their goal—that should be our policy—and we should put our money where our advice is—and our interests are. After all, it is our environment as well as theirs.

All of this will require tough, tedious nuts and bolts work. But that is the only way to build an alliance for survival. That is the only way to succeed in the essential adventure of saving the earth God made—and the world man has remade.

But direct action to save the physical environment cannot be the sole aim of our alliance. There would be little consolation in saving every endangered species except people. And even in the best of all possible physical worlds, man could still disappear.

We could be engulfed by the weight of our own numbers—numbers too great for any miracle grain or any land use.

We could destroy ourselves in a guarrel over the vast gap between the majority that is poor and the minority that is well-off.

We could destroy ourselves in a quarrel that is in doubt or a negotiation that has broken down.

So ultimately, an alliance for survival must move beyond the physical environment. It must encompass the total environment. And it must provide support for effective U.N. peacekeeping, enough population planning, more development capital, and real arms control. An alliance for survival will finally fail if our countries continue to stagger under an arms spending burden of $200 billion a year.

Let us begin to put the alliance together in the fight against pollution.

We can bring governments like China into the effort without pushing other differences into the foreground.

We can make ideological adversaries environmental allies.

We can make men and nations see their shared interest in defeating the shared danger.

And from there, with luck and commitment, we can turn to the other assorted agonies of the human condition. If we once learn to work together to reclaim our physical environment, perhaps we can then create the environment of tranquility and justice.

Your conference can point the way—to Stockholm in 1972 and to a more decent future in the twentieth century.

You can teach us to do the work of peace and avert the terror of war.

You can help us to realize the political renewal of the United Nations, which President Kennedy called "our last, best hope."

Then, some day, we will no longer have to come to the forum of man to struggle for the survival of man. We will instead debate and decide how to make the most progress for people.

That seems a distant dream—and it is. But I believe we can make it real in a universal United Nations committed to the total human environment.

Thank you for trying.

TOWARD A MORE DEMOCRATIC PARTY

(Remarks by Senator EDMUND S. MUSKIE to the Wisconsin State Democratic Convention, Madison, Wis., June 19, 1971)

I have come to your convention today to speak about another convention a year away.

But I have not come here to discuss who will be nominated in 1972 or what the platform will promise—though I have a very real interest in both questions. Instead, I want to talk with you now about how the Democratic Party will conduct democracy's most vital business at our next national convention.

Will our reality equal and decide permit Democrats on every side to make their voices heard and their views count?

Will we dispel the suspicions and the charges of unfairness—which can cripple our cause in the summer and kill our hopes in the fall campaign?

Because we want to win and because we want to be right, we Democrats know what our answers must say. We know that the only party worthy of leading America in 1973 will be a party that listens to Americans in 1972.

For more than half a century, Wisconsin has worked for a responsive political system—in this state and in our country. From Robert La Follette to Pat Lucey, Bill Proxmire, and Gaylord Nelson—from the passage of the direct primary in 1903 to your delegation's demand for convention reform in 1968—the men and women of Wisconsin have fought to give our party to the people. That goal is so easy to say so hard to reach. But I believe it is now within our grasp.

In the last two years, citizens and politicians like you rave reshaped the rule of the Democratic Party. The O'Hara Commission has told us how to run national conventions that are in order—in fact as well as in theory. And the McGovern Commission has told us how to assure delegate credentials that are in order—in truth as well as in law. What it all adds up to is a peaceful revolution of popular participation in writing our next platform and naming the next President. Your efforts and the efforts of others have made it possible to make the Democratic Party more democratic than any party has even been.

Our challenge now is to seize that chance. It is a challenge for individuals and organizations in every state. And it is also a challenge for every potential presidential candidate.

The candidates have a special responsibility. Those to whom much may be given owe something in return. Those who stand at the center of the contest cannot justify a retreat to the sidelines, when the issue is the rights of people, even at the price of personal gain.

So what we face now is not just a battle each candidate must wage for himself, but a battle all candidates must win together for the Democratic Party.

I am convinced that we can succeed. There is already strong precedent for candidate cooperation on questions of party-wide concern. Last fall, we met in Washington to agree on common ground rules for our separate campaigns. Last week, I asked Democratic National Chairman Lawrence O'Brien to call another meeting to ban paid television spots prior to the convention. If we fracture our unity and drain our scarce wealth before the main event, we will not have the strength or the resources to defeat Richard Nixon. We must have enough left to do enough for victory in 1972.

And we must do more. The precedent of co-operation cannot be limited to the preservation of dollars. The nomination must be worth winning, not only financially, but also in principle. Our candidates must not be chosen by a few powerful politicians in private backrooms. Our candidate must be chosen fairly and freely by all the people of our party.

So I am proposing today a joint attempt at the highest level to enforce the recent rules for reform. Larry O'Brien should bring the potential nominees together with Congressman Don Fraser, now the Chairman of the Commission on Party Structure. The outcome should be a genuine and common commitment to reject the support of delegates from states which have made inadequate efforts to comply with the Commission's requirements. In 1972, no candidate should seek an advantage from undemocratic delegations to the Democratic Convention. And every candidate should seek a more democratic party.

Together, the candidates can make change happen. But there is one barrier that they and other Democrats cannot remove. In New York and Indiana, in Wyoming and the Dakotas and elsewhere, Republican legislatures have blocked the bills which are necessary for reform. As a result, some state Democratic organizations are stuck with outmoded procedures and unresponsive systems—procedures and systems they may not want, but cannot undo.

Surely, we should expect more than this obstruction from what President Nixon likes to label the "party of the open door." But perhaps that is all we can get from a Republican Party so closed that it has not even discussed reform—a party with few young Americans, few blue collar workers, and even fewer blacks. Perhaps it was predictable that the party which purged one of its own Senators would try to prevent Democrats from taking a different and more responsive path.

But despite Republican resistance, you can see the signs of progress everywhere in the Democratic Party. The reaction of the South is proof that those who were the scapegoats of 1968 will not be the offenders of 1972. And across the country, eight states are fully in compliance with the McGovern requirements. Fourteen others are very near full compliance. Only four states still lag very far behind. We are on our way to a nominating process open to the public, advertised to the public, and controlled by the public.

And the potential nominees can make sure our party goes all the way. What we want and what we must have are delegates at the 1972 Convention who represent a constituency and reflect its viewpoint. Across the whole range of issues—from credentials to rules and the platform—the Democrats who select the delegates must know where they stand. A convention whose official call commands reform must not turn to covert candidacies or hidden policies the people have had no chance to review.

For longer than any of us have lived, the Democratic Party has worked for peaceful, progressive change. Now in 1971, we are renewing ourselves. In 1971, we are telling women and blacks and the young that they can secure a just place in our party. And if we convert our good words into good deeds, we will be more than ready for 1972. Then, next year, the self-appointed leaders who are today clamoring for a new party or the anti-politics of the streets will find themselves without followers or a cause to fight.

That is why potential candidates must speak up for reform—because it is necessary and because it is right. And no candidate can escape a larger obligation that goes beyond his own fate to the future of our party. No candidate should seek the chance to lead next year unless he is willing to lead the struggle for reform now.

The heart of the matter is the purpose of a political party. And any Democrat who looks to his heritage and his history knows what a party worthy of the name is really all about. It is not a neutral, selfish, self-perpetuating organization for the benefit of politicians. It is a device to permit a free people to determine their lives and the life of society.

The Democratic Party is farmers outside Wausau and machinists in Milwaukee and professors in Madison. They understand what is happening to their own land and on their own campus. They see the everyday problems in their neighborhoods which add up to constant problems for the nation. And they have the right to decide how their party will respond.

Ultimately, of course, it is up to them to exercise that right. The 70% of Americans who think the Indochina war is wrong—the bread-winners in every city and every state who are angry about lost jobs and more welfare—the millions who are convinced that President Nixon has failed in civil rights and law enforcement—those Americans have both an obligation and an opportunity to change policy through politics.

The Democratic Party must finish the work of reform in the weeks and months ahead. But reform will mean nothing unless people use the resulting power to push and prod our party and our country in a new direction.

Seventeen years ago, when I announced for Governor of Maine, I told the voters something I deeply believe—that "the success of a political party is not an end in itself. It is merely a means of service."

That belief has always been the faith of the Wisconsin Democratic Party.

It is the tradition of the National Democratic Party.

It is the reason for reform in 1971—and the only way to victory in 1972.

JUNE 18, 1971.

Hon. DONALD L. FRASER,
House of Representatives,
Washington, D.C.
Chairman LAWRENCE O'BRIEN,
Democratic National Committee,
Washington, D.C.

GENTLEMEN: I respectfully request that the potential Democratic Presidential nominees or their aides be brought together for the purpose of reviewing progress to date on state by state compliance with the recommendations of the Commission on Party Structure and Delegate Selection.

The massive effort by the Democratic Party to induce greater public participation in the delegate selection process is an encouraging sign of hope for the future of American politics. This contrasts with the Republican National Committee's intention to run another closed convention.

However, before the great delegate search begins, all of the potential Democratic nominees should be informed of state by state progress on compliance. The candidates should agree to reject the support of delegates from states which have made inadequate efforts toward compliance.

Unnecessary challenge can be avoided if the Fraser Commission, the National Committee and the candidates band together to insure that the 1972 Democratic National Convention is the most open and democratic in American history.

Sincerely,

EDMUND S. MUSKIE.

THE HERITAGE OF MAINE

(Remarks by Senator EDMUND S. MUSKIE at the Narraguagus Regional High School Commencement, Harrington, Maine, June 11, 1971)

I am proud to share this moment with you because your graduation has a very special meaning for me.

My first statewide campaign began in the year most of you were born. As high school seniors in 1971, you have lived a larger part of your lives as my constituents than anyone else.

You are too young to recall my time as Governor or my first years in the Senate. You had more important things to do than noticing my career. You were learning to walk and to speak, to laugh and to love, to care about people and places.

Through all those years, you—like every other citizen of Maine—had a right to my concern and my commitment and my service. I have tried not to let you down—and I hope you think I have succeeded—if not always, at least often enough. Now, on your graduation day, I have come home again to fulfill another tradition of public men. I have come to Narraguagus High School to speak directly with each of you for the first time, Senator to constituent.

The only frank and honest way for me to start is by noting some apprehensions in Maine about my present course. It is no secret that I am thinking of running for President. And some of my friends and neighbors have made no secret of their fear that I am turning away from Maine—that somehow, sometime, my roots here have been weakened—that I care less now than I did before about the land which has given me life and opportunity.

None of my words could wholly relieve those apprehensions. And this is not the time or the place to talk about politics. But I would like to share with you tonight some of the beliefs I have learned during more than a half-century in Maine. They are what led me to public life in the first place. They are the reason for my conduct now—and the reason I may run for President next year. They are beliefs rooted in the traditions of our state. They are the same beliefs I hope you will take with you from this school and this graduation.

I hope Maine has taught you—as it once taught me—to care about our environment—about the earth God made and the earth man has remade.

To walk through the woods near Cherryfield, to fish in the Narraguagus, to pick blueberries a few yards from your back door, to see the clean, simple streets and homes of Milbridge is to understand how much it means to keep our world safe for a truly human existence. That is the challenge and the chance for all of us, each in our own lives. I found it in Rumford and you have found it here. It is the common heritage of Maine.

I hope Maine has also taught you—as it once taught me—to care about economic decency for people.

My high school graduation came in the midst of the Great Depression. In those years, I saw hunger and sorrow in my own town, next door and down the block. And you have seen some of the same things here, in the poorest county in the Northeastern part of America. Maine is fighting now as it always has to build something better. And none of us can ever abandon that fight.

And I hope Maine has taught you—as it once taught me—to care about community and mutual trust.

As a child, I felt the slights of an immigrant's son. But I also felt the respect my father earned as he made a place for himself and his family. I have always remembered a truth you have probably already discovered—that the quiet, reserved citizens of Maine know how to overcome prejudice and bring people together. The struggle is far from over, in this state or any other. And its ultimate outcome depends on us.

Finally, I hope Maine has taught you—as it once taught me—to care about other people and other places.

Only a few years after I returned from law school to Waterville, thousands of us left the state to defend freedom on the other side of the globe. Some of Maine's men died for foreigners they did not know and could not even talk with. But they knew how vital it was, in Dietrich Bonhoeffer's phrase, to "live for others." They knew that neither a man nor a state could in good conscience forget the rest of the country or the rest of the world.

Their example must inspire our efforts. Each of us has a part to play. All of us must stretch outselves to defend our beliefs. And none of us can settle for our own success alone, in this city or this state or this nation.

As we work to realize the principles we have learned in Maine, we will disagree about policies and politics, one from another. That is not important. What is important is to care and to act in the tradition of Maine. Whatever I do and whatever you do, that must remain our common compass.

It can direct so many of the decisions you and your classmates already face.

Will you move out of Maine—or will you remain or return later to help shape this beautiful state into a better place to live?

Will you then look only to yourselves and your town and our state—or will you look beyond our borders to apply what you have learned here to make a difference elsewhere?

Will you turn off and cop out—or will you use your new right to register and to vote—to make your voices heard and your views count?

None of you know where fate and the work of your own hands will take you in the decades ahead. Thirty-nine years ago, when I graduated from Stephens High School, I could not even dream of the opportunity Maine would bestow upon me and my family. But I was anxious to reach out and touch the promise of things to come.

That should be your resolution as you leave high school tonight—and it should be your resolution through all the years of your lives. You will find, as I have found, that you must choose again and again. There will always be new promises to reach for and new potentials to realize. There will always be challenges to the principles Maine has made a part of each of you. And there will always be another chance, here and elsewhere, to build a future equal to your heritage.

No citizen worthy of this state can decide to forget the spirit of this state. I believe you will remember. I believe you will care. And I believe you will give of yourselves for Maine and the nation and your fellow men.

Perhaps the most important truth I have learned in my years of public service is that you are important. This is your night—and it is not a night for long speeches. So I would like to stop now. And I would also like to thank each of you for sharing your special moment with me.

Everything I am and everything I hope to be is due to Maine. You and your parents and this state have given me the central belief of my life. It has guided me and I hope it will guide you. In Maine and in America and in the world, whatever we can do, and whatever we dream we can do, we must begin now.

TASK FORCE TO STUDY PREDATOR CONTROL PROGRAMS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. DINGELL. Mr. Speaker, in a speech to the National Wildlife Conservation Summit at Estes Park, Colo., on July 9, 1971, Secretary of the Interior Morton announced the formation of a task force to study predator control programs throughout the country.

I am indeed hopeful that the task force under the chairmanship of my good friend Dr. Stanley Cain of the University of Michigan will do its work well and come forward with strong recommendations to end the many abuses which now exemplify the predatory control activities throughout the Nation. Also, I hope that the Department of the Interior will live up to its responsibilities to halt predator control abuses while the study is in progress.

I was pleased to see Secretary Morton's commendatory comments concerning Mr. Nat Reed who recently joined the Department of the Interior as Assistant Secretary for Fish, Wildlife, and Parks. The Assistant Secretary is off to a good start and I am sure that with appropriate support from within the administration and from the Members of Congress he will be able to continue his good work.

Mr. Speaker, I include the text of Secretary Morton's speech and the text of a Department of the Interior press release relating thereto at this point in the RECORD:

SECRETARY MORTON ANNOUNCES TASK FORCE TO STUDY PREDATOR CONTROL PROGRAMS BEFORE THE NATIONAL WILDLIFE FEDERATION CONSERVATION SUMMIT, ESTES PARK, COLO.

Secretary of the Interior Rogers C. B. Morton today announced the formation of a blue ribbon Task Force which will study Predator Control programs throughout the country. The Task Force, sponsored jointly by Interior and the Council on Environmental Quality, will be composed entirely of wildlife management experts from various universities.

Members of the panel are: Dr. Stanley Cain, Chairman, University of Michigan; Dr. Fred Wagner of Utah State University; Dr. John Kadlec, University of Michigan; Dr. Richard Cooley of the University of California, Santa Cruz; Dr. Maurice Hornecker, University of Idaho; Dr. Durwood Allen of Purdue University and Dr. A. Starker Leopold of the University of California, Berkeley.

Speaking at the National Wildlife Federation Conservation Summit at Estes Park, Colorado, Secretary Morton also announced plans to step up Interior efforts to preserve non-game wildlife species. Morton said, "We in the Department are becoming increasingly aware of the alterations occurring in non-game populations as a result of man's impact on the natural landscape. America's wildlife management efforts have traditionally been directed towards species of sports value."

A further proposed program within Interior, said Morton, will be increased manpower for the Bureau of Sport Fisheries and Wildlife's river basin section which reviews all public works projects whose development could potentially endanger wildlife populations and habitat. The river basin section now reviews all dredge and fill applications, all public works projects, including those of the Corps of Engineers, Soil Conservation Service, Bureau of Reclamation, Atomic Energy Commission and the Federal Power Commission.

REMARKS BY SECRETARY OF THE INTERIOR ROGERS C. B. MORTON AT THE NATIONAL WILDLIFE FEDERATION CONSERVATION SUMMIT, ESTES PARK, COLO., JULY 9, 1971

In the past, I might have addressed this highly aware and deeply committed conservation summit gathering as the "conservation cognoscenti." Today, that venerable old giant of a word "conservation" has been temporarily eclipsed and "environmentally erudite" might come closer to fitting this year's fashion in words.

But I think it best at this point that I leave alliteration to our able Vice President and turn to a very brief examination of why I believe I am here . . . here in the treasure chest of the Rockies addressing you at the end of an intensive period of study, exploration, and environmental soul-searching. You are definitely an environmentally sophisticated group so I needn't spend much time re-hashing the environmental crises which plague us, nor selling you the proposition that wise environmental practices must be founded upon morality. Years ago, Aldo Leopold said it all by enunciating that man is steward of the land—the environment—his is the responsibility of prudent management and cautious protection of that environment for future generations. Rather than moralize, however, I'd like to try to lay it on the line . . . to "let it all hang out" as they say . . . and talk environmental policy.

The conservation record of this organization indicates your interest, enthusiasm, and . . . I will say . . . your love for the animal kingdom. You have faced the bulldozer and the dredge. You have witnessed and decried the all-too-often rampant development of huge chunks of this previously unspoiled continent . . . a continent with so vast and majestic a storehouse of natural resources that the words of Pogo, the comic strips sage, come immediately to my mind. "We is faced with insurmountable opportunity." God help us if we manage to surmount it.

The immediate cadre of conservation crises is no longer waiting in the wings but is hamming it up on center stage. We see the tide rising in the Department of the Interior because we often use wildlife populations as our "environmental barometer" if you will.

The basic needs of wildlife are essentially the same as those of man. Most species of wildlife are products of a clean, fertile, and productive environment. They must have adequate food, clean water and protection from the elements if they are to survive. So must man. And . . . unspoiled tidal marshes rank in economic productivity above the best prairie croplands, Marsh-rimmed estuaries are vital to the more important commercial marine fishes and to crabs, shrimps, and shellfish. Continued destruction of tidal wetlands threatens a major source of human food and the livelihoods of many people.

The well-being of our fish and wildlife constituency is about as good an index as we can possibly monitor to determine just how we're doing to make sure we continue to share the crust and the waters of the earth with the rest of her creatures.

If we find more species have to go on the endangered list, it is apparent we're losing the battle; if migratory flocks are on the increase, we're moving ahead; if the life cycles of our flora and fauna approach the balance in which they can all thrive, we'll be doing our job. And then . . . we will reach a real threshold of environmental management.

While I'm talking about fish and wildlife, let me tell you about Nat Reed. Nat Reed has just joined the Department as Assistant Secretary for Fish, Wildlife and Parks and he is one of the most aggressive, knowledgeable, and dedicated conservationists in America. That's why he's here. He didn't waste any time getting involved either. I know he didn't because I've already been deluged with both screams of protest and shouts of glee with reference to his activities.

Nat, with my approval and insistence, has forcefully begun to recondition the Bureau of Sport Fisheries and Wildlife and to bring this dedicated team of professionals back into fighting condition. The Bureau is really the heart and the guts of Interior when it comes to protecting our fish and wildlife resources from the ravages of civilization.

I believe that Nat Reed, with a revitalized Bureau of Sports Fisheries and Wildlife will spearhead a renaissance of environmental thinking and action. Rest assured we'll excite the Bureau in the months to come to meet the tremendous challenge we face.

The Bureau's river basin section is principally responsible for reviewing all dredge and fill applications, all Public Works projects, including those of the Corps of Engineers, the Soil Conservation Service, Bureau of Reclamation, all power plant sites and any other activities which impact fish and wildlife habitat. This includes all Atomic Energy Commission and Federal Power Commission licenses and permits.

Five weeks ago, I gave approval to immediately add an additional 150 permanent employees to the over-committed Bureau staff. Most of these additional people have been assigned to river basin studies. This, in itself, is an important first step because it is really in this arena that the effort to protect our wildlife resources will be won or lost.

Much of the destruction of our fish and wildlife resources in the past has occurred because we have not had professionals on the site to tell us what the consequences of a particular action might be. We intend by the end of 1972 to substantially increase the Bureau capability in this key area. This will greatly improve our ability to review and comment on all projects affecting the cherished wildlife resources that you and I are working to protect.

The predator control program managed by the Division of Wildlife Services has been under continuing fire for many months. As most of you know, in 1965, Secretary Udall established a review committee to examine this problem in depth. In fact, Tom Kimball was a member of that committee and made significant contributions to their final report, known as the Leopold Report.

Many of the recommendations contained in that report have since been implemented and we have seen a vast improvement in the operation of this program. As you know, however, there is room for further improvement.

Well before the Jackson Canyon eagle kill last month, I agreed to cooperate with the Council on Environmental Quality to initiate a complete review of predator control activities to identify problem areas and seek their resolution. This study team will be composed of seven non-governmental professionals recognized for their expertise in the wildlife field. Unless the New York Times or the Washington Post have had access to them, I shall announce them for the first time tonight.

The Chairman is Dr. Stanley Cain from the University of Michigan. Joining him for this important mission will be: Dr. Fred Wagner of Utah State University; Dr. John Kadlec from the University of Michigan; Dr. Richard Cooley of the University of California at Santa Cruz; Dr. Maurice Hornecker from the University of Idaho; Dr. Durwood Allen of Purdue University and Dr. A. Starker Leopold of the University of California, Berkeley.

Let me add that I absolutely guarantee that the findings of these experts will be given a full hearing and review by wool growers and cattlemen, as well as wildlife interests. The study already has received funding from Interior and the Council on Environmental Quality, and I personally pledge that performance will follow program so that our imperiled predators will not perish in a sea of platitudes.

The Task Force has been charged with the responsibility of examining all aspects of the issue, including poisoning carried on by the private sector and state and local government as well. They have been instructed to examine with care the economics of national insurance programs as a possible alternate to predator control and to recommend any changes which may be needed in our present administration of this program.

The problems of predator control and its impact upon wildlife species calls to mind another serious concern of the Department—the problem of providing for and protecting non-game species of wildlife. We in the Department are becoming increasingly aware of the alterations occurring in non-game populations as a result of man's impact on the natural landscape. America's wildlife management efforts have traditionally been directed towards species of sports value. A rather startling confirmation of this fact is found in the 1969 funding figures aimed at wildlife research, management, and habitat protection.

The total funding from all sources—federal, state, and private—was about $142 million. Only $6 million of that was clearly related to non-game species. Trends indicate that the non-consumptive enjoyment of wildlife species will soon exceed consumptive uses.

The Department intends, in the coming months, to examine this situation closely and determine where added emphasis can be given to protect these non-game species as they too are a viable part of our life support system.

I would like to share with you some news of another accelerated program which we have underway at the present time. I have ordered the National Park Service and the Bureau of Sports Fisheries and Wildlife to double their efforts to prepare wilderness proposals covering lands in the National Parks and the National Wildlife Refuge systems. Our society is going to need wilderness in the near future more than ever before. The Park Service, which came up with all of five recommendations in a period between the passage of the Wilderness Act in 1964 and the beginning of fiscal year 1971, completed 10 studies in FY 71, 9 of which have gone to the Congress. The Park Service expects to complete 20 additional studies in Fiscal Year 1972.

The Bureau of Sport Fisheries and Wildlife has already had 29 areas of refuge lands designated wilderness areas. Seven proposed refuge areas, totaling 340,000 acres are now before Congress, sent over by the President in April. Two other refuge areas are in the process of being submitted and the Bureau expects to complete the report on 9 additional areas by this fall, making a total for this year of 23 proposals covering almost five million acres.

Wilderness is not just for man. We share the earth with millions of life forms. Some endangered species like the condor and the timber wolf depend on wilderness for their continued existence. They were here before we were. Is their claim less than ours?

In the wilderness, in the estuary, on the prairie and the desert . . . we will win this battle. I stand in confidence before you tonight. In the past, nearly all systems in which human beings have been involved have managed to keep the results of idiocy and brilliance in balance, albeit a precarious one. The choice . . . the mandate for our time seems relatively clear. Maintaining the balance is the sustenance of life for ourselves and the promise of a future for our children.

The role of the Department of the Interior in maintaining that balance is a formidable one. I pledge to you that we will plan that role as deftly as possible, with vigor and intelligence, steadfastly and cautiously, and we will succeed.

NEW YOUTHFUL VOTERS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, July 19, 1971

Mr. THURMOND. Mr. President, an editorial entitled "The New Youthful Voters" appeared in the July 8, 1971, issue of the Columbia Record newspaper in Columbia, S.C.

This editorial raised some interesting questions, but, more important, answered some questions in reference to the impact of the extension of the vote in Federal elections to 18-year-olds.

Mr. President, I ask unanimous consent that this editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE NEW YOUTHFUL VOTERS

Ratification of the 26th amendment to grant the vote in all elections to 18-year-olds was the fourth change to enlarge the electorate since the United States Constitution was adopted in 1789.

The 15th amendment gave the vote to Negro citizens; the 19th to women; and the 23rd permitted balloting for President in the District of Columbia.

It is estimated that 11 million young Americans between 18 and 21 would be eligible to vote under the new age limit. An estimated 178,000 South Carolinians are in the new voting age bracket, 15,000 of them in Richland County. The state has 900,000 registered voters; the county, 60,000.

Officials estimate that about half of the young group will register, following the pattern set by their elders. So far, only about 15 per cent have put their names on the books, which is about average for other states.

If projections hold true, Richland County will have a registration of 67,500 persons, 7,500 of them 18 to 21 years old.

The question is what effect the newcomers will have on elections.

Samuel Lubell, nationwide pollster who has personally made samplings in Columbia, believes that young people generally follow the political thinking of their parents.

"Where breaks from parental loyalty occur," he wrote, "the most important reason is a changed sense of economic interest."

William Chapman also points out that young people are "much more likely than older people to swing sharply in their voting habits in a time of crisis, when there are clear alternatives."

During the Depression years of the 30s, new voters in their twenties led the swift, unexpected movement into the Democratic Party. Where registrations are by party, Democrats are running ahead by 2 to 1 among the 18–21-year-olds.

But will the new registrants exercise their right to vote? Richard M. Scammon and Ben J. Wattenberg say in their book, *The Real Majority*, that "few groups are as electorally weak as are young people."

They are a mobile generation in a political system that rewards permanent and prolonged residence. Politicians prefer safe and predictable constituencies, but the unknowns of the new voting group have them worried. Although the 18–21 registrants will comprise less than 10 per cent of the total, their generation gap could be decisive in close races.

The 1972 national elections provide the incentive for a rapid increase in teenage qualifications for voting. The impact of the 18–21 voters will begin to reveal itself in state and local elections the remainder of this year and in early 1972, but the full effect will not be evident until November of next year.

In the meantime, office aspirants are haunted by the memories of youthful activity that upset the status quo in 1968.

AUTO EXCISE TAX REPEAL URGED

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. CHAMBERLAIN. Mr. Speaker, last Thursday, July 15, the entire 19-member Michigan congressional delegation joined in sponsoring legislation calling for the immediate repeal of the 7-percent Federal excise tax on passenger automobiles. At the same time a companion bill was introduced in the other body by Senators ROBERT P. GRIFFIN and PHILIP A. HART.

There are many reasons which argue strongly for this action—simple tax justice to rid the books of a long acknowledged discriminatory levy, the need to stimulate the economy, the need to discourage inflationary pressures by helping to hold down new car costs for the consumer, and many others. The Detroit News in an editorial appearing on July 16, 1971, has responded to this united action, H.R. 9816, with a persuasive argument in its favor which I commend to the attention of my colleagues:

AUTO EXCISE TAX REPEAL URGED: TO SPUR RECOVERY

Senator Robert P. Griffin's bill to repeal the 7 percent excise tax on new automobiles no doubt was proposed to serve his own reelection campaign as well as to stimulate auto sales. But no matter. A strong case can be made for the action in which Griffin has the backing of Senator Hart and the entire Michigan House delegation.

In the first place, repeal can be advocated on the grounds it will stimulate the entire economy which is recovering at a slower rate than anticipated by the Nixon administration. One out of every six businesses in the United States is directly concerned with the manufacture, distribution, servicing and use of motor vehicles. So a spurt in sales by the auto manufacturing industry could trigger speedier recovery on a much broader scale.

But repeal also can be recommended on the basis of simple equity. The excise tax on new cars originally was imposed before World War II as a temporary measure but has been continued ever since. During the Korean war it was boosted to the 10 percent rate to cut sales and save scarce materials. So now the opposite move, complete elimination, can logically be advocated to boost sales and spur the economy. That move can be further supported on grounds that excise taxes placed on other manufactured goods in the past now have been repealed.

There is an additional argument for repeal. Government and consumer pressure has forced the auto industry to spend additional millions on safety and pollution control devices in recent years. These new costs have forced auto prices upward. Now the government could provide an offset against such costs by the removal of the auto excise tax.

Actually, Congress has been sympathetic to reduction and eventual removal of the auto excise tax but every time the tax has dropped—as in 1968 when it temporarily dipped to 2 percent—some new crisis in government financing has required the higher rate to be reimposed. Under the old law, in fact, the tax was supposed to have dipped to 5 percent as of Jan. 1, 1971, but Congress acted at the last moment to keep it at the 7 percent level. The law still provides for a gradual reduction and final elimination on Jan. 1, 1982.

So even though the tax brings in $2 billion a year, the merits of repeal strongly outweigh the arguments for continuance. The UAW which on past occasions has supported an excise tax cut ought to get behind the move. The long-sought repeal is a proposal whose time finally may have come.

CAPTIVE NATIONS WEEK 1971

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. RARICK. Mr. Speaker, violations of human rights of the Jews in Russia and the blacks in Rhodesia and South Africa are frequently brought to the attention of the American public by the communications media and to the members of the United Nations by Mrs. Rita E. Hauser, U.S. Representative on the U.N. Commission on Human Rights. Yet, it is a rare occasion for mention to be made of any of the many human rights violations, some of an atrocious and inhuman nature, inflicted upon the Christians of the captive nations.

Whenever collectivists want to "liberate" another African country from the humane and orderly rule of one of the established Christian nations of Europe, popular support gushes from the news media and the United Nations to amplify the rhetorical slogan of "the right of self determination." But what about the many peoples behind the Iron Curtain and the Bamboo Curtain who have consistently been denied free elections under the tyrannical rule and domination of international communism? These people are ignored almost as nonentities so far as the fourth estate and the United Nations are concerned.

Over my several years in Congress, I have introduced and reintroduced resolutions to make it the sense of the Congress that the matter of human rights violations be placed on the agenda of the United Nations.

I have written letters to our Ambassador at the United Nations with extensive documentation of numerous instances of human rights violations against the people of the enslaved countries asking that these matters be brought to world attention so that justice might be rendered to those mistreated as well as to those responsible for perpetrating the injustice. Like the plaintive appeals of the captive nations peoples, my efforts received little attention.

I did receive a reply recently to my last letter to the U.S. Ambassador at the United Nations. Ambassador Bush sent me a number of statements by Mrs. Rita E. Hauser, U.S. Representative to the U.N. Commission on Human Rights. Her statements were replete with such cliches as the following:

> My delegation is most grateful to the dis-

tinguished delegate of the Soviet Union for his reference to publish studies by outstanding American commissions and groups as to the state of racial and religious discrimination in my country.

The Allied forces liberating Europe uncovered unbelieveable horrors in the German concentration camps. Significantly, the Nazi excesses were not solely a wartime phenomenon. They commenced years before the war, and should have been a warning to the neighbors of Nazi Germany as to what was in store for them.

Now the Commission devotes a major part of its attention to discussions of particular situations involving human rights violations. To meet the new emphasis the Commission has attempted to use modified or new devices. For example, in dealing with South African questions the Commission has adopted the technique of a special rapporteur to draw up detailed reports drawn from a wide variety of sources as to conditions in that area. In addition, the Commission has established special investigatory bodies of experts which have been given the mandate to travel to the actual scene of alleged violations, to hear witnesses and to gather information on the spot to the extent that they can gain access to the areas under scrutiny. This device has been used not only in southern Africa, but also last year with regard to alleged human rights violations in the Israeli occupied territories of the Middle East.

Obviously, the single most egregious denial of human rights on a broad scale results from the practice of apartheid in Southern Africa. This practice denies to a racial group, the majority, its most basic rights of participation in the life of the nation and relegates it to an existence deprived of any content of humanity, as understood by enlightened people.

The situation in Greece, a NATO friend and ally, presents a classic instance of political repression, including the dismemberment of the Constitutional Court in July when it ruled that various actions of the military government were unlawful.

We have, I believe, learned a significant lesson from the Nazi period. Gross abuses, if unchecked, spread beyond national boundaries in the sense that ultimately the situation poses a serious threat to peace.

Thus, just a few weeks ago, on the initiative of Israel, the United States, the United Kingdom and others, the Soviet Union's discrimination against its very large Jewish community was raised in the General Assembly. The Soviets denied the allegations but, more important, they strenuously invoked Article 2(7) and told the others this was none of their business. Syria and Iraq maintain the same attitude as to world interest in the treatment of their Jewish communities. And South Africa, of course, as well as Rhodesia and Portugal, invoke the same defense, but here the large numbers of Africans and Asian States in the United Nations have not been put off, and various ad hoc investigatory bodies have been established to document the repressive practices of these countries in Africa.

From the above statements, by the U.S. representative one can conclude that Mrs. Hauser seems to have a paranoia over human rights violations of selected subjugated peoples, is critical of political repression in anti-Communist Greece, and is more concerned about Nazis than a Communist threat or the plight of the suffering Christian people of the captive nations.

If the captive nations expect to ever again recapture their human rights they must look elsewhere, rather than to the United Nations.

For over two decades peoples coming under the tyrannical subjugation of totalitarian dictators have looked to the United States, as the leader of the free nations, for relief.

In July 1959, Public Law 86–90 was passed, authorizing and requesting the President of the United States to designate the third week of July as "Captive Nations Week." Enslaved peoples were given hope by this statement in Public Law 86–90:

> Whereas these submerged nations look to the United States as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties . . .

The dedication of America to the proposition that the nations of this world cannot coexist part slave and part free was expressed in another portion of Public Law 86–90:

> Whereas the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples . . .

The soft-on-communism pronouncements and actions of the present administration with regard to Communist leaders and nations must be most distressing and frustrating to the captive nations' people. At one time they at least had promises—something to hope for.

But all is not lost. Millions of people the world over will never surrender—never give up—the hope of freedom for captive peoples. And who can live without hope.

I insert at this point in my remarks the text of Public Law 86–90, the text of the President's Captive Nations Week Proclamation for 1971 and a "Captive Nations Week Manifesto 1971" of the American Friends of the Captive Nations an the Assembly of Captive European Nations:

Public Law 86–90: Providing for the Designation of the Third Week of July as "Captive Nations Week"; Adopted by the 86th Congress of the United States of America in July 1959

Whereas the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

Whereas this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

Whereas the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and

Whereas the imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others; and

Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties; and

Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

Whereas the desire for liberty and independence by the overwhelming majority of the people of these submerged nations and one of the best hopes for a just and lasting peace; and

Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence:

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the President is authorized and requested to issue a Proclamation designating the third week of July, 1959, as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

Captive Nations Week, 1971: Proclamation 4065—July 9, 1971

(By the President of the United States of America; a proclamation)

From its beginnings as a nation, the United States has maintained a commitment to the principles of national independence and human liberty. In keeping with this tradition, it remains an essential purpose of our people to encourage the constructive changes which lead to the growth of human freedom. We understand and sympathize with the efforts of oppressed peoples everywhere to realize this inalienable right.

By a joint resolution approved on July 17, 1959, the Eighty-Sixth Congress authorized and requested the President to issue a proclamation each year designating the third week in July as Captive Nations Week.

Now, Therefore, I, Richard Nixon, President of the United States of America, do hereby designate the week beginning July 18, 1971 as Captive Nations Week. I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all peoples for national independence and human liberty.

In Witness Whereof, I have hereunto set my hand this ninth day of July, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

[Filed with the Office of the Federal Register, 11:22 a.m., July 12, 1971]

(NOTE.—The proclamation was released at San Clemente, Calif.)

CAPTIVE NATIONS WEEK MANIFESTO 1971

The undersigned organizations, dedicated to the restoration of freedom in the captive nations, call attention to Public Law 86-90, unanimously adopted in 1959 by the Congress of the United States, by which the third week of July each year is designated as Captive Nations Week.

The observance of this year's Captive Nations Week comes just seven months after the start of a chain of momentous events in Poland. In December, 1970, Polish workers took to the streets of many of Poland's cities—in open protest against the Gomulka regime's edict that had placed an intolerable burden on their already low standard of living. The toll of these food riots, according to the regime's figures, was 45 dead and 1,165 wounded.

The upheavals led to Gomulka's downfall, and, when fresh work stoppages broke out in January and February of this year, the new regime of Edward Gierek rescinded the December price-increase directive. A shakeup in Poland's Communist Party, which had come in the wake of the December developments, indicates that the last word on the changes in Poland has yet to come.

The Polish events have again brought into sharp focus the inability of communism to satisfy the spiritual and material needs and demands of the people.

Communist regimes, backed by Soviet military power, have ruled over the countries of East and Central Europe for over two decades. The balance sheet of their tenure in power offers undeniable grounds for an indictment for tyranny, insensitivity and incompetence. In East and Central Europe, the Communists have systematically trampled upon human rights, have brooked no opposition and have established themselves as the sole font of wisdom and power.

Yet, political repression notwithstanding, the Communist regimes have been unable to "compensate" for their use of harsh tactics and methods by providing the people a decent standard of living. In divided Europe, the gap in the quality of life between its western and eastern parts has been widening with each passing year. The Communists have thus given the people of East and Central Europe the short end of the stick in both key sectors: in politics and personal life, the watchword is oppression and denial of inalienable rights; in the standard of living, the increase has been negligible—especially compared to the gains registered by other nations over the corresponding period.

The developments in Poland are but the latest in a series of dramatic proofs of popular discontent against Communist rule. Over the past 15 years, we have witnessed the Poznan riots and Polish October in 1956, the tragic but heroic Hungarian Revolution, also in 1956, and the "Czechoslovak Spring" in 1968. There have been other, less publicized demonstrations of true popular sentiment in all the captive countries.

The message is clear. The people of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Lativa, Lithuania, Poland and Rumania oppose Communist tyranny. Their aspirations and objectives are the same as those of all freedom-loving people in the world; the right to chart their own future; national sovereignty and self-determination; respect for and observance of their fundamental human rights; and a chance to rejoin, as free and equal partners, the family of nations.

We believe that a lasting peace in Europe, and the world, can come only after the captive nations have regained their freedom and national independence. As long as there are men and nations in bondage, the quest for a genuine relaxation of tensions is bound to prove fruitless. A world half slave, half free remains a breeding ground for endless conflict. A community of free nations, on the other hand, is the best guarantee for the advent of true international comity, closer cooperation, and a just peace.

While commemorating this year's Captive Nations Week:

We stress that the Soviet Union has violated its solemn promises of freedom and independence to the nine nations made captive during or after World War II—Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania.

We further stress that the Communist regimes in East and Central Europe continue to flaunt the will of the people by denying them the right to free elections.

We appeal to the free governments of the world:

1. To declare, in accordance with the principles of the Altantic Charter and the Universal Declaration of Human Rights, their support of the right to self-determination for all peoples help captive by the Communists and, consequently, to make this issue the permanent concern of the United Nations.

2. To raise, at international meetings and conferences, the issue of the denial of fundamental human rights to the peoples of East and Central Europe.

3. To reject any and all attempts by the USSR and the other Communist regimes to secure even a tacit recognition of the *status quo* in East and Central Europe, since such recognition would deal a staggering blow to the hopes of the captive peoples of regaining their freedom and independence.

4. To voice their opposition, on all appropriate occasions, to the methods of force and threats and intimidation used by the Communist regimes in their effort to continue holding East and Central Europe in bondage.

We appeal to the people of the United States of America to manifest during Captive Nations Week, July 18-24, their awareness of the importance of the fate of 100 million East and Central Europeans to mankind's long quest for world peace and justice.

CHRISTOPHER EMMET,
Chairman, American Friends of the Captive Nations.

VASIL GERMENJI,
Chairman, Assembly of Captive European Nations.

LET US SUPPORT THE PRESIDENT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. BRAY. Mr. Speaker, the President's announcement that he would visit China next year signifies what has been accurately described as the most important diplomatic move since World War II.

I have long said there is no real, deep-seated, basic reason why the people of the United States and China should be enemies. On the other hand, there are reasons dating back centuries why there should be enmity between Russia and China.

The following editorial appeared on the front page of the Indianapolis, Ind., Star for Sunday, July 18. Written by Mr. Eugene C. Pulliam, publisher of the Indianapolis Star, Indianapolis News, Phoenix, Ariz., Gazette and Republic, I believe it clearly reflects what the vast majority of Americans think and feel over the President's move:

LET US SUPPORT THE PRESIDENT

Americans in all walks of life long have been appealing for an end to United States participation in the Vietnamese conflict. Now President Nixon by the most important diplomatic move since World War II has found a way to this goal and perhaps others.

His acceptance of Chinese Premier Chou En-lai's invitation to visit mainland China not only expedites negotiations for peace in Asia but will restore the United States to its traditional position of world leadership.

Diplomats everywhere have been busy since President Nixon's announcement of Thursday night, examining everything he said and much that he left unsaid. No one will more meticuloulsly study his brief message than the Kremlin leaders. They realize fully what a U.S.-China accommodation could do to Soviet influence in Asia and, especially, in disputed Mongolia. It would give China recognition as a sovereign country free of domination by Russia.

There has been criticism already that a Nixon visit to Red China would indicate support of Communism. Much of this comes from the same people who earlier were appealing both within and outside Congress for looser relations with the Soviet Union, which we believe represents the greater menace to the United States and world peace.

A trip over the Pacific into China offers no guaranteed panacea for the solution of our problem in Asia, but it involves such greater possibilities that it is well worth the calculated risks involved.

Majority opinion supports with Mr. Nixon the thesis that there can be no stable and enduring peace in the world today without the participation of Red China. The President's visit could start the necessary processes to achieve this.

Mr. Nixon's venture could pay off handsomely for our country, but only if he goes to Peking with the complete backing of his government and his people. It is time to lay aside petty politics by all parties to supply this help he needs. Yakking by politically ambitious nitpickers should no longer be heard in this land.

Mr. Nixon's proposal was well conceived and expertly handled despite the anguished cries already heard from those both inside and outside of Congress who were denied participation in the secret diplomacy which made it possible.

There can be no better Godspeed for President Nixon on his flight to China than the united support of the American people.

Let's give it to him.

YAF PROTESTS PRESIDENT'S VISIT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. SCHMITZ. Mr. Speaker, the recent announcement by the President that he is going on a visit to anoint the Communist Party of China with the mantel of legitimacy which they have so long sought, comes as a blow to all those who recognize the implication of such a move to our system of alliances.

As the President himself said in his State of the world message delivered less than 6 months ago:

> Abrupt shifts in our policies—no matter how sound in concept—are unsettling, particularly for those who may have committed themselves to past practices at United States urging.

Needless to say, an abrupt shift in a long-standing policy which is absolutely unsound, a shift derived from distorted ideas of "polycentrism" in the Communist world and buttressed by a whimsical notions that peace can be bought rather than earned, can be a great deal more than "unsettling." For our allies who might have been counting on a consistent committment to freedom on the part of the United States, a consistency on which their very survival depends, this move is shattering.

What are the feelings of the small nations in the shadow of the Red Goliath as they see the spirit of Neville Chamberlin whisking through the corridors of the White House? The folly of appeasement past has been written across both Europe and Asia in the blood of millions. The hope for peace through concilliation with histories' bloodiest tyrants can be nothing but a soothing myth, a cloud of rhetoric hiding the advance of the massed batallions of the dictators.

The words of Winston Churchill after Munich hold today. To the spirit of appeasement he held up the spirit which preserves free men. Foreseeing the results of Munich Churchill said:

> And do not suppose that this is the end. This is only the beginning of the reckoning. This is only the first sip, the first foretaste of a bitter cup which will be preferred to us year by year unless, by a supreme recovery of moral health and martial vigor, we arise again and take our stand for freedom as in the olden time.

The comment on the President's move all seems favorable. Those who would at other times, and with other Presidents, steadfastly have opposed the embrace of Mao Tse-tung seem to find hope in the confidence of the President, giving small thought to the content of the act. At least one group, however, recognizes that the Peking visit is a knife in the back to our anti-Communist allies—most specifically to the Republic of China. This group, comprised of student members of Young Americans for Freedom—the Nation's largest conservative youth organization—reacted quickly and decisively to the President's statement. Two hours after the announcement, 24 YAF members from all over the country had gathered at the Embassy of the Republic of China to maintain a round-the-clock vigil in support of the legitimate government of the Chinese people. They stayed there until Monday morning when they had to return to classes.

I visited with the members of this group at their vigil. These YAF'ers were fully and intelligently aware of the awful significance of the President's announcement.

Furthermore, and even more importantly, they were not afraid to stand up and disagree with our governmental policy—even when many of those leaders to whom they looked for guidance were precipitously caving in. The example of principled forthrightness exhibited by these young people should serve as an example for us all.

The news media, true to form, has largely ignored the efforts of this stalwart group. It is my hope that this statement of mine will serve to call some attention to the insight and determination of these young opponents of appeasement of the Communists. There are a great many young Americans who would prefer a generation of less than total peace to a generation of total slavery.

FASTER AID TO ACCIDENT AND HEART VICTIMS SOUGHT

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. MOLLOHAN. Mr. Speaker, I am introducing two bills designed to improve emergency medical services across the Nation and to arouse attention to the problems hindering progress in this field.

It is estimated by the Public Health Service's Division of Emergency Health Services, that about 60,000 of the persons killed each year in accidents, highway and industrial, and those dying from other medical emergencies, such as heart attacks, could be saved, if the Nation had a truly effective and top quality system of emergency medical services to transport patients to hospital emergency rooms and to provide, that, once there, they received the best and most rapid care available.

Of the 450,000 to 475,000 heart attack victims last year, 275,000 died en route to a hospital, but an estimated 35,000 of them could have been saved by prompt ambulance service with qualified paramedical personnel aboard using life-support systems, now technologically and commercially available, and recommended by the Department of Transportation and medical authorities.

Of the 55,000 traffic accident victims last year, 40,000 to 43,000 died en route to a hospital—and over half of them within the first critical hour after injury—but, with prompt and professional ambulance service, an estimated 12,000 could be saved.

The situation is even worse in our rural areas, for 70 percent of all the traffic accidents occur in rural areas and towns with populations less than 2,500.

We have all heard of traffic victims bleeding to death along our highways waiting for an ambulance that never comes, or comes too late; but what few realize is that it might be better if some so-called ambulances never come at all, for, in most States, a station wagon with an army cot in the back, driven by a garage mechanic, is called an ambulance.

Expert consultants returning from combat in South Vietnam have publicly asserted that, if seriously wounded, their chances for survival would be better in the zone of combat than on the average city street or highway here in this country. Probably no American city, except Baltimore and Jacksonville, Fla., can lay claim to maintenance of a model of first aid, coordination, communications, and transportation under an emergency medical service comparable to that of the armed services.

In an article in the Journal of American Medical Association in 1967, entitled, "Control of Accidents in Rural Areas," J. A. Waller found that mortality from motor vehicle accidents was higher in rural and mountainous counties in California than urban counties. He also found that chances for survival following injury of comparable severity were less than in urban areas. He blamed poorly equipped and inadequately staffed ambulances; untrained attendants; insufficient surveillance for detection of accidents; the distance from the scene of the accident to the nearest hospital; and inadequate hospital emergency rooms for contributing to the higher rate of mortality.

Nor is the problem confined to rural areas. We in Washington were made aware of the problem here when Radio Station WWDC began a series of editorials based upon investigations of ambulance services.

General Manager William S. Sanders on April 8, 1969, said:

> The Washington area, city and suburb alike, is in the midst of a snowballing ambulance crisis. Ambulances are making taxi runs, carrying sick people to hospitals, while emergency cases lie bleeding on the streets because there are not enough ambulances.
>
> At the same time, hospital emergency rooms are glutted. Emergency cases wait in the hall because the crush of non-emergency cases keep overworked personnel tied up.

The present crisis in emergency medical services, in which we see public-spirited volunteers and other groups trying to provide service after the last funeral home in the area goes out of the business, can be traced to public apathy and inaction on all levels of government.

A few years ago, morticians operated about 50 percent of the estimated 25,000 so-called ambulances in this country, but today, they say, they are being forced out of the business by the Federal minimum wage law and the threat that someday new Federal regulations will be adopted.

Ambulance service is developing haphazardly in this country, but it is essential if we are to have professional emergency medical services that there be as much coordination as possible of existing resources so that we avoid the case of two or three ambulances racing to the same accident where there are no injuries, while no ambulance is available to rescue the victim of another crash. Services should also be linked with police and hospitals through two-way radio to insure that accidents are detected quickly, an ambulance dispatched, and the hospital emergency room notified of the nature of the injuries so its staff can lose no time in saving the life of the victim.

To fill the vacuum created by the passing of funeral directors from the ambulance service picture, other types of ambulance services have developed in various localities. These include volunteer corps, commercial operators, fire or police department services, and services connected with and administered by hospitals.

One or more deficiencies appear in each of these services. Vehicles are often unsatisfactory; personnel are often poorly trained; life-support equipment is lacking; and central dispatching is rare.

LEGISLATION AND RECOMMENDED CHANGES

It was with the recognition of the need to improve emergency medical services, that the Highway Safety Act of 1966 was approved by the Congress with provisions of aid to States in implementing such programs. All States were to meet regulations later set by the Secretary of Transportation in providing an emergency medical services program establishing licensing of ambulances and personnel, and other criteria, to insure top quality service.

One of my bills, to amend that act, would write into the law that a State must have this program within a year after passage of the bill. By actually writing this provision into the law, it is hoped it will be a much stronger incentive for States to assume a greater role in this area, rather than the current regulations of the Department. The Department of Transportation has provided fine leadership in this area, but only so much can be done without State and community cooperation. It is in the best interest of the Department that it be given a stronger tool to encourage State participation, because the Department has leaned over backward, due to political pressures from the States, to avoid using the threat of cutoff of funds to a State which lacks an acceptable emergency medical program.

In March the National Highway Traffic Safety Administration released a survey of how States are complying with standards established by the Department of Transportation in accordance with the Highway Safety Act of 1966. The survey showed that no State is currently fully implementing the requirements of the standards in the area of emergency medical services.

Secretary John A. Volpe stated, "Ideally, all States should be fully implementing the highway safety standards," and it was warned that failure to implement an approved program could result in the loss of Federal funds available for grants to the States and local communities, as well as the loss of 10 percent of the State's Federal-aid highway construction funds.

The following shows how the States rated in compliance with the emergency medical services standards. "B" means the State's program, when implemented, will conform substantailly to the requirements; "C" means the State's program, when implemented, will demonstrate acceptable progress:

Alabama, B.
Alaska, B.
Arizona, C.
Arkansas, C.
California, C.
Colorado, C.
Connecticut, C.
Delaware, B.
Florida, C.
Georgia, B.
Hawaii, C.
Idaho, C.
Illinois, C.
Indiana, C.
Iowa, C.
Kansas, B.
Kentucky, C.
Louisiana, B.
Maine, B.
Maryland, B.
Massachusetts, C.
Michigan, B.
Minnesota, B.
Mississippi, C.
Missouri, B.
Montana, B.
Nebraska, B.
Nevada, C.
New Hampshire, B.
New Jersey, B.
New Mexico, B.
New York, B.
North Carolina, C.
North Dakota, B.
Ohio, B.
Oklahoma, C.
Oregon, B.
Pennsylvania, B.
Rhode Island, B.
South Carolina, B.
South Dakota, C.
Tennessee, C.
Texas, C.
Utah, B.
Vermont, B.
Virginia, B.
Washington, B.
West Virginia, B.
Wisconsin, C.
Wyoming, B.

It is hoped that the Transportation Department does indeed enforce this provision. By approving this legislation we in the Congress will say that it must be done and will give the Department a stronger tool to use.

It may be argued, that if this legislation were passed, the ambulance crisis would be worsened, because we would take off the highways those so-called ambulances which are performing the majority of services across the Nation.

I answer, first, that would be for the best; and, second the situation is already so critical that thc Transportation Department must take action to get the States involved in such programs. Each year of delay only worsens the crisis.

The second part of my amendment of the Highway Safety Act would encourage States to move as rapidly as possible, by giving special aid to programs in those areas where there is determined by the Secretary of Transportation to exist an acute problem in providing emergency medical services.

It also recognizes the fact that rural and less populated regions have been neglected under the current apportionment formula in which States receive Federal aid based on their population and road mileage. Seventy percent of all traffic accident fatalities occur in such areas and the chance of survival is less in those areas than in urban areas. One can die more quickly along a highway in our large Western States, hundreds of miles from the nearest hospital or ambulance, than he can on the interstates in our urban States in the Northeast, but fewer dollars have been used in the Western States or other rural States to solve these problems.

The following table from the Transportation Department shows how much has been spent by the Federal Government for ambulance programs:

State	Fiscal 1971	Total
Alabama	$56,964	$239,510
Alaska	46,815	138,713
Arizona	28,242	329,509
Arkansas	82,013	344,491
California	550,000	775,480
Colorado	58,002	253,895
Connecticut	18,950	34,763
Delaware	−659	144,114
Florida	4,712	1,363,116
Georgia	−9,630	468,487
Hawaii	10,000	22,227
Idaho	28,230	87,265
Illinois	−72,343	374,347
Indiana	169,087	523,080
Iowa	38,500	234,000
Kansas	219,329	555,424
Kentucky	133,690	260,862
Louisiana		81,530
Maine	74,150	142,330
Maryland	91,304	365,928
Massachusetts	313,207	506,204
Michigan	105,353	312,440
Minnesota	97,712	665,030
Mississippi	8,684	304,612
Missouri	122,801	659,657
Montana	20,225	121,363
Nebraska	243,540	672,519
Nevada	22,825	98,735
New Hampshire	16,556	96,171
New Jersey	306,020	650,807
New Mexico	34,737	103,363
New York	285,750	1,056,983
North Carolina	223,585	653,807
Ohio	380,000	705,100
Oklahoma	−33	128,106
Oregon	−1,012	347,391
Pennsylvania	−114,069	1,281,199
Rhode Island	7,750	20,000
South Carolina	119,432	460,444
Tennessee	9,138	163,852
Texas	62,000	1,197,640
Utah	2,550	97,170
Vermont	41,863	186,799
Virginia	176,395	607,599
Washington	91,687	177,609
West Virginia	$45,479	$138,471
Wisconsin	182,181	831,890
Wyoming	49,287	137,809
District of Columbia	74,213	136,963
Total	4,464,769	20,372,014

Note: All figures are as of Mar. 31, 1971.

AMBULANCE ASSISTANCE TO HOSPITALS

My second bill would amend title VI of the Public Health Service Act to provile $50 million over the next 2 fiscal years to assist hospitals in providing emergency medical services.

The relationship of the ambulance service to the hospital can be the key to the success of an ambulance service. Although many hospitals discontinued ambulance services during the last 25 years, there is currently an interest on the part of many to reverse the trend. Logically, the hospital emergency room is the focus of community emergency health services. There is a vital need for closely coordinated efforts between ambulance services and hospital emergency departments.

While the emergency departments of hospitals have improved in the past decade, the quality of medical care for the acutely ill or injured in these departments is at times less than adequate. While the equipment of these departments is usually good, a knowledgeable and skillful medical staff is frequently lacking. Particularly, in hospitals across the country, an unreasonable delay frequently occurs between the arrival of the patient at the emergency department and his examination and treatment by a physician.

Recognizing the need to improve hospital emergency rooms, the Congress passed an amendment to the Public Health Service Act making $20 million available in grants to hospitals for fiscal years 1971, 1972, and 1973, but there have been no appropriations for this vitally needed program.

In a peripheral manner, the amendment also made grants available to hospitals to provide emergency medical transportation.

My bill would set up a new section of aid for emergency medical services, as well as require States to develop and fully implement an acceptable emergency medical care program before such assistance is available.

To have a truly efficient emergency medical care system there must be a working harmony and coordination between the police, which detect an accident, the ambulance service, which transports the patient, and the hospital, which treats the patient. In my opinion, an ambulance service, operated by a hospital, offers the best alternative in achieving a coordinated service.

For other services would stop at the door of the emergency room, but a hospital-run service would enable the flow of information needed to save the life of the patient. With a professional ambulance attendant, the patient's needs could be diagnosed while en route to the hospital or he could relay valuable information to the physician on duty in the emergency room, thus reducing the time lapse between arrival at the hospital and treatment.

Furthermore, there must be an upgrading of the hospital emergency room, and therefore, we in the Congress should exert all efforts to fund such programs as are now provided by the Public Service Act.

It is hoped that if my amendment becomes law, communities faced with an ambulance crisis would encourage the hospital to provide ambulance service, and that, in turn, the hospital would bring pressure upon the State legislature to enact such legislation as would enable the hospital to gain such funds.

Finally, we have not even begun to apply our available technology. The manned space program has developed medical monitoring equipment, computers can be used in an ambulance dispatch center to give the exact location of all ambulances, and helicopters can rescue persons in remote areas and save valuable time. All of these should be explored, and, hopefully, put into use when we have developed the structure and the programs needed to finance their use.

AN OREGON CELEBRATION

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. DELLENBACK. Mr. Speaker, All American City Cottage Grove, in Oregon's Fourth Congressional District, each July celebrates its proud history with 4 exciting and thoroughly enjoyable days of parades, races, rodeos, and other special events.

Bohemia Mining Days, the name given to this festival time, recalls the 1858 discovery of gold and mining which flourished until World War I when lumber became the mainstay of the economy.

Today's New York Times carried an interesting account of this year's observance which I commend to the attention of my colleagues:

A Small Oregon Town Celebrates Big Days; Festival Is Typical of Hundreds More Across Nation

(By Steven V. Roberts)

Cottage Grove, Oreg., July 1.—The long, family style tables were set up in the service shed of the Oregon Pacific and Eastern Railway, and the colorful banners of the local Shriners hid the greasy machinery pushed against the wall. In a makeshift kitchen, a crew of Shriners cooked round, fluffy hot cakes, easy-over eggs, and slabs of country ham.

Yesterday morning a young girl sat at one of the tables, wedged between her boy friend and a retired grocer, and said: "This is it, this is the big thing that happens to the town every year. The rest of the year we sit around and watch people grow."

As she talked, the girl downed the remains of her Buckaroo Breakfast," one of the features of Bohemia Mining Days, an annual event in this town of 6,000 in the lumber country of southern Oregon. For four days every July, Cottage Grove is a whirl of fiddlers' contests and hound dog races, rodeos and parades, carnival rides and penny-toss games.

Bohemia Mining Days is similar to hundreds of festivals put on by small towns across the country every summer, a few special days to relieve the routine of life. Often they celebrate the town's ancestry, as do the "Czech days" in the Midwest, or a local industry, such as the Priest River Loggers Celebration in Idaho.

GOLD DISCOVERED IN 1858

Bohemia Mining Days recalls the history of this region after gold was discovered in 1858. One early prospector, who came from Bohemia in Central Europe, gave the district its name, and mining flourished here until World War I. After that, lumbering gradually took over as the major industry, but in recent years a local group has tried to restore the old mines as a tourist attraction. Thus Mining Days, as do many festivals, also gives a promotional boost to the local economy.

As part of the festivities, people dress up in Western garb. Mel Gans, the retired grocer at the buckaroo breakfast, looked a little uneasy in his cowboy hat, bright orange shirt and levis, but he was clearly enjoying himself.

"I'm a Shriner," said Mr. Gans who is 68 years old, "and we were down here till midnight last night fixing this place up. We had a whole bunch of guys here and we had good fellowship."

In fact, the whole parade had an air of ritual about it, everyone knew exactly what to expect. "Hey, Mom," yelled one youngster, "the parade is coming from that direction this year." Mom's weary reply came. "It always comes from that direction."

COLOR GUARD APPEARS

Right on cue, half an hour later, the American Legion color guard, flags propped conveniently on their ample stomachs appeared down Main Street. Behind them rode Sharon Gibson, Miss Cottage Grove, in an open truck. Sharon, who is 17, won third place in the state high jump contest last year, plays the kettle drums and piano and is a counselor at a Girl Scout day camp. She hopes to be an elementary school teacher, but might try being a model or airline stewardess for a while, "to make myself more well-rounded."

In a town such as Cottage Grove, a parade is a show people put on for their friends. As the Cottage Grove Riding Club pranced into view, a group of girls started shouting, "Hi, Kitty, Hi, Brenda. I see Linda in front. Let's go out so we can yell on her."

Various marchers tossed candy to the crowd, setting off a stampede of children. Squads of girls in pink and purple uniforms twirled batons and tried to uncoil their awkward adolescent legs into a strut. One group, Paula and her Pipsqueaks, had 11 youngsters in descending order of height. The mother of the tiniest Pipsqueak was momentarily upset when she could not find her daughter. Then she noticed the girl had hitched a ride on a passing pony.

As dusk fell, the fiddlers were fiddling at the high school, and the bronc riders were falling at the rodeo grounds. But the center attention was Bohemia City, the fairgrounds where the carnival rides and booths had been set up.

Just the names gave a sense of the network of associations that binds together any town: Trinity Lutheran Church Pie Palace, the Sorpotimist Banana Shack with "Ice-cold chocolate-covered bananas," as the feature, the Girl Scout Bakery.

The most popular feature was the beer garden run by the Junior Chamber of Commerce. Partly it was the heat and partly it was the idea. As one local man put it, "People will go in there and drink beer who would never go into a tavern in their whole lives."

THE TEEN-AGERS ARRIVE

One of the unusual local organizations is the Lemati gang, named after a local Indian tribe, a band of young men who dress up in frontier style and stage periodic shootouts for the amusement of the crowd. It is a chance they admit, to act out their fantasies in real life.

"We do this mainly for the kids," said Larry Kareff, a foreman in the city public works department, "but all of us are kids at heart, too."

Teen-aged boys roared up in their brightly painted refugees from the junkyard. Family cars, borrowed for the evening, disgorged groups of giggling girls. The mating dance of watching and be watched was on.

All is not peaceful in Cottage Grove. One booth was run by the "people center," a new organization set up to deal with drug abuse and other problems of local youths.

But drugs are still a minor problem here. In Cottage Grove this weekend, fathers were valiantly trying the break balloons and win teddy bears, courting couples were riding on Ferris wheels and stealing a few squeezes, and the women of the Trinity Lutheran Church, wearing starched white aprons and little caps, served up blackberry pie and talked about their grandchildren.

PRESIDENT NIXON'S FUTURE VISIT TO CHINA AND ITS EFFECT ON THE U.S. NUCLEAR POLICY IN ASIA

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. McCORMACK. Mr. Speaker, I strongly applaud President's Nixon's decision to accept Premier Chou En-lai's invitation to visit China. For sometime, I have been in favor of new U.S. initiatives to develop communications with this most important nation of 800 million people. While past developments in the area of trade and cultural exchanges have been significant, President Nixon's visit will establish direct and open Government-to-Government communications between the United States and China on a permanent basis. It will be a major step in furthering the "era of negotiations," of which the President has so often spoken.

Much potential good may come out of the President's visit. It may, for one thing, facilitate China's acceptance of a separate and independent Government on Formosa when Peking is admitted to the United Nations. A cooperative attitude on the part of Washington and Peking on this issue is necessary, for if admittance of the People's Republic of China into the United Nations produces division and hostility among the members, the world body will be further weakened. Moreover, China's membership in the United Nations should facilitate more Government-to-Government contact between Washington and Peking through the U.N. forum. President Nixon's visit may improve prospects for such a dialog.

Second, the President's trip may serve to bring China into important international negotiations which are currently going on, particularly in the field of disarmament. It is interesting to note the newspaper speculation that Dr. Kissinger discussed disarmament with Premier Chou En-lai. China's possession of nuclear weapons makes its participation in disarmament negotiations crucial to their success in halting the arms race.

The President's visit may help to bring China out of its isolation and into a healthy relationship with the rest of Asia. As the President told us in his recent foreign policy report to the Congress, China has legitimate interests in Asia. In addition, China's future attitude is bound to affect the chances for a permanent peace in Vietnam. We can hope that the President's initiatives toward a new relationship with China will result in progress toward peace in Indochina.

Because of the great potential associated with the President's visit, I am even more disturbed by reports associated with Secretary of Defense Laird's visit to Japan. The Secretary seems to have, in a series of ambiguous statements, clumsily confused the Japanese, frightening them and much of the rest of the Far East. The thrust of Secretary Laird's remarks seems to have been that Japan should assume the role of military dominance in the Far East, from which the United States is presently withdrawing and should, perhaps, develop a nuclear capability in doing so.

Mr. Speaker, it seems to me that Secretary Laird is doing a great disservice to the entire world in attempting to invest upon the Japanese the role of Far-East anti-Communist policeman, which he sees slipping from Pentagon hands. Any student of modern Japan understands the future of that great nation does not depend upon military power. Nothing but evil could result from reversing Japan's commitment to a foreign policy of antimilitarism initiated by Emperor Hirohito and General Douglas MacArthur at the end of the Second World War. We should be trying now to limit the number of nuclear powers and control the number of nuclear weapons in the world, rather than encouraging their proliferation. Specifically, we should discourage rather than encourage a nuclear arms race between Japan and China.

Secretary Laird also has indicated that the nuclear weapons stockpiled on Okinawa may be transferred to Taiwan or the Philippines, or to South Korea. I believe that any such policy is foolhardy at best. Our recent policy of nuclear encirclement of mainland China has produced in the Chinese a mixture of fear and hostility toward the United States. If, Mr. Kissinger's recent visit to the People's Republic of China, and the President's impending visit, are to have any meaning at all, the United States must take definite steps now to demonstrate that it is terminating this policy of nuclear intimidation. In addition, I object strenuously to the stockpiling of nuclear weapons in small allied nations in the Far East, regardless of how loyal and how stable they may appear now to be. A radical reaction of rapidly changing events in the Far East could easily create instabilities in these nations that would result in American nuclear arsenals falling into the hands of forces hostile to this nation, or individuals tempted to use them to start a nuclear war.

Mr. Speaker, the United States has followed the policy for many years that it will neither confirm nor deny the presence of nuclear weapons anywhere in the world. Inasmuch as we have the capability to deliver nuclear weapons within minutes to any spot on the earth from mainland United States, or from our Polaris submarines, I suggest that we announce now that no nuclear weapons are or will be stockpiled anywhere west of the Marianas Islands, and none except on United States controlled territories, or on U.S. ships at sea.

This posture, Mr. Speaker, if taken now by this country, will put some meaning into, and give some credence to the President's statement that he desires to make a "journey of peace," and will give some credence to the hope that the United States is, as a nation, adopting more responsible and mature policies with respect to Asia.

Mr. Speaker, to provide my colleagues with additional information on this very important matter, I include with my remarks an article by Selig S. Harrison printed in the Washington Post of July 14, 1971, headlined "Laird Confuses Japan on A-Arms Issue"; excerpts from an article by Crosby S. Noyes in the Washington Star of July 13, 1971, on the same subject, and an article by Morton H. Halperin in the Washington Post of July 18, 1971, headlined "Why Not Tell Where the Weapons Are?"

[From the Washington Post, July 14, 1971]

LAIRD CONFUSES JAPAN ON A-ARMS ISSUE

(By Selig S. Harrison)

TOKYO, July 13.—Defense Secretary Melvin R. Laird's studied ambiguity on the issue of nuclear weapons for Japan during his recent visit here has left behind a trail of confusion, uneasiness and agitated debate concerning his possible motives.

When a Japanese reporter asked how the United States would react if Japan developed tactical nuclear weapons, Laird suggested at his farewell news conference that Japanese defense planners should give "higher priority" to upgrading conventional military capabilities, adding that "President Nixon and our government will continue to provide the nuclear umbrella."

The secretary coupled this response with an assurance that he sees "no role for Japan as far as the nuclear deterrent is concerned during the periods of the 1970s and beyond." But he spoke of the issue casually as one of "priorities" three times in the course of his reply, and the inference drawn by most Japanese observers was that he does not necessarily rule out the future desirability or inevitability of nuclear arms after the conventional buildup now programmed here has been completed in 1980.

What Laird said with cautious indirection in the open forum of a press conference confirmed the worst Japanese fears generated by more direct statements coming out of an earlier background briefing given by U.S. defense planners authorized to discuss the secretary's thinking.

The principal spokesman at this briefing pointed to a series of developments which might lead Japan to deploy defensive nuclear weapons in the early 1980s—possibly "ABMs (antiballistic missiles) on ships," he said, since a country with Japan's population density would be doomed if enemy missiles ever came close to the big population centers.

The most critical development pushing Japan toward the nuclear option, it was suggested, would be a U.S.-Soviet agreement in the strategic arms limitation talks resulting in a reduced U.S. nuclear posture in the Pacific.

Peking is not taking part in the negotiations and would still be free to develop its missile strength unchecked.

This would pose a growing threat to Japan at a time when the intercontinental ballistic missile threat to the United States from Peking would still be "decades" away, and when the United States would feel less directly endangered than ever before by Moscow.

Even if the strategic arms talks did not have a direct impact on the U.S. nuclear presence in the Pacific, the spokesman reasoned, Washington might be increasingly unwilling to bear the costs of maintaining the nuclear deterrent alone. No longer would Japan be an indirect beneficiary of an anti-Soviet strategic posture that the United States maintained basically for its own sake.

CHANGED SETTING

In this changed strategic setting, Tokyo could choose to acknowledge its new position as the immediate beneficiary of the deterrent and actively help the United States to maintain it. Or Japan might begin to worry about U.S. reliability and decide instead to develop its own defensive nuclear weapons as a supplement to the U.S. strategic umbrella.

The point of it all was not so much that the United States should directly encourage Japan to go nuclear, but rather that the Japanese should begin to pay a greater price for U.S. nuclear protection. By implying that the U.S. nuclear shield can no longer be taken for granted and that the United States is not afraid to see Japan go nuclear, Laird apparently hoped to change the bidding in the overall bargaining relationship between the two countries.

Laird astonished the Japanese press and delighted hawkish elements in the military here with an uncompromising refusal to permit a public verification procedure demonstrating the removal of nuclear weapons from Okinawa.

He seemed impatient on finding that the "nuclear allergy" is still dominant here 25 years after Hiroshima but did not let this deter him from asking for free access by nuclear-armed and nuclear-powered U.S. ships, submarines and aircraft as a logical corollary to receiving U.S. nuclear protection.

MOTHER PORT

It is understood that Laird also asked for semipermanent arrangements permitting the 7th Fleet to make Japan a "mother port" as a way for Tokyo to help support the nuclear deterrent and the U.S. naval presence in a more general sense. At present, U.S. vessels, including aircraft carriers with nucelar-capable aircraft, operate out of the huge San Diego, Calif., naval station as home base, using Yokosuka and Sasebo in Japan only for port calls and repairs.

One of the most interesting items on Laird's agenda here was a proposal for the reversal of an earlier decision to return Yokosuka and, more importantly, for the establishment of a major residential complex for the wives and children of naval personnel on Okinawa. This would be a political hot potato for the Japanese government but was urged by Laird as a way to save substantial sums on steaming costs back and forth between San Diego and the western Pacific.

The timing of the controversial nuclear briefing on the day before the scheduled opening of the strategic arms talks has led to a widespread suspicion that the real motive behind the exercise may have been a desire to influence the Helsinki talks by projecting the specter of a nuclear Japan.

Whether or not this is justified, it is clear that the settlement currently proposed by the Soviet Union in Europe could eventually have an impact on the U.S. nuclear posture in the Pacific and thus on Japanese nuclear plans.

BAN SOUGHT

Moscow wants tactical nuclear weapons in western Europe capable of reaching Soviet territory to be banned, along with intercontinental missiles, as one of the preconditions of a strategic arms agreement.

Should the United States ever agree to this, some Japanese and U.S. officials argue, Moscow and Peking could point to this as a precedent for demanding a pullback of U.S. nuclear weapons in the Pacific for a comparable distance from their shores.

This could lead to pressures for the withdrawal of nuclear bombs for use by carrier-based aircraft from storage vessels in the western Pacific, and it could make it all but impossible, politically speaking, for nuclear-armed ships, submarines or aircraft to call at Japanese ports.

In assessing the weight of accident and design in the Laird visit, it is instructive to recall the secretary's long preoccupation with the role of nuclear weapons in the hands of U.S. allies as an essential element in the U.S. strategy. Laird's 1962 book, "America's Strategy Gap," advocated "defensive nuclear weapons with propert controls" for NATO partners, citing approvingly a statement that "military establishments which do not have nuclear weapons are little more than oversized gendarmeries."

REFERENCE NOTED

Japanese readers have been quick to note the reference to "proper controls," implying a two-key arrangement, as well as another passage made in the NATO context with a striking applicability to the current Japan-U.S. dialogue initiated by Laird. "The nuclear deterrent in the hands of the allied powers would be a great help to us," Laird wrote, "since it would provide us with a bargaining vehicle for insisting, in turn, that they meet their conventional force requirements."

The alarmed antinuclear forces foresee the Laird visit as renewed proof of collusion between Japanese and American hawks and as a partial vindication of the Chinese propaganda line warning of the revival of Japanese militarism.

"Smoke does not arise when there is no fire whatsoever," said the newspaper Asahi in a comment on the State Department disclaimer issued following the briefing here.

Yomiuri recalled the Defense Agency white paper last October arguing that "small-scale, tactical, purely defense nuclear weapons" would be legally permissible under the U.S.-imposed "no war" constitution.

"These press reports are trial balloons intended for American and Japanese public opinion," Yomiuri observed.

[From the Washington Star, July 13, 1971]

EXCERPTS FROM ARTICLE BY CROSBY S. NOYES

If the reports from Tokyo are even reasonably accurate, it is clear that Defense Secretary . . . Laird is in sore need of a few lessons in elementary diplomacy.

At a time when the new government of Premier Eisaku Sato is making strenuous public efforts to improve its relations with the U.S., the defense secretary seems to have been prodding the Japanese on their most sensitive political nerve. The results are likely to be quite different from those he intended.

The Japanese are not notably receptive to the idea that they should resume their role as the tigers of the Pacific—particularly the implication that we would welcome them into the nuclear club. A revival of Japanese militarism is no more popular with the Japanese public than it is with Japan's neighbors in Asia.

There were immediate and anguished denials from the State Department and the California White House that there has been a change in American policy so far as Japanese rearmament is concerned. Specifically, it was denied that any "responsible body of opinion" in the United States or Japan "advocates the possession of nuclear weapons by Japan."

Nevertheless, the reports made it clear enough that somebody, responsible or otherwise, has been suggesting that the Japanese, because of restrictions on American armaments resulting from the SALT talks with Russia, might have to develop a defensive nuclear capability early in the next decade. According to these reports, Laird believes that the Japanese cannot count on the protection of the American nuclear umbrella indefinitely.

It is one thing if Laird has been saying this sort of thing to top officials of the Sato government. It is quite another to spill the whole line to the American press in such a way as to cause the maximum sensation in Japan and other Asian countries. . . .

By pressing on Sato a whole gamut of highly unpopular and politically loaded military propositions, Laird is placing . . . [Sato's] policy of economic rapprochement in jeopardy and putting powerful weapons in the hands of Sato's Socialist opposition. . . .

[From the Washington Post, July 18, 1971]

WHY NOT TELL WHERE THE WEAPONS ARE?

(By Morton H. Halperin)

(NOTE.—Halperin is a former Defense Department official who is prohibited by existing security regulations from confirming or denying the presence of nuclear weapons overseas.)

Are there nuclear weapons on Okinawa?

Ask an American reporter and he will say "almost certainly."

Ask any Japanese newspaperman or opposition Diet member and he will give you a flat "yes."

Ask an Okinawan and he is likely to point out to you the specially guarded and distinct "special weapons" facilities that dot the island.

Ask an American official and he will assert that it is the policy of the United States to neither confirm nor deny the presence of nuclear weapons anywhere in the world.

If you press for the reasons for this policy you will be told that the security of the United States would be jeopardized if such information were given out. If you are still not satisfied you will learn that the reasoning that leads to this decision is itself deemed to be classified—at least no American official will discuss it on the record.

As many have long understood and as now most Americans know because of the controversy surrounding the Pentagon papers, information remains classified only until some official decides that it is in the nation's interest or his own to have it revealed. Thus there is one very large exception to this "neither confirm nor deny" rule. The United States has more than 7,000 nuclear weapons in Europe. This information was first reported in a press backgrounder held while then Secretary of Defense Robert McNamara was in Europe, and was later confirmed on the record. McNamara, tired of being accused of denuclearizing Europe while in fact presiding over a vast increase in the number of American nuclear weapons stationed on the European continent, finally overruled his security advisers and put out the truth. No one was able to show any harm to the United States—either direct and immediate or otherwise.

Why, then, does the United States persist in this policy? Certainly not, as is sometimes claimed, to keep the Russians or the Chinese guessing. Nuclear weapons are stored in specially designed and guarded facilities easily identifiable not only by satellites but also by more conventional human agents on the ground. Moreover, confirming that there were nuclear weapons in place A would not tell a potential enemy whether there were also nuclear weapons in place B; nor could he even be sure that they were in place A. Even a denial that nuclear weapons were stored in a particular country could not be accepted on its face.

The "neither confirm nor deny" policy is not then directed primarily at potential enemies. Rather it is aimed at the publics in allied countries. Many governments are prepared to let the United States store nuclear weapons on their soil or to have ships with nuclear weapons call at their ports provided their people do not find out about it. If American officials would answer the question for one country, there would be tremendous pressure on many allied governments to get an answer and to publish it. Now they can, and some do, say that the United States will not even tell them.

Thus, in order to enable the American government to consort with foreign governments to fool their own people, the American public is denied information of significant importance to American security and to a number of foreign policy questions. The determination of the U.S. government to deny this information has been carried quite far despite determined efforts of an authorized congressional committee. Witnesses testifying in closed session before the Subcommittee on Commitments of the Senate Foreign Relations Committee systematically refused to discuss the question of the location overseas of nuclear weapons. The Subcommittee Chairman, Sen. Stuart Symington, called attention to the problem in the committee report, but he could do no more, given the Executive branch refusal to cooperate.

Symington pointed to the obvious danger that nuclear weapons stored overseas might be overrun and captured by enemy forces. They might also be used without authorization by friendly or even American forces in a grave local situation. Moreover, their presence close to the Soviet or Chinese border—which Symington indicated was the case—might look very provocative to Moscow or Peking.

These considerations must be balanced against the deterrent and war-fighting value of storing nuclear weapons in overseas locations. The deterrent effects seem small if the United States does not tell potential adversaries that the weapons are there, and the effects will be uncertain regardless of what it says. The war-fighting advantage is limited even if one ignores the very great inhibitions on their use. However, the essential point is that the Congress and the public can reach no sensible judgment on these questions since they are not told where the weapons are.

The foreign policy implications for the "neither confirm nor deny" policy can be illustrated by returning to the question of nuclear weapons on Okinawa. One of the key issues in the reversion negotiations was whether reversion would occur with the United States maintaining the right to store nuclear weapons on Okinawa. The United States clearly gave up that right, but suspicious Japanese are asking that their government inspect the withdrawal of whatever is in those special storage areas. This the United States refuses to do because the result of that inspection would be to confirm or deny the presence of nuclear weapons. Thus, needlessly, a suspicion remains to cloud American-Japanese relations.

A controversy has also raged in the American government as to where to move various facilities from Okinawa. Recent press reports suggest that some American officials are urging that the United States store nuclear weapons on Taiwan. Such a move would have profound repercussions on Sino-American relations. It would substantially increase the value to the United States of its bases on Taiwan and make any early withdrawal much less likely. Building up American bases on Taiwan would also increase the leverage which the Nationalists have on American decision, and it would set back the effort to improve relations with the People's Republic of China.

It is intolerable to have such momentous decisions made without the knowledge and consent of the American people so that citizens in allied nations can be confused. The remedy is clear: the United States should remove nuclear weapons from all countries which are not prepared to have their presence revealed. The President should then provide the Congress and the people with a list of all overseas areas in which nuclear weapons are stored and an explanation of why they are stored there. We could then have a long overdue public debate about whether the United States should store nuclear weapons beyond its borders.

PROF. D. F. FLEMING: THE COLD WAR AND AFTER

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. FULTON of Tennessee. Mr. Speaker, recently the House Committee on Foreign Affairs began an examination of the origins and effects of the cold war.

During the hearings, the committee was privileged to hear from Prof. D. F. Fleming, of Vanderbilt University, one of the most eminent authorities on East-West relations during this period of history and the author of "The Cold War and Its Origins."

At present, Professor Fleming serves as professor emeritus of political science at Vanderbilt University. He has also served as adviser of the Atomic Energy Section of the U.S. Department of State, with the School of International Studies at New Delhi, as a radio commentator for the Woodrow Wilson Foundation, for which he also served as director, and as foreign editor of the Nashville Tennessean.

Professor Fleming's testimony entitled "The Cold War and After" is a brief but penetrating survey of Soviet-American relations over the past two decades. I place it in the RECORD at this point and commend it to the attention and consideration of our colleagues:

THE COLD WAR AND AFTER

(Tesimony of D. F. Fleming before Subcommittee on Europe, House Committee on Foreign Affairs, June 7, 1971)

Our Cold War with the Soviet Union during the past twenty-five years has been due to two factors, both closely related. Our leaders after World War II were unwilling to accept a Communist state as a great world power and unable to recognize Russia's overwhelming need for firm security in Eastern Europe.

The anti-Communist aversion is basic. The Communist abolition of private profits is the supreme heresy, the unforgiveable sin. Its proclamation in Russia in November 1918 led to a desperate civil war, during which all the governing, well-to-do classes were driven into exile, into labor battalions, or killed.

THE WESTERN DEMOCRACIES

The West European democracies did all that their war weary peoples would permit to help the Russian Whites to defeat the Reds. From 1918 to 1920 they first did their utmost for the government of Admiral Kolchak in Siberia. The British gave him 79 shiploads of supplies and arms for 100,000 men, but his defeat led to one of the most ghastly mass retreats of all time.

In South Russia, about 500,000 Allied troops tried to aid the attempt of General Denikin to take Moscow. Equipment for 250,000 men was sent, along with all kinds of advisors and instructors, but the result was another terrible retreat in which a quarter of a million people died of typhus and exposure. Then Poland made a major effort to carve out a great empire in Russia, but was defeated and saved only by military aid from the West.

These failures did not prevent the Allies from giving White General Yudenitch's forces equipment, including American gasoline, for a drive up the Baltic coast to Leningrad. The result was another tragic retreat. Simultaneously, too, the Allies were intervening in North Russia, at first to protect large dumps of supplies there from being captured by the Germans, then to fight the Reds. The first motive had also been a factor at Vladivostok in the East, where we had 7,000 troops, along with British, French and Japanese forces. Though our men only guarded property, the other invading forces were anti-Red, a part of the effort to scotch Bolshevism at its birth by invasions from all four sides of the Russian realm.

When it was all over, Russia was devastated throughout her vast expanses. "Millions of poor civilians had died of abuse, exposure and famine, which was soon to claim millions more." Everything was in a far worse state than at the end of Russia's immense effort in World War I, bad as that was. Hatred and degradation filled the land and the upper classes were finished.[1]

Worse still, from our standpoint, the great foreign interventions had enabled the Reds to create a big military machine and to forge the first totalitarian regime. Without the compulsions of the Western interventions the Soviet regime would probably have evolved more mildly. Furthermore, neither the Soviet leaders or peoples can easily forget the frightful experiences of the time. To them it was a long ordeal of fire and blood, famine and death. To us it was a distant incident, vaguely understood and soon forgotten.

RUSSIA'S ORDEAL IN WORLD WAR I

Just before the Western Interventions, the Russians had suffered the agonies of World War I, as we never did. The Tsarist bureaucracy had mobilized 15,000,000 men, mainly illiterate peasants, for whom there was neither adequate transportation, barracks or arms. Yet these hordes of men pouring into East Prussia had helped the Western Allies to succeed in the first battle of the Marne in France in 1914, and by over-running the Austrians repeatedly they had contributed to the final Allied victory. However, by the summer of 1917 this largest of armies had become "an enormous, exhausted, badly clothed, badly fed, embittered mob of people, united by thirst for peace and general disillusionment."[2] These memories, too, are deep in the Russian soul.

Yet after seeing Communism develop out of World War I, the United States Senate defeated the heroic efforts of Woodrow Wilson to create a strong League of Nations to keep the peace and we retired into political isolation unrestrained money-making, until World War II engulfed us again and brought Communism to China.[3]

RUSSIA IN WORLD WAR II

Once more we suffered, but not as the Russians did. Again they mobilized 10,000,000 men, but this time well equipped for battle. They held the Nazi armies, the mightiest ever assembled, deep in Russia, and after nearly three years drove them back behind Berlin and Vienna, both of which the Russians occupied. It was a tremendous victory, but gained at abysmal costs: 15 cities, 1,700 towns and 70,000 villages largely destroyed; 88,000,000 people subjected to invasion, and 25,000,000 deprived of shelter; 6,000,000 buildings destroyed; 70,000,000 head of livestock carried away; 40,000 hospitals, 84,000 schools, 44,000 theaters and 43,000 libraries, looted and destroyed—along with industrial enterprises, highways, bridges, postal and telegraph stations.

Also, while all this was happening the Anglo-Americans, due to British insistence, delayed until June 1944 the opening of a second front in Europe that would ease the pressure on Russia. To the Russians this was an eternity of more than two years; to us it was justified time to prepare efficiently. In the same period, too, we urgently desired Russia's entry into the war against Japan. Generals MacArthur and Wedemeyer were strongly for it, as were the American people, and it was our main objective at the Yalta Conference, in early 1945, where Stalin agreed to be ready to fight Japan in Manchuria three months after Victory in Europe Day. Events in Europe soon fixed this date as August 8, 1945. At that time the Russians were ready in the Far East, but on August 6 we hastily dropped the first A-bomb on Hiroshima, to save lives it was alleged, as 80,000 people died and an equal number were maimed for life. On August 9 our other A-bomb was used on Nagasaki, with comparable results, and Japan sued for peace the next day, leaving Russian faces red as we announced that the war was over.[4]

These two wartime threads of military-diplomatic history help to explain Russia's determination to hold East Europe and to do everything possible to delay a German revival.

THE RUSSIANS IN EAST EUROPE

Can any American begin to imagine the human suffering involved in Russia's tremendous World War II ordeal? Yet this was the third long trauma from foreign invasion in the lifetime of most Russians. Is it any wonder that Stalin made it clear to Eden in December 1941 that because of these three immense invasions through Eastern Europe "in thirty-five years" he did not intend to let that region fall into hostile hands again?[5]

Would any Soviet leader in his senses have resolved differently? Nevertheless, when East Europe was occupied by the Russians in 1945, in pursuit of the Germans, most Westerners thought that they should go back home and let the East Europeans have their usual anti-Soviet governments, especially in Poland. Only a minority understood that the Soviets could trust only Communist governments to secure the region, with Moscow's aid and under its control.

Even Roosevelt may have thought that he could eventually persuade Stalin to let the Poles manage their own affairs, but both FDR and Secretary of State Hull did have a clear understanding of the immense losses and achievements of the Russians in World War II, and of the urgency of remaining friends with them and organizing the world for peace with their cooperation. At the Moscow Conference in October 1943, Hull found that both Stalin and Molotov assented warmly to his statement that the closest relations and agreement between their two countries were of vast importance.[6]

FDR'S PREMONITIONS

After the Teheran Conference, a month later, Roosevelt also felt that its biggest achievement had been to make clear to Stalin that the U.S. and Britain were not teamed up against Russia. That would be the one thing that would "upset the applecart" after the war; and on his last Christmas Day, in 1944, he talked reflectively of British ability to get other countries to combine in some sort of bloc against the Soviet Union and said soberly: "It's what we've got to expect." Again on March 3, 1945 he said that at Yalta many points had been disputed between

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Footnotes at end of article.

Stalin and Churchill, but Stalin, said Roosevelt, "agreed to every single suggestion I made" and he added emphatically: "I am convinced that we are going to get along." On April 12, just before his death, FDR sent a cable to Churchill about recent disputes with Russia concerning the problems of ending the war, saying that "We must be firm, however, and our course thus far is correct." [7]

SUDDEN REVERSAL

A year later, on March 5, 1946, Harry S. Truman sat on a college platform at Fulton, Missouri, to applaud a speech by Winston Churchill, which he had already approved. It portrayed in the most portentous terms the terrible Russian danger which had arisen, the "police governments" of Eastern Europe. To cope with Russia and Communism Churchill pleaded for an alliance of the English-speaking peoples, with joint use of their naval and air bases all over the world. "At this sad and breathless moment" he saw "an iron curtain" from Stettin to Trieste. Nobody knew what Soviet Russia and its international Communist organization intended to do in the future, "or what are the limits of any of their expansion and proselytizing tendencies." Beware, he warned. Time might be short. "The Dark Ages may return, the Stone Age." [8]

All that Roosevelt had so clearly forseen and feared had come to pass. Eleven days after his death Truman had given Molotov a tongue lashing in the White House, about Poland, using Missouri mule-driver's language, against the advice of his three leading advisers—Stimson, Marshall and Leahy.[9]

TWENTY-FIVE YEARS OF COLD WAR

Given our aversion to Soviet and Communist control of East Europe, it was natural that NATO should be organized to protect West Europe, to be followed by the Warsaw Pact alliance. The division of Germany and Berlin's anomalous status was also inherent in the situation.

It was soon assumed that both the terribly wounded Russians and Communism were out to take over the world, but it was not inevitable that President Truman should deliver his famous Doctrine, on March 12, 1947, in which he practically forbade all future revolutions, lest they turn Communist, and allied himself and us with all reactionary regimes around the globe. This was blindness on a gigantic scale. For us "to declare that revolution was finished was to kill the American dream. It was to shut us out of the future at a time when a billion and a half people, nurtured in our revolutionary tradition, were determined to move upward into a better life."[10]

Yet upon this doctrinal base we erected alliance structures encircling the globe and built an immense military machine to see to it, after China became Communist in 1949, that no other spot on earth did. South Korea was saved in 1950, at a most of 2,000,000 dead, but saving South Vietnam has proved to be beyond our power. There we have struggled for some fifteen years, using finally our full air power—save only atomic bombs—to blast and burn and poison everything that may be underneath. Several hundreds of thousands of helpless people have been killed and some three million others driven from their homes into penury in the cities. We have used every kind of weapon on the ground and some 50,000 of our troops have died, yet the little yellow men in the jungles have defeated our mammoth military machine, and our own people have become outraged by the huge squandering of our resources until they are forcing the end of the sad struggle that has won us condemnation all over the planet and entailed the neglect of our own dangerous social problems until internal disintegration threatens. This is the penalty for wasting some two hundred billions in Vietnam and for spending a total that approaches a trillion dollars on the Cold war, plus all the time, attention and effort involved.

Could anyone possibly conjure up a more tragic and absurd end to the Cold War than our adventure in Southeast Asia?

PROGRESS IN RUSSIA AND CHINA

While we have run the Cold War deeply into the ground in Vietnamese jungles, Red China, which we thought we were containing, has emerged as a vast nation, the world's largest, all of whose people are fed, decently clothed and housed.

In the same decades, too, the Soviet Union has developed military power virtually equal to our own, and it has given its great union of peoples good education, excellent health care and full employment.

CAN WE RECOVER?

The successes of the two mammoth Communist states, which we have been endeavoring to "contain," now compel us to engage in long and devoted efforts to have our own failing society; to cope with the immense misery in our huge urban ghettoes; to stop the hopeless piling up of our people into the heavens in a few places; to reform our overloaded courts and shocking penal systems; to build hospitals and health care for all; to renovate our sadly neglected schools, including many colleges; to provide better care for our old people; to build really adequate modern mass transportation systems, partly to save us from asphyxiation by the omnipresent automobile; and to save our natural environment from other kinds of pollution.

It may be too late for us to cope with all of these accumulated deficits, and others, but if we are to compete with the two Communist giants we must prove to the world and to ourselves that we too can abolish poverty and provide acceptable lives for all. To do less is to condemn our way of life to a troubled end. It has wonderful advantages, but it must also distribute the essentials for living to everyone.

Fortunately, our Government is now disposed to welcome China into the family of nations and to negotiate a more bearable level of nuclear stalemate with the Soviet Union. These negotiations, said the *Sunday Times* of London, will be "the most momentous in diplomatic history." So they will be. A reconcilation with China and the Soviet Union, or even a *modus vivendi*, should give us time to put our own house in order and to demonstrate to the other peoples that our nation does have a future, that it can survive the Cold War.

In this great endeavor we can succeed, if we have learned that power is a thing of the spirit, that it resides in the minds and hearts of men, not in the means of destruction.

FOOTNOTES

[1] D. F. Fleming, *The Cold War and Its Origins, 1917–1960*, pp. 16–35, especially pp. 30–35.

[2] *Ibid.*, Vol. I, p. 11.

[3] My books about this period are: *The United States and the League of Nations, 1918–1920*, and *the United States and World Organization, 1920–1933.*

[4] *Fleming, The Cold War and Its Origins, 1917–1960*, pp. 171, 193–98. Truman greeted the news from Hiroshima as "the greatest thing in history." He had "no qualms" about his use of the A-bomb. (p. 304.)

[5] *Ibid.*, p. 147.

[6] *The Cold War and Its Origins, 1917–1960*, p. 160.

[7] *Ibid.*, pp. 162, 213, 215.

[8] *Ibid.*, pp. 348–49.

[9] *Ibid.*, p. 268. Some three months earlier on January 10, 1945, Republican Senator Arthur H. Vandenberg had made a name for himself in a long Senate speech demanding "justice" for Poland, in which he had proposed a treaty with Russia promising to protect her from future invasions if she would let Poland alone (p. 275.)

[10] Fleming, p. 447.

EARLY CHILDHOOD DEVELOPMENT

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. HANSEN of Idaho. Mr. Speaker, during the last year I have been privileged to serve as a member of a 24-member task force on early childhood organized by the Education Commission of the States.

After many months of meetings, hearings, and deliberations, the task force issued a report on alternatives for program implementation in the States. This report was intended to serve as a guide to State-level policymakers who are involved in initiating or expanding programs for young children.

Prehaps even more significant than the report itself is the fact that the Education Commission of the States perceived the interest and the need on the part of States in the area of child development. All too often, people point to the relatively small percentage of States which have mandatory kindergarten attendance and conclude that the States have little interest in early childhood programs.

Yet this belies the true situation. Not only have the States shown an active concern over educational programs aimed at their preschool children, but they have also extended this concern to the children's health, nutrition, and overall development into healthy individuals.

If the States are to see their concern for early childhood development translated into meaningful programs for their youngsters, they will have to take an active role in pulling together the many sources of Federal, State, local, and private funding and in-kind resources and organizing these into an effective system for meeting their needs. Legislation now pending before both the House and the Senate can do much to facilitate the States' ability to expand and improve early childhood services. I hope that as the committees take action in the days ahead, they will overlook neither the important role the States are already playing nor their potential for even greater involvement.

Mr. Speaker, I include in the RECORD at this point several excerpts from the Education Commission of the States report:

EARLY CHILDHOOD DEVELOPMENT: ALTERNATIVES FOR PROGRAM IMPLEMENTATION IN THE STATES

SUMMARY OF RECOMMENDATIONS AND ALTERNATIVES

The states should provide support for developmental programs for children younger than six, the standard first grade entry age. The major thrust of such programs should be (a) strengthening the role of the family as the first and most fundamental influence on child development; (b) the early detection of serious health and education handicaps; and (c) the provision of remedial health and education programs for all preschool children who need special services.

A statewide, publicly supported early education effort should be based on the following minimum objectives:

1. To develop ways to reach the families of

younger children and to strengthen their capacity for parenting.

2. To involve parents in the formal education of their children directly and through the decision-making process.

3. To provide for health, safety and psychological needs of young children.

4. To start the educational process that will contribute to the development of individuals who will be able to solve a variety of problems and are willing to try to solve them.

5. To lay a foundation for improvements that should take place in the early years of schooling to make it more responsive to the needs of children.

An analysis of federal priorities and programs indicates that it will be up to the states to carry the major burden of early childhood programs and to coordinate their efforts with the many ongoing federally supported programs. Indications are that in the near future, federal legislation will require a coordinated state planning mechanism. Coordination of the more than 300 federal programs for young children, administered by 18 agencies, is urgently needed.

Organizational structure at the State level

How early childhood programs are administered at the state level will substantially affect the impact and nature of the state effort. The primary need is for a mechanism to coordinate overlapping federal and state programs.

Whatever agency is assigned or created to assume general responsibility for the administration of state early childhood programs, it should have at least the following functions:

(a) To supervise all state and federal funds for early childhood programs;

(b) To analyze, make recommendations about and coordinate all state and federally funded programs for the development of early childhood personnel;

(c) To develop a master plan for early childhood programs, staff and funding across the state;

(d) To analyze and develop recommendations for state certification efforts related to early childhood personnel;

(e) To develop a system of early diagnosis of children's needs and of parental training and involvement in their children's education;

(f) To make recommendations regarding state standards for private, particularly franchised, early childhood programs;

(g) To serve as an advocate and promoter of programs to meet the needs of all young children in the state and to stimulate the development of postsecondary and inservice training programs for early childhood personnel.

Alternative structures to be considered include:

1. Assignment of general responsibility for early childhood programs to an existing agency already administering programs, such as the state department of education, health or social services. A division of early childhood education should be established within the department and be headed by a professional with sufficient rank and responsibility to be of influence.

2. The establishment of an office of child development as an independent state agency, headed by a commissioner of child development appointed by the governor, to administer all state programs for children younger than six. A special advisory board of heads of public and private agencies concerned with early childhood would be created.

3. The establishment of a state child care coordinating council in the governor's office. Members would represent parents, public agencies and private groups with an interest in children's services. The council would be responsible for state-wide planning, coordination and evaluation.

Alternative State program approaches

The recommendations and alternatives suggested for state action are based upon four assumptions: (1) the state has a responsibility to the total population; (2) the states must develop some equitable basis for the allocation of funds; (3) a state program should take into consideration the possible participation by other agencies in the funding of programs; (4) a state will probably have to phase in the program over a number of years.

The alternatives include:

1. States should consider a comprehensive approach including children younger than three and their parents because, after the initial expense, such a program could be operated at low cost; the ability to make early diagnoses would strengthen all other programs; and some day care services will be required for the age group in any case. Such a program would be developed through demonstration/parent education centers with diagnostic services and day care programs.

2. States should consider programs for three-, four- and five-year-old children which provide training for them and their parents in their homes.

(a) Several programs could be developed which provide limited training for parents to work with their own children, such as a parent/child toy lending library.

(b) Parent-oriented television programming, building on Sesame Street or a similar series, could be used to assist parents to work with their children and maximize existing children's television programs.

(c) Either of the two above approaches could be rendered more effective at relatively little additional cost by adding a home visit by a qualified professional teacher or aide who would work with both parents and children in the home situation.

(d) Special television programs for children, like Sesame Street, could offer important early educational opportunities, although they should not be expected to fill children's needs without supplementary efforts.

3. A combined approach, which provides a classroom experience for children in addition to a home visit program and uses television as an instructional aid, offers the benefits of parent involvement in education at home but also social growth by giving children practice in sharing and working together in a group.

4. States should consider alternative programs for three-, four- and five-year-olds in a classroom situation.

(a) The state might provide aid to children to attend existing private preschool and/or kindergarten programs if no public programs exist.

(b) The state might encourage the expansion of day care programs and provide support for an educational component in them, including special staff training and provisions for parental involvement.

(c) An effective state program could be developed by expanding the existing Head Start effort to more five-, four- and three-year-olds. Special steps should be taken to avoid administrative duplication. It might not be necessary to provide supportive health, dental and nutritional services to all youngsters.

(d) Television programs, like Sesame Street, could be used to supplement educational efforts. One possibility is to build classroom efforts around T.V., bringing children and teachers together to view the program and then expand on it.

(e) It is not recommended that states establish formal classroom preschool programs for all three- and four-year-olds because there is no evidence that all children need a structured group experience if they are receiving some kind of systematic training and because there are viable, less expensive alternatives.

(f) Where states have already initiated kindergarten programs for five-year-olds, these programs should be retained but revitalized through such efforts as substantial state support; flexible certification laws; minimum instructional standards; special programs for parent involvement; and single sessions.

(g) The states should develop methods to regulate the standards of private kindergartens, particularly those being established in the rapidly expanding franchising effort, but flexibility should be key.

Priorities and methods for implementation

It is assumed that even if a state chooses low cost parent/child programs, limitations of resources and staff will necessitate the establishment of initial priorities. The following alternative priorities are suggested.

1. If a state is able to predict a lack of trained personnel for kindergarten and prekindergarten programs, it might adopt at its first priority the development of postsecondary and inservice programs for professional and other positions.

2. A state might focus first on the development of an early diagnosis system—and personnel to administer it—which would determine the need for various alternative programs.

3. The state could consider establishing a limited number of model demonstration centers, but the federal government has developed a number of such centers which should fulfill the need for experimental programs.

4. Another approach would be to serve first the children with the greatest need, particularly those from low-income homes, of ethnic and minority groups and the handicapped.

5. The beginnings of a state program might be developed by state subsidization of an educational component at existing day care and industrially established centers for four- and five-year-olds.

Training and certifying quality personnel

Teachers and administrators for early childhood education must evidence qualifications and training different from their counterparts working with older children. Certification procedures and teacher training programs should reflect this fact. For the effective implementation of the program alternatives outlined in this report, a new type of professional early childhood educator will be required.

To meet personnel needs for early childhood education programs, states should take some or all of the following steps:

1. Establish credentials in early childhood education or at least provide for a strong specialization in early childhood education within the preparation of an elementary certificate.

2. Establish the same salary schedules, fringe benefits and tenure rights for early childhood teachers as for all other teachers.

3. Encourage the development of postsecondary and inservice programs for professional and other positions, through a variety of actions.

4. Develop programs particularly suited to training teaching aides, parents, siblings and other young people to assist with the wide range of program alternatives.

5. Organize and train volunteers as teachers' assistants.

Providing adequate physical facilities

If a state determines that its needs for additional facilities for early childhood programs will be substantial, it might examine carefully and consider revision of existing legislation and regulations related to classroom space. The success of Head Start programs in non-school space suggests that—with full recognition of the complications involved—the time has come for code revision.

In all state efforts to develop facilities and regulate their standards, there must be basic recognition of the need for flexibility in creative design and adequate provision for state aid for construction where funds are needed.

Methods of providing State financial support

The states must develop sound principles of financing for their early childhood programs, including provisions so that (1) early childhood education is treated as an integral part of the state's overall education program, (2) it will benefit from a steady flow of state funds, and that (3) funds can be provided on an equalization basis to insure that particularly needy districts benefit.

Cost estimates are included for the alternative program approaches outlined.

Within this framework states should consider some or all of the following techniques:

1. Inclusion of early childhood programs in the state foundation formula, if the foundation program has proven to be an effective method of distributing state aid.
2. Establishment of a special early childhood education fund within the state's education budget, if there is not an effective foundation program and no immediate plans for establishing one.
3. Establishment of a special state fund to include all expenditure for early childhood programs (including education, health, nutrition, day care, etc.).
4. Provision for construction funds for early childhood facilities.
5. Provision to ensure maximum use of federal matching funds and adoption of the principle by the state agency administering early childhood programs that priority will be given to plans using matching funds or joint federal or other public or private funding.
6. Development of a program of incentive grants to state colleges, universities, junior and community colleges for offering graduate, undergraduate and associate degree specializations in early childhood education.
7. Adoption of the principle that salaries for early childhood teachers should be equal to those of elementary school teachers and provision made so that whatever state support is provided for elementary teachers salaries is also provided to early childhood teachers.
8. Provision of parent education as an integral part of the state early childhood and/or adult education programs.

Implementation

Included among the steps a state should devise to insure consideration and assist in implementation of the alternatives outlined in this report are (1) public examination of the issue at a prominent level of government; (2) collection of essential data; and (3) identification of an interagency committee to oversee the implementation process. A governor's conference on early childhood education might be the first step.

The key decision will be the structure to be adopted for administration of early childhood programs. Alternative program and funding approaches will be largely determined by this decision. The Education Commission of the States stands ready to assist the states in development of model legislation, identifying consultants to assist with legislative and administrative matters and program development and to conduct continued research on best practices across the country.

THE NEED FOR STATE-SUPPORTED EARLY CHILDHOOD PROGRAMS

In the coming decade, the states will be subject to increasing and widespread pressure to provide special educational services to very young children and their parents. There has already been a large increase in the number of three- and four-year-olds enrolled in nursery schools and kindergartens. According to the U.S. Census Bureau one in ten children of these ages was enrolled in some kind of formal preschool program in 1965; in 1970 the figure was one in five. About two-thirds of the increased enrollment is accounted for by federal child care programs begun since 1965.

The success of these federally funded programs, which aim primarily to enhance the early development of disadvantaged youngsters, has led other families to demand the same "head start" for their children. Although private schools are expanding and national business organizations are beginning to franchise nursery schools, tuition fees range from $500 to $1,000. But, perhaps three-fifths of the population has incomes high enough to prevent their children from attending Head Start and yet cannot afford private programs. They are disenchanted with the concentrated expenditure of their tax dollars on the disadvantaged, and they are demanding public preschools and kindergartens for their children.

Additional immediate pressure will come from families who want day care for their children while the mothers work. An estimated eight out of ten working mothers of preschool-age children are not now eligible for the majority of federal or state-supported programs. There are more than 11.6 million mothers with jobs today; more than four million of them have children under six. But only 640,000 licensed day care spaces are available, and more than one-third of these are privately run. By 1980, the Labor Department predicts, 5.3 million mothers will be working.

And there is significant agreement that custodial care is not enough, that the first five or six years are of crucial importance to an individual's development. These are the years of most rapid intellectual growth. These are the years when the ways of thinking and behaving which will guide the mental development of the individual through the rest of his life are being formed. Most educational problems start before a child enters first grade. To deal with the cause rather than the effect, efforts should start well before the child is six.

The question is not whether the states should become involved. To a large extent they already are. Eight states (three by 1973) and Guam mandate kindergarten programs and at least 37 have adopted legislation permitting them. Thirty-eight states. American Samoa and Puerto Rico make some form of state aid available for kindergartens, and at least six provide some funding for preschool programs. But much of the recent impetus has come from the federal government—whose purpose has been to provide educational training for the children of the poor and day care services to welfare mothers who might then be able to go to school or be trained to get a job. And often state involvement has followed—in an uncoordinated array of day care programs or health provisions or locally initiated classroom efforts approved but not funded by the state. In many cases, state interest in early childhood training has simply been a recognition of an established situation.

But the situation is getting out of hand. Direction is needed. If the states are to determine their own priorities and program emphases, they must assume the leadership now. There needs to be a clear notion of what people can expect to accomplish in early childhood education programs. Early childhood education is not a panacea for the social ills of our society; but it certainly is a prerequisite to solving many of these problems.

Early education as an investment

To the extent that an educational program for young children contributes to their success as students and citizens, it will significantly reduce subsequent remedial, counseling and even penal and welfare costs. There are no definitive statistics on how much a state might save in the long term by investing in early childhood education. And there is not yet enough experience to analyze precisely the relationship of early training to prevention of later problems.

But it is clear that a relationship exists. Failure in the initial years of formal education can be closely tied to the high percentage of drop-outs in the public schools. It costs approximately twice as much to retain a child in a mentally retarded or remedial classroom as in a regular classroom. Once in a special class, he usually remains there at least eight years. And yet, for example, over half the Spanish-surnamed and Negro children in mentally retarded classrooms in California have the ability to be in regular classrooms and have been misclassified because they lacked early training in English and the basic skills demanded by the public schools. It costs per year, on a national average, $4,070 to detain a juvenile, $1,898 to keep an individual in a state penitentiary, and about $1,000 for an individual on welfare.

In fact, early childhood programs can be considered integrally related to overall state economic development. A 1967–68 financial study prepared by Moody's Investors Associates and Campus Facilities Associates for the State of South Carolina linked implementation of a state kindergarten program to the state's total manpower resources and the overall drive for economic growth. In addition to long-range development, the report estimated that the effect of preschool and kindergarten programs would be to reduce the number of first grade repeaters and result in a savings of at least $2.5 million a year. Resultant support from the legislature and the governor led to the initiation of a kindergarten program in 1970.

Over a long period of time, there will be cost benefits in terms of reduced expenditures for special and remedial education, delinquency and crime, and an increase in the general productivity of society. But it would be a mistake to expect an immediate measurable payoff; education and other social services generally do not work that way. It would be a disservice to sell a developmental program for young children solely on the basis of some immediate cost-benefit analysis. Expectations are bound to be disappointed because the real values have been overlooked, and the short-term payoff will not be as spectacular as hoped.

The immediate tangible pay-off of early childhood programs should be:

1. Improving the inadequate day care situations to which many children in this country are now exposed.
2. Detecting and preventing future problems for the 10 to 15 percent of children who might be physically or mentally handicapped or have learning disabilities.
3. Providing help to any parent wanting to become a more effective parent.

State support for early childhood programs

A state can realize substantial political, social, educational and economic benefits if it provides early developmental programs for children younger than six—the standard first grade entry age. The major thrust of such programs should be (a) strengthening the role of the family as the first and most fundamental influence on child development; (b) the early detection of serious health and education handicaps; and (c) the provision of remedial health and education programs for all preschool children who need special services.

Recognizing the magnitude of the task, the wide variations in children's needs and the already existing demands on state resources, the task force has focused on the development of alternative approaches and organizational structures which might be implemented at different levels by states with different needs. As a minimum, states should provide some form of development program for three-, and four- and five-year-olds and should—as much as possible—involve their parents in the process. There are many public and private efforts across the country which indicate the benefits to the national welfare of concern for the health of expectant mothers, of provision of an adequate diet for newborn and very young children and of education for prospective and new parents. Therefore this report looks at programs for mothers' prenatal and postnatal care and parent education as one very important alternative for state support.

OBJECTIVES OF A PUBLIC EARLY CHILDHOOD PROGRAM

In order to realize a state's general goals in developing comprehensive preprimary programs—enriching educational experiences, meeting increasing demand and reducing later remedial and other costs—the immediate program objectives must be considered and defined.

For a statewide, publicly supported effort, we recommend a set of minimum objectives which recognize the social, educational and health needs of all children:

1. To develop ways to reach the families of young children and to strengthen their capacity for parenting.

2. To involve parents in the formal education of their children directly and through the decision-making process.

3. To provide for the health, safety and psychological needs of young children.

4. To start the educational process that will contribute to the development of individuals who will be able to solve a variety of problems and are willing to try to solve them.

5. To lay a foundation for improvements that should take place in the early years of schooling to make it more responsive to the needs of children.

These objectives are discussed below:

1. *To develop ways to reach the families of young children and to strengthen their capacity for parenting.* There is important evidence that in the earliest years children are more influenced by family than by peers or any persons outside the family. Parents are in fact primarily—and in most cases exclusively—responsible for early childhood development. Some families are now getting their children off to a good start. Some are not. The overriding aim of states should be to strengthen the family as the primary group responsible for the development and education of young children and to meet the special needs of parents.

At least from a conventional point of view, the family is strengthened when one parent (usually the father) can earn an adequate living and another parent (usually the mother) can remain in the home to provide for the welfare and development of the children. Some women need an outside stimulus to maintain a healthy mental state. That choice should be available without sacrificing the welfare of their children. The family is strengthened when it is more self-sufficient and does not have to depend upon outside agencies for service that can be provided internally and when the education the children receive outside the home respects the language, culture and life style of the home.

The priorities that follow are:

To assist the family in providing a healthy stimulating environment for the children in the home. Many parents need help to understand the process of child growth and development, how children learn and how parents can assist in the process. This is important to foster both the child's development and the parents' self-confidence.

To supplement the efforts of the home by providing limited educational opportunities outside the home ranging from special services covering an hour or two a week to three or four hours of classroom activities a day.

To provide adequate day care services for those families needing it. When it is necessary to provide complete day care service, it should be conducted by someone who knows, understands and respects the cultural background of the child. Many parents have no alternative but to leave their child alone, with a babysitter or in a day care program that just manages to provide minimal custodial services. A working mother's income is often the difference between being impoverished and not being. In 1968 in the male-headed families in which the wife worked, without the woman's salary eight percent of the families would have had less than $3,000 a year and 40 percent would have had between $3,000 and $7,000 a year. These women do not qualify for most of the existing federally subsidized programs because they are working. And yet as much as a third or more of their income may go for inadequate services for their children.

2. *To involve parents in the formal education of their children directly and through the decision-making process.* When children are young, it is easier to involve their parents in the activities and program development of the schools. There seems to be a natural tendency for parents of a preschool-age youngster to hold high aspirations for him—regardless of what may have happened to his older brothers and sisters. An early involvement of parents can help to head off later conflicts between home and the schools—particularly when racial or ethnic groups are concerned.

As many parents as possible should be encouraged to participate in the program for their children by being paid assistants or volunteers in the classroom, attending parent meetings or through an outreach program in which teachers or parent coordinators go to the homes of the parents who cannot come to the school.

Representative groups of parents should be involved in the decision-making process by serving on advisory councils similar to the Head Start Parent Advisory Groups. If such groups are formed, their function should be clear, and their recommendations should carry real weight in the decision-making process. This becomes extremely important particularly when minority groups or low-income parents are involved. The success of efforts such as Head Start and Follow Through to reverse the disastrous educational results of the majority of children from low income and minority groups depends to a great extent on involving the parents to help them understand what the educators are trying to accomplish and to help the educators become more responsive to the children and the parents. Unless this kind of bridging between the schools and the parents can be accomplished, there is little hope for the success of these educational programs. The schools simply cannot accomplish the task alone. And, of course, it is implied that the parents would be helping to redefine the tasks that the schools are attempting to accomplish.

3. *To provide for the health, safety and psychological needs of young children.* Regardless of where education takes place—in the child's home, in a day care home or in a classroom—a major objective must be the physical and mental welfare of the children. There are significant problems of providing adequate physical facilities, of determining standards and licensing to insure that children are in a safe environment that protects them from physical harm and nurtures their physical development.

In addition to these concerns, the psychological needs of the children must be taken into account. A quality program (a) should provide the psychological services which some young children with serious problems need to become mentally healthy individuals and which are not now available; (b) should protect children from psychological damage resulting from the overexpectations of parents or teachers; and (c) should promote the development of a healthy self-concept which research indicates is essential for later success in school.

In considering the physical and psychological health of young children, it becomes particularly clear that concern for human development cannot be imposed at an arbitrary age level. It has been estimated that if the needs of expectant mothers were adequately met, the number of mentally retarded children could be reduced by as much as 50 percent. Unless an adequate diet is provided for newborn and very young children, their physical and mental development can be stunted. And for long-range health and development, prospective parents and the parents of very young children should be offered parent education programs. This training in human growth and development should start when prospective parents are still in school, although for most individuals the motivation to learn will be greater when they become expectant parents. Certainly at that time and extending over the next several years, there would be great benefits if education for parents, explaining in detail how children grow and develop, were available to all. This is of prime importance because the parents' understanding in large part determines the health, safety and psychological well being of the children.

4. *To start the educational process that will contribute to the development of individuals who will be able to solve a variety of problems and are willing to try to solve them.* There are mixed opinions on how to start very young children on an educational process that will contribute to their full development. Some educators and psychologists believe that objectives should be stated in very explicit terms (such as the child can count to ten, name nine colors, etc.) and the program should be systematically designed to accomplish them. Others stress language development, concept formation and problem-solving, but are not as concerned about the specific content. They devote considerable attention to helping children either maintain or develop a healthy self-concept as it relates to learning and school.

Clearly no single set of objectives would satisfy the leading educators and psychologists who are involved in developing model programs. But in many instances these differences are matters of approach and stress.

Experts recognize the importance of early intellectual development, but only as a part of early childhood education. Most authorities agree that it is important also to help young children develop social skills and a healthy self-concept. In addition they recognize the importance of individualizing the program to respond to the ability and needs of individual children.

Human beings and particularly young children vary greatly in their rate of growth and development as well as in their potential to learn. Children from different backgrounds have learned different things that are vital to them but are not necessarily the things the school values in a child. A child from a middle-class family comes the closest to having the prerequisites the school usually expects. A child from the ghetto may have learned how to care for himself all day on a city street or how to look after younger brothers and sisters. The rural child may have developed capabilities appropriate to his environment. Or a child may come to school with a well-developed language, but it is Navaho or Spanish or different from the English used in school. We cannot expect these children to achieve the same objectives as those set for a child who comes to school speaking the language of the school and tutored previously in some of the things the school expects.

5. *To lay a foundation for changes that should take place in the early years of school to make it more responsive to the needs of the children.* One of the objectives of educa-

tion before the age of six should be to foster changes in the public schools. Rather than starting at the top—in colleges and universities—and working down in order to effect change, early childhood education offers the opportunity to start with the young child and work up. To suggest that the schools should change is not an attack on the schools, their teachers or administrators. It is a recognition that any social institution should be constantly engaged in the process of self-renewal—changing its form and content to adjust to changing social needs and demands.

If a developmental program before the age of six is to have long-term positive effects, it should be carried on into the school years. One of the implications, of course, is that the educational and related objectives of the school will need to be more broadly defined to correspond with the general objectives outlined above. This will probably be a long-term objective. It would be a mistake to plan any preschool program without taking into account the current structure, curriculum and procedures in the early grades of the elementary school and the effects that the developmental program before age six will have on that program.

In short, an immediate objective is to help young children succeed in the schools as they presently operate. A long-range objective is to project the kind of changes that would be desirable to make the early years of education more productive for more children.

If early childhood educational programs are going to help children be more successful in schools as they are, the programs must anticipate some of the schools' expectations. An obvious example is the development of language. Probably the best approach to language development for a Spanish-speaking child would be to continue to develop his language (Spanish) and use it in the classroom, but if English is the basic instructional language in kindergarten or the first grade, one of the objectives of the prekindergarten programs would have to be to help him understand and speak English. This should remain an objective only as long as it takes to change the approach in the early years of school.

As a long-range objective, and early childhood educational and developmental program should lay the foundation for the following kinds of changes in the public schools:

A restatement of the basic purpose of public education. Instead of blending divergent groups into a single homogeneous mass, the aim should be to develop different cultures and life styles, enhancing their values and uniqueness and, in the process, enhancing the whole society. Schools probably will not be successful with many children from minority groups until they do reflect these differences. Minority groups have always resisted the effects of the majority group to assimilate them. A diversity of views and approaches probably will enrich our society.

The public schools need to learn to respond to different children and their parents on an individual basis. The soundest process of education starts with the known and proceeds to teach the unknown. The process should start with the child's language, his culture and his background and build on that base.

The public schools need a broader definition of objectives. Intellectual objectives need to be expanded to include more emphasis on problem-solving, and general objectives need to be expanded beyond intellectual development to include the physical and mental health of children.

PRIORITIES AND METHODS FOR IMPLEMENTATION

Whether a state determines to provide classroom instruction for all five-year-olds and support alternative programs for younger children or to offer a variety and combination of out-of-classroom programs for all pre-first graders, the problem of how to phase in program activities must be faced. It is assumed that even if a state chooses low cost parent/child programs, limitations of resources and staff will necessitate the establishment of initial priorities.

Concerted efforts should be made, as recommended elsewhere in this report, to secure the passage of federal legislation which would enable the states to coordinate federal programs in the state, to study the needs and resources of the entire state and to enable the state to establish comprehensive priorities. The states must continue to stress such a comprehensive approach. The intent should not be to delay action on program implementation but to underline the need for more coordination of effort.

1. *Initial training of personnel.* If a state is committed to the concept of early childhood education but is able to predict a lack of trained personnel for kindergarten and prekindergarten programs, it might adopt as its first priority the development of postsecondary and inservice programs for professional and other positions. Among the actions to be undertaken might be:

A program of incentive grants to state colleges and universities to encourage them to include specialized graduate programs in their schools of education and undergraduate B.A. programs in early childhood education;

A program of incentive grants to state junior and community colleges to provide courses in early childhood education;

The development of programs for retraining—through formal efforts in two-year and four-year institutions and through in-service programs—credentialed elementary school teachers wanting kindergarten positions;

The establishment of a limited number of model demonstration centers to provide in-service training for professional and paraprofessional personnel prior to the expansion of the state program.

It should be emphasized that this alternative of focusing first on staff development should not be undertaken without concurrent planning for the initiation of the state's early childhood program so that positions will be open as staff are prepared to fill them and so that funding commitments are made to the development of a full-scale program.

2. *Early diagnosis.* A state might focus first on the development of an early diagnosis system—and personnel to administer it—which would determine need for various alternative programs. To insure effectiveness of the alternative approaches suggested—to a greater or lesser degree—early diagnosis of a child's educational needs is basic. In many instances, the home situation with minimal professional guidance can prepare a child to enter a formal learning situation with adequate expectations of success. Of course, there will always be exceptions—because of particular family situations, physical or psychological handicaps, etc. If the special needs of such children are diagnosed early—at the latest by age three—and they can be directed to special programs, they can be guaranteed a reasonable chance of success. And the state can be saved substantial future costs.

Ideally, a comprehensive diagnosis system would not only identify those youngsters needing substantial help, but also those who need only minimal or no further preprimary assistance. By reducing the need to provide programs across the board for all children, such diagnosis would limit the "essential" state involvement.

Legislation to be proposed in New York for an Office of Child Development includes important provisions for development of professional personnel who would conduct early diagnosis programs. A bill has been introduced in the California Legislature to provide funds for such early diagnosis. The purposes of the proposed Educational Development Assessment Act are to reduce the incidence of students assigned to special education programs, cut down school failure due to undiagnosed, correctable learning disabilities and increase school personnel's knowledge of children's needs so that they can design more satisfactory programs. The bill would provide state funds for up to 90 percent of the cost of such a program, but not to exceed $45 per student to be assessed.

3. *Model demonstration centers.* The state could consider establishing a limited number of model demonstration centers. But the time has passed when the major requirement is to provide models. The federal goverment, through the Planned Variation program in Head Start and the Follow Through program, provides a number of model demonstration centers across the country that can be studied by individuals interested in state programs.

The same arrangement has not been provided for day care, but the Office of Child Development and the Office of Economic Opportunity funded a major effort during the summer of 1970 to pull together all the information on experimental and demonstration programs that could be used as parts of an effective day care program. This effort will result in the publication of three or four books covering: day care for infants; day care for three-, four- and five-year-old children; after-school day care for older children, and training of day care personnel. In addition, the Office of Economic Opportunity is planning to fund a number of demonstration centers across the United States. These federal efforts should fill the need for model demonstration centers.

4. *Meeting the needs of the disadvantaged first.* Another approach to establishing a program would be to serve first the children with the greatest need. This priority would focus initial efforts on children from low-income homes, children of ethnic and minority groups, and handicapped children. Such an approach has the advantage of providing a systematic way of introducing and expanding a program of step-by-step as funding, trained personnel, and facilities become available. It is also based upon a sound premise of starting where the need is greatest.

But there are these limitations. The states would then be duplicating or supplementing federal programs; the result might be to encourage the federal government to either maintain the current effort or reduce it. If the notion of shared responsibility is acceptable, however, it would follow that the federal government should be encouraged to expand its efforts rather than to reduce them. In any case, there should be funding articulation and coordination between state and federal sources.

There is a problem of making administrative decisions as to who has the greatest need. The income-level approach, used by the federal government, is probably the easiest, yet it is difficult to administer because of the vast variations in what income means even within a state.

Income as a method of determining who will receive services also presents other problems. A family may initially qualify for services and later improve its economic position so that it no longer qualifies. In such a case, a minor advance in the family income could be undesirable because of a loss in services for their children. Income level, moreover, does not necessarily correspond to need. It is probably true that the highest percentage of children with the greatest need are from low-income homes, but many children from other homes are in equal need of services.

There is also a political consideration. The working man who is just above the poverty level is probably willing to support such a program if he sees that, before long, he too will benefit; but it appears that someone else's children are going to keep getting a "head start" and his children are not, he is likely to oppose the program strongly.

5. *Support for an educational component for older children at day care centers.* The beginnings of a state program might be developed by first subsidizing an educational component at existing public, private and industrially established day care centers for four- or five-year-old children. Such an effort would reach the children of working mothers, a high proportion of whom it can be assumed would benefit greatly from a formalized educational program; would provide the basis for future expansion to all children; and would offer an opportunity for inservice staff training without the need to solve facilities problems at the start.

Additional factors favoring day care as the place to start are the great need for it, the substantial political support behind it, and the federal funds available to contribute to its support. The state would provide some assistance to existing centers to provide an educational component, encourage industry by offering some assistance, and supplement the efforts of the federal government to establish new centers.

One of the basic considerations should be to assist day care homes to obtain a license and upgrade the quality of the service to children. Most of the children who are currently receiving day care services are in homes, and this will probably be true for some time to come. Indeed, good home day care offers many advantages to the children in care. But day care mothers need recognition, training, technical assistance and encouragement.

LEAD POISONING IN MASSACHUSETTS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. RYAN. Mr. Speaker, the House of Representatives of the Commonwealth of Massachusetts, on June 30, 1971, passed resolutions strongly urging funding of the Lead-Based Paint Poisoning Prevention Act of 1971. These resolutions, filed by Speaker David B. Bartley of Holyoke, Mass., are direct response to the dire need to begin a massive Federal assault on a devastating crippler and killer—childhood lead poisoning.

There is currently pending in the Massachusetts Legislature legislation to set up a coordinated statewide program within the Massachusetts Department of Public Health for detecting and screening those children suffering from lead poisoning. But, like every State and municipality, funds are essential to implement urgently needed local health programs. Thus, the urgent necessity for appropriating the full funding—$25 million—for the grant programs to be administered by the Department of Health, Education, and Welfare which are authorized by the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695.

At this point, I am including the full text of the resolutions adopted by the Massachusetts House of Representatives:

RESOLUTIONS MEMORIALIZING CONGRESS TO APPROPRIATE FORTHWITH THE FULL FUNDING AUTHORIZED BY THE LEAD-BASED PAINT POISONING PREVENTION ACT OF 1971

Whereas, It is estimated that 400,000 children suffer lead-based paint poisoning annually; and

Whereas, It is estimated that over 200 children will die and another 4,000 children will suffer moderate to severe brain damage this year due to said poisoning; and

Whereas, Said tragedy is solely a product of man and has been ascertained to be preventable; and

Whereas, The Congress of the United States has enacted the Lead-Based Paint Poisoning Prevention Act of 1971 and that said act would provide for programs of detection, prevention, treatment and education; and

Whereas, Meaningful implementation of said act is of crucial importance to the citizens of the commonwealth; therefore be it

Resolved, That the Massachusetts House of Representatives hereby strongly urges that the Congress of the United States appropriate forthwith all funds necessary to implement the Lead-Based Paint Poisoning Prevention Act of 1971; and be it further

Resolved, That copies of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, the Secretary of Housing and Urban Development and the Secretary of Health, Education and Welfare, to Senators Allen J. Ellender and Warren G. Magnuson, to Representatives George H. Mahon and Daniel J. Flood, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

OUR WASTED ASSET—SENIOR CITIZENS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. BYRON. Mr. Speaker, one of the most valuable assets in this Nation is the talent and experience of our senior citizens. Recently, Richard E. Cox, one of the publishers and editors of the Blade-Times of Brunswick, Md., wrote an editorial for the Blade-Times indicating his concern over the waste of this important asset. I share Mr. Cox's thoughts with my colleagues:

OUR WASTED ASSET

How do we as individuals treat our senior citizens? Do we listen to them patiently as we think of other things, or do we give their words the attention and respect that they deserve?

In the Indian tribes of this land before there was a United States, the people had the utmost respect for their senior citizens. Words of wisdom came from their lips and all ages gathered around to hear the advice and experiences of the "senior citizen".

Are we as smart?

We don't think so. If anything, our troubles in this country spring from the national habit of not listening to advice and the "I'd rather do it myself" type of thinking.

This is about as smart as the little boy lost in the woods who when found, wouldn't listen to advice about the right trails, but instead chose to wander about on his own, going deeper into the forest and farther and and farther away from home.

Of course this story is silly, but it's not too far away from the way we live when we choose not to believe the advice we get, preferring to find out for ourselves.

Education is not necessarily wisdom. Education is a learning and training process about things, places and methods. Wisdom is something else altogether. It comes from a common-sense approach to life which recognizes problems for what they are and handles them in the same way.

Many Senior Citizens have this wisdom tucked into their minds—wisdom gained from getting burned themselves. Why can't we take this wisdom and learn from it?

Everyone says that our greatest national asset is our youth—our children. We agree that this is a great national asset. However, we contend that our number one asset is the wisdom in the minds of our senior citizens.

And we are wasting it.

With the many problems which beset our country, our states, our towns and our homes, wouldn't it be smart to call on this national asset at times for advice?

The problem is simple.

People who do not have wisdom themselves, have trouble recognizing it.

GRINNELL, IOWA, THE "ALL AMERICA TYPE"

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. KYL. Mr. Speaker, the following article from the Grinnell Herald Register is especially interesting to me, because it does relate to a typical Iowa city—the kind of place which gives strength to the Nation:

FIVE GRINNELLIANS APPEAR IN OIL FILM: 129 MILLION SEE GRINNELL TV "PEOPLE" COMMERCIAL

More than 129 million Americans have already viewed a television commercial called "People"—and scheduled future showings indicate that millions more will see it.

This is important to Grinnellians, since five localities appear in the TV commercial sponsored by "The Oil Companies of America".

The four who appeared in the commercial "People" are: Mrs. Raymond Harris, Mrs. Sharp Lannom IV, Dr. William Evans and Cyril Arthur, Mike Hotchkin, pharmacist at Grinnell General, was the only Grinnellian appearing in another commercial entitled "More Oil".

Screening time of the commercial is only 60 seconds. Just what goes into making a one-minute commercial? And just as important, why the commercial?

"CAN'T RUN SHORT"

The "why" seems easier to answer. In fact, the commercial notes the answer quite succinctly—"A country that runs on oil can't afford to run short."

Since our current society is one that reaches for catch words and catch phrases to tell the story, the answer, put another way, is "The Energy Gap"—and how to keep the nation from falling into it as it gets wider.

They tell us that each and every person—man, woman, and child—uses an average of three gallons of oil per day. This coupled with daily consumption of electricity and the utilization of energy from coal and natural gas, is the fountainhead of the problem.

Demands for energy have doubled in the past 20 years, and will double again in 15 years. And where does this energy come from? Where will the load fall? The present breakdown of sources is: oil, 43 per cent; natural gas, 32 per cent; coal, 21 per cent; hydroelectric power, 4 per cent; and nuclear power, less than 1 per cent.

"ENERGY GAP"

The rapidly rising demand and the dwindling "immediately available" supplies create "The Energy Gap".

It's the contention of the American Petroleum Institute that the problems of the energy gap belong to the entire nation, and that the government should be concerned in fostering a coordinated solution to the problem.

One of the principal factors permitting the people of the United States to enjoy the highest standard of living in the world is "cheap energy". The problem seems to be moving into the area of "sufficiently available" energy to meet the immediate needs of tomorrow, and the longer range needs of the tomorrows after that.

This is the point they are making—and this is the point which should be made in conjunction with it—the problem belongs to all of us, and accordingly, the government, should participate in the solutions thereto.

Meanwhile, back at the commercial:

WHY GRINNELL?

One of the first questions asked about the commercial is: "Why was Grinnell selected?"

It started with the producers who wanted ". . . an all-American type of small city. . ." A number of Iowa's small cities were recommended by the Iowa Development Commission, and producers of the show visited those cities.

After visiting some 10 different cities, Grinnell was chosen because ". . . it looked and responded as an all-American type of small city, and seemed to have all the qualifications that the producer sought. . ."

AND THE "ACTORS"

"How were the people selected?" seems to be high among the questions that people ask about the commercial. Apparently this is a complex process that includes a series of conversations, probing, general contacts and just plain looking around.

For instance, that day when Mrs. Raymond Harris was having lunch with her husband in the Longhorn, possibly the remotest thought in her mind was a television commercial. Yet, during her lunch, she was approached by the show producer Norry Nelson, who explained why the group was in Grinnell. After an interview, she agreed to be on the commercial.

THE HELICOPTER

A goodly number of Grinnellians were aware of the helicopter circling and circling and circling Grinnell for several days. First it was plotting the aerial shots—and then, when sun conditions were right, shooting the aerials.

Although the helicopter was rented from a flying service in Des Moines, the pilot was flown in from Hollywood. A stunt pilot who can fly any kind of plane, he was brought in just for filming the commercial—and as an extra, getting the crew to and from Des Moines.

KALEIDESCOPE PRODUCTIONS

Makers of the commercial were Kaleidescope Productions of Hollywood. A major film producer in the area of commercials, industrial pictures, training films, etc., they number among their clients a number of major companies including United Airlines, Alcoa, Proctor and Gamble and others.

SOME 5,500 TO GET 90

It came as quite a surprise to learn that, in order to get 90 feet of film needed for the commercial, some 5,500 feet of film was shot.

Apparently this is somewhere near par for the course. Specific scenes are shot again and again until both director and producer are sure that they tell the story.

Another factor that enters into shooting so much film is that, once the crew and equipment leave the site of the commercial, return costs to get a "different" shot would run up dramatically. So, every effort is made to have "everything in the film can" before the crews leave.

CONSIDERABLE TIME

Grinnellians who became "actors" in the commercial found that they had to spend plenty of time on the commercial.

During a recent luncheon session of the cast, hosted by Bob Schulz of the Iowa Petroleum Council, they chatted about the time they were involved in the shooting. It was as follows:

Dr. Evans—about 2½ hours; Mrs. Harris—about four hours; Mrs. Lannom—almost seven hours, (although a lot of this time was in "scene preparation"); Mike Hotchkin—about two hours; and Cyril Arthur—2½ hours.

All those who appeared on the commercial are paid—and continue to receive money, based on how many times the commercial appears.

APPEARANCES

The commercial has been screened on all three major networks thus far. Programs on which it has been shown include: "Today," "Meet the Press," "Face the Nation," "NBC Baseball Game of the Week," "Harlem Globetrotters Special," "Don Knots," "Gunsmoke," and other network specials like "Penguin City" and "Lure of the Tall Ships."

Viewing audience thus far has been estimated at 129 million.

Future screenings include the following programs: "Marcus Welby," "Cannon," "Mission: Impossible," "Gunsmoke," "Wide World of Sports," some NFL football games, "NCAA Football Highlights," more NBC baseball games and the "Today" show.

As of now, the exact number of showings has not been determined.

SURVEY

An "independent" survey on reactions to the "People" commercial was conducted by the ad agency. This apparently follows a standard practice to determine whether or not a commercial is getting the proper message across.

Conducted in Louisville, Ky., Philadelphia, Pa., and San Diego, Calif., this "in-depth" survey sought to involve a cross-section of male and female viewers in all age and income brackets.

Some verbatim comments from the survey are interesting enough to reprint:

"It was about a town in middle America . . . a town in Iowa. There was a man cutting materials . . . and a lady using a sewing machine . . . and a doctor injecting serum from a bottle. A lot of things in the commercial grabbed your attention. It was a nice pleasant town in Iowa . . . many people depend on oil . . . oil is important and useful . . , the grandmother telling us that sewing machines use oil materials and doctors do too"

"A lady comes into her kitchen and turns on the gas indicating the necessity of gas in the home . . . it's a necessity . . . important in running the country . . . gas and oil are a necessity."

"There was a street scene . . . and a lady in Iowa sewing . . . and prescriptions were a by-product of oil. I thought it was an excellent presentation. The message showed the oil industries contributing many by-products"

OIL IS HEARTBEAT

"Oil is the heartbeat of America. It shows this cutter and he didn't realize his cutting machine uses oil . . . and it shows a woman sewing and a woman in the kitchen . . . and a doctor."

". . . dependent on oil for the electrical power in industries, autos, planes, down to that little lady at the sewing machine Even women in the kitchens and doctors. They have come up with a commercial that is factual and everyone should be watching it."

"I thought it was part of the show. It was sort of a documentary. Didn't look like a commercial at first."

"It was a nice homey American type scene. It showed the next door type of people doing the things people do every day. A grandmother was sewing, a man was cutting a pattern . . . most people do not realize that 74 percent of the country's power comes from oil. A country has to have oil to run the many things in industry and the home."

One of the principal impacts of the commercial was the use of "real people" to get the message across.

Launched April 26 by the American Petroleum Institute, the television commercials are part of an overall program that will run on all three TV networks, in some 160 newspapers across the country, and in various trade publications.

All the effort, all the time, all the money was expended to get one critical message across: "A country that runs on oil can't afford to run short."

AGNEW CATCHES PLANE BUT MISSES BOAT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. STOKES. Mr. Speaker, I rise today in opposition to the Vice President's recent pronouncements from Madrid on the subject of black American leadership.

Vice President AGNEW has recently completed a tour of Africa which included Ethiopia, Kenya, and the Congo. This trip provided a unique opportunity for the Nixon-Agnew administration to show itself above the conflicts that embroil and sometimes embitter us at home. Black Africans have watched the progress of their brothers in America over the years. Young African children have studied the patient struggle of black Americans from emancipation to the present day. They have followed the fight for equality in education, housing, and jobs. They have been aware of the NAACP's gains in the courts in the area of enforcement of existing laws. They waited, with us, the many years before passage of a civil rights law by the Congress of the United States. And, with the rest of the world, they heralded the coming of nine, then 13, black legislators to the House of Representatives, culminating in the formation of the Congressional Black Caucus.

If he were a statesman, a quality his office should evoke from him, Mr. AGNEW would have spoken in positive terms. He would have called upon the Africans' knowledge of American history and added to it. He would have spoken of the gains black Americans have made over the years, and pointed to the 1,860 black elected officials as tangible evidence of those gains. He would have demonstrated to the Africans he met that, in America too, black political maturity is becoming a reality.

But he did nothing of the sort, Mr. Speaker. Instead, and again, black Americans have been slapped in the face by the Nixon-Agnew combine. Not a single gain was cited, and his remarks, instead of being those of a statesman, were those of a backroom politician intent upon hacking up his political adversaries. He referred to black leaders as "those in the United States who have arrogated unto themselves the position of black leaders, those who spend their time in querulous complaint and constant recriminations against the rest of society." With typical shortsightedness he did not recognize that the same system that produced the so-called querulous and complaining black leaders produced him. No, Mr. Speaker, there is nothing of the statesman in Mr. AGNEW.

And yet, his "querulous complaint and recrimination" against black American leadership did not surprise me. He was frustrated. He had just left nations where the heads of state, the vice heads of state, all cabinet officers, all diplomats, and every other prominent official was black.

Considering the absence of black Americans in the Nixon-Agnew Cabinet, how could he have explained to them that they found no black man capable of running a government?

THE PROBLEMS WITH TELEVISION NEWS

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I would like to share with my colleagues in the House, a very timely and well written speech, on the problems with television news, which, I am sure, will be very interesting and informative to all of my colleagues.

The speech was written by Miss Susan Schiffer, of WTEV in New Bedford, Mass. who is an intelligent, well-versed correspondent:

TELEVISION NEWS: TO SIGNALIZE OR SYNTHESIZE EVENTS?

Until a few years ago most Americans assumed that they were experts on three things: Politics, baseball, and the weather. Recently, a fourth has been added, television. And especially since Chicago, T.V. news has become the national whippingboy, after the war in Viet Nam, that is.

Within a generation, the United States has envolved a "Post-Literate" culture—in other words, we are dominated by the electronic media. Most of us are affected far more dramatically by what we *see* and *hear* than by what we read.

Used responsibly, the broadcast media can be enormously constructive; but used without proper care and restraint; it can inflame tensions and polarize a community.

The standard criticism of T.V. is the way it handles the day-to-day flow of news by presenting a series of headline stories tending to highlight the unusual and extraordinary. The most lurid and saleable stories of all seem to be about disorders in our cities. For instance, this past summer on July 2nd, in Lancaster, Pa., the UPI wire reported to the rest of the nation that 10 blocks of downtown Lancaster had been burned to the ground. There are neither 10 blocks of downtown Lancaster nor had they burned to the ground. In fact, of the five firebombs thrown, three landed in the street, one in a parking lot, and only one in a clothes store. Yet, television and newspaper reporters converged on Lancaster from all over the state. Once there, they chose to cover the disorder in two basic ways: One, highly dramatically, perhaps gaining the reporter a raise, but causing more damage and personal injury; two, analytically, informing the citizens, perhaps losing the reporter a by-line, but helping to recreate solidarity. This incident is just one example.

There is an urgent need for a high degree of social awareness and responsibility on the part of America's journalists. Since 1948, the growth of, and dependence on, television is one of the most astounding phenomena that man has experienced. As cabinets have grown smaller and screens larger, second and third sets have entered most homes and ninety-seven per cent of our nation's homes have television. Over one third of these sets are color.

The average American now spends between five and six hours a day in front of his television sets—or—12 to 15 years of his life. No other communications medium has ever approached T.V. as a leisure-time attraction.

This new social habit has placed awesome responsibility on the shoulders of broadcasters. What we see and hear on the tely directly influences not only our buying habits but our political preferences and the day-to-day decisions that affect our lives as well.

When the television news began fifteen years ago, announcers merely read bulletins from a wire service teletype, punctuated by a few file photographs and maps. Today's news has required the investment of large sums for reporters, equipment, and facilities all over the globe. Hour for hour, news is the most expensive element in a television network's budget. It is estimated that in 1968 alone, the three networks spent over $150 million on news programming. In the past, a good deal of this investment was not recovered, but advertisers are now beginning to spend a great deal more on news.

Television news' evolution has been accompanied by several dramatic trends. One is that T.V. is now the primary source of news for most people according to the latest Elmo Roper and Associates survey, of some 2,000 people 21 years of age and older, 67% use T.V. as their primary news source.

Another Roper finding of interest is the increasing percentage of people who find television to be the most believable of the media. For instance, in 1959, only 29% said that they would believe a news story on T.V. if it conflicted with reports from radio, newspapers, or magazines. By 1968 the figures were 50% for T.V.

One last statistic of interest is that when the majority of the interviewers were asked which media they would least like to do without, 49% chose television.

Thus, television news, through the use of the camera, has been able to enhance a story far more than words alone. Americans can now live more of their lives at a distance, yet this has created a paradox because of the separation of participation and experience. A two and one-half minute report on a riot in India, which the average American viewer would not have known about much less experienced in the past, now provides a sense of participation without the fuller understanding which comes with experience.

Television cameras have opened up new vistas, but are people ready yet for them? Viewers have become omnipotent spectators, believing they understand because their eyes have "seen it." Yet, an inverse relationship exists between the viewer's conviction about the validity of his own experience and his ability or willingness to learn from television. The more he believes he "sees for himself" the less he gains. Thus, if video coverage of events is to contribute toward an informed public, there must be more clarification on the factual and symbolic context of events.

Cameras also recreate the temptation to show something on the screen simply because there is the footage, whether editorially it is a good judgment or not.

Television can also not only prepare the person for what the event will be like, but can change the event as well. Some people certainly like to act for the camera. Thus, while a newspaper reporter, equipped only with his pencil and note pad, can report on a mass meeting or demonstration without becoming part of the action himself, television cameras, on the other hand, which are highly visible, can attract attention—either exhibitionistic or hostile—from the demonstrators.

Thus, the television newsman or woman must be constantly aware of the danger of affecting the course of an event by the very presence of the camera and of the possibility of helping turn what could otherwise have been a non-event into an event.

Although prejudice can save a great deal of time in preparation, the television reporter must be aware of the need for responsibility, and one of the biggest handicaps we face is the shortage of time in standard news shows. A half hour newscast usually only contains seventeen minutes of news—or—the same number of words which appear in only two columns of the front page of the *New York Times*. While a production piece (which normally means a voice over silent film and an interview) can last several minutes, a "talking head" or standard interview is usually supposed to be kept under one and a half minutes. Thus, the reporter or editor often must choose only a segment of what the interviewer's statement contained. When the choice is between a diffuse idea and a sensational phrase, the headline often wins out. (One efficient way for an interviewee to avoid being cut off, which Nixon uses very well, is to end each sentence with one's voice going up.)

Reporters also face conflicts between our conception of doing our job and such considerations as respect for privacy or our editors' view of what best serves the public interest. Just how far does a reporter with a camera and a microphone have a right to probe? Where does honest reporting stop and snooping or voyeurism take over? Is it sometimes in the public interest to withold information?

It has always been said that questions of this kind can be resolved by the simple application of good taste and common sense. Yet, common sense is often in short supply, and one man's meat can be another's poison.

The times and customs are continually changing. In 1925, the *Wall Street Journal* was able to editorialize:

"A newspaper is a private enterprise, owing nothing to the public."

No mass media would take that position today.

But in the last few years, the American public, partly inflamed by the coverage of the disorders in our cities and Chicago, have begun to question television's responsibility. The climactic events have emphasized television's tendency to limit itself to that aspect of news which it can show a picture of—which is only a fragment of the total story.

For example, the Kerner Commission states that during the Newark disorders, a television crew asked young blacks to throw bricks through windows over and over to get a better picture. In Chicago, reporters missed a marvelous opportunity, before a mass audience, to conduct an investigation in depth about what those demonstrations and youth really meant. The networks covered the violence: But not what is means to all of us for now and the future. Perhaps more than anything else, both 1968 political conventions showed how important entertainment standards are to networks. The goal of Commercial T.V. is a maximum audience, "lured by high drama of a fight to the finish between the rival gladiators, no holds barred, the loser to the lions. Exciting television, however, can be ruinous politics."[1]

What are the frontiers ahead for television news? We know that continuing advances in electronic technology will soon make instantaneous communication with just about any part of the world a daily occurrence. Miniaturization will take the wrist watch radio and television out of the realm of Dick

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[1] Prof. Penn Kimball. Columbia University Forum.

Tracy fantasy. Video and sound equipment will become much smaller and more portable. Television sets will come equipped with automatic devices for recording, storage, and playback, so that we will not be bound to the exigencies of the clock in meeting our demands for information.

Thus, the scope of man's capacity to communicate will be greatly enlarged. The question is, how shall we use this tremendous capacity?

The ability to receive messages from the ends of the Earth does not amount to much if the information is faulty or the information accurate but its interpretation—flamed by a parochial point of view—may still be invalid, and in the nuclear age, dangerous. More than ever, we will need skilled gatherers and interpreters of information.

It is impossible to merely transmit and not influence an event. What is communicated is nearly always the result of "negotiation" among conflicting interest, the product of a filtering and refractive process.

But the various television stations and news services must encourage their reporters to probe the areas of discontent; to dig beneath the surface before and after the crisis, to examine proposed solutions to problems, to stay with a story, following up, interpreting, distinguishing between the authentic and the phony black leaders, to time news stories to avoid increasing prejudice, and to use the words black and white only when such designations are necessary.

We must remember that "technologically, a responsible news organization has the job of holding a mirror to evolving history: its obligation is to assure that the mirror is as distortion-free as possible. It aspires to total objectivity, but, knowing the unattainability of that goal, tries to deliver at least a full measure on all the events of observers." [2]

As in the case of any other institution, there should be constant criticism of the news. One way of going this would be the establishment of an American broadcasting council on fairness and accuracy in reporting. Such a non-governmental "grievance committee" could be set up by WE T.V. news men and women ourselves to hear complaints about fair journalistic practice and to pronounce censure.

Or, perhaps there should be occasional conferences sponsored by the FCC to evaluat T.V. news performance and to serve as a funnel for viewer satisfaction.

Television should and must criticize the establishment and thus expect criticism in return. We need your criticism, support, and ideas.

James Thurber has pleaded, "let us not look back in anger, nor forward with fear, but around with awareness." [3]

Television can and must make people aware—but it will take your involvement as well. Even if you only plan to spend a few years watching television, why not make an effort to make it an awakening experience?

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

EMPRISE MUST BOW OUT OR DOG RACES WILL STOP, STATE COMMISSION RULES

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. STEIGER of Arizona. Mr. Speaker, the courage of those members of the Arkansas Racing Commission will almost certainly go unrecognized. The people of Arkansas and the Nation should be comforted by knowing that there are State officials that cannot be bought, intimidated, or conned. Hopefully this action will alert all affected States:

EMPRISE MUST BOW OUT OR DOG RACES WILL STOP, STATE COMMISSION RULES

(By John Bennett)

LITTLE ROCK, July 15.—The Arkansas Racing Commission revoked the franchise Thursday of Southland Racing Corp. of West Memphis, but suspended revocation to allow the principal stockholder to divest itself of all but 10 per cent of the track's stock.

Unless Emprise Corp. of Buffalo, N.Y., the principal stockholder, gives up the stock by Jan. 14, 1972, the Southland franchise will be revoked, the order says.

Emprise owns 46 per cent of the Southland stock and has been the subject of state investigations since it gained control in 1968.

The commission, by a 3-to-2 vote, found that Emprise has "an undesirable personal background" and its principal stock ownership "is detrimental to the public interest of the people of Arkansas."

Attorneys for Southland and Emprise said they will appeal the order.

"It is arbitrary, capricious and without justification of fact," said C. B. Nance Jr. of West Memphis, representing Southland.

Three Republican appointees voted for revocation and two Democrats, including the chairman, voted only for public censure of Emprise.

The revocation order was offered by Dr. Richard Springer of Hot Springs. Voting with him were Guy Newcomb of Osceola and Dr. J. D. Bilberry of McGehee. Chairman J. W. Benafield of Lonoke and H. M. Orsburn of Dardanelle cast negative votes.

The order said the Emprise stock could be transferred "by sale or otherwise" to any person unrelated by blood or marriage to a stockholder, director or officer of Emprise.

Language of the order apparently means Arkansas Sportservice, Inc., concessionaire at the track and a subsidiary of Emprise, could not accept shares since its corporate officers are basically the same as those of Emprise.

Any transfer of the stock will not become effective until approved by the commission. Mr. Benafield said all transfers "will be closely investigated" before they are approved.

The order stated that total revocation this summer would likely mean the end of greyhound racing in Arkansas since the voters statewide must approve a new franchise.

"By virtue of the current conduct (of Emprise) . . . voter approval in the foreseeable future is unlikely, and, consequently, the state will lose revenues, the innocent minority stockholders will lose their investments, trainers and breeders will lose a significant source of income and Eastern Arkansas will lose a significant industry.

"Consequently, in an effort to protect the public interest, Emprise should be afforded a reasonable opportunity to divest itself of stock qualifying it as a principal stockholder," said the order.

If, during the suspension period, Southland "shows by competent evidence" that Emprise has divested the stock, then the order will be stricken and never be admitted as evidence in any future hearings against Emprise, the order said.

Mr. Gill said it is "conceivable" a probable federal court test of the order would delay beyond next Jan. 14 any transfer of Emprise stock.

Mr. Benafield said it is "possible" that a newly constituted commission could later rescind the order. He voted in favor of an order prepared by Mr. Orsburn that was highly critical of Emprise but that concluded neither Southland nor Emprise had committed acts justifying revocation.

Show-cause hearings to revoke the franchise began in April. They were based on allegations that track officials and Emprise had concealed financial information from the state and that Emprise had engaged in business transactions with persons considered to be of "bad character.'

One key factor was a Los Angeles federal indictment naming Emprise and six men for illegally concealing an interest in a Las Vegas gambling casino.

Mr. Nance told the commission Thursday that the indictment has been quashed.

The Orsburn order, defeated 3 to 2, said that if Emprise should be convicted under the indictment, then the commission should reconvene in a new hearing.

The order approved Thursday said there "certainly" have been business associations between Emprise and "persons with criminal convictions . . . which have exceeded one-half million dollars in value."

The 14-page opinion recited the long controversy between Emprise and the state and the "bickering" within Southland that culminated in the resignation of Richard C. Upton, Southland president, in February, 1970.

State investigations followed the resignation, but determined no basis for revocation. The latest hearings began this spring when the track applied for racing dates.

The order listed nine reasons for revocation, including the violation of three commission rules.

"A racing franchise is a privilege and not a right, and the state's power in regulating a privilage is so broad that it may extend to the point of total prohibition of the privileges," the order stated.

It found that Southland refused to comply with rules by not submitting requested financial information earlier this year.

"The state must regulate not only the corporate shell which holds the franchise but also the groups which control the corportation," the order said. "That is the explicit intent of the statutes and our rules.

"Therefore, any corporation must forfeit its franchise when the group controlling the corporation does not submit to regulation by the state."

The state said the argument that Southland could not obtain requested financial information from Emprise "is not an excuse for omitting the information, but instead, a compelling reason for revoking the franchise.

"The very purpose of the statutes and our rules is to look through the corporate veil to hold the real parties in interest accountable for compliance with the law, and regulation by the state.

West Memphis City Atty. R. E. 'Skip' Wallin said Thursday the ruling "just tickles me. The race track will still be open, nobody will lose their jobs, but the syndicate will be sent away."

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[2] Neil Hickey. "Crack in the Electronic Mirror." Pamphlet, TV Guide—1969.

[3] James Thurber, *Credos* and ***Curios.***

West Memphis Mayor Tilden Rodgers was cautious in his appraisal. "That means they're not going to close it down for good," he said upon learning details of the revocation.

Lou Durteen, manager of the track, said, "I was not there (in Little Rock), I haven't talked to anybody and I just can't tell you what's going to happen. I've been here all day and all I know is what I've read over the press wires."

Mr. Upton, son of Charles J. Upton Sr. whose family owns 17 per cent of the stock, second largest to Emprise, said "I imagine they will repeal" the order, when contacted at his West Memphis home Thursday. He would make no other comment.

MR. FRED HADDAD—THE MAN AND "THE SYSTEM"

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. SLACK. Mr. Speaker, during recent years we have all been beseiged with complaints from those who dislike what they call "the System." Their complaints are never clearly defined. For lack of a clear definition, most Americans conclude that these complaints come from persons who lack the desire or the energy required to advance themselves within the boundaries of our established way of life.

From time to time an occasion arises which reminds us quite clearly that in the United States there actually is no "System" at all. There is a way of life secured by certain guaranteed liberties and with emphasis placed on freedom of opportunity. Whatever a man chooses to do with his life, he is free to do within the limits of law and custom. In short, "the System" does not exist of itself. It is personalized by individual people, no two of whom act in exactly the same way.

I have been reminded of this fact by an announcement just published in the press which states that one of my constituents, Mr. Fred Haddad of Charleston, W. Va., will give $500,000 in personal gifts to an assortment of educational, religious, cultural, civic, and charitable organizations. This action by Mr. Haddad is the end product of the operations of that imaginary "System" which is daily criticized by the unproductive element found in every society. Just how Mr. Hadded reached a position which permitted him to make a personal gift of $500,000 to these organizations is a story well worth telling.

He is the son of an immigrant from Lebanon who came to the West Virginia coalfields in 1909. His father, Mr. Nathan Haddad, applied his boundless energy to the development of a mercantile business over a span of some 40 years. He was eminently successful in all respects and acquired a richly deserved reputation as a public benefactor. It is the familiar story of the immigrant who came to these shores with a determination to succeed, and with an equal determination to distribute the benefits of his success among his neighbors.

From such a father one would expect a man like Fred Haddad, and the people of West Virginia were not to be disappointed. From a training period in his father's enterprise he moved into the retail business and in 1959 set up the first of a chain of major retail stores which now total 18 outlets in West Virginia, Kentucky, Pennsylvania, and Ohio. His organization is still expanding, and the community acceptance earned by his establishments grows firmer each day. He has not advanced at the expense of the people with whom he deals, or the society in which he operates.

Now he is a man of considerable means but without lavish tastes. But he has inherited the public service instinct. It is part of his home training. Inevitably it comes to him that he has an obligation to show some practical concern for the affairs and interests of those who live in his community. And so we have the announcement of a $500,000 gift.

I bring this story to the attention of my colleagues, not because I feel it is necessary to bestow public recognition or praise on Fred Haddad. This has already been done and it has been well earned. His own actions have established his stature, but I believe the point of the story is simply this: Fred Haddad, and the thousands of Americans like him, are themselves "the System." They are not an organization. They are individuals possessed with the proper amounts of ingenuity, energy, and willingness to enter into the competition for survival in the marketplace. Generally speaking, they have little interest in wealth for its own sake. They enjoy success and they like to win the daily battles which the marketplace forces them to fight, but they know that "the System" which permits full exercise of the right to enterprise is also "the System" which provides the greatest challenge to the constructive attributes of mankind, and also offers to each participant the greatest possibility for personal satisfaction through success.

In every State there are hundreds of counterparts of Fred Haddad. They are the living reminders of the principles which have operated to make this country the most powerful nation on earth. We would be well advised to remember men such as these as we consider each day legislation affecting the lives of both this and future generations.

USE OF RECYCLED PAPER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. WOLFF. Mr. Speaker, recently the House Stationery Supply Service made recycled paper available to the Members and the committees so we could give substance to our entreaties about conserving natural resources. It is my understanding that the switch to recycled paper has been rather successful thus far and that a number of my colleagues have joined me in public commitments to use recycled paper.

But our purchases are the smallest fraction of paper used by the House. The Government Printing Office uses far more paper for bills, committee reports, and other public documents.

A case in point is H.R. 1, the bill reported from the Ways and Means Committee in May. This bill weighs in at two pounds and three ounces and since 22,000 copies of the bill were printed the total weight of this printing was 48,125 pounds. Using the standard that 1 ton of recycled paper could save 20 trees it turns out that had this bill been printed on recycled paper we could have saved 480 trees which would have been a noble and desirable accomplishment.

So, Mr. Speaker, to encourage the use of recycled paper I am today introducing a resolution expressing the sense of Congress that we should use recycled paper to the maximum extent feasible for all documents and publications of the Congress. This is a straightforward resolution and one which would make clear to the American people the depth and sincerity of the congressional desire to promote conservation of our natural resources.

If H.R. 1 cost 480 trees imagine how many forests we destroy with our public documents every year. Let us put an end to this waste.

ADDITIONAL MEDICAL BENEFITS FOR MILITARY DEPENDENTS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. FASCELL. Mr. Speaker, the House has served a worthy and humanitarian cause by acting favorably on H.R. 1409, authorizing additional health care for military dependents in mental hospitals.

The Armed Services Committee is to be highly commended for amending the bill to additionally provide that the costs of medical care are not increased for dependents of men who die in combat. In the last two Congresses. I have sponsored legislation to correct this inequity.

The bill provides that dependents of personnel killed by enemy action will continue to be eligible for the same medical benefits as dependents of active duty personnel for 1 year after the death of the serviceman.

Presently the dependents of deceased service personnel are provided medical care on the same basis as retired service personnel, paying one-quarter of in-hospital medical charges. Active duty personnel pay only the first $25 of medical costs in civilian hospitals.

The inequity of this situation was demonstrated in the case of one of my constituents who was pregnant at the time her husband was killed in Vietnam. She was advised that under the present law she would have to be charged at a much higher rate for hospitalization when the baby was born.

Certainly there is something wrong with a law that subjects service families to higher hospital bills because a serviceman gave his life for his country. We have acted to correct this defect in the present law by approving the legislation before us today.

TAKE A GIANT STEP

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. HOGAN. Mr. Speaker, recently I, along with several of my colleagues, had the pleasure and privilege to attend the first graduation of the Model Secondary School for the Deaf held on the Gallaudet College campus. MSSD, funded by the Department of Health, Education, and Welfare, is a regional high school which provides indepth educational programs for deaf youths from the District of Columbia, Maryland, Virginia, West Virginia, Pennsylvania, and Delaware.

The 12 graduating students can only be admired and commended for their persistence and courage in successfully pursuing academic study despite the serious obstacle posed by their deafness.

Some highlights of the ceremony included addresses by two of the graduates, Warren Coryell, of Philadelphia, Pa., and Carl Schroeder, of Hyattsville, Md., and a performance in the language of signs and music of the class song, "The Impossible Dream," by another of the graduates and my constituent, Susan Wallace of Lanham, Md.

Miss Nanette Fabray, noted singer, actress, and comedienne, and herself afflicted with a hearing deficiency, delivered an excellent commencement message—one which was warm, witty, optimistic, and inspiring. I insert her fine remarks into the RECORD at this point and commend it to my colleagues' attention:

TAKE A GIANT STEP

(Commencement Address by Nanette Fabray MacDougall)

(Personal greetings to those present.)

This is a beautiful day. A very, very happy day. Not only for you graduates, and your families and friends, but for me as well. I have tried many times before to come here and see you on my trips to Washington, but something always seemed to happen at the last minute. Another committee, another speech, another place to go.

But here we are at last. Together. And as your own friend Sandy Graham said in a poem I like very much: "Love is close to each other." I like that, and I feel very close to you, indeed. So it's a beautiful day.

For many weeks now, ever since I found out that I could be with you today, I have wondered what I could say to you that could equal what you have accomplished here. Nothing I can say would do justice to the work you have done, and the real triumph you represent to us all.

What can I say? Usually, at graduation ceremonies, the speaker will remember his own graduation day, the excitement of it, the joy of learning, things like that.

All I remember is the party afterwards.

Some speakers point with pride to their own school records, and pat themselves firmly on the back for their high grades, and their determination to learn.

I seemed to flunk almost everything. Math, English composition, social studies—and there was a rumor that I wouldn't pass gym. I was even turned down for the glee club.

In all my school days, I never had a single request for a look at tomorrow's homework. Everybody knew better than to copy *me*. That was Hollywood High School. A few years ago I was invited back there to accept an award as a Distinguished Alumni, and walking down the hall I met one of my old teachers.

"What!" he said when he saw me, "Haven't you graduated yet?"

I'm not sure he was joking, either.

I guess the thing that hurt me most about my graduation from high school was that everybody else seemed to know exactly what they were going to do in life. They all had plans. Some of them were consumed with passion for learning, some were consumed with passion for success, some were consumed with passion for truth. Me—I was consumed with passion.

So you see, I really have no right to be here. Giving you what will be your final lesson in this school. But you can't get away, at least not until you get your diplomas. So you'll have to put up with me.

Not long ago, my little boy and I were watching a baby in the park, a cute little girl who was just beginning to walk. She'd push herself up with her hands, rock back and forth a little, then take two or three steps and down she'd go. Then she'd get up again, and do it all over. Each time she would laugh with excitement. And my son and I would laugh with her. Finally he said something I'll never forget. He said: "Walking is a big step."

In a way that is what I have come here today to tell you. Life itself is one big step after another. Sometimes you fall down. But you must laugh as that little girl did, and get up again, and go on, learning a little more about life every day of your lives, a step at a time.

Most of what I have learned—and I am still learning—happened after I graduated from high school. The reason I was such a poor student was because I was slowly becoming deaf, without knowing it. Later, when I discovered what was happening to me, when I was told that I would be totally deaf within a few years more, I thought life was over for me.

It wasn't. Here I am. With you. Like you. And like you I had to learn to live with a hearing problem. I had to learn what was really important to me. It wasn't my career, or the theatre, or being a star that really mattered to me. It was love. Love of life, of my family, love of people, love of you. Just being alive was enough for me. But I had to learn that, as you have learned, one step at a time.

The world outside these walls is not a perfect world. It never has been. Perhaps it never will be. But we will go on together, you and I and all of us, traveling on this huge space ship, rushing through the heavens all around us, toward an unknown destiny. And each of us, all our lives, small though we may be, is important in the scheme of things. Because if we are gentle with each other, patient, if we try to understand each other, one step at a time, we can change all the things that torment us, we can change the world.

We live in a time of great change. Many of us here today will not live long enough to see all those changes come to pass. You will. You are a very important part of the change that is taking place in the education of the deaf. You may not realize just how important you are. This school, your school, is an ornament to our country, a symbol of tomorrow for all those who cannot hear. It was thought of, dreamed about, talked about, many years before you were born.

It took time, and much patience, and the work of many dedicated people, to bring us all here together today. You are the first of many, and I know all your names:

Christine Beverage, David Bugbee, Bob Casey, Warren Coryell, Christa D'Auria, Sharon Dent, Gregory Heller, Andy Parker, Ronald Paschal, Carl Schroeder, Dennise Scott, Susan Wallace.

In years to come I will not be able to say all the names of all the students who will graduate from here. But you will always be a part of this school's history. It starts with you. Walking is a big step. This is a giant step for you, and for all of us. You'll fall down, many times as all of us have. But you will get up again, I know. And like that little girl, I hope you'll laugh when you do.

You have my love, my admiration, and my very deepest congratulations. If I may, I would like very much to sing for you—I think it's a good song for this day, and if you remember the words, do them with me.

(Miss Fabray then sang and performed in the language of signs "Over the Rainbow.")

ARMANDO O. RODRIQUEZ COMMENTS ON C.R.L.A.

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. WALDIE. Mr. Speaker, in May of this year, I twice spoke on the topic of California rural legal assistance. In particular, I told of State OEO Director Lewis K. Uhler's activities relative to hindering the progress of poor in attaining competent legal assistance. In response to those comments, I received an excellent letter from an interested follower of this controversial subject.

Armando O. Rodriquez, a Fresno attorney, is well qualified and capable of commenting on legal services for the poor because of his extensive background in this field. His testimony adds to the growing volume of evidence which clearly points to Mr. Uhler's professional incompetence and deliberate campaign against California's poor. The letter follows:

FRESNO, CALIF.,
June 25, 1971.

Mr. JEROME R. WALDIE,
House of Representatives,
Washington, D.C.

DEAR MR. WALDIE: I have read your comments re CRLA and Mr. Uhler's activities as published in the Congressional Record for May 11, 1971 and May 24, 1971. I find your position and statements quite compatible with my own.

I have had the pleasure of serving both as a staff member of CRLA in their first operational office in Madera, and thereafter, as a member of the Board of Trustees. Before that time, I was also employed as a staff attorney for Alameda Legal Aid Society, which obtained the first "War on Poverty" Grant for Legal Services west of the Mississippi. I have also served as Legal Counsel, Board Member, and staff-member to other OEO programs.

I concur with your two-fold recommendations as to the choices available to Mr. Carlucci.

1. The immediate restoration of CRLA funds;

2. The withholding of funds from the State OEO office pending an examination of their procedure and use of funds.

In this sense, I specially commend you for your position of according Mr. Uhler the opportunity to refute the charges of mismanagement and improper diversion of OEO funds. The use of State OEO funds for investigative tactics with a view of intimidating and hindering programs instead of for assisting OEO programs through providing technical assistance, should not be condoned under any circumstances. I wish more members of the California delegation would become aware of these events and speak out.

I pledge my support to help continue those OEO programs worthy of retention. I also hope that we can provide the necessary technical assistance to those programs capable of doing a meaningful job, but for any number of reasons have faltered. Everyone in Washington must be aware that there cannot be a "perfect" program. Let us look to remedy the defects in worthwhile programs so that some lasting effect may remain from the "War on Poverty."

Very truly yours,

ARMANDO O. RODRIGUEZ,
Attorney at Law.

HOW TO GET SHOT IN ONE EASY LESSON!

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. WYMAN. Mr. Speaker, breaking into people's homes or apartments by law-enforcement officials who do not first identify themselves is a dangerous business. It should not be sanctioned except under conditions of extreme public need relating to the contents of the premises to be searched and then only upon a showing of probability of the presence of contraband approaching a degree of proof beyond a reasonable doubt.

It should be understood that when law enforcement agents break into peoples' homes without warning they do so at the peril of being shot. Not so, of course, if they adequately identify themselves first. But, when they fail to do this and do not even dress or look like police officers or Government agents a situation can develop where America can seem more like Nazi Germany than a free nation.

In this connection, I commend to the attention of the readers of the RECORD, the following editorial from the Manchester Union Leader under date of July 8, 1971. I am requesting a complete report of this incident from the Secretary of the Treasury together with a statement of present Treasury policy with regard to such matters.

In my opinion juries cannot and probably will not convict persons who shoot people who break in on them in their homes in this fashion.

TREASURY GESTAPO AT WORK

(By William Loeb)

The other night Kenyon F. Ballew, a life member of the National Rifle Association and a Boy Scout leader and gun collector, and his wife, Sara Louise, were washing up and getting ready to go to bed. Mrs. Ballew, clad in panties, was in the apartment living room and her husband was in the bathroom washing.

Suddenly, there was a loud banging at the door and the words, "Open up. Open up." The door was broken open and a bearded man wearing a yellow sweatshirt and carrying a handgun came in followed by a man in a striped shirt.

Mrs. Ballew screamed and Mr. Ballew emerged dripping wet from the bathroom and picked up a .44. He fired simultaneously with the raiders.

After the shots were exchanged, Mrs. Ballew saw her husband on the floor. He was bleeding from the head. Mrs. Ballew started to scream, "Get the police! Murder!" And one of the raiding party said, "We ARE the police!"

It seems that, based on the flimsiest of information that the apartment contained live hand grenades, agents of the Treasury Department, which is responsible for the enforcement of the 1968 Gun Control Act, decided to raid the Ballew home. Why they came in the dead of night and why they didn't identify themselves as the police and why they felt it was necessary to break down the door are questions that need to be answered by the Treasury Department.

All decent people are outraged by this unnecessary, stupid brutality. Such Nazi Storm Trooper-like behavior indicates not only arrogance but also utter stupidity.

As it turns out, Mr. Ballew has a responsible job as a Washington pressroom worker. He is a former Air Force military policeman. He has a fine character and no record of conviction for any crime.

This blundering performance apparently is not the first time that Treasury Department agents, operating in the middle of the night, have broken into the homes of people suspected of violating the Gun Control Act. The total number of night raids that has been admitted by the Treasury Department is 11. But, it should be 24 if the police are to be believed.

Mr. Ballew, as of this writing, has a bullet in his brain and a 40 percent chance of recovery. This is the result of this outrageous action.

Washington is the scene of numerous daily murders, assaults, rapes, etc. This fact completely justifies any defensive action that Mr. Ballew may have taken when the unidentified individuals broke down his door. The occupant of any home can only expect the worst in that atmosphere.

Undoubtedly, the Treasury Department will do its best to cover up this horrible situation, which will remind many Americans of the horrors of Nazi Germany, but it is to be hoped that the White House will not allow the Treasury Department to cover up the situation but will demand a thorough report.

It would seem that the enforcement of the 1968 Gun Control Act should be transferred to an arm of the government which would carry out its duties in a more professional fashion—and more in line with the fundamental American principle of the rights of the individual.

PRESIDENT'S JOURNEY TO PEKING

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. REID of New York. Mr. Speaker, in my view President Nixon's announcement that he will undertake a journey for peace to Peking is an important and exciting development. Hopefully it will facilitate negotiations to end the war in Vietnam promptly and will lead to a normalization of relations between the United States and Peking. The effect of this announcement on the SALT talks remains to be seen, but clearly it could help reduce tensions throughout the world. In this regard, I am glad to note that the White House has kept the Soviet Union apprised of this projected trip.

In sum, Mr. Speaker, I strongly commend the President for his bold initiative and great step forward that could positively affect generations to come.

JOBLESS VETERANS

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. STEELE. Mr. Speaker, recent figures from the Bureau of Labor Statistics show a slight, although heartening, decline in the rate of unemployment among veterans returning from service in Indochina. This lowered rate, positive though it may be, must not be viewed as the end of the major problem of job placement for GI's coming back to the United States after fighting for their country in Asia. The unemployment rate is still over 8 percent, a figure significantly greater than for nonveterans in the same age group.

It seems to me that when the United States asks a young man to risk his life for his country, that Nation assumes an obligation to him in simple justice to assist in his readjustment to civilian life. Even with the proof of recent Government efforts to aid the returning GI, the facts show a disturbing level of unemployment that must not be ignored by people who care about the plight of the veteran.

From the Revolutionary War to the present, more than 40 million men and women—of whom nearly 28 million are still living—have served their country during wartime.

Approximately half of our living war veterans saw service during World War II. Since that war, one out of every five persons 18 years or older is a veteran.

In fact, the ranks of my own State of Connecticut's veteran population has swelled nearly a third in the last decade to almost 440,000—with well over 62,000 of them Vietnam war veterans.

One of the deep concerns of the Congress today centers on this newest of veterans and the efforts to get him adjusted to his new role of a civilian so that he might continue to serve the Nation and society to the fullest extent of his talents and abilities. Our Nation and society will suffer if these efforts should fall short of their potential.

And one of the ways we can secure this goal is to provide meaningful and ready employment for the returning veterans.

Granted, the job picture is presently bleak. However, the National Alliance of Businessmen has recently agreed to seek 100,000 jobs for veterans next year. And, President Nixon has given a mandate to Secretary of Labor James D. Hodgson to come up with new efforts to give veterans employment or job training.

These initiatives come at a critical time. Unemployment among veterans was 8.1 percent in June as compared to 7.8 percent of the same age group of those who have not served their Nation in the military.

This Nation has always placed a high premium on patriotic military service in time of war. The innumerable benefits—from schooling to home loans—available to veterans testify to this commitment. Almost $6 billion is spent annually on veterans' programs.

For example, veterans' costs in Connecticut for fiscal 1970 totaled an estimated $107.5 million. According to the Veterans' Administration, $57.9 million was paid on the claims of 58,587 living and dead veterans.

Yet, with all the spending and all the programs, our Vietnam citizen-soldier gets short shrift when it comes to finding the "medicine" he needs most in the readjustment process—a job. Because of the tight job market, extra efforts have been made to encourage veterans to take advantage of all the benefits, particularly vocational education training.

But the dire need for effective transitional assistance is not only necessary but owed to the Vietnam veterans returning to the jobless job market. Scores of bills have been introduced in the Congress toward this end, ranging from proposals to hike educational benefits more closely related to educational costs, job preferences for veterans, and training that leads to jobs.

Our newest veteran is deserving of all the help—help to himself—that our Nation can give him. For in the end, it is society itself which shares in such rich profits.

So, making life better for our veterans is everyone's job.

GROWING SCANDAL OF ELECTION COSTS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. OBEY. Mr. Speaker, there is no doubt in my mind that campaign spending limitations are absolutely necessary. Without them we will continue to have high-cost campaigns which allow special interests to gain increasing importance in the political process.

In a recent editorial, the Milwaukee Journal observed that the cost of elections "is going up faster than anything else in these inflationary days and has reached the point of scandal."

The editorial concluded:

> Ability, not money, must be the major basis for electing the public officials in a democracy. Our present system operates on money. Carried on at the present rising rate of expenditure, it will lead to worse scandal.

The editorial follows:

GROWING SCANDAL OF ELECTION COSTS

The cost of elections is going up faster than anything else in these inflationary days and has reached the point of scandal. The total reported cost of the 1968 elections was $300 million and that, as the Citizens Research Foundation on political spending points out, is only the peak of the Iceberg. No one really knows the total cost.

Officially Richard Nixon spent $9.02 million for radio-television time in 1968 and Hubert Humphrey officially spent $4.2 million. However, records of the Federal Communications Commission show that radio-television stations were paid $12.6 million by the Nixon forces and $6.1 million by Humphrey's. Untold millions are expended by false-front committees that never get reported.

The 1968 total expenditure of about $100 million to elect a president compares with $60 million in 1964. And President Eisenhower was a bargain. In 1952 the presidential election expenditure totals—as officially reported—came to $11.6 million.

Big contributors rose in numbers in 1968, too. Mrs. John D. Rockefeller gave $1,482,625 to the presidential nomination campaign of her stepson, Gov. Nelson Rockefeller, and had to pay a gift tax of $900,000 on it in addition. Clement Stone of Chicago gave $700,000 to candidates, $500,000 of it to Nixon. Loans and contributions from just 50 people financed half of Humphrey's campaign.

There are serious implications in many of these large gifts. A big proportion comes from business interests and big labor. The true cost of an election also includes the eventual payoffs in contracts, special tax breaks, the overlooking of privately administered prices, lax enforcement of laws and patronage. In the latter case—and this is not new in our system—10 men who gave $300,000 altogether to the Nixon campaign are now ambassadors. Money runs politics, and men without it or unable to get it can't compete.

The answer is stricter legislation governing campaign spending and contributions. An attempt to put curbs on rising radio-television spending was vetoed last year by Nixon. Now Congress is bogged down in trying to write a broader law. Any effective measure must put limits on individual contributions, and provide effective means of policing them. The Corrupt Practices Act now limits individual contributions to $5,000, but two loans of $240,000 each to the Humphrey campaign made by two individuals were handed to a lawyer who was not considered a political committee. He divided them up into $5,000 lots for 48 separate committees. Such subterfuge must be ended.

It is time to consider seriously some form of public support for campaigns—such as free radio-television time, free mailing, and even direct financial aid for other purposes. Limits should be put on radio-television and some of the other costly forms of reaching people.

Ability, not money, must be the major basis for electing the public officials in a democracy. Our present system operates on money. Carried on at the present rising rate of expenditure, it will lead to worse scandal.

TRIBUTE TO MISS VICTORIA NOZERO

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. HANNA. Mr. Speaker, it is my privilege today to extend my congratulations to an outstanding young lady, Miss Victoria Nozero, of Anaheim, Calif. Miss Nozero, whose 25th birthday was Wednesday, has, through many accomplishments and deeds too numerous to mention, set an excellent example for the many young people of her generation who reside in my district.

I have long felt that young people of exceptional and particular talents should be recognized, and I am most happy to so honor Miss Nozero today.

VOLUNTOWN'S 250TH BIRTHDAY

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. STEELE. Mr. Speaker, in this bicentennial era, it seems significant that four towns in my home State of Connecticut will celebrate centennials. One of these, Voluntown, a small community in my district, will begin a week-long 259th birthday anniversary next week—July 24–August 1. I am proud to take this opportunity to salute the people of Voluntown on this significant occasion in their history.

In 1969, a plot of land was designated to be the reward for gallant Connecticut fighters in the Narragansett War. A pirate's treasure is reportedly buried somewhere nearby. And George Washington slept in a house in what is now Voluntown, Conn.

This is all part of the history of Voluntown, which this week celebrates its 250th anniversary as an incorporated town. Dating back to the late 17th century, Voluntown was once controlled by unfriendly Indians. In 1696, a grant was given to Lt. Thomas Leffingwell of Norwich and Sgt. John Frink of Stonington "that they with the rest of the English volunteers in the former wars might have a plantation granted to them," and a plot 6 miles square, to be taken from conquered Indians' lands, was alloted.

The town, originally called Volunteers town, became a reality in 1700, and was incorporated in the Colony of Connecticut in 1721.

Voluntown has a long and rich history in my State. Located on the eastern border of Connecticut, near Rhode Island, the town has managed to preserve its character despite the heavy industrialization of much of the rest of the State. In fact, the latest census count still shows just 1,450 residents of this poultry and dairy farming area of Connecticut.

Voluntown, one of four Connecticut towns celebrating centennials this year, is the smallest, and oldest of the group. Other communities with birthdays this year are Beacon Falls and Newington—both 100 years old—and Winchester, 200 years old.

Voluntown has had a past with which any community would be proud. Responding to the call of the American Revolution, this tiny town, founded in a heritage of service to its Nation, sent men to fight immediately following the Battle of Lexington. In 1777, the town was reimbursed by the colony for the £141 spent to send the troops.

A schoolhouse in 1737, a church in 1731, and industry by 1814 all display the tone of life in Voluntown in its early days, a tone it continues through our day, scarcely tainted by the burdens of modern urban life.

This week the people of the community of Voluntown will be celebrating their anniversary recognizing their town as a comfortable and peaceful place to live for people during the past 250 years. Events such as lumbering, square dancing, and business and industrial displays will highlight this weeklong birthday party.

The people, the town, and the way of life of Voluntown, represent the ideals and aspirations of all of this country. I congratulate this community for its glorious past and give it best wishes for an equally successful future.

MODEL CITIES

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, I insert in the RECORD the fourth of a series of articles concerning Model Cities that recently appeared in the Atlanta Constitution:

QUESTION IS, WHO'S IN CHARGE HERE?

(By Duane Riner)

Model Cities has the money—$7.2 million a year.

It enters into contracts with agencies to perform services for residents.

Then it has no power over those agencies beyond persuasion and their own willingness to cooperate.

It's a strange setup in which the clout of the Model Cities executive director is nil unless the mayor and Board of Aldermen are willing to give him some of theirs.

Or, as Emory University sociology professor Alvin Boskoff put it, Model Cities "is in effect a bystander rather than a participant—but it is responsible, despite a lack of suitable authority and power to discharge such responsibility."

Model Cities executive director Johnny C. Johnson was pictured by one official of the U.S. Department of Housing and Urban Development as having nothing but a "well of good will" as a tool with which to coordinate the 28 public and private agencies under contract to provide housing, educational opportunities, transportation, job-training—the whole bag of services.

The official, who declined to be identified, also wondered whether Johnson's well had run dry.

Last February Mayor Sam Massell and the Board of Aldermen reasserted their dominance over the foundering Model Cities program.

Many officials at HUD felt it was high time.

A key element of the Model Cities concept is citizen participation. But at some point, the continuing forum must reduce its din long enough for decisions to be made.

And the only body capable of making decisions and issuing orders that will be heeded is the aldermanic board.

Edward H. Baxter, regional director of HUD, doesn't knock citizen input. He notes, however, that there is a tendency "on the part of each individual to think there is no citizen participation unless his opinion prevails."

Baxter adds: "You get to a point where you have to get a consensus and officials have to act. Planning on and on without executing is rather meaningless."

Massell was asked why the city decided to grab the reins of Model Cities and why he hasn't done it during the first year of his administration.

"It was a realization of the shortcomings which weren't apparent last year," Massell replied in an interview.

"I had anticipated all along that the program, because of its complexities, would have a stumbling period, an adjustment period, and I was aware of the dissatisfaction," the mayor added.

Massell said he intends to accelerate City Hall involvement in the Model Cities program and described the aldermanic board's action in asserting its authority as "just a matter of equity" because it wasn't fair for Model Cities residents to be saddled with the failures.

The new brand of City Hall concern was demonstrated Tuesday when Massell called together local and federal officials in an attempt to find out why the Model Cities housing program has stalled.

Johnson describes himself as a "psuedo, quasi-coordinator" but acknowledges that unless some housing gets off the ground pretty soon, "somebody's head is going to roll, and it may be mine."

In fact, Johnson says that unless his pledge of 530 housing unit starts is not well on the way toward being met before his November deadline, "I shall be fired or resigned because the pressure is going to be there. I shall have stepped on enough toes before November that something must give."

Massell, who has made some unkept housing pledges of his own in the Model Cities area, commented, "I have supported Johnny and will continue to do so, and I have confidence that if he sets a goal there's a good possibility it will be met."

Massell admits that meeting the pledge of 530 housing starts will be "very difficult, and I'm not any more satisfied with the state of affairs that he (Johnson) is."

Dan E. Sweat, the city's chief administrative officer, was the author of the citizen participation structure of the Model Cities program. He frankly acknowledges that it "got too far away from City Hall."

At one point, even some aldermen were under the impression that they had nothing to do with Model Cities.

One alderman said, "we don't have any responsibilities for Model Cities," Sweat recounted. "I said, 'Hell, you've got all the authority.'"

He described Massell as "very reluctant" to make any move that would seem to take control away from citizens.

And Sweat says he was called "every sort of redneck racist" when the Board of Aldermen finally did express its authority.

Yet, according to Sweat, "some of the aldermen still don't feel Model Cities is part of city government."

Massell and Sweat said recent efforts to strengthen City Hall's grip on Model Cities were spurred in part by high-level HUD officials.

Now that the city government has taken a grip on Model Cities, here's what it faces, in the opinion of Johnny Johnson:

"Housing is the most important decision this city has to make because the failure to deliver on that promise is going to bust this community wide open. The only thing keeping the temperament of the community down is that promise, and once that hope disappears, this city's got a real problem on its hands and it's going to know about it."

Model Cities residents can't understand, he says, "how you can plan for schools and housing at the same time, and you've got two schools coming up out of the ground and no house. Over 600 housing units have been taken out of the market and not a single house has been built."

Johnson said more than 300 housing units were demolished through city code enforcement and an equal number removed through Housing Authority acquisition.

"They (the residents) will not tolerate any longer for us to clear land and let it stand vacant two or three years."

PLANS TO EXPAND AIRPORT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. EILBERG. Mr. Speaker, to cope with a passenger flow projected to reach an annual 27 million by 1990—almost four times what it is today—Philadelphia's Director of Commerce S. Harry Galfand today unveiled the initial development plans for a multimillion dollar, step-by-step expansion of the Philadelphia International Airport. He said:

> This is a tremendous investment in the economic development of our city. These designs will meet the anticipated growth of passenger and air cargo in the next 40 years.

When completed in 1990, the new facility will have:

Eight new terminals and 87 gates equipped to accommodate jumbo jets.

An additional 10,000 foot runway.

A series of connecting garages, and parking for 21,000 cars.

A rapid transit link to Center City.

An intra-terminal transit system.

A direct connection to the adjoining interstate network.

Philadelphia's Deputy Director of Commerce for Aviation, William Burns, and a specialist team led by architects of Vincent G. Kling and Partners designed the transportation city. The "multi-modal" design solves the most pressing problems facing airport planners today. Accessibility, parking, pedestrian traffic and baggage handling.

The new airport will be easily accessible by mass transit or auto; parking facilities will adjoin the terminal complex, and will be linked by free-flowing pedestrian corridors. Ticketing and baggage handling facilities will be located in spacious, uncongested areas. Vincent G. Kling says:

> People movement is the prime design consideration. The passenger will have vehicles for lateral movement throughout the terminal. Provisions are being made for secondary movers, such as magic carpet systems now under development, that will effortlessly speed the passenger to his destination.
>
> From the door of his house to the door of the airplane, this transportation center has been designed with the passenger in mind.

The design concept emphasizes a totally integrated transportation system, tying interstate highway and mass transit directly to the ticketing area and flight pavilion. A high-speed rapid transit link to 30th Street Station and Center City will connect the airport to the extensive suburban rail network and Philadelphia's subway system.

An interstate interchange at the airport, and new access roads, will provide the air traveler with maximum flexibility achieved through design cooperation from the city department of streets and State department of transportation.

The overall traffic flow system makes Philadelphia International Airport accessible from southern New Jersey, the Wilmington area, and Philadelphia suburbs. Vincent Kling's partner-in-charge Dan Kopple says:

> With this integrated system, we are trying to anticipate those changes.

Construction of interim facilities was completed early last year. It included new steel panel loading lounges which flank existing fingers on the airport's second level, and an increase in the number of gates from 27 to 39. The present terminal is being modified to ease traffic flow, and provide additional baggage facilities.

Construction of connecting roadways, the new mass transit system, two new terminal units and three new baggage claim units make up the next construction phase. Scheduled to begin in late 1971, it will cost about $100 million. During this phase, gates will be increased to 60.

An economical, modular design approach to airport construction has been adopted. The terminal complex is one of simple shapes utilizing precast concrete and prepackaged mechanical systems, all of which will speed erection time and reduce costs.

The master plan features a continuum of eight two-story terminal units and six-story garages linked by a transportation street. A series of pedestrian corridors, perpendicular to the street and on the airport's second level, connect all passenger elements.

When completed, each major airline will have its own parking facility, baggage claim area, ticketing center, and flight pavilion—all linked by the transportation bridge. By 1990, there will be parking facilities for 21,000 cars—almost three times today's capacity.

Arriving by plane, a passenger will walk through the terminal area along the pedestrian corridor to escalators where he can descend to a lower level and rapid transit trains for the 30th Street station or to the baggage claim area and the parking garage, taxi stand, and limousine service beyond.

Three multilane, limited access roadways will link the adjacent interstate highway to the airport. Outbound passengers, arriving by car, will drive directly to the terminal on an enplaning roadway. A separate garage ramp will lead to an airport parking facility. Inbound passengers, leaving by taxi, bus, or car will depart by a separate deplaning roadway.

Philadelphia International is an airport of the future planned to serve the Delaware Valley region and designed to meet the needs of the next 40 years. While providing for regional demands, it will also attract a greater share of a growing international air traffic market.

As Galfand puts it:

> Roads and waterways will remain important, but airways have become the prime arteries. Our airport is the principal portal of the Philadelphia region; it is vital to the economic and social progress of our city.

VEYSEY INTRODUCES LEGISLATION TO ALLOW CALIFORNIA TO ENFORCE STRICT AUTOMOBILE EMISSION STANDARDS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. VEYSEY. Mr. Speaker, today I am introducing legislation amending the Federal Clean Air Act, to clarify California's right to enforce new, stringent automobile emission standards, without undue Federal interference.

California has pioneered this Nation's war against air pollution. In fact, much of the legislation, and most of the programs now in effect at the Federal level, came directly from efforts and research originating in California.

In 1967, the U.S. Senate formally noted this fact, when by a vote of 88 to 0 that body passed a measure, authored by Senator George Murphy, allowing California to set and enforce antipollution standards more stringent that Federal standards. The Murphy amendment directed the Department of Health, Education, and Welfare to recognize California's leadership in the environmental field, and it pointed out the Nation's dependance on that leadership.

Since that time, however, the Environmental Protection Agency has succeeded HEW in administering our antipollution programs. And the EPA recently refused California's request to enforce our new automobile emission standards—the strictest standards anywhere in the country.

The EPA was set up to crack down on pollution, and in most areas, it is performing admirably. However, by this decision—by adhering to the pleas of special interest groups—the EPA is forging a policy which will be a severe blow to all Californians, and to our efforts to combat our critical smog problem.

Even more serious, this EPA decision, if allowed to prevail, will deny to the Nation California's continued leadership in the fight against air pollution of all kinds.

My legislation will clarify and reaffirm the principle established by the Congress in 1967.

Under that principle, California has continued to serve as a bellweather for this country's efforts to preserve our environment.

The standards California developed prior to 1967 became the basis for the Federal Air Quality Act's provisions to control auto emissions. Now, using new experience and technology, California has adopted new, improved, and more stringent limits on automobile emissions.

Mr. Speaker, it was clearly the intent of Congress, under the Murphy amendment, to allow California to continue to move ahead in this area. The Secretary of Health, Education, and Welfare was given the right to review California's proposed standards, but the language of the provision—now 42 USCA 1857f–6A(b)—was "the Secretary shall, after notice and opportunity for public hearing, waive application of this section", not "the Secretary may." Congress clearly intended the burden of this section to fall on the Federal Government—not on the State of California. The fact that the EPA has succeeded HEW, in administering this provision, certainly does not change the intent of Congress.

The report of the Senate Public Works Committee on the Air Quality Act, issued July 15, 1967, makes this doubly clear. I quote:

> On the question of preemption, representatives of the State of California were clearly opposed to displacing that State's right to set more stringent standards to meet peculiar local conditions. The auto industry conversely was adamant that the nature of their manufacturing mechanism required a single national standard in order to eliminate undue economic strain on the industry.
>
> The committee has taken cognizance of both of these points of view. Senator Murphy convinced the committee that California's unique problems and pioneering efforts justified a waiver of the preemption section to the State of California. As a result, the committee incorporated in section 202(b) a waiver amendment offered by Senator Murphy. It is true that, in the 15 years that auto emission standards have been debated and discussed, only the State of California has demonstrated compelling and extraordinary circumstances sufficiently different from the Nation as a whole to justify standards on automobile emissions which may, from time to time, need be more stringent than national standards.
>
> The situation may change. Other regions of the Nation may develop air pollution situations related to automobile emissions which will require standards different from those applicable nationally. The committee expects the Secretary to inform the Congress of any such situation in order that expansion or change in the existing waiver provision may be considered.
>
> Until such time as additional problems of this type arise it seemed appropriate that the waiver provision of subsection (b) should be limited solely to California. This approach can have several positive values:
>
> 1. Most importantly California will be able to continue its already excellent program to the benefit of the people of that State.
>
> 2. The Nation will have the benefit of California's experience with lower standards which will require new control systems and design. In fact California will continue to be the testing area for such lower standards and should those efforts to achieve lower emission level be successful it is expected that the Secretary will, if required to assure protection of the national health and welfare, give serious consideration to strengthening the Federal standards.
>
> 3. In the interim periods when California and the Federal Government have differing standards, the general consumer of the Nation will not be confronted with increased costs associated with new control systems.
>
> 4. The industry, confronted with only one potential variation, will be able to minimize economic disruption and therefore provide emission control systems at lower costs to the people of the Nation.

The intent and the benefits to the Nation are clear. But today somehow the tables have been turned. The Environmental Protection Agency now places the burden on California to show cause why its new improved standards should not be dissapproved.

I am not surprised that this has been tried since California's progress in this field has always been unpopular with those who would prefer to go slow on pollution abatement.

A Wall Street Journal article quoted a nameless "Federal expert" as saying that if California was granted the waiver the Federal Government would be under strong political pressures to tighten Federal requirements. The Federal expert was quoted as saying:

> The question is if this is feasible for California, why not for the rest of the Country?

I would say to this Federal expert and others like him, that he ought to spend some time studying legislative history and the intent of the Congress. Congress intended that the waiver be granted to California could continue to be the Nation's pacesetter in pollution control. I might add further, as serious as the pollution problem is, a little pressure to improve air pollution control across the country would not hurt.

No, it is not surprising that this slowdown has been tried, but it would be intolerable if we put up with it.

California's smog problem is unique. Our combination of topography, low wind speeds, atmospheric inversions, sunlight, and concentration of people and automobiles is suffocating us with the most severe photochemical smog in the world. Our struggle against pollution, has actually become a struggle for survival. I am convinced that Californians are today dying of air pollution.

Today, California has one out of every nine automobiles in the Nation—one out of every 18 in the world. And within the next 30 years our consumption of automobile fuel will be tripled, if current trends continue.

Smog is not only killing people, it is killing our economy and our plant and animal life. The University of California has estimated that agricultural and native vegetation suffers a staggering $200 million loss each year because of air pollution in California.

Today, children in Riverside cannot play outside on many summer days, without endangering their health. High school and college athletic teams in Southern California are often forced to practice indoors when smog alerts are sounded.

Recently, I received a letter from a young boy in Riverside. Its poignant plea was penetratingly simple. He said:

> We are mad because pollution is killing babies and people. We are so sad, Mr. Congressman, time is running out. The "red coats" are coming.

Recently there was an article in the newspaper about grade school children in the area south of Chicago's loop drawing pictures in art classes. In the last three years the sun no longer appears. Before, there was always a bright smiling sun in the sky. No longer. There is no sun in the pictures now. It is frightening to realize that children today accept pollution as a natural part of their environment.

The question "What ever happened to Clean air" is no longer asked by isolated voices of concern in California. The citizens of my State are almost one voice crying out in rising crescendo against the attack on the State's beauty and against the impairment of the quality of life.

No one can argue that California does not need stricter antipollution laws than other parts of the country. No one can argue that California has not pioneered breakthroughs, which have formed the basis for our nationwide antipollution efforts.

My legislation would simply restore and reaffirm California's right to lead the antipollution campaign. Our own self-preservation depends on having that capability, without interference or censure from the Federal Government or special interests.

I call on my colleagues from California and across the country to join with me in reasserting the intent of Congress that the Nation have the benefit of California's leadership in this field, and that automobile pollution abatement procede as rapidly as technically possible.

CAPTIVE NATIONS WEEK, JULY 19, 1971

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. DULSKI. Mr. Speaker, our Nation once again observes Captive Nations Week, first marked in 1959 as a result of a congressional resolution.

During the past 12 years four Presidents, many Governors, mayors, and other public officials have joined in the annual effort to call public attention to the plight of these peoples of East and central Europe.

During the past year there was the open protest in Poland last December when the Polish workers took to the streets to protest against their low standard of living. The toll of these incidents was 44 dead and 1,165 wounded.

The upheavals led to the downfall of Gomulka, and when further work stoppages occurred at the beginning of 1971, the new regime of Edward Gierek finally rescinded the December price increase directive that had triggered the protest.

These events in Poland have again brought into sharp focus the utter inability of communism to satisfy the material and spiritual needs and demands of the people.

As the 92d Congress convened last January, I reintroduced legislation to create a special Committee on Captive Nations. I have sought to have hearings on the measure, because I feel that a special committee could bring the plight of these people to public attention in a most impressive manner.

The goal of the Soviets at the present time is the maintenance of the status quo. In pressing for the convocation of a European conference on their terms, the Communists hope to put a final stamp of legality on their hegemony over east-central Europe as annunciated in the notorious Brezhnev doctrine of limited sovereignty.

Mr. Speaker, as part of my remarks I include the text of the Captive Nations Week Manifesto of 1971:

CAPTIVE NATIONS WEEK MANIFESTO 1971

The undersigned organizations, dedicated to the restoration of freedom in the captive nations, call attention to Public Law 86-90, unanimously adopted in 1959 by the Congress of the United States, by which the third week of July each year is designated as Captive Nations Week.

The observance of this year's Captive Nations Week comes just seven months after the start of a chain of momentous events in Poland. In December, 1970, Polish workers took to the streets of many of Poland's cities—in open protest against the Gomulka regime's edict that had placed an intolerable burden on their already low standard of living. The toll of these food riots, according to the regime's figures, was, 45 dead and 1,165 wounded.

The upheavals led to Gomulka's downfall, and, when fresh work stoppages broke out in January and February of this year, the new regime of Edward Gierek rescinded the December price-increase directive. A shakeup in Poland's Communist Party, which had come in the wake of the December developments, indicates that the last word on the changes in Poland has yet to come.

The Polish events have again brought into sharp focus the inability of communism to satisfy the spiritual and materials needs and demands of the people.

Communist regimes, backed by Soviet military power, have ruled over the countries of East and Central Europe for over two decades. The balance sheet of their tenure in power offers undeniable grounds for an indictment for tyranny, insensitivity and incompetence. In East and Central Europe, the Communists have systematically trampled upon human rights, have brooked no opposition and have established themselves as the sole font of wisdom and power.

Yet, political repression notwithstanding, the Communist regimes have been unable to "compensate" for their use of harsh tactics and methods by providing the people a decent standard of living. In divided Europe, the gap in the quality of life between its western and eastern parts has been widening with each passing year. The Communists have thus given the people of East and Central Europe the short end of the stick in both key sectors: in politics and personal life, the watchword is oppression and denial of inalienable rights; in the standard of living, the increase has been negligible—especially compared to the gains registered by other nations over the corresponding period.

The developments in Poland are but the latest in a series of dramatic proofs of popular discontent against Communist rule Over the past 15 years, we have witnessed the Poznan riots and Polish October in 1956, the tragic but heroic Hungarian Revolution, also in 1956, and the "Czechoslovak Spring" in 1968. There have been other less publicized demonstrations of true popular sentiment in all the captive countries.

The message is clear. The people of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania oppose Communist tyranny. Their aspirations and objectives are the same as those of all freedom-loving people in the world: the right to chart their own future; national sovereignty and self-determination; respect for and observance of their fundamental human rights; and a chance to rejoin, as free and equal partners, the family of nations.

We believe that a lasting peace in Europe, and the world, can come only after the captive nations have regained their freedom and national independence. As long as there are men and nations in bondage, the quest for a genuine relaxation of tensions is bound to prove fruitless. A world half slave, half free remains a breeding ground for endless conflict. A community of free nations, on the other hand, is the best guarantee for the advent of true international comity, closer cooperation, and a just peace.

While commemorating this year's Captive Nations Week:

We stress that the Soviet Union has violated its solemn promises of freedom and independence to the nine nations made captive during or after World War II—Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania.

We further stress that the Communist regimes in East and Central Europe continue to flaunt the will of the people by denying them the right to free elections.

We appeal to the free governments of the world:

1. To declare, in accordance with the principles of the Atlantic Charter and the Universal Declaration of Human Rights, their support of the right to self-determination for all peoples held captive by the Communists and, consequently, to make this issue the permanent concern of the United Nations.

2. To raise, at international meetings and conferences, the issue of the denial of fundamental human rights to the peoples of East and Central Europe.

3. To reject any and all attempts by the USSR and the other Communist regimes to secure even a tacit recognition of the *status quo* in East and Central Europe, since such recognition would deal a staggering blow to the hopes of the captive peoples of regaining their freedom and independence.

4. To voice their opposition, on all appropriate occasions, to the methods of force and threats and intimidation used by the Communist regimes in their effort to continue holding East and Central Europe in bondage.

We appeal to the People of the United States of America to manifest during Captive Nations Week, July 18–24, their awareness of the importance of the fate of 100 million East and Central Europeans to mankind's long quest for world peace and justice.

Christopher Emmet,
Chairman, American Friends of the Captive Nations.
Vasil Germenji,
Chairman, Assembly of Captive European Nations.

THE NEED FOR DECLASSIFICATION

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. HARRINGTON. Mr. Speaker, the recent publication of the Pentagon Papers has helped to show Members of Congress and the American public how overclassified these documents were. Thousands of other documents in the Department of Defense and other related agencies of the Government are likewise overclassified.

Last month I introduced a resolution calling for a joint, bipartisan committee—to be known as the Joint Committee on Freedom of Information—to investigate classification procedures in Government.

Hearings will soon be held on H.R. 9853, a bill jointly introduced by Representative F. Edward Hébert and Representative Leslie Arends, the chairman of the House Armed Services Committee and the ranking minority member, to set up a national commission on security information. Hopefully, these upcoming hearings will provide a forum to openly discuss the overclassification question.

However, perhaps the greatest need for the declassification of information is right here in Congress. For example, the manner in which closed committee hearings are declassified varies from committee to committee. All too often while reading the printed report of a committee's closed hearings, one comes upon ". . ." which means that the information has been deleted for national security reasons. Who decides that the deleted information vitally affects our national security? Sometimes it is the committee chairman who on his own initiative and based on his own judgment of what constitutes a breach of national security, deletes this information from the printed hearings.

Such a procedure blatantly disregards the public right to know and acts so as to deny to the public and to Members of Congress themselves basic information they need to participate effectively in the democratic process.

In this connection I would like to insert into the Record the article "A Standard for Declassification?" by Walter Pincus, a distinguished newspaper reporter and a former chief investigator for the Symington subcommittee of the Senate Foreign Relations Committee. The article from the Washington Post, July 16, 1971, follows:

A Standard for Declassification?

(By Walter Pincus)

Although the debate still goes on as to whether The New York Times, The Washington Post and other newspapers should have published the Pentagon Papers or excerpts from them, there appears to be almost unanimous agreement that not only these documents but thousands like them are overclassified. Authorities ranging from former Under Secretary of State George Ball to former Defense Department security officer William Florence have come forward to say that up to 99.5 per cent of material now classified should be declassified. Such statements are bound to compound public confusion and cynicism unless there are changes in the system, not only to establish some outside influence over it but to make it less restrictive and more rational.

The harder question remain: How do you declassify? Who has that authority, the Executive or Congress or both? What machinery can be established to guarantee the fullest flow of information both to the Congress and the public in this traditionally sensitive area of foreign/military policy?

No substantial long term reforms can be expected if the administration does not support them—for classification begins within the Executive branch. *In camera,* a special interagency committee is at work revising the security classification system. White House and Defense Department officials have insisted that the current review was initiated by the President last winter and in no way is related to the disclosures of the Pentagon Papers.

No doubt there are elements of truth and deception in that statement. With the trial of Daniel Ellsberg coming up, the administration can hardly put itself in the position of suddenly moving on the problem of overclassification while at the same time trying to convict a man for releasing "top secret" documents that he says were overclassified. Thus it is doubtful there will be much movement in the near future from the Executive, except to tighten up on security procedures as they did in the case of the Rand Corporation.

Congress does not have that problem. But it has many of its own. The major one is apparent lack of interest among senior members. Of the seven committees with prime responsibilities in the national security areas, only one—the Senate Foreign Relations Committee—has shown any concern with the overclassification question. Armed Services, Appropriations, Joint Atomic, and House Foreign Affairs have yet to be heard from.

Of the committees with oversight or secondary legislative responsibilities, only two subcommittees—one in House Government Operations under Rep. William Moorhead (D-Pa.) and the other, from Senate Judiciary, under Sen. Sam Ervin (D-N.C.)—have taken up the classification problem in the wake of the Pentagon Papers disclosures.

The fact is that key committee chairmen and perhaps a majority of the House and Senate don't want to get involved in the question of classification. It has little public appeal and carries with it the potential political threat that a member is seeking to spread on the record secrets that could help an enemy nation.

A second problem for Congress is simply what to legislate in this area. Currently the entire process from classification through declassification rests in the hands of the Executive. Congress passed the Espionage Act and some amendments. They provide only the broadest of frameworks for Executive Order 10501 and the myriad regulations that flow from it in the various agencies and departments.

Although they are questionable and ofttimes confusing, the administration at least has some classification standards—Congress has none. The manner in which closed hearings are declassified varies from committee to committee, senator to senator. For example, the House Appropriations Committee recently released its hearings on the Defense Department's military personnel budget. At one point the question was asked about special pay in the U.S. Marines budget for support of Free World forces to the tune of $1 million for officers and $6.7 million for enlisted men.

"This program is for the payment of overseas allowances and clothing issued to the officers and men of the Marine Brigade . . .," was the reply printed. The ". . ." meant information had been deleted. Later a question was raised about $3.2 million in the Marine budget for subsistence for Free World forces. The answer: "This subsistence is for the . . . located in Vietnam." What was the mystery? You can find the answer in the Senate Foreign Relation Committee's Symington subcommittee hearings on the Korean forces in Vietnam over a year earlier. In those hearings the administration cleared for publication detailed information of American payments of overseas allowances and subsistence to what then was a 3,000-man Korean Marine force serving in Vietnam. A year later that same information appears to be deleted from the House hearings. Why?

One reason may be that the House committee has no desire to put that information on the record. Another may be that the declassification process followed by the House committee does not take into consideration—or more likely is unaware of—material already cleared in earlier hearings released by other committees.

There is little chance that Congress could legislate a common declassification standard. But a measure could be passed that set up a standard declassification procedure which would guarantee to individual members or committees an opportunity to push declassification to the fullest with a staff trained to do just that.

Today, when a senator wants to draft a bill he goes to the Legislative Counsel's office and receives guidance on how best to phrase language to accomplish his purpose. That office (and a similar one exists in the House) is staffed by trained professionals experienced in the intricate art of legislative language and precedent.

A similar small group of professionals could be developed to handle declassification problems. They could provide the institutional memory for Congress of what has already been declassified—a capability that is now missing. They could comment on the administration's proposed deletions and aid in the negotiation for further declassification.

The Congress could also establish a procedure through which the administration's position on a classified matter could be challenged. One method might be to require the individual legislator or committee seeking to declassify a matter to get the support of two-thirds of his own body. A senator, for example, who failed to get satisfactory administration declassification of a document could call a closed session of the Senate, argue his case and seek support for his position. If he receives it, as in cases now of congressional contempt, the matter could then be put to the courts. The administration would be forced to make a positive showing, first in the closed Senate session, and later in the courts, on the specific manner in which release of the information would harm national security. The initial negotiation process and the requirement for two-thirds support would make certain purely political gestures would be eliminated and only those few critical issues would be forced into the courts.

Certainly there is room for variations for this suggestion. What can't be questioned is the need for Congress to move in this area. As Justice Potter Stewart observed in his perceptive concurring opinion in the recent court case, ". . . the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained."

THE PEACE CORPS RETURNEES: "YOU CAN CHANGE THINGS"

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. MAZZOLI. Mr. Speaker, for a whole generation of young Americans, the Peace Corps has been a symbol of selfless service and dedication to the brotherhood of man. Begun by President Kennedy, it has served to channel the energy and idealism of tens of thousands of volunteers into helping people around the world build a better life.

Nothing creates good will between nations better than the kind of direct and personal contacts between their people that is promoted by the Peace Corps. One new school in a Latin American village, built with the help of American volunteers, can create more genuine good will than high-level diplomacy could ever hope to achieve.

Although the Peace Corps has had its problems over the past several years, partly due to the Vietnam war and partly due to increased awareness of our own domestic problems, its mission is still unfinished. And those thousands who have served as Peace Corps volunteers continue to demonstrate the spirit of service and involvement. The Peace Corps has left them with a special kind of dedication.

Last week in the Louisville Courier Journal I read an article about a few young volunteers who illustrate this point well. Creighton Mershon and Delmar McCarley, both former volunteers in Venezuela, now work in the office of Louisville Mayor Frank Burke. Rose Grenough, who served in Colombia, was until recently a public assistance worker. Camille Erwin, a former volunteer in Malaysia, is a summer schoolteacher at Catherine Spalding College. James Skelton, once a volunteer in Ecuador, now serves with the rehabilitation services bureau of the Kentucky Department of Education.

Geoffrey Morris, a Louisville lawyer, served in Sierra Leone and hopes to run for public office. Charles Blau, a University of Louisville law student, is already running for public office in Jeffersonville. His wife, Cile is a teacher—they met as volunteers in Morocco. Kathy Beirne, of Cincinnati, spent 2 years on the tiny Pacific island of Fassarai. And Barkley Moore, of Lexington, holds the Peace Corps record for service—6 years and 4 months in Iran. He now works for the Peace Corps here in the United States, and hopes to go into social work.

The experience of all these people has shown the kind of lesson of involvement that being a Peace Corps volunteer has taught these young people. As Delmar McCarley put it:

> You can't change the world, but you can change things that will help.

Mr. Speaker, I would like to insert at this point in the RECORD the article by Leah Larkin in a recent edition of the Courier about these fine young Americans:

PEACE CORPS VOLUNTEERS COME HOME TO INVOLVEMENT

(By Leah Larkin)

Ten years ago this month, the first group of Peace Corps volunteers completed their training program. In August, 1961, they left for Ghana where they spent two years as secondary school teachers.

Since then, approximately 45,000 Americans—mostly young, college graduates—have given two years of voluntary service through the Peace Corps. They have served some 60 economically underdeveloped countries in Latin America, Africa, the Near East, Asia and the Pacific.

Most of them spent their term working in community development or teaching. They immersed themselves in another culture. They spoke a foreign language, ate different food and practiced strange customs. They lived and worked with the poor and tried to instigate change.

Often it was frustrating. Frequently it was discouraging. Almost always it was rewarding.

Then they came home—back to the land of color TVs and telephones, sleek, shiny cars and super highways, hamburgers and hot dogs. It was strange at first. Just as it had taken time to adjust to the language, the stares, the poverty and disease in their host country, it took time to re-adjust to America.

The Peace Corps experience is special.

Whether the volunteers come back embracing the stars and stripes or disillusioned with the United States, they are changed persons. Whether their two years were filled with satisfying accomplishments or a succession of frustrations, most likely they would do it again.

If there is one thing that returned volunteers agree on, it's this: The experience did more for them than they did for the host country.

Just what did the experience do for the volunteers? How did it change them? What happens to volunteers when they come home?

The Peace Corps has conducted studies on returned volunteers. Research shows that the experience influences many to seek social service-type careers or teaching positions, work similar to that they did abroad. According to statistics, 51 per cent of former volunteers go back to school, 20 per cent go into teaching, 20 per cent into social service-type work, 4 per cent into business, and the remaining 5 per cent divided among government, law and other professions.

Ten former volunteers were interviewed in the Louisville area. Of the 10, five went back to school after returning from the Peace Corps, although only one is in school now. There are teachers. Four work in social service oriented fields. One is in government and one practices law.

Camille Erwin, 27, served as a volunteer in Malaysia (1967–'69) and now teaches summer school at Spalding College, from where she was graduated. She sees returned volunteers as "subtle, quiet radicals. They don't talk about tearing down the establishment, but changing it."

After spending two years among the poor, struggling to generate change, it is not surprising that returned volunteers are still committed to help their fellow man and that they want to work for positive changes in our society.

Several of those interviewed hope to become involved and work to improve American society through government and politics.

Geoffrey Morris, 29, went to the University of Louisville School of Law after serving as a volunteer in Sierra Leone (1965–'67). He now practices law in Louisville with the Alan N. Leibson law firm, but he is committed to service.

"You've got to be in a position of power before you can do any good for your fellow man. I would like to work within the political system. Someday I will run for office. If not, I certainly hope to be in a position where I can influence someone in power," Morris said.

Charles Blau, 28, is already running for office—city judge of Jeffersonville. Blau and his wife, Cile, who is from Joliet, Ill., met as volunteers in Morocco (1966–'68) and were married there. She is a teacher at Providence High School in Clarksville. He is in law school at the U of L.

Creighton Mershon, 29, works within the political framework as a special assistant to Louisville Mayor Frank Burke. He earned a law degree from U of L after returning from Venezuela in 1965.

Mershon, a graduate of Bellarmine-Ursuline College, finds his Peace Corps experience helpful in his current position. "A tremendous number of foreign visitors, particularly from Latin America, come to Louisville," he said. Because of his experience and ability to speak Spanish, he can help them. He also works on special projects with Louisville's sister city, Quito, Ecuador.

"When I joined the Peace Corps, I thought I would build the world. Now I don't think that can be done. You can't change the world, but you can change things that will help," said Delmar McCarley, 31, a former volunteer in Venezuela (1962–'64).

HELPS MINORITIES

McCarley also works in Mayor Burke's office, but as a special assistant for Manpower

Planning, a program which coordinates employment and employment training focusing on the underprivileged in this area. McCarley says he is now doing what he had hoped to do—helping minorities.

Working within the system for change has not been that satisfying for all former volunteers.

"I wanted to really get involved and effect change when I got back. I had hoped working within the structure, I would be able to effect change, yet this seems less and less likely," said Rose Grenough, 28, a former volunteer in Columbia (1965–'67). Miss Grenough, an alumna of Spalding College, recently resigned from her job with the Work Incentive Program in the public assistance division of the Kentucky Department of Economic security. She hopes to find a position in the education field.

Most of the former volunteers interviewed agreed that the Peace Corps experience had a broadening effect on their attitudes and views. Many said it made them a better, stronger person. Some spoke of the positive effects it had on the host country.

"The Peace Corps definitely makes you more aware of the world around you. It made us very critical of the United States. It gives you an idea of the opportunities available to really do something. You care more. You want to get involved," said Mrs. Blau.

For Creighton Morshon, "It was a great maturing experience. I went in fresh out of college. I didn't really know what I wanted to do. . . . It changed my life."

Miss Erwin summed it up this way: "The whole experience is so personal. Everyone can get something out of it. Everyone gains in some area where they were weak. It makes such a big difference in you. You are never the same."

James Skelton, 31, a former volunteer in Ecuador (1962–64), who now works for the Louisville Bureau of Rehabilitation Service in the Kentucky Department of Education, said his experience gave him a "more objective view of this county and a better understanding of another culture." Skelton, a graduate of Bellarmine-Ursuline, met his wife, Irma, an Ecuadorian, while in the Peace Corps.

All the former volunteers interviewed talked about some of their experiences in the host country. Yet Kathy Beirne's experience comes closest to the original image of a volunteer isolated in the boon-docks and living in a mud hut. Miss Bierne, 25, spent two years (1968–70) on the Micronesian island of Fassari, where she was the only American among 70 natives. She now teaches a special reading program in Cincinnati.

Barkley Moore, 29, of Lexington, has been called the "Peace Corps super star" by a member of the organization's Washington staff. While most volunteers return to the U.S. after two years in their host country, Moore spent six years and four months in Iran, the longest term of any volunteer.

Moore, a graduate of the University of Kentucky, is now working for the Peace Corps in this country. He travels and speaks to groups about the organization and his experiences. But this is temporary and he hopes to go into social work.

The value of the Peace Corps is "not in how much material progress the volunteer makes, but in how many people he influences," Moore said. "The Peace Corps goes beyond the dollars of foreign aid." He thinks volunteers leave a lasting contribution with the people they work with, and "only these people can develop their country."

There's no doubt that Moore made an impact on Iranians. Since he left the country last December, he has received over 400 letters from Iran. In one letter a student called Moore "a victory target because you show to us we can do everything we wish."

THE NATIONAL RETIRED TEACHERS ASSOCIATION AND THE AMERICAN ASSOCIATION OF RETIRED PERSONS ARE PROVING THAT REASON, RESPECT, AND UNDERSTANDING ARE STILL THE KEYS TO LEGISLATIVE SUCCESS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. GIAIMO. Mr. Speaker, in this era of confrontation politics and nonnegotiable demands, the 2.9 million-member National Retired Teachers Association—American Association of Retired Persons are proving that reason, respect, and understanding are still the keys to legislative success.

These associations are in the forefront of efforts to improve the lot of older Americans. Yet they seek to work with Government rather than against it, as partners rather than adversaries. Theirs is a philosophy of cooperation, not coercion; persuasion, not protest. Above all, they conduct their legislative activities with a sense of dignity and purpose which reflects the attitudes of the older Americans whom they represent.

As proof of their success, President Nixon flew to Chicago last month to address their five-State regional conference—the first time, I believe, that a President has left Washington specifically to attend a meeting of older Americans.

At the same conference, Bernard E. Nash, executive director of NRTA–AARP and former U.S. Deputy Commissioner on Aging, explained the basic legislative philosophy of his organization. I am certain that our colleagues will be interested in and appreciative of Mr. Nash's remarks, Mr. Speaker, and I recommend them as required reading for any organization which seeks to obtain the support of Congress for its cause:

REMARKS BY BERNARD E. NASH

Welcome to what is truly the most significant legislative session in the history of our Associations. Before our distinguished guest arrives, our Legislative Counsel (Mr. Cy Brickfield) and I want to share with you some thoughts on our Legislative Goals for the 1970's—and on the manner in which our Association can best achieve these goals.

I am proud of our past legislative accomplishments and of the current objectives developed by your Legislative Council. And I am equally proud of the methods which we have used—and will continue to use—in attaining them. Our legislative philosophy is based on rational dialogue, common sense, understanding of the needs of others, and, above all, respect. Some other organizations have today seemingly abandoned these precepts. They have concluded that legislative success must be measured in decibels, that noise and militancy are more important than substance and purpose, that it is better to demand than to discuss.

Even some older Americans, I am sad to say, have abandoned their dignity for a picket sign. Clenched-fist cliches about "Senior Power" have too often replaced logical, rational, knowledgeable discourse and constructive action to meet the needs of older Americans.

Our Associations believe that there is, indeed, a "Senior Power." But it lies in the power of seniors effectively applied in constructive action rather than in some futile display of pressure tactics.

That is not our way. While others shout, we speak softly. While others protest, we persuade. This is not to suggest that we will not pursue our legislative objectives with vigor and purposefulness. On the contrary, we will continue to press at every level of government for more attention to the many serious problems which confront older Americans today. And I am confident that we will achieve our goals—not because we are loud, not because we are militant, but because we are right.

We can achieve our goals for adequate housing, income, health care and so forth, without losing the dignity which is the hallmark of older Americans. We seek from government only that which we cannot obtain for ourselves. We ask to be partners with government, not wards of it. We do not want special treatment. We want to be treated as Americans—as welcome participants in the American way of life.

That is our legislative strategy. And I believe the visit to our conference later this morning by President Nixon—to my knowledge the first time a President has made a special trip from Washington to address a meeting of older citizens—is evidence of the fact that the strategy works. . . .

PROGRAMS FOR PREGNANT SCHOOLGIRLS

HON. BELLA S ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mrs. ABZUG. Mr. Speaker, I bring to your attention today a program that I feel to be of critical importance. I am referring to the program for pregnant schoolgirls under the Maternal and Child Health Service. These programs were established under research and demonstration grants authorized by title V of the Social Security Act.

The aim of these demonstration projects is to enable pregnant schoolgirls to continue their high school education during pregnancy and to provide prenatal and hospital delivery care, social services, vocational counseling, and family planning services. Another focus of the program is to demonstrate that comprehensive services to these girls, in a crisis point in their lives, can sharply reduce repeated out-of-wedlock pregnancies. These programs are supported by funds from various sources including the Maternal and Child Health Service, the Office of Economic Opportunity, the Office of Education, and local resources.

Early in 1960, it was noted that the number of births to adolescents was on the increase despite a decline in the overall national birth rate. In 1960, a study of over a hundred unwed pregnant adolescent girls in New Haven, Conn., showed that over a 5-year period they had given birth to 349 babies. The study concluded by saying that these girls did not have any special services or community programs designed to meet their needs. The need for a comprehensive program for pregnant schoolgirls had been recognized.

There are now approximately 150 comprehensive programs serving more than 20,000 girls throughout the country. Among the services provided by various programs are prenatal and postpartum care, group and individual counseling, child care training, personal and family living, family planning information, and instruction in homemaking.

The program in New York has been particularly innovative in its approach to providing comprehensive services to the pregnant teenager. The New York program has achieved such notable accomplishments as: First, establishing a program of service to putative fathers; second, establishing group work with the siblings of the pregnant school age girls; third, providing social work followthrough for at least 1 year following birth; fourth, establishment of infant day-care centers for the babies of the girls; fifth, the establishment of a family counseling program for the parents of the pregnant girl and the putative father; sixth, patient care on individual appointment basis; seventh, use of nurse-midwives and a pediatric nursing counselor; eighth, establishment of a community resource program—which is aimed at helping the girls to learn to know and use total community resources. The program is also set up to help the girls grow culturally, as well as to learn to use leisure time constructively.

These programs have demonstrated comprehensive services can sharply reduce repeated out-of-wedlock pregnancies. New York City has an outstanding record, for in one of its programs only 11 out of 492 girls had a subsequent pregnancy out of wedlock after 2 years. Programs such as the pregnant school girls projects in New York City are unusually valuable. These programs provide to many pregnant girls in need of help the opportunity to receive it at an age when there is much room for learning, future planning, and change.

I encourage Members of the Congress to bear in mind the benefits of these programs are bringing to those young women in need of help and encouragement. The entire spectrum of programs conducted by the Maternal and Child Health Service are improving the quality of life among low-income mothers and their offspring, and I commend to my colleagues the recommendation of the American Academy of Pediatrics and the Coalition for Health Funding that $325 million be appropriated for maternal and child health activities authorities under title V of the Social Security Act. The text of these recommendations are included for your examination:

MATERNAL AND CHILD HEALTH ACTIVITIES

In February 1969 President Nixon called for "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life." The American Academy of Pediatrics now calls for tangible manifestation of that commitment, and we earnestly beseech the assistance of Congress. As a first step, the Academy recommends an appropriation of $325 million for Maternal and Child Health activities under Title V of the Social Security Act, an increase of $90 million over the President's fiscal year 1972 request.

I. FORMULA GRANTS

A. Maternal and Child Health Services:

States use Federal funds, together with the state and local funds, for the conduct of programs to promote the health of mothers and children. These programs include such services as prenatal and postpartum clinics, visits by public health nurses to homes before and after babies are born to help mothers care for their infants, well-child clinics where mothers can bring their babies and young children for examination and immunizations, and conferences where mothers may receive competent advice on how to prevent illness and any questions about the care of infants can be answered. Early detection and prevention are the basis of this program wherein children receive visual screening, audiometric screening, dental screening, immunizations and periodic examinations. The program assists in meeting inpatient hospital or maternity home expenses for mothers in connection with the maternity cycle.

During the past three years, the state Maternal and Child Health programs have not been supported by increased Federal funds, except for a recent modest increase in appropriation mandated toward family planning activities. The proposed 1972 appropriation is the same amount as appropriated in 1971. Increased Federal support is necessary so that programs might not only continue services at the present level but might also expand and improve programs to provide services to more women and to more children.

B. CRIPPLED CHILDREN'S SERVICES

The authorizing legislation for Crippled Children's Services provides that such services should be made available to all children in every state by 1975. Last year approximately 490,000 children received physician services under the Crippled Children's Program and 84,000 were hospitalized.

The scope of services provided has been expanded since the program was established in 1935 from the provision of service to children with orthopedic handicaps capable of surgical correction to multiple handicapped children; mentally retarded children; children with cystic fibrosis, hemophilia, and leukemia; and so forth. 35,000 children with congenital heart defects were treated through Crippled Children's Programs in 1969, a sixteen fold increase in the number since 1950 when 2,200 were treated.

States are attempting to extend the program to rural areas periodically traveling from town to town to conduct clinics, locating handicapped children, providing diagnostic evaluation and then attempting to provide medical care, hospitalization and continuing care to those youngsters in need. States are innovating through the Crippled Children's Program attempting to reduce the length and frequency of hospitalization, establishing regional treatment centers, and combining the health and educational needs of children through preschool rehabilitation projects.

Unfortunately, many Crippled Children's Projects are making little or no progress toward the inclusion of more handicapped children, and indeed many states have been forced to keep their programs at a stationary level refusing to include children in need of service.

Appropriations are desperately needed to provide services to crippled children not now receiving care. In 1970 the appropriation for this program was $58 million, and in 1971 the appropriation was increased to $58.6 million. General inflationary pressures, increased cost of hospitalization, and increase in physicians fees permit few Crippled Children's Programs to continue at their present program level and many are making substantial cutbacks in the variety of services provided as well as the number of children reached.

C. Recommendations:

The recent plateauing of Federal support for Maternal and Child Health Services and Crippled Children's Services has significantly affected state programs resulting in many instances in the elimination of services, delay of services, loss of program personnel and a freeze on vacant positions. The American Academy of Pediatrics recommends that the Congress appropriate $158.25 million for Maternal and Child Health formula grants. This increase of $38.6 million is an investment of the Federal dollar which will not only improve the health care of those served by the Maternal and Child Health and Crippled Children's Programs but will serve as a corridor towards improving the quality of life among American people.

II. PROJECT GRANTS

A. Maternity and Infant Care Projects:

The infant mortality rate in the United States reached an alltime record low in 1970 reflected by the provisional rate of 19.8 deaths of babies under one year of age for each 1,000 live births. This represents a decrease of 4.3 percent from the previous low established in 1969. By color, the infant mortality rate in 1970 was 17.9 for the white population and 31.8 for all others. This is one of the narrowest gaps ever recorded.

The infant mortality rates are being decreased significantly in large cities of this nation due to the tremendous impact of Maternity and Infant Care Projects (M & I). These projects have been established in areas where infant and maternal mortality rates were among the highest.

The need for these special projects currently exceed the resources being made available. New project applications cannot be funded and currently existing programs are unable to expand services to an estimated quarter-million high risk women. Despite this inadequacy, the proposed budget of the President makes no provision for an expansion of the number of mothers and infants served.

The importance of these projects reaches beyond a statistical justification, for the fundamental benefit of these efforts is the improved quality of life for mothers and their newborn infants.

B. Children and Youth Projects:

Children and Youth Projects provide comprehensive health services to school and preschool children in areas where low income families are concentrated. Forty-one percent of those registered were under one year of age, 57% were ages 1 to 9. The impact of these projects toward improving the quality of life for the children of this nation are borne out in data reflecting the decrease in illness among children served, a 50% decrease in the number of children requiring hospitalization, and a reduction in the length of stay of hospitalization.

Children are most responsive to therapy, and one of the important objectives of the Children and Youth Projects is screening for correctable defects. Screening programs for visual impairment, hearing loss, lead-based paint poisoning and associated followup treatment have been components of many projects. Work is underway to document the prevalence of malnutrition in Children and Youth registrants and to develop innovative programs to correct this serious problem.

Through preventive health services, diagnosis and treatment these projects are assuring that the advances and advantages of pediatrics are provided to low income children. These programs document improved health of children served, yet the areas of unmet need are many. Expansion of present programs and the establishment of new projects in areas where health care services are badly needed will not be achieved by a token increase in appropriations.

C. Dental Health of Children:

Section 510 of Title V provides that special project grants may be made to promote dental health of children and youth of school or preschool age, particularly in areas with concentrations of low income families. These grants, not to exceed 75% of the costs of any project, are available to state health agencies, to health agencies of any political subdivision of a state, and to any other public or nonprofit private agency, institution or organization. During the fiscal year 1971 only seven such projects were in operation.

It is estimated that half of all children in the U.S. under age 15 have never visited a dentist, and that 3 out of 4 children living in low income families have never been to a dentist. The impact of prophylaxis and early treatment can be seen in evidence collected through the dental services component of the C & Y Projects wherein, at recall examinations, the number of dental carries for children treated had decreased by between 50 and 65 percent.

Several communities are in the process of developing dental care projects to bring the benefits of this activity to children in low income families. The minimal appropriation for this activity in 1971 provided funds for the establishment of seven projects, but five times as many programs might be started immediately if appropriations were available.

D. Recommendation:

The American Academy of Pediatrics recommends an appropriation of $130 million in Maternal and Child Health for special project grants authorized under Title V of the Social Security Act. This represents an increase of $40 million over the Administration's proposed budget, indeed a small measure to an activity designated as deserving of a national commitment. The "fundable but no funds available" dilemma must be broken if we wish to further reduce infant mortality, decrease hospitalization frequency and rate, and improve the health status of urban and rural low income populations.

III. RESEARCH AND TRAINING

A. Research:

Studies which show promise of substantially contributing to the advancement of Maternal and Child Health and Crippled Children's Services are supported through research grants authorized under Title V of the Social Security Act. Current studies include the unwanted pregnancy, the unwanted child, long term results of care for children with limb deficiencies, a national study of maternity care, development of models of family planning programs, systems analysis of pediatric clinic efficiency, and studies designed to identify factors contributing to interstate differences in infant mortality. Research into health delivery systems for mothers and also for children have received a priority.

B. Training:

The Maternal and Child Health Title of the Social Security Act authorizes training of personnel for health care and related services provided to mothers and children, particularly mentally retarded children and children with multiple handicaps. This training support is helping to increase the health manpower pool and is assisting also in the development of an expanded role for allied health personnel. Maternal and Child Health funds have been used in the past to assist in the development of the nurse midwife and pediatric nurse associate so that more effective nursing skills might extend the scope of health services and increase their availability. Various allied health training programs are supported through this authorization and several projects have been established to assure that trainees might move up the career ladder as they gain experience and increase their health knowledge.

C. Recommendation of the Level of Funding:

It is essential that research and training activities of the Maternal and Child Health Service are funded adequately so as to permit a continued impact upon the delivery of health services. Due to the excellence of these programs and their effect on the planning and delivery of health care to mothers and children, the American Academy of Pediatrics recommends an increase of $11 million to a level of $32.25 million.

Family planning services

Family planning is an essential component of comprehensive health programs. Family planning reduces infant and maternal morbidity and mortality, enables women to decide the number of children they wish to have, and permits spacing of offspring.

The American Academy of Pediatrics supports the appropriation request of the President in the amount of $90.9 million for family planning services.

Communicable disease control

Measles has increased by 175% (30,900 cases reported) from October 1970 through March 1971 as compared to the same period last year. The rate of immunization against measles of children 1–4 years of age in central city poverty areas has dropped to 41% this past year.

Epidemic polio is a threat unless vigorous vaccination efforts are carried out. The polio immunization levels have steadily dropped since 1964, with only half of the children of low income urban families currently protected.

The "stop rubella" program has reached about half of the child population to date.

Venereal disease is spreading at alarming rates.

States and local communities are hampered in their immunization efforts because of a shortage of funds. The Administration has sought no funds under the Communicable Disease Control Act passed in the 91st Congress which authorizes $90 million in fiscal year 1972 to assist the states in mounting meaningful programs. It is estimated that $12 to $15 million are needed only to effect a national commitment to measles eradication. Concentrated efforts are needed to eradicate these diseases which now should be extinct, and a Federal financial commitment to support local and state efforts is imperative.

Lead based paint poisoning

Lead based paint poisoning is a silent epidemic, ravaging the lives and minds of young children. Funds have not been requested by the Administration to mount pilot programs of screening, education, medical treatment and housing rehabilitation. The Academy recommends $20 million be appropriated for use by communities as seed money in establishing lead eradication programs.

"THE WELFARE BILL—SUSPICIONS BORNE OUT"

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. MITCHELL. Mr. Speaker, I address myself today to an issue of which we were all aware when we voted on H.R. 1 a few weeks ago. It was a subject that we chose to ignore—to sweep under the rug—to try to forget. Much as we tried to blot from our minds the plight of those whose very existence was affected by our decisions on that bill.

I am speaking of the willingness—in fact, the eagerness—of our State Governments to cut back on the level of assistance granted to welfare recipients. We all knew that this was the case when we voted to accept H.R. 1 and title IV. Some of us spoke of this legislation as the best possible bill that could be enacted at this time.

Yet at the same time we knew that as a consequence hundreds of thousands of American citizens would face a reduction in the meager assistance granted them by the State governments. There was also much rhetoric during that debate about insuring that welfare recipients did not cheat the Federal Government or the localities by illegally applying for benefits. One would have thought that individuals on welfare were a different breed of person—constantly looking for a means to cheat the Government.

Two recent newspaper accounts have made abundantly clear the hypocrisy and deviousness of much that we said on this floor during the consideration of H.R. 1. One story disclosed that a confidential Federal survey had found that 10 States, and possibly more, are reducing welfare benefits this year. Specialists in the Department of Health, Education, and Welfare found that additional reductions were likely in 12 more States. The Members of this House did not require the leaking of such a study to inform them of this alarming trend among the States and localities.

We are in touch with our State governors. We are abreast of political developments outside of this building and this city. We knew that the States were heeding the pressures to reduce their budgets and that welfare recipients would be those most sharply affected by these economy measures.

In light of this knowledge, what did we do on June 18 when we approved H.R. 1? We adopted a hold harmless provision under which States are provided added incentives to heighten the trend toward lower benefits. The political reality of the moment makes clear what the language of the bill does not.

The second article concerning the welfare situation was not a leak from HEW. It was an account of a report that was released by the Department. This study showed that less than 1 percent of the welfare recipients in this country in 1970 were suspected of fraud by State agencies. This information as well should not have come as a surprise to my colleagues.

Nevertheless it is common indeed for a discussion of the welfare situation to proceed unencumbered by the weight of such statistical fact. We speak of people remaining on welfare instead of becoming productive members of our society when only 5 percent of those on welfare are considered employable by government agency standards. We decry the endless cycle of welfare dependency in which several generations of a family remain on public assistance, but we fail to muster sufficient money or concern to cope with the problems that underlie this situation.

The necessity of bettering our welfare system is the paramount domestic issue before this Congress. We cannot deal with this problem by appealing to popular prejudices while ignoring the realities and the consequences of the situation before us. If the American people are to regain in some small measure their faith in the efficacy and the intentions of our system of government and those who are a part of it, we must enact a true welfare reform bill this year. Hopefully, the Senate will help us in achieving this goal. To do so, the Senate must make major improvements in the legislation which was passed by this body.

I have circulated a letter to my colleagues in this House. It is our intent to send this letter to the members of the Senate Finance Committee as an expression of our concern for the passage of a true welfare reform bill in this session of the Congress. I urge my colleagues to join us in this vital effort by adding their names to the letter which I now insert into the RECORD at this point.

DEAR SENATORS (all members of Senate Finance Committee): If true welfare reform is to be enacted in this session of the Congress, it is incumbent upon the Senate, and particularly the members of the Senate Finance Committee, to draft legislation which will forcefully deal with the welfare crisis before us. Some of us voted for Title IV of H.R. 1 when it was before us in the House of Representatives. Some of us did not. None of us is fully satisfied with the bill as it now stands.

We therefore urge you to adopt the following changes which must be made in President Nixon's Family Assistance Plan if it is to represent a real step forward in the reform of our welfare system.

(1). *States must maintain their present level of benefits.* No welfare recipients should be worse off financially under the new program than they are under the present AFDC system. President Nixon made this commitment to the nation when he announced his welfare reform program in August, 1969.

In the vast majority of states, recipients are currently receiving higher benefits than the $2400 floor established in H.R. 1. The federal government must pledge to undertake a significant percentage of the cost if the states are realistically to be expected to supplement the new federal payment levels. The hold harmless provision does not provide sufficient assurance that states will maintain their current level of benefits.

(2). *The $2400 benefit level for FAP-OFF recipients is inadequate and inequitable.* Administration spokesmen have admitted that such is true. We cannot establish a payment level that is woefully below the poverty level as determined by the Department of Labor. Neither can we support the payment standards currently in the bill which would result in an aged couple receiving the same stipend from the government that a poor family of four does.

(3) *Payments to FAP-OFF families must be adjusted automatically to the rise in the cost-of-living.* This principle has been adopted for Social Security beneficiaries under Title I of H.R. 1. If it is not extended to FAP-OFF recipients, their status as second-class citizens will again be worsened.

(4) *Mothers of children under six must not be required to seek job training.* Under current law, the mother may remain in the home until her child reaches the age of six. The Administration supports keeping the age level at this point. The change in the law under H.R. 1 is certainly not in accord with our desires to strengthen the family unit of the welfare recipients.

(5) *Adequate funding must be provided for child care centers and for the job training-employment aspects of the bill.* We cannot force mothers to register for job training if the child care available for their offspring is not in the best interests of the well being of those children. That will assuredly not be the case if we fail to increase the present allocation of $2 billion for the child care of 1¼ million children.

It is the Administration's estimate that 2.6 million families contain people who will register for employment services. Yet H.R. 1 provides for only 412,000 training and job placements slots and 300,000 public service jobs. The sum allotted for job training is only $540 million. We cannot hold out child care centers and job training as panaceas to the endless cycle of welfare dependency if we fail to fund those programs at a realistic level.

(6) *Proper working conditions must be insured for welfare recipients.* People should not be forced to accept work at $1.20 an hour, ¾ of the federal minimum wage. The only provision in the bill limiting the types of jobs to which recipients can be assigned is a prohibition against their being used to break strikes. Further protections must be added to the bill to guarantee that employed welfare recipients will not be forced to work under substandard conditions.

(7) *The rights guaranteed to welfare recipients under current law must not be tampered with.* The provisions of H.R. 1 permitting the states to reimpose residency requirements and weakening the procedural rights of welfare recipients are most glaringly in disaccord with this principle. If we expect welfare recipients to become full citizens of our society, they must be treated as such.

(8) *Eligibility for assistance must be based on the current need of the applicant.* H.R. 1 would disqualify any person who had earned an amount of income over the previous nine months that, if earned regularly, would make him ineligible for assistance. This provision is highly discriminatory towards seasonal workers, such as migrant laborers. This marks a change from the presesnt practice of eligibility being based on current need.

(9) *Assistance must be provided for indigent couples without children as well as single individuals.* At present some states have undertaken such assistance programs without any federal financial assistance. Coverage should be extended to such individuals under the Family Assistance Plan.

The need for overhaul of the welfare system is the paramount domestic issue we face in this session of the Congress. If we are to restore in some small measure the faith of the American people in our elected system of government, we must deal forthrightly and equitably with the welfare crisis by making H.R. 1 a true step forward in the reform of the welfare system.

THE AGRICULTURE DEPARTMENT MUST REVAMP ITS POLICIES ON PREVENTION OF "EXOTIC" DISEASES

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. DOW. Mr. Speaker, although the current outbreak of Venezuelan equine encephalomyletis—VEE—is confined to the southwestern part of the country, it appears likely that this disease may spread. The Department of Agriculture has declared an emergency, and has ordered that all horses in a five-State area of the Southwest be vaccinated against the disease. We are all very concerned about this because the disease is not only fatal to horses, but it can be highly infectious to humans as well.

What is especially distressing, however, is that this outbreak could have been averted if the Department of Agriculture had not discouraged the testing of a VEE vaccine through its licensing procedures.

This lack of foresight by the Department of Agriculture was originally called to my attention by a horse breeder in my district who advised me that he and other concerned persons and groups had been warning USDA for quite some time now that an outbreak was imminent. Upon further investigation, I learned that USDA had indeed dragged its feet on this matter.

We have seen a steady progression of VEE northward over the years. A major outbreak was treated in Colombia, South America, several years ago. There were also emergencies in Panama, Costa Rica, and San Salvador in Central America.

Before November of 1970, 6,000 horses were dead of this disease in Mexico. At that time the American Horse Council issued a position paper calling upon USDA to take precautionary measures against VEE, and suggested guidelines for action in case the disease did enter the country. By then it was not a question of whether the disease would enter the country, but when.

Yet, it was not until March of 1971 that the USDA Agricultural Research Service announced its intention to evaluate the VEE threat.

This delay might be understandable if we did not know anything about VEE. However, we know quite a bit about this disease, and a human vaccine against VEE has existed for many years.

This vaccine was originally developed by the Department of Defense for use among soldiers who might be infected with the disease through germ warfare. The VEE virus is considered a powerful biological weapon.

What is still not known, however, is whether this vaccine is safe and effective for horses. No drug firms were willing to risk the expense of testing the vaccine because there was no chance of ever getting the vaccine licensed under current USDA policy.

It has been a policy of long standing in the U.S. Department of Agriculture to not issue licenses for products produced from biological agents which cause disease exotic to this country. VEE is such a disease.

One Pennsylvania firm, the National Drug Co. in Swiftwater, applied for licensing of this vaccine over 10 years ago, but was denied by USDA under this policy. Negotiations between USDA and the National Drug Co. have been going on even up until the time of the VEE outbreak.

The Department of Agriculture was no doubt trying to be prudent in establishing this policy, but it does not take into account the very real threat posed by diseases alien to this country but which could easily be carried across our borders.

Furthermore, there are no facilities in the United States for properly testing this vaccine, and the only planned facility in Denver will not be ready until this fall. The USDA is currently engaged in a testing program in Mexico in cooperation with the U.S. Public Health Service and the Mexican Government.

However, the results of these tests will not be known until the middle of next month. Nor are the tests broad enough or comprehensive enough to meet USDA's own criteria for licensing the vaccine.

As a result of this lack of foresight we are faced with the unhappy alternative of combating a disease with an untested vaccine which could actually spread rather than contain VEE.

Also, it is unfortunate that we must now resort to pesticides to prevent the further spread of VEE because it is suspected that this disease is carried by culex and salt water mosquitoes. This is occurring at a time when we should be curtailing rather than expanding the use of pesticides because of their potential for being harmful to the environment.

In fairness to the Department of Agriculture, I must say that they are doing all they can be doing at the present time to contain and eradicate VEE. However, their actions amount to locking the barn door after the horse is gone.

I have written to the Department of Agriculture urging Secretary Hardin to use this experience as the basis for a reevaluation of their policies with reference to exotic diseases and their prevention. In the future, we must look far beyond our own borders for potential threats to our human and livestock populations. We should try to anticipate and prepare to meet these exotic diseases with the full realization that they can find their way into this country.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following commentary on the misuse of the Nation's natural resources:

MISUSE OF NATION'S NATURAL RESOURCES

Since World War II, man has consumed more of the world's natural resources than since the time he first came on the face of the earth.

The United States, the world's leading industrial nation, makes up about 6 percent of the world's population, but consumes 35 percent of the world's total energy output. More gas, oil, coal and nuclear energy is used in the U.S. than in the Soviet Union, Britain, West Germany and Japan combined.

Our unbridled economic growth, however, is now producing some symptoms of misuse of our natural resources—growing pollution problems and a growing energy crisis.

Until recently, I tended to think the energy crisis was a national problem—a critical one, to be sure—but without much direct application to the Ninth District. I learned, however, that at least two communities had lost new industry because of a shortage of natural gas. The energy crisis is being felt in the Ninth District with lost opportunities for employment and productivity.

Our Nation's consumption of energy sources is increasing faster than our population increase and our basic economic growth. In the next 30 years, the American population will increase by another 120 million, and we will be using from three to four times the energy output we have today. While the fuels which run the American economy may not be in immediate danger of depletion, they are limited and will be exhausted prematurely if our energy demands continue to accelerate.

Petroleum, which provides about 44 percent of the Nation's total energy needs, is getting harder to find and extract. We now have enough in domestic reserves for another 10 years. New sources are being found offshore and in the frozen tundra of Alaska, but the difficulty of access will raise petroleum costs. Relying on the huge Middle East oil reserves makes the U.S. dependent on foreign sources and is undesirable.

Coal, the primary source of fuel for electric utilities, represents this Nation's largest reserve of fossil fuel. We have more than 1,000 years of supply in known reserves. However, coal is expensive to transport, creates pollution when it is burned, and makes a shambles of the land when it is strip-mined.

Natural gas, which accounts for about 32 percent of all energy consumed in the U.S., is in short supply. Experts say there is enough left in domestic reserves for another 12 to 13 years. Water power produces about 16 percent of our electricity, but sites for hydroelectric power stations are getting harder and harder to find.

It is becoming increasingly apparent that we are moving towards a nuclear-powered future. Nuclear reactors appear to offer the best solution to our growing energy shortage, and the best means of producing power without ravaging our environment. There are sufficient nuclear fuel reserves to last until more sophisticated reactors—creating power by a fusion process—are developed. At present, we have 21 nuclear reactors producing about 2 percent of our electrical power. In the next decade, nuclear generation will produce about a fourth of our power needs.

Our energy crisis involves far more than some reordered use of our resources, however. It is prompting some fundamental questions about economic growth and its relation to the good life. We are now beginning to question one of this Nation's most cherished axioms: unimpaired economic growth is essential to this country.

Some experts argue that we must use less goods and services, others contend that our economic growth should not be curtailed but redirected to repair some of the ravages of the boundless economic growth of the past.

We are just beginning the debate over our energy needs versus our environmental needs. Air, water and other environmental standards are being established on a national basis for the first time. Congress' rejection of the SST, the cancellation of the jetport in the Florida Everglades, and the halting of the Cross-Florida Barge Canal also show a more selective approach towards growth and its consequences.

RESTORING THE VOTING RIGHTS OF EX-FELONS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. FAUNTROY. Mr. Speaker, I am introducing today a bill, which is cosponsored by Congressmen DIGGS, GUDE, MIKVA, and DELLUMS, that would revise the District of Columbia Election Act in two important respects: First, ex-felons, who are generally prohibited from voting under existing law, would be restored their right to vote, and second, the residency requirement in the District for all voters would be reduced to 30 days in all elections. This second change is in line with a recent court decision holding invalid the District's 1-year residency requirement as it applied to the Delegate race. Because the decision did not specifically run to local elections, such as that for the school board, an amendment is necessary in order to make the voter registration requirements uniform for all District of Columbia elections.

The most important feature of the legislation is the restoration of voting rights to ex-convicts. In the District of Columbia alone, I understand that there are 20,000 to 25,000 members of this oppressed minority group, who are denied the right to vote under existing law, and are, thus, denied the right to hold public office and to serve as jurors. Daily, they are discriminated against in seeking employment, and find it almost impossible to secure the necessary permits and licenses to operate a business in the District. I believe that the time has come when we must realize that civil rights can no longer be denied to American citizens who have been convicted of a felony but who have paid their debts to society.

One thing we can do immediately to restore the full civil rights of ex-convicts is to return to them the right to vote. Existing election laws in the District of Columbia forever bar a convicted exfelon from meaningfully participating in the democratic process by denying him the right to vote and to run for office unless a Presidential pardon is obtained. This provision is unjust, is unreasonably punitive, and hampers rehabilitation. It must be changed. How can we expect the ex-felon to reenter society and to become a productive member if our laws brand him as a second-class citizen. The only hope that an ex-convict now has for restoration of his civil rights is that he might be able to secure a Presidential pardon. But pardons are all but impossible to secure and take many years to process.

Efforts have been made to change the law by bringing law suits in the courts. Several ex-convict groups, together with the Washington Lawyers Committee for Civil Rights Under Law, have brought a law suit in the U.S. District Court for the District of Columbia arguing that this law denying ex-felons the right to vote is unconstitutional. The District court rejected the claim, and the case is now being appealed to the Supreme Court.

While the Supreme Court may yet declared unconstitutional this law prohibiting an ex-felon from voting, I think that a legislative strategy is now called for.

As a first step toward this goal of restoring the civil rights of ex-felons—and I stress that this is only a first step—I am introducing this legislation that would eliminate the broad voting disqualification in existing law for exfelons. Some 23 States have laws more lenient than those in the District. Several States have no disenfranchisement statute at all; others limit the disqualification to crimes of treason. The American Law Institute's Model Penal Code would only disqualify the felon from voting as long as he is under sentence of imprisonment. My bill would restore the voting rights of the ex-felon at the moment his incarceration ends, even though he is released on probation or parole. Other proposals I have seen would only restore his rights after the probationary or parole period has ended, which in some cases may be many years after incarceration. The reason for the approach taken in this legislation is that I view the restoration of a convict's political rights not only as morally imperative but also as a rehabilitative tool. If a convict is to succeed in his probation and successfully reenter society, we must treat him as a full and first-class member of our community and not as an outcast. He must be able to join his fellow citizens in the democratic process so he can work to change the conditions in our society that cause crime and alienation. I think this legislation is an important beginning. I have set forth the text of the bill as follows:

H.R. 9893

A bill to facilitate voting in the District of Columbia by persons who have been convicted of a felony and have been pardoned or have served their sentence imposed for that felony

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That paragraph (2) of section 2 of the District of Columbia Election Act (D.C. Code, sec. 1-1101) is amended to read as follows:

"(2) The term 'qualified elector' means any person (A) who, for the purpose of voting in an election under this Act, has resided in the District continuously during the thirty-day period ending on the day of such election (B) who is a citizen of the United States, (C) who is, or will be on the day of the next election, at least eighteen years old, (D) who is not mentally incompetent as adjudged by a court of competent jurisdiction, (E) who has not been convicted in the United States of an offense which is a felony in the District or if he has been so convicted has been pardoned of such offense, has completed the sentence of imprisonment required of him for such offense or has been paroled, and (F) who certifies that he has not, within thirty days immediately preceding the day of the election, claimed the right to vote or voted in any election in any State or territory of the United States (other than the District of Columbia)."

CAMPAIGN FINANCING AND REPORTING: THE URGENT NEED FOR REFORM

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. RIEGLE. Mr. Speaker, there has been growing evidence that existing laws and practices regarding campaign financing and reporting are not only ineffective, but are severely undermining public interest. Because I feel that these issues must be addressed squarely and boldly in the public forum, I insert in the RECORD a copy of my testimony before the Subcommittee on Elections of the Committee on House Administration.

Urgent and major overhaul to laws and practices relating to campaign financing are, I believe, one of the five or six changes we must make if we are to have a workable political system and society that functions equitably for all citizens. I commend this subcommittee for again raising this issue in the Congress and its indepth investigation. My testimony follows:

CAMPAIGN FINANCING AND REPORTING: THE URGENT NEED FOR REFORM

Mr. RIEGLE. Mr. Speaker, there has been growing evidence that existing laws and practices regarding campaign financing and reporting are not only ineffective, but are severely undermining the public interest. Common Cause, a citizens' lobby group under the leadership of John Gardner, has filed suit against the Republic and Democratic National Committee for violating the Federal Corrupt Practices Act. And, before the 91st Congress adjourned, several days of hearings were held on this subject by the House Committee on Standards of Official Conduct under the chairmanship of our colleague, Congressman MELVIN PRICE.

Because I feel these issues must be addressed squarely and boldly in the public forum, I insert in the RECORD a copy of my testimony before the Committee on Standards of Official Conduct. Urgent and major overhaul to laws and practices relating to campaign financing are, I believe, one of the five or six changes we must make if we are to have a workable political system and society that functions equitably for all citizens.

In addition, I would like to draw the attention of my colleagues to the experience of the Poole Broadcasting Co. in Flint. Poole, a privately operated TV station, has been vigorously pioneering to find more economical and fair ways that TV can help candidates communicate with the electorate. Following my testimony is a copy of the statement of the president of the Poole Broadcasting Co., Mr. Albert J. Gillen:

CAMPAIGN FINANCING AND REPORTING: THE URGENT NEED FOR REFORM

I. CAMPAIGN FINANCING—THE LARGER PERSPECTIVE

Domestic and international issues which we face today are so complex and so tough that it is not easy to see our way through to good solutions in the near future. However, the processes of politics and government are the environment in which men and women in public service work to deal with the issues which confront our country. While we may not find easy answers to our problems, we can, nevertheless, reform and re-tool the conditions which affect who is elected, how they are elected, and the way they do their job after they are elected.

Today, the problem of campaign reporting and financing seriously cripple candidates and, to some extent, elected officials and undermines the performance of our entire governmental system. Financial obstacles, pressures, and disproportionate influences keep many good people from running for office and create an unhealthy potential for affecting the job performance of those who do run and those who are elected. If we understand the urgency, and if we resolve to make crucial and long overdue reforms in this area, we can upgrade and greatly broaden the number and quality of people who participate in elective politics, the quantity of their performance, and, in turn, the faith and confidence of the electorate. As a result, this single set of reforms may do more to increase our capacity to deal with today's issues than anything else we can do.

The purpose of this statement is to express the urgent need for such reform, the obstacles to reform, the objectives and principles which should guide reforms, and to outline specific areas and recommendations where reforms can be made.

II. THE NEED FOR REFORM

The problems created by outdated and almost totally ineffective laws governing campaign financing and reporting are legion. Among them are:

1. Of the estimated $150 to $250 million spent on campaigns in a major election year in the United States, only a small fraction—10–20% at the most—is reported.

2. Unrealistic and unenforced laws have led to a condition where evasion, manipulation and outright disregard for the law are the norm, not the exception. For all practical purposes, political financial contributions and expenditures are virtually uncontrolled.

3. The tacit acceptance of this sham and hypocrisy in high prices—both public and private—breeds a disrespect for the law, an insidious double-standard, and a deepening public cynicism about our political processes which, taken together, undermine public leadship and the "consent of the governed" on which our democracy depends.

4. That information which is reported is so incomplete and so after-the-fact that there is little basis for effective enforcement, for understanding the unhealthy influence of special interests on our political system, or for having the data available on which to base intelligent decisions for reform.

5. The costs of campaigning—both for nominations and for general elections—and in some cases doing the job and communicating with the constituency after election—have skyrocketed at an ever-increasing rate. The upward pressures include the costs of TV and other media techniques—even something as basic as postage; the costs of travel; communicating about more complex issues while competing with all the other bits of information which bombard the average citizen every day; and the cost of professional information research and management techniques which are necessary to allocate and use campaign resources effectively. At the same time, the necessary funds for waging campaigns have not begun to increase at a proportional rate. The result is an everwidening gap between the cost and the sources of income associated with competing in public service. The consequences are serious:

(a) Many good men and women are unable to run for office because they are in effect priced out of the competition.

(b) Politics is fast becoming a rich man's game.

(c) Those who do run for office are forced to find ways to make up this deficit and, all too often, must seek and accept large contributions from special individual or group interests.

This gap is further accentuated by the very real advantages that an incumbent office holder often holds over a challenger. Thus, there is an increasing potential for the "public interest" to be compromised or distorted through the sometimes subtle and often not so subtle pressures of disproportionate financial obligations.

6. Only a small fraction of the electorate participates financially in the costs of running for office—with the largest estimates being between 10–15%. This means:

(a) a small number of people can potentially exert an influence far beyond their numbers and

(b) more important, over 85% of our citizens do not have a sense of investment—either personal or financial—in the system. The danger here is that they—like one who is not a stockholder—are less likely to share an interest in, or a high expectation of performance from, an enterprise in which they do not participate. The dual consequences are that they may do less themselves and demand less of their elected officials.

7. The current chaotic patchwork of laws in this area at the local, state and federal levels are so confusing and riddled with loopholes that they actually encourage violations of the law. For the most part, they were formed decades ago when conditions and times were vastly different than today. The most blatant example of an unrealistic statute is that which prohibits the expenditures on a congressional campaign from exceeding $5,000 and a senatorial campaign from exceeding $25,000. This has led to the unbridled proliferation of campaign committees—allowing virtually unlimited amounts of contributions to a campaign, thus making a wholesale mockery of an existing, but outdated, statute. The by-product of violating these unrealistic ceilings opens the door on the one hand to excessive contributions and spending, and on the other, fragmenting, and thus obscuring the precise source of, comulative large donations and contributors. And so, the public, and sometimes even candidates themselves, have no way of pinpointing the source and the magnitude of excessive special interest participation and disproportionate financial obligations. Large donors can further obscure their contribution and influence by giving through relatives, nominal "front" groups and by other devious means.

III. OBSTACLES TO REFORM

1. Disclosure and reporting is so fragmented and decentralized at local and state levels that there is virtually no way the public can have the facts they need in order to initiate intelligent, systematic and effective reform.

2. The complexity of the law and the lack of uniformity among the 50 states and the 1000's of local jurisdictions makes it exceedingly difficult to create a simple and universal pattern which will govern local, state and federal campaign financing and reporting.

3. The hypocrisy of existing laws and the consequent absence of any attempts to prosecute the violators has prevented the dramatic focusing of the crisis.

4. Incumbents at all levels of government have a vested interest in the system within which they have been elected and are notoriously reluctant to change the rules of the game in which they now feel relatively safe. Thus, there is a lack of bold public leadership on the issue.

5. Special interests—whether large individual or group contributors—also have a vested interest in the existing inadequate system and enjoy the relative security of their present relationships with their potential for continued influence. And so, there is a lack of bold private leadership.

IV. THE STRATEGY FOR REFORM—OBJECTIVES AND GUIDING PRINCIPLES

Though campaign finances and reporting is indeed approaching a crisis situation, the outlook need not be altogether gloomy. One asset we can begin with is a growing body of expertise in the area. Among the excellent studies are:

Financing a Better Election System by the Committee for Economic Development.

Regulation of Political Finance by the Institute for Governmental Studies at the University of California, Berkeley.

Congress and the Public Trust by the New York Bar Assn.

The Costs of Democracy by Alexander Heard, University of North Carolina Press.

Electing Congress, the Financial Dilemma by the 20th Century Fund

An analysis of these kinds of studies makes it clear that lack of bold and sophisticated recommendations are not one of the obstacles to reform. There are, in fact, many sensible and practical reforms that can be made now, and there are still others that can be made now, and there are still others that we can make after we have collected more information and have done some testing.

What follows will be a strategy for reform which evolves from my own experience in politics, combined with the expertise of others who have studied this need. This strategy will be derived from the previous understanding of the need for reform and will proceed with the major ideas which should shape an effective strategy—and will conclude with specific recommendations, some which can be implemented now and some which suggest areas for more sophisticated refinements in the future.

One thing is clear, this is not an ideal world and one set of reforms, however, well thought out, cannot possibly resolve all the problems. There are many alternatives which can be considered and it is the job of public leadership and citizens at large to decide which reforms will encourage the best performance for our political system in the public interest—while at the same time incurring the least compromise to our freedoms and to our American sense of initiative and competition. It is further clear that conditions are changing more rapidly than ever before, and that real reforms cannot be a static gesture, but rather must provide for systematic ongoing revisions which keep pace with change in the future.

A. The objective of reform

A political system that functions truly in the public interest must be openly accessible to fair competition among the best men and ideas, at any given level and at any given time in the country. It is equally important that there be an informed electorate with a maximum of public participation in the political process. For this to happen there needs to be the highest degree of respect and confidence in the system and in its leadership, with the "consent of the governed" being freely and positively expressed.

B. Principles for achieving this objective

1. Meaningful reform should ensure maximum competition and fully open access to potential candidates and positions by reducing the financial obstacles to running for office and by cultivating sufficient no-strings-attached resources to adequately and vigorously inform the public on the issues and candidacies of every election contest. While searching for realistic ways to hold down campaign expenditures, it is equally important to concurrently provide legitimate sources of income which can remove the pressure of anyone having to accept disproportionate donations from individuals and special interests.

2. Meaningful reform must be comprehensive, dealing with all aspects of finances and disclosure, rather than simply being negative and regulatory, or affecting just one or two campaign costs, e.g. T.V. broadcasting. The election process, and its necessary financing should be viewed as a positive and indispensible process of informing the electorate. As such, the issue is not one of simple restriction and regulation, but rather how to nourish this process, how to give it integrity and how to make it healthy and respectable from all aspects.

3. Meaningful reform must consider various means of providing new sources of income, including the possibilities of public subsidies, but should leave to the candidates and political parties, the responsibility for raising a substantial amount of the necessary funds. The ability to attract and raise substantial campaign resources, should be one of the tests which a candidate should be required to meet in his effort to earn public support.

In an ideal world, the concepts of participatory democracy suggest that every citizen should share proportionately in the financial requirements as well as the other dimensions of the political process—and this implies some form of either public subsidy by taxation or by vastly broadened voluntary financial participation.

4. Meaningful reform should seek to broaden the present small base of citizen financial participation on the theory that the more people who have a sense of personal investment in making the system work, the greater the corresponding force of the public interest that candidates and incumbents will have to respond to.

5. Meaningful reform should eliminate gross financial excesses which undermine fair competition. This is one of the most important priorities and a more easily administered task than imposing arbitrary or unrealistic limitations designed to force down the ceiling of even average levels of campaign expenditures.

6. Meaningful reform should shift the burden of certain campaign costs away from the candidate to the public treasury if they concern activities which affect all candidates equally and do not differentiate one candidate or campaign against another—e.g. voter registration, voter identification, etc.

7. Meaningful reform should place the highest importance in public disclosure and scrutiny as the method for spot-lighting and controlling financial excesses and improper influence. The purpose is to cultivate respect for the system and confidence if an informed electorate, rather than to impose arbitrary restrictions which risk forcing candidates and contributors to go around the law.

8. Meaningful reform should work toward eliminating the confusion, the inconsistency and the lack of pattern among local, state and federal jurisdictions. Simplicity, consistency, uniformity, and visibility and accountability should be the goals.

9. Meaningful reform should ensure that special interest groups, whether business, labor, religious, professional, educational or any other—(a) cannot exert influence beyond the number of their individual citizen participats and (b) are treated absolutely equal under the law so that any one interest group does not enjoy leverage greater than another.

10. Meaningful reform should provide for vigorous involvement of the two major parties, but in no way inhibit the involvement of independent candidates or additional party movements through inequities in financing and regulations.

11. Meaningful reform should not be a one-shot deal—but rather a bold first step with a permanent on-going mechanism for testing and implementing reforms as conditions continue to change.

V. SPECIFIC AREAS AND RECOMMENDATIONS FOR REFORM

A. Drastically tighten reporting and disclosure requirements

1. *There should be a required designation of one official consolidated committee for each candidacy for financial purposes—both income and expense.* To avoid proliferation of committees, each candidate should be required to submit one consolidated committee financial statement regardless of how many groups may be working on his behalf and whether or not his candidacy is officially declared. The candidate and the chairman of each of these groups should be legally responsible for meeting this provision.

2. *There should be regular reports by all official committees.* Every committee including the official consolidated committee for each candidacy, should make annual and quarterly reports as well as a report 20 and 10 days before each primary and general election—and finally submit a complete record of income and expense within 30 days after election. The purpose here is to ensure that

no income or expense is left unreported because they occurred before a candidacy was officially declared or after election day. Secondly, that certain reports are made prior to election day so as to provide the public with "before the fact" information upon which to judge the financial integrity of each candidate.

3. *We must plug loopholes in financial reports.* Reporting should include—in addition to cash accounting—further accounting for goods, services, loans, pledges or any other transaction which has a convertible financial value—even if it must be approximated.

4. *We must eliminate any artificial distinction between the on-the-job finances of an incumbent which are used politically and his actual political campaign finances.* Each incumbent should report any income and expense for the year not only for his campaign, but for executing his job over and above his statutory allowances. An incumbent could draw the line wherever he wished between on-the-job and campaign expenses. The public could then judge the entire picture—not just part of it.

5. *We should eliminate any artificial distinction between candidates's personal and candidate's campaign finances.* The official consolidated committee report for each candidacy should include that campaign-related income and expense which involves the personal income or expense of the candidate himself.

6. *We should require CPA audits for all candidacies, parties, committees, conventions, testimonials, etc.* Just as a corporation or most legal enterprises are required to submit a financial audit by a CPA, this should be a requirement of all candidacies and other political enterprises as listed above. This audit should include sources and uses of funds, as well as assets and liabilities and should be required as an automatic part of every mandated report.

7. *All candidates, parties, interest groups, and other political enterprises should be required to list the names and addresses of all contributors who, in the aggregate, have given over $100.*

8. *All reports should be available to the public within two days after filing.* One central reporting repository should be designated in each state and one should be designated for the federal government. The public should have access at the designated government. The public should have access at the designated repository to any report filed and should be notified as to which reports have not been filed. The designation of one repository in a state would eliminate the problem in a state like Michigan where many reports are required only at the county level, thus failing to provide a centralized, consolidated financial picture of a statewide or federal campaign anywhere in the state.

9. *The state and federal governments should assume the responsibility and cost of printing a public edition of all post-campaign final reports within 90 days after election.* This limited edition should be sent to all major newspapers and broadcast media.

10. *We should require reporting of campaign contributions by large contributors, individuals or groups. In addition to requiring* reports from those who accept contributions, we should also require reports from those who make them. Major contributions—as defined by any individual or group that contributes over $1,000 in a calendar year to all political parties or candidates—should file one consolidated report listing the recipients, amounts, and dates of such contributions. This should be filed with the appropriate state and federal registry and certify that the donor is giving only his own money and not giving any other money through another person or group.

11. *Political parties should be subject to the same reporting requirements as interest groups and candidates.* Presently, political parties can abide by much less exacting reporting requirements than individual and interest groups and thereby can be a vehicle for loopholes.

B. Provide reasonable and equitable access to communications media

1. *We should repeal Section 315 of the Federal Communications Act requiring broadcasters to provide equal time to any and all major and minor candidates at any level of office.* The practical result of this act has been to discourage broadcasters from offering free time and coverage. Instead, Congress and the FCC should outline a policy which encourages broadcasters to exercise initiative in providing free time and coverage on an equitable and reasonable basis—leaving flexibility to the broadcaster to judge which candidates are so marginal as to not merit proportional coverage.

2. *All legitimate candidates should be assured fair, equal and adequate access to paid broadcast time.* This is a minimum condition.

3. *We should reduce the cost of broadcasting time through tax incentives or other methods of communication subsidy.* Increasing costs, especially TV, must not stand in the way of adequately informing the public about a legitimate candidacy or issues. Many methods have been proposed. One practical combination would be for broadcasters to sell time at the lowest commercial rate or some fraction thereof—for example, 50% of the lowest commercial rate. The cost to the broadcaster of this discount would be defrayed by allowing him a tax deduction equivalent to the amount of discount from the commercial rate. The provision of some basic amount of free broadcast time should be considered carefully. One big issue is who should bear the cost of free broadcast time—the broadcaster or the government (the public). Since there are many problems with either method, further study should be made as to how to best provide the incentives or the subsidies for some minimum amount of free time.

4. *We should recognize the extreme differences in broadcasting costs and coverage in different geographical and market areas.* This is the biggest problem in the way of formulating a consistent policy involving political candidates and the broadcast, media, for example, the difference between large metropolitan areas and small communities. A radio or TV station in a large metropolitan area may cover many constituencies and reach into several states. Whereas in a small community, a radio or TV station may only cover a fraction of one constituency. This problem of broadcast markets and their inconsistent relation to political constituencies must be studied further before a practical policy can be developed which will apply to all elections.

5. *We should make the U.S. mail accessible to all federal candidates—challengers as well as incumbents.* By providing what is the equivalent of a postal subsidy to each federal candidate, each could be allowed at least one piece of free (franked) mail to every resident of his constituency. The lopsided advantage of the incumbent will be somewhat reduced and fair competition to inform the voters will be enhanced.

6. *We should consider government subsidized political information brochures at the state and federal levels.* It would be possible for a state to provide equal space to federal and certain top level state candidates in political mailing to be sent to every household. Equal space could be offered to each candidate to be designed and utilized as he saw fit.

7. *We should explore the potential of public TV, educational TV and cable TV as media which in the future may offer vast opportunity for systematic and cost effective communication to localized political constituencies.*

C. Develop workable limits to curb excessive financial contributing and spending

1. *We should not impose arbitrary limits at the present time on total overall campaign expenditures.* The consensus among most experts on this subject is that overall limits are difficult to administer and may well be unenforceable. Or, they may result in driving certain campaign expenditures underground. These difficulties are compounded by extreme variations in the cost of campaigns in different types of districts. In addition, conditions are changing rapidly in different ways and at different rates throughout the country. Also campaign costs are going steadily up. We should be careful not to hastily set limits tied to some over simplified index which could not possibly apply equitably to all areas and elections. Instead Congress should commission a group to recommend a realistic and enforceable approach for limiting campaign expenses 2 to 4 years from now. These judgments must be based on more complete and sophisticated information than is available.

2. *We should repeal existing campaign expenditure limits for the House and Senate.* As previously mentioned, these anachronistic limits are at the heart of today's hypocrisy.

3. *We must strengthen public reporting and disclosure requirements.* Full disclosure and public scrutiny offer the best means of preventing and controlling excesses and abuses—at least until such time as workable units can be developed. Even then, full disclosure should be the number one priority.

4. *Do not impose arbitrary limits on the broadcast media for similar reasons.* Attempts to limit one channel of communication may result in campaigns committing abuses and excesses through another channel, e.g. mail, billboards, telephones, etc. However, we should explore the feasibility of limiting the candidate who would use television so excessively as to pre-empt the capacity of another candidate to communicate on television. In our desire to curb excesses on television, we should be careful not to dilute the extraordinarily positive potential that television offers as a media for informing the modern electorate.

5. *Develop realistic limits for contributions.* There is considerably more agreement between experts that the limits on contributions can be enforced, if at the same time other sources of income and methods of defraying campaign expenses are instituted. The degree of limitation is less important than the capacity to administer this limit and to live within it. There are various proposals for limits to individuals and groups contributing, e.g. $2,000 to federal and statewide races, $5,000 to the Presidential race and $15,000 total to all elections within one calendar year.

6. *We should tighten the curbs on special interest groups.* Consideration should be given to either (a) the outright prohibition of any political contributions by any special interest group, or (b) requiring that every special interest group be subject to the same ground rules. Corporations, labor unions and all other special interest groups should be treated alike with respect to campaign contributions and involvement. Here again, the guiding principles should be that it is better to have a controlled and publicly visible participant, than it is to have an unrealistic prohibition that creates underground activity. To the extent that "political education affiliates" are a feasible alternative to outright prohibition from political participation than their membership, organization, financial participation, goods-service-manpower participation, should be entirely voluntary and independent from membership in the primary group. Every political action group should be subject to the full and strin-

gent letter of revised reporting and disclosure laws. Present loopholes such as that allowing business partnerships to make political contributions, or that allowing testimonial dinners to escape the most stringent reporting requirements should be eliminated.

7. *Limit the personal funds that a candidate may contribute to his own campaign.* Set a realistic limit, such as $25,000—or perhaps even considerably more—to prevent an extremely wealthy man from personally financing his campaign—allowing him an unfair advantage over an opponent who does not have such unique economic leverage.

D. Broaden the base of financial support

1. *Explore the feasibility of public subsidy as one part of the campaign financing mix.* Though most experts would agree that public subsidy is not practical or acceptable at this time, there is a growing interest in the potential of this method of financing in the future. The 2 biggest arguments in its favor are (a) it takes the pressure off private and special interest group influence and (b) it recognizes the political process as part of the general welfare which should be shared in by all citizens. The disadvantages to public subsidy are (a) the difficulty in equitably distributing and administering the subsidy (b) it's politically inacceptable at this time and (c) it is perceived by some as undermining the traditional American value of volunteerism and personal participation. In any case, the disadvantages seem to outweigh the advantages at this time. But if campaign costs continue their rapid rise, we will have to be prepared to think in terms of some partial method of subsidy at state and federal levels.

2. *Provide tax incentives for expanding citizen financial contributions—especially among the small givers.* For example, allow a 50% tax credit on donations up to $50. ($25 maximum credit). A tax credit would be preferable over a tax deduction as the credit is more of an advantage to the low and moderate income givers while the deductions works more to the advantage of the upper income large donor. The purpose would be to greatly encourage direct, personal participation among as much expended part of the electorate so as to take the pressure off seeking and accepting large contributions. One method of administering this tax credit, while still keeping the involvement at the local level, has been suggested by many experts—it would involve the individual purchasing of political money orders through the local post office thus assuring records for the recipient, the contributor, and the government.

3. *Articulate governmental policy at the state and national level which would encourage non-political organizations of all kinds to engage in bipartisan political fund-raising programs.* The cost of these programs could be a tax deductible expense. It is essential that individual participation in these original programs be entirely voluntary.

4. *Consider the Possibility of a cash grant for legitimate major candidates in the election for President.* Although a grant of several million dollars to the campaigns of major presidential candidates would only partially subsidize their great expense, it would relieve the pressure on local fund-raising efforts and allow more of the money to be used in state and congressional campaigns where it is originally contributed.

E. Shift certain expenses from the candidates to Government

1. There are a range of costs in an election which result from activities which do not differentiate one candidate from another—for example, comprehensive voter registration; providing voter identification data to candidates and parties; the costs of disclosure, reporting, and auditing; the costs of providing basic information brochures on the candidates and issues. *Financial pressure on candidates could be reduced if all non-competitive expenses could be assumed by governments just as they now assume the costs of voting machines and certain election day activities.*

VI. ORGANIZING AND ENFORCING REFORM

We will not improve the current situation with good ideas alone. We need to organize and coordinate reform at local, state and federal levels and set up a mechanism for administering and enforcing these reforms without exception. We should take the following steps.

1. *Establish an independent, non-partisan, Federal Election Commission with full powers to administer and enforce campaign financing and reporting requirements and to organize an on-going process for evaluating, testing and recommending further reforms to the Congress.*

2. *Define policies, procedures and penalties for enforcement precisely, pinpointing responsibility for review, publication of abuses and violations, and enforcement.*

3. *Institute a management information system task force under the Federal Election Commission to develop formats for reporting and disclosure—utilizing top experts in government, business and education.* These formats would be utilized by all candidates and reporting groups so that their data could be submitted in a form which is immediately useful for enforcement, for public understanding and for intelligently evaluating the need for additional reforms. These formats should be as simple and as consistent as possible so that the data can be consolidated quickly within a given state and around the country, and so that disclosure can be made before the fact. . . .

4. *The Federal Elections Commission and the Congress should take whatever steps necessary to cause the 50 states to undertake reforms at the earliest possible time leading to a uniform and consistent pattern among federal, state and local jurisdictions.* Also, the Congress and the Federal Election Commission should recommend a model to the states which would create a much more uniform pattern of voter registration, voter identification, schedule of primaries and conventions and perhaps even the shortening of campaigns and reduction of the number of elected officials where appropriate. These reforms could vastly simplify and therefore help to reduce some of the expenses associated with campaigns. Federal subsidies and incentives should be available to those states which move in accord with an urgent and specified timetable.

VII. CONCLUSION

The need for reform has reached crisis proportions. There is no lack of good and effective approaches to reform. The missing ingredient is leadership. Congress must assume the leadership and in doing so has the opportunity to help renew our political system and to make it far more effective and responsive than it is now. At a time when our political institutions seem to be wallowing in ineffectiveness and when public confidence in the mechanism and men of government is at an all time low, Congress has no more urgent business than to face up to these reforms itself and to provide the national leadership for the 50 states to make concurrent reforms. There is no reason why this crucial act cannot begin right now and be bodily underway within a few months.

APPENDIX

Finally, I wish to include in the public record for committee consideration, a summary of the experience of Poole Broadcasting Company which is located in my Congressional district.

Poole, a privately operated station, has been vigorously pioneering to find economical ways that TV can help to bring candidates and the electorate into closer and better informed contact. Their experience, gained at their own initiative, should be shared with anyone considering the role of TV in elections, especially in campaign financing.

JIM COPLEY ADDRESSES ASSOCIATED PRESS GATHERING

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. HÉBERT. Mr. Speaker, in view of what has taken place in recent days in this body, the views of Jim Copley of the Copley Newspapers come like a fresh breeze in a smoke-filled room. I hope that those who were present when Mr. Copley made these remarks to the California-Nevada Associated Press Association on Saturday, July 10, will profit by his words. I pass them along to you, and hope you too shall profit:

WELCOMING REMARKS OF JAMES S. COPLEY AT THE CALIFORNIA-NEVADA ASSOCIATED PRESS ASSOCIATION

It is a pleasure for me to welcome you to this meeting of members of the California and Nevada Associated Press Association. . . special because my home town is across the bay.

It also is a special privilege for us to assemble in Coronado in the spirit of a co-operative that dates its origin back to 1848.

Indeed, we should remind ourselves that—in this fast-moving, ever-changing world—there are certain fundamental values that remain with us. One is The Associated Press and the spirit, which it represents, of a dedication to objective, dispassionate reporting of man and his doings.

This objective, dispassionate reporting is what The Associated Press was created to accomplish, and, despite all the change . . . all the turmoil . . . since 1848, that is what The Associated Press—our Associated Press—is accomplishing today.

This, then, is what makes our co-operative unique . . . unchanging dedication to a journalistic ideal which, really, is unmatched anywhere in the world.

Only in the United States of America do we have publishers, broadcasters and others in the communications industry banding together in one organization for the sole purpose of having unbiased and objective news reports. The AP has no other purpose.

Much of the post-war world has seen the development of national news services frequently supported in whole or part by government funds—with the inevitable results.

Speaking from my own experience with the Inter American Press Association, attempts to make the flow of news conform to government controls unfortunately continue in many areas of the world.

It is good, then, that the basic principles of the Associated Press have remained unchanged for more than a century.

Methods of gathering, distributing and displaying news, however, are changing rapidly, as we all know.

As you saw earlier in the film, we have AP men whose primary writing tool is a CRT console. We have a technical staff whose mission no longer is limited to the care and feeding of M15 teleprinters.

So, with our basic mission of objective news unchanged, there is great change under way *in the methods* we use to accomplish that basic mission. As is already evident, this is not change simply for the sake of change.

One of the great strengths of the Associated Press has been its strong state and regional reports. After World War II, many thought there would be a diminishing of interest in local news as we faced tremendous international and national challenges.

However, in recent years, there has been a significant change in public attitude. Government and international problems have grown so enormously that the average citizen, as an individual, has felt a sense of frustration in trying to influence them or make his views felt. As a result, he has turned toward those things that he feels he *can* deal with and influence.

His interest has sharpened in the local and regional events that affect him directly and personally, problems in schools . . . in traffic . . . in the hundreds of urban ills that plague suburbs and cities.

If San Francisco solves a school problem, it is of interest in Los Angeles, Reno and Phoenix, to mention just a few cities.

In short, the reader's interest in local and regional news has been intensified. It is closer to home and he can play a part in it.

This is not to say that he has lost his interest in national affairs. To the contrary, he is deeply interested in them, and our obligation to him in this regard is very great.

This obligation is sharply underscored by the current crisis created by the publication of secret state documents by the New York Times and other newspapers, and by the Supreme Court decision that followed.

The reading public is hungry for news of the matter. In this case, however, it is not just news. It is news that involves us very deeply.

Consequently, it would be idle were we, responsible members of an old and respected press association, to complete this meeting without facing up to a few of the realities which the crisis embodies for us.

Viewed soberly, it is plain that an almost monumental challenge has been laid down to our basic dedication to pursue and present the news to our readers fairly, and in complete and dispassionate form.

In this regard, I believe that time will show the New York Times, and other newspapers that have elected to identify with the Times, have done the profession of journalism a disservice.

The Times has contended that the First Amendment of the Constitution of the United States of America is in issue.

But is it really?

The First Amendment prohibits the Congress from passing laws abridging freedom of the press. I doubt if there is any likelihood that Congress has any such intent.

What has happened really has nothing to do with freedom of the press. The New York Times came into the possession of stolen documents which the government regards as sensitive. Making no known effort to procure their declassification to permit their legal publication—and against the advice of the federal government—the Times elected to publish the documents. In short, there was a straightforward route to follow, not in any way involved with freedom of the press, and the Times chose not to follow it.

Apart from questions of the relative sensitivity of each of the 7,000 documents involved; apart from the damage that may come from giving the world an accurate insight to our private, national reasoning processes; apart from the possibility that our enemies may benefit in their cryptographic analysis from seeing the exact text of our secret communications; apart from all of these things there is another matter which affects all of us here.

It is the question of press behavior.

The Supreme Court did not rule on this. The Court merely declared that, in its opinion, publication of the material in the hands of the Times and its colleagues would not gravely injure the United States of America.

The Court did not in any way condone the fact that the Times and its colleagues received stolen property and that they did so knowingly. This behavior certainly cannot enhance the luster of our great profession.

Against this background it is imperative that journalists at large meet fully their obligation to the public to pursue with great aggressiveness every critical element of the issue.

For instance, too little is known so far concerning the how, the why and the wherefore of the stolen papers. The reading public is hungry to know who were the various people involved in the theft, how the Times received the documents and how other newspapers also received them.

They are curious to know who harbored Mr. Ellsberg, why the Times has not yet been prosecuted for unauthorized possession of stolen goods, how this whole chain of events is affecting our international relations, and the answers to many other questions.

In short, we are involved in a serious news story and, as is our tradition, we must do the job fully and fearlessly, even though it may affect us adversely.

As all of these grave issues swirl about us, I believe it will be beneficial for us to reflect again upon facts which we all know but rarely articulate.

First, a free press is a tap-root element of the wonderful society we call The United States of America.

Second, a free press is, in itself, not a guarantee that the obligations of our profession to the people will be fully discharged. We must be a *responsible* press as well as a free one; a law-abiding, dependable and fair press.

These are the qualities that bring us respect, and the word "respect" goes to the heart of it all.

Without respectability there is no credibility; and without credibility, all else—even the exciting technological developments we have just seen on film—will lose meaning.

For technology is only a means to an end—and the end that we are seeking demands freedom, responsibility, dependability, respectability, credibility.

These words are not going to lose their meaning. They represent the highest ideals of our profession—they give the only real meaning to our business.

The great and responsible journalists of this country will see to it that they remain our ideals . . . that these words continue to mean what they say.

There is just too much at stake.

Thank you, ladies and gentlemen. Feel welcome in San Diego. While there is much to be done in our meeting, there is also much to be seen in our fine city. Enjoy your stay.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. Res. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

TAX ASSISTANCE FOR POW'S

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. VANIK. Mr. Speaker, I have today introduced legislation updating and improving the provisions of H.R. 8068, a bill which I introduced amending the Internal Revenue Code to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

I first introduced this legislation on May 4, 1971, and since then have received some very constructive comments on the legislation from the Department of Defense. The bill I am introducing today takes account of these comments and suggestions.

A number of persons who have relatives who are prisoners of war have contacted me and expressed support for the bill. The Department of Defense was very warm in its endorsement of this proposal. I would like to quote portions of a letter which I received from the Department of the Navy's Office of Legislative Affairs on June 1, 1971:

> The principal goal of this bill is to express deep-felt national concern for the well-being of imprisoned or missing servicemen. It would give special recognition by a grateful nation of the sacrifices that have been made and that are continuing to be made by these men.
>
> With respect to the servicemen involved, there is simply no way that they can be financially compensated for the deprivation of human dignity and the mental and physical torture to which we know they are being subjected. Viewed in this light, it seems grossly unfair for the Government to insist on taxing their income while they are enduring unspeakable hardship. It is unfeeling and parsimonious for the United States to insist on the payment of income tax on a portion of the military pay of any service member in captivity. The forgiveness of the residual income tax is in part a token gesture to these men and their families in recognition of the very great sacrifices which they are making on behalf of this nation.

Enactment of this bill will provide tangible evidence of this nation's concern for a group of Americans who are undergoing ghastly experiences as a result of having faithfully served our country.

Mr. Speaker, it is my hope that this bill can receive the early consideration of the Ways and Means Committee on which I serve.

The amended bill is printed below:

H.R. 9900

A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 112 of the Internal Revenue Code of 1954 (relating to certain combat pay of members of the Armed Forces) is amended by adding at the end thereof the following new subsection:

"(d) PRISONERS OF WAR, ETC.—

"(1) MEMBERS OF THE ARMED FORCES.—Gross income does not include compensation received for active service as a member of the Armed Forces of the United States for any month during any part of which such member is in a missing status (as defined in section 551(2) of title 37, United States Code) during the Vietnam conflict, other than a period with respect to which it is officially determined under section 552(c) of such title 37 that he is officially absent from his post of duty without authority.

"(2) CIVILIAN EMPLOYEES.—Gross income does not include compensation received for active service as an employee for any month during any part of which such employee is in a missing status during the Vietnam conflict. For purpose of this paragraph, the terms 'active service', 'employee', and 'missing status' have the respective meanings given to such terms by section 5561 of title 5 of the United States Code.

"(3) PERIOD OF CONFLICT.—For purposes of this subsection, the Vietnam conflict began February 28, 1961, and ends on the date designated by the President by Executive order as the date of the termination of combatant activities in Vietnam."

SEC. 2. The amendment made by the first section of this Act shall apply to taxable years ending on or after February 28, 1961. If refund or credit of any overpayment resulting from the application of the amendment made by the first section of this Act (including interest, additions to the tax, and additional amounts) is prevented, at any time before the expiration of the one-year period which begins on the date designated by the President by Executive order as the date of the termination of combatant activities in Vietnam, by the operation of any law or rule of law, such refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed before the expiration of such one-year period.

WILL NO ONE RID US OF THIS MEDDLESOME WAR?

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. MIKVA. Mr. Speaker, a recent article in the Oak Park Forrester, a community newspaper published in Oak Forest, Ill., recently took the Illinois State Legislature to task for failing to approve a bill introduced by Representative Robert Mann prohibiting the involuntary conscription of Illinois boys to serve in undeclared wars.

This is the second time the State legislature has rejected the Mann bill, in spite of widespread popular support among the people of Illinois. Apparently, the State legislatures are taking a lesson from the U.S. Congress in how to ignore the will of the American people who are fed up with the longest war in our history. The article follows:

MANN WITHOUT A WAR

Some 13 house Republicans in Illinois kept a reasonable bill from reaching the floor of the General Assembly.

The Mann bill sponsored by a State Rep. from the University of Chicago area would permit Illinois servicemen to refuse to serve in wars not declared by Congress. It would direct the state attorney general to file suit in behalf of such servicemen to test the constitutionality of the war. Massachusetts already has this law on its books and a final judgment by the U.S. Supreme Court may be needed before the law is allowed to operate.

A poll showed that 71% of the people of this country want to get out of Indochina by the end of this year.

Poll after poll and test after test show that this politicians' war has absolutely no support. The Republicans had a chance to get us out in 1968 when Nixon, with his much-vaunted plan to end the war, arrived in power.

Instead he has enlarged the war and adopted this ugly, illegal, monstrous horror as his own special exercise in keeping the country in an emotional uproar.

Politicians lied us into this war. Politicians prevent us from getting out. But they don't die. If the 13 Republicans who voted to prevent this bill from reaching the floor think they have done a service they are gravely mistaken. And the 54,000 dead Americans can attest to their immortality.

DOD CAN SAVE MONEY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. SCHWENGEL. Mr. Speaker, a resident of my district, Mr. George T. Nickolas of 4426 El Rancho Drive, Davenport, Iowa, has suggested two cost-reduction proposals, worthy of note. He suggested that the armed services reduce the number of identification cards from 12 to three for active duty, Reserve, and retired military personnel. The services currently have a DD Form 2 with the individual service seal designating the card as belonging to a specific service branch. Mr. Nickolas suggests that one card be printed for active duty, one card for retired, and one card for Reserves; the card could carry the Defense Department seal instead of the seal of the branch of service. The identification of the branch could be typed in beside the man's rank or grade—that is, USN, USAF, USMC, or USA. This is already done on the cards for officers to note whether they are Regular or Reserve officers.

This suggestion would save money and space by reducing the number of different cards that must be stocked, and decrease the number of printing setups required to print the cards, allowing for more economical printing runs for the same types of cards.

Mr. Nickolas suggests that the change should be implemented after present stocks of cards are exhausted and thus maximize the savings to the Government.

The second suggestion he has made is to decrease the number of retirement guides and handbooks that the various military departments publish. The U.S. Navy publishes NAVPERS 15891B, "Navy Guide for Retired Personnel and Their Families"; the U.S. Army publishes DA PAM 600–5, "Handbook on Retirement Services for Army Personnel and Their Families"; and the U.S. Air Force publishes AFP 211–1–12, "Air Force Pamphlet, Personal Affairs, Air Force Guide for Retired Personnel." These books are duplication of information to retired servicemen. Mr. Nickolas recommends that these publications, and any that might exist for the U.S. Marine retired personnel, be combined into one Department of Defense pamphlet with a section or chapter for each of the services for information which might be peculiar to one or more of the services He claims that one or two paragraphs might list all the information which is peculiar to one service—for example, information on the U.S. Soldiers' Home. A close review of the three publications indicates that they are almost identical to the word. The Government should only print one book on retirement benefits, a Department of Defense pamphlet, thus reducing the number of publications printed and stocked. Printing one retirement guide pamphlet would reduce the number of printing setups that are required; reduce the number of publications required to be maintained in various publication storage centers; provide for a larger production run of the one pamphlet and thus permit a more economical run of one issue and reduce the per book cost; require less work on revisions—one book revised in lieu of the present three or more publications; cut down on personnel required to update and revise the book; and result in a general overall cost saving.

The above effort would be another step in the program of standardization that is needed for continued unification of services of the various military services to achieve cost savings. Service identification numbers can be applied to the DOD pamphlet similar to those applied to the DOD pamphlet titled, "Uniformed Services Health Benefits Program," which lists the following service identification numbers: DOD PA–3A; DA PAM 360–505; NAVPERS 15203B; AFP 168–1; NAVMC 2601; CG–144; PHS-CCPM Pam–15; and ESSA CO–3—Rev–69. Mr. Nickolas believes that the cost savings on the printing of one guide would be thousands of dollars in printing cost and an unestimated amount in personnel savings, storage space savings, and so forth.

These suggestions, when adopted, should save the various military departments money which can be utilized for other vital items for national defense. It is time that we draw a line on the expense of tradition when it serves no useful purpose. These suggestions point up the fact that careful examination of our practices should be made to find more ways of reducing unnecessary duplication of efforts by the services. Three identification cards in lieu of 12 is a reasonable cost-reduction savings. An individual would have to examine the present identification cards very closely to note that the seal was different and that an A or an N appeared after the DD Form 2 designation. The unification of the retirement pamphlets into one DOD publication is only good business sense and should be adopted as soon as possible to maximize the saving to the Government.

Mr. Speaker, Mr. Nickolas is a distinguished constituent whose views should receive prompt consideration. Currently, he serves as national president of the State Commanders and Adjutants Association of the Disabled American Veterans. His experience and background certainly makes his views significant.

SENATE—*Tuesday, July 20, 1971*

(Legislative day of Monday, July 19, 1971)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. Lawton Chiles, a Senator from the State of Florida.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of grace and God of glory, who watches over Thy people at work, at rest, and in all the changing scenes of life, bestow upon all Thy servants here the gifts of understanding, patience, and perseverance. May all their ways be ordered by Thy higher wisdom and according to Thy law. In this confused and troubled world keep our vision clear and our purpose pure as we strive for that new day when all men live in decency, dignity, and honor.

O Lord, guide the President, the Congress, the judiciary, all diplomats, leaders of our Armed Forces, managers of industry and labor, all teachers and students. Bring us together in a unity of high endeavor which transcends all lesser loyalties and forges us into one nation strong in the Lord and in the power of His might. And to Thee we shall ascribe all honor and glory. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., July 20, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Lawton Chiles, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. CHILES thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, July 19, 1971, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 260 and 262.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INCREASE IN THE PERMANENT STATUTORY CEILING FOR NATIONAL GUARD TECHNICIANS AND MATTERS RELATED TO NATIONAL GUARD APPROPRIATIONS

The bill (S. 2296) to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 107 of title 32, United States Code, is amended by—

(1) striking out the catchline and inserting in lieu thereof the following:

"§ 107. Availability of appropriation";

(2) striking out all of subsection (a);

(3) striking out "apportioned appropriations" in subsection (b) and inserting in lieu thereof "appropriations for the National Guard"; and

(4) redesignating subsections (b) and (c), as subsections (a) and (b), respectively.

(b) The table of sections at the beginning of chapter 1 of such title is amended by striking out

"107. Apportionment of appropriations."

and inserting in lieu thereof the following:

"107. Availability of appropriations.".

Sec. 2. Subsection (h) of section 709 of title 32, United States Code, is amended to read as follows:

"(h) In no event shall the number of technicians employed under this section at any one time exceed 53,100, except that the number of technicians so employed may not exceed 49,200 during the fiscal year beginning July 1, 1971."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–267), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

COMMITTEE RECOMMENDATIONS

The committee recommends (1) that the statutory ceiling for technicians be retained in the form of permanent law; (2) that the statutory ceiling for technicians be raised from 42,500 to 49,200 in fiscal year 1972 and to 53,100 in fiscal year 1973 and beyond; and (3) that the obsolete apportionment provisions which have been suspended for over 15 years, for National Guard appropriations under section 107 of title 32 be eliminated.

BACKGROUND

The employment of National Guard technicians has been authorized since the National Defense Act of 1916. The authority was codified in title 32, United States Code, in 1956. The purpose of employing technicians is to provide support in the administration and training of the National Guard military organization and for the day-to-day maintenance and repair of equipment which cannot be accomplished during normal military training periods. Until 1968 the technicians were State employees paid from Federal funds, 95 percent of whom held dual status as members of the National Guard. The National Guard Technicians Act of 1968, Public Law 90–486, converted National Guard technicians to Federal employees with the resultant advantages of the Federal retirement system and other benefits available to Federal employees.

The act of 1968 recognized the military nature of the National Guard technician program and State characteristics of its operation by designating State adjutants general to employ and supervise technicians as Federal employees. The act also established an employment ceiling of 42,500 and made National Guard military membership a prerequisite for employment for approximately 95 percent of the technicians. This made a matter of law what had been the practice for many years. In other words, about 90 percent of the technicians serve in a dual capacity as Federal civilian employees and military members of the National Guard. In this capacity the technician performs his civilian work and his military training duty and is mobilized to active duty in his National Guard unit.

TABLES INDICATING MILITARY DESIGNATION OF TECHNICIANS AND SALARY RANGE

Table 1 provides a breakout of technicians for officer and enlisted grades for Army National Guard (ARNG) and Air National Guard (ANG) technicians for fiscal year 1972 budget along with fiscal year 1972 and 1973 Department of Defense hiring level requirements. Table 2 is a distribution of Army and Air National Guard technicians by Federal civilian grade classification.

TABLE 1

	Fiscal year—		
	1972 budget	1972 hiring level	1973 requirements
Army National Guard:			
Officers	2,516	2,797	2,910
Warrant officers	399	480	534
Enlisted	20,387	23,884	25,953
Competitive	1,063	1,139	1,153
Total ARNG	24,365	28,300	30,550
Air National Guard:			
Officers	2,045	2,120	2,226
Enlisted	15,183	17,733	19,195
Competitive	907	1,047	1,129
Total ANG	18,135	20,900	22,550
Total ARNG and ANG	42,500	49,200	53,100

TABLE 2.—NATIONAL GUARD TECHNICIANS, CONSOLIDATED ARMY AND AIR NATIONAL GUARD (EFFECTIVE JUNE 1, 1971)

Grade	Salary range	End May 1971	Fiscal year 1972		
			Budget[1]	Requirements[1]	Hiring level
GS-03[2]	$5,524 to $7,180	431	439	504	479
GS-04	$6,202 to $8,065	609	612	696	662
GS-05	$6,938 to $9,017	3,982	3,815	4,573	4,331
GS-06	$7,727 to $10,049	5,982	6,150	6,828	6,540
GS-07	$8,582 to $11,156	2,871	2,869	3,236	3,097
GS-08	$9,493 to $12,337	2,926	2,762	3,299	3,141
GS-09	$10,470 to $13,611	1,584	1,634	1,772	1,720
GS-10	$11,517 to $14,973	612	633	706	675
GS-11	$12,615 to $16,404	633	636	752	720
GS-12	$15,040 to $19,549	810	734	955	912
GS-13	$17,761 to $23,089	960	1,068	1,103	1,051
GS-14	$20,815 to $27,061	100	92	125	112
GS-15	$24,251 to $31,523	2	8	11	10
Total GS		21,511	21,452	24,560	23,459
WG-02[3]	$5,470 to $5,928	2	2	2	2
WG-04	$6,136 to $6,635	8	5	10	5
WG-05	$6,468 to $7,010	29	30	34	33
WG-06	$6,822 to $7,405	532	551	562	553
WG-07	$7,176 to $7,758	912	946	1,016	993
WG-08	$7,530 to $8,154	664	693	760	736
WG-09	$7,904 to $8,570	559	568	689	620
WG-10	$8,237 to $8,902	5,986	6,210	8,163	7,906
WG-11	$8,570 to $9,277	3,441	3,656	4,628	4,436
WG-12	$8,923 to $9,672	5,225	5,511	7,007	6,773
WG-13	$9,256 to $10,400	341	338	462	442
Total WG		17,699	18,510	23,333	22,499
WL-07[3]	$7,883 to $8,549	62	63	71	70
WL-10	$9,048 to $9,797	532	546	691	655
WL-11	$9,422 to $10,213	75	78	97	93
WL-12	$9,818 to $10,650	118	123	162	156
WL-13	$10,192 to $11,024	4	3	5	5
Total WL		791	813	1,026	979
WS-04[3]	$8,070 to $8,965	2	2	2	2
WS-07	$9,048 to $10,046	1	1	1	1
WS-09	$9,734 to $10,816	174	181	210	207
WS-10	$10,026 to $11,119	852	821	1,113	1,070
WS-11	$10,400 to $11,565	515	449	666	643
WS-12	$10,920 to $12,126	125	130	165	162
WS-13	$11,523 to $12,813	86	89	114	112
WS-14	$12,272 to $13,624	50	52	67	66
Total WS		1,805	1,725	2,338	2,263
Grand total		[4] 41,806	42,500	51,257	49,200

[1] The 1972 budget figures would apply if the 42,500 technicians statutory ceiling were not removed. Requirements indicate what the National Guard Bureau has determined to be its technician requirements exclusive of budget and ceiling considerations. Hiring Level is what the National Guard Bureau estimates its hiring level for technicians to be within anticipated budgetary ceilings.

[2] General Schedule classification.

[3] WG (Wage Grade), WL (Wage Leader), and WS (Wage Supervisor) are grades under the Civil Service Wage Board (WB), classification system, Wage Board personnel would closely parallel "blue collar" workers in private industry.

[4] This figure is below the authorized ceiling for technicians primarily because it is in the nature of a ceiling requirement that at any one point in time the actual number of technicians will be below it. Thus in any 1 month technicians will leave for a variety of reasons and it takes time to fill their vacancies. Sometimes budget constraints may also keep the Army or Air National Guard technician level below the statutory ceiling.

NEED FOR LEGISLATION—ADDITIONAL EQUIPMENT RECEIVED BY THE NATIONAL GUARD

The mission requirements of the Army and Air National Guard were satisfactorily accomplished during fiscal year 1970 and to a more limited degree in fiscal year 1971 within the present manpower ceiling of technicians. However, with the increased emphasis on the National Guard in the overall defense posture the National Guard has been receiving greater quantities of equipment, including more sophisticated equipment, to carry out its mission. As a result of this there appears to be sufficient justification to adjust upward the present statutory ceiling for technicians based on the increased maintenance factors required to support the equipment the National Guard is receiving.

In the opinion of the committee the National Guard Bureau and the Department of Defense provided ample and sufficient evidence to justify increasing the present statutory ceiling of 42,500 technicians by an additional 6,700 technicians for fiscal year 1972 (end strength of 49,200) and by 3,900 technicians for fiscal year 1973 (end strength 53,100). In this regard it should be noted that as the technicians acquired greater experience on the equipment that the National Guard receives it may very well result in a leveling out of requirements for technicians beyond fiscal year 1973.

Of the 10,600 technicians to be added to the Army and Air National Guard for fiscal years 1972 and 1973 approximately 73 percent will accrue to the functional areas of logistical support and maintenance. These functional areas are primarily composed of "blue collar" type employees.

ELIMINATION OF THE APPORTIONMENT REQUIREMENT

Permanent provisions of law which have been suspended for over 15 years require that appropriations be apportioned among the several States in direct ratio to the respective actual strengths of enlisted members in the National Guard for the particular State in question. This suspension has been due to the differences in armament, types of organizations and missions of the National Guard of the various States, and to the impracticality of apportioning appropriations solely on the basis of enlisted strength. Consequently the committee recommends a repeal of this permanent provision of law.

MAINTENANCE OF STATUTORY CEILING FOR TECHNICIANS IN FORM OF PERMANENT LAW

The present statutory ceiling of 42,500 technicians in the form of permanent law was very carefully considered as part of the National Guard Technicians Act of 1968. The committee feels that a statutory ceiling in the form of permanent law is more desirable than leaving the number of technicians subject to an annual authorization or appropriations process as the Department of Defense has recommended. The committee also felt that the statutory ceiling might effect some economies in the technicians program and aid planning to the degree that it provides in advance a definite number of technicians available for any one fiscal year. Finally, the committee felt that the statutory ceiling could be received in future fiscal years provided there were compelling reasons to do so.

ADDITIONAL COST OF INCREASED NUMBER OF TECHNICIANS

Although the National Guard will plan to have 49,200 technicians on board by the end of fiscal year 1972, it should be noted that the cost for the additional 6,700 technicians requested for fiscal year 1972 will only be about $15.1 million. The reason for this is because of a phased hiring program for the additional 6,700 technicians during fiscal year 1972 within the budget limits imposed. The increased cost for additional technicians for fiscal years 1972 and 1973 would be about $98.6 million. The $98.6 million figure reflects the impact of a full-year cost of the additional 6,700 technicians hired during fiscal year 1972, as well as the cost of hiring the remaining 3,900 techicians during fiscal year 1973.

FISCAL DATA

Table 3 reflects the estimated gross annual cost of salaries and benefits for National Guard technicians for fiscal years 1972 through 1976. It is predicated on the numbers of technicians remaining constant from end fiscal year 1973 through fiscal year 1976 and assumes no increases in pay beyond fiscal year 1972. The estimated costs are based on average annual man-year costs forecast for fiscal years 1972 and 1973 with the fiscal year 1974 average man-years cost projected through fiscal year 1976. Excluded from the cost estimates are the technicians within the strength totals for which National Guard appropriations will be reimbursed.

DUTY-FREE TREATMENT OF CALCINED BAUXITE, BAUXITE ORE, AND ALUMINUM HYDROXIDE AND OXIDE, AND FOR OTHER PURPOSES

The Senate proceeded to consider the bill (H.R. 4590) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore, which had been reported from the Committee on Finance with amendments, on page 2, after line 19, strike out:

SEC. 2. The first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1971.

After line 22, insert:

(c) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1971.

At the top of page 3, insert:

SEC. 2. (a) Item 405.04 of the Tariff Schedules of the United States is amended—

(1) by inserting after "Trinitrotoluene" in the article description "and amatol"; and

(2) by striking out the matter in rate column numbered 1 and inserting in lieu thereof "Free".

(b) The rate of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 405.04 (as amended by subsection (a)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

(c) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

And, after line 17, insert:

SEC. 3. (a) Schedule 6, part 2, subpart B of the Tariff Schedules of the United States is amended—

(1) by renumbering item 608.90 as 608.89; and

(2) by striking out items 608.91 and 608.92 and inserting in lieu thereof the following:

"608.90	Imported for use in the manufacture of maple sap evaporators	Free	1¢ per lb.
	Other:		
608.91	Valued not over 10 cents per pound	8% ad val.	1¢ per lb.
608.92	Valued over 10 cents per pound	0.8 per lb.	1¢ per lb."

(b) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States for items 608.89, 608.90, 608.91, and 608.92 (as amended by subsection (a)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party. Such rates shall not supersede the staged rates of duties provided for such items in Annex III to Proclamation 3822, dated December 16, 1967, and the reference to item 608.90 in such Annex shall be treated as referring to item 608.89.

(c) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to amend the Tariff Schedules of the United States with respect to the dutiable status of certain articles."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD on excerpt from the report (No. 92-268), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF HOUSE BILL

The purpose of H.R. 4590 is to provide for the permanent duty-free treatment of calcined bauxite, bauxite ore, and aluminum hydroxide and oxide. Currently the duties on calcined bauxite, bauxite ore, and on aluminum oxide when imported for use in producing aluminum are temporarily suspended.

SUMMARY OF COMMITTEE AMENDMENTS

The committee added two amendments to the House bill, both of which make duty free certain items for which there is no available domestic production. The first amendment would make TNT and blends of TNT and ammonium nitrate, called Amatol duty free. The second amendment would permit duty free importation of tinned sheets used in the manufacture of maple sap evaporators.

GENERAL STATEMENT

A. BAUXITE AND ALUMINA

The duty on crude bauxite and calcined bauxite was suspended by Public Law 83-499 until July 16, 1956. The duty on aluminum oxide (alumina), when imported for use in producing aluminum, was suspended for a 2-year period beginning July 17, 1956, by Public Law 84-725. Public Law 84-724 further suspended the duties on crude bauxite and calcined bauxite for an additional period of 2 years. Public Law 85-415 consolidated the provisions of Public Laws 724, and 725 of the 84th Congress and extended for 2 more years the periods of suspension provided therein. This duty treatment has been successively extended for additional 2-year periods by Public Law 86-441, Public Law 87-567, Public Law 88-362, Public Law 89-440 and Public Law 90-615. The present suspension of duty expires on July 15, 1971. This duty-free treatment is reflected in the Tariff Schedules of the United States in item 907.15, 909.30 and 911.05 and is presently effective with respect to imports entered on or before July 15, 1971. H.R. 4590, as amended, would make permanent the present suspension of duty on calcined bauxite and bauxite ore and would extend the existing suspension of duty on alumina when imported for use in producing aluminum by permanently suspending the duty on imports of alumina without regard to end use.

Alumina is a product used for the production of aluminum primarily, but is also used in the manufacture of abrasives, refractories, and aluminum chemicals. Bauxite ore is a mineral used in the production of alumina (from which aluminum and other products are produced) as well as abrasives, chemicals, refractories, and miscellaneous products. Bauxite is considered to be vital to domestic industries such as the aluminum, steel, and chemical industries. Your committee is advised that known domestic commercial deposits of bauxite are small and that the U.S. production of bauxite now accounts for less than 15 percent of domestic requirements and, as demand increases, the United States will continue to be largely dependent upon foreign sources for aluminum raw materials.

The bill would restore the column 2 rate of 0.5 cents per pound with respect to all alumina and the identical rate of $1 per ton with respect to calcined bauxite and bauxite ore. Such column 2 rates apply to products of a country designated by the President as being under Communist domination or control.

In view of the experience gained under suspensions since 1956, your committee is convinced that a permanent suspension of duty on alumina, calcined bauxite, and bauxite ore as provided by the bill, as amended, is warranted.

B. TRINITROTOLUENE (TNT) AND "AMATOL"

A committee amendment would provide duty-free treatment to TNT and blends of TNT and ammonium nitrate, generically called Amatol. Under present law, TNT is dutiable at a rate of 3.5 cents per pound and 22.5 percent ad valorem while Amatol is dutiable at 2.1 cents per pound and 13 cents ad valorem.

Amatol is used in the production of artificial diamonds and more importantly in explosion bonding where precision explosions are required. The last remaining domestic producer of TNT and Amatol is in the process of phasing out all domestic production by the end of 1971. TNT is an important material used by slurry explosive producers in mining operations. Without providing free importation domestic users of these materials will have to pay a substantial duty to import TNT and Amatol. Since there will be no domestic production of TNT or Amatol available after 1971, the import duties on these products serve no useful purpose. Consequently, the committee determined that the elimination of the duty on TNT and Amatol would be in the U.S. national interest. The committee notes that the use of TNT is carefully controlled by safety requirements enacted into law during recent Congresses. In providing for duty-free importation of TNT and Amatol, the committee does not intend to make these explosives available to unlicensed persons for unwarranted purposes within the United States. The committee's action will insure that legitimate domestic users of these explosives will not be adversely affected by an import duty which no longer serves a useful purpose.

C. TINNED SHEETS FOR USE IN MAPLE SAP EVAPORATORS

Under present law, imported tinned sheets used in the maufacture of maple sap evaporators are dutiable under a broad tariff classification at 0.8 cents per pound. This duty has placed the U.S. maple sap evaporator industry at a competitive disadvantage.

There are no U.S. producers of tin-coated sheets used in the manufacture of maple sap evaporators which will supply the domestic maple sap evaporator industry. Upon receiving a complaint from the evaporator industry, the committee inquired from the U.S. Tariff Commission whether there were domestic suppliers of such tin-coated sheets.

Despite assurances from the Tariff Commission that such tin sheets might be available from domestic suppliers, evaporator producers subsequently determined that no potential supplier could supply the tin sheets in question. Therefore, the only source of supply for these tin sheets is through importation. Removal of the duty cannot injure a domestic industry which does not produce and supply the tin sheets in question.

The committee amendment was purposely drawn to apply only to tin sheets used exclusively in the manufacture of maple sap evaporators. This additional assurance should allay any fears that the committee action could inadvertently harm domestic suppliers of other types or grades of tin sheets.

Your committee has received no objections on this bill from any interested executive branch agencies.

EFFECT ON THE REVENUES OF THE BILL AND VOTE OF THE COMMITTEE IN REPORTING THE BILL

In compliance with section 252(a) of the Legislative Reorganization Act of 1970, the following statement is made relative to the effect on the revenues of this bill. The committee estimates that the extension of the existing suspension of duties on bauxite and alumina, provided by the bill will not result in any additional revenue loss, or administrative costs. The removal of tariffs on (1) tin sheets used in the manufacture of maple sap evaporators, and (2) TNT and Amatol should result in only a negligible revenue loss.

In compliance with section 133 of the Legislative Reorganization Act of 1946, as amended, the following statement is made relative to the vote by the committee on reporting the bill. This bill was ordered favorably reported by the committee, without objection.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield my time to the distinguished deputy majority leader, the Senator from West Virginia (Mr. BYRD).

WAIVING OF GERMANENESS RULE FOR TODAY

Mr. BYRD of West Virginia. Mr. President, in view of the fact that time today on the HUD appropriation bill and on the AEC authorization bill which follows the appropriation bill is under control, I ask unanimous consent that the Pastore rule of germaneness be waived for the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate the pending business which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 9382, making appropriations for the Department of Housing and Urban Development; for Space, Science, Veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes.

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement, time is now under control. Who yields time?

Mr. PASTORE. Mr. President, I suggest the absence of a quorum without the time being charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I seek recognition for 1 minute outside of the time allotted on the pending business.

The ACTING PRESIDENT pro tempore. Without objection, the Senator may proceed.

ORDER FOR HOLDING BILL AT DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the bill (H.R. 6239), dealing with maritime lien provisions, is received by the Senate, it be held at the desk pending the report of the Senate companion bill by the Committee on Commerce. This has been cleared all the way around.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9382) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, without the time being charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state the inquiry.

Mr. PASTORE. What is the pending business?

The ACTING PRESIDENT pro tempore. The pending business before the Senate is H.R. 9382.

Mr. PASTORE. Mr. President, I allot myself whatever time is necessary, under the time allotted to the bill itself, to make an opening statement and to make preliminary motions.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, the pending measure contains recommendations providing for new obligational authority totaling $18,677,518,000. This sum is $1,680,630,000 more than the amount appropriated in fiscal year 1971, $1,220,501,000 above the budget estimates for fiscal year 1972, and $562,315,000 greater than the sum recommended by the House of Representatives. In addition to the new obligational authority provided, the committee has also increased the limitations on contract authority for the rent supplement program by $60 million, for the homeownership assistance program—section 235—by $175 million, for the rental housing assistance program—section 236—by $200 million, and for the college housing program by $9,300,000.

For title I of the bill, which contains the appropriations for the Department of Housing and Urban Development, the committee recommends new obligational authority of $3,532,324,000. This amount is a net sum of $975,147,000 above the budget estimates, and $326 million over the House allowance. The $1,002,303,000 of the increase above the budget estimates results from the augmentation of the programs under community development—particularly, two of the categorical grant programs; namely, the model cities programs which were increased by $150 million, and the urban renewal programs which are $900 million above the budget estimates. For these two programs, as well as for the rehabilitation loan fund and the grants for neighborhood facilities, the administration requested only 6 months of funding because its budget proposal provided that these programs would be merged into the special revenue-sharing plan proposed by the administration.

Mr. President, I want to make it crystal clear as to what this means in simple English. When the administration sent up its estimates on the categorical grant programs, it did so only for a 6-month period, anticipating that we would pass legislation for special revenue sharing for the remainder of the 6 months of fiscal year 1972. The House of Representatives has provided for full funding of the categorical grant programs, in its version of the bill, because special revenue sharing has not been enacted by the Congress. We have done the same, so roughly, we are multiplying the budget estimate by two. I state that so that we will be clear when we consider how much we are approving over budget estimates.

The committee's recommendation provides for the full funding of these programs for fiscal year 1972 as I have already stated. However, the committee has included language which provides that in the event the special revenue sharing plan should subsequently be enacted into law, unobligated balances in the aforementioned categorical programs may be transferred to fund the authorities granted in the new legislation. The $326 million by which the committee recommendation exceeds the sums contained in the House bill for the Department of Housing and Urban Development are contained in the following items:

	Increase over House bill
Low- and moderate-income sponsor fund	$2,000,000
Counseling services	1,000,000
Salaries and expenses, housing management programs	500,000
New community assistance grants	5,000,000
Urban renewal programs	300,000,000
Salaries and expenses, community development programs	1,250,000
Research and technology	15,000,000
Fair housing and equal opportunity	500,000
Administration and staff services	500,000
Contribution to the national homeownership foundation	250,000
Total increase	326,000,000

For title II of the bill, which contains appropriations for the National Aeronautics and Space Administration, the National Science Foundation, the Veterans' Administration, and certain other independent agencies, the committee recommends total new obligational authority of $15,060,194,000. This includes the Veterans' Administration. This amount is $245,354,000 over the budget estimates and $191,315,000 over the amounts recommended by the House of Representatives. In this title of the bill, the committee made reductions of $8,000 in the budget estimates of the National Aeronautics and Space Council and $31,000 of the Office of Science and Technology, and added a total of $221,393,000 above the budget estimates for the Veterans' Administration. Of the sum added above the budget estimates for the Veterans' Administration, $209,053,000 is to augment the medical care appropriation, $8 million for medical and prosthetic research, $1,340,000 for general operating expenses, and $3 million for the construction of hospital and domiciliary facilities. The increases above the House bill in title II, aggregating $191,315,000, break down as follows:

	Increase over House bill
Office of Science and Technology	$30,000
National Aeronautics and Space Administration	53,135,000
National Science Foundation	38,150,000
Veterans' Administration	100,000,000
Total increase	191,315,000

The $100 million added by the committee to the Veterans' Administration budget above the House amount provides for the increases in the medical care appropriation of $89 million, in medical and prosthetic research of $8 million, and in the construction of hospital and domiciliary facilities of $3 million.

Title III of the bill contains the appropriations for the various corporations which include the Federal Home Loan Bank Board, Federal Savings and Loan Insurance Corporation, Federal Housing Administration, and Government National Mortgage Association. The only new obligational authority provided in this section of the bill is $85 million recommended for interest adjustment payments authorized by section 101 of the Emergency Home Finance Act of 1970. This sum is the same as the budget estimate and $45 million above the amount in the House bill. The balance of the items contained in title III deals with the limitation on administrative and nonadministrative expenses of the aforementioned corporation.

That concludes my statement, Mr. President, and I am now ready to answer any questions. However, before I do so, I would like to make the following preliminary motions. Due to printing errors, it is necessary that certain perfecting amendments be made in the bill.

I, therefore, ask unanimous consent that the following perfecting amendments be made in the bill:

On page 16, line 1, the figure "$23,000,000" should be stricken and "$26,800,000" should be inserted in lieu thereof.

Under NASA Research and Program Management on page 14, line 17, strike the figure $726,635,000 and insert in lieu thereof $722,635,000.

The reason for this change on page 14 is that since we reported the bill out of committee there has been a conference between the legislative committees of the House and the Senate and this reduction was made in conference. Therefore, in order to comply with the authorization this cut is being made.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island?

The Chair hears none and it is so ordered.

Mr. PASTORE. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded, for the purposes of amendment, as original text, provided that no point of order shall be considered waived by reason of agreement to this request.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, in line 11, strike out "$55,000,000" and insert in lieu thereof "$60,000,000";

In line 23, strike out "$165,000,000" and insert in lieu thereof "$175,000,000";

On page 3, in line 2, strike out "$165,000,000" and insert in lieu thereof "$200,000,000";

In line 5, strike out "section 106(b)" and insert in lieu thereof "sections 106(a) and (b)";

In line 7, strike out "$3,000,000" and insert the following "$500,000,000, to remain available until expended."

In line 12, strike out "$3,000,000" and insert in lieu thereof "$4,000,000";

On page 5, at the end of line 4, strike out "$16,000,000" and insert in lieu thereof "$16,500,000";

On page 6, in line 4, after the word "and", insert "sections 718 and 720 of the Housing and Urban Development Act of 1970 (84 Stat. 1799–1800);

In line 6, strike out "section 718 of the Housing and Urban Development Act of 1970 (84 Stat. 1799), $5,000,000" and insert "$10,000,000";

In line 22, after "1973" insert a colon and the following new language:

Provided, That in the event of the enactment of legislation superseding this program, any unobligated balances of this appropriation and the appropriation under this head in the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1971 (P.L. 91–556), may be made available by the Secretary of Housing and Urban Development, by transfer or otherwise, for the purposes of such legislation and shall remain available until expended.

On page 7, at the end of line 10, strike out "$1,200,000,000" and insert in lieu thereof "$1,500,000,000";

In line 17, after "therefor" insert a colon and the following new language:

Provided further, That in the event of the enactment of legislation superseding this program, any unobligated balances of this appropriation may be made available by the Secretary of Housing and Urban Development, by transfer or otherwise, for the purposes of such legislation and shall remain available until expended.

On page 8, at the end of line 4, after the word "expended" insert a colon and the following new language:

Provided, That in the event of the enactment of legislation superseding this program, any unobligated balances of this appropriation may be made available by the Secretary of Housing and Urban Development, by transfer or otherwise, for the purposes of such legislation and shall remain available until expended.

In line 14, after the word "expended" insert a colon and the following new language:

Provided, That in the event of the enactment of legislation superseding this program, any unobligated balances of this appropriation may be made available to the Secretary of Housing and Urban Development, by transfer or otherwise, for the purposes of such legislation and shall remain available until expended.

On page 9, beginning in line 3, strike out "*Provided,* That no part of this appropriation may be used for financing a grant in excess of 50 per centum of the cost of any activity or project";

In line 10, strike out "$21,500,000" and insert in lieu thereof "$22,750,000";

In line 10, in line 1, strike out "$35,000,000" and insert in lieu thereof "$50,000,000";

In line 3, strike out "$2,950,000" and insert in lieu thereof "$3,771,000";

In line 15, strike out "$8,000,000" and insert in lieu thereof "$8,500,000";

On page 11, in line 4, strike out "$15,846,000" and insert in lieu thereof $16,346,000";

After line 8, insert the following new language:

"SPECIAL INSTITUTION

"CONTRIBUTION TO THE NATIONAL HOMEOWNERSHIP FOUNDATION

"For payment to the National Homeownership Foundation, established by section 107 of the Housing and Urban Development Act of 1968 (82 Stat. 491), $250,000, to remain available until expended."

On page 12, in line 7, strike out "$2,300,000" and insert in lieu thereof "$2,330,000";

On page 13, in line 12, strike out $"2,517,700,000" and insert in lieu thereof "$2,541,700,000";

In line 13, after "expended" insert a colon and the following new language:

Provided, That $39,000,000 of the amount made available shall be used only for the NERVA program in fiscal year 1972.

In line 20, strike out "$33,800,000" and insert in lieu thereof "$56,300,000";

In line 24, strike out "$7,500,000" and insert in lieu thereof "$7,900,000";

On page 14, in line 2, strike out "and";

In line 3, after the comma, insert "$2,-100,000 for the expansion of the Visitor's Information Center at the Kennedy Space Center in Florida and $20,000,000 for space shuttle facilities";

In line 6, strike out "June 30, 1974" and insert in lieu thereof "expended";

In line 17, strike out "$720,000,000" and insert in lieu thereof "$726,635,000";

After line 21, insert the following new language:

"Not to exceed 5 per centum of any appropriation made available to the National Aeronautics and Space Administration by this Act may be transferred to any other such appropriation."

On page 15, in line 19, strike out "$23,000,-000" and insert in lieu thereof "$25,450,000";

In line 24, strike out "$582,000,000" and insert in lieu thereof "$620,150,000";

On page 16, in line 3, after "institutes" insert "and other programs of supplementary training";

In line 5, after "teachers" insert a colon and the following new language:

"Not less than $28,800,000 shall be used only for Institutional Support of Science; and not less than $99,300,000 shall be used only for Science Education Support."

On page 17, in line 2, after "$3,000,000" insert the following new language: "to remain available until expended";

On page 19, in line 24, strike out "$2,244,-700,000" and insert in lieu thereof "$2,333,-700,000";

On page 20, at the end of line 16, strike out "$64,707,000" and insert in lieu thereof "$72,707,000";

On page 21, at the end of line 18, strike out "$90,418,000" and insert in lieu thereof "$93,418,000";

On page 26, in line 8, strike out "$40,000,-000" and insert in lieu thereof "$85,000,000" and

In line 11, strike out $8,000,000" and insert in lieu thereof "$8,247,000".

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. ALLOTT. As I understand, we are under a unanimous consent agreement with respect to time.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ALLOTT. Will the Chair state what that time allocation is?

The ACTING PRESIDENT pro tempore. The time allocated is one hour for one side to be controlled by the Senator from Colorado and the Senator from Rhode Island, with 30 minutes per amendment.

Mr. ALLOTT. I thank the Chair. I yield to the Chairman, who wishes to yield to the Senator from California.

Mr. PASTORE. Mr. President, again on time allotted for the bill I yield to my distinguished colleague from California.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I thank the Senator for yielding. I am grateful to the Senator from Rhode Island for many things, more grateful than I can express, but I do want to express what I can of my gratitude and expression at this point.

QUALITY MEDICAL CARE FOR DISABLED VETERANS: FISCAL YEAR 1972 VA APPROPRIATIONS

Mr. President, today we are nearing the end of a long road that we started down almost 2 years ago, somewhat apprehensively I will admit, to bring first-quality medical care to our disabled veterans. If my colleagues approve the recommendation of the Appropriations Committee—as I am sure they will—and if the other body accepts our action—as I firmly believe it will—the Congress in the last 2 years will have increased the Virginia hospital and medical budget by almost $400 million over the amount originally included in the President's budget estimates for fiscal years 1971 and 1972. That is $234.1 million extra this year and $155 million extra last year, for a total added of $389.1 million. This total does not include special supplemental requests for pay raises.

This increase for 2 years is more than a total of 20 percent over the President's fiscal year 1971 budget estimate—when he requested about $1.841 billion in the four medical items. This very substantial increase will provide a sound base for the Virginia Department of Medicine and Surgery to build upon in future years and will insure quality care far beyond fiscal year 1972.

For all of this, we in the Senate, the veterans of our land, and the American people owe an enormous debt of gratitude to the compassion, sensitivity, and commitment of the distinguished Appropriations Subcommittee chairman and the ranking minority member who are floor managing this bill—H.R. 9382. I refer, of course, to the Senator from Rhode Island (Mr. PASTORE) and the Senator from Colorado (Mr. ALLOTT). I thank them personally, and I thank them on behalf of all the wounded and disabled veterans and their loved ones who cannot be here today to do so themselves, for their heroic efforts.

This debt of gratitude, for this year and last, also extends to the full committee chairman (Mr. ELLENDER), and ranking minority member (Mr. YOUNG). I thank them and all members of the Appropriations Committee for their concern and generosity.

Mr. President, the $234.1 million above the President's original budget is not all that I recommended in my June 29, 1971, testimony before the Appropriations Subcommittee. I asked for about $358.2 million more for the VA hospital and medical program. But the committee recommendation is an honorable and fair one and without any question can be effectively spent by the VA. The amount we are adding—$100 million—to the $134.1 million added in the other body, as a result of the great efforts of Chairman TEAGUE and Mr. BOLAND, over the President's original budget estimate for fiscal year 1972, should be acceptable to the other body. I implore the floor managers and the other Senate conferees to demand acceptance of the full Senate increase in conference.

I want to thank the distinguished Senator from Rhode Island for yielding to me now and for his fantastic cooperation and that of Maurice Pujol of the subcommittee staff.

Mr. President, I wish now to review the chronology of events which has brought us to this historic moment of fulfillment this morning. And I wish to reiterate my recommendations of June 29 to Senator PASTORE's subcommittee, which I inserted into the RECORD on June 30 (S. 10412) and indicate how the committee has been responsive to them, particularly in the excellent committee report (No. 92-264) language on the bill.

I had hoped after last year's experience that all would by now be well in VA medicine. I am extremely grateful to the appropriations subcommittee Chairman PASTORE and ranking member ALLOTT for all their great cooperation last year, and again this year, with respect to the VA fiscal year 1971 appropriation.

Most of my recommendations to the Pastore subcommittee for the VA fiscal year 1972 budget dealt with the VA hospital and medical program. They grew out of my experience last Congress as chairman of the Veterans' Affairs Subcommittee and in this Congress during 5 days of hearings as chairman of the Health and Hospitals Subcommittee of the new Veterans' Affairs Committee.

My basic recommendations presented on June 29 were to add the following amounts to the following appropriation items:

Medical care—$331,020,000;

Medical and prosthetic research—$18,216,184;

Medical administration and miscellaneous operating expenses—$1,100,000;

Construction of hospital and domiciliary facilities—$7,860,000; and

General operating expenses—$32,-740,000.

Thus, my total recommended addition was $390,936,184, of which $358,196,184 was for the first four items—the VA hospital and medical program.

MEDICAL CARE

I believe my colleagues are generally aware of the events leading up to the widespread national concern that developed last spring over conditions in VA hospitals. The culmination of my work was appearing before Senator PASTORE's subcommittee on May 27, 1970, this ultimately resulted in the appropriation of an additional $105 million for the VA medical care item for fiscal year 1971.

Although our oversight hearings April 27–29, 1971, demonstrated that not one penny of the $105 million was spent for adding the doctors, nurses, or other health and housekeeping personnel so urgently needed, we were successful in adding $8 million in supplemental fiscal year 1971 funds enabling the VA to hire 8,645 new hospital personnel in the last 5 weeks of fiscal year 1971.

Now, we must turn to the task of providing the funds to pay the full fiscal year 1972 salaries of these 8,645 new hospital employees. Otherwise, we will, by adding the supplemental $8 million, have only somewhat speeded up recruitment, but made no lasting improvement in the quality of VA health care. Annualization of these 8,645 salaries requires approximately $97.5 million.

Mr. President, the fiscal year 1972 medical care request by the administration, although nominally $124.7 million more than was appropriated for fiscal year 1971, is in no way a step ahead. About half of the increase has already been consumed by inflation in fixed charges on capital items, such as utility charges. And half the remaining $60 million or so has already been largely eroded by a higher average salary per employee than budgeted. Thus, the VA now has no funds for 2,518 new employees—FTEE—who were included in the fiscal year 1972 budget. This eliminates fully two-thirds of the FTEE increases—3,823—projected in the budget request.

Moreover, I wish to stress that the funding of the 8,645 new employees' salaries are absolutely necessary over and above the $120 million which the House Appropriations Committee has recommended and the other body added for medical care in order to forestall a proposed drastic cutback to 79,000 in the VA's average daily census. I applaud the House committee's action in this respect, and in mandating an 85,500 minimum average daily census in the bill. I commend both these actions, now adopted by our Appropriations Committee, to you for approval.

Regarding the census cutback in the fiscal year 1972 budget, I agree philosophically with the VA objection to the census minimum that such a requirement might run counter to sound medical judgment and that the admission or discharge of a patient to a VA hospital is properly left to a physician's professional judgment.

But that same principal supports, indeed demands a census minimum in the law to prevent the census cutback ordered by the Office of Management and Budget.

For it is in order to save money and cut back the VA that the OMB has arbitrarily required this rollback to 79,000 from a cumulative projected census of about 84,500 for fiscal year 1971.

No medical judgment is, or was, involved in this OMB decision.

Quite the opposite.

It is contrary to medical judgment.

When during this fiscal year physicians were left to decide how best to handle admissions and discharges of sick veterans, the VA cumulative average daily census through April 1971 was running at 84,647—far above the fiscal year 1971 budget estimate of 83,000.

During this period, the VA was experiencing an almost unprecedented level of demand, as evidenced by record high monthly hospital applications and actual admissions and the highest waiting list for domestic VA hospitals in 4 years. That is why the VA fiscal year 1972 budget submission to the OMB was premised on an average daily census of 84,371, not 79,000.

And that is why a minimum census requirement, such as the House inserted in the bill and the Senate Appropriations Committee approved is—quite regrettably—absolutely necessary.

Otherwise, this census cutback will be—indeed it already is being—implemented by closing beds and wards. To illustrate this beyond any doubt, in my testimony before the subcommittee, I quoted from a May 20, 1971, memorandum which shows the Birmingham, Ala., VA Hospital chief of medical service recommending closure of 58 beds, and I quote:

> In compliance with the recent order to reduce the VA operating bed capacity. . . .

This hospital is authorized a fiscal year 1972 daily census of only 382 as compared with a 410 fiscal year 1971 authorized level and an actual census running around 450.

Mr. President, in connection with the bill's mandate of an 85,500 VA hospital average daily census level, I note that title II of H.R. 9382 as reported from committee—on page 19, line 25, and page 20, lines 1–5—includes under the Veterans' Administration medical care item the same language which originated in the House as follows:

> *Provided*, That the foregoing appropriation shall not be apportioned to provide for less than an average of 97,500 operating beds in Veterans Administration hospitals or furnishing inpatient care and treatment to an average daily patient load of less than 85,500 beneficiaries during the fiscal year 1972.

The two limitations on apportionment of medical care appropriation set forth in the foregoing language, in effect, establish two separate, independent requirements—for both an operating beds apportionment can be made. Both minimums must be met before apportionment can be made.

The use of the word "or" between the two limitations in the bill means that, in the negative sense, there is to be no apportionment as long as either minimum is *not* maintained.

On the other hand, if we turn these limitations around and state them as two positive requirements they would be explained with an "and" between them to account for switching from the negative to the positive method of statement.

Nevertheless, the thought remains the same, that they are both required to be avoided or satisfied, as the case may be.

One caution, Mr. President, despite the generosity of what I hope will be the Senate's action today, we must not become complacent. We must continue to be alert to and to resist similar efforts by the Office of Management and Budget to cut back on the VA hospital and medical program.

The $120 million which was added by the other body is a restoration of funds cut by the OMB from the VA's request to it.

It will sustain the census at the level of staffing and overall care provided in fiscal year 1971.

It is quantitative, and not qualitative.

But the VA medical program cannot stand still. It either goes forward or deteriorates by trying to hold the line. It is that process of deterioration, I fear, that the OMB forecasts for the VA medical program. The OMB cut $188 million from the total VA hospital and medical budget, and has frozen all new VA construction.

The need for improvement in the quality of care is at least as great today as it was when I testified 1 year ago. To illustrate this, I called the subcommittee's attention to certain excerpts from our April 27–29, 1971, VA hospital crisis hearings.

Mr. President, I ask unanimous consent that the document containing these excerpts be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

APPENDIX III: EXCERPTS FROM APRIL 27–29, 1971, HEARINGS BEFORE THE HEALTH AND HOSPITALS SUBCOMMITTEE OF THE VETERANS' AFFAIRS COMMITTEE ON THE VA HOSPITAL CRISIS

Over 17 months ago, one of the most effective and forceful witnesses at the oversight hearings by the Labor and Public Welfare Committee's Subcommittee on Veterans' Affairs, which I chaired, was Capt. Max Cleland, of Lithonia, Ga., U.S. Army, retired. On April 29, Captain Cleland, a triple amputee, returned to testify before the Health and Hospitals Subcommittee of the Veterans' Affairs Subcommittee, having been elected a Georgia State senator since he testified in December 1969, Senator Cleland told us:

The Atlanta VA serves metro Atlanta and North Georgia. It has the additional responsibility of being a Regional Amputee Center for the Southeast, treating mostly Vietnam veterans, though with no significant increase in staff or funds.

It is a new hospital and still has two wards not in use because of inadequate staff. Applications to get into the hospital are running almost 2,000 ahead of this period last year, but admissions are down, not up, and the waiting list is over 100. The proposed 1972 reduction would take 20 beds out of circulation that are in use now.

The VA hospital in Augusta, Georgia, was built to handle a maximum of 800 patients. It handles nearly 1,000. It suffers from inadequate staff and ward personnel and has a backlog of almost 70 patients on its waiting list.

Applications by veterans to get into the Augusta VA are up almost 1,000 over this time last year, but if funds are not restored by Congress to the VA medical budget, the Augusta VA will be forced to take over 100 beds out of circulation.

The third Georgia VA hospital is in the southern part of the State, and experiencing shortage of doctors. It has only one orthopedic surgeon for a hospital that can handle 500 patients. The current patient level is 376 and the hospital is having difficulty providing adequate staff for that number. . . .

All in all, applications of veterans seeking admission to VA hospitals in Georgia are up 3,000 over this time last year. If the current VA medical budget is not supplemented, the Georgia VA hospital will have to cut back over 170 beds and add to a state waiting list already approaching 400.

Also, at our recent hearings, we heard a second round of testimony—1 year and 1 day after their original testimony last year—from Dr. Bernhard Votteri, Fellow in Pulmonary Disease, and Dr. J. Gary Davidson, chief medical resident, Wadsworth VA Hospital in Los Angeles. Here are some most disturbing extracts from their April 29 testimony:

Dr. VOTTERI. Although some improvements have been made since we met with you last year, the operation of the hospital continues to be plagued by deficiencies in nursing staff, convalescent patient placement, anesthesia, inhalation therapy staff, medical and respiratory care units, cardiovascular surgery, renal hemodialysis, messenger and escort service and laboratory services.

We have appealed through channels at all levels and although people listened to us, appropriate corrections are not forthcoming. The situation is so critical that further temporizing is not acceptable. The physicians in training are almost totally disillusioned and tired of words without action.

If immediate action and correction are not forthcoming, the physicians in training have advised us that they will "heal-in" the hospital. Such an action which should be and can be obviated by corrective measures now will have the effect of forcing the eligible veteran to seek aid at other hospitals. . . . The physicians state, and righly so, that if substandard care continues to be all the VA can afford to support then, in good conscience, they can no longer quietly deliver care under such restrictions. Deficiencies in staff, equipment and supplies cannot continue to be made up by the superhuman efforts of nurses, paramedical personnel, and physicians without the blame for these inequities being placed squarely on those who would remain unresponsive to the needs of the veteran.

Dr. Baldwin Lampson, Director of Hospital, UCLA, School of Medicine, in his thorough analysis of the Wadsworth Hospital in 1970 [at Senate Veterans Affairs Subcommittee hearings] pointed out that the UCLA Hospital Inhalation Therapy Staff consists of 52 people including a physician head. The Wadsworth Staff was found to be inadequate to provide direct patient treatment. In addition there was no night and weekend coverage in inhalation therapy. As a result in 1970 and still in 1971, necessary inhalation therapy must be handled by overworked and understaffed nursing service.

The situation is so urgent at the Wadsworth Hospital now that the Chief of Anesthesia and Chest Medicine have recommended that these services which are indispensible and lifesaving will have to be curtailed in the interest of reducing the spread of infection. Forcing the patient to breathe dirt and bacteria which may result in lung infections cannot and will not be tolerated. The prevention of this disaster is simple. The recommendations have been made, the solutions await only financial support.

Recently our open-heart surgery case load went to four per week. Shortly after this the Chief of Surgery was beseiged by complaints from the nursing service to reduce this, as their staffing was inadequate, both in the operating room and in the surgical intensive care unit. The Chief's initial response was an admonition to the cardiac surgeons to reduce this work to the previous level—approximately two cases a week. His stated reason was "our facilities cannot handle it."

This is the greatest plea for mediocrity that we have heard yet. As a matter of fact, Wadsworth has two fully-trained cardiac surgeons, a fully-trained open-heart-pump team capable of operating five-six major open-heart surgery cases per week.

The Cardiology Department can evaluate up to four surgical candidates per week presently, and with the opening of the new catheter laboratory in May, '71, this capability will increase to six a week.

It is obvious with the current crisis in surgery and anesthesia that our potential will not be realized and a great number of veterans will go wanting for much needed heart surgery. It seems inconceivable that a health system that has been designated as a regional care center for cardiac disease could be rendered inert by deficiencies in staffing in anesthesia and nursing. Furthermore, it is most inconceivable that the response to this crisis is to reduce the amount of health care.

Dr. Davidson. The Assistant Chief, Infectious Diseases, at our hospital, has listed for your perusal, and states the following:

Listed below are the names of three patients with whom I have had direct contact, who expired at Wadsworth General Hospital during the months of March and April, 1971. While no one can say that these patients would have survived if more intensive observation and care had been provided, it is my opinion that such intensive monitoring and special nursing care was indicated, would have been available at a first-class hospital, and was not available or was provided too late and in a suboptimal fashion at this hospital. I intend this statement in no way as a criticism of the nursing personnel who cared for these patients but rather to indicate that sufficient special nursing personnel and adequate intensive care facilities are currently unavailable at this hospital.

Dr. Votteri. Must we come to this legislative body each year to present a chronicle of horrors to get adequate support for our veterans? The answer is a resounding no. It is unacceptable medical practice and morally wrong to continue to provide substandard care for our veterans. We hope that the needs of the veterans will at last be recognized and adequate funds and vigorous management will combine to finally rectify these inequities.

I would like to emphasize that, at this point, that all of us, as Doctors here, have completed our training in the Veterans' Hospitals, and we will be leaving to go into the community. Whether further support to the Veterans' Hospital will ever be forthcoming will have no direct effect upon us.

However, we are sincerely anxious that these gains should accrue to patients, and this is why we testified today, and this is why we testify in behalf of the persons in training at the Wadsworth hospital.

Regarding the Birmingham VA Hospital, we heard from Dr. S. Richardson Hill, vice president for health affairs of the University of Alabama and director of the Alabama Medical Center. Dr. Hill testified on April 28 as follows:

The Veterans Administration Hospital staff are dedicated and well-qualified individuals who are loyal to the Veterans Administration and to the mission for which they are held accountable; namely, quality health care for the veteran patient. The facilities which are available to them vary from excellent to poor, but the ability to employ health professionals is far less than necessary to maintain the quality of health care available either within the University Hospital or within other leading community hospitals. The simple facts are that there are insufficient numbers of staff available to do the job that must be done.

Some of the facilities, I am told, are underutilized because of the limited staff at night and on weekends and the all too frequent necessity to redistribute staff in order to meet new and emergency needs which, not infrequently, leave other crisis areas unprotected.

We, therefore, have undertaken a continual and critical review of these problems in order to determine whether or not it is fair to our health professional students to expose them to health care experiences in such an environment. I would urge this Committee to exert its influence to help provide the resources necessary for these hospitals to operate efficiently and effectively as a component part, not only of the University Medical Centers, but of the health care delivery system of our country as well. Our Veterans Administration hospitals desperately need an increased staff as well as updated technical equipment and mechanisms for maintaining continued progress in the rapidly advancing technical ability to manage patients more effectively and efficiently.

My comments have principally been related to the Veterans Administration Hospital which I know best; namely, the one in Birmingham. It is my understanding that comparable problems for the coming year are anticipated at the Montgomery, Tuscaloosa and Tuskegee, Alabama VA Hospitals, as well as other VA hospitals in the country."

. . . The staffing problems with regard to nurses and with regard to technical staff particularly and clinical laboratory, gets very low. We have sometimes no laboratory technicians within the Veterans' Administration hospital. We do have some on call but we need more staff.

Senator Cranston. How many beds are there in the wards there?

Dr. Hill. 30 to 40 per ward.

Senator Cranston. In the middle of the night how many nurses are available?

Dr. Hill. There may be one nurse available for two such wards on a floor.

Senator Cranston. That can lead to considerable difficulties, can't it?

Dr. Hill. Yes, it can, and they are not registered nurses.

Senator Cranston. How does that compare to the situation in the University Hospital?

Dr. Hill. In University Hospital there are two nurses for a 40-bed ward at night.

Senator Cranston. About one-fourth of the Staffing at the VA hospital?

Dr. Hill. Yes.

Another returning witness was Michael Burns, now executive director of the Paralyzed Veterans of America and himself a quadriplegic. Mr. Burns had testified on January 9, 1970, at hearings in Los Angeles by the former Veterans' Affairs Subcommittee when he was president of the California PVA. On April 28, he stated:

As a direct result of those hearings, a supplemental appropriation for the hospital care of veterans was voted favorably by the Congress. It amounted to $105 million, and was specifically intended to relieve the immediate crisis situation within the Veterans' Administration.

Those hearings and that appropriation told us that Congress cared about the plight of those left ravaged by the war, about those who gave a part of themselves in the service of their country. For this, all veterans were grateful.

The final testimony of those hearings was presented just one year ago. What has the Veterans' Administration done since? What have they told us by their actions, about how they feel about this plight?

I submit that by diverting these funds into other areas that patient care, or by simply not expending them, that the VA has told us that it still maintains that it did not need help, it did not need supplementation, and it did not want either advice or Congressional generosity.

Within this appropriation were funds specifically earmarked for use by the Spinal Cord Injury Service. Initially, $169,000 was released for five centers determined to be in the most critical need. Subsequently, other centers were included, and more funds were released. I cannot emphasize strongly enough that these funds were to be used to upgrade hospital care, primarily through the recruitment of new staff.

These funds were released. They were sent to the field. Allegedly, over $1.3 million eventually went to these ten centers to upgrade staffing.

Our reports and the Veterans' Administration's own figures prove that these monies were never spent. This money never reached the level for which it was intended.

As proof of this statement, one need only compare the staffing ratio per 100 patients in December, 1969, which averaged 1.21 for all centers to the same ratio eight months later.

August, 1970's ratio should have begun to reflect the impact of these funds. Yet, what was the ratio? A mere 1.27.

Even one year later, the December 1970 figure shows only 1.39, and at the end of March this year, it reads 1.38.

Are we to assume then, that the $1.3 million bought the Spinal Cord Injury Service .17 in staff?

Rather, I believe we should assume that the money was not spent at all. The hypocrisy of a system which tells you to believe what they say and not what you see, must be questioned. This hypocrisy must be dispensed with if we are to work together diligently for the betterment of the plight of all America's veterans.

How does that situation appear to be now?

Mr. BURNS. I would not say it has changed to any great degree, except when Senators come to visit.

Senator CRANSTON. Finally, for the benefit of those who are present, who haven't visited one of those wards under the prevailing circumstances, or who have not heard a description of what happens in those wards when there is inadequate personnel, I wish you would briefly describe what happens to a veteran when there is not enough people on the staff to deal with his human needs.

Mr. BURNS. The circumstances regarding a spinal cord injury individual in a hospital, if I may, I will take Long Beach as the example, that was the place at which I was rehabilitated.

First of all, you are faced with a situation where the staff is, at best, adequate, not in the sense of their abilities, but in the numbers.

After 4 p.m., everything ceases to exist, except the very basic patient needs. That is, we must feed him, we must get him into bed, we must care for him medically, we must give him his prescribed medicine. That is all.

In Long Beach, there are five wards, 205 patients. They operate at 95 percent capacity during the winter months. They have 42 beds on a ward. During the day they average 2 RNs, 1 LPN and 6 aides.

In the evening hours, in my last visit, they were averaging 1 RN and 3 technicians.

In the night hours, between 11 and 7, 1 nurse and 2 patient care technicians.

Their sole purpose in the evening hours is to deal with the basic functions. Feed those who need the assistance in being fed, get the medication to the patients.

These patients require, especially the high-level quadriplegic, who are unable to care for themselves, constant turning. They are turned every two hours. If you take two patient care technicians, provided they are male, and provided they are strong and willing to work, they can go through a ward and turn every person in that ward in an hour, which means that leaves them another hour to attend to all of the other things they must attend to, including cleanliness of the ward. And then they must start the process over again. And this goes on for eight hours,

In the meantime, recreationwise, we might as well consider it negligible. We are talking about 24-year-olds and less, Vietnam veterans. I would hesitate to call the Vietnam veteran a new breed of veteran. He still requires the same type of things, only perhaps they are a little different these days than they were before.

Dr. Philip R. Lee, former Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, and now chancellor of the University of California at San Francisco, also returned to tell us that the Ft. Miley VA Hospital remained seriously understaffed more than 16 months after he first testified. That hospital will now receive 37 more staff.

A strikingly clear picture of the continued deterioration of the VA hospital staffing situation was provided in a May 9, 1971, article in the Miami Herald by June Kronholz, entitled "Care 'Second to None', but Veterans Alone Neither in Waiting Nor Dying" and another piece in the same paper "As War Began to Fill the Hospitals, Pressure Mounted for Cuts in Budget."

These two pieces are extremely significant in light of the January 27, 1970, testimony to the former Veterans' Affairs Subcommittee by Dr. Douglas J. Stewart, then a second-year resident at the Miami School of Medicine. He detailed for us the shortage at that time of 25 ward secretaries, 26 inhalation therapist technicians, 50 laboratory technologists, and numerous nurses at all levels.

[From the Miami Herald, May 9, 1971]

CARE "SECOND TO NONE," BUT VETERANS ALONE NEITHER IN WAITING NOR DYING

(By June Kronholz)

The old man had cancer. You could see he was dying.

He came to the Miami Veterans Administration hospital to relieve the pain knowing that at least he could die here. He had lived alone; he didn't have to die alone.

His nights were difficult. He coughed up mouthfuls of blood and splattered his white sheets with red. In the morning a nurse would lift him onto a litter and he was wheeled around the hospital for X-rays, cell counts, and tests his doctor ordered.

His afternoons were just as hard. A volunteer wheeled him back to his room, back to a bed still soaked in dried blood and unchanged. He looked at it and remembered the pain and sorrow of dying.

"Take me out into the hall," he pleaded. "I will wait there until they can clean it up. I can't look at it. You know. . . ."

And he waited and he waited, but he wasn't alone in his waiting.

In half-empty rooms, on half-empty floors of the sparking new $18.1 million Miami hospital, waiting is not uncommon. Nearly a full year after a U.S. Senate subcommittee charged that the facility was hopelessly understaffed, conditions have changed little.

Red tape, delays, postponements and interminable waits are part of any visit.

"Our problems have their solutions in adequate staffs," explains one well-known VA doctor. "If only we could afford the staff."

The Miami VA hospital was built four years ago to house 1,026 in-patients. Today it has beds for 893 veterans, but on an average day only 640 of them are filled.

Room after room is empty or has been turned into an office or a doctor's lounge. The five-man wards hold desks or sofas or empty beds or spare equipment—or nothing at all.

Even operating at just over half its designed capacity the hospital is understaffed, under-financed and personnel are overworked.

Some 1,330 staff members—resident doctors, nurses, therapists, cooks, housekeepers and administrators—are assigned to the facility.

In addition to the 640 in-patients housed in roomy, bright five-man wards, the VA hospital cares for 550 out-patients every day—130,000 out-patients every year—with a staff of almost 300 persons.

It is these patients who wait longest. As many as 20 of them—many with bandages or casts—sit on molded plastic chairs for up to four hours to be seen by a resident doctor.

"It's like a meat market down there," growls a former Marine who had spent six hours strapped to a stretcher, his back shooting with pain, before a doctor had time to examine him.

Long waits are not limited to the clinics, however. Down the hall, in the first floor corrective therapy room as many as 60 patients a day clamor for the attention of three dedicated, over-worked technicians.

The ideal work-load for therapists in other hospitals is eight or nine patients a day, but at the VA that number is often 20. The rush, complain the patients, means incomplete treatments.

"The therapy here is good," says 20-year-old John Metz, a Vietnam veteran. "If you have the time to wait about 15 years for it."

On the upper floors the shortages continue. Only 146 registered nurses working three eight-hour shifts are available to care for the 640 patients the hospital houses daily. During daytime hours only two registered nurses are stationed on each floor section of 40 to 63 men. In the evening, that number slips to one nurse.

In intensive care, where the most critically ill patients fight for their lives, only two regisered nurses care for 10 acutely ill men—at least three nurses short by most hospital standards.

The shortages extend to housekeepers and technicians too. Beds go unchanged for hours, patients go unwashed—not because the staff wants to ignore them, but because they are so overworked they can do nothing else.

Tucked away in some of the empty upper floor wards, stored away and idle, sits a small fortune in heart monitoring equipment. "We don't have the staff to operate it," explains Dr. Elisio Perez-Stable, assistant chief of the hospital's medical service.

Not in as abundant supply as the heart monitors are wheel chairs and litters. When the supply runs low on either one—and it often does—a bedridden patient has no alternative but to cancel the blood test or therapy or X-rays his doctor ordered.

The staff and money shortages also mean needed programs must be ignored.

With one of the highest alcohol and transient rates in the country, the Miami hospital still has no alcohol rehabilitation program and a drug program is still 15 months away.

The hospital has no emergency room and no plans to add one, either.

"An out-patient who needs emergency treatment goes to Jackson Memorial Hospital for it," explains Dr. Robinson. "Then if he needs to be admitted he can come back here."

And finally, there are statistics. For every patient in the Miami VA facility there are 2.1 hospital employes—the lowest ratio of any major hospital in Dade County. Jackson Memorial Hospital boasts 3.6 employes for every patient while Mt. Sinai has a ratio of 3.5 to one.

To the patient, that means less care and to the hospital that means a lower patient turn-over rate. In most private hospitals each bed will change patients 36 times a year—a figure that means fast care and cure.

But in the VA system a change of 15 patients a year is considered admirable. A smaller staff means slower care and slower care means that fewer patients can be admitted.

Robinson and Perez-Stable nevertheless contend that the Miami VA hospital provides medical care "second to none in the city."

They probably are right. No one has questioned the hospital's medical competency.

But as only one cog in the 165-hospital VA system, the 12-story Miami facility is a victim of circumstances.

While all over the country hospital costs—for staff members, equipment, construction and maintenance—are skyrocketing, the VA budget has inched upward. And even those increases were granted by Congress over the objections of two U.S. Presidents.

The Miami hospital's $20.7 million budget for fiscal year 1970–71 represents a $3.7 million increase over last year's allotment.

But when Dr. Albert Tomasulo, former director of the hospital, learned of the increase, he told reporters it would only make matters worse for the hospital staff.

With that increase, the hospital administration opened another 210 beds on the upper floor of the 12-story building. The hospital this year is operating with an average 114 patients a day more than it was last year.

At an average cost of $68 a day for each patient's care, $2.8 million of that increase was immediately consumed. Additionally, plans were made to open a coronary care unit and an acute respiratory care unit, the hospital's extended care program was expanded from 20 to 40 beds and the first beds of what eventually will be a 40-bed ward for spinal cord injuries were opened.

By the time the new programs were funded, however, the hospital was left with an almost minute budget for expanding its housekeeping, nursing and medical staffs.

Funds were appropriated for 70 more nurses, but the VA can barely compete with the salaries and fringe benefits offered at private hospitals and 30 of these 70 nursing jobs are consistently vacant.

More funds were provided for additional clerical help, X-rays technicians and laboratory assistants—all of whom were in seriously short supply last year. X-rays and blood tests couldn't be performed as ordered for want of technicians and vital information wasn't being recorded on patients' charts by the over-worked ward clerks.

But even with the added staff the VA cannot muster the around-the-clock operation its doctors say it needs.

"This is an 8 to 4 hospital," lamented one young physician, "and you'd better not get sick any other time."

Despite its staff shortages, the VA cannot turn away a qualified veteran—that is, one who was injured while in one of the armed services or one who served his stretch of duty during wartime, and they can't discharge him against his wishes.

"The alcoholics, the hypochondriacs, the old men with nothing else to do but come here, they all make it tougher on the rest of us," moaned a Vietnam veteran one afternoon.

To the veterans on the critical list, those staff shortages could mean the difference between receiving a blood transfusion when it's needed, or three hours later, between fast emergency nursing treatment and delayed, over-due attention, perhaps between life and death, the hospital's young doctors contend.

Dr. Robinson, however, claims that only the "frills" are hurt by staff shortages—the nicesties that patients in private hospitals pay for but that patients in government-supported facilities cannot expect.

To the men in the VA hospital, the "frills" are not as superfluous as Dr. Robinson would have them think.

A pajama-clad veteran in his 50s, confined to a wheel chair since a stroke left him almost immobile, explained it this way:

"This morning I asked the nurse if I could have a shower and shave. 'What for?', she asked, 'the doctor isn't seeing you today.' "

His hair uncombed, a two-day growth of beard on his cheeks, his pajamas stale and unchanged, he sat there.

"Do you think we want to be clean FOR somebody? Don't they think we want to be clean for ourselves?"

And then his expression changed. "Of course they know that. They're good, good people. The trouble is there just aren't enough of them."

[From the Miami Herald, May 9, 1971]

As War Began To Fill the Hospitals, Pressure Mounted for Cuts in Budget

The American public turned its eye from the war to its wounded in June 1970 when a Senate Subcommittee on Veterans' Affairs declared that U.S. soldiers injured in Vietnam were receiving second-rate medical care in the nation's Veterans Administration hospitals.

Witness after witness detailed the horrors of the VA hospital system, the largest in the world.

The testimony was not all technical, either. Capt. Max Cleland of Atlanta, Ga., cautiously testing new artificial legs, strode to the microphone to tell the senators how he had lost two legs and an arm in Vietnam in 1968, then vegetated in a hospital for more than a year without so much as a wheelchair of his own.

Finally, he convinced doctors to admit him to a special Prosthetics Center in New York. There it took him 10 weeks to master his new artificial limbs. The VA, he complained had cost him a year of his life. In another war it might not have been so. In World War II or Korea, Max Cleland might have died before he ever reached a hospital.

But in this war, helicopter teams evacuate the wounded within minutes to well-staffed, well-equipped support hospitals where miraculous treatment has saved twice as many lives as in previous wars, even though battle injuries tend to be far more devastating.

From Vietnam the wounded—more than 297,800 of them to date—are flown home and many, instead of being committed to army hospitals as in other wars, are discharged and admitted to one of the 168 VA facilities across the country.

There they face recuperations much more lengthy than in other wars where disease hospitalized almost as many men as did battlefield wounds.

In the jungles of Vietnam, where skirmishes put enemies at arms' length and landmines pepper the countryside, missing or paralyzed limbs are common injuries.

As a result of the war the VA hospitals were called upon to care for and rehabilitate thousands of battle injured men as well as old World War I and II patients—patients with cardiac, respiratory and just plain old age problems.

Today, 12 to 14 per cent of the patients in the country's VA hospitals are young Vietnam veterans.

Ironically, just as the war was increasing in intensity and the hospitals were filling with thousands of young patients, pressure to cut the VA budget began.

In 1966, Congress imposed on the VA system an arbitrary personnel ceiling that made it impossible to add more doctors and nurses—just as Vietnam casualties continued to pour in.

The objective was to try to control inflation—inflation originally caused by the war.

The Senate hearings dominated newspaper headlines for a few weeks and sent reporters scurrying through most of the VA facilities in the country.

The furor was short-lived, however, and the 1971 ($1.9 billion) was not substantially larger than the 1970 allotment ($1.7 billion).

The 1972 budget—at $2 billion—will not allow the Veterans' Administration to perk up its image, either. The entire medical budget proposed by the Nixon Administration for 1972 is less than the cost of one month of fighting in Vietnam.

Mr. CRANSTON. Mr. President, one of the most appalling and tragic pieces of evidence of inadequate care yet submitted to us is four statements from physicians at the Wadsworth VA Hospital in Los Angeles detailing the deaths of three veteran patients, and the near deaths of two others, in January and February of this year, due to inadequate staffing and equipment. The shortages of the most basic types of life-saving devices at Wadsworth Hospital underscored my recommendation to add $52 million more to eliminate equipment purchase, and maintenance and repair, backlogs.

Likewise, the enormous fee dental backlog I called to the Senate's attention a year ago was of the same magnitude as the 60,000 examinations and 30,000 treatments backed up right now, even after expenditure of $31 million above the fiscal year 1971 budget request this $31 million was taken from the $105 million we added above the President's amended budget.

The record clearly shows that the Administrator of Veterans' Affairs last June in rebuttal to my testimony firmly protested that he could not use any more fee dental money. For that matter, he also said he could not use any more equipment or maintenance and repair funding; the same hollow denials he is issuing this year. But the VA proceeded last year to spend $20.2 million and $5 million, respectively, for those two purposes from the $105 million we added to last year's budget.

I urged the subcommittee and I urge the Senate to regard similiar protests this year with such credence as last year's experience warrants—none.

Also, under the medical care item, I recommended an addition of $21,120,000, in addition to the $13.8 million recently requested by the President for the drug treatment program. This money would fund 28 more drug treatment centers than the 32 the President proposes. My recommendation included $5 million for contracts with non-VA drug rehabilitation programs for treatment and outreach purposes.

Our June 15 and 23 hearings indicated how great is the need—80,000 to 90,000 veteran addicts needing care during fiscal year 1972—and how comparatively small would be the VA's treatment capacity under the President's plan—6,000 patients by the end of the fiscal year—to meet this need. Right now, the drug rehabilitation budget of the city of New York alone is about $85 million and the State of New York spends annually a sum equivalent to the full $155 million the President is requesting, for more drug treatment for the whole Nation.

The VA has the ability to do more to fight this awful epidemic—persons to staff units are unusually available now—an epidemic which all agree has reached national crisis proportions. If this additional money is added, we would be providing for the treatment and rehabilitation of another approximately 6,000 veteran addicts, double the proposed capacity. Even then we will not come near meeting the need.

As the VA drug program expands, we must take full advantage of the expertise acquired to wage the far broader fight against alcoholism. According to Dr. Roger Egeberg, the former Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs, alcoholism is America's No. 1 health problem. And according to the VA Chief Medical Director, there are approximately 1.3 million veteran alcoholics or alcohol abusers, most all of whom are eligible for VA hospital care. Yet the VA now has capacity to treat in alcoholism units only about 12,000 alcoholics annually. The funds I urge be added would double the VA's present treatment capability to 24,000 annually. This, again, would be modest by comparison with the need.

I also recommended to Senator Pastore's subcommittee that we pick up where we left off last year with regard to the staff/patient ratios on spinal cord injury units. As of March 1971, the average staffing had reached 1.21 to 1 patient as compared with 1.02 to 1 a year before, and further increases to 1.7 to 1 are anticipated during fiscal year 1972. I recommended adding funds to raise the ratio to 2.0 to 1—still lower than the 2.17 to 1 patient ratio in a comparable New York City facility.

Finally, under the medical care item, in view of the aging World War II population—I recommended converting 1,000 more VA beds for nursing care use.

Mr. President, I am extremely gratified that the Appropriations Committee has recommended adding $89 million to the $134.1 million which the other body added to the medical care item as initially requested by the President. The committee explained its recommendation as follows:

> In granting this increase, the committee has taken cognizance of testimony presented to it and after considerable analysis and review of the many programs involved under this item, feels that the additional $89,000,000 provided herein is needed to improve both the quantity and quality of medical care for our veterans. In this connection, the committee understands that $23,000,000 of the add-on could well be used to insure the maintenance of total average employment of 140,295 for fiscal year 1972. In addition, the committee directs that at least $6,000,000 of this added sum be used to cover the increased costs generated by increased use of drugs, medicines, supplies and materials in support of patient care.
>
> The additional $60,000,000 may well be used to cover the cost generated by the increase in the estimated total of out-patient visits and also provide for an increase in the staffing ratio at the Veterans' Administration hospitals to a level desired by the Veterans' Administration.

In my June 29 testimony, I particularly stressed the importance of the committee report including just such specific language describing the uses to be made of additional appropriations. The language I have just quoted is certainly responsive to my request and should be effective in its goal of forestalling any repetition of the experience with the fiscal year 1971 additional $105 million, not one penny of that extra money was permitted by OMB to be spent to add badly needed VA hospital staff and almost half of it was required to be used to cover inflated costs to sustain the program level rather than to improve or expand it.

Moreover, the statement of intention by the committee in the report—"to improve the quantity and quality of medical care for our veterans"—will enable the VA to spend this money for the improvement and expansion I have recommended in the drug and alcoholic treatment programs or spinal cord injury program or for any other of the items covered in my testimony—according to the VA's estimate of the highest priority areas—as well as to maintain the enormous improvement in care made possible by the addition of the 8,645 hospital staff during the last 5 weeks of fiscal year 1971 as a result of the $8 million we added in supplemental funds for last fiscal year.

MEDICAL AND PROSTHETIC RESEARCH ITEM

My total recommendation for research was an additional $18,216,184 million. I very carefully investigated the VA's research needs and presented detailed justification to the subcommittee to support my request.

As the VA Chief Medical Director and Controller testified on June 24, the VA research budget request for fiscal year 1972 is regressive. A strong VA research program is vital to improve patient care—especially for drug treatment—both directly and indirectly by strengthening the now eroding relationships and affiliations between VA hospitals and medical schools and in helping the VA recruit top-flight professionals.

Mr. President, I am delighted that the Appropriations Committee has responded to my request by adding $8 million to the VA medical and prosthetic research item—the amount OMB deleted from the VA research request. This money is urgently needed and it will go a long way toward bolstering the VA research effort as well as improving patient care.

The committee report explained the $8 million for VA research as follows:

> For medical and prosthetic research, the committee recommends an appropriation of $72,707,000, which is $8 million more than the budget estimate and the House allowance. The committee understands that this amount would permit the Veterans' Administration to hire the 365 employees it requested in its initial presentation to the Office of Management and Budget, and would permit an overall growth in the VA research program of approximately 10 percent during the forthcoming year.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES ITEM

I recommended an additional $1.1 million for MAMO.

Mr. President, although the Appropriations Committee did not recommend adding funds to MAMO, I believe that they will ultimately agree to accept a $3 million increase for "exchange of medical information" programs. Yesterday, the Veterans' Affairs Committee ordered reported S. 2288 and H.R. 4762 to extend for another 4 years the authorization of appropriations in section 5055(c)(1) of title 38, United States Code, for $3 million annually for grants to medical schools, hospitals, and so forth for exchange of medical information. This authorization expired on June 30, 1971, and supports a valuable program. I plan to be reporting the bill very shortly from the committee.

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES ITEM

It is now 1 year since I first pointed out the lack of air conditioning in many VA hospitals qualified for air conditioning and the VA has proceeded with air-conditioning designs for only four of the 43 hospitals which are un-air-conditioned but qualified for air conditioning. It is no answer at all to sweltering patients to say that a particular hospital in the south—such as Gulfport, Miss.; Amarillo, Bonham, and Temple, Tex.; North Little Rock and Fayetteville, Ark.; and Columbia, S.C.—is scheduled for air conditioning or even replacement 5 years hence. These hospitals should be air conditioned now and I so recommended to the Appropriations Subcommittee.

Also, there are six VA hospitals ready for replacement if only the White House and OMB would lift the VA construction freeze. Despite interim alterations and improvement in certain facilities at the Bronx, N.Y., and Wadsworth, Los Angeles, hospitals—which I talked about last year—these two ancient facilities are absolutely unsuited for providing modern or even semimodern medical care. The same is true for the hospitals at Augusta, Ga.; Columbia, S.C.; Martinsburg, W. Va.; and Richmond, Va. I recommended that the design of replacement hospitals for these obsolete facilities should begin this fiscal year.

The Office of Management and Budget has already cut this item by $60 million from the VA's request. In fiscal year 1971 the VA obligated $30 million more than is proposed for obligation—$90 million—in fiscal year 1972.

I am cautious with regard to construction because I believe that OMB may very well hold up indefinitely the allotment of even the amount already in the budget and thereby let the system deteriorate and more and more hospitals become underutilized and eventually be closed down.

Congress should go on record as not being satisfied with these delays in proceeding with air conditioning and replacement designs to benefit veterans receiving inadequate care due to these outdated physical facilities.

Mr. President, the Appropriations Committee report very forcefully expressed itself on this point in adding $3 million to the VA construction of hospital and domiciliary facilities item. The committee stated:

> The committee learned that it was necessary for the Veterans' Administration to borrow construction funds during the past fiscal year to cover the cost of repairing the damage caused by the recent earthquake in California at the VA hospitals in Sepulveda, San Fernando and Long Beach, and the tornado damage to the hospital at Fayetteville, North Carolina.
>
> The $3,000,000 provided by the committee restores these funds so that projects for which these funds were initially appropriated may be completed.
>
> The committee considered funding additional projects which, in its opinion, are sorely needed now but are presently programmed for future funding by the administration. After taking extensive testimony and having a full discussion, the committee did not recommend the appropriation of additional funds, however it directs the Veterans' Administration to accelerate its planning and budgeting for the replacement, modernization, enlarging and otherwise improving hospital and domiciliary facilities. Specifically, the committee directs that the Veterans' Administration five year projection for fiscal years 1973–78 of priority construction projects be accelerated and compressed into a three year projection for funding and other purposes, and that the fiscal year 1973 budget request be at least one-third of the sum required to fund the compressed three year program.

I congratulate the committee for cutting to the heart of the VA construction problem and directing that the projection for the next 5 fiscal years be accelerated and compressed into a 3-year program. It is my understanding that a compression will require expenditures of about $150 million annually for the next 3 years.

GENERAL OPERATING EXPENSES ITEM

This was the only nonmedical item in my recommendations. Altogether I urged that $32.74 million be added in GOE. Regarding the outreach services program—which I authorized in Public Law 91–219—at our Veterans' Affairs Subcommittee hearings last November, the Administrator of Veterans' Affairs admitted that contact employees had increased only about 5 percent since the outreach program became law. The need remains great to reach out to the educationally disadvantaged veteran and urge him to enter training or education or help him to find a job. Now, only 9 percent of high school dropouts use their GI bill benefits. This is a national shame and must be remedied.

The bulk of the $11 million I recommend for data management is fully justified as cost effective expenditures to save moneys wasted in costly recurring rental of equipment.

Finally, I recommended $9.2 million be added to meet the very pressing need for more field office personnel to process applications, conduct property appraisals and generally expedite benefit work at VA regional offices. The need for this staff was fully documented in a House Veterans Affairs Committee survey and other material I submitted to the subcommittee. The other body added $7 million of the $9.2 million I requested, and the Appropriations Committee retained the House increase.

In closing I want once more to express my very deepest appreciation to all the members of the Appropriations Committee and, of course, again particularly, to Chairman PASTORE and ranking minority member ALLOTT. I want also to thank my colleague and friend in the other body, the chairman of the House Veterans' Affairs committee, OLIN E. TEAGUE, for the outstanding cooperation he and his staff have extended to me again this year as well as last. It has been a great privilege to team with "TIGER" TEAGUE once more and to have been as successful in our respective bodies as I feel we have been.

Mr. PASTORE. Mr. President, I ask unanimous consent to insert in the RECORD a letter that I received from Francis W. Stover, director of the National Legislative Service of the Veterans of Foreign Wars of the United States.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS OF
THE UNITED STATES,
Washington, D.C., July 15, 1971.

Hon. JOHN O. PASTORE,
Chairman, Housing and Urban Development, Space, Science Subcommittee, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reference to H.R. 9382, the Housing and Urban Development Appropriation Bill, which contains the money to operate programs of the Veterans' Administration for fiscal year 1972.

The Veterans of Foreign Wars commends your Subcommittee for favorably approving the additional $142 million approved by the House and recommending another $100 million for hospital, research, and construction programs.

Your Subcommittee and full Appropriations Committee and the Senate deserve the highest commendation for adding $8 million to the 1971 VA hospital appropriation. This was made necessary when your Subcommittee was told that the extra $105 million which the Congress so wisely added to last year's 1971 hospital budget was spent for nonrecurring budget items. The Congress had intended that this $105 million be spent on hiring additional staff and personnel in VA hospitals. The extra $8 million has permitted the Veterans Administration to hire an additional 8644 employees, of which approximately 2000 are veterans of Vietnam. Thus, the extra $8 million has helped improve veterans medical care and reduced the number of unemployed veterans, for which the record should show that your Subcommittee and the Congress deserve the highest praise.

The Veterans of Foreign Wars is extremely pleased that your Subcommittee has recommended an additional $89 million for hospital and medical care; $8 million for research; and $3 million for construction. The extra $120 million approved by the House assures that there will be no cut in veterans medical care for 1972. The $89 million assures that there will be an improvement in the quality of medical care.

There is much justification for additional funds. There has been an unprecedented increase in the demand for medical care by veterans including applications for hospitalization, hospital admissions, and the highest waiting list for VA hospitals in many years. The additional $89 million, which you have recommended, will not only help take care of this increased demand for VA hospital and medical care but will make a permanent improvement in the quality of medical care by authorizing the Veterans Administration to hire the necessary personnel to provide the highest quality medical care for veterans.

The Veterans of Foreign Wars is extremely pleased that your Subcommittee has recommended restoring $3 million for the construction of hospital and domiciliary facilities budget item and $8 million for the medical and prosthetic research item. Both of these items suffered deep cuts by the Office of Management and Budget before the VA appropriation was sent to the Congress. This additional money is urgently needed by the Veterans Administration.

The Veterans of Foreign Wars strongly supports the appropriation bill which has been recommended by your Subcommittee to your full Committee and for consideration of the full Senate.

The Veterans of Foreign Wars has always pursued the goal of medical care second to none for the veterans of this nation as provided by the Veterans Administration. The approval of the Veterans Administration appropriation, as recommended by your Subcommittee, will be a major step in this direction. It is the strong recommendation of the Veterans of Foreign Wars that this appropriation bill, as it relates to the Veterans Administration, be approved by the full Senate.

With kind personal regards, I am
Sincerely,
FRANCIS W. STOVER,
Director, National Legislative Service.

HELPING OUR VETERANS

Mr. McINTYRE. Mr. President, I am pleased to support what is contained in this legislation for the Veterans' Administration. I compliment the committee and particularly the subcommittee under my friend, the distinguished senior Senator from Rhode Island (Mr. PASTORE), for their magnificent job in reporting appropriations legislation for veterans which will at least keep us from falling behind in our debt to those who have served in the uniform of their country.

Recently, I presented to the Senate my thinking on what we should try to do for veterans this year in health and hospital care, jobs, education, drugs, pensions, costs of living increases, VA personnel, and so forth.

I am particularly pleased that in two areas of great interest—health and hospital care and adequate VA personnel—this bill has done much.

At a time when the need for hospital care for veterans is increasing, the administration proposed funds which, although somewhat greater than last year, still, because of pay increases and inflation, mean a cut in veterans medical care. It has been estimated that the funds proposed by the administration would result in reducing the number of patients who could be cared for in VA hospitals by as much as six or seven thousand a day, an average reduction of more than 40 patients per hospital, including the great VA hospital in Manchester, N.H.

The bill before us today, which I support, provides an increase of more than $200 million in medical care for veterans beyond that called for by the administration. This increase will largely do away with the need for reducing the number of beds in VA hospitals and will make it possible for the VA to hold its own in face of increasing needs and inflation.

The bill before us also provides funds for additional VA personnel. It will fund an increase of roughly 250 positions in the Veterans' Administration.

As I said earlier this year, the rapidly increasing loads at VA offices are literally swamping available personnel. Veterans often are required to make more than one trip to a VA office before they can be served. Claims which are sent to the VA offices too often are piling up on desks awaiting processing by personnel who are inundated with work.

The additional personnel provided in this legislation will do much to help the VA meet this critical workload.

Mr. President, I am pleased that this action in behalf of our veterans is moving through the Congress with such dispatch. I am gratified at the action because it helps carry out proposals which I have felt are so important if we are to repay our debt to those who have worn their Nation's uniform.

Mr. SCOTT. Mr. President, I rise today in support of the Veterans' Administration medical care appropriations. This program is fast becoming one of the VA's most important programs because of this increased withdrawal rate of Vietnam troops, many of whom have drug dependence problems.

Included in the medical care funds is the full administration request for an immediate expansion of the drug rehabilitation program for former servicemen. Nearly $17 million will be allocated for 32 drug rehabilitation units, each with 15 beds and the capacity to handle 200 outpatients.

During the current fiscal year 1972, the Veterans' Administration plans to spend about $750,000 on two drug abuse programs at the Philadelphia VA hospital and the VA hospital at University Drive in Pittsburgh. One of the buildings at the Philadelphia hospital is currently being remodeled for outpatient and day hospital programs and is expected to be in full operation in September. At the Pittsburgh hospital, the program is affiliated with the University of Pittsburgh Health Center, and has been involved in a detoxification program for veteran addicts for about 1 year. It has been working closely during this period with community agencies which refer veterans to the VA hospital for this detoxification, after which addicts are returned to the community for outpatient care. The Western Psychiatric Institute Clinic at the University Health Center in the past year has referred veterans to the VA for a similar detoxification period. Both programs have indications of good progress for these veterans.

I am aware that one of the problems faced at the Pittsburgh hospital is the recruitment of skilled medical and paramedical people for the drug program. There is an especially acute shortage of physicians, psychiatrists, and psychologists. Twenty people are to be added to this staff for the drug program. The hospital director, once he receives funds for this program, hopes to enter into a "sharing agreement" bringing together the entire resources of the community for the drug program, with the VA supplying personnel and money.

The Philadelphia and Pittsburgh programs will be operational contingent upon the passage of these medical care appropriations. I urge speedy and favorable approval by the Senate. These drug treatment centers must be fully staffed to be of any use to our returning servicemen. The additional funds contained in this bill will certainly help.

VETERANS APPROPRIATIONS: A WELCOMED OBLIGATION

Mr. WILLIAMS. Mr. President, the Senate will soon be voting upon H.R. 9382, an appropriations bill for the Department of Housing and Urban Development, National Aeronautics and Space Administration, National Science Foundation, Veterans' Administration, and various other independent agencies. While there are many significant and urgently needed programs which are included in this particular measure, there can be no doubt that the funds earmarked for our Nation's veterans constitute the most vital and indispensible appropriations of all. The veterans of all of our wars deserve the assistance of a grateful Nation, and this is no less true today than it has been during other periods of our history. The veteran has simply done his duty and is entitled to certain benefits as a consequence. In fact, any debt which this Nation has to the returning veterans of the Indochina involvement should be compounded by the fact that to a larger extent than ever before in our history, the efforts and sacrifices which our fighting men have been called upon to make have not generally been shared by the average citizen at home.

We can certainly not deny the dedication and determination that has been exhibited by our combat troops in Vietnam, under particularly trying conditions. I am particularly pleased, therefore, to note evidence that the 92d Congress intends to continue this commitment to the veteran. Evidence can be seen not only in the creation of a new Senate committee exclusively devoted to veterans affairs, but in the several bills for increased veterans benefits which have been introduced already in this session. There are proposals for increasing educational benefits and unemployment benefits and for providing increased guidance to the returning veteran. There are also proposals for assisting veterans who have become addicted to drugs while in the military. These and many other proposals will receive very careful attention during this Congress. The increasing concern of the Congress is also seen in this current appropriations measure, which I understand contains the largest recommendation for the Veterans' Administration in its history, nearly $11 billion. But the House and the Senate have recommended an approximately 10-percent increase in funding this year to meet the increased numbers of eligible veterans, the rising costs of an additional need for medical care, and new programs resulting from recently passed legislation.

I find it unfortunate that the administration requests fell somewhat short of these appropriations recommendations, and I am particularly concerned that the area in which the President is lagging furthest behind the Congress is in the field of medical care, particularly at a time when hospital costs are rising so rapidly. The 1972 budget request was for $2,124,677,000, which, although an increase from 1971, carried with it a plan to reduce the daily patient load in VA hospitals from 85,547 in 1970 to 83,000 in 1971 and 79,000 in 1972. This was to be accomplished by reducing the length of stay of patients and accepting fewer nonservice connected cases. I am pleased that both the House and the Senate have rejected this approach. The House has recommended over $120 million more for medical care and specified that an average daily patient load of 85,000 be maintained, and the Senate Appropriations Committee has recommended over $209 million more than the administration for medical care. The Senate has also recommended higher increases in medical and prosthetic research and in hospital construction.

In addition to this support for increased appropriations for veterans, the Congress will continue to press for legislation aimed at solving another of the returning veteran's greatest problems, unemployment. A short time ago, the Congress passed the Accelerated Public Works Act, which would have led to the infusion of money for public works projects in areas where there was a substantial rate of unemployment among Vietnam veterans. The President, however, despite some glowing rhetoric about finding jobs for returning veterans, had no compunctions about vetoing this $4 billion bill. I am certain, however, that the Congress will continue to search for new ways to assist the returning veteran. The passage of this appropriations measure is but a first step in this direction.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ALLOTT. Mr. President, I yield myself such time as I may use under my control.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, first, I would like to say again this year, what a pleasure it is to work with Senator PASTORE on this bill. He has done a wonderful job in conducting the hearings and marking up this most difficult bill, and I very much appreciate his cooperation and his leadership. He has covered the programs in the bill in his opening statement, and so I would like to mention only a few items of particular interest. Let me say first that I am in general agreement with the chairman as to the sums of money reported out by the committee.

One of the smaller programs in the HUD account, but very important, is research and technology. The committee has restored $10 million cut by the House and also added $5 million over the budget estimate to accelerate certain research programs. I feel particularly strongly in support of the restoration of the $10 million, part of which is for Operation Break-Through. I have been a strong supporter of urban research in the past, but I am convinced that in the past 2 years a solid approach and strong management has been brought to bear in carrying out research on this Nation's serious housing and urban problems. Operation Break-Through is now in its construction phase. Model resident communities with advanced housing systems are being developed in eight different areas around the country. Seventeen States have passed statewide compulsory building codes or industrialized housing laws since Operation Break-Through started, and over 20 more States have introduced or prepared such legislation. Building trades unions are signing agreements with private companies throughout the Nation to work, on an industrialized basis, in housing factories and to assemble these housing units on building sites. There has been a rollback in truck transportation rates so that the shipping of industrialized housing units, modular homes, and mobile homes can be achieved economically. HUD research in the past 2 years has demonstrated they know what the problems are, can implement programs to attack them, and can manage these programs and get results.

I wish to pay special tribute to Mr. Harold B. Finger, who is Assistant Secretary for Research and Technology in Operation Break-Through.

Another program of particular interest is the New Communities Assistance program, authorized by title VII of the Housing and Urban Development Act of 1970. I am encouraged by the national interest shown for this new approach at solving our congested population problem through rational distribution. I believe the key to the title VII program's success lies in the Federal guarantee of community development debt obligation. I will be following closely the expenditure of the amount appropriated for new communities assistance grants to ascertain the relevant benefit derived therefrom.

Mr. President, the committee made its recommendation for NASA before we had an authorization bill. This is not the best way to do business, but in the interest of early disposition of this appropriations act, it was necessary. A new departure this year is that all the particular construction items carried under the appropriations entitled, "Construction of Facilities," are itemized in the bill. I think it is important that it be understood that we do not wish to tie the hands of NASA to past planning, and on this subject I will quote from our committee report:

> In recommending line item appropriations for the various construction projects funded hereunder, it is not the desire of the Committee to diminish in any way the flexibility that is provided in the authorizing legislation. The Committee feels that NASA should have the necessary flexibility to cover both cost variations in individual projects and necessary reprograming to meet unforeseen requirements which are absolutely essential to NASA in the conduct of its myriad programs. Consequently, if there should be any deviation in the amounts specified for each of the items funded hereunder, notice to the Committee of such cost variations or reprograming will suffice.

I believe this makes our position clear, and in addition, we have recommended a 5 percent transfer authorization, as in past years.

As Senator PASTORE has stated, we have recommended the full budget amount for the National Science Foundation. There are those who will wish to go over this amount. In fact, the Senate authorizing committee has set a level of $706 million for this fiscal year. The House authorizing committee has passed their bill at the budget amount, and so this appropriations bill is within the lower figure that may be established by the conference committee on the authorization bill. I believe very strongly that the committee has done the right thing. By earmarking $99,300,000 for science education support the committee is again recognizing the need to stimulate and encourage the superior student in order to assure our Nation of an ample supply of scientists in the 1980's. Let me note that the committee's recommendation is $109,150,000 over the amount appropriated for fiscal year 1971.

Finally, we have, as has been stated, exceeded the budget for the VA, as did the House. For medical care we provided $89 million over the amount voted by the House, which puts this bill at $209,053,000 more than the budget estimate. I do not think it can be said that Chairman PASTORE, nor I, nor any member of this committee does not fully support the highest possible level of medical care that can efficiently and productively be provided for our veterans. Looking to the future, the committee has recommended in their report a speed-up in programed construction of hospitals and domiciliary facilities, while providing $3 million over the budget amount for this line item. The committee report language states:

> The Committee considered funding additional projects which, in its opinion, are sorely needed now but are presently programmed for future funding by the Administration. After taking extensive testimony and having a full discussion, the committee did not recommend the appropriation of additional funds, however, it directs the Veterans Administration to accelerate its planning and budgeting for the replacement, modernization, enlarging and otherwise improving hospital and domiciliary facilities. Specifically, the committee directs that the Veterans Administration five year projection for fiscal years 1973–78 of priority construction projects be accelerated and compressed into a three year projection for funding and other purposes, and that the fiscal year 1973 budget request be at least one-third of the sum required to fund the compressed three year program.

As an example, I have recently visited the Denver VA Hospital, and there is no doubt in my mind, and in the minds of the hospital director, and in the minds of the planners of the VA here in Washington that this hospital must be enlarged by adding onto it.

In fact, this is programed, but we find it is programed for sometime between fiscal year 1973 and 1978, and there was no assurance that funds for design would have been included in the fiscal year 1973 budget. The report language cited directs that the VA speed up their modernization additions and replacements of VA hospitals, and I expect that the $700,000 or $800,000 needed to start design of the extension of the Denver VA hospital will be one of the items included in the fiscal year 1973 budget.

Mr. President, again let me say what a pleasure it was to work with Senator PASTORE on this bill, and I want to commend him for pushing ahead so that we in mid-July can bring this bill to the floor. I have been told by many agency heads and budget officers what a great boon this will be to their efficient management and planning to have this bill passed not later than the end of this month.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PASTORE. Mr. President, first of all, I want to thank my colleague from Colorado for his kind remarks. I feel exactly about him as he stated about me. I do not think two men in the Senate on opposite sides of the aisle have worked with greater coordination and effectiveness than we have been able to do on this subcommittee.

Relevant to Senator ALLOTT's comments on the new communities program, I would like to ask unanimous consent that a speech entitled "New Communities and Land Use Planning: Elements for Rational Population Distribution" delivered by the senior Senator from Colorado last Saturday to a 2-day institute on new communities sponsored by the University of Northern Colorado, be inserted in the RECORD at this point. Senator ALLOTT provides his insight on how new communities fits in with a rational national growth policy. In addition, because of his position on the Interior Committee his analysis of the pending legislation to stimulate land use planning is especially enlightening.

I recommend Senator ALLOTT's remarks as good reading for all Senators.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NEW COMMUNITIES AND LAND USE PLANNING: ELEMENTS FOR RATIONAL POPULATION DISTRIBUTION

The topic of this Institute is more than a little bit intimidating. The "General Issues and Principles of New Communities" are as varied as the forms which "new communities" can take.

In coming years, I hope that every section of every State will become familiar with the concepts and categories with which you are already familiar—the "new-town-in-town," the "satellite city" and especially the "small town growth center."

This last is particularly attractive. It involves not just planning more orderly growth, but getting that planned growth where we need it most—in small towns.

It is nothing less than tragic—for young and old alike; for towns and cities alike—that many young men and women feel that they must leave their homes in small towns and migrate to cities in order to find opportunity. A new communities program that breathes new vitality in our existing pleasant smaller towns or in new smaller towns will make a substantial contribution to improving the quality of life in America.

The first task for those of us interested in "new communities" is a task of public education. All of us must join with the University of Northern Colorado in clarifying the full range of programs available under a properly comprehensive "new communities" effort.

Most of all, we must allay the suspicion that "new communities" programs will only involve communities that do not yet exist. We must emphasize that the "new communities" approach is not an alternative to coping with existing urban problems; rather, it is an alternative way of coping with those problems. It is possible for existing cities and villages—no matter how large or small—to qualify for "new communities" participation. The key element is cooperation between private developers and public officials in existing municipalities and counties.

But before such nationwide acceptance and participation can be expected, all of us who support the "new communities" concept have a job to do. We must explain that "new communities" are a practical and even a necessary response to our transition from a predominantly rural nation to a predominantly urban nation.

In addition, all of us must join with the University of Northern Colorado in demonstrating the practicality of this admittedly visionary approach to community planning.

In a sense the "new communities" concept—the idea of comprehensively planned growth—is a dramatic departure from the traditional American approach to land use and urban development. American cities, like Topsy, "just grow'd." And because we now recognize disadvantages in the way our cities have "just grow'd," we are now embarking on the kind of bold planning involved in the "new communities" program. Thus, "new communities," which depend upon a new dedication to a rational allocation of our dwindling land resources, represent a new—and long overdue—departure from traditional American approaches to community growth.

But in another sense the idea of "new communities" is an old American idea.

New York was a tiny new community of tiny houses on the tip of Manhattan Island when its namesake—York, England—was a venerable cathedral town built on Roman ruins.

When Salem, Massachusetts, was a cluster of new cabins on the edge of the wilderness, its namesake, Salem, England, was a stodgy middle-aged town just emerging from the Middle Ages.

At the end of the Revolutionary War the United States was more of a geographical expression than a nation. There were 3,000,000 Americans strung along a thin strip of a vast and unexplored Continent. In fact, 80 percent of all Americans at that time lived within 20 miles of Atlantic tidewater.

But that condition did not last. Before the last Redcoat had boarded a ship for England, the Americans began to stream across the Appalachians, the prairies, and finally the Rockies. The Westward movement of Americans was one of the greatest mass migrations in history. And as the wave of humanity moved West, it left new communities in its wake.

The American Civil War was a four year explosion of violence on a scale absolutely unprecedented in modern times. One out of every eight Americans was a soldier, as compared with one out of twenty during the Second World War. But even in the midst of this tragic chaos, nearly a million homesteaders crossed the prairies to start new lives—and, in many cases, to start new communities.

I cite these facts for two reasons.

First, I suspect that one of the major obstacles of "new communities" is a fear—completely unfounded—that the "new communities" is an unrealistic, utopian departure from American experience.

Second, the very strongest reason for backing the "new communities" program—the strongest reason for believing that the program is practical—is that Americans are and always have been a mobile people. This is vitally important if we are to understand the real nature of our population program, and the real solution that is needed. Let me explain.

Judging by present evidence, I am not sure that we are yet in a crisis of over-population. While our current national rate of population growth is low, it is equally true that the population base to which the rate is applied is very large. The annual rate of growth has declined steadily during the last 15 years and now stands at one percent. The question is: Why, if this is true, do we feel so crowded—why do we feel as though there is a population problem?

I think the answer is that our feelings are accurate. There is a population problem, but it is not a problem of over-population. Rather, what America is suffering from is a bad distribution of our population.

This problem is real and serious, but we should all be very pleased that our problem is population distribution rather than over-population. We should be pleased because all available evidence suggests that population growth is not very responsive to government policies: we just do not know how to formulate policies which discourage population growth. On the other hand, there is considerable evidence that we know a lot about formulating policies that influence population distribution. I believe the "new communities" policy can exert a favorable influence on population distribution.

I do not need to tell you that the "new communities" idea has generated skepticism—and even derision—in some quarters. There are responsible persons who argue that "new communities" are a mirage—that they are either unnecessary or unworkable or both. I do not accept this view.

I do not deny that there are grounds for some skepticism about the feasibility of "new communities." The extensive British experience with them has not been a success. After twenty years of sustained effort, the population of British "new communities" had grown by only one percent of the national population. But we should not allow that to discourage us. "New communities" are bound to play a different role in this vast and restless nation than they do in Britain. Moreover, we are in a position to learn from the British mistakes.

What is most important and encouraging is that this Administration's commitment to "new communities" is clear. It manifests the firmness and intelligence of its commitment in three ways.

First, it is providing adequate staffing for the effective implementation of Government responsibilities. This year the Department of Housing and Urban Development will double the staff of the Office of New Communities.

Second, this Administration recognizes that the key to the success of bold undertakings like "new communities" is a partnership between Government and private developers.

Third—and most important—this Administration understands that the most vital service the Government can render to a "new communities" program is to guarantee the obligations of developers. It is especially difficult for private developers to obtain the necessary long-term financing—at acceptable interest rates—to carry them through the lean years of land acquisition. With Federal guarantees, new community development bonds are virtually risk-free for the investor. And the use of the bond market provides a vital new source of funds to supplement the banking and mortgage sources which usually are used for land development.

In addition, the Administration is formulating a program of interest grants that will enable public authorities to seek funds beyond the tax-exempt market, in the taxable bond market, to support "new communities" projects. It will do this by making up the difference between the cost of taxable and tax-exempt obligations.

Interest grants will encourage effective partnership between public and private authorities, and will not involve a significant burden on the Federal budget.

These are some of the things the Administration is doing to insure the success of the "new communities" program. But the Administration also understands that, if the "new communities" program is to succeed, it is important that the Government not do certain things.

I believe the men involved in the "new communities" project at the Government end understand that the chief threat to an intelligent and productive partnership with private enterprise is heavy-handed, overbearing controls imposed by the central government. And to the extent that the Government bureaucracy forgets this, I intend to remind them.

As far as "new communities" are concerned it is particularly important that the Federal Government practice intelligent restraint with regard to land use planning. No one has devoted more time than I have to promoting the idea of rational planning for our dwindling land resources. But we do not need land use planning that is done by remote Federal bureaucrats. Rather, the Nation needs State land use policies.

Throughout the Nation intelligent Federalism is resulting in new bodies of State law responsive to the special needs of each State. This is as it should be. And I specially admire Colorado's effort in this regard.

What I do not admire and will not support is some form of national zoning policy. The last thing we need is some Federal agency telling Denver or Omaha or Albuquerque where then can and cannot put gas stations. The Federal Government should be a partner, not a dictator in land use planning.

In this regard I want to point out that two major bills pending before the Senate Interior Committee bear misleading labels. They are called "national land use policy" bills. But both are designed to get the States to exercise *their* proper authority over land use planning.

This is not to say that there are not significant differences between the two bills.

One bill—S. 632—has two serious flaws.

First, it is excessively specific about what the *substance* of State land use policies should be. It involves unnecessary and—given the record of Federal regulations—unwise restrictions on the authority of the States.

Second, this bill would have Federal policy administered by the Water Resources Council, made up of Cabinet officers. In my judgment, this involves a bad principle of administration. When you vest authority in a multi-headed board, you blur the lines of accountability and responsibility. And when the policy being administered is as controversial as land use policy can be, then a multi-headed board becomes an instrument for buck-passing.

The second pending land use bill—S. 992—is the Administration bill.

It imposes less detailed criteria on State land use policy. It requires only that the State exercise control in three general kinds of areas: areas of critical environmental concern—such as coastal zones and estuaries; areas impacted by public facilities, such as airports or highway interchanges; and areas of anticipated new growth that will have a regional impact.

In addition, the Administration bill places administrative responsibility for Federal land use policy directly under one man—the Secretary of the Interior. This makes it possible for a strong executive to control administration, and for a determined Congress to control the executive. This bill would not impede vital cooperation between State and local planners.

A rational, cooperative State and national approach to land use planning is the *sine qua non* of an era of "new communities." I am looking forward to participating in the development of this era. And I am pleased that Dr. Powell gave me this opportunity to join you as you prepare for your own roles as pioneers in a new age of progressive community development.

Mr. SPARKMAN. Mr. President, on behalf of myself and the Senator from New York (Mr. JAVITS) I send to the desk an amendment and ask that it be reported.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk read the amendment as follows:

On page 5, line 14, strike out "$59,355,000" and insert "$100,000,000".

On page 9, line 2, strike out "$100,000,000" and insert "$200,000,000".

The ACTING PRESIDENT pro tempore. Does the Senator wish the amendments to be considered en bloc?

Mr. SPARKMAN. Mr. President, if it is timely, I should like to call those amendments up now en bloc.

The ACTING PRESIDENT pro tempore. Does the Senator wish to have the amendments considered en bloc?

Mr. SPARKMAN. Yes.

The ACTING PRESIDENT pro tempore. Without objection, the amendments will be considered en bloc.

Mr. SPARKMAN. Mr. President, this amendment would increase the appropriations for comprehensive planning grants authorized by section 701 of the Housing Act of 1954 from the committee's reported recommendation of $59,355,000 to $100 million. It would also increase the appropriations for the open space land program from the committee's recommendation of $100 million to $200 million. This action would have the effect of increasing the appropriations up to the full amount requested by the President in his budget message to Congress. The sum recommended by the committee is the maximum amount which could have been appropriated under the authorization available at the time the committee reported the bill. Since that time, the Senate has approved additional authorization which permits the appropriation of the amounts in my amendment.

Mr. President, the 701 comprehensive planning grant program is one of the most widely used programs which we have ever had in housing. It provides funds to States, regional bodies, and local communities to finance the cost of local planning for urban and rural development. It is used in conjunction with Federal programs covering a wide range of community activities. Over the years, the program has been expanded so that today it is used by practically every level of local government to provide the planning support in carrying out community development and new physical improvements. According to HUD, there are more than $400 million of demand for funds from States and local planning agencies to meet the needs of this program.

Equally popular and constructive for the benefit of our local communities is the program of Federal assistance for the financing of open spaces. The President, in his message to the Congress on environment, stated his strong support for additional funds to bolster the open spaces program. He emphasized its need in connection with the program's new emphasis on the acquisition and development of additional park land in urban areas, including the provision of facilities such as swimming pools to add to the use and enjoyment of these parks. The demand for such funds is in the billions of dollars if we are to meet the needs for parks and recreational areas under consideration by our cities and suburbs. The administration is anticipating $224 million of applications for this year.

The administration urged me, as chairman of the Committee an Banking, Housing, and Urban Affairs, to report the additional authorization needed for these programs to bring them up to the President's budget level, which we did last week. The Senate proceeded to approve the committee's recommendations and approved the necessary new authority on Thursday of last week. I understand that, by this action, the Senate is within the rules in approving the additional appropriation without waiting for the House to approve the necessary authorizing legislation. It is understood, of course, that the House of Representatives would have to pass the authorizing legislation before the higher amount could be included in the final appropriation bill passed by the Congress.

Mr. President, both of these items are essential to the continuation of the federally assisted community development programs and the improvement of the environment in our Nation's cities and smaller communities throughout the Nation.

Mr. President, may I say that this was urged upon us by the administration, and we were told that it was urgent to get this measure through in order that it might be included in this appropriation bill. At the request of the administration, our committee took up and reported Senate Joint Resolution 52, and it passed the Senate last Thursday. All I am trying to do here is to place in the appropriation bill the amount that is now authorized by request of the administration.

Mr. STEVENSON. Mr. President, Senator SPARKMAN's amendment to provide an additional $40 million for the 701 comprehensive planning assistance program would bring total fiscal year 1972 appropriations for this program to $100 million—twice the fiscal year 1971 funding level, but still far short of the needs according to HUD estimates.

The traditional low funding for the 701 program has reflected the lack of importance attached to comprehensive planning in the country. Yet, to a significant extent, the absence of comprehensive planning—and particularly areawide planning—has been responsible for the disorderly, inefficient, and costly manner in which our large metropolitan areas have grown and for many of the problems which have resulted from unplanned growth.

In supporting Senator SPARKMAN's amendment, it should be clear that the Senate is considering an increase for the present 701 program and not for title II of S. 1618—the proposed State and local planning and management legislation which the administration hopes will replace 701.

Indeed, any funds appropriated for the 701 program—even if Senator SPARKMAN's amendment is not passed—must be obligated by HUD in a manner consistent with the language in the present statute, particularly the provision specifying that "planning assisted under this section shall, to the maximum extent feasible cover entire areas having common or related development facilities." The deemphasis of areawide planning which the administration appears to be considering would seem to violate the clear intent of the law.

I believe Senator SPARKMAN deserves high commendation for introducing this amendment, as well as his other amendments to increase appropriations for the open space program and the 235 and 236 low- and moderate-income housing programs.

Mr. PASTORE. Mr. President, I really have no personal objection to increasing these appropriations, but for all practical purposes, this is what we are up against. The Senator from Alabama is going to follow this request with an increase of $25 million under section 235, and an additional $25 million under section 236, above the sums recommended by the Senate Appropriations Committee.

With reference to the open space land programs—I am one of those who is very enthusiastic about the program—I think that we may do the cause greater injury than service if we do it in this way.

I would hope the Senator would listen to me attentively. In the first place, appropriation bills originate in the House. These items have not been authorized by the House. When we go to conference. I tell Senators very frankly, after we discuss this matter about 5 minutes we will have to accede to the House position. In my humble opinion, they will be opposed to it.

Insofar as sections 235 and 236 are concerned, we have a different story, for the simple reason that these amounts have been authorized, and I think we would be within our competence and our jurisdiction to appropriate them on the floor of the Senate.

I am not suggesting for a moment that the amendment proposed is subject to a point of order. It is not for the simple reason that the Senate, on the 15th of July, did authorize an amount sufficient to include the increases being suggested. The only thing I am saying to my colleague is that we will be setting a rather unfortunate precedent. I know the administration has requested it, and I am not opposed to it, but I would hope the Senator from Alabama would take into consideration whether or not this proposal ought not to be offered in a supplemental appropriation bill that would originate in the House, where I think we would have a better chance of having it accepted. Between now and then, surely this administration cannot commit more than $59 million for planning grants, nor can it commit more than the $100 million on the open space land program that is already provided in the bill.

I do not know how my colleague from Colorado feels about it, but I think we ought to be frankly discussing the matter with each other at this moment on the floor of the Senate.

I know of the pressures on the Senator from Alabama, but we are going to hit a buzz saw in the House. I feel we would be going into conference on the other matter with a little more rationality and a little more persuasiveness.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. ALLOTT. Mr. President, I should like to express myself to the Senator from Alabama along the lines of the statement of my colleague from Rhode Island.

We have in this bill today $1,680,630,000 more than was encompassed in the bill last year. It is $1,220,501,000 above the budget estimate. No one in the Senate has been more enthusiastic or a stronger advocate of the various housing programs than the distinguished Senator from Alabama, but I must say to him that I agree with the Senator from Rhode Island.

I understand that the Senator from Alabama will shortly propose an increase on the 235 and 236 programs, one or both, and those matters will have to be considered when we get to them; but with the excess over the estimates for 1972 in this bill, and the great amount over the budget of last year, I think that the increase of these items would only weaken the hands of the committee in the areas where we have already strengthened our bill, areas which I am sure the Senator approves of.

I sincerely hope that the Senator will not press this matter at this time, because it would weaken the position of the conferees with the House of Representatives.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. PASTORE. I hope I am not misunderstood on this matter, because these are all worthwhile programs, and I am for them. The only question here is that I think this particular one should originate in the House of Representatives, and we will certainly have time on the first supplemental bill that comes up to take care of this.

I ask my friend from Colorado, if the Senator from Alabama should be of the mind to withdraw these two amendments on the premise that they be initiated and treated in the first supplemental, whether he would look sympathetically upon an increase of $25 million in each of the 235 and 236 categories, and take those to conference.

Mr. SPARKMAN. Mr. President, let me just say this: I recognize the position of the gentlemen handling this bill, both for the majority and for the minority, and, too, I am aware of the rule to which the Senator from Rhode Island has referred. I do not like the rule. I do not like the interpretation that has been put upon it, and I think it is going to cause us trouble throughout the years. I rather resent that we find ourselves in this position, with our hands tied.

However, I do wish to make this clear: I am not offering this proposal simply because I feel that I want it in there. The administration asked for it, and urged us to pass the authorizing legislation in order that it might be inserted in this bill. The majority leader, by letters that have gone out to the chairmen of the committees, has urged us to pass all of the President's so-called must bills, and this was one of them.

I think there is certainly logic in what both Senators have said, that it could be included in the first supplemental, and I certainly am not wishing to create any difficulty for the management of this bill. I do have a further amendment, and I am perfectly willing not to insist upon the present amendment, and move ahead and offer my second amendment.

Mr. PASTORE. Fine; I appreciate that.

Mr. SPARKMAN. Mr. President, I withdraw the amendment.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

Mr. SPARKMAN. Mr. President, on behalf of myself and the Senator from New York (Mr. JAVITS), I send to the desk another amendment, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 23, strike out "$175,000,000" and insert "$200,000,000".

On page 3, line 2, strike out "$200,000,000" and insert "$225,000,000".

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, this is a request for funds in two of the most popular and, I think I can say, two of the best housing programs we have ever had, 235 and 236. And, as has been suggested by the chairman of the committee, this is a matter as to which no point of order can be raised in the conference as to its being irregular, because it has been fully authorized.

This amendment would increase the amount of contract authority available to each of the 235 and 236 programs by $25 million. The Appropriations Committee has recommended $200 million for the 236 rental program and $175 million for the 235 homeownership program. My amendment would authorize $225 million for 236 and $200 million for 235.

These two programs, which grew out of 3 months of intensive work by the Subcommittee on Housing and Urban Affairs during the summer and fall of 1967, are the two most important tools available to provide housing for the Nation's low- and moderate-income families. During the slightly less than 3 years since the Housing and Urban Act of 1968 was signed into law, they have provided several hundred thousand standard dwelling units now occupied by low- and moderate-income families who could not have otherwise afforded decent housing.

The history of the Nation's housing and urban development programs has seen no success story like the success of the 235 and 236 programs. As chairman of the Banking, Housing, and Urban Affairs Committee, I am proud of the significant part that the committee played in developing these successful interest subsidy programs. I would also like to congratulate the Appropriations Committee for the strong support it has shown these programs over the past 3 years.

The success of these programs in doing the job they were designed to do is a strong argument for keeping them running at a level commensurate with the indicated need for low- and moderate-income housing. Figures submitted to me by several organizations supporting an increase in the appropriation for these two programs indicate that at the end of fiscal year 1971, there were applications on hand in HUD for over 165,000 235 units and approximately 240,000 units under the 236 program. This backlog is almost enough in each case to exhaust the full amount that the Appropriations Committee has recommended for fiscal year 1972.

These organizations—National Association of Home Builders, National League of Cities, U.S. Conference of Mayors, NAHRO Information Center for Community Development, and National Housing Conference—in a letter sent to me yesterday have therefore urged that the full amount of funds available for these two programs be appropriated.

My amendment would do this for the 236 program, increasing the committee's recommended $200 million to $225 million. This is in recognition of the enormous backlog under the 236 program and the fact that it must also provide housing units for the elderly, because of the administration's refusal to use the 202 direct loan program for which funds have been provided separately and not used for several years.

I am also recommending that the 235 program be increased by $25 million to a level of $200 million for fiscal year 1972. Although I am sure that HUD could use the full $225 million available, the backlog for the 235 program is not quite as huge as that for the 236 program.

Mr. President, it is essential that these two programs continue to receive Congress strong support, not only in authorization acts but also in appropriation acts. These programs are the keystone to the achievement of the 10-year housing goal spelled out by the Congress in the 1968 Housing Act. If we are to produce the 6 million dwelling units for low- and moderate-income families contemplated in the 1968 act, it is important that this amendment be adopted as part of that plan laid out in 1968.

I urge all Senators to support my amendment.

Mr. JAVITS. Mr. President, I urge the Senate to approve an increase of $25 million for the section 235 homeownership assistance program, and $25 million for the section 236 rental housing assistance program. This would fund the section 235 program at $200 million, and the section 236 program at $225 million.

Recently this year, Senator HART and I fought in the Senate to add $25 million for each of these programs to the supplemental appropriations bill. This was done by the Senate but was eliminated in the conference. For fiscal 1972 the House committee has only recommended appropriations of $165 million out of an authorization of $225 million for each of the programs. The Senate committee has raised the level of 235 funding to $175 million, and the level of the 236 program to $200 million. However, I believe that these level are still inadequate to meet the rising and highly justifiable needs under the programs.

Section 235 and especially section 236 are increasingly becoming the programs which will be used to supply the bulk of the subsidized housing in the country.

Section 236 subsidy funds have literally become the lifeblood of moderate and middle income multifamily housing construction and rehabilitation in New York City and other heavily populated sections of my State. Without these subsidies, efforts by Federal and local housing agencies to overcome a disastrous housing shortage, which worsens every day, are well nigh futile.

Governor Rockefeller has recently stated that housing is New York's No. 1 problem. The State's major housing development agencies have as a result accelerated their capability to handle the volume of new construction and rehabilitation that must be achieved. The three largest agencies combined project a statewide demand for 236 funds of between $70 and $75 million as of June 30, 1972. Yet, they can expect to receive only about $25 million under existing funding levels. HUD's more conservative estimates, prepared at my request, indicate that New York City alone will require $25.6 million for projects that will be under construction by December 31, 1971. HUD's best estimate of the statewide 236 demand by December 31, 1972, is $77 million.

Against this backdrop, which I am sure is similar to the situation in many other areas around the country, an appropriation of $175 million or even $200 million is not sufficient. The problem is similar in the section 235 program where the Senate committee report states the backlog on a nationwide basis at $100 million.

A primary complaint in the urban areas of our country is lack of adequate housing—it is the root of many other evils. In order to alleviate this problem we must fund key programs such as 235 and 236 at the highest possible level. Therefore, I urge my colleagues to approve the amendment today which would increase the two programs by $25 million each.

Mr. KENNEDY. Mr. President, I rise in support of the distinguished chairman of the Senate Banking, Housing and Urban Affairs Committee. His amendment today reflects his deep knowledge of the crisis facing this Nation in the area of housing.

It is not a new phenomenon. We have heard a host of commissions and seen the statistics year after year. We are not meeting the Nation's need for new housing. We are not meeting the need of our elderly citizens. We are not meeting the needs of the poor. We are not meeting the needs of the young.

Although the Senate Appropriations Committee should be commended for the increase over the House-approved bill of some $35 million for low-income rental housing in the section 236 program, I believe that we can do more. The committee has earmarked the 236 increase for the elderly and the handicapped, thereby recognizing the lack of adequate housing that exists among the Nation's 20 million elderly.

However, the need for adequate low- and moderate-income housing extends across all levels of society and it is apparent that we are falling short of the two-decade-old goal of providing a decent home for every American. One only has to drive through the city of Washington or the inner city of a thousand other urban and rural communities to know that our efforts are inadequate. Boarded windows, rotting timbers, buildings left to die, and nearby, families packed into one-room warrens of aging tenements.

That is enough to demonstrate the wisdom of the amendment by the Senator from Alabama, who proposes to add $25 million to section 236 and $25 million to section 235.

If additional justification for these increases were needed, the testimony of witnesses at hearings on the Housing and Urban Development Legislation of 1970, from the National League of Cities, from the National Association of Home Builders, from the National Housing Conference, and the National Rural Housing Coalition amply support these increases.

Perhaps the statement of a spokesman of the AFL–CIO should be recalled. He told the housing subcommittee last year that in 1950 nearly 2 million housing starts occurred when the population was 152 million. But now, with a population of over 200 million, we are building at a lower annual rate. By every possible standard of measurement we are coming up short.

And there is another way of measuring the need for these subsidized housing programs. That is to inquire into the backlog of applications.

Today, from the cities and from the rural areas, there are applications filed for 165,000 units of section 235 and 240,000 units of section 236. Merely meeting this backlog would use up most of the available funds.

In Massachusetts alone, there were applications during fiscal year 1971 for $16.5 million in section 236 projects but only $6.6 million could be funded, leaving a backlog of $9.9 million, or more than 9,000 units.

In Massachusetts in fiscal year 1971, there were $2.4 million in applications for section 235 projects but only $1.5 million could be funded, leaving a backlog of some $900,000 in applications for over a thousand units.

Mr. President, approval of this amendment is the least we can do if we are to answer the need for adequate housing of all of our citizens.

Mr. PASTORE. Mr. President, I have discussed this amendment with the Senator from Colorado (Mr. ALLOTT), and we are both amenable to it. I assure the Senator from Alabama that I shall fight vigorously for the retention of this amendment in conference. I do not know what the House of Representatives is going to do.

The estimate was $175 million in each category, and the House cut each figure back $10 million. We put back the $175 million figure in each category, and we raised it to $200 million in the 236 category, with a statement in the committee report urging that at least $35 million of that amount be used for housing for the elderly or handicapped, which I think is the best housing program ever conceived in this body.

When Mr. Romney was before the committee, he admitted that only one out of every five elderly citizens is being accommodated with adequate housing. I think that is a national disgrace, in this affluent country. There are countries throughout the world that have better programs than we have even though we are furnishing them with foreign aid.

This is one program I can support with all the vigor and energy required, and I am perfectly willing to accept the amendment.

Mr. ALLOTT. Mr. President, will the Senator from Rhode Island yield me 2 or 3 minutes?

Mr. SPARKMAN. Mr. President, I yield the Senator whatever time he requires.

Mr. ALLOTT. Mr. President, I just wish to say this: I endorse what Senator PASTORE has said. He and I have both been enthusiastically in favor of housing for the elderly, and we have tried to take care of them in this bill. It is necessary that we do so; we all know that.

I wish to say further also that while I suppose that I ought to sort of take a watchdog position on many of these measures, I have supported the 235 and 236 funds all along. I have not been enthusiastic about the rent supplement funds. I have yet to be convinced that the rent supplement program is as efficacious or meritorious as 235 and 236 promise to be. But I am wholly in accord with the chairman of the committee, and we will take the matter to conference.

Mr. PASTORE. Vote.

The ACTING PRESIDENT pro tempore. Do Senators yield back the remainder of their time?

Mr. SPARKMAN. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement signed by representatives of various organizations in support of such a measure, including the National Association of Home Builders, the National League of Cities, the National Housing Conference, the U.S. Conference of Mayors, and the NAHRO Information Center for Community Development.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JULY 20, 1971.

DEAR SENATOR: The undersigned respectfully urge your support for an increase in the amount of contract authority authorized for the 235 and 236 programs. It is absolutely essential that the momentum which we have begun to achieve in furnishing a continued supply of housing for low and moderate income families be maintained. Two of the programs which have proven to be most effective in providing this vitally needed housing are the Section 235 and Section 236 interest subsidy programs for homeownership and rental housing.

H.R. 9382, as reported out by the Senate Appropriations Committee authorizes $200 million for the 236 program and $175 million for the 235 program. This is in contrast to the $225 million in contract authority available for fiscal year 1972 for each of the programs. There is a need for the full amount of the available authority. We understand that the unfunded backlog at the end of fiscal 1971 for the 235 program was for over 165,000 units and for the 236 programs about 240,000 units. Just funding this backlog will use up most of the available funds.

Full appropriation of the available authorization is therefore essential if the nation is to meet the Congressionally established 10-year housing goal in the 1968 Housing Act of six million dwelling units for low and moderate income families.

Sincerely,
JOHN A. STASTNY,
President,
National Association of Home Builders.
JOHN J. GUNTHER,
Executive Director,
U.S. Conference of Mayors.
ROBERT W. MAFFIN,
Executive Vice President, NAHRO Information Center for Community Development.
PATRICK HEALY,
Executive Vice President,
National League of Cities.
NATHANIEL S. KEITH,
President,
National Housing Conference.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. PASTORE. Mr. President, I know there are going to be two more amendments, but I do not see the Senators here. I suggest the absence of a quorum, and ask unanimous consent that the time be taken out of neither side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I call up my amendment which is at the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 20, line 25, strike out "$20,252,000" and insert in lieu thereof "$23,252,000".

Mr. HARTKE. Mr. President, this amendment deals with the exchange of information between the Veterans' Administration and private medical authorities throughout the United States.

This is the kind of program which began in 1966; and the difficulty in this program simply is that the money has expired and the authorization for the pilot program has expired. There is no question that the administration, the Veterans' Administration, and the President, himself, are in favor of continuation of this program.

At the outset, I wish to commend those who worked so tirelessly to assure first-class medical care for our Nation's veteran population.

Senator CRANSTON, as chairman of the Subcommittee on Health and Hospitals, has done an outstanding job in continuing his investigation into the quality and quantity of the Veterans' Administration's health system. His hearings this year together with his testimony before the Independent Offices Subcommittee of the Committee on Appropriations clearly detailed his dedication to providing the best possible medical care possible for our Nation's veterans, and his mastery of the intricate details of the subject matter.

I am gratified also of the deep attention and kind consideration which Senator PASTORE, as chairman of that committee, has given to veteran medical care. Because of his concern, veterans everywhere will be benefited by the hundred million dollars which his committee has added for medical care. I trust that in the future we can expect more in this regard, and I know that Senator PASTORE will give the same concern that he always has in this matter.

The amendment which I offer today is to add $3 million to the section for medical administration and miscellaneous operating expenses. This addition will provide for full funding of the exchange of medical information section of section 5055 of title 38. This pilot program, which was first authorized in 1966, authorizes the Administrator to enter into agreements with medical schools, hospitals, and members of the medical community for the free exchange of medical information. Utilizing closed circuit television, and individualized programed instruction, it enables continuing education of medical personnel and a cross fertilization of information and techniques between the general medical community, and the Veterans' Administration medical system. Current appropriation authority for this program expired on June 30 of this year. Legislation, however, has been introduced to extend this authority for an additional 4 years. The House Committee in reporting H.R. 9382 noted that the medical information program authority expires at the end of this fiscal year. They indicated that the administration would submit a supplemental bill at some later time to provide funds after the program was extended. Yesterday, however, the House passed H.R. 4762, which is the bill extending the authority of this pilot program. Shortly thereafter, the Veterans' Affairs Committee, of which I have the honor to be chairman, met in executive session, and ordered the bill reported favorably. Thus, I can see no reason why this viable program should be subject to possible long delays while waiting for a supplemental request. The $3 million, which will provide for full funding of the medical information exchange program can be added now to the medical administration and miscellaneous operating expense section of the budget. My amendment would thus increase that section from $20,252,000 to $23,252,000.

I urge the support of Senators in this matter so that this valuable program will suffer no delay.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. PASTORE. We have been very generous with the Veterans' Administration. As a matter of fact, the House raised its budget by $120 million plus, and we went $100 million over that. But here, again, I say that the House has not considered this matter for funding. It is true that the authorization has passed the House, and it is true that the Senate committee has acted upon it. But the Senate has not acted. Therefore, it is subject to a point of order, and I must raise the point of order and suggest that it be brought up on the first supplemental.

Mr. President, I raise the point of order.

The ACTING PRESIDENT pro tempore. The point would not be in order——

Mr. PASTORE. Until the time has expired. I will wait.

Mr. HARTKE. I invite attention to the fact that this really does nothing except delay the program. There is no question that this amendment ultimately will become the law.

Mr. PASTORE. I realize that.

Mr. HARTKE. In the meantime, we deprive the veterans of their opportunity to have this continuity of exchange of these programs.

Mr. PASTORE. That is true. But the Senator must realize that we have a tremendous responsibility in the committee. The pie is only so big. We are now billions of dollars over the estimate. We have been very generous with the Veterans' Administration.

I am not saying that this is not a fine program. But I have just persuaded the Senator from Alabama to withdraw his amendment because it was not completely authorized and the House had not heard it. I cannot be inconsistent.

So far as that is concerned, when it comes up on the first supplemental, I will be for it and I will go along with the $3 million. But the Senator cannot do it this way at this time, because we will be opening the door and it will never end.

Mr. HARTKE. I do know that, technically speaking, this amendment is subject to a point of order, and I am not going to argue that point.

I appreciate the attitude of the Senator from Rhode Island in expressing his desire to go along. I would hope that some way we could keep the continuity of the medical education program going. In the meantime, it stops.

This has been one of the difficulties in too many programs in Congress—that is, that we had a stop-and-go operation. Under normal circumstances, if the bill itself would have been in good shape, we would have followed the regular procedures of authorization and expenditures.

It is probably more of an omission of the Veterans' Administration in the original instance, in not making sure that they had the authority extended early.

I know that I cannot press the point with the Senator from Rhode Island.

Mr. PASTORE. I wish the Senator would not press the point. As I said before, we would be setting a precedent that would put me in a rather awkward position if someone else comes in.

This amount has not been authorized completely. The Senate committee has acted on it, but it has not been worked on by the Senate. If we take it to conference, it will not last 2 minutes. Why hurt the program? Let us do it in the supplemental bill. That is the time to do it, and then we will get the money.

Mr. HARTKE. The authorization will be complete before the conference on this bill is complete, because there will not be any dispute on this matter, in my opinion, on the authorization. I would think that if we do not finish this bill in rapid order, we could complete the authorization before this bill were completed.

Mr. PASTORE. That has been the fault of the Senate. That is why we have had to stay here until Christmas. We reported this bill, with several of the big programs not authorized, and they have been working on these in the legislative committees for months and months. How are we ever going to get out of here unless the authorization committees do their work? I cannot help it if the committee has not authorized it. If there is a lack of continuity, it is not our fault. It is up to that committee to bring out the legislation, and then let us authorize it. This has happened before. I have said this many times on the floor of the Senate.

Even now we do not have an authorization for the National Science Foundation. That is what we have been up against. The Appropriations Committees are expected to do their work, I think the legislative committee ought to—well, I could use some harsh language, but I shall not.

Mr. HARTKE. I am fully aware of the situation. I do not want to press the point, if the Senator from Rhode Island cannot see his way clear.

I hope they would reconsider this on the debate and before we go to third reading——

Mr. PASTORE. I do not want to make that promise. If this matter comes up on the supplemental bill, it will have my 100 percent support. Outside of that, I raise a point of order.

Mr. HARTKE. I withdraw the amendment, then.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

Who yields time?

Mr. MAGNUSON. Mr. President, I send an amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

At page 15, line 24, strike $620,150,000 and insert in lieu thereof $645,150,000.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the name of the Senator from Massachusetts (Mr. KENNEDY) be added as a cosponsor of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, the reason I am sponsoring this amendment with the distinguished Senator from Massachusetts, which adds $25 million for the so-called dropout program, is that last year Congress approved the so-called Mansfield amendment which required the Department of Defense, the Atomic Energy Commission, and NASA to halt basic research that was not directly connected with their mission. I think the Senator from Washington voted for it. Most of this research has been picked up by the National Science Foundation. The mission agencies mentioned above have dropped support of fundamental research—that is, basic research projects—totaling $100 million.

The Director of the NSF stated before the Senate Committee on Labor and Public Welfare that 75 percent of this $100 million ought to be supported. The NSF budget request contained an allowance $40 million to fund that part of this research which NSF considers most important. Thus, at least $35 million of important research would fall between the cracks unless the Senate approves this amendment. Senator KENNEDY's subcommittee increased the NSF authorization by $35 million to allow this important basic rsearch to be continued by the NSF.

The appropriation bill provides $623.15 million but it has not provided the additional $35 million authorized.

The Senate Appropriations Committee has approved increases made by the House Appropriations Committee for science education support programs totaling $38.8 million. This $38.8 million will probably be taken out of the basic scientific research project support program.

This reprograming will add to the deficit in science research support; the reduction could total $73.5 million.

Mr. President, this cut in basic research comes at a time when every Member of the Congress knows that thousands of scientists and engineers across the Nation are already unemployed.

I believe an increase in this budget item is needed and required to show these skilled professionals that Congress recognizes its responsibilities to provide jobs and research opportunities. I also believe that this Nation has tremendous research needs. I am particularly concerned about environmental, social science, engineering, oceanography, biology, and chemistry research. The problems of the environment alone are staggering and treating the symptoms, as we do today, will never provide the basic prescription needed in order to prevent the continued destruction and degradation of the air, water, and land.

Mr. President, I also have a deep interest in this matter—and this has nothing to do with the merits or demerits of the projects that have been declared sound—because in my State of Washington we have a tremendous unemployment problem. We have a technological and scientific "Appalachia" going on out there. The unemployment figures as of last week were 16.8 percent. That means about 22 percent, when we add up those that do not go down and ask for unemployment compensation as yet. Many Senators have been talking about unemployed engineers. This amendment would provide an opportunity for the money to become available to meet the kind of rhetoric which we have heard so much in this Chamber in debate on controversial projects.

Twenty-five million dollars is only a token and certainly will not meet the full need, but I hope that the Senate will approve it.

Mr. President, I might say for the RECORD that this also involves projects in many of the large universities about which several Senators have talked to me concerning the program, because the universities in their areas have had some of these projects that were dropped, or had to be dropped by the Mansfield amendment—and I think the Mansfield amendment is in the right direction—but we do have to provide these basic research projects and fund them somewhere else.

Mr. PASTORE. Mr. President, I will make my position very clear.

The House has authorized the amount that came up as a budget estimate of $620,150,000. The Senate legislative committee authorized $706 million. Last year, we appropriated $511 million. The program has been growing and growing and growing. We have had no final conference on the authorizing legislation and we do not know what the final figures will be. The fact is, the amount authorized by the House might come out of the forthcoming conference. Our committee has recommended the budget estimate and the sum authorized by the House.

The House has recommended an appropriation of $582,000,000, which is $38,150,000 less than the sum contained in the pending measure. We restored the amount cut by the House and wrote in the report that the program for "Institutional Support for Science" and "Science Education Support" be implemented in the amounts of $28,800,000 and $99,300,000 respectively.

The distinguished Senator from Washington is a member of the conference. I know that this is going to be a hot potato when it gets to conference but if he will handle that hot potato—and I have talked this over with the Senator from Colorado (Mr. ALLOTT)—we will be willing to take it to conference.

Mr. MAGNUSON. I thank the Senator. I am used to handling hot potatoes. Some of them may drop.

Mr. PASTORE. I will say this, that if this comes to a yea-and-nay vote, I will have to move to lay it on the table.

Mr. ALLOTT. Mr. President, this is a ticklish situation and points up again how important it is that the legislative committees in Congress act and get the authorizations out, because here again we are in a never-never land.

I want to say, because I want it in the RECORD, that last year $513 million was appropriated. Now, with our committee recommendation at $623 million, we are asked to put it up $35 million more, which will be $658,150,000.

Without this money, the bill is already 22 percent over the bill for last year—22 percent in 1 year. We are caught on the horns of the so-called Mansfield amendment which passed a couple of years ago. That amendment required certain agencies to divest themselves of certain research. We have been hit over the head here with the fact that $100 million has been canceled out of certain research in the various departments of Government, including the Department of Defense and the AEC.

However, the statement of the National Science Foundation is that about 75 percent of them, they believe, are worthy of being financed by the National Science Foundation. That has been the argument used by people who want to raise this by $75 million, or way above that; but I point out that nowhere in the record does the National Science Foundation say that it has assumed $75 million will be cut from the contracts, but that only 75 percent of the $100 million, in their opinion, are worthy of consideration by the National Science Foundation.

Other than that, I want to make the record perfectly clear that I agree with my chairman.

Mr. KENNEDY. Mr. President, there is a very serious problem within the $623.15 million program budget being recommended for the National Science Foundation for fiscal year 1972. The total amount does match the total requested by the President. However, let me quickly point out the budget as reported out to this body is neceessarily different than that contained in the President's request. Whereas the NSF requested $12.0 million for its program of institutional support for science, the proposed appropriation legislation requires that $28.8 million of the sum appropriated be used for that program. Additionally, whereas the administration requested $77.3 million for NSF's science education support programs, the legislation now contains a mandatory floor of $99.3 million. The education programs are badly needed, and great public support for them has been generated. The increases for these two programs total $38.8 million above the amounts included in the NSF total of $623.15 million. Unless additional funds are appropriated above the total request, the $38.8 million will have to be obtained by cuts in NSF's basic scientific research project support program. I am sure this is not the intent of this body, especially in view of the following facts.

Funds allowed for the basic research program of NSF in the fiscal year 1972 budget request fall far short of what is needed. In testimony before the Special Subcommittee on the National Science Foundation of the Senate Committee on Labor and Public Welfare, which I chair, the Director of the National Science Foundation, Dr. William D. McElroy, presented convincing evidence that, during the most recent 2 fiscal years, the mission agencies of Government are dropping support of fundamental research projects totaling some $100 million. A detailed listing of these projects is contained in the subcommittee hearing report on S. 1968. I have with me today two summary tables showing, by State and Federal department, the dollar value of the additional research NSF is being requested to support and I ask unanimous consent that they may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. The National Science Foundation budget request contained an allowance of $40 million to fund that part of this research which NSF considers most important to continue in the national interest. In testimony before the NSF Special Subcommittee, the Director of NSF stated that a minimum of 75 percent of the $100 million ought to be supported. As you know, NSF utilizes not just its own staff, but also those scientists nationwide who are qualified in all of the disciplines and subdisciplines of science to advise on which research programs ought to be supported. These are very considered judgments. In view of the deficit of $35 million in quality research which should be supported but which cannot be under the administration's request, the final authorization bill passed by this body, then, contained an additional $35 million for this purpose.

The appropriation bill for $623.15 million now being considered does not include the added $35 million, nor does it include funds for the internal reprograming I described earlier of $38.8 million which means that if the bill before us is passed unaltered, there will be a deficit of science research support of at least $73.8 million. Much concern has been expressed by myself and many of my worthy colleagues on the very costly unemployment of potentially productive scientists and engineers, which would be aggravated if this bill is passed unamended. I am sure it is not the intent of this body to further exacerbate that problem by having NSF, the major source of fundamental science research in the country, start fiscal year 1972 with a deficit approaching $75 million. The effective way to solve an unemployment problem is to provide worthwhile productive employment which allows the unemployed to make maximum contributions in terms of their capabilities. The programs of NSF afford just such an opportunity for highly skilled persons.

For these reasons I urge that an additional $25 million be added to the NSF appropriation bill under consideration. This will not cure the entire NSF deficit; however, I feel that it will greatly alleviate a serious problem.

EXHIBIT 1

Mission agency research support reductions

Alabama	$186,000
Alaska	513,000
Arizona	626,000
Arkansas	10,000
California	12,608,000
Colorado	1,163,000
Connecticut	2,146,000
Delaware	102,000
Florida	2,815,000
Georgia	664,000
Hawaii	239,000
Idaho	35,000
Illinois	3,264,000
Indiana	494,000
Iowa	787,000
Kansas	77,000
Kentucky	484,000
Louisiana	173,000
Maine	42,000
Maryland	2,388,000
Massachusetts	12,473,000
Michigan	1,773,000
Minnesota	825,000
Mississippi	30,000
Missouri	803,000
Montana	165,000
Nebraska	100,000
Nevada	349,000
New Hampshire	260,000
New Jersey	4,650,000
New Mexico	1,734,000
New York	7,857,000
North Carolina	1,429,000
North Dakota	40,000
Ohio	726,000
Oklahoma	515,000
Oregon	664,000
Pennsylvania	2,668,000
Rhode Island	786,000
South Carolina	220,000
South Dakota	376,000
Tennessee	563,000
Texas	2,182,000
Utah	839,000
Vermont	310,000
Virginia	655,000
Washington	435,000
West Virginia	140,000
Wisconsin	1,580,000
Wyoming	115,000
District of Columbia	1,220,000
Subtotal, United States	75,298,000
Foreign	114,000
Subtotal	75,412,000
Additional projects being dropped by mission agencies, not yet identified by State:	
Department of Defense	15,000,000
Atomic Energy Commission	9,000,000
Total	99,412,000

NATIONAL SCIENCE FOUNDATION

Research project support reductions by other agencies

[In thousands of dollars]

Department of Defense	$54,959
Department of Health, Education and Welfare	10,287
Atomic Energy Commission	24,819
National Aeronautics and Space Administration	7,707
Department of Interior	630
Veterans' Administration	101
Department of Commerce	909
Total	99,412

DROPOUTS AND THE NATIONAL SCIENCE FOUNDATION

Mr. PACKWOOD. Mr. President, I rise today as a sponsor of the amendment to provide additional funds in the National Science Foundation budget necessary to continue high quality ongoing institutional research which as of this moment is in danger of abandonment by several mission-oriented agencies, most notably the Defense Department, NASA, and the AEC. Normally, I would not urge such increased funding, but the situation before us requires such action.

The National Science Foundation has broad authority to insure continued U.S. strength in the Nation's science and engineering research programs. However, in spite of the legislative mandate given the NSF by the Congress, the major Federal funding for fundamental research in the sciences and engineering has, for many years, been provided by the weapons development and space agencies, in particular, the Department of Defense, the Atomic Energy Commission, and the National Aeronautics and Space Administration. However, during the last 18 months, there has been a dramatic change in the character of the research support programs of these and other mission agencies. This results from the fact that these agencies are discontinuing or drastically reducing their support for research projects that are not clearly and directly related to the achievement of a specific mission objective of the agency. Almost without exception, the researchers involved are turning to NSF for funding.

The administration's fiscal year 1972 budget request for NSF includes an allowance of $40 million to take care of this so-called dropout problem. The National Science Foundation Subcommittee examined this problem in detail. NSF testimony including specific and detailed information on the projects affected, the institutions involved, and other pertinent data indicated that research projects totaling $100 million will have fallen in this category by fiscal year 1972. The Director of NSP stated in response to questions raised by the subcommittee that at least $75 million of the $100 million in projects being dropped by the mission agencies is of such high quality and importance as to merit NSF support. Therefore, a minimum $35 million increase above the NSF $622 million budget request is needed to fund the work of the many outstanding scientific investigators requiring support. An additional $25 million will permit the NSF to at least approach this goal.

I should stress that the $75 million in projects that would qualify for NSF support represent very important fundamental research efforts. They are being conducted by some of the finest research teams in the Nation. These investigators and teams are at the forefront of science and their continuation, I believe, is vital to the national interest. Moreover, their support is being discontinued by the mission agencies with the full expectation that NSF will be able to provide the necessary level of support.

There seems to be general agreement

that the shifting of a larger portion of the Federal support responsibility for fundamental research from the mission agencies to NSF is appropriate, particularly in view of the responsibilities given to NSF in its enabling legislation. But it should be clear that NSF cannot be expected to meet the additional research support responsibilities which I have described unless the Congress appropriates the funds and other resources actually needed. As I have pointed out, the $40 million included in the NSF budget to support important research no longer funded by mission agencies is at least $35 million below the amount needed by NSF to deal effectively with this problem. This is a serious efficiency.

I sponsored an amendment to increase the total NSF fiscal year 1972 authorization legislation by $35 million over the amount of $671,516,215 included in the May 26, 1971, version of S. 1968 bringing the revised authorization to a new total of $706,516,215. This action was given unanimous approval by the NSF Subcommittee and the full Labor and Public Welfare Committee and passed the Senate without objection. I took this action in order to provide a continuing base of support for the high quality research formerly supported by the mission agencies and to insure that these research efforts which are vital to continued U.S. strength in the sciences and engineering are not abandoned. Therefore, the authorization exists for you to appropriate the level of funding actually needed by NSF to deal with the dropout problem. It is my sincere hope that the Senate will approve the full amount of the Foundation's appropriation request of $622 million plus another $25 million to at least partially take care of the minimum support requirements resulting from the shifts in mission agency support of fundamental research for a new total of $647 million.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time has been yielded back on the amendment. The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. ALLOTT. Mr. President, on the bottom of page 19 of the bill, and on page 20, there is an appropriation for medical care for the Veterans' Administration. The provision at the bottom of page 19 reads as follows:

> *Provided*, That the foregoing appropriation shall not be apportioned to provide for less than an average of 97,500 operating beds in Veterans Administration hospitals or furnishing inpatient care and treatment to an average daily patient load of less than 85,500 beneficiaries during the fiscal year 1972:

Mr. President, the committee took extensive testimony on the needs in this area, and after we considered it fully, we decided that, in view of the fact that this particular proviso is stated in the alternative rather than in the conjunctive, we thought it was workable and viable. That is my understanding of the situation, and I should like to ask the chairman if that is his understanding also.

Mr. PASTORE. Mr. President, I agree with the Senator. In reading English, "or" does not mean "and."

Mr. ALLOTT. The Senator is correct, I thank him.

Mr. TOWER. Mr. President, I rise in support of the bill, H.R. 9382, the Department of Housing and Urban Development-Space-Science appropriation bill for fiscal year 1972.

I have particular interest in title I of this bill which allocates funds for the continued operation of the Department of Housing and Urban Development inasmuch as several most important pieces of legislation are now pending before the Housing and Urban Affairs Subcommittee which when enacted by the Congress will alter appreciably the current structure of the Department. I refer to the Urban Community Development Revenue Sharing Act (S. 1618) and the Housing Consolidation and Simplification Act (S. 2049). Anticipating enactment of special revenue sharing prior to the close of this calendar year, the administration has requested funds for the urban development programs for only the first 6 months of fiscal year 1972. It is my hope that the subcommittee will begin hearings at an early date on each of these bills I have metioned with the intent of reporting a housing bill for consideration by the full Senate in the early autumn. Pending such congressional action, however, the House has passed a full-year appropriation for the urban development programs and the Senate Appropriations Committee now recommends that this body take similar action. I am most pleased to note that the committee has inserted language in the bill which provides that upon enactment of the special revenue-sharing plan into law, unobligated balances in those programs included within revenue sharing would be transferred to fund the authorities granted in the new legislation.

Mr. President, it is most important that a budget program is developed in which the amounts allocated for the production of housing contribute to a well-balanced housing program consistent with the attainment of national housing goals. Certainly the allocations in the bill under consideration as reported by the Senate Appropriations Committee represent such a balanced program.

I urge the adoption of this most important appropriations bill.

Mr. FULBRIGHT. Mr. President, I have been greatly concerned about the lack of funding, and the deferral by the administration of available funds, for urban development programs. There are in Arkansas a number of needed projects in the housing and urban development field which have been long delayed.

I am pleased that the Committee on Appropriations has increased the amounts for urban renewal and the various housing programs, including low-income housing and housing for the elderly.

I am hopeful that these provisions will be approved and that the administration will act promptly in utilizing this funding.

In recent weeks I have heard from numerous State and community leaders in Arkansas about the need for HUD funds. Gov. Dale Bumpers has informed me that the need for public housing in Arkansas is "critical." Local officials throughout the State are concerned about the delay on long-pending applications for funding for housing and urban renewal programs.

Mr. President, I ask unanimous consent to have printed in the RECORD letters from Governor Bumpers and from local leaders in Jonesboro, Franklin County, Jacksonville, Fort Smith, Crawford County, Mena and Polk County, Ark.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF ARKANSAS,
Little Rock, Ark., June 24, 1971.

Re Public Housing.
Hon. J. WILLIAM FULBRIGHT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I have been informed that the total allocation for public housing for Arkansas will be 2,500 units and there are presently applications on file in the area office in Little Rock for 10,000 units.

I personally feel that our local need is critical. I will certainly appreciate any assistance you may be able to give in this matter.

Sincerely,

DALE BUMPERS.

JUNE 10, 1971.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: The people of Jonesboro are becoming quite concerned with our lack of progress in getting approval from HUD of our first Urban Renewal Project, Project Ark. 115, and our application for 450 low-rent housing units, Project No. 5–HPP. There seems to be a feeling developing that their local housing authority has been dragging its feet. I, as Chairman, of this local housing authority am not in agreement, as in my opinion we have done everything we could to obtain approval. However, I can understand the people's feeling of disappointment at our lack of progress as our applications have been filed with HUD for well over a year.

The Little Rock office of HUD keeps telling us that there has been no funding of new projects since our applications have been filed, yet it seems almost weekly I see references in the papers to the effect that other towns in the State are receiving funds. I realize that these news items may be referring to older projects. I, also, appreciate the fact that there has been no general release of funds from the new Housing Bill which the President signed on January 2nd, but nevertheless felt in view of our situation that there might be some way you could offer us some encouragement.

In your letter of October 12, 1970, to me, you stated that you had contacted HUD Officials expressing your interest in approval of these projects. If there is any word of encouragement that you can give us at all, I would certainly appreciate it.

Yours truly,

A. L. CRAFTON,
Chairman, Jonesboro Urban Renewal and Housing Authority.

Ozark, Ark.,
June 15 1971.

Hon. W. J. Fulbright,
Senator, U.S. Senate Building,
Washington D.C.

Dear Sir: Since you represent the people in this area, I feel you will be interested to know that a Housing Authority Project has been organized in Franklin county, for the purpose of acquiring a grant toward construction of low-income rental units within the county.

Some progress has been made, an organization has been set up, consisting of a Chairman, Vice Chairman, Secretary and two additional Commissioners, who are working along with me, as County Judge and other interested persons.

Promotion of this particular project would be of tremendous benefit to worthy persons, especially elderly persons who are unable otherwise to live in adequate houses.

Any help you can be in this matter will certainly be appreciated.

If you can find time in your busy schedule, please advise.

Sincerely,

J. P. McFerran,
Franklin County Judge.

Jacksonville, Ark.,
June 8, 1971.

Hon. J. William Fulbright,
Senator from Arkansas,
Senate Office Building,
Washington, D.C.

Dear Sir: We have been advised that the Housing Authority of Jacksonville, has presented their plan to the Housing Urban Development in Washington, D.C. to finance a high-rise, low rent complex for the elderly over sixty two years of age.

This would be Jacksonville's first high-rise complex. The ground floor would be utilized by the Jacksonville Health Clinic, providing care for the indigent, family planning, a well baby clinic, and mental health care.

The physicians of this community are in support of this project and strongly urge your support also. Any help you can give would be greatly appreciated.

Sincerely yours,

C. L. Cross,
Administrator.

Jacksonville, Ark.,
June 10, 1971.

Senator J. William Fulbright,
Senate Office Building,
Washington, D.C.

Dear Senator Fulbright: I am writing concerning a real need in our city concerning plans for a high-rise complex for the elderly. It is my understanding that we do not have anything of this nature here which means an increased need with passing time.

Please help in whatever way you can to help bring this to this location. If there is any way that I can be of help in this matter or any other problem which you have I will be happy to do what I can.

Sincerely,

Mason Bondurant.

Fort Smith, Ark.,
June 16, 1971.

Hon. J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Bill: I am writing to enlist your aid and cooperation in behalf of the Fort Smith Housing Authority to obtain funding for its application for 140 additional units for housing for the elderly. This is a critical need in Fort Smith, which should be met as soon as possible.

I am advised that even this number of additional units will not be sufficient to fill all applications on file, but release of the funds for the construction of these units will do much to relieve the emergency. Anything you can do will be greatly appreciated.

Sincerely yours,

Thomas Harper.

Fort Smith, Ark.,
June 14, 1971.

Hon. J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: We understand from various sources of information that the long-awaited appropriation for low-rent housing is not too far in the future. The Fort Smith Housing Authority, as you are aware, has an application properly certified for 140 units for the elderly. We have on file more than 200 applications from elderly, and no accommodations for them. We feel that the situation in Fort Smith is critical, and any manner in which you could assist us for funds to build these units would most certainly be appreciated.

We have a development in our public housing program here in Fort Smith that was completed in 1968 comprising 280 units, built and designed especially for Social Security age people, and this development has been 100% occupied since its completion. These 140 units will be an addition to the present 280 units, and the total appropriation will be for living units only as we already have adequate administration, maintenance and community facilities on the existing site. The funding for these 140 additional units is a *must* if the needs of the elderly people in our area are met. The Local Authority feels that it is our responsibility to do everything in our power to secure these units, and without your help this cannot be accomplished.

If at any time our Fort Smith Housing Authority Board of Commissioners and personnel can be of assistance to you, please let us know.

Sincerely yours,

Tom Futral,
Chairman.

Mena, Ark.,
June 15, 1971.

Hon. W. J. Fulbright,
U.S. Senate, Senate Building,
Washington, D.C.

Your Honor: We are in dire need of low-rent housing in Mena and Polk County Arkansas.

We have Housing Authorities for both the City and County.

We have made applications to H.U.D. for program reservations for housing some six months ago, but to date have not received the reservations.

We feel that we really have a greater need for elderly housing than regular, as we have a high percentage of our people in this category. Our last record is some 18% elderly.

We also feel that monies will be released soon after July 1, for housing and would greatly appreciate anything that you may do to help us in getting this needed housing.

Yours truly,

Vernon Rodgers,
Executive Director.

Van Buren, Ark.,
June 16, 1971.

Hon. J. W. Fulbright,
Senate Office Building,
Washington, D.C.

Dear Senator: Crawford County is in critical need of low-rent housing for persons on fixed income such as social security recipients and the disabled.

With our economy expanding more rapidly than we are able to supply housing it is practically impossible for persons, regardless of income, to find suitable house, either for purchase or rental.

It is my understanding that federal funds will be available for this type housing sometimes during the months of July and August, and I would certainly appreciate any effort on your part to see that this area of Arkansas is allocated a substantial portion of these funds for construction in Crawford County.

The Crawford County Housing Authority, of which Mr. Jim Snoddy of Van Buren is chairman, has an application submitted for what they feel would meet the minimum need.

Any consideration given this request would certainly be appreciated, not only by me personally, but the majority of the citizens of Crawford County.

With kindest personal regards, I am,

Sincerely yours,

Milton Willis,
County Judge, Crawford County, Ark.

Fort Smith, Ark.,
June 17, 1971.

Sen. J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: I was one of the founders and served as the first president of the local American Association of Retired Persons for two terms.

It is my understanding that the long awaited appropriation for low rent housing is not too far in the future. You are possibly aware of the fact that the Fort Smith Housing Authority has an application properly certified and approved for 140 units for the elderly. They have now on file more than 200 applications from elderly persons and no accommodations for them.

We feel that the situation in Fort Smith is critical and any way in which you could assist in the release of these funds for building units would be in the interest of good government and highly appreciated.

We have a development here in Fort Smith in our public housing program that was completed in 1968 comprising 280 units built and designed especially for Social Security aged people. This 140 units will be in addition to the present 280 units and the total appropriation will be for living units only, as we already have adequate administration, maintenance and community facilities on the existing site. The funding of these additional 140 units is a must if the needs of the elderly in our area are met.

We must have your help in this most worthy cause. We feel that you will do what you can and we thank you in advance for your support.

Very sincerely,

J. Clib Barton.

Fort Smith, Ark.,
June 25, 1971.

Senator J. W. Fulbright,
New Senate Office Building,
Washington, D.C.

Dear Senator Fulbright: The Fort Smith Chamber of Commerce has had a housing study subcommittee for quite sometime and the members have been concerned about the lack of available low rent housing in our community. In recent discussions with members of the Fort Smith Housing Authority, we find that they have on file over 200 applications from elderly citizens for low rent housing accommodations. At the present time the housing authority has absolutely no units available for these applicants. In 1968 the Fort Smith Housing Authority built 280 units for the elderly. This complex has been 100 percent occupied since its completion and we feel that we must build additional units for the elderly to meet the present demand.

The Fort Smith Housing Authority has submitted an application for constructing an additional 140 units which would be added to the present 280 units to help meet some of the demand in our city. I am writing you to ask you to do what you can to insure that we receive the funding necessary to begin construction of these additional housing units. We feel that the need, as evidenced by the statistics is critical and we hope that you can help insure the success of this proposed project.

I certainly will appreciate your help on this matter.

Sincerely,

H. L. HEMBREY III,
President.

JONESBORO, ARK.,
July 15, 1971.

Hon. J. W. FULBRIGHT,
Senator, Senate Office Building, Washington, D.C.

Re: Urban Renewal, Jonesboro, Ark.

DEAR SENATOR: I personally am deeply concerned that the Urban Renewal application for downtown Jonesboro seems to be stymied. It is my understanding that it has been pending for a long time. There are a lot of very old and dilapidated buildings involved.

I will be appreciative of any information you can get or anything you can do to start the application moving again.

Sincerely,

ROY PENIX.

Mr. MONDALE. Mr. President, the HUD-Independent Offices appropriations bill now before the Senate contains approximately $137 million for further development of NASA's space shuttle and station. As I have stated before, this figure is merely the tip of a $20 to $25 billion iceberg—the beginning of another manned space extravaganza.

Senator CASE, Senator JAVITS, Senator PROXMIRE, and I have attempted to stop this project for the past 2 years. Unfortunately, we have not been successful.

On June 29, 1971, our amendment to the NASA authorization bill deleting funds for the shuttle and station was defeated in the Senate by a substantial margin. Since we see no prospect for a change in that vote this year, we have decided that there is no useful purpose in raising our amendment at this time.

We continue to believe, however, that the shuttle and station is a project without justification—and that it will burden the American taxpayer for years to come. And we also believe that when the annual budget requests for the shuttle alone start approaching the $1 billion figure—as they will in fiscal year 1974, according to NASA's own estimates—the Congress will find that it can no longer permit the incredible waste represented by this project.

In order to avoid such waste, we will continue to press this issue next year. The tragedy is that before public pressure begins to build in opposition to this project—as I think it will—we may have already wasted hundreds of millions of dollars on its development.

To NASA, the shuttle and station represent a return to the $6 to $7 billion annual space budgets of the peak Apollo years. The Agency disregards the testimony of Dr. James Van Allen and other distinguished space scientists that, for $2 billion per year, we can have a truly useful and scientifically productive space program by relying on unmanned, instrumented flights.

In its desperation to get this project funded, NASA has repeatedly changed its purpose and justification—not to meet scientific or technological demands, but to make it politically salable.

First, we were told that the shuttle's primary purpose was to serve as a logistical truck carrying men and supplies to a permanent space station in earth orbit.

Then, when it was pointed out that the shuttle and station depended on the feasibility of long duration manned space flight—which would not be determined until the completion of the Skylab missions in 1973—NASA told us that the shuttle has been decoupled from the station—that it could be justified on its own merits.

And finally, in response to budgetary pressures, NASA announced several weeks ago that it was considering abandoning the two-stage reusable shuttle in favor of a vehicle with only a reusable second stage—despite the fact that NASA's arguments that the shuttle would save money were based on the assumption that both of its stages would be reusable.

But regardless of the type of shuttle NASA wants, it is difficult to see how a project which is now estimated to cost $13 billion will save money. And in the one independent study of this proposal, the Rand Corp. concluded that the shuttle's development "is not easy to justify"—that "criteria other than cost should be used" to evaluate its desirability.

Prior to the release of this Rand report, NASA consistently claimed that the shuttle's primary justification was to reduce the cost of space transportation.

After the release of this report, NASA informed us that it was "not seeking to justify the shuttle on purely economic grounds"—and that the shuttle's principal justification was a "new capability—for versatile and efficient operations in space."

Once again, we have been treated to another case of "now you see it, now you don't."

The scientific community has not been fooled. In its recent report on the future of the space program, the Space Science Board of the National Academy of Sciences concluded that—

> It is clear that space science and applications by themselves are insufficient to justify the cost of developing the shuttle.

And since the vote on the NASA authorization, the Federation of American Scientists—a nonpartisan organization of 2,000 scientists and engineers—has announced its opposition to the shuttle. The Federation concluded that—

> The shuttle should not be granted the $120 million sought this year until the investment value of the scheme is shown, not merely in terms of launches per year, but in terms of foreseen and desired uses of heavy launched payloads. The sum asked is not yet very large, but it is the thin end of a wedge which will widen eighty-fold by 1978.

Mr. President, I ask unanimous consent that the full text of the statement by the Federation of American Scientists be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FEDERATION OF AMERICAN SCIENTISTS:[1] FAS OPPOSES THE SPACE SHUTTLE [2]

The space shuttle is a joint NASA-USAF proposal to develop, by 1978, a rocket craft system which would be able to launch payloads of up to thirty tons into low space orbit every week. The craft would be manned by crews (and even a few passengers) who would work under near-airliner conditions. The vehicles are intended for a service lifetime of around one hundred flights.

The design which now seems most likely includes two manned stages. They take off with the orbiter riding piggy-back on the bigger booster, but they land independently. The giant booster is rather like the biggest airplane, the C5A, but it carries tanks of liquid rocket fuels instead of a cabin, so that it weighs around five times as much as the C5A at take-off—about as much as a fifty-car freight train. The piggyback orbiter is about the size of an intercity jet, with a big cabin for payload. It separates from the booster about forty miles up, and can continue into orbit a few hundred miles up, release its load, and re-enter flaming like a meteor, yet capable of safe repeated use after servicing.

The project is a sizeable one; the cost estimates [1] run to about nine or ten billion dollars for R&D and testing (spent mainly before 1978) and some four to six billions more (spent mainly from 1978 to 1990) to buy and operate four or five pairs of vehicles from a single base on both NASA and USAF missions. [2]

Why build it?

The space shuttle will not do anything for NASA that is different in kind from what we can already do. It cannot launch manned moon flights; they are too heavy. It can, of course, place very heavy loads into low orbit by making repeated trips, bringing along men to assemble the parts. It can make routine such tasks as the launching, inspection, and even retrieval of satellites—from orbit. Its main promise is to place good sized payloads—all but the largest and the smallest—into low orbit much more cheaply than the present one-shot rocketry can do.

For the Air Force, it has an undisclosed importance. An old project called Dyna-soar, and the more recent Manned Orbiting Laboratory (MOL), neither of which went beyond early stages, showed that the Air Force foresees missions for Air Force officers in orbit. Indeed, by NASA–USAF agreement, the specifications for the present shuttle include an Air Force requirement for the ability to land at the take-off base after just one earth orbit. This demands a provision for cross-orbit flying about fifteen hundred miles to make up for the turning of the earth, and adds about ten percent to the shuttle cost [3]. How far reconnaissance or weapons delivery are intended here, or how far this is merely a plan for quick abort, we are not told. But it makes plain that the Air Force interest includes men in orbit—either in the shuttle orbiter alone, or also in larger, more permanent, orbiting stations served by the shuttle.

Secretary of the Air Force Seamans testified in March 1971 [3]:

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[1] The Federation of American Scientists is a non-partisan, non-profit organization of 2,000 scientists and engineers concerned with problems of science and society. It was founded in 1946.

[2] This statement was prepared by an Ad Hoc Committee on the Space Shuttle chaired by Philip Morrison, Professor of Physics, MIT. The other members were Eugene B. Skolnikoff, Chairman of the Department of Political Science, MIT, and Leon Trilling, Professor of Aeronautics, MIT. This statement has been approved by the Executive Council of the Federation.

"I cannot sit here this afternoon and say that the space transportation system is an essential military requirement. I think—I believe—that it is important to national security. I hope it goes ahead."

Most observers—we would enthusiastically agree—see certain of the civil applications of orbiting devices as investments of undoubted economic advantage to the USA and to all the world. These include particularly weather, earth monitoring, and communication satellites. Such satellites are often most advantageously stationed in synchronous orbit, so that they seem to hover more than 20,000 miles up. The shuttle cannot place satellites directly into such high orbit; a third part of the system, the space tug, is planned to drag payloads from low orbits to high ones. This device is also to be re-useable. Its design is simplified, since it is not manned nor need it re-enter the atmosphere. The estimated cost of the tug is under one-tenth the total shuttle cost, and its development is programed for some years later. (One would like to see a study of this device on its own, without the manned shuttle, refueled in orbit automatically, for it appears to have natural advantages for commercial use.)

The issues of cost.

Note first of all that the shuttle proposal differs inherently from plans like Apollo. Apollo was justified on other than economic grounds, but the shuttle is justified largely in cost terms. A severe cost overrun would therefore threaten the success of the whole project, even if shuttle performance were fully satisfactory. Worse, a high development cost might become the basis for an uneconomic expansion of the whole space program, on the grounds that such a large investment can be recaptured only by heavy use.

The overrun on the big airplane, C5A, and the rise of estimates on the MOL by a factor 2, suggest the difficulties which might lie ahead. The shuttle can probably be built. But it seems that the development cost is difficult to estimate in advance. A shorter service life might well emerge also, given the high demands of manned flight on reliability and safety, and the planned re-use of a vehicle which enters white-hot, so that it must be fitted with either remarkably refractory or ingeniously replaceable surfaces, reliably strong and of correct shape.

Second, and even more important, the expensive investment foreseen—without overrun—can be justified only by a high level of continued use. Each launch is estimated to cost eight or ten million (1970) dollars over and above the R&D costs. Thus, for small payloads of about .1 ton, a solid-fuel Scout rocket whose launch costs under one million would continue to be useful. But a launch of five tons, using some version of the Titan system, now costs about 20 million dollars. Since the shuttle can orbit 30 tons for about 8 or 10 million, it reduces costs enough to pay for itself—earning ten per cent per year on the taxpayers' investment, at a launch rate of about forty launches per year [4]—provided we really intend to put more than a thousand tons per year into orbit.

Taking as a baseline the years 1969 and 1970, we put well under that payload into orbit, with just about forty launches, civil and military, per year. Five or ten tons were of unmanned civilian instruments. Military satellites—on which there are no full public data but which are probably for the very important purposes of reconnaissance—were both of recoverable and radio-link kind. They amount to about twenty launches maximum, and since they were launched with vehicles smaller than Titan, they represent a total of under fifty tons. Big Bird, scheduled for launch soon, will weigh a dozen tons; it will require a Titan launch. But it lasts several months. The tendency is plain: larger payload, longer lifetime. Grand total of unmanned payload in orbit: less than fifty tons per year. The Apollo launches amount in addition to around 200 tons of *manned* vehicles and their support per year.

Even looking ahead, if we were to fill up the stationary equatorial orbit with a score of advanced weather and communication satellites—and the world probably will in some decades—it does not seem that we would find more than some 200 or 300 tons in orbit by 1990. Surely these devices would be designed to last some years in orbit. That implies a commercial launch volume of fifty or a hundred tons per year maximum. Add to that military unmanned satellites of advanced type, again ten tons or more, with useful lives, of half a year or so. We could maintain several of them at once, for a launch volume of sixty tons per year more. Add scores of smaller satellites, and scientific and technical satellites and probes in numbers well beyond present research hopes. One finds a launch rate under 250 tons per year, short by a factor of five of the minimum economical capacity of the shuttle! Such a program with presently-developed rockets would certainly cost more than shuttle operation, about 0.5 or 0.6 billion, while the forecast shuttle cost is only about $0.4 billion. But that bookkeeping saving is swamped by a heavy development cost to be regained, more than $0.7 billion per year, spread over the period 1978–1990.

Only one conclusion remains: *The shuttle is justifiable only by a plan for substantial manned occupation of orbit,* a program several times larger than the Apollo program measured in tons orbited per year, a launch cost of about 1.5 billion dollars per year. Perhaps this is to mean big military-civilian manned space stations, outweighing the Soviet Salyut, with crews of dozens of men. Perhaps there are other military needs; if so, the Air Force ought to present its case explicitly. Yet until now no one has given any convincing rationale for what man can do in space, for peaceful or for military purposes, which cannot be done more cheaply and with less human risk by instruments, at least near earth and within the next 20 years.

Projects like big manned telescopes and ballbearing manufacture, to mention some imaginative proposals, can be tried out on an *ad hoc* basis without the shuttle, if their proponents can justify them. The one-time expense might be sizeable, but far cheaper than the full shuttle.

It might be argued that we should do R&D just because we cannot foresee the needs of the future. This is not always a poor argument; but this particular program, tied to a large increase in everyday capability, rather than to an exploratory venture into unknown territory, is little related to such a position.

The burden lies with the shuttle proponents: why does the U.S. need a new capacity to place man into earth orbit in the late 70's much larger than we have yet had? This elephant of a project remains a white elephant without a clear answer to that question.

CONCLUSION

We believe that the shuttle should not be granted the $120 million sought this year until the investment value of the scheme is shown, not merely in terms of launches per year, but in terms of foreseen and desired uses of heavy launched payloads. The sum asked is not yet very large, but it is the thin end of a wedge which will widen eighty-fold by 1978.

SOURCES

1. Testimony of Dale Myers, Associate Administrator for Manned Space Flight, pp. 405 to 409, NASA Authorization Hearings, S. 720, March 30, 1971, Senate Comm. on Aero and Space Sciences.
2. Mathematica Inc. Study, from NASA release, cited in NY Times, 16 Ju 1971.
3. Same hearings, p. 363.
4. Hearings, p. 409.

Mr. MONDALE. Mr. President, the shuttle/station is a classic example of a program and an agency in search of a mission. We are being asked to spend billions—not to meet real and pressing needs—but to give NASA the prestige and visibility which result from multibillion dollar budgets.

It may be argued that $137.6 million in this year's budget—which will soon increase by 10 and 20 times—is nothing to get excited about. But then I see people in my State and elsewhere—

Who are losing homes because of spiraling taxes;

Who cannot afford decent education for their children;

And who are experiencing the decline of almost every public service from transportation to police protection.

And I wonder why few seem to realize or care that $137 million is—

Twenty-seven million dollars more than the Federal Government plans to spend in fiscal year 1972 for education of the handicapped;

Over three times the budget of OEO's emergency food program—which the administration is seeking to terminate;

And $12 million more than the administration had budgeted for Federal air pollution programs.

Hopefully, when the cost of completion implications of the shuttle and station are understood, the massive distortion of priorities represented by this project will become clear. For the $13 billion cost of the shuttle alone, we could quadruple the Federal Government's combined annual outlays to fight crime. pollution, and cancer. Is a space shuttle four times more important than safe streets, clean air and water, and freedom from deadly diseases?

Those of us opposing this project are accused of being "antispace"—despite the fact that we favor an unmanned, instrumented space program which, for a fraction of the cost of manned space flight. has produced almost every human and scientific benefit resulting from the space program.

We are also accused of being "antitechnology."

But in a democracy, people have a right to demand that technology serves real human needs—that it not lead us by the nose to spend billions doing things just because they are possible.

That is why the SST was finally defeated—and that is why I believe the shuttle and station will eventually meet the same fate.

Mr. JAVITS. Mr. President, I would like to congratulate the Appropriations Committee and especially Senators PASTORE and ALLOTT and the other members of the subcommittee handling this bill for their exceptionally fine job in funding many of the valuable housing programs at high levels which will allow these programs to proceed at an even faster pace in this fiscal year.

When I testified before the subcommittee on June 29, 1971, I recommended that numerous items in the House-passed appropriations bill be increased and I am pleased to see that in most of the important cases this was done.

For the urban renewal program the House amount was increased by $300 million to $1.5 billion. Even though this is not adequate with a backlog of $2.7 billion in applications, it will go a long way toward helping to clear the backlog, especially if the $200 million appropriated last year for urban renewal but which was impounded, is released by the administration as it should be.

In the rent supplement program, the House amount was increased by $5 million to give a total contract authority of $60 million. While I had hoped that this important program would have been given authority to contract up to $80 million, I commend the committee for its increase over the House figure.

I am also pleased that the committee increased the House amount of $3 million for counseling services under the section 237 program to $4 million and also increased the $3 million appropriation for the low- and moderate-income sponsor fund by $2 million to be used for advice and assistance to nonprofit groups and low- and moderate-income families under section 903 of the Housing Act of 1970.

One of the pressing problems in many areas of New York State and especially New York City is that of abandoned housing and I believe the committee's action in adding $15 million to the House figure of $35 million for research and technology deserves special praise. I had urged that $10 million be used for research into the abandoned building problem, $10 million for the experiment with the new housing allowance and $5 million for research into lead-based paint poisoning, one of the serious problems in many areas of the Nation's cities. The committee did add an additional $5 million over the budget request to accelerate research in those areas and I would hope that HUD will concentrate its efforts on these critical problems.

I am also pleased that the committee went along with the House recommendation of an additional $500,000 added to the budget for training assistance to continue the urban fellowship program. This program is necessary if we are to provide the technical housing specialists who will be out in the field helping to generate needed housing.

I am also pleased that the committee increased the House amount of $8 million for fair housing and equal opportunity by $500,000 although I had hoped that the figure would be increased to the budget request of $9,254,000. This is a very important program which must be vigorously pursued if our citizens are to be granted equal access to all types of housing.

While there were certain items that I was disappointed in and which were the subject of amendments today, the committee is to be commended for their fine job in attempting to fund key programs at the highest practical level. I trust that Senators PASTORE, ALLOTT, and others will convince their House counterparts on the conference committee of the wisdom of adequately funding Federal housing programs so vital to the housing crisis for our people.

VETERANS' ADMINISTRATION HOSPITALS

Mr. BYRD of West Virginia. Mr. President, I want to thank the chairman and the other members of the subcommittee for including language in the committee report, at my request, directing the Veterans' Administration to accelerate their construction and replacement of VA hospitals.

I wrote to the committee on February 25, 1971, and I later appeared before the subcommittee and testified in support of planning funds for the replacement of the Veterans' Administration hospital at Martinsburg, W. Va. The testimony of the Administrator and other officials of the VA fully justified the need for replacement of this facility. They admitted that those buildings, which were first constructed as temporary structures in 1943, are inadequate and unsafe.

I feel very strongly that these facilities need replacing. I do, however, understand the committee's problem in not being able to include this facility in preference to others which are in an equally deplorable condition. I am informed, however, that the directions in the committee report will result in funds being included in the fiscal year 1973 budget for planning a replacement for Martinsburg.

I thank the chairman and the other members of the subcommittee for their courteous reception when I testified before the subcommittee, their consideration of my request, and for the inclusion of this language which means that priority construction of hospitals, such as Martinsburg, will be accelerated by 2 to 3 years.

The language in the committee report is as follows:

> The committee considered funding additional projects which, in its opinion, are sorely needed now but are presently programmed for future funding by the Administration. After taking extensive testimony and having a full discussion, the committee did not recommend the appropriation of additional funds, however it directs the Veterans Administration to accelerate its planning and budgeting for the replacement, modernization, enlarging and otherwise improving hospital and domiciliary facilities. Specifically, the committee directs that the Veterans Administration five year projection for fiscal years 1973–78 of priority construction projects be accelerated and compressed into a three year projection for funding and other purposes, and that the fiscal year 1973 budget request be at least one-third of the sum required to fund the compressed three year program.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill read a third time.

The bill (H.R. 9382) was read the third time.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. ALLOTT. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time has expired. The bill having been read the third time, the question is, Shall the bill pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Carolina (Mr. THURMOND) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. FANNIN) and the Senator from Maine (Mrs. SMITH) are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Sentaor from Maine (Mrs. SMITH) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 87, nays 0, as follows:

[No. 155 Leg.]

YEAS—87

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—13

Bayh
Bennett
Cooper
Fannin
Harris
Humphrey
Jackson
Long
Metcalf
Mundt
Ribicoff
Smith
Thurmond

So the bill (H.R. 9382) was passed.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PASTORE, Mr. MAGNUSON, Mr. ELLENDER, Mr. STENNIS, Mr. ANDERSON, Mr. ALLOTT, Mrs. SMITH, Mr. HRUSKA, and Mr. YOUNG conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, will the Senate yield to me?

Mr. PASTORE. I yield.

Mr. MANSFIELD. Mr. President, all I want to say—and I will have more to say later—it that this is the most expeditious, effective, and efficient handling of a bill that has occurred this year, and I want to commend the distinguished senior Senator from Rhode Island for his outstanding skill and managerial ability, but this time he even outstripped himself.

Mr. PASTORE. Mr. President, I want to thank the majority leader and to remind him that I am not a candidate until 1976. [Laughter.]

Mr. MANSFIELD. It had nothing to do with that.

Mr. HUMPHREY. Mr. President, the Senate has just approved the Department of Housing and Urban Development's appropriation for fiscal year 1972. Included in the appropriation is $60 million for community planning and management. This appropriation is about $40 million below the budget estimate, but because of limited authorization, the $60 million represents the maximum amount that can now be included in an appropriation bill.

Mr. President, I believe that more money is necessary for effective community planning. I note that the Senate has increased the authorization level of this program, and I expect the House will pass the legislation raising the authorization.

The committee reports state that the committee will consider a supplemental budget request for additional funds. The Senate will then be able to move with all dispatch on this matter.

In my position as chairman of the Senate Subcommittee on Rural Development, I have felt some need for the Appropriation Committee to earmark funds for rural areawide planning and developments districts under section 701. The subcommittee did not see fit to earmark, which may be a wise decision, however, the committee report did add language to the effect that "the maximum possible be used for cities and towns in the rural areas of our country."

I have maintained a longstanding interest in rural planning. I am convinced that one way out of the present crisis of our cities is rural renewal. And, I believe that multicounty planning units can, through their analysis, studies, and program development, help solve some of the pressing migration and development problems that plague rural areas.

The importance of this language on page 10 of the report cannot be overstated. While I shall not complain at this time that a specified amount was not earmarked for rural areas, I do want to take note that if sufficient funds are not utilized for planning grants to areawide planning and development districts containing rural areas, it may become necessary to resort to do some earmarking in the later appropriation act.

Mr. President, I commend the chairman, Mr. PASTORE, and his subcommittee, for an excellent job in preparing and presenting this important appropriations bill.

History has recorded a praiseworthy partnership of progress between the work of Senator PASTORE, chairman of the Appropriations Subcommittee handling this bill, and the chairman of the Banking, Housing, and Urban Affairs Committee, the senior Senator from Alabama, Mr. SPARKMAN.

I well recall, during my first year in the Senate in 1949, how the Senator from Alabama worked with the then Secretary of Agriculture Charles F. Brannan to hold the first hearings on what later has become known as rural areas development.

Those hearings, like so many others conducted by the imaginative and innovative Senator from Alabama, led to the enactment of a great deal of legislation beneficial to rural as well as urban areas. The successful rural housing program of the Department of Agriculture had its beginning in legislation that year. Also, at those hearings the seed was sown that led later to enactment of the Area Redevelopment Act and to what we now know as the Economic Development Administration.

The Senator from Alabama, Mr. SPARKMAN, and the chairman of the subcommittee, Mr. PASTORE, have never rested on their oars. Beneficial programs have been continuously expanded in scope, usefulness, and volume, although, I am sure, they would be first to say that we have never been able to fund any of these programs anywhere near up to the extent of the need for them.

Mr. President, I invite the attention of the Senate to the particularly innovative and meaningful provision that is specifically mentioned in the committee report on page 10. In 1968, the Congress enacted and the President signed an especially progressive amendment to the comprehensive planning grants program, sometimes called "the program."

As the Senators will recall, responding to the leadership of the then chairman of the Committee on Agriculture and Forestry, Mr. ELLENDER, this body twice passed legislation setting up a special program for grants to rural community development and planning districts along with technical assistance.

While that proposed legislation did not become law, the Senator from Alabama, Mr. SPARKMAN, in 1968, working with the Senator from Louisiana, Mr. ELLENDER, was able to incorporate the essential features of the Senate-passed rural community development districts bill into amendment to the section 701 legislation.

As the Senate will also recall, last year, under the able and aggressive leadership of the now chairman of the Senate Committee on Agriculture and Forestry, the Senator from Georgia, Mr. TALMADGE, the Congress passed, and the President signed, a significantly solemn statement of policy concerning balanced rural-urban growth and the placing of rural development efforts at the highest priority.

Title IX, section 901(a) of the Agricultural Act of 1970 states:

> The Congress commits itself to a sound balance between rural and urban America. The Congress considers this balance between rural and urban America so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

The statement I have quoted from page 10 of the committee report reaffirms the policy adopted a year ago.

As you know, the chairman of the Committee on Agriculture and Forestry, Mr. TALMADGE, led his committee to establish a Rural Development Subcommittee. We have been holding some hearings here in Washington and out over the country. We expect to hold some more hearings because we have so much to learn of what needs to be done to implement the attainment of the goals of the rural development of the title IX balanced growth policy.

But we have already learned enough to know that the committee is right when it urges the expenditure of "the maximum amount possible" of the 701 planning money "for cities and towns in the rural areas of our country." Areawide comprehensive planning lags behind in rural America.

Mr. President, the Senators are aware, I am sure, of the growing number of States that have established areawide—substate—districts for the purpose of planning and development in rural as well as urban areas. Our Rural Development Subcommittee has found that these areawide planning and development districts are making an increasingly useful and significant contribution to rural community development on an orderly and efficient basis.

More and more of the specialized functional planning activities and funds are being assigned to these districts for combination with the comprehensive planning funds appropriated for section 701.

This Senator believes that these areawide planning and development districts in largely rural areas are making a great contribution to a better America. He is convinced that the general planning money available to them should be increased.

This Senator is convinced that this is the mechanism within a democracy by which the mutual interests of rural areas and urban areas are discovered, rationalized, and implemented. This areawide district planning approach is the way we may achieve an overall national plan for balanced rural-urban growth because within each district the balance must be drawn and if drawn, district by district, the result is statewide and national plans for balanced rural urban growth.

If we look to the achievement of national goals through such a balanced approach we do not need to allow a competitiveness to develop between central cities, suburbs, and rural areas for the budget dollar.

What we all really want is a better America with a freedom of residence for all to choose where they want to work and live, with a good choice available between equally attractive situations in rural areas and city centers as well as the suburbs.

May I again commend the chairman of the subcommittee for the job he and his subcommittee have done in preparing and presenting this bill. For emphasis may I restate my strong support for the language I have quoted on page 10 of the committee report. I join with the committee in suggesting that "the maximum amount possible be used for cities and towns in the rural areas of our country." I would only add that I hope that a maximum possible of such funds will be made useful to cities and towns in the rural areas through the machinery of the areawide planning and development district as specifically provided in section 701, as amended by the Housing and Urban Development Act of 1968. When the necessary authorizing legislation is enacted I hope we may review and pass a supplemental appropriation raising the comprehensive planning funds for comprehensive planning in rural areas and communities to a more nearly adequate figure.

ATOMIC ENERGY COMMISSION AUTHORIZATIONS, 1972

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate H.R. 9388, which the clerk will state by title.

The legislative clerk read the bill by title, as follows:

A bill (H.R. 9388) to authorize appropriations to the Atomic Energy Commission in accordance with sec. 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The time is under control. Who yields time?

Mr. PASTORE. Mr. President, I suggest the absence of a quorum, without the time being taken from either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. PASTORE. Mr. President, I ask unanimous consent that Col. Seymour Schwiller, of the Atomic Energy Commission, on loan to the Joint Committee on Atomic Energy staff, be given the privilege of the floor during the time the Atomic Energy authorization bill is being considered in the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, the bill before us, H.R. 9388, is a bill authorizing appropriations for the Atomic Energy Commission for fiscal year 1972, and for other purposes, is identical to the bill reported by the Senate members of the Joint Committee, namely, S. 2150, with the exception of an amendment to subsection 105(d) approved by the other body relating to the liquid metal fast breeder reactor—LMFBR—demontration program. The amendment would:

First, remove a $20 million ceiling on Commission assistance to the first demonstration plant in the form of services, facilities and equipment which are otherwise available to or planned by the Commission under its base research and development program;

Second, prohibit the use of research and development base program assistance for any end capital items in the demonstration plant; and

Third, provide that such research and development assistance as is undertaken shall in no event exceed 50 percent of the estimated capital costs of the plant.

That amendment was offered by the committee in furtherance of the commitment to complete the successful demonstration of the LMFBR by 1980 as announced by the President in his June 4 energy message. It would not increase the amount authorized by the bill for the breeder demonstration or any other AEC program. It merely lifts a now unrealistic ceiling which the Joint Committee recently learned was an impediment to the consummation a Government-industry arrangement to construct a demonstration breeder reactor.

I might say parenthetically at this point that I do not think there is any objection to it. It is noncontroversial.

The Atomic Energy Commission's authorization request for fiscal year 1972 was initially submitted to the Congress on January 29, 1971; it was amended on May 6 and again on June 10, 1971. The amended request called for authorization of $1,980,751,000 for operating expenses and $303,226,000 for plant and capital equipment, making a total requested authorization of $2,283,977,000. This request represented a reduction of $32,430,000, or 1.4 percent, from the $2,316,407,000 authorized for fiscal year 1971.

While the submission of these two budget amendments substantially delayed the Joint Committee in reporting the AEC fiscal 1972 authorization bill, the additional time provided the committee with an opportunity to conduct an exceptionally thorough review of the budget request.

The bill before you is a sound and prudent measure. It is also a stringent measure, notwithstanding the committee's recommendation of a $37.2 million increase—1.6 percent—above the administration request. That is only $4.7—0.2 percent—above last year.

The bill would authorize appropriations to the AEC in the total amount of $2,321,187,000 for fiscal year 1972, including the additional $50 million announced in the President's energy message for the LMFBR demonstration program and increases in prior years' authorizations. In terms of purchasing power the fiscal 1972 authorization would be about 6 percent less than last year because of inflation, and is the most austere of all the AEC authorization measures reported by the Joint Committee in the last 7 years.

The recommended authorization for the Commission generally reflects estimated costs in two broad categories of effort; namely, civilian and military applications. Military applications include primarily the nuclear weapons and naval propulsion reactors programs as well as a portion of the nuclear materials program. I am pleased to advise that for the first time in 4 years, over one-half—51 percent—of the program costs will be for civilian applications. I am sure you all join me in the prayer that our future requirements for national defense will permit this percentage for civilian uses to increase in the coming years.

Included in the civilian category is $116.4 million for operating costs and $27.5 million for plant and capital equipment specifically associated with the Nation's high energy physics program for which the Atomic Energy Commission acts as principal executive agent on behalf of the entire Federal Establishment. This represents about 6.2 percent of the total authorization recommended.

As will be noted in the tables on pages 3 and 4 of the report, the committee has recommended both increases and decreases in the funds to be authorized for many of the AEC's programs. Details of the committee's actions on plant and capital equipment appear in the table on pages 55 and 56.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the tabulations on pages 3 and 4 of the report showing in thousands of dollars the authorization of operating expenses and plant and capital equipment.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

OPERATING EXPENSES

The following table summarizes the AEC's requests for operating funds authorization under its major programs and the Joint Committee's action thereon:

AUTHORIZATION OF OPERATING EXPENSES [1]

[In thousands of dollars]

Program	AEC authorization request [2]	Committee recommendations	Change	Page number
Nuclear materials	389, 436	389, 436	0	7
Weapons	848, 622	848, 622	0	17
Reactor development				19
Civilian power reactors	161, 800	164, 300	+2, 500	20
Cooperative power	50, 000	50, 000	0	24
General reactor technology	44. 500	44, 500	0	26
Nuclear safety	42, 940	42, 940	0	26
Operational services	1, 721	1, 721	0	29
Subtotal, civilian power related	300, 961	303, 461	+2, 500	
Space nuclear propulsion	15, 000	52, 000	+37, 000	30
Space electric power development	21, 600	23, 100	+1, 500	32
Terrestrial electric power development	1, 000	500	−500	34
Naval propulsion	140, 000	140, 000	0	35
Total, reactor development	478, 561	519, 061	+40, 500	
Physical research				37
High-energy physics	116, 400	116, 400	0	38
Medium-energy physics	13, 100	13, 100	0	39
Low-energy physics	25, 300	25, 300	0	40
Mathematics and computer	4, 800	4, 800	0	40
Chemistry	49, 000	49, 000	0	40
Metallurgy and materials	25, 200	25, 200	0	41
Controlled thermonuclear	29, 800	29, 800	0	41
Total, physical research	263, 600	263, 600	0	
Biology and medicine	88, 395	89, 165	+770	42
Training, education, and information	12, 343	12, 343	0	45
Isotopes development	5, 900	5, 900	0	45
Civilian applications of nuclear explosives	5, 000	8, 100	+3, 100	47
Community	4, 540	5, 200	+660	49
Regulation	17, 151	17, 151	0	50
Program direction and administration	122, 723	122, 723	0	52
Security investigations	8, 128	8, 128	0	52
Cost of work for others	21, 859	21, 859	0	52
Revenues applied	−221, 400	−221, 400	0	53
Changes in selected resources	36, 893	51, 683	+14, 790	54
Unobligated balance brought forward	−101, 000	−116, 900	−15, 000	54
Total authorization	1, 980, 751	2, 025, 571	+44, 820	

[1] A table showing the Atomic Energy Commission's appropriations request for operating expenses for fiscal year 1972 and the effects of the authorization recommendations of Joint Committee on this appropriations request, is set forth as appendix A to this report on p. 79.

[2] Includes amounts submitted in amendments of May 6 and June 10, 1971.

PLANT AND CAPITAL EQUIPMENT

The following table summarizes the AEC's request for authorization for "Plant and capital equipment" under its major programs, and the Joint Committee's action thereon. More detailed information on the specific construction projects proposed, together with the committee's comments and recommendations thereon, is presented in Part XVII of this report entitled, "Plant and capital equipment," beginning on page 55.

PLANT AND CAPITAL EQUIPMENT AUTHORIZATIONS [1]

[In thousands of dollars]

	AEC request	Committee recommendations	Change
New construction projects [2]	103, 930	81, 120	−22, 810
Capital equipment not related to construction	160, 296	153, 296	−7, 000
Increases in prior-year project authorizations:			
Project 66–4–a, sodium pump test facility (from $6,800,000 to $12,500,000)	5, 700	5, 700	0
Project 70–5–a, conversion of heating plant to natural gas, Argonne National Laboratory, Illinois (from $560,000 to $860,000)	300	300	0
Project 71–1–e, gaseous diffusion production support facilities (from $14,700,000 to $45,700,000)	0	31, 000	+31, 000
Project 71–1–f, process equipment modifications, gaseous diffusion plants (from $6,400,000 to $10,400,000)	0	4, 000	+4, 000
Project 71–9 fire, safety, and adequacy of operating conditions projects, various locations (from $25,500,000 to $58,500,000) [2]	33, 000	20, 200	−12, 800
Total plant and capital equipment authorization	303, 226	295, 616	−7, 610

[1] A table showing the Atomic Energy Commission's appropriations request for fiscal year 1972 and the effects of the authorization recommendations of the Joint Committee on this appropriation request is set forth in appendix A to this report on p. 80.

[2] Two subprojects, whose total estimated cost is $3,350,000, were requested by the AEC as part of project 71–9, but the Joint Committee is recommending their authorization as separate new construction projects. The totals for new construction projects and project 71–9 are adjusted accordingly.

The following table presents a capsule summary of the authorization requested by the Commission for fiscal year 1972 and the effect of the committee's recommendations thereon:

Program	AEC request	Committee recommendations	Change
Operating expenses	$1, 980, 751, 000	$2, 025, 571, 000	+$44, 820, 000
Plant and capital equipment	303, 226, 000	295, 616, 000	−7, 610, 000
Total	2, 283, 977, 000	2, 321, 187, 000	+37, 210, 000

Mr. PASTORE. Mr. President, I am aware that there are a number of amendments to be offered on this bill. Therefore, unless my colleagues have any questions about the bill or the report thereon, I shall not take any additional time for further explanation. The pending bill was reported by the members of the Joint Committee without dissent. It was approved overwhelmingly by the other body last Thursday. The 82-page committee report spells out in detail the Atomic Energy Commission's fiscal year 1972 program as approved by the Joint Committee.

I ask unanimous consent to have printed at this point in the RECORD the section-by-section analysis of the bill as contained in the report (S. Rept. 92–249).

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 101

Section 101 of the bill authorizes appropriations to the Atomic Energy Commission, in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, for "Operating expenses" and "Plant and capital equipment."

Section 101(a) of the bill deals with the authorization of appropriations for "Operating expenses." The Commission's authorization request under this heading was presented to the committee in terms of costs to be incurred during fiscal year 1972, adjusted in total to the obligations to be incurred during the fiscal year.

The Joint Committee is recommending authorization of $2,025,571,000 for "Operating expenses," not to exceed $116,400,000 in operating costs for the high-energy physics program category. It is the Joint Committee's intent that the amount specified for any program or category shall be exceeded only in accordance with specific arrangements which have been developed between the Commission and the committee. These arrangements include provisions for periodic reporting to the committee of changes in estimates of authorized programs. These informal procedures, embodied in an exchange of correspondence beween the Atomic Energy Commission and the committee, have operated efficiently. It is the Joint Committee's belief that legislative measures or other formal devices that would impose legal limitations upon the reprograming of Commission funds are not necessary at this time. It is the committee's intent that the procedures specified in this exchange of correspondence shall remain in effect during fiscal year 1972.

It is intended that costs incurred pursuant to the authorization contained in this act shall be generally in accordance with the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC's fiscal year 1972 authorization bill.

Plant and capital equipment obligations are provided in two sections of the bill. Under section 101(b), authorization is provided for new construction projects and capital equipment not related to construction. This authorization, together with the change in a prior-year project authorization provided for in section 105, comprise the total authorization for plant and capital equipment provided in this bill. The AEC's request for authorization for these purposes was presented on the basis of new obligational authority required. New construction projects authorized under subsections (1) through (6) of section 101(b) of the bill total $81,120,000.

It is intended that the projects under this authorization be related, as in previous year, to the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC authorization bill. It is not intended to prevent technical and engineering changes which are considered necessary or desirable by the Commission consistent with the scope and purpose of the project concerned.

Pursuant to section 101(b)(7), appropriations are authorized for capital equipment not related to construction in the amount of $153,296,000. This equipment is necessary to replace obsolete or wornout equipment at AEC installations. Additional equipment is required to meet the needs of expanding programs and changing technology. Examples of typical equipment include machine tools, computers, and office equipment. The Joint Committee expects to receive a report from the Commission at least semiannually on obligations incurred pursuant to this authorization.

Section 102

Section 102 of the bill provides limitations similar to those in prior authorization acts.

Subsection (a) provides that the Commission is authorized to start projects set forth in certain subsections of section 101 only if the currently estimated cost of the project does not exceed by more than 25 percent the estimated cost for that project set forth in the bill.

Subsection (b) provides limitations on general plant projects authorized by subsection 101(b)(6), whereby the Commission may start such projects only if the currently estimated cost of such project does not exceed $500,000 and the maximum currently estimated cost of any building included in such project does not exceed $100,000; provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy. Additionally, section 102(b) provides that the total cost of all general plant projects shall not exceed the estimated cost set forth in subsection 101(b)(6) by more than 10 percent.

Under arrangements previously agreed to by the Commission and the Joint Committee, the Commission shall report to the Joint Committee and the Appropriations Committee after the close of each fiscal year concerning the use of general plant project funds, and such report shall identify each project for which the proposed new authority has been utilized.

Section 103

Section 103 of the bill authorizes the Commission to undertake engineering design (titles I and II) on construction projects which have been included in a proposed authorization bill transmitted to the Congress by the Commission. It is understood that this work would be undertaken on projects which the Commission deems are of such urgency that physical construction should be initiated as soon as appropriations for the project have been approved.

Section 104

Section 104 of the bill provides authorization for the transfer of amounts between the "Operating expenses" and the "Plant and capital equipment" appropriations as provided in the appropriation acts. The AEC appropriation acts have, in past years, provided that not to exceed 5 percent of the appropriations for "Operating expenses" and "Plant and capital equipment" could be transferred between such appropriations, provided, however, that neither appropriation could be increased by more than 5 percent by any such transfer. It is understood that any such transfer shall be reported promptly to the Joint Committee on Atomic Energy.

Section 105

Section 105 of the bill amends prior AEC authorization acts as follows:

(*a*) Section 101 of Public Law 89–32, as amended, is further amended by (1) striking therefrom the figure "$2,658,821,000", and substituting therefor the figure "$2,664,521,000"; (2) striking from subsection (b) thereof the figure "$398,045,000", and substituting therefor the figure "$403,745,000"; and (3) striking from subsection (b)(4) for project 66–4–a, sodium pump test facility, the words "for design and Phase I construction," and further striking the figure "$6,800,000" and substituting therefor the figure $12,500,000".

(*b*) Section 101 of Public Law 91–44, as amended, is further amended by striking from subsection (b)(5) thereof the figure "$560,000" for project 70–5–a, conversion of heating plant to natural gas, Argonne National Laboratory, Illinois, and substituting therefor the figure "$860,000".

(*c*) Section 101 of Public Law 91–273, as amended, is further amended by (1) striking from subsection (b)(1) thereof the figure "$14,700,000" for project 71–1–e, gaseous diffusion production support facilities, and substituting therefor the figure "$45,700,000"; (2) striking from subsection (b)(1) thereof the figure "$6,400,000" for project 71–1–f, process equipment modifications, and substituting therefor the figure "$10,400,000'; and (3) striking from subsection (b)(9) thereof the figure "$25,500,000" for project 71–9, fire, safety, and adequacy of operating conditions projects, various locations, and substituting therefor the figure "$45,700,000".

(*d*) Section 106 of Public Law 91–273, as amended, is amended by striking from subsection (a) thereof the figure "$50,000,000" wherever it appears therein and substituting thereof the figure "$100,000,000".

Section 106

Section 106 rescinds, except to the extent funds have already been obligated, the authorization for construction of the isotopic space systems facility, Sandia Base, N. Mex. The original authorization of $2,250,000 was contained in Public Law 90–56, the fiscal year 1968 authorization act, under construction project line item 68–3–b. The amount rescinded is $2 million which is being applied to reduce new obligational authority requested for fiscal year 1972. This project is no longer necessary.

Section 107

Section 107 authorizes the Commission to enter into an arrangement, for a period not to exceed seven years, for the continued operation of Enrico Fermi Atomic Power Plant Unit 1 using fuel materials to be leased by the AEC with fuel use charges waived up to a total amount of $9.1 million subject to future adjustment for any AEC changes in fuel prices or use charges. The arrangement also is to provide for research and development activities of programmatic interest to the AEC.

TITLE II

Section 201

Section 201 of this bill would amend Sections 31 and 33 of the Atomic Energy Act of 1954, as amended, to authorize the Commission to conduct research and development activities relating to the preservation and enhancement of a viable environment by developing more efficient methods to meet the Nation's energy needs.

Under existing authority contained in section 33, the Commission provides nonnuclear research for others in the fields of public health and safety which includes environmental matters. This research for others is provided on a reimbursable basis and is subject to certain statutory limitations which generally require a showing that AEC's special competence is particularly needed by those seeking the research assistance. Existing authority under section 31 does not permit AEC to conduct in its facilities for its own account research and development activities in nonnuclear missions.

The President, in his Energy Message of June 4, 1971, stated that the key to meeting the Nation's twin goals of supplying adequate energy and protecting the environment in the decades ahead will be a balanced and imaginative research and development program. He also said that the Atomic Energy Commission would perform related energy research which may be appropriate as part of the Nation's overall energy program.

The national laboratories of the AEC are major national assets which were created, exist, and are needed for AEC's nuclear missions. These laboratories are staffed by outstanding scientists in both the physical and life sciences and they are equipped with facilities that are unique in many respects. The amendments to sections 31 and 33 would allow the Commission to use these national laboratories, either for its own account or for others, to assist in the balanced and imaginative research and development efforts which are needed for the Nation to continue to know the blessings of both a high-energy civilization and a beautiful and healthy environment. Fields such as underground electric transmission and magnetohydrodynamic power cycles are illustrative examples of the variety of research projects which could be undertaken by AEC in these national laboratories.

No additional funds are requested because of these amendments. Rather the amendments simply provide additional authority for AEC to utilize the talent and scientific resources of its national laboratories to facilitate research and development for clean energy.

Mr. PASTORE. Mr. President, I want to make it clear that this bill does include the cost of the so-called Cannikin underground test to be conducted at Amchitka in the Aleutians Chain. I want it clear that there is no intent on anyone's part here to conceal that fact in any way.

Mr. AIKEN. Mr. President, will the Senator yield me 5 minutes?

Mr. PASTORE. I yield 5 minutes to the Senator from Vermont.

Mr. AIKEN. Mr. President, I compliment the distinguished chairman of the Joint Committee on his truly effective summary of the Atomic Energy Commission's fiscal year 1972 authorization bill as reported by the Joint Committee.

This measure has received a very thorough examination by the Joint Committee. Every effort has been made to assure the maximum national benefit for each dollar included in the authorization. I will mention briefly the major changes in the bill recommended by our committee.

Our uranium enrichment facilities are a major national asset. The three gaseous diffusion plants that comprise the enrichment complex have cost the Government billions of dollars in research, development, and construction funds. They must be maintained, improved, and augmented to the fullest extent necessary to meet the civilian power and other needs of our country and to permit the Atomic Energy Commission to continue to supply our friends abroad with the enriched materials required for their civilian nuclear powerplants.

Only $21 million is presently available for the improvement program, notwithstanding AEC recommendations in each of the past 3 years that many times that amount be included in the President's budget request. We cannot run the risk of a nuclear fuel shortage near the end of this decade. The Joint Committee's recommendation of $35 million for the improvement program will enable the AEC to move forward in expanding our enrichment capacity at a rate which the Committee deems absolutely essential.

The other major increase in funding recommended by the Joint Committee is an additional $37 million in operating costs for the space nuclear proplusion program. The primary effort within that program is the development of a nuclear engine for rocket vehicle application—the NERVA program.

The President's budget proposed $15 million for space propulsion, which would have been a reduction of 65 percent below the estimated costs for fiscal 1971. A similar reduction was recommended in the National Aeronautics and Space Administration budget—NASA and AEC each provide about one-half of the funding for the program.

The Joint Committee has long supported the efforts of these two agencies to develop a reusable and refuelable space nuclear propulsion system which would be uniquely qualified for space missions planned as part of our future space program. The Committee believes it is necessary that the Commission-funded portion of the NERVA program proceed in harmony with NASA's level of effort. Therefore, it has recommended increases for the AEC space propulsion program to bring it up to the level of the AEC's request to the Office of Management and Budget and comparable to the authorization of funding for NASA approved by both bodies. The Committee's views are set forth in detail on pages 30–32 of the report.

Another program for which the Joint Committee believes additional funding is required is Plowshare—the peaceful uses of nuclear explosives. Authorization of additional $3.1 million is recommended on pages 47–49 of the report to enable the Commission to proceed effectively with a natural gas stimulation program and initiate geothermal research and development activities.

Nuclear explosive stimulation of otherwise inaccessible natural gas located in the Rocky Mountain region would more than double proven reserves in the "lower 48" States.

I wish to say, Mr. President, that for a long time I had my fingers crossed on this program, feeling that it might be generally considered as a grant or gift to the oil companies. But since I find that practically all of the tests are conducted on federally owned lands, if the production of gas or even oil can be substantially increased, the royalties on those products will very likely more than offset the costs of the tests themselves. So, since learning that, I have become an advocate of this program for the United States.

The aforementioned program increases are offset in large part by reductions of $21.5 million for the national radioactive waste repository at Lyons, Kans.; $12.8 million for the new plutonium recovery facility at Rocky Flats, Colo.; and $7 million for capital equipment not related to construction. Other reductions were made in several other line items, primarily construction projects.

Mr. President, the Joint Committee has made a thorough analysis of the AEC authorization bill. I believe that the redistribution of priorities made by the Joint Committee will enable the AEC to carry out a well-balanced and effective program. Therefore, I urge passage of this measure.

I commend again the chairman of the Joint Committee for the very efficient work he has done, not only on this measure but in managing the bill which has just passed relating to HUD, which has certainly made something of a record.

I have noticed lately that appropriation bills coming over from the House of Representatives are sometimes reported to the Senate almost immediately after they are received over here. As long as Members like Senator PASTORE, BIBLE, and ELLENDER, Mrs. SMITH, YOUNG, HRUSKA, and others, are handling our appropriation bills, we ought to be able to finish our work within a reasonable length of time and not be required to stay in session until Christmas.

Mr. PASTORE. I thank the Senator. He is very kind.

Mr. AIKEN. The leaders of our Appropriation Committee are certainly making something of a record. I know I am a little out of order on this bill, but I commend them just the same.

Mr. HANSEN. Mr. President, will the Senator yield me just a moment?

Mr. AIKEN. I yield.

Mr. HANSEN. Mr. President, I commend the distinguished Senator from Vermont for his observations. He displays his characteristic astuteness in concluding, as he does, that it makes good sense for this country to encourage the atomic stimulation of the production of natural gas. I could not agree with him more.

The fact is, as everyone knows who has taken the trouble to look into it, that we are in short supply in our energy reserves in this country. A critical shortage is impending of natural gas. It is the most important and the cleanest fuel of all, insofar as heating and many industrial processes are concerned.

If we can take steps as indicated in this report and stimulate the increased production of natural gas, we will have hit a double blow in this country: First, we will have increased very substantially the energy reserves in the United States, and, second, we will have increased the reserves of the cleanest fuel we have.

I want to add my commendation to the distinguished chairman and to the Senator from Vermont.

Mr. AIKEN. I thank the Senator from Wyoming for his generous remarks.

I hope the Senator from Vermont never loses the ability to change his mind once the facts are made clear.

Mr. SCOTT. Mr. President, I send an amendment to the desk, for myself, the junior Senator from Pennsylvania (Mr. SCHWEIKER), and the junior Senator from New Jersey (Mr. WILLIAMS).

The PRESIDING OFFICER (Mr. TUNNEY). The amendment will be stated.

The legislative clerk read as follows:

On page 1, line 7, strike out "$2,025,571,000" and insert in its place "$2,026,071,000".

Mr. SCOTT. I yield myself 5 minutes.

Mr. President, I have sent to the desk an amendment increasing the Atomic Energy Commission's authorized operating expenses by $500,000, to a new total of $2,026,071,000. The purpose of the amendment is to fund fully, at the $1 million administration requested level, the terrestrial electrical power development program which provides for the development of a radioisotopic power system for use in a cardiac pacemaker.

Mr. President, this important AEC reactor development program is a good, sound project to develop nuclear cardiac pacemakers. It is one that holds a promise of relatively immediate benefit to thousands of people who are dependent upon electronic pacemakers for the stimulation of their hearts. At present these people are faced with the uncomfortable prospect of frequent and regular surgical replacement of the pacemaker, which includes a chemical battery. The resultant surgical risk and trauma is particularly undesirable for elderly citizens, who are normally the recipients of these devices.

I am aware that the Joint Committee on Atomic Energy, in its initial review, felt that this program could be conducted at a level of $500,000. However, in my opinion, if such a course were followed, the result would be to effect a minimum delay of at least 1 year in generally licensable human implantations within the United States. Such a delay would thus defer the benefits that the general introduction of these devices into wide usage would represent. Accordingly, this amendment, if adopted, should virtually assure the establishment of preliminary nuclear safety licensing guidelines as well as the accumulation of sufficient animal and laboratory experimental work with nuclear powered pacemakers as a next step prior to human implantation.

Mr. President, a great deal of the work on the cardiac pacemaker has been done by the Nuclear Materials and Equipment Corp.—NUMEC—of Apollo, Pa. Since 1966, the first year of the program's operation, NUMEC has received nearly

$3 million in Federal funds to carry out its work. A cut in funding now would render this vital program useless and inoperative.

I urge the Senate to adopt this amendment, and I hope that the distinguished manager of the bill will see fit to accept it.

Mr. PASTORE. Mr. President, the administration request on this was a million dollars. The Joint Committee went into this matter in quite some detail. We did not give it the priority that we had to give to others because we thought that because five companies are now working on this, a choice ought to be made; and if we reduced it to $500,000, that would be sufficient. But since that time, quite a bit of pressure has been brought—sincere, legitimate pressure—to the effect that we had gone so far and this would be a wrong time to slow it down. Frankly, the way I feel about it is that if we are going to consider this and allow for any doubt, I think it ought to be on the side of saving human life.

I have talked it over with the Senator from Vermont, and we have agreed to accept this amendment.

Mr. SCOTT. I understand that this is satisfactory to the senior Senator from Vermont.

Mr. AIKEN. Yes. I think the amendment offered by the minority leader is very humane and worthwhile, and I am glad to join the Senator from Rhode Island in accepting it.

Mr. SCOTT. I thank both Senators for their very compassionate consideration of this amendment, and I call for a vote.

The PRESIDING OFFICER (Mr. GAMBRELL). Is all time yielded back?

Mr. SCOTT. I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. BIBLE. Mr. President, will the Senator from Rhode Island yield me 2 or 3 minutes?

Mr. PASTORE. I yield 3 minutes on the bill to the Senator from Nevada.

Mr. BIBLE. I simply want to take this opportunity to commend the Senator from Rhode Island, the Senator from Vermont, and other members of the joint committee for the wonderful work they have done on this bill.

This is the first year I have been privileged to serve on this joint committee, and I want to single out the project in which I have shown some interest for a number of years—the geothermal steam project.

This has a potential of unlimited electric energy to be produced from the earth. This is a project for which the committee has allowed $500,000, embarking on a program which may be of great assistance in helping us meet our energy shortages.

The $500,000 is added for embarking on a program, with an estimated Government cost of $25 million, aimed at the recovery and utilization of geothermal energy for generation of electric power. Initial efforts will be directed at resolution of the major technical questions identified in the recently completed industry-Government feasibility study which evaluated dry geothermal deposits. Wet or natural steam deposits will be studied in a follow-on project.

Much of the data to be acquired relative to tapping geothermal resources has common application with natural gas stimulation technology, such as basic "clean" device development, multiple explosive engineering, connected chimney flow effects, and residual entrained radioactivity. Other aspects will be unique to geothermal applications. Included in this category are improved exploration techniques for location and definition of potential geothermal sites, special drilling techniques for hot rock, and particular device characteristics for high-temperature environments. Seismic engineering of Plowshare to reduce ground motion effects is, of course, involved in all applications, but will have particular significance in geothermal projects where the generating plant may be close to the stimulation site.

I thank the chairman and the other members of the committee for this initial effort in a program which could have unlimited possibilities of meeting the energy crunch of the future. It is a step in the right direction, and I salute the chairman.

Mr. PASTORE. I thank the Senator from Nevada. He has always been very cooperative and helpful, and we appreciate his association and his counsel and help.

Mr. BIBLE. I thank the Senator.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BAKER. Mr. President, as the most junior member of the joint committee from this body, I have seen a great deal in my brief service, and I want to take this opportunity to commend the members of the Joint Committee on Atomic Energy—Republicans and Democrats alike—and Members from the other body for their diligent attention to the vast array of complex detail and problems.

A number of controversial issues in this bill presumably will be dealt with by this body today. The bill as reported has received the careful and diligent, and I think worthwhile, attention of all the members of the committee during the past several months, and I commend them—I especially commend Senator PASTORE, the chairman of the Joint Committee, and Senator AIKEN, the ranking Republican—for their careful attention to the complexities of this undertaking.

I should like to touch very briefly on two points which are included in this bill and are of particular significance to my State and, I believe, to the entire Nation. The first deals with the so-called cascade improvement program.

CASCADE IMPROVEMENT PROGRAM

A fundamental issue of major national significance is the need for funds to improve and thereby expand the capacity of the Nation's uranium enrichment facilities on a timely basis. These facilities—the three U.S. gaseous diffusion plants—are the sole source of enriched uranium for fuel to power nuclear reactors. Enriched uranium is also used in nuclear weapons and Navy submarine reactors. The Joint Committee has recommended authorization of an additional $35 million in construction funds to move forward with a cascade improvement program which will provide needed additional enrichment capacity.

The gaseous diffusion plants have cost the Government and the taxpayers billions of dollars in research, development, and construction funds. They are truly a national asset which should continue to provide enriched uranium at low cost to meet domestic and foreign needs for many years to come. The product of these plants is essential to the Nation's future supply of abundant, low-cost energy.

As many Senators know, uranium is enriched—that is, the percentage of fissionable material is increased—by means of a gaseous diffusion process which remains highly classified. Developments in the technology associated with this process have provided us with the ability to increase the production capacity of the three existing plants by improving the cascades—the actual diffusion machinery—without increasing the electric power level at which they are operated.

The CIP is the first of several steps which must be taken to increase our capacity to meet the rapidly growing demand for enriched uranium. It is a large-scale project which will take several years to complete, but it will provide additional capacity at the lowest cost of any means presently available.

Substantial funding will be necessary to assure the U.S. Government's capability to meet its foreign and domestic commitments and anticipated future demands for low-cost uranium enrichment services.

While our gaseous diffusion plants do provide a source of material for our nuclear weapons, such uses draw on only a very small percentage of the plant capacity. More than 90 percent of the enriched uranium will be used as fuel in domestic and foreign nuclear reactors. The capacity of the diffusion plants has a finite limit. Such capacity will be exceeded by demand both foreign and domestic by the mid-1970's. In fact, all or nearly all of that capacity will be committed by the end of this year. The AEC has estimated that, by the end of 1978, the demand will outstrip AEC's ability to supply all customers from both current production and preproduced inventory.

I need not remind the Members of this body of the crisis our Nation faces in providing an adequate supply of low-cost electric energy. Nuclear powerplants will play a major role in solving that crisis—but not without the enriched uranium they need as fuel. Without the timely improvement of the gaseous diffusion plants, there will not be adequate nuclear fuel for those electric powerplants.

Recent orders for nuclear electric powerplants have experienced a sharp surge as evidenced by the fact that in the first 4 months of 1971, U.S. utilities ordered 13 new nuclear plants totaling about 12,800 MWE capacity compared with new orders in all of 1970 of 14 units with a total capacity of about 14,300 MWE. If this pattern continues, the AEC's forecast of nuclear power growth, on which its enrichment capacity planning is based, could well fall far short of actual nuclear generating capacity installed. The result could be an enrichment capacity deficiency and thus a nuclear fuel shortage akin to the fossil fuel shortage recently experienced, together with the attendant cost spirals.

In addition to meeting our own needs for enriched uranium, the U.S. Government is committed under agreements for cooperation to supply nuclear fuel or enrichment services to more than 20 friendly nations for use in their own nuclear electric power stations. Their needs for nuclear fuel also are growing rapidly.

Unfortunately, within the last 2 years, we have had to reduce the scope of our guarantee to supply enriched fuel to these other nations. Last year, the United States reduced from 5 years to 3 years the period within which construction must begin on foreign reactors in order to qualify them for inclusion in a fuel commitment. This year the AEC adopted a policy that our future agreements will no longer be an undertaking to supply the fuel requirements of specified foreign reactors. Instead future agreements will represent an undertaking to enter into fuel supply contracts subject to the availability of enrichment capacity at the time a decision to construct a reactor is made. In other words, our Government will no longer make any commitment to another nation to supply nuclear fuel until a contract for that fuel has actually been executed.

The AEC has advised the Joint Committee that:

> This step was taken in recognition of the fact that the commitments that would be involved in the agreements under negotiation, when coupled with existing foreign and domestic commitments for the supply of enriching services, would essentially match the capability of the existing gaseous diffusion plants under certain assumptions of operating conditions and fuel cycle requirements.

What this means is that other nations in the future will have much less firm assurance that the United States will be able to supply their nuclear fuel needs.

Since the future need to expand uranium enrichment capacity first became apparent, both the executive branch and the Joint Committee have avowed intentions that new capacity shall come on the line contemporaneously or in advance of its need. No one wants to risk a nuclear fuel gap.

President Nixon, in his energy message to the Congress on June 4, 1971, announced that the $16.1 million appropriated for fiscal 1971 to begin the CIP, but impounded for several months by the OMB, would be released for use in fiscal 1972. This has been accomplished. Also very significant is the fact that the President asserted in his energy message that:

> The Government must carry out its responsibility to ensure that our enrichment capacity expands at a rate consistent with expected demands.

However, in its fiscal year 1972 budget submission to OMB the Commission proposed that $152 million be authorized for CIP and that $68 million be appropriated for fiscal year 1972. The Office of Management and Budget rejected this proposal, and the administration's formal budget request included no new funding for CIP in fiscal year 1972.

Members of the Joint Committee, who have come after many years to expect the unexpected in most facets of the atomic energy program, including enrichment matters, have continued to press for a rate of improvement that would minimize the risk of needs going unmet at some point in the future. The committee has tried to make it clear through its authorization recommendations and through its reports to the Congress that immediate commencement of the improvement program is the only route by which such risks can be avoided. It is the view of the Joint Committee that there is only a slight possibility that the new capacity will be brought on line before it is needed and that proceeding now with the program will not only provide provident insurance against nuclear fuel shortages but will also be more economical in that earlier investments will be made at lower cost than later ones upon which inflation would have had time to act.

In recommending an additional $35 million for the CIP in fiscal 1972, the Joint Committee has responded much as it did last year when it added the $16.1 million to begin the CIP.

I join my colleagues on the Joint Committee by strongly urging that the Congress authorize and appropriate the full $35 million and that, if the funds are authorized and appropriated, the Office of Management and Budget make them available to the AEC without delay. The Joint Committee will view the actions of the executive with respect to these funds as an accurate measure of the true commitment of the administration to the improvement program and of its determination to meet the Nation's energy needs.

A statement on the gaseous diffusion plants would not be complete without a discussion of the financial benefits which the Government will realize from the sale of enrichment services. Our enrichment plants are producers of tremendous amounts of revenue for the Federal Government. The CIP will further reduce the cost of providing enrichment services with the result that even greater net cash returns will be realized. The net cash flow from the sale of enrichment services is expected to amount to more than $300 million in the year 1980 on sales of about $1 billion in that year alone, providing that sufficient enrichment capacity is made available by means such as installation of the CIP.

I urge Senators to support the Joint Committee's recommendation to move forward with this important program now before it is too late.

TITLE II. EXPANDED RESEARCH AUTHORITY FOR AEC NATIONAL LABORATORIES

Now, Mr. President, section 201 of the bill would amend sections 31 and 33 of the Atomic Energy Act of 1954 so that the Commission, on its own account or at the request of others, could use its unique national laboratories to perform research and development work relating to the preservation and enhancement of a viable environment by developing more efficient methods to meet the Nation's energy needs. AEC, as a result of a 1967 amendment to section 33, is authorized to perform such work for others, provided that it determines that private facilities or laboratories are inadequate for the intended purpose.

The amendments involve no increase in the funds to be authorized. The amendments are in keeping with the President's energy message of June 4, 1971, which recognized: First, the need for an imaginative research and development program to meet the twin goals of both a high-energy civilization and a beautiful and healthy environment; and second, the role of AEC in performing energy research as part of the overall energy program.

The national laboratories must, of course, continue to exist under AEC control to perform their primary missions in the nuclear field. Existing authority does not permit utilization by AEC of these unmatched scientific resources to assist in the solutions of nonnuclear energy and environmental problems for its own account. The amendments would permit AEC to make maximum use of available talent and facilities.

I ask unanimous consent to have printed in the RECORD a summary of the capability of AEC laboratories in environmental and energy research and development programs.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE CAPABILITY OF AEC LABORATORIES IN ENVIRONMENTAL AND ENERGY RESEARCH AND DEVELOPMENT PROGRAMS

The AEC and its laboratories have a significant research and development capability that could be effectively applied in the advancement of existing energy technologies as well as the development of new ones. The AEC laboratories are national assets. Their staffs include highly competent professionals, in both the basic sciences and engineering fields, with wide experience in managing and conducting research and development programs as well as a broad range of energy related projects. These laboratories have shown their capability to undertake an entire developmental task from the inception of the basic scientific idea, through the necessary development of materials, and through engineering, building and operating of prototypical hardware and test facilities, including those capable of producing useful amounts of power.

The AEC and its laboratories have successfully achieved many extremely complex scientific and engineering goals. Many of the large and complex projects were accomplished through closely coordinated and cooperative efforts with industrial organization and other government agencies. The development of central station nuclear power plant technology, of advanced test reactors, of nuclear submarine and surface ship plants, and of space power plants constitute accomplishments of major worldwide technological significance. Their achievement required the coordination and integration of many complex and interrelated efforts, such as in physics, metallurgy, heat transfer, reactor core design, coolant technology, fuel utilization, component development, instrumentation, control techniques and many others.

Large investments have been made at these laboratories in plant and capital equipment—

much of which is of unique value. As of June 30, 1970, the AEC's investment in research facilities totalled $3.2 billion. Of this amount, $2.3 billion was invested in the major Government-owned laboratories. These facilities include research reactors, accelerators, general laboratory buildings, equipment and research devices.

The table below gives some indication of the plant investment and number of scientists and engineers in the major AEC laboratories. It is important to note that these laboratories vary significantly in their orientation; some are basic research oriented, others are project engineering oriented, and several are multi-purpose oriented.

Laboratories	Cost of completed plant June 30, 1970 (millions)	Number of scientists and engineers (1970 national survey)
Ames Research Laboratory	$25.3	190
Argonne National Laboratory	385.4	1,479
Bettis Atomic Power Laboratory	141.8	1,313
Brookhaven National Laboratory	248.0	719
Idaho Nuclear Corporation	181.0	446
Knolls Atomic Power Laboratory	151.1	868
Lawrence Radiation Laboratory	367.5	1,927
Los Alamos Scientific Laboratory	282.2	1,594
Oak Ridge National Laboratory	$363.7	1,317
Pacific Northwest Laboratory[1]	110.1	573
Savannah River Laboratory	80.0	314
Stanford Linear Accelerator	146.7	218

[1] Includes the Hanford Engineering Development Laboratory

The activities at these laboratories have been primarily related to the development of technology related to the utilization of nuclear energy. A limited amount of R&D has been conducted for other Government agencies in several non-nuclear areas; for example, Oak Ridge National Laboratory has conducted research on desalting of sea water for the Department of Interior and on ultracentrifuge development for the Department of Health, Education, and Welfare. In 1967, the Congress, on the initiative of the Joint Committee on Atomic Energy, amended the Atomic Energy Act to specifically permit the AEC to help others in the resolution of environmental and health related problems, regardless of any nuclear relevance. It has been estimated that about $11.4 million of environmental and health related research will be conducted at AEC laboratories in FY 1971, as shown in the attached table.

Some specific examples of the type of environmental and energy R&D that could be conducted in AEC laboratories are:

WASTE TREATMENT AND DISPOSAL

Research has been conducted on isotopic systems for measuring sulfur content in coal and detecting SO_2 gas released from power plants. Developing technology for the control of combustion products from fossil fuel plants would be a logical task for assignment to the competent engineering staffs of the laboratories.

NEW ENERGY SYSTEMS

AEC engineering oriented laboratories could assist in development of magnetohydrodynamics and other means of improving power plant efficiencies; of fuel cells, coal gasification, oil shale recovery, solar, and other new energy technologies.

ADVANCED SITING PRACTICES

AEC laboratories have pioneered in the study of advanced siting concepts, such as offshore islands and energy centers. These concepts could have wide application, and many aspects of their utilization could be examined in further detail.

Laboratory and sponsor	Title	1971 costs
Argonne National Laboratory:		
Department of Defense	Battery for Vehicular Propulsion	$150,000
Do	Two Phase MHD System	70,000
Environmental Protection Agency.	A Study of the Fate of Carbon Monoxide in the Atmosphere.	29,000
Do	Air Pollution Episode Control Planning Agreement No. 690003.	118,000
Do	Air Pollution Land-Use Planning	74,000
Do	Chicago Air Model	11,000
Do	Development of the Integrated Puff Atmospheric Dispersion Model Computer System.	60,000
Do	Fluidized Bed Treatment of Coal	383,000
Department of Health, Education, and Welfare.	Artificial Kidney	125,000
Do	Braille Reader	146,000
Do	Implantable Secondary Battery	192,000
Coordinating Research Council, Inc.	A Study of the Fate of Carbon Monoxide in the Atmosphere.	63,000
Brookhaven National Laboratory:		
Department of Defense	Studies on Meningococcus Polysaccharides	25,000
Environmental Protection Agency.	Ozone Treatment of Acid Mine Drainage	20,000
Do	Stable Tracers for SO_2	119,000
Department of Health, Education, and Welfare.	Chemical Dissection and Therapy of Brain Disorders.	108,000
Do	Radiation Studies re Cancer & Radiobiology—Training Grant.	60,000
Department of the Interior	Concrete Polymer	285,000
National Aeronautics and Space Administration.	Low g Effects on Tradescantia	83,000
National Science Foundation	Superconducting Electrical Power Transmission Studies.	40,000
Department of Transportation	Development and Use of the BNL Dose Equivalent Meter for Measurement of Radiation Levels at Elevations of 20,000–70,000 Feet.	30,000
American Heart Association	Environmental Genetic Interactions in Hypertension.	12,000
The Population Clinic Rockefeller University.	Effects of Progestogens on Serum	26,000
Lawrence Radiation Laboratory—Berkeley: National Aeronautics and Space Administration.	Heme Catabolism	27,000
Los Alamos Scientific Laboratory:		
Department of Health, Education, and Welfare.	Application of High-Speed Flow-System Methods of Cell Analysis and Sorting to Cancer-Related Cell Populations.	150,000
Do	Microfluorometry of Cell Cultures	78,000
Do	Study of Potential of Reversibly-Arrested Cell Populations for the Screening of Certain Anti-Neoplastic Agents.	17,000
Oak Ridge National Laboratory:		
Environmental Protection Agency.	Application of Cross-Flow Filtration to Pollution Control Problems.	102,000
Do	Automated Analysis of Polluted Water	74,000
Do	Cooperative Gas Aerosol Study	13,000
Do	Hydrodynamic Control of Flux of Cellulose Acetate Membranes Used in Hyperfiltration of Municipal Sewage Effluents.	82,000
Do	Hyperfiltration of Sewage Effluent	80,000
Do	SO_2 Absorbers	31,000
Do	The Development of Electrochemical Air Monitors for Chlorine and Chlorides.	25,000
Department of Health, Education, and Welfare.	Biological Separations	$563,000
Do	Clinical Analyzer	271,000
Do	Co-Carcinogenesis	1,717,000
Do	Desalting Protein Solutions	32,000
Do	Electron Microscopy	121,000
Do	Environmental Mutagen Information Center	20,000
Do	Isolation of Viral Units	11,000
Do	Mammalian Mutagenesis	110,000
Do	Molecular Anatomy-Body Fluids	414,000
Do	NIAID Leprosy Program	48,000
Do	Smoking and Health	140,000
Do	Toxicology Information Query Response Center.	100,000
Do	Ultracentrifuge Development	759,000
Do	UV-Analyzer Prototype	14,000
Department of Housing and Urban Development (HUD).	Solid Waste Disposal	24,000
Do	Tunnel Technology	62,000
Do	Urban Growth Patterns Research	195,000
Do	Urban Use of Themal Energy	66,000
Department of the Interior	Engineering Development of Hyperfiltration with Dynamic Membranes.	100,000
National Aeronautic and Space Administration	Space Flight Clinical Laboratory System	50,000
National Science Foundation	International Biological Program-Ecology	968,000
Do	The Environment and Technological Assessment.	1,496,000
Atomic Bomb Casualty Commission: Department of Health, Education, and Welfare.	Cardiovascular Study	28,000
Oak Ridge Associated Universities:		
Department of Defense	Infections in Treated Patients	83,000
Department of Health, Education, and Welfare.	Chromosome Breakage	60,000
National Aeronautic and Space Administration.	Whole Body Irradiation	210,000
National Multiple Sclerosis Society.	Occurrence, Biosynthesis, and Biocleavage of Ether-Linked Lipids in Biomembranes: Their Role in Multiple Sclerosis and Related Neurological.	25,000
Pacific Northwest Laboratory:		
Department of Defense	Critical Atmospheric Turbulence	114,000
Environmental Protection Agency.	National Precipitation Washout of Sulfur Dioxide.	94,000
Department of Health, Education, and Welfare.	Dissipation of Heat	35,000
Do	Uranium Mining Hazards	421,000
Puerto Rico Nuclear Center: Department of Agriculture.	Irradiation Control of Sugarcane Borer	6,000
Savannah River Operations Office: Environmental Protection Agency.	Construction of 6 Stream Channels	40,000
University of Rochester Atomic Energy Project: Department of Health, Education, and Welfare.	Uranium Mining Hazards	119,000
Total for the 68 projects listed		11,424,000

Mr. BAKER. Mr. President, I thank the distinguished manager of the bill for his service and for yielding to me at this time so that I might pay my respects to the efforts of the Joint Committee.

Mr. PASTORE. I thank the Senator from Tennessee very much.

The PRESIDING OFFICER (Mr. Gambrell). Who yields time?

Mr. PASTORE. Mr. President, the bill is open to amendment. If anyone has an amendment, he should bring it up at this time.

AMENDMENT NO. 260

Mr. GRAVEL. Mr. President, I send to the desk a modification of amendment No. 260 and ask that it be stated.

The PRESIDING OFFICER. The amendment as modified will be stated.

The assistant legislative clerk read the modification as follows:

> At the end of the bill insert the following:
>
> Sec. 301. No funds authorized to be appropriated under this Act shall be used to detonate any underground nuclear test scheduled to be conducted on Amchitka Island, Alaska, before May 31, 1972: *Provided, however,* That the President may schedule such a test on the grounds of compelling national security requirements: *Provided, further,* That the President shall submit to the Congress no later than sixty days prior to the scheduled test a report on these requirements.

The PRESIDING OFFICER (Mr. Gambrell). Will the Senator from Alaska advise the Chair if this is one of the amendments on which there is a time limitation prescribed of 1 hour?

Mr. GRAVEL. That is correct, Mr. President, a time limitation on this amendment of 1 hour.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Mr. President, by way of explanation, this amendment is the amendment of the Senator from Hawaii (Mr. Inouye), No. 262, which I have adopted and think is the wiser course of action, at this point in time, than the amendment I propose.

I would hope that the chairman might accept the amendment. I think it is moderate, as it merely seeks to delay testing. There will be nothing lost in the way of knowledge by the delay. It might add to a proper climate in the world prior to the President's forthcoming trip to mainland China. Thus, I think it would leave all possible options open and would be the better part of wisdom to undertake this particular course of action.

I would be happy to hear the response of the chairman and, depending on that response, will proceed with my presentation.

Mr. PASTORE. Mr. President, I am very happy to respond.

First, is the Cannikin test necessary? That is the first question.

Second, if it is necessary, why must it be delayed until May 31?

Third, why should we spend $18 million for a delay that has not been justified? That is what the delay will cost.

Now, Mr. President, today I circulated to every Senator's office an explanation of the necessity for the test. I have been connected with the Joint Committee on Atomic Energy since 1952 and I have said time and time and time again: Woe be it to mankind when man, through his God-given creative ability, was able to split the elements of the earth to create this tremendous power. Woe to him if he cannot contain and restrain this power.

Out of it was born the atomic bomb.

Perhaps we would have been better off if the bomb had never been born.

But the bomb was born.

Perhaps we would have been a lot better off if we had retained a monopoly of the bomb, but we have not. There are now five members of the nuclear club; namely, ourselves, the Russians, the British, the French, and now the Red Chinese.

Mr. President, the committee agonized over this test—and when I use the word "agonized" I use it advisedly—because I voted against phase 2. I realize that there are many other people sincerely against the antiballistic-missile system and they have their reasons that, in many instances, make a great deal of commonsense. I cannot question that.

But the fact still remains that the highest authorities in our country, the men who have the responsibility to guarantee the security of this country, have stated that the test is absolutely necessary—I repeat, absolutely necessary—if we are going to have the Safeguard system.

A great many people believe that we should not have the Safeguard system at all, and if they vote against the test I shall understand that they will be carrying out their original idea; but it has become the policy and the program of this country, whether I like it or not, to have the Safeguard system.

If we are going to have the Safeguard system, then we are going to have this test.

Mr. President, I have a statement which, at my request, was sent to me by the AEC, which I have circulated to every Senator, and I ask unanimous consent to have it printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

THE NECESSITY FOR THE CANNIKIN EXPERIMENT

The nuclear device to be tested in the CANNIKIN event, scheduled for the fall at Amchitka Island, is related to the optimum development of a warhead for the SPARTAN missile of our SAFEGUARD Ballistic Missile Defense Program. The measurements of device performance which will be obtained from the test are essential to our optimum defense deployments of safeguards for protection of our MINUTEMAN missile sites. Several nuclear tests have been conducted in the program leading to this requirement, but they did not have the hardware improvements incorporated in the present design nor were they at the yield level to demonstrate proper final performance. This device is the most intricate and complicated configuration ever undertaken in the weapons program and incorporates a design that is different from any other nuclear weapon ever produced.

Nuclear weapons produce energy output and effects in various forms such as thermal radiation, neutrons, fission products, x-rays, gamma rays, and shock waves. In the CANNIKIN experiment, it is vital that these various outputs be measured to be certain that the constituent parts satisfy the requirements of the device design.

This system is designed for exoatmospheric intercept with x-rays as the kill mechanism. This intercept mode puts two important constraints on the warhead: (1) it must have a low fission output in order to reduce radar blackout effects and (2) a large fraction of its output should be x-rays to increase lethality and make it more difficult for the attacker to harden his reentry vehicles. Full understanding of the x-ray output spectrum is important to successful operational planning. CANNIKIN objectives include determining the yield of the warhead and making extensive x-ray output measurements.

The principal reasons for the full yield test are:

To minimize the possibility of stockpiling a defective design. There is a chance that there is some deficiency in the warhead which has not been found in spite of extensive design calculations and testing of the warhead at partial yield. There is no way to demonstrate that such a defect does not exist other than by testing at full yield. Theoretical calculations indicate a good physics package, but a design as complicated as this could provide serious surprises. Although it is difficult to lay out a history of all past test failures, a recent example in 1967 was the full yield proof test of the MINUTEMAN III warhead which produced only 40% of the predicted yield and resulted in a redesign before final proof test and production. Therefore, failure to do the CANNIKIN test would result in a drastically reduced confidence in the performance of the system.

To measure the yield. The test should permit the yield to be measured to an accuracy of plus or minus 15%. Without a test of the fully fueled design, one would have to rely on calculations and extrapolation of the results of testing at lower yields. The uncertainty of the calculations is difficult to estimate but in the absence of a full yield test, it would probably be possible to specify the yield only to plus or minus 25–30 percent.

To measure the x-ray flux and spectrum. The main uncertainty in x-ray output is the uncertainty in yield. If CANNIKIN were not conducted, one would be forced to rely on theoretical calculations to determine x-ray flux and spectrum without the benefit of any meaningful experimental data.

I would like to comment on some safety aspects of CANNIKIN.

A number of individuals and private organizations have recently questioned whether it is safe for the AEC to go ahead with the detonation of the CANNIKIN device at Amchitka. Some have charged that the AEC is acting with disregard for safety in its planning for CANNIKIN. These are serious charges which have led me to look into the AEC's study and investigation about the safety of CANNIKIN. I have found that the AEC has been conducting active investigations of all aspects of the CANNIKIN test safety since early 1967, studying these matters with extraordinary thoroughness. An important part of these investigations was the MILROW experiment which was conducted at Amchitka in 1969 for the sole purpose of verifying whether the larger CANNIKIN test could be conducted safely. This experiment accomplished the purpose of confirming preshot predictions as to the minimal effects of that megaton explosion.

Throughout its test operations the AEC utilizes the best advice and counsel that it can obtain in regard to safety. In planning for CANNIKIN the AEC has obtained the services of appropriate Federal agencies, of scientists at several universities and of several independently recognized experts from a variety of scientific disciplines. For CANNIKIN, a Standing Panel of Consultants for the AEC has performed a review of the effects predicted on the geology, groundwater, ecology, and natural and man-made structures from ground motion and radiation hazards. In addition, because of the seismic nature of the Aleutians, the Special Panel for

> Seismology has reviewed and advised upon programs which the AEC has conducted to study the seismological effects of CANNIKIN. For the most part, these experts were selected from candidates recommended by the National Academy of Sciences.
>
> The Panel of Consultants as well as the Special Panel for Seismology was made up of individuals from the U.S. Geological Survey, University of California, University of Illinois, St. Louis University, University of Nevada, Washington State University, University of Michigan, Columbia University, California Institute of Technology, Palo Alto Medical Clinic, Scripps Institution of Oceanography, Sheppard T. Powell and Associates, and Shannon and Wilson, Inc. They represent such disciplines and subdisiplines as radiobiology, soil mechanics, structural engineering, geophysics, hydrology, radiation medicine, ecology, geology, oceanography, tsunaminology, seismology, and hydrogeology. All told the talents of some 60 recognized scientific and technical advisors and participants have been involved to varying degrees with deliberations on these subjects for the AEC's conclusions as to the safety of the CANNIKIN test. In addition, several hundred AEC and AEC contractor personnel have been engaged in direct performance of studies.
>
> It is on the basis of these extensive investigations that the AEC has been able to state in its environmental statement for CANNIKIN that the CANNIKIN test can be fired without important detrimental impact. I am personally convinced that this conclusion is amply supported by facts, the most important of which are reported within the environmental statement.
>
> The decision on the requirement for this system was made some time ago. Until such time as intelligent international understanding can be reached which makes such weapons developments unnecessary, we have no other choice. If we are to develop and deploy an effective system, we must have this test.

Mr. PASTORE. Mr. President, I also have a letter written by David Packard, the Deputy Secretary of Defense on July 19, 1971, and I am going to read that letter:

> DEAR SENATOR PASTORE: This is in response to your request for my views on the importance of the CANNIKIN nuclear test to the national defense.
>
> The nuclear device to be tested in the CANNIKIN event is for the development of a war head for the Sparton missile of the Safeguard ballistic missile defense program, a program that Congress approved. The measurements of device performance which will be obtained from the tests are essential in my view, to the optimum defensive deployments of Safeguard for protection of the Minuteman missile sites.
>
> Sincerely,
>
> ——— ———.

Mr. President, how can I dispute such testimony?

Here we are, we have the AEC investigation and study of this question from top to bottom—and it is all contained in the memorandum—that they called upon the National Academy of Sciences to nominate their great scientists to investigate this, and we wanted the colleges and universities to look into it and to survey the ecology problem.

In 1969, we shot off a device in order to qualify the island for the Cannikin test. We have already dug the hole. It has a room 50 feet wide at the bottom and is 6,000 feet deep. We have spent almost $165 million.

Now, Mr. President, I do not know what the Senate will do, but to come in here at the 11th hour and expect me to accept an amendment that delays a test that I have been told is absolutely necessary, how can I accept that, I say to my good friend from Alaska? How can I do that? To please whom, to answer what—and, why the date?

If Cannikin is not necessary, then let us delete it from the bill; but if it is necessary, then let us leave it in the bill.

If Safeguard needs to exist, then let us vote for it.

If Safeguard does not need to exist, then let us vote against it.

That is how simple it is.

I hope that answers my good friend from Alaska. He is a sincere individual and I know how he feels about this. It is 1,400 miles from the nearest major city in his State.

I also want to say to my good friend from Hawaii that no one regards him more highly than I do, and I know what his problem is. But he is on the Armed Services Committee and I know how he feels about Safeguard, and I think he knows how I feel about it.

These are the facts of life, Mr. President. I have this responsibility as manager of the bill.

What else can I say?

What else can I say that I have not already said?

Mr. GRAVEL. Mr. President, I yield such time as he may need to the distinguished Senator from Hawaii (Mr. INOUYE).

Mr. INOUYE. Mr. President, I have listened to the statement of my very dear friend from Rhode Island with great care.

His first question was, Is Cannikin important?

I think that is a good question, because the President of the United States has not yet decided whether Cannikin is important. A special committee, made up of Under Secretaries, as the chairman is well aware, has been appointed.

This committee has been given the responsibility of providing the President with some guidance to form a conclusion, that I gather as of this moment the President has not formed, whether the test is advisable or not.

I am well aware that to postpone this test would cost money. For the record, I believe that it would cost about $15 million. My response to that is very simple. If this is the price tag for peace, I think it is very cheap.

The date of May 31, 1972, was very carefully selected because it was the day that we may see some news emanating from Peking. As the President indicated, he very gladly accepted the invitation of Premier Chou En-lai to visit Peking. This was to come about before May 31, 1972.

I believe we would be assisting the President and assisting the world if we did everything to take away every conceivable obstacle to peace and every conceivable obstacle to this journey to Peking.

Second, we have been advised that the SALT discussions are moving along rather successfully. However, there is some promise and some hope, I would think, that this postponement would bring about greater promise and greater hope.

Finally, it should be noted that in this amendment there is a very important proviso, and this is in response to the fears that have been expressed by some of those who are in favor of the test.

It says, if I may read it:

> *Provided, however*, That the President may schedule such a test on the grounds of compelling national security requirements; *Provided, further*, That the President shall submit to the Congress no later than 60 days prior to the scheduled test a report on these requirements.

If, sometime between now and, say, a week from now, the President finds that there is some compelling national security requirement that makes it necessary that he go through with the test, then so be it.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. INOUYE. I gladly yield to my chairman.

Mr. PASTORE. The President's power works both ways. The test is set for October. But if tomorrow or the next day or any day up to the October test day the President determines there is no national need for the test the President can stop it—freeze it.

The President has the authority as the Commander in Chief and as the President of the United States to stop the test any time up until it takes place. That is well understood.

Mr. INOUYE. Mr. President, I am well aware, as the chairman noted, that the President has the authority to stop the test any time he wants to. However, I think it would be well for the House of Representatives and the Senate of the United States to express to the President a sentiment which I feel is now held by a significant number of Americans. I think it would be well to tell the President that we want his journey to Peking for peace to be successful and that we in the Senate will try by this amendment to take away what we consider to be an obstacle to that journey.

It is, of course, for these simple reasons that we hope that the Chairman will accept the amendment. It would not tie the President's hands. It states that he may, if he feels there is a compelling requirement to do this, go ahead with the test.

I think the time has come for the Senate of the United States to indicate to the President that we are concerned about the Cannikin test.

Mr. President, if I may be a bit personal and speak as a Senator from Hawaii, I should like to advise the Senate that the State of Hawaii, unlike most other States, has suffered from tsunamis, sometimes known as tidal waves. And many of the tidal waves have been caused by earthquakes occurring somewhere in Alaska, especially in the Amchitka chain.

Mr. President, in 1946 as a result of an earthquake in the Aleutians, we lost 159 men, women, and children. We had tidal waves in 1952 and in 1957. All this is something that is very real to the people of Hawaii. It is not guesswork for us.

So when all of our eminent scientists try to assure the Nation and the people of Hawaii that the likelihood of this explosion generating a tidal wave is remote, we are not convinced as long as there is a possibility, no matter how remote it is. We shall be looking to this black date when this test is carried out with great fear. And if this multimegaton blast should generate an earthquake which in turn generates a tidal wave, then the Congress of the United States might have many questions to answer.

I would hate to be in that position. I would hope that the committee would go along with the amendment which I consider to be reasonable and moderate. It is in no way restrictive of the President. It just sets forth very simply the mood of the Senate. I hope that my compassionate chairman will agree to accept the amendment.

Mr. PASTORE. Mr. President, may I read an excerpt from the memorandum from the Atomic Energy Commission:

> Throughout its test operations the AEC utilizes the best advice and counsel that it can obtain in regard to safety. In planning for CANNIKAN the AEC has obtained the services of appropriate Federal agencies, of scientists at several universities and of several independently recognized experts from a variety of scientific disciplines. For CANNIKIN, a Standing Panel of Consultants for the AEC has performed a review of the effects predicted on the geology, groundwater, ecology, and natural and man-made structures from ground motion and radiation hazards. In addition, because of the seismic nature of the Aleutians, the Special Panel for Seismology has reviewed and advised upon programs which the AEC has conducted to study the seismological effects of CANNIKAN. For the most part, these experts were selected from candidates recommended by the National Academy of Sciences. The Panel of Consultants as well as the Special Panel for Seismology was made up of individuals from the U.S. Geological Survey, University of California, University of Illinois, St. Louis University, University of Nevada, Washington State University, University of Michigan, Columbia University, California Institute of Technology, Palo Alto Medical Clinic, Scripps Institution of Oceanography, Sheppard T. Powell and Associates, and Shannon and Wilson, Inc. They represent such disciplines and subdisciplines as radiobiology, soil mechanices, structural engineering, geophysics, hydrology, radiation medicine, ecology, geology, oceanography, tsunaminology, seismology, and hydrogeology. All told the talents of some 60 recognized scientific and technical advisors and participants have been involved to varying degrees with deliberations on these subjects for the AEC's conclusion as to the safety of the CANNIKAN test. In addition, several hundred AEC and AEC contractor personnel have been engaged in direct performance of studies.

Mr. President, if we decide this is necessary, how much more do we have to do?

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, on this particular point, it was my privilege to be in Alaska in April of this year in the course of conducting hearings of the Economic Development Subcommittee of the Committee on Public Works. We held hearings in Fairbanks, Anchorage, at Point Barrow, and other points in the great State of Alaska. Also, being a member of the Joint Committee on Atomic Energy, I requested, and was granted, the privilege to fly from Anchorage to Amchitka in the Aleutians in order to examine the test site, which I did on April 10 of this year.

At that time I had the opportunity to see and examine first hand the shaft that has been dug for the Cannikin test, to see the extraordinary measures and the significant investment the United States has already made in this test, and to see the careful preparations that have been made for this test.

It was my privilege to visit the site of two previous tests at Amchitka. The Milrow event of October 1969 at Amchitka had a yield of approximately one megaton at a depth of 4,000 feet; and the Long Shot test conducted in 1965 on Amchitka was at a depth of about 1,000 feet with approximately 80 kilotons.

I can speak firsthand of these experiments because I made it my business to go to the test site and to stand physically on the locations of them.

It was pointed out in my observation of these test sites that Milrow, which was a significant test at 4,000 feet with 1 megaton, caused no radioactivity at all. I stood on the site of Milrow and saw firsthand the slight concavity of the earth around there. The Milrow event of October 1969 at Amchitka had a magnitude of 6.5, but in the cluster of small aftershocks in the vicinity of the explosion, the largest magnitude was something about 4.3.

I do not say this to impress anyone with my bravado, nor do I intend to ask the chairman of the committee to permit me to attend the test of Cannikin to demonstrate my bravado but because I want to see firsthand preparations made for safety of the United States and the results of our best efforts. And we are making our best efforts in this respect. I say that without fear or trepidation. If there is going to be a sea wave or an earthquake I want to see it happen. That is how much faith I have. That is how it has been explained to me.

In that respect I would like to point out these things.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. BAKER. I shall yield in a moment. First, in connection with sea wave activity in the Pacific it is pointed out there has never been a tsunami generated in the Rat Islands by an earth shock of magnitude less than 8, about 10 times greater than that expected from Cannikin. From March 1900 through May 21, 1971, there were 40 earthquakes in the Aleutian chain with magnitude 7, or greater.

On April 1, 1946, a magnitude 7.5 earthquake, about 5 times greater than expected from Cannikin, occurred south of Unimak Island, the first island in the Aleutian chain and 800 miles east of Amchitka, causing a devastating tsunami with waves as high as 105 feet. On March 9, 1957 a magnitude 8.3 earthquake, over 10 times greater than expected from Cannikin, produced waves about 40 feet high at a site south of the Andreanof Islands, about 450 miles east of Amchitka. In February and March of 1956, there were two earthquakes 60–70 miles west of Amchitka with magnitudes of 7.75 and 7.3, which caused runups locally of 5 feet and 1.5 feet, respectively. A quake on May 2, 1971, of magnitude 7.1 close to Amchitka caused no sea wave whatsoever. The water waves generated during the Milrow test—magnitude 6.5—did not exceed ⅜ inch in deep water and none in shallow water.

Mr. President, I wish to move to another subject in connection with a point made by the Senator from Alaska on the need for the test, but before I do I would like to honor the request of the Senator from Hawaii that I yield to him.

Mr. INOUYE. I would like to note that from the information of tests I received, they did not have the explosive power as great as the one in Cannikin. It should be noted that the tests that are scheduled for Cannikin will be an exploding device with an exploding power about 1,000 times more powerful than the Senator is discussing.

We have never in history exploded a 5 megaton device underground and no matter what scientists say, as long as there is this remote possibility, I hate to take that chance.

We are going to explode 5 megatons, and as the Senator is well aware, a 5 megaton explosive device is 1,000 times greater than the one we exploded on Amchitka.

Mr. GRAVEL. The magnitude will be 6.8 to 7.2 on the Richter scale. By comparison, the great 1969 earthquake in Alaska started out with 6.5 on the Richter scale and went to 8.4 on the Richter scale. The September 11, 1969, earthquake in the Aleutian Islands started with 5.2 on the Richter scale and peaked at 6.6 on the Richter scale. It should be noted that the 5-megaton blast Cannikin will be larger than the original triggering event of both of those earthquakes.

Mr. BAKER. I thank the Senator for his observation. I would like to make one or two further comments about the observations by the distinguished Senator from Hawaii.

While Cannikin will be greater than any bomb detonated underground by the United States, it will be only five times greater than the Milrow test which was conducted on this island. It will be lower than the detonation by the Russians on October 14, 1970, at Novaya Zemlya, which was an underground device which had an estimated yield of up to 6 megatons. The published facts on Cannikin are that it will be less than 5 megatons.

On the question of the parallelism between earthquakes on the one hand and the nuclear tests on the other, I suggest there is a vast difference between the localized impact of a single detonation versus the more generalized effect from a natural earthquake.

There never has been an aftershock from and nuclear detonation by the United States or any other country that was more than about one one-hundredth of the original magnitude on the Richter scale. There is no direct parallelism between a natural earthquake, as such, and a point detonation of underground test.

At this time I would like to yield to the Senator from Alaska and then I have one final point on necessity for the test.

Mr. GRAVEL. Mr. President, with respect to the point on the Soviet blast, Dr. Seaborg stated that it took place in a nonearthquake or nonseismic area. I do not think any parallel can be made with Amchitka.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Alaska has 18 minutes remaining and the chairman has 15 minutes remaining.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. PASTORE. The Senator can take all the time he needs on his direct statement but if he is asked to yield by the opponents I hope that time comes from the time of the other side.

Mr. BAKER. Mr. President, on the necessity for this test, I am delighted to see a letter from the Deputy Secretary of Defense, David Packard and the accompanying AEC memorandum and other documents.

I recall that a great deal of time was given to the debate on the deployment of the ABM system, first and second phase, and that a good part of the debate was done in executive session. I am delighted to see that there is a statement by Deputy Secretary of Defense David Packard that what we are dealing with is a test to produce high intensity X-radiation calculated to destroy incoming reentry vehicles and to get away from the idea that we are engaged in some sort of ball game where we try to shoot down incoming missiles.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. PASTORE. That is very important. Without this X-ray capability, we may have a totally ineffective system.

Mr. BAKER. And upon the X-ray bombardment in an exoatmospheric situation, which is the design of the Spartan warhead which has to be tested at Cannikin to see if it works, rests the only hope that we are going to have an effective ABM system. We are not going to shoot down missiles one by one to prevent attacks on the United States, and we may intercept their path by this technique, but if we are ever to justify any sort of defensive weaponry for the United States, it has to be based on the developments in the Cannikin test and the others or the whole ABM system goes out the window.

I conclude, as I started, by saying that the United States is the strongest, most powerful, most moral Nation on earth, and it rankles me that many urge us to put our entire defense posture on an ICBM mentality—that is, that we can make more offensive weapons strike Moscow than they can make strike the United States, which does not seem to me to befit the United States as the most moral Nation, and that we must find some other way than to hold 100 million Russians captive and hostage to our ICBM capability. ABM is the way. ABM must be tested. ABM may or may not succeed, but we will never know unless we detonate Cannikin to see if it is possible to put our national defense posture on that weaponry.

I thank the Senator for yielding.

Mr. GRAVEL. Mr. President, I yield 5 minutes to the Senator from Hawaii (Mr. FONG). If he is not already listed as a cosponsor of the amendment, I ask unanimous consent that he may be so listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, as a cosponsor of amendment 260 to the pending AEC authorization bill, S. 2150, I rise to urge my colleagues to support this amendment.

The pending amendment would delay the five-megaton Cannikin test, now scheduled for October at Amchitka Island, Alaska, until late next spring unless national security considerations intervene, in which event Congress will be notified and have an opportunity to render a fresh judgment on the matter as it then stands.

Specifically, amendment 260 provides that no funds authorized to be appropriated under the Atomic Energy Commission Authorization Act shall be used before May 31, 1972, to detonate any underground nuclear test to be held on Amchitka Island.

A proviso in the amendment however provides that the President may schedule such a test on the grounds of compelling national security requirements, if he first submits to Congress, no less than 60 days prior to the test, a report on these requirements.

Recent events dictate that, as a minimal step, the Cannikin test should be postponed. Only last Thursday, President Nixon electrified the Nation with his dramatic announcement of his "Opening to the East," his impending visit to the People's Republic of China.

The progress in the SALT talks, the reduction of fighting in Vietnam, the somewhat more flexible postures at the Paris peace talks, and the improved outlook in the Middle East are other hopeful signs that the great powers may be moving into a period of general detente.

In the present encouraging atmosphere in international relations, the scheduled Cannikin nuclear blast strikes a highly discordant note. The postponement proposed in this amendment is far more in tune with today's currents and tides toward international rapport.

Actually, while I am cosponsoring this amendment to postpone the Amchitka test, which I trust my colleagues will support, I am strongly opposed to the holding of this test, even more than I opposed the holding there of the 1969 Milrow test, which involved only a 1-megaton nuclear device. The Cannikin test involves a 5-megaton device.

I am particularly concerned, even more so now, about the possibility that the test explosion might generate a tsunami, or seismic tidal wave, which would bring widespread destruction and possible loss of life in my mid-Pacific State of Hawaii and in the other areas in and around the Pacific Basin.

Four times in the last 25 years tsunamis have struck Hawaii's shores. Each time there has been severe property damage. Twice there has been a tragic loss of lives.

The environmental impact statement on the Cannikin test, issued by the Atomic Energy Commission, terms the risk of tsunami damage "negligible," but it does not rule out the possibility entirely. While this possibility remains, Cannikin should not be held on Amchitka. The danger to my State and to other nearby areas in the Pacific Basin cannot be ignored.

In the meantime, I strongly urge my colleagues in the Senate today to vote for the pending amendment which would postpone the Cannikin test.

Mr. GRAVEL. I thank my colleague from Hawaii.

Mr. President, the point is that I find this letter from Mr. Packard very interesting, and I think we have seen in these three sheets probably more information than we have been privy to for some time. I think it will be valuable not only to us in assessing ABM, but to others who will partake in the dialog.

I know the committee has agonized over this matter. I think it has made a valuable contribution, but I think reasonable men differ. I think the direction should lie in a broader public analysis than has been brought to the subject matter in the past. I do not confine that to myself. I mean that in the parameters of the whole Nation. If everybody will think about this, I think everybody, to some degree, can make a contribution.

I note in Secretary Packard's letter he makes what I consider to be an important point on page 3 in the second paragraph:

> The Cannikan test can be fired without important detrimental impact.

That is a pretty definitive statement. We go then to the AEC Cannikin environmental statement and we see a measure of contradiction. These contradictions have raised, and they should raise, a large question mark about the impact on the environment. I quote from the AEC environmental statement:

> No significant environmental impact can be expected from the seismic activity caused by the CANNIKIN test. The possibility of the CANNIKIN test "triggering" an earthquake with seismic energy comparable to or greater than that produced by the explosion itself is very unlikely.

This is different language—the words are "very unlikely." I go further:

> Since the understanding of earthquake mechanisms is still developing—

I want to underscore that, "still developing,"; it wipes out the possibility of definitive scientific safety statements—

> still developing and is not yet sufficient for exact calculations, the possibility of such an occurrence cannot be ruled out.

Of course, the writers of the Environmental 102 Statement are not political appointees. These are scientists who came together and made these statements, and I think that the statements should be the cause of some concern among the membership of this body. They represent some expertise on the environmental side. I think we should look also for expertise on the armaments side, because I am not an expert and I, like my colleagues, seek the advice of the experts.

I think it is interesting that in Secretary Packard's letter he talks about this and says that Cannikin is essential and must be done. In fact, I quote him:

> The measurements of device performance which will be obtained from the tests are essential in my view to the optimum defensive deployments . . .

Any analysis of English would seem to indicate that if we do not approve this, if they do not blow this Cannikin test, my God, we will not have a credible defense.

Instead of quoting from an appointee, or a person who has a persuasion, I should like to quote from a person who I think has some very unusual credentials, Harold M. Agnew, Director of the Los Alamos Scientific Laboratories, testifying before Senator SYMINGTON's subcommittee in April 1971. He was asked a question by Senator SYMINGTON:

> In your article, you opposed the use of high-yield warheads for ABM, such as the one used in Spartan. Do you still oppose their use?

This is the answer from Dr. Agnew:

> I don't think I opposed the use. I said that they would be useful in a limited way.

In a limited way. This is the opinion of the scientific Director. That is a far cry from Secretary Packard's statement that the tests are essential for optimum defense.

I think that contradiction bespeaks a world of information, and should invoke a world of concern. All we are asking for, of course, is a delay. What a tragedy it would be—and I hope I am 110 percent wrong—for these gentlemen who have labored hard on this committee, who have worked hard and diligently on the Atomic Energy Commission itself, fine administrators all; what a tragedy and what a blow it would be upon their lives if this test did occur and it did occasion a major disaster. I think those individuals would carry a blot for the rest of their lives that they could barely tolerate.

I think that question mark itself should certainly be, if not propulsion enough to cancel the test, certainly be reason to postpone it, because in a very short period of time it may be easily determined that obviously these tests are not necessary because of the small margin of information that would be added to our total defense posture.

I have placed on the desk of each Senator—and I hope Senators will consider it prior to voting—a one-page fact sheet of what I believe is involved in this respect. I would hope that attachés who are present, as Senators come to the floor to vote, would call this one-page statement to their attention. It might give them a possibility different view on the course they should adopt in voting.

In addition to Dr. Agnew, we have another distinguished scientist, Dr. Herbert York, the former Department of Defense Director of Research and Engineering under Presidents Eisenhower and Kennedy, who stated that Cannikin, which was conceived in 1966, is now unnecessary.

It is my conclusion that Cannikin has been placed on a trajectory of no return, because of the inertia of bureaucracy, the inertia of the system. It is unfortunate that we cannot reexamine periodically these courses of action.

I, beginning in 1969, introduced a very humble bill in April of that year, asking not for a delay, not for a moratorium, but simply that Congress appoint a commission to study for 1 year the safety and the possible hazards associated with underground testing.

That bill never received a hearing and never received any real consideration until the Committee on Foreign Relations held a hearing at my behest as a result of the concern expressed by the Governments of Japan and Canada. Obviously, the place for that hearing would have been the Joint Committee on Atomic Energy, and I would have hoped that it might have taken place there; but powers more powerful than I felt it was not necessary.

I still think it is very necessary that we make some judgment on the testing and on the safety question, not for what might happen immediately—nothing may happen in October, when this button is pressed—but for what we are creating under the surface of the earth, in this particularly earthquake-prone area: little bombs, little time-capsules, our legacy to a future era. We set up these little capsules that could be ruptured or fissured at any time, in any earthquake. There has been ample testimony to the frequency of earthquakes in this area. Were one of these capsules ruptured, be it Milrow or be it Cannikin, we could suffer contamination of the waters of the North Pacific, which contain the largest salmon runs in the world, which provide not only Alaska's most important industry, but an industry that affects foreign governments and foreign peoples' ability to feed the world, which is so hungry.

That we could deliberately set up these capsules of potential destruction really makes one wonder how compelling things must be for us to do this for our survival. We have ample testimony, on one side, that we do not need this explosion at this point at all, and yet it has its proponents in spite of the environmental statement, which I think we can say in all candor was not volunteered by the AEC, but which came about as a result of the prodding of elements outside of the AEC and outside of those who are pushing for this Cannikin test.

This is the beginning of an alternative argument and dialog which I am sure will be pursued at greater length and much beyond today. Regardless of what course of action the Senate takes, the President of the United States can adopt his own course of action. He has not received recommendations. I hope he will see the wisdom, within his own competence, based upon the divided recommendations that he will receive—because he will receive recommendations that it is vital to our defense and he will receive recommendations from equally competent scientists and technicians that it is not necessary—of opting for cancellation or postponement.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. TUNNEY). The Senator has 3 minutes remaining.

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD a statement which I submitted May 28, 1971, to a hearing held in Alaska, a document prepared by Representative GUDE and myself for Members of Congress for Peace Through Law, and a copy of the fact sheet which I have had placed on each Senator's desk.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY MIKE GRAVEL, ATOMIC ENERGY COMMISSION HEARINGS ON AMCHITKA NUCLEAR TEST

The explosion of a five-megaton nuclear bomb more than a mile beneath the surface of one of the world's most seismically active regions presents Alaskans and the people of the Pacific Rim with some element of risk.

The risk is undeniable. The AEC admits it in the most recent environmental impact statement dealing with the Cannikin test. No competent scientific authority will testify that the test is absolutely safe.

What the AEC does say is that the risk is small and, when balanced against the importance of the test to our national security, the risk is acceptable.

The ABM weapon is not essential to our national security. But even if it were, the Spartan warhead, which would be tested in Cannikin, is only a very supplemental missile in the ABM system. And, even if one believes the ABM is necessary and the Spartan missile is necessary, the proposed test will not significantly resolve many uncertainties associated with performance of the basic Spartan.

Certainly, if Cannikin goes ahead as scheduled, scientists will learn something. But going ahead to marginally improve our arsenal of information is not the same as going ahead with development of a weapon to insure our very survival. The risk versus benefit scales tip differently.

Prior to the 1969 one-megaton test at Amchitka, I succeeded in having public hearings called before the Senate Committee on Foreign Relations. Our weapons program and national security were dealing then with a test one-fifth the megatonnage of the proposed Cannikin test.

In 1969, a number of competent authorities directed their attention to the benefit-risk question. Among them was Dr. Frank Press, perhaps the leading and most respected seismologist in the field. Here is what he said:

". . . I would associate a definite though small risk with large nuclear explosions in seismic belts like Amchitka. The very small possibility of very large damage must be balanced against national security needs. In my opinion, the need to test at these large yields must be *very compelling* to justify the risk."

Numerous authorities offered similar testimony. One was Dr. Kenneth Pitzer, then President of Stanford University and chairman of a commission appointed by the White House to investigate the safety of underground nuclear tests.

The commission's conclusions, published in what became known as the "Pitzer Report," were, in part:

"The Panel is seriously concerned with the problem of earthquakes resulting from large-yield nuclear tests. Although the possibility that underground nuclear tests might initiate one or more earthquakes has been suggested in the past, new and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large yield test explosion and in the following weeks. The largest of the observed associated after-shocks have been between one and two magnitudes less than the explosion itself. However, there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site."

Let there be no mistake and no doubt. The risk of earthquake exists. The extent of risk cannot be measured because no one knows with assurance the geologic substructure of the region, or the mechanism that creates earthquakes, or the effect of man-made explosions on a seismically volatile region.

That is why the AEC's environmental impact statement does not dismiss the possibility of earthquakes.

"Because the understanding of earthquake mechanisms is still developing and is not yet sufficient for exact calculations," the AEC report says, "the possibility of such an occurrence cannot be ruled out."

As evidence that the risk is small, the AEC offers the results of the 1969 Milrow test and experience at the Nevada Test Site.

Any competent statistician would question the use of the Nevada experience in calculating the odds for a five megaton test in Alaska. Our nation has never before conducted a five megaton underground test anywhere. And certainly, the Nevada tests, in a seismically quiet area, cannot be applied to the experience in Alaska where the earth is violently unstable.

Nevertheless, the AEC is confident that the five megaton test, a test without precedent, in an area about which nothing is known except its volatility, will produce no surprises.

In 1964, the AEC categorically claimed that underground nuclear tests would not trigger natural earthquakes except under extremely unusual circumstances. But after the experience of six one-megaton bomb tests at the Nevada Test Site, that assurance was completely reversed. Now the AEC says that large explosions *invariably* trigger natural earthquakes.

And, keep in mind, the Alaska test site was developed only because the planned explosions were found to be too big and too dangerous for Nevada.

In rationalizing in advance the possibility that a large earthquake may follow the Cannikin test, the AEC says that such an occurrence might be a blessing in disguise. The agency argues that by triggering a natural earthquake prematurely, the pent up energy would not be as great as it would have been if allowed to release naturally.

A vast body of scientific opinion views the earthquake in itself as a triggering mechanism. The great Alaska earthquake of 1964 began with a shock of about 6.5 and triggered itself to a peak of 8.4. The Aleutian Islands earthquake of September 11, 1969, began with a shock measured at 5.2 and peaked at 6.6.

Cannikin may provide a trigger of between 6.8 and 7.2. What type of energy can be released with that kind of trigger? No one knows.

We may discover that the bomb was exploded near a previously unknown fault line, that no natural earthquake was poised, waiting to occur, and the predictions of the agency will be borne out. I would say in all fairness, that the odds are on that side. The possibility of an accident is only that—a possibility—not a probability. But the risk is there because this test is a gamble with the unknown.

And suppose there is an accident, a mistake. Suppose there is, as the environmental impact statement says it, an imminent earthquake very near Amchitka, for which Cannikin is the trigger.

Would Cannikin's 7 point Richter scale reading, combined with a 7 point natural earthquake remain a harmless 7 point event?

The odds shift markedly against such an eventuality occurring without some toll.

The AEC believes the magnitude of shock would be slightly greater if both events occurred together. At 7 points on the Richter scale we are already courting the birth of a tsunami wave. If 7 and 7 add up to 7.5, such a wave is a certainty. The AEC's own literature lists 7.5 as the level of shock at which a dangerous tsunami is certain to occur.

That is not the only danger. The movement of unsuspected subsurface faults would wipe out the base upon which the AEC has confidently made its argument about the containment of radioactivity. If the subsurface structure moves in unpredicted ways, the radioactive waste could find a funnel to the surface.

The bomb explosion will create a cavity about the length of two football fields and will do so instantaneously. The environmental statement assumes that the cavity will contain the radioactivity, both immediately and in the long term, to prevent underground radiated water from reaching the surface within 1,000 years.

But the impact statement also includes what the AEC terms an "unlikely possibility." That is, that the water within the cavity chimney system created by the blast becomes mixed and flows through a system of inter-connecting rock fractures. This model is likened to an "open crooked pipe" through which radiated water would reach the surface within two or three years and flow into the ocean concentrations of radioactivity 1,200 times the level considered safe. That process would continue for an estimated 130 years.

The AEC downgrades this possibility and downgrades the effects if it should occur.

But the risk of error is taken seriously by Alaskans who have an enormous economic stake in the resources of the sea.

In these days when the nation is deeply concerned about mercury poisoning and the market for seafood products has fallen off sharply, even the suspicion that radioactive water is leaking to the surface could devastate the market for all fishery species of the North Pacific.

I am not satisfied by assurances that radioactive waste is diluted by seawater. Radioactivity reconcentrates in seafood. Those who dumped mercury in seawater told us it was safely diluted. But now we find the larger fish concentrate mercury at levels dangerous for those who eat them. DDT is such a problem it is being outlawed by some states. Comparatively, certain radionuclides like Strontium and Cessium, have fabulously greater reconcentration features in the food chain.

The danger that radioactivity will escape is no less than the danger that an earthquake may be triggered. Indeed, these two actions could inter-react, the earthquake affecting the cavity; not only the cavity caused by Cannikin, but the cavity caused by Milrow. For the Milrow test produced an enormous amount of radioactive waste that could still be brought to the surface by groundwater, or through an unsuspected fault opened by a natural earthquake or the Cannikin test itself.

And what if the Cannikin Milrow and Longshot cavities all leaked concurrently? That problem is not dealt with in the environmental statement.

One may accept without question the AEC's assurances that all will go well. But all too often, such forecasts have not been borne out by circumstances.

Last December 18, Project Baneberry was detonated at the Nevada Test Site. The earth at that location had an unexpectedly high water content. The explosion ruptured the ground and sent radioactivity spewing over many states, contaminating hundreds of workers.

No environmental impact statement issued prior to that test would have concluded that such a mistake was possible. Yet the geology of Nevada certainly is far better known than the geology of the Aleutians.

Project Long Shot, the 60 kiloton test conducted at Amchitka in 1965, was not expected to leak radioactivity for hundreds of years. But only a few months after the test radioactivity surfaced in at least two small fresh water ponds.

The AEC did not expect Strontium-90 to accumulate in milk.

The AEC did not expect its 1964 test in Mississippi to cause $600,000 in property damage.

The AEC did not expect its 800-kiloton test in January, 1968, in central Nevada to rock an area as wide as Salt Lake City to the East and San Francisco to the West—but it did.

Ten percent of the tests at the Nevada Test Site have unexpectedly leaked.

Less is known about the effects of a five megaton explosion than any explosion the AEC has detonated anywhere in the United States.

Less is known about the geology of the Aleutians than has been known about any subsurface area in which the AEC has conducted experiments.

To go ahead with this test is courting a risk of a magnitude we cannot determine. The risk is not worth taking. Our national security will not be imperiled if the test is cancelled.

Since this is an experiment, and it is the nature of experimentation that sometimes things do not go as planned, I wonder at the AEC's assurance that this is the last test at the Amchitka site.

If scientists do not learn what they hope to learn from this test, would not that necessitate a further test of equal magnitude?

If not, if we can stop testing at Amchitka regardless of the outcome of Cannikin, why is Cannikin considered so important to our national security?

This question is not answered in the impact statement, but certainly is critical to the entire issue.

In closing, I wish to point out that Alaska has had an extended and rather uniform history in dealing with Atomic Energy Commission proposals for tests in Alaska.

In 1960, the AEC proposed to blast a deep water harbor in northwest Alaska utilizing an atomic bomb. Plans went ahead until Alaska scientists and state leaders expressed their opposition. Such an explosion would have seriouly affected the delicate food chain of the North. A food chain that already has suffered adverse effects from the atmospheric testing of the fifties and early sixties.

Even today, body burdens of radioactivity carried by some Eskimos and Indians of the North are far beyond normal measurements.

When Project Long Shot was proposed for 1965, the AEC said it would not be the forerunner of any test series, but rather a one-shot experiment.

Yet, two years later, the AEC was back again, with massive plans for conversion of Amchitka Island—A Wildlife Refuge—into a major new test site.

Prior to the Milrow experiment considerable opposition was expressed by the Alaska public and by elected leaders. The day of the test, which the AEC confidently said would produce no harmful effects—the Civil Defense network was alerted all along the Northern Pacific Coast. The Navy moved its Kodiak Emergency Hospital to higher ground.

Now we face the largest test yet.

Along with other Alaskans, I wish to emphasize my opposition.

The test is not necessary, and it is not without risk. Alaskans and the people who live along the Pacific Rim should not be asked to accept such a risk for so questionable a purpose.

I urge that the test be cancelled, the island fully restored and that the AEC count Amchitka and Alaska out of any future plans for the detonation of atomic bombs.

Report on U.S. Underground Nuclear Testing: Cannikin as a Case in Point

(A research paper prepared by Senator Mike Gravel and Congressman Gilbert Gude)

As with most complex issues there are many facets to the question of continued underground nuclear testing. The authors have chosen to organize their remarks around the weapon system, environmental and foreign policy aspects of the issue.

For manageability of the topic and immediacy of the issue the proposed Atomic Energy Commission 5-megaton Cannikin test planned for Fall of 1971 at Amchitka, Alaska has been chosen as the instant case. This massive test was examined against the backdrop of the three considerations mentioned above. On all three counts: (1) mission and weapon system usefulness, (2) environmental costs and dangers, and (3) induced reactions in foreign affairs, the presumed benefits of the AEC underground nuclear test planned for the Fall in Alaska are far outweighed by the risks.

It is the conclusion of the authors that the test should be cancelled.

1. THE WEAPON SYSTEM ARGUMENT

The basic problems of our national security and defense posture today remain those that we have learned to live with over the past two decades. Our fundamental premise has always been that the United States must be strong enough to convince any would-be aggressor that an attack on us would be suicidal.

We have created capacity for varied nuclear retaliatory response in our land-based, undersea, and strategic bomber forces. That awesome combination still affords the best guarantee against any Soviet or Chinese first strike. Even the most pessimistic of strategic nuclear thinkers has never asserted that an aggressor could succeed in knocking out all elements of the U.S. nuclear arsenal simultaneously. As long as the most invulnerable of our strategic forces—our fleet of nuclear submarines armed with Polaris and Poseidon missiles—remains intact, no nation on earth can undertake an attack on the United States without inviting self-destruction.

The debate over the ABM stems from the growing realization that the value of fixed, land-based missiles, such as our Minutemen, is slowly but surely being eroded by advancing technology. The ever-increasing range and accuracy of enemy missiles, and the concurrent revolution in the design of nuclear warheads for those missiles, now enables an aggressor to deliver not one blow per rocket but several, of tremendous power, either in a pre-set pattern or against widely scattered individual targets.

Even in their imposing concrete silos, therefore, our Minutemen day by day are losing a degree of their potency in the strategic equation. This fact should suggest a number of possible alternatives to us, since so far we have not been able to halt the progress of military technology or nuclear weaponry.

We can try to further harden the emplacements of our land-based missiles, in the hope of increasing their capacity to withstand a near or direct hit. Or, we can take our missiles out of their silos and try to make them mobile, possibly through reinstallation on specially constructed trains, or in surface vessels scattered across the oceans.

Instead, both this Administration and the last have chosen to pursue still another course—to try to lengthen the life of our existing minutemen by superimposing a protective anti-missile defense, with the goal of interdicting and destroying enemy rockets in space or in outer earth atmosphere before they can reach their targets. This is the safeguard system and it is one component of this system that is planned for testing at the AEC test site in Amchitka, Alaska in October of this year in a test dubbed Cannikin.

The AEC was forced to move from its former test sites in Nevada and elsewhere in the West in order to detonate any weapon of larger than one megaton size—that is, fifty times the size of the bomb that all but obliterated Hiroshima in 1945.

To conduct such tests in those western states, even underground, would involve direct seismic danger to cities as Las Vegas, Reno, and Salt Lake City.

So in order to climb the ladder of atomic escalation in greater freedom, the AEC shifted its test operations to the Aleutian Chain, to the Island of Amchitka, which lies on top of one of the most treacherous earthquake zones in the world. The AEC set the stage in 1969 with the so-called Milrow test involving a one-megaton explosion at Amchitka. At that time concern was expressed not only about immediate danger to Alaska and the West coast, but the chances for surface venting of radioactive material over Canada, Scandinavia, or the Soviet Union, in violation of the obligations the U.S. assumed under the limited test ban treaty.

No one including the AEC, knew exactly what would happen in Milrow. But when the worst fears of triggering an earthquake or cataclysmic tidal waves were not realized, the AEC took this as license to proceed with planning for a significantly bigger test shot in Amchitka, Cannikin.

The best experts outside the government have estimated that the maximum yield of Cannikin probably will be in the range of five megatons, in order to produce effects sufficiently greater than those previously attained by one megaton tests in Nevada and Amchitka. This five megaton value also would be consistent with the announced depth of the Cannikin event.

It is important to establish the link between the Cannikin test and the safeguard system. Although neither the Department of Defense nor the AEC has made a specific admission of this fact, there is every indication that Cannikin will be a test of a Spartan anti-ballistic missile warhead, and Spartan of course is one of the two missiles employed in the safeguard system.

So far the AEC has said only that Cannikin will be "a vital part of the U.S. weapons development program." Strategic analysts have pointed out that the only Defense Department weapons programs now "vitally" in need of tests of high yield warheads are the Spartan ABM and the MIRV warheads for the Poseidon and Minutemen missiles. But the latter two warheads clearly will fall in the less than one megaton range, so that leaves Spartan.

More recently administration members have talked of the need for an "improved Spartan with much lower yield" to be ready in 1976 to supplant the basic Spartan, i.e., a second generation system would be the new requirement.[1]

In short the Cannikin test appears to be designed to advance the development of a large warhead for an inferior, first generation Spartan missile, which even Pentagon experts concede will soon be out of date, and whose capabilities are inconsistent with the only ABM mission approved by the Senate Armed Services Committee. To make it even clearer, if SALT leads to mutual limitation of ABM defenses to national capitals, then the standard Spartan missile and Cannikin will not be needed.

In that light the expenditure of more than a billion dollars for a test program with such dubious prospective value, and with such serious environmental risks, is sheer folly. At the very least, authorization for Cannikin should be postponed until the probable results of SALT are more apparent.

The most recent authoritative statements on the technical deficiencies and shakey rationale for the Spartan missile and hence the Cannikin test came out of the May hearings on the subject in Anchorage, Alaska. The statement of the Director of the Federation of American Scientists contains a tightly logical and persuasive argument for cancellation of this underground nuclear test. Parts of this statement are here excerpted without further attribution to conclude this section.[2]

The Federation's starting point is a conclusion of the Pitzer report (an independent study of Cannikin prepared for the President's Office of Science and Technology in 1968) that, "the need for these tests must be *compelling* if they are to be conducted in the face of the possible risks that have been identified." (Emphasis added.)

Is Cannikin a Compelling Necessity?

The following questions arise in applying the "compelling" necessity criterion of the Pitzer report: (1) is Cannikin a compelling necessity to deploy the basic Spartan? (2) If so, is the basic Spartan a compelling necessity for the defense of Minuteman? Is the basic Spartan a compelling necessity for the defense of bomber bases or of national command authorities?

Is Cannikin a Compelling Necessity to Deploy the Basic Spartan?

The AEC Environmental Impact Statement argues only that a failure to proceed with Cannikin would "severely hamper" the "development of nuclear weapons technology." Thus the AEC does not claim that a failure to proceed with Cannikin would, for example, preclude the deployment of a weapon system necessary to national security. Indeed, confidence in Spartan, and estimates of its effectiveness, cannot be substantially improved even with unlimited tests. In the first place, there is little doubt that the Spartan warhead will detonate; and confidence in the warhead's effectiveness depends more critically on other considerations: The tactics used by the Soviets (numbers and kinds of decoys, simultaniety of arrival, separation of incoming warheads, etc.); the failure of Spartan to fire (reliability of missile, computer software bugs, etc.).

Further, it should be pointed out that the entire Safeguard missile defense is being justified on the ground that the Soviets cannot be sure that Safeguard will not work and will accordingly be deterred. In this context, Cannikin will be of essentially zero significance in changing Soviet perceptions of the likely effectiveness of the entire Safeguard system—involving, as this system does, so many other significant uncertainties.

In short, Cannikin is not a compelling necessity to deploy the basic Spartan; from an overall perspective it may be no more than an irrelevancy.

Is the Basic Spartan a Compelling Necessity for the Defense of Minuteman?

Even if Cannikin were to be judged necessary to deployment of the basic Spartan—which we have judged is not the case—it would still be necessary to ask whether the basic Spartan was a compellingly necessary part of Safeguard.

The improved Spartan—which does not require Cannikin—will take over many basic Spartan functions. According to DOD, "(it) will carry a smaller warhead but to much higher velocities. This missile will enable the system to more effectively intercept SLBM's

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and depressed trajectory ICBM's. They will have a larger area capability than the standard Spartan and reduce the nuclear effects on the system."[3]

The Director of the Los Alamos Scientific Laboratory, Dr. Harold M. Agnew, put it this way in his recent testimony in favor of Safeguard: Senator Symington. In your article you opposed the use of high-yield warheads for ABM such as the one used in the basic Spartan. Do you still oppose their use? Dr. Agnew. I don't think I opposed the use. I said that they would be useful in a limited way, as I said in my previous testimony, with regard to breaking up high rate attacks and to provide a mechanism for high altitude attacks against very large yield weapons which might be used in a particular role which the Soviets might employ.[4]

Considering the large costs of Cannikin the total costs of basic Spartan and Cannikin combined will be so large that the basic Spartan is unlikely to be cost-effective from any point of view.[5]

In short, far from being a compelling necessity, basic Spartan is simply something that might be "useful in a limited way" against tactics the Soviets "might" adopt. But at the same time, it might assist the Soviets in degrading the performance of Safeguard. And its deployment is almost certainly a strategic mistake in allocation of Safeguard resources.

Is the Basic Spartan a Compelling Necessity for the Defense of Bomber Bases or of National Command Authorities?

The Air Force is engaged in dispersing its bombers to inland airfields. Its main fear is submarine launched ballistic missiles (SLBM) and depressed trejectory ICBM attack which might arrive with relatively little warning. Improved Spartan is specifically designed to be the best answer to this.

The defense of command authorities or capital cities will rely upon Sprints primarily, and upon improved Spartan. Since the Capital is not going to be defended against determined attacks—but against accidents or small attacks—the contingencies in which basic Spartan is likely to be useful (threat of "high-rate" attacks or "very large yield weapons" for high altitude attacks) are largely or completely irrelevant.

SUMMARY

In summary, the case for Cannikin now turns on:

(A) The need for Cannikin in order to deploy a basic Spartan in order to

(B) Supplement, for special purposes, the improved Spartan that are themselves only

(C) Supplementing Sprints in the Safeguard defense of Minuteman—a defense

(D) Whose overall justification and effectiveness is under serious question.

Thus, those who reject Safeguard reject the necessity for Cannikin. Those who reject the necessity for Spartan in Safeguard reject the necessity for Cannikin. Those who reject the necessity for basic Spartans in Safeguard reject the necessity for Cannikin. And even those who want the basic Spartan still reject the necessity for Cannikin unless they insist on proof-testing it at great financial expense and at the environmental risks described in the following section. Under these circumstances, who can possibly call Cannikin a compelling necessity.

2. ENVIRONMENTAL ISSUES AND UNDERGROUND NUCLEAR TESTING

The environmental issues associated with continued underground nuclear testing center on the possible triggering of earthquakes and tidal waves, and ocean and surface radiation contamination through venting. Because of its imminence and eminence, the proposed five-megaton explosion, Cannikin, at the Atomic Energy Commission's Amchitka Alaska Test Site in the fall of 1971 is the primary case against which these environmental considerations should be weighed.

The explosion of a five-megaton nuclear bomb more than a mile beneath the surface in one of the world's most seismically active regions presents Alaskans and the people of the Pacific Rim with some element of risk.

The risk is undeniable. The AEC admits it in the most recent Environmental Impact statement dealing with the Cannikin Test. No competent government or scientific authority will testify that the test is absolutely safe. What the AEC does say is that the risk is small and, when balanced against the importance of the test to our national security, the risk is acceptable.

As noted in the previous section, a number of the Nation's leading weapons experts, many of whom have been in government advisory and policy-making roles, have offered testimony that the test is not necessary. To summarize, they believe that the ABM weapon is not essential to our national security.

But even if it were, the Spartan Warhead, which would be tested in Cannikin, is only a very supplemental missile in the ABM system. And, even if one believes the ABM is necessary and the Spartan Missile is necessary, the proposed test will not significantly resolve the many uncertainties associated with performance of the basic Spartan.

Certainly, if Cannikin goes ahead as scheduled, scientists will learn something. But going ahead to improve marginally our arsenal of information is not the same as going ahead with development of a weapon to insure our very survival. The risk versus benefit scales tip differently.

In 1969, a number of competent authorities directed their attention to the benefit-risk question. No one knows precisely where the great Aleutian Fault lies. It is believed to pass within 30 to 100 kilometers of the Amchitka Test Site. Seismologist James Brune of Cal. Tech has said: "I would think that scientists would be very hesitant to fire off a large nuclear exposion 30 kilometers from the San Andreas Fault. One hundred kilometers would be better. But I'd still be a little worried about it."[6]

Dr. Frank Press, Chairman of the Department of Earth and Planetary Sciences at the Massachusetts Institute of Technology and perhaps the most acknowledged expert in this field, says that Amchitka lies in a zone perhaps ten times more seismic than Nevada. That fact, he says and the fact that the large explosions being planned are without precedent, suggests that previous experience may not be pertinent. About the Milrow Calibration Test in 1969, Dr. Press said: "Unfortunately, a series of tests with progressively increasing yields is a precaution of uncertain value if the instability mechanism which triggers an earthquake has a threshold.

"For these reasons," Dr. Press continues, "I would associate a definite, though small risk with large nuclear explosions in seismic belts like Amchitka. The very small possibility of very large damage must be balanced against national security needs. In my opinion, the need to test these large yields must be very compelling to justify the risk."[7]

The AEC's own earthquake consultant, Wendell Weart from the Sandia Laboratory, said in 1969, "There is obviously some point in yield (test size) beyond which there would be danger . . ." and in May 1968, he said, "Further understanding is necessary to permit extension of present observations to higher yields and especially to other, perhaps more tectonically active test sites."[8]

Numerous authorities offered similar testimony. One was Dr. Kenneth Pitzer, then President of Stanford University and of a commission appointed by the White House to investigate the safety of underground nuclear tests.

The Commission's conclusions, published in what became known as the "Pitzer Report", were in part:

"The panel is seriously concerned with the problem of earthquakes resulting from large-yield nuclear tests. Although the possibility that underground nuclear tests might initiate one or more earthquakes has been suggested in the past, new and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large yield test explosion and in the following weeks. The largest of the observed associated after-shocks have been between one and two magnitudes less than the explosion itself. However, there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site."[9]

Let there be no doubt. The risk of earthquake exists. The extent of risk cannot be measured because no one knows with assurance the geologic substructure of the region, or the mechanism that creates earthquakes, or the effect of man-made explosions on a seismically volatile region. That is why the AEC's environmental impact statement does not dismiss the possibility of earthquakes. The AEC report reads,

"Because the understanding of earthquake mechanisms is still developing and is not yet sufficient for exact calculations, the possibility of such an occurrence cannot be ruled out."[10]

A vast body of scientific opinion views the earthquake in itself as a triggering mechanism. The Great Alaska Earthquake of 1964 began with a shock of about 6.5 and triggered itself to a peak of 8.4. The Aleutian Islands earthquake of Septmeber 11, 1969, began with a shock measured at 5.2 and peaked at 6.6.

Cannikin may provide a trigger of between 6.8 and 7.2. What type of energy can be released with that kind of trigger? No one knows.

It may be that the bomb will be exploded near a previously unknown fault line, that no natural earthquake was poised, waiting to occur, and the predictions of the Agency will be borne out. In all fairness, the odds are on that side. The possibility of an accident is only that—a possibility—not a probability. But the risk is there because the test is a gamble with the unknown.

Suppose there is an accident, a mistake. Suppose there is, as the Environmental Impact statement says it, an imminent earthquake very near Amchitka, for which Cannikin is the trigger. Would Cannikin's 7 point natural earthquake remain a harmless 7 point event? The odds shift markedly against such an eventuality occurring without some toll.

The AEC believes the magnitude of shock would be slightly greater if both events occurred together. At 7 points on the Richter Scale we are already courting the birth of a tsunami wave. If 7 and 7 add up to 7.5, such a wave is a certainty. The AEC's own literature lists 7.5 as the level of shock at which a dangerous tsunami is certain to occur.

As evidence that the risk is small, the AEC offers the results of the 1969 Milrow Test and experience at the Nevada test site.

Any competent statistician would question the use of the Nevada experience in calculating the odds for a five megaton test in Alaska.

Our nation has never before conducted a five megaton underground test anywhere. Certainly, the Nevada tests, in a seismically quiet area, cannot be applied to the experience in Alaska where the earth is violently unstable.

In 1964, the AEC categorically claimed that underground nuclear tests would not trigger natural earthquakes except under extremely unusual circumstances. But after the experience of six one-megaton bomb tests at the Nevada Test Site that assurance was completely reversed. Now the AEC says

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that large explosions invariably trigger natural earthquakes. Recall that the Alaska Test Site was developed only because the planned explosions were found to be too big and too dangerous for Nevada.

In addition to 16 Nevada tests which leaked enough radioactivity to be detected beyond the test site boundaries, 11 more leaked enough to be detected beyond ground zero, but not beyond the test site. In addition about 40 tests leaked radioactivity detected only in the "immediate vicinity" of the firing point. (These figures from Seaborg to Gravel, letter of March 11, 1971). Out of 230 underground tests, each designed to be fully contained, 67 leaked.

It is true that the amount (curries) leaked, except in the major vents, has not been much. That is not the point. The point is, how many of the 67 leaks were associated with earthquake faults? How much faith should we have in the AEC assurance that Cannikin is far enough from earthquake faults.[11]

Another reason why the Nevada triggering experience is largely irrelevant is because the largest Nevada test has been a 1.2 megatons, not nearly 5 megatons like Cannikin. The largest seismic punch of a Nevada test has been 6.2, whereas Cannikin is expected to be 6.8 or 6.9 or "about 7.0." That means Cannikin will have, at the very least, 6 times more seismic energy than the largest Nevada experience.[12]

In passing up from 6.2 to 6.8 seismic mag, for all anyone can know, the AEC may pass over another "threshold" of triggering activity.

It is true that no ventings have occurred from any of the large-yield, deeply buried explosions. But accidents are almost always preceded by a string of successes. A single success (Milrow) statistically proves absolutely nothing about another one-megaton test, much less a 5-megaton explosion.

This little homily is important, because there should be no crowing about the alleged success of Milrow. The failure of Milrow to trigger an earthquake or sea wave proves nothing for Cannikin. Further, it is not yet known whether Milrow will contaminate the ocean in a relatively short time period, either from its own subsurface restructuring or the restructuring that would occur from the Cannikin test. The movement of unsuspected subsurface faults could wipe out the base upon which the AEC has confidently made its argument about the containment or radioactivity. If the subsurface structure moves in unpredicted ways, the radioactive waste could find a funnel to the surface.

The bomb explosion will create a cavity about the length of two football fields and will do so instantaneously. The Environmental Impact Statement assumes that the cavity will contain the radioactivity, both immediately and in the long term, to prevent underground radiated water from reaching the surface within 1,000 years.

But the Impact Statement also includes what the AEC terms an "unlikely possibility." That is, that the water within the cavity chimney system created by the blast becomes nixed and flows through a system of inter-connecting rock fractures. This model is likened to an "open crooked pipe" through which radiated water would reach the surface within two or three years and flow into the ocean concentrations of radioactivity 1,200 times the level considered safe. That process would continue for an estimated 130 years. Rapid migration and ocean contamination is the most grotesque and worrisome possible consequence from Cannikin.

The AEC in its most recent Environmental Impact Statement fails to mention the possibility that longshot, Milrow, and Cannikin could all three start discharging radioactivity concurrently around Amchitka. What would that do to the dilution factors and the accumulation factor? [13]

The AEC downgrades this possibility and downgrades the effects if it should occur. But the risk of error is taken seriously by Alaskans and others who have an enormous economic stake in the resources of the sea.

In these days when the nation is deeply concerned about mercury poisoning and the market for seafood products has fallen off sharply, even the suspicion that radioactive water is leaking to the surface could devastate the market for all fishery species of the North Pacific.

It is not at all certain that radioactive waste is diluted by seawater. Radioactivity reconcentrates in seafood. Those who dumped mercury in seawater said it was safely diluted. Now it is found that larger fish concentrate mercury at levels dangerous for those who eat them. DDT is such a problem it is being outlawed by some states. Comparatively, certain radionuclides like strontium and cesium have fabulously greater reconcentration features in the food chain.

The danger that radioactivity will escape is no less than the danger that an earthquake may be triggered. Indeed, these two actions could inter-react, the earthquake affecting the cavity; not only the cavity caused by Cannikin, but the cavity caused by Milrow. The Milrow test produced an enormous amount of radioactive waste that could still be brought to the surface by groundwater, or through an unsuspected fault opened by a natural earthquake or the Cannikin test itself.

One may accept without question the AEC's assurances that all will go well. But all too often, such forecasts have not been borne out by circumstances.[14]

To go ahead with this test is courting a risk of a magnitude that cannot be determined. The risk is not worth taking. The national security of the U.S. will not be imperiled if the test is cancelled.

Since this is an experiment, and it is the nature of experimentation that sometimes things do not go as planned, one wonders at the AEC's assurance that this is the last test at the Amchitka site. If scientists do not learn what they hope to learn from this test, would not that necessitate a further test of equal magnitude?

If not, if testing at Amchitka can be stopped regardless of the outcome of Cannikin, why is Cannikin considered so important to our national security?

It is worth pointing out that Alaska has had an extended and rather uniform history in dealing with Atomic Energy Commission proposals for tests in Alaska.

In 1960, the AEC proposed to blast a deep water harbor in northwest Alaska utilizing an atomic bomb. Plans went ahead until Alaska scientists and state leaders expressed their opposition. Such an explosion would have seriously affected the delicate food chain of the north—a food chain that already has suffered adverse effects from the atmospheric testing of the fifties and the early sixties.

Even today, body burdens of radioactivity carried by some Eskimos and Indians of the North are far beyond normal measurements.

When project long shot was proposed for 1965, the AEC said it would not be the forerunner of any test series, but rather a one-shot experiment.

Yet, two years later, the AEC was back again, with massive plans for conversion of Amchitka Island—a wildlife refuge—into a major new test site.

Prior to the Milrow experiment considerable opposition was expressed by the Alaska public and by elected leaders. The day of the test, which the AEC confidently said would produce no harmful effects—the civil defense network was alerted all along the Northern Pacific coast. The Navy moved its Kodiak emergency hospital to higher ground.

Now the largest test yet is planned for the fall of 1971.

The test is not necessary; it is not without risk; and should be opposed. Alaskans and the people who live along the Pacific rim should not be asked to accept such a risk for so questionable a purpose.

The test should be cancelled, the island fully restored and the AEC should count Amchitka and Alaska out of any future plans for the detonation of atomic bombs

3. PROSPECTS FOR A COMPREHENSIVE NUCLEAR TEST BAN TREATY

The United States and the Soviet Union agreed in 1963 to ban nuclear testing in the atmosphere, outer space, and under water. Negotiations to achieve a comprehensive ban including underground nuclear testing floundered on the issues of on-site inspection. Neither side has shown great interest in extending the ban, and a large number of underground tests have been conducted, particularly in the development of MIRV and ABM warheads.

There is increasing dissatisfaction with the lack of progress among non-nuclear nations who have signed the 1970 Non-Proliferation Treaty. Recent scientific reports indicate that substantial progress has been made in detecting and identifying underground nuclear tests, reducing the problem of on-site inspections. As elaborated in the previous section, concern over contamination of the earth's surface and other environmental hazards of underground testing, now focused on the Cannikin test at Amchitka Island in Alaska, is growing.

The preambles to the 1963 Test Ban Treaty and the Treaty on Non-Proliferation of Nuclear Weapons which went into effect in March, 1970 both contain a commitment to continue negotiations leading to a ban on underground nuclear testing.

The existing limitation on above ground testing has generally provided protection against contamination of the atmosphere, but few believe that it has slowed the arms race. New techniques were developed to try out devices which were both more powerful and, as in the case of ABM and MIRV testing, more sophisticated than had previously been carried out underground. According to the Atomic Energy Commission, the United States has conducted 228 atomic weapons tests underground since the limited test ban was signed. The Commission reports 47 Soviet tests during the same period.[15]

From the standpoint of non-nuclear nations who signed the Non-Proliferation Treaty, the superpowers have given up nothing in the areas of weapons development because of the failure to negotiate a ban on underground testing. It is difficult moreover, to persuade China and France, as nuclear powers, to adhere to even the limited test ban so long as the United States and the Soviet Union are conducting a large-scale underground testing program. India and Israel, the prime potential nuclear powers, have declined to sign the Non-Proliferation Treaty, but have signed the 1963 test ban treaty. As a result, there has been mounting pressure from the non-nuclear states to resume serious discussions of a comprehensive ban at the 25 nation Geneva Disarmament Conference.

At the February 1971 session of the Conference, Canada proposed a preliminary ban on large underground nuclear tests, covering tests that could be detected and identified by existing seismological methods. The United States rejected the proposal on the ground that on-site inspections remain necessary to detect low-yield tests. The Soviet Union has always objected to on-site inspection and initially supported the Canadian proposal. Subsequently, however, the Soviets also rejected

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the proposal, stating that the effect of a partial ban would be to legalize smaller explosions.

Other delegates to the Geneva Conference view these responses as excuses covering a distinct lack of enthusiasm for limits on underground testing by the United States and the Soviet Union. The Swedish government has taken the position that the technology exists to verify a comprehensive test ban without on-site inspection and that the superpowers are publicly unwilling to give up testing to refine the weapons under discussion at SALT.

The delegate from Mexico raised the test ban question again in May, voicing the dissatisfaction of most of the non-aligned members of the Conference with the efforts of the United States and the Soviet Co-Chairmen to confine discussions to the prohibition of biological weapons. (These members are also concerned about the postponement of an accord on chemical weapons.) As a concession to these views, the Co-Chairmen agreed to allow conference members to bring in experts to discuss the use of seismological instruments to detect underground nuclear tests.

The Geneva meeting which began on June 30 is most timely. The successful negotiation of the 1963 test ban was due in large part to scientific advances in launching of far earth and solar satellites and in undersea detection capabilities which generally reduced the risk of undiscovered cheating under the agreement.

In April of this year, there were reports of substantial progress in developing methods of detecting and identifying underground nuclear explosions. Since 1963, about $300 million has been spent in the detection research program known as Project Vela. At a conference sponsored by the Department of Defense Advanced Research Projects Agency at Woods Hole, Massachusetts last summer, scientists discussed techniques for distinguishing between earthquakes and explosions based on differences in the character of the waves in the earth's crust generated by the two types of events.

The discrimination between earthquakes and underground tests is based on measurements of two kinds of waves produced by both earthquakes and explosions: surface waves and body waves through the body of the earth. Measurement of a large number of earthquakes and underground explosions revealed that at least down to a certain level of magnitude, an earthquake will almost always produce substantially more surface waves relative to its body waves than a nuclear explosion.[18]

Unfortunately, there is no formal report of the Conference apart from the collection of technical papers presented by participating scientists. There is some disagreement over the conclusions and their implications for verifying underground nuclear tests due to the discrepancy between the first, unofficial summary of the proceedings, and a second summary cleared for publication by the Department of Defense. There is no dispute, however, over the conclusion that important scientific gains have been made.

At the time of negotiation of the 1963 test ban, U.S. scientists were able to detect underground tests in the Soviet Union equivalent in earthquake force to 4.75 on the Richter scale. This amounts to about 20 kilotons (20,000 tons) of explosive energy. According to the revised and approved summary of the meetings, it is possible to distinguish earthquakes from underground tests below a Richter magnitude of 4.5 corresponding to the 10 kiloton range. The original summary suggested seismic discrimination techniques could differentiate earthquakes from tests with accuracy at a level of 4 on the Richter scale, or as low as one to two kiloton explosions. This kind of capability would detect substantially all of the underground weapons tests conducted by the United States and the Soviet Union since atmospheric testing was banned. Either of these estimates justifies a new look at the possibilities for verifying a partial or comprehensive ban on underground testing.

Senator Edmund S. Muskie and Senator Clifford P. Case, Chairman and Ranking Republican on the Subcommittee on Arms Control, International Law and Organization of the Foreign Relations Committee, have recognized the importance of exploring the implications of the new detection capability. Senator Case has suggested that greater seismological detection capability may make it possible to monitor a comprehensive ban with the two or three on-site inspections the Soviet Union was willing to allow in 1963. He also pointed out that some American experts now believe that a comprehensive ban could be verified with no on-site inspections.

Former Director of the Arms Control and Disarmament Agency, William Foster, expressed the opinion in a February 1971 speech that "it is fully within our scientific competence to monitor adequately such a total test ban. With our present means of instrumentation and other sources of information, it is not conceivable that the Soviets could carry out clandestine testing on a scale which could affect the strategic balance."

On the other hand, the Pentagon statement on the Woods Hole meeting (referenced above) emphasized that "much research remains to be done," and implied that scientific progress registered at the conference did not affect the issue of on-site inspections. The statement, distributed to the press on April 14, 1971, stressed the following points:

1. All One-KT tests cannot be detected. Possibility of detection and identification of underground explosions depends on the types of medium in which the test is conducted.

2. All detected events cannot presently be identified as earthquakes or nuclear explosions.

3. Desert sands are not the only medium which could hide a test, because tests could be concealed in earthquakes, large cavities in the earth and other locations.

4. The need for on-site inspection has not been eliminated, because there will continue to be seismic events detected at teleseismic distances. Further, remote seismic monitoring cannot distinguish between nuclear and non-nuclear explosions.

Senator Muskie has announced that the Arms Control Subcommittee will hold hearings to review the latest scientific data and to consider the risks and benefits of continued underground testing. In any event, the critical question raised by scientific developments is not whether every low magnitude test can be identified, but whether the type of testing that might escape detection could provide a significant advantage to the violator. If such an advantage is lacking, it will be necessary to determine whether continued testing increases our security more than a generally effective ban on underground testing by both superpowers.

The risks and benefits of a comprehensive test ban cannot be calculated wholesale without further information on the purpose and scope of the U.S. testing program. There is, however, sufficient information available on the Cannikin test to shed considerable light on the dubious military and political calculations at issue in large underground nuclear tests. The environmental hazards of Cannikin are of great concern, not only to Americans but to our allies, Canada and Japan. Other nations of the world are waiting, with increasing impatience, for the United States and the Soviet Union to deliver on their pledges to seek a comprehensive test ban, and to move this issue off the back burner at the Geneva Conference.

FOOTNOTES

[1] If agreement were reached in SALT to limit U.S. and Soviet ABMs to the defense of Washington and Moscow, as has been speculated in the press, then without doubt this improved Spartan would be the missile to be used.

[2] Drawn from the statement of Dr. Jeremy Stone, Director of the Federation of American Scientists, on Cannikin nuclear test, before the Atomic Energy Commission, Anchorage, Alaska, May 28, 1971.

[3] Statement of Dr. John S. Foster, Director, Defense Research and Engineering February, 1970, Release No. 146–70.

[4] April 20, 1971, Testimony to Senate Armed Services Committee.

[5] In addition, the President's announcement on May 19 of a hopefully imminent agreement on SALT, that would limit ABMs, has implications for this nuclear test. The SALT agreement would limit numbers of interceptors and force the defense planners to choose between Sprints, basic Spartans and improved Spartans. Under these circumstances they might well choose to buy no basic Spartans at all. Many defense planners believe that, in essence, there is nothing important which basic Spartan can do that improved Spartan cannot do better. In short, the President's announcement represents an important new reason for deferring Cannikin until we discover whether SALT agreement can be reached this year, as seems to be expected by the Administration.

[6] From *Science Magazine*, article, "Earthquakes and Nuclear Tests: Playing the Odds on Amchitka," by Luther J. Carter, reproduced in *Congressional Record*, September 23, 1969.

[7] Testimony of Professor Frank Press, Department of Geophysics, MIT, *Hearings Before the Committee on Foreign Relations on SJR* 155, "Underground Nuclear Testing," September 29, 1969, p. 23.

[8] Technical Discussion of Offsite Safety Programs for Underground Nuclear Detonations," AEC Manual NVO–40 Revision No. 2, May 1969, p. 230.

[9] "A Report: Underground Nuclear Testing," Report of the Ad Hoc Panel, Office of Science and Technology, AEC TID–25180, Chapter 5, November 27, 1968, p. 51.

[10] Redraft of AEC Environmental 102 Statement in Cannikin, May 1971, pp. 2–3.

[11] According to the AEC release May 14 (#NV–7;–29) about the leaky test BANEBERRY in December 1970, the leak did not occur through a fault. The test at 910 feet deep just split the earth with its own pressure which pressure exceeded expectations because "the earth around the explosive device was more saturated with water than had been expected". Water causes increased pressure.

[12] Because EQ magnitude is on a logarithmic scale, each magnitude increase means 10 times more energy. 7.0 means ten times more seismic energy than 6.0. As for fractional increases, a 6.3 magnitude is 3 times greater than 6.8 magnitude is 8 times greater than 6.0.

[13] The impact statement says that "The chance of prompt venting of mixed fission products in quantity is remote." This raises a larger question on the obligation of AEC under the Environment Policy Act. Suppose Cannikin does vent promptly doesn't the Environmental Policy Act require the AEC to discuss the "adverse environmental impact"? Does the AEC believe the law requires only a description of the impact if everything goes right? What about the impact if everything goes wrong?

[14] Project Long Shot, the 80 kiloton test conducted at Amchitka, Alaska in 1965 was not expected to leak radioactivity for hundreds of years. But only a few months after the test radioactivity surfaced in at least two small fresh water ponds. The AEC did not expect Strontium-90 to accumulate in milk.

The AEC did not expect its 1964 test in Mississippi to cause $600,000 in property damage. The AEC did not expect its 800-kiloton test in January, 1968, in central Nevada to rock an area as wide as Salt Lake City to the East and San Francisco to the West—but it did.

[15] Washington Post, April 11, 1971. The AEC estimate of Soviet tests is generally thought to be low, due to unwillingness to reveal U.S. detection capability.

[16] "Will a Test Ban Work?," Henry R. Myers, *The Washington Post,* May 16, 1971, Section 7, pp. 9–10.

AMENDMENT TO CANCEL THE CANNIKIN NUCLEAR BLAST IN FISCAL 1972

What this amendment does: This amendment cancels for Fiscal 1972 the 5-megaton Spartan ABM weapons test called "Cannikin", presently planned for detonation in autumn 1971 at Amchitka, Alaska; the dollar-saving will be $19,700,000.

Why cancel CANNIKIN? Those who oppose building an ABM system, period, need no further reason for canceling Cannikin for this year.

Those who favor ABM may also favor canceling or postponing Cannikin for various reasons:

1. *Environmental:* The explosion may cause a significant release of radioactivity and/or a tsunami (destructive tidal wave).

An unsuccessful test in Nevada in December 1970 vented "a few percent" of its radioactivity into the air due to undetected water concentration in nearby rock; that release amounted to 3 million curies and was detectable in most of the western United States. Cannikin is about 250 times larger than that test, and buried in even less familiar terrain; the AEC has not discussed the biological or international repercussions if "a few percent" of Cannikin's radioactivity escape.

The AEC has stated that it is possible but unlikely that three years after Cannikin, radioactive hydrogen will begin to leak into the ocean at concentrations 1200 times greater than the maximum permissible concentration, and will continue discharging above permissible guidelines for 130 years. If that happens, the AEC admits that radioactive strontium, cesium, ruthenium, and antimony will also enter the ocean in concentrations above the guidelines. This could be a tragedy, for the Aleutians are the crossroads for the spawning migration of Pacific salmon. There is no way for the AEC to know from any of its previous tests whether or not this will happen.

There is also the possibility that Cannikin will trigger a large earthquake which will cause a destructive tsunami. Contrary to AEC claims, the historical record cannot offer any reassurance on this matter. Much has been made from the fact that the Russians did a 6-megaton test in 1970 without triggering big earthquakes; the test was not in an earthquake zone.

2. *Limited usefulness:* Dr. Herbert York, former DOD Director of Defense Research and Engineering under Eisenhower and Kennedy, has indicated that Cannikin, which was conceived in 1966, is now unnecessary. A currently involved weapons expert, Dr. Harold Agnew of the Los Alamos Scientific Laboratory (AEC), testified on April 20, 1971 that the large-yield Spartan warheads "would be useful in a limited way"—which is a far cry from "vital."

3. *Influence on SALT talks:* It is obvious that if the large-yield SPARTAN is of little use against a Russian attack, it is worth little as a bargaining chip in the arms limitation talks with the Russians. We could cancel it for this year without losing power. On the contrary, its cancellation for this year would give us power—the power to create a good atmosphere at the SALT talks. We should remember that it was an initiative by President Kennedy in 1963 which broke the deadlock on the Limited Test Ban Treaty. We should also keep in mind that the Senate has the duty, under the Constitution, actively to advise as well as consent on treaties. Today we have the opportunity, by cancelling Cannikin for this year, to demonstrate that the Senate is serious about wanting agreement on an arms control treaty.

Mr. GRAVEL. Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, I realize fully that I have a very awesome rseponsibility in managing this bill, particularly with reference to this Cannikin test. I venture to say that I bow to no one in the Senate in my endeavors to bring about peace and disarmament in the world. I think the birth of the atomic bomb was a curse to mankind. We are dealing with tremendous power, that I hope will one day be devoted exclusively to peaceful uses and to making life more meaningful for everyone on the face of the earth.

But unfortunately, we have got to face the facts of life as they are. We do have adversaries who, on a moment's notice, would make it rather miserable and even rather dangerous for the security and the safety of our great Nation.

We tried to put the atomic bomb under international control beginning with the Baruch plan, which started back in 1946. I worked hard on the Nuclear Test Ban Treaty, which was achieved in 1963; and John Kennedy sent me to Moscow as one of his emissaries to witness the signing of the Nuclear Test Ban Treaty.

I was the father of the resolution on the floor of the Senate that led to the creation of the Nonproliferation Treaty. It was passed by a vote of 80 to 0.

So no one can question the fact that the senior Senator from Rhode Island is for peace.

I would hope that we would not need any tests at all, but we know that the Russians have an ABM system. Congress has already agreed on an ABM system. We are being told by the responsible people in Government that this test is absolutely necessary in order to have an effective Spartan weapon system.

So, Mr. President, we have the advice that comes to us from all these great scientists who have no axe to grind. I realize that some scientists are opposed to this, as they were opposed to the ABM. Dr. York has been mentioned. Dr. York was against the ABM and, naturally, he is against the Cannikin test; and many Members of the Senate are against the ABM, and for that reason they will be against this test. There is no question at all about it.

The fact remains that here we are. We are confronted with this problem. We have been assured by the Defense Department, by the AEC, and by many of the experts who have come before the committee that this is the thing do.

Mr. President, this is asking for a delay until May 31. I repeat that I do not know what reasons have yet been given for the delay, unless it is connected with Mr. Nixon's trip to Red China. But I do not think that is going to bring an end to the nuclear club that fast. In the meantime, the big question is, What do we do?

I am not putting blood on the hands of anyone who is against the Cannikin test if they prevail and we do not develop a Safeguard system and we suffer a surprise attack, because I think they are sincere, patriotic people. I cannot buy the argument that the rest of us would have blood on our hands if, God forbid, something tragic were to result from this test. I do not think that is decent discussion on the floor of the Senate. I think the hearts of all of us are in the right place. As I said before, PASTORE's heart, as small as he is, is as big as that of anybody else's on the floor of the Senate.

I love peace as much as anybody else loves peace. But here we are. The administration sent up this request. I did not invent it. They sent it up. They have come up here and they have testified about it. The measure has passed the House of Representatives, and it is now in the Senate, and I am managing the bill, and I have given all the arguments I can give for conducting this test.

We cannot test in the air. We cannot have an atmospheric test, because we would violate the Nuclear Test Ban Treaty. We have to have this test which will be less than a 5-megaton yield. We have already had the Milrow test in order to insure the safety of this test.

I realize it would be better if we did not have to have the test at all. If the Russians agreed with us tomorrow to do away with the ABM, we would not have to have the test. But the question is this: If we do not have an ABM system and they have one, what are we going to negotiate? There has been talk about our getting together on a limitation of the ABM system.

If they have theirs and we do not have ours, what are we going to bargain with? Nothing with something, or something with nothing? It is not going to happen.

I do not like to get into the blue chip argument. It has been said here that it is a dangerous argument, one way or the other, depending on how one feels.

I assure my colleagues that I believe they are sincere. I do not think they are being frivolous at all. I do not think they are being overly emotional at all. I think they have listened to some people of respectability and competence in this field. But I say to my friend, the Senator from Alaska, that if he were in my position, he would be saying the same thing I am saying; I can guarantee that.

I was one of those who hoped that perhaps the Senator from Alaska would be appointed to the Joint Committee on Atomic Energy, so that he could sit there hour after hour, in an "unbugged" room, listening to all these experts tell us about what our adversaries are doing and why some of these things are necessary. It is not an easy task, but that is it, and that is our responsibility, and I accept it, as the Senate gives it to me.

Mr. STEVENSON. Mr. President, when the Limited Test Ban Treaty was signed in Moscow 8 years ago, it was hailed by an anxious world awaiting a treaty to ban all nuclear tests. Progress on a Comprehensive Test Ban Treaty has been agonizingly slow, but scientific findings and political awakenings have raised our hopes again. I believe that the success of the Geneva disarmament talks would be gravely threatened by the explosion on Amchitka of a nuclear device 250 times as powerful as the bomb dropped on Hiroshima. It was the restraint of President Kennedy in foregoing an additional round of atmospheric testing, subject to Soviet reciprocity, which led to the Limited Test Ban Treaty in 1963. A similar initative now could create the basis for agreement on the ending of all nuclear tests.

The Cannikin test is aimed at developing an ABM warhead—and we do not need one. The less expensive, and more effective, way to defend our nuclear deterrent is to place it beneath the seas on submarines—not beneath expensive and already obsolete ABMs.

The Cannikin experiment poses dangerous risks to the environment. It poses more dangerous risks to the pursuit of peace. Our negotiators are endeavoring to reach an agreement at Helsinki on ABMs. Talks are going forward at Geneva on a comprehensive test ban. The President is planning a trip to China which could help bring that nation into arms control arrangements. This clearly is not the moment to flex our nuclear muscles.

In a letter to Chairman Seaborg on June 30, I urged him to cancel the Cannikin test in light of the recent developments in arms limitation negotiations. My view has not changed since then. This needless experiment threatens to injure rather than to advance our real national security interests. If it ever could have been justified in the past, it cannot be justified now. I shall vote for the amendment offered by the Senators from Alaska and Hawaii to delete its funding from the AEC budget.

Mr. PASTORE. Mr. President, I would hope that we could have a vote on this amendment. Because of a policy committee meeting on the part of the Republicans, I wonder whether we could have a unanimous consent agreement to vote on this amendment at 2:30.

Mr. GRAVEL. I would be very happy to do so.

Mr. PASTORE. Mr. President, I make the unanimous consent request that the vote on this amendment take place at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. How much time remains for the Senator from Alaska?

The PRESIDING OFFICER. The Senator from Alaska has 2 minutes, and the Senator from Rhode Island has 5 minutes.

Mr. PASTORE. The vote to occur at 2:30, Mr. President, and the debate to start at 2:25, with two and a half minutes to be allotted to each side just before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask unanimous consent that this amendment be displaced temporarily, with the understanding that it will be revived at 2:25 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. I understand that the Senator has another amendment he wishes to call up. Does the Senator want the yeas and nays on his amendment?

Mr. GRAVEL. On which amendment? On the present amendment?

Mr. PASTORE. On the one that he will now call up.

Mr. GRAVEL. I have five other amendments, and I was just trying to decide which one to call up.

Mr. PASTORE. Mr. President, I ask unanimous consent that we have a quorum call, without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Tunney). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE NATIONAL CAPITAL HOUSING AUTHORITY—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Chiles) laid before the Senate the following message from the President of the United States, which with the accompanying report was referred to the Committee on the District of Columbia:

To the Congress of the United States:

I transmit herewith the report of the National Capital Housing Authority for Fiscal Year 1970, which outlines a number of positive and important steps that have been taken to supply housing for the citizens of the District of Columbia.

Richard Nixon.

REPORT ON ADMINISTRATION OF THE NATURAL GAS PIPELINE SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Chiles) laid before the Senate the following message from the President of the United States which with the accompanying report was referred to the Committee on Commerce:

To the Congress of the United States:

I herewith transmit the Third Annual Report on the administration of the Natural Gas Pipeline Safety Act of 1968. This report has been prepared in accordance with Section 14 of the Act, and covers the period of January 1, 1970, through December 31, 1970.

Richard Nixon.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Chiles) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 134. An act to amend title 5, United States Code, to repeal the reporting requirement contained in subsection (b) of section 1308;

H.R. 1409. An act to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the Dependents' Medical Care Program, and for other purposes;

H.R. 4606. An act to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the armed forces;

H.R. 4729. An act to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force, and other purposes;

H.R. 4762. An act to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans Affairs to establish and carry out a program of exchange of medical information;

H.R. 6239. An act to amend the maritime lien provisions of the Ship Mortgage Act of 1920;

H.R. 6723. An act to provide subsistence allowances for members of the Maritime Corps officer candidate programs;

H.R. 6724. An act to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members;

H.R. 8356. An act to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation;

H.R. 8656. An act to amend titles 37 and 38, United States Code, relating to promotion of members of the uniformed services who are in a missing status;

H.R. 9265. An act to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency; and

H.J. Res. 748. Joint Resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration; and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 421. An act to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents;

H.R. 6072. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of

Chippewa Indians in Indian Claims Commission dockets numbered 18–A, 113, and 191, and for other purposes; and

S.J. Res. 111. Joint resolution extending for two years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H.R. 134. An act to amend title 5, United States Code, to repeal the reporting requirement contained in subsection (b) of section 1308; to the Committee on Post Office and Civil Service.

H.R. 1409. An act to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the Dependents' Medical Care Program, and for other purposes;

H.R. 4606. An act to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the armed forces;

H.R. 4729. An act to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force, and for other purposes;

H.R. 6723. An act to provide subsistence allowances for members of the Marine Corps officer candidate programs;

H.R. 6724. An act to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members;

H.R. 8356. An act to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation; and

H.R. 8656. An act to amend titles 37 and 38, United States Code, relating to promotion of members of the uniformed services who are in a missing status; to the Committee on Armed Services.

H.R. 9265. An act to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency; and

H.J. Res. 748. Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration; and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel; to the Committee on Veterans' Affairs.

RECESS

Mr. PASTORE. Mr. President, I think that this will be agreeable to the distinguished Senator from Alaska (Mr. Gravel). I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, not later than 2:25 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At 1 p.m., the Senate took a recess subject to the call of the Chair.)

The Senate reconvened at 1.28 p.m., when called to order by the Presiding Officer (Mr. Byrd of West Virginia).

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without the time being charged to either side?

Mr. SYMINGTON. Without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. FINANCING OF FOREIGN MERCENARIES IN LAOS

Mr. SYMINGTON. Mr. President, tomorrow, around 10:15 a.m., based, as I understand, on the statement of the distinguished majoriy whip, I intend to talk on the subject "Closing Loopholes: An Amendment To End U.S. Financing of Foreign Mercenaries in Laos."

RECESS

Mr. SYMINGTON. I now ask unanimous consent that the recess be continued in accordance with the previous understanding.

The PRESIDING OFFICER. The Senate will stand in recess awaiting the call of the Chair, with the understanding that the recess will not extend beyond 2:25 p.m. today.

Mr. SYMINGTON. I thank the Chair for his courtesy.

At 1:29 p.m. the Senate resumed its recess, subject to the call of the Chair.

The Senate reassembled at 2:25 p.m., when called to order by the Presiding Officer (Mr. Jordan of Idaho in the chair).

ATOMIC ENERGY COMMISSION AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9388) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Mr. President, what is the time limitation?

The PRESIDING OFFICER. There will be 2½ minutes to a side.

Mr. GRAVEL. Mr. President, I yield 1 minute to the senior Senator from Alaska.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the amendment before the Senate now would prevent the detonation in the Cannikin test. I support the amendment.

I will place in the Record a sampling of editorial and newspaper comment from our State concerning the proposed test. I think the Alaskan point of view is represented by these articles, and that is that until the necessity for the test can be demonstrated to us, we are opposed to it. We are in an earthquake area and we are in a tidal wave area, and there has been no demonstration that the test, even if successful, would be safe to our environment.

This should be first and foremost. We should be assured that even if the test is successful, which many Alaskans do not believe it will be, it will not leave a permanent scar in Alaska from a test that is not necessary at the present time.

Mr. President, I ask unanimous consent that the editorials and articles to which I have referred may be printed in the Record.

There being no objection, the editorials and articles were ordered to be printed in the Record, as follows:

[From the Anchorage Daily Times, May 27, 1971]

The Amchitka Test

We hope President Nixon will find it in the national interest to cancel the nuclear test that is scheduled for October at Amchitka. There could be no better resolution of a problem.

Cancellation would mean that Alaskans would not be exposed again to the horrible divisions and the frights that are aroused during discussions of the dangers that accompany such an explosion.

Dispatches from Washington cite two reasons under discussion that might lead to cancellation.

One is the political risk involved in the blast. The risk is that a natural earthquake might occur at the time of the test or shortly after it, and the test would get the blame. It would be hard to prove that it wasn't.

The second reason for possible cancellation is the fact that the test may be unnecessary for national security because the Soviets have recently agreed to negotiate in regard to limiting anti-ballistic missile systems.

The purpose of the test is to develop a warhead for the Spartan missile, which is to be used in the defenses of the nation's Minutemen missile silos. The Spartan is a part of the anti-ballistic missile system.

If the Soviets will negotiate a limitations agreement, there will be no need for the Spartans and consequently no need of the Amchitka nuclear test for its warhead.

It is to be hoped that the facts will support the conclusion that the October test can be avoided.

This procedure is exactly as it should be. The President is basing his considerations on the latest developments in the field of diplomacy, and on the national security interests.

The noisy opposition to the test by the articulate opponents who frighten their friends with claims of radioactive leaks, earthquakes, destruction of wildlife, tsunamic waves and other horrible occurrences, is not the prevailing factor. It should not be.

Objective studies of the scientific investigations indicate that the test would be safe. The President should not allow the nation's security to be placed in jeopardy because of unfounded fears and unproven suspicions.

[From the Southeast Alaska Empire, May 28, 1971

Reasons Enough To Cancel Test

The startling fact revealed by the Army today that 949 tons of war gas was dumped into the Bering Sea nearly 24 years ago about 276 miles northwest of Amchitka, should serve to halt the proposed 5 megaton nuclear blast scheduled for this fall.

The Atomic Energy Commission's proposed test, "Kannikin," has been the center of controversy in hearings held in Juneau this week and in Anchorage today.

Consensus of opinion from many Alaskans testifying in the hearings, is that the earthquake risk, as a result of the blast, would be highly undesirable. It would, according to the Griffin-Larrabee news bureau, create shock waves registering up to 7 on the Richter scale, enough to devastate a city.

Although this contention has been disputed by White House authorities speaking in favor of the test, no one seems to be really sure of the actual after effects.

Additionally, it has been brought out by people not participating in the hearings that the tests may hamper progress in the strategic arms limitations talks between Russia and the United States. According to these people, the political risk may be greater than the ecological risk.

We believe these uncertainties are reason enough to cancel the test.

[From the Anchorage Daily News, May 28, 1971]

AEC HEARINGS

The Atomic Energy Commission's public hearings in the proposed five-megaton nuclear test on Amchitka Island move to Anchorage today. The AEC is bringing along its lineup of experts and they'll be presenting the agency's case for the test between 9 a.m. and noon at the state court building. After a break for lunch, the public will have a chance to express its views—pro or con—on the test.

The prospect of a device with the explosive power of five million tons of TNT being detonated beneath any part of Alaska—no matter how remote—should give everyone cause for thought. The test—believed to be of a warhead for the Spartan ABM—would be the most powerful ever detonated underground by this nation. It would be more than four times the size of the 1.2 megaton blast detonated on Amchitka in the fall of 1969.

The AEC maintains that the test will cause no earthquakes or tidal waves, will not release any radiation into the atmosphere, or sea and will not do any significant environmental damage. And that may well be so: the results from the first test on Amchitka were just about exactly what the AEC specialists had said they would be. There were no dire results.

Still, the proposed test would be much larger than the first one and the destructive potential of a five-megaton H-bomb is tremendous. There is a serious question whether the information the test would provide is worth the risk it entails—however small that risk may be.

Thus, we hope the hearings will be well attended, for every Alaskan has a stake in the AEC plan.

[From the Anchorage Daily Times, May 26, 1971]

NIXON CONSIDERS HALTING AMCHITKA NUCLEAR TEST

(By Mary C. Berry)

WASHINGTON.—The Nixon administration is considering cancelling Cannikin, the underground nuclear test scheduled for this October on Amchitka Island.

According to reliable sources, the administration feels the potential political risk, should an earthquake occur following the blast, may be too great in light of the recent agreement to negotiate with the Soviet Union to limit defensive anti-ballistic missile systems.

The administration does not believe that the Cannikin explosion, which is expected to register 7.0 on the Richter scale, will cause an earthquake. According to the Atomic Energy Commission, the possibility that Cannikin will trigger an earthquake is "highly unlikely" and the administration accepts this evaluation as accurate.

But the administration no longer feels it is as necessary to test the four to five megaton device, intended as a warhead for the Spartan interceptor missile, part of the United States ABM system.

Therefore, the political risk is being given greater weight in making the final decision on Cannikin than it was prior to President Nixon's announcement last Thursday that the U.S. and the U.S.S.R. have agreed to talk seriously about limiting their ABM systems.

However, the administration has not made the final decision on whether to go ahead with Cannikin. That decision will be made by the President himself.

The warhead to be tested in October on the Aleutian island is intended for the Spartan missile, the defensive part of the ABM system presently being installed at two sites in the western United States.

The purpose of the Spartan missile is to destroy incoming missiles, not by direct contact but by exploding close enough to them so that sufficient radiation is released to make their electronic systems ineffective.

The further out in space this explosion is intended to occur, the more powerful the warhead on the Spartan missile must be.

Under the U.S. plan for twelve ABM sites, the explosion must occur at a high altitude in order to protect all these sites hence the need for a powerful warhead. The federal government presently has authority from Congress to construct only two of these sites.

According to informed sources, what the U.S. would like to negotiate in the talks with the Russians is an agreement that this country would limit its ABM installations to the two presently under construction and the Soviets would limit theirs to the existing ring of ABM sites around Moscow.

The administration hopes the Russians will also agree to some limitation on SS9S, the huge Soviet offensive missile. This is because the SS9 carries a large enough payload to destroy a "hardened" 'missile site. The offensive portion of the U.S. ABM system, the Polaris, is intended for use on industrial installations and cities, rather than for Soviet missile installations.

Should such an agreement be negotiated in the forthcoming talks with the Russians, the U.S. would not need a four to five megaton warhead on its Spartan missiles since the missiles would have to protect an ABM system only one-sixth the size of that originally contemplated.

In the light of what the administration hopes to accomplish in the talks, the political risk involved in Cannikin if an earthquake were to occur anytime shortly after the explosion and the opposition aroused by it, even if no earthquake occurs, may be too great to be worth taking at this time.

Mr. GRAVEL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has a minute and a half remaining.

Mr. GRAVEL. Mr. President, the argument for delay is threefold. First, the information needed is not vitally necessary at this point in time in connection with our defense posture; second, environmental risks are such that the cost-benefit ratio or risk-benefit ratio falls heavily on the risk side; and, third, the obvious reason with respect to the climate only because it has been initiated and it should be fostered.

The argument that we have to do this because the Soviet Union is doing it can be laid to rest when it is realized that since 1963, when we placed a limitation on overt tests above ground, the United States has tested underground 228 times and the Soviet Union 51 times. So we have overtested the Soviet Union by 4½ times.

Mr. PASTORE. Mr. President, I yield 1 minute to the Senator from Tennessee.

Mr. BAKER. Mr. President, I rise again to oppose the amendment. I urge one particular point that has not been touched on in previous debate. This amendment seeks delay until next spring. It may not be a sufficient argument to say that delay will cause $18 million additional expense, but that is true. It is somewhat more cogent to point out that the time for this test was carefully selected in view of the importance of finding an ecological window; that is, a particular time in the ecology—the nesting habits of birds, the spawning habits of fish. Our concern for wildlife in this area has caused us to seek the ecological window when there would be the least trauma. That is what is referred to as the ecological window as it relates to the period chosen for this test.

I think this test is essential to the national defense.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAVEL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, we have gone over this ground again and again. No argument has been made as to why this test should be delayed. We either should have the test or should not have the test. The point in question is: Is the test necessary? We have abundant evidence that it is.

Mr. President, you are either for the Safeguard or you are not for the Safeguard system. It is as plain as that.

We have been told by Mr. Packard of DOD and by the AEC that it is absolutely necessary. With respect to the President determining a national emergency, he has already evaluated and submitted his judgment on the need for this test when he sent in his request for funds to conduct it.

The only reason it is here is because the administration sent it in.

So I would say to my colleagues of the Senate that this is the time for reckoning. I was one of those who was opposed to phase 2, but if we are to have an ABM system, we have to have this test. That is the question we face. That is the question we decide here today. I hope the amendment will be defeated.

Mr. KENNEDY. Mr. President, the amendment now before the Senate, jointly sponsored by the Senator from Alaska and the Senator from Hawaii, seeks to prevent a needless exercise in nuclear one-upmanship, an exercise that poses serious threats to man and his environment.

I believe there are the most compelling reasons for striking from the bill the $19.7 million requested by the administration to carry out the Nation's largest underground nuclear test, the explosion of a bomb 250 times as powerful as the blast that destroyed Hiroshima.

First, it will be a small step away from the self-perpetuating spiral of nuclear arms development.

Second, it will end the threats posed by testing a 5-megaton nuclear bomb in one of the world's most earthquake prone regions.

Third, it will end the threat posed by exploding this device adjacent to a multimillion-dollar fishing grounds.

Fourth, it will end the threat of exploding such a weapon in the center of a wildlife preserve.

Finally, it will restate the conclusion of the ad hoc panel on the safety of underground testing, prepared for the President's Office of Science and Technology in 1968, a conclusion that "the need for these tests as planned should be compelling, if they are to be conducted in the face of the possible risks that have been identified."

For too long, we have accepted without question the assertion that accompanies each proposed nuclear test, an assertion that the test is required for the maintenance of the national security.

However, I strongly believe that the Amchitka nuclear test cannot be justified on the basis of national security concerns.

We have the testimony of Dr. Herbert York, former Director of Defense Department research and engineering, that the Cannikin test is a "pointless experiment in search of an unnecessary weapon."

We have the testimony of the director of the Federation of American Scientists, Jeremy J. Stone, that Cannikin is not needed.

But perhaps most convincing, we have the testimony only a few months ago of Dr. Harold Agnew, Director of Los Alamos Scientific Laboratory, before the Senate Armed Services Committee, in which he acknowledged that the Cannikin test is basically a test of the ABM Spartan warhead.

Yet, the 5-megaton warhead of the Spartan was designed for an ABM area defense system. That function of the ABM has been cast aside by even defense spokesmen in favor of a more limited system supposedly designed solely for the protection of our Minuteman silos. For that function, the smaller warheads of the Sprint missiles are the major force to intercept any attacking ICBM's. And even the supplementary Spartans are to be modified so that they carry smaller warheads.

Perhaps the most important factor to be recalled in this discussion is the question of whether an ABM system is required for our national security at all. We have had numerous distinguished witnesses who have challenged the arguments of the Defense Department. We have watched as the functions of the ABM have changed and the cost has risen.

We have watched and hoped that a SALT agreement could be reached despite our insistence on deploying an ABM system and MIRV components. The possibility of an ABM agreement still may be with us. If that occurs, the explosion of a 5-megaton bomb less than 3,000 feet from a known geological fault will have been a dangerous exercise in futility.

Mr. President, only the most compelling, only the most grave, only the most immediate threats to our national security should ever justify accepting the risks presented by the Cannikin test. And Mr. President, failure to carry out the Cannikin test does not in any way entail such threats to our national security.

And I would remind my colleagues that nowhere within the environmental statement of the AEC, nor in any statements by AEC witnesses have they ever denied the possibility, I repeat, the possibility of grave environmental consequences flowing from this test. Their calculations, their analyses, their judgments are that the test will probably not produce dire results. Yet the critics of the Amchitka test offer data which leave enormously important questions unanswered.

First, the test could cause an earthquake or occur simultaneously with a natural earthquake, expanding and magnifying the impact of that temblor.

Thus, the ad hoc panel chaired by Dr. Kenneth Pitzer, former president of Stanford University, reported:

> There does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site.
>
> This possibility is more serious for tests of greater than a megaton since the larger initial explosion would lead to greater alteration of the regional stress pattern.

The Senator from Hawaii has clearly stated what the potential dangers are if a substantial earthquake occurs on Amchitka Island. He noted:

> A 1946 earthquake in the Aleutians produced a tidal wave which upon reaching Hawaii produced waves measuring 45 and 55 feet. This Tsunami took the lives of 159 men, women, and children with property damage estimated at $25 million . . . it is, therefore, evident that even the remote possibility of a Tsunami being triggered by an underground nuclear test is of grave concern to the people of my State.

Second, there remains the possibility of radioactive leakage both into the air and into the surrounding ocean. Despite all of the efforts of the AEC at least 17 underground tests have vented "offsite," sending radioactive material into the air. And last December's underground test of a nuclear weapon produced the worst case ever of venting, as clouds of radioactive dust traveled across 12 States. Thus, the past experience of the AEC cautions against accepting its assurances unquestioningly.

Such leakage could create not only actual damage to the Alaska fishing grounds but reports of radioactive leakage would undoubtedly affect the ability of commercial fisheries to sell their products. For these reasons, both Canada and Japan have protested the Cannikin test.

Third, there is the obvious danger to an unknown number of birds, seals, and sea otters and fish from the force of the explosion itself.

There are 44 bird species on the island, including peregrine falcons, and bald eagles. The shock will definitely kill an unknown number of stickleback fish. Wallace Noerenberg, commission of the Alaska Department of Fish and Game, testified this year that the AEC estimate of 10 to 15 percent of the sea otter population being affected might be too low. He also disputed the AEC contention that the sea lion and harbor seal population would not be affected.

We are being asked to balance these risks to people, to property, and to the environment against the very questionable value of testing a weapon that was probably not needed five years ago when the test was conceived and surely is not needed today. I prefer casting my vote on the side of people, on the side of life. Therefore, I shall support the amendment to prevent the Amchitka nuclear weapons test from taking place.

Mr. MUSKIE. Mr. President, in view of the grave doubts that have been expressed concerning the proposed Cannikin test—and I refer not only to the environmental dangers that have especially concerned many people in Alaska, Hawaii, and the Pacific Coast, but also the possibility that the test itself may be unnecessary from the military point of view—I must support the amendment to postpone the Cannikin test. The administration has yet to offer any convincing reasons this test is necessary for our national security.

It has been my hope that President Nixon would cancel the proposed test, and I understand that this possibility has been under consideration within the administration in recent weeks. I certainly hope that our action today in the Senate will further rather than hinder the chances that President Nixon will himself decide that this test must be stopped.

Mr. President, I am announcing today hearings on July 22 and 23 of the Foreign Relations Subcommittee on Arms Control on current prospects for a comprehensive nuclear test ban agreement—that is, a test ban that would include underground as well as other forms of nuclear testing. At that time, we also expect to have testimony on the proposed Cannikin nuclear test. I regret that today's debate on the AEC authorization anticipates those hearings by 2 or 3 days. I would hope to know more about the issues involved in underground nuclear testing as a result of these hearings, and to have a better basis on which to judge the significance of the Cannikin test and the necessity for future underground testing.

Nevertheless, it is already clear to me that the proposed Cannikin test should be cancelled. We have already had much information on the possible hazards to the environment. The possibility of a major disaster—a massive earthquake or tidal wave—is admittedly very slight. But as long as there is any possibility of a disaster of such magnitude, we can hardly dismiss as irrelevant the fears that are being expressed by the people who live in these areas that would be affected. Moreover, even if it were clear that there is no possibility of a major disaster—and this is by no means clear—the environmental hazards resulting from radiation leakages are themselves serious enough to question whether this test should be allowed. I, for one, am certainly not satisfied by the assurances thus far given by the AEC that the Cannikin test will not cause unacceptable environmental damage.

But quite apart from the very important environmental question, I am not satisfied that this test is even necessary militarily. We now know that the Cannikin bomb is in the range of 5 megatons and is designed for the long-range Spartan antiballistic missile. This Spartan missile was originally designed for a thin area defense of the United States—presumably against the possibility of a small Chinese nuclear attack. However, now that the rationale of our ABM is primarily defense of our Minuteman bases, it is doubtful that the Spartan will require such a large warhead. Defense officials have already testified that a new improved Spartan missile will not use such a high-yield warhead.

For both these reasons—the environmental risks involved, and the fact that this test is evidently for a weapon that may already be obsolete—I support the amendment to postpone the test, in hopes that the administration will decide to cancel it altogether.

NUCLEAR TESTING IN ALASKA THREATENS CALIFORNIA

Mr. TUNNEY. Mr. President, I rise in support of Mr. Gravel's amendment to delete all funds authorized or appropriated to detonate Cannikin, an underground nuclear test scheduled to be conducted at Amchitka Island, Alaska.

Amchitka Island, Mr. President, the site of the proposed detonation, is not only part of the highly seismic Aleutian Islands, but, in addition, it lies alongside the fault system which extends into California and which is known as the San Andreas fault.

It has been stated that the test will be close to 5 megatons in strength. It appears clear that a disturbance of the magnitude of the Cannikin test can touch off a large and devastating earthquake. An earlier test at Amchitka which was only 1 megaton in size registered 6.5 on the richter earthquake scale.

If detonated as proposed, Cannikin will be the largest nuclear test we have yet attempted. Consequently, its possible effects cannot be gaged accurately.

My distinguished colleague in the House of Representatives, Mrs. Mink of Hawaii, has testified that:

> No one can categorically deny that the blast, the largest underground nuclear explosion, ever attempted, could produce an earthquake which could cause a shift in the ocean floor and thus set off a giant surface wave, or tsunami, that could surge for thousands of miles across the ocean, crashing into Alaska, Hawaii, and California.
>
> Our fears are not without foundation, for past earthquakes in the Aleutians have caused such tsunamis. In 1946 an Aleutians-originated tsunami killed 173 people and damaged $25 million in property in Hawaii. Another, in 1957, did $3 million in destruction to Oahu and Kauai Islands in Hawaii. In 1964, an earthquake in the Prince William Sound area spawned a tsunami which killed 12 and left 400 families homeless in Crescent City, California, 2,000 miles away.

The earthquake and tsunami considerations in themselves compel the cancellation of the tests. That conclusion is reinforced by a consideration of the reasons set forth in support of the test. Those reasons which have been offered in support of the Cannikin test appear totally illusory.

They are illusory because the SALT negotiations appear to be headed toward the prohibition of the very warhead being tested. And they are illusory because the very missile system for which the tests were proposed appears no longer to have a part in American defense strategy.

President Nixon has recently announced that an agreement at the SALT talks is likely and that such an agreement would freeze ABM deployment. That possibility certainly diminishes the significance of testing further warheads designed for any ABM system.

It would appear propitious, in light of the frightening risks involved in the Cannikin test, at least to delay that test until we have an opportunity to assess the fruits of our negotiations at SALT.

Even beyond the SALT talks, however, it appears that the premise upon which the Amchitka test was founded is no longer valid.

The Cannikin tests were initially planned by the AEC close to 5 years ago as the last in a series of Alaska tests designed to develop a warhead for long-range missiles known as Spartans which would form the core of an ABM system designed to defend the United States against a "light" or Chinese nuclear attack.

Since the initial planning, however, our defense rationale has been changed considerably. Since these tests were planned in 1966, the administration has drastically revised its original ABM premises. By 1969, the administration determined that our ABM would be designed to defend the United States against a "heavy" or Soviet nuclear attack.

Paradoxically, however, strategic theorists have concluded that the "Spartan," or long-range missile will not be effective against a Soviet attack. To provide the best possible defense against Soviet missiles, it was concluded that our ABM must protect our Minuteman missile sites. And, according to Jeremy Stone, director of the Federation of American Scientists, the type of ICBM's that the Russians would deploy would require us to use not the long-range "Spartan" but, instead, the "Sprint" interceptors which have smaller warheads.

Thus, both the SALT talks and our own strategic needs dictate the cancellation of the Cannikin test.

Cannikin, therefore, appears destined to threaten another major earthquake without producing any demonstrable national security advantages. It also promises to have unpleasant international consequences. Already, Japan and Canada, two of our closest friends, have filed official notes of protest to the Cannikin test with our Department of State.

In light of these considerations, Mr. President, it makes no sense whatever to allow the Cannikin test at this time. As John Silard put it in his May 25 testimony before the Public Works Subcommittee of the Senate Committee on Appropriations:

> What a tragic epitaph for ABM it would be if on the eve of agreement to halt the strategic defense race, we were to detonate this last ABM test and find that we have caused a major earthquake, tidal wave, or oceanic contamination.

Mr. President, as a Senator from California, I am impelled to support Mr. Gravel's important amendment.

The PRESIDING OFFICER. All time on the amendment has expired. The question is on agreeing to the amendment of the Senator from Alaska. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Jackson), and the Senator from Montana (Mr. Metcalf), are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), would vote "nay."

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New Hampshire (Mr. Cotton) is detained on official business.

The result was announced—yeas 37, nays 57, as follows:

[No. 156 Leg.]

YEAS—37

Allen
Brooke
Burdick
Case
Chiles
Church
Cook
Cranston
Eagleton
Fong
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Kennedy
Magnuson
Mansfield
McGovern
McIntyre
Mondale
Moss
Muskie
Nelson
Pell
Proxmire
Ribicoff
Schweiker
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—57

Aiken
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McClellan
McGee
Miller
Montoya
Packwood
Pastore
Pearson
Percy
Prouty
Randolph
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—6

Bayh
Cotton
Harris
Jackson
Metcalf
Mundt

So Mr. Gravel's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, July 20, 1971, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 421. An act to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents; and

S.J. Res. 111. Joint resolution extending for two years existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

ATOMIC ENERGY COMMISSION AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9388) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

AMENDMENT NO. 256

Mr. GRAVEL. Mr. President, I call up my amendment No. 256.

I might suggest to my colleagues that a fact sheet has been placed on the desk of each Senator. It is a very brief fact sheet, and I think it will be useful to read.

The PRESIDING OFFICER. Is this one of the amendments on which the Senator has 1 hour?

Mr. GRAVEL. Yes; a half hour on each side.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 1, strike out lines 7 through 9, and insert in lieu thereof the following:
>
> (a) For "Operating expenses", $2,027,871,000, of which not less than $14,900,000 shall be available for the loss of fluid test (LOFT) facility and program and other related light water reactor safety research and development in emergency core cooling systems, and of which not more than $116,400,000 shall be available for operating costs for the high energy physics program category.

Mr. GRAVEL. Mr. President, I yield myself as much time as is necessary to make an explanation of what this amendment is about. If I may have the attention of my colleagues, it is not a very complicated issue.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRAVEL. The amount of funds I am requesting in this amendment is merely what the AEC itself has requested. It is not a figure that I have taken from any of my own expertise. I have just gone through the record, and where the AEC has requested these funds, I am merely trying to reinstitute them here, for a very fundamental reason.

Today, in this country, we have in operation about 21 or 22 nuclear reactors whose emergency safety systems rely primarily upon an emergency core cooling system. Last November and December, a miniature model of this cooling system, which was used for experimentation, underwent some tests. In six of these tests—in every test—part of the core cooling system failed in one manner or another, which means that the design, as is presently viewed, for this safety device, which is the primary safety device for these nuclear reactors, based upon small-scale model experimentation, does not work. So our confidence in the safety system, based upon the knowledge we have now, is really out the window.

This information was broken first not by public news release of the AEC, but by the reporting of the fourth estate in Nucleonics Week. It came to a great deal of attention, and of course it made many people wonder why we continue with nuclear operation and licensing in face of this new information.

The statements have been several from the AEC, essentially to the effect that the tests which failed are not entirely conclusive. That is true; they are not because in the core in these tests they used electric heat, which of course is a good deal different from the actual nuclear core in an operating reactor.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. PASTORE. I think all of us are interested in safety, and naturally everything should be done that is necessary in order to promote safety to the optimum degree.

One thing I do not like about the Senator's amendment is that he does limit the expenditure of certain moneys to a specific purpose, which I think is a rather bad precedent, in view of the fact that sometimes the urgency may be in one direction more than another. If the Senator will confine his amendment to the money figure and just raise it without the specification—and we could write that in the conference report—I would be inclined to discuss it with my counterpart on the other side of the aisle and accept it.

In other words, the Senator has money and language as well—a limitation. Remove the limitation and just add the money to the amount.

The fact is that the division did ask for $49 million. They came up here on a budget estimate for approximately $35.9 million, after that was cut by the Office of Management and Budget. We increased it to $42,940,000, which is $7 million more than it was last year. The Senator is going $2.3 million above that. I will accept his money figure and take the $2.3 million, provided he does not specify that $14.9 million has to be used for a specific purpose. There may be other purposes which are more essential and which have a greater priority.

ADDITIONAL FUNDS NEEDED FOR NUCLEAR REACTOR SAFETY RESEARCH

Mr. CHURCH. Mr. President, I am pleased to join today in the effort to authorize additional funds for the Atomic Energy Commission for nuclear reactor safety research programs.

For the past 3 years I have pointed out the need for more funds in this area. It is obvious that our Nation is turning more and more toward electrical power provided by nuclear reactors. As we move in that direction, we must be absolutely sure that the plants we build and the methods we use are safe and environmentally sound.

I am especially concerned with this issue because I find contradictions within the AEC on the question of the mission of that agency in regard to research which these additional funds would assist. On November 17, 1960, I requested a report from the AEC regarding cutbacks in its nuclear reactor safety research program at the National Reactor Testing Station in Idaho. A pertinent portion of that letter, signed by AEC Chairman Glen Seaborg, stated:

> For almost two decades, the AEC has sponsored reactor safety research and development which, while emphasizing light water reactor technology, was also of general interest to more than one reactor type. This was an appropriate federal role during the development period when a variety of reactor concepts were being explored. As the current generation of water cooled reactors approaches the point of economic maturity in comparison with conventional fossil fuel plants, most of the development and test role for reactor plant and safety system refinement properly belongs with industry. The increased acceptance by the nuclear industry of the requirements to carry out its reactor projects in accordance with high standards and best engineering practices as urged by the AEC and its development of water reactor safety technology required by the AEC in support of individual license applications provides assurance that emphasis on reactor safety and related research continues unabated.

Thus in November the AEC was optimistic that needed reactor safety research would be carried on by private industry.

However, by May 13, of 1971, the AEC was no longer so sure that the forecast contained in its letter to me was accurate. George M. Kavanagh, the assistance general manager for reactors told the Joint Committee on Atomic Energy that limited AEC budgets and a certain reluctance on the part of industry to support more research have prevented gathering all the technical information necessary to confirm the adequacy of reactor safeguards.

In addition, Mr. President, an internal AEC study group is quoted as stating, in the July 9, 1971, issue of Science magazine:

> The large number of construction permits . . . for . . . power reactors which have been issued in the last several years does not imply there is a decreasing need for water reactor safety research. Rather, because these construction permits were issued on the basis that planned programs would resolve certain safety questions related to these reactors . . . there is an increasing need for safety research.

The information contained in two articles by Mr. Robert Gilette which appeared in the May 28, 1971, and the July 9, 1971, issues of Science magazine paints a clear picture of the past errors and the need for action in the field of nuclear reactor safety research. I commend the articles to the attention of Senators and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Nuclear Reactor Safety: A Skeleton at the Feast?

(By Robert Gilette)

The nation's electrical utilities are engaged in a nuclear buying spree this year, apparently undeterred by a running controversy among industrial and government authorities over the adequacy of a crucial emergency safeguard system used on nearly every nuclear power plant.

Since January, power companies have ordered 13 new reactor units, in contrast with 14 during all last year and 7 in 1969. The Atomic Energy Commission (AEC) predicts that, if the utilities sustain their purchasing pace, then by 1980 nuclear power will be producing 150,000 megawatts of electricity or one-fifth the nation's demand.

Such enthusiasm, however, tends to obscure the fact that important technical issues of reactor safety—quite apart from those of thermal or radioactive pollution—still remain to be settled.

EMERGENCY COOLING

Currently the most controversial of these lingering safety issues concerns the adequacy of the emergency core cooling systems (ECCS) used on light water reactors. Since March, a newly created "senior task force" of four AEC executives has been evaluating recent research which suggests to some authorities that the backup cooling systems of these reactors might not perform satisfactorily. The research in question is said to be especially disquieting in regard to pressurized water reactors, although the task force has asked manufacturers for performance information on backup coolers for boiling-water reactors as well. All of the reactors aboard the Navy's nuclear-powered vessels are the pressurized water type, as are nine of the 22 civilian nuclear plants in operation as of the end of March.

The AEC task force was established to "provide overall management review of important safety issues," the commission chairman, Glenn T. Seaborg, has said. The group expects to finish its scrutiny of cooling systems sometime in June.

Until then, the issue's significance to public safety will remain difficult to judge, although some AEC officials are frankly skeptical that it has more than remote bearing on the public interest. Milton Shaw, AEC's director of reactor development and technology, scoffs that the issue of backup cooling system "flap" may be the best measure of "some people who have taken a little data and made a big thing out of it." Shaw contends that "this is just part of a debate that has gone on for 2 or 3 years" concerning the development of more stringent design codes for reactor emergency cooling. He also suggests that talk among researchers who are worried that their reactor safety work may be phased out for lack of money might have helped inflate the importance to public safety of this "little data."

But the AEC's official responses to the cooling system "flap" may be the best measure of its significance. The agency has held up operating license hearings and one safety review for five big new power reactors until the task force finishes its work. (Harold Price, the AEC's director of regulation, declines to speculate as to how ten other reactors scheduled to begin operating this year, or the 22 now generating electricity, may be affected by the deliberations.) In addition, the AEC asked Congress this month for an extra $2 million in fiscal 1972 for research on the safety of light water reactors. This would be above and beyond $36 million requested for the entire safety program in 1972. A staff member of the Joint Committee on Atomic Energy describes this constellation of events as "not unheard of" but still "uncommon."

The issue of backup cooling performance bubbled up into public view early this month when the Joint Committee released a letter that Seaborg had written to Senator John O. Pastore (D-R.I.), vice chairman of the committee, on 27 April. In the letter, Seaborg said he anticipated reactor licensing delays while the new task force took a long, hard look at emergency cooling systems. The reasons for this scrutiny, as Seaborg explained them, were that:

"The use of recently developed improved techniques for calculating fuel cladding temperatures following postulated loss-of-coolant accidents, and the results of recent preliminary safety research experiments, have indicated that the predicted margins of ECCS performance may not be as large as those predicted previously."

Emergency core cooling systems are intended to quench a reactor's extremely hot core in the unlikely event that it loses its normal bath of cooling water through a ruptured pipe, a broken weld, or a key valve opened in error. Deprived of cooling water, a reactor's core temperature would quickly rise to the melting point of fuel element metals. A scenario of an uncooled reactor's fate, composed several years ago by an AEC advisory group, depicts the 250-ton core of a large reactor as dripping and finally slumping into a molten pool at the bottom of the reactor vessel within an hour after the reactor has lost its coolant.

Experts say that a loss of neutron-moderating water would prevent a nuclear "excursion" from occurring, but residual heat in the core—plus heat released by the decaying fission products in the fuel and by violent chemical reaction between metal and remaining water—could still amount to 50 megawatts. This would be more than enough to allow the core to melt through the steel reactor vessel, and to carry it through tons of concrete beneath, within another hour or so. Beyond this point, nuclear engineers speak, half tongue-in-cheek, of the *"Chinese Syndrome,"* a term derived from the presumption that the core would continue melting its way into the earth, in the general direction of Asia.

UNEXPECTED RESULTS

As a final result, steam explosions and gas pressure could breach the reactor containment building, scattering radioactive material. Or, as the scenario script delicately phrased it, there might be "subsequent deposition at undesirable locations" of fission-product material.

In the view of responsible nuclear scientists and engineers, emergency cooling systems now in use make such events highly improbable. Last year, however, a series of small-scale experiments which the AEC conducted at its National Reactor Testing Station near Arco, Idaho, indicated to some researchers that emergency cooling water might have unexpected difficulty in entering a reactor that had lost its normal cooling water. The experiments, which were performed in November and December, used a 9-inch mock-up of a reactor pressure vessel containing electrically heated "fuel" elements bathed in cooling water. In half a dozen tries, investigators found that when they allowed 30 to 100 percent of the tiny vessel's cooling water to escape—as it would in a "loss-of-coolant accident"—high steam pressures inside the vessel kept all but about 10 percent of "emergency" cooling water from entering. A brief description of the work which the AEC filed with the Joint Committee in March indicated that the high-pressure steam in the vessel blew the remainder of the "emergency" water through an outlet before it reached the "core."

The experiments were part of preliminary work leading up to research with the Loss of Fluid Test (LOFT) facility in Idaho, a $35-million domelike structure in which the AEC will progressively starve a 55-megawatt reactor of cooling water and measure its behavior. The LOFT experiments, which are scheduled to begin in 1975, will provide the first test of an emergency core cooling system under actual operating conditions.

A second point of concern which Seaborg's letter touched upon involves new analytical evidence showing that temperatures of some of the long, thin fuel elements in reactor cores may go higher during loss of coolant than previously believed. This is a matter of concern because the higher a fuel element's temperature rises, the more likely it is to fracture, spilling intensely radioactive fission products into the reactor vessel. Moreover, the higher temperature of the fuel rods, which are typically clad in zirconium alloy, would intensify a chemical reaction between the metal and quenching water. This would release hydrogen, generate still more heat, and thus place an even heavier demand on the emergency cooling system.

Shaw insists these findings have little direct bearing on the safety of nuclear reactors. While some fuel elements may be hotter than would be expected during loss of coolant, he says that others may be cooler, leaving no net effect on safety. As for the Idaho experiments, he points out that their objective was to help refine mathematical models to be used for predicting the course of LOFT experiments, and not to evaluate systems used on real reactors. The 9-inch vessel was not meant to fully simulate a reactor, he said in an interview. "You can't use that phraseology. It's just not in that ball game."

SAFETY DATA LACKING

Nevertheless, Seaborg and a delegation of AEC executives appeared before the Joint Committee in supplemental authorization hearings on 13 May to request, among other things, $2 million more for next year to "help resolve significant technical issues" of water reactor safety. George M. Kavanagh, the assistant general manager for reactors, explained in part that, "Heavy reliance has been placed on engineering safety features such as the ECCS, where the technology is complex. . . . Some of the information needed to confirm convincingly the adequacy of such systems, which are intended to arrest the course of hypothetical large primary system failures is not yet available."

Kavanagh told the committee that limited AEC budgets and a certain reluctance on the part of industry to support more research have prevented gathering all the technical information necessary to fully confirm the adequacy of reactor safeguards.

The committee had already been briefed on the apparent import of the Idaho experiments and the activities of AEC's senior task force, so there was understandably little discussion of such matters in the day-long hearing. Kavanagh, however, did mention that "limited experiments" supported by the AEC at its Idaho test site "have not resolved some of the areas of major uncertainty raised by differences among the analyses [furnished by reactor manufacturers] particularly with regard to their evaluation of the operating effectiveness of emergency core cooling."

His remark prompted Senator Howard H. Baker (R-Tenn.) to ask what "differences" he was talking about. This question led to the following interchange:

Kavanagh: ". . . [The experiments] have had results which have not been confirmatory of what the people doing those experiments thought might happen. Now, they are not conclusive. . . ."

Baker: ". . . meaning that it was worse than you thought?"

Kavanagh: "Yes, worse. If it were better we might not have been allowed to come up here asking for money. But they [the results] are not conclusive. In other words, the experiment was done on something far from a reactor. . . . It is difficult to draw conclusions from those experiments. . . . What we want to do are more of those experiments."

Little else was said during the May hearing, but the subject is sure to come up again in nuclear reactor safety hearings, which the Joint Committee expects to hold late in June. "We couldn't avoid the issue if we wanted to," a committee staff member said.

It remains to be seen whether an obscure research project in a desolate corner of Idaho has indeed uncovered a flaw in nuclear reactor safeguards, or whether it has merely triggered a troublesome false alarm. In either instance, the current controversy has at least served to illuminate a chronic complaint from the AEC's division of reactor development that its safety research program is being shortchanged. That complaint will be discussed in another article.

NUCLEAR REACTOR SAFETY: A NEW DILEMMA FOR THE AEC

(By Robert Gilette)

The Atomic Energy Commission has adopted a curious position lately. While assuring the public that the nuclear reactors it licenses will operate safely, a number of AEC officials have been discreetly appealing for more money—preferably much more money—to support research on the safety of conventional, water-cooled nuclear reactors.

For the most part, the money has not been forthcoming. But the appeals themselves have inflamed suspicions among the AEC's numerous critics that the atomic power plants that are blossoming across the nation's landscape may not be as secure from mishap as licensing implies. And thus the AEC finds itself impaled on a new dilemma that may serve to weaken its already shaky public credibility: If reactors are as safe as they are advertised to be, how can a large new safety budget be justified? Or, if new safety research is as urgently required as the AEC indicates, should the construction of atomic power plants (21 are operating, more than 50 are being built) be proceeding as rapidly as it is?

At a time when the AEC's $3 billion program for subsidizing the development of water-cooled reactors is nearly at an end, and when new plants are being licensed in ever-increasing numbers, the commission's appeals to Congress and the Office of Management and Budget for safety funds seem more than a little awkward. Indeed, the AEC's rationale for funds above and beyond its fiscal 1971 safety budget's of $36 million rests partly on the premise that significant "uncertainties" in the performance of reactors remain, and that "urgent" work is yet to be done to resolve these uncertainties. For example, Milton Shaw, the AEC's director of reactor development and technology, confides that "At the drop of a hat I can spell out 15 areas where we could do more research in reactor safety. Drop two hats and I'll spell out 30 areas. There's virtually no limit on the work we can do." At the same time, however, commission officials are at pains to deny any untoward implications in such statements. In this context, George M. Kavanagh, the assistant general manager for reactors, told the Joint Committee on Atomic Energy last March that "This does not mean our reactors are unsafe. It means we should be spending more to assure that they are safe. . . ."

One way out of this paradox is to concede the point, raised by those close to reactor development, that safety research is not a finite task. As reactors age and their designs evolve, so the job of ensuring that they are properly designed, built, and operated continues. Morever, there are, in fact, people of influence within the AEC who are given to what industrial sources regard as excessive zeal for perfection in safety.

Nevertheless the fact remains that a large volume of nuclear safety work—much of it aimed at refining current understanding of normal and aberrant reactor behavior, and much of it aimed at improving quality control in manufacturing—has been cancelled, delayed, slowed, or simply not begun over the past decade. To all appearances, the result has not been to leave key safety issues untouched. Instead, one effect has been to limit the ability to define precise margins of safety in reactor operations. Another has been to impede the development of stringent standards of quality assurance—a primary ingredient in reactor safety.

Conversations with AEC officials and a reading of recent testimony presented to the Joint Committee suggest a variety of reasons for this R & D backlog. Essential projects, for example, have been delayed by inept management, and by design and construction problems similar to those that afflicted the nuclear industry as a whole during the 1960's. There is also reason to believe that program administrators have shown considerable inertia in acting on research suggestions still being pressed by the AEC's safety watchdog, the Advisory Committee on Reactor Safeguards (ACRS).

But the reason cited most often and most adamantly by AEC officials for their burden of unfinished business is a chronically undernourished safety research budget. For instance, Spencer H. Bush, chairman of the ACRS, told the Joint Committee in hearings on 22 June that the safety program's fiscal problems have worsened in the past 2 years. "While progress has been made," he said, "the accelerated erosion of AEC money for water-cooled reactor safety research has resulted in termination of some programs and substantial delays in others."

A FUROR OVER SAFETY

The AEC's new dilemma was thrust into prominence recently by a much-publicized controversy over the adequacy of a key accident-control system that is used on nearly every nuclear power reactor—the emergency core-cooling system (*Science*, 28, May). Although the commission's initial reaction to the furor over the backup coolers was to minimize its significance, the AEC's subsequent action was in keeping with its claims of ultraconservatism in matters of public safety. But more important, the controversy has helped point up the safety research program's infirmities.

The backup cooling systems in question are, very simply put, complexes, of pipes, valves, and pumps, which are meant to flood a reactor's superheated uranium core in the unlikely event that the core's normal bath of cooling water escapes through a ruptured pipe. Thus the systems are analogous to spare hoses, radiator, and water pump on an automobile—but with a big caveat: Although operating reactors have occasionally sprung leaks from faulty pipes and poorly welded joints, none of these leaks has been great enough to call an emergency cooling system into action. Thus, though backup coolers perform well enough in elaborate computer simulations, they have never been tested in an operating reactor.

To rectify that situation, the AEC is preparing an extraordinary series of core-cooling experiments at its National Reactor Testing Station in Idaho. Here, a small reactor enclosed in a huge, dome-shaped shell will be subjected to progressively worse loss-of-coolant "accidents." Each time the reactor will be revived with a spritz of emergency water, which, in turn, should spare it from destruction. This is the Loss of Fluid Test (LOFT) project—and it was in preparation for LOFT last winter that a series of core-cooling experiments in miniature scale first cast doubt on the adequacy of full-sized backup systems.

The "semi-scale" tests, as the experiments were called, suggested that steam pressure inside a real reactor might prevent emergency water from reaching the core in sufficient time or volume to save the reactor from severe damage or destruction. The tests were aimed at refining a computerized model of the LOFT reactor's behavior and were not meant to simulate events in an atomic power plant. Nonetheless, they did spur the AEC into reviewing the designs of backup cooling systems on power plants now in operation and on several scheduled to "go critical" soon.

After deliberating for 4 months, the AEC issued on 19 June an "interim policy statement" which suggested a slightly diminished confidence in the ability of emergency cooling systems to save a reactor—and perhaps the nearby populace—from the consequences of a broken pipe. Five older reactors, including the San Onofre plant nestled along the California coast not far from the western White House, were ordered to modernize their backup coolers by 1 July 1974. Until then, the policy statement said, the plants were to triple their inspections of pipes, pumps, and valves, in order to reduce the likelihood of an accident that would require the use of an emergency cooling system. In addition, four new atomic power plants were ordered to hold their peak operating temperatures down to 1260° C, although doing so might decrease their power output. The AEC said that these and other "clearly conservative" guidelines would remain in effect, "pending the development of further data," much of which would presumably come from LOFT during the next few years.

A DISMAL HISTORY

As an AEC budget summary described the LOFT project last year, it is the nation's "largest and most vital water (reactor) safety project," and it bears on the "most critical safety problem facing all water reactor plants"—namely, what to do when the core runs dry. But none of this urgency appears to have spared the program from a long and rather dismal history, marked at first by poor management, and more recently by a tight budget that has necessitated "terminations" and "reductions" in preparatory work.

The LOFT project has limped along under these circumstances since its inception in 1963. By the time its consummate experiments get under way in 1974 or 1975, it will have consumed more time from start to finish than the Apollo program took to land two men on the moon. "It went along for years with conflicting changes in intent and direction," one high-ranking AEC official said. "Project management in the early 1960's just wasn't that good. With better management it could have gone faster."

How much faster is suggested by the tables that the Joint Committee published in the record of its authorization hearings for fiscal 1971. Begun officially in September 1964, LOFT construction was supposed to have been finished in late 1967, at a cost of $19.4 million. But having since been expanded and upgraded to become the "focal point" of the water reactor safety program, LOFT equipment is not scheduled to begin debugging operations until mid-1972, at a final construction cost of $35 million.

Nor was this pattern of delay and overrun unusual for major test facilities at Idaho in the 1960's. The Advanced Test Reactor (ATR), billed as the world's most powerful reactor for testing nuclear fuels and core materials suffered a 3½-year delay and a $17.7 million cost overrun that pushed its price to $57.7 million. The ATR finally achieved full-power operation on Christmas Day 1969, but only after "rather severe" construction flaws had required dismantling and rebuilding it. Still another major test reactor at the Idaho site, the Power Burst Facility (PRF), is expected to begin running this year, 4 years late and $6 million, or 70 percent, over its original cost estimate.

The AEC now blames many of these difficulties on the Phillips Petroleum Company's management of safety program operations during the 1960's. In 1969, the commission shifted responsibility for the program to Idaho Nuclear, a composite of Allied Chemical Corporation and Aerojet-General Corporation. Phillips then joined as a minor partner with no managerial responsibilities. "For one reason or another, we were unable to get the LOFT and PBF projects done," Shaw has said. "Phillips as a parent organization did not have that [necessary] kind of power or test reactor design and construction experience, and they were unable to recruit the kind of talent necessary to get the job done right."

LOFT and other projects are said to be moving along "tolerably well" now, but the Idaho site's management ills were cured just as the safety research budget began a slow downward slide. Over a period of several years, expenditures for safety had crept up to a $37 million peak in fiscal 1970, then dipped to $36 million in 1971. As available money declined and inflation rose, a growing new emphasis on breeder reactor safety studies accelerated, thereby putting still more financial pressure on the full range of conventional reactor work, including LOFT and such elements of its supporting research as the semiscale experiments. "My problem," Shaw said recently, "was that I was going to have to phase out some of this work in fiscal 1972 unless we got more money."

The LOFT project won a reprieve of sorts in June, when the Joint Committee approved the AEC's request for $2 million in supplemental safety funds. The emergency core-cooling flap weighed heavily on that decision, and therefore probably benefited the LOFT project as much as it did the safety of the public. (The committee also gave its blessing to the $4 million that President Nixon requested in his June energy message for breeder reactor safety.) But, as Kavanagh had told the committee a month earlier, "I think we could use $30 million or $40 million [more]. . . ."

Certainly LOFT's financial problems have not been unique. To accommodate a smaller budget in 1971, the AEC closed down a small test reactor, the Capsule Driver Core, at Idaho and sacrificed a nonnuclear facility, the Containment Systems Experiment (CSE), at its Pacific Northwest Laboratory in Washington. Both were "producing rather important safety information," Shaw said last year, noting that "These are not facilities we would prefer to have closed down." By mothballing the CSE, for example, the AEC cut short a series of experiments to investigate the behavior of reactors during sudden losses of coolant. It also passed up an opportunity to test the performance of emergency core-cooling systems on a far larger and more realistic scale than it could in the miniature LOFT experiments. "The potential was there, and it could still be done," according to Andrew J. Pressesky, the assistant director for nuclear energy.

QUALITY CONTROL IMPEDED

In addition to these closures in fiscal 1971, the safety program sustained "general reductions, terminations, and delays in the initiation and progress" of a variety of projects, officials have said. Of these stringencies, the one that is hardest to justify, in Pressesky's view, was a reduction in support of a cooperative program between the AEC and industry to develop manufacturing standards for the pumps, pipes, and valves used in nuclear reactors. These standards are regarded as the backbone of quality assurance in reactor manufacturing, and in large part their development is the means by which safety research is translated into engineering practice.

Laxity in quality control was, to a major extent, responsible for costly delays in construction and interruptions in operation experienced by numerous atomic power plants during the 1960's. Faulty plumbing and welding still plague the nuclear industry, although to a lesser degree now. But AEC officials, such as commissioner James T. Ramey, are still pressing for improved standard. "Despite the progress that has been made," Ramey told the Joint Committee in June, "even high priorities and more manpower must be applied to standards development." Despite such appeals, money for the standards program has declined by about 40 percent since 1970.

Privately a number of AEC officials blame the safety program's erosion on an insensitive Office of Management and Budget. As one man deeply involved in AEC safety affairs expresses it, "The OMB holds a somewhat simplistic view. Since the AEC has cut back its development work on water reactors, it asks 'why all this talk about more safety research.' " In an apparent campaign to explain why, a variety of safety advisory groups issued a flurry of admonishments in 1969 to the effect that money ought to be going up, not down. In June of that year, an internal AEC study group warned that "The large number of construction permits for . . . power reactors which have been issued in the last several years does not imply there is a decreasing need for water reactor safety research. Rather, because these construction permits were issued on the basis that planned programs would resolve certain safety questions related to these reactors . . . there is an increasing need for safety research." Another internal AEC study in October 1969 urged "a vigorous safety R & D program" and went on to say that "Major efforts are still required to resolve issues currently facing both reactor suppliers and those charged with safety assessment for the surge of light water power reactors announced in the 1965–68 period." In a 12 November 1969 letter to AEC chairman Glenn T. Seaborg, a similar appeal was made by the Advisory Committee on Reactor Safeguards, when it complained that "only small or modest efforts" had been initiated in several key areas of safety and that "many safety research activities have not been initiated, have been slowed, or have been terminated." The letter said that the committee "reiterates its belief in the urgent need for additional research and development" in such areas as seismic safety and the safety of ordinary water-cooled reactors.

All these admonitions seem to have had little mitigating effect on the OMB's axe hand. It is true that over the past 2 years the OMB has been no more sanguinary than the commissioners themselves in cutting the requests of safety program administrators. Each sliced about $7 million from the $49 million lower-echelon request for 1972. On the other hand, the budget office allowed the AEC to ask Congress for only 40 percent of the supplemental safety funds the commission wanted last May, thus leaving about $3 million worth of high-priority projects unfunded.

It appears, however, that the OMB's fiscal pressure on the program is motivated less by malice or insensitivity than by a desire to force more of the burden of nuclear safety studies onto the nuclear industry. It also appears that AEC earnestly shares this desire. But it has so far achieved only modest success in buttonholing support from reactor manufacturers, who are sad to be convinced that they are already selling a safe product, or from the electric utility industry, which is chiefly interested in buying a safe product and has notoriously little inclination toward research in the first place. As things stand, the nuclear industry continues to enjoy a kind of technological welfare that must seem lavish to aerospace corporations.

But from all of this, can one conclude that the safety of atomic power plants has been compromised? Senator Mike Gravel (D-Alaska), who has become a vocal foe of nuclear power, seems to think so. In a speech to the Oregon State Legislature not long ago he urged that every state "stop all construction of nuclear power plants until the safety problems are resolved and until we achieve the safety-first policies to which we are entitled." Last May, voters in Eugene, Oregon, approved a 4-year moratorium on a nuclear power facility planned for their area. Similar movements are afoot in the Oregon legislature, in Minnesota, in New York City, and in California where a citizens' group has succeeded in placing on the June 1972 ballot a proposal to ban power reactor construction for 5 years.

AEC officials understandably find such activities unjustified. And so, it seems, do the most influential conservation organizations, which say they prefer to weigh the merits of atomic power plants on a site-by-site basis rather than putting up blanket opposition to nuclear power.

For their part, AEC officials say that conservatism in plant design and operation should compensate for any uncertainties that remain in the behavior of reactors.

One AEC authority in reactor safety, and a man who is less reserved in his criticism of the agency than most, sums it up this way:

"I believe that nothing in the water reactor safety program is of low priority. It should all be done. And until these tasks are completed we are going to have to use rather more conservative bases for design judgments on plants, and we are going to have to make decisions with a certain lesser degree of cheerfulness, or confidence, than if we had the results of this research.

"We think we can set boundary conditions, so no matter how a reactor goes we are quite sure it's safe. But I find having to work this way intellectually less satisfying. . . . I prefer to know, in the quantifiable way, what the limits of safety are.

"However, I think we're in good shape, and that in the long pull, when we look back, we may see we spent money unnecessarily. At least that's what I trust we'll see."

When a Core Runs Dry

A power reactor's core typically consists of a bundle of thin metal tubes, or fuel elements, containing uranium dioxide. The tubes are suspended vertically inside a thick steel vessel as tall (inside) as 72 feet, with a diameter of as much as 21 feet. Heat generated by a controlled fission reaction among the fuel elements is removed by circulating ordinary water around and between the elements. Normal operating temperature of the elements is about 315° C., but in the absence of cooling water the temperature would rise to the melting point of zirconium (1800° C.) in 1 minute or less. Water-metal reactions are said to become "significant" at about 1100° C.

AAAS Names Five to Freedom Panel

The Board of Directors of the AAAS announced on 1 July the appointment of five members, including former Chief Justice of the Supreme Court Earl Warren, to form the association's new Committee on Scientific Freedom and Responsibility. The committee, which the board had formally established last December, was asked to (i) study and report on the general conditions required for scientific freedom and responsibility; (ii) develop suitable criteria and procedures for the objective and impartial study of these problems; and (iii) recommend mechanisms to enable the association to review specific instances in which scientific freedom is alleged to have been abridged or otherwise endangered, or responsible scientific conduct is alleged to have been violated.

Committee members are Chief Justice Warren, Allen V. Astin, former director of the National Bureau of Standards, Mary Catherine Bateson, associate professor of sociology and anthropology at Northeastern University, Walter J. Hickel, former Secretary of the Interior, and John H. Knowles, director of the Massachusetts General Hospital in Boston.

Athelstan Spilhaus, chairman of the AAAS board, explained the 6-month hiatus between establishment of the committee and appointment of its members by saying that it took that long to find public figures "who are of such stature that they would make clear the seriousness of the Association's purpose." AAAS officials also noted that the five members, by and large, have been personally involved in great public conflicts of free expression and responsibility to institutions.

Last December's decision to establish the committee was made partly in response to a request from Senators Edmund Muskie (D-Maine) and Mike Gravel (D-Alaska) to investigate charges that the Atomic Energy Commission had harrassed two dissident scientists, John Gofman and Arthur Tamplin. Officials of the AAAS say that Gofman and Tamplin themselves communicated no such request to the association. However, several other scientists who alleged that their own scientific freedom was in jeopardy have turned directly to the association for help in recent years. These appeals are said to have been an important stimulus in creating the new committee.

"Although very concerned about charges involving abridgment of scientific freedom," Spilhaus said, "the AAAS has lacked a mechanism for considering such questions." He emphasized, however, that it was not the committee's purpose to adjudicate individual cases. Although it may choose to review the Gofman-Tamplin imbroglio, it is not being specifically asked to do so. Its larger purpose, he said, is to suggest guidelines for handling such cases in a way which preserves individual freedom while protecting institutions from "irresponsible individual behavior." The board has not suggested a time or place for the committee's initial meeting, nor has it proposed a timetable for the panel's deliberations.—R.G.

Mr. CHURCH. Mr. President, in spite of the fact that the AEC has gone on record as stating it could use anywhere from $30 to $40 million more in the nuclear reactor safety research program, the figure which has been presented to the Congress calls for an increase of only about $7 million.

It is my understanding that this rather small increase, in light of the expressed need, is due to the broad ax which is wielded by the Office of Management and Budget. Several million dollars was cut by the Office of Management and Budget from the AEC's request for emergency core cooling and loss-of-fluid research budgets.

Mr. President, I am especially proud of the fact that it was the dedicated research efforts of the men and women of the National Reactor Testing Station in Idaho, working under the most stringent budget requirements, which has led the way in pointing out the need for more research in this field.

I am pleased also to state that the Hells Canyon Preservation Council, based in Idaho Falls, Idaho, has endorsed a position in favor of the responsible and safe development of nuclear power. The council is one of the outstanding conservation organizations in my State and has recently written to President Nixon setting forth its position in great detail. That letter and my comments appear at page 20148 of the June 16 Congressional Record. I would hope that it could have wide readership.

Mr. President, the case for more funds for reactor safety research is compelling. I plan to support this amendment which would result in adding $2.3 million to the safety research program of the AEC and would earmark a total of $14,900,000 for the LOFT—loss-of-fluid test—program currently being carried out at the National Reactor Testing Station in Idaho. I urge my colleagues to support these badly needed additional funds.

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

Mr. PASTORE. We can make history, if the Senator wants to.

Mr. GRAVEL. I do not care to make history. I would rather get the money. I just wanted to get a full appreciation as to the language.

Mr. PASTORE. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Jordan of Idaho). Without objection, it is so ordered.

Mr. PASTORE. Mr. President, on my time on the bill, I ask unanimous consent that we be allowed to amend the figure which appears on page 1, line 7, notwithstanding the fact that that figure was once amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will the Senator from Alaska please send his amendment to the desk?

Mr. GRAVEL. Mr. President, I send to the desk the amendment and ask unanimous consent that the sum of $2,027,871,000 be modified to provide the sum of $2,028,371,000.

The PRESIDING OFFICER. Without objection, the modification will be so made.

Will the Senator please send his amendment to the desk?

Mr. GRAVEL. The Chair has ruled on the first unanimous-consent request, has he not?

The PRESIDING OFFICER. And, without objection, it was granted.

Mr. GRAVEL. Mr. President, I withdraw my Amendment No. 256.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Do Senators yield back their time on this amendment?

Mr. PASTORE. Mr. President, I yield back my time.

Mr. GRAVEL. Mr. President, I yield back my time.

Mr. President, I just want to thank the distinguished chairman of the committee very, very much. I think that this $2.3 million which we have just agreed to add is necessary for safety. Having this flexibility certainly will add to the capabilities of the light-water-reactor safety program.

Mr. PASTORE. We are perfectly willing to accept the amendment.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from Alaska (Mr. Gravel).

The amendment was agreed to.

Mr. STEVENS. Mr. President, I call up my amendment and send it to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

At the end thereof add the following new title:

TITLE III

Sec. 301. No funds authorized or appropriated under this or any other Act shall be expended to detonate CANNIKIN, an underground nuclear test scheduled to be conducted at Amchitka Island, Alaska, until the end of the fiscal year beginning July 1, 1971 or until the completion of the Strategic Arms Limitation Talks between the United States and the Soviet Union, whichever occurs first.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Fannin). The Senator from Alaska will state it.

Mr. STEVENS. What is the time limitation on amendments to the bill?

The PRESIDING OFFICER. Fifteen minutes to a side. Who yields time?

Mr. STEVENS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 10 minutes.

Mr. STEVENS. Mr. President, the difference between this amendment and the amendment just voted on a few minutes ago is that it takes out the reference that would have placed authority with the President to continue the Cannikin test and will prevent the detonation at Cannikin as long as the strategic arms limitation talks between the United States and Russia continue for the balance of the fiscal year, which, I am informed, is the limit of this bill anyway.

I feel strongly that the Senate has really not been advised as to the information made available to Alaskans.

Mr. MANSFIELD. Mr. President, will the Senator from Alaska yield at that point?

Mr. STEVENS. I yield.

Mr. MANSFIELD. What was the date of the Senator's amendment?

Mr. STEVENS. The date?

Mr. MANSFIELD. I thought I heard the Chair say July 1, 1971, or the conclusion of the SALT talks, whichever is sooner.

Mr. STEVENS. Until the end of the fiscal year which began on July 1, 1971.

Mr. MANSFIELD. I thank the Senator.

Mr. STEVENS. Mr. President, I have before me, for instance, the Anchorage Daily Times for May 26, with a large headline, "Nixon Considers Halting Amchitka Nuclear Test." The story quotes a reliable source, an administrative source, which indicates that the administration is considering postponing the test.

I want to tell the manager of the bill, my good friend from Rhode Island, that I tried to find out what the source of the story was, but I could not find out.

The indications are, however, and they persist in our State, that the test will be canceled at the last minute. In the meanwhile, in our State, the constant divisions and fears being expressed concerning the test will mount once again.

Some people have objected to the last amendment because they said it placed the burden on the President to make a decision as to whether the test should go ahead. I think that that is a reasonable question to raise.

This amendment places the burden squarely on Congress to make that decision, that the test will not continue during this fiscal year, as long as the SALT talks continue. The SALT talks, we are led to believe, have come to the point where we have real optimism considering the outcome of the talks. If they are successful, the Spartan will not be necessary. If the Spartan is not necessary, the detonation of the warhead in the Cannikin test is not necessary.

After adoption of the amendment, it will make available the money so that the AEC can continue its preparation and, hopefully, do a little bit more research to tell us the real effect of the detonation and what they can do to prevent the leakage, even if it is a successful test, over a period of time into the future. This, above all, is my most serious concern, that is, the problem that leakage will take place for a series of years or might take place for a series of years, after the test. But this amendment addresses itself to the fact that the SALT talks are going on, and we have been told that they should be successful—at least there is great hope that they will be. I see no reason to continue the test, which would be unnecessary if the SALT talks are successful, under the circumstances.

I predict that if Congress does not do this, we will go down, right down to the end and, in the meanwhile, all our people will be disturbed and worried. They will cancel it anyway. We should take the bull by the horns right now, and cancel it for the fiscal year or as long as the SALT talks go on. That is what this amendment would do.

I have not gotten into the total ramifications of the impact statement that was filed by the AEC. I think it has serious defects. It certainly has serious defects insofar as the people who live along the Aleutian chain are concerned.

I think their expressions, that they would like to have greater research done and so have greater certainty in the predictions as to what will occur post a successful test, are realistic. It seems to me that the people in this area deserve the same assurance.

I said jokingly to one of my colleagues a moment ago, "You know, if you really think this is safe, why don't you put it in your State?"

Everyone seems to think it is fine, as long as it is our State, out along the Aleutian chain, because, apparently, no one seems to consider that the Aleutian chain is part of Alaska. It is. It is as important to us as any portion of any State is to any Member of this body.

I would, therefore, urge that we postpone the detonation. This does not postpone the utilization of the funds for research. It does not postpone any of the work going on out there.

It would postpone the detonation so long as the SALT talks continue during this fiscal year. If the SALT talks are successfully concluded, there will not be any need for the test anyway. We ought to face up to the matter from that point of view. The Amchitka tests are not necessary so long as the SALT talks have a hope of eliminating the need for this type of defense.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, I do not see how in the name of reason we are going to support an amendment that extends the date to June 30, a month later than the amendment just defeated.

The Senator from Alaska read in the press what the President would do. Quite frankly, if I were the Senator from Alaska, I would have picked up the phone, called the White House, and found out from the source whether there was any intention on their part to do this.

We interrogate the witnesses that appear before our committee. The President did not come. He never comes. But his spokesmen do and they did in this case.

I pointed my finger at them directly and I asked, "Are you saying now that it is the policy of this administration that they want the money for the Cannikin test?"

The answer was emphatically "Yes." That was a categorical answer and it was answered categorically.

That is the best information I got. I am on this side of the aisle and the Senator is on the other side of the aisle. I do not run the administration. The only reason that I am managing the pending bill is because it is my committee responsibility.

The question here is whether this test is necessary.

Mr. Packard wrote the letter. He is not my man. I never appointed him. He is a Republican in the Defense Department, and he says that it is absolutely necessary. I sent all Senators a copy of his letter.

Then I got a statement from Bob Hollingsworth from the Atomic Energy Commission. That is run by the administration. They tell me it is absolutely necessary.

The Senator is coming in here and telling me it is not necessary. All right. If that is what the Senator says and if that is the way he feels about it, I can understand his sincerity. I do not question that for one moment, but when the Senator is saying here that the committee is apparently doing something that is irrational—and that is what it amounts to—I am telling the Senator that we agonized over this matter. I do not care about the test at Cannikin. It is not my personal responsibility. But it is my official responsibility.

I voted against phase 2 of the ABM when it came up before. I do not know what the Senator did. I voted for phase 1. I do not know what the Senator from Alaska did. I am told by the administration that unless we have this, we will never know for sure whether we will have a safe ABM system. That is what we are up against. I do not believe in the blue chip philosophy. But the Senator can tell the Russians that we do not have an ABM system, and then what will happen?

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. STEVENS. The amendment merely says that we will not detonate this so long as the SALT talks are going on.

The Senator raised the point about this being the responsibility of the administration. These tests were planned by the Democratic administration. I was not here. The Democratic administration started this. What we want to know is where we have the assurance that this would be a safe test.

Mr. PASTORE. Here it is right here in this commission study on environmental effects of this test.

Mr. STEVENS. Does that give any assurance?

Mr. PASTORE. It does.

Mr. STEVENS. The Senator asked me why I did not pick up the phone and call the White House. I did something better than that. I wrote them. I asked whether they planned to conduct a review to see whether the test was necessary. They have not made any conclusion with regard to that. It is my own opinion that the time would come when it would be canceled after all of the fears of those in Alaska and along the West Coast have been raised again.

If the Senator wants to debate this on the political aspects, I have been there and I will be glad to do that. But let us discuss that from the point of view of those in my State. Does the Senator want this placed in his State?

Mr. PASTORE. I am not debating this on the political aspects. The Senator from Alaska heard or read in the newspaper that the President was considering doing so. I am merely asking the Senator from Alaska to go to the real source and find out. There are no politics involved in that. That is what I would do. I would go and find out. But that is not what the administration told me when they came before my committee. I asked the question, and that is not what they told me. They were very emphatic in saying that this was absolutely necessary and that without it we will never know whether we will have an effective ABM system. That is what they said. The Senator from Alaska can make his own judgment.

Mr. STEVENS. Mr. President, will the Senator yield again?

Mr. PASTORE. The Senator can use his own time.

The PRESIDING OFFICER. The Senator from Alaska has 8 minutes remaining.

Mr. STEVENS. Mr. President, I have gone downtown, and I have asked them. They do say that they will conduct a thorough appraisal of the need for this test. They have not told me that they will not support the money. If the Senator misinterpreted me, I beg his pardon. The difference between this amendment and the last amendment is that I am asking the Senate to make the decision and not the President, because I would like to see it made now. I would like to see it postponed at this time so long as the SALT talks continue. I think that is a reasonable request. I voted for the ABM. I supported all these defense installations and the necessity for the new equipment. I do not think that delaying the test indicates opposition to the ABM. It merely indicates a question as to whether it is really needed if the SALT talks are successful. If this test goes ahead and the SALT talks are successful, what has been gained?

Mr. PASTORE. The point is whether the SALT talks would be successful without a good ABM system here. That is the question. It is as clear as the ABC's. If we destroy the Safeguard system here this afternoon, we have nothing to bargain with.

Mr. STEVENS. How would this destroy the system? They have the money. They can continue.

Mr. PASTORE. Will the Senator be patient for a moment and I will read the Packard correspondence. This is from David Packard who happens to be the Deputy Secretary of Defense.

Mr. STEVENS. He is a very fine man.

Mr. PASTORE. He ought to know what he is talking about. Does the Senator admit that?

Mr. STEVENS. I think he does. However, I happen to disagree with the Senator from Rhode Island.

Mr. PASTORE. Mr. President, let us see what he said. Whether the Senator disagrees with him or not, Mr. Packard knows what he is talking about.

The letter reads:

DEAR SENATOR PASTORE: This is in response to your request for my views on the importance of the Cannikin nuclear test to the national defense.

Mr. STEVENS. Mr. President, it was declassified because of the fear that this amendment might succeed.

Mr. PASTORE. Does the Senator want to have this letter read? Let me read the letter.

The letter reads:

This is in response to your request for my views on the importance of the CANNIKIN nuclear test to the national defense.

The nuclear device to be tested in the CANNIKIN event is for the development of a warhead for the Spartan missile of the Safeguard ballistic missile defense program, a program that Congress approved. The measurements of device performance which will be obtained from the tests are essential in my view, to the optimum defensive deployments of Safeguard for protection of the Minuteman missile sites.

Sincerely,

DAVID PACKARD.

Mr. President, if the Senator from Alaska can get it any better than that, I would like to have him show me.

Mr. STEVENS. Mr. President, I say that is the whole reason for this, the fact that we are going to deploy the Spartan missile. All this amendment would do is postpone the detonation of the Cannikin nuclear test until we know whether it will be necessary. If the SALT talks conclude to our disadvantage, we will go ahead with the tests. If the SALT talks conclude to our advantage, then it will not be necessary.

I think that we should wait until the outcome of the SALT talks and we should not detonate it until we know that it is necessary.

Mr. President, I yield back the remainder of my time.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

The yeas and nays were not ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be taken from either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Washigton (Mr. MAGNUSON), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I also announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 29, nays 64, as follows:

[No. 157 Leg.]

YEAS—29

Brooke
Case
Church
Cook
Cranston
Eagleton
Fong
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Kennedy
Mansfield
McGovern
Mondale
Muskie
Nelson
Pell
Proxmire
Ribicoff
Schweiker
Stevens
Stevenson
Tunney
Williams

NAYS—64

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McClellan
McGee
McIntyre
Miller
Montoya
Moss
Packwood
Pastore
Pearson
Percy
Prouty
Randolph
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—7

Bayh
Bentsen
Harris
Jackson
Magnuson
Metcalf
Mundt

So Mr. STEVENS' amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 3, line 10: After the figure "$3,500,000" Strike out the period and insert: ", except that no funds shall be obligated or expended for the acquisition of a fee simple interest inland, or any other interest in land which exceeds three years from the date of enactment of this Act, until an advisory council appointed by the President of the United States reports to be Congress that construction and operation of such project and the transportation of waste materials to the project can be carried out in a manner which assures the safety of the project, the protection of public health, and the preservation of the quality of the environment of the region".

LYONS NUCLEAR REPOSITORY

Mr. DOLE. Mr. President, H.R. 9388 would authorize fiscal year 1972 appropriations for an Atomic Energy Commission project of particular importance to Kansas: A national waste repository to be located near Lyons, Kans.

ENERGY CRISIS

With increasing urgency, we have been informed of the impending threat of brown-outs and black-outs. What was originally thought to be a restricted, regional problem is now seen as a national threat which has spurred policy reviews by the executive branch and the Congress. President Nixon found the threat so great that he sent a message to Congress on June 4, 1971, containing comprehensive proposals to meet what he described as the two challenges faced by all great industrial societies:

One, to find new sources of energy to fuel the economy; and two, to find sources of energy that will not pollute the environment.

As these energy requirements, both of the citizens of Kansas and of this Nation, increase, nuclear power will serve a vital role as an environmentally safe and reliable source of electricity. An integral part of assuring the success of this Nation's nuclear energy system is the requirement for nuclear waste repositories, and as a national goal we must insure that regardless of where located, the first nuclear waste repository will be a model for the construction and operation of future sites and must be a facility which minimizes all associated environmental and public health risks.

I recognize that construction and operation of a nuclear repository within the next 5 years is critical to the development of nuclear power in this country. Radioactive wastes are accumulating which require disposal and, should an ultimate waste disposal site not be developed within this period, the anticipated quantities of accumulated wastes will present a potentially grave hazard to public health and the environment.

Funds for the first such nuclear waste repository at a proposed site near Lyons, Kans., are contained in H.R. 9388.

QUESTIONS MUST BE RESOLVED

As expected, considerable attention has been focused on the environmental and safety aspects of this project by proponents and opponents alike. Many Kansans question the desirability and feasibility of allowing solidified high-level nuclear waste to be transported across the State or stored there without further scientific research into the environmental and public health implications of this project. Because this is the first repository, these concerns are intense and well-founded.

The same environmental and public health questions raised with regard to the Lyons, Kans., site would undoubtedly be raised with regard to any other site; therefore, it is imperative that a mechanism be established to resolve these issues in the public domain and to the satisfaction of all parties. The alternative is potential delay and aggravation of our existing energy shortages.

IMPLICATIONS FOR KANSAS

When I was informed of the AEC's tentative selection of a site near Lyons, Kans., for the storage of radioactive wastes, I was concerned with the broad implications of this project for Kansas, and I am still concerned. I ask unanimous consent that correspondence and statements relating to the Lyons repository be placed in the Record at this point. On August 11, 1970, during hearings before the Air and Water Pollution Subcommittee of the Senate Public Works Committee, I questioned Mr. Russell Train, Chairman of the Council on Environmental Quality, on the jurisdiction of the Council over this proposed project.

There being no objection, the material was ordered to be printed in the Record, as follows:

Atomic Energy Commission,
Washington, D.C., June 17, 1970.
Hon. Bob Dole,
U.S. Senate.

Dear Senator Dole: This is to inform you that the Atomic Energy Commission has tentatively selected a site near Lyons, Kansas, for an initial salt mine repository for the demonstration of long-term storage of solid high-level and long-lived low-level transuranium waste.

Enclosed is a copy of a public announcement giving details of the proposed project. It is planned to distribute this announcement to news media at 2:30 PM (EDT) today, Wednesday, June 17.

This matter has been discussed with appropriate officials of the State of Kansas.

If we can be of further assistance in furnishing information on this project, please let us know.

Sincerely,

John A. Erlemine,
General Manager.

Atomic Energy Commission,
Washington, D.C., August 20, 1970.
Hon. Robert J. Dole,
U.S. Senate.

Dear Senator Dole: This is to inform you of ongoing activities pertaining to the proposed salt mine repository at Lyons, Kansas. In order to obtain a better definition of the project for cost and safety purposes, the Commission has requested proposals from several firms to perform the conceptual design work for the facility. Three firms have submitted proposals to do this work. They are the joint venture of Fennix & Scission and Eagle-Picher Industries of Tulsa, Oklahoma; Resources Sciences Corporation of Tulsa, Oklahoma; and Kaiser Engineers of Oakland, California—These proposals include the Carey Salt Co., Hutchinson, Kansas, on a consultant or subcontractor basis. A Contract Evaluation Board has been established by our Oak Ridge Operations Office for the purpose of reviewing and evaluating these proposals. The Board's evaluation has been received and award of a contract to the successful proposer is expected shortly. The successful proposer in cooperation with the Oak Ridge National Laboratory is expected to prepare the conceptual design report, and a target date of about November 15, 1970, has been set for this report.

In connection with work at the Lyons site, the Kansas geologic survey has initiated drilling for shallow hydrology holes of approximately 100 ft. depth in the area of the proposed site. In addition agreement has been reached on the location for additional coring and drilling operations required for geologic studies, and drilling specifications are now being developed. The Corps of Engineers has been requested to acquire the necessary rights of access and to undertake the drilling operations, the results of which will be analyzed by the Kansas Geological Survey and the U.S. Geological Survey. It is anticipated that these drilling operations will commence about August 29, 1970. Also as part of the preliminary activities in connection with the acquisition of the site following authorization of this project, the Corps of Engineers has been requested to prepare a planning report on the status of title and the ownerships of the property to be acquired and also to furnish a preliminary appraisal of the value of the land and land rights involved. This planning report is expected to be available sometime after mid-September.

Concurrently with this effort, the Oak Ridge National Laboratory is preparing a draft safety analysis report on this project. ORNL has also prepared a draft environmental impact statement which is currently undergoing review in AEC Headquarters to meet the requirements of Section 102(2) (C) of the National Environmental Policy Act of 1969.

Independently of these efforts, the Committee on Radioactive Waste Management of the National Academy of Sciences is preparing a report evaluating the salt mine concept and commenting on proposed geologic studies. This report is expected to be available in the early fall.

In order to keep the public fully informed on this project and particularly the residents of Kansas, we are prepared to provide additional briefings, similar to that held in Lyons, Kansas, on Wednesday, July 29, 1970, at which Governor Docking and concerned citizens of Kansas and the press were afforded an opportunity to discuss the proposed repository with representatives of AEC and ORNL. Based on local desires in this matter, we plan to give a briefing by invitation at Salina, Kansas, in September; and we are in a process of working with the Lyons Chamber of Commerce for a townhall type discussion in October. At about the same time, we are proposing an industry-wide briefing at Lyons for firms who are interested in this project. We expect to solicit industry participation and cooperation in all stages as the project develops.

On August 27, 28, and 29, the Oak Ridge National Laboratory is providing to representatives of several agencies of the State of Kansas, who are concerned with this project in protecting the interest of the State, a complete technical briefing to enable them to better understand what is being proposed at the Lyons site.

It is our desire that information regarding this project be made fully and freely available to the public, and we are exerting every effort to see to it that it is conducted under full public scrutiny.

We shall continue to keep you informed of significant developments.

Sincerely,

John A. Erlewine,
Assistant General Manager for Operations.

August 26, 1970.

Dr. Glenn T. Seaborg,
Chairman, Atomic Energy Commission,
Washington, D.C.

Dear Dr. Seaborg: The AEC announced on June 17, 1970, that it had tentatively selected a site near Lyons, Kansas, for the long-term storage of solid high-level and long-lived, low-level transuranium waste.

Because of the broad implications of this proposed project for Kansas, on August 11, 1970, in hearings before the Air and Water Pollution Subcommittee of the Senate Public Works Committee, I asked Mr. Russell Train, Chairman of the Environmental Policy Council, whether the Council had any jurisdiction to police AEC plans for disposing of atomic wastes.

I was pleased that his response indicated that under the National Environmental Policy Act of 1969, a full study of the proposed project would have to be conducted. The study would include comments by all concerned federal agencies, as well as state and local governments. This study would then be submitted to the Council for review and comment.

In order to make this a meaningful process in compliance with Section 102 of the National Environmental Policy Act, I believe it is necessary that a thorough study be conducted throughout the decision-making process. It is not sufficient that a perfunctory review be made after the final decision has been made. Preliminary budget recommendations should not be submitted without full compliance with Section 102.

I would further request that you keep me fully advised during the decision-making process and notify me before the final decision is made.

Sincerely yours,

BOB DOLE,
U.S. Senate.

ATOMIC ENERGY COMMISSION,
Washington, D.C., September 15, 1970.
Hon. ROBERT J. DOLE,
U.S. Senate.

DEAR SENATOR DOLE: Thank you for your letter of August 26, 1970, requesting that you be kept fully advised during the decision-making process for the solid waste repository proposed for Lyons, Kansas, particularly with respect to actions under Section 102(2)(C) of the National Environmental Policy Act of 1969.

In announcing the selection of the Lyons site, it was indicated that this selection was tentative. The purpose of making a tentative selection is to enable us to do the additional geological and hydrological studies necessary to confirm the suitability of the site. Also this project requires authorization and funding by the Congress and other reviews such as the preparation of the environmental statement as required by Section 102(2)(C) of the National Environmental Policy Act of 1969. We intend to comply with Section 102(2)(C) in a meaningful way and the comments from Federal, state, and local agencies on the environmental statement which AEC is presently preparing will be available. Consistent with the guidelines for the preparation of environmental statements issued by the Office of Management and Budget, AEC will be making preliminary budget recommendations on this project concurrent with carrying out the procedural requirements of Section 102(2)(C). The final environmental statement will be available for consideration at the time the Congress is asked to act on this project.

We intend to keep you fully advised in connection with the development of the environmental statement as well as of other actions affecting the salt mine repository project. Mr. Erlewine in his letters of August 20 and 27, 1970, described the status of ongoing activities of this project.

We appreciate your interest in this project, and we wish to assure you that it will be conducted with full public disclosure in all its facets and that you will be kept fully and currently informed.

Cordially,

GLENN T. SEABORG,
Chairman.

ATOMIC ENERGY COMMISSION,
Washington, D.C., November 10, 1970.
Hon. ROBERT J. DOLE,
U.S. Senate.

DEAR SENATOR DOLE: My letter to you of August 20, 1970, noted that the Committee on Radioactive Waste Management of the National Academy of Sciences is preparing a report evaluating the salt mine concept and commenting on proposed geologic studies. This report has now been received and a copy is enclosed for your information. The report concludes that the use of bedded salt for disposal of radioactive wastes is satisfactory; and the site near Lyons, Kansas, is satisfactory subject to additional confirmatory data and evaluation. We are in the process of performing some of the additional studies and investigations, and we plan to do others during the design and development stages of the facility consistent with the NAS Committee recommendations.

We also take this opportunity to bring you up-to-date on current actions regarding the proposed salt mine repository. On November 12, 1970, the Atomic Energy Commission and the Oak Ridge National Laboratory personnel will provide a briefing at Lyons, Kansas, on the salt mine repository to nuclear industry representatives. This meeting was arranged by the Kansas Department of Economic Development and the Lyons Chamber of Commerce. During the week of October 24, 1970, AEC representatives provided a briefing on the salt mine repository to the Kansas Jaycees Mid-Year Convention in Hutchinson, Kansas; to the Agricultural County Agents in Lyons, Kansas; and to the people of Lyons and Rice County at a town-hall type meeting in Lyons, Kansas. Approximately 350 people attended the town-hall meeting, and the following days 756 people took a tour of the existing Carey Salt Mine.

The geological studies at the Lyons site have been proceeding satisfactorily. Two deep holes of approximately 1300 ft. in depth have been drilled and cored and geophysics logs taken. The Kansas Geological Survey is in the process of analyzing the cores. Based on the extent of knowledge of the geology thus far developed from the drilling, there is nothing to indicate that any problems regarding suitability of the site have arisen. Work will commence within the next few weeks on a program to drill four holes to a 300 ft. depth, principally for hydrological information.

Kaiser Engineers, the architect-engineer for this facility, in conjunction with the Oak Ridge National Laboratory is proceeding with the development of a conceptual design. Preparation of the draft environmental impact statement for this facility to meet the requirements of Section 102(2)(C) of the National Environmental Policy Act of 1969 is in its final stages and is expected to be circulated for review in the near future.

We will continue to keep you informed of significant developments regarding this project and to provide you with results of studies and other documents as they become available.

Sincerely,

JOHN A. ERLEWINE,
Assistant General Manager for Operations.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., December 15, 1970.
Hon. ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: Thank you for the cooperation and courtesy you extended to me in the course of my confirmation as Administrator of the Environmental Protection Agency.

During the confirmation hearing on Wednesday, December 1, you raised some questions about a plan currently under discussion by the Atomic Energy Commission to dispose of radioactive wastes in the State of Kansas. I have requested the Commissioner of EPA's Radiation Office to advise me of the details of the proposed plan. I will then communicate to you how EPA intends to help insure that the plan will not pose any dangers to the citizens or environment in Kansas.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
Administrator.

ATOMIC ENERGY COMMISSION,
Washington, D.C., April 30, 1971.
Hon. ROBERT J. DOLE,
U.S. Senate.

DEAR SENATOR DOLE: One of the questions which has arisen in connection with the proposed salt mine repository is whether or not authority and funding for land acquisition should be included in the AEC FY 1972 authorization and appropriations legislation. As you know of the $3.5 million requested for initial funding, about $1 million is allocated for land acquisition. The purpose of this letter is to set forth our reasons why we believe land acquisition is essential in FY 1972.

Acquisition of the site as early as possible in FY 1972 is important in order to permit us to move ahead promptly with the detailed engineering and ecologic efforts and related supporting work at the site. We are now in a position where the priority evaluations and tests are almost totally site oriented and site dependent; that is the necessary verification studies of principal concern, as voiced by the Kansas Geological Survey and others, such as the effects of heat transfer both in the salt and in the overlying and underlying rock formations, are of application specifically to the Lyons site. Even these remaining areas of R & D are not primarily of a "go-no-go" nature in terms of the suitability of the site. Rather, these issues relate principally to the design of the facility itself, which, in order to proceed, requires both a site and authority and funds to support the required architect-engineer work.

Also we wish to prevent additional penetrations of the overlying rocks or other intrusions which could be made by others which could result in serious damage to the site.

One of the studies advocated at an early stage by the National Academy of Sciences and which is concurred in by the Kansas Geological Survey is that all existing wells be located and properly cased and plugged to prevent any action which would reduce the integrity of the salt formation. Perhaps most importantly of all, it is necessary to begin acquisition of the land to assure that the project will be able to proceed at a pace which will allow adequate time for a demonstration phase.

This includes demonstration of receiving and storing both solid alpha-contaminated wastes and the high-level wastes in conjunction with other related activities supported by the Commission and the nuclear industry. It is our belief that the demonstration aspects of the project are absolutely essential to provide the confidence and understanding necessary to assure ourselves, the state agencies of Kansas, and the public that the facilities can be safely operated. We fully recognize that it will be several years following the commencement of operations before significant quantities of high-level wastes can be expected. These years are not too many in our judgment for us to do the things necessary to establish the complete safety and suitability of the site.

It should also be noted that while this is a facility which is planned to provide storage for both alpha solid low-level wastes from AEC operations and the high-level wastes from industry, these functions though independent are interrelated. Because of the very low levels of heat and radiation that emplacement of the alpha wastes will engender, there is no substantial technical reason why this portion of the repository cannot move ahead on schedule.

Acquisition of the land appears to be related to the concern that once the site is acquired, the AEC could not be stopped even if substantial questions regarding the project are raised. We assure you that acquisition of the land does not represent an irrevocable commitment to proceed on the part of AEC. Further, the Congress will review this project at least annually and will have to provide additional funds as the project proceeds. Thus the Congress will retain the power to halt the project if required.

Land acquisition can very often be a time consuming problem and could seriously affect a planned construction schedule with attendant delays and increases in cost. These cost increases are quite apart from those which can be expected as a result of growing increases in the price of real estate which is very often substantially affected by known Government interest in a particular area.

We would like to make clear our commitment and intention that if at any time a substantial safety problem arises which cannot be resolved, that part of the project would be stopped or abandoned. We are further committed that no radioactive wastes will be permanently emplaced in the Lyons Salt formations in either the high-level part or the low-level part until all the necessary prerequisite studies and safety analyses have been conducted and until the AEC as well as other officials with a direct responsibility in these matters are satisfied that the near-term and long-term safety can be assured.

We believe that deferring the land acquisition will only result in delaying the time when final safety judgments can be made. If we can provide you with any additional information, please, let us know.

Sincerely,

JOHN A. ERLEWINE,
Assistant General Manager for Operations.

ATOMIC ENERGY COMMISSION,
Washington, D.C., June 4, 1971.

Hon. ROBERT J. DOLE,
U.S. Senate.

DEAR SENATOR DOLE: Thank you for your letter of March 29, 1971, enclosing a copy of the statement you filed with the Joint Committee on Atomic Energy which we understand represents your comments on the draft Environmental Statement for the proposed radioactive waste repository near Lyons, Kansas. The final statement has been revised to reflect your comments to the maximum extent possible. Also, we have made numerous additions and revisions in response to comments received from Federal agencies and Governor Docking of Kansas. We believe the enclosed statement conforms with the letter and spirit of the National Environmental Policy Act of 1969. Also enclosed is a report indicating the disposition of the comments contained in your letter, including the comments made a part of your statement from the Senate Committee on Public Works. In this report we have not attempted to respond to specific comments but we have referenced the sections of the Environmental Statement which have been revised or amplified in response to your concerns.

We note that many of the comments call for information and answers which cannot be included in an environmental statement which must be prepared in advance of doing the work which will provide the answers. However, we do intend to address these matters during the course of the design of the facility and development of the operational procedures. As we have previously stated, this project will be reviewed by the statutory Advisory Committee on Reactor Safeguards where these issues will be fully explored. In addition, we have included in the final statement an extensive bibliography of published works on the salt mine concept including related research and development.

We will keep you informed of significant developments on this project and assure you of our intention to work closely with officials of the State of Kansas in developing the necessary assurance that this facility can be constructed and operated without endangering the health and safety of the citizens of Kansas.

Sincerely,

JOHN A. ERLEWINE,
Assistant General Manager for Operations.

AEC STAFF REPORT ON COMMENTS OF SENATOR ROBERT J. DOLE ON THE DRAFT ENVIRONMENTAL STATEMENT FOR THE PROPOSED RADIOACTIVE WASTE REPOSITORY NEAR LYONS, KANS.

UNANSWERED QUESTIONS

Comment.—A complete discussion of the effects of the proposed project on the environment should be available in the technical scientific literature and should be incorporated into the Environmental Statement.

Response.—The Environmental Statement has been revised to include a bibliography of pertinent reports (Sec. X) relating to the development of the salt disposal concept as well as related waste management research and development.

RADIOACTIVE EMISSIONS—CONTINUOUS MONITORING

Comment.—Radioactive emissions from any proposed repository should not be allowed to exceed those required throughout the nuclear industry.

Response.—The Environmental Statement has been amended to include a discussion of radiological and environmental monitoring which will be carried out in connection with the operation of the repository (Sec. VI.B.1.). The facility will be designed to maintain the release of radioactive materials from the facility to the lowest practical levels and below applicable regulations.

RETRIEVAL

Comment.—There is no indication of the steps that would be taken should retrieval be required at a later time. These possibilities must be evaluated and an objective safety program provided for—before actual construction begins.

Response.—The position of the Commission on the question of retrieval of the high-level wastes has been amplified in Section VI.E. As noted in the revised Statement, this repository is a demonstration facility. During this period of demonstration, pertinent calculational techniques and operational procedures will be verified by in situ measurements, (Sec. VI.A.). All wastes buried during this demonstration period will be readily retrievable. The systems by which retrieval could be effectuated will be developed during the design of the facility.

EFFECT ON GROUNDWATERS

Comment.—There is no data presented in the Environmental Statement on the relationship of the groundwaters used as water sources for the communities of Lyons, Sterling, and Chase to the groundwaters in the vicinity of the proposed site. Should these groundwaters be from the same geologic aquifers, there would be a risk of not only contaminating these water supplies but also the disruption of water supplies. This question requires resolution prior to the initiation of construction.

Response.—The portion of the Environmental Statement describing the details of the near surface aquifer systems existing at the repository site has been expanded to show the general relationship of the aquifers at the site and local groundwater supplies. Additionally, the Statement reflects the fact that there are on-going hydrologic studies being carried out at the site to assure that there is adequate isolation of the salt from the overlying water-bearing formations. The effluent control systems (Sec. VI.D. and Sec. VIII.B.) state that there will be no liquids released from the facility and the effluent control systems which will be incorporated into the facility will prevent any significant contamination of local groundwater supplies.

Comment.—There is also need for further information on the potential effects of the future development of groundwaters on the salt beds to be employed.

Response.—As part of the site evaluation studies, the effect of future changes in groundwater use patterns or control rates will be evaluated in terms of their effect on the future stability of the salt beds.

Comment.—Public health and environmental policy should dictate resolutions of these points preferably before site development is initiated, but definitely before the site is used for the disposal of solidified radioactive wastes.

Response.—The Commission has publicly stated in testimony before the Joint Committee on Atomic Energy and before members of the Kansas State Legislature that wastes will not irrevocably be buried at the facility until all significant safety questions have been adequately resolved. It should be noted that certain confirmatory tests and measurements will require the emplacement of radioactive wastes within the salt. However, as noted in Sec. VI.E. of the Statement, these wastes will be buried in a fully retrievable form.

AEC STAFF REPORT ON COMMENTS RECEIVED FROM STAFF OF THE SENATE COMMITTEE ON PUBLIC WORKS ON THE DRAFT ENVIRONMENTAL STATEMENT FOR THE PROPOSED RADIOACTIVE WASTE REPOSITORY NEAR LYONS, KANS.

GENERAL COMMENTS

Comment.—There is inadequate documentation of the soundness of the salt disposal concept by non-nuclear professionals.

Response.—The statement has been revised to include a bibliography (sec. X.) and an expanded section (Sec. II) on the background of the project.

Comment.—Salt domes represent a significant alternative—further explanation for the rejection of salt domes is warranted.

Response.—The revised statement includes an expanded section (Sec. IV.) outlining the rationale for excluding domes as a site for the initial repository.

Comment.—The statement does not include any discussion of the environmental monitoring programs.

Response.—Statement revised to indicate that monitoring programs will be developed and implemented.

Comment.—Where alternatives are discussed, plans of other countries should be discussed.

Response.—We do not believe such a discussion is appropriate for inclusion in this statement. The IAEA recently held a symposium on the ultimate disposal of radioactive waste dealing with the waste management plans of other nations. This report should be available in the near future.

SPECIFIC COMMENTS

Comment.—The risks of the transport system as a whole should be analyzed.

Response.—We do not believe that such an analysis is appropriate for inclusion in the impact statement on the repository. We believe that existing regulations and regulatory processes are adequate to assure the safety of existing and proposed transport systems. The section on transportation and packaging of radioactive wastes (Sec. VI.F.) has been expanded to reference the applicable regulations of the DOT and AEC.

Comment.—Although risks attendant to repository operations are small, detailed analyses appear desirable.

Response.—As noted in Sec. VI.D. of the revised Statement, questions related to the safety of facility operations will be adequately addressed in the Conceptual Design and Safety Report, currently in preparation.

Comment.—Details on how perpetual care will be carried out is unclear.

Response.—Regulation (10 CFR 50) requires the Government to own the property on which repositories are located. The nature and extent of perpetual care will be developed in the course of determining charges to the repository users of which perpetual care will be a part.

Comment.—Data is needed on the radioactive elements of biological significance, their chemical form and solubility.

Response.—The statement has been modified (Sec. III.) to include this information.

Comment.—No evaluation is included of the possibility of accidents during transport. Conformation with DOT/AEC rules is not the only issue.

Response.—It does not appear appropriate to include in the impact statement a discussion of the adequacy of existing and internationally accepted standards regarding the shipment of radioactive wastes. As previously noted, the statement covering transportation (Sec. VI.F.) has been expanded.

Comment.—There is no discussion of the risk of spills, methods used to deal with spills or effect of spills on operations.

Response.—Discussions of potential accidents which could occur within the facility, including spills and safety systems (Sec. VI.D.) which will be employed to mitigate the consequences of potential accidents are operational considerations and will be described in the Conceptual Design and Safety Report.

Comment.—No statements are made concerning the steps that would be taken should retrieval be required . . . an objective safety program for retrieval is needed at this point.

Response.—An expanded statement covering the Commission's position on retrieval has been included in the revised document (Sec. VI.E.). However, the concepts for such plans are matters which can only be developed in the course of the design of the facility and during the demonstration phase.

Comment.—No evidence presented that radioactive materials will not intrude into the adjacent mine.

Response.—The operating American Salt Company mine workings are located approximately 1800 ft from the active repository workings. The revised Environmental Statement presents (Sec. V.B.2.c.) estimates concerning the migration of radioactive materials through solid salt. These estimates indicate that particles of solidified wastes will move at a rate less than 1/10,000 of an inch in one million years.

Comment.—Once a vault or mine area is opened up at depth, fractures in salt will not recrystallize under lithostatic pressure.

Response.—If the comment has been interpreted correctly, it would suggest that closure, collapse and subsequent recrystallization does not occur in mined out areas. This statement does not appear to be supported by available evidence. The Lyons mine is presently undergoing closure. See Section V.B.1.d. for discussion on Geophysical Impact.

Comment.—Once a hole is opened up, it will fill from the sides and top and may cause the formation of cracks along which infiltrating downward percolating waters may flow to dissolve larger cavities.

Response.—The potential for the initiation of solutional processes by various means is being evaluated as part of the ongoing site studies and has been addressed in the revised Statement (Sec. V.5.b.c.).

Comment.—The implication that estimates of the westward migration of the salt front (i.e., 5 miles in 1 million years) may not be valid for the future, considering future manmade alterations in the geohydrologic regime.

Response.—The potential for adverse alterations in the regional hydrology will be assessed as part of the ongoing site evaluation studies.

Comment.—The two most significant factors are seismic activity and the potential for groundwater contamination (after earthquake).

Response.—As noted in Sec. VI.D., the facility will be designed to maintain confinement and safe-shutdown capability in the event of an earthquake of intensity appropriate to the site. Details of the facility earthquake design criteria will be outlined in the facility Conceptual Design and Safety Report. The potential for seismic events which would compromise the integrity of the salt will be evaluated after completion of ongoing site studies. Studies carried out thus far reveal that there are no structural or stratigraphic conditions which would suggest that the site is unsuitable for the proposed use.

Comment.—No evidence is presented to support the contention that the heat effect will counteract subsidence. Since the temperature effect (i.e., thermal expansion) does not take place immediately consideration should be given to this problem, particularly as it applies to contamination of the groundwater.

Response.—The general topic of expansion, subsidence and thermal effects has been expanded in the revised statement (Sec. VI.B.1.d. and Sec. V.B.1.c.) reflecting the additional measurements which will be made to confirm these estimates.

Comment.—The possibility of groundwater contamination is of importance as is the possibility of subsidence and fracturing of the rock above the salt bed allowing waters to penetrate the salt bed.

Response.—The potential impact of subsidence and expansion has been addressed in the revised statement (Sec. V.B.1.d. and Sec. V.B.1.e.).

Comment.—There is no data presented in the Environmental Statement on the relationship of the groundwaters used as water sources for the communities of Lyons, Sterling and Chase to the groundwaters in the vicinity of the proposed site. Should these groundwaters be from the same geologic aquifers there would be a risk of not only contaminating these water supplies, but also the disruption of water supplies. This question requires resolution prior to the initiation of construction.

Response.—The portion of the Environmental Statement describing the details of the near surface aquifer systems existing at the repository site has been expanded to show the general relationship of the aquifers at the site and local groundwater supplies. Additionally, the Statement reflects the fact that there are ongoing hydrologic studies being carried out at the site to assure that there is adequate isolation of the salt from the overlying water-bearing formations. The effluent control systems (Sec. VI.D. and Sec. VIII.B.) states that there will be no liquids released from the facility and the effluent control systems which will be incorporated into the facility will prevent any significant contamination of local groundwater supplies.

Comment.—There is also need for further information on the potential effects of the future development of groundwaters on the salt beds to be employed.

Response.—As part of the site evaluation studies, the effect of future changes in groundwater use patterns or control rates will be evaluated in terms of their effect on the future stability of the salt beds.

April 26, 1971.

Hon. Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: On June 17, 1970, the Atomic Energy Commission made public its tentative decision to locate a nuclear repository for the long-term storage of solidified radioactive waste near Lyons, Kansas.

Although a final decision has not been made on the use of this site, considerable attention has focused on the proposal in Kansas. Many Kansans question the desirability of allowing solidified high-level nuclear waste to be transported through or stored in Kansas without further scientific research into the implications of such a project for the environment and public health of Kansas citizens.

As a result of public interest, the Joint Atomic Energy Committee held two days of hearings on the Atomic Energy Commission's request to initiate land acquisition and construction of the proposed project. That Joint Committee is expected to act on the AEC's request for authorization before the end of this month and before a final environmental impact statement is filed in accordance with the National Environmental Policy Act.

I have examined the draft environmental impact statement prepared by the AEC on the project and have submitted a statement to the Joint Committee on my findings, conclusions, and recommendations. This statement is attached. Other Kansans representing the State and its scientific community have also raised questions. Some of these questions deserve answers before proceeding with land acquisition and construction of this project; all of the questions relative to the proposed Lyons, Kansas site deserve answers before the repository is placed in operation.

Scientific information supports the concept of the underground storage of radioactive wastes in salt formations as intrinsically the safest of the alternatives under consideration. My concern, however, is whether Lyons, Kansas is an appropriate site for such a repository.

A continuing review is needed of the risks attendant to the proposed repository adequate to satisfy not only the Federal Government, but the citizens of Kansas. Because this is the first such repository, and in order to insure an independent review of the available information satisfactory to both the Federal Government and the State of Kansas. I request that you appoint an advisory council composed of one representative from each of the following: Council on Environmental Quality, Environmental Protection Agency, Office of Science and Technology, and the Atomic Energy Commission, and two Kansas members. This council would examine the questions raised concerning the Lyons, Kansas site, and in the event that the project is authorized, review the land acquisition, construction, and operation of the facility. A periodic report would be provided to the President and the Congress on its findings, including recommendations for further research required to answer pending questions concerning potential public health and environmental effects.

I would appreciate early consideration of this matter.

Sincerely yours,

Bob Dole,
U.S. Senate.

Mr. DOLE. Later, on December 1, 1970, during confirmation hearings on William D. Ruckelshaus' nomination as Administrator of the Environmental Protection Agency, he assured me that his agency would take the necessary action to help insure that this repository would not pose any dangers to either the citizens or the environment in Kansas.

In recent months, I and other members of the Kansas delegation have repeatedly raised questions on the environmental and public health implications of this project and called for more funds for research and development to resolve the remaining unanswered questions.

ENVIRONMENTAL IMPACT STATEMENT

On several occasions, I have stressed that the AEC must comply, in a satisfactory and meaningful way, with the requirements of section 102 of the National Environmental Policy Act, by conducting a thorough study of the environmental and safety implications of the proposed project in the public domain.

Following the Atomic Energy Commission's issuance of the draft environmental impact statement, I undertook to obtain an independent scientific evaluation. With the approval of Senator Randolph, chairman of the Senate Public

Works Committee, the draft statement was circulated to members of the committee's scientific advisory panel, and their comments appear in the hearing record on this authorization bill. My statement on the draft environmental impact statement appears in the CONGRESSIONAL RECORD on March 19, 1971.

The advisory panel's comments included the suggestion of an alternative which has been termed the "Thermalt Process." On exploring this process, I found it was still in the developmental phase and not applicable to radioactive disposal at this time. I ask unanimous consent that a letter from Dr. Glenn Seaborg, Chairman of the AEC, on this subject, be placed in the RECORD at this point. Several basic questions were raised by the Public Works' Advisory Panel regarding the potential environmental and safety of this project, and these questions appear in the RECORD. Some of these questions, while recognized by the Atomic Energy Commission, have not been answered in the final environmental impact statement. Many of these questions, however, cannot be answered except during the design and development phases of this project. Funds for studies to answer these questions are contained in H.R. 9388.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., May 25, 1971.
Hon. ROBERT J. DOLE,
U.S. Senate.

DEAR SENATOR DOLE: This is in response to your letter of May 4, 1971, requesting the AEC's evaluation of a new process ("Thermalt") for immobilizing radioactive wastes. By letter of April 30, Dr. Robert R. Curry of the University of Montana had suggested to you that this process, followed by storage of the wastes in basalt rock, was sufficiently promising to completely change the picture for the proposed Federal radioactive waste repository at Lyons, Kansas.

The basic ingredients of the Thermalt process are a material with a high silica content (for example, powdered basalt); a finely divided light metal (for example, powdered or scrap aluminum); and sodium nitrate and sodium carbonate. The last two ingredients, with the radioactive fission products dispersed through them, are the major constituents of the waste salt cakes which are produced in the Hanford tanks by evaporating the waste solutions. When a mixture of the Thermalt ingredients is ignited, heat is given off and the high temperature fuses the materials into a basalt-like mass. This concept has been known for some years. In fact, the heat-generating reaction is basically that of the classical "Thermite Bomb" of World War II and has been extensively used in the metallurgical industry, as in the welding of steel rails.

The Thermalt work at Hanford to date has consisted of sixteen preliminary experimental runs, in most cases using only a few pounds of the ingredients. The experiments were performed outdoors because of the potential risks from the sudden evolution of heat. No radioactivity was used. We have yet to show, even on a laboratory scale, that the evolution of heat and radioactivity can be safely controlled. Two of the fission products, cesium and ruthenium, are volatile in some chemical combinations at the high temperatures expected.

The Thermalt process was not begun to find an improved or alternate process for any of the waste solidification processes which have been developed for use of private industry by the Waste Solidification Engineering Prototype (WSEP) facility, which is coincidentally sited at Hanford. Instead, the investigation was directed to the specific potential advantages of Thermalt for waste management operations at Hanford. The chemical compatibility of Thermalt wastes with basalt might be an advantage if we should wish to store solidified wastes in caverns excavated out of the basalt beneath the site. Also, since contaminated sand or soil of the site could probably be used as the basic silica-like ingredient, Thermalt might be a way to immobilize radioactive wastes of these types generated during eventual site decommissioning.

The very low solubility of Thermalt wastes might be an advantage in some situations but is not a significant factor in salt mine storage. The basic salt concept is that the salt bed is free from water, and thus relative solubilities of stored wastes are not significant.

With regard to basalt, we have always felt that some types of deep geological formations other than bedded salt might also eventually prove to be satisfactory for long-term storage of radioactive wastes. Exploratory drilling into the basalt beneath the Hanford sites is in progress as the first step in evaluating its suitability for caverns to hold Hanford wastes. However, we have not determined that a reasonable probability exists that a basalt cavern will provide the necessary containment of the radioactive material, nor have we determined that the heat conductivity of basalt is sufficient for the thermally hotter wastes from the nuclear industry reprocessing plants.

In summary, Thermalt processing and basalt storage, either separately or as an integral concept, are not available as substitutes for present waste solidification processes and salt mine storage, nor are they intended to be substitutes. They are in very preliminary stages of development and would take some years to explore to a feasibility decision for the Hanford wastes, assuming a firm need is established. No consideration is being given to adapting Thermalt to the types of waste planned for salt mine storage. We understand that the Hanford scientists who discussed the Thermalt work at a recent symposium at the University of Montana attempted to make its preliminary nature clear, and we reget you were later given a different impression. We feel strongly that it would not be in the best interest of all concerned to interrupt the salt mine project because of these essentially unrelated developments.

With regard to Dr. Curry's reservations on the Lyons salt mine, we are preparing a revision to the draft environmental impact statement which will reflect the comments of previous reviewers, including Dr. Curry and the other members of the Advisory Panel to the Committee on Public Works. Since one of Dr. Curry's criticisms of the AEC was outside the scope of the statement, we are not responding to it in the revision; however, we would appreciate the opportunity of commenting on it in this letter. Of the ninth and tenth pages of his analysis sent to you by letter of February 16, 1971, Dr. Curry states:

"In the case of the disposal site at Arco, Idaho, upon which I have been working for some time, the government has released highly toxic and radioactive liquid wastes into the aquifer and they are already proceeding out of touch and control toward the town of Idaho Falls."

Concentrations of radioactivity in the regional groundwater table below the National Reactor Testing Station have never been found to exceed levels which are considered safe for drinking water. Furthermore, no radioactivity released from the Station has ever been detected in the groundwater beyond the NRTS boundary. In August 1970, the U.S. Public Health Service, evaluating liquid waste disposal practices at the NRTS in response to a request by Senator Church, reported that "Since there is no off-site population exposure attributable to this operation, it can be concluded that the radiation safety criteria of the Federal Radiation Council have been met." Furthermore, the aquifer is monitored, so that anything in it would not be "out of touch;" and the general direction of flow of the aquifer is not eastward, toward Idaho Falls, but southwestward. According to our records, Dr. Curry has not visited the site or communicated with site personnel, including the U.S. Geological Survey personnel stationed there.

If we can provide any further information on these subjects, or if you would like a briefing by the AEC technical staff, please let us know.

Cordially,

GLENN T. SEABORG,
Chairman.

AEC ASSURANCES

Mr. DOLE. On June 4, Mr. John A. Erlewine, Assistant General Manager for Operations of the Atomic Energy Commission, wrote and assured me that these matters will be studied during the course of the design and development of operational procedures for the proposed Lyons Repository. He further assured me that these matters will be resolved during the design and development phase, and before construction of the repository is undertaken.

The Kansas State Geological Survey contends that purchase of the land and construction of the repository should be deferred until scientific tests can be completed and the safety of the project determined to the satisfaction of the citizens of Kansas, scientists, and elected officials.

This amendment will move this project from dead center and enable measured and responsive progress to be made.

PREVENT LAND ACQUISITION

My senior colleague from Kansas (Mr. PEARSON) has joined me on this amendment which restricts the Atomic Energy Commission from initiating construction of the repository for a maximum of 3 years. This authority allows the AEC to proceed only with the design and research necessary to answer the environmental and safety questions, it will prevent the Commission from initiating any action that would be potentially detrimental to the health and safety of Kansans. It will also prevent land prices from escalating during the period required to complete the additional research.

ADVISORY COUNCIL

Another element of this amendment to protect the citizens of Kansas is of crucial importance.

Previously, because of my belief that there was a need for a continuous and independent review in the public domain of the risks attendant to this project, I asked the President to appoint an advisory council composed of representatives of interested Federal agencies and Kansas citizens.

I am pleased to note that the Joint Atomic Energy Committee, in acting on the AEC request for authorizations for this nuclear repository, has endorsed this proposal and recommended that the Council on Environmental Quality or the

Environmental Protection Agency create such an advisory council.

I still believe such an advisory council should be appointed by the President and this amendment accomplishes that purpose.

By this amendment we also preclude the AEC from taking any action other than to proceed with the design of the project and undertake research and development until a Presidentially-appointed advisory council has reported to Congress that construction and operation of the repository and transportation of waste materials to it can be accomplished safely with full protection for the public health and the quality of the environment.

This advisory council will be in a position to publicly raise questions regarding the environmental and safety implications of this project and require their resolution, not only to the satisfaction of the scientific community, but to the satisfaction of Federal, State, and local public officials and the public at large, as well.

NEW SITE MAY BE REQUIRED

Not until all interested parties are reasonably assured of the safety of this project, should operation of this project be permitted. It may very well turn out that the questions raised concerning the Lyons Site cannot be resolved within the 3 years provided by the lease, and, if so, then another site will be required.

JOINT COMMITTEE WILL REVIEW

The Joint Atomic Energy Committee has recognized the importance of proceeding with this project and answering the questions which have been raised and, for this purpose, an additional $1 million is authorized for research and development. Only $3,500,000 is provided for design and initial construction, instead of the $21,500,000 requested by the AEC. In addition to the continuing review provided by the advisory council, semiannual written reports are required on this project. The Joint Committee will have the opportunity to review all of the data on the remaining environmental and safety questions during 1973 authorization hearings.

Additional expenditures will not be authorized if research or the reports of the advisory council indicate adverse environmental or safety implications.

This position is clearly stated twice in the committee's report. If the research and demonstration program at the Lyons, Kans., site does not meet reasonable standards before commercial operations begin, the project "will be canceled and appropriate steps will be taken to safely terminate any activities undertaken prior to that decision." The amendment would require this issue to be resolved within 3 years or a new site would have to be selected.

Mr. PASTORE. Mr. President, I have discussed this matter with the two Senators from Kansas, and I think that this is a good solution to a very thorny problem. I congratulate the Senators from Kansas for the very judicious and impartial way in which they have met this tremendous responsibility. I know what they are up against, and I know that sometimes in matters of this kind emotions run high, and it is hard to deal with them. But this amendment, I understand contains an authorization which could include a lease with an option to buy, is that correct?

Mr. PEARSON. That is correct.

Mr. DOLE. That is correct.

Mr. PASTORE. Is there an option to buy included?

Mr. DOLE. The authority granted could include an option to buy which could be exercised only after the passage of 3 years from the date of enactment of this bill, and provided that certain conditions have been met. In other words, they cannot acquire the land in fee simple, or any interest in the land in excess of 3 years, to allow time for study, research, and design.

As the Senator knows, the problem is very important to the State of Kansas. One of our colleagues, Representative JOE SKUBITZ, has been especially helpful in bringing the implications of the Lyons repository to our attention.

Since we realize that there must be a repository, consistent with safety and the public interest, we are willing to accept the decision of the Joint Committee to authorize funds for research and design subject to the amendment of myself and the senior Senator from Kansas (Mr. PEARSON).

Mr. PEARSON. Mr. President, H.R. 9388, as reported by the Joint Committee on Atomic Energy, includes authorization for the acquisition and development of a national radioactive waste repository at Lyons, Kans. While the long-range need for atomic waste disposal is one of the most pressing problems of the atomic age, this proposal before the Senate today could seriously affect the people and the environment of Kansas.

It is my belief that the complex nature of this problem requires a careful and logical evaluation. Those who emotionally react to this issue render a disservice, in my opinion, to the present and future needs of our country. Accordingly, I have endeavored to study the problems involved. That study prompts me to conclude that the authorization for acquisition of a site for the Lyons, Kans., waste repository should not be approved at this time for two reasons.

First, it is important to consider the unanswered scientific questions. The wastes involved, described by the AEC in its June 1971 environmental statement, are principally high level and alpha wastes which contain "radioactive nuclides that decay so slowly as to require that they be isolated from the biosphere for thousands of years." These wastes would be packaged into containers and placed in an abandoned salt mine, which the Atomic Energy Commission argues is the safest method of permanent storage.

Despite this belief, a number of scientists have questioned the strongly held opinions of the AEC. Dr. William W. Hambleton, director of the respected Kansas Geological Survey at the University of Kansas has stated that the Atomic Energy Commission's statement fails to conform to the letter and spirit of the National Environmental Policy Act of 1969. He also states that it fails to respond to specific comments and criticism leveled at the proposal.

At least four areas highlight the uncertainty of the proposal's ultimate impact. The questions are: First, whether structural deformations—fractures in sandstone and abandoned oil and gas wells—would impair the geological integrity of the proposed site; second, whether the seal of overlying rock formations could be broken by thermal and radiological stress, thus creating vertical permeability of the wastes; third, whether storage containers would present problems of retrieval upon migration to lower depths of the salt mines; and, fourth, whether surface transportation of wastes at 350° C. from Oak Ridge, Tenn., would present hazards to surrounding areas.

These problems are tacitly admitted in both the committee report and the AEC statement. The committee, on page 28 of its report, recognizes the problems but states that the question can be explored while further steps are taken toward actual construction of the repository. The AEC is also cognizant of the problems, but "assures" the public that they can be solved once the facility is in operation. For example, the AEC posits that "retrieval would only be considered in light of an objective safety problem under circumstances which to date have not been postulated. The facility will, however, be designed so as not to preclude retrieval." No specific delineation or outline of this solution is presented.

Overall, the concerned layman cannot help but conclude that serious unanswered questions remain which could adversely affect the health and environmental well-being of both Kansans and Americans in general.

The "assurances" of the committee and the AEC lead to the second argument for withholding final legislative approval. As a matter of policy, this country has developed a disturbing tendency to authorize carte blanche authority to executive and administrative agencies. The pending Lyons project authorization does precisely that. While the committee report and AEC statement assure much, they guarantee little. The committee report, for example, emphasizes that on several occasions continued authorization for projects has been refused if justification was considered inadequate. Other statements reiterate that the project would be canceled should the research and development program at the salt mine fail to meet reasonable standards.

The practical effect of this position, however, is to retain maximum flexibility for AEC. Moreover, having committed large sums of money to this course of action, it would be difficult for Congress then to end the project. Recent experience with other technological "experiments" strongly argues for absolute guarantees of environmental safety prior to final legislative approval.

Mr. President, a recent Washington Post editorial stated that the "Nation's energy needs have been regarded too long as ones best left to the experts." Kansans, who have a long history of popular participation in government, do not wish quiet acquiescence to such experts when they feel themselves threatened by dangerous atomic wastes.

It is for the reasons I have outlined, Mr. President, that I join today with my colleague, Senator DOLE, in offering an amendment to H.R. 9388. Our amendment would provide that land could not be purchased for the construction and development of a nuclear waste facility at Lyons. Rather, funds could only be spent for a lease or easement on such land. The lease or easement could not extend beyond 3 years from date of enactment of this bill. Funds could also be used, moreover, for research and development regarding potential effects on public health and the environment, and the design of such project. Our amendment would provide assurance to the people of Kansas that all necessary research will be undertaken and that all safeguards will be implemented before funds could be used for the acquisition of land. The decision to proceed would be made at the highest level of our government, by an advisory council composed of representatives from the State of Kansas, appropriate environmental agencies, and the Atomic Energy Commission. And most importantly, these representatives would be appointed by the President of the United States.

Mr. President, I think this is a reasonable proposal. It would allow the Atomic Energy Commission to proceed with its research. But above all, it would guarantee the safety of this project to the people of Kansas.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. DOLE. I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. FANNIN). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Kansas (Mr. DOLE).

The amendment was agreed to.

Mr. CURTIS. Mr. President, can the distinguished Senator from Vermont yield me 5 minutes on the bill?

Mr. AIKEN. I am glad to yield the Senator from Nebraska 5 minutes on the bill.

THE RAILROAD STRIKE

Mr. CURTIS. Mr. President, I rise to urge Congress and the President to take immediate action to end the railroad strike. Our economy has become so complex and so interdependent that this Nation can ill afford a transportation strike.

It is not right, and it is not moral, for a dispute between the few to be permitted to bring damage of an irreparable nature to the many. This railroad strike is creating havoc in many parts of Nebraska and throughout many other parts of the country. In certain sections of my State, we are still in the wheat harvest, or are still in the process of bringing the wheat harvest to market. If the railroads cannot run, the elevators cannot ship the grain, and if they cannot ship any grain out, sooner or later they cannot buy from the farmers.

Moreover, my attention was called this morning by telephone to a situation in reference to an important meatpacking concern in western Nebraska. All of their product is perishable; 80 percent of it is shipped by rail. If we have a railroad strike, these packing plants have limited storage space, so if they cannot ship their product out, they cannot operate, and they cannot provide a market for the farmers and cattle feeders of the area.

This amounts to much more than just a delay for these people, because day after day the cattle must be fed. And the cattle go out of condition if their weight goes up too much.

Mr. President, I could go on and on citing the injustice of this railroad strike, not only to farmers but to our entire economy. It should not be permitted to go on. Whatever is necessary should be done. If it is legislation, if it is action on the part of the President, I urge that it be done now.

I hope that appropriate committees will bring to this floor whatever legislation is necessary to put an end to this strike. We have done it before, and we should do it now.

Furthermore, Mr. President, I think the Congress of the United States is derelict in its duty if it does not provide some future protection against these transportation strikes. I believe the time has come when we must give consideration to a well-balanced and well-thought-out system of compulsory arbitration concerning labor-management disputes in the field of transportation.

Mr. President, our obligation as the Congress is to the general public, and the demands of no small group should be able to jeopardize and damage the interests of the many.

Mr. President, again I express the hope that the appropriate committees will bring us legislation, and that we can bring this strike to an end.

ATOMIC ENERGY COMMISSION AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9388) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Mr. GRAVEL. Mr. President, prior to calling up my next amendment, I ask unanimous consent to have printed in the RECORD a statement relative to the emergency core cooling system, and ask that it appear in connection with my previous remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EMERGENCY CORE COOLING BUDGET

Summary: what the amendment does.
Radioactive Power Plants (general).
Failures in ECCS Mini-Model.
Consequences of failure; Brookhaven Report.
Consequences of failure; Ergen Report.
Licenses based on effective ECCS.
Initial AEC response to test failures.
AEC's later response to cooling troubles.
Counting on luck until 1975.
Description of the LOFT Facility.
Shifting the burden of proof.
Public not consulted.
Advisors reveal "urgent need" for research.
Reduction in safety research: budget.
Deficient quality control.
Reduction also in "general reactor technology".
Request for distress funds, May 13, 1971.
Moratorium on nuclear power plants.
Resumé of amendment.
Counting on emergency core cooling.
Final warning from Providence?

SUMMARY: WHAT THE AMENDMENT DOES

This amendment increases the fiscal 1972 funds specifically for nuclear safety research in emergency core cooling systems and loss-of-fluid-tests, from $12,600,000 to $14,900,000, which is the minimal amount the atomic energy commission wants.

The office of management and budget (OMB) reduced the AEC's core cooling and loss-of-fluid testing budget to only $9,-900,000, which is several million dollars less than the amount requested by the AEC.

After some recent emergency core cooling experiments had produced some alarming failures, whose significance I will explain in a moment, the AEC asked OMB for an additional $5,000,000, largely for intensified emergency core cooling research (Source: Testimony by Dr. George Kavanagh, AEC Asst. Gen. Mgr. for Reactors, May 13, 1971 to JCAE).

Again the OMB cut the AEC request—this time, from $5,000,000 down to $2,700,000 new obligational authority (So stated by Rep. Chet Holifield in the hearing May 13th).

The amendment I am proposing would simply restore the $2.3 million distress funding which the OMB denied to the AEC. This money is needed urgently for work which is fundamental to the safety of American citizens in more than half our states.

RADIOACTIVE POWERPLANTS—GENERAL

The Emergency Core Cooling System (ECCS) is one of the vital "engineered safeguards" which stand between the public and the immense quantities of radioactive poison inside a nuclear power plant.

In order to appreciate the importance of the Emergency Core Cooling System (ECCS), it is necessary to appreciate the load of radioactivity inside a reactor.

A 1000-megawatt nuclear power reactor produces as much long-lived radioactivity every year as would the explosion of about 1000 Hiroshima bombs, plus enough radioactive plutonium to give 500 billion people the maximum permissible plutonium dose.

That is a fact of physics, and better engineering can not change it. That is perhaps the reason that two Supreme Court judges (Black and Douglas, 1961) have called the production of electricity with nuclear fission "the most awesome, the most deadly, the most dangerous process that man has ever conceived."

Obviously it is essential—crucial—to keep the radioactive poisons which are inside nuclear reactors from getting outside into the environment, where they can poison life for generations and even for centuries to come. The plutonium needs 24,000 years to lose half of its harmfulness. Radioactive pollutants are especially effective at causing cancer, genetic mutations, defective babies, and increases in all genetically-related diseases, which would include heart disease.

As nuclear power plants proliferate around the country, with projects already underway in 29 states plus Puerto Rico, the safety of the some major cities and large regions of the country depends on virtual human infallibility in designing these plants, manufacturing their components, constructing them, and operating them. Common human errors, and even a faulty electrical component, can put whole states and whole cities in peril.

This, then, is a super-technology—a little like the Apollo program, except that each nuclear machine puts many thousands of lives at stake instead of just three. I find it sobering that, even with the super-care given to the Apollo program, two out of 14 missions had serious accidents. We *have* to do better with nuclear reactors.

As Representative Chet Holifield, senior member of the Joint Committee on Atomic Energy, said last year: "The construction and operation of nuclear reactors are very, very complex, costly, and inherently highly dangerous matters" (May 21, 1970).

So far, we have been lucky, *but our luck could run out at any moment.*

We are actually licensing and operating nuclear power plants without ever having had a single large-scale test of one vital safety system called the Emergency Core Cooling System (ECCS). I doubt that most of my colleagues would endorse such recklessness if they were aware of it.

FAILURES IN ECCS MINI-MODEL

Thanks to the front-page story May 26th in the *Washington Post* and the second story May 28th, most of my colleagues may be aware for the first time that, in recent mini-scale tests on an Emergency Core Cooling model, part of the system failed. Simply *failed* in six straight tests. This, after years of assurance that computer models and component-tests should give us complete confidence that the real things will actually work. This, after years of assurance that it is perfectly safe to claim safety for real reactors on the basis of mini-scale tests.

Now we are suddenly told that the mini-scale tests are "not a fair model" of real reactors (*Nucleonics Week,* May 6, page 1) and that the results can not be extrapolated from small scale tests to real reactors conditions (*Nuc. Week,* May 6, p1).

I say that the so-called experts can not be allowed to have it both ways—they can't tell us, as long as the mini-tests are going well, that the models are appropriate and that we can safely extrapolate from small scales to big scales. And then turn around when their mini-tests backfire and tell us that they designed in appropriate models and that mini-tests bear no relation to reality anyway.

With the safety of states from coast to coast riding on the mere *assumption* that the Emergency Core Cooling System will work if it is needed, the tests in which it did NOT work may become front-page news across the country, once their significance is understood. We in Congress should not be caught ignorant.

CONSEQUENCES OF FAILURE: BROOKHAVEN

The Emergency Core Cooling System is one of the essential safety systems standing between nuclear power plants and disasters like the hypothetical one described in the AEC's 1957 Brookhaven Report—which unfortunately is not easily available to the public.

If we use the AEC's own Brookhaven Report as a basis, what shall we consider to be the maximum consequences of a single severe accident?

1. Fifteen states the size of Maryland might be contaminated radioactively (150,000 square miles); water supplies contaminated; other power plants contaminated.
2. Half a million people might need evacuation fast—radiation refuges with nowhere to go.
3. Perhaps another 3½ million people might have to have their time outdoors restricted to keep them from receiving high radiation doses.
4. There might be general panic.
5. In addition, there might be 3,000 or 4,000 people dying from acute radiation overexposure.
6. Plus another 50,000 people—especially children—dying later from radiation-induced cancer.
7. Damages in monetary measure of $7 billion or more.

The Brookhaven Report itself states that about 5% of the time, weather conditions exist which could make the consequences even worse.

The Brookhaven Report was written in 1957.

In 1965 it was reviewed, and in June, 1965, AEC Chairman Glenn Seaborg wrote to the Joint Committee on Atomic Energy that, "The likelihood of major accidents is still more remote"—due to engineered safeguards such as Emergency Core Cooling Systems—"but the consequences could be greater".

In July 1970, the AEC was still issuing that statement. Thirteen years after its one-and-only, not-very-public description of the risks of nuclear electricity, the AEC promises to update the report—starting "next year or so" according to Commissioner Clarence Larson's replies Dec. 4, 1970 to some of my questions (*Underground Uses of Nuclear Energy,* Part 2, page 1664, Hearings on S. 3042 before the Senate Subcommittee on Air and Water Pollution). Such a study is urgently needed, as I pointed out in my remarks introducing S. 1855. Whether or not the AEC can be objective about its own baby is another matter.

CONSEQUENCES: THE ERGEN REPORT

Manwhile, in 1967, the AEC Advisory Task Force on Power Reactor Emergency Cooling, under W. K. Ergen, produced a report called "Emergency Core Cooling"—the subject of the amendment I am offering.

This report, which is the most recent *comprehensive* study of the system, makes it clear that if the ECCS does not work in the way it is supposed to work, the consequences could render the other safety features—the much-touted "redundant" safety features—ineffective too. In short, containment of the radioactivity I described earlier COULD NOT BE GUARANTEED, and we could have a Brookhaven-type of accident. This was written ten years after the Brookhaven report. In 1968, the AEC's Advisory Committee on Reactor Safeguards stated its agreement with the Ergen Report. In fact, just last year, a member of the AEC's licensing board, Dr. Walter Jordan, wrote that "we can see ways it could happen" (*Physics Today,* May 1970). (ck)

I recommend the full Core Cooling Report to everyone who enjoys feeling the hair stand up on the back of his neck. Appendices 5 and 6 are especially thrilling. Although the report's introduction explicitly warns against taking anything out of context—which probably means, journalists STAY AWAY—the report is 226 pages long, and obviously I shall have to take parts out of their full context.

Appendix 5 is called "Core History Without Effective Emergency Core Cooling". The core is the nuclear part of a nuclear power plant, and this appendix tells what may happen to it if Emergency Core Cooling is needed and fails.

Emergency Core Cooling would be needed in an accident which caused the regular water to escape from the nuclear core. This accident is called a Loss of Coolant Accident, or LOCA for short and one defective weld could cause it. Fortunately, a LOCA has not yet happened and therefore the ECCS has not yet been needed.

When a LOCA does happen and if the ECCS fails to work, Appendix 5 describes what may happen in steps:

First: The nuclear core heats up.

Second: The nuclear core melts and falls as a "heap" or a "glob" at the bottom of the reactor vessel. What happens *during* the meltdown is both extremely uncertain and extremely important.

"The role of uranium and fission-product vaporization during core meltdown is presently uncertain . . . Vaporization of a few percent of the fuel . . . could have profound consequences in terms of fission product release and subsequent deposition at undesirable locations" (ECC p143).

Also, "The first effect of the core material falling into the vessel head would be to rapidly evaporate any water in the vessel. A rapid production of steam might affect the flow of core material through the grid plate and might blow molten core material up through and out of the pressure vessel" (ECC p144).

Also: "If (the less volatile) fission products are distributed throughout the containment (building), they may adversely affect the operation of the fission product removal systems and even cause containment failure" (ECC p154). In other words, they might mess up the operation of the only remaining engineered safeguards on which we are all having to bet our lives.

Third: The molten nuclear core would melt right through the metal reactor vessel in 30 minutes to two hours. "If the core were allowed to settle onto concrete, the concrete would decompose, perhaps rather violently. It would certainly not be prudent to depend on concrete which is in contact with a thick section of the core to have any structural characteristics" (ECC p210).

"The nature of the molten core and its flow behavior are unknown. Whether it would rapidly spread out into a thin layer or remain more in a heap is unknown (ECC p147).

"It seems certain that melt-through will be a catastrophic event in that large quantities of molten material will be discharged suddenly . . . A major question concerns the interaction of the molten stream with the water pool likely to be at the bottom of the containment vessel. The molten core material, in falling into a water pool, is likely to cause steam explosions . . . Our predictive ability is very limited . . . The most serious effects of such explosions might be the tendency to scatter molten core materials to higher regions of the containment wall where localized melt-through might occur. Another serious effect of localized explosion is to promote subdivision of the molten core material and increase the overall rate of the reaction of water with the metallic constituents of the molten core material. The increased production of hydrogen is the serious feature which can lead to containment failure by gradual hydrogen overpressure in spite of the successful operation of containment sprays or suppression pools." (ECC p145).

In other words, without the ECCS, the worst conceivable accident might well happen. The containment could be ruptured by melt-throughs, by stream explosions, by hydrogen explosions and overpressure—"opening the containment like a ripe mellon", someone has said.

If just 5% of the radioactive inventory escaped into the environment, we would have an accident equivalent to the one hypothesized in the Brookhaven Report. In fact, far worse. The reactor in the Brookhaven Report was postulated to be 30 miles from a major city. The AEC is in fact granting construction permits for mammoth reactors

4 miles from New London, Conn.

5 miles from Trenton, New Jersey

10 miles from Philadelphia, Penn.

12 miles from Gary, Indiana

24 miles from New York City.

Dr. Seaborg thinks someday the AEC will license them in the heart of major cities (testimony to JCAE, May 13, 1971).

LICENSES BASED ON EFFECTIVE ECCS

What is the reason for putting such "inherently complex and highly dangerous" machines closer and closer to cities? I suppose the real reason may be to make nuclear power economically competitive—transmission from a distance costs money—but the ostensible reason is the safety provided by more and more engineered gadgets—like the never-tested Emergency Core Cooling System.

Now that the effectiveness of the Emergency Core Cooling System is so uncertain, I would not be surprised if efforts were made to convince the public and Congress that Emergency Core Cooling is not so important after all. I think the Ergen report of 1967, the ACRS agreement of 1968, and the 1969 Internal Study Group Report by Mengelsdorf, demolish that line of argument. After studying these reports and other documents, Dr. Ralph Lapp concluded:

"The point to stress here is that emergency core cooling systems which may spray water into or flood the reactor core have to work within five to 10 seconds. Otherwise one is no longer dealing with a reactor core but with a glowing mass of molten and melting material for which additional cooling or preventive measures are no longer effective. Yet as one reads through the Ergen report, the phrases 'a matter of speculation' or 'it is not known' keep recurring. I have not been able to find any more recent AEC analysis of core cooling, nor have I come across any overall evaluation of nuclear safety. I therefore urge that a high-level review of reactor safety be made by some independent group such as the National Academy of Engineering, funded by the Environmental Protection Agency." (in *New Republic* series, January 23, 1971, p. 20).

In case anyone would like to argue that the ECCS lost importance between the 1967 Ergen report and today, I shall quote from the AEC's Asst. General Manager for Reactors, Dr. George Kavanagh, testifying May 13, 1971 to the JCAE:

"Heavy reliance has been put on engineered safety features such as emergency core cooling." Please note the commendable candor: "heavy reliance".

Kavanagh also explained that a loss-of-coolant-accident (LOCA) is the major accident which concerns them most, and that engineered safeguards have been figured out which "would prevent the worst conditions from taking place, largely through cooling the core by an auxiliary cooling system". Please note the admission: "largely through" emergency core cooling systems.

Kavanagh explained the urgent need for more money for emergency core cooling experiments by saying, "Some of these experiments, notably a recent series of experiments on a small device with electrically heated elements, have had results which have not been confirmatory of what the people doing those experiments thought might happen."

Kavanagh was asked by a Committee member whether the result was better or worse than expected. Kavanagh replied, "Worse. If it were better, we might not have been allowed to come up here asking for money."

INITIAL AEC RESPONSE TO TEST FAILURES

The objectivity and intellectual honesty of promoters in any field is questionable, especially when they are in serious trouble. That is human nature, and we could all be called fools by our constituents if we suppose otherwise.

It is painful to hear AEC officials, in whose hands we are all presently forced to place our very lives, trying to squirm out of the present difficulty by applying a biological argument to an engineering problem. Namely, in *Nucleonics Week* of May 6th (front page), an AEC official (unnamed) is quoted as saying, "it is absolutely amazing to me that anyone could take a bit of data among thousands of results and build up a case on it".

Now that is sound reasoning in biology and medicine. Living systems are plastic, infinitely variable, and unpredictable. Therefore if you have 1,000 studies which show a positive correlation between, for instance, smoking and heart disease, and three studies which show a negative correlation, you probably "Go" with the bulk of the data. To hear such reasoning applied to machinery—especially such dangerous machinery—is (to use the AEC phrase) "absolutely amazing to me". Desperation can do bad things to good men.

What really should amaze us is that the AEC builds up a case for effective core cooling on no data at all. I repeat: There has never been a single large-scale integrated test of the emergency core cooling system.

It will further amaze me if anyone has confidence in the AEC's latest safety claims, made on Saturday, June 19th.

AEC'S LATER RESPONSE TO COOLING TROUBLES

In the face of two reductions in nuclear powerplant safety-margins, the Atomic Energy Commission claimed (June 19th) that its newest calculations show the plants are reasonably safe anyway; at the same time, the AEC issued stricter new criteria for Emergency Core Cooling Systems which "the industry can live with".

Every safety decision which emerges from the AEC's secret internal debates already incorporates numerous moral judgments about how much safety we *should* have, as well as technical estimates about how much safety we actually *do* have.

It is imperative that the technical judgments be checked out by a team of engineers with no ax to grind, and that the moral judgments be checked out by Congress and the public. There is no justification for the present obscurity and secrecy on either score.

The AEC's announcement on June 19th was remarkable. The AEC had found unexpected reactor safety trouble—higher fuel—cladding temperatures—which means less safety. The AEC had *also* found in mini-model tests six months ago that the emergency cooling water from accumulator tanks would most probably *not* go where it was supposed to go in a nuclear power reactor during a loss-of-coolant accident—which was a real shock.

Nevertheless, the AEC's new calculations coincidentally "show" that the plants are safe enough anyway. What is enough?

The head of the AEC's task force on emergency cooling, Stephen Hanauer, of the Regulatory Division, said:

"We have always known there were large margins of safety, and now we are using them . . . (to offset the lower margin of safety) we are going to require more safety measures. If we require better pumps, that's more safety, right? If we require cooler temperatures, that's more safety, right?"

The confidence that these measures will provide safety is based entirely on calculations, not on integral demonstrations on any scale, small or larger. It is interesting that the mini-model tests which backfired have not been repeated to test the effectiveness of the new measures.

What confidence can we have in new calculations and new safety claims from the very same people who have had to admit that their last calculated margin-of-safety was wrong? For all we know, the present safety margin may really be *zero*, and the AEC may be miscalculating *again*. There are many mysteries in the behavior of large nuclear reactor cores—especially in the course of accidents.

In a few months, more small-scale loss-of-coolant tests will be performed, using a different model from the one which backfired.

As everyone knows, it is possible to design models either to be more realistic, or to be more reassuring. Which will it be? How will we know? The temptation to make the next tests successful at any cost is apparent. The AEC admitted its earlier core cooling errors only after *Nucleonics Week* broke the story on May 16th, although the AEC was aware of the problem five months earlier.

COUNTING ON LUCK UNTIL 1975

The consequences of another miscalculation on loss-of-coolant accidents would be disasterous. If such an accident occurs, the never-tested emergency core cooling system (ECCS) must work instantly and effectively.

Since there has never been a single large-scale integrated test to find out if the emergency core cooling system will work effectively, or even operate at all when needed, we have been extremely lucky that no loss-of-coolant accident has occurred yet.

It is impossible to test the emergency core cooling system under anything approaching real reactor conditions, with real nuclear fuel, until 1975. Suppose our luck runs out first? Whole regions, cities, states could be radioactively contaminated by a single severe accident, producing half a million radiation refugees, 50,000 deaths, panic from coast to coast, and an economic crisis as well. A single major accident in San Clemente, California, in Illinois, Michigan, New York, or New England, would practically bring this country to its knees.

If the Federal Aviation Agency allowed the operation of airplanes with dubious and untested emergency systems for even a few months, Congress would not stand for it. Why does Congress put up with the very same policy from the AEC, when the stakes are so much higher?

I believe Congress has simply been unaware of the policy.

However, the fact is that the facility for the integrated emergency tests is only 60% built and only 90% designed. (Source: Milton Shaw to JCAE, March 4, 1971).

DESCRIPTION OF THE LOFT FACILITY

The loss-of-fluid-test facility, known as the loft facility, is described as "the only integral test facility in the world planned to carry out a major loss-of-coolant-accident experiment in which all of the accident initiation, response, and consequence phenomena are present in one test; it is the only one which incorporates the important variables and parameters of nuclear heat, behavior, and actual fuel materials under conditions typical of current power reactors . . . (because loft is) a live reactor in an accident mode, it makes the investigators face reality".

That is the opinion of Milton Shaw, AEC's Director of Reactor Development and Technology (Source: JCAE Testimony, March 11, 1970).

The loft emergency tests will cost $100 million, and Shaw believes they are worth it. I believe he deserves our gratitude for preserving the loft program against some internal AEC and industry opposition.

It defies *my* understanding how the AEC could license a single nuclear power plant *before* such tests are done.

I knew that the AEC had not "faced reality", but I was shocked to learn from *Nucleonics Week* (May 13, 1971, p. 5) just how *far* removed from reality the AEC safety experience *really* is.

For one thing, the mini-model tests for emergency core cooling didn't even use real nuclear fuel; they used electrically heated fuel pins, and there is a big difference.

For another thing: The mini-model was only 9-inches, compared with about 172-inches for a real reactor core.

For another thing, the geometry of the mini-model may have been unrealistic.

For another thing: The number of pipes and loops on the mini-model differs from a real reactor.

What assurance do we have that the next model will be more intelligent?

Although the press has focused its attention on the mini-tests which failed, the AEC's error in estimating fuel-cladding temperatures may be even more serious. Those temperatures effect everything crucial mentioned in the Ergen report—emergency coolant behavior, fission-product behavior, and meltdown behavior.

SHIFTING THE BURDEN OF PROOF

There is a question which I do not ask frivolously: What other crucial miscalculations still lie undetected?

I believe that people who doubt the safety of nuclear power plants do not have to justify their skepticism to the AEC. I believe anyone who wants to put a machine holding as much radioactivity as 1,000 Hiroshima bombs in our backyards, has to do the explaining.

I believe the AEC was chartered to serve the public, and not the other way around. There has been far too much self-serving secrecy from the AEC.

Nuclear power is a responsibility which Congress can no longer afford to leave to bureaucrats and businessmen conferring secretly to reach decisions "they can live with".

The AEC's soothing announcement June 19th about nuclear safety was a sure bet long before it was made. It would probably have been the end of the AEC, and of private investment in nuclear power, if the AEC had used its regulatory power to shut down nuclear power plants and deny further licenses until safety systems can be tested. Bureaucracies do not commit suicide.

Unfortunately, the AEC's statement on June 19th provides no guarantee of public safety. If the announcement provides anything at all, it provides a little safety for the financial community regarding its seventeen-billion-dollar investment in nuclear power plants. I, too, have often expressed my respect for the size of that investment, which the government encouraged and facilitated. It is possible, however, to solve nuclear safety problems with honesty and fairness to the public, as well as to investors and to atomic workers. The sooner Congress pays attention, the less it will cost.

PUBLIC NOT CONSULTED

It looks presently as if the "fairness" is lavished unevenly. Why were there no public representatives at the recent core cooling meetings between the AEC and the nuclear "vendors"? Value judgments as well as technical judgments were being made about safety, and several public groups had expressed intense and explicit interest in the subject.

The AEC announcement June 19th did not respond at all to appeals earlier this month from the businessmen for the public interest in Chicago, the Lloyd Harbor study group in Long Island, friends of the earth, the Sierra Club, zero population growth, Citizens Committee on Natural Resources, Natural Resources Defense Council, and Environmental Action, Inc.

The requests of these groups variously included shutting down eleven of the country's most dangerous nuclear power plants, denial of any more construction or operating licenses until the emergency core cooling system has had its first realistic tests with nuclear fuel, an evaluation of the AEC safety claims by an independent commission, and a shift in the burden of risk from the public onto the advocates of nuclear power.

By the time the first large-scale loft tests can be performed on the emergency core cooling system, there will be about 80 large nuclear power plants in operation, according to AEC projections. Since a severe accident at just one would affect the whole country, it is urgent to examine what is known and what is unknown about their safety. It is urgent to ask what the public considers to be an *acceptable* risk, in view of the AEC's admission that it can never guarantee complete safety from radioactive calamity.

It is important to realize that additional funds will not automatically decrease nuclear hazards, or cure the emergency cooling problem, but they are required to find out if the problems can be solved at all.

All my amendment does is provide the AEC with the distress funds it requested in order to accelerate the emergency core cooling investigation and the loft program.

Furthermore, it is important to realize that the ECCS crisis is not the only safety problem with nuclear electricity. The current flap on emergency core cooling only hints at the other unsolved safety problems with nuclear power plants.

ADVISORS REVEAL "URGENT NEED" FOR RESEARCH

Only 19 months ago (Nov. 12, 1969), the AEC's advisory committee on reactor safeguards (15 members) wrote AEC chairman Seaborg a letter with desperation in its tone. I shall read only the parts which concern light water reactors (LWR's), because that is the kind of reactor already in operation and the kind of reactor the AEC expects to license for the next twenty years. In fact, the AEC expects to license about 500 light water reactors. Their safety is vital to the health and livability of this country, for a severe accident at just one could ruin a major city and contaminate whole states.

Although the AEC has so far spent about $2 billion tax-dollars trying to develop and promote the light water reactors (testimony Milton Shaw, March 4, 1971, p. 33), it is clear from the letter I shall quote that the AEC's Advisory Committee has severe worries about their safety—especially about the mammoth reactors now receiving licenses.

"Dear Dr. Seaborg:

"The Advisory Committee on Reactor Safeguards wishes to reemphasize some previous recommendations concerning the need for safety research in several important areas in which the effort has not been sufficient. The Committee has recently been informed that overall reactor safety funding for Fiscal 1970 and 1971 will be considerably below the AEC estimates of need for the water reactor safety research program . . . As a consequence, many safety research activities have not been initiated, have been slowed, or have been terminated. The Committee reiterates its belief in the urgent need for additional research and development . . .

"In its letter to Mr. Hollingsworth (AEC Gen. Mgr.) of March 20, 1969, the ACRS stated its belief that '. . . more effort should be devoted to gaining an understanding of modes and mechanisms of fuel failure, possible propagation of fuel failure, and generation of locally high pressures if hot fuel and coolant are mixed, and that effort should commence on gaining an understanding of the various mechanisms of potential importance in describing that course of events following partial or large scale core melting, either at power or in the unlikely event of a loss-of-coolant accident.' The Committee has strongly recommended safety research of this kind several times during the last three years; the Regulatory Staff has also strongly supported such work. However, only small or modest efforts have been initiated thus far.

"In its comments of March 20, 1969, the Committee also recommended that '. . . considerable attention be given now to the potential safety questions related to large water reactors likely to be proposed for construction during the next decade. Larger cores, higher power densities, and new materials of fabrication are some of the departures from present practice likely to introduce new safety research needs or major changes in emphasis in existing needs.'

"It appears that, because of funding limitation and for other reasons, the recommendations of the ACRS will not be implemented at this time.

"The Committee is unanimous in its belief that, if the Loss of Fluid Test (LOFT) program is to be implemented, every reasonable effort must be made to accomplish it on an improved time scale (to start high temperature tests before 1975), and at a reduced cost in order to make adequate funding available for other high priority safety research. . . .

"In summary, the Committee again emphasizes the importance of safety research to the protection of the health and safety of the public, and urges that adequate funding be provided to permit timely pursuit in all high priority areas." (Source: Letter printed in AEC Authorization Hearings before JCAE, Part 3, March 11, 1970, pp. 1619–1622).

REDUCTIONS IN SAFETY RESEARCH: BUDGET

The appeal was to no avail.

AEC funding of reactor safety research over the last four years has actually declined, instead of increasing, if we consider inflation:

Fiscal 1969: $36 million appropriated (Report June 18, 69 p36).

Fiscal 1970: $38 million authorized (Report June 18, 69).

Fiscal 1971: $37.3 million authorized (Report May 11, 70 p27).

Fiscal 1972: $38.6 million we are now discussing.

The casual observer would not realize from these figures that, of the $38.6 million for fiscal 1972, only $15.9 million (approximately) is for light water reactors; the rest is for the breeders.

In the JCAE's May 11, 1970 report on the Fiscal 1971 budget request, it revealed (page 27–28) that it has been the policy of both the JCAE and the AEC to cut safety research on the light water reactors—which is the only kind which matters for the foreseeable future—and to put the money into research on the breeder reactor which might go into commercial operation 20 years from now. The JCAE added $1.3 million to the safety budget for Fiscal 1971, but said that most of it should be spent on the breeder.

"The Committee has observed that in recent years the development staff of the Commission has quite properly reduced certain efforts relating to research on light water reactors while concurrently urging that appropriate work be continued by sponsorship within the private sector of the nuclear industry. The regulatory portion of the Commission staff, in like manner, has urged that applicants for reactor licenses and manufacturers of nuclear systems undertake privately sponsored research to assure proper design and prooftesting of proposed engineered safeguards systems. The tenor of the Commission's testimony this year and, indeed, the thrust of this report, has been to underscore the importance of moving forward with this Nation's fast breeder development program in order to assure the availability of a proven commercially feasible high gain fast breeder reactor prior to the turn of the century."

It is crystal clear that we are taking risks with current nuclear power plants—national safety advertisements not withstanding—in order to push development of a breeder reactor which is decades down the road. I believe Congress has gone along with this policy out of sheer inadvertence—or bluntly, ignorance.

I think Congress should think twice, starting today, about the implications of a policy whereby safety in 29 states, where reactors exist or are under construction, depends on the AEC's success in "urging" the private nuclear industry, which is in deep financial trouble anyway to finance the safety research itself.

Obviously there is concern even within AEC ranks. In March 1970, Dr. Milton Shaw, AEC director of Reactor Development and Technology—which includes the safety program—testified as follows:

"In view of the industry position that only a minimal amount of research and development (on light water reactors) is required, such an approach would meet the intensive opposition and significant delays arising from differences of opinion as to the extent and nature of research and development required." (Authorize Hearings FY 71, p. 1375, See also p. 1341.)

In that same testimony, Milton alluded (as did the ACRS letter four months earlier) to safety research in light water reactors which had been "closed down", "deferred", "sharply reduced", "stretched out", and "terminated" (March 70 hearings, p1338–40).

Surely we must wonder if anyone is now doing the research called "urgent" and "important" by the ACRS.

DEFICIENT QUALITY CONTROL

Unfortunately, the safety problems with nuclear electricity are not confined to research and design. Severe nuclear accidents can originate in manufacturing parts and putting them together. The frightful loss-of-coolant-accident which requires the emergency core cooling—that kind of accident can be caused by a defective weld in the pipe system.

Therefore, it should give us all pause to read Milton Shaw's testimony last year that quality assurance practices "fall far short of what is needed" (p1191–92, Mar 70) and that this country may soon be at the mercy of giant nuclear power plants built by amateurs and novices. I quote Milton Shaw again:

"There are now 71 utilities and some 20 architect-engineering firms dispersed throughout this country working on nuclear plants. Most of these personnel are trying to build the first nuclear plant they have ever built. They have to get their nuclear education with this plant" (testimony to House Appropriations Com., April 21, 1970).

Since this was all said last year, you may be hoping that some miracle has produced safety in the last 12 months.

In discussing the status of the light water reactor industry, Dr. Shaw testified on March 4, of this year.

"While much progress has been made . . . the problems of inadequate quality assurance, engineering extrapolations, lack of experienced management and other personnel, siting delays and licensing difficulties, skilled labor shortages and productivity, and late component deliveries and repairs must still be compensated for, far too often, with attendant delays, cost increases, and uncertainties.

"It is also important to note there are still too many first-of-a-kind components not being proof-tested until after installation in the plant, and there are many new features which remain to be proven out until the plants operate at full power. Moreover, only limited experience has been gained with one commercial type 800 megawatt (electrical; meaning about 270 megawatts electrical power) light water plant . . . Experience is yet to become available with many first-of-a-kind components for 800 megawatt thermal and larger size plants . . .

"Further, more and more plants going into operation will have been built by utilities and architect-engineers with limited large plant experience of any type." (pages 16–17).

It is interesting to note the contrast between such testimony and the double-page nuclear power advertisements appearing in magazines like *Time*, *Newsweek*, and *Look*.

REDUCTION ALSO IN "GENERAL REACTOR TECHNOLOGY"

When discussing the budget for "General Reactor Technology", Dr. Shaw testified:

"Continuing its recent budgetary trend, the GRT request for FY 1972 is $38.5 million, a decrease of $3.5 million from the FY 1971 estimate and a cumulative decrease of about $11.0 million from the FY 1969 budget level, which was the peak budget year for the program."

What does the General Reactor Technology program cover? Shaw says the AEC relies on it to provide designers with basic information on the properties and limitations of various materials "in the reactor environment", to provide the designer with basic information on the behavior of neutrons in the nuclear core, on techniques to calculate their effects, and to control the reactor, and to find and demonstrate technical feasibility of reducing radioactive effluents and improving nuclear fuel integrity, "and to uncover and hopefully correct potential problem areas before they can become real problems". (pages 62–63).

"As a result of the funding trends, many important activities previously supported have been consolidated, stretched out, or cancelled . . . The previous reductions have already required such major cuts that, no matter what choices we make, we can not avoid the curtailment of highly important work and the loss of many competent personnel." (page 64).

When Dr. Shaw comes specifically to the category called "Nuclear Safety", which includes the ECCS and LOFT research, it becomes clear that only $16 million (approx) of the $38.6 million budget will go for safety in the most urgent field: light water reactors. In order to prevent a calamity which could cost 50,000 lives and $7 billion in damages, we spend $16 million a year, while the AEC's Advisory Committee says the undone safety research is "important" and "urgent".

I am sure Congress would not endorse such a policy if even half the members were aware of it.

REQUEST FOR DISTRESS FUNDS; MAY 13, 1971

When the AEC returned to Congress on May 13, 1971 to ask for $2.7 million additional distress funds for light water reactor safety, including ECCS, I believe the decision to ask was fueled by sheer desperation—for no one expects a friendly reception from the Committee which thinks it has wrapped up its budget hearings weeks earlier.

On May 13th, Milton Shaw's boss, Dr. George Kavanagh testified. He is AEC Asst. Gen. Mgr. for Reactors. He was asked by a new member of the JCAE (Sen. Baker) what level of funding would be sufficient to accomplish the safety projects which had been reduced and cancelled outright by previous budget cuts.

To everyone's horror, no doubt, Dr. Kavanagh blurted out, "We are asking for $2 million. If you ask me what my personal view is, I think we could use $30 or $40 million, but that is not what we are in for. $2 million would be very helpful . . . These are important experiments".

It may be argued that Dr. Shaw and Dr. Kavanagh want funds just to increase their empire. I doubt this, because I believe it takes some courage to present testimony in direct conflict with the announced policy of the Office of Management and Budget and the JCAE.

We may all end up wishing they had just enough additional courage to do what the Federal Aviation Admin. and the air controllers have done: they ground all planes of a single type when a defect is observed in just a few, and they walk off the job rather than allow dangerous air traffic conditions to continue indefinitely. Perhaps it will come to something like that in the AEC ranks over the Emergency Core Cooling debacle and other safety problems.

All members of Congress will be held responsible, too, for it *is* our responsibility to pay attention to the potential and unprecedented risks of nuclear electricity.

Fortunately, nuclear power today is providing only 2% of the country's electricity. Congress owes it to the country to consider the safety implications before the economy grows dependent on nuclear energy—what AEC Chairman Seaborg refers to as "the plutonium economy of the future".

MORATORIUM ON NUCLEAR POWER PLANTS

A moratorium on nuclear electricity would provide time-out for serious and urgent consideration of safety by several committees of Congress, for a single serious nuclear accident would involve air and water pollution on a tragic scale, contamination of the ocean, agriculture health, the economy, employment, insurance, banking, the Federal Power Commission, fuels, transportation, government operations, defense, consumer rights, constitutional rights, and even foreign relations.

In view of the serious doubts about the effectiveness of one of the vital nuclear safety systems, Congress has more reason than ever to consider declaring a moratorium from coast to coast on the operation and construction of nuclear power plants—especially next to earthquake faults.

Moratorium legislation has already been proposed in Minnesota and Oregon and New York City.

In California, where one out of every ten Americans lives, the issue is being submitted directly to the voters, in a citizens' initiative measure on the June 1972 ballot. A year from now, Californians will vote on an environmental initiative which includes a five-year moratorium on the construction of nuclear power plants in California.

It is ominous to note that the reactor already operating at San Onofre, California, is one which the AEC named on June 19th as requiring extensive improvements on its emergency core cooling system.

It is even more ominous to note that just a small 4.0 earthquake on June 21, a couple of hundred miles *away* from San Onofre, sloshed water out of the Western White House swimming pool which is located only 2½ miles from the San Onofre reactor.

No one can be sure if the San Onofre reactors can withstand an earthquake in San Clemente itself. Calculations prove nothing. After all, bridges engineered and calculated to be earthquake-proof, collapsed in the Los Angeles quake last February.

A falling bridge may kill 50 people on the highway. A reactor out of control may kill 50,000 people. If just 1 percent of the long-lived radioactivity inside escapes, that is equivalent to the long-lived radioactivity of ten Hiroshima bombs.

I do not mean to pick on California reactors in particular. No one knows if the Trojan Reactor near Portland, Oregon, can withstand an earthquake either. That one is under construction only 4.7 miles from an earthquake fault.

Although I believe that Congress must no longer ignore the need for a nuclear moratorium in this country, the amendment I am proposing at this time does *not* include a moratorium provision—nor will the passage of my amendment magically make nuclear power safe. Far from it. As I have tried to point out, emergency core cooling is just one problem among many.

RÉSUMÉ OF THE AMENDMENT

The amendment we have under consideration proposes a minor addition—$2.3 million—to just one of the safety programs which should have been completed before nuclear power plants were ever licensed at all.

It proposes more funds for just one of several essential safety studies which should be continued and completed during a moratorium.

It proposes more funds for just one essential safety program which is even more urgently needed in the *absence* of a moratorium today.

It proposes to restore the funds which the AEC itself has been almost begging for.

It represents a tiny step in the direction of substitution knowledge for dumb luck.

In our human arrogance, we have pushed a program of nuclear electricity which produces enough radioactivity every year to poison the planet permanently, and we have pushed it *before* we figured out if we can ever make it safe.

COUNTING ON EMERGENCY CORE COOLING

Let us not fool ourselves. Nuclear promoters from coast to coast are absolutely *counting* on emergency core cooling systems working.

For instance, Portland Gas and Electric widely advertises the safety of its proposed

"Trojan" plant—and the small print in unpublished reports says *providing* the emergency core cooling works fast and constantly.

Scientists from the AEC's Brookhaven National Laboratory, who are pushing in favor of the license for the giant Shoreham plant on Long Island, are definitely counting on effective emergency core cooling. I would like to quote from their testimony at the license hearing, because their faith is classic:

"The emergency core cooling systems previously described will start . . . emergency cooling must start at once and continue . . . emergency core cooling systems will function . . ." (Source: Testimony August 31, 1970 by T. V. Sheehan for the Suffolk Scientists in the Matter of the Long Island Lighting Co., Docket No. 50-322 license application).

I wish there were a real basis for their confidence—at the very least, *one* successful demonstration—since about half a million people will be living in the vicinity of that reactor. Unless, of course, the existence of the reactor *reverses* the growth curve in Suffolk county.

Everyone is counting on the emergency core cooling system to work when it is needed.

If the loss of fluid tests (LOFT) show it will *not* work, nuclear power will immediately be known as an investment scandal as well as a moral outrage.

Is it any wonder that some people in the AEC and in industry oppose the LOFT program? Is it any surprise that there have been some efforts to cut the LOFT budget and delay the moment of truth as long as possible?

I am *not* impugning the honor of everyone in the AEC or in industry. But I am also not so naive that I imagine there are *no* unscrupulous men at large in the world. It is blazingly clear that we must not allow such people to take over any part of the most dangerous process known to man—nuclear fission. And I am warning that we do not even know the *names*, much less the character, of the men who are really wielding the influence in nuclear safety decisions.

FINAL WARNING FROM PROVIDENCE?

Our luck so far with nuclear power plants is no basis for confidence in nuclear safety. *Most* accidents are preceded by a whole string of successes, and we do not even have much of a string yet.

Perhaps the recent results of the emergency core cooling mini-tests and the fuel-cladding calculations are the final warnings which Providence will offer us before a major radioactive calamity.

I solemnly urge you to heed those warnings in the love of this country, and to take the first step today by passing this amendment for some accelerated safety research.

This is not just the request of a nuclear critic. Please remember: *This funding is the request of the AEC itself.*

If there is any reason to deny these funds, let us hear it now. (Otherwise, roll-call vote).

ENDING SECRECY IN NUCLEAR SAFETY DECISIONS

(Statement by Senator MIKE GRAVEL)

Polls and mail-counts show that the American public is fed up with secrecy from a government "of the people, by the people, and for the people."

I contend that secrecy extends dangerously into policy decisions within the Atomic Energy Commission, and that these decisions are putting this great country at the mercy of untested, experimental nuclear power plants, each containing about as much long-lived radioactivity in its core as 1,000 Hiroshima bombs.

When an agency of Government puts that kind of load above ground near our cities from coast to coast, it is up to that agency to try explaining its policy—not up to the public to justify its fears. However, the opposite situation presently exists. Closed and secret meetings between AEC bureaucrats and nuclear businessmen are held—no public or environmentalists or consumer groups invited—and then nuclear safety-policies which "the industry can live with" are announced.

TIME TO EXAMINE DECISIONS

Such an announcement was made by the AEC on June 19th. I believe it deserves the closest possible scrutiny by Congress *before* the AEC budget bill for fiscal 1972 comes winging along. For fiscal 1972, the AEC will be asking Congress to dedicate another half-billion tax-dollars to subsidizing and promoting nuclear electricity—a program which has already gobbled up three billion tax-dollars, a program which has produced 21 machines which boil water, a program which is already producing as much undisposable radioactive by-product every year as all the Russian, American, and British atmospheric bomb-tests combined. The difference is that in the civilian nuclear power program, every effort is made to keep the radioactive poisons contained, whereas the bomb tests blew them all over the northern hemisphere as fallout.

The crucial question is this: Can man *succeed* in containing the enormous annual production of radioactive pollutants in nuclear power plants? In view of the quantity, does even 99.99% success produce an ecological disaster? Is it realistic, or even rational, to rely on 99.99% success in any human activity?

CONGRESS OPERATING WITHOUT BASIC INFORMATION

I suggest that it is time to wonder why Congress has never been given an "Environmental 102 Statement" describing the radioactive hazards of the civilian nuclear power program, as required under the National Environmental Policy Act. Neither is there any hazards-analysis prepared independently from the AEC.

Accidents are one of the great hazards of these great water-boiling machines. A single major accident at a nuclear power plant in San Clemente, California, in Illinois, Michigan, New York, or New England, could cause a disruption which would practically bring this country to its knees—not only economically and militarily, but also in terms of public rage.

CONGRESS UNPREPARED FOR PUBLIC RAGE

Suppose there is an accident releasing just 5% of the radioactivity inside a nuclear power plant—and AEC experts have said repeatedly that this possibility can not be ruled out. That kind of accident would poison the population with radioactive contaminants (not explosives) equivalent to about fifty Hiroshima bombs.

The public would be demanding to know why their Representatives in Congress allowed such machines ever to be built above ground in the first place. I contend that people would be extremely slow to forgive the radioactive contamination of their land. According to the AEC, a single severe accident might contaminate 150,000 square miles—which is an area 350 miles to a side. That's Manhattan to Portland, Maine. That's Cleveland almost to Baltimore. That's Chicago past Detroit. That's San Diego to Phoenix, Arizona.

The AEC has never, and can never, guarantee nuclear power plant safety. The AEC swears it is doing the best job man knows how to do, and it hopes that it will be good enough. Does anyone believe that good intentions cancel out common human errors? One defective welding joint, undetected in the piping system of a nuclear power plant, might lead to the kind of calamity I have just described—good intentions notwithstanding.

When the stakes are so high, it is imperative to understand the kind of safety judgments being announced by the AEC.

SECRET JUDGMENTS—TECHNICAL AND MORAL

Every safety decision which emerges from the AEC's secret internal debates already incorporates numerous moral judgments about how much safety we need to have, as well as technical estimates about how much safety we actually do have.

It is imperative that the technical judgments be checked out by a team of engineers with no ax to grind, and that the moral judgments be checked out by Congress and the public. There is no justification for the present obscurity and secrecy on either score.

That is why I am calling for "the nuclear debates of 1972"—a proposal which I shall describe at the close of these remarks. The need for such debates is illustrated by the method and content of the AEC's most recent safety-decision.

WHAT "INDUSTRY CAN LIVE WITH"

In the face of two, recently-revealed *reductions* in nuclear power-plant safety-margins, the Atomic Energy Commission claimed at a press conference June 19th that its brand new calculations show the plants are safe enough *anyway*.

At the same time, the AEC issued somewhat stricter criteria for emergency core cooling systems. According to Harold Price, AEC Director of Regulation, "the (nuclear) vendors believe our criteria are conservative, but they can live with them."

What "industry can live with" is not always a healthy omen for public safety, as consumers know. For instance, according to the *Washington Post* July 5th, an estimated 4,000 people *burn* to death in this country each year because the textile industry and the Commerce Department have trouble "living with" less flammable fabrics.

There are many additional examples which justify public and congressional skepticism about all safety-regulations which are worked out between Government and industry at secret sessions from which public representatives are excluded.

The AEC's newest *public safety* claim was constructed at closed, exclusive, definitely *un*public meetings, in spite of intense and explicit interest expressed by several public groups which I shall describe later.

Therefore, there is reason to approach the AEC's new safety claim with skepticism. Even without prior doubt, the claim itself is quite capable of creating uneasiness in Congress and elsewhere. The situation boils down to this, I see it:

EYEWASH INSTEAD OF SAFETY?

The AEC discovered unexpected reactor safety trouble—higher fuel-cladding temperatures—which means less safety. The AEC had also found in mini-scale tests six months ago that the emergency cooling water from accumulator tanks would most probably *not* go where it was supposed to go in a nuclear power reactor during a loss-of-coolant emergency—which was a real shock.

The two discoveries meant that reactors had been licensed on false safety assumptions, and their operation might be subject to challenge in court—which is still a possibility, for months, the AEC kept quiet about the safety problems.

But on May 6th, *Nucleonics Week* broke the story.

Six weeks later, to no one's surprise, the AEC announced that everything is OK again.

Since nuclear reactors are exactly the same machines as they were *before* the two safety problems were discovered, the mind boggles. If the machines did not change, what had the wonderful power to cancel out both safety problems?

The answer is essentially *"nothing"*.

The older nuclear power plants, like the one near the western White House, are allowed three *years* to install better pumps and other equipment; meanwhile, nothing has changed except the frequency of inspections. In other words, since they may not be able to cope with breaking pipes after all, they will try harder to prevent breaks.

The newer plants are alleged to be safe enough *in spite of* the two reductions in safety; only "minor modifications in operating procedures" will be required.

How can this do-nothing policy be reconciled with public safety?

USING UP SAFETY MARGINS

The head of the AEC's task force on these problems, Stephen Hanauer of the regulatory division, said:

"We have always known there were large margins of safety, and now we are using them . . . (to offset the new reductions in safety) we are going to require more safety measures. If we require better pumps, that's more safety, right? If we require cooler temperatures, that's more safety, right?"

It is possible that the safety-margin he is using up may be imaginery, non-existent. There is no way for anyone—inside or outside the AEC—to be sure at this time. We only know that the AEC thought it had a large margin of safety, and then discovered it did not. There can be a real difference between what people calculate to be a margin of safety, and the margin of safety *really* in the system. One margin is in the head, and the other is in the machinery.

Confusion is generated by Hanauer's phrase "more safety", because Hanauer is definitely *not* claiming that the country is safe in spite of nuclear power plants.

Webster defines "safe" to mean "free from damage, danger, or injury . . . involving no risk . . . unable to cause trouble or damage."

In contrast, when the ABC licenses a nuclear power plant, it claims only that there is "reasonable assurance" that it will not cause "undue risk to the health and safety of the public".

UNSPECIFIED MORAL ASSUMPTIONS

I find it outrageous that the AEC never honors us with an explanation of what it considers "reasonable" or "undue". Although the AEC exercises life-and-death powers over this country, we are left to guess at the AEC's philosophical premises about the value of a human life, and about how much safety we *need*.

It is definitely *not* reassuring to consider the AEC's history, or to hear AEC officials defend nuclear risks by pointing to *other* grotesque hazards. By now, the routine is familiar to all nuclear critics. Nuclear promoters ask why we pick on *them* when there are also CBW stockpiles, highway fatalities, deaths from fossil-fuel pollution, and callous abuse of life in quite a variety of ways.

It is morally bankrupt, in my opinion, to try justifying a new outrage by pointing to other outrages. That kind of mentality could excuse the whole Vietnam War by saying that more Americans are killed on the highways every year than were ever killed in Vietnam. Likewise, the use of flammable fabrics in baby clothes could be justified by the existence of unlocked household medicine cabinets, if more children are poisoned at home than burned. I believe the public is sick and tired of that kind of reasoning in its government. Yet we hear it often from the AEC.

A BIZARRE SITUATION

What is happening in nuclear safety should give pause to every public representative in Congress—for nuclear reactors are underway in 28 States already, and public concern is growing fast. The situation is bizarre, to say the least:

The AEC fails to announce major safety miscalculations already incorporated into the licenses of nuclear power plants; at risk are whole regions of this country.

When the story hits the press anyway, the AEC fails to consult with public groups who express their concern.

The AEC announces that the problems are serious enough to delay several new licensing procedures.

Six weeks later, the AEC announces it has figured out a solution:

1. Declare safety again.
2. Appear to be tough on industry.
3. But don't require any real changes.
4. Continue business as usual.

CONTEMPT FOR PUBLIC INTELLIGENCE

What is even queerer is the AEC's apparent assumption that the public and Congress are too dumb to comprehend this maneuver. The AEC displayed its contempt for the public and Congress in additional ways:

By reaching decisions on *public* safety in *secret* meetings.

By failing to reveal the names of the people inside and outside the AEC who actually influenced the decisions—leaving the public to wonder about their technical competence, philosophical assumptions, and disagreements.

By ignoring explicit appeals and input from various public groups.

By failing to sort out the technical and ethical premises for the new declaration of adequate safety.

On the technical side, for instance, Harold Price's statement on June 19th left much to the imagination. After stating that the AEC now assumes one part of the emergency core cooling system will *not* work effectively during the "blowdown" phase of a coolant accident, Mr. Price continued as follows:

"After the blowdown, we assume that the *rest* of the accumulator water goes where it is *supposed* to go, and then the pumps work."

In view of the failure of the accumulator water even to get into the reactor core *during* blowdown, it is natural to wonder, what basis is there for the AEC's enduring faith that "the rest of the water will go where it is supposed to go"?

FAILURE TO TRY TESTS AGAIN

The AEC's confidence turns out to be based entirely on calculations, not on any realistic demonstrations, small or large. It is interesting that the mini-model demonstrations which failed have *not* been repeated to test the effectiveness of the AEC's "minor modifications".

What confidence can we have in new calculations and new safety claims from the very same people who have had to admit that their last calculated margin-of-safety was *wrong*? For all we know, the present safety margin may really be zero, and the AEC may be miscalculating again. There are many mysteries in the behavior of large nuclear power cores—especially in the course of accidents.

In a few months, more small-scale loss-of-coolant tests will be performed, using a different model from the one which backfired.

As everyone knows, it is possible to design models either to be more realistic, or to be more reassuring. Which will it be? How will we know?

The temptation to make the next tests successful at any cost is apparent. There is little comfort in the fact that the AEC made a public statement about its earlier core cooling errors only after *Nucleonics Week* broke the story, although the AEC was aware of the problems five months earlier.

WHO IS PREVAILING?

While I am not impugning the honor of everyone in the AEC, I am also not naive enough to imagine that the AEC is miraculously and singularly spared the influence of *any* unscrupulous individuals. It is quite proper to demand to know who is prevailing in any particular public safety decision. I object to the secrecy involved in such decision-making.

The AEC's announcement on emergency core cooling criteria probably conceals a great deal of dissent and worry about public safety within the AEC. I believe the country would accord dissenters the deepest respect if they spoke out now, instead of too late.

The stakes involved in nuclear safety are too high to accept secrecy, or bury dissent. The consequences of another AEC error on loss-of-coolant phenomena could be disastrous.

If such an accident occurs, the never-tested emergency core cooling system must work instantly and continuously. Otherwise, the consequence from one accident could be radioactive contamination reaching major cities and water supplies, half a million radiation refugees, 50,000 deaths, panic and rage from coast to coast, and an economic crisis as well.

RIDING ON LUCK

Since there has never been a single large-scale integrated test to find out if the emergency core cooling system will work effectively, or even operate at all when it is needed, we have been extremely lucky that no loss-of-coolant accident has occurred yet.

It is impossible to test the emergency core cooling system under anything approaching real operating condititons, with real nuclear fuel, until 1975. Suppose our luck runs out before 1975, and a loss-of-coolant accident occurs during the next four years?

INCONSISTENCY

If the Federal Aviation Agency allowed the operation of airplanes with dubious and untested emergency systems for even a few months, Congress would not stand for it. Why does Congress put up with the very same policy from the AEC, when the stakes are so much higher?

I believe Congress has simply been unaware of the policy. I believe Congress is also unaware of the budget cuts in AEC safety research.

Mr. President, I ask unanimous consent to have an article on this matter entitled "Nuclear Reactor Safety" by Robert Gillette in *Science* magazine, July 9th, printed at the end of my remarks.

Nuclear safety is a matter of growing concern to many committees of Congress, since a single serious accident would involve air and water pollution on a tragic scale, contamination of the ocean, agriculture, health, the economy, employment, insurance, banking, the Federal Power Commission, fuels, transportation, government operations, defense, consumer rights, constitutional rights, and even foreign relations.

AVOIDING BUREAUCRATIC SUICIDE

Nuclear safety is a responsibility which Congress can no longer afford to leave to bureaucrats and businessmen, conferring secretly to reach decisions "they can live with." The AEC's soothing announcement June 19th about nuclear safety was a sure bet long before it was made. It would probably have been the end of the AEC and of private investment in nuclear power if the AEC had used its regulatory power to shut down nuclear power plants and deny further licenses until safety systems can be tested. Bureaucracies do not commit suicide.

Unfortunately, the AEC's statement June 19th provides no guarantee of safety. If the announcement provides anything at all, it provides a little safety for the financial community regarding its seventeen billion-dollar investment in nuclear power plants. I, too, have often expressed by respect for the size of that investment, which the Government encouraged and facilitated. It is possible, however, to solve nuclear safety problems with honesty and fairness to the public, as well as to investors and to atomic workers. The sooner Congress pays attention, the less it will cost.

UNEVEN FAIRNESS: PUBLIC APPEALS

It looks presently as if the "fairness" is lavished unevenly. Why were there no public representatives at the recent core cooling meetings between the AEC and the nuclear "vendors"? Value judgments as well as technical judgments were being made, and several public groups had expressed intense and explicit interest in the subject.

The AEC announcement did not respond at all to earlier appeals from the businessmen for the public interest in Chicago, the Lloyd Harbor Study Group in Long Island, Friends of the Earth, the Sierra Club, Zero Population Growth, Citizens Committee on Natural Resources, Natural Resources Defense Council, and Environmental Action, Inc.

The requests of these groups variously included shutting down eleven of the country's twenty-one operating nuclear power plants, denial of any more construction or operating licenses until the emergency core cooling system has had its first large-scale tests with real nuclear fuel in 1975, an evaluation of AEC safety claims by an independent commission, and a shift in the burden of risk from the public onto the advocates of nuclear power.

Congressional committees have not yet provided any opportunity for the public to testify on what kinds of risks are acceptable to it, although six months have passed since the reduced safety margin in nuclear power plants was known to the AEC.

Mr. President, I therefore ask unanimous consent that the following material be printed at the end of my remarks:

1. Letter June 3, 1971, from David D. Comey, Businessmen for the Public Interest, to AEC Chairman Glenn Seaborg.
2. Letter June 2, 1971, from Friends of the Earth, Sierra Club, Zero Population Growth, Citizens Committee on Natural Resources, Natural Resources Defense Council, Environmental Action, Inc., to President Richard Nixon.
3. Letter June 3, 1971, from William P. Carl, Lloyd Harbor Study Group, to AEC Chairman Glenn Seaborg.
4. Telegram from Steve J. Gadler (P.E.), member of the Minnesota Pollution Control Agency, to AEC Chairman Glenn Seaborg.
5. Draft report June 3, 1971, by David D. Comey, "Emergency Core Cooling Systems."
6. Article called "Safety," by Dr. Ralph E. Lapp, from the *New Republic,* January 23, 1971.
7. List denoting locations of 114 nuclear power plants presently operating, under construction, or planned, according to the AEC, March 31, 1971.

THE NUCLEAR DEBATES OF 1972: A PROPOSAL

By the time the first large-scale tests can be performed on the emergency core cooling system with a real nuclear core, there will be about eighty large nuclear power plants already in operation, according to AEC projections. Since a severe accident at just one would affect the whole country, it is urgent to examine what is known and unknown about their safety.

Therefore, I am proposing "The Nuclear Debates of 1972".

It surely falls within human ability—providing the goodwill is there—to find a way by which the scientific community, in full public view, can calmly examine together the evidence, the assumptions, and the conclusions which comprise the risk-estimates from nuclear power.

I propose that Congress this session appropriate to the Atomic Energy Commission an amount equal to 1% of the AEC's proposed budget this year for nuclear power. Just 1%. That would be about $4 million.

I propose that Congress direct the Commission to execute an intensive one-year investigation of the engineering and biological hazards with regard to nuclear power, and that the investigation end with public debates between advocates and critics before unbiased scientific juries.

Since nuclear engineers and radiation biologists have an absolutely natural tendency to promote nuclear power, where shall the investigators turn for the opposite bias?

It is obviously time to fund some non-nuclear engineers and some non-atomic biologists to challenge all the nuclear safety assertions offered to the public, to take a fresh and deliberately skeptical look at nuclear electricity, and to analyze the basis for the contradictory claims with regard to nuclear hazards.

And the public must be allowed to present questions to these investigators, and the investigators must find answers.

I propose that Congress appropriate $1 million for the engineering inquiry, and $1 million for the biological inquiry.

No one can possibly argue that this plan would leave the Government financing only the negative side of the nuclear picture. The Government supports gung-ho nuclear promoters with some hundreds of millions of dollars year after year. My proposal is an extremely modest one by comparison.

The investigators and their consultants may publish reports, raise questions, and issue statements with the same freedom enjoyed by nuclear engineers and radiation biologists. Public discussion shall be encouraged.

Within one year after enactment of this proposal, the investigators shall issue initial conclusions. The investigators and their consultants shall be required to defend their hazard claims in public debate with nuclear engineers and radiation biologists, who, in turn, shall be required to defend their own safety claims. Such debates shall take place publicly before juries of non-nuclear scientists selected with the unanimous consent of advocates on all sides.

The debate format would be approximately this:

Three sessions would be held, each approximately a month apart.

In the first session, the advocates and jurors would discuss which information, data, experiments, and papers they agree to evaluate. The jurors would hear and participate in the arguments, and if there were disagreements, the jurors would make the final decision. All participants would have unrestricted access to the data.

In the second session, the same procedure would be used to decide what assumptions would be applied to the data.

In the third session, each advocate would present his risk-estimates based on applying the agreed assumptions to the agreed data.

In all sessions, questions and cross-examination mutually between the advocates and the jurors would proceed freely and with minimal formality. The motto would be one which has recently been ignored:

"Science is the search for truth—it is not a game in which one tries to beat his opponent, to do harm to others" (Linus Pauling).

After the discussions, the jurors would openly deliberate and publicly announce their estimates of the size of the worst nuclear accidents which could happen, the biological damage from such accidents, and the likelihood of occurrence. Degrees of uncertainty and areas of ignorance would be described, and dissent (if any) among the jurors would be summarized.

I propose that Congress appropriate $500,000 for conducting the engineering debate, and $500,000 for conducting the biological debate.

Uncertainty about the emergency core cooling system is not the only uncertainty in nuclear power safety—it simply is the one recently in the news. It is preposterous for a great nation to be on the brink of committing itself to a "plutonium economy", as AEC Chairman Glenn Seaborg calls it, without honest open debate about the size of the concomitant hazards.

DISSOLVING SECRECY

The technical debates I propose would dissolve the secrecy and surely clarify the presently contradictory claims about how much safety we really have.

How much safety we want to have, how much nuclear risk we should leave for future generations, are not technical matters, they are moral matters which require separate discussion—and not in secrecy either.

The entire thrust of my effort is to stop nuclear power *long enough* for people here and around the world to understand what kind of a gamble is going on, and to participate in the decisions.

An issue like nuclear electricity, whose undisposable radioactive legacy will affect the next 50 generations as well as our own, deserves at least as much consideration as the supersonic transport and the Vietnam War.

BUSINESSMEN FOR THE
PUBLIC INTEREST,
Chicago, Ill., June 3, 1971.

Dr. GLENN SEABORG,
Chairman, U.S. Atomic Energy Commission,
Washington, D.C.

DEAR DR. SEABORG: We have reviewed the Idaho Nuclear Safety Reports on Tests 845–850 of the Semiscale Blowdown and ECC Project, and have compared them with the Water Reactor Safety Program Plan and other AEC documents.

Warnings that ECC water might bypass the core and be blown out the primary system break appear explicitly at page 90 of the Ergen report, page 49 of NSIC–24, and pages 2, 19 and 20 of IN–1384. Moreover, the Leidenfrost effect is a well-known phenomenon in two-phase flow theory.

In view of the fact that the tests verified the accuracy of these test objectives, we feel that the Commission is wrong in regarding the test results as "surprising" or "unexpected."

We are particularly disturbed by an AEC press release, dated May 28, 1971, which attempts to denigrate the tests by saying:

"The recent small mock-up tests at NRTS were not designed to represent the response of an actual operating nuclear power plant to a loss of coolant accident. There were significant differences in the experimental system which was tested as compared to an operating reactor."

In view of the fact that the blowdown test data from that same facility has been used to support license applications, we do not see how the Commission can have its cake and eat it too. Either the facility does "closely model commercial plant. ECC systems (page 27 of IN–1384), in which case the ECC systems on commercial PWR's do not work, or the test results on blowdown used in previous license applications must be cast out and the matter remanded for *de novo* consideration, which would entail holding new hearings on those license applications.

In view of the crucial nature of this problem, we believe the only prudent course for the Commission to follow, in addition to its expressed intention to hold up licensing new plants, would be to suspend the licenses, until the ECC system has been experimentally verified, of the reactors named on the attached list.

We ask the Commission to suspend these licenses on the grounds that the assurance of no undue risk to the public health and safety demands that no other course be followed by the Commission.

Sincerely,

DAVID DINSMORE COMEY.

OPERATING LICENSES TO BE SUSPENDED

Name of Plant, Location, and Operator:

Connecticut Yankee, Haddam Neck, CT, Connecticut Yankee Atomic Power Co.

Dresden 2 3, Grundy County, IL, Commonwealth Edison Co.

Ginna, Ontario, NY, Rochester Gas and Electric Co.

Monticello, Monticello, MN, Northern States Power Co.

Millstone 1, Millstone Point, CT, Connecticut Light and Power Co.

Nine Mile Point, Oswego, NY, Niagara Mohawk Power Co.

Oyster Creek, Oyster Creek, NJ, Jersey Central Power and Light Co.

Point Beach 1, Two Creeks, WI, Wisconsin Electric Power Co.

Robinson 2, Hartsville, SC, Carolina Power and Light Co.

San Onofre, Camp Pendleton, CA, Southern California Edison Co.

NOTE: These eleven reactors have a net generating capacity totalling 6080 megawatts.

FRIENDS OF THE EARTH,
Washington, D.C., June 2, 1971.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In light of recent evidence collected by the Atomic Energy Commission, it appears that key safety systems involving nuclear power plants are not adequate to protect the health and safety of citizens of the United States, particularly those citizens residing near the large power plants. We urge you to initiate a full-scale investigation of this matter by an independent commission, drawing upon the staff of the Council on Environmental Quality and the Office of Emergency Preparedness, and providing for public hearings. In addition, we offer the following evidence of the gravity of this problem and some suggestions for its alleviation.

On April 29, 1971, AEC Chairman Glenn T. Seaborg notified the Joint Committee on Atomic Energy that, ". . . some problems have been encountered during construction, pre-operational testing and early operation which indicate the need for a more rigorous effort in this area [reactor safety]."

Dr. Seaborg added: "One of the engineered safety features provided on current nuclear power plants to mitigate the consequences of postulated loss-of-coolant accidents is redundant emergency core cooling systems (ECCS). The use of recently developed, improved techniques for calculating fuel cladding temperatures following postulated loss-of-coolant accidents, and the results of recent preliminary safety research experiments have indicated that the predicted margins in ECCS performance may not be as large as those predicted previously."

Dr. Seaborg concluded his letter to the Joint Committee on Atomic Energy by assuring the Committee that a senior AEC Task Force is currently investigating the question of emergency core cooling performance, and by noting that, "pending completion of this review, we anticipate that there will be delays in the licensing of some plants now under consideration."

Dr. Seaborg's reference to the "preliminary safety research experiments" refers to tests of emergency core cooling systems in simulated reactor models conducted under AEC auspices at the National Reactor Testing Station, Idaho Falls, Idaho, in November and December, 1970. In a series of six experiments designed to test this essential reactor safety system, results indicated that 90 per cent of the emergency cooling water failed to enter the simulated reactor vessel (due to steam pressure build-up) under loss-of-coolant accident conditions. The experiments conclusively show, at least to the extent of present knowledge of such postulated accident conditions, that the essential emergency core cooling systems do not work.

The seriousness of this set of experiments may be judged by considering what would happen in actual nuclear power plant operation if such a loss-of-coolant incident occurred under conditions of fuel meltdown. A report commissioned for the AEC in 1967 entitled *Emergency Core Cooling* (W.K. Ergen and others) confirms that ". . . if emergency core cooling systems do not function and meltdown of a substantial part of an irradiated core occurs, the current state of knowledge regarding the sequence of events and the consequences of the meltdown is insufficient to conclude with certainty that integrity of containments . . . will be maintained." This conclusion was specifically endorsed by AEC's Advisory Committee on Reactor Safeguards (ACRS) in February, 1968. (The ACRS urged further expenditures for safety research to identify and correct such possible problems with core cooling systems.)

We need not overemphasize the consequences of such a disaster described in the *Emergency Core Cooling* report. In short, were such a failure of the emergency cooling system to occur in a full-scale nuclear power plant under the postulated conditions, a disaster of grave proportions would probably ensue. In addition, the *Emergency Core Cooling* report emphasizes that reactor containment would be breached within a few hours of the initial accident, too short a time to evacuate the population residing near the power plant.

We believe that the significance of these problems would best be debated in public, not in the private confines of the Joint Committee on Atomic Energy (JCAE) and the Atomic Energy Commission. We particularly decry the fact that the impact of these experiments, as well as the operational difficulties of operating reactors, were discussed in a secret session of the JCAE on May 3, 1971. Since these grave questions of reactor safety involve not classified state secrets, but the health and safety of millions of Americans, we find no justification for concealing the issues from the public. For this reason, we request an independent and public review of the issues.

We also urge an immediate review by an independent commission of the adequacy of reactor safety funding by the Atomic Energy Commission. In a public hearing before the JCAE, on May 13, 1971, AEC's Assistant General Manager for Reactors, Mr. George Kavanagh, stated under questioning that AEC needs $30–40 million more than its current budgeted figure of approximately $36 million for reactor safety research. Yet, AEC is currently requesting an increase of only $2 million for reactor safety research. We strongly believe that in the development of such a new and potentially lethal technology, it is necessary to establish safety before construction begins.

In this instance, AEC is not starving its reactor safety budget, but in addition, AEC does not plan to test the adequacy of the Emergency Core Cooling Systems in an actual operating reactor until 1975—and even then only in a small test model. By that time, more than 80 nuclear power plants are scheduled to be in operation in the U.S. Are we to ignore the experimental evaluation, and proceed with construction of scores of giant nuclear power plants, trusting that somehow the reactor emergency systems will function properly?

We hope that you will agree with us that avoiding potential reactor disaster of the sort AEC has described in past technical documents is of utmost public importance. We urge that, if further operation and construction of nuclear power plants are to continue, you take action now to insure the adequacy of reactor safety systems to guarantee public safety.

Sincerely,

DAVID BROWER,
President, Friends of the Earth.
CARL POPE,
Zero Population Growth.
PETER HARNIK,
Environmental Action, Inc.
W. LLOYD TUPLING,
Washington Representative, Sierra Club.
SPENCER SMITH,
Secretary Citizens Committee on Natural Resources.
J. G. SPETH,
Natural Resources Defense Council.

LLOYD HARBOR STUDY GROUP, INC.
Huntington, N.Y., June 3, 1971.

Dr. GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission,
Washington, D.C.

DEAR DR. SEABORG: The failure of the six emergency core cooling system tests on small scale models at the NRTS in Idaho highlight the lack of engineering which is needed to build nuclear plants without undue risk to the public.

At the Shoreham, New York, Public Hearing an effort was made to mislead the public by claims that General Electric had conducted full scale tests and answered all the questions raised in the Emergency Core Cooling Task Force Report, Nov. 1967, Oak Ridge, Tenn. (p. 905–908). Under cross examination (p. 10,145, SNPS, Docket 50–322) it was admitted that the tests were on simulated rods of stainless steel and calrods rather than zircalloy and irradiated fuel. Long Island Lighting Company admitted that they did not plan to replace all fuel rods found defective at each refueling, as is done at the U.S. Navy operated Shippingport plant, but would return them to the core for further use. Testimony was given (p. 8603–8604) that this leads to waterlogging and hydrogen embrittlement of the zircalloy, which changes the characteristics of the cladding metal. It is imperative that full scale tests of emergency core cooling systems be conducted on irradiated fuel which has been found defective and replaced and reused so that all the problems will be exposed.

Further, it is noted that the former Proposed Design Criteria No. 49, which required the consideration of failure of the emergency core cooling systems has been omitted in the newly proposed design criteria. All emergency core cooling systems on BWRs are active, requiring outside power and no account is taken of the condition when *all* power is lost.

The draft report entitled "An Evaluation of the Applicability of Existing Data to the Analytical Description of a Nuclear Reactor Accident Task 1, Subtask A—Core Meltdown Accident Evaluation," April 28, 1970, Contract No. W–7405–ENT–92, Batelle Memorial Institute, Columbus, Ohio (Columbia Laboratories, 505 King St.), recommends use of passive systems and other additional features to contain the energy of a core meltdown. The report also shows that only 2–9% of a core meltdown is needed to fail the reactor pressure vessel by steam pressure.

The Regulatory Staff has been allowing "credits" for these so-called "engineered" safeguards and allowing reductions in the exclusion radius (thus giving up whatever safety is provided by isolation). How the AEC can claim these features as being engineered when they have not been subjected to integrate functional tests is incomprehensible.

We respectfully request that no more Construction Permits or Operating Licenses be granted until full scale functional tests of emergency core cooling systems with defective irradiated fuel have been successfully completed and documented. Further, we request that Criteria #49 be reinstated and features incorporated in the designs to account for the pressures and temperatures of a meltdown following failure of the emergency core cooling systems as recommended in the Batelle Report. The public is not due the risk posed by partially engineered features and safety systems omitted in nuclear power plants.

We would appreciate a reply to these requests.

Very truly yours,

WILLIAM P. CARL,
President.

Dr. GLENN T. SEABORG,
Chairman, Atomic Energy Commission,
Washington, D.C.

DEAR DR. SEABORG: Failure of emergency core cooling systems for nuclear power plants recently tested in small scale models at the NTRS in Idaho point up the seriousness of the problem and the extreme hazard to public safety. Failure of the ECC system points up the necessity of carrying out complete tests on Monticello nuclear plant sized scale models.

Recent AEC action delaying licensing and hearings on at least five proposed nuclear power plants in as many states pending complete re-evaluation of emergency core cooling systems is commendable. However, AEC must require the complete testing of emergency core cooling systems on full scale 1000 and 2000 and 3000 megawatt models to insure that in event of loss of coolant accident the ECC system will preserve the integrity of the nuclear plants reactor vessel and thereby guarantee them the public health and safety.

Since emergency core cooling tests on large scale models have never been conducted and since the present ECC system installed in the Monticello nuclear plant is of unknown reliability, it is requested that the Monticello Nuclear Plant be closed down and kept closed down until it has been determined thru AEC conducted testing on Monticello sized models that the ECC system installed at Monticello will function properly in the protection of the public health and safety and the integrity of the Mississippi River water supply.

STEVE J. GADLER, P.E.,
Member of Minnesota Pollution Control Agency.

EMERGENCY CORE COOLING SYSTEMS: PRELIMINARY ANALYSIS OF TESTS 845–850

(By David Dinsmore Comey)

THE FUNCTION OF AN EMERGENCY CORE COOLING SYSTEM

The nuclear fuel core in a commercial pressurized water reactor (PWR) consists of bundles, called fuel assemblies, consisting of thin metal Zircaloy tubes containing uranium dioxide pellets. The fuel assemblies are suspended vertically inside the reactor vessel, a thick steel boiler about 70 feet tall and about 20 feet in diameter. (See Figure 1).

Heat generated by the controlled fission reaction within the fuel assemblies is transferred to the steam turbines that drive the electric generator via water that is circulated through the fuel assemblies and out into the primary piping system that goes to the steam turbines.

If the primary system pipe carrying this heated water should rupture, virtually all the water is blown out of the system, including the water in the reactor fuel core. This process is called "blowdown", and this sort of accident is called a "loss-of-coolant accident" (LOCA). It is the so-called "design basis accident" for a commercial power plant, meaning that the plant is designed to withstand such a loss-of-coolant accident without releasing radioactivity into the environment. It is also the critical accident used in reactor licensing proceedings.

In order to prevent damage to the nuclear reactor fuel core, whose fuel assemblies are normally at a temperature of 700 degrees Fahrenheit at their surface, water must be injected into the reactor vessel immediately after the normally circulating coolant water is ejected by the blowdown in a loss-of-coolant accident. A system called the emergency core cooling system (ECCS) is designed to flood the core with water from accumulator tanks filled with water, pressurized by nitrogen. If the ECCS begins functioning within a few seconds after blowdown, and fully covers the hot fuel core assemblies within 30 seconds, no melting of the fuel core is supposed to occur.

CONSEQUENCES OF A FAILURE OF THE ECCS

According to a report published in 1968 by the Nuclear Safety Information Center of the AEC, if the ECCS fails to function:

"It is generally agreed that following the double-ended failure of the largest [primary] pipe, portions of the core would reach 1850° C, the melting temperature of Zircaloy, in about 50 to 100 seconds . . . The core would eventually melt and fall to the bottom of the pressure vessel, where there would be significant accumulation of core debris in about 10 to 60 minutes after the start of the accident . . . In another 20 to 60 minutes, this debris probably would have melted through the pressure vessel and passed into the containment vessel." (NSIC–23, p. 160)

"The containment vessel could fail by a simple melt-through of the molten core, by shock waves generated by steam explosions, or the hydrogen-air reaction, or by the buildup of hydrogen pressure due to the metal-water reaction taking place over a long period of time." (NSIC–23, p. 120)

According to another report published by the AEC in 1967, from the Advisory Task Force on Power Reactor Emergency Cooling:

"It is not considered possible to assure the integrity of the containment if meltdown of large portions of the core were to occur." (*Emergency Core Cooling,* p. 6)

Once the containment is breached, the residual heat in the molten core mass, plus heat released by decaying fission products in the uranium fuel, plus violent chemical reactions between the zirconium metal and remaining water or groundwater, would eat down into the earth. In the nuclear industry, this core melt-through is known as the "China accident", derived from the assumption that the core would continue to melt into the earth in the general direction of China. (See Figure 2.)

Meanwhile, the fission products in the core would have been released to the environment. The amount of the total fission products in the core that would be released is estimated to range between 10 and 50 per cent. In any case, it would be a substantial amount, with lethal implications for the population within 5 miles under certain conditions and delayed lethal reactions for the population within 45 miles. (WASH–740, p. 62)

As a result of these analytical studies of the problem, the AEC decided to begin actual experiments to determine the effectiveness of ECC systems. At the urging of the Advisory Committee on Reactor Safeguards (ACRS), the AEC body that must pass on each commercial power reactor before it is licensed to operate, a program was implemented to design facilities to test ECC systems of 1971.

In a letter to Glenn Seaborg, dated February 8, 1968, the ACRS referred to the *Emergency Core Cooling* report and said:

"The ACRS agrees with the statement of conclusion 10 that: 'If emergency core cooling systems do not function . . . the current state of knowledge regarding the sequence of events and the consequences of the meltdown is insufficient to conclude with certainty that integrity of containment of present designs, with their cooling systems, will be maintained.' " (ACRS Letter 2–28–68)

THE IMPORTANCE OF THE ECCS TESTS

In view of the tremendous potential damage from a China accident, and the importance of the emergency core cooling system in preventing such an accident, research and experimental testing on emergency core cooling has been the number one safety item in the AEC's water reactor safety program. The experimental testing is being done primarily at the National Reactor Testing Station at Idaho Falls, Idaho, as part of the LOFT (Loss of Fluid Test) Program:

"The original plan for this reactor was to intentionally rupture the primary cooling system and allow the reactor core to melt down. However the LOFT program has been reoriented to first investigate the effectiveness of the emergency core-cooling systems because of their importance to reactor safety." (NSIC–23, p. 121)

The importance of these tests is underscored in the AEC's report on its Water Reactor Safety Program Plan:

"The public safety implications of a loss-of-coolant accident (LOCA) in large water-cooled power reactors give rise to the need for engineered safety systems that will ensure a timely and adequate re-establishment of the cooling of the core, will contain and limit any release of fission products, and will otherwise lessen the potential consequences of the accident. One of the current prime requirements for the licensing of commercial power reactors is, therefore, the installation of reliable and effective emergency core cooling systems (ECCS). . . .

"ECCS evaluation methods that can provide this assurance must be available to regulatory bodies and the nuclear industry, and their timely development is, perhaps, the most urgent need today in reactor safety." (WASH-1146, p. III–23)

The reason why the experimental tests at Idaho Falls are so important is that without them, there is no way to verify the analytical calculations that have been used to design the emergency core cooling systems on reactors that are already in operation. Unless such verification is made experimentally, the calculations and design could be completely inadequate to prevent a China accident:

"At present, insufficient data exist to evaluate analytical codes required for predicting blowdown and ECC behavior in reactor systems . . . An urgent need exists for blowdown test data from a system having simulated core heat, ECC injection, and a geometry representative of power reactors." (IN–1684, p 2)

"The adequate meshing of process and equipment performance is extremely complicated and has been discussed analytically, but it has been largely ignored experimentally. Experimental demonstration is required to show that the blowdown-injection-cooling process reliably achieves recovery from a loss-of-coolant accident before the containment system is damaged." (NSIC–24, p. 10)

"Rapid activation of the emergency cooling system and long-term operation are the most urgent requirements in the event of a large-scale primary cooling system break. Therefore a continuing effort should be made to develop more rapidly acting systems with even better reliability than systems currently being designed. To this end, systems tests that determine the effectiveness of the hardware acting in concert should be performed in environments designed to simulate an accident situation. There is no other certain demonstration of adequacy . . . The revised LOFT programs may satisfy this need." (NSIC–24, pp. 92–93)

The first six tests of the ECC system in the LOFT program showed that none of the emergency cooling water reached the core. Had the test incorporated an actual nuclear fuel core instead of an electric core (which was immediately switched off), the core would have melted down and penetrated the containment.

REACTIONS TO THE ACTUAL TESTS

The nuclear industry and the AEC are clearly trying to play down the importance of the tests. A number of statements have been made, some of which are set forth in the tables on the following two pages. To aid in an analysis of those statements, we have set forth other statements made by AEC personnel prior to the tests, describing the purposes and verisimilitude of the tests made with the semiscale facility at Idaho Falls. It is instructive to make a comparison between the "before" and "after" statements.

TEST OFFICIAL DESCRIPTION (Before tests were run)	COMMENTS (After tests were run)
"The first three tests will be conducted with outlet breaks of 2 and 30% of the pipe flow area and with ECC injection into the operating loop at rates typical of core reflooding rates for large PWR's. . . . In the last two tests . . . the break will be in the reactor inlet piping at an elevation typical of large PWR inlet pipes and ECC injection will be directly into the reactor vessel." (IN–1384, pp. 19–20)	" 'The test vessel is not a fair model of the actual geometry of a reactor,' said an authoritative source. Another source added: 'They dropped some water on a little pot and it got sprayed all over the ceiling.' " (Nucleonics Week, May 6, 1971, p. 1)
"The 30% break size provides a break size to system volume ratio representative of that ratio for a 100% break in a commercial PWR and thus will result in a blowdown time nearly equivalent to that of a PWR. System pressure and core outlet temperature are representative of those of large PWR's. Core power corresponds to a heat rating of about 13 kW/ft of fuel, equivalent to about the average heat rating in large PWR's presently being designed." (IN–1384, p. 18)	"All observers of the experiments by Idaho Nuclear Corp. for AEC agree that the results, from the very small scale, cannot be directly extrapolated to real reactor conditions." (Nucleonics Week, May 6, 1971, p. 1)
"Provisions have been made in the ECC equipment for modeling the accumulator and high pressure injection systems commonly in use in commercial pressurized water reactor plants. The semiscale accumulator system consists of an accumulator to be pressurized with nitrogen to 600 psig and the appropriate connecting piping and valves to simulate the commercial system. Initiation of ECC injection will be controlled by a swing check valve, and the delivery rate and pressure drop through the connecting piping will closely model commercial plant ECC systems." (IN–1384, p. 27)	"The recent small mock-up tests at NRTS were not designed to represent the response of an actual operating nuclear power plant to a loss of coolant accident." (AEC Press Release, May 28, 1971, p. 2)
"Semiscale Blowdown and ECC Project will investigate the environment in which ECC must function, the effect of ECC injection during blowdown, the break location(s) and size(s) which represent the most severe demand for ECC delivery to the core, and the performance margin of current PWR ECCS design at the maximum coolant demand condition." (WASH–1146, p. III–39)	"There were significant differences in the experimental system which was tested as compared to an operating reactor." (AEC press release, May 28, 1971, p. 2)
"*Emergency Core Cooling:* . . . This is generally considered to be the most urgent problem area in the safety program today." (The Water-Reactor Safety Program Plan," *Nuclear Safety,* (USAEC Nuclear Safety Information Center), vol. 11, No. 5, p. 372)	"A source for a manufacturer indicated . . . that his firm regarded ECCS as 'low on the list of priorities.' " (Nucleonics Week, May 20, 1971, p. 3)

There is a further irony in the AEC's attempts to claim the semiscale facility at Idaho Falls does not accurately model a commercial PWR, simply because Tests 845–850 did not turn out the way the AEC had hoped. Tests 845–850 were tests of blowdown *and* ECC injection. The previous tests in the 800 series were for blowdown only, using exactly the same semiscale facility. The PWR manufacturers and the AEC have used the test results from the 800 series blowdown tests to "verify" and "justify" the analyses made on commercial PWR's that have recently been licensed for construction and operation. In other words, the semiscale blowdown test data were accepted as supporting the license applications for commercial PWR's. If the AEC now takes the position that the semiscale facility is not an accurate model, it must throw out all the Idaho blowdown tests results, leaving dozens of license applications without experimental data to justify their blowdown calculations. The AEC cannot have it both ways by saying (1) the semiscale facility is a close model for blowdown, but (2) suddenly becomes totally different when used as a model for blowdown and ECC. In fact, Test 850 was run without ECC to see whether the addition of ECC had affected the blowdown rate. Here is what the test report said:

"The purpose of Test 850 was to obtain base-line data without ECC injection for comparison with data from a test which included emergency cooling. Test 850 was conducted with a high inlet break configuration from initial conditions very similar to those for the ECC-injection Test 848, reported previously. A preliminary comparison of the result for the two tests indicates that ECC injection causes density, flow, and temperature disturbances near the injection point, but that these localized disturbances have no significant effect on overall system decompression behavior." (Hai–75–71, p. 14)

Since the blowdown remains the same in both cases, and the AEC has already accepted the blowdown as justification for allowing commercial PWR's to go into operation, it seems curious that the Idaho semiscale facility now "is not a fair model of the actual geometry of a reactor."

WHAT HAPPENED WHEN THE ECC TESTS WERE RUN

Put briefly, the tests showed that the emergency core cooling (ECC) water did not reach the reactor core when the emergency core cooling system (ECCS) was turned on. The test reports are laconic but to the point:

"The first semiscale test involving emergency core cooling (ECC), Test 845, was performed in which ECC was injected into the annulus between the flow skirt and vessel wall. Early analysis of test data indicates that essentially no emergency core coolant reached the core . . . On the basis of these data, the conclusion was reached that the ECC fluid entered the inlet annulus and was swept out of the vessel to the inlet nozzle and external downcomer, and out the break." (Hai–436–70, pp. 18, 21)

"Semiscale Tests 846 and 847 involving emergency core cooling (ECC) were performed with the ECC injected directly into the vessel inlet plenum. Preliminary analysis for Test 846 indicates little or no core cooling by the emergency coolant. Test 847 was performed late in December with test conditions similar to those of Test 846." (Hai–7–71, p. 8)

"Semiscale Tests 847 and 848 involving emergency core cooling (ECC) was performed with the ECC injected directly into the vessel inlet plenum. Preliminary analysis of the results of these tests indicates little or no core cooling by the emergency coolant." (Hai–26–71, p. 10)

"Semiscale Test 849 was conducted with a high-inlet break configuration with a nozzle in place of an orifice in the blowdown line. A quick-opening valve was installed in a bypass line around the system low point to determine whether pressure buildup due to a water seal was responsible in previous tests for emergency coolant expulsion through the break. ECC liquid was ejected from the system in Test 849 as in previous tests and at no time did ECC liquid reach the core." (Hai–54–71, p. 6)

WHY THE TEST RESULTS SHOULD HAVE BEEN EXPECTED

The position of the AEC seems to be that since the test results were not what was expected, the tests themselves are at fault.

This is a rather convoluted line of reasoning, contrary to normal scientific method. The fact of the matter is that the test results should have been expected. In fact there were previous warnings of what would happen, two of which are cited below from AEC documents:

"Any flooding system requires the rapid addition of water. This water has to flow through, or along, surfaces at higher temperatures than that of the water. Steam can be generated as the water comes in contact with the hot surfaces, and the steam can delay, hamper, or intermittently interrupt the flow of injected water. Time delays, pressure pulses, and even serious vibrations have been reported. This problem, i.e., ability of injecting water, can arise in pipes and channels internal or external to the reactor vessel. It can also occur as the water tries to penetrate the reactor core itself. The same phenomena prevail here except that they are enhanced because more steam will be produced due to the increased heat storage in the fuel rods and the continued decay heat generation." (*Emergency Core Cooling,* p. 90)

"Relying on quenching makes the emergency core-cooling problem that of delivering a large quantity of water into the reactor vessel rapidly. . . . The water intended for the reactor core may bypass the core if a large break occurs in a pipeline coming from the plenum that accepts the emergency coolant. The back pressure required to accelerate the coolant as it turns to steam might prevent rapid admission of the emergency coolant to the core region and force the fluid out the break in the pipe." (NSIC–24, p. 49)

These two AEC documents were published in 1967 and 1968 respectively. In fact, this phenomenon has been well known since 1756, when the German physicist J. G. Leidenfrost published his *De aguae communis nonnullis qualitatibus tractatus*. The AEC staff may not be capable of reading Latin, but one assumes they are reasonably familiar with their own documents of three years ago.

It is even harder to believe that the test results were unexpected when one looks at the specific AEC document that describes the semiscale test facility and the purposes of the ECC tests there:

"The highest priority issues which are currently unresolved for various break sizes and locations includes the following:

"(2) Effects of ECC delivery to the core including delays such as hot pipe effects and ECC bypassing the core to the break because of the inability to exhaust steam generated in the core during reflooding." (IN–1384, p. 2)

It is also instructive to read the description of the specific tests to be run on ECC systems at the Idaho facility.

"The specific objectives of this group of tests are to provide information to assist in determining the following:

"(1) Resistance to ECC flow caused by generation of steam on the hot metal surfaces. . . .

"(4) The potential for ECC bypassing the hot core. . . ."

"These tests are expected to show whether ECC tends to bypass the core for this system geometry and whether the analytical methods are capable of predicting this tendency." (IN–1384, pp. 19–20)

This document was published in July 1970. When the tests were run, the emergency core cooling water did bypass the core, without cooling it at all, and passed out of the break in the primary system piping. (See Tests Reports Hai–436–70 and Hai–54–71 quoted above.)

In view of the fact that the engineers running the test got one of the results they were looking for, it is difficult to understand their reaction:

"In the surprising results of the six tests, no significant amount of the emergency coolant reached the core during the blowdown and less than 10% remained in the vessel after the blowdown was completed. 'We haven't got the mechanism pinned down as to why this happened,' said a scientist connected with the tests. 'The continuing flashing of the steam under depressurization built up enough back pressure to keep the water out, but we really don't know why it happened this way,' he added." (Nucleonics Week, May 13, 1971, p. 5)

SUMMARY AND CONCLUSIONS

1. The resolution of the emergency core cooling problem is the number one item to be resolved in the nuclear water-reactor safety program today.

2. Only experimental testing on semiscale models or full-scale models can verify whether present designs and calculations are safe.

3. The possibility that emergency core cooling water would bypass the core and pass out the break in the primary system was predicted several years ago and was one of the specific objectives of the tests run at Idaho Falls this year.

4. The tests showed that emergency core cooling water did not reach the core, and went out the break in the primary system.

5. Therefore it cannot be said that the results of the six tests were "unexpected."

6. Nor can it be said that the test facility is not an accurate model of an actual nuclear reactor. Many reactors have been licensed because data developed at the Idaho test facility were used to support the safety analysis of those reactors. If the Idaho facility is not an accurate model, then all those nuclear reactors' licenses would have to be suspended.

7. The present design of emergency core cooling systems seems to be defective in water-reactors larger than 200 megawatts (electrical). If a loss-of-coolant accident occurred, fuel-core meltdown and melt-through of the containment would occur because the emergency core cooling system would not prevent it. The lethal doses to the population of radiation make this an unacceptable event.

RECOMMENDATIONS

1. The operating licenses of all reactors larger than 200 megawatts (electrical) should be immediately suspended, until Recommendation 3 is carried out .

2. No new reactors should be licensed, until Recommendation 3 is carried out.

3 The LOFT program should be accelerated immediately, and full-scale tests of ECC systems should be carried out as soon as possible. Only such tests will provide an adequate margin of certainty that ECC systems will prevent core meltdown.

REFERENCES

ACRS Letter 2/28/68, from Carroll Zabel, Chairman of Advisory Committee on Reactor Safeguards, to Glenn Seaborg, Chairman of Atomic Energy Commission.

BMI–1877, AN EVALUATION OF THE APPLICABILITY OF EXISTING DATA TO THE ANALYTICAL DESCRIPTION OF A NUCLEAR-REACTOR ACCIDENT, Battelle Memorial Institute, Columbus, OH, January 1970, 34 pp.

"Core Melt-Through as a Consequence of Failure of Emergency Core Cooling", NUCLEAR SAFETY, Vol. 9, No. 1 (Jan-Feb. 1968), pp. 14–24

EMERGENCY CORE COOLING, Report of Advisory Task Force on Power Reactor Emergency Cooling (W. K. Ergen, Chairman), U.S. Atomic Energy Commission, Washington, DC, 1967, 226 pp.

Hai–436–70, Nuclear Safety Program, Monthly Report, November 1970, Idaho Falls, ID.

Hai–7–71, Nuclear Safety Program, Monthly Report, December 1970, Idaho Falls, ID.

HAI–26–71, Nuclear Safety Program, Monthly Report, January 1971, Idaho Falls, ID.

Hai–54–71, Nuclear Safety Program, Monthly Report, February 1971, Idaho Falls, ID.

Hai–75–71, Nuclear Safety Program, Monthly Report, March 1971, Idaho Falls, ID.

IN–1348, EXPERIMENTAL INVESTIGATIONS OF REACTOR SYSTEM BLOWDOWN, Idaho Nuclear Corp., September 1970, 50 pp.

IN–1354, SUB-COOLED BLOWDOWN FORCES ON REACTOR-SYSTEM COMPONENTS; CALCULATIONAL METHOD AND EXPERIMENTAL CONFIRMATION, Idaho Nuclear Corp., June 1970, 24 pp.

IN–1382, LOSS-OF-COOLANT ACCIDENT ANALYSIS PROGRAM, Idaho Nuclear Corp., June, 1970, 49 pp.

IN–1383, SEMISCALE BLOWDOWN AND EMERGENCY CORE COOLING (ECC) PROJECT, July, 1970, 43 pp.

IN–1385, BOILING WATER REACTOR—FULL LENGTH EMERGENCY COOLING HEAT TRANSFER (BWR-FLECHT) TESTS PROJECT, Idaho Nuclear Corp.; June 1970, 43 pp.

IN–1387, TECHNICAL DESCRIPTION SIMULATED EMERGENCY FLOW EFFECTS TESTS (SEFET) PROJECT, Idaho Nuclear Corp., June, 1970, 37 pp.

IN–1389, BRITTLE BEHAVIOR OF ZIRCALOY IN AN EMERGENCY CORE COOLING ENVIRONMENT, Idaho Nuclear Corp., September 1970, 30 pp.

IN–1390, EXPERIMENTAL RESULTS OF THE FUEL HEATUP SIMULATION TESTS (FHUST) EMERGENCY CORE COOLING TEST SERIES, Idaho Nuclear Corp., September 1970, 42 pp.

IN–1393, SEMISCALE BLOWDOWN AND EMERGENCY CORE COOLING (ECC) PROJECT TEST REPORT—TESTS 822 and 823, Idaho Nuclear Corp., October, 1970, 52 pp.

IN–1404, SEMISCALE BLOWDOWN AND EMERGENCY CORE COOLING (ECC) PROJECT TEST REPORT—TESTS 803 Through 820, Idaho Nuclear Corp., October, 1970, 183 pp.

IITRI–578–P–21–39, Water Decompression Experiments and Analysis for Blowdown of Nuclear Reactors, IIT Research Institute, Chicago, July, 1970, 223 pp.

NEDO–10179, Effects of Cladding Temperature and Material on ECCS Performance, General Electric, San Jose, CA, June 1970, 62 pp.

NSIC–23, Potential Metal-Water Reactions in Light-Water-Cooled Power Reactors, Nuclear Safety Information Center, Oak Ridge, TN, August, 1968, 201 pp.

NSIC–24, Emergency Core-Cooling Systems for Light-Water-Cooled Power Reactors, Nuclear Safety Information Center, Oak Ridge, TN, October, 1968, 166 pp.

NSIC 27, Review of Methods of Mitigating Spread of Radioactivity From a Failed Containment System, Nuclear Safety Information Center, Oak Ridge, TN, September 1968, 103 pp.

TID–14844, Calculations of Distance Factors for Power and Test Reactor Sites, Atomic Energy Commission, Washington, DC, March, 1962, 41 pp.

WASH–740, Theoretical Possibilities and Consequences of Major Accidents in Large Nuclear Power Plants, Atomic Energy Commission, Washington, DC, March, 1957, 105 pp.

WASH–1146, Water Reactor Safety Program Plan, Idaho Nuclear Corp., February 1970, 157 pp.

"Water-Reactor Safety Program Plan", Nuclear Safety, Vol. 11, No. 5 (Sept-Oct 1970), pp. 369–374.

THE NUCLEAR POWER CONTROVERSY: SAFETY

(By Ralph E. Lapp)

During the past two years the atom, largely exempt from controversy since the days of radioactive fallout, has become the focus of public concern. The nuclear hazard involved is associated with the siting of power reactors for the generation of electricity. The radioactive effluents and fallout from the routine operation of these nuclear plants, together with the water-heating effects of the reactors, have formed the primary basis for public fear. While these fears have fueled the controversy, there has been very little attention given to the problem of nuclear accidents. In this three-part series, the issue of nuclear reactor safety is examined first, because there are many unanswered questions about the siting of more and more, higher-power, nuclear plants closer and closer to cities.

At the outset it should be perfectly clear that a nuclear reactor operating for any length of time constitutes a unique hazard to people and property in its vicinity. The accumulation of immense amounts of radioactivity in the reactor core constitutes a potential threat[1] without precedent in urban life.

The US Atomic Energy Commission is directed by law to promote the development of nuclear power for peacetime benefits, and it also acts as the regulatory agency to control the industrial deployment of nuclear power plants. While there is a certain economy involved in this dual promotional-regulatory role, it introduces a potential conflict of interest. The time has come to split off this regulatory function from the AEC and to transfer it to the newly organized Environmental Protection Agency (EPA). This transfer would favor an independent review of reactor safety and siting and might well serve to extricate the utilities from some of their hang-ups in "going nuclear."

Make no mistake about it, the utilities *are* depending on the atom to supply electric power. Nuclear electric energy has been a long time in coming, especially when one recalls the early postwar optimism about it, but it's here now. The following schedule of nuclear orders illustrates the pace at which utilities are proceeding to buy nuclear power plants:

1966: 24 units, 19,500,000 kilowatts.
1967: 30 units, 25,000,000 kilowatts.
1968: 14 units, 13,000,000 kilowatts.
1969: 7 units, 7,200,000 kilowatts.
1970: 15 units, 16,400,000 kilowatts.

The 1968–69 fall-off in orders reflects over-buying in the previous two years, saturation of the construction capability, and public opposition to nuclear power. It is notable that the 1970 upsurge in orders goes against the tide of environmental opposition and must be due to utility fear of fossil fuel unavailability on terms meeting their cost and pollution restrictions.

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[1] One high-power reactor operating for one year burns as much nuclear fuel as is consumed in the detonation of more than 1000 Nagasaki A-bombs.

Two companies, General Electric and Westinghouse, account for 78 percent of these nuclear orders, and they are probably the only two American firms that have a real grasp of the nuclear safety issue. Both do little safety research with their own funds and the utilities do practically nothing, preferring to spend their money on advertising. For example, Sen. Lee Metcalf (D, Mont.) disclosed last month that in 1969 the utilities spent $323.8 million on sales and advertising against $41 million for research and development.

The AEC had its nuclear safety budget for this year slashed by the Bureau of the Budget and now spends slightly more than $30 million per year in this area. When AEC officials are queried as to why they don't spend more on safety, they admit they should, but claim that industry should pay for it. It's rather late in the day for industry to be safety-researching its nuclear product that is now on order. In the critical area of reactor safety I would prefer to see the work done by the AEC. It has the facilities and the manpower and the real estate for the job. As a constructive suggestion, I propose that the utilities, who will reap the cash rewards of A-power, establish a safety research pool to fund AEC work on reactor safety. An initial annual outlay of $12 million would serve to invigorate AEC activity on projects that have either slowed down or have not seen the light of day.

To understand the present status of reactor safety we have to go back to 1957 and review the sequence of events and change in philosophy attending the evolution of nuclear power risks. Furthermore, we need to know something about reactors themselves.

In March 1957 the AEC published its response to a request from the Joint Committee on Atomic Energy for a study of damage potential from reactor accidents. It took the form of a 105-page document (WASH-740) titled "Theoretical Possibilities and Consequences of Major Accidents in Large Nuclear Power Plants." The AEC's description of these consequences was sufficiently spectacular to catapult the Congress into passing the Price-Anderson Act, providing for financial protection and government indemnity in the event of a reactor accident. The AEC undertook but never issued a revision of WASH-740; what appears in the public domain is a letter from AEC Chairman Glenn T. Seaborg to Rep. Chet Holifield, Chairman of the Joint Committee on Atomic Energy, dated June 18, 1965. This letter deals with the likelihood of major accidents and their consequences, admits that higher power levels in reactors and longer fuel cycles could produce greater damage (although the likelihood of accidents, it said, "is still more remote") and calls for extension of the Price-Anderson Act.

On October 10, 1957 an atomic accident in the form of a uranium fire took place in England at the Windscale Unit 1 production reactor. Some 20,000 curies of iodine-131 escaped to the atmosphere and the British authorities had to stop milk supplies from farms in an area of 200 square miles downwind of the malfunctioning reactor. This particular hazard had received only passing reference in the AEC-WASH-740 analysis. The Windscale accident shook up officials in Britain and made them sensitive to reactor hazards.

On January 3, 1961 an explosion in the SL-1 reactor, near Idaho Falls, Idaho killed three young men with a blast-radiation effect. The 3000-kilowatt experimental boiling-water reactor blew up when a control rod was mismanaged, producing a power surge in the reactor vessel. Sited remotely at the AEC's National Reactor Testing Station, the SL-1 reactor had its consequences confined to the immediate vicinity, but the accident served notice that no man-made design was foolproof.

Nuclear power reactors were emerging from their research phase and on Feb. 10, 1961 the AEC issued its "Notice of Proposed Guides" requiring that applicants for a permit to construct a power reactor submit a reactor safeguards report including details of the siting. All applicants were required to calculate these three distances:

"(A) Exclusion area, which is the area surrounding the reactor. Access to this area is under full control of the reactor owner. Residence within this area would normally be prohibited. . . .

"(B) Low population zone, the area immediately surrounding the exclusion area. In this area the number of residents must be small enough so that they could be evacuated or other protective measures taken in the event of a serious accident.

"(C) Population center distance, which is the distance from the reactor to the nearest boundary of a densely populated center containing more than about 25,000 residents." The whole concept enunciated in this AEC guide to reactor siting was one of minimizing risk through interposition of distance between the reactor and population. Anyone reading the details of how the AEC suggested these distances should be assessed would be convinced that the AEC was steering utilities away from close-to-large-city sites.

Dr. Clifford K. Beck, Deputy Director of Regulation of the Atomic Energy Commission, admitted the no-near-city prohibition in a speech delivered Sept. 25, 1963: "No reactor of high power level can be placed in or near a populated area if there is any substantial likelihood that significant portions of its accumulated wastes could accidentally be released to the environment." But, he went on to add, "there are virtually no sites acceptable, safetywise, if the worst conceivable accident must be assumed. . . ." Dr. Beck's speech was titled: "Engineering Out the Distance Factor." In it he outlined two alternatives to distance—one, design and construction to prevent a major accident from happening, and, two, building in safeguards to contain the consequences of an accident.

Here then was the turning point in reactor safety, in which engineering came to be substituted for distance. What sort of engineering? The details started to flow out of the AEC in 1967 and—this is what worries me—they have been upwelling ever since. New criteria emerge, more unknowns are identified and more research is indicated, *but* all the while more powerful nuclear reactors are being constructed closer to cities.

For example, the AEC issued its "General Design Criteria for Nuclear Power Plant Construction Permits" on July 10, 1967. A total of 70 individual criteria is listed. That high AEC officials harbor their own doubts about reactor safety engineering comes out piecemeal in their speeches or may be read between the lines. (It comes out directly if you talk to AEC personnel at the operating or bench level. Reactor engineers tend to be somewhat habituated to their machines and most utility men are not very well informed about reactors.) None other than the AEC's Director of Regulation, Harold L. Price, put his finger on the real problem in mid-1967 when he said:

"The basic safety issue presented by metropolitan sites for large power reactors is whether, in lieu of partial dependence on distance from population centers, full reliance can or should be placed on the inherent safety of the reactors and their engineered safety features."

Yet almost at the same time that Mr. Price was identifying the issue, Dr. Seaborg was testifying before the Joint Committee: "While progress has been made in improving the safety of reactors, we need to obtain more experience and data in order to develop criteria for the siting of these units in urban areas." The full extent of the unknowns in reactor safety is revealed in 145 pages of AEC material introduced into congressional testimony in 1967 under the title "Water-Reactor Safety Program: Summary Description." This evidence includes brief descriptions of 100 individual reactor safety studies or projects, some of which were not even under way in 1967. Dr. Seaborg may have had these projects in mind when he testified.

At this point it becomes necessary to define the major physical problem in reactor safety. A nuclear reactor is basically a chain-reacting nuclear core sealed inside a stout pressure vessel which is rigged to permit entry and withdrawal of control rods that determine the power level of the machine. The reactor core consists of about one million pounds of nuclear fuel, control rods, and core structure. Most modern reactors of high power contain their nuclear fuel in the form of about nine million thimble-size pellets distributed in 12 foot long tubes all clustered together in a cylindrical array 11 feet in diameter. The very center of these uranium dioxide pellets is raised to a temperature of 4100°F producing a near-molten condition. The outer surface of the uranium fuel pellet is cooled by the swift passage of water under high pressure—from 1000 to 2250 pounds per square inch. Any interruption of the cooling water imperils the integrity of the fuel element, and it is a prime requirement in reactor engineering that provisions be made for emergency cooling in the event of a loss of coolant.

What is the worst that could happen to cause a reactor to lose its coolant? Experts agree that it would be a double break in the huge pipes that conduct heated water away from the reactor core to a heat exchanger and then return it to the pressure vessel. Should such a pipe rupture occur, the high pressure hot water would gush out and produce what reactor men call a "blowdown." Dr. William K. Ergen of the Oak Ridge National Laboratory headed up a task force that reported out in 1967 with a 226-page analysis "Emergency Core Cooling." Using this as a guide I have sketched the sequence of events in a reactor core following a drastic coolant break on a time schedule as follows:

5 to 10 seconds: Core temperature jumps from 600 to 1500°F in localized sectors.

30 to 50 seconds: Temperature exceeds 2000°F; core structure begins steam reaction and energy release.

50 to 100 seconds: Core attains temperature of 3360°F.

2 minutes: Core collapse begins.

10 minutes: Melt-down debris accumulates in vessel.

1 hour: Probable melt-through of pressure vessel with possible steam explosions.

1 day: Molten mass of reactor material breaks through containment slab.[2]

3 years: Molten material forms 100-foot glob in sand.

11 years: Cool-off of residual material shrinks to 80-foot diameter.

The point to stress here is that emergency core cooling systems which may spray water into or flood the reactor core have to work *within five to 10 seconds*. Otherwise one is no longer dealing with a reactor core but with a glowing mass of molten and melting material for which additional cooling or preventive measures are no longer effective. Yet as one reads through the Ergen report the phrases "a matter of speculation" or "it is not known" keep recurring. I have not been able to find any more recent AEC analysis of core-cooling, nor have I come across any overall evaluation of nuclear safety. I therefore urge that a high-level review of reactor safety be made by some independent group such as the National Academy of Engineering funded by the Environmental Protection Agency.

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[2] Reactor experts use the phrase *Chinese Syndrome* to describe the possibility that a liquid sodium-cooled core might break through a confinement and keep sinking in the earth China-bound.

No more important engineering challenge exists today than making sure that the reactors coming into use conform to a rigid set of codes so that the public safety is assured for the coming decades of nuclear power. The National Academy should establish a permanent Nuclear Power Safety Board whose first mission would be an evaluation of the status of reactor safety. The Academy already has a task force working on reactor siting and the new responsibility would be a natural addition to its present activity, involving however a much higher-powered organization to investigate the safety issue. This recommendation is in line with the example set by the British, who established a Nuclear Safety Advisory Committee with appointments to it being made by responsible Ministers. Incidentally, British siting policy emphasizes controlled population adjacent to reactors and thorough evacuation planning for zones closest to the site.

My basic reason for proposing an independent review of reactor safety is that the question of "How much safety?" is a public not an AEC matter. I would not impose a moratorium on reactor construction, because nuclear safety is a combination of reactor design and siting. Reactor safety is essentially a statistical concept. For example, the Calvert Cliffs nuclear station being built on Chesapeake Bay 46 miles southeast of the White House has fewer than 200 people living within a two-mile radius and the nearest large town is Cambridge, 20 miles across the bay. This contrasts with the two nuclear units New Jersey's Public Service & Electric plans to site at Newbold Island in the Delaware River, five miles south of Trenton and 10 miles north of Philadelphia. A 1985 projection puts the population at risk within a 10-mile radius of Newbold Island as three-quarter of a million people. An AEC construction permit for this plant was applied for last March.

The AEC procedure for granting a construction permit is a democratic one in that it allows for a public hearing. The utility is required to file a detailed Preliminary Safety Analysis Report (PSAR) which is then scrutinized by the AEC's regulatory staff. This safety review often takes a year and involves many conferences with the utility experts, often the vendor's people, but unfortunately these exchanges do not appear on the record. Furthermore, the AEC subjects the PSAR and the regulatory staff study to independent review by its Advisory Committee on Reactor Safeguards (ACRS), a highly competent group of 14 nuclear experts. ACRS has the guillotine power of decision on a construction permit for a reactor. ACRS approval is often contingent upon the utility making changes in plant design and its reports pinpoint weak points in reactor safety, some of which indicate a need for further research and development.

Public hearings prior to the granting of a construction permit involve a three-man AEC tribunal selected from a 23-man Atomic Safety and Licensing Board Panel. Citizens and associations are allowed to appear as intervenors at public hearings and in some cases these interventions have produced lengthy delays in granting a permit. Finally, the AEC allows for public hearings prior to awarding an operations license, and a number of nuclear plants are now hanging fire because of intervention at this stage. Many issues get aired at these hearings, but that of reactor safety is extremely difficult for an intervenor to explore; he must bow to the judgment of the experts—almost all of whom are employed by the AEC, by the reactor manufacturer or by the utility.

When AEC Chairman Seaborg says, as he did before an AP editors' convention on Nov. 19, 1970: "We know that the benefits we gain will far outnumber the risks of the potential hazards," then I submit the "we" is not all of "us."

I do not make the charge that the AEC is imposing an unsafe system of nuclear power on the nation; I submit that the public record is not visible to substantiate public confidence in the AEC's assurance. It's deeply disturbing to read in the Oak Ridge National Laboratory *Review* an article on "Benefits vs. Risks in Nuclear Power—A logical, facts-and-figures comment on the current anti-atom literature," by ORNL Assistant Director Walter Jordan:

"The $64 million question still remains, and that is whether we have succeeded in reducing the risk to a tolerable level—i.e., something less than one chance in ten thousand that a reactor will have a serious accident in any year. Thus when we have 100 nuclear power stations in operation, not too far in the future, an accident once every hundred years might be expected."

But before the year 2000 we will probably have 500 nuclear reactors of one million kilowatt rating, and it would appear a certainty we will have a serious nuclear accident—and by that time population, if uncontrolled, will hem in our reactor sites. To call it a $64 million question is to sadly underestimate the hazard and to make a mockery of the Price-Anderson Act. Dr. Jordan concludes his article:

"We and the public should be prepared to face the possibility of a nuclear accident, just as we live with the possibility of major earthquakes which will exact a large toll in property and lives."

This time the "we" is separated from the public, but this gap between the nuclear community and the public is precisely the reason for worrying about a nuclear accident. Even a mini-accident could roadblock the future course of nuclear power.

The nation needs power, clean power, and I believe it is not beyond our technological capabilities to design, site and operate nuclear power plants and insure the public safety. But as we, meaning all of us, enter into the nuclear decades, it is essential that the record is clear—that we, not just a few experts in a closed community, audit the nuclear books and lay the basis for public confidence in our nuclear future. As a constructive way of proceeding, I propose the following:

Establishment of a permanent Nuclear Power Safety Board to study and report on the status of nuclear reactor safety. This body would recommend a national policy on reactor safeguards and siting.

Imposition of a ceiling on reactor electric power ratings, limiting output to 1,200,000 kilowatts of electric power. This restriction has the effect of limiting the accident consequences of a nuclear plant.

Intensification of reactor safety research and development at AEC sites, aided by funds supplied by the nuclear utilities. This activity would encompass full-scale operational testing of reactor components.

Prohibition of AEC construction permits for nuclear plants with a near-metropolitan siting posture like the Newbold Island units.

Separation of the regulatory function from the AEC with assignment of this responsibility to the Environmental Protection Agency

Site	Plant name	Capacity (net kilowatt)	Utility	Initial design power
Alabama:				
Decatur	Browns Ferry Nuclear Power Plant: Unit 1	1,065,000	Tennessee Valley Authority	1972
Do	Browns Ferry Nuclear Power Plant: Unit 2	1,065,000	do	1972
Do	Browns Ferry Nuclear Power Plant: Unit 3	1,065,000	do	1973
Dothan	Joseph M. Farley Nuclear Plant: Unit 1	829,000	Alabama Power Co	1975
Do	Joseph M. Farley Nuclear Plant: Unit 2	829,000	do	1977
Arkansas:				
London	Arkansas Nuclear One: Unit 1	820,000	Arkansas Power & Light Co	1973
Do	Arkansas Nuclear One: Unit 2	920,000	do	1975
California:				
Humboldt Bay	Humboldt Bay Power Plant: Unit 3	68,500	Pacific Gas & Electric Co	1963
San Clemente	San Onofre Nuclear Generating Station: Unit 1	430,000	Southern California Edison and San Diego Gas & Electric Co	1967
Do	San Onofre Nuclear Generating Station: Unit 2	1,140,000	do	1975
Do	San Onofre Nuclear Generating Station: Unit 3	1,140,000	do	1977
Diablo Canyon	Diablo Canyon Nuclear Power Plant: Unit 1	1,060,000	Pacific Gas & Electric Co	1973
Do	Diablo Canyon Nuclear Power Plant: Unit 2	1,060,000	do	1974
Clay Station	Rancho Seco Nuclear Generation Station	804,000	Sacramento Municipal Utility District	1972
Pt. Arena	Mendocino Power Plant: Unit 1	1,128,000	Pacific Gas & Electric Co	1977
Do	Mendocino Power Plant: Unit 2	1,128,000	do	1979
Colorado: Platteville	Ft. St. Vrain Nuclear Generating Station	330,000	Public Service Co. of Colorado	1972
Connecticut:				
Haddam Neck	Haddam Neck Plant	575,000	Connecticut Yankee Atomic Power Co	1967
Waterford	Millstone Nuclear Power Station: Unit 1	652,100	Northeast Utilities	1971
Do	Millstone Nuclear Power Station: Unit 2	828,000	do	1974
Florida:				
Turkey Point	Turkey Point Station: Unit 3	693,000	Florida Power & Light Co	1971
Do	Turkey Point Station: Unit 4	693,000	do	1972
Red Level	Crystal River Plant: Unit 3	858,000	Florida Power Corp	1972
Ft. Pierce	Hutchinson Island: Unit 1	800,000	Florida Power & Light Co	1974
Do	Hutchinson Island: Unit 2	800,000	do	1976
Georgia:				
Baxley	Edwin I. Hatch Nuclear Plant: Unit 1	786,000	Georgia Power Co	1973
Do	Edwin I. Hatch Nuclear Plant: Unit 2	786,000	do	1976

Site	Plant name	Capacity (net kilowatt)	Utility	Initial design power
Illinois:				
Morris	Dresden Nuclear Power Station: Unit 1	200,000	Commonwealth Edison Co	1960
Do	Dresden Nuclear Power Station: Unit 2	809,000	do	1970
Do	Dresden Nuclear Power Station: Unit 3	809,000	do	1971
Zion	Zion Nuclear Plant: Unit 1	1,050,000	do	1972
Do	Zion Nuclear Plant: Unit 2	1,050,000	do	1973
Cordova	Quad-Cities Station: Unit 1	809,000	Commonwealth Edison Co-Louisiana-Illinois Gas and Electric Co	1971
Do	Quad-Cities Station: Unit 2	809,000	do	1972
Seneca	LaSalle Co. Nuclear Station: Unit 1	1,078,000	Commonwealth Edison Co-Louisiana	1957
Do	LaSalle Co. Nuclear Station: Unit 2	1,078,000	do	1976
Indiana: Dune Acres	Bailly Generating Station	660,000	Northern Indiana Public Service Co	1976
Iowa: Cedar Rapids	Duane Arnold Energy Center: Unit 1	529,700	Iowa Electric Light and Power Co	1973
Louisiana: Taft	Waterford Generating Station: Unit 1	1,165,000	Louisiana Power and Light Co	1976
Maine: Wiscasset	Maine Yankee Atomic Power Plant	790,000	Maine Yankee Atomic Power Co	1972
Maryland:				
Lusby	Calvert Cliffs Nuclear Power Plant: Unit 1	845,000	Baltimore Gas and Electric Co	1973
Do	Calvert Cliffs Nuclear Power Plant: Unit 2	845,000	do	1974
Massachusetts:				
Rowe	Yankee Nuclear Power Station	175,000	Yankee Atomic Electric Co	1961
Plymouth	Pilgrim Station	655,000	Boston Edison Co	1971
Michigan:				
Big Rock Point	Big Rock Point Nuclear Plant	70,300	Consumers Power Co	1963
South Haven	Palisades Nuclear Power Station	700,000	do	1970
Lagoona Beach	Enrico Fermi Atomic Power Plant: Unit 1	60,900	Detroit Edison Co	1970
Do	Enrico Fermi Atomic Power Plant: Unit 2	1,123,000	do	1973
Bridgman	Donald C. Cook Plant: Unit 1	1,054,000	Indiana & Michigan Electric Co	1973
Do	Donald C. Cook Plant: Unit 2	1,060,000	do	1974
Midland	Midland Nuclear Power Plant: Unit 1	492,000	Consumers Power Co	1976
Do	Midland Nuclear Power Plant: Unit 2	818,000	do	1977
Minnesota:				
Monticello	Monticello Nuclear Generating Plant	545,000	Northern States Power Co	1971
Red Wing	Prairie Island Nuclear Generating Plant: Unit 1	530,000	do	1972
Do	Prairie Island Nuclear Generating Plant: Unit 2	530,000	do	1974
(1)		1,201,000	Tennessee Valley Authority	1977
(1)		1,201,000	do	1978
Nebraska:				
Fort Calhoun	Ft. Calhoun Station: Unit 1	457,400	Omaha Public Power District	1972
Brownville	Cooper Nuclear Station	778,000	Nebraska Public Power District and Iowa Power and Light Co	1973
New Jersey:				
Toms River	Oyster Creek Nuclear Power Plant: Unit 1	560,000	Jersey Central Power and Light Co	1969
Lacey Township	Forked River Generating Station: Unit 1	1,140,000	do	1975
Salem	Salem Nuclear Generating Station: Unit 1	1,050,000	Public Service Electric and Gas, New Jersey	1973
Do	Salem Nuclear Generating Station: Unit 2	1,050,000	do	1974
Newbold Island	Newbold Nuclear Generating Station: Unit 1	1,088,000	do	1975
Do	Newbold Nuclear Generating Station: Unit 2	1,088,000	do	1977
New York:				
Indian Point	Indian Point Station: Unit 1	265,000	Consolidated Edison Co	1963
Do	Indian Point Station: Unit 2	873,000	do	1971
Do	Indian Point Station: Unit 3	965,000	do	1973
Scriba	Nine Mile Point Nuclear Station	500,000	Niagara Mohawk Power Co	1970
Rochester	R. E. Ginna Nuclear Power Plant: Unit 1	420,000	Rochester Gas & Electric Co	1970
Brookhaven	Shoreham Nuclear Power Station	819,000	Long Island Lighting Co	1975
Lansing	Bell Station	838,000	New York State Electric & Gas Co	1978
Verplanck	Verplanck: Unit 1	1,115,000	Consolidated Edison Co	1977
Scriba	James A. Fitzpatrick Nuclear Power Plant	821,000	Power Authority of State of New York	1973
North Carolina:				
Southport	Brunswick Steam Electric Plant: Unit 1	821,000	Carolina Power & Light Co	1976
Do	Brunswick Steam Electric Plant: Unit 2	821,000	do	1974
(1)		821,000	do	
Cowans Ford Dam	Wm. B. McGuire Nuclear Station: Unit 1	1,150,000	Duke Power Co	1975
Do	Wm. B. McGuire Nuclear Station: Unit 2	1,150,000	do	1976
Ohio:				
Oak Harbor	Davis-Besse Nuclear Power Station	872,000	Toledo Edison-Cleveland Electric Illuminating Co	1974
Moscow	Wm. H. Zimmer Nuclear Power Station: Unit 1	810,000	Cincinnati Gas & Electric Co	1974
Oregon: Rainier	Trojan Station	1,130,000	Portland General Electric Co	1974
Pennsylvania:				
Peach Bottom	Peach Bottom Atomic Power Station: Unit 1	40,000	Philadelphia Electric Co	1967
Do	Peach Bottom Atomic Power Station: Unit 2	1,065,000	do	1972
Do	Peach Bottom Atomic Power Station: Unit3	1,065,000	do	1973
Pottstown	Limerick Generating Station: Unit 1	1,065,000	do	1975
Do	Limerick Generating Station: Unit 2	1,065,000	do	1977
Shippingport	Shippingport Atomic Power Station: Unit 1	90,000	Duquesne Light Co	1957
Do	Beaver Valley Power Station: Unit 1	847,000	Duquesne Light Co.-Ohio Edison Co	1973
Middletown	Three Mile Island Nuclear Station: Unit 1	810,000	Metropolitan Edison Co	1972
Do	Three Mile Island Nuclear Station: Unit 2	831,000	Jersey Central Power & Light Co	1974
Berwick	Susquehanna Steam Electric Station: Unit 1	1,052,000	Pennsylvania Power and Light	1977
Do	Susquehanna Steam Electric Station: Unit 2	1,052,000	do	1979
South Carolina:				
Hartsville	H. B. Robinson S. E. Plant: Unit 2	700,000	Carolina Power & Light Co	1971
Seneca	Oconee Nuclear Station: Unit 1	841,000	Duke Power Co	1971
Do	Oconee Nuclear Station: Unit 2	886,000	do	1972
Do	Oconee Nuclear Station: Unit 3	886,000	do	1973
Parr		900,000	South Carolina Electric & Gas Co	1977
Tennessee:				
Daisy	Sequoyah Nuclear Power Plant: Unit 1	1,124,000	Tennessee Valley Authority	1974
Do	Sequoyah Nuclear Power Plant: Unit 2	1,124,000	do	1974
Spring City	Watts Bar Nuclear Plant: Unit 1	1,170,000	do	1967
Do	Watts Bar Nuclear Plant: Unit 2	1,170,000	do	1977
Vermont: Vernon	Vermont Yankee Generating Station	513,900	Vermont Yankee Nuclear Power Corp	1971
Virginia:				
Gravel Neck	Surry Power Station: Unit 1	780,000	Virginia Electric & Power Co	1971
Do	Surry Power Station: Unit 2	780,000	do	1972
Mineral	North Anna Power Station: Unit 1	845,000	do	1974
Do	North Anna Power Station: Unit 2	845,000	do	1975
Washington:				
Richland	N-Reactor/WPPSS Steam	790,000	Washington Public Power Supply System	1966
Do	Hanford No. 2	1,135,000	do	1977
Wisconsin:				
Genoa	LaCrosse Boiling Water Reactor	50,000	Dairyland Power Cooperative	1969
Two Creeks	Point Beach Nuclear Plant: Unit 1	497,000	Wisconsin Michigan Power Co	1970
Do	Point Beach Nuclear Plant: Unit 2	497,000	do	1971
Carlton	Kewaunee Nuclear Power Plant: Unit 1	540,000	Wisconsin Public Service Co	1972
Puerto Rico: Puerto De Jobas	Aquirre Nuclear Power Plant	583,000	Puerto Rico Water Resources Authority	1975

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[1] Site not selected.

NUCLEAR REACTOR SAFETY: A NEW DILEMMA FOR THE AEC

(By Robert Gillette)

The Atomic Energy Commission has adopted a curious position lately. While assuring the public that the nuclear reactors it licenses will operate safely, a number of AEC officials have been discretely appealing for more money—preferably much more money—to support research on the safety of conventional, water-cooled nuclear reactors.

For the most part, the money has not been forthcoming. But the appeals themselves have inflamed suspicions among the AEC's numerous critics that the atomic power plants that are blossoming across the nation's landscape may not be as secure from mishap as licensing implies. And thus the AEC finds itself impaled on a new dilemma that may serve to weaken its already shaky public credibility: If reactors are as safe as they are advertised to be, how can a large new safety budget be justified? Or, if new safety research is as urgently required as the AEC indicates, should the construction of atomic power plants (21 are operating, more than 50 are being built) be proceeding as rapidly as it is?

At a time when the AEC's $3 billion program for subsidizing the development of water-cooled reactors is nearly at an end, and when new plants are being licensed in ever-increasing numbers, the commission's appeals to Congress and the Office of Management and Budget for safety funds seem more than a little awkward. Indeed, the AEC's rationale for funds above and beyond its fiscal 1971 safety budget of $36 million rests partly on the premise that significant "uncertainties" in the performance of reactors remain, and that "urgent" work is yet to be done to resolve these uncertainties. For example, Milton Shaw, the AEC's director of reactor development and technology, confides that "At the drop of a hat I can spell out 15 areas where we could do more research in reactor safety. Drop two hats and I'll spell out 30 areas. There's virtually no limit on the work we can do." At the same time, however, commission officials are at pains to deny any untoward implications in such statements. In this context, George M. Kavanagh, the assistant general manager for reactors, told the Joint Committee on Atomic Energy last March that "This does not mean our reactors are unsafe. It means we should be spending more to assure that they are safe. . . ."

One way out of this paradox is to concede the point, raised by those close to reactor development, that safety research is not a finite task. As reactors age and their designs evolve, so the job of ensuring that they are properly designed, built, and operated continues. Moreover, there are, in fact, people of influence within the AEC who are given to what industrial sources regard as excessive zeal for perfection in safety.

Nevertheless, the fact remains that a large volume of nuclear safety work—much of it aimed at refining current understanding of normal and aberrant reactor behavior, and much of it aimed at improving quality control in manufacturing—has been cancelled, delayed, slowed, or simply not begun over the past decade. To all appearances, the result has not been to leave key safety issues untouched. Instead, one effect has been to limit the ability to define precise margins of safety in reactor operations. Another has been to impede the development of stringent standards of quality assurance—a primary ingredient in reactor safety.

Conversations with AEC officials and a reading of recent testimony presented to the Joint Committee suggest a variety of reasons for this R & D backlog. Essential projects, for example, have been delayed by inept management, and by design and construction problems similar to those that afflicted the nuclear industry as a whole during the 1960's. There is also reason to believe that program administrators have shown considerable inertia in acting on research suggestions still being pressed by the AEC's safety watchdog, the Advisory Committee on Reactor Safeguards (ACRS).

But the reason cited most often and most adamantly by AEC officials for their burden of unfinished business is a chronically undernourished safety research budget. For instance, Spencer H. Bush, chairman of the ACRS, told the Joint Committee in hearings on 22 June that the safety program's fiscal problems have worsened in the past 2 years. "While progress has been made," he said, "the accelerated erosion of AEC money for water-cooled reactor safety research has resulted in termination of some programs and substantial delays in others."

A FUROR OVER SAFETY

The AEC's new dilemma was thrust into prominence recently by a much-publicized controversy over the adequacy of a key accident-control system that is used on nearly every nuclear power reactor—the emergency core-cooling system (*Science*, 28 May). Although the commission's initial reaction to the furor over the backup coolers was to minimize its significance, the AEC's subsequent action was in keeping with its claims of ultraconservatism in matters of public safety. But more important, the controversy has helped point up the safety research program's infirmities.

The backup cooling systems in question are, very simply put, complexes of pipes, valves, and pumps, which are meant to flood a reactor's superheated uranium core in the unlikely event that the core's normal bath of cooling water escapes through a ruptured pipe. Thus the systems are analogous to spare hoses, radiator, and water pump on an automobile—but with a big caveat: Although operating reactors have occasionally sprung leaks from faulty pipes and poorly welded joints, none of these leaks has been great enough to call an emergency cooling system into action. Thus, though backup coolers perform well enough in elaborate computer simulations, they have never been tested in an operating reactor.

To rectify that situation, the AEC is preparing an extraordinary series of core-cooling experiments at its National Reactor Testing Station in Idaho. Here, a small reactor enclosed in a huge, dome-shaped shell will be subjected to progressively worse loss-of-coolant "accidents." Each time the reactor will be revived with a spirtz of emergency water, which, in turn, should spare it from destruction. This is the Loss of Fluid Test (LOFT) project—and it was in preparation for LOFT last winter that a series of core-cooling experiments in miniature scale first cast doubt on the adequacy of full-sized backup systems.

The "semi-scale" tests, as the experiments were called, suggested that steam pressure inside a real reactor might prevent emergency water from reaching the core in sufficient time or volume to save the reactor from severe damage or destruction. The tests were aimed at refining a computerized model of the LOFT reactor's behavior and were not meant to simulate events in an atomic power plant. Nonetheless, they did spur the AEC into reviewing the designs of backup cooling systems on power plants now in operation and on several scheduled to "go critical" soon.

After deliberating for 4 months, the AEC issued on 19 June an "interim policy statement" which suggested a slightly diminished confidence in the ability of emergency cooling systems to save a reactor—and perhaps the nearby populace—from the consequences of a broken pipe. Five older reactors, including the San Onofre plant nestled along the California coast not far from the western White House, were ordered to modernize their backup coolers by 1 July 1974. Until then, the policy statement said, the plants were to triple their inspections of pipes, pumps, and valves, in order to reduce the likelihood of an accident that would require the use of an emergency cooling system. In addition, four new atomic power plants were ordered to hold their peak operating temperatures down to 1260°C, although doing so might decrease their power output. The AEC said that these and other "clearly conservative" guidelines would remain in effect, "pending the development of further data," much of which would presumably come from LOFT during the next few years.

A DISMAL HISTORY

As an AEC budget summary described the LOFT project last year, it is the nation's "largest and most vital water (reactor) safety project," and it bears on the "most critical safety problem facing all water reactor plants"—namely, what to do when the core runs dry. But none of this urgency appears to have spared the program from a long and rather dismal history, marked at first by poor management, and more recently by a tight budget that has necessitated "terminations" and "reductions" in preparatory work.

The LOFT project has limped along under these circumstances since its inception in 1963. By the time its consummate experiments get under way in 1974 or 1975, it will have consumed more time from start to finish than the Apollo program took to land two men on the moon. "It went along for years with conflicting changes in intent and direction," one high-ranking AEC official said. "Project management in the early 1960's just wasn't that good. With better management it could have gone faster."

How much faster is suggested by the tables that the Joint Committee published in the record of its authorization hearings for fiscal 1971. Begun officially in September 1964, LOFT construction was supposed to have been finished in late 1967, at a cost of $19.4 million. But having since been expanded and upgrading to become the "focal point" of the water reactor safety program, LOFT equipment is not scheduled to begin debugging operations until mid-1972, at a final construction cost of $35 million.

Nor was this pattern of delay and overrun unusual for major test facilities at Idaho in the 1960's. The Advanced Test Reactor (ATR), billed as the world's most powerful reactor for testing nuclear fuels and core materials, suffered a 3½-year delay and a $17.7 million cost overrun that pushed its price to $57.7 million. The ATR finally achieved full-power operation on Christmas Day 1969, but only after "rather severe" construction flaws had required dismantling and rebuilding it. Still another major test reactor at the Idaho site, the Power Burst Facility (PBF), is expected to begin running this year, 4 years late and $6 million, or 70 percent, over its original cost estimate.

The AEC now blames many of these difficulties on the Phillips Petroleum Company's management of safety program operations during the 1960's. In 1969, the commission shifted responsibility for the program to Idaho Nuclear, a composite of Allied Chemical Corporation and Aerojet-General Corporation. Phillips then joined as a minor partner with no managerial responsibilities. "For one reason or another, we were unable to get the LOFT and PBF projects done," Shaw has said. "Phillips as a parent organization did not have that [necessary] kind of power or test reactor design and construction experience, and they were unable to recruit the kind of talent necessary to get the job done right."

LOFT and other projects are said to be moving along "tolerably well" now, but the

Idaho site's management ills were cured just as the safety research began a slow downward slide. Over a period of several years, expenditures for safety had crept up to a $37 million peak in fiscal 1970, then dipped to $36 million in 1971. As available money declined and inflation rose, a growing new emphasis on breeder reactor safety studies accelerated, thereby putting still more financial pressure on the full range of conventional reactor work, including LOFT and such elements of its supporting research as the semiscale experiments. "My problem," Shaw said recently, "was that I was going to have to phase out some of this work in fiscal 1972 unless we got more money."

The LOFT project won a reprieve of sorts in June, when the Joint Committee approved the the AEC's request for $2 million in supplemental safety funds. The emergency core-cooling flap weighed heavily on that decision, and therefore probably benefited the LOFT project as much as it did the safety of the public. (The committee also gave its blessing to the $4 million that President Nixon requested in his June energy message for breeder reactor safety.) But, as Kavanaugh had told the committee a month earlier, "I think we could use $30 million or $40 million [more]. . . ."

Certainly LOFT's financial problems have not been unique. To accommodate a smaller budget in 1971, the AEC closed down a small test reactor, the Capsule Driver Core, at Idaho and sacrificed a nonnuclear facility, the Containment Systems Experiment (CSE), at its Pacific Northwest Laboratory in Washington. Both were "producing rather important information," Shaw said last year, noting that "These are not facilities we would prefer to have closed down." By mothballing the CSE, for example, the AEC cut short a series of experiments to investigate the behavior of reactors during sudden losses of coolant. It also passed up an opportunity to test the performance of emergency core-cooling systems on a far larger and more realistic scale than it could in the miniature LOFT experiments. "The potential was there, and it could still be done," according to Andrew J. Pressesky, the assistant director for nuclear safety.

QUALITY CONTROL IMPEDED

In addition to these closures in fiscal 1971, the safety program sustained "general reductions, terminations, and delays in the initiation and progress" of a variety of projects, officials have said. Of these stringencies, the one that is hardest to justify, in Pressesky's view, was a reduction in support of a cooperative program between the AEC and industry to develop manufacturing standards for the pumps, pipes, and valves used in nuclear reactors. These standards are regarded as the backbone of quality assurance in reactor manufacturing, and in large part their development is the means by which safety research is translated into engineering practice.

Laxity in quality control was, to a major extent, responsible for costly delays in construction and interruptions in operation experienced by numerous atomic power plants during the 1960's. Faulty plumbing and welding still plague the nuclear industry, although to a lesser degree now. But AEC officials such as commissioner James T. Ramey, are still pressing for improved standards. "Despite the progress that has been made," Ramey told the Joint Committee in June, even higher priorities and more manpower must be applied to standards development." Despite such appeals, money for the standards program has declined by about 40 percent since 1970.

Privately, a number of AEC officials blame the safety program's erosion on an intensive Office of Management and Budget. As one man deeply involved in AEC safety affairs expresses it, "The OMB holds a somewhat simplistic view. Since the AEC has cut back its development work on water reactors, it asks 'why all this talk about more safety research.'" In an apparent campaign to explain why, a variety of safety advisory groups issued a flurry of admonishments in 1969 to the effect that money ought to be going up, not down. In June of that year, an internal AEC study group warned that "The large number of construction permits for . . . power reactors which have been issued in the last several years does not imply there is a decreasing need for water reactor safety research. Rather, because these construction permits were issued on the basis that planned programs would resolve certain safety questions related to these reactors . . . there is an increasing need for safety research." Another internal AEC study in October 1969 urged "a vigorous safety R & D program" and went on to say that "Major efforts are still required to resolve issues currently facing both reactor suppliers and those charged with safety assessment for the surge of light water power reactors announced in the 1965–68 period." In a 12 November 1969 letter to AEC chairman Glenn T. Seaborg, a similar appeal was made by the Advisory Committee on Reactor Safeguards when it complained that "only small or modest efforts" had been initiated in several key areas of safety and that "many safety research activities have not been initiated, have been slowed, or have been terminated." The letter said that the committee "reiterates its belief in the urgent need for additional research and development" in such areas as seismic safety and the safety of ordinary water-cooled reactors.

All these admonitions seem to have had little mitigating effect on the OMB's axe hand. It is true that over the past 2 years the OMB has been no more sanguinary than the commissioners themselves in cutting the requests of safety program administrators. Each sliced about $7 million from the $49 million lower-echelon request for 1972. On the other hand, the budget office allowed the AEC to ask Congress for only 40 percent of the supplemental safety funds the commission wanted last May, thus leaving about $3 million worth of high-priority projects unfunded.

It appears, however, that the OMB's fiscal pressure on the program is motivated less by malice or insensitivity than by a desire to force more of the burden of nuclear safety studies onto the nuclear industry. It also appears that AEC earnestly shares this desire. But it has so far achieved only modest success in buttonholing support from reactor manufacturers, who are said to be convinced that they are already selling a safe product, or from the electric utility industry, which is chiefly interested in buying a safe product and has notoriously little inclination toward research in the first place. As things stand, the nuclear industry continues to enjoy a kind of technological welfare that must seem lavish to aerospace corporations.

But from all of this, can one conclude that the safety of atomic power plants has been compromised? Senator Mike Gravel (D–Alaska), who has become a vocal foe of nuclear power, seems to think so. In a speech to the Oregon State Legislature not long ago he urged that every state "stop all construction of nuclear power plants until the safety problems are resolved and until we achieve the safety-first policies to which we are entitled." Last May, voters in Eugene, Oregon, approved a 4-year moratorium on a nuclear power facility planned for their area. Similar movements are afoot in the Oregon legislature, in Minnesota, in New York City, and in California where a citizen's group has succeeded in placing on the June 1972 ballot a proposal to ban power reactor construction for 5 years.

AEC officials understandably find such activities unjustified. And so, it seems, do the most influential conservation organizations, which say they prefer to weigh the merits of atomic power plants on a site-by-site basis rather than putting up blanket opposition to nuclear power.

For their part, AEC officials say that conservatism in plant design and operation should compensate for any uncertainties that remain in the behavior of reactors.

One AEC authority in reactor safety, and a man who is less reserved in his criticism of the agency than most, sums it up this way:

"I believe that nothing in the water reactor safety program is of low priority. It should all be done. And until these tasks are completed we are going to have to use rather more conservative bases for design judgments on plants, and we are going to have to make decisions with a certain lesser degree of cheerfulness, or confidence, than if we had the results of this research.

"We think we can set boundary conditions, so no matter how a reactor goes we are quite sure it's safe. But I find having to work this way intellectually less satisfying. . . . I prefer to *know*, in a quantifiable way, what the limits of safety are.

"However, I think we're in good shape, and that in the long pull, when we look back, we may see we spent money unnecessarily. At least that's what I trust we'll see."

Mr. GRAVEL. I also ask unanimous consent that the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of amendment No. 256. Even though that amendment has been disposed of, he wanted his name of record.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 255 AS MODIFIED

Mr. GRAVEL. Mr. President, the Senator from Rhode Island (Mr. PASTORE) and I have worked out an agreement. I envision no further rollcall votes on my amendments. I call up amendment No. 255, which deals with fusion, and ask unanimous consent that it be modified with respect to certain figures. I send to the desk the modification.

The PRESIDING OFFICER. Without objection, the clerk will state the modified amendment.

The legislative clerk read as follows:

On page 1, strike out lines 7 through 9, and insert in lieu thereof the following:

(a) For "Operating expenses", $2,029,571,000, of which not less than $31,000,000 shall be available for controlled thermonuclear fusion research and development, and of which not more than $116,400,000 shall be available for operating costs for the high energy physics program category.

The PRESIDING OFFICER. The Chair inquires of the Senator from Alaska whether this is one of the amendments on which a limitation of 1 hour has been agreed upon.

Mr. GRAVEL. Yes.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. PASTORE. Mr. President, I have discussed this matter with the Senator. We are perfectly willing to take a vote, and I would hope the Senate would agree to this amount. It is a reasonable request.

I want the RECORD to show that we have spent $440 million on thermonuclear research, and the best information we get from the scientists is that we are approximately 30 years away from something that might be considered really potential. But it is a field that has to be explored, and I am perfectly willing to accept this amendment.

Mr. GRAVEL. I thank the chairman very much. This is not as much as I desire, but I am happy to take this amount because any gain is a gain.

Mr. President, I ask unanimous consent to have a fact sheet printed at this point in the RECORD.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

Increasing the Fusion Budget

WHY FUSION?

Fusion has been called "the ultimate source of energy here on spaceship earth" by the late AEC Commissioner Theos Thompson (Nov. 5, 1970). "Assume, if you will, a world population by the year 2000 of 7 billion . . . and assume also a per capita consumption of electrical energy equal to twice that of today's U.S. consumption . . . Then, 1% of the deuterium in the world's water, even if we burn it with only 10% efficiency, would provide the world with enough energy for over 3 million years. One can thus recognize the truly dramatic promise which fusion power holds."

The potential pay-off from successful fusion research and development is unlimited electrical energy, safe and virtually pollution-free, plus a fusion "torch" which would convert garbage and other solid waste back into its constituent atoms for re-use. Fusion would produce little or no radioactivity, and neither use nor produce fissionable material which could be diverted into proliferation of atomic bombs around the world.

WHEN FUSION?

The consensus of experts is that the feasibility of fusion will be proven within 5 to 10 years, and that we could have commercial fusion plants producing electricity by 1990–2000. AEC Chairman Seaborg testified May 13, 1971 that we ought to increase fusion funding "on the possibility that we might be able to bring it in faster than some have testified."

PROGRESS TIED TO DOLLARS

Almost everyone in energy politics and fusion research agrees that the main factor limiting the rate of progress toward fusion power is financial. Fusion scientists know exactly what they need to do next, but they do not have the funds.

Unless Congress amends the AEC Authorization, the effort in fusion will suffer a net *1%* reduction this year, due to inflation, while breeder research (not counting the demonstration plant) will enjoy a 53% increase.

While money will not guarantee successful fusion research, lack of money will guarantee failure. How does it happen that a poorer nation—Russia—is devoting about 3 times more manpower to fusion than we are? We fool ourselves if we think we are going as fast as we can in fusion. We are spending about 14¢ per person on it. Last June, the House Appropriations Committee said, "The Committee has long been concerned at the slow pace of the development of this (fusion) program which, if successful, could be the answer to the energy problems facing the nation and the world . . . The Committee hopes that future budget submissions will make more adequate provision for acceleration of this research and development effort."

ATTACHMENTS

1. Comparison of fission and fusion.
2. Statement about our future energy choices (solar, fusion, fission) by Dr. Hannes Alfven, 1970 Nobel Laureate for Physics (in the *Congressional Record*, May 26, 1971)

FUSION AND FISSION CHARACTERISTICS

Fusion

1. Cheap, safe fuel such as seawater (deuterium), lithium, helium.
2. Little or no radioactivity.
3. Inherently safe anywhere.
4. Potentially 90% efficient; no thermal pollution.
5. **Potential for fusion torch solving the** solid waste recycling problem.
6. No fissionable material which could be diverted for proliferation of atomic bombs around the world.

Fission, breeder or conventional[1]

1. Breeders fueled by plutonium, the most dangerous substance known to man; both breeders and conventional nuclear plants creating immense quantities of plutonium.
2. Immense radioactive legacy for the next 50 generations.
3. Inherently dangerous anywhere.
4. Only 33–40% efficient; tremendous thermal pollution.
5. Potential for permanently poisoning the planet with radioactive pollutants, and massive increases in cancer, genetic mutations, mental retardation, deformities, and all kinds of diseases.
6. Probability of atomic-bomb proliferation, and growth of a plutonium black-market.
7. Massive increase in security checks to prevent plutonium thefts and sabotage.
8. Vulnerability of power plants to sabotage, attack, earthquakes, and accidents whose consequences could practically bring this country to its knees, and impair its national security.

We must be careful that fusion is not delayed in order to make the breeder look like an attractive investment.

Some of the main fusion research centers are located as follows:

New York: Columbia University.
New Jersey: Princeton University.
Tennessee: Oak Ridge.
Michigan: University of Michigan.
Wisconsin: University of Wisconsin.
New Mexico: Los Alamos.
California: Lawrence Radiation Lab.

Mr. PASTORE. How much is the Senator adding to the amount?

Mr. GRAVEL. The total addition is $1.2 million. It makes a total of $31 million. In my amendment where I have $43,770,000, the figure is now $31 million. So it is a $1.2 million increase above the $29.8 million in the committee recommendation.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, so that the modification of my amendment is clearly understood at the desk, the figure on line 1 is changed from $2,039,541,000 to $2,029,571,000. On line 2, the figure is changed from $43,770,000 to $31 million. That is the modification.

Mr. PASTORE. Mr. President, we have straightened out the figures now. I would hope that the Senate would approve the amendment.

I yield back the remainder of my time.

Mr. GRAVEL. Mr. President, I thank the chairman very much for working out this accommodation.

I ask unanimous consent to have my statement in connection with this matter printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Merits of Fusion

The potential pay-off from successful fusion research and development is unlimited electrical energy, safe and virtually pollution-free, plus a fusion "torch" which could convert garbage or any other substance back into its constituent atoms—for example, pure carbon, iron, silicon, and so forth. (For torch details, see *Fortune* reprint and *Science News* article).

In other words, the achievement of practical fusion power could have a profoundly beneficial impact on this endangered planet.

Fusion research is officially called the controlled thermonuclear research (CTR) program. The word controlled is important. The sun and other stars demonstrate the controlled fusion of atomic nuclei. *Un*controlled fusion is manifest in the explosion of a thermonuclear bomb. *Controlled* thermonuclear fusion would release the energy of fusion reactions for electrical generation or other beneficial uses, instead of for destruction.

One of the principal fuels for fusion power plants could be deuterium, which is a form of hydrogen easily separated from ocean water. A little deuterium would go a very long way. For instance, the deuterium required to fuel the entire world at projected power demands, would result in a lowering of ocean level by less than one/one thousandth of an inch after a million years. (Source: Letter to O'Connor from Dr. Richard Post, October 5, 1970).

Deuterium is also found in fresh water. A kitchen faucet turned on full could yield enough deuterium to supply the whole present United States electrical power demand. (Source: same letter above.)

A home using 12,000 kilowatt-hours of electricity per year, which is a common amount, would require the consumption of fusion fuel weighing only about as much as one-third of an aspirin pill. That is about ten million times less than the weight of fossil-fuels now burned to service a home at that electrical consumption-level.

If we insist on going for the most ideal kind of fusion reaction instead of the easiest, we could eliminate radioactive and thermal pollution completely. We could build power plants safely right in the middle of cities. And not least of all, fusion plants would eliminate the danger of black-market atomic bombs, which are an unavoidable possibility as nuclear power plants proliferate. (See, for instance, *Science* magazine article, April 9, 1971, "Plutonium: Reactor Proliferation Threatens a Nuclear Black Market").

Today's nuclear power plants are fission reactors in which atomic nuclei are split into intensely radioactive and often long-lived fission products—a radioactive legacy for at least 50 generations in return for some electricity today.

In contrast, fusion plants require a nuclear reactor in which atomic nuclei fuse, or combine, instead of splitting. An ideal fusion reaction (e.g. fusing lithium-6 and a proton) could produce virtually zero radioactivity; even the easiest fusion reactions (e.g. fusing deuterium and tritium or deuterium and helium-3) could produce a radioactive hazard approximately a million times less than the fission-reactions in nuclear power plants. (Sources: *Scientific American*, Feb. 1971, "The Prospects of Fusion Power" by Drs. Gough and Eastlund; also *Fortune*, June 1970, "The Hot New Promise of Fusion"—Record reprint Aug. 5, 1970).

Put another way, the radioactive hazard from fusion would be zero to minimal, whereas a single 1000-negawatt nuclear power plant (fission) produces enough radioactive plutonium every year to give 500 billion people the maximum permissible amount, plus as much long-lived radioactive fission waste as is produced by exploding about 1,000 Hiroshima bombs. One plant, for one year. One plant for 20 years produces more long-lived radioactivity than all the American, British, and Russian atmospheric bomb-tests combined. That is a fact of physics, and better engineering will never change it. As representative Chet Holifield, senior member of the Joint Committe on Atomic Energy, recently acknowledged, nuclear power plants are "inherently highly dangerous". (speech, May 21, 1970).

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[1] For a documented discussion of fission, please see the *Congressional Record*, July 8, 1971, pages 24010–24023.

Fusion, by contrast, could be inherently safe. The safety advantages of fusion over fission are acknowledged to be so great that fusion plants will start replacing nuclear power plants just as soon as fusion is available; and according to AEC Chairman Glenn Seaborg, this will start happening no matter how great the investment has been in nuclear fission plants (Source: Seaborg's testimony May 13, 1971 to JCAE). The late AEC Commissioner Theos Thompson pointed out the same thing in a speech Nov. 5, 1970: "I believe it is likely that the fusion process will provide sufficient advantages so that it will naturally replace fission reactors whenever it becomes available and economic." Dr. Hannes Olof Alfven, who won the 1970 Nobel Prize for physics, has written that when fusion is achieved, "the fission reactor, especially the breeder, will be of interest only as a danger which must be eliminated as soon as possible" (Alfven statement, April 2, 1971).

The safety of fusion plants will not be their only advantage. Through direct conversion of charged particles in the fusion fuel into electricity, efficiencies might reach 90% or higher, compared with about 33% for today's fission-reactors and perhaps 40% for the breeders. Fusion efficiency may reduce direct cost, and even more important, will certainly reduce indirect costs like thermal pollution.

The safety of locating fusion plants inside cities is obviously another economic advantage which fission plants can not offer.

Fuel availability for fusion is another advantage.

Furthermore, fusion presents no security problem; whereas a fission-based nuclear energy economy will require security clearances of a potentially totalitarian character. There is no fissionable weapon-material involved in fusion.

And not least, there is the potential pay-off of a fusion torch to apply to our gross national garbage.

No wonder the editorial in *Business Week*, Sept. 12, 1970, said, "Fusion power is worth the effort" and called upon the administration and Congress to "inject a sense of urgency" and some big money into the program.

It may shock some of my colleagues to learn that, instead of increasing American effort in fusion, we will actually be reducing our fusion program unless we amend the AEC budget which is now before us. But I will postpone funding details for a moment.

PROSPECTS FOR ACHIEVING FUSION

I believe that about the only argument which opponents of this amendment can make is hollow, and it goes something like this:

Perhaps controlled fusion can never be achieved. Do you know for sure that it does not defy some law of nature?

The same question was raised just before the Wright brothers took off from Kitty Hawk.

The same question is the only imaginable argument against this amendment. Therefore it is important to discuss the prospects for achieving fusion.

No one knows "for sure" that controlled fusion can be achieved. Uncertainty, however, has seldom prevented us from investing untold billions in unproven weapon-systems, many of which never work out. Today I am urging the Senate to place a bet on something *constructive* for the human race.

Physicists do not promise to pay off on this bet, but they come about as close to making a promise now as anyone can.

Harnessing fusion "is probably the most difficult technical task that has even been attempted, bar none," said Dr. Melvin Gottlieb, director of the Plasma Physics Lab at Princeton, "but we are beginning to find we have it by the tail". (Quoted in *Business Week*, Sept. 12, 1970, p80).

Controlled fusion and plasma physics are intimately related. At the temperatures required for fusion reactions, all fuels have not only vaporized, but they have also broken up into a mixture of negatively charged electrons and positively charged nuclei. The mixture is called a plasma. Since plasmas behave in some unique ways foreign to solids, liquids, and gases, they are often considered a fourth state of matter.

There was a period in the fifties and early sixties when plasma physicists began to fear that they might be up against some unknown law of nature in their effort to control fusion. But in early 1969, the Russians made a significant fusion breakthrough which was rapidly confirmed by the British.

By 1970, the AEC's Dr. Robert Hirsch expressed the new confidence: "Nature is not against us in this work. It appears that all we have to do is be careful and do the right things." (Source: *Fortune* article, June 1970—Record reprint Aug. 5, 1970).

On March 8, 1971, the first successful demonstration of an American fusion device called Scyllac prompted Dr. Fred Ribe at Los Alamos Scientific Laboratory to say, "We got a beautiful rosy pink glow everytime we ionized the gas . . . we're on the right road to fusion." Six hours after Scyllac was first turned on, Ribe reported, "We're still firing off plasmas. We've fired off hundreds so far, and not once have we seen anything but a completely successful containment of the gas. We feel we've hurdled one of our toughest hurdles . . . We feel we're on our way."

There are three requirements for successful fusion—confinement time, temperature, and plasma density. These requirements are now being met, or are about to be met, separately in various fusion devices. When all three requirements are achieved in a single machine, the feasibility of controlled fusion will have been proven. We will know "for sure". We will have made a gamble *for* humanity this time, and won. It will be a day of profound excitement and rejoicing.

The general feeling among experts is that feasibility of fusion will be demonstrated in 5 to 10 years. (For sources, see separate list called "Time Estimates".) If so, a large prototype fusion plant producing electricity could be in operation between 1980 and 1990. Commercial fusion electricity could course through our power grids by 1990 or 2000.

Money is the key.

THE RELATION OF PROGRESS TO DOLLARS

AEC Chairman Glenn Seaborg testified on June 15, 1971, to the Senate Interior Committee that, "the potential advantages of fusion power in terms of fuel reserves, compatability with environmental quality, and technological applications are so impressive that the CTR program should proceed as rapidly as technological progress permits."

Almost everyone in energy politics and fusion research agrees that the rate of progress in fusion has become directly tied to available funds. (For sources, see separate list called "Dollar Needs"). This was not always the case; it is the result of recent breakthroughs.

We should listen carefully to the opinion of Dr. Hannes Olof Alfven on this matter. Dr. Alfven's pioneer work on plasma physics was cited when he was awarded the 1970 Nobel prize for physics. He has this to say:

"There is general agreement that no fundamental obstacle is likely to prevent the construction of a fusion reactor, but there are a number of difficult scientific and technical problems which must be solved. There is much speculation about how much time is needed to solve these problems, but it is just as much a question of how much effort has to be spent.

"In my opinion, a solution of the fusion problem is less distant today than the moon was when the Apollo project started. This means that if a national effort of the same kind as the Apollo programme were made, the fusion energy would be available in a comparable time." (Source: Alfven's April 2, 1971 statement). See also Myers.

A year earlier, Dr. Robert Hirsch, then acting director of the AEC's fusion program, said: "We're now at the point where a lot of money could do a lot of good—something we could not have said a year ago." (Source: *Fortune* article, June 1970).

In March, 1971, Dr. Donald Grove of the Princeton Plasma Physics Lab stated: "There is no doubt that controlled fusion, if successful, will supply essentially forever the power needs of mankind in a safe, non-polluting form. We must expand our research efforts and fortunately we are, at the moment, in a scientific position where we know precisely how to extend our present knowledge through new machines already on the drawing boards—but for which funds are not available." (Source: Letter to Gravel, March 22, 1971).

A fusion physicist at the University of Michigan, Dr. Richard Osborn, wrote in February of this year: "In my opinion, it is not premature for people in policymaking positions in the Federal Government to take a serious look at the possibility of drastically increasing the level of our national effort with regard to this matter"—Fusion. (Source: Letter to Gravel, Feb. 23, 1971.)

As I said earlier, this country's fusion effort in fiscal 1972 will actually *decrease* unless we amend the authorization now before us.

EDITORS URGING SUBSTANTIAL FUSION INCREASE

My colleagues may have missed some editorial opinion of interest on the fusion funding.

The editors of *Business Week*, for instance, emphatically support greater investment in fusion: "The time has come for Congress and the administration to start planning a major program to take advantage of what would be one of the greatest opportunities opened by modern science: the development of nuclear fusion as a source of electric power . . . the Government must inject a sense of urgency into the project. Fusion power is no longer a pipedream. It could become a reality if the U.S. will put forth the effort to bring it into being." (Source: *Business Week* editorial, Sept. 12, 1970, p. 134.)

The editors of the *New York Times* seem to agree: "The case for a substantial increase in the present miniscule expenditure on this research (fusion) seems compelling . . ." (Source: NYT editorial July 31, 1970).

After President Nixon's energy message, which gave lipservice to fusion and solar energies but which gave all the dollars to nuclear fission, *The Washington Post* editors wrote: "We wish the President had put the same emphasis on the development of a fusion reactor that he did on the breeders . . . we hope that Congress will examine this project with an eye toward increasing (fusion) funding if more money can be spent usefully at this time." (Source: *W. Post* editorial, June 9, 1971.) Just 3 months earlier, *Washington Post* editors had written that fusion "would be such a boon to mankind that the United States could make no greater contribution than to commit whatever resources are needed to bring it into existence." (Source: *W. Post* editorial, Mar. 11, 1971.)

THE FUSION BUDGET PICTURE

I repeat: unless we amend the AEC authorization now before us, there will be a 1% reduction in the fusion effort in the coming year.

To his everlasting credit, AEC chairman Glenn Seaborg fought this year to prevent even deeper cuts in our fusion program. On May 13th, he personally asked some clearly unsympathetic committee members to raise the fiscal 1972 operating budget for fusion from $28 million, which was the initial administration request in February, to $29.8 million. I would like to quote some remarks from that May 13th hearing:

Representative HOSMER. "This is a rather opportunistic stab at getting some money when the subject is popular."

Senator PASTORE. "That is the point. The environmentalists have been saying 'stop your reactor program and get into thermonuclear control' (fusion). I am wondering if there are any politics in this (request for additional money) or if there is scientific judgment."

Dr. SEABORG. "I think that we should increase our effort in fusion . . . on the possibility that we might be able to bring it in faster than some have testified."

Representative HOLIFIELD. "I personally do not believe fusion should be escalated to the point where it in any way detracts from the urgent work that we need to do on the fast (fission) breeder."

Dr. MCDANIEL (AEC Director of Research). "The total manpower in the (fusion) program will be less even with this amendment than it is during the current fiscal year."

Let me put any figures we will discuss today about fusion into perspective:

Table: Recent history of fusion funding

Fiscal 1969: Operating expenses	$26,775,000
Fiscal 1970:	
Admin. request, operating expenses	27,800,000
JCAE recommendation	27,800,000
Fiscal 1971:	
Admin. request, operating expenses	29,610,000
Equipment and building	1,940,000
JCAE recommendation, operating expenses	[1] 28,610,000
Equipment and building	1,940,000
Appropriation, operating expenses	[2] 28,610,000
Equipment and building	1,940,000
Fiscal 1972: Administrative request, Feb. 1971:	
Operating expenses	28,000,000
Equipment and building	2,240,000
Augmented Admin. request, May 13, 1971 and reiterated in Nixon's energy message June 4, 1971: additional $1.8 million for operating exp.	
Operating expenses, new total	[3] 29,800,000
Equipment and building(?)	2,400,000
JCAE recommendation:	
Operating expenses(?)	
Equipment and building(?)	

[1] The JCAE explained its cut in requested fusion funds for Fiscal 1971 this way: "The Committee is well aware of the importance of CTR research (controlled thermonuclear research-fusion) and the tremendous impact a successful fusion reactor will have for the benefit of all mankind . . . However, the Committee is of the opinion that, with more discipline in allocating funds . . . substantial progress can be effected at a funding level of $28,610,000 which is $1 million below the amount requested." (Source: JCAE Report 91-852, May 11, 1970).

In fact, the amount recommended by the JCAE, which represented a 3% increase over Fiscal 1970 dollars, meant a net *reduction* in the fusion program, due to inflation.

[2] In June 1970, the House Appropriations Committee expressed its disapproval of the cut: "The Committee has long been concerned at the slow pace of the development of this (fusion) program which, if successful, could be the answer to the energy problems facing the nation and the world . . . The Committee hopes that future budget submissions will make more adequate provision for acceleration of this research and development effort." (Source: House Appropriations Committee Report for Public Works, No. 91-1219.).

[3] This augmented Administration request for Fiscal 1972 represents a dollar increase of less than 1% over its request for Fiscal 1971:

Fiscal 1971 *request*—$29,610,000.
Fiscal 1972 *request*—$29,800,000.

With a 5% inflation factor, the net result is a *reduction* of 4% in the request, compared with the Fiscal 1971 *request* (NOT compared with the Fiscal 1971 appropriation).

The augmented Administration request for Fiscal 1972 ($29,800,000) represents a dollar increase of 4% compared with what Congress/JCAE actually gave fusion last year ($28,610,000). But with a 5% inflation factor, the net result is still a *reduction* of 1% in the fusion program. This fact is reflected in Dr. McDaniel's statement about cutting manpower (see page 19 of this paper).

(NOTE.—The May 13th request to the JCAE is the one referred to in Nixon's energy message June 4th. The Administration has requested only one increase since January 1971, not two.)

Table: Comparison fusion and fission funding—Tax dollars

Total fusion funding: Since inception (1952), official figure	$450,000,000
Total funding civilian nuclear power plants: (light water reactors) since inception (about 1952 in earnest), official figure	2,000,000,000
Plus a $17 billion investment by private industry. Breeders not included.	
Total funding plutonium breeder to 1970: Estimate in in the press	1,000,000,000
Additional government breeder funding: Between 1970–84, official figure	2,000,000,000

Estimated fiscal 1972 budget consumed by civilian nuclear power—fission

	Million
Civilian reactor development	[1] $377
Regulation	13
Biology and medicine	[2] 75
Training, educ, info	[3] 6
Total	471

[1] This figure includes the additional $77 million asked by President Nixon (June 4, 1971) for the breeder this year above his original $139 million request (January).

The breeder spending for Fiscal 1972 will be: Research and development, $130,000,000; demonstration plant, 86,000,000—of which $36 million may have already been authorized in previous years and therefore not to be found in the Fiscal 1972 authorization legislation.

[2] The full biology and medicine budget Fiscal 1972 is $94,530,000. The program would be unnecessary if there were no threat of nuclear pollution! Furthermore, NIH—not AEC—would be doing the research under normal circumstances.

[3] The full information/public relations/scholarship budget is $13,316,000; allow half for military activities.

With the exciting new breakthroughs in fusion, it passes all understanding that the effort in fusion will be actually *reduced* this year unless we amend the AEC authorization now before us.

Would we dream of reducing our effort in cancer research in the face of some fabulous progress? Let us not commit such a folly with regard to fusion, which has such a momentous contribution to make to the welfare and safety of this nation and of all mankind.

How does it happen that a poorer nation—Russia—is devoting about three times more manpower to fusion research than we are? (Sources: *W. Post*, 5 July 1970; *W. Post*, 27 April 1971; *Evening Star*, March 11, 1971).

EFFECT OF THIS AMENDMENT

How can the fusion program expand quickly?

I'll suggest a way:

After existing AEC fusion projects take the funds they need so badly, the remainder of the new funds should be spent inducing physics students, and a few thousand unemployed scientists and engineers, to apply their brainpower freshly and without preconceptions to the problem of creating practical fusion power.

For instance, a major effort is needed just on direct-conversion systems which can produce electricity right from electrically charged plasmas without the inefficient and thermally polluting steam cycles—to say nothing of engineering required on the fuel-injection systems which will be a vital determinant of fusion efficiency. Mammoth magnets need to be engineered. These efforts, and many many more which are already known to be needed, could begin now if money were available.

When we notice that some of the best and most original ideas in solar electricity are coming from scientists in disciplines almost unrelated to solar energy, such as optics and organic chemistry, it is easy to see how a massive influx of fresh ideas into the fusion program could produce exciting progress. Presently, there are only about 300 scientists in the country working in the fusion program. We fool ourselves if we believe we are moving the fusion program forward with anything approaching maximum speed.

I cannot help doubting the sincerity of people who wail and lament about the so-called energy problem, but who hesitate to support fusion with, let's say, three thousand brains out of our labor force of 80 million Americans. We are surely not short of brainpower looking for useful employment. An increase of $57 million in the fusion program might just result in a decrease in welfare rolls somewhere.

Furthermore, I believe the reverberations from tripling the fusion effort would favorably affect the research climate in many other fields. A vote of confidence from the Congress in a peaceful, humanitarian, unclassified effort like fusion would be a significant sign to people on the verge of dropping out, or being forced out, of scientific work.

Presently we are spending about 14¢ per person per year on fusion research and development.

When—in the race between population growth and ecological ruin of the plant—the benefits of fusion could be so enormous for this country and for all mankind, I believe all our constituents would want us to bet a few cents more to win, place, or show on the fusion entry.

One of the world's leading fusion experts, Dr. Richard Post, at the Lawrence Radiation Laboratory in California, attending a meeting at the National Academy of Sciences on April 26, 1971, stated his opinion that United States' spending on fusion should be increased to $50,000,0000 or $60,000,000 per year now, and climb to $100,000,000 per year within the next five years. (Source: *W. Post*, April 27, 1971, p2).

An increase to $50,000,000 a year is also requested by Dr. Robert G. Mills of the Princeton Plasma Physics Laboratory:

"It is certainly true that the rate at which progress is being made is now limited by budgetary constraints. As the principal stumbling block on the road to a successful (fusion) reactor, namely the lack of adequate plasma confinement, seems to be in the process of being surmounted, the experimental program tends to move toward larger devices. With the static budget that is available for the (fusion) program, it is impossible for the various laboratories to undertake simultaneously large projects, and the decisions on which ones to fund first require careful consideration of all points of view to make sure that the funds are being distributed in the most beneficial manner for the program as a whole. As a result of these very careful considerations, the review and approval time becomes quite long, so that not only are fewer than the optimum large projects funded, but there are excessive delays in getting the project underway. This double problem would be much improved by an increase in the budget between 50 and 100 percent." (Source: Letter to Sinclair, April 2, 1971).

What this amendment does: 53% increase like the breeder; total $43.77 million.

The administration has asked for a 53% increase over last year in the plutonium breeder research—from $85 million in fiscal 1971 to $130 million in fiscal 1972.

This amendment would give equal treatment to fusion by increasing fusion research 53% over last year—from $28,610,000 to $43,770,000.

It is incomprehensible to acknowledge the obvious advantages of fusion over fission, while giving all the dollars to fission.

LIST COMPARING FUSION AND FISSION CHARACTERISTICS

Fusion

1. Cheap, safe fuel such as seawater (deuterium), lithium, helium.
2. Little or no radioactivity.
3. Inherently safe anywhere.
4. Potentially 90% efficient; no thermal pollution.
5. Potential for fusion torch solving the solid waste recycling problem.
6. No fissionable material which could be diverted for proliferation of atomic-bombs.

Fission, breeder or conventional

1. Fueled by plutonium, the most dangerous substance known to man.
2. Immense radioactive legacy for our descendants.
3. Inherently dangerous anywhere.
4. Only 33–40% efficient; tremendous thermal pollution.
5. Potential for permanently poisoning the planet, and massive increases in cancer, genetic mutations, mental retardation, deformities, and all kinds of diseases.
6. Probability of atomic-bomb proliferation, and growth of plutonium black-market.
7. Vulnerability to sabotage, attack, earthquakes, accidents, whose consequences could practically bring this country to its knees, and impair its national security.
8. Massive increase in security checks to prevent plutonium thefts and sabotage.

If we take a 5% inflation factor into account, the administration is increasing the breeder effort 48% in fiscal 1972 *while decreasing the fusion effort by 1%.*

It is clear from testimony in the Joint Committee on Atomic Energy and speeches elsewhere, that breeder reactors look like a poor investment—both for tax-payers and for private investors—if fusion reactors are going to come along only 5, 10, or 15 years later and make breeders obsolete. (Discussed on page 6 of this paper).

We must all face a political fact of life: *If fusion could be delayed,* the breeders would look like a more attractive investment.

We must take extreme care, starting today, that fusion is not delayed in order to help justify the breeder program. (See Holifield's remark, quoted here on page 19).

The advantages of fusion over the breeder are acknowledged by everyone. Let's pay fusion more than lip-service. Common sense and a decent regard for our descendants argue for an *acceleration* of the fusion effort.

I would like to quote the opinion of Dr. Herman Postma, Director of the Oak Ridge Fusion Program. With great honesty, and probably inadvertent poignancy, he says that while augmented funding for fusion would not *guarantee* its success, the lack of augmented funding "would be a guarantee of failure." (Source: Letter to Sinclair, April 20, 1971).

Let us not guarantee failure. The idea is revolting. Let us support success. Let us vote for this increase in the fusion budget.

Dr. Robert A. Gross, who is chairman of the department of mechanical engineering at Columbia University, wrote to one of my Senate colleagues as follows on March 15, 1971:

"The American people should have a choice of power forms in the future . . . I know of no other scientific achievement that would have greater and more beneficial effect upon the United States, and particularly the cities, than the successful attainment of controlled thermonuclear fusion power production. The breeders produce radioactive ashes which, once made, are inherited by future generations and there is no way in which these ashes can be destroyed: They must be stored in the ground. Fusion has essentially no such problem. But it is not yet possible to control fusion. Many of us believe that this research area is pregnant, that success is near, and the next few years are particularly important . . . an additional appropriation of about ten million dollars for the controlled fusion program would have a very substantial healthy effect . . ." (Source: Letter March 15, 1971, to Sen. Jacob Javits.)

What does the amount $10 million represent?

It represents only a nickel per person in the United States, but to the determined and tenacious men in fusion research, it could mean the difference between frustration and success. To all human beings, it could means abundant energy and liberation from the legacy of undisposable radioactive garbage produced by nuclear fission plants.

This Government gives away $10 million for far less lofty reasons than energy research. For instance, the Government gives away $10 million per year in lost revenue by tax deferrals to shipping companies. And another $10 million in revenue lost by not taxing income earned by individuals in U.S. Possessions. (Source: Joint Economic Committee, June 4, 1971, from U.S. Treasury figures.)

I would like to compare the fusion budget with the fission budget this year.

Unless we amend the AEC authorization, nuclear power plants—fission—will require about $450 million AEC dollars. (Figures are on page 22 of this paper.)

Fission requires more than additional research and development, for which about $377 million is budgeted. Fission also requires improvement of our uranium enrichment facilities, regulation, safeguards, medical research on radiation damage, and public relations.

The fission total for fiscal 1972 alone comes to at least $450 million—which is equal to the AEC's entire investment in fusion over the last 20 years.

When we compare the advantages of fusion and the dangers of fission, it is very difficult to justify a continuation of this imbalance . . .

Everyone agrees that lack of money today is delaying fusion.

Either we believe in fusion and in the importance of ecologically sound energy for the future—or we do not. If we do, then $15 million increase for fusion, in the light of the recent progress in fusion research, is modest indeed.

I urge my colleagues to pass this amendment.

TIME ESTIMATES FOR FUSION

Alfven: Less than a decade to prove feasibility; depends on budget.

Furth (Princeton): feasibility before 1980; practical fusion plants by the end of the century.

Drummond (Univ. of Texas): Feasibility in the "Texas Tokamk" this year or next.

van Atta (LRL): feasibility by 1977 if we get the budget now.

R. Post (LRL): political realities have kept fusion funding static since 1961.

Feasibility proven in 5 years, if we get the budget NOW.

Gough-Sastlund (AEC): Large prototype fusion plant in as little as 10 years, depending on the budget. Large part of the program now spent in trying to reduce the cost of proving feasibility!

Grove and Dawson (Princeton): Feasibility by 1975; if so, prototype fusion plant by 1990.

Gottlieb (Princeton): Feasibility in the 1970's; then full-sized fusion plant 15 years later.

The first fusion electricity in 1980's.

Washington Post report: Concensus is feasibility by 1978.

Hirsch (AEC): Points out why the engineering won't take as long to develop for fusion as it did for fission. Predicts feasibility between 1976–1978, and first commercial fusion plants ready between 1990–2000 "depending on funding and technical developments."

Dr. Teller (Lawrence Rad Lab): Commercial fusion by 1990 or sooner, if we start doubling or tripling the budget now.

Evening Star report: Russians expect prototype fusion plants producing electricity within 10–20 years.

Ribe (Los Alamos): "We're on our way."

Postma (Oak Ridge): After feasibility, 30 years for engineering.

Pease (Culham): feasibility by 1980.

Myers (LRL): Economic fusion power on the grids in 1980's or 1990's, depending on the budget.

Siegel (KMS): "Fusion can certainly be solved in a much shorter time than government experts say."

Seaborg (AEC): "I've been saying the year 2000 . . . for a large, economic, commercial fusion reactor."

JCAE Report (41); Commercial fusion by 1995–2005 (25 or 35 years away).

Chet Holifield: (JCAE): Fusion is 30–40 years away (May 13, 1971).

Pastore (JCAE May 13 hearing): Fusion is 40–50 years away.

DOLLAR NEEDS FOR FUSION

Gough and Eastlund (AEC): "At present, the main factor limiting the rate of progress toward fusion power is financial."

Aleven (Univ Calif): A real commitment would bring us fusion faster than Apollo brought us to the Moon.

Myers (LRL): "If fusion power is to come in the 1980's, it would require the National Goal type support which took us to the moon in the 1960's. It would also require significant modification of the fast breeder reactor plan upon which the U.S. has embarked. . . . We are proposing a preliminary (fusion) engineering program to the AEC. There are many tasks which need to be done. Most of them could start right now with appropriation of the necessary funds."

Hirsch (AEC): A lot of money would do a lot of good. We could triple the budget and not waste anything.

Teller: Strongly advocates somewhat gradually doubling or tripling of budget.

Grove (Princeton): We know exactly what needs doing, but funds are not available to do it.

van Atta (LRL): The effort required to prove feasibility is far greater than we shall be able to provide within the limits of the proposed budget (June 1970).

Osborn (Univ. Michigan): Fusion needs a "massive" and "drastic" budget increase.

Richard Post (LRL): We should increase the fusion budget to $50 or $60-million per year NOW.

Mills (Princeton): We should increase fusion funding by 50%–100% NOW.

Gross (Columbia Univ): $10 million more for fusion would have a substantial, healthy effect on progress.

Postma (Oak Ridge): Lack of augmented funding "would be a guarantee of failure".

Seaborg (AEC): We should increase our effort in fusion on the possibility that we might be able to bring it in faster.

Editorials in Business Week, N.Y. Times, Washington Post, Wall Street Journal.

Mr. GRAVEL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amednment has been yielded back.

The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

AMENDMENT NO. 258

Mr. GRAVEL. Mr. President, I have an amendment with respect to solar electricity, asking for a small sum of money, and the chairman has assured me that, since this is plowing new ground, he will hold hearings on it, and I will have an opportunity to testify. I am satisfied with that assurance, and I expect to encourage scientists to come before the committee and make a new case for the encouragement of solar energy. So my amendment No. 258 will not be called up.

I ask unanimous consent to have printed in the RECORD my fact sheet and a letter from Dr. Hannes Alfvén, 1970 Nobel Laureate in Physics.

There being no objection, the fact sheet and letter were ordered to be printed in the RECORD, as follows:

FUNDING FOR SOLAR ELECTRICITY

WHAT THE AMENDMENT PROPOSES

Title II of H.R. 9388 amends the Atomic Energy Act to permit the AEC to undertake work in non-nuclear sources of clean energy. This amendment, which makes use of Title II, directs the AEC to spend $3,000,000 during Fiscal 1972 on solar energy. The amendment would fund about 75 people (out of an American work force of 80 million people) to reduce the cost of making electricity on earth from sunlight.

WHY SOLAR ELECTRICITY?

The sun is an inexhaustible source of safe, free, and pollution-free "fuel", and furthermore, man already knows to turn sunlight into electricity. We have been doing it reliably in the space program for 10 years. We could do it on earth, too. (For a documented discussion of solar energy, please see the *Congressional Record,* July 8, pp. 24010–24023.)

We know how to store the sun's energy for nights and dark days, and how to deliver it over long distances.

Enormous land areas in the arid parts of the United States are low productive regions. Many thousands of square miles could be made highly productive by "harvesting" a crop of electricty power for sale. In fact, sunshine harvested from just 1% of the land area of the continental United States could generate enough electricity to meet the naion's entire electrical power demand in 1990 (estimated at 6.6 trillion kwh/year); that statement is based on the present 7% conversion efficiency of solar cells, although we already achieve 14% efficiency in the lab, and expect 20% soon. Another proposition, using solar collectors instead of solar cells, would require only 8% of the nation's deserts to meet the projected electrical demands in 1990.

These are not "pie-in-the-sky" dreams. The techniques are known. What is required to produce operating system is money.

THE ECONOMICS

People who say that solar electricity is not "economic" or "not competitive" fail to note that it took over $2 billion in government development subsidy, government-fixed fuel prices, and removal of liability for public injury, to make nuclear fission look "economic" and "competitive." Now the government is asking for about $2½ billion *additional* tax-dollars to make the breeder reactor commercially attractive.

It could be argued that the crucial gap (besides safety) between nuclear electricity and solar electricity is the multi-billion dollar government subsidy for nuclear electricity.

The government has spent *zero* dollars toward the development of large-scale solar electrical generating plants. The only government support for solar electricity has been in NASA, and that was for small-scale, specialized applications; Dr. Warren Donnelly of the Legislative Reference Service estimates the total NASA investment in solar energy during Fiscal 1971 was $2.8 million.

It makes no sense to lament an alleged conflict between energy and the environment when we have ignored our most obvious source of natural energy.

FISSION AND FUSION REACTORS

In the long run fossil fuels cannot satisfy the rising energy demand in the world. There are only three sources of energy known which are sufficiently powerful.

(a) Solar energy
(b) Fusion energy
(c) Fission energy

The first one is completely pollusion-free, the second one almost pollution-free. The third one is necessarily combined with production of large quantities of radioactive poisonous elements.

In my opinion, the dangers associated with the fission energy have not received necessary attention. Whether the pollution caused by fission reactors in normal operation is below a safe level or not is a controversial matter. If a reactor goes out of control, the consequences may be terrible. Even if extreme safety precautions are taken, the large quantities of radioactive material in them constitute a permanent danger. For example, in periods of political or social unrest, sabotage against reactors may cause catastrophes. Furthermore, in a full scale fission programme, the radioactive waste will soon become so enormous that a total poisoning of our planet is possible. Under such conditions safety margins which are acceptable in other fields, are inadequate. It is not evident whether the waste problem can be solved in a satisfactory way.

If solar energy or fusion energy were available now at comparable cost no one would use fission energy (for peaceful purposes). Unfortunately this is not the case. Solar energy is available but at prohibitive cost. However, there are new interesting solar energy projects which should be examined carefully.

Concerning the fusion energy, there is a general agreement that no *fundamental* obstacle is likely to prevent the construction of a fusion reactor but there are a number of difficult scientific and technical problems which must be solved. There is much speculation about how much *time* is needed to solve these problems, but it is just as much a question of how much *effort* has to be spent.

In my opinion a solution of the fusion problem is less distant today than the Moon was when the Apollo project started. This means that if a national effort of the same kind as the Apollo programme were made, the fusion energy would be available in a comparable time. If this is achieved, the fission reactor, especially the breeder, will be of interest only as a danger which must be eliminated as soon as possible.

The views expressed here are shared by many competent physicists. They are basically different from those on which the present policy is based. An important decision about the future energy policy of the USA—and the whole world—should not be made until a thorough discussion has taken place involving advocates for all the three different alternatives for solving the energy problem.

Mr. GRAVEL. Relative to the next amendment I had, which was amendment No. 257, to change the Price-Anderson Act, I can appreciate—and am the first to appreciate—that the amendment I am offering goes to the core of the course that the Nation has adopted in peaceful uses of the atom and that it is a complex issue. Again, the chairman has assured me that the Joint Committee will hold hearings on the subject at an early date. I will testify and will secure adequate testimony to come before the committee. So here again I will not call up the amendment, on the assurance from the chairman that we will have hearings at an early date on the subject.

Mr. PASTORE. Well, when the Senator says "at an early date," that is consonant, of course, with all our other responsibilities. The Senator knows how busy we are.

Mr. GRAVEL. The word of the distinguished Senator from Rhode Island is good enough for me. If he says that we will have a hearing, I will rest with that.

Mr. PASTORE. As soon as it is convenient.

Mr. GRAVEL. Whatever qualifications the distinguished Senator from Rhode Island wishes to place on it, I accept them.

Mr. PASTORE. I make that assurance to the Senator.

Mr. GRAVEL. Very good.

Mr. President, I shall not call up amendment No. 257, or amendment No. 259, which is on another fundamental dilemma this Nation has, amendment No. 259 would establish new and different methods to unravel scientific disagreement on matters involving public policy.

Here again, the distinguished chairman has indicated that we can have a hearing on it, and he has done so very graciously. I would not be averse to coupling the two hearings together that have been mentioned to bring forth testimony before the Joint Committee, and bring forth scientists who can testify as to the efficacy of this course of action in undertaking our technological activities, I think a net plus would accrue not only to the Senate but also to the Nation.

With the assurance of the distinguished chairman that we will have an early hearing, whatever qualifications he chooses to make, I shall be satisfied and for that reason do not call up this amendment; but ask unanimous consent that both the fact sheets I have prepared on the Price-Anderson Act, and also on funding for a nuclear safety inquiry, be printed in the Record, with the understanding that we will have early hearings.

There being no objection, the statements were ordered to be printed in the Record, as follows:

H.R. 9388, Amendment No. 257, July 1971: Changing the Price-Anderson Act

This amendment would amend the Atomic Energy Act of 1954 by making significant changes in the Price-Anderson Act, as proposed by S. 1855 which was introduced into the Senate on May 13th.

REASONS FOR CHANGES

The Price-Anderson Act, which was passed in 1957 for ten years explicitly "To encourage the development of the Atomic Energy industry", is obsolete in 1971.

When Price-Anderson was first passed and then renewed (1965), utility representatives testified that they would build no nuclear power plants if they had to stand fully liable for accidents.

The Price-Anderson Act set the limit for public liability at $560 million per nuclear accident, regardless of the size of the real damage, which could exceed $7 billion per accident according to the Atomic Energy Commission—July 1970. In addition, the Price-Anderson Act stipulates that about 80% of that $560 million is paid to the injured parties by the tax-payers, not by the AEC license-holder.

In 1956, H. W. Yount, vice president of Liberty Mutual Insurance, testified before the JCAE: "It is a reasonable question of public policy as to whether a hazard of this magnitude should be permitted, if it actually exists . . . there is a serious question whether the amount of damage to persons and property would be worth the possible benefit accruing from atomic development."

As millions of magazine readers know from nationwide utility advertisements, the electric utilities now vigorously deny the basic premise of the Price-Anderson Act—that giant nuclear accidents can happen.

If it is no longer conceivable for nuclear power plants to have the disastrous radioactive releases which prompted the Act in the first place, then the utilities won't miss the protection of that Act. If it *is* possible for catastrophic nuclear accidents to happen, then it is surely time for Congress to reevaluate the wisdom and morality of "encouraging" such machinery at all, especially in view of the safe alternatives like fusion and solar energies.

WHAT THIS AMENDMENT DOES

This amendment would not completely repeal the Price-Anderson Act, lest complete repeal leave no one at all liable. Instead, this amendment would remove the arbitrary $560 million limit on the amount of liability, and it would place the liability on license-holders instead of on the tax-payers. With regard to government contractors such as those involved in weapon-testing, the amendment puts the unlimited liability on the government, not on the contractors.

The principle of this amendment is that anyone who causes a nuclear activity to occur should accept the financial liability for damage which that nuclear activity may cause to the public. In our economic system, public liability is the principal restraint on reckless activity.

Chet Holifield, now senior member of the Joint Committee on Atomic Energy, opposed the Price-Anderson Act in 1957. Arguing against the Act on the House floor, he said: "Are you going to cover up with $500 million worth of government money a catastrophe that would decimate the city of Detroit, that might wipe out a hundred thousand people, and injure other thousands genetically for all time, as well as contaminate the land for an undetermined length of time? . . .

"I am making the point that you cannot put these reactors . . . near the cities and take the human-life risk and try to cover it up with $500 million of government liability . . . I say that until they can tell you there is not going to be a blowup, you Members of Congress are taking upon your . . . hearts and upon your minds and upon your souls the responsibility in case there is a blowup in this field."

H.R. 9388, Amendment No. 259, July 1971: Funding for Nuclear Safety Inquiry

WHAT THIS AMENDMENT PROPOSES

This amendment would authorize $1,500,000 to the AEC for conducting a one-year Inquiry and a series of public scientific discussions about nuclear safety during 1972.

WHY ANOTHER INQUIRY?

There is a controversy raging in this country about the present and future hazard to life from nuclear power plants and their radioactive wastes. It is bewildering to hear from some experts that the radiation risk from nuclear electricity is less than from a luminous wrist watch or from leaning against a granite wall, while other experts warn that nuclear power could become man's ultimate nightmare.

Why do equally qualified experts reach different conclusions? When experts disagree, which ones shall we believe?

The questions arise not only with nuclear safety, but with pesticides, cigarette smoking, the SST, the ABM, and many other questions on which public policies have to be made and the economic stakes of which are enormous.

Congressional hearings usually fail to cope successfully with such controversies because the hearing format does not require the experts to confront each other or to clarify the reasons for their disagreement, and members of Congress do not have the scientific training to ask all the important questions.

Expert committees are also often handicapped by deficiencies. They operate behind closed doors which exclude the public as well as the rest of the scientific community. Where conflicts of interest may be present, their findings lose credibility.

PROPOSED SOLUTION

Under this amendment, a new kind of public forum for scientific testimony will be provided in which leading nuclear proponents and critics will meet to discuss three questions:

(1) What kind of accidents can happen in the containment of radioactive fuels and fission-products?

(2) How likely are these accidents, assuming 1,000 nuclear power plants in operation, as projected for the year 2000?

(3) What are the possible biological consequences of these accidents and the concomitant nuclear pollution?

When scientists reach contradictory conclusions, there are reasons for the disagreement. These reasons need to be identified, and that usually requires:

(a) Identification of the prime data which each is considering and not considering.

(b) Identification of the statistical and experimental methods used by each.

(c) Identification of the unspoken scientific premises, public health principles, and personal values underlying each expert opinion.

A panel of qualified scientists could determine this information as it relates to nuclear safety by questioning the scientists who disagree, and by listening as the disagreeing scientists question each other. That kind of discussion would unravel the confusion generated by solo addresses, accusations, and testimonies which have not been subject before to critical scrutiny or even to comparison.

Therefore, this amendment directs the AEC to arrange that kind of public, scientific discussion and to establish a Committee for Adversary Inquiry within the AEC during the calendar year 1972.

Amendment No. 259, which was withdrawn, would have been as follows:

Amendment intended to be proposed by Mr. Gravel to H.R. 9388, an Act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes

TITLE III—NUCLEAR POWER INQUIRY

FINDINGS

Sec. 301. (a) The Congress finds and declares that—

(1) there is substantial disagreement about the present and future hazard to life from nuclear powerplants and their radioactive wastes;

(2) experts disagree about the biological and engineering premises which are incorporated in safety claims and hazard estimates put forth by nuclear power proponents and critics; and

(3) experts also disagree in their nontechnical, philosophical premises with regard to the risks which are acceptable in return for nuclear electricity.

(b) The Congress affirms that—

(1) it is in the public interest to provide funds to encourage an independent examination of all potentially controversial programs;

(2) it is especially unwise to find only one point of view when the health and safety of the people of the United States are involved;

(3) it falls within human ability to find a way by which the scientific community, in full public view, can calmly examine together the evidence, the assumptions, and the conclusions which comprise the risk-estimates relating to nuclear power development, and the United States has a duty to provide a public forum to facilitate such an examination; and

(4) a one-year inquiry, culminating in public technical discussions between nuclear critics and nuclear proponents, will reveal the reasons for disagreement about the likelihood and consequences of nuclear pollution due to the operation of such powerplants during the next fifty years.

ESTABLISHMENT

Sec. 302. There is established in the Atomic Energy Commission a Committee for Adversary Inquiry (hereinafter referred to as the "Committee"). The Committee shall be independent of the Chairman and the other officers and offices of the Atomic Eenergy Commission in the exercise of its functions, and no transfer of those functions shall be made within the Commission.

ADMINISTRATION

Sec. 303. (a) The Committee shall be headed by an Executive Director who shall be appointed by the Chairman of the Atomic Energy Commission.

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new clause:

"(95) Executive Director, Committee for Adversary Inquiry".

DUTIES

Sec. 304. (a) It shall be the duty of the Committee to determine, in accordance with the provisions of section 305, the types, magnitudes, and probabilities of radiation dangers in connection with the development and operation over the next fifty years of the one thousand nuclear electric powerplants projected by the Atomic Energy Commission.

(b) In making the determination under

subsection (a), the Committee shall examine—

(1) all factual data relating to the possible types and magnitudes of nuclear mishaps in the context of nuclear electric power generation;

(2) all theories and assumptions relating to the biological effects of any such nuclear mishap; and

(3) the reasons for the existing differences of opinion among experts with respect to those data, theories, and assumptions.

PROCEDURES

SEC. 305. (a) The Committee, in conjunction with the Atomic Energy Commission, shall hold a series of public technical discussions to take place in the months of August, October, and November 1972.

(b) At each such discussion, the Committee and the Commission shall provide a team of not more than five experts to present their respective positions in the matters under inquiry. Each such discussion shall be heard by a panel of not more than seven scientists selected by agreement of the teams. The scientists may participate in the discussion, evaluate the presentations, question any member of either team, and render such decisions as may be necessary to resolve the matter under inquiry. At the conclusion of each discussion, the scientists will summarize the opposing positions, state their conclusions with respect to all matters under inquiry, and specify degrees of uncertainty and areas of ignorance.

(c) (1) The purpose of the August discussion shall be to examine and select from the factual data referred to in section 304 (b) (1) of this title, data which the teams agree to evaluate.

(2) The purpose of the October discussion shall be to examine and select from the theories and assumptions referred to in section 304(b) (2) of this title, theories and assumptions which they agree to apply to those data.

(3) The purpose of the November discussion shall be to examine the matter referred to in section 304(b) (3) of this title, and to make the determination referred to in section 304(a) of this title in the form of risk estimates based on the application of those theories and assumptions to those data.

POWERS

SEC. 306. For the purposes of this title, the Committee shall—

(1) obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, from among persons who are qualified to represent opinions which do not reflect the doctrines, theories, or assumptions upon which the United States civilian nuclear energy program is based;

(2) publish such interim reports and other papers as may be appropriate; and publish a final report not later than December 31, 1972; and

(3) receive and respond to questions submitted to it by the Congress, any agency of the United States, or any member of the public.

AUTHORIZATION OF APPROPRIATIONS

SEC. 307. There are authorized to be appropriated $1,500,000 for the purpose of this title.

TERMINATION

SEC. 308. The authority under this title shall terminate on January 31, 1973.

Mr. PASTORE. I repeat, when it is mutually convenient.

Mr. GRAVEL. I am very glad that the chairman, by his gracious understanding of the problem, has given me the remainder of the afternoon off. I can assure him very personally that I take it as a personal favor.

I appreciate very much the work that the committee has done. I also appreciate very deeply that the committee chairman would want me to serve on the committee. I reflected on that when the vacancies occurred, but I can only say that because of Alaska's immediate problems with respect to native land claims, and in certain other areas, I chose not to make a move in that direction.

I thank the Senator from Rhode Island once more, and appreciate the fact that I can render some service as a Senator at large and not as a critic of atomic energy or of the Joint Committee on Atomic Energy, but as one who feels deeply that the very great problems we face in this country are akin to what we have in Alaska. I would hope, as the Senator from Rhode Island has permitted me to do today, that I could make a contribution—a humble one—to the activities of his committee.

Once more I thank the Senator from Rhode Island personally.

Mr. PASTORE. The Senator from Alaska has been cooperative and I thank him.

Mr. MAGNUSON. Mr. President, the bill now before the Senate to authorize fiscal year 1972 appropriations for the Atomic Energy Commission, S. 2150 and H.R. 9388, contains a total of $209.1 million for activities at the AEC's Hanford, Wash., facility. While all of these funds are essential to the Hanford operation, I would like to comment specifically here today upon three of the Hanford authorizations which are uniquely important to my State at this time. These are: First, the authorization of $27.6 million to pay operating costs of the dual-purpose New Production Reactor—N-Reactor—at Hanford, Second, the authorization of $20 million to be spent at Hanford for research on the liquid metal fast breeder reactor. And, third, a much smaller—but very important—authorization of $660,000 to assist the nearby city of Richland, Wash., where most of Hanford's employees live, its public schools and its only hospital meet expenses which they have incurred primarily as a result of the administration's decision earlier this year to close another reactor at Hanford.

In January the administration closed the K-Reactor at Hanford, thus exacerbating an unemployment problem which had already grown to crisis proportions. Prior to the shutdown, unemployment in the Hanford-Richland area stood at 10 percent. With the closure of the K-Reactor unemployment has now climbed to more than 12 percent. Coming at the same time as my State was experiencing a widespread economic decline which has now pushed unemployment throughout the State to 12.5 percent—more than double the national average for June—the K-Reactor closure was a major economic blow. In addition to the increased unemployment which it created, the K-Reactor shutdown also hampered efforts to diversify the area's economy and significantly reduced the Nation's plutonium production capacity.

At the same time it was closing the K-Reactor, the administration also announced its intention to close the N-Reactor, the Nation's only nuclear reactor capable of producing electric power as well as plutonium. Closure of the N-Reactor would not only have further devastated the Hanford-Richland area's economy and further reduced our national plutonium production, but would also have halted the 800,000 kilowatts of electricity annually generated by the reactor. Loss of this important power source would have been severely detrimental to my State and the entire Pacific Northwest since it would most likely have forced the Bonneville Power Administration to deny electricity to some industrial customers such as aluminum plants. For these many reasons, then, I joined with Senator JACKSON, who is a member of the Joint Committee on Atomic Energy, Congressman MCCORMACK, who represents the Hanford-Richland area, and other members of the Washington congressional delegation to protest the administration's announced decision to close the N-Reactor. Our specific reasons for protesting were perhaps best detailed in a joint letter to the chairman of the House Appropriations Committee. So that the Members of the Senate might have the full explanation for our concerns in this matter, I ask unanimous consent that our letter to Chairman MAHON be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 28, 1971.

Hon. GEORGE H. MAHON,
Chairman, House Committee on Appropriations, Washington, D.C.

DEAR CONGRESSMAN MAHON: We have been informed that the President's proposed budget for fiscal 1972 calls for the immediate deactivation of the two operating nuclear reactors at Hanford, Washington—"K" Reactor and "N" Reactor. It is our understanding that there are no budgeted funds for operation or close-down of these reactors in the 1972 budget; that the Atomic Energy Commission will be directed to initiate deactivation procedures at once with present operating funds so that operation of both reactors will be terminated by the end of the current fiscal year.

This plan, if carried out, will have a catastrophic effect on the thousands of scientists, technologists and craftsmen and their families in the Hanford area; on the brainpower pool which will be so desperately needed for research in advanced power reactor technology during the next decade; and on the availability of electric ower presently being supplied to the residents and industries of the Northwest through the Northwest Power Pool. There obviously will be a loss of plutonium production for the defense establishment.

We cannot really believe that the President understood the implications of his budget recomendation with respect to Hanford.

This letter is to request that you, as Chairman of the Appropriations Committee, contact the President's office and request a delay in the carrying out of the President's budget recommendation until Congress has had an opportunity to evaluate its consequence.

The loss of plutonium produced by these two reactors for the Defense Department may be significant. This information is, of course, classified, and we can only raise the question.

The impact on an already depressed community where unemployment is now near 11 percent (it is much higher in much of the rest of Washington State) cannot be overestimated. The thousands of scientists, technologists and skilled craftsmen who have partially-paid mortgages on their homes and children in school in the Hanford area will be forced onto unemployment rolls and will be forced to seek new jobs in communities hundreds or thousands of miles away.

It is estimated that approximately 5,000 jobs will be lost in the Hanford area and that unemployment may reach 30 percent.

Aside from the personal tragedy involved in this sort of abrupt loss of income, the damage to the nation will be even greater. These men and women constitute one of the finest brainpower pools for nuclear research and operation on earth. They will be desperately needed during the coming decade for research in advanced power reactor technology, which is almost certain to be carried out at Hanford. It seems to us that one must weigh the cost of continuing this program against the consequences of terminating it at this time in terms of the national interest, as well as the interest of these scientists and their families.

Deactivating the dual-purpose "N" Reactor would, in addition to causing a loss of plutonium production, remove 800,000 kilowatts of electric power from the Northwest Power Pool. The Congress has had no opportunity to evaluate the impact of this power loss on the economy of the West. It is obvious that certain basic industries, such as aluminum production, would lose power now available to them. The loss of employment and production in these industries scattered throughout the West has not been determined. Both unemployment and production loss would be serious in certain areas. The loss of 800,000 kilowatts of power will affect the amount of power available to California and the Southwest during their peak load periods this summer. The impact of this situation has not been appraised by Congress.

It has been projected that without the power currently being produced by "N" Reactor, there will be a 300,000 kilowatt deficit of electricity in the Northwest Power Pool during the winter of 1971–72 if all other factors are ideal and if the winter is warm. In the event of a severe cold winter and/or reduced river flow, the deficit could reach 2,300,000 kilowatts. John Nassikas, Chairman of the Federal Power Commission, speaking in Richland, Washington in 1970, was critical of the low reserve of power in the Northwest at that time, assuming the production of "N" Reactor would be continuing.

The unilateral and deliberate withdrawal of 800,000 kilowatts from the Northwest Power Pool at this time, and without consulting the Congress is, to us, utterly unthinkable.

In view of the reasons stated above, we are convinced that it is in the interests of the nation and the Northwest that the President's budget recommendation with respect to deactivating the Hanford reactors not be implemented until the Congress has had an opportunity to evaluate its consequences.

We would deeply appreciate your assistance on this matter at this time. We would like to emphasize that time is of the essence. Unless the order is rescinded or delayed, the Atomic Energy Commission must initiate closedown procedures immediately.

Sincerely,

Warren G. Magnuson, U.S.S., Henry M. Jackson, U.S.S., Thomas M. Pelly, M.C., 1st District—Washington, Lloyd Meeds, M.C., 2nd District—Washington, Julia Butler Hansen, M.C., 3rd District—Washington, Mike McCormack, M.C., 4th District—Washington, Thomas S. Foley, M.C., 5th District—Washington, Floyd V. Hicks, M.C., 6th District—Washington, Brock Adams, M.C., 7th District—Washington.

Mr. MAGNUSON. Mr. President, fortunately, after he had listened to our protests and those raised by others, the President rescinded his original decision to close the N-Reactor. On May 6, the President amended his original fiscal year 1972 budget request for the AEC to include the $27.6 million for operating costs of the reactor—costs which will, of course, be offset by the $17.5 million in revenue which will be created by the N-reactor's operation.

Mr. President, the administration's decision to continue operation of the N-Reactor, the Joint Committee's strong support for this continuation and the House's affirmative action on the authorization last week are all to be commended. I urge the Senate to take equally affirmative action today by approving the full N-Reactor authorization so that my State may be spared further unemployment, the Northwest a critical power shortage, and the Nation a loss in its nuclear defense capability.

The second item of special importance to my State is the authorization of $20 million for research at Hanford on liquid metal fast breeder reactors which promise to provide the Nation with a major new source of clean and inexpensive power. At a time when power shortages are causing "brownouts" with increasing frequency and pollution emitted from conventional power plants continues to create atmospheric "blackouts" we cannot afford to ignore the potential offered by the fast breeder reactor. The President is to be commended, then, for his commitment, expressed in his message on energy and clean air, to "complete the successful demonstration of the liquid metal fast breeder reactor by 1980."

Mr. President, I am particularly pleased that under the bill before us, the Hanford facility's role in research on this new energy source will be such a major one. Over the years, the Hanford facility has played a leading role in the development of nuclear energy. Consequently, it is entirely fitting that the proven expertise of the Hanford staff be utilized to transform the potential of the fast breeder reactor into the reality of clean and inexpensive power for the benefit of all Americans.

The third item of special importance to my State is the authorization contained in the bill for $660,000 to assist the city of Richland, its public schools and its only hospital. This authorization is in keeping with the Atomic Energy Community Act of 1955 under which the AEC is required to provide just and reasonable support for communities such as Richland which are heavily affected by AEC operations. The authorization is required because of the severe unemployment brought on in the area by the K-Reactor closure as well as the generally depressed posture of the entire State's economy. This high unemployment has caused sharp reductions in local funding for the Richland public schools and for its hospital. Of the $660,000, $350,000 would go to the schools, $200,000 to the hospital and $110,000 to the city for municipal operations. Although this $660,000 authorization is minute in comparison with other items in the bill, it is of extreme importance to Richland and fully deserving of Senate approval.

Mr. NELSON. Mr. President, I have introduced an amendment to S. 2150, a bill to authorize appropriations to the Atomic Energy Commission—AEC.

The amendment would increase the funds for controlled thermonuclear physical research from $29.8 million to $34.3 million for fiscal year 1972.

The reason for the $34.3 million figure is that the controlled thermonuclear reactor research staff has said formally that that amount could be spent in a resourceful way to further the effort to demonstrate the scientific feasibility of the fusion reactor as soon as possible.

But I must interject here that I believe that the fusion research program could be increased even more for fiscal year 1972. A number of eminent scientists, including several within the AEC itself, have said that if the scientific feasibility of fusion energy production is to be realized during the 1970's, we are going to have to at least double the research effort. Later in my statement I will quote those scientists.

My staff attempted to assemble a list of projects in the fusion research program that could be advanced if the appropriations were at least doubled. And although a general list of projects could be assembled, a detailed breakdown proved to be next to impossible.

The reason was not that such a list is necessarily not available. Rather, the AEC simply refused to provide the information as requested by my office.

For example, the budget requests submitted by the several fusion research laboratories throughout the country—something that would provide the Congress with an appraisal of the minimum needs of the researchers—were not supplied by the AEC to my staff. And because of the unwillingness of the AEC, the individual labs have to decline requests for the budget requests that they supplied to the AEC.

The only thing that was provided was the information published in part one of the Joint Committee on Atomic Energy's authorization hearings in February. The table, on page 260, shows that the AEC originally had requested $34.2 million for the fusion research program for fiscal year 1972. This essentially was cut to $28 million, but another $1.8 million was restored by the administration. This leaves us with $29.8 million for fusion development that is included in the authorization bill, S. 2150, that is before the Senate today.

I believe that the development of fusion is important enough to this country, and to the world, to enjoy the same emergency priority status as the effort to control cancer, the pledge by President Kennedy to land on the moon within 10 years or the crash program to develop the H-bomb.

In the fusion program, distinguished scientists have expressed optimism that researchers can bring the fusion reactor to successful commercial development even sooner than 1990 or 2000, a timetable most often suggested. The critical issue here is the level of financial support that the Congress affords this important program.

This issue was discussed in testimony before the Joint Committee on Atomic

Energy—part three of authorization hearings, page 1235—by Dr. Roy W. Gould, assistant director of the AEC's division of research for the controlled thermonuclear program. Dr. Gould said:

> There is a high probability of (demonstrating) scientific feasibility by the end of this decade, with a level of funding *substantially higher than the present level. Continued funding at the present* level could delay the demonstration of scientific feasibility by more than a decade. (emphasis added)

At another point in the hearing record—same reference—Dr. Gould said:

> So far this work is exploratory and a greater effort should be made now to develop the information needed for later decisions affecting prototype fusion reactor developments. Investments in this area now could pay handsome dividends later, both in time and cost, but this is not possible with present funding levels.

I consider it critical that the Congress adopt this amendment to increase the fusion research effort by $4.5 million for fiscal year 1972. If a high priority is given to fusion development now and in succeeding years, qualified scientists in this field believe we will achieve the goal of an adequate supply of essentially pollution-free energy.

Production of clean energy was an objective that was stressed by President Nixon in his energy measure of June 4. Certainly, this objective is one that all of us share.

However, it is difficult to reconcile the administration's rhetoric for clean energy. On the one hand, the President made a commitment to greatly accelerate development of the fast breeder fission reactor, and on the other recommended that the fusion research program be increased only by $2 million.

The bill before the Senate, S. 2150, seeks authorization for $250 million for fiscal year 1972 to develop the fast breeder reactor. Yet, only $29.8 million is sought for fusion research.

In the fast breeder process, ordinary uranium-238 is converted into plutonium through fission. The result is that the plant "breeds" more fuel than it consumes. And with the known reserves of the rare uranium-235—the fuel for present-day commercial light water reactors—being severely low, the liquid metal fast breeder reactor can enhance the fuel supply situation. That is the principal outstanding feature of the fast breeder.

But there are critical problems associated with the fast breeder, according to a number of eminent scientists. Overheating of the critical mass of fuel in the breeder could greatly accelerate the fission process, and a severe explosion could result with enormous quantities of the highly toxic plutonium scattered throughout the environment. Even in the absence of an accident, according to the Scientists Institute for Public Information—SIPI—plutonium contamination may result.

In addition, the fast breeder—like the commercial light water reactor—is inherently inefficient. The result is that vast amounts of waste heat will be discharged into the environment, and thermal pollution already is recognized as a serious potential detriment to the environment.

The SIPI has seen the need to seek a court order to compel the Atomic Energy Commission to file an environmental impact statement in accordance with section 102(2)(e) of the NEPA in the overall fast breeder reactor program. Because of the very serious potential threat that the fast breeder imposes to the quality of our environment, I have petitioned to intervene into that court suit. My hope was that the Congress would have the overall environmental impact statement so that it could analyze in detail the fast breeder prior to voting on the $250 million for its further development.

The development of fusion offers an attractive alternative to the fast breeder and to any fission reactor. The advantages of this type of energy production are so overwhelming, that it is difficult to understand why the administration doesn't seek more money for the development.

Dr. Paul W. McDaniel, director of AEC's division of research, said in testimony before the Joint Committee on Atomic Energy—part three of authorization hearings, page 1232:

> We could use more money in the program. We could go faster. I personally would like to see it go faster, but within the budgetary constraints that are placed on me, I don't know how it can.

Simply put, fusion is a process where atoms of hydrogen—most probably deuterium and tritium—fuse together under extremely high temperatures and release energy.

Dr. Glenn Seaborg, Chairman of the Atomic Energy Commission, in a statement June 15 of this year, before the Senate Interior Committee, said the potential advantages of fusion reactors are:

> 1. The fuel is inexpensive and very plentiful;
>
> 2. Such reactors are inherently safe;
>
> 3. Effects on the environment could be minimal; and
>
> 4. High thermal efficiencies are possible, and direct conversion of nuclear energy to electrical energy also may be achieved.

As to the first, the deuterium for fusion fuel is an element occurring in sea water. Extraction of the element already is possible at a low cost. Moreover, it is so abundant that a fuel supply can be measured in terms of hundreds of centuries. And most important, obtaining the fuel will not harm the environment in the way that strip mines are ravaging the landscape today.

As to the second, the International Atomic Energy Agency said a year ago that:

> Fusion reactors are envisaged to contain only small quantities of fuel in the reaction zone so that there is *no prospect* of a dangerous nuclear excursion or runaway. (emphasis added).

Drs. William C. Gough and Bernard J. Eastlund, writing in Scientific American in February 4 this year:

> Fusion reactors are inherently incapable of a 'runaway' accident. There is no 'critical mass' required for fusion. In fact, the fusioning plasma is so tenuous (even in the 'high density' machines) that there never is enough fuel present at any one time to support a nuclear excursion. This situation also is in contrast to nuclear fission reactors, which must contain a critical mass of fissionable material and hence an extremely large amount of potential nuclear energy.

As to the third advantage of fusion listed by Dr. Seaborg, that of environmental superiority, again Gough and Eastlund in Scientific American:

> Another advantage of fusion power is that no radioactive wastes are produced as the result of the fuel cycles contemplated. The principal reaction products would be neutrons, nonradioactive helium and hydrogen nuclei, and radioactive tritium nuclei. It is true that tritium emits low-energy ionizing radiation in the form of beta particles (electrons), but since tritium is also a fusion fuel, it could be returned to the system to be burned. This situation is strongly contrasted with that in nuclear fission, which by its very nature must produce a multitude of highly radioactive waste elements.

The Atomic Energy Commission's Division of Research, in a document on controlled thermonuclear research last December, said that, in addition to the lack of radioactive waste products, fusion reactors would be more efficient than present-day generating stations. This means that the amount of waste heat would be reduced. This supports the fourth advantage of fusion cited by Dr. Seaborg.

All of the experts in fusion reactor development, including Dr. Seaborg, stress that the scientific feasibility of fusion can be demonstrated before the end of this decade. Dr. Seaborg pointed out in this statement before the Interior Committee that the critical elements of demonstrating feasibility already have been successful in experiments. There is a need for more research to successfully wed all the elements so that the plasma containing the fuel is contained long enough at thermonuclear temperatures to allow fusion to take place.

But all the scientists have been telling us it is vitally important to commit more resources to the research effort.

Dr. Roy W. Gould, of the Atomic Energy Commission, has said that the amount of money devoted to fusion research must be doubled if the goal of demonstrating feasibility by the end of the 1970's is to be realized.

The International Atomic Energy Agency said the timetable of fusion development will be determined, in part, by "the technical, financial and manpower resources which can be devoted to the research and development program."

Dr. R. F. Post, of the Lawrence Radiation Laboratory of the University of California at Livermore, came to this conclusion based upon work carried out under auspices of the AEC:

> At the very least the effort devoted to fusion research over the next 5 years should be doubled. At that level, when coupled with the concentration of attention that proof of scientific feasibility should permit, the pace toward a reactor should quicken. I believe that in less than 5 years after the demonstration of scientific feasibility a pilot plant reactor could be running. Given the advanced technological base we can logically expect 10 years from now, I see no reason why fusion plants could not begin to make a substantial contribution to the power industry *before* 1990. As I said before, whether this goal will be achieved, given proof of

> scientific feasibility, will depend more on national priorities and on the will to accomplish it than on any other factor. I am in complete disagreement with those who say What's the rush?—I believe fusion power should be avidly sought for, not waited for. Does a permanent solution to mankind's energy needs deserve any less?

Adoption of this amendment would be a critical step in enabling this country—and the world—realize the goal of producing clean energy.

NEW PLUTONIUM RECOVERY FACILITY ROCKY FLATS, COLORADO

Mr. DOMINICK. Mr. President, in the Plant and Capital Equipment section of the report, the Joint Committee recommended authorization of $20.2 million for construction project 71-9 which is called "Fire, safety, and adequacy of operating conditions projects, various locations." The Atomic Energy Commission had requested fiscal 1972 authorization of $33 million for this line item, $12.8 million more than the amount recommended by the committee.

Ten modification and improvement projects have been started under project 71-9 to provide maximum assurance that another accident will not occur like the May 1969 fire which caused extensive damage at the Commission's Rocky Flats plant near Golden, Colo. One of these 10 projects is a new plutonium recovery facility to be built at the Rocky Flats site. The total estimated cost of the recovery facility could range as high as $63 million. The $12.8 million reduction is to be applied to the 1972 funds for that facility but constitutes only a deferral until 1973.

The reasons for this deferral can be set forth highly.

For fiscal year 1971 the Congress authorized and appropriated, under project 71-9, $9,900,000 for the new plutonium recovery facility. For fiscal year 1972, the AEC requested an additional $15 million for that facility.

The Joint Committee fully supports the prompt completion of this facility. The committee has been advised, however, that the preliminary design work is several months behind schedule and that title I design will not be completed until June 1972. The total cost of title I and II design, and renovation of the existing plutonium recovery facilities is estimated by the AEC at $12.1 million, including the amount authorized for fiscal year 1971. The additional $12.8 million included in the fiscal year 1972 request would have provided funds to begin construction of the project.

In view of the delay in the design of the project, the committee has recommended the deferral of the construction funds until fiscal year 1973. The committee has strongly urged the AEC to request the full amount needed for the construction of the plutonium recovery facility in its fiscal year 1973 budget submission.

Mr. President, the Joint Committee obtained assurance from the AEC in December 1970, when the supplemental authorization to begin the 10 projects funded under 71-9 was reported by the committee, that no existing AEC plant—including the Rocky Flats plant—is operating in an unsafe manner. I have been personally assured that the delay in funding will not interfere with the timely construction of the new plutonium recovery facility nor constitute any material hazard. Interim improvements to the existing recovery facility are underway. Under these circumstances it appears to me that the joint committee's $12.8 million deferral of construction funds was fiscally sound and appropriate.

THE NUCLEAR POWERED CARDIAC PACEMAKER

Mr. WILLIAMS. Mr. President, 3 years ago, the National Heart Institute began development of a nuclear-powered pacemaker in conjunction with the Atomic Energy Commission. Experimentation has shown that a pacemaker powered by a nuclear battery rather than a mercury powered battery is entirely feasible. It has also been estimated that by late 1972 or early 1973, scientists will have reached the point where the nuclear pacemaker will be available for human implantation. This new pacemaker will have a 10-year lifespan rather than the average 2-year lifespan of present power sources. I need not spell out the tremendous savings in human life, physical suffering and medical costs that will be realized in terms of reducing the frequency of operations needed to replace such a power source.

There are perhaps 60,000 or more pacemaker patients in the United States presently wearing implanted pacemakers, and each year more than 15,000 to 20,000 new patients require this lifesaving device. It would be a grave disservice to these individuals if this program, so near to completion, were to be curtailed at this time.

I am, therefore, joining with Senator SCOTT in the introduction of this amendment to restore the full AEC request for operating costs for this program in fiscal year 1972.

While this program is of great national importance, it is of particular interest in New Jersey. One of our hospitals, Beth Israel Hospital, of Newark, is one of the leading institutions in the Nation in work in this area. Doctors there, with extremely extensive experience in this field, look forward with great hope and expectation to the development of the nuclear-powered pacemaker.

This legislation will help bring that expectation to fruition.

NERVA

Mr. MONTOYA. Mr. President, I would like to express my continuing support for the activities of the AEC and NASA in the development of the NERVA nuclear rocket propulsion program.

There can be no question that the continued development of the nuclear propulsion system is essential to continuation of the space program. Penetration of outer space and a variety of other activities are directly tied to the development of the NERVA rocket engine. It represents this Nation's commitment to advancement in space propulsion capability in the years to come.

The funding level authorized in the AEC bill which we consider today represents a realistic endorsement of the projects which has so expeditiously pursued its ultimate goal. It is very clear that the nearly $1 billion expended thus far has been well spent. I am impressed at this point with the progress of the NERVA technology and committed to its continued development. The $52 million authorized in this bill will insure orderly and continuous development of this extremely important project. I am further hopeful that the figure included in the NASA appropriation which the Senate passed will be maintained in conference.

I was disappointed at the cutbacks proposed by the administration. It was my feeling that the $15 million requested for NERVA in AEC and NASA budgets would have so inadequately met the needs of the project as to effectively cripple its progress.

If we intend in the future to enable ourselves to make extended trips into space, or to provide power for large-scale long duration operations, it is absolutely essential that we complete the technology necessary to provide for nuclear powered rocket engines. The chemical propulsion systems currently in use lack the flexibility and efficiency necessary for extended space penetration or long term operation. A nuclear engine will eliminate one of the principal limiting factors of chemical rocket engines.

The only method for dramatically increasing the performance of a chemical engine is to significantly increase its exit-gas temperature. Although the exit-gas temperature attainable by nuclear engines is lower than that of a chemical rocket, the molecular weight of the hydrogen exit-gas is much lower than the mixture of chemicals in the exhaust of the chemical rocket. The exit-gas velocity of nuclear engines, therefore, is much higher.

The measure of the performance of a rocket engine is the "specific impulse"—the thrust obtained from the engine divided by the propulsion obtained per pound of propellant. The specific impulse for a nuclear rocket is roughly double that of a chemical engine. The payload capacity of a nuclear engine becomes at least double that of the chemical propellants. For advanced missions such as planetary probes, the advantage becomes even greater. It is very clear, therefore, that the NERVA project is an essential and integral part of our future space program.

I have been proud of the role played in the NERVA program by the Los Alamos Scientific Laboratory in New Mexico. Twenty percent of LASL's efforts in rocket propulsion is directed toward advanced propulsion concepts. Expected advances in NERVA's performance due to research at LASL will further increase the usefulness of a nuclear shuttle. The design and materials technology, which is the basis for the NERVA reactor, was developed at LASL.

Supported by a strong analytical and laboratory effort, the reactor design and materials have been tested and proven by a series of 18 reactors which have been hot-tested at the Nevada Reactor Development. In 1968, LASL began testing a different type of fuel element.

The Los Alamos laboratory has played a significant role in the development of the NERVA project. I am pleased that the level of funding will be adequate to allow the continuation of this important work.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. AIKEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Fannin). If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. PASTORE. Mr. President, I ask for the yeas and nays, on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on final passage of the bill, H.R. 9413.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), and the Senator from Montana (Mr. Metcalf) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) and the Senator from Indiana (Mr. Bayh) would each vote "yea".

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 90, nays 3, as follows:

[No. 158 Leg.]

YEAS—90

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hruska
Hughes
Humphrey
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—3

Gravel
Inouye
Stevens

NOT VOTING—7

Bayh
Harris
Hollings
Jackson
McGovern
Metcalf
Mundt

So the bill (H.R. 9388) was passed.

Mr. PASTORE. Mr. President, I ask unanimous consent that further consideration of S. 2150 be postponed indefinitely.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, earlier today I remarked on the efficient manner in which Senator Pastore moved legislation. I would like to amplify a few points concerning today's productive work. The senior Senator from Rhode Island has the admirable quality of being able to answer in short, yet accurate statements, almost any question concerning the bills he is managing. The HUD and AEC appropriations bills passed today represent many months of hard labor and Senator Pastore's knowledge of them seems encyclopedic. The Senate is most appreciative of his work.

The ranking minority member on the committee, the distinguished and able Senator from Colorado (Mr. Allott), certainly helped speed along this legislation. His knowledge of the various phases of the HUD appropriations helped clarify many questions. The Senate owes him a great deal for his worthy assistance today. Also contributing to the general discussion today with their well-thought-out individual views and amendments were the Senator from Alabama (Mr. Sparkman), the Senator from Washington (Mr. Magnuson), the Senator from California (Mr. Cranston), the Senator from New York (Mr. Javits), and the Senator from Indiana (Mr. Hartke). An informative debate as we witnessed here today will certainly testify to the diligence with which this Chamber pursues its responsibility. The contributions of those Members I have already mentioned are most appreciated.

The Senator from Rhode Island's heavy work load was made much more manageable through the able assistance of the Senator from Vermont (Mr. Aiken). Senator Aiken is one of the first Senators to arrive on Capitol Hill every morning and his resourceful knowledge of the AEC appropriations bill certainly reflected this dedicated work. I wish to extend to him a sincere and warm thanks for his help today.

The able Senators from the far West, that is from Alaska and Hawaii (Mr. Gravel and Mr. Inouye), were most articulate in expressing their concerns about the pending legislation. Their contributions were most timely and I wish to express my gratitude to them for their effort today.

Also contributing to the discussion on the AEC appropriations today were the distinguished and able Senator from Maine (Mr. Muskie), the dedicated Senator from Wyoming (Mr. Hansen), and the distinguished Senator from Tennessee (Mr. Baker). Their contributions are always welcome.

The added discussion by the distinguished minority leader (Mr. Scott), the Senator from Hawaii (Mr. Fong), and the junior Senator from Illinois (Mr. Stevenson) contributed to making this a very productive day. My thanks to them.

The Senate has once again exhibited that it can move with alacrity, but with all due consideration, on an important measure such as this. I wish to commend Senator Pastore for his outstanding contributions today, especially since he is under an extremely heavy workload. The helpful assistance of the Senator from Colorado (Mr. Allott) again should be thankfully noted by the Senate. And the wisdom of the Senator from Vermont (Mr. Aiken) on the AEC appropriations bill is much appreciated. Today was particularly productive and I wish to thank all of the Senators participating.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 108. An act for the relief of Kyung Jo Min and Kyung Sook Min;

S. 145. An act for the relief of Esther Catherine Milner;

S. 161. An act for the relief of the West Fargo Pioneer and Dale C. Nesemeier;

S. 566. An act for the relief of Maria Grazia Iaccarino; and

S. 672. An act for the relief of Nicholaos Demitrios Apostolakis.

The message also announced that the House had disagreed to the amendments of the Senate to the bill—H.R. 9270—making appropriations for Agriculture, Environmental, and Consumer Protection programs for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Whitten, Mr. Natcher, Mr. Hull, Mr. Shipley, Mr. Evans of Colorado, Mr. Mahon, Mr. Andrews of North Dakota, Mr. Michel, Mr. Scherle, and Mr. Bow were appointed managers on the part of the House at the conference.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia, from the Committee on Appropriations, with amendments:

H.R. 9667. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–271).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

H.J. Res. 714. A joint resolution designating the week of August 1, 1971, as "American Trial Lawyers Week" (Rept. No. 92–272).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 2317. An original bill to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 (Rept. No. 92–273).

EXECUTIVE REPORTS OF A COMMITTEE

Mr. MAGNUSON. Mr. President, from the Committee on Commerce and as in executive session, I report favorably sundry nominations in the National

Oceanic and Atmospheric Administration which have previously appeared in the CONGRESSIONAL RECORD and I ask unanimous consent to save the expense of printing them on the Executive Calendar, that they may lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Clinton D. Upham, and sundry other persons for permanent appointment in the National Oceanic and Atmospheric Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BAKER:

S. 2310. A bill to amend section 112 of the Internal Revenue Code of 1954 to extend the tax benefits provided thereunder for members of the Armed Forces who are prisoners of war or in a missing status in Vietnam, and to exclude from income tax the compensation of other members of the uniformed services while they are in a missing status. Referred to the Committee on Finance.

By Mr. FONG:

S. 2311. A bill for the relief of Jesus Navarro Bedico. Referred to the Committee on the Judiciary.

By Mrs. SMITH:

S. 2312. A bill to authorize the conveyance of certain property to the city of Biddeford, Maine. Referred to the Committee on Government Operations.

By Mr. HATFIELD:

S. 2313. A bill to amend the Foreign Assistance Act of 1961 to provide for a contribution by the United States to a United Nations peacekeeping force;

S. 2314. A bill to provide for grants to friendly foreign countries to train members or units of their military forces designated to be part of a United Nations peacekeeping force;

S. 2315. A bill to authorize the President to designate logistical, supply, and support units of the U.S. Armed Forces to provide support for any United Nations peacekeeping force; and

S. 2316. A bill to authorize the President to designate combat units, and members of such units, of the U.S. Armed Forces to be part of a United Nations peacekeeping force. Referred to the Committee on Foreign Relations.

By Mr. RANDOLPH (for himself, Mr. MONTOYA, Mr. BAYH, Mr. BENTSEN, Mr. EAGLETON, Mr. GRAVEL, Mr. JORDAN of North Carolina, Mr. MUSKIE, and Mr. TUNNEY) from the Committee on Public Works:

S. 2317. A bill to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965. Ordered to be placed on the calendar.

By Mr. WILLIAMS (for himself, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, and Mr. INOUYE):

S. 2318. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS:

S.J. Res. 134. A joint resolution to authorize and direct the President to proclaim September 12 through 19, 1971, to be "American Field Service Week." Referred to the Committee on the Judiciary.

By Mr. TOWER:

S.J. Res. 135. A joint resolution to authorize and request the President to issue annually a proclamation designating one day of each year as "National Law Officers Appreciation Day". Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAKER:

S. 2310. A bill to amend section 112 of the Internal Revenue Code of 1954 to extend the tax benefits provided thereunder for members of the Armed Forces who are prisoners of war or in a missing status in Vietnam, and to exclude from income tax the compensation of other members of the uniformed services while they are in a missing status. Referred to the Committee on Finance.

Mr. BAKER. Mr. President, today I introduce a bill to benefit the most deserving of all Americans—the 465 known prisoners of war and the over 1,600 missing-in-action servicemen in Southeast Asia. Along with the distinguished chairman of the Senate Veterans' Affairs Committee, the senior Senator from Indiana (Mr. HARTKE) and two most knowledgeable members of the Veterans' Committee—the senior Senator from South Carolina (Mr. THURMOND) and the senior Senator from Alaska (Mr. STEVENS), I have cosponsored a bill to provide $10,000 Government life insurance to these imprisoned Americans. This bill would provide a much needed form of financial security to these men and their families.

Another area which appears to be overlooked by most of us in the governing process is the tax burden carried by these individuals. No soldier who has met the responsibility of military service in Southeast Asia and remains captive of a hostile foreign nation should be forced to pay Federal personal income tax on his military pay.

This bill will exempt from income tax the military pay of all prisoners of war and those presumed prisoners as a result of their nonvoluntary missing status. Most of these men fall within the combat zone exemptions already amending the 1954 Internal Revenue Code.

Present law exempts the entire amount of taxable income derived from military service for enlisted personnel and warrant officers, and the first $500 of taxable income for commissioned officers serving in a combat zone. With respect to members who become imprisoned or who are missing in action or detained while serving in a combat zone, this bill extends the existing exclusion from gross income for commissioned officers to include all of their income resulting from service in the Armed Forces. The principal goal of this bill is to express deep-felt national concern for the well-being of imprisoned or missing servicemen. It would give special recognition by a grateful Nation of the sacrifices that have been made and that are continuing to be made by these men. This bill will, of course, bring about a financial advantage to the families of officer personnel who are detained or otherwise in a missing status. However, such financial advantage cannot in any measure compensate the servicemen involved or their families for the hardships and mental anguish that they are suffering. From the family's point of view, the hardship comes in not knowing the condition of their loved one, whether he is dead or alive, and if alive, how he is being treated.

The uncertainty of a long detention, particularly when very little information is available about prisoners of war, leaves the dependents unable to plan for the future. These hardships are psychological in nature and simply cannot be measured in financial terms.

With respect to the servicemen involved, there is simply no way that they can be financially compensated for the deprivation of human dignity and the mental and physical torture to which we know they are being subjected. Viewed in this light, it seems grossly unfair for the Government to insist on taxing their income while they are enduring unlimited hardship. It is unfeeling and parsimonious for the United States to insist on the payment of income tax on a portion of the military pay of any service member in captivity. The forgiveness of the residual income tax is in part a token gesture to these men and their families in recognition of the very great sacrifices which they are making on behalf of this Nation. Enactment of this bill will provide tangible evidence of this Nation's concern for a group of Americans who are undergoing ghastly experiences as a result of having faithfully served our country.

By Mr. WILLIAMS (for himself, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, and Mr. INOUYE):

S. 2318. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AMENDMENTS OF 1971

Mr. WILLIAMS. Mr. President, on behalf of myself and other Senators, I introduce, for appropriate reference, a bill to amend the Longshoremen's and Harbor Workers' Compensation Act. This act provides workmen's compensation benefits for 836,000 privately employed workers subject to Federal jurisdiction—almost 270,000 are longshoremen and ship repairmen working on navigable waters of the United States. Its provisions have been extended to other private employment, including employees in the District of Columbia, and employment by contractors at U.S. bases overseas.

While the workmen's compensation statutes of many other jurisdictions have been updated to reflect increase in the cost of living in recent years, and to provide more adequate protection, the Longshoremen's and Harbor Workers' Compensation Act has not been amended since 1961. Improvements are consequently long overdue.

One of the chief features of this bill relates to the weekly benefits paid to totally disabled workers. Under the law, such a worker receives two-thirds of his wage as weekly compensation while totally disabled; however, this is subject to a maximum of $70 a week. This bill would eliminate that maximum and would increase the minimum benefit from $18 to $54. The bill would also provide for annual benefit adjustments for those receiving compensation due to injuries received after the enactment of the legislation.

Other features of the bill include payment of compensation without a 3-day waiting period when the disability exceeds 14 days rather than 28 days presently required compensation on behalf of dependents would be extended to those in a student status from 18 to 23 years of age, the time for giving notice of injury and filing claim with respect to latent injury would be extended; the liability of employers with respect to subsequent injuries suffered by employees with preexisting physical impairments would be limited, thereby encouraging the employment of handicapped persons; benefits would be extended to cases of disfigurement of the neck and other normally exposed parts of the body; and, provision would be made for further financing of special funds by increased payments from $1,000 to $5,000 from employers in fatal injury cases where there are no survivors, and, in addition, by assessments upon insurance carriers and upon self-insurers.

Mr. President, in 1966 the Congress amended the Federal Employees Compensation Act to provide improvements which we recognized were necessary. It is the purpose of this bill to deal with the other major area of Federal workmen's compensation responsibility, by making the benefits of the Longshoremen's and Harbor Workers' Compensation Act more realistic in light of today's living costs and to modernize its provisions in other respects. Many of the workers covered by this act are engaged in extremely hazardous work, for longshoring is one of the most dangerous of any occupations. Indeed, marine cargo handling ranks the highest of all industries in terms of injuries per man-hours of work.

It is, therefore, especially appropriate that we now enact legislation which will insure more adequate compensation protection for these workers and their families.

Mr. President, I ask unanimous consent that the provisions of the bill and section-by-section explanation be printed at this point in the Record.

There being no objection, the bill and explanation were ordered to be printed in the Record, as follows:

S. 2318

A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Longshoremen's and Harbor Workers' Compensation Act Amendments of 1971".

STUDENT BENEFITS

Sec. 2. (a) Section 2 of such Act is amended by redesignating paragraph (19) as paragraph (20) and adding a new paragraph (19) as follows:

"(19) The term 'student' means a person regularly pursuing a full-time course of study or training at an institution which is—

"(A) a school or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof,

"(B) a school or college or university which has been accredited by a State or by a State recognized or nationally recognized accrediting agency or body,

"(C) a school or college or university not so accredited but whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or

"(D) an additional type of educational or training institution as defined by the Secretary,

but not after he reaches the age of twenty-three or has completed four years of education beyond the high school level, except that, where his twenty-third birthday occurs during a semester or other enrollment period, he shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the deputy commissioner that he has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or during periods of reasonable duration during which, in the judgment of the deputy commissioner, he is prevented by factors beyond his control from pursuing his education. A child shall not be deemed to be a student under this Act during a period of service in the Armed Forces of the United States or while receiving educational or training benefits under any other program authorized by the Congress of the United States."

(b) The last sentence of section 2(14) of such Act is amended to read as follows: "'child,' 'grandchild,' 'brother,' and 'sister' include only persons who are under eighteen years of age, and also persons who, though eighteen years of age or over, are (1) wholly dependent upon the employee and incapable of self-support by reason of mental or physical disability, or (2) are students as defined in paragraph (19) of this section."

(c) Section 8(d) of such Act is amended by striking out the words "under the age of eighteen years" wherever they appear therein.

TIME FOR COMMENCEMENT OF COMPENSATION

Sec. 3. Section 6(a) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1426, 33 U.S. 906) is amended by striking out "more than twenty-eight days" and inserting in lieu thereof "more than fourteen days".

MAXIMUM AND MINIMUM LIMITS OF DISABILITY COMPENSATION AND ALLOWANCE

Sec. 4. (a) Section 6(b) of such Act is amended to read as follows: "(b) Compensation for total disability shall not be less than $54 per week: *Provided, however,* That, if the employee's average weekly wages as computed under section 10, are less than $54 per week, he shall receive as compensation for total disability his average weekly wages."

(b) Section 14 of such Act is amended by striking out subsection (m).

COST OF REEXAMINATION

Sec. 5. The last sentence of section 7(e) of such Act is amended to read as follows: "The deputy commissioner may charge the cost of such examination to the carrier or self-insurer."

DISFIGUREMENTS

Sec. 6. Section 8(c)(20) of such Act is amended to read as follows:

"(20) Disfigurement: Proper and equitable compensation not to exceed $3,500, shall be awarded for serious disfigurement: (A) of the face, head, or neck; or (B) of other normally exposed areas likely to handicap the employee in securing or maintaining employment."

COMPENSATION AT END OF SCHEDULED AWARD

Sec. 7. Section 8(c) of such Act is further amended by adding the following new paragraph:

"(23) With respect to any period after payments under paragraph (c)(1) through (c)(20) have terminated, compensation shall be paid as provided in subsections (a) and (b) of this section if the disability is total, or, if the disability is partial, 66⅔ per centum of the difference between the injured employee's average weekly wages before the injury and his wage-earning capacity after the injury in the same or other employment."

SPECIAL FUND

Sec. 8. (a) Section 8(d) of such Act is amended by adding the following new paragraph (6):

"(6) If there be no surviving wife, dependent husband, or child, then to the special fund established under section 44(a) of this Act."

(b) Section 44(c) of such Act is amended to read as follows:

"(c) Payments into such fund shall be made as follows:

"(1) Each employer shall pay $5,000 as compensation for the death of an employee of such employer resulting from injury where the deputy commissioner determines that there is no person entitled under this Act to compensation for such death.

"(2) When the amount in the fund at the beginning of the calendar year is less than $300,000, each carrier or self-insurer shall be obligated to make prorated payments into the fund based on the gross premiums collected by the carrier for risks during the preceding fiscal year or the amount of premiums a self-insurer would have had to pay during the preceding fiscal year for compensation insurance.

"(3) All amounts collected as fines and penalties under the provisions of this Act shall be paid into such fund."

(c) Section 44 is further amended by adding the following new subsection (h):

"(h) The proceeds of this fund shall be available for payments under section 8 (f) and (g), under section 18(b), and under section 39(c): *Provided,* That payments authorized by section 8(f) shall have priority over other payments authorized from the fund: *Provided further,* That at the close of each fiscal year the Secretary of Labor shall submit to the Congress a complete audit of the fund."

INJURY FOLLOWING PREVIOUS IMPAIRMENT

Sec. 9. (a) Section 8(f)(1) of such Act is amended to read as follows: "In any case in which an employee having an existing permanent physical impairment suffers injury, the employer shall provide compensation for such disability as is found to be attributable to that injury based upon the average weekly wages of the employee at the time of the injury. If following an injury falling within the provisions of section 8(c)(1)(20), the employee is totally and permanently disabled, and the disability is found not to be due solely to that injury, the employer shall provide compensation for the applicable prescribed period of weeks provided for in that section, or for one hundred and four weeks, whichever is the greater. In all other cases of total permanent disability or of death, found not to be due solely to that injury, of an employee having an existing permanent physical impairment, the employer shall provide, in addition to compensation under paragraphs (b) and (e) of this section, compensation payments or death benefits for one hundred and four weeks only. After cessation of the payments for the period of weeks provided for herein, the employee or his survivor entitled to benefits shall be paid the remainder of the compensation that would be due for permanent total disability or for death out of the special fund established in section 44."

(b) Section 8(f) of such Act is further amended by striking out paragraph (2).

DEATH BENEFITS

Sec. 10. (a) Section 9(a) of such Act is amended by striking out "$400" and inserting in lieu thereof "$800".

(b) Section 9(e) of such Act is amended to read as follows: "In computing death benefits the average weekly wages of the deceased shall be considered to have been not less than $80 but the total weekly compensation shall not exceed the weekly wages of the deceased."

DETERMINATION OF PAY

Sec. 11. Section 10 of such Act is amended by adding the following new subsections:

"(f) Each June 30 the Secretary shall determine the per centum change in the weekly wage level in the longshore industry during the preceding year. Effective the first day of the third month following this determination, compensation payable on account of disability or death which occurred more than one year before that first day, and which occurred after enactment of this subsection, shall be increased by the per centum rise in the wage level.

"(g) The weekly compensation after adjustment under subsection (f) shall be fixed at the nearest dollar. However, the weekly compensation after adjustment shall reflect an increase of at least $1."

TIME FOR NOTICE AND CLAIMS

Sec. 12. (a) Section 12(a) of such Act is amended to read as follows:

"NOTICE OF INJURY OR DEATH

"Sec. 12. (a) Notice of an injury or death in respect of which compensation is payable under this Act shall be given within thirty days after the date of such injury or death, or thirty days after the employee or beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment. Such notice shall be given (1) to the deputy commissioner in the compensation district in which the injury occurred, and (2) to the employer."

(b) Section 13(a) of such Act is amended to read as follows:

"(a) Except as otherwise provided in this section, the right to compensation for disability or death under this Act shall be barred unless a claim therefor is filed within one year after the injury or death. If payment of compensation has been made without an award on account of such injury or death, a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or death occurred. The time for filing a claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware, of the relationship between the injury or death and the employment."

FEES FOR SERVICES

Sec. 13. Section 28(a) of such Act is amended by adding the following new sentence: "In cases where an award is made or increased after payment under the Act is resisted, a claim for legal services approved by the deputy commissioner or a court shall be added to the compensation award and become a lien upon such award in the amounts so fixed."

TECHNICAL AMENDMENT

Sec. 14. Section 3(a)(1) of such Act is amended by striking out the word "nor" and inserting in lieu thereof the word "or".

EFFECTIVE DATE

Sec. 15. The amendments made by this Act shall become effective thirty days after the date of enactment of this Act.

Section-by-Section Explanation of S. 2318, Longshoremen's and Harbor Workers' Compensation Act Amendments

Section 1: Title.

Section 2: Benefits for a surviving dependent child, which now terminate at age 18, would be continued until age 23 if he is pursuing a full-time course of study at an approved educational institution.

Section 3: The Act presently provides that no compensation shall be allowed for the first three days of disability, unless the disability continues for 28 days. This amendment would reduce that 28 day period to 14 days.

Section 4: The Act currently provides that an injured worker shall receive a weekly disability benefit equaling two-thirds of his average weekly wage, with a maximum of $70 per week. This amendment would eliminate that maximum and would increase the minimum benefit for total disability from the present $18 to $54. The amendment would also eliminate the present provisions relating to maximum payments for injury.

Section 5: This amendment would allow the deputy commissioner to charge the cost of medical reexamination to the employer or insurance carrier whenever in his opinion a reexamination is necessary. At present he can charge the employer or carrier only if the reexamination shows prior medical reports were not impartial.

Section 6: The Act presently limits compensation for disfigurement to the face or head. The amendment would add disfigurement of other normally exposed areas of the body which might handicap the worker in securing or maintaining employment.

Section 7: The Act contains a schedule specifying the number of weeks compensation is payable for permanent loss of the use of certain parts or functions of the body. However, even though a worker's earning capacity may be significantly reduced by the permanent effects of such an injury, such wage loss beyond the scheduled period is not now provided for. This amendment would provide that an injured worker be paid at the end of his scheduled award for the degree of wage loss he may thereafter suffer.

Section 8: The monies required for paying compensation in second injury cases (see Section 9 below) would be provided by increasing from $1,000 to $5,000 the compensation payment to be made by the employer or insurance carrier to the Special Fund in death cases where the deputy commissioner determines that there is no surviving dependent entitled to compensation for such death. A provision is made for assessments for the Special Fund upon each insurance carrier and self-insurer prorated on the basis of the premiums collected by insurance carriers, or if self-insured on the basis of premiums that would have been paid.

Section 9: The Act presently provides that an employer in second injury cases (those in which a worker with an existing impairment is injured one or more additional times) shall provide compensation only for the disability caused by the second injury. This amendment is intended to provide greater certainty as to an employer's liability in these cases and to encourage the employment of handicapped workers by limiting the employer's liability to the payment of compensation for 104 weeks or for the number of weeks under the schedule for permanent partial disability, whichever is greater. When second injury results in total disability or death, the amendment provides that continuing benefits will be paid from the Special Fund after the expiration of compensation paid by the employer.

Section 10: The amendment would eliminate the maximum wage level used for computing surviving dependent death benefits and would increase the minimum wage level from $27 to $80. It would also increase the funeral benefit from $400 to $800.

Section 11: This provides for annual benefit adjustments based on industry wage changes. This benefit adjustment is intended to apply only to injuries incurred after enactment of this legislation.

Section 12. The Act presently requires that notice shall be given within 30 days after the date of an injury or death. This amendment would permit the employee or beneficiary to give notice within 30 days after becoming aware of the relationship between the injury or death and the employment.

Section 13. This amendment would shift to the employer or insurance carrier the injured worker's attorneys fees incurred in establishing his claim, if an award is made or increased after being resisted.

Section 14: A technical amendment to correct an apparent miswording in the original Act.

Section 15: Makes the amendments effective 30 days after enactment.

By Mr. JAVITS:

S.J. Res. 134. A joint resolution to authorize and direct the President to proclaim September 12 through 19, 1971, to be "American Field Service Week." Referred to the Committee on the Judiciary.

AMERICAN FIELD SERVICE WEEK

Mr. JAVITS. Mr. President, I introduce a joint resolution to authorize and request the President to proclaim September 15 through 19 as American Field Service Week. An identical resolution, House Joint Resolution 527 has been introduced by Congressman Hamilton Fish, Jr.

This period will coincide with the AFS Convention 1971 as it celebrates the 25th anniversary of its international scholarship programs with an international convention in Atlantic City, N.J.

Over the past five decades the AFS, originally conceived during World War I as a volunteer ambulance corps serving with the French armies, has augmented its purpose of strengthening the bonds between countries by developing international scholarship programs toward the end of fostering understanding and reconciling differences which exist among peoples. During 1970, this international voluntary service organization was responsible for the participation of over 4,300 young persons, ages 16 through 18, in exchange programs which offered them the opportunity through experiencing life in another country to gain awareness and sensitivity of the bonds—and the differences—among approximately 80 countries.

I think it appropriate, therefore, that as the AFS Convention 1971 meets to consider its future direction, we pay tribute to the great success of this organization in the past and recognize its commitment to the future in working toward peace through international cooperation and understanding.

Mr. President, I ask unanimous consent that the joint resolution may be made part of my remarks.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 134

Joint resolution to authorize and direct the President to proclaim September 12 through 19, 1971, to be "American Field-Service Week"

Whereas the American Field Service, originally founded as a volunteer ambulance corps to the French armies in 1914, performed with great sacrifice and distinction its task of transporting supplies and carrying the wounded in World War I and later in World War II and in 1946, created an international education program for high school students;

Whereas the aim of the American Field Service international scholarship programs is to promote understanding, friendship, and knowledge between the peoples of the world by arranging an interchange of secondary school students between the United States and other countries;

Whereas this is the twenty-fifth anniversary of the American Field Service international scholarship programs which have given over fifty-nine thousand students from every continent the opportunity to broaden their knowledge of other cultures and gain new insights into their own to the end that the peoples of all nations will benefit from their enriched understanding;

Whereas thousands of voluntary workers in communities throughout the United States and in over sixty countries of the world work together to implement this privately sponsored, non-political activity which serves as an extraordinary model of international cooperation; and

Whereas high tribute should be paid to the American Field Service for fostering a service of such worldwide importance, in the hope that thereby the goal of permanent peace so prevalent in all our minds today, can eventually be achieved: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and directed to proclaim the period beginning September 12, 1971, and ending September 19, 1971, as "American Field Service Week," and to call upon the citizens of the United States, especially schools and other educational institutions and organizations, to observe such period with appropriate ceremonies and activities.

By Mr. TOWER:

S.J. Res. 135. A joint resolution to authorize and request the President to issue annually a proclamation designating 1 day of each year as "National Law Officers Appreciation Day." Referred to the Committee on the Judiciary.

LAW OFFICERS APPRECIATION DAY

Mr. TOWER. Mr. President, I introduce for appropriate reference a joint resolution which would establish 1 day each year as "National Law Officers Appreciation Day." I believe that it is altogether fitting and proper that we have 1 day set aside in which we can pay proper respect and appreciation to those persons in our country who daily risk their lives in the fight against crime so that we may live securely in our homes. These men bear the brunt of the criticism of society and the violence, both organized and unorganized, that is all too prevalent in our Nation today.

At no other time in our history has the law enforcement officer been under greater stress than that under which he must operate today. To the old crimes with which he has long had to live, there have been added new ones such as violent protest with the resultant riots and general disrespect of all forms of property and rights of the law-abiding citizens. It is definitely time that we honor the patrolman who day after day and night after night is on the beat protecting our society from its domestic enemies. At times recently, this man must have wondered if anyone really knew that he was around or if anyone really cared that he was risking his life and well-being in order that the rest of us might continue to enjoy our ordered liberty. The time has come to give this lone man our full support and tell him that we are with him; that the struggle against crime is the struggle of all of us; that we fully appreciate the sacrifices that he is making.

Mr. President, I hope that many of my colleagues will join with me in cosponsoring this joint resolution. I intend to solicit these cosponsors at the earliest possible date. For the information of the Senate, I ask unanimous consent that my joint resolution be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 135

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating one day of each year, to be determined by the President, as "National Law Officers Appreciation Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1017

At the request of Mr. Mondale, the Senator from Wyoming (Mr. McGee) was added as a cosponsor of S. 1017, the Clean Lakes Act of 1971.

S. 1311

At the request of Mr. Pearson, the Senator from Missouri (Mr. Eagleton) was added as a cosponsor of S. 1311, the Newsmen's Privilege Act.

S. 1603

At the request of Mr. Eagleton, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1603, a bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

S. 1899

At the request of Mr. Fong, the Senator from Massachusetts (Mr. Kennedy), the Senator from Rhode Island (Mr. Pell), the Senator from Nevada (Mr. Cannon), the Senator from Alaska (Mr. Stevens), the Senator from New Jersey (Mr. Case), the Senator from Oregon (Mr. Hatfield), the Senator from Utah (Mr. Bennett), the Senator from Montana (Mr. Metcalf), the Senator from Nebraska (Mr. Hruska), the Senator from Nevada (Mr. Bible), the Senator from Alaska (Mr. Gravel), and the Senator from New York (Mr. Javits) were added as cosponsors of S. 1899, a bill to permit visitors from designated countries to enter the United States for a period of up to 90 days without obtaining a visitor's visa.

S. 2071

At the request of Mr. Moss, the Senator from Illinois (Mr. Stevenson), The Senator from Indiana (Mr. Hartke), the Senator from Connecticut (Mr. Ribicoff), the Senator from California (Mr. Cranston), the Senator from New Jersey (Mr. Case), the Senator from Idaho (Mr. Church), the Senator from Minnesota (Mr. Mondale), the Senator from Maine (Mr. Muskie), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Magnuson), and the Senator from New York (Mr. Javits), were added as cosponsors of S. 2071, a bill to provide for the care, housing, education, training, and adoption of certain orphaned children in Vietnam.

S. 2231

At the request of Mr. McGovern, the Senator from Indiana (Mr. Bayh), was added as a cosponsor of S. 2231, a bill to require the appropriations be made specifically to the Central Intelligence Agency.

S. 2258

At the request of Mr. Griffin, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 2258, the Motor Vehicle Air Pollution Control Acceleration Act.

S. 2285

At the request of Mr. Griffin, the Senator from Ohio (Mr. Taft) was added as a cosponsor of S. 2285, the bill to repeal excise taxes on passenger automobiles.

S.J. Res. 79

At the request of Mr. Hartke, the Senator from Iowa (Mr. Hughes) and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of Senate Joint Resolution 79, the Equal Rights Amendment.

S.J. Res. 126

At the request of Mr. Eagleton, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of Senate Joint Resolution 126, the National Volunteer Blood Donor Month resolution.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

S. Con. Res. 21

At the request of Mr. Mondale, the Senator from Michigan (Mr. Hart) was added as a cosponsor of Senate Concurrent Resolution 21, to suspend military aid to Pakistan.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENT NO. 263

(Ordered to be printed and to lie on the table.)

Mr. SPONG. Mr. President, I send to the desk an amendment to the Federal Elections Campaign Act of 1971 and ask that it be printed and held at the desk.

The purpose of this amendment is to require political committees which support more than one candidate for election to itemize in their reports the expenditures made in behalf of each individual candidate.

As presently worded, the bill requires committees to disclose only the amount, date and purpose of expenditures in excess of $100 and the names of the persons to whom payments were made. But it does not hold political committees to the same requirement which is imposed on all other groups; namely, to report "the name of the candidate for the benefit of whose campaign the goods or services were purchased."

I believe this is essential information which, if not provided, could vitiate the whole reporting requirement. Candidates could evade the purpose of the act by simply channeling a large share of their campaign spending through party committees. This has been done in the past.

Under this bill, the committees would not be required to disclose how much of what they spent went for the benefit of candidate X or candidate Y. Nor would the candidates themselves have to report that information since they are responsible only for what they personally spend, not what is spent in their behalf.

The net result then is that the public would never have a full accounting of how much a candidate spent to be elected.

One of the purposes of this bill is to enlist public pressure as a means of holding campaign spending within reasonable bounds. That can only work where the public has all the facts and that is what my amendment seeks to provide.

In requiring political committees to itemize expenditures for each candidate, it is recognized that some spending will be for the entire slate of candidates as a slate. I assume the Comptroller General or the Federal Elections Commission, as the case may be, will provide for such situations in its reporting regulations.

When I proposed this amendment at the Rules Committee hearing, I was assured that it was the intent of the committee to require such itemized committee reports. I am hopeful, therefore, that the manager of the bill will support this amendment which will remove any question about the meaning of this section.

AMENDMENT NO. 264

(Ordered to be printed and to lie on the table.)

Mr. PROUTY. Mr. President, I am sure that all of us look forward to the forthcoming consideration of S. 382, The Federal Elections Campaign Act of 1971.

As a ranking member of both the Senate Commerce Committee, and the Committee on Rules and Administration I have become deeply involved in the development of what I believe to be a most significant piece of legislation. I sincerely hope that all Members of this body will give careful consideration to all the provisions contained in S. 382.

Today, Mr. President, I send to the desk a technical amendment to S. 382, and ask that it be printed immediately following my remarks.

In the Committee on Rules and Administration I had an amendment adopted by a vote 6 to 3, which would require all organizations soliciting political contributions to affix the following notification on their requests for contributions.

> In compliance with Federal law a report has been (or will be) filed with the Comptroller General of the United States showing a detailed account of our receipts and expenditures. A copy of that report is available at a charge from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.

Subsequent to the adoption of my amendment by the committee, I was informed by legislative council that in order to clarify the authority for the Public Printer to make a charge for such documents language should be included in the bill to that effect. My amendment simply clarifies that point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 264

On page 30, line 23, before "Any" insert "(1)".

On page 31, between lines 7 and 8, insert the following:

"(2) (A) The Comptroller General shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

"(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

"(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

"(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the Comptroller General."

AMENDMENT NO. 266

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY. Mr. President, in the next few days the Senate will be considering S. 382, the Federal Elections Campaign Act of 1971.

I am now announcing my intention to amend this important legislation, and I now offer the amendment for printing. At the appropriate time, I will call up the Federal voter registration amendment to S. 382 which will enable all citizens of the United States to register to vote in Federal elections at the time they complete their Federal income tax returns.

The Internal Revenue Service reaches 95 percent of the American people each year. It is an organization which has a reputation for responsibility, efficiency, and confidentiality which are necessary for the proper functioning of a national voter registration program.

Those persons who do not file a Federal tax return would be able to obtain a voter registration form from their local post office. All persons who register under this optional program—with their tax return or with the form obtained at the post office—would receive a Federal certificate of registration.

My amendment to S. 382 does not eliminate State registration laws. Persons can register through the Internal Revenue Service only if they are also eligible to register under applicable State laws. I do not view the Federal voter registration amendment as abridging the rights of any State. The amendment is designed to make Federal registration a convenience rather than a hindrance.

In the election of 1968, 40 percent of the American electorate did not vote. I believe the Federal voter registration amendment is an important first step in the direction of true universal suffrage in the United States.

Mr. President, I ask unanimous consent that my amendment to S. 382 be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 266

"On page 52, after line 17, add the following:

TITLE V—REGISTRATION OF FEDERAL VOTERS

REGISTRATION FORMS

SEC. 501. (a) The Secretary shall prepare, in consultation with the Attorney General and the election officials of the various States, a standard form which may be used to register to vote in Federal elections by any citizen who is qualified to register for voting in such elections. Two copies of such form shall be included with each income tax return mailed to a taxpayer by the Internal Revenue Service and additional copies of such form shall be available at any Internal Revenue Service office. The Secretary shall enter into arrangements with the Postmaster General under which additional copies of such form shall be available in each Post Office. The Secretary shall undertake to notify persons who do not receive such forms by mail of their right to register to vote by using such forms. Such notification shall be by public advertisement or such other means as may be effective. Where appropriate, such notification and such forms shall be in English and in the predominant non-English language used in an area.

(b) Any person who elects to register for voting in Federal elections using the form provided under subsection (a) shall complete such form and sign it. The completed form shall be returned to the Internal Revenue Service and such person shall be registered to vote in Federal elections in the State in which he resides, in accordance with such procedures as may be prescribed by the Secretary. if such person is otherwise qualified to vote in such Federal election.

(c) The Secretary shall issue to any person registered to vote in Federal elections under this section a certificate of registration which shall be held and considered to be prima facie evidence of such registration.

NOTICE TO STATE ELECTION OFFICIALS

SEC. 502. (a) Under such regulations as the Secretary may prescribe, there shall be furnished to the appropriate election officials of any State all necessary and appropriate information regarding persons registered under section 501 to vote in Federal elections held in such State. On and after the time such information has been so furnished to the appropriate election officials of any State in the case of any person, such person shall be deemed to have met all the requirements for registration for voting in Federal elections held in such State. Any such registration for voting shall continue in effect for the same period of time it would have been in effect had such person registered under the applicable State law.

(b) Registration under this section of any person for voting in Federal elections held in any State shall constitute valid registration for voting in elections held in such State other than Federal elections whenever the laws of such State so provide.

PROHIBITION OF NATIONAL REGISTRY

SEC. 503. No national registry of persons shall be compiled or maintained from information derived under this title.

REPORT BY THE SECRETARY

SEC. 504. The Secretary shall report to the Congress one year from the date of enactment of this Act with respect to registration of voters under this title together with any recommendations he may have, including recommendations for additional legislation, for the more effective administration of voter registration under this title.

SEC. 505. (a) The provisions of section (11) (C) of the Voting Rights Act of 1965 shall apply to false registration under this title and other fraudulent acts and conspiracies in connection with this title.

(b) Whenever the Attorney General has reason to believe that a State or political subdivision is denying or attempting to deny to any person the right to vote in any election in violation of this title, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with section 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

(c) Any person who deprives, or attempts to deprive, any other person of any right secured by the first section of this title shall be fined not more than $5,000, or imprisoned not more than five years, or both.

REGULATIONS

SEC. 506. The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this title.

DEFINITIONS

SEC. 507. As used in this title, the term—

(1) "State" means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(2) "Federal election" means any general, special, or primary election held for the purpose of nominating any candidate for election, or electing any candidate, as President, Vice President, presidential elector, Senator, Representative, or Delegate or Resident Commissioner to the Congress; and

(3) "Secretary" means the Secretary of the Treasury or his delegate.

AMENDMENTS NOS. 267 THROUGH 293

(Ordered to be printed and to lie on the table.)

COMMENTS ON S. 382—CAMPAIGN REFORM

Mr. MATHIAS. Mr. President, the matter of campaign reform will soon confront us all. S. 382 has been reported out of the Rules Committee and awaits consideration by the Senate. I have thoroughly reviewed and studied the bill; I think the bill has the laudable objective of restoring to the American people confidence and credibility in the electoral process. The committees dealing with the legislation have done a commendable job in view of the constitutional hurdles and the complexity of the problem.

I do not wish to speak generally about the need for campaign reform, for I made my feelings clear in the introductory remarks to S. 956, the Scott-Mathias bill. However, to demonstrate now my sincere desire to have tough and comprehensive reform legislation, I have gone over S. 382 with a most careful eye. I would like to tell the Members of the Senate of the difficulties which I encountered in S. 382; and, I plan to introduce amendments where I feel it is appropriate to do so.

S. 382 is divided into four distinct and independent titles; title I deals with broadcast media and nonbroadcast media; title II covers the criminal code amendments; title III handles the reporting and disclosure sections of the bill; and title IV covers amendments to the Internal Revenue Code of 1954. I will proceed to talk about each title separately, excluding any comments on title IV.

TITLE I. MEDIA

CONCEPT OF FAIRNESS

Section 315(a), the section in the Communications Act which puts a legislative mandate on licensees to treat all candidates similarly and equally in the allocation of free time has become burdensome to both the broadcast station and the candidate. The major candidates cannot get on the air to publicly expose their views unless the broadcast station decides to treat equally all other candidates—minor, fringe, and even casual candidates would take part in the gratuity. This spirit of fairness and equality is in keeping with the legislative intentions of 315(a) as well as with court decisions interpreting this section.

This legislative objection of nondiscrimination among the candidates was built into 315(a)'s promulgated rules and regulations. For instance, regulations clearly prohibit discrimination among candidates with regard to charges and access. Section 315(a) speaks of affording "equal opportunities" to all candidates.

The broadcast station often avoided the above problem by not granting free time to any candidate. This, as we know, though a decision based perhaps on good business judgment, was not in the best interests of the electorate nor was it fulfilling the licensee's obligation within the political process. Everyone—including the broadcast industry—has recognized the need for change. The industry and the Congress have both agreed on legislation which would give the broadcast industry the opportunity—and the discretion—to give only "major" candidates free access.

S. 382 attempts to solve the dilemma by taking Federal elections out of the purview of 135(a). I question this legislative approach.

If you take Federal elections out of 315(a), the question arises as to whether those rules, regulations, court decisions and ancillary laws would still apply to those now exempt Federal elections in order to guarantee the concept of equality and fairness among the "major" candidates. The FCC was unwilling to conjecture whether these guidelines would in fact apply. It would seem to me that a more direct route and one which would give the station less discretion and opportunity would be to simply exempt minor Federal candidates from this application of section 315(a).

There would be difficulty, I admit, in defining such a group as "major" or "minor" candidate. However, S. 956 contained such a definition in the franking privilege section of the bill. And the FCC would have to make certain anyhow what it meant by "major" if it wanted to give guidance to its licensees under the presently drafted bill as to the extent of permissible exclusions of candidates.

If these guidelines under the present 315(a) as applied to Federal elections would not now apply to S. 382, a licensee could discriminate as to charges under the bill.

A candidate for Federal office running under the purview of S. 382 could have three possible charges given to him by a licensee within the stated 105-day period prior to election. The station can give the candidate free time, charge lower than lowest unit cost, or the lowest unit cost. Section 101(b) page 3, line 9, speaks of the licensee being prohibited during this period from exceeding the lowest unit cost. Strictly construed, this does not prohibit giving charges lower than the lowest unit cost.

I have been told by the committee that if one is granted a charge which is lower than the lowest unit cost, that the new charge would then become the new lowest unit cost and all candidates charged higher than this rate would get a prorated refund in the excess amount. This interpretation cannot be derived by reading the bill or the appropriate hearings. Such an interpretation is quite unreasonable and indeed stretched. The matter of the refund is not mentioned at all in the bill and on the merits, it could cause innumerable problems for a candidate in his spending plans within the bill's ceiling.

There would be, it seems to me, only two prohibitions or guidelines for stations in their charges and treatment of candidates. First, the station would be prohibited under threat of revocation of its license—section 101(b), page 3, line 22, and the following of the drafted bill—from "willful or repeated failures to allow reasonable access or to permit reasonable amounts of time." Note that this section mentions any access; thus, if a candidate is ready, willing, and able to go on the media, the licensee could not then prevent his entry within the normal rules and customs of the broadcast industry. However, this would not prevent him from discirminating as to charges. Second, the fairness doctrine—section 315 (a) would still apply, guaranteeing that the station would treat all issues equally and fairly. Notwithstanding these two recognized prohibitions, unless this latter doctrine is stretched to apply to charges and the matter of free time, the licensees could still discriminate in both these areas.

Even if the committee would clear up through amendments the matter of the meaning of lowest unit cost, this would only take care of the problem of discrimination as to charges lower than the lowest unit cost and not cover discrimination in the area of free time.

At this time, I am planning to offer amendments which will prohibit under the threat of revocation of license the discrimination as to free time by a licensee by amending subsection (7) on page 3 of the bill to this effect. This would also remedy in part what I consider to be a most unwise delegation of power to the FCC. Congress should begin to use its pen rather than its power to delegate its authority to achieve recognized public policy.

I understand there might be some attempt to delete this entire subsection (7). If such an objective is accomplished, a move which I will aggressively oppose, I will offer an amendment annexed to the previous subsection, hoping to accomplish the same objective.

S. 956, in its title III, attempts to codify the fairness doctrine in order to assure its application to campaign reform legislation. Perhaps a similar move might be considered by the committee.

COVERAGE—FEDERAL ELECTIVE OFFICE

Section 102 deals with the spending limitation of candidates for Federal office. It should be noted that unlike the reporting and disclosure title, the first two titles exclude coverage of the party conventions, caucus and so forth. It is omission is understandable, however, we should make it clear—a caveat should be made—that Congress will fill the void if the omission is abused.

COVERAGE—THE CANDIDATE

Subsection (c) of section 102, page 4, line 12 and the following, as well as section 103(a) (3), page 9, line 21, and the following defines "legally qualified candidate." Unless a candidate comes within this legislative definition, he is free to spend as much as he wants and is excluded from the spending limitations of the bill.

The definition, as presently drafted, has two parts: First, that the candidate qualify under Federal law—in the case of the office of Senator, this merely means that he be 30 years of age and a naturalized citizen; and second, he qualify under applicable State law. This is patently not enough. As drafted, both provisions omit any affirmative actions by the candidate, and only contemplate the passive, more formal acts of qualifying oneself for candidacy.

There might be situations in which a candidate could not as yet qualify under State law, though clearly a candidate in the eye of both the public and himself. Take the State law which requires for instance a period of days to follow from time of registration to the time in which he formally qualifies as a candidate under applicable State law. Does that mean that during those preceding days, the candidate can have a "Roman carnival" with regard to campaign expenditures? Obviously, if all States allowed write-in candidates, this would not be a serious problem for then every inchoate candidate would qualify under "applicable State law." However, we cannot control nor predict changes in State elections laws; thus, it would be wise to close this omission.

The FCC has in its regulations a definition of candidate which is broader than the one contained in S. 382 and one which might cover the above example. However, it could be argued quite persuasively, I think, that this congressionally declared definition supercedes the regulatory one.

I recommend that we add a third provision—a section (C) or (3) as the case may be, which would include in the alternative the candidate who spends or accepts contributions, or acquiesces the spending or contributing in behalf of his candidacy.

I agree that a candidate should be a candidate for the purposes of the spending ceiling only when he performs "the last act" of noncandidacy, as distinguished from the reporting and disclosure section which should cover "his first act," so to speak. However, as presently drafted, the loophole is much too big.

THE MECHANICS OF THE SPENDING CEILING

I said in my introductory remarks to S. 956, as well as before the Commerce Committee hearings on S. 956, that spending ceilings are basically unenforceable, arbitrary, and unconstitutional. S. 382 confirms that view. As drafted, I feel strongly that S. 382 will most likely be dragged through the courts to the disadvantage of campaign reform, and create a prosecutorial nightmare for the Federal Government.

As we know, S. 382 sets forth spending ceilings for all candidates to Federal office. As drafted those ceilings are 0.05 cent times the number of resident population in that political subdivision for the nonbroadcast media and a similar 0.05 cent spending limitation for the broadcast media. The Rules Committee added an amendment which would make these figures interchangeable; thus making the spending ceiling 10 cents for both broadcast media and nonbroadcast media, allowing the candidate to choose how he wants to divide his money among the two. I imagine this will become a major amendment for debate on the Senate floor. I only hope that the amounts derived will be based more on the public's interest and recognized data on campaign costs, rather than on political considerations.

However, my concern is with the mechanics of the spending ceiling—how broadcast media and nonbroadcast media charges are attributed to each candidate.

The two sections in both the broadcast media and nonbroadcast media sections which are of concern to me are the definitions of "use of broadcast stations by or on behalf of any candidate" and the appropriate certification sections. The former forms the perimeter and basis for the latter. In other words, if an advertisement or media presentation comes within this definition, according to the interpretation by the committee, it cannot be viewed unless it receives certification by some candidate and thus the costs of that presentation are attributed to that candidate's spending ceiling.

In addition the definition becomes the basis for eligibility for lowest unit cost charges by a licensee.

Again, I feel the bill is unclear as to the process of certification. A close reading of the bill with regard to the certification process could raise other meanings than those derived by the committee. I hope the committee, through appropriate amendments, will make clear its intentions.

Thus, this definition's intent and meaning is of immense signficance. Let us take a look at this definition as it appears in section 102, page 4, line 17, and the following, and section 103(a) (4), page 10, line 3, and the following.

"The use of broadcast stations by or on behalf of any candidate," the definition states, includes—giving the FCC discretion to add criteria—First, amounts spent advocating a candidate's election, second, amounts spent urging defeat of one's opponent, or third, amounts spent derogating his opponent's stand on campaign issues. Note that the definition contemplates advertisements both by candidate and on behalf of the candidate.

The latter requirement dealing with campaign issues is most objectionable. Let me cite a hypothetical example on how this becomes a real problem. Suppose a group wants to put on the air an advertisement urging support for air pollution legislation. The group goes to the broadcast station and first shows the ad to the licensee who in turn determines whether the advertisement comes within one of the three criteria mentioned above. The ad, for sake of example, makes no mention of any candidate's name in an effort to elect or defeat a particular candidate. The question then becomes is it derogation of a candidate's stand on some campaign issue? Ecology will presumably be an inherent issue in the elections to come.

The licensee would then make a determination—under the spirit of reasonableness as pronounced by the Commerce Committee hearings—as to whether the ad is in derogation of some candidate's stand. If he decides it is, he would then call the candidate who would presumably benefit from such a viewing and ask for certification. The candidate would then have to view the advertisement to see whether it would be worth attributing the costs of the ad to his spending ceiling. If it is not worth the candidate's certification, the pollution fighters are precluded from expressing their views. The situation becomes ludicrous when this group becomes the purchaser in behalf of the candidate which set the lowest unit cost scheme in the first place—under the present committee interpretation of the bill.

And if the candidate certifies, the group's ad is viewed as an advertisement associated with that candidate and charged the lowest unit cost for the viewing. If the ad is not considered a particular campaign issue, it can go on the air with normal commercial charges and subject to the normal customs and regulations of the industry.

Under present interpretation by the committee, if an applicant or candidate is dissatisfied with a decision by the broadcast station, he may appeal to the FCC for a final ruling on the matter.

The above example highlights the serious problems which I believe most would have with this bill.

The bill violates the public's right of free expression and free association which our Constitution guarantees. A group can no longer independently express itself on an issue related to a campaign unless they associate themselves with a particular candidate for purposes of certification and receive certification by a candidate. If both are not consented to, the expression is completely forbidden.

This, to me, is repugnant to America's ideals of freedom, the right to free expression and unabated participation in the electoral process.

It strips groups of any independence. It encourages—it directs—groups to be dependent upon a candidate. Independence of views is discouraged, dependence fostered. We all know how dependency in the political arena breeds obligations and inhibition of expression. The bill discourages the open discussion of substantive issues and controversy and encourages fireside Wall Street ads to influence one's candidacy. Noninvolvement and ignorance can easily be its byproduct.

I find the bill tampering and upsetting the delicate balance of first amendment rights and the right of the Federal Government to legislate for the general welfare. The harm created by the bill, quite frankly, exceeds the harm attempted to be corrected. I doubt whether the first amendment permits statutory authorization for one person to determine whether a group or an individual can express their political views in such forms as newspapers, magazines, billboard facilities, and other periodicals as contemplated by S. 382.

The bill gives to the local broadcast stations, the FCC and sellers, in the nonbroadcast media, enormous and dangerous powers to interpret the intent of Congress. This is another example of "delegation run wild." A station for example would on a case by case approach decide what ad is considered to be related to a particular campaign, whether it is major campaign issue or an issue which is in derogation of a particular candidate's stand. Do we want to delegate such authority? I for one do not. In addition, this delegation of judicial functions to the FCC raises some serious constitutional issues.

The bill at the same time gives too much authority to us—the prospective candidates, for the candidates would in essence control—in the strictest sense of that word—the political and quasi-political expression during 105 days prior to the election. This, I believe is an unreasonable power to bestow upon us. I can imagine interest groups running around from one candidate to another in an atmosphere of prior censorship and prior restraint in an attempt to guarantee certification. The public's right to know should not be curtailed by what the candidate wants to tell.

The only safeguards for the public to assure equality and nondiscrimination by the licensee in these instances are the fussy area of the "fairness doctrine" and the test of reasonableness as pronounced by the committee—a test which is found nowhere within the language of the bill. Congress must set forth explicit guidelines as to its intent and objectives within the bill.

It seems to me that if an advertisement does not specifically mention or reasonably refer to a candidate either in support of his candidacy or in derogation of his opponent, then that advertisement should be able to be viewed and be subject to the ordinary charges and process of exclusion and inclusion practiced by the broadcast and nonbroadcast industry.

In other words if it does not appear that the purchaser is controlled by the candidate or is attempting to influence the election of a candidate, he should not be governed by the certification provisions. If this is the intent of the committee and the Congress, it certainly is not clear in the present bill.

I believe the above problems can be resolved within the framework of the bill as drafted. And to this end, I am planning to make the following amendments.

I will offer amendments to change the definition of "use of broadcast time" to make it limited to the criteria of "influencing" the outcome of an election. The word "influencing" has an appropriate reference in the definition of "contribution" in title III. It would seem logical if one gives to another to influence his candidacy that amount, or value thereof, should be reported and disclosed as well as attributed toward his spending ceiling if that "giving" was in the form of a purchase of time or space. The amendment would exclude any reference to "campaign issue" and the dangerous authority given to the broadcast media and nonbroadcast media in this area.

This amendment would clear up the issue of negative campaigning for only if the ad is viewed to influence an election should it come within the certification rule.

This still does not dispense with all the first amendment problems for still the candidate could control those ads which are intended to influence his election. I do believe my amendment is a useful and workable compromise. Quite frankly, I do not believe that the Congress can enact a constitutionally sound bill on spending limitations. I have felt this way since cosponsoring S. 956 and my feelings were made even more distinct while studying the mechanics of S. 382.

One area which the bill omits and which should be considered by the full Senate, is the matter of injunctive relief by the candidate. What is the remedy if another candidate who watches the expenses of his opponent—a fact which should be expected under this legislation—discovers that he will soon exceed his limit by a certain expenditure? What can he do? As drafted, the bill affords no relief. We should seriously consider inserting a provision similar to that contained in title III for injunctive relief to any aggrieved party.

PREDICTABILITY OF AUTHORIZED PERSON

In both the broadcast media—section 102, page 7, lines 16 and 17—and the nonbroadcast media—section 103, page 13, lines 3 and 4—the candidate or "a person specifically authorized" is given authority to certify for purposes of cost attribution within the spending ceiling. This person should not be one merely "authorized" by the candidate, for that person may vary from candidate to candidate, but rather should be a predictable person easily ascertained by the appropriate Federal authority and the broadcast station seeking certification.

I will offer amendments to make this person one who will be registered with the appropriate Federal authority and correspond to the person in title III who is responsible for the reporting and disclosure of the candidate's contributions and expenditures. A central campaign committee will be required in both titles to achieve these objectives. This concept was introduced in S. 956, the Scott-Mathias bill and is again, I believe, needed for sound campaign reform legislation.

SCOPE OF MEDIA

Section 102, on page 5, line 3 and the following outlines the coverage of the bill for purposes of the broadcast media. The definition clearly omits the use of closed circuit television. This, I believe, is a possible loophole. We have no way of forecasting the use of such a medium.

I understand that to put such media under the jurisdiction of the FCC, at this time, would be questionable. Its authority over certain kinds of cable television are currently in dispute. Thus to avoid the jurisdictional question—at least until the FCC's lines of authority are clearly drawn—the closed circuit TV question could be adequately handled in the bill by amending section 101's definition of the "use of broadcast stations" to include this medium. I plan to offer such an amendment.

PRESIDENTIAL ELECTIONS

Section 102—page 6, line 9 and the following—and section 103(c)(1), page 11, line 19 and the following deals with the spending limitations for presidential primaries. The language reasonably construed is interpreted to mean that a president calculates how much he can spend in any one primary by first determining how much he can legally spend in the Nation—which is $0.05 times the number of resident population. Taking this figure, he can then divide that amount by as many primaries as he wishes to enter. He may spend it all in one State's primary or enter three, 10, or 50.

The language in general is fairly vague and should be tightened up. For instance, when it refers to the "resident population," for the purposes of this section, is it talking about resident Democrats or Republicans, or the resident population of the entire State? I have proceeded on the assumption of the latter interpretation.

This approach, I believe, discourages broad base participation by all States and their respective citizens. The Congress should declare a policy that it desires more presidential primaries, and that it desires more citizens of more States to have a realistic opportunity to determine the party nominee for President. It is unfair for a presidential aspirant to choose to enter one State's primary to the exclusion of another and yet use that State's population base for the purpose of spending ceilings in the primary of his choice.

An amendment will be offered which will limit the amount a president can spend to $0.05 times the estimated number of resident population of each State in which the candidate enters a primary. This amendment would not be limiting a candidate's choice but rather encouraging him to go into more primaries which in the end will result in a more responsive system of nominating a president. In the general election, no similar restrictions would be applied and the presidential nominee may spend as much as he wants within the established ceiling in each State or geographical region.

PROBLEM OF STATE SOVEREIGNTIES

Section 102—page 7, line 25, and the following—of the broadcast section provides that if the Federal Communications Commission makes certain findings as to the applicability of State law then that State's candidates will come within the purview of the bill as it pertains to licensees' certification and spending ceilings. I have no objection to the laudable objection of uniformity and permissive compliance with Federal law, but I do find constitutionally suspicious the concept of a Federal agency—in this case the FCC—determining the applicability of State law. This should be left to the States and their judicial process. I can see States and their governments resenting this preemption enough not to attempt to make uniform their election laws. The need for uniformity is clearly outweighed by constitutional protection of State sovereignty in the area of judicial affairs.

I plan to introduce an amendment which attempts to remedy this by providing that the State must specifically declare its intention in the State legislature to come within the Federal law. In addition, the Commission's determination would be omitted making the act completely permissive in nature on behalf of the State.

NONBROADCAST MEDIA COVERAGE: DIRECT MAILING

It should be noted that direct mailings are omitted from the spending ceiling in the nonbroadcast media section. There are sound reasons for its omission. One statewide mailing, for example, could eat up the entire nonbroadcast media ceiling. Also, it would be easy to avoid the application of ceilings by receiving large donations of stamps. And, as previously mentioned, a limit on direct mailings would really aggravate the constitutional question of free expression.

I plan to propose a franking amendment similar to the one offered in S. 956, for all candidates in varying degrees at reduced rates. If a cost-free franking privilege amendment is offered to all candidates rather than a reduced rate privilege which I prefer, I would then offer an amendment to have the direct mailings included in the nonbroadcast media coverage, for then, statewide mailings would be free and all others should be attributed to the spending ceiling.

EQUALITY BETWEEN THE BROADCAST MEDIA SECTIONS AND NONBROADCAST MEDIA

It is absolutely imperative that we treat alike broadcast media and nonbroadcast media. This was one of the President's requests; it is a fair and equitable principle to guide the bill. And I believe if not done, the bill will fail to meet constitutional requirements. I, of course, recognize the difficulty of complete equal treatment under the law, due to constitutional and jurisdictional problems of Federal law over nonbroadcast media. Nonetheless, an attempt must be made within a realistic framework to create such a parity.

Several parts of the bill come to mind which fail to meet this requirement. Firstly, as we know there is nothing in the nonbroadcast media which is equivalent to the fairness doctrine and related nondiscriminatory principles as they appear in the broadcast media section. The nonbroadcast media seller is virtually free to discriminate; the bill makes no attempt to remedy the problem.

In the broadcast media, if a licensee charges lower than lowest unit cost, according to the intent of the committee, that new rate then becomes the new lowest unit cost, and a refund is given to all candidates, making all candidates equal before the licensee. In the nonbroadcast media, free space, goods, or services or a reduction below the lowest unit cost is equivalent to a contribution—a term which is meaningless for there are no limitations on contributions—only spending. In the nonbroadcast media, reductions in cost are discouraged and yet the favored candidate can benefit from a gift which is not attributed to his spending ceiling. In the broadcast media section, presumably free time and reductions in cost are encouraged.

An amendment will be offered which will attempt to solve this particular disparity without getting into any constitutional problems of jurisdiction over the nonbroadcast media. If the nonbroadcast media charges one candidate less than the other—or gives one candidate free space, goods, or services, and not the other, the amendment will provide that the amount saved by the candidate shall be considered a contribution and expenditure and attributed toward his ceiling limitaton. Thus, if candidates are treated differently by a nonbroadcast media seller, then the favored treatment should rightfully be considered a contribution and an expenditure and attributed toward the spending limitation. This is a means of gaining equality among the candidates without controlling the nonbroadcast media. The latter is free to charge and treat the candidates as it chooses; however, the candidate must take the consequences.

The second inequality is more patent. Violation of sections dealing with the broadcast media is 10 years or $1,000. For the nonbroadcast media it is 5 years or $5,000 or both. This unequal treatment becomes unworkable when you consider the present interchangeability of the spending limitations for broadcast media and nonbroadcast media. As presently drafted, if one exceeds the spending limit, he could say with impunity that he violated that section which has the lesser penalty.

Two amendments will be offered. One will make both sanctions equal to the nonbroadcast media violations—subsection (f)—the other will insert in both, the qualification of "knowingly and willingly." This will take the sanction out of the "malum prohibitum" arena and into those criminal statutes which require intent and knowledge by the violator. If this is not done, a strict liability would be given to the actions of candidates; a responsibility which would be overbearing to the candidates. I believe it would be a lot more realistic to create a joint criminal responsibility and I hope the committee would consider such an amendment.

NOTIFICATION BY NONBROADCAST MEDIA

There is nothing in the bill as drafted, as it pertains to nonbroadcast media, which would require the sellers of nonbroadcast media to notify the FCC of any certification or even keep appropriate records. Such is not the case for the broadcast media sellers, for the FCC has extensive regulations for bookkeeping and notification procedures.

I will offer an amendment which will make mandatory similar notifications by nonbroadcast media when it sells goods and services under the certification section of the bill. It can certainly be argued that if the seller of the nonbroadcast media wants to partake in Federal elections—an act which is purely permissive in nature—he then must comply with all related Federal regulations.

EFFECTIVE DATE

The bill as presented to the floor recommends the effective date for title I to be 30 days after enactment in the case of section 101(b) and 120 days for section 102. Such a variance dismisses the equality of importance between the two, and the 120-day stipulation is too long for purposes of guaranteeing coverage of the next election.

I will offer an amendment to make both 60 days.

TITLE II: CRIMINAL CODE AMENDMENTS

BANK LOANS

Section 201—page 16, line 15 and the following—defines "contributions" for the purposes of this criminal title. A bank loan is properly exempt from the term "contribution." This is in keeping with recent court decisions, as well as policy decisions which attempt to encourage candidates to seek money from recognized and established money institutions. After all, the more money available through banks, the less the candidate has to go to "other" sources with their obligatory attachments.

However, loans should not be exempt from contributions, if they are given out of the ordinary course of business. For instance, if the bank alters its ordinary customs and regulations and gives money to a candidate the preference over another, such a loan should be considered a contribution. An amendment will be offered to add the words "in the ordinary course of business" after the word "regulations" which appears on pages 16 and 17, lines 20 and 22, respectively.

This amendment is offered in an attempt to prohibit discrimination toward any candidate in a Federal election by any banking institution. We must make all necessary efforts to assure this objective of equality throughout the entire legislation. This is another amendment offered to achieve this objective.

COLLATERAL

Section 206 on page 23 creates a new section to protect those service businesses whose rates are regulated by the Federal Government. The committee attempts to protect those businesses which provide transportation and public services to candidates by requiring full collateral for prospective services. This is a laudable policy in light of numerous and large unpaid bills in all these areas. However, I feel it is equally important to protect the other providers of services by offering an amendment prohibiting all others from compromising a debt for less than its face value. This would assure that those who deal with a federally regulated industry would not be put on a safer, higher level of protection, than those who do not.

CONTRIBUTION LIMITATIONS

S. 956 contained what I believe to be a section necessary in any campaign reform legislation. It reenacted section 608 of title 18 of the United States Code in the area of contribution limitations to limit the amount of money a candidate by himself or through his family, can give to influence his candidacy. In the case of a presidential election, the limitation was $50,000; in a senatorial election, $35,000; and an election held for the office of representative, delegate, or resident commissioner, the limitation was $25,000.

I intend to reintroduce this concept as an amendment to S. 382.

I feel a candidate should not be able to buy off any election in his behalf. Men and women elected to Federal office must be elected and chosen by their constituency and not by themselves.

Although I realize it is impossible to equalize all candidates before the public, I feel strongly that a deep pocket should not be a license to serve the public. If our Government is to represent all of America and its diversified economic interests, we must assure that not only the rich have an opportunity to serve.

A more plenary view on this subject appeared in my introductory remarks to S. 956.

TITLE III. REPORTING AND DISCLOSURE

Title III is the most important part of the 1971 campaign reform. It deals with the public's right to know. It guarantees responsive government as well as an alert and well-informed public. And, it is for these reasons, title III must be comprehensive and tough.

DEFINITION OF STATE

The first amendment which I feel is necessary is perfecting in nature. Title II and title III have two different definitions of "State." One appears on page 18, lines 19 through 22; the other on page 28, lines 20 through 22. It can be argued that the second definition's reference is inclusive and the "State" is limited in definition to the District of Columbia, the Commonwealth of Puerto Rico, and so forth. This drafting oversight should be corrected so no problem could be raised as to the jurisdiction of the bill.

An amendment will be offered to change this latter definition to conform with the definition on page 18.

FULL REPORTING AND DISCLOSURE

Throughout the bill, the name and address of a donor, seller, agent, and so forth, is required on some report. Accordingly, one may list his name and box office and satisfy the law. This I feel is inadequate. It is important that the public and the regulating agency fully recognize and understand an individual's affiliation and financed ties with a candidate. If merely one's name and box office address or even a nonbusiness mailing address appear on a form 5 days prior to an election, there is hardly enough time for anyone interested in reporting to the public to get a complete and accurate picture of the candidate's financial affiliations. It is for these reasons that I will offer an amendment which will require that each person's principal place of business and occupation appear on the appropriate reporting forms.

EXPENDITURES IN BEHALF OF A POLITICAL COMMITTEE

Section 302(c)(3) as well as 302(d) require the treasurer of a political committee to keep a detailed account of all expenditures by such political committee or in behalf of such committee. This latter provision is to cover those individuals who buy services for a candidate. In addition, since this expenditure by the donor would be considered a contribution for purposes of the spending ceilings, it is important to have a cross-check. However, when page 35 requires expenditures to be reported to the Commission or the GAO, as the case may be, it leaves out this essential "in behalf of such committee" language and only refers to expenditures by such committee. The detailed list kept by the committee of these type expenditures is useless unless it is properly reported and disclosed to the Commission.

On page 35, line 18, I plan to offer an amendment to insert the words "or in behalf of such committee." This will assure reporting of the same expenditure information as is required to be kept by the treasurer.

An additional matter comes to mind in talking about this disclosure provision as it relates to expenditures. It is not clear whether this section covers the detailed reporting of services performed by multiservice corporations. If, for example, X, a multifaceted corporation, does $10,000 worth of business for a candidate in the area of printing, advertising, mailings, and so forth, would these enumerated services be listed separately with their respective costs or would the report only indicate the bulk amount of $10,000 and generally state the purposes for the expenditure?

In other words, does the word "each" on line 35 refer to the aggregate expenditure of each expenditure within the aggregate? Section 302(d) requires such a detailed report. This again is the section requiring merely that the treasurer keep certain data available for inspection. However, it is questionable whether the same amount of detail is required in the reporting section.

S. 956 contained such specificity and it seems to me it would be good policy to again make it part of this legislation. If this situation is not covered by the bill, I hope the committee will make the appropriate amendments.

TRANSFERS

As we all know, in the close ranks of political campaigns the adroit and able campaign treasurer is a most valuable asset of any candidate. The value a candidate places on such men is directly linked to the extraordinary costs of political campaigns and the need to expertly manage funds to obtain maximum results. These financial demands have too often bred abuses.

One particular abuse is not covered by S. 382. The rapid transfers of funds in any campaign coupled with the increased use of credit facilities permit a pyramiding of credit and hence of purchasing power which might significantly affect the relative posture of candidates in any one election. Although it is impossible to equalize financial positions of candidates, nor prevent the manipulation of money to one's benefit, it is important that the public know what the candidate is doing with the moneys received.

S. 382 as drafted does not disclose and report all the possible transfers, which might occur during a campaign. Section 303(b) subsection (9) should include a listing of all transfer agents as well as the now required banks, safety deposit boxes or other repositories. Such an amendment will be offered.

Subsection (b)(1) of section 304, the section dealing with reports by political committees, in addition should contain some provision to alert the Commission or the GAO, as the case may be, of rapid transfers of money. The definition of contribution and expenditure in title III contain provisions which include transfers between political committees. However, the problem arises when there is a transfer between banks or a nonpolitical committee.

An amendment will be offered to require reporting of all transfers, their recipients and amounts which are more than 10 percent of the amount of cash in each reporting period. In addition, if the 10-percent transfer occurs more than once during the reporting period, it would then have to be reported within 24 hours to the appropriate Federal agency.

CONTRIBUTIONS IN EXCESS OF $100

S. 382 requires only the reporting of contributions to the Federal agency which are "in excess" of $100. Reliable data presented at the hearings as well as published in numerous reports, indicate that by requiring reports in excess of $100 you omit a substantial number of $100 contributions.

It would seem logical that a person would write a check or give cash in the amount of $100 rather than in the amount of $101. This is a serious loophole which I feel must be filled. I will offer an amendment to delete the words "in excess" to achieve the above objective of including those $100 contributions.

CONTINUOUS REPORTS AFTER ELECTION

Subsection 12 of section 304 on page 36 requires the reporting of all debts and obligations owed by or to the committee. This is a laudable objective. However, the obligation by the candidate should extend beyond the election. The public should know whether a debt has been fully paid or whether it lingers on unsatisfied. The reporting of the debt is only half of the obligation owed.

I will offer an amendment which will

add a provision to subsection 12 requiring such continuous reporting of debts and obligations to the appropriate Federal agency until they are completely extinguished.

CENTRAL CAMPAIGN COMMITTEE

As noted earlier in the remarks associated with title I of this bill, I intend to offer an amendment to that title creating a Central Campaign Committee for the purpose of making predictable that person who along with the candidate, is permitted to certify to costs attributed to the candidate's ceiling.

In title III I will offer an amendment which will expand the duties of this committee and in so doing make both titles work hand in hand. An amendment will be offered in section 304 (a)—page 33, line 21 and following; the section which sets forth the requirements of the reports for political committees. The amendment will require all contributions and expenditures for a particular candidate to be submitted to the Commission through his central campaign committee. This would have the effect of centralizing the reporting procedure of the candidate, as well as providing an effective check for all other political committees operating in the candidate's behalf.

The Central Campaign Committee would then logically be those people designated by the candidate who would be certifying costs for purposes of spending ceilings and would be reporting all contributions and expenditures. Such a centralization and predictability is absolutely essential if we are to have a meaningful, enforceable, and workable reform bill.

PURCHASER AND "USER"

Section 305 in the presently drafted bill contains reporting requirements for those other than a political committee. Among those listed are those businesses whose rates are regulated by the ICC, FCC, or CAB. Section (h) (1) (A) requires the name of the purchaser and the candidate for the benefit whose campaign, the services or goods were purchased. The "user" of such goods and services has been omitted. It is possible, it seems to me, for the purchaser and the candidate to be a different person that the user of such goods and services. This is in keeping with other provisions which enable acts "in behalf of" a candidate.

I will offer an amendment which will insert the word "user" in section 305(b) (1) (A) on page 34, line 14 and following.

PROPER DISCLOSURE

Title III of S. 382 sets forth a comprehensive and somewhat complex arrangement for the reporting of facts during an election for Federal office. However, there is little or nothing which guarantees exposure of these facts to the public and without this necessary ingredient the reporting becomes a mere academic exercise.

I will offer an amendment which will offer two methods of remedy for this lack of public exposure. The amendment would require the reports to be published in the CONGRESSIONAL RECORD and in papers of general circulation within the political jurisdiction representing the election. In both, the Commission or the GAO, as the case may be, will disseminate the condensed version to the appropriate recipients. In both, the expenses will be incurred by the Federal Government.

PRESERVATION OF RECORDS

Sections 308 and 309 contain provisions for preservation of the records reported to the Commission or the GAO, as the case may be, and the clerk of the U.S. district courts. In both a distinction is made between House races and other Federal elections. Information pertaining to House elections are preserved for 5 years—in all others the period of preservation is 10. I feel this distinction is unnecessary and unreasonable in light of the equality of the harm and the protection afforded the public intended in all Federal elections. We cannot put those elections to the House of Representatives on a lesser plane of exposure than all others.

I will offer an amendment to enable all records in all Federal elections to be preserved for 10 years. Quite frankly, I would prefer such reports to be preserved in perpetuity. This would not be impractical considering the modern methods of recordation. If offered, I would support such an amendment; however, I feel this prior amendment at this point is a realistic compromise.

In addition, S. 382 does not direct the district courts throughout the United States to preserve and maintain these reports in a uniform manner. In consonance with other amendments to this legislation, it is again necessary to make predictable and uniform reports filed for public disclosure. Although the report itself would be uniform, there is nothing to direct uniformity of organization. By adding the words "and uniform" in section 309(b) (1), page 45, line 3, we would accomplish this objective.

INDEPENDENT COMMISSION

I strongly believe that if we are going to have a workable and realistic scheme of reporting and disclosing campaign activities, it must be coordinated and directed by an independent Federal agency—a nonpolitical entity. I find if such duties were given to the Congress through each Chamber's clerks, it would defeat the entire objective of the bill. The GAO is a useful compromise, but quite frankly we cannot afford to compromise in this essential element of the legislation. GAO as an arm of the Congress would still be tainted with suspicion by the public and subjected to possible controls by the Congress.

I will offer an amendment to establish an Independent Election Commission; it will be similar to the version as introduced in S. 956.

S. 382 which has the GAO performing these services, does not give this Federal agency any subpena authority—a necessary investigatory power. This should be considered if the Senate, in my view, unwisely decides to retain the GAO as the coordinating Federal agency.

TITLE V

I am proposing to add a new title to the bill which would create a franking privilege for all candidates at reduced rates. This amendment was contained in S. 956 and has been adequately explained in the introductory remarks to that bill.

The amendment serves the objective of providing the means for all candidates to have equitable access to the public and is a realistic way of reducing campaign costs.

Mr. President, I ask unanimous consent that the full text of the amendments referred to above be printed in the RECORD at this time.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 267

On page 4, line 5, strike "(e)" and insert "(f)".

On page 8, line 20, strike the closing quotation marks.

On page, between lines 20 and 21, insert the following:

"(e) One who willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed $5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of such subsection.

On page 31, strike lines 19 through 21 and insert in lieu thereof:

(f) One who willfully and knowingly violates the provisions of this section shall be punished by a fine not to exceed $5,000 or imprisonment of not more than five years, or both.

AMENDMENT No. 268

On page 4, strike out lines 17 through 21 and insert in lieu thereof the following:

"(B) 'use of broadcasting stations by or on behalf of any candidate' means any broadcast made for the purpose of influencing the nomination for election, or election, of any legally qualified candidate to Federal elective office in which any individual is identified, explicitly or implictly, as a candidate for such office,

On page 10, strike out lines 3 through 8 and insert in lieu thereof the following:

(4) "use of any nonbroadcast communications medium by or on behalf of a candidate" means any use of a nonbroadcast communications medium for the purpose of influencing the nomination for election, or election, of any legally qualified candidate to Federal elective office which identifies, explicitly or implicitly, any individual as a candidate for such office.

AMENDMENT No. 269

On page 4, line 21, before the semicolon insert the following: "and includes the use of closed circuit television for such purposes".

AMENDMENT No. 270

On page 4, line 22, strike "(C)" and insert "(D)".

On page 4, between lines 21 and 22 insert the following:

"(C) 'central campaign committee' means a political committee (as defined in Section 301(d) of the Federal Elections Campaign Act of 1971) designated in writing by a candidate as his agent for the purpose of the certification of broadcast and nonbroadcast media expenditures, and no candidate shall so designate more than one such committee."

On page 5, line 3, strike "(D)" and insert "(E)".

On page 7, lines 16 and 17, strike out "a person specifically authorized by such candidate in writing to do so," and insert in lieu thereof the following:

"the treasurer of his central campaign committee".

On page 13, lines 3 and 4, strike out "an individual specifically authorized by such candidate in writing to do so," and insert in lieu thereof the following:

"the treasurer of his central campaign committee (as defined by section 315(c)(1)(C) of the Communications Act of 1934)".

AMENDMENT NO. 271

On page 5, line 2 before the semicolon insert the following: "or (3) has publicly announced his candidacy for such office or has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures".

On page 10, line 2 before the semicolon insert a comma and the following: "or (C) has publicly announced his candidacy for such office or who has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures".

AMENDMENT NO. 272

On page 6, strike lines 9 through 13 and insert in lieu thereof the following: "For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State.

On page 11, strike lines 19 through 23 and insert in lieu thereof the following: "For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire resident population of voting age for such office within the State in which such primary election is conducted.

Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State".

AMENDMENT NO. 273

On page 7, beginning with line 25 strike down through line 20 on page 2, and substitute in lieu thereof:

"(d) if a State by law clearly and expressly

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this section, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under subsection (3) had such election been an election for a Federal elective office, or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation."

AMENDMENT NO. 274

On page 13, strike lines 7 through 18, and insert in lieu thereof the following: "A copy of such certification shall be forwarded within 24 hours of its receipt by the person furnishing such services, to the Comptroller General. Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate at a rate which is less than the rate normally charged by such person for such use shall accord the same rate to all other candidates for the same office and shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate charged such candidate. Any such contribution shall be deemed to be an expenditure by the candidate and shall be counted towards the expenditure limitations of paragraph (1) of subsection (c) of this section".

AMENDMENT NO. 275

On page 14, line 22, strike "30" and insert in lieu thereof "60".

On page 14, line 25, strike "120" and insert in lieu thereof "60".

AMENDMENT NO. 276

On page 16, line 20, insert after the word "regulations," the following: "and in the ordinary course of business".

On page 17, line 22, insert after the word "regulations," the following: "and in the ordinary course of business".

AMENDMENT NO. 277

On page 22, strike out lines 9 and 10 and insert in lieu thereof the following:

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions by candidate

"(a) No candidate for nomination for election, or election, to Federal office may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for such nomination or election in excess of—

"(1) $50,000, in the case of a candidate for the office of President or Vice President;

"(2) $35,000 in the case of a candidate for the office of Senator; or

"(3) $25,000 in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(b) For purposes of this section, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $1,000 imprisonment for not to exceed one year, or both."

On page 24, strike out the matter between lines 17 and 18 and insert in lieu thereof the following: "608. Limitations on contributions by a candidate.";

AMENDMENT NO. 278

On page 24, line 9, strike the closing quotation marks.

On page 24, immediately before line 14, insert the following:

(c) "(1) No person shall compromise or settle any debt incurred by a candidate, a political committee, or any person acting on behalf of such candidate or committee, for goods or services purchased or used in connection with the campaign of such candidate, or in connection with any election, for less than its full value.

"(2) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both."

AMENDMENT NO. 279

On page 26, between lines 14 and 15 insert the following:

"(e) 'central campaign committee' means a political committee designated in writing by a candidate as his agent for reporting contributions and expenditures to the Comptroller General and no candidate shall so designate more than one such committee;".

On page 26, line 15, strike "(e)" and insert in lieu thereof: "(f)".

On page 27, line 15, strike "(f)" and insert in lieu thereof: "(g)".

On page 28, line 14, strike "(g)" and insert in lieu thereof: "(h)".

On page 28, line 16, strike "(h)" and insert in lieu thereof: "(i)".

On page 28, line 20, strike "(i)" and insert in lieu thereof: "(j)".

On page 33, line 21, after "office" insert: "through his or her central campaign committee"

AMENDMENT NO. 280

On page 28, strike lines 20 through 22 and insert in lieu thereof the following:

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

AMENDMENT NO. 281

On page 29, line 6, before the period, insert a comma and the following: "and no such expenditure shall be made unless such committee is registered with the Comptroller General in accordance with the provisions of section 303".

AMENDMENT NO. 282

On page 29, line 11, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 29, line 20, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 30, line 1, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 34, line 9, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 35, line 3, after "address" insert the following: "(occupations and the principal places of business, if any)".

On page 35, line 16, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 35, line 22, after "address" insert the following: "(occupation and the principal place of business, if any)".

AMENDMENT NO. 283

On page 32, line 20, after "repositories", insert a comma and "and all transfer agents."

On pagee 36, line 8, strike "and".

On page 36, between lines 8 and 9, insert the following:

"(13) the transfer from any bank or other depository of more than 10 percent of the amount reported under paragraph (1) of this subsection to any person, including the amount so transferred and the name and address of the bank or other depository from which it was transferred and the person to whom it was transferred; and".

On page 36, line 9, strike "(13)", and insert in lieu thereof "(14)".

On page 36, line 15, after the period, insert the following:

"If more than one transfer of funds, to which paragraph (13) of subsection (b) of this section applies, occurs between the date on which a report under this section was last filed and the date on which such a report is next due, the treasurer of the political committee whose funds are so transferred, shall report such transfers within 24 hours after each transfer after the first such transfer occurs".

Amendment No. 284

On page 34, line 14, strike "in excess of $100" and insert in lieu thereof: "of $100 or more".

Amendment No. 285

On page 35, line 18, after "committee' insert: "or on behalf of such committee".

Amendment No. 286

On page 36, line 8, strike the semicolon and the word "and" and insert in lieu thereof: "and a continuous reporting of their debts and obligations after the election at such periods as the Comptroller General may require until such debts and obligations are extinguished; and"

Amendment No. 287

On page 37, line 14, before "purchaser", insert "the user and the".

Amendment No. 288

On page 41, line 7, beginning with "receipt", strike through line 10 and insert in lieu thereof "receipt;".

On page 45, line 7, beginning with "receipt," strike through line 10, and insert in lieu thereof "receipt;".

On page 45, line 3, after "orderly" insert the following: "and uniform".

Amendment No. 289

On page 44, between lines 13 and 14 insert the following:

"(c) Reports required under sections 304, 305, and 307 shall be published, in a form to be developed by the Comptroller General under section 308(a)(2) which shall reduce as much as possible the volume of reported materials, but retain such information as may accurately reflect the true levels of all contributions to and expenditures by candidates and political committees, in the Congressional Record next published after such reports are made available for public inspection and copying under section 308(a)(4). However, if there is no Congressional Record published on any of the four days following the date on which such reports are made available for public inspection and copying, then a Congressional Record containing such reports shall be published on the fifth day following such date.

"(d) Reports published pursuant to the provisions of section 308(c) shall be published by and at the expense of the Comptroller General in the next issue of a newspaper of general circulation following the publication of such reports in the Congressional Record. Such publication shall be according to the following specifications:

(1)(a) Reports for a candidate for the House of Representatives shall be published in the two newspapers of largest general publication within the Congressional district in which he is a candidate.

(b) Reports for a candidate for the United States Senate shall be published in the five newspapers of largest general circulation within the State in which he is a candidate.

(c) Reports made with respect to a candidate for election to the Presidency shall be furnished to such a newspaper in each State in which the candidate's name appears on the official ballot for the expression of a preference for the nomination of persons for election to such office or for election of Presidential electors.

(2) Reports of all other candidates for Federal elective office shall be published in a manner to be prescribed by the Comptroller General, but such publication shall be as broad as practicable.

Amendment No. 290

Following the last title of this bill, insert the following new title:

LIMITATIONS ON POLITICAL CONTRIBUTIONS, EXPENDITURES AND PURCHASES

(a)(1) No person, other than a political committee or a candidate, may make contributions directly or indirectly during any calendar year in an aggregate amount in excess of

(A) $25,000 to any candidate for the office of President in connection with his campaigns for nomination for election, and election to such office;

(B) $15,000 to any candidate for the office of Senator in connection with his campaigns for nomination for election, and election, to such office;

(C) $5,000 to any candidate for the office of Representative or Delegate or Resident Commission to the Congress, in connection with his campaigns for nomination for election, and election, to such office.

(2) Amounts contributed to a political committee which make contributions to or expenditures on behalf of only one candidate shall be held and considered to be contributions to such candidate. Amounts contributed to the candidate of any party for the office of Vice President shall be held and considered to be contributions to the candidate of the same party for the office of President.

(3) Indirect contributions are defined as the transfer of funds from a donor to a candidate through one or more other persons, including members of the donor's family, without a fair market return to the donor for the money thus expended. When such indirect contributions are made in a way to conceal the origin of the contributions, any citizen eligible to vote in the election in which the receiving candidate is standing or any public prosecutor at any jurisdiction which the receiving candidate will represent, may seek a court injunction requiring such indirect contributions to be assessed against the original donor and counted toward his limit. If such action is not taken and a donor exceeds his limit without refund from the candidate, beginning on the day of the election in which the candidate is standing the donor is subject to criminal prosecution for any contributions he has made under the meaning of this act that exceed his lawful limit. If a person through whom such contributions have been channeled willingly aided the original contributor to exceed his lawful limit, he too shall be subject to criminal prosecution.

(b) In addition to the limit set forth in section (a) no person, other than a political committee, may make aggregate contributions to any political committee organized to support two or more candidates or any number of such committees in excess of $10,000. Nor may any such person specify how his contribution to a political committee supporting two or more candidates should be apportioned among the candidates the committee is supporting. All such contributions must be deposited in the committee's general fund to be dispensed at the committee's judgment.

(c) A committee that is expending funds with the substantial purpose of affecting the election or defeat of a candidate shall be considered a political committee under the meaning of this Act, even if it is ostensibly organized to support an issue. Any citizen eligible to vote in the election that is allegedly influenced by such a committee has standing to show in court that the committee is a political committee required to observe the restrictions bearing on other political committees (both) regarding the amount that can be legally contributed to these committees and regarding the manner in which and the amount these committees can legally spend in behalf of a candidate. In judging whether such a committee is in fact a political committee the court may consider, among other things, its organizational history, the geographic distribution of its expenditures, and the degree to which its stand on the issue suggests to the voter a choice of candidates.

(d)(1) No political committee or candidate may sell any goods, commodities, advertising, articles, or services to any person other than a political committee or candidate. No person other than a political committee or candidate may purchase any goods, commodities, advertising, articles, or services from a political committee or a candidate.

(2) This subsection shall not apply to a sale or purchase—

(A) of any political compaign pin, button, badge, flag, emblem, hat, banner, or similar campaign souvenir or any political campaign literature or publications (but shall apply to sales of advertising including the sale of space in any publication), for prices not exceeding $25 each;

(B) tickets to political events or gatherings;

(C) of food or drink for a charge not substantially in excess of the normal charge therefor; or

(D) made in the course of the usual and known business, trade, or profession of any person or which is a normal arm's-length transaction between persons, or a transaction between a candidate and his spouse, child or parent.

(e) In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation shall be punished as herein provided.

(f) Any candidate adjudged guilty of the willing receipt of funds in violation of this provision shall be fined not more than $5,000 or imprisoned for not more than five years, or both. A contributor who violates this section shall be fined an amount, not tax-deductible, twice as large as the amount by which he exceeded his limit and shall be subject to imprisonment for no more than one year.

Amendment No. 291

On page 52, after line 17, add the following:

TITLE V—CAMPAIGN MAIL

SHORT TITLE

Sec. 501. This title may be cited as the "Congressional Campaign Mail Act".

DEFINITIONS

Sec. 502. As used in this title—

(1) "Federal office" means the office of Senator, or Representative in, or Delegate or Resident Commissioner to the Congress;

(2) "major party candidate" means—

(A) the legally qualified candidate of a political party whose candidate in the next preceding general election for the same Federal office received at least 30 percent of the total number of votes cast for all candidates for such office; or

(B) any legally qualified candidate for election to a Federal office who is not affiliated with a political party and who was a candidate for the same office in the next preceding general election for such office and who received at least 30 percent of the total number of votes cast in such election for all candidates for such office;

(3) "minor party candidate" means any legally qualified candidate for election to

Federal office who is not a major party candidate;

(4) "State" means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(5) "campaign mail" means campaign literature mailed by a candidate for nomination for election, or election, to Federal office in connection with his campaign for nomination or election.

RATES

SEC. 503. On and after the first day of January following the date of enactment of this Act, campaign mail which is mailed in accordance with section 504 of this title and regulations promulgated by the Postal Service to carry out the provisions of this title (and the Postal Service is authorized to promulgate such regulations)—

(1) shall be considered matter mailed by a qualified non-profit organization under section 4452(b) of title 39, United States Code, as such section existed on August 11, 1970; and

(2) may be mailed at the same rates of postage that any such organization is authorized to mail matter under such section or section 3626 of such title, as enacted by section 2 of the Postal Reorganization Act.

ELIGIBILITY

SEC. 504. (a) A major party candidate in a general or special election shall be eligible to mail a number of pieces of campaign mail equal to two times the number of persons registered to vote in the State in which he seeks election, in the case of a candidate for election as Senator or as Delegate or Resident Commissioner to the Congress, or in the district in which he seeks election, in the case of a candidate for election as a Member of the House of Representatives.

(b) A minor party candidate in a general or special election shall be eligible to mail a number of pieces of campaign mail equal to the number of persons registered to vote in the State in which he seeks election, in the case of a candidate for election as Senator or as Delegate or Resident Commissioner to the Congress, or in the district in which he seeks election, in the case of a candidate for election as a Member of the House of Representatives.

(c) Any candidate for nomination for election to Federal office shall be eligible to mail a number of pieces of campaign mail to equal to—

(1) two times the number of persons registered to vote in the State in which he seeks such nomination, in the case of a candidate for nomination for election as Senator or as Delegate or Resident Commissioner to the Congress, or in the district in which he seeks such nomination, in the case of a candidate for nomination for election as a Member of the House of Representatives, if such candidate secures the signatures of such persons equal to 5 percent of such number; or

(2) the number of persons registered to vote in the State in which he seeks such nomination, in the case of a candidate for nomination for election as Senator, or as Delegate or Resident Commissioner to the Congress, or in the district in which he seeks such nomination, in the case of a candidatae for nomination for election as a Member of the House of Representatives, if such candidate secures the signatures of such persons equal to 3 percent of such number.

(d) (1) The Postal Service may enter into contracts or other arrangements with the government of any State or political subdivision thereof in order to obtain information as to the number of persons registered in any State or district, and to verify signatures obtained by candidates for the purposes of subsection (c).

(2) In the event that the number of persons registered to vote in any State or district is unavailable to the Postal Service, the number of persons registered to vote in such State or district shall be held and considered to be 150 percent of the total number of votes cast in the next preceding general election for all candidates for the office which a candidate for Federal office is seeking.

AMENDMENT NO. 292

On page 28, strike lines 14 and 15, and insert in lieu thereof the following:

(g) "Commission" means the Federal Elections Commission;

On page 30, line 13, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 31, line 2, strike "Comptroller General" and insert in lieu thereof "Federal Elections Commission".

On page 31, line 13, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 31, lines 20 and 21, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 31, line 21, strike "he" and insert in lieu thereof "it".

On page 32, line 25, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 33, line 3, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 33, line 10, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 33, lines 21 and 22, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 33, line 23, strike "him" and insert in lieu thereof "it".

On page 34, line 3, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 36, line 7, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 36, line 10, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 37, line 1, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 37, line 12, strike Comptroller General" and insert in lieu thereof "Commission".

On page 38, lines 3 and 4, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 38, lines 21 and 22, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 38, line 23, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 39, line 6, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 40, line 6, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 40, lines 10 and 11, strike "COMPTROLLER GENERAL" and insert in lieu thereof "COMMISSION".

On page 40, line 13, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 40, line 15, strike "him" and insert in lieu thereof "it".

On page 40, line 24, strike "him" and insert in lieu thereof "it".

On page 41, line 18, strike "he" and insert in lieu thereof "it".

On page 41, line 24, strike "he" and insert in lieu thereof "it".

On page 42, line 9, strike "he" and insert in lieu thereof "it".

On page 42, line 23, strike "Comptroller" and insert in lieu thereof "Commission".

On page 42, line 24, strike "General."

On page 42, line 24, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 43, line 1, strike "he" and insert in lieu thereof "it".

On page 43, lines 4 and 5, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 44, lines 16 and 17, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 44, line 22, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 44, line 25, strike "he" and insert in lieu thereof "it".

On page 45, between lines 21 and 22, insert the following:

FEDERAL ELECTIONS COMMISSION

SEC. 310. (a) (1) There is hereby created a commission to be known as the Federal Elections Commission (referred to hereafter in this Act as "Commission"), which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) A person may not be appointed to the Commission—

(A) if at the time of his appointment he was not a member of a major political party, or

(B) if his appointment results in more than three persons from his party being members of the Commission. For purposes of this paragraph, the term "major political party," means a national political party whose candidate for President received either the largest or the next largest popular vote in the preceding presidential election.

(3) One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, and one for a term of ten years beginning from the effective date of this title, but their successors shall be appointed for terms of ten years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

(e) (1) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(2) The Commission shall, in accordance with chapter 51 of title 5, United States Code, and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of an Executive Director and such other officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions.

(3) The Executive Director shall be the

chief administrative officer of the Commission. He shall perform his duties under the direction and supervision of the Commission, and the Commission may delegate any of its functions, other than the making of regulations to him.

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all of its power at any other place.

(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of sections 7324 and 7325 of title 5, United States Code, notwithstanding any exemption contained therein.

(h) It shall be the duty of the Commission—

(1) to develop prescribed forms for the making of the reports and statements required by this title;

(2) to prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements required by this title:

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make reports and statements filed with it available for public inspection and copying during regular office hours within 24 hours after filing and to make copying facilities available;

(5) to preserve such reports and statements for a period of ten years from date of receipt;

(6) to prepare and publish, within ten working days after the thirty-first day of January and the tenth days of March, June, and September of each year, and within three calendar days after the due dates of the reports required to be filed on the fifteenth and fifth days preceding an election, summaries of the respective reports received which shall contain, in addition to such other information as the Commission may determine, compilations disclosing the total receipts and expenditures appearing in each report by categories of amounts as the Commission shall determine, and shall also include the full name and address and amount of contribution of each person, listed alphabetically, shown to have contributed the sum of $100 or more; and such summaries shall be grouped according to candidates and parties;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as the Commission shall determine and broken down into candidate, party, and nonparty expenditures; (C) total amounts contributed according to such categories of amounts as the Commission shall determine; and (D) aggregate amounts contributed by any contributor shown to have contributed the sum of $100 or more during any calendar year;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as it may deem appropriate;

(10) to assure wide dissemination of summaries and reports;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report suspected violations of law to the appropriate law enforcement authorities; and

(13) to prescribe rules and regulations to carry out the provisions of this title.

(i) For the purpose of any audit or investigation provided for in paragraph (11) of subsection (k) of this section or in section 308(b), the provisions of sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50) are hereby made applicable to the jurisdiction, powers, and duties of the Commission, or any officer designated by it, except that the attendance of a witness may not be required outside of the State where he is found, resides, or transacts business, and the production of evidence may not be required outside the State where such evidence is kept.

On page 45, line 23, strike "Sec. 310." and insert in lieu thereof "Sec. 311."

On page 46, line 4, strike "Sec. 311." and insert in lieu thereof "Sec. 312."

On page 46, line 8, strike "Sec. 312." and insert in lieu thereof "Sec. 313."

On page 46, line 13, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 46, line 20, strike "Sec. 313." and insert in lieu thereof "Sec. 314."

On page 47, line 2, strike "Sec. 314." and insert in lieu thereof "Sec. 315."

AMENDMENT NO. 293

On page 3, line 23, before "reasonable" the first time that it appears in such line insert: "non-discriminatory and".

On page 3, line 25, strike "candidacy", and insert: "candidacy; or for willful or repeated failure to charge in a non-discriminatory and reasonable manner for the use of a broadcasting station".

THE HEALTH SECURITY ACT—AMENDMENT

AMENDMENT NO. 265

(Ordered to be printed and referred to the Committee on Finance.)

MENTAL HEALTH CARE BENEFITS

Mr. MOSS. Mr. President, as a result of the dedicated and thoughtful work of countless people over years of time, mental illness has almost attained the public concern and understanding it deserves and needs. We are nearly to the point where an individual can seek psychiatric help without people thinking he is "crazy." In short, mental health hopefully will be dealt with in the same way as physical health in the not so distant future. Unfortunately, because of recent actions by the present administration, the future of these important and beneficial developments is in doubt.

In his message to Congress on health care last February, the President examined in detail the problems of our medical delivery system. He stated we were facing a "massive crisis," and that good care had become too scarce and too expensive for many; nonexistent for some. He cited the need for great changes in that system to insure decent care for all. But the President failed to mention the whole area of mental health, as if it were not an integral part of our Nation's well-being.

The Department of Health, Education, and Welfare issued this May a white paper entitled "Toward a Comprehensive Health Policy for the 1970's." The Department chose to describe the health policy as comprehensive, yet nothing was discussed concerning mental illness.

Not unexpectedly, when the President's health care plans, the National Health Insurance Partnership Act, and the Family Health Insurance Plan for low-income people, were introduced 2 months ago, mental health care benefits were absent.

The absence of these benefits in the proposal would be comprehensible if our present system was taking care of mental health care needs better than it is other problems. Yet the opposite is true. Indicators of performance, such as the number of people covered by insurance, extent of coverage, and proportion of those needing help who are treated, all show that if any part of our health care system demands improvement, it is in mental health. A good illustration is that the Director of the National Institute on Mental Health tells us that only 5 percent of the children who require treatment for emotional disturbances or mental illness receive it.

The administration's stance would be easier to understand if the problem were not so serious. But no one can deny the significance of mental illness.

One out of 10 Americans suffers pain and anguish as a result of some form of mental or emotional illness.

Fifteen to thirty percent of the work force is seriously handicapped by emotional problems.

One-fourth of employee absenteeism is based on emotional factors.

Sixty-five to eighty percent of the people separated from jobs are dropped for personal rather than technical or economic reasons.

Personal factors account for nine tenths of industrial accidents.

Its total annual drain on the economy has been estimated at over $20 billion.

The American people realize the magnitude of the problem. Asked to identify those areas in which they felt the Government should be more active, those responding in a recent national poll placed mental health third, following only air and water pollution control.

We could accept the Department's thinking if the problem were going away. The facts show otherwise. The attitudes and behavior of the mentally ill may lead to divorce, disharmonious family relationships, excessive gambling, promiscuity, alcoholism, drug abuse, or crime. We are all too aware of the growth of these problems.

The position taken by those who support the National Health Insurance Partnership Act would make more sense if mental and physical health were not connected. However, all the work done in this field has demonstrated how interrelated the different kinds of illnesses are. We all know from common experience physiological problems are often the result of mental disorders, and that sickness or accidents many times cause emotional difficulties.

A recent study of a large group of people shows this interrelationship, and at the same time suggests how our health care system can work more effiectively. Where outpatient psychiatric referral was available, utilization of medical services was markedly reduced. Fifty-six percent of those enrolled in this prepaid group practice program made fewer visits to the internal medicine department and 48 percent had fewer laboratory procedures performed. Several other studies have reached the same conclusions, demonstrating that proper mental health care can enable more efficient use of our medical facilities. Any rational health care system must treat mental and physical problems equally and together.

Perhaps we would be forced to go along with the administration plan if the alternative was prohibitively expensive. But data from insurance companies, Blue Cross-Blue Shield, and the prepaid group practice plans do not show that liberal outpatient coverage results in disproportionately high utilization and excessive claims. In different plans covering millions of people, it is found that only 1 or 2 percent use the service in the beginning. When there are efforts to overcome barriers to care, such as deductibles and coinsurance, utilization gradually increases to 4 percent in some programs. Most importantly, doctors have methods to decide how most efficiently to use their resources and prevent abuses. Even if having complete psychiatric benefits in the health plan was felt to be too expensive, they should not have been eliminated entirely. Mental health care should have been included, and coverage for both this and other health needs then should have been reduced to meet the required amounts.

Thus we see there are no reasons for the administration to leave out mental health care benefits. Mental health financing is less adequate than in other care, the problem is serious, and it is getting worse in many ways. All evidence shows that mental and bodily health are interrelated. Including psychiatric care would not overburden the system.

I am not today criticizing the specifics, or the financing methods, of the national health insurance partnership plan. However, it should be noted that deductibles and coinsurance payments, features of this bill, often delay people from seeking care in the early stages, when treatment is much easier and less expensive. I am saying that any national health care proposal must deal with mental health the same as it does physical health. If it does not, we will not only be denying decent mental health care to a large portion of our citizenry, we will be reviving the dying notion that mental disorders are not as real or important as physical illnesses. As the American Psychiatric Association warns:

> Any limitation of coverage for psychiatric services beyond those placed on other medical services perpetuates the existing double standard, and discriminates against the psychiatric patient.

Keeping the different kinds of care on a separate basis puts a stigma on mental illness, adding to the suffering of those afflicted.

The administration bill is not the only proposal before Congress whose coverage differs for physical and psychological conditions. In varying degrees, many of the plans have benefit structures which discriminate against mental illness. Even the Health Security Act—S. 3—which I have cosponsored, is slightly unfair in this respect. With this in mind, I am introducing today an amendment to S. 3 which will delete the minor limitations. I urge the sponsors of the other national health insurance proposals to study this problem, and, if necessary, adjust their bills so that they deal with mental and physical problems equally.

President Kennedy told the Congress nearly a decade ago that mental health services "should be financed in the same way as other medical and hospital costs." Congress must incorporate this principle in the forthcoming health care legislation.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 238

At the request of Mr. PEARSON, the Senator from Colorado (Mr. DOMINICK) and the Senator from Vermont (Mr. PROUTY) were added as cosponsors of Amendment No. 238, intended to be proposed to S. 382, the Federal Election Campaign Act of 1971.

ANNOUNCEMENT OF HEARINGS OF ARMS CONTROL SUBCOMMITTEE OF THE COMMITTEE ON FOREIGN RELATIONS

Mr. MUSKIE. Mr. President, on Thursday and Friday, July 22 and 23, the Arms Control Subcommittee of the Foreign Relations Committee will hold open hearings on the current possibilities of moving toward the negotiation of a comprehensive nuclear test ban agreement—that is, an agreement that would ban underground nuclear tests as well as other forms of nuclear testing. We will also hear testimony on the proposed Cannikin nuclear test which is scheduled for October on Amchitka Island in the Aleutians.

On Thursday, July 22, the subcommittee will hear testimony from Philip J. Farley, Deputy Director of the Arms Control and Disarmament Agency; and Dr. Franklin A. Long, formerly of ACDA, and now director of the program on science, technology, and society, Cornell University. On Friday, July 23, we will hear Carl Walske, Assistant to the Secretary of Defense—Atomic Energy; Dr. James Brune of the Institute of Geophysics, University of California at San Diego; and Senator MIKE GRAVEL. The hearings will begin at 10:00 a.m. on both days in room 4221 of the New Senate Office Building.

Mr. President, it is worthwhile to recall that the Preamble to the Limited Test Ban Treaty—August 5, 1963—states that the parties will seek "to achieve the discontinuance of all test explosions of nuclear weapons for all time," and will "continue negotiations to this end," and that they desire to "put an end to the contamination of man's environment by radioactive substances." This treaty also states in article I, paragraph 1, b, that its provisions—

> Are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

This commitment to work toward a comprehensive test ban is again stated in the Preamble to the Treaty on the Nonproliferation of Nuclear Weapons—July 1, 1968. The Preamble recalls—

> The determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere and in outer space and under water . . . to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end.

Not only are we obligated by virtue of our position under these two treaties, but the commitment to work toward a comprehensive test ban has also been explicitly stated by President Nixon. On March 18, 1969, President Nixon, in a message to Ambassador Smith of the the Arms Control and Disarmament Agency, said:

> The United States supports the conclusion of a comprehensive test ban adequately verified. In view of the fact that differences regarding verification have not permitted achievement of this key arms control measure, efforts must be made towards greater understanding of the verification issue.

More recently, on February 23 of this year, President Nixon said in a message to the Conference of the Committee on Disarmament in Geneva:

> The General Assembly has requested this Committee to continue as a matter of urgency its deliberations on a treaty banning underground nuclear weapon tests. It also called attention to the need to improve worldwide seismological capabilities in order to facilitate such a ban. The United States will continue to support these efforts, particularly those designed to achieve a greater understanding of the verification issue.

It is clear, therefore, that the only obstacle to such a comprehensive test ban agreement is the problem of verification. When sufficient progress has been made in this area, we can move expeditiously toward such a treaty. The country is committed, and President Nixon has clearly articulated that commitment.

Mr. President, in these 2 days of hearings, we will want to explore these questions: Why is it important to negotiate a comprehensive nuclear test ban agreement? What are the possible benefits of such an agreement? What are the possible risks?

Some of the benefits of such an agreement are obvious enough: to slow or even terminate the arms race in the area of nuclear warhead development; to further the goal of nonproliferation of nuclear weapons by imposing the same testing constraints on the nuclear powers that are already imposed on the nonnuclear powers by the nonproliferation treaty; and to avoid the enivronmental hazards posed by leakage and other possible accidents or geophysical effects of underground nuclear testing.

But there may also be possible risks to negotiating a comprehensive test ban prematurely—primarily the fear that such a treaty might not be adequately enforceable by current verification techniques without provisions for onsite inspection—which have unfortunately proved to be a barrier to such an agreement in the past. Since it is the administration's policy to work for improvements in verification techniques so that we can move toward the conclusion of a comprehensive test ban agreement, we will want to know what the state of the art is today, and what the administration is doing to make further progress.

The security risk from a comprehensive nuclear test ban depends not only on the seismic and other capabilities for detecting clandestine tests, but also on the military importance of tests which might escape observation. No matter what improvements are made in the science of seismology, some very low-yield tests will always be indistinguishable from natural earthquakes. Therefore, it is also important for these hearings to explore, within the limits of military classification, the security implications of possible secret nuclear tests below the yield which might be detected. Would such tests provide any risk to our security, and if so, how do these compare to the risks from continued unlimited testing? Do the military gains from such low-yield tests provide sufficient incentive for the U.S.S.R. to risk the military and political cost of being caught in a violation?

Finally, we will hear testimony on the proposed Cannikin test. The Cannikin test has been criticized not only because of the environmental risks involved, but also because it may even be militarily unnecessary. The Cannikin test is apparently designed to test a large warhead—an estimated 5 megatons—for use on the Spartan long-range antiballistic missile. This long-range interceptor was originally designed for a thin area defense of the United States primarily against a small nuclear attack originating from China. However, the primary mission of ABM has since been changed to defense of our Minuteman bases, and it is doubtful that such a large warhead will be necessary for this new defense function. Furthermore, Defense officials have testified that a new improved Spartan missile will not use such a high-yield warhead. We will want to learn, therefore, what justification there might be for going ahead with the Cannikin test this October.

Mr. President, these are questions that concern us all deeply. Among all the difficult problems that face our civilization, none has the urgency of the nuclear dilemma—for the consequences of a failure to control the arms race, to prevent the spread of nuclear weapons, to prevent a nuclear war—are too painful even to contemplate. Therefore, we all look forward to the implementation of this Nation's stated policy to work for a comprehensive test ban agreement. We hope in these hearings to have an optimistic progress report.

ANNOUNCEMENT OF HEARINGS BY THE DISTRICT OF COLUMBIA COMMITTEE

Mr. EAGLETON. Mr. President, I wish to announce that the Senate District of Columbia Committee will continue hearings on veterans' unemployment in the District of Columbia on Wednesday, August 4, 1971, at 10:30 a.m., in room 6226, New Senate Office Building.

Persons wishing to testify on this subject should notify Mr. Gene Godley, General Counsel of the committee, in room 6226, New Senate Office Building.

NOTICE OF HEARING ON 18-YEAR-OLD JURORS

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a hearing for the consideration of S. 1975 to lower from 21 to 18 years the age qualification for service as a juror in Federal court.

The hearing will be held on Thursday, July 29, 1971, beginning at 9:30 a.m. in room 6202, New Senate Office Building.

Those who wish to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

ADDITIONAL STATEMENTS

BRITISH CONSERVATIVE GOVERNMENT ACTS TO STIMULATE EMPLOYMENT AND CUT INFLATION

Mr. PROXMIRE. Mr. President, the economies of both the United States and Great Britain suffer from similar disabilities. In both countries there is high unemployment—in the 6-percent range in the United States and 3.2 percent in Great Britain, which is very high for that country where the figures are calculated on a different statistical base than in the United States.

In addition, both countries suffer from high inflation. Consumer prices in the United States this year have risen from 4 to 5 per cent over a comparable period a year ago. Wholesale prices are up 3.6 percent over a year ago—a large rise for that index. In Great Britain price increases are at a 10-percent level.

But the U.S. Government has refused to act. Secretary Connally, speaking for the President, avowed that there would be no tax cuts, no wage-price guidelines, and no fiscal stimulation through new actions.

But the British Conservative Government has acted. They have zeroed in on unemployment as their number one target. Why should not this country do the same? The British Government has just announced drastic cuts in purchase tax rates—excise taxes on consumer durables. They have also announced new incentives for investment. Furthermore, the Confederation of British Industries has agreed to hold price increases to 5 percent for the coming year and all expectations are that the Trade Unions Congress will be willing to modify its demands because of the tax cuts on consumer goods and the smaller increase in prices.

The action by the conservative government is precisely the action every informed economist in the United States has been urging on the U.S. administration to help stop inflation and reduce unemployment.

But the administration flatly and stubbornly refuses to act. If the British can do it, why cannot we? Their actions are the prescription to help stop "stag-flation" there. Similar action to cut taxes, moderate price rises, and modify wage demands through voluntary means can work equally well in the United States.

The time to act has arrived. We have suffered far, far too long from excessive unemployment and high prices.

President Nixon should immediately push forward into this year the tax cuts already scheduled for next year. He should also consider cutting excise taxes which would reduce prices on consumer goods. In addition, he should establish now voluntary wage-price guidelines in which both industry and labor would undertake to limit price increases and wage demands in return for policies which would stimulate employment and help stop inflation.

The administration is following an unnecessary negative policy. The action of the British Government will help stop "stag-flation" there. We should do no less here.

EROSION OF SENATE COMMITTEE JURISDICTION

Mrs. SMITH. Mr. President, recently at my direction and under my supervision as chairman of the Senate Republican Conference, Mr. Sam Bouchard, professional staff member of the Senate Republican Conference and special assistant to the conference chairman, made a study, analysis, and report on the subject of "Erosion of Senate Committee Jurisdiction."

It is an excellent, enlightening, and revealing analysis of a very serious and growing problem within the U.S. Senate and on a matter of growing concern to many Senators. Because it is, I ask unanimous consent that it be placed in the RECORD and I invite the serious attention of all Members of this body to it.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

EROSION OF SENATTE COMMITTEE JURISDICTION

1. THE CURRENT RULE ON JURISDICTION

The performance of conflicts of jurisdiction by Senate Standing Committees in violation of the Standing Rules of the Senate as outlined in the Reorganization Act of 1970 (P.L. 91–510) and which is identical to the Reorganization Act of 1946 (P.L. 79–601) continues. The section on jurisdiction is described as follows:

Decisions on questions of committee jurisdiction

"Sec. 137. In any case in which a controversy arises as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal."

2. PURPOSE OF THE RULE ON JURISDICTION

One of the main purposes of the Legislative Reorganization Acts of 1946 and 1970 was to clarify committee duties and reduce jurisdictional disputes. Although the situation following the enactment of the 1946 Act was better than the one which pertained prior to it, in more recent years there has been evidence of a breakdown of committee jurisdiction lines and functions. The breakdown continues after the 1970 Act even though it is less than one year old.

Although the intent of Sec. 137 itself is clear enough, it is by no means binding. And, that it is vital to check it seems evident as just like a contagious disease it spreads into every session of Congress causing confusion, hard feelings, wear and tear on personalities and a lot of wasted time due to duplications. Plainly, there exists a growing and serious encroachment of Committee effectiveness that should no longer be overlooked to the degree that is happening.

3. COMMITTEE PURPOSE UNDER RULE ON JURISDICTION

The purpose of a committee is to allow a designated group of Senators time to examine a subject in great detail and to report its findings to the Senate as a whole. These committee members become experts in matters assigned to them and this in turn becomes the most vital part in the legislative process.

Another breakdown that often occurs is that of not allowing the entire Senate membership time to study these reports and to review the hearings thus forcing them to vote without really having enough information. The rules regarding this are very specific and say in part:

"A measure or matter reported by any standing committee of the Senate (including the Committee on Appropriations) shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to the Members of the Senate for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of that measure or matter in the Senate. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate."

Because of this generally acknowledged importance of the committee system to the function of the Senate any breaking down in the functions and jurisdiction must inevitably stymie the efforts of the Senate to enact legislation of benefit to the entire nation. Thus it becomes logically necessary that the Jurisdiction rule be observed more than it is now.

4. JURISDICTION AND DUTIES CLEARLY OUTLINED

The value of the Committee system as we know it right now is clearly understood and the duties and jurisdiction are clearly outlined. The present status was arrived at through a trial and error type of process of evolution and at one time included as many as 74 Committees in the Senate. The biggest swing toward efficiency was the consolidation of Standing Committees by the 1946 Act down to 15 Standing Committees. The Space and Veterans' Committees were added to bring the total to 17.

There is no substantial argument to the claim that without the committee system in Congress, the legislative system would actually break down. It is considered far more important to congressional decisions than activity on the floor. It is the backbone of all work done by the Congress. The standing committees are the workshops where the hard, searching, in-depth, 90 percent of all work is performed. It is where legislation is honed and shaped prior to floor action.

Summing up, these reformed standing committees largely determine what legislation will be written. Each receive assignments on the basis of their responsibilities as described in the Standing Rules of the Senate. The rules are clear and specific and it does not seem possible that any misunderstanding should occur as to what should go where as is shown in the list describing the jurisdiction and duties of committees from the Rules and Manual of the United States Senate.

5. EXAMPLES OF ENCROACHMENT ON JURISDICTION

The consolidation of standing committees has proven to be such a good improvement in committee management and legislative operation that it has become recognized that Congress could not get anything done without the committee system. It is said that without the committee system in Congress, the legislative system would break down. Yet, despite this accepted approval, unfortunately various kinds of assaults on jurisdiction continues and the result of this causes serious damage.

George Goodwin, Jr., in his book entitled "The Little Legislatures" says in part:

"Even with the stable pattern that has been in effect since 1947, the committees have not existed in a state of harmony. Committee members show human tendencies of wanting to broaden their areas of operations. Groups outside Congress are likely to seek to have favored legislation steered to friendly committees and bills they oppose sent to committees that will be hostile. . . ."

Mr. Goodwin's observations appear under the section of the book entitled: "War and Peace Among Committees".

Encroachment by "watchdog" method

Commenting on the "watchdog" aspects of committee conflict, Senator Margaret Chase Smith, the Ranking Republican on the Armed Services Committee, declared in a Senate floor statement on March 5, 1970:

". . . Mr. President, more important than the prestige and integrity of any one committee is the committee system itself upon which the fundamental operations of the Senate are based—the committee system which is the very heart and backbone of the work of the Senate.

"Subjectively, many committee members are deeply concerned with what they consider to be unwarranted incursions by other committees into the work and jurisdiction of their own committees—sometimes to the point that one committee may continuously be looking over the shoulder of another committee, assuming to itself being a 'watchdog' over another committee. . . ."

Another example of this practice is noted by the creation by the Senate Foreign Relations Committee of its Subcommittee on United States Security Agreements and Commitments Abroad in February of 1969. Though it can be argued that this is a reasonable activity for the Foreign Relations Committee, nevertheless, much of the subject matter (e.g. contingency plans, intelligence arrangements, sale of arms, etc.) falls under the purview of the Armed Services Committee. Partly in jest, this subcommittee has come to be known as the "Foreign Relations Subcommittee on the Oversight of the Senate Armed Services Committee," or alternatively, the "Senate Watchdog Subcommittee on the Armed Services Committee."

Committee invasion through hearings

Hearings provide the largest number of jurisdictional encroachments. For example, jurisdictional conflicts tend to arise when a number of hearings are held by different committees on the same subject. Some of these hearings are, without question, legitimate because committees may view subject matter from differing angles. An example of this would be S. 3108, Assistance to Airways and Airports, which was considered in 1969 by both the Committees on Finance (for tax purposes) and Commerce (transportation aspects).

Another example of this kind of conflict was the decision of the Subcommittee on Administrative Practices and Procedures (Senate Judiciary Committee) to hold hearings on the draft. While it can be argued that administrative practices and procedures are involved in the draft, there is no question but what Senate Rule XXV specifically confers upon the Armed Services Committee jurisdiction over selective service.

The Congressional Record states that this subcommittee, headed by Senator Kennedy, then planned to examine the administration of the draft laws, to measure how closely they hew to the congressional intent as embodied in the draft statutes; and examine the changes which could be made in the administration of the law to make the system more fair.

During the discussions on the Senate floor on September 29, 1969 in relation to jurisdiction on these hearings, Senator John Stennis, Chairman of the Armed Services Committee, stated:

"Mr. President, another point relates to the general problem of committee jurisdiction over legislation relating to selective service. Senator Kennedy and I have conferred informally and he has also sent me a letter regarding his plans for hearings by his Subcommittee on Administrative Practices and Procedures of the Judiciary Committee with respect to the administrative interpretation of the selective service laws as they appear in the regulations. Senator Kennedy has further indicated that his subcommittee would not concern itself with the many bills relating to the Selective Service System which are now pending before the Committee on Armed Services.

"As the Senate may recall, Senator Kennedy conducted hearings on certain aspects of the Selective Service System before the Committee on Labor and Public Welfare several years ago prior to the extension of the present law, enacted in 1967.

"Mr. President, I realize that even though a committee may not have legislative jurisdiction over a given subject, it may nevertheless examine this same subject in a limited way by virtue of some general oversight authority.

"There are many subjects that may be indirectly related to a subject matter over which another committee has the primary legislative jurisdiction. I make two comments in this regard, Mr. President.

"First, the record should be unmistakably clear that the committee which has jurisdiction over selective service legislation is the Committee on Armed Services. Among the matters which the Legislative Reorganization Act places within the jurisdiction of the Committee on Armed Services is all 'proposed legislation and other matters relating to Selective Service' which is listed as item number six among the subjects of jurisdiction. Mr. President, the Committee on Armed Services has always fully carried out its duties and we intend to continue as we have in the past.

"Second, I would only observe that if caution is not exercised by the Senate there could be an erosion of the committee system. I am certain that no one intends this result but I think that all committees and subcommittees must exercise the rule of reason in these matters lest there be complete duplication of effort within the committee system of the Senate. I in no way wish to imply this motive to Senator Kennedy since his letter makes clear that his subcommittee will restrict itself to a review of the administrative interpretations of the various regulations."

Senator Kennedy's letter referred to by Senator Stennis stated in part:

"After considerable reflection on our discussion, and after consultation with others, I believe that the Subcommittee on Administrative Practice and Procedure could proceed to hold a limited number of hearings on the present administration of the Selective Service laws without infringing on the responsibilities of the Armed Services Committee. . . ."

During the fall of 1969, the Subcommittee on Administrative Practices and Procedures held its hearings on the Selective Service System. (Rule XXV(d)5 specifically confers jurisdiction on this matter to the Armed Services Committee.) The legislative history of the Subcommittee on Administrative Practice and Procedures does not suggest any authority for holding hearings on the draft.

In a committee print released by the subcommittee during the 91st Congress, first session, 1970, entitled "A Study of The Selective Service System; Its Operation, Practices and Procedures", Senator Strom Thurmond stated in part about these draft hearings:

"On the opening day of hearings before this Subcommittee I expressed my reservations concerning the subject matter before us. At that time, I was of the opinion that this Subcommittee had no jurisdiction over the Selective Service System and, therefore, had no basis for holding hearings. I still adhere to this belief.

"Historically, the Committee on Armed Services has been concerned with and responsible for Selective Service legislation and review of the operation of the Selective Service System. The Armed Services Committee is concerned with the problem of keeping the armed forces supplied with manpower and the agency charged with military manpower procurement should fall completely under its purview. The Armed Services Committee of the Senate, of which I am a member, has frequently held extensive and exhaustive hearings on the Selective Service System. The distinguished Chairman of the Armed Services Committee made it unmistakably clear, on the Floor of the Senate, when the matter of jurisdiction of this Subcommittee was debated on September 29, 1969 that the 'The Committee which has jurisdiction over Selective Service legislation is the Committee on Armed Services and the Legislative Reorganization Act places with the jurisdiction of the Committee on Armed Services all proposed legislation and other matters relating to Selective Service . . .' "

Public Policy (1965) published by the Graduate School of Public Administration, Harvard University, in its section dealing with Congressional Government and Committee management, tells of a study of a single subject that involved four committees over a period of 12 years. It noted:

"The area of decision chosen for this analysis involves the United States' economic aid program for India over a twelve year period from 1951 through 1962. Four congressional committees reviewed this program during each of these twelve years in their hearings and deliberations on the general foreign aid authorization and appropriation bills. Thus these committees acted on twenty-four different aid bills which included provisions relating to India. Subsequent floor action throughout the twelve-year period produced six roll call votes directly on the Indian program alone and over fifty roll calls involving India because they determined the total money amounts to be authorized and appropriated. . . ."

The Communications Satellite Bill in 1962 was the subject of hearings by no less than five committees. (Space, Judiciary, Commerce, Foreign Relations, and Small Business.) While it can be argued that each of these committees had a legitimate interest in the subject matter, the witnesses were kept very busy.

Conflicts over referral of bills

On May 5, 1971, Senator Edmund S. Muskie introduced S. 1945, a bill to improve the intergovernmental coordination of programs to control drug abuse within the United States. The bill was referred to the Committee on Government Operations; and, by unanimous consent, to the Committee on Labor and Public Welfare, if and when reported by the Committee on Government Operations.

Cited as the Intergovernmental Drug Abuse Control Coordination Act of 1971 the Congressional Record quoted: "Mr. Muskie. Mr. President, I introduce a bill entitled the Intergovernmental Drug Abuse Control Coordination Act of 1971. I believe it will be referred to the Government Operations Committee. However, to the extent that there is any overlap of the jurisdiction of the Senate Labor and Public Welfare Committee, I ask unanimous consent that the bill, after it is reported by the Government Operations Committee, be referred to the Labor and Public Welfare Committee."

Another example regarding assignment of bills was S. 985, (89–1) (1965) to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce and for other purposes. It was read the second time by its title and referred to the Committee on Commerce.

The action followed ten and a half pages of debate in the Congressional Record in which the Committee on Judiciary sought to have consideration of it after the Commerce Committee completed its work on the bill.

The bill was introduced by Senator Hart and was before the Senate for disposition.

During the lengthy debate on the floor, the Congressional Record showed in part:

"Mr. President, Senators will recall that this bill was introduced several weeks ago. At that time, the distinguished minority leader asked that it lie on the table. It was his intention to raise questions with respect to the appropriate reference of the bill.

"As the introducer of the bill, my request was that it be received and appropriately referred. In view of the concern expressed by the Senator from Illinois (Mr. Dirksen), I now ask unanimous consent that the bill be referred to the Committee on Commerce. I do this inasmuch as that is where the bill, the preliminary events concerning which I have described, would normally be referred.

"I do this for a simple reason. Established tradition and precedents clearly require and direct that proposed legislation that would establish labeling requirements on goods moving in interstate commerce should be referred to and be under the jurisdiction of the Committee on Commerce. This is precisely such a bill; and under the precedents I move that this reference now be made.

"Mr. Dirksen. Mr. President, a parliamentary inquiry.

"The Presiding Officer. The Senator will state it.

"Mr. Dirksen. I presume that at the end of the discussion, on the basis of parliamentary advice, the Chair will make a reference; and I am assuming, of course, in line with the request of the distinguished Senator from Michigan, that the bill will be referred to the Committee on Commerce. Is that correct?

"The Presiding Officer. The Senator from Michigan has moved to refer the bill to the Committee on Commerce.

"Mr. Dirksen. Mr. President, I make it plain now that I have no quarrel with the jurisdiction of the Commerce Committee, because I believe that its jurisdiction is involved. However, I would first request that the distinguished Senator from Michigan agree, if he is in a position to agree, that after the Commerce Committee completes its work on the bill, it shall go to the Committee on the Judiciary.

"Failing of that, I would probably have to take an appeal from the ruling of the Chair. Is that correct?

"The Presiding Officer. The motion to refer is now pending before the Senate for its determination.

"Mr. Hart. The President, several weeks ago, when the bill was introduced, and the question first developed, I indicated that I felt that at this juncture it would be inappropriate and indeed undesirable to direct the reference of this bill to any committee other than the Committee on Commerce. It may well be that in the form reported, if at all reported, by the Committee on Commerce, the bill could be referred to some other committees, including the Committee on the Judiciary.

"I feel very strongly, however, that it would be undesirable at this juncture to condition the reference to the Committee on Commerce on a subsequent reference to the Committee on the Judiciary.

"My motion was to refer the bill to the Committee on Commerce."

The Congressional Record proceedings of November 30, 1967 noted a change of reference on S. 2269. It follows: "Mr. President, I ask unanimous consent that Calendar No. 807, S. 2269, be referred to the Committee on Foreign Relations with instructions to report back not later than Monday, December 11, 1967."

The measure had to do with unlawful seizure of fishing vessels of the United States by foreign countries.

The measure was reported out of the Commerce Committee and was agreed to.

The Congressional Record for June 9, 1971, again noted that a change of reference was ordered for S. 1991. In addressing the Floor, Mr. Mansfield said: "Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be discharged from the further consideration of S. 1991, a bill to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Company Holding Act of 1953 to provide housing for persons of low and moderate income, and that the bill be referred to the Committee on Commerce."

In the 80th Congress, Senate committees clashed over the reference of the "portal-to-portal" bill, legislation on the unification of the Armed Services, and bills providing autos to disabled veterans, an interstate oil compact and the interstate water rights on the Colorado River.

The creation of a Veterans Affairs Committee was advocated because of what was deemed to be conflicting jurisdiction between the Senate Finance and Labor Committees.

In the 81st Congress, there were jurisdictional disputes over small business, the reference of Reorganization Plan Number 8 concerning the Department of Defense and the Foreign Military Assistance Plan. This last mentioned was solved by sending it for joint study and report to the combined Committee on Armed Services and Foreign Relations.

In the Congressional Record proceedings of April 29, 1971, Senator Mansfield addressed the chairman on referral of S. 382 which went to three committees. He said:

"Mr. President, on January 28, 1971, S. 382, the 'Federal Election Campaign Act of 1971', was referred to the Committees on Commerce, Rules and Administration, and Finance with instructions that the bill, after being reported first from one of these three committees, would commence the running of a 45-day period in which the remaining two committees must report their recommendations, if any.

"The Committee on Commerce will report S. 382 this Friday. To facilitate the deliberations in the Rules and Administration and Finance Committees, I ask unanimous consent that the version of S. 382, as amended by the Commerce Committee, be referred to the Committee on Finance and Rules and Administration with instructions that it be reported back within 45 days."

On March 30, 1971, Senator Talmadge addressed the Senate regarding discharge of committee and referral of a bill. He stated:

"Mr. President, S. 1356 was referred to the Committee on Agriculture and Forestry.

"The rules of the Senate provide that the Committee on Interior and Insular Affairs has jurisdiction over forest reserves and national parks created from the public domain, whereas the Committee on Agriculture and Forestry has jurisdiction over forestry in general and forest reserves other than those created from the public domain.

"The Department of Agriculture advises that the land covered by S. 1356 is either all or practically all from the public domain.

"I therefore ask unanimous consent that the Committee on Agriculture and Forestry be discharged from further consideration of S. 1356 and that the bill be referred to the Committee on Interior and Insular Affairs."

On May 6, 1971, Senator Moss asked for joint reference of a bill to the Committee on the Judiciary and the Committee on Commerce.

In addressing the Chamber, he noted:

"Mr. President, on behalf of the Senator from Wisconsin (Mr. Proxmire) I make the following statement:

"On April 14, the Senator introduced S. 1521, a bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out.

"The bill, to end TV blackouts at home games when all the tickets were sold, was referred to the Committee on the Judiciary. Because this bill deals with antitrust laws and with commercial television, the Committee on Commerce has concurrent jurisdiction. Therefore, I ask unanimous consent that S. 1521 also be referred to the Committee on Commerce jointly."

On April 20, 1971, Senator Cranston requested a re-referral of Senate Joint Resolution 84 to the Committee on Commerce. He asked:

"I rise for the purpose of asking that a bill, erroneously sent to the Committee on Interior and Insular Affairs be re-referred to the Committee on Commerce.

"I have cleared this matter with the Committee on Interior and Insular Affairs. The Bill is Senate Joint Resolution 84, which relates to wildlife refuges. This sort of legislation is within the jurisdiction of the Committee on Commerce.

"I therefore ask unanimous consent that Senate Joint Resolution 84 be referred from the Committee on Interior and Insular Affairs to the Committee on Commerce.

"Mr. Mansfield. Mr. President, reserving the right to object—and I do not think I shall object—has the distinguished Senator from California cleared this matter with the leadership on the other side of the aisle?

"Mr. Cranston. Frankly, I cannot state whether that has been done, but it has been cleared with the chief of staff of the Committee on Interior and Insular Affairs. It is clearly a matter within the jurisdiction of the Committee on Commerce.

"Mr. Mansfield. Well, as a matter of courtesy, would the distinguished Senator withdraw his request temporarily so that we can continue to keep alive this cordial relationship. I am quite sure that the Senator is correct, but I think we should do that.

"Mr. Cranston. I will be happy to do that.

"The Presiding Officer (Mr. Bentsen). Does the Senator from California withdraw his request at this time?

"Mr. Cranston. Yes, Mr. President, I temporarily withdraw it.

"The Presiding Officer. The request of the Senator from California is temporarily withdrawn."

Encroachment by amendments

The May 18, 1971 Congressional Record discussed the Mansfield Amendment to cut troops in Europe. Senator Smith noted in the Congressional Record: "A vote on this was called for without in depth hearings. This is a complex subject and there are a lot of things to consider before such an action is taken. Yet, it was asked for without any hearings."

This is still another kind of encroachment and a complete departure from long established procedure that constitutes the legislative process. The adoption of such a proposal without some committee study and hearings would "herald the world that the United States is 'tossing in the towel' abrogating its commitments without even consultation with its allies, repudiating the President of the United States, dimming the memory of Czechoslovakia and the Brezhnev doctrine . . .", noted Senator Smith.

There were no committee hearings held on this proposal.

Another debate on committee jurisdiction and principle is noted in the Congressional Record of October 6, 1970 when the Senate considered an amendment by Senator Javits to the Reorganization Act of 1970 requiring Senate Committees to have rules of procedure and that they be published in the Record each year.

A comment related to the amendment by Senator Cotton from the Record proceedings that day follows in part:

"Mr. President, I suggest to the interested Senators now present that in dealing with this very important measure there is a related problem area. While the amendment of the Senator from New York is certainly, I think, a step in the right direction—and a very logical and orderly addition to the procedure—it will not make a single bit of difference how scrupulous and careful committees are in adopting and enforcing rules within the committee if a recent practice is continued. I now have reference to the practice of 'tacking on' bills pending before one committee as an amendment to another committee's reported bill.

"Mr. President, I will state frankly that I endeavored this morning, with the assistance of the staff members, to try to draft an amendment which I was tempted to offer to this measure in order to end this practice.

"For example, within the past 2 weeks I discovered that two bills referred to our Committee on Commerce—S. 3072 and S. 2425—have been adopted as amendments to two bills reported by the Committee on Public Works—S. 4358 and S. 4418—and passed by the Senate.

"One of them—S. 3072—already had passed the Senate so there was no great objection. The other—S. 2425—however, had not been reported.

"Now, because we are nearing the end of this Congress, this Senator served notice in our Committee on Commerce that we were going to have a quorum present and voting on any controversial measures before they were reported.

"In connection with the second bill—S. 2425—there had been controversy in the committee. I was very, very much opposed to it in its present form, as was the Department of Transportation, notwithstanding concurrence in its objective. There were other members of the committee who were dubious about it. But, we never had an opportunity to vote on it. I find, as I indicated earlier, that it was attached in the form of an amendment to a bill from another committee, and passed the Senate last week. I did not know about it until Friday night. I appreciate the concern of the chairman of our Committee on Commerce in offering the bill as an amendment to preserve committee jurisdiction and share it with him as the senior Republican on that committee. However, I do question the practice in principle.

"I now learn that another bill, S. 2236, which would establish a Federal Insurance Guarantee Corporation or Agency is about to be proposed as an amendment to a bill from the Committee on Banking and Currency—S. 2348—which now is pending on the Senate calendar—Order No. 1236. S. 2236 has been the subject of determined and sharp controversy in our Commerce Committee.

"If that sort of thing goes on what difference does it make if there are rules in committee or not? What difference does it make if it is said a measure is not going to be reported from committee unless a quorum is present and voting or, if as provided in section 108 of H.R. 17654, the report must be available for at least 3 calendar days before consideration by the Senate? If any Member objects on that ground, then someone need only attach the same measure, which is in controversy in the committee to which it was referred, to a similar bill—and sometimes a bill of not a similar subject—putting it through here when interested Senators are not in the Chamber. Then the committee wakes up only to find that the Senate passed the measure as an amendment without its knowledge, except for perhaps two or three Members who were interested in the bill?

"I am serving notice in connection with the measure I have just referred to—S. 2236—that when it comes up in the Senate I hope to be notified. I must say I hate to do it since I have never been involved in a long discussion, sometimes known as a filibuster, but I will certainly be able to consume 5 or 6 hours in debate on that bill if this procedure of offering it as an amendment is followed.

"I am not, however, going to complicate the situation with respect to the bill, H.R. 17654, now under consideration by a last-minute amendment. I did give consideration to an amendment which would have provided that after *X* date in the year no legislation could be reported from any standing committee without the approval of the majority leader and minority leader, leaving open the opportunity to consider vital legislation. I also gave some thought to an amendment concerning this practice of attaching bills pending in committee in the form of amendments to other bills on the floor.

"However, I did not want to hastily prepare an amendment and perhaps complicate this bill, H.R. 17654. But, I do wish to call the attention of Members of the Senate to the fact that this is a practice which I think should be avoided, if at all possible."

Another illustration of jurisdictional conflict that arises through amendments is noted in the proceedings of the Congressional Record of June 21, 1971 in the amendment presented by the Senate Majority Leader entitled "Termination of Hostilities in Indochina". The amendment was offered by Senator Mansfield during "a lapse in agreement" and asked unanimous consent for consideration during a period of time when many other related amendments to the Military Selective Service Act were being processed.

Appealing to his right to object to the proceedings, Senator Stennis, chairman of the Armed Services Committee, noted in the Record:

"Mr. Stennis. Mr. President, reserving the right to object, under the circumstances, with an amendment I have not read, I would be very foolish to agree to quick consideration of it, with a little 'quickie' vote run in here, ahead of other amendments to which we had all solemnly agreed last week, I do not know who is absent today or who may be present——

"Mr. Mansfield. If the Senator will yield, I do not know and I do not care. The amendment will have to speak for itself, and it will be brought up at some time or other. After all, it is so simple that anybody could understand it in less than 2 minutes."

"Mr. Stennis. Reserving the right to object—if I may proceed for one moment—I do not know who is absent; but certainly there should be some kind of notice, more than a few minutes, in a matter on which we already have voted four times and is as far reaching as this amendment.

"I am not making any excuses for objecting. It is my duty to object, and I do object, in the name of orderly procedure, if for not any other reason. . . .

". . . Mr. Mansfield. Mr. President, to say that I am surprised at the objection is understanding my feelings on this matter. . . ."

The objection was upheld and the amendment was scheduled for action the following day.

Conflicts over conference reports

By a vote of 54 to 11, the Senate adopted the Agriculture and Forestry Committee conference report extending by two years the Agricultural Trade Development and Assistance Act of 1954, after rejecting, 46 to 24, a motion by Senator Fulbright to have the report referred to the Foreign Relations Committee for hearing, study and recommendations.

Known as the food for peace program, the Congressional Record contained 13 pages of debate on jurisdiction between the two committees with 13 Senators contributing comments.

Some of the comments noted in the Record were:

"Mr. Holland. I thank the Senator.

"Mr. President, a parliamentary inquiry. Suppose the Senate should unwisely adopt the motion and send the conference report to the Foreign Relations Committee, which has no relation at all to this particular conference report or this field of jurisdiction. What, if anything, would the Committee on Foreign Relations be instructed to do?

"The Presiding Officer. The Parliamentarian informs the Chair that all the committee could do would be to hold hearings. That would be it. It could take no action.

"Mr. Fulbright. Mr. President, the committee could make recommendations. The Foreign Relations Committee could hold hearings and make recommendations to the Senate in regard to those matters in the bill within its jurisdiction. . . .

". . . I wish to make one further observation. If the conference report is referred to the Committee on Foreign Relations, I propose to develop the proper recommendations. The report would then come back to the Senate, and the Senate would then agree to it or reject it with an understanding of what it was doing.

"Mr. Clark. I hope the motion of the Senator from Arkansas will prevail. Criticism has been raised as to procedure. The procedure was fixed and determined by the unanimous-consent agreement into which the Senate entered yesterday. If there is any deficiency in procedure, in my opinion, it is because the Committee on Agriculture and Forestry of both Houses and the conferees of those committees impinged on the jurisdiction of the Committee on Foreign Relations on a subject into which they should never have gone."

Senate closed door session abuses

During unusually long proceedings on the Military Authorization Bill in 1969 a lot of time was spent on the generally routine procedure of who would be allowed to attend a closed door session during debate of the bill.

An exchange of comments by Senator Goldwater and the Majority Leader taken from the Congressional Record is noted:

"Mr. Goldwater. Mr. President, I wish to make one comment with respect to this possible request for advisers to be on the floor from the committees other than the Committee on Armed Services.

"I think it is proper, if it could be allowed, to have experts from the Committee on Armed Services, but the Foreign Relations Committee has been holding hearings in the field of armed services, and they are unalterably opposed to many things that the Committee on Armed Services is for:

"I think it would be a mistake to allow people on the floor who come with a prejudiced or prejudged view on the matter of weapons, ABM's and so forth. It is the job of the Committee on Armed Services to present the case and not the Foreign Relations Committee. I may be wrong, but I do not think I am.

"Mr. Mansfield. One of the difficulties in this body with respect to the committee system concerns the infringement of authority and responsibility. Sometimes the line is drawn pretty thin, and it is hard to say where it lies. Nowadays, because the field of defense is so overlapping, it becomes increasingly difficult to determine where the responsibility of one committee begins and the responsibility of another committee ends. It is overlapping, it is a difficult question, and it goes beyond the committees here involved. I recall that the chairman of the Committee on Foreign Relations has had questions raised about certain hearings held by the Committee on Government Operations, which were in the field of foreign policy.

"Mr. Goldwater. I am looking at it from a technical standpoint. The expertise in this matter is in the Committee on Armed Services and not in some other committee.

"I am very happy that the distinguished Senator from Mississippi refrained from holding hearings on foreign policy. I think that is the job of the Committee on Foreign Relations. . . ."

The exchange of comments noted in the Record continued:

"Mr. Goldwater. The problem that comes up in my mind is, Where do we put an end to this? If the Committee on Armed Services is allowed one for the majority side and one for the minority side and the Committee on Foreign Relations is allowed one, because I do not think there is any minority side to it, then some other Member comes up and says, 'I have got an interest in this. I have done a great deal of studying on it. I have a brilliant young man who has spent the past 3 weeks studying this matter and I think he should be on the floor'. If we start that, then I suggest that everyone is entitled to have some expert behind him.

"Mr. Mansfield. I tend to agree with the Senator that we will end up by having no 'experts' or none in an unofficial capacity on the floor. Perhaps that is the best way to handle the situation. Certainly, Senators are supposed to have mature judgment and a grasp of the subject which they are discussing in this Chamber. They should be prepared to undertake that responsibility to the full and take it unto themselves, solely, if necessary."

During the same debate under the title of "Overlapping of Functions Between the Committee on Armed Services and the Committee on Foreign Relations", the following exchange of comments by Senator Murphy and the Majority Leader is noted:

"Mr. Murphy. Mr. President, I should like at this point to remark on the colloquy that took place earlier in the day with respect to the hearing in the Committee on Armed Services, in which it was suggested that there might be an overlap between the function of the Committee on Armed Services and that of the Committee on Foreign Relations.

"I should like to state that as far as I am concerned, it is my understanding and belief that the two committees have completely distinct and different functions, and I see no reason why there should be an overlap in the hearings on the subject matter that is presently before the Senate. . . .

"I think that there are entirely different responsibilities, entirely different purposes, and entirely different areas of interest between the two committees, and I respectfully submit that it is my great hope and desire that my fellow Senators, in their enthusiasm, will not permit a confusion of purposes to occur in the present debate. . . .

"Mr. MANSFIELD. Mr. President, I appreciate what the distinguished Senator from California had to say. I do not at all find his remarks amiss, but I do wish to point out that there is a great difficulty in defining the lines where the authority and the responsibility of one committee ends, and where that of another begins. There is overlap. . . ."

Appropriations without prior authorization

On May 17, 1971, during discussion of the 1971 Second Supplemental Appropriations Bill, it was noted that there existed at least six instances of appropriations without prior authorization and on which a point of order could be raised regarding invasion of jurisdiction by the Appropriations Committee. Among those six, a classic example of continuing erosion of jurisdiction, is the approved spending of National Aeronautics and Space Administration funds for projects unrelated to activities of that agency.

A statement by Senator Smith in the Congressional Record on these proceedings is shown in part as follows:

"Without review or evaluation by the legislative committees concerned and contrary to existing restrictions contained in authorizing legislation, chapter IV of the supplemental bill would allow over $4 million of NASA funds to be used to construct facilities and purchase equipment for the specific use of such diverse agencies as the Geological Survey, NOAA, and EPA. . . .

"I believe review of the history leading to chapter IV is appropriate.

"In 1970, NASA's Mississippi Test Facility, designed specifically to test large launch vehicles, was scheduled to be placed in standby, because of the suspended production of the Saturn V. In order to facilitate the possible use of the Mississippi facility and its related computer facility in nearby Slidell, La., language was inserted in the 1971 Independent Office Appropriations Act to set aside $10 million of NASA funds for 'institution and technical services' for other Federal agencies who might locate at the Mississippi facility.

"The proposal was not brought to the attention of the Space Committee before it was inserted in the Independent Offices Appropriation Act. Yet I—and several of my colleagues, reluctantly agreed to withhold objection because we were assured that, first, the provision was a temporary expedient involving only 1 year, and second, no major construction by NASA would be involved because the existing NASA facilities were of the type needed by these other agencies.

"As an indication of these assurances I point to the fact that the $10 million was made available in a NASA appropriation which remains available for only 1 year and whose funds are specifically prohibited for use in major construction. Further, I point to an agreement between NASA and NOAA dated June 30, 1970, which specifically provides that NASA will not be required to fund construction for NOAA activities at Mississippi.

"Apparently, those agreements and assurances are no longer valid. Chapter IV of the 1971 supplemental appropriation bill would require NASA to fund construction and purchase equipment at its Mississippi site which have no relation to aeronautics or space activities. To illustrate—

"About $2.8 million for a marine hydrological testing facility for NOAA;

"About $900,000 to change a warehouse into a laboratory for Geological Survey; and

"About $500,000 to construct an insecticide testing laboratory for EPA where samples from all 50 States will be tested.

"It seems to me that new capabilities for these agencies at a specific location are decisions that should be reviewed and evaluated by the specific legislative committees assigned such responsibility under the rules of the Senate.

"What then, is the result of this seemingly innocuous provision in the supplemental bill?

"One result is a complete lack of fiscal integrity. For another, it bypasses the jurisdiction of the legislative committees concerned. A final and perhaps more significant result is that it would permit the use of NASA's research and program management appropriation funds to be used for major construction projects which is specifically prohibited by the provisions of the 1971 NASA Authorization Act.

"The Committee on Aeronautical and Space Sciences, if it saw fit to do so, could take exception, to, and raise a point of order on, the provision in the bill that permits funds for the Mississippi test facility for constructon work when the previous authorization for such funds would bar such diverted use of these funds.

"I am particularly interested in this item since I am a member of both the Committee on Aeronautical and Space Sciences—the authorization committee—and the Committee on Appropriations. Further, I am interested in this item since it is in the research and program management of NASA and there have been some rather scandalous actions in NASA's expenditure of funds in its research and program management program. Two of these have been centered in the NASA consultant program and in the NASA executive mess where top NASA officials pay only bargain basement prices for rather luxurious luncheons and food that has been illegally procured and on which records have been falsified and on which false statements have been made by some NASA officials.

"I shall not go into detail on that at this time but rather later on, sometime prior to, or during, the Senate consideration of the NASA fiscal year 1972 bill.

"Another item on which a point of order could be raised is that which relates to the $750,000 on Geological Survey in chapter V dealing with the Department of the Interior. Obviously, the Committee on Interior and Insular Affairs could take exception to the Committee on Appropriations' usurpation of authorization action in this legislation on appropriations.

"The Committee on Labor and Public Welfare could take exception to provisions in Chapter VI that extend the time for the availability of funds with respect to certain health and medical programs and negation of sections of the Social Security Act and could make a point of order on these provisions as legislation on appropriation.

"The Committee on Commerce could take exception to provisions in chapter X which provide for refunds to airlines on the SST program and to the authorization of railroad research funds of the Federal Railroad Administration until expended rather than the restricted period of the current fiscal year and make a point of order on these provisions as being legislation on appropriation. The same thing could be done with respect to the lack of legislation authorization for making funds available for the Commission on Government Procurement 7 months longer than under the deadline under the authorization legislation.

"Let it be noted that the Committee on Appropriations has brought these instances to the attention of the Senate on pages 110 and 111 of the committee report on this bill. Such formal notice is a requirement arising out of the acrimonious debate in the past 2 years in which the Committee on Foreign Relations bitterly protested the action of the Committee on Appropriations in placing legislation on appropriations.

"I bring this matter pointedly before the Senate so that no Member of this body can claim ignorance of these instances of legislation on appropriation and in acceding to these instances of legislation on appropriations cannot deny the precedents thereby established as an excuse for doing the same thing over and over again in the future.

"When this is done over and over and over again, the anguished cries and protests against violation of parliamentary procedure on legislation on appropriation have a decidedly hollow ring. Let us face the real truth and be honest. Too many times such protests under the proclaimed guise of principle are nothing less than sheer parliamentary sophistry in which the real reason for the protest is opposition to specific proposal, program or item, and not the sanctimoniously claimed defense of legislative principles."

On December 20, 1969, more than a dozen Senators participated in what developed into a two hour debate on the Senate floor when the Senate resumed discussion of the Conference Report of the Foreign Assistance Appropriations, 1970. Specifically noted was the lack of effect of authorizing committee recommendations to the Appropriations Committee. Senator Smith declared that she would ask for a study of "this growing encroachment on committee jurisdiction." Senator Fulbright suggested: "We must take a new look at the whole structure of the Senate."

In addition to Senators Smith and Fulbright participating in the debate were Senators Holland, Ellender, Pell, Hart, Stennis, Miller, McClellan, Montoya, Dodd and Magnuson.

The lengthy debate developed following Senator Holland's observation that $4 billion had been appropriated for foreign assistance without having any authorization.

Environment encroachment merry-go-round nightmare

Another disturbing aspect of the assaults on jurisdiction that occurs frequently happens before some bills ever reach the Senate floor for reference. These are the behind-the-scenes attempts to find out what will happen to a bill when it is finally presented to the Senate. If it turns out that the bill will go to some committee other than the desired one, then recommendations are sought on how to change the wording to get it to the desired committee. This is a situation officials face just about every day. It's a stress on the responsible officials. Somehow compromises are reached after many meetings, which usually include committee chairmen and often staff directors. This procedure can be compared to a merry-go-round.

What this exercise amounts to is: If you don't want to take your chances that a given bill will end up where you would like it to, then you attempt to control its destination by this method. This could be called a sort of legislative control.

A good example of this practice is the current wide interest shown in the state of the earth's environment—a subject that no one would touch at one time. But that has all changed today and now it seems that many want to get in on the act whether or not it is a proper function of their committee. As many as four committees get involved, all at the same time in one way or another, for a chance to take part in this field. It adds another burden to the responsible officials.

With this current interest in the earth's environment, disposition of proposed bills on the subject has become more complex than usual and could be regarded as approaching nightmare proportions. An example of the merry-go-round struggle is occupying a good deal of attention during the current session of Congress (92nd-1st) by Senate officials and also has prompted a scramble by Senate members who desire to be involved. This is indicated by the variety of bills that have been offered so far on this subject and their assignment to several committees.

Some of the bills are: S. 1011, S. 1012, S. 1013, and S. 1014, introduced in the Senate February 26, 1971. These bills are designed to amend the Federal Water Pollution Control Act and were all referred to the Public Works Committee.

Another environmental bill, S. 1143, was introduced March 9, 1971, and is designed to control the dumping of wastes into the ocean. Another one entitled the Environmental Financing Authority Bill was introduced February 18, 1971 and asked for joint reference to the Committee on Public Works and the Committee on Banking, Housing, and Urban Affairs.

The list continues: S. 1259, introduced March 16, 1971, was referred to the Public Works Committee. It would authorize the Secretary of Interior to incur obligations for construction grants.

S. 1618, introduced April 22, 1971, was referred to the Committee on Banking, Housing, and Urban Affairs. It would provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities and to help States and localities to improve their decisionmaking and management capabilities.

S. 1724, introduced April 29, 1971, was referred to the Committee on Banking, Housing, and Urban Affairs. It asks permission to expand the home improvement loan program under sections 203(k) and 220(h) of the National Housing Act to include interest subsidy payments on behalf of the owners of modest homes, in order to preserve and restore the residential character of neighborhoods in cities, villages, and towns.

Another one, S. 745, was introduced February 10, 1971, and referred to the Committee on Agriculture and Foresty. It is designed to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes.

Committee jurisdiction problems had to be considered in the proposed legislation transmitted to the Senate following transmittal of the President's Environmental Message of February 8, 1971. The subject matter includes such measures as: "amending sections 5, 6, and 7 of the Federal Water Pollution Control Act of 1965; amending section 8 of the Federal Water Pollution Control Act of 1965; amending section 10 of the Federal Water Pollution Control Act of 1965; Land and Water Conservation Fund Act Amendments; National Housing Act Amendments; Surplus Property Act of 1944 Amendments; Sulphur oxide charge; tax on per cent of lead in gasoline, and tax reforms for better conservation of open space and historic sites."

The measures also include the "Noise Pollution Control Act of 1971; the Marine Protection Act of 1971; Federal Environmental Pesticide Control Act of 1971; to establish an Environmental Financing Authority, Toxic Substances Control Act of 1971; National Land Use Policy Act; Mined Area Protections Act of 1971; and Power plant siting."

While the response to protect the environment through the variety of these measures seems gratifying and would seem to indicate assurance for the survival of the ecological community, the nightmare scramble by Senate Committees to participate may provide such a crucial stress to the jurisdiction procedure as to endanger the survival of the committee system.

6. SUMMARY OF JURISDICTIONAL ABUSES

It is possible to conclude that the Senate spends a good deal of its time disagreeing while trying to agree to its normal work of assignment of bills, resolutions, and practically everything else that comes before it. Add to that the time spent in the behind-the-scenes practice of trying to prepare bills in such a way as to control their destination, plus the everyday maneuvering of tacking amendments on to bills that have nothing in common, you would have to conclude that this could be described as a lot of time being wasted.

Accepted way of life

The situation can no longer be considered an invasion of jurisdiction—it is plainly out of control and has become an accepted way of life.

An appropriate observation by Woodrow Wilson reads as follows:

"It is not far from the truth to say that Congress in session is Congress on public exhibition, while Congress in its committee rooms is Congress at work."

While there is some wisdom in that remark, the effect today of the word "exhibition" would appear to have a reverse meaning from what was intended, as it now seems to represent a display of dissent, confusion, and irresponsibility. The second part remains true if only members would allow it to happen.

Referring bills confusing task

In his book "The United States Congress: Organization and Procedures," Dr. Floyd M. Riddick, the Senate Parliamentarian, refers to the task of referring bills as a confusing one. He says, "So many bills can seemingly be referred to two or more standing committees."

The Parliamentarian quotes the Senate rules for the Presiding Officer regarding references as follows:

"In any case in which a controversy arises as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation, the quesion of jurisdiction shall be decided by the Presiding Officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal."

Dr. Riddick, who has written several books on the subject of Congress, is faced with the problem of jurisdiction every day since many bills presented are drafted in multiple fashion, are complex and seemingly more than one committee should have jurisdiction.

In making reference the process followed by the Parliamentarian is: follow the rules, refer to the committee having predominant interest; check with the leadership; try for a compromise, and finally ask for unanimous consent.

Coordination desirable

In Senate Document No. 51 (82–1st), on the Organization of Congress entitled "Some Problems of Committee Jurisdiction," Dr. George B. Galloway observes:

"Any systematic effort to improve the organization of Congress must continue the evolution begun in 1946 toward creating a more orderly grouping of the duties and responsibilities of the standing committees along functional lines. . . ."

Dr. Galloway further notes:

"It remains to consider what arrangements might be made to promote better intercommittee coordination. Coordination is deemed desirable in order to avoid jurisdictional disputes, promote consistency and coherence between different areas of legislative policy making, let the right hand know what the left hand is doing, avoid duplication, and accelerate the legislative process. Four devices or means of coordination are available to these ends:

1. Some realinement of committee jurisdiction
2. Interlocking committee membership.
3. Intercommittee bill referrals.
4. Joint committees and joint staffing."

Personal responsibility

The object of the rule on jurisdiction is to clarify committee duties. However, since the rule continues to be overlooked, a suggestion heard from time to time as a possible remedy, is more joint hearings by all committees including the Appropriations Committee. A renewed effort in the area of personal responsibility would seem to offer the most immediate chance for improvement. Closer attention and a more sincere attitude to the existing rule could possibly go a long way in restoring order and harmony to this continuing struggle.

No action on resolutions for study and report

From time to time, Senator Smith has indicated her deep concern over this problem by calling attention to it in floor statements. As recent as May 17, 1971, Senator Smith noted that "for the past two years, there has been considerable acrimonious Senate debate on the matter of invasion of committee jurisdiction. The debate was so acrimonious that I introduced resolutions calling for a study of this matter. As yet, the Committee on Rules and Administration has not acted or held hearings on either of my resolutions."

The two resolutions referred to were presented to the 91st Congress, 2d Session, on March 5, 1970, by Senator Smith and were referred to the Rules Committee.

The resolutions were: S. Res. 356, "to establish a temporary Special Committee on Jurisdictional Rules," and S. Res. 364, "to determine the extent of compliance by standing committees with jurisdictional rules of the Senate." They called for a study and investigation followed by a report with recommendations.

In introducing the resolutions, Senator Smith noted:

'Mr. President, in the more than 21 years that it has been my privilege to serve in the U.S. Senate, I found the Senate debate on the evening of December 20, 1969, to be probably the most acrimonious and bitter I had heard. Deep anger and resentment were expressed by several Senators.

"There were several facets to this deep anger and resentment. But the basic anger and fundamental resentment expressed were with respect to committee jurisdiction. . . ."

Senator Smith further noted:

". . . I considered the debate that night to be the climax of a growing pent-up emotion in the Senate on this matter of committee jurisdiction and the committee system—and that I would introduce a resolution calling for an inquiry and study of this matter."

"I was quite surprised at the number of Senators who came to me and, with great feeling, expressed their approval of such a move, with many of them saying that they would like to cosponsor such a resolution. . . ."

No action was taken by the Rules Committee on either of the resolutions.

ADDRESS BY AUGUSTINE R. MARUSI

Mr. SAXBE. Mr. President, the chairman and president of Borden, Inc., Mr. Augustine R. Marusi, recently delivered a very thoughtful speech before the 23d congress of the ICC. The title was "Technology and Society: Challenge to Private Enterprise, Responsibilities of Government and Industry."

Mr. Marusi offers some provocative thoughts about such topics as ecology and the environment and the industrialized nations of the world's efforts to cope with them.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

TECHNOLOGY AND SOCIETY: CHALLENGE TO PRIVATE ENTERPRISE—RESPONSIBILITY OF GOVERNMENT AND INDUSTRY

(By Augustine R. Marusi)

With each technological advance in man's long history, he has been chipping away at the environment—first, with burning and grazing, and then on to coking coal and cracking plants. This paper will not attempt to describe the damage that has been done to our environment. Our knowledge of the basic problem is still imperfect and the precise nature of our ecological injury is a matter of contention. But we know that we have a serious problem, and the papers presented at this Congress demonstrate remarkable agreement on the need to learn more about it.

Pollution is not just a twentieth century problem. Here is how one author put it:

"It was a town of red brick, or of brick that would have been red if the smoke and ashes had allowed it; but, as matters stood it was a town of unnatural red and black like the painted face of a savage. It was a town of machinery and tall chimneys, out of which interminable serpents of smoke trailed themselves forever and ever, and never got uncoiled. It had a black canal in it, and a river that ran purple with ill-smelling dye, and vast piles of buildings full of windows where there was a rattling and a trembling all day long, and where the piston of the steam-engine worked monotonously up and down, like the head of an elephant in a state of melancholy madness."

This might have been written yesterday. It wasn't. It is a quote from a book, *Hard Times*, by Charles Dickens, published in 1854.

He was, of course, describing the effects of the first industrial revolution. Now, some 117 years later, the problem is incredibly more complicated. But, fortunately, the world has recognized that something must be done about it. In the most technologically-advanced countries, pollution control is now more than a desirable goal—it is recognized as imperative if we are to forestall irreversible damage to the environment that sustains us.

I would suggest that the most significant change in my own country on the ecology issue during the past five years has been the absolute acceptance by business leaders of environmental protection as a business and political imperative.

The battle for a commitment has been won.

The only question now is how to proceed.

In its first issue of 1971, *Fortune* magazine commented editorially: "Government must now be recognized as having the right and duty to repress, retard or deflect those technological advances in which the prospect of damages or danger clearly seems to outweigh the expected benefits."

No one could quarrel with this judgment.

But the most important element in that quotation is the recognition that the relationship between costs and benefits is an essential guide for government regulation of actions that affect the environment. As yet we are not in the habit of weighing costs and benefits in the environmental field. So we are beset with demands to take disconnected, isolated and sometimes conflicting actions.

In its concern to treat effluents, modify processes, recycle waste products, society may shut its eyes to the costs involved. But if society does, business managers cannot. The costs emerge inexorably, in the form of higher prices for a given product, market dislocations, the closing of plants that are too old to modify. That fact tends to cast businessmen in the role of scapegoats, or of villains in a battle of good against evil.

But an awareness is growing that costs and benefits go hand in hand. On the simplest level, many American communities are becoming increasingly sensitive to what is called the "jobs versus ecology" equation. In some early centers in industrialization, with older plants and equipment, this is a real, present concern. No one wants to continue pollution. But how do you end it rapidly and still avoid or minimize severe dislocations in areas with obstinate problems?

No need is more urgent than the institution of a systems approach to the pollution problem. We must all survive while we improve—and we must make sure that improvement proposals are really effective. It is one thing to say, for example, that industrial discharges are contributing to the pollution of a river and order a city of a company to stop at whatever cost. It is quite another to present alternative programs with price tags attached to clean up the river—programs that provide real measures of the total costs and benefits of amelioration. The result of the latter is often surprising. The best known major cost-benefit study on water quality dealt with the Delaware Estuary. It demonstrated clearly that the familiar government patterns of having industry help pay for cleaning up a mess were far less efficient than providing economic incentives for less of a mess in the first place. For example, the study suggested that the use of incentives in the form of effluent charges would bring about the desired degree of improvement at half the cost of the conventional administrative approach of requiring uniform treatment.

As important as the use of a systems approach is the development of uniform standards. One of the major problems for business within my own country is the sharp variation in standards from community to community, state to state. Within a national jurisdiction, nothing could be less fair and more self-defeating. Industries in more progressive states or localities are faced with higher immediate costs for pollution control than their competitors in other states. The result is what you would expect: serious competitive burdens and great pressure on the authorities of the progressive communities to weaken enforcement in order to avoid the loss of industry.

Business can and should work openly for effective national standards on measures that are incontestably in the public interest. There is no other rational approach and no other pattern that provides the order required for sensible planning and investment.

The reality for American business today is that we do not yet see government taking the systems approach we would like, that we do not yet have effective national standards and that to a great extent business is expected to adhere to standards that are still in the making.

But in the meantime action is required.

Early this year President Nixon sent 300 pages of legislation to the Congress on environmental matters. Many of the proposals were new. Many deal with the desperate need to make sense out of the existing patchwork of inconsistent legislation and overlapping jurisdictions.

In the last session of Congress, some 4,000 separate proposals on the subject were introduced. Obviously, some of these proposals are wrong on every count. Others are less than the best solutions that could be devised. But the sheer weight of legislative invention is witness to the deep concern that Americans and their lawmakers have for the state of the environment. It is a concern that cannot be ignored.

One measure of the commitment of American business to environmental protection is the fact that corporate leaders are not using the imperfect quality of our standards, the limits of our knowledge or the relative disorder of our enforcement machinery as a pretext for stalling action on the problem. To do so would be futile and wrong. Instead, there is strong evidence that business and government are doing to best they can, as fast as they can, with the knowledge and the machinery available.

I do not believe that the consequences of this commitment, however, are adequately understood in either the United States or abroad.

For one thing, foreign manufacturers are going to have to meet increasingly tough performance standards in order to sell their products in the United States. As an example, drastic actions to limit air pollution through automobile exhausts are going to be taken, notwithstanding objections from our trading partners.

We know that there are many factors that determine the unit cost of items traded internationally. They include the cost of labor, of capital, of raw materials, and of taxes. Such costs differ from country to country and if nations offset all these differences by tariffs or quotas, there would be no trade.

But I think it is safe to predict that costs of environmental protection will, in many cases, be offset by border adjustments. They are the new factor in unit costs and no one can say with assurance how large they will be. As such, there is ample precedent for treating them like excess taxes or value added taxes and giving a credit to exporters equal to the added cost, while placing a surchage on imports or products not subject to the extra costs of production under environmentally safe conditions.

In some non-American quarters such actions are inevitably going to be interpreted as a subterfuge for protectionism. There is ample precedent for this even in health and safety standards. But anyone who dismisses this as protectionism misses the whole thrust of our ecological concern.

In the United States, and in other advanced countries, the rising tempo of actions to stem pollution is going to lay new requirements on products to be sold in national markets. It would be far the best thing to recognize the certainty of such action now, to acknowledge the reasons for it, and to begin creating an international system to minimize distrust and uncertainty about the effects of environmental protection programs on trade and competitive positions.

Similarly, the imposition of disparate national standards can be expected to create new competitive disadvantages in international markets. We see this already within the United States, where standards still differ from state to state, from city to city. We can expect growing sensitivity to the competitive disadvantages that stem from different national priorities for the protection of the environment. A major American steelmaker is already on record as feeling injured by compliance with pollution controls stricter than those applicable abroad.

The magnitude of costs involved in serious environmental protection programs is such that there may be cases where even large companies will be hard put to survive. The effect of this on international trade should not be underestimated. We have seen how readily national governments will turn to protectionist policies to help small and even backward industries.

How much more compelling would be the demands for special protection to an industry that is in trouble solely because of the costs incurred in complying with new environmental safeguards!

As always, the developing countries face special problems—and they develop a special challenge—in coping with the need for environmental protection.

The industrialized nations are the ones most concerned about the deteriorating environment. They are also the chief source of most of the new contaminants in nature. It is clearly difficult for Europeans or Americans or Japanese to admonish the leaders of poor nations to adhere to a stringent set of international standards without being accused of sanctimony.

In a sense, the rich countries got rich faster by spending the capital of their environment, being profligate with natural resources, using the air and water as unlimited garbage cans. Suddenly, the poor nations are told they must stretch scarce investment resources still further to include pollution control measures right from the start.

The reaction of the leaders of the developing countries is well known and it is genuine. They simply cannot afford under present circumstances to forego any means of improving the lives of their people in direct economic terms. The leaders of poor countries would prefer to abide by all proposals to improve the environment—but proposals which do not deal with their basic problem, development, are incomplete and even harmful.

The answer, of course, lies in a linkage of environmental protection with economic development. It is a linkage which must be considered by any future international trade and assistance programs. The dimension of the challenge this presents is staggering, but it is not unlike the challenge of development that has been with the international community for years. By joining environmental protection and development together we may find progress easier on both. Given current levels of aid this suggests incentives rather than penalties to ensure that the two factors are linked. One of the tasks of this Congress should be to get this principle accepted by the international business community.

There is much, it seems to me, that the International Chamber of Commerce can do to prevent the struggle for a decent environment from degenerating into a new threat to international economic cooperation. To begin with, there is a great potential in the Chambers' unique relationship with international bodies like the United Nations (including the UN Conference on Trade and Development), the General Agreement on Tariffs and Trade and the Organization for Economic Cooperation and Development.

Only a year away in the United Nations Conference in Stockholm on pollution control and protection of world resources. Far more extensive preparatory work has gone into this conference than is generally realized. It would be most unfortunate if business prematurely discounts the importance of this conference and, in a sense, assures its futility by abandoning the field to governments and non-business environmentalists.

The Congress of Vienna could make an important start in demonstrating that the world business community is totally committed not just to the morality of environmental protection but to the means and the diplomacy of achieving it.

Let us look at some of the possibilities that are open to organized business in the world.

As a first step, I would propose that we consider asking the UN to declare a moratorium on major forms of pollution. This is a simple proposal. But it is not, given the facts of national and human behavior a simplistic one.

Most governments of the world have been willing to declare a moratorium on nuclear testing because of the clear international dangers of radioactive fallout.

Well, why not a moratorium on other pernicious forms of pollution? Pollution, like radioactive fallout from nuclear tests, knows no boundaries and it knows no discrimination. Air currents carry noxious fumes for thousands of miles, from one nation to another. Rivers carry wastes into lakes and oceans thousands of miles from the source of the pollution. Pollution of whatever kind is not a local problem. Although success depends on political action at all levels, it is a world problem. Let's treat it as such. Let the United Nations General Assembly declare, on behalf of the peoples of the world, that such pollution must be ended. By itself, such a declaration may not mean much, but it puts the countries of the world on the record and behind the force of public opinion, and it is a state, a beginning. All such a declaration has to say is that "we, the peoples of the world, recognize that pollution, like poverty is a threat to mankind and we ask the member governments to take steps to bring an end to both."

I believe that such a commitment has been made by business in the United States. It is implicit in the actions of individual firms and it is explicitly stated in the announced policies of American corporations and trade associations. Without this commitment to act. I doubt if we could today be engaged in a rational discussion of alternative approaches to the problems of environmental protection. I believe the same kind of explicit commitment is necessary if we are to clear the international field for a rational exploration of the means of controlling and ending serious threats to the world environment.

Another step that we might consider is to encourage the establishment of a United Nations agency—similar to the International Civil Aviation Organization or the International Atomic Energy Agency—to develop cooperative international programs to monitor pollution and the cost to poor countries of actions to control it. Such an agency could act as a watchdog, a center for the dissemination of information, a clearing house, and a pace setter in the recommendation of standards for all the countries of the world. Business funding of part of such an agency is well within reason.

In conclusion, I would like to urge participants in the Vienna Congress to regard their meeting as a business caucus for the 1972 Stockholm Conference and begin preparing their colleagues and the public for involvement in what could be mankind's greatest adventure. Perhaps in the fight against pollution we have stumbled on the long-sought "moral equivalent for war." I hope it was such a premonition that caused President Nixon in the end of his second State of the World message to speak of the "transcendent importance" to the United States of a more effective international organization to deal with a wide range of world problems, "from peace and security to environmental pollution."

DRUGS ON THE MARKET

Mr. MONDALE. Mr. President, an editorial entitled "Drugs on the Market," published in Progressive magazine for July 1971, points out that although Americans spend about $1 billion a year for over-the-counter drug preparations—

> No effective mechanism exists to regulate these preparations, evaluate their effectiveness, or even ascertain that they will not harm the user. In fact, no one knows precisely how many such products are on the market.

This is one of many shocking facts which has been brought to the attention of the American public by the vigorous efforts of the distinguished Senator from Wisconsin (Mr. NELSON).

On June 15, at the Small Business Committee's Monopoly Subcommittee hearings on over-the-counter analgesics, Dr. William Beaver, of the Department of Pharmacology at Georgetown University, gave testimony concerning claims that various aspirin products were "extra strength" or "extra potency" or that they could relieve tension or nervousness. Commenting on such promotional material, Dr. Beaver said:

> The consumer assumes that claims like these could not be made unless they were substantially true; he assumes that "somebody up there" is effectively regulating the promotion of these products and guarding his welfare. In this assumption he is dead wrong.

The growing drug orientation of our society is steadily becoming one of our most pressing problems. I commend both Progressive magazine and Senator NELSON's Subcommittee on Antitrust and Monopoly for their efforts to promote the public welfare by bringing to light information which, though previously unknown or obscure, is necessary if self-medication is to be at all rational. As this article and the testimony on analgesics before the subcommittee in June indicate—

> The inquiry comes none too soon and . . . it should be followed promptly by the enactment of stringent regulatory legislation.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DRUGS ON THE MARKET

Americans spend about a billion dollars a year on drugs and medications sold over the counter without a doctor's prescription. No effective mechanism exists to regulate these preparations, evaluate their effectiveness, or even ascertain that they will not harm the user. In fact, no one knows precisely how many such products are on the market.

The closest the Commissioner of the Food and Drug Administration, Charles C. Edwards, could come in recent testimony before the Senate Monopoly Subcommittee was to estimate that there are between 100,000 and 200,000 over-the-counter drugs, and that they are all "formulated from some 250 significant active ingredients designated to alleviate about thirty easily recognizable symptoms."

The Subcommittee, headed by Senator Gaylord Nelson, Wisconsin Democrat, has begun an intensive investigation of the promotion and merchandising of over-the-counter drugs. Early testimony indicates that the inquiry comes none too soon, and that it should be followed promptly by the enactment of stringent regulatory legislation.

Edwards, who has declared that non-prescription drugs are often promoted "in ways to make a snake-oil salesman green with envy," reported on results of a recent evaluation of a representative sampling of 400 products by the National Academy of Sciences. Positive evidence of efficacy was found for only fifteen per cent of the drugs, while eleven per cent were rated positively ineffective for the purposes claimed by the manufacturers. A rating of "probably effective" was given to twenty-seven per cent, and forty-seven per cent were found "possibly effective."

To apply similar evaluations to all the drugs on the market would be an "obviously enormous task" for his agency, Edwards declared. One major difficulty, he said, is that while manufacturers routinely advertise their drugs to the public as "new" and "improved," they insist to the FDA that the products are identical to those that have been sold for years and "generally regarded as safe." The FDA has no authority to investigate drugs marketed before 1938.

"There have been few discoveries of medicinal agents for self-medication in a decade or more," Edwards testified. "Most of these products consist of several components to satisfy a range of afflictions, both real and imagined. Each is advertised as uniquely different, twice as effective, or longer lasting than its competitors. In my judgment, it is difficult for a consumer to make an intelligent, discriminating self-medication choice under these circumstances."

Advertising of over-the-counter drugs is "one of the most urgent issues," Edwards said, and testimony from a Federal Trade Commission economist seemed to bear this out. According to industry sources (which the FTC expert described as "underestimates") leading manufacturers devote a whopping 36.7 per cent of their wholesale revenue to advertising. Among the most heavily advertised products are Anacin, with an annual advertising budget of $24.6 million; Bayer aspirin, $22 million; Alka-Seltzer, $18.9 million; Dristan, $14.4 million, and Bufferin, $13.8 million. In almost every instance the heavily advertised products are more expensive to the consumer than comparable preparations with lower advertising budgets.

A spokesman for the American Pharmaceutical Association told the Nelson Subcommittee that advertising of over-the-counter drugs "has gotten completely out of control and has become a major public health problem."

"It is often erroneous, it exaggerates claims, and it even attempts to convince people that they have nonexistent diseases," said W. James Bicket, a practicing pharmacist from Zion, Illinois. "Most critically, it contributes substantially to the 'drug orientation' of our culture and we believe something should be done about it."

The question Congress must soon face, Bicket said, is this: "Can advertising of medical products to the public ever be justified?" When so radical a question is raised by a trade association spokesman, how much longer can Congress wait to take remedial action?

CAPTIVE NATIONS WEEK

Mr. HRUSKA. Mr. President, for those who love freedom, Captive Nations Week has a double meaning. It means renewed and heightened awareness of the oppression which continues in the captive nations, a vivid reminder that the Iron Curtain still does indeed exist, and still does indeed stifle the aspirations of a good portion of humanity. The week also means for those of us in this country an additional awareness of our own priceless privileges, the results of a free society.

During this week let us take special note of the recent events throughout the world which indicate the continuation of a world oppression which has persisted far too long.

It was only 3 years ago this summer that the attempts of the Czech people to secure a modicum of freedom were abruptly eliminated by an invasion of Russian troops and tanks followed by the systematic liquidation of the few modest reforms initiated by the Dubcek government.

This brutal attack on human rights was representative of numerous excesses perpetrated in all the countries of Eastern Europe, which in recent decades have fallen one by one under the iron boot of communism. Many of these events, Mr. President, are becoming part of the dim distant past and our memory of the slaughters and degradation are becoming less vivid with time.

All Americans should utilize this week to remind ourselves that the people of Eastern Europe and of other captive nations throughout the world still dream of democracy and still are willing to fight and to risk their lives to achieve their birthright. Despite all the Communist devices and programs to suppress freedom, the natural stirrings of liberty will not be quelled in any people. This is one of the valuable lessons the world should learn from the repeated rebellions against autocratic rule in captive countries.

It is obvious from the striving of the captive people that the desire for freedom is unquenchable, the strongest instinct which arises in man's breast.

Last month was the 31st anniversary of the invasion of the Baltic States of Latvia, Lithuania, and Estonia. After a bloody takeover, the Communists promptly executed those who dared to dissent, or shipped them to prison camps where their existence was perhaps less pleasant even than death.

It was not a mere handful who suffered such a cruel fate. During the 1940's hundreds of thousands of those who spoke out for freedom were sent from their homelands to be slaves to Soviet communism.

Let us look at the nations which have fallen to Communist imperialism since 1920: Armenia, Azerbaijan, Byelorussia, Cossackia, Georgia, Ideal-Ural, North Caucasia, Ukraine, Far Eastern Republic, Turkistan, Mongolia, Estonia, Latvia, Lithuania, Albania, Bulgaria, Yugoslavia, Poland, Romania, Czechoslovakia, North Korea, Hungary, East Germany, Mainland China, Tibet, North Vietnam, and Cuba.

This long list is an awesome catalog of fearsome suppression by ruthless forces that reject freedom and all treasured spiritual and humanistic values.

Realization of our own basic freedoms is also a vital part of Captive Nations Week. We must remember that many of our ancestors came to this country to escape political persecution in all its insidious forms. They have passed on to their children a great love of freedom, an essential component of which is the confidence that a government, based on freedom, is the only foundation for true progress and humanity. This confidence carries with it an awesome responsibility for each and every citizen of a democracy, a responsibility which some elements of our society all too often forget.

I call upon all freedom-loving people to make Captive Nations Week meaningful by sustaining an effort to bring to the attention of the free world the pervasive cruelties in the captive nations, and the strong desires of the people in those countries to break the chains that bind them. We must inform these hopeful people in all possible ways that we truly understand and care, both for their freedom and ours. We want the people of the captive nations to know that we stand proudly by their side in the fight for cherished freedom.

THE U.N. CONVENTIONS AND INTERNATIONAL LAW

Mr. PROXMIRE. Mr. President, I have argued daily since 1967 for Senate ratification of the U.N. Conventions on Human Rights and will continue to do so for many reasons.

I have argued and will continue to argue, for example, that we must ratify the Genocide Convention in order to affirm before the world our absolute abhorrence of this crime. I have argued and will continue to argue for the Convention on the Political Rights of Women on the grounds that we as a nation have guaranteed those rights and must make it clear that we support strengthening women's rights in every nation.

But there is an additional reason why we should ratify the Human Rights Conventions, and that is to build a broader foundation of international law. Just as every good law enacted by this Government generates a more complete and useful body of national law, so the enactment through ratification of these essential provisions of the United Nations legislation would create a more complete basis of international law. As former Chief Justice Earl Warren stated in 1966, an enlarged body of international law is vital for the peaceful progress of all the nations of the world:

> The answer to our problem of establishing world order is a strong world law structure and mankind's failure to concentrate cooperative international efforts on creating this law structure is the main reason such a peace structure has not come into existence.

Mr. President, I ask unanimous consent to have printed in the Record Chief Justice Warren's address on this subject.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address Delivered by the Honorable Earl Warren, Chief Justice of the United States, Before Special Meeting of the World Peace Through Law Center, Geneva, Switzerland, March 12, 1966

We sincerely thank Your Excellencies and Chief Justice Haberlin for the hospitality of your wonderful country. Switzerland through the centuries has earned a unique place among nations as a land of peace. Its existence as a neutral amid the turmoil of the quarrels and wars of others has achieved this peace image in the minds of the peoples of the entire world. Switzerland's record of neutrality and its example of harmonious living among peoples of diverse language, race, religion, and custom, have set an example all peoples admire and respect. Here you have provided a place where they who would do the work of peace may meet in an atmosphere somewhat detached from the world's struggles.

I am sure also that the pulse of everyone here is quickened merely because we are in Geneva, the renowned "city of peace." It has become customary for mankind's greatest peace efforts to operate in and out of Geneva. Universally, they who would do the work of peace almost involuntarily say, "Let's meet in Geneva."

Geneva is thus a most natural place for us to meet and discuss our plans for cooperative efforts to advance the quest for peace through justice for men and nations. Here, as we seek to formulate a role for judges, we can draw inspiration from the work of the many international organizations headquartered here and the many meetings held here which have made Geneva such a symbol of man's striving for peace.

Here was born the Red Cross. Here lived the League of Nations. Here lives the International Labor Organization with its ringing motto "Poverty anywhere constitutes a danger to prosperity everywhere." Here, too, is located the European office of the United Nations. And here lives the baby of international organizations, one in whose birth so many in this room participated and for whose future we have such high hopes: the World Peace Through Law Center. And Geneva should be the headquarters of the new organization of the world's judges which we are here to create in order to further the cause of peace with justice under the rule of law for all men and all nations.

The peace conferences held in Geneva are so broad ranging and so numerous as to prevent even a partial description or listing. I must mention, however, that even as we gather, the anxious minds of the peoples of the world turn ever hopefully and prayerfully to the disarmament discussions which seek a way out of the ever-accelerating arms race. Mankind knows that every arms race in all history has, through accident or design, ended in war. And all men know that the holocaust of nuclear war could mean incineration of humanity. Never has mankind so urgently and so universally desired world peace. Never has peace been so imperative. Never has the world so urgently needed new peace machinery. It is my thesis that any such machinery that is possible, credible, and thus workable, will be composed of law.

Many of you in this audience are major contributors to man's constant efforts for survival in a peaceful world. To many of you, humankind owes a great debt for your contributions. We judges ask your help in defining a proper role for courts within the framework of man's ancient and unending search for peace. We further ask your assistance in carrying out that role in order that law may be kept synonymous with justice.

In the beginning disputes between man and man were settled by brute strength in a fistfight. Next man used stones in slings, bows and arrows, and finally guns, generally seeking decision by death. But today, in all civilized nations of the world, we have progressed to the point where decision by death is outlawed in disputes between man and man. These disputes are settled in the courts under the rule of law. Law is the indispensable base of civilization. But even today with all our claims for achieving such a high state of civilized existence, decision by death under the law of the jungle is the ultimate mechanism in disputes between nations.

With leadership and hard work, we can and we must progress to the point where law performs the same functions internationally as it does within nations. We must create such a credible system of justice under law that it will anticipate and prevent war. Our dramatic accomplishments in so many areas of human endeavor prove beyond question that we are capable of filling this the greatest gap in the growing structure of civilization.

War is the most repugnant product of the human mind. To pull the world out of the present ultimate reliance upon war as a method for resolving disputes between nations we must create a credible alternative. This must encompass a plan to achieve and maintain peace which the peoples of the world will accept. Such a plan must capture and fire the imagination of peoples everywhere. To be successful, it must be a plan which all peoples can understand. It must be related, therefore, to their ordinary, everyday knowledge and experience. If this is done the peoples of the world will understand, admire, and support a law system which replaces decision by armed violence between nations with decision under law in courthouses.

As initial proof of this plan's credibility, let me remind you that in every international area where law rules are universally accepted they are effective. The law of the sea, law of diplomatic immunity, and Postal Convention are evidence of this fact. In instances where international courts have been used for peaceful decision of international disputes their decisions, with very few exceptions, have been accepted and carried out even though unpopular with those who lost. The Thailand-Cambodia and Nicaragua-Honduras border dispute decisions of the International Court of Justice are examples. The European Court of Justice has an outstanding record of decisions on many international disputes between men and nations within the Common Market.

While the pages of recorded history are in large part a chronicle of wars and warriors, and the weapons they used to kill, destroy and enslave, no one can dispute that the brightest chapters in world history are those which represent advances in law. The Code of Hammurabi, the Ten Commandments, the Law of Moses, the Code of Solon, the Twelve Tables of Rome, the Corpus Juris of Justinian, the law revisions and compilations of Charlemagne, the Magna Carta, the Declaration of the Rights of Man and of the Citizen, Napoleon's Civil Code, and our own Constitution are illustrations of such chapters.

In every community, city, state, or nation, civilization has blossomed and advanced as law has replaced force as the controlling factor in relations among men. Every new high in civilization's progress has been accompanied by a new crest in use of and reliance upon the rule of law. History demonstrates that where law has prevailed, individual freedom of man has been strong and progress great. Where law is weak of nonexistent, chaos and fear lurk and thrive and human progress is destroyed or retarded.

An evaluation of the ideas, ideals, and concepts which mankind has developed since the dawn of civilization leads to the inescapable conclusion that the rule of law offers the best attainable route to peace. In a world sundered by differences of language, color, creed and belief, and by background in diverse forms of government, the rule of law is the one concept universally understood as an ideal nearly all men have in common on a worldwide basis. It, therefore, offers the best common ground which mankind possesses upon which to erect an edifice for peace.

I sincerely believe that in today's world no man can stand aside from the search for a peace formula which will command such universal support as to be both credible and workable. We must all contribute our efforts, our thinking and our leadership. We judges must seek out together a role that is appropriate to the position we occupy and the function we perform. That is why I am here. I am sure that is why each of you is here.

Ours has been called the space age, the science age, and the atomic age. But if man is to live until future ages, ours must become known as the age of peace. To pin that label on our time and make it a true label requires the most extraordinary creative effort in the history of mankind. For it requires no less than that mankind get beyond words and work together on such concrete steps that world peace will indeed be created—created out of words, but they must be words which mean something because embodied in law; law adopted by so many nations that it is universally applicable to men and nations and their international relations; law that is so extensive it will govern and guide so much of these international relations as to minimize conflict; law which will channel the inevitable conflict into a world court system where peaceful decisions can be made and violent conflict thus avoided.

I do not join the doubters who say this task is impossible because it has never been accomplished. I join that growing group of optimists who say we will do it because we must. I refuse to believe that our creative generation which has split the atom, conquered space, developed a cure for polio, set up an almost instantaneous worldwide communications system, and brought about more international cooperation on more subjects than any other generation since the world began cannot create a workable peace structure for the world community.

These great achievements were accomplished even though detractors, many of them scientists of great distinction, scoffed at the idea of splitting the atom or putting a man into space. Other great scientists were determined to succeed and did succeed. So it must be here. We men of the law must not allow detractors and scoffers to prevent the great effort without which success is impossible. The price of failure is too great. We dare not fail. Mankind's failure to realize that the answer to our problem of establishing world order is a strong world law structure and mankind's failure to concentrate cooperative international efforts on creating this law structure is the main reason such a peace structure has not yet come into existence. There has been a failure to communicate to the people, to educate the people, in the required elements of a world order which is strong enough to achieve and maintain peace.

Law development must be the heart of all international efforts to build world stability, order, and peace. And while law in many respects reflects crystallized public opinion, this task of building a law structure for the world and creating proper public realization of its worth, is primarily a job for the legal profession. Heads of state, diplomats, medical doctors, dentists, engineers, and ministers of the gospel can help but we of the law must provide the manpower and the leadership. Sure it is a long, uncharted, and tremendously difficult road. But travel it we must. And the more of us that travel the road, the sooner we will reach the great goal we seek.

We must not overlook any experience or idea. No two of us have traveled the same law road in reaching this Conference. We come from many systems of law. We each bring to this meeting our own private and personal history of hopes for the law, discoveries about the law, disappointments about the law, and then new insights and new hopes and new defeats, and perhaps fresh hopes again for a constantly improving justice for all men and nations under the rule of law. I believe in the law and its creative capacity to meet the needs of man. That is why I believe so greatly in our creative capacity to develop justice under law which will meet the imperative need of our generation for a peace structure to prevent war.

A creative program of law building and new legal institutions adapted to our ever more interdependent world is the most positive and most possible initiative for peace which we of our day can undertake. We must use our inventive genius to create these new law instruments of control which are equal to the new instruments of destruction mankind now possesses. We can and must confront and master the problems that exist in such a program. Again, I say we will succeed because we must.

I trust that others here who are not members of my profession know that we of the law are already practicing what we preach when we urge law as the best road to world peace. We have already banded together worldwide and organized ourselves effectively to do some of the work that must be done. Through the World Peace Through Law Center we have compiled summaries of international law and summaries of the national law of over 100 nations. We have used and are using this worldwide law experience to develop and carry out a work program containing ideas, proposals, and projects designed to make law a credible plan for peace.

The idea for this historic Conference to create a world organization of judges first arose in Athens in 1963. There I participated in the inauguration of the first world Conference ever held to consider how we of the law could best further the goal of world peace. Some 50 judges and more than 1,000 lawyers from 105 nations attended that Conference. These judges informally discussed the fact that the executive departments have their channels for exchange of ideas and experience through their diplomats and members of parliaments have their interparliamentary unions, but that the world's judges have not yet created any organized channels for exchange of opinions and similar material or for face-to-face discussion of common problems. When the Washington Conference on World Peace Through Law was planned the Chief Justices and other high court judges were invited to attend so we could explore this matter further. We held two special meetings of the 65 chief judges and the some 200 other judges at the Conference. But the pressure of so many other programs and events along with the attendance of over 3,000 members of the legal profession from some 115 nations prevented our finalizing plans for a world organization of judges.

The Athens Conference did adopt a work program, which was updated and expanded at the Washington Conference and which includes many things we judges are interested in, such as plans for the first volume of a world law code and a system of low-level international courts as the beginning of a world judicial system. The formal declaration of faith in world order adopted unanimously at the final session of the Washington Conference is an inspiring document setting forth the beliefs that "only under law can there be order and justice" and "whatever transient disputes there may be, a just world order under law can be achieved." It was the Athens Conference which created the World Peace Through Law Center to carry out this global work program as a cooperative effort of the more than 1 million members of the world's legal profession. And in January 1966 the Center established its Secretariat here in Geneva.

By usual standards this Conference is convening rather quickly after the Washington Conference. But these are unusual days, and an acceptable plan for world order must provide justice for men and nations. Speedy efforts to advance world order is the great necessity of our day. At the Washington Conference and since then in many communications addressed to the Center, it has been urged that the very formation of a world organization of judges will have an impact on this necessity. It is in response to these urgings that this group of distinguished judges has been invited here to complete the task of organizing the world's judges and to define what the role of this new organization should be.

So I want you who are not of my profession to understand that in the broad spectrum of the worldwide picture of ever-increasing cooperation in religion, education, science and other disciplines, those of us concerned with the law are searching for new ideas, assuming new initiatives and utilizing the advanced thinking and technology of our times. We are, for example, exploring the feeding of law into computers to make it more available nationwide and worldwide. Our great law libraries around the world have offered to provide materials upon request to judges and lawyers in nations and cities not served by adequate law libraries. These are vital steps. By making law more available it will be used and relied upon more than ever before. Thus will it grow as a factor for world peace.

This then is the record of the legal profession and its growing efforts to further world peace. It is no longer a mere spectator of world events but is deeply implicated in the destiny of mankind. We are creating programs out of law which will substitute organized peace for organized force. Law is the only device yet developed by the mind of man whereby power can be constrained.

In urging law as the best formula or path down the road to peace, I do not mean to downgrade the great contributions of diplomacy, religion, science, communications or economics. I do point out that the contributions of each other discipline sometimes gain permanence and stability only when written into law or when so universally used, accepted and respected that they become law by custom. Customary law which that great English law leader Sir Wilfred Jenks, who is here with us, records in his book the "Common Law of Mankind."

Many take the growth of the law for granted like the air we breathe and the water we drink. But this is a misreading of law's history. Every great reform or expansion in the law has come from leadership and hard work. What we need today to make law grow strong enough, and quickly enough, to achieve and maintain world peace is the type of concentrated "crash" programs which split the atom, put manned satellites into space, and which may soon put men on the

Moon, Venus, or Mars. If any man of responsibility had spoken of a man on the Moon a few years ago, few would have agreed. Now no one can really doubt that this will happen.

And so in the field of law where all mankind has so very much at stake we must seek and secure the support of all who desire peace as backers for our effort to mount such a concentrated "crash" program to build a peace structure for the world community.

We of the law are working for peace with an intensity, knowledge, and effectiveness never before achieved. We still have a great educational program to carry out. The public at large does not yet realize that a world ruled by law can indeed be created. But the number and strength of the law's supporters are growing constantly. The fact that more than 100 messages from heads of state were sent to the Athens and Washington Conferences urging a strengthened and expanded rule of law for the world is in itself evidence of this ever-rising tide of support.

But we need to create more public awareness of the value of the world law as the most credible road to peace. As one illustration, the major educational foundations have not provided the support for law which they have for science, medicine, and other disciplines. Many nations have great academies devoted solely to the art of war, but no existing academy or university is devoted solely to the art of peace. It is estimated that worldwide some 150 billions of dollars are being spent yearly on arms by governments. But governments spend very little on building a peace structure—a law structure—for the world.

Man desires peace and individual liberty. Equal justice for men and nations under the rule of law is the only concept that can supply both. Any system that brings and maintains peace with justice will be a law system, not an arms system. The rule of law is the only concept with a proven record of capability to control the emotions and actions of men when made strong enough in all of its elements to be effective.

Those who lack faith in the law, and thus downgrade the value and effectiveness of the law, often do so because they fail to realize the respect for, and faith in, the law which exists among the vast majority of the peoples of all nations. The people do not look upon the rule of law as representing perfection or utopia. But they do look upon it with all its imperfections as representing the best system yet devised by man to avoid conflict, or to provide a peaceful decision for those conflicts that are always going to occur in a nation or world inhabited by human beings. This faith in and respect for the rule of law by most people is the reason why we of our generation can find in the application of that rule to relations between nations the answer to our number one necessity, world peace. In the law's principles, processes and procedures we have the best tested formula for living together rather than dying together in nuclear war.

We who work for peace through law are opening the door to a brighter tomorrow. And tomorrow's world is being built by today's people. If it is to be a peaceful world, a world wherein human rights are respected, a world wherein decision by death is ended, it must be a "law-ful" world.

As man has become more civilized, and as destructive power has grown, decision by war is no longer an acceptable method for settling disputes. True it is that reliance on the war method is easy and building a peace structure is perhaps the most difficult task ever undertaken by man. So difficult the fainthearted shy from trying. But no matter how difficult the creation of a peace structure may be, we dare not fail to build it, for it constitutes humanity's only hope for survival.

Since the dawn of history man has dreamed of a world without war. That the pages of recorded history are chronicles of failure does not mean we of our day will fail if we but make the greatest effort yet assembled by mankind on a worldwide basis for our assault on the problems of a world peace structure. We of our day can, and I believe we will, create this warless world. We will do it by building a new world order under the rule of law.

Not far from here near the Peace Palace at the Hague in a quiet resting place at the side of an ancient church in Delft, Netherlands, lies the remains of Hugo Grotius. He, with other greats of the law in centuries long past, earned eternal fame for articulating the idea of a peaceful world achieved and maintained through the rule of law. That their idea has not died but has risen up and shone forth to inspire succeeding generations to strive anew to make their dream come true attests to its strength and validity. There is an old proverb that nothing is as strong as an idea. And that nothing can stop an idea whose time has come. I urge you great leaders of men in this audience that we should seek together to enlist the support of all men, women, and children throughout the whole world in a crusade for peace, a crusade which will thereby gather the support to make the time of this great idea arrive in our day. We of our generation have made more ancient dreams come true than any generation in all history. The dream of world peace can also be translated by the peoples of our generation from dream into reality. The peoples of the world have the desire, the capacity, and the power to achieve this. Up to now they have lacked the inspiration, a program, and the essential leadership. Such inspiration, program, and leadership must be developed and it is our fervent hope that it will emanate from this center for world peace through world law.

The day when leaders could become renowned through use of arms is gone. The greatest leaders of our era will be those who lead in erecting a world peace structure. The rule of law will indeed replace force as the controlling factor in the fate of humanity as the peoples of the world become convinced that this is the only credible material out of which world order can be fashioned. Mankind's ancient quest for world peace will thus end in success—success through a world ruled by law. And when this rule of law prevails, then and only then will we live in a world where any man can live anywhere on the face of the earth, or travel to the vistas of endless space, in freedom, in dignity, and in peace.

TRAGIC INCIDENTS IN EAST PAKISTAN

Mr. SAXBE. Mr. President, I invite the attention of Senators to further events and accounts relating to the tragic incidents in East Pakistan. A lengthy speech is not necessary. The articles speak for themselves. I merely wish to repeat that the Saxbe-Church amendment suspending aid to Pakistan has 31 cosponsors. These cosponsors, plus the Senator from Idaho (Mr. CHURCH) and myself represent one-third of the U.S. Senate. Tomorrow at least one more Senator will add his name to the growing list of cosponsors. We merely wish to prevent the United States from being dragged into another civil war.

Mr. President, I ask unanimous consent that a number of articles on Pakistan be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Boston Sunday Globe, July 11, 1971]

EAST PAKISTAN—A MOUNTING CRISIS—WITNESS REPORTS ON DEATH, DESTRUCTION

An eyewitness account of the devastation left by West Pakistani troops, fanning out along the river leading from Dacca to the Bay of Bengal, is told in the following excerpts from a tapeletter recorded in the area in late May.

William H. Ellis, a Canadian engineer working on coastal embankments near the Bay of Bengal, recorded his comments on an unofficial and highly dangerous survey of the area in which he worked. The message was sent to Dr. John Rohde, formerly of the Cholera Research Laboratory in Dacca and now a resident at Children's Hosptial in Boston.

Ellis, who holds a master's degree in hydrology from McGill University, has now left Pakistan.

Ellis left Narayanganj on a shipping corporation coaster headed for Chitiagong and stopping at Barisal. The tapeletter:

Ship was carrying maybe 600 people. They were everywhere, under the lifeboats, in the lifeboats, on top of the cabins, between the decks, in the holds, companion ways, just everywhere. I tried to make my way to the engine room, but I just couldn't make it without chucking my biscuits so I came back up on deck.

We met two coasters coming up the river, both of which were loaded with military vehicles. One tanker was lying at anchor off Chungport. Further there were a dozen of the larger carrying cargo countryboats.

EXECUTIONS

There's practically no activity along the riverbanks; only an occasional person standing, watching the boats go by, nothing doing in the fields, no tilling, cattle are out grazing with herdsmen, but that's about all.

Barisal was completely deserted, only the dogs on the streets although it was still an hour and a half before curfew.

Once I got down there I discovered why they didn't want me down there. Every day for the last few weeks they have been executing 10 to 20 people a day. This I got from the people who lived in the area. Every afternoon at 4 o'clock there would be 10–20 single, spaced shots fired and they would later see the bodies in the khal.

. . . The executions apparently stopped a week or so ago, at least the firing stopped, but still discovered there were more bodies and it seems . . . they are still executing prisoners (by bayonet).

. . . I saw evidences of the anti-hindu operations in the form of a poster (on gutted shops) stating "under marshal law authority". I asked my native guide on what shops they were placed and he said they were Hindu shops. The operations had been going on in the area for two or three weeks now.

LIKE ANIMALS

There are now almost columns of Hindus in flight in the area. They have nowhere to go. They cannot get across the border to India, they flee in one direction, find there is an Army blocking their way and flee another. They're being hunted down like animals.

Families in the area are housing 15 to 20 people per house, and there is barely enough food . . . there is description after description of where the Muslims have covered up, have hidden Hindus, and taken great risks personally . . . in one village they called out the Muslim head man and asked where the Hindus were.

He refused so the army wrapped him up in jute and set fire to him . . . papers are full of requests for factory hands to come back, civil servants to return to their duties . . . but everyone knows if you come back to work you're likely to get shot.

. . . It was made clear the army was hunting for three elements which they would eliminate in this order: first, saboteurs and Hindus from India; second, all members of the Awami League; third, guerrillas and other "anti-social" elements.

CONSTANT BURNING

They have nowhere to flee but southward towards the sea. They are caught between the sea and the advancing army.

From Barisal, I took the mail boat to Khulna. The land is deceivingly peaceful. It is so green, so lush, but there is so little activity. From time to time we would see bodies floating in the river . . . other times we could smell but not pick them out from amongst the water hyacinths that are moving down as the water picks up . . .

. . . We passed villages that were in flames. This went on for miles. The jungle is so dense that you cannot see beyond the foreshore but in the sky all over on both sides we could see smoke in the sky . . . occasionally a searchlight would pick out the naked figures of persons who were fleeing along the riverbanks . . . They carried their few meager belongings on their head.

Later while I was sitting on the top level of the boat a crew member sidled up to me and told me that this burning had been going on for the last two weeks, every night . . .

Even in this area, unaffected by the cyclone (of November, 1970) there will be perhaps only 10 percent of the normal crop—so many people had to flee or have been murdered . . .

We reached Koona? at the next morning—here the activity is a fraction of what it used to be . . .

In this area conditions are closer to sheer chaos . . . this is because the Koona area is next to the border and the influence of large number of . . . even for those who would like to return to work it is practically impossible.

There is much looting and burning going on because there is no law and order . . . 10 to 20 people are knifed there every day in broad daylight. A man and his son were knifed while I was there. . . .

When the army arrives the Muslim league informs on the Awami league and the Hindus. The army comes to wipe out the Awami league and Hindus. . . . In the villages of . . . the government employees do not go to their offices for fear of being killed; their army is too busy killing Hindus . . .

I traveled to Jessore . . . a road that I have traveled many times before . . . I know it well, I know the activity and I know the villages . . . with comparison with before it is deserted.

Villages on both sides of the road have been burnt. We cannot see where the villages were . . . looking at the palm trees you can see where the palm fronds are all scorched and the trunks are blackened . . . Some villages remarkably have been spared and they have a few people listlessly watching you as you go by . . .

Usually when the mills are working it is belching black smoke; we saw only one mill with smoke coming out . . . there are many brickyards along the way; every one was deserted.

As before, there was practically no activity in the field . . . the only signs of farming were the cattle out grazing.

When you board a plane (at Jessore) it is interesting . . . your baggage is unpacked, searched piece by piece; you are given a complete physical search . . . they found my pocket knife and took it away from me . . . when you board the plane you find two armed guards.

I could see very plainly the area around there had been flattened. Most of the houses are like boxes without roofs. . . .

NOTHING MOVING

What was still very clear from 10,000 feet was that there is no traffic at all on the rivers or roads or paths. Nothing moving, not any boats to be seen tied up along the banks.

As we crossed the Ganges west of Dacca there were just a few of the cargo boats, maybe five or six where normally you would see dozens. As we got lower things looked relatively normal in the villages until we got close to Dacca and then I could see the pattern of boxes without tops, where roofs had been burnt off . . . and still the predominant feature of no activity.

Back to Dacca. It is clear the situation is entering a new phase where the Army has gained control of the towns, the land transportation routes, and is now fanning out on this massive operation to wipe out the Hindus . . . the regime which is running the country, the cabal of generals, has become so engorged with their own propaganda that they honestly believe that there is an Indian infiltrator behind every tree, and that every Hindu is suspect and to be shot on the spot.

As was pointed out to me, there is not a family in this whole country that has not been affected—that has not lost members that have been shot, or not looted, or had their women raped, or young girls taken away.

And yet in spite of this, or perhaps because of this, the regime has absolutely no support from the common people.

Everyone knows what they read in the Pakistan papers is a pack of lies and they know from experience that what they hear is true on All India Radio.

It is remarkable how they find out what goes on in every village.

It is clear that things here in Dacca are more normal than they are everywhere else, and that word normal has become a standing joke with everyone in East Pakistan . . . But even in Dacca they are already bold enough to strike in broad daylight.

Monday last at about 1 o'clock they threw hand grenades and the damage that was done to the bank looked like a grenade.

Anyway, about 1 they struck at seven places in Dacca . . . and so already they are striking back even here in Dacca, which supposedly is the normal place in this country.

The other thing I mentioned before, that Bengali men, have time and again said to me, "please do not have your country send any aid to this country, even food . . . the food will only go to the Army and prolong our agony." More than one man said to me "I'd rather die by starvation than go on with the agony that is going on now."

ARMS, ECONOMIC AID UPSETTING TO CONGRESS

(By Darius S. Jhabvala)

WASHINGTON.—When Presidential Adviser Henry Kissinger arrived at the Panam Airport in New Delhi last week he was greeted by an angry crowd of demonstrators who demanded "Kissinger of death, go, go home."

What has aroused the anger of Indians is an issue that is of great concern not only to the sub-continent but also to the United States Congress.

It is that the Administration has been almost covertly shipping military supplies to Pakistan contrary to the spirit of its own injunctions.

So strong have been the Indian sentiments against deliveries of further arms to Pakistan that almost daily voices are heard in Parliament for some unilateral action by the government to put a stop to it.

Similarly demands have been made in Congress for a complete halt to all economic, financial and military assistance to Pakistan.

(An amendment to the foreign aid bill, cosponsored by Senators Church and Saxbe, to suspend all aid awaits action in the Congress.)

The difficulties in Pakistan began last March 25 when leaders of East Pakistan's Awami League, having been frustrated in their long struggle for equality with the Western half, demanded autonomy and a certain measure of independence.

EXODUS

The regime of President Yahya Khan in the West reacted swiftly and brutally. Within hours of the rebellion for Bengla Desh (freedom) he dispatched his armed forces to crush the movement.

Awami leader Sheik Mujbir Rahman and his principal aides were promptly arrested and those who resisted were shot. The bloodbath that ensued took at least 200,000 East Pakistani lives.

Furthermore Hindus living in East Pakistan feared reprisals and so began an exodus of six million people into the neighboring provinces of India.

At the start of the rebellion the United States announced it would not sell weapons to Pakistan.

Furthermore it announced that no arms delivery was already in the pipeline.

The intent of the announcement was clear—namely, American weapons would not be used by the West Pakistan military in the East. Thus it was presumed that an embargo was in effect.

But last month word leaked out that two ships with cargoes of military supplies had indeed left the US for Pakistan.

Then Senator Edward M. Kennedy (D-Mass.) revealed that at least five more ships would sail from the US before Aug. 1 with similar military equipment.

Last Wednesday Senator Frank Church charged in a Senate speech that $35 million worth of military hardware was still in the pipeline for delivery.

In response to those charges the State Department claimed that what has been sent to Pakistan are items that were licensed prior to April 6 when the halt order went into effect.

They claimed that what was and will be delivered are not arms that can be used against the civilian population in East Pakistan.

Neither of those explanations have satisfied the Indian Government nor has it quieted fears of more substantial sales to Pakistan.

The Indian Government is in a particularly difficult situation. The six million refugees on its soil are severely straining not only the nation's immediate food and sanitation resources but also are a threat to its economic development.

It is true that the world community is providing India with massive relief assistance, including $70 million by the United States.

But Indians claim that the assistance will not cause the refugees to return to their own land.

CONFLICT

Thus the government proposed that the US pressure Pakistan to take steps which will entice the refugees to return. It should begin with a political reconciliation between the two halves of the nation, they suggested.

The US has conceded to the Indian argument but disagrees on the proposed methods. India has suggested that all economic and military assistance be halted. The United States has pointed out that were this to be done, Pakistan would be pushed further into the Communist Chinese orbit.

Late last month Indian Foreign Minister Swaran Singh warned that India would not tolerate an indefinite stay on her soil by the refugees. Implicit in his remark was the threat to forcibly evict the refugees, a move that could involve India and Pakistan in another armed conflict.

[From the Washington Star, July 19, 1971]

In East Pakistan, "We Are All Afraid"

(By Henry S. Bradsher)

Dacca, East Pakistan.—The East Pakistani government official broke down and cried.

"I don't know how we can go on," he told a visitor in the privacy of his home. "None of us Bengalis know when the army might decide to pick us up.

"Seventy government officers have disappeared, we don't know where, and we are all afraid.

When the army from West Pakistan began its terrorising crackdown on the Eastern province, its main targets were supporters of Mujibur Rahman's Awami League, the overwhelmingly dominant political party here.

But now the army seems to be practicing terror against the entire social structure of East Pakistan in order to better control it as a colony of a West Pakistani minority.

A leading lawyer and bank director of Dacca, Abdul Ahad, who took no part in politics, was seized by the army, released, seized again and his fate is now unknown.

Another nonpolitical figure, Alamgir Rahman, head of the Esso gasoline network in East Pakistan, similarly disappeared.

In Chittagong, the province's main port city, the chief engineer of the government port system, S. Zaman, was picked up by the army May 16 and still is missing.

Superintendent of Police Shamsul Hoque disappeared in early May. A leading industrialist, Abdul Kehaleque, also is missing.

There are many other examples of the army removing Bengali leaders who had never publicly opposed West Pakistani domination of this province.

In the early days of the army crackdown, which began March 25, there were executions of Awami League supporters. Wives were told to come collect their husband's bodies.

Occasional sounds of firing within the army cantonment here last week suggest that executions continue.

But when inquiries are made about people the army picked up, the army says they were released and if they failed to return home, then they must have fled to India.

Some forms of terror are more obvious. A public announcement last month said people living in an area of sabotage or guerrilla strikes would be held collectively responsible.

There are several well authenticated reports of reprisal killings.

Because of fear, the normal life of East Pakistan's cities has stopped. Most cities have only about half their usual populations.

Commercial activity in Dacca is perhaps one-third normal during the day, and people withdraw into their homes after dark.

Army checkpoints tighten up during the night on the lookout for Mukti Bahini (liberation army) commandos.

Bengalis complain they are robbed of money and valuables at army checkpoints.

This is so bad at Comilla that few persons are willing to work.

The system of cooperatives in dairy, poultry and related fields built up at Comilla by a Danish aid program to support 120,000 persons has broken down because of this fear.

"There is little physical damage but the psychological damage is tremendous," one Comilla resident said.

In Dacca, damage is both psychological and physical, but most of the latter has been cleaned up since the army shot and burned its way through the city March 25–27.

In Magh Bazaar, where the army destroyed a swath several blocks long and about 100 yards wide through the heart of the crowded old city, there now is a sign saying "site for the Dacca municipal community center." The sign is only in English—apparently intended to impress foreign visitors.

LANGUAGE BEING REPLACED

The Bengali language of the East Pakistanis is being replaced with Urdu, the language of West Pakistan's dominant group and with English which has been the official language to link together the disparate parts of the country. Many Bengali signs now are duplicated in Urdu.

The army's destruction in Dacca seemed to be more a warning than a result of any significant opposition it encountered. But several other East Pakistani cities, such as Kushtia, were badly damaged in fighting between the army and East Pakistani military forces who took up arms after March 25.

The Pakistani government has yet to present evidence to support its assertions that a rebellion of East Pakistani forces was planned and army action was necessary to head it off. But then the official explanation of what happened here in March and April has changed several times.

A government white paper now is in its final draft form at Islamabad, the national capital, and will be released as the definitive version of the government's case.

NIGHT OF VIOLENCE

This correspondent saw, from the hotel here where he was forcibly detained by the army the night of March 25, soldiers shooting up a building from which a Bengali nationalism slogan had been shouted, soldiers shooting up and burning an Awami League newspaper office and soldiers shooting at unarmed youths running in the street.

But on his return here he was assured by officials, up to and including an army general, that troops fired only into the air as a warning and casualties were very low.

The first group of correspondents allowed to visit East Pakistan after March 25—carefully selected to exclude those with previous knowledge of the area—were told Bengalis had murdered some 20,000 to 25,000 non-Bengali residents of the province before the army crackdown. The army moved to prevent such horrors, they were told.

This contention seems now to have faded.

There were several hundred non-Bengalis killed in the first week of March and perhaps as many as 10 percent of the 200,000 to 300,000 persons killed after March 25 were migrants from India, but there is no evidence of many killings before the army moved. A major assault on non-Bengalis—itself a horrible part of the situation which stains with blood the hands of those Bengalis now complaining of Army terror against themselves was clearly in reaction to the army's violent assault on the Awami league and the broader forces of Bengali nationalism.

These migrants, generally called Biharis because many came from India's Bihar province, spoke Urdu and were associated in the public mind with West Pakistanis.

ATROCITIES CITED

Atrocities were committed against them in a number of towns after the army was unleashed in Dacca, but before the army could fan out over the province.

At a recreation camp near the Indian border for a small trickle of returned refugees, three Canadian parliamentarians were told by returnees last week that they had fled to India in fear of the army, which was shooting and burning through their villages.

A government press release on the Canadian visit quoted the returnees as telling the parliamentarians they "had fled across the border out of fear and panic created by miscreants and Indian propaganda."

The army calls anyone who opposes it a "miscreant."

[From the New York Times, July 20, 1971]

Pakistan Will Try Bengali Leader Soon

London.—President Mohammad Yahya Khan of Pakistan said in an interview published here today that Sheik Mujibur Rahman, the East Bengali leader, would be put on trial "very soon."

The trial would be by a military court and in secret, he said. He did not give the precise charge, but he said it would carry the death penalty—subject to confirmation by himself as President.

The interview appeared in The Financial Times of London.

Sheik Mujib headed the Awami League, which won virtually every East Pakistani seat in last winter's national elections. Sheik Mujib regarded the result as a mandate to seek a large degree of autonomy for the East.

ACTION BY ARMY

But the Yahya Khan Government, dominated by West Pakistani army officers, thought the Awami League was planning to declare independence, as some of its leaders were urging. The army flew in to occupy the East, killed thousands and arrested Sheik Mujib.

President Yahya's decision to hold the trial will be regretted by British officials and others who have been hoping for some political solution in East Pakistan. Their feeling is that the Government can only hope to achieve a settlement now by freeing Sheik Mujib and dealing with him.

In the interview, General Yahya said Sheik Mujib would be allowed a lawyer—but only a Pakistani one. He was once successfully defended against conspiracy charges by a British barrister.

President Yahya was highly critical of Britain in the interview, and especially of the Foreign Secretary, Sir Alec Douglas-Home. Sir Alec had said that Britain will not renew aid to Pakistan until there is a political settlement.

WITHDRAWAL CONSIDERED

The President said the British Government had fallen for the "cruel, crude propaganda of India." He said his Government was considering withdrawing from the Commonwealth in retaliation.

He contrasted Britain with the United States, which he said has caused Pakistan "no embarrassment."

YAHYA THREATENS WAR

There was a stern warning to India in the interview. General Yahya said he knew there were 24 camps in India to train Bengali guerrillas. If India stepped up her activities, for example by helping to establish a guerrilla base area in East Pakistan, he said his Government would treat that as an attack.

"I shall declare a general war," the President said—"and let the world take note of it."

This comment fits with recent official American reports on the Pakistani mood. These reports have treated very seriously the possibility of war between India and Pakistan.

General Yahya said that he was ready to let United Nations observers into East Pakistan to "supervise the return of the refugees." Their function, he said, would be to reassure the 6 million to 7 million refugees now in India that they can safely return. He said observers could watch particular villages to make sure returning refugees suffered no penalties.

But that solution, the President said, would depend on Indian cooperation. He said Indian troops "would have to stop the shelling and mortaring" from across the border.

[From The Washington Post, July 20, 1971]

House Foreign Affairs Comes Alive

The House Foreign Affairs Committee, which has been a rubber stamp for the Executive branch for so long that many people are not aware that it exists, came alive with style the other day and actually pronounced thoughtful judgments of its own on two pressing issues of the day.

Marking up the foreign aid bill, the committee denied administration requests for $117 million in military aid for Greece, and $118 million in economic aid for Pakistan. With the support of Foreign Affairs, both issues have a good chance of carrying on the House floor; Senate approval is possible, too. Without the support of Foreign Affairs, both issues would be already dead.

It is hard to decide on which issue the administration had a flabbier case. Greece has moved not closer to but farther from restoration of constitutional rule. Its armed forces, riddled by political intrigue, have unquestionably become less fit to discharge their NATO missions. Diplomatic reality argues for correct American relations with Athens but certainly not for bestowing the special favor—exploited by the junta as exactly that—of military aid. In another Mideast crisis in which the United States, apart from NATO, might need Greek bases, the junta presumably would use the request to bargain for more arms. The committee left the President authority to respond to such "overriding requirements."

Pakistan's claim on American economic aid is insupportable while its government blocks a return to normal conditions in East Pakistan. Reporting yesterday from Dacca, The Washington Post's Lee Lescaze described "a frightened" land. "Murder is commonplace," he wrote, "men are arrested and never seen again, guerrillas snipe at the army and millions of people have been uprooted." In these conditions, economic aid would not only be interpreted as evidence that Washington condones Pakistani army terror, it would actually be used to finance it. If, as we suspect, the administration came under some extra obligation to Pakistan for its services in arranging the Kissinger mission to Peking, then Washington should make clear that it cannot discharge that obligation until progress in East Pakistan is made.

The two Foreign Affairs votes may be less important for their substance, however, than for what they reveal about the committee itself. For the startling fact is that the committee is starting to shed its old role as the Executive's patsy and to take on a new role as the public's representative. Some members, to be sure, have long itched for such a change. As well as lamenting that the committee was not performing its constitutional mandate to oversee Executive conduct of foreign affairs, they squirmed in envy at the importance which an exercise of independence had brought to its Senate counterpart, the Foreign Relations Committee.

Two things account for the stirrings of change. First, as a result of a decision by House Democrats to limit each member to one legislative subcommittee chairmanship, two Foreign Affairs subcommittee chairmanships came open this year; attrition opened up two more. The four men elevated to the posts, by virtue of their seniority, all turned out to be intelligent and concerned activists: Donald Fraser, John Culver, Lee Hamilton and Benjamin Rosenthal (whose hearings on Greece provided the stuff of the full committee's Greek vote). A Democratic caucus decision to let subcommittee chairmen hire their own staff helped too.

These reforms might have had little effect, however, had not Chairman Thomas E. Morgan determined to unleash his restless colleagues. A small-town doctor known chiefly in the past for rallying the House troops for foreign aid, Dr. Morgan restricted his committee's ambit for years out of party and personal loyalty to President Johnson and House Speaker McCormick. The installation, in turn, of a Republican President and a less demanding Speaker seems to have had a liberating effect on Dr. Morgan. Evidently he now is ready to prescribe—and to practice—the critical attention which the country's foreign affairs require.

[From the Washington Post, July 20, 1971]

NO SOLUTION SEEN FOR CRISIS IN HUNGRY, WAR-TORN PAKISTAN

(By Lee Lescaze)

DACCA.—It is hard to estimate how many hundreds of thousands have died here: It is hard to understand what brought the butchery and terror: But it is perhaps most difficult to forsee how East Pakistan's present crisis can end.

"The trouble with any happy solution you can think of," one longtime resident said recently, "is that it won't work."

East Pakistan's economy, fragile at best, has been shattered. Its politics are now governed by the strength men gain when they pick up guns; its people live in fear and the dead are outnumbered by millions of displaced persons.

"It is bad now, but is will get worse," a Bengali official said. His pessimism is widely shared.

Some Bengalis cynically wish for famine, despairing of other goads to turn the majority of East Pakistan's 75 million into active opponents of the West Pakistan army that rules here in what one foreigner describes as "an out-and-out colonial administration."

STARVING CROWDS

Naturally enough, those who look forward to a food crisis are wealthy enough so that they will not go hungry themselves. New hundreds of thousands might die, they know, but if starving crowds attacked army camps the military might be forced to withdraw to West Pakistan. This, after all, is a land where, close to 500,000 people died in a cyclone last November and the middle class paid little attention. It is also a land where 500,000 people are born every 87 days.

In normal times East Pakisan has a food deficit: There is always some malnutrition here and whether men want it or not, starvation this fall is very possible.

In 1943, hundreds of thousands died of hunger in East Pakistan, not because there was no food, but because the government distribution system broke down. "There is now less food on hand than in 1943 and distribution has been more badly disrupted," one well-informed source said.

SMALL RICE CROP

At best, Maj. Gen. Rao Farman Ali Khan says, the rice crop will be about 2 million tons short of normal this year. Normal crops have to be augmented by roughly 1.5 million tons of imported food grain, so this year's demand for imports will be close to 3.5 million tons.

However, more than 60 per cent of the foodgrains used to be moved by the Chittagong-Dacca railroad and that has been cut for three months as a result of sabotage by the Mukti Faui (liberation army) which, with help from India, is fighting a low-level guerrilla war against the army.

Even if the military is able to move adequate supplies of foodgrains into the interior from the ports of Chittagong and Khulna, people may have no money to buy them.

Less than 40 per cent of the work force has returned for fear of being killed by the army or liberation army—or because their jobs no longer exist. Almost all rural works projects which provided the landless peasants with employment between planting and harvest seasons have stopped.

RUPEE EXCHANGE

In addition, millions of rupees went to India with the almost 7 million refugees who have fled across the border. Peasants were further impoverished when the government, in an attempt to punish rebel elements and preserve the value of the rupee, declared a three-day period in which all 100 and 500 rupee notes had to be exchanged at banks for smaller bills.

Many rural people were afraid to visit banks to turn in this large bills and now hold their savings in worthless paper.

Pakistan's major export crop is no better off than rice. In June, jute mills were operating at 20 per cent normal capacity. This year's crop will be at least 1.5 million bales below normal and that means East Pakistan's jute farmers will earn about $300,000 less.

In the endgame with disaster always being played here, it is no help for the future that jute is a dying product in the world market. Synthetics are replacing jute as packing and bagging materials.

One jute manufacturer hesitates to put the future of jute as a valuable crop beyond 20 years. "What crop can the people grow then, instead of jute?" he was asked.

"By then there'll be enough of them so they'll need all the land for rice to try to feed themselves."

POPULATION DOUBLING

East Pakistan's population will double in 23 years to 150 million people living in a land the size of North Carolina. If maximum birth control targets are met, it will double in 27 years, but birth control here is a joke.

East Pakistan's civil war that began March 25 is being fought against this backdrop of economic disaster, but both sides are still confident that all problems can be overcome if only their opponents would give up—or be killed. They all seem to be wrong.

"We got where we are thanks to maximum stupidity on all sides," one well-informed source says. It seems unlikely to him and many others that even maximum intelligence can rescue East Pakistan from years of agony.

For the Bengali nationalists who won last December's election (the first in Pakistan's 23 years of independence), the solution seems simple. If the West Pakistan army withdraws they will establish an independent Bangla Desh (Bengal nation) and all will be well.

Even if the army did go back to West Pakistan where almost all its officers and men come from, there would be little for the political heirs to inherit. The Bengali nationalists' election victory and subsequent suppression has torn apart the patchwork structure that was East Pakistan.

Whichever way the wheel turns, a new bloodbath seems likely.

If East Pakistan were turned over to the Bengalis now, they would have to try to rule with much of their local leadership dead at army hands in recent months and with thousands of Bengalis eager to settle scores with the army collaborators now riding high.

"There was a chance that the Bengalis could control things here if (President) Yahya Khan had let them in March," one foreign observer says. "That chance is gone." The Bengalis' first targets would be the roughly 1.5 million non-Bengali Muslims generally called Biharis, who have largely helped the army impose its reign of terror.

BIHARIS AND BENGALS

Biharis were being killed by Bengalis in many towns before the army moved out from its cantonments in April and turned the tide against the Bengalis.

In this complicated society, not only racial and religious differences lead to killing. In addition to the Biharis there are some extremely orthodox Bengali Muslims who support the army out of conviction that their religion will suffer if East Pakistan should become independent and thereby open normal commercial and diplomatic relations with the Muslims' archenemy—India.

There are also social groups (dols) within the Bengali community which often have little love for one another and there is the overriding pressure of an excessive population living off East Pakistan's one resource—its land.

"If you dig to the bottom of every quarrel here," one man remarks, "you'll find a piece of land."

REBEL SABOTAGE

The liberation army guerrillas have cut several roads, assassinated dozens of collaborators and are able to explode an average of two small bombs nightly in Dacca. Their greatest recent coups have been hacksawing down a high-tension pylon that knocked out Dacca's electric power for several hours and blowing down another pylon that blacked out the town of Comilla. But the guerrillas are far from being able to challenge the army directly and sabotage will be a long route to making the army's position here untenable.

While the Bengalis see a military withdrawal as the answer, the army believes it can control East Pakistan if India stops aiding the guerrillas.

Many army officers, in Alice-in-Wonderland fashion, say they believe that all armed opposition here comes from Indian infiltrators.

Officers talk of their good relations with the Bengalis as they walk down streets and Bengalis cross to the other side to avoid them.

Most speak optimistically of being able to return to West Pakistan in a few months. (The Pakistan government says the situation here is already normal.)

INDIA'S ROLE

If the Army is not going to quit short of economic disaster here, or in West Pakistan which is selling only 35 per cent of its normal volume of retail products in East Pakistan, neither is the liberation army being pressed very hard.

India borders East Pakistan on three sides and happily gives sanctuary to the guerrillas—plus guns and training.

The three divisions here, roughly 60,000 West Pakistani soldiers, are spread very thin. They guard only one out of every four or five bridges and culverts.

They don't operate off the main roads with rare exceptions and they never operate at night.

But, if the guerrillas can't win, the army can't succeed in subduing the people of East Pakistan and India—as all evidence indicates—will not invade, what's going to happen?

"Everyone's in a corner here," one Bengali remarked. "There is no justice, no law, nothing but guns." The peasant is caught between the guns and it seems most likely that he will gradually be forced to choose sides.

There is a street of burned out houses in Dacca which has been renamed Tikka Khan street in honor of the military governor of East Pakistan who carried out the military occupation of this land. It seems likely that the street will be renamed again.

U.N. Observer Body Agreed To by Yahya

(By Neville Maxwell)

Islamabad, West Pakistan.—President Yahya Khan is prepared to have "an international body of United Nations' observers in East Pakistan to supervise the return of the refugees" from India.

He said during a two-hour interview that the observers' task would be first to satisfy themselves that it was safe for the refugees to return to East Pakistan, and then to visit the refugee camps in India and assure the refugees that it was safe to go back.

Yahya said the U.N. observers would also have to watch over and assist in the return of the refugees to their villages, making sure that they suffered no penalties or harassment.

First, however, Indians "would have to stop the shelling and mortaring" which Pakistan claims now occurs in many border areas. He said that Prime Minister Gandhi "must assist me in getting the refugees back."

Yahya said he had welcomed the several offers of mediation between Pakistan and India recently made by third governments. One of these, he disclosed, had proposed 10 days ago that he and Mrs. Gandhi meet to discuss exclusively the refugee problem: "I agreed," he said; "The lady said no."

Yahya asserted that 24 camps for the training of Bengali guerrillas had been established on the Indian side of the border—"We know all of them. I can name them for you." The involvement of India was quite open, he claimed, and Indian arms and ammunition were being captured.

He said that any attempt by India to seize an area of East Pakistan as a rebel base area would prompt him to "declare a general war—and let the world take note of it."

The president went on, "Pakistan would not be alone," presumably a reference to support from China.

Yahya said that Sheikh Mujibur Rahman, the East Pakistani leader, would be tried "very soon," and that his defense lawyer would be a Pakistani, not a foreigner. The trial would be in a military court, it would be in camera, and the charges could bring the death penalty.

INCOME FOR OLDER AMERICANS

Mr. MONDALE. Mr. President, the House has recently passed legislation which could mark an historic turning point in Federal policy toward older Americans. H.R. 1 recognizes the need to establish a minimum income above the poverty level for retired citizens. Many Senators have worked in recent years for improvements in the quality of life for senior Americans, and as a member of the Senate Special Committee on Aging, I applaud this section of the bill, which would provide a Federal guaranteed minimum income to replace welfare for the elderly. I look forward to early Senate action on this provision.

I point out that in March and April of this year, the chairman and the ranking minority member of the Senate Special Committee on Aging introduced older Americans minimum income legislation which I cosponsored. The Senator from Idaho (Mr. Church) and the Senator from Vermont (Mr. Prouty) introduced Senate bills 1645 and 1384, respectively, with bipartisan support, to abolish old-age assistance through welfare, and to implement through social security the principle that no retired member of this affluent society should have to live in poverty. S. 1645 and S. 1384 contain important provisions which should be adopted, to broaden and improve the elderly minimum income provisions of H.R. 1.

I believe that the Nation is coming to recognize the horror of poverty in a wealthy country. The President has proposed a family assistance plan to provide an income floor for a majority of persons now below the poverty level.

There are serious problems in developing this legislation, but the principle is critically important.

But most assuredly, older Americans, who have contributed a lifetime of work to this society, who have endured the depression and World War II, most of whom contributed to social security for years in anticipation of a dignified retirement, should not be humiliated in their latter years by lack of a minimum adequate income. It is clear that inflation, rising property taxes, and increasing medical costs can deprive millions of of senior Americans of a decent retirement life, if there is no compensating income protection.

Approximately 30 percent of older Americans live below the poverty line, almost 6 million Americans. Senator Church points out that nearly 3 million eligible individuals do not apply for old age assistance, because of the demeaning features of the existing system. In Minnesota, the average monthly social security payment to retired workers was only $114 monthly or $1,368 annually, and we know that less than 20 percent of all social security recipients have any outside income. The poverty level for older persons is figured at around $1,800 for individuals and $2,400 for a couple, yet only 20 percent of Minnesotans over 65 sought welfare relief under old age assistance. The system is obviously not meeting the need.

Senate bills 1645 and 1384 would provide annual income floors for older Americans—$1,800 for retired individuals and $2,400 for retired couples. This legislation would provide supplementary social security payments for all older citizens below the poverty level, and would take more than 2 million older Americans off welfare rolls.

The legislation also provides revenue sharing in the best sense. It would free nearly $700 million of State and local revenue now used for welfare payments in old-age assistance. These costs would be met out of Federal general revenues.

At the same time, administration would be simplified. Older citizens with low incomes would be provided an efficient, single-step service through the 700 local social security offices. The inconvenience and unfortunate connotations associated with additional applications to welfare offices would be ended.

Senator Church's bill contains additional assistance for low-income seniors. It provides an increase of the minimum benefit to $120 for beneficiaries with substantial service.

The Church bill also provides a general benefit increase, but with a new provision which gives a greater percentage increase to beneficiaries with low incomes. The usual across-the-board percentage increases provide less for those with lower benefits who need the most. The Church plan would weigh the increases to bring needed relief to those with lower incomes. Under S. 1645, or a 20-percent increase; individuals receiving $185 monthly would be raised to $210, or 14 percent.

I also urge favorable Senate action on my own social security amendments at this session, in the effort to improve the quality of retirement life. In S. 1268 I have proposed that social security benefits be based on a recipient's 10 highest earning years, in order to protect retirement earnings from reductions caused by years of unemployment or recession. For example, workers have no control over loss of income or layoffs due to the present recession, but it costs them retirement income.

I have also proposed, in Senate bill

1266, that the retirement test income be raised to $2,400 annually. This would provide further income security by allowing those beneficiaries who wished to work to earn 50 percent more annually under the regulations, before losing any social security benefits.

The 92d Congress has the opportunity to end poverty among older Americans. The United States has not kept pace with other industrialized Western nations in recent years in efforts to assist the elderly. During the last decade, Sweden, West Germany, and France have outstripped us in average amounts spent per capita in support for the elderly. In addition, these and other Western countries have spent significantly larger percentages of gross national product to aid older citizens, in some cases doubling our effort. We cannot be content knowing that some 6 million older Americans live in poverty. I urge the Senate to act favorably on the pending minimum income legislation for older Americans.

DRUG ABUSE AMONG SERVICEMEN

Mr. SCHWEIKER. Mr. President, today I was privileged to present a statement on drug abuse among our servicemen to the Subcommittee on Health and Hospitals of the Senate Veterans' Affairs Committee. The able chairman of this subcommittee, the Senator from California (Mr. CRANSTON), has been a leader in veterans legislation efforts.

In my statement, I discussed a number of my views and feelings about our drug abuse problems and some of our legislative proposals to correct them. I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR RICHARD S. SCHWEIKER

It is a privilege to present before today's hearing of the Health and Hospitals Subcommittee of the Veterans Affairs Committee my views on the crucial subject of rehabilitation and treatment of servicemen afflicted with drug addiction. I was privileged to serve in the last Congress on the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare under the outstanding leadership of the Chairman of this subcommittee (Mr. Cranston), and am pleased he is continuing his same innovative and imaginative approach on the new full Veterans Affairs Committee. In addition, I am honored to serve with the distinguished chairman of the Subcommittee on Alcoholism and Narcotics (Mr. Hughes), who has provided important leadership in the entire field of narcotics and alcoholism rehabilitation.

Earlier this year, I introduced my own bill S. 1174, the "Veterans Drug Rehabilitation Act of 1971" to amend the veterans' benefits eligibility requirements to permit drug abuse treatment and rehabilitation at veterans medical facilities for servicemen discharged under conditions less than honorable for reasons of drug abuse. My bill simply amended the section of the U.S. Code that required an honorable discharge for veterans benefits eligibility and waived this requirement for drug abuse medical and rehabilitation treatment where the reason for the less than honorable discharge was drug abuse.

The bill under consideration, S. 2108, introduced by Senator Cranston, is a comprehensive veterans drug and alcohol rehabilitation and treatment measure, which includes the principle of VA drug abuse treatment for all veterans, and I heartily endorse the bill, and am privileged to be a cosponsor of it.

At this point, I would also like to point out my co-sponsorship and strong support of Senator Cranston's amendment number 252 to his bill, to provide for "absolute medical confidentiality" for information divulged by any veteran in a medical conference during the treatment and rehabilitation process, unless the veteran is a danger to himself and others.

In my view, medical confidentiality lies at the heart of our drug rehabilitation programs among servicemen, whether in or out of active duty service. Whatever the reasons for the shocking increases of drug use, abuse, and addiction among servicemen, the fact remains that we have today a most serious problem verging on crisis proportions. Testimony before our Alcoholism and Narcotics subcommittee indicates that one factor involved in drug use among servicemen in Vietnam, where the problem is the most severe, is the cheap cost and easy availability of heroin and other addictive drugs. However, back in the United States, heroin is neither readily available or cheap, and returning veterans to maintain their habit must inevitably fall prey to the vicious pushers in our society who have wrecked so many lives. In order to prevent a single serviceman from being pushed into a life of crime and drug addiction, we must take every possible step to encourage them to identify themselves now and seek treatment, so that they can be law-abiding and productive members of society.

Therefore, I feel we must remove every form of threat of criminal, and Uniform Code of Military Justice jurisdiction, which could hinder rehabilitation treatment. If a serviceman or veteran is at all concerned that information he reveals in his medical conferences could be turned against him in a criminal prosecution, this could be a serious deterrent to his seeking help in the first place. We cannot afford to have a single serviceman go into civilian society as a drug addict because of this fear.

I agree with Senator Cranston that our military drug programs must have exactly the opposite effect: we must insure that all servicemen know that they will be protected from criminal self-incrimination during each and every phase of their drug rehabilitation program. To allow any less, is to signal less than a full-scale commitment to end drug dependency among our servicemen and our veterans.

It should be made clear that this form of amnesty is granted only to information disclosed in the course of medical treatment and counselling. A serviceman will still be liable for criminal action for any illegal acts which are discovered through other routine sources. The point of amnesty in the drug program is, however, that no information revealed through the drug program will be held against the individual. This is the only way to obtain full participation by all servicemen using drugs, and to help prevent the discharge of drug addicts into civilian life.

Drug addiction in society is a dangerous cancer. It leads to the breakup of families, it leads to violent street crime by addicts who need immediate cash to supply their habit, and it leads to weakness in our national character and moral fiber. We cannot afford to allow this problem to grow more serious, but must make the investment now in money, manpower, and programs, at the federal, state, and local level, to successfully combat it and to develop comprehensive rehabilitation programs.

President Nixon deserves considerable credit for putting the resources and prestige of the Federal government behind this drug rehabilitation priority. I am proud to cosponsor a number of important Administration proposals in this area, such as the proposal to create a Special Action Office for Drug Abuse Prevention in the Executive Office, and the bill to amend the Narcotics Addict Rehabilitation Act of 1966 to authorize programs to "control" addiction, such as the methadone maintenance program.

In addition, as a member of the Subcommittee on Alcoholism and Narcotics, I also am endorsing the comprehensive bill offered by Senator Hughes, the "Federal Drug Abuse and Drug Dependence Prevention, Treatment and Rehabilitation Act of 1971," which provides important programs for State assistance, creates model drug prevention, treatment, and research programs, encourages community oriented services and programs, and requires the U.S. Civil Service Commission to develop a federal civilian employee drug program. In addition, the bill creates two additional governmental bodies to provide needed assistance and expertise in this field: a National Institute on Drug Abuse and Drug Dependence in the Department of Health, Education and Welfare, and a National Advisory Council on Drug Abuse and Drug Prevention.

Mr. Chairman, I am endorsing and cosponsoring these various bills and programs because of my firm conviction that no one plan, target, mode of action, or suggestion will suffice to provide the comprehensive, broad effort that is neecssary to combat drug abuse. Republicans and Democrats alike must unite in a bi-partisan effort throughout the country to produce the most efficient, effective, and influential program. No level of society, no group, no community must be left out. In both military and civilian sectors, we have an enormous job to do right now, and I commend the members of this committee, members of Congress, and members of the Administration, and the President for joining together for this important task.

"THE NEW HAMPSHIRE IDEA" FOR PARTNERSHIP OF THE UNIVERSITY AND ITS COMMUNITY

Mr. McINTYRE. Mr. President, universities and other institutions of learning are engaged in a very challenging effort to seek new directions, through a process of questioning the assumptions that have guided them until recently.

This can be a painful and difficult undertaking, but a necessary one if such institutions are to renew their capacity to function in the public interest by serving the long-range needs of our society.

I was most impressed by a call for universities to cooperate with their communities, given by Dr. Thomas Bonner, the new President of the University of New Hampshire, in his commencement address to the graduating class of Keene State College in Keene, N.H., on May 23, 1971. His recommendations for new programs whereby students may serve the community while advancing their studies deserve wide consideration. I therefore ask unanimous consent that the text of his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS, KEENE STATE COLLEGE, MAY 23, 1971

President Redfern, members of the Board of Trustees, distinguished guests, parents, friends, and, above all, members of the Class of 1971:

What a futuristic ring that has—the Class of 1971—for those of us who graduated in 1941 or 1931 or 1901! And yet there is something reassuring and familiar about it. For more than five hundred years the scholars of the Western World have combined high purpose and seriousness with ceremonial color and a sense of joyousness in marking significant milestones in their academic communities. The commencement of each new class of scholar-citizens, like the one before us, has always been an occasion for both rejoicing and critical reexamination of the purposes and direction of an academic community.

We meet this afternoon in a time of troubles for this College, this University, and for higher education in the state and nation. After the waves of disruption and violence, the killings and the closings, of last spring we have lived through a year of dwindling public confidence and trust in higher education. On every hand this spring one senses and feels the mood of crisis and uncertainty about the future. Scarcely a college or a university in the country has not felt the financial pinch of reduced appropriations or the decline of public and alumni support. In the long history of higher education in this country there has never been a time when the public faith in higher education has flickered so low as it is now.

The public's indictment of its colleges and universities is well known. They are sanctuaries for rebellious rowdies whose life style infects their own sons and daughters; they protect faculty members who do not teach or whose ideas insult those who pay their salaries; they are led by administrators who are at best amiable and ineffective, at worst who connive with campus rebels. Not only does the public not understand, it does not trust what is happening in our colleges and universities. They have lost their ancient faith in higher education.

Now, how did this happen and why? Violence, I believe, is the key. So long as campus protest was restrained and peaceful the public was uncomfortable but forbearing. Some recognized the justice behind the students' concern over racial justice, the war in Vietnam, or educational reform on the campus. But discomfort turned swiftly to anger at the senseless violence and disruptions caused by a few but defended by many. To some, colleges and universities now seem adrift without direction or compass and need to be controlled by those outside who *can* restore order and purpose to the campus.

This erosion of confidence in our colleges and universities must stop. We must do a far better job of explaining the real strengths of our universities and the vital contribution they make to the mainstream of public life in every part of the nation. We must enlist the support of all friends of higher education in restoring faith in our educational institutions. Beyond this, we must make it clear that disruptions and violence will not be tolerated on the campus, that they are as alien to academic traditions as they are to civil processes. In some remarks earlier in the week I proposed a new social contract on the campus in which students and faculty members would practice restraint, self-discipline, and common sense in exchange for a significant voice in decision-making and the continued protection of the freedoms to teach and to learn.

Above all, we on the campus must remember that institutions exist to serve others and not our own needs alone. As a land-grant university, the University of New Hampshire has a long history of efforts to improve the lives of the people of this state. Scores of programs at Keene and throughout the University System are aimed at furthering the economic and cultural development of the state, conserving land and water resources, and sharing useful knowledge with the people, businesses, and governments of New Hampshire, as well as providing direct educational opportunities to thousands of the state's citizens.

I should like to propose today that, building on that historical base of cooperation and understanding, the state and the University face forward in a new partnership to build an even stronger University and a better state in which to live. Just as Wisconsin blazed the way nearly a century ago with the "Wisconsin Idea" of university service to a government and people coping with 19th century problems, I suggest "The New Hampshire Idea" for a university-people partnership in facing 20th century problems. As I envision it, the plan might include such features as these:

1. *A life-long system of higher education available throughout the state.* One of the major new directions for higher education in the 1970's will be a new stress on the variety and length of educational experiences available to all students of all ages. Much more than in the past, higher education in a complex society will include opportunities for advanced technical education, informal types of education, and instruction in community leadership. A great variety of credit and non-credit, graduate and undergraduate, day and evening courses will extend over periods ranging from a few weeks to a year, two years, four years, or even longer. The standards for traditional programs will not be lowered but a new kind of educational opportunity at the university level will be made available to every citizen, young and old, who can profit from it. Credit by examination, including the awarding of degrees for private study will become more frequent. Cooperative education, alternating periods of work and study (which began, incidentally, at the University of Cincinnati) will become far more common. Young people will be given more options to defer college attendance and to take time out from college to get service and work experience, while older persons will have career opportunities available to them through part-time or regular study in later years.

As the Carnegie Commission on Higher Education reported recently—and I subscribe to this fully from my own experience—"Society will gain if work and study are mixed throughout a lifetime, thus reducing the sense of sharply compartmentalized roles of isolated students versus workers and of youth versus isolated age. The sense of isolation will be reduced if more students are also workers and if more workers can also be students; if the ages mixed on the job and in the classroom are like a more normally structured type of community; and if all members of the community value both study and work and have a better chance to understand the flow of life from youth to age."

Such a coordinated system of higher education in spreading opportunities to clusters of population all over a state of this size could make New Hampshire first in the nation in educational service and greatly strengthen the mix of programs and ages throughout the University.

2. *A much strengthened program of University service to the people and businesses of the State.* To students, the modern university often seems like a medieval cathedral—a place of the highest ideals and motives surrounded by the most abject poverty and deprived humanity. The contrast between ideals and practice, between the university's lofty commitments to truth and justice versus its indifference to its neighbors and those who support the university, has posed a conflict for some of the most sensitive of our students and faculty members of the past decade.

I know that the record of this College and this University has been better than most and the achievements in pollution control, counsel to business, aid to schools, and assistance to government have been impressive. But there is much that remains to be done and a closer partnership between the State University and the state as a whole cannot fail to benefit both. At Cincinnati, a College of Community Services has now been inaugurated to coordinate and expand the many programs with which the University is involved in the community. In the decade of the 1970's I expect to see New Hampshire and its University linked together in scores of new ways so that UNH can fulfill an ancient vision of the land-grant university that it be not only a "university *in* the state" but a "university *of* the state," uplifting the whole state and becoming a center of enlightenment and leadership for all its citizens.

3. *The rehumanization of the university environment.* Universities have become too large, often too impersonal and organized along bureaucratic lines, to be the "communities of scholars" that remain the ideal of many faculty members. We must become far more imaginative in finding ways to decentralize the structures of learning in a large university. One of the important appeals of New Hampshire to me is that it is still of a size where people and problems can be dealt with in a personal way. The central underlying problem for many of our large universities is how to deal in a humane and responsive way with the thousands of individual human beings who are part of the university system. I am personally convinced that much of the student protest of the 1960's was rooted in the lack of close and meaningful relationships between students and caring adults that could give dignity and a sense of belonging to those who have left adolescence behind but are not yet adults. Through reform of undergraduates education, through bringing more adults directly into formal responsibility for the educational process, through greater flexibility in the formal structure of classes and grades, and through moving students away from the high-density classrooms and other areas of the central campus to places where they can be dealt with more often as individuals, I believe that we can begin to establish more of the kind of relationships that are needed.

Though the problems of size are less acute at Keene and Plymouth and at the Merrimac Valley branch—and even Durham by comparison with most state university campuses is small—we must begin to plan now for a university for the 21st century. Certainly we know now what the impact of sudden growth has been elsewhere and it would be mindless to repeat those mistakes. It will be a real challenge, with the help of our state and local leaders, to build an expanded university system providing more educational opportunities at more levels for the citizens of New Hampshire without creating institutions of unmanageable and inhuman size.

I am suggesting nothing less here today than that we dare the impossible dream—a university and a state working closely together to make both greater. After the trials and troubles, the anger and the disruptions, of recent years, I am proposing that New Hampshire lead the way to national reconciliation and understanding. For disorder and aimless militancy on the campus let us substitute tough, hard-headed efforts to improve those things in society which we do not like; in place of anger at the universities let the public support efforts at responsible change on the campuses. Our public colleges and universities are rooted in society and are accountable to it; they are society's instrument for improving itself; they are the producers of educated manpower and the principal guardian of man's values and knowledge about himself. A wise public knows that it cannot harm its colleges and universities without harming itself. As I said in Portsmouth on Tuesday—I have a vision of campus and state working closely together, of parents and children together again in a common cause, of faculty and students, town and gown, morning and afternoon newspapers—all working in support of a great university and truly helping to make this a better State.

The university I foresee for the decade of the 70's and beyond, then, will foster a new reverence for learning in a humanized setting, will see learning as a life-long enterprise in partnership with the community which it serves, and will abhor violence even as it abhors indifference to student needs.

For you who graduate here today, if you are like your peers around the country, you have sympathized with many of the objectives of protest movements in recent years but have condemned their methods. You understand that has given rise to the frustration and rage that have swept some campuses but you understand, too, that the remedies used have largely failed. You have probably been impatient with parents and others who have criticized what is happening on the campuses but you know also that the campus is not a privileged sanctuary immune from outside pressures or control. You, the members of this Class of 1971, have a golden opportunity to begin the process of healing and reconciliation. The goals of those whom you respect on this campus and those whom you will respect when you leave it will be remarkably similar: to build a better, more decent, more just society, and to improve the quality of our individual lives.

You can be the bridge between the bewildered campus of the late 60's and the world outside whose support those of us who remain on the campus will need in the critical years ahead. You can be in the vanguard of the movement to reunite our youth with the other generation in the common cause of making a better world.

I salute you on your achievements at this College and wish you Godspeed—as you now "commence" your new lives.

THOMAS N. BONNER.

SKYROCKETING COSTS OF MEDICAL CARE

Mr. SAXBE. Mr. President, I invite the attention of Senators to further press accounts of the problems endemic to our health system today. The three-part series which has appeared in the Washington Post offers an indepth analysis of our ailing health industry—with special emphasis on the skyrocketing costs of medical care, the maldistribution of doctors, and the need for preventive medicine. I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE FIGHT TO HEAL THE HEALTH INDUSTRY

(By Stuart Auerbach)

THE MAJOR BILLS

Here are the provisions of the major health care reform bills currently before Congress:

The Nixon administration plan would require private health insurance coverage for all workers and their families which meet federal minimum standards. In addition, low income families would be covered by a federal insurance program that is not as complete as the requirements for private coverage. It would encourage prepaid group practice as a way to reform the system.

The administration estimates that the employer-employee insurance would cost $7 billion more than present expenditures. The family program for the poor would cost $3 billion, with about $1.8 billion saved because of the discontinuation of Medicaid.

Sen. Edward M. Kennedy's health security bill would establish a government-run national health insurance program that would provide virtually complete medical care for all U.S. residents. It would be financed by taxes on employees, and employers and general revenues. Money would go first to prepaid group practice plans and the plan would emphasize strict quality controls.

Kennedy estimates it will cost $57 billion, the administration says it will cost $77 billion. Kennedy says most of the money is already being spent by Americans for inefficient and ineffective health care.

The American Medical Association's Medicredit would give tax credits for the purchase of health insurance and the federal government would buy the insurance for the poor. Included is coverage for catastrophic illness. Its cost is estimated at $14.5 billion.

Sen. Russell B. Long's catastrophic health insurance program would supplement private coverage. Benefits would begin after 60 days hospitalization or 2,000 in doctors' bills. It would be paid for by the federal government, and its cost is estimated at $2.5 billion.

The health insurance industry's national health care bill would provide federal aid for state insurance programs for the poor and high risk cases and set federal minimum standards for health policies. It would cost an estimated $2.4 billion.

Lyle Mattox, a Chicago carpenter, spent his life savings paying for 15 days of hospital care. His medical expenses forced him on the welfare rolls.

James Rieger, who works in a clothing manufacturing plant, owed a Cleveland hospital close to $20,000 after his wife almost died while giving birth. His health insurance covered only $350 of the bill, and he had to declare bankruptcy.

Leonard Kunken, who sells health insurance, found his company's best policy paid no more than $40,000 of medical expenses for his son Ken, who broke his neck and severed his spinal cord while playing football. Kunken estimates his yearly medical bill will be about $100,000.

These are true examples illustrating one part of the nation's health crisis—the inability of both rich and poor to pay for their medical care.

More than a dozen bills have been introduced in Congress in attempts to solve all or part of the health problem. But no more than five of them have any chance of gaining serious consideration.

The bills differ widely in their cost and their effect on American medicine. The American Medical Association's Medicredit, for example, merely sets up a way to finance health care without attempting to reform the way medicine is practiced.

The cradle-to-grave national health insurance system supported by organized labor, on the other hand, would radically change medical practice in the country by emphasizing prepaid group practice. The government would pay virtually all medical bills.

While pushing some reforms—notably encouraging prepaid plans (called health maintenance organization)—the administration bill is mainly aimed at making it easier for Americans to pay for health care.

Plans that appear most likely to pass provide some form of federal financing for "catastrophic" illness—the extreme sickness, like Ken Kunken's, that no private insurance policies cover.

Two key members of Congress—Sen. Russell B. Long (D-La.), chairman of the Senate Finance Committee, and Rep. Wilbur Mills (D-Ark.), chairman of the House Ways and Means Committee support this plan. It is also part of the AMA and the administration bills.

But paying for health care is only part of the problem.

The health crisis, most experts agree, includes a shortage of doctors and other medical personnel; their concentration in business sections of cities and the suburbs; their absence from urban slums and rural areas; no assurance of quality medical care; a higher rate of disease and death in the U.S. than other industrialized western countries; a fragmented non-system of health care, and spiraling costs that have increased 50 per cent since 1960 to a 31 per cent rise in the cost-of-living index.

Up to now, federal programs have just added to the inflationary pressures by pouring more money into medical care without attempting to make the nation's $70 billion-a-year health industry more efficient.

Both the administration bill and the cradle-to-grave national health insurance plan, sponsored by Sen. Edward M. Kennedy (D-Mass.) and Rep. Martha W. Griffiths (D-Mich.), attempt more than the others to tackle some of these other problems.

But the thing that affects Americans most directly is the high cost of medical care.

Rich and poor alike become financially strapped by hospital charges that average about $150 a day here and doctor bills that have risen at twice the rate of the already inflated consumer price index.

In an effort to drum up wide support for his national health insurance bill, Kennedy took his Senate health subcommittee across the country, listening to complaints from people who either couldn't get medical care or who couldn't afford the care they got.

The hearings developed testimony from people such as Mattox, Rieger and Kunken—middle and upper middle class Americans driven to the wall by high medical costs.

Rieger, for example, had health insurance through the Cleveland clothing manufacturer where he worked. But it only covered $350 in maternity benefits. (Hospital and doctors' bills for a normal birth average more then $900.)

Mrs. Rieger's birth was far from normal. Her heart stopped during delivery, then she caught pneumonia and her lungs collapsed. She spent two months in the intensive care unit of Cleveland Metropolitan General Hospital, a city operated facility. The baby, two months premature, also spent two months in the infant intensive care unit. The total bill was $20,000.

"All my insurance paid was $350," Rieger told the subcommittee. "Times were hard enough as it was. There was nothing else I could do but go into bankruptcy."

The hospital, he says, wanted him to borrow the money from a finance company. He said he'd try to pay part of the bill from his $120 a week take-home pay "because they saved my wife's life and my baby's life."

Mattox, 52, couldn't get medical insurance because of his history of high blood pressure. While in the emergency room at St. Elizabeth's Hospital in Chicago because he didn't feel well, Mattox suffered a coronary occlusion—a blockage of the blood vessels leading to the heart.

He was hospitalized for 15 days at a cost of $1,500 plus $150 in doctors bills.

"My wife withdrew all of our savings (12 years worth while raising two children) and paid those two bills," he said.

Now he is on welfare and the state-federal Medicaid program is paying his medical bills.

He is trying to start work again. But if he gets sick again, Mattox will have to go back on welfare.

Kunken is a special case—a man who never thought a medical tragedy would floor him. A moderately well-to-do insurance salesman, he lives in Oceanside, L.I., a suburb of New York. He bought his company's major medical insurance policy for his family—the best one offered.

But when his 20 year old son Ken, a junior at Cornell University's engineering school broke his neck playing 150-pound football, the policy benefits melted away under medical bills that ran $6,500 a month.

Ken is undergoing rehabilitation treatment in New York; even though he can't move any muscles below his neck, his mind remains sharp and keen.

How would the leading health reform programs proposed in Congress help James Rieger, Lyle Mattox and Leonard Kunken?

Proponents of the five plans most likely of passage were asked how their bills would help those specific cases. They supplied the answers to The Washington Post.

The major plans are the cradle-to-grave health insurance bill, the American Medical Association's Medi-credit, the administration's bill, the health care act proposed by the insurance industry and Sen. Long's catastrophic insurance bill.

Here is how they would work in the case of James Rieger:

The administration bill would have paid at least $17,200 of his $20,000 medical bill. His employer would have had to pay as much as 75 per cent of his health insurance coverage, which would offer more complete maternity benefits.

The catastrophic bill would not have covered the Rieger case because mother and infant were not hospitalized long enough.

The Kennedy-Griffith bill would cover 100 per cent of all costs.

Medicredit would cover the total costs except for $50 deductible on the hospital bill. These costs would be deducted from the Rieger family income tax payments.

The Health Care Act would cover $19,000 of the bill, leaving Rieger to pay $1,000. This would be under the group coverage supplied by the clothing manufacturer which would have to meet new minimum standards.

Here's how the plans would work in the case of Lyle Mattox:

The administration bill would cover at least $1,087.50 of his bill if, as a self-employed person, he had bought health insurance coverage that would be available to him.

Catastrophic bill would not have covered him because his hospitalization was too short. The Long bill requires hospitalization of at least 60 days or a doctors' bill of more than $2,000.

The Kennedy-Griffith bill would cover all costs.

Medicredit would give deductions on the amount of income tax owed for all but $250 of the bill.

The Health Care Act would have covered all but $110 of Mattox's bill. He would have been eligible for a special pool coverage.

Here's how the plan would work in the case of Ken Kunken:

The administration bill would pay $50,000 of the first year's expenses and at least $2,000 a year after that.

The catastrophic bill would cover all expenses after $2,000.

The Kennedy-Griffith bill would cover all costs.

Medicredit would provide tax deductions for all but $250 of the expenses of the first 60 days of hospitalization. Beyond that, the family would have to pay $4,625 of the estimated expenses.

The Health Care Act would not require insurance plans to include coverage for an unmarried son over age 18, but some plans may include him. If so, he would receive full coverage except for $1,000.

It seems obvious that some health care reform measures will pass Congress before the 1972 election.

Those people, like Kennedy, who feel the system needs a total overhaul are hoping the reform will go beyond mere tinkering with the financing of doctor bills.

But, looking at past history, it appears unlikely that major revisions will be made. A 1932 government report, reprinted by HEW last year, concluded:

"The problem of providing satisfactory medical service to all the people of the United States at costs which they can meet is a pressing one.

"At the present time, many persons do not receive service which is adequate either in quantity or quality, and the costs of service are inequitably distributed. The result is a tremendous amount of preventable physical pain and mental anguish, needless deaths, economic inefficiency and social waste.

"Furthermore, the conditions are largely unnecessary. The United States has the economic resources, the organizing ability and the technical experience to solve this program."

The same lines could be written now, almost 40 years later.

(Next: An examination of HMOs—prepaid group practice plans.)

Prepaid Health Care Comes Into Its Own

(By Stuart Auerbach)

Betty had a slight summer cold. Nothing special, just the normal childhood sniffles with a minor sore throat.

Many parents wouldn't bother bringing Betty to a doctor. But her father didn't hesitate. He took her to the Group Health Association here for a checkup. The visit didn't cost him anything; GHA is a pre-paid group practice plan, and he pays by the year whether he goes to the doctor or not.

This idea is currently the darling of people trying to reform medical practice in the country. Even the Nixon administration, under the less controversial name of Health Maintenance Organization, has made it a cornerstone of its health reform effort.

HMOs, or pre-paid group practice plans, are supposed to provide better health care—with an emphasis on preventive medicine—at a lower cost.

This is true, its proponents say, even when parents bring in patients such as Betty for minor ailments. Actually, the doctor was glad to see Betty. The checkup didn't take long and it gave him a chance to catch any possible major illness early, when it is easier to treat.

In Betty's case, the doctor noted that she wheezed when she coughed, indicating that she may be developing allergies.

That was duly placed on her medical record. If the wheezing persists, doctors will begin treating her for allergies.

In 1970, GHA doctors saw patients about a half-million times. But the 75,000 members only spent a total of 43,500 days in the hospital.

This is about half the rate of hospitalization of a similar group of patients here treated by private doctors under the traditional fee-for-service form of medicine.

The same trend has emerged among members of the Kaiser-Permanente health plan, which serves about 2.1 million people in Hawaii, California, Oregon, Colorado, Washington and Ohio. Kaiser patients have far lower hospitalization rates than patients covered by standard health insurance policies.

This is a key factor in keeping medical costs down. At rates that can go as high as $150 a day here, hospitals are far more expensive than out-patient treatment.

This is borne out by studies of another pre-paid plan, the Group Health Cooperative of Puget Sound, Wash., where Dr. Frank Newman reported that the average member of his plan paid $143 a year for medical care compared to a national average of $226.

"We like to believe that the reason for this lower hospital experience is our preventive medicine program," says Frank C. Watters, GHA's executive director.

This includes diabetes, cancer and glaucoma screening tests for adults and a strong immunization program for children. Members get periodic physical examinations.

"We do GI (Gastro-Intestinal) series here," says Watters. "A solo practitioner would put someone in the hospital for a GI series."

It's not always the doctors' fault for the needless hospitalization of patients. Most private health insurance policies cover tests done while a patient is in a hospital, but fail to cover the same tests done in a doctor's office at a fraction of the cost.

For years, the words "prepaid group practice" couldn't be spoken in polite medical circles.

GHA, fighting both the American Medical Association and the District of Columbia's insurance commissioner, had to go to the U.S. Supreme Court before it won the full right to operate 34 years ago. Even now, its doctors sometime have problems getting licensed in Virginia—a medically conservative state.

But for the most part things have changed. Prepaid group practice is the common thread in most of the proposals before Congress to reform the nation's ailing health care system.

The Nixon administration, which first adopted the idea under the name of Health Maintenance Organizations to cut the costs of medicaid and medicare, now consider HMOs the key force in its effort to remold American medical practice.

The cradle-to-grave national health insurance bill sponsored by Sen. Edward M. Kennedy (D-Mass.) and Rep. Martha W. Griffiths (D-Mich.) also looks toward pre-paid groups as the main way to bring better medical care at a lower cost.

The American Hospital Association's Ameriplan, not yet introduced in Congress, focuses on a hospital-based health care system that can easily be converted to prepaid groups.

And while the AMA isn't in love with the concept, it doesn't oppose the idea, either. Its House of Delegates urged the government last month to go slow before spending large sums to start HMOs across the country.

The sudden interest in pre-paid groups developed as a means to control the spiraling costs of medical care—increasing at a rate 20 per cent higher than the national cost-of-living index.

Besides decreasing, the rate of hospitalization, experts say the pre-paid group practice use the doctor's time more efficiently by giving him para-medical assistants, and makes it easier for a patient to get comprehensive care because a number of specialists are working together.

The solo practice of medicine, President Nixon said in his special health message in February, gives doctors "no economic incentive . . . to concentrate on keeping people healthy.

"A fixed price contract for comprehensive care reverses this illogical incentive. Under this arrangement (HMOs), income grows not with the number of days a patient is sick but with the number of days he is well."

It may save money, but does pre-paid group practice actually mean better medical care for its members?

Two days spent visiting GHA's main clinic at 2121 Pennsylvania Ave. NW indicated a real concern by doctors for the health of their patients. Care was swift, but not rushed. Examination appeared complete, in many instances more complete than most doctors give.

For instance, Dr. Philip C. Brunschuyler took a smear of pus and sent it to the laboratory for tests when he treated a little boy with an infected thumb. He also took a smear when treating a girl with a sore throat.

A little girl who complained on Friday of a burning sensation when urinating had a urine specimen taken the next day to make sure she didn't have a kidney infection. On the next Monday, she was told to return for another test.

The doctors seemed to know their patients, despite claims by detractors that pre-paid group practice breeds impersonal medicine. Indeed, many patients have their own doctors within the group which they see regularly, except for emergencies.

CITY-COUNTRY HOSPITAL CONFEDERATION AIDS RURAL CARE

(By Stuart Auerbach)

PHOENIX, ARIZ.—On a Thursday morning this spring, Mrs. Alvin Reidhead gave birth to premature triplets in the small hospital at Holbrook, 200 miles from here.

As births of premature triplets go, the delivery was routine. But the infants were all high-risk babies—weighing less than the 5½ pounds the doctors feel is necessary for survival.

All three Reidhead triplets—Vikki, Nikki and Ricki—survived, thanks to a unique hospital network that provided them with the newest, most sophisticated care available anywhere.

They were born in the 25-bed Holbrook Hospital under the care of Dr. Robert Joseph Haley Jr., an old-time general practitioner who has helped deliver three sets of triplets in his lifetime.

But he had a backup in this case that went far beyond what is available to most GPs practicing in remote, small-town hospitals.

For Holbrook Hospital is part of Samaritan Health Service, a confederation of nine Arizona hospitals stretching from the booming suburbs of Phoenix to the rim of the Grand Canyon, 250 miles from here.

Good Samaritan Hospital in downtown Phoenix, a leading medical center, is the focus of this two-year-old experiment to find new ways of providing medical care to both rural and urban residents of one of the nation's fastest-growing states.

The experiment is being watched with growing interest by hospital officials and health planners across the country who see it as a way to insure that the hospital remains the center of health care delivery.

It is the prototype of Ameriplan, the American Hospital Association's program to reform health care in the country.

Under Ameriplan, hospitals would change from institutions that only care for people who arrive at their doors to ones that reach out into the community to find the sick and that run programs of preventive medicine.

They would emphasize out-patient care as well as in-hospital treatment. And they could be easily converted to the prepaid group practice-health maintenance organization concept that is so popular with health reformers.

"It's a direction in which the voluntary hospital and private medical systems can go to save themselves," says Stephen M. Morris, president of Samaritan Health Service. He is also president-elect of the AHA and an architect of Ameriplan.

"I think if we continue to go the way we are now," he adds, "we're going to lose the whole ball game. The public is simply not satisfied with either our financing mechanism or our delivery mechanism."

Ameriplan would establish a national network of hospital-based corporations that would provide medical care to all residents of a given area in much the same way that Samaritan Health Service helps hospitals in outlying communities such as Holbrook.

For example, when the Reidhead triplets were born, Samaritan Health Service mobilized its full facilities to keep them alive.

Mary Flemons, the head nurse at Holbrook Hospital, had just returned from a refresher course at Good Samaritan and was up to date on the care of high-risk new-borns.

To bolster her, Joanne Junasz, a pediatric nurse at Good Samaritan, drove to Holbrook with extra supplies. And the health corporation rushed three Isolettes—baby-sized incubators—from Phoenix to Holbrook.

Meanwhile, Dr. Haley at Holbrook conferred twice daily by phone with experts in the care of the newborn at Good Samaritan.

The triplets thrived on the round-the-clock care they received at Holbrook. But the hospital's small staff was physically overtaxed; doctors and nurses there couldn't maintain the care the infants needed and still treat their other patients.

So the Reidhead triplets were flown to Good Samaritan in the health system's ambulance plane. They stayed there until they gained enough weight and strength to go home.

Samaritan Health Service has done more than just take care of cases too complicated for the smaller hospitals. Indeed, a good part of consortium's job has been keeping these hospitals supplied with doctors and nurses.

One man, David W. Graef, spends much of his time recruiting doctors for the outlying hospitals.

"Some Friday nights when there are no doctors I get one by Saturday. I call everybody I know who has the weekend off," says Graef.

The big problem is the isolation of the small towns. And when the doctors like it, the wives usually don't.

"I'm convinced if they'd stay there a while, they'd love it," says Graef, who has even tried advertising for doctors in conservation magazines.

The problem of finding doctors to locate in small towns is a national one, with vast stretches of rural America without medical help. In many towns, the only physician is elderly and unable to find a replacement so he can retire.

Morris thinks a hospital-based network, such as Samaritan Health Service, could help solve the problem of getting more doctors for rural America.

"I kept two hospitals open in northern Arizona by being able to move doctors there and relieve them when needed," he says.

Samaritan Health Service also improves the ability of the small hospitals to practice sophisticated, quality medicine.

Now they can offer medical tests that are impossible to perform in a small hospital laboratory. A car now makes a circuit of each hospital daily and picks up samples to be tested in the Good Samaritan laboratory. The results are telephoned back to the individual hospitals.

Dieticians from the health service's headquarters here travel to the smaller hospitals and help them plan their meals. Other experts help set up better billing systems and community relations campaigns—services that the small hospitals couldn't afford on their own.

And all the doctors and nurses at the outlying hospitals can take refresher courses at Good Samaritan, in much the same way that Mrs. Flemons from Holbrook had done before the birth of the Reidhead triplets.

Bringing sophisticated medical care to the vast, sparsely populated regions of Arizona is only one part of Samaritan Health Service's activities.

The consortium also has taken three hospitals in the suburbs of Phoenix, one of the fastest growing areas of the nation, under its wing.

Doctors at these small suburban hospitals also have the benefit of backup from the specialists at Good Samaritan. For example, they can get the complicated analysis of blood gas levels done in minutes through Good Samaritan's laboratories, and experts at Good Samaritan can diagnose from electrocardiographs transmitted from one hospital to the other over telephone lines.

"It's helped upgrade the quality of medical care—at least in my hospital," says Raymond L. Tate, administrator of the 62-bed Northwest Hospital in nearby Glendale.

"Major benefits have ensued to the small hospitals. The strengths of Good Samaritan have been made available to us."

Meanwhile the corporation is saving money by centralizing training, purchasing, insurance coverage and administrative functions.

Morris says that the 1970 budget for all the hospitals together was $40 million. If the nine hospitals had been operating separately, he says, their total budgets would have been $44 million—10 per cent higher.

Furthermore, he says, costs at his hospitals are rising slower than the national average. In 1969, the first year of the health service's operation, its bills increased 8 per cent compared to the national average of 12 per cent. In 1970, the Samaritan Health Service increase was 9 per cent; the national average for hospitals, 15 per cent.

Although the idea of a coordinated network of hospitals had been in Morris' mind for years, Samaritan Health Service got its start in the spring of 1968 when Southside Hospital, in a nearby suburb, was in such dire financial shape that Good Samaritan bought it at a bankruptcy sale.

Northwest Hospital, also in financial trouble, asked to join the system next.

Other hospitals asked to join in; Samaritan Health Service officials say they have not solicited other hospitals to join.

While health experts from all over the country come here to study Samaritan Health Service, local doctors and hospital officials have greeted the experiment with some reserve.

At a local hospital administrator meeting, says Tate, "I don't get a lot of praise or support. They just say, 'Don't rock the boat. Don't rock the boat'."

Morris has alienated many Arizona doctors, who are especially conservative, by saying publicly that Samaritan Health Service's concept will end the traditional fee-for-service practice of medicine for a single doctor.

The system also lost some medical allies who feared that too many of the strengths of Good Samaritan were being drained to help the smaller hospitals. "This hurt," says Nelson.

While Samaritan Health Service continues to gain strength here, other hospitals around the country are trying their own versions of the idea.

George Washington University Medical Center in Washington, for example, has taken a section of the city and promised to provide full medical care for anyone who lives there.

And in Chicago, Rush-Presbyterian-St. Lukes Medical Center announced last month that it is forming a unified health care system that will tie 20 community hospitals to it.

The plan includes the reactivation of Rush Medical College and the use of Presbyterian Hospital as the backup facility for the community hospitals. The network will cover 1 million to 1½ million residents of Chicago.

Morris says these experiments are important.

"If we can demonstrate to Congress that the private sector can deliver health care, the public will accept," he says, "I think that Congress will give us a chance."

SOME OBSERVATIONS ON THE SITUATION IN THE MIDDLE EAST

Mr. PASTORE. Mr. President, the headlines of this morning's Washington Post, covering Jordan's move against the Palestinian guerrillas, makes very timely some deep-through observations on the Middle East that have come to my office today.

They are voiced by Mr. Max Grant, a leading industrialist of Rhode Island, a prominent philanthropist, a stanch American, and a valued personal friend.

His observations reflect the deep concern that so many Americans have for the troubled area of the Middle East and I ask unanimous consent that Mr.

Grant's observations be printed in the Record.

There being no objection, the observations were ordered to be printed in the Record, as follows:

The Answer to the Mideast Crises—A United Effort Against a Common Enemy

(By Max L. Grant)

The situation in the Middle East must be peacefully resolved if a world catastrophe is to be avoided.

It can be! There is an answer!

The question is not who is right but what is the right thing to do.

For their own survival, as well as the peace of the world, the participants involved in the Mideast must unitedly realize that they have a common enemy—the guerrilla or saboteur.

The curse in the East and the curse throughout the world is the guerrilla or saboteur who relegates unto himself and that is pious and righteous, but does not live that way himself, nor has he the ability to create such a society.

Destruction is easy, but we can only live through construction.

Let the world face its common enemy which, fortunately, is such a small entity in our vast society.

When we eliminate this cancer, the body politic will be restored to healthful existence.

War does not solve problems. It creates more hatreds, more misunderstandings, more problems, more wars and more guerrillas.

Even if victorious, what does any nation win?

If Russia is victorious, the Arab guerrillas will sabotage all the assets of the Arab nations, including oil and cotton, and Russia will be faced with a Vietnam situation many times worse than ours—and is likely to lose what it now has in Siberia because China is waiting to take it.

If the Arab nations should win, what have they won?

The guerrillas will arrogate to themselves all the credit for the victory and take over the governments to the detriment of the Arab people.

If the Israelis should win, what have they won?

They will be faced by hostile neighbors on every border.

Peace eliminates hatred, misunderstandings, problems and guerrillas.

There is a new order: the youth of the world. Whether Arabs, Israelis, Americans or Russians, they have a right to condemn their elders who try to solve the world's problems by their old method, war, at the cost of the youth and the wealth of the world.

If the nations involved in the Mideast would spend for construction what they spend in preparation for destruction, they could solve the critical problems they now face, and win back the youth of the world for constructive purposes and a constructive society.

It is within the power of either the United States or Russia to encourage the terms of a just peace.

It is easier for both the United States and Russia to jointly accomplish this necessary salvation of our civilization.

Nasser's death makes a united effort imperative!

There is evidence that prior to his death, Nasser regarded as the real enemy of the Arab countries the so-called guerrillas or saboteurs—and that they would be the victors temporarily in the event of a war.

The permanent victims would be the Arab nations.

There is also undisputed evidence that the guerrillas are being financed and encouraged by Red China, who like the guerrillas, has everything to gain by involving the United States and Russia in the Mideast crisis.

The responsible heads of the Arab governments would become their prey and their victims.

In a peaceful solution there is glory enough for both the United States and Russia.

In war there is destruction for either of the two nations that fails to live up to its responsibility and opportunity.

"SAVE THE SNAKE"

Mr. PACKWOOD. Mr. President, earlier this week I placed in the Record many letters of support for S. 717 from various conservation, fishing and other organizations across the Nation.

Today I am pleased to ask unanimous consent to have printed in the Record, copy of a resolution adopted by the International Longshoremen's and Warehousemen's Union Federated Auxiliaries on June 24, 1971, at that organization's convention.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution—Support Senate Bill No. 717

Whereas, the proliferation of dams throughout the country without regard to full and proper consideration of all the economic and environmental results has caused and can be the cause of further damage to our country, and

Whereas, the proposed Mountain Sheep and Pleasant Valley sites, approved by the Federal Power Commission last February should be delayed five years to enable power study and consideration,

Therefore, be it resolved that we support Senator Robert Packwood's bill, S 717 and be it

Further resolved: that copies of this Resolution be sent to Interior Secretary Rogers Morton and to Senator Packwood.

Mr. PACKWOOD. Mr. President, I have also received copy of an editorial by Sherrye Henry of WCBS–TV, channel 2. New York City, given on July 6, 1971, at 6:55 p.m. I ask unanimous consent for the text of that editorial to be printed at this time in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

WCBS–TV Editorial on Hell's Canyon

This is the Snake River. Far from New York, it rushes in wild majesty between the borders of Oregon and Idaho, deep in Hell's Canyon. The canyon itself, a freak of geology, is deeper even than the Grand Canyon—the entire Teton Mountain Range could be dropped into it with room to spare. The canyon walls, carved with man's earliest markings, are an archeological treasure. And the Indians who lived here, the explorers, fur traders, prospectors and visitors who passed through, have for centuries been stunned by its untamed beauty.

But Hell's Canyon, now, is doomed. Man's insatiable appetite for power wants a dam on the Snake River which will turn the charging white waters into a placid 58-mile lake. The Canyon walls will be submerged to a death of several hundred feet, and with them will go the impressive pines and the wildflowers. All this in the name of progress—and power.

The utility companies say the power is needed for further industrial expansion in the northwest. They say the lake, by opening up tourist recreation would enhance rather than impair the river, which should not be left an idle resource.

Improve this natural wonderland? Impossible. An idle resource? Not for the salmon that run its waters, or the wildlife that roam its banks in the most amazing variety found in North America.

The Department of the Interior could save this canyon by designating the Snake a "wild and scenic river." Or Congress could act on Senator Robert Packwood's bill. The Oregon Republican wants to ban the dams and preserve the river as it is.

The Snake River in Hell's Canyon is far from New York. Why should we care? Well, care we must. Just as a national outcry was required to save the Florida Everglades, so, it seems now, only national support will save Hell's Canyon.

And the conflict between the increasing need for power plants and the increasing concern for the environment is one we have here too.

In order to make decisions between the two, what we need is a reasonable set of priorities. In the case of the Snake River, the highest priority clearly belongs to the environment.

Mr. PACKWOOD. Mr. President, it is very gratifying to me, as I know it must be to the other cosponsors of the Hells Canyon-Snake National River bill, to see this kind of support demonstrated to save the Middle Snake River and Hells Canyon. I only wish I could share with you the stacks of letters I have received from around the Nation in support of S. 717.

THE PENTAGON PAPERS

Mr. MONDALE. Mr. President, the Pentagon papers have already produced a growing body of analysis, interpretation, and counterinterpretation.

They will be—and rightly so—the subject of a national debate on the making of our foreign policy for decades to come.

Charles Bailey, Washington Bureau chief for the Minneapolis Tribune has made a concise and lucid contribution to this effort in a series of analytical articles describing the secret study and assessing its significance for the future.

As a correspondent who has covered the war with distinction both in Vietnam and in Washington, Mr. Bailey's articles should be standard reading for all of us concerned with this disturbing chapter in American history.

I recommend the articles to all my colleagues and ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Vietnam: The Secret Papers—I

Washington, D.C.—The publication of a secret Defense Department study on the roots of U.S. involvement in Vietnam—along with a mass of equally secret documents on the subject—has stirred new controversy in the already-bitter national debate over the war.

The report and documents, obtained several months ago by The New York Times, have been only partially revealed to date. The federal government obtained a court order last week temporarily halting their publication after three installments had been printed by the Times. Whether more of the material will be published depends on the outcome of continuing court actions, although some other portions of the secret Pentagon study are now beginning to appear elsewhere and eventual disclosure of the entire study seems likely.

The material—in effect a 2.5-million-word archive on American foreign and military policy relating to Indochina for the last two decades—is far from complete. Prepared by Defense Department researchers under special instructions by former Defense Secretary Robert McNamara in 1967 and 1968, it includes almost no records of deliberations, arguments and decisions by President Lyndon B. Johnson himself.

In addition, the Minneapolis Tribune learned Saturday, then-Secretary of State Dean Rusk—perhaps the most important of President Johnson's Vietnam policy advisers—refused in 1957 to give the authors of the secret study access to a number of key State Department files on the subject.

Nevertheless, what has been revealed provides a wealth of new factual information and new insights on the course of American policy-making during the critical period of the mid-1960's, when an already-existing U.S. commitment to the defense of South Vietnam was vastly expanded into direct American participation in what has since become the nation's longest full-scale war.

Since the Times began publication of the material, the basic significance of the documents themselves has been obscured by the furor over their publication, government efforts to find out who "leaked" the top-secret material to the newspaper and the court actions to stop further publication. Issues of press freedom, censorship and the government's right to prevent publication of secret material have monopolized the headlines.

But the real importance of the secret Pentagon archive lies in what it contains—and in its implications for future American policy and policy-making.

The documents published by the Times reveal, among other things, that:

There was secret U.S. involvement earlier, and to a greater degree, in the war in Indochina than has ever before been confirmed. This is made clear even without the publication of documents covering the administrations of presidents Harry S. Truman, Dwight D. Eisenhower and John F. Kennedy, all of whom played a role in shaping the situation inherited by Johnson when he was suddenly thrust into the presidency in November 1963.

There was broad acceptance at top levels in the Johnson administration of the inevitability of deep and direct U.S. involvement in Vietnam—long before this was discussed with Congress, let alone with the public.

There was deliberate adoption, in secret, of a "provocation" strategy in 1964—a strategy that was consciously designed to give the United States an excuse to move in more directly and deeply against North Vietnam.

There was an implicit, and sometimes explicit, assumption by U.S. policymakers that American ground troops might have to be sent in to salvage the U.S. commitment—at a time when Johnson was telling presidential campaign audiences that "American boys" should not be sent to fight a war that "Asian boys" should fight.

There was repeated ignoring of sometimes dire warnings from a number of U.S. officials—in both Washington and Saigon, South Vietnam, and including some all-out "hawks"—about the risks involved, about the limited chances of success, and about the likelihood that what were then perceived as limited steps could in fact turn into open-ended total commitments.

There is evidence that the rationale for our involvement in Vietnam was not what officials proclaimed it to be. The preservation of a "free" South Vietnam was not—despite repeated public statements by the President and others—the final determining factor. Instead, the secret documents show that U.S. policy was rooted, in the end, on a "domino" theory of containing Communist China and on considerations of American power, prestige and credibility of which Vietnam was no more than a symbol.

The secret record, even allowing for its substantial gaps, makes clear that the United States did not—as some opponents of the war have charged—"blunder" into its Vietnam involvement. On the contrary, the documents show that the highest officials were constantly aware that steps they were taking could lead to much greater involvement—and that some of them warned with considerable accuracy what it could all lead to.

The documents, for all the gaps they leave in the record, offer compelling new evidence that the nation's highest officials, including the President, deliberately kept Congress and the public in the dark—and on occasion misled them—about plans for greater U.S. involvement in Vietnam.

Beyond these factual revelations, the secret documents raise some broad basic questions about the way the American government operates—and about the distribution of decision-making power in our society. Here are some of them:

Does a government ever have the right, under any circumstances, to lie to its citizens?

What can a democratic government keep secret? Indeed, can it properly keep anything secret from its citizens?

How much control—if any—can be exerted by Congress or the public over a president's power to engage the nation in secret military ventures? And how much control can a president—any president—effectively exert over the military?

Is there any way to assure that a president will hear—and will listen to—dissenting views within his high councils?

And, finally, perhaps the most ominous question raised by the publication of the secret Vietnam documents is this: can Americans believe what their president and their government tell them?

Vietnam: The Secret Papers—II

(By Charles W. Bailey)

Washington, D.C.—The secret documents on U.S. Vietnam policy revealed last week that President Lyndon B. Johnson, in his first year in office, responded to continuing deterioration inside South Vietnam by first secretly planning and then putting into effect—also secretly in some cases—a steadily escalating series of military actions against North Vietnam.

This is the over-all pattern revealed in the documents cited in the New York Times account of a Defense Department study of Vietnam-related events in Washington and Saigon, South Vietnam, during 1964—the year Johnson won overwhelming election to the presidency in a campaign in which he stressed his determination not to get the United States into a major Asian war.

The United States was, of course, already deeply involved in Indochina when Johnson took office on Nov. 22, 1963. Three previous administrations—those of Presidents Harry S. Truman, Dwight D. Eisenhower and John F. Kennedy—had each progressively stepped up the American commitment there.

JOHNSON REAFFIRMED COMMITMENT

Johnson lost no time in making clear his determination to continue the U.S. effort in South Vietnam. In his first speech to Congress on Nov. 27, 1963, he said flatly: "This nation will keep its commitments, from South Vietnam to Berlin." And on Dec. 6 he said: "We are heavily committed in South Vietnam, with 18,000 of our fellow citizens there, and we should not go to bed any night without asking whether we have done everything that we could do that day to win the struggle there and bring victory to our group."

But if Johnson had any illusions about the difficulty of that task, they should quickly have been dispelled. On Dec. 21, he received a long report from Defense Secretary Robert McNamara. The report, printed in full last week by the Times, offered McNamara's assessment following a trip to Saigon. The picture he painted was bleak:

"The situation is very disturbing. Current trends, unless reversed in the next 2–3 months, will lead to neutralization at best and more than likely to a Communist-controlled state.

"The new government is the greatest source of concern. It is indecisive and drifting . . . The (U.S.) country team is the second major weakness . . .

"Viet Cong progress has been great since the (anti-Diem) coup, with my best guess being that the situation has in fact been deteriorating in the countryside since July to a far greater extent than we realized . . .

"Infiltration of men and equipment continues using (A) land corridors through Laos and Cambodia; (B) the Mekong River waterways from Cambodia; (C) some possible entry from the sea and the tip of the (Mekong River) delta." McNamara added at another point: "The whole waterway system is so vast . . . that effective policing may be impossible."

MC NAMARA URGED DEEPER INVOLVEMENT

McNamara capped his gloomy recital, however, by urging more rather than less U.S. involvement. "My appraisal may be overly pessimistic," he wrote the new president. "We should watch the situation very carefully, running scared, hoping for the best, but preparing for more forceful moves if the situation does not show early signs of improvement."

McNamara's report was typical of statements of U.S. policy-makers throughout the ensuing year, as revealed in the documents printed last week: continuing gloom about the situation in South Vietnam—and continuing proposals for ever-increasing U.S. military action to turn the situation around.

The defense secretary's immediate proposals in his December report were: Begin aerial mapping of the Laos-Cambodia border by U.S. U–2 aircraft; expand "Operation Hardnose," described as a series of "limited but remarkably effective operations" on the Laos side of the South Vietnamese border to monitor Communist movements, and prepare a program of "sabotage and psychological operations against North Vietnam."

These latter actions, code-named "Operation 34A," began in February 1964. Marine Maj. Gen. Victor Krulak, who headed a special group on them within the Joint Chiefs of Staff, described them as "destructive undertakings" to produce "substantial destruction, economic loss and harassment" in North Vietnam. They were carried out by South Vietnamese and other Asian personnel landed or air-dropped into North Vietnam.

This kind of thing had been going, on according to the Times account, since the Eisenhower administration. But now there was a significant change: instead of being managed by the Central Intelligence Agency (CIA), the new 34A operations were directed by Gen. Paul Harkins, chief of the U.S. Military Assistance Command in Saigon—and thus they came under control of the armed services.

TONKIN GULF PATROLS STARTED

Another new clandestine operation was started in this period. Called "De Soto patrols," it consisted of sending U.S. Navy destroyers into the Gulf of Tonkin off North Vietnam—primarily as a show of force, but also to collect intelligence on North Vietnamese radar stations and coastal defenses, for use by 34A raiders or possibly later by bombers. These missions began in February 1964.

A third operation, already underway, was beefed up. This involved bombing raids in Laos by U.S.-furnished T28 planes piloted by Laotian air force pilots or CIA fliers working covertly in Laos. These raids were supported by reconnaissance flights by U.S. Air Force and U.S. Navy jet aircraft.

But even before all these operations could be cranked up, the secret documents reveal, U.S. military chiefs in Washington were pushing for tougher and more far-reaching military moves.

The Joint Chiefs of Staff, then headed by Gen. Maxwell D. Taylor, sounded no uncertain trumpet. In a Jan. 22, 1964, memo to McNamara, they began by saying that previous National Security Council "action" memoranda—not published by the Times—made clear "the resolve of the President to ensure victory over the externally directed and supported Communist insurgency in South Vietnam." They went on to say that "the United States must be prepared to put aside many of the self-imposed restrictions which now limit our efforts, and to undertake bolder actions which may embody greater risks."

JOINT CHIEFS HELD TO "DOMINO THEORY"

The chiefs went on to argue that the loss of South Vietnam would mean the collapse of Laos, Thailand and Cambodia as well. Then, in an argument that the secret documents show was eventually welded into high national policy, the military chiefs laid down a sweeping version of the "domino theory" of Communist expansionism:

"In broader sense, the failure of our programs in South Vietnam would have heavy influence on the judgments of Burma, India, Indonesia, Malaysia, Japan, Taiwan, the Republic of Korea, and the Republic of the Philippines with respect to U.S. durability, resolution, and trustworthiness . . . It is not unreasonable to conclude that there would be a corresponding unfavorable effect upon our image in Africa and in Latin America."

South Vietnam, the generals said, is in "a pivotal position in our world-wide confrontation with the Communists," and the struggle there must be won—though they warned "it would be unrealistic to believe that a complete suppression of the insurgency can take place in one or even two years." They noted that it had taken the British "approximately ten years" to do a similar job in Malaya.

The generals argued that "self-imposed restrictions" on U.S. activities in Vietnam—including "avoiding the direct use of U.S. combat forces"—not only were making the job harder but "may well now be conveying signals of irresolution to our enemies." They called for "a reversal of attitude and the adoption of a more aggressive program."

The key, they added, was to stop North Vietnamese support of the South Vietnamese insurgents. Speaking of the new program of clandestine action, they said "it would be idle to conclude that these efforts will have a decisive effect on the Communist determination to support the insurgency, and it is our view that we must therefore be prepared to undertake a much higher level of activity."

GENERALS SOUGHT MORE CONTROL

The generals proposed that the U.S. Military commander in Vietnam should be given "responsibilities for the total U.S. program in Vietnam"—a move that would presumably have displaced the American Ambassador from his traditional role as top American in any foreign country—and should also have "complete responsibility for conduct of the program against North Vietnam"—a proposal that on its face would have lessened presidential and civilian control over such operations.

The chiefs also recommended providing U.S. arms, equipment and advice for the bombing of North Vietnam by South Vietnamese, mining North Vietnam's sea approaches; conducting "large-scale commando raids" against the north; and providing "U.S. forces as necessary" for combat support in South Vietnam and also for "direct actions against North Vietnam."

Johnson wasn't ready for this kind of action yet, though he did on Feb. 20 order a step-up in "contingency planning for pressures against North Vietnam," according to the Times account.

One reason for the increasing focus on North Vietnam was a widespread recognition among top U.S. officials that the situation in South Vietnam itself was getting worse. McNamara went back to Saigon for another look in March, and his report to Johnson on March 16—another of the secret documents now published—said, "The situation has unquestionably been growing worse."

He reported that "about 40 percent of the territory" of the country was under Viet Cong "control or predominant influence," with the insurgents in control of up to 90 percent of some key and populous provinces around Saigon.

McNamara also induced another catalogue of troubles:

"Large groups of the population are now showing signs of apathy and indifference . . . The ARVN (army) and paramilitary desertion rates, and particularly the latter are high and increasing . . . Draft-dodging is high while the Viet Cong are recruiting energetically and effectively . . .

"In the last 90 days the weakening of the government's position has been particularly noticeable . . . The political control structure extending from Saigon downward into the hamlets disappeared following the November coup. . . .

Again, however, such evidence did not suggest to McNamara that the United States should pull out. Indeed, he agreed with the joint chiefs that more action should be taken against North Vietnam, although he opposed "an overt extension of operations into the North" for the time being because of the weakness of the "base" in the south.

But McNamara had no basic argument with the joint chiefs. In fact he incorporated into his March 16 memo to the President the "domino" theory advanced to him by the chiefs on Jan. 22.

Without an "independent non-Communist South Vietnam," he wrote, "almost all of Southeast Asia will probably fall under Communist dominance (all of Vietnam, Laos, and Cambodia), accommodate to communism so as to remove effective U.S. and anti-Communist influence (Burma), or fall under the domination of forces not now explicitly Communist but likely then to become so (Indonesia taking over Malaysia).

"Thailand might hold for a period with our help, but would be under grave pressure. Even the Philippines would become shaky, and the threat to India to the west, Australia and New Zealand to the south, and Taiwan, Korea and Japan to the north and east would be greatly increased."

M'NAMARA URGED ESCALATION READINESS

McNamara proposed to the President that "we should start preparation" so as to be able "to mount new and significant pressures against North Vietnam." The United States should be ready, he said, to start on 72-hour notice a series of border-control and "retaliatory" actions, including South Vietnamese air raids on the north, and on 30-day notice a program of "graduated overt military pressure" to include bombing by U.S. as well as South Vietnamese planes.

Thus, in the space of three months, McNamara's December proposals had in large part been overtaken and supplanted by the stronger steps urged by the joint chiefs.

On March 17, Johnson himself approved McNamara's new proposals. A National Security Council action memorandum, the usual document for recording presidential decision, was issued that day, incorporating not only the substance but also a good deal of the wording of the defense secretary's paper—including McNamara's refinement of the joint chiefs' language setting out the domino theory, which thus was welded into U.S. foreign policy substantially as drafted by the military.

As before, Johnson's approval of McNamara's proposals was a cautious one—in effect saying, "go ahead and get ready but don't do anything now." He cabled Ambassador Lodge in Saigon that "judgment is reserved for the present on overt military actions . . . Our planning for actions against the north is on a contingency basis at present, and immediate problem in this area is to develop the strongest possible military and political base for possible later action."

BASIS FOR ACTION PREPARED IN ADVANCE

Unknown to Congress or the public, work on developing such a "military and political base" had already started in Washington. This is significant because it makes clear that Johnson's later request for a congressional resolution was not, as the administration said at the time, the result of the North Vietnamese attack on U.S. Navy destroyers in the Tonkin Gulf, but that it had been in preparation for some time and was simply put forward at an opportune moment.

As early as February 1964, according to the secret study, there was discussion in the State Department about seeking a congressional resolution to give the President authority for deeper U.S. military involvement against North Vietnam. The Times report cites a Feb. 13 letter from Walt Rostow, then chairman of the State Department's policy-planning council, to Secretary of State Dean Rusk "on the desirability of the President's requesting a congressional resolution drawing a line at the borders of South Vietnam."

Discussions of such a resolution continued into the spring. According to the study, it was mentioned as a prerequisite to a series of military and diplomatic actions proposed on May 23 in a detailed scenario for escalation of action against the north. Two days later, Assistant Secretary of State William P. Bundy drafted the proposed resolution. The draft—one of the documents now published—included this language:

". . . If the President determines the necessity thereof, the United States is prepared, upon the request of the government of South Vietnam or the government of Laos, to use all measures, including the commitment of armed forces, to assist that government in the defense of its independence or territorial integrity against aggression or subversion supported, controlled or directed from any Communist country."

RUSK URGED SEEKING CONGRESS RESOLUTION

The proposed resolution was further discussed at a meeting in Honolulu, Hawaii, on June 1 and 2. Participants included Rusk, McNamara, Bundy, Taylor, Lodge and Gen. William C. Westmoreland, who was then taking over the Vietnam command from Harkins.

According to a memo of record made by Bundy after the meeting, Rusk and McNamara both argued for seeking the resolution. Rusk said events could force the calling up of reserves, always a touchy matter in Congress, and added that public opinion in the United States on Southeast Asia policy was "badly divided" and that McNamara said it might become necessary to commit "as many as seven divisions" of U.S. troops "as the action unfolded."

For the time being, however, the resolution was kept on the shelf. So were the ambitious and detailed military plans which had been developed for bombing North Vietnam—plans developed in response to Johnson's March 17 decision to prepare for retaliatory strikes on 72-hour notice and full-scale air raids on 30-day notice.

One of the gaps in the documentation as reported by the Times is the absence of any record of Johnson's decisions when on June 3 the Honolulu conferees met with him back in Washington. But the Defense Department study says that "noncommitting military actions" proposed by the Honolulu participants were approved—including the shipment of supplies and equipment to forward bases, one of them in Thailand, to support the possible subsequent move of army units to Vietnam.

JOHNSON SOUGHT CIA VIEW ON "DOMINOS"

There are indications also, in the study, that Mr. Johnson had some doubts at this point about the validity of the "domino" theory. According to the published account, he submitted a formal inquiry to the CIA within a few days after the June 3 White House meeting.

The question he asked was this: "Would the rest of Southeast Asia necessarily fall if Laos and South Vietnam came under North Vietnamese control?" The CIA's answer, in effect, challenged the domino argument, which by then had been written into national policy by the March 17 Security Council action memo. In the first of several instances in the newly revealed documents in which the intelligence community offered dissenting views on Vietnam-related issues, the CIA reply said:

"With the possible exception of Cambodia, it is likely that no nation in the area would quickly succumb to communism as a result of the fall of Laos and South Vietnam. Furthermore, a continuation of the spread of communism in the area would not be inexorable, and any spread which did occur would take time—time in which the total situation might change in any number of ways unfavorable to the Communist cause."

The CIA reply conceded, according to the Times account, that the loss of South Vietnam and Laos would be "profoundly damaging to the U.S. position in the Far East" and would raise Chinese prestige at the expense of the Soviet Union. But the CIA said that as long as the United States could retain its island bases—Guam, Okinawa, the Philippines and Japan—it would have enough military leverage to deter China and North Vietnam from overt aggression against the rest of Southeast Asia.

There were other restraining influences felt in Washington. Johnson was beginning to think about his own campaign for election to a full term in the White House—a campaign pitting him against an archetypal "hawk," Barry Goldwater.

RESOLUTION'S PITFALLS WERE LISTED

There was also concern about the possible difficulties of winning congressional and public approval of the proposed resolution. At an inter-agency meeting on June 10, the study says, "five basic 'disagreeable questions' were identified for which the administration would have to provide convincing answers to assure public support." The questions, according to the study, were:

"(1) Does this imply a blank check for the President to go to war in Southeast Asia? (2) What kinds of force could he employ under this resolution? (3) What change in the situation (if any) requires this now? (4) Can't our objectives be obtained by means other than U.S. military force? (5) Does Southeast Asia mean enough to U.S. national interests?"

Despite these problems, some officials still wanted to seek the congressional action. But on June 15, the study says, Rusk and McNamara were informed by McGeorge Bundy, White House national security assistant, that Mr. Johnson had decided to wait again before moving.

Then, however, at midsummer, events again began to overtake whatever restraints the President had felt against more overt military action against North Vietnam.

During July, South Vietnamese naval commandos raided two North Vietnamese islands in the Gulf of Tonkin as part of the growing "34A" program.

On Aug. 2, the U.S. destroyer Maddox—on a "De Soto patrol in the Tonkin Gulf—was attacked by North Vietnamese torpedo boats. The next night, Aug. 3, there were two more "34A" raids by South Vietnamese PT boats against the North Vietnamese coast. And on the night of Aug. 4 the Maddox and another U.S. destroyer sent to reinforce it—the Turner Joy—were again attacked by North Vietnamese PT boats.

STUDY LEAVES TONKIN INCIDENTS UNCLEAR

The secret Pentagon study does nothing to settle the long-standing controversy around the Tonkin Gulf incidents. It remains unclear, for example, whether the North Vietnamese attacks on the U.S. ships were provoked by the separate "34A" raids that preceded them.

But whatever their motivation, the North Vietnamese attacks on U.S. ships led President Johnson suddenly to set in motion the military and political steps that he had deferred for several months.

Within 24 hours after the second North Vietnamese attack on the U.S. ships, Johnson had ordered retaliatory U.S. bombing attacks against selected North Vietnamese military targets. He announced them while they were still under way, just before midnight on Aug. 4, Washington time, telling a nationwide TV and radio audience that they were "limited and fitting" response. "We still seek no wider war," he said.

The next day McNamara announced that a Navy attack carrier group had been ordered into the Indochina area; that U.S. interceptor and fighter-bomber aircraft had been ordered into South Vietnam; that other planes had been moved to Thailand; that other U.S.-based squadrons had been moved into the Pacific; and that "selected Army and Marine forces have been alerted and readied for movement."

At the same time, Johnson sent a special message to Congress asking for passage of a resolution expressing the support of Congress "for all necessary action to protect our armed forces and to assist nations covered by the SEATO (Southeast Asia Treaty Organization) treaty." As finally drafted, the resolution was worded differently from Bundy's spring draft—but it provided the same kind of authority. Two days later it passed 88 to 2 in the Senate and 416 to 0 in the House.

The action was a watershed in the history of U.S. involvement in Vietnam. Johnson had broad authority to attack North Vietnam; almost none of the "disagreeable questions" had been asked in the atmosphere of crisis; and the military planners were moving hard and fast.

Vietnam: The Secret Papers—III

Washington, D.C.—The Johnson administration used the Tonkin Gulf incidents of August 1964—when U.S. Navy ships were attacked by North Vietnamese torpedo boats—as the lever to get from Congress a broadly worded resolution authorizing the president to take "all necessary action."

But the secret Pentagon study and documents revealed last week by the New York Times show that Johnson didn't use that authority immediately. Instead, with the presidential campaign under way, he withheld approval of further U.S. action against North Vietnam—despite the continued urging of military and civilian advisers.

The secret documents accompanying the reports of the study, however, reveal that preparations for later escalation were being made at a rapid rate. The documents also suggest—but do not prove conclusively—that the President made up his mind relatively early in the fall to start bombing of North Vietnam after Jan. 1, 1965.

The over-all picture revealed by the secret papers is one of continuing—and growing—military pressure on Johnson to take the next step and authorize direct U.S. air attacks on North Vietnam. At the same time however, the president is revealed as holding to the cautious, step-by-step course he had set earlier in the election year when he repeatedly delayed asking Congress for war-making powers.

After the hard, fast air strikes against North Vietnamese targets following the Tonkin incident, there was a lull in U.S. and U.S.-directed South Vietnamese action against the North. The president was preaching restraint to campaign audiences.

PREPARATIONS FOR ACTION SPEED UP

Even as he was speaking, however, some U.S. troop units already had received "alert" orders and were hastily preparing for possible movement to Southeast Asia. And in Washington, Saigon and Honolulu, military leaders were urging stepped-up actions.

Gen. Maxwell D. Taylor, who had recently become ambassador to South Vietnam after serving as chairman of the Joint Chiefs of Staff, cabled Washington with his first "mission report" on Aug. 10.

Taylor said the U.S. objective in South Vietnam must be to "do everything possible to bolster" the Saigon government—and at the same time "be prepared to implement contingency plans against North Vietnam with optimum readiness by Jan. 1, 1965."

In Washington, two key administration planners—Assistant Secretary of State William Bundy and Assistant Secretary of Defense John McNaughton—drew up another set of proposals. Their memo, also among the secret Pentagon papers, proposed:

A two-week lull following the Tonkin reprisals.

Then a stepped-up resumption of the various covert operations which had been going on during 1964—the "34A" commando raids against the North by South Vietnamese; the "De Soto" patrols by U.S. Navy ships off the North Vietnamese coast; and some limited cross-border air strikes from South Vietnam into Laos.

Preparations for more specific "tit-for-tat" reprisals against Viet Cong or North Vietnamese actions that might occur.

A new phase of "more serious pressures" to begin in January 1965. These would be "systematic military action against the DRV (North Vietnam)" and "we should probably be thinking of a contingency date, as suggested by Ambassador Taylor, of Jan. 1, 1965."

BOMBING TARGETS SUGGESTED

Possible types of actions suggested by Bundy and McNaughton would begin with bombing of Communist infiltration routes and facilities—a group of targets starting "with clear military installations near the borders" which "can be extended almost at will northward, to inflict progressive damage that would have a meaningful cumulative effect and would always be keyed to one rationale."

Next would come "action in the DRV against selected military-related targets"—as opposed to wholly military ones. The memo suggested the bombing of petroleum facilities and the mining of Haiphong Harbor as "spectacular actions" in this category.

Their paper went to Taylor, among others, for comment. In his reply he again proposed bold action in the long run—but again sounded a cautious note for the immediate future. His cable, speaking for U.S. Commander Gen. William Westmoreland as well, said, "We should be slow to get too deeply involved" in larger actions "until we have a better feel of the equality of our ally . . . We should not get involved militarily with North Vietnam and possibly Red China if our base in South Vietnam is insecure."

Taylor suggested a delay to give the South Vietnamese government a chance to build up sufficient South Vietnamese ground forces to meet possible North Vietnamese reaction to any stepped-up U.S. military moves—"and thus avoid the possible requirement for a major U.S. ground force commitment."

He suggested using the next five months "for developing a posture of maximum readiness for a deliberate escalation of pressure against North Vietnam, using Jan. 1, 1965, as a target D-Day. We must always recognize, however, that events may force us to advance D-Day to a considerably earlier date."

He defined such a "deliberate escalation of pressure" as "a carefully orchestrated bombing attack on North Vietnam directed primarily at infiltration and other military targets."

COMMANDERS OPPOSE DELAY

U.S. military commanders had some quick and emphatic comments on the Bundy-McNaughton and Taylor papers. Adm. U. S. Grant Sharp, the Pacific commander-in-chief, opposed even the two-week lull suggested by Bundy and McNaughton: "Pressures against the other side once initiated should not be relaxed by any actions or lack of them which would destroy the benefits of the rewarding steps previously taken . . . The proposed two weeks suspension of operations is not in consonance with desire to get the message to Hanoi and Peiping."

Sharp also argued against the Bundy-McNaughton argument that U.S. action should seek "maximum results" at "minimum risks." He said "Action to produce improvements in morale in RVN (South Vietnam) must entail risk. Temptation toward zero action and zero risk must be avoided."

The Joint Chiefs, in an Aug. 26 memo to Defense Secretary Robert McNamara which is also among the secret documents, also proposed tougher action. They disagreed with their former boss, Taylor, on the need to "get better feel of our ally" before making more commitments: "An accelerated program of actions with respect to the DRV is essential to prevent a collapse of the U.S. position in Southeast Asia."

The chiefs wanted stepped-up action against Communist supply lines through Laos and Cambodia, "hot-pursuit" operations into Communist Cambodian sanctuaries, and "increased pressure on North Vietnam through military action."

CONTINUED PRESSURE URGED

This, however, would not be enough, according to the chiefs' secret memo—and they went on to propose what became a central and controversial theme of administration planning, the so-called "provocation strategy." Here is the way the Joint Chiefs put it:

"The Joint Chiefs believe that more direct and forceful actions than these will, in all probability, be necessary. In anticipation of a pattern of further successful VC and Pathet Lao (PL) actions in RVN and Laos, and in order to increase pressure on the DRV, the U.S. program should also provide for prompt and calculated responses to such VC-PL action in the form of air strikes and other operations against appropriate military targets in the DRV."

Such "responses," they added, "must be greater than the provocation in degree, and not necessarily limited to response in kind against similar targets."

The "provocation" idea was picked up in a Sept. 3 "proposed plan of action" written by McNaughton. He noted the coming election—"during the next two months, because of the lack of 'rebuttal time' before election to justify particular actions which may be distorted to the American public, we must act with special care"—but he went on to restate the Joint Chiefs' theme more explicitly.

McNaughton proposed an "orchestration" of new moves designed to be "likely at some point to provoke a military DRV response . . . The provoked response should be likely to provide good grounds for us to escalate if we wished . . . The timing and crescendo should be under our control, with the scenario capable of being turned off at any time."

He thus in effect proposed new military actions that would not only hurt North Vietnam but could also provoke a North Vietnamese response that itself would give the United States an excuse to escalate the war further.

SITUATION WAS HEADING "DOWNWARD"

McNaughton's Sept. 3 memo is significant for this first explicit statement of the provocation strategy. It is also important in the Vietnam chronology, however, because it is the first of the recently revealed secret documents to admit that the United States might be forced out of Vietnam without victory. Noting, as had others, that the situation in South Vietnam was "deteriorating" and heading "downward," he said:

"The objective of the United States is to reverse the present downward trend. Failing that, the alternative objective is to emerge from the situation with as good an image as possible in U.S., allied and enemy eyes."

He said the United States must keep "alert" so that if "worst comes to worst and South Vietnam disintegrates or their behavior becomes abominable," it could "'disown' South Vietnam hopefully leaving the image of 'a patient who died despite the extraordinary efforts of a good doctor.'"

McNaughton's premonitions of possible future disaster were not, for the moment, a major consideration of top policymakers. But the provocation scheme was, according to another of the secret papers—a formal memorandum summarizing the recommendations made at a Sept. 7 White House meeting of President Johnson and his principal advisers—Secretary of State Dean Rusk, McNamara, Taylor and Gen. Earle Wheeler the new chairman of the Joint Chiefs. The memo, written by William Bundy, put it in these words:

"The main further question is the extent to which we should add elements . . . that would tend deliberately to provoke a DRV reaction, and consequent retaliation by us . . .

"We believe that such deliberately provocative elements should not be added in the immediate future while the GVN is still struggling to its feet. By early October, however, we may recommend such actions depending on GVN progress and Communist reaction in the meantime, especially to U.S. naval patrols."

On Sept. 10, according to another of the secret papers, Johnson formalized his acceptance of this approach—one involving caution short-term actions but leaving the way open for much more later.

The final paragraph of this presidential "action memorandum," written by McGeorge Bundy, White House national security aide and brother of William Bundy, led the authors of the secret Pentagon study on Vietnam to the conclusion that President Johnson decided on Sept. 7 to start bombing of North Vietnam after the election.

After listing short-term actions to be taken and restating the need to improve the situation inside South Vietnam, the memo concludes:

"These decisions are governed by a prevailing judgment that the first order of business at present is to take actions which will help strengthen the fabric of the government of South Vietnam; to the extent that the situation permits, such action should precede larger decisions."

But, the memo added, "if such larger decisions are required at any time by a change in the situation, they will be taken."

This last sentence was taken by the authors of the secret study to mean that Johnson had agreed in effect that bombing of the north should start after Jan. 1, 1965. Others argue that the language did not mean that much—that real "decisions" would still have to be made by the president. The issue is left unresolved by the secret documents, particularly in the absence of the full file of presidential papers on the period.

What is clear, however, even from the incomplete document file, is that although the president delayed a bombing decision at the September meeting, the bulk of his influential policy-making machinery was now moving steadily and with increasing momentum toward precisely that act—and more.

Three months after that September White House meeting, U.S. planes were bombing North Vietnam. And six months after Johnson's promise of "larger decisions," American ground troops were landing in South Vietnam in force.

Vietnam: The Secret Papers—IV

Washington, D.C.—In late 1964, U.S. policy on Vietnam began to shift decisively—from a limited, though growing, commitment to help the government of South Vietnam, to an all-out American war against North Vietnam, with massive numbers of U.S. ground troops committed to battle on the Asian mainland.

The secret Defense Department study and documents published last week by the New York Times show how this shift took shape—gradually but inexorably—over a period of months, and how it was completed long before the American public fully realized what had happened.

The secret documents make clear what many analysts have long suspected: To a considerable degree, President Lyndon B. Johnson sought to conceal the impact and soft-pedal the implications of his actions by withholding announcement of some of his most important decisions.

One key document in the massive archive—a National Security Council "action memorandum" issued April 6, 1965, formalizing his decision to send more than 20,000 additional troops to Vietnam and to broaden their combat role—spells out this policy explicitly:

"The President desires that . . . premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy . . . The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy."

MAJOR WATERSHED IN U.S. POLICY

That April decision—changing the mission of U.S. troops in South Vietnam from a purely defensive role to one allowing some offensive action—emerges in the secret Pentagon papers as a major watershed in American policy.

But the elements that went into that new policy were several:

A rising crescendo of Communist terror attacks against U.S. personnel and bases in South Vietnam.

Months of successive government crises and chaos in South Vietnam, including a series of military coups and near-coups that produced near anarchy for weeks on end.

Continuing and growing pressure by U.S. military leaders—and most civilian policymakers as well—for ever-tougher military action against North Vietnam.

An underlying shift in the rationale of American policy—from a limited commitment to help preserve the independence of a small country to an effort to preserve U.S. power and prestige in a regional and worldwide struggle with Communist nations.

These four strains are intermingled in the story illuminated by the secret documents, and they are shown by the Pentagon study to have interacted more or less continually, with each feeding the others to produce in the end a half-million-man American expeditionary force in Southeast Asia.

For example, the surprise Viet Cong attack on U.S. planes and facilities at the Bien Hoa airbase near Saigon on Nov. 1, 1964, touched off a flurry of military proposals for heavy American reprisals against North Vietnam. The joint chiefs of staff, calling the Bien Hoa strike "a change of the ground rules," proposed immediate major U.S. air attacks on North Vietnam—including strikes by B52 bombers of the Strategic Air Command against Phuc Yen airfield near Hanoi.

STUDY CALLED FOR BOMBING THE NORTH

Johnson, with the presidential election only two days off, said no. But he did order the preparation of yet another broad survey of possible U.S. courses of action—and every one of the options presented to him after a month-long study called for bombing the north in greater or lesser degree.

According to the secret documents, this process also produced the first signs of a realization by U.S. policymakers that they might have to abandon their earlier aim of stabilizing South Vietnam. There was increasing evidence of disintegration in the Saigon government. Ambassador Maxwell Taylor, for example, said that the United States should use promises to bomb the north as a lever to force reforms in Saigon—but he warned that it might not work. The study says Defense Secretary Robert McNamara replied that bombing "at least would buy time—probably years."

President Johnson on Dec. 1 made what the Pentagon study calls a "tentative decision" to bomb the north, but, the documents say, he gave a final approval only to the first and less ambitious part of a two-phase program proposed by his top advisers.

But before this first phase—dubbed "Barrel Roll" by military planners—could be started, things began to fall apart in Saigon as a succession of ambitious military leaders began efforts to overthrow the shaky civilian government. The secret documents record a stormy meeting at which Taylor told a number of the generals, "You have made a real mess. We cannot carry you forever if you do things like this."

At this point new Viet Cong terror attacks added to the sense of impending collapse in Saigon. On Christmas Eve of 1964 terrorists blew up a U.S. officers' billet in Saigon, killing two and wounding 58 Americans. In a six-day battle near Binh Gia, Viet Cong forces all but wiped out two South Vietnamese marine battalions.

RUSK APPEARED TO HAVE DOUBTS

These fresh disasters were reflected almost at once in the continuing flow of policy proposals revealed in the secret archive. On Jan. 6, 1965, in a memo to Secretary of State Dean Rusk, Assistant Secretary William Bundy said that bombing North Vietnam held only "some faint hope of really improving the Vietnamese situation." However, he went on to assert that it would "put us in a much stronger position to hold the next line of defense, namely Thailand" and even if negotiations resulted in an eventual Communist takeover in South Vietnam, "we would still have appeared to Asians to have done a lot more about it."

Rusk himself appears to have had some doubts. In one of the few papers from his files to be published in the Pentagon study, he cabled Taylor on Jan. 11 "to avoid actions that would further commit the United States to any particular form of political solution" in Saigon.

McNamara, according to the Pentagon study, agreed with his principal Vietnam assistant, John McNaughton, that the U.S. objective in South Vietnam was "not to help a 'friend' but to contain China." Both are said to have favored air strikes against the north to pursue this aim.

Once again political turmoil in Saigon and terrorist strikes by the Viet Cong intervened. Gen. Nguyen Khanh, head of the government, ousted his civilian premier only to become himself the target of plots by other generals. And the Viet Cong on Feb. 6 struck two more U.S. installations at Pleiku killing 9 Americans and wounding 76.

The Pleiku attack provided a major turning point in U.S. policy. Within 14 hours Johnson had approved a direct American air attack against the north. The retaliatory strike called "Flaming Dart" was the first since the one-time bombing that followed the Tonkin Gulf incident the previous August. Three days after Pleiku, the Viet Cong attacked another U.S. installation; again a retaliatory U.S. strike was ordered by Johnson.

ADVISER URGED SUSTAINED REPRISALS

But the effect of Pleiku extended far beyond mere reprisal strikes. McGeorge Bundy, the president's national security adviser, was in South Vietnam at the time. On his way home, he recommended—in a secret memorandum published by the New York Times—"a policy of sustained reprisal" rather than continuation of isolated tit-for-tat strikes. Such action, he said, would be worthwhile "even if it fails to turn the tide, as it may" because "it will set a higher price for the future upon all adventures of guerilla warfare, and if should therefore somewhat increase our ability to deter such adventures."

Thus Bundy, like his brother William in the State Department and like McNamara and McNaughton at the Pentagon, was now arguing that broader U.S. interests—and not merely the security of South Vietnam—required strong American action against North Vietnam.

Johnson approved a sustained bombing campaign against the north, this one dubbed "Rolling Thunder" by the Pentagon, on Feb. 13. The raids began on March 2.

Almost as soon as they started, U.S. military leaders were warning that they were not enough and would not do the job unless stepped up. On March 21, Adm. U. S. Grant Sharp, Pacific commander-in-chief, proposed a "radar busting day" to cripple North Vietnamese air defenses and a sustained "LOC Cut" campaign to knock out Communist lines of communication and supply to the south. Gen. John McConnell, chief of staff of the Air Force, went further, according to the secret study proposing a "short and violent" 28-day bombing campaign to destroy 94 major targets in North Vietnam.

JOHNSON GAVE GROUND SLOWLY

Johnson, still giving ground slowly, said no to such proposals. But the secret documents make clear that his policy advisers were already further down the road: They were now talking about putting U.S. combat troops into South Vietnam.

McNaughton, in a March 24 memo to McNamara, concluded that the situation in South Vietnam probably could not be "bottomed out" without "extreme measures against the DRV (North Vietnam) and/or without deployment of large numbers of U.S. and other combat troops inside SVN (South Vietnam)."

In this paper, McNaughton also further refined his own definition of U.S. aims. In a judgment that was personal, but which appears from the secret archive to have reflected the growing conviction of many policymakers, he defined them as, "70 percent to avoid a humiliating U.S. defeat . . . 20 percent to keep SVN (and the adjacent) territory from Chinese hands . . . 10 percent to permit the people of South Vietnam to enjoy a better, freer way of life."

By late March, the major thrust of administration debate was over ground troops. Gen. William Westmoreland, U.S. Vietnam commander, asked on March 26 for the equivalent of two U.S. divisions, including 17 infantry maneuver battalions, and proposed sending a division into the South Vietnamese central highlands to "defeat" the Viet Cong there. The joint chiefs discussed with McNamara on March 29 a plan to send three divisions to South Vietnam.

When Johnson convened another top-level strategy meeting at the White House on April 1, "the principal concern . . . was the prospect of major deployment of U.S. and third-country combat forces to SVN," the Pentagon study says There was another exacerbating factor, too: On March 29 Viet Cong terrorists had blown up the American Embassy in a daring Saigon daylight raid.

CRUCIAL CHANGE MADE IN U.S. ROLE

The April 1–2 meetings were perhaps the most critical of all Johnson's 1964–65 decision sessions, and the newly revealed documents have made it into the most controversial as well. At this session, the secret papers show, the President made a crucial change in the mission of U.S. forces in Vietnam, as well as deciding to commit major ground combat units to the war—but he also gave orders to keep the decisions and the ensuing actions secret.

The evidence is contained in the National Security Council memo issued April 6, which recorded his decision to send two more Marine battalions and 18,000 to 20,000 additional "support forces" into South Vietnam. (Some of the latter, as it turned out, were to prepare bases and otherwise pave the way for even larger numbers of GIs who came later.)

The memo also recorded the President's approval of "a change of mission for all Marine battalions deployed to Vietnam to permit their more active use"—a shift that freed the Marines from purely defensive "security" duty and allowed U.S. commanders to send them onto the offense for the first time.

None of this was to be revealed, however, as the last paragraph of the formal decision memo made clear. Johnson, it said, wanted "all possible precautions" to avoid "premature publicity"; the "appearance of sudden changes in policy" should be minimized; and the changes and movements were to be depicted as "wholly consistent with existing policy." It was not until June 8, when a State Department spokesman inadvertently broke this embargo by saying that U.S. troops "would be available for combat support," that the public knew of the changes.

From April on, the Vietnam scenario merely unfolded according to plans put forward by the military. Spurred by a series of new South Vietnamese defeats, Westmoreland in June asked for 44 battalions of U.S. troops—upwards of 200,000 men.

AUTHORITY GIVEN TO COMMIT TROOPS

On June 26, Westmoreland received authority to commit those troops already in Vietnam to battle when he thought it necessary—an even broader authority than that granted in April, and "as close to a free hand as (he) was likely to get," the study says.

On July 17, in another unpublished order reported by the Pentagon study, Johnson approved the dispatch of 34 battalions of GIs to Vietnam. He wasn't ready to talk about it, though; indeed, the White House continued to show extreme sensitivity to any talk about massive troop movements.

Vice-President Hubert H. Humphrey was one of those who felt the sting of White House disapproval on this score. In the advance text of a speech he was to deliver at the National Governor's Conference in Minneapolis on July 27, he said the President was making decisions that would "touch the lives of hundreds of thousands of American families." The decisions, he added in his prepared text, "could mean the expenditure of great resources—of money, material and, yes, of human life."

Humphrey was stopped en route from Washington to Minneapolis to be informed by a telephone call from McGeorge Bundy that he had gone beyond the President's ground rules. When he delivered the speech, "hundreds of thousands" became merely "thousands"; the other reference to cost in money and "human life" disappeared completely.

A day later, at a televised press conference, Johnson announced that he was sending 50,000 more men to Vietnam, and said that "additional forces will be needed later and they will be sent as requested." He told a questioner that "it does not imply any change of policy whatever."

Strictly speaking, Johnson was telling the truth. The "change of policy" had occurred not that day but on many other days over a period of months, and the announcement merely revealed what the secret documents make clear had in fact been decided earlier.

Vietnam/The Secret Papers—V

Washington, D.C.—It is difficult to assess accurately the full significance of the secret Defense Department archive on U.S. Vietnam policy which was revealed last week by publication in several newspapers.

It provides only a documentary record—and an incomplete one at that—and it includes virtually no information on the informal and oral exchanges between the president and his key advisers which played so large a part in Lyndon Johnson's Vietnam decision-making.

But even with these shortcomings, a careful study of the documents themselves—avoiding the subjective and purely personal judgments made by both the Pentagon analysts and the journalists who reported on their study—provides the material for some over-all conclusions.

Four successive presidents and their advisers accepted two basic assumptions about Vietnam:

First, they believed that preventing a Communist takeover in South Vietnam was vital to the worldwide position of the United States. The "domino theory"—that the fall of South Vietnam would inevitably set in motion a succession of Communist takeovers in the rest of Southeast Asia and would in fact have repercussions around the world—was taken for granted by almost all U.S. policymakers, despite periodic and sometimes eloquent dissents.

Second, they assumed that the United States possessed enough power and influence, and enough will to use it, to deal with a relatively minor Asian power like North Vietnam.

CIA WARNINGS WERE IGNORED

It is easy now, in the light of bitter experience and with the aid of perfect hindsight, to say that the presidents involved should have paid more attention to the dissents. But the secret documents make plain that the basic assumptions held by nearly all public officials—and most editorialists and scholars as well—simply blanked out dissent. They heard, but they weren't listening.

It was there to hear, but it was at best an intermittent sound. One note came from the government's "intelligence community," especially the Central Intelligence Agency (CIA)—which repeatedly warned that bombing alone was unlikely to have a decisive effect on either North Vietnam's will or the strength of insurgents in South Vietnam.

Perhaps the most searching dissent came from George W. Ball, undersecretary of state, just before President Johnson's final decision to send thousands of U.S. combat troops to South Vietnam. In a memo to the president on July 1, 1965, he said flatly:

"The South Vietnamese are losing the war to the Viet Cong. No one can assure you that we can beat the Viet Cong or even force them to the conference table on our terms, no matter how many hundred thousand white, foreign (U.S.) troops we deploy. No one has demonstrated that a white ground force of whatever size can win a guerrilla war—which is at the same time a civil war between Asians—in jungle terrain in the midst of a population that refuses cooperation to the white forces . . ." But Ball's was almost a lone voice. More typical was that of Walt W. Rostow, then a State Department official, who wrote in a memo to Dean Rusk in May 1965 that "there is no reason we cannot win as clear a victory in South Vietnam as in Greece, Malaya and the Philippines." Victory, he said, "is nearer our grasp than we may think."

Six months earlier Rostow had argued in another memo to Rusk that "at this stage in history we are the greatest power in the world—if we behave like it."

HINDSIGHT REVEALS FAULTY JUDGMENTS

In the narrower focus of South Vietnam itself, the documentary record makes clear that were other judgments that turned out—again in hindsight—to have been faulty:

First, it was assumed that the government of South Vietnam, first under Ngo Dinh Diem and then under a revolving-door series of other leaders, had the inherent will and capability to defend itself, with some help, against the Communist-supported Viet Cong insurgency.

Second, when successive South Vietnamese governments showed weakness, inefficiency and corruption, it was assumed that these faults could be corrected with U.S. aid, advice, exhortation and—if necessary—pressure.

Third, when South Vietnamese will and capability was eventually perceived to be fatally flawed, U.S. leaders sought to substitute major applications of American military power for South Vietnamese determination. And when the Saigon government began to crumble openly, in 1964 and 1965, U.S. leaders fell back on other rationales for our involvement.

It is quite clear, even given the gaps in the secret documentary record and the incompleteness of its disclosure to date, that Lyndon Johnson didn't "get us into Vietnam." Like his predecessors, he merely walked farther into the quagmire; what he and his advisers did seemed to them simply a logical extension of existing policy and commitment.

JOHNSON DID NOT EXPECT MAJOR WAR

It is also clear from the documents that Johnson and his chief advisers hoped and believed throughout the crucial years of deepening U.S. involvement that at some point—after some one of the many escalatory American actions—Hanoi would decide that its objective was no longer worth its cost. Again, hindsight permits a verdict that this estimate was wrong; but the documents make clear that neither Johnson nor his predecessors expected the process would result in the major land war that eventually occurred.

The documents—as opposed to the interpretation put on them by both the Pentagon analysts and the New York Times articles reporting their study—do not depict Johnson as a man moving relentlessly toward ever-deeper military involvement in South Vietnam.

On the contrary, the documentary picture shows the president as slow, cautious, skeptical of military advice and promises and reluctant to get more deeply involved. He is seen as having made his really big decisions—to start sustained bombing of the north, to introduce major U.S. ground forces—only after repeated delays and usually after several times rejecting the suggestions.

For example, the documents do not support the suggestion of the Pentagon analysts and the New York Times accounts of their study that Johnson decided as early as September 1964 to start bombing North Vietnam in early 1965. On the contrary, the secret papers demonstrate that on at least three occasions after September he delayed making that decision.

But the documents do prove that Johnson sought—with considerable success—to muffle the impact of his actions by concealing them or being evasive about them in public.

PREMATURE PUBLICITY WAS FEARED

The most compelling evidence of this, in the secret papers thus far disclosed, lies in the cold print of the final paragraph of the memorandum formalizing the president's decision to broaden the mission of U.S. troops already in South Vietnam and to send 20,000 more men there. In that paragraph, he ordered "all possible precautions" against "premature publicity" and said that the changes should be portrayed as "gradual and wholly consistent with existing policy"—which they were not.

Publication of the documents, with specific dates of presidential action, also makes clear that on several occasions Johnson sought to dismiss as "speculation" reports of actions he had or was about to take.

The documents make plain—again contrary to some published interpretations—that many of the so-called recommendations by high advisers were "contingency plans"—options prepared for and put before the president to guide him in reaching an actual decision. Preparation of such plans is one of the principal duties of military and diplomatic staffs; they would have been derelict in their duty if they had not prepared them throughout the period.

But a study of these contingency plans also makes clear a larger truth about the workings of government: That such plans tend to be self-fulfilling—that is, what begins as merely a set of options, no one of them necessarily recommended for adoption, tends to evolve into firm proposals simply through the momentum of the bureacratic process. This in turn tends to prevent the fullest restudy of basic policy tenets before major decisions are made.

U.S. DIDN'T "BLUNDER" INTO THE WAR

Finally, for whatever it is worth in terms of lessons learned, the Pentagon archive demonstrates clearly that the United States did not "blunder" or "stumble blindly" into the Vietnam War.

Again and again the secret documents reveal U.S. leaders were aware that their step-by-step involvement in Vietnam could lead to more—even though they hoped and believed there would be an end to the progression before it went as far as full-scale war.

In a separate essay written some time ago, Leslie H. Gelb, the man who directed the secret study in 1967 and 1968, put it this way:

"Our presidents and most of those who influenced their decisions did not stumble step by step into Vietnam . . . Vietnam was indeed a quagmire, but most of our leaders knew it.

"Nevertheless, our presidents persevered. Given international compulsions to 'keep our word' and 'save face,' domestic prohibitions against 'losing,' and their personal stakes, our leaders 'did what was necessary', did it about the way they wanted, were prepared to pay the costs, and plowed on with a mixture of hope and doom. They 'saw' no acceptable alternative.'

This summation, by the man who directed the compilation of the vast secret archive on the war, may well stand as the best assessment of its significance.

SOUTHERN LOUISIANA AREA RATE PROCEEDING

Mr. TOWER. Mr. President, on July 16, 1971, the Federal Power Commission issued its opinion and order in the southern Louisiana area rate proceeding.

This was a landmark decision for three reasons.

First, the ceiling rates for natural gas produced in this area were increased by over 30 percent. The southern Louisiana area is one of our most prolific gas producing areas. By setting these significantly higher ceiling rates, the Commission implicitly recognized that their previous rate had been unrealistically low.

Second, the Commission approved and incorporated into this decision a settlement plan which had been proposed by a group of 55 distributor utilities and supported by the overwhelming majority of consumer, pipeline and producer interests. This was the first time such a settlement agreement had been incorporated into an area rate decision. This constituted implicit recognition by the Commission of the value of unfettered negotiation by private interests.

This should encourage future agreements as a means of settling area rate disputes. The settlement method is an efficient means of resolving such a dispute since it could keep the dispute out of the FPC altogether. Thus, the delays and expenses inherent in a normal regulatory proceeding could be avoided.

Third, the settlement agreement which was incorporated into this decision contained imaginative provisions which could result in substantial additional economic incentives to the producer in this area. These incentives are based on the ability and willingness of the producer to discover and commit new reserves of natural gas for interstate sale.

The Federal Power Commission should be praised for this bold and imaginative decision. In it, the Commission attempted a solution which more nearly approximated the free market.

This decision was prompted by the Commission's stated recognition of the critical shortages of natural gas presently facing the Nation and the need to stimulate exploration for new reserves of gas to meet this shortage. It is estimated that the southern Louisiana area covered by the decision contains the largest reserves of undiscovered gas in the Nation. So, the Commission acted wisely in attempting to provide greater exploratory incentives to the producers in this particular area.

Although I praise the Commission for this decision, I still believe that the free market mechanism is the best method for determining the proper prices for natural gas.

There are certain inherent defects in price regulation by a governmental agency which result in unrealistically low prices and uncertainty in these prices.

For example, price setting by a regulatory agency is by design a slow process. The proceedings established by law are purposefully deliberate in order to assure ample opportunity for notice, a fair and impartial trial and review of the decision. That these procedures are slow is illustrated by this decision. The FPC began this area rate hearing on May 10, 1961. And, in all probability this decision is not final yet because of the likelihood of further court review of this decision.

In setting area rates, the Commission receives testimony pertaining to the cost of locating and producing natural gas. The statistics relating to any one year require at least a year to compile and publish. If one adds to this time the several years required by the normal rate proceeding, it is obvious that the statistics upon which rates are based can be completely outdated by the time they take effect. Since costs have been generally rising over the past 17 years of FPC regulation, the years of delay consumed in the normal hearing and court review virtually assures that the prices set by the FPC will be unrealistically low.

The probability of subsequent court review points up another inherent defect in regulatory price setting.

Subsequent court decisions in this case could result in these prices being lowered by court order. This has happened in many previous FPC area rate hearings. This in turn could result in the producer being forced to refund a portion of the revenues received from sales of gas at the prices permitted by this decision.

Thus, the final result of this decision remains uncertain in the minds of producers as to the actual price he will receive for his gas.

And, uncertainty leads to a reluctance to commit the large sums of risk capital necessary to explore for new reserves of natural gas.

These two defects in price regulation have contributed substantially to a steady decline in exploration for new reserves of gas. Consequently, many potential customers are being denied supplies of this ideal, nonpolluting fuel. In Chicago, for example, over 16,000 requests for gas service were denied by Columbia Gas Co. in the past year due to a lack of sufficient producing reserves at the company's disposal.

Thus, over the long term, the consumer has not benefited by the regulation of the price of natural gas.

Instead of a plentiful supply of a relatively inexpensive fuel, the consumer has been denied the full use of this clean-burning energy resource. At a time when the Nation is becoming increasingly conscious of the need to keep the environment clean, potential consumers of gas are forced to use higher pollutant fuels.

I believe that the Federal Power Commission should not regulate the price of this valuable commodity.

In order to remedy this situation, I introduced S. 637 on February 8. If enacted, the bill would deregulate the pricing of new reserves of natural gas committed to interstate commerce. The bill would be a step in the right direction.

I am now developing legislation which would deregulate all pricing of natural gas by the Federal Power Commission, and I hope to introduce that legislation soon.

We must restore this vitally important function to the free market so that we can be assured of adequate supplies of this clean energy source to meet the growing demand of the Nation's consumers.

EXTENSION SERVICES HELP SMALL RURAL BUSINESSES

Mr. HUMPHREY. Mr. President, one of the major purposes of rural community development is attained when Main Street cash registers ring more often and more merrily. Expanded business activity, and more business profits, in Countryside, U.S.A., is both an aim and a contributor to helping rural America to provide broader job and other economic opportunities and thereby improve the population distribution pattern in this country.

Along with the venture capital and long-term investments that would be provided by the Farm and Rural Development Credit Act that several Senators recently introduced—S. 223—the small rural businessman needs and deserves a more ready access to what in higher corporate circles is called technology transfers and improved management techniques.

In at least one State—Missouri—a part of this need is being filled by the cooperative Federal-State Extension Service. So that people outside of Missouri and outside the Extension Service may know of this worthwhile activity, I ask unanimous consent to have printed in the Record, the article entitled "Missouri Extension Helps Small Rural Businesses" from the Extension Service Review of May 1971.

There being no objection, the article was ordered to be printed in the Record, as follows:

Missouri Extension Helps Small Rural Businesses

(By Richard Fenwick and
Ervin Dauenhauer)

Extension services traditionally have been oriented to farm, family, and youth programs. And Extension efforts have been expanded to include farm suppliers and specialized nonfarm groups involved in the distribution of agricultural products. Community development, food and fiber, industry, labor, and environmental quality programs are not new to Extension.

But despite all of these programs, one large group of deserving people has been generally neglected—the small, main-street businessman in our rural communities.

Who helps the barbers, the owners of the "Ma 'n Pa" stores, the drug store and service station managers, the bankers, and the retail and service firms of all types and sizes?

These are the people who need help the most and can afford it the least. Even if they recognize the need for continuing education, in many cases they do not know where to go for help.

They cannot take time off from their business to attend daytime sessions or courses on a university campus. And they cannot afford high enrollment fees necessarily imposed by non-Extension sources.

Can they be helped? Certainly! Should they be helped? Absolutely! Are they being helped? They are in Missouri.

The University of Missouri-Columbia Extension Division and the Agricultural Economics Department have recognized the need for business management training in the rural areas of the State.

Missouri has more than 50,000 small business firms, exclusive of those in the metropolitan centers of St. Louis, Kansas City, St. Joseph, and Springfield. As indicated by requests to local University Extension Centers, these firms are attempting to take advantage of opportunities for developing and improving skills in management decision-making and customer service.

The Extension Division and Agricultural Economics Department established the position of "Extension Economist-Business Management" in September 1969. The purpose was: "To improve the managerial knowledge and skills of persons responsible for management of the small business firms, in the towns and rural areas of the State of Missouri."

A questionnaire was prepared to determine the needs of small businessmen for training and education in the business management area. It was completed by representative groups of businessmen and Extension agents.

On the basis of the questionnaires, two noncredit short courses were initially established: Financial Management and Basic Supervision.

The financial management course was designed to introduce basic financial management principles to non-financial and non-accounting people managing small, rural businesses.

Its aim is to provide the small business manager with sufficient knowledge of basic financial tools to enable him to apply them in the day-to-day management of his business and to help him arrive at management decisions that make financial sense.

The course was developed for six 2½ hour classes. Course content includes financial statements, cash flow, earning power of the business, cash budgets, ratio analysis, controlling accounts receivable and investories, breakeven analysis, and capital budgeting.

The primary instructor for the financial management course is Richard Fenwick, who is half-time Extension economist, agribusiness management.

The second priority indicated by the questionnaires was for training in the area of basic supervision. An abbreviated course consisting of 18 hours of instruction—six 3-hour sessions—was developed.

The purpose of this course is to discuss some of the factors involved in establishing and maintaining good supervisor-subordinate relations and to develop some techniques for training and retraining competent and willing workers.

It covers such areas as: the role of the supervisor, developing good employees, motivations, communications, work assignment, and controlling and coordinating the work force. The course is designed to satisfy the needs of either the first-line supervisor or the small business manager-supervisor.

Whenever possible, we separate small manufacturers from the retail and service groups. This allows us to concentrate more fully on the specific problems of our clientele groups.

Because class participants cannot or will not travel any substantial distance, we are not able to teach specialized groups of main-street or agribusiness people. Consequently, the financial management and supervision courses are somewhat general. In the future, we hope to work with specialized groups.

A third course in business management has been developed in retail merchandising. This started as a one-session addition to a financial management course. It was readily accepted and conducted in other communities as a one-session workshop.

We expanded it to two sessions and are now offering it on a trial basis as a three-session course. The course covers some of the principles and techniques involved in salesmanship advertising, and displaying of merchandise. The primary emphasis is on improving the profit picture by creating repeat business.

The first session is designed to be of benefit to managers, supervisors, and sales clerks alike and is open to all interested persons. The latter sessions are geared more to management and supervision.

The instructor for this course and the supervision course is Ervin Dauenhauer, Extension business management specialist.

The first business management course—Basic Supervision—was launched in January 1970. A mixed group of main-street businessmen, agribusinessmen, small manufacturers, and local government employees "graduated" in February.

The first financial management class also began in January, and a class of 15 received certificates of completion. The first merchandising class started in May.

During 1970, we conducted classes in 30 communities for a total of 791 participants. There were 73 sessions in financial management; 43 in supervision; and 12 in merchandising.

By the end of the year, the schedule was filled through spring 1971 and commitments had been made as far ahead as November.

The business management courses are set up by the area Extension specialists. We have worked through continuing education programers, area directors and associate directors, industrial Extension agents, business management specialists, and farm management specialists.

Planning conferences are held with local business groups to establish specific course content and to schedule classes. The course instructor and local Extension specialist are generally members of the planning committee for the short courses.

The courses are conducted in cooperation with the Small Business Administration, which furnishes us with both lecture and supporting material. We are presently using 26 SBA publications as handout material for the three courses.

There is a great thirst throughout the State for business management programs and it is not likely that it will ever be completely satisfied. "Graduates" of the classes already talk of additional courses and more advanced followup courses.

We have gone back into one community with a second business management course and four other communities are scheduled for additional courses.

Of course, the business management section is just one source to satisfy the need. Business management assistance is provided to specialized nonfarm groups by other members of the Extension team.

The University of Missouri-Columbia has specialists dealing primarily with the farm-supply firms, with logistics and the transportation industry, with supermarkets, and with restaurant management.

Numerous courses are conducted through the School of Business and Public Administration, the Sociology Department, and the School of Journalism. Courses are conducted by the other three campuses of the University of Missouri at Rolla, St. Louis, and Kansas City. And courses are offered by the many other educational institutions throughout the State and by private industry and business groups.

We feel, however, that the small main-street businessman and the small manufacturer will continue to depend on the Extension Division as the primary source of management education.

THE CRUCIAL NEED FOR INTERNATIONAL VERIFICATION OF PRISONERS BEING HELD BY THE ENEMY

Mr. DOLE. Mr. President, last week I was visited by two very dedicated and hard-working women whose sons are among the more than 1,600 American fighting men being held as prisoners of war and listed as missing in action in Southeast Asia. Both Mrs. Lewis Hallberg and Mrs. Margaret Hopper have been active in many organizations and efforts to secure information about and release of their sons and other POW's and MIA's, and they both demonstrate the same tireless devotion to their cause that is the hallmark of all the parents, wives and other families of our prisoners and missing men.

Mrs. Hallberg and Mrs. Hopper were in Washington to discuss the status of their sons and the other men with Members of Congress and officials in the Departments of Defense and State. Their visit happened to coincide with the regular weekly meeting of the Senate Republican policy committee, and the committee invited them to tell their sons' stories to the Senators in attendance that day.

The story of Mrs. Hopper's son, Sgt. David Demmon, is particularly timely in that it highlights a point too often overlooked in discussions of POW's and MIA's. That there is a vast discrepancy between North Vietnamese and Vietcong accounts of the men they hold captive and our knowledge of the men actually in their hands. Mrs. Hopper's son was missing for 5½ years, without being acknowledged by either the Vietcong or the North Vietnamese, before his captivity was verified by eyewitness account as late as last November. Of course, it is impossible to guess the exact number of men who are in Sergeant Demmon's position, but there is reason to believe there may be more than 90, possibly among them Mrs. Hallberg's son, who is listed among the missing.

The Senators who heard and spoke with Mrs. Hallberg and Mrs. Hopper expressed universal appreciation for their gracious and earnestly expressed views. For the benefit of those who might wish to know the full details of Mrs. Hopper's son's story, I ask unanimous consent that an article by Sp5c. Tom Bailey from the July 1971, edition of Soldiers magazine entitled "PW or MIA: Kidnapped Without Ransom," be printed in the RECORD at the conclusion of my remarks.

Sergeant Demmon's case demonstrates the crucial need that in our discussions of possible exchange and release of prisoners, we must insist on a full and internationally verified account of all our men who we believe have fallen into the enemy's hands over the past 7 years. Hopefully, insistence on this point will assure the maximum possible opportunity for the return of all Americans being held by the enemy, not only in North Vietnam, but in South Vietnam, Laos, and Cambodia as well.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PW OR MIA—KIDNAPPED WITHOUT RANSOM

(By Sp5 Tom Bailey)

Missing. His plane went down in the delta. There's still a chance he's alive. But we just don't know . . .

The words seared Mrs. Margaret Hopper's mind. Her only son David was gone. It was June 9, 1965 in rural Pennsylvania when the call came while she was visiting a friend.

Desperate for strength and guidance, Mrs. Hopper took the first flight back to her suburban Los Angeles home to be near her daughter and son-in-law. Nerves shattered, Mrs. Hopper drew within herself to ponder the tragedy.

The following weeks were filled with grief, desperation and reflection. With the help of family and friends she slowly pulled her thoughts together. Time and time again she raced over the words: Missing. Missing.

She was torn with remembrances of David: The boy just out of high school working his way to Europe on a Swedish freighter. Graduation day at Santa Monica Junior College. The draft notice. Aerial photography training which he liked so well at Fort Huachuca. Orders to Vietnam. And finally the phone call. Missing. Not PW. Not even MIA. Just missing. "I fell apart. What does a mother do when she hears that her son is gone and she doesn't know where?" Mrs. Hopper pondered. "It's like having a child kidnapped only you don't know what the ransom is."

SSG (a SP4 when captured) David Demmon had been in Vietnam less than 6 months when his Mohawk airplane disappeared in the jungle. He wasn't fond of war. But he loved aerial photography. He was good at it. He didn't have a particular liking for Vietnam. But he loved the people—especially the children.

"In fact, shortly before he went down he was making an effort to adopt a child," said Mrs. Hopper (her last name is different from David's because she remarried). "He wrote me that he had found her on the beach and that she didn't know to whom she belonged. He was setting aside out of his pay a certain amount to help provide for his little girl and find a place for her to live."

For 5½ years all Mrs. Hopper had were those reflections. Although she remained in constant contact with her casualty officer she learned nothing of her son's fate. But she continued to hope. She wrote letters, spoke to anyone who might have helped and traveled across the United States and to Europe in hopes of learning about her son.

Then in January of this year an officer from The Adjutant General's office called: "Mrs. Hopper, I have some good news about David."

"And then he told me that David had been seen alive in captivity as late as last November. I don't know if I was laughing or crying. I'd asked God for a miracle and I think I got one. Now I need another," she said. "I need to get him out."

She hasn't heard another word about David since that call. But it had been many miles over a long hard road to get even that much.

YEARS OF WAITING

The long wait has made the ordeal doubly difficult for Mrs. Hopper. "David was one of the early ones," she explained. "He and the other man in the plane have been missing longer than any man in the Army."

When David was first reported missing, the Government was asking relatives of PWs/MIAs to remain silent while diplomatic negotiations were underway. In mid 1969, the PW/MIA problem became a public issue. The families were encouraged to meet, get acquainted and discuss their mutual problem. Mrs. Sybil Stockdale (her husband a PW) decided that something more was needed. She began organizing the families and later became the first president of the National League of Families.

"So we got together and started working," Mrs. Hopper said. "Then I read in the paper where some ladies from Dallas had gone to Paris to seek information about their husbands. That was in 1969."

By the time Mrs. Hopper finished reading the story of those women she knew what she was going to do. She called the Dallas newspaper which ran the article and from there was put in contact with Murphy Martin, a local television employee who sponsored the trip. "Mr. Martin told me to cable the North Vietnamese delegation in Paris at their residence and tell them what day I would be in Paris," she said. "But to cable them right before I left so they wouldn't have time to answer me."

It was a long shot, she knew that. Mentally as well as physically it would be exhausting. She expected no publicity, encouragement or sponsorship. For a lady weighing a mere 100 pounds it would be a monumental task—strongarming her way into the homes of a people we were fighting.

GATEWAY IN PARIS

So with her sister for moral support, Mrs. Hopper struck out for Paris. "I went via Canada and spent a few days in Montreal," she said. "So my cablegram went from Montreal to Paris. I told them in the cable that I would be there on a Friday morning and would like to see them at earliest convenience—I didn't say their earliest convenience or mine."

She arrived in Paris on a Thursday evening and by 8:30 the next morning was standing in front of the walled North Vietnamese delegation residence. The street was empty except for a lone policeman on the corner. "Not knowing how long we were going to stay I dismissed the cab and rang the bell." The gate was opened by an English-speaking Caucasian. "I just said to him, 'I'm Mrs. Hopper and I'm expected,'" she said. "It sort of surprised him and he asked me if I had an appointment and I said, 'No, but I'm expected.'"

With this, the gateman asked Mrs. Hopper to wait and left the gate, apparently to find someone who might know what was going on. "But he left the gate open about a foot so I just walked in," she said. "I pretended to assume that he meant for me to wait inside—because I had made up my mind that if I ever got that gate open it wasn't going to close without me entering."

At that moment the gateman was joined by a second man who said he spoke only French. And it seemed an impasse had been reached when suddenly an English-speaking Vietnamese man appeared. "I told him who I was and why I was there and he asked if I could make an appointment and come back," she said. "I said I could but that I was going to be in Paris such a short time . . . So then he suggested that we come back later in the day. And I said in that event we'd just have to wait because it's too far back to the hotel."

The Vietnamese man disappeared momentarily, then returned with another Vietnamese. "This man also spoke English and was very courteous to us," said Mrs. Hopper. "He was obviously someone in authority because the moment he became courteous, everyone right down the line changed."

To this last man Mrs. Hopper gave the information she had about David and the circumstances surrouding his final flight. "The moment he saw David's serial number he knew he was Army and said, 'Mrs. Hopper, you've come to the wrong place. But I will see that the other delegation gets this information.'

"Well, this told me very plainly that the North Vietnamese are not going to take the responsibility for those men imprisoned in the South by the Viet Cong," she continued. "So we must pressure the Viet Cong. And the Pathet Lao. We can't just concentrate on the North."

The confrontation had taken place in the compound outside the residence. "I didn't want to be invited in because the wives who had gone there before and gone in had been filled with a lot of propaganda which I didn't want to go through," she explained. "But there was a little table setting there and I asked if I could sit down."

The Vietnamese man finally asked for Mrs. Hopper's address and as she sat at the table writing it he watched over her shoulder. "Mrs. Hopper, I thought you were from Canada!" he exclaimed, seeing her California address.

"My sister and I didn't dare look at each other because we knew right away that the only reason he saw us was because he thought we were from Canada," she said. "And I said, 'Oh no, I just cabled en route to Paris.'"

With that, Mrs. Hopper asked if someone would call a cab.

APPEAL TO NLF

For the next 3 days she rested. "I just felt that I needed a little rest" before tackling the National Liberation Front delegation.

It was on the following Tuesday morning, again quite early, that Mrs. Hopper arrived at the NLF residence. "There wasn't even a car on the street when we drove up," she recalled. "But as we were getting out of the cab a car did drive up across the street and a man got out. He was tall, dashing, a poetic type." This man, Mrs. Hopper said, obviously had an appointment at the residence but reached the gate after she and her sister did.

She rang the bell, showed the gateman a card with Madame Binh's name on it and told him she wanted to see Madame Binh. The gateman wasn't impressed and refused to open up. About this time, however, the tall, dashing fellow reached the fence and immediately the attendant opened the gate.

"So when the gateman opened the gate we just walked in with this stranger," she said. "But by the time we got in we had caused enough confusion that someone in the house heard it and a Vietnamese man came out.

"We were all just inside the gate," she continued. "The gateman was angry with my sister and me because we had come in and the man who came out of the house was a little upset too so I handed him the card with Madame Binh's name on it.

"About this time the man who we walked in the gate with asked in English, 'What's the problem?'" she continued. "And I told him that I wanted to talk to Madame Binh about my son who is missing in Vietnam; and nobody here seems to be able to understand me."

The tall man spoke to the Vietnamese, then turned to Mrs. Hopper: "He tells me the problem is that they have no interpreter."

"I was obviously distressed," she said. "Then this stranger said he could spare us a little time. So he interpreted for us. We left the information and they told us they would see what they could do."

After returning to the United States Mrs. Hopper followed up with letters to Madame Binh. "I've tried to appeal to her in every way I know—as representative of a state, as a mother," she said. "I've never had any response."

In fact, the only response Mrs. Hopper has ever received from any foreign government came from Prime Minister Palme of Sweden. That came as a result of a visit by wives of PWs seeking information about their husbands.

"The prime minister had a list divided into three parts—those who had never been captured, those who had died and those who were now prisoners of war," she explained. "He sent me a cablegram a day or two before the list broke in the news. David was on the list of those never captured in North Vietnam.

"I cabled him back that very day and asked if he would try to find out if David were a prisoner of the Viet Cong," she continued. "I've never heard from that. But that was before Christmas last year. And it was shortly after Christmas that I got the official news from the Army that David was alive in captivity last November." (In April 1971 David's status was officially changed by the Army from "missing" to "captured"—*Editor.*)

FRUSTRATING YEARS

Those instances are only the high points of a frustrating and lonely 5 years for Mrs. Hopper. She's been to Washington several times seeking information about her son. She writes and phones members of the military and Congress constantly. Only a few months ago she wrote every senator asking for help. She is also on the speakers' list of a local citizen's group working for the release of PWs and MIAs.

"I'm a widow and live alone," she explained. "It's pretty important for me to keep busy. And I never have enough time to do all that I feel I should.

"I'm human enough to put my own son first but he's certainly not my only concern. There are a lot of men over there. And even when David comes home I'll continue to work until they all get out," she vows, "until we get some accounting for these men."

ORGANIZATIONS HELP

Mrs. Hopper, of course, is a member of the National League of Families, headquartered in Washington. But she is even more active in the local group called Concern for Prisoners of War which has its main office in San Diego. "People offer to speak for us. They make donations. We have office space donated and equipment loaned to us. We have printed material—bumper stickers, posters, letters. A lot of people don't like to write letters but they'll sign one."

She doesn't do office work but she speaks frequently, sometimes to small professional groups of 30 or 40, sometimes to school assemblies of 1,500 or more.

"The first time I spoke on the prisoner of war subject I was very nervous," she admitted. "And I'm still nervous because it's so close to me. But it doesn't matter.

"It comes from my heart and sometimes I think the worse I am the better they like me," she continued. "It isn't easy for any of us (on the speakers' list) because it isn't easy to make public your personal feelings. I'm a private person and things that are close to me are very personal and I don't enjoy sharing them. But then I know it isn't easy—what those men are going through over there. So I tell my self if they can do that I can do this."

Mrs. Hopper's life revolves around her efforts to regain David. She makes no social engagements because they might interfere with her PW-MIA work. She writes constantly. She travels. She speaks at every opportunity.

But from time to time she looks up from her desk where she pens the many longhand letters, past the American flag tacked to the wall of her beach house—David's flag which was flown over the Capitol in Washington in tribute to him—past the long stretch of sand and finally to the Pacific. "You know, if they would just let us know whether the man is alive or not," she muses. "If they would just let him communicate with his family . . ." She looks and hopes to see David coming up that beach. "I can't say I don't look out there and think I'm looking clear across," she said. "Once I told them I'd go over there (to Vietnam) and look for David myself. They told me it wouldn't do any good, that I would only be jeopardizing David's life more as well as my own."

She looks at the sea and it gives her strength to go on even in the exhaustion and frustration of exploring countless dead ends. She looks and remembers the days that she and David walked along that sand talking about the sea, the beach, nature, God, flying. "He always loved walking out there on the sand, sort of communing with nature, I guess," she said. "He loved it just as he loved flying. He said that he somehow felt closer to God when he was flying.

"I'm not trying to make him a self-righteous saint," she said. "He certainly wasn't. He was an all-around man. A very masculine man. But he did have a strong faith. It takes a strong man to have that," she said. "And I feel that faith will see him through . . ."

"A Simple Copper Bracelet"

Everywhere Mrs. Margaret Hopper goes, regardless of the occasion, regardless of her dress, she wears a simple copper bracelet. Engraved on it is "Sgt. David Demmon, 6-9-65" (the date he was reported missing).

It is one of thousands of similar bracelets being worn by men and women across the United States. Each is engraved with the name of a PW or MIA and the date he was reported missing or captured.

They are manufactured by an organization of young people interested in the PW-MIA situation who decided to express their concern in this way.

"We are going to wear the bracelets until they open up those prison camps over there and we hear about our men," explained Mrs. Hopper. "I know many people don't even take them off at night. One girl has hers locked on.

"It has a special meaning to me, of course, because it's my son's bracelet," she continued. "But I don't have to be reminded. It has a very special meaning to many people who do have to be reminded.

"I get letters from people who don't know me, who don't even know my name, but write through the Concern for PWs or the bracelet manufacturer's office," she said. "I had one just the other day from San Francisco—the lady said that she would like to know something about David and what she could do to help.

"I had another letter from an 11-year-old girl. There's a man in Pennsylvania to whom I wrote when I got the news that David was alive because he's wearing David's bracelet and asked me to let him know. A lady in the middle west somewhere said she has a brother who is a PW.

"They have a great deal of meaning to people," she said. "It gives them a feeling of closeness."

Sometimes after she's put in 12 or 14 hours a day giving speeches, writing letters, talking on the phone, people ask Mrs. Hopper where she gets her strength.

"From the young women whose husbands are missing," she counters. "I think they have a lot to bear.

"Wives are in a pathetic situation," she explained. "They are neither married nor single. Most of them don't even know their marital situation—whether their husband is alive or dead. And they're trying to be both mother and father to young children.

"They don't fit anywhere," she continued. "The single people consider them married; the married people consider them single. They don't fit in socially.

"They're dedicating their lives to trying to find out something about their husbands," she said. "And I'm just glad David doesn't have a wife waiting here in that situation for him to worry about and to worry about him."

TRAGEDY IN PAKISTAN

Mr. CRANSTON. Mr. President, the tragedy in Pakistan worsens each day. Millions of people are homeless and hungry as a result of the unfortunate warfare that has erupted between East and West Pakistan.

Several Americans who have worked and lived in Pakistan inform me that the best way to end this situation is to make certain that our aid is funneled to that nation in a fair and equitable manner for the benefit of all those in need. To that end, I have cosponsored amendment No. 159, submitted by the Senator from Ohio (Mr. Saxbe) and the Senator from Idaho (Mr. Church).

I ask unanimous consent to have printed in the Record a letter to the editor of the Los Angeles Times concerning the situation in Pakistan. The letter was written by a group of Asian studies scholars on the faculty of UCLA. It deserves our full attention.

There being no objection, the letter was ordered to be printed in the Record, as follows:

University of California,
Los Angeles, Calif., May 17, 1971.

The Editor,
Los Angeles Times.

Dear Sir: We, the undersigned scholars of Asian Studies on the faculty of UCLA, write to express our profound sense of anguish and shock at the news we have read and personally received of the brutal and protracted massacres of Bengali civilians by West Pakistan's armed forces since March 25, 1971. From every creditable report we have seen it appears that General Yahya Khan's Army directed the full strength of its fire power at such bastions of "resistance" to his military dictatorship as the unarmed camp of Dacca University, where no less than five department chairmen were murdered, together with as yet unaccounted numbers of their research assistants, students, staff, and families.

Unless or until West Pakistan's regime permits the Red Cross or the United Nations, or some other impartial international agency, to send its representatives to the now ravaged region of East Pakistan (which the overwhelming majority of the Bengali-speaking populace now prefer to call the "Country of Bengal," *Bangla Desh*) it will be impossible accurately to assess the dimensions of this South Asian massacre. From what we already know, however, it seems painfully clear that whatever the precise total in Bengali dead, wounded, and terrorized may be, a new record in martial fire power mortality may possibly have been set by West Pakistan's forces during the past six weeks.

Since 1954 our Nation has supplied approximately two billion dollars worth of military "aid" to Pakistan, including tanks, planes, and artillery. That aid was offered to Pakistan when it became a member of SEATO, in order to "bolster" South Asia's Northern perimeter against possible Communist invasion. The only use, however, which Pakistan made of American military supplies prior to last month's massacre was during the Indo-Pak War over Kashmir in 1965. After the latter, our government placed an embargo on military shipments to Pakistan, but in October of 1970 that embargo was lifted, and we have now promised to ship another 300 armed personnel carriers, four maritime reconnaissance planes, six F–104 jet fighters, and seven B–57 bombers to West Pakistan's regime.

We most strongly urge our government, which has reimposed a limited embargo on arms shipments to Pakistan to extend and maintain a total embargo for the indefinite future, and further request that all economic aid which may directly or indirectly provide foreign exchange to General Khan's administration, which may be used to purchase military equipment elsewhere, be suspended at least until an impartial international Commission has been able to satisfy the American people that the slaughter of Bengali civilians has been halted, and that West Pakistani troops responsible for the Dacca and other Bangla Desh massacres have been withdrawn from that region.

We fear that there is little hope of our protests influencing the minds of West Pakistan's military leadership, but trust that by taking the course we recommend our nation will at least clear America's conscience of all stigma of possible continued support for the murder of Bengali civilians.

Sincerely,

Stanley A. Wolpert, Professor of Indian History; D. R. Sar Desai, Professor of Southeast Asian History; J. Richard Sisson, Professor of Indian Politics; Rupert Emerson, Visiting Professor of Asian Politics; Hans H. Baerwald, Professor of Japanese Politics; Fred G. Notehelfer, Professor of Japanese History; J. LeRoy Davidson, Professor of Indian Art; David M. Farquhar, Professor of Chinese History; Robert A. Wilson, Professor of Japanese History.

LOTTERIES FOR OUR LOSERS

Mr. HATFIELD. Mr. President, an Oregonian, Mr. Joseph A. Stein, recently sent me a copy of a poem he had written regarding the draft. In light of the recent occurrences in Congress on this matter, I think them quite appropriate.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

LOTTERIES FOR OUR LOSERS

Turn your face away
Young man, you ought to join the Army.
Don't you know our country needs you?
To fight—no, that's not right—to serve, not deferred for higher learning.
We need the bloom of manhood.
Male flowers, aged 18, on our altar:
Berlin, Pentagon, Vietnam (l. to r.) and all over.
"Today's Army Wants to Join You."
Tour Indochina's jungles. And Germany's.
Those people over there might trouble us.
We fear, red and black and yellow.
But, our country right or wrong.

Not deferred, not exempt, not bypassed, not anything, no 2A?
No.
Enlistments closed.
You cannot volunteer.
Black skins, say some, and poor and Indian must not go: they're underprivileged.
You rich boys, Stop, the White Affluent dare not elude us (except a few).
We have to have to have to have them, too, for balance: homogenize our cannon fodder.
Equality among the Grunts.
We spread that obligation far and wider. To serve.
Except for some: Old men in Congress; Sons of Certain People; Quakers, ministers, CO's; others for "the convenience of the Government."
Government—not youth—must be served; it's always so.
And, let's see, we exempt girls and women, they're too unequal to worship at our altar to (M - - s).
Like Yahweh we revere and fear his name, we dare not speak of war god.

We always draft them fair, we spread that obligation, anyhow, producing patriots.
When we grew up the draft was there
Wasn't it always?
We give our sons the best of worlds—we worked hard, you know.
Our gifts, the glossy, drossy, flossy wonders of technology. And fears.
And the draft (it's always fair).
Our noble purpose means that some will serve their country. With honor.
Others? Well, they are privileged, we think in secret heart. Lucky.
Draft lotteries are for losers.
No need to fight and die for freedom, to forfeit liberty and slave behind a gun.
Well, some are called, but not: Old Men in Congress, Girls, Special Skills, Sons of Certain People "For Convenience of Government."
It's guaranteed Selective Service
Officers, you may not speak of heroes past, that you volunteered, every man.
Legions of Arlington, mute witnesses of men who cared to serve and fight and die for noble causes as volunteers.

No, we need the draft, Our Country Right or Wrong.
Always we have had the draft—well, 30 years, plus three or four in other wars, to-wit: Between the States and WWI as Uncle rounds our Second Hundred Years.
Conscription, naughty word, from French Revolution. Madame Lafarge.
But we know No Other Way.
Volunteers are mercenaries, you know. Mercenaries?
Well, at slave wages they must sweat. So did
Yours truly in tender years, age 18, Greetings; and RSVP.
Who can price out eyes, a set of ears or testicles, weigh legs and muscles by the pound? Account for a life. Or half, lived courtesy of the VA?
No we can't abide your volunteers, our minds made up, we must draft men.
Draft them fair.
The august voice has thundered down, we need the draft, must have the draft, yes "because even without Vietnam this country will continue to have substantial manpower requirements . . ."
The well parsed script denies what's gone before: by 1969 one sixth of men in Service roles were draft bait slaves who bore the rifles eight from nine, in Vietnam and counted half the deaths and war-wounds. The Body Count.
Says New York Times, in perfect syntax
Liberal to the core, since
A.D. 1940
But we will draft them fair.
Our country's military paramount, the greatest ever. Invincible (In My Lai, Da Nang too).
Military Might is Made of Men. M's feed on
Conscripts, age 18—not Volunteers—but drafts them fair. Rome's legions had slaves, for Empire. And Glory.
Slave service is no ideal, but Necessary. We wait for
Days of Peace.
That's why our youth must serve our god M—s.
It's Absolutely Necessary; the Senate decided 55–42 (3 not voting).
It's Absolutely Necessary; the world is full of peril.
You bet we have a Free Society. Sure we press no one into service, for our country's needs. For any problems whatever.
Not cure pollution, clean our streets, un-foul the air, not cure disease, heal the sick, bury dead men, stop alcohol, pot, narcotics, Not fight crime and garbage.
Help your local police.
No, they all volunteer.
We wave the stars and stripes, and print on stickers for lapels and bumpers. (They sell well.)
We're red-hot-red-white-blue patriots. We know what's best, at least by 55–42, (not voting). We draft men fair. We fear God.
Selective Service, the rubric of M—s.
Our school commencements, what do they commence? A brilliant world. We have it Made for them, our sons. We worked HARD.
New Deal, Frontier, Great Society and Nixon's Age of Winding Down (on the ground)
It ever was the same: draft fair. Don't scare-talk us of
Great Complexities. You say our sons face Big Dilemmas, a world of Change and Big and Little Horrors?
Age 18.
Well, isn't that too bad! We did our levelest bestest you know.
Their scars in twenty years, will heal like ours. We draft them fair, for Mars.

RURAL ELECTRIC COOPERATIVES A MAJOR FORCE IN REVITALIZING RURAL AMERICA

Mr. HUMPHREY. Mr. President, America's consumer-owned rural electric cooperatives have justly gained nationwide recognition for the fine job they are doing of rural revitalization. All across Countryside, U.S.A., cash registers are beginning to ring more often and more merrily because rural electric cooperatives have been taking an active and effective interest in helping rural communities to build new industries, establish new and expanded businesses, improve utilization of local resources from farmland to scenic and recreational attractions, and develop the educational, rural housing, and community services and facilities.

I ask unanimous consent to have printed in the RECORD the reprint by the U.S. Department of Agriculture of an article in the May 28, 1971, Wall Street Journal.

It is a deserved recognition of sustained effort in the national interest. Congress last year in title IX of the Agriculture Act of 1970 stated:

> The Congress commits itself to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

The rural electric cooperatives' efforts are making a major contribution to attainment of a sound balanced growth of America. The Rural Development Subcommittee of the Senate Committee on Agriculture and Forestry seeks through field hearings to see and hear and learn more of these efforts. Particularly we want to learn how the Congress can provide the assistance these worthwhile efforts so richly deserve.

In doing so we do not intend to forget that rural electrification itself is a major contributor to rural growth and that expansion and improvement requires adequate funds, investment in new and larger facilities and heavier lines.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RURAL ELECTRIC COOPS DIVERSIFY IN ATTEMPT TO KEEP MORE CUSTOMERS DOWN ON THE FARM

(By James C. Tanner)

LAFAYETTE, LA.—An aggressive new business is beginning to surface in small-town America. It is called a rural electric cooperative.

By name at least, the nonprofit consumer-owned co-ops known as rural electrics are oldtimers. Farmers started them in the 1930s with 2% loans from the Rural Electrification Administration. They drove the kerosene lamp from the countryside, only to find that more than bright lights were needed to keep people down on the farm.

But now the rural electrics are making a comeback—by shedding the farmer image and by becoming activists in their communities.

This new approach by the rural electrics has made a homeowner out of Rodney Savoy. The 23-year-old truckdriver from nearby Scott, La., had given up on getting a home loan until he attended one of the meetings on housing being held in this area by Southwest Louisiana Electric Membership Corp., or Slemco, of Lafayette. The co-op steered him to the Farmers Home Administration for financing and told him how to apply. Mr. Savoy now is building a three-bedroom brick house.

Thanks also to Slemco's efforts, a new school for mentally retarded children is being built in the little town of Iota. At the town's request, Slemco helped Iota make a pitch in the Louisiana legislature for the school.

BOOSTS PLANT, HANDLES HIRING

The Lafayette co-op gets considerable credit, too, for a yarn products plant under construction at Martinville. The plant will provide 1,000 jobs for the area, reports U. J. Gajan, general manager of Slemco. He should know. After helping St. Martinville get the new industry, he sent Slemco staffers to the town to screen job applicants for the plant.

Around the oil fields, rice paddies and crayfish and catfish farms of Cajunland—this French-speaking part of south Louisiana—Slemco is considered somewhat of a swinger. Its annual meeting of consumer-members draws more than 10,000 and is considered one of the biggest fetes of the year in Lafayette.

Slemco isn't a typical co-op. With 38,000 consumer members, it is one of the largest, if not the biggest, in the nation. But its change in emphasis to community development is being shared increasingly by the other rural electrics.

The co-ops are sponsoring and promoting, and in some cases building new houses, schools, parks, golf courses, swimming pools, hospitals, resorts and factories in the rural areas. Samplings of scores of the nation's 1,000 rural electrics indicate that at least three out of every 10 are involved in such nonpower projects in the regions they serve, and the trend appears to be snowballing.

"We've got to make the rural areas more palatable to stop the migration to the cities," says W. V. Thomas, general manager of the Wisconsin State association of rural electrics.

Growing evidence suggests the migration already has stopped and perhaps reversed. With new highways and the clean air of the countryside beckoning, more urbanites are moving to smaller towns and commuting to jobs in the cities. Many others are building weekend and vacation homes in the rural areas. "Everybody wants his five acres in the country," says a Texas co-op official.

Obviously, the rural electrics are beginning to benefit. Nationally, these co-ops have 6.5 million meters linked to their lines and are expected to add at least 150,000 more this year. More than half of the 20 million to 25 million people provided power by the co-ops, based on four persons per meter, already are "nonfarm" (electricity users who may live on the farm but don't make their living there), and seven out of eight new customers of the co-ops fall in this category.

The metamorphosis in membership rolls is reflected in part by the changing attitudes of the co-ops. "To say we took the lantern off the farm means nothing to most of our members now," says Ronald J. Knouse, manager of member and community services for Blue Ridge Electric Membership Corp., Lenoir, N.C. He notes that only 10% of Blue Ridge's customers derive most of their income from farming today, versus 90% 25 years ago.

Even so, the so-called investor-owned and municipal power companies are continuing to cut into the territories of the co-ops, leaving many of them only with still-sparsely settled regions. And many of the residents of these regions are among the nation's poorest.

UNIQUELY EQUIPPED CATALYSTS

An estimated 14 million impoverished Americans live in the rural areas. Some 50% of all rural housing is said to be substandard, compared with an estimated 14% in urban America. One South Carolina co-op surveyed just one of its counties and found that 40% of the 7,000 houses had no toilet facilities.

Armed with such evidence, South Carolina's rural electrics are launching "Stand Tall" programs throughout the State to develop jobs and job training and to provide housing, water and sewer systems, schools and recreation for the rural poor. "These are the people who would go on to the slums of the cities if not helped and become dope addicts," says a spokesman for the State's electric cooperatives.

The co-ops have their own interests at heart, of course, J. U. Gajan II, director of power sales for Slemco, notes that the co-ops can increase their electricity loads by improving the lot of their customers. "We're not really looking at it moneywise—it's hell to be poor—but if we can move someone from a $2 a month house to a $5 a month (electric bill) we're helped too," he says.

Whatever the motive, the rural electrics appear to be uniquely equipped to become catalysts for a turnaround in rural America. "The co-ops, usually the largest single business organizations in their communities, Cooperative Association. "Many millions of whole matter," says Robert D. Partridge, general manager of the National Rural Electric Cooperative Association. "Many millions of future Americans," he adds, "are going to have to have jobs and live in what are now rural areas. The cities can't absorb them, and the co-ops need these additional consumers to offset their loss of farm consumers."

A PUSH IN HOUSING

Other observers agree. "It's the greatest development idea beyond the city limits," says David A. Hamil administrator of the Rural Electrification Administration which still provides financing of around $345 million a year to the co-ops but only for power purposes. And Congressman Wright Patman of Texas told the co-ops at their recent Dallas convention: "Slowly we are making headway in this area but the rural electric cooperatives must still provide the nucleus of any new efforts to revitalize rural communities."

If anybody's unhappy about the co-ops' expanded activities, in fact, it's mainly the investor-owned utilities who don't get the benefit of low-cost government loans for their power facilities. Utility executives grumble that if they were able to get 2% loans, they, too would have more profits left over for community development activities.

The biggest push by the co-ops is in housing. Their national association lobbied through Congress a liberalization of lending policies as well as additional funds for the Farmers Home Administration. On the home front, the co-ops began vigorously rounding up home-buyer prospects to use up the $1.5 billion the Farmers Home Administration has available this fiscal year.

The result has been a flood of home-loan applications into understaffed FmHA offices. Mills J. Vautrot, assistant county supervisor for the FmHA office in Lafayette, says he is closing twice as many housing loans this year.

Many co-ops have begun helping process loan paperwork for the FHA. A North Carolina rural electric hired an additional man for this purpose. Some co-ops have put on, or at least assigned, as many as four staffers to handle FmHA loans. At Jackson, Ga., the co-op's "Power-Use Organization," wives of consumer-members of Central of Georgia Electric Membership Corp., has made housing its club project this year. "By financing homes for them, we can hold people in the country and keep the poor devils out of the city," says Robert F. Armstrong, manager of the Georgia co-op.

JUST A COINCIDENCE

Some co-ops are going even further on housing. Wisconsin's rural electrics set up a statewide housing cooperative that is using government grants and loans to construct homes for the rural poor. Similarly, at Wilburton, Okla., a nonprofit housing co-op recently established by Kiamichi Electric Cooperative is constructing more than 600 homes for low-income families. It is so coincidental, the co-op says, that the houses are all-electric.

But houses alone aren't enough, the co-ops figure. So they are pressing for some amenities, too.

In Texas, the rural electrics have helped establish several hundred water districts and are involved at the moment in developing LBJ State Park, named after the former President. In New Mexico, electric co-ops rode to the rescue of a narrow-gauge railway abandoned by the Denver & Rio Grande Western Railroad. A resulting two-State joint venture begun by New Mexico's rural electrics has salvaged a 67-mile stretch of scenic route in Colorado and New Mexico. It will be reopened this summer for tourists and narrow-gauge railroad buffs.

Clinton County Electric Cooperative at Breese, Ill., helped establish a junior college at nearby Centralia and then got behind community campaigns to improve medical facilities. One of the co-op's officers headed a financing drive that resulted in a new 100-bed hospital. Now he directs a group that's trying to bring in more doctors and nurses. The organization already has netted one new doctor with its campaign this year.

PLUGGING RURAL VIRGINIA

Jobs are important, too, and that's why the co-ops are hustling for new industries for their areas. Earl J. Shiflet, executive manager of Virginia's statewide association of electric cooperatives, now spends half his time making speeches in the cities to plug the industrial attractions of rural Virginia.

North Carolina's Blue Ridge Electric says it has brought nine industries to its area in the past 12 months. They include textile, woodworking, metalworking and furniture plants and provide 1,200 jobs.

At Medford, Wis., Taylor County Electric Cooperative puts up seed money to get new industries started. It's also keen on airport improvements, perhaps because its 68-year-old manager, Charles W. Berglund, Jr., got his pilot's license last November.

Georgia's statewide co-op association recently hired an industrial-development specialist who's trying to fill the State's empty buildings with new firms. "Cotton is dead," says a spokesman for the Georgia co-ops, "and there seem to be a lot of vacant warehouses."

Eastern Maine Electric Cooperative parlayed a vacant warehouse, its owns, into a thriving new industry for Calais, Maine. The industry, a shirt factory, did so well it has moved into its own new plant. Now the co-op is trying to get someone else to occupy the warehouse, and a winemaker and a paintbrush manufacturer have expressed interest. "This is the grass roots," says Robert V. Clark, manager of the co-op, adding: 'If it doesn't start here, it doesn't start."

DR. ROBERT N. BARR

Mr. HUMPHREY. Mr. President, the State of Minnesota and the people of the United States recently lost a longtime dedicated public servant in Dr. Robert N. Barr. Dr. Barr served for 32 years as a member of the Minnesota Department of Health as a specialist in the division of preventable diseases. He was known on the national scene for his support of Hill-Burton legislation. He also was instrumental in obtaining National Institutes of Health projects for the State of Minnesota. They were a demonstration and study for improving patient care and a demonstration for planning health care resources.

Dr. Barr had a great concern for the public health needs of our State, often pushing for public health legislation in the Minnesota Legislature.

The people of Minnesota greatly appreciate what Dr. Barr represented in the health field as well as the encouragement he gave others.

Dr. Barr worked his way through Macalester College between 1920 and 1924 by holding odd jobs, including selling newspapers. Many of his college classmates recall how he lived in the basement of a girl's dormitory and stoked the furnaces and did other janitorial services for board and room. He graduated from the University of Minnesota Medical School in 1930. He later earned his master's degree in public health from Johns Hopkins University. Dr. Barr lived and worked for the health and well-being ing of his fellowman.

I ask unanimous consent to have printed in the Record a tribute to Dr. Barr from the magazine, Minnesota's Health.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dr. Barr's Concern Extended Beyond Minnesota Borders

Robert Neff Barr, M.D., spoke about public health as easily as most people say their names—not a surprising fact for a man whose entire professional life was devoted to the public health field.

Dr. Barr's 32-year association with the Minnesota Department of Health began in January, 1934, when the young physician was appointed as epidemiologist in the Division of Preventable Diseases. It ended abruptly December 26, 1970, with the executive officer's unexpected death. Dr. Barr was the State Board of Health's fifth secretary and executive officer.

Born in Baxter Springs, Kansas, on September 16, 1902, Dr. Barr came to Minnesota with his parents at a young age. His father, the Rev. Robert Lord Barr, was a Presbyterian clergyman. The younger Barr attended elementary schools at Bruno and Battle Lake, and graduated from high school in 1920 at Fergus Falls.

He entered Macalester College in St. Paul and was graduated in 1924 with a bachelor of arts degree in chemistry. After teaching high school physics and physical education for one year at Wheaton, he entered the University of Minnesota where he received his doctor of medicine degree in 1930.

Dr. Barr spent three years in private practice in Baker, Montana, before returning to the University of Minnesota to study internal medicine. When lack of finances caused him to leave the university, he joined the state health department. He later earned his masters of public health degree from Johns Hopkins University after a year's leave of absence from the department.

When World War II broke out, Dr. Barr, like many others in the state health department, went into his country's service. He joined the Army in 1942 and spent 33 months overseas in the Pacific theater, part of the time as commanding officer of the Sixth Medical Laboratory on Guadalcanal. It was there, Dr. Barr once remarked, that "I cooled on my ambitions to get into internal medicine and became enthusiastic about administration and public health. I never regretted my decision."

He returned to the state health department in 1946 to resume duties which started in 1934 as an epidemiologist and carried him through assignments as director of Indian health, director of rural health services, chief of departmental administration, and director of local health services. In 1949, Dr. Barr was named the first deputy executive officer and, on November 1, 1955, following the death of Dr. Albert J. Chesley, he was appointed secretary and executive officer by the State Board of Health.

As tools in his continual fight to upgrade Minnesota's public health programs, Dr. Barr employed his gift for forceful communication, backed by near-encyclopedic knowledge, common sense, and logic. Friends and associates recall that some chuckles were often mixed into Dr. Barr's discussions of public health. But, although friendly and outgoing, he never hesitated to speak bluntly when the state's health was concerned.

During the 1950s, for instance, he commented in cold fury regarding the state laws that permitted large housing developments with homes built close to one another and with no common sewer system. In some areas, individual septic tanks were so close together that the land became soaked with sewage.

In 1954, he charged that the Salk polio vaccine had been "oversold to the public." His fears were substantiated when some of the vaccine in another state turned out to be faulty and apparently caused some cases of polio. Still, he supported a Salk vaccine program under a close watch. Then, when the safer oral polio vaccine became available, he strongly supported its use.

Dr. Barr demonstrated a keen interest in hospital construction and in the Hill-Burton Program from its inception. He testified before Congress on numerous occasions relative to Hill-Burton's continuing need and accomplishments, and was chairman of the Association of State and Territorial Health Officers (ASTHO) committee on hospital and medical facilities planning and construction. Many of the hospital recommendations submitted for consideration at the Surgeon General's conferences throughout the years were instigated by Dr. Barr.

Long an advocate of improving patient care and of sound, long-range planning for health facilities and services, Dr. Barr encouraged two proposals, both of which were approved by the Division of Research Grants, National Institutes of Health, U.S. Public Health Service. *A Demonstration and Study for Improving Patient Care,* conducted in the state health department from 1956 to 1962, established patterns for studies of existing paramedical personnel and practices, regional refresher training, utilization of consultants and shared personnel, and other means of alleviating critical manpower shortages including various methods of recruitment. From 1962 to 1965, *A Demonstration for Planning Health Care Resources* promoted interest in area-wide planning and in establishing functional relationships among health care facilities.

Dr. Barr's deep concern for public health needs and for the well being of people extended beyond the borders of Minnesota. In 1958 he was responsible for bringing the World Health Organization to Minneapolis where 86 nations celebrated the organization's 10th anniversary. Four years later, he was instrumental in bringing to Minneapolis the Pan American Health Organization for its 16th quadrennial conference. As steering committee chairman for both these international meetings, Dr. Barr was responsible for the planning, development, and execution of all local arrangements and activities. The hospitality of local citizens did much to promote international friendship and to contribute to a greater understanding of our way of life.

Dr. Barr was a diplomat of the American Board of Preventive Medicine and Public Health, a fellow of the American College of Preventive Medicine, and held membership or office in numerous health-related organizations. He was a member of the ASTHO executive committee and served on several Advisory Committees to the Surgeon General, including those on Indian health, heart disease control, cancer control, and environmental radiation exposure.

In 1963, Dr. Barr received the Minneapolis Junior Chamber of Commerce's Francis E. Harrington Award for public health leadership and achievement. He also received the Minnesota State Medical Association's Distinguished Service Award and the ASTHO's Arthur T. McCormack Award in recognition of his public health leadership. In October, 1970, Dr. Barr was presented the Harold S. Diehl Award by the Alumni Association of the University of Minnesota Medical School for his service to the medical school, the medical profession, and the University of Minnesota.

He is survived by his wife, Lucy; a daughter, Mrs. Robert Gustafson; a sister, Mrs. C. S. Lucas; and two grandchildren.

ADDRESS BY ATTORNEY GENERAL MITCHELL

Mr. BYRD of Virginia. Mr. President, the Attorney General of the United States, John N. Mitchell addressed the American Bar Association meeting in London, England, last week.

His July 16 address was captioned "In Quest of Speedy Justice."

The Attorney General's remarks were directed at both attorneys and judges.

I ask unanimous consent that the text of Mr. Mitchell's excellent address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

In Quest of Speedy Justice

(Address of John N. Mitchell, Attorney General of the United States)

In the novel, *Bleak House,* Charles Dickens built his story and his message around a civil case before the High Court of Chancery that had dragged on for generation. Two or three of the solicitors in the cause he wrote "have inherited it from their fathers who made a fortune by it . . ."

Innumerable children have been born into the cause; innumerable young people have been married into it; innumerable old people have died out of it.

This classic case of courtroom delay, as well as the whole theme of belabored justice that runs through *Bleak House,* come to mind again today—not here in England, whose courts are a model of swift justice, but in the United States. And because we are in Britain, the mother of the common law, we can look at our own problems with more perspective and compare our methods with those which have worked so well here.

In our own country, delay in civil cases has long been notorious. But now the infection has spread to criminal cases, where "speedy trial" is guaranteed in the Sixth Amendment to the Constitution. In our larger cities delays of five to six months between arrest and trial are normal. Cases of delay up to two years are not uncommon. It is not surprising that the New York jail riots in the fall of 1970 were blamed largely on trial delays—more than 40 percent of the inmates had waited at least a year to be tried.

In such desperate situations, there is a great temptation to subordinate the ends of justice to the urgent task of clearing the calendar. To keep cases from coming to trial, negotiated pleas have become the order of the day. One veteran defense counsel has said, "If every defendant refused to plead and demanded a trial, within a year the system would collapse."

Delay has also overtaken the trial period itself—the time in a Federal criminal proceeding has roughly doubled in the past decade.

But it is when we get to the post-trial stage that months can turn into years. It is no problem to cite cases in which the post-trial review has dragged on for a dozen years.

I submit that such a system of justice is in some respects a caricature of justice. It denies the very blessing it is supposed to confer.

Little wonder that the American public is concerned about its system of justice—while confidence in that system is indispensable to an ordered society.

Little wonder that, according to a recent poll, only 23 percent of the adult population think the American justice system is working well today.

Little wonder that many have adopted a cynical distrust of the courts—an attitude that cropped up as early as Shakespeare's time. In Part II of *Henry VI,* a mob goes to London for the now-familiar purpose of trying to stop the Government. You'll recall the lines of Dick the butcher: "The first thing we do, let's kill all the lawyers."

I think you'll agree with me that if this is the state of affairs today, it's time something were done about it.

Recommendations have come from many sources. One approach to assure speedy trials is simply to dismiss all criminal cases if they are not brought to trial in a given period, and this has actually been adopted in some courts. It has been proposed that a trial on a Federal offense shall be commenced within sixty days—excluding certain specified possible delays—and that otherwise the case shall be dismissed with prejudice.

This, in my view, is what might be called a non-solution. The purpose of the Sixth Amendment is, among other things, to assure a speedy trial—not to withhold the processes of justice altogether. Under this approach, innocent defendants are not vindicated and guilty defendants are not forced to recognize their wrongdoing. And, of course, in the case of the guilty person who is set free, the public pays the price in further crimes perpetrated both by the uncorrected criminal and by others who are emboldened by his example.

It takes no prophet to foresee that such an arbitrary solution would strengthen the defendant's hand in negotiating a guilty plea to an unreasonably lenient charge. In fact, under such circumstances the sudden rush of defendants to claim their right to trial, far from unclogging the courts, would overwhelm them.

Clearly, this solution attacks only the symptom of court delay, not the causes. In an effort to satisfy the Constitution's Sixth Amendment, it runs counter to the Constitution's very preamble—to "establish Justice." Carried to its logical conclusion, this approach would not only dismiss cases, it would dismiss the function of the courts. It says to us that no justice is better than slow justice. I will not say that this meat cleaver approach reflects the mind of Dick the butcher, but it does provide a classic example of throwing the baby out with the bathwater.

Such a solution is even less defensible when we observe the speed of justice in the British system, which is after all the source of the common law and our entire legal tradition. It is my understanding that criminal cases in Great Britain are generally brought to trial within 60 days of the defendant's arrest. The trials themselves are usually disposed of within a few days, and the most protracted trials are measured in days rather than in weeks or months. In the infrequent cases where appeals are filed, final disposition is usually made within three months.

I bring this up not to suggest that we adopt the British system as it is, because many of the conditions and problems in the two countries are different. For one thing, our system is complicated by separate state and Federal court jurisdictions. But I do suggest that we can learn from the British system, and that its success in providing speedy justice shows that the task can be achieved.

Another approach would provide bigger but not necessarily improved courts—more judges, more courtrooms, bigger staffs. Some or all of these steps have already been tried in many cities, including Washington, and they have generally been helpful.

But we have to recognize that these measures are a palliative, not a cure. These are just more buckets to bail out the boat, rather than plugging the hole.

There are also some other proposals that show promise of improving the courts.

One is to bring new efficiency to the judiciary through the use of trained administrators, computers to police the calendar and the cases, and the like.

Another is to reduce the volume of written language—the briefs, the transcripts, the opinions—that accompanies the judicial process in the United States, but not in Britain, and slows it through the mechanical needs of typing, printing and reproduction. More effort could be made to assure that appeals will be heard within 30 to 60 days, thus reducing the need for the printed briefs and transcripts which we now require. In fact, if appellate decisions were this prompt, many of the appeals ordinarily made for delaying purposes would never be brought in the first place.

Another proposal is to relieve the courts from hearing many types of cases, such as drunk arrests and other offenses that might be more appropriately dealt with by agencies outside the judicial process.

Still another is to reverse the tendency to take more and more of society's problems to the courts and thus to burden them with still more duties. Too often a quick solution is for the legislators to outlaw a particular practice and provide for criminal prosecution, when in fact the judiciary may be less equipped to handle the responsibility than an administrative agency.

Having enumerated these useful remedies, I have to say that if every one of them were adopted throughout the American court system, we would still have slow justice. I have cited them because I want to isolate the real subject of my remarks—the Hydra of excess proceduralisms, archaic formalisms, pretrial motions, post-trial motions, appeals, postponements, continuances, collateral attacks, which can have the effect of dragging justice to death and stealing the very life out of the law.

We face in the United States a situation where the discovery of guilt or innocence as a function of the courts is in danger of drowning in a sea of legalisms.

I refer to the overabundance of pretrial hearings designed mainly to deprive the jury of material and relevant evidence.

I refer to meticulous requirements that can only be characterized as ritual for its own sake.

I refer to the endless post-trial appeals so well described by the dean of American district attorneys, Frank S. Hogan of New York:

"Every conceivable aspect of the case, including things that were never thought of at the trial, will be argued and reargued to panels of state and Federal appellate judges whose appetite for reexamination seems inexhaustible. Indeed, it is possible to say that there is virtually no such thing as finality in a judgment of conviction."

Let me cite as an example a robbery case in which the suspect could only be arrested if he could be identified by the victim, but it was impossible to get the suspect in a lineup because there was yet no probable cause for his arrest. With commendable ingenuity, the sergeant in the case summoned both the suspect and the victim to the U.S. Attorneys office at the same time, without either of them knowing why. There were 10 or 12 people in the room when the victim arrived. He immediately recognized and made known his identification of the accused. Yet the conviction of the defendant was reversed by a higher court because a lawyer had not been present at the identification!

We see in such examples the flowering of whole generations of legalisms, one upon another, until a gulf of obscurity separates the law from the people. Many defense attorneys will raise every conceivable argument, however frivolous and long-drawn, either out of pure litigiousness, or to protect themselves against future charges of "ineffective assistance of counsel." And the courts often let them go to such unreasonable lengths, with consequent delay, for fear that the appellate courts will somehow find error, even in the most reasonable attempts to control excess litigiousness. I am reminded of the devastating cartoons in which Daumier satirized the courtroom affectations of his day.

In dissenting against one reversal of the type I have described, Chief Justice Warren Burger, then a member of an appellate court, had this to say:

"I suggest that the kind of nit-picking appellate review exhibited by reversal of this conviction may help explain why the public is losing confidence in the administration of justice. I suggest also that if we continue on this course we may well come to be known as a society incapable of defending itself—the impotent society."

Nor is it enough that direct appeals can keep a case going through the courts for years. A whole new Pandora's box of collateral attack has been opened. Years after a conviction has been affirmed on appeal, every aspect of a case is combed for possible charges of Constitutional violation, which can bring about a retrial and drag the case once again through the courts. There is no limit to the number of collateral attacks permitted. Some prisoners have filed as many as 40 or 50 petitions. Each time a petition is granted, the basic case is reopened in the original trial court. How can we expect the prosecution to produce proof over and over again, while witnesses disappear and memories falter?

Many of these petitions are brought in the very hope that the prosecution will have lost key evidence. Besides frustrating justice, this growing practice floods the courts with cases that were already tried. One District Attorney has said, "Our old cases come back in a great wave, threatening to engulf the gasping trial courts, already up to their chins in current business."

Worse, the competence of the lower courts is continually in question, with the result that they are losing their authority and the public is losing its confidence in them. In any other profession such inordinate backing and filling, such technical challenges years after the bridge had been built or the surgeon had operated, would be preposterous.

And the evil effect is not confined to the courts. What about the uncorrected prisoner who, as long as he believes he can be freed, will not acknowledge moral responsibility—the first step toward correction? When potential criminals are encouraged because they know there is slight chance of conviction, much less imprisonement, when the convicted felon never reaches the moment of truth and faces his own guilt, it is not just the courts that are affected by our present plague of courtroom gamesmanship, it is the whole criminal justice system.

With all this I do not advocate lessening the due process rights of the accused. The spread of standard practices to assure these rights among all courts has been a decided advancement in American justice.

I am speaking of the distortion of these practices for the purpose of thwarting justice. And how far we have traveled along that road may be seen by comparing the court conditions I have described with those here in Britain, where justice is speedy, where the case backlog is manageable, and where appeal is the exception rather than the rule. A capsule comparison of the two criminal justice systems was made by Lord Denning, Master of the Rolls, at a meeting of the California State Bar in 1969. Both systems dispense justice, he declared, but there is an important difference. "When a serious offense is committed we lock the defendant up and give him a speedy trial. You do neither."

Certainly the American bench and bar can address the problem of speedy justice and develop solutions that are suited to American conditions. This Association has taken the lead with its Criminal Justice Project, whose reports have been providing the states with proposed standards for criminal justice procedures. Other bar associations, judicial councils, university law schools and state legislatures are studying aspects of the problem. As directed by President Nixon, the Department of Justice is examining the reform of Federal criminal procedures.

Yet not enough work has been oriented toward the basic causes of delayed justice that I have described. My plan is for the profession to intensify its reforms in these conceptual areas—to revive the court's primary function as a finder of fact, to restore finality as one of the attributes of justice, to breathe life into the ancient adage, "Justice delayed is justice denied."

For its part, the bar needs to review some serious ethical questions. Every attorney is, after all, an officer of the court, and is duty-bound to preserve its effectiveness. When, for example, he seeks unnecessary postponements in the hope that witnesses will disappear, he is abandoning that duty. He is not free to use *every* means at his disposal to defend his client, but only those means within the law and the canons of ethics.

And without going further into his obligations to the court and to society, let me remind him of the obligation he owes his client. Too often the trial attorney acts as though he is representing an issue rather than a client. To win a point he may press it far beyond any benefit to his client. There are times when his client is better served by negotiation than by pursuing a legal argument through the court system. No trial should be the vehicle for an issue at the expense of the client's welfare.

In its turn, the bench is in the best position to halt the stampede of delaying tactics that is overrunning the name of justice itself. It can exercise more judgment in identifying and resisting those devices designed to obstruct rather than to promote justice. It can take affirmative action to speed the process of justice by meeting with the parties before trial to clear away immaterial matters and prepare to focus on the real issues. It can consider devising a system to deal with all questions of fundamental fairness at the trial and in normal review, as a substitute for the endless post-conviction collateral review which so burdens our present system.

The judiciary can also examine the drift of American criminal justice from a larger perspective. It can begin to recognize that society, too, has its rights, including the right to expect that the courts will do justice, that the innocent will be cleared, and the guilty will be corrected.

It can give as much attention to the Constitutional right to a speedy trial as it does to other Constitutional rights.

It can recognize that perhaps it has been too preoccupied in the exhilarating adventure of making new law and new public policy from the bench, and that this function of the courts has outdistanced the more sober task of judging guilt and innocence.

The crowded calendars, the breakdown of speedy justice, the loss of public confidence in the courts—these are the advanced symptoms of an ailment that has permeated our justice system. The ailment should have been cured long before the patient reached the chronic stages of infirmity that I described.

This is why I deeply believe that American administration of criminal justice has reached a crossroads. Shall we continue on our present course until slow justice becomes no justice? Until courtroom posturing becomes a subject for the acid pen of a latter-day Daumier? Until it is said in our courts, as it was said in the court Charles Dickens described, "Suffer any wrong that can be done you, rather than come here?"

Or shall we alter our course, shunning the road to courtroom obfuscation, and taking the road of courtroom common sense? Shall we resurrect the basic role of justice—that of determining innocence or guilt? Shall we insist that Constitutional rights *can* be protected without immobilizing our courts with unnecessary procedures and litigation?

The answer to these final questions must be a resounding "Yes," and the time to begin action is now.

THE AILING HEALTH INDUSTRY

Mr. KENNEDY. Mr. President, I invite the attention of Senators to a series of articles written by Mr. Stuart Auerbach and published this week in the Washington Post. The articles presented a candid view of our ailing health industry by pointing out problems of inadequate health insurance, shortages and maldistribution of medical personnel, and rapid inflation of hospital rates and doctors' fees. But I think the most commendable feature of Mr. Auerbach's series is the attention given to innovative measures such as prepaid health plans and urban-rural hospital confederations, which can do much to help reverse the present intolerable trends in our ailing health industry.

Mr. President, I ask for unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Uphill Fight To Heal the Health Industry

(By Stuart Auerbach)

Lyle Mattox, a Chicago carpenter, spent his life savings paying for 15 days of hospital care. His medical expenses forced him on the welfare rolls.

James Rieger, who works in a clothing manufacturing plant, owed a Cleveland hospital close to $20,000 after his wife almost died while giving birth. His health insurance covered only $350 of the bill, and he had to declare bankruptcy.

Leonard Kunken, who sells health insurance, found his company's best policy paid no more than $40,000 of medical expenses for his son Ken, who broke his neck and severed his spinal cord while playing football. Kunken estimates his yearly medical bill will be about $100,000.

These are true examples illustrating one part of the nation's health crisis—the inability of both rich and poor to pay for their medical care.

More than a dozen bills have been introduced in Congress in attempts to solve all or part of the health problem. But no more than five of them have any chance of gaining serious consideration.

The bills differ widely in their cost and their effect on American medicine. The American Medical Association's Medicredit, for example, merely sets up a way to finance health care without attempting to reform the way medicine is practiced.

The cradle-to-grave national health insurance system supported by organized labor, on the other hand, would radically change medical practice in the country by emphasizing prepaid group practice. The government would pay virtually all medical bills.

While pushing some reforms—notably encouraging prepaid plans (called health maintenance organization)—the administration bill is mainly aimed at making it easier for Americans to pay for health care.

Plans that appear most likely to pass provide some form of federal financing for "catastrophic" illness—the extreme sickness, like Ken Kunken's, that no private insurance policies cover.

Two key members of Congress—Sen. Russell B. Long (D-La.), chairman of the Senate Finance Committee, and Rep. Wilbur Mills (D-Ark.), chairman of the House Ways and Means Committee support this plan. It is also part of the AMA and the administration bills.

But paying for health care is only part of the problem.

The health crisis, most experts agree, includes a shortage of doctors and other medical personnel their concentration in business sections of cities and the suburbs; their absence from urban slums and rural areas; no assurance of quality medical care; a higher rate of disease and death in the U.S. than other industrialized western countries; a fragmented non-system of health care, and spiraling costs that have increased 50 per cent since 1960 to a 31 per cent rise in the cost-of-living index.

Up to now, federal programs have just added to the inflationary pressures by pouring more money into medical care without attempting to make the nation's $70 billion-a-year health industry more efficient.

Both the administration bill and the cradle-to-grave national health insurance plan, sponsored by Sen. Edward M. Kennedy (D-Mass.) and Rep. Martha W. Griffiths (D-Mich.), attempt more than the others to tackle some of these other problems.

But the thing that affects Americans most directly is the high cost of medical care.

Rich and poor alike become financially strapped by hospital charges that average about $150 a day here and doctor bills that have risen at twice the rate of the already inflated consumer price index.

In an effort to drum up wide support for his national health insurance bill, Kennedy took his Senate health subcommittee across the country, listening to complaints from people who either couldn't get medical care or who couldn't afford the care they got.

The hearings developed testimony from people such as Mattox, Rieger and Kunken—middle and upper middle class Americans driven to the wall by high medical costs.

Rieger, for example, had health insurance through the Cleveland clothing manufacturer where he worked. But it only covered $350 in maternity benefits. (Hospital and doctors' bills for a normal birth average more than $900.)

Mrs. Rieger's birth was far from normal. Her heart stopped during delivery, then she caught pneumonia and her lungs collapsed. She spent two months in the intensive care unit of Cleveland Metropolitan General Hospital, a city operated facility. The baby, two months premature, also spent two months in the infant intensive care unit. The total bill was $20,000.

"All my insurance paid was $350," Rieger told the subcommittee. "Times were hard enough as it was. There was nothing else I could do but go into bankruptcy."

The hospital, he says, wanted him to borrow the money from a finance company. He said he'd try to pay part of the bill from his $120 a week take-home pay "because they saved my wife's life and my baby's life."

Mattox, 52, couldn't get medical insurance because of his history of high blood pressure. While in the emergency room at St. Elizabeth's Hospital in Chicago because he didn't feel well, Mattox suffered a coronary occlusion—a blockage of the blood vessels leading to the heart.

He was hospitalized for 15 days at a cost of $1,500 plus $150 in doctors bills.

"My wife withdrew all of our savings (12 years worth while raising two children) and paid those two bills," he said.

Now he is on welfare and the state-federal Medicaid program is paying his medical bills.

He is trying to start work again. But if he gets sick again, Mattox will have to go back on welfare.

Kunken is a special case—a man who never thought a medical tragedy would floor him. A moderately well-to-do insurance salesman, he lives in Oceanside, L.I., a suburb of New York. He bought his company's major medical insurance policy for his family—the best one offered.

But when his 20 year old son Ken, a junior at Cornell University's engineering school broke his neck playing 150-pound football, the policy benefits melted away under medical bills that ran $6,500 a month.

Ken is undergoing rehabilitation treatment in New York; even though he can't move any muscles below his neck, his mind remains sharp and keen.

How would the leading health reform programs proposed in Congress help James Rieger, Lyle Mattox and Leonard Kunken?

Proponents of the five plans most likely of passage were asked how their bills would help those specific cases. They supplied the answers to The Washington Post.

The major plans are the cradle-to-grave health insurance bill, the American Medical Association's Medicredit, the administration's bill, the health care act proposed by the insurance industry and Sen. Long's catastrophic insurance bill.

Here is how they would work in the case of James Rieger.

The administration bill would have paid at least $71,200 of his $20,000 medical bill. His employer would have had to pay as much as 75 per cent of his health insurance coverage, which would offer more complete maternity benefits.

The catastrophic bill would not have covered the Rieger case because mother and infant were not hospitalized long enough.

The Kennedy-Griffith bill would cover 100 per cent of all costs.

Medicredit would cover the total costs except for $50 deductible on the hospital bill. These costs would be deducted from the Rieger family income tax payments.

The Health Care Act would cover $19,000 of the bill, leaving Rieger to pay $1,000. This would be under the group coverage supplied by the clothing manufacturer which would have to meet new minimum standards.

Here's how the plans would work in the case of Lyle Mattox:

The administration bill would cover at least $1,087.50 of his bill if, as a self-employed person, he had bought health insurance coverage that would be available to him.

Catastrophic bill would not have covered him because his hospitalization was too short. The Long bill requires hospitalization of at least 60 days or a doctors' bill or more than $2,000.

The Kennedy-Griffith bill would cover all costs.

Medicredit would give deductions on the amount of income tax owed for all but $250 of the bill.

The Health Care Act would have covered all but $110 of Mattox's bill. He would have been eligible for a special pool coverage.

Here's how the plans would work in the case of Ken Kunken:

The administration bill would pay $50,000 of the first year's expenses and at least $2,000 a year after that.

The catastrophic bill would cover all expenses after $2,000.

The Kennedy-Griffith bill would cover all costs.

Medicredit would provide tax deductions for all but $250 of the expenses of the first 60 days of hospitalization. Beyond that, the family would have to pay $4,625 of the estimated expenses.

The Health Care Act would not require insurance plans to include coverage for an unmarried son over age 18, but some plans may include him. If so, he would receive full coverage except for $1,000.

It seems obvious that some health care reform measures will pass Congress before the 1972 election.

Those people, like Kennedy, who feel the system needs a total overhaul are hoping the reform will go beyond mere tinkering with the financing of doctor bills.

But, looking at past history, it appears unlikely that major revisions will be made. A 1932 government report, reprinted by HEW last year, concluded:

"The problem of providing satisfactory medical service to all the people of the United States at costs which they can meet is a pressing one.

"At the present time, many persons do not receive service which is adequate either in quantity or quality, and the costs of service are inequitably distributed. The result is a tremendous amount of preventable physical pain and mental anguish, needless deaths, economic inefficiency and social waste.

"Furthermore, the conditions are largely unnecessary. The United States has the economic resources, the organizing ability and the technical experience to solve this program."

The same lines could be written now, almost 40 years later.

The Major Bills

Here are the provisions of the major health care reform bills currently before Congress:

The Nixon administration plan would require private health insurance coverage for all workers and their families which meet federal minimum standards. In addition, low income families would be covered by a federal insurance program that is not as complete as the requirements for private coverage. It would encourage prepaid group practice as a way to reform the system.

The administration estimates that the employer-employee insurance would cost $7 billion more than present expenditures. The family program for the poor would cost $3 billion, with about $1.8 billion saved because of the discontinuation of Medicaid.

Sen. Edward M. Kennedy's health security bill would establish a government-run national health insurance program that would provide virtually complete medical care for all U.S. residents. It would be financed by taxes on employees, and employers and general revenues. Money would go first to prepaid group practice plans and the plan would emphasize strict quality controls.

Kennedy estimates it will cost $57 billion, the administration says it will cost $77 billion. Kennedy says most of the money is already being spent by Americans for inefficient and ineffective health care.

The American Medical Association's Medicredit would give tax credits for the purchase of health insurance and the federal government would buy the insurance for the poor. Included is coverage for catastrophic illness. Its cost is estimated at $14.5 billion.

Sen. Russell B. Long's catastrophic health insurance program would supplement private coverage. Benefits would begin after 60 days hospitalization or $2,000 in doctors' bills. It would be paid for by the federal government, and its cost is estimated at $2.5 billion.

The health insurance industry's national health care bill would provide federal aid for state insurance programs for the poor and high risk cases and set federal minimum standards for health policies. It would cost an estimated $2.4 billion.

Prepaid Health Care Comes Into Its Own

(By Stuart Auerbach)

Betty had a slight summer cold. Nothing special, just the normal childhood sniffles with a minor sore throat.

Many parents wouldn't bother bringing Betty to a doctor. But her father didn't hesitate. He took her to the Group Health Association here for a checkup. The visit didn't cost him anything; GHA is a pre-paid group practice plan, and he pays by the year whether he goes to the doctor or not.

This idea is currently the darling of people trying to reform medical practice in the country. Even the Nixon administration, under the less controversial name of Health Maintenance Organization, has made it a cornerstone of its health reform effort.

HMOs, or pre-paid group practice plans, are supposed to provide better health care—with an emphasis on preventive medicine—at a lower cost.

This is true, its proponents say, even when parents bring in patients such as Betty for minor ailments. Actually, the doctor was glad to see Betty. The checkup didn't take long and it gave nim a chance to catch any possible major illness early, when it is easier to treat.

In Betty's case, the doctor noted that she wheezed when she coughed, indicating that she may be developing allergies.

That was duly placed on her medical record. If the wheezing persists, doctors will begin treating her for allergies.

In 1970, GHA doctors saw patients about a half-million times. But the 75,000 members only spent a total of 43,500 days in the hospital.

This is about half the rate of hospitalization of a similar group of patients here treated by private doctors under the traditional fee-for-serve form of medicine.

The same trend has emerged among members of the Kaiser-Permanente health plan, which serves about 2.1 million people in Hawaii, California, Oregon, Colorado, Washington and Ohio. Kaiser patients have far lower hospitalization rates than patients covered by standard health insurance policies.

This is a key factor in keeping medical costs down. At rates that can go as high as $150 a day here, hospitals are far more expensive than out-patient treatment.

This is borne out by studies of another pre-paid plan, the Group Health Cooperative of Puget Sound, Wash., where Dr. Frank Newman reported that the average member of his plan paid $143 a year for medical care compared to a national average of $226.

"We like to believe that the reason for this lower hospital experience is our preventive medicine program," says Frank C. Watters, GHA's executive director.

This includes diabetes, cancer and glaucoma screening tests for adults and a strong immunization program for children. Members get periodic physical examinations.

"We do GI (Gastro-Intestinal) series here," says Watters. "A solo practitioner would put someone in the hospital for a GI series."

It's not always the doctors' fault for the needless hospitalization of patients. Most private health insurance policies cover tests done while a patient is in a hospital, but fail to cover the same tests done in a doctor's office at a fraction of the cost.

For years, the words "prepaid group practice" couldn't be spoken in polite medical circles.

GHA, fighting both the American Medical Association and the District of Columbia's insurance commissioner, had to go to the U.S. Supreme Court before it won the full right to operate 34 years ago. Even now, its doctors sometimes have problems getting licensed in Virginia—a medically conservative state.

But for the most part things have changed. Prepaid group practice is the common thread in most of the proposals before Congress to reform the nation's ailing health care system.

The Nixon administration, which first adopted the idea under the name of Health Maintenance Organizations to cut the costs of medicaid and medicare, now consider HMOs the key force in its effort to remold American medical practice.

The cradle-to-grave national health insurance bill sponsored by Sen. Edward M. Kennedy (D-Mass.) and Rep. Martha W. Griffiths (D-Mich.) also looks toward pre-paid groups as the main way to bring better medical care at a lower cost.

The American Hospital Association's Ameriplan, not yet introduced in Congress, focuses on a hospital-based health care system that can easily be converted to prepaid groups.

And while the AMA isn't in love with the concept, it doesn't oppose the idea, either. Its House of Delegates urged the government last month to go slow before spending large sums to start HMOs across the country.

The sudden interest in pre-paid groups developed as a means to control the spiraling costs of medical care—increasing at a rate 20 per cent higher that the national cost-of-living index.

Besides decreasing the rate of hospitalization, experts say the pre-paid group practice uses the doctor's time more efficiently by giving him para-medical assistants, and makes it easier for a patient to get comprehensive care because a number of specialists are working together.

The solo practice of medicine, President Nixon said in his special health message in February, gives doctors "no economic incentive . . . to concentrate on keeping people healthy.

"A fixed price contract for comprehensive care reverses this illogical incentive. Under this arrangement (HMOs), income grows not with the number of days a patient is sick but with the number of days he is well."

It may save money, but does pre-paid group practice actually mean better medical care for its members?

Two days spent visiting GHA's main clinic at 2121 Pennsylvania Ave. NW indicated a real concern by doctors for the health of their patients. Care was swift, but not rushed. Examinations appeared complete, in many instances more complete than most doctors give.

For instance, Dr. Philip C. Brunschuyler took a smear of pus and sent it to the laboratory for tests when he treated a little boy with an infected thumb. He also took a smear when treating a girl with a sore throat.

A little girl who complained one Friday of a burning sensation when urinating had a urine specimen taken the next day to make sure she didn't have a kidney infection. On the next Monday, she was told to return for another test.

The doctors seemed to know their patients, despite claims by detractors that pre-paid group practice breeds impersonal medicine. Indeed, many patients have their own doctors within the group whom they see regularly, except for emergencies.

"We encourage patients to have their own doctor," Brunschuyler says.

GHA also places a heavy reliance on nurses. They give injections, dress the wounds, prepare the patients for examinations and screen all telephone calls.

"This frees the doctor to practice medicine," says Dorothy Fowler, GHA's chief nurse.

The GHA staff also includes two social workers and a dietician to help members with special problems.

GHA, however, lacks one component that many experts feel is necessary for a true HMO: its own hospital that would give it more complete control over costs.

Instead of building its own hospital, GHA decided at the beginning to give its members the extra measure of quality care provided by the university hospitals in the city.

But now, with medical costs rising so fast, GHA is considering starting its own 125-bed hospital for less serious cases, thereby saving as much a 25 per cent of its $6 million yearly hospital bill.

This means that GHA is growing. But Watters wants to make sure it doesn't grow so fast that it can't provide quality care for its members.

He also worries that the new popularity of prepaid groups—or HMOs—will mean that too many are started too fast without proper planning. This, he said, could give the entire concept a bad name.

The Nixon administration, though, thinks America should press forward on HMOs.

It would like to see a network of 1,700 HMOs spread across the country caring for 40 million Americans by 1976. By 1980, the administration says, there should be enough HMOs to cover 90 per cent of the population.

To accomplish this, the administration has asked Congress to appropriate $45 million to be used in fiscal 1972 to start HMOs in urban slums and rural areas that need better health facilities.

In addition, the President asked Congress to approve a guaranteed loan program to help private organizations set up HMOs in slums. The loan funds would grow from $300 million next year to a total of $4.2 billion by 1976.

Furthermore, James Cavanaugh, a former HEW health official now working in the White House, wants to use the $15 billion that the federal government spends on Medicare and Medicaid to promote HMOs.

Watters fears this sudden burst of enthusiasm may sink pre-paid group practice if it is not accompanied by intelligent planning.

"I'm afraid," he says, "that with all the current emphasis on HMOs physicians, consumers and others may have gained the impression that all they have to do is gather a group of doctors together, decide to form a pre-paid group, apply for funds from HEW and start the program."

Not so, he says.

A pre-paid group requires strong leadership; a base membership of at least 5,000 that can grow to 30,000 in three years; interested doctors and other medical personnel, and money.

Nevertheless, says Watters, "Pre-paid group practice is the most promising answer on the scene today to solve in part some of the problems we have in the health care delivery system."

City-Country Hospital Confederation Aids Rural Care

(By Stuart Auerbach)

Phoenix, Ariz.—On a Thursday morning this spring, Mrs. Alvin Reidhead gave birth to premature triplets in the small hospital at Holbrook, 200 miles from here.

As births of premature triplets go, the delivery was routine. But the infants were all high-risk babies—weighing less than 5½ pounds the doctors feel is necessary for survival.

All three Reidhead triplets—Vikki, Nikki and Ricki—survived, thanks to a unique hospital network that provided them with the newest, most sophisticated care available anywhere.

They were born in the 25-bed Holbrook Hospital under the care of Dr. Robert Joseph Haley Jr., an old-time general practitioner who has helped deliver three sets of triplets in his lifetime.

But he had a backup in this case that went far beyond what is available to most GPs practicing in remote, small-town hospitals.

For Holbrook Hospital is part of Samaritan Health Service, a confederation of nine Arizona hospitals stretching from the booming suburbs of Phoenix to the rim of the Grand Canyon, 250 miles from here.

Good Samaritan Hospital in downtown Phoenix, a leading medical center, is the focus of this two-year-old experiment to find new ways of providing medical care to both rural and urban residents of one of the nation's fastest-growing states.

The experiment is being watched with growing interest by hospital officials and health planners across the country who see it as a way to insure that the hospital remains the center of health care delivery.

It is the prototype of Ameriplan, the American Hospital Association's program to reform health care in the country.

Under Ameriplan, hospitals would change from institutions that only care for people who arrive at their doors to ones that reach out into the community to find the sick and that run programs of preventive medicine.

They would emphasize out-patient care as well as in-hospital treatment. And they could be easily converted to the prepaid group practice-health maintenance organization concept that is so popular with health reformers.

"It's a direction in which the voluntary hospital and private medical systems can go to save themselves," says Stephen M. Morris, president of Samaritan Health Service. He is also president-elect of the AHA and an architect of Ameriplan.

"I think if we continue to go the way we are now," he adds, "we're going to lose the whole ballgame. The public is simply not satisfied with either our financing mechanism or our delivery mechanism."

Ameriplan would establish a national network of hospital-based corporations that would provide medical care to all residents of a given area in much the same way that Samaritan Health Service helps hospitals in outlying communities such as Holbrook.

For example, when the Reidhead triplets were born, Samaritan Health Service mobilized its full facilities to keep them alive.

Mary Flemons, the head nurse at Holbrook Hospital, had just returned from a refresher course at Good Samaritan and was up to date on the care of high-risk newborns.

To bolster her, Joanne Junasz, a pediatric nurse at Good Samaritan, drove to Holbrook with extra supplies. And the health corporation rushed three Isolettes—baby-sized incubators—from Phoenix to Holbrook.

Meanwhile, Dr. Haley at Holbrook conferred twice daily by phone with experts in the care of the newborn at Good Samaritan.

The triplets thrived on the round-the-clock care they received at Holbrook. But the hospital's small staff was physically overtaxed; doctors and nurses there couldn't maintain the care the infants needed and still treat their other patients.

So the Reidhead triplets were flown to Good Samaritan in the health system's ambulance plane. They stayed there until they gained enough weight and strength to go home.

Samaritan Health Service has done more than just take care of cases too complicated for the smaller hospitals. Indeed, a good part of consortium's job has been keeping these hospitals supplied with doctors and nurses.

One man, David W. Graef, spends much of his time recruiting doctors for the outlying hospitals.

"Some Friday nights when there are no doctors I get one by Saturday. I call everybody I know who has the weekend off," says Graef.

The big problem is the isolation of the small towns. And when the doctors like it, the wives usually don't.

"I'm convinced if they'd stay there a while, they'd love it," says Graef, who has even tried advertising for doctors in conservation magazines.

The problem of finding doctors to locate in small towns is a national one, with vast stretches of rural America without medical help. In many towns, the only physician is elderly and unable to find a replacement so he can retire.

Morris thinks a hospital-based network, such as Samaritan Health Service, could help solve the problem of getting more doctors for rural America.

"I kept two hospitals open in northern Arizona by being able to move doctors there and relieve them when needed," he says.

Samaritan Health Service also improves the ability of the small hospitals to practice sophisticated, quality medicine.

Now they can offer medical tests that are impossible to perform in a small hospital laboratory. A car now makes a circuit of each hospital daily and picks up samples to be tested in the Good Samaritan laboratory. The results are telephoned back to the individual hospitals.

Dieticians from the health service's headquarters here travel to the smaller hospitals and help them plan their meals. Other experts help set up better billing systems and community relations campaigns—services that the small hospitals couldn't afford on their own.

And all the doctors and nurses at the outlying hospitals can take refresher courses at Good Samaritan, in much the same way that Mrs. Flemons from Holbrook had done before the birth of the Reidhead triplets.

Bringing sophisticated medical care to the vast, sparsely populated regions of Arizona is only one part of Samaritan Health Service's activities.

The consortium also has taken three hospitals in the suburbs of Phoenix, one of the fastest growing areas of the nation, under its wing.

Doctors at these small suburban hospitals also have the benefit of backup from the specialists at Good Samaritan. For example, they can get the complicated analysis of blood gas levels done in minutes through Good Samaritan's laboratories, and experts at Good Samaritan can diagnose from electrocardiographs transmitted from one hospital to the other over telephone lines.

"It's helped upgrade the quality of medical care—at least in my hospital," says Raymond L. Tate, administrator of the 62-bed Northwest Hospital in nearby Glendale.

"Major benefits have ensued to the small hospitals. The strengths of Good Samaritan have been made available to us."

Meanwhile the corporation is saving money by centralizing training, purchasing, insurance coverage and administrative functions.

Morris says that the 1970 budget for all the hospitals together was $40 million. If the nine hospitals had been operating separately, he says, their total budgets would have been $44 million—10 percent higher.

Furthermore, he says, costs at his hospitals are rising slower than the national average. In 1969, the first year of the health service's operation, its bills increased 8 per cent compared to the national average of 12 per cent. In 1970, the Samaritan Health Service increase was 9 per cent; the national average for hospitals, 15 per cent.

Although the idea of a coordinated network of hospitals had been in Morris' mind for years, Samaritan Health Service got its start in the spring of 1968 when Southside Hospital, in a nearby suburb, was in such dier financial shape that Good Samaritan bought it at a bankruptcy sale.

Northwest Hospital, also in financial trouble, asked to join the system next.

Other hospitals asked to join in; Samaritan Health Service officials say they have not solicited other hospitals to join.

While health experts from all over the country come here to study Samaritan Health Service, local doctors and hospital officials have greeted the experiment with some reserve.

At local hospital administrator meeting, says Tate, "I don't get a lot of praise or support. They just say, 'Don't rock the boat. Don't rock the boat'."

Morris has alienated many Arizona doctors, who are especially conservative, by saying publicly that Samaritan Health Service's concept will end the traditional fee-for-service practice of medicine for a single doctor.

The system also lost some medical allies who feared that too many of the strengths of Good Samaritan were being drained to help the smaller hospitals. "This hurt," says Nelson.

While Samaritan Health Service continues to gain strength here, other hospitals around the country are trying their own versions of the idea.

George Washington University Medical Center in Washington, for example, has taken a section of the city and promised to provide full medical care for anyone who lives there.

And in Chicago, Rush-Presbyterian-St. Lukes Medical Center announced last month that it is forming a unified health care system that will tie 20 community hospitals to it.

The plan includes the reactivation of Rush Medical College and the use of Presbyterian Hospital as the backup facility for the community hospitals. The network will cover 1 million to 1½ million residents of Chicago.

Morris says these experiments are important.

"If we can demonstrate to Congress that the private sector can deliver health care, the public will accept," he says, "I think that Congress will give us a chance."

THE PENTAGON PAPERS

Mr. McGOVERN. Mr. President, in order to complete the insertion of the Pentagon documents and summaries as they have appeared in the Nation's press, I ask unanimous consent that one article from the Chicago Sun-Times and summaries and documents from the Boston Globe be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Boston Globe, July 2, 1971]

VIET REAPPRAISAL

In 1967 and early 1968 disillusionment grew within the government about the value of continued buildups of American troops in Vietnam, according to portions of the Pentagon papers covering the history of American involvement in the war.

By mid-1967, the first heavy dissents against additional US commitments were voiced within the Defense Department, as represented by a lengthy memorandum from Alain Enthoven, assistant Secretary of Defense for systems analysis.

The issue of whether or not the US would go well beyond the general ceiling of a half a million fighting men in South Vietnam remained largely unresolved for the rest of the year.

But the Tet Offensive launched by Communist forces throughout South Vietnam in the last days of January 1968 gave the question paramount importance.

The fighting gave voice to certain officials within the government who said that more American troops weren't the answer. But the security problems caused by the Tet offensive gave rise to a new request by Gen. William C. Westmoreland and Gen. Earle G. Wheeler for 206,756 more American troops over the existing 525,000 ceiling.

The big debate within the government coincided with President Johnson's appointment of a New Secretary of Defense, Clark Clifford, who started working in February 1968 on what the Pentagon study calls an "A to Z" reassessment.

This fundamental reassessment culminated at the end of March 1968 with President Johnson's speech announcing only a token buildup of American troops, a partial halt in the bombing of North Vietnam, and a policy of encouraging the South Vietnamese to take over more of the burden of the fighting themselves.

The President also announced his decision not to seek re-election.

The documents on this page summarize the positions of various personalities and agencies within the government during this important period of American turn-around.

Due to space limitations and, in some cases, incomplete texts available to The Globe, there are portions excerpted from lengthier documents and memoranda.

In all cases, the excerpts relate directly to the question of whether or not to add more troops, and just how this question reflected on the future of American involvement in Vietnam.

[From the Boston Globe, July 2, 1971]

THE 1971 MEMORANDUM SAYS FURTHER BUILDUP COULD ONLY HELP HANOI

(Note.—The following is a memorandum for the Secretary of Defense, dated May 1, 1967, concerning increase of forces in Southeast Asia. It was written by Alain C. Enthoven, assistant secretary of defense for systems analysis.)

MACV (Military Assistance Command, Vietnam) has asked for a "minimum essential force" which would add 2⅓ divisions, 8 tactical fighter squadrons, and 85,000 personnel to Program 4. His "optimum force" would add 4⅔ divisions, 13 tactical fighter squadrons, and 200,000 personnel, for a total of about 670,000 in SVN (South Vietnam).

MACV-JCS (Joint Chiefs of Staff) offer no analysis to show that these extra forces are needed to avoid defeat, or even that they are likely to achieve any specific goal. But I am concerned far less about this unfortunate lack of analysis than I am by the whole strategy which such a massive increase in combat forces must imply.

Though the North Vietnamese are indeed communists, we have come up against something more than just Marxism. We are facing the strongest political current in the world today: nationalism. That is the force which welds the North Vietnamese together, just as it does so many other peoples today.

Having seen both the Japanese and the French come and go, the North Vietnamese are now fighting the United States. For their little country to triumph finally over the greatest nation the world has even known should surely serve as the ultimate vindication of nationalism as a policy. Enticed by this goal, and hardened by 25 years of more-or-less continuous fighting, the North Vietnamese will, I fear, continue to endure great hardship. We have hurt them with our bombing, and we can hurt them more. But we can't hurt them so badly as to destroy their society or, more to the point, their hope, not only for regaining the material things they sacrifice today, but the whole of South Vietnam.

But how can they hope to beat this great nation? As MACV himself said before the Congress, the enemy "believes our Achilles heel is our resolve." They believe that public opinion in the United States will eventually force our retirement. And they could be right.

As for our own goals, I see only one way of establishing stability in Vietnam. We must match the nationalism we see in the North with an equally strong and patient one in the South. No matter what military success we may achieve, if we leave before that is done, there can be no stability, and we will have lost everything we have invested in South Vietnam. Indeed, we will jeopardize much of the general stability in the world which we bought at the price of the Korean War.

Therefore, I see this war as a race between, on the one hand, the development of a viable South Vietnam and, on the other, a gradual loss in public support, or even tolerance, for the war. Hanoi is betting that we'll lose public support in the United States before we can build a nation in South Vietnam. We must do what we can to make sure that doesn't happen. We must work on both problems together; slow the loss in public support; and speed the development of South Vietnam. Our horse must cross the finish first.

With regard to public support, some people feel we simply have no business being in this war, while others are just against all wars. We can't do much about that. But there are other factors influencing public support that we can control. Casualties are one. Diversion of the national wealth from badly needed domestic programs is another. But the biggest of all may well be escalation.

Since 1961, and particularly since 1965, the public has seen an apparently unending escalation of this war. This must have a strong psychological effect. There must be many who are more concerned about the unbroken upward movement of spending and casualty rates than they are about the current levels. Our escalation is designed to put pressure on the North Vietnamese. But they may be more resolved to withstand it than the United States electroate is. I believe that's the basis of Hanoi's strategy.

If MACV's additional forces are approved, our casualty rate may not rise, but our expenditure rate certainly will, and the ominous history of unending escalation will be maintained. That combination will reduce public support, and we will have even less time to develop a strong nation in the South.

With regard to developing that nation, more United States forces aren't going to solve the pacification problem. In spite of the Marines' ability to deny the Viet Cong control of an area, there were fewer people in the "Secured" category in I Corps at the end of 1966 than at the beginning. In Operation Fairfax, southwest of Saigon, the 3 U.S battalions which were "temporarily" deployed with 3 ARVN (Army of the Republic of (South) Vietnam) battalions to secure the area were supposed to leave 2 months ago. But they are still there, and will be for the foreseeable future. The kill rate per U.S. battalion-equivalent has been less than one V.C. (not readable) and most of the V.C. infrastructure has evaded capture by moving out. Though the U.S. forces have made many friends (of unknown loyalty), the ARVN has made few and, in comparison with the Americans, the ARVN has lost prestige in the eyes of the populace, who are still worried that the V.C. (Viet Cong) may return.

Part of the reason for the ineffectiveness of the ARVN is a lack of supplies and support items, such as barbed wire, which the U.S. forces have in abundance. While more U.S. forces would bring more barbed wire, that's doing it the hard way. The pacification program depends, instead, on better support for Vietnamese forces and a more energetic national Government. This program required not only time and patience, but political and economic progress rather than military victories.

As we saw when Program 4 was approved, additional forces are a burden on the South Vietnamese economy. Inflation in the first 3 months of 1967 alone amounted to 20%. Even apart from the rice situation, prices rose 7% or 28% on an annual basis. MACV is doing a good job in holding down plaster spending. It looks like the Program 4 forces will cost P41 billion in 1967, and MACV might be able to hold to P44 billion in 1968, even with increased forces. Nevertheless, the SVN economy is still far from sound, additional forces would mean slower progress, and the inflation would still hit hardest on the very civilian and military personnel on whom we must rely, if pacification is ever to succeed.

Furthermore, if we continue to add forces and to Americanize the war, we will only erode whatever incentives the South Vietnamese people may now have to help themselves in this fight. Similarly, it would be a further sign to the South Vietnamese leaders that we will carry any load, regardless of their actions. That will not help us build a strong nation.

If you agree that more U.S. forces would speed the "horse" that is carrying public opinion toward rejection of the war, while slowing the "horse" carrying the development of a strong nation in the South, the only justification left would be to achieve other military objectives, of which I can imagine four:

(1) To deter a Communist Chinese invasion. I see no sign of a change in Communist Chinese intentions. Were they to invade, they would face a formidable force already in place, and more available if needed, particularly with mobilization. Furthermore, I feel that the very nationalism which drives the North Vietnamese also inhibits them from calling in the same Chinese who have subjugated them in the past.

(2) To prevent a military defeat in South Vietnam. I do not think there is danger of any significant military defeat, given the forces we have in place now. I have attached an appendix to this memorandum which shows that we already enjoy favorable force ratios.

(3) To prevent terrorism. Though there is terrorism in South Vietnam now, I doubt that additional U.S. combat forces would significantly reduce it. This is a job for police-type forces, not maneuver battalions.

(4) To raise VC/NVA (Army of North Vietnam) losses to a level they cannot sustain. Presumably, this would be something above the weekly loss rate of 3,265 which the DIA/USIB (Defense Intelligence Agency—United States Information Board) estimate they can swallow indefinitely.

On the most optimistic basis, 200,000 more Americans would raise their weekly losses to about 3700, or about 400 a week more than they could stand. In theory, we'd then wipe them out in 10 years. But to bank on that, you have to assume that (1) enemy losses are just proportional to friendly strength, and (2) that the unusually favorable kill ratio of the first quarter of 1967 will continue. However, if the kill ratio should be no better than the 1966 average, their losses would be about 2,100—less than ⅔ of their sustaining capability.

But even that figure is misleading. Losses just aren't directly related to the size of our force. Between the first and fourth quarters of 1966, our forces increased 23% but their losses increased only 13%—little more than half as much.

Finally, the most important factor of all is that the enemy can control his losses within wide limits. The VC/NVA started the shooting in over 90% of the company-sized fire fights; over 80% began with a well-organized enemy attack. Since their losses rise (as in the first quarter of 1967) and fall (as they have done since) with their choice of whether or not to fight, they can probably hold their losses to about 2,000 a week regardless of our force levels. If, as I believe, their strategy is to wait us out, they will control their losses to a level low enough to be sustained indefinitely, but high enough to tempt us to increase our forces to the point of US public rejection of the war.

In summary, I feel that adding more US combat forces would be a step in the wrong direction. They are not needed for military security, and they could not force higher losses on the North Vietnamese. But they might play right into the hands of Hanoi by burdening the United States and increasing internal opposition to the war, while delaying the birth of the strong nation in the South which is our only hope of real stability. Therefore, I recommend the following:

(1) Maintain the Program 4 ceiling.

(2) Tell the electorate that, barring the unexpected, we'll stick with the present forces which are all we need, not only to stop the VC/NVA militarily but also to exact a high price from Hanoi. Tell them that our "escalation" will now turn toward the building of a nation which will be strong enough to bring a natural stability to Vietnam so that we can leave for good.

(3) Tell MACV to start making good analyses of his operations and feeding them back into his planning so that we can get more out of not only the US and allied forces, but the ARVN as well.

(4) Find ways to reduce costs for the long haul ahead. For example, cut back on the costly ineffective bombing north of Route Package 4.

I know it's much easier to write down these recommendations than it is to get agreement on carrying them out. But I think we're up against an enemy who just may have found a dangerously clever strategy for licking the United States. Unless we recognize and counter it now, that strategy may become all too popular in the future.

Systems Analysts Joined Opposition

(By Victor McElheny)

By the spring of 1967, systems analysts in the Pentagon had become as disillusioned with the U.S. "search and destroy" strategy in Vietnam as other civilian officials with a supposedly more "humanist" outlook, according to the Pentagon papers.

The study says the now-dissolved Office of Systems Analysis, under then-Assistant Secretary of Defense Alain Enthoven, became the "vanguard of the reaction" against requests for big troop buildups submitted on March 18, 1967, by Gen. William C. Westmoreland, commander of U.S. forces in Vietnam.

The systems analysis group was the brainchild of Defense Secretary Robert S. McNamara, himself a military systems analyst during World War II. With its numerical approach to problems, the systems analysis group had been a key to achieving the U.S. opposition of Enthoven's group to further troop buildups was a major turning point in the history of the government's Vietnam policy.

Gen. Westmoreland, with the approval of the Joint Chiefs of Staff, had asked an increase in troop levels from 470,000 early in 1967 to 670,000 by the end of 1968. The Pentagon history concludes that the Enthoven group's studies were a key in the long bargaining which scaled down the request to 50,000 more troops for the year ending June 30, 1968.

The history says Enthoven's group greeted Westmoreland's March 18 request with "surprise and incredulity," and began attacking it steadily while preparing a detailed memorandum. This memo, dated May 1, in turn influenced one drafted in early May by Assistant Secretary James McNaughton which asserted:

"Most Americans do not know how we got where we are, and most, without knowing why, but taking advantage of hindsight, are convinced that somehow we should not have gotten this deeply in. All want the war ended and expect their President to end it. Successfully or else."

Washington Weighs the Request for 200,000 More Troops

PRE-TET OPTIMISM

Gen. William C. Westmoreland's assessment of the situation in Vietnam, January 26, 1968:

During 1967, the enemy lost control of large sectors of the population. He faces significant problems in the areas of indigenous recruiting, morale, health and resources control. Voids in VC ranks are being filled by regular NVA. Sea infiltration through the Market Time area has diminished to near-insignificant proportions. Interdiction of the enemy's logistics train in Laos and NVN by our indispensable air efforts has imposed significant difficulties on him.

In many areas the enemy has been driven away from the population centers; in others he has been compelled to dispense and evade contact, thus nullifying much of his potential. The year ended with the enemy increasingly resorting to desperation tactics in attempting to achieve military-psychological victory; and he has experienced only failure in these attempts. Enemy bases, with sparse exception, are no longer havens and he has necessarily become increasingly reliant on Cambodia and Laotian sanctuaries.

The friendly picture gives rise to optimism for increased successes in 1968. In 1967, our logistics base and force structure permitted us to assume a fully offensive posture . . . A greatly improved intelligence system frequently enabled us to concentrate our superior military assets in preempting enemy military initiatives leading us to decisive accomplishments in conventional engagements.

TROOP REQUEST

Gen. Wheeler and Gen. Westmoreland request more troops, February 27, 1968:

Coupling the increased requirement for the defense of the cities and subsequent reentry into the rural areas, and the heavy requirement for defense of the I Corps Zone, MACV does not have adequate forces at this time to resume the offensive in the remainder of the country, nor does it have adequate reserves against the contingency of simultaneous large-scale enemy offensive action throughout the country.

Forces currently assigned to MACV, plus the residual Program Five forces yet to be delivered, are inadequate in numbers and balance to carry out the strategy and to accomplish the tasks described above in the proper priority.

It was the extent and magnitude of Gen. Wheeler's request that brought about the thorough review of US policy. To contend with, and defeat, the new enemy threat, the generals asked for an additional 206,756 troops over the 525,000 ceiling then in effect, or a proposed new ceiling of 731,756 troops, all to be deployed by the end of 1968.

OPTIONS DEFINED

Assistant Secretary of State William Bundy outlined these alternative courses of action early in March, 1968:

(a) Accept the Wheeler-Westmoreland recommendation aimed at sending roughly 100,000 men by 1 May and another 100,000 men by the end of 1968.

(b) Change our military strategy, reducing the areas and places we seek to control and concentrating far more heavily on the protection of populated areas.

(c) Adopt option "b" above in the south, but extend our bombing and other military actions against the North to try to strangle the war there and put greater pressure on Hanoi in this area.

(d) Accept immediately those elements of the Wheeler-Westmoreland proposals that could hope to affect the situation favorably over the next four months or so, but do not go beyond that in terms of force plans and related actions.

(e) "Cut and shave" the Wheeler-Westmoreland proposals and their action implications, but carry on basically in accordance with present strategy.

(f) "All-out option." Announce that we are prepared to hold in Vietnam no matter what developed.

CIA'S PROGNOSIS

The CIA's post-Tet assessment, submitted to Secretary of Defense Clifford on March 1, 1968:

Q—What is the likely course of events in South Vietnam over the next 10 months, assuming no change in US policy or force levels?

A—In the assumed circumstances a total military victory by the Allies or the Communists is highly unlikely in the next 10 months. It is manifestly impossible for the Communists to drive US forces out of the country. It is equally out of the question for US-GVN forces to clear South Vietnam of Communist forces. It is possible, however, that the overall situation in this period will take a decisive turn.

Far more likely is an erosion of the ARVN's morale and effectiveness. We do not believe that the GVN will collapse, or that the ARVN will totally disintegrate. But there is a fairly good chance that Communist pressures will result in a serious weakening of the GVN-ARVN apparatus and an end to its effective functioning in parts of the country. In these circumstances, virtually the entire burden of the war would fall on US forces.

In sum, there is a high risk that both the ARVN and GVN will be seriously weakened in the next months, and perhaps decisively so. Our best estimate is that in the assumed circumstances the overall situation 10 months hence will be no better than a standoff.

Q—What is the likely NVA-VC strategy over the next 10 months if US forces are increased by 50,000, by 100,000, or by 200,000?

A—We would expect the Communists to continue the war. They still have resources available in North Vietnam and within South Vietnam to increase their troop strength. Their strong logistical effort and their ability to organize and exploit the people under their control in the South enable them to counter U.S. increases by smaller increases of their own. Over a ten-month period the Communists would probably be able to introduce sufficient new units into the South to offset the U.S. maneuver battalion increments of the various force levels given above.

"AMERICANIZATION"

Memorandum prepared in the office of Paul Warnke, assistant secretary of Defense for International Security Affairs (ISA), on March 1:

With current force levels we cannot continue to pursue all of the objectives listed by General Wheeler. Can we do so with increased forces?

MACV does not clearly specify how he would use the additional forces he requests, except to indicate that they would provide him with a theater reserve and an offensive capability. Even with the 200,000 additional troops requested by MACV, we will not be in a position to drive the enemy from SVN or to destroy his forces. MACV's description of his key problems makes clear that the additional forces would be used to open Route 1, north of Danang; support ARVN units, particularly in the Delta; and to maintain a reserve against enemy offensives. With lesser increases of 50,000 or 100,000, MACV would be in an even less favorable position to go on the offensive. Moreover, even before the TET offensive the enemy was initiating about two-thirds of the clashes and could, in response to our buildup, adopt a casualty limiting posture.

The more likely enemy response, however, is that with which he has responded to previous increases in our forces levels, viz, a matching increase on his part.

The presence of more than 700,000 U.S. military can mean nothing but the total Americanization of the war. There is no sign that ARVN effectiveness will increase, and there will be no pressure from the U.S. or the GVN for ARVN to shape up if the U.S. appears willing to increase its force levels as necessary to maintain a stalemate in the country.

CLIFFORD'S DOUBTS

Draft memorandum for the President from the Defense Department, apparently approved by Secretary Clifford, March 4:

There can be no assurance that this very substantial additional deployment would leave us a year from today in any more favorable military position. All that can be said is that the additional troops would enable us to kill more of the enemy and would provide more security if the enemy does not offset them by lesser reinforcements of his own. There is no indication that they would bring about a quick solution in Vietnam and, in the absence of better performance by the GVN and the ARVN, the increased destruction and increased Americanization of the war could, in fact, be counter-productive.

. . . the striking change in the enemy's tactics, his willingness to commit at least two additional divisions to the fighting in the South over the past few weeks and the obvious and not wholly anticipated strength of the Viet Cong infrastructure, shows that there can be no prospect of a quick military solution to the aggression in South Vietnam. Under these circumstances, we should give intensive study to the development of new strategic guidance to General Westmoreland. This study may show that he should not be expected either to destroy the enemy forces or to rout them completely from South Vietnam. The kind of American commitment that might be required to achieve those military objectives cannot even be estimated. There is no reason to believe that it could be done by an additional 200,000 American troops or double or triple that quantity . . .

PRESIDENT DECIDES

On March 31, the President announced his decision. He was authorizing an additional 24,500 troops for Vietnam, placing a new ceiling of 549,500 on US forces there. None of the 206,756 troops requested by Generals Westmoreland and Wheeler on February 27 were to be deployed.

Some weeks ago, to help meet the enemy's new offensive—we sent to Vietnam about 11,000 additional Marine and airborne troops. They were deployed by air in 48 hours, on an emergency basis. But the artillery, tank, aircraft, and other units that were needed to work with and support these infantry troops in combat could not accompany them on that short notice.

In order that these forces may reach maximum combat effectiveness, the Joint Chiefs of Staff have recommended to me that we should be prepared to send—during the next five months—support troops totaling approximately 13,500 men.

How Kennedy Sent L.B.J. To Prod Diem To Ask for GI's

(By Morton Kondracke and Thomas B. Ross)

WASHINGTON.—The late President John F. Kennedy sent Vice President Lyndon B. Johnson to Saigon in May, 1961, with orders to "encourage" South Vietnam President Ngo Dinh Diem to request U.S. ground troops. Diem originally opposed the request, government documents revealed Wednesday.

It was on that trip that Mr. Johnson publicly referred to Diem as the "Winston Churchill" of the Far East.

Diem responded to the unpublicized request that he did not want foreign troops on Vietnamese soil except in the case of direct aggression by North Vietnam. Diem pointed out that U.S. troops would violate the 1954 Geneva accords that ended the French war in Indochina.

Later, the documents show, Diem wrote a letter to Kennedy arguing that the United States should provide material support, not troops, since the presence of U.S. soldiers would tend to give credence to the Communist charge that he was a front for the colonialists.

Diem successfully balked at the Kennedy-Johnson proposal for five months, but with the military situation rapidly deteriorating, he yielded in October and made the solicited request for U.S. troops.

Two years later, the documents reveal, the situation was even worse. So much so that Kennedy's principal Vietnam expert on the working level, Paul H. Kattenburg, Chairman of the State Department's Vietnam working group, told an Aug. 31, 1963 National Security Council Meeting:

"At this juncture, it would be better for us to make the decision to get out honorably."

"STEADILY DOWN HILL"

He warned that Diem would get less and less support from the military and the "country will go steadily down hill."

Kennedy's advisers reacted with shock. Sec. of State Dean Rusk dismissed Kattenburg's remarks as "largely speculative." Defense Sec. Robert S. McNamara agreed with Rusk.

Rusk said:

"It would be far better for us to start on the firm basis of two things—that we will not pull out of Vietnam until the war is won, and that we will not run a coup."

And Mr. Johnson argued: "It would be a disaster to pull out . . . We should stop playing cops and robbers and get back to talking straight to the GVN (Government of South Vietnam) . . . We should once again go about winning the war."

The report on the session, held at the State Department and led by Rusk in President Kennedy's absence, is contained in a memorandum written by Marine Maj. Gen. Victor C. Krulak, then the Pentagon's top expert on counterinsurgency.

Three months later Kennedy was dead and the conduct of the war passed to Johnson.

The documents, disclosed to The Sun-Times by a number of reliable sources, provide this chronology of how the U.S. involvement deepened during the Kennedy administration.

Upon taking office in January of 1961, Kennedy was confronted by reports from the U.S. Embassy in Saigon that President Diem was in danger of being overthrown because of his repressive policies and the toleration of corruption at the tip of his government.

A message from Ambassador Elbridge Durbrow had urged consideration of "alternative actions and leaders" to salvage the late President Dwight D. Eisenhower's policy of creating a non-Communist South Vietnam.

In March of 1961, the Central Intelligence Agency in a National Intelligence Estimate warned that the Viet Cong were gaining "control and influence over increasing areas of the countryside." The CIA said Diem was growing progressively weaker and was vulnerable to a coup by "non-Communist elements."

Kennedy sought to bolster the regime by authorizing funds to increase the South Vietnamese army by 20,000 men and the Civil Guard by 32,000.

MILITARY'S HAND STRENGTHENED

In March, Kennedy also approved a plan by the Joint Chiefs of Staff for the military command to by-pass the ambassador, to be in a better position to handle a "hot-war situation."

In May, Johnson was sent to Vietnam with orders to "encourage" Diem to request U.S. ground troops. At first, Diem balked, arguing that he did not want foreign troops on Vietnamese soil unless he was threatened with outside attack.

By October, however, after a summer of deterioration, Diem changed his mind and made the solicited request.

Kennedy had then decided to send Gen. Maxwell D. Taylor and Walt W. Rostow on a fact-finding mission to Saigon. In advance, he requested a Pentagon assessment.

The Pentagon concluded that the "vast majority" of the Viet Cong troops were of local origin and that there was little evidence that they were receiving major supplies from outside. It recommended the dispatch of 22,800 troops—11,000 combat and 11,800 support—to be in a position to seal the border against possible infiltration.

MANPOWER NEEDS ESTIMATED

The Joint Chiefs of Staff calculated that three divisions, about 100,000 men, would be needed if North Vietnam invaded, and six divisions and possibly tactical nuclear weapons if Communist China intervened.

On the way to Vietnam, Taylor and Rostow stopped in Hawaii, where Adm. Harry D. Felt, the Pacific commander, told them that his plans were drawn on the "assumption" that tactical nuclear weapons would be used if necessary following a North Vietnamese or Chinese invasion.

Upon his return, Taylor urged Kennedy to deploy 8,000 U.S. troops but administration officials put out the word that he had recommended only advisers. Taylor conceded that commitment of the troops ran the risk of the U.S. commitment "escalating into a major war in Asia."

STRATEGIC RESERVE WEAK

He also acknowledged that the Army's strategic reserve was so weak that the United States could "ill afford any detachment of forces." Nevertheless, Taylor insisted Kennedy should deploy the 8,000 troops, because he did not believe "our program to save South Vietnam will succeed without it."

In an early foreshadowing of things to come Taylor noted that North Vietnam was "extremely vulnerable to conventional bombing" and recommended that the weakness be "exploited diplomatically" in Hanoi.

Taylor posed three options for Kennedy: (1) to remove Diem in favor of a "military dictatorship" that would give dominance to the army's needs; (2) to remove Diem for a "figure of more dilute power" who would delegate more authority to the military; (3) to use a U.S. presence to "force the Vietnamese to get their house in order."

After noting that it would be "dangerous for us to engineer a coup under present tense circumstances," Taylor recommended the third option.

RUSK RESPONDS WITH WARNING

Sec. of State Dean Rusk responded to Taylor's report with caution, warning against "committing American prestige to a losing horse."

Defense Sec. Robert S. McNamara, on the other hand, viewed the proposed force of 8,000 troops as a move that could get the United States "mired down in an inconclusive struggle." He recommended a "firm initial position," saying the American people would respond better to bold action. He suggested as many as 205,000 U.S. troops might be necessary if the enemy counterattacked against the U.S. military intervention.

Kennedy's decision was to reject Taylor's proposal for an open commitment and to send U.S. troops to Vietnam slowly and quietly as "advisers."

In National Security Memorandum 111, however, Kennedy made it clear that the troops were available for "operational duties" and for "performing crucial missions" to help the South Vietnamese army "win the war against the Viet Cong."

Kennedy deepened his commitment to a non-Communist South Vietnam despite a report by Charles Maechling, Jr., chairman of the committee of deputies on the special group, that: "If free elections were to be held in South Vietnam in 1962, Ho (North Vietnamese President Ho Chi Minh) would get 70 per cent of the popular vote."

Maechling estimated that the Viet Cong were getting only a trickle of supplies from North Vietnam and noted that no one had ever found a Chinese rifle or Soviet weapon used by the guerrillas.

He concluded that the "massive aggression theory was completely phony."

Kennedy got essentially the same word from a White House aide, Michael Forrestal, upon his return from Vietnam in early 1963. Forrestal estimated that "the vast bulk of both recruits and supplies come from inside South Vietnam itself."

SECRET RAIDS ON NORTH

Other matters, related in the documents and previously reported on, show that:

President Kennedy ordered an extensive program of secret raids on North Vietnam in March of 1961, three years before the Gulf of Tonkin incident.

The documents show that the raids included airlifting South Vietnamese sabotage teams into North Vietnam, PT-boat attacks on the North Vietnamese coast, and U.S. destroyer patrols to trigger and locate North Vietnamese and Communist Chinese radar.

The documents, disclosed to the Sun-Times by several reliable sources, reveal that the raids were carried out under the direction of two super-secret agencies in Washington—the 303 Committee and Special Group Counterinsurgency, co-chaired by the President's brother, Robert F. Kennedy.

U.S. POLICY SHOULD NOT ENCOURAGE JAPAN TO ACQUIRE NUCLEAR WEAPONS

Mr. HUMPHREY. Mr. President, there has been considerable anxiety of late over the possibility that the United States may actively or tacitly be encouraging Japan's acquiring nuclear weapons. This concern stems from reports of Secretary's Laird's recent trip to Japan. I ask unanimous consent Mr. President, that the articles by Mr. Oka of the New York Times and that of Mr. Harrison and Mr. Simons of the Washington Post be printed at this point in the Record to serve as an illustration of the kind of reports which circulated at the time of the Secretary of Defense's visit.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, July 12, 1971]

LAIRD FINDS SEOUL AND TOKYO FEAR MILITARY CUTBACKS BY THE UNITED STATES

(By Takashi Oka)

Seoul, South Korea, July 11.—Defense Secretary Melvin R. Laird, who today ended a visit to Japan and began one to South Korea, is encountering in each country deep reluctance to go along with his basic message, that the United States is reducing its military presence in Asia and that other nations must share a greater part of the defense burden in Asia under his concept of "realistic deterrence."

Outwardly the Japanese have shown no concern over the reduction of the American military establishment in their own country. United States troops in Japan have gone from 40,000 last year to fewer than 30,000 today, and the Japanese have been given control of such air bases as Misawa, Atsugi and Itazuke, once considered essential by the United States. The Japanese want Okinawa returned next year with reduced American bases free of nuclear or chemical weapons.

JAPANESE SHARE MISGIVINGS

By contrast, South Korea is reluctant to see American troops go and agreed to a 20,000-man reduction in the 60,000-man force here only after the United States promised to finance a five-year modernization program for Korean forces that is to cost about $150-million a year. Unlike the island country of Japan, Korea faced an enemy across a land frontier—the demilitarized zone in the area of the 38th-Parallel border with North Korea.

But the Japanese share with the South Koreans the deep misgivings over the changing militay balance in Asia that these American reductions will inevitably bring. The Japanese view the Communist threat in a different way than the Koreans do—they do not sit on the front lines and their military force of 260,000 men is one of the few in Asia that has had no combat experience since World War II.

But Japan senses that because she is Asia's foremost economic and industrial power and the only Asian country capable of making her own heavy armaments as well as sophisticated electronic equipment, an American military reduction inevitably means a larger role for Tokyo. And although Premier Eisaku Sato reiterates that a major economic power need not become a major military power, there is uneasiness and controversy within the Japanese body politic that this is precisely what may happen.

If other Asian countries including South Korea do not trust the Japanese and do not forget World War II or the period of colonial expansion that preceded it, many Japanese do not yet trust themselves, are not certain that the sense of power arising from their remarkable economic growth will not go to their heads. They know how to behave in poverty or in adversity. But they have qualms about their maturity and responsibility in a period of unaccustomed prosperity and power.

"YOU EXPECT US TO LEAD?"

This uneasiness can be found in any number of Japanese publications, from pulp weeklies printing the latest scandal involving the "ugly Japanese" to intellectual monthlies delving into the national ethos. Conversations with Government ministers or with prominent businessmen quickly bring the uneasiness to the surface. "Lead? You expect us to lead?" one minister exclaimed plaintively. "Why, for the past hundred years we have been solely preoccupied with catching up. You can't ask us to shift gears so quickly. The most you can ask us to do is to hold the fort until a new generation used to affluence reaches the age of discretion."

To this confused and groping Japan, Secretary Laird brought a list of requirements for sharing the defense burden, saying in effect: The United States is keeping up its nuclear umbrella, but you have to do more in the conventional field. We respect your no-war Constitution and do not require you to send troops abroad or to pay for the upkeep of American troops in Japan, but we do expect you to step up dramatically your economic aid to the three Indochinese countries. Your best and only armored division is well trained but its equipment is antediluvian.

KOREANS FEAR CUTBACK

At his news conference in Tokyo this morning Mr. Laird all but expressed amazement that the armored division did not fall apart when it passed in review before him. "I was impressed by the maintenance but also impressed by the age," he said bluntly.

The South Koreans, meanwhile, fear that the giant Pentagon machine that in times of plenty produced a continuing supply of material and men to guard the frontlines against Communism is now, in times of domestic recession and accommodation toward both Peking and Moscow, about to be cut back drastically. Not only is the United States talking about reducing its own troop strength in South Korea, but there are rumors that Mr. Laird may even suggest reductions in South Korea's own 620,000-man authorized force level. Since the American military assistance program is designed to support certain force levels, any reduction in Korean forces would result in a reduction of the assistance program and therefore a saving for the Pentagon.

To the Koreans as to the Japanese, Secretary Laird has brought the message that the United States will not go back on its commitments even while it reduces its forces, that the nuclear shield stands, as does the commitment to defend the 38th parallel. But the practical effect of an American reduction is not only to increase the burden on the South Korean budget but also to increase the relative weight of Japan in what Mr. Laird labels his "total force" concept—a concept that takes account not only of American resources but of all resources to allied nations in a given region. If the prospect of Japanese power is uncomfortable to the Japanese themselves, it is all the more so to the Koreans, who remember 35 years of harsh colonial rule by Japan.

For better or for worse, the Americans have become the bridge between these two neighbors both militarily and politically. The two deal with each other directly but only because the Koreans know that the relationship is not exclusively bilateral as in the old days, that they can add the United States to equation as a friend.

What bothers both the Japanese and the South Koreans is that the United States in its current mood of economy and force reduction seems to be changing the terms of reference, that despite all of Secretary Laird's soothing assurances he is in fact propelling a far from ready Japan into an uncharted and dangerous new role.

[From the Washington Post, July 14, 1971]

LAIRD CONFUSES JAPAN ON A-ARMS ISSUE

(By Selig S. Harrison)

TOKYO, July 13.—Defense Secretary Melvin R. Laird's studied ambiguity on the issue of nuclear weapons for Japan during his recent visit here has left behind a trail of confusion, uneasiness and agitated debate concerning his possible motives.

When a Japanese reporter asked how the United States would react if Japan developed tactical nuclear weapons, Laird suggested at his farewell news conference that Japanese defense planners should give "higher priority" to upgrading conventional military capabilities adding, that "President Nixon and our government will continue to provide the nuclear umbrella."

The secretary coupled this response with an assurance that he sees "no role for Japan as far as the nuclear deterrent is concerned during the periods of the 1970s and beyond." But he spoke of the issue casually as one of "priorities" three times in the course of his reply, and the inference drawn by most Japanese observers was that he does not necessarily rule out the future desirability or inevitability of nuclear arms after the conventional buildup now programmed here has been completed in 1980.

What Laird said with cautious indirection in the open forum of a press conference confirmed the worst Japanese fears generated by more direct statements coming out of an earlier background briefing given by U.S. defense planners authorized to discuss the secretary's thinking.

The principal spokesman at this briefing pointed to a series of developments which might lead Japan to deploy defensive nuclear weapons in the early 1980s—possibly "ABMs (antiballistic missiles) on ships," he said, since a country with Japan's populaiton density would be doomed if enemy missiles ever came close to the big population centers.

The most critical development pushing Japan toward the nuclear option, it was suggested, would be a U.S.-Soviet agreement in the strategic arms limitation talks resulting in a reduced U.S. nuclear posture in the Pacific.

Peking is not taking part in the negotiations and would still be free to develop its missile strength unchecked.

This would pose a growing threat to Japan at a time when the intercontinental ballistic missile threat to the United States from Peking would still be "decades" away, and when the United States would feel less directly endangered than ever before by Moscow.

Even if the strategic arms talks did not have a direct impact on the U.S. nuclear presence in the Pacific, the spokesman reasoned, Washington might be increasingly unwilling to bear the costs of maintaining the nuclear deterrent alone. No longer would Japan be an indirect beneficiary of an anti-Soviet strategic posture that the United States maintained basically for its own sake.

CHANGED SETTING

In this changed strategic setting, Tokyo could choose to acknowledge its new position as the immediate beneficiary of the deterrent and actively help the United States to maintain it. Or Japan might begin to worry about U.S. reliability and decide instead to develop its own defensive nuclear weapons as a supplement to the U.S. strategic umbrella.

The point of it all was not so much that the United States should directly encourage Japan to go nuclear, but rather that the Japanese should begin to pay a greater price for U.S. nuclear protection. By implying that the U.S. nuclear shield can no longer be taken for granted and that the United States is not afraid to see Japan go nuclear, Laird apparently hoped to change the bidding in the overall bargaining relationship between the two countries.

Laird astonished the Japanese press and delighted hawkish elements in the military here with an uncompromising refusal to permit a public verification procedure demonstrating the removal of nuclear weapons from Okinawa.

He seemed impatient on finding that the "nuclear allergy" is still dominant here 25 years after Hiroshima but did not let this deter him from asking for free access by nuclear-armed and nuclear-powered U.S. ships, submarines and aircraft as a logical corollary to receiving U.S. nuclear protection.

MOTHER PORT

It is understood that Laird also asked for semi-permanent arrangements permitting the 7th Fleet to make Japan a "mother port" as a way for Tokyo to help support the nuclear deterrent and the U.S. naval presence in a more general sense. At present, U.S. vessels, including aircraft carriers with nuclear-capable aircraft, operate out of the huge San Diego, Calif., naval station as home base, using Yokosuka and Sasebo in Japan only for port calls and repairs.

One of the most interesting items on Laird's agenda here was a proposal for the reversal of an earlier decision to return Yokosuka and, more importantly, for the establishment of a major residential complex for the wives and children of naval personnel on Okinawa. This would be a political hot potato for the Japanese government but was urged by Laird as a way to save substantial sums on steaming costs back and forth between San Diego and the western Pacific.

The timing of the controversial nuclear

briefing on the day before the scheduled opening of the strategic arms talks has led to a widespread suspicion that the real motive behind the exercise may have beeen a desire to influence the Helsinki talks by projecting the specter of a nuclear Japan.

Whether or not this is justified, it is clear that the settlement currently proposed by the Soviet Union in Europe could eventually have an impact on the U.S. nuclear posture in the Pacific and thus on Japanese nuclear plans.

BAN SOUGHT

Moscow wants tactical nuclear weapons in western Europe capable of reaching Soviet territory to be banned, along with intercontinental missiles, as one of the preconditions of a strategic arms agreement.

Should the United States ever agree to this, some Japanese and U.S. officials argue, Moscow and Peking could point to this as a precedent for demanding a pullback of U.S. nuclear weapons in the Pacific for a comparable distance from their shores.

This could lead to pressures for the withdrawal of nuclear bombs for use by carrier-based aircraft from storage vessels in the western Pacific, and it could make it all but impossible, politically speaking, for nuclear-armed ships, submarines or aircraft to call at Japanese ports.

In assessing the weight of accident and design in the Laird visit, it is instructive to recall the secretary's long preoccupation with the role of nuclear weapons in the hands of U.S. allies as an essential element in the U.S. strategy. Laird's 1962 book, "America's Strategy Gap," advocated "defensive nuclear weapons with proper controls" for NATO partners, citing approvingly a statement that "military establishments which do not have nuclear weapons are little more than oversized gendarmeries."

REFERENCE NOTED

Japanese readers have been quick to note the reference to "proper controls," implying a two-key arrangement, as well as another passage made in the NATO context with a striking applicability to the current Japan-U.S. dialogue initiated by Laird. "The nuclear deterrent in the hands of the allied powers would be a great help to us," Laird wrote, "since it would provide us with a bargaining vehicle for insisting, in turn, that they meet their conventional force requirements."

The alarmed antinuclear forces here see the Laird visit as renewed proof of collusion between Japanese and American hawks and as a partial vindication of the Chinese propaganda line warning of the revival of Japanese militarism.

"Smoke does not arise when there is no fire whatsoever," said the newspaper Asahi in a comment on the State Department disclaimer issued following the briefing here.

Yomiuri recalled the Defense Agency white paper last October arguing that "small-scale, tactical, purely defensive nuclear weapons" would be legally permissible under the U.S.-imposed "no war" constitution.

"These press reports are trial balloons intended for American and Japanese public opinion," Yomiuri observed.

Sato Calls Pact Basis for Buildup

TOKYO, July 13.—Prime Minister Sato told a news conference today that the U.S.-Japan security treaty was the very basis of strengthening and improving Japan's defense capability with conventional weapons.

He said Japan would remain under the U.S. nuclear umbrella and flatly denied the possibility of Japan's possessing nuclear weapons.

Sato, who was instrumental in having an agreement signed last month for reversion of U.S.-held Okinawa to Japan next year, said mutual trust was strong enough to require no inspection to confirm a nuclear-free Okinawa at the time of the reversion.

Sato said Japan's defense capability should be strengthened in ways that would not make any other country feel threatened or would not invite criticism of militarism. China has made just such a charge frequently in recent months.

Sato categorically denied any official or unofficial conversation with Laird that Japan might take over the U.S. 7th Fleet for security of Japanese waters.

Laird Assures Korea of Aid Against Attack

SEOUL, July 13.—Defense Secretary Melvin R. Laird assured South Korea of U.S. readiness and determination to render prompt and effective assistance under the mutual defense treaty in the event of armed attack, a joint communique said today.

The communique was issued by Laird and Korean Defense Minister Nae Hiuk Jung after two days of talks at the security consultative meeting initiated this year as the first of a series of annual defense discussions.

They examined the security situation on the Korean peninsula and assessed the nature of the military threat directed against South Korea, the communique said.

It added, "The delegations of the two nations agreed that the forces defending the Republic of Korea must remain alert and strong to deter North Korea from renewed aggression."

Laird emphasized that adequate strength and partnership were key pillars in the Nixon doctrine which calls on Asian nations to take over a greater share of their defense.

Noting the ties the two nations had forged in the Korean war of 1950–53 and the Vietnam war, the two officials pledged to continue the "partnership so as to preserve the security of the Republic of Korea."

Turning to specific subjects, the communique said Laird agreed to the scheduled delivery of some F–5A aircraft, fighter-bombers specially designed for use by the American allies.

Laird also said study would continue on strengthening the South Korean defense capabilities against seaborne infiltration from the north, according to the communique.

[Early Wednesday, news agencies reported that Laird had left Korea by air for the United States.]

Japan Is Curing "Nuclear Allergy"

(By Lewis M. Simons)

The thought of Japan, the only nation in the world to have suffered atomic bombing, arming itself with nuclear weapons is highly provocative.

Yet, despite protests and denials—both by Japan and the United States—particularly in the last two weeks, the Japanese are most certainly considering the possibility. New signs are regularly emerging that Japan will, in time, become a nuclear power.

If there is one point at which the evidence is weighted heavily on the side of Japanese nuclear armament it is that the decision will depend more on the United States and its policies in Asia than on Japan itself. In sum, Japan will go nuclear if and when it feels it is no longer receiving adequate protection beneath the American nuclear umbrella.

In one very real way, the thought of Japan not acquiring nuclear weapons is more fascinating than if she were to. The concept of an independent great nation—an economic giant—shorn of commensurate armed might is unprecedented. Historically, major powers have achieved their greatness with the support of their armed forces. But Japan, secure in the U.S. nuclear embrace, has been able to reach fantastic heights without diverting funds for an equivalent military buildup.

There is every good reason to believe the Japanese would continue to accept America's "free ride" as long as it is available.

But just how long the United States, operating under the Nixon Doctrine in Asia, making moves toward friendship with the Chinese mainland and engaged in strategic arms limitation talks with the Soviet Union, will provide that ride is a major question.

If there was one ray of clarity that emerged from Defense Secretary Melvin R. Laird's visit to Tokyo this month, it was that Japan can no longer count on America's nuclear shield as absolutely guaranteed.

This is all the more distressing opponents of nuclear armament in Japan because it appears to be part of a pattern of dwindling American involvement in Asia:

Withdrawals of U.S. troops from Japan and South Korea have already begun; the reduction of American strength in South Vietnam will almost doubtlessly be completed by November, 1972; President Nixon—or his successor—will certainly reduce commitments elsewhere in East and Southeast Asia and will be highly reluctant to intervene in fresh outbreaks of insurgency.

Furthermore, if any serious shock reaction following the dragged-out U.S. involvement in Vietnam were to take root among Americans after withdrawal, the U.S. could very well assume a real isolationist posture. And many Japanese believe this will happen.

Such a reaction would provide Japan ample reason for taking her own defense into her own hands.

A WARNING "ALLERGY"

For the last quarter-century the strongest block to Japanese nuclear weapons has been the popular disgust which followed the atomic bombings at the end of World War II. But today there are numerous indicators that this "nuclear allergy" has been cured, that the Japanese no longer find military force repugnant.

Legally, Japan is still barred from maintaining an offensive nuclear force. But, through continued political squirming, there are no longer any legal barriers to "defensive" tactical nuclear arms. If the Japanese leadership chooses to have a nuclear armory, one could surely be built in the name of self-defense.

And Japan could build it in a hurry. As the people who have undoubtedly established a world speed record in technological development since World War II, the Japanese must be credited with the ability to produce at least a comparatively crude nuclear weapon in short order.

Qualified U.S. military officers estimate Japan could produce a bomb comparable to the latest known Communist Chinese weapons in 18 months to two years.

With slight modification of its rapidly expanding nuclear-based electric power industry, Japan could turn out enough plutonium for 1,000 small weapons by the mid-1970s. And, by the same time, Japanese aerospace experts could have ready adequate propulsion, guidance and re-entry equipment to carry nuclear warheads—at least as far as Peking.

Mr. HUMPHREY. Promoted by these reports, I wrote a letter to the Secretary. It expressed my total dismay that such rumors could even arise when the idea of Japan moving to a nuclear capability is clearly in contravention of the Non-Proliferation Treaty of which Japan is a signatory, and of the Japanese Constitution. Moreover, it gravely upsets the sensitive negotiations now underway with the Soviet Union for arms control agreements on defensive and offensive weapons and it sets back hope of a possible five-power or world conference on arms control.

The recent news of the President's trip to China gives us all hope that such a conference and effective agreements may be brought about in the near future. We should not upset these promising developments by raising the specter of a Japanese nuclear deterrent.

The period we are now witnessing is a delicate one, and each public declaration and diplomatic maneuver must be made with the utmost caution. It would seem, therefore, that it behooves the President at this critical juncture to affirm clearly and unequivocally the strong opposition of the United States to Japan's going nuclear. Although official spokesmen have said that our Government is not encouraging any such defense policy, and although Secretary Laird is reported to have said at his final press conference in Japan in response to a question prompted by my letter that he sees "no role for Japan as far as the nuclear deterrent is concerned during the period of the 1970's and beyond," the rumors to the contrary have not been squelched for one simple reason. There has not been the kind of declaration to remove beyond any question of a doubt the ambiguity of our Government's position.

The perfect demonstration in studied obfuscation is the Secretary's reply to a question in his last press conference before departing from Japan. Secretary Laird was asked the following:

Q. I understand that you have made no suggestion at all to the Japanese side about the Japanese obtaining nuclear weapons. I'd like to ask you a question about your future outlook. There is some talk I believe inside the Japanese Self Defense Agency, some people saying that Japan might at least have a tactical nuclear weapon for her defense, and particularly as China begins to develop her delivery system of nuclear weapons that that type of need might be increased. If Japan should in the future acquire nuclear weapons, would this be welcomed by the Americans or not welcomed by the American side? "What would be your view of that possibility?" And he answered by not facing the question directly.

A. If I were to have been asked this question by the Defense officials of Japan, I would have stated that I felt there were higher priorities within their Self Defense Forces than acquiring this kind of capability. I was not asked the question, but I would have certainly responded that way. With the assets that are available, I can think of a very much better use to make of those assets than proceeding along the lines you suggest. I was not asked the question. It did not come up in our discussions, but certainly the priorities would be much different if set by me as a defense planner in Japan. I am not a defense planner for Japan, I am a defense planner for the United States Forces, but I can certainly say that the priorities would be much different.

As you know, I was along with Secretary Rogers the principal witness for the nonproliferation treaty in the United States Congress, and the nonproliferation treaty which Japan has signed—it's not ratified of course but has been signed—would specifically bar such a development on the part of the Japanese should they ratify the treaty. To answer directly your question, if I were the defense planner, I would certainly set higher priorities on conventional capabilities which I believe are in the interest of the Japanese Self Defense Forces, and I can assure the Japanese defense planners that President Nixon and our Government will continue to provide the nuclear umbrella.

Mr. President, I am as deeply concerned about these recent developments as I was at the time I wrote to Secretary Laird. I want to share with the Senators the letter I wrote. I ask unanimous consent that it be printed, along with the reply from the Assistant Secretary of Defense. Mr. G. Warren Nutter, at this point in the RECORD. I appreciate Assistant Secretary Nutter's courtesy in replying to my letter in the Secretary of Defense's absence, but the Assistant Secretary's letter does not satisfy my concern.

To say that Secretary Laird is busily doing all he can in support of the Nixon doctrine, SALT, Vietnamization, and allied cooperation is little comfort. I do not know, nor do the American people know, what the Nixon doctrine or Vietnamization are. I am puzzled by the administration's approach to arms control, and I am very uncertain about just how much cooperation has been extended to our allies beyond the most narrow military interpretation of the term.

What I want to know and what all Members of this body want to know is just what Secretary Laird said on his trip to Japan. More important, we want to hear what our Government's position is on the nuclear question with respect to Japan. Mr. President, we have a right to know, and I, for one, still await a forthright and unambiguous reply from Secretary Laird.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I have been following the press reports of your visit to Japan and am, quite frankly, most disturbed at what I have read. I would like to refer you particularly to the article by Selig Harrison in the *Washington Post* of July 8 and the *New York Times* article by Takashi Oka of the same day.

What concerns me most are the references made to our position regarding the future defense role of Japan. I am referring specifically to such reports as "Mr. Laird appears to have given the impression that he views with equanimity a possible situation in which Japan might be faced with the question whether to acquire nuclear weapons."

I prefer to avoid drawing any definitive conclusions until I receive your reply to this letter. I cannot view any such development with "equanimity." It is in direct violation of the Non-Proliferation Treaty of which Japan is a signatory and which the United States worked so hard to bring about. It also violates the spirit of the Japanese Constitution, written during the American military occupation of Japan.

Moreover, any encouragement we would give to the Japanese government to build "shipborne antiballistic missiles in the early 1980's as a supplement to the U.S. nuclear protection" would surely be an impetus to the spiraling arms race. If these reports are accurate, they could jeopardize the sensitive negotiations now underway between the United States and the Soviet Union, which give such promise for effective agreements on defensive and offensive nuclear weapons.

There is great hope throughout the world that the impasse in arms control agreements may have been broken. In this decade we should be striving for agreements not only between the United States and the Soviet Union, but also among the other nuclear powers—Mainland China, France, and Great Britain. Japan's joining of the so-called "nuclear club" with our open encouragement would be a serious blow to our hard-won progress. It would open up a Pandora's box, destroying the very heart and substance of the Non-Proliferation Treaty.

The United States has mutual defense pacts with Japan. While we have every right to ask that Japan increase her contribution for her own defense, commensurate with her economic position, we must not be encouraging her to move in the nuclear weapons field. Such a development, I repeat, would be contrary to international treaties, would offer little strategic value, would poison the climate of future arms control agreements, and would endanger the prospects for peace.

I am certain, Mr. Secretary, that you are aware of these ramifications but, because of these disturbing reports, I did want to take this opportunity to express my own deep concern on the subject.

I will look forward to receiving your reply.

Sincerely,

HUBERT H. HUMPHREY.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 14, 1971.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: I am writing in reply to your letter to Secretary Laird in which you reacted to press reports from Tokyo concerning his visit there.

I am confident that as a member of the Senate who often has heard Secretary Laird testify you are fully aware of his views in support of the Non-Proliferation Treaty, the Nixon Doctrine which provides our friends and allies a nuclear shield, and the SALT talks undertaken by this Administration in the hope that strategic nuclear weapons can be controlled rather than proliferated.

I realize you are disturbed at the press reports you have seen, rather than at any view held by or ever expressed by Secretary Laird, but I did want to reassure you that on this as on earlier trips Mr. Laird is continuing his efforts in support of the Nixon Doctrine, SALT, Vietnamization and allied cooperation. The Secretary has expressed to Congressional committees, as you know, his gratification that the policies being followed by this Administration have reversed the tide of US participation in the Vietnam fighting, drastically curtailed US casualties, initiated for the first time nuclear arms limitation talks with the Soviet Union, and provided real hope that we can achieve the generation of worldwide peace which is the goal of the President and of all Americans.

Certainly the Secretary does not view we equanimity possession by Japan of nuclear weapons. He made this clear at his farewell news conference in Tokyo when he stated: "I see no role for Japan as far as the nuclear deterrent is concerned during the period of the 1970's and beyond." I am enclosing for your information a transcript of that news conference.

I know the Secretary will talk with you personally on his return, but I did not want you to remain unnecessarily disturbed and so take this opportunity to reassure you on behalf of Secretary Laird and all the other civilian and military members of the Department of Defense that we are working daily to end the fighting, to achieve and preserve peace, and to limit nuclear weapons.

I hope you find this information useful.

Sincerely,

G. WARREN NUTTER.

EXCELLENT REPORT ON TACTICAL NUCLEAR WEAPONS BY SENATOR NELSON

Mr. PROXMIRE. Mr. President, Members of Congress for Peace Through Law has issued a series of reports on the B–1 bomber, the F–14 airplane, the proposed Cannikin test MIRV's, and the undersea long-range missile system—ULMS—to name some of them.

Late last week an additional report of very high quality was issued by my colleague, Senator GAYLORD NELSON of Wisconsin, on the subject of tactical nuclear weapons.

Very little is known about tactical nuclear weapons. While there has been major discussion and debate over the issue of strategic nuclear weapons, little has been said about tactical weapons and even less has been said about their importance and their military and diplomatic significance.

In his research paper, which has been presented to MCPL members for their consideration, Senator NELSON raises a number of important issues. He defines tactical nuclear weapons, discusses their numbers and location, their yields and varieties, where they are deployed, and agreements concerning them.

Because I believe that Congress and the public will find a great deal of useful information in Senator NELSON's research paper, I ask unanimous consent that it be printed in full in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON TACTICAL NUCLEAR WEAPONS

INTRODUCTION

Most public discussion of nuclear warfare in recent years in this country has centered on "strategic" weapons—those which the United States and Soviet Union aim at each other's homelands. These include intercontinental ballistic missiles, missile-firing submarines, long-range bombers and the corresponding defenses such as the ABM.

A great deal of information about these weapons is in the public domain. Their numbers are announced annually. The rationale involved in their planning is spelled out in great detail each year by the Defense Department and White House. The issues concerning their future development have been extensively debated in Congress.

Much less public attention has been given to another kind of warfare—"tactical" nuclear war, in which nuclear weapons would be used against military forces on a battlefield. A large array of nuclear weapons has been built for this type of warfare. These weapons are less well known to the public than strategic weapons. They are more numerous than strategic weapons but their numbers are not announced. In recent years there has been extremely little public discussion of tactical nuclear weapons in Congress.

DISCUSSION

The terms "strategic" and "tactical" are not precise. They refer to the use a nuclear weapon is to be put. To some extent the same weapon could be used for either purpose. The distinction depends on vantage point. A 100 kiloton bomb carried by a U.S. F4 fighter-bomber based in Europe, may seem to be a "tactical" or battlefield weapon to an American, but to a European it makes little difference what it is called. Without attempting to fix an exact dividing line, it is the purpose of this report to discuss a large set of weapons, generally left out of the main nuclear debate, which for lack of a better term are called "tactical", and concerning which there are substantial issues of U.S. policy.

Numbers

The March 9, 1971, Defense Department annual defense program and budget statement gives a specific accounting of the numbers of U.S. strategic offensive weapons—1,054 ICBMs, 656 submarine launch tubes, 569 heavy bombers, totaling together 4,600 nuclear warheads. No such accounting is available for tactical nuclear weapons.

Former Secretary of Defense Robert S. McNamara said in 1967 that the United States then had about 7,000 tactical nuclear weapons in Europe.[1] His successor, Clark M. Clifford later spoke of 7,200 there.[2] Those figures are still roughly accurate today, although exact current numbers are not made public.

The number of U.S. tactical nuclear weapons overseas, apart from Europe, has never been announced and is highly classified. It is clear, though, that aside from Europe, the United States has several thousands of these weapons stockpiled abroad and at home. There are many more tactical nuclear weapons now than strategic, although the deployment of strategic weapons with MIRV will make the ratio closer.

Places

U.S. tactical nuclear weapons are deployed in 10 to 20 countries overseas. The list is secret. It obviously includes some, but not necessarily all of the NATO countries. The others are U.S. military alliance countries, which confront the potential nuclear enemies, the Soviet Union and Communist China. South Korea would be a good example.

Agreements

In the case of NATO, U.S. nuclear weapons are present under specific agreements, the details of which are largely secret. The U.S. warheads are kept in Europe in custody of U.S. forces, in some cases in stockpiles, in other cases on quick reaction alert with the weapons that deliver them. In either case only the President of the United States has authority to release them for use. Almost nothing is publicly known aobut these arms agreements with other countries. In no case, according to U.S. officials, are nuclear weapons present without the local government having been told.

Yields

Tactical nuclear weapons range in explosive power from a small fraction of a kiloton to hundreds of kilotons. A kiloton is the equivalent of 1,000 tons of TNT. The A bomb which the United States dropped on Hiroshima was 20 kilotons. According to the Institute for Strategic Studies in London, the average warhead yield of U.S. tactical nuclear missiles stockpiled in Europe is 20 kilotons (Hiroshima size) and the average or U.S.tactical nuclear aircraft bombs there is 100 kilotons (five times Hiroshima).[3]

Varieties

The basic varieties of U.S. tactical nuclear weapons are as follows:

Artillery—Eight inch and 155 milimeter self-propelled howitzers. These can fire either conventional or nuclear warheads, the latest probably under 1 kiloton, at ranges up to roughly 10 miles. In a nuclear role they would be used to fire at concentrations of enemy troops, artillery and missile positions, command posts, groups of vehicles.

Honest John rocket. First conventional or nuclear warhead, the latter "in the same ballpark" as the Hiroshima bomb, according to one official source. Range is more than 20 miles. Rides on a truck-like launching vehicle. The whole unit can be air-transported.

Sergeant missile. Fires a nuclear warhead.

Lance missile. A new artillery missile to replace the Honest John and Sergeant systems, both of which are approaching the end of their useful life spans. Procurement is planned for fiscal 1972. Conventional and nuclear warhead capability, greater mobility and quicker reaction time.

Pershing missile. The longest in range of the nuclear artillery, about 400 miles. Nuclear warhead probably several times more powerful than Hiroshima. Fired from West Germany it could reach to the fringes of the Soviet Union. It is a "counter-nuclear" weapons, to wipe out airfields from which enemy planes might attack and other major targets.

Atomic Demolition Munitions (ADM)—These are nuclear devices to be buried in the earth in friendly territory along probable routes of enemy invasion. They are detonated by electronic command to cause earthslides, blocking mountain passes, or to turn a forest into a barrier of fallen trees or to destroy major highways. Though sometimes called "nuclear land mines" they are not detonated automatically by an advancing enemy but are set off on command.

Aircraft-carried—Tactical fighter-bomber aircraft, land-based in Europe and Asia and on aircraft carriers, have both conventional weapons and nuclear. The latter include air-to-air rockets, air-to-air guided missiles and nuclear bombs.

Naval—Talos, surface to air or surface-to-surface missiles; ASROC, ship-launched anti-submarine missile; SUBROC nuclear depth bomb.

Air defense—Nike-Hercules system deployed in Europe is capable of using conventional or nuclear warheads.

Soviet Union

In the case of Soviet nuclear weapons for use in Europe, the distinction between strategic and tactical blurs. The Soviet weapons include:

Medium and intermediate range ballistic missiles based in the Soviet Union and targeted on Europe.

Medium bombers targeted on Europe.

Tactical rockets and missiles for immediate support of Soviet ground forces (FROG, SCUD, SHADDOCK, SS-12).

Tactical aircraft with nuclear weapons delivery capability. (IL-28 light bomber; YAK-28 light bomber; SU-7 fighter-bomber; MIG-21 fighter)

Naval nuclear weapons including surface-to-surface and surface-to-air.

The Institute for Strategic Studies estimates the Soviet Union's European theater nuclear forces at 3,500 warheads, compared to NATO's 7,000. It reports that some of the delivery vehicles (but not the warheads) are in the hands of non-Soviet Warsaw Pact forces.[4]

Communist China

Communist China's theater nuclear capability is probably limited to TU-16 Badger medium bombers now, according to the U.S. Defense Department, but some deployment of Chinese medium range ballistic missiles may have occurred.[5] The launch of a Chinese satellite of 381 pounds on April 24, 1970, signalled that China has IRBM components.

What purposes should they serve

When U.S. tactical nuclear weapons were first deployed overseas during the 1950s, their purposes were clear. The United States had nuclear superiority over the Soviet Union. The prevailing military view at the time was that the United States and NATO were hopelessly inferior to the Soviet Union and Warsaw Pact in conventional military strength in Europe—a dozen NATO divisions facing 25 well equipped Soviet divisions in Central Europe and up to 175 Soviet divisions in all. It followed that the United States could make up for this conventional inferiority in Europe with nuclear firepower with little fear of Soviet nuclear retaliation against the United States.

But in the early 1960s these premises were being swept away. The U.S.-Soviet nuclear balance was shifting toward partity. There was more concern that use of nuclear weapons in Europe would lead to the destruction of the United States itself. Also, Defense Secretary Robert S. McNamara's systems analysts were recalculating the NATO-Warsaw pact conventional balance in more sophisticated ways, weighing the strength of Soviet divisions instead of just counting them. They found the conventional balance much closer to parity than the military had previously assumed. The McNamara doctrine of "flexible response" evolved—to the effect that NATO could, with improvements in its

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Footnotes at end of article.

conventional forces, meet a conventional attack in Europe with conventional force without necessarily having to resort to nuclear warfare.

The main rationale for tactical nuclear weapons became, and remains today, twofold: (1) that they add to the deterrent against conventional attack in Europe and elsewhere because an enemy would have to assume they might be used and (2) they provide a deterrent against Soviet or Chinese first use of nuclear weapons.

During the Nixon Administration there have been parallel studies in the National Security Council and in NATO on the broad purposes of tactical nuclear weapons. President Nixon's Foreign Policy Message to Congress and Secretary of Defense Laird's most recent annual statement to Congress describe the current policy thinking of the Administration and NATO, based on these studies.[6] In essence, the policy is to rely on three levels of deterrence but on none of them alone:

Strategic—The possibility of use of U.S. strategic weapons against Russia is part of the western deterrent in Europe, but in an age of U.S.-Soviet nuclear parity it is not a realistic deterrent alone, for "today, nuclear destruction would be mutual."

Tactical nuclear—These weapons add to the deterrent, but NATO must not be in a position where its only possible response would be nuclear.

Conventional—A stronger conventional capability must also be maintained. But to rely on it alone might "lead an aggressor to conclude that we might accept the loss of vital territory without taking further action.

How well do they serve their purposes?

For many years it has been recognized that there are major questions and problems inherent in tactical nuclear weapons which bear on how acceptably they fulfill their purposes. Alain C. Enthoven and K. Wayne Smith have described the consideration of many of these questions in and out of government before and during the McNamara defense years. A Brookings Institution study[8] also outlines the major questions. These questions are still under scrutiny in the government today. Some examples:

1. Degree of destruction: Military plans for the tactical nuclear weapons in Europe call for them to be used against military targets with restraint so as to limit "collateral damage", the term for the killing of civilians and destruction of cities. Under these plans, relatively low yield weapons would be chosen. Warheads would be made to explode in the air at sufficient height so the fireball would not touch the ground in order to reduce fallout.

But questions have been raised whether such restraint would in fact occur. Many of the U.S. weapons stockpiled in Europe are of very high yield. It has been argued that in the opening exchange of a tactical nuclear war communications and intelligence capabilities would be wiped out. Commanders on both sides would lose the ability to pinpoint targets. In their blindness both sides would resort to area devastation with their biggest weapons. Estimates of how many people would be killed in a tactical nuclear war in Europe depend on assumptions made as to how the war unfolds. Such estimates have ranged from a matter of thousands, assuming the war stops immediately after a few nuclear weapons have been used; to 2 to 20 million, assuming extensive use of nuclear weapons with some restraints; to 100 million if there are no restraints at all.

In November, 1969, the NATO Nuclear Planning Group, at a meeting at Airlie House near Warrenton, Virginia, drafted the first agreed NATO political guidelines covering possible initial use of tactical nuclear weapons by the alliance. Though these were not made public, they said in effect that in response to a conventional attack which could not be stopped with ordinary forces, NATO might use tactical nuclear weapons. But it would do so in ways designed to minimize the chances of automatic escalation. As one NATO planner interpreted the agreement, low yield weapons would be used, and they would be used in "tens rather than hundreds". The enemy would be told of the intent to use restraint. The enemy command and control system would be deliberately spared, making it possible for the enemy commanders to control their forces. The Nuclear Planning Group consists of seven of the NATO defense ministers serving in rotation. In subsequent meetings NATO has taken up the question of how nuclear weapons might be used *after* their initial introduction. The answers are apparently still open.

2. Deterrent or Incentive? Since France expelled NATO from its soil, it has been obvious that a great deal of the U.S. tactical nuclear weaponry assigned to the NATO area must be in Germany. The warheads are kept in stockpiles, the locations of which are secret. Germany, however, is an open country and it is probable the Soviet Union knows these locations. It has been argued that in time of extreme crisis the Soviets would have an incentive to knock out the stockpiles before they could be used. The same has been said of the airfields where NATO nuclear-capable aircraft are based. The question has been asked whether tactical nuclear weapons in general cause more instability than offer deterrence because of such vulnerabilities. To some extent at least this may be improved by sheltering of tactical aircraft.

3. *Who Would Win?* The question has also been asked whether NATO would in fact be the relative winner of a tactical nuclear war in Europe. One possible scenario is that the forces in place in Europe would be annihilated in the nuclear exchange, and then the Soviets, with closer conventional reserves, would occupy the devastated remains of Europe. Partly, due to the need for reserves, the Brookings report argues that tactical nuclear weapons are not by themselves a substitute for conventional forces. Another factor which must be considered is that the Soviet Union, in addition to its mobile tactical nuclear forces, has medium and intermediate range missiles and bombers in the Soviet Union targeted on Europe.

4. Command and Control: The problem of maintaining effective Presidential control over firing any nuclear weapons would appear more difficult in the case of tactical nuclear weapons than strategic. Strategic weapons are divided into three clear commands, and are either at home or at sea. The tactical weapons are distributed among many countries and many more major military commands and subcommands. From public information it is not clear whether a U.S. President would issue a blanket release of nuclear weapons in Europe or would release them on a weapon by weapon, target by target basis.

One nuclear weapons system has been scrapped partly because of control problems. The Davy Crockett, smallest of the U.S. nuclear weapons, fired a nuclear warhead reportedly measured in tens of tons of TNT, and could be mounted on a jeep. In 1967 the Davy Crockett was ordered withdrawn from the inventory of U.S. forces world-wide. The officially stated reason was that it will be replaced by a more effective weapon, the 155 m.m. howitzer. One factor in the decision however, was that the Davy Crockett, due to its short range, had to be deployed very far forward and at low command echelons, raising problems of communications and also of possible capture.

5. ADM: One particular class of weapons about which questions have been raised are the atomic demolition munitions (ADMs). These are presently stockpiled in U.S. custody in Europe. In time of impending war they could be buried in the ground or implanted in bridges along the frontiers where they could be detonated by electronic command in the path of an advancing army. The associated problems include when to plant them, when to detonate them, whether Presidential authority over their firing should be delegated in view of the fact that time might be at a minimum, how much damage would they do, and how to safeguard them from theft. At one time both Turkey and Germany seemed interested in making greater use of these weapons. After separately studying them in the Nuclear Planning Group both countries recommended further study of the problems involved.

6. Asia: The emergence of Communist China as a nuclear power has cast doubt on the original premise that tactical nuclear weapons could deter massive conventional attack in that part of the world. The following question is being asked: What good would it do for the U.S. to employ battlefield nuclear weapons if Communist China could respond by dropping nuclear bombs on Seoul, Manilla, Bangkok, Tokyo or other major cities or countries the United States wants to protect?

Do we have the right numbers?

In the field of strategic weapons, extensive and detailed information has been released to the public over the years, bearing on the question of how many and what kinds are needed. This information has included the numbers needed to inflict a certain level of damage on the Soviet Union and the numbers which would be destroyed by various kinds of Soviet attack. No comparable detailed information has been made public to spell out the requirement for 7,000 tactical nuclear weapons in Europe. In general, military officials cite the need to protect many allies, a large land area, the fact that many weapons systems are involved, and that many weapons would be destroyed. However, others have questioned whether the number 7,000 was planned as a force level or just grew autonomously. A fuller justification would be in the public interest.

Should we develop new tactical nuclear weapons?

The United States now faces an important choice in its tactical nuclear weapons policy. Proposals have been made for a general "modernization" of the U.S. tactical nuclear arsenal—in effect building a new generation of weapons. The proposed new weapons would be of relatively small yield and would have increased accuracy of delivery. Proponents argue that, in contrast to many of the weapons now in Europe, these would better fit the U.S. and NATO strategies of fighting a tactical nuclear war with restraint, concentrating on military targets and reducing civilian casualties and destruction. They would, it is argued, be a much more credible and realistic deterrent. Proposals for modernization have come from within the military and from the government laboratories which build weapons.

The basic technology for such modernization is in hand. Nuclear warheads can be packaged smaller. Methods of increasing accuracy which could be applied to tactical nuclear weapons have been developed and in some cases tested in battle. An example is the (non-nuclear) Walleye bomb used in Vietnam which guides itself to on target with a built-in television camera.

Though some isolated improvements may well go forward, no decision has been made in favor of a general modernization. The issue is still under study.

Some opponents of modernization see the issue as one between deterrence and war-

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Footnotes at end of article.

fighting. Like strategic weapons, they argue, tactical nuclear weapons are only for the purpose of being able to retaliate against enemy use of nuclear weapons, in other words to deter nuclear war. Nuclear weapons, this school argues, should not be designed for marginal advantages in battle and should not be designed so that it becomes more tempting to use them. Proponents of modernization argue that without a realistic war-fighting ability there is little deterrence.

The opponents also argue that the modernization program would be costly and would mean a new round in the arms race at a time when the United States and Russia should be limiting and getting rid of their nuclear weapons. Finally, they argue that it makes little sense for the United States to develop a new family of more acceptable tactical nuclear weapons unless the Soviet Union does also, and so far there is no evidence that the Soviet Union is moving in this direction.

The fact that a policy choice is still open is reflected in the following paragraph in the FY 1972 Defense Reports:

> We are currently evaluating the long-term structure of our theater and tactical nuclear programs. In the near-term, we will continue to rely on current capabilities, including theater assets, tactical aircraft, missiles, rockets, field artillery, and atomic demolition munitions. However, research and development and weapons improvement programs are planned in this area, to insure that our weapons and the associated command and control systems have both adequate capability and continue to emphasize minimum chance of accident. With such programs, we believe that we can retain or improve the essential contribution our theater nuclear forces make to our deterrent posture.[9]

The amount of money now being spent on the above research and development programs is about $22 million this year. According to Brookings the cost of building new tactical nuclear forces for Germany alone could be $1 billion to $1.5 billion annually over a ten year period.

Further questions and recommendations

Several questions bearing on the relation of tactical nuclear weapons to other aspects of U.S. policy should also be noted:

1. Troops in Europe: Congress should begin considering the questions of the level of U.S. troops in Europe and U.S. tactical nuclear forces in Europe together rather than as separate issues. Consideration should be given to whether reduction of U.S. troops in Europe from 300,000 as proposed in the recent Mansfield Amendment would mean greater reliance on nuclear weapons.

2. Nixon Doctrine: The United States is now in the process of general reduction of its conventional forces in Asia. Since much tactical nuclear weaponry consists of warheads for dual capable systems, we must ascertain if this reduction will result in a corresponding draw down of tactical nuclear weapons or if it will result in more reliance on them.

3. Commitments: The Senate Foreign Relations Sub-Committee on U.S. Security Agreements and Commitments Abroad has reported extensively on this country's system of overseas defense alliances. But because of the secrecy involved, little could be made public in its hearings about the extent to which nuclear weapons have added to our overseas commitments. Except for the NATO area, the presence of nuclear weapons in a foreign country is not supposed to be discussed in public. The public interest would be served if ways could be found consistent with security requirements to bring more information on this subject into the open.

4. Arms Control: Concerted effort should be made to find ways of bringing tactical nuclear weapons into arms control talks. One possible forum would be the Strategic Arms Limitation Talks (SALT). The Soviet Union reportedly has taken the position that the delivery systems—aircraft and missiles—of U.S. tactical nuclear weapons in Europe could reach into the Soviet Union and therefore should be included in SALT. The United States reportedly has taken the position that these systems have very little capability against the Soviet Union and are a separate subject. One consideration involved is whether bringing tactical weapons into SALT would involve NATO and the Warsaw Pact in these talks and whether this would be wise. Another possible forum for discussing tactical nuclear weapons would be talks on Mutual and Balanced Force Reductions in Europe, in which both the United States and the Soviet Union have expressed interest.

FOOTNOTES

[1] Statement of Secretary of Defense Robert S. McNamara before Joint Session of Senate Armed Services Committee and Senate Subcommittee on Department of Defense Appropriations on the Fiscal Year 1968–72 Defense Program and 1968 Defense Budget—January 23, 1967, Page 68.

[2] Secretary of Defense Clark M. Clifford, Press Conference, U.S. Military Headquarters, Berlin, Germany, October 12, 1968.

[3] Institute for Strategic Studies, London, The Military Balance 1969–1970, page 19.

[4] Institute for Strategic Studies, London, The Military Balance 1970–1971, page 95.

[5] Statement of Secretary of Defense Laird on Fiscal year 1972–76 Defense Program and 1972 Defense Budget, March 9, 1971, page 48.

[6] Foreign Policy Message of President Nixon to Congress, February 25, 1971, pages 22–24. Laird statement listed in Note 5, pages 75–76.

Quotations used are from President's message.

[7] How Much Is Enough?—Alain C. Enthoven and K. Wayne Smith, Harper & Row, Chapter 4.

[8] Setting National Priorities, the 1972 Budget, Brookings Institution, 1971, pages 94–102.

[9] Laird statement listed in Note 5, page 76.

SOVIET JEWRY NEEDS OUR HELP

Mr. McGOVERN. Mr. President, the plight of 3½ million Jewish citizens of the Soviet Union is a source of continuing concern to many Americans. These Soviet Jews are the great majority, perhaps as much as 85 percent of the remnant of European Jewry left after the Nazi holocaust. We cannot forget that 6 million Jews, including half the Jews of the Soviet Union itself, were methodically exterminated by the Nazis.

It is cruelly ironic that the great majority of surviving European Jews owe their survival to the fact that they lived during the Second World War in non-occupied areas of the Soviet Union, for that country has its own long and well-documented history of barbarous treatment of Jews.

It must be admitted that the Bolsheviks who took control of Russia in the early 1920's represented in many respects an improvement for Russia's Jews. This improvement, however, was slim consolation to Soviet Jewry during Stalin's reign of terror, especially from 1948 to 1953, when tens of thousands of Jewish artists, writers, and intellectuals were officially characterized by the Soviet Government as, "Zionist bourgeois dogs," "homeless cosmopolitans," and "enemies of the Soviet people," and were systematically liquidated.

Anti-Jewish literature, much of it truly medieval in character, continues to roll off the Soviet press, both official and nonofficial, especially since the Arab-Israel war of 1967. Indeed, shortly after that war the Soviet Government opened a full-scale propaganda war against an "international Zionism" which it equated with any expression of Jewish national feeling by Soviet Jews. Conspiracies were invented between "Zionists" and every breed of tyranny from czarist pogromists to the Nazi perpetrators of genocide, and even to the alleged counterrevolution in Czechoslovakia. Previously discredited anti-Jewish writers as Kichko, Osipov, and Ivanov have been resurrected since 1967, and their writings are in abundance today in the Soviet Union.

Nor has the post-Stalinist era in the Soviet Union been free of the taint of mass trials for vaguely defined crimes. For example, trials for alleged economic crimes took place between 1961 and 1964, in which nearly 60 percent of the hundreds of defendants, most of whom were executed, were Jews, a fact which the official Soviet press never allowed its readership to forget. The trial which has most recently generated world attention is the December hijacking conspiracy trial in Leningrad—in which world pressure induced the Soviets to commute death sentences. Subsequent trials in Riga and elsewhere on trumped-up charges of economic crimes and disloyalty to the state have been used as instruments of harassment against Jews seeking to emigrate. In short, the Soviet Government has in the past 10 years conducted numerous mass trials for various crimes, always ill-defined both factually and legally, in which Jews were conspicuous both by their disproportionate numbers and by the extraordinary publicity given to the vague charges against them.

But it is not only the physical danger of being a Jew in the Soviet Union which we must acknowledge today. For the Soviet Jew who wishes to maintain the deeply engrained religious and cultural traditions of his Jewish heritage encounters a persistent and concerted Government effort aimed at the cultural annihilation of its Jewish citizens. At the same time, the Soviet Government has refused, in stark violation of basic human rights and international law, to allow those Jewish citizens who find intolerable a life of cultural and spiritual deprivations to leave the Soviet Union and seek refuge where they can freely practice their culture and religion.

What are the facts with regard to the freedom of Soviet Jews to enjoy their culture or practice their religion? The basic fact is that Jews enjoy far less cultural and religious freedom than virtually any nationality or religious group in the Soviet Union. Synagogues have sysmatically been closed down for the past 30 years, frequently with press releases denouncing them as centers of illicit capitalistic activity. There are now only about 65 synagogues left in the Soviet Union to serve a Jewish population estimated at 3½ million persons. To put this figure in perspective, Chicago, with a Jewish population of about 200,000, has 120 synagogues.

Nearly every American visitor to the Soviet Union who attends a synagogue there reports that those who attend services are afraid to speak or even to exchange glances with foreigners because of the widespread use of police informers among the congregant. Although the official policy of the Soviet Union is to discourage religion, no other religious group, including the Russian Orthodox Church, the Moslem sects of Eastern Russia, and numerous other religious sects report any remotely similar degree of interference with their houses of worship.

Equally detrimental to the freedom of Jewish worship is the informal but rigorously imposed ban on the manufacture or importation of Jewish religious objects, such as prayer shawls, phylacteries, prayer books, and Hebrew bibles. As our State Department quietly recognizes in its instructions to American tourists visiting the Soviet Union, these religious items are routinely confiscated by the Secret Police from tourists who attempt to bring small quantities of them into the Soviet Union.

Though Soviet law theoretically guarantees the right of a group of parents to organize a school for their children, a right internationally guaranteed by the Convention Against Discrimination in Education adopted by the General Conference of the U.N. Educational, Scientific and Cultural Organization, the Soviet authorities consistently and forcibly discourage the organization of Hebrew schools. Moscow's only Hebrew teacher, Lev Sheinkar, was recently imprisoned on vague charges of "hooliganism." Others who have attempted to perpetuate Hebrew learning in the Soviet Union, such as Vadim Mogilever, have found that these efforts alone have rendered them liable for criminal charges of anti-Soviet activity. The training of Rabbis has virtually ceased in the Soviet Union.

And Jewish secular culture fares little better than freedom to practice the Jewish religion. The once thriving Yiddish press and Yiddish theater of the Soviet Union have been reduced to an insignificance. No more Yiddish speaking schools are allowed, even though a majority of Soviet Jews are fluent in that language. Ironically, by contrast, the Soviet German population, which numbers perhaps half of Soviet Jewry, enjoys the right to have extensive cultural facilities, including schools, radio broadcasts, newspapers, books, and theaters. So indeed do numerous other national groups, especially those who have territorial bases in the Soviet Union, such as Latvians, Lithuanians, Georgians, and others.

Tens of thousands of Soviet Jews have found this religious and cultural oppression intolerable and have requested permission to leave the Soviet Union. Numerous international agreements, to which the Soviet Union is morally bound, guarantee them this right. These agreements include the Universal Declaration of Human Rights, the International Convention on Elimination of All Forms of Racial Discrimination, and the International Covenant on Civil and Political Rights.

However, the policy of the Soviet Union has been to deny exit permits to the vast majority of Soviet Jews who request them and to subject many of the petitioners to a variety of harassments ranging from dismissal from employment to imprisonment and physical abuse. Boris Kochubievsky, for example, was put on trial in May 1969 and sentenced to 3 years in prison for issuing a public statement defending Israel and for requesting permission to emigrate. Recently Pravda branded Jews who wanted to go to Israel with the Stalinist term "anti-Soviet"—February 17, 1971.

Though the number of permits issued has apparently increased somewhat in recent months, permission to leave has been and continues to be routinely denied without any substantive reasons given.

Because of the enormous risk involved in applying for an exit permit, it is extremely difficult to determine the precise number of Soviet Jews who wish to emigrate. We can surely assume that the vocal, activist Jews—as well as dissident non-Jewish intellectuals and others who wish to leave—represent only a small percentage of those who would apply for permits if the fear of reprisal were not present. A letter of February 15, 1968, signed by 26 Jewish intellectuals residing in Soviet Lithuania and sent to the Secretary General of that republic's Communist Party, estimated that if the borders were opened for emigration, some 80 percent of the Jews in Soviet Lithuania would leave for Israel.

Despite the unjust and vicious treatment of Soviet Jewry, over which Jewish and non-Jewish Americans, including many Members of the Congress, have expressed great concern, the Nixon administration has apparently done nothing to exert its influence in any way that might alleviate the situation.

Last December 26, during the public furor that erupted after the imposition of the death sentence on two of the defendants in the Leningrad conspiracy trials, the President met with prominent American Jewish leaders who requested that the President make a public declaration deploring the Leningrad trials and the treatment of Soviet Jews. The President responded that such a public declaration might endanger the lives of the two individuals who were then under death sentence. Now that the death sentence has been commuted, it is difficult to understand why the President cannot make a strong public statement calling on the Soviets to ease the restrictions on Jews. Such a statement should not be laced with inflammatory threats to fan the flames of the cold war. But I feel that the Soviets have amply demontrated their sensitivity to vocally expressed world opinion in this area, both in the commutation of the Leningrad sentences and in the increased rate of exit permits issued in recent months. A Presidential statement expressing the humanitarian concern of the American people for the persecuted Jews and other dissidents of the Soviet Union is entirely appropriate at this point.

Even more discouraging is the apparent failure of the President to take private initiatives which would demonstrate that the treatment of Soviet Jewry and other dissidents is a matter of high priority to concerned Americans. For example, I believe that the President would have nothing to lose and perhaps much to gain by approaching, on a personal basis, the leaders of friendly East European countries such as President Tito of Yugoslavia or President Ceausescu, of Rumania. These leaders might well agree to encourage the Soviets to adopt the humanitarian policy which those countries themselves have successfully carried out by issuing exit permits to Jews who wish to leave. Similar appeals could well be made to neutral countries such as India or the nations of Black Africa, or to the Communist parties of Western Europe.

It is hard to see any substantial risk in these approaches. Yet the President and the State Department have consistently pushed suggestions of this nature under the rug with references to the "delicate" nature of the problems. One can only conclude that the Nixon administration does not attribute to the plight of Soviet Jewry a priority high enough to warrant the most minimal diplomatic risk.

Even at the State Department level, response to the problem of Soviet Jews and other libertarian dissident movements has been woefully inadequate. The State Department has consistently maintained that the problem is not an appropriate matter for governmental effort, but is best dealt with by private parties. The State Department gave this response throughout the Leningrad trials and the death sentence and prior to the commutation of that sentence. After the commutation, the Department claimed that Secretary Rogers had, in fact, written a personal letter to Mr. Gromyko, the Soviet Foreign Minister, and that the Department had sought to enlist the British and French—who would doubtless have acted anyway—in support of commutation. One is thankful that other countries as well as private parties, groups and journalists throughout the world communicated their concern with greater force than did our Government.

State Department activity since the public furor over the Leningrad trials has not demonstrated any change in the Department's hands-off attitude. The only public forum in which the matter has ever been raised by our Government has been the United Nations Commission on Human Rights, where we have traded insults with the Soviet Union in a rather perfunctory manner.

One excellent opportunity to make substantial progress in the alleviation of this problem through a neutral international humanitarian organization was totally bungled by the State Department. The Intergovernmental Committee on European Migration—ICEM—an international body headquartered in Geneva which was active in the resettlement of Polish and Rumanian Jews, recently offered to make a formal approach to the Soviet government suggesting the ICEM would be willing to make the arrangements and assist financially in the quiet resettlement of Jews. The advantage of the ICEM proposal was that it gave the Soviets a chance to alleviate and partially diffuse the problem with the help of a neutral international organization, quietly and without expense or embarrassment.

The Director of ICEM sought the support of member governments for the proposal, and many governments voiced their support. Almost unbelievably, the United States denied its support, and ICEM proceeded without U.S. endorsement. The State Department now explains that this was simply a "bureaucratic mistake," and claims that, in fact, the Department was planning to strengthen the ICEM proposal. We must accept the statement that failure to endorse this totally risk-free proposal was merely a blunder rather than a willful act. In either case, the implications in terms of the priority given to this humanitarian problem by our Government are depressing.

And there are other international organizations, such as the United Nations High Commission for Refugees and the International Refugee Organization, whose aid in this matter could be enlisted if our Government were prepared to make the effort. Most regrettably, we have done nothing along these lines.

Finally, our Government has done little or nothing to provide moral support to the Soviet Jewish community, in spite of the fact that any trace of world support has invariably provided an indispensable encouragement to Jews and other libertarian dissidents in the Soviet Union.

Perhaps the most striking example of our failure to provide support and hope to those who protest the denial of basic human freedoms is the failure of the U.S. Information Agency to provide Voice of America broadcasts in the Yiddish or Hebrew languages for Jews in the Soviet Union.

Mr. Leonid Rigerman, the physicist who took an active role in the Soviet Jewish protest movement, met last month with officials of the USIA to discuss the impact of the Voice of America on the democratic movement in the Soviet Union. Mr. Rigerman stressed the vital importance which he and his friends in the Soviet Union attached to the Voice of America. But Mr. Rigerman strongly lamented that these broadcasts virtually never informed the many listeners that substantial support for Soviet Jewry and other dissidents existed in the United States, and in other parts of the world. He especially urged the institution of broadcasts in Yiddish, which is the native language of a large percentage of Soviet Jews and is probably understood by three-quarters of them. We have provided native language broadcasts for other Soviet minority groups, such as Estonians, Latvians, and Lithuanians. Our refusal to do so for Jews, who have been the seminal figures in the Soviet democratic, libertarian movement, is simply inexcusable.

I have written to the Director of the USIA urging him to take immediate action to establish Yiddish language broadcasts to the Soviet Union through the facilities of the Voice of America. Some of the Russian language broadcasts could be specifically tailored to the Jewish audience.

In addition, I am cosponsoring legislation which would allow for 30,000 special immigrant visas to be issued to Soviet Jews seeking to flee from the Soviet Union because of religious persecution.

The administration and the Congress can take joint action to demonstrate American concern for the Jews who are the victims of persecution in the Soviet Union. They have suffered more than their share. If our Nation is to stand for what is humane and moral, we cannot tolerate further delay in attempting to bring justice to Soviet Jewry.

AMEX: 50 YEARS INDOORS

Mr. WILLIAMS. Mr. President, this year the American Stock Exchange celebrates its 50th anniversary as an indoor market. In 1921, the brokers moved from the outdoors "curb" into a permanent indoor home. Today's Amex stands on the site of that original headquarters. Of course, there have been significant changes in the business of the Nation's second largest securities marketplace since its early days.

Recently, James T. Prior, business writer for the Hackensack, N.J., Record Call, chronicled those changes in a study of the "Amex: 50 Years Indoors." I wholeheartedly recommend this article to all Members of the Senate who are interested in the growth of our Nation's securities markets and therefore ask unanimous consent that Mr. Prior's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMEX: 50 YEARS INDOORS

(By James T. Prior)

A half century ago this month, the New York Curb Market left the curbs of Broad Street to create the indoor securities market place known today as the American Stock Exchange.

On June 27, 1971, the American Stock Exchange marks its golden anniversary as an indoor market. The fantastic growth of the Curb Market had been the very signal for its demise. With the vigorous expansion of the national economy, the curbstone brokers outgrew their quaint open-air marketplace.

Indoors, they instituted trading rules and a constitution and provided a public record of current prices and market activity with a nationwide stock ticker. Through the years Amex, headed by Ralph S. Saul of Ridgewood (who steps down as president June 18), has adopted new technologies.

But 50 years ago, sophisticated electronic equipment was not even a dream of some far-sighted visionary. Instead, traders flooded Broad Street from curb to curb, often overflowing onto the sidewalks and into alleys and doorways, seeking to execute buy and sell orders.

COLORFUL ERA

They wore colorful blazers, crazy caps, colored hats, and other items to be easily identified among the throng by acrobatic telephone clerks who clung to window sills high above the milling crowd.

A buy or sell order was made in this fashion: A brokerage firm lucky enough to rent a room overlooking Broad Street would receive an order to buy 100 shares of XYZ stock. A telephone clerk would hang out of a window, spot the company's trader by his hat or coat, and use hand signals or yell or whatever to get the message across.

Then the trader would go to the specialist in that stock and place the order. Orders were kept by memory or on little slips of paper tucked in hat bands or wherever.

Trading started in America when New York merchants began buying and selling securities in the dusty streets of lower Manhattan after the Revolutionary War. By 1792, some brokers moved indoors, while others remained on the streets, creating an outdoor marketplace that lasted for more than 125 years.

The Gold Rush, the Industrial Revolution, new products, new firms, etc., provided impetus for securities growth. The New York Stock Exchange was relatively conservative and would not trade in mining stocks, new issues, and others. Thus other markets were created.

So winter or summer, rain or snow, several hundred brokers filled the street each day from 10 a.m. to 3 p.m. The stock specialists would pick out a spot next to a lamp post, fire hydrant, mail box, or doorway, and commission brokers would push their way through the mob to reach them.

Tourists competed with brokers for standing room. The police put up barricades to give some semblance of order.

(Please read accompanying story on the Broad Street adventures of the late John Borg of Hackensack, publisher of The Record from 1922 to 1948.)

Soon these wasn't even standing room, let alone trading room on the street. There were not enough window sills to accommodate the small army of telephone clerks. It was becoming impossible to conduct business.

And the weather didn't help as snow and rain made it difficult to write orders. The Edison glass-domed stock ticker was also a deciding factor. For the first time it provided a prompt public record of current curb prices and trading activity.

$250 FEE

The New York Curb Agency was formed in 1908, then three years later it became the New York Curb Market Association. Memberships, limited to 500, sold for an annual fee of $250.

In June, 1919, Curb members voted to move indoors.

With some 500 brokers putting up $1,500 each, the Curb Market bought its present site at 86 Trinity Place, and its indoor home was built.

After more than a century of tying up downtown traffic—from horse to horseless carriage variety—the curb moved onto its first trading floor in a six-story structure that was to be joined by another new 14-story building in 1931. In 1953, it changed its name to the American Stock Exchange.

MANY CHANGES

A lot more has changed than the name.

During the first full year under a roof, curb brokers traded 22 million shares. More than a half billion shares have been traded thus far this year. An average day will see three million shares traded.

Regular membership is a record 650, and associate members number 233. Together, they represent 551 firms with 3,900 offices in more than 850 cities in 27 countries. Some 1,166 companies have stock traded on the Amex, representing 2.86 billion shares.

It might be well to point out the standards for listing on the Amex and its bigger brother, the NYSE.

The pretax earnings power of an Amex listed firm must be $500,000; for the Big Board, $2.5 million. Aggregate market value of publicly held shares for a NYSE listing must be at least $14 million; for Amex listing, $2 million. The American Exchange requires that 300,000 shares be publicly held by more than 900 persons or companies, while the Big Board requires 800,000 shares be held by more than 2,000.

Another aspect which should be cleared up is the term "seat" on the exchange.

BUYING SEATS

Prior to the Civil War, stock and bond issues traded on various indoor exchanges were traded one at a time, at intervals during the day. Members assembled in the board room in specially assigned seats to await the roll call of securities.

Since the call procedure took a long time, members usually experienced a lot of arduous sitting before their stocks were named. Thus, comfort was the watchword and plush seats the rule of the date.

Today, with continuous markets, where anyone can buy or sell any issue at any time, the term seat signifies membership. But many brokers, who walk 10 or 12 miles a day on the trading floor, would wish otherwise.

Seats have sold from a low of $650 during the early World War II days to a high of $350,000 in 1969. The last sale, April 21, 1971, brought $135,000.

A few days ago, Saul, and his successor, Paul Kolton, dedicated a red granite curbstone in front of 44 Broad St. with the following inscription:

"For more than a century, the outdoor brokers, predecessors of the American Stock Exchange, conducted a marketplace on the curbstones of the financial district, serving investors and aiding the nation's industrial growth. They moved indoors on June 27, 1921, from this site."

How One Young Man Struck Gold on New York's Old Curb Exchange

One of that noisy, weather-beaten band of brokers and clerks who comprised the nation's last outdoor securities market, the old Curb Market, was the late John Borg, president and publisher of The Record from 1922 to 1948.

Born May 24, 1883, in Union Hill, N.J., he was the third son in a struggling family of seven children. He was graduated from high school at 14 and at 17 became the main support of his family when his father died.

It was at that age that he wormed his way into Wall Street by crashing the sacrosanct floor of the Stock Exchange. A guard was ready to toss him out on his ear when a trader asked if he'd like a job. He took it, and worked his way up to become a youthful trader for Williamson and Squire, specializing in American Can.

The depression of 1906 hit hard, and Williamson and Squire asked Borg to take a 50 per cent cut in salary. He refused, arguing that he had earned $70,000 for the firm in a few years. So he struck out on his own with $1,000 in savings, a wife, and a baby son.

He amassed several million dollars in the Curb Market before he left the Street for good in 1923. His accounts are legend—of snowball fights on Broad Street, of his stopping the trading clock for half an hour, and of helping to move the market indoors.

One story of his wheeling and dealing on the market involves his handling of the distribution of 60,000 shares of Mallinson Silk Company. In his zeal he neglected a cardinal principle in stock deals with strangers. He forgot to make Mallinson put his stock certificates in escrow.

When the public sale was started, huge blocks of stock began to appear on the market.

John Borg was not prepared for this development. Three great bear operators of the day, Jesse Livermore, Joe Higgins, and Eddie Breen, heard Borg was in trouble and started selling short.

At this crucial point John Borg was sleeping at night on his glass-topped desk. He faced a loss of $2 million, and his brother Charles a loss of $500,000.

INTEREST AND PROFIT

Borg closed a deal to buy Mallinson's 60,000 shares of 200,000 outstanding at prices from $22 to $30 a share. Within 60 days the stock was at 41, and that's when the trio began selling. The stock hit 31.

About 40,000 shares tumbled onto the market from Mallinson himself. Then Borg had an idea. He asked his friend Harry Content to make large ostentatious bids the next morning to keep off the wolves.

In addition he got Jakie Field (who coined the phrase: "I've seen bulls make money; I've seen bears make money; but I've never seen hogs make any at all") interested in buying his option on the Mallinson stock. In return, Borg got a 20 per cent interest in any profit Field made.

As a precaution to prevent Mallinson from using any of the stock, Borg suggested to Field that after Mallinson countersigned Borg's assignment to him, Field should demand that the 60,000 shares be placed in escrow.

The news of Field's new syndicate and Harry Content's appearance at the Mallinson trading post at the opening caused the stock to open at 33, compared with a closing of 31 the day before. Higgins, Breen, and Livermore decided to get out from under, and the stock closed at 36 under their covering purchases.

The next day Borg unloaded 15,000 shares at 37½. In the course of the week he sold the rest at prices from 36 to 40. As a result he recouped from a $2 million loss to make a net profit of $300,000.

Of all the anecdotes told about John Borg's busy and exciting life, the masterpiece is his unexpected retirement from Wall Street.

One December evening in 1921 he was working in the study of his Prospect Avenue house in Hackensack when his daughter, 12-year-old Dorothy, came in unexpectedly to kiss him goodnight.

Startled, he snapped that he was too busy to be bothered. Then that night he resolved that he had no reason to make more millions.

The next day he announced he was giving his business to his clerks. He said he would turn over the reins in two years. On Dec. 21, 1923, he gave them the business, including three seats on the exchange worth $185,000 each to his three lieutenants.

That's how he became known as the Santa Claus of Wall Street.

But on this 50th anniversary of the move by the Curb Exchange to indoors, it might be a good idea to let John Borg's memoirs of his Wall Street days speak for themselves.

Here is a brief verbatim account from a manuscript left to his son Donald G. Borg, chairman of the board of The Record:

"When I arrived in the Street in the latter part of 1898, the Curb Market, entirely unorganized, congregated on Broad St. north of Exchange Place for the 10 to 3 session every day.

"It was slightly below the old N.Y. Stock Exchange bldg. opposite the Wills Bldg.; which was said to be the first skyscraper in N.Y.C. It was at 15 Broad St. where the high Equitable Trust Co. bldg. now stands.

"To my 17-year-old smalltown mind it was huge. To the best of my recollections it was 12 to 15 stories high; had about 200 ft. frontage on Broad, about 150 on Exchange Place, and had a wing running into Wall St. at about #33. It was built of heavy granite block with, of course, a steel understructure. It looked quite ancient in 1898; so it must have been erected in the 70s of the 19th Century. Just south of the Stock Exchange there was a group of 3-story bldgs, very old, opposite the Mills Bldg.

"In the basement of rambling old bldgs, I think 24, 26, and 28 Broad St., the famous Robbin's Restaurant held forth in a very large floor area. I would say that there was probably 200 brokers active in the Curb Market at that time (1900) supplement by their clerks and messenger boys.

"Everything rolled along noisily but smoothly on dry days, but on rainy days we all crowded into the Mills Bldg. entrance to block the entrance and exit of the rent-paying habitants of that bldg.

"It was a great place of refuge from the elements despite the howls of protest from the tenants who were deprived of their rights by a yelling mob of 200 Curb brokers.

"I think it was in 1902 that at the insistence of the Stock Exchange, the Mills Bldg. management and the police that we moved down Broad St. opposite 25 to 39 on the east and 30 to 44 on the West. The police provided us with stanchions and roped in the area.

"That was in the days of horse-drawn hansom Cabs. John Stanton got us all together one afternoon I think in 1903 or 4 and talked about the horse manure under foot in our trading area. The stanchions were taken in each day after 3 p.m. and replaced at 10 a.m. the next day. In the intervening hours a long line of cabs formed down Broad St. clear through our daily trading area. Horses are no respectors of persons; the brokers exuded verbal crap in the area for five hours each day; so the cab horses exuded the real thing on the street for the other 19 hours daily.

"So John Stanton proposed that we hire a private street sweeper to keep our trading area clean to preserve our shoes, and also our mental poise. (You can't keep your mind alert in trading while slipping around in real horse-manure).

"So the upshot was that not less than 150 brokers kicked in $10 a year to hire a $25 a week private street sweeper to keep us physically erect instead of sliding on our pants in the dung. Although I was not then an official broker, I kicked in my $10 a year to the cause, but this wise-guy Borg always got it back in small pieces from William & Squire's petty-cash account."

JAMES PRIOR

AGRICULTURAL CREDIBILITY GAP

Mr. McGOVERN. Mr. President, if one thing is clear in the farm belt it is the complete dissatisfaction farmers share over the administration's new farm law. Numerous political observers have documented the fact that dissatisfaction with the farm legislation fostered by the Nixon administration was a key factor in Democratic gains in traditional Republican areas in the 1970 election.

This dissatisfaction and frustration continues. Nearly all the mail and calls I receive from farmers, both from South Dakota and across the Nation, expresses their extreme displeasure with the current farm law. I am sure my colleagues have heard this view countless times.

Last week, the National Association of Farmer Elected Committeemen met in Washington. The president of the South Dakota association, Mr. Ned Hunsted of Bath, and the secretary, Mr. Harold Muller of Watertown, made clear what they thought of the present farm law. To say they do not like it would be an understatement. They fear they will be unable to continue to farm unless the farm program is drastically altered to help the farmer. The views of these two men represent the views of many farmers in South Dakota since they are elected by farmers themselves.

Yet the Nixon administration would have us believe otherwise. One of the most respected agricultural journals in my State, The Dakota Farmer, in its July issue included an article complete with photographs, prepared by the ASCS. The thrust of the article was that farmers were extremely satisfied with the current farm program. I suspect it took a little looking around to find two farmers in my

State who were so enthusiastic about the present farm program.

Mr. President, I resent the use of Government funds to portray this type of misinformation. However strongly the administration may want us to believe the current farm program is in the best interests of our farmers, I regret the use of Federal funds to try to create the illusion farmers are happy with the program. This is political propaganda which serves not to help the farmer, but instead attempts to shore up the administration's low popularity with farmers. It would be more to the point for Mr. Nixon to explain why 74 percent of parity was "intolerable to him as a candidate for President, but a much lower level is apparently satisfactory now.

"MELVIN LAIRD AND CBS"

Mr. ALLOTT. Mr. President, the July 10 issue of the New Republic contains a fascinating, clearheaded article on "Melvin Laird and CBS."

The article, written by the New Republic's "Sedulus," demonstrates that "somewhere in all the TV machinery the traditional scruples of editing have been misplaced." He illustrates this with reference to a particularly stunning piece of CBS highhandedness.

So that all Senators can enjoy this fine article, I ask unanimous consent for it to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TELEVISION—MELVIN LAIRD AND CBS

When I was serving my country overseas I was once condemned by my commanding officer to burn classified documents at sunset nightly for a month, and poke through the ashes meticulously, because I had been lax in concealing from enemy eyes a pile of gasoline supply reports that were stamped Confidential. I will go to my grave persuaded that those reports would have been as useful to the enemy (if he had been anywhere near) as the files of my headquarters squadron's dental x-rays, and so I have long nursed a small grudge at the military's ways of achieving privacy. My grudge was of course beautifully sublimated when *The New York Times* recently made off with its truckload of top secret stuff from the now-famous McNamara study, and reminded me that the *Times* gives us a good deal to be thankful for in this age of the bad war. If the intelligence forces of this country in their various brands of haberdashery had had their way the citizenry might never have learned of that war at all.

In the presence of such virtue we are apt to forget that journalists do sin. Even the *Times* people themselves sin, and the lesser orders, such as those who supply tube news, sin mightily. Further, the sinning is so closely tied in with virtuous function that it is easily overlooked. The chief sinning is in the name of virtuous scoops. It is a professedly high-principled disregarding of what public officials and institutions always need and even sometimes deserve, a measure of privacy, a measure of respect. The privacy issue is excessively familiar at the moment—and I don't think I can add much to it except the observation that the man who drove the truck to the *Times* (whose name seems to be Ellsberg) should burn papers for a month—but the issue of respect hasn't been mentioned since the days of Charles Dickens. What, a public official worthy of respect? Unlikely. Yet respect is exactly what I respectfully want to mention.

Respect comes in different shapes and sizes, as does its absence. Maybe a good journalist can't afford to be respectful; to respect an official's wishes is possibly to fail to report that the official snitched the cash box from the church or gave the Bomb to Bali Bali. And yet a respect for the truth that the official may *provide*—as distinguished from the truth that he may be sitting on, trying to conceal—would seem to be basic; somewhere sometime in the relationship between journalist and official an acknowledgement needs to be made of the latter's at least imaginable honesty, intelligence, knowledge, dignity and/or authority—or we may as well give the journalist the official's job.

It is this acknowledgment that tends not to be made in this age of the ubiquitous, doubting, don't-give-me-any-of-your-handouts reporter. The official is instead treated shabbily by the press. The demands of newspaper or program merely take precedence over human demands. But the treatment is not less shabby because it is inadvertent, and nowhere is the shabbiness more evident in contemporary journalistic practice than the cutting room. The art of the news snippet has become a mighty one. All tube news is snippet, and to the average viewer the rationale for particular snippetry is seldom clear. In the interest of condensation, relevance and visual excitement the tube news people wield the scissors wildly: they perform extraordinarily severe operations upon their news clips, and do so constantly and conventionally as if there were no other way and no question at all of the propriety of the procedure.

When Melvin Laird was recently asked to take part in a new CBS documentary entitled "POWs—Pawns of War" he said he would do so only if he could be put on live. This condition was found unacceptable. According to the story in *The Washington Post* the CBS News bureau manager for Washington, William J. Small, said that "it is extremely rare that anyone is interviewed live on a documentary," which is certainly true since the genre of the documentary is a film genre, that is, something not live. But Mr. Small went on, and got himself in muddier water: "When newspapers and magazines concede to a similar request by granting Mr. Laird a certain number of column inches to fill as he sees fit, then CBS will consider granting him a certain amount of time to appear live within an otherwise filmed documentary. After such consideration the answer will still be 'no.'" Assuming that these were actually Mr. Small's words, and that they were not surrounded by a variety of qualifications that the reporter chose to omit, I would say that Mr. Small was talking big. His righteous indignation led him astray as he constructed his analogy. Melvin Laird had not asked for space; CBS had asked for Laird. Laird had merely said that *if* he were to be interviewed he would have to impose a condition. And while that condition might not in fact be meetable within the documentary format it is not on other grounds the unreasonable condition that Mr. Small's sarcasm suggests it is. Laird merely wanted to be allowed to speak his *own* piece.

I don't suppose anybody has ever seriously questioned an editor's right to edit in this country except at the level of scholarly publications (where an editor is not permitted to change a comma without consulting the author), but an obligation has traditionally been attached to the right, the obligation to make sure that the editing not misrepresent the edited. This obligation, never as firmly fixed as the right, does now seem to be vanishing in important journalistic places—and my guess is that it never made the scene at all on TV. In other words Melvin Laird was right in assuming that unless he went on live his remarks would probably come out of the snippet factory in a way he had not intended; and his assertion that the sensitivity of the subject in question made it important to him that he say what he wanted to say as he wanted to say it was offensive to Mr. Small because Mr. Small does not recognize the traditional obligation. Snippet artists are increasingly in charge, except perhaps on the dear old *Times* itself, so it is not surprising that Laird's request should emerge in the news as a sort of an oddity. Imagine anybody wanting to control his own words!

A minimal initial *respect* for Laird and Laird's right to say what he wanted to say in his own way would have made Laird's request seem even normal to Mr. Small. But snippeters cannot afford to respect either persons or words when they set themselves down to their really serious snippeting business. For years I have been a casual observer of persons watching themselves or friends on TV—you know, "hurry up, Mom, Joe Blow's on Huntley Brinkley"—and I remember not one single observer in any such case emerging happy. I grant that the self is vain, but the one-sidedness of the reactions observed remains impressive. TV news never, I might say, offering up a law, reports on a speech, or event in a way that insiders to the affair approve. Or, to put the law differently, tube news editing is always aimed at satisfying other interests than the insider's—which is why misrepresentation of the insider occurs as a matter of course, and why it is not even regarded as a vice when it occurs. Yet in all other fields of editing the editor *does* have an obligation to the insider, no matter how self-serving, and that obligation is at the heart of an amicable continuing relationship between an editor and his authors, his sources, his professional life's blood.

Misrepresentation is a vice so obviously built into the simple arithmetic of the snippet art—characteristically one has to whittle down an hour speech to thirty seconds—that obviously one can't impose a high ethic upon it. And even the *Times*, which is opposed to snippeteering and takes pride in its printing of complete texts, also has the capacity to report on a speech or event in a manner calculated to astonish an insider. So one shouldn't expect miracles. But my impression is that most of the major squabbles about TV clipping procedures are, as in the case of Mr. Small's retort, filled with high-minded suggestiveness about the rights of the press rather than appeals to the practical limits of programming, as if it had suddenly become not a necessity but a virtue to chop up people's speeches. Somewhere in all the TV machinery the traditional scruples of editing have been misplaced. And to Mr. Small's possible rejoinder that they were misplaced first by newspapers and magazines I would only have to agree, meanwhile reaching for my boy scout text that tells me two (or more) wrongs do not make a right. Even the glories of the recent *Times* coup—partly shared by *The Washington Post*, the *Boston Globe*, the *Chicago Sun Times* and others (everybody with a Xerox machine wants in)—are not definitive proof that we can send our truckloads to the Press and rest easy.

CONGRESSMAN HOSMER'S IMPORTANT STUDY OF ULMS

Mr. PROXMIRE. Mr. President, Members of Congress for Peace Through Law has initiated a series of studies on a number of military weapons systems and their implications. Research papers have been issued on the B–1 bomber, tactical nuclear weapons, the F–14 fighter plane, MIRV's, and the Cannikin test, among others.

One of the most important papers is

that on ULMS—the undersea long-range missile system—prepared by the distinguished Member of Congress from California, Craig Hosmer. Congressman Hosmer arrives at the same basic conclusion that a number of us have arrived at; namely, that this system is of considerable importance, that the full amount for research and development should be appropriated, and that some considerable urgency should be given to evaluating the program because of its great potential.

Because of the excellent quality of his paper I ask unanimous consent that it be printed in full in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Report on the Undersea Long-Range Missile System (ULMS)

(Prepared by Representative Craig Hosmer (R.-Calif.) for Consideration by the Military Spending Committee of Members of Congress for Peace Through Law)

SUMMARY

Previous appropriations totaling approximately $60 million and another $110 million sought for FY 1972 will bring research and development of the ULMS (Undersea Long-Range Missile System) concept to a point of sufficient clarity for Congress to evaluate the advantages and disadvantages of deploying it.

This decision is being forced less by intrinsic potentialities of ULMS than by a possible future need to supplant existing land-based deterrent systems with more survivable forces as they become increasingly vulnerable to larger warhead yields and increasing missile accuracies.

The probabilities within the foreseeable future are quite small that anti-submarine warfare technologies or techniques will be perfected which could impair the relative invulnerability of ballistic missile submarines. ULMS submarines with missile ranges extending to 6000 miles in combination with the Polaris/Poseidon fleet already in being could constitute a stable and powerful deterrent.

Although costly, the ULMS "blue water option" being made available through research and development funding will give the Congress a new strategic defense alternative to consider.

RECOMMENDATION

The full $110 million requested for FY 1972 ULMS research and development should be appropriated, and the Congress should begin preparing itself to examine and evaluate any requirement for deployment of the system.

DESCRIPTION

The Undersea Long-Range Missile System, frequently referred to by the acronym ULMS, is a proposed follow-on to our Polaris/Poseidon ballistic missile fleet. The ULMS program envisages the development of a more efficient, highly survivable, sea based nuclear deterrent capable of launching missiles with a range equivalent to an ICBM from quieter submarines of improved hull and propulsion designs. As presently conceived, this new system will probably consist of 25 submarines each with 24 missiles as compared to our current fleet of 41 ballistic missile submarines each with 16 missiles.

In FY 1970 $10 million was funded for ULMS R&D, another $44 million was appropriated in FY 1971 and $110 million is sought for FY 1972. These funds will bring ULMS to the point of definitive design and the Congress to the point of a decision on whether and how to produce ULMS.

ULMS will optimize the Navy doctrine upon which the Polaris/Poseidon ballistic missile submarine is based, namely that strategic systems should not only be invulnerable but operate outside the continental United States, removed as far as possible from the institutions they are created to protect. As currently envisioned, ULMS will augment the United States undersea deterrent forces but will differ from Polaris/Poseidon in the following major areas:

1. Greater survivability due to ICBM range

2. Greater ABM penetration capability because of ICBM range

3. Greater on-station availability through decreased transit time

A. Total integrated system design

5. Modular construction to decrease maintenance time

6. Extra quiet operation through incorporation of latest technological advances

7. More cost effective than restarting Poseidon construction

Survivability

ULMS will approximately double the 3000 nautical mile range of the Poseidon missile. The major advantage afforded by ULMS' intercontinental range will be increased survivability of the ballistic missile submarine.

The vulnerability of mobile weapons systems is inversely related to the area in which they can maneuver. For submerged ballistic missile submarines within reach of their targets, survivability is enhanced according to the length of the missile's range over deep water. The greater the range of the missile, the further at sea the submarine launch platform can patrol.

For every linear increase in missile range, the area in which the enemy's anti-submarine (ASW) forces must search is increased by the square of the distance. When the Polaris range of approximately 1500 nautical miles was doubled to the 3000 mile range of the Poseidon, the latter became almost four times more difficult to locate. ULMS 6000 nautical mile range will require a further increase in ASW surveillance by another factor of four to encompass a total area of 55 million square nautical miles.

ABM penetration

ULMS' extended missile range which will enhance its survivability also will improve the system's targeting effectiveness.

Shorter range ballistic missile submarines must choose between the survivability of the open sea and the ability to attack multiple, widely separated targets. With an intercontinental range, one ULMS in the Indian Ocean could hit any target in the Soviet Union from eastern Europe to Siberia. Also, while a Poseidon on station in the Pacific could strike only targets in the eastern U.S.S.R., one ULMS in the identical patrol area could retaliate not only against Siberian targets but also against targets as far west as Moscow. ULMS' ability to retaliate against multiple, widely separated areas will provide an excellent means of penetrating even heavy ABM defenses.

The longer range missile planned for ULMS will give the U.S. deterrent coverage over the entire defense perimeter of the Soviet Union. Currently only 9 percent of the U.S.S.R.'s defense perimeter can be penetrated by land based missiles located in the U.S. and less than one-third can be covered by our shorter range Polaris/Poseidon missiles. However, ULMS' all-azimuth penetration capability will greatly complicate the Soviet ABM problem in defending against a U.S. retaliatory strike.

On-station availability

Due to the limited range of Polaris/Poseidon, a portion of its at-sea time may be spent in transit to its patrol area. However, ULMS' ICBM range missile will permit it to operate even from the continental United States and to be within range of some targets immediately upon leaving port. This feature eliminates transit time to and from station, thus more efficiently utilizing ship assets. For example, 85 percent of all ULMS might be on station at one time compared to 60 percent or less of the Polaris/Poseidon fleet.

ULMS' increased operating range means that our dependence upon foreign basing with all its diplomatic complexities and political uncertainties could be reduced or ended. Travel of crews to deployment sites could then be eliminated and logistics chains reduced in complexity and cost.

Integrated system design

The original Polaris submarine was not designed for a sea based deterrent function but was converted from an attack submarine during its initial construction on a crash basis. Although numerous incremental improvements and refinements have since been made, there has not been a major reevaluation of the needs and design specifications of long-range ballistic missile submarines in terms of optimum depth, speed and size characteristics as these may differ basically from those of attack submarines and current range ballistic missile submarines.

ULMS is being designed from the keel up for one purpose—as the backbone of the United States' sea based deterrent. Its missiles, hull, propulsion, sonar, communications and other subsystems will be integrated into one entire system. Among other advantages of redesigning the complete system are that it permits the utilization of modular construction and maintenance and the incorporation of the latest and most advanced submarine technology.

Modular construction

The entire ULMS system is being designed to feature ease of maintenance and maximum access to equipment. By means of modular construction, incrementally planned overhauls will be made during brief in-port replenishment periods. Time spent in shipyards will be minimal. Modular component construction will also give ULMS a phenomenally high at-sea-to-in-port ratio, contributing to the need for fewer ships to meet the sea based deterrent mission.

Quiet operation

Quietness of operation is one of the key elements of the ULMS design. Exploitation and incorporation of new technology and total system design is expected to significantly decrease the operational noise of ULMS compared to that of other submarines.

ULMS's propulsion chain is being designed to be as silent as possible, assisted by a pumpless natural circulation pressurized water-cooled nuclear reactor power plant whose fuel will last for the life of the ship. Probably ULMS will be double-hulled to contribute to quieter operation and will also incorporate the latest quieting technology such as air layering, machinery isolation, absorptive materials and the like.

Should our ballistic missile submarines become more vulnerable in the decades ahead, a probable area would be the detection of ship noise. Acoustical energy and particularly sonar are the preeminent weapons of anti-submarine warfare forces. All submarines emit noise while in motion, but to detect the submarine its sound must be differentiated from other background noise in the ocean. Thus, the quieter the submarine's movement, the less vulnerable it is to discovery and preemption.

As presently envisioned, ULMS could be up to three times quieter than the latest model Poseidon at loiter speed and for evasion purposes travel at speeds still maintaining a reduced acoustic level.

Cost effectiveness

ULMS' high survivability, availability and reliability coupled with an effective maintenance program and system design will contribute to a lower cost per effectively deployed missile, thereby reducing total system cost. The estimated expense of the entire ULMS system, plus ten years of operation is about $5 billion—approximately the same amount expended over the same period on the Polaris/Poseidon fleet.

While the ULMS fleet will probably be comprised of fewer submarines than our Polaris/Poseidon force of 41 vessels, it will nevertheless utilize approximately the same number of deliverable warheads. Thus, 20 inflation years after deployment of the first Polaris, ULMS could be deployed at the same cost, with the same number of warheads, but with substantial improvements both in survivability and effectiveness.

RATIONALE

If the United States is to build more submarine deterrent forces, ULMS is obviously the most efficient system. But do we need more ballistic missile submarines? Whatever its technological or institutional merits, no weapons system is self-justifying. In an era of limited resources and salient domestic needs, the rationale for any strategic program depends upon the political structure and international milieu from which it derives its function.

Three principal arguments for developing an Undersea Long-Range Missile System are being put forward:

1. In the event SALT fails, ULMS will provide a nonprovocative stabilizing hedge against the increasing vulnerability of land based systems and maintain U.S. strategic sufficiency.
2. If SALT is successful, ULMS will provide an invulnerable minimum deterrent umbrella under which significant reductions in strategic forces can be made.
3. At a time when sea based deterrent forces are of increasing importance, ULMS is the natural replacement for those Polaris submarines which may reach retirement age in the 1980's.

Land based system vulnerabilities

The increasing vulnerability of Minuteman and the B–52s has been demonstrated by the admitted need for a Safeguard ABM defense system. Thus, by the mid-1980's, it may be doubtful whether our land based forces could survive a preemptive strike, let alone possess the penetration power necessary to inflict unacceptable damage, even if supplemented by the expensive B–1 bomber and provocative WS–120A, a suggested American counterpart to the Soviet SS–9. Given the mere prospect of such events, it is illogical that we should continue to structure our triad deterrent forces so that 90 percent of our retaliatory capability is vulnerable to preemption and is able to penetrate only 9 percent of the Soviet defense perimeter.

In contrast to the land based elements of our triad deterrent structure, the submarine-launched ballistic missile is neither destabilizing nor vulnerable. There are those who argue against relying more on our sea based deterrent forces for fear that we are putting all our "deterrent eggs in one basket." However, if SALT fails to halt the erosion of our land based systems, a sea based deterrent could be our only invulnerable retaliatory force. Thus, if pessimistic predictions of Soviet intentions are correct, funds will be better spent to improve our most survivable deterrent potential by the development of ULMS than to build or defend more vulnerable systems.

Arms control potential

If an agreement is reached at SALT, the most provocative and vulnerable strategic weapons could be phased out under the protective cover of a sea based deterrent. In fact, as the numbers of retaliatory vehicles on each side are reduced, their relative invulnerability becomes more acute since minor technological improvements or small violations will have far greater impact.

One settlement that might come at SALT could be a ceiling on the total number of each side's strategic offensive launchers, starting with a freeze at current force levels which would be scaled downward at fixed dates as the older forces on both sides reach retirement vintage. Given a limitation of 2000 launchers per side, which would approximate current force levels, we might want to restructure our deterrent forces by adding 600 ULMS while retaining 500 Poseidon launchers and reducing in numbers manned bombers to 200 and land based missiles to 700.

However, with a reduction to 1000 allowable strategic launchers, the value of ULMS to our deterrent capability would outweigh our other systems since neither land based missiles nor manned strategic bombers would be worth the loss of an equivalent number of invulnerable submarine-launched missiles. Because ULMS can be easily verified yet cannot be used effectively as a counterforce weapon against other ballistic missile submarines, ULMS and its Soviet counterpart might thus provide the means for significant strategic arms limitations coupled with a stable nuclear deterrent in the decades ahead.

Modernization

Of primary importance in the preceding discussions is the emphasis we must place on our sea based forces in the next two decades since they will be imperative for deterrence. The hull life of a ballistic missile submarine has been approximated at 25 years, after which time it becomes too costly and self-defeating to refit it. Therefore, should the oldest Polaris submarines which were not converted to Poseidon become candidates for retirement by the 1980's, the number of submarines in our sea based deterrent force will be decreased from 41 to 31.

Given both the strategic deterrent and the arms control potentialities of sea based forces discussed previously, it would seem ridiculous to eviscerate our most stable strategic system through age obsolescence and not develop a follow-on system. Thus, to meet the needs of strategic stability in the decades ahead, we must have the ULMS option open.

CRITIQUE

By offering an efficient system to fulfill sound strategic needs, ULMS has been praised rather than attacked by the traditional watchdogs of military cost effectiveness. Criticisms of ULMS come from two perspectives: (a) those in rival services who, fearing their own project budgets may be reduced by ULMS efficiency, attempt to find strategic weaknesses in ULMS, and (b) those against all military programs who stress their fear of stimulating the arms race or their revulsion against any defense spending. These combined complaints result in five general criticisms of ULMS.

1. *Invulnerability*—Criticism: The possibility of a Soviet technological breakthrough in ASW capability would preclude reliance on a sea based deterrent.
2. *Retaliatory Capability*—Criticism: A minimum deterrent based upon ULMS would not threaten sufficient retaliatory damage to deter the Soviet Union.
3. *Command and Control*—Criticism: Sea based deterrent forces lack the capability to wage a limited nuclear war.
4. *Pacing the Arms Race*—Criticism: Development of ULMS will stimulate the arms race.
5. *Defense Costs*—Criticism: ULMS will cost too much.

It should be noted that while the first three criticisms argue against exclusive reliance on a sea based deterrent, only the last two challenge the need for continued ULMS research and development.

Invulnerability

The fear of a technological breakthrough which would immediately reveal the presence of all submerged vehicles, although implausible, is often postulated as an argument against reliance on a sea based deterrent.

Acoustics, radio, radar, infrared, magnetism and gravity are the principal physical phenomena currently being explored as means to detect submarines. However, the properties of all but the last two of these are so well understood and their sensory possibilities so thoroughly explored that fundamental breakthroughs in sonar, electromagnetic or thermal sensing technology cannot reasonably be expected. Incremental improvements in signal magnification, discrimination and interpretation can be expected as well as amplified signal power and some extension in detection ranges.

The "ensonification" of the oceans by high energy transducers generating acoustic power measured in megawatts has been suggested as a potential breakthrough in sonar technology. Even if feasible, "ensonification" would have uneven degrees of reliability. It could be defeated by acoustic countermeasures and mobile decoys. And, should the worst come to pass, U.S. proximity to the ocean would be an enormous advantage over the Soviet Union in the deployment and operation of such a system.

Indeed, any postulated improvement in ASW detection devices will undoubtedly be accompanied by sensing countermeasures. In fact, after two decades of extensive ASW research and funding, the submarine's invulnerability has benefited more through technological advances than it has lost in ASW detection.

The alternative to qualitative ASW improvements based on unexpected breakthroughs in detection would be a quantitative approach, requiring massive deployment of ASW sensors and extensive numbers of hunter-killer submarines, aircraft, destroyers and satellites. Here the laws of probability rather than those of physics handicap ASW efforts.

Without a technological breakthrough, it would be economically and militarily impossible to deploy enough ASW forces to destroy even a fraction of our sea based deterrent force in a first strike. Unless every ULMS could be tracked continuously and destroyed simultaneously, a preemptive attempt would only invite unacceptable retaliation from the remaining missile submarines. Even if the Soviet Union subordinated all other priorities to ASW efforts, this would require such extensive and visible deployment as to provide the United States adequate warning time to take effective countermeasures.

Seemingly more plausible than the threat of preemption is the counterforce by attrition scenario in which a Soviet hunter-killer submarine force would concentrate on one or two ULMS at a time, silently destroying them. By the time America's national decision makers would suspect the Soviet Union, we would be unable to credibly retaliate because it would be tantamount to suicide.

But even if the Soviets could destroy several of our submarines in this manner, counterforce by attrition could never meet even the minimal requirements of a first strike. Any unreporting submarines would immediately arouse suspicion and establish the attacker's culpability. As use of nuclear warheads to destroy the submarines would be quickly detected, risking American retaliation and the possibility of nuclear escalation. Even the risk of spotting conventional ASW weapons explosions in this circumstance would be great. In any event, should attrition be embraced as a strategy, American attack submarines could serve as escorts for their own ULMS, destroying the Soviet hunter-killers as soon as they began tracking and retaliating in kind against Soviet ballistic missile submarines as well.

Retaliatory capability

Two alleged impediments have been cited by some in expressing doubt as to the ability of an undersea based deterrent to fulfill its retaliatory role. One is that submarine-launched ballistic missiles must be fired sequentially, allowing ABM defenses to deal with these incoming warheads individually rather than several at a time. The other is the theoretical possibility of plotting back a sea-launched missile's trajectory to locate, target and destroy the submarine that fired it.

The latter possibility does not exist since the time required to launch all a submarine's missiles is only a few minutes, and the opponent's missile flight times are considerably longer. In the brief minutes involved, the submarine's full load of missiles will have been launched and its retaliatory mission completed before an opponent could possibly locate and destroy it.

Nor does sequential firing present a unique problem to sea-launched warheads. Poseidon and ULMS missiles nest at least 3 and up to 14 or even more individually guided reentry vehicles. Therefore, the moment the missile's nest opens what amounts to a salvo is readied to confront ABM defenses. Additionally, the added thrust of ULMS which gives it intercontinental range and all-azimuth penetration could be employed in such ABM defeating configurations as fractional orbital bombardment and close-in depressed trajectory.

A novel complaint has been lodged against ULMS on the grounds that ultimately it may possess too much firepower rather than too little. Qualitative improvements in missile guidance, it is feared, might upgrade the system and give it a destabilizing counterforce capability against the U.S.S.R.'s land based deterrent.

ULMS would not necessarily degrade the Soviet Union's retaliatory sufficiency. For while the U.S.S.R. has lagged behind the U.S. in deploying strategic deterrent forces at sea, the Soviets have already deployed a ballistic missile submarine very similar to Polaris and are committed to a massive building program besides developing their own underwater long-range missile. In fact, the current Soviet submarine construction program appears to be concentrating less on attack submarines than on the development of a credible sea based deterrent.

If both the Soviet Union and the United States deploy a substantial deterrent at sea, an ULMS counterforce capability against land based missiles will not affect the stability of the strategic balance and Soviet deployment of the provocative SS–9 will prove superfluous.

Command and control

Another criticism against depending mainly upon a submarine deterrent is the possibility of interruptions in command communication, especially during a first strike attack.

Even in the unlikely event part or all of the missile submarine fleet might be out of contact with the national command authority for a few minutes or hours, this would effect only the rapidity of retaliation, a relatively unimportant factor in sea based deterrence. It will not diminish the certainty of retaliation, the fundamental consideration upon which all theories of deterrence are founded.

As our land based missiles become increasingly vulnerable, there will be a greater incentive to launch endangered retaliatory land based forces on warning to avoid preemption. This prospect is exceedingly hazardous.

On the other hand, hair-trigger retaliation is not necessary for sea based deterrent forces which will not be threatened by an impending attack on the continental United States. Thus, delay in reestablishing communications will not impede retaliation but will allow the national command an opportunity to obtain an accurate assessment of the situation and direct a controlled retaliation.

Pacing the arms race

A supposed political disadvantage in committing ourselves to the undersea long-range missile concept is the alleged adverse effect such a decision could have on the current SALT talks. However, of any weapons system now being discussed for deployment in the 1980's, ULMS would be least adversive to SALT.

First, ULMS is not a new spiral in the arms race, either technological or in numbers of weapons deployed, but is merely a stabilizing improvement of a system which has already proven itself nonprovocative and impervious to rapid technological obsolescence.

Second, the Soviet Union, while participating a SALT, is continuing its own development of an advanced underwater long-range missile system.

Third, the immediate decision is only whether to begin development of ULMS. Therefore, if a comprehensive agreement at SALT, limiting all strategic systems, abolishing ABM and controlling antisubmarine warfare development is reached, ULMS can be halted before deployment.

Defense costs

Any weapons system estimated to cost approximately $15 billion is not inexpensive. However, as Senator George S. McGovern (D-S.D.) and Representative John F. Seiberling (D-Ohio), in their report on the B–1 bomber to Members of Congress for Peace through Law stated:

"A persuasive case can be made for purchase of a given weapons system regardless of cost, if it can be shown that that system will have a decisive influence on the ability of the United States to deter nuclear war."

Measured by this criteria, ULMS as currently envisioned will be cost effective. A sea based deterrent relying on ULMS will be able to deter any aggressor. The total cost of ULMS is meaningful, then, only if it is compared with the cost of land based offensive and defensive systems, because a case can be made for ULMS to ultimately replace Minuteman, Safeguard, and our B–52's as well as our retiring early model Polaris submarines. Thus, as the National Urban Coalition concluded after an extensive and critical study of U.S. military spending:

"Since sea based missiles seem to offer the most certain deterrent, it is extremely important that we keep exploring technological frontiers in this field. For the most part, this means a high priority for ULMS research."

Noting that the development of an ULMS prototype is not necessarily a commitment to deployment, the Urban Coalition report emphasized "that insufficient priority is being given ULMS research efforts." This point cannot be overemphasized.

Ballistic missile submarines as complex systems are extremely susceptible to cost overruns should they face inconsistent financial commitments for research and development. However, ULMS is being designed and managed for cost effectiveness. If the waste and technological problems resulting from rush jobs to meet last minute threats are to be avoided in the 1980's, we must commit ourselves now to the adequate and consistent development funding needed to keep the ULMS option open.

CONCLUSION

The vulnerability of our land based strategic systems, our growing reliance upon sea based deterrent forces and the ULMS/Poseidon potential to provide unilateral strategic sufficiency seriously indict the current structure of our redundant triad deterrent force. Therefore, with the need to evaluate the currency of our sea based deterrent. Congress should not only reexamine our land based strategic weapons systems but also the assumptions and doctrines by which these systems are justified.

Of all the strategic weapons systems now being discussed for possible deployment, only ULMS offers the potential of fulfilling U.S. strategic deterrent requirements in the decades ahead. We should therefore encourage full steam ahead on ULMS development by approving the full fiscal year 1972 request for $110 million for this purpose.

THE CANNIKIN TEST

Mr. McGOVERN. Mr. President, this fall the Atomic Energy Commission tentatively plans to set off a 5-megaton nuclear device more than 5,000 feet below the surface of Amchitka Island off Alaska. I oppose this scheduled blast because of the possible ecological, security, and international ramifications of the test, which is code-named Cannikin.

The most immediate objections to Cannikin stem from environmental considerations. The nuclear device to be detonated is 250 times larger than the bomb dropped at Hiroshima, and almost five times larger than anything the AEC has previously exploded underground.

The possible immediate effects of such a staggering underground blast may be the most serious, for many people have voiced concern that the Cannikin explosion will coincide with or even cause an earthquake. The North Pacific is known for its seismic activity, and any tampering with the earth's surface in this area would appear extremely irresponsible.

Another immediate danger of the Cannikin explosion is the possible creation of a tsunami, or tidal wave, such as the one which devastated Crescent City, Calif. The AEC claims that earthquakes or tsunamis are "highly unlikely" to follow Cannikin, but the AEC has no experience with devices the size of Cannikin, and most of its other experience has been at the inland, seismically passive Nevada testing grounds.

After the initial blast, Cannikin will pose the further danger of venting radioactivity into the air and surrounding waters. Since the beginning of underground testing in 1963, one out of every 12 tests has released radioactivity detected in areas removed from the testing site. Last December, the Baneberry test in Nevada venter radioactivity over 13 States in the worst venting incident ever, and that was at a familiar test site. The danger to Amchitka Island, which is ironically part of the Aleutian Islands Wildlife Preserve, is serious. The precious populations of peregrins, eagles, sea otters, seals, and sea lions might be endangered by such venting, or even by the shock of the explosion.

By choosing an island test site the AEC has raised a further possibility that radioactivity from the blast will seep through the surrounding rocks and escape into the ocean, contaminating waters vital to the $80 million a year Alaskan fishing industry. The effect of ocean currents spreading such contamination and perhaps causing an international incident is unpredictable.

Through all of this speculation on possible catastrophes, one fact stands out. The AEC simply cannot give any guarantees that damage, minimal or severe, will not be done to Amchitka's environment. And it should be remembered that even if the test takes place without incident, radioactive material trapped below the earth's surface remains active for 240,000 years. Between now and the year 241,971 any earthquake or seismic disturbance around Amchitka could result in a disastrous venting of radioactivity. This is quite a legacy for us to leave.

Given the real and serious danger surrounding the Cannikin test, we must ask the purpose of it. We discover the device is planned to be the warhead of the basic Spartan missile for the Safeguard ABM system. But the device to be tested is too big for the improved Spartan missile the Defense Department plans to use now. Dr. Harold Agnew, director of the Los Alamos Scientific Laboratory, could only state that the basic Spartan might be useful in a limited way against tactics the Soviet Union might adopt. This seems slender justification for the AEC's statement that the Cannikin test is of prime significance to our national security requirements.

We must also question the appropriateness of this dangerous test when the whole idea of an effective ABM system is considered skeptically by many scientists and experts in the field.

There are also international issues related to Cannikin. As the New York Times reported on July 4 of this year, the technology exists now to enable seismologists to determine the difference between natural disturbances and underground nuclear explosions. This would eliminate the issue of on-site inspection of defense facilities, which has been a major obstacle to agreement to a total nuclear test ban.

If the strategic arms limitation talks could reach agreement on this issue in light of the new technology, it would seem incredibly reckless to run the ecological risks which are evident in the Cannikin test. Our national and international security would be much better protected by an agreement to end all underground nuclear testing than by a successful Cannikin test.

The choice before this Nation over Cannikin presents in letters written large the choice we face in all of our policies. It presents the opportunity simultaneously to protect nature from man's destructive power and to move mankind one step closer to international agreement for peace. It presents the opportunity for this country to move decisively to subordinate the demands of the Defense Establishment, which seems dubious in this instance, to the undeniable demands of commonsense and foresight. We cannot afford to gamble with our environment any longer, particularly by the explosion of a warhead which may prove useless. Thus, I urge the President to at the very least delay the test until the SALT negotiators can begin a new initiative on underground testing, and failing this, that the Congress act to delay the Cannikin test.

Mr. President, I ask unanimous consent that there be printed in the Record two enlightening studies on the subject. The first is a critique of the AEC's Cannikin environmental statement, prepared by the Coalition To Stop the Alaska Nuclear Blast. The second, "The Nuclear Sword of Damocles" by Lenmore Marshall, which appeared as an article in the Living Wilderness, documents the dangers of underground testing in general.

There being no objection, the items were ordered to be printed in the Record, as follows:

A Critique of the AEC's Cannikin Environmental Statement

The National Environmental Policy Act (NEPA) of 1969 requires all federal agencies to file an Environmental Impact Statement before embarking on programs that significantly affect the environment. The Impact Statement must cover the following points:

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternates to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The act requires a total disclosure of all information so that it is possible to evaluate the benefits of a project against the risks of environmental damage. It was expected that by requiring a factually detailed study open to hard public scrutiny, the public interest would be served and the environment would be protected.

Though the thought of an environmental impact statement for a 5-megaton nuclear bomb is somewhat incomprehensible (this is the test of a device which is designed to destroy the environment), it is still required, since the experiment is a project of a federal agency, the Atomic Energy Commission, and the test is unquestionably of major environmental significance.

The AEC has filed its final NEPA statement with the Council of Environmental Quality but, unfortunately, the statement provides no basis for making a credible evaluation of the project. There is neither an explanation of the benefits of the test nor a determination of the effect on the environment if everything were to go wrong.

BACKGROUND

Since the 1969 NEPA law went into effect, there has never been an impact statement filed for an individual nuclear test. A Draft Statement was written in November 1970 for the total underground nuclear program carried out in Nevada.

The Cannikin test was originally scheduled for October 1970 and a Draft Statement was issued in June 1970. This statement was severely criticized in Congress, and the $20 million needed to continue the project was not appropriated. Senator Edmund Muskie said that the funds were withheld and the project stopped "because the Atomic Energy Commission failed to file a satisfactory statement on such test's environmental effects."

The test was rescheduled for autumn 1971, and a Redraft Statement was issued at the end of April 1971. Eighteen senators, in a letter to William Ruckelshaus, Administrator of the Environmental Protection Agency; Glenn T. Seaborg, Chairman of the AEC; and Russell E. Train, Chairman of the Council on Environmental Quality; urged that the AEC conduct public hearings "to permit a thorough public review of the benefits and risks involved."

Under Senate pressure, and at the request of Governor Egan of Alaska, AEC hearings were conducted on May 26, 1971, in Juneau and on May 28 and 29 in Anchorage. Besides the large amount of public testimony, Hearing Examiner Robert Miller of the AEC heard the same three hours of statements from the same ten AEC witnesses in both Juneau and Anchorage.

At the end of June 1971, the AEC issued the Final Impact Statement, supposedly improving and refining its previous draft statements, based on inputs from the public and other government agencies. The Statement is fifty-nine pages long, and contains a ten-page bibliography as well as an annex of federal agency comments and AEC responses. It may be obtained by writing Mr. John A. Erlewine, Assistant General Manager for Operations, The Atomic Energy Commission, Washington, D.C. 20545.

There are three main areas of environmental impact that are the crux of the issue: 1) effects on Amchitka; 2) radiation leaking into the surrounding water and venting into the air; and 3) earthquakes and tsunamis. (NOTE: Page numbers in parenthese refer to Final Impact Statement, unless specified.)

EFFECTS ON AMCHITKA

The AEC states that the effects of the explosion will be localized with little long-term damage. "The principle environmental effects of Cannikin are those resulting from occupation of Amchitka by a work force of some hundreds of men." (page 1)

Item: There are forty-four bird species that inhabit Amchitka Island. Fifty-five pairs of bald eagles and nineteen pairs of peregrine falcons nested during 1970. Within four miles of ground zero are eight bald eagle nests and two peregrine falcon nests.

AEC states: In the worst case, nests within four miles could be destroyed resulting from the occurrence of rock and earthslides along the coastal areas. Milrow (the megaton test conducted in 1969 on Amchitka) dislocated 14,000 cubic yards of rock and peat and it is expected that Cannikin will dislocate more. "Extrapolation from Milrow experience indicates that Cannikin may damage one or two eagle or falcon nesting sites so severely that they would be unsuitable as future nesting locations. This amount of damage to nesting sites would not affect the reproduction potential or populations of their species, nor should there be any measurable effects on population density or reproduction potential of the other avian species as a result of the Cannikin test." (page 34)

Point: Dr. Clayton White of Brigham Young University calls Amchitka's falcon population the "most dense in the world right now." Any detrimental effects upon the island's peregrine population would only bring this already endangered species closer to extinction. It is mentioned that the timing of the test is such that hatching will already have occurred, but it is overlooked that the nesting eagles and peregrines will have young in the nest at that time. This fact could compound the population damage.

Throughout the document, the AEC extrapolates from Milrow in the manner of the above AEC quotation. Since there is no reason to believe that a linear or any other simple relation exists (i.e. since Milrow was about one megaton and since Cannikin will be about five megatons, then Cannikin will be five times as destructive as Milrow) between the two, it is therefore not credible to extrapolate from one point.

AEC states: In the worst case, some small scrapfish (three spine stickleback) ranging in number up to a few thousand would be killed. It is possible that some fish in the closest streams will be injured or killed by shock effects, but at worst would affect only a small fraction (one to ten per cent depending on species) of the total island population. Changes of plankton levels in nearby ponds may occur and the draining of one or two ponds is possible.

Note: The shock of the immediate impact causes water in the streams and ponds near ground zero to be "thrown into the air." (page 52) In Milrow, this resulted in stranding on land some of the stickleback fish population. The motion also creates a momentary sharp rise and fall in pressure in the lakes and along the sea coast. This effect killed stickleback in two ponds near Milrow.

AEC studies: The Battelle Columbus Laboratory, under contract with the AEC Nevada Operations Office, initiated ecological studies on Amchitka in 1967. A short-term and long-term post-shot program has been established to document the environmental effects of Cannikin.

Point: Despite contracted studies, Wallace Noerenberg, Commissioner of Alaska Department of Fish and Game, testifying in Juneau on May 26, 1971, had to correct AEC figures. "Both impact statements (Draft and Redraft) use the figure 2500 to represent the total sea otter population on Amchitka. Recent surveys reveal that the population is in excess of 4000 animals. . . . Both reports use the figure 200 otters as residing within the four mile 'impact zone.' Recent surveys indicate a population approaching 600 animals." The June AEC statement reflects the Fish and Game Department's corrections of late May.

AEC states: "Overpressures greater than 100 pounds per square inch may rupture otter tympanic membranes(eardrums) which ultimately can be expected to cause death in otters so affected if they are unable to dive for food." Twenty to 100 sea otters may be killed. (page 36) It is estimated that ten to fifteen per cent of the population will be affected.

Point: Commissioner Noerenberg made several other points concerning the otters. 1) Otters tend to segregate by sex, with sexually active males generally concentrating in "male areas." Two such "male areas" near the blast may be affected; the ensuing loss of mature males will have a much larger effect on the population than a random death pattern of the same number. 2) The ground shock of the blast will affect the large number of otters resting on rocks with possible results of bruising, internal injuries, rib or skull fractures or leg injuries—the effect on pregnant females might also be significant.

AEC states: "The Amchitka sea lion and harbor seal populations are not expected to be affected by Cannikin." (page 36)

Point: Commissioner Noerenberg states that there is great concern for the seal and sea lion population (estimated at 350 to 750 respectively) off Amchitka. "We are of the opinion that pressure effects would be as serious on these animals as on otters, and that the AEC should consider this impact as well."

AEC states: "Bioenvironmental program scientists are confident that populations of commercial fish and shellfish species will not be endangered from Cannikin." There is the unlikely possibility "that casualties may include: hundreds of fish in the near-shore area such as Pacific cod and dusky rockfish; a few salmon in deeper offshore water; hundreds of fish such as Atka, mackerel, lantern fish, rockfish and smelt in mid-water, offshore areas; and thousands of rockfish and Pacific cod in offshore bottom areas." (page 37)

Point: The Alaska Fish and Game Department is much more concerned about the effects of radioactivity leaks than the ground shocks affecting commercial fish. The worth of the Alaska fishing industry is categorized in the report, *Commercial Fisheries Related to Amchitka Island*, by Abrams, Kemp and Kerkwood. Total income of Pacific salmon fisheries in 1970 was $60,034,000; King crab was $13,919,000; shrimp was $2,935,402; Tanner crab was $1.399,918; Dungeness crab was $1,050,194; and scallops was $1,131,254.

Commissioner Noerenberg states, "The 'ownership' of salmon passing Amchitka is international in scope and the consequences of any contamination of these animals would be worldwide in regard to marketing and human consumption problems."

The Alaska Sportsmen's Council, in a letter to the Governor of Alaska, dated June 2, 1969, stated, "In short, a food supply system that feeds a large part of the world—a supply and fishery resource which has never been fully developed—would likely be ruined. How far the contamination might spread with the assistance of the Japanese current is unknown. One thing is certain: If there is any chance whatsoever that the blast will vent, it is too great a risk. The AEC has made no such guarantee. It cannot."

RADIATION LEAKING INTO THE WATER AND VENTING INTO THE AIR

AEC states: "Scientists and engineers do not conceive of any process by which a venting of radioactive material could occur. However, if those experts were completely wrong, the greatest conceivable venting would be a few percent of the total radioactivity produced by this experiment." (page 2)

Point: The AEC has never planned an underground test and expected it to vent radiation and, since the 1963 limited test ban treaty, nations have been prohibited from violating international boundaries with radiation fallout. However, the AEC record of preventing leakage is not good. From 1963 to the end of 1970 "there were 230 announced U.S. underground nuclear explosions at the Nevada Test Site and elsewhere, including five Plowshare cratering tests. Of the non-Plowshare tests, seventeen inadvertently leaked radioactivity detectable off-site." (page 17) In a letter dated March 11, 1971, from Dr. Glenn T. Seaborg, chairman of the AEC, to Senator Gravel, it is stated that "there were approximately forty tests in which some radioactivity was detected only in the immediate vicinity of the firing point."

Point: The AEC's worst case of a few percent venting must be further explained. A percent of the radioactive inventory of the largest underground test in U.S. history certainly deserves a detailed discussion with an exhaustive look at the effects on the environment. A small percentage of a large number is still a large number—and cannot be disregarded by a wave of the AEC's hand.

AEC states: The extensive Nevada containment experience "has contributed to the development of sound test containment procedures. . . . Each time a leak of radioactivity has occurred, there has been careful investigation in an effort to learn the cause so that leaks from similar causes can be avoided."

Point: Judging by the leaks that have occurred and continue to occur (the largest one ever occurred last December), it may be concluded that either the AEC has not done a proper job in studying past failures or that each test is unique in the combination of characteristics such as tonnage exploded, geology, hydrology, climatic conditions, etc., and so the outcome is unpredictable.

The last failure, Baneberry, was exploded December 18, 1970, in Yucca Flats at the Nevada Test Site. The test was less than twenty kilotons and was reported to have leaked radiation over thirteen states and contaminated the clothing of 900 test site workers. "The final total release estimate for Baneberry is approximately three megacuries (3,000,000), reference to R (Release time) plus twelve hours." (Seaborg to Gravel letter, March 11, 1971)

AEC states: "Geological and physical data obtained during two earlier successful low-yield tests very near to the Baneberry site (one had been 2,000 feet to the north and the other about the same distance to the east) had indicated the suitability of the Baneberry site."

Point: How much confidence, then, can be placed in the geological and physical studies that have justified, to the AEC's satisfaction, the Cannikin site? In this light, do the Milrow explosion results have any significance in predicting the outcome of Cannikin? The AEC constantly refers to Milrow in estimating the Cannikin results.

AEC states: "In order to assure containment of radioactivity, it is necessary to (be) . . .(an) adequate distance from faults. . . . The Cannikin site is 3,300 feet south of the Teal Creek Fault and 2,800 feet north of a suspected fault . . ." (page 19)

Point: It should be noted that the Baneberry leak did not occur through a fault. According to AEC reports, the 910-foot deep test split the earth with its own pressure which exceeded expectations because "the earth around the explosive device was more saturated with water than had been expected." If Baneberry (less than twenty kilotons) had enough power to "force gas through the ground to the surface" and to open up a "fissure 315 feet long," why can't Cannikin, in water-saturated rock, push gas 2800 feet to the suspected fault?

AEC stated: No one is likely to know where every single fault is located, but the big ones are known. (This point emerged in a meeting of Fred R. Tesche, AEC Deputy Director, and Senator Gravel's staff.)

Point: The February 1971 quake in Los Angeles occurred along the Soledad Fault, which was considered too insignificant to put on seismic fault maps.

AEC states: "Most of the radioactive material associated with the detonation will be incorporated into and trapped in rock melt, or will be absorbed onto the surfaces of rock material. Most material will therefore be essentially retained in the bottom of the explosion zone. The volatile fission products and tritium are exceptions." (page 22)

Point: There is no documentation supporting the AEC statement that the radioactive materials will be incorporated into, trapped in, or adsorbed onto rather than go into solution under the conditions of salinity, high pressure, and very high temperature.

AEC states: "Those radionuclides not trapped in the solidified rock melt will be susceptible to migration in ground water. Only an insignificant fraction of the trapped radionuclides will be slowly leached from the surfaces of the fused rock." (page 23)

Questions: How much of what radionuclides are there? What is the insignificant fraction? Without knowing how much of what is involved it is not possible to talk about environmental impact.

AEC states: "Tritium in water is of more concern than other radioactive materials since it will migrate at nearly the velocity as the natural ground water." (page 23) Three mechanisms are described whereby tritiated water can migrate to the sea: Mechanism 1 is described as "most likely" and the "migration would take a thousand years or more." Mechanism 2 "is estimated to take over a hundred years." The third mechanism is described as very unlikely and the "contaminated water would reach the sea in about two or three years. . . . This would introduce tritiated water into the ocean with an initial concentration about 1,200 times that of the RCG (Radioactivity Concentration Guide) for water. . . . The assumptions of this model also imply a sharp reduction in adsorption surface and, therefore, at some later time other radionuclides such as strontium, cesium, ruthenium, and antimony would also be introduced into the ocean in concentrations higher than the RCG." (pages 23–25)

Points: No support is given as to why one model is more probable than any other. All proof is embodied in the credibility of the terms "most likely", "less probable", and "very unlikely".

Long Shot (the 80 kiloton test on Amchitka on October 29, 1965, at the time billed as first and last test on the island) released tritium "about one month after the test." It was "detected in three small ponds on the north edge of the surface zero pad and in drainage ditches from those ponds." (page 14)

AEC states: "No leakage of tritium or radioactive noble gases is expected for Cannikin; behavior comparable to Milrow is likely." (page 15)

Point: Assuming the worst Cannikin case of leaking tritium in 2 to 3 years and applying this case to Milrow, we would not see any tritium from Milrow yet because it has been less than two years since Milrow. The Milrow experience with tritium can not be used for predicting Cannikin.

AEC states: Even if the extreme tritium migration model were true "dilution of that water by the sea water would take place rapidly . . . there would be an effective dilution factor of about 100,000 within a few hours." (page 25)

Points: Commissioner Noerenberg stated, "Concerning the one known radioactive element that has leaked on Amchitka, tritium, little is known of its impact on fish. However, a recent paper given by Erickson (from the University of Washington Radiation Laboratory) at the Third National Radioecology Symposium, discusses the impact of both low and high level concentrations of tritium on guppies. His conclusions are that even low levels affect the germ plasm causing changes in growth, sex ratio, ability to withstand stress and courting behavior.

"It is reported in two papers that Silver Salmon fry held in cooled effluent from the pile area at Hanford suffered 100 percent mortality in eight weeks. Even at dilutions of 1:50 increased mortalities were evident."

Polikarpov, in his book Radioecology of Aquatic Organisms (1966, Reinhold Book Div., New York) states among his conclusions: (page 260) a). "The frequency of occurrence of abnormalities in the larvae of sea fishes has been shown to be increased at strontium-90-yytrium-90 concentrations of a trillionth of a curie per liter and above, i.e. at levels that have already been reached in the Pacific Ocean and in the Irish Sea." b) "It has been shown that further radioactive contamination of the seas and oceans is inadmissible, because it entails great risk of a) producing irreversible changes in the hydrobiosphere, b) disrupting the resources upon which fisheries depend and c) producing dangerous levels of contamination in the marine organisms consumed by man"

AEC states: "It is not conceivable that Cannikin would cause release of underground radioactivity from the cavities which remain from the earlier Milrow and Long Shot tests." (page 2)

Point: The above statement contains the entire discussion by the AEC about this project. There are no references, studies, or even explanations as to why this possibility is not conceivable."

EARTHQUAKES AND TSUNAMIS

AEC stated in the Draft Environmental Statement (June 1970), "experience gained by observation of past nuclear detonations and earthquakes combine to provide extremely positive assurance that the Cannikin explosion cannot of itself cause a severe earthquake." (page A-4)

Point: In a letter dated July 21, 1970 to the AEC, Louis Rousselot, the Deputy Assistant Secretary of the Department of Defense commented, "Substitute for '. . . provide extremely positive assurance . . .' the phrase 'indicate that it is highly unlikely.'" The AEC complied

AEC states: ". . . it is highly unlikely that the Cannikin explosion can, of itself, trigger a severe earthquake. Furthermore, the possibility of the Cannikin explosion or an earthquake causing a damaging tsunami (seismic sea wave) is even more unlikely." (page 3)

Point: The Presidential Ad Hoc Panel on the Safety of Underground Testing chaired by Dr. Kenneth Pitzer, former President of Stanford University, made the following points in their November 27, 1968 Report which was withheld for some time by the Atomic Energy Commission: ". . there does not appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site. This possibility is more serious for tests of greater than a megaton since the larger initial explosion would lead to greater alteration of the regional stress pattern. Further, it has recently been suggested that the great earthquakes (magnitude 8.5) are actually composed of a rapid succession of earthquakes of magnitude 6.5 to 7.0."

Point: The terms "highly unlikely" and "even more unlikely" as used for earthquakes and tsunamis respectively do not rule out an occurrence of the event. Assuming the worst case that an earthquake and a tsunami do occur there must be a discussion of what will happen. There is none. Therefore the environmental impact cannot be judged and so this Impact Statement is deficient and delinquent.

AEC states: There is "almost one chance in 100 that there will be an earthquake as big as or bigger than Cannikin in the vicinity of Amchitka in any two-week period. For the whole of the Aleutian Islands and Alaskan Peninsula, the probability is higher, more like one in 20." (page 53)

Point: What would happen in the worst possible case if the Cannikin shock of about 7.0 richter scale occurred coincidental to a natural earthquake of 7.0 or greater? What would be the resulting earthquake magnitude? Would this be large enough to set off a tsuanimi?

AEC states: "Most existing experience is from large underground explosions in Nevada." (page 55)

Point: The Pitzer Report states, "Since the Amchitka area in Alaska is still more active seismically, the hazard of inducing an earthquake must be considered to be greater at that location than at either Navada site . . . Amchitka is more seismic than Nevada by at least an order of magnitude."

AEC states: "It is expected that the only observable effect from Cannikin will, again (meaning like Milrow), be a cluster of small aftershocks in the vicinity of the explosion site," (page 55).

Point: The Pitzer Report states that "it would appear that safety can be achieved in the proposed central Nevada and Alaskan test sites only by gradually increasing the yield and thus developing the necessary experience during the test program.' Going from 1 megaton to 5 megaton doesn't meet the definition of gradually increasing.

Pitzer Report states: ". . . there is good evidence that great earthquakes consist of a superposition of smaller (magnitude 6 to 7) events triggered in succession." And, ". . . if the triggered earthquake were a large one (magnitude greater than 8) and the rupture propagated to the east where the population density increases, there could be damage due to ground vibration as well as tidal waves."

BENEFITS

AEC states: The test is necessary for "the development of nuclear weapons technology of prime significance to our national security requirements." (p 46)

Point: On April 20, 1971 Dr. Harold Agnew, Director of Los Alamos Scientific Laboratory, testified to the Senate Committee on Armed Services that 1) the ABM Spartan warhead will be tested in Alaska, and 2) the Spartan warhead "would be useful in a limited way" in high altitude attacks against very large-yield Soviet weapons. To justify the risks in undertaking the test there must be a full discussion of the ABM Spartan system. To hide behind the phrase national security when the ABM system has been vociferously attacked in public for many years is to imply that the test can't be justified.

Point: Dr. Jeremy Stone, executive director of the Federation of American Scientists, a military weapons expert, stated, "Basically, Cannikin is a bureaucratic oversight—an experiment that has been waiting to be cancelled since, in early 1969, the President changed the rationale for the U.S. ABM away from the anti-Chinese defense." Other scientists like Drs. Rathjens and Scoville have called the Spartan an "obsolete" weapon. If the public is to bear the risks the AEC must justify the benefits of this weapon.

CONCLUSIONS

There are few federal projects that have the magnitude and the possible grave environmental consequences as Cannikin. The explosion of a 5 megaton bomb is surely one of the greatest unnatural acts man can perform. The prediction and evaluation of the possible outcomes requires a rigorous scientific discussion (whether laymen can understand it is irrelevant). Such a discourse is required for the Cannikin Environmental Impact Statement.

Unfortunately, the AEC's Impact Statement is more of a public relations type press release than a scientific document. It appears it was written to allay fears instead of to present information.

Some specific faults—

Though the Table of Contents seems to indicate a certain organization to the document this is misleading since the small quantity of information per subject that is contained is scattered in random disarray throughout the statement. It seems that many different people wrote the document and didn't know what the others were doing.

There are statements that are made in the summary that are nowhere else supported or referenced in the text.

The statements cover insignificant, irrelevant points in great detail and fails to provide any information or credible answers to the questions of greatest magnitude.

The statement does not provide enough data or discussion to determine the environmental impact of the Cannikin project. It therefore does not comply with the intent and the letter of the National Environmental Policy Act.

THE NUCLEAR SWORD OF DAMOCLES

(By Lenore Marshall)

(NOTE.—The author wishes to express her appreciation for Miss Egan O'Connor's valuable assistance in research.)

A short while ago another nuclear accident occurred. An underground weapons test, supposedly self-contained, produced a radioactive cloud that traveled at least 450 miles, with fallout at its site that affected hundreds of people who had to be evacuated and decontaminated, and for whom ultimate damage cannot yet be ascertained.

During the years since Hiroshima—the short years previous to this newest atomic accident (which was the 17th underground test that has leaked, according to Atomic Energy Commission announcements)—we have recognized to our sorrow and terror that our entire planet has joined the wilderness in its struggle for survival; not only the wilderness but the whole world is in peril. Nothing, no matter how remote, is immune. Great tracts of fertile land, plant life and animal life in forests, plains, oceans, rivers, and lakes, have been joined by human life in the danger of extinction. The greatest threat to the continuance of animal, vegetable, and human existence comes from the nuclear sword of Damocles that hangs over our heads.

By great good luck, despite the minor accidents, there has not yet been a massive release. However, since sources of nuclear contamination are proliferating, the chances of a major disaster are also increasing; such a disaster could devastate a number of states and cause thousands more cases of cancer and genetic defects and deaths. There is a fundamental difference between radioactive pollutants and other pollutants such as DDT, NTA, oil, and automobile exhaust. All the latter are stable compounds, and there are possibilities of eliminating them or of rendering them harmless. But radioactive atoms are deranged atoms whose high-energy emissions from the nucleus cannot be stopped or, presto, made innocent by a lawsuit or a wave of a wand; they taper off at their own rate—240,000 years for radioactive plutonium 239, which happens to be a basic element in both the military and peaceful application of nuclear energy.

Cockroaches are said to withstand the effects of radiation quite nicely. Other animals, wild or otherwise, fare worse.

Since there is no way to turn off radioactivity, nuclear pollution is in a class by itself. Therefore, to whatever extent is possible, we must prevent any more of it from occurring.

We are already bearing the legacy of some earlier activities—radium from uranium mine wastes eroding into the Colorado and into the other rivers, plutonium 238 in the atmosphere from a misfired navigational satellite (1964), and fallout from the atmospheric nuclear bomb tests. They are all, of course, still with us. For instance some of the radioactive cesium 137 will still be around 300 years from now and radioactive carbon 14 another 57,000 years. The strontium 90 fallout created by atmospheric tests was enough to work its way into the bones of almost every child tested for it in the Northern Hemisphere, according to Anthony Smith (*The Body*). Since all radiation exposure is assumed to be harmful, whether it comes from bombs, medical X-rays, nuclear power plants, rocks, or the stars, what counts is the amount we accumulate and which we can still limit. The only hopeful thing to be said about this peril is that it is still possible to control it, keeping doses of radiation to safer permissible levels.

The biggest radioactive burial ground in the world lies in Nevada only 75 miles from Las Vegas, and consists of 250 square miles of contaminated desert surface pocketed with deadly plutonium 239. Under the surface, as well, lie hundreds of pools of radioactivity; some radioactive tritium is contained in the waters beneath the surface. This no-man's-land is mentioned in a paragraph within a report of the Atomic Eenergy Commission to the President's Council on Environmental Quality. If an earthquake or some other disaster, man-made or natural, were to strike this land, there is no knowing how vast would be the damage.

This is only one of many instances of pollutant destruction related to A.E.C. blasts and experiments. There is no way of estimating how much radioactivity is being released to the environment from all sources; however, what is known is that the amount of radioactivity and the damage from it are adding up. Since 1957 the A.E.C. to date has conducted over 200 tests in Nevada, plus two in Mississippi and two in Alaska. During 1970, through October 14, the United States detonated 23 underground bombs, the Russians six. An estimated 33 per cent of the underground explosions vent some radioactivity into the air and, probably, gases seep to the surface eventually from all of them. Regarding Alaska, an A.E.C. contractor has calculated that the MILROW test in October 1969 could start discharging radioactive hydrogen into the ocean in six years and continue discharging for the subsequent 66 years. In 1966 ecologist G. G. Polykarpov warned that the oceans already have all the radioactivity that they can tolerate and that fish embryos show damage. Nonetheless new underground tests, the largest we have ever held, are being planned for Alaska, and in an active earthquake zone.

From sources other than nuclear bomb tests the danger and the damage proliferate. There are about 20 experimental nuclear power plants in operation in the United States now; the A.E.C. expects to license 450 to 650 more in the next 30 years. Each plant accumulates in one year as much long-lived radioactivity as in several hundred Hiroshima bombs. Construction and active preparations are presently occurring in 28 states and in Puerto Rico. Peaceful "Plowshare" underground bomb tests, proposed by the hundreds, would create contaminated gas, oil, and possibly copper for nationwide distribution. Pilot projects have been blasted in Arizona and Colorado; Wyoming is probably next. Nine "Plowshare" excavation bomb experiments for building canals and harbors have produced contaminants; a recent one produced radioactive air as far from the Nevada test site as Boise, Idaho. Thus the "peaceful atom," a kindly-sounding benefactor, may require a bit more assessment.

Radioactive material is being more and more widely used in industry, raising problems of disposal. In Florida, the country's first commercial nuclear sewage disposal plant is using radioactive cobalt. Storage of radioactive wastes is a mammoth problem. Altogether, there are over 100 million gallons of high-level radioactive waste stored in tanks in South Carolina, Idaho, Washington, and New York states. Storage tanks tend to disintegrate under the intense radioactive bombardment and heat; so far, 60,000 gallons have leaked from such tanks into the ground. The A.E.C. is working on techniques for solidifying the waste, but the process is so expensive that the A.E.C. hopes to dump millions of gallons of *un*solidified waste into underground excavations along the Savannah River. At the A.E.C.'s Hanford installation, there are open "dribble trenches" for so-called "low level" wastes. In March 1970, ducks drinking from these trenches were found to be so radioactive that eating them would give a person five times the annual "permissible" dose of radiation. And oysters at the mouth of the Columbia River are reconcentrating radioactive zinc released far upstream at Hanford. In New Mexico, radioactive waste is pumped into deep wells, stored, and allowed to seep into desert soil. Monitoring has sometimes been casual. At one commercial plant in West Valley, New York, after official denials of hazard, a group of citizens found radioactive levels in a creek to be 30,000 to 100,000 times higher than levels permitted by the A.E.C. During a test of the nuclear space rockets in Nevada in 1965, levels of air contamination on U.S. highway 95 between Reno and Las Vegas rose temporarily to 200,000 times their normal level.

When plutonium 239 falls on the test site in Nevada, the land is fenced off and posted. The problem is how to confine that plutonium to that fenced-off place, against wind and oxidation, for the next 240,000 years—when it will no longer be able to hurt us. Near Denver, Colorado, local scientists have proven that significant amounts of plutonium have escaped from the Rocky Flats plant where warheads are manufactured. After denying the possibility, the A.E.C. has confirmed the findings.

A recent medical report in the *Journal of the American Medical Association* states that among the young people of Rongelap Atoll in the Pacific who were accidentally exposed to fallout during the 1954 tests, the majority have developed thyroid abnormalities, many of them malignant.

Today's environmental crisis proves that much modern technology now actually functions to the detriment of society. It has become disoriented from society. Science and scientists are not omniscient; in fact many scientists are attached to special interests in government and industry. As Doctors John W. Gofman and Arthur R. Tamplin[1] say of science and technology: "They offer credibility to the proposed ABM system and thereby offer thinkability to a nuclear war; they create the illusion that if we really get into trouble with our environment, science and technology will be able to rescue us; and they divert the scientific manpower away from more meaningful programs." Thus, within the fact that there are seismic, tidal wave, and radioactive hazards from nuclear weapons-testing underground, there lies the greater danger that weapons-testing is part of a general framework of thinking that war is thinkable.

Doctors Gofman and Tamplin continue: "Science in itself is not bad or good; that is why it has no ethics. Without application, science is meaningless. But most of science in this country is meant to be applied, and hence the government, hand in glove with industry, rules over science by controlling the purse strings. . . . Quite obviously we need a mechanism for effectively criticizing present day science and technology, and for articulating a new set of priorities that would lead science and technology to fulfilling the needs of society. . . . They must offer alternative programs that represent routes to the solution of the needs of society." Doctors Gofman and Tamplin propose an Adversary Center to consist of a group of distinguished scientists who would criticize any new application of science until it has been impartially scrutinized. In terms of the human condition, an Adversary Center would assist technology, and would base its rationale on the continuance of life of the human species. It would take up arms against the concept of the obliteration of man and of his beautiful earth, his wilderness and his cities, and of the civilization he has built.

It is argued that the country's increased need for electrical power necessitates nuclear plants and that defense needs necessitate further weapons development. As for the latter, since we already have means for overkill beyond that of any other country, and since the continuance of the arms race leads to a deadly tit-for-tat psychology that can only end in catastrophe, the sooner a moratorium on development and accumulation of nuclear weapons is called the safer we shall be. If the world aims at universal disarmament, perhaps elephants and seals and eagles and sparrows and pine trees and fish and roses and children will survive. A moratorium on the burgeoning nuclear reactor business must similarly be called.

What are some of the alternatives? Without nuclear energy would there be brownouts? Would a million sparklers around advertisements be cut in half? Would the electric carving knife not cut? The answer is that we *can* obtain the power we need. The lights will not go out. Even if this were the case, one must ask which is more important: more lights or life itself? Moreover *there are safer alternatives* to nuclear electricity. There is the further development of fossil fuel, which may be better utilized and made "clean" by means of new processes. There should be investigation of magnetohydrodynamics (MHD) and work on fusion and geothermal energies. Promising work is being done to develop the use of solar energy; it is said that the sun's heat falling on Death Valley alone could solve a multitude of power needs. Certainly, much electric energy that is wasted today could be conserved.

The public is entitled to demand information from the government and to say, Stop! to nuclear danger until plans are submitted for impartial scrutiny. There are a number of citizen groups which are fighting for safety from nuclear pollution. Two new committees have recently been launched, one to act as a clearing house and action center to bring about safeguards, the other as an information and educational center. They are, respectively, Task Force Against Nuclear Pollution and Citizens Committee for Nuclear Responsibility. They may be reached through Suite 1200, 111 East 58th Street, New York.

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[1] "A Proposal to Establish an Adversary System of Scientific Inquiry," in *Environmental Action Bulletin*, January 2, 1971.

The marvel of our mass society, of our intricate civilization, of our establishments and vast impersonal structures, is that the individual can always do something. The individual has always performed miracles, and he still can. He can save his wilderness, he can save animal and vegetable life, he can save himself. He can understand his predicament, and if he has the will to do so he can take steps to save what he loves; one man—one woman—can start to build a bridge whereon others may walk. Will individuals tackle this new proliferating danger before it is too late?

COMMERCIAL PRODUCTION OF VEE VACCINE

Mr. TOWER. Mr. President, I have written to Secretary Hardin this afternoon requesting his immediate attention be focused on the commercial production of the VEE vaccine and approval by both his Department and Public Health officials that the vaccine be provided to all horse owners for protection of their animals. I ask unanimous consent that my letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., July 20, 1971.

Hon. CLIFFORD M. HARDIN,
Secretary, U.S. Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I want to express my appreciation for the time given me and various members of my staff during the past month and a half while Texas was experiencing the outbreak of Venezuelan Equine Encephalomyelitis.

It appears that adequate supplies of vaccine are now being made available in Texas and surrounding states to prevent the spread of VEE. This, among other measures, will help the immediate situation existing in Texas, and hopefully will prevent the nation from experiencing the tragedy existing in my home state. With this fresh in our minds, I would prevail on your authority and interest in asking that you exercise with the necessary expediency approval for VEE vaccine to be manufactured on a commercial basis for distribution to every state in the nation. Horse owners throughout our nation are living in fear of the spread of VEE and are demanding all necessary methods of prevention be exercised before they too lose horses.

Surely as a result of the large numbers of horses vaccinated in Texas, the United States Department of Agriculture and Public Health officials can now approve the vaccine for public use. This action can further prevent the heart break and economic loss that has resulted in Texas from accompanying VEE to the remainder of our nation.

Your immediate action will be appreciated and may I be kept informed on the progress of this action.

Sincerely yours,

JOHN G. TOWER.

SOME POPULAR MYTHS ON YOUTH

Mr. HARTKE. Mr. President, recently an article appeared in the Wall Street Journal which examined some of the currently popular myths on youth. It was written by Landrum Bolling, president of Earlham College in Richmond, Ind.

President Bolling is a distinguished educator and public servant, a former newspaper editor and war correspondent, and—above all—a man with a deep and abiding concern for world peace.

His article makes it clear that the current rebellion of youth is not a transient phenomenon. Our society and its institutions are being changed because increasing numbers of young people are demanding that they change. The lesson for those of us in positions of public leadership is clear: we must listen to the younger generation. Theirs is a politics based less on material considerations than on esthetic, moral, and spiritual values.

Mr. President, I commend this article to my colleagues for its perceptive insight, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 28, 1971]

SOME POPULAR MYTHS ON YOUTH

(By Landrum Bolling)

Everybody over 40 is an expert on the youth problem, and much of what everybody knows about that problem just isn't so. Consider these widely held viewpoints:

1. That youth discontent is the result of Communist influence.

The truth is that the Communists are as puzzled by today's youth as are the capitalists. In Communist countries the establishment is resentful toward most young people and, far from knowing, how to direct the forces of youth discontent in capitalist countries, the Communists don't know how to cope with their own young people at home. Long hair, beards and rock music distress Communist bureaucrats in Moscow, Prague or Warsaw no less than bankers in Elmira, Keokuk or Cheyenne. Student agitation against the established order, though less demonstrative in Communist countries than in America and France, is widespread in the Soviet Union and its satellite countries.

2. That America's youth discontent is caused by the Vietnam war and will fade away when the war and the draft are ended.

A lot of us would like to believe this, but the problem is not that simple. Youthful discontent is powerful in countries not involved in the Indochina war, and American youth are unhappy about many other things besides Vietnam and the draft—and will remain so long after the war is finished. Ending the war will surely improve the state of mind of the young—and of their elders. However, protest against the war, though serious, is but one of many symptoms of a deep-seated disaffection of the young—and of the disaffection of a lot of the rest of us.

3. That more money spent on education, housing and the care of the poor will eliminate discontent among the young.

Young people do indeed attack their elders for what they consider niggardly handling of social problems. A few of the more perceptive complain with equal reason about the unimaginative and inefficient way the "establishment" uses the money it already spends on these aspects of our troubled life. While the young undoubtedly favor a higher rate of spending on education and social welfare—and are thoroughly turned off by talk of the need to "hold down inflationary pressures"—they are so convinced of the wrongness of vast national spending on war, the space program and the SST that merely moderate and "reasonable" increases in appropriations for education and welfare will fail to impress them very much. Moreover, the current young do not have the innocent belief that their New Deal parents have, or once had, that increased federal financing will solve all problems.

4. That a new all-out program of liberal reform will win back the young.

The truth is that few of the young show any sustained interest in working to correct the defects in current national policies and programs. The assassinations of the Kennedy brothers and of Martin Luther King, the disappearance of Lyndon Johnson's domestic reformism in the swamps of Vietnam, disillusion with their one-spring hero Eugene McCarthy, and boredom with most of the political choices of recent memory—these are the factors, at least in their minds, that cause the young to be skeptical and hesitant about responding to some new liberal battle-cry. Though a mini-minority loudly, and at times violently, proclaim their intention to bring down the system, most disaffected youth have little faith in either drastic revolution or the plodding ways of reform. Among them there is widespread apathy and a sense of impotence and hopelessness toward all proposed solutions to the situations they deplore. They just don't see any answers to the problems of pollution, urban decay, racial conflict and war—and they don't think their elders do either.

5. That this generation's rebellion is essentially the same as all earlier manifestations of youthful revolt against the elders—and will soon pass.

Not so, say the most thoughtful historians, psychologists and social anthropologists—and a lot of commonsense parents and grandparents. The discontent is deeper, more widespread, and more far-ranging in its effects than any "normal youth revolt" ever known heretofore. Even among the "straight kids" who shun both violence and the hippie culture there is great uncertainty about values, attitudes, life styles and goals of family and community. Few American parents can be sure of what their teen-age children really believe about fundamental purposes and values. The elder generation can surely not believe any longer that, "after sowing a few wild oats," today's young will comfortably settle down into the same proper, well established life pattern of their parents.

6. That the trouble with today's youth is that they have lost interest in religion and must be won back to the old-time faith.

The fact is that this is probably the most open and seeking generation of young people with respect to spiritual matters we have known in this century. Their searches are taking some of them down some pretty bizarre byways: Zen Buddhism, Hindu mysticism, witchcraft, astrology. Yet many are caught up in a re-discovery of simple old-fashioned emotional religious orthodoxy now largely abandoned by the mainline churches. Pentcostalism is the fastest growing wing of American Protestantism, and many young people, including college students, are part of that growth.

However, many sophisticated, highly intelligent young people are turning their backs on the materialistic, scientific objectivism of their largely secularized parents, grandparents and teachers and affirming the reality of the spiritual, the esoteric, the supernatural, the transcendent. In part, they are revolting against what they consider the too aridly intellectual, against the perverse misuses of reason. But also, in a variety of ways, they are carrying on man's eternal quest to find the diving element in life and to relate themselves to it.

7. That the youth have lost all sense of ethics and morality and need basic training in how to distinguish right from wrong.

Some have, and do. This is also true of too many people in all age groups. Yet to be certain about the real standards of ethics and morality of a given group of people at a particular time is difficult. Whatever you say will produce an argument. Some claim that this is the most truly moral generation in this century, the most idealistic young people who ever lived. Others are convinced that they have been corrupted into every imaginable form of wickedness. What probably is true is that today's youth are, like all human beings through history, a mixture of good and evil, idealism and selfishness, morality and immorality

In some aspects of ethics and morality this is one of the most austere and puritanical generations in the memory of living man. Their standards of honesty, integrity and social responsibility are often severely demanding. Their most common criticism of the older generation has to do with charges that their elders are dishonest, hypocritical and irresponsible. In this there is much humorless, morally arrogant self-righteousness. Too often they are blind to their own hypocrisy. Too many of them have not learned about the inherent weakness and finitude of all human beings, including themselves. Still, for all their confusion and occasional self-deception, it must be said that this generation of young people is profoundly concerned about ethical and moral issues. The established structures of church, school and family are not working very well in transmitting the accumulated wisdom from the past on basic value questions. Perhaps the greatest challenge facing home, school and church is to find ways to engage all age groups in a shared and honest exploration of the eternal questions of purpose, meaning, ultimate value of religion, morality and ethics. The old simple methods of Sunday school indoctrination are widely rejected. The most famous last words must surely be those that begin, "Now, when I was young—." The better substitutes are yet to be found.

These assorted popular myths about the young can give the older generation little guidance for dealing with the problems of the generations. But if we examine those myths seriously, we are compelled to search for new strategies for trying to cope with our fundamental social problems of which youth discontent and the conflicts between the generations are but symptoms. Those strategies, I believe, must involve us in developing ways of bringing younger and older people into creative, productive teamwork for the common good, and in making some significant changes in the pattern and quality of education.

INVASION OF TEXAS BY DEADLY HORSE DISEASE

Mr. TOWER. Mr. President, as I am sure Senators are aware, Texas has been invaded by a new and deadly horse disease. Venezuelan Equine Encephalomyelitis has caused horse deaths by the hundreds in my home State and has created alarm and dismay among the residents of Texas. This morning I received a full report on the events leading up to the outbreak of VEE in Texas. In addition the reports conveyed in detail what has been done to combat the disease and prevent its spread. The report is from Secretary of Agriculture Clifford M. Hardin, and I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 20, 1971.

DEAR SENATOR: Due to rapid developments concerning Venezuelan equine encephalomyelitis, and continuing action being taken by the Department of Agriculture over the weekend, I decided on Saturday morning to hold a press conference Saturday afternoon at 3:00 p.m. to release this information to the public.

We are anxious to keep the public fully informed about our efforts to fight this disease.

I thought that you might be interested in the accompanying materials that were released to the press on Saturday afternoon.

These additional things have happened since Saturday:

1. Yesterday, officials from the Department of Agriculture and officials of states surrounding Texas met and agreed to proceed with plans for vaccination of all horses in Texas and in the four surrounding states.

2. Vaccine is being processed on an emergency basis and enough will be on hand to vaccinate all the horses in Texas and the four adjacent states.

3. Our count this morning indicates that 202,000 horses have been vaccinated in Texas up to now.

4. Negotiations are underway this morning to write contracts with commercial spray applicators. Meantime, the Air Force is stepping up its spraying schedule.

We will keep you informed with new developments.

Sincerely,
CLIFFORD M. HARDIN,
Secretary.

USDA COMBATS HORSE SICKNESS

WASHINGTON, July 20.—Negotiations are underway to employ aircraft applicator companies to spray approximately 3.3 million acres in Texas and Louisiana for mosquitoes in the fight to control Venezuelan equine encephalomyelitis, the U.S. Department of Agriculture reported. An additional 3.3 million acres in Texas will be sprayed by the U.S. Air Force.

Contracts will be let by USDA's Agricultural Research Service to spray malathion insecticide in the following areas: 730,000 acres in Cameron and Calcasieu Parishes of Louisiana; 1,600,000 acres along the coast from Port Lavaca, Tex., to Brownsville—including the City of Corpus Christi; a second application on 1 million acres in the Rio Grande Valley, from Brownsville to Sullivan City, Tex.

In addition, in Texas, the Air Force will apply malathion on 2,400,000 acres in Fort Bend, Wharton, Jackson, and Matagorda Counties and dibrom insecticide on 900,000 acres in Chambers County and portions of Liberty County.

Also today, USDA placed a Federal quarantine on the States adjoining Texas: Louisiana, Arkansas, Oklahoma, and New Mexico. The regulation requires that horses intended to be moved outside those States must be individually identified and be accompanied by a health and vaccination certificate showing that the animals have been vaccinated at least 14 days previous to movement. Texas was placed under Federal quarantine July 13.

Other regulation changes issued today formalize the June 18 order restricting the importation of horses from countries of the Western Hemisphere, except Canada.

ARS officials reported that 202,000 horses have been vaccinated out of an estimated 1 million horses in Texas. As of today, 391,000 units of the vaccine had been sent to Texas to add to the 290,000 made available there. In addition 100,000 units each are being sent to Louisiana, Oklahoma and to Arkansas and 80,000 to New Mexico.

USDA has had no confirmation to date of the presence of the disease outside Texas. A network is being organized to retrieve information on the number of sick and dead animals. There are an esimated 1.5 million horses in the five States affected: about 1 million in Texas; 200,000 in Oklahoma; and 100,000 each in Louisiana, Arkansas, and New Mexico.

At a meeting of USDA officials and State Veterinarians in Dallas, Tex., Sunday, the State officials agreed to a required vaccination program for horses in their States.

PRESS CONFERENCE—VENEZUELAN EQUINE ENCEPHALOMYELITIS, SECRETARY OF AGRICULTURE CLIFFORD M. HARDIN

Officials of the United States Government will meet with officials of Mexico on Monday, July 19, at Brownsville, Texas, and across the border at Matamoros, Mexico.

This will be primarily a technical meeting to discuss mutual cooperation with respect to Venezuelan equine encephalomyelitis. The representatives of the United States Department of Agriculture at that meeting will be: Ned D. Bayley, Director, Science and Education; Francis J. Mulhern, Associate Administrator, Agricultural Research Service; Robert S. Sherman, Director, Animal Health Division, Agricultural Research Service.

There will also be representatives from Health, Education and Welfare and the Department of Defense.

Here in brief is what has happened up to now as we moved against this disease:

1. Early in March, the Department of Agriculture sent a scientist to Mexico to assist in diagnosis of suspected VEE infection in the Tampico, Mexico, area.

2. Representatives of the Department of Agriculture met on May 12, 1971, with Mexican officials regarding the outbreak in that country.

3. The Department of Agriculture placed two men in Mexico shortly thereafter to work full time with Mexican authorities on diagnosis, vaccination, and spraying programs.

4. The Department of Agriculture furnished Mexico 200,000 doses of vaccine, assisted in travel expenses for vaccination in Northern areas, added three additional veterinarians, and offered malathion for spraying.

5. The Department of Agriculture authorized the use of the experimental vaccine for horses in Texas, and vaccination started on June 28.

6. The Department of Agriculture started spraying for mosquito control in Texas on July 10 with the assistance of Department of Defense and Public Health Service.

7. On July 13 this Department quarantined the entire State of Texas so that horses could not move to other States unless they had been vaccinated 14 days before crossing the State line.

8. On July 16, I announced a national emergency and directed additional action be taken in this outbreak.

I would like to report to you now what the situation is in Texas as of our last report:

A. Approximately 4,000 herds of 152,000 horses have been vaccinated since June 28.

B. We have sent a total of 233,000 doses of the vaccine to Texas.

C. There are approximately 1,000 suspicious cases of the diseases in horses in Texas with approximately 800 deaths.

In view of the rapid spread of this disease, and the urgency of the situation, I am today announcing the following actions:

1. *The vaccine is released for use in Texas and in States adjoining Texas and will be delivered when States are prepared to use it.*

Additional distribution centers for the vaccine have been established in Texas. As soon as distribution and use have been organized in Louisiana, Arkansas, Oklahoma, and New Mexico, the vaccine willl be delivered there. The rapid spread of the disease necessitates the release of the vaccine to the States adjoining Texas in order to slow the spread of the disease and provide protection in advance of disease incidence. Since the vaccine is still experimental, waivers will be required of the horse owners.

2. *A commercial company has been contracted with to help process the vaccine. As a result, Sunday night, 450,000 additional doses, will be available for use in Texas. Department of Defense has released an additional 1 million doses to USDA for immediate use and will provide the seed material for another 1 million doses.*

The Government has contracted with a Philadelphia firm—The National Drug Company—to process the vaccine. This will make possible an additional 450,000 doses by tomorrow. This is in addition to the quantities being processed at our Beltsville, Md., laboratory. The processing involves the dilution of the material and preparation of lots suitable for field use. The Department of Defense has made available a total of 2.6 million doses of the vaccine.

3. *Vaccination will now be on a free basis.* A standard rate will be established for vaccination services provided by veterinary practitioners. These costs will be borne by the Government at no expense to the horse owner. Previously, no standard rate was established and the cost of vaccination was borne by the horse owner. The vaccine must be administered by a veterinarian.

4. *State veterinarians will meet with USDA officials in Dallas on Sunday, July 18, to establish procedures for a program of vaccination and vector control in Texas and adjoining States.*

The Department has contacted the state veterinarians of Texas, New Mexico, Oklahoma, Arkansas, and Louisiana, and invited them to meet with its animal health officials. The meeting, scheduled for 1:30 p.m., Sunday, July 18 at the Love Field Holiday Inn, will serve to develop procedures for coordinating the vaccination and mosquito control efforts throughout the region. We believe that this meeting will resolve the current problems of vaccine distribution to the States. Vaccination of horses will continue to be done on farms and ranches. Although it might expedite vaccination to set up centers, we believe the hazard of spreading the disease by moving horses to these centers is too great to take this step.

The meeting is a planning session and therefore will be closed to the press and public. However, the Department will be prepared to brief the press following the session.

5. *A special task group will review the situation in Texas to determine priority for spraying for vectors, with attention to the area from Brownsville north into Louisiana. Contracts will be let for commercial application of malathion in addition to application by the military.*

The Department is working closely with the U.S. Air Force and other agencies of DOD to establish a buffer zone against VEE by spraying mosquitoes in their principal breeding grounds northward from Brownsville, along the Gulf Coast to Cameron Parish, Louisiana. Although final plans have not been made, the area will extend for about 100 miles up the coast, and inland about 30 miles. Special attention will be given to rice-growing areas. The total acreage is in the neighborhood of about 4 million acres. The Air Force, which has carried out the emergency spraying of about a million acres along the Texas-Mexico border, will initiate work in this new spray area. At the same time, the Department is contacting commercial spray operators to put this control program into their hands as soon as possible. We expect to treat the area twice at 6-day intervals to interrupt the life cycle of the carrier mosquitoes. Spraying will begin next week.

6. *A regional headquarters is being established at Houston, Tex., to coordinate the program with the States, the U.S. Public Health Service, and the Department of Defense.*

The Department is establishing a regional emergency disease headquarters at the Field Inn North Motel, 11211 Highway 75, Houston, Tex., to coordinate the program with the States, the U.S. Public Health Service, and the Department of Defense. Dr. R. E. Omohundro, Association Director of the Animal Health Division, Agricultural Research Service, will be the USDA coordinator. He will have a staff of experts dealing in the fields related to vaccination and vector control. Operational sections will include investigations and inspection, vaccine application, mosquito abatement, and quarantine. In addition, animal health and extension service representatives from Texas, Oklahoma, New Mexico, Louisiana, and Arkansas will be invited to participate at the regional headquarters.

7. *U.S. officials will meet with Mexican officials on Monday.*

As I indicated earlier, officials of the United States will meet Monday with representatives of the Mexican Government to discuss the VEE situation. Dr. Ned Bayley, our Director of Science and Education, will head the USDA group, which will also include Dr. Frank Mulhern, Associate Admin. of the Agricultural Research Service, and Dr. Robert Sharman, Director, Animal Health Division, Agricultural Research Service. The Surgeon General's office, the Department of Defense, and the Department of State also will be represented. The meeting will include a review of the situation in both countries, and actions that can be taken of mutual benefit. One session will be held in Brownsville, Tex.—the other directly across the border in Matamoros, Mexico.

8. *Vaccine for other States will be made available when the disease is found at any place in an adjacent State or in the State itself.*

Vaccine for other States will be made available when the disease is found at any place in an adjacent State or in the State itself. The emergency staff will have the capability of establishing an extended vaccine distribution network of trained personnel to handle this contingency should the disease continue to spread.

9. *Intensive surveillance is requested in all States in order that detection and reporting of the disease may be carried out as rapidly as possible.*

Intensive surveillance is requested in all States in order that detection and reporting of the disease may be carried out as rapidly as possible. We will cooperate with the States to establish a surveillance and feedback system to trace down as soon as they may occur reports of sick horses resembling encephalomyelitis. Qualified animal disease diagnosticians will be made available to evaluate these reports so that prompt followup action can be taken.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 17, 1971.

Memorandum to: Commissioners, Secretaries and Directors, State Departments of Agriculture, Livestock Sanitary Board Heads, and State Veterinarians.

The attached statement prepared at the direction of Secretary Hardin on Saturday, July 17, is to notify you of actions being taken by USDA in its all out program of horse vaccination and vector control to retard the spread of Venezuelan Equine Encephalomyelitis.

State veterinarians from Texas, Louisiana, Oklahoma, Arkansas, and New Mexico will be attending the July 18 meeting in Dallas to discuss vaccinations and vector controls in their States.

We would like to stress the importance of intensive surveillance in all States in order that detection and reporting of the disease may be carried out as rapidly as possible.

We will do everything possible to keep you informed of any new developments.

EDWARD H. HANSEN,
Deputy Assistant to the Secretary Intergovernmental Affairs.

ACTIONS BEING TAKEN BY U.S. DEPARTMENT OF AGRICULTURE TO RETARD SPREAD OF VENEZUELAN EQUINE ENCEPHALOMYELITIS

Through use of emergency funds available to the Department, the following actions are underway in an all out program of horse vaccination and vector control to retard the spread of Venezuelan Equine Encephalomyelitis:

(1) The vaccine will be delivered for use in Texas and in States adjoining Texas and will be released when States are prepared to use it.

(2) Negotiations are underway with a commercial company to prepare vaccine, in addition to the supplies now available from the Department. By Sunday night, 450,000 additional doses will be available for use in Texas. Department of Defense has released an additional one million doses to USDA for immediate use and will provide the seed material for another one million doses.

(3) Vaccination will now be on a fee basis.

(4) State veterinarians will meet with USDA officials in Dallas, Texas on Sunday, July 18, to establish procedures for a program of vaccination and vector control in States adjoining Texas.

(5) A special task group will review the situation in Texas to determine priority for spraying for vectors, with attention to the area from Brownsville north into Louisiana. Contracts will be let for commercial application of malathion in addition to applications by the military.

(6) A regional headquarters is being established at Houston, Texas, to coordinate the program with the States, the U.S. Public Health Service and the Department of Defense.

(7) U.S. officials will meet with Mexican officials on Monday.

(8) Vaccine for other States will be released for use when the disease is found at any place in an adjacent State or in the State itself.

(9) Intensive surveillance is requested in all States in order that detection and reporting of the disease may be carried out as rapidly as possible.

THE NEW PALESTINIAN REFUGEES

Mr. **RIBICOFF**. Mr. President, I am certain that many observers of the Middle East scene have been struck by the irony of scores of Palestinian guerrillas crossing the Jordan to Israel not to wage war, but to find refuge from fellow Arabs.

Sworn to the destruction of Israel, these Palestinians have demonstrated by their deeds, rather than their usual inflamatory rhetoric, whose mercies they prefer.

Never a military threat to Israel, and confining their assaults to civilian targets, these forces posed a much greater danger to King Hussein's throne. Now, in the aftermath Jordan's all-out offensive against the remaining terrorist nests, more Palestinians, on both sides of the Jordan, will undoubtedly realize that their future well-being ultimately lies in seeking peace with Israel, rather than in perpetuation of the dream that Israel could be destroyed by the force of Arab arms.

Mr. President, no one should really be

surprised by this reversion to the instinct of self-preservation displayed by these Arab terrorists. Nor should anyone be surprised by the humane and correct treatment they can expect to receive from their Israeli captors. While Israeli prisoners of war in Egypt and Syria have been tortured, mutilated, and in some cases literally torn apart by Arab mobs, the far more numerous Arab POW's have been treated in a civilized manner. Despite their barbarous attacks on marketplaces, hospitals, and schoolbuses, not a single convicted Arab terrorist has been executed by Israel.

Some Senators will recall the Israeli convoys of food and medical supplies sent to aid the Arab victims of the crackdown on the Palestinians last year. It is also known that many Arabs living in Jordan regularly go to Israel for medical care.

Mr. President, Israel's enlightened occupation policies in the areas she has administered since the Six-Day War offer real hope for future peaceful coexistence in the Middle East. By her efforts to ease tensions, lessen animosities, and bring prosperity and peace to the Arab residents within her enlarged borders, Israel has quietly been sowing the seeds of a harvest of peace. The lack of armed Israeli troops on the streets of East Jerusalem, and the flow of produce trucks across the Jordan are doing more to bring peace to the Middle East than the sometimes frantic efforts and initiatives by our own diplomats. Their "powder keg" mentality has recently resulted in the application of both subtle and not too subtle pressures on Israel by the State Department to permit reopening of the Suez Canal on Soviet-Egyptian terms. I would hope that some of these diplomatic energies would be diverted into more productive channels. And the recent events in Jordan furnish an excellent opportunity.

Now that King Hussein has finally dealt with the Palestinian forces in his midst, it would be wise if some diplomatic pressure were exerted to encourage Jordan to reach a peaceful settlement with Israel. The United States, it should be remembered, is not only Israel's, but also Jordan's principal military supplier. In fact, while Israel has already paid, or is obligated to pay for all her arms purchases here, Jordan gets her jets, artillery, and tanks free.

Surely the State Department might consider applying a gentle nudge in the direction of peace to King Hussein. With the Arab world in a particular state of disarray, this could be an auspicious time for an Israeli-Jordanian settlement.

Mr. President, I ask unanimous consent that two news articles appearing in today's Washington Post and Mary McGrory's article in the Washington Star on July 12 on the peace prevailing in Jerusalem be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, July 20, 1971]

Jordan Says Guerrillas Routed

(By Yuval Elizur)

Jerusalem, July 19—Seventy-two weary, terrified Palestinian guerrillas have crossed the River Jordan into Israel in the past 48 hours and put themselves at the mercy of their nominal archenemies, the Israelis.

The mass surrender is unprecedented. There have been isolated cases of disgruntled or harried Arab gurrillas giving themselves up to their enemy in the past, but never in such numbers.

At first, Israeli officials played down the political and military significance of the mass flight. Israel was not anxious to appear as a factor in the internal Arab struggle or even to add to the anti-Hussein propaganda.

Today, however, as the struggle seemed in its final stages, the policy apparently changed. Newsmen were allowed to interview the commandos and the minister of defense, Gen. Moshe Dayan, himself joined the interrogators.

The Jerusalem Post commented:

"It must be one of the strangest compliments ever paid to a country nominally at war with its neighbor, and the target of a terrorist movement, that hardcore terrorists should seek sanctuary with the enemy rather than face their government at home."

Fifty-five Arabs had crossed the Jordan by yesterday. Seventeen more arrived on the Israeli West Bank this morning.

More may still be hiding in the matted underbrush of the East Bank of the Jordan and may still cross into Israeli-held territory if they are not detected first by the search parties of King Hussein's Arab legion.

They came in groups of three and four along a six mile stretch of the northern Jordan valley looking for the Israeli patrols.

Some carried their personal firearms and hand grenades. The first to cross, on Saturday, still maintained a semblance of a retreating fighting unit. Those who came yesterday and today resembled refugees from a major disaster.

They were tired and hungry. Some were using their white undershirts as makeshift white flags to denote their surrender. Some were shouting for help as they waded through the shallow waters of the Jordan River.

Each of the commandos who surrendered had his story of woe and despair, telling his Israeli captors the events of the last 10 days, ever since the Jordanian army started storming the stronghold of the guerrillas in the Jerash-Ajlun area in northern Jordan.

A film shown on Israeli television gave some hint of the drama that took place in the villages and fields on the East Bank of the Jordan.

Photographed through a telescopic lens, it showed Jordanian army patrols interrogating villagers in the fields, presumably asking them the whereabouts of the fugitive commandos. Another film showed men being hauled away into a truck and beaten.

Speaking in the Israeli parliament, Foreign Minister Abba Eban said today it was ironic that a U.N. committee should be gathering evidence on alleged Israeli atrocities against the Arabs in the occupied territories while Arab fighters flee to the Israelis to escape the wrath of their own brethren.

NEWS SERVICES REPORTED

Three Arab guerrillas who surrendered told Defense Minister Moshe Dayan they would be willing to join the Israeli Army, an Israeli newspaper, Yediot Aharonot, reported.

The paper said that when Dayan asked them, "What do you want to do here in Israel?" the men replied, "We shall do anything, Mr. Minister. If you want, we shall become soldiers in the Israel Army."

Acording to one captured guerrilla, hundreds of his comrades were making their way toward the Jordan River.

Another, Mohammed Abu Abed, 19, said "Five days ago, in Ajlun, they told us the Jordanian legion was bringing tanks and artillery. We didn't think it was to be used against us. That day they opened very heavy fire on us . . . Whoever could run, ran."

[From the Washington Post, July 20, 1971]

2,300 Held, Bases Shut

Amman, Jordan.—Prime Minister Wasfi Tell today said there were no longer any Palestinian commando bases in Jordan and that 2,300 guerrillas have been rounded up and taken to an army camp northeast of the capital.

The premier told a news conference that only some 200 of the 2,500 commandos based in Jordan were still at large "but we shall find most of them".

He said the government would screen the commandos and release the "true guerrilla who works for liberation" while imprisoning or expelling those wanted by the authorities or those who "call for destroying the Jordanian regime."

Tell's comments came after a week of bitter fighting between King Hussein's army and the commandos.

Jordan last night renounced Cairo and Amman agreements with the commandos and the army kept up its drive to expel the guerrillas.

Iraq retaliated by closing its border and air space to Jordan and in Cairo, the authoritative Al Ahram newspaper urged other countries to pressure Jordan "to stop current massacres . . . which aim at liquidating the Palestine revolution." There was no reaction from the Egyptian government.

Tell told reporters: "Henceforth, we shall not allow anyone not believing in liberation first to operate as a guerrilla in this country, and we shall not condone the presence of groups with ideological tendencies."

A Jordanian government spokesman announced in Amman last night that the Jordanian government would no longer tolerate the presence of Marxist guerrilla organizations in Jordan.

The Popular Front for the Liberation of Palestine and the popular Democratic Front for the Liberation of Palestine were banned, he said.

"These Marxist ideologists . . . say openly that liberation of Palestine should be preceded by liberation of the East Bank of Jordan," the spokesman said.

Tell accused the guerrillas of attacking army convoys and citizens in the Jerash and Ajlun areas of northern Jordan for the past month.

"Our casualties in the 20 days before the recent battles totalled 16 dead and 19 wounded among the military and nearly 20 dead and over 50 wounded among the civilians," he added.

Asked to comment on the Iraqi government's decision to close its border with Jordan and request the recall of the Jordanian ambassador, Tell said that so far he had only seen news reports of this.

"I believe that our brethren in Baghdad have replied on lies and pressures originating with Abu Amman (the cover name of commando leader Yasser Arafat. I am sure that once they get hold of the facts things will return to normal," he said.

Meanwhile, remnants of the commando units straggled across the River Jordan to surrender to waiting Israeli troops.

One captured commando spoke of hundreds fleeing toward the river and heaps of bodies on the battlefield after an army offensive with tanks, artillery and armored cars.

[In the past 48 hours, 72 guerrillas have surrendered to Israeli troops after wading across the shallow Jordan River and more are said to be preparing to cross, according to sources in Israel. The sources said no decision has yet been made on the final status that Israel would accord the fugitives.]

The executive committee of the Palestine Liberation Organization said Jordanian troops had executed and buried alive wounded men with "inconceivable hatred and cruelty."

The committee appealed to the Arab nation and to the world to denounce "this barbaric action by the Jordanian authorities, which severed all links with our nation . . ."

[Officials in Amman professed to be unworried by other Arab reaction, AP reported. Sudan denounced Jordan's campaign against the guerrillas. A Cairo newspaper accused Hussein of being "an obedient tool" for Israel.]

[From the Washington Star, July 12, 1971]

EMBATTLED JERUSALEM SAFER THAN DISTRICT

(By Mary McGrory)

The traveler coming back from Jerusalem can't be expected to hold the floor for any length of time in Washington.

The initial interest is there: Imperiled, occupied city, menaced nation, ancient hatreds, smoldering feuds, terror, violence. People are willing to listen.

Actually, no.

As a matter of fact there was more action in my block of Connecticut Avenue the week before I left than there has been in Jerusalem for the last year. My bank had been knocked over for the fourth time; the nice old gentleman in the jewelry store on the corner died in an ambulance on the way to the hospital after an early evening holdup during which he had been bound and gagged. He was a refugee from Communist oppression in Hungary.

AN ALL-ARAB WORLD

I try to tell about walking through the Damascus Gate (built by Suleiman the Magnificent in the 16th century) and into the all-Arab world of the bazaar: robed figures, white headdresses, veiled women, surging past carcasses of lamb, caftans, old keys, diamonds, chickens, postcards and religious medals.

"Israeli soldiers all over the place, I suppose?" they ask.

Actually, no.

The only men in uniform visible on the covered streets are Arab policemen.

"Lots of war damage still?" they want to know.

Actually, no.

TOURISTS BOILING IN

The Jewish quarters (yes, there is one in Jerusalem) got pretty battered during the shelling of 1967, but it doesn't look much worse than upper 14th street and reconstruction is going on in Jerusalem. One of the biggest debates in Jerusalem is over the proper style of architecture for the site.

"I suppose the tourist trade has fallen off," they say barely listening now. "War, fear, uncertainty, and all."

Actually, no. Thousands and thousands of students come boiling in from all over the world, supplementing the flood of pilgrims to the homeland. Every El-Al flight is jammed and their precautions, with bodies and baggage, certainly bespeak peril. The El-Al frisk is the ultimate.

BE SURE TO SAY HELLO

The passengers are agog, mad to learn Hebrew, work on a kibbutz, help build a new nation. The kibbutzim couldn't handle the tide this summer, so hundreds of young Americans toil in the temple digs in the shadow of the Wailing Wall, laboriously sifting the dirt trundled to them by Arab workers. They are filthy, sunburned, happy. They feel wanted and needed.

At my hotel, which is run by an English family born in Jordan, the staff is Arab. Our days and nights were punctuated by the five calls to prayer from the nearby minaret. One learns not to say "shalom." "Mahabath," is in order. Hello is safest.

Under the lemon trees in the garden, the foreign correspondents talk the night away, raising their voices over the pre-recorded benediction which comes from the minaret at 3 a.m. The "crisis," recorded in headlines from Cairo and the Knesset, and visiting U.S. senators, get little attention. An example of Israeli intransigence is cited: The telephone bills to Arab households are written in Hebrew, which the Arabs cannot read. They do not pay, the service is cut off. It seems a minor grievance.

LETTER FROM WASHINGTON

All is not perfect, one is told. Robbery is on the rise. "But they just take the car radio or whatever," explains a pretty red-haired housewife, recently resettled from Brooklyn. "They don't hurt you."

A letter comes from Washington: A young woman has been raped and strangled in an alley near The Star; two coeds have been raped on Capitol Hill; a father and son are shot dead in a traffic argument across the river in Virginia.

My friend thinks he should carry a gun when he walks the dog. It sounds like a capital menaced, divided, occupied, crumbling.

LIFE GOES ON

A young Israeli in the Information Ministry explains, with some pride, why Jerusalem is peaceful. Tactfully, he says, "Our countryside is more troubled, while your cities are."

One reason is that the energetic mayor, Teddy Kollek, is determined to make Jerusalem a showcase of Arab-Israeli cooperation. Another is that the Arabs, in spite of what Sadat says, are finding existence under Israeli occupation rather better than it was before. They get free medical care. There is talk of restitution for Arab land taken in the 1948 war. Not much, but it could be the beginning of an excuse to stop hating.

"It is a case," he says, "of daily living superseding political rhetoric. Life goes on here."

So shalom.

BRIGHAM YOUNG UNIVERSITY FOLK DANCERS SHINE IN EUROPE

Mr. BENNETT. Mr. President, at a time when our country is receiving much criticism because of the activities of some of our young people, it is refreshing to hear of accounts where the youth of our Nation are representing the United States in a manner to make us proud.

Recently the "American Folk Dancers" from Brigham Young University returned from a successful 9-week Defense Department tour of 11 European countries where they appeared before 50,000 people in live audience performances and reached 45 million viewers through European television.

I received a copy of a letter from Mr. John Kinnear, director of Brigham Young University programs, who accompanied the group, telling of the response of the people of Europe to this fine folk-dancing group. He also enclosed a copy of an editorial which appeared in a Wyoming newspaper applauding the group. Mr. President, I ask unanimous consent that the letter and editorial be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

July 9, 1971.

Mr. Mark B. Lewis,
Director, Office of Cultural Presentations, Department of State, Washington, D.C.

Dear Mr. Lewis: I have just returned to my office after over ten hectic weeks abroad. You will remember that I accompanied our "American Folk Dancers" on a nine week tour. I also joined the Brigham Young University Ballroom Dance Team at their Royal Albert Hall performance in London, May 28.

I am taking the liberty of enclosing a report on the Brigham Young University American Folk Dancers European tour, March 31–June 4. We estimate that we reached a total of 45,000,000 viewers during our three national television performances in Spain, France, and Norway. While in Paris, the American Folk Dancers appeared at Parley II (the second largest theater in that city), with John William the very popular spiritual /folk Negro performer from the Ivory Coast. The television show, also done in conjunction with Mr. William, was filmed at the French star's very lovely suburban Paris home. This program will be shown to all the French speaking people in the world including those French speaking countries of Africa.

In addition to the television performances, we estimate that we reached over 50,000 people in live audience performances. One of the highlights of the entire tour were the last two performances in Ljubljana, Yugoslavia where 8,000 people watched the shows. There was a tremendous rapport between our American students and the Yugoslavian students present. At a party following the performances, the American and Yugoslavian students had a tremendous interchange that I believe was one of the finest experiences of the tour. It might interest you to know that they were touted everywhere as one of the finest representations of America that people had ever seen. Mayor Moshe Flimann of Haifa, Israel, asked, "Are these American students? They are not like the American students I have seen around Haifa!" An American student we met at the Hebrew University in Jerusalem was so thrilled to see his country represented by our young, clean-cut people, that he couldn't contain himself. He is one of 800 Americans studying there, and, apparently, he felt he could not freely admit he was American because of the poor impression some of the U.S. students were making on the Israelis. After seeing the "Ready Europe Here They Come" article in the current issue of *Life*, (July 9, 1971) I can see why our students made such an impact and represented the majority of college-age Americans in such a positive way.

We had official receptions and presentations for the Minister of Tourism and Information, Madrid, Spain; the Mayor and City Council, Toledo, Spain; the Mayor and City Council, Pireaus, Greece; the Mayor and City Council, Haifa, Israel; the Folk Dance leaders, Tel Aviv, Israel; the Town Director, Valkeakosk, Finland; the Mayor and City Council, Izegem, Belgium.

The students performed at three Kibbutzims in Israel—the Kibbutz Ein-Gev, Kibbutz Ajelet-Hashachar, and Kibbutz Yagur. We were received with exceptional warmth and enthusiasm all through Israel.

In Yugoslavia, we had performances in Belgrade, Skopje, Kragujevac, Tuzla in Ljubljana. In Finland we had performances in Valkeakoski, Lahti, Yvaskkyla, Turku, and Helsinki. In the latter country we played to almost capacity houses each night.

In addition to the success of the American Folk Dancers tour, our Brigham Young University Ballroom Team won the British Open Amateur Modern Ballroom Championships in Blackpool, England, May 18. This was the first time an American team had competed abroad and that the United States was represented at these championships. Our winning team earned a ten minute standing ovation. Later, May 28, at the World's Amateur Modern Ballroom Championships in the Royal Albert Hall in London, 8,000 spectators watched our American team win a challenge match against the BBC formation trophy winners from Penge. This performance was televised by BBC–TV and reached 15,000,000 people in Britain. The Ballroom Dancers then went on to give an exhibition at the World's Amateur Latin Ballroom Championship at the famous *Deutschlandhalle* in Berlin. The master of ceremonies there announced them as being "probably, the finest formation team ever seen in Germany."

Our Program Bureau "Young Ambassadors" have just returned from a nine-week Defense Department tour of military bases in Germany. This was extremely successful. Also, our Program Bureau "Sounds of Freedom" singing group returned just a week ago from a four-week Defense Department tour in the Caribbean. They are already, tentatively, being given invitations to return to the Caribbean during the Christmas vacations.

I think that the finest summation of the success of all of these tours is found in an editorial from Cheyenne, Wyoming, "Putting Their Best Feet Forward" (attached). I think this sums up the situation rather distinctly.

Once again, thank you for your kindness. I hope this report will be both interesting and informative.

Sincerely,

JOHN G. KINNEAR,
Director, Office of University Programs.

PUTTING THEIR BEST FEET FORWARD

Last week, Brigham Young University, one of the member schools in the Western Athletic Conference, brought one of its touring dance troupes here for an hour and a half show at Storey Gym.

Approximately 1,000 persons witnessed this spectacle. Then a couple of days ago we ran a picture and story in this newspaper about two young men from our state who are members of another BYU dance team that currently is touring 10 countries in Europe. This dance team also was mentioned by the master of ceremonies at the event here last week.

While our state university competes with BYU in athletics, in which we win some and lose some, the really remarkable thing about the school at Provo are these touring exhibition dance troupes.

Apparently everyday in the year, one of a large number of these dance troupes from BYU is on tour some place in the world, chiefly in North America or in Europe, sometimes several of them at a time. Great emphasis have been placed on athletics in colleges and universities of this country, but nowhere have we seen a school that employed exhibition dancers as has Brigham Young University for putting its best foot forward.

This unique and unusual project combines both cultural as well as obvious public relations features; entertainment and enlightenment, a stirring of the soul and of the pulse. The nearest thing to it we have seen is the El Ballet Folklorico Nacional de Mexico from the University of Mexico which came here on tour last year, and which drew lavish praise and attention at the time.

Brigham Young University's dance presentations are somewhat different, being more extensive and divided into more numerous troupes; and also offer a greater variety of national folk dances. But both are excellent.

And both were, in their appearances here, highly inspirational from the standpoint of young people doing something most impressive.

We call attention to this because it is to be hoped that both, and BYU in particular since it is closest, can send these rather remarkable ambassadors of culture and education back to our community at some date in the near future. We also note the BYU troupe's appearance because it is a project that is worthy of emulation in other educational quarters of this country. For if people can be inspired to dance and sing, or do so for others, the world may be a lot better off than it currently is with its frowns, worry lines and grimaces.

THE FINANCIAL SQUEEZE OF HEALTH CARE

Mr. KENNEDY. Mr. President, during the field hearings which our Health Subcommittee has been conducting around the country, many people have come forward to tell of their tragic experiences with health care services in America. Personal experiences of the health care system ranged from tragic neglect to the best possible care—sometimes with bills attached in the amounts of tens of thousands of dollars.

A three-part series this week in the Washington Post, by Mr. Stuart Auerbach, discusses the financial costs of health care for American citizens. The first article discusses the cases of three individuals who discovered their insurance was inadequate to pay for their hospital bills. Mr. Auerbach then compares five of the proposed health plans and the coverage these plans would provide.

The second article in the series explains how "prepaid group practice" works—one payment for comprehensive health care. This type of medical service is possible because members of the group average less time in the hospital and receive better preventive medicine.

The third article focuses on "Ameriplan," the American Hospital Association's plan to reform health care in the country. "Ameriplan" concentrates on improving the medical services available in rural areas by tying smaller hospitals into the technology being developed in large research hospitals and initiating new programs of preventive medicine.

I believe that Mr. Auerbach's articles provide valuable information needed for reforming our present health care system. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE FIGHT TO HEAL THE HEALTH INDUSTRY

(By Stuart Auerbach)

THE MAJOR BILLS

Here are the provisions of the major health care reform bills currently before Congress:

The Nixon administration plan would require private health insurance coverage for all workers and their families which meet federal minimum standards. In addition, low income families would be covered by a federal insurance program that is not as complete as the requirements for private coverage. It would encourage prepaid group practice as a way to reform the system.

The administration estimates that the employer-employee insurance would cost $7 billion more than present expenditures. The family program for the poor would cost $3 billion, with about $1.8 billion saved because of the discontinuation of Medicaid.

Sen. Edward M. Kennedy's health security bill would establish a government-run national health insurance program that would provide virtually complete medical care for all U.S. residents. It would be financed by taxes on employees, and employers and general revenues. Money would go first to prepaid group practice plans and the plan would emphasize strict quality controls.

Kennedy estimates it will cost $57 billion, the administration says it will cost $77 billion. Kennedy says most of the money is already being spent by Americans for inefficient and ineffective health care.

The American Medical Association's Medicredit would give tax credits for the purchase of health insurance and the federal government would buy the insurance for the poor. Included is coverage for catastrophic illness. Its cost is estimated at $14.5 billion.

Sen. Russell B. Long's catastrophic health insurance program would supplement private coverage. Benefits would begin after 60 days hospitalization or $2,000 in doctors' bills. It would be paid for by the federal government, and its cost is estimated at $2.5 billion.

The health insurance industry's national health care bill would provide federal aid for state insurance programs for the poor and high risk cases and set federal minimum standards for health policies. It would cost an estimated $2.4 billion.

Lyle Mattox, a Chicago carpenter, spent his life savings paying 15 days of hospital care. His medical expenses forced him on the welfare rolls.

James Rieger, who works in a clothing manufacturing plant, owed a Cleveland hospital close to $20,000 after his wife almost died while giving birth. His health insurance covered only $350 of the bill, and he had to declare bankruptcy.

Leonard Kunken, who sells health insurance, found his company's best policy paid no more than $40,000 of medical expenses for his son Ken, who broke his neck and severed his spinal cord while playing football. Kunken estimates his yearly medical bill will be about $100,000.

These are true examples illustrating one part of the nation's health crisis—the inability of both rich and poor to pay for their medical care.

More than a dozen bills have been introduced in Congress in attempts to solve all or part of the health problem. But no more than five of them have any chance of gaining serious consideration.

The bills differ widely in their cost and their effect on American medicine. The American Medical Association's Medicredit, for example, merely sets up a way to finance health care without attempting to reform the way medicine is practiced.

The cradle-to-grave national health insurance system supported by organized labor, on the other hand, would radically change medical practice in the country by emphasizing prepaid group practice. The government would pay virtually all medical bills.

While pushing some reforms—notably encouraging prepaid plans (called health maintenance organization)—the administration bill is mainly aimed at making it easier for Americans to pay for health care.

Plans that appear most likely to pass provide some form of federal financing for "catastrophic" illness—the extreme sickness, like Ken Kunken's, that no private insurance policies cover.

Two key members of Congress—Sen. Russell B. Long (D-La.), chairman of the Senate Finance Committee, and Rep. Wilbur Mills (D-Ark), chairman of the House Ways and Means Committee support this plan. It is also part of the AMA and the administration bills.

But paying for health care is only part of the problem.

The health crisis, most experts agree, includes a shortage of doctors and other medical personnel their concentration in business sections of cities and the suburb; their absence from urban slums and rural areas; no assurance of quality medical care; a higher rate of disease and death in the U.S. than other industrialized western countries; a fragmented non-system of health care, and spiraling costs that have increased 50 per cent since 1960 to a 31 per cent rise in the cost-of-living index.

Up to now, federal programs have just added to the inflationary pressures by pouring more money into medical care without attempting to make the nation's $70 billion-a-year health industry more efficient.

Both the administration bill and the cradle-to-grave national health insurance plan, sponsored by Sen. Edward M. Kennedy (D-Mass.) and Rep. Martha W. Griffiths (D-Mich), attempt more than the others to tackle some of these other problems.

But the thing that affects Americans most directly is the high cost of medical care.

Rich and poor alike become financially strapped by hospital charges that average about $150 a day here and doctor bills that have risen at twice the rate of the already inflated consumer price index.

In an effort to drum up wide support for his national health insurance bill, Kennedy took his Senate health subcommittee across the country, listening to complaints from people who either couldn't get medical care or who couldn't afford the care they got.

The hearings developed testimony from people such as Mattox, Rieger and Kunken—middle and upper middle class Americans driven to the wall by high medical costs.

Rieger, for example, had health insurance through the Cleveland clothing manufacturer where he worked. But it only covered $350 in maternity benefits. (Hospital and doctors' bills for a normal birth average more than $900.)

Mrs. Rieger's birth was far from normal. Her heart stopped during delivery, then she caught pneumonia and her lungs collapsed. She spent two months in the intensive care unit of Cleveland Metropolitan General Hospital, a city operated facility. The baby, two months premature, also spent two months in the infant intensive care unit. The total bill was $20,000.

"All my insurance paid was $350," Rieger told the subcommittee. "Times were hard enough as it was. There was nothing else I could do but go into bankruptcy."

The hospital, he says, wanted him to borrow the money from a finance company. He said he'd try to pay part of the bill from his $120 a week take-home pay "because they saved my wife's life and my baby's life."

Mattox, 52, couldn't get medical insurance because of his history of high blood pressure. While in the emergency room at St. Elizabeth's Hospital in Chicago because he didn't feel well, Mattox suffered a coronary occlusion—a blockage of the blood vessels leading to the heart.

He was hospitalized for 15 days at a cost of $1,500 plus $150 in doctors bills.

"My wife withdrew all of our savings (12 years worth while raising two children) and paid those two bills," he said.

Now he is on welfare and the state-federal Medicaid program is paying his medical bills.

He is trying to start work again. But if he gets sick again, Mattox will have to go back on welfare.

Kunken is a special case—a man who never thought a medical tragedy would floor him. A moderately well-to-do insurance salesman, he lives in Oceanside, L.I., a suburb of New York. He bought his company's major medical insurance policy for his family—the best one offered.

But when his 20 year old son Ken, a junior at Cornell University's engineering school broke his neck playing 150-pound football, the policy benefits melted away under medical bills that ran $6,500 a month.

Ken is undergoing rehabilitation treatment in New York; even though he can't move any muscles below his neck, his mind remains sharp and keen.

How would the leading health reform programs proposed in Congress help James Rieger, Lyle Mattox and Leonard Kunken?

Proponents of the five plans most likely of passage were asked how their bills would help those specific cases. They supplied the answers to The Washington Post.

The major plans are the cradle-to-grave health insurance bill, the American Medical Association's Medicredit, the administration's bill, the health care act proposed by the insurance industry and Sen. Long's catastrophic insurance bill.

Here is how they would work in the case of James Rieger:

The administration bill would have paid at least $17,200 of his $20,000 medical bill. His employer would have had to pay as much as 75 per cent of his health insurance coverage, which would offer more complete maternity benefits.

The catastrophic bill would not have covered the Rieger case because mother and infant were not hospitalized long enough.

The Kennedy-Griffiths bill would cover 100 per cent of all costs.

Medicredit would cover the total costs except for $50 deductible on the hospital bill. These costs would be deducted from the Rieger family income tax payments.

The Health Care Act would cover $19,000 of the bill, leaving Rieger to pay $1,000. This would be under the group coverage supplied by the clothing manufacturer which would have to meet new minimum standards.

Here's how the plans would work in the case of Lyle Mattox:

The administration bill would cover at least $1,087.50 of his bill if, as a self-employed person, he had bought health insurance coverage that would be available to him.

Catastrophic bill would not have covered him because his hospitalization was too short. The Long bill requires hospitalization of at least 60 days or a doctors' bill of more than $2,000.

The Kennedy-Griffiths bill would cover all costs.

Medicredit would give deductions on the amount of income tax owed for all but $250 of the bill.

The Health Care Act would have covered all but $110 of Mattox's bill. He would have been eligible for a special pool coverage.

Here's how the plans would work in the case of Ken Kunken:

The administration bill would pay $50,000 of the first year's expenses and at least $2,000 a year after that.

The catastrophic bill would cover all expenses after $2,000.

The Kennedy-Griffiths bill would cover all costs.

Medicredit would provide tax deductions for all but $250 of the expenses of the first 60 days of hospitalization. Beyond that, the family would have to pay $4,625 of the estimated expenses.

The Health Care Act would not require insurance plans to include coverage for an unmarried son over age 18, but some plans may include him. If so, he would receive full coverage except for $1,000.

It seems obvious that some health care reform measures will pass Congress before the 1972 election.

Those people, like Kennedy, who feel the system needs a total overhaul are hoping the reform will go beyond mere tinkering with the financing of doctor bills.

But, looking at past history it appears unlikely that major revisions will be made. A 1932 government report, reprinted by HEW last year, concluded:

"The problem of providing satisfactory medical service to all the people of the United States at costs which they can meet is a pressing one.

"At the present time, many persons do not receive service which is adequate either in quantity or quality, and the costs of service are inequitably distributed. The result is a tremendous amount of preventable physical pain and mental anguish, needless deaths, economic inefficiency and social waste.

"Furthermore, the conditions are largely unnecessary. The United States has the economic resources, the organizing ability and the technical experience to solve this program."

The same lines could be written now, almost 40 years later.

PREPAID HEALTH CARE COMES INTO ITS OWN

(By Stuart Auerbach)

Betty had a slight summer cold. Nothing special, just the normal childhood sniffles with a minor sore throat.

Many parents wouldn't bother bringing Betty to a doctor. But her father didn't hesitate. He took her to the Group Health Association here for a checkup. The visit didn't cost him anything: GHA is a pre-paid group practice plan, and he pays by the year whether he goes to the doctor or not.

This idea is currently the darling of people trying to reform medical practice in the country. Even the Nixon administration, under the less controversial name of Health Maintenance Organization, has made it a cornerstone of its health reform effort.

HMO's, or pre-paid group practice plans, are supposed to provide better health care—with an emphasis on preventive medicine—at a lower cost.

This is true, its proponents say, even when parents bring in patients such as Betty for minor ailments. Actually, the doctor was glad to see Betty. The checkup didn't take long and it gave him a chance to catch any possible major illness early, when it is easier to treat.

In Betty's case, the doctor noted that she wheezed when she coughed, indicating that she may be developing allergies.

That was duly placed on her medical record. If the wheezing persists, doctors will begin treating her for allergies.

In 1970, GHA doctors saw patients about a half-million times. But the 75,000 members only spent a total of 43,500 days in the hospital.

This is about half the rate of hospitalization of a similar group of patients here treated by private doctors under the traditional fee-for-serve form of medicine.

The same trend has emerged among members of the Kaiser-Permanente health plan, which serves about 2.1 million people in Hawaii, California, Oregon, Colorado, Washington and Ohio. Kaiser patients have far lower hospitalization rates than patients covered by standard health insurance policies.

This is a key factor in keeping medical costs down. At rates that can go as high as $150 a day here, hospitals are far more expensive than out-patient treatment.

This is borne out by studies of another pre-paid plan, the Group Health Cooperative of Puget Sound, Wash., where Dr. Frank Newman reported that the average member of his plan paid $143 a year for medical care compared to a national average of $226.

"We like to believe that the reason for this lower hospital experience is our preventive medicine program," says Frank C. Watters, GHA's executive director.

This includes diabetes, cancer and glaucoma screening tests for adults and a strong immunization program for children. Members get periodic physical examinations.

"We do GI (Gastro-Intestinal) series here," says Watters. "A solo practitioner would put someone in the hospital for a GI series."

It's not always the doctors' fault for the needless hospitalization of patients. Most private health insurance policies cover tests done while a patient is in a hospital, but fail to cover the same tests done in a doctor's office at a fraction of the cost.

For years, the words "prepaid group practice" couldn't be spoken in polite medical circles.

GHA, fighting both the American Medical Association and the District of Columbia's insurance commissioner, had to go to the U.S. Supreme Court before it won the full right to operate 34 years ago. Even now, its doctors sometimes have problems getting licensed in Virginia—a medically conservative state.

But for the most part things have changed. Prepaid group practice is the common thread in most of the proposals before Congress to reform the nation's ailing health care system.

The Nixon administration, which first adopted the idea under the name of Health Maintenance Organizations to cut the costs of medicaid and medicare, now consider HMOs the key force in its effort to remold American medical practice.

The cradle-to-grave national health insurance bill sponsored by Sen. Edward M. Kennedy (D-Mass.) and Rep. Martha W. Griffiths (D-Mich.) also looks toward prepaid groups as the main way to bring better medical care at a lower cost.

The American Hospital Association's Ameriplan, not yet introduced in Congress, focuses on a hospital-based health care system that can easily be converted to prepaid groups.

And while the AMA isn't in love with the concept, it doesn't oppose the idea, either. Its House of Delegates urged the government last month to go slow before spending large sums to start HMOs across the country.

The sudden interest in pre-paid groups developed as a means to control the spiraling costs of medical care—increasing at a rate 20 per cent higher than the national cost-of-living index.

Besides decreasing the rate of hospitalization, experts say the pre-paid group practice uses the doctor's time more efficiently by giving him para-medical assistants, and makes it easier for a patient to get comprehensive care because a number of specialists are working together.

The solo practice of medicine, President Nixon said in his special health message in February, gives doctors "no economic incentive . . . to concentrate on keeping people healthy.

"A fixed price contract for comprehensive care reverses this illogical incentive. Under this arrangement (HMOs), income grows not with the number of days a patient is sick but with the number of days he is well."

It may save money, but does pre-paid group practice actually mean better medical care for its members?

Two days spent visiting GHA's main clinic at 2121 Pennsylvania Ave. NW indicated a real concern by doctors for the health of their patients. Care was swift, but not rushed. Examinations appeared complete, in many instances more complete than most doctors give.

For instance, Dr. Philip C. Brunschuyler took a smear of pus and sent it to the laboratory for tests when he treated a little boy with an infected thumb. He also took a smear when treating a girl with a sore throat.

A little girl who complained one Friday of a burning sensation when urinating had a urine specimen taken the next day to make sure she didn't have a kidney infection. On the next Monday, she was to told to return for another test.

The doctors seemed to know their patients, despite claims by detractors that pre-paid group practice breeds impersonal medicine. Indeed, many patients have their own doctors within the group whom they see regularly, except for emergencies.

"We encourage patients to have their own doctor," Brunschuyler says.

GHA also places a heavy reliance on nurses. They give injections, dress the wounds, prepare the patients for examinations and screen all telephone calls.

"This frees the doctor to practice medicine," says Dorothy Fowler, GHA's chief nurse.

The GHA staff also includes two social workers and a dietician to help members with special problems.

GHA, however, lacks one component that many experts feel is necessary for a true HMO: its own hospital that would give it more complete control over costs.

Instead of building its own hospital, GHA decided at the beginning to give its members the extra measure of quality care provided by the university hospitals in the city.

But now, with medical costs rising so fast, GHA is considering starting its own 125-bed hospital for less serious cases, thereby saving as much as 25 per cent of its $6 million yearly hospital bill.

This means that GHA is growing. But Watters wants to make sure it doesn't grow so fast that it can't provide quality care for its members.

He also worries that the new popularity of prepaid groups—or HMOs—will mean that too many are started too fast without proper planning. This, he says, could give the entire concept a bad name.

The Nixon administration, though, thinks America should press forward on HMOs.

It would like to see a network of 1,700 HMOs spread across the country caring for 40 million Americans by 1976. By 1980, the administration says, there should be enough HMOs to cover 90 per cent of the population.

To accomplish this, the administration has asked Congress to appropriate $45 million to be used in fiscal 1972 to start HMOs in urban slums and rural areas that need better health facilities.

In addition, the President asked Congress to approve a guaranteed loan program to help private organizations set up HMOs in slums. The loan funds would grow from $300 million next year to a total of $4.2 billion by 1976.

Furthermore, James Cavanaugh, a former HEW health official now working in the White House, wants to use the $15 billion that the federal government spends on Medicare and Medicaid to promote HMOs.

Watters fears this sudden burst of enthusiasm may sink pre-paid group practice if it is not accompanied by intelligent planning.

"I'm afraid," he says, "that with all the current emphasis on HMOs physicians, consumers and others may have gained the impression that all they have to do is gather a group of doctors together, decide to form a pre-paid group, apply for funds from HEW and start the program."

Not so, he says.

A pre-paid group requires strong leadership; a base membership of at least 5,000 that can grow to 30,000 in three years; interested doctors and other medical personnel, and money.

Nevertheless, says Watters, "Pre-paid group practice is the most promising answer on the scene today to solve in part some of the problems we have in the health care delivery system."

CITY-COUNTRY HOSPITAL CONFEDERATION AIDS RURAL CARE

(By Stuart Auerbach)

PHOENIX, ARIZ.—On a Thursday morning this spring, Mrs. Alvin Reidhead gave birth to premature triplets in the small hospital at Holbrook, 200 miles from here.

As births of premature triplets go, the delivery was routine. But the infants were all high-risk babies—weighing less than the 5½ pounds the doctors feel is necessary for survival.

All three Reidhead triplets—Vikki, Nikki and Ricki—survived, thanks to a unique hospital network that provided them with the newest, most sophisticated care available anywhere.

They were born in the 25-bed Holbrook Hospital under the care of Dr. Robert Joseph Haley Jr., an old-time general practitioner who has helped deliver three sets of triplets in his lifetime.

But he had a backup in this case that went far beyond what is available to most GPs practicing in remote, small-town hospitals.

For Holbrook Hospital is part of Samaritan Health Service, a confederation of nine Arizona hospitals stretching from the booming suburbs of Phoenix to the rim of the Grand Canyon, 250 miles from here.

Good Samaritan Hospital in downtown Phoenix, a leading medical center, is the focus of this two-year-old experiment to find new ways of providing medical care to both rural and urban residents of one of the nation's fastest-growing states.

The experiment is being watched with growing interest by hospital officials and health planners across the country who see it as a way to insure that the hospital remains the center of health care delivery.

It is the prototype of Ameriplan, the American Hospital Association's program to reform health care in the country.

Under Ameriplan, hospitals would change from institutions that only care for people who arrive at their doors to ones that reach out into the community to find the sick and that run programs of preventive medicine.

They would emphasize out-patient care as well as in-hospital treatment. And they could be easily converted to the prepaid group practice-health maintenance organization concept that is so popular with health reformers.

"It's a direction in which the voluntary hospital and private medical systems can go to save themselves," says Stephen M. Morris, president of Samaritan Health Service. He is also president-elect of the AHA and an architect of Ameriplan.

"I think if we continue to go the way we are now," he adds, "we're going to lose the whole ballgame. The public is simply not satisfied with either our financing mechanism or our delivery mechanism."

Ameriplan would establish a national network of hospital-based corporations that would provide medical care to all residents of a given area in much the same way that Samaritan Health Service helps hospitals in outlying communities such as Holbrook.

For example, when the Reidhead triplets were born, Samaritan Health Service mobilized its full facilities to keep them alive.

Mary Flemons, the head nurse at Holbrook Hospital, had just returned from a refresher course at Good Samaritan and was up to date on the care of high-risk new-borns.

To bolster her, Joanne Junasz, a pediatric nurse at Good Samaritan, drove to Holbrook with extra supplies. And the health corporation rushed three Isolettes—baby-sized incubators—from Phoenix to Holbrook.

Meanwhile, Dr. Haley at Holbrook conferred twice daily by phone with experts in the care of the newborn at Good Samaritan.

The triplets thrived on the round-the-clock care they received at Holbrook. But the hospital's small staff was physically overtaxed; doctors and nurses there couldn't maintain the care the infants needed and still treat their other patients.

So the Reidhead triplets were flown to Good Samaritan in the health system's ambulance plane. They stayed there until they gained enough weight and strength to go home.

Samaritan Health Service has done more than just take care of cases too complicated for the smaller hospitals. Indeed, a good part of consortium's job has been keeping these hospitals supplied with doctors and nurses.

One man, David W. Graef, spends much of his time recruiting doctors for the outlying hospitals.

"Some Friday nights when there are no doctors I get one by Saturday. I call everybody I know who has the weekend off," says Graef.

The big problem is the isolation of the small towns. And when the doctors like it, the wives usually don't.

"I'm convinced if they'd stay there a while, they'd love it," says Graef, who has even tried advertising for doctors in conservation magazines.

The problem of finding doctors to locate in small towns is a national one, with vast stretches of rural America without medical help. In many towns, the only physician is elderly and unable to find a replacement so he can retire.

Morris thinks a hospital-based network, such as Samaritan Health Service, could help solve the problem of getting more doctors for rural America.

"I kept two hospitals open in northern Arizona by being able to move doctors there and relieve them when needed," he says.

Samaritan Health Service also improves the ability of the small hospitals to practice sophisticated quality medicine.

Now they can offer medical tests that are impossible to perform in a small hospital laboratory. A car now makes a circuit of each hospital daily and picks up samples to be tested in the Good Samaritan laboratory. The results are telephoned back to the individual hospitals.

Dietitians from the health service's headquarters here travel to the smaller hospitals and help them plan their meals. Other experts help set up better billing systems and community relations campaigns—services that the small hospitals couldn't afford on their own.

And all the doctors and nurses at the outlying hospitals can take refresher courses at Good Samaritan, in much the same way that Mrs. Flemons from Holbrook had done before the birth of the Reidhead triplets.

Bringing sophisticated medical care to the vast, sparsely populated regions of Arizona is only one part of Samaritan Health Service's activities.

The consortium also has taken three hospitals in the suburbs of Phoenix, one of the fastest growing areas of the nation, under its wing.

Doctors at these small suburban hospitals also have the benefit of backup from the specialists at Good Samaritan. For example, they can get the complicated analysis of blood gas levels done in minutes through Good Samaritan's laboratories, and experts at Good Samaritan can diagnose from electrocardiographs transmitted from one hospital to the other over telephone lines.

"It's helped upgrade the quality of medical care—at least in my hospital," says Raymond L. Tate, administrator of the 62-bed Northwest Hospital in nearby Glendale.

"Major benefits have ensued to the small hospitals. The strengths of Good Samaritan have been made available to us."

Meanwhile the corporation is saving money by centralizing training, purchasing, insurance coverage and administrative functions.

Morris says that the 1970 budget for all the hospitals together was $40 million. If the nine hospitals had been operating separately, he says, their total budgets would have been $44 million—10 per cent higher.

Furthermore, he says, costs at his hospitals are rising slower than the national average. In 1969, the first year of the health service's operation, its bills increased 8 per cent compared to the national average of 12 per cent. In 1970, the Samaritan Health Service increase was 9 per cent; the national average for hospitals, 15 per cent.

Although the idea of a coordinated network of hospitals had been in Morris' mind for years, Samaritan Health Service got its start in the spring of 1968 when Southside Hospital, in a nearby suburb, was in such dire financial shape that Good Samaritan bought it at a bankruptcy sale.

Northwest Hospital, also in financial trouble, asked to join the system next.

Other hospitals asked to join in; Samaritan Health Service officials say they have not solicited other hospitals to join.

While health experts from all over the country come here to study Samaritan Health Service, local doctors and hospital officials have greeted the experiment with some reserve.

At local hospital administrator meetings, says Tate, "I don't get a lot of praise or support. They just say, 'Don't rock the boat. Don't rock the boat'."

Morris has alienated many Arizona doctors, who are especially conservative, by saying publicly that Samaritan Health Service's concept will end the traditional fee-for-service practice of medicine for a single doctor.

The system also lost some medical allies who feared that too many of the strengths of Good Samaritan were being drained to help the smaller hospitals. "This hurt," says Nelson.

While Samaritan Health Service continues to gain strength here, other hospitals around the country are trying their own versions of the idea.

George Washington University Medical Center in Washington, for example, has taken a section of the city and promised to provide full medical care for anyone who lives there.

And, in Chicago, Rush-Presbyterian-St. Lukes Medical Center announced last month that it is forming a unified health care system that will tie 20 community hospitals to it.

The plan includes the reactivation of Rush Medical College and the use of Presbyterian Hospital as the backup facility for the community hospitals. The network will cover 1 million to 1½ million residents of Chicago.

Morris says these experiments are important.

"If we can demonstrate to Congress that the private sector can deliver health care, the public will accept," he says, "I think that Congress will give us a chance."

BUREAU OF LAND MANAGEMENT 25 YEARS OF CONSERVATION PROGRESS

Mr. JORDAN of Idaho. Mr. President, this month, on July 16, the Department of the Interior's Bureau of Land Management observed its 25th anniversary. This fine conservation agency is the product of a Government reorganization effort at the end of World War II during another period of great change in our national life and the Nation's conservation movement. It is thus fitting while we are now considering further reorganization of the Government's structure for management of the Nation's natural resources, under President Nixon's leadership and program for the decade of the environment, that we also salute the accomplishments of this significant group of conservationists.

From 1812 to 1849, the management of the public lands of the United States was in the Treasury Department—symbol of the Nation's basic attitude then toward the public lands. In 1849, when the Department of the Interior was created, the General Land Office formed the foundation for the new Department. In that Department, several services were subsequently developed for public lands and minerals, for surveying, for grazing administration, for public land timber protection and for public use. In 1946 the management of all of these functions and the resources of almost half a billion acres of public land were brought together under the Bureau of Land Management.

The State of Idaho has played a key role in the record established by the Bureau in the advancement of management of the public lands. Three of its able sons have been called to serve as Directors of the agency—Edward Woozley of Malad, who served from 1953–1961, Boyd L. Rasmussen of Glenns Ferry, who served from 1965 to July 5, 1971, and Burton Silcock of Burley, who was appointed Director by Secretary Morton on July 6, 1971.

Ed Woozley and Boyd Rasmussen have served with great distinction and have been honored for their efforts. Burt Silcock, the first Director whose principal professional life has been devoted to the Bureau, shows great promise for the future, having completed a highly successful assignment as BLM State Director in Alaska—the largest State in the Union and containing the largest segment of the public lands.

I had a long acquaintance with Ed Woozley when he was Idaho's Public Land Commissioner and a cordial working relation with Ed as BLM's Director while I was Idaho's Governor. My acquaintance with him grew closer when he joined my staff after service with my predecessor in the Senate, the late beloved Henry Dworshak. Ed retired in 1969, after three careers in public service and is now living in retirement in Long Beach, Calif.

My close acquaintance with the 12 million acres of public lands in Idaho and the men and women responsible for their management, has given me full appreciation of the work of the Public Land Law Review Commission where I had the honor to serve as one of the representatives of the U.S. Senate.

Idaho's 12 million acres of public lands are indicative of the tremendous value of the public lands. We still have in the public domain in my State a tremendous variety of terrain—including lands with a rich soil which with the careful application of available water, can contribute to America's food production requirements in the future as they have done in the past under the Homestead and Desert Land Entry Acts, land disposal programs administered by the BLM. Most of the public land in Idaho is forage land, the habitat of a variety of wildlife species and domestic livestock. The High Desert in southern Idaho is scenic and bountiful. It produces Chukar partridge, sage grouse, mule deer, and an increasing antelope population. The High Desert is excellent grazing land which with needed conservation investments could sustain even larger numbers of both game and livestock in harmonious relationship.

The Big Desert Country around Idaho

Falls is key winter habitat for mule deer and big horn sheep. Here in this volcanic country is the "Great Rift"—a 40-mile-long crack in the Earth's surface where lava flowed only 2,000 years ago.

The Birds of Prey Natural Area which the Department of the Interior is establishing after full discussion of the proposal with the public will be a "first" for the public lands. Here is a vital habitat for the prairie falcon and the golden eagle.

The public lands of Idaho are rich with the lore and history of America's cultures. The Nez Perce, Shoshone, Bannock, Coeur d'Alene and other tribes flourished in Idaho, an area rich in basic resources. One can find today on the public lands superb archeological examples of these cultures.

The early American explorers found in Idaho routes to reach the Pacific. Bonneville and Lewis and Clark opened the way—the Oregon Trail—and The Ogden Trapper Trail are also a part of this heritage of America's development. Over 300 historic and archeological sites have been identified on the public lands in Idaho.

Traditionally, people have associated the public lands with livestock. The public lands are vital grazing lands. In Idaho alone, 800,000 cattle, sheep and horses graze on these lands—one of the many important multiple uses of these lands.

Minerals have always been an important public land resource. Gold, silver, zinc, and lead are essential to our economy, and make significant contributions to America's mineral needs. Idaho still leads the Nation in silver production. Garnets are produced commercially and rubies, diamonds, sapphires, thunder eggs and agates are sought by the rockhounder.

BLM has more than 500,000 acres of commercial forest and woodland in Idaho. These are managed for their broad forest values, especially watershed protection, recreation and game habitat, as well as timber production in appropriate balance. These forested acres contribute to our magnificent scenery, and enhance the lives of all who dwell nearby.

The public lands are the public's resources—vital to America's continued growth. Their local values are vital to our welfare. However, these lands and resources reach out to spread their beneficence across the land. The roads of Idaho on one of our typical delightful summer days abound with travelers from every State and many lands abroad who have come to the "Gem State." Our public lands are one of our basic attractions and economic resources, and annually attract more than 1 million recreational visitors.

So I salute the Secretary of the Interior, Rogers C. B. Morton, Assistant Secretary Harrison Loesch, who now has primary responsibility in public land management, Burton Silcock, BLM's new Director, and another native son, Bill Mathews, BLM Idaho State Director, and all who have preceded them and the Bureau employees of today for their efforts to make their lands and resources fulfill our people's needs.

To these able and dedicated people we owe much for their contributions to the art of public land management. These include the introduction or improvement of many of the concepts of modern natural resource management—multiple use, public participation, environmental protection, comprehensive land use planning, and intergovernmental cooperation.

Those who use the public lands, especially those who serve on BLM's State and district advisory boards, contribute to the continued flow of benefits from the land by their deep and abiding interest and advice in their wise use and management.

As we enter into this challenging decade it is to the future we must look and there is much for us to do. To look at the future, we might return to the past and recall the observations of Congressman Burton French of Idaho speaking February 7, 1933, on the floor of the House on H.R. 11316, a forerunner of the Taylor Grazing Act.

> As I see it, however, the astounding value of the public domain lies in uses that have been overlooked, for the most part, in the discussions that have occurred upon this subject. These uses are as watersheds and for the control of stream flow, uses as deterrent to floods, uses for natural storage for irrigated lands, uses for game and for recreation, uses for forage and range, uses as forest areas, and finally, uses as gigantic regulators of climatic conditions of interest alike to the people under reclamation projects and in rainfall belts. Indeed, the values of these lands are such that the welfare and prosperity of the people of a mighty empire are dependent directly upon the fidelity with which the lands that we call the public domain are administered.
>
> Watersheds are often of more value to other States than to the one in which they are situated. The people of the Mississippi Valley have a more vital interest in the watersheds that feed the tributaries of the Father of Waters than the people of the upper reaches are conscious, at least, that they possess. The people of the Nation have a constant interest in an adequate supply of timber, in game life, in expanses of domain for recreation. They have an interest in the control of the range and in forest control and management. They have an abiding interest in the value of the range for watershed with all that it means for reclamation, for flood control, and for modification of climate.

Congressman Burton French closed his support for the concepts of the Taylor Grazing Act saying:

> The greatest benefits that will flow out of the public domain will go to the people of the country regardless of State lines, and most of those benefits are of such character that they can not be measured in money values from year to year. It may well be that the necessary cost of administering the public domain will be far in excess of the fees or other items of income that would be assessed properly against the land within a State if the areas were under state control.

Each era of public land management has been marked by its achievements. After the Taylor Grazing Act was enacted in the 1930's, Ferry Carpenter, its first administrator, charted new routes to reach its goals. In the 1940's BLM was created as a public land agency and some of the diverse programs of these public lands were placed under one administration. In the 1950's the congressional policy on the Outer Continental Shelf was determined, and BLM, under Ed Woozley, was assigned important leasing responsibilities.

In the 1960's the Public Land Law Review Commission undertook a comprehensive review of policy, law, regulation, and administration of the public lands. This 5-year study of the thousands of laws, administrative orders, and policies dealing with the 755 million acres of public lands was completed in mid-1970 with publication of the Commission's report, "One-Third of the Nation's Land."

Many bills growing out of this study are already before the Congress and much significant legislation will be enacted during this decade. The House Interior Committee will devote all of next week to public hearings on a broad basic policy bill introduced by Congressman WAYNE ASPINALL, who also chaired the Public Land Law Review Commission. The Senate Interior Committee has been considering far-reaching land-use policy legislation, and later this fall will consider Senator HENRY JACKSON's Public Domain Lands Organic Act of 1971. Bills have also been introduced to reform our grazing and mining laws.

Hence, this decade, when BLM enters its second quarter century, is destined to be a significant one for both the administrative agency, the public domain, and the public land States. It is also a major challenge to the Congress, as we work with President Nixon and Secretary Morton in this mutual effort to reform public land policy and structure to meet the future needs of Americans.

A DOUBLE LESSON

Mr. HARTKE. Mr. President, the action last week of the House Foreign Affairs Committee cutting off aid to the repressive Governments in Greece and Pakistan furnishes additional proof that the Congress is in no mood to repeat the mistakes which led us into the Vietnam tragedy. As in Vietnam, our present aid policy in both Greece and Pakistan is rooted in short-term strategic considerations to the exclusion of what should be our long-range commitment to the restoration of humane and constitutional governments in these two ravaged countries. Happily, the House Foreign Affairs Committee has acted with foresight in recognizing that a simplistic foreign policy based solely on military considerations ultimately benefits neither the recipient countries nor the United States.

Last Sunday the New York Times noted that the action of the House committee went a long way toward restoring "a long absent balance between the executive and legislative branches in foreign affairs." I share this judgment and am hopeful that this critical House action will be repeated in the Senate.

Mr. President, I invite the attention of Senators to the Times editorial and ask that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A HOUSE COMMITTEE REBELS

> A majority of the House Foreign Affairs Committee has finally rebelled against stale and spurious arguments of the Defense and

State Departments and voted to cut off aid to the military regimes of Greece and Pakistan. Rather than attempting feverishly to overturn the decision in the full House, the Nixon Administration should try to understand what this usually docile committee majority was telling it with these votes.

Chairman Thomas E. Morgan and Colleagues of both parties were endeavoring first of all to reassert the proper role of this committee in the shaping of foreign policy. The Administration henceforth can expect many more such challenges from both houses as Congress strives to restore a long-absent balance between executive and legislative branches in foreign affairs.

Secondly, the majority was rejecting the notion that it is always unwise for the United States to rock the diplomatic boat by suspending military or economic aid to dictatorships that fail to make good their commitments to their own oppressed people. In voting to cut off nearly $132 million in aid to Pakistan, the committee was taking a stand previously advocated by the World Bank in light of the Yahya Khan regime's bloody repression in East Pakistan. Aid could be resumed under certain conditions but in any case the cutoff would not bar the use of $100 million approved earlier by the committee for refugee relief.

Action to halt aid to Greece resulted directly from testimony last week before a Foreign Affairs subcommittee headed by Representative Benjamin Rosenthal of Queens. Here some members learned, evidently for the first time, that the 1967 coup had not been an action of military leaders to head off Communism, as so frequently represented, but "an open mutiny within the armed forces and a rebellion by those mutineers against their King and the constitutional Government of Greece."

The man who said this was Col. Oliver Marshall, now retired, American Defense and Army attaché in Athens, 1963–67. He sees "the greatest danger to future Greek-American and Greek-NATO relationships" in the widely-held belief that "the United States supported this military mutiny and continues to do so." In other words, by sustaining the junta this country will jeopardize its own and NATO's security rather than protect it.

Colonel Marshall advocated an all-out effort to convince Greeks that the United States does not back the junta and to persuade the junta to keep its promise to restore democratic government. Contradicting the State-Pentagon line, he said this effort should take priority over "our immediate military needs on Greek soil."

In the Greek case, the President can resume aid if he reports to Congress that the overriding security requirements of the United States justify it. Even then, however, the military aid would be resumed at the current annual level of $80.3 million rather than the $118 million the Administration requested.

The Foreign Affairs Committee has projected the national interest on a broader canvas than that employed by the State and Defense Departments. It would be foolhardy for the Administration to ignore the meaning of its actions.

CAPTIVE NATIONS WEEK

Mr. JAVITS. Mr. President, every year since 1959 Americans have designated the third week in July as Captive Nations Week to express concern for Eastern Europeans under Communist control, and we as Americans at this time should commend the spirit which has sustained them in their continuing struggle and rededicate ourselves to the restoration of their freedoms.

The fundamental human rights of equal justice, human dignity, and individual liberty—which are our constitutional heritage—elude one-half of Europe's people. The brave endurance of these people and their persistent quest for liberty command our deepest sympathy and support.

In view of relaxing tensions between the United States and the Soviet bloc and efforts toward unity in Western Europe, we should renew our commitment to freedom in Eastern Europe. We need not accept as a condition for normalization of relations the continued domination of the Soviet Union over the Eastern Europeans, but rather should urge the evolution of Eastern Europe out of its present "satellite" posture, as free and independent nations.

The Polish food riots in December, the struggle of Czechoslovakia in the face of the Soviet military occupation and earlier movements in Hungary, Poland, and East Germany, reflect the Eastern Europeans' courage and determination. This week, we renew our support of their efforts to regain the inalienable basic rights of freedom and self-determination which we so highly prize in Americans.

TWENTY-FIFTH ANNIVERSARY OF THE NATIONAL PETROLEUM COUNCIL

Mr. McGEE. Mr. President, a few nights ago, here in Washington, I attended a distinguished gathering marking the 25th anniversary of the creation of the National Petroleum Council.

Created in 1946 in order to provide advisory information to the Department of Interior, the Council has for a quarter of a century distinguished itself in service to the country. The rollcall of its members is the rollcall of a group of dedicated Americans who are knowledgeable about their industry and the important role it plays in the Nation's security and stability. We in Wyoming, Mr. President, are especially pleased with the quality of leadership representatives of our State's petroleum industry have given to this organization from the outset. Today, H. A. "Dave" True, Jr., of Casper, Wyo., serves as its vice chairman. Other Wyomingites active in the National Petroleum Council include Glenn E. Nielson of Cody, one of its more senior members in length of service, Thomas F. Stroock of Casper, and Richard Keith Lisco of Casper.

Mr. President, I ask unanimous consent that a part of the National Petroleum Council's 25th anniversary dinner program be printed in the RECORD.

There being no objective, the excerpt was ordered to be printed in the RECORD, as follows:

TWENTY-FIVE YEARS

What do you say about an experiment? Possibly discuss why it came about. Definitely tell whether or not it has succeeded. Emphasize the good that has come of it. Give recognition to those who made it a success. Recommend whether it should be continued.

As an experiment, the National Petroleum Council has been a success . . . possibly beyond expectations. It was innovative in 1946 when the President of the United States suggested that the Secretary of the Interior establish the Council . . . probably a little bold for the times. Today it is still unique, not quite so bold in these modern times, but a solid success.

The idea of an advisory body is not particularly new. Leaders of government have sought the counsel of experts throughout the ages. An advisory body on a permanent basis to a leader in the U.S. Government, however, was largely untried, except in times of war.

The idea of an advisory body to the Secretary of the Interior, focusing on an industry deeply involved in the security and well-being of the nation, worked in times of war . . . why not in times of peace—hence the National Petroleum Council.

Studies for the government by committees and councils seem to be inherent in the extremely difficult process of good government. The National Petroleum Council also does studies, but at the request of the Secretary of the Interior, in order to help solve a problem, prepare for emergencies or look to the future.

After twenty-five years it might be possible for an advisory group to grow out of touch with the times, lose its drive, or become set in its ways . . . most seem to last only through one study. Interesting that the Council has been active through nearly 200 studies . . . and taken on new significance, not less.

Issues of importance to the nation are dealt with squarely by Council study groups . . . by no means always in agreement with the views of Government, but hopefully always fair and always concerned.

Twenty-five years has seen many distinguished, dedicated and sincere leaders in the industry come and go as members of the Council. All of them have tried to do something good for their industry and their nation.

That's really what the National Petroleum Council is anyway—in an age when not only government, but also industry in general is much maligned and misunderstood, it is something good about an industry.

CAPTIVE NATIONS WEEK

Mr. DOMINICK. Mr. President, for the last 12 years, beginning with a presidential proclamation by the late President Dwight D. Eisenhower, the United States has observed Captive Nations Week in remembrance of the struggle of the peoples of Eastern and Central Europe for the sovereignty denied them for two decades by the Soviet Union. Unfortunately, our observance of Captive Nations Week has too often been a passive denunciation of Soviet subjugation of these formerly independent peoples, a reiteration of our commitment to their future freedom, and not much more than a kind of anniversary celebration of historical events.

In recent weeks, I have been talking about the United Nations as an instrument of peace and have cited its worthwhile goals as set forth in its charter, which reads in part:

> To reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.

In my previous remarks on the U.N., I have been addressing the folly of admitting a government which has continually demonstrated its unwillingness to live up to the terms of the charter. But we cannot ignore the fact that a charter member of the United Nations, the U.S.S.R., is also violating the principles under which the world body was established, and this is the very reason that Captive Nations Week is necessary. Therefore, it is time to urge that the United States and all members committed to the principles of the United Nations Charter take a strong position against the continuing actions of the Soviets in depriving the nations of Eastern and Central Europe of their legitimate autonomy.

Just one example of the violations of which I speak is the Soviet-led invasion of Czechoslovakia in 1968. By this action, the U.S.S.R. flagrantly superseded the principles of international law as incorporated in the U.N. Charter in the following ways:

First, violated the sovereignty of a member state of the United Nations—article 2, section 1;

Second, violated article 2, section 4, prohibiting the use of military force in the relations between individual members of the United Nations;

Third, violated the principle of self-determination of peoples—article 1, section 2;

Fourth, was in conflict with a number of resolutions of the General Assembly of the United Nations, particularly resolution 2131 (XXI) adopted at the meeting of December 21, 1965, upon the Soviet Union's own motion. This resolution prohibits intervention in the domestic affairs of any state, and it guarantees the protection of its independence and sovereignty.

The Soviet invasion of Czechoslovakia is another crime against the right of a small country to determine its own destiny and aspirations. Over the years, Poland and Hungary have served as similar examples of oppression, both economically and culturally.

At a time when the United States is putting strong emphasis on opening communications with former adversaries in hopes that it will lead to world peace, we must not forget that many so-called sovereign states are being denied that same right. An enduring peace in the community of nations can only come about when the Captive Nations take their rightful place in the world as sovereign and independent states. If they remain economic and social pawns of the Soviet Union, they perpetuate a degradation of international law and make a mockery of the United Nations and its charter.

SECRETARY STANS OFFERS ENERGY SOLUTION

Mr. HANSEN. Mr. President, it is gratifying that what has variously been termed the U.S. energy problem, the energy crunch, and the energy crisis is receiving more and more attention from the press, the Congress, and the President and his advisors on energy.

Last month the President sent an energy message to Congress that emphasized the urgency of both long- and short-term planning and a concerted effort by both Congress and the executive if this Nation is to continue as the world's industrial leader.

The growth rate necessary to provide the jobs for the millions of new workers coming into the job market each year can be provided only by ample and dependent energy to power the engines of industry and the wheels and wings of progress.

Our total strength will reflect the industry, the jobs and the services we are capable of sustaining in the United States. America proved long ago that power is the result of brains and energy applied to natural resources.

The Nation is still bountifully blessed with natural resources including oil and gas which provide 75 percent of our energy and must for the foreseeable future continue to furnish the largest share.

Last week the National Petroleum Council conducted its 25th annual meeting in Washington and issued its initial appraisal of the U.S. energy outlook through 1985.

Volume 1, a summary of a comprehensive study of environmental conservation problems as they relate to or have an impact on the petroleum industry, was issued at that meeting.

The results of the initial appraisal, the report said, "particularly towards the end of the period, 1985, are not attractive."

The report continued:

> Fortunately our basic potential energy resources, particularly for coal, nuclear fuels, petroleum liquids and natural gas, are very large and could support much higher levels of output than projected in this initial appraisal.

Warning of a sharp rise in national dependence on foreign energy sources and an acute shortage of gas if U.S. Government policies and the economic climate in the energy industries do not change significantly, the report said, however, that the United States can maintain an adequate energy base. Forthcoming reports will develop analyses of changes in industry and/or Government programs and policies necessary to maintain energy self-sufficiency.

Secretary of Commerce Maurice H. Stans, who has long been an advocate of ample and dependent energy for the Nation, put the issue of environment and the antipollution movement in its proper perspective during the NPC meeting.

The title of his speech before the council was "Wait a Minute."

Secretary Stans' speech is one of the most realistic I have heard and I believe, in view of the continuing controversy of progress versus the environment and the responsibility of the Congress to do its part to insure the Nation's welfare and security, all Senators could benefit from the most excellent analysis Secretary Stans has made of the problem.

As the able Secretary said in his speech:

> But what I am talking about is the necessity to recognize that the pollution problem exists in a real world, and it calls for balance and objectivity.

His speech gave the issue that balance and objectivity.

Mr. President, I ask unanimous consent that the text of Secretary Stans' speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WAIT A MINUTE

(Address by the Honorable Maurice H. Stans, U.S. Secretary of Commerce)

Mr. Brockett, members of the National Petroleum Council, I am very pleased to be with you this morning, to share this podium with my Cabinet colleague, Secretary Morton, and to talk to you about one or more of the matters affecting your industry.

You are the leaders of a great industry which is a very key element in the American economy and as Secretary of Commerce during the last two years I have regarded it not only as a duty of my office but as a special privilege to work with you, your associates and members of the industry in many matters of importance to the country.

I suppose your relationships with the Interior Department are more direct than those with Commerce, but my interest in your industry is no less for that fact. The oil matters in which I have participated in one way or another, and the general prosperity of your industry, are both part of the total overall economy.

America runs on oil, so you and the country have concerns and responsibilities that inevitably interrelate and intertwine.

When I was asked to speak today, I was told I could talk on any subject of my choice. I realize that Secretary Morton has already covered many of the topics that would be of interest to you—energy policy and matters of that type—and for that reason I would like to take a broader subject to explore, one that is of direct interest to your industry but that also has an extension far beyond the oil industry and relates to American business throughout the economy.

I am speaking of the matter of environment and the antipollution movement in the country. It is a very emotional one in many quarters. It is a political one in many quarters. The public is demanding action; actively, vocally, impatiently, demanding immediate action. And this is what presents the difficulties.

Now, we all know that the environment ultimately has to be cleaned up, that pollution has to be dealt with.

President Nixon has declared that the nation has been long overdue in halting its abuses of the air, land and water. He has made a commitment to eliminate pollution and to cleanse the atmosphere and conditions in which we live.

The question is, how do we go about doing this? And in the most sensible way?

PRIORITIES

Understandable as the public's interest is for immediate solutions, and justified as the impatience of the public may be, we have the obligation to see the problem in the whole, not just piecemeal.

We cannot have single track minds in which the environmental issue overrides everything. But that is how some of the people would have us look at our problems.

If we settle for quick, immediate solutions to one set of problems, we can catapult ourselves into others that are much more serious, and we are beginning to find that out.

So we have to begin to look a little farther down the road.

I think it is high time for the entire nation to weigh the needs against the demands and say: "Wait a minute, what are our priorities?

We need to weigh the requirements against our resources and say: "Wait a minute, which can we afford? Which can we achieve?"

We need to weigh technological capabilities against the timetables and the options and say: "Wait a Minute, how can we get there from here?"

We need to weigh environmental goals against economic reality and say: "Wait a Minute, how do the benefits compare with the costs?"

PROBLEMS

In other words, the problem is: how do we develop public and private policies in which economics and technology are factored into every environmental assessment?

Let me start at this point.

Industry has been indiscriminately accused by some of ignoring the pollution problems of our times and being responsible for most of them.

The charge is dead wrong and it is unfair.

The fact is, without denying industry's share of the blame, that many of the worst polluters are outside of industry—municipalities, other governments, agriculture, and the public itself. Witness the fact that hundreds perhaps thousands of American communities pour untreated sewage into waters every day.

RESPONSE

Moreover, American industries, almost across the board, have launched vastly complex and expensive efforts to help clean up the air, water and landscape of the country.

For example:

The chemical industry in 1970 spent $600 million for pollution abatement.

The iron and steel industry has spent more than a billion dollars on air and water facilities, and almost two-thirds of that in the last two years.

The automobile industry currently is investing a quarter of a billion dollars a year in pollution research and development.

The electric industries will spend two-thirds of a billion dollars on pollution control this year alone.

Your own petroleum industry is spending more than $500 million in pollution control this year, and in addition is developing expensive facilities in other countries to reduce the sulphur content of fuel oils being shipped here.

The oil and tanker industries are working closely with the government to eliminate oil discharges and accidental spills into the oceans.

The fact is that, on average, American companies will have increased their pollution control spending by almost 50 percent this year over last year. They will spend some $18 billion over the next five years to meet the requisite standards.

Unfortunately business has failed to make these achievements credibly known to the American people, and the idea still persists in many quarters that business is doing nothing and what it does do is only because it is being dragged across the line. Neither is true. Business has been working at pollution control for a long time.

PRESSURES

So we have come to a troubled time by a very direct route.

Critics press the public to insist upon quick solutions to these complex problems.

The people, in turn, press the Congress. Timetables have been imposed, and regulations applied, giving some people a false feeling that the problems will all go away if we only put enough squeeze on business to act.

The trouble is that in the development of these pressures reason sometimes gets lost and extremes become the result.

Many of the results have been beneficial to be sure, but some have been ill-conceived and harmful to people, to business, and to the country.

PHOSPHATES

I would like to give you a few examples, starting with detergent phosphates—the washday ingredient that has recently come to typify the pollution villain.

State and local governments all over the country have begun to ban the sale of detergent phosphate on a crazy-quilt basis, geographically.

But in the rush, perhaps someone should say: "Wait a Minute, what are we really doing here?"

Laws to ban phosphate detergents may give the public the notion that the problem is solved, while nutrients, including phosphates, continue to flow into the lakes and rivers from other sources—agricultural and natural as well as manmade. And some of these cannot be controlled.

So if people assume that just a legal ban on phosphate detergents will do the job, they may only lull themselves into negelecting far more significant scientific efforts to help purify our waters through phosphate removal techniques in municipal waste treatment plants.

DANGERS

Then—and this is perhaps even more important—some hastily devised phosphate substitutes can be more harmful and dangerous than many people believe the phosphates are.

One substitute developed by manufacturers at a cost of many, many millions of dollars, was temporarily put aside at the request of the government because there were concerns it might create some health hazards. Additional safety tests are now being completed and the situation may be changed.

But some of the other substitutes now reaching the public contain caustic materials that are dangerous, especially to children. If those products get in their eyes, they can blind—or if they are accidentally ingested, they can maim or even kill.

To limit these risks, the FDA has instituted labeling requirements for caustic detergents.

Unfortunately, the fact is that small children creeping on the floor next to the washing machine can't read those labels.

Some chemical substitutes for phosphates also wash out the flame-proofing in children's cotton sleepers which the textile industry has been working hard to develop.

Now, my purpose in citing these points is not to defend phosphates, or the industries that use them, or the products that contain them.

Instead, it is a way of saying:

"Wait a Minute." Before we rush helter-skelter into immediate responses to such problems of nationwide concern, isn't it prudent first to take the time to know what we are doing? To weigh all the factors and the consequences involved?

POWER PLANT SITINGS

For another example, take the siting of new electric power plants.

It is all too familiar to many of you, I am sure. If anything, it is even more difficult than siting new refineries.

The nation's need for more electric power is rapidly outrunning our capacity to generate it. The answer would seem to be simply to build more power plants.

But in many areas of the country it has become almost impossible to do so. As many as 40 approvals may be necessary, many of them involving environmental grounds, and even the last one can be reversed as easily as the first.

We all know that New York City has had these troubles for years.

Houston is another case in point. It has all the ingredients of growth except enough electric power. But it can't start to build a new generating plant it urgently needs because the effluents, even after costly cooling, would raise the temperature of the waters that receive it some two degrees above the temperature that would support present marine life.

Isn't it time someone said: Wait a Minute.

If we fix the right priorities—if we integrate our environmental, technological and economic interests—*all* of them can be served without one dominating the other.

The President has urged the Congress to enact legislation to resolve the power plant siting problem, and wants public agencies designated to assure public discussion of plans, proper resolution of environmental issues and timely construction of the facilities.

DDT

Another case at point is insecticides.

We all know there are valid arguments against some of them, but in the rush away from them, we can create massive new problems.

For example, in New Jersey, without DDT, more than one million oak trees have been blighted and face destruction by the Gypsy moth.

Without DDT, forest insects are running rampant in Sweden, eating away the raw material of that country's biggest industry.

In Ceylon, without DDT, malaria cases have become far more prevalent, involving 10 percent of the population. Without DDT in India there would be 100 million cases of malaria each year instead of a few hundred thousand.

In parts of the United States, without DDT, insects have made it increasingly difficult to grow lettuce, lima beans, sweet corn, and so on.

Now, in time, perhaps, substitutes for present insecticides can be developed and proved out. But in the meantime, most of the substitutes are uncertain or don't even exist.

The whole question is whether by precipitous action we will create an expensive gap between the present means and the later solutions.

Again, this is not a brief for DDT. This is just a way of saying:

Wait a Minute. Before we act precipitously and ban products for one reason, shouldn't we at least be certain that the cure is not worse than the disease?

ONE-INDUSTRY TOWNS

What about one-industry towns? Today a growing number of small communities across the country are fearful that they will lose their economic life if their single sustaining industry is forced to close, either because of rigid environmental protection controls or because they can't cope with the economic cost of complying.

Isn't it time for someone to say "Wait a Minute"?

Are the environmental dangers so imminent, so critical, that we have to throw thousands of productive people out of work? Are the dangers so great, so immediate, that whole communities must be run through the economic wringer?

Isn't it time that we first measure all the evidence, recognizing legitimate concerns on the one hand, weighing them fairly against valid considerations on the other, then act reasonably and carefully to protect both the environment and the jobs? It may take a bit longer but the end result would be far more satisfactory.

SST

For another example, Congress killed the SST.

But shouldn't we as a nation have said "Wait a Minute"? Are we so afraid to build just two experimental airplanes that we would willingly sacrifice thousands of jobs, jeopardize the economic health of an entire city, forgo the technological advantage of an entire industry, and deny major benefits to our balance of payments?

Isn't it time we weigh our potential against the risk in every reasonable case?

PIPELINE

What about the Trans-Alaska Pipeline? Some of you have an interest in that.

Again, people have said, "Let's not build it because of the possible adverse consequences to the environment."

No one suggests that we ignore these possible dangers. Everyone agrees that we must take every known precaution to protect the environment.

But there is another side of the coin, the nation's need for the oil and the benefits to Alaska.

Isn't it time somebody says on things like this, "Wait a Minute"?

We already have the technological means to provide reasonable protection against dangers to the Alaskan environment. Are we so afraid of what might happen that we will sacrifice the enormous new sources of oil we need for our homes, our cars, our jobs, our country? Will we sacrifice potential jobs for thousands of people who would be employed in the shipping industries, in Alaska and elsewhere? Will we turn our backs on all of the economic benefits to that state and to the country?

The risks are recognized, but isn't it time we recognize that other considerations also must be taken into account in the national interest?

EMISSION STANDARDS

And what about the tougher emissions standards for transportation? Certainly they should be sought and should be achieved.

But—wait a minute—in the past decade the amount of hydrocarbons given off by an automobile has already been reduced by 80 percent, carbon monoxide emissions by 70 percent. And with existing capabilities, these improvements can continue.

But a mandatory standard of the Clean Air Act demands a 90 percent reduction below the remaining emission levels by 1975.

For hydrocarbons, that level is as much as foliage gives off in the average yard of the average American home in the average suburb.

One person has estimated that every car would have to be parked for two days after getting its tank filled—literally—because gasoline going from the pump to the car gives off at least twice the daily allowable hydrocarbons for that car.

Spreading one ounce of house paint uses the same daily quota of hydrocarbons.

Burning up two logs on the fireplace likewise uses the daily quota.

The list of examples could go on.

The Environmental Protection Agency report to Congress last week said that we do not have the technology to comply with some of the standards that have been set in accordance with law.

To try to achieve these standards will result in millions of dollars of added costs, which inevitably have to go into higher consumer prices.

If we try to solve our environmental problems more quickly than our technology permits, not only will we raise costs sharply and suddenly, but we will also increase the number of false steps that we take along the way. The incomplete state of our knowledge leads directly to pitfalls that can't be foreseen.

So isn't it time to say: Wait a minute. Let's weigh each need against the technological realities and let's not impose any more arbitrary deadlines that can't be met with the technology in sight.

Let's do the things we can do first, while making orderly progress against the others.

OFFSHORE DRILLING

What about offshore drilling? Certainly we should take every possible practical step to stop polluting the oceans.

But—wait a minute.

Before we make offshore drilling too difficult let's recognize that by the end of this decade, offshore wells will have to provide 30 percent of our oil. And it will also provide much of the low-sulphur fuel that is urgently needed for clean air.

PROPOSALS

As all of you know so well, there are many other matters which we could cite and say "Wait a Minute." These examples make the point.

Let me give you some specifics as to guidelines in dealing with these matters in the future.

First, a determination of the economic impact should be required before environmental acts are mandated.

The public must know what the costs will be, what the alternatives are, and whether it will get its money's worth.

Second, a technological determination should be prepared in connection with any governmental action, indicating the time required to carry it out.

Third, we must avoid panicky, ad hoc approaches to the problems of air, land and water pollution, and develop feasible, long-range plans to deal with them on a balanced basis of regular, gradual improvements, always with consideration of the public interest and of the economic and technological factors involved.

Fourth, government should study whether companies and industries can finance the improvements that they are being required to make without prejudice to their financial security or their normal capital improvements, and consider whether assistance might be required.

Fifth, the Congress should be urged to support all of the President's environmental improvement plans relating to other than the business areas, so that industry's progress will be matched by progress in municipal disposal and other nonindustrial pollution problems.

Sixth, coordinated methods should be developed for governments to reach prompt and conclusive decisions on power plant locations, as proposed by the Administration, in order to end those critical delays.

And finally, antitrust attitudes should be reviewed to determine the possibility of cooperative industry attempts, working together to resolve environmental problems.

OBSERVATIONS

Let me add this set of simple observations before I finish.

First, none of the major problems we face can be resolved instantly. All of them are too complex. They call for long-range programs and careful consideration of priorities and financing.

Second, business alone cannot be held responsible for all of our pollution. The burdens of responsibility and cost must be shared by all levels of government, by agriculture and by the public.

And third, the technology we need in order to solve our problem must still be developed in many fields. We have a tremendous flow of uncoordinated, uncertain, imprecise data about the environment, and industry faces a severe shortage of environmental engineering specialists.

Fourth, we have to achieve greater conformity of state and local actions dealing with pollution control before we bog down the whole country in conflicting regulations and deadlines.

MANKIND

Finally, we have to recognize that even our manmade problems, in some instances, are essential to satisfying human existence on this planet. After all, every new birth brings us instantly a new polluter. But even the most ardent of the environmentalists have yet to call for "no new starts" there.

Here again I suppose we could say, "Wait a Minute."

But what I am talking about is the necessity to recognize that the pollution problem exists in a real world, and it calls for balance and objectivity.

I can reduce it all to absurdity:

If we had no cars on the street, there would be no automobile pollution.

If we built no power plants, we would have no pollution from utilities. If we had no phosphate detergents, we would have no pollution of our waterways, and so on.

But what kind of country would we have left?

The line between that kind of nonsense and the kind of sense we need to resolve the problem requires a sense of reality in dealing with the economic and technological factors, and with the impatience of those who would like to clean up the country overnight.

CONCLUSION

The time has come to bring these things into focus and stop overheating the view that we are killing ourselves today.

Without pause or equivocation, we must continue to halt pollution of the world, but we must do it realistically, soundly.

I have support for this point of view from people like Dr. Philip Handler, President of the National Academy of Sciences, who just a few weeks ago said this: "My special plea is that we do not, out of a combination of emotional zeal and ecological ignorance, romanticizing about the 'good old days' that never were, hastily substitute environmental tragedy for existing environmental deterioration. Let's not replace known devils by insufficiently understood unknown devils."

So all we seek fundamentally in all these considerations is a balancing of values, a weighing of proper priorities, a measuring of the costs against benefits.

And, gentlemen, if we approach our problems in that spirit of balance and fairness, we can meet our ecological needs, clean up the country, and do so without undue economic risks for anyone, all within the framework of continued technological progress.

That is the way I think we ought to do it.

STATE DEPARTMENT APPROPRIATIONS FOR FISCAL YEAR 1972

Mr. KENNEDY. Mr. President, in at least one important respect, the legislation we passed yesterday was as significant for what it omits as for what it contains. The omission offers a noteworthy footnote to President Nixon's dramatic recent announcement of his proposed visit to China.

Until now, for 18 successive years, the State Department Appropriations Act has contained a general provision, always in the same unchanging language, that has read as follows:

> It is the sense of the Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representatives of China.

Now that provision is gone, quietly struck out of the bill on a point of order raised on the floor of the House of Representatives a month ago by Representative Sidney Yates, of Chicago.

As the accompanying table indicates, for the past 14 years, the provision has appeared as section 105 of the State Department Appropriation Act. It first saw life in June of 1953, when Senator Styles Bridges of New Hampshire, the chairman of the Appropriations Committee, offered the provision as a Senate floor amendment to the appropriations bill of that year. Senator Bridges' amendment was essentially identical to a Senate resolution introduced by Senator McClellan at the beginning of the previous Congress, and approved by the vote of 91 to 0 on January 23, 1951.

As in case of the McClellan resolution, the Bridges amendment was unanimously and overwhelmingly adopted in the Senate—by the vote of 76 to 0 on June 3, 1953. Twenty other members of the Senate, absent for the vote, recorded themselves that day in favor of the provision.

Long after the passions of the Korean war had subsided, section 105 lived on in the annual appropriation bill as a silent reminder of a bygone era. It was never discussed in the Senate or House reports, and it was rarely mentioned in the floor debates. Now, at last it has passed quietly from the scene, and almost no one mourns its loss.

I ask unanimous consent that the table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

LEGISLATIVE HISTORY OF SECTION 105 OF PAST STATE DEPARTMENT APPROPRIATION ACTS

Fiscal year	Bill	Public Law	Date signed	Section
1972	H.R. 9272			(1)
1971	H.R. 17575	91–472	Oct. 21, 1970	105
1970	H.R. 12964	91–153	Dec. 24, 1969	105
1969	H.R. 17522	90–470	Aug. 9, 1968	105
1968	H.R. 10345	90–133	Nov. 8, 1967	105
1967	H.R. 18119	89–797	Nov. 8, 1966	105
1966	H.R. 8639	89–164	Sept. 2, 1965	105
1965	H.R. 11134	88–527	Aug. 31, 1964	105
1964	H.R. 7063	88–245	Dec. 30, 1963	105
1963	H.R. 12580	87–843	Oct. 18, 1962	105
1962	H.R. 7371	87–264	Sept. 21, 1961	105
1961	H.R. 11666	86–678	Aug. 31, 1960	105
1960	H.R. 7343	86–84	July 13, 1959	105
1959	H.R. 12428	85–474	June 30, 1958	105
1958	H.R. 6871	85–49	June 11, 1957	105
1957	H.R. 10721	84–603	June 20, 1956	110
1956	H.R. 5502	84–133	July 7, 1955	110
1955	H.R. 8067	83–471	July 2, 1954	110
1954	H.R. 4974	83–195	Aug. 5, 1953	111

[1] No provision.

RUSSIA DENIES JEWISH EXODUS

Mr. PROXMIRE. Mr. President, the Government of the Soviet Union has taken another step to sabotage the Soviet Jews' struggle for freedom. According to last night's Washington Star, the number of Soviet Jews leaving Russia dropped from an average of 36 a day to an average of five a day.

The Soviets are selling freedom. In order to leave the Jews must pay 4,000 rubles or $4,440—3 years' wages for the average working man—for the required documents.

This is just one more step by the Soviets in their campaign to persecute the Jewish population in that country. Although the Soviet Union is trying to convince the world that it does not discriminate against Soviet Jewry, the facts prove differently. As long as the world sits back and idly watches, the Russian Government will continue its "anti-Jewish" campaign. This body must do everything in its power to assist the Soviet Jews' move toward freedom.

I ask unanimous consent that the article from the Evening Star be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JEWISH EMIGRATION CUT BY SOVIET LAID TO ARABS

MOSCOW.—The Soviet government has drastically reduced Jewish emigration to Israel, cutting the number of daily departures from an average of 36 to 5.

Unofficial Soviet sources blamed the new restrictions on Arab criticism and on a bureaucratic snarl that developed after emigration was greatly increased in March.

The Soviet Union's Arab allies were upset over the increased flow of Russian Jewish emigrants, fearing they were swelling the ranks of Israeli military units.

The informants said the low level of emigration is likely to continue until the department that handles the emigrants is reorganized to take care of the load.

Meanwhile, Jewish sources reported that the Jews who do get out are being required to pay 4,000 rubles—$4,440 at the official rate—for exit visa, passport and renunciation of Soviet citizenship. And one source said the government is now confiscating the deposits of Jewish emigrants in the state savings program, which takes 10 per cent of all salaries.

"We have managed so far, and we will not let that stop us," said one Jewish source.

In March the Soviet government allowed Jewish emigration to increase from 83 to 1,500 a month following Jewish demonstrations in Moscow and international criticism of the trial of 10 Jews who planned to hijack a plane to get to Israel.

FEDERAL ELECTIONS CAMPAIGN ACT OF 1971

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar No. 223, S. 382, so that it may become the pending business.

The PRESIDING OFFICER (Mr. CASE). The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and the Senate proceeded to consider the bill which had been reported with amendments.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 382, the Federal Elections Campaign Act of 1971.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASE). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9:45 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS MAGNUSON, JACKSON, AND SYMINGTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order tomorrow, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Messrs. MAGNUSON, JACKSON, and SYMINGTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the order recognizing Senators on tomorrow, there be a period for the transaction of routine morning business, with statements limited therein to 3 minutes, for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY UNFINISHED BUSINESS BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the transaction of routine morning business on tomorrow, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, there will be no further votes today.

I suggest the absence of a quorum. I hope that it will be the last quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 9:45 a.m.

Following the recognition of the two leaders under the standing order, the following Senators will be recognized in the order stated, each for not to exceed

15 minutes: Senators MAGNUSON, JACKSON, and SYMINGTON.

At the conclusion of the remarks of the able Senator from Missouri (Mr. SYMINGTON), there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to exceed 30 minutes, following which the Chair will lay before the Senate the unfinished business, S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. MANSFIELD. May I have the attention of the Senate? I think that the Senate should be informed that the joint leadership have taken it upon themselves to try to work out a time limitation on the pending business, and if that time limitation can be achieved, we hope that the Senate will go along with the joint leadership. Otherwise, I think we are going to be in quite a mess.

The Senate will recall that the joint leadership last week and earlier this week stated that the next order of business, following the disposal of the business today, would be S. 2308, a bill to authorize emergency loan guarantees to major business enterprises. The Senate will go out very shortly. In the meantime, we are trying to work out an agreement. I would hope that the Senate would exercise restraint, especially on the Democratic side, to give us a chance to work out of the impasse in which we find ourselves, because if there is going to be a stalling operation on either side, it will be the Senate that will suffer, and legislation which should be passed will perhaps not even be considered.

Remember, we are not going out definitely on August 6. We are going to come back; and I would hope that no one would take advantage of that month's vacation, recess, or absence to unduly delay legislation at this time.

I do not believe in filibustering, but if others want to speak, that is their business. As far as I am concerned, I ordinarily believe in cloture—not always—but I do think that we do have responsibilities affecting other pieces of legislation. The HEW appropriation bill will be reported shortly; the public works appropriation bill will be reported shortly; the Sugar Act extension will be reported shortly; and there will be other important legislation to consider.

So I plead with my colleagues on both sides of the aisle to use restraint and to look at the situation in which the leadership finds itself in trying to expedite legislation without impinging on the rights of any Member of this body. That is all I have to say.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:45 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 48 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, July 21, 1971, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate July 20 (legislative day of July 19), 1971:

DEPARTMENT OF DEFENSE

Frank P. Sanders, of Maryland, to be an Assistant Secretary of the Navy.

FEDERAL POWER COMMISSION

Rush Moody, Jr., of Texas, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1976, vice Lawrence J. O'Connor, Jr., term expired.

U.S. TAX COURT

William A. Goffe, of Oklahoma, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office, vice Norman O. Tietjens, retired.

HOUSE OF REPRESENTATIVES—*Tuesday, July 20, 1971*

The House met at 12 o'clock noon.

Right Reverend Bishop Papken, Armenian Orthodox Church of America, Washington, D.C., offered the following prayer:

Almighty God, Father of all, make this glorious House of our Nation Your House.

Lead, enlighten, and strengthen the leaders of our country, and make them tools of Your divine will.

Giver of wisdom, plant in their hearts and minds not the love of power, but the power of love.

Put in their hands the sword of Your righteousness to fight the good fight as champions of peace and justice.

Save us from our external enemies as well as from internal killers such as disunity, racial hatred, from calamities of crimes and drugs and every kind of seen and unseen evils.

Thanks and glory to Thee forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9272. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9272) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes," request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLELLAN, Mr. ELLENDER, Mr. PASTORE, Mr. HOLLINGS, Mr. FULBRIGHT, Mrs. SMITH, Mr. HRUSKA, Mr. FONG, and Mr. YOUNG to the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 635. An act to amend the Mining and Minerals Policy Act of 1970.

RIGHT REVEREND BISHOP PAPKEN, ARMENIAN ORTHODOX CHURCH OF AMERICA

(Mr. DANIELSON asked and was given permission to address the House for 1 minute.)

Mr. DANIELSON. Mr. Speaker and Members of the House, we are indeed favored today to have as our acting Chaplain, the Right Reverend Bishop Papken.

The bishop has been in the United States since 1946 and has been a citizen since 1951. Following his arrival in the United States, he served for several years in various parishes throughout the United States. He was head of the California diocese and the Armenian Church from 1957 to 1963. He was then head of the Pennsylvania diocese from 1963 to 1969, when he came to Washington and entered into his present duties.

He has made more than 10 trips to the Holy Land, and to Armenia, in furtherance of his ministry, and I am grateful that he can be with us here today.

"FISHBAIT" DAY

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, this is "Fishbait" Day, the gentleman whose stentorian tones and commanding appearance so often thrill the galleries and stir the House from its routine endeavors, is having a birthday. On today, the Honorable William M. Miller, Doorkeeper of the House of Representatives, is 62. For most people, that would be considered a lot of years, but not for the gentleman known by the remarkable sobriquet of "Fishbait." He is perennially young.

"Fishbait" has been a fixture of the Congress longer than just about anybody. He came in 1933, and that makes him about as permanent as anything around here except the Capitol Building itself. When I arrived as a new Member of the 77th Congress, he was already established as the man whose counsel was most important to all Members, and essential for freshmen. I knew that it was important to cultivate his friendship for business reasons at that time, but I am very proud that we now share a deep and close friendship that has grown and matured through the years. Among all the people I have had the pleasure in knowing on the Hill, none can be said to exceed "Fishbait" Miller in kindliness, generosity, warmth, and good spirit. He is one of those outstanding individuals who is tireless in the discharge of his duties and who in some way finds the time to be good to everyone.

His remarkable nickname was bestowed upon him by admiring friends in his native Pascagoula, Miss., many years ago. As a boy he was very small foi his age. In fact, he had little resemblance to the well-kept, well-fed, well-paid gentleman we know. In those early days his friends said he was not big enough for anything except fishbait, and the nickname stuck.

As Doorkeeper, he commands around 300 employees on a payroll of $1.3 million. His domain includes all the other doormen, the pages while on the floor, the document room, the folding room, the cloakroom, snackbars, the several barbershops, and what he describes as a number of "ladies' retiring rooms."

Mr. Miller has many responsibilities of special nature, including a trash collection service and care and protection of the prayer room in the Capitol. His most dazzling duty, however, concerns the arrival in this Chamber of the President of the United States, for delivery of the annual message on the state of the Union or for other very special occasions. Whenever this occurs, the Doorkeeper is required to shepherd to their seats a vast array of foreign dignitaries, Supreme Court Justices, and members of the Cabinet, after which, as a grand climax, he is privileged to introduce to those assembled, the President himself. These always are memorable events, carried out in the presence of crowded galleries, and "Fishbait" does a great job, year after year. Distinguished visitors have to stay on their toes to keep from being outshone when they are introduced by "Fishbait."

"Fishbait" was first elected Doorkeeper in the 81st Congress by the Democratic majority. He was minority Doorkeeper in the first 2 years of the Eisenhower administration, and then got his old job back. He has held it ever since. In Congress after Congress, this remarkable man has won reelection to his post by an appreciative and admiring House of Representatives.

His endeavors and his interests are not limited to his work on Capitol Hill. He is well known for his church, civic, and fraternal contributions and he has achieved distinction in each of these important fields.

We are proud to have him as the Doorkeeper of the House and I, very personally, am proud to have him as a close and warm friend.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I am delighted to yield to the distinguished majority leader.

Mr. BOGGS. I appreciate the distinguished gentleman's yielding. I would like to associate myself with his remarks on the subject of "Fishbait." I believe that "Fishbait" Miller is a friend of every Member of this Congress on both sides of the aisle. He is perpetually accommodating, friendly, and helpful. I agree with the gentleman from Florida that it would be very difficult to conceive of this body without "Fishbait" Miller. It is good to wish him happy birthday.

Mr. SIKES. I thank the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. From our side we certainly extend to "Fishbait" our very best wishes on this anniversary and the wish for him many more in the years ahead. We also thank him for his many kindnesses and accommodations to us, and know from past performance they will continue in the future.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I join with the gentlemen in paying tribute to "Fishbait" Miller, who has done a wonderful job for all of us over the years. I suppose there is no champion of the seniority system like "Fishbait." I have been here 19 years, and I would like to say that it has been a delight to work for a ticket for my wife from way up in the far corner of the gallery to the area to my right. This is real progress that I have been making. So I repeat that here is a real champion of the seniority system who does a great job for us.

Mr. SIKES. Mr. Speaker, I yield back the remainder of our minutes.

MISSISSIPPI OPERATES WITH A BALANCED BUDGET

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, these days when we hear so much about State and local governments facing a financial crisis it is refreshing for me to be able to point that my home State of Mississippi is continuing to operate with a balanced budget. According to figures just released, Mississippi had an unencumbered cash balance of almost $76 million on June 30 of this year. According to projections for cash revenue during the next 12 months and based on appropriations made for the current fiscal year, the Mississippi State treasury should show a cash balance of some $8 million June 30 of next year.

I would suggest that we in Congress need to take a lesson from Mississippi on the merits of living within your means.

SECOND ANNIVERSARY OF MAN'S FIRST TRIP TO THE MOON

(Mr. FLOWERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. FLOWERS. Mr. Speaker, today marks the second anniversary of the historic flight of Apollo 11, when men from the planet Earth first set foot on the Moon.

The lunar landing created a wave of excitement and pride that swept rapidly throughout the world. It was evident that a new era in man's development had begun. Since that time the United States has continued its clearly established policy of willingness to share the knowledge and benefits gained from the exploration of space with other nations. This willingness was exemplified by the words "We came in peace for all mankind" inscribed in stainless steel on the lunar landing module. And who could forget the first words of man on the surface of the Moon when Neil Armstrong exclaimed "One small step for a man, one giant leap for mankind."

The lunar landing was a triumph of science and technology. The continued exploration of space, combined with a willingness to share its applications for peaceful purposes, enhances the role of the United States as world leader far beyond the areas of science and technology directly involved in the program.

I take this opportunity to commend the National Aeronautics and Space Administration and its Government-science-industry team for their tireless efforts and outstanding achievements in our Nation's space program. And I would like to express to all of the personnel and contractors connected with the Marshall Space Flight Center located in my home State of Alabama, my particular pride in their role—especially in the development of the Saturn launch vehicles which start the Apollo astronauts on their journeys to the Moon.

BUSINESS AS USUAL IN PEKING

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, although there has been, for the most part, a rather favorable reaction from the press and public officialdom in this country over the proposed visit by the President to Red China in that the invitation has shown a change of heart on the part of the Communists, I would again caution those optimists calling for a rapprochement with Red China.

Chou En-lai was quick to point out that it was President Nixon, not he or Mao, who took the initiative in proposing the visit to Peking, and that all Red China did was accede to the President's wish.

I would also like to read from the Washington Post for Sunday, July 18, what the official voice of the Red Chinese Government said over Radio Peking not more than 15 minutes after the broadcast of the news that President Nixon would be visiting that country:

> People of the world unite and defeat the U.S. aggressors and all their running dogs.

Of course this is nothing new; it is old hat for the Red Chinese. Yet, I suppose, even in light of the above statements, we are still to believe that the Communists have made a good faith offer in the cause of peace and that this is an indication that they have mellowed and have renounced their goals of world Communist revolution and war against the free world.

BIG BUS BILL

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHWENGEL. Mr. Speaker, tomorrow, we will consider H.R. 4354, the big bus bill. In reviewing the report filed by the Public Works Committee—House Report 92-345—on this bill, I have discovered a number of inaccuracies. These errors are discussed in some detail at page 25935 of the CONGRESSIONAL RECORD for July 19. I would urge each of you to review this material, as well as the minority ,additional, and supplemnetal views contained in the report prior to the debate tomorrow.

FEDERALLY ASSISTED HOUSING SHOULD NOT BE IMPOSED FROM WASHINGTON

(Mr. SNYDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SNYDER. Mr. Speaker, in his message to the Congress on June 11, 1971, President Nixon said:

> A municipality that does not want federally assisted housing should not have it imposed from Washington by bureaucratic fiat; this is not a proper Federal role.

He defined federally assisted housing as housing for low- and moderate-income families. He said:

> This includes the Home Ownership and Rental Housing Assistance subsidy programs ("section 235" and "section 236" housing, respectively), the rent supplement program enacted in 1965, and assistance to low-rent public housing.

Prior to this stated policy the question of issuing and approving "236" loans by FHA left no discretion with the local people and/or governments if all legal requirements were met.

The Presidential policy above was quite clear in that local governments should have such discretion.

Notwithstanding the Presidential policy, "Romney's raiders of the Treasury" are continuing to process "federally assisted" housing where it is not wanted by the local people and where there is no local sponsorship.

Carpetbaggers, intent on profiting from the hard-earned taxes of the working people are—with the approval of FHA—proceeding to institute three "236" projects in the Fourth District over the objection of the local people. The carpetbaggers have gone to court to force this unwanted subsidized housing on the local people—and in one case have won.

Apparently not only was Secretary Romney "brainwashed" by bureaucrats before becoming Secretary of Housing and Urban Development; but apparently now the bureaucrats are "brainwashed" by the carpetbaggers. If not, then why does HUD thumb its nose at President Nixon on his June 11, 1971, stated policy in this regard?

The three projects in question are: Carriage House of Florence, Ky.; Carriage House of Louisville, Ky.; and Kent Green House of Florence, Ky.

Apparently the self-proclaimed "brainwashed" Secretary of Housing and Urban Development thinks he works for Lippmann Associates and Gene Glick and company instead of for the President.

CONGRESSMAN HUNT EXPRESSES CONCERN FOR POW'S

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, today marks 7 years and 116 days since the first American soldier became a prisoner of war in Southeast Asia.

Despite the most extensive and painfully persistent efforts on the part of the Government and citizens of the United States and of numerous other nations, the Government of North Vietnam and the Vietcong have, with excruciating regularity, repulsed all moves intended to secure compliance with the provisions of the 1949 Geneva Convention requiring humane treatment of prisoners of war and, ultimately, to effect their repatriation.

It is most unfortunate, indeed, that numerous public officials, listened to because of their positions of elected responsibility, have unwittingly become the allies of the North Vietnamese and Vietcong propagandists in making even the negotiations for the release of American POW's contingent upon a firm commitment for the withdrawal of our forces from Southeast Asia. This very issue is now pending before a conference of both Houses in the form of an amendment to the legislation providing for a 2-year extension of the Selective Service Act.

Regardless of the difficulties which legislation of this nature is bound to have with respect to the POW issue at the Paris negotiations, and notwithstanding the eventual outcome of the legislation, it is my fervent hope and prayer that all civilized nations will continue to prevail upon the North Vietnamese and the Vietcong to release the POW's and MIA's held captive by them. Indeed, the thought might be ventured that rather than using the POW's as the pawns for a forced withdrawal, the settlement of the POW issue first might well sped the resolve of other critical, but unrelated, issues.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day.

The Clerk will call the first individual bill on the Private Calendar.

CLINTON M. HOOSE

The Clerk called the bill (H.R. 1824) for the relief of Clinton M. Hoose.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. BROYHILL of Virginia. Mr. Speaker, I object to the unanimous consent request that the bill be passed over without prejudice.

The SPEAKER. Objection is heard.

The Clerk will report the bill.

The Clerk read the bill as follows:

H.R. 1824

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clinton M. Hoose, of Alexandria, Virginia, the sum of $3,634.64 in full settlement of all his claims against the United States arising in connection with a reduction in his salary for the period beginning October 1, 1962, and ending October 30, 1964, while he was a contract employee of the Central Intelligence Agency. The said Clinton M. Hoose agreed to such a reduction in salary because of certain provisions of Federal law relating to restrictions on the concurrent receipt of civilian compensation and military retired pay, which provisions were later rendered retroactively inapplicable to certain retired officers by section 201(g) of the Dual Compensation Act of 1964.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

> Page 2, line 7: Strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 2816) for the relief of Rose Minutillo.

There being no objection, the Clerk read the bill as follows:

H.R. 2816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay to Mrs. Rose Minutillo, of Brooklyn, New York, the amount certified to him by the Administrator of Veterans' Affairs pursuant to section 2 of this Act. The payment of such amount shall be in full settlement of all claims against the United States of the said Mrs. Rose Minutillo for a pension under laws administered by the Veterans' Administration for the period beginning on December 14, 1944, through December 17, 1962, on account of the death of her husband, John Minutillo (Veterans' Administration claim number XC 2-935-738). No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. The Administrator of Veterans' Affairs shall certify to the Secretary of the Treasury the amount that Mrs. Rose Minutillo, of Brooklyn, New York, would have received as pension for the period beginning on December 14, 1944, through December 17, 1962, on account of the death of her husband, John Minutillo, if she had filed a proper claim for such pension on December 14, 1944.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. FERNANDE M. ALLEN

The Clerk called the bill (H.R. 5318) for the relief of Mrs. Fernande M. Allen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (H.R. 5657) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JOHN BORBRIDGE, JR.

The Clerk called the bill (H.R. 5900) for the relief of John Borbridge, Jr.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 6100) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. MARIA G. ORSINI (NEE MARI)

The Clerk called the bill (H.R. 1899) for the relief of Mrs. Maria G. Orsini (nee Mari).

There being no objection, the Clerk read the bill as follows:

H.R. 1899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Maria G. Orsini (nee Mari), shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MISS MARGARET GALE

The Clerk called the bill (H.R. 1995) for the relief of Miss Margaret Gale.

There being no objection, the Clerk read the bill as follows:

H.R. 1995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a) (9) of the Immigration and Nationality Act, Miss Margaret Gale may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SALMAN M. HILMY

The Clerk called the bill (H.R. 6998) for the relief of Salman M. Hilmy.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JOHN A. MARTINKOSKY

The Clerk called the bill (H.R. 4042) for the relief of John A. Martinkosky.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MRS. ELEANOR D. MORGAN

The Clerk called the bill (H.R. 7569) for the relief of Mrs. Eleanor D. Morgan.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ROY E. CARROLL

The Clerk called the bill (H.R. 2846) for the relief of Roy E. Carroll.

There being no objection, the Clerk read the bill as follows:

H.R. 2846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Roy E. Carroll of Wellesley, Massachusetts, is relieved of liability to the United States in the amount of $1,365, representing the total amount of overpayments of active duty pay received by the said Roy E. Carroll during the period from February 1963, through October 1964, as a result of administrative error on the part of the Bureau of Naval Personnel with respect to monthly allotments sent to the mother of the said Roy E. Carroll during such period. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Roy E. Carroll an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 12: Strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WEST FARGO PIONEER AND DALE C. NESEMEIER

The Clerk called the bill (H.R. 1762) for the relief of the West Fargo Pioneer.

There being no objection, the Clerk read the bill as follows:

H.R. 1762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the West Fargo Pioneer of West Fargo, North Dakota, is relieved of all liability for payment to the United States of the sum of $1,674.07, representing additional postage due on sample copies of the West Fargo Pioneer mailed during the period from January 1969, through September 1969, and additional postage due on a publication entitled "The Mirror" included as a supplement to the West Fargo Pioneer and mailed during the period from March 1969, through April 1970, such postage being due as the result of the assessment of postage at incorrect rates by officials of the Post Office Department.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the West Fargo Pioneer the sum of any amounts received on account of the postage deficiency referred to in the first section of this Act.

(b) No more than 10 per centum of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

With the following committee amendments:

Page 1, line 4, strike "is" and insert "and Dale C. Nesemeier are."

Page 1, line 5, strike "$1,674.07" and insert "$995.38".

Page 1, lines 6, 7, and 8, strike "on sample copies of the West Fargo Pioneer mailed during the period from January 1969, through September 1969, and additional postage due".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the West Fargo Pioneer and Dale C. Nesemeier."

A motion to reconsider was laid on the table.

Mr. FLOWERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 161) for the relief of the West Fargo Pioneer and Dale C. Nesemeier.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 161

An act for the relief of the West Fargo Pioneer and Dale C. Nesemeier

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the West Fargo Pioneer of West Fargo, North Dakota, and Dale C. Nesemeier are relieved of all liability for payment to the United States of the sum of $995.38, representing additional postage due on a publication entitled "The Mirror" included as a supplement to the West Fargo Pioneer and mailed during the period from March 1969, through April 1970, such postage being due as the result of the assessment of postage at incorrect rates by officials of the Post Office Department.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the West Fargo Pioneer the sum of any amounts received on account of the postage deficiency referred to in the first section of this Act.

(b) No more than 10 per centum of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The SPEAKER. Without objection, the proceedings whereby the House bill was passed will be vacated, and the House bill (H.R. 1762) will be laid on the table.

There was no objection.

LOUIS A. GERBERT

The Clerk called the bill (H.R. 2408) for the relief of Louis A. Gerbert.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARY JAMES KATES, OWNER OF THE GLADEWATER DAILY MIRROR

The Clerk called the bill (H.R. 3041) for the relief of John Harwin Parrish, postmaster at Gladewater, Tex., and for Mary James Kates, owner of the Gladewater Daily Mirror.

There being no objection, the Clerk read the bill as follows:

H.R. 3041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John Harwin Parrish, postmaster, and Mary James Kates, owner and publisher of the Gladewater Daily Mirror, both of Gladewater, Texas, are relieved of liability to the United States in the amount of $746.83, the amount claimed to be due by the Post Office Department for revenue deficiencies resulting from errors in postage on second-class material at the post office at Gladewater, Texas, during the period beginning October 26, 1966, and ending on November 8, 1967.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of money in the Treasury not otherwise appropriated, to John Harwin Parrish, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) The Secretary of the Treasury is authorized and directed to pay, out of money in the Treasury not otherwise appropriated, to Mary James Kates, an amount equal to the aggregate of the amounts paid by her, or withheld from sum otherwise due her, with respect to the indebtedness to the United States specified in the first section of this Act.

(c) No part of the amount appropriated in subsections (a) or (b) of this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 3, strike "John Harwin Parrish, postmaster, and".

Page 1, line 5, strike "both", and strike "are" and insert "is".

Page 1, line 6, strike "$746.83" and insert "$746.63".

Page 2, line 1, strike "The Secretary of the Treasury is authorized".

Page 2, strike all of lines 2, 3, 4, 5, 6 and 7.

Page 2, line 8, strike "(b)".

Page 2, line 14, strike "(c)" and insert "(b)".

Page 2, line 14, strike "subsections" and insert "subsection (a)".

Page 2, line 15, strike "(a) or (b)".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "For the relief of Mary James Kates, owner of the Gladewater Daily Mirror."

A motion to reconsider was laid on the table.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROBERT J. BEAS

The Clerk called the bill (H.R. 7871) for the relief of Robert J. Beas.

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ESTHER CATHERINE MILNER

The Clerk called the bill (S. 145) for the relief of Esther Catherine Milner.

There being no objection, the Clerk read the bill as follows:

S. 145

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That, in the administration of the Immigration and Nationality Act, Esther Catherine Milner may be classified as a child within the meaning of section 101 (b) (1) (F) of the Act, upon approval of a petition filed in her behalf by Lee W. Milner and Nancy Ross Milner, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the brothers and sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA GRAZIA IACCARINO

The Clerk called the bill (S. 566) for the relief of Maria Grazia Iaccarino.

There being no objection, the Clerk read the bill as follows:

S. 566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maria Grazia Iaccarino may be classified as a child within the meaning of section 101(b) (1) (F) of such Act, upon approval of a petition filed in her behalf by Mr. and Mrs. John F. Newton, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NICHOLAOS DEMITRIOS APOSTOLAKIS

The Clerk called the bill (S. 672) for the relief of Nicholaos Demitrios Apostolakis.

There being no objection, the Clerk read the bill as follows:

S. 672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Nicholaos Demitrios Apostolakis may be classified as a child within the meaning of section 101(b) (1) (F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Paul N. Apostle, citizens of the United States, pursuant to section 204 of the said Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAH MI KIM

The Clerk called the bill (H.R. 1962) for the relief of Dah Mi Kim.

There being no objection, the Clerk read the bill as follows:

H.R. 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Dah Mi Kim may be classified as a child within the meaning of section 101 (b) (1) (F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Norman Gilpin, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

With the following committee amendment:

On page 1, line 10, strike out "case." and insert in lieu thereof the following: "case: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PARK OK SOO AND NOH MI OK

The Clerk called the bill (H.R. 2087) for the relief of Park Ok Soo and Noh Mi Ok.

There being no objection, the Clerk read the bill as follows:

H.R. 2087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Park Ok Soo and Noh Mi Ok may be classified as children within the meaning of section 101(b) (1) (F) of the Act, and a petition filed in their behalf by Mrs. G. B. Royal, a citizen of the United States, may be approved pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSE BETTENCOURT DE SIMAS

The Clerk called the bill (H.R. 2107) for the relief of Jose Bettencourt de Simas.

There being no objection, the Clerk read the bill as follows:

H.R. 2107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a) (9) of the Immigration and Nationality Act, Jose Bettencourt de Simas, may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of the Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IN KYONG YI

The Clerk called the bill (H.R. 2803) for the relief of In Kyong Yi.

There being no objection, the Clerk read the bill as follows:

H.R. 2803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, In Kyong Yi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, In Kyong Yi may be classified as a child within the meaning of section 101(b) (1) (F) of the Act, and a petition filed in her behalf by Mrs. Patricia Mosier, a citizen of the United States, may be approved pursuant to section 204 of the Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KYUNG SOOK MIN AND KYUNG JO MIN

The Clerk called the bill (H.R. 3539) for the relief of Kyung Sook Min and Kyung Jo Min.

The SPEAKER. Is there objection to the present consideration of the bill?

There was not objection.

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 108, be considered in lieu of the House bill.

The SPEAKER. Is there objection to

the request of the gentleman from Pennsylvania.

There being no objection, the Clerk read the Senate bill as follows:

S. 108

An act for the relief of Kyung Jo Min and Kyung Sook Min

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c) of that Act, relating to the number of petitions which may be approved in behalf of children, shall be inapplicable in the case of a petition filed in behalf of Kyung Jo Min and Kyung Sook Min by Mr. and Mrs. Marvin Buck, citizens of the United States. The natural brothers and sisters of the said Kyung Jo Min and Kyung Sook Min shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3539) was laid on the table.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MIGUELITO YBUT BENEDICTO

The Clerk called the bill (H.R. 2706) for the relief of Miguelito Ybut Benedicto.

There being no objection, the Clerk read the bill as follows:

H.R. 2706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Miguelito Ybut Benedicto shall be deemed to be an immediate relative within the meaning of section 201(b) of that Act and may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, in the administration of the Immigration and Nationality Act, Miguelito Ybut Benedicto may be classified as a child within the meaning of section 101(b)(1)(F) of the act, upon approval of a petition filed in his behalf by Mr. and Mrs. Gerardo Benedicto, a citizen of the United States and a lawfully resident alien, respectively, pursuant to section 204 of the act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REA REPUBLICA RAMOS

The Clerk called the bill (H.R. 2814) for the relief of Rea Republica Ramos.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by one of his secretaries.

CALL OF THE HOUSE

Mr. PETTIS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 196]

Adams
Andrews, Ala.
Baring
Blanton
Brasco
Celler
Clark
Clay
Conyers
de la Garza
Dellums
Diggs
Donohue
du Pont
Edwards, La.
Fish
Fisher
Ford, William D.
Garmatz
Giaimo
Goldwater
Gray
Gude
Hagan
Hanna
Harsha
Hosmer
Hungate
Kee
Kuykendall
Kyros
Long, La.
McCulloch
Mayne
Melcher
Michel
Miller, Calif.
Mollohan
Murphy, Ill.
Pepper
Ruppe
Scheuer
Sisk
Smith, N.Y.
Steele
Talcott
Teague, Calif.
Teague, Tex.
Terry
Tiernan
Van Deerlin
Vigorito
Wilson, Charles H.
Yatron

The SPEAKER. On this rollcall 379 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 9270, AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION PROGRAMS APPROPRIATIONS, 1972

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9270) making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. CONTE. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I am grateful to the gentleman from Mississippi (Mr. WHITTEN) for this opportunity to explain my position on this year's effort to reform our runaway farm program.

Despite the adoption by the House of my amendment to lower the present subsidy ceiling from $55,000 to $20,000 per crop, which passed on June 23, 1971, by a vote of 214 to 198, the other body has regrettably chosen not to go along.

I am grateful to the strong support which Senator BAYH gave to this reform last week, but, despite that effort, we must face the fact that the amendment was rejected by a margin of 56 to 29.

Mr. Speaker, any successful politician must be able to recognize defeat. I will, therefore, not move to instruct our conferees.

I am frankly at a loss to understand the Senate action in the face of the overwhelming popular demand to put an end to these giveaways, and virtually every poll I have seen indicates that the vast majority of farmers also favor a $20,000 limit.

I want to assure all of my colleagues that, while another battle has been lost, I will be back again next year. I intend to offer this same amendment again at that time, and, between now and then, will devote my time to promoting greater awareness of the need for this reform.

One part of that effort is already underway. The General Accounting Office has already begun an investigation into the administration of the present $55,000 and the methods being used to circumvent it. We should have this GAO report before the end of the year.

Mr. Speaker, I have written the Comptroller General, commending him for initiating this inquiry and urging him to broaden the GAO study to enable him to comment on the advantages of adopting a lower ceiling of $20,000 per crop. I include a copy of that letter at the close of these remarks.

It might be noted, Mr. Speaker, that last week the other body did adopt a resolution calling on the Department of Agriculture to conduct its own investigation—RECORD, July 15, 1971; page 25435. Having sandbagged the taxpayer's hope for ending this scandal, the other body, I presume, thought it could salve its conscience by this grand gesture.

Well, I, for one, believe that asking the Department to do this job makes as much sense as asking President Thieu to investigate charges of election fraud in South Vietnam.

The only way to get an accurate, objective look at what is happening is through the GAO investigation.

In closing, Mr. Speaker, I want to say again that I am deeply disappointed by the action of the other body. And there can be no doubt that the American taxpayer is also disappointed, in fact, outraged. But this issue will not rest here. Perhaps it will take an election year to awaken our colleagues in the other body. But, whatever it takes, I want to assure all my colleagues I will be back again. And I will not rest until this runaway farm program is brought under control.

Mr. Speaker, I include the following letter which I wrote to the Comptroller General.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 19, 1971.

Hon. ELMER B. STAATS,
Controller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: I am pleased to know that the General Accounting Office is currently conducting an investigation of the U.S. Department of Agriculture's regulations to implement the farm subsidy ceiling of $55,000 per producer for each crop adopted by the Congress last year. I understand that your investigation is seeking answers to the following questions:

First, what has been the effect of the $55,000 payment limitation; second, how is the Department of Agriculture administering its regulations; and third, what types of measures are being used to circumvent the regulations and the payment limitation?

In addition, I would suggest that you broaden your inquiry to enable you to comment on the advantages of adopting a lower ceiling of $20,000 per crop. It is my belief that a ceiling at this level would be much more difficult to circumvent and would engender substantially greater savings. I am therefore anxious to know if your study would confirm this.

Again I commend you for undertaking this inqury and look forward to your report.

With all best wishes, I am
Cordially yours,
SILVIO O. CONTE,
Member of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? The Chair hears none, and appoints the following conferees: Messrs. WHITTEN, NATCHER, HULL, SHIPLEY, EVANS of Colorado, MAHON, ANDREWS of North Dakota, MICHEL, SCHERLE, and BOW.

(Mr. WHITTEN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. WHITTEN. Mr. Speaker, this bill makes appropriations for the Department of Agriculture and the environmental and consumer protection agencies. There are numerous amendments which must be considered in conference since the other body made increases of around $1.5 billion.

One of the major items of controversy in the House had to do with a limitation on payments. Unfairly, I think, this has been termed and frequently described as a subsidy.

Under the various laws passed by the Congress and signed by the President, a commitment was made to make payments under certain terms and conditions at not to exceed $55,000 per person or corporation. These payments—wrongly described, as I mentioned—really should be charged to the processor, for they really serve the purpose of enabling the processors to buy farm commodities, including cotton, at world prices while the producers in turn must pay American prices for all machinery, equipment, supplies, and so forth, while leaving out of production a part of his land. This I thought unsound when first passed in 1965, at which time I opposed this law.

It was apparent to me then that American agricultural producers would be dependent annually upon an appropriation from Congress for a part of their cost and all their profits. This problem, I trust, we will get resolved for the present year, but it is something that will haunt us as long as this approach is kept.

At any rate, Mr. Speaker, this is a commitment at the present time; and while the House conferees go to conference with a slight vote to reduce the amount, a study of the arguments made for such reduction will not stand up. The vote on the other side, it is to be noted, was in excess of 2 to 1; so in view of the Government's commitment by law—and may I say the commitment so far as wheat and cotton is concerned is just as much a legal commitment as that which they provide for wool and sugar in a different way. With regard to sugar a processing tax is levied upon the processor and an equal amount paid out to the producer so he can maintain domestic production of sugar in competition with foreign producers, the import from which we strictly limit by law. Of course, this added cost is passed on to the people. In fact, whether it be tax or payment, it will, of course, be paid by the American people. And we have to pay if we are to obtain the production so necessary to the consumer.

That my colleagues may understand why large payments are made in some instances, I recall that I was asked some time ago why some payments were large with regard to wool, sugar, wheat or cotton. I was asked this by the manager of a motel. I told him, "I just paid you $16.50 for a room. How many rooms do you have?" He said, "Two hundred." I said, "Well, can I pay you for all of them?" He said, "Sure." I said, "Can I get the whole 200 rooms for $16.50?" He said, "Oh, no. It would be that much per unit."

Mr. Speaker, this explains the large payments. The recipients have "200 rooms." Thus, large payments go to those who have large production capacity and investment and who produce in large quantities and sell at world prices but pay American costs of production, with all the built-in labor and other costs that go into the retail price of tractors, combines, chemicals, and other expensive U.S. items.

Again, these payments whether it be wool, sugar, wheat, or cotton, come because of a law—a law passed by the Congress and signed by the President. I trust that we will be able to carry out the good faith commitment which we have made to the American agricultural producer. After all, we must—for it is the consumer for whom they produce and industry and labor which is dependent upon what they buy.

Remember, people are quitting the farms at a rate of 400,000 to 600,000 per year, and have done so for 6 straight years. Remember, too, that in 30 years farm producer income as a percentage of investment has dropped 50 percent which to a great degree explains why farmers are quitting the farm. Perhaps they need to but we consumers cannot afford to have them do so.

Mr. KAZEN. Mr. Speaker, will the gentleman from Mississippi yield to me at this point?

Mr. WHITTEN. I yield to the gentleman.

Mr. KAZEN. Mr. Speaker, as the agriculture appropriations bill goes to conference, I wish to commend the attention of the conferees to an important amendment passed by the Senate and now due for consideration by the conferees. It would provide $1 million to fight Venezuelan equine encephomyelitis. The scourge of Venezuelan equine encephomyelitis has risen in Texas and neighboring States since we considered the agriculture appropriations bill in the House.

Every Member has read news reports of the ravages of this disease. There have apparently been some human cases, but the scientists find VEE is rarely fatal to humans. Among horses, however, the toll is already heavy. Firm reports put the death total at about 1,000 animals. The owners of horses in Texas, whether these be blooded Arabian stock or the workhorses of ranches and farms, are deeply concerned. It now appears that the Department of Agriculture has mounted an offensive against the mosquito carriers by widespread aerial spraying, while it is building defenses through statewide vaccination and quarantine programs. These efforts are to be expanded to other States if needed.

The Senate amendment would provide $500,000 for research in three fields: First, further investigation of the live VEE vaccine; second, research into a chemically treated or dead vaccine; and third, examination of the vector, or mosquito carriers. The other half of the proposed appropriation would be used nationwide to control the present epidemic.

The threat to life and property is very real. I trust this will be recognized and that the danger will be faced by approval of the appropriation amendment.

(Mr. PRICE of Texas asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Texas. Mr. Speaker, as we appoint conferees today to reconcile differences between the two Houses on the Agricultural Appropriations Act for fiscal 1972, I rise to make two suggestions to our colleagues on the conference committee.

First, I heartily endorse the $1 million addition by the other body for the purpose of treatment and control of Venezuelan equine encephalomyelitis.

I have been very gratified by the actions taken by the Secretary of Agriculture, Clifford Hardin, and his associates in the Department of Agriculture. I would like to express my personal gratitude to Dr. Frank Mulhern and his associates in the regulatory and control area of the Agriculture Research Service.

These men have done an excellent job in dealing with an exotic disease with an experimental vaccine. The U.S. Government has been working on a vaccine since this disease developed in epidemic proportions several years ago.

Early in March, the Department of Agriculture sent a scientist to Mexico to assist in diagnosis of suspected VEE infection in the Tampico, Mexico, area.

Representatives of the Department of Agriculture met on May 12, 1971, with Mexican officials regarding the outbreak in that country.

The Department of Agriculture placed two men in Mexico shortly thereafter to work full time with Mexican authorities on diagnosis, vaccination, and spraying programs.

The Department of Agriculture furnished Mexico 200,000 doses of vaccine, assisted in travel expenses for vaccination in northern areas, added three additional veterinarians, and offered malathion for spraying.

The Department of Agriculture authorized the use of the experimental vaccine for horses in Texas, and vaccination started on June 28.

The Department of Agriculture started spraying for mosquito control in Texas on July 10 with the assistance of Department of Defense and Public Health Service.

On July 13 the Department quarantined the entire State of Texas so that horses could not move to other States unless they had been vaccinated 14 days before crossing the State line.

On July 16, Secretary Hardin announced a national emergency and directed additional action be taken in this outbreak.

In declaring a national emergency, Secretary Hardin put the full financial and technical resources of the Department of Agriculture into the battle against VEE. The $1 million provided in the Senate version of the agricultural appropriations bill would alleviate the necessity for withdrawing funds from other much needed USDA programs in order to fight this disease.

At this point, I would also like to acknowledge the excellent cooperation between USDA and Dr. E. G. Sibley and his associates at the Texas Animal Health Commission. In an emergency of this sort, there is bound to be some lack of coordination, but I believe most of the problems were overcome in a very rapid manner.

As of July 17 sufficient dosage of VEE vaccine has been released for use in Texas and adjoining States. A commercial company has been contracted with to help process the vaccine. The Department of Defense has released an additional 1 million doses to USDA for immediate use and will provide said material for another 1 million doses. In addition, USDA is working closely with the USAF and other agencies to establish a buffer zone by supplying mosquitoes in the principal breeding grounds.

Again, Mr. Speaker, I would like to point out what I believe would be the excellent job that has been done by all agencies concerned in fighting this decision and urge our House colleagues on the conference committee to accept this Senate amendment.

At the same time, I would strongly urge our colleagues to recede from the House amendment placing a $20 million limitation of farm payments.

I believe the Congress made a solemn pledge to the farmers in this country when a $55,000 limitation was placed in the Agricultural Act of 1970 which extends for a 3-year period. The farmers purchased equipment and leased more land. Bankers loaned these people operating money and made other arrangements on the basis of the $55,000 limitation. For the Congress to lower this limitation after only 1 year makes many Americans wonder if they can believe any laws that are passed in these Halls.

Since coming to Congress I have consistently opposed limiting Federal payments to any one farmer, farm, or commodity. Based on my life-long association with agriculture, I am of the firm conviction that payment limitations and a healthy farm economy are mutually exclusive. I still hold to this position despite the committee's action. I fear this is a false economy, one that will dislocate the farm sector in significant respects. It is, however, a cutback that will not prove disastrous to the farm program provided Federal payments are not further limited by Congress.

Perhaps a strict payment limitation could be justified in a farm economy comprised of small individual production units; but, the unadorned fact of the matter is that this Nation's agriculture sector is not so comprised, and has not been for over two decades. The United States, once a nation of small family farms, has become a nation wherein 40 percent of the farms produce over 80 percent of the country's food and fiber. The reasons for this shift may be summarized in one word; namely, "economics."

Farming, like other areas of the economy, has been beset with rising costs for land, labor, and capital, as well as shrinking profits from farm production. The extent of this condition is aptly illustrated by examining the economic changes in key areas over the last 10 or so years. Since 1959, the average value per acre of land has increased 83 percent. Land values themselves have risen 70 percent. Variable costs of farming and ranching have skyrocketed as well. During the last 7 years the investment in farm machinery required for farms and ranches has climbed 79 percent. Annual outlays for fertilizers have increased 64 percent. Feed costs have risen 33 percent.

Farming also provides significant underpinning to the economy in general. It comprises the largest single market for labor and industry—it employs 5 million individuals; which is more than the combined employment in transportation, public utilities, auto manufacturing, and steel industries. The agriculture sector consumes $50 billion worth of goods and services each year. Farmers pay more than $4.8 billion alone for tractors and equipment. In addition, they pay an annual transportation bill of well over $4 billion just to move their produce and livestock to market. Finally, farm transportation needs are so extensive that out of the 17 million trucks in America, more than 3 million are used in agriculture.

The conclusion is obvious. Agriculture has become a very significant component in the commercial life of the Nation. This is in addition to its historic role of producing the food and fiber necessary to fuel the dynamic growth of our country.

Mr. Speaker, for these reasons, I hope the House conferees will recede from this amendment and restore the faith of the American farmer in his Government.

REPORT ON RESOLUTION RELATING TO ALLOWANCES TO MEMBERS, OFFICERS, AND STANDING COMMITTEES

Mr. THOMPSON of New Jersey, from the Committee on House Administration, submitted a privileged report (Rept. No. 92–367), on the resolution (H. Res. 457) relating to expenditure of funds from the contingent fund of the House of Representatives for certain allowances to Members, officers, and standing committees of the House, which was referred to the House Calendar and ordered to be printed.

THIRD ANNUAL REPORT ON THE ADMINISTRATION OF THE NATURAL GAS PIPELINE SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I herewith transmit the Third Annual Report on the administration of the Natural Gas Pipeline Safety Act of 1968. This report has been prepared in accordance with Section 14 of the Act, and covers the period of January 1, 1970, through December 31, 1970.

RICHARD NIXON.

THE WHITE HOUSE, *July 20, 1971.*

REPORT OF THE NATIONAL CAPITAL HOUSING AUTHORITY FOR FISCAL YEAR 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the District of Columbia:

To the Congress of the United States:

I transmit herewith the report of the National Capital Housing Authority for Fiscal Year 1970, which outlines a number of positive and important steps that have been taken to supply housing for the citizens of the District of Columbia.

RICHARD NIXON.

THE WHITE HOUSE, *July 20, 1971.*

ESTABLISHING A JOINT COMMITTEE ON THE ENVIRONMENT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 424 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 424

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 3) to establish a Joint Committee on the Environment. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motions except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, this is a slightly unusual rule in that it exists in order to make available to the House and the Members of the House more time to discuss the Joint Committee on the Environment matter than would otherise have been available.

The establishment of a joint committee is a matter of original jurisdiction with the Committee on Rules, and it could have been reported and brought up under the hour rule, and debated for an hour. At the time that we issued the rule it was our thought that there might be enough controversy to take 2 hours, but apparently—and I say "apparently" because one never knows what will develop—apparently there is not that much controversy on the matter.

To briefly describe the situation, the resolution and companion resolutions creating a Joint Committee on the Environment was sponsored by 268 Members of the House, including the Speaker, the majority leader, and the minority leader. It has broadly based support, and we received no testimony in opposition to it.

It is interesting to note that many of the committee chairmen, and all of the committee chairmen as far as I know who are most affected, or whose committees are most affected by the proposed Joint Committee on the Environment, are cosponsors of this legislation.

The usual problem confronting the Committee on Rules in its consideration of this particular matter—and the problem is one that really does not confront the Committee on Rules, it confronts the House as a whole, and in particular the distinguished Speaker of the House—is that we simply do not have enough room in the House, and its various facilities, for all the demands that are made by the committee chairmen, and even by the Members. We are very much overcrowded. That matter was given consideration by the Committee on Rules, and the Committee on Rules decided that since this resolution was so overwhelmingly supported by the Members of the House of Representatives that it should be brought to the floor.

Mr. Speaker, I do not propose to go into details on the composition of the committee. I expect to yield time under the rule, or under the resolution that is made in order by this rule, to the chief sponsor of the matter.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I will be glad to yield now to my distinguished friend, the gentleman from Texas (Mr. Mahon), the chairman of the Committee on Appropriations.

Mr. MAHON. Mr. Speaker, some of us I believe have come to the conclusion that we must hold down the growing list of joint committees not only for the reasons that the gentleman from Missouri (Mr. Bolling) has set forth as to the lack of space but also because of other factors.

I would ask the gentleman from Missouri this question: Does this action today mean we are probably going to open the gates for encouraging the creation of still more joint committees for which we have no adequate space?

Mr. BOLLING. I am very glad that the gentleman from Texas has asked that question. I can only speak as one member of the Committee on Rules, but I suspect that I represent a bipartisan majority of the Committee on Rules.

On the day the Committee on Rules reported out this proposition, it also reported out two others, with the understanding at the time that that would be all. The fate of one of the others was that it was overwhelmingly defeated and the other one, I think it is safe to say, although I do not want to prejudice its consideration if it should come up—I think it is safe to say it was considered by its sponsors to be in enough trouble so that it never has been brought up.

As one member of the Committee on Rules who thinks he represents the rules of the Committee on Rules accurately, I am opposed to any further select or joint committee in the absence of a most extraordinary emergency and where it is clearly the will of the House by an overwhelming majority that we do have another select committee or joint committee.

I am as opposed to having any beyond those, as I can possibly be—beyond those reported by the Committee on Rules.

Mr. MAHON. Mr. Speaker, I thank the gentleman from Missouri for his reassuring statement.

Mr. SMITH of California. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, in view of the fact that the distinguished gentleman from Missouri (Mr. Bollings) has explained this rather unusual procedure under House Resolution 424, I will not take time to comment further on that.

I would like, however, to make some comment about House Joint Resolution 3 which we are considering here today.

Now this resolution will provide for a joint committee of the House and Senate—11 Members from the Senate and 11 Members from the House—that is 22 Members.

Shortly before the rule was called up today, one of the Members handed me a proposed amendment with the suggestion that it would bring it into line with other joint committees. He will offer this amendment at the appropriate time to increase the membership to 12 Members from each body, seven Democrats and five Republicans, that is a total of 24 Members.

In attempting to find out something about what the staff would be, we did some checking and the distinguished gentleman from Michigan (Mr. Dingell) who is very fair, in his letter to the gentleman from Hawaii (Mr. Matsunaga) suggested that it might have to go along the same lines as the Joint Committee on the Economic Report. But he suggested they probably would have one staff director, one chief counsel, three staff attorneys, three environmentalists or natural science specialists, one economist and several junior staff members and research assistants and probably 10 to 12 clerical and nonprofessional staff people. That is the suggested number of personnel.

You add those up and it comes to 24 employees. Figure out what the cost of this is going tc be—this proposition is going to cost us a considerable amount of money.

For me to oppose this resolution—and not only the rule but the resolution—I suppose will bring criticism to me that I am against motherhood and in favor of sin, which is not the truth.

I am as much for doing everything possible to clean up the environment as any other Member of the House of Representatives and I know every Member of this body wants to do everything that he or she can do in an effort to do that.

My experience goes back to the late 1940's when the smog started in Los Angeles County. In the State legislature we passed laws to set up a county organization in Los Angeles County and Orange County, the Air Pollution Control Authority. In 1950 we held hearings in the State building in Los Angeles. I well remember that there were some 400 to 500 people there, including scientists and men from California Tech, people with other experience in that field.

Prior to that time the backyard incinerator had been declared to be the main cause of smog and an ordinance was passed eliminating the backyard incinerators from all homes and apartments in Los Angeles County. This did not cure the problem.

I remember in 1950 at this meeting I suggested to those present that I wondered if maybe the automobile exhaust and truck exhaust fumes could be causing some of this smog.

Actually, they all laughed, including the scientists and the rest of the experts. They thought that was a big joke. After they had had their laugh, I suggested to them, "Why don't you check and find out? If you look at the diesel trucks on the road you will see dark diesel smoke coming from them."

Within 6 months they came out with the conclusion that exhaust emissions were the main cause of smog in southern California. We are still trying to get exhaust control or some appropriate controls on motor vehicles to be manufactured in the future to meet the standards which we have set up, and it has taken all this time to do that.

We are faced with a similar problem in relation to fumes, exhaust, or whatever you wish to call it, from jet airplanes. You can watch at National Airport planes taking off and landing and you will see that they spew a tremendous amount of contamination into the atmosphere. I guess they have been ordered to install afterburners or whatever is necessary on jet planes to stop that contamination. I understand that all the new ones are so equipped, but it is taking a great deal of time to equip the older planes. Instead of doing it in a matter of months, or so, they say that it will cost money and take time and will take another year or two to accomplish.

The same story relates to refineries and other installations that are contaminating the air.

We are faced with some long and serious problems.

It is proposed that we in the Congress now start studying the environment. This particular joint committee in my opinion could do nothing. They would not have any legislative authority. If you will check the history of committees, you will find that very few committees without legislative authority have accomplished very much. I believe the Joint Committee on the Economic Report does a good job. One that has done an outstanding job is the Joint Committee on Atomic Energy, which has legislative authority. In that instance we have the two gentlemen from California, Mr. HOLIFIELD, the chairman, and Mr. HOSMER, the ranking minority member, and a committee which has worked real hard to bring legislation before the House. But in this particular instance the committee could work for another year or two and could not have any legislative jurisdiction.

I cannot help but feel that if we are going to undertake this type of work, we would do much better to have a standing committee in the House or else a Select Committee of the House to enable us to do our own work rather than to establish a joint committee. I do not know where we are going to find space to accommodate 22 members of the proposed joint committee from both bodies and possibly 25, or more staff members.

It seems to me that we are faced with a very serious problem from that standpoint.

Furthermore, I think if you will read the resolution, you will observe that it sets forth jurisdiction that will infringe upon the jurisdiction of several other committees—the Merchant Marine and Fisheries Committee, Interior, and several other committees. There is no language in the resolution which would prohibit such infringement, which is standard language in most resolutions. That is the fault—and I will take as much blame as everybody else—of the Rules Committee. I did not even think of it when the resolution came before the Rules Committee. An amendment will be offered on the floor to add that language. But even that language in the resolution which would prohibit infringement on any standing committee will be set alongside the specific duties which will authorize infringement. In other words, it is like saying to your children, "Yes, you can go swimming, but you can't go near the water."

We would tell them that they would have certain jurisdiction, but by the same token we would tell them, "You can't do these things," most of which would infringe on the jurisdiction of other committees—with the possible exception of studying the President's report.

I rather doubt that there would be any meeting, besides the original one, at which you would get 22 members present. We will take a recess in August. Next year is an election year. Members of both bodies will be interested in that with redistricting all over the United States. That will present a problem to many of us.

In addition to that, we will have a national convention and an election of president. I cannot help but feel in all seriousness that even though we all want to do everything we can for improving the environment, the proposal is or would be a wasted effort at the present time.

The other body passed a resolution, which is pending, and that particular resolution has language in it which would change the Reorganization Act which we passed last year. One of the things we were very careful to do last year in that regard was to change the Rules of the House and make them subject to amendment by the House acting alone. The language in the Senate-passed joint resolution would change the Senate Rules so far as the selection of members is concerned. I think this is wrong. The Senate should amend their own rules by a simple Senate resolution as they traditionally have done.

Of course, it may end up in conference and we can argue it there, but if the other body is going to change its rules, they should do it by Senate resolution and not do it by a Senate or House joint resolution. If we are going to start changing House rules by joint resolution, then we could change all the rules we have.

Just as a matter of information, over the weekend I started gathering material that was going across my desk on environment and some of the things that are being done in connection with the environment. For instance, there is an article from the Los Angeles Sunday Times of July 11, which is to the effect that "responsible official commissions of the State of California and the city of Los Angeles have taken a frank and careful look at the problems of our environment." It goes on with the recommendations of the State of California Environmental Quality Study Council. There is a bill before the Assembly Ways and Means Committee, AB–1056, and there is another bill now approved by the State legislature in the State of California. It was approved on Wednesday, July 15, and was covered in another extensive article in the Times. Those particular measures were approved by the Assembly Committee of the State Legislature on July 15.

There was another extensive article covering what they are doing in California. There was another pamphlet from the State of California on "Proposed Guidelines for Preparation and Evaluation on the Environmental Impact of Statements" under the California Environmental Act of 1970. There was another booklet, received Saturday at home, on Environmental Science and Technology, and another pamphlet entitled "The Chief Executive on Environmental Management."

Mr. Ruckelshaus, the Administrator of the Environmental Protection Agency, urged last Tuesday that the Federal Government spend $2 billion a year for the next 3 years to clean up the Nation's polluted lakes and rivers and streams. The Environmental News on June 20, from the Environmental Protection Agency in Washington set forth various helps and various things they think should be done.

There have been Clean Air Act lawsuit ground rules instituted July 15, as laid out by the Environmental Protection Agency. There is a report on July 18 from the Department of the Interior, "Educators Invited To Use Public Lands for Environmental Studies." The Under Secretary of the Treasury, Paul Volcker, on July 13, testified on President Nixon's Proposal to create an Environmental Financial Authority, EFA, which would greatly assist municipalities in creating new facilities.

The Los Angeles County Rapid Transit Agency obtained 40 new buses, and these were put on the highways last week. They are all controlled from the standpoint of exhaust and environmental control.

Governor Ronald Reagan on July 8 pointed out that Dr. Raymond A. Fleck, an environmental toxicologist at the University of California at Davis, has been named to head a State pilot project to monitor pollutants in the Monterey Basin.

On July 12, Governor Reagan submitted a sweeping reorganization plan to the legislature for environmental protection that sets up "a high command to direct the war against pollution on every front." There are various other reports which Members also received. The House Committee on Merchant Marine and Fisheries reported a bill which they are about to approve, and the chairman said:

> This committee report should have significant and long-range implictions, because it will help determine guidelines for Federal agencies that are vital to effective implementation of our national environmental policies and goals.

There is another statement by Mr. Ruckelshaus on July 15, in an appearance before the task force concerning environmental policies, which will provide the opportunity to look at some of the key issues affecting air, water, and land quality.

There is another statement from the Department of the Interior, stating, "No adverse environmental effects anticipated from Texas cloud-seeding program."

The Department of Fish and Game are supporting a bill in the State Legislature of California which is a preservation act to help the environment.

There is a book report entitled "Second Federal Aircraft Noise Abatement Plan."

Those are all gathered from materials that were stacked up from last week's collection which I had not read until last Sunday. We have all kinds of studies and laws set up on the environment now. I would think if we would enforce some of the rules and regulations, we would do better than simply to set up another joint committee which I think—at least it is doubtful in my mind—will be able to do little more than have some meetings and study. I do not know who is going to be on it, and I do not have any criticism of any individual. If they study just what is going on, it will take them 18 months, and then if they write a report, that would probably gather dust also.

So, Mr. Speaker, whether I be accused of being against motherhood and for crime, or whatever, be that as it may, let the chips fall where they may. As far as I am concerned, I think this is a waste of time and of the taxpayers' money.

I think this is a waste of the taxpayers' money and a waste of effort on behalf of the Members of both bodies. The standing committees we have can handle these problems at the present time.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman has made a very effective presentation, but I want to ask some questions in connection with the points he raises.

I gather the gentleman feels that this joint committee would have a very doubtful value because it would overlap with many other committees and would do mostly survey work rather than legislative, and in any case would raise problems of space and staff.

I wonder if the gentleman feels this way about the other joint committees?

Mr. SMITH of California. I have tried to discuss that. Those which have legislative authority, like the Joint Committee on Atomic Energy, have done a splendid job. The Joint Committee on the Economic Report I think has done a good job. Some have done a poor job.

The SPEAKER. The time yielded by the gentleman from California has expired.

Mr. SMITH of California. Mr. Speaker, I yield myself an additional 3 minutes.

I am not commenting on the effectiveness of the other joint committees. I have commented on that.

I am commenting that this is one, in my opinion, which I believe would be kidding our constitutents and kidding ourselves. We can go home and tell everybody, write letters, and say that we have set up a Joint Committee on the Environment and we are going to clean it up, and the high school and college people will think we are doing a wonderful job.

I do not like to legislate that way. That is one of the reasons why I oppose it.

Mr. LONG of Maryland. I believe a part of the gentleman's problem is that it is an unhappy characteristic of present-day Government to overpromise and underperform. This is being done by the executive branch all the time.

Would not the gentleman agree that value of the Joint Environmental Committee will depend, really, on how it would function? It seems to me if it did its job conscientiously there is a great job to perform. The environment, of course, is all around us and the problems are therefore all around us.

I suppose there is scarcely a committee in the Congress which does not have environmental problems that arise out of its functioning.

I do not see how we could establish a standing committee to look over the work of all the other standing committees. It seems to me that is what a joint committee ideally sets out to do.

Mr. SMITH of California. Obviously we could not support the creation of a standing committee for this. We would have to take authority from the Committee on Merchant Marine and Fisheries and authority from the Committee on Interior and Insular Affairs and a number of other committees. We could not get the votes to do it.

Mr. LONG of Maryland. Exactly.

Mr. SMITH of California. But we could have a select committee in the House, which would be a small group of people, who might find space to work, rather than have such a large group from this body and from the other body.

Mr. LONG of Maryland. Would not the gentleman agree that we shall coordinate matters with the other body, on the environment?

Mr. SMITH of California. I guess we have to coordinate on everything. Both bodies are equal bodies as to the passing of laws.

This committee would have no legislative jurisdiction. Any bills introduced would have to go to the standing committees of the House.

Mr. LONG of Maryland. I believe the gentleman basically is arguing against the whole concept of a joint committee.

Mr. SMITH of California. I am saying that I do not believe the joint committees, on a usual basis, are as effective as our own committees.

Mr. LONG of Maryland. The gentleman possibly is right. If we are to have joint committees at all, it seems to me the case for this joint committee is just as good as, if not better than, that for any other joint committee because of the very pervasive and all embracing nature of the environment.

Mr. SMITH of California. The gentleman certainly is entitled to his opinion.

Mr. LONG of Maryland. So far as space and staff are concerned, there is plenty of space in Washington, D.C. If the executive branch wants to move into a whole new important area, they do not have any problems of getting space and staff. It seems to me that is a matter for Congress to assert itself on. If we have a legitimate job to do, I do not see a problem on space and staff.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield so that I may ask a question of the gentleman from Maryland?

Mr. SMITH of California. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I should like to direct a question to the gentleman from Maryland, who said that there is plenty of space available. Does the gentleman mean away from the Capitol?

Mr. LONG of Maryland. There is space all over town. Does not the executive branch do exactly that? If they want to expand, they go out and rent buildings. Why can we not do the same?

Mr. ASHBROOK. It is my understanding that the executive branch does this, and we criticize them for it. Does the gentleman suggest that we should rent space?

Mr. LONG of Maryland. I certainly do.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. Of course, we can take care of that situation, with the gentleman's help, for he is on the Appropriations Committee, by not appropriating so much money for the expansion of the Federal Government.

It is about that simple. Simply because the executive branch expands beyond reason does not mean we have to do it.

However, I rose to ask the gentleman to yield to say that I was more than passingly interested in the colloquy which occurred earlier between the gentleman from Texas (Mr. MAHON) and the gentleman from Missouri (Mr. BOLLING).

Mr. MAHON, if I understand him correctly, asked the gentleman from Missouri if this meant we were going to have more joint committees, and the response of the gentleman from Missouri was a qualified one, with a qualification so big that you could drive one of those black-smoking semitrailer trucks through it. He said that if there was an overwhelming desire on the part of the House for another joint committee, he would be for it.

That, to me, is utterly meaningless, because you can find an overwhelming desire here to spend money without the least trouble. Everybody is perfectly willing to spend somebody else's money around here for more joint committees and commissions. There is always an overwhelming desire to spend in Congress so I do not think that ought to be taken into consideration in whether we vote this up or down.

Personally I am diametrically opposed to the establishment of another joint committee in this Government and particularly on this subject.

I thank the gentleman for yielding.

Mr. SMITH of California. I will comment to the gentleman that we are having a problem with the tremendous amount of pressure being placed on us by the Members for the establishment of a Joint Committee on Aging. Would the gentleman from Missouri like me to yield to him so that he can answer the gentleman from Iowa?

Mr. Speaker, I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I have one more comment.

The Committee on Rules had an amendment which it reported with House Joint Resolution 3, which is the Joint Committee on the Environment resolution, which puts a limitation on the expenditures which may be made by the Joint Committee on the Environment of $300,000 for each fiscal year.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on House Joint Resolution 3.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resoluton.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SMITH of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 372, nays 18, not voting 43, as follows:

[Roll No. 197]

YEAS—372

Abbitt
Abourezk
Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McDonald, Mich.
McEwen
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Montgomery
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—18

Abernethy
Ashbrook
Baker
Bow
Collier
Collins, Tex.
Colmer
Davis, Wis.
Gross
Hall
McFall
Martin
Michel
Powell
Schmitz
Skubitz
Smith, Calif.
Wiggins

NOT VOTING—43

Adams
Anderson, Tenn.
Blanton
Brasco
de la Garza
Dellums
Dent
Diggs
Donohue
Dwyer
Edwards, La.
Evins, Tenn.
Garmatz
Goldwater
Gray
Gude
Hagan
Hanna
Harsha
Hawkins
Hosmer
Hungate
Kyros
Long, La.
McCloskey
McCulloch
McDade
Mayne
Melcher
Miller, Calif.
Mollohan
Moorhead
O'Neill
Pepper
Pirnie
Ruppe
Smith, N.Y.
Talcott
Teague, Tex.
Terry
Van Deerlin
Wilson, Charles H.
Yatron

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Garmatz with Mr. Gude.

Mr. Charles H. Wilson with Mr. Goldwater.

Mr. Hanna with Mr. McDade.

Mr. Donohue with Mr. Harsha.

Mr. Van Deerlin with Mr. Hosmer.

Mr. Anderson of Tennessee with Mr. Talcott.

Mr. Pepper with Mr. McCloskey.

Mr. Adams with Mr. Ruppe.

Mr. Blanton with Mr. Mayne.

Mr. Brasco with Mr. Pirnie.

Mr. Evins of Tennessee with Mr. Smith of New York.

Mr. O'Neill with Mr. Terry.

Mr. Gray with Mr. Diggs.

Mr. Miller of California with Mr. Long of Louisiana.

Mr. Kyros with Mr. Dellums.

Mr. Melcher with Mr. Yatron.

Mr. Teague of Texas with Mr. Hagan.

Mr. Hungate with Mr. Hawkins.

Mr. de la Garza with Mr. Edwards of Louisiana.

Mr. Mollohan with Mr. Moorhead.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BOLLING. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 3) to establish a Joint Committee on the Environment.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 3, with Mr. FUQUA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Missouri (Mr. BOLLING) will be recognized for 30 minutes, and the gentleman from California (Mr. SMITH) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Chairman, I have no comment to make on the resolution. I spoke on the matter on the rule making it in order. I would merely inform the House and my opposite number on the minority side that so far I have requests from three Members for time, and at this time I yield 5 minutes to the distinguished gentleman from Michigan (Mr. DINGELL), the principal proponent of the joint resolution,

Mr. DINGELL. Mr. Chairman, this is a very important piece of legislation. It has its genesis years ago with the Full Employment Act of 1946, which set up a Joint Committee on the Economic Report and which set up a requirement that the President have a Council of Economic Advisers and which required that the economic advisers, through the President, make an annual report to the Congress which would be reviewed, analyzed, inventoried, and to see to it that related questions would be gone into by the Congress. During this period since 1946 the system has worked well with regard to the Joint Committee on the Economic Report.

A few years ago the first legislation to set up a Council on Environmental Quality, the National Environmental Policy Act, legislation very similar in terms of the total impact and its relationships between the Government agencies to the Full Employment Act of 1946, was introduced and ultimately became law in the National Environmental Policy Act of 1969 and signed by President Nixon with great fanfare on the first day of 1970.

The first part analogous to the Full Employment Act relating to matters with reference to the environment have thus become law. The joint committee, however, has yet to be acted upon by the Congress.

During the past session of the Congress the House and Senate both passed pieces of legislation designed to accomplish the same things as House Joint Resolution 3.

Mr. Chairman, House Joint Resolution 3 was sponsored by something like 270 Members of this body. The rule has just been overwhelmingly adopted.

The Senate has passed again a piece of legislation very similar to House Joint Resolution 3 this year, differing in only one relatively minor aspect.

The function of the legislation now pending before this body is very simple. It is to see to it that we have within this institution a committee composed of Members of the House and the Senate, reflecting all of the differing views and representing all of the great committees in the Congress having jurisdiction over this matter, and interesting themselves in the conduct and in the review of the annual environmental report with the Council on Environmental Quality and the President of the United States.

The function of this committee will be to go into that and review it and to have the kind of valuable interplay between the President, the Council on Environmental Quality and the Congress as well as the people of the United States, as now goes on with regard to the Full Employment Act of 1946 and the Joint Committee on the Economic Report.

Hopefully, this legislation will have the same effect in terms of productive interplay and progress in our understanding of our relationship to the environment.

Mr. Chairman, the joint resolution is not partisan in character. It is sponsored by the leadership on both sides of the Capitol—the distinguished minority leader, Mr. Gerald R. Ford; Mr. Boggs, the distinguished majority whip and the ranking members of almost every one of our major committees as well as the chairmen of these committees.

The original version of the joint resolution was hammered out by the then majority leader and now the distinguished Speaker, Mr. Albert, to come to a fair and agreeable understanding with respect to what the context and content of that legislation should be.

The legislation represents to the fullest degree possible not only the consensus of the distinguished leadership of all the committees and the Members of the House of Representatives but also the consensus of views of the two parties.

The legislation, if enacted, sets up a committee which will be as nonpartisan as possible to be composed of 11 Members of the House and 11 Members of the Senate, 6 members of the majority and 5 members of the minority in each body, the idea being to avoid its being used as a political forum, but a joint committee which will have a harmonious, closely working relationship on these matters pertaining to the environment.

Mr. Chairman, I am compelled at this time to point out to my colleagues something else. We have expressly avoided the pitfall of overlapping jurisdiction as between the legislative committees which have the responsibility for environmental concerns and which concerns are so broad and encompass the responsibilities of all committees of the Congress. It is well that this should not be a standing legislative committee and, indeed, there is clear language stated in the resolution that in carrying out its duties and functions, the joint committee will avoid unnecessary duplication with any investigation undertaken by any other joint committee or standing committee of the House or of the Senate, the idea again being to have the kind of broad overview without the conflicts of jurisdiction of the legislative committees which responsibilities have to remain unimpaired.

By the enactment and passage of this piece of legislation, it is my hope that this legislation will again pass the House and it is my hope that it will again be acted upon favorably by the other body and that the legislation ultimately will arrive in the hands of the President for his signature.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. Dingell) has expired.

Mr. SMITH of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, as I stated at the time the rule was presented, this is a little bit of a peculiar approach because normally the last vote we had would have either voted up or down the establishment of this particular committee, because the original jurisdiction is in the Committee on Rules. However, it was our thought that possibly a larger number of Members would like to discuss this matter than the half-hour permitted on each side of the aisle could handle, so that is why we gave it the additional hour for general debate in the Committee of the Whole.

Mr. Chairman, I took considerable time in presenting the rule, and in opposing this particular resolution, and I therefore see no need to repeat what I said at that time, so I will simply reserve the balance of my time, and state to the gentleman from Missouri (Mr. Bolling) that as of now I do not have any requests for time, but I do not know whether I will have any requests for time later.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. Collier).

Mr. COLLIER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have had some experience with the establishment of joint committees, and in creating staffs that involve the unnecessary expenditure of money. I should like to know how a committee without any legislative authority can avoid duplication when it is quite evident that in recent years, as we have become more and more aware of the problems of ecology, that we have wires crossing all over the ball park within existing agencies.

So if someone can tell me how this committee can avoid duplication, I would certainly like to know.

Mr. BOLLING. If the gentleman will yield, I assume that his request is directed at me.

Mr. COLLIER. It is directed at anyone who has the answer.

Mr. BOLLING. I can give the gentleman this answer, and that is that I have served for more than 20 years on the Joint Economic Committee. I can compare this proposal to what has occurred on the Joint Economic Committee and its utilization.

The Joint Economic Committee has jurisdiction on the overall legislation of committees such as the Committee on Banking and Currency, the Committee on Ways and Means, the Committee on Finance, and a whole range of other committees. The Joint Economic Committee was established by the Employment Act of 1946. There are a number of people, myself included, who feel that this committee, which has no legislative jurisdiction, has done useful work from time to time in taking an overview of policy matters that should be dealt with in detail and legislatively by the various legislative committees.

Mr. COLLIER. How has this committee ever shaped or imposed its views on the final legislation reported at any time by the House Committee on Ways and Means, of which I am a member?

Mr. BOLLING. Well, I doubt seriously if the answer to that question can be very explicit, but I would say that for a number of years the present chairman of the Committee on Ways and Means was one of the distinguished members of the Joint Economic Committee. I would not for a moment put words in that gentleman's mouth, but I suspect that he found the reason——

The CHAIRMAN. The time of the gentleman from Illinois (Mr. Collier), has expired.

Mr. SMITH of California. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois (Mr. Collier).

Mr. BOLLING. Mr. Chairman, if I may continue with what I was saying, I would suspect that the gentleman from Arkansas (Mr. Mills) found the reasons for being the senior member—he was not then the chairman of the Committee on Ways and Means—and also a member of the Joint Economic Committee, to be these: There is no attempt by a joint committee to impose anything on anybody.

It takes advantage of the one opportunity it has. There are no jurisdictional conflicts and it can take a look at ideas and problems without regard to the jurisdictional conflict.

If I understand the gentleman from Michigan (Mr. Dingell) in his opening statement, the reason that he and many others, including the chairmen of virtually all of the committees that have a specifically environmental responsibility sponsored this legislation is that they felt that it would be a good idea in the field of ideas and problems and the identification of problems to have a committee which, in a sense, was not burdened with the problem of having to legislate.

Mr. COLLIER. May I say that since there will be certainly a substantial departure from the operation of the Joint Economic Committee, which I presume—and I use the word "presume" advisedly, will be the function of this joint commitee, then how will this committee go about correcting or consolidating that fragmentation of jurisdiction not only within the committees of the Congress, but indeed, with the various agencies of Government. How could it possibly coordinate the operations of many of these committees which are sadly uncoordinated today without legislative authority whatsoever?

Mr. BOLLING. The gentleman has asked a question which I must confess I am not able to answer, and because of this reason—what the committee will be able to accomplish, and I say this not facetiously at all, will be based on the way in which the committee operates and on the wisdom of the committee and its members and its staff.

The Joint Economic Committee was established by the Employment Act of 1946 which was passed just before the present minority party became the majority party in the Congress, and the man who was generally considered to be the leader of his party on domestic affairs, that very distinguished and able—and moderate gentleman whom I served with a long time was the first chairman of the Joint Economic Committee. It was Robert Taft of Ohio. He established an approach which was followed by succeeding chairmen and made a very significant contribution to pulling together the whole field of general economics from its then fragmented state.

Mr. COLLIER. Is the gentleman optimistic that this committee operating in an entirely different area will be as valuable as the Joint Economic Committee which operates under different conditions in evaluating various aspects of our fiscal and economic situation and policies?

Mr. BOLLING. It is not a more complicated area. I would like to say, if the gentleman will permit me, that I am not optimistic. But I do retain the hope.

Mr. COLLIER. I submit that I am not at all optimistic either.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, I am pleased to rise in support of House Joint Resolution 3, establishing a Joint Committee on the Environment. It is my opinion that by enacting this resolution, of which I am a cosponsor, the Congress will take an important new initiative in combating the destruction of America's ecosystem.

Every Member of this body must agree that it is the duty of the Congress to provide leadership and foresight in every area of national governmental importance. The Joint Committee on the Environment will help us to provide this leadership by supplying to the House and Senate the facilities and expertise necessary for innovative legislation in the environmental field.

Of course, there is no denying that the Congress has been willing to respond to the people's will in the field of environmental legislation. Important and strongly worded laws—such as the Clean Air Act and the Resource Recovery Act—which have already passed the Congress demonstrate that. But, with time, we have come to realize the vast extent of the environment issue. We have come to realize that ecology is more than just foul air and polluted water—that it is food chains, population size, public health, technological control, solid waste disposal. As we have come to this realization, it has grown more and more apparent that a coordinating committee is needed in the Congress, a single entity with the duty of taking a large, integrated view of the myriad aspects of the environmental crisis.

And, Mr. Chairman, we should never lose sight of the fact that we are in a continuing environmental crisis. Let us not be lulled by the advances we have made, and by the momentum we seem to retain. The promiscuous destruction of our environment continues at lethal proportions. We have only to think back over the past year to keep the size of the problem in perspective: oil spills, ocean dumping of poisons, the pollution of fish with mercury, the continuing furor over DDT, actual and threatened destruction of wildlife areas. We should remember, Mr. Chairman, that there are still more than 40,000 dischargers of polluting effluents in this country.

The executive branch is now constituted with a broad view on environmental matters. It certainly is time that the Congress adopted a counterpart to the Environmental Protection Agency and the Council on Environmental Quality. The new joint committee will fill this role. It will not displace the jurisdiction of any current House committee; rather, it will provide the coordination and foresight necessary to prevent jurisdictional disputes, legislative infighting, and wasted, duplicated effort.

The Congress has, in the past, taken the initiative in keeping up with developing technology. The Joint Committee on Atomic Energy is a good example of Congress ability to adjust its internal structures in response to the realities of a changing world. It is my opinion that providing a forum for comprehensive review and analysis of broad environmental issues is a proper and timely action by this body.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, the Joint Committee on the Environment will be an essential mechanism to provide unified, coordinated structuring and oversight of Federal environmental improvement programs.

However, Mr. Chairman, I have some lingering doubts about the mandate we are giving this committee. I have studied the bill carefully, and I have seen no reference to the problems of the urban environment. Assuming that present population trends continue unabated, most of the U.S. population growth over the next few decades will be concentrated in the 12 largest urban regions. Already, according to the 1970 census, 73 percent of the U.S. population is located in urban areas of 50,000 or more. Twelve metropolitan areas occupying one-tenth of the Nation's land area will grow most rapidly in the future, until they alone account for over 70 percent of the total population. Moreover, at least 50 percent of the total population will be found in three great urban belts: Boston-Washington, Chicago-Pittsburgh, and San Francisco-San Diego. Despite these facts, the bill does not even contain the words "urban," "metropolitan," or "city."

I trust this omission does not mean that the committee will not be concerned with the problems of our urban manmade environment. Clearly, the bulk of this country's population will long be living in urban areas. The urban environmental problems of controlling the discharge of gases, solids, liquids, noise, heat, and perhaps radioactivity must therefore receive a great deal of attention. Urban design and the creation or preservation of open spaces must also be the focus of heightened concern.

The Joint Committee on the Environment must examine the preventive and corrective measures needed to maintain and improve the quality of the urban environment.

The committee must consider such things as urban land use policies and environmental planning and programs for metropolitan areas in order to have the impact we so desperately need in preserving and creating a more livable, and satisfying urban civilization.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I rise in strong support of House Joint Resolution 3, which would create a joint committee of Congress whose sole concern would be the quality of our environment.

As a cosponsor of this measure, I commend the distinguished gentleman from Michigan (Mr. Dingell) for his leadership in seeking the enactment of this legislation. This is merely one more demonstration of his acute sense of concern for the quality of life in America. I commend also our distinguished Speaker, Mr. Albert, for his efforts in this and past Congresses to bring about creation of this sorely needed joint committee.

Environmental quality, Mr. Chairman, is a concern that cuts across nearly every program and policy in the country. The House Agriculture Committee, for instance, on which I have the honor to serve, has just completed comprehensive hearings on legislative proposals dealing with one of the most discussed environmental matters, pesticides. It is self-evident, however, that many factors affecting our efforts to control pollution and enhance the environment are properly the jurisdiction of other standing committees.

Therefore, Congress must provide a forum to facilitate a single comprehensive review and analysis of environmental issues.

The proposed Joint Committee on the Environment would provide just such a forum. It could identify emerging problems, and enable the standing committees to act concertedly, with a sense of coherence and priorities in this vital area.

Mr. Chairman, I am proud to be a member of the Rules Committee, which reported favorably on House Joint Resolution 3, with an amendment which I offered limiting expenditures of the new committee to $300,000 per year.

The legislative history of this proposal indicates that nearly everyone agrees on the need for a nonlegislative joint committee focusing on the environment. For the past four Congresses, this proposal or a similar one has been considered. Last year, a similar bill actually passed both Houses, but died in conference. Earlier this year, the Senate again passed the bill by an overwhelming 76 to 4 vote.

We of this body should find no difficulty in doing likewise.

I urge the overwhelming approval of House Joint Resolution 3.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman.

Mr. SEIBERLING. Mr. Chairman, I rise in support of this legislation.

The environment is a unity, a single whole. It is not fragmented in fact, and it seems to me that if we are going to solve this very serious problem, we do need a committee within the Congress that has an overall view of the environmental problem.

Mr. BOLLING. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. Aspinall), the very distinguished chairman of the Committee on Interior and Insular Affairs.

Mr. ASPINALL. Mr. Chairman, I rise in support of House Joint Resolution 3. I was happy to cosponsor this legislation because I believe that the establishment of a Joint Committee on the Environment permits the Congress—

First, to keep up to date on the environment problems that are continually arising across our Nation;

Second, to assess the effect of these problems upon the economic well-being and the quality of life of the American people; and

Third, to be in a better position to act on legislation involving environmental matters.

Mr. Chairman, the real need for a Joint Committee on the Environment was first brought to my attention 2 years ago when we were considering the National Environmental Policy Act. That act provides that the President shall transmit to the Congress annually an environmental quality report. Members will recall that when this legislation was being considered by this body I pointed out that the contents of the required report would cut across the jurisdiction of five or six standing committees of the House, and I stated at that time that it would not be appropriate for this report to be referred to a single committee. I believe that the most important duty of the proposed Joint Committee on the Environment will be to receive this annual report from the President, study the contents thereof, including the recommendations, and in turn recommend to the appropriate legislative committee any legislation that may be needed to implement the President's recommendations. I favor the provision of House Joint Resolution 3 which denies authority to the Joint Committee to consider and report on legislation for I do not believe it would be appropriate for the joint committee to have legislative authority. When the joint committee finds that legislation is needed, its responsibility should be to refer the matter to the appropriate legislative committee.

Mr. Chairman, while I believe that the joint committee should have general authority (in addition to its responsibility for receiving and reviewing the annual environmental quality report) to investigate, study, and recommend action in connection with the environmental changes and problems occurring across our Nation, I do not believe that the joint committee should get into specific matters that fall under the jurisdiction of one of the standing committees. Therefore, at the appropriate time I shall offer an amendment to House Joint Resolution 3 which prohibits the joint committee from undertaking any investigation which is being investigated, pursuant to the rules of the House, by any other committee. This is language similar to that included in the various authorizing resolutions for the standing committees.

Mr. Chairman, I urge the adoption of House Joint Resolution 3 to establish a Joint Committee on the Environment.

I urge also support of the amendment which I shall offer, and which I shall not take very much time to explain.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to the gentleman from Pennsylvania, the ranking member of the Committee on Interior and Insular Affairs.

Mr. SAYLOR. First, let me commend my colleague from Colorado, the chairman of the House Committee on Interior and Insular Affairs, for his statement in support of this legislation. I recall well his comments to the House at the time we considered the Environmental Act and his statement then was as true as it is today.

I should like to ask the chairman this question: If the joint committee is established and it refers a matter to a standing committee with recommendations that they take action, and the standing committee takes no action, do you believe that there should be something in the authorizing legislation which would compel action by the present standing committee?

Mr. ASPINALL. If my colleague will permit, I would suggest that this is something that will have to be determined as we work through the Joint Committee operations. If it is found as we go from time to time that there is to be no recognition of the recommendations of the Joint Committee on the Environment, then I think at that time some kind of amendment either to the basic act or to the act creating the Joint Committee should be considered.

Mr. SAYLOR. Mr. Chairman, I thank my colleague, because this is one of the problems I think we are faced with as we consider this legislation.

Mr. ASPINALL. As my colleague knows, we have worked through a fifth of a century together, and we have been treating with environmental matters since we came to the Congress in 1949, and we shall continue to do so. We are not giving up our responsibility in this particular. We are keeping it. But overall, as the environmental problems fit into some other problems, they will be taken care of by consideration by the Joint Committee.

Mr. SMITH of California. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. Kyl).

Mr. KYL. Mr. Chairman, I thank the gentleman from California for yielding.

Mr. Chairman, I think today we have another legislative proposal which will give some people a feeling of great accomplishment in creating a joint committee which will head in all directions but really go nowhere. Therefore, I take these few moments to make a prediction, sincerely hoping that by making that prediction I might help to prevent events from occurring in the way I prophesy.

I say first the individual who heads this committee, once it is established, will be a Presidential candidate, and as soon as he is appointed chairman of this committee, the committee will henceforth be known, not as the Joint Environmental Committee, but as Senator Blank's Committee on the Environment. That candidate, that chairman, will spend very little time except on some press release, public-hearing-type affairs. The whole operation will be primarily a staff operation.

I say again that I hope by making the prediction I may help prevent its coming true.

Mr. BOLLING. Mr. Chairman, I yield to one of the sponsors of this legislation, the chairman of the Government Operations Committee, the gentleman from California (Mr. Holifield).

Mr. HOLIFIELD. Mr. Chairman, as one of the sponsors of this resolution, House Joint Resolution 3, I want to express my feelings about it. One of the reasons why I became a sponsor of this resolution—and I have had some doubts about the wisdom of it, because it can create a committee which can become very mischievous. There is a great deal of appeal in the words "ecology" and "environment." Those words are running out the ears of many people, because we hear so much about them. In fact, they are being used by different agencies of the Government in conflicting ways—and, in fact, because of the legislation which I voted for along with many other Members—the overlapping environmental legislation is causing a great deal of mischief throughout the whole economic structure.

There is no doubt there are environmental problems and they do need solving. I think the mistake that may have been made in some instances is to think we can undo 150 years of pollution by next Saturday night. It has taken a long time for this country to develop its industrial capacity and its food and fiber raising capacity. In the course of doing so, we have had to use insecticides and other things which are now cursed from one end of the country to the other. Notwithstanding the fact that there is so much criticism of the polluted environment, however, we find people are living some 20 years longer than they lived 50 years ago. The average life has been extended.

My question is, if we have done such a bad job in this country why are people living an average of 20 years longer than they lived 40 or 50 years ago, when we did not have the abundant industrial production and other productive processes we have today?

There is room, however, for a joint committee to look at the overall pollution. We have so fragmented this problem in the Congress that a half dozen different committees are working on the job. When a company wants to set up a plant it has to go to five or six different agencies to get an answer.

I handled the Environmental Protection Agency plan legislation in the House. It was with the hope that it would pull together a lot of the problems and give the people who are concerned with producing in America the goods and services we need, an opportunity to go to a single agency and get answers. So far it has not worked out that way, I might say.

I am going to support the amendment to be offered by the gentleman from Colorado (Mr. Aspinall) which to a certain extent will limit the jurisdiction of the joint committee.

If the committee confines itself to studying the overall problem, and if the committee makes recommendations to the committees with legislative jurisdiction, to straighten out some of the overlapping, duplication, and confusion that has been created by the various laws we have passed on pollution, it may very well do a good job.

As one of the sponsors and one of those who are going to vote for this measure, I am going to watch this pretty closely. If it does not do a good job in the field of clarification and coordination it is absolutely going to be mischievous in its operation.

I am going to support this measure, but I serve warning right now that I for one intend to watch the functioning of the joint committee. If it performs a useful and constructive function I will be for extending it. If it does not, I will be for abolishing it.

I am going to vote for it, as I said, with hope. Like the gentleman from Missouri said, he does not look on this with as much optimism as he does hope. I hope it will do a job of clarification and coordination and make recommendations to the committees, where overlapping does occur, so that these problems can be straightened out in basic legislation.

Mr. SMITH of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. Hillis).

Mr. HILLIS. Mr. Chairman, today I rise in support of this legislation which would create a joint Congressional Committee on the Environment.

It is important, Mr. Chairman, that the Congress of the United States go on record as doing everything within its power to make certain that our air is pure and our waters clean.

This committee would be a step in that direction.

This committee, which would be made up of 11 Members of the House of Representatives and 11 Members of the Senate, would act as a coordinating body—an oversight committee to make certain that our efforts to fight pollution are coordinated correctly.

Americans must understand what all the problems are in this field.

This committee could ferret out these problems and then help communicate these to the American people. This committee can make recommendations to other committees of the Congress.

On my recent Congressional Questionnaire I asked the question—Do you support pollution control legislation if it would mean paying higher income taxes? Mr. Chairman, the great majority of those who have answered the poll thus far have answered yes.

This means that the American people take this seriously. They take it seriously enough that they are willing to spend money to correct this.

This then means that we in Congress should also take it seriously. And we should pass this resolution.

Mr. SMITH of California. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Saylor).

Mr. SAYLOR. Mr. Chairman, I rise in support of this legislation. I am one of the sponsors of it.

One of the very purposes of this legislation is to try to bring some direction out of the chaos which exists at the present time in the conflict of jurisdiction among committees. My hope is that it will, because this Joint Committee will have oversight jurisdiction, it will be able to allocate to each one of the committees with legislative authority those things that should be there, and thereby get rid of some of the confusion which exists among the House committees and in the executive department downtown.

There is one matter which has come to my attention, about which I should like to direct a question to the gentleman from Missouri (Mr. Bolling), the gentleman handling this resolution.

The rule adopted is rather unusual in the respect that it only says there shall be one motion to recommit. In view of the fact that the Senate, on the 16th day of March, by an overwhelming vote of 76 to 4, passed Senate Joint Resolution 17, is it the expectation of the gentleman from Missouri that after the House completes action that he will ask unanimous consent to take up Senate Joint Resolution 17, strike out all after the enacting clause and substitute the language of House Joint Resolution 3.

Mr. BOLLING. No. It is not the expectation of the gentleman from Missouri to do that. The controversy that occurred last year when the Senate-passed resolution and the House-passed resolution were before a conference conceivably could be repeated this time. The Committee on Rules discussed the question that the gentleman from Pennsylvania raises, and the gentleman handling the resolution for the Committee on Rules is not authorized to offer that motion which would expedite the matter going to conference. That would leave the situation in this condition: assuming that the House passes House Joint Resolution 3, the other body will have two options.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. SAYLOR. I yield further to the gentleman from Missouri.

Mr. BOLLING. Option No. 1 would be to accept the House joint resolution and its language. Option No. 2 would be to ask for a conference. The members of the Committee on Rules, I believe, hope that the Senate will accept the House joint resolution. If that is the case, that will be the end of the matter. If the Senate asks for a conference, the House will make a decision on whether it goes to conference or not. The controversy is very simple. The controversy is over some language which appears in Senate Joint Resolution 17 on page 2, line 12, thereof which reads as follows:

> The appointment of Members of the Senate during the Ninety-second Congress shall be made (and service of the initial Members so appointed shall continue thereafter) without regard to the provisions of section 132 of Public Law 91-510, Act of October 26, 1970.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BOLLING. Mr. Chairman, I yield the gentleman 2 additional minutes and ask him to yield further.

Mr. SAYLOR. I yield further to the gentleman from Missouri.

Mr. BOLLING. That happens to be the Reorganization Act. That language to which Senate Joint Resolution 17 adverts is the language which sets up a rather complicated way in which Senators are limited in their service on a variety of committees. Frankly, the Member from Missouri is not in a position to indicate in detail how that goes, but on certain committees they can serve for several and on others they can only serve for two. That was the issue in essence in controversy the last time, and the opinion of a very distinguished member of the Committee on Rules—not this member but another member—is that it is not a good idea for the House of Representatives or the United States Senate to amend the Reorganization Act in another act. I feel that they have blundered in that, the effect perhaps might be to put before the conference, if the Senate requested it, the question as to who actually was going to be the chairman of the committee—a Member of the House or a Member of the Senate. I suspect, although I do not want to establish the destiny of my friend the gentleman from Michigan (Mr. Dingell), under those conditions that we might have a situation where we did not have a presidential candidate as the chairman of a committee.

Mr. SAYLOR. I want to thank my colleague from Missouri for his frankness in answering this question, because the House did pass a similar resolution last year and the Senate passed one and we got nowhere. I sincerely hope this is not an operation in frustration again in this Congress.

Mr. SMITH of California. Mr. Chairman, I yield to the gentleman from Virginia (Mr. Robinson).

Mr. ROBINSON of Virginia. Mr. Chairman, I rise in support of the joint resolution, House Joint Resolution 3, in the conviction that the joint committee which it would create could be of great assistance to the Congress in making a continuing balanced approach to the problems afflicting our environment.

These problems are numerous and complex. Great and growing public concern attaches to them. As we strive to improve the quality of life, we find ourselves in a struggle to overcome attrition of the quality already gained.

The Nation has become environment-conscious, and, indeed, the world must become so, if the life-support capabilities of our planet are to be equal to the requirements of our posterity.

Environmental matters have come under review, in varying degrees, by most of the Committees of the Congress. No present standing committee could presume to assert paramount jurisdiction over the environment, and it would be clearly impractical to attempt creation of a joint legislative committee to control environmental legislation.

Free from the requirement to produce legislation, therefore, the joint committee proposed by the resolution would be in position to assess environmental changes, review the environmental quality report and other recommendations of the President and measure the economic impact of both environmental damage and restorative measures.

As a cosponsor of the resolution under the number House Joint Resolution 350, I urge its approval by the House.

Mr. BOLLING. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. Long).

Mr. LONG of Maryland. Mr. Chairman, I rise in support of House Joint Resolution 3, to establish a Joint Committee on the Environment. I am a sponsor of House Joint Resolution 349, a similar resolution.

This committee would perform a number of tasks which would help me in dealing with the environmental problems my constituents face.

First, the committee would continually study future environmental changes and their effect on population, communities, and industries, giving consideration to the effects of environmental changes on the need for public and private planning and investment in such areas as water resources, pollution control, housing, food supplies, education, fish and wildlife, forestry, mining, transportation, and power supplies. Second, this committee will study ways to use financial and technical assistance to create and maintain conditions in which man and nature can live harmoniously while fulfilling our social and economic needs.

In my Baltimore area district, I have worked to alleviate problems that might have been prevented through comprehensive environmental planning and the application of financial and technical assistance. These problems include: removing debris from Lake Conowingo caused by siltation and flooding upstream in the Pennsylvania and New York waters of the Susquehanna; eliminating excess algae growth in the Susquehanna Flats which was killing wild mustard on which geese feed; eliminating raw sewage on Herring Run caused by overflow from Baltimore City sewer mains and Baltimore County runoff; decreasing serious air and water pollution caused by major industries in the Baltimore area.

Moreover, the committee will develop policies to encourage maximum private investment in ways to improve environmental quality. This will be important in cleaning up the litter problem. I have talked with representatives of labor and business in the various industries about the need to develop equipment to recycle their products, which will alleviate litter problems without eliminating jobs or actually destroying whole industries.

I know that the studies, reviews, and other projects undertaken by the committee as well as its recommendations will be valuable in drafting legislation and in educating the public on our environmental problems.

Now, Mr. Chairman, it has been argued that this committee will lead to overlapping, that it will be ineffective and that it will be costly in money and space. Of course, we are introducing this legislation to set up a joint committee precisely because there is such overlapping and duplication in various committees dealing with the environmental problem.

Mr. Chairman, we need one committee to give oversight to all of these aspects of the environmental problem. Whether it will be ineffective or not will depend upon whom is put on the committee. And, as to its being costly in space and staffing, this is the question as to whether we regard this as an important problem. I think we all regard that the problem of the environment is so important as to justify renting some extra office space and employing a few extra people.

I urge the House to approve the creation of this committee.

Mr. BOLLING. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Sisk), a member of the Rules Committee.

Mr. SISK. Mr. Chairman, this is a rather peculiar situation and all kinds of concerns are around here about this particular resolution. Yet most Members indicate they are going to support it and I guess I will start out by saying I will probably vote for it because my good friend from Michigan has been convincing me for the last year or two as to the merits of the legislation.

Mr. Chairman, I want to cite an experience which I had while serving as chairman of the conference on this legislation last year. It definitely had political overtones. I might say that my friend from Iowa (Mr. Kyl) raised a question about it also.

I would hope that his prediction does not come true—I would not want to guarantee that it does not—but I might just say this, that here were three members of the Committee on Rules selected in that conference, and that the other side, the other body, feeling of course the great importance—and I am not discounting the importance of this—met in the Committee on Rules to conclude the conference some time shortly before Christmas, I guess it was, of last year, and nine distinguished Members of the other body, every one of them a chairman of some committee, standing committee, and otherwise, showed up. I only cite this to indicate that apparently they view this with a great deal of interest.

Just what they propose to do with it I am not entirely sure—but I do hope, and I would just take this opportunity to urge that my good friend, the gentleman from Michigan (Mr. Dingell) and others who may serve on this joint committee from our side of the Capitol, be prepared to utilize such persuasion and such influence as they have to try to keep this committee on the straight and narrow.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, in the light of what the gentleman from California has said, and as a practical matter in attempting, if it is possible, to shunt aside the political window aspect of such a joint committee, does the gentleman believe that any of these committees, in the light of his experience, would be willing to surrender any jurisdiction in their unique areas to even the whims of a joint committee?

Mr. SISK. Let me say to the gentleman from Illinois, having listened to these distinguished Members—nine of them, I might say—from the other body—and the fact of it is that we broke down over the fact that they could not agree just exactly how they are going to share the spotlight, or I guess I should say the responsibility—I want to try to be kind—and as the gentleman knows we did not settle this, and the conference was unable to agree.

I would not know, and I would not want to predict, but I recognize there was some concern, and that is the only reason I am rising to speak now—I think we are all concerned about the environment. Let me say that I am increasingly concerned about some of emotionalism and some of the overemphasis that occurs on the part of some groups and individuals in this country in connection with this subject, and I now find that there are all kinds of projects being delayed from 1 year to 2 or 3 years, and we find all kinds of problems arising in connection with industry and agriculture, and others who are being affected, unfortunately, I am afraid, not favorably, by some of the new rules and regulations.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. BOLLING. Mr. Chairman, I yield 1 additional minute to the gentleman from California, Mr. SISK.

Mr. SISK. So, Mr. Chairman, all I want to do is caution that I would doubt that this committee is a panacea for all the ills of our environmental problems. I would hope at the best that it does a good job. I will simply conclude by saying I intend to support the amendment offered by the gentleman from Colorado because I think it is essential that we keep this situation on the straight and narrow, but I do not think we should look for any miracle.

Mr. YOUNG of Florida. Mr. Chairman, as a cosponsor of House Joint Resolution 387, which is identical to House Joint Resolution 3, I urge prompt passage of this vitally needed measure creating a Joint Committee on the Environment. Such action is long overdue: The need to preserve and enhance our great natural resources is one of the greatest problems this Nation has ever faced.

The ever-increasing pollution of our air and water threatens health in communities across America. Ultimately, life itself on our planet could be in jeopardy.

Our environmental problems cross so many disciplines and areas of authority, involve nearly every aspect of our society, that they are not responding to the present fragmented attack.

We cannot nibble the problem to death; it will take a full-scale, coordinated attack.

The joint committee will help formulate such an attack, superintending environmental affairs in a more effective, coordinated fashion, without, however, intruding on the jurisdiction of the legislative committees.

In addition to conducting comprehensive studies of current problems, the joint committee would examine and anticipate future environmental problems and their effect on population, communities, industry, and other facets of our complex society.

The natural beauties we enjoy, the food we eat, the very air we breathe are all at stake in the battle to salvage our natural resources. We must get on to the task of preserving these natural resources for the use and enjoyment of this and future generations. Establishing this joint committee is a meaningful step in this direction.

Mr. ROSTENKOWSKI. Mr. Chairman, the problems of our environment are myriad. Our water must be purified, our air must be cleansed. The natural beauty of our countryside and the vitality of our cities must be restored. In the entire history of our Republic there has never been such a period of environmental concern and, nowhere has this concern been more evident than in the Congress where several different committees of both the House and Senate have been intensifying their efforts in this important area of ecology. In the House the Committees on Public Works, Interior and Insular Affairs, Agriculture, and Interstate and Foreign Commerce have all been considering vital legislation in their respective fields. In fact, almost every congressional committee is concerned in some way with ecology.

House Joint Resolution 3 would consolidate all these efforts by establishing a Joint Committee on the Environment. This committee would consist of 11 Members of the Senate appointed by the President of the Senate, and 11 Members of the House appointed by the Speaker. The resolution provides that, in the appointment of the joint committee members, due consideration shall be given to provide representation from the various committees of the House and Senate having jurisdiction over environmental matters.

The committee would have several responsibilities. It would be charged with developing policies to encourage private investment to improve the environment and would review recommendations made by the President relating to environmental policy. The joint committee would also submit an annual report on its studies and recommendations.

The eminent ecologist, Dr. Paul Ehrlich estimates that—

> Each day American cars exhaust into our atmosphere a variety of pollutants weighing more than a bumper-to-bumper line of cars stretching from Chicago to New York City.

Since 1966, there have been additions of over 5 million tons of air pollutants annually.

Nor is the problem limited to just air pollution. Americans represent only 5 percent of the world's population, yet we consume 40 percent of its resources and create 30 percent of its pollution. At current rates, we will have to double our production of everything simply to maintain our current living standards by the year 2000.

The solution to the problem, however, is clearly within our grasp. Existing technology is capable of eliminating every pollutant. What is lacking is the determination and the coordinated effort. That is why we so desperately need this joint congressional committee.

Forty-four laws relating to ecology have been enacted since 1945. In the 91st Congress alone, 28 major environmental issues were introduced. The tremendous volume of legislation already introduced in the present Congress is sufficient to justify this new joint committee.

House Joint Resolution 3 is supported by all major environmental groups and is cosponsored by over 270 Members of the House, including the majority and minority leaders and the chairman and ranking members of most House committees. As a cosponsor of the resolution, I strongly support the creation of a Joint Committee on the Environment.

Mr. EVINS of Tennessee. Mr. Chairman I want to associate myself with the remarks of the distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS), and the gentleman from Missouri (Mr. BOLLING), and others who are sponsoring this pending resolution—Joint Resolution 3—to create a Joint Committee on the Environment.

I have also introduced and sponsored a companion bill and am a cosponsor of the resolution before the House.

I support this resolution because I recognize the need for congressional oversight in this area of growing concern and public interest.

This resolution provides that the Joint Committee on the Environment will conduct a continuing and comprehensive study and review of environmental changes and their impact on our people, our cities, our towns, our communities, and our industries.

This resolution also provides that the Joint Committee will endeavor to find ways and means of reconciling and balancing the Nation's continuing demands for progress and preservation of the environment.

Another responsibility of this committee will be to develop policies that will encourage private investment to improve the quality of our environment.

As chairman of the Subcommittee on Public Works Appropriations I should point out that our committee considers the environmental effects on public works projects throughout the Nation.

Congress has created the Council on Environmental Quality and the Environmental Protection Agency because of our concern for preservation of the quality of our environment.

The Corps of Engineers has been concerned with problems of the Nation's environment for 75 years as have other departments and agencies of the Government including the Tennessee Valley Authority, the Department of the Interior, and the Bureau of Reclamation, for example.

Almost every agency of Government today with any remote connection with environmental problems is placing this matter foremost in their budgets and justifications to Congress.

The preservation of our environment is of paramount concern in the Nation today, in the executive branch as well as in the Congress.

However, there is overlapping and duplication of effort and a new forest of redtape is in a state of prolific growth as new regulations and requirements and directives are prescribed and promulgated.

We want pure air.

We want clean water.

We want to preserve as much of our natural scenic beauty as possible.

But many feel that in an effort to assure the preservation of our environment some Federal agencies and others have gone too far down the road of redtape and regulation.

Things have actually reached a point in some areas that to blacktop a country road Federal environmental approval regretfully is involved.

It is understandable that the pendulum might swing in that direction with the national emphasis on curbing pollution and preserving our environment.

But we must continue programs of progress for the Nation.

One cannot have clean air on a dusty road.

Our people cannot have clean water unless water supplies are provided.

Our people cannot enjoy the beauties of nature in a flooded house full of mud and filth.

Our people cannot have electric power unless power generation is assured.

We must achieve a balance between the preservation of our environment and the need for progress.

This Joint Committee can provide a greater service by helping to achieve this balance in a practical, commonsense way.

This committee can provide yeoman service to the Nation by its oversight function over the multiplicity of Federal agencies now involved in the environmental area.

I repeat: Many responsible leaders feel that we have gone to extremes in the matter of obstructing progress in the name of environmental purity.

Lawsuits have been filed to stop and block important and needed public works projects that have been carefully planned to meet the needs of our expanding population.

Arbitrary Executive action has stopped other projects.

The voice of the turtle must be heard in the land, but the sounds of progress must also continue.

The oversight committee provided by the pending resolution can render a distinct public service.

I strongly support the passage of this resolution.

Mr. FULTON of Tennessee. Mr. Chairman, about a million years ago, more or less, if my memory of the earth's geologic history serves me correctly, the earth experienced the last ice age.

These periods of gigantic glacial activity have provided the world with many of its natural wonders, wonders which serve man in many ways today. Among them are counted, for instance, the Great Lakes which were scoured by glacial activity. The portion of New York State known as Long Island is today the remnants of a glacial terminal moraine of a past ice age.

But these ice ages, while they have left much in their wake that is of benefit to man, are not really very pleasant to endure. They make things mighty cold and have a tendency to exterminate whole species of animals and vegetation. They chew up the surface of the earth and, in general, are inhospitable to creatures such as man. I suppose it might be compared to a Floridian visiting the arctic tundra. It not only is not a nice place to live, but only a few folk would even want to visit there.

Now, these ice ages have come with some regularity over the course of geologic history and we might reasonably expect that within a few thousand years this natural phenomenon would again occur.

Therefore, it came somewhat as a shock and surprise when I recently read scientific warnings, from men held to be eminently qualified to make such statements, that unless we stop contaminating the atmosphere with all the pollution we are daily throwing out, we may experience the beginning of a new ice age. This would not take place in the next 10 or 15 thousand years, but within the next 10 to 15 years.

What we are doing in polluting the atmosphere, according to these scientists, is veiling the sun's rays. This threatens to lower the world's temperature. Actually, the drop may be only a few degrees but, apparently, these men warn, this will be enough to start the glaciers moving.

When things get out of hand on earth, Nature has a very effective, albeit a devastating way of putting things back in order.

It seems the warning to us today is clear. We either get moving on this problem of pollution or order snowsuits.

For nearly a decade now, we have been painfully aware of the problems besetting our environment because of our need to consume and our propensity to pollute. It has become apparent that if we do not take steps to correct the situation in a humane manner, Nature is going to step in and brutally do the job. If she does, she may decide human beings are the major problem and solve that one for good.

Mr. Chairman, I fully support the resolution before us today and urge that the House give favorable consideration to it. While we have failed miserably to come to grips with the energy problem facing the country, a problem which is intricately interwoven with the environmental crisis, we have an opportunity here today to take a first and major constructive step. In the past, we have let personalities and a questionable sense of prerogative prevent us from doing our duty. Let us not make that same mistake today.

Mr. GALIFIANAKIS. Mr. Chairman, the House of Representatives today has the opportunity to enact a measure creating a Joint Committee on the Environment. As one of the original cosponsors of this bill, I am confident that this proposal is the result of an idea whose time has come.

We know that there is a proliferation of boards, agencies, councils, and programs within the executive branch—all committed to environmental protection. The President's 1971 environmental message alone contains more than 300 pages of new plans. Certainly the U.S. Congress is just as flooded as the executive branch with proposals which affect pollution or ecology in some way. Indeed, there are more committees in the Senate and House which consider bills relating to the environment than there are committees which do not. It is therefore gratifying that a majority of the Members of this body are seeking a way to correct this fragmented handling of the issue. I am proud to join 271 of my colleagues in urging passage of House Joint Resolution 3, which offers a workable and unified approach for coordinating legislation related to the vast spectrum of environmental planning.

This measure is formulated to bring a measure of consistency into our handling of matters that pertain to man's relationship to his environment. If we seek a commitment to help maintain the balance of nature through protection of the environment, then surely we must maintain a balance and a direction in our consideration of information on the subject. This proposal, which has Presidential and bipartisan congressional support, can provide the sound footing so necessary for the hundreds of revisions and new programs which Congress will be implementing during and beyond this environmental decade of the seventies. The joint committee created by this bill can be the focal point for building a firm structure for future legislative progress. It can provide the best avenue for honest evaluation of all interests, be they conservationist or industrialist, student or Government official, scientist, or technician.

Mr. Chairman, there is no turning back from the brave new world we are creating. As we in this country discover more and more about our environment, even as we alter it, we must demand that each step be taken with respect and caution. We in this Congress must take every opportunity to exercise our responsibility in this regard. The creation of a Joint Committee on the Environment will provide the framework necessary if this Nation is to have a practicable and rational approach toward environmental planning.

Mr. BLATNIK. Mr. Chairman, I rise to support House Joint Resolution 3 establishing a Joint Congressional Committee on the Environment. The creation of this House-Senate committee fills a long-felt need for closer coordination and communication between the two bodies of the Congress on the many important and complex issues involved in the protection of our environment.

The House Public Works Committee, which I have the honor to serve as chairman, has been engaged over a period of many years—far longer than any other committee of the Congress—in environmental matters, notably water pollution control legislation; moreover, environmental considerations are an integral part of the committee's legislative efforts in the highway program, flood control, economic development, rivers and harbor improvement, watersheds, and other areas of responsibility.

In the light of the committee's long experience in, and responsibility for, environmental protection, I believe, Mr. Speaker, that the House will agree that its representation on the joint committee to be established by this resolution will contribute significantly to our mutual efforts, and that the Committee on Public Works will be so represented.

Mr. CONTE. Mr. Chairman, I rise at this time to express my strong support for the creation of the proposed Joint Committee on the Environment. The establishment of the committee, already approved by the Senate by the overwhelming margin of 76 to 4, is a most necessary step.

For the successful maintenance and restoration of the environment is a key issue that Congress must face up to at this time. The unique function that this committee would serve would be one of coordinating the activities of the various House and Senate standing committees dealing with questions in the environmental arena.

Too often a crippling jurisdictional dispute arises between various well-intentioned committees, with the result that necessary action is delayed until a decision is made as to which of the many committees will consider what. Too often a distinguished witness whose time could better be spent elsewhere is forced to testify before several committees, sometimes even on the same topic.

The proposed committee could end this bickering and unnecessary duplication of activities, thereby enabling Congress to move swiftly in taking action to save our environment. It would be foolish indeed for Congress to lag far behind in dealing with environmental problems, just as these gain ever-greater attention and concern among the people of America.

I myself have long been active in the area of conservation and preservation of our environment, having introduced over 25 bills dealing with the environment in this session alone.

I therefore urge my colleagues to vote for the establishment of this committee, following the example set by our colleagues in the other body.

Thank you, Mr. Chairman.

Mr. BENNETT. Mr. Chairman, I am pleased to support the establishment of a Joint Committee on the Environment.

I was a cosponsor of this resolution in the 91st Congress, and I am again sponsoring the bill, House Joint Resolution 4, introduced by Congressman JOHN D. DINGELL on the first day of the 92d Congress. This legislation passed the House of Representatives on May 25, 1970, 285 to 7.

The quiet conservation crisis of the 1960's has grown into a large environmental emergency in the 1970's. In the 1960's the Congress wrote landmark conservation measures. The Land and Water Conservation Act and the Wilderness Act were two of the most prominent laws, and I was proud to sponsor and support these great pieces of legislation. We also developed far-reaching air and water pollution control laws and legislation dealing with solid waste and in 1969, the Congress enacted the National Environmental Policy Act and established the Council on Environmental Quality, which I sponsored and supported.

I believe we have come to grips with the basic problem of improving our environment through the adoption of Federal programs to combat air and water pollution and solid waste and through the legislation to preserve areas for enjoyment for future generations and protection of endangered species.

However, the laws are just language on the books if we do not ourselves seek to do away with pollutants. I believe by establishing a Joint Committee on the Environment, we can draw national attention to the continuing challenges of living in a cleaner America. This new committee will assist the legislative committees in looking ahead to solve the environmental and ecological demands of the next decades and focus attention on today's overwhelming problems of man's struggle to survive in the polluted atmosphere he has himself created. I hope the House will again approve this committee.

Mr. HARSHA. Mr. Chairman, I rise to support House Joint Resolution 3 which would establish a Joint Committee on the Environment.

I support this resolution because a Joint Committee on the Environment would give Congress a broad and continuing review both of environmental factors and the interrelationships between competing factors. Such a joint committee would have a broad perspective and would be able to minimize further the often fragmented approach in the Congress to environmental problems.

The problems of the environment cross State and international boundaries and the Congress has acted to encourage interstate and international cooperation. The problem of the environment cross departmental and agency jurisdictions in the executive department and the Congress and the President have attempted to maximize the effectiveness of the Federal program. The problems of the environment cross committee jurisdiction in the Congress and House Joint Resolution 3 will allow the Congress to reduce the fragmented approach in the various committees. Now is the time for the Congress, via this resolution, to modify its structure and to identify and solve the environmental problems in a coordinated fashion. We, through this resolution, can enhance the ability of the Congress to deal with the environmental problems that face the Nation.

Mr. Chairman, it is understood that the standing congressional committees having jurisdiction over environmental protection and maintenance matters such as the Committee on Public Works would have majority and minority party representation on the Joint Committee. This is as it should be. This will lead to a cross-fertilization of ideas and a thorough consideration of those various aspects of environmental protection and maintenance that cross the jurisdiction of the standing committees.

Mr. Chairman, this resolution is another step toward the more effective use of the resources available to control the quality of the environment. I urge each Member to support House Joint Resolution 3.

Mr. RYAN. Mr. Chairman, I fully support House Joint Resolution 3, to establish a Joint Committee on the Environment.

Our environmental system has been stretched to the breaking point. The years of neglect, complacency, and ignorance have caught up with us; and our Nation is on the verge of becoming an ecological ruin.

To document the gravity of this crisis, we need only look around us.

We need only see the rotting slums of the ghettos; the decaying centers of cities large and small across the Nation; the industrial wastelands that disfigure our countryside.

We need only see—and smell—the foul air of New York City and Los Angeles.

We need only hear the deafening noise around every jetport in the Nation.

We need only regard the blackened and dying waters of our once great rivers and lakes.

We need only look at the junkyards, billboards, and abandoned car lots that litter our highways.

The known facts and figures grimly confirm the evidence of our senses.

Americans spew 150 million tons of pollutants into the atmosphere every year, principally from the burning of fossil fuels. The resulting damage amounts to about $12 billion annually.

Much of our fresh water supply is unfit for human or animal consumption, for agricultural use, or even for industrial purposes. It has been rendered unsuitable for recreational use or as the habitat for fish and aquatic life.

Noise pollution, thermal pollution, the dangers of radioactivity are all serious threats to our environment.

In our major cities thick layers of smog overhanging the skyline, dirt particles emanating from smokestacks and falling on our clothing, shorter spans of direct sunshine all are due to this disregard for our environment; yet these conditions can be overcome by instituting adequate environmental protection measures.

The gravity of this environmental crisis demands vigorous and comprehensive governmental action now. A realistic, tough, and effective commitment to the solution of the problem today will forestall the need for far more drastic measures tomorrow.

Before us today is a proposal that can make a significant impact in the development of a comprehensive program to preserving our environment—House Joint Resolution 3, providing for the establishment of a Joint Committee on the Environment.

As Members of this body will recall, such a proposal was embodied in legislation I introduced in the 91st Congress as House Concurrent Resolution 496 and reintroduced in this Congress as House Concurrent Resolution 74.

The need for positive action to establish such a committee is commensurate to the necessity for Congress to guard against further deterioration of our fast-wilting environment.

Through the passage of House Joint Resolution 3 the Congress can establish a much-needed means to deal with our environmental crisis. This resolution would establish a Joint Committee on the Environment, consisting of 11 Members of the Senate and 11 Members of the House. This Joint Committee on the

Environment would be mandated to conduct a continuing comprehensive study of the character and effect of environmental changes that may occur in the future; study methods to foster and promote conditions under which man and nature can exist in harmony; develop policies that would encourage private investment to improve environmental quality; and would review recommendations made by the President relating to environmental policy.

This joint committee would submit an annual report to the Congress on its studies and recommendations.

The resolution before us today has been endorsed by all major environmental groups and is cosponsored by over 279 Members of this House. A similar measure passed this body in May of 1970 by an overwhelming vote of 285 to 7.

The establishment of a Joint Committee on the Environment would be an important step toward preserving this world, both for ourselves and those yet to be born.

Mr. BIAGGI. Mr. Chairman, I rise in support of this resolution to create a Joint Committee on the Environment. Of all the problems facing this Nation today, the need to improve our environment could be the most serious. While we have had great pronouncements from the executive branch and from Members of Congress, we as a Nation have not done enough to guarantee clean air, clean water and a balance in nature for future generations.

The Joint Committee that would be established by this resolution will perform several important functions. First, it will increase the expertise within Congress on questions dealing with the environment. At present, this body greatly relies on the executive branch for its information on pollution of the environment. This, despite the fact that we know the Federal Government is among the major polluters in our country.

Second, it will serve as a central clearinghouse for all information on the environment. This continuing study will provide all Members of Congress with a ready source of succinct, up-to-date information from which to make decisions effecting environmental policy.

The Joint Committee during the course of its deliberations also will develop policies to encourage public and private investment in improving environmental quality. It will seek out methods and promote conditions that will provide a more harmonious existence for man and his environment. And it will serve as the review panel for the annual Environmental Quality Report of the Council on Environmental Quality.

We must face the fact that if our environment is allowed to deteriorate further all other questions become moot. What good will it do if we have a strong defense policy, but a raped land to defend? Or what will an atomic bomb mean to us, if we are all dying of asphyxiation? And what will exploration of space provide us with—except a place to go to when the earth is no longer habitable?

This joint committee will not provide all the answers to our environmental problems, but it will help the legislative branch of our Government more accurately assess the ecological problems we face and find solutions to those problems.

Mr. CASEY of Texas. Mr. Chairman, I am pleased to support passage of House Joint Resolution 3 to create a new Joint Committee on the Environment, a measure I had the pleasure to cosponsor in this, and in the 91st Congress.

The importance of this new joint committee cannot be overemphasized. It is going to provide the necessary machinery for Congress to pull together the whole Federal effort in the national fight to protect our environment. While it will not have legislative jurisdiction, it will be a central focal point of the entire Federal effort. Among its varied and important duties will be the responsibility for conducting a continuing and comprehensive study of environmental changes and their cause, of methods needed to protect our environment from abuse, of new policies needed to encourage private investment in this field, and, of course, the important duty of reviewing all recommendations submitted to the Congress in the environmental control field by the President, including the environmental quality report.

Most of us who are privileged to represent urbanized areas are fully aware of the critical importance of moving forward swiftly to resolve the major pollution and environmental problems we face. And I think this body would show to the Nation our commitment to the common goal of protecting our environment from further abuse, and restoring that which can be reclaimed by creating this committee. I have high hopes that this new committee will give our efforts the coordination needed to move forward rapidly in resolving some of the major problems we face in conserving and protecting our natural environment.

Mr. HOGAN. Mr. Chairman, I rise to express my support for House Joint Resolution 3, which we are now considering. As a cosponsor of House Joint Resolution 5, an identical resolution, I wholeheartedly support the creation of a Joint Committee on the Environment and Technology.

The reduction of environmental deterioration will require a coordinated and serious effort on the part of all levels of government, as well as private industry and individual citizens. Even so, the Federal Government is in the best position to provide all segments of society with the encouragement, guidelines, technical assistance, funds, and other types of motivation to insure a coordinated and meaningful effort to surmount this problem. As a result, Congress finds itself in the position of writing legislation and guidelines. Due to the fact that at least a dozen committees handle environmental legislation, efforts are piecemeal and have resulted in duplication, omission, and contradiction. For the information of the Members, a list of those committees in the House and the Senate which handle legislation relating to the environment include the following:

SENATE COMMITTEES

Agriculture and Forestry.

Commerce.

Government Operations: Subcommittee on Intergovernmental Operations.

Interior and Insular Affairs.

Labor and Public Welfare: Subcommittee on Health.

Public Works: Subcommittee on Air and Water Pollution.

HOUSE COMMITTEES

Agriculture.

Government Operations: Subcommittee on Conservation and Natural Resources.

Interior and Insular Affairs, Interstate and Foreign Commerce, Merchant Marine and Fisheries: Subcommittee on Fisheries and Wildlife Conservation, Subcommittee on Oceanography.

Public Works: Subcommittee on Flood Control, Subcommittee on Rivers and Harbors.

Science and Astronautics: Subcommittee on Science, Research, and Development.

JOINT COMMITTEE

Atomic energy. A comprehensive overview of the pollution problem and comparative evaluation of the seriousness of component problems are not possible with oversight spread among these several committees. Therefore, I believe one very important step that Congress must take is to reorganize itself in preparation for the task ahead.

The joint committee authorized in House Joint Resolution 3 would be a nonlegislative committee; yet it could provide the Members with a clear focus on difficult environmental problems we are facing and also provide the above committees with the necessary background to insure effective action on short-term and long-term environmental problems.

The protection of our environment is a problem of serious proportions, so it is especially regrettable that final approval of this joint committee was not given during the 91st Congress. I urge that this measure be approved so that Congress might have available as soon as possible comprehensive oversight to enable it to put all aspects of the pollution problem into proper perspective.

Mr. VANIK. Mr. Chairman, I rise in support of House Joint Resolution 3, which would create a 22-member committee composed equally of Members of the House and Senate. The creation of such a committee, modeled on the very effective joint economic committee, has been long overdue. The steady deterioration of our environment and the steadily increasing public concern for the total ecology should be reflected in the structure of the Congress through a congressional committee that can review the total, wide range of issues which influence the environment.

On the opening day of this Congress, I joined with a group of other Members in cosponsoring a resolution to create a Committee on the Environment. I am glad that at last we are moving to create a committee in this vital area. I am pleased that the concept has been expanded to include Members of the other Chamber.

The proposed joint committee will:

First, conduct a continuing comprehensive study and review of the character and extent of environmental changes that may occur in the future and their effect on population, communities, and industries.

Second, study methods of using all practicable means and measures calculated to foster, promote, create, and maintain conditions under which man and nature can exist in harmony.

Third, develop policies that would encourage maximum private investment in means of improving environmental quality.

Fourth, to review any recommendations made by the President relating to environmental policy.

There are nearly an infinite number of valuable studies and contributions which the joint committee could make. For example, I have introduced a House Resolution 441 to provide a study of the effect of freight rates on the economic feasibility of using recycled materials. At the present time, for example, the rates charged for the carrying of primary materials such as iron ore are out of line with the rates charged for scrap metal. The result is that the higher rates charged for secondary or for waste materials make it nearly impossible—in many areas—to economically salvage and recycle these resources. The Joint Committee could undertake the major study required to correct this situation.

Another area in which the joint committee could provide a useful impetus through hearings involves the recycled paper purchasing policies of the Federal Government. It is my understanding that at the present time the General Services Administration is advertising for paper with a certain percentage of recycled fiber. Perhaps due to a lack of publicity, perhaps due to other factors which the committee could explore the GSA may have to weaken or back down from its new standards on recycled paper. We must not permit this to happen. An investigation is in order to determine whether the GSA has been vigorous enough in pursuing the goal of using recycled paper and whether the industry has—perhaps for tax or freight rate reasons—been less than active in this area.

Another small but important area which the committee could investigate is the destruction—about 6 years ago—of the recycled oil industry. Due to a ruling by the Federal Trade Commission which required that cans containing recycled oil bear a label to that effect, sales of this very fine and usable oil fell off drastically. This, coupled, possibly, with a change in the tax laws effecting refineries, destroyed this industry. The result is that used oil is now burned—and some of it may even find its way down drainpipes into our waterways. The committee could recommend changes in the tax law and the FTC regulations which could restore this industry, conserve our oil, and improve our environment.

In sum, it would be very important to consider tax incentives programs which would stimulate the development of recycling processes and which could be used to curb air and water pollution.

Finally, as a representative from a community dependent on Lake Erie for water supplies, I am most concerned with the early establishment of this committee and hope its attention can be focused on the Lake Erie problem which constitutes a national disaster.

Mr. FASCELL. Mr. Chairman, nearly two-thirds of the Members of this body have joined in cosponsoring the legislation before us today which would create a Joint Committee on the Environment. I am proud to be included in that group.

The need for such a committee is as urgent as the environmental crises we are facing. It would be charged with the responsibility of conducting a continuing, comprehensive study and review of changing environmental conditions and their effect on our national life.

The joint committee would also study the methods and measures which would most effectively allow man to live in harmony with nature as he pursues necessary social and economic development.

In addition, and of great importance, the joint committee would have the primary authority to review recommendations made by the President; and the environmental quality report, which the President is required to submit to the Congress under the National Environmental Policy Act of 1969, would be referred to this committee.

At the end of each calendar year, the joint committee would submit its own report and recommendations to the Congress, based on its studies, reviews, and hearings.

Mr. Chairman, you, as the original sponsor of this legislation in the last Congress and our colleague John Dingell, who introduced the resolution at your request in this session, are to be commended for the leadership you have shown on this issue.

I am hopeful that all of our colleagues will join in support of this measure. We must have effective legislative machinery to deal with the myriad problems of a threatened environment.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of this resolution to create a Joint Committee on Environment, but I do so with the most serious reservations. The objectives of this legislation can be, I believe, better met by a standing committee on environment with full power to report bills to the floor than by this more than likely weak-kneed joint committee with authority merely to recommend legislation to the Congress. Unfortunately, however, there are Members of this body who will not relinquish their dividend-rich holdings on the ecology exchange for any reason, even when the best interests of the environment they are supposed to be defending are at stake. In the face of such powerful opposition, I suppose we must take whatever we can get.

In one sense, a Joint Committee on Environment will prove valuable, for it will enable us to adopt a unified approach where in the past we have seen only fragmented and overlapping efforts. In fact, had the committee been granted, at the same time, full legislative power to report bills, we might have taken a long step toward solving the intricately related problem of our environment. That power was, of course, not granted, so we will just have to wait and see whether the recommendations of the committee carry any force whatsoever within the Congress. I would have much preferred to be certain that they would.

I hope, Mr. Chairman, that my colleagues will keep a critical eye on the joint committee in the months ahead, remaining open to the possibility that it might not, after all, be effective. Pollution is too important a problem to be buried in a committee with no power to do anything about it.

Mr. BROTZMAN. Mr. Chairman, I am going to vote for House Joint Resolution 3, but I am going to do so in the hope that the Joint Committee on the Environment will only be an interim solution to the problem of Congress not being sufficiently well organized to effectively consider the proliferating number of environmental bills which are introduced each day. The joint committee would represent a step toward a principle I deem necessary to an orderly, efficient resolution of interrelated environmental problems—that is to bring them under one roof. I hope this legislation is a step toward the ultimate creation of a standing Committee on the Environment, in each body, with full legislative powers.

As a matter of fact, Mr. Chairman, I first proposed a permanent, standing Committee on the Environment for the House on April 28, 1969. This committee would have full legislative authority and would have jurisdiction over bills dealing with air pollution, water pollution, solid waste disposal, acoustic problems, weather modification, pesticides, and herbicides. It would have the support of a full-time staff of experts in the problems of environmental quality.

Apparently I am not alone in believing that an approach such as this is necessary. Since reintroducing my proposal on the opening day of the 92d Congress, 182 of my distinguished colleagues have joined as cosponsors. This represents over 40 percent of the Members of this body. The sponsors are from 43 of our 50 States. They represent each of the existing standing committees of the House, including five committee chairmen and 10 ranking minority members.

Supporters of a full-time, standing committee on the environment come from both of our major political parties in large numbers. Indeed, the leadership of both parties is represented. Sponsorship runs from one side of the philosophical spectrum to the other and includes a number of Members whose names appear on House Joint Resolution 3.

I realize that the committee structure of the House cannot be revamped overnight, and that is why I plan to support the measure on the floor today. A joint committee would assist the existing standing committees in their task of sorting out environmental legislation. It would lend a sense of orderliness to the existing structure which allows related legislation to be referred to as many as five or six unrelated standing committees for consideration.

In urging the eventual creation of a standing Committee on the Environment, I in no way mean to be critical of the efforts already underway. What I do say is that a standing committee will expedite the important goal of leaving this earth in better condition than we found it. Our fragmented approach to environmental issues makes it increasingly difficult to obtain proper consideration of the many bills being introduced. In most cases, complex environmental issues are treated as an additional chore by committees whose principal jurisdictions lie elsewhere.

While I wish it were now possible for the House to be voting to establish a standing Committee on the Environment, I do believe that the joint committee would represent progress in Congress efforts to move to the forefront in the fight for a quality environment, and I urge the passage of House Joint Resolution 3.

Mr. BROYHILL of North Carolina. Mr. Chairman, I want to express my strong support for House Joint Resolution 3, the establishment of a Joint Committee on Environment. Environmental quality has become a national priority of such importance that the time has come for the Congress to consider basic organization changes to better facilitate the study of environmental problems and their solutions.

This resolution would establish a joint committee composed of six majority and five minority Members from both the House and the Senate; the Senate Members to be appointed by the President of the Senate and House Members by the Speaker. The chairmanship of the committee would rotate between the House and Senate delegations every 2 years.

Although this new joint committee would have no legislative jurisdiction and would be limited to a study function, it would provide a much-needed focus for the study and investigation of the Nation's environmental problems. The committee would be authorized to conduct continuing studies of environmental matters and to develop policies encouraging private investment as means of improving environmental quality. It would review Presidential recommendations on environmental policy and report annually on its activities. In addition, the committee would furnish a single congressional body to work with the Council on Environmental Quality and the Environmental Protection Agency established by the 91st Congress.

At the present time, the machinery of Congress is not conducive to a broad overview of environmental policy and legislation. Traditional committee jurisdiction tends to divide environmental bills among many committees. For instance, water pollution measures are considered in the Public Works Committee, while air pollution bills fall under the authority of the Interstate and Foreign Commerce Committee. Any measure to provide tax incentives for companies or municipalities to reduce pollution is considered by the Ways and Means Committee. This results in a lack of coordination and the failure to develop national policy in this important field. The joint committee would provide a forum to coordinate, but not change, traditional committee jurisdictions between the various committees with interests in environmental legislation and make recommendations for the committees to consider.

In view of this lack of congressional direction, I feel that this measure is a much needed step toward better coordination of environmental policy and legislation in the legislative branch and I heartily support its passage.

Mr. MINISH. Mr. Chairman, I rise in support of House Joint Resolution 3, to create a Joint Congressional Committee on the Environment. This measure passed the House during the 91st Congress, but unfortunately was not considered by the Senate prior to adjournment.

As a cosponsor of both the pending resolution and another to establish a standing Committee on the Environment, I personally would assign higher priority to the latter under which the new committee would possess full legislative powers and would be able to coordinate all environmental matters before the House.

Nonetheless, I urge approval of the joint committee as a worthwhile step toward developing the information and expertise so essential if Congress is to deal effectively with our environmental crisis.

As reported, House Joint Resolution 3 provides for a Joint Committee on the Environment, consisting of 11 Members of the Senate to be chosen by the President of the Senate and 11 Members of the House to be appointed by the Speaker. The chairman and vice chairman would be elected by the members of the joint committee at the beginning of each Congress, and the chairmanship would alternate between the House and the Senate.

The joint committee would be charged with conducting a continuing study of the type and effect of potential environmental changes. More specifically, it would search for methods to foster conditions under which man and nature can exist in harmony; develop policies to encourage private investment to improve environmental quality; and review recommendations made by the President relating to environmental policy. The committee is directed to submit an annual report on its work to the Congress.

Mr. Chairman, government at all levels must assume a more active role in the battle for environmental quality if we are to curtail pollution and assure a clean and healthy environment for the future. Developing an independent and reliable source of information, such as a Joint Environmental Committee, is one essential ingredient of the Congress' attack on every type of pollution.

Mr. DULSKI. Mr. Chairman, along with nearly 300 Members of the House, I cosponsored House Joint Resolution 3, providing for a Joint Committee on the Environment.

The establishment of such a joint committee is long overdue. A similar measure passed the House a year ago by a vote of 285 to 7. Unfortunately, Senate action came too late to permit a House-Senate conference committee to reach a compromise before adjournment of the 91st Congress.

The Joint Committee would be a nonlegislative committee organized to provide a clear focus on many of the difficult environmental decisions which must be made in the years ahead.

It would also provide the legislative committees with the necessary background to insure effective action on short-term and long-term environmental problems and needs.

All of us are aware of the problems today in dealing with our environment and the deterioration of our natural resources, and I am happy that the House overwhelmingly approved this resolution today.

Mr. WOLFF. Mr. Chairman, I rise in support of House Joint Resolution 3, to create a Joint Committee on the Environment. No problem facing our Nation today is more serious than that of pollution and the preservation of our natural resources and environment. In the past several years a number of our most beautiful and well-known rivers and lakes have become little more than convenient dumping grounds for large industries and sewage treatment plants in certain urban areas. The air in many of our Nation's cities has become literally unfit to breathe. Very often, many of my constituents who commute to work in New York City during the week hear, on certain radio stations, the disheartening but indisputable news that pollution levels in the city are so high as to be termed "unacceptable." Needless to say, the average commuter cannot afford to stay home at such times.

With the public's growing awareness of the gravity of the problem this Nation faces in attempting to protect the environment, the Congress and the President have responded with programs of legislation that are beginning to attack the problems of air and water pollution. The House Committees on Public Works, Interior, and Commerce each deal with aspects of environmental protection in parts of their legislative activities. They have all held numerous hearings in the past on pollution problems and, along with the rest of Congress, have given the President wide powers to deal effectively with the problems of air and water pollution in this country.

However, Mr. Chairman, I believe that there has not been enough feeling of urgency among those people who are in positions of authority to solve the problems that plague our environment. Steps have certainly been taken to control some types of water and air pollution, but it cannot be denied that pollution still exists in serious and increasingly dangerous situations. Not only are people constantly being turned away from more and more polluted beaches and lakes, but the air in many of our major cities has become unpleasant and unhealthy to breathe. A recent article in the New York Times revealed that over 150 people were hospitalized last year in Houston after inhaling the noxious sulfur fumes and other gases released into the air by local petrochemical refineries.

While there are certain committees in Congress that deal with different types of pollution legislation, I firmly believe that the problem of pollution and the destruction of our Nation's natural resources has truly reached crisis proportions. I feel that Congress should create a joint committee whose sole concern would be the problems relating to pollution and the protection and preservation of our environment.

For that reason, I cosponsored a bill in February, House Joint Resolution 351, which would create such a joint committee. My bill is a companion bill and identical to House Joint Resolution 3, the bill under consideration today. This committee, if formed, could not simply repeat the antipollution activities of other committees already in existence, but could take innovative and effective steps to protect the environment and the natural resources of this country.

I therefore urge my colleagues to support the passage of House Joint Resolution 3.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I am pleased to support this bill to establish a Joint Committee on the Environment, of which I am a cosponsor.

For too long, our country failed to realize the consequences the technology of an advanced society could have for natural resources. Slowly, however, it became apparent that if America wanted to continue to enjoy the benefits of her environment, she must act quickly to preserve the bountiful resources with which she was blessed.

The efforts of many agencies and departments of government have been commendable as they have made strides toward correcting the environmental situation with which we are faced today. However, it is now time for the Congress, as the chief legislative body of the country, to recognize the important role which this subject will play in the seventies by establishing a Joint Committee on the Environment.

The benefits of such a committee would be many. By coordinating legislative efforts, our activities on behalf of the environment could be more effective. Until now, work in this field has been delegated to a number of committees, each making its own contribution. A single, investigative committee could help assure a greater degree of coordination among various proposals approved by the Congress.

All over the United States, concern for this situation is growing, and this new awareness is an important factor in the overall situation. Citizens of all age groups and interests are banding together in a national effort to make our country a more pleasant place in which to live. Girl scouts, housewives, business groups, college students and individual families are working on a smaller scale to do what they can to help. However, a more massive effort is needed. Through the proposed Committee, Congress can turn those intentions to action.

Until now, Mr. Chairman, our work in the field of environmental concern has been of a remedial nature. I would hope that the establishment of a Joint Committee would enable us to begin preventive measures as well. Let us mobilize the knowledge of scientists, economists, and other experts to help us foresee the latent problems and cure them before they reach a crisis stage, as well as treating the crises with which we are already faced.

The smog will not disappear from the cities in a day. But this first step of organization and coordination will be an important one if we are ever going to guarantee future generations a healthy environment.

Mr. PICKLE. Mr. Chairman, in a field which is a centerpoint of national concern, and a field that by its very nature covers an incredibly broad range of topics and jurisdictions, two of the hardest items to maintain are perspective oversight and innovation.

Innovation is often regrettably replaced by reaction to crises of the moment and long-range overviews lost in the jumble of problems.

Mr. Chairman, I rise today in support of the resolution before us to create a Joint Committee on the Environment. A joint committee offers this Congress a chance to stand back, to assimilate, organize, afford background on, and look into the future of the whole environmental field.

A joint committee, facing the whole of the environmental problem, will have a tendency to sort through the many smaller crises and focus attention on major turning points in our fight to save our environment. It would also be able to furnish legislative committees with background information to help insure effective action on short as well as long term problems which come under their jurisdictions.

The joint committee we consider here today does not have legislative powers, but it does have important contributions to make toward the legislative process. And in so doing it has important contributions to make toward the wellbeing of this planet.

Time is definitely not on our side in the environmental fight. We have been playing catchup ever since the environmental effort began. But I do not think all is lost—if we are innovative enough and work with enough knowledge to avoid wasting our energies along the way. This committee will be a help in directing those energies, in directing them where they will do the most good. And by so doing, this committee will help the Congress and the country toward the goal of leaving our planet to our children a little better off than we found it.

Mr. BOLLING. Mr. Chairman, I have no further requests for time.

Mr. SMITH of California. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a joint congressional committee which shall be known as the Joint Committee on the Environment (hereafter in this joint resolution referred to as the "committee") consisting of eleven Members of the Senate to be appointed by the President of the Senate and eleven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Of the eleven Members of the Senate appointed under this subsection, six Members shall be from the majority party, and five Members shall be from the minority party. Of the eleven Members of the House of Representatives appointed under this subsection, six Members shall be from the majority party, and five Members shall be from the minority party. In the appointment of members of the committee under this subsection, the President of the Senate and the Speaker of the House of Representatives shall give due consideration to providing representation on the committee from the various committees of the Senate and the House of Representatives having jurisdiction over matters relating to the environment.

(b) The committee shall select a chairman and a vice chairman from among its members, at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and House of Representatives with each Congress, and the chairman shall be selected by Members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the Members of that House. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purposes of this joint resolution.

(c) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony.

(e) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct.

(f) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate or to the House of Representatives.

SEC. 2. (a) It shall be the duty of the committee—

(1) to conduct a continuing comprehensive study and review of the character and extent of environmental changes that may occur in the future and their effect on population, communities, and industries, including but not limited to the effects of such changes on the need for public and private planning and investment in housing, water resources (including oceanography), pollution control, food supplies, education, automation affecting interstate commerce, fish and wildlife, forestry, mining, communications, transportation, power supplies, welfare, and other services and facilities;

(2) to study methods of using all practicable means and measures, including financial and technical assistance, in a manner calculated to foster, promote, create, and maintain conditions under which man and nature can exist in harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans;

(3) to develop policies that would encourage maximum private investment in means of improving environmental quality; and

(4) to review any recommendations made by the President (including the environmental quality report required to be submitted pursuant to section 201 of the National Environmental Policy Act of 1969) relating to environmental policy.

(b) The environmental quality report required to be submitted pursuant to section

201 of the National Environmental Policy Act of 1969 shall, when transmitted to Congress, be referred to the committee, which shall, as soon as practicable thereafter, hold hearings with respect to such report.

(c) On or before the last day of December of each year, the committee shall submit to the Senate and to the House of Representatives for reference to the appropriate standing committees an annual report on the studies, reviews, and other projects undertaken by it, together with its recommendations. The committee may make such interim reports to the appropriate standing committees of the Congress prior to such annual report as it deems advisable.

(d) In carrying out its functions and duties the committee shall avoid unnecessary duplication with any investigation undertaken by any other joint committee, or by any standing committee of the Senate or of the House of Representatives.

SEC. 3. (a) For the purposes of this joint resolution, the committee is authorized, as it deems advisable (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) The committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

SEC. 4. To enable the committee to exercise its powers, functions, and duties under this joint resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Clerk of the House of Representatives on vouchers signed by the chairman or vice chairman of the committee.

Mr. BOLLING (during the reading). Mr. Chairman, I ask unanimous consent that the joint resolution be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment. On page 6, strike out lines 13 and 14 and insert "authorized to be appropriated not to exceed $300,000 for each fiscal year to be disbursed by the Clerk of the".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: On page 3, after line 17, insert:

"(g) The committee shall not undertake any investigation of any subject matter which is being investigated by any other committee of the Senate or the House of Representatives."

The CHAIRMAN. The gentleman from Colorado (Mr. ASPINALL) is recognized in support of his amendment.

Mr. BOLLING. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Chairman, so far as I know the Committee on Rules would be happy to accept this amendment since it is language that the Committee on Rules often inserts in investigative resolutions; is that not correct?

Mr. SMITH of California. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. SMITH of California. I concur in that. As I stated when I spoke on the rule, that was neglected. I would like to repeat the statement I made at that time. It is like saying to children—to go swimming but not to go near the water. When you check this and when you read down the list what is authorized—one, two, three, four, five, six, and seven on pages 3, 4, and 5, you will find there that they are pretty specific and many of them will actually interfere. So it is saying one thing on one hand and another thing on the other. I am pleased to accept the gentleman's amendment and, in fact, would have been happy to have offered it myself.

Mr. ASPINALL. Mr. Chairman, I thank the gentleman for his statement. I explained my amendment during the course of my remarks I made.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offered an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 3, after line 17, insert a new subsection to read:

"(h) Members serving on this Commission shall remain ineligible for the Office of President of the United States until the issuance of the Commission's last press release."

The CHAIRMAN. The gentleman from Iowa (Mr. GROSS) is recognized in support of his amendment.

Mr. GROSS. Mr. Chairman, the amendment speaks for itself and the reception with which it has been greeted indicates that no further explanation is needed. In view of the political complexion of the joint committee and the political atmosphere that pervades Congress and the country these days, I urge enactment of the amendment.

Mr. BOLLING. Mr. Chairman, I rise in opposition to the amendment and do so only because this is after all a House joint resolution and I really, honestly, do not believe that the amendment offered by the gentleman from Iowa is applicable to a House joint resolution.

Therefore, Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. GROSS), there were—ayes 25, noes 30.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOGGS), having assumed the chair, Mr. FUQUA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 3) to establish a Joint Committee on the Environment, pursuant to House Resolution 424, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EGG PRODUCTS INSPECTION ACT EXEMPTION

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 547 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 547

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9020) to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such Act for a certain period of time. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 547 provides an open rule with 1 hour of general debate for consideration of H.R. 9020, the Egg Products Inspection Act exemption.

The purpose of H.R. 9020 is simply to

extend for 6 months—to December 31, 1971—the time within which egg processors in Hawaii and Puerto Rico must meet the requirements of the Egg Products Inspection Act.

At the time the act was enacted—December 29, 1970—egg processors in Hawaii and Puerto Rico were given 6 months within which to comply with it. Although they have tried in good faith to comply, they have been unable to do so within the time allotted. This legislation would simply give them another 6 months.

H.R. 9020 is endorsed by the U.S. Department of Agriculture. It entails no additional expense to the United States; in fact, it is expected to decrease expenditures in fiscal year 1971 by $30,000.

Mr. Speaker, I urge the adoption of House Resolution 547 in order that the bill, H.R. 9020, may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 547 makes in order consideration of H.R. 9020 with an open rule and 1 hour of debate.

The purpose of the bill is to extend for 6 months—through December 31, 1971—the period which egg producers in Hawaii and Puerto Rico have to meet the requirements of the Egg Products Inspection Act.

In both areas egg producers have made efforts to comply with the act but have been unable to reach a state of compliance by the effective date of the act, which was June 29, 1971. In order to meet the provisions of the act, egg producers must acquire additional pasteurization equipment for their plants. Producers in Puerto Rico and Hawaii have not yet acquired and installed such equipment.

The bill provides that if the Secretary of Agriculture finds that a good faith effort to comply with the act has been made, he may permit an additional period of 6 months for such producer to reach full compliance with the act.

No additional cost will be incurred by the passage of this legislation. Actually, during fiscal 1972 the cost to the Department would be reduced by approximately $30,000.

The Department of Agriculture supports the bill as reported.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STUBBLEFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9020) to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such act for a certain period of time.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9020, with Mr. Fuqua in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. Stubblefield) will be recognized for one-half hour, and the gentleman from California (Mr. Teague) will be recognized for one-half hour.

The Chair recognizes the gentleman from Kentucky.

Mr. STUBBLEFIELD. Mr. Chairman, H.R. 9020 is designed to relieve an emergency situation which has arisen in some specific areas as a result of certain requirements imposed under Public Law 91-597, the Egg Products Inspection Act of 1970.

Mr. Chairman, the purpose of H.R. 9020, introduced by the gentleman from Hawaii (Mr. Matsunaga) is straightforward. It seeks to extend for 6 months, until the end of 1971, the time by which qualified egg producers in noncontiguous areas of the United States must meet all the requirements of the Egg Products Inspection Act, Public Law 91-597.

When that act was signed into law, on December 29, 1970, egg processors were given 6 months to acquire and install necessary equipment to process undergrade shell eggs in compliance with the act.

On the U.S. mainland, the July 1, 1971, deadline was generally met by all plants that made diligent efforts to comply. But in noncontiguous areas of the country, such as Puerto Rico and Hawaii, processors, for a variety of reasons, have met with considerable difficulty in bringing their plants into compliance with the egg processing requirements of the act despite their best efforts made in all good faith.

The situation in Hawaii highlights those difficulties.

First, there was difficulty in obtaining the necessary pasteurizing equipment. In the entire State of Hawaii, there was no such equipment when the law went into effect. Attempts to order equipment from equipment manufacturers were unsuccessful, partly because of the heavy demand created by the act itself.

Second, because of the relative smallness and insularity of the Hawaii market, the State could support only one processing facility. This necessitated a delay so that a proper cooperative structure could be arranged.

Third, financing assistance for the common facility from the Small Business Administration, as explicitly mentioned in the act, has been difficult to secure.

Similar problems have been encountered in Puerto Rico.

As a result of these difficulties, no plant in Puerto Rico or Hawaii was able to comply with the act's processing requirements by the July 1, 1971 deadline. Producers have been forced to destroy all undergrade eggs except "checks" and "dirties" which have been washed. The potential economic loss in Hawaii alone has been estimated by the industry at $100,000 per annum. The impact of such losses on the small operators, many of them marginal, would be significant, and in some cases disastrous.

The purpose of H.R. 9020 as reported by the Committee on Agriculture is to give egg producers in these specifically affected areas, who have made good faith efforts to comply with the act, the opportunity to bring their plants into full compliance.

The U.S. Department of Agriculture has recognized the unique problems encountered by producers in noncontiguous areas, and has endorsed the bill as reported. The Department's position is set forth more fully in the Agriculture Committee's report on H.R. 9020.

Although the scope of this bill is not wide, it will avert a major economic disaster to egg producers in the affected areas in a manner assuring respect for the intent of the Egg Products Inspection Act, that is, to provide wholesome, safe egg products for the American consumer.

Accordingly, Mr. Chairman, I urge the passage of H.R. 9020.

Mr. TEAGUE of California. Mr. Chairman, this is relatively minor legislation. It is represented to be—and we have no reason to doubt it—as in the nature of emergency legislation. It has been explained in detail. As far as I know, there was only one member of the committee who had any reservations about the bill at all.

That is the gentleman from Pennsylvania (Mr. Goodling); and I now yield such time as he may consume to the gentleman from Pennsylvania (Mr. Goodling).

Mr. GOODLING. Mr. Chairman, first I should like to ask the sponsor of the bill a question.

I believe the gentleman said, when he was discussing the rule, that this bill would save the taxpayers $30,000. Can the gentleman elaborate on that?

Mr. MATSUNAGA. It will save for the reason that for a 6-month period the Federal Government will not need to conduct any supervisory activities in the noncontiguous areas. For that reason the Federal Government will save $30,000.

Mr. GOODLING. If that is a good and legitimate reason, probably we should do away with the egg inspection bill entirely and save the taxpayers still more money.

Mr. MATSUNAGA. Well, some people would feel that way. As one who champions the cause of the consumer in many respects I would say only in cases of emergencies such as this should we take this procedure of saving the taxpayers dollars.

Mr. GOODLING. I thank the gentleman.

Mr. Chairman, when this bill first came to the Agriculture Committee I objected to it. I assume I must have been wrong, because nobody else on the Agriculture Committee objected to it.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I am glad to yield to the gentleman from California.

Mr. TEAGUE of California. I am sure

the gentleman would be the first to say it is very seldom he and I disagree.

Mr. GOODLING. That is correct.

Mr. TEAGUE of California. This is one of those very rare occasions.

Mr. GOODLING. My objection stems from the fact that originally the gentleman who introduced the bill stated that all this equipment would be bought without the United States. With our balance of trade as it is today, I do not believe we can afford to buy all this equipment out of the United States.

For that reason I wrote some minority views, and, Mr. Chairman, I ask unanimous consent to have them printed at this point in the Record. I will not take the time to read them.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The separate views are as follows:

SEPARATE VIEWS OF HON. GEORGE A. GOODLING

While I do not object to the purpose of H.R. 9020 to extend for 6 months the effective date of certain provisions of the Egg Products Inspection Act, I do want to express my concern that this extension might further aggravate an already unhealthy economic problem.

I refer to our Nation's chronic problem caused by ever-increasing imports of foreign-made equipment. Every Member of this House is aware of the growing number of imported items that continue to threaten the livelihoods of American business and labor. In my congressional district we have seen that result all too clearly.

Therefore, when it was explained to me that H.R. 9020 was necessary in order to permit Hawaiian egg processing firms to purchase equipment from Japan, I expressed my opposition to the bill. It seems to me that in return for the special exemption given to Hawaii and Puerto Rico by this bill, that at the very least a requirement to "buy American" should be included in the bill, even if additional time is required.

GEO. A. GOODLING.

Mr. GOODLING. Mr. Chairman, I am not going to oppose the bill any longer, because at 10:30 a.m. this morning I received a call from the office of the gentleman from Hawaii (Mr. MATSUNAGA) saying they had just received a teletext from Fred Erskine, chairman of the State board of agriculture—apparently comparable to our Secretary of Agriculture in the United States—advising that of the $75,000 which is to be spent only $3,000 will now be spent outside the United States.

This was added—and I am sure all those from California will be interested in it—"Hawaiian technicians presently are in California looking at equipment."

I am happy to know they are doing that.

Since the gentleman has given me this information this morning, I can assure him I will not oppose the bill any further, and I advise all my colleagues to support the bill.

Mr. MATSUNAGA. I thank the gentleman in the well. What the gentleman really is saying is that only $3,000 would be spent outside the United States, and $72,000 will be spent within the United States. I am happy to know that this removes the objections of the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Iowa.

Mr. GROSS. I note in the report on page 3 this statement from the Department of Agriculture:

> Neither H.R. 9020 nor the recommended change would have any significant impact on the quality of the environment.

Is the Department of Agriculture saying that continuation of the sale and use of eggs, not processed under the standards established elsewhere in the United States, will have no effect on the environment? I wonder how under the circumstances, the environment got into this report?

Mr. GOODLING. I believe I should like to have the gentleman from Hawaii answer that question.

Of course, the gentleman knows we are now required to have that statement in all of our reports.

Mr. GROSS. Do you mean reference to environment must be in every report?

Mr. MATSUNAGA. That is the requirement in the law today.

Mr. GROSS. Even though it might be egg on the face, there would still have to be a reference to environment?

Mr. MATSUNAGA. Of course, the gentleman may have had in mind that the environment will not be affected because Hawaiian eggs—and I am sure Puerto Rican eggs, too—will not be emitting sulfur dioxide or whatever it is in rotten eggs, because we feel only fresh eggs will be processed in Hawaii and there will be no stink eggs.

Mr. Chairman, will the distinguished gentleman from Kentucky yield?

Mr. STUBBLEFIELD. I would be happy to yield to the gentleman from Hawaii (Mr. MATSUNAGA) the author of the pending bill.

Mr. MATSUNAGA. Mr. Chairman, at the outset, I wish to commend the gentleman from Kentucky (Mr. STUBBLEFIELD), chairman of the Subcommittee on Poultry of the Committee on Agriculture, for the expeditious and most competent handling of the matter now pending before the House. In behalf of the people of Hawaii, I thank the distinguished gentleman (Mr. STUBBLEFIELD) for the major role he played in bringing H.R. 9020 to the floor for consideration.

Mr. Chairman, H.R. 9020 would extend the time by which qualified egg producers in noncontiguous areas of the United States must bring their plants under full compliance of the provisions of Public Law 91-597, the Egg Products Inspection Act.

Specifically, if an egg processor can demonstrate to the Secretary of Agriculture that he has made good faith but unsuccessful efforts to comply with the act, he would be granted a limited extension of time in which to do so. The compliance deadline would be extended from July 1, 1971, to December 31, 1971.

Mr. Chairman, the U.S. Department of Agriculture contacted most known egg processors by letter during February 1971 to inform them of the new law. Tentative regulations were issued by the Department on March 17, 1971; final regulations were promulgated on May 28, 1971. The deadline for full compliance with the act was July 1, 1971.

The net result of this timetable was that egg processors had only a short time in which to acquire, finance, and install necessary equipment to process undergrade shell eggs in compliance with the act.

In the mainland United States, the overwhelming majority of approximately 700 plants affected had little difficulty in meeting the act's requirements because of the ready availability of the necessary equipment. However, in certain noncontiguous areas of the United States, particularly Hawaii and Puerto Rico, processors, despite their best good faith efforts, encountered serious difficulties in bringing their plants into full compliance.

These operators found an acute shortage both of the equipment needed and the expertise to install it properly. Consequently in my own State of Hawaii there are still no egg pasteurization facilities whatsoever.

Effective July 1, 1971, therefore, the producers in these noncontiguous areas have had to begin destroying all of their undergrade eggs, except "checks" and "dirties" which have been washed.

There is no doubt, Mr. Chairman, that the new law is imposing a severe economic hardship on egg processors in these areas. In Hawaii alone the loss is estimated at $100,000 per annum. Because in Hawaii those affected are all relatively small operators, many of them marginal, a loss such as this could be disastrous.

The passage of H.R. 9020 will not jeopardize the health of the American consumer, the principal beneficiary of the Egg Products Inspection Act. In Hawaii the State Department of Agriculture has agreed to monitor and supervise all liquid egg processing in the State during any extension period granted by the Federal Government. This would be in addition to the normal sanitation inspections conducted by the State department of health.

This is an emergency measure, Mr. Chairman. For the past 3 weeks, egg producers covered by the pending bill have been forced to destroy substantial quantities of undergrade eggs. Each day without relief means greater economic loss to these producers.

I therefore urge the passage of H.R. 9020.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I am glad to yield to my colleague from Hawaii.

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 9020. The bill seeks to amend the Egg Products Inspection Act to provide relief for certain plants located in noncontiguous areas of the United States from certain provisions requiring pasteurization of liquid eggs.

First of all, I wish to state my support of the Egg Products Inspection Act and its intended purposes to protect the American consumer.

However, certain provisions of this act work to inflict hardship on certain producers of egg products in my State. The relief sought by this bill is temporary in nature and limited in scope. It seeks not to circumvent the provisions of the act, but only to expand them in a very limited fashion to take into account difficulties in compliance by July 1, 1971. The Department of Agriculture has recognized, as stated in the committee report on this bill, that certain noncontiguous areas of the United States are having difficulty in obtaining the necessary equipment for pasteurizing egg products. My State had no such equipment available when the regulations governing administration of this act were issued at the beginning of this year. It still has no such equipment available. The egg producers have been unable to obtain appropriate equipment because of the demand created by the enactment of this law. Equipment that was available was too large for our local demands and was therefore impractical. Problems have also arisen in the matter of financing the purchase of such equipment. It is felt, however, that these difficulties can be overcome given the 6-month extension this bill proposes.

I call to the attention of my colleagues to the temporary nature of the relief sought by this bill, and the provision that the proposed extension of the deadline for compliance be granted by the Secretary of Agriculture only in the case of a plant which has demonstrated "good faith" in attempting to comply with the regulations. The Secretary would be authorized to grant extension only until December 31, 1971.

To deny this amendment would be to inflict severe hardship on several producers of egg products in my State. I, therefore, urge the passage of this bill.

Mr. TEAGUE of California. Mr. Chairman, I have not further requests for time.

I would like to take this opportunity to thank my good friend the gentleman from Pennsylvania (Mr. GOODLING) for the splendid service he has rendered by taking the position and influencing us in having some of this industrial equipment purchased in the United States of America rather than from foreign sources. We ought to be grateful to him for that.

I have no further requests for time.

Mr. STUBBLEFIELD. I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 9020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Egg Products Inspection Act (84 Stat. 1629) is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) The Secretary shall, by regulation and under such procedures as he may prescribe, exempt any plant from specific provisions of this Act where, despite good faith efforts by the owner of such plant, such owner has not been able to acquire pasteurization equipment for such plant. No exemption under this subsection shall be granted for a period extending beyond December 31, 1971."

Mr. STUBBLEFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 1, line 8, after the words "any plant" insert the words "located within noncontiguous areas of the United States"; and

Page 2, line 2, strike out the words "acquire pasteurization equipment for such plant." and insert in lieu thereof the words "bring his plant into full compliance with this Act"

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 2, at line 3, strike the period after the word "Act", and insert in lieu thereof a colon and add the following: "*Provided,* That in order to provide at least minimum standards for the protection of the public health, whenever processing operations are being conducted at any such plant, continuous inspection shall be maintained to assure that it is operated in a sanitary manner and that it complies with the other requirements of this act not related to the pasteurization of egg products."

Mr. SMITH of Iowa. Mr. Chairman, I have some reservations about this bill. It seemed to me that the least we could do would be to limit it to the express purpose, the express purpose having been to provide extra time for them to secure pasteurization equipment. However, the bill as written goes further than that and includes a complete exemption from all provisions of the act. I understand that the principal sponsor of the bill does not object to this tightening up of the bill so as to coincide with his expressed purpose; is that correct?

Mr. STUBBLEFIELD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Kentucky.

Mr. STUBBLEFIELD. The committee on this side has no objection to the gentleman's amendment and would be glad to accept it.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. As the introducer of the measure, I have no objection to the amendment.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. TEAGUE of California. We accept the amendment on this side also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FUQUA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 9020) to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such act for a certain period of time, pursuant to House Resolution 547, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

PERSONAL EXPLANATION

Mr. HAGAN. Mr. Speaker, on rollcall No. 197 of today I was unavoidably detained. Had I been present on the floor, I would have voted "yea."

JOURNALISTIC ATTEMPT TO DEFEAT PROPOSED LOCKHEED LOAN

(Mr. DAVIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DAVIS of Georgia. Mr. Speaker, I rise today to call to the attention of my colleagues what is at best a piece of journalistic balderdash, and at worst a concerted effort on the part of a well-known Washington newspaper to employ subterfuge and misrepresentation to bring about the defeat of the proposed Lockheed loan.

I am referring to two articles recently published in the Washington Post. The first article bears the title "Vast Lockheed Waste Charged by Former Manager," and was featured on the front page of last Sunday's edition. This article cited charges of Lockheed mismanagement made by Mr. Henry M. Durham, a former Lockheed employee, whom the article implies was a top level company official. In truth, Mr. Durham was far removed from policymaking.

At best Mr. Durham's motives are highly questionable in bringing his charges to light at this particular time, at least 2 years after he says he discovered mismanagement, and at a time when Lockheed is known to be facing a difficult fight for survival in both Houses of Congress. Furthermore, I cannot help but wonder why Mr. Durham felt compelled to take his case to the Washington Post instead of to one of the many local newspapers which serve the Lockheed-Georgia/Marietta area.

Finally, I would like to point out to my colleagues that Mr. R. A. Fuhrman, president of the Lockheed-Georgia Co., yesterday replied to Mr. Durham's charges, and the Washington Post very graciously condescended to print Mr. Fuhrman's rebuttal on page 6 under a headline reading "Aide Denies C–5A Waste at Lockheed."

Mr. Speaker, the Washington Post has long maintained a reputation for fairness and accuracy in its reporting, but in this instance I am hard put to find anything fair in representing Mr. Durham, who at the peak of his Lockheed career was responsible for only 300 employees, as a top company official with access to an accurate overview of the Lockheed-Georgia complex, and misrepresenting Mr. Fuhrman, who is responsible for the some 20,000 Lockheed-Georgia employees and many corporate decisions, as an "aide."

I am also dismayed that the Post featured Mr. Durham's attack on the front page, and denied Mr. Fuhrman equal coverage by burying his rebuttal on page 6.

Mr. Speaker, I call upon the Washington Post to repudiate this sort of journalistic dissimulation and to offer equal coverage in the future to each side in this sensitive and crucial issue.

THE SHARPSTOWN FOLLIES—XVII

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, the National Bankers Life Insurance Co. was among the entities in the empire of Frank Sharp. The man who made it possible for Sharp to buy the company was Will Wilson, now the Assistant Attorney General of the United States.

As soon as Sharp gained control of National Bankers Life, he rewarded Wilson with his usual post in Sharp companies—the post of general counsel. Wilson had, of course, acted as the negotiator for the purchase of the company.

Wilson, of course, acquired stock in National Bankers Life and eventually bought more than 7,500 shares.

All of this is known.

It is also known that Sharp and his pals systematically looted the insurance company. They manipulated its stock to drive the price up; they made self-dealing loans; they doctored up its books, and so on and so on. But among the most interesting practices of the insurance company's big shots was that they had a propensity to buy and sell its stocks at opportune moments. It is possible and even likely that the insiders at National Bankers Life used their positions to enrich themselves. One wonders if Will Wilson himself might have been among these.

Wilson, of course, says that he sold all his stock in National Bankers Life Insurance Co. after he came to Washington. However, there are some interesting discrepancies between what he says he did and what stock transaction record sheets show he did.

Wilson tells the world that he disposed of his National Bankers Life stock by March 1969. Stock transaction records show that he was selling big blocks of National Bankers Life stock long after that—perhaps as late as November 1969. In fact, Wilson's transactions even included a purchase of 1,000 shares of this stock as late as March 31, 1969—though he curiously sold 500 shares on that same day. Then, in mid-June he sold 1,400 shares, and late in July he sold another 1,000, and in November he sold another 1,200. I am quite certain that Mr. Wilson sold this stock for a handsome profit.

Now we know from the past record that Will Wilson likes to take small liberties with the truth. Thus, while he would freely admit that he had been a lawyer for Frank Sharp, he never said anything at all about being general counsel for no less than three Sharp companies, at the rate of $3,500 a month plus other considerations. And he says nothing at all of what he knew or did not know of the mysterious and frequently illegal deals that were going on in Sharp's various companies, all of which Wilson served as chief legal adviser. So it really does not surprise me too much that Wilson says he sold his National Bankers Life Insurance stock, but does not say exactly when and how or for what price or profit. No wonder—he was dealing in the stock long after he would like to have us think that he had sold it all. He sold his stock not to free himself of entanglements with Sharp so much as to make the most he could.

There is no excusing what the insiders did to the National Bankers Life Insurance Co. And the records available now show that Wilson was one of them.

KANSAS WILL GO TO COURT TO STOP AEC

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, last week this House approved funds to buy land in Kansas in which to bury highly lethal nuclear wastes. This unusual action was taken despite the pleas of the Governor, the Kansas scientific community, and the entire Kansas congressional delegation to halt this land purchase until after this form of nuclear waste disposal could be proven safe. When this House ignored those pleas, it invited an open confrontation in court between the State of Kansas and an agency of the Federal Government.

Governor Docking promised, Mr. Speaker, he will use all the legal power of the governorship and the facilities of the State to prevent the AEC from establishing a facility strongly opposed by a large majority of Kansas people.

The Kansas City Star in its July 12 issue now reports the Governor is preparing to go into court. The El Dorado Times of July 12 in an editorial says:

> If the AEC attempts to continue its high-handed way regardless of the attitude Kansas might hold against this measure, it will be delaying its own program.

I ask unanimous consent that both articles be printed in the Record at this point.

[From Kansas City Times, July 12, 1971]

Kansas Still Looking for Way To Halt AEC

Topeka.—Edward Collister, assistant attorney general, said yesterday a legal study is continuing on how the state of Kansas might proceed with a lawsuit to challenge location of a national nuclear waste repository in abandoned salt mines at Lyons, Kan.

Collister was assigned by Kansas attorney general, Vern Miller, to study the state's legal avenues after Gov. Robert Docking asked the attorney general to determine if the state had a legal basis for fighting the repository's location in Kansas.

Docking and other state and congressional officials are embroiled in a controversy with the Atomic Energy Commission over placing the repository in Kansas. The state officials contend the AEC has not performed adequate tests to assure the repository will be safe.

Collister said he has no personal opinion at this point as to whether the state will have a legal basis to challenge the AEC.

Miller said last week the state will bring a suit if it determines one is possible.

Collister confirmed the state is studying possible legal avenues in consultation with representatives of the Kansas chapter of the Sierra Club, the conservationist group which also has been outspoken in opposition to locating the repository in Kansas.

[From El Dorado Times, July 12, 1971]

May Sue the AEC

The argument over the proposal to bury atomic wastes in salt beds at Lyons has just about flared into open warfare. The Atomic Energy Commission has gone ahead with its program apparently indifferent to the protesting groups within the state—and this has made some of them positively angry.

There's the Sierra Club, which always takes itself seriously, and which is so angry over the prevailing situation, it may file a lawsuit against the AEC. "We're mad, and we're going into court," said Ronald Baxter, Topeka attorney and chairman of the club after word came from Washington that the Senate-House AEC committee had recommended that $3.5 million be authorized to allow the commission to proceed with its plans at Lyons.

The governor says he will fight the AEC's move until, and unless, Kansas scientists find that the procedure is safe. Attorney General Vern Miller says "if we find a basis for a suit, we will file it."

The $3.5 million in the measure expected to be considered by the congressional House at Washington by July 15 is merely an opening wedge. It would permit acquisition of the land, performance of architect-engineering services and accomplishment of detailed design related to construction. The full amount to be asked for the Lyons project is $25 million, which leaves $21.5 million to be appropriated at a later date.

If the AEC attempts to continue its high-handed way regardless of the attitude Kansas might hold against this measure, it will be delaying its own program.

TAX CUTS NEEDED TO BOOST ECONOMY

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, the British Government has taken a bold step to help that nation's sluggish economy back on its feet, a step which should be taken for the very same reason right here in the United States.

In line with a voluntary incomes policy announced last week by the Confederation of British Industries to hold price increases over the next year to less than 5 percent, the Government yesterday announced large tax cuts and other incentives to stimulate investment and consumer buying.

This Government could certainly take a lesson from the British. Consumer buying is down, investment spending lags, wholesale prices are rising at a 4.8-percent annual rate with no hint of a slackening in inflation, 53 of the Nation's major labor areas are suffering substantial unemployment, and some 724 smaller labor markets are characterized by substantial or persistent joblessness. Unemployment is still well above 5 percent.

The administration still clings to its so-called economic game plan which when understood simply means that if we wait long enough things may eventually work themselves out.

This is a patently ridiculously and callously harsh approach to our economic ills. While the administration looks months ahead for a hoped-for recovery, millions of Americans and millions more will be without jobs; millions of Americans on fixed incomes are seeing the purchasing power of their dollar erode with every passing week; millions of families are discovering that their periodic increases in take-home pay do not provide extra income because inflation has robbed them. Mr. Speaker, the economy and the people of the Nation can no longer afford the administration the luxury of waiting this matter out. We, the Congress, need to act.

Simple tax legislation is needed; legislation to restore the investment tax credit and lower personal and corporate tax rates. This approach worked in the 1960's and is needed in the 1970's.

THE FLIGHT OF AMERICAN INDUSTRY ABROAD

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, at the end of my special order, I intend to insert into the RECORD a series of five articles prepared by Mr. Sterling F. Green of the Associated Press appearing in the Daily News of McKeesport, Pa.

Mr. Green has turned the public spotlight on the threat of multinational firms that pack up and leave this country for dollar-greener pastures overseas. He points out in his article that some 230 corporations have migrated to a zone in Mexico 12.5 miles wide and 2,000 miles long from the Gulf of Mexico to the Pacific Ocean.

From this garden patch the Mexican economy reaps a harvest of $50 million worth of products assembled there by American firms. This is a drop in the bucket, however, when you consider the $2 billion worth of American goods being assembled by the 1,200 American firms operating under the same tariff agreement elsewhere throughout the world.

As Mr. Green so properly points out, the total production of oversea subsidiaries of U.S. companies is unknown, but is estimated in the neighborhood of $200 billion. He hits the nail on the head in his observation that if this figure is anywhere near accurate American industry in absentia now rivals Japan as the third greatest economic power in the world.

Mr. Speaker, I ask that my colleagues take the time to read these articles which point out very explicitly a new and dangerous threat to the American production worker.

The background of world trade is quite simple, and has not changed much in 150 years. The concept generally accepted by economists and those actively engaged in world trade was as follows:

> A number of backward nations, endowed with natural resources but without technology or a skilled labor force, could best build their economies around agriculture or mining. And a number of moderately developed nations could only accommodate themselves to a few rudimentary manufacturing processes, such as basic textiles or metals. Finally, a few advanced nations, endowed with both technology and a skilled labor force, could handle the more complex fabricating processes. The higher wage levels of the advanced nations were protected naturally, by technological and capital strength.
>
> For more than 100 years, this formula for free trade made considerable economic sense and, although many nations refused to accept it in practice, in theory it was hard to refute.
>
> For the past several decades, however, the conditions which gave rise to the theory of comparative advantage have been steadily eroding—until today the world economic picture has been so drastically altered that the theory is almost meaningless.
>
> The main factor which has changed has been the world-wide spread of technology. Although many countries still must be classified as under-developed, technological processes have been so rationalized and refined that almost any country can produce almost anything it wants to—so long as it has the necessary capital.
>
> The unschooled girls of Taiwan can do just as well assembling complex TV components as the high school graduates of New Jersey. The untrained workers of African or Asian nations can be taught to produce complex products, ranging from tiny transistors to giant turbines, as readily as the skilled workers of Pennsylvania or the West Coast. And the depressed inhabitants of the most squalid slums of the Far East can be taught to make specialty steel products just as well as the experienced workers of Pittsburgh.

Mr. Speaker, in recent months, I have made it a point to visit the steel production facilities of my 20th Congressional District in Pennsylvania, where more than 25 percent of the steel is manufactured in this country.

I thought it essential that I personally speak to management and the production workers in order to obtain first-hand information on the impact of foreign imports on our domestic steel industry.

This past Friday, I toured the Jones & Laughlin Steel Corp. in Pittsburgh, which employs 9,000 workers.

There I had an opportunity to discuss the import problem with the superintendent in charge of production and ascertain recent employment figures and prospects for the future of the plant. He expressed deep concern about the possible loss of 50 percent of their business with one customer on certain bar steel products which the Japanese are offering at $70 to $80 below American prices.

A similar situation exists at the U.S. Steel Irvin Works where 30 to 40 percent of their market for galvanized sheet steel has been captured by foreign competitors. Prices on these products range from 15 to 20 percent under those on the American market.

In the city of McKeesport, I visited the Artcraft Co., which employs 400 to 500 people and processes aluminum and steel. Heretofore they have been relatively immune from the unfair competition of the bandits from abroad. However, in recent months they have become aware of a greater influx of their product from foreign sources, particularly on the West Coast markets.

I also went down to the U.S. Steel National Works at McKeesport where seamless pipe is the principal product. We all know of the Alaskan oil discovery where the pipeline contract involving hundreds of millions of dollars was let to Japan. The steel in this pipe contract, incidentally, was not chargeable to the voluntary quota limitation. The Japanese argued that since American steel producers were not geared to produce a 42-inch pipe at that time, this order should be excluded from their self-imposed restraints.

When I toured the U.S. Steel Homestead Works, I suggested to the superintendent that the forging operation was the largest I had ever seen. He acknowledged it was. But no longer. Japan now has that distinction.

I know as an established fact that 50 percent of Japan's steelmaking capability is 25 years old or younger. We made the money available to the Japanese to produce that capability in restoring them from a devastated nation. The reverse situation exists as far as American technology and ability are concerned. Fifty percent of our industrial capacity and productivity, machinery and everything that is classified with it, is 25 years old or older—just the opposite.

Infant industries in Japan are being encouraged by "no tax" incentives covering the first 4 years. There are allowances for reserves to meet price fluctuations and tax deductions to meet the cost of repairs, water projects, export development, and depreciation incentives.

It is true that Japan is not at war today. It is also true that Japan has the American marketplace in an export-import nightmare. Japan is not running scared over the world as we are, pouring out its substance to people as we are doing, thus heaping taxes on this and the the next generation which you and I and our children will have to take care of.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to my colleague from Pennsylvania.

Mr. DENT. Mr. Speaker, I merely wish to make a unanimous-consent request. I ask unanimous consent that the time I reserved run concurrently with the time of this gentleman, since we had planned to work together during the full hour.

The SPEAKER pro tempore. The gentleman would have to wait under the established procedure until the gentleman's name is called on his special order.

Mr. DENT. I had asked that the time run concurrently when I asked for the special order last week, because I had a meeting on minimum wage and I knew I would be late.

The SPEAKER pro tempore. Does the gentleman ask unanimous consent to proceed on his special order?

Mr. MATSUNAGA. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAYDOS. Mr. Speaker, I would like to take the opportunity at this particular time to defer to my good friend JOHN DENT from Westmoreland County, who has been actively pursuing this subject matter for the last 10 to 12 years.

I have before me an article from Iron Age that quotes the gentleman from Pennsylvania (Mr. DENT) in uttering his warning last year when he said that GM was contemplating the purchase of 1 million tons of Japanese steel and to negotiate for another million tons in the European market. That was bitterly denied in the news media. However, in a subsequent release on December 30, the position of my good friend, who is such a dedicated man in this field, Congressman DENT, was vindicated. I quote from the New York article:

> Foreign competition is squeezing domestic steel workers and makers in several directions. As evidence of that *Iron Age* points to the recent development of General Motors Corporation buying foreign steel for 1971 production. This on-again off-again rumor is now all too frequent. According to domestic steel officials, there is no information on the tonnage involved except it will be large and perhaps as much as 800,000 tons.

The gentleman from Pennsylvania (Mr. DENT) is taking part in this special order. I want to compliment him on his ability to ferret out the truth and to sound the alarm in a time of this Nation's economic distress.

Mr. Speaker, I have a letter dated July 9, addressed to me, sent by Mr. Lee R. Muth of Harrisburg, which says:

HARRISBURG, PA.,
July 9, 1971.

HON. JOSEPH M. GAYDOS,
Senate Office Building,
Washington, D.C.

DEAR SIR: The Hazardous Materials Regulations Board of the Department of Transportation has just issued a proposed rule which would allow foreign gas cylinders to be imported. Until now, the United States has had an unparalleled safety record in the handling of cylinders because of the requirement that tests and analysis as specified be conducted in this Country. The proposed change would remove this barrier that has kept out unsafe foreign cylinders.

Since the selling price of cylinders from Japan and other low labor cost countries is well below the cost to produce cylinders here, the proposed rule will probably mean the end of cylinder manufacturing in the United States. This would mean the loss of as many as five thousand jobs by those employed directly and indirectly in the cylinder manufacturing industry and in supporting industries. I urge you to do everything possible to persuade the Department of Transportation to withdraw this Notice of Proposed Rule Making.

Very truly yours,

LEE R. MUTH.

P.S.—The above letter was also sent to Mr. Alan I. Roberts, Secretary, Hazardous Materials Regulation Board, Department of Transportation, Washington, D.C.

While touring our chemical corporation located in Clairton, Pa., I was informed that there were more shenanigans in the offing by the Japanese to entwine themselves in the American market with particular respect to foreign imports. I asked the gentleman to verify his observations, and he did.

I insert this letter from the Pennsylvania Industrial Chemical Corp. in the RECORD at this point:

PENNSYLVANIA INDUSTRIAL
CHEMICAL CORP.,
Clairton, Pa., July 6, 1971.

Subject: Arkon Resins, Japan.

Arakawa Forest Chemical Industries Ltd., located in Osaka, Japan, has been offering a series of hydrogenated petroleum resins designated "Arkon P–85," "Arkon P–100," "Arkon P–115" and "Arkon P–125." These resins are being promoted primarily in the pressure sensitive and hot melt application areas as replacements for the beta-pinene resins such as our Piccolyte S-grade resins.

Due to the disparity of pricing policy in Japan and quotations given to U.S.A. prospects on Arkon resins, they are "dumping" either to purchase their way into an established industry or moving excess production.

Attached are duplicate copies of the following:

1. A Japanese quotation to a Japanese potential customer in quantity purchase of ten metric tons (22,050 pounds) at a price of 290 yen per kilo which is equivalent to 36.53 U.S.A. cents per pound FOB Japanese plant. Exchange rate used to calculate price is 360 Japanese yen to one U.S.A. dollar.

2. Quotation to U.S.A. prospective customer (E. I. DuPont) depicts 27.50 U.S.A. cents per pound CIF cost New York, but indicates 24.50 U.S.A. cents per pound FOB Kobe, Japan, a Japanese shipping port basis upon which U.S.A. tariff is based.

3. Above mentioned invoices indicate more than a 12.00 U.S.A. cent per pound difference using Japan as a base pricing point for a customer in Japan versus a customer in the U.S.A.

ERNEST A. FLAIG.

ARAKAWA FOREST
CHEMICAL INDUSTRIES, LTD.,
April 28, 1971.

E. I. DU PONT DE NEMOURS & CO., INC.,
Wilmington, Del.

QUOTATION

We are pleased to inform you the latest price of the following products:

Description: Arkon P–85, P–100; P–115, P–125.

Price: CIF New York, net: US$0.275 per lb.; US$0.245 per lb., FOB Kobe.

Quantity: Minimum, 1 M/Ton.

Packing: In light gaged galvanized steel drums containing 200 kilos net.

Quality: As per our specification.

Shipment: Prompt against your L/C.

Payment: At sight draft drawn under irrevocable letters of credit to be opened in favor of us.

Destination: New York, U.S.A.

Remarks: Import duty: Tariff code: 405.25; Item: Plastic materials. Tariff rate: ———.

They are dumping for two reasons: First, either to prepare their way into an established chemical market industry as we know it today, or, second, to move their excess production into this country. Regardless of their reasons, they are still doing it. Here is what the Japanese quotation calls for: The Japanese quotation to the potential Japanese customer in quantities of 10 metric tons—22,050 pounds—calls for a price of 290 yen per kilo, or $2.53 U.S. currency f.o.b. Japanese plant. At the exchange rate used to calculate the price, it is 360 Japanese yen equal 1 U.S. dollar. The Japanese quotation to the prospective U.S. customer—and in this instance it was E. I. du Pont—is $27.50 U.S. currency c.i.f. New York. But it indicates $24.50 U.S.A. money in Kobe, Japan. Kobe is a Japanese shipping port. Based upon that the U.S.A. tariff is figured. It is quite obvious the above-mentioned invoices I am speaking of indicate there is over a $12 U.S.A. money per pound differential, using Japan as a base pricing point for a Japanese customer versus a U.S. purchaser.

This brings me to a point which I would like to emphasize for my colleagues. Last week I introduced a bill which would require the U.S. Department of Commerce to change its statistical procedure. Presently, the value of every export item leaving this country includes the c.i.f.—cost, insurance, and freight—or f.a.s.—free alongside ship—computations. The difference between that and f.o.b. is 10 percent. So our Commerce Department figures are misleading, because c.i.f. costs are included in export statistics, but f.o.b. is used for the computation of import statistics. Thus, there is an undeniable 10-percent differential, causing a net loss of $1 billion in our balance of trade as of last month.

We are talking about a 10-percent differential that is included and becomes a part of the statistics upon which we base all our evaluations—monetary value, trade, the health of the country, and so on.

I believe the United States, Canada, and three European countries are the only ones who use this procedure, making a distinction between what we send out of the country—cost, insurance, and freight—and bring into the country—free on board. It does not sound reasonable. It should be thoroughly examined. If five of the 56 major industrialized countries do this, I believe something is amiss; we are not being realistic. We should change with the changing times.

Mr. Speaker, I am introducing into the RECORD today a series of five articles prepared by Mr. Sterling F. Green of the Associated Press and appearing in the Daily News of McKeesport, Pa.

Mr. Green has turned the public spotlight on the trend to multinational firms which pack up and leave the United States for greener—dollar greener—pastures overseas. He points out in his articles today that 230 American corporations have migrated to a spot in Mexico which measures 12½ miles wide and 2,000 miles long.

From this garden patch, the Mexican economy reaps a harvest of $50 million a year from the $150 million worth of products assembled there by American firms. This is a drop in the bucket, however, when you consider the $2 billion worth of American goods being assembled by 1,200 American firms operating under the same tariff agreements elsewhere in the world. As Mr. Green points out, the total production of overseas subsidiaries of U.S. companies is not known but is estimated in the neighborhood of $200 million.

Mr. Green hits the nail on the head in his observation that if this figure is anywhere near accurate, "American industry-in-absentia now rivals Japan as the third greatest economic power in the world."

Mr. Speaker, I sincerely hope my colleagues will take the time to follow this series of articles which points out a new and dangerous threat to the American productive worker.

The articles follow:

Multi-National Firm Trend Sweeping U.S. Business

(By Sterling F. Green)

Washington.—American business is going multi-national with a rush that matches the stampede to "go conglomerate" in the 1960s.

As the corporations go global, they carry American capital, technology and managerial skill to the earth's far corners.

And leave alarm bells ringing back home.

Complaints are piling up that American jobs, and possibly some vital portions of the nation's industrial base for defense and economic stability are going overseas.

Organized labor which formerly carried the banner of free trade has taken alarm at vanishing jobs and shrinking memberships, and has joined some major industries in the drive on Congress for import quotas.

The unions, led by the AFL–CIO, also are bracketing the multinationals in their barrage of criticism, as "runaway employers" who move plants to Europe, the Orient, or the Caribbean where labor is cheaper.

Ironically, competition from imported goods is the main reason many corporations have gone global. They are simply trying to stay competitive with foreign products by becoming importers themselves—of components, of semi-finished goods, or of entire products which come back to the U.S. consumer with only one American part, the brand name.

There are, however, many other reasons why U.S. industry is deploying subsidiaries overseas—to gain growth by reaching new customers, to get behind trade barriers that American exports cannot pierce, to cut costs and improve profits, to compete on even terms with foreign firms in world markets.

For the American consumer these are among the signs of the changing times:

—Dodge Colt, one of the new American "answers" to the small-car imports, is 100 percent made-in-Japan, by Mitsubishi.

—If you buy Ford's Pinto, another of the U.S. industry's answers, you may get a car with an English-made engine and German-made transmission, assembled either in Canada or the United States.

—Ninety per cent of all radio sets, tape recorders and cassettes sold in this country are made abroad. So are more than half the black-and-white television sets, nearly one-fourth of all color TV sets, two-thirds of the sewing machines and most of the typewriters.

The very concepts of "exports and imports" and "protectionists vs. free traders" are becoming blurred. Some conglomerates are schizophrenic. They have divisions that want protection, others that favor free trade. One union official, in testimony to Congress on imports, recalled the words of Pogo that "We have met the enemy and them is us."

A major industrialist, Board Chairman Fred J. Borch of General Electric, told The Associated Press:

"I don't know any American manufacturer who would not prefer to make his product in this country for this market."

But in cases where the choice became either going out of business on a product line or "moving offshore," GE and others have gone offshore. That way, Borch estimates, at least half the American employes are kept on the job—designers, engineers, sales force, research and development people and others.

The AFL–CIO industrial unions which once took pride in their liberal free-trade stance—along with the American steel industry, now being jostled for world leadership by Japan—have almost apologetically lined up with such long-time protectionists as the textile and shoe industries.

Their combined push for import quotas in the 91st Congress blocked President Nixon's trade expansion bill by plastering it with import quota amendments, and come within inches of reversing this country's 35-year policy of liberalizing tariff and trade.

Only a major defensive stand organized on a crash basis by the foreign trade community, including the heads of many multinational corporations stopped them.

There will be no trade legislation at all this year. Nixon's supporters dare not push his bill to a vote, they now admit privately, because Congress would turn it into a restrictionist bill curbing imports.

Some day the issue must be faced. In the meantime, the administration is moving in three areas to blunt the quota drive.

—It is pressing for negotiated restrictions by Japan and other countries—"voluntary" quotas which doctrinaire free traders abhor just as much as they deplore quotas imposed by law.

—It has launched a jawboning offensive calling on Europe and Japan to drop their protectionist laws and pick up a fair share of defense costs. Secretary of the Treasury John B. Connally bluntly spelled it out to the International Banking Conference last month when he said Europe's easy assumption that the United States will be willing indefinitely "to bear disproportionate economic costs does not fit the facts of today."

—It is enforcing, promptly and vigorously, for the first time ever as a deliberate policy, long-standing curbs on unfair trade. Such crackdowns as Treasury's March 10 ruling against Japanese TV sets, sold here at far less than the Japanese home price, are considered certain to discourage cut-rate foreign competition at relatively small risk of retaliatory action against American products.

There will be less heat for quotas next year if, as the administration confidently predicts, the economy has picked up steam and unemployment has declined below 6 per cent.

But labor is impatient. The three major unions in the consumer electronic and electrical goods industries have told Congress that more than 50,000 of their members' jobs have disappeared in three years.

"The types of jobs exported are precisely the unskilled and semiskilled jobs needed here if we are to win the war against poverty and provide dignified and gainful employment for our disadvantaged poor," said the unions' joint statement.

President Paul Jennings of the International Union of Electrical Workers, suggested the phenomenon "portends a mass exodus."

"Industry-in-Absentia" Finds Haven South of Border

(By Sterling F. Green)

Washington.—There is a curious new kind of industrial zone in Mexico.

It is 12½ miles wide and 2,000 miles long, stretching the length of the United States border from the Gulf of Mexico to the Pacific.

It exists to serve a growing exodus of American business from American soil in search of ways to cut costs and compete on better terms, at home and abroad, with cheaper goods from Europe and Japan.

Inside this narrow strip of Mexico territory, U.S. corporations have set up 230 plants. More are coming. The factories take in U.S. materials, turn them into U.S. products, and sell them to U.S. consumers.

Two lures have sent great and small American corporations flocking down Mexico way: cheap labor and a bargain-basement tariff arrangement in both directions.

Mexico waives tariff and taxes on the materials, machinery and parts brought in. The United States, under "Item 807" of the Tariff Code, requires payment of duty only on the value added in Mexico—meaning, in many cases, little more than the cost of low-wage labor.

Mexico beams on the arrangement because it pumps $50 million a year into the Mexican economy, mostly in wages to impoverished peons. American border cities like it, because the workers from Matamoros, Juarez, Nueva Laredo and other Mexican cities spend much of their pay this side of the border.

American corporations like it; the number participating rises every year.

Everybody likes it, in fact, except American workers whose jobs have gone south of the border—and the towns in New England and the Middle West which find themselves with empty factories, rising welfare loads and shrinking tax rolls.

Unions call the arrangement "a tariff loophole you can drive an industry through."

But the Mexican program, at $150 million a year, is small potatoes in the wide, wide world of "offshore processing," less than a tenth of the $2 billion worth of "American" products being assembled, by 1,200 U.S. companies under the same tariff rules from Taiwan to Haiti, from Hong Kong to Italy.

And the total value of the output under Item 807 and related rules is but a small fraction—perhaps one-100th—of the production of the overseas subsidiaries of American companies.

Even the government does not know the real total. The 1970 guess was somewhere around $200 billion.

If so, American industry-in-absentia now rivals Japan as the third greatest economic power in the world, after the United States and Russia.

At the very least, what Sen. Jacob Javits, R-N.Y., has called "concealed exports"—products that are both made and sold abroad by American companies—have reached a volume several times that of goods exported by the United States.

A few examples suffice to illustrate the extent, and the rapid growth, of overseas production for consumption at home and abroad by this country's multinational corporations.

Last year, foreign subsidiaries and affiliates of American companies increased outlays for new plants and equipment by 22 per cent. At home, the increase was 1.2 per cent.

IBM is France's biggest exporter. Ford is among England's biggest employers. The third largest exporters of automobiles from

Europe to the United States is General Motors.

The multinationals pose unprecedented problems for the U.S. and other governments. Does going multinational provide a firm with means for legal avoidance of taxes? Do U.S. antitrust laws still apply? Do the multinationals contribute to monetary crisis by shifting their money from country to country in anticipation of currency revaluations?

These are among the questions confronting President Nixon's new Council on International Economic Policy, and they are problems which far exceed in complexity the old-fashioned arguments between free trade and protection.

There are some of the others:

Will the European Common Market raise further tariff barriers to U.S. exports?

And by its busy writing of preferential trading agreements with the former African colonies will the Market create a new trade bloc?

Would this country be obliged in self-defense to fashion a bloc of its own? And Japan another? Then, with the Communists comprising a fourth, would there be trade warfare among the blocs?

And how can this country take the initiative in new trade negotiations when it cannot even press enactment of President Nixon's trade expansion bill for fear that Congress will transform it into a protectionist statute, as it very nearly did last year?

Free trade supporters, winners of every legislative battle since the early 1930s, hastily organized the Emergency Committees for American Trade and blocked the Nixon bill after protectionists loaded it with import quotas the President didn't want.

In beating back the bill, the free traders pitched their case on the argument that reversal of liberal policies would invite a disastrous, retaliatory trade war.

Speaking for them, Arthur K. Watson, board chairman of the multinational IBM World Trade Corp., told Congress:

"We in this country can trace more than 3 million jobs to exports and this year we will repatriate almost $7 billion to these shores, the earnings of our investments abroad and the royalties the world pays us for the use of our technology."

Sales of U.S. subsidies abroad already exceeded U.S. export sales, Watson added, and contributed 10 times as much to the payments balance as did the surplus of merchandise exports over imports.

These financial facts did not conflict with AFL–CIO testimony in favor of protection; union critics simply did not view the trend as totally beneficial. Exports make jobs in the U.S., they argued, while foreign subsidiaries make jobs overseas.

The IBM executive disputed the complaint.

In general, Watson said, American exports have expanded in high-technology industries, which are the high wages, high profit industries, whereas the great surge in imports has tended to be in the older lower wage and lower technology industries.

"It would be absurd, I believe, to predicate future policy on the idea that we are raising another generation of millhands in America.

"We have not lost jobs nor exported them. The U.S. employment rate in 1959 was 5.5 per cent and today it is less than 4 per cent."

That testimony was in December, 1969. Later, with the unemployment rate hovering around 6 per cent, the "millhands" remark drew a caustic footnote from Chairman Wilbur D. Mills of the House Ways and Means Committee. Mills wondered aloud whether the country was destined to become a nation of insurance salesmen.

Industry Exodus Raises Questions on U.S. Security

(By Sterling F. Green)

Washington.—Does the United States' traditional policy of encouraging free trade weaken the nation's industrial base for defense and economic growth?

That question is being asked insistently by industry and labor alike in complaints to Congress over displacement of U.S. production by imports of increasingly sophisticated products.

And while it is hardly a novel issue in American political debate, the question is being asked in a new and unique atmosphere, complicated by American corporations themselves.

In an attempt to compete on equal terms in the marketplace with cheaper foreign products, American corporations are going multinational—establishing production facilities abroad to capitalize on lower wages and operating costs.

Union spokesmen complain that the multinational corporation also are exporting American technology, much of it acquired at taxpayer expense, through licensing arrangements and joint-venture partnerships with foreign producers. Technology developed with government funds under research and development contracts is "literally peddled abroad" at a fraction of its cost, contends the AFL–CIO, a bitter foe of the multinational movement which it sees as a threat to jobs, and union memberships, at home.

The Nixon administration scoffs at the charge that the country's industrial base is being impaired. A White House aide suggested the idea was "naive." A spokesman for the Commerce Department said U.S. industry might have lost its competitive position in some fields "but not our skills or ability."

The Senate-House Economic Committee has inquired into the issue. It heard from the steel industry, on the verge of losing its world leadership to the Japanese, that some limits are needed on imports of high-capital, high-technology, defense-essential products.

SEES U.S. WEAKENED

American industries could be so weakened as to "critically impair the ability of our own industry to meet national needs in time of national emergency," testified George A. Stinson of the National Steel Corp.

By the time voluntary limits were imposed in 1968, steel imports had reached a record 18 million tons, occupied 13 per cent of the U.S. market, and were consuming virtually the entire normal growth of that market, he said.

If prolonged, such a trend could impair the ability of American producers to continue modernizing and expanding facilities, Stinson said, adding:

"The United States would have to depend largely on foreign steel which might well become unavailable in time of military emergency or during other usual peak periods of demand in the producing countries."

Free trade advocates discount the threat and argue that access to lower cost foreign steel helps to keep other strategic U.S. industries competitive. They claim the steel industry, by price increases which have been criticized by Democratic and Republican presidents, has helped to bring upon itself the import competition it deplores.

MORE IMPORTS HINTED

In fact, when the makers boosted the price of construction types of steel by 12 per cent early in January, the Nixon administration hinted it might allow even greater imports unless the price advance was trimmed.

That struck dismay to the hearts of a particular segment of the steel industry which hadn't even been involved in the price increase—the makers of stainless and other special alloy steels.

An inpouring of special steels at bargain-basement prices already has taken one-fourth of the American market for stainless sheets.

"We are perilously close to pricing ourselves out of world markets," said Edward J. Hanley, board chairman of Allegheny Ludlum Industries, a major producer of special steels.

Hanley's firm and two others filed anti-dumping charges against eight Japanese companies, charging them with selling steel in the United States at prices below the fair market value in Japan. The Treasury began an investigation in March. If the charges are upheld, a special tariff could be levied to equalize the price.

A three-year steel agreement, due to expire Dec. 31, binds European Common Market companies to over-all ceilings on their steel shipments to the United States. In a letter of intent to the secretary of state, Japan also agreed not to change markedly its past pattern of shipments. But it did so.

Japan increased steeply its shipments of higher-cost, higher-profit special steels, which sell for as much as $2,000 a ton, compared with about $160 for basic steels.

"We've been socked right in the eyeballs," said one alloy steel producer. Other countries, not party to any agreement, helped with the socking.

Sweden doubled its U.S. sales of tool steels and now holds 34 per cent of the U.S. market. Imports hold 67 per cent of the stainless wire rod markets against 42 per cent five years ago, and 53 per cent of the stainless wire market, up from 22 per cent in 1966.

"We (the steel industry) believe that from time to time there will arise situations where it will be in the U.S. interest to consider temporary limitations on imports as a possible strategy," Stinson told Congress.

His view is supported by the United Steelworkers, once a pillar of support for free trade. Union Vice President Joseph P. Molony told an emergency meeting of steel management and labor in March that Japan's concentration on specialty steels eliminates the jobs of "six to eight times more steelworkers than (would be displaced) by a comparable ton of imported basic steel."

The U.S. cannot penetrate the protective wall erected by Japan around its own steel industry. "We couldn't sell steel in Japan for a dollar a ton if we gave green stamps to boot," said Molony.

President Nixon's trade bill, long stalled in Congress, would impose duties or other penalties on the products of any country which unjustifiably bars goods from the United States.

Steel industry and labor endorsed that provision, but they have not been supported by their longtime best customers, the auto manufacturers. While stocking up inventories against a possible steel strike this summer, the auto industry bought heavily from Japan and Europe.

And some steelmen haven't been complaining loudly about imports because they too have one foot overseas. One acknowledged: "My company sells iron ore to Japan."

TAIWAN CHECKED

Further, some of the old steel corporations are going multinational in a cautious way. U.S. Steel has done a feasibility study of a mill in Taiwan and is pressing ahead with an ultramodern facility in Venezuela. Armco and Kaiser jointly plan a mill in Australia.

Government officials who are charged with watchdog responsibilities over the industrial base for defense mobilization show no alarm over steel or any other segment of industry.

"I don't believe the industrial base is being dissipated," said Anthony Bertsch, director of the Office of Mobilization Readiness, in the Commerce Department.

"We may have lost our economic competitiveness in some areas of production, but not our skills or ability," he said in an interview.

As for the export of American technology, some industry and government officials see the possibility of future problems in the possible leakage of such technology through the network of multinational corporations, the licensing of foreign firms to make U.S. products, or the entering of joint ventures or mergers with overseas companies.

The White House is more concerned with seeing that the United States stays ahead in developing new technology.

Here, federal facilities such as Bonneville and TVA award 95 per cent of their contracts for power transformers to foreign producers. The agencies are required by law to accept the low bidder; foreign bids run 20 to 30 per cent below those of American manufacturers.

Foreign manufacturers are able to cut prices this low because their own governments permit them to charge twice as much, or more, at home for the same equipment in a market closed to all outside competition. "We could deliver electrical gear in England at far lower prices than British buyers pay, but we don't even know when the orders are being taken," said one American manufacturer.

Multinationals Gain Status as World Political Force

(By Sterling F. Green)

WASHINGTON.—The United States faces an eventual prospect of being home-base for hundreds of super-companies with higher financial stakes and greater production outside the country than in it.

These are the multinational corporations, American companies which moved production facilities outside the United States in search of cheaper labor and other costs to meet the competition of cheaper foreign goods.

They are flourishing. One authority predicts that by 1988 most of the non-Communist world trade will be dominated by 300 companies, 200 of them American.

They also are posing totally new problems for this and other governments; problems for which the old rules of foreign trade provide no guidelines.

Some experts use the term "supranational"—above or beyond the nation—to describe the sprawling empires.

Did some of the multinationals worsen the dollar crisis in May by shifting overseas funds into marks and other currencies likely to be increased in value?

The Commerce Department says no, the multinationals were "not a major speculative force."

But to find that out, the department had to send questionnaires to 21 multinationals—after the crisis was over and after the dollar had been devalued in relation to the strong European moneys.

The more markets a corporation operates in, the more opportunities it has to buy in low-price countries, sell in high-price countries; to borrow through subsidiaries in low-interest countries, lend to subsidiaries in high-interest countries; to manufacture where wages are low and sell where prices are high; to move cash from weak-currency areas to strong-currency countries.

International buying and selling which once would have been "foreign trade" are often nothing more than intracorporate transfers to the multinationals.

The traditional concept of foreign economic policy similarly is changing. Goods are still exchanged between producing countries, but increasingly the production itself is being internationalized.

Sixty-two of the top 100 American firms have plants in at least six other countries. PepsiCo operates in 114. "We at Ford Motor Co. look at a world map without any boundaries," said Executive Vice President Robert Stevenson.

Unions complain that management bargainers have sometimes held out the threat: "We'll close down the plant and go overseas." Now the unions are talking about creating international bargaining fronts, in alliance with trade unions in other industrial nations.

While problems of outright illegality seldom have surfaced, problems in areas of legal and accepted business procedures are plentiful enough.

The flap over alleged currency speculation makes the point. In reporting that the multinationals did not engage in massive shifting of funds, the Commerce Department concedes that they could have done so. Further it has only their word that they didn't.

21 FIRMS QUESTIONED

The 21 companies queried by the department reported they were holding $400 million worth of liquid assets outside the United States and Canada, mostly in Eurodollars—U.S. dollars on deposit in Europe. Possibly much of it could have been unloaded speculatively. Only one-twentieth of it actually was shifted in the final critical week.

Experts say, however, that the biggest multinationals try to protect themselves, not to speculate. Their subsidiaries abroad obviously acquire large sums in various currencies. Prudence requires that these be held in the stronger currencies to the extent possible, and not in currencies which are in danger of being devalued.

But the ease with which money now flows in private channels between nations can do more than merely affect the money market; it can blunt national policy.

It did so two years ago, when the Nixon administration was trying to keep credit tight in the United States as an anti-inflation measure. Large American banks simply drew home huge sums of dollars from their European branches.

National revenue, here and elsewhere, also is vulnerable. New techniques of avoidance are available to multinationals.

For example, a corporate subsidiary in Country A, where taxes are low, can raise its prices steeply on parts or materials sold to the subsidiary in Country B, where taxes have been increased. The latter subsidiary then might show no taxable profit, or even a tax loss, because of its high costs; the profits are taken in County A, and taxed that country's low rates.

ANTITRUST SEPARATE

Antitrust issues pose still another problem for the United States. Can it prevent an allegedly monopolistic merger, for instance, between a foreign corporation and an overseas subsidiary of an American company? How far can the U.S. antitrust laws reach into the sovereignty of a foreign nation?

It is a ticklish problem for which, so far, there are no answers. Foreign governments have made diplomatic protests from time to time when American-owned firms followed U.S. law instead of the host country's policy—as, for example, by refusing to make sales to Communist countries.

Governments, especially those in less-developed countries, fear loss of control over their own economic policies to American enterprises. Resentment of foreign domination has at times developed into a political issue, particularly in Latin America, leading to government seizures of American plants.

But generally the fear of domination is balanced by fear that any attempt to discipline an American company would send it in search of a friendlier climate. Even in Europe, most countries have considered actions to discourage or restrict U.S. plant investment. So far each has decided that to do so would serve only to retard its own development.

EVEN FRENCH BID

And all of them, even the chip-on-the-shoulder French still bid for U.S. companies with various subsidies including bargain plant sites, tax advantages, special gas and power rates.

The host countries hold some trump cards, too. Few governments are content to let a foreign firm simply set up a plant to assemble foreign-made parts.

To develop its own auto industry, for example, a country is likely to insist that in each year a larger percentage of the automobile, by weight, be home-manufactured. And to improve its own trade and payments balance, the host country is likely to insist that a specified, rising percentage of the output of the U.S.-owned plant be exported.

Small countries are more apprehensive than big ones over the fact that traditional regulations governing foreign trade—tariffs, devaluations and the like—have less effect when goods and money is just being transferred within corporate family networks.

CREDIT FROM ABROAD

Yet even the U.S. has its misgivings, as by Harvard economist Raymond Vernon, who testified before the Senate-House Economic Committee 18 months ago. Dr. Vernon, former director of the Harvard Development Adcisory Service, summarized:

"U.S. Treasury officials view with concern the ease with which some banks can offset the official efforts to tighten credit at home by importing credit from other national money markets.

"Another arm of the Treasury, the Internal Revenue apparatus, is increasingly absorbed in questions of how to determine which affiliate in the multinational system can be construed to have made the profit that has been generated inside the system.

"And while I have not yet seen the signs of its occurring, I rather anticipate that U.S officials of all sorts will become a trifle uncertain about the primary national affiliation of some large multinational enterprises over the next decade, as the foreign interests of these enterprises begin to match their U.S. commitments in terms of magnitude and executive involvement."

CALLED PEACE FORCE

Industry spokesmen tend to see the multinational as a force for peace because, they argue, it cannot survive in a warring world.

"It must have peace and it must have international cooperation," Eldridge Haynes, president of Business International Corp., told the Joint Economic Committee. "It must have open trade routes . . .

"Now this, I think, is all to the good. It is influencing government policy all over the world."

While there are some exceptions, the overseas earnings experience of American companies has been good; so good, in many cases, as to make even the risk of expropriation or seizure by unfriendly governments a matter of secondary concern.

International Business Machines, Inc., for example, reported record net income last year, but only because a 28.8 per cent increase in its foreign earnings more than offset a 5.8 per cent decrease in its net income at home.

Approach Likened to Marshall Plan

(By Sterling F. Green)

WASHINGTON.—Aware that the United States has reached a crossroads in foreign economic policy, the Nixon administration soon will propose global negotiations to write new rules for world trade.

To cope with a deteriorating trade position, the threat of economic warfare among rival trading blocs, and rising protectionist sentiment at home, the White House is planning an initiative which it likens in scope to the Marshall Plan that followed World War II.

It is determined to pry open European and Japanese markets closed to American products. These barriers are widely regarded as contributing to the declining U.S. balance of payments, and to encouraging the rush of American corporations to go multinational. Harassed at home by cut-rate prices on foreign products, and facing limited markets abroad. American corporations are moving production facilities to foreign shores where they too can get the low wages, tax benefits and favorable tariff arrangements available to their competitors.

RIVALS JAPAN

The exodus has reached such proportions that American industry-in-absentia now rivals Japan as the world's third greatest economic power.

As the United States moves to deal with the decline in its exports, the multinationals pose two complications: Sales of U.S. subsidiaries abroad already contribute 10 times more to the payments balance than the surplus of goods exported over those imported; the foreign facilities of multinationals are sitting ducks for retaliation by any country that deems its trade injured by U.S. actions.

Fully aware of the problem, the Nixon administration nonetheless is determined on tough bargaining.

"I no longer see any excuse for our not having fully reciprocal access to markets," said President Nixon's top foreign economic adviser, Peter G. Peterson, in an interview.

"It is time to revive the tradition of the tough Yankee trader."

FOUR-WAY APPROACH

Basically, President Nixon is seeking "a strategy to insure American competitiveness and leadership over the next two decades," Peterson said. It would involve measures designed to:

(1) support a continuously advancing industrial technology, (2) assure long-term access to raw materials and clean energy sources, (3) develop new relationships between the government and industry to foster exports, and (4) restore a steady rise in productivity.

The planned presidential statement on foreign economic policy can be expected, said Peterson, "within the next few months."

Nixon signified his concern over the trade outlook, and the possibility of competition between blocs, by establishing in January the Council on International Economic Policy with Peterson as executive director.

The decline in American trade competitiveness, attributed by many to persistent inflation and blamed by some for the European "dollar crisis" in May, stirred deep concern within the administration.

Officials are impressed at the astonishing speed of the reversal in U.S. exports—from a $9.5 billion surplus in merchandise trade three years ago to last year's $2.7 billion, most of which represented government-financed shipments.

DEFICIT RETURNS

A real blow came in April when the United States ran an actual trade deficit, the first in two years.

The administration has sent up clear signals that it would welcome initiatives from abroad—meaning voluntary trade concessions—to hold back the tide of protectionism in this country.

Nixon's State of the World address in February noted that Congress in 1970 came perilously close to committing the country to protectionism, and said:

"Other countries can no longer proceed on the facile assumption that no matter what policies they pursue, liberal trade policies in the United States can be taken for granted."

Nixon contributed to his own legislative dilemma when he agreed to quotas for textiles. Protectionists promptly added quotas on shoes, and an amendment saddling the President with the authority, and responsibility, for coming to the aid of other industries threatened by foreign competition.

With the help of a hastily-organized bloc of free traders, Congress blocked action on the bill.

In approving quotas to help the depressed textile industry, Nixon apparently hoped the Japanese would be pressured into accepting "voluntary" curbs on its exports. The Japanese refused, claiming they supplied only 1.3 per cent of the textiles consumed in this country.

QUARREL BUILDS UP

Japan's absolute barriers to many American products in the past have angered American industries and unions. So the U.S.-Japanese quarrel has escalated.

While the cold statistics of weakened trade competitiveness have convinced both free traders and protectionists of the urgency of the problem, it may be a year before White House strategy is fully charted.

Some essential studies have only been begun. And even if plans were ready, the time seems inopportune both here and abroad.

The mood of Congress, say White House aides, is such that they dare not revive the trade bill. It probably would be converted overnight into a protectionist law reversing the liberal trade policy under which American commerce has flourished until recently, for a third of a century.

And Europe's mood of the moment is not conciliatory. There is resentment at the United States over the dollar crisis, which added currency complications to the Common Market's difficult internal negotiations over the entry of Britain. Europe also accuses the U.S. of exporting its inflation to Europe along with the oversupply of dollars.

DUMPING TARGET

Meantime, the administration has stepped up enforcement of anti-dumping laws which permit imposition of extra tariffs on goods sold here at less than the price charged in the manufacturer's home country. It also has considered wheeling up the seldom-used countervailing duty law permitting extra tariffs on cut-rate imports if the foreign government subsidizes the manufacturers.

The anti-dumping act is better known and oftener used, but American industry has had little use for it, finding that success was infrequent, legal costs high, relief tardy. Treasury investigations can and have taken three years, as in the case of last March's ruling that Japanese companies had sold huge numbers of television sets in this country at dumping prices.

"You could lose an industry during the investigation," the AFL–CIO has complained. "The patient dies while the diagnosis goes on."

Mr. CARNEY. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Ohio.

Mr. CARNEY. Mr. Speaker, the economy is in very serious trouble. The number of people unemployed increased 1.1 million in June, pushing the total number of jobless to 5.5 million—the highest figure in 10 years. One of the industries hardest hit by the current economic recession is the steel industry.

The flood of foreign-produced steel imported into the United States in recent years is a major cause of the steel industry's problems. The amount of foreign steel imports has reached such alarming proportions that it now threatens to undermine the domestic steel industry. For example, more than one-fifth of this country's speciality steel and stainless steel market is controlled by foreign manufacturers, particularly those of Japan, Sweden, and the Common Market countries. Foreign-produced steel is estimated to total 16 million tons in 1971, or 17 percent of domestic consumption.

The disastrous consequences of a policy that permits excessive quantities of foreign-produced steel to enter the United States manifested itself in the recent closing of the United States Steel Corp.'s Ohio Works plant in my home city of Youngstown, Ohio. The shutdown of the Ohio Works plant has resulted in the layoffs of 2,700 steelworkers and several hundred more maintenance, clerical, and management personnel.

These layoffs will have a multiplier effect: unemployed people have less money to purchase the goods and services of other businesses in the Youngstown area. Already some shopowners are denying credit to furloughed steelworkers and their families. Unless the United States Steel Ohio Works reopens soon, unemployment benefits will run out and proud, hard-working men may be forced to go on welfare. Such a state of affairs must not be allowed to happen.

Largely due to the direct, personal efforts of House Ways and Means Committee Chairman Wilbur Mills, the steelworkers of the Ohio Works plant in Youngstown are not without hope. Congressman Mills has done more than any one man in the Government to persuade the representatives of foreign nations to voluntarily limit their steel exports to our country. He deserves the gratitude of everyone connected with the steel industry.

However, in view of what has transpired in my own congressional district, I believe that legislative action is necessary to prevent further steel plant closings in Youngstown and throughout the country.

Last week, I introduced a bill to limit the amount of foreign-produced carbon and specialty steel mill products and other steel products which may enter the United States each year. I do not believe America can afford to wait any longer for the voluntary steel import quota negotiations to produce results. The time has come for Congress to limit foreign steel imports by law. The time has come to put American workers and American industry first.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Florida.

(Mr. SIKES asked and was given permission to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker. First let me congratulate my good friend and destinguished colleague, the gentleman from Pennsylvania and others who participate here for their capable leadership in the very important field. I am glad to join their efforts for corrective action. Again I rise to speak on the distressing subject of the impact of imports on the people of Florida, and especially about its impact on the residents of the First Congressional District of the State which I represent.

Florida is a remarkably versatile State in the production of goods. In fruits and vegetables, seafood, and manufactures, Florida's production makes an important contribution to the economic growth of the Nation. In each of these areas of our economic activity, mounting imports are threatening to disrupt markets, depress prices, and impair our State's potential for full employment.

Let me illustrate this disturbing fact with some specifics.

FRUITS AND VEGETABLES

Florida is a leading State in the production of vegetables. Our commercial production of vegetables for fresh market of about 2 million tons per year exceeds that of the entire North Atlantic States, or the North Central States, the South Central States, or the Western States, excluding California. The farm value of Florida's output of fresh vegetables exceeds $200 million per year. Our principal production is of lima and snap beans, cabbage, celery, cucumbers, eggplant, escarole, green peppers, spinach, and tomatoes.

Florida is, of course, the Nation's leading producer of citrus fruits. The State is also a leader in the output of cantaloups and watermelons, and avocados. The citrus crop has a market value in excess of $500 million. The melons are valued at about $20 million; the avocados at about $4 million.

There are about 120,000 persons who earn their livelihood on Florida's farms. More than 10 percent of the State's farms and farm owners and operatives are located in the First Congressional District, which I am privileged to represent in the Congress.

From these data, I think it clear that both Florida and my district have an important stake in the stability of the Nation's markets for fruits and vegetables. Foreign trade trends in fruits and vegetables are of fundamental importance to Florida's producers of fruits and vegetables.

FOREIGN TRADE TRENDS IN FRUITS AND VEGETABLES

In 1958 the United States had a favorable trade balance in fruits and nuts: exports of $270 million and imports of $178 million. By 1965 this favorable balance of $92 million was completely erased: exports and imports of fruits and nuts were each valued at $339 million. In 1970 we had an unfavorable balance of trade in fruits and nuts in excess of one-half billion dollars: imports of $735.2 million and exports of $219.9 million. Our imports increased by 313 percent while our exports declined by 19 percent between 1958 and 1970.

The story on vegetables is quite similar. A favorable trade balance of $25 million in 1958—exports of $122 million, imports of $97 million—was cut down to $9 million in 1965—exports of $148 million; imports of $139 million. In 1970 we had an unfavorable balance of trade in vegetables of $110 million: imports of $288.7 million and exports of $178.5 million. Imports increased by 198 percent, while exports rose only 46 percent between 1958 and 1970.

Imports of fruits and vegetables directly competitive with Florida's principal products have reached a very substantial level:

	1970 quantity (thousands of pounds)	1970 value (in thousands)
Watermelons	119,116	$3,035
Cantaloupes	148,803	8,037
Other melons	33,578	1,427
Subtotal	301,497	12,499
Citrus fruit	179,924	24,739
Beans, fresh	12,523	1,733
Cabbage	7,727	463
Celery	1,702	110
Cucumbers	143,306	12,330
Eggplant	16,906	1,985
Peppers, fresh	69,910	12,759
Tomatoes	646,725	95,832
Subtotal	1,078,723	149,951
Total	1,380,220	162,450

In these products of direct and immediate concern to the fruit and vegetable producers of Florida, imports were received in 1970 at an average rate 89 percent by quantity and 150 percent by value above 1965. These imported fruits and vegetables accounted for the following percentages of domestic production: watermelons 6 percent, cantaloups 10 percent, other melons 13 percent, citrus fruit 4 percent, cucumbers 15 percent, eggplant 43 percent, fresh peppers 24 percent, and tomatoes 25 percent. The farm products which are of greatest importance to my district have been affected by particularly rapid increase in imports between 1965 and 1970. The value of imports of watermelons increased 129 percent, cucumbers 134 percent, tomatoes 220 percent, eggplant 484 percent, and green peppers 502 percent.

The products listed in the above tabulation had a foreign origin value of $162.5 million in 1970. With freight, insurance, duty, and importer's markup, these foreign fruits and vegetables were worth roughly $350 million in the U.S. market—equal to about one-third the value of Florida's fruit and vegetable crop. This degree of import penetration of the U.S. market is alarming, and the implications for the welfare of Florida's workers very disturbing.

CATTLE

Florida is an important cattle-producing State, a fact which is not often recognized. The total quantity of livestock on farms in Florida is greater than in any of the other South Atlantic States; indeed, Florida raises more livestock than some of the Western States which are traditionally thought of as leading cattle States, such as Idaho, Wyoming, and New Mexico. Imports of live cattle and of fresh, chilled, or frozen beef, veal, or pork, therefore, have a direct impact on the economy of Florida and of my district. In 1965, the total value of live cattle and of fresh, chilled, or frozen beef, veal, or pork, imported into to the United States was $321 million. By 1970, this had increased to $732 million, an increase of 128 percent during the period.

In 1969, imports of all meat were equivalent in quantity to 6 percent of domestic production. The import share was equivalent to 7.6 percent for beef. The import quota system established by legislation in 1962 has not regulated imports as intended by the Congress because of the execssive generosity of the State Department in negotiating bilateral agreements with meat-exporting nations which the President then substitutes for the mandatory quota contemplated by the statute.

SEAFOOD

Florida has nearly 3,000 operators and employees engaged in commercial fishing operations—more than any other State in the Union except California and Massachusetts. Nearly 200 million pounds of fish are caught annually by Florida's commercial fishermen, with an ex vessel value of more than $40 million. These fishing boat captains and their small crews are among the most rugged of that fast-disappearing breed of stalwart Americans, the independent individualist who pits his courage and skill against the challenges of nature to produce food for his fellow Americans.

The principal catch from the point of view of value is shrimp, and by a misfortune which many Congressmen have sought to correct, shrimp caught by foreign fishermen are imported into the United States in rapidly rising volume absolutely duty free. It would seem that those least able to battle cheap foreign products in American markets because of the limited financial resources of the small independent shrimp boat owner-captain are given the least assistance from their Government in means of import regulation.

Imports of fresh or frozen shrimp in 1955 totaled 54 million pounds, valued at about $25 million. In 1970, fresh and frozen shrimp imports reached 140 million pounds, valued at $136.5 million, up from 1955 by 159 percent in quantity and 446 percent in value.

While imports were soaring by these staggering amounts, the domestic catch of shrimp also increased but at a much lower rate, rising from 122 million pounds, heads-off basis, in 1955 to 224 million pounds in 1970. The imports are taking a disproportionate share of the growth in the domestic market.

On the border of my district, the important shrimp port of Apalachicola struggles with this unending market disruption caused by the ever-rising flood of shrimp imports. It is a matter of concern to the Nation, to Florida, and specifically to my district. The Government has deliberately handed the U.S. shrimp market to foreign commercial fishermen, and turns its back on our own people. Look deeply into the plight of America's commercial fishermen and you will find unfair foreign competition at the bottom of it all. Small wonder that in the Nation the number of persons employed in fisheries has declined steadily, from 263,000 in 1950 to 217,000 in 1968. The number of fishing craft has also plunged downward, from 92,000 in 1950 to 81,000 in 1968.

MANUFACTURES

The largest group of Florida's citizens engaged in the production of goods consists of the approximately 326,000 persons employed in manufacturing establishments. Some 20,000 of these live and work in the First Congressional District. Manufacturing payrolls total more than

$2.25 billion annually in Florida, and nearly $225 million of this takes place in the First Congressional District.

One of the principal industries in my district is the production of manmade fibers. The world's largest nylon plant is located in Pensacola, and nearby a separate plant is engaged in producing acrylic fiber. Thus, the First Congressional District of Florida—and the State—have a direct stake in the textile import problem. The failure of the executive branch to solve the manmade fiber textile import problem is especially ominous in its implications for my State and district.

A few facts will suffice to put this problem into perspective. When imports of cotton textiles reached about 5.4 percent of domestic consumption, President Kennedy instructed the State Department to negotiate an international agreement providing for the regulation of the rate of increase of cotton textile imports. Other nations were told that if the United States could not achieve a negotiated solution of the problem, the President was prepared to act unilaterally. The Short-Term and Long-Term Cotton Textile Arrangements were quickly drawn up and with the consent of the nations principally affected, put into force.

The problem is much more serious now for manmade fiber textiles, but no action seems forthcoming from the executive branch. I believe that the Congress should legislate an appropriate set of import controls. We should not delay any longer waiting on the Executive to achieve a solution to the problem.

How grave is the problem? Well, for the year 1970, imports of manmade fibers, filaments, yarn, fabric, and apparel, on a pound-equivalent basis, were equal to 11.2 percent of domestic consumption of manmade fibers—nearly two and a half times the degree of import penetration that existed when President Kennedy properly and forthrightly moved into action on the cotton textile problem.

The rate of increase in imports of manmade fiber textiles is astounding. On a square-yard-equivalent basis, imports of yarn, fabric, and apparel of manmade fiber in 1961, just 10 years ago, totaled 151 million square yards. In 1970, the figure had rocketed to 2.8 billion equivalent square yards. During the first quarter of 1971, imports zoomed still higher, reaching the equivalent of 4 billion square yards on an annual basis. This is three and a half times the volume of imports of cotton textiles and 40 times the volume of imports of wool textiles. It is ironic that we have an international accord on the limitation of imports of cotton textiles but no agreement for the regulation of imports of manmade fiber textiles.

The products of the plants in my State and district are now right on target for market disruption, depressed prices, and job curtailment caused by unregulated import increases. There is absolutely no logic to a situation which finds our Government permitting ever more rapid increases in imports, the dismantling of such limited regulatory means for imports as existing duty rates provide, and the saturation of domestic supply with imports in clear excess of the capacity of the American market to absorb the supply.

The tremendous investment of capital which created the man-made fiber plants in my district, and the thousands of jobs which my constituents have been provided in these plants, are threatened: first, by the skyrocketing imports of manmade fiber textiles which have been stimulated by the deep reductions in duty improvidently granted by the executive branch in the Kennedy round, and second, by the inability of the Nixon administration to achieve an international accord with respect to manmade fiber textiles. President Kennedy manifested his determination to act unilaterally under the national security provision of the trade agreements legislation in the context of a comprehensive case which had been brought by the combined textile industry under that provision. But manmade fibers still are left out in the cold.

The case is still pending; President Nixon has at his finger tips the power to act unilaterally or, alternatively, by manifesting his determination to increase his efforts to persuade our trading partners to enter into meaningful negotiations for a limitation on manmade fiber textile imports. Since President Nixon came into power, the volume of manmade fiber textile imports has more than doubled. Every month's delay builds a massive volume of imports into the domestic market and escalates the difficulty of achieving any meaningful solution by negotiated action.

CONCLUSION

Mr. Speaker, American citizens engaged in the production of the wealth of our Nation in the form of agricultural, fishery, and manufacturing products are being acutely and adversely affected by the increase in imports of products of every name and description which compete with them. Our citizens, whether they be stockholders, management, or workers, must not be ignored by the leadership of our Government. Some in the executive department even appear to give greater weight to the accommodation of the avaricious appetite of foreign manufacturers which are capturing the American market than to the legitimate interests of our own home industries.

The Congress has vacillated—and I regret that I must use that word—in a series of inconclusive efforts to cope with the problem. I believe that the majority of the Members of this body favor forthright, determined, and decisive action through legislation to reassert equitable and sensible means for controlling the volume of imports in a manner consistent with the best interests of the American citizens. The leadership has gravely disappointed me and other Members by failing thus far to bring legislation to the floor of the House for action in this session of Congress. I hope this need will soon be corrected.

If we value the strength of our Nation and the pride and integrity of the working men and women of this Nation, we must without further delay formulate and enact legislation which will protect their jobs and their investment in American productive enterprise against destruction by foreign producers.

Mr. GAYDOS. Mr. Speaker, I thank the distinguished gentleman from Florida for his most appropriate remarks.

Mr. Speaker, I am happy to yield to my good friend from Pennsylvania, Mr. SAYLOR.

Mr. SAYLOR. Mr. Speaker, I thank my distinguished colleague for yielding and take this opportunity to congratulate him and the other Members who are here participating in this most important discussion.

It was my good fortune to be in the company of Mr. GAYDOS and our colleague, Mr. DENT, and the other Members of the Pennsylvania delegation last week when we saw a vivid portrayal of just what the gentleman is talking about; namely, a comparison between the new steel mills that are being built in Japan, which are flooding the American market with their products, and our producing mills.

Unless something is done, the great steel industry of the United States which has been one of the cornerstones upon which our economy is built will actually fall.

I say to my colleague from Pennsylvania that I thank him for taking this time when the discussions are being held between management and labor with reference to the settlement of the differences that exist between those two and at a time when they looked forward to the next several years in the steel industry, unless there is a recognition on both sides of this important factor of imports, regardless of what the settlement is, unemployment in this country, as bad as it is in the steel industry, will increase by leaps and bounds.

Not too long ago, as an example, when th Japanese are supposed to only be getting rid of their surplus, according to people in the State Department, there appeared an ad in a number of our popular magazines of rototillers being manufactured in Japan. Very frankly, you can go to Japan and you can look at that country from one end to the other and you will find absolutely no rototillers at all. They are being built and produced to capture the American market.

The SPEAKER pro tempore (Mr. MATSUNAGA). The time of the gentleman from Pennsylvania (Mr. GAYDOS) has expired.

FOREIGN IMPORTS CONTINUE TO HURT AMERICAN INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

(Mr. DENT asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, will the gentleman yield to me in order that I may complete my statement which I was making on the time of the gentleman from Pennsylvania (Mr. GAYDOS)?

Mr. DENT. I am glad to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I want to commend the gentleman from Pennsylvania (Mr. Dent) because ever since John Dent has been a Member of this Congress he has been one of those outspoken individuals who has been crying to have protection of this great industry and to solve the problems with reference to the importation of foreign-made products. It is only because there are men like him in the Congress that we are ever going to solve this problem.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield to me at this point?

Mr. DENT. I am glad to yield to the gentleman from Pennsylvania.

Mr. GAYDOS. I dislike very much to interrupt the gentleman from Pennsylvania (Mr. Dent) before he has started his special order, but in my experience I know that he has had a very sincere approach to this problem.

I would like to conclude my remarks in this manner. I believe that the myth should be dispelled—and I am sure my friend in the well agrees with me—that wages are not the culprit, the high wages in the United States, as to the reason why we are not competitive. I think that is wrong. I think the facts will show that we have other elements, far more important elements, such as the entire approach to the problem and the economic situation we are experiencing as Japan has devised its assault upon the international market. That means longterm credit arrangements for industry. They have the weak to feed the strong. We cannot do that in this country because of antitrust legislation. There are also rebates on certain types of operations, a concept that is relatively new in the economic world which Japan has devised, is implementing and putting into effect. Those are the real culprits and not the difference in wages.

I think the gentleman from Pennsylvania agrees with me.

Mr. DENT. I certainly do.

Mr. PATTEN. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from New Jersey.

Mr. PATTEN. Mr. Speaker, I would like to congratulate the gentleman from Pennsylvania (Mr. Gaydos), my colleague from Pennsylvania (Mr. Dent) and others for taking this time today to discuss this important subject.

Mr. Speaker, I have been a free trader all my life, and little did I suspect that I would stand up here shoulder to shoulder with the gentleman from Pennsylvania (Mr. Dent) when he expresses his concern about the steel industry.

However, I will say to the gentleman that I have lost my radio industry in my district and thousands of jobs went down the drain. We have lost the television manufacturing business also. I saw my textile industry in my State lose 60,000 jobs in this decade.

I saw my shipbuilding business vanish, I saw my airplane business disappear, and I do not want to see the steel and automobile business disappear. So I am going to study very seriously what is said by you Members on this subject today, because I believe that, as leaders of the Government, we should be alert and keep our eyes open and respond to protecting our American workers.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DENT. Mr. Speaker, I thank the gentleman from New Jersey for his comments.

Mr. Speaker and Members of the House, this has been a long, hard decade for the American people. It was during this past decade that we have all rested, sat idly by and watched this Nation's economy be dissipated, either by the actions of this Congress or the lack of action on the part of the administrative officials of this Nation.

Mr. Speaker, I am going to try to put into the Record at this time some of the statistical facts as well as some of the logic because this has to do with the serious problem of the unprecedented flood of imports of foreign-made products into our country.

In the first place, contrary to the figures fed to the American people by the Department of Commerce and the State Department and the White House, I have a report that concerned a study of 110 industries in the United States which shows a deficit of $13,321,000,000 in the trade deficit in 1969.

It has been said that these figures are not factual. Mr. Speaker, this is a computerized study made by an independent agency that had nothing to do with the political situations that we have found ourselves in.

The breakdown shows that, of every industry in the United States that indulges in exports and imports that we have a deficit.

For instance, the passenger car deficit; in that particular field alone there is a deficit of $3,232,000. But that is not the real deficit. That is the deficit in money. The real deficit that is killing the economy of this country and strangling this Nation and its growth, and causing the highest taxes to be assessed against the people in these United States in order to maintain a somewhere near minimal way of life for the unemployed and for those lesser blessed citizens of our Nation, is the deficit in the product import. For instance, it shows a little item here, an item of $14 million worth of electric safety razors that have been imported. But the point is that an electric razor enters the country at a price of $7.16, and yet when we export an electric razor it enters a foreign country at a price of $22.40, which makes it so that twice as many, and almost three times as many workmen have been displaced by less money.

So the real facts in this case are that we have got to get away from the so-called balance of payments as a criteria, as to the health of our international trade, and get back to the criteria of jobs displaced; get back to the criteria of hours worked; and get back to the criteria of products displaced in this country.

Throughout this entire study you can find the product line that applies in your particular district.

Another important item that ought to be recognized is the so-called industry lost jobs in the key industries of America. For instance, let us just take a little, wee rundown in the sugar industry by which, because of our quota system of limiting sugar production in the United States and subsidizing foreign sugar coming into this country, we lost 10,029 jobs.

In the leather, glove, and mitten industry we lost 40 percent of the total employment in that industry in 1968 through 1969, and that loss has been added to in 1970 and 1971.

The change of imports in that particular industry shows that in 1968, 30.1 percent of the entire glove and mitten consumption in the United States was imported. The change of imports from 1964 to 1968 shows an increase of 20 percent.

In another area, in the particular type of work that requires the highest skills in the production of its products, we find a change in the 1968 ratio of imports to be 95.3 percent of the total consumption in the United States.

We find a change in 1968 on the ratio of imports to be 95.3 percent of the total consumption in the United States—only seven-tenths of 1 percent of this product is produced within the United States any more.

The change of imports from 1964 to 1968 was 109.7 percent.

The job loss was 223.7 percent—the job loss in 1968—between 1968 and 1969.

You could go on through this whole list, and it was a computerized study that defies any criticism of the facts as they are found here.

Let us see what is imported into this country. I intend to take a few minutes so that some of you who are here, and those who are absent—and in the absence of our colleagues reminds me of the breakup of the Roman Empire—when Nero fiddled while Rome burned—and Members of Congress do not have the time to listen to the burning of the American empire—and it is dying just as fast as the Romans died and perhaps a more grievous death because we have more to lose, and we are losing by our own hand. The disease we are suffering from is self-inflicted. It is not put on to us by any foreign power. It is the action of this Congress of the United States and of the executive branch of the Government that has spread this poison into the bloodstream of the American economy and there is nowhere it can go but to its death. It will die. Everything I predicted in the past 12 years has come to pass and it has come to pass even in a more terrifying way and worse than I had even dreamed it to be.

In the industry of vitreous china utensils, we find in 1968 the ratio of imports to the domestic market was 52.6 percent. That was in 1968. That figure has now reached 76 percent of the American market.

That means that 76 percent of all the men and women working in that industry and 76 percent of the service people who tended to that industry are no longer working in this country.

Do you want to know where the unemployment is? The unemployment in this country—or rather the employment has been shipped overseas in exchange for yens, marks and for a few rubles and things.

In textile goods 51.2 percent of the entire market of the United States.

400,000 jobs were lost in the textile industry and 1,100,000 jobs have been lost in industries that provided the services and the raw material for that industry.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, there will soon be another edition of the foreign handout bill before the House of Representatives and there will be an opportunity at that time for Members to offer amendments that can have some effect—and I say some effect upon the situation that the gentleman from Pennsylvania has alluded to so often and so well on the floor of the House.

It seems to me that now of all times we ought to, in the consideration by the House of the socalled foreign assistance bill, probe it deeply for opportunities to shut off the flow of money to countries that are subscribing to the very things the gentleman is talking about.

Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. DENT. Mr. Speaker, I thank the distinguished gentleman from Iowa for his contribution.

The gentleman well knows the reference to that. I cannot see that the Congress would have that opportunity because it is not the custom for the Committee on Ways and Means to come before this floor and give the Members an opportunity to offer amendments. The legislation we are discussing will come out under a closed rule and we will be asked to vote it up or down. They will take maybe the textile industry and give it some relief. Maybe they will take the shoe industry and give it some relief and they will maybe take the fur coat industry and give it some relief. Then they will get the votes to pass that and let the rest of industry that does not have a powerful voice in the committee die. You know it and I know it. You know that and I know it.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a brief observation?

Mr. DENT. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. What the gentleman says about the Ways and Means Committee, of course, is true. I was alluding to the Foreign Affairs Committee and the bill that will be coming in the next week or so from that committee dealing with foreign aid.

Mr. DENT. It might interest the gentleman also to know on that score that in 1961 I was successful in offering an amendment to the foreign aid bill that limited to 10 percent the amount of product that any plant rehabilitated, rebuilt, or reconstructed with foreign-aid money—only 10 percent of its products could ever be imported into the United States.

The bill went to the Senate, and they amended it to 20 percent.

The State Department of the United States has never once implemented that law, has never looked at the percentage of imports, has never questioned the imports.

Mr. Speaker, in any other country of the world every person in its State Department that had handled the administration of such a bill would have been indicated. But not in this country.

Mr. GROSS. I recall the gentleman's amendment, and I commend him for having offered it, and I regret as much as any Member of the House that the United States never availed itself of the opportunity to protect the people of this country.

Mr. DENT. The gentleman remembers the hearings held by my subcommittee in 1961. At that time the President named a counterpart committee in order to have an answer to those facts which we were discussing in our arguments. As chairman of that committee he named a man who was the president of Inland Steel, Chicago, Ill., a man named Randall. At that time he appeared, testified, and said that anything we had to say about trade was not correct, that this Nation had to have trade to survive, that we sold more than we bought, and that the way to peace in the world was through international trade and the exchange of goods.

Let us see what he might be saying today. Today I read in the New York Times where Inland Steel has suspended operation of several facilities in its East Chicago steel mill and has laid off additional employees due to declining demand for steel products.

We are using more steel products every day of our lives in this period of our lives than we ever used in our lifetime. Yesterday he laid off 650 workers, workers who will no longer be able to find a job in the steel industry. A week earlier he laid off 100 employees. This is the Randall who said, "We have nothing to fear."

United States Steel testified to the same position.

Now, tonight, we have invited all the Members of the Congress to come and see a display prepared by United States Steel that now says that unless we get relief in the steel industry, the steel industry of the United States may still go the way of all flesh. And it is no small, laughing, or matter to be ignored, because in 1961 we had testimony from the specialty tool industry. They warned that within 10 years unless we did something about the importation of specialty steels in this country, we would find ourselves in a serious strait in employment, production, and the ability to stay alive.

What has happened? In 10 years 71 percent of the specialty steel business, stainless steel rods, has gone over to the Japanese and West Germans. Every specialty steel industry in the United States is now working on borrowed money. Stocks have dropped from $36 to $44 limitations down to $7, $8, and $9. Forty percent of their employees are laid off. Twenty-five percent of their official executive family have been let out. Every executive in Latrobe Steel has had to take a pay cut.

I say to you Members of Congress who are here that you had better prod your fellow Members, because no nation on the face of the earth can survive in peacetime, nor can any nation win in wartime, without a specialty steel industry. It is the one basic industry of all, because without a specialty steel industry you cannot make this watch, you cannot make this suit, you cannot make this microphone, you cannot make anything you can see or anything that you can feel without a specialty tool industry.

The Japanese themselves admit that the reason they lost the war was because they ran out of steam and product in their specialty tool industry. They have taken our tool industry right out from under us, with the permission, with the cooperation, and with the urging of the U.S. State Department and the White House under many administrations.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Pennsylvania, Mr. GAYDOS.

Mr. GAYDOS. Mr. Speaker, I think it is most important at this time that the gentleman from Pennsylvania at least give us a quick rundown as to what he discovered personally when he visited Midland Steel and Crucible Steel and what he found in the specialty steel industry as to what they lacked and what their dire predictions are.

Mr. DENT. Mr. Speaker, I was going to lead into that. Here is what happened as reported in one of the magazines lately. There is a picture of Kinzo Haga, a young Japanese. He said, "I sell Japanese steel." I am sure every other Member had an opportunity to look at it because it came free to our desks as many magazines do. I will not read more than a few paragraphs. He said:

> So lower prices along with high quality of course which we produce is the one significant selling point for we Japanese. The customer has to have something to offset the inconvenience of time and distance and the savings on price is really all we have to offer.

The Japanese make the price advantage even more appealing for buyers by specifying prices at the time the contract is signed. The U.S. prices, on the other hand, are specified effective at the time of delivery. So when we sign contracts with the Japanese, they get the price they sign for at that moment—but they can do that because they cannot strike and they cannot get a pay raise between the granting of the order and the delivery of the steel.

And our free labor has practiced stupidity to its finest perfection. They complain about the jobs and they come in for all kinds of reasons, and as chairman of the committee that handles welfare and pensions in this House and also the minimum wage, I am faced with the dilemma of increasing the so-called cost of production by adding fringe benefits and also increasing the minimum wage while at the same time, up until just a few days or few weeks or few months ago, not one member of organized labor came along to hold my hand and try to help me during these 11 or 12 years of my lonely fight.

The year 1975 is the target date of the Japanese for becoming the largest steelmaking country in the world. What does that mean? Today they are No. 3. They produce 111 million tons, 60 percent of which they have to sell outside of Japan. They are increasing their productivity to the point where they will top the United States and also Russia, which is No. 2. At the same time the only way they can dispose of the steel is through export—and Uncle Sucker will be the buyer.

But the United States is going to run out of money one of these days. Every time we take a steelworker out of his job, we also take out three other people from income earnings, including the barber and the baker and the shoemaker and the candlestick maker, as well as the automobile worker and the glassworker and Members of Congress. Every person is affected. Pretty soon those service people who seem to be sound asleep while Nero fiddles and Rome is burning will find out they do not have any Japanese customers coming to get their hair cut. They will not have the West Germans or the French or the Italians coming in to get their shoes fixed or to buy a suit of clothes from the haberdasher. Those people do not go into the American restaurants.

So who is going to keep this economy going? We have been paying out billions of dollars in welfare checks, but where are the welfare checks going to stem from? Somebody has to work. There is not one single ingredient in this economy or in any other industrial economy which is more important than a job. I am from a family of 12, and I started work when I was 13 years of age, and I have been working ever since.

I am amazed at the number of young people today who cannot find even part-time work, and they want to work, and I am amazed at the number of men who have become so sick of looking for work that they are satisfied to stay home and draw welfare checks.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to my esteemed friend, the gentleman from Indiana.

Mr. MADDEN. Mr. Speaker, I commend the gentleman from Pennsylvania for the statement he is making here on the floor of the House this afternoon.

The gentleman from Pennsylvania (Mr. Dent) has been the No. 1 Member of this Congress who has been fighting over the years on just what he complains about; that is, the shadow that hangs over the steel industry in America.

There are three major steel mills in my congressional district—the U.S., the Inland, the Youngstown—and several specialty steel materials factories.

What the gentleman states regarding the importation of steel from Japan and other nations is correct. Today that probably is the greatest threat to the American economy that faces us for the future, because steel is our basic industry throughout the country, and not just in Indiana, Pennsylvania, California, and other places.

Why does the Congress and the State Department do this? I say "the Congress" because, as a member of the Rules Committee, about every time the Ways and Means Committee comes in before the Rules Committee I try to find out what is being done regarding placing some kind of a barrier against the wholesale importation of steel made by cheap labor across the Atlantic and the Pacific.

The gentleman's statement today should be put into the newspapers throughout the country, to bring public opinion to concentrate on using pressure on the Congress, on the Ways and Means Committee, on the State Department, and on the executive department to save this great industry.

I commend the gentleman for the great statement he is making.

Mr. DENT. I thank my colleague.

I should like to give a couple of figures. I want to dispel some of the very false propaganda and information fed to Members of Congress by our own State Department, by our own Commerce Department, and by the best organized and the best financed free trade lobby the world has ever seen.

They say we are not correct in saying that our labor still outproduces the labor of our steel competitors. Well, in 1960 it took 15 man-hours to produce a ton of steel in the United States. It took 24 man-hours in West Germany. It took 44 man-hours in Japan.

I will bring this down to 1970. In 1970 we still produced steel with fewer man-hours than any other area of the world. We produced a ton of steel with 11.9 man-hours. West Gemany took 14.5 and Japan 12.4.

Every time I have gone before the Tariff Commission they have told me the reason why we are in jeopardy on trade is we have not kept up our technology, that we have let our plants become obsolete and outdated. If that is so, how do we produce with fewer man-hours than any other place on the face of the earth?

These are just red herrings put before the American people so that they will not recognize the jeopardy we are in.

We talk about wage rates. Every time we go before the Tariff Commission or go before the Commerce Department or try to argue with the State Department about this particular subject they say, "Well, the wages in other countries are going up faster than ours, percentage-wise, every year, and soon they will catch up."

Let me say something about that catching up. In 1960 a U.S. steelworker received $3.82 an hour. The West German received $1.21 an hour. The Japanese received 62 cents an hour. The difference was $2.61 for West Germany and $3.20 for Japan, per hour.

Let us go down to 1970. Yes, the American steelworker has gone up to $5.68 per hour. But a lot of people do not know that a great portion of that is paid in Federal, State, and local taxes to take care of the unemployed, to provide money for foreign aid, to take care of Vietnam, to take care of Korea, and to take care of everywhere along the line we want to go.

In West Germany the hourly wage is $2.66, a differential of $3.02 between their wage and ours.

In Japan they went up to $1.83, but the differential is still $3.82. Why? Because if you have a $5 wage to begin with and you go up 5 percent, you go up a quarter. The Japanese have a 15-cent wage increase, and they go up 20 or 25 percent. They go up, so our stupid administrative leaders, both heretofore and now, always come before our committee and say, "Well, they are going up gradually, and some day they will catch up to us." Well, I will tell you one thing. They will never do that, because by the time their wages get to be the same as our wages that we have to have in this country in order to live, you will not have to worry about the steel industry or the glass industry, because they just will not be here.

You can already forget about the electronics industry. Do not worry about that. It is all gone. There is not one table radio made in the entire United States. We do not make a single watch in the United States, so be careful. If you should break your watch and you do not like to buy foreign products to replace it, you will just have to look at the sun in order to find out what time it is. And if the shadows on the horizon keep creeping up on us, you will not be able to see the sun, either.

Mr. Speaker, I wrote a letter in a kind of nonpartisan, nonpolitical fashion, consisting of five pages, in which I laid the plight of the tool industry before the President. I just want to state that I have received an answer on May 14 one paragraph long, and I have not heard from him since.

I ask unanimous consent to include this letter and other extraneous material at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The material follows:

House of Representatives,
Washington, D.C., May 12, 1971.

The President,
The White House,
Washington, D.C.

Dear Mr. President: All of us realize the question of trade is not a simple black and white picture. We know that a great deal of consideration is given to the many facets of the international trade picture, and its problems. However, Mr. President, the very grave situation facing us on many import fronts cannot be left without serious and deliberate actions.

I have been working in close conjunction with my Committee and many industries; and, with the scientific study that has been going on for many years, I can say without hesitation, that any competitive industry that is penetrated by more than 5% of the American consumption by an import product will find itself in a struggling position to maintain its status-quo, let alone produce the growth so necessary to our economic well-being.

While I know you cannot possibly have the time to delve into all of the facts and figures, I do believe that we are getting dangerously close to a situation that will not be solvable, if the pace of imports in general are not slowed up and in some instances stopped.

I know you have had a great deal of correspondence concerning the plight of the tool and specialty steel industry. I have been warning this nation about this particular industry for many years. It has been affected, not only by imports in the last three years, but in some areas by a severe restriction on raw material and semi-processed ingredients which, in some cases, are embargoed and in other cases were denied American Industry by manipulation of cartels and our own domestic stockpile policies.

While it is true that for a long time we felt that Industries were "crying wolf" on imports; we now arrive at the stage when the wolf is in the pack and the sheep are in trouble.

Tool steel is the latest industry to feel the impact of a commercial invasion which accomplishes, in the end, exactly the same results as does a military invasion, without the destruction of property and life; although, one may wonder if there is much difference between a bombed-out glass plant, steel mill, textile plant and one that is idle because their production has been stopped peacefully (and I might add the latter smilingly).

With the unprecedented impact of imports on the tool steel industries, this country nor any other, will survive in peace and certainly will find it impossible to wage war. Imported steel products are selling at prices of 18–50% of our required minimum prices.

Another circumstance, Mr. President, that compounds the injury is that many industries are the sole means of employment in some given communities. For example, I have a tri-city area in my district which once was the heart of the aluminum district, a great provider of glass, and all of the supporting semi-manufacturing and services required for a successful industrial venture.

This area has over 40,000 people who now have less than a thousand jobs, in these two main stay industries, to sustain themselves.

I note, Mr. President, that our competitors in the European area have announced that they will continue to ship and push automobiles and other trade goods, at the same prices before the raid on the dollar. This is in direct violation of the anti-dumping laws. It is just a small and very insignificant example of the intense, unrelenting attack on the American marketplace by the exporting nations.

Mr. President, I would appreciate an opportunity to present a computerized study by an impartial research project which proves, beyond a doubt, that in the area of job displacement by imports this nation is getting perilously close to the point of no return. Few, if any nations, that I have visited or studied allows one single item, in any measurable numbers of volume, to enter their markets in direct competition of like products of their own.

If we look at our national debt of approximately $393 billion, when one measures what we have spent in the various forms of aid and support—militarily and commercially—not one cent can be traced to new public buildings, roads, or services to the American people. While our wealth is great and our ability to spring back and rebuild in times of emergency has been phenomenal heretofore, the future holds no such promise.

I have just received a report in answer to a criticism that I made on the depreciation and death of a small but important ball bearing industry. On June 31, 1969, they made an application requesting an investigation under section 232 of the Trade Expansion Act of 1962. A 48 page report on this industry was submitted by the Executive Office of the President, Office of Emergency Preparedness. The report says, in simple terms, that while there is data in evidence to show that serious injury is present, it is concluded that the deterioration is due more to a sharp decline in domestic demand than imports. Figures, however, show that more ball bearings are being used now than ever in the industry's history; and, further more computer study shows the damage to the industry is caused by imports.

Page 13 of your own report reads: "Total annual sales of imported bearings covered in the application increased from 290,000 units in 1964 to a high of 3.9 million units in 1967."

Page 15 is the d—dest statement ever fed to an innocent, ignorant, or plain stupid Congressman. I pray I don't fit this description.

"It nevertheless appears, from the results of OEP's investigation, that at the present time production capacity could still be expanded, if necessary, to meet anticipated mobilization requirements. This expansion assumes that, in an emergency, governmental priorities would be placed on industrial production and necessary Government assistance for obtaining materials, equipment, labor, and working capital would be provided."

Mr. President, is this the kind of illogical, negative position we have been getting for the last 10 years from our trade experts?

Certainly we mobilized for two World Wars. The people were willing, we had the trained, eager workers, we had willing fighters.

Would we be able to do the same in today's world? Simply put, our belief is "we can do anything with money". You can make a silk purse out of a sow's ear—but it's not worth it.

The long ten year study I have made into all of the slogans, statements, and outright questionable figures on trade show that we have been basing our trade balance on two sets of figures, one foreign and one our own. When measured truly, we have greater unemployment than at any time in our history, including the Hoover depression. I say this because during the much maligned Hoover Administration, and I joined in the chorus with millions of others against Hoover, everyone who walked was called unemployed.

Today the statistics on unemployment are narrowed down to a very slim field and, with statistics being what they are, we fail to count the millions of people in this country who are not in the labor market business, because of the economic programs such as Social Security pensions, organized welfare and relief of all kinds. As a result, no true picture can really be given as to the drain upon our employment resources by the impact of imports.

Future historians will wonder what type of economics we were studying and practicing that we took such a stiff and unrelenting position on the restriction of immigrants who we feared would crowd the labor market, and at the same time we allowed the products made by these would-be immigrants to flood the American Marketplace and take the jobs away from our industries and people—just as surely as if we had let them come in and go to work in our plants.

Finally I say that I am willing to cooperate, as I do not believe we should do anything to upset the economy of so many nations; but there are two things I would do if I had the power and felt the need as strongly as I do. First, I would bar from this country any imports of any nation who by its acts devaluates the American dollar in world trade; and secondly, I would immediately start a long-term program of reducing, by percentage, all products that take away jobs from the American workman.

Mr. President, I have jurisdiction over minimum wage and I note there are some rumors that, if passed, you would veto the $2.00 minimum. This does not appear to be reasonable to me, since on one hand you are calling for family maintenance at a level of minimum $500 more than a covered employee under minimum age, who works 2080 hours in a full work year. I find it difficult to expect a man to work for less than his neighbor would get for not working. On the other hand, Mr. President, I am told that any increase in wages at the minimum level would act as an acceleration all the way up the line and, therefore, endanger American jobs from imports.

Perhaps Solomon with the advice of his 1000 wives could find a solution that would resolve this dilemma in a nice non-controversial manner, but having neither the wisdom nor the wives I must rely on the judgment and experience as a public servant, to do that which generate the greater good for the greatest number of people.

I might say that you will probably never find time to read this letter, which I had difficulty finding the time to write, but I wish whoever is reading it would consider it in the vain in which it was written—sincere belief that this country is on the brink of industrial economic disaster. I feel strongly that it is now no longer a fight for protectionism but a fight for survival.

With apologies for taking so much of your time, I remain

Sincerely yours,

JOHN H. DENT.

P.S.—Mr. President, if you do not have the time to read the attached speech I made before the Congress on June 28, 1962, during the passage of the Kennedy Round agreements, I would hope that Mr. Peterson and Mr. Stans would read it and relate the text to you. It really could be called "Coming Events Cast Their Shadows Before."

Any candidate who will take the side of economic survival against the antiquated trade theory will win any office.

THE WHITE HOUSE,
Washington, D.C., May 18, 1971.

Hon. JOHN H. DENT,
Chairman, General Subcommittee on Labor, Committee on Education and Labor, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to acknowledge and thank you for your letter of May 12 to the President regarding the international trade situation and the impact upon American industry and labor. I will be pleased to present your letter and the copy of your 1962 floor remarks during the debate on the Kennedy Round agreements to the President for his consideration.

With cordial regards,

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

COLT INDUSTRIES,
Midland, Pa., April 21, 1971.

Subject: Imports—Specialty Steel Industry.

Hon. PAUL W. MCCRACKEN,
Chairman, Council of Economic Advisers, Washington, D.C.

DEAR MR. MCCRACKEN: You were kind enough to have a meeting with Mr. E. A. March, Mr. B. Bolles and me regarding the import problem on October 21, 1970. To keep your office informed, I am enclosing up-to-date figures and charts on the effect of imports on the specialty steel industry.

You will note that in 1970 there was a continued rise of imports into this badly distressed market. The 1971 data is a projection of the imports for the first two months of 1971, projected on a yearly basis if this level is maintained. It is startling to note that all imports of steel in January and February are "record" for this period of time, and are 71½% greater than they were for the same period of time in 1970. On Chart No. 7, you will note that imports for stainless and tool steels exceeded the voluntary levels that had been projected by 39%, and that based on the first two months extrapolation, they are at a rate of 56% in 1971 over the projected voluntary quota. The effect upon the capability of members of this industry to stay alive and the possible effect upon our defense industry for the future cannot be ignored.

Besides the loss of jobs and the revenue to the government on taxes, imports have been absorbing all the growth development and potential in this industry. Imports have depressed prices to the extent that in addition to a serious possibility of many of the companies in this industry failing rather soon those that do survive cannot expend funds for capital improvements and developments necessary to keep the industry whole and viable. These problems, coupled with the tremendous sums of money necessary for pollution control, sharply diminish the chances of survival of many of the companies involved.

Serious efforts are being made through the State Department for quick action. However, it is startling to read, as on April 20, a dateline from Tokyo stating that a separate quota for special steel exported to the United States is being set up at the 1970 level. This is highly unacceptable and will not permit the specialty steel industry to survive. Further, the imports of stainless steel and tool steel imports to the United States should be 32% below the 1970 shipments to be at the level of the voluntary restraint agreement.

Mr. Roger Ahlbrandt, President of Allegheny Ludlum Industries, has written directly to the President on behalf of the domestic specialty steel industries, requesting a meeting, and we would appreciate any efforts on your behalf to impress upon the President the need for such a meeting so that the industry can clearly demonstrate and amplify the problems involved.

For your information, I am enclosing a copy of Mr. Ahlbrandt's letter to the President.

Sincerely yours,

MARTIN N. ORNITZ.

[From the Harrisburg (Pa.) Patriot, June 28, 1971]

Local Industry Is in Jeopardy

It will be a setback of major proportions for both the city and the Commonwealth if the Harrisburg Steel Company is forced out of business by a change in government regulations.

Routine hearings held in Washington on Feb. 23 and March 16 produced some very dismaying results. The Hazardous Materials Regulation Board has promulgated a series of modifications in rules which, under specified conditions, would permit foreign-made compressed gas cylinders to be imported and sold in the United States.

The manufacture of such cylinders was a peace-time adaptation of a shell-making capacity which flourished during World War II. Although there are four other companies making cylinders, Harrisburg Steel is the principal supplier of the U.S. market. Foreign competitors have been excluded by a government regulation requiring that specified chemical analyses and tests be performed in this country. Adopted soon after World War II as a means of excluding cylinders fabricated overseas to less exacting standards, the rule was periodically reaffirmed by the Federal Trade Commission. More recently the matter came under the jurisdiction of the U.S. Department of Transportation and, specifically, the Hazardous Materials Regulation Board where new attitudes prevailed.

Why the change now?

Partly because foreign governments, working through the U.S. Department of State, have been requesting elimination of the in-country testing requirements for years. Partly because the U.S. Department of Justice has advised that the regulation is actually an act in restraint of trade. And partly—and maybe principally—because bureaucrats failed to incorporate the necessary exceptions when specifics of the Occupant Crash Protection Program were written by what is now the National Highway Traffic Safety Administration.

Beginning July 1, 1973, all new cars sold in the U.S. must include a "passive restraint system," a major component of which is expected to be a compressed gas cylinder. Understandably enough, foreign manufacturers want to ship their cars here already fitted out with the necessary cylinder. Hence the push now for the change which will not only accommodate overseas automotive companies but, unfortunately, flood the American market with cylinders offered at a price with which U.S. producers cannot compete.

Harrisburg Steel is this city's largest taxpayer, largest purchaser of water and steam and second largest purchaser of electricity. At stake here are about 800 jobs, a payroll in excess of $6 million and a total annual tax take by the city and State of close to $400,000.

The issues involved in the proposed rule changes are complicated and go to the heart of several national economic policies. Obviously, if the matter is reopened, they need to be unraveled carefully but we believe our legislators in Washington, the employe unions involved and anyone else with clout in the right place should request a delay in effecting the changes. The secretary of the Hazardous Materials Regulations Board has indicated that communications reaching him before Sept. 9 "will be considered before final action is taken on this proposal."

After World War II the United States bestowed its largesse on exhausted allies and defeated enemies alike, becoming a principal contributor to the recovery of their economies. But today the U.S. has a huge debt, a clouded economy of its own and a currency under siege. This is not the hour to make additional concessions to Germany, Japan or any other. It is time, rather, for them to become concerned about some of our needs.

The chance to manufacture and sell compressed gas cylinders may be mere minutiae in a purview of total world trade but it is a matter of large concern to this city. Our case deserves further consideration.

DEAR MR. DENT: While Japanese specialty steel imports keep pouring in, in violation of the Limitation Arrangement, American industry erodes—in profit, jobs, and planning for the future.

You and your colleagues in the Pennsylvania delegation and those from other steel community centers throughout the nation are urged to organize in support of ebbing the flow of specialty steel imports, which are seriously damaging your constituencies—as we have discussed.

Regards,

R. S. AHLBRANDT.

Latrobe Steel First Quarter Loss

First quarter sales of $9,957,000, down from the $12,855,000 reported for the like period of 1970, were announced yesterday by Latrobe Steel Co. The firm had a first quarter loss of $542,000 or 45 cents per share, compared to earnings of $48,000 or 4 cents per share for the initial quarter last year.

Marcus W. Saxman, III, president of Latrobe Steel, told the shareholders' meeting the disappointing earnings were the result of continued influx of specialty steel imports, continuing poor business conditions and inflationary increases in operating costs.

Allegheny Ludlum Net Fell 38 Percent in First Quarter

PITTSBURGH.—First quarter earnings of Allegheny Ludlum Steel Corp., still plagued by a high level of specialty steel imports, dropped 38% below year-earlier figures on a 7% decline in sales.

Profit of the big specialty-steel maker was $3.9 million, or 52 cents a share, compared with $6.4 million, or $1.02 a share, a year earlier. Sales dropped to $137.3 million from a $147.4 million.

Roger S. Ahlbrandt, president, said that while earnings showed a substantial improvement over the last two quarters of 1970, they were still unsatisfactory. He attributed the disappointing results to the decline in sales resulting from the slow recovery of the general economy, as well as "the continued adverse effect caused by excessive foreign imports of specialty steels."

News Release of Allegheny Ludlum

PITTSBURGH, April 22.—For the first quarter of 1971, Allegheny Ludlum Industries, Inc., today reported sales of $137,244,000, a decline of seven per cent below first quarter 1970 sales of $147,420,000. Net earnings for the quarter were $3,973,000, equivalent to 52 cents a common share after preferred dividend requirements and 38 per cent below first quarter 1970 earnings of $6,364,000, or $1.02 a common share. Per share figures in both periods are based on average number of common shares outstanding during the quarter.

Roger S. Ahlbrandt, President and Chief Executive Officer of Allegheny Ludlum Industries, noted that earnings for the first quarter of 1971 showed a substantial improvement over the last two quarters of 1970. However, he attributed their still unsatisfactory level to the decline in sales due to the slow recovery of the general economy, as well as the continued adverse effect caused by excessive foreign imports of specialty steels. He said the corporation and the industry are intensifying their efforts to secure some relief from this situation through administrative action by the government and through the voluntary restraint arrangements with some foreign producers.

Recent higher levels of orders have resulted in an increased backlog, particularly in steel operations, the Allegheny Ludlum official stated, adding that some part of the increase can be attributed to inventory building by customers against the threat of a possible steel strike in August.

ALLEGHENY LUDLUM INDUSTRIES, INC.—STATEMENT OF CONSOLIDATED INCOME

	First quarter—	
	1971	1970
Sales	$137,244,006	$147,420,140
Costs:		
Cost of goods sold, administration and selling expense, etc	122,981,118	128,804,579
Depreciation	4,204,114	3,811,621
Interest	2,329,511	2,099,299
Federal income taxes	3,756,000	6,340,167
Total costs	133,270,743	141,055,666
Net earnings	3,973,263	6,364,474
Earnings per share of common stock [1]	.52	1.02
Average common shares outstanding	4,744,490	4,744,482

[1] Based on average number of common shares outstanding and after preferred dividend requirements.

The Import Crisis in the Specialty Steel Industry

(By M. N. Ornitz)

There is great danger that the specialty steel industry of the United States which is presently severely depressed could, within five years, be reduced to a very limited number of firms unless restraints are placed on the rising tide of foreign imports. Although we have been talking about this for some time, it is now clearly apparent to all that we are in a trade war.

It is startling to realize that the tremendous expansion program going on in the Japanese steel industries will by 1975 give Japan capacities far in excess of anything we are producing in the United States. In the stainless steel industry, Japan now has capacities exceeding those of this country. In addition, there is a substantial increase in capacity under construction in Europe, and more contemplated. I am not pointing a finger at Japan only—their data are readily available in print, and they are the largest importers.

Overall world capacity is anticipated to increase 27% in the next five years. Of even more importance to the specialty steel producers is the fact that in 1970 the Japanese Stainless Association estimated that their yearly output of stainless will be 1,200,000 tons. This is compared to one of the largest production years in United States history of 900,000 tons of stainless steel in 1969. In 1970, this was down to 700,000 tons. Further complicating the future is the fact that in 1971 another fully integrated Japanese stainless steel plant with an output of 20,000 tons per month will be in production.

This is a very somber picture considering the present import situation. In 1970, imports had already captured 66.5% of stainless rods, 53% of stainless wire, 34% of the stainless sheet business, and 11% of the stainless bar market. The experience is that when over 50% of a market is captured by imports, domestic producers are irrevocably impaired and can no longer compete.

That threat has since become so severe that on February 3, 1971 the international officers of the United Steelworkers of America, their district directors and local presidents joined in a conference with management teams from 32 of our country's specialty steel companies in Washington, D.C. Present also at the conference were Government representatives including the Departments of State, the Commerce and Labor Departments and the Tariff Commission.

Last July I made the categorical statement that we were in a trade war. That war has now become so intensified that it is having dire consequences for all stainless and tool steel, low alloy steel and tubular steel producers in this country.

The earnings reports bear this out—

Many companies showed losses for 1970, others marked reduction in profits—some in the magnitude of a 34 to 200 percent drop from their previous earnings levels.

Crucible, of course, is a major producer of stainless, so that most of the data I will present to you directly reflects on our markets.

The effect of the rising tide of imports is felt not just on the volume of sales—imports also reduce price structures and weaken the ability of American producers to survive in an already troubled market.

Imports affect our ability to provide jobs, our ability to expand our facilities, our ability to carry out our obligation to be good citizens and support community projects.

I think you realize the need for corrective action, so that the stainless and tool steel industry does not fall by the wayside, as did many American producers of pottery, radios, electronic equipment, watches, shoes, textiles, and utensils.

The effect of foreign imports of specialty steel first became apparent in 1968. Through the efforts of our Congress, and negotiated by our State Department, a voluntary agreement was concluded with the European Coal & Steel Community and the Japanese steel producers. This agreement called for a reduction of approximately 22% in tons of all steel imports shipped into the United States in 1969—from 18 million tons to a level of 14 million tons in 1969.

This agreement was to take into consideration existing product mix and geographical location. The language of the agreement read, "During this period, Japan will try not to change greatly the product mix and distribution as compared with the present." Subsequently, it was agreed that increases of 5% over rollback levels of each preceding year would be allowed.

APRIL 27, 1971.

Hon. JOHN DENT,
House of Representatives,
Washington, D.C.

DEAR SIR: Recently I saw your picture inspecting the Crucible Steel plant at Midland, Pennsylvania in one of the Pittsburgh papers. While I am not one of your constituents, we are both interested in the same thing, that is bringing more jobs to Pennsylvania and keeping the ones we have.

My home town of Carnegie used to have a mill called Superior Steel. Superior employed 1,100 people making stainless steel and no longer exists. Now the Universal Cyclops Pittsburgh Works is down to 30% of production.

I am enclosing, for your attention, a sheet taken from a trade journal, the Material Handling Engineering Magazine, showing what advantages foreign countries have over American steel companies in terms of depreciation in addition to lower wage costs. If the American steel industry is to survive and American steel workers are to have jobs in the future, they must have the most up-to-date equipment possible so that they can compete internationally.

Very truly yours,

CHARLES H. NIXON.

INCENTIVES FOR INVESTMENT

(By A. N. Wecksler)

Faced with declining investment in equipment, the Nixon administration has provided new incentives for capital investment by liberalizing depreciation allowances.

The primary goal of this new policy is to stimulate new equipment investment and thus strengthen the economy. But equally important is the objective of making U.S. industry more competitive in the world markets through the use of more productive equipment.

Specifically, three important changes in the depreciation provisions of the tax laws are involved:

(1) A more flexible application of "guideline lives" for classes of equipment. On equipment acquired after 1970, depreciation life can be up to 20% shorter or longer than the "guideline lives."

(2) Termination of the "reserve ratio test," a complicated formula requiring manufacturers to show that they had met their projected depreciation schedules.

(3) Increasing the depreciation allowance for the first year.

The economic effect of the new policy is to make additional funds available for new equipment. Business tax payments will be reduced by $2.6 billion this year, with reductions rising to a peak of about $4 billion in 1976, and gradually declining after that.

A big factor in the decision to liberalize depreciation was the greater incentive to capital investment which foreign governments give manufacturers through more lenient tax writeoffs. But even with the new rules, the U.S. is still considerably behind Canada, France, Japan, the United Kingdom, and West Germany in depreciation allowance over the first seven years of equipment life.

The new policy represents a compromise between advocates of a return to a formula giving industry an actual investment credit, and critics who generally oppose any sort of incentive to industry.

In 1961, President Kennedy proposed a special investment credit, arguing that ". . . our friends abroad now possess a modern industrial system helping to make them formidable competitors in world markets. If our own goods are to compete with foreign goods in price and quality, both at home and abroad, we shall need the most efficient plant and equipment."

An investment credit of 7% was put on the books, and remained in effect until late 1966, when it was suspended to relieve short-term inflationary pressures in the capital goods market. The suspension was lifted after five months, in 1967. Finally, the credit was terminated as a result of the 1969 Tax Act.

During the period that the credit provided tax incentives to capital investment, there was a strong pickup in the development of production capacity. And the system of tax incentives for such investment abroad has similarly increased investment in plant and equipment in those countries.

By contrast, since the end of the investment credit for U.S. manufacturers, business has tended to trim expansion plans. Initially, this merely meant a slower rate of increase in spending for plant and equipment. But, just before the announcement of the new depreciation policies, capital spending plans for 1971 were reported to be 3% less than last year.

This reduction in capital spending comes at a time when U.S. industry is facing intense competition from modern, well-equipped foreign industrial plants. A special Task Force on Business Taxation, named by President Nixon in the fall of 1969, recently pointed out that Japan and its steel industry furnish a dramatic illustration of modernization of facilities.

The Task Force report reported that in 1960 Japanese steel output was slightly in excess of 24 million tons. By 1968 it had more than tripled, to 74 million tons. By 1973 the Japanese plan to have 125 million tons of steel-making capacity, 80 million tons of which will be less than eight years old. Right now, two-thirds of the Japanese steel capacity is less than nine years old.

In contrast, the Task Force reports, "much of the steel manufacturing plants of the United States industry is obsolete. Only one-third of our physical plant is less than 10 years old."

The tremendous growth of the Japanese auto industry, and the construction in recent years of large sheet glass factories in Western Europe and Japan, are also cited as examples of rapid development in foreign productive capacity.

The Taxation Task Force came to the conclusion that the United States must continue the modernization and expansion of its industrial plant just to maintain our present position in world competition. The new depreciation policy came as a partial answer to these recommendations.

The new policy, named the Asset Depreciation Ranges or "ADR," in general will apply to all types of assets for which a guideline life had already been established. And use of the ADR system assures the taxpayer that his depreciation deductions will not be questioned if they are within these ranges.

Different trades or business, even under the same owner, may use different depreciation rates. The purpose of the new system is to provide flexibility to take account of different conditions prevailing in different industries.

Once the taxpayer selects a depreciation schedule for a particular year, he must stick with it for that year. But this does not mean that he must select the same schedule the next time. In order to achieve this flexibility, the Treasury Dept. requires separate depreciation computations for assets placed in service each year, and identification of when these assets are placed in service.

The ADR system also provides a new, modified first-year convention, designed to offer a greater depreciation allowance. This option allows all assets acquired in the first half of the year to be treated as if acquired on the first day of the year, and all assets acquired in the second half of the year to be treated as if acquired at the mid-point of the year.

Finally, the reserve ratio test, which has been highly criticized by industry, is eliminated for taxable years ending after December 31, 1970.

THE DOLLAR AT BAY

The suddenness of last month's announcement that five of Europe's principal central banks had temporarily stopped accepting dollars sent shock waves across the nation. Most Americans simply found it impossible to believe that their dollars, which had been the world's hardest currency for a generation, were no longer "as good as gold."

The cause of this disenchantment with the dollar, as most executives know full well, is the chronic deficit in the nation's international balance of payments. This deficit, which has occurred in thirteen out of the last fourteen years, reached a record $9.8 billion in 1970. The situation would have even been more serious if business had not done its part by exporting $3.6 billion more in goods and services than it imported. Without this surplus in the balance of trade, the payments deficit would have been an incredible $13.4 billion.

The cause of the deficit is, of course, quite obvious: that the U.S. bears virtually the entire defense burden of the non-Communist world. We spend about 8% of our GNP for defense, while the Germans spend only 4% of theirs. And Japan, with the world's third-largest GNP, spends less than 1% of it for military purposes.

Undoubtedly, one answer to the balance-of-payments problem is to bring increased pressure on the West Europeans and the Japanese to bear a larger share of their defense costs. And the obvious way to apply that pressure, at least in the case of the Europeans, is to threaten to reduce our heavy troop commitment in West Germany. But even if our allies were persuaded to come through, the best that could be hoped for is a $2 billion-$3 billion reduction in the deficit.

NEO-STALINIST DISCRIMINATION AGAINST HUNGARIANS IN CZECHOSLOVAKIA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PATTEN) is recognized for 30 minutes.

GENERAL LEAVE TO EXTEND

Mr. **PATTEN**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of my special order today, with reference to Hungary and Czechoslovakia and other Communist countries.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. **PATTEN**. Mr. Speaker, I ask unanimous consent to include a resolution passed by the American Hungarian Federation.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. **PATTEN**. Mr. Speaker, during the past 34 months several of us were paying constant attention to the plight of the peoples of Czechoslovakia who, during the first 8 months of 1968 succeeded in freeing themselves from the shackles of Stalinist leadership and in establishing a semi-independent, semi-Communist transition regime, the evolution of which could have led Czechoslovakia toward a better future where national interests and individual rights would have been adequately protected.

On September 22, 1968, I rose together with more than 20 distinguished Members of the House to denounce the treacherous action of the Soviet Union which also forced this time all of its satellites except Rumania, to participate in this new rape of Czechoslovakia. Today I do not have the time to enumerate the entire sordid record of deception, harassment, persecution, and false charges brought against the courageous leaders in Prague and Bratislava—Pozsony—and the depths to which the half-willing, opportunistic present Czechoslovak leadership, installed by the grace of the Soviet occupiers had to sink as a result of the heavyhanded Soviet intervention into the internal affairs of Czechoslovakia.

Our silence about the events in Czechoslovakia continues, however, unabated. We are supposed to be in the "era of negotiations" instead of "confrontations," and we do not want to rock the diplomatic boat. Yet I believe that to cement and/or solemnly recognize the status quo of Soviet hegemony in Central Europe would be both a moral travesty earning us the contumely of the nations of the regions and a major political-psychological mistake as well. I also believe in negotiations, but these must commence with a frank discussion of political realities as we see them, and the fact is that perhaps nowhere else in Europe is Soviet intervention more blatant and far-reaching in 1971 than in Czechoslovakia.

Today when even the present Soviet leadership seems to have second thoughts about the long-term value of not alienating world opinion, we should definitely expose in the court of public opinion the true situation in Czechoslovakia, instead of, what we seem to be practicing with regard to our past Vietnam policies, wallowing in self-incrimination and self-criticism.

For we are receiving steady reports on the enforced change of leadership even in cultural and social organizations both of the majority and minority nations and nationalities. We also have the proof that the Soviet use of the divide et impera is egging on the exacerbation of nationality conflicts which, perhaps more than ever in the life of the two Czechoslovak Republics, were on their way to an equitable solution in 1968.

Those of us familiar with the Communist jargon are able to discern easily the true significance of events even by reading the Czechoslovak press of today. Today I am referring to the situation of the 700,000 to 750,000 Hungarians in Slovakia. Until the sixties they formed the most mistreated and repressed part of the population, having had to submit to innumerable and unmentionable humiliations and brutalities between 1945 and the late fifties, first on a national, later on a national-ideological basis.

In the summer of 1968, my distinguished colleague from Ohio (Mr. MINSHALL) and several of us discussed the great improvements in their fate and their renewed expression of belief in humanism and the values of individual freedom and dignity during the Dubcek "thaw." I wish, we could report the same today. Alas, rather the last vestiges of an independent representation of the Hungarians in Slovakia, the CSEMADOK, the only nationwide social and cultural organization, appears to have been effectively curtailed, if not destroyed, by the election of new Stalinist Central Committee members and of the position of the national president. With the CSEMADOK as a loyal and colorless indoctrination center for the Soviet type of communism foisted upon the Slovak Communist Party, the courageous democratic voices of the Hungarian leadership in the Czechoslovak Republic will be effectively silenced.

This unfortunate development occurred at a time when Hungarians are again generally attacked as vanguards of the 1968 deviation and as the former exploiter of the masses in Slovak magazines and periodicals, which have official blessing by the Slovak Communist Party or by the Slovak Cultural League—Slovensk Matica. Some of my colleagues will insert material on this last issue. For myself, I only want to insert the resolution passed by the American Hungarian Federation last week on the sorry events and I am asking for unanimous consent in this regard. The American Hungarian Federation has proven to me not only a reliable source of information gathered by specialists like the chairman and secretary of their International Relations Committee, Prof. Maurice Czikann-Zichy, Immaculata College in Pennsylvania, and Z. Michael Szaz, Director, American Institute on Problems of European Unity, Inc., and of Troy State University, but also as a genuine American organization, a trustworthy bulwark of democracy and individual freedom and dignity under the wise leadership of my good friend, Rt. Rev. Zoltan Beky, D.D., bishop emeritus of the Hungarian Reformed Church of America.

The resolution follows:

RESOLUTION OF THE FOREIGN RELATIONS COMMITTEE OF THE AMERICAN HUNGARIAN FEDERATION ON THE SITUATION OF HUNGARIANS IN CZECHOSLOVAKIA

The American Hungarian Federation has pursued with concern and interest the deteriorating situation of the long suffering Hungarians in Slovakia. There were definite developments in 1968 which displayed signs of alleviation in the life of the minority but today the government of Czechoslovakia, at the behest of the Soviet occupiers, is again in the hands of Gustav Husak who played a significant role in the post-1945 period when the Hungarians of Slovakia were individually and collectively officially deprived of their civil and political rights. The new campaign to oppress responsive and responsible leadership in the only nationwide cultural and social organization, CSEMADOK, started already in 1970 and culminated this year.

The American Hungarian Federation, upon being informed by the Hungarian-language newspapers in Czechoslovakia (*A Het—The Week* and *Uj szo—New Word*) of the recent change in the CSEMADOK leadership resulting in the "election" under duress of Stalinist and pro-Soviet members to replace the leadership in office since 1968, and

Upon being informed by the same newspapers and weeklies of the continuing pseudo-academic and journalistic denunciation of Hungarians in Czechoslovakia,

1. Denounces the removal of Laszlo Dobos and of many Central Committee members at the annual session of the Central Committee of the CSEMADOK as measures foisted upon this organization (which constitutes the only nationwide representation of Hungarians in Czechoslovakia) by the Soviet occupation authorities and their newly installed Slovak Communist Party quislings. These steps are actively depriving the Hungarians of that country of their last semi-independent cultural and vocational representation in the CSR.

2. Condemns the continued anti-Hungarian book and article publications, including Vladimir Manac's *The Stirring of Embers*, the February 1969 issue of *Mlady Slovak* (Young Slovak), edited by a member of the Presidium of the *Slovensko Matica*, P. Virsik, and many others, and expresses its hope that Hungarian journalists and academicians will not fall prey to persecution in the name of the obligatory acceptance of the Brezhnev Doctrine and the anti-Hungarian views of the servants of the Soviet Union in the Slovak Communist Party.

3. Expresses its concern that the continuing deterioration of the cultural and political rights of the Hungarians in Czechoslovakia may be a consequence of Soviet policy to rekindle some support in Slovakia by giving free reign to Slovak antagonisms toward Hungarians as a concession for forcing upon the Slovaks the occupation of their country.

4. Appeal to the United States Congress, the press, radio and TV media to oppose, by exposing to publicity these events and the reasons and motivations behind them in regard to the sorry state of the three quarter million Hungarians in Czechoslovakia.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. PATTEN. I will be happy to yield to my colleague, the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. PATTEN) for his statement and for the remarks that he has made on many occasions prior to this in the House in regard to the enslaved nations, including Czechoslovakia, Hungary, and other nations.

Mr. Speaker, this being Captive Nations Week, it is very proper for the gentleman from New Jersey to bring to the attention of the Members of the House and to the American public the tyranny and the enslavement that continues to hover over the captive nations, including Czechoslovakia. After all, the methods used and the barbarous atrocities that have been committeed by the Communist leaders on the Czechloslovakian people and the other captive nations has not changed any whatsoever since they were first enslaved by the Communist tyrants, and I believe that the fight must continue.

As the gentleman from New Jersey (Mr. PATTEN) has stated here today, these nations some day will be free. History reveals that over the centuries we have had many tyrants who have enslaved free people, but that eventually these tyrants, because of their atrocities and their enslavement have caused the people to rebel, and they have risen against these tyrants and overthrown their tyrannical oppressors, and restored free government and regained their liberty. There is no doubt in my mind but that in the future, as long as the people of the free world continue to help in every way possible to give encouragement to the enslaved people in the captive nations that, just as history has revealed in the past centuries, they will be restored to their liberty and freedom.

Mr. PATTEN. Mr. Speaker, I want to thank my colleague, the gentleman from Indiana (Mr. MADDEN) for his comments.

I further wish to say that while we sit here and hear a lot of talk about the captive nations, that I saw the results of the fighting in Hungary, saw the Russian soldiers on the streets of Budapest in clusters of 20 or more, and I saw their tanks after 1968. And right today Hungary is controlled by the Russian military, and the Hungarians have lost their freedom.

Do you know that Hungary has the highest suicide rate in the world? It is 13 times ours. Hungary also has the lowest birth rate. They are really carrying out a policy of racial genocide against the Hungarians. While we sit here, the last figure that I heard was that there were over 400,000 Russian soldiers still in Germany; there were 320,000 Russian soldiers still in Poland.

Mr. Speaker, I say that all of those of us who love freedom and law and order ought to pay attention to those of us who are interested in the captive nations, and the problems that we point out, so that we may all have a fuller understanding of where we are going and what the problem is.

Mr. Speaker, I want to thank all of the Members for joining with me, and I yield back the balance of my time.

Mr. GERALD R. FORD. Mr. Speaker, my distinguished colleague from New Jersey (Mr. PATTEN) and several other House Members are today discussing recent disturbing events in Czechoslovakia, a country occupied by the Soviet Union since August 1968 in brutal disregard of its right to national self-determination and noninterference.

We have seen a wave of oppression in Czechoslovakia since August 1968—a wave of oppression which has slowly but surely engulfed the Hungarian minority there. This minority, which suffered far-reaching national and political discrimination between 1945 and 1949, was one of the groups espousing liberal change in Czechoslovakia and a just resolution of still-existing national and nationality problems in that country. There was hope, before August 23, 1968, that their aspirations would be realized in the new federated state structure.

The present regime in Czechoslovakia decries the Hungarian minority's demands for cultural autonomy and self-administration as bourgeois-nationalist. The leadership of the CSEMADOK, the only national social and cultural federation of Hungarians in Slovakia, has been completely changed by Soviet-inspired Slovak Communist pressure. The polemics against the Hungarians in Czechoslovakia, both on a national and a class basis, are reemerging.

It is important that we point up these distasteful developments while we negotiate with the Soviet Union. We must realize that unless the Soviet Union abandons the Brezhnev doctrine, lasting peace and detente in Central Europe may be impossible.

Mr. DULSKI. Mr. Speaker, recently I have received information about the continuing restalinization in Slovakia both in the Slovak Communist Party and in the hitherto liberal and responsive leadership of the only nationwide organization of Czechoslovakian Hungarians in the cultural and social field, the CSEMADOK, from the American Hungarian Federation and the National Committee of Hungarians in Czechoslovakia, which is collaborating closely with the former.

In 1970, the leadership of CSEMADOK had to criticize its own responsible actions in 1968–69 when they were asking for liberalization, and a just resolution of the existing nationality problems in the spirit of cultural autonomy and self-administration.

In April 1971, the newly co-opted members in 1970 were "elected"—as a result of official pressure of the reconstituted neo-Stalinist Slovak Communist Party—as chairman, general secretary, secretary, and further members of the executive committee were co-opted to give the neo-Stalinists a majority in the body.

In the meantime, Slovak literary, historical, and political polemics continue with Soviet blessing—tearing up the path to reconciliation which has been taken by both nationalities in the 1968 Dubcek period.

We must not close our eyes to these developments and I am joining the distinguished gentleman from New Jersey (Mr. PATTEN), and other colleagues, in denouncing the developments in Czechoslovakia which have resulted in a further restriction of its citizens' human and civil rights.

Mr. HELSTOSKI. Mr. Speaker, it gives me great pleasure to join with my distinguished colleagues ably led by the gentleman from New Jersey (Mr. PATTEN) in reporting to the House the population problems in Czechoslovakia, a deterioration which now reached with its full force along with the Hungarian minority of that country.

The last 35 months have witnessed constant interference with the internal politics and administration of that country by the occupying Soviet forces and their political advisors.

One of the major problems in Czechoslovakia in 1968 was the just resolution of the nationalities problem. Auspicious beginnings were made in the federalization of the state between the Czech and Slovak parts and by recognizing the rights of nationalities within the federal provinces as well. The social and cultural organization of the Hungarian minority, CSEMADOK, played an important and substantial role in exposing past abuses and suggest's concrete proposals designed to promote peaceful cooperation between the nations and nationalities of Czechoslovakia.

Today, the policy of 1968 is buried by Soviet fiat. In 1970 the Slovak Communist Party was "reformed" and its new leadership, pro-Soviet and neo-Stalinist imposed upon the Presidium of the Central Committee of CSEMADOK a number of neo-Stalinist officials who were not members of the Central Committee in 1968. In April 1971 these new members were "elected", under intense pressure of the new, neo-Stalinist Slovak Communist Party, as chairman, general secretary and secretary of the organization and many new members were "co-opted" into the Central Committee's Presidium to give them a majority. The first acts of the new leadership were not only the denunciation of the 1968 program but also open kowtowing to the Slovak Communist Party and insistence on a rigid adherence to the Party line.

In the meantime, the Soviet divide et impera approach is used not only within but also among the nationalities. Slovak Communists are encouraged to start polemics with the Hungarians in order to create an atmosphere in which discrimination, either on national, or class and ideological basis, could be successfully employed against the 1968 spirit of the Hungarian minority.

Under such circumstances it is of importance to recall what the minimum requirements of the Hungarian minority have been after the Soviet occupation. Such a survey is given in the excellent unsigned article in the Hungarian-language daily A Het—The Week—about 2 years ago, that is, about 10 months after the Soviet occupation. I insert the translation of the text of this article into the RECORD:

WE HAVE THE RIGHT TO BE HUNGARIAN

(Unsigned)

The retention of mother tongue and nationality belongs as a natural right of man. Insisting upon these is not a sign of nationalist bias. This basic loyalty is forced upon man by the demands of survival, for our future survival lies in our awareness of this relationship.

Our age is both an age of modern national consciousness and inevitable social integration. These two processes are complementary: national consciousness would be transformed into national intolerant pride, while integration without national consciousness would become cosmopolitanism. Consequently, modern national consciousness cannot form an obstacle in the path of mutual understanding of peoples, or to the establishment of intensive relations among them. At the same time, integration cannot violate the interests of nations and nationalities. Sometimes tensions are discernible between these two basic processes. The reason is that the process of integration is motivated by mostly economic factors, while national consciousness is formulated by intellectual forces. In order to provide for undisturbed development, these two determining tendencies must be harmonized. It is a general rule that economic problems are relatively easier to solve while national sensitivities often create more complicated situations. The latter are usually caused by the lack of solutions of the national and nationality questions and this leads—as practice teaches us—to conflicts. It is the most ardent desire of any nation to live its own unique life style to the fullest. National self-expression absolutely requires the practice of national self-determination and self-administration. If either of these principles is impaired or is lacking, the compulsive need for national or nationality expressions necessarily becomes more apparent and the nation—in order to ensure its survival—begins to fight for the recognition of its rights. Thus the suppression of justified national claims and aspirations fails to weaken national consciousness. It rather strengthens it while distorting the same and the existing satisfaction can create extreme nationalism. Thus we have already arrived at the roots of national and nationality conflicts.

A farsighted and sober national policy will want to prevent national and nationality conflicts by solving the nationality problem justly and generously (thus we find no chauvinism or irredentism in Finland).

We are witnessing the interdependence of even non-neighboring nations in regard to science, economy, etc. Even more obvious is the interdependence among neighbors. Thus, unsolved national problems should never interfere with improved relations and cooperation. The consequences of antagonisms would be too horrible to contemplate; therefore, the only way out is to solve the problems arising of national and nationality coexistence. If we recognize and this is to discern—that the right to national self-expression fails to threaten the existence and interests of any nation, especially if such right is given to a nationality forced to live with the others in the state community, the solution of the problems indeed becomes possible. If we deny the above tenet, any solution of the problem will nearly become impossible. If a minority, forced to live in a foreign linguistic and social environment has to demand for itself all the specific national rights enjoyed by the majority, it is obvious that the numerically stronger majority will want to substantially influence those who are numerically weaker: it wants to deprive the latter from its specific ethnic character and condemn it to the fate of assimilation.

It is well-known, however, that national existence alone on the part of the national minority can create certain disadvantages. Therefore, the view must be adopted that national minorities must be given guarantees and specific rights in order to maintain its existence and national character. The numerically weaker is increasingly exposed to the assimilating influence of the majority and to the danger of linguistic and cultural eradication. In order to remove this fear an honest and sincere majority will attempt to grant special rights to the minorities. (It is a common rule of ethics that the weaker must be protected.)

The process of national and social renaissance which had begun in our country in 1968 had as its goal the just resolution of the nationality problems. The solution has to consist of the awarding of equal rights and the guaranteeing of special nationality rights. The most important of these rights is that a nationality should enjoy the protection of its national character in regard to culture and the mother tongue.

The granting and guarantees of special minority rights are not opposed to the principle of equal rights despite its favoring the minority at the expense of the majority. Accordingly Laszlo Rehak, a prominent expert on nationality problems in Yugoslavia, has stated, "The meaning of the special rights consists of opening the doors to the minority to form a unit with the majority without having its national character compromised and to receive compensation for its inherent disadvantage of being a numerical minority." (*The Minorities in Yugoslavia*).

This means that the use of the mother tongue by that nationality, living in ethnographically compact areas, e.g., the Hungarians of our country, may claim the use of its language as the accepted language of social contact in the areas where they form the majority. The same applies to the majority language as the accepted language of social contact in areas where it is spoken by the majority. Only this state of affairs deserves the definition of equal rights. Socialist equality of rights cannot be twisted around. There are no superior nations recognized in it. Every nation or nationality whose national existence is recognized by the Constitution, becomes a state nation. Thus, free use of the mother tongue by the nationalities forms the first requirement of practical equal rights. This was shown by the findings of the International Seminar held under the auspices of the United Nations in June 1965 in Ljubjana dealing with human rights in a multinational community. At this seminar the majority accepted the principle that "in certain circumstances and environments the so-called language of the Republic is not always the generally used language, but it is replaced by that of a particular national minority. Thus, in recent times, the learning of the nationality language has increasingly become a necessity in areas where it forms the language of (social) contact. This (finding) is particularly valid in regard to political cadres and leading experts who have a different mother tongue."

A particularly significant task is performed by the nationality schools. They possess a two-fold importance: (a) they are the guarantors for the retention of the specific features of the nationality (national consciousness, mentality, education, traditions, customs, etc. . . .) and **(b) they serve the** quality of education in the most efficient manner. Through limiting instruction in the mother tongue the nationality would not only be deprived of its specific right, but also of equal rights as such. Here we have to struggle against many deficiencies, yet only in regard to the grade schools does a rough equality of education exist for nationality schools. The nationality schools cannot accomplish their task in a social environment in which the school language is not practically recognized, but forms only a tolerated means of social contact. The language of instruction does not exist in a vacuum. Language is the most unique characteristics of anation. Without it, a nation dies or disappears. Nothing can substitute for the loss of the language. Expanding the teaching of the mother tongue and recognizing the equal rights of languages form basic preconditions which the Socialist policy of national equality forces upon us irrevocably and without delay. In order to do so, all of us have to admit finally that we must, once and for all, reject the integral nationalist illusion that "elements which are alien to the nation" must be assimmilated by the majority. It is widely known, that especially in the years after World War II, the Hungarians here had to subject themselves to many discriminatory measures which were not only opposed to international law clauses but violated their human dignity, if they wanted to remain in their region. As a result, even today the number of those who, because of their intimidation during that period or later and because of forced appeals to their conscience, do not dare to confess their own nationality and true mother tongue. Their number is estimated to be in the hundreds of thousands.

We must therefore recognize the inalienable right of the possession and expression of ethnic character. National ethnic character and language should no longer form objects of dispute and compromise. This is only possible if all nations and nationalities recognize the fact that theirs is not the only nationality and other ethnic features but other nations have the right to possess them, too.

Man, no matter to which nation he may belong or wherever he may reside on the face of the earth, is from ancient times on, propelled by the same desires and aspirations to live a fully human life and to achieve the recognition of his individuality. These truly just and weighty requirements can only be generally observed if we can identify ourselves with the humanistic traditions of our history; with the warning advice coming from fateful past encounters which according to historical findings—always originate in the inability of neighboring nations to settle their own affairs. This sober rationality based on historical recollections is now reenforced with the menacing world catastrophe.

To maintain ourselves and also to survive form mutual conditions. We can say that the present world situation bids us sternly "to settle our own affairs."

Mr. SHRIVER. Mr. Speaker, I wish to join my colleagues in Congress, the people of the Fourth District of Kansas, and the rest of the Nation in commemorating the national observance of this the 12th annual Captive Nations Week. By joint resolution on July 17, 1959, the 86th Congress authorized and requested the designation of the third week of July as Captive Nations Week. Twelve years have passed since then and there have been many changes in domestic and international affairs. But one thing that has not changed is the desire for national independence in Eastern Europe.

We must not allow ourselves nor the rest of the world to ignore the sad plight of these courageous people. We must continue to recognize and to support the concepts of national independence, of political and personal freedom and of maintaining basic human dignity.

Thus be it only fitting that Captive Nations Week should fall in the same month as the celebration of the independence of the United States. July 4 represents the reaffirmation of the American people, of their belief and faith in the principles which were set forth in the Declaration of Independence 195 years ago. Captive Nations Week represents the recognition by the American people of the ever pressing truth that if we wish to safeguard our own independence, we must help the Communist-enslaved peoples of the world to achieve their freedom.

For some 25 years, the peoples of the captive nations have suffered under the oppression of Communist rule with little or no freedom of speech, freedom of the press, and freedom of religion. These people however, have not, and with God's help, will not lose their all encompassing desire to be free.

In conclusion it is with a great deal of pride and sadness that I speak today in remembrance of our fellow men enslaved by communism. I, as I know all of the free people of the world, hope and pray for the times when Public Law 86-90 is no longer needed and the day when the peoples of the captive nations are free and are able to shape their own destinies.

Mr. MINSHALL. Mr. Speaker, as a Congressman whose district includes many fine citizens of Czech, Slovak, and Hungarian descent I have long taken a keen interest in developments in Czechoslovakia.

I watched with pleased, though cautious, optimism at the good news in the summer of 1968 of the liberalization that had taken place in that nation. This included the freedom loving and democratic forces in the ranks of the Hungarian minority of Slovakia which gave full support to the Dubcek regime. They were making progress for a just resolution of national and nationality problems, facilitating the process of reconcilation.

Then, in September, I took the floor to speak on the shameful Soviet invasion of Czechoslovakia, to express my fears that the popular expression for freedom and human dignity might be repressed by Soviet arms and political intervention.

These fears become a reality. The cultural and social organization of the Hungarian minority, the CSEMADOK was purged progressively in 1970 and this year until the new leadership now is strictly neo-Stalinist and a pawn of the purged, neo-Stalinist Slovak Communist Party. Anti-Hungarian polemics, blaming the minority for the events of 1968, are prevalent and trusted leaders are becoming "nonpersons" at an alarming rate. Thus I must raise my voice to denounce these developments and express my conviction that without Soviet abandonment of the Brezhnev doctrine and its oppressive consequences for the nations of East Central Europe, no lasting detente in Europe will become possible.

Mr. HOGAN. Mr. Speaker, I am pleased to join with the gentleman from New Jersey (Mr. PATTEN) in denouncing acts of discrimination committed against the Hungarians of Czechoslovakia. These acts against the freedom loving and democratic peoples of Czechoslovakia can be attributed to members of the Czechoslovak Communist Party, now under the control of pro-Soviet forces.

The Soviet occupation advisors have reportedly been actively promoting nationality discrimination and agitation in the country with the goal of dividing opposition to the pro-Soviet forces. In a divide-and-conquer-type movement, Slovaks are urged to attack Hungarians and Czechs are urged to disagree with Slovaks with the end result being a vast confusion of discrimination and attacks on nationality.

The hopes for national reconciliation raised in 1968, when the Hungarian minority was awarded a minimum of rights and promised more for the future, are swiftly disappearing, and the minority is being relegated into a servile status.

It is our duty as representatives of the largest and most powerful free nation, to bring these matters to the attention of the court of world public opinion. We must heed the lesson that without the end to the Soviet-imposed Brezhnev doctrine and the recognition of the right to national self-determination and sovereign equality of states in East Central Europe, no lasting detente can be built in Europe.

The Brezhnev doctrine with its limited sovereignty implications, is in reality a restatement of the Marxist-Leninist world view. In other words, in the Soviet view, in the struggle between capitalism and socialism everything is inferior to the goal of revolution and if individuals and even entire nations must be sacrificed to obtain this goal, then these sacrifices must be made.

This frightening concept is what we must fight against in Czechoslovakia, and indeed, in all the captive nations of Eastern and Central Europe.

In this regard, a most informative article by Charles T. Baroch appeared in the July 1971 American Bar Association Journal. Dr. Baroch is the scholar in residence for the American Bar Association Standing Committee on Education About Communism and Its Contrast with Liberty Under Law. His article destroys the popular belief that the Brezhnev doctrine is new and explores its fundamental concepts.

Mr. Speaker, as part of my remarks, I insert Dr. Baroch's article in the RECORD at this point for my colleagues' perusal.

THE BREZHNEV DOCTRINE

(By Charles T. Baroch)

More than two years ago the non-Communist world was shocked by the ruthless intervention of Warsaw Pact armed forces in the Czechoslovak Socialist Republic. The alleged purpose of the intervention was "to defend the socialist character" of a member of the world socialist system and its "socialist achievements."

The Warsaw Pact countries, especially the U.S.S.R., were accused, even by some Communists, of having violated Czechoslovak sovereignty and right of self-determination. Non-Communist reaction was well summed up by the indignant editorial in *The New York Times* of September 28, 1968, in which the name "Brezhnev Doctrine" may have been coined:

The latest Kremlin attempt to justify the invasion of Czechoslovakia is further indication of Stalinism ascendant in Moscow.

The earlier attempt to claim a status of semi-legality on the basis of a supposed invitation to the invaders from high Czechoslovak Government and Communist party leaders has apparently been discarded. Instead, Pravda now enunciates what must be called the *Brezhnev doctrine,* though the same thinking was manifest in the brutal repression of Hungarian freedom in 1956. The core of this doctrine is the assertion that Communist-ruled states enjoy neither genuine sovereignty nor genuine rights of territorial integrity, that the Soviet Union may at any time it deems proper send troops into any such states in order to pressure Communist rule.

What permits the Soviet Union to issue and even to implement such doctrine is, of course, Soviet military power. This reliance on force and contempt for law must raise fears among others that some day Moscow will decide that the sovereignty and territorial integrity of non-Communist nations is also being interpreted too abstractly and without due attention to class principles.

Questions arise as to the origin and scope of this allegedly new doctrine. It seems that the editorialist who coined the term, which has become an international household word, had in mind an analogy with certain American policy pronouncements now, with the acquiescence of other states, part of customary international law. Analogy with the most famous of these, the Monroe Doctrine, is very tempting, but, as I hope to demonstrate, despite superficial similarity, the so-called Brezhnev Doctrine is precisely its opposite in every respect.

There are three fundamental problems regarding the Brezhnev Doctrine: (1) Can it be attributed to Brezhnev? (2) What is its relation to international law? and (3) What are its real content and implications?

PERSONAL DECISION MAKING BY COMMUNIST LEADERS IS MINIMAL

Certain aspects revealing a conventional, narrow understanding of the Communist world outlook are usually stressed by authors considering the Brezhnev Doctrine. It is assumed that the *Secretary General* of the Communist Party of the Soviet Union (C.P.S.U.), with the approval of the Politburo, formulated a *new* doctrine of the *limited* sovereignty of a member of the socialist system of states. Yet, there is in Communist-controlled states very little personal decision making by individual leaders, however exalted their positions. The "fraternal assistance" to Czechoslovakia was a vital policy decision of the C.P.S.U. Politburo based on evaluation of the global situation and recommendations by several departments of the C.P.S.U. Central Committee apparatus, of which the present Secretary General is a product. He therefore hardly deserves to be honored as the doctrine's originator.

There is the widespread conviction, also, that this doctrine represents a new foreign policy formula or, at least, a revival of policy discarded after Stalin's death. It is enough, however, to consult earlier Communist documents to see the fallacy of this view.

1957 DECLARATION REAFFIRMS BASIC MARXIST-LENINIST TENET

In 1957, for instance, following the suppression of Polish and East German unrest and the Hungarian uprising of the year before, the ruling Communist Parties of the twelve socialist countries met in Moscow to define the Communist co-ordinated policy for the later 1950s and 1960s. They sought to outline basic rules of conduct to avoid the pitfalls of mechanical copying of C.P.S.U. methods (the so-called dogmatism) and, what was considered even more dangerous, of revisionism of Marxist-Leninist tenets or right-wing opportunism. Their declaration stated:[1]

> In our epoch, world development is determined by the course and results of the confrontation [*sorevnovaniye*][2] between two diametrically opposed social systems [socialism versus capitalism]. [In that confrontation] the strengthening of the unity and fraternal cooperation of the socialist [communist-controlled] states and of the Communist and Workers' Parties of all countries and closing the ranks of the international working class, national-liberation and democratic movements take on special importance.[3]

While asserting that "the socialist countries base their relations on the principles of complete equality, respect for territorial integrity, state independence and sovereignty as well as non-interference", the declaration emphasizes that, however important, these principles *"do not exhaust* the essence of their relations". (Emphasis added.) Fraternal, mutual assistance is an integral part of these relations and "finds its expression in the principle of socialist internationalism",[4] which has thus been elevated to a fundamental doctrine, superimposed on international law in socialist interstate relations.

In order to offset the dangers of revisionism, the twelve participating parties forcefully, reaffirmed the correctness of the basic Marxist-Leninist tenet that "the processes of the socialist revolution and socialist construction are governed by a number of basic 'laws,' applicable in all countries embarking on the socialist path."[5] Their declaration then lists these generally valid principles and rules of conduct binding on all Communist Parties, ruling or nonruling alike:

1. Leadership of the toiling masses by the working class, whose vanguard is the Marxist-Leninist Party, in bringing about a proletarian revolution in one form or another [either by peaceful or violent (civil war) means] and in establishing some form of the dictatorship of the proletariat;
2. Alliance of the working class with the bulk of the peasantry and other strata of the toilers;
3. Abolition of capitalist ownership and establishment of public ownership of the basic means of production;
4. Gradual socialist reorganization [collectivization] of agriculture;
5. Planned development of the economy with the aim of building socialism and communism;
6. Completion of a socialist revolution in the sphere of ideology and culture and formation of numerous intelligentsia devoted to the working class, the toilers and the cause of socialism;
7. Elimination of national oppression and the establishment of equality and fraternal friendship among people;
8. *Defense of the achievements of socialism*[6] [emphasis added] against encroachments of external and internal enemies; solidarity of the working class of a given country with the working class of other countries—proletarian internationalism.[7]

Two observations should be made with regard to the 1957 declaration. The Soviet delegation to the 1957 conference was headed by the then First Secretary of the C.P.S.U. Nikita S. Khrushchev, who, for all his reputation as promoter of peaceful coexistence, in 1956, as will be remembered, had given fraternal military assistance to orthodox Hungarian Communists led by Janos Kadar in their effort to preserve socialist achievements in that country.

Also, the same basic rules for Communist conduct defined in the 1957 declaration are quoted, as we shall see, in Brezhnev's arguments to justify the 1968 Warsaw Pact occupation of Czechoslovakia. A constantly deteriorating situation (from a Communist viewpoint) had developed there, with the local Communist Party in disarray and losing its total control (dictatorship) over the state,[8] resembling the 1956 Hungarian crisis.

In the view of the Warsaw Pact governments this situation fully justified armed intervention, aimed at restoring the Communist Party power monopoly. The non-Communist world, however, branded it as "contrary to every elementary rule of international law, to say nothing of the UN Charter".[9]

It is of major interest, therefore, to look next into the Communist attitude toward these elementary rules of international law, which are essential for normal intercourse among states. Since legal norms are basically rules and guidelines of conduct, whether of individuals or states, the importance of understanding the Soviet legal system and its underlying philosophy cannot be overemphasized in our search for communist policy motivation. Secretary of State William P. Rogers summed it up very well when as Attorney General he wrote in this *Journal*:

> When we talk about competing with International Communism in the realm of ideas, we are talking in large measure about the ideas which are the basis of our legal system.[10]

The so-called Brezhnev Doctrine has often been qualified in the non-Communist world as a doctrine of limited sovereignty, applicable only to a socialist state. What, briefly, is the Communist concept of state sovereignty within the international law context?

STATE CONCEPT DIFFERS FROM TRADITIONAL NOTIONS

The state concept—and sovereignty is an important attribute of the state—as defined in the Marxist-Leninist theory of state and law differs substantially from traditional notions. The theory of the origin, nature and aims of the state was formulated by Lenin, a lawyer by education, who relied heavily on Frederick Engels's work, *The Origin of the Family, Private Property and the State.* As is well known, Engels tied the states' origin to the appearance on the historical scene of private ownership of the means of production and the resulting split of society into antagonistic classes. The state emerged, and continued to exist, as an organ of class rule (slave-owners over slaves, fuedal lords over serfs).

At present, Marxist-Leninist theory distinguishes between the two basic forms of class society: in one the classes are *hostile* and *antagonistic* towards each other and are engaged in bitter class conflict (burgeoisie vs. the working class in a capitalist state); the other, after doing away with private ownership of the means of production, is identified by co-operation of *friendly* classes (the working class and *kolkhoz* [collective farm] peasantry in a proletarian-socialist state) in a joint task and aim: building socialism and, ultimately, communism.

Marxism-Leninism disclosed the *class* nature of the state, and, in a society with antagonistic classes, it considers the state as a machine of suppression. "The state"—noted V. I. Lenin—"is a machine used to support the domination of one class over another." The figurative word "machine" immediately indicates the gist of the class nature of state; it helps to explain that a state like any machine is a tool in the hands of people, a tool which multiplies their strength as representatives of the ruling class. Consequently, the state in its essence is an instrument of a dictatorship—of class domination.[11]

The state in a capitalist society, according to Marxism-Leninism, serves as an instrument for the oppression of the majority (the toiling masses) by the minority (the *bourgeoisie*). The state of the dictatorship of the proletariat, on the other hand, serves as an instrument of suppression of a minority (the remainder of the vanquished exploiting classes) by an overwhelming majority (the working class and the peasants). Only after the complete victory of socialism does the state cease to be an organ of class domination; under socialism it continues to serve as an instrument of political power of the friendly classes of toilers.

POPULAR SOVEREIGNTY IS A FICTION

In theory, the working class rules the proletarian-socialist state and is thus the bearer of its sovereignty. In fact, however, popular sovereignty is a fiction in such a state because of the unique position of the Communist Party, a position equivalent, ultimately, to one of exclusive and total control over the state. The ruling Communist Parties not only formulate policy for all aspects (economic, political and cultural) of society's life, but they also select cadres for the state apparatus who carry out and supervise their policy.[12] This is justified by the party's claim to be the vanguard of the working class in its revolutionary mission to transform the world.

The class character of the Communist-controlled party-state and, consequently, of its sovereignty introduces a new international or, better to say, supranational concept into interstate relations between socialist states themselves as well as between "capitalist" and "socialist" states.

In their interstate or, rather, interparty relations, Communist-controlled states claim to be primarily guided by the principles of socialist internationalism and not by general international law,[13] although, Soviet jurists assert the socialist states consistently

> uphold the observance in international intercourse of the generally recognized democratic principles of international legality and law . . . they are inserting a new content into old legal forms, a new quality arising from the *socialist* character of those states.[14] [Emphasis added.]

This process is being described as the formation of a separate socialist international law, which will gradually replace general international law "when the world socialist system will occupy a dominant position in all areas of international relations".[15]

Meanwhile, intercourse between socialist and capitalist states is allegedly regulated by norms of general international law, often called by Communist jurists "the Law of Peaceful Coexistence" between states of the two antagonistic social systems. It is not a law of peaceful intercourse in the traditional,

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Footnotes at end of article.

non-Communist meaning, but a set of norms operating in a historical situation characterized by the absence of major (nuclear) conflict between the two systems, whose "coexistence" is described as a specific form of class struggle between socialism and capitalism in the international arena. . . . Peaceful coexistence between the two systems does not exclude revolutions in the form of armed uprisings and just national liberation wars against imperialist oppression, which occur within the capitalist system.[16]

In this context the international law principles of the sovereignty of a capitalist state and noninterference in its internal affairs, despite formal acceptance by the Communists, are logically also subordinated to the overriding aims of class struggle (for example, international civil war) and are devoid of traditional significance.

It appears that the negative influence of the Brezhnev Doctrine on international law's validity is self-evident.

BREZHNEV'S ROLE HELPS TO EXPLAIN HIS DOCTRINE

For an understanding of the real content and implications of the Brezhnev Doctrine, we must return to Brezhnev's role, even though the doctrine may not be so new and he is not its author. It would be a great mistake to minimize the influence of this most important representative of the C.P.S.U. Central Comimttee apparatus, which wields enormous power emanating from the party's totalitarian control over the Soviet state and, indirectly, even over the world socialist system. In his public pronouncements the Secretary General interprets and communicates to the world the genuine "Brezhnev Doctrine", a complex set of concepts and motivations which make the C.P.S.U. and other Communist Parties "tick", despite their "rifts". We speak here, of course, of the Communist world view, the Marxist-Leninist doctrine, which is the global, ideological framework of the Communist Parties.

In a recent collection of speeches and articles the Secretary General summarizes "the Party's experience in directing communist construction and the foreign policy of the USSR." [17] It is C.P.S.U. directed foreign policy interpreted by Breznev, then, that will offer us an insight into the problem of "sovereign" relations among communist-controlled states, and, ultimately, also, between those states and their noncommunist counterparts.

INVASION OF CZECHOSLOVAKIA HAS BEEN AN IMPORTANT TOPIC

The invasion of Czechoslovakia in August, 1968, a critical foreign policy decision within the socialist system, has been an important topic in Brezhnev's speeches. On November 12, 1968, his address to the Congress of the Polish United Workers (*i.e.,* Communist) Party showed not only concern with a local (Czechoslovak) problem but reflected the communist global view:

"We are living, comrades, in a complicated, stormy and interesting time. The revolutionary process, which centers around the *confrontation of the two principal social systems* of our epoch—socialism and capitalism—is progressing irresistibly." [18] [Emphasis added.]

He admonishes the Communists of the socialist countries that the recent activization in Czechoslovakia of forces hostile to socialism should be understood in terms of this confrontation and that it is vitally important . . . to carry high the banner of socialist internationalism and constantly strengthen the solidarity and cohesion of the socialist countries.[19]

Despite remarks in support of the observance of traditional sovereignty of all states, Brezhnev emphasizes the special importance for the Communists of defending the sovereignty of states which have chosen the road of building socialism. He equates the sovereignty of a socialist country with building "a society free of every oppression and exploitation". True consolidation of sovereignty and independence requires that each socialist country determine the concrete forms of its development along the path toward socialism, while taking into account the specific character of its national conditions.[20]

But, Brezhnev warns, in order to uphold "socialist" sovereignty: there exist also *generally binding principles* of socialist construction, whose neglect could lead to a retreat from socialism. . . . And when internal and external forces hostile to socialism make an attempt to reverse the development of a socialist country *in the direction of the restoration of the capitalist system* . . . then this threat represents not only a problem for the people of that country, but a common problem and task of all socialist countries.[21] [Emphasis added.]

Mutual fraternal assistance, based on principles of socialist internationalism, includes, according to Brezhnev, direct military intervention, even though only as "an extraordinary measure, in order to nip in the bud the threat to the socialist order".

Brezhnev did not elaborate on these generally binding principles and rules, knowing quite well that his host, Gomulka, was one of the signers of the 1957 declaration of the twelve Communist and Workers' Parties that spelled them out in detail.

Two years later, in a monumental discourse, "The Work of Lenin Lives and Triumphs", on April 21, 1970, Brezhnev again reminded his listeners, Communists and sympathizers from practically every country in the world, of the "collapse" of the antisocialist plot in Czechoslovakia, proving "the great importance of the international solidarity of the socialist countries". He remarked, "Neither our friends nor our enemies doubt its force and effectiveness—and that is very good."

When we compare this speech with the 1957 Moscow Declaration, the remarkable continuity of Marxist-Leninist thinking should not surprise us. Prepared by the same apparatus, it repeats the declaration's main points almost word for word: The path of different countries to socialism, and the socialist system itself, are characterized—"as has been emphasized by the fraternal Parties"—by "common landmarks", the socialist revolution in some form which crushes the state machinery of the exploiters and replaces it by the state (dictatorship) of the proletariat; the proletarian (socialist) state, which, in turn, liquidates the exploiter classes, socializes the means of production and inaugurates a cultural revolution in Lenin's meaning.

As for the socialist system once constructed, its fundamental obligatory characteristics are: the rule of the toilers, implemented through the control of the Marxist-Leninist party over society's development; social ownership of the means of production and a planned economy; education of the entire people in the spirit of the ideology of scientific communism; and, last but not least, a foreign policy based on the principles of proletarian-socialist internationalism.

Bearing in mind the doctrinal continuity displayed by the C.P.S.U. apparatus, it is only natural that Brezhnev should publicly deny not only authorship but also the very existence of a "Brezhnev" doctrine. Speaking in Moscow on June 9, 1969, before an international conference of seventy-five Communist and Workers' Parties held to consider the tasks of the struggle against imperialism, he accused "the imperialist propagandists" of having fabricated and circulated the notorious doctrine of limited sovereignty [and of] slandering the principle of proletarian internationalism by contrasting it *artificially* with the principles of independence, sovereignty and equality of national detachments of the workers' and communist movement [Communist Parties].[22] [Emphasis added.]

In support of his argument he quoted as "by no means obsolete" Lenin's definition: "to be an internationalist means to do the utmost possible in one country *for* the promotion, support and stirring up of revolution *in all countries.*" [23]

The genuine "Brezhnev Doctrine" is, then, a restatement of the Marxist-Leninist world view: a world engulfed in an irreconcilable confrontation between the two antagonistic socioeconomic systems—capitalism and socialism—which is bound to end with a revolutionary transformation of capitalist society according to Marxist-Leninist tenets. To this supranational revolutionary end *everything* is subordinated, including interests of whole nations (their sovereignty, equality, independence, etc.) as well as the interests of individuals, irrespective of whether they are part of the capitalist or socialist system.

The present Secretary General may, of course, at some future date be replaced by another *apparatchik* (prominent member of the C.P.S.U. Central Committee apparatus), who will continue promoting the Marxist-Leninist doctrine, the true driving force behind the Communist effort.

FOOTNOTES

[1] Pravda, November 22, 1957, page 1. Represented were the Communist Parties of Albania, Bulgaria, Hungary, Vietnam, East Germany, China, North Korea, Mongolia, Poland, Rumania, the U.S.S.R., Czechoslovakia and Yugoslavia. All but Yugoslavia signed the document.

[2] The widely used English equivalent, "competition", is a misleading translation in the author's opinion, since it does not reflect this struggle's irreconcilable character.

[3] Pravda, November 22, 1957, page 1.

[4] *Ibid.*

[5] *Ibid.*

[6] *"Zavoyevania sotsializma"* (achievements of socialism), in the author's opinion, is better translated literally "conquests of socialism", since it reflects the Communist large-scale application of crude force and legalized terror in transforming society.

[7] Pravda, November 22, 1957, page 1.

[8] Read a more detailed analysis of the situation in the author's brochure, The Soviet Doctrine of Sovereignty, the So-Called Brezhnev Doctrine, published by the American Bar Association Standing Committee on Education About Communism and Its Contrast With Liberty Under Law. (1970).

[9] The New York Times, September 28, 1968, page 32.

[10] Rogers, *Our Great Goal: Peace Under Law,* 45 A.B.A.J. 1181 (1959).

[11] Fundamentals of the Theory of State and Law (in Russian), legal textbook of the Sverdlovsk Law Institute (1969).

[12] *Id.* at 197–198.

[13] Tunkin, Theory of International Law (in Russian) 504 (1970).

[14] Korovin, *Proletarian Internationalism and International Law,* Soviet Yearbook of International Law—1958 (in Russian) 55 (1959).

[15] Usenko, *International Law in the Intercourse of Socialist Countries,* Soviet Yearbook of International Law—1966–1967 (in Russian) 44 (1968).

[16] 4 *Philosophical Encyclopedia* (in Russian) at 452–454.

[17] 1 Brezhnev, The Leninist Policy Course: Speeches and Articles 1964–1970 (in Russian) 3.

[18] *Id.,* Volume 2, at 325.

[19] *Id.* at 328.

[20] *Id.* at 329.

[21] *Ibid.*

[22] *Id.* at 397.

[23] *Ibid.*

Mr. ASPIN. Mr. Speaker, a little over 2 weeks ago, the people of the United States celebrated the anniversary of the most important event in the history of our Nation. On July 4, 1776, the representatives of the United States of America declared "the reasons which impel them to the separation" from the Colonial Empire of Great Britain. What were these impelling reasons? The American Revolutionaries held "these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, * * * that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness." The King of England, they charged, had held some men more equal than others, had imposed his arbitrary mandates on the American people without their consent. He had, in short, evinced "a design to reduce them under absolute despotism." These revolutionaries felt it "their right, their duty to throw off such government, and to provide new guards for their future security." The philosophy which they believed in was not intended solely for one people at one moment in history, but for all peoples throughout history.

This week, Mr. Speaker, is Captive Nations Week. It is a time to reflect how freedom is gained, and how it is lost. It is a time to remember the aspirations of the peoples of the captive nations; to recall how similar they are to the aspirations of the signers of the Declaration of Independence and the American people. And, too, we must be reminded that freedom can be lost—not only through external aggression, but through internal neglect.

Mr. Speaker, it is my hope that we do not neglect freedom, that we do not forget the painful experiences of the captive nations, that we do not lose sight of the ideal expressed in the declaration. Captive Nation's Week helps assure that we do not.

The Kenosha News, one of the newspapers in my district, published an excellent editorial called "Captive Nation's Week: Rekindling the Flame." I am including that fine editorial in today's RECORD. It follows:

CAPTIVE NATION'S WEEK: REKINDLING THE FLAME

Some 1,000,000,000 persons . . . almost one out of every three persons on earth . . . live under the Communist boot. They live in the captive nations.

It is difficult indeed for we who enjoy the fruits and freedoms of democracy to realize what living in a captive nation actually means.

Without freedom, life loses dimension and perspective. In the captive nations, dictators discard rule by law and substitute rule by fear. The glorification of the state is cultivated at the expense of the individual. Human dignity is denied.

Many Kenoshans who have fled their native lands know the meaning of the knock on the door by the secret police, deportation to labor camps, the loss of their possessions and the often permanent separation of families. They know that persons have disappeared after laying a wreath with ribbons in their national colors at a commemorating ceremony.

Perhaps the deepest tragedy is that a generation has grown up which never experienced the fruits and responsibilities of democracy and therefore cannot compare the two systems. And even more tragic is the fact that, with the exception of the years between World Wars, the predecessor generations of the satellite nations were deprived of the opportunity of developing a democratic tradition.

Yet those Kenoshans who have escaped from a dozen iron curtain countries will not allow themselves the blessings of our country without rekindling the flame of hope for those who remain enchained.

Tomorrow, ceremonies commemorating Captive Nation's Week will be held at St. Therese's Parish Park. Hundreds of persons from the Kenosha-Racine area will gather to hear several eminent speakers discuss the plight of the captive nations and to urge the free countries of the world to liberate those who suffer under the yoke of communism. The public is invited to attend. It is a valuable experience profound in its insight to the tragedies of many innocent people caught by virtue of birth in an inextricable web of circumstance and power politics.

One can only come away more appreciative of our American heritage . . . a heritage firmly founded in freedoms which we in the United States are inclined to casually take for granted.

Mr. FORSYTHE. Mr. Speaker, Americans of all origins have grown tired of the continuing Soviet oppression of the people of the "Captive Nations."

They would welcome any meaningful initiative, I am certain, toward easing the state of permanent crisis that has been in constant evidence for more than a quarter century.

The recent upheavals in Poland have reminded us once again of the built-in instability of Communist rule in East and Central Europe.

While a Communist regime still rules Poland, the fall of Wladyslaw Gomulka has shown that the Kremlin could be forced to sacrifice even the most faithful exponent of its line.

Other hardliners in Eastern Europe no doubt have taken notice that no amount of past service to Moscow guarantees perpetuation in power.

All Americans who value their own national freedom are aware and concerned about the imposing reality of the captive nations in Eastern Europe, the U.S.S.R. itself, Asia, and Cuba.

All Americans join in expressing the hope that the captive peoples will soon be free.

Mr. O'NEILL. Mr. Speaker, during this 13th observance of Captive Nations Week, I would like to join with the millions of Americans who deplore the oppression of over 100 million eastern Europeans by Communist regimes. On July 4 of this year, all Americans were reminded of their unique and cherished freedom. It is therefore timely that we mark Captive Nations Week so soon after the celebration of our own independence from tyranny and subjugation.

Although we observe the plight of these countries for only a week, the people of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania must endure their hardships throughout the year. For this reason, our expression of sympathy should not be and is not a fleeting emotion, but rather is an everyday belief which is underscored during this week.

While strict censorship by the governments of the captive nations prevents the free world from learning much about life in these countries, the glimpses we obtain through cracks in the Iron Curtain hearten our belief that the people's thirst for freedom is unquenchable. The recent uprisings in Poland have reaffirmed in our eyes the people's discontent with a tyrannical government which blatantly ignores their needs and wantonly crushes their dissent when they cry out. Physical captivity has never been able to imprison man's desire for independence and the right of self-determination.

During Captive Nations Week we are serving notice to the leaders of these countries that Americans deplore the abridgment of rights therein and that we will do everything within our power to encourage the people of these nations to persevere in their long and arduous quest for freedom.

Mr. ROSTENKOWSKI. Mr. Speaker, this marks the 13th year that the United States will observe Captive Nations Week. The law that was enacted in 1959 provided that each year this Nation shall renew its pledge and continue its efforts "until such times as freedom and independence shall have been achieved for all the captive nations of the world."

As we celebrate this observance of Captive Nations Week all Americans should pause and remember the blessings which freedom has given us. We should then reaffirm our determination to return liberty to those many nations and to the millions of people who are presently living under the oppressive yoke of the Soviet Union.

These nations have been made captive by the aggressive and heartless policies of communism. The peoples of these Communist-dominated nations have been deprived of their national independence and their individual liberties.

Man's desire for freedom will soon turn to frustration unless he has hope. The captive peoples must have reason to hope. They must know that although they have been silenced, they have not been forgotten. They must understand that they will not be abandoned for the sake of the status quo or for a policy of so-called peaceful coexistence. As long as there are enslaved lands, as long as there are people living under the chains of communism, the free world must strive ceaselessly to restore to them the self-government and the liberties to which everyone is entitled.

The purpose of this observance, in the words of the original resolution, was to demonstrate to the captive nations "that the people of the United States share with them their aspiration for the recovery of their freedom and independence."

I invite the people of the United States of America to observe this week with appropriate activities, and I urge them to commit themselves to the support of these people.

Mr. ROBISON of New York. Mr. Speaker, Captive Nations Week was first proclaimed in 1959 that the American people might be provided with "a suitable framework for showing their solidarity with their captive brethren in East and Central Europe." There can be no question that such an observance is as timely this year as ever. While we continue to acclaim our own liberties, personal rights, and freedoms of the most basic nature are denied to those citizens of the captive nations.

Over the past months we have witnessed the upheavals and increasing discontent in Poland, and we have become increasingly aware of the plight of Russian Jews. It seems that over the past 13 years little progress has been made in providing permanent solutions for the problems faced by those living in the Soviet satellite nations, although their struggle clearly continues.

While past statements of moral support have served a beneficial function, I believe that this year Captive Nations Week should be regarded as a time to focus on new ways of easing tensions between the countries of the free world and those behind the Iron Curtain. More specifically, now is an appropriate time for increased discussion of the future role of NATO, of the possibilities for mutual and strategically equitable troop reductions in Europe, and of more flexible trade agreements. For it may well be that expanding American influence on the captive nations in these and similar ways will encourage liberalization within these countries, and that the peoples of these states will gradually regain their valued liberties.

The overriding goal of American foreign policy must continue to be the establishment of an atmosphere of peace in a world in which the people of every nation have the right of self-determination in structuring their governments and personal lives. Captive Nations Week serves once again as a reminder of this important objective.

Mr. MINISH. Mr. Speaker, July 18 to 24, 1971 marks the 13th annual observance of Captive Nations Week. Coming so shortly after we celebrated the anniversary of our own Nation's independence, this week provides us with a sharp reminder that millions of people in Eastern Europe are not as fortunate as we, and that their struggle for liberty and democracy continues.

Our heritage requires that we keep the lamp of freedom burning. The captive and oppressed have traditionally looked to us for hope and for inspiration.

Therefore, Mr. Speaker, I am proud to join with my colleagues in the Congress and with millions of Americans in expressing to the world our firm determination never to forget the plight of the captive nations. We shall continue to work and to pray for their eventual liberation from totalitarianism.

Mr. DICKINSON. Mr. Speaker, Prof. Z. Michael Szaz from Troy State University, who is also serving as the Secretary of International Relations of the American Hungarian Federation, informed me of the neo-Stalinist campaign of the Czechoslovak Communist Party, upon Soviet orders, against all cultural and social organizations of the country, with particular emphasis upon the national minorities, including the Hungarians of Slovakia.

Several of my colleagues, ably led by the gentleman from New Jersey (Mr. PATTEN) are discussing today the various details of this campaign and purge which resulted in the wholesale removal of the leadership of the only nationwide Hungarian cultural and social organization in Czechoslovakia, shortly before the Czechoslovak Party Congress that hailed the Soviet invasion as the salvation of socialism in Czechoslovakia.

My sympathies lie with the courageous and freedom-loving forces in Czechoslovakia, including the Hungarian minority whose leaders in 1968 fully supported Dubcek and called for a just resolution of the outstanding national and nationality problems on the basis of self-administration and cultural autonomy and respect for human and civil rights.

The tragic developments in Czechoslovakia teach us another lesson that no lasting detente can be built in Europe until the Soviet Union abandons the Brezhnev doctrine and respects the right to self-determination of the peoples of East Central Europe.

Mr. McKINNEY. Mr. Speaker, for many years, communism has been a silencing prison enslaving millions of Eastern and Central European people while brooking no formidable opposition from within. Today, however, the surrounding walls are becoming less secure. Both free and captive people are, at last, uniting and solidifying their denial of oppressive regimes as the sole voice of wisdom and truth. Thus, I am proud to be able to partake in this 13th annual observance of Captive Nations Week. Our attention is focused on the plight of millions of oppressed human beings, deprived of the freedoms and unalienable rights that their Western counterparts now enjoy. This event comes at a very appropriate time, not only with respect to the month, but also to the year 1971.

As we have just concluded the ceremonies commemorating the birth of our Nation on July 4, the tenets of those freedoms and principles that are inherent in our heritage have been honored. As a nation, we have entered, by Presidential proclamation, our bicentennial—the beginning of a 5-year period to reflect upon the ideals of two of our greatest documents, the Constitution and the Declaration of Independence, and once again recite their principles to, not only the American people, but to people throughout the world.

All people yearn for freedom and justice. Unfortunately, these basic rights are still unattainable in many parts of the world. Americans, therefore, must continue to take the lead in helping these unrealized freedoms become actualized in all nations. Perhaps our Bill of Rights states most clearly those privileges that we, the American people, have enjoyed and possibly taken too much for granted. Our undeniable freedoms of assembly, religion, speech, and press, as guaranteed by the first amendment, are perhaps the most vital liberties that have helped to sustain this Nation for almost 200 years. Yet, many Americans are becoming disbelievers as to their meaning, and more important, their worth.

How quickly we forget that just 90 short miles from Florida lives an oppressed people. If we are to continue aiding captive people, we first must unite as a nation in the realization of the true worth and merit of our constitutional freedoms. Once our unalienable rights are secure in the hearts and minds of Americans, then and only then, can we convey their value and importance to those in bondage.

During our recent July 4 celebration, we recalled America's struggle, not only to win her freedoms, but to preserve them throughout the years. Our goal was so important then; the result should be equally as important now. Our first amendment freedom of the press recently came under the scrutiny of essentially the whole world, with our heritage and way of life hanging in the balance. The Supreme Court's decision preserved, upheld, and reinforced, I believe, not only our first amendment, but our whole Constitution.

Throughout history, the world has witnessed the plight of the oppressed. World War II sought to put an end to prevailing Nazi tyranny, and hopefully, begin an era of peace, tranquility, and freedom for all. However, the war only brought forth a new enemy and new oppressors. Names and faces may change, but the goal remains intact. I believe our annual observances of Captive Nations Week prove that the United States will not end its efforts to forever insure peace and freedom in the world. The forerunners of despotism are perhaps only now realizing and fearing our efforts to assist the cause of freedom for Eastern and Central European people. However, much work is still needed to finalize a complete breakthrough of freedom for all human beings.

One day there will no longer be a need for the observance of Captive Nations Week. I only hope and pray that day arrives soon. But not until Americans are thoroughly convinced and supportive of their own constitutional freedoms can we work toward the alleviation of oppression and procurement of universal sovereignty.

Mr. PEPPER. Mr. Speaker, the establishment of the third week in the month of July as Captive Nations Week through congressional action in 1959 constituted a formal commitment by the American people through their representatives to reaffirm each year that the plight of the millions of people held in Communist captivity will never be ignored by or acceptable to Americans. Needless to say, a formal commitment was unnecessary to insure that the American people, who deeply cherish the legacy of freedom which is ours by birth, would ever become apathetic toward the political, economic, and individual enslavement to which the captive peoples have been subjected. The formal commitment made in 1959 instead designates a week each year during which vocal expression can be given to the anguish continually in the hearts of the American people for those who fell behind the Iron Curtain of persecution following World War II.

The citizens of captive nations may have lost their freedom temporarily but there is strong evidence they have not lost hope or their desire to regain it. As long as freedom exists somewhere in the world, as long as free people remain unswerving in their determination to keep freedom alive, hope will flourish in the captive nations of Europe, Asia, and the Western Hemisphere.

And so, during this week, we must reaffirm a twofold promise: To remain firm against further Communist usurpation in the world, and to do all within our power to work for the ultimate liberation of every captive nation.

We must restate and reaffirm our concern for those nations which are now captive or in danger of becoming captive; we must reassure the world that we will never acquiesce to the permanent bondage of any people.

Mr. YATRON. Mr. Speaker, I wish to commend all those who are taking this opportunity to observe Captive Nations Week, and to ask that everyone rededicate himself to the achievement of freedom for the victims of Communist oppression.

As most Americans know, Communist denial of freedom in Russia began on November 7, 1917, the day of the October revolution. What most people do not realize is that the spread of Russian communism began in 1917, continued through World War II, and progresses even today.

As we observe the 13th Captive Nations Week, we are invited to remember this third of humanity that has been living in slavery since the early years of this century. The events in Eastern Europe especially since World War II, show us that the yearning for freedom is not dead. Americans need not be reminded of the millions of people who have voted with their feet since the enslavement of their countries, or of the continuing manifestations of their desire for freedom, whether that desire is expressed by passive resistance, workers' strikes, riots, or outright rebellion.

During Captive Nations Week of 1971, we should remember in particular the heroic demonstrations that took place last Christmas. They are the latest in a continuing series of examples of this type of action that proves to us that the torch of freedom still burns in the hearts of these captive peoples. We should also realize that it is important to eulogize these courageous men and women as they fight in their own ways to regain the liberty, respect, and dignity they once enjoyed as free peoples.

We live in a land fortunate enough to have had forefathers who saw fit not only to bestow the blessings of freedom upon themselves and their posterity but also to defend these blessings successfully when necesary. Thus, sometimes we must be reminded of those in other parts of the world who are less fortunate than we, and who, in some cases, can only remember freedom from their parents' or even grandparents' lips.

Our reminder comes to us in part through Captive Nations Week, which was first unofficially observed in 1958. Its growth has been continuous since then, and during the 86th Congress, this week was officially designated Captive Nations Week. We should not, here in this citadel of freedom, ever forget the reasons for our observance of this week. As has been done every year since 1959, a proclamation has been issued by the President in order to focus attention upon captive nations. The concepts contained in the following joint resolution—Public Law 86-90—exemplify not only our convictions but also indicate the direction which we must follow. To pay tribute to all who have made this week possible and to those now struggling for freedom, I include the joint resolution in the RECORD:

RESOLUTION

(Providing for the designation of the third week of July as "Captive Nations Week")

Whereas the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

Whereas this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

Whereas the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of undersanding between the people of the United States and other peoples; and

Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and

Whereas the imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Aderbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet-Nam, and others; and

Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties; and

Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

Whereas the desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the third week in July 1959 as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

Mr. STEELE. Mr. Speaker, this week marks the 13th observance of Captive Nations Week when millions of Americans will focus their attention upon the plight of those nations presently under Communist domination. This year's observance comes at a highly important moment in our efforts to lend a helping hand to the people of Eastern Europe—here I am referring to the uncertain fate of Radio Free Europe and Radio Liberty.

Ever since 1960, when I visited the Soviet Union with one of the first groups of American students to go there, I have been keenly aware of the importance of information in Soviet society. It is a well known fact that the people of the Soviet Union have learned to depend upon Radio Free Europe and Radio Liberty broadcasts in order to learn about what is really happening in the free outside world. I know that this feeling is shared by many fellow citizens in Connecticut as they try to correspond with lost friends and relatives who are still locked behind the Iron Curtain—only to find that the heavy hand of Communist censorship has edited out much of what their friends have been trying to say.

For over 18 years, Radio Free Europe and Radio Liberty have provided a service which is impossible for other broadcasting media to perform. We cannot afford to undo the great accomplishments which these stations have achieved, nor can we deny to the people of Eastern Europe something which they have depended heavily upon for so many years.

The need for Radio Free Europe and Radio Liberty still exists. The rape of Czechoslovakia in 1968 proves that the Communists are not ready to allow the freedom of expression in the countries which they illegally and immorally control. The recent persecutions of Russian intellectuals and Soviet Jewry also show the extent to which dogma and doctrine rule the U.S.S.R. itself. The right to know is still the prisoner of Marxist ideology in Eastern Europe.

Mr. Speaker, on the 24th of June I went on record as a cosponsor of a bill, H.R. 9330, which would create an American Council for Private International Communications, Inc. which would receive congressional appropriations and make grants to Radio Free Europe for broadcasts to Eastern Europe and to Radio Liberty for broadcasts to the Soviet Union. In keeping with the spirit of Captive Nations Week, I would like to again reaffirm my support not only for this bill, but for the entire U.S. policy of maintaining contact with the captive peoples of Eastern Europe. At a time when new progress is being made to reach the people of Asia, we cannot afford to lose our most useful method of contact with the people of Eastern Europe. The 13th observance of Captive Nations Week is indeed an appropriate occasion to rededicate ourselves to the task of reaching the oppressed peoples of the world.

Mr. BUCHANAN. Mr. Speaker, as my distinguished colleague from New Jersey (Mr. PATTEN) correctly pointed out, intensive and far-reaching Soviet intervention into the internal affairs of Czechoslovakia continues unabated.

Either directly, as in the case of the recent convention of the Slovak Communist Party, or indirectly, through the intimidated, or quisling new leaders of the Czech and Slovak Communist Parties, they make their neo-Stalinist views prevail both in the political and cultural life of Czechoslovakia. The promising liberalization of culture and politics and the awaited reconciliation of the nations and nationalities in Czechoslovakia are receiving constant blows by the purge of responsive and responsible leaders and by Soviet permission to rekindle the nationality conflicts in the guise of class warfare among Czechs and Slovaks and Slovaks and Hungarians.

My distinguished colleague dealt with the newest episodes of these trends, and with particular regard to the Hungarians in Czechoslovakia, that is, the removal of the national president and much of the Presidium members of the only nationwide cultural and social organization of the Hungarian community, the CSEMADOK, in April 1971. However, the ouster of Dobos and his collaborators was only the climax to external pressures applied already in 1970 by the Soviet-sponsored leadership of the Slovak Communist Party. In this regard I ask unanimous consent to include some material from the Bratislava (Pozsony) Népmüvelés (Popular Education) of June and August 1970 showing how the ranks of those promoting the demands of self-administration and cultural autonomy were decimated by the inclusion of neo-Stalinists in 1970 and how the others made an attempt to head off the worst by a half-hearted self-criticism. Unfortunately this appeasement could not avert their ultimate removal and the relegation of the organization to the status of complete servitude vis-a-vis the Slovak Communist Party.

With the removal of Dobos and his collaborators, the Hungarians of Czechoslovakia lost their last vestige of representation and public organization. The freedom-loving forces will no longer be able to express their opinions even in the Aesopian guise phrasing their ideals according to the semantic straitjacket of Marxism-Leninism.

At this point I join with my colleagues in denouncing these forced purges of the leaders and the renewed oppression of the Hungarians of Czechoslovakia, as one of the injurious elements of the brutal political application of the Brezhnev Doctrine in this tragedy-ridden Central European country.

I include the following articles:

[From *Népmüvelés* (*Popular Education*) (Bratislava-Pozsony), June 1970, Vol. XV (6)]

THE CENTRAL COMMITTEE OF CSEMADOK HELD ITS SESSION

On May 10–11 the Central Committee of CSEMADOK held its session at Bratislava (Pozsony). It debated and evaluated the activities of the association during 1968–69 and made personnel changes in the membership of the Central Committee, its presidium and its secretariat.

The introductory speech to the evaluation report on the activities of the association (the work of a six-member Committee) was presented by László Dobos, the national president of CSEMADOK. The members of the Central Committee approved the proposed evaluation dealing in details with the positive and negative activities of the association during 1968 and 1969.

Following a lively and fruitful discussion, the Central Committee accepted a resolution analyzing the positive and negative occurrences of the last two years and condemned all overzealousness in the work of its branches and also the erroneous and unrealistic views which were drafted into the program of the association at its extraordinary convention.

This resolution sets the course for the future direction of the CSEMADOK. This will provide the incentive to CSEMADOK to work for a more effective construction of Socialism based on the guiding force of the Czechoslovak Communist Party.

The Central Committee also approved the following personnel changes proposed by the Presidium:

Miklós (Nicholas) Duray was expelled from the Central Committee because of the political views held by him in 1968.

In implementation of the resolution of the Central Committee of the Czechoslovak Communist Party and of the Central Committee of the Slovak Communist Party, and in order to consolidate the situation, the Central Committee of the CSEMADOK, like the other constituent organizations of the National Front, enlarged its membership by coopting the following persons:

1. Olivér Rácz, Deputy Minister for Education of the Slovak Socialist Republic;
2. Ferenc (Francis) Pintér, the principal of the Hungarian language grade school of Diószeg.
3. Ferenc (Francis) Szigl, special assistant at the Central Committee of the Slovak Communist Party.
4. Dezsö (Desmond) Krocsány, Minister for Labor and Welfare of the Slovak Socialist Republic.
5. Zoltán Zalabai, assistant professor and assistant dean of the College of Education at Nitra (Nyitra).
6. István (Stephan) Bartha, the secretary of the Party Committee at Ersekújvár.
7. János (John) Szebellay, the president of the District Committee of the CSEMADOK at Léva (Levice).

Agoston (August) Major, the chief editor of *A Hét* (*The Week*) was transferred from the Central Control Committee to the Central Committee.

Dezsö (Desmond) Misovszky, the president of the Pozsony District Committee was elected as the new member of the Central Control Committee.

The Central Committee of CSEMADOK also accepted the resignation of József (Joseph) Szöke as general secretary after praising his past work as general secretary.

The Central Committee recalled Sándor Varga both as the secretary and as a member of the Central Committee.

To the position of general secretary the Central Committee elected the principal of the Hungarian-language grade school at Köbölkút, Béla (Adalbert) Varga, János (John) Varga was elected as secretary of the CSEMADOK and as a member of its Presidium. István Fábry, Vice President of the Slovak National Council was elected as a new member of the Presidium.

The Central Committee of CSEMADOK charged its Presidium to submit to the next national meeting a thorough analysis of the twenty years of work of CSEMADOK.

Upon finishing the personnel changes, Béla (Adalbert) Varga, the new general secretary of the Central Committee thanked the others for the trust shown toward him and promised that he will work in accordance with the guidance of the Slovak Communist Party in order to work for the cultural and political progress of the Hungarians in Czechoslovakia.

The two day session was closed by a summation of László Dobos, the national president of CSEMADOK.

During the session of the Central Committee of CSEMADOK, a solemn memorial meeting was held in the evening of May 10 in order to celebrate the centennary of Lenin's birth and the twenty-fifth anniversary of the liberation of Czechoslovakia. The memorial speech was given by Bertalan (Bartholomew) Tolvaj, a member of the Presidium of the Central Committee who is also in charge of the Nationality Secretariat of the Slovak Socialist Republic.

[From *Népmüvelés* (*Popular Education*), (Bratislava-Pozsony), August 1970]

THE CSEMADOK AND OUR CULTURAL LIFE

(Details of the Report of the Fourth Plenary Session of the Central Committee of the CSEMADOK.)

The Fourth Plenary Session of the Central Committee of CSEMADOK evaluated among others the work of the CSEMADOK in 1968–69 and also the documents which the Central Committee had approved during that period. An important part of the report consists of the evaluation of the program and by-laws passed by the Tenth National Convention. The evaluation concluded that both the program and the by-laws, despite their several positive features, contain passages opposing the political guidelines and the vocation of the CSEMADOK as a cultural organization. For this reason, we are publishing those parts of the central evaluation which tries to expose those errors and show those incorrect theses which were rendered obsolete by political developments and which no longer satisfy the doctrines of Marxism-Leninism in regard to the tasks of social and cultural associations.

Formal errors aside, in our view, we must regard the political analysis, the consideration allotted to the realization of the tasks and their enumeration, and the drafting of the positions on the most important problems in the program as superficial. E.g., it refers to the theses contained on nationality questions in the action program of the Czechoslovak Communist Party as its basis, although the action program was only a stopgap, transitional Party document. It was generally known that the long-term, universally valid, program of the Party can only be approved by the (Party) Congress which was to be convoked also by the drafters of the action program.

It reflected the weakening social importance of the leading role of the Party that the CSEMADOK program did not phrase its relationship to the policy of the Party in unmistakable terms. In some chapters it did definitely recognize the Party as "the leading force of our society" and wants to contribute to further progress in society "by bearing in mind the leading role of the Party," but at another passage the program assumes the role of a political partner and wants to act as an "active participant" in the administration of nationality policies. It refers to the CSEMADOK as a partner "which harmonizes its activities with the work of the Party." It is true, however, that in another passage it states that "(it) wants to play the role not as a political party but as a social organization able to mobilize the masses and (it) will exert its role in the spirit of internationalism."

Lack of clarity on this question is also reflected in the view of the role to be played within the National Front. Here, according to the program, the CSEMADOK represents only not the interests of its members but the social and cultural interests of all Hungarians in Czechoslovakia as well," and "expresses the desires based on the specific nature of he Hungarian *ethnicum*." Naturally, the CSEMADOK cannot assume the service of the interests of all Czechoslovakian Hungarians in every direction, only the Party can be representative and protector of the whole gamut of social interests of Hungarians in Czechoslovakia. Therefore, within the National Front, the CSEMADOK cannot serve as the sole representative of the Hungarians of Czechoslovakia as an ethnic group and cannot be "the sole caretaker of intellectual national treasures, the (sole) interpreter of the social, political and cultural needs," and in the coming elections it could not appear as a competing political partner uniting the Hungarian deputies in one bloc, as foreseen in the program.

The phraseology of the program, speaking in the aname of all Hungarians of Czechoslovakia, can also create false illusions. The sentence in the conclusion part of the program is also incorrect in stating that "Our association is approving a program which expresses the interests, needs and aspirations of our members and of the Hungarians of Czechoslovakia." To put it mildly, this is an overstatement as the program failed to include and investigate several basic economic, social, and political strivings and needs which necessarily involve all strata and social groupings in our society. Our association reflects only partially and only in regard to certain dynamics and relationships "the needs and aspirations of the Czechoslovakian Hungarians." In no case does (CSEMADOK) reflect them in their totality, for it shares the representation with other social organizations, and at the highest level only the Party represents the population. This dimensional error originates in the unclear basic thesis of the program, based on the functional disturbances caused in Czechoslovak society by the weakening of the leading role of the Party in regard to social institutions and social organizations.

Following the changes of January 1968, the leading functionaries of our Party did not find the appropriate means in order to implement most effectively the leading role (of the Party) in the complicated structure of our society. Under such circumstances their abandonment of the old methods could only result in chaos and a loss of power. As a result, we, in the CSEMADOK, too, lost sight at times in 1968 of the truism that socialism is not only a nationality or an economic, political, social and ideological problem, but also a question of power. Indeed, primarily a question of power. Atomization of society and the isolation of the constituent groups of society was, though unconsciously implemented, weakening Socialist power.

The deficiencies contained in the CSEMADOK program extend to the phrasing of the organization by-laws, particularly to the second and third paragraphs of Point 4 of Chapter II which stated that "the CSEMADOK expresses and defends the social and cultural needs and the interests of the Hungarian *ethnicum* in Czechoslovakia and contributes with its proposals to the Marxist-Leninist solution of the nationality question." Furthermore "(it) organizes, collects and develops the social, ethnic and cultural activity of the Hungarians in Czechoslovakia; protects and develops its intellectual treasures and represents it as an ethnic group in the organs of the National Front."

These points of the organizational by-laws are subject to the same criticism used in connection with similar definitions of the program of CSEMADOK.

Mr. ASHBROOK. Mr. Speaker, in the past the American Hungarian Federation has been a fertile source of information on the situation in Hungary and in the neighboring countries of Czechoslovakia and Rumania where sizable Hungarian minorities exist. One of the organizations most intimately concerned with the situation of the Hungarians in Czechoslovakia and which closely collaborates with the American Hungarian Federation is located in the State of Ohio. This is the National Committee on Hungarians in Czechoslovakia in Cleveland, and its chairman, Mr. Laszlo Sirsich, who works with the various nationalities at the State level with the Republican Party in Ohio.

Of special significance are the two statements issued by this organization on the 1968 events in Czechoslovakia and on the present situation in that country in which the Soviets have reasserted their absolute control and have revitalized nationality conflicts and class warfare.

It is indeed proper and timely for Members of the House to let their voices be heard in condemnation of the misdeeds of Soviet imperialism at a time when we seem to be preoccupied with a policy of self-flagellation concerning alleged shortcomings of our Southeast Asian policy.

The events in Czechoslovakia show again with clarity the impossibility of a lasting detente with Soviet Russia as long as the Brezhnev doctrine exists and as long as the right to independence and national self-determination of the peoples of Central and Eastern Europe are trampled upon by the boots of the Soviets.

We indeed appreciate the work of organizations like the National Committee of Hungarians in Czechoslovakia which was founded about 20 years ago to expose the repressive and Macchiavellian measures taken by the Communists and their allies. I insert at this point the two statements of 1968 and 1971 of the National Committee of Hungarians in Czechoslovakia:

THE NATIONAL COMMITTEE OF HUNGARIANS IN CZECHOSLOVAKIA ASSURES THE HUNGARIANS SEEKING THEIR RIGHTS DURING THE CZECHOSLOVAK CRISIS OF ITS BROTHERLY EMPATHY, MAY 18, 1968

The National Committee of Hungarians in Czechoslovakia has been working now for more than twenty years for the cause of the Hungarians of the Highlands and to remind the Hungarians scattered all around the world of their fate and development. It is our duty to hold a meeting now and assure them of our wholehearted empathy at a time the Czech and Slovak crises involve also a crisis for the Hungarians in the Czechoslovak Socialist Republic. We have foreseen the coming crisis but we remain aware that it could result both in advantages or disadvantages for our people in the Highlands.

The first emotion we must express is that of concern. We stated in 1965: "They liquidated hundred thousands of Hungarians and expelled even those who with rare sincerity served the cause of peace among the peoples of the Danubian region and strove for brotherhood. These were people who were looked upon with gratitude and love by their own generation. They were selfless and honest people who could rightly expect understanding and cooperation from the other side. And those who were allowed to stay, had to remain silent. But they could proudly state in February 1948 when Benes and his friends had to disappear from Czechoslovak politics: "We are starting with an insurmountable handicap, but also with a tremendous advantage: we remained uncorrupted. We were silent and inhumane accusations were not uttered by us."

Twenty years later, the national organization of the Hungarians of the Highlands, the CSEMADOK, stated the present situation as such:

". . . the main origins of the errors consist of the following:

"(a) The nationalities are not recognized as equal social elements in the Constitution and other basic documents as are the two nations;

"(b) The nationalities do not have constitutionally elected nationality organs and constitutionally based nationality institutions."

As a result, the nationalities do not possess the same rights as the nations.

Even more pointed were the demands of the Hungarian section of the Slovak Federation of Writers dealing with the present situation of the Hungarians of the Highlands:

"In the past, Hungarians were as a group, held collectively responsible for the partition of the Republic, and this doctrine of collective guilt found its way even into such basic documents as the Kosice (Kassa) program (of 1945). We request the revision of this accusation which is still officially on the books and have not been adequately and publicly abrogated. Furthermore, we request the rehabilitation of those innocently injured as a result of the collective guilt doctrine, and a revision of the sentences given to those protesting the deprivation of the rights of the Hungarians. Finally, we request the compensation for material damages suffered by persons under the 1945–48 anti-Hungarian legislations. We also find it necessary to have re-Slovakization openly annulled, and to have the locality names restored into Hungarian where they were altered in the Hungarian-inhabited regions and to have the accusation that the Hungarian population is bougeoise-nationalist condemned, . . ."

This, in a nutshell, is the present program of the Hungarians of the Highlands. It is indeed a pleasure to recognize even from far away the quality of the leadership of the Hungarian in Czechoslovakia which is modern, educated and united. This causes joy to all Hungarians around the world, and it proves that the Hungarians in the Highlands are a young and dynamic ethnic group capable to restore itself even after catastrophes.

The image of the future, as seen by the Hungarians in Czechoslovakia within the present crisis, is one of the most hopeful Hungarian phenomena in the last twenty-five years.

The crisis has not ended yet . . . The political balance within the federative constitutional form has not yet been found by Prague. And during this search for balance the Hungarians of the Highlands may face difficult questions and dangerous situations.

As a consequence, despite our concern and our readiness to talk on their behalf, today we restrict ourselves to an agreement with their demands. We do so both as we realize the unusually complicated situation in Czechoslovakia which can be best handled by the long-suffering Hungarians of the region, and also as we appreciate the courageous loyalty and readiness characterizing the leaders of the Hungarian people of the Highlands.

At our session today, we express not only our concern but also our brotherly joy that our people were steeled rather than broken in spirit by the inhuman pressures of the past . . .

STATEMENT OF THE NATIONAL COMMITTEE FOR HUNGARIANS OF CZECHOSLOVAKIA, JULY 17, 1971

The National Committee for Hungarians of Czechoslovakia, an organization established 20 years ago by exiled priests and ministers, writers, intellectuals, workers and farmers raises its voice to protest the neo-Stalinist discrimination against Hungarians in Czechoslovakia.

The NCHC has called the attention of world opinion to the acts of inhumanity employed against the Hungarians in Slovakia in the immediate post-World War II years who were then deprived of their human and civil rights including the right of their children to education and many of whom were either exiled or deported.

The NCHC has pursued with intense interest the development of the Hungarians in Slovakia, their renaissance and struggle for their nationality rights and survival. In the spring of 1968 we expressed both joy and concern. Even when the forces of liberalization seemed to be victorious and had already made life more bearable for all the peoples of Czechoslovakia, we warned that the crisis did not pass and that Slovakian Hungarian may yet face difficult problems and situations. After the Soviet invasion of August 23, 1968 and the removal of Dubcek our fears became reality. Dubcek was replaced by Husak whose government had started a campaign to curb the freedom-loving forces among the Hungarian minority. As a result, the only nationwide organization of the Hungarians in Slovakia, the CSEMADOK, was taken over by representatives of the Czechoslovak Communist Party. Those young Hungarians elected to the leadership of CSEMADOK were purged by the newly "co-opted" members imposed upon them by the Party. This change removed the only organization of Hungarians in Slovakia as a political and cultural force.

We call the attention of the Free World to discern and learn from the bitter experience of neo-Stalinism which the almost one million Hungarians of Slovakia are undergoing and the Free World should recognize, too, the necessity for a new settlement in Central Europe.

PROVIDING AN ORGANIC ACT FOR THE MANAGEMENT, CONSERVATION, DEVELOPMENT, AND USE OF THE PUBLIC DOMAIN LANDS OF THE UNITED STATES

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, I have introduced today H.R. 9911, a bill to provide an organic act for the management, conservation, development, and use of the public domain lands of the United States; to clarify our national policy with respect to these lands, and, to repeal and replace obsolete and conflicting laws.

Recognizing that our existing laws had accumulated like a tangled pile of yarn for over a century, the Congress created the Public Land Law Review Commission, whose purpose was to review the laws and make recommendations for changes. Practically all of the laws that existed then, and now, had as their principal purpose the disposal of public lands or their resources, and most of these laws were enacted at the instance and request of special interest groups, seeking advantages for themselves.

Times have changed. The national interest has changed. America is caught up in an environmental crisis. Even though the Public Land Law Review Commission has submitted its report to Congress, some ancient and obsolete statutes like the Mining Law of 1872 still remain on the books to obstruct any sound or unified approach to the proper management of our public lands and their resources.

The Public Land Law Review Commission during its 6 years of work, involving many meetings, public hearings, and contractual studies, and in its final report, confirmed what our Committees on Interior and Insular Affairs in the House and the Senate, and the Congress, had already concluded. The public land laws were indeed a mess and needed to be rewritten. Administration of the public domain has bordered generally on the disgraceful—in specific instances, it has been scandalous—despite the best intentions and conscientious labors of many dedicated public servants in the Bureau of Land Management. This vital agency, with nearly one-third of the Nation's land to oversee, has been understaffed and underfunded; frustrated by the obsolete laws, and confronted by political influence exerted by the extractive industries, whose singleminded purpose has been to exploit our public land resources and to profit from them without regard for the environmental damages.

Perhaps the major accomplishment of the Public Land Law Review Commission was the enhancement of public awareness among all Americans of their common interest and their common inheritance in the public domain. Such awareness formerly prevailed imperfectly among the special interest groups in the 11 Western States and Alaska, but hardly recognized anywhere else in the Nation. Now at long last, from coast to coast, the people know what has happened to those lands, what stake they have in them—America's last great open space—and how their proper management will affect the quality of life for themselves and for future generations.

Thus, while no clearcut policy or plan emerged from the work of the PLLRC, nor can a policy be gleaned from its report, it did set the stage for reform and redirection.

To that end I introduced my bill. I solicit the views of all my colleagues and of all segments of the interested public. It will be my purpose to work with my fellow members of the Interior and Insular Affairs Committee, and then with the entire House of Representatives, in perfecting this legislation and moving it toward passage.

Instead of "dominant use," the now discredited and generally disowned theory advanced in the Commission's report, my bill proposes the principle of dominant interest—that being the public interest—which should always be foremost in the thoughts and plans of those who administer the public lands, as well as the implementation of laws which govern those lands.

My bill provides coherent policy and adequate authority for the economic development and use of the material resources of the public lands, such as the minerals, the timberland and the forage, and concurrently for the conservation and enhancement of the scenic recreational, wildlife, wilderness, and other environmental values. It provides for the disposal of lands when disposal is in the public interest for residential, commercial, agricultural, or industrial purposes; or for public purposes, when such purposes may best be served in private ownership or in non-Federal ownership.

Among several reforms my bill proposes, the major one is repeal of the outmoded and scandalous Mining Law of 1872—a law that is little more than a license to steal from the people—and its replacement with the mineral leasing system that has worked so well for the petroleum industry. In the old days, when the mining industry or occupation was performed by the lonely and hardy prospector—who grubstaked for a 6-months' stay in the wilderness with his burro and pick—this kind of giveaway law made sense. But it makes no sense today, nor is it just, in this age when prospectors are giant corporations using helicopters and unsophisticated electronic equipment, and when in given areas the surface resources and the environmental values must be protected in the public interest.

I incorporate as a part of my remarks the provisions of my bill, H.R. 9911, together with a section-by-section analysis of the proposed legislation:

H.R. 9911

A bill to provide for the protection, development, and enhancement of the public lands; to provide for the development of federally owned minerals; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Domain Lands Organic Act of 1971".

TITLE I—PUBLIC LAND ADMINISTRATION

SEC. 101. The Congress recognizes that the public lands administered by the Secretary of the Interior (hereinafter referred to in this title as the "Secretary") through the Bureau of Land Management, are vital national assets that contain a wide variety of natural resource values including soil, mineral, water, air, plants, and animals, and intangible values. The public lands shall be administered, used, restored improved, and protected: (1) to maintain the integrity of ecosystems and environmental quality, including the protection of natural, scientific, scenic, and historic and archeological values, to protect watersheds, to provide habitat for fish and wildlife, to preserve wilderness, and to afford opportunity for outdoor recreation, including necessary access; and (2) to permit appropriate industrial development under the principles of multiple use and sustained yield, including the production of forage, minerals, and timber, and to allow desirable forms of occupancy.

Sec. 102. As used in this title—

(1) "public lands" means all lands or interests in lands administered by the Secretary through the Bureau of Land Management, which shall be known after enactment of this Act as "national resource lands";

(2) "multiple use" means the management of the various surface and subsurface resources and values so that they are utilized in the combination that will best meet the present and future needs of the American people; the most judicious use of land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment to the environment or the productivity of the land, with consideration being given to the relative values of the various resources and to the ecological relationships involved, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output;

(3) "sustained yield" means the achievement and maintenance of a high-level annual or regular periodic output of the various renewable resources of land without impairment of the quality of the land and its environmental values;

(4) "qualified governmental agency" means any of the following, including their lawful agents and instrumentalities—

(A) The State, county, municipality, or other local government subdivision within which the land is located; and

(B) any municipality within convenient access to the lands if the lands are within the same State as the municipality.

(5) "qualified individual" means—

(A) any individual who is a citizen or otherwise a national United States (or who has declared his intention to become a citizen) aged twenty-one years or more;

(B) any partnership or association, each of the members of which is a qualified individual as defined in subparagraph (A); and

(C) any corporation organized under the laws of the United States or of any State thereof, and authorized to hold title to real property in the State in which the land is located.

Sec. 103. The Secretary is authorized and directed to permit the use of the nonmineral resources of the public lands to the optimum extent and under such terms and conditions as the Secretary finds consistent with the principles of section 101 of this Act and with the following goals and objectives:

(1) Provision of an adequate supply of resources to meet national, regional, and local requirements at reasonable market prices in a timely fashion.

(2) Protection, development, and enhancement of their outdoor recreational values for the optimum use and benefit of the general public, within the basic framework of multiple-use management, in a manner consistent with the Act of May 28, 1963 (77 Stat. 49; 16 U.S.C. 4601—4601-3, and in conformity with the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 901; 16 U.S.C. 4601-4, 4601-11).

(3) Preservation of a quality environment for present and future generations of Americans.

(4) Management of Federal lands and resources under principles of multiple use and sustained yield.

(5) Preparation, maintenance, and preservation of the integrity of comprehensive and coordinated National, State, and local land use plans.

(6) Maintenance of an interdisciplinary approach to natural resources programs.

(7) Opportunity for the public to participate fully in the conduct of the public business.

(8) Payment by users of public lands and resources of fair market value.

(9) Adequate opportunity for resource users to plan and develop use and development operations and to secure a fair return for their risk and investment, in those cases where such development serves the public interest and under such reasonable conditions as the Secretary may specify to serve the various purposes of this Act, including recognition that no vested rights in the public domain exist beyond the terms of permits granted for its use.

(10) Maintenance of competition in the allocation and development of public resources.

(11) Prevention of undue concentration of ownership of rights to public land resources.

(12) Encouragement of efficiency in resource use and development and in protection and rehabilitation of the environment.

Sec. 104. (a) The Secretary shall develop and promulgate regulations containing criteria by which he will determine and classify which of the public lands under certain conditions and consistent with the goals and objectives of this Act may be disposed of because they are not needed or likely to be needed for federal purposes and are more valuable and likely to be used, if available, for residential, commercial, agricultural, industrial, or other public uses or development in non-Federal ownership than for management in Federal ownership: *Provided,* that no land shall be classified for disposal that is chiefly valuable for grazing or of forage crops or for production of crops in surplus or likely to be in surplus. The criteria shall give due consideration to all pertinent factors, including but not limited to, environmental quality, ecology, priorities of use, and the relative values of the various resources in particular areas.

(b) No such regulation or any amendment thereto promulgated to this section shall become effective until the expiration of at least sixty days after the Secretary or his designee has held a public hearing thereon. A notice of such hearing shall be given at least sixty days in advance through publication in the Federal Register.

(c) The Secretary or his designee shall give appropriate public notice of any proposed classification of lands for disposal, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected lands at least sixty days in advance of the proposed disposal. No such classification for disposal shall become effective until the expiration of at least sixty days after the Secretary or his designee has held a public hearing thereon if the Secretary determines that a timely and responsible request for such a hearing is received.

(d) No proposed classification of a parcel of land exceeding 1440 acres for disposal shall become final until the Secretary has notified the chairman of the Committees on Interior and Insular Affairs of both Houses of Congress of the proposal and no objection to it is received from either committee within sixty days.

Sec. 105. Any classification of public lands in effect on the date of enactment of this Act is subject to review for possible reclassification in accordance with the authority granted by this Act.

Sec. 106. The Secretary of the Interior shall review every roadless area of five thousand acres or more on national resource lands under his jurisdiction on the effective date of this Act and by June 30, 1980, shall report to the President his recommendation as to the suitability or nonsuitability of each such area for preservation as wilderness, in accordance with the Wilderness Act of 1964 (78 Stat. 890). The President shall recommend to Congress inclusion of such areas as he deems suitable within the National Wilderness Preservation System: *Provided,* That the wilderness character of all areas reviewed shall be maintained until Congress has acted.

Sec. 107. The Secretary shall as soon as possible establish boundaries for units of the national resource lands and shall provide adequate and appropriate means of public identification, including signs and maps.

Sec. 108. The Secretary is authorized to sell public lands that have been classified for disposal in accordance with this title. Such sales shall be in tracts not exceeding five thousand one hundred and twenty acres each to qualified governmental agencies at the appraised fair market value thereof as determined by the Secretary or to qualified individuals through competitive bidding at not less than the appraised fair market values as determined by the Secretary.

Sec. 109. At least ninety days prior to offering lands for sale in accordance with this title, the Secretary shall notify the head of the governing body of the political subdivision of the State having jurisdiction over zoning in the geographic area within which the lands are located or, in the absence of such political subdivision, the Governor of the State, in order to afford the appropriate body with the opportunity of zoning for the use of the land in accordance with local planning and development and to provide restrictions on use which will help assure its use for the purposes for which the Secretary finds it is best suited. All sales shall be consistent with State and local land use plans and zoning.

Sec. 110. All patents or other evidences of title issued under this title shall contain a reservation to the United States of all mineral deposits. Patents and other evidences of title may contain such reservations and reasonable restrictions as are necessary to achieve the goals and objectives of this Act.

Sec. 111. (a) The Secretary is hereby authorized to acquire by purchase, donation, exchange, or otherwise such lands or interests therein as he deems necessary to provide access or otherwise facilitate the administration of the public lands.

(b) Notwithstanding any other provision of law, in exercising the exchange authority granted by subsection (a) of this section, the Secretary may accept title to any non-Federal property or interests therein and in exchange therefor he may convey to the grantor of such property or interest any public lands or interests therein under his jurisdiction and which he classifies as suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired. The values of the land so exchanged either shall be approximately equal, or if they are not approximately equal, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. The proceeds received from any conveyance under this section shall be credited to the Land and Water Conservation Fund in the Treasury of the United States.

Sec. 112. Violations of the public land laws and regulations of the Secretary relating to protection of the public lands and the uses thereof shall be punishable by a fine of not more than $1,000 or imprisonment for not more than six months, or both. Any person charged with the violation of such laws and regulations may be tried and sentenced by any United States commissioner or magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18, United States Code.

Sec. 113. The Secretary may authorize such persons who are employed in the Bureau of Land Management as he may designate to make arrests for the violation of the laws and regulations referred to in sections 114 and 116 of this Act. Upon sworn information by any competent person, any United States commissioner or magistrate in the proper jurisdiction shall issue a warrant for the arrest of any person charged with the violation of said laws and regulations, but nothing herein shall be construed as preventing the arrest by any officer of the United States, without warrant, of any person taken in the act of violating such laws and regulations.

SEC. 114. The Secretary is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of this title.

SEC. 115. In order that the Secretary shall have the benefit of the advice and assistance of others knowledgeable with respect to matters within the purview of this title, he may establish such multiple use, special use, or ad hoc advisory boards or groups as he deems necessary.

SEC. 116. There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title. Any funds so appropriated shall remain available until expended.

SEC. 117. (a) Subject to valid rights and liabilities existing at the date of approval of this title, the following Acts or parts thereof are repealed:

(1) Chapter 7 of title 43, United States Code, sections 161–302, homesteads generally.

(2) Chapter 8 of title 43, United States Code, sections 315f and 315g, Taylor Grazing Act.

(3) Chapter 9 of title 43, United States Code, sections 321–338, desert land entries.

(4) Chapter 16 of title 43, United States Code, sections 671–700, sale and disposal of public lands.

(5) Chapter 17 of title 43, United States Code, sections 711–731, reservation and sale of townsites on public lands.

(6) Chapter 24 of title 43, United States Code, sections 1021–1048, under State laws, Minnesota and Arkansas.

(7) Chapter 26 of title 43, United States Code, sections 1071–1080, abandoned military reservations.

(8) Chapter 27 of title 43, United States Code, sections 1091–1134, public lands in Oklahoma.

(9) Chapter 28 of title 43, United States Code, sections 1153–1156, patents for private claims, Missouri.

(10) Chapter 28 of title 43, United States Code, sections 1171–1177, sale of isolated tracts.

(11) Chapter 28 of title 43, United States Code, sections 1191–1193, evidence of title.

(12) Sections 11 and 16 of the Act of March 3, 1891 (26 Stat. 1099, 1101; 48 U.S.C. 355, 43 U.S.C. 728), townsites, Alaska.

(13) The fourth paragraph of section 1 of the Act of March 12, 1914 (38 Stat. 307; 48 U.S.C. 303), townsites, Alaska.

(14) Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a–355d), townsites, Alaska.

(15) Act of February 26, 1948 (62 Stat. 35; 48 U.S.C. 355e), townsites, Alaska.

(16) Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a–364e), sale of public domain, Alaska.

(17) Act of July 24, 1947 (61 Stat. 414; 48 U.S.C. 364), zoning of land, Alaska.

(18) Act of June 11, 1938 (as amended) (43 U.S.C. 682a–682e), small tracts.

(19) Chapter 28 of title 43, United States Code, section 1181 (a–j), Oregon and California Railroad Act of 1937.

(20) Act of May 24, 1939 (53 Stat. 753), Coos Bay Wagon Road.

(b) The provisions of this title shall prevail over any existing law not consistent with it and such laws or portions thereof are hereby repealed.

SEC. 118. (a) Notwithstanding any other provisions of the law, the proceeds from revenues from the sale or lease or other disposition of public lands, minerals and other resources shall be distributed by the Secretary in lieu of taxes to each state for distribution to its counties having public lands, which payments, however, shall not exceed 25 per centum of the revenue received from the public lands in the county where the lands are located.

(b) Wherever in his judgment the amount of such payments may exceed the taxes that are levied on similar lands, the Secretary shall have an appraisal made of the public lands in question, and shall thereafter pay an amount not to exceed an amount equal to that tax would be levied on the public lands in each county if such lands were on the tax rolls. However, in any county where revenues from the public lands for the preceding five years have averaged less than $2 per acre, and the Secretary anticipates that the situation will not materially change in the next five years, he may, if in his judgment the cost of appraisal does not justify having one made, elect to pay only 25 per centum of the revenues, unless such payment would result in a payment to that county of less than 90 per centum of tax equivalency. Appraisals shall, when made, conform to standards for the State and counties involved, and their cost shall be deducted from payments in lieu of taxes to be made.

SEC. 119. Appointments made on and after the date of the enactmnet of this Act to the office of the Director of the Bureau of Land Management, within the Department of the Interior, shall be made by the President, by and with the advice and consent of the Senate. The Director shall (1) have a broad background and experience in public land and natural resource management, (2) be selected from the Federal civil service, and (3) be subject to removal only for cause or disability.

SEC. 120. There is hereby established a special Management Fund in the Land and Water Conservation Fund. All revenues derived from pubic domain lands, not otherwise distributed in lieu of taxes, shall be returned to the Special Fund for acquisition and rehabilitation of retained public lands.

TITLE II—MINERAL LEASING

SEC. 201. This title may be cited as the "Federal Land Mineral Leasing Act of 1971".

SEC. 202. As used in this title—

(1) "Secretary" means the Secretary of the Interior;

(2) "Head of department or agency" means the head of an agency or the Secretary of a department other than the Secretary of the Interior;

(3) "Federal lands" means all federally owned lands except lands—

(A) Held in trust for Indians;

(B) Owned by Indians with Federal restrictions on the title; or

(C) Within units of the National Park System, units of National Wildlife Refuge System, the National Wilderness Preservation System, the national system of Wild and Scenic Rivers, and within units of the National Forests and National Resource Lands classified as Primitive, Roadless, Natural, or Scenic Areas.

(4) "Federal mineral interests" means mineral deposits in Federal lands and federally owned mineral interests in non-Federal lands;

(5) "Person" means any of the following, including their lawful agents and instrumentalities:

(A) any State, county, municipality, or other local governmental subdivision within which the land is located;

(B) any municipality within convenient access to the lands if the lands are within the same State as the municipality;

(C) any individual who is authorized to enter into a contract for acquisition of title in real property in the United States by himself or through his guardian or trustee;

(D) any partnership or association, each of the members of which is an individual as defined in subparagraph (C); and

(E) any corporation organized under the laws of the United States or of any State thereof, and authorized to hold title to real property in the State in which the land is located;

(6) "Mineral lease" means an exclusive right to explore for and develop a mineral deposit or deposits in specified lands under this title;

(7) "Mineral license" is a right to mine and remove a specified amount of minerals from specified public lands; and

(8) "Mineral" is a substance that—

(A) is recognized as mineral, according to its chemical composition, by the standard authorities on the subject, or

(B) is classified as mineral produce in trade or commerce except that helium, water, and geothermal steam are not minerals under this title.

SEC. 203. The Secretary is authorized to permit by the issuance of mineral leases and licenses under this title, any person to prospect for, mine, and develop Federal mineral interests to the extend and under such terms and conditions as the Secretary finds consistent with the following goals and objectives:

(1) Provision of an adequate supply of minerals to meet national requirements at reasonable market prices in a timely fashion.

(2) Preservation of a quality environment for present and future generations of Americans.

(3) Management of Federal lands and resources under principles of multiple use and sustained yield.

(4) Preparation, maintenance, and preservation of the integrity of comprehensive and coordinated national, State, and local land use plans.

(5) Maintenance of an interdisciplinary approach to natural resources programs.

(6) Opportunity for the public to participate fully in the conduct of the public business.

(7) Payment by users of public lands and resources of fair market value.

(8) Adequate tenure and opportunity for mineral prospectors and mining operations to plan and develop prospecting and mining operations and to secure a fair return for their risk and investment.

(9) Maintenance of competition in the allocation and development of public resources.

(10) Prevention of undue concentration of ownership of rights to Federal mineral interests.

(11) Encouragement of efficiency in prospecting and production of minerals and in protection and rehabilitation of the environment.

SEC. 204. The Secretary may decline to issue leases or permits for mineral exploration and development wherever he finds that such activity is likely to result in soil erosion, scenic defacement, destruction of watersheds, or damage to fish and wildlife of such an extent that it is likely to outweigh the value to the public of the minerals that may be produced.

SEC. 205. (a) The Secretary may dispose of Federal mineral interests in Federal lands which are not under his jurisdiction only if the head of the department or agency which administers the lands concurs with the proposal to dispose of the Federal mineral interests and in the proposed terms and conditions of disposal insofar as such terms and conditions would affect such head's exercise of his administrative responsibilities.

(b) The Secretary may dispose of Federal mineral interests in non-Federal lands only after he has given the non-Federal landowner an opportunity to review and comment on the planned terms and conditions of the proposed disposal. Insofar as they relate to conservation of natural resources, the protection of the environment, and protection of and compensation for private improvements on the land, the Secretary shall, to the extent he deems feasible, include in the proposed disposal the same terms and conditions that he would include if the lands were Federal.

SEC. 206. The Secretary shall consult with the Federal, State, and local governments, advisory boards and committees, and the general public to the extent he deems necessary to secure full public participation in decisions related to the disposal of Federal mineral interests. The head of any department or agency may render, without transfer of funds, technical assistance to the Secretary in connection with the Secretary's activities under this title.

SEC. 207. The Secretary shall publicize all proposals to dispose of Federal mineral interests under this title to the extent and by those means which he deems necessary to comply with the goals, objectives, and other provisions of this title. Notices of such proposals shall describe by incorporation or by reference the terms and conditions of disposals so that the general public may knowledgeably comment on the proposal and potential lessees and licensees will be fully informed what their rights and obligations would be under the proposal.

SEC. 208. (a) The Secretary may dispose of Federal mineral interests by mineral lease and license under this title in any manner which in his judgment will meet the goals, objectives, and other provisions of this title. He may utilize competitive means of disposal whenever he finds that competitive interest exists and competition would otherwise be consistent with the requirements and goals and objectives of this title. In competitive disposals, he may reserve the right to reject any and all bids where he finds that acceptance would be inconsistent with the goals and objectives of this title. Where he finds that any person is dependent upon continued access to Federal mineral interests by virtue of the location of their mining and mineral recovery facilities he may accord such person a preference right to meet the terms and conditions of a proposal to issue a mineral lease or license. Such preference right may include, in the discretion of the Secretary, the right to match the highest bid for the contract when Federal mineral interests are disposed of competitively.

(b) Whenever Federal lands are being drained of oil and gas by wells drilled on adjacent lands, the Secretary may negotiate contract agreements with the owners of those wells and of the oil and gas in the adjacent lands to compensate the United States for such drainage.

SEC. 209. (a) The Secretary shall reserve to the United States the ownership of and right to extract helium from all gas produced under this title, and in the extraction of such helium, he shall cause no substantial delay in the delivery of the gas produced from the well to the purchaser thereof.

(b) Oil shale on public lands shall not be leased until extraction techniques which prevent damage to watersheds and the environment have been developed. Notwithstanding any other provision of law, all revenues from oil shale leasing shall be deposited in the treasury as miscellaneous receipts.

SEC. 210. In leases, licenses, and other contracts issued under this title, the Secretary shall incorporate such terms and conditions that he deems necessary or desirable to promote good business practices; to promote the conservation of lands and other natural resources; to preserve and enhance the environment; to maintain ecological balances; to protect the public health, safety, and welfare; to enable the proper use of the lands; and otherwise to promote or be consistent with the goals and objectives and other terms of this title, including, but not limited to, provisions for—

(1) cancellation and forfeitures for cause;

(2) relinquishment of rights and privileges;

(3) bonds, deposits, or other good faith security;

(4) assignments and subleases, in whole or in part;

(5) renewals and extensions;

(6) removal of improvements;

(7) rentals and royalties;

(8) penalties for noncompliance;

(9) reinstatements;

(10) nondiscrimination;

(11) protection of health and safety of workers;

(12) protection and rehabilitation of natural resources;

(13) prevention of air, water, and land pollution;

(14) adjustment of disputes;

(15) payments in kind;

(16) inspection of premises by Federal and State officials;

(17) inspection of business records;

(18) joint enterprises;

(19) suspension, waiver and reduction of rentals or royalties in order to promote conservation of resources;

(20) reasonable diligence;

(21) workmanlike performance;

(22) disposal of surface estate;

(23) uses of the lands and resources thereon by third parties;

(24) uses of the lands and resources by the contracting parties, including rentals to be paid by the lessee or licensee;

(25) unitization, operating, and other cooperative agreements; and

(26) submittal of plans of exploration, mining, and rehabilitation operations for approval by the Secretary.

SEC. 211. The Secretary is authorized to issue such regulations as he finds necessary or desirable to carry out the goals, objectives, and other purposes of this title, including, but not limited to, regulations to establish—

(1) the area or volume or kind of mineral rights that may be held by any one qualified applicant, and

(2) the area or volume or kind of mineral rights that may be acquired by any one person in any area or at any sale.

SEC. 212. (a) All prior laws which relate to the disposition of Federal mineral deposits covered by this title are hereby repealed except to the extent noted in subsection (c) of this section. These laws include, but are not limited, to—

(1) The Mining Law of 1872, as amended (30 U.S.C. 21–77).

(2) The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181–286).

(3) The Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359).

(4) The Act of July 31, 1947, as amended, and the Act of July 23, 1955, as amended (30 U.S.C. 601–615).

(5) The Right-of-Way Leasing Act of 1930 (30 U.S.C. 301–306).

(b) Any valid mining claim, lease, contract, or other right acquired under any laws repealed by this title which existed on the date of enactment of this title shall not be affected by this title until 1977 but shall remain subject to the provisions of the law under which such rights were derived. The Secretary is authorized in his discretion and upon application to him by the owner of the right to issue a lease or license under this title in exchange for a valid mining claim or valid mineral lease, license, or permit issued under the authorities repealed by subsection (a) of this section: *Provided*, that all outstanding claims under repealed laws which are not converted into leases or licenses by 1977 shall be subject to an executive declaration of immediate taking, settlements of which are appealable to the Court of Claims, under section 1491 of title 28, United States Code.

(c) The following provisions of law shall remain in force and effect:

(1) Section 29 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).

(2) Section 35 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 191).

(3) The distribution of receipts provisions of section 3 of the Act of September 1, 1949 (30 U.S.C. 192c).

(4) The distribution of receipts provisions of the Act of June 1, 1948 (30 U.S.C. 286).

(5) The distribution of receipts provisions of the Act of June 12, 1926 (44 Stat. 740).

SECTION-BY-SECTION ANALYSIS OF PUBLIC DOMAIN LANDS ORGANIC ACT OF 1971—H.R. 9911

Title: "Public Domain Lands Organic Act of 1971."

TITLE I—PUBLIC LAND ADMINISTRATION

Section 101. States that the purposes of public land administration are to maintain the integrity of ecosystems and environmental quality, and to permit appropriate industrial development under principles of multiple use and sustained yield.

Section 102. Defines various terms, including public lands (those administered by the Bureau of Land Management), multiple use, sustained yield, qualified governmental agency, and qualified individual.

Section 103. Sets forth goals in administering non-mineral resources of the public lands, including environmental quality, multiple use, sustained yield, coordinated and interdisciplinary planning, open public planning, adequate resource availability, and disposal at fair market value under competitive conditions.

Section 104. (a) Directs Secretary of Interior to develop regulations for classifying public lands that may be disposed of because they are not needed for federal purposes and are more valuable for residential, commercial, industrial, or agricultural purposes (excluding forage crops or surplus crops), with consideration to be given in classifications to questions of ecology and environmental quality.

(b) Requires hearings on disposal regulations, with 60 days notice and 60 days subsequently for receipt of final comments.

(c) Requires 60 days notice in Federal Register and local newspapers of proposed disposals, with public hearings on request.

(d) Requires notification of Congressional Committees on Interior and Insular Affairs of proposed disposals of over 1440 acres, with disposals blocked if either Committee objects.

Section 105. States that all existing classifications are subject to review and reclassification under this Act.

Section 106. Directs Secretary to review all roadless areas of 5000 acres or more on public lands by 1980, with recommendations to be forwarded to Congress on suitability for inclusion in National Wilderness Preservation System and status quo maintained while question is before Congress.

Section 107. Directs Secretary to establish boundaries for public lands (called National Resource Lands), with names conferred on units and maps and signs provided.

Section 108. Authorizes Secretary to sell tracts not exceeding 5120 acres that have been classified for disposal at not less than fair market value, with competitive bidding required in case of private parties.

Section 109. Makes sale of public land contingent on existence of local land use plans and zoning controls which impose restrictions to assure best use of the land.

Section 110. Reserves mineral title to United States in case of all lands subject to disposal.

Section 111. (a) Authorizes Secretary to acquire additional public lands by various means to provide access or to facilitate management of lands already in public ownership.

(b) Authorizes Secretary to exchange

lands classified for disposal to acquire needed lands, and to pay or receive money payments to equalize values.

Section 112. Provides punishment for misdemeanors involving violation of regulations governing public lands, with trials to be before U.S. Commissioner.

Section 113. Authorizes BLM to designate officers to enforce public land regulations and to make arrests, with any U.S. officer authorized, however, to make eye-witness arrests.

Section 114. Secretary authorized to promulgate regulations needed to carry out purposes of Title I.

Section 115. Authorizes Secretary to appoint regular or ad hoc advisory boards.

Section 116. Authorizes appropriation of sums necessary to carry out purposes of Title I, with appropriated funds remaining available until expended.

Section 117. (a) Subject to valid existing property rights, some 20 major historic disposal statutes are repealed in whole or part, including Homestead Act, Taylor Grazing Act, Desert Land Act, Small Tract Act, and O & C Act.

(b) Provides that all other laws inconsistent with this Act are repealed also.

Section 118. (a) Provides for a system of payments in lieu of taxes in place of revenue sharing on public lands, with a limitation, however, of payments in any one county of 25% of the revenues derived from public lands there.

(b) Authorizes the Secretary to have appraisals done of public lands for purposes of determining payments in lieu of taxes, with payment of only 25% of revenues derived from public lands authorized in those cases where revenues from those lands have averaged less than $2.00 per acre in previous 5 years, unless this would result in payments of less than 90% of tax equivalency.

Section 119. Provides for appointment of Director of BLM by President with advice and consent of Senate, with appointment to be made from Civil Service rolls, and removal only for cause or disability.

Section 120. Provides that all revenues derived from public lands, that are not distributed in lieu of taxes, shall be placed in the Land and Water Conservation Fund to be used for acquiring additional public lands and for rehabilitating public lands.

TITLE II

Section 201. This title is to be cited as the "Federal Land Mineral Leasing Act of 1971."

Section 202. Defines various terms, including "Federal Lands" which means all federally owned lands, except lands held in trust for Indians or owned by them under federal restrictions, and lands within the following protective systems: National Park System, the system of National Wildlife Refuges and Ranges, National Wilderness Preservation System, national system of Wild and Scenic Rivers, and national forest and BLM areas classified as Primitive, Roadless, Natural, or Scenic areas.

Section 203. Authorizes Secretary to issue mineral leases for prospecting and mining development on federal lands to extent consistent with various goals which are set forth which include environmental quality, coordinated, interdisciplinary planning, multiple use and sustained yield, public participation in planning, adequate mineral supply and payment of fair market value, with adequate opportunity for a fair return on investment, maintenance of competition, and efficiency in operations.

Section 204. Authorizes Secretary to decline to issue mineral leases wherever he finds that exploration or development might cause loss in noncommercial values, such as soil erosion, scenic defacement, watershed destruction, and damage to fisheries and wildlife, that would outweigh values of commercial production.

Section 205. (a) Provides that Secretary may only offer mineral leases on lands under other federal departments with the concurrence of the head of that department, both with respect to the advisability and terms and conditions proposed in so far as they affect that other department.

(b) Before issuing leases on federal mineral interests in non-federal lands, Secretary must offer private owner opportunity to comment. Secretary can impose conditions in such cases with respect to conservation and compensating private owner for improvements affected.

Section 206. Authorizes Secretary to consult with other public agencies, advisory boards, and public in deciding where, when, and how to issue mineral leases.

Section 207. Directs Secretary to publicize mineral leasing proposals with terms and conditions described and comment invited.

Section 208. (a) Authorizes Secretary to lease by competitive bid where competition exists and consistent with goals of this Title. Authorizes the Secretary to extend preferences to operators dependent on continued access to public resources, including opportunity of matching highest bids.

(b) Authorizes Secretary to negotiate payment agreements with operators of oil and gas wells on adjacent lands that are draining pools under federal lands.

Section 209. (a) Directs Secretary to reserve right to extract helium from all gas produced under federal leases.

(b) Provides that oil shale deposits shall not be leased until techniques are developed to prevent damage to watersheds and the environment, with receipts on ultimate development to be deposited as miscellaneous receipts in federal treasury.

Section 210. Directs Secretary to put terms and conditions in leases to serve various goals: good business practice, conservation, environmental protection, ecological balance, public welfare, and proper land use. Requires provisions in leases dealing with following subjects: cancellation and forfeiture, relinquishment, bonds and deposits, assignments, renewals and extensions, removing improvements, rentals and royalties, penalties, reinstatements, nondiscrimination, worker safety, site rehabilitation, pollution prevention, settling disputes, payments in kind, inspection of operations and books, joint enterprises, suspension, waiver, and royalty reduction owing to conservation restrictions, reasonable diligence, workmanlike performance, disposal and use of surface estate, use by third parties, unitization, and approval of rehabilitation plans.

Section 211. Authorizes Secretary to issue regulations on limiting amount of lease holdings that may be held by any one party, and in any one area and as result of any one sale.

Section 212. (a) Repeals various previous mining acts, either in whole or part, including the Mining Law of 1872, the Mineral Leasing Act of 1920, the Mineral Leasing for Acquired Lands.

(b) Provides that rights established under repealed mining laws shall be convertible into leases under this Title, with those not converted subject to immediate condemnation after 1977, and settlements appealable to the Court of Claims.

(c) States that specified portions of certain existing mining laws continue to remain in effect, mainly those relating to the distribution of receipts.

FINANCIAL PLIGHT OF OUR ELDERLY AMERICANS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. BIAGGI) is recognized for 15 minutes.

Mr. BIAGGI. Mr. Speaker, for the past week I have been circulating for cosponsorship several bills that will help relieve the financial plight of our elderly Americans.

Today over 25 percent of those over 65 live below the poverty level. Many of these did not face poverty until they retired. Over half of our senior citizens earn less than $5,000.

This group of Americans has been hardest hit by inflation. Health care for instance, is a primary factor in their expenses. Four out of every five older Americans have a chronic health condition, disease or impairment. In terms of price increases, doctors' fees, hospital costs and other medical expenses have gone up far faster than the average cost of living. Only two-thirds of these costs are covered by medicare and other health plans.

Additionally, food, rent, and clothing for most elderly Americans comprise the remainder of their expenses. The cost of these items, too, has escalated much faster than other items in the cost of living index.

Mr. Speaker, I have heard many of my colleagues stand here in this well and talk about how greatly concerned they are for the conditions of the elderly. I have heard proposals for increased welfare for the elderly, increased rent subsidies for the elderly, increased this and increased that. Unfortunately very few of these proposals are translated into beneficial programs.

However, Mr. Speaker, many of our elderly Americans do not want welfare programs or handouts. Many of them would be content to continue working on a part-time basis or a nearly full-time basis to earn the extra income over their social security payments that makes the difference between poverty and a normal existence.

Yet at 65 these people, who have worked hard all their lives, who have contributed daily to the social security trust funds, who have been good upstanding citizens working for a better America, are told by our laws that they cannot earn more than $1,680 without losing their social security payments. Even with the proposed increase to $2,000 contained in H.R. 1, the combined outside earnings and social security income barely comes to more than the poverty level income.

How can we continue to deny a person these payments? The trust fund was set up as the Old Age and Survivors Insurance Fund, an insurance or pension plan for all working Americans.

Contributions are made to this fund by the employee and his employer. The payments are mandatory. Yet when the person reaches 65 and desires to continue his life at the same economic level as before retirement, he finds he cannot work without losing his earned social security payments. Many must forfeit the payments in order to survive.

The inequity becomes more acute when one considers that the persons suffering from this provision are those who need the income most. If a person has an income of $50,000 from investments, he is still entitled to social security benefits as long as he does not have wages over $1,680.

My bill, H.R. 7018, which is being circulated for cosponsorship, would rectify this alarming inequity. How can we continue to deny these people the right to work for additional income without losing their social security payments? How can we at the same time continue to permit high income elderly Americans to receive social security while those in poverty cannot?

Elimination of the outside earnings limitation would extend social security benefits to those who really need it—to those whom the law was intended to help. It would eliminate a goodly number of our elderly poor now living on welfare because working for more than $1,680 a year would cost too much in lost social security payments. It would increase tax revenues from the added income tax these citizens would pay. And it would help State and local governments since it is an economic fact that elderly Americans at moderate and low income levels spend all their income immediately on consumer items.

Through the resources of Staff Builders of New York, a nationwide firm that specializes in placing elderly Americans in jobs, I am conducting a petition campaign calling for elimination of the outside earnings limitation. The goal is 1 million signatures. The response so far from across the country has been impressive. Tomorrow, I will point out some particular problems that have come to my attention through this campaign. In the meantime, I hope you will contact me or my office to join me in reintroducing the following bills:

BILLS BEING CIRCULATED FOR CO-SPONSORSHIP BY CONGRESSMAN BIAGGI

A. SOCIAL SECURITY REFORMS FOR THE ELDERLY

1. H.R. 7018—A bill to eliminate the outside earnings limitation for recipients of social security benefits.*
2. H.R. 8238—A bill to provide for an increase in the lump sum death benefits payment to $750.

B. TAX REFORMS FOR THE ELDERLY

1. H.R. 7920—A bill to provide a $5000 retirement income tax exemption for civil servants at retirement and for all taxpayers at age 65.
2. H.R. 7922—A bill to provide a full deduction of all medical expenses for taxpayers over age 65.
3. H.R. 7924—A bill to provide a taxpayer with an exemption for an over age 65 dependent regardless of the dependent's income. This is the same as in the case of a dependent who is under age 19.

C. MEDICARE REFORMS FOR THE ELDERLY

1. H.R. 9151—A bill to provide for payment of optometrists' services under Medicare.
2. H.R. 9672—A bill to include prescription drugs under Medicare.
3. H.R. 4507—A bill to include chiropractor services under Medicare.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

As the Nation observed its 195th anniversary earlier this month, it appears that we are emerging from the hectic, disruptive 1960's to a more stable progressive era. U.S. News & World Report states flatly: "The Nation at its 195th birthday seems headed solidly toward stability." It notes that the country is still a "place of opportunity" for people of all backgrounds and races. The "melting pot" has produced a Nation of tremendous talent and diverse cultural backgrounds.

APPALACHIAN COMMISSION SLOWLY FADING

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I am very deeply concerned that the Appalachian Regional Commission, which I have often called the best program in the Federal Government, is going to die very soon.

The creation of the Appalachian Commission was, I believe, the finest hour in the history of the very active Public Works Committee, on which I am privileged to serve. But the life of the Appalachian Commission is passing rapidly away, and with it, one of the greatest of this committee's achievements.

Already, the fate of the Appalachian Commission hangs by the flimsiest of legislative strands—a continuing resolution that will expire in 17 short days.

And yet there are those who insist on holding this popular and worthwhile program hostage, and attempting to run a more controversial program through on the strength of Appalachia's popularity.

Changing the character of the Economic Development Administration to the extent proposed by some Members of this body, in my opinion, should require new hearings, and those hearings should not be allowed to delay passage of the Appalachian extension measure.

Hearings of this nature take time, and I cannot stress too strongly, time is not our friend. I favor continuation of the Economic Development Administration, and I have said so many times. But it is a disservice to the EDA, and a potential tragedy for the Appalachian Commission, to proceed as has been suggested by some here.

Let us abandon this legislative maneuvering, for the sake of a program that has proven its effectiveness and earned its keep, but even more for the sake of 20 million people in the Appalachian region, who have long regarded the Appalachian Commission as their brightest ray of hope for a better life.

Let us have a clean bill to extend the Appalachian Commission and its companion title V commissions now, and then let us consider the EDA revisions in a separate bill with separate hearings.

This is the responsible and reasonable course, and the one the majority of my colleagues must surely recommend.

ELECTION REFORM BILL INTRODUCED

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, today I introduced a bill which would simplify voter registration requirements, proclaim Federal election day a national holiday, require that all polls be kept open 24 hours, and require that all polling places in the country close at the same time. The title of this legislation is the Election Reform Act of 1971.

The purpose of this bill is to increase the number of voters and to assure that the votes in one section of the country do not influence votes in other sections of the country. The polls should be open 24 hours because the longer they are open the larger the vote will be. Though there will be an added cost involved in keeping the polls open longer I believe it would be some of the best money we have ever spent.

Under this bill, election day would be 36 hours long. Each State could decide which hours its polls would remain open so long as the total number of hours was 24 and their polls closed by 12 midnight, eastern standard time.

I believe that this legislation would increase the vote in two ways: One, by keeping the polls open longer, and, second, by proclaiming Federal election day a national holiday. It is perfectly logical to make election day a national day since no day in a democracy is more important than a day on which citizens choose their elected officials.

As for closing the polls all over the country at the same time, it is undemocratic and unnecessary to allow polls in one section of the country to close 3 or more hours before polls in other sections of the country are closed. In a presidential election, with the networks' super computers forecasting results almost instantaneously, the election could be effectively over even before the polls on the west coast or Hawaii closed. This kind of system discourages a voter turnout in western parts of the country, and simply has no place in a democracy.

The section of the bill which simplifies registration requirements closely parallels a bill introduced by Representative MORRIS UDALL, of Arizona. It would:

Abolish all residency requirements for voting for President or Vice President;

Require that, during a 3-week period before a presidential election, the Bureau of the Census conduct a door-to-door drive to enroll all eligible persons who have not yet registered under State law;

Enable a person absent from his district to cast a special absentee ballot in the nearest polling place, even in another State.

I think that this kind of legislation has been too long in coming and I hope that my colleagues will give it their serious consideration.

THE FIRST AMENDMENT

THE SPEAKER. Under a previous order of the House, the gentleman from

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* Subject of a nationwide citizen petition campaign.

West Virginia (Mr. STAGGERS) is recognized for 10 minutes.

Mr. STAGGERS. Mr. Speaker, a survey of metropolitan news media comment seems to show that most of them hail with delight the Supreme Court decision in the case of the stolen "classified" Pentagon documents, and the House vote on the CBS citation case. They consider both of these as vindication of the media stand on the first amendment issue. An example is the headline on a signed article in the Christian Science Monitor for July 15, 1971. It reads: "CBS Victory Swells Free-Press Tide."

Some newspapers are not sure. I offer as examples two editorials from small city or small town newspapers. One is from a daily, the Martinsburg Journal, published in Martinsburg, W. Va., and edited by Mr. Paul B. Martin. The other is from a weekly published in the small town of Petersburg, W. Va., the Grant County Press, edited by Mrs. Ralph P. Welton.

It seems to me that both of these editors offer honest and fairminded questions and suggest cogent and unequivocal answers. What they say may represent public opinion more truly than do the metropolitan media. The metropolitan media take the position that they express—that is, dictate—public opinion. The rural papers are close to the people. They do not often misunderstand what the people think.

It is somewhat astonishing that the Christian Science article referred to above suffered from a qualm of uncertainty. After the flamboyant headline quoted above, it ended up with the paragraph which I take the liberty of quoting:

> While overriding these factors (arguments used in the debate), the House vote evidently left much of the adversary relationship between Congress and the press undisturbed. Not one representative rose to defend the network against charges of deceptive editing practices. Two committee chairmen vowed to never again to consent to pretaped interviews.

I insert the two editorials mentioned above:

[From the Martinsburg (W. Va.) Journal, July 13, 1971]

NEWSPAPER AND TV DIFFERENCES

The liberal press and politicians are trying their best to make the cases of the publication of stolen Pentagon papers and the investigation of the Columbia Broadcasting System by Representative Harley Staggers' House committee appear as one and the same thing.

Actually, there is all of the difference in the world except that both The New York Times and CBS are trying to wrap themselves in the flag of freedom of the press.

Efforts to halt publication of the stolen papers by the newspapers involved "prior restraint", the right to stop a news medium before publication. Not at issue at all before the Supreme Court in its recent decision was whether the documents had been stolen or whether the newspapers bought stolen property, both of which come under criminal statutes.

The House committee did not try to prevent CBS from showing the so-called "documentary" entitled "The Selling of the Pentagon." The House committee wants to know whether CBS deliberately distorted facts and twisted statements in preparing the one-sided anti-U.S. film.

A huge broadcasting network such as CBS is a semi-monopoly and is controlled by government just as are monopolies in the field of electric power, telephone service, and interstate truck lines. These monopolies are permitted because they are the only practical methods of carrying on particular businesses. It was recognized long ago, however, that these monopolies should not be allowed to take advantage of their situations and were, therefore, subjected to governmental control and license.

Freedom of the press is a cornerstone of our Anglo-American form of government and no one who believes in representative government opposes it, but freedom of the press also entails great responsibility. As someone once said about freedom of speech, it does not extend to crying "fire" in a crowded auditorium. The same is true of the use of news columns of a newspaper.

The difference between a newspaper and a television network is vast. In the first place, newspapers are purely private enterprise which must compete in the open market. Television networks are at least semi-monopolies. It is easy to separate news from editorial opinion in newspapers. It is much more difficult on TV programs. Another big difference is that newspapers operate within a limited circulation area while TV networks cover the entire nation and, therefore, can be a great influence on many more people.

We commend Congressman Staggers on the position he has taken and hope that the full House of Representatives will support him.

[From the Grant County (W. Va.) Press July 14, 1971]

THE PURLOINED PAPERS

While we agree that the recent Supreme Court decision regarding publication of the "Top Secret" Pentagon Papers was right and proper in light of the First Constitutional Amendment, we feel that a couple of facets of the case deserve comment:

1. What did the Court really decree?
2. What secrets have so far been revealed?

As to the first question: The Supreme Court did not, as is erroneously held by some, grant the news media unrestricted rights to print whatever they desire without fear of reprisal. The historic decision struck only at prior restraint, denying the government the privilege of deciding beforehand what a newspaper may or may not print. Nothing in the decision, however, relieves a publisher from responsibility for what he prints after-the-fact. Certain justices who voted in the majority, most notably Byron White, took pains to include in their opinions broad hints as to the government prerogative and responsibility to prosecute where it can be shown that theft or publication of classified documents have in fact done actual damage in violation of existing espionage laws.

As to the second question: Have secrets been revealed? Well, from what we've read to date from the purloined papers we find: Some politicians practice deception—Bureaucrats scheme against one another too—Bob McNamara and his Defense Department Whiz Kids were not omnipotent—Politicians are inclined to play general and generals are inclined to play politics—Combat-wise military leaders (MacArthur, Ridgeway, Taylor and others) repeatedly warned against a land war in Asia—Presidents are reluctant to admit error—The CIA doesn't operate by Boy Scout rules—Bobby Kennedy didn't trust Lyndon Johnson—Lyndon Johnson didn't trust Bobby Kennedy—Dean Rusk didn't trust anybody.

So far there's been little reported that any thinking American who reads, watches TV, listens to the radio, or just chats about current events with his neighbor couldn't have known as far back as 1967. If there is truly Secret and Top Secret information in the documents which could be detrimental to the country, as there is reported to be, we would like to believe that it hasn't been printed because of the restraining hand of responsible editors.

The real danger, as we see it, is not so much the substance of what's been printed, but the fact that so many directives and messages are being repeated, apparently verbatim, which were originally transmitted by US Secret code. Such scrambled transmissions are routinely recorded by foreign governments. But unless they break the code they don't know what they have. So, they file the tapes indefinitely waiting for a break. The Cryptographer's nightmare has always been that such a foreign government would obtain the exact, clear-text version of what he had transmitted by code. Such are the keys by which codes are broken, allowing foreign governments to decipher all that stuff they've been saving for years to read.

Dr. Daniel Ellsberg, the young intellectual who admits stealing and releasing the documents is currently under indictment for the theft. It will be interesting to see if the government will attempt an indictment against the newspapers for their coverage—and on what grounds.—WJB

THE POTENTIAL HAZARDS OF AEROSOL PROPELLANTS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am pleased to call the attention of my colleagues to the report of Grace Lichtenstein published in today's New York Times regarding the potential hazards of aerosol propellants.

Miss Lichtenstein's article explores a problem which has been of growing concern to me since the misuse of aerosols by young people was first called to my attention by an article published in the Bethlehem Globe-Times, Bethlehem, Pa., in February of 1969. In that instance, a Lehigh University professor had reported that high school students were experiencing a "high" after repeated use of a lipstick-size aerosol mouthspray device. A subsequent check by my office with the Food and Drug Administration indicated the mouthspray aerosol utilized a propellant known as Freon 12 which had been associated with symptoms of light-headedness reported by the children and also had been attributed as the cause of a number of deaths.

As the result of my interest in the apparent hazards associated with the propellant gases used in a broad range of aerosol products, and including a number of contacts with persons associated with or knowledgeable about the aerosol industry, I was privileged to participate in a joint Government-industry conference held in the Rayburn Building on June 21, 1971. My participation in one of two panel discussions at that time afforded me the opportunity to explore industry attitudes toward what clearly is a growing aerosol hazard—the potential of aerosol propellants to produce sudden and unexpected death when excessive quantities of certain of the propellant gases are inhaled.

As early as 1969, I asked the FDA to consider requiring that aerosol dispensers carry an appropriate warning on their label to alert users that excessive inhalation could be dangerous. FDA rejected the suggestion, contending instead that consumer education would be a more satisfactory approach.

In my view, there is a fundamental inconsistency in the FDA endorsement of education of consumers about the hazards of aerosol dispensers and its refusal to require a warning that the gas propellant is extremely hazardous if inhaled in excess. While there always is a possibility that the consumer will not read the label, a printed warning on the label would provide instant education for anyone who took the time to read it.

There is no more guarantee that the aerosol industry's education program will come to the attention of the aerosol user. As a matter of fact, the $5 billion-a-year industry's expenditure of only $100,000 to educate consumers about the hazards of aerosol propellants is almost a certain guarantee that the vast majority of consumers will never learn of the hazards.

Industry figures indicate there were about 2.5 billion aerosol containers of more than 300 types of products sold last year. These 300 products undoubtedly are sold under several thousand brand names.

Since the industry offered me a $100 honorarium for my participation in the industry-government conference on aerosols last month, I am returning that check to the sponsors with a suggestion that each manufacturer of a brand aerosol product match it with equal $100 contributions for each brand aerosol product it markets to the industry's education program within the next 12 months. If the industry responds, its education program can be expanded at least tenfold within 1 year.

Beyond that, I would hope the industry will move voluntarily to develop a suitable warning about the hazards of inhaling the propellant gases and display that warning prominently on their products, that the industry will package its products in containers which will not explode, and that it will step up efforts to find or develop a propellant which is harmless even if misused

As a matter of interest, the Cornell Aeronautical Laboratory, Buffalo, N.Y., reported last year that aerosol containers could be equipped with a safety device to prevent explosions at a cost of a penny a can, although markup might raise that figure to 5 cents to the consumer.

In addition, I want to point out that I learned several weeks ago that the Carter-Wallace, Inc., producers of a number of aerosol products including Arrid and Easy Day deodorants, Rise shaving cream, and Nair hair remover, has voluntarily begun applying warnings to its deodorant labels. The firm reports that production of Arrid and Easy Day carrying the cautionary message, "Warning: Avoid excessive inhalation which may be harmful," has begun. A similar warning is not planned for the Rise or Nair labels, however, because both are dispensed from their containers as foam and the propellant gas is not easily separated from the product to make excessive inhalation even readily possible, according to a company spokesman.

I hope that other aerosol manufacturers whose products have the potential to be misused or abused in a manner which might cause the death of some unsuspecting person will follow the example set by Carter-Wallace and provide a warning on the product label.

Mr. Speaker, I am pleased to include a copy of Miss Lichtenstein's report on the aerosol problem in the Record at this point:

AEROSOL SNIFFING: NEW AND DEADLY CRAZE

(By Grace Lichtenstein)

Physicians, government officials, drug experts and chemical manufacturers are growing increasingly worried about a deadly and relatively new drug-abuse problem among the nation's children: the inhalation of aerosol sprays.

The aerosol product—hair spray, deordorant, household cleaners or some other—is sprayed into a paper bag or a balloon and then inhaled because the propellent produces a strange, floating kind of high.

The propellants, usually hydrocarbons or fluorocarbons, can also produce death, usually from cardiac arrest.

According to the Food and Drug Administration, more than 100 youths have died from deliberate aerosol sniffing since 1967, with an average of four deaths a month currently being recorded. Dr. Millard Bass, a forensic pathologist who has published papers on the problem, calls it an "epidemic."

Concern about aerosol misuse has prompted two conferences on the subject in Washington within the last month, Aerosol manufacturers sponsor a Government-industry conference June 21, while the F.D.A. held a closed meeting of aerosol experts last Friday.

To combat the problem, the industry has begun an educational campaign to warn youngsters about trying aerosol sniffing.

"They're really trying awfully hard," said B. J. Burkett, a spokesman for the Inter-industry Committee on Aerosol Use and public relations manager for the Freon Division of du Pont de Nemours & Co. "I'm very pleased with the progress we've made."

The campaign includes a film-strip, "Rap On," that has been distributed to 3,000 school districts. The industry has also put out a booklet, "Will Death Come Without Warning?" which declares that aerosol products are safe when used as directed.

But some members of Congress and public health officials are not satisfied. They are demanding that aerosol cans carry explicit warnings about inhalation and that a safer substitute for fluorocarbons, the most frequently used propellent, be quickly developed.

At least one company is heeding the call for voluntary warnings on labels, although the industry is not enthusiastic about the idea and the F.D.A. is reluctant to mandate such a warning.

Carter-Wallace has just begun to add the line "Warning: avoid excessive inhalation, which may be harmful" to the labels on its Arrid and Easy Day deodorants. The company said in a statement that the move had been taken because of "isolated reports of misuse of aerosol products."

There are several researchers who feel even a written warning is not enough. "Maybe we should go back to the old skull and crossbones," said Dr. David Blake, chairman of the University of Maryland's Department of Pharmacology and Toxology, who chaired the F.D.A. meeting Friday.

Representative Fred B. Rooney, Democrat of Pennsylvania, and Representative Tim Lee Carter, Republican of Kentucky, who participated in the June conference, have both called on the industry to produce a safer propellant.

"Even with warning labels I doubt that a high percentage of users are aware of the hazards," said Mr. Rooney, who also complained that the $100,000 budget for the industry's education campaign "is almost a certain guarantee that the vast majority of consumers will never learn of the hazards."

In the filmstrip "Rap On," the industry contends that "research is going on" to come up with a substitute for fluorocarbons, but that "meanwhile people need and want" aerosol products.

There are no nationwide figures on how many youngsters have experimented with aerosol sniffing, although the state Narcotic Addiction Control Commission estimated last August that there were 35,000 solvent and aerosol sniffers in New York State.

One researcher, Dr. Rita Hass of the Connecticut Department of Mental Health, reports that users generally are 11 to 15 years old.

According to Dr. Bass, it appears that death occurs after a youngster deeply inhales an aerosol spray for a prolonged period, either on a single occasion or several occasions. The fluorocarbon propellant Freon, the best-known brand of fluorocarbon, can make the heart beat irregularly and then stop.

Not every youth who abuses aerosol cans dies from sniffing, apparently because each body reacts differently to it. But those who suffer an attack from sniffing do not recover. "Once the final event begins, it's quick, sudden and irreversible," Dr. Bass said.

300 PRODUCTS SOLD

At one time, the youth underground's favorite brand was spray that chilled cocktail glasses. It is no longer sold. However, experts stress that any of the 300 kinds of aerosol products now on the market can be equally abused because all use similar propellants.

New York City has recorded only one "sudden sniffing death" this year, that of a 21-year-old man who inhaled an aerosol spray from a balloon.

Dr. Milton Helpern, the Chief Medical Examiner, said yesterday that "so far it isn't as much of a problem here as it is in other jurisdictions."

"Perhaps our kids are more blase about it, he said. "But, you never know about these things—I always keep my fingers crossed."

BISHOP PAPKEN

The SPEAKER pro tempore (Mr. Matsunaga). Under a previous order of the House, the gentleman from Illinois (Mr. Annunzio) is recognized for 10 minutes.

Mr. ANNUNZIO. Mr. Speaker, I am pleased to join my distinguished colleague from California, Honorable George E. Danielson, in welcoming Bishop Papken, representative of the diocese of the Armenian Church of America in Washington, D.C., as guest chaplain in the House of Representatives.

Bishop Papken assumed the post of primate of the diocese of the Armenian Church in California in 1957, and has served the Armenian Church with dedication and devotion for more than 35 years. On past occasions he has given the opening prayer in the House, and it is good to have him with us again.

In behalf of my constituents of the Seventh Illinois Congressional District, many of whom are of Armenian descent, I extend warmest greetings to Bishop Papken and wish him continuing success in his work with the Armenian Church.

CAPTIVE NATIONS WEEK AND KATYN FOREST MASSACRE

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, this week in the month of July each year the Congress of the United States in following up the resolution adopted by the Congress observes "Captive Nations Week." I think it is well to remind the public that the Communist tyrants who have enslaved many nations adjacent to the Soviet Union have not changed their barbarous and tyrannical methods of government.

The Soviet propaganda machine has spent vast sums of money and Soviet manpower to mislead the world regarding their barbarous and inhuman methods of enforcing slavery upon nations under their domination. The Communist representatives of the United Nations have consistently voted against any action of that international body that would present for debate and discussion true facts regarding the inhuman methods used by Soviet leaders against their captive neighbor nations.

Today in my remarks on Captive Nations Week, I think it is well to bring to the attention of the newer Members of Congress and the American younger generations who are unfamiliar with these methods used by the Soviet tyrants to subject innocent and free people these true facts. Forty years have passed since the Soviets committed probably the greatest international crime in world history when they massacred approximately 15,000 Polish leaders and intelligentsia of the then free Polish nation.

When some of the mass graves of those massacred citizens were discovered 2½ years after the crime, the Soviet propaganda machine immediately sent out volumes of propaganda disclaiming this crime and blaming Hitler and the Nazi storm troopers for the atrocities.

After Hitler's death the Soviet propaganda machine, without any global opposition, convinced millions throughout the world that they were innocent of this greatest of international crimes.

With the help of the Polish American Congress, resolutions filed by myself and a number of my colleagues, this Congress created a special investigating committee to hold hearings and settle for posterity and establish authentic guilt for this "crime of the ages." Hearings were held over a 2-year period in the United States, England, and Europe.

In my remarks today during this anniversary week of Captive Nations, I think it is well to include for the younger generations and older people who might have forgotten the conclusions reached by the congressional committee that investigated the Katyn Forrest massacres committed by Stalin and Soviet leaders in the winter of 1939–1940. Mr. Speaker, I hereby submit the authentic verbatim conclusions and recommendations that the Katyn committee submitted to the Congress and the world in the report filed on July 2, 1952:

THE KATYN FOREST MASSACRE

XI. CONCLUSIONS

This committee unanimously finds, beyond any question of reasonable doubt, that the Soviet NKVD (Peoples' Commissariat of Internal Affairs) committed the mass murders of the Polish officers and intellectual leaders in the Katyn Forest near Smolensk, Russia.

The evidence, testimony, records and exhibits recorded by this committee through its investigations and hearings during the last 9 months, overwhelmingly will show the people of the world that Russia is directly responsible for the Katyn massacre. Throughout our entire proceedings, there has not been a scintilla of proof or even any remote circumstantial evidence presented that could indict any other nation in this international crime.

It is an established fact that approximately 15,000 Polish prisoners were interned in three Soviet camps: Kozielsk, Starobielsk and Ostashkov in the winter of 1939–40. With the exception of 400 prisoners, these men have not been heard from, seen or found since the spring of 1940. Following the discovery of the graves in 1943, when the Germans occupied this territory, they claimed there were 11,000 Poles buried in Katyn. The Russians recovered the territory from the Germans in September 1943 and likewise they stated that 11,000 Poles were buried in those mass graves.

Evidence heard by this committee repeatedly points to the certainty that only those prisoners interned at Kozielsk were massacred in the Katyn Forest. Testimony of the Polish Red Cross officials definitely established that 4,143 bodies were actually exhumed from the seven mass graves. On the basis of further evidence, we are equally certain that the rest of the 15,000 Polish officers—those interned at Starbielsk and Ostashkov—were executed in a similar brutal manner. Those from Starobielsk were disposed of near Kharkov, and those from Ostashkov met a similar fate. Testimony was presented by several witnesses that the Ostashkov prisoners were placed on barges and drowned in the White Sea. Thus the committee believes that there are at least two other "Katyns" in Russia.

No one could entertain any doubt of Russian guilt for the Katyn massacre when the following evidence is considered:

1. The Russians refused to allow the International Committee of the Red Cross to make a neutral investigation of the German charges in 1943.

2. The Russians failed to invite any neutral observers to participate in their own investigation in 1944, except a group of newspaper correspondents taken to Katyn who agreed "the whole show was staged" by the Soviets.

3. The Russians failed to produce sufficient evidence at Nuremberg—even though they were in charge of the prosecution—to obtain a ruling on the German guilt for Katyn by the International Military Tribunal.

4. This committee issued formal and public invitations to the Government of the U.S.S.R. to present any evidence pertaining to the Katyn massacre. The Soviets refused to participate in any phase of this committee's investigation.

5. The overwhelming testimony of prisoners formerly interned at the three camps, of medical experts who performed autopsies on the massacred bodies, and of observers taken to the scene of the crime conclusively confirms this committee's findings.

6. Polish Government leaders and military men who conferred with Stalin, Molotov, and NKVD chief Beria for a year and a half attempted without success to locate the Polish prisoners before the Germans discovered Katyn. This renders further proof that the Soviets purposely misled the Poles in denying any knowledge of the whereabouts of their officers when, in fact, the Poles already were buried in the mass graves at Katyn.

7. The Soviets have demonstrated through their highly organized propaganda machinery that they fear to have the people behind the iron curtain know the truth about Katyn. This is proven by their reaction to our committee's efforts and the amount of newspaper space and radio time devoted to denouncing the work of our committee. They also republished in all newspapers behind the iron curtain the allegedly "neutral" Russian report of 1944. The world-wide campaign of slander by the Soviets against our committee is also construed as another effort to block this investigation.

8. This committee believes that one of the reasons for the staging of the recent Soviet "germ warfare" propaganda campaign was to divert attention of the people behind the iron curtain from the hearings of the committee.

9. Our committee has been petitioned to investigate mass executions and crimes against humanity committed in other countries behind the iron curtain. The committee has heard testimony which indicates there are other "Katyns." We wish to impress with all the means at our command that the investigation of the Katyn massacre barely scratches the surface of numerous crimes against humanity perpetrated by totalitarian powers. This committee believes that an international tribunal should be established to investigate willful and mass executions wherever they have been committed. The United Nations will fail in their obligation until they expose to the world that "Katynism" is a definite and diabolical totalitarian plan for world conquest.

XII. RECOMMENDATIONS

This committee unanimously recommends that the House of Representatives approve the committee's findings and adopt a resolution:

1. Requesting the President of the United States to forward the testimony, evidence, and findings of this committee to the United States delegates at the United Nations;

2. Requesting further that the President of the United States issue instructions to the United States delegates to present the Katyn case to the General Assembly of the United Nations;

3. Requesting that appropriate steps be taken by the General Assembly to seek action before the International World Court of Justice against the Union of Soviet Socialist Republics for committing a crime at Katyn which was in violation of the general principles of law recognized by civilized nations;

4. Requesting the President of the United States to instruct the United States delegation to seek the establishment of an international commission which would investigate other mass murders and crimes against humanity.

RAY J. MADDEN, *Chairman*,
DANIEL J. FLOOD
FOSTER FURCOLO
THADDEUS M. MACHROWICZ
GEORGE A. DONDERO
ALVIN E. O'KONSKI
TIMOTHY P. SHEEHAN

Mr. Speaker, whether it is in Moscow, Peking, Warsaw, or other captive nations, the Communist captive nation tyrant's barbarous methods of enslavement have not changed since the days of the Katyn Forest massacre. World history reveals that despotism by despots runs its course and eventually enslaved people finally rebel and destroy their shackles so their liberty and self-government can be restored.

A BILL TO REDUCE RESIDENCY REQUIREMENTS IN VOTING

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, today I am introducing a bill that I believe would make an important addition to the growing body of laws further enfranchising the American electorate. This Voter Assistance Act would extend to congressional elections the same liberalized durational residency requirements recently applied to the election of President and Vice President by the Voting Rights Act Amendments of 1970.

Henceforth State residency requirements could not exceed 30 days prior to the election. Moreover, this bill would provide a simplification of absentee balloting and registration for all Federal elections that are similar to the procedures available to our Armed Forces since 1955. In this latter provision the proposal I introduce today goes beyond the amendments to the Voting Rights Act that passed last year.

The proposal I introduce today has been suggested by others and reflects the growing interest in the Congress in further enfranchising our electorate, an interest and concern reflected also in the rapid passage of the 18-year-old voting amendment—by the Congress and the States—and the increasing disposition of the courts to reject arbitrary classifications and regulations that limit voting rights. As a Nation we cannot afford to disfranchise so many of our voters by continuing antiquated anachronistic residency, and absentee voting provisions.

The Gallup poll's indepth analysis of the 1968 election claimed that the true number of citizens who were disfranchised by restrictive residency laws exceeded 5 million persons. Senator BARRY GOLDWATER, in urging support for the amendments to the 1970 Voting Rights Act amendments, noted that approximately 3 million fully qualified American citizens were denied the right to vote for President in that same election simply because they were away from home on election day and were not allowed to obtain absentee ballots.

The Bureau of the Census took a poll in November 1968, and found that of 26,942,000 people not registered to vote, 3,602,000 were physically unable to do so—illness, incapacity—3,220,000 did not meet residency requirements where they lived. The poll also found that more than 14 million simply showed no interest in registering and voting.

The legislation I am introducing today by liberalizing durational requirements and simplifying absentee voting would solve many of the problems of the more than 3 million who did not meet residency requirements and the more than 3 million who were physically unable to register in 1968. I believe this proposal might well induce some of the 14 million who were not interested in registering and voting to do so, to exercise their right and responsibility to vote.

This legislative proposal insures that a citizen will not be deprived of the opportunity to vote for Members of Congress because of a change of residence and accompanying duration residency requirements. Those who take up a new residence more than 30 days, or up to 30 days, before an election are guaranteed the right to register and vote in the State to which they have moved notwithstanding any durational residency requirement imposed by State law, provided, of course, that they are otherwise qualified to vote.

In addition this bill requires only a 7-day notice for application for absentee ballots. It also provides a simplified absentee vote request form, one which functions as absentee registration to vote in congressional or presidential elections and as an application for an absentee ballot for use in such elections. These forms will be available at post offices and Federal buildings, with charts showing addresses of State and local voting officials, as well as elective offices to be filled and election dates.

I do not think that we can justify in any way the present confusion, uncertainty, and difficulty surrounding voter registration and absentee voting. I believe that the 1970 amendments to the Voting Rights Act made a good start by establishing the 30-day residency period for voting for President and Vice President and a 7-day notice for application for absentee ballots, with a special provision for voting for those who move into an area less than 30 days before election time. I believe that we must now apply the 30-day residency regulation and the 7-day-prior-to-election application for absentee voting to all Federal elections. Indeed since many States are more liberal on voting requirements, residency requirements for voting for President and Vice President than for congressional elections, this kind of legislation is urgently needed for the numbers who are disfranchised, unable to vote for Members of Congress, are likely to be much higher for these offices.

The arguments given by some States that they need stringent residency requirements in order to prevent fraud and to make sure that the voter has sufficient information to base a voter judgment upon, if not specious are at least highly vulnerable. Voter registration is the appropriate prevention for fraud—for voter registration determines voter identification and eligibility—no matter when it is secured, whether 6 months or 6 days before an election. Durational residency requirements make no contribution in the effort to detect voter fraud.

As far as voter information is concerned, the amount, the kind, the quality of information necessary for casting an informed vote, are debatable issues. Certainly the last 30 days before an election the public is saturated with information. The interested voter in that period of time—the amount allowed in this legislative proposal—could certainly come to know a great deal about both candidates. Extended durational residency requirements do not contribute toward voter information in any automatic or necessary way, then, and should not be used purportedly for that purpose.

In the 1970 amendments to the Voting Rights Act the Congress found that durational residency requirements violated constitutional and civil rights of citizens by frequently denying citizens their right to vote, their freedom of movement across State lines, due process and equal protection of the laws guaranteed under the 14th amendment. Moreover, they concluded that these durational residency requirements did not bear a reasonable relationship to any compelling State interest in the conduct of elections.

These findings of the Congress in that legislation were made in connection with voting for President and Vice President. I believe that they are just as applicable to voting for Members of Congress and that the right of citizens to vote in congressional elections needs to be insured by legislation such as I have introduced today.

RIZZO CALLS FOR ACTION ON DRUG PROBLEM

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, a letter from the former Police Commissioner of the City of Philadelphia, the Honorable Frank L. Rizzo, has expressed the concern that is growing among the American people regarding the accuracy of published figures of heroin users among our servicemen and the seriousness of the problem.

Early this month a news dispatch from Saigon indicated that heroin addiction among returning servicemen was only about 2 percent. Yesterday a story said that initial tests of returning servicemen show that 4.5 percent are heroin users instead of the 10 to 20 percent estimated earlier.

Mr. Rizzo, who is a candidate for mayor of Philadelphia, requests a thorough congressional investigation of the situation with a view to an accurate assessment of the danger and effective solution to the problem.

I believe that his letter clearly expresses a concern shared by so many of our people and ask unanimous request that it be included at this point in the RECORD:

PHILADELPHIA, PA., *July 13, 1971.*

Hon. WILLIAM A. BARRETT,
Philadelphia, Pa.

DEAR CONGRESSMAN BARRETT: On July 6th the United Press International carried a dispatch from Saigon quoting unnamed sources as stating that the rate of heroin addiction among returning servicemen was only about 2 percent. This figure is at variance with higher figures which had appeared in the press. Consequently, we believe the Department of Defense should be asked to clear up this confusion with a definitive report.

In Philadelphia, as you undoubtedly know, there has been much discussion among parents and services organizations of the addiction of servicemen while on foreign duty. My contact with veterans' groups has shown me their sincere concern for returning veterans who have drug problems.

Certainly the examination procedure for Vietnam veterans must be as thorough as medical science can devise. The same should be said of induction physical tests.

You realize, I am sure, that the combination of ordinary neurosis which afflicts some veterans returning to civilian life, together with the difficulty of finding jobs during the economic recession, creates a potentially volatile situation when combined with drug addiction.

I strongly urge you and all members of the Senate and House to investigate this situation thoroughly with a view to:

(1) an accurate assessment of this danger, and

(2) an effective solution.

In this connection, I have instructed members of my staff to obtain whatever information is available locally in this matter, and to try to work out effective measures toward a solution of this unfortunate and pathetic byproduct of war.

Respectfully,

FRANK L. RIZZO.

NEW YORK TIMES ENDORSES COMPREHENSIVE CHILD DEVELOPMENT BILL

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on June 21, 1971, the Select Education Subcommittee which I have the honor to chair, of the House Committee on Education and Labor, unanimously and favorably reported H.R. 6748 the comprehensive child development bill.

Mr. Speaker, nearly 100 Members of the House of Representatives are cosponsors of this legislation and over 30 Members of the Senate, under the able leadership of Senators WALTER F. MONDALE of Minnesota and JACOB K. JAVITS of New York, are cosponsors of similar legislation.

The comprehensive child development bill is, in the House, the product of over 2 years of effort, reaching back into the last Congress, on the part of a bipartisan group of members of the House Education and Labor Committee.

I believe the outlook is bright for action in this session of Congress on this legislation, and I am glad to note that the measure has just received the endorsement of the New York Times in an editorial entitled "A New Deal for Children," published July 19, 1971.

Mr. Speaker, I insert the text of this editorial at this point in the RECORD:

A NEW DEAL FOR CHILDREN

A bipartisan group of Congressmen, led by John Brademas, Indiana Democrat, and Ogden Reid, New York Republican, has sponsored an important bill which would offer pre-school care and education to all children at least from the age of two.

The Comprehensive Child Development Act, which has been approved unanimously by a subcommittee of the House Committee on Education and Labor, could usher in a new era in American child care. By helping to close the gap between the children of the rich and the poor, it may hold the key to prevention of the massive retardation for which the existing school systems have found no remedy.

The advantage of this measure over an Administration proposal to extend similar day care privileges to children of welfare families is that it does not limit the benefits of early pre-school physical, educational and psychological development only to the deprived. Although disadvantaged children would be given absolute priority, middle-class youngsters could, in return for modest fees adjusted to their parents' income, share in the natural extension of American education. The children of the more affluent already enjoy many of these advantages, either in expensive nursery schools or in the home.

The proposal includes Federal funding for public and private nonprofit agencies other than the schools, thereby promising greater diversity of ideas and action in a field that has already given rise to much promising experimentation outside the traditional education system.

With its concern for all children, the act reduces the danger of creating another educational ghetto for the underprivileged. This is important because pre-school programs can so easily be turned into cheap, unimaginative and stultifying babysitting arrangements merely to get children temporarily out of their parents' way. Giving all mothers, including those with educational sophistication and political influence, a stake in truly imaginative child development centers is a way of creating an instant support force to fight for high quality and expert staffing. The act properly extends the American education commitment to those early years of growth in which the seeds of success or failure, and of frustration or happiness, are so often sown.

FREE PRESS, FREE PEOPLE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, one of the freedoms most crucial to the effective functioning of a democratic society is the freedom of the press. The recent publication of the Pentagon papers and the debate in Congress over the citation for contempt of CBS and Dr. Frank Stanton are only the most recent and dramatic examples of the difficult relationship between the National Government and the freedom of the media.

Mr. Speaker, few of our colleagues in the House of Representatives are better qualified to speak of the place of a free press in a free society than the distinguished gentleman from New York, the Honorable OGDEN R. REID. A tenacious and articulate advocate of a free press, Congressman REID was once himself the publisher of a great newspaper, the New York Herald Tribune, and he therefore brings to this crucial subject an extra dimension of experience.

Mr. Speaker, I am pleased to draw to the attention of Members of the House an excellent article by Congressman REID, entitled, "Free Press, Free People," published in the New York Times of July 13, 1971.

The article follows:

FREE PRESS, FREE PEOPLE

(By OGDEN R. REID)

Our democracy does not work well in secret. The Pentagon Papers illuminate the arrogance of those in high places and the serious erosion, if not breakdown, of our constitutional system of checks and balances.

At least two Administrations, if not three, believed that they were not accountable to the Congress and the American people for watershed decisions taken about Indochina.

The present Administration has gone even further and launched the most serious attack on the press in our history: subpoenaing reporters' notes, threatening reprisals against television and radio stations under the power to license, and, for the first time nationally, invoking prior restraint against the right to publish.

This precensorship was claimed to be justified because of an "immediate grave threat to national security." Critical national security touching our very survival is not in fact at issue here—nor is crytographic intelligence.

While the Kennedy and particularly the Johnson Administrations' failure to inform Congress is a shocking example of unilateral executive decision-making, the attempted effort by the Nixon Administration to prevent what is essentially past history reaching Congress or being published is hardly more reassuring.

After six days of hearings before the Government Information Subcommittee of the House of Representatives, certain remedies are clearly called for if the Congress is to reassert its constitutional role.

First, the Congress must enact a new statute governing classified documents. This law must sharply limit that which should be labeled secret and it must provide for automatic declassification and Congressional oversight. If a matter should remain secret after a stated period, there should be an affirmative, positive finding as to why continued secrecy is necessary.

The Congress should explicitly reserve the right to make public material improperly classified by the executive contrary to statute when its classification is not a matter of national security and is simply a device to avoid governmental embarrassment. Equally, no Executive order on classification should be issued that subverts the intent of the Congress. Above all, there must be a vast reduction in the corps of 8,000 Defense Department officers who now have authority to originate top secret and secret designations.

Second, the Freedom of Information Act should be tightened in two respects. The types of information now permitted to be withheld must be sharply limited, and time permitted for Government response to a court suit must be reduced from the present 60 days.

Third, the Congress must come to grips with executive privilege. Here we are dealing with a collision between the executive and the Congress that has been going on since George Washington assumed office. It should be subject to accommodation, but that will never happen if the Congress does not assert the powers and responsibilities given to it by the Constitution.

Fourth, legislation may well be required to protect the Fourth Estate. The press often serves as a coordinate branch of our democracy, especially when a breakdown occurs between the other three. Specifically, we need a national Newsmen's Privilege Act—now law in six states—protecting the confidentiality of sources, absent a threat to human life, espionage, or foreign aggression. Legislation should be enacted to prohibit the issuance by the courts of injunctions against publication, thereby removing prior restraint from the reach of the executive.

Congressional legislation and assertion of appropriate initiatives can help redress the current situation. If need be, the power of the purse can be more resolutely used vis-a-vis an unresponsive executive. But more fundamentally, what we need is government with faith in the American people and in their right to participate in the great decisions. If we do not see this now, after the Bay of Pigs, the Dominican Republic intervention and the whole tragic history of Indochina, then as a nation we do not really understand democracy.

SOVIET JEWS RECEIVE CONGRESSIONAL SUPPORT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the Soviet Government has drastically reduced Jewish emigration to Israel, cutting the number of daily departures from an average of 36 a day to five a day. The reduction in emigration is the result of Arab pressures.

The Soviet Jews desire to leave the Soviet Union because they have been made special targets by the U.S.S.R. for harassment and cultural deprivation. It is not easy to practice one's religion in the Soviet Union no matter what that religion is but there is a significant difference in the degree of harassment.

In the Soviet Union the Jews represent one of 120 recognized national groups under the Soviet Constitution. But it is only the Jews who are not permitted to teach their children in their national languages of Yiddish and Hebrew. For example, the Soviet Union permits the Russian Orthodox Church to maintain seminaries where priests are trained but refuses to permit the Jews to maintain seminaries for the purpose of training rabbis. In the Soviet Union there are nearly 3 million Jews, and in the European part of the Soviet Union where most of these Jews live there are only three aged rabbis. In Moscow with a Jewish population of 500,000 there is only one rabbi and he is 78 years old and ailing. In the city of Leningrad with a Jewish population of 300,000 there is only one rabbi and he is over 80 years of age.

The Jews are among the few dissenters willing to publicly stand up in the Soviet Union and ask that the Soviet Union honor its own constitution and treaty commitments with the United Nations which provide that Soviet citizens shall have the right to freely emigrate. Tens of thousands of Jews desire to leave the Soviet Union and most of them desire to go to the State of Israel which welcomes them.

Recently 45 Georgian Jews engaged in a fast in Moscow in support of their wish to emigrate and were given 15 days in jail sentences. The Soviet Union's campaign to stamp out these efforts to call the world's attention to the Soviet Union's barbarism leveled against the Jews most recently resulted in three trials in which 34 Jews were sentenced to penal camps. Basically the charges against most of them were that they had sought to teach their children in the Yiddish and Hebrew languages and to do so they had translated and published books for that purpose.

Furthermore they had sent a petition to the United Nations requesting aid in their desire to leave the Soviet Union for Israel. When I was in the Soviet Union in April of this year, I met with two of the families of those on trial, Lassal Kaminsky and Lev Yagman, who now sit in jail for 5 years because of these acts of courage which are termed anti-Soviet by the Government.

While most of these Jews have as their goal living in the land of Israel, we should display the humanitarianism that this country rightfully prides itself in and urge the Soviet Union to allow those Jews who wish to leave to do so. And to make our offer more than rhetoric we should provide 30,000 special refugee visas to be made available to the Soviet Jews in the event the Soviet Union were to open its doors. Our action hopefully would stimulate other countries to do the same and provide similar refugee visas for these people.

I am pleased to announce to the House today that the distinguished minority leader, Gerald Ford, has become a cosponsor of H.R. 5606, as amended, which would provide these visas. At the present time the bill has 118 House cosponsors and 34 Senate cosponsors. The bill will be reintroduced next Thursday and I would urge our colleagues to join in its cosponsorship.

CHAPTER XIV—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the 14th in a series of articles on children and youth and maternal and infant care programs. Support for H.R. 7657 as amended is increasing. The bill which would extend for an additional 5 years the children and youth and maternal and infant care programs which are now slated for oblivion as of June 30, 1972, has at this time 87 cosponsors in the House and 17 in the Senate.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs description of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the Record descriptions of one child and youth program and three maternal and infant care programs.

The material follows:

Children and Youth Project No. 614–B, Bronx, N.Y.

The Montefiore-Morrisania Comprehensive Child Care Project provides total health care to 3,800 children, birth to 18 years old, 1,300 families in Health Area 34 in the South Bronx in New York City. The Project utilizes the services of pediatricians, dentists, public health nurses, social workers, psychiatrist, psychologist, speech and hearing therapist, nutritionist, and allied health workers such as community liaisons, family health aides, dental hygienist and assistant, nurse's aides and laboratory technician in the provision of continuous, personalized health care for both acute episodic and long-term illnesses.

This multi-disciplinary approach in the provision of health care to the children makes possible a coordinated attack on the abnormalities or illnesses that may affect an individual child. This approach precludes the necessity and lengthy series of visits to different health and social service institutions.

The Comprehensive Child Care Project (Children and Youth Program) departs from the fragmented service patterns of the past and found ways to provide health care geared to the needs of the children as whole human beings.

In addition, this Children and Youth Project had:

a) Increased evidence of well children in Health Area 34 by 34% in 1970.

b) Decreased incidence of communicable diseases in the community, e.g. during epidemics of measles, etc.

c) Lead Poisoning survey and treatment program had been instituted in the community. Last year about 3,000 children were surveyed for lead poisoning; 2% found to have elevated blood lead levels who were treated and given long-term-follow-up care.

d) Project nutritionists have helped the children with their numerous nutritional deficiencies. Groups of mothers were organized to receive guidance in the area of home and family management practices with emphasis on budgeting, marketing, storage, meal planning and preparation.

e) Indigenous people have been employed and have received continuous in-service training.

f) Close working relationships have been developed with various health and social agencies to meet any other needs that are not directly provided by the Project.

g) Project provides comprehensive health care to children in Headstart Programs and Day Care Centers in the community.

h) Special projects such as camp enrollment for over 300 children has been accomplished, Christmas gift giving to children in the community, job recruitment program for teenagers, job training program for adults and summer recreation program.

i) The Maternal and Infant Care Family Planning Program is providing family planning and gynecological services to teenagers and parents in the community.

j) Medical students, nurses and social work trainees are receiving valuable educational experiences as a result of their affiliation with our Project on a rotation basis.

It is my personal opinion that this Children and Youth Project which has performed such important and pioneering work in the provision of health care for all children in the country should have continued Federal support for an additional five years until June 1977.

Maternity and Infant Care Project, Cleveland, Ohio

"In every child who is born, under no matter what circumstances, and of no matter what parents, the potentiality of the human race is born again: and in time, too, once more, and of each of us, our terrific responsibility towards human life; towards the utmost idea of goodness, of the horror of error, and of God."—James Agee "Let Us Now Praise Famous Men"

In accepting the philosophy of Agee and acknowledging the potential he describes, the Cleveland Maternity and Infant Care Project seeks to help reduce over time the incidence of morbidity and mortality among those infants born to disadvantaged mothers in the City of Cleveland.

Since 1966, the Project has provided free ambulatory medical care to approximately 9,000 new maternity patients. In 1970, 2200 maternity patients were registered for care, almost 40% of whom were teenage and unwed. While the 1970 infant mortality rate for the City of Cleveland was the lowest ever recorded (23.7 down from 26 in 1965), the infant mortality for the black population is still higher (28.5) than that for the white population (19.8).

In trying to reach the primary objective of the Project, its special nature has been capitalized upon to modify, strengthen and improve the system of delivering health services, especially ambulatory services, to mothers and infants. This improvement of the delivery system has been achieved by coordinating and upgrading existing services thereby eliminating expensive duplication and by adding new dimensions of care and caring thereby eliminating significant gaps in the delivery system. Listed below are some of the services developed and maintained by the Project with funds granted to it under the provision of Title V of the Social Security Act, the Congressional authorization for which expires June 30, 1972. Although the Cleveland Project has attempted to assure the continuation of these services by integrating them into the programs of existing community agencies, many, if not all, will have to be discontinued or reduced to a point of ineffectiveness if the authorization is not renewed. In addition, it will not be possible to continue to develop innovative methods of delivering maternal and child health services without these funds.

1. For the first time in Cleveland's history, comprehensive health and social services are available to maternity patients throughout the maternity cycle in at least four neighborhood health centers. Services include counselling by a public health nurse, opportunities to consult with a social worker and nutritionist as well as home visiting, when necessary.

2. Free pregnancy testing is available at all health centers operated by the Cleveland Health Department, Office of Economic Opportunity and Salvation Army.

3. Restorative and preventive dental services are provided all Project patients by a dental team aboard a Mobile Dental Clinic which makes regularly scheduled stops in the target areas.

4. Prenatal, postpartal and family planning services are provided to teenagers enrolled in two special educational programs, Services to Young Families and the Booth Talbert Clinic and Day Care Center.

5. The development of an effective cadre of community workers integrated into a professional team permits the professional workers to effectively reach more patients and makes more adequate patient follow-up possible.

6. The development of the first Certified Nurse Midwifery Service in the City, operating within the Department of Obstetrics at Cleveland Metropolitan General Hospital has made it possible for patients to continue to receive care of the highest quality despite the decline in the number of practicing obstetricians.

7. Family planning services are organized to supplement those already provided in the community, including postpartal bedside counselling. In 1970, 73% of the patients returned home from the hospital after delivery on some method of family planning.

8. Introduction of the Denver Developmental Test into all the well child conferences in the City. The Project trained the staff and supplied the necessary equipment. Project pediatricians interpret the test results and the Project assumes responsibility for the follow-up of infants who do poorly on the test.

9. In an attempt to improve and expand the services rendered to infants in the City's well child conferences, the Project is sponsoring an intensive inservice education program for public health nurses to upgrade their pediatric skills so that the physician has more time to devote to infants needing his expertise. It is hoped that these well child conferences will become comprehensive neighborhood pediatric clinics.

10. A 24 hour answering service manned by three Project pediatricians has been initiated for Project patients in an effort to make medical care more available to young infants on nights and weekends and to reduce the number of unnecessary emergency room visits.

11. Ancillary services designed to alleviate problems which can interfere with the effective utilization of available medical services have been developed and include: Spanish-speaking workers, the provision of transportation, and babysitting services and group counselling.

Because it is extremely unlikely that local funds could be made available to support this lifesaving program, without continued Federal support, care for mothers and infants in Cleveland may revert to that available in 1965 and possibly the infant mortality will also return to that level. We will have denied "our terrific responsibility towards human life."

Maternity and Infant Care Project, Denver, Colo.

Dear Congressman Koch: The Maternity and Infant Care Project in the City of Denver, Colorado, has been a tremendous aid in bringing prenatal care to that segment of our population which heretofore were unable to avail themselves of proper care. By bringing the medical services to the patient in the establishment of the Neighborhood Health Clinic, many of the obstacles to the delivery of health services have been overcome. This effect has been reflected in the decrease in the number of patients who arrive in labor who have had no prenatal care. Prior to the inception of the program in 1964, 17.6% of the patients who delivered at Denver General Hospital had no prenatal care. This rate has decreased annually and is now 9.8%. From 1948 through 1958 the percentage of premature deliveries at DGH ranged from 14.3% to 18.7%. The rate of prematurity was found to be directly correlated with lack of prenatal care. With the improvement in prenatal care provided by our M.I.C. grant, we have seen a decrease in the prematurity rate to 13.8%

Adequate postnatal care for both mother and child is a very important area and perhaps the keystone to future family wellbeing. By increasing the incidence of postpartum visits, our project has extended family planning methods to a larger segment of the population needing this type of service.

I believe our statistics fall well within the range of those of other projects, which indicates an improvement in health care extended to underprivileged Americans and further documents a need for extending the program since it is most unlikely that local funds could be made available to support these health programs if Federal funds are not available after June 30, 1972.

Sincerely,

JAMES. J. PARKS, M.D.,
Director, Maternity and
Infant Care Project.

A Review of Maternal and Infant Care Project No. 545, Cincinnati, Ohio, From Its Inception—July 1, 1966 Through 1969

There is considerable evidence that just being poor adds to the hazards of childbirth and to the probability of failure of the newborn to develop normally both physically and mentally. Logic would suggest that abolishing poverty should reduce the hazards of childbirth and permit more normal development of the newborn. This may well be true, but the methods of abolishing poverty have not yet been provided, or even agreed on.

The 1963 Maternity and Child Health and Mental Retardation Planning Amendments provided a new authorization in Section 531, Part 4 of Title V of the Social Security Act for project grants for maternity and infant care. The purpose of the legislation was "to help reduce the incidence of mental retardation caused by complications associated with childbearing" by making grants for projects whose purpose was "the provision of necessary health care to prospective mothers (including, *after* childbirth, health care to mothers and their infants) who have or are likely to have conditions associated with child-bearing which increase the hazards to the health of the mothers and their infants (including those which may cause physical or mental defects in the infants) and whom the state or local health agency determines will not receive necessary health care because they are from low-income families or for other reasons beyond their control."

Cincinnati has a population of 500,000. It is estimated that about one-third are indigent or medically indigent. About 6000 mothers delivered at Cincinnati General Hospital in 1965. Of these, 90% were residents of Cincinnati. While 22% of the population of Cincinnati is black, nearly 50% of the medically indigent are black. In 1965 it was demonstrated that the incidence of infant mortality, premature births, births out of wedlock and mental retardation was significantly higher in poverty areas than in the balance of the city. While prenatal clinics were widely dispersed—one at General Hospital, five run by the Cincinnati Health Department, two by The Babies Milk Fund Association and five at private hospitals—over 20% of the patients who delivered at Cincinnati General Hospital had not seen a doctor even once during the pregnancy. Patients attending Cincinnati Health Department clinics averaged only 4.1 prenatal visits per patient. (I estimate the average private patient makes 10 such visits). Eighty percent did not return for a postpartum checkup. Discussion of child spacing was sporadic and the official policy was that family planning was referred to only if the patient initiated the question. In the Health Department, there was only one nutritionist and no social worker. Dental care was limited to an occasional extraction. School age girls were dropped from school by decision of principal or counsellor, and their continued education by visiting teachers was minimal. The bulk of the children of the medically indigent were cared for in 14 Cincinnati Health Department and 1 Cincinnati General Hospital pediatric clinics.

On the order of 75% of the medically indigent patients in Cincinnati deliver at General Hospital. The balance deliver in private hospitals as clinic, service or staff patients.

On the basis of the situation I have described the Cincinnati Board of Health, the College of Medicine and the Cincinnati General Hospital applied for and were given a grant of money to establish Maternity & Infant Care Project #545. The project came into being officially on July 1, 1966. The objectives of the project were to:

A. "Provide a program of comprehensive maternal and infant care for mothers and infants of low-income families of Cincinnati.

B. Promote the utilization of the services to be provided.

C. Reduce the incidence of maternal and infant complications which may cause physical and mental defects in infants born to these mothers."

It was "felt that because of the continuing shift of poverty areas that the project area must be considered the City of Cincinnati as a whole, but with concentration of effort in definable 'pockets of poverty'."

The money is channeled through the Ohio Department of Health, and is on a 3 for 1 matching basis which in this case means that the Health Department and the hospital must continue to provide the same services as before but the federal government will provide up to three times as much money for *added* services. The Policies and Procedures manual concerning Maternity & Infant Care grants states that "rigid and unrealistic financial eligibility requirements by hospitals and community agencies are a major reason why many patients do not obtain prenatal care but are delivered as emergencies. It is one of the objectives of this program to increase the accessibility and use of community health resources by minimizing administrative barriers to care." And also that "services should be available: 1. without any requirement for legal residence except that the patient is currently living in the area served by the project; 2. upon referral from any source including the patient's own application; and 3. with respect for the dignity of the individual, regardless of the patient's social circumstances or ability to pay."

Eligibility for care is determined on the basis of current residence in Cincinnati and according to a sliding scale developed by the Public Health Federation of Cincinnati and the Hamilton County Medical Association. Key factors in the determination are number of people in the household and take-home pay. About half of all the patients who deliver at General Hospital are seen prenatally in Health Department clinics. No patients pay for clinic care or medicines. Currently the hospital bills of selected patients are paid partially or in full by the Project.

It was originally planned that in the beginning the Project would deal only with patients who deliver at General Hospital but that as experience was gained and more money became available, the benefits would be extended to service patients delivering in private hospitals.

To date, because of lack of money, this expansion has been limited to:

1. care in Health Department clinics for newborns and infants of medically indigent patients delivered in private hospitals;

2. family planning services for these patients;

3. occasional dental care; and

4. occasionally supplying a homemaker for a patient confined in or recently delivered in a private hospital.

One nurse is provided to a private hospital pediatric clinic. A medical secretary and a medical social worker are supplied to Babies Milk Fund Clinics.

It should be noted that none of the money may be used for research, or to provide anything other than service (except for medicines, dentures and some accessories such as elastic stockings and maternity corsets).

WHAT THE PROJECT HAS ADDED

1. Nutritionists—Health Department and General Hospital, including one nutrition aide.

2. Social Workers—Health Department and General Hospital.

3. Dental Clinic—1 dentist, 2 chairs (full time—5 days/week).

4. Family Planning.

5. Added one comprehensive clinic; a pill clinic; a pre-registration clinic; and took over Catherine Booth Clinic (3 half-days/week).

6. Psychiatrist.

7. Personnel such as: Nurses, LPN's, clerks, steno's and secretaries, laboratory workers, anesthetists.

8. Equipment—hospital, especially in nurseries and the delivery rooms; and in clinics. Among other equipment, a Corometric Fetal Monitor, an Astrup Microanalyzer and a Sanborn Monitor Hewlett-Packard type 7 channel recorder are in almost daily use.

9. Remodeling: J–1; Kemper Lane; 12th Street; Catherine Booth; OB Clinic at Cincinnati General Hospital.

10. Developed a system for the prompt transmission of information from outlying clinics to the General Hospital labor room.

11. Cooperation with other agencies: Babies Milk Fund Association; Board of Education—special schools, including Family Life Education Courses, exchange of information; Visiting Nurses Association—home visits; Home Aid Service—Community Chest—for homemakers; Welfare Department—indoctrination of their workers and ours; Planned Parenthood Association; March of Dimes—Operation Stork; Catherine Booth—joint operation of clinic; Family Care Clinic (Silberstein); Pilot City; Good Samaritan Hospital; Neighborhood Councils, etc.; 700 Study; Adolescent Clinic; Model City; New Careers Program (Dept. of Labor); Ohio Legislature (care of minors); and, New Family Planning grant.

12. Baby sitter and Homemaker Services.

13. Transportation to and from clinics.

We have been very much interested in the use of nurse-midwives and have encouraged the Hospital to employ them. We urged the Ohio Medical Board to develop a procedure for licensing nurse-midwives. The first examination was held in early February this year. Two nurse midwives at General Hospital passed the examination. It is anticipated that they will be delivering patients shortly. Some administrative problems must first be solved.

About 70% of our patients are black, and 30% white. Over half the patients are not living with their husbands or the father of the baby—they are single, separated, divorced or widowed.

The goals of the infant portion of the M & I Project have been threefold:

1. To improve existing services which have traditionally presented better than average medical care to the pediatric population of the City of Cincinnati.

2. To provide a means of interagency communication.

3. To consolidate those services which were fragmented so that health delivery systems could be more functional.

To accommodate this, funds from the Grant have been utilized at the Cincinnati General Hospital, the Health Department Clinics, the Babies Milk Fund Clinics and Good Samaritan Hospital.

At Cincinnati General Hospital, support has gone to the Newborn Nursery for neonatolofists who are responsible for the intensive care unit and for training medical and paramedical persons in improved techniques of nursery care. In addition to this funds have allowed for a twenty-four hour laboratory service for the neonatal age group and the performance of certain tests that could not have been performed otherwise. (Immunoglobin of cord blood, etc.) Sophisticated equipment has been purchased with M & I funds to monitor and help care for critically ill, high risk infants and those that were considered relatively normal. Two new clinics have been started at General Hospital primarily with M & I funds, and these clinics are:

1. A high risk infant clinic which sees all children born at General Hospital who are considered high risk by virtue of social or physical problems.

2. An evening clinic which is designed to see infants of parents who find it difficult to make day appointments.

Our activity in the Health Department has been limited to two areas:

1. A model clinic in the Kemper Lane area which has innovative health care programs such as the use of Pediatric Nurse Associates, appointments, community workers and a good physical environment, etc.

2. We are also involved directly in the Price Hill clinic where many of the same techniques are used, and are becoming involved in the Winton Terrace-Findlater Gardens area.

The Babies Milk Fund has been able to add a social service department through M & I funds, while Good Samaritan Hospital has a liaison nurse who works with mothers of infants from the nursery to one year of age.

Our interagency communication is being attempted by a computer program which is attempting to record centrally significant data on:

1. Patient history and physicals.

2. Clinic utilization.

3. Problems associated with clinic utilization.

4. Problems involved with follow up and continuing care.

It is hoped that the computer program will allow access to records by any authorized agency for any child within the city.

MAJOR PROBLEMS

1. Personnel:

Changing personnel attitudes from cold, discourteous, typical "clinic" to warm, courteous, helpful, interested.

Finding people for new types of jobs, for jobs which require individual initiative and self-discipline.

Changing personnel attitudes toward social problems:

(1) contraception in the young.

(2) "bad girl."

(3) making pregnancy too glamorous (all the care, the layette, etc.).

MD's—our goal is to have all clinics manned by qualified obstetricians.

intergrating project personnel into existing system.

salary scale governed by scale of local Health Department.

specific problems.

(1) Do blacks work better with blacks?

(2) Do males (Health, education, etc.) work well with female patients?

(3) Do older personnel work well with teenagers?

high level jobs (consultant in social work and nursing) limited by pay scale.

2. Budget:

Fiscal year is July through June, but three to eight months of the fiscal year may elapse before the budget is finally approved. This year it was cut 5% plus absorbing 6 to 7% wage increases.

3. Evaluation:

No official method of evaluation, as was evident in recent meeting in Washington, D.C. Regional and national offices may be evaluating our program without our knowledge.

Self evaluation—previously outlined.

Especially difficult to evaluate mental retardation.

4. Other Agencies:

Pilot City wants (1) to charge and (2) strict geographic limits.

5. Parental consent.

6. Local MD resistance—none.

7. Misuse—minimal.

8. Inability to provide necessities—food, clothing, better housing.

During the life of the project the following changes have occurred:

Total Deliveries: 1965, 3067 (3112); 1969, 2357 (2385).

No Prenatal Care: 1965, 20–25% (est.); 1969, 12.2% (9.5% last quarter).

Gravidity at Registration: 1965, 4.11; 1969, 3.26.

Six-Week Checkup: 1965, 25% (est.); 1969, 60%.

Percent Prematures (1965–1966): 1965, 17%; 1969 13.6% (7% in private hospitals).

Perinatal Loss (1965–66): 1965 4.2%; 1969, 3% (27 babies saved).

Average # Prenatal Visits: 1965, 4.2; 1969, 6.3.

More than a fourth of the patients are less than 18 years old.

It may be of some interest (although the real significance is not known) that in 1969 patients who had no prenatal care had a prematurity rate of 18.8%, those with care only 12.8%. Perinatal loss of babies whose mothers had no care was 7.2%, for those with care 2.1%.

The project has cooperated wholeheartedly with the Board of Education in the development of special schools for school age pregnant girls. I believe this is an extremely valuable project.

A preliminary study of unwed fathers suggests this is an area which needs further exploration.

CONCLUSIONS

The Maternity and Infant Care Project as it evolved in Cincinnati has had a significant propitious impact on the outcome of the pregnancies of the medically indigent of Cincinnati and should be continued and expanded.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Gude (at the request of Mr. Gerald R. Ford), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Edwards of California, on August 3, for 1 hour.

Mr. Saylor, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Biaggi, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Coughlin) to revise and extend their remarks and include extraneous material:)

Mr. Morse, for 60 minutes, July 21.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Mizell, for 5 minutes, today.

Mr. Kemp, for 5 minutes, July 21.

(The following Members (at the request of Mr. Davis of South Carolina) to revise and extend their remarks and include extraneous material:)

Mr. Aspin, for 10 minutes, today.

Mr. Staggers, for 10 minutes, today.

Mr. Rooney of Pennsylvania, for 10 minutes, today.

(The following Members (at the request of Mr. Patten) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 10 minutes, today.

Mr. Diggs, for 60 minutes, July 21.

Mr. Conyers, for 60 minutes, July 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden, and to include extraneous material.

Mr. Roush, and to include extraneous material.

Mr. Barrett.

Mr. Evins of Tennessee and to include extraneous matter.

Mr. Gaydos during his special order of today to include extraneous matter.

(The following Members (at the request of Mr. Coughlin) and to revise and extend their remarks:)

Mr. McKinney in two instances.

Mr. Keith.

Mr. Hunt.

Mr. Derwinski.

Mr. Archer in two instances.

Mr. Hansen of Idaho in two instances.

Mr. Findley.

Mr. Wyman in two instances.

Mr. Miller of Ohio.

Mr. Michel in five instances.

Mr. Gude.

Mr. Widnall.

Mr. Mizell in three instances.

Mr. Forsythe.

Mrs. Heckler of Massachusetts in two instances.

Mr. Robison of New York.

Mr. Peyser.

Mr. Erlenborn.

Mr. Coughlin.

Mr. Shriver.

(The following Members (at the request of Mr. Davis of South Carolina) and to include extraneous material:)

Mr. Yatron in two instances.

Mr. Scheuer in four instances.

Mr. Mazzoli in three instances.

Mr. Aspin in five instances.

Mr. O'Neill in two instances.

Mr. Monagan in two instances.

Mr. Evins of Tennessee.

Mr. Waldie in three instances.

Mr. Mathis of Georgia in two instances.

Mr. Davis of Georgia in six instances.

Mr. Leggett in three instances.

Mr. Gibbons.

Mr. Rarick in two instances.

Mr. Nedzi in two instances.

Mr. Jacobs in two instances.

Mr. Wolff.

Mr. Downing in two instances.

Mr. Edmondson in three instances.

Mr. Pickle in five instances.

Mr. Annunzio in two instances.

Mr. Fraser in three instances.

Mr. Evans of Colorado in two instances.

Mr. Hamilton.

Mr. Dingell in two instances.

Mr. Roncalio in two instances.

Mr. James V. Stanton in two instances.

(The following Members (at the request of Mr. Landgrebe) and to include extraneous matter:)

Mr. McDade.

Mr. Robison of New York.

Mr. Carter.

Mrs. Heckler of Massachusetts.

Mr. Derwinski.

(The following Members (at the request of Mr. Patten) and to include extraneous matter:)

Mr. Begich.

Mr. Patten.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 635. An act to amend the Mining and Minerals Policy Act of 1970; to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6072. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets numbered 18-A, 113, and 191, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 421. An act to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents; and

S.J. Res. 111. Joint resolution extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on July 19, 1971, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 169. A joint resolution authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the U.S. Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor, first floor, in the House wing of the Capitol, and for other purposes.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that we do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 21, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

977. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting a report of legislation recommended to reduce losses of two insured loan funds of the Farmers Home Administration, Department of Agriculture, was taken from the Speaker's table, and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 457. Resolution relating to expenditure of funds from the contingent fund of the House of Representatives for certain allowances to Members, officers, and standing committees of the House (Rept. No. 92-367). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 9903. A bill authorizing the Director of the Bureau of the Census to undertake a quadrennial enrollment of persons entitled to vote in elections of the President and Vice President, and for other purposes; to the Committee on House Administration.

By Mr. BARING (for himself, Mr. McKevitt, Mr. Kazen, Mr. Terry, Mr. Burlison of Missouri, Mr. Vigorito, Mr. Stephens, Mr. Córdova, Mr. Gude, and Mr. Wolff):

H.R. 9904. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. COTTER:

H.R. 9905. A bill to amend the State Technical Services Act of 1965 to make municipal governments eligible for technical services under the act, to extend the act through fiscal year 1974, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. William D. Ford, Mr. Karth, Mr. McCloskey, Mr. Nedzi, Mr. Obey, Mr. Pelly, and Mr. Saylor):

H.R. 9906. A bill to amend the Internal Revenue Code of 1954 to provide that the depletion allowance shall apply in the case of recycled materials; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 9907. A bill to amend title 5, United States Code, to improve the civil service retirement benefits of employees engaged in the enforcement of the criminal laws of the United States, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9908. A bill to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HORTON (for himself, Mrs. Abzug, and Mr. Sarbanes):

H.R. 9909. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. MORGAN:

H.R. 9910. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SAYLOR:

H.R. 9911. A bill to provide for the protection, development, and enhancement of the public lands; to provide for the development of federally owned minerals, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KOCH (for himself and Mr. Gerald R. Ford):

H.R. 9912. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 9913. A bill to amend title 5, to authorize employees who provide military aid to enforce the law as members of the National Guard or Reserve components to use annual leave, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'KONSKI:

H.R. 9914. A bill to amend the Apostle Islands National Lakeshore in the State of Wisconsin, and for purposes; to the Committee on Interior and Insular Affairs.

H.R. 9915. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Illinois:

H.R. 9916. A bill to provide for orderly trade in iron and steel products; to the Committee on Ways and Means.

By Mr. PRYOR of Arkansas (for himself, Mr. Carey of New York, Mr. Aspin, and Mr. Frey):

H.R. 9917. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PUCINSKI:

H.R. 9918. A bill to further insure due process in the administrative discharge procedure followed by the Armed Forces; to the Committee on Armed Services.

By Mr. QUILLEN:

H.R. 9919. A bill to amend title II of the Social Security Act to extend the period within which certain State and local employees who elected not to be covered under the old-age, survivors, and disability insurance system may change such election; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 9920. A bill to provide that State and local sales taxes paid by individuals shall be allowed as a credit against their liability for Federal income tax instead of being allowed as a deduction from their gross income; to the Committee on Ways and Means.

By Mr. ROUSH:

H.R. 9921. A bill to regulate the election of Members of Congress by prohibiting the imposition of durational residency requirements as a condition of voting for such officers, and providing a procedure for absentee voting and registration; to the Committee on House Administration.

By Mr. BLATNIK (for himself, Mr. Jones of Alabama, Mr. Kluczynski, Mr. Wright, Mr. Gray, Mr. Clark, Mr. Edmondson, Mr. Johnson of California, Mr. Dorn, Mr. Henderson, Mr. Roberts, Mr. Kee, Mr. Howard, Mr. Anderson of California, Mr. Caffery, Mr. Roe, Mr. Collins of Illinois, Mr. Begich, Mr. McCormack, Mr. Rangel, Mr. James V. Stanton, Mrs. Abzug, Mr. Don H. Clausen, Mr. Hammerschmidt, and Mr. Baker):

H.R. 9922. A bill to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

By Mr. BLATNIK (for himself, Mr. Holifield, Mr. McFall, Mr. O'Hara, Mr. Perkins, and Mr. Waggonner):

H.R. 9923. A bill to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

By Mr. BLATNIK (for himself and Mr. Staggers):

H.R. 9924. A bill to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

By Mr. BURKE of Florida:

H.R. 9925. A bill to provide training and employment opportunities for those individuals whose lack of skills and education acts as a barrier to their employment at or above the Federal minimum wage, by means of subsidies to employers on a decreasing scale in order to compensate such employers for the risk of hiring the poor and unskilled in their local communities; to the Committee on Education and Labor.

H.R. 9926. A bill to amend the Federal Aviation Act of 1958 in order to establish certain requirements with respect to air traffic controllers; to the Committee on Interstate and Foreign Commerce.

H.R. 9927. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 9928. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9929. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 9930. A bill to amend the Internal Revenue Code of 1954 to increase the penalties for the unlawful transportation of narcotic drugs and to make it unlawful to solicit the assistance of or use a person under the age of 18 in the unlawful trafficking of any such drug; to the Committee on Ways and Means.

H.R. 9931. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

H.R. 9932. A bill to amend the Internal Revenue Code of 1954 to increase to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 9933. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 9934. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies and committees and members thereof; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 9935. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers and firemen in any taxable year shall not be subject to the Federal income tax; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 9936. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 9937. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 9938. A bill to amend section 103(c) of the Internal Revenue Code of 1954 to include certain nonprofit electric cooperative associations in the category of exempt persons; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.J. Res. 790. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. DANIEL of Virginia:

H.J. Res. 791. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.J. Res. 792. Joint resolution proposing an amendment to the Constitution of the United States providing that prayer on a voluntary basis shall be permitted in public schools and educational institutions; to the Committee on the Judiciary.

By Mr. NICHOLS:

H.J. Res. 793. Joint resolution proposing an amendment to the Constitution requiring that Justices of the Supreme Court be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. ROGERS (for himself, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H. Con. Res. 370. Concurrent resolution to express the sense of Congress relative to certain activities of Public Health Service hospitals, outpatient clinics, and clinical research centers; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIS of Georgia:

H. Res. 552. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

MEMORIAL

Under clause 4 of rule XXII,

246. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Virginia, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HOGAN:

H.R. 9939. A bill for the relief of Donald T. Pidgeon; to the Committee on the Judiciary.

H.R. 9940. A bill for the relief of Henry P. Seufert; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

107. By the SPEAKER: Petition of the Collective of the Haberdashery Factory, Romny, Sumskoi, UkrSSR, relative to treatment of Soviet citizens in the United States; to the Committee on Foreign Affairs.

108. Also, petition of a Dr. Dubo, Crimean astrophysical observatory of the Academy of Sciences of the U.S.S.R., Nauchnyi, Krymskoi, UkrSSR, relative to treatment of Soviet citizens in the United States; to the Committee on Foreign Affairs.

109. Also, petition of Zarko Rudjanin, Karlsruhe, West Germany, relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

FEDERAL CONTRACT GOES TO PHILADELPHIA HEALTH DEPARTMENT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. EILBERG. Mr. Speaker, Mayor James H. J. Tate today announced that the Philadelphia Department of Public Health has been named one of 13 agencies in the Nation—and the only municipal health department—to receive a contract from the Federal Government to develop an experimental health services planning and delivery system.

A $1,225,000 2-year contract has been awarded the health department by the Health Services and Mental Health Administration, U.S. Department of Health, Education, and Welfare.

Nearly a hundred proposals from throughout the country were originally submitted for funding, of which 46 received serious consideration prior to the final 13 awards, totaling $10 million.

Mayor Tate hailed the contract—a major accomplishment for the health department—calling the Federal support "great assistance to Philadelphia in developing a comprehensive health care delivery system, foundations of which have been underway for some time in the city."

City Health Commissioner Dr. Norman R. Ingraham said the contract permits the health department to intensify its work with all segments of the community interested in health care:

> Our aim is to develop a partnership between public and private sectors to provide a complete array of personal health care services throughout the city. We anticipate that continuing to work together great strides will be made to improve the health care delivery system in Philadelphia during the next two years.

Dr. Joanne E. Finley, planning director for the city health department, will be coordinator of the program. Dr. Finley is currently staff director for the master planning effort for the Philadelphia health care system, which includes construction of the new Philadelphia General Hospital. Earlier, she was staff director for the mayor's committee on municipal hospital services.

Dr. Ingraham explained that a community health services planning and delivery system should contain the following elements: A defined population to be served; explicit performance standards as to access to service, equity of care, containment of costs, and management of quality of service; a planning system with technological capability including an organized health planning information system; the availability of such resources as facilities and programs, manpower, and operating and capital finances; plus a continuing, management mechanism to interrelate all of the above. He said:

> Many of these elements and resources exist now in Philadelphia, but in isolation or segmentation, serving only parts of the city. A coherent, effective, and effective, and efficient health services system does not exist. Our goal is to work towards this end, in various ways, each inter-relating with each other.

The program will have two major facets. The first will establish a health management mechanism in partnership between the Department and community groups and agencies. This eventual agency will manage health funds from all sources—Federal, State, and local—for all parts of the health care system in the city. The agency's actual establishment will come through deliberations by the Philadelphia Health Forum and its related task force. Two-thirds of the participants in this planning process will be consumers, Dr. Ingraham stressed.

The program's second part will develop four specific technical information packages: A redefinition of health service area boundaries within the city; the development of a health services data system; the economic analysis of all funds coming into the Philadelphia community for personal health services, including a special study of the feasibility of a citywide public health insurance program; and a central inventory of health manpower resources information.

Dr. Ingraham said that an initial step to be taken under the contract will be an open public meeting convened by the health commissioner. Invited to participate will be consumers, providers, payors, political representatives, representatives of State agencies with direct relationships to Philadelphia health services, and the members of the already organized Philadelphia Steering Committee of the Regional Comprehensive Health Planning Agency.

Those in attendance will form the membership of the Philadelphia Health Forum. Meeting once a month in public session, the health forum will have the responsibility of establishing the permanent health services management structure.

The health forum itself will then establish a task force which will have the operational responsibility for developing a proposal for this health management mechanism. Such a proposal would be submitted to the health forum for final approval. The 25-member task force will be formed by the health forum electing the first six members—four consumers elected by the consumers in attendance at the forum meeting, and two providers elected by the health care providers in attendance. These six, plus the health commissioner as the seventh member, will then appoint 13 additional consumer and five additional provider members.

Dr. Ingraham noted that the following groups had formally endorsed the program in the contract proposal submitted to the Federal Government: Model cities program, regional comprehensive health planning advisory committee, Greater Delaware Valley regional medical program, Philadelphia County Medical Society, Delaware Valley Hospital Council, South Philadelphia Health Action, Inc., Inter-County Health Insurance Plan, Inc., Hahnemann Medical College and Hospital, comprehensive services for children and youth of the Delaware Valley, and the Philadelphia Forum of Mental Health/Mental Retardation Centers.

PROPOSED CUTS IN FEDERAL AID FOR SOCIAL WORK

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mrs. ABZUG. Mr. Speaker, I am most concerned about the proposed cuts in Federal aid for social work education now being considered in the HEW appropriations bill.

The poor, the mentally ill, disturbed and neglected children, the elderly, and the unemployed are in desperate need of more expanded social service programs and Federal assistance. The Nixon administration is planning to economize by reducing by more than half, from $39,600,000 in 1970–71 to $20,500,000 in 1971–72, the funds appropriated for student stipends and teaching grants. Instead of increasing the training of social workers and research in the problems confronting these people, Mr. Nixon proposes to set back the program drastically. This would result in a crippling blow to social work training, to the many important community health and welfare programs and to the plight of the many millions in need; the effect would be similar to that of hospitals cutting their intern programs in half. Black and other minority students and faculty who depend on Federal aid would lose their opportunity to obtain graduate education and to return to their communities as effective, trained social workers, and urgent human needs would be left unmet.

The New York City chapter of the National Association of Social Workers has attempted repeatedly and without result to voice its concern to HEW Secretary Elliot Richardson. I am inserting here the very fine analysis which NASW has made on the proposed cuts as well as their correspondence with Secretary Richardson:

HUMAN RESOURCE SERVICES AND SOCIAL WORK TRAINING: THE CASE FOR CONTINUED FEDERAL SUPPORT

IN SUMMARY

The quality of any service depends upon the personnel who plan, administer and provide it.

The President's Budget (for 1971–72) cuts $19 million in student stipends and training grants currently provided by the Social and Rehabilitation Service of HEW.

The proposed cuts will seriously affect the availability of competent social work personnel needed by the nation now and in the future.

Social work provides services to: the aged, children, the ill, the unemployed, the disabled, the mentally ill. Private and public agencies provide social services to families and communities.

Social work education has changed to meet new social problems and has developed new programs to train professional, paraprofessional and technical personnel.

Social work education trains a large number of persons from minority groups—who need financial assistance to stay in school.

The proposed budget cuts will seriously affect the ability of social work education to prepare the quantity and quality of manpower required to provide basic essential social services.

In the long term, the proposed budget cuts will be costly economically and socially.

I. The President's budget proposals

For a number of years, the Federal government has recognized the need to provide a base of support for the training of social workers. This year, however, the President's budget proposes drastic reductions in this support. These cuts are both unexpected and abrupt and can only result in confusion and uncertainty among students and faculty, and, in the long run, serious harm to people and the nation.

These cuts are described in the *Appendix to the Budget, Fiscal Year 1972,* in the section on the Social and Rehabilitation Service beginning on page 457. In this budget, a new consolidation of research and training items is described on pp. 466–67. This consolidated approach obscures the real magnitude of the cuts. A cut of $19,100,000 in the training grants of the Social and Rehabilitation Service of HEW is proposed: from $39,600,000 available in 1970–71 to $20,500,000 for 1971–72. The cuts affect the Rehabilitation Services Administration (teaching grants and student stipends provided under the Vocational Rehabilitation Act); the Community Services Administration (child welfare, student stipend and faculty grants under Section 426 of the Social Security Act, and graduate and undergraduate faculty and curriculum grants under Title VII, Section 707 of the Social Security Act); and the Administration on Aging (under Title V, Older Americans Act). While these proposed cuts of trainirg grants for all fields in SRS average 48 percent, preliminary HEW plans for future support of social work education suggest an even greater reduction.

The cuts in the Rehabilitation Services Administration are scheduled to become effective July 1, 1971. This would provide very short notice to educational institutions which have already made commitments to faculty and to students who are in the middle of their education and had assumed that support for their second year of graduate study was assured. The cuts in training grants of the Community Services Administration and the Administration on Aging will not become effective until July 1, 1972, since funds in the 1970–71 budget are used to make grants in June 1971 for the new academic year beginning July 1, 1971.

II. The importance of social work education

Most people growing up, going to school, working, marrying, raising families and growing old—at some point in their lives—find they need some form of help. They become ill, encounter financial difficulties, or develop family or other personal problems. The need for medical, counselling, rehabilitation and other services is not restricted to persons with little or low income.

But, programs need staff to plan, administer and provide services. And the people who do this need to be trained. Without enough trained people, neither existing social services nor future innovations and improvements can be effective or economic. Social work education is the basic source of those people.

Social work staff today require much knowledge and a great variety of skills to deal with many problems of increasing complexity. Graduate schools of social work and undergraduate programs in social welfare have demonstrated their capacity to adapt to the changing times. By providing training geared to today's problems, they are contributing, together with other professions, to the national objectives of reducing the economic and human costs of a host of social problems, such as drug abuse, alcoholism, discrimination, and poverty. More and more, social workers are integral parts of the professional teams which are attempting to deal with juvenile delinquency, crime, and rehabilitation. Social work is a key element in caring for the disabled, the young and the aged and in programs dealing with family breakdown. The increase in population, its urban concentration, the rise and intensification of social problems, all indicate the need for more people with even better training in the helping professions.

III. Human needs and social work manpower

Social services are concerned with the entire spectrum of human needs as experienced both by individuals or families and by communities. Sometimes in collaboration with other professions, sometimes carrying primary responsibility, the social services are directed toward rehabilitation and care of vulnerable population groups, toward prevention or reduction of social problems and toward change and improvement in dysfunctional systems.

Social workers are involved both in the direct delivery of social services and in the planning, administration and coordination of these services. Programs in graduate schools of social work have sharply increased their emphasis upon preparation for administration, supervision, and other leadership roles. The level of education, however, does not necessarily determine the nature of a social worker's job assignment. Direct services can be provided by a technician without an academic degree or by a social worker with a baccalaureate or a master's degree. The latter is, of course, likely to be doing the diagnosing of the problems and providing highly specialized service in complex situations.

Social work education, on all levels, prepares practitioners who can function in a wide variety of settings. Though the examples cited refer to particular programs, social work training is geared to provide social workers with the basic skills necessary to provide the help needed.

Physical illness: social workers, working together with other health personnel participants in developing national and regional policies and programs for the physically ill; administer and plan programs designed to cope with the immediate and long-term problems of the physically ill; help the patient or his family make the kind of plans and obtain the necessary resources to manage while he is hospitalized; help with plans for discharge including specific arrangements for after-care or long-term living arrangements in sheltered settings; supervise direct service personnel in aftercare institutions.

Children: social workers plan and administer institutional and community-based programs to cope with immediate and long-term needs of children; design and program a range of services to provide equalization opportunities for disadvantaged children, including pre-natal and post-natal services for their mothers; participate in the development of national and regional policies and programs for children; supervise caretakers in institutions for delinquent and neglected children; provide foster home placement and supervision service; undertake investigation of child abuse and recommendation to courts concerning removal of abused children; work for rehabilitation of families in order to protect children from serious and irreparable damage; supervise and train a variety of child care personnel.

Mental illness: in addition to the roles described above for the physically ill, social workers head, or serve as key staff, for, community mental health centers; carry responsibility for working with family members so that they may aid in, or at least not interfere with, treatment efforts; locate and supervise foster homes for patients who are to live in the community; train and supervise caretaker personnel; develop alternate facilities for the long-term care of those not ready for independent life.

Aged: social workers participate in the development of national, regional and local policies and programs for the aged; assist the aged person or his relatives in defining the problem for which help is needed and in locating or developing suitable resources; recruit, train and supervise personnel to work with the aged, both in the community and in institutions; plan and administer a variety of different programs, both in the community and in institutions, to cope with the varied problems of older people who no longer are able to care for themselves.

While the specifics of what the social workers do in relation to any given population group may differ, their responsibilities and tasks follow, in general terms, the examples cited.

The majority of social workers with graduate education are employed in planning and policy development, administration and supervision, teaching and research. It has always been the typical employment found among master's degree holders within a period of three to five years after receiving the degree. Increasingly, however, students are entering such positions immediately upon receivinig their master's degree.

Direct services are provided by social workers from all levels of educational preparation. Broadly speaking, their efforts may be classified along several dimensions. In terms of *goal*, social workers provide services which are designed (1) to effect a reasonably satisfactory adjustment of the person in the community, thus minimizing the cost and trauma of institutionalization, (2) to rehabilitate the person so that he can lead an independent and productive life, or (3) to provide long-term care in as humane and effective a way as possible for those who cannot be expected to function on a more autonomous level. In terms of *target* the efforts of social workers are generally directed at the victim or clients, but frequently their work is primarily with others, such as, members of the family, employers or potential employers, school, police, etc.

Different kinds of preparation and education are needed for workers at different levels of work. For many of the problem areas in which social workers are active, a degree of expertise is needed that requires intensive study and the development of a high degree of skill. Though social workers with a minimum of education or with only agency training can successfully function at an appropriate level of service, all fields require some personnel with a high degree of expertise to plan and administer services. There is a particular and continuing need for social work personnel at the highest policy development level and at the middle management level.

IV. Social work and public assistance

One of the most critical issues facing governments in 1971 is the ever growing welfare cost. Many people regard "welfare" or "relief rolls" as synonymous with social work. There is a distinction between provision of social services and provision of income maintenance. No amount of professional service—social work, medical, nursing, or education—can provide the dollars needed to pay rent or buy food or have prescriptions filled or buy the shoes needed for a child to go to school. The necessity of meeting basic economic needs must be distinguished from those needs that require additional care and service and use of a variety of resources to help people who can, to become self maintaining. It must also be recognized that many of the aged, some of the ill, and all of the children (until they grow to adulthood) on public assistance cannot become self-sufficient.

V. Social work education produces needed personnel

Qualified social work personnel required to plan, administer and provide social services are prepared through various educational programs. The social work education system in the U.S. consists of: 70 graduate schools of social work in major universities which grant 5,000 master's degrees and about 90 doctoral degrees each year; over 200 undergraduate baccalaureate programs in social welfare with over 7,000 graduates; close to 100 two-year community college programs offering associate degrees which prepare community and social service technicians; and hundreds of continuing education programs conducted by educational institutions and agencies which reach thousands of social workers each year.

There is general agreement in social work and in most other professions that there is need for training programs to prepare professional, paraprofessional and technical personnel. The challenge is to identify and distinguish tasks so that manpower with different levels of education will be effectively used. Social work education has played an active leadership role in this effort. In the past few years, social work education has developed new programs at the baccalaureate and associate degree levels in addition to existing master's and doctoral degree programs.

Innovative Curriculum Developed to Deal with Contemporary Problems

During the past decade social work training has been making a major shift in the focus and content of its curriculum. Changes were made to respond to new and persistent problems, to the needs of specific population groups and to the shifts that were occurring or were being planned in the organization of services. Schools developed new courses related to certain population or problem groups, the aged, the mentally retarded, the juvenile and adult offender, the physically handicapped. Major changes in social work education also occurred with changes in the organization of services, e.g., the emphasis upon community mental health programs, service to residents in public housing projects, multiservice centers in local neighborhoods, and "grass-roots" community groups. These changes reflected a growing concern for inner city populations, the rural and urban poor, and the major ethnic minorities.

In the past few years there has been a major shift in social work education toward the preparation of generalists as well as planners and administrators. The generalist social worker is equipped to deal with a variety of tasks at the neighborhood and community level. The proportion of graduate students training for administrative and organizing tasks has also increased. Undergraduate programs have begun to prepare their graduates for beginning practice in a variety of settings instead of only serving as aides in specific fields. The preparation of technicians at the community college level is a recent development but already growing rapidly.

People trained in social work are employed by public and voluntary agencies to provide needed social services. About 90 percent of master's degree graduates enter full-time employment, the majority in public agencies and mostly in child welfare and mental health. About two-thirds of the baccalaureate degree social work graduates enter employment mostly in the public social services in their local area. Over 10 percent go on directly to graduate education. It is rare for social workers to leave human services. Women do leave employment for marriage and motherhood, but large numbers later return to full-time work.

Social Work Training Offers Special Opportunities for Minority Groups

The proportion of minority groups is greater in graduate social work education than in any other discipline or professional educational program. Social work education has been in the forefront of efforts to open opportunities for minority groups. In the 1970–71 academic year over 25 percent of master's degree students and 10 percent of doctoral students in graduate schools of social work were from the following five major ethnic minorities: American Indians, Asian Americans, Chicanos (Mexican Americans), Blacks and Puerto Ricans. Also about 20 percent of all faculty in graduate schools of social work are non-white. The social work curriculum, at all levels, is being enriched to help all students to learn more about the life styles, strengths and problems of minority groups and to be able to work more effectively with them.

VI. The cost of reducing Federal support

Continued federal support for social work education is necessary:

The proposed cuts will cause serious and irretrievable damage. Many graduate schools and undergraduate programs will be forced to reduce radically or to discontinue their educational efforts.

During the past decade the capacity of the social work education system expanded rapidly and decisively at the request of the federal government to meet urgent human needs. Cutting support now will undermine our nation's capability to meet its social goals.

Currently, more than fifty percent of all graduate students in social work receive stipends funded directly or indirectly by the federal government; in awarding these stipends emphasis is given to students coming from low socio-economic, disadvantaged and minority groups. Cutting support now will hurt these groups especially since neither they nor universities they attend have access to alternate support sources.

It has taken the better part of a decade, with the help of federal funds, to build up the kind of quality facilities found in graduate and undergraduate social work programs today. Cutting support now will reduce the schools' ability to maintain quality education and develop innovative educational programs. The consequences will be felt in fewer students, less adequately prepared to face the tasks of the future.

Since the alternate support sources for social work education from local and state government and individual or corporate giving are not available, the consequences of reducing federal support will be disastrous. The cost incurred by providing fewer trained social workers will surely be far greater than any economies achieved through the proposed reductions:

Needs are met best and with least expense when they are identified early; unmet and unserved "little" problems soon develop into more expensive "big" problems. Trained social workers, educated at various levels, are needed to identify problems, develop strategies and deliver the intervention services necessary to counteract these problems or reduce their impact.

Unless those who man direct service positions receive training and on-going supervision, costly mistakes resulting in more expensive service will be made. A reduction in the number of social work students now, predictably will make available fewer, not more trainers and supervisors for the public service in the next decade.

The reduction of federal support for social work education will hinder, not help, the development of new and more effective social service delivery systems necessary to help children, adults, and families to become self-sufficient, healthy, and productive citizens.

FEBRUARY 18, 1971.

Mr. ELLIOT RICHARDSON,
Secretary of Health, Education, and Welfare, U.S. Department of Health, Education & Welfare, Washington, D.C.

The New York City Chapter of the National Association of Social Workers representing 5,000 social workers, is seriously distressed by projected cut-backs in teaching grants and student stipends for social work education provided by the Social and Rehabilitation Service, HEW.

These cuts will seriously impair the wherewithal to maintain opportunities for professional education for less affluent candidates, especially poor Blacks and Puerto Ricans. It will curtail quality field training and have detrimental consequences for services to people most in need.

This reduction of funds further exacerbates a crisis situation in which vitally needed health and welfare programs are being gradually vitiated by withdrawal of Federal financial support.

We strongly urge that projected budget cuts in social work education be rescinded.

CHARLES H. KING,
President, N.Y.C. Chapter, NASW.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., April 20, 1791.

Mr. CHARLES H. KING,
President, NYC Chapter National Association of Social Workers, New York, N.Y.

DEAR MR. KING: Secretary Richardson has asked me to reply to your letter concerning the budget cuts in eductional training grant programs for social work. The Administration has been working toward the goal of financing new programs in the 1972 budget. Some of this success in financing new programs has been achieved by reducing certain ongoing activities. One area in which reductions are being made involves direct Federal support for several types of training including social work. There is interest in the redirection and use of training funds to achieve the most effective results in obtaining needed manpower.

We are developing new legislative proposals that will enable us to better provide social and rehabilitation services. These proposals will request funds to support training programs directed toward providing personnel to perform new roles in the delivery system.

You may be sure that your suggestions and comments will be taken into consideration as we work further on the development of social services and related manpower proposals.

Sincerely yours,

FRANK S. CARACCIOLO,
Assistant Administrator, Office of Manpower, Development and Training.

MAY 19, 1971.

Mr. ELLIOT RICHARDSON,
Secretary, U.S. Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. RICHARDSON: On April 20th, Mr. Frank S. Caracciolo responded to our February 18th communication to you expressing our deep concern about the proposed severe cutbacks in funds for social work education and the effect of such cuts on delivery of much needed programs of social service.

In the interim, we had made several unsuccessful efforts to obtain an appointment with you so that we and the Deans of the six graduate schools of social work in New York might have an opportunity to point out the very harmful effect of these budget cuts and try to persuade you, as the spokesman for social welfare in this administration, to take a stronger stand in its behalf. We also telephoned Mr. Caracciolo after receipt of his letter and talked with him at some length in an attempt to clarify the very general statements in his reply, again with no satisfactory result.

In view of the inadequate response to our efforts, must we assume, Mr. Secretary, that there is nothing we can do to intervene with you on a matter which vitally affects the future of our profession and the programs and people we are pledged to serve?

In terms of the overall Federal budget, the sums involved in social work education are miniscule. We cannot believe that such savings are necessary while enormous sums continue to be spent on the Indo-China War, on advanced weaponry and supersonic transport of disputed value, on bailing out industrial giants like Lockheed Aircraft and the Penn-Central Railroad, and so on. We note also that while social work education is being cut, grants for education of police officers and for equipping local police departments with sophisticated enforcement and surveillance equipment are being substantially increased. The choice of priorities, to us, is ominous. In all frankness, Mr. Secretary, we must tell you that the administration's indifference to social services leaves us little choice but to conclude that there is an intention to wipe out most of the social welfare gains of the last thirty years.

We are the largest local Chapter of the national professional organization of social workers. A substantial number of our 5,000 members are faculty and graduate students of social work who are being vitally affected by the decisions on social work training which your department is now making. We believe we have a responsibility to intervene and a right to be consulted in these matters. We are ready to discuss this subject with you whenever you see fit.

Sincerely,

CHARLES H. KING,
President.

OBSERVATIONS ON THE GENERATION GAP

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. CASEY of Texas. Mr. Speaker, my constituent, Dr. J. Ernest Hill, has made some rather provocative observations on the generation gap, which I think are worthy of notice:

LET US LOOK OBJECTIVELY AT ANOTHER FACET OF THE GENERATION GAP

(By J. Ernest Hill)

First, we must, without a doubt, admit the accomplishment of some scattered good, resulting from activities, approvals and criticism, of those youth of today, who in their most fantastic terminology, try to repress the proven and in their acts of violence, some with their long hair and bearded faces, make excessive use of narcotics.

These accomplishments, of whatever good, appear to a large majority of the adult population and nonparticipating youth, to be trivial in stature, when related to the destructive forces that have been set in motion.

It is inconceivable to believe that minds not yet moulded by the pattern of experience can, through self-appraisement, want to seize the helm of the ship of destinies and expect, or be expected, to avoid the shoals of disaster, as they endeavor to negate the effective chartered course lighted by the brilliance of the best productive minds of past centuries.

Seemingly, a large number of those who loudly proclaim their virtues as revolutionary Messiahs, seeking radical changes in our human relationships, come from backgrounds with financial and family affluence; without which they would have neither food, nor base, principally our schools, from which they operate.

It is difficult to understand why some seeking an education, while accepting the gratitudes of our tax sponsored and endowed schools, are so willing to destroy that which gives them the privileges and benefits that are the end results of the spending of literally billions of dollars and generations of planning and effective effort.

One cannot help but wonder if these Artists, of rapid change, have ever given thought to the possibility that they, too, may have to live with the aftermath of their poorly founded, reckless and badly planned policies and objectives.

It may well be that some of these very ones will some day be successful, in the same sense as we have, heretofore, evaluated success.

Here, it may well be asked to whom will they turn for protection of their coveted possessions, their loved ones and themselves, when they must deal with their pernicious "brain childs".

This collosal menace, this ecological Frankenstein, fully developed, destructive and unmanageable, could well be their nemesis.

Would it not be so much better, if those with so much energy and "spunk" could, early in life, develop a large degree of acceptance and belief that all should strive to become a beneficial contributing and peaceful living part of the whole of us, instead of becoming a "spin-off" of minority disruption?

Someone has said "trees supply the handles for the axes that destroy them". This analogy might well be prophetic in application to that in mention.

How can we sanely accept so many projected theories, diluted with inexperience and think, for one moment, the basic mechanics of our growth are old fashioned. as we continue to progressively improve the ways of living and adding strength to strength.

It is evident that brains and brawn are kinetic, each to the other. Proper use of both of these has developed a workable symphony of harmonies that has resulted in the continuous changing of ideas into realities to make our God given country the greatest.

May the wrath of God be avoided and in its stead, praise be to him in prayer that he continue to help and bless America.

FLAG DAY—1971

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I would like to share with my colleagues in the House, a very timely story about our American flag, which was given to me at recent Flag Day ceremonies in Boston, by Mrs. Marjorie M. Rooney of Natick, Mass.

I am sure that my colleagues will feel as I did when I read the same:

HELLO, REMEMBER ME?

Some people call me Old Glory, others call me the Star Spangled Banner, but whatever they call me, I am your Flag, the Flag of the United States of America. . . . Something has been bothering me, so I thought I might talk it over with you . . . because it is about you and me.

I remember some time ago people lined up on both sides of the street to watch the parade and naturally I was leading every parade, proudly waving in the breeze, when your daddy saw me coming, he immediately removed his hat and placed it against his left shoulder so that the hand was directly over his heart . . . remember?

And you, I remember you. Standing there straight as a soldier. You didn't have a hat, but you were giving the right salute. Remember little sister? Not to be outdone, she was saluting the same as you with her right hand over her heart . . . remember?

What happened? I'm still the same old flag. Oh, I have a few more Stars since you were a boy. A lot more blood has been shed since those parades of long ago.

But now I don't feel as proud as I used to. When I come down your street you just stand there with your hands in your pockets and I may get a small glance and then you look away. Then I see the children running around and shouting . . . they don't seem to know who I am . . . I saw one man take his hat off then look around, he didn't see anybody else with theirs off so he quickly put his back on.

Is it a sin to be patriotic anymore? Have you forgotten what I stand for and where I've been? . . . Anzio, Guadalcanal, Korea and now Vietnam. Take a look at the Memorial Honor Rolls sometimes, of those who never came back to keep this Republic free. . . . One Nation Under God . . . when you salute me, you are actually saluting them.

Well, it won't be long until I'll be coming down your street again. So, when you see me, stand straight, place your right hand over your heart . . . and I'll salute you, by waving back . . . and I'll know that . . . You remembered!

PRESIDENT ANWAR SADAT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. HAMILTON. Mr. Speaker, the political involvement of Egypt's President Anwar Sadat spans the last 30 years and today President Sadat is one of the most important politicians in the Middle East. Edward Sheehan's article in the July 18 issue of New York Times Magazine offers a good study of this complicated man and I commend his essay to my colleagues:

[From The New York Times Magazine, July 18, 1971]

THE REAL SADAT AND THE DEMYTHOLOGIZED NASSER

(By Edward R. F. Sheehan)

CAIRO.—For much of his early life, Mohammed Anwar el Sadat was a most unsuccessful conspirator. Many of his conspiracies were directed against the British, and there was good reason for that. As a boy of 10 in his village of Mit Abu al Kom in the Nile Delta, he had discovered the works of Mahatma Gandhi; soon he could recite chapter and verse of British despotism not only in Egypt but eastward across the Euphrates to beyond the Hindu Kush.

"When he was still in primary school," recalls his sister Sekina, "Anwar began dressing up in a white sheet like Gandhi, and he would walk through the village leading a goat on a string. Then he would go and sit under a tree, pretending he did not want to eat."

Later, the Sadat family moved to the Kubri el Kubbeh quarter in Cairo, and by that time Anwar had turned to violence—he was on the run as a terrorist. "In the middle of the night," Sekina remembers, "British troops and King Farouk's political police came crashing into our house, hurling us out of our beds, breaking furniture and crockery, tearing the place to pieces. They weren't at all nice. They were looking for Anwar."

That was during World War II. Sadat had graduated with Gamal Abdel Nasser from the Egyptian Military Academy in 1938; but if Nasser was cautious and brooding, Sadat was impulsive and bloodthirsty. They served together, upon graduation, at the same military post at Mankabad on the banks of the Upper Egyptian Nile, and nourished a common dream of a modern Egypt free of British bondage and a corrupt King. By 1941, Sadat was concocting elaborate plots to expel the British Army from Egypt.

In Cairo, he fell in with the anti-British Sheik Hassan el Banna, Supreme Guide of the fanatical Moslem Brotherhood, and Gen. Aziz el Masri, the former chief of staff of the Egyptian Army who had been sacked by Winston Churchill. Twice, Sadat tried to smuggle General Masri through to the German lines in the Sahara (where Masri was to advise the Germans how to outflank the British), but on the first endeavor the general's car broke down, and on the second his airplane crashed at takeoff. Sadat's subsequent intrigues with a pair of German spies in Cairo were betrayed by a belly dancer. (Sadat himself was never particularly "pro-Nazi," as some of his critics still claim. He was an anti-British Egyptian nationalist—period). He was court-martialed in 1942, cashiered out of the army, and dispatched to a prison camp in Upper Egypt.

He escaped, demanded an audience with the King, was recaptured, and escaped again—hiding out all over Egypt and in the teeming mosques of Cairo till the termination of the war. By that time he was demanding that Nasser's clandestine Free Officers movement adopt terrorism as a political tool. As Sadat later confessed in his writings, he pleaded with Nasser for permission to blow up the British Embassy and everybody in it, including the ambassador.

Nasser refused, but to keep Sadat happy he appointed him the head of a civilian auxiliary. Sadat then plotted to assassinate several pro-British politicians. He bungled an attempt on the life of Mustafa Nahas Pasha in 1945, but a year later some of his companions did assassinate Amin Osman Pasha, a former Minister of Finance, for declaring that the bond between Britain and Egypt was "as unbreakable as a Catholic marriage." Sadat was arrested for complicity, but was eventually acquitted and released in 1948. He hacked at several menial jobs, including journalism, but rapidly became destitute. One of the stories he wrote then was called "The Prince of the Island"—an allegory of a prince, surrounded by malevolent advisers, who eventually gets rid of them and establishes his own supremacy. The story was never published, but the plot was eventually to reappear in Sadat's real life.

Through the intercession of King Farouk's physician, Sadat's army commission was restored in 1950. He was ordered to act as a palace spy against suspected revolutionaries in the army, and gleefully he became a double agent, telling everything he knew not to the palace but to Nasser. By 1951, he was a lieutenant colonel and (so British intelligence has claimed) embroiled in yet another bungled plot—a mine was planted in the middle of the Suez Canal, but failed to explode when a British ship bumped into it. In 1952, on the epochal night of the July 22–23 revolution, he was supposed to cut army communications in Cairo, but the signals got crossed; he took his family to the movies, and at the crucial moment Nasser could not find him. From that moment on, though he held a succession of prestigious titles including that of Vice President until Nasser died last September, Sadat's power in Egypt was far more nominal than real.

How then are we to explain the metamorphosis of this callow conspirator into the adroit empiricist of power who is today the President of Egypt? I believe one of the basic explanations is that, though he is not an intellectual and despite his professed distaste for theories, Sadat has long been an omnivorous reader—and his reading has helped focus his insight into the motives that propel men. His literary tastes are more catholic than those of Nasser, who devoured books on history, geopolitics and war but who was beguiled by little else. Sadat systematically educated himself in prison; he learned to speak English, German and Persian fluently, and to read French. Over the years he has doted on the works of Harold Laski, Arnold Toynbee, Lloyd C. Douglas, Somerset Maugham, and has dabbled in the literature of other creeds besides Islam.

His own Islamic ardor runs deep, for half of him will always remain the village son—devoted to those millennial values of the fellah, the Egyptian peasant, rooted in the rhythms of prayer and hardship, of closeness to the earth and of the shrewdness which is the treasure of the poor. Unlike Nasser, who grew up an urban shizoid in Cairo and Alexandria, Sadat not only retained his roots in Mit Abu al Kom, but he returned there often throughout his career to pray in the village mosque and to mingle among the merchants, the butchers, the beasts and toilers of the field. "Those visits home taught me something I never forgot," he told me once. "They taught me how to talk to the people—and how to listen."

There was a curious dualism at work here too, for once the Free Officers were ensconced in power Sadat developed by degrees into an urban, sophisticated and—so his critics say—slightly venal man. Goaded by his elegant half-English wife Gehan, he dressed in suits from Savile Row, sent his daughters to fashionable schools, and honed away at the rough edges of his character without sacrificing any of his earthy charm. He wrote a book, "Revolt on the Nile," an emotional and highly selective account of his personal history as a conspirator. He took pains never to stray too far from Nasser's shadow. Other Free Officers were falling by the wayside because they belonged to cliques and aspired to power for themselves; Sadat never made that mistake. He remained a loner, and—whatever his private reservations—remained totally, blindly loyal to his leader.

True, some of his old recklessness reemerged from time to time. As head of the Islamic Congress in the mid-nineteen-fifties, his brashness so disenchanted other Moslem powers that Nasser removed him from his Egyptian delegation at the Bandung Conference and sent him home to Cairo. As Speaker of the National Assembly in 1961 he went to Moscow, where he engaged in a shouting match with Nikita Khrushchev when Khrushchev attacked him for Nasser's persecution of Egyptian Communists. He meddled in the Yemen—first urging Nasser to intervene in the civil war, and then opposing the peace settlement he had himself helped to negotiate with Saudi Arabia in 1965. He made demagogic speeches in 1969, vowing that the army would cross the Suez Canal to push the Israelis out of Sinai, and vehemently opposed the Rogers peace initiative before Nasser embraced it in 1970.

And yet, for all that, Sadat mellowed and matured during his long years under Nasser's restraining hand. He traveled widely, all over the Moslem world, to Yugoslavia and Mongolia, and to the United States in 1966. There, as an official guest of the American Government, he met Lyndon Johnson, marveled at Disneyland, and was so fascinated by the open debate procedure in Congress that he introduced it into the Egyptian National Assembly when he returned to Cairo. He visited so many remote corners of Egypt itself that he came to know his people more deeply than Nasser ever did. He glimpsed the complexities of power, and bided his time.

After the debacle of the 1967 war with Israel and the suicide of Nasser's boon companion Field Marshal Abdel Hakim Amer, Sadat grew closer to Nasser—the better to observe in silence all the errors the President was making, and to remember them for future reference as pitfalls to avoid. "The Revolution," so the saying goes, "devours its own children." Not so with Anwar Sadat, since Nasser rewarded him, not with power, but with longevity. The greatest lesson that Sadat ever learned at Nasser's knee was how to be patient.

But when Sadat succeeded Nasser, almost no one—including this writer—took him seriously. For Nasser had bequeathed to Egypt not only Anwar Sadat, but his goons as well. Nasser's goons—Presidential Affairs Minister Sami Sharaf, Interior Minister Sharawi Gomaa, *et al.*—gripped the rods of power in their own hands, particularly the pervasive intelligence apparatus, and they clearly expected Sadat to do what they told him. Sadat seemed to assent, and again bided his time.

The Sharaf-Gomaa cabal considered themselves the rightful rulers of Egypt after Nasser's death. They were his younger heirs, and they wanted done with the old Free Officers like Sadat. While Nasser lived they were his tools ("Show me 10 men I can trust," he used to say) and he constantly played off one against the other, keeping a black book of their misdeeds (they were nearly all corrupt) and even of their erotic escapades. Sami Sharaf was especially disreputable. Sensual and slightly fat, mustachioed and handsome in a way that exuded bad taste, he loved food, drink and women. An army officer (of course), he had participated in an abortive coup in 1954, but soon betrayed his co-conspirators to Zacharia Mohieddin, then head of the secret police. Mohieddin absolved Sharaf as a witness for the prosecution, and—sensing his utility—appointed him his private secretary. Soon Nasser discovered him, first using him to spy on Mohieddin, then making Sharaf his own private secretary. Eventually Sharaf became the director of Nasser's clearing house for all intelligence affairs. He built his career on snooping, on bugging his rivals' bedrooms, on betraying his friends.

Sharawi Gomaa, the burly, India-rubber-faced Minister of the Interior, was only slightly more respectable. An old crony of Sami Sharaf's, he had been scheming with Sharaf for years to take over effective control of the Government, and when Nasser died he was the second or third most powerful man in Egypt. Besides the police and the huge General Investigative Authority, which he controlled outright, he had penetrated most of the other intelligence agencies as well; like Sharaf he was an addict of the most sophisticated snooping devices, which he purchased all over the world at considerable cost and then planted promiscuously in the private chambers of friends and enemies alike. He manipulated large sums of secret monies which he later used to slander Anwar Sadat, and even consulted swamis to divine when he himself would become Prime Minister and President.

From the moment that Sadat succeeded Nasser, Sharaf and Gomaa were resolved to keep the intelligence apparatus out of the President's grasp. In the beginning, Sadat made no serious move to stop them. "My brother is slow in making decisions," says Sekina Sadat. "He has learned to think everything over very carefully, even the smallest decisions concerning his children." With his sly fellah mind, he ignored the intelligence services for the moment, and concentrated instead on building his popular base. He cut prices, eased numerous restrictions and sought out the civil establishment—the press, the universities, the judiciary—to coax them to his side.

On radio and television, Sadat spoke softly in homely colloquialisms, asserted all of his rustic charm and began to acquire charisma. The values he invoked were not visions of a Marxist utopia but the verities of the Egyptian village—above all, belief in God. In his visits to the army; he refused to do all of the talking, and engaged his officers in dialogue. As he gradually became more popular, he embarked on tiny probing operations of the intelligence apparatus, not daring yet to dismiss Sharaf and Gomaa, but inserting one spy here, another there, the better to be briefed on their machinations. It was all of it a marvel of political craftsmanship, a masterly lesson of how to proceed from quasi impotence toward supreme power, step by modest step.

In the meantime, Sadat was moving rapidly on the external front. He accepted the hitherto unmentionable idea of a peace treaty with Israel, he proposed reopening the Suez Canal, and he invited Secretary of State William Rogers to Cairo. The reasonableness of his strategy won world opinion to Egypt's side, and put Israel on the diplomatic defensive. The architect of the *rapprochement* with Washington was Mohammed Hassanein Heykal, the editor of Al Ahram, Cairo's leading newspaper. Heykal, Nasser's closest confidant, was now ascending to a position of even greater influence with Sadat. The essence of Heykal's argument, which he expounded repeatedly in his column, was that the expulsion of the Israelis from Sinai was probably unattainable unless Egypt first improved its relations with the United States; only then would Washington apply the essential pressure on Tel Aviv. Al Gomhouria, the Government organ controlled by the Arab Socialist Union, replied with violent editorials which accused Heykal of selling out to the Americans; indirectly, the editorials were an assault on Sadat as well.

For the Arab Socialist Union was not merely the country's unique political organization, it was the citadel of Heykal's enemies and of Sadat's rivals for the control of Egypt. It was the power base of Vice President Aly Sabry, Cairo's leading leftist ideologue; it was the darling of the Russians—who hoped it would eventually propel the country from bourgeois socialism to a more authentic dictatorship of the proletariat. I have no evidence of this, but I suspect that the cunning Heykal may have written his editorials not only to improve Egypt's bargaining position abroad, but also to set a trap for his enemies at home. I suspect that with Sadat's consent he was encouraging them to tip their hand, and goading them toward the confrontation that Sadat himself was aching for.

The confrontation with the Arab Socialist Union came, not over the opening to Washington, but over Sadat's proposed federation with Syria and Libya—which Sadat argued would strengthen Egypt against Israel, and protect his flanks against the real radicals of the Arab world, Algeria and Iraq. This issue was almost incidental; for their part, Sabry, Gomaa and their partisans were determined to emasculate Sadat before he acquired too much popularity, and they carefully chose the federation issue because they knew that few Egyptians were eager for more adventures in Arab unity. They outvoted Sadat in the executive committee of the Socialist Union, and rigged the ensuing session of the larger central committee in their own favor. Perhaps sensing that he had gone too far too fast. Sabry tried to mollify Sadat by apologizing for the vehemence of his attacks. Sadat refused the apology, and decided to pursue the power struggle to the end. He swore in a May Day speech that "I am responsible only to God, to the people and to myself," and—on the eve of Rogers' arrival in Cairo—sacked Sabry from all his major offices.

On May 12, a week after Rogers' departure from Cairo, Sadat visited a group of 170 key army officers at Inshass, near Ismailia in the Suez Canal zone. According to the most knowledgeable Government officials and Western diplomats in Cairo, part of the dialogue went rather like this:

SADAT. My sons, our political and military position is squeezed between the two great powers.

OFFICERS. We accept this, but we insist on a solution—diplomatic or military—one way or the other. We want to set a time limit.

SADAT. I'll give you one, I promise, within a few weeks. By God, I will walk to the ends of the earth to keep Egyptian soldiers from getting killed again, if I can still achieve an honorable solution by peaceful means. But there is another problem, my sons. I will never be able to achieve any solution at all if the centers of power in Cairo keep obstructing me.

OFFICERS. If you have rivals for power in Cairo, then we urge you to get rid of them—all of them. You are the President of Egypt, and they will get no help from us. We have only one battle to fight—the battle with Israel.

SADAT. The centers of power are subverting the home front, and by God, I will cut them to pieces. Look to the Israelis who are facing you, my sons, and leave the home front to me.

Confident of the army's support in the impending power struggle, Sadat returned to Cairo to prepare for the next round of confrontation. It was not long in coming. Briefly—according to Sadat's version—no sooner had he returned from the Suez front than he was visited by a young informer from the Ministry of the Interior who handed him a pair of tape recordings. Listening, Sadat discovered that Interior Minister Sharawi Gomaa had ordered his secret police to surround Cairo Radio in late April—to prevent the President from addressing the population. Thereupon, Sadat sacked Sharawi Gomaa. Thereupon, five other ministers—including the Minister of War, Gen. Mohammed Fawzi, and the shadowy Sami Sharaf—tendered their resignations, expecting that the sheer weight of their defections would cause the entire Government to collapse.

General Fawzi had been well forewarned of Sadat's suspicions—he had attended the meeting at Inshass. He joined the conspirators because he was beholden to Sami Sharaf by tribalistic bonds of blood and marriage, and because he believed the conspiracy would succeed. Once the collective resignations were announced over the radio—with ominous martial music—Fawzi was supposed to lead troops into Cairo, but true to their word, the rest of the army officers refused to follow. Next day, May 14, Sadat named a new Government, composed largely of eminent technicians and university professors, and ordered the conspirators arrested. He dismissed and jailed the leaders of the Arab Socialist Union, turned the intelligence service upside down and purged many other ministries as well.

Sadat's consolidation of power was complete. Whether the conspiracy against him was as real and persuasive as he had claimed—some Egyptians still have their doubts—Sadat had at last proved that he was the master of his own house. He had purchased precious time to pursue his opening to Washington unfettered by his enemies at home, and he had acquired the essential liberty of action to conclude an honorable peace with Israel should that prove possible.

For the next fortnight, the Cairo press overflowed with oaths of fealty to Anwar Sadat, and lurid particulars of the conspiracy.

Sami Sharaf was accused of fomenting public disorders, of organizing a network of rumor mongers and of breaking into Gamal Abdel Nasser's safe. Sharawi Gomaa was accused of burning bundles of incriminating documents and taped telephone conversations. All of all conspirators were accused of "corruption, embezzlement and bribery." Aly Sabry was accused of masterminding everything.

"The most painful thing of all," Sadat declared, "was the discovery that my own house had been bugged." (The most popular rumor in Cairo at this time was that Sadat's "bug" had been discovered by Secretary Rogers. The Secretary, so the story went, came to Cairo wearing a "magic wristwatch"—an electronic device to detect hidden microphones. When he and Sadat sat down in the President's office, the wristwatch began growling, so the two of them took flight to the garden. American diplomats later relayed this typically Egyptian tale to the Secretary; he was said to have been much amused. What is true is that Rogers did bring his own debugging expert with him to the suite at the Nile Hilton—but no microphones were found.)

Forthwith, Sadat ordered an end to all telephone-tapping and other forms of pervasive police surveillance—except when authorized by a court order or required by "the country's external security." The announcement was admirable, but was it intended to mask a deeper motive—the elimination of Sadat's enemies, not because they were domestic despots, but because they had hindered his freedom of maneuver on the diplomatic front? Whatever his motive, Sadat seized upon a truly popular issue in Egypt, and he was too shrewd to let it go. At the end of May, he drove to the Ministry of the Interior to observe a bonfire of thousands of Sami Sharaf's magnetic tapes. "The people must be free of fear," he said, and henceforth the hallmark of the Egyptian state would not be snooping, but "the rule of law."

The rule of law. Where had it been these last 19 years, since the day that Nasser seized Egypt from the King? In all his assaults on the "centers of power," Sadat—the heir of Nasser's mantle, and now the sole acknowledged prophet of his word—had implicity been indicting Nasser himself. Sami Sharef, Sharawi Gomaa and the other snoopers had all been Nasser's hand-picked men, and if they snooped on so many it was because Nasser told them to, or allowed them to—that was his way of governming. Sadat's public explanation is that Sharaf and company had got out of hand only after Nasser's death, but this was in large measure a demogogic obfuscation, and it convinced few.

For there is at large in Egypt now a most fascinating phenomenon—the demythologizing of Gamal Abdel Nasser. Though the once ubiquitous photographs of Nasser have largely vanished from Cairo's streets, the demythologizing has not yet deeply touched the common people. Nor, despite some broad hints, has it yet explicitly exploded in the pages of the Cairo press. Among the conversations of the intellectuals, the technocrats, the middle class and even some of the military, however, Nasser's ghost is being dissected with a vengeance. So much so that I found myself exhorting my intellectual friends to retain some sense of balance.

"Look," I said, "I admit that Nasser made some terrible mistakes. But you cannot deny that he gave Egypt the vision of becoming a modern state. He built factories, hospitals and schools, nationalized the Canal and ran it well, erected the Aswan Dam . . ."

"No," my friends replied, "he ruined Egypt. He destroyed all of our democratic institutions, and brought back the despotism of the Mamelukes. Whenever one of his ministers showed signs of independent thinking, Nasser fired him. He led us into the disastrous union with Syria, gave us an Egyptian Vietnam in Yemen, and—despite all his efforts to blame it on Marshal Amer—marched us to defeat with Israel in 1967. That was the worst defeat in our modern history, and the day will come when every Egyptian will damn him for it."

Perhaps so, but until that day of reckoning—it could tear Egypt apart—President Sadat must drape himself in Nasser's toga. Publicly, he makes a show of his affection for Nasser's family, but privately there are signs of strain. Nasser's widow and his children are said to resent Sadat, much as the Kennedys came to resent President Johnson after his accession. The most widely circulated story in Cairo at the moment—and many distinguished diplomats believe it—is that sometime before he died Nasser deposited $16-million (the figure varies) in a secret Swiss bank account. Sadat has been trying to persuade the family to return the money to the Egyptian state, but the Nassers have refused, considering it their personal property. I have no way of knowing whether this story is true. If it is true, it does violence to the legend of Nasser's personal incorruptibility. What is significant is that, true or not, so many Egyptians believe it.

The Russians, in the meanwhile, had become terribly alarmed. First, Rogers' visit to Cairo had aroused their fears that Sadat might be concocting a deal with Washington behind their backs; then Sadat purged their closest friends—Aly Sabry, Sami Sharaf *et al.*—and jailed them as traitors. Furthermore they feared that Sadat's purge of the Arab Socialist Union and his plans for new elections (the previous A.S.U. elections had been "fraudulent," he said) would exclude most of Egypt's Marxists from future participation. For instinctively the Soviet leadership has sought to achieve influence in Egypt's internal affairs through the same party-*cum*-intelligence apparatus that is the foundation of its own power. Some Western diplomats state that a number of the purged Marxists had been on Moscow's payroll.

In fact, the Soviet leaders were so surprised by the purges that they very nearly recalled their ambassador in Cairo, Vladimir Vinogradov, for failing to forewarn them. (The trouble with some governments," Vinogradov lamented later to a Western colleague, "is that they expect their ambassadors to be prophets.") No sooner were the purges consummated than the Kremlin invited Sadat to Moscow to discuss their reverberations. To Sadat, this smacked suspiciously a summons. "I can't come now," he answered. "I'm too preoccupied with internal problems. However, if you wish to send a delegation to Cairo, *ahlan wa sahlan*—welcome."

On May 25, a high-level Soviet delegation, headed by President Nikolai Podgorny and Foreign Minister Andrei Gromyko, arrived in Cairo. According to Western and neutral diplomats on the scene, the essence of the Soviet complaint ran like this:

"Look, we're not asking you to reinstate Aly Sabry and Sami Sharaf—they were our friends, but we've written them off. What we do ask of you is an assurance that there will be no more internal surprises. We want to stabilize and formalize our special bond with Egypt—not with one man, or group of men, but with the Egyptian Government as an institution. As you know, we have long been unhappy with Egypt's social policy—it's much too bourgeois. We want to show the world some written evidence of Egypt's permanent attachment to the Socialist camp. We are very concerned with the strengthening of institutions and cadres. We want to increase the contacts between the Arab Socialist Union and the Soviet Communist Party. We are hopeful that you will now make a serious effort to turn the Arab Socialist Union into a vanguard of authentic Socialist transformation."

The result of these discussions was the Soviet-Egyptian Treaty of Friendship and Cooperation of May 27, valid for 15 years and renewable for 10. The treaty duly pledged Egypt to pursue a "Socialist transformation," and included as well the highly interesting assurances in Articles VII and VIII. Article VII pledged both parties to "coordinate their positions" in the event of "circumstances which, in the view of the two parties, constitute a threat to or a violation of peace." Article VIII pledged the Soviet Union to continue its "aid in training the personnel of the [Egyptian] Armed Forces, and in their assimilation of arms and equipment supplied to [Egypt] for strengthening its capability to remove the traces of aggression."

The treaty is unprecedented outside of the Soviet bloc. On its face, it confers considerable blessings on both parties. The Russians extracted assurances in writing of Egypt's permanent fidelity to the "anti-imperialist camp," and that neither the attempted *rapprochement* with Washington nor Sadat's purge of Moscow's friends would subvert the "firm and unbreakable friendship" between Cairo and the Kremlin. Sadat was reassured of continuing Soviet support despite the purges—and he now has a signed commitment that the Soviet Union will help him to regain the Sinai, by diplomacy or by war.

Or has he? The crucial clause is Article VII, and the Soviets seem to have kept it deliberately ambiguous. Western diplomats in Cairo read the clause not as a provocation to the Egyptians to resume war with Israel, but as a restraint. "I've gone over that section carefully with the neutralist and Eastern bloc ambassadors here," one eminent diplomat told me, "and we've all come to the same conclusion. The phrase about 'coordination of positions' means that the Russians will not tolerate any more Egyptian *military* surprises, either. The Soviets have been sucked into the fighting before, and now they want to be told in advance of any plans to escalate the Suez front—in time for them to impose a veto, if they see fit. In effect, when they accepted Article VII the Egyptians promised not to resume shooting without Russian consent."

But what about Article VIII? This is more menacing, but it is too soon to tell whether it foreshadows major new shipments of Soviet arms to Cairo. The Israelis are insisting that it does, and are already invoking Article VIII as justification for the promise of more American weapons to Tel Aviv—which would escalate the Middle East arms race yet another notch and probably assure a parallel Soviet response.

"We've known for some time," says a prominent American diplomat, "that the Soviets want to reduce their operational role in Egypt—it's terribly risky. We have reason to believe that they've done just that in the Suez Canal zone; most of the missile sites now are probably manned by Egyptians, supervised by some Soviet technicians. So the problem here is not simply one of more Soviet hardware—the Egyptians have already got more of that than they can use. The treaty would really alarm us only if it meant that the Russians were reversing their position and promising the Egyptians a lot more operational personnel—pilots and the rest. In that event, Washington might see the situation as transcending the Arab-Israeli conflict, and worry whether the Russians were outflanking NATO."

For their part, this is precisely one of the fears that the Egyptians wish to inspire in Washington—in the desperate hope that the United States a last will apply strong pressure on the Israelis to evacuate the Sinai before the danger to America's global strategy escalates still more. For despite all of the steadfast American optimism, and despite the Egyptians' own persistent longing for a peaceful settlement if it can be achieved, the Egyptians have despaired of the Rogers initiative. The cautious expectations that President Sadat entertained in early May, when the Secretary was his guest in Cairo, had, by early June, all but vanished in his frustration and impatient anger. "I'm not interested in further questions, notes, or negotiations with the Americans," he says. "We have been doing that for a year, and it's achieved nothing. Rogers himself told me, 'We have nothing more to ask of Egypt.' We've made our own position clear a hundred times—we will not reopen the Canal unless we are sure it will lead to a total Israeli evacuation of our land. All I want to know now is—what are the Americans going to do, and when?"

If the Americans do nothing it is very possible that Sadat will resume some sort of limited warfare along the Suez Canal—with or without Soviet agreement, treaty or no treaty. Again, the Russians might be dragged into the conflict, this time simply to save Sadat from being overthrown by his own exasperated army. The Soviets would still be able to veto any suicidal crossing of the Canal, but they might endorse saturation shelling, pinprick commando raids along the Israeli bank, and limited aircraft bombings deeper into Sinai—all in the hope that the ensuing losses would induce the Israelis to be more tractable about leaving the Arab territories.

The Egyptians unquestionably possess sufficient firepower to make life extremely bloody for the Israelis entrenched in the Bar-Lev line on the Canal's eastern bank. Should the Israelis themselves attempt deep air sorties or a troop crossing westward toward Cairo (as Gen. Ezer Weizmann has suggested they should, in the event of war) they would probably incur heavy losses—because of the pervasive Soviet air-defense system which now extends from the top of the Nile Delta deep into Upper Egypt at Aswan. Conversely, it is doubtful that the Egyptians could inflict major damage on Israeli positions deep in Sinai or in Israel itself unless the Russians abandon their present prudence and consent to fly the planes. "Either Sadat has to get 800 Soviet pilots," says a skeptical Western air attaché in Cairo, "or wait five years to wage a serious war with Israel."

Nevertheless, Sadat keeps talking of "the battle of destiny" and now announces that 1971 will be the "decisive year"—just as Nasser swore that 1968, 1969 and 1970 respectively would be the "decisive year." Much of this may be bluster to frighten the United States into putting more pressure on Israel, but in fact Sadat has little choice. He must indulge in such bellicose pronouncements to buy more time and to convince America, Israel and his own army that he means business. Whether the Egyptian Army itself truly possesses the will to fight a "battle of destiny"—as did the Algerians and the Vietcong—is another matter. I have my doubts, and I wonder whether Sadat does.

And perhaps I am being too logical. The mood in the Middle East is explosive. In such a mood, logic—and all of its restraints—could become the first casualties.

While Sadat broods over his meager options, the Egyptian people are left to wonder what, in the meantime, will happen to them. For example, what of Egypt's "Socialist transformation"? If anything is clear, it is that Sadat has no intention of turning Egypt into a collectivist society after the model of the Soviet Union. The Russians may read the treaty that way, but the Egyptians are as jealous as before of their national independence, and they consider the treaty as a political alliance, not an ideological bond.

Indeed, Sadat knows that if he is ever to achieve his vision of an Egypt founded on "faith and technology," he will more than ever need the skills of his growing managerial class, and the last pill those bourgeois technocrats will swallow is Soviet-style Socialism. Thus, while he has placed a pair of doctrinaire Marxists in his Government (to impress the Russians?) and while he will ritually repeat the slogans of Socialism in his speeches, in practice his policy will probably creep in the other direction. As he has clearly shown in his decrees and in his leniency toward the private sector, he wants more free enterprise, more personal incentives, more private investment—because he has observed the uneven results of Nasser's nationalization laws and he considers a liberal economy more efficient.

"No efficency without freedom"—that is the dominant slogan of educated Egyptians now. Whatever his motives for doing so—I surmise they were mixed—Sadat has stimulated an intense thirst for freedom which he will be bound in some measure to satisfy. He is promising his people a permanent Constitution very soon, and has appointed some distinguished jurists to help write it. The jurists are taking him at his word; in some very frank articles in the press, they are insisting that the slogan "sovereignty of law" will remain meaningless if it is not backed up by iron-clad guarantees—of freedom of the press, of *habeas corpus*, of trial by jury, of truly independent courts. Sadat has also appointed the President of the Supreme Constitutional Court in the Arab Socialist Union; the elections will probably be free—or at least freer than the last ones. It is likely that extreme leftists will be encouraged not to run.

I have known Egypt for 15 years, and I have never heard Egyptians express themselves as openly as they do now—though I must emphasize that even during its most repressive moments under Nasser, Egypt was never the kind of grotesque police state we have observed in Eastern Europe. What is more refreshing, however, is the new mood of realism in this quixotic nation. More and more Egyptians are coming to understand that they cannot seriously compete with Israel so long as Egypt itself remains a backward country. And in understanding that, the Egyptians paradoxically are relinquishing their desire to see Israel destroyed. "If only the Israelis would leave Sinai," they say again and again, "then we could turn our faces home, and by God, how we could build this country!"

I am persuaded of Egypt's desire for peace. I am persuaded that Sadat would sign a treaty of peace with Israel, an that his people and his army would accept it, so long as it did not involve the loss of land which has been part of Egypt for millennia. I am persuaded that Sadat has the will to do this, if only because Egypt's internal problems have become so horrendous that peace alone will render them possible to resolve.

Having said this, one is left with the ironies and contraditions of Anwar Sadat's present policies. He has rid himself of Russia's friends, then signed a restrictive treaty with the Russian. He has invoked democracy and the rule of law, then—without too delicate a regard for either—swept all his suspected rivals off to jail. He has promised real power to the people, and gathered most of the Government into his own hands. He is liberalizing the economy in the name of Socialism. He wants peace, but he may go to war.

The armed forces are his strongest pillar—but for how long? He can count on them till autumn anyway, perhaps till Christmas. If by that time he cannot produce a peaceful solution in the Sinai, they may force him to wage a war he will most likely lose. What new upheavals then? Anwar Sadat has a violent past. Beneath his urbane exterior, we must assume that primitive emotions abide. If he were pushed to the wall, would his old brutality erupt? One hopes not, but if it does we can only lament that it is probably the Egyptian people who will have to pay.

NEED FOR A NATIONAL ENERGY POLICY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. PICKLE. Mr. Speaker, recently I have addressed this body to remind my colleagues of an impending energy crisis. Some have responded with new concerns; others remain ambivalent. In order to cultivate a greater awareness and concern for this problem, I would like to explore the general nature of energy consumption and its importance to society.

The pioneers that first settled this country relied primarily on human muscles to provide the energy required to sustain an existence in the primitive wilderness; energy to build shelters, till fields, and fabricate clothing. A man's total energy needs amounted to little more than he could himself generate. Since that time, the U.S. per capita energy consumption has steadily risen along with the standard of living.

It is estimated that a full-grown man can sustain an average power output of one-twentieth horsepower—37 watts—during an 8-hour workday. Today a man commands twice that amount every time he flips a light switch, 30 times it when he mows his lawn, and 3,000 times as much power whenever he starts his car. And these are only examples of the ways in which Americans directly consume energy. Few people stop to think that whenever they purchase market goods they are indirectly consuming various forms of energy; energy to extract the raw materials, to manufacture the product, and to distribute it to the retailers. Indeed, energy is an essential ingredient in the conversion of raw resources into man's requirements for food, clothing, and shelter. Thus, there is a direct relation between a country's energy consumption and its standard of living. It is no coincidence that the United States, with less than 6 percent of the world's population, consumes more than one-third of the energy.

It is important, Mr. Speaker, that our colleagues comprehend the full implications of this concept. The progressive social goals which they pursue are, indeed, admirable—admirable but meaningless unless we can generate and sustain the energy levels required by such achievements. For example, the abolition of poverty would add millions of new consumers to the American market. This, in turn, would require a proportional increase in our national energy production to meet inflating market demands. The implication is that we cannot significantly improve the living standards for any segment of our population without simultaneously increasing national energy consumption. Thus, the economic and social well-being of our Nation is directly dependent upon the availability of dependable energy sources. Furthermore, the importance of adequate energy resources to matters of national security should be self-evident. Thus, to meet the challenge of years to come, and to make real the unfulfilled dreams of millions of Americans, we must first provide fuel to kindle the flame of social and economic prosperity.

Mr. Speaker, I have attempted to establish the dependency of our national well-being on the availability of energy sources. But dependency alone does not merit concern. The energy gap is not a legitimate problem unless the availability of adequate fuel supplies is uncertain. What are our future energy prospects?

Within the last 50 years the United States has witnessed a steady decline in the ratio of energy consumption per unit of economic output. Although both GNP and total energy consumption have continued to rise, the rate of increase for GNP has always exceeded the rate of increase for energy consumption. In a sense, this can be interpreted as a progressive improvement in the efficiency of energy utilization.

Unfortunately, this trend has been reversed in recent years. Since 1966, U.S. productivity has been characterized by increasing energy consumptions per unit of economic output.

This reversal can be attributed to several factors, perhaps the most significant of which is the consumer use of electricity. Many people are not aware that, although most electrical devices operate very efficiently, the electrical generation process is only 30 to 35 percent efficient. This trend is likely to continue until the development of such exotic energy sources as the breeder reactor, nuclear fusion, and MHD—magnetohydrodynamics.

A second factor that has just begun to lower the efficiency of energy utilization is the expanded use of pollution abatement devices. The additional energy expenditures required to operate such devices can be expected to increase as environmental control measures are tightened.

Thus, the energy requirements needed to sustain future economic and social advancements will be significantly greater than our present needs. Many experts estimate that U.S. energy needs will double by the year 1990 and triple by the end of the century. And in the face of this need, U.S. energy reserves are declining at unprecedented rates.

Mr. Speaker, the need is obvious. The realization of our social ambitions; indeed, our very social and economic existence relies upon the success of our energy policy. I appeal to my colleagues to explore this matter. We must take remedial measures now to insure the future adequacy of our energy supplies. I have already introduced legislation designed to mitigate the shortage of natural gas. But this, in itself, is not enough. We must develop a national energy policy and enact the supplementary legislation needed to make it work. Too much is at stake to permit our energy policy to meander along a broken path with no definitive guidelines to chart the way.

VAST LOCKHEED WASTE CHARGED BY FORMER MANAGER

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. MITCHELL. Mr. Speaker, the Lockheed Aircraft Corp. has asked this Government to cosign a loan to assure the continued existence of the company. The loan is of unprecedented size, and so must lead each Member to consider what the ramifications of this guarantee might be. Mr. Haughton, the chairman of the board of the corporation has cited as precedent such granting activities of FHA and the Defense Department program for defense contractors, but home loans do not amount to $250,000,000 and the Defense program is limited to $10,000,000 per loan. It becomes clear that this loan guarantee is a new and dangerous step in governmental subsidization of big business, while neglecting the needs of the poor and unorganized.

There are many issues involved in this proposed guarantee—the economic viability of the plane, the priority deserved by another airplane—not the least of which is the importance and merit of the company to be supported. Mr. Haughton has continually stressed the debt that this country owes to Lockheed for the fine service it has provided on past programs. There is the further contention that the Government has helped bring on the troubles of Lockheed by the implementation of a program within the Department of Defense known as total-package procurement, and the unjust settlement of both the Cheyenne helicopter program and the C-5A Galaxie air transport program.

The settlement does not seem that malevolent, especially in view of the low-interest loan—not demanding repayment until 1974—that the Government so generously gave to Lockheed. But beyond such a judgment, there is a question of how well Lockheed has performed in the Government's service. I wonder just how much special consideration they are entitled. In the Washington Post of July 18, an article by Mr. Morton Mintz sheds much light upon past performance of Lockheed. It shows a very probable source for the overrun, entirely apart from the ramifications of the Defense Department's procurement program; namely, inadequate cost accounting and inventory procedures. Such a failure not only calls into question the debt of the Government to Lockheed for loyal and faithful service, but also casts doubt upon the sagacity of becoming further involved with a company that would neglect the development of such necessary practices.

It is with great pleasure that I introduce Mr. Mintz's article into the RECORD:

VAST LOCKHEED WASTE CHARGED BY FORMER MANAGER

(By Morton Mintz)

MARIETTA, GA., July 17.—A former Lockheed Aircraft Corp. assistant division manager has given The Washington Post voluminous documentary evidence which, he charges, reveals "disastrously rotten management" that wasted "untold millions of dollars."

Mismanagement was Lockheed's "real problem," accounting for much of the estimated $2 billion or more in cost overruns on the giant C-5A transport plane, Henry M. Durham said in an interview.

He ridiculed a key argument made on Capitol Hill by Lockheed chairman Daniel J. Haughton in behalf of the pending bill to save the company from bankruptcy with a government guarantee for a loan of up to $250 million.

"The problem was not so much our ability to manage, but the type of contracts under which we had to operate—contracts that now have been found unworkable and are no longer used on new programs," Haughton told the House Banking and Currency Committee Tuesday.

In contrast, Durham cites examples of inefficient, wasteful and even, he contends, improper practices. His records show that the examples were among those he had provided Lockheed in pressing for reforms.

Durham says he was in charge of major production-control activities for the C-5A program, running "a control and supply organization" that procured, stocked, issued and delivered parts at the Lockheed-Georgia division.

A company spokesman, however, minimized his importance by referring to him as "a supply man" and not an executive.

Initially, in responding to a reporter's inquiry, W. P. Frech, director of manufacturing at Lockheed-Georgia, spoke of Durham as "a good employee who worked hard."

Later in the conversation, however, Frech characterized Durham as "a disgruntled employee" who lacked "justification for his actions" and was "not in a position to know" whereof he spoke.

Durham's charges are "false—all of them, practically," Frech said. "We have minute, functional systems to prove that all systems are 'go'."

The controversy may be clarified on Capitol Hill, where Sen. William Proxime (D-Wis.), a leading opponent of the loan bill, has asked Durham to testify before the Senate Subcommittee on Economy in Government. No date has been set.

In alleging mismanagement of the C-5A program, Durham cites these examples:

A survey of five C-5As showed that from 65 to 87 per cent of the parts issued, and presumably installed before final assembly, in the month ending April 6, 1970, were reported missing. The specific figures, as listed in a memo to Durham from a subordinate, W. T. Garrison:

Ship 0020 (the company's designation for the 20th C-5A), 1.356 parts issued, 893 missing; Ship 0021, 1,533 issued, 1,038 missing; Ship 0022, 1,492 issued, 1,120 missing; Ship 0023, 1,039 issued, 912 missing; Ship 0024, 364 issued, 305 missing.

Trying to find out what lay at the bottom of such problems. Durham, who was with Lockheed for 19 years, and Ron Newberry, of the C-5 Production Task Force, investigated a random sampling of 160 parts listed as "missing" from Ships 0009 and 0010.

Their main finding, made in a report of Oct. 13, 1969, was that 67.5 per cent of the parts claimed to be missing actually were—but that Lockheed nonetheless had certified the affected sections of the aircraft to be complete, Durham said.

RECEIVED PAYMENT

By so certifying, Durham contends, the company was able to obtain Air Force payment for work that had yet to be accomplished, and, at the same time, to be credited for an "on schedule" performance.

An additional 16.3 per cent of the parts claimed to be missing actually were not, the report said.

The investigation report also revealed that 8.2 per cent of the parts listed as missing had been installed, but for no recorded reasons and in violation of company rules.

An additional 5.5 per cent of the parts were where they were supposed to be, the report said.

Finally, 2.5 per cent of the parts reported missing should not have been replaced because they were specified by engineering requirements, the report said.

Durham did not so much as hint that a single C-5A was delivered to the Air Force in unsafe condition. His concern, instead, was overwhelmingly with management efficiency in the control of aircraft parts.

Quality-control and production personnel, in reports supposedly reflecting the true condition of Ship 0023, said that 30 parts were missing from the wing of this C–5A when it moved to final assembly on March 11, 1970. But five days later, in a memo to a superior, Durham said that an audit showed the number of parts not actually installed, or not recorded by managers as having been installed, to be 1,084, or 36 times as many as those claimed.

Durham said that Lockheed reordered very small parts (VSPs), costing from 16 cents to $37.50 each, on the basis of supplies in stores or warehouses rather than on the basis of what he calls "an adequate inventory accountability system." One result, he said, was that VSPs were "scattered on floors, tables, in boxes, heaps—all over the place. They were being swept up and dumped. Finally, somebody caught on . . ."

But as of May 1, 1970, according to a memo he wrote on that date, VSPs that "should cost around $560,000 per aircraft" are "currently exceeding over $1,000,000 per ship." On this basis, he calculated, the overrun merely on VSPs for the C–5A program could come to $30 million.

(The 1965 contract estimate of the price for each C–5A was $20 million; 115 were to be built. Since then, the price has approximately tripled, and 81 are to be built.)

After Ship 0008 made its first flight, about 2,000 parts previously procured on the basis of being needed were returned to stock as not needed, Durham told V. H. Brady, his immediate superior, in a memo on Nov. 24, 1969. This wasted "thousands and thousands of dollars," he told a reporter. "It happened on all ships, constantly."

When a ship arrives at the flight line, Durham said, it is theoretically in such an advanced state of completion that, apart from engineering changes, only components such as radar gear and flight equipment need be added.

But after Ships 0009 through 0014 arrived at the flight line, calls went out for replacements of 15,291 "missing" parts and 5,294 defective, or "butchered," parts, according to internal reports, Durham said.

When a C–5A moved to flight-test status it was, again in theory, almost ready to be flown, Durham explained. But on the basis of the number of calls made for parts for the first eight C–5As to reach flight test, he calculated that 79,600 items had to be delivered, mostly to replace missing parts.

After Ship 0020 reached final assembly, calls went out on a single day, April 8, 1970, for replacements for 48 parts that previously had been delivered and signed for, Durham's aide, Garrison, told him in a memo. On the same day, 42 similar duplicate part requests were made for Ship 0021, and 27 for Ship 0022, the memo noted.

Once delivered as a result of such duplicate requests, large numbers of parts could not be installed, Durham said in the interview. The reason, he said, was that the components to which they were attached were strewn around—"on the floor, on tables, in people's pockets, under tables . . ."

Redundant ordering, he said, frequently occurred because production personnel, impatient with a procedure requiring them to certify, and quality-control specialists to verify, that a part was defective, would additionally invoke a speedier procedure intended exclusively for missing parts. In this way, "thousands of parts were being double-ordered and double procured."

After a wing cracked on a rounded C–5A undergoing simulated flight conditions on July 13, 1969, Lockheed set up a wing-modification program in Palmdale, Calif. Durham said that the Marietta plant then got a "panic" order for kits of two or more parts each. "Thousands of parts" had to be rounded up, packaged and shipped—Air Express—to Palmdale, he said.

In a memo on April 28, 1970, E. V. Shaddix, manager of the modification program, told Durham the kits were not needed and "are being returned to you for re-stocking . . ."

In a memo of Nov. 3, 1969, to Brady, his boss, Durham told of the shipment of numerous parts kits to Eglin Air Force Base, Fla., following a careful inspection to assure that each listed part actually was present. On Oct. 30, 1969, Shaddix phoned from Eglin to tell Durham that several needed parts were missing, the memo related. J. L. Ferrell, manager of the company's flight-test control department, then went to Florida to investigate.

Ferrell found that a root problem was the failure of planning personnel to order all the necessary parts to start with, the memo said. That aside, Ferrell discovered the parts situation to be "out of control." The memo continued:

"For example, some . . . kits were piled under a coat rack . . . All of these kits were partially opened. Blueprints and parts were strewn on the floor, lying on cabinets, . . . stocked up in hallways and on top of desks . . ."

A Lockheed logistics supervisor said that a company flight-test crew, on arriving at Eglin, "demanded all of the kits, removed them from whatever control they were under, broke them open, and started to work," the memo reported.

"He further indicated that since that time he has had no control of the situation at all," the Durham memo continued. "In fact, he said he has accumulated and stored several parts in his hotel room."

At a Lockheed parts plant in Chattanooga, Durham charged, procurement personnel commonly bought items at "premium prices" from outside suppliers, even though the same items were stocked in the company's own "stores" in Marietta, as could be readily determined by "pressing a button" for a computer printout.

An April 2 purchase order shows that, for example, Lockheed ordered a small amount of sheet steel from a frequently patronized supplier, the J. M. Tull Metals Co. of Atlanta. Durham obtained a print-out showing that Lockheed already had similar sheet steel on hand in Marietta, he said. On a square-foot basis, Durham said, Tull Metals' price was $3.15; Lockheed's was 67 cents, about one-fifth as much.

Numerous aircraft parts must be built to extremely close tolerances or must meet other "exotic" requirements, according to Durham. But Lockheed, at exorbitant cost, sometimes set such requirements needlessly, for noncritical equipment such as a missile dolly used only on the ground, he said.

Durham illustrated his point with a purchase order, dated last Feb. 15, for some rod ends from Southwest Products Co. of Monrovia, Calif. The price was $437.30 each. Rod ends meeting cruder specifications, but perfectly adequate, would cost only a few dollars each, he said.

Another purchase order shows that a year earlier, Lockheed bought identical rod ends from the same company—but at a unit price of $336.30, or $101 less.

At Lockheed's Chattanooga plant, Durham said, he found expensive tools and equipment "rusting away in the back yard." These items included drills, carbide cutters, and 18 castings that were "concealed under scrap metal and other junk." He said Lockheed has paid a total of $10,488.45 for 13 of the castings.

"Management people walked through this jungle every day but took no action to correct it," Durham said in the interview.

Also at Chattanooga, Durham said, he found that the stockrooms carried 4,894 categories of miscellaneous small parts (MSPs), but that only 813 actually were necessary. Yet, Durham said, "many of the unneeded parts at Chattanooga were critically needed in Marietta . . ."

In a May 8, memo, copies of which he sent to Lockheed chairman Daniel Haughton and to R. H. Fuhrman, president of the Lockheed-Georgia, Durham said that "Ship 0002 was a shell when it was originally delivered to flight test even though it was reported to be in good shape . . .

"On Ship 0008, . . . over 10,000 parts were delivered and over 4,000 finally returned to normal stock because they were not required to get the ship in a flying condition." (After Ship 008 became airborne, Durham reported that 2,000 more parts were returned as unneeded, as previously noted).

President Lyndon B. Johnson flew down here on March 2, 1968, for the "roll-out" ceremony for the first C5A, Ship 0001. But major portions of that aircraft, including the nosecap, claimed by the company to be complete, were "window-dressing"—"dubbed" or "faked" units hastily contrived to look impressive but, Durham charged, nowhere near functional.

Ordinarily, engineering changes in the C–5As required parts removal and replacement. Often, this could be accomplished with reworking, or modification, of the originals.

But, Durham said, "millions of dollars worth of purchased parts were erroneously scrapped" and substitutes purchased usually because the Planning Division had called for scrapping rather than reworking. The division was "under great pressure to reduce the number of behind-schedule engineering jobs," he said.

Durham complained about this to Lockheed-Georgia president Fuhrman. Abuses such as this occur "with the full knowledge of many members of management up and down the ranks," Durham said in a memo dated April 17, 1970.

"I have been very disappointed with my superiors for lacking the fortitude and courage to go to the top if necessary to get serious problems corrected," he told Fuhrman.

"I was specifically instructed to direct all reports and comments directly to Mr. Brady (Durham's immediate superior) but could not get him to do anything concrete," the letter said.

"I realize now that it is because certain members of management feel they must conform and not rock the nice, tight little boat they have constructed.

"I believe one cannot afford to jeopardize the company by conforming to such standards. One must operate with directness and integrity in the best interests of the company, not the individual."

UNLIKELY CANDIDATE

Henry Durham's 19 years with Lockheed might well have marked him as an unlikely candidate to become a whistle-blower.

Born 44 years ago in Bradenton, Fla., he attended Georgia State and the University of Georgia for 3½ years, served 3½ years in the Marine Corps and then joined Lockheed as a dispatcher. Moving up through the ranks, he was named an assistant division manager, responsible for all production-control for C-5As moving to flight-line and flight-test status, in October, 1968.

Most of the time at Lockheed, he said, he worked 11-hour days and 7-day weeks, usually without claiming overtime.

His wife, Nan, recalled how it became routine long ago for her to prepare two suppers each day, an early one for their two children and herself and a late one for her husband.

A CORPORATION MAN

Durham, not without a touch of bitterness, says he had been a corporation man through and through. "If Lockheed wanted it, I assumed it was good," he said.

He was a hawk on the Vietnam war but now has "sort of moderated my views." Decals of the American Flag and the National Rifle Association adorn the rear window of his jeep-type vehicle.

At Lockheed, where he had as many as 300 employees under him, Durham won lavish praise.

"Among his many qualifications are unquestioned loyalty, energy, initiative, product and corporate knowledge, ambition, and an insistence on a job well done—first of all by himself, and secondly by all reporting to him," R. C. Goddard, who succeeded V. H. Brady as Durham's immediate superior, said in a letter of Feb. 24, 1970.

"It is our unqualified opinion that Mr. Durham would represent a real asset to any organization to which he might be assigned," Goddard added.

Later, in a formal commendation, Goddard said, "For a job well done under adverse conditions, this company expresses its sincere appreciation."

But a few days after signing the commendation, Goddard and Brady told Durham that he must accept either a demotion—to manage the C-5H refurbishment program, with a pay cut of $20 week—or a layoff.

Durham said the explanation he was given was that only he was qualified to manage the program. He didn't believe it. The real explanation, he insists, had to be his relentless fight against inefficiency and waste.

In the spring of 1970, he carried his case to Lockheed-Georgia president Fuhrman. "He listened, mostly," Durham said of the 1¼ hour interview.

APRIL LETTER

Following up, he told Fuhrman in the April 12, 1970, memo how he had been disillusioned:

"I expected all concerned to come to the rescue, but, instead, received a very adverse reaction which continues.

"I discussed the problem with my immediate superiors, imploring them to take it up the line, to no avail. . . .

"I was specifically instructed to direct all reports and comments directly to Mr. Brady but could not get him to do anything concrete."

Durham opted for the layoff. "I was going to be my own man," he said in the interview "You can become a pawn—bent, twisted."

Telling Goddard of his decision, Durham said in a letter, "I do not have the audacity to say I am always right. However, I do plan to always act in accordance with my honest opinions, principles and convictions, regardless of the consequences."

Durham had asked for two weeks to train a successor. But the day after he sent the letter, Goddard startled him by telling him to leave that very afternoon and refusing to explain why.

Durham recalled the episode a week later in a letter to Fuhrman. After "19 years of dedicated service," Durham told him, he was "rushed out" of the plant, with an initial refusal even to let him gather up his personal belongings.

Such treatment usually was reserved for a person who has been fired, the letter said, and it was "monstrous."

A week later, on May 25, Durham chronicled his story to Lockheed chairman Daniel Haughton.

In a 3-page, single-spaced letter supported by copies of documents such as given to The Post, Durham told of a call from V. H. Brady directing him "to keep quiet and hide" a specific missing-parts report; of a dawning "horrible realization" that data were being withheld from corporate management (including Haughton), and of "charts produced to illustrate how beautiful everything was rather than the true facts."

PROTECTIVE SOCIETY

Durham also told Haughton of "what I choose to call the Lockheed-Georgia Management Protective Society" . . . To be a member, one must worry more about protecting his hide and the hides of his superiors than working in the best interests of the company and the country."

After he met with Fuhrman, Durham told Haughton, "I was ostracized, criticized, pushed into a corner and eventually downgraded."

Yet, he told the board chairman, he was "not seeking revenge"; neither was he asking for reinstatement or a new job. Rather than work with the people he had been with at Lockheed, Durham said, he would go elsewhere and "dig another foxhole."

Despite all of this, Durham still had faith in the company. "Lockheed management as a whole throughout the corporation is beyond reproach," he told Haughton. "I know the Lockheed Corporation had to be built on integrity to be as large as it is . . ."

Haughton, replying almost at once, said he had read the letter, "perused" the documentation, and planned to talk with Fuhrman and request an investigation.

Once the investigation is complete, Haughton, Fuhrman or the investigator would contact Durham, the board chairman said. (No. one ever contacted him, Durham says).

"I hope you find a job that you will be happy with," Haughton's letter concluded.

After leaving Lockheed, Durham looked for a job, painted his house and spent more time with his family than he had for many years.

ASKED TO COME BACK

Then Frech, the director of manufacturing at Lockheed-Georgia, asked him to come back. "Not with those people," Durham remembers replying.

A couple of weeks later, Frech phoned again to renew the invitation. This time, Durham accepted—even though it meant a cut of more than $80 a week below his previous salary, and working 100 miles away in Chattanooga where, at still more cost, he would have to rent an apartment for use during the workweek.

Durham says he took the offer, last August, because he asked for, and got, assurance from Frech that the "mess" at Lockheed would be straightened out, because he still was confident that the investigation Haughton promised would be made, and because he was sure the investigation would vindicate him.

Once in Chattanooga, however, Durham said he found things continuing much as before. Also as before, he protested, again to no avail.

Thus, on August 24, in a detailed memo to C. L. Starnes, manager of the Chattanooga facility, Durham said, "The stock situation is, at the best, intolerable. Parts are crowded, piled and jammed into bins . . . Housekeeping is non-existent.

Last May, Durham, saying he decided "I couldn't stand it any more," asked again to be laid off. Frech recalled it differently, saying Durham left after being told that, with employment shrinking, he'd have to "take a little bit of a downgrade."

Before leaving, Durham hand-wrote a 23-page letter to Starnes, including instructions for his successor and "observations and constructive criticism."

The letter included detailed analyses of the familiar problems, reports on such reforms as Durham had been able to achieve, a plea for a crackdown on "shabby performance" and a closing wish for "good luck."

For two months now, Durham has been trying to start a business selling aerosol products to retail accounts in the Atlanta area. His wife has become the breadwinner, working as a caseworker for the Cobb County Family and Children Services.

TOP CRITIC OF THIEU REFUSED CANDIDACY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. BINGHAM. Mr. Speaker, a report in the Washington Post of July 18, 1971, reveals another instance where the impending elections in South Vietnam are being manipulated by the Thieu government:

TOP CRITIC OF THIEU REFUSED CANDIDACY

(By Peter A. Jay)

SAIGON, July 17.—President Thieu's most outspoken critic in South Vietnam's National Assembly was told today he will not be permitted to run for a second term because he is considered too sympathetic to the communists.

Ngo Cong Duc, publisher of the antigovernment newspaper Tin Sang and the assemblyman from the Mekong Delta province of Vinhbinh, was disqualified as a candidate by the government-appointed committee on elections from his province.

The provincial committee's decision is not final, and Duc plans to appeal to the Saigon based central elections committee. But an important test of President Thieu's willingness to tolerate open opposition appeared to be in the making.

A few weeks ago, Duc was jailed in Vinhbinh and charged with assaulting a pro-government provincial councilman after the councilman spat beer in his face.

Later, when he went to Vinhbinh to file formally as a candidate for re-election, local officials at first refused to admit him to the province offices. They later relented—perhaps because Duc was accompanied by foreign journalists and photographers.

There is no doubt here that Thieu wants to get rid of Duc, legally or illegally. But any move to do so is sure to meet with strong resistance from the American mission, which is doing its utmost to give the impending elections—both legislative and presidential—at least the appearance of honesty and openness.

Of the hundreds of candidates who have filed for the National Assembly's 152 seats, dozens were disqualified today. But Duc was the only one whose disqualification was obviously political.

Many of the others who were declared unqualified turned out to be deserters from the army, draft-dodgers, or civil servants who had been fired from their jobs.

Former Gen. Tran Van Don, a participant in the 1963 coup against President Ngo Dinh Diem and an opponent of the war, was accepted as a candidate from the strongly anti-government province of Quangngai.

In addition to Duc, one other incumbent assemblyman was disqualified by a provincial elections committee.

He was Nguyen Van Dau of Dinhtuong province in the delta, a virtually unknown legislator whom the province committee said "has supplied the Vietcong with money." It was not known whether he planned to appeal the local committee decision.

Final results of the qualifying process in all 44 provinces were not yet available in Saigon today. Before the screening began, 1,404 candidates had filed for assembly seats. In the Saigon area, where final figures were available, about 8 per cent of those seeking to run were disqualified.

IRRATIONAL FINANCE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. GIAIMO. Mr. Speaker, hearings conducted by the Joint Committee on Congressional Operations have focused on some of the difficulties Members of Congress have had and may continue to have in guiding the appropriations and overall budgeting processes. At a time when the past and present fiscal years are estimated to be generating a total of $55 billion in new debt, and when service costs on existing national debt exceeds $20 billion, it behooves all Members to consider carefully tools which will give us a better grasp on Federal expenditures.

Changing the fiscal year to coincide with the calendar year may be one such tool, as many witnesses, among them representatives of the Committee for Economic Development, have contended. Congress has been and will continue to be critical of many phenomena in the business and industrial worlds, but should also realize that the expertise of those worlds in financial management is considerable, and may provide useful instruction for Federal finances.

The editorial from the Wall Street Journal of July 6, 1971, entitled "Irrational Finance," and inserted below, shows that the eyes of the business world are on the workings of the Federal fiscal process and on the hearings of this embryonic committee:

Irrational Finance

As the federal government enters a new fiscal year, its financial arrangements for the 12 months are incomplete. Federal agencies are likely to operate for months on temporary authorizations, pending final Congressional approval of their plans.

That's a sloppy way to run either a government or a business. In recent testimony before the Joint Committee on Congressional Operations, the Committee for Economic Development was urging, once again, that the lawmakers do something about it.

Congress plainly should become more efficient. Even if it does, though, the CED is convinced that the lawmakers need more time for proper consideration of the enormous range of federal activities. And they obviously should not be in the ridiculous position of approving spending after the fact.

Postponements of appropriations past the start of the fiscal year "are certainly contrary to the original intent" of the Constitution, said Wayne E. Thompson, chairman of the CED's Committee for Improvement of Management in Government.

"The final supplemental appropriation for fiscal 1969," he noted, "carried delay to a final extreme. It did not obtain Congressional approval until nine days after the end of the fiscal year. . . . If such actions are not unconstitutional, as we believe them to be, they are surely indefensible."

Under the CED proposal, the fiscal year would be changed to coincide with the calendar year, so that Congress would have the preceding 12 months to do its budgetary work instead of approximately six months at present. As the CED concedes, the change would be no panacea, but at least it would be one step away from the current highly irrational arrangement.

ADDRESS BY ANDREW BRIMMER

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. BRADEMAS. Mr. Speaker, inflation and the allocation of our national resources is a subject of continuing concern for us all. Indeed, the Evans-Novak column of July 16, 1971, quotes administration sources predicting a Federal budget deficit of as much as $35 billion for the coming fiscal year.

In this connection, I believe the remarks of Andrew F. Brimmer at the commencement exercises of Middlebury College at Middlebury, Vt., on May 30, 1971, are valuable. Dr. Brimmer, who has been a distinguished member of the Board of Governors of the Federal Reserve System since 1966, spoke on the vital subject of "Inflation, Private Spending, and the Provision of Public Services."

Mr. Brimmer speaks with great eloquence on the need to give public spending priority over private consumption, if we are to prevent a deterioration of those public services which are provided by Federal, State, and local governments. He notes that the competition for national resources will become increasingly severe in the coming decade, and asks the Nation's leaders to give serious consideration to this continuing problem.

Mr. Speaker, I include Mr. Brimmer's remarks at this point in the RECORD:

Inflation, Private Spending, and the Provision of Public Services

(By Andrew F. Brimmer)

By tradition, the commencement season is supposed to be a joyful one: it is a time to celebrate accomplishment and a time to look ahead with hope. It certainly is not a time for pessimism and doubt about our goals and purposes as a people. Yet, at this juncture in the life of our nation, there is much doubt about us, and many of our goals are in open conflict. So, the commencement season this year appears to be a good time to stand aside from some of our day-to-day concerns to weigh alternative means of reconciling competing aims and thus enhance the prospects of achieving a more equitable society.

COMPETING CLAIMS ON NATIONAL RESOURCES

Unfortunately, the necessity of balancing-off competing claims on our national resources is not always appreciated. This clash of purposes is illustrated nowhere more clearly than in the drive to improve the economic position of the disadvantaged (whether because of advanced age, race, or urban locality) and the effort to quicken progress in the preservation of our natural resources and to stop the pollution of our air and waterways. At first glance, it might appear to many observers that our abundant resources are large enough to support a faster pace of progress on all of these fronts—to meet our social and environmental needs simultaneously while continuing to improve our general standard of living—especially so since we are reducing the volume of resources set aside for military purposes.

Sadly, however, a careful analysis of the present and and prospective claims on our national output suggests that such an accomplishment is likely to be far more difficult than it might first appear. In fact, it is becoming increasingly evident that the people of this nation will have to make an even greater effort to establish—and enforce—a more careful array of priorities than has been made in recent years. Even a cursory review of the competing public and private demands for the goods and services produced in our economy makes it clear that, even with the end of the Vietnam War, the budgets for all levels of government—Federal, State, and local—will be just as tight in 1975 as they are in the current year.

Moreover, while the growth of our population and the campaigns for improvement in public services have placed strains on available revenues, inflationary pressures have also imposed a heavy burden—a burden from which governmental units could not escape readily. And what is even more distressing, the forces which have generated inflationary pressures may persist for some time.

Under these circumstances, I see an inherent conflict among the major competing claims on our future production of goods and services. This competition is not simply between the private and public sectors—but also between sorely needed public initiatives and public programs already in existence, many of which have out-lived their original purposes. Over the next few years, this conflict may be intensified rather than lessened—as the private sector (particularly consumers) strives to expand its relative claims on national production. In my opinion, to help reconcile these conflicting objectives and to help provide the revenue to finance the growing demand for public services, it may be necessary to raise the average level of taxation in the United States—rather than lower it as so many taxpayers hope will be the trend. Consequently, despite the longing on the part of many persons for a lessened role for government, the latter may actually have to assume a proportionally greater responsibility if the expanding demand for public services is to be met.

I would now like to discuss each of these major points more fully.

INFLATION AND THE RISING COSTS OF PUBLIC SERVICE

A great deal of concern has been expressed in recent years about the rising costs of State and local government services. Some of this concern undoubtedly can be traced to the greatly increased demand for public services—reflecting larger numbers of children to be educated in the public schools, larger enrollments in publicly-supported colleges and universities, a larger population needing increased medical care, a greater dependence of poor persons on public welfare, more traffic on streets and highways, more crime, more air and water pollution, more parks and recreation facilities—in fact, more of virtually every kind of service provided by States and local jurisdictions. Naturally, to meet these demands, expenditures by State and local governments had to rise. In fact, they more than tripled during the last 1½ decades, climbing from $39 billion in 1955 to $132 billion in 1969 (see Table 1, attached). In terms of purchases of goods and services recorded in the gross national product (GNP) accounts, their spending also more than tripled over this period. In contrast, total GNP and personal consumption expenditures rose about 1½ times, and Federal Government spending expanded about 1¼ times.

RISE IN STATE AND LOCAL COSTS

All major State and local functions shared in the increased outlays in the 1955–69 period, but relative rise in expenditures for higher education was especially noticeable. Spending on local schools rose roughly in line with general expenditures as a whole. Public welfare costs increased somewhat more rapidly than total expenditures, and spending on highways lagged appreciably.

But the most dramatic feature of State and local government finances was the significant impact of inflation on their activities. For example, between 1955 and 1970, prices paid by these units rose at an annual average rate of 4.2 per cent, compared with 3.6 per cent for the Federal Government and 2.7 per cent for the economy as a whole.[1] In contrast, the rate of increase was 2.2 per cent for personal consumption expenditures, 2.7 per cent for business fixed investment, and 3.0 per cent for residential construction.

The differential impact of inflation is shown even more clearly by the experience of different sectors during the years 1965–70, the period of the most intense inflation associated with the Vietnam War. Again, State and local governments had to carry the greatest burden of inflation: for them prices rose at an annual average rate of 5.8 per cent, compared with 5.0 per cent for the Federal Government and 4.0 per cent for the country at large. The rate was 3.5 per cent for consumers, 3.4 per cent for business fixed investment, and 4.8 per cent for residential construction.

EFFECTS OF INFLATION

The effects of inflation on those units which provide our basic public services have been even more dramatic than is shown by the differential trends in prices. In fact, despite the enormous increase in the volume of services supplied, inflation has been the most important cause of the increase in the level of State and local government expenditures. This conclusion is supported strongly by the evidence in Table 1. An effort has been made to distribute the increase in expenditures, by major function, according to the source, giving rise to the higher level of spending. Three sources are identified: (1) workload (number of people served, number of school-age children, number of automobiles, number of beds in hospitals, etc.); (2) price increases (higher costs for the same volume of service); and (3) increases in scope or quality of service rendered. The contribution of each of these factors was calculated for two periods, 1955–69 and 1965–69.[2]

For all general expenditures combined, between 1955 and 1969, inflation accounted for well over two-fifths of the total increase in outlays—while one-quarter was due to workload, and less than one-third was accounted for by changes in scope or quality of services. The impact of inflation varied considerably among different functions. Higher prices had the most noticeable effect on the growth of expenditures on local schools (52 per cent) and basic urban services (51 per cent). The proportion of the rise in outlays due to inflation was below average in the case of public welfare (30 percent), higher education (36 per cent), and general administration (38 per cent). Only in the area of highways did workload account for a larger share of increased expenditures than did inflation—51 per cent vs 42 per cent. In two functional areas, changes in scope or quality of service outweighed inflation; these were public welfare (70 per cent vs 30 per cent) and general administration (44 per cent vs 38 per cent).

When one looks at the years of the Vietnam War-related inflation, 1965–69, the general pattern is roughly the same—except that the impact of inflation is even greater. For all general expenditures, the proportion of the increase accounted for by inflation climbed to 47 percent. Only in the areas of public welfare and higher education was there a relative decline in the impact of higher prices. In both cases, a considerable expansion in the scope of coverage was more important. The rise in the incidence of inflation was particularly striking in the case of highways and basic urban services.

The reasons why inflation has had a severe impact on State and local governments are readily understood. Well over half of their total expenditures is accounted for by wages and salaries, and they have been under substantial pressure to raise compensation. These pressures in turn can be traced partly to efforts to offset increases in the cost of living and partly to the need to bring traditionally low wage and salary scales into better alignment with those in the private sector. Moreover, the sharp advances in construction costs in recent years have also had a severe impact on these governmental units.

INFLATION AND THE RISING COST OF DEBT FINANCING

The above are some of the direct effects of inflation on State and local governments. An important indirect effect is the significant increase in the cost of financing their debts. As is generally known, these jurisdictions rely heavily on the issuance of debt to finance a major share of their capital projects. For example, in the fiscal year 1969, their new debt issues amounted to $18.9 billion; their capital outlays were $28.2 billion. Since borrowing usually precedes spending (and since a small proportion of borrowing is for non-capital purposes), debt financing and capital outlays during a given year may not mesh closely. However, over time, capital spending is greatly influenced by the ability of State and local governments to borrow.

Between 1955 and 1969, the outstanding general debt of State and local governments rose from $44.3 billion to $133.5 billion, an increase of over 200 percent. During the same period, the Federal Government's debt rose from $274.4 billion to $353.7 billion, a gain of about 30 percent. In the later part of the period—in the years 1965–69—State and local indebtedness registered an increase of $34 billion; an advance of about one-third. The corresponding increase in the Federal debt was $36.4 billion and 12 percent.

However, the advance in interest cost was even more striking. In 1955, the average interest rate paid by State and local governments was 1.9 per cent.[3] By 1965, the average rate had risen to 2.5 per cent, and it rose further to 2.8 per cent in 1969. The corresponding average interest rates paid by the Federal Government were: 1955, 2.4 per cent; 1965, 2.8 per cent; and 1969, 3.8 per cent. Thus, in the last 1½ decades, the average cost of borrowing by State and local governments rose by almost one-half (although the proportionate rise was less than that experienced by the Federal Government where the increase was nearly three-fifths).

$133 BILLION DEBT IN 1969

Another way to view the effects of higher interest rates on State and local governments is to look at the extra cost of maintaining a given volume of debt. If the average interest rate had remained unchanged between 1965 and 1969, the interest on the $133.5 billion of debt outstanding in the latter year would have been $3.3 billion—or nearly $400 million (12 per cent) less than the $3.7 billion they actually paid. If the average interest rate paid in 1955 had also been paid in 1969, the interest payments on the debt outstanding in the latter year would have been $2.5 billion—a saving of $1.2 billion, or 48 per cent.

Of course, we know that State and local governments—no more than any other class of borrowers—cannot be insulated from interest rate changes and other conditions in the capital market. We also know that the substantial rise in the general level of interest rates in recent years is a by-product of inflation and the effort undertaken to check the rise in prices. Nevertheless, it is instructive to focus on the rising cost of carrying State and local debt. Moreover, unlike some borrowers in the private sector (particularly business firms), State and local governments cannot recover the rise in interest cost through higher prices or by writing it off against taxes. Thus, these jurisdictions—which bear so much of the burden of providing public services—are particularly exposed to the adverse impact of inflation and the attendant rise in interest rates.

COMPETING CLAIMS ON FUTURE OUTPUT

As I indicated above, the major claims on our future production of goods and services that have already been identified—including public programs already in existence—may make it extremely difficult to improve our public services in the years ahead. The severity of the problem we face comes into sharp focus when we try to match the economy's future production with the demands originating in particular sectors.

For this purpose, it would be useful to present rough estimates of the potential output four years from now and to identify some of the more pressing demands that we now foresee. Let us assume that the economy returns to full employment by 1973 (defined as an unemployment rate of 4.0 per cent) and that productivity (or the increase in goods or services produced by a worker in an hour) will grow at an average rate of about 3 per cent a year through 1975—about in line with the long-term trend. If the labor force grows at about 1.8 per cent a year (reflecting both increased population of working age and the rising participation of women workers) and if there is a further slight decline in average hours worked, the potential growth of real GNP in the next four years will average about 4.3 per cent a year. By 1975, with allowance for the present underutilization of resources, this would mean a GNP in 1970 dollars of over $1.2 trillion—about $200 billion more than the level of GNP last year.

Large as it may seem, even a GNP of this size will require a careful review of priorities, if the public sector is to meet its responsibilities. The social and environmental improvements desired by so many today must compete for their share of GNP with the strong requirements of consumers and business firms. The Tax Reform Act of 1969 and more liberal depreciation rules both reflect the judgment that—to a greater extent than many observers think was wise—private spending should take priority over public spending. As a result, the automatic expansion of resources available to the government from what economists have defined as the "fiscal dividend" (a gain in revenue that accrues, even with an unchanged tax structure, as the economy generates larger taxable incomes) will be about $10 billion less in 1975 than without the tax changes.

NEW IMPORTANCE OF YOUNG FAMILIES

In the years immediately ahead, a great increase expected in the relative importance of young families will create an urgent need for goods and services. There is also a desperate need to upgrade the currently inadequate stock of housing. Business requirements for expanding investment in plant and equipment—both to add capacity to serve the greater number of people but also to control pollutants—are also likely to be exceedingly intense as the economy returns to

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Footnotes at end of article.

full employment. Almost automatic increases in public programs already in existence will also claim significant increments of future GNP as well as most of the funds diverted from Vietnam.

These mounting demands were highlighted in the Reports of the Council of Economic Advisers (CEA) in 1970 and 1971. In both Reports, CEA presented five-year projections of the competing demands of the private and public sectors for resources. In both years, the Council came to the gloomy conclusion that—without further changes in our tax laws—demands for personal consumption, private domestic investment (including residential construction), and built-in increases in present public programs would absorb most of the increase in real GNP and savings from the Vietnam War in the next few years. Even in 1975, the latest CEA Report suggests that the amount of unallocated resources at full-employment may be only 1 per cent of GNP. The Brookings Institution is even more pessimistic in its estimates of discretionary expenditures possible in the public sector.[4]

The Council's Reports thus suggest, in effect, that we have already mortgaged both our "peace dividend" and our "fiscal dividend" as well. The Tax Reform Act and accelerated depreciation—even with some offsetting increases in Social Security taxes—will reduce the public share of GNP (both direct and including transfers and grants) from 29.6 per cent in calendar 1969 to an estimated 28.7 per cent in 1975. As a result of these tax changes, "built-in" increases in existing Federal programs (because of changes in population, workload, and normal pay increases) and new programs already proposed in the fiscal 1972 budget, all but perhaps $12 billion of the projected $57 billion cumulative increases in full-employment Federal revenues between fiscal 1972 and 1975 is already allocated.

LITTLE AVAILABLE FOR IMPROVEMENT OF PUBLIC SERVICES

The point which I have been trying to make so far is that in the next few years, without a fundamental change in present private expenditure patterns and in government programs, there will be no large sum of money which the government can easily devote to the expansion and improvement of public services. The small "fiscal dividend" of perhaps at most 1 percent of 1975 GNP could easily vanish with a slower economic recovery than we expect at the moment, or the addition of even $3 billion a year of other types of new programs. Moreover, the surplus in the Federal budget which is projected for 1975 will accrue mainly to the Social Security trust funds, and in the past when large sums were building up in these funds we have either not gone forward with scheduled Social Security tax changes or liberalized the benefits paid from the trust funds. At present, there is already talk of both possibilities.

RE-ORDERING NATIONAL PRIORITIES

It is against this background that we must assess the prospects of meeting the insistent demand that a greater share of our resources be devoted to improvements in education, health, urban services, the environment, and similar areas of public responsibility. Essentially, with virtually all of our resources already committed, we must determine the extent to which resources can be transferred from present—primarily private—uses to alternative—mainly public—purposes. Since the bulk of the actual spending on public services is done by State and local governments (although Federal grants may finance a sizable share of the cost of specific programs), it would be helpful to look at the problem from the viewpoint of their purchases of goods and services within the framework of the GNP accounts.

The objective would be to obtain a rough indication of the consequences of transferring a given volume of spending from the private sector to State and local governments.

One way to approach the task is to employ the modern, computer-based statistical techniques on which economists are relying increasingly to identify possible solutions to complex issues of public policy. During the last few years, the Federal Reserve Board's staff (with the technical assistance of economists at the Massachusetts Institute of Technology and the University of Pennsylvania) has developed and is now operating such a large-scale, econometric model. With help from the staff, I have employed this computer-based model to pose several questions relating to the reallocation of resources. The results (in constant 1958 dollars) are shown in Table 2.[5]

Essentially, I wanted to know what would be the broad economic effects—both direct and indirect—of allocating a large share of national resources to State and local governments during the period 1970–75. To get an answer, it was first necessary to have an indication of the share which they would have in the absence of special measures to produce such a redistribution. Using the Board's econometric model, a "base projection" of real GNP and principal components in 1975 was prepared.[6] According to these estimates, real GNP might climb from $724 billion in 1970 to $893 billion in 1975. Purchases by State and local governments might account for $97.4 billion (or 10.9 percent) in 1975, compared with $74.1 billion (10.2 percent) in 1970. The share of personal consumption might rise slightly—from 65.9 percent to 66.6 percent. The Federal Government's share might decline somewhat (from 9.4 percent to 8.8 percent), and so might the proportion going into gross private domestic investment (from 14.1 percent to 13.2 percent). The key point to keep in mind is that the percentage of our resources used by State and local governments would probably rise slightly during the next few years—if the economic forces at work in 1970 were to extend unhampered through 1975.

However, that is the crucial issue. Currently, there is serious doubt as to whether recent trends will continue. To a considerable extent, the relatively rapid expansion in per capita State and local government expenditures in recent years reflects spending for education—which accounts for a large proportion of total outlays by these units. In the years ahead, the school-age population will be growing less rapidly than it did during the last 1½ decades. Consequently, per capita increases in State and local services might be expected to moderate.

Because of these considerations, the Council of Economic Advisers has estimated that real per capita State and local government spending may grow at an annual average rate of 2.6 per cent between 1969 and 1975; this would represent a moderately slower expansion than for total output, and it would be well below the 3.8 per cent growth rate recorded in the period 1955–69. In contrast, the CEA estimates that real per capita consumption will grow at an annual average rate of 3.6 per cent between 1969 and 1975, substantially above the rate of 2.2 per cent recorded between 1955 and 1969. As a result, the consumer sector would raise its share of real GNP (in 1969 dollars) from 62 per cent in 1969 to 64 per cent in 1975. On the other hand, the share of State and local governments would remain virtually unchanged—moving up from 11.9 per cent to 12.0 per cent.

RESOURCES MUST BE REALLOCATED

These estimates by the CEA cast in bold relief the issue of reallocating resources in favor of the public sector. To assess the consequences of a prospective decline in the growth rate of real per capita spending by State and local governments, I made a second projection of real GNP in 1975, using as a guide the Council's estimate that such outlays might grow by 2.6 per cent per year through 1975. The results of this projection are also shown in Table 2 (designated as the "low" projection). These results can be compared with the "base" projection (which, as mentioned earlier, sketches the contours of the economy in 1975 on the assumption that recent trends would continue and in the absence of measures to reallocate resources). Several features should be noted: real GNP would be somewhat higher, and the proportions taken by personal consumption and private domestic investment would also rise.[7] But for our purposes, the most important effect is a cutback of $7.1 billion in the level of State and local purchases of goods and services in 1975. These would amount to $90.3 billion, compared with $97.4 billion suggested by the "base" projection. Their share of total GNP might decline to 9.9 per cent, compared with 10.9 per cent indicated by the "base" projection.

PUBLIC SERVICES COULD DETERIORATE

This less rapid expansion in the level of spending by State and local governments would have several side-effects. The level of unemployment might be slightly higher, the pace of inflation might ease somewhat, and interest rates might be moderately lower.[8] On the other hand, since population would be higher in 1975, the scope and quality of public services would probably be deteriorating.

If it were thought desirable to check this tendency, an effort would have to be made to reallocate a larger share of real resources to State and local governments. The consequences of pursuing this course are suggested in the final projection shown in Table 2 (identified as the "high" projection). These estimates assume that real per capita spending by these jurisdictions would increase by 3.8 per cent per year between 1970 and 1975. In this case, State and local outlays might be in the neighborhood of $95.9 billion, or 10.7 per cent of GNP. While this would be $1.5 billion below the level suggested by the "base" projection, it would also be $5.6 billion above that indicated by the "low" projection. Thus, compared with the latter situation, in which State and local units would yield to the private sector part of their relative command over resources, the public sector would have that much more ($5.6 billion) to spend on public services.

However, the real costs of making this transfer would be considerable. To achieve it might require a relative cutback in real consumer spending of $12 billion, and business fixed investment might also be nearly $5 billion less. Expenditures on residential construction could shrink by as much as $1.2 billion. Moreover, reflecting the combined impact of these changes, real GNP might decline by over $13 billion from the level indicated by the "base" projection. In addition, while the level of unemployment might decline slightly, the pace of inflation would quicken, and the level of interest rates would be somewhat higher.

I personally find the results presented here both illuminating and instructive. While I would not advance the results as definitive, they do point up a central truth: if real resources are to be transferred from private use to the public sector, it will involve a

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real—and perhaps substantial—cost in terms of inflation and the rate of growth of the national economy. In the opinion of many observers, that cost is worth paying.

CONCLUDING OBSERVATIONS

From this review of the effects of inflation on State and local governments—and from this assessment of competing claims on our productive resources—I am personally convinced that we are in considerable danger of seeing a serious deterioration in the scope and quality of our public services. Unless steps are taken before too long to reverse the trend, the situation seems likely to get worse as newer demands (such as pollution abatement) are added to the already inadequate supply of traditional public services.

In my opinion, the issue before us is clear: in the last few years (mainly because of the tax relief provided by the Federal government in 1969), private consumption has been given a much higher priority over public spending than is consistent with our long-run requirements in the area of public services. If this imbalance is to be corrected, these lost tax revenues might have to be recaptured and channeled to State and local governments.

Thus, rather than looking forward to further tax reductions, all of us may have to accept the burdens of paying an even larger share of our already limited incomes in the form of higher taxes. Moreover, despite the widely-noted longing for a lessened role for government in our society, we may have to be prepared to see the government assume even greater responsibility for the provision of those common services which all of us demand—and which cannot be provided by any other means.

FOOTNOTES

[1] Prices discussed at this point are measured by the implicit price deflators for the GNP.

[2] The percentages attributable to workload, price, scope and quality, 1955–69, were estimated by Robert D. Reischauer for Charles L. Schultze, et al., *Setting National Priorities: the 1972 Budget,* Brookings Institution, Washington, D.C., 1971, Ch. 6, pp. 138–40. The corresponding figures for 1965–69 were estimated by Paul Schneiderman of the Board's staff, using Census Bureau data and Reischauer's estimating technique.

[3] It should be kept in mind that the income to investors from holding State and local securities is exempt from Federal income taxes. The average rates reported in the text reflect the heavy volume of long-term debt issued at low rates in the decade following World War II. Since then, municipal yields have risen considerably—from 2.48 per cent in 1955 to 3.26 per cent in 1965 and to 5.72 per cent in 1969. Thus, their debt service in the future will be much higher.

[4] Charles L. Schultze, et al., *Setting National Priorities: the 1972 Budget,* Washington, D.C., 1971, Ch. 17.

[5] Mr. Jared J. Enzler of the Board's staff was responsible for the computer simulations of the national economy to obtain the projections.

[6] Key assumptions underlying the exercise were that tax rates were unchanged and that resources were fully utilized, with unemployment in the neighborhood of 4 per cent in 1975.

[7] Throughout this exercise, the level of spending by the Federal government was held constant. The reason for this was the desire to permit the computer simulation to describe the inter-action of State and local spending with spending in the private sector.

[8] For those interested in the technical aspects of the simulation, it should be mentioned that the adverse impact of the slower rate of growth in per capita spending by State and local units was tempered by assuming that monetary policy would be relaxed sufficiently to offset the depressing effects and maintain full use of resources. Otherwise, real GNP would decline by $2.2 billion (from the "base" projection), the GNP deflator would be 6.8 percentage points lower, and the unemployment rate would climb to 5.3 per cent—nearly 1½ points higher than the estimate in the "base" projection.

TABLE 1.—STATE AND LOCAL GOVERNMENT EXPENDITURES, BY FUNCTION AND PRINCIPAL CAUSES OF INCREASES, FISCAL YEARS 1955, 1965, AND 1969

[Amounts in billions of dollars]

	Amount			1955-69		1965-69		Percentage of 1955-69 increase in expenditure attributable to increase in—			Percentage of 1965-69 increase in expenditure attributable to increase in—		
Function	1955	1965	1969	Percentage increase	Percentage of total increase	Percentage increase	Percentage of total increase	Workload	Price	Scope and quality	Workload	Price	Scope and quality
All functions	39.0	86.5	131.6	237.4	100.0	52.1	100.0						
General expenditure	33.7	74.5	116.7	246.3	85.8	56.6	86.1	26.2	43.8	30.0	14.2	47.2	38.6
Local schools	10.1	21.9	33.8	234.7	25.6	54.3	26.4	31.7	52.4	15.9	14.5	57.6	27.6
Higher education and other	1.8	6.6	13.5	650.0	12.6	104.6	15.3	25.1	35.5	39.4	25.0	30.3	44.7
Public Welfare	3.2	6.3	12.1	278.1	9.6	92.1	12.9	(1)	29.7	70.3	(1)	19.2	80.8
Highways	6.5	12.2	15.4	136.9	9.6	26.2	7.1	50.8	42.3	6.9	40.0	60.0	(2)
Hospitals and health	2.5	5.4	8.5	240.0	6.5	57.4	6.9	18.8	43.8	37.4	7.7	50.8	41.5
Basic urban services[3]	4.3	12.4	14.6	239.5	11.1	17.7	4.9	22.8	50.6	26.6	11.5	88.5	(2)
Administration and other[4]	5.3	9.6	15.3	188.7	10.8	59.4	12.6	18.5	38.0	43.6	7.2	46.4	46.4
Utility deficit	0.4	0.9	1.4	250.0	1.1	55.6	1.1						
Debt retirement and additions to liquid assets[5]	3.9	7.3	12.3	215.4	9.1	68.5	11.1						
Contributions to retirement systems	0.9	2.3	3.2	255.6	2.5	39.1	2.0						

[1] Workload decreased.

[2] Scope and/or quality decreased.

[3] Includes fire protection, police protection, correction, sewerage, other sanitation, parks, and recreation, housing and urban renewal, and transportation and terminals.

[4] Includes administration and general control, general public buildings, interest on genera. debt, employment services, and miscellaneous functions.

[5] Excludes social insurance funds.

Sources: Basic data are from the U.S. Bureau of the Census, "Governmental Finances" in selected years.

Note: Percentages attributable to workload, price, scope, and quality, 1955-69, were estimated by Robert D. Reischauer for Charles L. Schultze, et al., "Setting National Priorities: the 1972 Budget," Brookings Institutions, Washington, D.C., 1971, Ch. 6, pp. 138–40. The 1969 data were revised since the original publication. The corresponding figures for 1965–69 were estimated by Paul Schneiderman of the Federal Reserve Board's staff, using Census Bureau data and Reischauer's estimating technique.

TABLE 2.—PRINCIPAL CLAIMS ON REAL GROSS NATIONAL PRODUCT, 1970 AND ALTERNATIVE PROJECTIONS TO 1975

[Amounts in billions of 1958 dollars]

	1970 (actual)		1975: Base projection[1]		1975: Low (2.6 percent) growth rate of per capita State and local purchases[2]			1975: High (3.8 percent) growth rate of per capita State and local purchases[2]			
										Variance from—	
Sector	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Variance from base projection	Amount	Percent of total	Base projection	"Low" projection
Gross national product	724.1	100.0	892.6	100.0	907.0	100.0	15.1	894.4	100.0	1.8	−13.3
Personal consumption	477.1	65.9	594.4	66.6	608.3	67.0	13.9	596.3	66.8	1.9	−12.0
Gross private domestic investment	102.8	14.1	117.9	13.2	125.2	13.8	7.3	118.3	13.2	0.4	−6.9
Producers durable equipment	56.1	7.7	63.6	7.1	66.3	7.3	2.7	63.4	7.1	−0.2	−2.9
Producers structures	23.1	3.2	25.8	2.9	27.9	3.1	2.1	25.9	2.9	0.1	−2.0
Residential construction	20.6	2.8	24.6	2.8	26.2	2.9	1.6	25.0	2.8	0.4	−1.2
Inventories	3.0	0.4	3.9	0.4	4.8	0.5	0.9	4.0	0.4	0.1	−0.8

Footnote at end of table.

	1970 (actual)		1975: Base projection[1]		1975: Low (2.6 percent) growth rate of per capita State and local purchases[2]			1975: High (3.8 percent) growth rate of per capita State and local purchases[3]			
										Variance from—	
Sector	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Variance from base projection	Amount	Percent of total	Base projection	"Low" projection
Exports	52.1	7.2	62.5	7.0	62.5	6.9		62.5	7.0		
Imports	49.7	−6.9	58.0	−6.5	57.2	−6.3	−0.8	57.1	6.4	−0.9	−0.1
Net Exports	2.4	0.3	3.5	0.5	5.3	0.6	0.8	5.4	0.6	0.9	0.1
Federal purchases	67.7	9.4	78.6	8.8	78.6	8.7		78.6	8.8		
State and local purchases	74.1	10.2	97.4	10.9	90.3	9.9	−7.1	95.9	10.7	−1.5	5.6
Memorandum:											
Treasury bill rate (percent)	6.37		6.20		5.47		−0.73	6.10		−0.10	0.63
Prices (GNP deflator)	134.9		160.2		156.2		−4.0	158.8		−1.4	2.6
unemployment rate	4.9		3.9		4.3		0.4	4.1		0.2	−0.2

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[1] The "base projection" is derived from a simulation of the national economy by using the Federal Reserve Board's econometric model. A key assumption was that resources were fully utilized with unemployment in the neighborhood of 4 per cent in 1975.

[2] In this projection, it is assumed that real per capita purchases by State and local governments will grow about 2.6 per cent per year in the 1970–75 period. This is the assumption on which the Council of Economic Advisers based its projection of State and local purchases. (See 1971 Annual Report, p. 98.)

[3] This projection assumes that real per capita purchases by State and local governments will grow about 3.8 per cent per year in the 1970–75 period—the same rate of growth that occurred from 1959 to 1969.

CONTROVERSY OVER COPYRIGHTS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. HOGAN. Mr. Speaker, a significant controversy seems to be brewing in regard to modification of existing statutes concerning copyrights.

A noteworthy article by A. N. Feldzamen concerning this issue has been brought to my attention. I believe it is both an interesting literary piece and, more importantly, an introduction to some of the fundamental arguments in favor of statutory changes.

I insert the full text of this article into the RECORD and commend it to my colleagues' attention:

[From Variety, Feb. 24, 1971]

WHY NOT A FEDERAL COMMISSION TO GOVERN SHIFTING COPYRIGHT VALUES?

(By A. N. Feldzamen)

There now exist two branches of the law that are so specialized, so idiosyncratic, so far removed from the general scope of an ordinary lawyer's background, that the Bar Association has made an exception to its rule forbidding its members to advertise themselves as specialists in a particular field.

One of these is Admiralty law—dealing with ships at sea and on inland waterways, matters about which the average attorney can know very little.

The other is Patents and Copyrights.

The fact that the Bar Association has so singled out patent and copyright matters (there is even a special bar examination for an attorney to qualify for this appellation) is just one more sign that the entire system of law on these matters is absurdly tangled and confused. Actually it is arbitrary, old fashioned, manifestly unfair to many, and often completely unclear.

For example, in the Cassette Symposium in VARIETY's 65th Anniversary Edition, one column by a copyright attorney claimed in the headline, "Content of TV Cassettes Protected by Copyright, Same as Motion Pictures." Actually, in the body of the column, the attorney noted that where copyright did not apply, a claim might have to be filed under, "among others breach of contract, misappropriation of property, intentional interference with a contract, unfair competition, invasion of right of privacy (or publicity), unjust enrichment and breach of trust." (Whew!)

On the other hand, Sanford I. Wolff, National Executive Secretary of AFTRA, noted that: "It is my personal opinion that the present Copyright Act fails to make any provision for the use of material in videocassettes and that the proposal for a new Act must be amended to include workable and protective provisions."

Edward M. Cramer, president of BMI, was stating that: "Under the current copyright law, writers and publishers of music can collect performance royalties for the use of music only if it is performed publicly for profit. Music performed in the home via videocassettes is exempt just as phonograph records are exempt." John L. Doles, National Executive Secretary of SAG, was stating: "The answer to copyright protection is complex. Domestic copyright law would seem to apply to cassettes as well as to other recorded material. However, many foreign unions and countries rely on the Rome Convention on Copyright Protection. Experts fear that this Convention may cover only audio, not visual, material."

PRINT MATERIAL

These examples could be continued, multiplied ad infinitum, and there is not much point to going on. The present copyright law, written in a pre-electronic era, was really chiefly intended to cover print materials. Things that the eye could see were in the minds of the creators of this legislation, in a horseless carriage age. Who could have foreseen audiotape and videotape, computers and their programs, ultramicrofiche? It would be for their wiser successors to make amendments and modifications, for the social good that is presumably the motive behind copyright protection.

The sorry sequel, especially in recent times, must be somewhat familiar to everyone acquainted with creative activities. Year after year, there is talk of Congressional revision and new legislation. Hearings are often held. Conflicting interests espouse their points of view: publishers, authors, performers, educators, broadcasters, juke-box proprietors, record and tape manufacturers—an unending stream. The publishers and their colleagues wish greater protection, especially against photocopying. Educators and librarians wish an extension of "fair use," so that materials may be more readily available for educational or "nonprofit" purposes. Broadcasters are naturally disinclined to pay performers for their use of recorded music. Fashion designers seek to "copyright" their designs, so the lower-price dress manufacturers can't copy them! Choreographers seek a system of preserving their rights to a dance pattern. Cable television operators see no reason for paying extra for what they pull in from the airwaves and then sell to consumers at home. Tape and record pirates contend in open court that, after paying composers' royalties, they have no further obligation to the performers or original music producers. One company wishes to protect its "originally expensive" computer programs; another, using them, will claim that the laws of mathematics can not be so restricted.

Is it any wonder that the poor Congressmen are confused? Perhaps it is time to try another approach, based on principle and purpose, rather than on competing interests.

Generally, there is little disagreement about the rationale behind copyright legislation—all agree that it is socially good for (some) works to be protected (financially or intellectually) for some length of time after which they should become public property. But the details are probably too complex and numerous to be handled by *any* law; a tribe of Solomon's could not fashion and adjudicate a satisfactory and workable copyright law to cover all the cases that do come up, and will come up.

Under similar circumstances in other areas, the usual solution of our Government has been to give up the attempt to deal with every possible case by law, and instead to establish a commission or agency. This then deals by regulation with the separate cases that might arise. A general law, outlining main purposes and methods is enacted to guide the commission. Examples are numerous—the Interstate Commerce Commission, the Federal Communications Commission, the Federal Aviation Agency, the Civil Aeronautics Board, the Federal Trade Commission, the Securities & Exchange Commission, and so on. Each of these has its faults, but in general, as watchdogged by the press, they probably work better than age-encrusted legislation leading to innumerable cases in court. Challengers to their decisions can always go to court as a last resort, but this is relatively uncommon. The presumption is that the commission, operating under the gaze of public scrutiny, must attempt to be fair and judicial.

A broadly-powered, publicly observed "Federal Copyright Authority," appointed by the President and confirmed by the Senate, guided by basic legislation on principle and equity considerations, might be the solution to these vexing problems.

PROBLEMS OF OUR ARMED FORCES

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. WYMAN. Mr. Speaker, our Armed Forces today face problems that cast disturbing shadows throughout our country. Col. Robert D. Heinl, U.S. Marine Corps, retired, has written a penetrating and thought-provoking article entitled, "The Collapse of the Armed Forces," in a recent issue of the Armed Forces Journal, which merits attention.

The article is not pleasant reading. But, the subject he addresses is important and timely. Thoughtful consideration by the Congress of the points presented by Colonel Heinl may help our country face up to this real danger before it is too late.

The article follows:

THE COLLAPSE OF THE ARMED FORCES

(By Col. Robert D. Heinl, Jr.)

The morale, discipline and battleworthiness of the U.S. Armed Forces are, with a few salient exceptions, lower and worse than at any time in this century and possibly in the history of the United States.

By every conceivable indicator, our army that now remains in Vietnam is in a state approaching collapse, with individual units avoiding or having refused combat, murdering their officers and noncommissioned officers, drug-ridden, and dispirited where not near-mutinous.

Elsewhere than Vietnam, the situation is nearly as serious.

Intolerably clobbered and buffeted from without and within by social turbulence, pandemic drug addition, race war, sedition, civilian scapegoatise, draftee recalcitrance and malevolence, barracks theft and common crime, unsupported in their travail by the general government, in Congress as well as the executive branch, distrusted, disliked, and often reviled by the public, the uniformed services today are places of agony for the loyal, silent professionals who doggedly hang on and try to keep the ship afloat.

The responses of the services to these unheard-of conditions, forces and new public attitudes, are confused, resentful, occasional pollyanna-ish, and, in some cases even calculated to worsen the malaise that is wracking them.

While no senior officer (especially one on active duty) can openly voice any such assessment, the foregoing conclusions find virtually unanimous support in numerous non-attributable interviews with responsible senior and mid-level officers, as well as career noncommissioned officers and petty officers in all services.

Historical precedents do exist for some of the services' problems, such as desertion, mutiny, unpopularity, seditious attacks, and racial troubles. Others, such as drugs, pose difficulties that are wholly new. Nowhere, however, in the history of the Armed Forces have comparable past troubles presented themselves in such general magnitude, acuteness, or concentrated focus as today.

By several orders of magnitude, the Army seems to be in worst trouble. But the Navy has serious and unprecedented problems, while the Air Force, on the surface at least still clear of the quicksands in which the Army is sinking, is itself facing disquieting difficulties.

Only the Marines—who have made news this year by their hard line against indiscipline and general permissiveness—seem, with their expected staunchness and tough tradition, to be weathering the storm.

BACK TO CAMPUS

To understand the military consequences of what is happening to the U.S. Armed Forces, Vietnam is a good place to start. It is in Vietnam that the rearguard of a 500,000-man army, in its day (and in the observation of the writer) the best army the United States ever put into the field, is numbly extricating itself from a nightmare war the Armed Forces feel they had foisted on them by bright civilians who are now back on campus writing books about the folly of it all.

"They have set up separate companies," writes an American soldier from Cu Chi, quoted in the *New York Times*, 'for men who refuse to go out into the field. It is no big thing to refuse to go. If a man is ordered to go to such and such a place he no longer goes through the hassle of refusing; he just packs his shirt and goes to visit some buddies at another base camp. Operations have become incredibly ragtag. Many guys don't even put on their uniforms any more . . . The American garrisons on the larger bases are virtually disarmed. The lifers have taken our weapons from us and put them under lock and key . . . There have also been quite a few frag incidents in the battalion."

Can all this really be typical or even truthful?

Unfortunately the answer is yes.

"Frag incidents" or just "fragging" is current soldier slang in Vietnam for the murder or attempted murder of strict, unpopular or just aggressive officers and NCOs. With extreme reluctance (after a young West Pointer from Senator Mike Mansfield's Montana was fragged in his sleep) the Pentagon has now disclosed that fragging in 1970 (209) have more than doubled those of the previous year (96).

Word of the deaths of officers will bring cheers at troop movies or in bivouacs of certain units.

In one such division—the morale-plagued Americal—fraggings during 1971 have been authoritatively estimated to be running about one a week.

Yet fraggings, though hard to document, form part of the ugly lore of every war. The first such verified incident known to have taken place occurred 190 years ago when Pennsylvania soldiers in the Continental Army killed one of their captains during the night of 1 January 1781.

BOUNTIES AND EVASIONS

Bounties, raised by common subscription in amounts running anywhere from $50 to $1,000, have been widely reported put on the heads of leaders whom the privates and Sp4s want to rub out.

Shortly after the costly assault on Hamburger Hill in mid-1969, the GI underground newspaper in Vietnam, "G.I. Say," publicly offered a $10,000 bounty on LCol Weldon Honeycutt, the officer who ordered (and led) the attack. Despite several attempts, however, Honeycutt managed to live out his tour and return Stateside.

"Another Hamburger Hill" (i.e., toughly contested assault), conceded a veteran major, "is definitely out."

The issue of "combat refusal," an official euphemism for disobedience of orders to fight—the soldier's gravest crime—has only recently been again precipitated on the frontier of Laos by Troop B, 1st Cavalry's mass refusal to recapture their captain's command vehicle containing communication gear, codes and other secret operation orders.

As early as mid-1969, however, an entire company of the 196th Light Infantry Brigade publicly sat down on the battlefield. Later that year, another rifle company, from the famed 1st Air Cavalry Division, flatly refused—on CBS-TV—to advance down a dangerous trail.

(Yet combat refusals have been heard of before: as early as 1813, a corps of 4,000 Kentucky soldiers declined to engage British Indians who had just sacked and massacred Fort Dearborn (later Chicago).)

While denying further unit refusals, the Air Cav has admitted some 35 individual refusals in 1970 alone. By comparison, only two years earlier in 1968, the entire number of officially recorded refusals for our whole army in Vietnam—from over seven divisions—was 68.

"Search and evade" (meaning tacit avoidance of combat by units in the field) is now virtually a principle of war, vividly expressed by the GI phrase, "CYA (cover your ass) and get home"

That "search-and-evade" has not gone unnoticed by the enemy is underscored by the Viet Cong delegation's recent statement at the Paris Peace Talks that communist units in Indochina have been ordered not to engage American units which do not molest them. The same statement boasted—not without foundation in fact—that American defectors are in the VC ranks.

Symbolic anti-war fasts (such as the one at Pleiku where an entire medical unit, led by its officers, refused Thanksgiving turkey), peace symbols, "V" signs not for victory but for peace, booing and cursing of officers and even of hapless entertainers such as Bob Hope, are unhappily commonplace.

As for drugs and race, Vietnam's problems today not only reflect but reinforce those of the Armed Forces as a whole. In April, for example, members of a Congressional investigating subcommittee reported that 10 to 15% of our troops in Vietnam are now using high-grade heroin, and that drug addiction there is "of epidemic proportions."

Only last year an Air Force major and command pilot for Ambassador Bunker was apprehended at Tan Son Nhut air base outside Saigon with $8 million worth of heroin in his aircraft. The major is now in Leavenworth.

Early this year, an Air Force regular colonel was court-martialed and cashiered for leading his squadron in pot parties, while, at Cam Ranh Air Force Base, 43 members of the base security police squadron were recently swept up in dragnet narcotics raids.

All the foregoing facts—and many more dire indicators of the worst kind of military trouble—point to widespread conditions among American forces in Vietnam that have only been exceeded in this century by the French Army's Nivelle mutinies of 1917 and the collapse of the Tsarist armies in 1916 and 1917.

SOCIETY NOTES

It is a truism that national armies closely reflects societies from which they have been raised. It would be strange indeed if the Armed Forces did not today mirror the agonizing divisions and social traumas of American society, and of course they do.

For this very reason, our Armed Forces outside Vietnam not only reflect these conditions but disclose the depths of their troubles in an awful litany of sedition, disaffection, desertion, race, drugs, breakdowns of authority, abandonment of discipline, and, as a cumulative result, the lowest state of military morale in the history of the country.

Sedition—coupled with disaffection within the ranks, and externally fomented with an audacity and intensity previously inconceivable—infests the Armed Services.

At best count, there appear to be some 144 underground newspapers published on or aimed at U.S. military bases in this country and overseas. Since 1970 the number of such sheets has increased 40% (up from 103 last fall). These journals are not mere gripesheets that poke soldier fun in the "Beetle Bailey" tradition, at the brass and the sergeants. "In Vietnam," writes the Ft. Lewis-McChord Free Press, "the Lifers, the Brass, are the true Enemy, not the enemy." Another West Coast sheet advises readers: "Don't desert. Go to Vietnam and kill your commanding officer."

At least 14 GI dissent organizations (including two made up exclusively of officers) now operate more or less openly. Ancillary to these are at least six antiwar veterans' groups which strive to influence GIs.

Three well-established lawyer groups specialize in support of GI dissent. Two (GI Civil Liberties Defense Committee and New York Draft and Military Law Panel) operate in the open. A third is a semi-underground network of lawyers who can only be contacted through the GI Alliance, a Washington, D.C., group which tries to coordinate seditious antimilitary activities throughout the country.

One antimilitary legal effort operates right in the theatre of war. A three-man law office, backed by the Lawyers' Military Defense Committee, of Cambridge, Mass., was set up last fall in Saigon to provide free civilian legal services for dissident soldiers being court-martialed in Vietnam.

Besides these lawyers' fronts, the Pacific Counseling Service (an umbrella organization with Unitarian backing for a prolifery of antimilitary activities) provides legal help and incitement to dissident GIs through not one but seven branches (Tacoma, Oakland, Los Angeles, San Diego, Monterey, Tokyo, and Okinawa).

Another of Pacific Counseling's activities is to air-drop planeloads of seditious literature into Oakland's sprawling Army Base, our major West Coast staging point for Vietnam.

On the religious front, a community of turbulent priests and clergymen, some unfrocked, calls itself the Order of Maximilian. Maximilian is a saint said to have been martyred by the Romans for refusing military service as un-Christian. Maximilian's present-day followers visit military posts, infiltrate brigs and stockades in the guise of spiritual counseling, work to recruit military chaplains, and hold services of "consecrations" of post chapels in the name of their saintly draft-dodger.

By present count at least 11 (some go as high as 26) off-base antiwar "coffee houses" ply GIs with rock music, lukewarm coffee, antiwar literature, how-to-do-it tips on desertion, and similar disruptive counsels. Among the best-known coffee houses are: The Shelter Half (Ft Lewis, Wash.); The Home Front (Ft Carson, Colo.); and The Oleo Strut (Ft Hood, Tex.).

Virtually all the coffee houses are or have been supported by the U.S. Serviceman's Fund, whose offices are in New York City's Bronx. Until May 1970 the Fund was recognized as a tax-exempt "charitable corporation," a determination which changed when IRS agents found that its main function was sowing dissension among GIs and that it was a satellite of "The New Mobilization Committee", a communist-front organization aimed at disruption of the Armed Forces.

Another "New Mobe" satellite is the G.I. Press Service, based in Washington, which calls itself the Associate Press of military underground newspapers. Robert Wilkinson, G.I. Press's editor, is well known to military intelligence and has been barred from South Vietnam.

While refusing to divulge names, IRS sources say that the Serviceman's Fund has been largely bankrolled by well-to-do liberals. One example of this kind of liberal support for sedition which did surface identifiably last year was the $8,500 nut channelled from the Philip Stern Family Foundation to underwrite Seaman Roger Priest's underground paper OM, which, among other writings, ran do-it-yourself advice for desertion to Canada and advocated assassination of President Nixon.

The nation-wide campus-radical offensive against ROTC and college officer-training is well known. Events last year at Stanford University, however, demonstrate the extremes to which this campaign (which peaked after Cambodia) has gone. After the Stanford faculty voted to accept a modified, specially restructured ROTC program, the university was subjected to a cyclone of continuing violence which included at least $200,000 in ultimate damage to buildings (highlighted by systematic destruction of 40 twenty-foot stained glass windows in the library). In the end, led by university president Richard W. Lyman, the faculty reversed itself. Lyman was quoted at the time that "ROTC is costing Stanford too much."

"Entertainment Industry for Peace and Justice," the antiwar show-biz front organized by Jane Fonda, Dick Gregory and Dalton Trumbo, now claims over 800 film, TV, and music names. This organization is backing Miss Fonda's antimilitary road-show that opened outside the gates of Ft Bragg, N.C., in mid-March.

Describing her performances (scripted by Jules Pfeiffer) as the soldiers' alternative to Bob Hope, Miss Fonda says her cast will repeat the Ft Bragg show at or outside 19 more major bases. Although her project reportedly received financial backing from the ubiquitous Serviceman's Fund, Miss Fonda insisted on $1.50 admission from each of her GI audience at Bragg, a factor which, according to soldiers, somewhat limited attendance.

Freshman Representative Ronald V. Dellums (D-Calif.) runs a somewhat different kind of antimilitary production. As a Congressman, Dellums cannot be barred from military posts and has been taking full advantage of the fact. At Ft. Meade, Md., last month. Dellums led a soldier audience as they booed and cursed their commanding officer who was present on-stage in the post theater which the Army had to make available.

Dellums has also used Capitol Hill facilities for his "Ad Hoc Hearings" on alleged war crimes in Vietnam, much of which involves repetition of unfounded and often unprovable charges first surfaced in the Detroit "Winter Soldiers" hearings earlier this year. As in the case of the latter, ex-soldier witnesses appearing before Dellums have not always been willing to cooperate with Army war-crimes investigators or even to disclose sufficient evidence to permit independent verification of their charges. Yet the fact that five West Point graduates willingly testified for Dellums suggests the extent to which officer solidarity and traditions against politics have been shattered in today's Armed Forces.

THE ACTION GROUPS

Not unsurprisingly, the end-product of the atmosphere of incitement of unpunished sedition, and of recalcitrant antimilitary malevolence which pervades the world of the draftee (and to an extent the low-ranking men in "volunteer" services, too) is overt action.

One militant West Coast Group, Movement for a Democratic Military (MDM), has specialized in weapons theft from military bases in California. During 1970, large armory thefts were successfully perpetrated against Oakland Army Base, Fts. Cronkhite and Ord, and even the Marine Corps Base at Camp Pendleton, where a team wearing Marine uniforms got away with nine M-16 rifles and an M-79 grenade launcher.

Operating in the Middle West, three soldiers from Ft Carson, Colo., home of the Army's permissive experimental unit, the 4th Mechanized Division, were recently indicted by federal grand jury for dynamiting the telephone exchange, power plant and water works of another Army installation, Camp McCoy, Wis., on 26 July 1970.

The Navy, particularly on the West Coast, has also experienced disturbing cases of sabotage in the past two years, mainly directed at ships' engineering and electrical machinery.

It will be surprising, according to informed officers, if further such tangible evidence of disaffection within the ranks does not continue to come to light. Their view is that the situation could become considerably worse before it gets better.

TOUGH LAWS, WEAK COURTS

A frequent reaction when people learn the extent and intensity of the subversion which has been beamed at the Armed Forces for the past three or more years is to ask whether such activities aren't banned by law. The answer is that indeed they are.

Federal law (18 USC 2387) prohibits all manner of activities (including incitements, counseling, distribution or preparation of literature, and related conspiracies) intended to subvert the loyalty, morale or discipline of the Armed Services. The penalty for violating this statute is up to ten years in prison, a $10,000 fine, or both.

Despite this tough law, on the books for many years, neither the Johnson, nor so far, the Nixon administration has brought a single prosecution against any of the wide range of individuals and groups, some mentioned here, whose avowed aims are to nullify the discipline and seduce the allegiance of the Armed Forces.

Government lawyers (who asked not to be named) suggested two reasons for failure to prosecute. Under President Johnson, two liberal Attorneys General, Messers. Ramsey Clark and Nicholas deB. Katzenbach, were reportedly unsympathetic to military pleas for help and in general to prosecutions for sedition of any kind. Besides, the lawyers said, the courts have now gone so far in extending First Amendment shelter to any form of utterance, that there is doubt whether cases brought under this law would hold.

Whatever the reason—and it appears mainly to be disinclination to prosecute or even test existing law—the services are today being denied legal protection they previously enjoyed without question and at a time when they need it worse than ever before. Continuing failure to invoke these sanctions prompted one senior commander to comment bitterly, "We simply can't turn this thing around until we get some support from our elected and appointed civilian officials."

One area of the U.S. Government in which the Armed Forces are encountering noticeable lack of support is the federal judiciary.

Until a very few years ago, the processes of military justice were regarded as a nearly untouchable preserve which the civil courts entered with reluctance and diffidence.

Plagued by a new breed of litigious soldier (and some litigious officers, too), the courts have responded by unprecedented rulings, mostly libertarian in thrust, which both specifically and generally have hampered and impeded the traditional operations of military justice and dealt body blows to discipline.

Andrew Stapp, the seditious soldier who founded the American Serviceman's Union, an organization aimed at undermining the disciplinary structure of the Armed Forces, last year had his well earned undesirable discharge reversed by a U.S. judge who said Stapp's right to unionize and try to over throw the Army was an "off-duty" activity which the Army had no right to penalize in discharging him.

Libertarian Supreme Court Justice W. O. Douglas has impeded the Army in mobilizing and moving reservists, while his O'Callaghan decision not only released a convicted rapist but threw a wrench into military jurisdiction and court-martial precedents going back in some cases nearly two centuries.

In Oakland, Cal., last year, a federal court yanked some 37 soldiers from the gangplank of a transport for Vietnam (where all 37 had suddenly discovered conscientious objections to war) and still has them stalled on the West Coast some 18 months later.

The long-standing federal law against wearing of Armed Forces uniforms by persons intending to discredit the services was struck down in 1969 by the Supreme Court, which reversed the conviction of a uniformed actor who put on an antimilitary "guerrilla theater" skit on the street in Houston, Tex. As a result the Armed Forces are now no longer able to control subversive exploitation of the uniform for seditious purposes.

TACTICS OF HARASSMENT

Part of the defense establishment's problem with the judiciary is the now widely pursued practice of taking commanding officers into civil courts by dissident soldiers either to harass or annul normal discipline or administrative procedures of the services.

Only a short time ago, for example, a dissident group of active-duty officers, members of the Concerned Officers' Movement (COM), filed a sweeping lawsuit against Defense Secretary Laird himself, as well as all three service secretaries, demanding official recognition of their "right" to oppose the Vietnam war, accusing the secretaries of "harassing" them, and calling for court injunction to ban disciplinary "retaliation" against COM members.

Such nuisance suits from the inside (usually, like the Laird suit, on constitutional grounds) by people still in uniform, let alone by officers, were unheard-of until two or three years ago. Now, according to one Army general, the practice has become so common that, in his words, "I can't even give a directive without getting permission from my staff judge advocate."

RACIAL INCIDENTS

Sedition and subversion, and legal harassment, rank near the top of what might be called the unprecedented external problems that elements in American society are inflicting on the Armed Forces.

Internally speaking, racial conflicts and drugs—also previously insignificant—are tearing the services apart today.

Racial trouble is no new thing for the Army. In 1906, after considerable provocation, three companies of the 25th Infantry (a colored regular regiment) attacked white troops and townspeople of Brownsville, Texas, and had to be disbanded. Among the few pre-World War II War Department records still heavily classified and thus unavailable to scholars are Army documents on racial troubles.

Racial conflicts (most but not all sparked by young black enlisted men) are erupting murderously in all services.

At a recent high commanders' conference, General Westmoreland and other senior generals heard the report from Germany that in many units white soldiers are now afraid to enter barracks alone at night for fear of "head-hunting" ambushes by blacks.

In the quoted words of one soldier on duty in West Germany, "I'm much more afraid of getting mugged on the post than I am of getting attacked by the Russians."

Other reports tell of jail-delivery attacks on Army stockades and military police to release black prisoners, and of officers being struck in public by black soldiers. Augsburg, Krailsheim, and Hohenfels are said to be rife with racial trouble. Hohenfels was the scene of a racial fragging last year—one of the few so far recorded outside Vietnam.

In Ulm, last fall, a white noncommissioned officer killed a black soldier who was holding a loaded .45 on two unarmed white officers.

Elsewhere, according to *Fortune* magazine, junior officers are now being attacked at night when inspecting barracks containing numbers of black soldiers.

Kelley Hill, a Ft. Benning, Ga., barracks area, has been the scene of repeated nighttime assaults on white soldiers. One such soldier bitterly remarked, "Kelley Hill may belong to the commander in the daytime but it belongs to the blacks after dark."

Even the cloistered quarters of WACs have been hit by racial hair-pulling. In one West Coast WAC detachment this year, black women on duty as charge-of-quarters took advantage of their trust to vandalize unlocked rooms occupied by white WACs. On this rampage, they destroyed clothing, emptied drawers, and overturned furniture of their white sisters.

But the Army has no monopoly on racial troubles.

As early as July 1969 the Marines (who had previously enjoyed a highly praised record on race) made headlines at Camp Lejeune, N.C., when a mass affray launched by 30–50 black Marines ended fatally with a white corporal's skull smashed in and 15 other white Marines in the sick bay.

That same year, at Newport, R.I., naval station, blacks killed a white petty officer, while in March 1971 the National Naval Medical Center in Bethesda, Md., outside Washington, was beset by racial fighting so severe that the base enlisted men's club had to be closed.

All services are today striving energetically to cool and control this ugly violence which in the words of one noncommissioned officer, has made his once taut unit divide up "like two street gangs."

MGen Orwin C. Talbott, at Ft. Benning, has instituted what he calls "race relations coordinating groups" which work to defuse the resentments of young black troopers at a Georgia base.

MGen John C. Bennett, commanding the 4th Mechanized Division at Ft. Carson, Colo., has a highly successful "racial relations committee" which has kept Carson cool for over a year.

At once-troubled Camp Lejeune, MGen Michael P. Ryan, the Tarawa hero who commands the 2d Marine Division, appears to have turned off the race war that two years ago was clawing at the vitals of his division.

Yet even the encouraging results attained by these commanders do not bespeak general containment of the service-wide race problem any more than the near-desperate attack being mounted on drug abuse has brought the narcotics epidemic under control within the military.

DRUGS AND THE MILITARY

The drug problem—like the civilian situation from which it directly derives—is running away with the services. In March, Navy Secretary John H. Chafee, speaking for the two sea services, said bluntly that drug abuse in both Navy and Marines is out of control.

In 1966, the Navy discharged 170 drug offenders. Three years later (1969), 3,800 were discharged. Last year in 1970, the total jumped to over 5,000.

Drug abuse in the Pacific Fleet—with Asia on one side, and kinky California on the other—gives the Navy its worst headaches. To cite one example, a destroyer due to sail from the West Coast last year for the Far East nearly had to postpone deployment when, five days before departure, a ring of some 30 drug users (over 10 percent of the crew) was uncovered.

Only last week, eight midshipmen were dismissed from the Naval Academy following disclosure of an alleged drug ring. While the Navy emphatically denies allegations in a copyrighted article by the *Annapolis Capitol* that up to 1,000 midshipmen now use marijuana, midshipman sources confirm that pot is anything but unknown at Annapolis.

Yet the Navy is somewhat ahead in the drug game because of the difficulty in concealing addiction at close quarters aboard ship, and because fixes are unobtainable during long deployments at sea.

The Air Force, despite 2,715 drug investigations in 1970, is in even better shape: its rate of 3 cases per thousand airmen is the lowest in the services.

By contrast, the Army had 17,742 drug investigations the same year. According to Col. Thomas B. Hauschild, of the Medical Command of our Army forces in Europe, some 46 percent of the roughly 200,000 soldiers there had used illegal drugs at least once. In one battalion surveyed in West Germany, over 50 percent of the men smoked marijuana regularly (some on duty), while roughly half of those were using hard drugs of some type.

What these statistics say is that the Armed Forces (like their parent society) are in the grip of a drug pandemic—a conclusion underscored by the one fact that, just since 1968, the total number of verified drug addiction cases throughout the Armed Forces has nearly doubled. One other yardstick: according to military medical sources, needle hepatitis now poses as great a problem among young soldiers as VD.

At Ft. Bragg, the Army's third largest post, adjacent to Fayetteville, N.C. (a garrison town whose conditions one official likened to New York's "East Village" and San Francisco's "Haight-Ashbury") a recent survey disclosed that 4% (or over 1,400) of the 36,000 soldiers there are hard-drug (mainly heroin and LSD) addicts. In the 82nd Airborne Division, the strategic-reserve unit that boasts its title of "America's Honor Guard", approximately 450 soldier drug abusers were being treated when this reporter visited the post in April. About a hundred were under intensive treatment in special drug wards.

Yet Bragg is the scene of one of the most imaginative and hopeful drug programs in the Armed Forces. The post commander, LGen John J. Tolson, and the 82nd Airborne's commander, MGen George S. Blanchard, are pushing "Operation Awareness," a broad post-wide program focused on hard drugs, prevention, and enforcement.

Spearheading Operation Awareness is a tough yet deeply humane Army chaplain and onetime Brooklyn longshoreman, LCol John P. McCullagh. Father McCullagh has made himself one of the Army's top experts on drugs, and was last year called as an expert witness by Harold Hughes's Senate Subcommittee on Alcohol and Narcotics.

NO STREET IS SAFE

One side-effect of the narcotics flood throughout the services is a concurrent epidemic of barracks theft and common criminality inside military or naval bases which once had the safest streets in America.

According to the personnel chief of one of the Army's major units, unauthorized absence, historically the services' top disciplinary problem, is now being crowded by the thefts. Barracks theft destroys trust and mutual loyalty among men who ought to be comrades and who must rely absolutely on each other in combat. It corrodes morale and is itself an indicator of impossible conditions in a fighting unit.

At Ft. Bragg, primarily because of addict thieves, soldiers in many units cannot even keep bedding on their bunks in barracks. After what used to be reveille, they strip their bunks of bedding and cram it away under lock and key with whatever valuables they dare keep on hand.

Radios, sports gear, tape decks, and cameras—let alone individual equipment—are stolen on sight. Unlocked cars, on the manicured streets of this fine old post, are more likely to be stolen than not. Fayetteville, according to soldiers, abounds with off-post fences who will pay pennies for Army blankets and higher amounts for just about anything else.

Unhappily, conditions at Ft. Bragg are not unusual.

Soldier muggings and holdups are on the rise everywhere. Ft. Dix, N.J., has a higher rate of on-post crime than any base on the East Coast. Soldier muggings are reported to average one a night, with a big upsurge every pay-day. Despite 450 MP's (one for every 55 soldiers stationed there—one of the highest such ratios in the country) no solution appears in sight.

Crimes are so intense and violent in the vicinity of an open-gate "honor-system" detention facility at Ft. Dix that, according to press reports, units on the base are unwilling to detail armed sentinels to man posts nearby, for fear of assault and robbery.

DESERTIONS AND DISASTERS

With conditions what they are in the Armed Forces, and with intense efforts on the part of elements in our society to disrupt discipline and destroy morale the consequences can be clearly measured in two ultimate indicators: manpower retention (reenlistments and their antithesis, desertions); and the state of discipline.

In both respects the picture is anything but encouraging.

Desertion, to be sure, has often been a serious problem in the past. In 1826, for example, desertions exceeded 50% of the total enlistments in the Army. During the Civil War, in 1864, Jefferson Davis reported to the Confederate Congress: "Two thirds of our men are absent, most absent without leave."

Desertion rates are going straight up in Army, Marines, and Air Force. Curiously, however, during the period since 1968 when desertion has nearly doubled for all three other services, the Navy's rate has risen by less than 20 percent.

In 1970, the Army had 65,643 deserters, or roughly the equivalent of four infantry divisions. This desertion rate (52.3 soldiers per thousand) is well over twice the peak rate for Korea (22.5 per thousand). It is more than quadruple the 1966 desertion-rate (14.7 per thousand) of the then well-trained, high-spirited professional Army.

If desertions continue to rise (as they are still doing this year), they will attain or surpass the WWII peak of 63 per thousand, which, incidentally, occurred in the same year (1945) when more soldiers were actually being discharged from the Army for psychoneurosis than were drafted.

The Air Force—relatively uninvolved in the Vietnam war, all-volunteer, management-oriented rather than disciplinary and hierarchic—enjoys a numerical rate of less than one deserter per thousand men, but even this is double what it was three years ago.

The Marines in 1970 had the highest desertion index in the modern history of the Corps and, for that year at least, slightly higher than the Army's. As the Marines now phase out of Vietnam (and haven't taken a draftee in nearly two years), their desertions are expected to decrease sharply. Meanwhile, grimly remarked one officer, "Let the bastards go. We're all the better without them."

Letting the bastards go is something the Marines can probably afford. "The Marine Corps Isn't Looking for a Lot of Recruits," reads a current recruiting poster, "We Just Need a Few Good Men." This is the happy situation of Corps slimming down to an elite force again composed of true volunteers who want to be professionals.

But letting the bastards go doesn't work at all for the Army and the Navy, who do need a lot of recruits and whose reenlistment problems are dire.

Admiral Elmo R. Zumwalt, Jr., Chief of Naval Operations, minces no words. "We have a personnel crisis," he recently said, "that borders on disaster."

The Navy's crisis, as Zumwalt accurately describes it, is that of a highly technical, material oriented service that finds itself unable to retain the expensively-trained technicians needed to operate warships, which are the largest, most complex items of machinery that man makes and uses.

NONVOLUNTEER FORCE?

If 45% of his sailors shipped over after their first enlistment, Admiral Zumwalt would be all smiles. With only 13% doing so, he is growing sideburns to enhance the Navy's appeal to youth.

Among the Army's volunteer (nondraftee) soldiers on their first hitch, the figures are much the same; less than 14% re-up.

The Air Force is slightly, but not much, better off: 16% of its first termers stay on.

Moreover—and this is the heart of the Army's dilemma—only 4% of the voluntary enlistees now choose service in combat arms (infantry, armor, artillery) and of those only 2.5% opt for infantry. Today's soldiers, it seems, volunteer readily enough for the tail of the Army, but not for its teeth.

For all services, the combined retention rate this past year is about half what it was in 1966, and the lowest since the bad times of similar low morale and national disenchantment after Korea.

Both Army and Navy are responding to their manpower problems in measures intended to seduce recruits and reenlistees: disciplinary permissiveness, abolition of reveille and KP, fewer inspections, longer haircuts—essentially cosmetic changes aimed at softening (and blurring) traditional military and naval images.

Amid such changes (not unlike the Army's 1946 Doolittle Board coincidences intended in their similar postwar day to sweeten life for the privates), those which are not cosmetic at all may well exert profound and deleterious effects on the leadership, command authority and discipline of the services.

SOULBONE CONNECTED TO THE BACKBONE

"Discipline," George Washington once remarked, "is the soul of an army."

Washington should know. In January 1781, all the Pennsylvania and New Jersey troops in the Continental Army mutinied. Washington only quelled the outbreaks by disarming the Jersey mutineers and having their leaders shot in hollow square—by a firing squad made up of fellow mutineers.

(The Navy's only mutiny, aboard USS *Somers* in 1842, was quelled when the captain hanged the mutineers from the yardarm while still at sea.

If Washington was correct (and almost any professional soldier, whether officer or NCO, will agree), then the Armed Forces today are in deep trouble.

What enhances this trouble, by exponential dimensions, is the kind of manpower with which the Armed Forces now have to work. As early as three years ago, *U.S. News and World Report* reported that the U.S. services were already plagued with ". . . a new breed of man, who thinks he is his own Secretary of State, Secretary of Defense, and Attorney General. He considers himself superior to any officer alive. And he is smart enough to go by the book. He walks a tightrope between the regulations and sedition."

Yet the problem is not just one of trouble makers and how to cope with them.

The trouble of the services—produced by and also in turn producing the dismaying conditions described in this article—is above all a crisis of soul and backbone. It entails—the word is not too strong—something very near a collapse of the command authority and leadership George Washington saw as the soul of military forces. This collapse results, at least in part, from a concurrent collapse of public confidence in the military establishment.

General Matthew B. Ridgway, one of the Army's finest leaders in this century (who revitalized the shaken Eighth Army in Korea after its headlong route by the Chinese in 1950) recently said, "Not before in my lifetime . . . has the Army's public image fallen to such low esteem . . ."

But the fall in public esteem of all three major services—not just the Army—is exceeded by the fall or at least the enfeeblement of the hierarchic and disciplinary system by which they exist and, when ordered to do so, fight and sometimes die.

Take the case of the noncommissioned and petty officers.

In Rudyard Kipling's lines, "The backbone o' the Army is the noncommissioned man!"

Today, the NCOs—the lifers—have been made strangers in their own home, the regular service, by the collective malevolence, recalcitrance and cleverness of college-educated draftees who have outflanked the traditional NCO hierarchy and created a privates' power structure with more influence on the Army of today than its sergeants major.

NO OFFICE FOR THE OMBUDSMAN

In the 4th Mechanized Division at Ft. Carson, Sp4 David Gyongyos, on his second year in the Army, enjoys an office across the hall from the division commander, a full-time secretary, and staff car and driver also assigned full time. He has the phone numbers of the general and the chief of staff and doesn't hesitate to use them out of working hours when he feels like it.

Gyongyos (with a bachelor's degree in theology and two years' law school) is Chairman of the division's Enlisted Men's Councils, a system of elected soviets made up of privates and Sp 4s (NCOs aren't allowed) which sits at the elbow of every unit commander down to the companies. "I represent, electively," Gyongyos expansively told this reporter, "the 17,000 men on this post."

The division sergeant major, with a quarter-century in the Army, who is supposed to be the division's first soldier and—non-electively—father and ombudsman of every soldier, has an office which is not even on the same floor with the general (or Sp 4 Gyongyos either). He gets his transportation, as needed, from the motor pool. He does not "rap" freely over the phone to the general's quarters.

The very most that Gyongyos will concede to the sergeant major, the first sergeants, the platoon sergeants—the historic enlisted leadership of armies—is that they are "combat technicians." They are not, he coldly adds, "highly skilled in the social sciences."

The soldiers' soviets of the 4th Division represent an experiment in what the Army calls "better communications". Conditions throughout the rest of the Army do not quite duplicate those at Carson, but the same spirit is abroad. And experienced NCOs everywhere feel threatened or at least puzzled.

Most major units of the Army, Navy, and Air Force have some form of enlisted men's councils, as well as junior officer councils. Even the trainee companies at Ft. Ord, Calif. have councils, made up of recruits, who take questions and complaints past their DIs to company commanders and hold weekly meetings and post minutes on bulletin boards. General Pershing, who once said "All a soldier need to know is how to shoot and salute", would be surprised.

THE VOCALISTS

As for the officers, said a four-star admiral, "We have lost our voice."

The foregoing may be true as far as admirals are concerned, but hasn't hampered short-term junior officers (including several West Pointers) from banding together into highly vocal antiwar and antimilitary organizations, such as the Concerned Officers' Movement (COM). At Norfolk, the local COM chapter has a peace billboard outside Gate 2, Norfolk Naval Station, where every sailor can profit by the example of his officers.

Inspection—one of the most important and traditionally visible tools of command—is being widely soft-pedaled because it is looked on as "chicken" by young soldiers, sailors, and airmen.

In a move "to eliminate irritants to Air Force life" all major Air Force commands got orders last year to cut back on inspection of people and facilities.

"You just damn near don't inspect barracks any more," said one Air Force colonel, "this is considered an irritant." Besides, he added, (partly to prevent barracks theft and partly for privacy) airmen keep the keys to their own rooms, anyway.

Aboard ships of the Navy, where every inch of metal and flake of paint partakes in the seaworthiness and battle readiness of the vessel, inspection is still a vital and nearly constant process, but even here, Admiral Zumwalt has discouraged "unnesessary" inspections.

If officers have lost their voices, their ears have in many commands been opened if not burnt in an unprecedented fashion via direct "hot lines" or "action lines" whereby any enlisted man can ring up his CO and voice a gripe or an obscenity, or just tell him what he thinks about something or, for that matter, someone.

Starting last year at Naval Air Station, Miramar, Calif., sailors have been able to dial "C-A-P-T" and get their captain on the line. The system so impressed Admiral Zumwalt that he ordered all other shore stations to follow suit, even permitting anonymous calls.

At Ft. Lewis, Wash., soldiers dial "B-O-S-S" for the privilege of giving the general an earful.

At the Air Force Academy, cadets receive early indoctrination in the new order of things: here, too, a cadet (anonymously, if he wishes) can phone the Superintendent, record his message and, also by recording, receive the general's personal thanks for having called.

WORD TO THE WHYS

"Discipline," wrote Sir John Jervis, one of England's greatest admirals, "is summed up in the one word, obedience."

Robert E. Lee later said, "Men must be habituated to obey or they cannot be controlled in battle."

In the Armed Forces today, obedience appears to be a sometime thing.

"You can't give them an order and expect them to obey immediately," says an infantry officer in Vietnam. "They ask why, and you have to tell them."

Command authority, i.e., the unquestioned ability of an officer or NCO to give an order and expect it to be complied with, is at an all-time low. It is so low that, in many units, officers give the impression of having lost their nerve in issuing, let alone enforcing orders.

In the words of an Air Force officer to this reporter, "If a captain went down on the line and gave an order and expected it to be obeyed because 'I said so!'—there'd be a rebellion."

Other officers unhesitatingly confirmed the foregoing.

What all this amounts to—conspicuously in Vietnam and only less so elsewhere—is that today's junior enlisted man, not the lifer, but the educated draftee or draft-motivated "volunteer"—now demands that orders be simplistically justified on his own terms before he feels any obligation to obey.

Yet the young soldiers, sailors and airmen might obey more willingly if they had more confidence in their leaders. And there are ample indications that Armed Forces junior (and NCO) leadership has been soft, inexperienced, and sometimes plain incompetent.

In the 82d Airborne Division today, the average length of service of the company commanders is only 3½ years.

In the Navy, a man makes petty officer 2d class in about 2½ years after he first enlists. By contrast, in the taut and professional pre-WWII fleet, a man required 2½ years just to make himself a really first-class seaman.

The grade of corporal has practically been superseded in the Army: Sp 4s hold most of the corporals' billets. Where the corporal once commanded a squad, today's Army gives the job to a staff sergeant, two ranks higher. Within the squad, it now takes a sergeant to command three other soldiers in the lowly fire-team.

"This never would have happened," somberly said a veteran artillery sergeant major, "if the NCOs had done their jobs. . . . The NCOs are our weak point." Sp 4 Gyongyos at Ft. Carson agrees: "It is the shared perception of the privates that the NCOs have not looked out for the soldiers."

When B Troop, 1st Cavalry, mutinied during the Laos operation, and refused to fight, not an officer or NCO raised his hand (or his pistol) or stepped forward. Fifty-three privates and Sp 4s cowed all the lifers of their unit.

"Officers," says a recently retired senior admiral, "do not stand up for what they believe. The older enlisted men are really horrified."

Lieutenant William L. Calley, Jr., an ex-company clerk, was a platoon leader who never even learned to read a map. His credentials for a commission were derisory; he was no more officer-material than any Pfc in his platoon. Yet the Army had to take him because no one else was available. Commenting on the Calley conviction, a colonel at Ft. Benning said, "We have at least two or three thousand more Calleys in the Army just waiting for the next calamity."

Albert Johnson, the tough Master Chief Petty Officer of the Atlantic Fleet, shakes his head and says: "You used to hear it all the time—people would say, 'The Chiefs run the Navy.' But you don't hear it much any more, especially from the Chiefs."

A HARD LOT AT BEST

But the lot of even the best, most forceful leader is a hard one in today's military.

In the words of a West Point lieutenant colonel commanding an airborne battalion, "There are so many ways nowadays for a soldier that is smart and bad to get back at you." The colonel should know: recently he reduced a sergeant for gross public insubordination, and now he is having to prepare a lengthy apologia, through channels to the Secretary of the Army, in order to satisfy the offending sergeant's congressman.

"How do we enforce discipline?" asks a senior general. Then he answers himself: "Sweep it under the rug. Keep them happy. Keep it out of the press. Do things the easy way: no court-martials, but strong discipline."

Toward the end of the eighteenth century, after years of costly, frustrating and considerably less than successful war, Britain's armed forces were swept by disaffection culminating in the widespread mutinies in most of the ships and fleets that constituted England's "wooden walls" against France.

Writing to a friend in 1797, Britain's First Lord of the Admiralty said, "The Channel Fleet is now lost to the country as much as if it was at the bottom of the sea."

Have things gone that far in the United States today?

The most optimistic answer is—probably not. Or at least not yet.

But many a thoughtful officer would be quick to echo the words of BGen Donn A. Starry, who recently wrote, "The Army can defend the nation against anything but the nation itself."

Or—in the wry words of Pogo—we have met the enemy, and they are us.

KENNEDY'S PRIVATE WAR

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. HARRINGTON. Mr. Speaker, the revelations of the Pentagon papers have alerted the American people and the Congress that we have been ignorant and misinformed about many of the crucial events and decisions that have determined the Vietnam war. The publication in August of the first part of "The Planning of the Vietnam War," a study by members of the Institute for Policy Studies, will provide additional valuable information and analysis.

Drawing on a wide variety of interviews and documents, the Institute for Policy Studies researchers have conceived their task as explaining how the Vietnam disaster happened by analyzing the planning of the war. A part of the broader study, an article by Ralph L. Stavins, "Kennedy's Private War," appears in the July 22, 1971, issue of the New York Review of Books. I commend it to my colleagues attention and include the article at this point in the Record:

Kennedy's Private War

(By Ralph L. Stavins)

The article that follows is part of *The Planning of the Vietnam War*, a study by members of the Institute of Policy Studies in Washington, including Richard J. Barnet, Marcus Raskin, and Ralph Stavins.* In their introduction to the study, the authors write:

"In early 1970, Marcus Raskin conceived the idea of a study that would explain how the Vietnam disaster happened by analyzing the planning of the war. A group of investigators directed by Ralph Stavins concentrated on finding out who did the actual planning that led to the decisions to bomb North Vietnam, to introduce over a half-million troops into South Vietnam, to defoliate and destroy vast areas of Indochina, and to create millions of refugees in the area.

"Ralph Stavins, assisted by Canta Pian, John Berkowitz, George Pipkin, and Brian Eden, conducted more than 300 interviews in the course of this study. Among those interviewed were many Presidential advisers to Kennedy and Johnson, generals and admirals, middle level bureaucrats who occupied strategic positions in the national security bureaucracy, and officials, military and civilian, who carried out the policy in the field in Vietnam.

"A number of informants backed up their oral statements with documents in their possession, including informal minutes of meetings, as well as portions of the official documentary record now known as the

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*The study is the responsibility of its authors and does not necessarily reflect the views of the Institute, its trustees, or fellows.

"Pentagon Papers." Our information is drawn not only from the Department of Defense, but also from the White House, the Department of State, and the Central Intelligence Agency."

The study is being published in two volumes. The first, which includes the article below, will be published early in August. The second will appear in May, 1972.

At the end of March, 1961, the CIA circulated a National Intelligence Estimate on the situation in South Vietnam. This paper advised Kennedy that Diem was a tyrant who was confronted with two sources of discontent, the non-Communist loyal opposition and the Viet Cong. The two problems were closely connected. Of the spreading Viet Cong network the CIA noted:

"Local recruits and sympathetic or intimidated villagers have enhanced Viet Cong control and influence over increasing areas of the countryside. For example, more than one-half of the entire rural region south and southwest of Saigon, as well as some areas to the north, are under considerable Communist control. Some of these areas are in effect denied to all government authority not immediately backed by substantial armed force. The Viet Cong's strength encircles Saigon and has recently begun to move closer in the city."

The people were not opposing these recent advances by the Viet Cong; if anything, they seemed to be supporting them. The failure to rally the people against the Viet Cong was laid to Diem's dictatorial rule:

"There has been an increasing disposition within official circles and the army to question Diem's ability to lead in this period. Many feel that he is unable to rally the people in the fight against the Communists because of his reliance on virtual one-man rule, his tolerance of corruption extending even to his immediate entourage, and his refusal to relax a rigid system of public controls."

The CIA referred to the attempted coup against Diem that had been led by General Thi in November, 1960, and concluded that another coup was likely. In spite of the gains by the Viet Cong, they predicted that the next attempt to overthrow Diem would originate with the army and the non-Communist opposition.

"The Communists would like to initiate and control a coup against Diem, and their armed and subversive operations including united front efforts are directed toward this purpose. It is more likely, however, that any coup attempt which occurs over the next year or so will originate among non-Communist elements, perhaps a combination of disgruntled civilian officials and oppositionists and army elements, broader than those involved in the November attempt."

In view of the broadly based opposition to Diem's regime and his virtual reliance on one-man rule, it was unlikely that he would intiate any reform measures that would sap the strength of the revolutionaries. Whether reform was conceived as widening the political base of the regime, which Diem would not agree to, or whether it was to consist of an intensified counterinsurgency program, something the people would not support, it had become painfully clear to Washington that reform was not the path to victory. But victory was the goal, and Kennedy called upon Deputy Secretary of Defense Roswell Gilpatric to draw up the victory plans. On April 20, 1961, Kennedy asked Gilpatric to:

"a) Appraise the current status and future prospects of the Communist drive to dominate South Vietnam.

"b) Recommend a series of actions (military, political, and/or economic, overt and/or covert) which will prevent Communist domination of that country."

THE GILPATRIC TASK FORCE

Gilpatric organized an Interdepartmental Task Force with representatives from State, Defense, CIA, the International Cooperation Agency, the US Information Agency, and the Office of the President, with Brigadier General Edward Lansdale as operations officer. Their report was to be completed in one week.

The final version, "A Program of Action to Prevent Communist Domination of South Vietnam," was submitted to Kennedy on May 6. The victory plans recommended by the Gilpatric Task Force called for the use of US ground troops and a bilateral treaty between the US and the GVN. Both proposals stood in direct violation of the Geneva Accords, but were required because "it is essential that President Diem's full confidence in and communication with the United States be restored promptly."

Diem suspected that the United States was wavering in its commitment to the GVN on serveral grounds, some rational, such as the negotiations for a Laotian settlement, others irrational, such as his belief that the US had played a role in the attempted coup of November, 1960. But it was Diem's suspicions, not the justification for them, that compelled Washington to give serious consideration to using ground troops and to signing a treaty with the GVN, even though Diem's policies were demonstrably bankrupt and the suggested remedies violated international law. The feeling was beginning to take hold in Washington that if the US took over the job, Diem's policies would not matter. This belief was to be reinforced during the crisis in the fall of 1961, when Secretary of State Dean Rusk recommended that the United States simply take over the machinery of government in the South, should ground troops be introduced into the combat theater.

Circumventing international law was viewed by the Kennedy Administration as a problem far less significant than that of building support for a bankrupt GVN. Nevertheless, the question exercised the minds of officials in Washington. In his report to Kennedy, Gilpatric, for example, advanced the following argument to meet the charge that the United States was flouting the law:

"On the grounds that the Geneva Accords have placed inhibitions upon free world action while at the same time placing no restrictions upon the Communists, Ambassador Nolting should be instructed to enter into preliminary discussions with Diem regarding the possibility of a defensive security alliance despite the inconsistency of such actions with the Geneva Accords.

"This action would be based on the premise that such an undertaking is justified in international law as representing a refusal to be bound by the Accords in a degree and manner beyond that which the other party to the Accords has shown a willingness to honor. Communist violations, therefore, justify the establishment of the security arrangement herein recommended. Concurrently, Defense should study the military advisability of committing US forces in Vietnam."

This was the explanation that would be given to the American public: Communist violations of the Accords justified the bilateral treaty and the use of US ground forces. But would this explanation also convince official Washington of the need to deploy troops? Indeed not. In the same report, Gilpatric informed Kennedy why US troops were needed in Vietnam. "US forces are required," Gilpatric wrote, "to provide maximum psychological impact in deterrence of *further* Communist aggression from North Vietnam, China, or the Soviet Union." They would also serve an additional purpose: "to provide significant military resistance to *potential* North Vietnam Communist and/or Chinese Communist action" (italics added).

The US public was to be told that Washington had a legal right to deploy troops in response to actual Communist transgressions, while privately Washington would decide to act because of "potential" Communist action. Of course, "further" aggressions from China or the Soviet Union could hardly be equated with past violations, especially since neither country had set foot in South Vietnam. Indeed, Russia had sponsored the two Vietnams for membership in the United Nations as late as 1959. "Further" aggressions from the North, such as reactivating the guerrilla apparatus in the South, an apparatus manned by Southern cadres and fed by Southern peasants, were Hanoi's delayed response to the initial transgression by the GVN, which, in collusion with Washington, had refused to consult with the North or hold elections in the South, as required by the Geneva Accords.

Thus, Washington's reason for deploying combat troops directly contradicted the explanation that would be given to the press and to Congress. Washington had decided that the way to manipulate internataional law was to fool the American people.

On May 11, President Kennedy, after reviewing the findings of the Gilpatric Task Force, issued a National Security Action Memorandum which contained several important decisions on Vietnam. Such memoranda, written by the Special Assistant to the President for National Security Affairs, McGeorge Bundy, were used to convey Presidential orders to all the agencies that were to carry them out, or needed to know about them. The NSAM of May 11 stated:

1. The US objective is to prevent Communist domination of South Vietnam.
2. A further increase in GVN forces from 170,000 to 200,000 is to be assumed.
3. Defense Department is directed to examine the size and composition of US forces in the event that such forces are committed to Vietnam.
4. The United States will seek to increase the confidence of Diem.
5. The Ambassador should begin negotiations for a bilateral arrangement with Vietnam.
6. The program for covert action is approved.

Gilpatric asked the Joint Chiefs of Staff their opinion on the desirability of deploying US forces to Vietnam. They recommended immediate deployment of a sufficient number to achieve the objectives set forth in the Gilpatric report. To set the machinery in motion, the Joint Chiefs added, Diem should "be encouraged to request that the United States fulfill its SEATO obligations. . . . Upon receipt of this request, suitable forces could be immediately deployed."

Vice President Johnson was dispatched to Vietnam to shore up Diem's confidence in the US commitment by "encouraging" him to request US ground troops. Referring to Diem as "the Winston Churchill of the Orient," Johnson asked him to make this request. But much to Washington's chagrin, Diem told Johnson that he did not want foreign troops on Vietnamese soil, except in the event of overt aggression. Moreover, he pointed out, the presence of US troops would contravene and nullify the Geneva Accords. The semblance of legality could be preserved, he added, if American troops were channeled, as "advisers," through the Military Assistance Advisory Group (MAAG), which had been in South Vietnam since the mid-Fifties.

After Johnson's visit, Diem sent a letter to President Kennedy expressing gratitude for Johnson's offer of assistance. "I was most deeply gratified by this gracious gesture by your distinguished Vice President, particularly as we have not become accustomed to being asked for our own views as to our needs," he wrote, concluding with the reminder that "we can count on the material support from your great country which will be so essential to achieving final victory." Material support, not US troops, would be furnished by Washington; otherwise Diem would make himself even more vulnerable to the Communist charge that he was a colonialist.

During the summer of 1961, when the situation in Indochina deteriorated, Diem changed his mind and requested a treaty and troops from the United States. On October 1, the recently appointed Ambassador Nolting reported that Diem wanted a bilateral defense treaty with the US; on the thirteenth, Diem requested ground troops. These requests coincided with the conclusion of Defense Department and JCS studies, both of which advised the President to dispatch US troops to Vietnam, as well as with the announcement of a forthcoming "fact-finding mission" to Vietnam by two White House advisers, General Maxwell Taylor and Walt W. Rostow.

The Defense Department's study of the Viet Cong movement produced the discovery that the men and material originated in the South, not the North. The Department found that although the level of infiltration from the North was increasing, the "vast majority of Viet Cong troops are of local origin." If Hanoi was not furnishing the troops, was it at least furnishing the supplies? "There is little evidence of major supplies from outside sources," the Defense Department study found, "most arms being captured or stolen from GVN forces or from the French during the Indochina war." The North had given moral support to the insurgents, but little else. What should the United States do?

Having determined that the Viet Cong movement was local in origin, the Defense Department recommended that 11,000 US combat troops and 11,800 support troops be deployed to Vietnam for the purpose of sealing the border against any possible future infiltration from the North. But, the Department added, these troops would be insufficient to establish an anti-Communist government in the South. "The ultimate force requirements [for that purpose] cannot be estimated with any precision," the Department stated. "Three divisions would be a guess."

The Joint Chiefs of Staff, in their reply to Gilpatric, reasoned that the North would rely still further upon a policy of infiltration if SEATO and US troops were deployed in the South. The Joint Chiefs speculated that it would be uncharacteristic of the North to respond with an overt invasion of the South, but in the event that it did, the US would have to send in three divisions. If China threw its weight into the struggle, then six US divisions, or a total of 205,000 men, would be required, and the use of nuclear weapons would become a distinct possibility.

The CIA took the Viet Cong threat less seriously than the Defense Department did, and identified the non-Communist (perhaps one should say anti-Communist) South as the immediate danger to Diem. The agency wrote:

"Most immediate threat to Diem is not a military takeover by the Communists but the mounting danger of an internal coup by disgruntled military and civilian members of the government who are critical of Diem's leadership. These critics hold that Diem's heavy hand in all operations of the government is not only hampering the anti-Communist military effort but is steadily alienating the populace."

Should a SEATO task force be dispatched to Vietnam as an alternative to US troops—one of the contingency plans circulating in Washington at the time—the CIA, like the Joint Chiefs, discounted the likelihood of a Northern invasion. Hanoi's strategy, the CIA believed, would be "to play upon possible SEATO weariness over maintaining substantial forces." Once this weariness became evident, "the Asian members would soon become disenchanted and look to the US to do something to lessen the burden and to solve the problem." Whether this something would be a sizable number of US ground troops, as favored by the Joint Chiefs, or the use of nuclear weapons, as contemplated by Admiral Felt, the **Commander in Chief of the Pacific** forces (CINCPAC), was left undecided.

If the CIA analysis was correct, the US faced the possibility of a major war on the Asian mainland for the purpose of defending the narrow base of the Diem regime against its own people. Even the anti-Communist opposition in the South was rapidly being transmuted into part of a Communist monolith, located either in Moscow or Peking.

Nevertheless, some advisers began to argue for war. William Bundy, who had recently changed positions from the CIA's Far East expert to Deputy Assistant Secretary at the Defense Department, echoed Walt Rostow's belief that the fall of 1961 was the "now or never" period for the US. If America acted promptly and aggressively, Bundy argued, there was a 70 percent chance that it would "clean up the situation." There was a 30 percent chance that "we would wind up like the French in 1954; white men can't win this kind of war." Having weighed the options, Bundy concluded that a pre-emptive strike was advisable, and recommended "early and hard-hitting operations."

THE TAYLOR-ROSTOW MISSION

On October 11, 1961, President Kennedy authorized the Taylor-Restow mission to Vietnam. Its purpose was to examine the feasibility of dispatching US troops; Kennedy specifically recommended that the mission look into the question of troop requirements. One option would be to send fewer US combat troops than the 22,800 identified in the Defense Department plan, but enough to "establish a US presence in Vietnam." A second dispensed with US combat forces entirely, and envisioned a stepped-up version of what is now called the "Vietnamization" program. According to this plan, the United States would increase its training of Vietnamese units and furnish more US equipment, "particularly helicopters and other light aircraft, trucks, and other ground support transport."

Two days after Kennedy announced the Taylor-Rostow mission, Diem, who had heretofore refused to "request" US combat troops, met with Ambassador Nolting and asked that the US government provide South Vietnam with the aid that had been secretly discussed when the Taylor-Rostow mission was being planned. Vice President Thuan, speaking for President Diem requested an additional squadron of AD–6 fighter bombers, US civilian contract pilots for helicopters, transport planes to be used for non-combat operations, and US combat units to be introduced into South Vietnam as combat-trainer units.

Diem had changed his mind. Originally ashamed to be dependent upon a US presence and afraid to scuttle the Geneva Accords, he set aside these considerations once it became clear that a neutral Laos was about to emerge from the negotiations then under way. According to Diem, a neutral Laos would be useful to the Communists. They could then cross the western border at will, infiltrate into the South, and crush him. The terrain in Laos was more difficult to defend, and the Communists were strong enough there to strike a final blow. Laos, he argued, had been used to trap the Americans into conceding South Vietnam.

Having enticed the Americans into a settlement that made it look as if the Americans had lost nothing, the Communists could concentrate all of their energies on seizing South Vietnam. To counter this strategy, Diem wanted some immediate assurance that the US would remain committed to the South. Such assurance would require a bilateral treaty and the presence of US combat troops. Only this would dissuade the North from pursuing a miltant policy and convince those elements in the South that were still loyal to Diem that a Laotian settlement was not the death warrant for the GVN.

The Kennedy Administration had discovered that it was impossible to avoid war. The only question was where and when. If Laos was not settled quickly, the US would have to pour in troops with small chance of success. But to negotiate a neutral Laos meant that U.S. troops would have to be deployed to South Vietnam, thus increasing the likelihood of a direct confrontation. Washington had painted itself into a corner—either war in Laos now or war in Vietnam in the future. Kennedy chose the latter.

The Taylor-Rostow mission stopped at Hawaii on the way to Vietnam and discussions were held with Admiral Felt, head of CIN CPAC, Rostow asked about contingency plans in the event that open warfare broke out with the North. One question in particular concerned the use of nuclear weapons. Felt replied, "Plans were drawn on the assumption that tactical nuclear weapons will be used if required and that we can anticipate requests being made for their use if action expands into a Phase 4 situation." (Phase 4 involved a North Vietnamese and Chinese invasion of the South.)

Once in Vietnam, Taylor and Rostow explored ways of introducing US ground troops. They had decided that Diem needed them to preserve his rule, but they also recognized that such a course would damage America's image as a peacekeeper. The general and professor wondered how the United States could go to war while appearing to preserve the peace. While they were pondering this question, Vietnam was suddenly struck by a deluge. It was as if God had wrought a miracle. American soldiers, acting on humanitarian impulses, could be dispatched to save Vietnam not from the Viet Cong, but from the floods. McGarr, the Chief of MAAG, stated that Taylor favored "moving in US military personnel for humanitarian purposes with subsequent retention if desirable." He added, "This is an excellent opportunity to minimize adverse publicity."

Taylor himself viewed the flood relief task force more ambitiously. It would be the most efficient way to deal with world opinion, assuage Diem's fears, and allay Kennedy's reservations. World opinion would be swayed by humanitarian considerations. The colonial stain would not unduly tarnish Diem's image because the flood relief program clearly was not intended to "take over the responsibility for the security of the country." Finally, and perhaps most important, Taylor's plan contained a built-in excuse to withdraw—a feature intended to overcome Kennedy's objections. The President, it was well known, believed that it was more difficult to remove troops than to introduce them. Taylor wrote to Kennedy, "As the task is a specific one, we can extricate our troops when it is done if we so desire. Alternatively, we can phase them into other activities if we wish to remain longer."

Having invented a scheme that would enable the leaders in Saigon and Washington to placate their respective constituencies, Taylor then turned his attention from his preoccupation with politics to the military consequences. He recommended that the President deploy 8,000 ground troops and acknowledged that most of them would be used for logistical purposes. Such a token gesture could not be expected to have great military significance, but it surely ran the risk, as Taylor put it, of "escalating into a major war in Asia." Even if this danger did not materialize, the initial commitment would make it "difficult to resist the pressure to reinforce." Once the blood of a single American soldier had been spilled the President would assume the role of Commander-in-Chief and would be obliged to discharge his constitutional duty to protect the troops in the field.

This obligation made it unlikely that

troops would be removed and far more likely that additional troops would be sent over. The technical device of a built-in exit might be superseded by the political reality of a built-in escalation. And with the DRV and the Viet Cong committed to a policy of attrition, the United States would then be locked into a long struggle at the edge of the Communist world.

Such a struggle would take place, unfortunately, at a time when "the strategic reserve of the US forces is presently so weak that we can ill afford any detachment of forces." Taylor, in effect, told Kennedy to dispatch a few thousand combat troops which could not turn the tide of military battle, which invited a major war, provoked an indefinite and indecisive conflict, and depleted the US reserve. Why should Kennedy do this? Because, as Taylor said, "I do not believe that our program to save South Vietnam will succeed without it."

The symbolic gesture of stationing a few thousand US troops would save South Vietnam, Taylor argued, because it would inform the Communists of the "seriousness of the US intent to resist" and would raise the "national morale" of the South. Taylor predicted that the North would back down if the United States exhibited a fixed resolve to defend the South. That resolve had to be conveyed in the form of a clear message to Hanoi that the United States would take offensive action against the North if it did not stop supporting the Viet Cong. A small task force was a harbinger of greater devastation. The North would desist once it understood this message because, in Taylor's words, "North Vietnam is extremely vulnerable to conventional bombing, a weakness which should be exploited diplomatically in convincing Hanoi to lay off South Vietnam."

The small task force, along with other forms of US-GVN cooperation, not only would alarm Hanoi, but in the South it would "reverse the present downward trend, stimulate an offensive spirit and build up morale." As Rostow commented to Diem at this time, "That secret of turning point is offensive action."

The purposes of discouraging the North and encouraging the South became the strategy that was to be relied upon throughout the Vietnam war. The same arguments that were advanced for the fisrt time in 1961 were repeated in 1965 when Washington made the decision to embark on Operation Rolling Thunder. By the summer of 1965, however, lifting Southern morale was no longer viewed as necessary to win the war. The decision to send in the first 500,000 combat troops was justified solely by the need to convince the Communists that the United States was serious.

The strategy has remained surprisingly constant, guiding American policy for the better part of a decade. The architects of the strategy, Taylor and Rostow, did not envision the small task force of 8,000 men as the "final word." It was simply the first lesson they planned for the leadership in Hanoi.

By its major premise that Hanoi would back down only if it knew the United States was prepared to attack North Vietnam directly—the strategy entailed a built-in escalation. Events had to follow in a monotonous but natural order: increase the size of U.S. support troops in the South; institute covert operations against the North; threaten to bomb the North; bomb the North; pour US combat troops into the South as rapidly as possible; invade Cambodia; invade Laos . . . invade the North? destroy the North? etc.

The strategy required not only that the United States make it known that it would attack the North directly, but also that the United States not obliterate the North. To threaten to destroy the Communist regime in Hanoi would risk a direct encounter with China or Russia, a risk that the national security managers wished to avoid. They did not want to fight a nuclear war. They wanted to fight a safe war. The strategy therefore demanded a combination of escalation and moderation.

America would exercise its power in a deliberate and calculated manner in order to hold Hanoi hostage. The term "Hanoi" here is to be taken literally: the rest of Vietnam, indeed all of Indochina, was to become a target. One could say that US strategy was to kill the people while preserving the Hanoi government. Once surrounded by devastation, isolated, and abandoned by her socialist allies, Russia and China, Hanoi would be left with no choice but to submit to a "moderate" but triumphant America.

Although the creation of the task force was its most far-reaching recommendation, the Taylor-Rostow report urged the President to adopt a number of other measures. These were mainly of a military and administrative nature. The report recommended that the personnel in the Military Assistance Advisory Group mission be increased from 1,103 to 2,612. Moreover, U.S. aircraft, consisting of several helicopter companies, and U.S. crews for supporting or operational missions were to be introduced no later than mid-November.

The combat troops, the increase in the size of MAAG, and the use of U.S. aircraft and crews were all violations of the limits on troops and armaments set by the Geneva Accords. The International Security Agency, reviewing the legality of these recommendations, noted that the additions to MAAG, although a violation of international law, could not easily be proved: discussions between the International Control Commission, which was charged with enforcing the Geneva Accords, and the Embassy could be extended for months, during which time the value of the increase in MAAG's size would be realized.

The use of U.S. helicopters was of a more serious nature, requiring some groundwork to pacify Congress and the press. But combat troops could not so easily be disguised. Their only justification would be their subsequent success, not prior propaganda, and the International Security Agency viewed them with deep skepticism. It predicted that the North would respond by infiltrating 15,000 men, which would in turn require three U.S. divisions to offset them. Thus an indefinite war of attrition would be ensured.

THE "LIMITED PARTNERSHIP"

The administrative recommendations of Taylor and Rostow were designed to place a number of Americans on four specific levels of the South Vietnamese bureaucracy. First, Americans would work as high-level government advisers. Taylor envisioned "a limited number of Americans in key ministries." This would mean that U.S. advisers would, in effect, become cabinet officers in the Diem government. Next, "a joint U.S.-Vietnamese Military Survey, down to the provincial level, in each of three corps areas" would engage in a number of tasks, including intelligence, command and control, the build-up of reserves for offensive purposes, and mediation between the military commander and the province chief. The other two functions would be border control operations and "intimate liaison with the Vietnamese Central Intelligence organizations."

The ostensible purpose of giving Americans critical roles in government was that "Vietnamese performance in every domain can be substantially improved if Americans are prepared to work side by side with the Vietnamese." Taylor designated these administrative changes as representing a "shift from U.S. advice to limited partnership." The concept of "limited partnership," in fact, meant that the GVN had been negligent in reforming itself in the past, and suggested that the only way to reform the GVN in the future would be for the U.S. to take it over. With U.S. ground troops in the field, U.S. aircraft controlling the skies, and U.S. civilian personnel administering the cities and provinces, Vietnam would be reformed. Only Washington's own people could fulfill Washington's wishes.

The administrative changes meant that the national security managers had decided that the most effective mechanism for processing reforms through the GVN was for America to take over the government. They were also beginning to understand that the surest way to take over a client state was to introduce ground troops who would ultimately become responsible for the defense of the country. Under such circumstances, the native leader no longer serves as a puppet but rather, in the manager's words, as a "platform" upon which the American military and administrative personnel would be able to operate. Reduced from a leader to a platform, the local ruler of the client state is robbed of the last vestiges of his political life. His value to the mother country is no longer measured by the speed and economy with which he is able to bring about the changes suggested by Washington (the core of his bargaining power).

Since the local leader is no longer the source of change, he is not expected to do anything; he is merely expected not to undo anything. The mother country is less interested in gaining than in not losing. That desirable feature of leadership, charisma, gives way to banality. The worth of the leader is now measured by the number of followers he does not lose, the number of riots that do not occur, the number of battles that are not fought.

The leader's role in his own country is purely custodial. His task is to hold things together. To the degree that he performs this function, he has built the platform upon which the troops from the mother country may enter. His obligation to the mother country is to serve as the official greeter of the foreign troops. He is a janitor at home and a master of ceremonies abroad.

The problem with Diem was that he was unable to play a custodial role at home or a ceremonial one abroad. By 1961, he was beginning to lose his followers faster than the United States could increase its personnel in Vietnam. Were this inverse ratio to continue, the moment would come when there would be no platform for American troops to walk on. But this was not clearly perceived in Washington in 1961. When it did become obvious in 1963, Diem was dispensed with. Whereas Ambassador Durbrow had toyed with the idea of eliminating Diem because he was not a reformer, the Kennedy circle would remove him because he had been abandoned by the last of the faithful. Diem's failure to reform would be the alibi for, not the cause of, his downfall.

What was obvious in 1961 was that Kennedy was alarmed about Diem's public image in America. From the point of view of the President of the United States, the local leader must be palatable to the American people if American troops are to be ordered to Vietnam. One explanation for Kennedy's decision to veto the recommendation of all of his senior advisers to send troops to Vietnam was that Diem lacked the image that would qualify him to receive American ground troops. In a discussion of "the famous problem of Diem as an administrator and politician," Taylor suggested three choices that were available to Washington.

The first was to "remove him in favor of a military dictatorship which would give dominance to the military chain of command." The second was to "remove him in favor of a figure of more dilute power who would delegate authority to act in both military and civilian leaders." It was this option that foreshadowed the need for a local leader who could retain a rapidly diminishing constituency, so that the largest number of US troops could be sent. Once the need became apparent, the second choice was axiomatic.

Washington would then require someone to perform custodial services in Vietnam and act as an official greeter for American troops, roles played by General Khanh in 1964 and General Thieu after 1965.

In 1961, however, Taylor opted for the third choice. He wished to retain Diem in order "to bring about a series of *de facto* administrative changes via persuasion at high levels . . . using the US presence to force the Vietnamese to get their house in order in one area after another." In considering the first two choices, Taylor raised the prospect of a coup, but rejected it because "it would be dangerous for us to engineer a coup under present tense circumstances, since it is by no means certain that we could control its consequences and potentialities for Communist exploitation." In other words, the United States had not yet taken over enough of Vietnam to guarantee the irrelevance of the new leader.

The Taylor-Rostow report had a profound influence on Washington's policy toward Vietnam. The report fashioned the strategy of combined escalation and moderation. By establishing the principle of "limited partnership," a euphemism for American control, it resolved the conflict between the need for efficient prosecution of the war and the need for administrative reform. The previous aim of reform had been to broaden the base of the government to include elements of the loyal opposition. The new focus was on the pace at which American troops entered the field and American bureaucrats entered the government.

Broadening the base came to mean turning the reins of government over to the Americans. Once Americans took over, they could manipulate the concepts of warfare and welfare according to their own priorities. The battle between these concepts would be waged within the American establishment, with the pacifiers making feeble attempts to reform the military. Reform ultimately came to mean less indiscriminate killing instead of greater citizen participation. Finally, the report defined the qualities of the ideal leader that America would need in Vietnam after it stationed its troops in the field and its bureaucrats in office, qualities that were to be found eventually in the middling leadership of Thieu.

THE RECOMMENDATION OF M'NAMARA AND RUSK

While the Taylor-Rostow report was circulating in Washington, Secretaries McNamara and Rusk were writing their own recommendations for Vietnam policy. McNamara picked up the thread of Taylor's strategic analysis and Rusk pondered the need for an American seizure of the Vietnamese bureaucracy.

Rusk believed the President should carefully weigh the decision to send in US troops against Diem's unwillingness to "give us something worth supporting." Diem's failure to trust his own commanders and his obstinate refusal to broaden the base of government made it unlikely that a "handful of American troops can have decisive influence." Rusk noted the vital importance that US policy attached to Southeast Asia, but he cautioned against "committing American prestige to a losing horse." His recommendations, however, also presumed a seizure of the internal bureaucracy, the process described by Taylor as "limited parnership." Rusk directed the State Department to draw up a list of expectations "from Diem if our assistance forces us to assume *de facto* direction of South Vietnamese affairs."

While Rusk was elaborating on Taylor's report from the civil side, McNamara accelerated the recommendations from the military side. He accepted the strategy recommended by Taylor, but criticized him for not putting enough muscle behind that strategy. In McNamara's view, the 8,000-man task force would help Diem but would not "convince the other side (whether the shots are called from Moscow, Peiping, or Hanoi) that we mean business. Moreover, it probably will not tip the scales decisively. We would be almost certain to get increasingly mired down in an inconclusive struggle."

Since the aim of the strategy was to make the enemy know that the United States would attack directly if it did not disengage itself from the Southern struggle, McNamara concluded:

". . . the other side can be convinced we mean business only if we accompany the initial force introduction by a clear warning commitment to the full objective stated above, accompanied by a warning through some channel to Hanoi that continued support of the Viet Cong will lead to punitive retaliation against North Vietnam."

McNamara presumed that the other side would attack, not withdraw, in spite of the presence of US troops and a clear statement of intent. The US would then reply with 205,000 men, or six divisions. Public opinion in American, McNamara believed, will respond better to a firm initial position than to courses of action that lead us in only gradually."

What is striking about recommendations by the Secretary of State and the Secretary of Defense is that each, within his particular domain, went beyond the suggestions made by General Taylor. Whereas Taylor spoke of a limited partnership between the GVN and the United States government, Rusk operate on the assumption of a "*de facto* direction of South Vietnamese affairs."

With respect to military policy, Taylor boldly conceived a strategy that could well lead to genocide, but he was rather timid in applying it. He wanted to avoid the impression that the US would send its troops into actual combat, and urged the flood relief idea upon the President as a cover to preserve a peaceful image. McNamara, however, not only was willing to embrace the need for 8,000 combat troops, but semed to be devising a pre-emptive strategy by calling on a second strike capability of six divisions as a response to the Northern invasion that would be touched off by the initial force.

While Taylor saw the flood relief task force as a humanitarian cover to avoid a larger war, McNamara viewed it as a way to provoke the North into that larger war. Taylor, moreover, counseled the President on the importance of a peaceful image for domestic public opinion. At best, Taylor reasoned, the American public would have to be led to accept a gradual involvement. McNamara, on the other hand, believed that America would much more likely support a firm hand.

Taylor either eschewed war altogether by projecting such logical incompatibilities as a bold strategy and aquiescent task force, or equivocated by never pulling out or pushing in. McNamara, just recovering from his personal revulsion at the possibility of a nuclear holocaust over Berlin, seemed to be willing to prosecute a large conventional war. In view of the advanced state of US technology, such a war, if carried on for years, could produce effects amounting to nuclear devastation.

KENNEDY'S DECISION

In spite of the agreement among his senior advisers that ground troops should be dispatched, Kennedy refused. He could have cited many reasons to support his decision. One was that the introduction of US combat forces in Vietnam would cripple the discussions for a negotiated settlement in Laos. Ormsby Gore the British ambassador, had told Rusk on November 7 that "the introduction of US troops would not only complicate the situation, but make it impossible to get anywhere on Laos." A week later, Ambassador Alphand of France told Rusk that further escalation would undermine the Geneva negotiations and compound the risk of "mass intervention" by the Soviet Union. Alphand also reminded the Secretary of "difficulties for the West of fighting in Vietnam."

Rusk, however, took this to mean that Europe and America might have to part ways. Rusk explained that it "would be difficult for US opinion and friendly countries to accept a repetition of Laos in Vietnam." Southeast Asia, he concluded, was "more important to the United States than to Europe." Indeed, "if the loss of Southeast Asia was at stake, and Europeans did not agree with our policies, there might have to be a divergence."

Rusk's attitude demonstrates a fundamental shift in the direction of American foreign policy. Hereafter the national security managers except for George Ball, were to reject the need for a multilateral response and affirm the will to proceed alone in Asia. The first sign of this shift occurred on January 19, 1961, just before Kennedy's inauguration when, during discussions with the President-elect, Eisenhower told him, "It is imperative that Laos be defended. The United States should accept this task with our allies, if we could persuade them, and alone if we could not. Our unilateral intervention would be our last desperate hope in the event we were unable to prevail upon the other signatories to join us."

Kennedy's advisers wholeheartedly supported Eisenhower's position, but had to wait for Johnson to apply it to Vietnam, not Laos. Kennedy himself, in 1961, seemed to be more impressed with the arguments advanced by the British and French ambassadors than with Eisenhower's position or with Rusk's acceptance of it. Kennedy, it could be argued, was yet to be persuaded that US foreign policy was destined to go it alone in Asia. In addition to shattering the Laotian settlement, the dispatch of troops to Vietnam at a time when the Berlin crisis could again erupt increased Kennedy's "expressed concern over a two-front war." This does not mean, however, that Kennedy was willing to preside over the liquidation of the fledgling American Empire in Southeast Asia. The fear of a two-front war, according to Arthur Schlesinger, Jr., would have to be weighed against the fear "that an American retreat in Asia might upset the whole world balance."

Other factors must be considered to explain Kennedy's veto of combat troops. One way to understand the President's motives is to recall the decisions he made and try to discover what light they shed on decisions that he did not make. We do know, for example, that Kennedy sent troops to Vietnam, referring to them as support troops, though their combat role was extensive. Therefore, we can conclude that Kennedy saw the need to disguise their combat function. We also know that the number sent during his administration ultimately doubled the initial figure of 8,000 recommended by Taylor and Rostow. Therefore, Kennedy saw the need to introduce them into Vietnam gradually instead of at one stroke. Finally, we know that Kennedy began a campaign of covert activities against North Vietnam—a campaign that marked the switch to direct offensive actions but was disguised so that Washington could publicly disavow its own role.

Kennedy's policy toward Vietnam, then, was to accelerate the war while denying that he was doing it. His policy was to promote a private war. He was willing to go it alone in Asia, but not to admit it. He disregarded the counsel of his advisers only to the extent that they preferred a public war.

The President, clearly, did not believe that the American people would support him in his decision to escalate the level of combat. This does not mean that Kennedy thought the American people would have been opposed to a war in Indochina under any circumstances. It simply means that in 1961 the American public would not support a war whose ostensible purpose was to preserve the Diem regime. The war would be repulsive because the leader was odious. In 1963, when the self-immolation of protesting Buddhist monks became a daily event, Diem's image abroad deteriorated and became incompatible with the American presence. The American people could resign themselves to an indefinite war, but not when the character of the regime, personified by Diem, Nhu, and Madame Nhu, was so obnoxious. Washington concluded that Diem would have to be eliminated before the war could be escalated

While Diem was too repellent to be given American combat troops, he was not pliable enough to accept American bureaucrats. Rusk, as we have seen, presumed that America would undertake a "*de facto* direction of South Vietnamese affairs." The Taylor-Rostow report had anticipated a "limited partnership" between the GVN and the United States government. Diem quickly dashed these hopes. Vice President Thuan told Ambassador Nolting that Diem's "attitude seemed to be that the United States was asking great concessions of GVN in the realm of its sovereignty, in exchange for little additional help." When Nolting pressed Diem directly on the need for a close partnership, Diem informed him that "Vietnam did not want to be a protectorate."

By word and deed, Diem demonstrated that he would no more broaden his decision-making councils to include Americans than he would do so to include other Vietnamese. To turn over the internal bureaucracy to the Americans, Diem had told Ambassador Kenneth Young, would "give a monopoly on nationalism to the Communists." The only conditions under which Diem would accept a US directorate were the dispatch of US combat troops and a bilateral treaty. If he was certain that the Americans would openly defend him, then he could afford to come out openly as their puppet. But Washington would not openly defend Diem because he did not seem worth defending in public.

In these circumstances Kennedy made the decision not to send in combat troops, or rather, to fight a private war. In a National Security Council Action Memorandum on Vietnam, NSAM 111, Kennedy, observing widespread criticism of Diem's regime, stated that US support would be conditional upon whether real reforms were instituted by Diem. The President said:

"Rightly or wrongly his regime is widely criticized abroad and in the U.S., and if we are to give our substantial support, we must be able to point to real administrative, political, and social reforms and a real effort to widen its base that will give maximum confidence to the American people, as well as to world opinion that our efforts are not directed towards the support of an unpopular or ineffective regime, but rather towards supporting the combined efforts of all the non-Communist people of the GVN against a Communist takeover."

In the next clause of the NSAM, however, Kennedy made the decision to send US troops and informed the American ambassador that these troops should be seen as the equivalent of combat forces.

"It is anticipated that one of the first questions President Diem will raise with you after your presentation of the above joint proposals will be that of introducing US combat troops. You are authorized to remind him that the actions we already have in mind involve a substantial number of US military personnel for operational duties in Vietnam, and that we believe that these forces performing crucial missions can greatly increase the capacity of GVN forces to win their war against the Viet Cong."

US firepower and US troops would be immediately sent to Vietnam without the necessity for any "real administrative, political, and social reforms." What was desirable was that Diem's image be improved.

In the next clause of the memorandum, Kennedy dispensed with the need for the GVN "to widen its base . . . towards supporting the combined efforts of all the non-Communist people of the GVN against a Communist takeover." Kennedy admonished the ambassador.

"You should inform Diem that, in our minds, the concept of the joint undertaking envisages a much closer relationship than the present one of acting in an advisory capacity only. We would expect to share in the decision-making processes in the political, economic and military fields as they affected the security situation."

Reform, to Kennedy, ultimately meant that Diem needed an attractive image in America, and that Washington needed to seize the bureaucratic machinery in Vietnam. If neither was forthcoming, Diem would be eliminated, and a "genuine and real" puppet put in his place.

The private war required dispatching US combat troops to Vietnam to perform "operational duties" and withholding that fact from the American public. The troops were put under the jurisdiction of the newly organized Military Assistance Command, Vietnam (MACV), but their combat role was disguised. The public was told that US personnel would only "advise" the South Vietnamese army.

Another component of the private war was the initiation of covert activities. Begun in the spring of 1961, only six weeks after John F. Kennedy had assumed the Presidency, these continued without interruption up to the launching of Operation Rolling Thunder in February 1965, the beginning of the overt war by Lyndon Johnson.

In March 1961, Kennedy instructed the national security agencies to "make every possible effort to launch guerrilla operations in Viet-Minh territory at the earliest possible time." He directed the Secretary of Defense and the Director of the CIA to furnish plans for covert programs against the North both in the near-term and in the "longer future periods." Two months later, Kennedy approved the program for covert actions that had been proposed by the Vietnam Task Force, a group working out of the State Department, then under the leadership of Sterling Cottrell. Cottrell had accompanied Taylor and Rostow on their mission to Vietnam in the fall of 1961 and had urged the President not to introduce combat troops into the South. In the spring of 1961 he recommended that the President use South Vietnamese troops for commando raids and sabotage in North Vietnam and Laos.

The President agreed. One hundred days after he was elected President, he ordered agents to be sent into North Vietnam who were to be resupplied by Vietnamese civilian mercenary air crews. Special GVN forces were meanwhile to infiltrate into Southeast Laos to locate and attack Communist bases, and other teams trained by the Special Forces were to be used for sabotage and light harassment inside North Vietnam. Finally, Kennedy ordered flights over North Vietnam to drop leaflets. Two days after Kennedy authorized the Taylor-Rostow mission and before the mission arrived in Vietnam, the President ordered guerrilla ground action, "including the use of US advisers if necessary against Communist aerial resupply missions in the vicinity of Tchepone, Laos." In December, immediately after he shelved Taylor's proposal to deploy 8,000 combat troops in the South, Kennedy adopted a CIA-sponsored program to recruit South Vietnamese personnel for the purpose of "forming an underwater demolition team to operate in strategic maritime areas of North Vietnam."

By the end of 1961, the private war consisted of covert operations directed against North Vietnam and Laos, and the concealed use of U.S. air and ground combat personnel against the Viet Cong in South Vietnam. Each element of the private war increased in tempo and intensity throughout 1962 and 1963. By the time Kennedy was assassinated, the United States had 16,500 troops in South Vietnam pretending they were not fighting, and the Special Forces were executing a host of covert programs in North Vietnam and Laos.

During its thirty-three months in office, the Kennedy Administration managed and directed an illicit war. By sending an additional 1,000 troops to Vietnam in 1961, Kennedy broke through the MAAG ceiling and violated the Geneva Accords. Speaking to Rusk at a National Security Council meeting in November 1961, Kennedy defined the Presidential manner proper to breaching international laws: "Why do we take onus, say we are going to break the Geneva Accords? Why not remain silent? Don't say this ourselves!"

The Accords, of course, had been violated before. But the decision to conceal violations—and the developing war—from the American public was new. That the Bay of Pigs, the U–2 flights over the Soviet Union, and attempted coups in various parts of the world has also been covert enterprises does not diminish the special significance of the Vietnam undertaking. Here, for the first time, covert activity no longer crystallized into a single event, as with the Bay of Pigs. In Vietnam, the "black stuff" became the usual way of doing business; the war itself was covert. Nor does it suffice to say that the U–2 flights were stretched out through time. The purpose of these flights was spying; they were repetitions of a single act; and they were placed under the jurisdiction of the CIA, an agency restricted to covert acts. In Vietnam, several covert programs were put together to create a pattern of warfare, not spying, and these programs were instituted and managed by the government.

ROOM 303

In 1962 and 1963, two agencies in Washington managed the Vietnam war—the 303 Committee and the Special Group Counter-Insurgency (SGCI).

The 303 Committee, taking its name from the room number at the Executive Office Building where it met once a week, came into being as a direct consequence of the egregious blundering at the Bay of Pigs in the spring of 1961. Kennedy, appalled by the military incompetence shown by the fiasco and embarrassed by the public image it created, was determined to make sure that the covert activities of the CIA did not contradict U.S. foreign policy and that they were not beyond the capabilities of the military.

Thereafter, CIA programs had to be cleared in advance. This was the task of the 303 Committee, whose jurisdiction came to include every important covert programs conducted anywhere in the world, including Vietnam. The membership of the Committee included the Deputy Secretary of Defense, the Deputy Undersecretary of State for Political Affairs, the Deputy Director of Intelligence of the CIA, and the Special Assistant to the President for National Security Affairs. During the Kennedy years, these offices were held, respectively, by Roswell Gilpatric, U. Alexis Johnson, Richard Helms, and McGeorge Bundy. The chairman of the Committee was McGeorge Bundy, who had been given his choice between chairing the Special Group Counter-Insurgency and the 303 Committee.

To the extent that Vietnam was a covert war in 1962 and 1963, the 303 Committee managed the war. It did this by approving and revised the programs that defined American covert participation in the war. At least four major programs were authorized and supervised by the 303 Committee—Operation Farmhand, the training of the Montagnards, DeSoto patrols, and 34a operations.

Operation Farmhand was the first covert program approved by the 303 Committee for Vietnam. Under this program, South Vietnamese personnel were airlifted into North Vietnam in the spring of 1961, to "commit sabotage, spy and harass the enemy." Trained by the army's Special Forces, who were themselves detached and put under the control of the CIA, the commandos were invariably arrested as soon as they landed in the North. In many instances, personnel would have to be conscripted to accept an assignment. Frequently, they would show up drunk or fail to appear at all. In the field, the program was a total failure, but, strategically, it informed the North that direct measures would be taken against it.

The second major program authorized by the 303 Committee was the training of the Montagnards in South Vietnam, who had managed to preserve their ethnic identity over the centuries. These local tribesmen, whose loyalty never extended beyond their own clan, were as opposed to the encroachments of the GVN as they were to the solicitations of the Viet Cong. Because they inhabited an area that bordered an infiltration route from North to South, the CIA believed that they could be trained as a force of warriors to be used in attacks against the Viet Cong.

The CIA felt that the bonds among ethnic minorities could be easily nourished and exploited; that nomadic tribes, rather than landed peasants, could be made into warriors and be moved more easily from one assignment to another. As warriors, the Montagnards took their orders directly from the CIA, in return for which they were liberally paid and promised autonomy from the GVN. The GVN neither consented to nor complied with this promise.

By the end of 1963, 30,000 local tribesmen had been armed and trained. The Special Forces carried out this work for the CIA. Eventually, the Montagnards were formed into units known as the Civilian Irregular Defense Groups (CIDG). They were used for various types of operations, and were noted primarily for their bravery, brutality, and terrorism. CIDG units were used to repress the Southern peasantry as well as for armed incursions into the North. As soon as the program showed some success, the MACV, attempting to break the autonomy of the Special Forces, removed the program from the CIA and placed it under its own jurisdiction.

CIA training of the Montagnards in South Vietnam had its counterpart among the Meo tribesmen in Laos. The Meo, too, were a local clan whose latent warrior tendencies and antipathy toward central rule were carefully nurtured by the CIA. By training and paying the Montagnards and Meo tribesmen, the CIA, in effect, created a force of warriors directly under its command. The conflict between the local tribesmen and the central government, fostered by the CIA, ran parallel to a larger conflict among American officials—a conflict between the Special Forces and the Joint Chiefs of Staff.

Just as the local tribesmen were promised their autonomy from the central government by the CIA, so the Special Forces had been established as an autonomous force, to take their command's directly from the President, circumventing the Joint Chiefs. As the Indochina war proceeded, the local tribesmen were eventually reduced to subservience by the central government, and the Special Forces were taken over by the Joint Chiefs. The "guerrillas" within the client state and the "guerrillas" within the American imperial state were broken and absorbed by the client and imperial government, respectively.

But to develop a guerrilla force within the imperial power, an idea originated by the CIA, is a structural change that many prefigure the imperial army of the future. For the conflict between the Special Forces and the Joint Chiefs, on the one hand, and the local tribesmen and the central government, on the other, reflects a larger conflict between the client state and the imperial power. The United States has encountered grave difficulties in developing effective and loyal armies within its client states. Neither the Royal Laotian Army nor the ARVN has been able to hold its own against the people's army, the Viet Cong, and the Pathet Lao. It was a direct result of this difficulty that the CIA attempted to build armies of local tribesmen.

These guerrilla armies were an astonishing success when compared to the regular armies of South Vietnam and Laos. When the Joint Chiefs set out to break the autonomy of the Special Forces, they were fortuitously putting under their command a guerrilla army of local tribesmen which they were able to use as the new imperial army. With this one stroke the Joint Chiefs resolved some of the difficulties of relying both upon a client army and upon troops conscripted in the US. Neither American boys nor South Vietnamese boys wished to fight in a people's war. What could be better cannon fodder to use against the people than a prepeople, that is, clansmen? The courage of the local tribes and the technology of the imperial power were combined to do battle with large numbers of Asian people and the guerrilla organizations they were supporting.

The third program begun by the 303 Committee was the use of DeSoto patrols. Originated in 1962 and approved by the President, this program authorized US destroyers to operate along the border of mainland China and the North Vietnamese mainland, to listen to the "military and civil activity of the Asian Communist bloc." In addition to listening, the patrols were ordered to stimulate the radar of the enemy so that the position and type of radar could be identified.

After the DeSoto patrols were approved by Kennedy and the detailed policy for using them was formulated by the 303 Committee, the program was submitted for implementation to the Joint Chiefs, who then put the program under the jurisdiction of the Joint Center for Intelligence at their headquarters in Washington. The Ops Center, as it was called, drew up the tentative schedules and forwarded them to CINCPAC in Hawaii. CINCPAC selected the precise dates for the DeSoto patrols and sent orders to the Seventh Fleet. Copies of these orders were also sent to MACV in Saigon. The question of who selected and kept track of the DeSoto patrols was to assume critical importance in the Gulf of Tonkin incident of August, 1964.

CINCPAC plan 34a, drawn up in the fall of 1963 as an annex to the entire CINCPAC plan for Southeast Asia, was the covert plan directed against the North. It consisted of two parts: psychological operations and hit-and-run attacks. The latter included amphibious raids by the Vietnamese in areas "south of the Tonkin Delta having little or no security." This was subsequently expanded to include the use of swift torpedo boats to shell the Northern mainland and kidnap Northern personnel. Plan 34a, too, was assigned by the 303 Committee to the Joint Chiefs for implementation.

THE SPECIAL GROUP FOR COUNTER-INSURGENCY

The second agency in Washington that managed the private war between 1961 and 1963 was the Special Group Counter-Insurgency (SGCI). Organized in response to Khrushchev's speech on wars of national liberation, the SCCI was created by President Kennedy in NSAM 124, issued in late 1961. The SGCI, like the 303 Committee, met once a week. In fact, its members included those on the 303 Committee, or their delegates, and met in Room 303 at the Executive Office Building immediately after the Committee adjourned its meetings. Members of the 303 Committee would complete their discussions, sign orders for the covert programs, and then call the SGCI to order, invite in additional deputies, and turn their attention to the problems of counterinsurgency.

Nevertheless, there were substantial differences between the 303 Committee and the SGCI. The 303 Committee managed the covert operations of the United States government in every area of the world. The programs themselves generally originated with the CIA, although other agencies of government, such as the Defense Department, the Joint Chiefs, and the State Department, did submit proposals, many of which were put into operation. The only requirement for a 303 hearing was that the program be significant and covert. When a program was put into operation, it generally used the services of the Special Forces.

The SGCI, on the contrary, never managed covert operations, had only a limited relation to the CIA, and did not employ the services of the Special Forces. It dealt exclusively with the overt programs of the US government in any nation around the globe that was deemed to be threatened by insurgency. These programs were under the special jurisdiction of the several national security agencies, including the Defense Department, AID, the State Department, USIA, and the CIA. The purposes of SGCI were to coordinate the overseas programs of the national security agencies, eliminate duplication of efforts, and ensure that those programs relating to counterinsurgency were completed. The SGCI supervised the overseas programs of each of the national security agencies.

A counterinsurgency doctrine technically known as "The Overseas Internal Defense Policy of the USA" was written in 1962. President Kennedy adopted it as the official policy of the US government in NSAM 182. The main premise of the doctrine was that the counterinsurgents should help themselves, but saving clause was added to the doctrine instructing: "where necessary, introduce US troops."

Thus the 303 Committee was largely responsible for the unofficial policy of the U.S. government toward Vietnam during the private war—the covert activities in North Vietnam and Laos, and the disguised use of U.S. combat troops within South Vietnam. The SGCI, on the other hand, was in charge of the official policy—the policy that was reported in the press and otherwise made known to the American public.

The official policy consisted of a strategic plan which, consistent with the counterinsurgency doctrine, called upon the GVN to defend itself, to win its own war, and to employ Americans as teachers. There were three parts to the plan:

1) The U.S. government officially accepted Diem as the premier of South Vietnam, and all aid was channeled through him.

2) The strategic hamlet program was devised as the principal means of defending the South against further encroachments by the Viet Cong. Strategic hamlets were supposed to help organize the rural peasants into larger territorial units in order to increase their capacity to defend themselves and to weed out Viet Cong.

As envisioned by the planners, the hamlets were to expand like an oil blot, dense in the center, blurred at the perimeter. Ideally, a second hamlet would not be built until the first was satisfactorily organized and properly defensible. Diem's brother, Nhu, was placed in charge of the program and built the hamlets in total disregard of the oil blot theory. Instead of securing one hamlet before proceeding to the next, Nhu was interested in increasing the number of hamlets, with the result that none was secure. When Diem was assassinated in 1963, thousands of strategic hamlets collapsed overnight.

3) The ARVN was to be built into a powerful army that could take the offensive against the Viet Cong and regain the territory then held by the Communists. The ARVN, trained by MACV and working in conjunction with the strategic hamlet program under the charismatic leadership of Diem, would, it was anticipated, extend the national sovereignty of the GVN throughout South Vietnam.

The national security agencies of the U.S. government devoted all their efforts to this strategic plan. Their programs were supervised by the SGCI and their projects were completed under the direction of a special agency, which ostensibly possessed a blueprint of victory.

The countries under the jurisdiction of the SGCI included Vietnam, Laos, Thailand, Iran, and a half-dozen Latin American countries. Vietnam and Laos were at the top of the list. By the end of 1962, entire meetings were devoted to Vietnam alone. The SGCI mainly reviewed weekly reports furnished by the Vietnam Task Force. In time, however, these reports, prepard by Sterling Cottrell and Ben Wood, were considered too meager, and other national security agencies, such as the Pentagon, AID, and the CIA, began to supply supplementary reports on Vietnam.

The reports, whether from the Task Force or the other national security agencies, were discussed at the opening of each meeting. Then, expert witnesses who had just returned from Vietnam would brief the Special Group. Some of the witnesses who regularly appeared before the SGCI were John Richardson, the CIA station chief in Vietnam; General Victor Krulak, the Special Assistant for Counter-Insurgency and Special Activities (SACSA); William Jorden, a former *New York Times* reporter and the author of the two white papers on Vietnam; Ted Sarong, the Australian attache; Robert Thompson, the British expert on counterinsurgency and moving force behind the strategic hamlet doctrine; and one Walton, an ex-marine and head of the police safety division in Vietnam.

The highlights of the discussions of SGCI deserve consideration, since they show the information guiding official Washington during the private war as well as the reaction to that information.

THE VIET CONG

The year 1962 has been referred to as the optimistic period in Vietnam. The insurgency was coming under control, and McNamara was persuaded that the US had turned the corner in Vietnam and that American boys would be returning home. On May 3, 1962, Sterling Cottrell reported to the Special Group that the US had "reached the bottom" in Vietnam. Cottrell, it should be recalled, was the head of the Vietnam Task Force, had accompanied Taylor and Rostow on their mission to Vietnam, and had opposed their advice on the question of ground troops. He supported a low-keyed approach to Vietnam and clearly had a stake in the continuation of the current Vietnam policy.

General Lyman Lemnitzer, the chairman of the Joint Chiefs, reported on May 17, 1962, that the defense build-up was going well. The military seemed unanimous in believing that US policies were having benign effects. On May 31, Cottrell informed the SGCI Group that the GVN was increasing the number of strategic hamlets at an "ambitious and uncontrolled rate."

On June 20, however, John McCone, director of the CIA, warned that the Viet Cong were beginning to fight in larger units. They were using heavier weapons, he added, to wipe out strategic hamlets before help could arrive. On November 5, the Task Force told the Group that Viet Cong forces were as strong as ever. They were able to recruit many new personnel, even though their morale had begun to slip. Cottrell added that the "situation was still in balance."

In 1963, the US tried again to document its charge that the Viet Cong were being aided by heavy infiltration from the North. One task confronting the Special Group was to determine the accuracy of the charge. On January 17, 1963, the Task Force decided that infiltration was less serious than had been thought. It explained that local recruitment and local supplies were being furnished to the Viet Cong in the South; the insurgents had little need to be dependent upon the North for either. Taylor, complying with "higher" orders, said it was important to get information on Northern infiltration and authorized William Jorden to go to Vietnam to study the question thoroughly. Washington was becoming embarrassed over the fact that it was increasingly committing itself to intervention in a civil war.

On April 5, 1963, a famous meeting of the Special Group was held, in which Jorden, after spending three months in Vietnam, reported that "we are unable to document and develop any hard evidence of infiltration after October 1, 1962. Evidence prior to that date strongly indicated the absence of infiltration. At the same meeting, Robert Thompson attempted to counter Jorden's pessimistic appraisal of Viet Cong activity by forecasting that "US forces are adequate. By the end of the year, troops can begin to be withdrawn."

A State Department representative on the Special Group summed up in one sentence the observations of the US army officers who returned from Vietnam in 1962: "If free elections were to be held in South Vietnam in 1962, Ho would get 70 percent of the popular vote." Because of Ho's popularity, he added, wholesale supplies in the South and ready recruitment of personnel were available to the Viet Cong. Only a trickle of supplies in addition to the original covert apparatus had been furnished by the North. The State Department official pointed out that all insurgents receive some outside help. "There has never been a case of an isolated insurgency. Not even the US War of Independence was an isolated insurgency."

This same official was one of the authors of the counterinsurgency doctrine of the US government. He contrasted the doctrine of the Communist Party with that of the US on the question of the necessity of outside help for an insurgency, noting that Communist doctrine . . . emphasizes the fact that the insurgency should be homegrown, and that major communist powers, especially China, do not pour in masses of outside assistance. This enables the insurgents to retain their own independence so that they can sustain themselves over the long haul. Communist Party doctrine stands in radical contrast to the US doctrine of counter-insurgency, which demands massive support by us and which turns the counter-insurgents into our dependents, sapping their morale and capacity to fight."

He supported this comparison with evidence accumulated by the Special Group showing that all weapons captured from the Viet Cong by the US during the period of the private war were either homemade or had been previously captured from the GVN/USA. "Throughout this time," he said, "no one had ever found one Chinese rifle or one Soviet weapon used by a VC." He concluded that the weight of evidence and doctrine proved that "the massive aggression theory was completely phony."

In 1962, Michael Forrestal, a senior member of the National Security Council and a close friend of President Kennedy, confirmed these charges. Returning from a long visit to Vietnam, Forrestal and Roger Hilsman wrote a report to the President that stated that the Viet Cong had "increased their regular forces from 18,000 to 23,000 over this past year." During this period the government of Vietnam had claimed that 20,000 Viet Congs were killed in action and 4,000 wounded. "No one really knows," Forestal wrote, "how many of the 20,000 'Viet Cong' killed last year were only innocent, or at least 'persuadable,' villagers."

Forrestal told Kennedy that "the vast bulk of both recruits and supplies come from inside South Vietnam itself." At the "very least," Forrestal concluded, "The figures on Viet Cong strength imply a continuing flow of recruits and supplies from these same villages and indicate that a substantial proportion of the population is still cooperating with the enemy, although it is impossible to tell how much of this cooperation stems from fear and how much from conviction."

Still, Forrestal emphasized that "the Viet Cong continue to be aggressive and extremely effective." It would seem that he had answered his own question. Like many other officials and agencies reporting on the "progress" of the war at this time, he had discovered that the Viet Cong were actively assisted by the rural population and that they fought with dedicated spirit and great effectiveness. It should not have been difficult for Forrestal and Kennedy to see that the rural population cooperated "from conviction" because in fact it made up the Viet Cong.

DEFOLIATION

The Special Group devoted part of its attention to some of the programs conducted in the field. As early as 1961, the defoliation program, originally called Operation Hades and subsequently accorded the euphemism Operation Ranchhand, was granted Presidential approval. Limited at first as an experimental measure it soon became an exercise in wholesale crop destruction. The expanded program received strong financial and political support. Discussions of Operation Ranchhand in Washington were instructive, especially since they showed the bureaucrats' lack of any concern whatever for the consequences of their decisions. Indeed, what was most striking about the discussions of the defoliation program at the Special Group meetings was the absence of inquiry into the nature of the program.

No limits on the defoliation program were ever established, no results examined, no damage surveyed. Concern about the program focused on the single question of whether the South Vietnamese military had given their consent. Apparently, if the GVN recommended the program and the ARVN consented to it, bureaucratic responsibility in Washington was believed to have ceased.

The program was the brain-child of ARPA, the Pentagon's Advanced Research Projects Agency, and was placed under the command of the US Chemical Corps. It was approved by the highest bureaucrats in Washington, including Roswell Gilpatric, U. Alexis Johnson, Maxwell Taylor, Robert Kennedy, Michael Forrestal, and Richard Helms, along with a host of their deputies. But after they had approved the defoliation program, these men ignored the forced migration, sterility, and hunger that followed in its wake. Such consequences were left to the concern of the GVN. The policymakers in Washington removed every vestige of personal responsibility from their shoulders and laid it at the door of the GVN officials.

Thus, Washington was able both to authorize criminal programs and evade any responsibility for them. Maxwell Taylor summed up the concern for Operation Ranchhand in these words: "We used it for crop destruction and foliage. It was only useful along the highways. It was not at all criminal. It was simply ineffective. The entire program was irrelevant." Defoliation was indeed irrelevant to Washington, but it was not irrelevant to the peasants who had to migrate, the women who became sterile, the children who were made hungry.

KENNEDY IN CONTROL

Although the bureaucracy in Washington was not concerned with the fruits of its labor in Vietnam, the President was greatly concerned with his capacity to command the bureaucracy in Washington. In his quest for control, he introduced four structural changes in the office of the Presidency—the Special Group Counter-Insurgency, the 303 Committee, the Country Team, and the Green Berets. All of these were fashioned to meet specific defects in the execution of foreign policy, and in this sense may be viewed as *ad hoc* measures. But an extraordinary pattern emerges when the four are grouped together—an expansion of the war-making powers of the Executive to a degree never before contemplated in the history of the Republic. For the first time, total command over the several national security agencies was concentrated in the office of the President.

The SGCI was a special agency created by Kennedy to supervise the programs of the national security agencies. Kennedy selected Maxwell Taylor, then occupying a special office in the White House as the President's military adviser, to be chairman of the SGCI, and the President's brother, Robert Kennedy, to be co-chairman. The state apparatus was thus centralized by appointing a chairman and a co-chairman whom the President personally trusted and who would report directly to him.

Taylor acted as a broker among the various power blocs to ensure that the agencies responded to the President's bidding. Robert Kennedy was considered the moving force behind the SGCI. He attended every meeting and, by his personal tactics, managed to transform them into courtroom spectacles. Officers of the agencies presented their findings from a witness chair, and Kennedy would zealously and relentlessly cross-examine each witness.

Witnesses were often intimidated by his ferocity. When William Jorden, the author of two white papers on Vietnam, testified about infiltration from the North, for example, he was excused prematurely in order to avoid further embarrassment at Robert Kennedy's hands. Another witness, reminded that the President's brother was simply trying to get the facts, replied that Kennedy was "guilty of over-kill." Kennedy's function, it seems, was to instill some fear into the agencies—to persuade them that they were being watched closely by the President and should act accordingly.

Defenders of the Kennedy Administration contend that the purpose of these exertions was to keep America out of an unnecessary war in Southeast Asia. The Kennedys, it is suggested, believed that the only way to avoid a deepening and perhaps irreversible commitment to Vietnam was to expose the inflated statements offered by officials who wished to draw the nation into a wider war. But these rationalizations do not hold up when it is recalled that the purpose of the SGCI in general, and Robert Kennedy's purpose in particular, was to centralize in the hands of the President control of a national state security machinery which was increasingly committed to war in Southeast Asia.

The CIA had displayed its power to make foreign policy at the Bay of Pigs, forcing the President to assume responsibility for events he had not initiated and could not control. After Cuba, Kennedy fired Allen Dulles and appointed John McCone as director of the CIA, perhaps because McCone was considered more manageable. At the same time, he created the 303 Committee to break the CIA's independent power and place the agency under his own management. From that time on, the CIA had to clear each of its programs in advance and report directly to McGeorge Bundy, the chairman of the 303 Committee and the Special Assistant to the President for National Security Affairs. Bundy, Maxwell Taylor, and Robert Kennedy were trusted lieutenants who took their orders directly from the President and were placed in charge of special agencies to centralize command in the national security apparatus on the President's behalf.

Not only were the 303 Committee and the SGCI designed to unify the state apparatus directly under Preisdent Kennedy in Washington, but every effort was made to duplicate this pattern in the field. When Kennedy assumed the Presidency, one of the problems plaguing American foreign policy was the fact that each agency in the field acted as if it were a self-contained system, staking a claim against the Pentagon for its own resources, moving from one part of the globe to the next according to its assessment of where the action was, insulating itself from supervision above, and extending its imperial writ below. The armed services offered the prime examples of separate fiefdoms run wild; but the civil agencies in the field, including the CIA, State, USIA, and others, also made their own rules and circumvented all attempts at direction from above.

The CIA, for example, was assigned a percentage of all shipping to Vietnam, set up its own network of communications in the field, and had its own direct channel back to Washington. Laos simply became competitive turf for the several agencies. Each moved in with personnel and material, then sought a program first to justify its presence and second to expand its domain. Aircraft stationed in Korea were forwarded to Vietnam on Air Force orders which had not been cleared at higher levels, and when such clearance became necessary, dummy committees were created at the Pentagon to clear automatically any material requested. So far as the agencies in the field were concerned, questions of state were politically unreal. The sole reality was the national economy, which was viewed as an infinite source of supply.

The origin of Operation Ranchhand under the expert guidance of William Godell offers a classic example. ARPA appropriated surplus funds to begin the defoliation program, and then, in order to justify an increased budget, bypassed the original guidelines and expanded the program. Much as feudal warlords had waged war against each other within fledgling nations, so the modern agencies looked upon each other as rivals and tried to grab power and resources within the fledgling empire.

To cope with this problem, Kennedy, in 1961, gave US ambassadors full power to control the national security agencies in the field. Thus, all the agencies were required to clear their programs with and be supervised by the ambassadors to the countries in which they were operating. Together they were called the "Country Team," with the ambassador as captain, who received his authority directly from Kennedy and reported directly to him. Just as Kennedy had hoped to bring the national security agencies in Washington under the command and control of the SGCI, so he relied upon the concept of the Country Team to achieve the same control in the field.

THE JOINT CHIEFS

But the Joint Chiefs of Staff—in contrast to the other national security agencies—have independent support both in Congress and in the country. Working through the chairmen of key Congressional committees, the Chiefs have automatic access to one branch of government to articulate the proposals they deem important, regardless of whether they have the support of the President or his senior advisers. Once these proposals are made public, the Chiefs can count on the right-wing constituency in the country to support them. Since the Chiefs formulate, express, and then personify the national interest on any issue concerning national security, they rival the President's claim to sovereignty. By virtue of their support in Congress, their political constituency, and their claim upon the flag, the Chiefs, unlike other government groups, can even charge the President with treason. Because of their formidable power, the President must respond to any proposal they put forward.

The President, of course, can command his own resources to persuade the Chiefs to champion his causes. But he must always bargain with them and grant them certain concessions if they oppose him or if he needs their public support. Once the state embarks on war, this uneasy balance between the President and the Chiefs gradually tips on the side of the Chiefs. The Joint Chiefs of Staff, not the Commander-in-Chief, are presumed to know how to manage a war. The President who opposes their programs lays himself open to the charge that he is playing with American lives.

Thus, when the President expands a war on the grounds that he is protecting the lives of U.S. troops in the field he either has, in effect, borrowed the Chiefs' argument and is announcing for all to hear that his policies are in full accord with those of the military or he is anticipating just such a challenge by the Chiefs and is preparing his own defense. The policies of the Chiefs, moreover, invariably extend the zone of combat until victory is achieved. The Chiefs also depart from civilian leaders in being willing to wage nuclear war, if that is considered necessaary to avoid defeat.

But if a war can be presented as a police action, or can proceed under cover as a private matter, then the power of the Chiefs can be sharply limited. Thus, Kennedy had an obvious stake in keeping the war private. But he was not passive. During the period of the private war Kennedy set about building the elite corps of the Green Berets. In *Kennedy*, Sorenson write:

"But the President's pride was still the Army Special Forces, rapidly growing to a level some five or six times as large as when he took office, although still small both in total numbers and in relation to the need for more. The President directed—again over the opposition of top generals—that the Special Forces wear Green Berets as a mark of distinction."

Kennedy wanted to carry on the Vietnam war exclusively through the Special Forces, which would enable him to seize command of the national military apparatus. He seems to have had a vision of the Green Berets as a Praetorian Guard, an elite army directly under the command and control of the President. The Green Berets represented Kennedy's attempt to curb the power of the Chiefs and institutionalize the military directly under the Presidency.

Edward Lansdale, a devout believer in the Special Forces and in the concept of counterinsurgency, was quietly assigned an office under McNamara in 1961 and given the power to keep Vietnam under Presidential control. This was a mistake. The Joint Chiefs immediately perceived Lansdale as a potential threat and they set up their own counterinsurgency agency by creating a Special Assistant for Counter-Insurgency and Special Activities (SACSA). Victor Krulak, the first "SACSA," a former Marine Corps general and an astute politician who was referred to as "the brute," undercut Lansdale at every turn until Lansdale was called a "paper tiger."

Once he gained control over counterinsurgency, Krulak was able to restore some of the power of the Chiefs. The military first employed the concept of counterinsurgency as a cover to gain control over part of the plans for covert operations, then expanded it to include conventional warfare, which the military was organized to pursue. In this respect, there was an implicit accord between the military and civilian leadership.

Every one of Secretary McNamara's famous visits to Vietnam was a guided tour carefully stage-managed by the Joint Chiefs. McNamara would stop off at Hawaii and pick up a briefing book, prepared by Krulak, which contained brilliant charts and graphs displaying the progress of the war. McNamara would scan the book to obtain the information he needed for press conferences to be held in Saigon. After the trip, the information would be converted into a hard-cover volume containing references to McNamara's recent findings in Vietnam, but again written by Krulak. This book would then be handed to the President as the final report. The book had been written in advance of the trip just as the trip itself had been planned in advance.

With counterinsurgency in their pockets, the management of some of the covert operations well in hand, and McNamara under close scrutiny and partly under their guidance, the Joint Chiefs turned their attention to the thorny problem of the Special Forces. Under the supervision of the CIA, the Special Forces had been successful in training the Montagnards. In 1964, Operation Switchback was approved in Washington to break up the autonomy of Special Forces, remove them from the CIA's direction, and place them under the command of MACV.

In one stroke, the Joint Chiefs picked up control of both the Special Forces and the local tribesmen. The state had spread its power over the ancient tribes of Indochina and its own elite warriors. The central state apparatus was concentrated in the hands of the Chiefs and the President. The rest of the national security machinery received its orders from their combined command. The question left open—and still unanswered—was whether the Chiefs and the Commander-in-Chief would share that immense power equally, or whether one would make a claim against the other.

Centralization of the state bureaucracy—except for the Joint Chiefs—directly under the command and control of the President greatly enhanced the power of the President. The effects of this transfer of power were profound. Through the 303 Committee and the mobilization of the Green Berets, the President could now make the decisions on matters of espionage and military strategy. To the extent that he has control over the CIA and shares the power of the military, he is in effect both a superspy and a field marshal. The time and energy he is normally expected to devote to his duties as Chief Executive are now absorbed by these new offices. How much time Kennedy actually devoted to supervising covert activities and personally managing the activities of the Special Forces remains unclear, but it is certain they made large claims on his working day.

Though the 303 Committee and the Special Group successfully centralized the powerful government agencies under the Executive, the Green Berets and the Country Team were much less effective in centralizing the field operations. Nevertheless, the concept of centralizing the state apparatus was advanced by Kennedy and the reality almost measured up to that concept. During the thirty-three months of his Presidency, Kennedy was creating the elements of a totalitarian state structure which carried on a private war.

The fact that the war was private meant that it was not the main preoccupation of the nation, but rather the chief task of the Executive; that it was conducted not in the interests of the nation, but in the interests of the state. Indeed, one could now say that it was conducted against the interests of the nation, because it destroyed the orderly processes of government.

WOULD KENNEDY HAVE WITHDRAWN?

American national security was never at stake. Through the Special Group, Kennedy knew well that there was no serious infiltration from the North, nor any Chinese or Soviet support for the southern struggle. Kennedy knew therefore that the war in South Vietnam was a civil war. How was American national security threatened by the outcome of their civil war? The likely impact of a Viet Cong victory on the international interests of the United States was never systematically studied during the Kennedy years, notwithstanding the casual talk about dominoes. Whenever that issue was raised, the CIA fudged its assessment. For example, if South Vietnam went Communist, the CIA suggested, Southeast Asia would be demoralized and this demoralization might even spread to India. But what is demoralization? How is it measured? How are its consequences determined for national security? Does demoralization cause a nation to switch sides or does it cause it to attach itself ever more closely to the mother country? Would a Viet Cong victory have created a revolution in Thailand? In India? In Cambodia? In Japan?

According to INR, the intelligence branch of the State Department, "there was no serious analysis of what we could expect throughout Southeast Asia if we failed to support South Vietnam." The state was not in the least interested in determining whether the national security was at stake. One steady feature of US policy in Southeast Asia was the failure to consider why we should be there. Only in 1969 did the intelligence community attempt a detailed study of the consequences if South Vietnam were to become a Communist nation. According to INR, this estimate, prepared by the CIA and only recently made public, concluded:

"We would lose Laos immediately. Sihanouk would preserve Cambodia by a straddling effort. All of Southeast Asia would remain just as it is at least for another generation. Thailand, in particular, would continue to maintain close relations with the US and would seek additional support. Simultaneously, Thailand would make overtures and move toward China and the Soviet Union. It would simply take aid from both sides to preserve its independence. North Vietnam would consume itself in Laos and South Vietnam. Only Laos would definitely follow into the Communist orbit."

This estimate suggests that if the United States were defeated in open warfare by a "fourth rate nation," there would be no international consequences to US interests. Is it not then reasonable to assume that if the United States had not fought and had not been defeated, its stock of good will might have risen? The principal effect of American intervention is the carnage and devastation of Southeast Asia.

The events of the early 1960s strongly suggest, however, that had John F. Kennedy, lived, he would not have pulled out of Southeast Asia. He would more likely have taken any steps necessary to avoid an ignominious defeat at the hands of the Viet Cong. In a nationwide interview on NBC television two months before his assassination, when asked whether the US was likely to reduce its aid to Vietnam, Kennedy replied:

"I don't think we think that would be helpful at this time. If you reduce your aid, it is possible you could have some effect upon the government structure there. On the other hand, you might have a situation which could bring about a collapse. Strongly in our mind is what happened in the case of China at the end of World War II, where China was lost—a weak government became increasingly unable to control events. We don't want that.

"What I am concerned about is that Americans will get impatient and say, because they don't like events in Southeast Asia or they don't like the Government in Saigon, that we should withdraw. That only makes it easy for the Communists. I think we should use our influence in as effective a way as we can, but we should not withdraw."

A week earlier in another nationwide interview with Walter Cronkite, Kennedy said:

"But I don't agree with those who say we should withdraw. That would be a great mistake. . . . We took all this—made this effort to defend Europe. Now Europe is quite secure. We also have to participate—we may not like it—in the defense of Asia.

Kennedy would not withdraw, but he was troubled by the prospect of public disapproval of his decision. To stay in Vietnam without arousing public opposition, he waged the war as privately as possible.

THE "BRUSH-FIRE WAR"

The counterargument to this interpretation of Kennedy's Vietnam policy advances the premise that Vietnam was an example of a new concept of carefully limited action in support of local allies which was officially and publicly described as "brush-fire war." Congress openly debated this policy and appropriated huge sums of money in support of it. The war, then, was a public, not a private matter. Under Kennedy, American manpower in Vietnam never exceeded 16,000, a figure clearly within the bounds of a brush-fire war.

The problem with this argument is that there was only a handful who seriously propounded the brush-fire war doctrine in the highest councils of the state. Roger Hilsman and Robert Thompson come to mind as officials closely associated with a counterinsurgency strategy for Vietnam; but the dominant positions in the Kennedy Administration were held by exponents of conventional war, whose recommendations were withheld from the public. Walt Rostow, who publicly enunciated the doctrine of brush-fire war in behalf of the Administration in 1961, was privately recommending "offensive action" and aerial strikes against the Northern mainland. McNamara, also, called for public support of brush-fire wars and simultaneously urged privately that the U.S. be fully prepared to use 260,000 troops in a conventional war. The public statements of the Kennedy Administration invited public support for a brush-fire war, but the private recommendations presupposed the use of heavy firepower.

This does not necessarily mean that the officials were deliberately deceiving the public. To some extent, they were also deceiving themselves. The contradiction between their public rhetoric and their private recommendations was blurred, at the time, both by their language and by the kinds of military technology available to them.

It became fashionable in the early 1960s, for example, to speak of "surgical air strikes," a phrase coined by Walt Rostow. Aerial warfare is, of course, the apex of conventional warfare. To speak of air strikes is to evoke the bombing of London, Dresden, and Hiroshima. Brush-fire war, on the other hand, is described by the rhetoric of limited hostilities, pacification of insurgents, and nation building. To talk of a "surgical air strike," then, tends to blur the distinction between conventional and brush-fire warfare. It implies that friend can be distinguished from foe when seen from the air and that conventional weapons can be used selectively to wage brush-fire war. It suggests a lower level of violence than conventional warfare, a means of protecting our friends while destroying our enemies.

When asked to comment on the feasibility of using "surgical air strikes" within the limits of brush-fire war, McGeorge Bundy called the question "naive." "Professors know that bombs kill pople," he said. Yet such naivete helped to preserve an appearance of innocence, permitting the decision-makers to believe that they had not embarked on a course of systematic deception.

The type of ordnance financed during the Kennedy period also encouraged the policy-makers to blur the distinction between the two types of war. Preparations for both conventional warfare and brush-fire war simultaneously made dramatic advances. Within two years there was a 600 percent increase in counterinsurgency forces and a 45 percent increase in the number of combat-ready Army divisions. Hence the managers were equipping the state to fight either kind of war. This produced an element of doubt and ambiguity over which kind of war the US was fighting and would continue to fight. Since a brush-fire war signified a lower level of involvement and could be prosecuted without interfering with the normal business of everyday life, the security managers could point to the counterinsurgency preparations as consistent with Kennedy's Vietnam policy. The capability of carrying both kinds of defense could be cited as justification for both the public rhetoric and the private recommendations.

What becomes clear when one examines the over-all changes introduced by Kennedy's managers at the Pentagon is that they decided to prepare for waging any type of war, at any place, at any time. Not only did the brush-fire and conventional capabilities make giant strides in a period of peace, but the nation's strategic and tactical nuclear capabilities were similarly expanded. Strategic nuclear weapons were increased 100 percent, and tactical weapons 60 percent. The capacity to fight any type of war was called the doctrine of "flexible response."

Not only was a conventional war anticipated and recommended within the state, but Kennedy himself authorized the first use of heavy firepower when he sent the newly armed helicopters to Vietnam in 1962. The MAAG mission, moreover, had trained the ARVN to prosecute a conventional war. Would the Americans, when need beckoned and opportunity knocked, renounce their own training, firepower, and private urgings?

The United States proceeded one step at a time, and Kennedy took the first giant step. If the Viet Cong could not be defeated at a lower level of violence, why not proceed to the next level? That was the precise purpose of flexible response. Kennedy, as we have seen, publicly stated that he would not withdraw. His policy clearly was one of gradual escalation which set the US on the course followed by Johnson, and, in revised form, by Nixon. As Maxwell Taylor said when he was asked what Kennedy would have done in Vietnam had he lived: "Far be it from me to read the mind of a dead man, but let me just say this, Kennedy was not a loser."

DEPLOYMENT OF MIRV'S AND ABM'S

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. FRASER. Mr. Speaker, July 13, Paul C. Warnke appeared before a Senate subcommittee. He made an excellent, concise statement on the arms control implications of multiple independently targetable reentry vehicles—MIRV's—and Anti-ballistic missiles—ABM's.

Mr. Warnke, former Assistant Secretary of Defense for International Security Affairs, points out that—

> The case for MIRV as a critical element of our deterrent is even weaker than safeguard. We made the decision to deploy MIRV's in the late 1960's when we feared that the Tallinn System was a large area Soviet ABM deployment. There is now no question that it is an air defense system. The primitive Soviet ABM system around Moscow has grown very slowly and could easily be overcome by our existing forces. Thus we do not need MIRV's now to penetrate Soviet defenses. If we later saw signs of a new massive Soviet ABM system, we could begin to deploy the MIRV's we have tested and we could have them in place long before the Soviets had an operational ABM system.

The complete statement follows:

STATEMENT OF PAUL C. WARNKE

Mr. Chairman, I appreciate the opportunity to testify before your Subcommittee on the subject of the arms control implications of deploying MIRV's and ABM's. There are no more important decisions facing Americans, and people throughout the world, than those that affect the relative likelihood of strategic nuclear war or peace. The objective of preventing nuclear war is the controlling issue of our time. In our concern with other questions it is necessary that we keep in the forefront the fact that all of civilization can be destroyed within an hour if we fail in that objective.

We have come far I believe toward a national concensus—and indeed an international concensus—as to the key elements of the stable strategic relationship that can deter nuclear war. There appears to be considerable agreement that "nuclear superiority" has become a meaningless and irrelevant criterion in designing strategic forces. Beyond that, both the Nixon Administration and its critics emphasize that effective deterrence requires that we not seek to take away the Soviet retaliatory capability. A first strike capability on our part could impel a Soviet preemptive launch in a time of crisis. The differences in view arise when we seek to apply these insights to specific decisions incuding ABM and MIRV and to the general question of what posture is likely to facilitate the negotiation of an arms control agreement with the Soviet Union.

In considering the possible deployment of any weapons system, therefore, the first question is to assess its impact on the deterrence of nuclear attacks on the United States. In doing so we need to remind ourselves of the awesome destructive power of the nuclear weapons which we and the Soviets have fully operational. The American arsenal already includes over 1,600 ballistic missiles each with warheads larger by far than the bombs which destroyed Hiroshima and Nagasaki. Three per cent of these missiles is enough to destroy the 50 largest Soviet cities. It is difficult to conceive of any national goal that could lead a decision-maker in any country to put so large a part of his society at risk. We have in addition hundreds of bombers. In fact, at the present time the United States has three separate strategic forces each capable of destroying the Soviet Union. There are also over 7,000 tactical nuclear weapons in Europe, many capable of reaching Soviet territory. A Soviet leader not deterred by this awesome array could not be deterred by any constellation of military forces.

I have, Mr. Chairman, been unpersuaded by the analysis put forward from time to time that the MIRV and ABM deployment is necessary to maintain this deterrent. In this regard, it is perhaps significant that more recent emphasis has been placed on arguments related to negotiating tactics. I will return to this in just a moment. But first I would like to briefly examine the relationship of ABM and MIRV deployment to the critical question of deterrence.

The proposed ABM deployment has had so many different rationales that it is hard to know where to begin. The Senate, wisely in my view, last year rejected any area ABM defense. The system currently up for approval thus is limited to the so-called Minuteman defense. The two questions raised are thus (1) whether there is a threat to Minuteman to which we now need to respond and (2) whether the Safeguard system is a reasonable and effective response to whatever threat may exist now or in the future.

At the present time, the Soviet Union lacks the capability to destroy any substantial portion of our Minuteman force. It is true that if the Soviets deploy about one hundred additional SS–9's and if they test and deploy MIRV's for these missiles and if they can make these MIRV's very accurate then they would pose a threat to much of our Minuteman force. Even in this contingency either our submarine-based force or our bomber force would still be capable in itself of destroying the Soviet Union. Nonetheless, we would not want to have even one of our strategic systems highly vulnerable and we should continue actively to seek agreements at SALT that would prevent this threat from materializing.

But whatever the uncertainty as to the threat, the evidence is overwhelming that Safeguard is the wrong system to defend our Minuteman ICBM's. The initial concept and component design was to protect American cities against a large Soviet attack. It would be an incredible accident if this proved to be the optimum system to defend our missiles. Testimony presented before this and other Congressional Committees establishes beyond any doubt that Safeguard is poorly designed for this purpose and could be easily overwehlmed by a determined Soviet attack. All that would be required to nullify Safeguard is the deployment of another increment of MIRVed and accurate SS–9's.

The case for MIRV as a critical element of our deterrent is even weaker. We made the decision to deploy MIRV's in the late 1960's when we feared that the Tallinn System was a large area Soviet ABM deployment. There is now no question that it is an air defense system. The primitive Soviet ABM system around Moscow has grown very slowly and could easily be overcome by our existing forces. Thus we do not need MIRV's now to penetrate Soviet defenses. If we later saw signs of a new massive Soviet ABM system, we could begin to deploy the MIRV's we have tested and we could have them in place long before the Soviets had an operational ABM system.

Thus it is difficult for me to imagine that the requirements for deterrence go beyond our present forces. The Administration has, however, suggested several additional criteria for strategic forces that do go beyond the basic requirements for deterrence. These criteria are damage limitation, relative advantage, crisis stability and war-fighting capability. While the Administration has not to date tried specifically to justify MIRV and ABM deployments in terms of these additional factors, their very statement does raise questions about possible other purposes which MIRV and ABM might be designed to ought to tell the Congress and the American people what these criteria mean and how they may be related to the deployment of MIRV and ABM.

When we consider the impact of possible U.S. deployments we need to recognize that the Soviets can and will respond to what we do. The case against a large area ABM system stated by Secretary of Defense Robert McNamara in 1967 was precisely that the Soviets could and would act completely to nullify the effects of any ABM system designed to protect our cities.

The Nixon Administration has accepted this logic as it affected area defense against a Soviet attack. But it has failed to recognize that it applies to Minuteman defense as well. The Soviets, as I have noted, could easily nullify the proposed Safeguard system by expanding their offensive force. Similarly, if Soviet leaders came to fear that our MIRV deployment threatened their land-based missiles, they could respond by deploying a new offensive system. I believe that it is important that we avoid deployments which can easily be overcome by the Soviets and which can only serve to motivate them to increase their offensive capability.

Finally, let me touch briefly on the implications of MIRV and ABM deployment for securing an early arms control agreement. The experience with SALT to date suggests how difficult it will be to secure agreement to dismantle any existing systems. Because of this any deployments which are not necessary to maintain a deterrent should be avoided in the interests of preserving the chance for effective strategic arms control.

The Administration has been arguing that we need to deploy ABM as a "bargaining chip." This seems to me to be a self-defeating motion. If the existence of SALT is used to justify deployments which otherwise would not be made, then SALT simply becomes an occasion for an expanded arms race.

What provides the opportunity for a SALT agreement is the mutual desire to avoid a new, costly and risky round of arms deployments. It is the *possibility* that the U.S. might otherwise proceed with a large area ABM system or the deployment of accurate MIRV's that will lead the Soviets to negotiate seriously. The *actual* deployment of unneeded capabilities, which we will then be reluctant to dismantle, will impede rather than advance the prospects for an effective and broad agreement.

For many years, the claimed need to negotiate from strength meant no negotiations at all. For the last few years, negotiation from strength has seemed to mean keeping whatever either side has built or desires to build. What negotiations should mean, I believe, is not the chimera of unilateral superiority, but the mutual wisdom that can bring about the control and end of the strategic arms race.

UNITED NATIONS DAY, 1971

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. RARICK. Mr. Speaker, the President of the United States has now used the Federal Register for July 13, 1971, to proclaim U.N. Day, 1971 and "urge the citizens of this Nation to observe that day with community programs—express realistic understanding and support for the U.N. and its associated organizations."

Nowhere in our President's proclamation does he advise the American people that the U.N. is the most illegal, undemocratic, atheistic trap that has ever been set for free men and which continues to be financed by U.S. tax dollars.

In his proclamation, President Nixon refers to "we the peoples of the United Nations who ordained the U.N. Charter and charged it with man's highest hopes, have the power to make it succeed."

I charge that the same small band of wealthy, financial-industrial, and intellectual one-worlders who devised and instituted the U.N. still run it for their imperialistic gains.

How could the U.N. speak or represent the peoples of the world when first there is not an elected representative in the U.N., and second, over two-thirds of the votes of the U.N. General Assembly do not even represent 10 percent of the peoples of the world? The U.N. remains firmly entrenched in control of a minority.

Peace—what peace we Americans have had in the 25 years since the establishment of the U.N. Tower of Babel has been in spite of, and not because of, the U.N. More than 50,000 young men killed in Vietnam—33,629 in the U.N. war in Korea. Americans have paid dearly for peace which has been denied them because of the U.N.

The manifest illegality in the U.N. is obvious to any observer. It is wantonly misapportioned and could not pass the "one man, one vote" legal formula under which the Members of this House must comply.

The population of the United States is over 200 million, yet 70 member states, or well over one-half of the 127 votes in the U.N., do not have the total population of the United States of America, which has one vote and pays most of the bills. How undemocratic and ill-informed can our leaders be?

The President's home State of California is more populous than 99 voting members of the U.N. Yet Californians are not represented by population for their State.

The District of Columbia, with a 1970 census count of 764,000 people, is larger in population than each of 14 voting members in the U.N., and the District of Columbia citizens talk about being a colony within our country when we of the United States are but a colony of the U.N.

In 1970, the census counted 668,700 American Indians, of which 468,700 live on reservations. Twelve voting members of the U.N. do not represent the population of American Indians who have no vote.

In the United States, there are estimated to be 20 million Negroes, who are constantly being told about the power of voting, yet have never been told that of the 41 votes the African Continent controls in the U.N., only four of the 41 represent people surpassing the American Negro population; that is, Ethiopia, Nigeria, South Africa, and United Arab Republic. Yet the American Negro has no U.N. vote except the U.S. vote for 205 million Americans.

The Jewish population in the United States exceeds 5,800,000, while the population of Israel is but 2,900,000. Yet Israel gets a vote, while America, who pays most of the bills, gets but one vote for 205 million people.

United Nations advocates who call for the "one-man, one-vote" principle to be applied in Southern Rhodesia, are silent with regard to the abuse of this same principle in the United Nations.

For example, of the member nations of the U.N., only India and the U.S.S.R. exceed the United States in population. Yet, the United States has one vote, as do all the other nations, while Soviet Russia has three votes. The United States, which has approximately 2,000 times more people than Maldive Islands, has a vote in the General Assembly that can be canceled by the one vote of the Maldive Islands.

The undemocratic voting apportionment in the United Nations is manifested by the following comparisons:

Asia, with about 10 times the population of the United States, has 26 votes to our one vote—a voting advantage of 2.6 to 1.

Africa, whose total population is about twice that of the United States, has 41 votes to our one vote—a voting advantage of approximately 20 to 1.

Europe, with a population about 2.5 times that of this country, has 21 U.N. votes, or a voting advantage of about 8 to 1.

South America, with a population approximately 10 percent less than that of the United States, has 13 votes to our one for a voting advantage of about 15 to 1.

It is incredible that this great Nation, whose taxpayers foot a larger share of the U.N. bill than any other country allows its people to be discriminated against in such an unfair and undemocratic manner.

It is significant that the President referred to the American commitment deeper than the words of the U.N. Charter. For the Charter itself would prohibit admission of Red China to the U.N.—the same Red Chinese dictatorship that the U.N. condemned as an "aggressor vote" in 1951 and which condemnation has never been recalled inasmuch as there has been no peace in Korea—only an uneasy cease-fire with Americans still becoming casualties whenever the Reds desire propaganda fodder.

The roots of American commitment referred to by the President were not to the U.N., but to man's eternal quest and hunger for peace—which has been skillfully exploited by the U.N. and some politicans in pursuit of their careers.

With our longtime traditional free ally Nationalist China—one of the organizers of the U.N.—soon to be betrayed a third time by our ruling class, it would seem that the date of October 24, 1971, could be better served by the American people and free men everywhere as a day for expressions of disapproval of the U.N. and its continued usurpation of the constitutional rights of free people.

And what better time to express opposition to the seating of the Red Chinese U.N. delegation. Or perhaps the the day should be observed as U.N.-Red China day—not to give Red China to the U.N., but to give the U.N. to Red China with U.N. headquarters at Peking.

As our President prepares for his visit to dignify the Communist dictatorship lying only 90 miles off the coast of Nationalist China, it is well that we Americans remember another Communist dictatorship only 90 miles offshore our Nation—Castro's Cuba. On U.N. Day, will the President announce his next trip as Havana?

The U.N., instigated and conceived by "Americans," organized by "Americans," and paid for by Americans, is the most anti-American, undemocratic threat to America existing today. With the U.N., as with our State Department's foreign policy, Americans come last.

No thinking American who believes in

democracy or constitutional government could support or honor the U.N. failure.

I insert at this point President Nixon's proclamation from the Federal Register declaring October 24, 1971, "United Nations Day, 1971."

UNITED NATIONS DAY, 1971

(By the President of the United States of America)

A PROCLAMATION

Each year on October 24, the people of America and the world join in the formal observance of a truly global occasion, one that transcends political, cultural, religious, and calendar differences in its promise for all mankind: the anniversary of the United Nations Charter. This fall, as the United Nations completes its twenty-sixth year of service to the world, United Nations Day is an occasion to look back with gratitude and a measure of pride, and to look ahead with determination and hope.

Reviewing the work of the United Nations since 1945, we can see a substantial record of accomplishment in the world body's major areas of endeavor—"to save succeeding generations from the scourge of war . . . and to promote social progress and better standards of life in larger freedom," as the Charter states them. The United States will continue in the future, as it has in the past, to support the efforts of the UN in these great tasks.

At the same time, this country and its fellow member countries of the UN must act together to meet the new problems this new decade thrusts upon us. Through the UN, we all share stewardship over the planet Earth: together we face the challenges of coordinating measures to heal and protect the world's fragile ecosystems; of ensuring that the resources of the sea are developed for the benefit of all mankind; of promoting international cooperation in the use of outer space. Through the UN, we all share responsibility for making the human community more humane: together we face the challenges of curbing such vicious international crimes as narcotics trafficking, air piracy, and terrorism against diplomats; of moderating explosive population growth; of protecting the human rights of prisoners of war and refugees.

The roots of American commitment to the United Nations go far deeper than the words of a charter signed at San Francisco or the glass and steel of a headquarters in New York—they spring from the hearts of the American people. With the world in urgent need of a dynamic, effective international organization, it is appropriate for us as a people and as individuals to renew our sense of tough-minded dedication to making the UN work. The President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations, under the chairmanship of Ambassador Henry Cabot Lodge, recently submitted to me its recommendations for measures to increase the effectiveness of the United Nations and of American participation therein. I am giving this useful report close study, and I commend it to the attention of every concerned citizen. Only "we the peoples of the United Nations," who ordained the UN Charter and charged it with man's highest hopes, have the power to make it succeed.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate Sunday, October 24, 1971, as United Nations Day. I urge the citizens of this Nation to observe that day with community programs which will express realistic understanding and support for the United Nations and its associated organizations.

I also call upon the appropriate officials to encourage citizens' groups and agencies of communication—press, radio, television, and motion pictures—to engage in appropriate observance of United Nations Day this year in cooperation with the United Nations Association of the United States of America and other interested organizations.

In witness whereof, I have hereunto set my hand this ninth day of July, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

I insert at this point in my remarks a chart showing statistics on the continents and the United States, population in thousands to the nearest thousand, and numbers of U.N. votes.

Continents and United States	Population	Number of U.N. votes
Africa	335, 916	41
Asia	1, 946, 812	26
Europe	454, 886	21
North America	309, 294	12
South America	180, 057	13
United States	205, 000	1

I insert another chart listing the member state of the U.N. and population in thousands to the nearest thousand:

MEMBERS OF UNITED NATIONS GENERAL ASSEMBLY

[Population in thousands]

Afghanistan	17, 000
Albania	2, 200
Algeria	14, 000
Argentina	24, 300
Australia	12, 500
Austria	7, 400
Barbados	300
Belgium	9, 700
Bolivia	4, 600
Botswana	629
Brazil	93, 305
Bulgaria	8, 500
Burma	27, 700
Burundi	3, 600
Byelorussia (SSR)	9, 670
Cambodia	7, 100
Cameroon	5, 800
Canada	21, 400
Central Africa (republic)	1, 500
Ceylon	12, 600
Chad	3, 700
Chile	9, 800
China	14, 320
Colombia	21, 116
Congo (Brazzaville)	900
Congo (Kinshasa)	17, 400
Costa Rica	1, 800
Cuba	8, 400
Cyprus	600
Czechoslovakia	14, 700
Dahomey	2, 700
Denmark	4, 900
Dominican Republic	4, 300
Ecuador	6, 100
El Salvador	3, 400
Equatorial Guinea	300
Ethiopia	25, 000
Fiji	527
Finland	4, 700
France	51, 100
Gabon	500
Gambia	400
Ghana	9, 000
Greece	8, 900
Guatemala	5, 100
Guinea	3, 900
Guyana	721
Haiti	5, 200
Honduras	2, 700
Hungary	10, 300
Iceland	200
India	554, 600
Indonesia	121, 200
Iran	24, 400
Iraq	9, 700
Ireland	3, 000
Israel	2, 900
Italy	53, 700
Ivory Coast	4, 300
Jamaica	2, 000
Japan	103, 500
Jordan	2, 300
Kenya	10, 900
Kuwait	700
Laos	3, 000
Lebanon	2, 800
Lesotho	1, 000
Liberia	1, 200
Libya	1, 900
Luxembourg	400
Madagascar	6, 900
Malawi	4, 400
Malaysia	10, 800
Maldive Islands	107
Mali	5, 100
Malta	300
Mauritania	1, 200
Mauritius	900
Mexico	50, 700
Mongolia	1, 300
Morocco	15, 700
Nepal	11, 200
Netherlands	13, 000
New Zealand	2, 763
Nicaragua	2, 000
Niger	3, 800
Nigeria	55, 100
Norway	3, 900
Pakistan	136, 900
Panama	1, 500
Paraguay	2, 400
Peru	13, 600
Philippines	38, 100
Poland	33, 000
Portugal	9, 600
Rumania	20, 300
Rwanda	3, 600
Saudi Arabia	7, 700
Senegal	3, 900
Sierra Leone	2, 600
Singapore	2, 100
Somalia	2, 800
South Africa	20, 100
Southern Yemen	1, 300
Spain	33, 200
Sudan	15, 800
Swaziland	420
Sweden	8, 000
Syria	6, 200
Thailand	36, 200
Togo	1, 900
Trinidad & Tobago	1, 100
Tunisia	5, 100
Turkey	35, 600
Uganda	8, 600
Ukrainian (SSR)	43, 515
USSR	188, 563
United Arab Republic	33, 900
United Kingdom	56, 000
Tanzania	13, 200
United States	204, 600
Upper Volta	5, 400
Uruguay	2, 900
Venezuela	10, 800
Yemen	5, 700
Yugoslavia	20, 600
Zambia	4, 300

Source: World Almanac 1971.

THE SLOVAK WORLD CONGRESS

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Tuesday, July 20, 1971

Mr. TAFT. Mr. President, recently the American Slovak fraternal and religious organizations were participating in the second Slovak World Congress held in Toronto, Canada, at the Royal York Hotel. I had both the pleasure and honor to be one of their guest speakers at the banquet Saturday, June 19, together with the Senator from Rhode Island (Mr. Pell), who gave an outstanding and informative speech on his experiences in the Slovak land when he was heading our consular office in Bratislava.

In these times, when many of us seem to reflect on the place of our origin, it was indeed interesting to see how these Americans, Canadians, and citizens of other free countries, all of Slovak origin, demonstrated their dedication to the cause of peace with freedom in our age. Their dedication was for freedom for their kinfolk in Slovakia, now part of the Communist satellite of Czechoslovakia, who cannot themselves demonstrate their longing for the liberties denied them for 23 years.

The Slovaks are a hardy people who have been seeking the ideals we in our own country so freely enjoy—the right to their own self-determination. And like other nations, captives under Communist domination, the Slovaks know that one day they will join ranks with the civilized world with other free nations. Until then the work of the Slovak World Congress is indeed both most worthy and very necessary and I applaud it.

I ask unanimous consent that the declaration of the Slovak World Congress and other pertinent material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Declaration

Representatives of Slovak organizations throughout the free world as well as individuals of Slovak origin in the United States of America, Canada, Australia, Switzerland, Italy, Austria, France, South Africa, Argentina, Germany and Spain assembled in Toronto in order to promote the creation of a world organization of Slovaks hereby declare that:

The struggle for freedom and self-fulfillment has been a continuing process throughout Slovak history. Attainment of this objective in the past has not been without obstacles, or dedicated work and sacrifices of many individuals and groups. Now, when the Slovak nation is unable to determine its own destiny, because it is under a foreign military domination, such efforts, dedication and sacrifices must be increased to help them achieve their freedom once again.

Those of Slovak origin now living throughout the free world, are urged to dedicate themselves to this task. Our obligation will be to present to the free world a true picture of the life under which our brethren are compelled to live, and to seek a change of their plight.

The concepts by which we will be guided in this work will be the traditional values promoted throughout Slovak history which have given vitality to the nation in its growth and acceptance among nations of the western world.

The Congress will continue to adhere to the democratic principles in civil and international relations and considers tolerance in ideological, political and religious matters an expression of maturity for democracy and strongly opposes any tyranny whether it comes from the left, or, from the right.

It has been obvious during the past two decades that the Slovaks living in Slovakia have been unable to determine their own destiny. A number of recent facts attest to this unforunate reality namely the following:

The basic freedoms of Slovaks, as well as of other Captive Nations under communism, are still quite limited—travel to Western countries, and press and assembly freedoms have recently been set back to almost the 1948 levels.

The federalization of Czechoslovakia into two equal sectors—the Czech and the Slovak, introduced by the Constitutional Act of October 1948, has been severely circumscribed in recent past and is slowly being replaced by a new centralism;

Religious freedom continues to be restricted to Roman Catholics, Uniates, Lutherans, Jews and to other denominations; and

The present Czecho-Slovak Federal Government has taken no initiative nor has it responded to initiatives suggested by the Holy See in the Vatican to establish a Catholic Province in Slovakia, even though such provinces exist in Bohemia (Czech) as well as in Moravia.

We contend that the issue of the continued existence and recognition of a Slovak nation be duly accepted by all nations, including the records of the United Nations.

The question of the suppressed freedoms of all nations now living under communism must soon be given full airing and remedies instituted. This has been and should not cease to be an issue of interest to all civilized nations. Slovaks call upon them to help in this cause.

We take a positive attitude towards the economic integration in Europe and urge that the Slovak nation be included in this and other unifying processes benefiting their degree of economic and other freedoms.

Viewing the future political situation in Eastern Europe with hope and cautious optimism, we look forward to the day when obstacles which presently prevent cultural and educational exchanges between Slovaks at home and abroad will be removed.

Resolution—in Part—Adopted by Slovak World Congress, June 19, 1971

To support the objectives mentioned above, we have established a permanent organization under the name of: Slovak World Congress, which shall embody the spirit of brotherhood and mutual respect. Religious affiliations or political views, insofar as they are not contrary to the spirit of democracy and the objectives mentioned above, will not bar anyone from membership or active participation in our organization. We consider it essential that our goals and methods as well as our activities follow democratic principles.

We shall endeavour to have the Slovak World Congress represent its members at international scientific, cultural, religious or political forums in the interest of the Slovak nation as expressed in the Constitution and the by-laws of the organization.

We urge that the Slovak World Congress devote itself to promoting the spirit of unity among its members and to co-ordinate all its efforts through constant contact with member organizations maintained through central secretariats, regional secretariats, committees and information bureaus in various countries around the world.

We ask the blessing of Almighty God in this undertaking in the firm hope that with the help and co-operation of all those who wish well for the Slovaks we may successfully fulfill our role.

Members of the Committee: Stephen B. Roman, LL.D., President; Rev. Dusan Toth, Secretary General; Dr. J. A. Mikus, Dr. J. Stasko, Dr. J. M. Kirschbaum, Dr. J. Pauco, and Prof. E. Urban.

Toronto, Ont., *June 20, 1971.*

Welcome

On behalf of the Executive of the Slovak World Congress I am delighted to extend to each of our delegates, observers and guests a most cordial welcome and sincere thanks for their attendance at and contributions to this session of the Congress.

The Slovak World Congress, comprising representatives of Slovak organizations, cultural institutions, associations, newspapers and individuals of Slovak origin, was founded one year ago in New York City. There, representatives from 17 countries did much of the preliminary organizatory work, but needed time to discuss and put forward concrete programmes for the Congress. For that reason the sessions were adjourned to be reconvened in Toronto.

The Toronto sessions are intended to establish a permanent co-ordinative body representing Slovaks abroad, to have one designated voice to speak out freely on behalf of the Slovak nation's aims, ideals and aspirations.

To this end, the initiators of the idea of a Slovak World Congress feel they have been successful. How successful they have been, however, will depend on each and every person of Slovak origin in the years to come.

May God guide the Congress in the years to come in achieving its goals within an atmosphere of freedom—freedom to promote one's heritage, freedom to live proud of one's heritage.

Stephen B. Roman,
President.

June 19, 1971.

Programme

Toasts: Her Majesty The Queen and The President of The United States of America.

Grace: Most Reverend Philip F. Pocock, D.D., Archbishop of Toronto.

Introduction of Head Table Guests.

Opening address: Stephen B. Roman, K.C.S.G., LL.D., President, Slovak World Congress.

Cello Recital: Prof. Albin Berkey, Antonia Mazan—Accompanist.

Robert C. Mardian, Assistant Attorney-General of the United States of America.

Edward J. Behuncik, President, Slovak League of America.

The Honourable Claiborne deB. Pell, United States Senator of Rhode Island.

Candle Lighting Ceremony: To symbolize the unity of Slovaks in preserving their national heritage.

The Honourable Robert Taft, Jr., United States Senator of Ohio.

Guest Speaker: The Honourable William G. Davis, Q.C., LL.D. Prime Minister of Ontario.

Slovak Melodies: Ivan Romanoff Male Chorus.

Benediction: Reverend Dusan Toth, Pastor, St. Paul's Lutheran Church, Toronto.

Hej Slovaci.

O Canada.

Master of Ceremonies—Jack Dennett.

Dinner Music: John Laciak and His Orchestra.

Slovak Community Sing-Song—1 a.m.

Message From Gov. Ronald Reagan

Dear Mr. Roman: You and the Slovak World Congress have won the admiration and acclaim of the free world for the work you are doing in keeping alive the spirit of freedom for the captive nations especially those in Slovakia.

Those who have not known the subjugation of tyrannical rule in Slovakia cannot fully understand how precious freedom is.

You who have come from Czecho-Slovakia or who have friends and family there know well how it feels to be deprived of the basic God-given liberties which we in the free world enjoy.

I am sure your courage and hope will serve as a beacon of hope for those who remain in bondage in your former homeland.

The cause of freedom is the greatest goal for which all men strive. I encourage you to to keep up the good work.

Sincerely,

Ronald Reagan,
Governor of California.

Message From Senator Tower of Texas

Please express to all attending the Slovak world congress in Toronto my best wishes for a successful meeting. I recall the privilege of speaking before your group last year and applaud your efforts for a most worthy cause. Please know that your concern for freedom throughout the world and particularly in Slovakia is shared by all of us. No more dire threat exists today than that posed by the Soviet Union and I stand with you against their expansionary policies. Keep up with your good work.

Sincerely,

John Tower,
U.S. Senator.

Message From Senator Roman Hruska of Nebraska

My Dear Mr. Roman: My best wishes to the delegates and members of the Slovak World Congress. May you have a productive Congress. May your efforts help us to attain the goal we all seek—freedom once again for the peoples who suffer the oppression of communist tyranny in Czechoslovakia.

My sincere congratulations.

Roman Hruska,
U.S. Senator.

Message From Senator Strom Thurmond

Dear Mr. Roman: It has come to my attention that the annual Slovak World Congress is meeting in Toronto this week.

The Slovak World Congress stands for freedom and seeks to preserve the language, culture and national heritage. You are to be commended for your strong anti-Communist stand.

Please express my best wishes to my colleagues the Honorable Robert Taft, Jr., and Claiborne Pell who are speaking at the Congress.

Also I wish to extend my wishes to my good friend John Hvasta and to others present I wish a well spent time.

Kindest regards,

Strom Thurmond,
U.S. Senator.

Message From U.S. Congressman Joseph M. Gaydos of Pennsylvania

Dear Mr. Roman: I regret that I cannot personnally be with you this evening. However, I am with you in spirit and I send to you my congratulations for the wonderful work the Slovak World Congress has done in the past. I wish the Congress much success in the future in all its endeavors to help attain freedom for Slovaks.

God bless you.

I am sincerely yours,

Joseph M. Gaydos,
U.S. Member of Congress.

Message From U.S. Congressman Ray J. Madden of Indiana

Dear Mr. Roman: I wish to congratulate the Slovak people of our nation for the outstanding fight they have been waging over the years in exposing Communist tyranny which is the most powerful threat to human freedom in the history of the world. If all group of the free world would have the same spirit of opposition and expose the criminality of Communist enslavement methods and Communist living conditions there would be no doubt that this Communistic threat to the world would collapse in a very short time.

I greet you, my friends, and wish you well.

Sincerely,

Ray J. Madden,
U.S. Member of Congress.

The Struggle for Freedom

(By Robert C. Mardian)

It is a special privilege for me to address this second Annual meeting of the Slovak World Congress. Although I'm not Slovakian, my Armenian ancestry makes me feel especially akin to you and your organization.

Most all of the people who call North America "home" have European origins. Most of us here today have our origins in European countries that are either nonexistent or communist controlled. This is a special tragedy for those of us who were born in the old country or are the children of those born there. Tragic though it is, each of has a heritage—a heritage of culture and human dignity rich in spine-structuring history.

That's why I must confess an unseemly pride in three aspects of my heritage: My heritage as a Christian, my heritage as an American and my heritage as an Armenian.

My religion teaches me that when Christ endured the agony of the cross, in warfare against the enemies of the soul, I was there. My national heritage lights my spirit with pride when a fellow countryman walks on the moon, and lifts there the stars and stripes, and, yes, makes me feel as though I am standing there too. And when I hear of people passing through the dark night of suffering, my ethnic origin, my Armenian heritage, stirs in me a pride so strong I sometimes cannot contain it. But with that pride are the memories of the atrocities committed against the Armenian people, and I am there too.

It is a common heritage that binds us together here today. But even more important than this sharing of a common heritage is the goal to which this group is committed. That goal, of course, is the securing of freedom for all of the peoples of the world. I don't have to tell any of you that the most dangerous threat to freedom and human dignity is presented by the de-humanizing, de-moralizing socialist dictatorships which fancy themselves as merely the keepers of power until a true communism evolves. It matters not whether a dictatorship is communist, fascist, or nazi—all dictatorships are without respect for liberty, dignity, and life itself. The dictatorships which present the current most dangerous threat arose under the guise of social dissent which allowed Karl Marx to fashion an anti-liberal ideology which has resulted in a totalitarian challenge to human liberty. The dictatorship of the proletariat, the destruction of all opposing social institutions and elements, the denial of inalienable rights, and the substitution of economic norms for moral and cultural values—all are principles of Marxism-Leninism and have as their consequences the destruction of freedom and Western culture. Marxism-Leninism promises the world a communist society with economic equality but neglects to mention that the price exacted is the loss of human freedom and the stifling of the individual intellect.

In recent times, the United States has passed through what President Nixon has referred to as a dark night of the national spirit. American involvement in the struggle in Vietnam has been blamed for casting this veil of darkness over our nation. We are told by the communist nations that our motives are imperialistic. We are guilty, we are told again and again, of the most abased atrocities. We are accused of blatant aggression and callous murder.

Our nation's forces have been committed to South Vietnam because of that country's urgent need for assistance against the communist aggressor. American boys are in Vietnam because America honors her commitments, because she keeps her word and because America is a humane nation dedicated to the liberty of those who are willing to fight for freedom. And yet, while we are in the very throes of this deadly struggle with communism we are being constantly subjected to propaganda that the communists are mellowing and have lost the desire to conquer and enslave the World. This propaganda has been spread among our people by ideological wolves disguised in sheep's clothing.

Those of you who have lived under the terror and repression of communism or who have shared the heartache of having families caught in the vicious snare of these dictatorships are only too aware that the communists have not changed and, in fact, continue to be dedicated to the suppression of freedom and liberty. This should have been apparent to all men when in 1956 and again in 1968, Soviet military aggression was necessary to prevent the exposure of the real tyranny which was and still is inherent in the communist dictatorship.

Even within the communist world there is an absolute intolerance for those faithful party members who would put a "human face" on the dictatorship in order to make it more palatable. I speak, of course, of Alexander Dubcek who sought to purify, and reform, but not replace or destroy, communism in Czechoslovakia. Yet even after the true nature of the dictator reared its ugly head and Dubcek's reforms were sacrificed, we still hear the drone of those who would have us believe that the communist dictator has changed. Let no one be fooled—communism is the Number One enemy not only of the Western World, but of humanity itself.

It is a tribute to all of you who have felt the iron hand of the communist dictator that you have brought to the Western Hemisphere an appreciation and understanding of the dangers of communism which is, unfortunately, shared by too few Americans.

It is also a tribute to those of you who have escaped the deathly grip of the communist dictator that you have not allowed yourselves to be intimidated into silence where freedom is the issue. I refer specifically to letters recently sent to refugees from the Czechoslovakian invasion whereby they are informed that they have been charged with criminal violations in Czechoslovakia and are subject to prison terms and confiscation of property. These letters, allegedly sent by attorneys in Czechoslovakia, demand payments for legal services supposedly rendered in the refugee's absence. This childish antic, designed to gain international credits and harass refugees, is but another example of the character of dictatorship. Of course, under the laws of the United States, the refugee has no obligation to pay this alleged debt.

The United States stands in a peculiar position with regard to the international communist apparatus. Because international communism regards our country as the chief barrier to further communist expansion, we are its primary target. Communists everywhere are hostile to the United States and are dedicated to isolating and destroying this nation. The tactics traditionally used by the communists such as subversion, infiltration, insurrection, guerilla warfare, armed aggression, terrorism, murder and espionage are being used increasingly in the attempt to overthrow the United States government.

The communists labor ceaselessly to exploit racial discontent and to incite racial strife in order to create the polarization of conflicting forces on which communism is nourished.

The communists have exploited the so-called "peace movement" by making propaganda use of prominent intellectuals and others to exploit the intense and deep yearning of people everywhere for an end to the war in Vietnam. The real meaning of communist-style "peace" is world communism—not world peace.

The communists have capitalized on the discontent of our youth, who like all children demand instant solutions to all problems, by exploiting their desire for instant peace, instant change and instant utopia.

I do not need to further enumerate here the many other ways in which the communists have insidiously attempted to gain a foothold in the Western World. Their methods of operation are well known to all of you. But the question is, what do we do about it?

We may win a battle against communist today or tomorrow, but this does not mean that we have won the war. We may become excited and emotional about communist advances, and we may feel frustrated and be "all fired up" for action, but how long can we sustain a purely emotional campaign against a dedicated, calculating world conspiracy? Emotions are notably short-lived, notoriously irrational, and woefully erratic. We cannot depend on them for the sustained, intelligent effort that is demanded of us if we are to meet and to defeat the communist challenge.

No well adjusted person manages his affairs solely by emotion. Instead, he applies his intelligence and ingenuity to life's problems. Through the application of rational thought and hardheaded realism, he properly manages his life. So it must be with the effective counteraction.

SOUTH VIETNAMESE ELECTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. WOLFF. Mr. Speaker, as I indicated to my colleagues last week the Department of State has been most derelict in failing to comment on my resolution, which more than 40 Members have sponsored, to send a high level observer team to the South Vietnamese presidential election in October.

There can be no satisfactory excuse for a delay of several months in a matter of such moment. When prompt action is essential it would appear that the Department is suffering from creeping lethargy.

Mr. Speaker, I have again written to the Secretary of State about this matter and request permission to extend my remarks to include in the Record a copy of the letter which I sent to the Secretary today and a copy of a relevant article from today's New York Times:

House of Representatives,
Washington, D.C., July 20, 1971.

Hon. William P. Rogers,
The Secretary, Department of State,
Washington, D.C.

Dear Mr. Secretary: For several months the Department of State has been promising to provide comment on my legislation to send a high level observer team to the South Vietnamese presidential election scheduled for this October. But repeated promises have not helped and the Department's comment still has not been received by the House Foreign Affairs Committee, of which I am a member.

Now, I am enclosing a copy of an article from today's New York Times in which President Thieu is quoted as welcoming foreign observers of the election.

What must be remembered, as the Department delays responding to my proposal, is that if we wait too long before acting, it will be impossible for the observer team and its staff to truly get an accurate view of the extent to which political freedom exists in South Vietnam. Many important factors in regard to the election are being decided now and to send a last minute delegation would make it most difficult to come up with a reliable assessment of what has taken place during the campaign period.

With time running out, I once again want to urge that the Department respond promptly and favorably on my legislation so that the Foreign Affairs Committee and the full House can move expeditiously in this regard.

Your early reply would be appreciated. Kind regards.

Sincerely,

Lester L. Wolff,
Member of Congress.

Thieu Terms Minh a Liar and Defends Role in Diem Coup

(By Alvin Shuster)

Saigon, South Vietnam.—President Ngyuen Van Thieu struck back at his political rivals tonight, calling Gen. Duong Van Minh a "coward and a liar," and insisting that the presidential elections this fall would be fair and honest.

In his first public rebuttal to a series of charges by General Minh, President Thieu accused his most serious potential challenger of irresponsibility for having made "absurd and slanderous statements." He pledged democratic elections on Oct. 3 and said he would welcome foreign observers "who could go anywhere they want in the country."

"It is not easy to rig the elections," the President said.

General Minh, the hero of the 1963 coup d'etat against President Ngo Dinh Diem, and Vice President Nguyen Cao Ky, both presidential hopefuls, have been accusing the President of planning to fix the elections to insure his re-election. The challengers insist this would be easy for Mr. Thieu because of his control over South Vietnam's administrative and military machinery.

The main purpose of the President's news conference tonight, however, was to rebut a suggestion by General Minh in several recent interviews that Mr. Thieu was responsible for the murder of Mr. Diem at the time of the coup. Mr. Thieu, then a colonel in the Army, was among the officers who overthrew the controversial leader.

"General Minh has slandered me," President Thieu said. "This is underserving of an officer. A military man must have the courage to tell the truth. I challenge him to do so."

It was clear from his comments that "Who killed Diem?" was developing as a campaign issue. Mr. Thieu charged that General Minh was trying to shed responsibility for President Diem's death to win the support of South Vietnam's Roman Catholic minority.

Mr. Diem and his feared brother Ngo Dinh Nhu, who was also killed, were Roman Catholics, as is President Thieu. General Minh, who insists that he did not want Mr. Diem assassinated during the coup, is a Buddhist.

SITE OF COUP'S START

Mr. Thieu's news conference, called primarily for Vietnamese reporters, was held in the officers club of the Joint General Staff headquarters, near Tansonnhut Airport. The coup had its origins in those offices on Nov. 1, 1963, and its leaders were in the officers club the next day when President Diem and his brother were murdered after their capture in Cholon, the Chinese district of Saigon.

In discussing the coup, General Minh who retired in 1964, has said that Mr. Thieu was late in bringing his troop to the Presidential Palace the day of the coup, thus enabling Mr. Diem to escape. He said that Mr. Diem and his brother would not have died had General Thieu turned up in time and taken them into custody.

General Minh said that in the midst of the coup, Ambassador Henry Cabot Lodge called him and asked that the brothers be allowed to leave the country. He said this would have been done if the brothers had not been allowed to escape the palace to a hiding place in Cholon.

THE STRENGTH OF A FREE SOCIETY

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, July 20, 1971

Mr. JORDAN of Idaho. Mr. President, there seems to be a tendency when the Nation is faced with troubled times to assume that the present problems are without precedent and practically devoid of reasonable solution. Instead of turning to despair I think it is important that we view our problems in a broader perspective.

While our current problems are great, they are not without precedent. The traditional American spirit has been not to despair at difficulties but to go about finding solutions to them. This is how we have become a great Nation and I am hopeful we shall continue along this path.

On July 4 an excellent editorial along these lines entitled "The Strength of a Free Society" appeared in the Idaho Statesman. I ask unanimous consent that this excellent article, which puts our present difficulties in an historical perspective, be printed in the Congressional Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the (Boise) Idaho Statesman, July 4, 1971]

In Our Opinion—The Strength of a Free Society

Five years from its 200th birthday the United States offers evidence of being a troubled and divided nation. There are people who despair for the country's future.

This July 4 is an appropriate time to remember that this nation has been troubled and divided before. Also, that political differences and debate are a part of the country's heritage, a way in which it is renewed and refreshed. This is a time of questioning past priorities in government and national life. To some extent, the younger generation is in conflict with its elders. Change is in the wind.

These aren't reasons for despair. For the most part past and present priorities are being reviewed in search of better policies. For the most part, young people don't wish to tear down the system but to reform and improve it.

July 4, 1776 was also a time of trouble, of questioning, and despair in some circles. The colonists divided into revolutionary and loyalist factions. There was uncertainty about the future.

The nation's present situation hardly approaches the crisis of 1776. But some of the same spirit or idealism and hope that marked the patriots of 1776 can be seen today. A recent survey showed Americans troubled about the present, but hopeful for the future.

Consider some of the country's assets:

A constitution and a Bill of Rights that stands intact, though people disagree over its interpretation (as they did in the first years of the new nation), and though it is threatened from time to time. (That's nothing new, either.)

An economic system that is the most productive in the world.

A political system that is still based on the consent of the governed—with an electoral base expanded by extending voting rights to those from 18 to 21.

A population of 200 million people that is better informed and better educated than any people in history, with greater opportunities for individual achievement and accomplishment.

On the negative side, the minuses should be considered in relation to the pluses:

Although Vietnam has been a disappointing experience it is significant that as a nation we are willing, even anxious, to question and review the record, to see where we went wrong, to avoid mistakes in the future. Any nation makes errors. An ability to assess, recognize and profit from those errors is an asset.

Although there have been rioting and bombings, surveys show that the great majority of young people reject such tactics. Most of the young critics of American society are would-be reformers, not revolutionaries. Reform has been going on ever since the day the constitution was ratified.

The nation has made tremendous progress in recent years on civil rights. It is significant that a survey showing whites feeling the country had slid backwards showed that blacks had a more positive view.

Offered the challenge to stop fouling the land, water and air, the nation has ressponded at every level—the public, government and industry. Fundamental policy changes have been made.

The country is hardly without troubles: inflation, high unemployment, crime and drugs. Yet the people are optimistic; they demonstrate a willingness to accept and face the challenges of a changing world.

Those who regard Vietnam as a tragic mistake should remember that the country has made mistakes before, and learned from them.

This is a nation whose founders had the courage and the vision to entrust basic power to the people, to insist upon freedom of speech, press and religion—so diversity in thought and expression could flourish.

This is a nation that went through a brutal Civil War after the country divided over the question of slavery.

This is a nation whose idealism helped lead it into World War I, a nation which rescued Europe and part of Asia from tyranny in World War II, and which helped revive and feed the world after that war.

This is a nation whose official aspirations are always out of reach of achievement. Freedom means a freedom to question and criticize. Few countries set the same standards for themselves.

Because of the widespread questioning and dissent, because of crime levels and riots, there are political pressures to reduce the amount of individual freedom—to make compromises with historic principles.

These could be more of a threat to freedom than the small, irresponsible and unpopular revolutionary element.

Individual freedom and the political process allow the country to accommodate and benefit from diversity of opinion, to make orderly and peaceful decisions based on the electoral process. This is the basic source of its strength and durability.

No matter how much we may be inclined to disagree with this policy or that one, to question this officeholder or that one, there is abundant reason to take price in the country, and to recognize the wisdom of its founders in the power they granted to a free and informed electorate.

QUINCY COLLEGE SOCCER TEAM TO TOUR ISRAEL

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. FINDLEY. Mr. Speaker, I am pleased to report to the House that a delegation from Quincy College in my district departs around August 1 for a tour to Israel to conduct soccer clinics and play exhibition soccer games against Israeli teams.

The good will tour was arranged largely through the efforts of a Quincy College sophomore, Elias Menassah, whose home is in Jerusalem.

The tour is the culmination of several months of preparation by the Quincy College soccer team coached by Jack Mackenzie. Most of the necessary funds for the tour were raised by the team members themselves. In the final month of the school year, the athletes manned the concession stands of the Quincy home show, and the college parents weekend events; they played three benefit "Hoc-Soc" games, held a rummage sale, and conducted a car wash. Also, many private individuals and groups also contributed in a truly community-wide effort.

The group will be housed in the Jerusalem YMCA and hosted by the YMCA soccer team.

During their Israeli tour, the Quincy Hawks will play five soccer games in Jerusalem, Renallah, Nablus, and Beit Jola. Israeli news media reports indicate widespread interest in the visit by the Quincy, Ill., team, which in the past 6 years has won two national championships and twice placed second in U.S. collegiate soccer competition.

Taking part in the tour along with Coach Mackenzie will be assistant coach Frank Longo, and Quincy College athletic director John Ortwerth.

Team members are goalie Ray Remstedt from St. Louis, fullbacks Al Harte, John Schneider, and Joe Serati, all from St. Louis, and Don Schmidt from Belleville, Ill.

Also, halfbacks Tom and Bob Pollihan, and John Borden from St. Louis, Glen Morton from Wilmington, Del., and Joe Buergler from Florissant, Mo.

The forwards are Edmundo and Mario Camacho from Oakland, Calif. Dennis Klosterman, Roger Cerny, and George Eigel from St. Louis, and Elias Manassah of Jerusalem.

These men, along with all those who made the tour possible, deserve special commendation. Good will ambassadors such as these will go a long way in promoting understanding among the people of the world.

THE PRESIDENT'S TRIP

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, July 20, 1971

Mr. BYRD of Virginia. Mr. President, many words have been spoken and written concerning President Nixon's historic announcement that he will visit Peking.

In my judgment, two of the best commentaries on this subject were the lead editorial in the Richmond, Va., Times-Dispatch of July 18, and the lead editorial in the July 19 edition of the Wall Street Journal.

Both are comprehensive and balanced. They express both hope and concern.

I ask unanimous consent that these two editorials be printed in the Extensions of Remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Richmond (Va.) Times-Dispatch, July 18, 1971]

THE PRESIDENT'S TRIP

President Nixon's stunning decision to visit Red China arouses contradictory feelings of hope and despair, of relief and anxiety. With the world never more than the push of a button from nuclear holocaust, any reasonable effort to normalize relations between two major powers who are potential antagonists is to be applauded. Yet it is impossible to shake the fear that in the impending talks between Washington and Peking, the United States may give far more than it receives.

Given the realities of international politics, Mr. Nixon's decision probably was inevitable. With a population of more than 740 million, Communist China is a major power whose attitudes and policies can have a profound impact upon world affairs. Whether there is to be war or peace in Asia, for example, depends to a great extent upon which Peking desires. Obviously, the existence of so powerful a nation cannot be ignored.

But in accepting reality the President must not abandon principle. And make no mistake: Principle may be imperiled by the Nixon visit. For it will enhance Red China's international stature, promote its admission to the United Nations and, in the process, help to bolster psychologically at least, Peking's claim to Taiwan.

Taiwan is now the home of Nationalist China, to which the United States is bound by a mutual defense treaty. Red China has consistently refused to consider the possible existence of two Chinas, one on the mainland and the other on Taiwan. With equal determination, the U.S. has vowed never to abandon Nationalist China. But what would happen if Communist China, inspired by its soaring international prestige and by Washington's fervent desire for peace and "normalization," pressed its efforts to annex Taiwan? Faced with such a challenge, would the U.S. choose principle or expediency?

We are convinced that President Nixon would chose principle, that his efforts to establish normal relations with Red China will not be "at the expense of our old friends." Mr. Nixon's admirable reputation as a foe of communism and his failure to falter under searing criticism from Vietnam war critics suggest that he would be no patsy for Peking. No doubt his decision to go to Red China was inspired by the genuine belief that it might be possible, notwithstanding Peking's belligerent rhetoric, to develop relations with the Communists without forsaking the Nationalists.

Mr. Nixon has committed himself to a delicate and difficult mission. He is plunging, to become metaphoric, into treacherous waters, inviting serene on the surface but dangerously turbulent beneath. The rest of us can do nothing but stand on the shore and watch, hoping that he will prove skillful enough to avoid the whirlpools.

IS THE WORLD COMING TO ITS SENSES?

President Nixon's plan to visit Communist China within the next several months is being described as astonishing. Indeed, it is all but incredible, after more than 20 years of implacable hostility on the part of Peking, after actual war with China in Korea, after all the opposition in this country to the idea of any normalization of relations with mainland China.

Coupled with a seeming relaxation of tensions in U.S.-Soviet relations, this apparent turnabout regarding China strikes many people as hopeful. On balance, we think the portents are in fact hopeful, provided all of us view them with appropriate caution and skepticism.

It must be assumed, most of all, that Peking's fundamental geopolitical concept has not changed. As outlined by Lin Piao a few years ago—much in manner of "Mein Kampf"—it calls for the presumptively pro-Communist "countryside" (the underdeveloped nations) gradually convering on and overwhelming the "cities" (the advanced nations) through so-called wars of national liberation.

While that undoubtedly remains the goal, events may have given Peking a more realistic assessment of the difficulties of its attainment. The Vietnam war has been tragically costly for the U.S. and we have not won it, but it has been costly for the other side too, not only the Vietnamese Communists but Moscow and Peking as well.

Other nations in the area—Indonesia, for example—must look to Peking like far harder nuts to crack than they did only a few years ago. Red China's assiduous efforts to subvert various African countries have not, so far as can be judged, been outstandingly successful. And of course it faces a baleful, powerful Soviet Union. (By the same token, Russia's relative warming to the U.S. may be partly based on fear of China.)

Even if, for reasons of its own, Peking wants something approaching a rapproachment with Washington, the issue of Taiwan appears to be an insurmountable obstacle. President Nixon says a new relationship with the People's Republic of China will not be at the expense of our old friends. Premier Chou En-lai says if we will just forget Taiwan, they will take care of the matter without difficulty as an internal Chinese problem.

So if a new relationship with Peking depends on resolution of the Taiwan issue, the outlook seems pretty bleak. It is nonetheless possible that a new, improved relationship could come about while leaving the Taiwan issue in limbo, for a while anyway. Nobody knows.

The U.S. must regard its current and prospective relations with the Soviet Union with the same mixture of skepticism and hope. There have been peace offensives emanating from Moscow for years, even—strange as it seems in retrospect—during the dread Stalin's regime. They have never amounted to a great deal.

What is possibly more hopeful now is that for various reasons conceived in its own national interest, Russia may want a substantive relaxation of tensions with the U.S.; the potential threat from China, the enormous and growing economic burden of arms. The latter especially is what makes some people think a meaningful, if limited, agreement may emerge from the SALT talks on curbing the arms race.

Beneath all these considerations, it seems to us, lie more fundamental ones.

Although the U.S. philosophically opposes communism, it never wanted the cold war and the hot ones that also came. After aiding and cooperating with the Soviet Union in World War II, it was prepared to go very far toward cooperating with that nation in building a peaceful world. The Soviets wouldn't have it that way.

Somewhat similarly, the U.S. was amiable toward the Chinese Communists before they took over the mainland. Unwisely as it happened, Washington sought to effect a coalition government including the Communists. Obviously they took advantage of that effort.

In other words, what the U.S. has been opposing and from time to time fighting in the world is not so much the ideology of communism, even though it abhors that system, but Communist belligerence and aggression. Thus there is no inconsistency in rejecting the Communist system and at the same time trying to have realistically good relations with Communist nations for the sake of peace.

Plainly that is President Nixon's overriding ambition. He wants a generation of peace. He has made numerous initiatives. The present new looks between Washington and Peking are in large part the culmination of overtures on his part extending over the past couple of years.

Maybe this reflects something even deeper. The world is war-weary, sick of actual war and the threat of war. Maybe it is more so than ever before, because for the first time people have instant communication, war in living (dying) color, and because of the new sense of global closeness induced by the explorations of space. The U.S. doesn't want war in any case if it can be avoided, but perhaps this world-wide war-weariness is beginning to penetrate the citadels of our adversaries.

Considering the gory sweep of human history, we are scarcely optimistic about people's propensity for prolonged peace. But for quite practical reasons, mankind's chance of avoiding extinguishing itself does look a little better this morning.

THE MYTH OF JEWISH AFFLUENCE EXPOSED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. BIAGGI. Mr. Speaker, today in the United States there are many myths that are totally false yet regarded as pure truth. One of these myths is that all American Jews are wealthy and that there are no poor Jews. However, the opposite is the case. There are more poor Jews per capita than among either Catholics or Protestants.

Over 1 million Jews live at or below the poverty level in the United States. In New York City alone, it is estimated that 250,000 Jews subsist below a level of income of $58 a week, and another 150,000 live at or near the poverty level. Approximately 65 percent of all Jews living in poverty are over 60 years of age.

An excellent editorial by the Day Jewish Journal of New York City impressively states the case of the poverty struck Jew. I commend this article to my colleagues and will place it in the CONGRESSIONAL RECORD at this point. I am also including an article carried by the Jewish Telegraphic Agency on the same subject.

Myth or no myth, poverty knows no boundaries between religions, races or ethnic groups. All Americans are subject to poverty, and we must see to it that this shameful situation is corrected.

The articles follow:

[From the Day-Jewish Journal, June 22, 1971]

ONE MILLION AMERICAN JEWS LIVING IN DIRE POVERTY; MANY MORE ARE HIDING THERE DEPRIVATION; THE MYTH OF JEWISH AFFLUENCE EXPOSED

(By Ernest E. Barbarash)

As far back as two years ago this column had exposed the myth of Jewish affluence in this country, pointing out that at least twenty per cent of the five-and-a-half million Jews live at or below the poverty line. We laid particular stress on the tragic and impoverished status of the growing number of elderly whose sole income with which to sustain their body and soul is derived from social security. Attention was also focused on thousands of small storekeepers who were left penniless when they closed their businesses in changing or abandoned neighborhoods. Whether out of a sense of apathy or because of the myth that all Jews are well provided for, or both, the overwhelming majority of these impoverished and elderly Jews were not receiving welfare payments to which they were entitled. The extent of Jewish poverty was particularly noticeable during the weeks prior to the last Passover holidays when I made the rounds of orthodox congregations in various neighborhoods of the metropolitan area and saw long lines of downcast Jewish men and women waiting their turn to register for receipt of Maoth Chittim, food provisions for observance of the holiday. These were in addition to the countless impoverished Jewish families who were the beneficiaries of "Mattan B'Seissor," when food packages were delivered to their homes unbeknown to their neighbors and friends.

It is noteworthy that the existence and desperate situation of vast masses of Jewish poor is now being brought to public attention by such a prestigious organization as the American Jewish Committee. At the recent annual dinner meeting of the A.J. Committee's Chicago chapter, a paper entitled "The Invisible Jewish Poor" was delivered by Mrs. Anne Wolf, a prominent sociologist of its Intergroup Relations and Social Action Department, revealing that nearly one million American Jews live at or near the poverty level. While this disclosure came as a surprise to many, it was noted that the myth of Jewish affluence was perpetuated in part by the Jewish community which until recently (and I would add that the myth is still alive today) has been blind to the large areas of poverty among fellow-Jews all over the country.

Gleaning her information from studies of numerous surveys and statistics compiled over several years by national, loyal and Jewish groups, Mrs. Wolfe's report unfolds the following grim picture of the extent of Jewish poverty in the U.S. today.

There is more poverty among Jews per capita than among either Catholics or Protestants. Something like 60 to 65 per cent of Jews living in poverty (measured by the living standard estimates of The Bureau of Labor Statistics) are over 60 or 65 years of age. The major problem facing the elderly poor is housing and deterriorating neighborhoods from which they are unable to escape and which increases their loneliness, isolation and emotional and physical insecurity.

DIRE POVERTY AMONG YOUNGER PEOPLE

"But there are significant numbers of poor," Mrs. Wolfe took pains to point out, "who are not old folk and I think it is important to explode the myth that the Jewish poor are the Jewish old. 30 to 35 per cent of our poverty group is made up of simple, unrelated people or families, many with young children, some headed by one parent. There are Jewish families receiving aid to dependent children (welfare)—a fact that is usually greeted with disbelief. In New York City alone, it is estimated . . . that one quarter of a million Jews subsist below a level of 58 dollars a week, and another 150,000 live at near poverty income . . ."

It is also significant that a large proportion of non-elderly Jewish poor in big cities are Orthodox and Chassidic Jews in New York City, and this group is the third largest group in New York.

The study of Jewish poverty embraced also other American cities, notably Miami and Los Angeles which are attractive to elderly people because of their mild climate, and

Philadelphia. For instance, the files of the Los Angeles County Department of Public Social Services showed about 8,000 elderly Jews receiving public assistance, and more than 10,000 eligible for old age assistance who, for a variety of reasons, did not apply.

"An interesting example of blind spots relates to Miami Beach. In an area of that community called South Beach, it was ascertained in 1969 that 40,000 people were clustered within some 40 square blocks. Of these, 80 per cent are over 65 and 85 per cent are Jews. The average annual income is $2,460 (about 47 dollars a week); thousands are living on less than $28 a week for rent and food," Mrs. Wolfe reported.

The aforementioned report as excerpted here contains only bare outlines of the situation of Jewish poor in various parts of the country. There are vast numbers of Jewish poor who successfully hide their actual condition and masquerade as fairly well to do while scrimping on meals, clothing and other essentials.

Vast anti-poverty funds have been allocated in many areas by Federal, State and municipal agencies. The Jewish poor under the laws of the land are entitled to their fair share of these funds. The question is: Who in our Jewish community, on a national and local level, are taking up the cudgels for these poor among our people?

[From the Jewish Press, July 2, 1971]

YES VIRGINIA—THERE ARE POOR JEWS

CHICAGO.—The "affluence" of American Jews is to a surprising extent, a myth perpetuated in part by the Jewish community, which until recently has been blind to the large areas of poverty among fellow Jews all over the country. That disclosure was made by Mrs. Anne Wolfe, a sociologist and program consultant in the Intergroup Relations and Social Action department of the American Jewish Committee.

In a paper entitled "The Invisible Jewish Poor," Mrs. Wolfe revealed that nearly one million American Jews live at or near the poverty level. She gleaned her information from studies of numerous surveys and statistics compiled over several years by national, local and Jewish groups.

"We find significant indication of the extent of poverty in the Jewish community from the National Opinion Research Survey on income related to religion," Mrs. Wolfe said, "which ascertained that 15.3 percent of Jewish households had income under $3,000 a year" compared with 15.6 percent of Catholic and 22.7 percent of Protestant households. "Fifteen percent of six million people is a large number," representing 700,000–750,000 people, Mrs. Wolfe remarked.

She pointed out that if the figures for the "near poor"—those earning under $4,500 a year—were added, the number of Jewish poor would be much greater, exceeding 900,000. Thus, while surveys continue to find that the median income of American Jews on the whole is higher than the general national median income, there is more poverty among Jews per capita than among either Catholics or Protestants.

Mrs. Wolfe noted that the problem of Jewish poverty was related to the lower death rate among Jews at younger ages and the lower birth rate among Jewish families, which results in a larger number of elderly people in the Jewish population than in the general population. "The community studies reveal that something like 60 to 65 percent of Jews living in poverty are over 60 or 65 years of age," Mrs. Wolfe stated.

"But there are significant numbers of poor who are not old folk and I think it is important to explode the myth that the Jewish poor are the Jewish old," Mrs. Wolfe said. "This other group—30–35 percent of our poverty group—is made up of single, unrelated people or families, many with young children, some headed by one parent. There are Jewish families receiving Aid to Dependent Children (welfare)—a fact that is usually greeted with disbelief. In New York City alone, it is estimated . . . that one quarter of a million Jews subsist below a level of $3,000 a year and another 150,000 live at near poverty on income below $4,500."

Mrs. Wolfe observed that a large proportion of the non-elderly Jewish poor in big cities are Orthodox and Hassidic Jews. "There are 80,000 Hassidic Jews in New York City and this group is the third largest poverty group in New York," she said. Foreign born Jews also account for a large percentage of the Jewish poor.

Mrs. Wolfe's study embraced the Jewish poverty situation in other American cities—notably Miami and Los Angeles, which are attractive to elderly people because of their mild climate. A study of the files of the Los Angeles County Department of Public and Social Services showed about 8,000 elderly Jews receiving public assistance and more than 10,000 eligible for old-age assistance who, for a variety of reasons did not apply. "An interesting example of blind spots relates to wealthy Miami Beach. In an area of that community called South Beach, it was ascertained in 1969 that 40,000 people were clustered in an area of some 40 square blocks. Of these, 80 percent are over 65 and 85 percent are Jews. The average annual income is $2,460, thousands are living on less than $28 a week for rent and food," said Mrs. Wolfe.

THE PHILIPPINES

HON. LLOYD BENTSEN

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Tuesday, July 20, 1971

Mr. BENTSEN. Mr. President, the Philippines is one of America's Asian friends, and our relations with that independent nation are generally solid, with some lapses.

One of the best series of articles on the Philippines, and her leaders, was written recently by Kingsbury Smith, and published in the San Antonio Light. So that my colleagues will have benefit of these fine articles, I ask unanimous consent that the series be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MARCOS SEEKS TO SAVE FILIPINO DEMOCRACY—PRESIDENT SEEKS PEACEFUL REVOLUTION

(By Kingsbury Smith)

MANILA.—One of the most remarkable leaders in the world today is striving to save democracy in the Philippines by a peaceful revolution that aims at a major transformation of the social and economic order in this island republic of 38 million people.

President Ferdinand Marcos, whose heroic deeds in World War II and miraculous survival from a dozen close calls with death—five times gravely wounded and repeatedly tortured by the Japanese—have already made him a legendary figure in his homeland, believes that democracy in the Philippines is being endangered by a combination of oligarchism and Communist subversion.

He is risking his political future, his honor and even his life, to carry out reforms he is convinced are necessary to preserve democracy in the Asian nation which, under American guidance, was the first to embrace it.

"If I fail," he told me in an exclusive interview "either the Communists will take over in two or three years or there will be an extreme rightist or military dictatorship."

His plans for restructuring the social and economic order in the Philippnes include distribution of land to the peasants, redistribution of wealth through increased inheritance and other taxes, local farm collectivization, family-level producers, improved housing and educational facilities for the poor, rural electrification and strict censorship of pornographic films and literature to protect the youth.

The record of what he has already achieved in five and a half years as president is an amazing one.

Government revenue up 60 per cent. A virtually bankrupt government when he took over now enjoys a balanced budget, a favorable foreign trade balance and a stabilized economy with a growth rate this year of 5.5 per cent. Unemployment down from 8.7 to 6 per cent. Seven million more children in school. The number of schoolrooms doubled. Six thousand miles of new roads. The country, long a big importer of rice, the basic diet, is now not only self-sufficient, but exporting the "miracle rice" his research projects developed.

To spend a few days as the guest of this youthful-looking, 53-year-old crusading leader and his beautiful and talented first lady, who is even more of a political asset to him than Jackie was to the late President Kennedy, is an inspiring experience.

I have seen, interviewed and corresponded with most of the world's leaders, over the past 30 years, including Churchill, Stalin, Khrushchev, Nehru, de Gaulle, Adenauer and every American President since Herbert Hoover. Seldom have I encountered a leader who impressed me as much as this dynamic man of Malay ancestry who combines a charismatic personality with a pragmatic, common sense approach to problems and whose idealism is centered on the betterment of his people's welfare.

It seems fortunate for the Philippines, the United States and the neighboring Asian nations that this man is one of Asia's most outstanding leaders at this turbulent time.

Decorated 28 times for bravery in World War II, one of his heroic deeds was credited with delaying the Japanese capture of Bataan for three months. Although wounded, he survived the infamous death march to lead an underground guerrilla movement that continuously harassed the Japanese during their occupation of the Philippines and helped prepare the way for the return of Gen. MacArthur's Allied Forces.

There is at times a pained expression on the president's face, especially around the eyes, that seems to reflect the suffering he has endured.

Convicted while a college student of a political murder and imprisoned, young Marcos was later offered a presidential pardon but refused it and insisted on a supreme court review. He pleaded his own case and won a complete reversal of the conviction, absolving him of all guilt.

He has been accused by his political enemies of having become the richest man in Asia since he became president. Son of a wealthy land-owning family and one of the country's most successful trial lawyers before he became president, he ridicules the allegations as attempts by the oligarchists and Communists to try to destroy him politically. After his re-election to a second term in 1969, he announced he was disposing of his worldly possessions. He established trust funds for his wife and three children, and willed everything else to the nation.

"When I die," he remarked to me, "I will die a poor man."

A mass media, which he contends is almost entirely controlled by business interests who bitterly resent his efforts to curb corruption and the exploitation of the nation's resources for their own selfish purposes, has subjected him and his wife to scandalous abuse and slander, accusing them of practically everything from robbing the country to having separate lovers.

Both the president and the first lady speak with frankness about these attempts not only to destroy them politically but to wreck their marital happiness. Both say it only has served to strengthen their love and devotion to one another.

SEEN MOST

Evidence of the faith the people have in them is clearly apparent in the fact that while the president won his first election to the nation's highest office in 1965 by plurality of 600,000, he was re-elected in 1969 by two and a half million votes.

Following is the condensed text of the first of series of interviews with President Marcos in Malacanang Palace:

Q—What do you consider to be the most important achievements of your presidency?

A—The changing of the mind and heart of our people, more than anything else. What I mean by this is the change from resignation, outright indolence and fatalism. All kinds of suffering and failure were ascribed to some divine judgement that was unchangeable. So much so that impoverishment, illness, and ignorance were considered a part of the dictate of God and therefore should not and cannot be changed.

NEW ATTITUDE

This had reached such a point that unfinished bridges were allowed to rot, roads, although started, were not finished. It was wrecking the entire economy.

Two thousand of our industries were either closed or closing when I took over. Not a single person offered or worked out a solution.

When I took over as president, I asked our people to think. "Do not accept our misery and deprivation in resignation. Think and your thoughts will make you free. Be discontented." And I got what I asked for. The change of heart and the change of mind of our people. This to me is the most important.

Q—How did you bring this change about?

A—By varied measures. One of the most important was to show them that something could be done. We did it in the most dramatic way possible.

For instance, in the question of rice. We set pilot farms in every municipality. I called in the professionals. I don't mean agriculturalists, but doctors, lawyers and men who understand scientific farming. I told them they could help their country in some other way than just practicing their profession. We showed the people we could harvest three times, four times and more than they were harvesting. Of course, when profit comes in everybody starts noticing.

Another dramatic way was in schools. When I assumed office there were 108,000 classrooms. Today there are 202,000. Seven million more children are attending school today than when I took over.

Q—Where did you find the funds to do that?

A—I tapped our Japanese reparations payments, which used to go to a few privileged, private industries. Then in four years I increased the government's revenue by 60 per cent. I wonder whether any government anywhere in the world has been able to do this.

Q—How did you do it?

A—By sending the crooks to jail and appealing to our people to pay their taxes. I gave a one year tax amnesty to all those who had failed to pay their taxes—one year to pay up and they would not be prosecuted. We doubled the number of people who were paying their income taxes.

We also imposed higher duties on luxuries, and on consumer items, especially items that were being produced here. For example, we imposed a 200 per cent duty on big cars.

Q—How about roads?

A—As soon as I knew I was elected in December, 1965, I called in as many experts as I could from all over the world. I asked them to tell me what was the difference between a modern country, say Switzerland, or Germany or England, and the Philippines. Why do we not move?

The answers were quite obvious. They said we did not have any communications, no effective way of moving our products from production areas to markets. Then we had to build up skilled labor because our target was a balanced agro-industrial economy. Roads became a primary project. This was one of the dramatic things we did.

NO HIGHWAYS

Here in Manila there wasn't a single modern through road. I built straightaway thoroughfares. I called in the army engineers to do it, and we finished them in record time. Instead of teaching the soldiers merely how to shoot, to destroy, we taught them how to work on such projects as roads.

Another dramatic thing we did was to build schoolhouses quickly. I would bring prefabricated schoolhouses to the barrios (rural villages) and we would put them up in five hours. I designed the Marcos pre-fabricated schoolhouse during the war. I just improved on it for our needs today. It is all steel and cement.

Q—What are your ultimate aims and objectives for the country?

A—Fundamentally this country is democratic and its beliefs are democratic. I would like to see this country not threatened by subversion. We have been threatened by subversion since the beginning of our independence, and this has blocked our economic development because the demands of national security always draw funds and resources from economic development.

I would like to eliminate this basic threat not only to our freedom and security, but to our economic, social and political development, and to do so before my term as president expires in 1973. I would like to restructure our society.

Q—How?

A—We want to give full implementation to the meaning of equality. Equality of opportunity. I want to see every child whatever his birth, enjoy the right to develop all his God-given talents. The Filipino is fundamentally an energetic, honest and decent man. He doesn't want to beg and yet many of the Filipinos now are actually beggars, and this I would like to wipe out.

Land reform is part of my program for restructuring the society and increasing the share of labor without eliminating the incentives to capital and investment. This, I know, is a little difficult but we can just about make it because the cost of our labor is not yet too high. This country has one of the world's lowest costs of production. Some of the Japanese are coming here. So are some of the Hong Kong investors, putting up all kinds of factories in our free trade zone.

What I dream of is to see our country, free from the threat of both external and internal aggression of subversion, moving in such a direction and orientation and with such momentum that no matter what happens to the political leadership, the country will move on towards its goals.

Q—What do you foresee happening in the country if your social and economic reforms are not carried out?

A—I foresee the Communists taking over, perhaps within the next two, three years, or at least a revolution. Either the Communists or the rightist will take over. By rightists, I mean either the military or the economic imperialists.

Q—You once described the Philippines as a sick society. Is it now beginning to recover?

A—Yes, it started to recover sometime in 1968, but it is still sick in the sense that many of those in the upper strata still do not realize the pivotal nature of all the reforms we are trying to initiate.

DON'T REALIZE

They still do not realize the need for this restructuring, the voluntary giving away of part of their gains in the economic world in order that the lower ranks of our people may realize that they have a stake in democracy.

Q—Do you feel that what you have described as the oligarchs are endangering democracy in the Philippines by providing political ammunition for the Communists and other extremist groups?

A—Yes, they are an opportunist group just like the Communists. Both are trying to utilize the other for their own private purposes. I will be frank with you. The oligarchs think they can handle the Communists and use them as tools. The Communists think they can do the same. I know both of them are planning to liquidate the other the moment there is trouble here in the Philippines.

Q—Why did the oligarchists turn against you?

A—They turned against me because I would not give way to their importunings about further economic opportunities and favors, like grants of licenses, permits for monopolies or exploitation of natural resources at the expense of public welfare.

Q—Are the oligarchists using their control of the mass media to try to destroy you politically because of your reform programs?

A—Yes, the oligarchs are bent on removing me from public office by any means fair or foul.

Q—Have you given any thought to seeking a special mandate from the people through a referendum for your reform programs?

A—I am going to seek a special mandate in the November elections (local and congressional) this year. In fact, I placed my reform programs at issue during the elections last November for delegates to the constitutional convention. Even those who don't like me politically or personally went for the program. Now they claim it as their own.

Q—I have been told that your opponents have sought to destroy your popularity with the people and your reputation abroad by spreading false and malicious rumors concerning you, especially that you greatly increased your personal fortune since you became president.

A—Yes, that was one of their campaign lies. My wealth is a public record. When I leave this office, the presidency of our country, they will realize that all my funds have been put in a foundation which shall be utilized for the welfare of our people. I will die an impoverished man, with the exception of funds set aside for my children's education.

PEOPLE KNOW

Politics here is so free wheeling that almost any charge is made. But our people are so sophisticated now about politics that they know what is happening. That is why, in the surveys we have found that even the publications that are utilized to attack me personally about my alleged involvement with women and increase in wealth are no longer believed by our people. So all I can say is that I look to history writing the truth about what is happening in the Philippines.

Q—Am I correct in the impression that by your reform programs you are striving to save democracy in the Philippines?

A—Yes, and to protect our people from immediate and future danger.

Q—You feel that you have to risk what in effect is almost character assassination in order to protect and promote the interests of the people?

A—Yes, this is precisely one of the things I have spoken about. I have said in war all you risk is your life. Here, in the new battles that we have to fight, you risk even your honor and this is something more valable than even life itself. But I am willing to risk it. My wife and my children have agreed that even if it should mean losing our reputations, we must stand by the principles on which we stood when I ran for public office.

Marcos Says Japan Could Turn to Red China

(By Kingsbury Smith)

Manila.—If the United States should withdraw militarily from Asia, the small Asian nations and probably Japan would turn to Red China for an accommodation.

This warning was given to me by President Ferdinand Marcos in an exclusive interview in Malacanang palace.

Undoubtedly the most reliably pro-American leader in Asia today, this far-sighted Philippine chief of state is concerned about the American tendency to reduce its commitments and lower its profile in Asia.

UNDERSTANDS REASON

He understands the reasons for it, especially the American people's disillusionment with the Vietnam war, but he fears this is causing the United States to lose sight of its own long-range national interests in helping maintain the independence of the free Asian nations and averting the danger of communist domination of all Asia.

He sees signs already of a shift in the attitude of some nations toward Communist China, and he is convinced it will be accelerated dangerously unless the United States maintains the credibility of its commitments to the free Asian nations.

Marcos also fears if America withdraws too hastily from South Vietnam, the North Vietnamese communists eventually will gain control of the South. If that happens, he foresees the likelihood of Japan seeking an accommodation with China and reviving its own militarism.

"If Japan, the most industrialized nation in this part of the world, develops its militarism, I feel it would be a greater danger to Asia than even Red China," the President said.

"We only hope that if Japan does become a powerful military power, the United States will still be here to neutralize it.

"If Red China and Japan ever tie up in a partnership, then everybody will be in trouble."

Following is the condensed text of the third of a series of interviews with President Marcos:

Q—You have said vast new forces are at work in Asia today which might radically alter the Philippines' traditional view of this part of the world. In what way do you foresee the traditional view being altered?

A—When I referred to the vast new forces at work in Asia, I was thinking of Red China developing its nuclear power and a delivery system for its nuclear weapons. I was also thinking of Japan, which was not inclined to strengthen its armed forces by amending its constitution. I was thinking of Indonesia which, at the time, was in a state of turmoil, and which up to now has not recovered economically from the Sukarno Regime. The British were withdrawing from east of Suez.

Then came the Nixon doctrine which further changed the situation and actually favored a reassessment not only of basic policy but of the comparative importance of factors that we always considered important in decision making in this area.

One of the factors, of course, was the American presence in this area. Now that factor will have to be toned down. Its importance is going down.

We must note also the interest suddenly of Russia in the Indian Ocean and its apparent moves to establish bases there and in the Malacca Straits to the west of Malaysia. The sudden Russia interest in Ceylon, with its participation in the fight against those who would subvert the established government there.

Now suddenly Malaysia becomes a neutral state and even seeks diplomatic relations with Red China. Then the trend in the United Nations to accept Red China as a member.

All of these changes alter the factors that affected decisionmaking here. I said if the United States suddenly withdrew from Asia, it would compel some of the small nations, if not all the Asian nations, to immediately work out some kind of a modus vivendi. I still think so.

Q—How do you plan to seek what you have described as an accommodation with reality?

A—When I speak of an accommodation with reality, I am referring to the changes which are taking place. It is a reality that the United States is a Pacific power. You have Hawaii. You have bilateral defense agreements with various countries in this area, including Japan, Thailand, Korea, the Philippines and now with the Anzus powers—New Zealand and Australia, which, in turn, are tied up with Malaysia and Singapore. This too is a reality.

Therefore, the conclusion is that while you may cut down your presence to an almost innocuous and imperceptible degree, the presence is still there.

We also have the reality Red China has, or possibly soon will have, an intercontinental delivery system for its atom and nuclear bombs. And you have a Japan which while now acting as a trader will not long remain just a trader. These are the realities we have to deal with.

Q—In view of the probability China eventually will have a population of a billion people and in view of the intelligence, energy and adaptability of the Chinese people, do you believe it will be possible to prevent the future domination of Asia by China?

A—Well, I feel the domestic problems of China will take her several decades to settle. The history of most of the big empires in this part of the world, whether it was the empire of Genghis Khan, or Kublai Khan or Tamerlane, or even that of the Chinese dynasties, indicates one thing: They did not fall from external aggression but from internal weakness. This internal weakness always crops up in the early stage of an empire. When that happens, the empire depends on outside allies. If they fail to help, the empire cannot last very long.

I foresee that during the period of the growth of China's population to one billion, she will have to meet many stresses and tensions within her borders which may curb adventurism outside.

Q—What significance do you attach to Peking's so-called ping pong diplomacy?

A—They are playing for time. Time is on the side of Peking, on the side of the Communists. If I were in their place, I would be inclined to do the same thing.

Q—I understand there is a feeling in this part of the world that the United States attempts at times to function in Asia without free Asia's support or approval of American policies. Is that so?

A—Yes, that has been one of the most bitter criticisms of America's Asian policy. I have suggested that Asian leaders and statesmen be consulted more fully, even if it has to be the quiet type of consultation, without publicity. We would be very happy to make our recommendations and suggestions.

Q—Couldn't that be done through the Southeast Asia Treaty Organization?

A—SEATO is markedly anti-Communist. What I would like to see is an Asian forum. You have a forum in South America. You have a European forum, an African forum, but we don't have an Asian forum wherein all countries can meet irrespective of ideology and talk about their problems.

Since the United Nations will ultimately accept Red China as a member, that organization might be the vehicle for such an Asian forum.

Q—What kind of regional cooperation do you consider essential for the security of Southeast Asia?

A—Ultimately, but not immediately, the cultural and economic regional arrangements will gradually progress into military and security arrangements. This may take some time.

Q—If the Communists should gain control of South Vietnam within the next four or five years, will America be blamed for it, and, if so, what will be the effect on the free Asian nations?

A—Yes, you will be blamed. The first effect would be to strengthen the homegrown Communists. Secondly, it would weaken the hands of the United States in convincing the allies of its effectiveness as an ally and partner in security arrangements.

Q—In the light of the importance of Southeast Asia to Japan, what would be the effect on Japan?

A—Japan would immediately start accommodating itself to the situation.

Q—That would mean either an accommodation with China or the revival of Japanese militarism?

A—I suspect both. There would be an interim period in which, while developing their military power, they would be engaged in supposedly exploiting the markets of Red China, but in reality they would be trying to keep China within its own borders.

We do not have any doubt that ultimately, no matter what anybody does, Japan, because of its wealth, will look to protecting itself. Whether the United States encourages it, as it is trying to do now, or not, Japan will ultimately take measures to protect itself.

Stronger Ties Urged—Filipinos, United States

(By J. Kingsbury Smith)

Manila.—If the United States will enable the Philippines to strengthen its trade with America and will support by training and equipment an increase in the country's defense forces, this strategically vital island republic can serve as a bastion of freedom in Asia.

A militarily and economically stronger Philippines could relieve substantially the defense burden America is carrying in this part of the world.

If, on the other hand, America pulls out prematurely or precipitates an economic collapse by curtailing the Philippines' access to the American sugar market, then this country could become through massive subversion another Viet Nam.

These points were made by President Ferdinand Marcos in an exclusive interview with the writer in Malacanang Palace.

The almost legendary hero of Bataan and many other battles against the Japanese in World War II, and who has been a crusadingly progressive leader of his country for the past 5½ years, is deeply concerned about pending legislation in the American congress that would reduce the Philippine sugar quota and cost his country, with its millions of impoverished people $40,000,000 annually.

Not only would this action hurt the Philippine economy, but the president pointed out it would provide propaganda ammunition for the Communists, radicals and other anti-American elements in the Philippines who already accuse him of being the "running dog" of the Americans.

TRADE, NOT AID

"We are not asking for aid," the president said. "What we are asking for is trade.

We are not asking for special favors. What we are asking for is that the relationships between our two countries, especially economic, be not so suddenly disrupted that we are hard put to adjust ourselves to them."

If the 10 per cent cut in the Philippine sugar quota which has already been approved by the House of Representatives and is now before the Senate goes into effect, some Philippine sugar producers will be unable to meet payments on credits granted to them by the government to produce sugar for the American market. The American quota can be reduced at any time without any advance notice to the Philippines, since it is not protected by any specific time period.

With regard to American policy in Asia generally, the president expressed the hope the United States would let the Philippines know what are America's future intentions in Asia.

"We would like to see the United States come out frankly with a definite program on which we, the Asians, can act," he said.

President Marcos also revealed that the South Korean leaders informed him the United States would not have to enter the Korean War and seek United Nations police action there if South Korea had been enabled to prepare itself for defense against North Korean aggression.

"They told me that a short period before the attack, the United States suddenly withdrew armor, heavy artillery and left nothing but guns for the internal police," he added.

"This seems to be one of the basic flaws in American policy. Look at China and Russia. They give equipment. Look how the Chinese and Russian equipment is wreaking havoc in Vietnam, Laos and Cambodia."

FORESAW NEED

The president said he foresaw the need for an American military and economic presence in Asia, "a high or low posture, for the next five or 10 years or perhaps even longer."

Following is the condensed text of the second in a series of interviews with President Marcos:

Q—What could the United States do to be helpful to the Philippines that it is not now doing?

A—There are two aspects. One is security. I have always felt that the United States' presence will be needed here for both security and economic development for the next five or 10 years, perhaps even longer.

I cannot foresee any country alone or jointly with others in Asia capable of balancing the power of Red China. And it is certainly the height of folly to think we can, by supplication, prevent the leaders of any predatory state or nation in our part of the world from any of the designs which have been articulated openly in the past of an Asian hegemony under the aegis, of course, of Mao Tse-tung.

Therefore, we would like to see the United States come out frankly with a definite program on which we, the Asians, can act.

While we do not ask for publication of such a program, we do hope the leaders of America will bring us into the secrets of your policy and tell us exactly when you do intend to pull out, if you do intend to do so, and to what extent.

If we need to prepare to stand by ourselves, then to what extent will you help us prepare? Look at Vietnam. When your government was under pressure from public opinion to pull out, you have been hard-put to train the South Vietnamese, so much so that it was even suggested some of them be trained in the Philippines.

NEED TRAINING

Would it not be possible for the United States now to help us train our men to take over some of the burdens you now carry?

For instance—I think I can reveal this to you—the understanding between your country and mine is that you will prevent any external aggression, but at the moment the enemy comes within our territorial limits we would participate. That is the agreement.

Anything that has to do with internal disorder we will handle. But there may perhaps come a time when your government will not assume the responsibility of defending us against external aggression. When and if that happens, we would require better equipment and better trained troops than we now have. Would it not be better that we prepare for it now while we can, instead of waiting for a Vietnam war and the need that might bring for help of your troops?

Our preparedness would in itself be a deterrent. As General MacArthur said, if we were properly prepared no rational man would think of attempting to conquer the Philippines.

That is one aspect. The other is economic development. You should remember that if we go under because our economy collapses, your military bases here will be useless.

We consider ourselves a somewhat different ally because we did not surrender to the Japanese but fought side by side with you and we suffered a million casualties both military and civilian.

Q—Do you feel the Philippines has not been supplied with the right kind of weapons to defend the nation now?

A—Yes and no. We have the right weapons for internal security. But for other things, no. Well, for instance, we don't have any all-weather interceptors. We are not prepared for anti-submarine warfare. Things like that.

Q—What is your conception of partnership with the United States on security matters?

A—A partnership between two independent countries that recognizes the national interests of both but at the same time is based on feeling, understanding and friendship.

FATHER AND SON

When we say we want to be independent, we merely say it in a way of a son who tells his father: "I am 21 now and I would like to go out in the world and find out what it's all about. It doesn't mean I am going to be your enemy."

Q—What are some of the irritants in relation between the two countries?

A—Jurisdiction over military personnel and supposed unequal treatment with respect to American bases.

Q—Do these irritants serve as ammunition for the Communists, and for your political enemies?

A—Yes, very much so. The Communists call me "Tuta Ng Amerikano," meaning the running dog of the Americans. This is because I have said repeatedly, "We need the United States now and we will need them for the next several years." We cannot protect ourselves from external aggression. While there is no such threat now, there would soon be one if the United States was not here, and the time may come when there will be such a threat.

Q—If the Philippines lost the American sugar market could the nation survive economically, could it progress?

A—It would be touch and go as to survival. On progress, you can strike it off as impossible if we lose the American sugar market.

Q—I have been told there is a feeling here that the Philippines has to virtually beg for continuance of access to the American sugar market whereas the Philippines did not resort to any hard bargaining when the military bases were granted to America, Is that so?

A—Yes, that's true, there is such a feeling, and the Communists are making the most of it.

Q—What do you consider the most important thing for the American people to bear in mind about the Philippines?

A—This is that the Philippines is your creation actually because you gave us independence. In giving us independence, you established an example that could not be disregarded by the other nations of the world. That was the start of de-colonialization, of the colonial empires of the world—the French, British, Dutch.

RED ONSLAUGHT

Therefore, if this experiment which you started should fail and we should go down before the Communist onslaught, your experiment will have proved a failure.

Q—How can that danger be averted?

A—With two basic policies—trade and security, training our people to be prepared.

Q—Are you concerned at the rate of American withdrawal from Vietnam?

A—Yes and no. I take the word of such men as Adm. McCaine, your commander-in-chief in the Pacific, and also of Gen. Abrams, who has briefed me, that the Vietnamization program is succeeding, but I have misgivings, and every leader in Asia has his misgivings, about the capability of the South Vietnamese armed forces to sustain themselves when you have completely withdrawn.

FIRST LADY OF PHILIPPINES MAY SEEK HUSBAND'S PRESIDENTIAL OFFICE—POLICIES NEED PROTECTION

(By Kingsbury Smith)

MANILA.—One of Asia's most beautiful, fascinating and politically talented women is being talked about in Manila as a possible future president of the Philippines.

Now First Lady of the island republic, Mrs. Ferdinand Marcos laughs off suggestions that she might seek to succeed her heroic husband when the President's second 4-year term expires in 1973.

The President's supporters are hoping that the constitutional convention, now under way, will recommend an extension of his term for at least another two years so that future presidential elections could be held at the same time as local, regional and congressional elections.

The present popularity of the President is such that if this issue were put to the people in a referendum, there seems no doubt it would be overwhelmingly approved.

FOLLOW POLICY

If an extension of President Marcos's term is blocked by his political opponents, of whom there are many, political observers in Manila do not exclude the possibility that the First Lady might be persuaded to run in order to safeguard the social and economic reforms which her crusading husband is striving to carry out in the belief they are imperative to save democracy in the Philippines.

While the President's term is presently limited to two 4-year terms, there is nothing in the constitution to prevent a woman running for the presidency. Women voters outnumber the men, and Imelda Romualdez Marcos is acknowledged to be the most popular woman in the nation's history.

Both the President and the First Lady categorically disclaimed to me any intention of seeking to prolong the Marcos leadership after 1973, but I have the feeling that if it became apparent the candidates for the presidency in 1973 were likely to scuttle the reform programs and restore the oligarchist control the President is convinced would soon lead to armed revolution and dictatorship, he and the First Lady would find it difficult to resist popular appeals that they find some democratic way of remaining in power.

PEOPLE LOVE HER

Accompanying the First Lady on a trip to the little village of Calamba, birthplace of the revolutionary hero, Rizal, I witnessed the almost mystical spell she casts over the rural folk. The faces of the people, young and old, light up with a happy smile when they see her. They look at her with adoration and call out: "Imelda. Beautiful Imelda." And she is beautiful. At 41, she retains much of the beauty of the beauty queen she was at the age of 18. Maturity has, in fact, enhanced her loveliness.

Extraordinarily tall for an Asian woman because of the part Spanish ancestry, she is statuesque, with Patrician grace, long, jet black hair worn in a Burmese bun, large sloe eyes, high cheek bones and a heart-shaped face and softly-rounded chin.

For her public appearances, she dresses romantically in long, brightly colored chiffon gowns or flower embroidered creations.

Moving among the smiling, excitedly squealing peasant teenagers and farmer families who packed the little country square and swarmed around to gently touch her outheld hands, she was obviously their fairy princess.

RAPT ATTENTION

When she delivered the principal address devoted to the 110th anniversary of the death by a Spanish firing squad of Rizal, and spoke about the importance of freedom, the crowd listened with rapt attention. Her diction and delivery were near perfection. She did not harangue the audience. She caressed it with words and tone that reflected the lyric soprano she was as a young woman, whose campaign singing later helped elect her husband president.

It is not only in the provinces that the people respond to the magic of Imelda. Walking with her in Manila's department stores, restaurants and theatres, one is astonished at the look of sheer delight that comes over people's faces when they catch sight of her.

It is not only Imelda's beauty that makes her so popular. It is what she has done for the people and the country in the 5½ years she has been First Lady.

An indefatigable worker and organizer, she has personally raised more than $10 million for her own social welfare, educational, cultural and other charitable programs.

Her achievements have benefited hundreds of thousands of youths, orphans, the handicapped, the aged and the poor.

REVOLUTION

She initiated a home growing garden vegetable movement called the Garden Revolution to improve the national diet and stretch the family food budget. Touring the country, she urged the people to plant vegetables in their garden plots instead of flowers. She utilized public squares and other idle government land to plant model miniature vegetable gardens, offering prizes for the biggest tomato. More than half a million packets containing tomato, pepper and eggplant seeds, fertilizer, insecticide and planting instructions were distributed free.

The Green Revolution led to a general drop in vegetable prices of nearly 50 per cent, with the price of some items declining 75 per cent.

She took wayward girls and delinquent boys out of overcrowded city reformatories and placed them in welfare villages, where they were separated from hardened criminals and taught a vocation.

She launched the save-a-life in every barrio (village) program under which thousands of handicapped children were brought to Manila or sent abroad for curative treatment, for which she paid with funds she raised.

NEW PARK

On what was virtually a dump-yard in the center of Manila, she built and landscaped a big park which is guarded and serviced by ex-convicts. Although visitors average several million a week and the well-lit park is open all night, not a single crime has been committed in it since the ex-convicts took over nearly four years ago.

The project of which she is most proud is the Cultural Center of the Philippines. On land reclaimed from Manila Bay, she had built what is now a showcase of Filipino artistic expression and a landmark of architectural beauty.

Although so repelled by her early experience with political life that she had a virtual nervous breakdown which led her to spend three months in the New York Presbyterian Hospital, she steeled herself to overcome the revulsion in order to help her husband's career. She developed the political acumen of a Jim Farley, which, coupled with her beauty, her singing and her electrifying charm, led the newspapers to describe her as her husband's "secret weapons."

With a computer-like mind and do-or-die determination, she became his personal campaign manager. Speaking the three major dialects of the islands, she wooed the crowds and cajoled the local politicians into supporting her husband.

TO GAIN VOTE

On one occasion, she traveled 300 miles over mountain country roads to secure one vote that had been pledged to her husband's opponent. During the first presidential campaign, she says she averaged two hours sleep a night for nearly two months.

The personification of femininity, with sensitive, sentimental emotions, she said:

"I told myself that if God granted us victory, I would do something for these people, try to lessen their misery and despair.

"I wanted my husband to win not only because I loved him, but because of the terribly unjust things that were being said about him.

"The impoverishment of the people we came in contact with, especially in the rural areas, also affected me deeply, soon I was praying to win, not just for my husband, my children and myself, but for those poor people who showed such faith in us. I vowed that If we won, I would help them."

THEIR ROMANCE

The love of which she spoke had its origin in a romance that might have come from a poet's dream. In the quiet intimacy of an after-dinner conversation in the music room of Malancanang Palace, once the home of the Spanish governor generals and of General Douglas MacArthur, the President and the First Lady told me, with laughter, gayety and humor, how they met and married.

Within a few minutes after seeing Imelda for the first time in 1954 and being introduced to her in the congressional cafeteria, the then 36-year-old minority leader of the House of Representatives, who had the reputation of being a gay bachelor, told friends he was going to marry her. Eleven days later, he did.

With beauty and brains, an almost mystical hold on the people and a crusading, progressive spirit, President Ferdinand Marcos and First Lady Imelda makes a formidable political team as well as being one of the world's most captivating couples.

Philippines Dislikes U.S. Policies

(By Kingsbury Smith)

Manila.—American policy towards the Philippines has been marked during the past decade, and is continuing to be affected, by short-sightedness, indifferences and sheer stupidity which is threatening to cost the United States the friendship of what is probably America's most reliable ally in Asia.

A 10-day visit to Manila revealed to the writer that past and present irritants in Filipino-American relations are providing potent propaganda for the Communists and others who wish to turn the island republic against America and destroy its democracy.

These irritants involve chiefly a lack of consideration for the sensitivities of the extremely proud Filipino people. They also affect the development of the country, and especially the social and economic reform programs which progressively-minded President Ferdinand Marcos is endeavoring to carry out.

MOST SERIOUS

One of the most serious irritants at the present time is the 10 per cent cut in the Philippine sugar quota which has been approved by the House of Representatives and is now under Senate consideration as part of a plan to give larger allotments to 11 countries, mostly Latin American, as well as giving quotas to two black African nations which have never had them.

If the Philippine quota cut is maintained, it will cost this country, with its millions of impoverished people, $40 million annually. Filipinos find it difficult to understand why Latin American countries like oil-rich Venezuela and tin-rich Bolivia should have their quotas increased at the expense of a little nation which, because it stood by and fought with America during World War II, was one of the most devastated countries and had its main metropolis, Manila, subjected to more destruction than any other city in the world except Warsaw. Nor do they understand why African nations like Malawi and Uganda, which usually vote against America in the United Nations, should be granted quotas at the Philippines' expense.

OTHER IRRITANTS

Other irritants include the whisking out of the country by the American military on separate occasions of two U.S. servicemen who were being charged in Filipino courts with criminal offenses. American Ambassador Henry Byroade is trying to get one of the men returned to stand trial. The other has apparently disappeared.

A much more serious irritant are the special privileges or so-called "parity rights" for Americans which the United States extracted from the Philippines in the 1946 Trade Act as a precondition of independence and American war-damage payments. These privileges give Americans equal rights with Filipinos in business enterprises.

The same agreement also tied the peso to the dollar on a 2-to-1 ratio for a period of 28 years.

Furthermore, the Philippines is committed to purchase some American goods which it could obtain free from Japan as part of the latter's war reparations payments.

The American official rationale for the "parity rights" privilege was that economic rehabilitation of the Philippines depended on the restoration of American investment in the new nations. Parity rights were supposed to encourage this flow of new funds, while the pegging of the peso to the dollar was meant to assure untrammeled and undepreciated repatriation of American capital and profits.

LIMITS FREEDOM

The two measures together, by severely limiting the Philippines' freedom of action in fixing its economic policies and by prolonging preferential trade relationships for almost a generation after independence, have maintained the largely quasi-colonial character of the economy.

A further cause of irritation is the propensity of American firms to generate local capital to finance their Philippine operations, and then to repatriate to the U.S. the resulting profits, which since 1965 have totalled more than $150,000,000.

The U.S. Navy also retains extra-territorial rights on its bases in the Philippines, with special jurisdictional privileges.

These irritants all serve to play into the hands of the Communists and other extremists, who contend that the Americans tend to treat Filipinos as inferior people.

Marcos is assailed as a "running dog of the

Americans" for tolerating irritants. He has replied that he would rather be the running dog of the Americans than the running dog of the Communists.

AFFECT ATTITUDE

However, he would like to see some of the unnecessary irritants removed before they seriously affect what he believes is the still strongly pro-American attitude of the overwhelming majority of the Filipinos, especially in the rural areas.

The president assured me there is a deep reservoir of goodwill and warm friendly feelings towards Americans in the hearts of the Filipinos, and this was confirmed by American officials and others with whom I talked.

It is not reflected in the Manila press, which enjoys unbridled freedom, and which, according to the president, is controlled by oligarchists who bitterly resent his reform programs and who, in addition to trying to undermine him politically, are trying to promote anti-Americanism in the hope they can pick up American properties cheaply if U.S. interests are forced out.

MANY FACTORS

The friendliness of the Filipinos generally towards Americans is attributed to the following factors:

1—Because the United States granted the Philippines complete independence in 1946;

2—Because during the almost half a century that it controlled the islands after they were freed from Spain, the United States educated the people and prepared them for self-government;

3—Because during World War II Filipinos and Americans became "blood brothers," fighting, dying and suffering side by side during the Japanese occupation and the liberation;

4—Because the United States has given the Philippines more than $4 billion in military and economic aid, loans and grants, since 1946;

5—Because the Filipinos are deeply religious and, being the first to embrace democracy in Asia, feel an affinity for American ideals.

It would be an historic blunder of the first magnitude if America lost the confidence and loyalty of the Philippine people because of failure to find a solution to the irritants in relations between the two countries.

ACTION NEEDED

Some of the things that could and should be done without delay are:

1—Senate rejection of the House move to impose a 10 per cent cut in the Philippine sugar quota;

2—A declaration by President Nixon that if he is still in office in 1974, he will not seek to maintain the special privileges for American businessmen in the Philippines. The Philippine government is not going to grant an extension of the privileges anyway, so the United States would not be losing anything by this gesture, but it could gain a great deal of goodwill and offset the Communist propaganda;

3—An order by the President that the Philippine flag is to fly side by side with the American flag on every American base in the Philippines. The only place where the two flags fly side by side now is the war memorial on Corregidor—and that was ordered by President Marcos, since the famous rock which held out for more than six months against the Japanese is Philippine territory;

4—A higher priority for the training and equipment of the Philippine armed forces, which both Admiral McCaine, Cincpac, and Ambassador Byroade, believe should be granted.

The Philippines can be saved for America if the American government and Congress want to retain that strategically important gateway to Asia as a dependable ally.

MRS. RUTH MACK

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. JAMES V. STANTON. Mr. Speaker, Mrs. Ruth Mack will retire at the end of this year after serving as Brooklyn Heights Village clerk since 1945. During those years she has come to appreciate the problems we face in the daily routine of government.

She said:

> Working for a government you learn a lot of things you weren't aware of as an average citizen. A city official actually sees the creation of the tax dollar and finds out what a great responsibility he has.

An article describing Mrs. Mack's accomplishments appearing in the Plain Dealer last Sunday as follows:

BROOKLYN HEIGHTS CLERK TO RETIRE AFTER SERVING VILLAGE 27 YEARS

(By Christine Jindra)

When Ruth Mack began her career in Brooklyn Heights government in 1945 as village treasurer she earned $13.30 a month and could do her work at home.

In 1950 after two terms as treasurer she was elected clerk and her salary went up to $1,000 a year, but her "office" was behind the village fire truck and when the sirens rang she had to be quick or her paperwork would be caught up in the flurry of the firemen's flight.

In 1971 Mrs. Mack is winding up 27 years—22 as clerk—as a Brooklyn Heights employe and is looking forward to retiring Dec. 31. Her office now is in the addition which was built in 1958, but the village hall soon will be expanded again—this time to facilitate growing police and fire departments.

Mrs. Mack decided a year ago not to run for an 11th term as village clerk and to join her husband, Walter, when he retires from his custodial job with the Cuyahoga Heights School System.

Looking back over the years Mrs. Mack said her job "got under her skin." "Working for a government, you learn a lot of things you weren't aware of as an average citizen," Mrs. Mack said.

"A city official actually sees the creation of the tax dollar and finds out what a great responsibility he has," she said.

Since 1945 Brooklyn Heights has grown from a population of 451 to 1,527. The property tax value has grown from $1,107,000 in 1945 to $16,945,000 today, but the tax rate has grown only 47 cents per $100 valuation—from $2.37 in 1950 to $2.84 today.

Mrs. Mack said she can still feel the small-town atmosphere in the village and she "personally likes the closeness," although she admitted no one has any anonymity. When asked if she would reveal her age, she said, "too many people know I'm 63 years old" not to.

As village clerk, which is a part-time position, Mrs. Mack has to function as clerk of council, finance director, auditor and purchasing agent. She does everything from supervising the payroll to writing ordinances dealing with financial matters. Her job requires that she work weekdays from 9:30 a.m. to noon and from 2 to 4:30 p.m.

She has worked under three mayors and has seen the village rise from heavy debts due to sewer and street construction to an actual surplus of funds. When there was enough money in the treasury to make an investment program feasible, Mrs. Mack took on that duty.

Although she has managed to hold her job to 30 hours a week, she said it could easily become a fulltime position. Mrs. Mack is not going to endorse anyone for the job, which pays $3,300 a year, but she said she'd be glad to help train a new clerk and help him get through the year-end reports, which can't be prepared until early 1972.

Chances are that the new clerk, after a few days on the job in January, will seek out Mrs. Mack at her home, 427 Tuxedo Road, and ask for her sound advice.

NIXON'S PERSONAL DIPLOMACY WITH RED CHINA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. RARICK. Mr. Speaker, the new soft-on-communism policy with regard to Red China received wide public attention with the announcement that Presidential adviser and confidant, Henry Kissinger, had been in Red China and that the U.S. President plans to visit Peiping.

Since the mainland China issue is so much in the limelight today and since this new policy, if fully implemented, will affect the lives of Americans in the years to come, I thought we would talk about China today.

Let me say that I strongly oppose our President dignifying the Communist movement by visiting Red China, increasing trade and travel with, and extending diplomatic recognition to Red China, as well as the possibility of Red China regime being admitted into the United Nations. The new China policy is replete with danger for the American people and is not in the best interests of the United States.

Only 3 years ago, when a candidate for the Presidency, Mr. Nixon stated:

> I would not recognize Red China now, and I would not agree to admitting it to the United Nations, and I wouldn't go along with those well-intentioned people that said, "Trade with them," because that may change them. Because doing it now would only encourage them, the hardliners in Peking and the hardline policy they're following. And it would have an immense effect in discouraging great numbers of non-Communist elements in Free Asia that are now just beginning to develop their own confidence.

Many Americans will never understand this complete reversal after Mr. Nixon got to the White House. There is no evidence that Red China is any less tyrannical and imperialistic today than it was in 1968 when Mr. Nixon sought the people's confidence with the promise of continuing a policy of nonrecognition toward Red China.

We are still technically at war with Red China in Korea, in a U.N. engagement where we continue to maintain 43,000 troops to protect South Korea against aggressive attacks from North Korea supported by Red China. American fighting men continue to become casualties in this cease-fire area.

Americans are supposed to believe that over the past 2½ years President Nixon could not sleep nights, worrying over the 750 million mainland Chinese who were isolated from world affairs. The suggestion of a presidential trip to Red China is reminiscent of an earlier Nixon junket when, as Vice President, he went to Moscow, and after being cursed out by Khrushchev, became a Soviet expert. There was no resulting peace, nor have the Russians taken down the wall, nor should we expect any great results from the trip to China.

And as recently at May Day, 2 weeks after the ping-pong games, the government of Peiping urged "the peoples of the world to support Cuba, the heroic Korean people, and the Indo-Chinese people against American aggression as well as to unite to crush American aggressors and their running dogs."

The new top secret United States-Red China policy imposes not a single concession upon Peiping in return for trade relations and American appeasement. It is Red China who will benefit while the American taxpayers as usual—not the President—who will pay the bill. Yet Mr. Nixon handled the entire Red China policy as "personal diplomacy"—never consulting the Congress, the Senate, or even Vice President Agnew. Mr. Nixon may consider this personal diplomacy as successful hiding behind the popular desire for peace, but most hard-working patriotic Americans realize it is a betrayal of our friends, our people, and of the high principles traditionally applied in the conduct and commitments of U.S. foreign relations. As usual, the Communists knew more of what was going on and taking place than did Americans.

We hear from the present administration much rhetoric about returning power to the people. Yet, I would venture to say that the great majority of American citizens, if given complete facts—not just propaganda to condition them to accept the administration's view—would oppose this revolutionary policy of the administration to dignify Red China. But the American people are only permitted to know what those in power decide is good for them to hear. In the Red China courtship President Nixon decided that no one was to know—except Kissinger and Secretary of State Rogers.

For several decades, a very influential financial-industrial-intellectual aristocracy has laid down policies for the U.S. Government. This same group has also in large degree controlled the "right to know" machinery by censoring news to the public. This affects the reactions as to what is taking place in government. The American public cannot know the truth because they do not hear all sides of any issue.

We are told the Red China contact was 3 months in the making.

A reflection on events over the last 3 months reveals how the American people have been conditioned to mellow in attitude toward Communist China. It is the old defeatist philosophy of surrender—everything has become so bad that nothing can be worse and anything is worth a try.

On April 23–25, the Bilderbergers, international financiers, economists, and intellectuals, including foreigners and nobility, met in secret session at Woodstock, Vt. Reportedly discussed were "contributions of business in dealing with the current problems of social instability" and "the possibility of a change in the American role in the world and its consequences." Identified as present at the Bilderberg meeting were various oil company officials, Henry Kissinger, and David Rockefeller of Chase Manattan Bank.

Also in early April, reports were leaked concerning rich oil discoveries in the Asian Pacific area, including areas claimed by Red China. Mentioned among the oil exploration companies were those represented at the hush-hush Bilderberger meeting. Then in June, we were advised that Chase Manhattan Bank was ready to invest $6 million in oil exploration and predicted $250 billion in free world investment in the Asian Pacific area up to 1980.

The planning stage of 3 months goes back to the announcement of liberalizing trade and travel with Red China. The preparation period includes the May Day marches and demonstrations, at which posters of Mao and other Communists dictators and idols were publicly displayed. No one would believe that the American people were forced to suffer such indignations simply to show the administration's mellowing toward Communist China. Certainly no one would believe the demonstrations were planned and paid for to develop the impression of a climate of tolerance and understanding.

The preparation period includes the much ado about nothing "ping pong" diplomats, who must have played a role in the well-kept secret, the My Lai trial of Lieutenant Calley—to turn public opinion against the military, the Selling of the Pentagon and then the Pentagon Papers to transfer the blame for the Vietnam fiasco from existing foreign policy to our military.

The day for delivery was then nearly at hand. By July 1, we learned that Vice President Agnew was in Korea, Kissinger in Vietnam, and Helms of the CIA was in Israel. All of the scouts were out. All bases were covered. Any one of these men was in position to have made the contact. But Vice President Agnew had fallen from grace because of this forthright criticism of the conditioning process on which he was apparently not briefed. The Red Chinese, not the President, made the ultimate decision on who would be acceptable to them. They chose the one man who knows all our secrets, and who knows more of what is going on in Washington, D.C., than the President himself—it had to be Henry Kissinger, Nixon's Metternich.

Public reaction reflects the excellent job of conditioning the thinking of our people through the power of suggestion.

Some say they see nothing new in the President's proposed trip to Red China since the ice has already been broken by his alter ego. Some say that we have kept the Red Chinese isolated too long from the world anyway. They have not been told of Red Chinese revolutionaries in Cuba, Canada, many countries in Europe, many states in Africa, and South America fomenting revolution. Where are they isolated except from the United States? And if they have been fortunate enough to escape from their Red captors and get to Taiwan, they even come here. Any Red Chinese isolation results from their enslavement, not from U.S. action.

Then we hear the dreamers who say the Red China trip may end the Vietnam war and help us regain our POW's; that it is good politics to keep the Russians guessing. They have not been told that the SAM missiles and Mig aircraft used by the North Vietnamese are not Red Chinese but Russian. The figures show over 80 percent of the materiel used in slaughtering our men in Vietnam is supplied by Russia. Red China supplied North Korea, the other U.N. war. If the President's trip to Red China disturbs the Russians how could anyone feel the China junket would relieve the situation of our POW's or stop the war? Red China does have prisoners, but not from the Vietnam war.

Then we hear from the idealist—that we should be friendly with our enemies—that we can not negotiate with people with whom we do not talk.

Are we to love our executioner? How can we negotiate with people who have nothing to negotiate? Past experience from American negotiations with Communists proved not negotiations, but gifts. How much more of what we have got do we have to give?

We hear the cliche that any country with as many people as China cannot be ignored. Who is ignoring China? So long as they were a friend and ally of the West under Chiang Kai-shek, we only heard about their corruption and backwardness. Only after our leaders betrayed a pro-West leadership and started courting a Communist police state have we become considerate of China's existence. Is our renewed interest a result of our compassion for the Chinese or for the type of government under which they are forced to exist? In recognizing the totalitarian leaders and their oppressive system, we do the Chinese people an injustice because we insure the continuation of the Communist Party and perpetuate the Chinese people's enslavement.

Peace. Following Nixon's peace junket to Moscow in 1959, the American people paid dearly for peace, with 50,000 men dead in Vietnam, and peace is still denied, an insult to the memory of every American who died in the U.N. war in Korea because of Red Chinese bullets and manpower. In 1933 we recognized Communist Russia and her peoples have been enslaved ever since. What peace followed this recognition?

The peace Americans seek is freedom. The peace Communists seek is destruction of freedom which they regard as a threat.

Then we hear the economic dreamers—recognition of Red China will be good for trade. Good for whom? The average Red Chinese worker's earns $30 a month. Our markets may flood with cheap-wage goods which may prove to be bargains for our consumers—so long as they have income from jobs—but what will the Chinese be able to buy in reciprocal trade? Jet airplanes? Sophisticated machinery? And once industrialization is complete under a government-owned economic system, where will there be any employment for Americans or money for consumers?

To what fate have we abandoned our free world allies, now that the United States has announced its intention to line up with the Communist bloc?

The Captive Nations people are again sold out and our Nationalist Chinese friends are betrayed a second time—awaiting the third, with the upcoming United Nations seating of Red China. Those nations long dependent upon the United States for free world leadership will now be forced into realinement for security and survival. Or they will go the route of the United States and line up with the Communists.

Nationalist China has severed relations with all nations which have lined up with the Communist nations. Now that President Nixon and Mr. Kissinger have delivered us to the pro-Communist column, will Nationalist China sever relations with the United States?

This is something to really think about—the United States as a pro-Communist nation.

We used to joke about waking up lest our grandchildren would have to count in rubles. Now we may need to learn to use the abacus and count in yuans.

The great temptation in personal diplomacy—gambling with the lives and liberties of the American people—could not be resisted by President Nixon. His dedicated quest for an image as a peacemaker and the success of his new American revolution to change our country is a real threat to us all. This threat will be further realized by the people when Chairman Mao returns the "compliment."

I insert related clippings at this point:

[From the New York Times, April 10, 1971]

Oil Hunt off China Stirs U.S. Warning—Companies Told They Risk Ships in Dispute Involving Peking, Taiwan, Tokyo

(By Terence Smith)

WASHINGTON, April 9.—The United States has advised several American oil concerns that they risk seizure of their ships if they continue to explore for oil deposits in a disputed area off the Chinese mainland.

A State Department spokesman, Charles W. Bray 3d, said today that the companies were told that it would be "inadvisable" for them to explore for oil deposits near the Senkaku Islands in the East China Sea because of a dispute between Communist China, Nationalist China and Japan over the ownership of the deposits.

In asking the companies to halt their operations, the Nixon Administration appears to be seeking to avoid an incident with Peking. The Administration has been trying for the last two years to improve its relations with Communist China, and State Department officials said privately today that they were determined not to let he dispute over the oil deposits interfere with that effort.

In apparent response to the Administration's warnings, the Pacific Gulf Corporation yesterday withdrew its oil research ship *Gulf Rex* from the disputed area. The ship had been conducting a survey off the northern tip of Taiwan for the Nationalist Chinese Government. It is now reported en route to Sasebo, Japan.

The territorial dispute over the area dates to 1968, when a geophysical survey indicated the presence of major oil deposits off the barren, uninhabited Senkaku Islands.

AFRAID OF MISUNDERSTANDINGS

The discovery reactivated an old argument between Japan and the Chinese Nationalist Government on Taiwan over territorial rights to the islands. Last December Peking asserted its own claim to the area. The Communist claim was backed up by strong warnings against exploration and exploitation of the deposits by foreign oil companies. The most recent and sternest of these warnings came last week and prompted a renewal of concern at the State Department.

Officials here were particularly concerned that the mission of the Gulf Rex might be misunderstood because of the sensitive electronic equipment she uses to sound for deposits.

The oil deposits are in no way related to those believed to be present off the coast of South Vietnam, where the Saigon Government is planning to accept bids for concessions. Test drilling and survey work has been under way there for several years.

Pacific Gulf and the other companies that have received concessions from the Chinese Nationalist and Japanese Governments, and from South Korea for exploration in waters farther north, all were advised that the Government would not be able to intercede on their behalf if any ships were seized.

Mr. Bray said that Japan, Nationalist China and South Korea were officially informed of the United States position last month.

The Senkaku Islands have been administered by the United States since the end of World War II as part of the peace treaty with Japan. Along with the Ryukyus chain they are to be returned to Japanese administrative control next year as part of the agreement worked out between President Nixon and the Japanese Premier, Eisaku Sato.

Mr. Bray said that the companies that had been advised were Gulf, Caltex, American Oil Company, Clinton Oil Company and Oceanic Exploration Company.

[From Chicago Today, March 29, 1971]

Oil Fuels Up Indochina Politics—Huge Deposits Add New Angle to U.S. War Policy

(Reprinted with permission from Forbes magazine.)

It has passed the rumor stage. Clues are beginning to pile up that there may be huge quantities of crude oil in the waters of the Far East and Southeast Asia. Discoveries by Natomas, Atlantic Richfield, and Union Oil have triggered a frantic exploration race off Indonesia. An optimistic report by a United Nations team about possible oil deposits between Japan and Taiwan is fueling speculation that the entire Far East could contain oil deposits rivaling those of the Middle East.

Some of these deposits would almost certainly lie off South Viet Nam. Nobody yet knows for sure because no drilling has taken place. But preliminary United Nations surveys have given the area good marks. And there are plenty of rumors. One is that a British company has found signs of oil on the prison island of Con Son, east of the southern tip of Viet Nam.

The political implications, of course, are enormous. But if the oil is there, or even probably there, the question of who rules in Saigon takes on a more than political significance. Already, United States antiwar groups are beginning to suggest that a desire to ensure friendly governments in the Indochina area could slow down President Nixon's withdrawal from the war. An organization called "Another Mother for Peace" has flooded the Senate Foreign Relations Committee with over 10,000 letters calling for public hearings.

Not surprising, the oil companies are less than anxious to discuss the topic. Walter Levy, a New York-based oil expert and consultant to many of the companies, says flatly: "I don't want to comment. It's become a political issue."

"We haven't made up our minds yet," says a spokesman for Mobil Oil, asked whether his company would bid for concessions. Another dodges the question: "Texaco is not participating in exploration in Viet Nam."

Queried about his government's plans, Ngo Thanh Tung, an economist at the South Vietnamese embassy in Washington, says: "Several companies have been sending their proposals, but none of them have yet been considered." But oilmen expect Saigon to ask for bids quite soon.

In a conference last year, Chase Manhattan Chairman David Rockefeller made a little-noticed speech that created a quiet stir among Asia-watchers. By 1980, Rockefeller said, the oil industry could pour $36 billion of capital investment into the Asian Pacific. This kind of money could give the area the boost it needs to enter the industrial age. It could help make up for the loss of U.S. military expenditures by substituting oil wells for military bases.

To give a sense of proportion, the total, free world investment Chase predicts for 1969–1980 is $250 billion. But the Asian Pacific share will almost equal the total slated for Latin America, Africa and the Middle East. "The Asian Pacific," commented Petroleum Engineer, a trade journal, "looks like the next big international boom area."

If the oil is there the boom will undoubtedly follow. The Asian area is the fastest-growing oil market in the world. Japan which burns 3.4 million barrels a day, is forecast to consume over 10 million a day by 1980. While Southeast Asia consumes relatively little oil, consumption could rise at a brisk pace if industrialization plans catch hold. "Just think of all those people who are now burning charcoal and using oxcarts," sighs one oilman.

Where is all the oil coming from? Southeast Asia may contain enough offshore crude to fuel that growth. Right now its production doesn't come close. Indonesia, the largest producer, turns out only 900,000 barrels a day. Japan must therefore rely on the Middle East for 85% of its oil, but Japan is uneasy at its dependence on this volatile area.

Compared with Middle East oil, moreover, South Asian oil will be close to its markets, reducing transportation costs. Drilling and the production costs are reasonable, because the offshore areas of Indonesia and Viet Nam are relatively calm and very shallow.

Perhaps most important, the oil found so far off Indonesia is exceptionally low in sulphur content, less than 1 per cent compared with the 3 per cent-plus content of Middle East crude. This would give it a major cost advantage in Japan, which is imposing strict pollution controls.

Much of the oil could find its way into the rest of the world market, where more oil will be needed within the next 15 years than has been produced in the history of the oil industry. The low sulphur content could make the oil very attractive to the west coast American market, where pollution is a big issue. The uncertainties of Middle East politics, the higher prices being imposed by the Organization of Petroleum Exporting Countries and the delay in finding a way to transport crude from the North Slope of Alaska to the 48 states add to the prospects.

A veteran oilman puts it this way: "We don't have the oil in the U.S. to meet our future requirements. Either we are going to have our future committed to those crazy Arabs or we are going to develop Southeast Asia, the West Coast of Africa and the West

Coast of Latin America as alternate sources—and, hopefully, build the Alaskan pipeline."

In any case, mounting U.S. activity in the area raises huge political questions that must be balanced against the economic benefits for Southeast Asia and the U.S.:

Might a discovery lead to pressure for slowing down the pace of P.S. troop withdrawals?

Might oil industry agreements with the present Thieu-Ky regime commit the U.S. even closer to this controversial government?

If the war in Indochina bogs down permanently, won't the oil industry run the risk of being made the scapegoat for whatever goes wrong?

Is a "friendly" regime in Saigon really vital to U.S. access to such oil? After all many Arab countries are rabidly unfriendly to the West but sell their oil there.

What will be the effect on the political and military policies of Japan and China?

Oil seems forever fated to be a politcial mineral.

[From the (Portland) Oregonian, May 1, 1971]

U.S.-Chinese Thaw Linked to Oil Find

(By Blaine Schultz)

The United States will form a "strange, new partnership" with Red China because of a new economic factor—major oil discoveries off the shores of South Vietnam, a Portland manufacturing executive said Friday.

Monford A. Orloff, president of Evans Products Co., told a shippers' group at the Portland Hilton Hotel the importance of the oil will speed up "the game of musical chairs" between nations.

But he intimated it would be naive to assume that the honeymoon between the United States and mainland China simply grew out of favorable reception in Peking of an American ping pong team.

At first, most of the oil from the new deposits will be delivered to Japan, he said.

"Then China will take more and more of this extremely valuable asset," Orloff said at the closing luncheon of the three-day National Association of Shippers Advisory Boards.

Purposely side-stepping a talk that would deal with transportation alone, Orloff indicated that the "increasing turmoil and unrest which plagues our country" called for openness and that the protests by the younger generation are understandable.

In his talk to businessmen, the Portland manufacturer talked about inflation, the controversial topic of Vietnam, and the new American relationship with Red China.

At the end of the talk, almost the entire dining hall of transportation people and shippers stood to applaud. The gathering, for the most part, was "over forty."

Orloff said he could understand how the nation's leaders would be frustrated by the "rising tide of protest" led by the younger generation against the war.

"Frustrating, yes, but surprising, no," Orloff declared, as he noted that the difficulties arose "because of the insistence of our leaders in applying the panaceas of the Fifties and Sixties to the problems of the Seventies."

By 1966, he said, "we found ourselves engaged in a terrible, costly war, the likes of which were never thoughtfully contemplated and the results of which gave rise to most of the serious problems with which we are confronted today."

He said American involvement in the war "has spawned inflation, civil unrest, unemployment, high interest rates, lower profits, and, possibly, a major shift in the political control of our country."

VOTERS AGE CHANGING

By 1972, he said, there will be some 42 million voters between the ages of 18 and 30.

The cure of our inflation, he said, has been a "trade-off" of higher unemployment and lessened profits in return for a somewhat lessened rate of inflation.

But the greatest inequity, he said, "the result of which will be felt for the next decade at least, was the decision to fight the war using almost entirely our young people, and particularly, the less advantaged sector of the younger generation."

He said it was the first war fought by the United States in which participation by the citizenry was "limited to those of us who have not reached the age of 26."

In addition, he said, the citizen army was disproportionately drawn from the nonwhite sector and the non-college ranks.

Because of the latent threat of intervention by Red China and the changing attitude of the American people against the war, the conflict cannot be ended by invasion or destruction of the landscape, Orloff said.

"In the not too distant future," he predicted, "our government will announce a time for final withdrawal."

"MACABRE ASPECTS" CITED

And he said there are "macabre aspects" to suggestions that the withdrawal be slowed until the prisoners of war are returned home. He said there are some 1,600 "men missing," but in the meantime, there is a casualty rate of 250 men a week "of whom 50 are killed."

Orloff said he believed that America's initiation of renewed relations with Red China "stems from the fact that the new major oil discoveries off the shores of South Vietnam have introduced a new economic factor which transcends political and social theory and calls for hardheaded realism" in how the oil is to be used.

In the not too distant future, Orloff said, "you will see our relations with Red China improve markedly," and because of the political power of the young voters, he predicted that "the war in Vietnam will quickly and speedily be ended."

[From the Christian Science Monitor, June 11, 1971]

South Vietnam Oil Boom?

Saigon.—Thirty foreign oil companies expect to receive permission in the next few days to explore for oil in South Vietnam. The government hopes to receive $1 million a day in revenue from the activities.

Among the companies that have applied for exploration, prospection, and exploitation rights are BP, Shell, ELF (French), ENI (Italian), Esso Caltex, Gulf, Mobil, AOC, COC, as well as a Japanese combine comprising Mitsubishi, JPDC, Itoh, and Mitsui.

Most of these companies will probably have their headquarters in Vung Tau (formerly Cap St. Jacques) at the entrance of the Saigon River. Already there has been vigorous speculation in land there.

Pham Kim Ngoc, Minister for Economic Affairs, is expected to announce how the new oil exploration and exploitation law will work on or before June 15. The oil companies are particularly anxious to learn the terms of the standard contract they will have to sign with the government.

The standard contract has been drawn up by the Vietnamese Government with the help of a team of Iranian oil exports who visited Saigon in April and May.

Vietnamese geologists have confirmed that Vietnam possesses an oil potential, and in 1955 traces were found in the Qui Nhon area. In 1968 Amper Corporation, an American consortium, estimated that the shores of Southeast Asia contained oil reserves comparable to those of the Middle East.

Amper Corporation conducted researches on behalf of Standard Oil of New Jersey and Indiana, Mobil Oil, Gulf Oil, Atlantic Richfield, Philips Petroleum, Tenneco, Continental Union Oil of California, Dutch Shell, and British Petroleum.

In December, 1970, explorations by Mandrell tended to confirm the existence of oil on the coast of South Vietnam, especially at the mouth of the Mekong River. Following that report, there was talk in Vietnamese circles that the South Vienamese offshores may contain as much as 25 percent of the reserves of Southeast Asia, and that the geology of the Mekong Delta was said to be similar to that of the Mississippi and Louisiana.

INVESTMENT PROPOSED

Hopes that the discovery of large oil deposits would ease the economic shock of the American withdrawal from Vietnam were heightened by the disclosure that the Chase Manhattan Bank was prepared to invest $6 million in oil exploration between now and 1978.

North Vietnam became deeply interested. The June issue of the economic monthly published in Hanoi said that the United States wanted to stay in Vietnam because of oil. Soviet propaganda began expounding this "line" a year ago.

The government has decided to allow foreign companies to come in despite charges from militant Buddhist circles that Vietnam's national resources are being turned over to foreign interests. The government is aware of the dangers of losing control over its oil, however, and is using the granting of licenses—which will bring ample revenues in time—to bring pressure on countries, including Japan, which refuse to invest in other fields in Vietnam.

1971 LEGISLATIVE QUESTIONNAIRE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. PATTEN. Mr. Speaker, knowing the legislative views of constituents is important to me, so I send a legislative questionnaire once a year to every home in the congressional district I represent.

This year, my questionnaire contains seven questions—four on domestic issues and three in the area of foreign affairs. The questions follow:

QUESTIONNAIRE

Because of the decline in the economy, are you more concerned about (check only one): Unemployment, Inflation, High interest rates.

Are you satisfied with the progress being made by air and water pollution control programs?

Do you believe that a limit should be placed on campaign spending for candidates running for Federal office?

Would you favor establishment of a comprehensive health insurance program that would cover most medical expenses if the cost is shared by employee, employer, and the Federal government?

Do you support President Nixon's plan to expand American travel and trade with Communist China?

Should import quotas be put on goods that place American products at a severe competitive disadvantage?

Which of the following would you favor for the U.S. position in Southeast Asia? (please check only one)

(a) Continue the Administration's present Vietnamization policy (a gradual withdrawal of U.S. troops to be replaced by South Vietnamese troops)

(b) Withdrawal of all U.S. forces in 1971.

(c) Withdrawal of all U.S. forces in 1972.

(d) Undecided

THE FORGOTTEN MIDDLE AMERICAN

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. ARCHER. Mr. Speaker, I would like to share with my colleagues a man's letter to his son that portrays so well the frustrations gripping the taxpayers of our Nation. The time has come to reverse a trend in taxation that weighs heavily on the average taxpayer. I believe we should consider very seriously a means by which we can bring some relief to the "forgotten" middle American:

Dear Mike: I notice there is growing disenchantment with the system, situation, national condition (or call it by a better name). Even the President has mentioned publicly growing decadence.

The middle class taxpayer continues to get it in the neck, and no relief in sight. And we seem to have no direct control over what our local and national tax dollars are spent for, unless we go through the laborious process of writing our Congressmen and the state Legislature (the latter appears to be a completely fruitless process).

Can you get any high level comments on taxing methods and the mentality behind tax collectors, etc.? We have just been advised by the Spring Branch School District tax collector that our house and lot have been given a much higher market value "in their opinion". The assessed valuation is 70% of the market value, so we will be charged tax at $1.76 per $100 assessed value. We voted in a $27,000,000.00 bond issue in 1970 for land purchases, school construction, major modifications to buildings, etc. This was to add about $8.40 to the tax bill for a $30,000.00 home. Now they slap the increased valuation on us, adding $150.00 more to our *school tax*. This makes a large additional tax for the Spring Branch District for 1971.

If I sold the house for the new market value, "in their opinion", I would have to report a $12,000 long term capital gain on Federal Income Tax which would take a large bite of it. The taxing people seem to overlook that we have a thing called depreciation, the shingle roof will need replacing before long, the air conditioner is about due to play out (nearly 10 years old), and we get no credit of any kind for the big maintenance items on the home.

As you know, I'm bitter about the whole thing. The idea of the old American way: work hard, save your money, buy a home is becoming a ridiculous travesty: if the home is worth investing in with the hard-earned money over a period of years, they slap you with taxes, and the middle class works their tails off so some tax-happy bureaucrat can raise their taxes. And it seems we have no control over what the taxing bums will spend the money for.

I've talked to a number of neighboring property owners, and they are all protesting the big valuation raise (mine is about 44%) but they say there is nothing we can do—the tax collector just listens and smiles, etc.

I do plan to attend the next Spring Branch School Board meeting and make some public comments about taxes. I would also participate in a noisy public demonstration against the school, county, and City taxes (all of which are being raised). I begin to understand how frustration could have caused students to riot or to have some big demonstrations in the recent past. I think it's the frustration that does it.

I feel more and more that, if someone doesn't come up with a national "aim", moral direction, or reason for all the gobbledegook we have, that the thing is going to cave in on itself.

Regards from your radical

Dad.

ALL'S WELL ON FISH DIET

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. KEITH. Mr. Speaker, a few months ago the Food and Drug Administration warned the public not to eat swordfish as it exceeded their standard of 0.5 parts per million. All swordfish on the market and in storage at that time was seized for inspection.

These actions signified the end of our swordfishing industry and dealt a serious blow to the entire fishing industry. The public tends to draw the conclusion that since there are harmful amounts of mercury in swordfish, then there must also be proportionate amounts in other species.

I would like to place in the Record the following editorial which appeared in the June 29 issue of the New Bedford Standard Times. Basically, the article calls for additional documentation on mercury pollution in swordfish and on the consequences of eating swordfish in normal quantities.

I fully agree with the intent of the editorial. The fishing industries are faced with a miriad of serious problems and will suffer greatly by a reduction in consumer confidence. The editorial follows:

All's Well on Fish Diet

A new study, made by the New York City Health Department, declares that persons who have been eating fish four to seven times a week for many years show no more mercury in their systems than those on a "normal" diet.

The report was based on a careful five-month check of a coronary-prone group which has emphasized a fish diet for the past 13 years. The group, the Anti-Coronary Club, of 105 members was, in fact, established in 1957 by the city Health Department to determine whether a diet low in saturated fats could reduce heart disease.

Periodic tests have been made this year to verify that the club has been observing a fish diet. Other tests were made of the subjects' blood and hair, where the human body stores mercury. The mercury content was found to be no higher than in persons eating fish only periodically.

The results further confuse an already confused issue. In January, Dr. Bruce McDuffie, a chemistry professor at the Bingham campus of New York State University, declared that tests of persons who ate fish regularly showed five times as much mercury as in persons who rarely ate fish. In both the McDuffie and New York Health Department studies, the fish most eaten was tuna.

It was Dr. McDuffie's report last December, of having found a can of mercury tainted tuna, that led to a probe by the Federal Food and Drug Administration and the withdrawal from market counters of more than 1,000,000 cans of tuna. Later the FDA said this was only a "precautionary" move and the tuna consumer was safe from mercury poisoning.

The tuna scare is over, but we're wondering, in view of the contradictory findings from New York's Health Department, whether there was substantial grounds for a scare in the first place. And this leads to questioning of the FDA's newest alarm about mercury poisoning from eating swordfish.

A controlled test case is needed for swordfish like that offered by the Anti-Coronary Club on tuna fish. The one disabling example reported from a swordfish diet was that of a woman who ate two servings (12½ ounces) a day for two years, and thereafter the same quantity every day for approximately half of every year. Even tuna eaters might suffer numbness and tremors on a diet that concentrated.

The FDA is obligated, at the earliest possible time, to furnish a documented report on the consequences, if any, to which someone eating swordfish in "normal" quantities—say once or even twice a week—might be subjected.

PEACE TO THE PEOPLE: REV. UNDERCUFFLER'S SUMMER RECREATION PROGRAM

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. MAZZOLI. Mr. Speaker, I would like to recognize the worthwhile efforts of Rev. Robert Undercuffler of the Peace Presbyterian Church to bring meaningful community activities to the youth of the Newburg area of Louisville.

Rev. Undercuffler is reviving in Newburg this summer the role of the community church as a place where neighborhood people can gather and do things together. The recreation and education programs at Peace Presbyterian Church may be fun, but they are also part of a serious effort to help the young people of the Newburg area.

With the assistance and guidance of program director Keith Bertrand and youth directors Chauncey Brummer and Ed Goodwin, the summer recreation program has reached young people with problems and brought potential troublemakers into the program. For many, they have dissolved dangerous summer idleness with fellowship at Peace Church.

Mr. Speaker, I would like to insert in the Record at this point a recent article in the Jefferson Reporter by Jane Wehner, about the efforts of Reverand Undercuffler, Keith Bertrand, Chauncy Brummer, and Ed Goodwin in the peace summer recreation program.

Summer Recreation Program Brings Peace To Its People

(By Jane Wehner)

"Peace be with you" is a blessing the Reverend Robert M. Undercuffler takes seriously, and literally.

As pastor of Peace Presbyterian Church in Newburg, the Reverend Undercuffler says Peace Church "has a commitment to the people.

"At Peace it's not a matter of the church being there for the community. It's the church being the communty—the community is part of the church and the church is part of the community."

And, according to those who work with him, the Reverend Undercuffler has succeeded in bringing together young people and adults in the area to work for the common good of the community and each other.

Peace Youth Committee, a group of adults and youth, act as the planning council for church programs.

The term "church programs" does not, however, mean programs for the church, but programs for the entire community.

RECREATION PROGRAM

This summer, for the first time, an extensive recreation and education program is provided by Peace Church. There are supervised arts and crafts projects for young children, games and sports for any age group, and a black culture program including black history and Negro folk songs.

To help finance the activities, and to provide evening entertainment for area youth, there is a dance each Wednesday and Friday night, often emceed by a well-known DJ, "The Judge" Ervin Hurd of WLOU radio.

Money is also raised by the youth with car washes, paper drives and other such projects. The Youth Council has its own treasury, and screens and hires its recreation supervisors.

This summer, for the first time, a full-time, paid summer program director is being employed. He is Keith Bertrand, originally from Trinidad. There are two other youth directors—Chauncey Brummer, a law student at the University of Kentucky, and Ed Goodwin, called by The Reverend Undercuffler "the sparkplug behind the whole thing."

Along with federally funded Neighborhood Youth Corps workers, these directors supervise programs for as many as 60 children, and help the older youth and adults plan activities.

The Reverend Undercuffler stressed the Youth Council is a year-round organization, and plans programs all during the year.

He also says the programs are not limited to youngsters. He hopes to develop adult-oriented activities to take to the community.

For example, he says he'd like to have volleyball equipment to take to various neighborhoods so the people on the block can get together for games and a good time.

BLACK ARTS FESTIVAL

Keith would like to stage a Black Arts Festival, "including a soul supper," and would like to plan tours to places of interest—anyplace from Coney Island to the Louisville Free Public Library.

Bringing meaningful activity—for fun and education—to the community is the important thing to all those involved. And, according to The Reverend Undercuffler, the community has responded well, with parents and friends pitching in to help when possible.

"Still we can always use more volunteers," Keith said.

And the Peace Council could use more money.

"There is really a concern that it (the recreation program) isn't dropped before summer ends. That would cut into the children's programs," The Reverend Undercuffler said.

But with the cost of directors, supplies and equipment, the threat of the cut is there.

The Reverend Undercuffler is doing his best to see that the programs continue, especially for the sake of the youth.

He said church programs are "traditionally very selective about who they let join. The kids are usually the well-scrubbed, obedient to mother ones. The kids who really need the church are written off.

"But here, these leaders (the youth directors) are writing these kids in." He said several potential "trouble-makers" have become hard-working contributors to the programs thanks to the directors' help and direction.

How has this affected his congregation (since church membership is not required for program participation)?

"The breakthrough has been made here. A lot of kids, young men especially, who never come to church have found a broad fellowship here, and acceptance."

And it is through the fun-and-games activities, the sports and dances, that The Reverend Undercuffler has been able to reach troubled youth—youth who, for example, have a drug problem and need help and counseling.

The Reverend Undercuffler says anyone interested in lending a helping hand to keep the summer program alive can contact him or the youth directors at Peace.

"EMPTY SALES BOOKS THREATEN THE UNITED STATES"

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. GIBBONS. Mr. Speaker, I would like to call to the attention of my colleagues an excellent editorial from the Tampa Tribune, Tuesday, July 6, entitled "Empty Sales Books Threaten the United States."

The Tribune discusses the fact that many people in our country are seeking an easy way out of our complex international economic problems by advocating restrictive quotas, raising tariffs, and otherwise trying to stifle imports. Such methods will not help our trade situation at all. In fact they will severely hamper our general international relations.

The Tribune has recognized the need for positive action by this administration, and I think we will all agree that we must straighten out our world trade posture soon.

[From the Tampa (Fla.) Tribune, July 1, 1971]

EMPTY SALES BOOKS THREATEN THE UNITED STATES

The recent warning by Henry Ford II, board chairman of the Ford Motor Co., that the United States is becoming a service nation instead of a producer and exporter was no idle talk intended solely for his stockholders.

Ford's disturbing analysis contains a message for the Tampa dock worker and the Polk County citrus plant employe or phosphate miner whose products compete in the world market. Every American worker and businessman has cause to be concerned about the nation's place in international trade.

Two developments last week support Ford's warning:

In May, for the second consecutive month, the United States imported more goods than it sold abroad. This was the first time this back-to-back imbalance has occurred since 1950. If the trade deficit continues, 1971 will wind up with the first import surplus in 78 years.

The Organization for Economic Cooperation and Development, a group which studies trade trends of the world's richest nations, reported the United States faces a severe economic crisis because of its deteriorating stature as a world trader. By 1975, the report said, this country might have a trade deficit of $2-3 billion.

Nor is that all. Fifteen years ago the United States handled one-third of the world trade; now it's down to one-fifth.

Japan has emerged as a traveling salesman which threatens our trade dominance. An aggressive European Common Market is making its wallop felt at the world trading counters.

Unfortunately, as more American firms are forced to shut down from too much foreign competition the U.S. Government continues to grope for a solution to the problem. President Nixon has created a Council of International Economic Policy to find ways to strengthen our world trading position but there's no curative program in sight.

Behind the gloomy trade outlook a few hopeful signs flicker, but only faintly. The Vietnam war is coming to an end which will reduce the torrents of money spent for foreign military purposes. Japan has agreed to voluntary quotas on textiles and a few other goods. South Korea and Nationalist China are considering the same thing.

But these slight moves do not touch the big problem. It just costs too much to turn out American goods; we're being priced out of the market. The tap root of this dilemma is inflation and a spiraling wage structure which threaten to force us to the sidelines of world commerce.

What's needed is a reshaped foreign policy in which trade plays a greater part. Rapidly changing world conditions require us to replace military weapons, which heretofore have added so much commercial heft, with skillful trade weapons.

The Federal Government must assume responsibility for developing such a policy. It is obvious the government must become a working partner with industry and business. Such a partnership is needed to meet the threat of Japanese and Western European manufacturers who are so strongly backed by their governments:

There are positive steps President Nixon can take:

He must try harder to contain inflation and yet there are signs pointing to another inflationary takeoff. It is up to him to convince labor of its shortsightedness in demanding excessive wages.

Western Europe and Japan must assume more of the defense burdens in their areas. These two world tradesmen also will have to give better breaks to American goods.

The President must reject the expediency of temporary relief by jacking up tariffs or establishing restrictive quotas on foreign goods. Such relief will last only as long as it takes competing nations to install similar trading restrictions against the United States.

Financial assistance in the form of credits should be considered. American industry must be helped to modernize itself and the government and industry together must find ways to alleviate our threatening fuel shortages.

The alternative to an immediate straightening of our world trade posture is more American salesmen returning home with empty sales order books.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the

United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

U.S. MANUFACTURERS OF LARGE POWER TRANSFORMERS FACED WITH UNFAIR FOREIGN COMPETITION—WHICH AFFECTS JOBS AND AMERICAN BALANCE OF PAYMENTS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I am concerned that American manufacturers of large electrical apparatus are being subjected to severe foreign competition over which they have no control.

This situation lessens American jobs and adversely affects substantially our balance-of-payments situation.

Mr. A. L. Bethel, vice president of manufacturing of Westinghouse Electric Corp., told me recently that more than 95 percent of large power transformer purchases by U.S. Government agencies were from foreign manufacturers.

Foreign manufacturers can sell equipment in the United States at prices far below prices charged in their own markets. Imports of foreign-made electrical equipment to this country are encouraged by current U.S. Government policies. However, American-made products cannot be sold in certain overseas markets because of foreign restrictions placed upon such American-made imports.

In these times, when the country is suffering from the highest unemployment rate in many years, when the sluggish economy is struggling to regain some semblance of normality, when the balance-of-payments problem shows little sign of being corrected, when our export trade continues to diminish, there appears to be no greater need than to place our own producers in a fair competitive position both for procurements here at home and sales in foreign markets.

While Westinghouse Electric Corp., is a big business in the best sense of the word, hundreds of small businesses which act as subcontractors and suppliers are affected to a very large degree by what happens to Westinghouse, and other manufacturers of these items.

I propose to explore this matter in depth with a view of making corrections and improvements. In this connection I have written letters to the Honorable Maurice H. Stans, Secretary of Commerce; the Honorable Rogers C. B. Morton, Secretary of the Interior; and the Honorable Aubrey J. Wagner, Chairman of Tennessee Valley Authority, requesting that this matter be reviewed and asking for comments and recommendations to achieve a more equitable utilization of the Buy America Act and improvement of our balance-of-payments situation.

Because of the interest of my colleagues and the American people in this most important matter I place in the RECORD herewith a letter from Mr. A. L. Bethel, vice president, manufacturing, Westinghouse Electric Corp., Pittsburgh, Pa.

The letter follows:

WESTINGHOUSE ELECTRIC CORP.,
Pittsburgh, Pa., July 8, 1971.

Hon. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: As you will recall, at our meeting on June 22 I promised to send you a summary of our views with respect to foreign competition in large electrical apparatus. This letter sets forth those views.

Westinghouse, and other United States manufacturers of large electrical equipment, have become increasingly concerned in recent years over the inroads into the American market being made by foreign competitiors. It seems especially ironic to us that TVA, Bonneville Power Administration, and the U.S. Bureau of Reclamation have led the way in purchasing foreign-made equipment.

While the dilemma has been pointed out several times in testimony before congressional committees and in public and private discussions with appropriate officials of the executive branch, review, if any, of U.S. international trade policies—not as stated for we support them, but as they are practiced—is too slow to be encouraging. The plight of the makers of products used in the generation and transmission of electrical energy has hitherto become lost at the international trade negotiating table.

"Development of open and nondiscriminatory trade in the free world" is one of the purposes of the Trade Expansion Act of 1962. President Johnson's trade message to the Congress in 1968 stated that "A successful trade policy must be built on reciprocity . . ." President Nixon's 1969 trade message expressed the same policy in different terms: "We must insist on fair competition among all countries . . ." If international trade in heavy electrical equipment were practiced in accord with these expressed policies, American manufacturers could be fully competitive. As it is, they are faced with unfair foreign competition over which they can have no control. Only the Government can treat with closed foreign markets, the purchasing policies of United States Government agencies, dual priced imports, tax rebates by foreign governments to their own manufacturers on sales to the United States, and an often intangible variety of non-tariff barriers to our American exports.

The increase in imports of large utility-type equipment to this country is not the result of superior technology or lower foreign manufacturing costs. While employment costs are lower abroad, careful studies show that America's production methods offset them substantially. The increased imports of this equipment result from the unfair trade practices cited in the previous paragraph.

The Randall Commission on Foreign Economic Policy, in its 1954 Report, took note of the problem of closed foreign markets. It recommended amendment of Buy American policy "to give authority to the President to exempt from the provisions of such legislation the bidders from other nations that treat our bidders on an equal basis with their own nationals . . ." While part of this recommendation was ordered into effect, the part which would have required equal treatment for American bidders in foreign countries was omitted.

It is meaningless to secure a reduction in tariff from a country that would not allow the item to be purchased from a source beyond its borders. In the 1967 Kennedy round of tariff reductions, for example, responsible American officials reduced U.S. duties on nearly all large electrical equipment the full 50 percent. Britain and Japan as well as a number of European nations reduced their tariffs also. In most of these foreign countries, with some exceptions in Japan, electric utilities are either government-owned or government-controlled. Almost uniformly, however, they observe policies sanctioned or mandated by their governments and will not buy from American manufacturers.

Despite the lack of access for American-made products to foreign markets, the American market is wide open. Imports of foreign-made electrical equipment to this country are encouraged by United States Government policies. As already indicated, the principal purchasers of large electrical equipment from foreign suppliers have been agencies of the United States Government—the Tennessee Valley Authority, Bonneville Power Administration, U.S. Bureau of Reclamation. They have bought this equipment at prices below—often far below—the prices charged by these foreign suppliers in their home markets. Additionally, they have established a trend in purchasing which investor-owned utilites with a long-standing preference for domestic equipment have found it difficult not to follow.

Foreign manufacturers, selling as they do from protected home markets, can afford to offer lower prices to American customers than they offer in their home countries. The prices they charge in their domestic markets are sufficient to cover all or most of their manufacturing plant overhead costs. Export orders are then sought and obtained at reduced prices to fill unused plant capacity. In many industrialized countries, the governments pay subsidies and offer other incentives in the form of tax rebates or the like to exporting manufacturers.

The following facts provide some insight into the extent of imports of heavy electrical equipment into the United States:

In 1970 through May 31, of the orders for large steam turbine generators placed by American electric utilities, 43 percent, measured in kilowatts of generating capacity, have gone to foreign suppliers.

In the two years ending June 1970, more than 95 percent of large power transformer purchases by U.S. Government agencies were from foreign manufacturers. In the same period 15 percent of total U.S. orders for large power transformers—Government agencies and investor-owned utilities—were placed with foreign manufacturers.

Approximately 80 percent of extra-high voltage power circuit breakers procured by Federal power agencies since 1963 have been foreign products. In the highest and most technologically advanced rating—765,000 volts—all but one power circuit breaker has been purchased from abroad.

The United States represents half of the free world market for large electrical equipment. Its demand for equipment is expected to double in the next 10 to 15 years. About one-fourth of the total world market is in Japan and industrialized Western Europe. Demand in this segment is expected to triple in the same period. Because the U.S. market is open, foreign manufacturers will share substantially in the American expansion, while enjoying "sole supplier" status in their expanding protected home markets.

American manufacturers, keeping abreast of expanding domestic requirements, have invested hundreds of millions of dollars in recent years in new and expanding production facilities. Their plants are modern tnd their equipment sophisticated. Increasing one-way, dual-priced foreign trade is vitiating this investment. Furthermore, it is jeopardizing essential research and development and the maintenance of a highly skilled American work force.

We believe an essenial first step toward arresting this damaging one-way trade would be to increase the Buy American differential to 50 percent from the current 6 percent level. Then, a more vigorous Government attitude toward enforcing the antidumping and countervailing duty statutes should be adopted and carried out. Other steps may also be necessary.

Your support of such changes in policy would be appreciated.

Sincerely yours,

A. L. Bethel,
Vice President, Manufacturing.

BARNYARD SCIENCE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. CARTER. Mr. Speaker, for many years the people of Kentucky were pleased each morning to read in the Louisville Courier-Journal the erudite renditions from the fearless forum of that master of barnyard science, Allan M. Trout.

Allan had longed for a golden Cadillac on his retirement from service with the Louisville Courier-Journal. Many of us wanted to make this dream come true, but at the moment of truth, Allan declined.

For the Members of this body, I am enclosing one of his masterpieces, entitled "The Zipper Story":

First Year: The Zipper Story

It was December 7, 1939, the first year of Greetings, that light was shed here on the famous zipper story. To this day, I get more requests to reprint that column than any other. Here 'tis:

John Brown, Richmond, Va., weighed 200 pounds. He gorged himself one night on backbone and dumplins. When he and his wife later went to the picture show, Mr. Brown settled back, loosened his belt, and lowered the zipper on his pants a few inches.

A lady in the same row got up to leave. As Mr. Brown arose to let her by, he remembered his zipper was unfastened. He reached down to pull it up. But it caught in the lady's dress and he could not work the thing up or down.

She felt a tug at her dress and gave him a hard look. She felt another tug, so she leaned toward him and hissed:

"What are you trying to do?"

Mrs. Brown then turned to her husband and whispered hoarsely:

"John, what are you doing to the lady?"

"Not a thing," he whispered in reply.

"He is, too," said the lady. "He is tugging at my dress."

Mrs. Brown half arose from her seat. "Turn her loose this instant," she said. "What in the world has come over you?"

"I can't turn her loose," Mr. Brown replied. "Her dress is caught in my pants."

Mrs. Brown gasped. Mr. Brown began to perspire freely. The people behind them began to get restless.

"What are you trying to do?" asked a gentleman behind Mr. Brown.

"Her dress is caught in my pants."

"Good Lord," said the gentleman.

"Do something," insisted the lady.

"I'm doing all I can," Mr. Brown replied, "but it is getting worse."

By this time everybody in the picture show had been attracted by the commotion.

"We'll have to go out in the lobby," Mr. Brown at last remarked to the lady.

"Together?" she asked.

"You're darn right, together," he told her. "Do you think I'm going to take off my pants and let you walk off with them?"

She agreed there was nothing else to do. She started slowly up the aisle, leading Mr. Brown along sideways. Folks sitting in the aisle seats almost fell out of them with laughter at the sight of Mr. Brown and the lady waltzing toward the lobby where an usher finally cut them apart with his pocket knife.

DRUG ABUSE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. WALDIE. Mr. Speaker, I include in the Record an article by Dr. Allan Y. Cohen, professor of psychology at John F. Kennedy University in Martinez, Calif., director of the Institute of Drug Abuse Education and Research, which appeared in the spring 1971 Journal of Psychedelic Drugs.

"The Journey Beyond Trips: Alternatives to Drugs" outlines some of the major misconceptions about the causes and solutions of the American drug problem. It offers a simple motivational model of drug use and suggests various alternatives to drug use.

The article follows:

The Journey Beyond Trips: Alternatives to Drugs

(Allan Y. Cohen, Ph.D.)[1]

Interviewer: Why do you use drugs?

User: Why not?

Interviewer: How could someone convince you to stop?

User: Show me somthing better.

Of all the dialogues between clinical and research interviewers and their subjects, ones like the above, though terse, are incredibly significant.

Governments, social institutions and private individuals have been forced to respond to what is popularly known as "the drug epidemic." Total social response to the fact of drug use has been neither successful nor appropriate; one might say it has been badly botched. Intentions have been good, sometimes truly compassionate; but execution has missed the mark. But, "no blame"—the fault is due less to incompetence than to misconception.

It is the purpose of this paper, humbly conceived though opinionated, to outline some major misconceptions about the causes and solutions of the American drug problem, to offer a simple motivational model of drug use and to suggest a positive orientation which is relevant and applicable.

THE MYTHS

Some obvious myths and stereotypes about drugs have been exposed adequately by previous commentators. Let us investigate more subtle myths, ones which have sprung up from initial public attitudes about drugs and "addicts," nurtured by well-intentioned research and analysis, and rendered inappropriate by the phenomenal growth of drug experimentation. It is my contention that such questionable assumptions have implied strategies doomed to inffectiveness in the control, treatment, prevention and amelioration of the drug crisis.

Those Weird Drug Users.—One widespread notion is that drug "users" are a certain "breed" of people or social group. (To simplify language, "users" is taken to cover the broad range from "experimenters" to "drug dependers," unless specifically modified below.) Predictably, many studies have abounded with conclusions about personality and socio-cultural correlates of drug use. The object of such research, aside from pure science, is to understand "what makes drug users tick;" extrapolating the implications to prevention or to education.

But *is* there a certain type using drugs? Can one ever "predict" individuals predisposed to drug use? More importantly, does it help to talk in such terms . . . I think not. I say this because behind the common personality-social research lies an assumption which is now very suspect—that drug experimentation and use is a *minority* phenomenon, that study of this special group will generate practical insights.

On the contrary, the apparent survey and interview evidence suggests that drug use has become a *majority* phenomenon, not only among the young. Even excluding alcohol, coffee and cigarettes, it is now safe to estimate that over 50% of the total American population over 13 years of age has at least tried some powerful mind-altering drug via prescription or on the illicit market. Rare is the urban school using authentic survey data which reports that less than 50% of their secondary students have used amphetamines, psychedelics, barbiturates, cannabis products and like drugs within the last 12 months. No figures can be given on overall *regular* use, but scores of spot interviews indicate that the high school "dopers" peer culture is challenging the size of the "straights." In the adult world, one recent survey found that 25% of all American women over 30 were currently under prescription for amphetamines, barbiturates or tranquilizers, the percentage going up to 40% for ladies of higher income families.[1]

All things considered, it is my contention that drug use must now be admitted as the social *norm*. We must realize that our chemical culture has produced an atmosphere leading to the naturalness of using drugs—no matter what the underlying complaint or need. Failure to comprehend this cultural reality leads to dysfunctional priorities. Popular now is the notion that drug users are necesarily deviant or pathological. Drug use, too many surmise, indicates something terribly wrong with the person, either morally ("send 'em to jail") or psychologically ("send 'em to a mental hospital"). But we know better. Drug users may not necessarily show lack of morality or personality disturbance, at least not more than many non-users. Indeed, the *non-user* may be "deviant" in the purely statistical sense. It may well be that the primary question among youth presented with the opportunity for experimentation is no longer "Why?" but "Why not?" A basic inadequacy in this "deviance-minority" model is that it tends to focus emphasis on *symptoms* rather than *causes*. It produces a philosophy of social intervention which is essentially *reactive and negative*. Perhaps we might be able to come up with another kind of conceptual model, a more useful one, based on logic, common sense, and our accumulated knowledge of the drug scene.

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[1] Associate Professor of Psychology and Director of the Institute for Drug Abuse Education and Research, John F. Kennedy University, Martinez, California.

Footnotes at end of article.

THE MOTIVES

In this conceptual model, which leads to an ultimate emphasis on alternatives to drugs, we begin with a simple formulation of the most basic motivational forces leading to drug use:

Principle I.—People take drugs because they want to.

Principle II.—People *use* drugs to "feel better" or to "get high." Individuals *experiment* with drugs out of curiosity or hope that using drugs can make them feel better.

Principle III.—People have been taught by cultural example, media, etc. that drugs are an effective way to make them feel better.

Principle IV.—"Feeling better" encompasses a huge range of mood or consciousness change, including such aspects as oblivion-sleep, emotion shift, energy modification and visions of the Divine, etc.

Principle V.—With many mind or mood-altering drugs, taken principally for that purpose, individuals may temporarily feel better. However, drugs have substantial short and long term disadvantages related to the motive for their use. These include possible physiological damage, psychological deterioration and cognitive breakdown. Drugs also tend to be temporary, relatively devoid of satisfying translation to the ordinary non-drug state of life, and siphon off energy for long term constructive growth.

Principle VI.—Basically, individuals do not stop using drugs until they discover "something better."

Principle VII.—The key to meeting problems of drug abuse is to focus on the "something better," and maximize opportunities for experiencing satisfying nonchemical alternatives. The same key can be used to discourage experimentation or, more likely, keep experimentation from progressing to dependency.

This model may seem simplistic, but I find it valuable. If I admit to the logic that people use drugs because they *want* to, I also have been forced to realize that people will only stop drug use *when* they *want* to.

THE ALTERNATIVES

I shall call this kind of formulation the "Alternatives Model." While the above assumptions are most relevantly applied to the common psychotropic substances, they might even be extended to common medicinal drugs (i.e., if we gave as much attention to the natural prevention of the common cold as to cold remedies, we would all be healthier).

The Alternatives Model emphasizes *causes;* and mandates increased attention to be development and communication of alternative attitudes, strategies, techniques, institutional changes and life styles which could diminish the desire for using drugs to attain legitimate personal aspirations. "Alternative" is *not* just a synonym for "substitute" since it implies an orientation which is *more effective* than drugs for giving the person real satisfaction.

Considering its logical importance, the literature on alternatives to drug use is very sparse, although the situation seems to be improving.[2] Ironically, there is a huge store of literature and wisdom about possible alternatives, but this material has not been specifically applied to drug use education and research.

Once we presume that "alternatives" are important, we must expand the model to fit complex variables in all phases of the drug scene. We face questions like: "Which alternative for which drug?"—"Which alternative for which motive?"—"Which alternative for which person?" At this point, I wish to share a list of categories which has assisted me in thinking about applying alternatives. It was obvious to me that motives and relevant alternatives were initimately connected, and that one way of conceptualizing the relationship was in terms of different "levels of experience." Thus, as an illustration rather than an ultimate formulation, I have included Table E. Each level of experience pertains to certain types of motives leading to drug use or experimentation, examples of which are listed in the Table. Across from each level-motive category are examples of types of alternatives which might replace, ameliorate or prevent drug abuse. I expect the reader will come up with many more motives and an almost infinite addition of alternatives. Of course, there are other ways to conceptualize the different kinds of alternatives—again, this Table is intended to serve only as an example and stimulate. Needless to say, several levels of experience may operate within a particular individual or subgroup, so categories and motives may be related across levels and should not be taken as mutually exclusive.

There is one alternative not mentioned in the Table because it is so obvious. Yet it deserves some comment. A growing viable alternative to using drugs *is not to use drugs* or *discontinuing drug use*. Many long term users move away from drugs because they feel better *not* using them. For some, being "straight" or "clean" is a refreshing change in itself from being stoned or hooked. Often this response is out of negativity, e.g., fright from a bad trip, the agony of being strung out, the realization of personal self-destruction, the boredom of being stoned all the time, etc. The pre-experimenter who avoids drugs may also be acting from a flight from negativity—in this case, an avoidance of anticipated hurtful results. It may be, however, that most non-experimenters have already found an alternative so positive that there is no felt need for drugs or a reluctance to risk something perceived as valuable. Preliminary research[3] tends to confirm this supposition—that young non-users of common illicit drugs avoid them more because of satisfaction gained in exploring positive alternatives, rather than from a fear of consequent harm.

Thus, *not using drugs* only becomes a viable alternative in one of two cases: (1) when a drug user is suffering, and realizes the suffering is drug-related, or, (2) when a pre-user has so much going for him that perceived drug-related risks threaten present satisfaction.

Referring back to the Table, the Alternatives Model was originally developed around the issue of psychedelic drugs and cannabis. However, this type of categorization allows us to consider all types of psycho-pharmacological intervention, from the case of the heroin addict to the "housewife junkie" on her diet pills; from the fourth grader sniffing airplane glue to the middle-aged alcoholic.

We are aware that an expressed motive may be different from the "real" underlying motive, and we should be alert to basic motives, no matter what is expressed. We should also remember that certain drugs may be most associated with certain kinds of motives. For example, heroin is likely to be more associated with the classic "escape" motives because of its consciousness-benumbing effect, whereas LSD might be used more to try to satisfy aspirations on the creative, philosophical or spiritual level of experience.

IMPLEMENTING ALTERNATIVES, GENERAL PRINCIPLES

The Alternatives Model can be very helpful in assigning priorities to social action for the control, treatment and prevention of drug abuse. Clearly, punitive control has severe limits upon its effectiveness because it does not respond with viable alternatives to the predisposing motives, and its fear-generating capacity is not an adequate deterrent.

In rehabilitation and treatment, sequences of intervention should parallel priorities in the level of experience category. For example, in treating heroin addiction, methadone represents a viable alternative to the physical component of the addict's needs, but the eventual treatment program must aim at providing more permanent fulfillment of deeper psycho-social needs. The existence or non-existence of these deeper aspirations will determine whether the addict can resist temptation after withdrawal from methadone. As a parallel case, the "freak-out" victim of strong psychedelics is best first treated on the emotional and perhaps interpersonal levels to return him to ordinary consciousness. But, after that, adequate rehabilitation programs must respond to the things which got him hung up in the first place.

Perhaps the most powerful application of the Alternative Model lies in the field of drug education. There is still a powerful premise circulating among educators that individuals, especially children, can be *frightened* away from drugs with "proper information about dangers." In all frankness, this hope is a utopian fantasy. Before anyone gets optimistically excited about "dynamic, hard-hitting facts" in a drug abuse curriculum, he should give careful thought to the remarkable staying power of cigarettes in the mature adult population. The case against smoking cigarettes could hardly be much stronger (in view of the demonstrated dangers) and yet wide-spread anti-smoking publicity has made only a remarkably small dent in the smoking habits of those most "responsible" citizens.

Level of experience, corresponding motives (examples), and possible alternatives (examples):

Physical: Desire for physical satisfaction; physical relaxation; relief from sickness; desire for more energy; maintainance of physical dependency. Athletics: dance; exercise; hiking; diet; health training; carpentry or outdoor work.

Sensory: Desire to stimulate sight, sound, touch, taste; need for sensual-sexual stimulation; desire to magnify sensorium. Sensory awareness training; sky diving; experiencing sensory beauty of nature.

Emotional: Relief from psychological pain; attempt to solve personal perplexities; relief from bad mood; escape from anxiety; desire for emotional insight; liberation of feeling; emotional relaxation. Competent individual counseling; well-run group therapy; instruction psychology of personal development.

Interpersonal: To gain peer acceptance; to break through interpersonal barriers; to "communicate," especially non-verbally; defiance of authority figures; cement two-person relationships; relaxation of interpersonal inhibition; solve interpersonal hang-ups. Expertly managed sensitivity and encounter groups; well-run group therapy; instruction in social customs; confidence training; social-interpersonal counseling; emphasis on assisting others in distress via education; marriage.

Social (including Socio-Cultural and Environmental): To promote social change; to find identifiable subculture; to tune out intolerable environmental conditions, e.g., poverty; changing awareness of the masses." Social service; community action in positive social change; helping the poor, aged infirm, young, tutoring handicapped; ecology action.

Political: To promote political change; to identify with anti-establishment subgroup; to change drug legislation; out of desperation with the social-political order; to gain wealth or affluence or power. Political service; political action; non-partisan projects such as ecological lobbying; field work with politicians and public officials.

Intellectual: To escape mental boredom; out of intellectual curiosity: to solve cognitive problems; to gain new understanding in the world of ideas; to study better; to research one's own awareness; for science. Intellectual excitement through reading, through discussion; creative games and puzzles; self-hypnosis; training in concentration; synectics—training in intellectual breakthroughs; memory training.

Creative-Aesthetic: To improve creativity in the arts; to enhance enjoyment of art already produced, e.g., music; to enjoy imaginative mental productions. Non-graded instruction in producing and/or appreciating art, music, drama, crafts, handiwork, cooking, sewing, gardening, writing, singing, etc.

Philosophical: To discover meaningful values; to grasp the nature of the universe; to find meaning in life; to help establish personal identity; to organize a belief structure. Discussions, seminars, courses in the meaning of life; study of ethics, morality, the nature of reality; relevant philosophical literature; guided exploration of value systems.

Spiritual-Mystical: To transcend orthodox religions; to develop spiritual insights; to reach higher levels of consciousness; to have Divine Visions; to communicate with God; to augment yogic practices; to get a spiritual shortcut; to attain enlightenment; to attain spiritual powers. Exposure to non-chemical methods of spiritual developments; study of world religions; introduction to applied mysticism, meditation; yogic techniques.

Miscellaneous: Adventure, risk drama, "kicks," unexpressed motives; pro-drug general attitudes, etc. "Outward Bound" survival training; combinations of alternatives above; pronaturalness attitudes; brain-wave training; meaningful employment, etc.

In view of such a fact, does it seem reasonable to expect a "scare" campaign to be decisive? Of course not. The young are more non-rational, risk-oriented and unbelieving. Further, the effects of the most used drugs have not been accurately delineated, and the credibility of authority figures is very strained. (One young pothead told me that he would not believe any research unless the study was conducted in Switzerland! Neutrality equals objectivity, he guessed.)

Reliance on fear motivation can produce the instructor's ultimate frustration in the older age groups. He succeeds in persuading students that drugs have bad effects. But the students reason that they live in a dangerous world (bad air, chemicals in food, possibility of war, etc.) and that the dangers of drugs do not outweigh the pleasure they can give in return. Once again, the educator has paid the price of the "deviance" theory, i.e., that reasonable people will not want to use drugs, and that education regarding the dangers will weed out all those pre-experimenters except the mentally ill or criminally inclined.

I do not wish to downgrade the real value of accurate information about drug effects—such information can be a significant help in the decision-making process. Further, it may serve to bolster the intuitive guess that drugs are harmful and may help some youths to justify to their peers the adoption of non-chemical alternatives. Educational honesty and credibility must be maximized in the same way that legislators should make drug use a public health and not a criminal concern. But the real promise in education would seem to involve educating about alternatives. There is no higher priority; and there are few other ways to give such a powerful assist to the minimization of drug abuse.

It is my contention that education about non-chemical alternatives for each level of experience is the best mode of "prevention." It is also the method of choice for moderate experimenters. And finally, the Alternatives Model is the treatment of choice for heavy users (here much stress would be put on the alternative of *not using*). In the application of the Alternatives Model, it must be realized that there is no one motive responsible for all drug use. Also, it should be noted that the alternatives of best application are those which are *incompatible* with being high. For example, "listening to recorded music" is not an alternative unless it precludes being stoned while listening. In this particular case, techniques or ways of listening must be sufficiently taught so that chemically-altered awareness gets in the way of the experience. In general, extremely *passive* alternatives must be utilized with a bit more care than alternatives necessitating *action* or work with one's resources. The more active and demanding alternatives are those which clearly interfere with a drug-taking life-style.

IMPLEMENTATION OF ALTERNATIVES: A SPECIFIC EXAMPLE

To give one small specific instance in which the Alternatives Model may be applied to institutional action, let us take the case of the public schools. It has been argued that many of our public school systems, through rigidity, misassessed priorities and lack of relevance, have contributed to the dissatisfactions which lead children toward drugs. It seems indisputable that the "Art of Living" has become a critically important skill for young people, one not reflected in course curricula. The schools have become expert at transmitting information and training intellectual skills, but this is partially lost if the young are preoccupied and are not motivated to learn what the schools want them to learn.

The issue of educational reform is far too broad to treat in this paper, but let us offer one small suggestion based on the Alternatives Model. Most schools offer course experiences in non-intellective areas, but emasculate anti-chemical possibilities by assigning grades to such courses. I am referring to subjects like music, art, homemaking, drama, physical education, manual training, family life education and the like. All of these subject areas *could* pertain to the motive levels discussed previously. They *could* get children so personally involved that drugs would not be so inviting. Usually they do not. The arbitrary grading process infuses anxiety and competition into just those areas which might provide creative relief. Students deliberately avoid electives in alternative areas for fear of lowering their academic average. Only the best students in non-intellective areas are really encouraged to go on developing nonintellective resources, and even they are prey to "evaluation anxiety"—that fear of failure which makes neurotics out of prospective artists.

The abolition of grades in alternatives subjects would be a powerful stroke in turning kids on to a "natural high," with little if any monetary outflow. Parents might object to a lack of competitive evaluation, but they should be reminded that one of the pulls to the drug scene is that no one gets an "F" for turning on. Logically related steps could include the expansion of subject hours in alternatives areas, invitations to community members who could share what turns them on nonchemically, time outside the walls to taste social involvement and service, a philosophical admission of the importance of interpersonal as well as intellectual skills. These are the kinds of steps which might come to mind when focusing on the necessity of alternatives.

TOWARD A NEWER HUMANITY

When proposing a large scale turn towards the Alternatives Model, some might respond skeptically and ask for research findings which have demonstrated the model's effectiveness. Long-term research simply has not yet been done in the alternatives area. However, survey and interview studies have amply suggested that most users stop (or would stop) because of a preferable alternative.[4]

Perhaps the most exciting aspect of the Alternatives Models is that it can be applied to any level of action or reaction to drug use. It is limited only by the imagination and wisdom of the implementor. The positive possibilities seem limitless; while obsession with drug-related symptoms and dangers appear an endless pit of futility.

There are other advantages to the Alternatives Model. Application of provided alternatives to drug use simultaneously provides alternatives to other forms of human difficulties. After all, truly effective solutions to the "problem of drugs" are the effective solutions to the "problem of people" and the "problem of life." Very possibly, deterioration may be shifted to harmony. Those solutions, applied to every level of experience could make man's abuse of himself and others fade into an historical remembrance of a thankfully transcended cultural psychosis.

FOOTNOTES

[1] Data relayed in a 1970 speech by Professor Joseph Maloney, University of Louisville, Ky.

[2] Articles: Dohner, A. V. "Mood-Altering Agent Use in America: Why Drugs?" *Rocky Mountain Med. J.* (February, 1970); Chanin, A. "Understanding Teenagers: Alternatives to Drug Abuse." *Clin. Pediat.* Vol. 8: 6–10. (January, 1969); Townshend, P. "In Love with Meher Baba." *Rolling Stone,* No. 71: 25–27. (26 November, 1970). Books: Gustatis, R. *Turning On.* (New York: Macmillan, 1969): Needleman, J. *The New Religions.* (New York: Doubleday, 1970: Marin, P. & Cohen, A. Y. *Understanding Drug Use: An Adult's Guide to Drugs and the Young.* (New York: Harper & Row, 1971); Payne, B. *Getting There Without Drugs.* (New York: Viking Press, In Press).

[3] Survey conducted by students, Pacific High School, San Leandro, California. In response to an essay question: "If you do not use drugs, what has been the biggest deterrent for not using them?", 39.8% said there was "no need" (or "life is fine, I'm happy," "turn on other ways," etc.). This contrasts with 7.1% who mentioned laws or "getting busted," (study conducted in 1968–1969).

[4] Cohen, A. Y. "Relieving Acid Indigestion: Psychological and Social Dynamics Related to Hallucinogenic Drug Abuse," Final report submitted to the Bureau of Drug Abuse Control under Research Contract 67–25. (1968). (Now possibly available through the Bureau of Narcotics and Dangerous Drugs, Washington, D.C.).

National Commission on Marihuana and Drug Abuse

(By Allan Y. Cohen, Ph. D.)

During the course of the last ten years, I have come to some working conclusions about marihuana, its relationship to the individual and to society. For three years in the early sixties, I was a user of cannabis as well as other psychoactive drugs. Since then, much of my professional life has involved counseling, research and education in the field of drug abuse. I wish to share my observations with humility and hopefully with objectivity, but not without firmness.

In this introductory statement, I wish to suggest that the active constituents of marihuana and hashish *can* pose a significant threat to the psychological, physiological and spiritual integrity of the human organism, *but* that a criminalistic approach to drug abuse is shortsighted.

The question of marihuana has gotten out of perspective and become unnecessarily controversial, perhaps because two issues before the Commission have become intermixed and confused. There are such strong feelings about the appropriateness of legal controls that some professionals are unable to view the scientific and clinical evidence with objectivity. Some sincere individuals, feeling that liberalization of marihuana penalties would lead to moral and social degradation, tend to believe that marihuana is a "terrible narcotic leading to crime, instant psychosis and heroin addiction." On the other hand, and currently more fashionable, are those "experts" so convinced that present legislation is unfair and unrealistic that they want to see marihuana as less dangerous than pablum. The resulting arguments and counterarguments, even among scientists, may have generated more smoke than light, and are sometimes more political than logical.

Effects of Marihuana: When thinking about the effects of marihuana, I find it much more useful not to use the concept "marihuana", but rather to speak about the active constituents of the cannabis plant. Scientifically, we should not be concerned with the effects of marihuana as such, but with its psychoactive ingredients, in particular the tetrahydrocannabinols. In order to simplify, I ask your permission to use THC as a shorthand for the active constituents of the cannabis plant (even though there may be other psychoactive ingredients than merely delta-9 THC).

First, looking over the experimental literature, I see little evidence that would lead me to believe in the physiological harmlessness of THC. The precise effect of THC on organs, tissues and biochemical systems is still unknown, some of the research either incomplete or vulnerable to criticism. But even common sense tells us that THC is toxic. The human body intuitively treats THC not as a food, not as a vitamin, not even as a neutral substance, but tries to destroy it. To the extent that our "eco-system" fails in the detoxification process, the individual gets high. When the body finally overwhelms the THC, the individual "comes down".

More interesting, and perhaps serious, is the question of the psychological and cognitive effects of THC over the long term. Questions about long term effects now seem even more relevant because of recent research suggesting that THC (or perhaps THC metabolites) may accumulate in the system under continual use. Surely, there are difficult methodological problems with many of the experiments in this area. But it seems to me that the weight of the research has demonstrated what we workers in the field have known for a long time—that there are definite side effects *causally* associated with the long-term use of the active constituents of marihuana and hashish.

In brief, the overall model most helpful to me as a clinician is to understand THC as a "junior LSD," junior in that cannibis use produces the same general results as the ingestion of small amounts of LSD. The side effects I have seen from cannibis overuse are very similar to symptoms of extended use of psychedelics. (This should be no surprise—research suggests that THC, by weight, may be more capable of producing psychedelic effects than comparable amounts of mescaline.) In the case of cannibis, the side effects are much less acute and build up more gradually. Ironically, the gradual effect sustains a massive delusion on the part of the user that there *are no* negative side effects.

There is no doubt in my mind that THC in cannibis can produce psychotic episodes in relatively well-adjusted individuals, just as small doses of LSD have produced bad trips in certain individuals who were not classically pre-psychotic. I have seen several of them. However, in the case of low THC marihuana, the phenomenon *is* very rare.

It also seems clear that THC ingestion can set off "flashbacks" in persons who previously used stronger psychedelics.

Over and over, in field research, hundreds of clinical interviews, and thousands of conversations with marihuana users and former users, I keep hearing about certain typical long range symptoms. They include:

(1) Increasing problems in concentration,

(2) Increasing difficulties with memory function,

(3) Occasional decrease in mathematical ability,

(4) Speech difficulties, especially in the translation of thoughts to words,

(5) Hypersuggestibility,

(6) Exaggerated changes in self-esteem and selfishness,

(7) Passivity and energy loss, lately called the "amotivational syndrome."

(8) Loss of judgment and sensitivity in personal relationships,

(9) Creeping paranoia and irrational distrust, and

(10) Firm denial that cannibis has any negative side effects.

Perhaps the most powerful data validating these effects come from ex-users, who frequently experience a significant improvement in these areas after they stop using. The symptoms usually disappear within a year after the last drug experience.

Former users are possibly the best source of subjective data regarding the effects of THC. The value of subjective reports of users is very limited, because one of the likely side effects of marihuana-hashish use is to distort judgment and preclude effective feedback about one's functioning. In my own case, I would have absolutely denied any hampered functioning while I was using psychedelic drugs. This self-deluding capacity of THC is one of the most difficult symptoms to deal with.

At this point I would like to keep my discussion in perspective. It is important to note that there are great individual differences among persons' reactions to the active constituents of cannibis and that the severity of long-term reactions differs with psychic predisposition, "set and setting," motives for use and the like. In general, the more potent cannibis used and the more frequently used, the higher the probability of detrimental side effects. Even so, we occasionally run across a person who has used marihuana for a long time and seems not to have experienced undesirable side effects. We must also remember that many other drugs, some available through illicit channels, can have equally undesirable side effects.

It is possible to get buried in comparisons and inundated with all kinds of contradictory medical data regarding THC. It helps me to remember that the burden of proof regarding drug effects of any newly researched chemical rests on its harmlessness. Any research showing no harmful results from a drug is much less significant than a study suggesting detrimental findings. After all, research techniques only lately were able to catalogue the effects of smoking on health. Then we remember the tragic case of Thalidomide, a drug which at first passed tests with flying colors, a drug which might have seemed much safer than THC at similar stages in research.

Legal Controls: Assuming that it is desirable for society to minimize the use of dangerous chemicals and that laws must be made somehow controlling dangerous substances, the following brief observations have occurred to me:

(1) Marihuana should be treated in the same general way as other potentially dangerous substances;

(2) Criminal laws against possession have not been a great deterrent among the young, and, in general, a penalistic approach to drug abuse is counterproductive;

(3) Sanctions against the possession of marihuana *for use* should be liberalized, but not abandoned;

(4) The major social effort for marihuana and other drug abuse must take a public health orientation and emphasize education;

(5) Any sanctions against drug use must also include an optional, non-criminal provision for treatment and education;

(6) Legalization of marihuana, in the same way as alcohol, would be unwise at this time. There *is* a significant deterrent effect among many portions of the *adult* population. Also, legalization might lead to a "crop-out" on the part of society in getting at the problems underlying drug abuse. We sometimes forget the massive problem of alcoholism, perhaps because we have accepted it as quite legal;

(7) Finally, drugs are not the problem; life in society is the problem, but also the challenge. The needs which lead to drug use must be satisfied in constructive ways. We must move toward education in meaningful alternatives, *radical* reforms in our educational system, and a creative approach to marihuana and drug abuse.

SOCIAL SECURITY AND WELFARE REFORM

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. ROUSH. Mr. Speaker, several weeks ago, the House spent a great deal of time debating passage of H.R. 1, which embodies changes in the social security pension system, in medicare and in the welfare program. I voted for this whole package on Tuesday, June 22, not because I agreed with every item in this bill but because it contained essential features of great importance and value.

Under even the modified closed rule, I could not make certain changes I favored; therefore, I accepted what I considered to be imperfections in the total bill in order to make sure that the American people would reap the benefits of the many worthwhile provisions. I would like to list some of these which I think are important and which led me to support this legislation.

Under the new social security provisions, there will be a 5-percent increase in payments and an accompanying increase in the minimum payment from $70.40 to $74 a month. Almost $5 million will be spent on retired persons in the Fourth Congressional District as a result of this provision.

For some time, social security beneficiaries have urged the adoption of an automatic cost-of-living increase in their benefits to fit the continuing rise in prices. H.R. 1 carries this reform and provides that the trigger for the increase will be a 3-percent climb in the Consumer Price Index.

Widows and widowers have had to make do with 82½ percent of the full benefit due their deceased spouses; now the full 100-percent benefit will be provided and this will provide almost $2 million to widows and widowers in the Fourth Congressional District.

Equally needed was a raise in the amount of the income a retired person could earn without losing social security benefits. H.R. 1 increases that amount from the present $1,680 to $2,000, making available an increase from $140 to $166.66 in the amount of wages a beneficiary may earn in a given month and still get full benefits for that month. An additional feature of this legislation is that only $1 in benefits will be withheld for each $2 of earnings above $2,000 regardless of how high the earnings might be—instead of the present $1 for $1 reduction. This is a recognition of the need to increase the overall amount retirees receive and to encourage those who wish to work to do so. The fiscal impact of this change will mean about $1.3 million in the Fourth Congressional District.

Additional changes provide for increased benefits for those who delay retiring until 72; equalization of the age computation for men with that of women—making both 62; election of full benefit at 65 even though another benefit has been taken at a reduced rate before that date; allowing the combination of income of a married working couple for the sake of benefits with each receiving a benefit equal to 75 percent of the benefits based on their combined earnings.

The number of significant changes in medicare is less. Of major importance is the fact that medicare coverage will be broadened to include persons entitled to disability benefits under the social security and railroad retirement programs, providing an additional $2.9 million for disabled persons in the Fourth Congressional District.

People reaching age 65 who are ineligible for hospital insurance benefits under medicare will be able to enroll, on a voluntary basis and at their own expense, for hospital insurance coverage.

This is good news in the fact that the premiums paid by persons enrolled in the supplementary medical insurance program will be increased only in the event of a general increase in cash benefits, whereas in the past 5 years that premium has gone up almost 87 percent.

In addition, the number of hospital lifetime reserve days will be increased from 60 to 120 days. The idea is to provide for extended hospital care especially in the case of catastrophic illnesses.

For our retired citizens, these changes in social security benefits and medicare provisions are notable.

I believe the changes provided for needy, old persons, and disabled families are equally notable.

H.R. 1 establishes a new Federal program to provide financial assistance to needy persons who have reached age 65, or are blind or disabled. Benefits will increase over the next 3 years, with a single individual receiving monthly benefits of $150 by 1974; an individual with an eligible spouse, $200 by that time.

The two programs providing assistance for needy families offer important innovations that I felt worthy of support for the following changes made:

First, there will be a Federal floor of $2,400 per year provided for a family of four with no income—with a maximum of $3,600 for any family of eight or more.

This new program provides for the separation of needy families into two distinct groups, those with an employable adult and those without an employable adult, with appropriate help tailored for each group; incentives and requirements for working and training for employable persons; a heavy investment in training and job placement with expanded child care, manpower training and public service employment; uniform requirements for eligibility for cash assistance, susceptible to effective, uniform administration with specific limitations and requirements.

This program also offers an efficient, modern, national administrative mechanism designed to assure that only those who are eligible receive benefits, while avoiding unproductive red tape and delay.

This program provides higher benefits than current levels in 22 States. Yet it costs the States less. Even if a State decides to supplement the Federal benefit to maintain its present payment level, including an increase to take account of the loss of the value of the food stamp bonus that results from this legislation, and decides to have the Federal Government administer the supplement payment, the State will be assured: First, that its benefit costs 1973 through 1977 will be no higher than its benefit expenditures in calendar year 1971, and second, that it will have a net savings for each of those years not less than an amount equal to the costs of administering the present program.

As a result of this legislation, Indiana can keep up its present level of payment, provide money in place of food stamps and still save almost $9 million.

Many of the complaints against the present welfare system are that it is expensive; that the welfare loads continue to expand; that States vary widely in their payments; that welfare recipients have no incentive to work; that fatherless families are encouraged by State denials of welfare for low-income families headed by a father, employable or not; that the system is degrading and self-perpetuating.

I believe this new program will meet and overcome most of these difficulties, and is a welcome beginning in welfare reform.

COST OF U.N. TO CITY OF NEW YORK

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mrs. ABZUG. Mr. Speaker, the city of New York is proud to be the host of the United Nations. The U.N. is a powerful force for world peace, and I hope it comes to play an increasingly important role in a world which can no longer afford narrow nationalism.

In this as in a number of other areas, the city shoulders special expenses for activities conducted not just for itself but as a center of national diplomatic, business, and cultural affairs. It costs the city millions of dollars per year for expenses related to the United Nations. This includes costs of police protection at the U.N. buildings, protection of foreign diplomats and consulates, as well as the tax loss the city takes on the untaxed U.N. buildings.

Last fall, the U.N. celebrated its 25th anniversary. A large number of heads of state and foreign ministers attended the celebration, at a time of great international concern about kidnapings of diplomats, plane hijackings, and tension over the persecution of Soviet Jews. It was necessary to pay large amounts of overtime for policemen assigned to extra tours at the U.N., and to divert large numbers of policemen from their regular assignments. The city incurred out-of-pocket costs of 1.1 million and diverted another 1.4 million worth of police manpower from other assignments.

Several bills have been introduced in this session of Congress to provide relief to the city for these expenses, both for those associated with the 25th anniversary and for the recurring, but nevertheless extraordinary, expenses incurred year by year in connection with the United Nations. H.R. 2572, which I have the honor of cosponsoring, provides for relief in the amount of approximately $2.6 million for the expenses of the anniversary celebration. Other bills propose financial assistance to the city for protection expenses yearly, and provide for the extension of the Executive Protection Service on a regular basis to the city. I believe the problem demands a permanent solution in the form of one or the other of these proposals. However, in the absence of any such permanent relief, I believe the city is entitled to this claim for special and extraordinary expenses.

It may be argued that since the United Nations brings money into the city, the city should pay for expenses resulting from its presence. With reference to this, I would like to call attention to a Rand Corp. study of this question, as well as to the testimony of the mayor of New York before the Subcommittee on Claims of the House Judiciary Committee. Both of these sources indicate that the U.N. costs the city considerably more than it brings in. This is especially true in the light of the fact that tax exemption of the U.N. buildings costs the city about $5.3 million a year which it would have otherwise collected in real estate taxes on the property. It is also worth noting that the city has a larger diplomatic community than Washington, D.C., with nearly 200 consulates and missions.

The administration supports legislation which would reimburse the city for its "out-of-pocket" direct costs for police overtime. This suggestion does not offer adequate compensation to the city. The city is entitled to reimbursement for the full cost of police protection for the anniversary expenses, including the cost of the police manpower which was diverted from regular assignments in the neighborhoods of the city to the U.N. site.

It is only fair that this financial burden be shared by the Federal Government. After all, it is not just the city but the United States as a whole that is the U.N.'s host. These expenses are a small enough price to pay for protection of an organization of the value of the U.N. They are a national responsibility.

CHET MOULTON OF BOISE, IDAHO

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, July 20, 1971

Mr. JORDAN of Idaho. Mr. President, I would like to take a moment to pay tribute to my friend, Chet Moulton of Boise, Idaho, who served as director of the Idaho Department of Aeronautics from 1946 to 1971. Chet served as the first director of the department and can take credit for its many achievements during his tenure.

Under Chet's leadership, the department has compiled an enviable record in establishing a State aviation network and in search and rescue operations. He has received a good deal of well-deserved recognition for his efforts, including the Federal Aviation Administration's "Do it Yourself Award"; designation as "General Aviation Man of the Year" for 1970 by Flying magazine, and selection as Idaho's "State Employee of the Year" in 1967.

During my tenure as Governor of Idaho in the early fifties, I had an opportunity to get to know Chet and to fly with him. In addition to being a good friend, he is an excellent pilot and has the distinction of flying in excess of 2 million miles without an accident or rules violation.

Recently Idaho fliers and other friends of Chet got together at a "fly-in" to express their appreciation to him for his great service to them and to the State of Idaho. At that time he was presented with a fund which these people had collected with which he was instructed to purchase a pickup truck and camper so that he could take a vacation for the first time since beginning his tenure as Idaho's aviation director.

I was quite moved by Chet's response to this tribute by the Idaho fliers and I ask unanimous consent that his letter of thanks be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOISE, IDAHO,
June 30, 1971.

To: Idaho Pilots and Friends—

It was such a pleasure to work with and for the aviation fraternity during my service as Director of Aeronautics for the State of Idaho and I want to thank everyone who pitched in to help with the many programs and airports we collectively achieved for the Gem State's aviation facility asset.

As I end a quarter-century of public service to the people and aviation interests of Idaho, I have nothing in mind for the immediate future. I had a very challenging and rewarding job over these past 25 years and have enjoyed the fellowship of thousands of the finest people in the world. I am now going to take my first vacation and catch up on a little fishing as soon as the waters recede.

Two types of gratification stand out in such a job. One being achievement and the other how your fellow-man feels toward you and your work. When one has helped contribute in any small way to the structure of a hundred or more facilities to support and foster one of the newest and most important of all transportation mediums, the sense of personal achievement in the development of your state's resource becomes a treasure of memories.

On the other hand, nothing has ever touched me so much in pleasure or emotional response as to learn that pilots and friends sponsored a fund to purchase a new pickup truck to be presented as a memorial "thank you" and "going away" tribute for 25 years of acceptable service to Idaho's aviation development. The "fund" has been received and was applied on June 25th toward a new Deluxe Model Chevrolet pickup.

Every time my wife and I head down the road, we will be warmly reminded of the fine people with whom we worked . . . and who made such a memorable gift a token of friendship.

We wish to express our appreciation and gratitude to you, as one of the Fund participants, for your thoughtfulness and tribute. It is with deep regret that we find ourselves suddenly severed from the work and associations we enjoyed so much and your kindness will be long remembered.

In appreciation,

CHET MOULTON.

WOMEN AND CONSTITUTIONAL RIGHTS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. FRASER. Mr. Speaker, since we will soon be voting on the equal rights amendment, I feel that this article by Eulah Laucks on "Women and Constitutional Rights" is particularly informative. Mrs. Laucks is a member of the board of the Center for the Study of Democratic Institutions in California and made these remarks at a recent center-sponsored series on the constitutional crisis. She points out that women all over the country are going to the courts for redress of grievances in the areas of employment, marriage, education, tax law, social security legislation. Leaving aside the problem of overloaded court calendars, she states that—

> Clarification of the status of women by amendment to the Constitution should have the force of eliminating many of these contests.

She offers a rather pointed analysis of the reasons why Congress is so reluctant to pass an equal rights amendment:

> The basic rule that has been adhered to up to the present is that woman must yield her rights as an individual to the presumed needs of social stability, as interpreted by men. This attitude stems from the Adam syndrome, which presumes women's God-directed inferiority to the male, and is rooted in English common law tradition, providing that the husband and wife are as one, and that one is the husband.
>
> Since the passage of a women's rights amendment, and the greater activity of women in public life will require radical changes in this attitude, one can see why it will have taken almost fifty years to get the amendment out of Congressional cloak rooms.

Mrs. Laucks' article follows:

WOMEN AND CONSTITUTIONAL RIGHTS

(By Eulah Laucks)

Despite what you may hear about the lunatic fringe of the women's liberation movement, the women's revolution in America is no joke. It is not a fad or a fashion that will soon fade away. I believe that within twenty years those of us who live that long will be part of a society in which women will have as much to say and do about it as men will.

To substantiate this I might start by looking at what is happening in areas in higher education that in the past have been restricted to men. There is now at least one woman dean of a law school. In 1969 the California Institute of Technology hired its first woman professor and admitted women undergraduates. Yale University recently admitted rather a high percentage of women undergraduates. There are one hundred or more colleges and universities (among them Princeton, Cornell, Northwestern—and, of course, Radcliffe and Bryn Mawr) that are offering a wide range of courses in female studies for full credit. Some, like San Diego State, have full formal programs on women, with ten or more courses. Some medical schools are allowing women to raise families while training, and are even providing day-care centers for children, to encourage more women to enter the field.

A WOMAN JUSTICE?

Women are entering many formerly all-male job areas. There are now two hundred and fifty female air traffic controllers in the United States, and the Air Force is using their services frequently. We have a dozen or so women directors of major federal bureaus, and several women ambassadors. President Nixon is now being urged to name a woman to the Supreme Court. We already have women judges on state supreme courts and federal district courts.

In the masculine world of conducting symphonies, there is now a woman leading the American Symphony in New York's Lincoln Center, and an assistant female conductor at the New York Philharmonic orchestra. There is a woman crew member on a U.S. flag freighter and the first American woman scientist has been sent to conduct field studies in Antarctica. American women haven't made it yet in the atmospheric and space sciences, but they now comprise three per cent of the once strictly male earth and marine scientists.

In finance, several women have scaled the Wall Street citadel. One has a seat on the New York Stock Exchange, another is a member of the American Stock Exchange, a third is president of a major stock brokerage firm. The Chicago Board of Trade, world's largest commodities exchange, after one hundred and twenty years a male sanctum, admitted a woman last year. Women are now managing banks. One female president of a California national bank employs only women. A bank in St. Louis has a fifteen member women's advisory board of directors. There are at least two women at the head of large advertising agencies, who, by the way, are spending a good deal of time pressing for the elimination of moronic and insulting references in commercials and ads that portray women as simpletons.

And in spite of David Susskind, the proportion of serious programs and articles on women in the various media is steadily rising. As one writer put it: the entire communications industry is infiltrated by female Trojan horses and borers from within. There are indications that the men who run these media are listening with at least one ear.

EQUAL OPPORTUNITY CHURCHES

But what is happening to women in business and finance may have less impact in the long run on women's rights than what is happening to them in the Church. As an institution, the Church has practiced discrimination against women probably longer and more flagrantly than any institution in society. Now, there is a growing urgency in hierarchical discussions about finding ways to make it possible for women to take part in substantive Church affairs—even as priests and bishops. Theologians all over the world are reexamining scriptural sources and dogma for guide lines in formulating new policies on women that will in some degree accord with modern realities. Seventy denominations around the world now permit the ordination of women to the ministry and almost all newly unified churches provide such rights for women. At the last Episcopal General Convention, a push for the ordination of women was defeated by only a narrow margin.

The Lutheran Church in America recently voted overwhelmingly to authorize ordination of women. Presbyterians, Methodists, Baptists, the United Church of Christ, and others already have clergywomen. In practically all churches, women are now quietly acquiring the academic credentials for roles as ministers.

In the Roman Catholic Church there are now some spring-like shoots of awareness popping up to proclaim a thaw. Pope Paul startled the world recently by appointing five women to posts in the Curia. That is a little like letting women join the Trappist monks. Paul has also elevated two female saints to "Doctor of the Church"—a position formerly for males only.

In many Roman Catholic dioceses, women have gained a foothold at the altar gates as lectors, if not as occupants of the pulpit. And the theologians of a Roman Catholic commission on women's status in the Church declared a short time ago that there is no insurmountable Biblical or dogmatic obstacle to the ordination of women.

TEST CASES

Now, if I have at least partially convinced you that the women's revolution is a going thing, let me turn to some of the legal entanglements that will likely result in the years immediately ahead. Even though the 1964 Civil Rights Act prohibits job discrimination based on sex, as well as race; and even though twenty-five states have laws dictating equal pay for equal work, there still has been only limited enforcement of such rulings. Also, forty-three states still have so-called "protective" legislation in effect which prohibits women from working overtime, thus giving men unfair advantage when applying for jobs that sometimes require overtime.

Until recently, women have scarcely been aware of the possibilities open to them for redress of some of these inequities. Now, complaints and suits are proliferating all over the country. Betty Friedan, probably the most prominent American feminist, predicts that, in coming months, case after case will be pushed to the Supreme Court. What all this means in terms of already overloaded court calendars, I'll leave to the constitutional lawyers. However, this may be a good reason for hastening the passage of the proposed women's rights amendment. Clarification of the status of women by amendment to the Constitution should have the force of eliminating many of these contests.

OPENING PANDORA'S BOX

If and when the amendment is passed, and people become fully aware of the significance of its being literally "on the books," we shall be facing some very fundamental changes. What will happen to property laws, under which now in some states a women's property and income are still under the control of her husband? In most states she cannot use her maiden name if her husband objects, and she can't maintain a separate domicile for tax or voting purposes. What of inheritance laws? Will the present community property laws, for example, as they relate to inheritance, have to be completely overhauled?

How will legal individuality for women, in areas where formerly their rights inhered in their husbands, affect income tax laws and social security regulations? I am not very familiar with Social Security regulations; I understand there are inequities, especially for widows, and for divorced and single women in the latter. Certainly there are inequities now in income tax regulations relating to single persons. At any rate, when women are earning as much money as men are, the whole Social Security and income tax structure, and a lot else, may have to be changed.

What will happen to child custody procedures in divorce cases? Who will get the children: Will the mother still be the parent given preference for physical custody? Will the legal responsibility for child support be shared? Suppose overpopulation becomes critical to the point that laws are passed limiting the number of children a family may have. What constitutional rights will a woman have over her own body if she elects to have more children than the limit prescribes?

To paraphrase Professor Leo Kanowitz, in his book, *Women and the Law*, the basic rule that has been adhered to up to the present is that woman must yield her rights as an individual to the presumed needs of social stability, as interpreted by men. This attitude stems from the Adam syndrome, which presumes woman's God-directed inferiority to the male, and is rooted in English common law tradition, providing that the husband and wife are as one, and that one is the husband.

Since the passage of a women's rights amendment, and the greater activity of women in public life will require radical changes in this attitude, one can see why it will have taken almost fifty years to get the amendment out of Congressional cloak rooms!

RENT SUPPLEMENT HOUSING IN COLORADO

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. EVANS of Colorado. Mr. Speaker, I recently read an article about not what is wrong, but rather what is right, at a rent supplement housing project in Colorado Springs. It is principally a story of how one man can make a difference, a big difference.

I commend the article, which was written by Bill Woestendiek for the Colorado Springs Sun, to my colleagues' attention:

THINKING OUT LOUD

(By Bill Woestendiek)

"I want to take care of the people. If we can't help each other, there's no reason to be on this earth. My mother always told me: 'Treat people right. Be good to people.' "

That's a pretty simple—and good philosophy. It works. It's a shame more of us don't practice it.

One man who does, and the man I was quoting above, is James H. Smith Sr., the project manager of Prince Hall Apartments, a government rent-supplement housing project on Southgate Road. I was privileged to sit in his office last week and talk about his "project."

Project manager is his official title, but it hardly begins to describe what this man does—and the results he gets. For Jim Smith is many things to the people who come to live in Prince Hall because they are financially handicapped.

He is a friend, a consultant, a helper, a minister, a playmate, a man dedicated to taking "extra steps" to help people, because "that's what counts."

Jim Smith manages, guides, worries over 206 adults and 293 children who live in the apartments. The occupants consist of 11 black families, 30 Spanish American families, eight Indian families, 12 Mexican families; the rest are white families.

It's a harmonious group. Jim Smith happens to be a black man. His secretary is white. But the colors could be green and blue. It's the spirit of the man that counts, and his tenants love Jim Smith.

"If anybody here has any racial prejudices," Jims says, "I tell them they're at the wrong station. We're all going to respect the rights of each other."

When Jim walks out his office door ("the door is always open") into the yard, it's not surprising to see 50 kids rush up to him.

"We go to the ice cream parlor once in a while," he says with a smile. On his desk is a box of hard candy, which the children come in to get "once in a while."

Prince Hall Apartments are available to people of any race, creed, or color on a first come, first served basis. The only limitation is on income—one person cannot be making more than $3,400, annually, seven people $5,400. The minimum rent runs from $42 to $61; the government pays the rest.

Those eligible must be persons displaced by government action, either husband or wife 62 years of age or older, physically handicapped, now living in substandard housing or formerly occupied units destroyed by natural disaster.

I wasn't surprised when Jim told me Prince Hall has 100 percent occupancy. In the year since the project opened, Jim has done wonders. Just a few examples:

He held a Christmas party for 507 people. "I gave a Christmas bag to every human being." Those bags contained oranges, grapefruits, apples, mixed nuts and candy canes. ("I went into a bank, cold turkey, and asked for money. They donated it to me with no questions asked.")

He has, with dogged persistence, worked out a program with the YMCA whereby 39 Prince Hall children will go to Y camp this summer.

He has organized an advisory board, composed of tenants "to improve the environmental conditions of Prince Hall and the surrounding area."

Plus which, there has been less than one per cent damage to the apartments by tenants.

It's refreshing to see and talk with someone like Jim and the people who live in his project at a time when so many landlords and so many tenants in so many places seem always to be at each other's throats.

"I go to bed with these folks on my mind and I get up with them on my mind," Jim said. And it shows.

He helps them with welfare problems, legal aid, library assistance . . . "everything that comes up, I help." He has helped find furniture, provided food. . . .

He was getting ready to leave to go visit two members of his "Prince Hall family" who were in the hospital.

Jim Smith came from a poor family. He was one of nine kids who stood in the soup line three times a day with a bowl and a spoon during the depression—and he remembers.

"Here I can do something to help humanity," he said.

And he is.

His tenants agree. Perhaps this excerpt from a note (one of many) he received from one of his tenants says it best:

"You probably wonder why I'm writing. I just want to tell you something that would be hard to say in person and I know you're a very busy person but I want to say thank you. For what? For a chance to have something I've always wanted. A beautiful place to live, a place my son and I can be proud of. I'm so happy for the first time. . . .

"Thank you for letting me take the children caroling and then the 48 children for hot chocolate. We had a ball. . . .

"This is a wonderful thing you are doing. . . . God Bless You. . . ."

There was a P.S. "I hope there will never be a reason for you to regret letting us live here."

As Jim says, if we can't help each other, there is no reason for being on this earth.

MRS. DEELEY: A DEDICATED PUBLIC SERVANT

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. McKINNEY. Mr. Speaker, there are not many people who can look proudly back on 45 years of dedicated public service. One of the few who can, Mr. Speaker, is a resident of my district, Mrs. Mildred Deeley, of Stamford.

Recently, the Stamford Advocate published an interview with Mrs. Deeley and I found it to be not only a marvelous character study of this fine woman but a good look at the type of people who live in Connecticut. I would commend its contents to my colleagues. I would add that the author of the piece is a 19-year-old, Dick Vane, who I am sure you will agree has a promising future in journalism. A student at Trinity College, he is obviously learning quite a bit about the newspaper business in this, his second summer on the job.

As for Mrs. Deeley, all I can add to Dick's fine job is the thanks of all the people of the district for her unswerving dedication and a job well done.

45 HAPPY YEARS AT VEHICLE DEPT.—MRS. DEELEY LOVED TO AID PUBLIC

(By Dick Vane)

Mrs. Mildred Deely of Stamford worked with the public for 45 years, as an employe and later as the manager of the Stamford Motor Vehicle Department.

And what does she think of the public—particularly the Stamford public?

"They're great," she said.

Mrs. Deeley, who never talked much about her job while she was doing it, still would not say a lot on the occasion of her retirement a few days ago. But about the people she worked with, and for, she was loquacious.

Mrs. Deeley was the manager of the Stamford Motor Vehicles Department from 1950 until she retired from the department. She had been with the Motor Vehicle bureau since 1926.

"My decision to retire was a very difficult one," said Mrs. Deeley, "and I think that in part what made it so difficult was that I knew if I retired that I would miss that public very much. I always found them very interesting and satisfying."

"I never felt like not going to work in the morning," continued the petite redhead. "Each day brought something new and different. I met many fascinating people during my years at the Stamford Motor Vehicle Department."

Mrs. Deeley, a life-long resident of Stamford, joined the Stamford Motor Vehicle Department in 1926 upon graduating from Stamford High School. Her first job with the department was that of a clerk. She was the fifth member of an all-female staff.

In those days the Motor Vehicle Department was located on Atlantic St. where the Hartford National Bank currently is located. In 1948 the department was moved to Grove St., where it stayed until 1968 when it was moved to its present location on Magee Ave.

"When I first joined the department I really didn't think it would be my life's work," said Mrs. Deeley. "I just liked it and had no desire to change. Before I knew it, 45 years had passed by. I enjoyed every day of it.

"The type of people who live in Stamford has changed a great deal since I first began serving the public," said Mrs. Deeley.

"In the early days Stamford had more of a rural mind, the pace was slower and you could get to know the people you were dealing with a little better than you can today.

"Modern Stamford citizens have a more urban mind, and it's impossible to get to talk to them as much as I could earlier because we're dealing with so many people today. But, basically, I think the Stamford citizen isn't really any different because we're all basically the same."

Since Mrs. Deeley began working at Motor Vehicles, the staff has increased from five to 18 and the number of cars registered from hundreds to tens of thousands. Motorcycles, boat trailers, trucks, school buses and campers have also grown enormously in number, especially since Mrs. Deeley became the department's manager.

"People don't realize how much hard work it takes to keep the department running efficiently," said Mrs. Deeley. "But a good staff of dedicated people, and some wonderful superiors in Wethersfield made a tough job enjoyable."

Mrs. Pearl Butler, who worked with Mrs. Deeley for 23 years is supervising the department now. Mrs. Deeley is planning to go down to Florida, with the possibility, should she like the warm weather, of making her stay there a permanent one.

But one would expect that many Stamford people hope that Mrs. Deeley's trip to Florida is only a visit and that she will come back to Stamford, because when the public knows that a public official looks forward to seeing the public the public looks forward to seeing her, too.

HOUSE FOREIGN AFFAIRS COMMITTEE ACTION ON GREECE APPLAUDED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. EDWARDS of California. Mr. Speaker, for those dedicated to the cause of democracy the recent action of the House Foreign Affairs Committee in suspending aid to Greece and Pakistan gives renewed hope that we as a country will no longer support the suppression of this precious form of government by other countries. In a time when our Government leans far too heavily on the Pentagon for advice in foreign affairs, the members of this committee are to be commended for seeing through the maze of military tactics and objectives to the real issue that the United States ought not support a dictatorship in the country that was the cradle of democracy. In particular, we owe our thanks to the Honorable BENJAMIN ROSENTHAL, chairman of the Europe Subcommittee, and the Honorable WAYNE HAYS, who led the fight against continuing aid to Greece. Mr. Speaker, I present for the consideration of my fellow colleagues the editorial in yesterday's New York Times. It is worthy of our consideration and the consideration of the administration:

A HOUSE COMMITTEE REBELS

A majority of the House Foreign Affairs Committee has finally rebelled against stale and spurious arguments of the Defense and State Departments and voted to cut off aid to the military regimes of Greece and Pakistan. Rather than attempting feverishly to overturn the decision in the full House, the Nixon Administration should try to understand what this usually docile committee majority was telling it with these votes.

Chairman Thomas E. Morgan and colleagues of both parties were endeavoring first of all to reassert the proper role of this committee in the shaping of foreign policy. The Administration henceforth can expect many more such challenges from both houses as Congress strives to restore a long-absent balance between executive and legislative branches in foreign affairs.

Secondly, the majority was rejecting the notion that it is always unwise for the United States to rock the diplomatic boat by suspending military or economic aid to dictatorships that fail to make good their commitments to their own oppressed people. In voting to cut off nearly $132 million in aid to Pakistan, the committee was taking a stand previously advocated by the World Bank in light of the Yahya Khan regime's bloody repression in East Pakistan. Aid could be resumed under certain conditions but in any case the cutoff would not bar the use of $100 million approved earlier by the committee for refugee relief.

Action to halt aid to Greece resulted directly from testimony last week before a Foreign Affairs subcommittee headed by Representative Benjamin Rosenthal of Queens. Here some members learned, evidently for the first time, that the 1967 coup had not been an action of military leaders to head off Communism, as so frequently represented, but "an open mutiny within the armed forces and a rebellion by those mutineers against their King and the constitutional Government of Greece."

The man who said this was Col. Oliver Marshall, now retired, American Defense and Army attaché in Athens, 1963–67. He sees "the greatest danger to future Greek-American and Greek-NATO relationships" in the widely-held belief that "the United States supported this military mutiny and continues to do so." In other words, by sustaining the junta this country will jeopardize its own and NATO's security rather than protect it.

Colonel Marshall advocated an all-out effort to convince Greeks that the United States does not back the junta and to persuade the junta to keep its promise to restore democratic government. Contradicting the State-Pentagon line, he said this effort should take priority over "our immediate military needs on Greek soil."

In the Greek case, the President can resume aid if he reports to Congress that the overriding security requirements of the United States justify it. Even then, however, the military aid would be resumed at the current annual level of $80.3 million rather than the $118 million the Administration requested.

The Foreign Affairs Committee has projected the national interest on a broader canvas than that employed by the State and Defense Departments. It would be foolhardy for the Administration to ignore the meaning of its actions.

SENATE—*Wednesday, July 21, 1971*

The Senate met at 9:45 a.m. and was called to order by Hon. ALAN CRANSTON, a Senator from the State of California.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for Thy mercies which are new every morning, for new light and insight and promise. Through the toil of the day keep us by Thy grace. Make us ever alert to the prompting of Thy spirit, guarding us against the wrong and supporting us in the right, undergirding and reinforcing all our efforts.

Rekindle the light of freedom and the faith of the people in the founding principles of the Republic that in these tumultuous and tension-filled days we may be vitalized by the irresistible moral forces and the spiritual verities which nourish democracy. Keep us from being disheartened by the human perversity and folly of the destructive few while the many give their best for justice, truth, and righteousness. As we labor for a better nation, we beseech Thee to enable us so to order our national life as to contribute to the peace and good will among all the nations.

Hear this and all the unuttered prayers in the secret of our hearts. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 21, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ALAN CRANSTON, a Senator from the State of California, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. CRANSTON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, July 20, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider the nominations on the executive calendar under "New Reports."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The legislative clerk proceeded to read sundry nominations on the Secretary's desk in the National Oceanic and Atmospheric Administration.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MANSFIELD. Mr. President, am I correct in stating, for the benefit of the Senate, that under a unanimous-consent agreement entered into yesterday, the following Senators will be recognized for not to exceed 15 minutes each: Senator MAGNUSON, Senator JACKSON, and Senator SYMINGTON?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Does the Senator from Pennsylvania wish to be heard under the standing order?

Mr. SCOTT. Mr. President, I yield back my time.

Mr. MANSFIELD. I yield back the remainder of mine.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Washington (Mr. MAGNUSON) is recognized for not to exceed 15 minutes.

(The remarks of Mr. MAGNUSON when he introduced S. 2321 and the ensuing discussion are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of the limitation already entered into.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Missouri is recognized for not to exceed 15 minutes.

(The remarks of Mr. SYMINGTON when he submitted an amendment appear under Submission of Amendment No. 294 to the Military Procurement Authorization Bill, S. 939.)

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on July 20, 1971, the President had approved and signed the joint resolution (S.J. Res. 101) to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day."

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. CRANSTON) laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Col. Walter B. Staudt, Texas Air National Guard, from further consideration for appointment as a brigadier general, Reserve of the Air Force, which nominating messages were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes for each Senator.

REPORTS REGARDING POSSIBLE RESIGNATION OF DEPUTY SECRETARY OF DEFENSE PACKARD

Mr. BYRD of Virginia. Mr. President, news reports indicate this morning that the Deputy Secretary of Defense, Mr. David A. Packard, may either resign his position or be forced to resign. The reports developed from testimony prepared for a congressional committee yesterday.

Mr. Packard, in his comments prepared for the committee, indicated some concern about the proposed legislation dealing with Lockheed Aircraft.

At this point I have not made a firm decision in regard to this proposed legislation. There are arguments on both sides of the question.

But I rise today to say I think it would be very undesirable from the point of view of our Nation if the Deputy Secretary of Defense, Mr. Packard, were to resign or be forced to resign.

When men in the executive branch of Government come before Congress and the respective committees of Congress to testify, Congress wants to know their views, and I think the Congress is entitled to their own view. If they are not going to give their views frankly and conscientiously, I do not see much point in inviting them to come before the committees.

As to David Packard, I think he is a man of unusual talent. He has great ability. He is trying to bring some order out of chaotic conditions which exist in the Defense Department insofar as procurement contracts are concerned. He is making some headway in this endeavor.

Certainly there is no more unselfish man in Government than is David Packard. He is not in Government because he needs a job, or wants a job, or because he is trying to get high political office.

He is in Government for one reason, if I judge him accurately. He is in Government for one reason, and that is to do his best to serve the United States of America. I do not know that I have met, in my time in Washington, a more dedicated individual or one of higher integrity than is David Packard. He believes in speaking frankly. I admire that characteristic. That is one reason many of us in Congress have confidence in him.

So I hope these reports emanating from testimony prepared for a congressional committee yesterday that Mr. Packard is either planning to resign or may be forced to resign are inaccurate. It would be unfortunate were the Government to lose his services.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SYMINGTON. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. SYMINGTON. I would associate myself with the remarks made by the distinguished Senator from Virginia. It was my privilege to defend Deputy Secretary of Defense Packard when he was attacked primarily because he was a businessman and had been successful before he came into Government.

Along with the Senator from Virginia, I have had the privilege of watching Secretary Packard operate, and believe it would be unfortunate if his experience and ability were not continued to be available in the interest of the taxpayers. We have not agreed on everything, he and I; but, in my opinion, he is an able public servant.

Mr. PROXMIRE. Mr. President, I, too, would like to join the distinguished Senator from Virginia. I would like to read from an article in the Washington Post this morning with respect to the situation to which the Senator from Virginia referred:

> In a prepared statement sent to the same committee Monday morning, a few hours before he was scheduled to testify, Deputy Secretary of Defense David Packard was sharply critical of the bigger loan guarantee package.
>
> Packard, however, was pressured into dropping the critical parts of his statement from the version he actually read to the committee.
>
> The pressure, according to well informed government officials, came from the Treasury Department, where the White House efforts to save Lockheed from bankruptcy are coordinated.
>
> Packard's concern is that the $2 billion fund would undermine Pentagon attempts to force the defense industry into better management practices.

Let me interpolate at that point. I think there is nothing more important, as far as procurement is concerned and as far as national defense is concerned in the procurement area, than for us to force on the Pentagon and the defense contract procedure more efficient practices. I have had my differences with Mr. Packard, too, but I think he is a man of enormous ability and competence, and he certainly is dedicated in trying to develop more efficient procurement procedures.

He points out that this bill, which will be before us in a few minutes, probably, will undermine the Defense Department position. I hope Senators will keep that in mind as we discuss, debate, and vote on the bill.

The article continues:

> While Packard is the only insider to openly challenge the administration line thus far, a number of other government officials say privately that they agree with him. The major fear expressed is that once the loan machinery is set up, Congress will have little or no control over the money.
>
> "It's just going to be a big, tempting $2 billion pot sitting there," says one Pentagon official, "and Congress won't have to vote every time someone dips into it."

I want to make clear that David Packard is for a guarantee to Lockheed. I think that ought to be understood. He is for it, not against it. But when he testified he made it clear that it should not be a precedent and, therefore, he was opposed to a generic bill. A generic bill will be before us. That is the bill on which we will vote. I do not think we should grant Lockheed a loan. I think it would be bad precedent. But if the Senate disregards my thinking and takes the Packard view, once we start down that path, it means the free enterprise system that has given this country the greatest economy in the world will end, because it means we will never again have the situation of a company failing and having to discipline itself against that eventuality. There will just be rewards and, therefore, we will not have the force that has made our economy so effective.

(Mr. COOK assumed the chair as Presiding Officer.)

Mr. CRANSTON. First, Mr. President, I want to thank the Senator from Kentucky (Mr. Cook) for taking the chair so that I could speak briefly on the matter before the Senate.

I want to join other Senators in expressing my high regard for Mr. Packard, who is a constituent of mine, a Californian, who has served with great distinction as Under Secretary of Defense. I agree with the Senator from Virginia that no man is more dedicated to public service in the entire executive branch, and he is performing magnificently in the role he is fulfilling in the Department of Defense.

On the matter of Lockheed, I had had the gravest reservations about the original proposals for a loan for that company, and it was only after exhaustive consideration on my part and attendance through all the hearings on that matter before the Bank, Housing and Urban Affairs Committee that I came to the conclusion that, overall, the broadened bill makes a great deal of sense for this country, and I am, therefore, supporting that measure.

(Mr. CRANSTON assumed the chair as Acting President pro tempore.)

Mr. WEICKER. Mr. President, I would like to associate myself with the comments of my colleague from Virginia. I think what is at issue here—and he touched upon it—is the word "credibility," which seems to be in tenuous straits as between the Government and the public, but will certainly become tenuous between the executive and the legislative branches of Government unless we have those persons from the executive branch coming to convince us in the position where they can speak frankly and openly.

David Packard, in the course of his career, has made decisions which have not always been favorable to my State of Connecticut, but they were always well reasoned, and he was fair and objective. I think he has done a fantastic job in the Defense Department of trying to bring order out of chaos, as was well stated by the Senator from Virginia.

For the sake of credibility as between this branch of Government and the executive branch, I would hope we could have a feeling that when men come from that area of government they do not arrive as messenger boys, but, rather, that they are before us using those minds for which minds they were selected for their complicated jobs in the first instance.

In the course of the weeks and months ahead, I would hope that the administration would realize that the comments of Secretary Packard are healthy—even though I happen to disagree with the Lockheed loan—for giving credibility to the administration's request. If there is anything that would turn one against the Lockheed loan, it would be any sort of retribution against the clear thinking of this man.

The ACTING PRESIDENT pro tempore. Is there further morning business?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. CRANSTON) laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENTS TO THE BUDGET, 1972, FOR THE ARMY CORPS OF ENGINEERS (S. DOC. No. 92-32)

A communication from the President of the United States, transmitting proposed amendments to the request for appropriations transmitted in the budget for the fiscal year 1972, involving no net increase in budget authority, for the Army Corps of Engineers (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

INTERCHANGE OF JURISDICTION OF CIVIL WORKS

A letter from the Secretary of the Army and the Secretary of Agriculture giving notice, pursuant to law, of the intention of the Departments to interchange jurisdiction of civil works and National forest lands at Libby Dam and Reservoir in Montana (with accompanying papers); to the Committee on Agriculture and Forestry.

APPROVAL OF LOAN BY THE RURAL ELECTRIFICATION ADMINISTRATION

A letter from the Acting Administrator of the Rural Electrification Administration submitting information, pursuant to law, regarding the approval of a loan to the Minnkota Power Cooperative, Inc., of Grand Forks, N. Dak. (with accompanying papers); to the Committee on Appropriations.

REPORTS OF THE COMPTROLLER GENERAL

Two letters from the Comptroller General of the United States submitting, pursuant to law, two reports; one entitled "Progress Made Toward Independent and Comprehensive Audits of the Inter-American Development Bank," and the other "Legislation Recommended To Reduce Losses of Two Insured Loan Funds of the Farmers Home Administration" (with accompanying reports); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improvements Needed in Management of Projects to Develop Business Opportunities for the Poor", Office of Economic Opportunity, dated July 20, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Further Improvements Needed in Administration of the Small Business Investment Company Program", Small Business Administration, dated July 21, 1971 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION RELATING TO DEVELOPMENT OF NATIONAL RESOURCE LANDS

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the management, protection, and development of the national resource lands and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were received and referred, as indicated:

By the ACTING PRESIDENT pro tempore (Mr. CRANSTON):

A joint resolution of the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION NO. 32

"Ratifying the proposed amendment to the Constitution of the United States relating to the right to vote of citizens of the United States who are eighteen years of age or older

"Whereas, the 92d Congress of the United States of America at its first Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

" 'JOINT RESOLUTION

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE —

" 'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation.'

"Now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring:

"1. That the amendment to the Constitution of the United States of America herein set forth be, and the same is hereby, ratified and affirmed;

"2. That certified copies of this joint resolution be forwarded by the Governor to the President of the United States, to the Secretary of State at Washington, to the Administrator of General Services in Washington, to the President of the United States Senate, and to the Speaker of the House of Representatives of the United States."

A joint resolution of the Legislature of the Commonwealth of Virginia; ordered to lie on the table:

"HOUSE JOINT RESOLUTION NO. 108

"Memorializing the Congress of the United States to exempt public employees' benefit and pension plans from the provisions of the proposed 'Employee Benefit Security Act'

"Whereas, the Congress of the United States is currently considering a bill known as the 'Employee Benefit Security Act' (H.R. 1269) which would place stringent regulations and controls on employee pension and benefit plans, including, as such bill is presently drawn, public employee benefit plans such as those administered by the Virginia Supplemental Retirement System; and

"Whereas, the Virginia Supplemental Retirement System, and other similar public plans are strictly controlled by the statutes which create them and their affairs are already matters of public record; for which reasons they are not subject to the abuses prevalent in some private benefit plans which have induced the Congress to consider such legislation; and

"Whereas, application of the provisions of the 'Employee Benefit Security Act' to the Virginia Supplemental Retirement System and others like it would be unnecessary in some instances, would create statutory conflicts in others, and would be nearly impossible in still others, thereby placing an intolerable administrative burden upon the agencies which manage such public plans; and

"Whereas, public employee plans in general and the Virginia Supplemental Retirement System in particular do not contain the flaws of inadequate funding, vesting and disclosure safeguards, which appear to be the principal targets for corrective action intended by such federal legislation; now, therefore, be it

"*Resolved by the House of Delegates of Virginia, the Senate concurring,* That the Congress of the United States is hereby memorialized to exempt public employees' benefit plans from the provisions of H.R. 1269 and other similar bills; and, be it further

"*Resolved,* That the members of Congress from Virginia are hereby earnestly requested to introduce or support measures designed to effect such an exemption; and, be it finally

"*Resolved,* That the Clerk of the House of Delegates is instructed to send copies of this Resolution to the Clerks of the United States Senate and House of Representatives and to each member of Congress from this Commonwealth, and to send twenty-five copies hereof to Honorable John H. Dent, the Chairman of Subcommittee No. 3 of the House Education and Labor Committee with a request that it be placed in the record of such subcommittee's deliberations on H.R. 1269."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 389. A bill for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender (Rept. No. 92-274).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 733. A bill to create an additional judicial district in the State of Louisiana, and for other purposes (Rept. No. 92-279).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

S. 1866. A bill for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and De Witt John (Rept. No. 92-280).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 105. Joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups" (Rept. No. 92-275).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S.J. Res. 132. Joint resolution extending the duration of copyright protection in certain cases (Rept. No. 92-277).

By Mr. EASTLAND, from the Committee on the Judiciary:

S. Con. Res. 35. An original concurrent resolution favoring the suspension of deportation of certain aliens (Rept. No. 92-276).

By Mr. BURDICK, from the Committee on the Judiciary:

S. 2330. An original bill to improve judicial machinery by permitting the retirement of justices and judges of the United States with long periods of service (Rept. No. 92-281).

By Mr. BYRD of West Virginia, for Mr. LONG, from the Committee on Commerce, with amendments:

H.R. 5208. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard (Rept. No. 92-278).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, with an amendment:

S. 2072. A bill to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such act for a certain period of time (Rept. No. 92-282).

REPORT ENTITLED "ANTITRUST AND MONOPOLY ACTIVITIES, 1970"—REPORT OF A COMMITTEE (S. REPT. NO. 92-283)

Mr. HART, from the Committee on the Judiciary, pursuant to Senate Resolution 230, submitted a report entitled "Antitrust and Monopoly Activities, 1970," together with individual views, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Fred L. Hadsel, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

By Mr. EASTLAND, from the Committee on the Judiciary:

Edward R. Neather, of New York, to be a U.S. district judge for the eastern district of New York;

Robert E. DeMascio, of Michigan, to be a U.S. district judge for the eastern district of Michigan;

Aldon J. Anderson, of Utah, to be a U.S. district judge for the district of Utah;

William S. Sessions, of Texas, to be a U.S. attorney for the western district of Texas;

Maurice H. Sigler, of Nebraska, to be a member of the Board of Parole;

William T. Woodard, Jr., of North Carolina, to be a member of the Board of Parole; and

Gerald E. Murch, of Maine, to be a member of the Board of Parole.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BEALL:

S. 2319. A bill for the relief of Imelda D. Aragon. Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S. 2320. A bill to promote the orderly adjustment of tobacco production and marketing. Referred to the Committee on Agriculture and Forestry.

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S. 2321. A bill to assist States having an unemployment rate of 7.5 percent or more to provide up to 26 weeks of emergency compensation to unemployed workers who have exhausted their entitlement to both regular unemployment compensation. Referred to the Committee on Finance.

By Mr. STEVENSON (for himself and Mr. HART):

S. 2322. A bill to establish a system of first party, no-fault insurance for victims of motor vehicle accidents, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. COTTON (for himself and Mr. MCINTYRE):

S. 2323. A bill to provide an additional permanent district judgeship in New Hampshire. Referred to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. MCGOVERN):

S. 2324. A bill to establish a national power grid system, for the purpose of assuring an adequate and reliable low-cost electric power supply consistent with the enhancement of environmental values and the preservation of competition in the electric power industry. Referred to the Committee on Commerce.

By Mr. HATFIELD:

S. 2325. A bill to repeal certain provisions of the Foreign Assistance Act of 1961 prohibiting foreign assistance from being furnished by the United States to a country with which the United States does not have diplomatic relations. Referred to the Committee on Foreign Relations.

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 2326. A bill to authorize the Secretary of the Interior to acquire certain lands within the area comprising the Organ Pipe Cactus National Monument, Ariz., and to administer such lands to be acquired as a part of such monument. Referred to the Committee on Interior and Insular Affairs.

By Mr. FANNIN (for himself, Mr. ERVIN, Mr. HANSEN, Mr. CURTIS, Mr. BENNETT, and Mr. BROCK):

S. 2327. A bill to provide for strike ballots in certain cases. Referred to the Committee on Labor and Public Welfare.

By Mr. THURMOND:

S. 2328. A bill for the relief of Chi Hung Lai and his wife, Shuk King Lai. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 2329. A bill for the relief of Eduarda Jesus Garcia. Referred to the Committee on the Judiciary.

By Mr. BURDICK, from the Committee on the Judiciary:

S. 2330. An original bill to improve judicial machinery by permitting the retirement of justices and judges of the United States with long periods of service. Ordered to be placed on the calendar.

By Mr. HRUSKA:

S.J. Res. 136. A joint resolution to authorize and request the President to proclaim the second week in January 1972 as "National Retailing Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROOKE:

S. 2320. A bill to promote the orderly adjustment of tobacco production and marketing. Referred to the Committee on Agriculture and Forestry.

TOBACCO MARKET ADJUSTMENT ACT

Mr. BROOKE. Mr. President, more than 7 years have passed since the Surgeon General of the United States issued a report detailing the health hazards caused by cigarette smoking and recommending that appropriate steps be taken by the Government to meet those dangers.

In the meantime, while more Americans die annually from lung cancer than have died during the entire Vietnam war, per capita consumption of cigarettes has decreased only slightly. This is despite the fact that the Congress and the Federal Trade Commission have taken important steps to alert the American public to the dangers of smoking and that the 1964 report released by the Surgeon General concluded that—

> Cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action.

The Congress took a bold and wise step last year when it passed the Cigarette Labeling Act requiring all cigarette packages to bear the following statement:

> Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health.

That law also prohibited cigarette commercials on broadcast media effective January 2, 1971.

I supported these provisions but believe that much more needs to be done to protect the American public from the hazards of smoking.

Government-sponsored studies have conclusively proven that the risk of developing lung cancer increases with duration of cigarette smoking and the number of cigarettes smoked per day, and is diminished by discontinuing smoking. In comparison with nonsmokers, average male smokers of cigarettes are approximately 10 times more likely to develop lung cancer.

Other scientific studies have concluded that cigarette smoking far outweighs atmospheric pollution and occupational exposures as the prime cause of chronic broncho-pulmonary disease.

Three Yale Medical School physicians recently conducted a thorough study of lung cancer in teenagers and concluded that symptons such as "cough, phelgm, and shortness of breath were much more common among smokers than among nonsmokers." They presented objective evidence of deleterious functional changes in the lungs of teenagers who smoke only a few years.

Several bills have been introduced into the Congress this year that would limit the advertising, distribution, and consumption of cigarettes. Included are proposals to require advertisers to warn consumers of the potential danger to health from smoking cigarettes, to prohibit the mailing of unsolicited samples of cigarettes, and to prevent or control smoking on common carriers operating in interstate commerce. In addition, the Federal Trade Commission has served notice in recent days that cigarette companies must disclose tar and nicotine contents in their advertising.

I applaud these and other efforts that are being made in the interests of the public health and safety.

However, I also believe that the Government ought to review carefully the financial and institutional support which it furnishes for tobacco production. In light of the scientifically proven medical harm, the economic interests of the tobacco industry clearly ought not be considered the overriding factor in this public debate.

The futility of Constitutional prohibition of alcohol early in this century is clear proof that the Government cannot realistically place an outright prohibition on human tobacco consumption. Nor would I favor such an effort.

It is, however, appropriate for the Congress to examine closely the continuation of the means through which the Federal Government provides substantial and important economic assistance to the tobacco industry.

At a time when many programs that make vital contributions to the enrichment of human life are sadly lacking in funds, it is folly to continue to spend tens of millions of dollars for a product that poses a direct threat to healthy human existence.

I introduced into the last Congress S. 1721, a bill which would have had the effect of phasing out price supports for tobacco production over a 4-year period and of prohibiting the use of Government funds to advertise or promote this product.

Unfortunately, no action was taken on this bill by the Senate Agriculture Committee. Nor did the Agriculture Department take the usually routine step of responding to a committee request to present its views on the bill.

Because of my belief that public concern over the use of tobacco has increased the need for Government responsiveness, I am reintroducing today in substantially similar form the Tobacco Market Adjustment Act of 1971. It is my sincere hope that it will receive the close and favorable attention of both the Congress and the administration.

The bill provides for 4-year phasing out of all Federal price supports for tobacco producers. In order to assist farmers who may be adversely affected by this action, the bill authorizes the Secretary of Agriculture to prescribe regulations to assist in orderly crop conversion.

Federal funds expended for the purpose of advertising or promoting the sale or use of tobacco or any tobacco product would be prohibited as would any expenditure for the subsidization of the export of tobacco to any foreign country.

I deeply regret that two amendments introduced by Senator Moss to H.R. 9720, the agriculture appropriations bill, were defeated. The first amendment, similar to the bill which I have introduced today, would have barred any Federal expenditure for tobacco subsidization, advertising, or inspection. The second amendment would have established a Commission on Tobacco Adjustment Assistance which would report in 6 months on legislative and administrative action necessary to aid those farmers who suffer economic hardship as a result of the reduction in tobacco consumption.

I regret that my colleagues failed to approve each of these amendments. The support granted to the tobacco industry is considerably more than that provided in commensurate programs for other farm products. Included in this support for 1971 is $112,277,572 in direct funds for price support and export sales programs, and $892,196,569 in loans outstanding through the Commodity Credit Corporation.

When this issue is viewed in perspective, it is clearly illogical for Congress to authorize hundreds of millions of dollars for the meritorious effort of seeking a cure for cancer, while it continues to spend and provide loans in the hundreds of millions of dollars for support of the production of tobacco for cigarettes, one of the prime causes of cancer.

The 1971 report of the Surgeon General of the United States sets forth the best possible argument of which I am aware as to why this bill should be approved:

> Cancer of the lung in the United States accounted for 45,383 deaths among males and 9,024 deaths among females in 1967. It is presently estimated that approximately 60,000 people will die of lung cancer during 1970.
>
> The alarming epidemic of lung cancer is a relatively recent phenomenon. Death rates for lung cancer rose from 5.6 (per 100,000 resident population per year) in 1939 to 27.5 in 1967. This rapid increase followed the increased use of cigarettes among the United States population. The increase has occurred principally among males, although, more recently, females have shown a similar rising pattern.
>
> The converging evidence for the conclusion that cigarette smoking is the major cause of lung cancer is derived from varied types of research. Among these are epidemiological, pathological, and laboratory investigations.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the Record at this point together with a collection of articles discussing the health hazards that result from cigarette smoking.

There being no objection, the bill and articles were ordered to be printed in the Record, as follows:

S. 2320

A bill to promote the orderly adjustment of tobacco production and marketing

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tobacco Market Adjustment Act".

Sec. 2. The Congress hereby finds and declares—

(1) that medical evidence of the harmful effects of smoking on personal health has been amply developed and analyzed by the Surgeon General of the United States and other qualified authorities;

(2) that the United States Government and the governments of many other nations have published detailed scientific evaluations demonstrating the adverse effects of smoking on health and have undertaken information campaigns to acquaint the public with the hazards associated with the use of tobacco;

(3) that the widespread use of such harmful substances constitutes a danger not only to personal but to public health, in view of the epidemic proportions of illnesses associated with the use of tobacco in our society and of the particularly grave implications of continued habituation of the youth of our country; and

(4) that continued governmental support of tobacco production and marketing is incompatible with the responsibility of the Federal Government to protect the health of American citizens.

Sec. 3. Title I of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new section as follows:

"Sec. 108. Notwithstanding any other provision of law—

"(1) No producer of tobacco shall be eligible for price support on his 1972 crop of tobacco unless he withholds from the production of tobacco during the 1972 crop year not less than 25 per centum of the tobacco acreage allotment for his farm for such crop year.

"(2) No producer of tobacco shall be eligible for price support on his 1973 crop of tobacco unless he withholds from the production of tobacco for the 1973 crop year not less than 33⅓ per centum of the tobacco acreage allotment for his farm for such crop year.

"(3) No producer of tobacco shall be eligible for price support on his 1974 crop of tobacco unless he withholds from the production of tobacco for the 1974 crop year not less than 50 per centum of the tobacco acreage allotment for his farm for such crop year.

"(4) No producer of tobacco shall be eligible for price support on his 1975 crop of tobacco unless he withholds from the production of tobacco for the 1975 crop year not less than 75 per centum of the tobacco acreage allotment for his farm for such crop year.

"(5) Beginning with the 1976 crop, no price support shall be made available under this or any other Act for any crop of tobacco.

"(6) Any acreage withheld from the production of tobacco in any crop year pursuant to the provisions of this section may be devoted, in accordance with such rules and regulations as the Secretary may prescribe, to the production of crops other than tobacco; and any such acreage so withheld from the production of tobacco in any crop year shall, for the purposes of determining tobacco acreage allotments for any future years, be deemed to have been planted to tobacco in such crop year.

"(7) No Federal funds may be expended on or after July 1, 1972, for the purpose of advertising or promoting the sale or use of any kind of tobacco or tobacco product.

"(8) The Secretary is authorized to issue such rules and regulations as he deems appropriate in order to carry out the provisions of this section."

1964 REPORT OF THE ADVISORY COMMITTEE TO THE SURGEON GENERAL: SMOKING AND HEALTH

CHAPTER 4

This chapter is presented in two sections. Section A contains background information, the gist of the Committee's findings and conclusions on tobacco and health, and an assessment of the nature and magnitude of the health hazard. Section B presents all formal conclusions adopted by the Committee and selected comments abridged from the detailed Summaries that appear in each chapter of Part II of the Report. The full scope and depth of the Committee's inquiry may be comprehended only by study of the complete Report.

A. BACKGROUND AND HIGHLIGHTS

In previous studies, the use of tobacco, especially cigarette smoking, has been causally linked to several diseases. Such use has been associated with increased deaths from lung cancer and other diseases, notably coronary artery disease, chronic bronchitis, and emphysema. These widely reported findings, which have been the cause of much public concern over the past decade, have been accepted in many countries by official health agencies, medical associations, and voluntary health organizations.

The potential hazard is great because these diseases are major causes of death and disability. In 1962, over 500,000 people in the United States died of arteriosclerotic heart disease (principally coronary artery disease), 41,000 died of lung cancer, and 15,000 died of bronchitis and emphysema.

The numbers of deaths in some important disease categories that have been reported to have a relationship with tobacco use are shown in Table 1. This table presents one aspect of the size of the potential hazard; the degree of association with the use of tobacco will be discussed later.

Another cause for concern is that deaths from some of these diseases have been increasing with great rapidity over the past few decades.

Lung cancer deaths, less than 3,000 in 1930, increased to 18,000 in 1950. In the short period since 1955, deaths from lung cancer rose from less than 27,000 to the 1962 total of 41,000. This extraordinary rise has not been recorded for cancer of any other site. While part of the rising trend for lung cancer is attributable to improvements in diagnosis and the changing age-composition and size of the population, the evidence leaves little doubt that a true increase in lung cancer has taken place.

Deaths from arteriosclerotic, coronary, and degenerative heart disease rose from 273,000 in 1940, to 396,000 in 1950, and to 578,000 in 1962.

Reported deaths from chronic bronchitis and emphysema rose from 2,300 in 1945 to 15,000 in 1962.

The changing patterns and extent of tobacco use are a pertinent aspect of the tobacco-health problem.

TABLE 1.—DEATHS FROM SELECTED DISEASE CATEGORIES, UNITED STATES, 1962

Cause of death [1]	Total	Males	Females
Degenerative and arteriosclerotic heart disease, including coronary disease (420, 422)	577, 918	348, 604	229, 314
Hypertensive heart disease (440–3)	62, 176	26, 654	35, 522
Cancer of lung (162–3)	41, 376	35, 312	6, 064
Cirrhosis of liver (581)	21, 824	14, 392	7, 495
Bronchitis and emphysema (502, 527.1)	15, 104	12, 937	2, 167
Stomach and duodenal ulcers (540–1)	12, 228	8, 836	3, 392
Cancer of baldder (181)	8, 081	5, 575	2, 506
Cancer of oral cavity (140–8)	6, 481	4, 920	1, 561
Cancer of esophagus (150)	5, 088	3, 973	1, 115
Cancer of larynx (161)	2, 417	2, 172	245
All above causes	752, 693	463, 312	289, 381
All other causes	1, 004, 027	531, 477	472, 550
All causes	1, 756, 720	994, 789	761, 931

[1] International Statistical Classification numbers in perentheses.

Nearly 70 million people in the United States consume tobacco regularly. Cigarette consumption in the United States has increased markedly since the turn of the Century, when per capita consumption was less than 50 cigarettes a year. Since 1910, when cigarette consumption per person (15 years and older) was 138, it rose to 1,365 in 1930, to 1,828 in 1940, to 3,322 in 1950, and to a peak of 3,986 in 1961. The 1955 Current Population Survey showed that 68 percent of the male population and 32.4 percent of the female population 18 years of age and over were regular smokers of cigarettes.

In contrast with this sharp increase in cigarette smoking, per capita use of tobacco in other forms has gone down. Per capita consumption of cigars declined from 117 in 1920 to 55 in 1962. Consumption of pipe tobacco, which reached a peak of 2½ lbs. per person in 1910, fell to a little more than half a pound per person in 1962. Use of chewing tobacco has declined from about four pounds per person in 1900 to half a pound in 1962.

The background for the Committee's study thus included much general information and findings from previous investigations which associated the increase in cigarette smoking with increased deaths in a number of major disease categories. It was in this setting that the Committee began its work to assess the nature and magnitude of the health hazard attributable to smoking.

KINDS OF EVIDENCE

In order to judge whether smoking and other tobacco uses are injurious to health or related to specific diseases, the Committee evaluated three main kinds of scientific evidence:

1. *Animal experiments*.—In numerous studies, animals have been exposed to tobacco smoke and tars, and to the various chemical compounds they contain. Seven of these compounds (polycyclic aromatic compounds) have been established as cancer-producing (carginogenic). Other substances in tobacco and smoke, though not carcinogenic themselves, promote cancer production or lower the threshold to a known carcinogen. Several toxic or irritant gases contained in tobacco smoke produce experimentally the kinds of non-cancerous damage seen in the tissues and cells of heavy smokers. This includes suppression of ciliary action that normally cleanses the trachea and bronchi, damage to the lung air sacs, and to mucous glands and goblet cells which produce mucus.

2. *Clinical and autopsy studies*.—Observations of thousands of patients and autopsy studies of smokers and non-smokers show that many kinds of damage to body functions and to organs, cells, and tissues occur more frequently and severely in smokers. Three kinds of cellular changes—loss of ciliated cells, thickening (more than two layers of basal cells), and presence of atypical cells—are much more common in the lining layer (epithelium) of the trachea and bronchi of cigarette smokers than of non-smokers. Some of the advanced lesions seen in the bronchi of cigarette smokers are probably premalignant. Cellular changes regularly found at autopsy in patients with chronic bronchitis are more often present in the bronchi of smokers than non-smokers. Pathological changes in the air sacs and other functional tissue of the lung (parenchyma) have a remarkably close association with past history of cigarette smoking.

3. *Population studies*.—Another kind of evidence regarding an association between smoking and disease comes from epidemiological studies.

In retrospective studies, the smoking histories of persons with a specified disease (for example, lung cancer) are compared with those of appropriate control groups without the disease. For lung cancer alone, 29 such retrospective studies have been made in recent years. Despite many variations in design and method, all but one (which dealt with females) showed that proportionately more cigarette smokers are found among the lung cancer patients than in the control populations without lung cancer.

Extensive retrospective studies of the prevalence of specific symptoms and signs—chronic cough, sputum production, breathlessness, chest illness, and decreased lung function—consistently show that these occur more often in cigarette smokers than in non-smokers. Some of these signs and symptoms are the clinical expressions of chronic bronchitis, and some are associated more with emphysema; in general, they increase with amount of smoking and decrease after cessation of smoking.

Another type of epidemiological evidence on the relation of smoking and mortality comes from seven prospective studies which have been conducted since 1951. In these studies, large numbers of men answered questions about their smoking or non-smoking habits. Death certificates have been obtained for those who died since entering the studies, permitting total death rates and death rates by cause to be computed for smokers of various types as well as for non-smokers. The prospective studies thus add several important dimensions to information on the smoking-health problem. Their data permit direct comparisons of the death rates of smokers and non-smokers, both overall and for individual causes of death, and indicate the strength of the association between smoking and specific diseases.

Each of these three lines of evidence was evaluated and then considered together in drawing conclusions. The Committee was aware that the mere establishment of a statistical association between the use of tobacco and a disease is not enough. The causal significance of the use of tobacco in relation to the disease is the crucial question. For such judgments all three lines of evidence are essential, as discussed in more detail on pages 26–27 of this Chapter, and in Chapter 3.

The experimental, clinical, and pathological evidence, as well as data from population studies, is highlighted in Section B of this Chapter, which in turn refers the reader to specific places in Part II of the Report where this evidence is presented in detail.

In the paragraphs which follow, the Committee has chosen to summarize the results of the seven prospective population studies which, as noted above, constitute only one type of evidence. They illustrate the nature and potential magnitude of the smoking-health problem, and bring out a number of factors which are involved.

EVIDENCE FROM THE COMBINED RESULTS OF PROSPECTIVE STUDIES

The Committee examined the seven prospective studies separately as well as their combined results. Considerable weight was attached to the consistency of findings among the several studies. However, to simplify presentation, only the combined results are highlighted here.

Of the 1,123,000 men who entered the seven prospective studies and who provided usable histories of smoking habits (and other characteristics such as age), 37,391 men died during the subsequent months or years of the studies. No analysis of data for females from prospective studies are presently available.

To permit ready comparison of the mortality experience of smokers and non-smokers, two concepts are widely used in the studies—excess deaths of smokers compared with non-smokers, and mortality ratio. After adjustments for differences in age and the number of cigarette smokers and non-smokers, an expected number of deaths of smokers is derived on the basis of deaths among non-smokers. Excess deaths are thus the number of actual (observed) deaths among smokers in excess of the number expected. The mortality ratio, for which the method of comparison is described in Chapter 8, measures the relative death rates of smokers and non-smokers. If the age-adjusted death rates are the same, the mortality ratio will be 1.0; if the death rates of smokers are double those of non-smokers, the mortality ratio will be 2.0. (Expressed as a percentage, this example would be equivalent to a 100 percent increase.)

Table 2 presents the accumulated and combined data on 14 disease categories for which the mortality ratio of cigarette smokers to non-smokers was 1.5 or greater.

TABLE 2.[1]—EXPECTED AND OBSERVED DEATHS FOR SMOKERS OF CIGARETTES ONLY AND MORTALITY RATIOS IN SEVEN PROSPECTIVE STUDIES

Underlying cause of death	Expected deaths	Observed deaths	Mortality ratio
Cancer of lung (162–3)[2]	170.3	1,833	10.8
Bronchitis and emphysema (502, 521.1)	89.5	546	6.1
Cancer of larynx (161)	14.0	75	5.4
Oral cancer (140–8)	37.0	152	4.1
Cancer of esophagus (150)	33.7	113	3.4
Stomach and duodenal ulcers (540, 541)	105.1	294	2.8
Other circulatory diseases (451–68)	254.0	649	2.6
Cirrhosis of liver (581)	169.2	379	2.2
Cancer of bladder (181)	111.6	216	1.9
Coronary artery disease (420)	6,430.7	11,177	1.7
Other heart diseases (421–2, 430–4)	526.0	868	1.7
Hypertensive heart (440–3)	409.2	631	1.5
General arteriosclerosis (450)	210.7	310	1.5
Cancer of kidney (180)	79.0	120	1.5
All causes[3]	15,653.9	23,223	1.68

[1] Abridged from Table 26, Chapter 8, Mortality.

[2] International Statistical Classification numbers in parentheses.

[3] Includes all other causes of death as well as those listed above.

The mortality ratio for male cigarette smokers compared with non-smokers, for all causes of death taken together, is 1.68, representing a total death rate nearly 70 percent higher than for non-smokers. (This ratio includes death rates for diseases not listed in the table as well as for the 14 disease categories shown.)

In the combined results from the seven studies, the mortality ratio of cigarette smokers over non-smokers was particularly high for a number of diseases: cancer of the lung (10.8), bronchitis and emphysema (6.1), cancer of the larynx (5.4), oral cancer (4.1), cancer of the esophagus (3.4), peptic ulcer (2.8), and the group of other circulatory diseases (2.6). For coronary artery disease the mortality ratio was 1.7.

Expressed in percentage-form, this is equivalent to a statement that for coronary artery disease, the leading cause of death in this country, the death rate is 70 percent higher for cigarette smokers. For chronic bronchitis and emphysema, which are among the leading causes of severe disability, the death rate for cigarette smokers is 500 percent higher than for non-smokers. For lung cancer, the most frequent site of cancer in men, the death rate is nearly 1,000 percent higher.

Other findings of the prospective studies

In general, the greater the number of cigarettes smoked daily, the higher the death rate. For men who smoke fewer than 10 cigarettes a day, according to the seven prospective studies, the death rate from all causes is about 40 percent higher than for non-smokers. For those who smoke from 10 to 19 cigarettes a day, it is about 70 percent higher than for non-smokers; for those who smoke 20 to 39 a day, 90 percent higher; and for those who smoke 40 or more, it is 120 percent higher.

Cigarette smokers who stopped smoking before enrolling in the seven studies have a death rate about 40 percent higher than non-smokers, as against 70 percent higher for current cigarette smokers. Men who began smoking before age 20 have a substantially higher death rate than those who began after age 25. Compared with non-smokers, the mortality risk of cigarette smokers, after adjustments for differences in age, increases with duration of smoking (number of years) and is higher in those who stopped after age 55 than for those who stopped at an earlier age.

In two studies which recorded the degree of inhalation, the mortality ratio for a given amount of smoking was greater for inhalers than for non-inhalers.

The ratio of the death rates of smokers to that of non-smokers is highest at the earlier ages (40–50) represented in these studies, and declines with increasing age.

Possible relationships of death rates and other forms of tobacco use were also investigated in the seven studies. The death rates for men smoking less than 5 cigars a day are about the same as for non-smokers. For men smoking more than 5 cigars daily, death rates are slightly higher. There is some indication that these higher death rates occur primarily in men who have been smoking more than 30 years and who inhale the smoke to some degree. The death rates for pipe smokers are little if at all higher than for non-smokers, even for men who smoke 10 or more pipefuls a day and for men who have smoked pipes more than 30 years.

Excess mortality

Several of the reports previously published on the prospective studies included a table showing the distribution of the excess number of deaths of cigarette smokers among the principal causes of death. The hazard must be measured not only by the mortality ratio of deaths in smokers and non-smokers, but also by the importance of a particular disease as a cause of death.

In all seven studies, coronary artery disease is the chief contributor to the excess number of deaths of cigarette smokers over non-smokers, with lung cancer uniformly in second place. For all seven studies combined, coronary artery disease (with a mortality ratio of 1.7) accounts for 45 percent of the excess deaths among cigarette smokers, whereas lung cancer (with a ratio of 10.8) accounts for 16 percent.

Some of the other categories of diseases that contribute to the higher death rates for cigarette smokers over non-smokers are diseases of the heart and blood vessels, other than coronary artery disease, 14 percent; cancer sites other than lung, 8 percent; and chronic bronchitis and emphysema, 4 percent.

Since these diseases as a group are responsible for more than 85 percent of the higher death rate among cigarette smokers, they are of particular interest to public health authorities and the medical profession.

ASSOCIATIONS AND CAUSALITY

The array of information from the prospective and retrospective studies of smokers and non-smokers clearly establishes an association between cigarette smoking and substantially higher death rates. The mortality ratios in Table 2 provide an approximate index of the relative strength of this association, for all causes of death and for 14 disease categories.

In this inquiry the epidemiologic method was used extensively in the assessment of causal factors in the relationship of smoking to health among human beings upon whom direct experimentation could not be imposed. Clinical, pathological, and experimental evidence was thoroughly considered and often served to suggest an hypothesis or confirm or contradict other findings. When coupled with the other data, results from the epidemiologic studies can provide the basis upon which judgments of causality may be made.

It is recognized that no simple cause-and-effect relationship is likely to exist between a complex product like tobacco smoke and a specific disease in the variable human organism. It is also recognized that often the coexistence of several factors is required for the occurrence of a disease, and that one of the factors may play a determinant role; that is, without it, the other factors (such as genetic susceptibility) seldom lead to the occurrence of the disease.

THE EFFECTS OF SMOKING: PRINCIPAL FINDINGS

Cigarette smoking is associated with a 70 percent increase in the age-specific death rates of males. The total number of excess deaths causally related to cigarette smoking in the U.S. population cannot be accurately estimated. In view of the continuing and mounting evidence from many sources, it is the judgment of the Committee that cigarette smoking contributes substantially to mortality from certain specific diseases and to the overall death rate.

Lung cancer

Cigarette smoking is causally related to lung cancer in men; the magnitude of the effect of cigarette smoking far outweighs all other factors. The data for women, though less extensive, point in the same direction.

The risk of developing lung cancer increases with duration of smoking and the number of cigarettes smoked per day, and is diminished by discontinuing smoking. In comparison with non-smokers, average male smokers of cigarettes have approximately a 9- to 10-fold risk of developing lung cancer and heavy smokers at least a 20-fold risk.

The risk of developing cancer of the lung for the combined group of pipe smokers, cigar smokers, and pipe and cigar smokers is greater than non-smokers, but much less than for cigarette smokers.

Cigarette smoking is much more important than occupational exposure in the causation of lung cancer in the general population.

Chronic bronchitis and emphysema

Cigarette smoking is the most important of the causes of chronic bronchitis in the United States, and increases the risk of dying from chronic bronchitis and emphysema. A relationship exists between cigarette smoking and emphysema but it has not been established that the relationship is casual. Studies demonstrate that fatalities from this disease are infrequent among non-smokers.

For the bulk of the population of the United States, the relative importance of cigarette smoking as a cause of chronic broncho-pulmonary disease is much greater than atmospheric pollution or occupational exposures.

Cardiovascular diseases

It is established that male cigarette smokers have a higher death rate from coronary artery disease than non-smoking males. Although the causative role of cigarette smoking in deaths from coronary disease is not proven, the Committee considers it more prudent from the public health viewpoint to assume that the established association has causative meaning than to suspend judgment until no uncertainty remains.

Although a causal relationship has not been established, higher mortality of cigarette smokers is associated with many other cardiovascular diseases, including miscellaneous circulatory diseases, other heart diseases, hypertensive heart disease and general arteriosclerosis.

Other cancer sites

Pipe smoking appears to be casually related to lip cancer. Cigarette smoking is a significant factor in the causation of cancer of the larynx. The evidence supports the belief that an association exists between tobacco use and cancer of the esophagus, and between cigarette smoking and cancer of the urinary bladder in men, but the data are not adequate to decide whether these relationships are causal. Data on an association between smoking and cancer of the stomach are contradictory and incomplete.

THE TOBACCO HABIT AND NICOTINE

The habitual use of tobacco is related primarily to psychological and social drives, reinforced and perpetuated by the pharmacological actions of nicotine.

Social stimulation appears to play a major role in a young person's early and first experiments with smoking. No scientific evidence supports the popular hypothesis that smoking among adolescents is an expression of rebellion against authority. Individual stress appears to be associated more with fluctuations in the amount of smoking than with the prevalence of smoking. The overwhelming evidence indicates that smoking—its beginning, habituation, and occasional discontinuation—is to a very large extent psychologically and socially determined.

Nicotine is rapidly changed in the body to relatively inactive substances with low toxicity. The chronic toxicity of small doses of nicotine is low in experimental animals. These two facts, when taken in conjunction with the low mortality ratios of pipe and cigar smokers, indicate that the chronic toxicity of nicotine in quantities absorbed from smoking and other methods of tobacco use is very low and probably does not represent an important health hazard.

The significant beneficial effects of smoking occur primarily in the area of mental health, and the habit originates in a search for contentment. Since no means of measuring the quantity of these benefits is apparent, the Committee finds no basis for a judgment which would weigh benefits against hazards of smoking as it may apply to the general population.

THE COMMITTEE'S JUDGMENT IN BRIEF

On the basis of prolonged study and evaluation of many lines of converging evidence, the Committee makes the following judgment:

Cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action.

B. COMMENTS AND DETAILED CONCLUSIONS

(A guide to part II of the report)

All conclusions formally adopted by the Committee are presented at the end of this section in brackets for convenience of reference. In the interest of conciseness, the documentation and most of the discussion are omitted from this condensation. Together with the tables of contents which appear at the beginning of each chapter in Part II, it is intended as a guide to the Report.

CHEMISTRY AND CARCINOGENICITY OF TOBACCO AND TOBACCO SMOKE

Condensates of tobacco smoke are carcinogenic when tested by application to the skin of mice and rabbits and by subcutaneous injection in rats (Chapter 9, pp. 143–145). Bronchogenic carcinoma has not been produced by the application of tobacco extracts, smoke, or condensates to the lung or the tracheobronchial tree of experimental animals with the possible exception of dogs (Chapter 9, p. 165).

Bronchogenic carcinoma has been produced in laboratory animals by the administration of polycyclic aromatic hydrocarbons, certain metals, radioactive substances, and viruses. The histopathologic characteristics of the tumors produced are similar to those observed in man and are predominantly of the squamous variety (Chapter 9, pp. 166–167).

Seven polycyclic hydrocarbon compounds isolated from cigarette smoke have been established to be carcinogenic in laboratory animals. The results of a number of assays for carcinogenicity of tobacco smoke tars present a puzzling amonaly: the total tar from cigarettes has many times the carcinogenic potency of benzo(a)pyrene present in the tar. The other carcinogens known to be present in tobacco smoke are, with the exception of dibenzo(a,i)pyrene, much less potent than benzo(a)pyrene and they are present in smaller amounts. Apparently, therefore, the whole is greater than the sum of the known parts. This discrepancy may possibly be due to the presence of cocarcinogens in tobacco smoke, and/or damage to mucus production and ciliary transport mechanism (Chapter 6, p. 61, Chapter 9, p. 144 and Chapter 10, pp. 267–269).

There is abundant evidence that cancer of the skin can be induced in man by industrial exposure to soots, coal tar, pitch, and mineral oils. All of these contain various polycyclic aromatic hydrocarbons proven to be carcinogenic in many species of animals. Some of these hydrocarbons are also present in tobacco smoke. It is reasonable to assume that these can be carcinogenic for man also (Chapter 9, pp. 146–148).

Genetic factors play a significant role in the development of pulmonary adenomas in mice. It is possible that genetic factors can influence the smoking habit and the response in man to carcinogens in smoke. However, there is no evidence that they have played an appreciable role in the great increase of lung cancer in man since the beginning of this century (Chapter 9, p. 190).

Components of the gas phase of cigarette smoke have been shown to produce various undesirable effects on test animals or organs. One of these effects is suppression of ciliary transport activity, an important cleansing function in the trachea and bronchi (Chapter 6, p. 61 and Chapter 10, pp. 267–270).

CHARACTERIZATION OF THE TOBACCO HABIT

The habitual use of tobacco is related primarily to psychological and social drives, reinforced and perpetuated by the pharmacological actions of nicotine on the central nervous system. Nicotine-free tobacco or other plant materials do not satisfy the needs of those who acquire the tobacco habit (Chapter 13, p. 354).

The tobacco habit should be characterized as an habituation rather than an addiction. Discontinuation of smoking, although possessing the difficulties attendant upon extinction of any conditioned reflex, is accomplished best by reinforcing factors which interrupt the psychogenic drives. Nicotine substitutes or supplementary medications have not been proven to be of major benefit in breaking the habit (Chaptre 13, p. 354).

PATHOLOGY AND MORPHOLOGY

Several types of epithelial changes are more common in the trachea and bronchi of cigarette smokers, with or without lung cancer, than of non-smokers and of patients without lung cancer. These epithelial changes are (a) loss of cilia, (b) basal cell hyperplasia, and (c) appearance of atypical cells with irregular hyperchromatic nuclei. The degree of each of the epithelial changes in general increases with the number of cigarettes smoked. Extensive atypical changes have been seen most frequently in men who smoked two or more packs of cigarettes a day.

Women cigarette smokers, in general, have the same epithelial changes as men smokers. However, at given levels of cigarette use, women appear to show fewer atypical cells than do men. Older men smokers have more atypical cells than younger men smokers. Men who smoke either pipes or cigars have more epithelial changes than non-smokers, but have fewer changes than cigarette smokers consuming approximately the same amount of tobacco. Male ex-cigarette smokers have less hyperplasia and fewer atypical cells than current cigarette smokers.

It may be concluded, on the basis of human and experimental evidence, that some of the advanced epithelial hyperplastic lesions with many atypical cells, as seen in the bronchi of cigarette smokers, are probably premalignant (Chapter 9, pp. 167–173).

Typing of Tumors.—Squamous and oval-cell carcinomas (Group I of Kreyberg's classification) comprise the predominant types associated wtih the increase of lung cancer in the male population. In several studies, adenocarcinomas (Group II) have also shown a definite increase, although to a much lesser degree. The historical typing of lung cancer is reliable, but the use of the ratio of histological types as an index of the magnitude of increase in lung cancer is of limited value (Chapter 9, pp. 173–175).

Functional and Pathological Changes.—Cigarette smoke produces significant functional alterations in the trachea, bronchus, and lung. Like several other agents, cigarette smoke can reduce or abolish ciliary motility in experimental animals. Postmortem examination of bronchi from smokers shows a decrease in the number of ciliated cells, shortening of the remaining cilia, and changes in goblet cells and mucous glands. The implication of these morphological observations is that functional impairment would result.

In animal experiments, cigarette smoke appears to affect the physical characteristics of the lung-lining layer and to impair alveolar (air sac) stability. Alveolar phagocytes ingest tobacco smoke components and assist in their removal from the lung. This phagocytic clearance mechanism breaks down under the stress of protracted high-level exposure to cigarette smoke, and smoke components accumulate in the lungs of experimental animals (Chapter 10, pp. 269–270).

The chronic effects of cigarette smoking upon pulmonary function are manifested mainly by a reduction in ventilatory function as measured by the forced expiratory volume (Chapter 10, pp. 289–292).

Histopathological alterations occur as a result of tobacco smoke exposure in the tracheobronchial tree and in the lung parenchyma of man. Changes regularly found in chronic bronchitis—increase in the number of goblet cells, and hypertrophy and hyperplasia of bronchial mucous glands—are more often present in the bronchi of smokers than non-smokers. Cigarette smoke produces significant functional alterations in the upper and lower airways to the lungs. Such alterations could be expected to interfere with the cleansing mechanisms of the lung.

Pathological changes in pulmonary parenchyma, such as rupture of alveolar septa (partitions of the air sacs) and fibrosis, have a remarkably close association with past history of cigarette smoking. These latter changes cannot be related with certainty to emphysema or other recognized diseases at the present time (Chapter 10, pp. 270–275).

MORTALITY

The death rate for smokers of cigarettes only, who were smoking at the time of entry into the particular prospective study, is about 70 percent higher than that for non-smokers. The death rates increase with the amount smoked. For groups of men smoking less than 10, 10-19, 20-39, and 40 cigarettes and over per day, respectively, the death rates are about 40 percent, 70 percent, 90 percent, and 120 percent higher than for non-smokers. The ratio of the death rates of smokers to non-smokers is highest at the earlier ages (40-50) represented in these studies, and declines with increasing age. The same effect appears to hold for the ratio of the death rate of heavy smokers to that of light smokers. In the studies that provided this information, the mortality ratio of cigarette smokers to nonsmokers was substantially higher for men who started to smoke under age 20 than for men who started after age 25. The mortality ratio was increased as the number of years of smoking increased. In two studies which recorded the degree of inhalation, the mortality ratio for a given amount of smoking was greater for inhalers than for non-inhalers. Cigarette smokers who had stopped smoking prior to enrollment in the study had mortality ratios about 1.4 as against 1.7 for current cigarette smokers. The mortality ratio of ex-cigarette smokers increased with the number of years of smoking and was higher for those who stopped after age 55 than for those who stopped at an earlier age (Chapter 8, p. 93).

The biases from non-response and from errors of measurement that are difficult to avoid in mass studies may have resulted in some over-estimation of the true mortality ratios for the complete populations. In our judgment, however, such biases can account for only a part of the elevation in mortality ratios found for cigarette smokers (Chapter 8, p. 96).

Death rates of cigar smokers are about the same as those of non-smokers for men smoking less than five cigars daily. For men smoking five or more cigars daily, death rates were slightly higher (9 percent to 27 percent) than for non-smokers in the four studies that gave this information. There is some indication that this higher death rate occurs primarily in men who have been smoking for more than 30 years and in men who stated that they inhaled the smoke to some degree. Death rates for current pipe smokers were little if at all higher than for non-smokers, even with men smoking 10 or more pipefuls per day and with men who had smoked pipes for more than 30 years. Ex-cigar and ex-pipe smokers, on the other hand, showed higher death rates than both non-smokers and current pipe or cigar smokers in four out of five studies (Chapter 8, p. 94). The explanation is not clear but may be that a substantial number of such smokers stopped because of illness.

Mortality by Cause of Death.—In the combined results from the seven prospective studies, the mortality ratio of cigarette smokers was particularly high for a number of diseases. There is a further group of diseases, including some of the most important chronic diseases, for which the mortality ratio for cigarette smokers lay between 1.2 and 2.0. The explanation of the moderate elevations in mortality ratios in this large group of causes is not clear. Part may be due to the sources of bias previously mentioned or to some constitutional and genetic difference between cigarette smokers and non-smokers. There is also the possibility that cigarette smoking has some general debilitating effect, although no medical evidence that clearly supports this hypothesis can be cited (Chapter 8, p. 105).

In all seven studies, coronary artery disease is the chief contributor to the excess number of deaths of cigarette smokers over non-smokers, with lung cancer uniformly in second place (Chapter 8, p. 108).

For cigar and pipe smokers combined, there was a suggestion of high mortality ratios for cancers of the mouth, esophagus, larynx and lung, and for stomach and duodenal ulcers. These ratios are, however, based on small numbers of deaths (Chapter 8, p. 107).

CANCER BY SITE

Lung cancer

[Cigarette smoking is causally related to lung cancer in men; the magnitude of the effect of cigarette smoking far outweighs all other factors. The data for women, though less extensive, point in the same direction.

[The risk of developing lung cancer increases with duration of smoking and the number of cigarettes smoked per day, and is diminished by discontinuing smoking.

[The risk of developing cancer of the lung for the combined group of pipe smokers, and pipe and cigar smokers, is greater than for non-smokers, but much less than for cigarette smokers. The data are insufficient to warrant a conclusion for each group individually (Chapter 9, p. 196).

Oral cancer

[The causal relationship of the smoking of pipes to the development of cancer of the lip appears to be established.

[Although there are suggestions of relationships between cancer of other specific sites of the oral cavity and the several forms of tobacco use, their causal implications cannot at present be stated (Chapetr 9, pp. 204–205).

Cancer of the larynx

[Evaluation of the evidence leads to the judgment that cigarette smoking is a significant factor in the causation of laryngeal cancer in the male (Chapter 9, p. 212).

Cancer of the esophagus

[The evidence on the tobacco-esophageal cancer relationship supports the belief that an association exists. However, the data are not adequate to decide whether the relationship is causal (Chapter 9, p. 218).

Cancer of the urinary bladder

[Available data suggest an association between cigarette smoking and urinary bladder cancer in the male but are not sufficient to support a judgment on the causal significance of this association (Chapter 9, p. 225).

Stomach cancer

[No relationship has been established between tobacco use and stomach cancer (Chapter 9, p. 229).

NON-NEOPLASTIC RESPIRATORY DISEASES, PARTICULARLY CHRONIC BRONCHITIS AND PULMONARY EMPHYSEMA

[Cigarette smoking is the most important of the causes of chronic bronchitis in the United States, and increases the risk of dying from chronic bronchitis.

[A relationship exists between pulmonary emphysema and cigarette smoking but it has not been established that the relationship is causal. The smoking of cigarettes is associated with an increased risk of dying from pulmonary emphysema.

[For the bulk of the population of the United States, the importance of cigarette smoking as a cause of chronic bronchopulmonary disease is much greater than that of atmospheric pollution or occupational exposures.

[Cough, sputum production, or the two combined are consistently more frequent among cigarette smokers than among non-smokers.

[Cigarette smoking is associated with a reduction in ventilatory function. Among males, cigarette smokers have a greater prevalence of breathlessness than non-smokers.

[Cigarette smoking does not appear to cause asthma.

[Although death certification shows that cigarette smokers have a moderately increased risk of death from influenza and pneumonia, an association of cigarette smoking and infectious diseases is not otherwise substantiated (Chapter 10, p. 302).]

CARDIOVASCULAR DISEASE

Smoking and nicotine administration cause acute cardiovascular effects similar to those induced by stimulation of the autonomic nervous system, but these effects do not account well for the observed association between cigarette smoking and coronary disease. It is established that male cigarette smokers have a higher death rate from coronary disease than non-smoking males. The association of smoking with other cardiovascular disorders is less well established. If cigarette smoking actually caused the higher death rate from coronary disease, it would on this account be responsible for many deaths of middle-aged and elderly males in the United States. Other factors such as high blood pressure, high serum cholesterol, and excessive obesity are also known to be associated with an unusually high death rate from coronary disease. The causative role of these factors in coronary disease, though not proven, is suspected strongly enough to be a major reason for taking countermeasures against them. It is also more prudent to assume that the established association between cigarette smoking and coronary disease has causative meaning than to suspend judgment until no uncertainty remains (Chapter 11, p. 327).

[Male cigarette smokers have a higher death rate from coronary artery disease than nonsmoking males, but it is not clear that the association has causal significance.]

OTHER CONDITIONS

Peptic ulcer

[Epidemiological studies indicate an association between cigarette smoking and peptic ulcer which is greater for gastric than for duodenal ulcer (Chapter 12, p. 340).

Tobacco amblyopia

[Tobacco amblyopia (dimness of vision unexplained by an organic lesion) has been related to pipe and cigar smoking by clinical impressions. The association has not been substantiated by epidemiological or experimental studies (Chapter 12, p. 342).

Cirrhosis of the liver

[Increased mortality of smokers from cirrhosis of the liver has been shown in the prospective studies. The data are not sufficient to support a direct or causal association (Chapter 12, p. 342).

Maternal smoking and infant birth weight

[Women who smoke cigarettes during pregnancy tend to have babies of lower birth weight.

[Information is lacking on the mechanism by which this decrease in birth weight is produced.

[It is not known whether this decrease is birth weight has any influence on the biological fitness of the newborn (Chapter 12, p. 343).

Smoking and accidents

[Smoking is associated with accidental deaths from fires in the home.

[No conclusive information is available on the effects of smoking on traffic accidents (Chapter 12, p. 345).]

MORPHOLOGICAL CONSTITUTION OF SMOKERS

[The available evidence suggests the existence of some morphological differences between smokers and non-smokers, but is too meager to permit a conclusion (Chapter 15, p. 387).]

PSYCHO-SOCIAL ASPECTS OF SMOKING

A clear cut smoker's personality has not emerged from the results so far published. While smokers differ from non-smokers in a variety of characteristics, none of the studies has shown a single variable which is found solely in one group and is completely absent in another. Nor has any single variable been verified in a sufficiently large proportion of smokers and in sufficiently few non-smokers to consider it an "essential" aspect of smoking.

[The overwhelming evidence points to the conclusion that smoking—its beginning, habituation, and occasional discontinuation—is to a large extent psychologically and socially determined. This does not rule out physiological factors, especially in respect to habituation, nor the existence of predisposing constitutional or hereditary factors (Chapter 14, p. 377).]

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CHAPTER IV

Cancer

Introduction

During the early years of this century, a number of pathologists and clinicians reported on a dramatic increase in the incidence of lung cancer. Autopsy studies and studies of lung cancer death rates revealed a significant increase beginning prior to World War I and continuing to grow rapidly during the ensuing years. This epidemic of lung cancer continues to the present day, with nearly 60,000 death expected from this disease in the United States during 1970.

Beginning in the 1920's, a number or reports appeared which suggested a relationship between lung cancer and tobacco smoking (5, 205, 279). Since that time, many clinical and epidemiological studies have been published which confirm this relationship. The 1964 Report (292) contains a thorough review and analysis of the data available at that time as well as an excellent discussion of the considerations necessary for their evaluation.

Major epidemiological studies have demonstrated that smokers have greatly increased risks of dying from lung cancer as compared to nonsmokers. An increased risk of lung cancer has been found for every type of smoking habit investigated, but two characteristics of the risk are particularly evident: The risk is much greater for cigarette smokers than for smokers of pipes and cigars, and, among cigarette smokers, a close relationship exists. That is the more one smokes, as measured by total pack-years of smoking, present level of smoking, degree of inhalation, or age at starting smoking, the greater is the risk. It has also been shown that the risk of lung cancer among ex-smokers decreases with time almost to the level of nonsmokers; the time required is dependent on the degree of exposure prior to cessation.

Pathologists have found that the squamous cell or epidermoid form of lung cancer is the most prevalent one in cigarette smoking populations and that this form accounts for a major portion of the rise in lung cancer deaths (157). Such studies have also indicated a lower prevalence among smokers for oat-cell and adenocarcinomas of the lung than for the squamous form, but in most cases a higher frequency of these tumors is found among smokers than among nonsmokers.

Smoking has been implicated in the development of other types of cancer in humans. Among these is cancer of the larynx. A number of epidemiological studies have demonstrated increased mortality rates for laryngeal cancer in smokers, particularly cigarette smokers, as compared with nonsmokers. Autopsy studies have revealed that a clear dose-relationship exists between smoking and the development of cellular changes in the larynx, including carcinoma *in situ*.

Cancers of the mouth and oropharynx have been found to be more common among users of all types of tobacco than among abstainers. Although smoking is a definite risk factor in the development of malignant lesions of the oral cavity and pharynx, its relative contribution in conjunction with other factors such as poor nutrition and alcohol consumption has not been fully clarified.

Similarly, although smokers are more likely to develop carcinoma of the esophagus than nonsmokers, the realtive additional contribution of smoking in conjunction with nutritional factors and alcohol consumption requires clarification.

Smokers have been found to be more at risk for the development of cancers of the urinary bladder than are nonsmokers, and there is evidence to suggest that some smoking-induced abnormal metabolic product or abnormal concentration of a metabolic product may be responsible for this increased risk. In addition, cancer of the kidney is apparently more common in smokers than in nonsmokers but the epidemiologic evidence for this relationship is not as definite as for bladder cancer.

Epidemiological studies have indicated an association between smoking and cancer of the pancreas. The significance of this relationship is unclear at this time.

Experimental studies have demonstrated the carcinogenicity of the condensate of tobacco smoke, or "tar." This material, when painted on the skin of animals, leads to the development of squamous cell tumors of the skin. Researchers have shown that this condensate contains substances capable of inducing cancers, known as carcinogens. Among these carcinogens are several chemicals which have been identified as tumor initiators; that is, compounds which initiate changes in target cells and also tumor promoters, or compounds which promote the neoplastic development of initiated cells. Other, as yet unidentified, factors are presumably also involved because the sum of the carcinogenic effects of the known agents does not equal that of cigarette smoke condensate.

Numerous experiments have been performed in which either whole cigarette smoke, filtered smoke, or certain constituents of smoke, such as the "tar," is administered by varying methods to animals or to tissue and cell cultures in order to investigate the neoplastic-inducing properties of cigarette smoke. Particular difficulty has been encountered in experiments which have attempted to deliver whole cigarette smoke to the larynx and into the lungs of experimental animals. This has resulted in the use of other methods such as the implanting of pellets containing suspected carcinogens and the instilling into the trachea of suspected carcinogens as such, or adsorbed onto fine inert particulate matter as a carrier. The difficulty with the inhalation studies has been twofold. First, the animals, particularly the smaller species such as the rat, frequntly die from the acute toxic effects of the nicotine and carbon monoxide in the tobacco smoke. Second, the upper respiratory tract of experimental animals, particularly the nose, is much different from analogous human structures, resulting in a more efficient filtration of smoke in the upper respiratory tract. Nevertheless, in rodents and canines, progressive changes apparently indicative of ultimate neoplastic transformation had been identified in the respiratory tract.

Recently, two studies in different species and in different target organs have been reported concerning the development of early invasive cancer following the prolonged inhalation of cigarette smoke. Auerbach and his coworkers (12) trained dogs to inhale cigarette smoke through a tracheostoma. After approximately 29 months of daily exposure, these investigators found a number of cancers of the lung.

Dontenwill (79) in the second of these two studies, exposed hamsters to the passive inhalation of cigarette smoke over varying and prolonged periods of time. He observed the development of premalignant changes and, ultimately, invasive squamous cell cancer of the larynx.

Lung cancer

Cancer of the lung in the United States accounted for 45,383 deaths among males and 9,024 deaths among females in 1967 (290). It is presently estimated that approximately 60,000 people will die of lung cancer during 1970.

The alarming epidemic of lung cancer is a relatively recent phenomenon. Death rates for lung cancer (ICD Codes 162, 163) rose from 5.6 (per 100,000 resident population per year) in 1939 to 27.5 in 1967 (290, 291). This rapid increase followed the increased use of cigarettes among the United States population. The increase has occurred principally among males, although, more recently, females have shown a similar rising pattern.

The converging evidence for the conclusion that cigarette smoking is the major cause of lung cancer is derived from varied types of research. Among these are epidemiological, pathological, and laboratory investigations.

[From *Science*, May 14, 1971]

CIGARETTE SMOKING: OBJECTIVE EVIDENCE FOR LUNG DAMAGE IN TEEN-AGERS

(NOTE.—Figure referred to not printed in the RECORD.)

Abstract. High school students with 1 to 5 years' smoking experience have excessive cough, sputum production, and shortness of breath. When maximum expiratory flow is plotted against maximum expired volume, the curves of nonsmokers and smokers differ in shape. The smokers have lower flow rates at mid-vital capacity and at lower lung volumes. This probably reflects small airway obstruction in the smokers.

We present objective evidence of functional changes in the lungs of teen-agers who smoke only a few years. At least part of this damage to the lungs might be reversible on cessation of smoking. However, permanent effects, including premature arrest of lung development, cannot be excluded at this time.

Although the effects of smoking as a cause of lung cancer and other diseases appear to be well known among young people, antismoking propaganda does little to reduce smoking (1), and it is even suspected that smoking among teen-agers may increase rather than decrease (2). College seniors and others in their twenties who smoke have reduced lung function (3), but at that age smoking habits may already be fixed (4). Since objective evidence of damage to their own lung function might be more convincing to teen-agers than the faraway danger of lung cancer, we therefore looked for such evidence in 365 students of four high schools in the New Haven area. There were 195 boys and 170 girls, aged 15 to 19 years; of these 50 percent of the boys and 37 percent of the girls were regular smokers. Most of the girls (23 percent) were light smokers, with only 1 percent smoking more than 20 cigarettes daily. Most of the boys (26 percent) were moderate smokers (11 to 20 cigarettes per day), with 8 percent smoking more than 20 cigarettes daily.

In selecting a sensitive test for lung function we used the fact that expiratory flow rates are nearly independent of the subject's effort during the last portion of a maximally forced expiration after a full inspiration. During that maneuver, the large intrathoracic airways are compressed because of the high pressures generated in the chest. Under these conditions, more effort does not result in higher flow rates. Rather, the supply of air from the alveoli sets the limits for maximum expiratory flow rates (5). Thus, these maximum flow rates are sensitive indices of slight narrowing of the small airways which is induced by drugs that cause contraction of the smooth muscle in the walls of the airway (6). In addition, measurements of maximum expiratory flow rates, at lung volumes from 10 percent to 75 percent of the vital capacity, have been used to distinguish between nonsmokers and smokers (3). This suggested to us that narrowing of small airways might be an early effect of smoking, and that maximum flow rates might detect these effects even when more conventional indices of lung functions are still normal.

Our subjects were studied with their own and with parental consent. This limited the study to those whose parents reacted positively to our explanatory letter. Most of the subjects (235 out of 365) were seen in two schools where the total response rate was 90.4 percent. That is, 235 out of a total of 260 students in specified classes participated. The remaining 130 subjects, in two other schools, were essentially volunteers. Since the results did not differ significantly between these groups, we pooled the data. The percentage of smokers (58 percent) among our subjects is similar to that found by Salber (4) among high school seniors. Although subtle sources of selection bias are always difficult to exclude in studies of this kind, we believe that our sample is representative of the general population of this age range. We avoided measuring acute effects of smoking (7) by asking students not to smoke on the day of the tests, which were done early in the morning in the schools. Two separate lung function tests which measured different aspects of maximally forced expirations were used. A direct-reading spirometer (8) was used to measure the air volume that can maximally be exhaled in 1 second (FEV$_1$) and the full volume range of the forced expiration, that is, the forced vital capacity (FVC). Each subject made five blows into the machine; the average of the two highest FEV$_1$ and FVC values was taken as the result. The same maneuver, a maximum inspiration followed by a forced and maximum expiration, was also used to record instantaneous expiratory flow rates versus lung volume with the flow-volume spirometer designed by Peters *et al.* (9). This recording is the MEFV curve. At least three curves were recorded, and the outer contour of these nearly superimposable curves was used. We read the highest values of the maximum expiratory flow rates (V_{max} at 50 percent and at 25 percent of the vital capacity (see Fig. 1a). The response characteristics of the flow-volume spirometer are insufficient for accurate recording of the very rapid events at the beginning of the forced expiration; these include the peak expiratory flow rate. After all function tests were completed, one of us filled out a questionnaire on respiratory symptoms for each student. The students themselves provided a detailed smoking history on a separate form that was later attached to the main questionnaire.

Cough, phlegm, and shortness of breath were much more common among smokers than among nonsmokers, with no significant difference between the sexes (Table 1). This striking preponderance of symptoms among the smokers is in agreement with previous studies of schoolchildren in Great Britain (1).

TABLE 1.—RESPIRATORY SYMPTOMS IN TEEN-AGERS (MALE AND FEMALE)

[Symptoms are classified by positive answers to the following questions. (i) Cough: Do you usually cough during the day or at night? (ii) Phlegm: Do you usually bring up any phlegm from your chest during the day or at night? (iii) Dyspnea: Are you ever troubled by shortness of breath when hurrying on the level or walking up a slight hill? The excess of all 3 symptoms among smokers is statistically highly significant (χ^2 test; $P<.001$).]

Cigarettes (number per day)	Subjects (number)	Symptoms		
		Cough (percent)	Phlegm (percent)	Dyspnea (percent)
0	152	2.0	3.3	5.3
<1	52	5.8	5.8	13.5
1-10	72	18.1	19.4	13.9
11-20	72	27.8	31.9	36.1
20+	17	64.7	58.8	58.8
Total	365	13.7	15.1	16.7

Since the daily amount smoked correlated highly with the number of years since the start of smoking, we cannot determine whether the daily amount smoked at present or the duration of smoking in years is more important in producing symptoms or in altering lung function. In comparison with the symptom prevalences, the differences in lung function between nonsmokers and smokers are more subtle and they require a detailed statistical analysis. However, the function data are much more objective as compared to the students' own statements about their symptoms.

For the analysis of the function data we used only results from students whose FVC's were closely the same on the two types of spirometers. This eliminated 22 boys and 12 girls whose flow-volume curve terminated abruptly well before residual volume was reached so that their FVC's were less on the flow-volume spirometer than on the other instrument. We have no explanation for these discrepancies other than insufficient practice since the MEFV curves were always recorded first. Thus, the analysis concerns 173 boys and 158 girls. A visual analysis of the shape of the curve (made without knowledge of smoking habits) placed each curve in one of three categories, as shown in Fig. 1b; (i) convex to the volume axis (curve C), (ii) straight (curve B), or (iii) concave (curve A). This was judged from the part of the curve between approximately 10 and 60 percent of FVC. More nonsmokers had concave curves, and more smokers convex curves; the difference was highly significant ($\chi^2=18.7$; $P<.01$). Anther observer, repeating this analysis independently, agreed with 90 percent of the classifications of the first observer; the disagreement was between adjacent categories in the remaining 10 percent.

For a more quantitative analysis we first computed linear regression equations on height for the different measurements; this is an accepted procedure for adults in a narrow age range. The mean adjusted values for FEV$_1$ and V_{max} at 50 percent of vital capacity (VC), calculated from these regressions for a standard height of 175 cm in boys and 162 cm in girls, were slightly lower in the smokers, but the difference was significant only at the 5 percent level in girls. However, the validity of this procedure in teen-agers is doubtful since it ignores such factors as changing muscle strength, shoulder width, and ratios of sitting height to standing height. These complexities of growth patterns during puberty and adolescence, particularly in boys, alter the relations between lung function, height, and sex (10). Maturity and body weight indirectly reflect these variables. Since both age and weight correlate positively with smoking and with flow rates, they cannot be ignored when seeking an effect of smoking on these measurements.

We therefore computed multiple regression equations of the type

$$y=a+[b \times \text{age (years)}]+[c \times \text{height (cm)}]+[d \times \text{weight (kg)}]$$

(where age is in years, height in centimeters, and weight in kilograms) for the 70 nonsmoking girls and also for the 73 nonsmoking boys. In these equations, y is the function measurement (FVC, FEV$_1$, V_{max} at 50 percent and at 25 percent VC), and a, b, c, and d are constants. We used these equations to predict which values the smokers, boys and girls, should have if they belonged to the same population as the nonsmokers from whose data the equations were calculated. Figure 1c compares the actual data in heavy smokers with those predicted by the regression equations for V_{max} at 50 percent VC. In most smokers, the values are less than those predicted. Chi-square tests on the differences between observed and predicted values showed that both V_{max} at 50 and at 25 percent VC were significantly below expected in boys who smoked more than 15 cigarettes per day, and in girls who smoked more than 10 cigarettes per day (χ^2 varying from 8.53 to 16.50, $P<.01$) In contrast, FVC's were close to expected values in all categories of smokers. In girls (smoking more than 10 cigarettes per day), values for FEV$_1$ were slightly below expected, but the difference was only probably significant ($\chi^2=6.13$; $P<.05$). In boys, smoking did not affect the FEV$_1$ significantly. Among the light smokers, the only significant effect was again in girls; those who smoked fewer than 10 cigarettes per day had a slightly lower than expected V_{max} at 50 percent VC ($\chi^2=6.03$; $P<.05$). Boys smoking up to 15 cigarettes per day had flow rates that were not significantly below expected.

We conclude from these data that regular smoking for 1 to 5 years is sufficient to cause demonstrable decreases of lung function. In separate experiments we compared MEFV curves of 17 subjects (all regular smokers) before and after smoking of a single cigarette. There was a slight but significant decrease of V_{max} at 50 percent VC but no change of FEV$_1$ or FVC. However, such acute effects of smoking disappear in about 1 hour (7), and it is very unlikely that these affected our results. The lower maximum expiratory flow rates among smokers are probably due to partial obstruction of small airways, although loss of lung elastic recoil may be a contributory factor (5). Airways become obstructed when the smooth muscle in their walls contracts or when secretions accumulate in the lumen. The latter may, in turn, be due to hypersecretion or to failure of the mucociliary clearance mechanism, or both. Our results cannot distinguish between these various causes of airway obstruction. Emery (11) believes that damage to small airways early in life may cause premature arrest of lung development since new alveoli arein part formed by a process of "alveolarization" of terminal bronchi. Since Emery has also shown that new alveoli may continue to be formed at least until age 20, it is conceivable that damage by cigarette smoke might lead to developmental arrest, especially in students who have already begun to smoke before the age of 10. Follow-up studies of lung function in adolescents who stop smoking should clarify the question of whether arrest of lung development actually occurs. If the functional decrement in smokers can be reversed completely or nearly so after cessation of smoking, it is probably caused by a toxic effect of cigarette smoke on airways, rather than by interference with the final stages of lung development.

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References and Notes

1. W. W. Holland and A. Elliott, *Lancet* 1968–I, 41 (1968); W. W. Holland, T. Halil, A. E. Bennett, A. Elliott, *Brit. Med. J.* 2, 205 (1969).

2. *New York Times,* 7 June 1970, "Study finds rise in teen smoking."

3. J. M. Peters and B. G. Ferris, Jr., *Amer. Rev. Resp. Dis.* 95, 774 (1967); S. Zwi, H. I. Goldman, A. Levin, *ibid.* 89, 73 (1964).

4. E. J. Salber, *Bull. N.Y. Acad. Med.* 44, 1521 (1968).

5. D. L. Fry and R. E. Hyatt, *Amer. J. Med.* 29, 672 (1960); J. Mead, J. M. Turner, P. T. Macklem, J. B. Little, *J. Appl. Physiol.* 22, 95 (1967).

6. A. Bouhuys, V. R. Hunt, B. M. Kim, A. Zapletal, *J. Clin. Invest.* 48, 1159 (1969); A. Bouhuys, in *Airway Dynamics, Physiology and Pharmacology,* A. Bouhuys Ed. (Thomas, Springfield, Ill., 1970), p. 263.

7. J. A. Nadel and J. H. Comroe, Jr., *J. Appl. Physiol.* 16, 713 (1961).

8. C. B. McKerrow, M. McDermott, J. C. Gilson, *Lancet* 1960–I, 149 (1960).

9. J. M. Peters, R. L. Murphy, L. D. Pagnotto, W. F. Van Ganse, *Amer. Rev. Resp. Dis.* 99, 617 (1969).

10. M. R. Becklake, C. Guzman, J. E. Seely, in preparation.

11. J. Emery, Ed., *The Anatomy of the Developing Lung* (Lavenham Press, Lavenham, Suffolk, England, 1969).

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5 November 1970; revised 11 January 1971

[From the New York Times, May 15, 1971]

Harm for Youths Found in Smoking—First Evidence of Damage to Lungs Is Reported

(By Lawrence K. Altman)

Three Yale Medical School physicians have reported what they say is the first documented evidence of lung damage in teenagers who have smoked cigarettes for just a few years.

The doctors did breathing tests on 365 students in four high schools in the New Haven area.

If teen-agers stopped smoking, the doctors said, "at least part of this damage to the lungs might be reversible." Yet, the doctors emphasized that they could not exclude permanent effects, including premature arrest of lung development, in teen-age cigarette smokers.

Dr. Janet E. Seely, Dr. Eugenija Zuskin, and Dr. Arend Bouhuys, all of whom are specialists in lung physiology and disease, reported the results of the tests in the issue of Science that was published yesterday.

Dr. Seely, who is now at McGill University in Montreal, said in a telephone interview that she and her colleagues had done the study because teen-agers generally are not impressed with the known ultimate risks of lung cancer from cigarette smoking.

"MIGHT BE CONVINCING"

Accordingly, she said that the Yale group did the studies when she was at Yale because "objective evidence of damage to their own lung function might be more convincing to teen-agers than the faraway danger of lung cancer."

The New Haven students included 195 boys and 170 girls, aged 15 to 19 years. Of these students, the doctors said that 50 per cent of the boys and 37 per cent of the girls were regular cigarette smokers.

Because these percentages of teen-age smokers were similar to those reported by other investigators, the researchers said that they believed that their sample was representative of the general population of teenagers.

With consent from each of the teen-agers and their parents, the doctors said that they had tested the total volume of each student's lungs and the rate of flow of air in their exhaled breaths. Such tests are called flow-volume curves.

Results of the teen-age smokers' breathing tests, which were abnormal, were compared with those of the nonsmokers. The lung tests, the doctors said, provided data that were "much more objective as compared to the students' own statements about their symptoms."

SYMPTOMS OF NONSMOKERS

Symptoms such as "cough, phlegm and shortness of breath were much more common among smokers than among nonsmokers," the researchers said. They noted that their findings of "this striking preponderance of symptoms among the smokers" agreed with studies that British physicians reported in 1969.

In Lancet, a British medical publication, Dr. W. W. Holland and Dr. A. Elliott reported in 1969 that "smoking was associated with respiratory-tract symptoms and the more the child smoked the more likely he was to have these symptoms." The British doctors said that "changes in smoking habits do, however, affect the frequency of respiratory-tract symptoms."

This study, however, was based on questionnaires rather than actual breathing tests.

Dr. Seely said in the interview that she was unaware of any prior studies that documented lung damage by breathing tests in cigarette smokers at such a young age.

The abnormal lung function test results among smokers, the doctors said, "are probably due to partial obstruction of small airways, although loss of lung elastic recoil may be a contributory factor."

Some experts, the doctors said, believe "that damage to small airways early in life may cause premature arrest of lung development." However, Dr. Seely said that such evidence was considered speculative.

Lungs continue to become more voluminous, particularly in boys, Dr. Seely said, even after individuals stop growing in height.

"Follow-up studies of lung function in adolescents who stop smoking should clarify the question of whether arrest of lung development actually occurs," the doctors said.

[From the New York Times, May 23, 1971]

Quitting Smoking Hard for Addicts—Synanon Reports Success with Nicotine Ban

Los Angeles, May 22.—"It was much easier to quit heroin than cigarettes," said a newcomer to Synanon.

A ban on smoking was imposed a year ago this week at the community founded in 1958 for treatment of drug addicts and alcoholics.

Many at Synanon, like the newcomer, have found that the nicotine habit is the hardest one to break.

Michael Kaiser, who has lived at the Seaside Community in Santa Monica for six years, points to the long withdrawal period as a major reason.

"With most drugs you get over the symptoms in a few days, a week at most," he explained. "But with tobacco, we've noticed them for at least six months."

ALMOST AN OBSESSION

In the past, smoking for most at Synanon was an obsession. The bill was almost $200,000 a year for an unlimited supply of cigarettes for the 1,400 members at seven centers.

So it was natural that the notice of the ban—smoking was declared illegal on Synanon property—disrupted the careful balance of the life in which verbal violence is used to counteract aggression and support of colleagues is essential to bolster individual weaknesses.

The most common reactions were depression, irritability and weight gains ranging from seven to 30 pounds. About 100 people left during the six-month period following the ban and chose possible re-addiction to drugs outside Synanon to life without cigarettes.

Pacifiers such as fake cigarettes, toothpicks or even syringes helped many pass the initial shock.

Today most of the trauma of withdrawal is over. The majority say the thought of a cigarette is rare, although some admit to an "occasional urge" or fluctuating weight.

THE EASIEST PLACE

Despite the personal agony, most feel that it is much easier to quit smoking at Synanon than anywhere else.

"I couldn't have stopped without the help of my colleagues," said Charles E. Dederich, founder of Synanon and motivator for the ban.

In a telephone interview from the Synanon retreat at Tomales Bay, north of San Francisco, Mr. Dederich credited his decision to stop smoking to the combination of a cloudy lung X-ray and the pressure from the 200 young people under 15 who live in the community.

"They are nonsmokers, so they don't have no rationalize away the medical reports and antismoking commercials the way I always did," he explained.

Once the decision was made, smoking became the No. 1 crime for the community and was punishable by shaved heads or eventual expulsion.

The trial by fire for each has become both a personal badge of honor and a point of communal pride.

CLEAN INSIDE AND OUT

Random samplings from the spacious common room find testimonials of better health, cleaner air and spotless walls, which are newly painted and never to be nicotine stained, hopefully.

"We have been traditionally governed from smoke-filled rooms," explained Mr. Kaiser, who doubles in microbiology and public relations. But the new society will have to be one of cleanliness inside and outside the body."

Synanon considers itself a leader toward that new society. The ban on smoking illustrates its evolution from a treatment center for addicts to a permanent life style.

James Middleton, a 46-year-old who has been at Synanon for 12 years and was in a variety of prisons for the previous 15, would never leave.

"Why should I?" he smiled. "Here my daughter can grow up in a drug-free and unpolluted environment, and she's happy."

At Synanon, there's more than a hint of the self-righteousness proper for all reformed sinners.

"If we dregs of society can give up smoking," said Mr. Kaiser sarcastically, "then out there in a so-called sane world which is killing itself with the most dangerous of all drugs, responsible people can make a stand."

Although no one has yet entered for the expressed purpose of giving up smoking, Mr. Dederich would welcome them.

"As the word spreads, I would not be surprised to get some nicotine addicts," smiled Mr. Dederich, "since there is gathering momentum that this is a nice place to come for clean air, nice furniture and sweet breath."

[From the Chicago Tribune, May 20, 1971]

Millions Keep on Smoking Despite World Warnings

London, May 19.—Anti-smoking propaganda is mushrooming but millions of cigarette smokers through the world are still puffing away in defiance of health warnings.

A Reuters survey of world centers shows that government measures against smoking vary widely, but international publicity given to medical reports has made most smokers aware of the risks they run.

Governments face this dilemma: They make a sizeable amount of revenue from tobacco, yet at the same time they know that smoking seriously affects people's lives, health, and productive capacity.

CITE TWO REPORTS

Two scientific reports—from Canada and the United States—argue that if cigarettes were eliminated, there would be more healthy working people to help compensate for the loss in tobacco taxes.

In France, Japan, Italy, and Russia the tobacco industry is a state monopoly. In Argentina the government pockets 66 per cent of the price of each pack.

Over the last decade tobacco sales have continued to grow despite the anti-smoking movement, although there has been a noticeable swing toward filter tips containing less tobacco. In Britain there has been a 75 per cent swing toward filters in 20 years.

UNITED STATES LEADS FIELD

Top of the world smoking league is the U.S. Figures from the Tobacco Research Council here showed Americans smoke more cigarettes than any other of the 30 national groups included in the survey.

Next on the list is Canada followed by Britain, Ireland, Australia, New Zealand, Japan, Switzerland, West Germany, and Belgium.

American cigarette sales dropped after a sensational report by the U.S. surgeon general in 1964 linked cigarettes with lung cancer.

Since 1966 health hazard warnings have been printed on cigarette packs but by 1970 sales were up again to an average of 50 cigarettes a week for every American.

The virile cowboy inhaling his cigaret and the languid blonde smoking by a mountain stream were barred from American television screens five years after cigaret advertising on television was stopped in Britain.

SCARE FADES QUICKLY

The British were temporarily scared in 1962 by facts and figures presented by the Royal College of Physicians. But by 1969 cigaret consumption had increased again.

The Royal College produced another report in January, 1971, which said 27,500 middle-aged Britons die every year from smoking, with lung cancer, coronary heart disease and chronic bronchitis the main killers.

The college, which claimed that 90 per cent of lung cancer deaths were from smoking, hopes this time to "frighten people to life."

From 1960 to 1968, cigaret sales in the Soviet Union went up by more than 50 per cent. The authorities have stepped in to curb one favorite Russian pastime—drinking—but so far have launched no anti-smoking campaign.

DOUBLES IN CUBA

In the last 10 years sales have doubled in Cuba, land of the world-famous Havana cigar. Premier Fidel Castro, himself a cigar smoker, recently has announced hefty price increases.

Italian cigaret sales—and lung cancer deaths—have risen steadily over the last 40 years although cigaret advertisements were banned in 1962. The Cabinet has approved a draft bill to ban smoking in buses, trains and theaters.

The Dutch government said 10,000 people die in Holland every year from lung cancer or heart diseases caused by cigaret smoking.

In Saudi Arabia cigaret advertisements are banned by law and penalties for infringement range up to six months' imprisonment.

WARNING TO SWEDES

In Sweden this year people will be warned in a campaign "If you must smoke, then don't inhale."

West German manufacturers, who claim to sell the mildest cigarets in the world, have agreed to cut back their advertising campaigns in 1971.

The French government gives only marginal support to private organizations fighting cancer. A cigaret with a low nicotine content proved a failure with the public.

By Mr. MAGNUSON (for himself and Mr. Jackson):

S. 2321. A bill to assist States having an unemployment rate of 7.5 percent or more to provide up to 26 weeks of emergency compensation to unemployed workers who have exhausted their entitlement to both regular unemployment compensation and extended unemployment compensation. Referred to the Committee on Finance.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1971

Mr. MAGNUSON. Mr. President, I am introducing today, along with my distinguished colleague from Washington (Mr. Jackson), the Emergency Unemployment Compensation Act of 1971. This bill is offered because of the critical situation facing hundreds of thousands of American working people. This bill creates a program of emergency compensation to assist States having an unemployment rate of 7.5 percent or higher. The emergency period will begin after an individual has exhausted his regular and extended benefits and will last for 26 weeks. The program will be 100 percent federally financed until June 30, 1973. By that date, the States will have to enact legislation proving a 20-percent matching fund in order to maintain its eligibility after July 1, 1973.

Mr. President, there is no greater tragedy than an American workingman or workingwoman who has lost a job, who wants to find new employment, and discovers, after weeks of pounding the pavement and answering ads, that a new job simply does not exist. The individual caught in this dilemma first must consider providing for his family and must therefore apply for unemployment compensation. After a period of time, if the same individual has not found new employment, those unemployment benefits will be exhausted. If this worker's State has enacted an extended unemployment compensation program, he will be eligible for another short period of unemployment compensation benefits while continuing to look for a new job.

Mr. President, after the worker has exhausted both the regular and the extended unemployment compensation benefits, no other option exists except to apply for welfare.

This is a tragic situation and is usually one that the individual has little control over. This Nation has a greater responsibility to its working people and I believe that the responsibility includes providing "emergency unemployment compensation benefits" in those areas of the country where the rate of unemployment is the highest and the potential for finding new employment is the lowest.

Secretary John Connally recently stated that 4 percent unemployment is a goal which this Nation's economy cannot meet except when engaged in a war. Mr. President, if this is the case, then it is our duty to provide aid to those unable to find work.

The Congress has enacted S. 31, the Emergency Employment Act, which will create approximately 200,000 public service employment opportunities. This is certainly an important step but it will not help the other 5,200,000 workers who are still unemployed.

Incidentally, in the early part of this week, the Office of Management and Budget sent to my Committee on Labor, HEW Appropriations' a request for a billion dollars to implement the Emergency Employment Act. The committee will act promptly on this budget amendment, probably within the next week.

Mr. President, I would also like to inform Members of the Senate about the situation which exists in Washington State. This problem is not necessarily typical, but does apply to other areas.

Since January 1, 1971, over 25,000 citizens in Washington State have exhausted their extended unemployment compensation benefits. In the month of March, 34,000 workers across the Nation exhausted their extended benefits; 7,700 of those workers reside in Washington State. About 40 percent of these workers will qualify for welfare, the rest have no further source of income, except, in most cases, a few personal assets.

In 1970, 59,600 workers in Washington exhausted their regular benefits—13,400 in the first 4 months. In the first 4 months of 1971, 39,300 workers have exhausted their regular benefits, and as mentioned above, nearly 25,000 workers have already exhausted their extended benefits, which extends the benefits to 52 weeks. This is a very serious situation evidenced by the fact that Washington State officials have now found real pockets of serious hunger and malnutrition existing throughout the State among a citizenry that has never before faced this problem.

Nationally, 495,200 workers have exhausted regular unemployment benefits in the first 4 months of 1971 as compared with 253,300 during the same period in 1970. This illustrates the seriousness of the national problem and the need for this emergency measure.

Recently, Senator Jackson and I introduced the "Economic Disaster Relief Act of 1971" (S. 1832). I am very hopeful that this measure will be enacted in the very near future. I also believe that it is imperative that Congress enacts this "Emergency Unemployment Compensation Act of 1971" as a relief measure for those areas hardest hit by current economic conditions.

Mr. President, I introduce, for appropriate reference, for myself and Mr. Jackson, "The Emergency Unemployment Compensation Act of 1971" and ask unanimous consent that the bill be printed in full in the Record, together with a statement of purpose of the bill.

Mr. President, I also ask unanimous consent to insert in the Record two fact sheets regarding the current unemployment situation in Washington State and an article from the Seattle Times.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2321

A bill to assist States having an unemployment rate of 7.5 per centum or more to provide up to 26 weeks of emergency compensation to unemployed workers who have exhausted their entitlement to both regular unemployment compensation and extended unemployment compensation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Unemployment Compensation Act of 1971".

FEDERAL-STATE AGREEMENTS

SEC. 2. (a) Any State which desires to do so may enter into an agreement with the Secretary of Labor (hereinafter referred to as the "Secretary") under this Act, if the State law of such State contains (as of the date such agreement is entered into) a requirement that extended compensation be payable thereunder as provided by the Federal State Extended Unemployment Compensation Act of 1970.

(b) Any such agreement shall provide that the State Agency of the State will make payments of emergency compensation—

(1) to individuals who—

(A) have exhausted all rights to compensation (including both regular compensation and extended compensation) under the State law;

(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law; and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of the Virgin Islands or Canada;

(2) for any week of unemployment which begins in—

(A) an emergency extended benefit period (as defined in subsection (c) (3)); and

(B) the individual's period of eligibility (as defined in section 5 (b)).

(c) (1) For purposes of subsection (b) (1) (A), an individual shall be deemed to have exhausted his rights to regular compensation under a State law when—

(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period; or

(B) his rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(2) For purposes of subsection (b) (1) (B), an individual shall be deemed to have exhausted his rights to extended compensation under a State law when no payments of extended compensation under a State law can be made under such law because such individual has received all the extended compensation available to him from his extended compensation account (as established under State law in accordance with section 202(b) (1) of the Federal-State Extended Unemployment Compensation Act of 1970).

(3) (A) For purposes of subsection (b) (2) (A), in the case of any State, an emergency extended benefit period.

(i) Shall begin with the third week after a week for which there is a State "on" indicator; and

(ii) shall end with the third week after the first week for which there is a State "off" indicator.

(B) (i) For purposes of subparagraph (A), there is a State "on" indicator for a week if the rate of unemployment (including both insured and uninsured unemployment) in the State (as determined by data published monthly by the Bureau of Labor Statistics of the Department of Labor) for the period consisting of such week and the immediately preceding 12 weeks equaled or exceeded 7.5 per centum, and if there is a State or National "on" indicator for such week (as determined under subsections (d) and (e) of section 203 of the Federal-State Extended Unemployment Compenation Act of 1970).

(ii) For purposes of subparagraph (A), there is a State "off" indicator for a week if, for the period consisting of such week and the immediately preceding 12 weeks, the rate of unemployment (including both insured and uninsured unemployment) in the State (as determined by data published monthly by the Bureau of Labor Statistics of the Department of Labor) is less than 7.5 per centum.

(d) For purposes of any agreement under this Act—

(1) the amount of the emergency compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) which would have been payable to him under the State law if he had not exhausted his rights to regular compensation under such law; and

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall (except where inconsistent with the provisions of this Act or regulations of the Secretary promulgated to carry out this Act) apply to claims for emergency compensation and the payment thereof.

(e) Payments of emergency compensation under an agreement entered into under this Act may not be paid to any individual for more than 26 weeks.

(f) No emergency compensation shall be payable to any individual under an agreement entered into under this Act for any week prior to the week after the week such agreement is entered into, or if later, the week after the week in which such agreement becomes effective.

PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT

SEC. 3. (a) (1) There shall be paid to each State which has entered into an agreement under this Act an amount equal to—

(A) 100 per centum of the emergency compensation paid prior to July 1, 1973 to individuals by the State pursuant to such agreement; and

(B) 80 per centum of the emergency compensation paid after June 30, 1973 to individuals by the State pursuant to such agreement.

(b) No payment shall be made to any State under this section in respect of compensation for which the State is entitled to reimbursement under the provisions of any Federal law other than this Act.

(c) Sums payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 4. (a) Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used by the Secretary for the making of payments to States having agreements entered into under this Act.

(b) Section 3301 of the Internal Revenue Code of 1954 is amended—

(1) by inserting "(except as otherwise provided in the succeeding sentence)" immediately after "equal"; and

(2) by adding at the end thereof the following new sentence: "In applying the preceeding sentence for the calendar year 1972 and the calendar year 1973, the rate of tax shall, in lieu of 3.2 percent, be 3.25 percent."

(c) The first sentence of section 905(b) (1) of the Social Security Act is amended by striking out "and in the case of any month after March 1972, to one-tenth," and inserting in lieu thereof "in the case of any month after March 1972 and before April 1974, to three-twentieths, and in the case of any month after March 1974, to one-tenth,".

DEFINITIONS

SEC. 5. FOR PURPOSES OF THIS ACT—

(a) The terms "compensation", "regular compensation", "extended compensation", "base period", "benefit year", "State", "State agency", "State law", and "week" shall have the meanings assigned to them under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970;

(b) the term "period of eligibility" means, in the case of any individual, the weeks in his benefit year which begin in an extended benefit period or an emergency extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period or in such emergency extended benefit period; and

(c) the term "extended benefit period" shall have the meaning assigned to such term under section 203 of the Federal-State Extended Unemployment Compensation Act of 1970.

PURPOSE

This bill assists States having an unemployment rate of 7.5 per centum or more to provide up to 26 weeks of emergency compensation to unemployed workers who have exhausted their entitlement to both regular unemployment compensation and extended unemployment compensation.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

Section 2. Federal-State Agreements.

All states that have enacted an extended compensation law pursuant to the Federal-State Extended Unemployment Compensation are eligible for this emergency measure. Individuals are eligible who have exhausted, under State law, both regular and extended unemployment compensation benefits. The emergency extended benefit period shall begin with the third week after a week for which there is a State "on" indicator (an unemployment rate of 7.5 per centum or above); and shall end with the third week after the first week for which there is a State "off" indicator (an unemployment rate of below 7.5 per centum).

The amount of the emergency compensation shall be the same if the individual has not exhausted his rights to regular compensation under State law. Such benefits shall not be paid to any individual for more than 26 weeks.

Section 3. Payments to States Having Agreements Under This Act:

The Federal Government shall pay 100 per centum of the emergency compensation paid by the State prior to July 1, 1973 and 80 per centum of the compensation after June 30, 1973. This allows the States a period of time to enact a matching fund of 20 per centum in order to maintain eligibility for this program after June 30, 1973.

Section 4. Financing Provisions:

A tax increase of .05 per cent from employers will be levied to finance the "Emergency Unemployment Compensation Act of 1971".

The existing tax, Section 3301 of the Internal Revenue Code of 1954, is increased from 3.2 per cent to 3.25 per cent.

Section 5. Definitions.

WASHINGTON STATE ECONOMIC DATA

	May 1971	April 1971	May 1970
Total labor force	1,412,100	1,386,300	1,405,300
Labor management disputes	5,300	300	2,200
Total employment	1,242,900	1,225,100	1,293,700
Nonfarm wage and salary employment	1,039,400	1,040,300	1,088,300
Manufacturing	205,500	209,600	241,600
Lumber and paper	56,200	59,900	61,800
Metals and machinery	34,300	34,000	35,100
Aerospace	39,500	42,400	63,200
Food and kindred products	27,000	25,000	29,000
Other	48,500	48,300	52,500
Construction	50,400	48,400	53,000
Trade and service	402,200	399,100	413,600
Government	252,400	254,100	248,000
Other nonmanufacturing	128,900	129,100	132,100
All other nonfarm employment [1]	136,600	131,400	140,200
Agriculture	66,900	53,400	65,200
Total unemployment	163.9	160.9	109.4
Percent of work force	11.6	11.6	7.8
Seasonally adjusted rate	12.5	11.5	8.4
U.S. unemployment rate	5.3	5.7	4.1
Seasonally adjusted rate	6.2	6.1	4.9
Insured unemployment, mid-month, all entitlements	11, , 376	124,461	73,788
Total, State program (regular entitlement)	77,535	82,232	69,686
Percent of covered employment	13.1	14.7	8.4
Male	49,323	53,142	45,233
Female	28,212	29,090	24,453
Unemployed 15 weeks or more	18,977	21,682	17,040
Age 55 or over	16,457	17,088	15,446
Average weekly earnings	April 1971	March 1971	April 1970
Manufacturing [2]	$164.25	$163.46	$157.98
Construction [3]	$237.98	$232.05	$217.20
Retail trade [3]	$116.28	$114.24	$110.45
Employment service activities			
New applications for work [4]	11,705	14,666	12,410
Nonagricultural placements [4]	3,281	2,583	4,134
Agricultural placements [4]	2,805	930	3,241
Consumer Price Index [5]:			
United States	[6] 120.2	[7] 119.8	[6] 115.2
Seattle	[8] 114.6	[9] 114.9	[8] 112.5

[1] Self-employed, unpaid family and domestics.

[2] Production workers.

[3] Nonsupervisory workers, retail trade excludes eating and drinking places.

[4] In local offices of the Employment Security Department.

[5] Source: U.S. Department of Labor, Bureau of Labor Statistics (1967=100).

[6] April.

[7] March.

[8] February.

[9] November.

Source: Condensed from latest issues of: The Washington Labor Market; Employment Security Bulletin; Washington Economic Indicators; and Characteristics of the Insured Unemployed.

STATE OF WASHINGTON,
EMPLOYMENT SECURITY DEPARTMENT,
Olympia, Wash.

OLYMPIA, WASH., July 8, 1971.—Insured unemployment under regular entitlement (all programs) in Washington State decreased 2,401 to 78,597 for the week ending June 26, 1971, according to Maxine E. Daly, Commissioner of the Employment Security Department. Including those filing for extended benefits the number of claimants was 102,400, down 1,902 from the previous week's combined total.

The statewide drop in insured unemployment is attributable to persons exhausting their benefit entitlement, increased tourist activity, and general returns to work in various industries.

NUMBER OF PERSONS CERTIFYING TO UNEMPLOYMENT

	Total			Regular entitlement			Extended benefits	
For week ending	All programs	State program	State rate	All programs	State program	State rate	All programs	State program
June 26, 1971	102,400	95,390	12.0	78,597	72,632	9.1	23,803	22,758
June 19, 1971	104,302	97,081	12.2	80,998	74,842	9.4	23,304	22,239
June 27, 1970	77,209	72,662	8.8	76,690	72,155	8.7	519	507

INITIAL CLAIMS, BENEFIT PAYMENTS, AND EXHAUSTIONS

	Regular entitlement				Extended benefits		
		Amount of benefits			Amount of benefits		
During week ending	Initial claims	All programs	State	Exhaustions	All programs	State	Exhaustions
July 3, 1971	10,592	$4,020,762	$3,585,552	2,219	$1,483,743	$1,334,250	772
June 26, 1971	10,487	3,967,969	3,552,093	2,385	1,426,021	1,282,560	716
July 4, 1970	9,314	4,039,814	3,755,833	534	21,037	20,359	

STATE INSURED UNEMPLOYMENT [1] (REGULAR ENTITLEMENT) FOR WEEK ENDING JUNE 26, 1971 [2]

Local office area	State-insured unemployment [3]	Rate of insured unemployment [4]		
		Current	Week ago	Year ago
Statewide	72,632	9.1	9.4	8.9
Bellingham	1,285	7.4	8.5	8.7
Mount Vernon-Anacortes	1,345	10.6	11.4	11.8
Port Angeles	906	9.7	11.4	8.1
Bremerton	1,399	13.1	12.7	14.1
Including UCFE [5]	(1,849)	(7.6)	(7.3)	(8.4)
Seattle-metropolitan	39,852	9.6	9.7	8.6
Seattle	19,673			
Renton	7,211			
Auburn	4,785			
Everett	8,183			
Tacoma	6,647	9.3	9.5	9.6
Olympia	1,388	8.5	8.6	9.0
Centralia	735	7.1	8.1	8.6
Aberdeen	1,181	8.0	8.4	9.5
Raymond	321	9.1	8.8	9.4
Vancouver	2,225	9.3	9.8	8.4
Longview	1,220	5.9	6.1	5.8
Wenatchee	1,757	13.8	14.2	11.9
Toppenish	713	9.8	11.8	10.7
Yakima	2,193			
Ellensburg	512	12.3	12.6	12.2
Okanogan	653	12.8	12.2	14.9
Spokane	4,698	6.7	6.5	5.6
Colville	398	11.8	13.0	9.4
Walla Walla	386	3.9	3.7	5.2
Pasco	1,978	9.0	9.1	8.5
Ephrata	394	16.0	13.5	16.4
Moses Lake	773			

[1] Includes only those claiming benefits for regular entitlement under the State unemployment compensation program. Excludes claims filed under ex-servicemen and Federal employee program; also excludes those unemployed who are not covered under one of these 3 programs or those who have exhausted their current benefit entitlement. Total unemployment rates released separately each month for the State and selected areas include all jobless workers whether or not they are raceiving unemployment compensation.

[2] Based on claims filed in succeeding calendar week.

[3] Individual entries do not add to State total because of adjustments to local office figures for biweekly claims reporting.

[4] State-insured unemployment divided by average covered employment for 12-month period as specified by law.

[5] The Bremerton economy is heavily weighted by Federal employment. Figures in parentheses include claims data for Federal employee program (UCFE). (State rate and other local area rates would not be significantly affected by inclusion of UCFE data.)

STATE'S UNEMPLOYMENT HEADED FOR RED

(By Richard W. Larsen)

The flow of payments to the jobless is shriveling the state's once-ample unemployment-compensation reserve fund. The fund is heading into a deficit next year.

The fund, paid for by employers, contained about $318 million in early 1970. It was down to about $122 million at the end of last month.

Carl G. Westine, assistant commissioner of employment security, said the projected payout of jobless benefits will take the fund into the red sometime next year.

But Westine explained the fund's deficit will not affect continued payment of unemployment checks. Federal loans, interest free, are available when the state fund runs out.

Westine noted that as employers begin paying a new, higher tax next year the fund is expected to begin rebuilding.

Now employers in covered industries pay a 1.8 per cent tax on the first $4,200 earned by a worker in the year. That will increase to 3 per cent on the first $4,800 next year and climb to 3 per cent on the first $5,400 in 1973.

Meanwhile, political sparring continued over one segment of the unemployment-pay program which expires October 2.

That is the cutoff date for an emergency extended-benefit program approved by the Legislature earlier this year. It provides an added maximum of 13 weeks of unemployment paychecks for most recipients, boosting the total maximum eligibility for any one recipient to 52 weeks.

The maximum weekly unemployment paycheck now is $75.

Joe Davis, chief of the United Labor Lobby, and other labor leaders favor a special session of the Legislature to extend that October 2 cutoff date.

They estimate 20,000 to 25,000 people now receiving unemployment compensation could lose all or part of that up-to-13-weeks benefit because of the October 2 cutoff.

The State Labor Council convention in Spokane next month is expected to formally announce support for an immediate special session of the Legislature.

Gov. Dan Evans said a special session was not the answer. He cited the sagging state fund and said any further unemployment-pay assistance program should come from the federal government.

Representative Sid Morrison, Zillah Republican, said today the October 2 cutoff date was considered "a realistic cutoff point."

Morrison said there was consideration of removing that deadline from the law, but he added, "The fund in no way could stand a continuing state emergency."

"The state has a beautiful program, perhaps the best in the nation," Morrison said. But he said it operates on an insurance principle, calculating premium payments against probable claims. "We had no way of knowing we were going to face this sort of thing," he said.

The state's most recent report indicated that, including persons filing for extended benefits, the number of unemployment-compensation claimants was 102,400.

The Legislature in January expanded the program.

But the sagging fund is expected to provide an argument against further expansion.

Carl Swenson, a businessman member of the Employment Security Advisory Board, said the board has been studying the problem. But he added that people who have been out of a job for a year probably cease to be a responsibility of the employer fund. Other programs with a broader public-fund base are more appropriate to help those people, Swenson said.

Mr. MAGNUSON. Mr. President, I am also extremely pleased that the distinguished chairman of the Senate Finance Committee, Mr. Long, has taken time out of his busy schedule to be here on the Senate floor to express his interest in this measure. Senator Long is chairman of the committee to which this measure will be sent. I am pleased that he could be here to participate in this colloquy. I know that he cannot determine in advance the fate of any measure, but I am confident that the able chairman will see to it that this measure is given very thorough consideration by the Finance Committee.

As chairman of both the Senate Commerce Committee and the Labor, Health, Education, and Welfare, OEO, and Related Agencies Appropriation Subcommittee, I am well aware of the busy schedule that every congressional committee faces. No committee has more significant matters pending before it today than does the Senate Finance Committee. So it is with that in mind that I wish to express my deep appreciation to the Senator from Louisiana.

Mr. JACKSON. Mr. President, my statement is in support of the Emergency Unemployment Compensation Act which my distinguished colleague, Senator Magnuson, and I introduced today.

This bill is both simple and essential. I urge my colleagues to support it and pass it promptly, for it holds out a lifeline to thousands of men and women who have no job, and no hope.

It is hard to find words and statistics that fully describe the human tragedy now prevailing in many parts of this Nation, and my own State of Washington.

The tragedy can perhaps best be measured this way: The director of Seattle's manpower programs has given up trying to find jobs for people who apply. Instead, he and his staff spend their time locating food, housing, clothing, and waivers from utility charges and mortgages for the jobless.

In Seattle, as elsewhere in the country, citizens and their officials have been relegated to a search for basic necessities.

For the real tragedy is that some 60 percent of the people whose unemployment compensation has expired do not qualify for any other form of relief. They are not eligible for welfare; food stamp programs are sharply restricted; savings, friends, relatives—these resources are quickly exhausted.

This situation leads to social despair, family disintegration, mental illness, acts of desperation. It cripples an individual's spirit, and a community's livelihood. It should not be tolerated in America—the richest country in the world.

The Emergency Unemployment Compensation Act is a good bill. It is a meaningful bill. It would provide help immediately to several hundred thousand persons across the country, and to at least 25,000 persons in Washington State, who have already exhausted their regular and extended benefits. It is the most effective way to inject some money, some basic necessities of life, and some sense of confidence into these families and their communities.

Unemployment compensation is a tried and proven form of Federal aid. Unfortunately, in this recession, it is becoming a way of life for some rather than a temporary adjustment between jobs.

Unemployment compensation is already too big a business. In Washington State it became the biggest "employer" in the State somehow last year. Tens of thousands of people in my own State and elsewhere have used their basic 39 weeks of relief, plus an additional 12 weeks. In the first 4 months of 1971 nearly half a million Americans exhausted their regular benefits. Some have been on unemployment compensation assistance for a solid year. Now, in growing numbers, their eligibility is expiring. They are losing even this form of help and minimum income.

In my judgment, the Emergency Unemployment Assistance Act is a vital extension of a successful Federal program—that is desperately needed by thousands of American citizens. It is an interim measure. It is no solution—but is a lifeline to those in need.

Congress should pass promptly, and the President should sign quickly, this extension. With it enacted, we should then move to enact an economic disaster relief bill which Senator Magnuson and I have introduced, S. 1779.

We must continue, beyond the emergency unemployment compensation bill, to help the administration understand the true nature of unemployment and economic recession in this country. I fear the administration lacks not only the knowledge to lead, but also the will to take effective action.

This emergency unemployment compensation bill would not be necessary if the administration had learned the lessons of postwar economics. The administration's success at throttling the American economy will only be measured in the despair of thousands of jobless men and women.

The Emergency Unemployment Assistance Act is a key form of assistance to Americans without jobs or income.

Mr. MAGNUSON. Mr. President, will my distinguished colleague yield to me?

Mr. JACKSON. I am happy to yield.

Mr. MAGNUSON. The real tragedy here is that when existing unemployment benefits are exhausted, there is only one place to go and that is on welfare, which is the most degrading thing that can happen to an individual who has skills and wants to work.

The distinguished occupant of the chair, the Senator from California (Mr. Cranston), knows that that applies in his State as well.

Actually, it costs more to keep a person on welfare—and no one knows that better than I do, after chairing the welfare portion of the fiscal year 1972 budget hearings. It is much less expensive to extend the unemployment compensation where the individual has the dignity of being under unemployment compensation—at least the individual is not on welfare he has helped pay for unemployment compensation benefits himself.

It costs 50 percent more to put a person on welfare than it does to keep that individual worker on unemployment compensation, with all the tragedy, the degradation and humiliation that goes with being on welfare.

That is why this bill should be passed promptly.

Mr. JACKSON. My colleague has made a very important point. The humiliation that goes with welfare is something that we in America should not countenance for those people who have the ability to make an important contribution at this point in our history. I am referring not just to the unskilled workers. I am referring to the tens of thousands of people with advanced degrees, Ph. D.'s and masters degrees, as well as special degrees in a particular discipline—these workers, together with the blue collar workers, who are highly skilled, whether that work be of a machinist, a toolmaker or a diemaker.

I mention this because we always have a certain percentage of unskilled workers out of work. But the real tragedy goes beyond the unskilled worker because it brings home this new factor of what I like to call, or best describe, as qualitative unemployment.

Never in the history of the country have we had so many people, as a percentage of the total labor force, with such outstanding skills who are unemployed. That is unique in our society, I believe.

It is of special concern in the Northwest, as it is in southern California, as it is in Boston, Mass.—the Route 28, MIT complex area, and as it is in the Cape Kennedy area in Florida. We could go on down the line and list the areas which are in truth, and in fact, not suffering from a recession but are suffering from regional depressions. We have a recession throughout the country, but within that context, we do have regional depressions.

That is what my senior colleague had in mind when he spoke about the deep concern which we have for the people who have no place to go because this recession, that was supposed to come to an end, has not come to an end. It is being extended.

It is about time that we extended the unemployment compensation benefits to cover that period of hardship which these people now suffer.

Mr. MAGNUSON. Mr. President, when we first passed the Unemployed Compensation Act, we used the figure of 39 weeks. Then we extended it. There is no magic in the number of weeks, for no one even thought, then, that it would take over a year for people who wanted to work and had skills to find jobs.

This, tragically, has not been the case and the economic outlook is still very bleak.

There is no reason why we should not extend emergency benefits. When we considered this measure before we did not believe that it would take over a year for a person who had a skill and wanted to work to find employment.

That is not true today. It does not look as though it will be true in the future.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. JACKSON. Mr. President, I yield the floor.

Mr. LONG. Mr. President, I want to compliment the Senators from Washington (Messrs. MAGNUSON and JACKSON), on their diligence in searching for a solution to the very difficult problem of chronic high unemployment, which they, of course, are not responsible for creating. It is unfortunate that, through no fault of theirs, the State of Washington enjoys the very unenviable distinction of having the highest rate of insured unemployment in any State in the Union. May I say that if the majority of the Senators had voted as the Senator from Louisiana and the two Senators from Washington had voted, this deplorable situation might not have existed.

Last year, the Committee on Finance and the Senate thoroughly reviewed the unemployment insurance system and concluded that it was desirable to set up a program of an additional 3 months of benefits for unemployed persons in times of national or statewide economic recession. The extended benefit program that became law had been recommended by the Johnson administration and the Nixon administration, by business and labor.

As the Senators know, the extended benefit provisions of the 1970 law will not become effective nationally until next January. It seems to me that legislating now to add an additional period of benefits, before last year's provisions become effective nationally, will require the most careful consideration by the Congress and by the executive branch. I want to assure my colleagues that as soon as this proposal is referred to the Committee on Finance, we will seek the views of the appropriate executive agencies on the merits of the bill.

I want to compliment the sponsors of this measure for the fiscal responsibility they have incorporated in it. They have included financing provisions to raise the revenues needed to pay for the additional benefits. I mention this because Senators will recall that earlier this year an amendment was offered on the Senate floor proposing additional Federal expenditures for unemployment insurance while omitting any provision for raising the money to pay these additional costs. Fortunately, that amendment was defeated. So let me again compliment the sponsors of this bill for offering it as a serious legislative proposal, one that is fiscally responsible.

Mr. MAGNUSON. Mr. President, I want publicly to thank the Senator from Louisiana (Mr. LONG) for giving us the encouragement that the Finance Committee will take this matter up just as soon as is possible.

By Mr. STEVENSON (for himself and Mr. HART):

S. 2332. A bill to establish a system of first party, no-fault insurance for victims of motor vehicle accidents, and for other purposes. Referred to the Committee on the District of Columbia.

DISTRICT OF COLUMBIA AUTOMOBILE INSURANCE REFORM ACT

Mr. STEVENSON. Mr. President, in November 1970, the District of Columbia Council recommended "that the Congress consider providing a no-fault insurance system for the District".

The bill I introduce today, on behalf of myself and the Senator from Michigan (Mr. HART), is a response to that recommendation. If the District of Columbia Automobile Insurance Reform Act is enacted into law, the District would in my judgment have far and away the fairest and most efficient system of automobile accident reparations in effect anywhere in the continental United States.

Under the new system, the cumbersome, expensive, and unreal procedure of third party liability coverage under the fault system would be—except for a very small fraction of cases—abolished for accidents occurring in the District and involving only District vehicles. In its place there would be a new system of first party no-fault coverage. Under the existing system, the victim of an automobile accident, if he is to be compensated for his injuries, must often drag another person through the courts to establish that the other person was at fault and that the injured party was not at fault—a process which can consume years of time and tens of thousands of dollars in legal fees.

This bill rejects the antiquated, unworkable fault system and allows the injured party to collect from his own insurer on a first party basis. All the victim needs to do is establish that he has suffered loss—in the form of medical expenses or lost wages, for example, and that the loss is due to an automobile accident. His own insurer then pays him almost immediately. If the insurer does not pay within 30 days, the claim is considered overdue and the insurer is liable for interest on the overdue amount and must also pay any attorney fees the victim incurs to collect his claim.

This switch from third-party to first-party coverage is a sweeping and fundamental change in motor vehicle accident compensation. It is a change which is urged by nearly every impartial analysis of the existing system.

Early this year, the Department of Transportation completed the most exhaustive study of the automobile insurance system ever undertaken. The study, which covered virtually every aspect of the motor vehicle reparations system, resulted in 23 volumes of reports. In its final report to the President and the Congress dated March 1971, the Department of Transportation concluded:

> The coverage of the present compensation mechanism is seriously deficient.

To remedy this situation the Department recommended seven kinds of changes: basic reliance on first-party no-fault insurance; availability of benefits to all victims; coordination of benefits; maximum choice for the insured; privately operated systems; maximum opportunity for rehabilitation; and minimal use of adversary procedures. Except for certain minor points, my bill is entirely consistent with all seven of these recommendations.

There is overwhelming evidence to support the conclusion that the present system works very poorly, and that for millions of accident victims it does not work at all. Consider the following figures:

A DOT study of automobile accidents in Metropolitan Washington revealed that 49 percent of the automobile deaths in a 1-year period did not lead to any recovery whatever from an automobile insurance policy. In the same period 43 percent of those injured but not killed in auto accidents received absolutely nothing from automobile insurance.

In 1967 the compensable economic loss resulting from automobile accidents amounted to a staggering $10.5 billion—only $4.7 billion of which was compensated by automobile insurance.

Of every dollar the public pays for automobile liability insurance, 56 cents goes for overhead, profit, and attorney fees and the like—and only 14½ cents goes for compensation of otherwise uncompensated economic losses. This means that in order to get $1 worth of compensation for otherwise uncompensated economic losses, the policyholder must pay nearly $7 in automobile liability premiums.

The fault system has the bizarre result of paying the slightly injured plaintiffs more than their losses and the badly injured plaintiffs much less than their losses. For small economic losses under $500, successful plaintiffs under the fault system recovered 450 percent of their economic losses, but victims with very large economic losses over $25,000 recovered only 30 percent of their loss through tort actions. These arbitrary and totally irrational disparities are eliminated by a no-fault system. Each victim under this bill would receive 100 percent of his medical expenses whether they be $200, $2,000, or $200,000. Every injured victim under this bill would receive 85 percent of his lost earnings for 3 years up to a maximum of $1,500 a month.

The third party fault system is not only arbitrary and inefficient, it is also very expensive. During the past decade the cost of automobile liability insurance increased nearly twice as much as the cost of living generally. Because no-fault insurance sharply reduces administrative and litigation costs, it can bring about major rate reductions. In Massachusetts, for example, a limited no-fault system which went into effect on January 1 of this year contained a provision requiring that premiums be reduced by 15 percent. Although detractors of the new system claimed that premiums might actually go up, the plan has been so successful that Massachusetts is considering an additional 25 percent reduction on top of the 15 percent reduction already in effect.

On the basis of an actuarial analysis performed by the American Insurance Association, this bill currently requires an immediate rate reduction of 18 percent in the bodily injury premium. This 18 percent figure may well be on the conservative side. It is very possible that in the course of hearings on this bill additional information will be forthcoming which will justify even larger rate reductions than those presently in the bill. Enactment of this system for the District also creates the prospect of immediate judgmental reductions in the premiums for motorists residing in suburban Maryland and Virginia communities.

The bill does not disturb the existing "file and use" system of ratemaking under the jurisdiction of the District of Columbia Superintendent of Insurance. This is not intended as an endorsement or of a repudiation of the existing ratemaking scheme. Rather, it is a recognition that the merits and the shortcomings of the existing ratemaking scheme and its alternatives have not yet been aired thoroughly enough to determine whether changes are needed. If such an airing occurs during the hearings, changes can be considered then.

The defects in the fault system are so basic and so pervasive—and the prospects of speedy State-by-State reform so uncertain—that a national no-fault bill may be the only real solution. Thanks to the pioneering efforts of Senators HART and MAGNUSON, such a bill is now before the Congress, and hearings have been held in both Houses. The bill I introduce today is not intended as an endorsement of the State-by-State approach as opposed to the Hart-Magnuson national approach. This bill and the Hart-Magnuson bill are similar in many important respects, and several important features of this bill—including the assigned claims plan and the secondary source of benefits—are modeled on the provisions of the Hart-Magnuson bill.

The purpose of this bill is to place the District of Columbia in the best possible position vis-a-vis automobile insurance reform. If a national no-fault bill passes—and it is far from certain that the Congress is prepared to take such a step at this time—the District of Columbia will by virtue of passage of this bill be ready to make an easy transition to the national program. If on the other hand a national bill does not pass for some time, only a bill such as this one will give the District the reform it needs.

Enactment of this bill will also bring about a complete and comprehensive solution to the problem posed by the 80,000 uninsured motor vehicles in the District of Columbia. Because first and third party coverage is compulsory under my bill, there will be very few uninsured vehicles left. Only those who would prefer committing a misdemeanor to buying insurance will continue to be uninsured. To deal with this handful of cases, my bill establishes an assigned claims plan under which anyone injured by an uninsured District of Columbia vehicle will have exactly the same protection he would have had if that vehicle had been insured in compliance with the law. Unlike other approaches which have been proposed, this bill discourages tort actions, provides prompt first party protection for pedestrians, and includes property damage liability coverage. Under this bill, every motorist pays his own way; there are no cut rates for the uninsured motorist.

Because reform is long overdue and because a recent Supreme Court case has in all probability invalidated the District of Columbia Motor Vehicle Safety Responsibility Act, it is my judgment that a very high priority should be placed on automobile insurance reform legislation for the District. As chairman of the Subcommittee on Business, Commerce, and Judiciary of the District Committee, I, therefore, intend to hold hearings on this and related bills at an early date following the August recess.

Mr. President, I ask unanimous consent that a fact sheet and the text of the bill be reprinted at this point in the RECORD.

There being no objection, the bill and fact sheet were ordered to be printed in the RECORD, as follows:

S. 2322

An act to establish a system of first party, no fault insurance for victims of motor vehicle accidents, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. *Short Title.* This Act may be cited as the District of Columbia Automobile Insurance Reform Act.

SEC. 2. *Purposes.* The purposes of this Act are as follows:

(a) To provide comprehensive insurance coverage for all vehicles required to be registered in the District of Columbia, at the lowest premium cost consistent with such coverage;

(b) To provide prompt compensation for victims of motor vehicle accidents, without regard to fault;

(c) To encourage prompt medical treatment and rehabilitation of automobile accident victims;

(d) To reduce the backlogs in the civil courts and eliminate the delay, expense, and uncertainty associated with the disposition of automobile accident claims through litigation under the fault system; and

(e) To help assure the availability of motor vehicle insurance.

SEC. 3. *Definitions.* As used in this Act:

(a) "Motor vehicle" means any vehicle driven or drawn by electrical or mechanical power, and manufactured for use primarily on the public streets, roads and highways;

(b) "Insured motor vehicle" means a motor vehicle which is insured by a policy of insurance which meets the requirements of section 5 of this Act, or which is being operated or used by a person who has provided and maintained a surety bond, securities or other proof of qualifications as a self-insurer with obligations equivalent to those contained in a policy of insurance under terms and conditions determined by and subject to the approval of the District of Columbia Council (hereafter referred to as an "approved self-insurer"). A person who is an approved self-insurer shall be treated for purposes of this Act as though holding a policy of insurance meeting the requirements of section 5 of this Act or as an insurer issuing such a policy, as the context of a particular section of this Act requires;

(c) "Owner" means any person having a legally protectible interest in a motor vehicle and right to its possession;

(d) "Injury" means death, bodily harm, sickness or disease caused by a motor vehicle accident;

(e) "Person" means any individual, partnership, corporation, association, trust, syndicate, or other entity.

SEC. 4. *Conditions of Operation.* No person shall knowingly operate or use upon the public streets, roads and highways of the District of Columbia any motor vehicle registered or required to be registered in the District of Columbia unless that vehicle is an insured motor vehicle as that term is defined in section 3(b) of this Act.

SEC. 5. INSURANCE REQUIREMENTS. Every insurer writing motor vehicle insurance in the District of Columbia is required to offer to each policyholder for whom he writes such insurance, a policy which provides the following coverage:

(a) Personal injury and death. The policy shall compensate the insured, any passengers riding in the insured motor vehicle, and any person not riding in a motor vehicle for the accrued net loss arising out of injuries sustained in any motor vehicle accident involving the insured motor vehicle and occurring in the District of Columbia, the States, and territories of the United States, or the Dominion of Canada; provided that with respect to injuries sustained by persons not riding in a motor vehicle in accidents occurring outside the District of Columbia, this provision shall not apply.

(b) Accrued net loss consists of allowable expenses, work loss, and survivors' loss in the event that injury causes death. These benefits shall be payable without regard to fault.

(i) Allowable expenses. Allowable expenses consist of reasonable charges incurred for reasonably necessary products, services, and accommodations including all medical and rehabilitation expenses. In no event will allowable expenses include a charge for a hospital room in excess of a reasonable and customary charge for semiprivate accommodations or a total charge in excess of $1,000 for expenses of all types in any way related to funeral and burial.

(ii) Work loss. Work loss consists of (a) loss of income from work the injured person would have performed had he not been injured and (b) expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those that, had he not been injured, the injured person would have performed not for income but for the benefit of himself or of any other who qualifies as a person suffering loss from the injury. The amount of work loss shall be limited to the lesser of $1,500 per month or 85 percent of the monthly earnings at the time of injury or death and shall be further limited to the work loss in the 36 months immediately following the date of the accident, provided that the insurer shall offer, under regulations promulgated by the District of Columbia Council, optional coverage for work loss above and beyond those limits set forth herein.

(iii) Survivors' loss. Survivors' loss consists of (a) loss, after the date on which the deceased died, of contributions of tangible things of economic value (not including services) that survivors suffering loss would have received from the deceased had he not suffered the injury causing death, subject to the limits in subsection (ii) above, and (b) expenses reasonably incurred by such survivors after the date on which the deceased died in obtaining ordinary and necessary services in lieu of those that the deceased would have performed for their benefit had he not suffered the injury causing death.

(iv) The District of Columbia Council may promulgate regulations under which the insured is given a choice between accrued net loss coverage without a deductible and accrued net loss coverage with such deductibles as the Council may approve, but all policies shall provide that benefits to pedestrians not be subject to any deductible.

(v) Pain, suffering, inconvenience, and physical impairment are not loss, but economic detriment, such as loss of wages, is loss even though arising from interference with work caused by pain and suffering or physical impairment.

(vi) Except as otherwise provided in this paragraph or in regulations promulgated by the District of Columbia Council, all benefits and advantages one receives or is entitled to receive, because of the injury, from sources other than the first party coverage provided under this Act are subtracted from less in calculating net loss. The District of Columbia Council is authorized to issue regulations to modify this rule in particular cases, including regulations for taking into account the value of advantages incident to the fact that certain of the benefits received because of an accidental injury are not taxable income, and problems arising when collateral sources are depleted or exhausted because of an accidental injury arising from the ownership, maintenance, or use of a motor vehicle and a subsequent loss of another type occurs. In no event shall subtraction be made for amounts one receives or is entitled to receive (a) in discharge of familial obligations of support or (b) by way of succession at death or (c) as proceeds of life insurance or (d) as gratuities.

(c) Residual Liability Coverage. The District of Columbia Council shall promulgate regulations governing the issuance of coverage for liability arising out of injury to persons and damage to real or personal property caused by an accident involving an insured motor vehicle and not fully covered by a policy providing first party benefits for such injury or damage; provided that in no event shall the District of Columbia Council provide for bodily injury liability coverage in an amount less than $15,000 per person and $30,000 per accident, or property damage liability coverage in an amount less than $5,000 per accident.

Sec. 6. *Exclusions.* Notwithstanding any other provision of this Act, no first party payments shall be made with respect to injury sustained by the operator or user of a motor vehicle (i) while operating a motor vehicle with the specific intent of causing harm or damage; or (ii) without a good faith belief that he is legally entitled to operate such vehicle; or (iii) at a time when his operator's license was suspended or revoked; or (iv) under circumstances resulting in his conviction for a felony or for driving while under the influence of alcohol or a narcotic or other drug.

Sec. 7. *Vehicle protection insurance.*

(a) The insurer shall offer the policyholder a choice among the following options:

(i) Nonfault option. The insurer will pay for accidental damage to the insured motor vehicle caused by collision or upset, regardless of fault, subject to any deductible stated on the face of the policy and to a limit in an amount not less than the actual cash value of the vehicle less such deductible.

(ii) Fault option. The insurer will pay for accidental damage to the insured motor vehicle caused by collision or upset only if the insured has a valid claim in tort against another identified person or would have had such a valid claim but for the exemption prescribed in this section. The liability of the insurer shall be subject to any deductible stated on the face of the policy and to a limit in an amount not less than the actual cash value of the vehicle less such deductible. If such other identified person is an insured under a policy of vehicle protection insurance but fails to give reasonable assistance and cooperation to the insurer in defending against a claim that he was at fault in causing damage to the insured vehicle, the insurer, if held liable for damage to the insured vehicle, shall be entitled to indemnity from such other person, and such other person's liability insurance shall not apply.

(iii) Full-deductible option. In addition to the deductible offered under the nonfault and fault options, insurers shall offer a full-deductible option under which the policyholder gives up all claims against others insured under vehicle protection policies for damage to and loss of use of his vehicle and has the benefit of an exemption against such persons as provided in subsection (b) below.

(b) Every policyholder choosing any of the several options of vehicle protection insurance, in consideration of exemptions under other vehicle protection insurance policies, elects and agrees that every insured under any vehicle protection insurance policy, regardless of which option was elected by the policyholder, shall be exempt from all claims the policyholder might otherwise have had to recover for accidental damage to the insured vehicle and for loss of use thereof. Likewise, the policyholder's insurer is bound by this exemption, precluding any subrogation claim it might otherwise have had against such other person for damage to or loss of the insured vehicle, and the other person's insurer has the benefit of this exemption. To the extent of its payment, however, the policyholder's insurer may be subrogated to the tort claims of the policyholder, for such damage and loss of use, against any person to whom this exemption does not extend.

Sec. 8. Actions in Tort—

(a) In cases where persons injured in a motor vehicle accident involving an insured motor vehicle are eligible to receive first party benefits under this Act, no action in tort shall lie except for net loss as defined in section 5(b) of this Act in excess of the limits set forth in the applicable first party policy, and for pain and suffering subject to the conditions set forth in subsection (c) below, and there shall be no right of subrogation except as set forth below in subsection (b) below.

(b) In motor vehicle accidents involving one or more insured motor vehicles and one or more vehicles which do not qualify as insured motor vehicles under section 3(b) of this Act, any insurer paying first party benefits to any person under a policy issued pursuant to this Act shall to the extent of such payments be subrogated to any action in tort which the insured person would have had against any person not eligible to receive first party benefits under this Act.

(c) Pain and suffering shall not be a compensable element of damages in any tort action in which the tort law of the District of Columbia is applicable, except where an injury results in death; loss of an eye or limb; permanent and total disability; or disfigurement which is severe, permanent, and irreparable. No award of pain and suffering damages shall exceed $25,000 per claimant per tort.

(d) Where an accident involves more than one motor vehicle, and where all the motor vehicles involved in the accident are insured motor vehicles, as that term is defined in section 3(b) of this Act, no action in tort shall lie for any damage to any motor vehicle.

(e) In cases involving one or more insured motor vehicles and one or more uninsured motor vehicles, any insurer paying first party vehicular damage benefits under any policy issued pursuant to this Act shall by virtue of such payment be subrogated to the tort rights of any insured person against any person who owns or operates a vehicle which is not an insured motor vehicle.

Sec. 9. Payments of Benefits—

(a) Net loss benefits are payable monthly as loss accrues.

(b) Benefits for any period are overdue if not paid within thirty days after the insurer receives reasonable proof of the fact and amount of benefits due for that period. If reasonable proof is not supplied as to the entire claim, the amount supported by reasonable proof is overdue if not paid within 30 days after such proof is received by the insurer. Any part or all of the remainder of the claim that is later supported by reasonable proof is overdue if not paid within thirty days after such proof is received by the insurer.

(c) An attorney is entitled to a reasonable fee for advising and representing a claimant on a claim or action for benefits under this Act. If overdue benefits are involved, the attorney's fee shall be a charge against the insurer in addition to benefits recovered, except that, first, there shall be no such charge against the insurer unless some overdue benefits have been recovered in the judgment or paid after receipt by the insurer of notice of the attorney's representation of the claimant, and, second, in the discretion of the court part or all of this fee may be charged against the benefits due the claimant because his claim was in some respect fraudulent or so excessive as to have no reasonable foundation. The provisions of this paragraph are applicable to settlement of a disputed claim before or after commencement of an action, as well as to actions tried, but the extent to which the claim was disputed and the question whether the action was tried are factors among others that may be taken into account in determining what amount of fee will be permitted and how much if any of it will be charged against benefits. If overdue benefits are involved, an attorney, to be entitled to payment of a fee by an insurer, must give the insurer reasonable notice of his representation of his client with respect to the claimed benefits before payment of such benefits has been made. After such notice, the insurer shall pay the fee directly to the attorney. If overdue benefits are not involved, half of the attorney fee shall be a charge against benefits otherwise due the claimant and is chargeable against limits of liability as benefits paid and the other half shall be a charge against the insurer in addition to the benefits due, and it is not chargeable against limits of liability.

(d) Within the discretion of a court, an insurer may be allowed an award of a reasonable sum against a claimant as an attorney's fee for the insurer's attorney in defense against a claim for benefits under this Act that was in some respect fraudulent or so excessive as to have no reasonable foundation. To the extent that any benefits are then due or thereafter come due to the claimant because of the injury on which the claim is based, such a fee may be treated as an offset against such benefits, and judgment may be entered against the claimant for any amount of a fee awarded against him and not offset in this way or otherwise paid.

(e) Overdue payments of all benefits payable under this Act shall bear interest compounded at the rate of 1½% per month.

(f) No person shall be required to disclose income as a prerequisite to obtaining insurance under this Act, but when such information is disclosed voluntarily it shall be considered for the purpose of determining whether a lower premium charge applies. The insurer shall inform each applicant that disclosure of income may lead to a premium reduction.

Sec. 10. Assigned Claims Plan—

(a)(1) The District of Columbia Council shall, after consultation with insurers and insurance supervisory authorities, organize an assigned claims bureau and assigned claims plan in which all insurers writing automobile insurance in the District of Columbia shall participate. Upon organization, the bureau and plan shall be maintained by the insurers writing automobile insurance policies in the District of Columbia, and no such insurer may withdraw without the consent of the District of Columbia Council or its designee.

(2) The District of Columbia Council shall promulgate regulations which shall set forth the extent to which, for purposes of this section—

(A) a self-insurer shall be treated as an insurer, and

(B) benefits which a self-insurer is obligated to pay shall be treated as insurance benefits.

(b) The costs incurred in the operation of the assigned claims bureau and assigned claims plan shall be assessed against insurers by the District of Columbia Council or its designee pursuant to regulations promulgated by the Council that assure fair allocations among such insurers on a basis reasonably related to the volume of insurance written under this Act.

(c) No insurer shall write any policy under this Act unless the insurer participates in the assigned claims bureau and assigned claims plan.

(d) Except as provided in subsection (e) of this section, a person or the legal representative of a person sustaining injury or death in an accident involving a motor vehicle required to be registered in the District of Columbia may obtain the insurance benefits described in section 5 of this Act through the assigned claims bureau and assigned claims plan if—

(1) no first or third party automobile insurance benefits are applicable to the injury or death; or

(2) no such insurance benefits applicable to the injury or death can be identified; or

(3) the only identifiable insurance benefits under policies written in the District of Columbia applicable to the injury or death will not be paid in full because of financial inability of one or more insurers to fulfill their obligations.

(e) A person shall be disqualified from receiving benefits through the assigned claims bureau and assigned claims plan established pursuant to this section if—

(1) such person is disqualified under section 6 of this Act from receiving the insurance benefits, or

(2) such person was—

(A) the owner or registrant of an uninsured motor vehicle at the time of its involvement in the accident out of which such person's injury arose, or

(B) the operator of such a vehicle at such time with reason to believe that such vehicle was an uninsured motor vehicle.

(f) A claim or claims arising from injury or death to one person sustained in one accident and brought through the applicable assigned claims plan shall be assigned to one insurer, or to the assigned claims bureau, which after such assignment shall have the same rights and obligations as it would have had had it issued a policy under this Act applicable to such injury or death.

(g) The assignment of claims shall be made according to regulations of the District of Columbia Council that assure fair allocation of the burden of assigned claims among insurers doing business in the District of Columbia on a basis reasonably related to the volume of insurance written under this Act.

(h) A person or his legal representative claiming through an assigned claims plan shall notify the bureau of his claim. The bureau shall promptly assign the claim and notify the claimant of the identity and address of the insurer to which the claim is assigned, or of the bureau if the claim is assigned to it. No action by the claimant against the insurer to which his claim is assigned, or against the bureau if the claim is assigned to it, shall be commenced later than sixty days after receipt of notice of the assignment or after the expiration of the period prescribed by the District of Columbia Council for commencing an action against an insurer, whichever is later.

(i) All reasonable and necessary costs incurred in the handling and disposition of assigned claims, including amounts paid pursuant to assessment under subsection (b) of this section, may be considered in making or regulating rates for the insurance written under this Act.

(j) An insurer who makes an assigned claims payment shall be subrogated to any rights the person to whom the payment was made may have had against the owner or operator of any uninsured motor vehicle involved in the accident out of which the claim arose.

Sec. 11. Rate Reductions—

Notwithstanding any other provision of law, all insurers issuing insurance coverage under this Act shall comply with the following provisions:

(a) Within sixty days after the effective date of this Act, each insurer shall file its proposed manual, rules, rates and rating plans with the Superintendent of Insurance of the District of Columbia (hereinafter "the Superintendent") for approval. Rates for required first and third party personal injury and death coverage after the effective date of this Act shall be reduced by each insurer by not less than 18 per centum, calculated as a percentage of the rate of such insurer for third party bodily injury and death coverage in effect thirty days prior to the effective date of this Act. Each insurer shall also make judgmental reductions in the property damage liability premiums, after consultation with the Superintendent. Each insurer who writes automobile insurance in both the District of Columbia and contiguous rating territories in Maryland or Virginia shall notify the appropriate official in those States of the rate reductions made under this Act and will cooperate fully with those officials in any effort to reduce automobile insurance premiums in those States or parts thereof. There shall be no exception to the requirements of this provision, unless the Superintendent shall find that the use of the rates required herein by any insurer will result in rates which are inadequate to the extent that such rates jeopardize the solvency of the insurer required to use such rates. No rate for the insurance required by this Act shall be increased during the eighteen months immediately following the effective date of this Act unless the insurer proposing such rate increase shall show that the rates required herein are inadequate as defined above.

(b) If the Superintendent approves the filing or the filing otherwise becomes effective, the manual rules, rates and rating plans shall take effect upon the effective date of this Act.

(c) Upon complying with this subsection, any insurer appealing an order of disapproval under Section 35–1510 of the District of Columbia Code may use the rates set forth in the disapproved filing during the pendency of the appeal, so long as such rates do not exceed its rates for third party bodily injury and death coverage at the time of its rate filing required herein. As a condition to the use of such disapproved rates, the insurer must enter into a legally binding agreement with the Superintendent to secure the repayment to the insurer's policyholders of the difference between the insurer's proposed rate and that rate which would be lower, by not less than eighteen percent (18%) than the premiums for third party bodily injury and death coverage at the time such proposed new rates were filed. In addition to the repayment of the difference in premium, the company shall agree to pay to the insured the legal rate of interest on any money refunded.

(d) Any private passenger automobile liability policy in force one month after the effective date of this Act and thereafter shall reflect by endorsement any reduction in rates for the required coverage under this Act as filed by the insurer and such reduction shall be computed on a prorata basis for the remaining term of said policy. Such endorsement may be issued at the renewal date of the policy or the termination of the policy. Any return premium shall be credited to the renewal policy or if the policy is terminated the return premium shall be refunded to the insured.

Sec. 12. Required Security—

(a) Every owner or registrant of a motor vehicle required to be registered and licensed in the District of Columbia shall maintain security as required by subsection (b) of this section in effect continuously throughout the registration or licensing period.

(b) Such security shall be provided by one of the following methods:

(i) Security by insurance may be provided with respect to such motor vehicle by an insurance policy which satisfies the requirements of this Act. Any policy of insurance represented or sold as providing the security required hereunder for registered and licensed motor vehicles under this Act shall be deemed to provide insurance for the payment of such benefits; or

(ii) Security may be provided with respect to any motor vehicle by any other method approved by the District of Columbia Council or its designee as affording security equivalent to that afforded by a policy of insurance, provided such security is continuously maintained throughout the motor vehicle's registration or licensing period.

(c) An owner of a motor vehicle with respect to which security is required by this Act who fails to have such security in effect at the time of an accident shall have no immunity from tort liability, and be personally liable for the payment of benefits.

Sec. 13. Issuance and Cancellation of Policies.

(a) Applications to insure under this Act a motor vehicle registered or required to be registered in the District of Columbia may be rejected only if the principal operator of the motor vehicle does not have a license to operate the vehicle, or the applicant does not furnish the insurer with a reasonable portion of the premium, or the applicant does not comply with the insurer's reasonable requests for information.

(b) No policy issued pursuant to this Act shall be cancelled by the insurer except for nonpayment of premiums, revocation or suspension of drivers' license of the principal operator of the insured motor vehicle, or fraud in the procurement of the policy.

Sec. 14. Regulations. In addition to the regulations referred to in other sections of this Act, the District of Columbia Council shall promulgate such other regulations as it deems necessary to carry out the purposes of this Act.

Sec. 15. Criminal Provisions. Any person who knowingly violates any provision of this Act shall be guilty of a misdemeanor punishable by a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.

Sec. 16. Effective Date. The provisions of this Act shall take effect one year after the date of enactment.

Fact Sheet on District of Columbia Automobile Insurance Reform Act

Coverage. The Act requires each motor vehicle registered or required to be registered in the District of Columbia to have the following coverage:

Bodily injury: first party, no-fault coverage for the driver and passengers of an insured motor vehicle for accidents occurring anywhere in the United States or Canada, and for pedestrians injured by an insured motor vehicle in the District of Columbia. (Section 5(a))

The required first party coverage compensates the victims for net economic loss including *all* medical and rehabilitation expenses, burial expenses up to $1000, and lost earnings up to $1500 per month for up to 36 months, or $54,000 maximum. Insurers are required to offer additional lost earnings protection on an optional basis. (Section 5(b))

Residual bodily injury liability coverage (principally for injuries to out-of-state motorists in accidents where the D.C. motorist is at fault) is required in the amount of $15,000 per victim and $30,000 per accident—the highest amount required under state financial responsibility laws. (Section 5(c))

Property damage liability coverage in the amount of $5000 is also required. This coverage will apply primarily to damage to out-of-state vehicles in cases where the D.C. motorist is at fault. (Section 5(c))

Damage to one's own vehicle: The Act adopts the Keeton-O'Connell "triple option" system in which the policyholder chooses one of the following three alternatives with respect to his vehicle: 1) first party "collision" insurance without regard to fault (this is the kind which is currently available); 2) a cheaper form of first-party collision insurance under which the motorist collects from his insurer only when he can establish that someone else was at fault; and 3) the full deductible option under which the motorist acts as self-insurer. (Section 7) The result of this is that in accidents involving only D.C. vehicles, all vehicle damage claims will be disposed of without the use of the courts.

The Hit and Run Problem. To deal with hit and run problems, and with the small number of motorists who may operate uninsured vehicles in violation of the law, the Act establishes an assigned claims plan under which insured persons are put in the same position which they would have been in had the motorist been properly insured under this Act. (Section 10)

Effect on premiums. Because first party no-fault coverage is less expensive than third party liability coverage, several states which have recently enacted no-fault bills (Massachusetts and Florida) have legislated a premium reduction. This Act follows that pattern by requiring a 18% reduction in the rate for bodily injury coverage. (Section 11) This figure is based on an actuarial analysis performed by the American Insurance Association. The analysis also expresses the Association's opinion that "some limited judgmental reductions would be immediately possible on a class-by-class basis" in contiguous rating territories of Maryland and Virginia. The Act requires insurers to cooperate fully with Maryland and Virginia officials in the reduction of premiums in those states or portions thereof.

Effect on tort actions. The Act sharply reduces the delay, expense, and strain on the courts associated with the fault system of processing auto accident claims. In bodily injury accidents involving only D.C. vehicles, actions in tort are permitted only to the extent that net economic loss exceeds policy limits. In vehicle damage accidents involving only D.C. vehicles, the tort action is extinguished entirely (Section 8).

With respect to bodily injury and vehicle damage accidents involving a D.C. vehicle and an out-of-state vehicle, a D.C. insurer who pays first-party benefits to a D.C. insured is subrogated to the tort rights of that insured. (Section 8(b))

Actions for pain and suffering in *all* tort cases in which the District of Columbia tort law applies are limited to persons suffering certain forms of extreme injury. Such persons may bring an action in tort for up to $25,000 in damages. (Section 8(c))

Payment of benefits. Benefits are payable as loss accrues and are overdue if claims are not paid within 30 days of submission to the insurer. Overdue claims bear interest at 1½% per month, and the insurer must pay the claimant's attorney fees. These incentives should bring about very prompt payment of meritorious claims. In cases involving claims which are not overdue, the claimant's attorney fees are shared between the insurer and the insured. In cases where the claimant perpetrates fraud, the insurer may be awarded attorney fees. (Section 9)

Collateral sources of compensation. There is a sharp difference of opinion as to whether the no-fault policy should be the primary source or a secondary source of benefits for accident victims (other sources being sick pay, Blue Cross policies, and the like). Although there is much to be said for internalizing auto accident losses by making the automobile policy the primary source, this Act opts for the secondary source approach, with certain exceptions. Since this coverage is compulsory, it is important to keep the premiums as low as possible—as the secondary source approach does. (Section 5(b)(vi))

Eligibility and disqualifications. Insurers may not reject the application of a licensed driver, nor may policies be cancelled except for loss of drivers' license, nonpayment of premiums, or fraud in the procurement of the policy. (Section 13)

Persons may be disqualified from receiving benefits if they engage in certain types of improper conduct, including use of insured vehicles in the commission of a felony, or driving while under the influence of alcohol or narcotics. (Section 6)

General Comment. Adoption of a no-fault system in the District of Columbia has the same advantages as no-fault plans in effect elsewhere: prompt compensation, lower rates, and less clogged court dockets. In addition, it solves the serious problem which now exists in the District because fully one-third of all District vehicles are uninsured—a problem which is national in scope because of the large number of tourists and other out-of-state persons who are injured by the 80,000 uninsured D.C. vehicles.

Finally, an Act of Congress establishing a no-fault system in the District would put the federal government on record in favor of reforming the present system of compensation. Whether this reform should be undertaken state-by-state, as the Administration suggests, or through a national no-fault system, as the Hart-Magnuson bill proposes, is a separate question. This Act is not intended as an endorsement of either approach. If a national no-fault bill is enacted, the District of Columbia will be better able to adjust if a no-fault system is already in effect—particularly since this Act is similar in many respects to the Hart-Magnuson bill. If on the other hand a national bill is not enacted, only a bill such as this one will bring about the necessary reform in the District. Either way, the District is well served by a no-fault Act.

No fault legislation, because of its complexity and far-reaching implications, has engendered an extensive body of literature and a great deal of controversy. There are legitimate differences of opinion about many features of a no-fault system, differences which must be explored in thorough hearings before any firm conclusions are reached. For that reason, supporters of this bill need not be wedded to all its particulars.

Mr. STEVENSON. Mr. President, I also ask unanimous consent that a statement prepared by the Senator from Michigan (Mr. HART) be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Statement of Senator Hart

Mr. President, I commend the distinguished Senator from Illinois for introducing a no-fault auto insurance bill for the District of Columbia, and I am pleased to be a co-sponsor of his legislation.

Although I cannot support state-by-state no-fault reform and am pressing for a national no-fault system through S. 945, I believe, as does my colleague, that "an Act of Congress establishing a no-fault system in the District would put the Federal Government on record in favor of reforming the present system of compensation." However, by co-sponsoring his bill, I wish to make it very clear that I am not endorsing a state-by-state approach. But, as my able colleague has pointed out in his "Fact Sheet" regarding this Act: "If a national no-fault bill is enacted, the District of Columbia will be better able to adjust if a no-fault system is already in effect—particularly since this Act is similar in many respects to the Hart-Magnuson and Moss bills."

Because nothing can be more interstate, particularly in the greater Washington metropolitan area, than motor vehicle travel and its accident consequences, I doubt seriously whether District residents would have the same cost savings potential under this Act as they would have under a national no-fault system. The District act would require liability coverage of $15,000 per victim and $30,000 per accident for injuries to out-of-state motorists (within or outside the District) and pedestrians (outside the District only) in accidents where the District motorist is "at fault".

This liability coverage would extend some protection also for the District motorist negligently injuring another District motorist who sustains lost earnings in excess of $54,000. Because none of us knows when he will be involved in a catastrophic auto accident causing tremendous future earnings loss, it will be impossible to predict what this coverage will cost District residents. This is particularly so when we stop to consider that anywhere from 35% to 50% of District cars are uninsured.

The District bill would require also the purchase of property damage coverage of $5,000 which would apply primarily to damage to out-of-state vehicles in cases where the District of Columbia motorist is "at fault."

We have been told that over 70% of the accidents in the District involve out-of-state motor vehicles. Obviously, with this kind of exposure, how can the residual liability coverages under this Act be anything but expensive.

The result is that once again the most disadvantaged in our society are being required to foot the bill for the most advantaged. This is wrong.

These grave shortcomings are inherent in a piecemeal approach, especially where a large metropolitan area such as the District includes two other states. In fact, a number of our large metropolitan areas include more than one state, for example, Philadelphia-Camden, Louisville, Chicago, St. Louis, Kansas City, and Memphis.

I am certain my colleagues can think of cities and towns in their States which are but a stone's throw away from the borders of neighboring States.

In spite of all this, Mr. President, the fact remains that an able colleague is willing to actively battle for no-fault auto insurance reform—that is, genuine reform which seeks to eliminate the tort action for damages, at least to the extent of the first-party benefits provided. And, the first party no-fault benefits in my colleague's bill would provide adequate compensation, and rehabilitation.

I welcome this opportunity to support his efforts.

By Mr. METCALF (for himself and Mr. McGovern):

S. 2324. A bill to establish a national power grid system, for the purpose of assuring an adequate and reliable low-cost electric power supply consistent with the enhancement of environmental values and the preservation of competition in the electric power industry. Referred to the Committee on Commerce.

NATIONAL POWER GRID ACT

Mr. METCALF. Mr. President, on behalf of the junior Senator from South Dakota (Mr. McGovern) and myself, I introduce for appropriate reference a bill to establish a national power grid.

Companion legislation is being introduced in the House today by Congressmen Robert Tiernan of Rhode Island, James Abourezk of South Dakota, and Herman Badillo of New York.

The national power grid bill has been a long time coming.

Gifford Pinchot, while Governor of Pennsylvania decades ago, outlined the concept.

Twenty years ago Commissioner of Reclamation Michael Straus proposed a western power grid.

Four years ago former Assistant Secretary of the Interior Ken Holum and his associates proposed, in Study 190, a grid covering half of the United States.

More recently, former Secretary of the Interior Hickel spoke of departmental plans for a national power grid. But no proposal has as yet been put before the Congress.

The bill being put before both Houses of Congress today will, we hope, at last focus congressional, executive branch, and national attention on a problem that has for too long been put aside.

I regard introduction of a bill such as this as an initial pleading. We need to have all segments of the power industry and environmental and consumer groups examine it closely, criticize or applaud, and help the Congress develop through the hearing procedure an act that will provide an interstate highway system for electricity, a transmission system that will move power where it is needed and diminish the demand for construction of additional generation facilities.

The sponsors come from Eastern and Western States. I commend the House Members who have taken a leading role in developing the bill. It belongs on the agenda of priority items to be considered by the Congress.

Mr. President, I ask unanimous consent to have printed the text of the bill at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.

This Act may be cited as the "National Power Grid Act".

Title I—National Power Grid and Regional Bulk Power Distribution

Sec. 101. Definitions.

For purposes of this Act:

(1) The term "National Grid" means the National Power Grid Corporation, established by section 102.

(2) The term "national board" means the board of directors of the National Grid.

(3) The term "regional corporation" means a regional bulk power supply corporation established by the National Grid under section 103.

(4) The term "corporation" means the National Grid or any regional corporation.

(5) The term "regional board" means the board of directors of a regional corporation.

(6) The term "region" means a bulk power supply region established under section 103(a)(1).

(7) The term "electric utility" means any person or public agency whose functions include the sale of electric power.

Sec. 102. National Power Grid Corporation.

(a) There is created a body corporate by the name of the "National Power Grid Corporation" which shall establish and operate a national power grid system. The National Grid shall have a Board of Directors, which shall consist of three members appointed by the President, by and with the advice and consent of the Senate, in accordance with section 202, and which shall direct the exercise of all of the functions of the National Grid.

(b) The National Grid shall establish and operate a national power grid system, consisting of large electric power generating facilities, and a system of very high voltage transmission lines which, to the extent practicable shall interconnect such generating facilities and the transmission systems of each regional corporation. Such system may be established by constructing generating facilities and transmission lines, or by acquisition of existing facilities and lines under section 105, or both.

(c)(1) The National Grid shall contract to sell electric power to regional corporations at rates which shall be uniform throughout the United States and which shall be set at the lowest possible level consistent with sound business principles and the environmental protection requirements of section 201, taking into account the charges necessary to pay the operating expenses of the National Grid (including depreciation) and to amortize the indebtedness of the National Grid.

(2) The National Grid shall provide base load, peaking, or other power to regional corporations to meet requirements of which the National Grid has at least seven years notice. Any notice of requirements under this paragraph shall be accompanied by an offer to contract for the required power.

(3) The National Grid is authorized to purchase for resale by the National Grid surplus electric power generated by any electric utility on schedules and at rates agreed upon with such electric utility.

Sec. 103. Regional Bulk Power Supply Corporations.

(a) Subject to section 105(a)(2), the National Grid shall establish by regulation—

(1) a number of bulk power supply regions which in the aggregation shall comprise the entire United States, and

(2) a regional bulk power supply corporation in each such region.

(b) Each regional corporation shall have a Board of Directors which shall be composed of three members appointed by the national board with the approval of the President in accordance with section 202, and which shall direct the exercise of all of the powers of such regional corporation. A member of a regional board may be removed by the national board for cause (including failure to carry out any order of the national board issued under subsection (f)).

(c)(1)(A) A regional corporation shall be the exclusive marketing agency for the National Grid within the region for which such corporation was established. Any electric utility, publicly or privately owned, may enter into a contract for services with a regional corporation. A regional corporation shall sell electric power to any electric utility the needs of which it has adequate notice except in cases of failure of such utility to meet its financial obligations, on proof of fraudulent application, or because of willful failure of such utility to comply with wheeling orders under subparagraph (B) or other requirements of such regional corporation.

(B) A regional corporation may not enter into a contract for services with any electric utility unless such utility agrees to permit (at such times and to such extent as such corporation may order) the use of its excess transmission capacity for the purpose of wheeling power from facilities of such corporation or of the National Grid to load centers of other electric utilities contracting to purchase electric power from such corporation.

(2) Any transmission lines of an agency the facilities of which are transferred to the corporation under section 105(a)(1) may be transferred by the National Grid to the regional corporation for the region in which such lines are located and shall be operated by such corporation. Each regional corporation shall obtain such transmission capacity, in addition to the capacity acquired under the preceding sentence, as may be necessary to sell electric power generated by the National Grid to each electric utility in the region, and to transmit to National Grid transmission lines such electric power as the National Grid may purchase from such utilities. A regional corporation may obtain such additional capacity (A) by lease of or contract for all or part of the capacity of existing transmission lines of electric utilities, (B) by modification of existing facilities of electric utilities, or (C) by construction of new transmission lines by such regional corporation. Any excess transmission capacity of a regional corporation may be made available to electric utilities on a contract carrier basis.

(d) Electric power marketed for the National Grid by the regional corporation shall be sold at a rate equal to the uniform rate established by the National Grid under section 102(c)(1), plus a transmission rate charged by such regional corporation. Such transmission rate shall be at the lowest possible level consistent with sound business principles and the environmental protection requirements of section 201, taking into account the charges necessary to pay the operating expenses of the regional corporation (including depreciation) and to amortize the indebtedness of the regional corporation.

(e) A regional corporation shall have the authority to issue bonds in accordance with section 206, but such bonds shall not be guaranteed by the United States unless issued with the approval of the national board.

(f) Any electric utility aggrieved or adversely affected by any action of a regional corporation may obtain administrative review of such action by the national board. The national board may, on the basis of such review, order the regional board to take appropriate remedial action.

Sec. 104. Research and Development.

(a) The National Grid shall carry out a program of research and development in the area of electric power generation and transmission. In carrying out such program, the National Grid—

(1) may conduct research and develop-

ment activities directly or through contracts with any person or public agency,

(2) shall to the extent practicable coordinate its program with programs of other public agencies, and

(3) shall develop priorities for carrying out such program.

In developing priorities under paragraph (3), the National Grid shall give preference to environmental protection and land use research including, but not limited to, underground high voltage transmission technology, sulfur oxide control and other technology to improve the performance of fossil fuel plants, development and demonstration of utility corridors, development and demonstration of improved methods for disposing of waste heat, and development of alternative methods of electric power generation (including but not limited to thermonuclear fusion, magnetohydrodynamics, and fuel cells).

(b) (1) The National Grid shall expend at least 2 percent of its revenues in each fiscal year to carry out the program under this section.

(2) There are authorized to be appropriated to the National Grid for each fiscal year to carry out the program under this section an amount equal to (A) $250,000,000 less (B) the amount the National Grid is required to expend under paragraph (1) to carry out such program.

SEC. 105. TRANSFER OF CERTAIN EXISTING FEDERAL OWNED FACILITIES.

(a) Effective 180 days after the date of enactment of this Act:

(1) There are transferred to the National Grid all electric power generating and transmission facilities of the following agencies:

(A) Bureau of Reclamation.

(B) Army Corps of Engineers.

(C) Southwestern Power Administration.

(D) Southeastern Power Administration.

(E) Bonneville Power Administration.

(F) Alaska Power Administration.

(2) After amortization, hydroelectric power projects, together with associated Federal transmission facilities, which are transferred to the National Grid under this subsection shall provide financial assistance to water resource development, the reclamation fund, and the basin accounts, in accordance with the laws and procedures under which they were authorized.

(3) (A) The Tennessee Valley Authority shall be designated as the regional corporation for the region consisting of the area in which it operates on the date of such designation, and for such additional areas as the National Grid may designate by regulation. Such Authority shall retain and operate all of its transmission facilities, but all of its generating facilities shall be transferred to the National Grid.

(B) Payment of principal and interest on bonds of such Authority outstanding on such one hundred and eightieth day shall be guaranteed by the United States. The National Grid shall assume all liability with respect to such portion of the outstanding bonds as the President may determine, taking into account the proportion of the Authority's power revenues attributable to the facilities transferred to the National Grid under this paragraph.

(b) Title II of this Act shall not apply to the Tennessee Valley Authority unless expressly so provided.

TITLE II—GENERAL PROVISIONS APPLICABLE TO NATIONAL GRID AND TO REGIONAL CORPORATIONS

SEC. 201. ENVIRONMENTAL PROTECTION

(a) Each corporation shall be subject to Federal, State, and local environmental standards. For purposes of this subsection, the term "environmental standard" means a law or regulation prescribing a standard or limitation for the purpose of control or abatement of air or water pollution or for the purpose of some other aspect of environmental protection.

(b) (1) Prior to applying to any public agency for authority to construct any proposed facility, the corporation which proposes to construct such facility shall hold a public hearing, after adequate public notice, and shall allow interested persons to submit comments on such proposal.

(2) Each corporation shall treat all decisions regarding the siting and design of facilities as a significant aspect of land use planning in which all environmental, economic and technical issues with respect to a facility should be resolved in an integrated fashion. In the resolution of these possibly competing demands such corporation shall give all possible weight to the protection of the environment.

(c) This section shall apply to the Tennessee Valley Authority.

Sec. 202. Boards of Directors

(a) Of the members appointed to the board of directors of any corporation, one member shall be representative of the interests of privately owned electric power companies, one member shall be representative of the interests of publicly or cooperatively owned electric utilities, and one member shall be representative of the interests of consumers. Not more than two members of any board may be members of the same political party. Not more than two members of the national board may reside on the same side of the 100th meridian.

(b) (1) Members of the board of directors of each corporation shall be appointed for terms of 6 years, except that the terms of office of the members of any such board first taking office after the date of enactment of this Act, shall expire as designated by the President (or the National Grid in the case of members of a board of a regional corporation) at the time of nomination, one at the end of the second year, one at the end of the fourth year, and one at the end of the sixth year, after such date. A successor to a member of a board shall be appointed in the same manner as the original member and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed. No member may be appointed for all or part of more than two terms.

(2) The members of the national board first appointed shall be deemed the incorporators of the National Grid and the incorporation shall be held to have been effected from the date of the first meeting of the national board.

(c) Any member appointed to fill a vacancy in a board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Vacancies in a board, so long as there shall be two members in office, shall not impair the powers of such board to execute its functions, and two of the members in office shall constitute a quorum for the transaction of the business of such board.

(d) The Chairman of each board shall be elected by the members thereof.

(e) Each of the members of the national board shall receive compensation at the rate provided for level II of the Executive Schedule (5 U.S.C. 5313), to be paid by the National Grid. Each of the members of a regional corporation's board shall receive compensation at the rate provided for level IV of the Executive Schedule (5 U.S.C. 5315), to be paid by such corporation. No member of any such board shall, during his continuance in office, be engaged in any other business.

Sec. 203. Officers and Employees of Corporations

(a) The board of directors of a corporation may without regard to the provisions of title 5, United States Code, governing appointments in the competitive service—

(1) appoint a manager of the corporation who shall be compensated at the provided for level II of the Executive Schedule, and

(2) appoint such other officers, employees, attorneys, and agents as are necessary for the transaction of its business, fix their compensation (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and general schedule pay rates), define their duties, and require bonds of such of them as such board may designate.

Any appointee of a board of directors may be removed in the discretion of such board.

(b) (1) For purposes of the Act of March 3, 1931 (Davis-Bacon Act; 40 U.S.C. 276a), each contract to which the corporation is a party shall be considered a contract to which the United States is a party.

(2) If work, which if let by contract would be subject to paragraph (1), is done directly by a corporation, the prevailing rate of wages shall be paid in the same manner as though such work had been let by contract.

(c) In the appointment of officials and the selection of employees for a corporation, and in the promotion of any such employees or officials, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency. Any member of a board of directors who is found by the President of the United States to be guilty of a violation of this subsection shall be removed from office by the President of the United States, and any appointee of a board of directors who is found by the board to be guilty of a violation of this subsection shall be removed from office by such board.

Sec. 204. Corporate Powers Generally.

(a) Except as otherwise specifically provided in this Act, a corporation shall have the same powers as a District of Columbia nonprofit corporation has under subsections (a), (b), (c), (d), and (e) of section 5 of the District of Columbia Nonprofit Corporation Act, and in addition—

(1) May make contracts to carry out its functions under this Act.

(2) May adopt, amend, and repeal bylaws.

(3) Shall have power to acquire real property for the construction of generating facilities, transmission lines, and other structures and projects.

(4) Shall have power in the name of the United States of America to exercise the right of eminent domain, in accordance with section 207.

(5) Shall have such powers as may be necessary or appropriate for the exercise of the powers specifically conferred in this Act upon such corporation.

(b) In order to enable a corporation to exercise the powers and duties vested in it by this Act—

(1) The exclusive use, possession, and control of all property to be acquired by such corporation in its own name or in the name of the United States of America, are entrusted to such corporation for the purposes of this Act.

(2) The President of the United States is authorized to provide for the transfer to such corporation of the use, possession, and control of such other real or personal property of the United States as he may from time to time deem necessary and proper for the purposes of such corporation as stated in this Act.

(c) Each corporation shall maintain its principal office at a place determined by it.

(d) Section 101 of the Government Corporation Control Act is amended by inserting "any corporation established under the National Power Grid Act;" after "Tennessee Valley Authority;".

(e) A corporation may contract with any person or public agency which it deems qualified, to design, prepare specifications and bidding documents, recommend the award of contracts or supervise the construction and installation of equipment and facilities of any required type anywhere in the United States. A corporation may contract with the Federal Power Commission to participate with the staff of such corporation in system planning and load forecasting.

SEC. 205. ACCOUNTS AND CONTRACTS

(a) A corporation shall at all times maintain complete and accurate books of accounts. Each corporation shall determine its own system of administrative accounts and the forms and contents of its contracts and other business documents except as otherwise provided by law.

(b) Subject to the other provisions of this Act, a corporation is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it may deem necessary, including the final settlement of all claims and litigation by or against such corporation; and, notwithstanding the provisions of any other law governing the expenditure of public funds, the General Accounting Office, in the settlement of the accounts of the accountable officer or employee of such corporation, shall not disallow credit for, nor withhold funds because of, any expenditure which the board of directors thereof shall determine to have been necessary to carry out the provisions of this Act.

(c) All purchases and contracts for supplies or services, except for personal services, made by a corporation, shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the board of directors thereof shall determine to be adequate to insure notice and opportunity for competition; except that advertisement shall not be required when, (1) an emergency requires immediate delivery of the supplies or performance of the services; or (2) repair parts, accessories, supplemental equipment, or services are required for supplies or services previously furnished or contracted for; or (3) the aggregate amount involved in any purchase of supplies or procurement of services does not exceed $2,500; in which cases such purchases of supplies or procurement of services may be made in the open market in the manner common among businessmen. In comparing bids and in making awards a board of directors may consider such factors as relative quality and adaptability of supplies or services, the bidder's financial responsibility, skill, experience, record of integrity in dealing, ability to furnish repairs and maintenance services, the time of delivery or performance offered, and whether the bidder has complied with the specifications.

SEC. 206. BONDS FOR FINANCING POWER PROGRAMS.

(a) (1) Each corporation is authorized to issue and sell bonds, notes, and other evidences of indebtedness (hereinafter collectively referred to as "bonds") to assist in financing its activities and to refund such bonds.

(2) The aggregate outstanding amount of bonds issued by the National Grid and by all regional corporations shall not exceed $15,000,000,000 at any time. This paragraph shall not apply to bonds issued by a regional corporation and not guaranteed by the United States.

(b) Subject to section 103(e), payment of principal and interest on bonds issued by a corporation under this section shall be guaranteed by the United States. Proceeds realized by a corporation from issuance of such bonds and from power operations and the expenditure of such proceeds shall not be subject to apportionment under the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665).

(c) (1) Subject to paragraph (2), bonds issued by a corporation under this section shall be negotiable instruments unless otherwise specified therein, shall be in such forms and denominations, shall be sold at such times and in such amounts, shall mature at such time or times not more than fifty years from their respective dates, shall be sold at such prices, shall bear such rates of interest, may be redeemable before maturity at the option of such corporation in such manner and such times and redemption premiums, and shall be subject to such other terms and conditions as such corporation may determine.

(2) At least fifteen days before selling each issue of bonds under this section (exclusive of any commitment shorter than one year) a corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions, and expected rates of interest of the proposed issue in the fullest detail possible and, if the Secretary shall so request, shall consult with him or his designee thereon, but the sale and issuance of such bonds shall not be subject to approval by the Secretary of the Treasury except as to the time of issuance and the maximum rates of interest to be borne by the bonds. If the Secretary of the Treasury does not approve a proposed issue of bonds hereunder within seven working days following the date on which he is advised of the proposed sale, such corporation may issue to the Secretary interim obligations in the amount of the proposed issue, which the Secretary is directed to purchase. In case such corporation determines that a proposed issue of bonds under this section cannot be sold on reasonable terms, it may issue to the Secretary interim obligations which the Secretary is authorized to purchase. Notwithstanding the foregoing provisions of this subsection, obligations issued by a corporation to the Secretary shall not exceed $750,000,000 outstanding at any one time, shall mature on or before one year from date of issue, and shall bear interest equal to the average rate (rounded to the nearest one-eighth of a percent—on outstanding marketable obligations of the United States with maturities from dates of issue of one year or less as of the close of the month preceding the issuance of the obligations of such corporation. If agreement is not reached within eight months concerning the issuance of any bonds which the Secretary has failed to approve, such corporation may nevertheless proceed to sell such bonds on any date thereafter without approval by the interim obligations issued to the Treasury and such interim obligations shall be retired from the proceeds of such bonds. For the purpose of any purchase of a corporation's obligations the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of such corporation's obligations hereunder. A corporation may sell its bonds by negotiation or on the basis of competitive bids, subject to the right, if reserved, to reject all bids; may designate trustees, registrars, and paying agents in connection with such bonds and the issuance thereof; may arrange for audits of its accounts and for reports concerning its financial condition and operations by certified public accounting firms (which audits and reports shall be in addition to those required by sections 105 and 106 of the Government Corporation Control Act) may, subject to any covenants contained in any bond contract, invest the proceeds of any bonds and other funds under its control which derive from or pertain to its power program in any securities approved for investment of national bank funds and deposit said proceeds and other funds, subject to withdrawal by check or otherwise, in any Federal Reserve Bank or bank having membership in the Federal Reserve System; and may perform such other Acts not prohibited by law as it deems necessary or desirable to accomplish the purposes of this section. Bonds issued by a corporation under this section shall contain a recital that they are issued pursuant to this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such bonds and of their validity.

(d) Bonds issued by a corporation under this section shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the bonds of a corporation acquired by them under this section.

(e) Bonds issued by a corporation under this section shall be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes. Interest on such bonds shall not be included in gross income for purposes of any tax imposed by subtitle A of the Internal Revenue Code of 1954.

(f) This section shall apply to bonds of the Tennessee Valley Authority, only if such bonds are guaranteed by the United States, in accordance with section 103(e).

SEC. 207. CONDEMNATION PROCEEDINGS.

A corporation may cause proceedings to be instituted for the acquisition by condemnation of any lands, easements, or rights-of-way, or of any transmission capacity or existing facilities referred to in section 103(C)(2)(A) or (B), which, in the opinion of such corporation, are necessary to carry out the provisions of this Act. The proceedings shall be instituted in the United States district court for the district in which the land, easement, right-of-way, or other interest, or any part thereof, is located, and such court shall have full jurisdiction to divest the complete title to the property sought to be acquired out of all persons or claimants and vest the same in the United States in fee simple, and to enter a decree quieting the title thereto in the United States of America. In any such eminent domain proceeding (including a proceeding in the District of Columbia) a corporation may file with the complaint or at any time before judgment a declaration of taking in the manner and with the consequences provided by the first section and sections 2 and 4 of the Act entitled "An Act to expedite the construction of public buildings and works outside the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain", approved February 26, 1931 (46 Stat. 1421).

SEC. 208. REPORTS.

(a) Each corporation shall report to the President annually, and the President shall transmit the report to the Congress with such comment and recommendations as he deems appropriate.

(b) Each corporation shall file with the President and with the Congress, in December of each year, a financial statement and a complete report as to the business of such corporation covering the preceding fiscal year.

By Mr. FANNIN (for himself, Mr. ERVIN, Mr. HANSEN, Mr. CURTIS, Mr. BENNETT, and Mr. BROCK):

S. 2327. A bill to provide for strike ballots in certain cases. Referred to the Committee on Labor and Public Welfare.

Mr. FANNIN. Mr. President, on behalf of myself and other Senators, I introduce, for appropriate reference, a bill to give union members a voice in determining whether they wish to remain on strike. I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2327

A bill to provide for strike ballots in certain cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

(1) The term "Board" means the National Labor Relations Board.

(2) The term "labor Organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(3) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any territory of the United States and any State or other territory, or between any foreign country, and any State, territory, or the District of Columbia, or within the District of Columbia or any territory, or between points in the same State but through any other State or any territory or the District of Columbia or any foreign country.

(4) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(5) The term "strike" includes any concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective bargaining agreement, and any concerted slowdown or other concerted interruption of operations by employees.

SEC. 2. Upon the filing with the Board of a petition therefor signed by at least 20 per centum of the employees in the appropriate bargaining unit or units involved in a strike which has been pending for thirty days or more in any industry affecting commerce, the Board shall conduct a referendum among the employees of such unit or units on the question whether such strike should be continued. If a majority of the employees voting in the referendum vote against the strike, the labor organization representing the employees shall order such employees to discontinue the strike and such strike shall not be resumed until at least ninety days have elapsed following the referendum. If a majority of those voting in the referendum vote in favor of the strike no subsequent petition may be filed under this section until at least sixty days have elapsed following such referendum, and unless such subsequent petition has been signed by at least 30 per centum of the employees in the appropriate bargaining unit or units involved in the strike. In determining whether a petition under this section has been signed by the requisite percentage of employees, such petition shall be deemed to have been signed by any employee whose approval in writing of such petition is filed with the Board not later than 30 days following the filing of the petition.

SEC. 3. Any employee who participates in a strike which has been continued, or resumed prior to the expiration of ninety days, after a majority of the employees in the appropriate bargaining unit or units involved in the strike voting in the most recent referendum conducted with respect to such strike under this Act shall have voted against such strike, shall not during the existence of the strike or thereafter, unless reemployed or reinstated by the employer, be considered to be an employee of such employer for the purposes of the National Labor Relations Act or the Railway Labor Act.

SEC. 4. Referendums provided for in this Act shall be conducted by the Board, except that the Board may delegate, generally or in specific cases, authority to conduct such referendums to any public or private agency or organization which, in the opinion of the Board, is qualified to conduct such referendums.

SEC. 5. Nothing contained in this Act shall be construed to supersede or modify in any way the requirements of section 8(d) of the National Labor Relations Act.

Mr. FANNIN. Mr. President, I introduced a similar bill in previous Congresses. As I have noted, the idea of providing for a secret strike vote is not new. It was recommended to the Congress by President Eisenhower in 1954. My proposal is new only insofar as it recognizes that there are legitimate reasons why a prestrike vote may adversely affect free collective bargaining. The bill, accordingly, provides for a secret ballot by the workers concerned only on continuing the strike and only after the right to strike has been exercised and the positions of the parties have tended to become stalemated.

Under my proposal a petition for an election to determine whether a strike should continue could not be filed until after a strike had been in effect for 30 days. The bill further provides that no more than one strike-vote election can be held within any 60-day period. The purpose of this proviso is to insure that the union's ability to bargain effectively will continue after a vote favorable to a continuation of the strike.

The bill also contains a provision designed to protect the identity of petitioners. Thus, under this proposal the required percentages necessary for an election could be secured through the filing with the Board by individuals of their approval of the petition.

Within these limitations the bill provides workers caught in a protracted bargaining stalemate with a means of ending a strike which has gone beyond the point of economic return or, alternatively, with a means of expressing to management and to the public their determination to continue the strike, despite the economic costs.

Mr. President, consider the workers whose lives and livelihoods are directly affected by these struggles between the giants of labor and the giants of industry. These are the real victims in labor disputes that drag on in long and costly strikes. I know about these workers because we had more than 10,000 of them in the State of Arizona—the victims of a copper strike who still have not recovered from the long strike of 1967–68. My distinguished colleagues from New Mexico, Montana, Nevada, and Utah, as well as the other copper-producing States, had thousands more of these "forgotten men" in their constituencies.

The situation in the copper industry was symptomatic of a nationwide problem that can affect almost every working man and woman in America. Consider the copper worker who endured months of enforced idleness. And think also of what the situation is in other industries around the Nation. I think it can be said with accuracy that almost any time a strike lasts more than 30 days, the worker stands to lose more than he can gain. I point out the recent General Motors strike, for example, it will take the average automobile production worker at General Motors several years to make up what he lost during those months of enforced idleness.

Take the machinists' strike against the major airlines during the summer of 1966—73 days of enforced idleness. Who won? Only the high chiefs of the IAM—they showed them who was top dog, all right. And they showed the general public, too, and thousands of vacationers who had to give up their vacation plans or who were left stranded around the country.

Take the strike in the rubber industry in 1968—107 days of enforced idleness. Or the long steel strike in 1959. Or the General Motors strike in 1964—it is the same story right down the line. Who wins? Well, really nobody wins in a strike, but in each instance the union high command shows who is running the ball game, who has the economic stranglehold. And who loses? The worker. Every time, it is the worker.

Last year 3,305,000 workers were unemployed due to 5,716 strikes which cost the Nation 66.4 million man working days lost. This year from January through May there occurred 2,140 strikes with a resulting loss of 12.4 million working days. A total of 1,328,000 workers have been unemployed because of these strikes.

I think that the time is at hand when the Congress must stop automatically labeling any bill which the union leaders oppose as an "antilabor" bill and consider each such bill on its merits. Is it not just as important to protect the rights of workers to vote for an end to a strike as it is to protect their right to strike? If they strike and it proves to have been a mistake, must they, their families, management, and the public suffer the results indefinitely with no opportunity for the workers to reconsider when the point of economic return for all parties involved has been reached and passed?

I sincerely hope, Mr. President, that my bill will receive early and fair consideration on its merits. Members of this Congress, like the striking workers, should be given an opportunity to vote the issue up or down.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 215

Mr. ERVIN. Mr. President, I ask unanimous consent that Senators COOK, FONG, GURNEY, HRUSKA, SCOTT, THURMOND, and TUNNEY be designated as cosponsors with me of S. 215, a bill to provide procedures for calling constitutional conventions for proposed amendments to the Constitution of the United States on application of the legislatures of two-thirds of the States pursuant to article V of the Constitution.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

S. 1318

At the request of Mr. Fannin, the Senator from Tennessee (Mr. Brock) was added as a cosponsor of S. 1318, a bill to deny tax exemption under section 501 of the Internal Revenue Code of 1954.

S. 1442 THROUGH S. 1445

At the request of Mr. Moss, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1442, a bill to provide that the first $3,000 received as civil service retirement annuity shall be excluded from gross income; S. 1443, to eliminate the survivorship reduction during periods of nonmarriage of retired employees and Members, and for other purposes; S. 1444, a bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; and S. 1445, a bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes.

S. 1659

At the request of Mr. Fannin, the Senator from North Carolina (Mr. Ervin) was added as a cosponsor of S. 1659, a bill to amend the National Labor Relations Act.

S. 2223

At the request of Mr. Talmadge, the Senator from North Dakota (Mr. Burdick), the Senator from Georgia (Mr. Gambrell), the Senator from Washington (Mr. Magnuson), the Senator from Alabama (Mr. Sparkman), and the Senator from Kansas (Mr. Pearson) were added as cosponsors of S. 2223, a bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

S. 2258

At the request of Mr. Griffin, the Senator from Wyoming (Mr. McGee) and the Senator from Alaska (Mr. Stevens) were added as consponsors of S. 2258, the Motor Vehicle Air Pollution Control Acceleration Act.

SENATE JOINT RESOLUTION 62

At the request of Mr. Griffin, the Senator from Illinois (Mr. Stevenson) and the Senator from Alaska (Mr. Stevens) were added as cosponsors of Senate Joint Resolution 62, authorizing the display of the flags of each of the 50 States at the base of the Washington Monument.

SENATE JOINT RESOLUTION 99

At the request of Mr. Case, the Senator from Utah (Mr. Moss) was added as a cosponsor of Senate Joint Resolution 99, a joint resolution proposing establishment of a National Collegiate Press Day.

SENATE JOINT RESOLUTION 114

At the request of Mr. Curtis, the Senator from Arizona (Mr. Fannin) was added as a cosponsor of Senate Joint Resolution 114, a stable purchasing power resolution of 1971.

SENATE CONCURRENT RESOLUTION 35—SUBMISSION OF AN ORIGINAL CONCURRENT RESOLUTION FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

(Ordered to be placed on the calendar.)

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following original concurrent resolution:

S. Con. Res. 35

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

A–9687873, Chan, Chuen.
A–17949342, Chin, Lean.
A–6816735, Funk, Thomas Fredrik.
A–13282197, Moy, Huey Nai.
A–10465009, Torres de Bejarano, Socorro.
A–11596573, Yee, Soon Hing.
A–8486988, Terrazas-Barrio, Efren.
A–4316706, Ioanides, Gabriel Constantinos.
A–1864768, Herrera-Marquez, Aurelio.
A–18496866, Lum, Wah Gum.
A–3212791, Candanoza-Leza, Rogelio.
A–6499744, Cartier, Paul August.
A–12027264, Liu, Lai Chih.

MILITARY PROCUREMENT AUTHORIZATIONS—1972

AMENDMENT NO. 294

(Ordered to be printed and referred to the Committee on Armed Services.)

CLOSING LOOPHOLES: AN AMENDMENT TO END U.S. FINANCING OF FOREIGN MERCENARIES IN LAOS

Mr. SYMINGTON. Mr. President, last year many of us thought that the Congress, by means of amendments to the Defense authorization and appropriations bills, had made it unlawful for the U.S. Government to pay Thai troops to fight in Laos or Cambodia. Today there are Thai troops in Laos and they are being paid by the U.S. Government. The State Department has finally admitted that we are paying the Thais, but the Thai Government still asserts there are no Thai troops in Laos.

In our discussions with the executive branch, we have encountered two lines of legal argumentation being used to justify the U.S. role in this bizarre affair. First, it is argued that the legislative history of last year's amendments indicates that the amendments' sponsor, whose avowed purpose in proposing the amendments in the first place was to prohibit payment for Thai troops in Laos or Cambodia, had, by inference, condoned the very practice he was seeking to prohibit. Second, it is argued, that, even if this had been the sponsor's intent, the legislation enacted contained loopholes which permits the executive branch to do lawfully what the sponsor had sought to prohibit. Either way, they say it is legal for the United States to hire Thais to fight a war in Laos which the Lao are no longer able to sustain with their own manpower.

For those who find this situation difficult to comprehend, a brief review of the facts will be helpful before I propose a legislative solution to this problem.

Following the U.S. incursions into Cambodia in May 1970, it was recognized that language of the defense authorization and appropriations legislation providing $2.5 billion for "support for Vietnamese and other free world forces in support of Vietnamese forces" could possibly be interpreted as permitting U.S. financing of Thai troops in Cambodia and Laos. Indeed, in August 1970, the State Department acknowledged that a "tentative agreement" had been reached between the United States and Thai Governments regarding the sending of Thai troops to Cambodia.

It was generally understood at the time that the provision of any troops to Cambodia by Thailand would be contingent upon the furnishing of financial support by the United States.

It was in the light of these facts that an amendment was added to both the Defense Authorization and Appropriation Acts which provided that nothing in the authorization to support "Vietnamese and other free world forces in support of Vietnam forces" could be construed "as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

This amendment was originally proposed by the distinguished chairman of the Foreign Relations Committee who declared that his intention was to prevent our paying for South Vietnamese or Thai forces to expand their military activities in Cambodia and Laos so that we would become involved in large-scale operations in close support of the Government of Cambodia or the Government of Laos.

Nevertheless, despite this amendment, a Department of State spokesman admitted on June 7 that there were Thai forces in Laos and also that the United States was supporting them, although he described them as "volunteers."

This spokesman did not say that these Thai forces are operating principally in the war in northern Laos, a war that Deputy Assistant Secretary of State Sullivan has said has "nothing to do with military operations in South Vietnam or Cambodia."

The amendment included in the Defense Authorization and Appropriation Acts for fiscal year 1971 never defined "local forces in Laos and Thailand" and the prohibitions written into the Appropriation Act applied, of course, only to "appropriations available to the Department of Defense during the current fiscal year." Thus, it might be argued that Central Intelligence Agency funds were not covered by the amendment.

In addition, it has been argued by the executive branch that the Thai forces in Laos are "local forces in Laos," even though they are Thai nationals who were recruited and trained in Thailand, are transported by us from Thailand to Laos; then they are sent back to Thailand after their tours where they are given various special benefits by the Thai Government.

There are certain other facts about the composition of this Thai force in Laos, facts I gave the Senate in the course of the closed session on June 7 of this year, but which the executive branch typically continues to insist must remain classified. This testimony seriously undermines the credibility of the claim that these Thai are "local forces in Laos."

I now submit an amendment to H.R. 8687, the bill authorizing military procurement appropriations for fiscal year 1972. This amendment is designed to prohibit U.S. support for Thai soldiers—regulars or irregulars, conscripts or volunteers—in Laos. The amendment therefore authorizes the use of funds appropriated to support "local forces of Laos in Laos and local forces of Thailand in Thailand," instead of "local forces in Laos and Thailand."

The amendment also inserts language at the end of paragraph (1) of section 401(a) of the act of March 15, 1966, which language states that notwithstanding any other provision of law—including the sentence of that paragraph which authorizes funds appropriated to be made available to support "Vietnamese and other free world forces in support of Vietnamese forces"—funds made available under this law, or under any other law, cannot be used to support any member of a local force in Laos who is not a citizen or national of Laos.

If this amendment is adopted, it will cover not only Defense Department funds but all appropriated funds, including those appropriated for the Central Intelligence Agency. It will also mean that no U.S. funds can be used to support a local force in Laos that is not composed of citizens or nationals of Laos. It will therefore once and for all put an end to our paying for Thai mercenaries in Laos; and thereby remove any technical loophole which might be used to continue to circumvent the intent behind the amendment to last year's authorization and appropriation acts.

I ask unanimous consent that the text of my amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 294

On page 5, line 26, beginning with the word "local," strike out through the word "Thailand" in line 1 on page 6, and insert in lieu thereof "local forces of Laos in Laos and local forces in Thailand in Thailand."

On page 6, line 25, immediately before the quotation marks, insert the following: "Notwithstanding any other provision of law (including but not limited to the foregoing provisions of this paragraph), none of the funds made available under this or any other law may be used to support any member of a local force of Laos in Laos who is not a citizen or national of Laos."

Mr. SYMINGTON. Mr. President, here is an article published this morning in the Washington Post entitled "Thais Said To Erect Base Complex in Laos." We have had testimony from the Secretary of Defense stating that the Department of Defense is not conducting any military operations in Laos. If that is correct, and I am sure it is if he said it, it means that the American taxpayer is financing secretly a mercenary army being utilized by the President, to invade a country with which the United States is not at war. This secret war is being carried on not only without the approval of Congress, but without full knowledge on the part of Congress.

If this article is correct, we are both financing and training an invasion force into Laos, despite an amendment to the law which specified that could not be done.

I ask unanimous consent that the article, "Thais Said To Erect Base Complex In Laos" written by D. E. Ronk, dateline from Vientiane, July 20, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THAIS SAID TO ERECT BASE COMPLEX IN LAOS

(By D. E. Ronk)

VIENTIANE, July 20.—Elements of a Thai army regiment have reportedly moved across the frontier and established permanent bases in western Laos.

The bases were set up in a large area of Sayaboury Province which borders Thailand, according to reports reaching here from Xieng Lom, 160 miles northwest of Vientiane.

The reports say Thai units entered Laos from Nan Province of Thailand during an antiguerrilla sweep in recent weeks and constructed satellite camps to the complex of CIA-maintained bases extending eastward from Xieng Lom in a 40-mile shallow arc to Hong Sa.

U.S. sources say the move is being coordinated by the Central Intelligence agency, probably for area security.

Other U.S. sources reporting from Sayaboury Province say the Thai units are showing indications of permanently occupying a strip of Laos nearly 100 miles deep and 20 miles wide. They are also said to be turning southward toward Sayaboury City, the province capital, establishing outposts.

A recently improved all-weather highway from Nan City in Thailand to the Lao border, where it becomes an improved trail, is said to be the supply link with the Thai units.

Western military sources last week confirmed that there have been border incursions by Thais in recent weeks, but ascribed them to the ill-defined demarcations.

A heavy security curtain maintained over northern Sayaboury Province. Air transport, which is necessary for entry, is routinely denied to those without security clearances, including newsmen.

Nan and Uttaradit provinces of Thailand, which border Sayaboury, are also off limits to journalists by orders from Bangkok.

Informed sources in Vientiane have confirmed that an operation had taken place in the Xieng Lom area in recent days but denied knowledge of any Thai participation in Laos. They said, however, that a concurrent and "possibly coordinated" sweep had occurred on the Thai side of the border.

U.S. mission sources said the clearing operation had been completed about 10 days ago. Until Monday, however, knowledge of such an operation was denied by all U.S. embassy offices normally releasing such information.

The Xieng Lom—Moung Ngeum-Hong Sa complex, with its satellite camps, are reliably reported to have outstripped the Meo base at Long Cheng near the Plain of Jars in importance to the U.S. war effort in Laos. They are said to be less important, however, than a base near Ban Houei Sai, 210 miles northwest of Vientiane and 50 miles northwest of Xieng Lom.

A unit of Thais training hill tribesmen in Laos is regularly reported to be stationed in Xieng Lom and operating along the complex of positions.

A subcommittee of the Senate Foreign Relations Committee has prepared a report that puts the number of Thai troops in Laos at 4,800.

In an action possibly related to the Thai incursion from the west, pro-government irregulars have reportedly launched an offensive thrust westward from Luang Prabang across the Mekong. There is no official confirmation of the thrust.

Other reports tending to confirm Thai operations in Sayaboury Province were printed in the Bangkok Post last week and attributed to "informed government sources."

The Post said that Thai intelligence had located the headquarters of a Pathet Lao battalion less than 5 miles from the Thai border, with another battalion moving from Sayaboury Province to join it. The Pathet Lao, according to the sources, had sent men to pick up food from Thai territory.

An alert has been ordered in Uttaradit Province, according to the Post, and "the 2d Cavalry Regiment has been assigned to double the number patrolling the border area as a precaution against possible invasion by the Pathet Lao."

"Meanwhile," the Post reported, "an intelligence mission has been sent to collect more reports on Pathet Lao movements, the source said." U.S. analysts in Vientiane suggest the Post story may be a "planted cover" for operations 100 miles north of those reported and say they have received no reports on Pathet Lao presence in northern Sayaboury Province for months.

Western military sources only last week said they had no reports of enemy movements in northern Sayaboury and no knowledge of anything more than isolated, ineffective pockets of Pathet Lao.

It is noteworthy, however, that northern Sayaboury lies just across the Mekong from where military analysts believe Chinese engineers will eventually stop building their road through northwestern Laos.

U.S. intelligence sources say construction was halted 20 miles short of the Mekong a year ago but it continues to produce official comments of alarm in the Thai capital.

It is also noteworthy that Sayaboury Province was annexed by Thailand during World War II, then returned to Laos and the French as part of the war settlement. The Bangkok government is generally believed to still covet the strip of Laos west of the Mekong.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am happy to yield to the able majority leader.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Missouri for the statement he has just made and his constant surveillance of what is happening in Laos especially, and in other parts of Indochina, as well.

I, too, have read the same news story, which indicated that Thais were moving in on a permanent basis to take over the province of Sayaboury in western Laos.

To me it appears that Laos, which is a very poor, simple country at best, is becoming more and more a victim of circumstances over which it has no say and no control.

I am hopeful that despite the fact that the distinguished Senator from Missouri has not been able to receive replies to letters he sent to the State Department and the Department of Defense that with the arrival here—if my recollection is correct—of the American Ambassadors to Laos and Cambodia, who, I think, will be appearing before the Committee on Foreign Relations shortly, that we will be able to go into this matter in more detail.

I would like to know more about the extent of the authority of the American Ambassador to Laos; I would like to know more about what really is going on in Cambodia, where we now have a mission which has risen since the invasion from 11 to in excess of 100, I believe, at the present time. There are many questions about these areas about which we know too little, and it is because of that that I commend the distinguished Senator from Missouri for his watchdog activities over Laos, especially, but, to repeat, other areas of Indochina as well. I would express the hope that when these two Ambassadors, one to Vientiane and the other to Phnom Penh, appear before the Committee on Foreign Relations, we will get a clear picture of what is being done actually and how much is being spent.

In addition, speaking to the Senator's amendment, I most certainly hope we will be able to limit expenditures so that an expenditure of the nature the Senator has in mind will not apply to any one segment of our participation, but across the board, as he has indicated it would.

Mr. President, I commend the Senator.

Mr. SYMINGTON. I thank the able majority leader, the best authority in this body on the Far East.

The Senator mentioned letters written to the Secretary of State requesting information about Laos gotten up by the staff of the Committee on Foreign Relations. We have received no answer to date. I also wrote to the Secretary of Defense last May 27 and asked for information on Laos. On the first of June I received an answer from an Assistant Secretary which stated they were working on it and would answer shortly. That is the last we have heard about it.

I understand the Secretary of Defense will appear in executive session tomorrow about Laos before the Committee on Armed Services.

All this is an effort on the part of this Senator to find out the facts. If we first authorize and then appropriate money in this body, and later find that the money is being used to wage an unauthorized secret war, what is the purpose of our being here? In effect, what is the purpose of the legislative branch?

Mr. President, I ask unanimous consent to have printed in the Record the letters to which the distinguished majority leader referred; namely, a letter written on May 27, 1971, to the Secretary of Defense, also the reply received from his Assistant on June 1.

There being no objection, the letters were ordered to be printed in the Record, as follows:

May 27, 1971.

Hon. Melvin R. Laird,
Secretary of Defense,
Washington, D.C.

Dear Mr. Secretary: As a result of the recent visit to Laos by the Staff of the Subcommittee on U.S. Security Agreements and Commitments Abroad I wish to obtain additional information concerning the overall cost of Department of Defense related activities in that country. Accordingly I would appreciate your supplying answers to the enclosed list of questions.

Your cooperation in providing this information at your earliest convenience will be greatly appreciated.

Sincerely yours,

Stuart Symington.

Attachment.

Attachment

1. What is the total cost of military assistance to Laos expected to be in FY 1971?

2. What is the cost of maintaining the organization headed by the Deputy Chief Joint U.S. Military Advisory Group, Thailand, which supports military assistance activities in Laos?

3. What are the comprehensive costs, direct and indirect, including personnel, facilities, aircraft and ordnance, of U.S. air activities, for all services, in and over Laos for FY 1971 and FY 1972? What are the average per sortie costs for the operation of various types of U.S. aircraft in Laos?

4. What is the cumulative cost of the facilities and equipment now operated by Task Force Alpha? What are the personnel and operating costs of Task Force Alpha? for FY 1971? What is estimated for FY 1972?

5. What is the current fiscal year cost of maintaining the U.S. Army and Air Force Attache organizations in Laos, including pay, allowances, housing, local personnel costs, supplies, equipment, transportation, communications and office space (figures for the Air Attache component should include all costs associated with the American Forward Air Controllers in Laos). What is the estimate of FY 1972 costs?

6. What Defense Department related or financed activities are now being conducted or are contemplated in Laos through or under the auspices of the AID program? What is the cost of these activities for FY 1971 and what will it be for FY 1972?

7. What amount of funds appropriated to the Defense Department have been transferred to other U.S. Government agencies as reimbursement, or for any other purpose, during FY 1971? Identify all transactions of this nature, including amounts of money involved, for the current fiscal year. What transfers or transactions are expected in FY 1972?

8. How many Defense Department personnel, including armed service personnel, are on loan or detailed to other U.S. Government agencies for activities related to Laos? What are the costs (salary and maintenance) of such personnel and to what agency are they charged?

9. What is the total amount of reimbursement or other forms of payment or transfer of funds from other U.S. Government agencies to the Defense Department or to the various services during 1971? What are the anticipated totals for 1972?

10. What is the value of surplus or excess equipment given to the Royal Lao armed forces or to U.S. financed irregular forces, both Lao and Thai, for use in Laos?

11. What is the value of U.S. financed military equipment and supplies given, transferred or loaned to the Royal Lao armed forces by third countries, including specifically Thailand?

12. What was the cost of all types of military or military related training, including travel costs and language training, provided by the United States to Laos in FY 1971? What are the projected costs for FY 1972?

13. Describe the types and value of U.S. military aircraft loaned, rented or "bailed" to Air America, Continental Airlines, Lao Air Transport, Royal Air Lao or any other company during FY 1971. What is the total amount of payments or other forms or reimbursement received for the use of these aircraft?

14. What was the cost of all construction financed by Defense appropriated funds in Laos in Fiscal Years 1970 and 1971? What construction is contemplated in FY 1972?

15. What expenditures have been made from Defense Department funds for purposes related to Lao irregular forces or Thai irregular forces?

16. In addition to the information requested above, are there any other categories of Defense Department expenditures in Laos? What amounts are expected to be spent for these activities in FY 1971 and FY 1972?

Office of the Secretary of Defense,
Washington, D.C., June 1, 1971.

Hon. Stuart Symington,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Secretary Laird has asked that I acknowledge your letter of May 27 in which you request additional information concerning the overall cost of the Department of Defense activities in Laos.

Your letter is receiving attention and you can expect a further reply at an early date.

Sincerely,

Rady A. Johnson,
Assistant to the Secretary for Legislative Affairs.

Mr. SYMINGTON. Mr. President, I also ask unanimous consent to have printed in the Record a letter written to the Secretary of State on June 29 and again on July 16 with respect to matters that have to do with Laos.

There being no objection, the letter was ordered to be printed in the Record, as follows:

July 16, 1971.

Hon. William P. Rogers,
The Secretary of State,
Washington, D.C.

Dear Mr. Secretary: On June 29 I wrote you requesting background information related to a statement made by the Department of State spokesman on June 7 concerning United States financing of Thai troops in Laos.

In my letter I presented that we needed this information in connection with the Senate's consideration of pending legislation having to do with United States expenditures in Laos; and for that reason asked for a reply by July 5.

More than two weeks have passed since my letter and we are now ten days beyond the date on which we had hoped to receive the information requested. So far we have not even received an acknowledgement.

It is difficult to understand the protracted delay of the Department in responding. As noted above, the questions raised were directly related to the Department's statement of June 7; therefore the Department must have made a review of the facts before issuing said June 7 statement and must have had at hand the relevant documents on which a response to our letter could have been based.

Failure to respond to such legitimate requests raises serious questions regarding the willingness of the Executive Branch to maintain a working relationship with the Senate, because continued delay in the receipt of information is tantamount to a denial of information.

Sincerely,

Stuart Symington,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad.

JUNE 29, 1971.

Hon. WILLIAM P. ROGERS,
The Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: On June 7 a State Department spokesman told the press that the United States support for Thai troops in Laos began as a program authorized by President Kennedy, that the troops are in Laos at the request of the Prime Minister of Laos and that United States financing of these troops is "fully consistent with all pertinent legislation." As Chairman of the Subcommittee on United States Security Agreements and Commitments Abroad, I am interested in obtaining background information and documentation relevant to these assertions by the Department's spokesman.

In this connection we would appreciate your furnishing the Subcommittee with the following information.

(1) A description of the specific decisions taken by President Kennedy to authorize United States funding of Thai troops in Laos, and of the subsequent actions taken by United States diplomatic and military authorities to implement such decisions.

(2) An explanation of the funding procedure used to provide financial support for Thai troops pursuant to President Kennedy's original authorization.

(3) A description of Prime Minister Souvanna Phouma's request for Thai troops, including answers to the following specific questions:

a. When was the Prime Minister's request (or requests) made?

b. In what form was the request made?

c. To whom and to what government or governments was it addressed?

d. What specifically did the Prime Minister request?

e. What did the Prime Minister's request say with regard to arrangements for financial support and publicity concerning Thai troops?

f. What response was given to the Prime Minister by the person, government or governments to whom the request was addressed?

(4) An explanation of how Souvanna's request relates to the various undertakings of the Royal Lao Government in the Geneva Agreements of 1962.

(5) A detailed explanation of any discussions, arrangements and agreements, formal or informal, involving the United States Government and the Royal Lao Government or the Government of Thailand relative to past or present United States financing and support for Thai troops in Laos.

(6) An identification of the departments or agencies which have provided funds for support of each of the various programs involving Thai troops in Laos.

Because the above request is relevant to the Senate's consideration of pending legislation having to do with United States expenditures in Laos, we would respectfully request that the information be provided at earliest opportunity.

Sincerely,

STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad.

Mr. SYMINGTON. Mr. President, this is getting to be quite an interesting development. When there was a crisis in the British Government in 1936, a story was around that Sir Winston Churchill suggested the King use the King's men. If, in accordance with press reports, the CIA is conducting a war in Laos, we might call them the President's men, people operating not only without the approval of Congress, but also without its knowledge.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

AMENDMENTS NOS. 295 THROUGH 300

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted six amendments intended to be proposed by him to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENTS NOS. 301 THROUGH 305 AND 310 THROUGH 314

(Ordered to be printed and to lie on the table.)

Mr. PACKWOOD submitted 10 amendments intended to be proposed by him to the bill (S. 382), supra.

AMENDMENT NO. 306

(Ordered to be printed and to lie on the table.)

Mr. ALLEN. Mr. President, I submit an amendment to S. 382, and ask unanimous consent that the amendment be printed at this point in the RECORD.

I also ask unanimous consent that certain supplemental views relating to the bill, presented by me, be printed in the RECORD.

There being no objection, the amendment and material were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 306

On page 15, line 8, insert "608," before "610".

On page 22, strike lines 9 and 10, and insert in lieu thereof the following:

Sec. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitation upon certain campaign expenditures

"(a) No candidate shall make or authorize expenditures on behalf of his candidacy, or to influence the outcome of the election in which he is a candidate, for goods or services other than broadcast communications media (as regulated by section 315(c) of the Communications Act of 1934) and nonbroadcast communications media (as regulated by section 103 of the Federal Election Campaign Act of 1971) in excess of—

"(1) 10 cents multiplied by the estimate of resident population of voting age for the office for which he seeks nomination for election or to which he seeks election, as determined by the Bureau of the Census in June of the year preceding the year in which the election is to be held; or

"(2) $60,000, if greater than the amount determined under clause (1).

"(b) No person may make any charge for goods or services (other than those regulated by section 315 (c) of the Communications Act of 1934 (relating to broadcast communications media) or by section 103 of the Federal Election Campaign Act of 1971 (relating to certain nonbroadcast communications media)) furnished to or on behalf of a candidate in connection with his campaign for nomination for election, or election, unless such candidate, or an individual authorized by such candidate to do so, certifies to such person that the payment of such charge will not violate subsection (a). Any person who furnishes such goods or services to or for the benefit of a candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged by such person for such goods or services. Any person who furnishes such goods or services to or for the benefit of a candidate at a charge which is less than the charge usually made by such person for such goods or services shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the amount usually charged for such goods or services over the amount charged such candidate.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $5,000."

On page 24, between lines 17 and 18, strike the item relating to section 608 of title 18, United States Code, and insert in lieu thereof the following:

"608. Limitation upon certain campaign expenditures.";.

SUPPLEMENTAL VIEWS OF MR. ALLEN

While I voted to order reported from our Committee on Rules and Administration the bill, S. 382, as amended, I feel that it is subject to the objection that it does not limit the overall cost of campaigning. While commendable in purpose and potentially effective in the limited area of its operation, it simply does not go far enough.

The bill would limit campaign expenditures in two categories only, (1) broadcast media advertising, and (2) nonbroadcast media advertising, such as newspapers, magazines and other periodicals, and billboard facilities.

The limit set is 5¢ for each person of voting age for such office and each of the two categories of advertising. However, the expenditures are interchangeable, so that actually a limit of 10¢ for each person of voting age for such office is provided, to be divided as the candidate wishes between the two categories.

In most cases, the limits set are much higher than those set by S. 3637 which passed during the 91st Congress but was vetoed by the President and his veto sustained.

In the President's veto message, he said that S. 3637 did not limit the overall cost of campaigning. Neither does S. 382.

He also said in his message:

"The problem with campaign spending is not radio and television; the problem is spending. This bill plugs only one hole in a sieve.

"Candidates who had and wanted to spend large sums of money, could and would simply shift their advertising out of radio and television into other media—magazines, newspapers, billboards, pamphlets, and direct mail. There would be no restriction on the amount they could spend in these media.

"Hence, nothing in this bill would mean less campaign spending.

"In fact, the bill might tend to increase rather than decrease the total amount that candidates spend in their campaigns. It is a fact of political life that in many Congressional districts and States a candidate can reach more voters per dollar through radio and TV than any other means of communication. Severely limiting the use of TV and radio in these areas would only force the candidate to spend more by requiring him to use more expensive techniques.

"By restricting the amount of time a candidate can obtain on television and radio, this legislation would severely limit the ability of many candidates to get their message to the greatest number of the electorate. The people deserve to know more, not less, about the candidates and where they stand."

These same criticisms apply to S. 382 except that nonbroadcast media advertising has been limited along with radio and TV.

The President seemingly favors an overall limitation on expenditures and with this position I agree.

The bill places no limit on expenditures for mass mailings, for handbills, brochures, printing, WATS lines, telephones, postage, campaign headquarters (state and various local ones), unlimited campaign workers, airplane rentals and tickets, buses, trains (special and regular), campaign newspapers, movie theatre film advertisements, campaign staffs, public relation firms, production expenses for broadcasts, public opinion polls, paid campaigners and poll watchers, novelties, bumper stickers, sample ballots.

I fee' that an overall limit should be placed on the total amount of campaign contributions and expenditures that a candidate may receive or spend.

I would feel that a limit of 10c or less per person of voting age for an office should be set for all expenditures not limited by the broadcast and nonbroadcast media advertising limitations.

Total contributions that might be received could thus be limited to 20c or less per person of voting age for such office. This limitation on the total amount of contributions would probably be more effective than merely adding the 10c or less limitation for all expenses other than media advertising. I would also feel that the candidate's own expenditures should be treated as contributions to the campaign.

I submit that there is even greater need to limit expenditure for nonmedia advertising than for media advertising. Media advertising is open and aboveboard and available for all to see. Overuse of media advertising might even be counter-productive if the electorate felt that the candidate was overspending in that field. The nonmedia expenditures would not be as apparent to the public but could be as effective and as expensive. It would be in the field of nonmedia expenditures that irregularities, or corrupt practices or abuses, if any, might be more likely to occur. A limit should be placed on nonmedia expenditures, and I plan to offer an amendment providing for such a limit.

JAMES B. ALLEN.

AMENDMENT NO. 307

(Ordered to be printed and to lie on the table.)

COMPARABLE UNIT RATE AMENDMENT

Mr. STEVENS. Mr. President, today I am introducing an amendment to S. 382, to promote fair campaign practices in Federal elections, which is designed to prevent political candidates from reaping an economic windfall because of the lowest unit rate provisions of this legislation.

Specifically, my amendment would alter section 101(b), which deals with broadcast media, by eliminating the requirement that such media charge political candidates for Federal elective office their lowest unit rate during the 45-day period preceding a primary election and the 60-day period preceding a special or general election and by substituting in lieu thereof a requirement that such candidates be assessed the rates charged for the "same class and amount of time and same frequency of use" during the specified periods. Similarly, my amendment would change section 103(b), which deals with nonbroadcast media, by eliminating the lowest unit pricing requirement and substituting a requirement that candidates be assessed the rate charged others by the person furnishing such medium for the "same class and amount of space and same frequency of use" during the time periods stipulated in the bill.

As presently written, sections 101(b) and 103(b) would require that a candidate purchasing prime television and radio time or buying space in the printed media be provided the same preferential rates that the media now gives its volume customers in order to attract additional advertising. Thus, these provisions would give volume advertising rates to a preferred group the members of which may very well not qualify under the usual volume and space criteria. In this sense, we are creating a discriminatory preference.

While I joined in voting to report S. 382, which I believe to be an important step forward in Federal campaign reform, I am strongly opposed to the concept of lowest unit pricing. One of the primary purposes of S. 382 is to limit political campaign expenditures. This is the effect of other sections of the bill. However, since sections 101(b) and 103(b) would drastically increase the value of the political dollar during the specified periods, this laudable goal would be partially thwarted. This is so because the amount of time and advertising space which a candidate could purchase with a specific amount of money would be substantially increased. Thus, these provisions are nothing more than a giveaway within the overall context of a limitation on political expenditures. If sections 101(b) and 103(b) are enacted, the broadcast and nonbroadcast media will be jammed during election time with political advertisements that do not meet the usual lowest unit pricing criteria.

In addition to thwarting one of the major purposes of S. 382, these provisions would have an extremely adverse economic impact on small broadcasters and elements of the print media. This impact would result from the fact that sections 101(b) and 103(b) would compel many elements of the media to give politicians bargain rates during prime time or in advertising space which could be more profitably utilized if allocated to other customers. In order to survive, some components of the media would find it necessary to abandon lowest unit pricing altogether. In many instances, the loss of income incurred by those radio and television stations, newspapers, and magazines which decide to retain lowest unit pricing would be just as great as for those which abandon it.

In my State of Alaska, which has many small broadcasters and elements of the print media, the economic consequences of sections 101(b) and 103(b) would be specially acute. The Alaska media is doing its best to provide our small population with modern, quality news and programing services; however, they are doing so on what often amounts to a shoestring budget. To impose additional economic burdens on an industry which is now beleaguered by high taxes and other problems would result in the collapse of some broadcasters, newspapers, and other publications. This would be most unfortunate.

On a nationwide basis, the failure of some media elements would result in the increasing aggregation of communications resources in a few individuals and corporations. This type of aggregation is foreign to one of the basic tenets of our democracy; that is, that our citizens should be exposed to many ideas and points of view from which the best ideas will ultimately emerge. Over the years, we have seen an alarming decrease in the number of newspapers which serve the various cities of this Nation. This decrease is due to many factors. I do not want to see the Congress, through the enactment of restrictive legislation, add another factor which is sure to accelerate the trend toward the consolidation of communications media.

In many parts of Alaska and in other rural areas throughout the Nation, the collapse of small broadcast and print media would result in the termination of all sources of information, not just the end of a healthy competition between different sources. Again, one of the basic premises of our democracy would be violated since the citizenry in these areas would not have the information necessary to make the type of informed decisions upon which the ideological health of our Nation is so heavily dependent. In addition, in places like Alaska where access to weather data and public service information is so important to the safety of the people, the collapse of the commercial media would mean that Federal, State, and local governments would have to provide all such essential information. This would be most costly and unnecessary, especially in view of the willingness of the commercial media to disseminate public service information provided that governmental regulation does not deprive them of the economic wherewithal to do so.

Mr. President, I believe that the considerations which I have referred to today are compelling reasons for the elimination of the lowest unit pricing concept from S. 382, which, as amended by the Committees on Commerce and Rules, is indeed an important statement of political campaign reform. Accordingly, I ask the Members of this body to act favorably on the amendment which I have just described.

I ask unanimous consent that the amendment be printed at this point in the CONGRESSIONAL RECORD. In addition, I also request that the rate schedule of certain broadcast and nonbroadcast media in my State be printed in order to document further the contentions which I have made today.

There being no objection, the amendment and material were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 307

On page 3, line 14, strike out "amount of time" and insert in lieu thereof "class and amount of time and same frequency of use".

On page 10, line 6, strike out "amount of space." and insert in lieu thereof "class and amount of space and same frequency of use".

KWKO FM STEREO, 102.1 MHZ—COMMERCIAL ANNOUNCEMENTS

Weekly rates	6	12	18	24	30
1 minute:					
AAA	5.50	5.00	4.85	4.60	4.35	4.10
AA	4.25	4.00	3.80	3.60	3.40	3.20
ROS	4.00	------	3.60	3.40	3.20	------
½ minute:					
AAA	4.50	4.00	3.90	3.70	3.50	3.20
AA	3.25	3.00	2.80	2.60	2.50	2.30
ROS	2.50	------	2.40	2.30	2.20	------

	13 week	26 week	52 week
Earned rate:			
1 minute	3.80	3.50	3.00
½ minute	2.75	2.60	2.10

Notes: AAA: Monday through Friday, 7 to 9 a.m. and 5 to 11 p.m. Saturday and Sunday, 9 a.m. to 11 p.m. AA: Monday through Friday, 9 a.m. to 5 p.m. ROS: Monday through Sunday, 6 a.m. to 1 a.m. ER: Earned rate is based on a minimum 13 week schedule with no less than 3 announcements per week. Air time is ROS between 7 a.m. and 11 p.m.

KBYR—ANCHORAGE, SINGLE RATE CARD NO. 1, JAN. 1, 1971

Times per week (seconds)	AAA [1]	AA [2]	A [3]
1 Time:			
60	12.50	11.00	9.50
30	10.00	9.00	8.50
3—Time:			
60	12.00	10.50	9.00
30	9.50	8.50	8.00
6—Time:			
60	11.50	10.00	8.50
30	9.00	8.00	7.50
12—Time:			
60	10.00	8.50	7.00
30	8.00	7.00	6.50
18—Time:			
60	9.00	7.50	6.00
30	7.00	6.00	5.50
24—Time:			
60	8.00	6.50	5.00
30	6.00	5.00	4.50

[1] Class AAA time: Monday to Friday, 6 to 9 a.m. and 3 to 7 p.m. Saturday, 9 to 7 p.m., Sunday 12 noon to 7 p.m.

[2] Class AA time: Monday to Friday, 9 a.m. to 3 p.m. Saturday, 6 to 9 a.m. Sunday, 6 a.m. to 12 noon.

[3] Class A time: Monday to Sunday, 7 p.m. to 12 midnight. Class B time: All remaining times.

Note: 10 seconds 50 percent of comparable minute rate, excluding A and B rates. Minimum charge $4.

ALL ANNOUNCEMENTS COMBINE FOR FREQUENCY DISCOUNTS

[Total audience plan, ½ AAA, ½ AA.]

	60 seconds	30 seconds
Plan 1—12 per week (each)	9	7.25
Plan 2—18 per week (each)	8	6.25
Plan 3—24 per week (each)	7	5.25

Note: Annual discounts: 208 times, use 6 plan weekly rates; 426 times, use 12 plan weekly rates; 780 times, use 18 plan weekly rates; 1,040 times, use 24 plan weekly rates.

KNIK—FM ANCHORAGE—SINGLE RATE CARD NO. 2, JUNE 1, 1971

Times per week (seconds)	AAA	AA	A
1 time:			
60	9.60	7.00	5.00
30	7.70	5.60	4.00
3 times:			
60	8.20	6.00	4.40
30	6.60	4.80	3.50
6 times:			
60	7.40	5.40	4.00
30	5.90	4.30	3.20
12 times:			
60	6.20	4.80	3.60
30	5.00	3.80	2.80
18 times:			
60	5.80	4.40	3.00
30	4.60	3.50	2.40
24 times:			
60	5.20	4.00	2.80
30	4.20	3.20	2.20

NOTES

Time segments:
- Class AAA time:
  - Monday to Friday, 6 to 9 a.m. and 3 to 7 p.m.
  - Saturday, 9 a.m. to 7 p.m.
  - Sunday, 12 noon to 7 p.m.
- Class AA time:
  - Monday to Friday, 9 a.m. to 3 p.m.
  - Saturday, 6 to 9 a.m.
  - Sunday, 6 a.m. to 12 noon.
- Class A time: Monday to Sunday, 7 p.m. to 12 midnight.
- Class B time: All remaining times.
- ROS: Use AA rates.

B rates available on request.

10 seconds—50 percent of comparable minute rate, excluding A and R rates. Minimum charge $2.

All announcements combine for frequency discounts.

Total audience plan (½AAA and ½AA)	Per week	60 seconds	30 seconds
Plan 1	12	5.50	4.40
Plan 2	18	5.10	4.00
Plan 3	24	4.60	3.70

Frequency discounts:
- 208 times, use 6 plan weekly rates.
- 426 times, use 12 plan weekly rates.
- 780 times, use 18 plan weekly rates.
- 1,040 times, use 24 plan weekly rates.

KENI RADIO, POST OFFICE BOX 1160, ANCHORAGE, ALASKA

(Local rate card No. 8, effective Aug. 1, 1969)

Times	hour	½ hour	¼ hour	10 minutes	5 minutes
1	$100	$55	$35	$25	$20
26	85	50	30	22	18
52	75	42	25	18	15

PRIME TIME—AAA, MONDAY THROUGH FRIDAY 6 A.M. AND 4-6 P.M.—SATURDAY 10 A.M.-6 P.M. SUNDAY 12 NOON-6 P.M.

60-second minimum—weekly:	30-second minimum—weekly:
3 for $25.50, at $8.50.	3 for $21, at $7.
10 for $80, at $8.	10 for $65, at $6.50.
20 for $150, at $7.50.	20 for $120, at $6.

PREFERRED TIME—AA, 9 A.M.-4 P.M.

60-second minimum—weekly:
- 3 for $22.50 at $7.50.
- 10 for $70 at $7.
- 20 for $130 at $6 50.

30-second minimum—weekly:
- 3 for $18 at $6.
- 10 for $55 at $5.50.
- 20 for $100 at $5.

BEST TIME AVAILABLE ANNOUNCEMENTS

60-second minimum—$5.50; each—6 p.m. to 6 a.m.
30-second minimum—$4.50 each—6 p.m. to 6 a.m.
10-second identification announcements—minimum 10 spots 50 percent of applicable 60-second rate.

ALASKA BROADCASTING SYSTEM, GENERAL RATE CARD, KTVA-TV, CHANNEL 11

Programs	1	26	52	Spot announcements	1	13	26	52	104	156	260
60 minutes:				60 seconds:							
A	$300.00	$250.00	$200.00	A	$80.00	$75.00	$70.00	$65.00	$60.00	$55.00	$50.00
B	225.00	187.50	150.00	B	60.00	56.25	52.50	48.75	45.00	41.25	37.50
C	150.00	125.00	100.00	C	40.00	37.50	35.00	32.50	30.00	27.50	25.00
30 minutes:				30 seconds:							
A	200.00	150.00	115.00	A	48.00	45.00	42.00	39.00	36.00	33.00	30.00
B	150.00	112.50	86.25	B	36.00	33.75	31.50	29.25	27.00	24.75	22.50
C	100.00	75.00	57.50	C	24.00	22.50	21.00	19.50	18.00	16.50	15.00
15 minutes:				20 seconds:							
A	150.00	125.00	95.00	A	40.00	37.50	35.00	32.50	30.00	27.50	25.00
B	112.50	95.25	71.25	B	30.00	28.00	26.25	24.50	22.50	20.50	18.75
C	75.00	62.50	47.50	C	20.00	18.75	17.50	16.25	15.00	13.75	12.50
5 minutes:				10 seconds:							
A	100.00	80.00	70.00	A	32.00	30.00	28.00	26.00	24.00	22.00	20.00
B	75.00	60.00	52.50	B	24.00	22.50	21.00	19.50	18.00	16.50	15.00
C	50.00	40.00	35.00	C	16.00	15.00	14.00	13.00	12.00	11.00	10.C0

NOTES

Time classifications:
A—7 p.m. to 10 p.m. daily.
6 p.m. to 10:30 p.m. Sunday.
B—5 p.m. to 7 p.m. and 10 p.m. to 11 p.m. daily.
4 p.m. to 6 p.m. and 10:30 p.m. to 11 p.m. Sunday.
C—All other times.

Weekly Rate:
3 times 104 rate.
5 times 156 rate.
10 times 260 rate.

KYAK (RATE CARD NO. 4, EFFECTIVE APR. 1, 1971)

	60's	30's
Weekly AAA rates:		
25 times	9.00	7.50
20 times	10.50	9.00
15 times	12.00	10.50
10 times	13.50	12.00
5 times or less	15.00	13.50
Weekly AA rates:		
25 times	7.50	6.50
20 times	9.00	8.00
15 times	10.50	9.50
10 times	12.00	11.00
5 times or less	13.50	12.50
Weekly A rates:		
25 times	5.00	4.00
20 times	5.50	4.50
15 times	6.00	5.00
10 times	7.00	6.00
5 times or less	8.00	7.00
Weekly B rates:		
25 times	4.00	3.00
20 times	4.50	3.50
15 times	5.00	4.00
10 times	6.00	5.00
5 times or less	7.00	6.00

Note: Total audience plan (various times) 4 times a day, A-AAA time: 60 seconds (120 mo) $6.60; 30 seconds (120 mo) $5.60.

KFRB RADIO—OPEN RATES EFFECTIVE JUNE 15, 1970

SPOT ANNOUNCEMENTS

"A" time (6 a.m. to 6 p.m.)

	Specified	ROS
60 second	$6.00	$5.50
30 second	5.00	4.50
20 second	4.00	3.50

"B" time (6 p.m. to 6 a.m.)

	Specified	ROS
60 second	$4.50	$4.00
30 second	3.50	3.00
20 second	2.75	2.50

Programs: 60 minute, $85; 30 minute, $60; 15 minute, $35; 10 minute, $26; 5 minute, $16.

Specials: 4 10-minute remotes (within 2 days), $75; 4-hour remote from business, $225; daily 2-minute feature (5 times), $40 per week; daily 5-minute feature (5 times), $50 per week; CBS News, half sponsorship, $240 per month; CBS News, full sponsorship, $400 per month. Discounts: 3 month contract, 5 percent; 6 month contract, 10 percent.

RETAILER'S PACKAGES

Time and number per day	5 days	7 days	20 days	30 days
30 second:				
5 (2 "A," 3 "B")	$70	$95	$250	$350
8 (4 "A," 4 "B")	110	150	360	530
60 second:				
5 (2 "A," 3 "B")	95	140	350	520
8 (4 "A," 4 "B")	150	215	550	800

Note: Local retailers only—Spots ROS—No discounts.

MIDNIGHT SUN BROADCASTERS, INC., KFAR-FAIRBANKS, ALASKA

	Number of times								
	1	13	26	52	104	156	260	312	365
1 hour	$90.75	$87.00	$83.40	$81.70	$76.35	$72.60	$68.92	$65.20	$61.90
½ hour	58.20	54.45	50.80	49.15	43.40	41.70	40.05	36.30	32.65
¼ hour	34.65	32.65	31.00	28.90	27.25	25.60	23.55	21.90	18.15
5 minutes	21.90	19.80	18.05	17.35	15.30	14.50	13.65	10.75	9.90
1 minute	10.25	8.60	7.25	5.70	5.60	5.30	5.00	4.65	4.20
30 seconds	5.95	5.25	5.00	4.75	4.65	4.50	4.35	4.00	3.70

SPOT PACKAGE RATES—RUN OF SCHEDULE[1]

MINUTES		30 SECONDS	
10 per week	$57.00	10 per week	$47.50
15 per week	84.00	15 per week	69.75
20 per week	106.00	20 per week	90.00
25 per week	125.00	25 per week[1]	108.75
30 per week	139.50	30 per week	120.00
35 per week	147.00	35 per week	129.50
50 in 10 days	198.00	50 in 10 days	175.00

Note: 10 second spots—10 per day at $25. Minimum of 5 per day at $15.

[1] Special times are 20 percent additional. All spots are preemptible for special events.

KINY-TV-CHANNEL 8, JUNEAU, NBC, ABC, EFFECTIVE: APRIL 1, 1970

	Times—												
	1	26	52	104	156	260		1	26	52	104	156	260
Class AA: 7:00–10:00 p.m. daily:							1 minute	$27.00	$23.00	$22.00	$20.00	$18.00	$17.00
1 hour	$84.00	$72.00	$60.00				30 seconds	17.00	14.00	13.00	12.00	11.00	10.00
½ hour	51.00	48.00	45.00				20 seconds	14.00	12.00	11.00	10.00	9.00	8.00
¼ hour	42.00	39.00	36.00				10 seconds	11.00	10.00	9.00	8.00	7.50	7.00
Class A: 6:00–7:00 p.m. daily 10:00–10:30 p.m. daily:							1 minute	20.00	18.00	17.00	15.00	14.00	12.00
1 hour	63.00	54.00	45.00				30 seconds	12.00	11.00	10.00	9.00	8.00	7.50
½ hour	38.00	36.00	34.00				20 seconds	10.00	9.00	8.00	7.50	7.00	6.50
¼ hour	32.00	29.00	27.00				10 seconds	8.00	7.00	6.50	6.00	5.50	5.00
Class B: 5:00 to 6:00 p.m. daily 10:30 to 12:00 midnight daily:							1 minute	15.00	14.00	13.00	12.00	11.00	9.00
1 hour	50.00	43.00	36.00				30 seconds	9.00	8.50	8.00	7.00	6.50	6.00
½ hour	30.00	29.00	27.00				20 seconds	8.00	7.00	6.50	6.00	5.50	5.00
¼ hour	25.00	23.00	22.00				10 seconds	6.00	5.50	5.00	4.50	4.00	3.50
Class C: All other times:							1 minute	11.00	10.00	9.00	8.00	7.00	6.00
1 hour	38.00	34.00	31.00				30 seconds	6.50	6.00	5.50	5.00	4.50	4.00
½ hour	22.00	21.00	19.00				20 seconds	5.50	5.00	4.50	4.00	3.50	3.00
¼ hour	16.00	14.00	13.00				10 seconds	4.50	4.00	3.50	3.00	2.50	2.00

KINY-RADIO, 800 KHZ; JUNEAU, ALASKA; NBC, ABC, EFFECTIVE: APRIL 1, 1970

	Times—						
	1	13	26	52	104	156	260
Specified time:							
1 hour	$50.00	$48.00	$46.00	$45.00	$42.00	$40.00	$38.00
½ hour	32.00	30.00	28.00	27.00	25.00	23.00	22.00
¼ hour	19.00	18.00	17.00	16.00	15.00	14.00	13.00
5 minutes	12.00	11.00	10.00	9.50	8.50	8.00	7.50
1 minute	6.50	6.00	5.50	5.00	4.50	4.25	4.00
30 seconds	4.00	3.75	3.50	3.25	3.25	3.00	2.75
10 seconds	2.00						

Package plans:

Short term packages: Radio (must run in 3 day period) run of station:

10 to 30 sec. ROS spots	$30
20 to 30 sec. ROS spots	60
30 to 30 sec. ROS spots	75
10 to 60 sec. ROS spots	50
20 to 60 sec. ROS spots	100
30 to 60 sec. ROS spots	130

Short term packages: Television (must run in 3 day period) Class AA time:

10 to 30 sec. AA spots	100
20 to 30 sec. AA spots	190
30 to 30 sec. AA spots	220
10 to 60 sec. AA spots	200
20 to 60 sec. AA spots	270
30 to 60 sec. AA spots	310

Note: 3 plan, earns 104 times rate; 5 plan, earns 156 times rate; 10 plan, earns 260 times rate.

KJNO RADIO, JUNEAU—RETAIL RATE CARD EFFECTIVE JAN. 1, 1970, RATES NET TO STATION

Number of times	1 hour	30 minutes	15 minutes	10 minutes	5 minutes	1 minute	30 seconds	Number of times	1 hour	30 minutes	15 minutes	10 minutes	5 minutes	1 minute	30 seconds
3,000						$2.20	$1.55	156	$43.00	$31.00	$14.25	$11.00	$7.00	$3.75	$2.75
2,000						2.60	1.70	104	47.50	33.00	15.00	12.50	8.75	3.80	2.80
1,500						2.70	1.85	52	49.75	34.25	17.50	13.25	9.25	4.00	2.85
1,000						2.85	2.05	26	52.50	35.25	18.50	13.50	9.80	4.25	3.10
624			$10.00	$9.05	$5.50	3.15	2.20	13	57.00	37.00	19.00	14.25	10.00	4.35	3.20
312	$39.00	$28.50	12.50	9.50	6.00	3.40	2.50	1	60.00	40.00	22.50	16.00	10.50	4.45	3.30
260	40.50	30.00	13.25	10.00	6.35	3.65	2.65								

SPOT PACKAGES

	60 seconds	30 seconds	10 seconds
300 ads within 1-month period.	810.00	516.00	½ 60-second rate.
150 ads within 1-month period.	429.00	314.00	
100 ads within 1-month period.	314.00	220.00	
50 ads within 1-month period.	170.50	121.00	
25 ads within 1-month period.	90.75	63.25	
15 ads within 2-week period.	59.50	43.00	

KFQD RADIO, ANCHORAGE, ALASKA

Yearly (weekly) duration	Drive time 6–10a 3–7p	Housewife time 10a–3p 7–9a	Other time
(1 to 19):			
60 seconds	10.00	8.50	6.75
30 seconds	7.50	6.40	5.10
260 (20 to 29):			
60 seconds	9.00	7.60	6.00
30 seconds	6.70	5.70	4.50
500 (30 to 39):			
60 seconds	8.50	7.20	5.70
30 seconds	6.40	5.40	4.20
1,000 (40 or more):			
60 seconds	7.50	6.40	5.00
30 seconds	5.60	4.80	3.75

Note: Specified takes next higher rate (10 seconds is 50 percent of minute) (Saturday and Sunday take housewife ime).

COMBINATION PACKAGES

Weekly and duration	Drive-housewife-other	Cost
10:		
60 seconds	2–5–3	$80
30 seconds		60
20:		
60 seconds	4–10–6	145
30 seconds		110
30:		
60 seconds	6–15–9	198
30 seconds		150

Note: 10 seconds is 50 percent of minute.

PROGRAMS

Yearly	1 hour	30 minutes	15 minutes	5 minutes
1	125.00	75.00	50	20
52	112.50	67.50	45	18

MIDNIGHT SUN BROADCASTERS, INC., KFAR-TV (CHANNEL 2) FAIRBANKS (NBC-ABC) EFFECTIVE NOV. 1, 1969

CLASS AA: 7–10 P.M. DAILY

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	$168	$144	$120			
½ hour	102	96	90			
¼ hour	84	78	72			
1 minute	55	46	44	$39	$36	$33
30 seconds	33	28	26	23	22	20
20 seconds	28	23	22	20	18	17
10 seconds	22	19	17	16	14	13

CLASS A: 6–7 P.M. DAILY AND 10–10:30 P.M. DAILY

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	$126	$108	$90			
½ hour	77	72	68			
¼ hour	63	59	54			
1 minute	41	35	33	$29	$27	$25
30 seconds	25	21	20	17	16	14
20 seconds	20	17	16	14	13	12
10 seconds	16	14	13	12	11	10

CLASS B: 5–6 P.M. DAILY AND 10:30–12 MIDNIGHT DAILY

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	$101	$86	$72			
½ hour	61	58	54			
¼ hour	50	47	43			
1 minute	30	28	26	$23	$21	$19
30 seconds	18	17	16	14	13	11
20 seconds	15	14	13	12	11	10
10 seconds	13	12	11	10	9	8

CLASS C: ALL OTHER TIMES

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	$67	$58	$48			
½ hour	41	38	36			
¼ hour	34	31	29			
1 minute	21	19	17	$15	$13	$11
30 seconds	13	11	10	9	8	7
20 seconds	11	10	9	8	7	5
10 seconds	9	8	7	6	5	4

Note: 3-plan—earns 104-time rate; 5-plan—earns 156-time rate; 10-plan—earns 260-time rate.

KTVF-11, FAIRBANKS, ALASKA—EFFECTIVE SEPT. 1, 1970

CLASS "A" (7 TO 10:30 P.M. DAILY)

	Number of times					
	1	26	52	104	156	260
SPOT ANNOUNCEMENTS						
60 seconds	40	35	32	30.00	28.00	25.00
30 seconds	24	21	19	18.00	17.00	15.00
10 seconds	16	14	12	10.00	9.00	8.00
60 seconds	30	27	24	22.00	21.00	19.00
30 seconds	18	16	14	13.00	12.00	10.00
10 seconds	12	11	10	9.00	8.00	7.00

	Number of times					
	1	26	52	104	156	260
CLASS "C" (ALL OTHER TIMES)						
60 seconds	20	18	16	14.00	13.00	12.00
30 seconds	12	10	9	8.00	7.50	7.00
10 seconds	8	7	6	5.50	5.00	4.50

Note: There is a $10 charge for 60-second announcements done live or on video tape in studio.

PROGRAMS

	Class "A" (Number of times)				Class "B" and "C" (Number of times)		
	1	26	52	Studio charge	1	26	52
5 minutes	50	40	35	15	35	24	20
15 minutes	75	60	50	20	45	36	30
30 minutes	120	100	80	30	75	60	50
60 minutes	180	150	125	40	110	90	75

MIDNIGHT SUN BROADCASTERS, INC., KENI-TV (CHANNEL 2), ANCHORAGE (NBC-ABC), EFFECTIVE NOV. 1, 1969

CLASS AA: 7 TO 10 P.M. DAILY

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	$280	$240	$200			
½ hour	170	160	150			
¼ hour	140	130	120			
1 minute	101	87	83	$75	$70	$65
30 seconds	61	52	50	45	42	39
20 seconds	51	44	42	38	35	33
10 seconds	40	35	33	30	28	26

CLASS A: 6 TO 7 P.M. AND 10 TO 10:30 P.M. DAILY

1 hour	$210	$180	$150			
½ hour	128	120	113			
¼ hour	105	98	90			
1 minute	76	66	63	$57	$53	$49
30 seconds	45	39	38	33	31	29
20 seconds	38	33	31	28	27	25
10 seconds	30	26	25	23	21	20

CLASS B: 5 TO 6 P.M. AND 10:30 TO 12 MIDNIGHT DAILY

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	$168	$144	$120			
½ hour	102	96	90			
¼ hour	84	78	72			
1 minute	58	54	51	$47	$43	$39
30 seconds	34	32	30	27	25	23
20 seconds	29	27	26	24	22	20
10 seconds	23	22	21	19	17	16

CLASS C: ALL OTHER TIMES

1 hour	$112	$96	$80			
½ hour	68	64	60			
¼ hour	56	52	48			
1 minute	37	34	31	$27	$24	$20
30 seconds	22	20	18	16	14	12
20 seconds	19	17	16	14	12	10
10 seconds	15	14	13	11	10	8

Note: 3 plan—Earns 104-time rate; 5 plan—Earns 156-time rate; 10 plan—Earns 260-time rate.

MIDNIGHT SUN BROADCASTERS, INC.—KFAR-TV (CHANNEL 2) FAIRBANKS (NBC-ABC)

(National rate card No. 8, effective Aug. 1, 1969)

CLASS AA: 7–10 P.M. DAILY

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	$168	$144	$120			
½ hour	102	96	90			
¼ hour	84	78	72			
1 minute	55	46	44	$39	$36	$33
30 seconds	33	28	26	23	22	20
20 seconds	28	23	22	20	18	17
10 seconds	22	19	17	16	14	13

CLASS A: 6–7 P.M. AND 10–10:30 P.M. DAILY

1 hour	$126	$108	$90			
½ hour	77	72	68			
¼ hour	63	59	54			
1 minute	41	35	33	$29	$27	$25
30 seconds	25	21	20	17	16	15
20 seconds	20	17	16	14	13	12
10 seconds	16	14	13	12	11	10

CLASS B: 5–6 P.M. AND 10:30–12 MIDNIGHT DAILY

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	$101	$86	$72			
½ hour	61	58	54			
¼ hour	50	47	43			
1 minute	30	28	26	$23	$21	$19
30 seconds	18	17	16	14	13	11
20 seconds	15	14	13	12	11	10
10 seconds	13	12	11	10	9	8

CLASS C: ALL OTHER TIMES

1 hour	$67	$58	$48			
½ hour	41	38	36			
¼ hour	34	31	29			
1 minute	21	19	17	$15	$13	$11
30 seconds	13	11	10	9	8	7
20 seconds	11	10	9	8	7	5
10 seconds	9	8	7	6	5	4

Note: 3-plan—earns 104-time rate; 5-plan—earns 156-time rate; 10-plan—earns 260-time rate; 3 station buy earns 15-percent discount.

MIDNIGHT SUN BROADCASTERS, INC.—KINY-TV (CHANNEL 8) JUNEAU (NBC-ABC)

(National rate card No. 8, effective Aug. 1, 1969)

Class AA: 7 to 10 p.m. Daily

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	$84.00	$72.00	$60.00			
½ hour	51.00	48.00	45.00			
¼ hour	42.00	39.00	36.00			
1 minute	27.00	23.00	22.00	$20.00	$18.00	$17.00
30 seconds	17.00	14.00	13.00	12.00	11.00	10.00
20 seconds	14.00	12.00	11.00	10.00	9.00	8.00
10 seconds	11.00	10.00	9.00	8.00	7.50	7.00

CLASS A: 6 TO 7 P.M. AND 10 TO 10:30 P.M. DAILY

1 hour	$63.00	$54.00	$45.00			
½ hour	38.00	36.00	34.00			
¼ hour	32.00	29.00	27.00			
1 minute	20.00	18.00	17.00	$15.00	$14.00	$12.00
30 seconds	12.00	11.00	10.00	9.00	8.00	7.50
20 seconds	10.00	9.00	8.00	7.50	7.00	6.50
10 seconds	8.00	7.00	6.50	6.00	5.50	5.00

CLASS B: 5 TO 6 P.M. AND 10:30 TO 12 MIDNIGHT DAILY

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	$50.00	$43.00	$36.00			
½ hour	31.00	29.00	27.00			
¼ hour	25.00	23.00	22.00			
1 minute	15.00	14.00	13.00	$12.00	$11.00	$9.00
30 seconds	9.00	8.50	8.00	7.00	6.50	6.00
20 seconds	8.00	7.00	6.50	6.00	5.50	5.00
10 seconds	6.00	5.50	5.00	4.50	4.00	3.50

CLASS C: ALL OTHER TIMES

1 hour	$38.00	$24.00	$31.00			
½ hour	22.00	21.00	19.00			
¼ hour	16.00	14.00	13.00			
1 minute	11.00	10.00	9.00	$8.00	$7.00	$6.00
30 seconds	6.50	6.00	5.50	5.00	4.50	4.00
20 seconds	5.50	5.00	4.50	4.00	3.50	3.00
10 seconds	4.50	4.00	3.50	3.00	2.50	2.00

Note: 3 plan—Earns 104-time rate; 5 plan—Earns 156-time rate; 10 plan—Earns 260-time rate; 3 station buy earns 15-percent discount.

MIDNIGHT SUN BROADCASTERS, INC.—2 STATION COMBINATION WEEKLY SPOT PACKAGE: KENI-TV (CHANNEL 2) ANCHORAGE (NBC-ABC) AND KFAR-TV (CHANNEL 2) FAIRBANKS (NBC-ABC)

(National rate card No. 8, effective Aug. 1, 1969)

CLASS AA: 7-10 P.M. DAILY

	1 time	3 times	5 times	10 times
60 seconds	$131.50	$93.50	$86.50	$79.00
30 seconds	79.00	56.00	52.00	47.50
20 seconds	66.50	47.50	43.00	40.50
10 seconds	52.00	38.00	34.00	31.50

CLASS A: 6-7 P.M. AND 10-10:30 P.M. DAILY

	1 time	3 times	5 times	10 times
60 seconds	$98.00	$70.00	$65.00	$59.50
30 seconds	59.50	41.50	38.50	36.00
20 seconds	48.50	34.00	32.50	29.50
10 seconds	38.00	28.50	26.00	24.50

CLASS B: 5-6 P.M. AND 10:30-12 MIDNIGHT DAILY

	1 time	3 times	5 times	10 times
60 seconds	$72.00	$56.00	$50.00	$45.00
30 seconds	43.00	33.50	30.50	30.00
20 seconds	36.00	29.00	26.00	23.50
10 seconds	30.00	23.50	20.50	19.00

CLASS C: ALL OTHER TIMES

	1 time	3 times	5 times	10 times
60 seconds	$50.00	$36.00	$31.50	$26.00
30 seconds	30.50	21.50	19.00	16.00
20 seconds	26.00	19.00	16.00	12.50
10 seconds	20.50	14.50	12.50	10.00

MIDNIGHT SUN BROADCASTERS, INC.—3 STATION COMBINATION WEEKLY SPOT PACKAGE: KENI-TV (CHANNEL 2) ANCHORAGE (NBC-ABC); KFAR-TV (CHANNEL 2) FAIRBANKS (NBC-ABC); KINY-TV (CHANNEL 8) JUNEAU (NBC-ABC)

(National rate card No. 8, effective Aug. 1, 1969)

CLASS AA: 7 TO 10 P.M. DAILY

CLASS AA: 7 TO 10 P.M. DAILY

	1 time	3 times	5 times	10 times
60 seconds	$147.00	$105.50	$97.00	$89.00
30 seconds	89.50	63.00	58.65	53.50
20 seconds	75.00	70.50	48.50	45.00
10 seconds	59.00	42.50	38.50	35.50

CLASS A: 6 TO 7 P.M. AND 10 TO 10:30 P.M. DAILY

	1 time	3 times	5 times	10 times
60 seconds	$110.00	$79.00	$73.00	$66.50
30 seconds	66.50	47.00	43.50	40.50
20 seconds	54.50	39.00	36.50	33.50
10 seconds	43.50	32.50	29.50	27.00

CLASS B: 5 TO 6 P.M. AND 10:30 TO 12 MIDNIGHT DAILY

	1 time	3 times	5 times	10 times
60 seconds	$80.00	$63.00	$57.00	$50.00
30 seconds	48.50	37.50	34.50	30.50
20 seconds	41.00	32.50	29.50	26.50
10 seconds	33.00	26.00	23.00	21.00

CLASS C: ALL OTHER TIMES

	1 time	3 times	5 times	10 times
60 seconds	$57.00	$41.00	$35.50	$30.00
30 seconds	34.50	25.00	21.50	18.50
20 seconds	29.50	21.00	18.50	14.50
10 seconds	23.50	16.00	14.00	11.00

FAIRBANKS DAILY NEWS-MINER DISPLAY ADVERTISING RATES, REVISED NOV. 1, 1970

	Net[1]	Gross
Open rate, without contract	$2.70	$3.00

ANNUAL CONTRACTS FOR MINIMUM WEEKLY SPACE

	Per column inch	
	Net rate[1]	Gross rate
At least 2 inches each of 50 weeks	$2.34	$2.60
At least 6 inches each of 50 weeks	2.25	2.50
At least 12 inches each of 50 weeks	2.205	2.45
At least 30 inches each of 50 weeks	2.151	2.39
At least 60 inches each of 50 weeks	2.115	2.35
At least 120 inches each of 50 weeks	2.061	2.29
At least 189 inches each of 50 weeks	2.025	2.25
At least 350 inches each of 50 weeks	1.989	2.21
At least 500 inches each of 50 weeks	1.953	2.17
At least 750 inches each of 50 weeks	1.917	2.13

ANNUAL CONTRACTS FOR YEARLY BULK SPACE WITH AND WITHOUT MONTHLY MINIMUM SPACE

350 inches within 12 months	$2.637	$2.93
With at least 20 inches every month	2.529	2.81
750 inches within 12 months	2.538	2.82
With at least 45 inches every month	2.439	2.71
1,250 inches within 12 months	2.43	2.70
With at least 75 inches every month	2.34	2.60
2,500 inches within 12 months	2.331	2.59
With at least 150 inches every month	2.25	2.50
5,000 inches within 12 months	2.241	2.49
With at least 300 inches every month	2.16	2.40
10,000 inches within 12 months	2.151	2.39
With at least 600 inches every month	2.07	2.30

NONCONTRACT DISPLAY RATES

Church services, benefits, rummage sales, charitable entertainments, community enterprises	$2.25	$2.50
Cash advertising: Professional sports events, transient amusements and the like	2.70	3.00
Political advertising	2.70	3.00
All political advertising cash with copy.		

COLOR RATES

	Extra charges	
	Net[1]	Gross
1 color and black:		
Full page or less	$54.00	$60.00
Double truck	157.50	175.00
2 colors and black:		
Full page or less	103.50	115.00
Double truck	211.50	235.00
3 colors and black:		
Full page or less	153.00	170.00
Double truck	346.50	385.00

TABLOID SECTIONS

[A full tabloid page is the equivalent of one-half of a standard page in the Daily News-Miner. The format for tabloid pages is four columns that are wider than conventional columns, thus adding extra space in width to each column inch. Space in tabloid sections is charged as follows:]

Basic space	Tabloid inches
Tabloid:	
Double Truck	180
Full Page	92
¾ Page	69
½ Page	46
¼ Page	23
⅛ Page	11½
1/16 Page	6

Note: Space in all tabloid sections will be charged as shown above to both contract and noncontract advertisers.

TOURIST GUIDE

	Net[1]	Gross
Per inch per edition	$2.70	$3.00

PROGRESS EDITION

	Net[1]	Gross
Tabloid:		
Double truck	$630	$700
Full page	324	360
¾ page	252	280
½ page	180	200
¼ page	99	110
⅛ page	54	60

NOTES

Contract advertisers: Advertisers having annual contracts for display space in the Daily News-Miner will be charged at their established contract rate, plus $1 per inch (gross) for advertising in the Progress edition.

Progress edition color: Color in the Progress edition will be charged at the rate shown on this card, plus $21.50 for each color. This color charge applies alike to contract and noncontract advertisers.

PREPRINTS (INSERTS)

Preprints are charged at ¼ advertisers gross rate or $500, whichever is greater. Number of column inches is computed by measuring to the nearest column width by inches deep times number of pages.

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[1] Net rates apply only when account is current and payment is received no later than the 15th of the following month.

FOR YOUR CONVENIENCE USE THIS HANDY SCALE OF NET COSTS IN PLANNING YOUR ADVERTISING INVESTMENT

Form of contract	Average or minimum weekly net cost	Average or minimum monthly net cost	Total annual net cost	Total annual space (inches)	Net rate
2 inches weekly	$4.68	$18.72	$234.00	100	$2.34
6 inches weekly	[1] 13.50	[1] 54.00	675.00	300	2.25
350 inches with 20 inches monthly	17.70	[1] 50.58	885.15	350	2.529
350 inches annually	18.45	76.91	922.95	350	2.637
12 inches weekly	[1] 26.46	[1] 105.84	1,323.00	600	2.205
750 inches with 45 inches monthly	36.59	[1] 109.76	1,829.25	750	2.439
750 inches annually	38.07	158.63	1,903.50	750	2.538
1,250 inches with 75 inches monthly	58.50	[1] 175.50	2,925.00	1,250	2.34
1,250 annually	60.75	253.12	3,037.50	1,250	2.43
30 inches weekly	[1] 64.53	[1] 258.12	3,226.50	1,500	2.151
2,500 inches with 150 inches monthly	112.50	[1] 337.50	5,625.00	2,500	2.25
2,500 inches annually	$116.55	$485.63	$5,827.50	2,500	$2.331
60 inches weekly	[1] 126.90	[1] 528.75	6,345.00	3,000	2.115
5,000 inches with 300 inches monthly	162.00	[1] 648.00	10,800.00	5,000	2.16
5,000 inches annually	233.44	933.75	11,205.00	5,000	2.241
120 inches weekly	[1] 247.32	[1] 1,483.92	12,366.00	6,000	2.061
189 inches weekly	[1] 382.73	[1] 1,594.69	19,136.25	9,450	2.025
10,000 inches with 600 inches monthly	414.00	[1] 1,242.00	20,700.00	10,000	2.07
10,000 inches annually	430.20	1,792.50	21,510.00	10,000	2.151
350 inches weekly	[1] 685.65	[1] 2,742.60	34,282.50	17,500	1.989
500 inches weekly	[1] 976.50	[1] 3,906.00	48,825.00	25,000	1.953
750 inches weekly	[1] 1,437.50	[1] 5,750.00	71,875.00	37,500	1.917

[1] Denotes minimum weekly or monthly cost. Other figures are average cost per week or per month.

TUNDRA TIMES ADVERTISING RATES

Reg. display ads: $2 per column inch.
Business directory: $1.50 per column inch.
Half page: $67.50.
Full page: $128.
Classified: 35 cents per line: 1st insertion; 25 cents thereafter
Legal advertising: 25 cents per line: 1st insertion; 20 cents thereafter.

DISPLAY ADVERTISING RATES

	Per inch
Monthly rates:	
10 inches	$2.70
20 inches	2.60
30 inches	2.50
40 inches	2.40
50 inches	2.30
60 inches	2.20
70 inches	2.10
80 inches	2.00

Note: Monthly rates will be determined by the number of inches used during the month.

Double truck rates: One full column, 16 inches, will be added to two pages for a total of 176 inches for a double truck ad.
National advertising rate: Per line, $0.20.
Political and propaganda: Cash with copy, this is required by U.S. Public Law 722. Charged at normal display rate.

SOUTHEAST ALASKA EMPIRE

Guaranteed position charge: 10 percent.
Repeat ad discount—Ads 42 inches or larger may be repeated 1 time at half the earned rate within the same billing period if no changes in copy are made.
Business directory listing—2 inches, 3 times a week, 6 months contract, $25 per month.
Preprint insert charges.—30 percent of earned rate plus $30 handling fee, figured on a full page minimum. Insert must show "Supplement to S. E. Alaska Empire" in upper right hand corner of supplement front page.
Save—A big 5 cent per col. inch. A 5 cent per inch discount may be taken if paid by 10th of month following billing date unless an unpaid balance is due.
Advertising rates open rate $2.60 per col. inch National line rate: 19c per agate line.
Contract rates—Daily contract rate 4 col. inch minimum (Per col. inch) $1.55.

YEARLY CONTRACT BULK RATES—FOR SEASONAL ADVERTISERS

Column inches	Billed rate
1,200 to 2,999 inches per year	$1.85
3,000 to 5,999 inches per year	1.75
6,000 to 8,999 inches per year	1.65
9,000 to 10,000 inches per year	1.55
Full page or more weekly	1.35

YEARLY CONTRACT RATES ON MONTHLY BASIS—FOR CONSISTANT ADVERTISERS

Column inches	Billed rate
25 to 99	$1.95
100 to 249	1.85
250 to 499	1.75
500 to 749	1.65
750 to 849	1.55
Full page or more weekly	1.35

20 percent discount granted to charitable and nonprofit organizations.

DISPLAY ADVERTISING RATES—EFFECTIVE NOV. 1, 1969

	per column inch
Open—without contract	$3.00

ANNUAL CONTRATCS FOR WEEKLY SPACE

At least 4 inches each of 50 weeks	2.32
At least 8 inches each of 5u weeks	2.20
At least 15 inches each of 50 weeks	2.12
At least 30 inches each of 50 weeks	2.05
At least 60 inches each of 50 weeks	1.98
At least 100 inches each of 50 weeks	1.92
At least 172 inches each of 50 weeks	1.88
At least 344 inches each of 50 weeks	1.84
At least 500 inches each of 50 weeks	1.80
At least 750 inches each of 50 weeks	1.76
At least 1,000 inches each of 50 weeks	1.72
At least 1,500 inches each of 50 weeks	1.68

ANNUAL CONTRACTS FOR BULK SPACE, WITH AND WITHOUT MINIMUM MONTHLY SPACE

300 inches within 1 year	$2.65
With at least 15 inches every month	2.55
500 inches within 1 year	2.54
With at least 30 inches every month	2.45
1,000 inches within 1 year	2.44
With at least 60 inches every month	2.35
1,500 inches within 1 year	2.34
With at least 90 inches every month	2.25
2,500 inches within 1 year	2.24
With at least 150 inches every month	2.16
3,500 inches within 1 year	2.15
With at least 210 inches every month	2.07
5,000 inches within 1 year	2.08
With at least 300 inches every month	2.02
10,000 inches within 1 year	2.03
With at least 600 inches every month	1.95
15,000 inches within 1 year	1.96
With at least 900 inhces every month	1.89
25,000 inches within 1 year	1.90
With at least 1,500 inches every month	1.83
35,000 inches within 1 year	1.84
With at least 2,100 inches every month	1.79

MONTHLY EARNED RATES WITHOUT CONTRACT—FOR TOTAL SPACE USED IN 1 CALENDAR YEAR

Up to 30 inches—Open rate	$3.00
30 to 299 inches	2.65
300 to 499 inches	2.50
500 to 999 inches	2.40
1,000 to 1,749 inches	2.30
1,750 to 2,999 inches	2.20
3,000 to 4,999 inches	2.10
5,000 inches or more	2.00

EXTRA CHARGES FOR COLOR

Black and 1 color; no minimum:	
Up to 1 page	$65.00
Double truck	90.00
Black and two colors; 70 inch minimum:	
Up to 1 page	110.00
Double truck	160.00
Black and 3 colors; 70 inch minimum:	
Up to 1 page	160.00
Double truck	240.00
Front page 2d sec., 2 cols. by 5 inches only; flat	50.00
Legal and public notices; per line	.30

ANCHORAGE DAILY NEWS, ANCHORAGE, ALASKA

RETAIL STORE ADVERTISING RATES, EFFECTIVE MAY 1, 1971

	Per column inch		
	Daily	Sunday	Wednesday
Open—Without contract	$1.31	$2.10	$2.25

ANNUAL CONTRACTS FOR WEEKLY SPACE

	Per column inch		
	Daily	Sunday	Wednesday
At least—			
4 inches each of 50 weeks	$1.05	$1.80	$1.95
8 inches each of 50 weeks	1.00	1.65	1.80
15 inches each of 50 weeks	.95	1.55	1.72
30 inches each of 50 weeks	.91	1.45	1.65
60 inches each of 50 weeks	.87	1.35	1.56
100 inches each of 50 weeks	.84	1.25	1.48
172 inches each of 50 weeks	.80	1.15	1.37
350 inches each of 50 weeks	.75	1.10	1.24
500 inches each of 50 weeks	.71	1.07	1.21
750 inches each of 50 weeks	.67	1.05	1.19
1,000 inches each of 50 weeks	.63	1.03	1.17
1,500 inches each of 50 weeks	.60	1.00	1.16
Per page (21" ×8 columns)	176.40	302.40	327.60
	168.00	277.20	302.40
	159.60	260.40	288.96
	152.88	243.60	277.20
	146.16	226.80	262.08
	141.12	210.00	248.64
	134.40	193.20	230.16
	126.00	184.80	208.32
	119.28	179.76	203.28
	112.66	176.40	199.92
	105.84	173.04	196.56
	100.80	168.00	194.88

COMBINATION PAGE RATES

Wednesday/ Sunday or Sunday/ Wednesday	Wednesday and 1 other weekday in same week	Sunday and 1 other weekday except Wednesday	Any 2 days in 7 except Wednesday or Sunday
$574.63	$459.65	$433.80	$321.79
523.73	425.05	406.03	303.61
492.01	401.69	376.74	285.88
462.27	381.70	352.04	271.40
428.85	358.10	327.84	256.43
394.34	335.08	307.23	242.67
355.50	306.10	283.38	225.72
321.18	273.09	253.62	205.89

Wednesday/ Sunday or Sunday/ Wednesday	Wednesday and 1 other weekday in same week	Sunday and 1 other weekday except Wednesday	Any 2 days in 7 except Wednesday or Sunday
$306.48	$258.05	$235.99	$190.88
295.30	245.20	220.19	176.66
283.38	231.84	204.42	162.30
270.13	220.08	192.20	150.08

[1] Same full page and published 2 days in 7-day period with no copy change on second run except date of sale and store hours. To qualify for discount, combination running dates must be specified on original order. 50 percent of combination linage counts toward fulfillment of annual contracts for weekly space.

ANNUAL CONTRACTS FOR BULK SPACE, WITH AND WITHOUT MINIMUM MONTHLY SPACE

Within 1 year	Daily	Sunday	Wednesday
300 inches	$1.25	$1.90	$2.05
With at least 15 inches every month	1.20	1.76	1.91
500 inches	1.19	1.75	1.90
With at least 30 inches every month	1.15	1.66	1.85
1,000 inches	1.14	1.65	1.84
With at least 60 inches every month	1.10	1.59	1.78
1,500 inches	1.09	1.58	1.77
With at least 90 inches every month	1.05	1.52	1.71
2,500 inches	1.04	1.51	1.70
With at least 150 inches every month	1.00	1.47	1.64
3,500 inches	.99	1.46	1.63
With at least 210 inches every month	.96	1.42	1.57
5,000 inches	.95	1.41	1.56
With at least 300 inches every month	.93	1.34	1.47
10,000 inches	.92	1.33	1.46
With at least 600 inches every month	.90	1.24	1.39
15,000 inches	.89	1.24	1.38
With at least 900 inches every month	.87	1.17	1.32
25,000 inches	.86	1.16	1.31
With at least 1,500 inches every month	.84	1.11	1.28
35,000 inches	.84	1.11	1.28
With at least 2,100 inches every month	.80	1.05	1.24
40,000 inches	.80	1.05	1.24
With at least 2,500 inches every month	.72	1.02	1.20
60,000 inches	.64	1.02	1.20
With at least 4,000 inches every month	.60	.98	1.16
Per page (21"×8 columns)	210.00	219.20	344.40
	201.60	295.68	320.88
	199.92	294.00	319.20
	193.20	278.88	310.80
	191.52	277.20	209.12
	184.80	267.12	299.04
	183.12	265.44	297.36
	176.40	255.36	287.28
	174.72	253.68	285.60
	168.00	246.96	275.52
	166.32	245.28	273.84
	161.28	238.56	263.76
	159.60	236.88	262.08
	156.24	225.12	246.96
	154.56	223.44	245.28
	151.20	210.00	233.52
	149.52	208.32	231.84
	146.16	196.56	221.76
	144.48	199.88	220.08
	141.12	186.48	215.04
	141.12	186.48	215.04
	134.40	176.40	208.32
	134.40	176.40	208.32
	120.96	171.36	201.60
	107.52	171.36	210.60
	100.80	164.64	194.88

MONTHLY EARNED RATES WITHOUT CONTRACT FOR TOTAL SPACE USED IN 1 CALENDAR MONTH

	Daily	Sunday	Wednesday
Up to 30 inches	$1.31	$2.10	$2.25
30 to 299 inches	1.16	1.85	1.99
300 to 499 inches	1.09	1.75	1.87
500 to 999 inches	1.05	1.68	1.80
1,000 to 1,749 inches	1.00	1.61	1.72
1,750 to 2,999 inches	.96	1.53	1.65
3,000 to 4,999 inches	.91	1.47	1.57
5,000 and up inches	.87	1.40	1.50

EXTRA CHARGES FOR COLOR ADVERTISEMENT

	Additional
1 color and black	$25.00
2 colors and black	40.00
3 colors and black	55.00

Note: These rates apply to standard colors only. Special inks may be ordered at additional cost upon notice of at least 1 month prior to publication date. Advertiser will be billed for the difference in cost of specially ordered inks over standard inks. Color advertising copy and proof release deadline is 24 hours in advance of regular deadlines.

SOLID ADVERTISING SECTIONS

The following discounts from contract rates will be allowed when (1) 75 percent of the copy is in newspaper office 10 full days before publication, and (2) complete copy is in 5 full days before publication.

	Inches billed	Number of tab pages	Inches billed	Discount applicable (percent)
Number of full pages:				
4	672	8	560	5
6	1,008	12	840	7
8	1,344	16	1,120	10
10	1,680	20	1,400	10

RETAIL HI-FI (ROLL-FED PREPRINTS)

Billing at regular black and white rates.

PREPRINT INSERTS

	Daily	Sunday	Wednesday
8 page tabloid (4 full size pages)	$400	$500	$800
12 page tabloid (6 full size pages)	600	750	1,200
16 page tabloid (8 full size pages)	800	1,000	1,600

POLITICAL ADVERTISING

Regular commercial rates apply. Set as display advertising only. Must state "Paid political advertisement" and bear signature and information as prescribed by State election statutes. Payment must be made in full in advance.

AMENDMENT NO. 315

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK. Mr. President, I send to the desk an amendment to S. 382, the Federal Election Campaign Act of 1971, and ask that it be printed. This amendment is aimed at correcting what I view as a great infringement on the rights of individual union members in the United States—the use of union dues funds by labor organizations for political purposes.

Direct use of union dues money for supporting presidential, senatorial, or congressional candidates in campaigns is now illegal under title 18, section 610, of the United States Code. However, labor leaders can and do use dues money in State and local elections; and, as we all know, it is quite simple to get around this law by setting up a separate committee to support political candidates. This is frequently accomplished with only the thinnest veil of disguise.

When this happens, the individual union member from whom these funds are obtained has no choice of how the moneys are to be used. The choice of financially supporting particular candidates is that of union leaders, not the individual union members.

The individual member is often put in the position of contributing to the support of a candidate with whom he does not agree. The only remedy available to a union member is to bring a law suit to get back part of his dues if he does not agree with the union leader's choice of candidates. This remedy is expensive, inadequate, and, in reality, impractical. The cost of such a law suit, even in the nature of a class action, would be many times that of the dues paid. The remedy is fine in theory; in reality, it is nonexistent.

Mr. President, my amendment is of particular importance in today's society where the political funds controlled by a large union coupled with the impact of today's sophisticated communications media could reverse the outcome of an election. My amendment would not halt a union from engaging in legitimate political activities involving particular issues or legislation. The unions, like other organizations, have a right to engage in activities which will further legitimate goals and objectives of their members. This is the job which is assigned to the union by the employees it represents. However, it is not the job of the labor union to use dues money which is often collected involuntarily under a union security agreement for the selection of officeholders. My amendment would only preclude the use by a labor organization or any other group or person of moneys collected from employees who are required to pay dues, fees, or assessments as a condition of employment.

The net effect of my amendment would be to allow all union members to contribute or not contribute to the political cause of their choosing. This would be accomplished without dilution of legitimate union political influence.

The amendment is a fair and equitable solution to the serious problem of abuse of individual political rights. I hope my colleagues in the Senate will support such necessary legislation.

EMERGENCY LOAN GUARANTEE ACT OF 1971

AMENDMENT NO. 309

(Ordered to be printed and to lie on the table.)

EMERGENCY LOANS FOR U.S. BUSINESS AND AGRICULTURE

Mr. McGOVERN. Mr. President, the proposed Federal guarantees of a $2 billion loan to the Lockheed Corp. graphically demonstrate the abuse of the American taxpayer which is perpetrated for the benefit of the oft-decried but still flourishing military-industrial complex. In the words of John Kenneth Galbraith, the loan guarantees at issue represent nothing so much as "socialism for the rich."

Approval of these guarantees will commit this Government to act vigorously to protect a mismanaged corporation's profits, many of which have been accrued from bungled Government contracts. It will insure the profits of the 24 major banks which have pleaded so touchingly for these guarantees. But it will also continue this Nation's sad neglect of the needs of small business, minority-run enterprise, and small farms. And the gnawing question whether Lockheed can ever be a solvent, stable company under the present management in the present economy would be ignored.

It is clear that the Federal Government has no business in bailing out big business. Just this sort of intertwining of business and government warps policy decisions to the extent that the interests of the taxpaying citizens are ignored. The integrity of the Federal Government should not be compromised by rushing into the breach every time a major corporation flounders.

However unpleasant such a policy of loan guarantees appears when considered in the abstract, it becomes odious in the sordid case of the Lockheed Corp. This company has been living off Government contracts for the last 20 years, during which time it has not built a successful large commercial airplane.

Lockheed has to its credit one of the most egregious abuses of a public contract in recent history: the C–5A cargo plane. The C–5A contract was awarded to Lockheed because the company deliberately underbid by 10 percent the sum required to complete the contract, misleading the Defense Department. Lockheed went on to pile up a $2 billion cost overrun, while the unit cost of the C–5A skyrocketed from $23 million to $60 million apiece. And the General Accounting Office recently reported that the giant cargo plane was unable to perform up to requirements.

Lockheed has also recorded smaller violations of the public trust. The Cheyenne helicopter program, which was scheduled to have been deployed by now, is still in the research and development stage due to the company's underestimation of cost and technical problems. A severe overrun has also been incurred on the SRAM rocket motor, which according to the GAO is still technically deficient. Both programs had fixed price contracts which were renegotiated to Lockheed's advantage.

None of this is surprising considering the recent disclosure by a former Lockheed executive of the rampant inefficiency and corporate irresponsibility within the company. For this is but a partial presentation of the mass of evidence that does not merely cloud Lockheed's reputation but which indicts the company for extreme incompetence and mismanagement.

The corporate picture does not brighten when we turn to the specific project in question—the L–1011 or Tri-Star commercial jet. Lockheed has had $400 million in loans until now for the project. The banks have refused further loans without Federal guarantees. They apparently recognize that their money is bound to be misallocated and misspent if they grant the loans. And they can further see that even if the Tri-Star is finally completed, the company only has 110 firm orders for commercial sale, well under the 300-plus mark which must be reached for the company to break even on the project.

No bank would survive if it loaned money under such circumstances. And why should the Federal Government make the loan? This Government has already put up $500 million in assets as collateral for loans for Lockheed for the C–5A. Should the company go bankrupt—an eventuality which should never be dismissed when dealing with this company—it is highly unlikely that the Government will be able to recover its funds. And Lockheed does not even say that this $250 million is all it needs to complete the Tri-Star program, leaving the door open for future loan applications.

The one appealing argument the proponents of this measure have put forth is the protection of 31,000 Lockheed jobs through the guarantee of these loans. But a better way to protect these jobs would be to have the company declare bankruptcy, reorganize, and rid itself of the present catastrophic management. One advantage of capitalism is that an inefficient company that cannot operate profitably must change or go under. But Congress is now asked to prevent this alternative from arising. Under such bankruptcy proceedings most of Lockheed's job openings would remain. And it is difficult to take seriously the administration's interest in providing jobs in light of the recent veto of a public works bill that would have established 200,000 jobs in the construction industry.

Perhaps, though, we should look at the situation through the eyes of Lockheed's competitors, and their employees. Both McDonnell-Douglas and Boeing are under great financial pressure, and will undoubtedly be at an unfair competitive disadvantage if Lockheed gets its loan guarantees. Shall this Government then guarantee loans for the other two companies to protect their jobs? Or shall we restrict ourselves to insuring the profits of only one company in the field? In either case the result would be an undermining of any element of free enterprise left in the aircraft industry.

An attempt has been made to obscure the purpose of the legislation by asking for $2 billion in loan guarantees, ostensibly for any large business which is in similar trouble. That does not change the fact that this legislation is designed to save Lockheed. It compounds the harm that will be done by this measure, however, by opening the door for future guaranteed loans to future Lockheeds. Earlier we were presented with the possibility of saving one company; now we see that the Federal Government is to become the lifeguard for all companies.

Thus, I oppose this measure. The Government should not be in the business of helping giant corporations to continue their incompetence. The job issue which has been raised concerns me, but is not so serious as Lockheed would have us think when compared with the dangerous precedents which would be set. This measure is one way to hasten the disappearance of free enterprise in this country as mammoth, inefficient, and Government-subsidized companies take over the landscape.

However, because the matter has progressed to the floor of the Senate, I am asking for some measure of economic justice by introducing an amendment to establish an equal $2 billion amount of loan guarantees for small businesses and farmers.

Just as Lockheed faces problems—mostly of its own making—many farmers and merchants are suffering from the effects of inflation and tight credit. There are now more than 10,000 small businesses across the Nation which are in danger of collapsing in this time of inflation-recession. Approval of this bill may clinch the failure of these companies, for banks will again be encouraged to loan to major corporations, which are protected by the Government, rather than to small businesses, which are at the mercy of an unfriendly marketplace.

This Nation must begin to address itself to the issue of the quality of the life we all share. We must decide now whether as a matter of national policy we will show preference for the assembly line over the small shop, corporate agriculture over the family farm, chainstores over neighborhood merchants. The resources of this Nation would be appropriately and profitably spent aiding the small businessman, the small farmer, and the minority businessman, all of whom are discriminated against by the structure of our financial and economic system. Two billion dollars of loan guarantees would go a long way toward helping the little man in our economy.

Surely, our values and our sense of justice have not been so perverted that we hasten to prop up Lockheed with its many failures and demonstrable irresponsibility in dealing with public moneys, while we abandon the sturdy entrepreneur who stands alone in industry, agriculture, and commerce. The economic deck is stacked stolidly against the individual, and this bill simply puts another ace up the sleeves of large corporations. I implore this body to spurn the attempt to make Government the handmaiden of big business.

The amendment which I am introducing would at least extend the same open hand to our farmers and small businessmen. For those who want to provide assistance to our major corporations—deemed "major" because of their size—it should not be difficult to recognize that we should also provide help to the small businessman and farmer who, in the aggregate, constitute the major underpinning of our economy.

Thus, in the name of economic justice, any Senator who supports the bill before us should have no difficulty in supporting this amendment.

Mr. President, I ask unanimous consent that the text of the amendment that I am introducing be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 309

On page 2, line 14, insert the following:

"In the case of guarantees of loans to farm owners or proprietors of small businesses under section 4(a) (3), the Board may delegate its authority to consider and grant or deny loan guarantees under this Act to the Farmers Home Administration or the Small Business Administration."

On page 3, line 11, insert the following new paragraph:

"(3) The requirements of clause (1) (A) of this section shall not apply in the case of a loan guarantee to a farmer owner or proprietor of a small business within the definition of section 3, United States Code 632."

On page 7, line 25, strike out "$2,000,000,000" and insert in lieu thereof "$4,000,000,000".

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 159

At the request of Mr. Saxbe, the Senator from Alaska (Mr. Stevens) and the Senator from Colorado (Mr. Allott) were added as cosponsors of amendment No. 159, intended to be proposed to S. 1657, the International Security Assistance Act of 1971.

AMENDMENT NO. 238

At the request of Mr. Pearson, the Senator from Tennessee (Mr. Baker) was added as a cosponsor of amendment No. 238, intended to be proposed to S. 382, a bill to establish a Federal Elections Commission.

AMENDMENT NO. 245

At the request of Mr. Baker, the Senator from Tennessee (Mr. Brock) was added as a cosponsor of amendment No. 245, intended to be proposed to S. 2201, a bill to amend the servicemen's group life insurance program to extend conversion privileges and insurance coverage from 120 days to 1 year after discharge or release from active duty or active duty for training.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Rodney Doane Bennett, Jr., of Maryland, to be an examiner in chief, U.S. Patent Office, vice Isaac C. Stone, resigned.

Brereton Sturtevant, of Delaware, to be an examiner in chief, U.S. Patent Office, vice George A. Gorecki, resigned.

On behalf of the Committee on the Judiciary notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, July 28, 1971, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, July 28, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Paul Benson, of North Dakota, to be U.S. district judge for the district of North Dakota, vice Ronald N. Davis, retiring.

C. Stanley Blair, of Maryland, to be U.S. district judge for the district of Maryland, vice a new position created by Public Law 91–272, approved June 2, 1970.

Charles L. Brieant, Jr., of New York, to be U.S. district judge, southern district of New York, vice John F. McGohey, retired.

Albert V. Bryan, Jr., of Virginia, to be U.S. district judge, eastern district of Virginia, vice a new position created by Public Law 91–272, approved June 2, 1970.

Malcolm M. Lucas, of California, to be U.S. district judge, central district of California, vice a new position created by Public Law 91–272, approved June 2, 1970.

Lawrence T. Lydick, of California, to be U.S. district judge, central district of California, vice Thurmond Clarke, deceased.

Herbert F. Murray, of Maryland, to be U.S. district judge for the district of Maryland, vice Roszel C. Thomsen, retired.

Spencer M. Williams, of California, to be U.S. district judge, northern district of California, vice a new position created by Public Law 91–272, approved June 2, 1970.

Joseph H. Young, of Maryland, to be U.S. district judge for the District of Maryland, vice R. Dorsey Watkins, retiring.

William H. Timbers, of Connecticut, to be U.S. circuit judge, second circuit, vice Robert P. Anderson, retired.

David Luke Norman, of the District of Columbia, to be an Assistant Attorney General, vice Jerris Leonard.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan), the Senator from Nebraska (Mr. Hruska), and myself as chairman.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON LABOR

Mr. WILLIAMS. Mr. President, I would like to announce that the Subcommittee on Labor will hold public hearings beginning July 27, 1971, in room 4232 of the New Senate Office Building to receive the testimony of persons who have participated in private pension plans of private industry and who for various reasons have not received the pension benefits they believed they would receive.

NOTICE OF HEARINGS OF THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE. Mr. President, in accordance with the requirements of section 111(a) of the Legislative Reorganization Act of 1970, I announce that the Select Committee on Equal Educational Opportunity will hold hearings on July 27, 28, and 29, 1971, at 10 a.m. in rooms 1318, 1202, and G–308 New Senate Office Building respectively on urban education in the black community.

ADDITIONAL STATEMENTS

SUSPENSION OF AMERICAN AID TO PAKISTAN

Mr. SAXBE. Mr. President, I take great pleasure in announcing that the senior Senator from Colorado (Mr. Allott) has agreed to cosponsor the Saxbe-Church amendment suspending American aid to Pakistan until adequate relief measures are undertaken in East Pakistan. In agreeing to cosponsor this amendment the Senator from Colorado stated:

> It appears that West Pakistan is more concerned with military measures against East Pakistan, and is uninterested or incompetent regarding the desperate business of alleviating the suffering of East Pakistan.
>
> We cannot control the actions of the West Pakistan government, but we should insist that American aid be used to alleviate the suffering, not intensify it.

Mr. President, I am aware that Pakistan may have been instrumental in arranging the Kissinger trip to China. I hope that we were not required to pay too high a price for Pakistan's role in this affair.

Mr. President, I invite the attention of Senators to further press accounts on Pakistan and ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Evening Star, July 20, 1971]

BENGALI ADVOCATES OF PEACE WARNED ABOUT COLLABORATION

(By Henry S. Bradsher)

Dacca, East Pakistan.—Kondukar Mahaburbur Rahman does not sleep at home any more. It is unsafe.

He moves about warily during the daytime. At night he hides in the home of one friend or another. He is afraid of being murdered.

Rahman is a member of the peace committee at Jhikargacha, a small town near the Indian border on the road to Calcutta. Peace committees have been established all over East Pakistan since the army crackdown to collaborate with martial law authorities.

Rahman said he had received a threatening letter signed by the East Pakistan Communist party warning against collaboration.

Two peace committee chairmen in nearby villages have been killed, he said. He's worried.

LETTER OF WARNING

To the south, at Khulna, the top civil official for the southwestern part of East Pakistan, Commissioner Hasan Zaman, has received an unsigned letter warning him to quit working for the martial law regime or he would be killed. The chief police official for the area also was threatened. Both live behind armed guards.

The clandestine radio of the "Bangla Desh government," now—exiled opponents of rule from West Pakistan, frequently reports "executions" of peace committee members and other alleged enemies of the East Pakistani people.

While peace committee members are afraid of assassination, residents of a number of villages say they are afraid of peace committee members as well as the army.

ACCUSATION MADE

The peace committee members are accused of using their positions to even old political scores and for common gangsterism.

According to some prominent Bengali leaders, the most discredited and disreputable men came forward after the initial bloodshed in March and April to offer their services to the army. "They are people who would do anything for money or a plane ticket to Geneva", one leader said.

Many members are politicians who were

wiped out when Mujibur Rahman's Awami League got 72 percent of the vote in last December's elections in East Pakistan. The League is now banned and Rahman is awaiting trial for treason.

President A. M. Yahya Khan has said by-elections will be held to fill the National Assembly seats of Awami League members whom the government thinks guilty of crimes.

GOVERNMENT GAINS

So far the government is known to have won over only about 20 of 160 Awami League members of the National Assembly. It hopes to pressure more into denouncing Mujibur Rahman, thus reducing its embarrassment at the lack of local support and limiting the number of by-elections.

Peace committee members apparently hope to win the by-elections and resume the political roles from which the voters dumped them in the free election Dec. 7.

The organizer of the peace committees was Khwaja Khairuddin, an old politician who got only 20 percent of the vote against "Sheikh Mujib" in Khairuddin's old Dacca constituency in December.

Khairuddin explained that the peace committees are supposed to provide communication between the people and the government.

FORMING AUXILIARIES

They are raising their own armed auxiliaries, he said.

Khairuddin estimated the number of peace committee members killed in the last two months at between 300 and 400.

He has been threatened and goes around Dacca with a carload of armed men.

The officer directing civil affairs in East Pakistan, Maj. Gen. Rao Farman Ali Khan, said the number of peace committee members killed was only about 100 and only 20 of them were important leaders.

But both a sampling of several areas and impressions of observers here suggest Khairuddin and right and the general was trying to play down the problem.

In Jessor district, where Jhikargacha is located, 421 committee members were reported killed in recent weeks. In Khulna district, 33 reportedly were killed.

These districts probably have higher than average tolls, but still the province-wide total seems high.

LITTLE MEANING SEEN

Gen. Farman said almost every Bengali working for or with the government in a prominent position has received a threatening letter. Therefore, he contended, the letters have little meaning—they would be more frightening if more selective.

This did not sound like the kind of reasoning with which Kondukar Mahaburbur Tahman would agree, but there was no chance to go back and try it out on him.

Unable to spread its forces around enough to protect all peace committee members, as well as all bridges and other important points in the province, the army has tried to protect them with terror.

There have been reports of retaliatory killings of villagers where peace committee members have been murdered. Although this could not be directly confirmed, it followed logistically from the announced policy of holding an area collectively responsible for anything that goes wrong in it.

REMINISCENT OF VIETNAM

The pattern of local representatives of the central authority having to sleep away from home in order to escape assassination is reminiscent of Vietnam.

The tests of security there is whether the village headmen or foreign advisers can sleep in their own residences.

But for all the atrocities of Vietnam, the Saigon government has never followed the practice of retaliating against the villagers when the headman gets murdered. There the assumption is that the villagers are likely to be as much in fear of and opposed to Viet Cong terror bands as the government's agents are.

Here, however, martial law authorities from West Pakistan seem to assume that underground assassins represent the feelings of the common people and the way to stop them is to bring pressure on the people.

[From the Washington Post, July 21, 1971]

Rebels Move Freely in Pakistan

(By Lee Lescaze)

Dacca.—The guerrilla leader waited until two foreign reporters had been in the village for about 10 minutes before he appeared from behind a house, unarmed, but followed by a young man carrying a rifle.

He had agreed to the meeting on the condition that neither his name nor the name of the village he now lives in be reported.

He appeared to be so confident of his safety that no security guards were posted on the muddy road the reporters walked to reach him.

The Pakistan government said the only significant Liberation Army (Mutki Fauj) guerrilla elements fighting for East Pakistan's independence operate from sanctuaries across the Indian border, making hit-and-run raids.

The guerrilla, who is deputy leader of a platoon of 37 men, freely conceded that almost all his ammunition and weapons come from India and that he once took his unit into India after a successful ambush of army soldiers that he knew would bring reprisals.

However, he says that his band has been living in the same predominantly Moslem village since it returned from India June 29 and intends to stay well inside East Pakistan.

His men avoid the main roads some 5 miles from their base during the daytime, but otherwise they move freely, the guerrilla said. The night belongs to them and in the day, they have no fear of encountering soldiers in the waterlogged paddies and jute fields of this low-lying land.

They get no pay, but occasionally receive money from across the border which they use to pay for food. Some, the guerrilla explained, is not paid for. "We go from house to house picking up voluntary contributions."

He said the local farmers didn't mind supporting his men and were happy to have them in the village. Residents of a nearby village said later that they resented giving up scarce food, but that they preferred the guerrillas to the army.

All of the platoon's leaders are veterans of the Bengali regiments of the Pakistan army. The deputy leader served for 21 years as a noncommissioned officer before he retired a year ago.

He said that seven platoon members had regular military backgrounds and 30 are students recruited locally after the Pakistan army struck and the civil war began March 25.

The platoon operates independently, but has frequent contact with another platoon of roughly equal size that lives in a nearby village .

They receive no orders from higher military authorities, but send written reports of their actions by runner across the border to guerrilla camps in India, he said.

His men have sten guns, light machine guns and adequate supplies of ammunition, dynamite and mines, the guerrilla leader said. He added they have no shortage of medicine.

At the moment he is not interested in finding new recruits and appears to rely for ultimate victory on large numbers of guerrillas now training in India. He maintains that 200,000 will shortly move across the border to attack the army in his sector, but that figure seems enormously exaggerated.

He is suspicious of strangers and explained that if a man arrived in the village wanting to enlist, he would be shot as a Pakistan army agent. He was also determined that his platoon will execute any soldier taken prisoner, but none have been captured alive yet.

The largest action his unit has participated in was an ambush that he and other local residents believe killed more than 20 Pakistani soldiers in April.

It was after that fire-fight that he retreated to India, where he was housed and cared for by the Indian army. From the battles he watched at the border, he confirmed Pakistan's allegation that Indian artillery and mortars often fire across the border in support of guerrilla attacks on the Pakistan army.

Since returning to East Pakistan, his platoon has been relatively inactive considering their freedom of movement in a generally undefended countryside.

They ambushed an army truck and believe they wounded one soldier. Most recently, they raided a police station and captured 13 rifles without suffering or inflicting any casualties after the sentry fled.

The deputy platoon leader says that his unit has not suffered any casualties since the war began and that no one has deserted from his command.

He was reticent about future plans, but made it clear that his men will use their dynamite and mines to cut roads in an effort to further limit the movement of the army which relies on its jeeps and trucks and rarely ventures into the countryside.

In addition to harassing the army and police, the guerrillas want to assassinate members of the Peace Committees—groups of local people who work with the army and often decide for the army which local villagers are reliable and which should be arrested or shot.

Reports of Peace Committee members being killed are common throughout East Pakistan. The deputy platoon leader's men have caught and murdered one.

Their victim had ordered the murder of two men and, by the guerrilla leader's account, was not unprepared for their retribution.

He asked for an hour to say good-bye to his mother and after that time had elapsed, he emerged from the house and faced a "people's court" the guerrillas had hastily assembled by waking up several neighbors.

The unsurprising verdict was guilty and the guerrillas led him about a mile to the main road, where they shot him and left his body by the roadside.

Like the Pakistan army, the guerrillas have given themselves the power of life and death. The leader remarked that he had spent the last night unsuccessfully looking for another Peace Committee member who is marked for assassination.

He believes in the outlawed Awami League of Sheikh Mujubur Rahman which won Pakistan's first national election last December.

He sees the guerrilla movement as the military army of the Awami League and is confident that the Awami League will become the ruling party when East Pakistan wins its independence.

He spoke unemotionally about his guerrilla activities and his view of the future, predicting that he would not have to live in East Pakistan's villages for long.

So far, the guerrilla leader has run a leisurely, relatively painless underground resistance struggle since March 25.

Most observers here do not share his conviction that the civil war will end soon. His platoon is likely to see much more fighting before there will be a chance that his goal can be achieved.

Pakistan Rebels Blast Dacca Power Plants

Dacca, East Pakistan.—East Pakistani rebels carrying automatic weapons stormed three power plants in Dacca and blasted them out of commission, leaving major industrial and residential areas without electricity today.

Officials of the East Pakistani Water and Power Development Authority said the bombings were carried out almost simultaneously last night in three different parts of the city, knocking out more than half the electricity-generating capacity of the East Pakistan capital.

The officials said three guards were wounded at an old substation near the Sha Agh Hotel.

Officials at a second substation at Malibagh Hulberg said at least half a dozen men carrying sten guns ordered five police guards to drop their weapons and blew up the transformer at 8:30 p.m.

Also knocked out of action was a 30-megawatt station in the Ullon district.

[From the New York Times, July 21, 1971]

McNamara Apology to Yahya Reported

Karachi, Pakistan.—President Agha Mohammad Yahya Khan was reported today to have received a letter from Robert S. McNamara, president of the World Bank expressing regret over the unauthorized publication in the American press of a World Bank report on the situation in East Pakistan.

Receipt of the letter was reported by the Associated Press of Pakistan, the official press agency. The agency said the report, prepared by a World Bank team after a visit to Pakistan, was meant for private information of the 11-nation consortium that coordinate aid for Pakistan. It said that Mr. McNamara had found the document "biased and provocative" and had placed restrictions on its circulation.

Excerpts from the report were printed in The New York Times of July 13, accompanied by a Washington dispatch disclosing its contents.

The agency said that "vested interests behind the biased and tendentious report defied the ban and leaked out portions of the draft report they thought damaging to Pakistan and embarrassing to the United States Government."

The agency quoted "political quarters" in Rawalpindi, Pakistan's interim capital, as having said that the World Bank mission had "swallowed the Indian propaganda hook, line and sinker" and had produced a "highly tendentious and politically motivated report."

RECYCLING URBAN ORE

Mr. MOSS. Mr. President, I call the attention of my colleagues to an article appearing in yesterday's editions of the Washington Post. It describes some promising projects aimed at converting "trash" into cash. For in reality, that "trash" is our largest unused natural resource. As we continue to deplete our other resources, we will surely want to explore the possibilities of a resource that is growing day by day. With new techniques such as those described in this article, it should soon be possible to begin "mining" our solid waste on a large scale and at a substantial profit.

At this point, I ask unanimous consent that the text of the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Urban Ore: An Untapped Natural Resource

(By David Mahsman)

America spends $4.5 billion annually to bury something worth millions of dollars.

It's called "urban ore" by the director of the U.S. Bureau of Mines Research Center in College Park, and he says it's America's only growing natural resource at a time when other such resources are being consumed to the point of extinction.

Max Spendlove is not referring to copper, gold or silver. He is talking about refuse—tin cans, old bottles, everything that the American housewife throws out as trash. A few miles away from the bureau's center, a bureau pilot plant in suburban Edmonston is proving the ultimate value of "urban ore."

Since November, 1969, the Edmonston pilot plant, the only one of its type in operation, has been taking incinerator residue—what is left after urban waste is burned—from Alexandria and other cities, and recycling the residue, separating its component parts—glass, iron and nonferrous metals such as aluminum and zinc.

In the works is a new plant that will take raw, unburned refuse and do the same thing, recovering paper and plastics in the process.

The project was set up to prove that reclamation is both feasible and commercially attractive for areas with populations at least of 500,000. Martin Stanzyck, supervising metallurgist at the pilot plant, says the processing cost is about $4 a ton. But he says the products from the recycling process will sell for about $15 a ton.

The initial cost of setting up a recycling plant for an area of 500,000 population is estimated by Stanczyk at $1.3 million. The plant could process about 250 tons of incinerated residue a day, he says, and the $11 profit per ton would eventually offset the cost of the plant and the processing.

Francis Palumbo, a project chemist, sees two immediate and interrelated problems for recycled waste: the lack of a market for reclaimed products and consumer aversion to the term "secondary materials."

But Palumbo, along with other project officials, says that these are temporary problems at best and that recycling is the wave of the future.

Officials feel this will be particularly true when the raw refuse recycling plant—which operates without an incinerator—is developed. Paul Sullivan, coordinator for the Edmonston project, says the new plant should be open in three months.

Raw refuse recycling plants will be designed to serve areas of under 500,000 population. "In six months, we'll know if we're headed in the right direction," said Sullivan.

Officials estimate the cost of building a raw refuse recycling plant will be about the same as constructing an incinerator to handle the same amount of refuse. Paper and plastic will be the principal items reclaimed by such a plant.

Spendlove says that potential uses of reclaimed paper are "tremendous."

It can be used, Spendlove said, as a fuel or as wallboard or packing material. "The Agriculture Department has a process for making it into protein for cattle feed. It can be converted into crude oil or synthetic natural gas.

"There are probably a half-dozen ways to use it that we haven't thought of yet, because we haven't had to," he continued. "I'm convinced that as the problem (lack of resources) becomes greater, ingenuity will show itself in even more products."

"Urban ore is a phenomenal material," Spendlove asserts. "Based on the content of metals, it must be classed as a high-grade ore. And on the variety of different metals that it contains, it is different from anything that Mother Nature ever thought of.

"No smelting is necessary, because it is already in a metallic state," he said. "We're way ahead of the game from the start. Urban ore has a lot going for it—it's as good or better than other materials."

The Edmonston plant separates individual materials by dumping incinerator residue into a rotating drum where it is washed. The smaller pieces drop through the drum to various sized screens where they are further separated according to size. The larger material is shredded and put back with the smaller material.

The iron is then taken out with a magnet and the remainder is ground, the glass to powder and the nonferrous metals to flat flakes that are easily separated. The material is washed throughout the operation, and the water recycled.

The equipment used in the pilot plant is of the conventional type, is relatively inexpensive, and was installed by plant workers, according to project officials.

"Every piece of equipment is off the shelf, nothing exotic," said Palumbo. "That's the nice thing about it. There's no problem in building such a plant." Money for the project comes from bureau metallurgy research funds.

The products that can be made from recycled waste "are limited only by your imagination," Palumbo said. Almost anything that can be made with virgin materials can be made with reclaimed materials.

Among the products that can be made from the recycled glass, Palumbo said, are new bottles, bricks that are better than bricks made from new materials, insulation, roofing materials and "glassphalt."

"I'd like to build a model demonstration house made entirely of reclaimed glass," Palumbo said. "This would include bricks, insulation, roofing and, of course, windows."

There are other benefits, not the least of which is making some inroads against pollution.

For instance Spendlove feels recycling plants will save trees by reusing paper products, get rid of landfills, stop pollution from incinerator smokestacks and help cut down on the use of irreplaceable natural resources. In particular, raw refuse recycling plants will help combat air pollution. "I would guess that 80 per cent of the incinerators in the country are operating in violation of the air pollution codes," said Spendlove. "Raw refuse recycling plants could eliminate the need for expensive incinerators."

Project coordinator Sullivan sees the general aim of his project as one of "insuring an adequate supply of minerals and fuels at a reasonable cost. "It's a shame to waste materials like this when you can reclaim 80 to 85 per cent of waste material into a potentially useful form. Industry must have a continuous and reliable supply."

Supervising metallurgist Stanczyk notes that "the demand for metal is becoming greater and greater. We (the United States) mine enough lead and zinc for our own use, but we import more than we mine of the rest. We'll have to reclaim usable materials."

The lack of a market for the reclaimed materials, says Palumbo, stems largely from the fact that "no one has been able to do this before. This is the only plant of its type, and we can't produce enough for industrial use.

"If we could set up a full-scale demonstration plant in a metropolitan area," he continued, "we could make a market. For example, we could give reclaimed metal to U.S. Steel free. They would find a way to use it, and when they do, we have a market."

Palumbo added that many people are simply "turned off" by the thought of using something that someone else has already used.

"If you go to a store and see two identical coats, for example, but one says 'reprocessed wool' and the other 'virgin wool'," he said, "which are you going to take?

"And if you buy a bottle of Chanel, even though the bottle may cost only two cents, it had better look like $10. We've got to convince manufacturers that people are more interested in the Chanel than in the bottle," he said.

Business may lead the way in acceptance, officials said.

"The aluminum industry is willing to accept the material back without qualification. They have made such a commitment," said Spendlove. "The steel industry has made a similar commitment. The glass industry has shown a tremendous interest in doing their part in recycling. Industry will gear itself to the problem as the materials become available."

"Perhaps the first people to recycle goods were the people in the Stone Age," Spendlove said with a smile, "when they reclaimed their arrowheads from dead animals."

Sullivan said that as a result of the pilot project recycling plants "could go into operation tomorrow. We could invite engineering firms to bid (on designing plants) now, but everyone is broke."

In spite of the economic situation, Spendlove figures that some type of full-scale recycling plant will be in use within two years. For example, Chicago is working on a plant that will recover heat for steam from the city's incinerator. And New York City is looking into the possibility of attaching a plant similar to the pilot plant to its incinerator, "but the hangup is a lack of funds," he conceded.

Spendlove said that the technical acceptance of recycling "is moving at a heck of a fast pace," but that a full-sized demonstration plant will have to be developed before recycling meets with general acceptance. And until a full-sized plant is built, profitability can be based only on "technical speculation."

"But in the long haul we'll see a tendency toward recycling, probably of raw refuse," said Spendlove. "It may be several decades, even 30 years or more. But once we get the initial start, we will see recycling plants mushroom all over the country."

A COMMON BOND: CAPTIVITY

Mr. ROTH. Mr. President, barely 2 weeks have passed since we as a nation paused briefly to celebrate our independence. Appropriately, we pause this week to reflect upon the number and plight of other nations still captive, whose citizens do not and cannot appreciate the true meaning of freedom.

Freedom is a word we use loosely here in the United States, frequently without any thought as to what it means in comparison to other nations. I think it would be helpful to briefly compare the degree to which we enjoy freedoms with the degree to which the captive nations enjoy the same freedoms.

Here, we worship when, where, and how we please; elsewhere, there is no worship, much less any freedom of worship.

Here, we speak as we see fit, up to the point of "crying 'fire' in a crowded theater"; elsewhere, citizens are imprisoned.

Here, we publish information virtually without limit, including state secrets; elsewhere, there are no newspapers except those owned by the Government and no journalists except those who speak for the Government.

Here, we travel when, where, and how we wish; elsewhere, there is no travel without a Government permit.

Here we cannot be searched without a warrant, arrested without probable cause, held without a lawyer, tried without a jury, or imprisoned without a conviction; elsewhere, searches are by whim, arrests by direction, trials by secrecy, and imprisonment on suspicion.

In short, Mr. President, we are free; elsewhere, the people are captive. The list of nations is not long, but if it included only one name, that would be too many.

Some of the names are strange to most Americans, and do not lie easily on the tongue, but other names are familiar to us. Regardless of the familiarity or strangeness of their names, all of these nations are joined by a common—and I mean this quite literally—bond. Our job here in the United States is to maintain our own freedoms while helping to expand the freedoms elsewhere.

A PROPOSED FEDERAL WORKMEN'S COMPENSATION LAW

Mr. PELL. Mr. President, the General Assembly of the State of Rhode Island recently forwarded to me a resolution memorializing the U.S. Congress to establish a Federal workmen's compensation law.

As the members of the Rhode Island General Assembly suggested, there are many improvements that need to be made in the workmen's compensation legislation, and I would ask that my colleagues take cognizance of the excellent points raised in the resolution of the General Assembly of Rhode Island.

I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION, STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

A resolution memoralizing the Congress of the United States to enact legislation establishing a federal workmen's compensation law.

Whereas, Dissatisfaction with the adequacy and administration of state Workmen's Compensation laws is becoming widespread; and

Whereas, An attempt was made in the 90th Congress to establish a National Commission on State Workmen's Compensation Laws which would undertake a comprehensive study and evaluation of state workmen's compensation laws and "methods of implementing the recommendations of the Commission"; and

Whereas, There are possibilities of the introduction of a bill setting minimum standards for all state workmen's compensation laws. One provision of which would be complete coverage of all occupations and employments, eliminating present exemptions based on the nature of the employer's business or the number of employees; now therefore be it

Resolved, That the Congress of the United States be memorialized to enact legislation establishing a Federal Workmen's Compensation Law; and be it further

Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the Congress of the United States in the hope that they will use every effort to further the passage of a Federal Workmen's Compensation Law.

I, August P. La France, Secretary of State of the State of Rhode Island and Providence Plantations, hereby certify that the aforegoing is a true copy of resolution (H 2336) entitled "Resolution memorializing the U.S. Congress to establish a Federal workmen's compensation law" taken from the records in this office and compared with the original resolution (H 2336) passed by the General Assembly at the January Session, A.D. 1971 and approved by the Governor on the twenty-fifth day of June, 1971 and now remaining on file and of record in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Rhode Island, this twenty-eighth day of June, A.D. 1971.

AUGUST P. LA FRANCE,
Secretary of State.

PRESIDENT NIXON'S "JOURNEY FOR PEACE"

Mr. BELLMON. Mr. President, like many Americans, I was highly pleased at the announcement by President Nixon that he plans to make a personal visit to the People's Republic of China before May of next year.

As I have stated previously on the floor of the Senate, it is futile for this country to try to ignore the existence of a country which contains one-fourth of the world's people; and while we may regret the direction the Government of China took after World War II, the belligerent attitudes that have been allowed to develop between our two nations have not proven to be helpful to either the United States or China.

Therefore, I applaud the actions of President Nixon in pursuing new initiatives for peace with Mainland China—through visitor exchanges, relaxation of trade restrictions, and now through this dramatic demonstration of personal diplomacy.

While it would certainly be wrong to anticipate any immediate broad changes in the relationship between our country and one whose political ideologies are opposite from those most Americans believe in, President Nixon's plan is a positive forward step, and I wish him well in his "journey for peace."

It is my impression that the people of the State of Oklahoma also support the President's decision with regard to China, as well as his general conduct of foreign affairs. My feeling is based on results of a survey of public opinion conducted by our office. Questionnaries were distributed to households in every part of the State. Following are results based on tabulation of 8,800 questionnaires:

1. Do you approve of the Vietnamization policy?

Yes	6,495
No	1,926

Is it progressing rapidly enough?

Yes	4,366
No	3,259

2. Should the United States increase its relations with China?

Yes	5,266
No	2,562

If so, how?

Trade:	
Yes	4,299
No	684
Cultural exchange:	
Yes	4,284
No	493
Admit to U.N.:	
Yes	3,011
No	1,294

3. Do you agree with the present U.S. policy in the Middle East?

Yes	5,028
No	2,307

Should American troops be sent to the Middle East to enforce a cease-fire?

Yes	971
No	6,817

4. Do you feel that it is necessary for the United States to have troops stationed in—

Europe:	
Yes	4,732
No	2,501
Japan:	
Yes	3,184
No	3,034
South Korea:	
Yes	3,593
No	2,811
Vietnam:	
Yes	3,502
No	2,756

5. Last year Chile elected a Communist president. What should the United States do when this happens?

Intervene militarily:	
Yes	331
No	3,400
Cut off foreign aid:	
Yes	6,575
No	692
Withdraw recognition:	
Yes	1,997
No	2,194
Continue trade relations:	
Yes	3,466
No	1,187
Continue normal diplomatic relations:	
Yes	4,833
No	943

COMMEMORATION OF 80TH BIRTHDAY OF LEWIS S. ROSENSTIEL

Mr. CHILES. Mr. President, we hear and read much these days about the generation gap and the problems it creates for our society. But the generation gap has no place in the story of Lewis S. Rosenstiel, a Florida senior citizen with a real understanding of young people and their problems and, more important, with a desire to help them.

I have selected today, July 21, to offer these comments because it is the anniversary of Mr. Rosenstiel's 80th birthday.

During his career years, Lewis Rosenstiel achieved peak success in the world of business, but I choose to center my remarks on the humanitarian side of his life—a life that is remarkable in its spirit and its direction. At age 80 he has a zest for living that overshadows most people of fewer years.

In 1968, Mr. Rosenstiel retired to Miami Beach, Fla., after founding and heading Schenley Industries for 35 years. Everyone thought he was putting himself out to pasture, but nothing could have been further from the truth. He was deeply concerned about the drug abuse problem, that it was killing and that it was destroying our most valuable natural resource—the young. So he got involved, launching a special project. He consulted authorities and youth alike to determine what he might do to best be of service. He determined that the four basic needs to cope with drug addiction are education, research, enforcement, and control. Believing that research is a government obligation, enforcement a police problem, and control both a government and nongovernment agency function, he decided to devote his energies to education.

Thus was born the Penny Parade Foundation, dedicated to educating precollege-age young people in Dade County, Fla., to the dangers of drugs, working in cooperation with groups already functioning in the field. Mr. Rosenstiel has backed up his concern with a quarter of a million dollar investment in getting the foundation program started. He has consulted with the Psychiatric Institute Foundation of Washington, D.C., which has many years of service in the field, and plans to have the institute send psychiatrists to Dade County to educate young people who will then carry the message to their peers in the elementary, junior high, and senior high schools.

But Lewis Rosenstiel's devotion to the problems of others is not new. In 1944 he established the Lewis S. and Dorothy H. Rosenstiel Foundation to administer philanthropies in behalf of cancer research and other causes. He has donated $20 million to Brandeis University for research in biochemistry and for a medical-service research center. In addition $12 million has gone to the University of Miami to establish the University's Institute of Marine Sciences, and a million dollars or more each to the San Francisco Foundation, the Francis Cardinal Spellman Foundation, Mount Sinai Hospital, and Hebrew Union College-Jewish Institute of Religion.

Mr. Rosenstiel has served as a director of the United Jewish Appeal, a director of the Federation of Jewish Philanthropies of New York, and a trustee of Mount Sinai Hospital in New York.

Also noteworthy are some accomplishments by Mr. Rosenstiel's company under his leadership. In 1943 the company developed a commercial method of manufacturing penicillin and soon became a major producer of that drug which was so vital at that time of World War II. Later, the company also developed streptomycin, an important antibiotic, and also played an important role in the Korean conflict by developing a synthetic blood extender for treatment of shock and for fluid replacement.

Lewis S. Rosenstiel is truly a remarkable man who has done much for his fellow man but is not satisfied to rest on his past accomplishments. Mr. President, I offer these remarks in recognition and appreciation for this man's contributions to the people of his country and his world.

AMBASSADOR TASCA VISITS THE KING OF GREECE

Mr. PELL. Mr. President, I take this opportunity to congratulate Ambassador Henry Tasca and the Department of State on the recent visit of Ambassador Tasca to King Constantine.

This recognition by our Government of the important role of the King in Greek affairs is a great indication of the hope and prayers of the United States that Greece may soon return to its traditional democracy.

The Greek people should not be fooled by the pictures that they may see in their press of members of the junta and various American admirals and generals and civilian officials. They should not believe for 1 minute that the people of the United States approve of the junta and its present regime.

In fact, I would trust the Greek people recognize the deep-hearted wish of so many Americans for early resumption of the normal electoral process in Greece.

Moreover, Americans are asking themselves: If the junta believes they have the approval of the majority of its own people, why are they so afraid to hold an election?

In conclusion, I congratulate the administration and Mr. Tasca on the Ambassador's visit to the King of Greece and hope it will remove from the Greek people the thought that our people stand behind the cruel and arbitrary ruling junta in their country.

GENOCIDE TREATY WILL HELP SOVIET JEWRY

Mr. PROXMIRE. Mr. President, for some time there has been a bitter controversy raging between many people in this country and the Government of the Soviet Union concerning that country's treatment of its Jewish population. These individuals claim that there is an official policy of discrimination in Russia which seeks to eliminate its Jewish population. The Soviets claim that these charges are untrue, that the bad publicity is the work of a small group of "zionist conspirators," and that the Jews are, in fact, one of the most widely respected groups in the Soviet Union.

Recently, there have been long overdue efforts on the part of Congress to seek relief for Soviet Jewry. Unfortunately, we have not had firm ground to stand on because this is an internal matter of the Soviets. If the genocide treaty is passed, we will have the means to prove the allegations and if validated, punish those involved.

Under article VIII of the treaty, an impartial investigating board could be set up to see if the Soviet Union is indeed attempting to do away with their Jewish population. The provision reads:

> Any contracting party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III.

Since 1967, I have spoken in support of the treaty daily on the floor of the Senate. I believe that now, more than ever before, it is the time to act on the genocide treaty.

TRIBUTE TO DR. D. C. GRIGGS

Mr. THURMOND. Mr. President, the death of my good friend, Dr. D. C. Griggs, of Pageland, S.C., brought to an end a lifetime of public service and unselfish devotion to the welfare of his neighbors.

Dr. Griggs gave his people 45 years of his professional life. Since 1926 he delivered 9,927 babies. That amounts to two babies every 3 days for 45 years. He was known as "the scourge of sandhill paths" because of the many trips he made over poor roads, and sometimes, over no roads at all, to answer the calls of the sick.

Dr. Griggs was a family doctor in the truest sense of the word. Friends say he did not know the difference between 3 a.m. and 3 p.m. when someone was sick and needed him.

Perhaps the clearest demonstration of what this kind and highly esteemed man meant to his community was seen on the day of his funeral. All business places in Pageland closed between the hours of 4 and 5 p.m. as a mark of love and respect. The day before, hundreds of friends streamed to the funeral home to pay their last respects. The services were scheduled for 4 p.m., and, 20 minutes before that time, the sanctuary of the church was filled to capacity.

Despite his long hours of medical service, Dr. Griggs found time to serve his community in other ways. He was a deacon in the First Baptist Church of Pageland, and he served on the church's finance board for many years. His interest in education was expressed through his service on the District Four School Board. He also served as a South Carolina highway commissioner. He was a member of the Pageland Lions Club, the Pageland Chamber of Commerce, a Mason, a Shriner, and a director of the Peoples Bank & Trust Co.

Mr. President, South Carolina has lost a distinguished citizen, and I have lost a personal friend. Mrs. Thurmond and I join in extending our heartfelt sympathies to Dr. Griggs' wife, Gladys, and their fine children and brothers and sisters.

Several newspaper articles have been published recently concerning the many contributions Dr. Griggs made over his years of service. Three of these articles appeared in the Charlotte Observer of Charlotte, N.C. One of them was written by Jay Gross in the May 16 issue, nearly 6 weeks before the death of Dr. Griggs. The other two articles appeared in the July 1 edition after his death. A fine tribute was printed in the July 7 issue of the Pageland Journal of Pageland, S.C. In that same issue, a poem written by Judy Arant Lackey of San Antonio, Tex., appeared on the editorial page.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Charlotte Observer, May 16, 1971]

PAGELAND'S DR. GRIGGS IS "TEMPORARILY" RETIRED—9,927 BABIES SINCE 1926

(By Jay Gross)

PAGELAND, S.C.—A new ceiling is going up in what was Kennington's Drug Store.

Across the street, a barbershop soon will get a new coat of paint after 20 years. The painters likely will paint over the lettering on the back room: "Operations."

The old drug store and the barbershop once housed the office of Dr. D. C. Griggs, Pageland's "temporarily" retired country doctor. More recently he used a four-bed clinic—the nearest thing Pageland has to a hospital—on S.C. 151.

Griggs, 68, moved here in 1926, fresh out of The S.C. Medical College at Charleston.

"I didn't have an office when I first came here," Griggs said. "I had to do all my practicing from behind the drug counter at Kennington's Drug Store."

When that got troublesome, Griggs moved to an upstairs office a few doors away.

"That was down there where the bank is, but I decided that anybody that could get up those stairs wasn't sick enough that they needed a doctor."

Then he moved into the barbershop. But until the mid-50s, when he built his clinic, the barbershop played second fiddle.

Griggs practiced much of his medicine in the rural areas.

Millon Tucker, a lumber dealer here, tells a story about how he went with Doc Griggs up to Charlotte some time back.

Seems the Doc had just bought a new Essex car, which was supposed to be guaranteed. But he'd worn it out in less than three months, joggling down Pageland's dirt and clay roads making house calls.

"I did most of my work in the country delivering babies—by candlelight or fireplace light, most of the time." When I was in the office, I'd see an average of fifty to seventy-five people a day."

Griggs practiced regularly till October of last year. Except on days for South Carolina football games. (Griggs got a pre-medical degree from the University of South Carolina.)

"There weren't many days I didn't go eighteen to twenty hours . . . I totaled up one time, and I've delivered 9,927 babies . . . you can't deliver that many babies and not work long hours."

That's three times as many babies as Pageland's population.

Griggs' father was in the lumber business. He brought the family to Chesterfield, S.C. from up in Virginia.

A doctor in Pageland had offices in McBee and Ruby, where the family lived, and he got the younger Griggs interested in medicine.

"They had a rock quarry here then, and they were always getting arms and legs and fingers knocked off, and he tried to tell me I could get enough patients from accidents alone," Griggs said.

But delivering babies seemed to be Griggs' principal business.

"There's some women here that I have delivered 12 babies for."

And Griggs even has a photograph of identical triplets he delivered six years ago.

"I'm proud of those children, because they like to died." Griggs said he got county agencies and local people to help out the family of the triplets.

"Their father was working at the sawmill for $18 a week," Griggs said, "and he had three other children. Bullington Mills donated diapers—lots of them, and the county board of health helped tidy up the house.

Griggs charged a flat $15 a baby when he started practicing back in '26. But he couldn't stick by it most of the time.

"I got paid off in potatoes and peanuts and hams, and anything else the people had. Fifteen dollars was hard to come by then."

Now, Griggs is retired. But not by choice. Arthritis got him.

"I've been getting around on a walking stick," he said, "but I got up this morning and I couldn't walk . . . so I had to send for the rolling chair."

As soon as he can get up and about again, though, he'll be back at work, Griggs promised. "One doctor in Pageland isn't enough."

[From the Charlotte Observer, July 1, 1971]

PAGELAND TO SHUT DOORS IN TRIBUTE TO ITS DOCTOR

(By Jay Gross)

PAGELAND, S.C.—Dr. D. C. Griggs, who 45 years ago set up a practice in this small Chesterfield County town and became a family doctor and friend to many, died of a heart ailment in a Charlotte Hospital Tuesday.

Griggs was 68.

"He was one of the last of the old-time general practitioners. He worked day and night," said C. M. Tucker Sr., a lumber dealer and long-time friend of Griggs.

The extent to which Griggs was liked and respected in Pageland is reflected in the fact that the town will shut its doors for an hour during his funeral today. The funeral will be at 4 p.m. at Pageland Baptist Church.

Griggs took credit for delivering almost 10,000 babies in and around Pageland.

Ill health forced Griggs to retire from active practice in Pageland several months ago. But even in retirement, he always promised to take up practice again, as soon as his health permitted. He had served on the Pageland school board.

Reared in nearby Ruby, the son of a family who earned a living from lumber, Griggs spent his last days at his comfortable, formal home in a sylvan setting near Pageland. He read the newspapers and several magazines, and chatted with visitors who dropped in.

On several occasions, people in Pageland reported, Griggs showed up at his office, but he was never able to break his retirement.

He tried hard, from his wheelchair, to find a new doctor to take his place in Pageland. The town has only one doctor left in general practice for its 2,500 people.

"It's hard to find somebody now," he told the Observer several weeks ago. "Who'll put up with the trouble of a small town. Everybody wants to be near the big medical centers and hospitals."

Griggs started his practice in Pageland behind the counter of a local drugstore. When he retired, though, he left a substantial medical clinic, the closest thing to a hospital that Pageland has.

Survivors: daughters, Mrs. Barbara Smith, Mrs. Carolyn Agerton, Mrs. Phyllis Johns, all of Pageland, Mrs. Patricia Blakeney of Greenville, S.C., Mrs. Gail Collins of Allendale, N.J.; sisters, Mrs. Ethel Hayes of Latta, Mrs. Kola Reid of Fort Mill, Mrs. Georgia Baldwin of Trumbull, Conn. Mrs. Chaworth McIlwain of Belton, Mrs. Katie McCreight of Ruby, Mrs. Beth Crowell of Miami, Fla., Mrs. Mary Wells Reagan of Winston-Salem; brothers, Johnny Griggs, T. G. Griggs, both of Cheraw.

[From the Charlotte Observer, July 1, 1971]

DR. DONOPHAN CARSON GRIGGS

PAGELAND, S.C.—Dr. Donophan Carson Griggs, age 68, died Tuesday, June 29th, 1971, in Charlotte after a prolonged illness. He was born Dec. 6th, 1902, son of the late Thomas George and Annie Mae Frye Griggs. After education in the Ruby, S.C., public schools, Wingate College, University of South Carolina and the Medical College of South Carolina, he began to practice medicine in Pageland in 1926. In the 45 years since, he has delivered over 9,000 babies. To celebrate the 40th year of his practice the citizens of Pageland honored him with a testimonial dinner using as the theme "The Beloved Physician". He was a member of the Chesterfield County, and Pee Dee, South Carolina and American Medical Association, a member of the South Carolina Academy of General Practice and the American Academy of General Practice. He was also a member of the First Baptist Church of Pageland, serving on its finance board for many years. He was also a Lion, Mason, Shriner, a member of the Pageland Chamber of Commerce, Director of the Peoples Bank and Trust Co. and for many years a member of the Pageland School Board, and recently as a South Carolina Highway Commissioner. As a lover of sports he was a staunch supporter of the athletic programs of the Pageland High School and the University of S.C. He is survived by his wife, Gladys West Griggs, 5 daughters, Mrs. Barbara Smith, Mrs. Carolyn Agerton, Mrs. Phyllis Johns, all of Pageland, Mrs. Patricia Blakency of Greenville, S.C. and Mrs. Gail Collins of Allendale, N.J.

Also 12 grandchildren; 7 sisters, Mrs. Ethel Hayes, Latta, S.C.; Mrs. Kola Reid, Fort Mill, S.C.; Mrs. Georgia Baldwin, Trumbull, Conn.; Mrs. Chaworth McIlwain, Belton, S.C.; Mrs. Katie McCreight, Ruby, S.C.; Mrs. Beth Crowell, Miami, Fla.; Mrs. Mary Wells Reagan, Winston-Salem, N.C.; 2 brothers, Johnny Griggs and T. G. Griggs of Cheraw, S.C. Funeral services will be held at the First Baptist Church, Pageland, S.C., Thursday, July 1st, at 4 p.m. The family request in lieu of flowers, memorial gifts be made to the Baptist Church Kindergarten Fund and the Union Memorial Hospital, Monroe, N.C. Arrangements by Sutton Funeral Home, Pageland, S.C.

[From the Pageland Journal, July 7, 1971]

Rites Held for Dr. D. C. Griggs

Dr. Donophan Carson Griggs was buried Thursday.

After 45 years of tending to the aches and pains, the minor ailments and the major illnesses, delivering the babies and doing all he could to keep the flame of life alive in his patients, his own body wore out

He died Tuesday in a Charlotte hospital, after arthiritis and a heart condition forced him to stop work about six months ago.

Hundreds of friends streamed to the funeral home to pay their last respects Wednesday evening and Thursday. The funeral was scheduled for 4 p.m., and 20 minutes before that time, the sanctuary of the First Baptist Church was filled to capacity.

All business places in Pageland closed between the hours of 4 and 5 p.m. as a mark of love and respect.

Rev. J. C. Meigs, interim pastor of his church, and Rev. H. Dennis Anderson, former pastor, conducted the last rites.

Rev. Meigs spoke on Griggs' "service to his own generation." He cited the Doctor's service by providing for his family; by exercising good citizenship; by his efforts on behalf of the schools; and by his commitment to his calling.

Rev. Meigs said "continuous study in the field of medicine and love for his people" contributed to his success as a physician. "His people loved him because he first loved them," Meigs said, adding that Griggs' finest service was "his answer to God's call to be a Christian."

Rev. Anderson, pointing out that the work of the world is accomplished by many people in all walks of life, said that perhaps the physician is "the most important of all God's workers."

"Our friend served for more than 40 years, ministering to thousands of people and winning their respect, admiration, love and friendship.

"So today, when we come to pay our respects, we have gratitude in our hearts that this doctor lived so usefully," Anderson said, adding that "He gave himself utterly to the task of being a doctor . . . He ministered until he literally could not move. . . ."

And Rev. Anderson concluded by using St. Paul's words, "I fought a good fight, I have kept the faith, I have finished my course. . . ." to describe the doctor's life.

Rev. Douglas Baker, pastor of Berea First Baptist Church in Greenville, gave the prayer.

SURVIVORS

Married to the former Gladys West of Jonesville for 43 years, Dr. Griggs is also survived by five daughters, Mrs. Barbara Smith, Mrs. Carolyn Agerton and Mrs. Phyllis Johns, all of Pageland, Mrs. Patricia Blakeney of Greenville and Mrs. Gail Collins of Allendale, N.J. There are 12 grandchildren.

Also surviving are seven sisters, Mrs. Ethel Hayes of Latta, Mrs. Kola Reid of Fort Mill, Mrs. Georgia Baldwin of Trumbull, Conn., Mrs. Chaworth McIlwain of Belton, Mrs. Katie McCreight of Ruby, Mrs. Beth Crowell of Miami, Fla., and Mrs. Mary Wells Reagon of Winston-Salem, N.C.; and two brothers, Johnny Griggs and T. G. Griggs, both of Cheraw.

Members of the family requested that in lieu of flowers, memorial gifts be made to the Baptist Church kindergarten fund or to Union Memorial Hospital in Monroe.

Dr. Griggs, the son of the late Thomas George and Annie Mae Frye Griggs, was born and reared in Ruby, where he attended school. After graduation from Wingate College, the University of South Carolina and the Medical College of South Carolina, he began practicing medicine in Pageland.

His first office was in the rear of Dr. George Kennington's drug store. Several years later, he moved across the street to offices where the City Barber Shop is now located. In 1954, the old Rallings house on South Pearl Street was remodeled into a modern clinic for his patients. Later, when Dr. Griggs' son-in-law, Dr. B. C. Blakeney was associated with him, the clinic was expanded.

During his years of practicing medicine, Dr. Griggs delivered almost 10,000 babies.

HONORED BY TOWN

Dr. Griggs was recognized on the occasion of his 40th anniversary of service by a testimonial dinner hosted by the Pageland Chamber of Commerce on Oct. 27, 1966.

The anniversary was brought to the attention of the Chamber by a friend, Mrs. Archie Jenkins, and a special committee planned the event. The highlight of the evening was the tribute given by Millon Tucker which reviewed Dr. Griggs' years here and used the theme "The Beloved Physician."

Tucker, a close friend through the years, called the Doctor "the scourge of the sandhill paths" because of the many trips he made, over poor roads and sometimes no roads at all, to answer the calls of the sick. "He didn't know the difference between 3 p.m. and 3 a.m. when someone was sick and needed him," Tucker said.

He also related humorous incidents illustrating Griggs' love of sports and his method of driving, and asked the question:

"How do you say thank you to a dedicated doctor, a civic-minded citizen, a gallant gentleman, and a good friend? His skill and knowledge are qualities of the heart as well as the head. He has a warmth, and enthusiasm for life, a concern for others, a vitality and personal magnetism that draw people to him in confidence and love. . . ."

Tucker's heart-warming tribute ended by saying, "Surely no man is more respected or more loved than our beloved physician, Dr. D. C. Griggs."

ACTIVE CITIZEN

Despite his 20-hour professional days, Dr. Griggs found the time to serve his community in other ways.

He served on the finance board of his church, the First Baptist Church, for many years.

His interest in education was expressed through his service on the District Four School Board; and he also served as a South Carolina Highway Commissioner.

He was a member of the Pageland Lions Club, the Pageland Chamber of Commerce, a Mason, a Shriner and a director of the Peoples Bank and Trust company.

He tried hard to keep abreast of the latest medical discoveries through membership in medical associations. He was a member of the Chesterfield County, the Pee Dee, the South Carolina and the American Medical Associations; and he also was a member of the S. C. Academy of General Practice and the American Academy of General Practice.

PALLBEARERS

The Doctor's double-first cousins served as active pallbearers. They were Jerry Griggs, Tinsley Griggs, Bobby Griggs, Bill Griggs, Jack Griggs, Charles Griggs and Tom Griggs.

Serving as honorary pallbearers were the bank directors, C. M. Tucker, Jr., John Amos Arant, Roddy W. Outen, Rufus Jordan, Ed C. Watford, Byron Mangum and Cecil A. Knight; and physicians from Monroe, Marshville, Charlotte, Chesterfield, Ruby and Cheraw. They included Dr. Aubrey Hawes and Dr. Cecil Hawes, Dr. McChord Williams, Dr. John Ranson, Dr. Douglas Ritch and Dr. William Raby, all of Charlotte; Dr. C. A. Bolt of Marshville; Dr. J. G. Faulk, Dr. K. E. Neese, Dr. J. W. Ormand, Dr. F. B. Lee and Dr. Phil L. Barringer, all of Monroe; Dr. Michael A. Valverde of Ruby; Dr. William Perry and Dr. Jerry Perry, both of Chesterfield; Dr. J. C. Thrailkill, Dr. W. Y. Godwin and Dr. J. E. Hodge, all of Cheraw.

[From the Pageland Journal, July 7, 1971]

A Gift of Service

A doctor's place in a community is unique.

And since Dr. D. C. Griggs had been serving this community for 45 years, it would be difficult to find a single soul whose life had not been touched, in one way or another, by this man.

No wonder, then, that people in the area felt almost stunned at news of his death; no surprise that the tempo of the community seemed to miss a beat as individuals tried to reconcile themselves to their loss.

Yes, this is a time for mourning.

But it is also a time for gratitude. For Dr. Griggs' service was the finest gift a man can offer to his age and time—the gift of a constructive and creative life.

[From the Pageland Journal, July 7, 1971]

"Doc"

(By Judy Arant Lackey)

"Doc" was a lot of different things to a lot of people
But there was a common quality he had for all people . . . Love
I loved him.
"Doc" was a member of the family
Always glad to see you—hoped you were doing well
And somehow managed to come up with a couple of extra tickets to this weekend's ballgame.

"Doc" made you feel equal. He talked with you on an adult level about business and sports and things.
He made you feel important—like you were somebody.
"Doc" was always the one to make you well when you were sick—and he was never sick! Well, he didn't like to admit it!

Even then he didn't like it one little bit stopping his practice, so he could get better.

It was a short time for me to know him. It was 29 years and one day since he delivered me, that he passed away.
Boy—I'm really gonna miss you, "Doc"!

TRUMBULL'S "DECLARATION OF INDEPENDENCE"

Mr. PELL. Mr. President, in the New York Times of Wednesday, June 23, 1971, there appeared an article discussing a most fascinating study of the John Trumbull oil painting of the Declaration of Independence which hangs in the Capitol rotunda.

Irma B. Jaffe, associate professor of art history at Fordham University in New York, has studied the key which identifies the various personages in the painting. In an article which appeared in the current issue of the American Art

Journal, Professor Jaffe writes that, through the use of Trumbull drawings held by Fordham, she believes **that at** least three people in the picture are wrongly identified. This is a most diligent work of scholarship and detection work. I commend the article to the Senate and ask that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCHOLAR DISPUTES KEY TO TRUMBULL OIL

(By Grace Glueck)

[Key not printed in RECORD]

Who's the man wearing the hat in "The Declaration of Independence," John Trumbull's famous painting of the nation's founding fathers?

Most art scholars have never given the question a second thought, accepting his identity as established in a "key" to the painting published nearly 150 years ago. Now Irma B. Jaffe, associate professor of art history at Fordham University, has come up with a new identity for him, and several others in the crowded canvas, traditionally dated between 1786 and 1797.

In the current issue of The American Art Journal, a scholarly publication issued twice a year by the Kennedy Galleries here, she disputes the identity of the hatted man as Stephen Hopkins, colonial governor of Rhode Island, and suggests that he is really John Dickinson, a Quaker Congressman from Pennsylvania, who refused to sign the Declaration on the grounds that it would lead to war.

KEY IDENTIFIES MAN

The hatted man occupies position No. 23 in the key, an outline of the painting with the 48 figures in it cued by number to names underneath. The key has been associated with the painting since it was engraved by Asher B. Durand between 1820 and 1823.

No. 23 is currently identified as Stephen Hopkins but, playing a complicated game of musical chairs, Professor Jaffe contends that the real Stephen Hopkins occupies position No. 8 in the painting. Thus, he unseats Gov. George Clinton of New York, who is really the man is position No. 45, misidentified as John Dickinson.

Professor Jaffe's findings are based on her examination last year of a group of Trumbull drawings given to Fordham in 1943, specifically, a drawing of Stephen Hopkins dated 1791. "I looked at our drawing and then at the painting. The faces didn't match," she recalls. "So I took a magnifying glass to a photo of the work, and saw that No. 8 was our Hopkins."

IDENTITIES POSE PROBLEMS

"The problem then," she continued, "was to find out what to do with Governor Clinton—identified as No. 8—and even more intriguing, who was the man in the hat labeled by the key as Hopkins?"

Reasoning that the hatted citizen had to be a devout Quaker, who would keep his head covered on such an occasion by reason of his beliefs, Professor Jaffe considered the four Quakers who were members of the Continental Congress at the time Independence was voted—Hopkins, Joseph Hewes, Charles Humphreys and John Dickinson.

Dismissing the others on various grounds, she arrived at Dickinson who, though he had played a leading role in formulating Congressional policy against British oppression, was convinced that the Declaration was premature and would lead to war. "As a Quaker, a pacifist, a man of uncompromising character, he refused to sign," writes Professor Jaffe. "He risked and lost his public career by his negative vote."

Her identification of No. 23 as Dickinson is based not only on his lifelong devotion to Quaker beliefs, but also on two portraits of him by Charles Wilson Peale, done in 1770 and 1782–83, that resemble the face of the hat-wearing figure more than they do any other in the painting.

And she establishes the identity of No. 45 as Governor Clinton through "the long bony nose and deep-set eyes" in a Trumbull portrait of the New York governor, who became a Vice President, done in 1791, that bears a close resemblance to the face of the Declaration figure.

At the Yale University Art Gallery, which owns the largest body of Trumbull works, including the original "Declaration" painting, Professor Theodore E. Stebbins Jr., curator of American painting and sculpture, said yesterday that "like any new contribution, Professor Jaffe's findings will have to be authenticated over time by other scholars. But the 'Declaration' key has always been taken for granted," he added, "and it's very helpful to have someone re-examine it."

"The whole discovery rests on the small pencil drawing of Hopkins in Fordham's collection that no one ever bothered to look at before," Professor Jaffe said yesterday. "The images of Hopkins are all taken from that 'Declaration' painting. It amuses me that in the musical '1776,' he tramps around the stage wearing a hat."

CAPTIVE NATIONS WEEK, 1971

Mr. TOWER. Mr. President, this week marks the 13th anniversary of Captive Nations Week. In July 1959, both Houses of the Congress, by unanimous vote, approved a resolution authorizing the President to issue a proclamation "designating the third week of July 1959 as 'Captive Nations Week' and inviting the people of the United States to observe such week with appropriate ceremonies and activities." The resolution further authorized the President to issue similar resolutions in future years—until freedom and independence are realized by all the captive nations of the world.

Mr. President, I regret that this proclamation must be issued in 1971. However, the dictum enunciated in the Brezhnev doctrine continues to emphasize the fact that Russian communism controls the lives of 100 million Europeans in a state of constant captivity.

Recent events have served to remind the world that the Communist hold on the people of the Eastern European nations is both oppressive and tenuous. We saw in Czechoslovakia in 1968 the crushing of the hopes of millions for freedom and self-determination through the invasion of that country by a large number of Russian armored divisions.

We saw late last year a series of open protests in the streets of many Polish cities against the repressive policies of Communist imperialism. These protests caused the shakeup of the Polish Communist Party and the Government of Poland. They clearly demonstrated that the people's yearning for freedom remains kindled.

The protests in Poland were significant because they clearly showed that Soviet Communist hegemony would no longer be supported by the working class. Thus, the working class has now joined groups of students and academicians in opposing the oppressive status quo that the Brezhnev doctrine intends to serve.

It is quite clear that the people of the Eastern European nations will no longer remain silent in the face of Communist enslavement. This fact is crystal clear to the Kremlin and they have made appropriate plans to reinforce their domination within the Communist orbit. Therefore, the Brezhnev doctrine represents not an adherence to a policy of limited sovereignty and mutual cooperation between the Soviet Union and the nations of Eastern Europe, but, rather a firm commitment to continue its policies of enslavement at any cost.

I am convinced that the powers that be in the Communist world will exercise their military might to stymie any type of uprising which threatens their hegemony. The free world must make it quite clear to the peoples of those nations that it fully supports their aspirations for freedom and independence from outside control. The leaders of the West should not take any action which could lead to a stifling of those aspirations.

Events of the past few years have shown that the Communist sphere is not as united as the rhetoric from the Kremlin would have us believe. Even within Russia such wide ranging groups as Jews and Ukranians have publicized their complete opposition to the ideological precepts of a government which restricts such fundamental rights as freedom of speech and association. We must not be fooled by the constant rhetoric of Pravda that would have us believe that overt discrimination toward minorities in the Soviet Union does not exist.

The Assembly of Captive European Nations, which includes representatives of the formerly free nations of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania, holds to the belief that a general relaxation of world tension can only be achieved once the universal principle of self-determination is applied. I support this general principle and believe that world tensions cannot be reduced until the Soviet Union renounces the Brehznev doctrine and all the political and economic implications connected with this policy.

Mr. President, we are in the midst of an extremely crucial period in our history. This Nation, founded on and dedicated to the principles of freedom and self-determination, will soon be celebrating its 200th anniversary. At the same time, some have taken the position that the United States no longer needs to maintain a position of military strength in the world. A relaxation of our international commitment for peace with freedom will certainly bring on a spiritual letdown in the hearts of the peoples of the captive nations who have long depended upon us for leadership and support of their humanitarian cause.

Captive Nations Week is a good time to reflect upon the current international situation. A so-called policy of "normalization of relations" between the United States and the Communist world will, in the long run, heighten the chances of world conflict unless the United States makes it perfectly clear that it will not support under any circumstances the continuation of a policy of Communist enslavement in violation of fundamental human rights. To act in any other manner would be a betrayal of the hopes and aspirations of the people Captive Nations Week seeks to recognize.

NATIONAL POWER GRID

Mr. McGOVERN. Mr. President, it is indeed a pleasure for me to join with the distinguished junior Senator from Montana (Mr. METCALF) as a cosponsor of a bill which will provide for the creation of a national power grid.

The recurring power supply crises which seem to hit our great urban areas with almost predictable regularity, my own concern about the effect of our Nation's electricity supply facilities upon the limited air and water of this Nation, and the snowballing rate at which we are burning up our exhaustible fossil fuels, have led me to support the concept of a nationwide power grid.

The idea of a national power grid is not new. It exists in many other western nations. The late Leland Olds spoke often of the idea of tying our major power supply regions together. Clyde Ellis, of the National Rural Electric Cooperative Association, revived the idea a few years ago. This year the American Public Power Association urged the creation of a national grid. It was proposed as a solution to our power crisis in a major article in Playboy magazine earlier this year.

The extrahigh and ultrahigh voltage transmission lines which would form the backbone of a national grid, connecting all the major load centers with the principal generating facilities, would offer several decided advantages:

It would alleviate localized situations of power shortage caused by equipment failures or inadequate planning by utility executives by movement of large amounts of power from a region of surplus to a region of scarcity.

It holds out a very real hope of minimizing the number of major power generating stations to be built in the future by affording the advantage of diversity of time zone, season, and other differences in load characteristics among regions.

It would minimize the need which utilities feel to promote so-called "off-peak" uses of electricity to even out their individual system load curves by spreading the load curve throughout a vast land area.

It would mean economies which would offset the inflationary costs of new facilities and result in rates to consumers lower than those possible if the industry continues on its present course.

By making possible a more efficient use of all the utility plants now in service and yet to be built, a national grid might slow our civilization's ravenous consumption of finite natural resources: the oil, gas, and coal which took so many million years to form.

With an interconnected national system for power transmission, giant generating stations could be built far from population centers, minimizing safety risks in the case of nuclear stations and eliminating the effects of fossil fuel emissions on large masses of our population.

Such a grid could be built in a relatively short time, and for little cash outlay. We could build the major backbone of a national grid in 3 to 6 years. It would cost less than $2 billion, an amount we spend every 10 days on machines of death and destruction.

The national grid ranks high on our agenda. We have been talking about it since the 1930's. It is time to get on with the job. I regret to say the administration is not only indicating lack of interest in a national grid, but since the departure of former Secretary of the Interior Walter Hickel, there has been an active disinterest.

Nor, apparently, can we look to the Federal Power Commission. With a natural gas company lawyer sitting at the Chairman's desk and a former private power executive heading the power division, the Federal Power Commission seems more occupied at the moment with finding a way to give millions of the consumers' dollars to the natural gas industry than with solving the power crisis.

Although I would hope that more progressive minds prevail in the future, the private companies at this time appear to offer no more hope than the administration. The new president of the companies' trade association, the Edison Electric Institute, told a luncheon at the National Press Club on June 18 that he opposed the idea of a national power grid because it implies Federal control. Their response to the reliability problem, the so-called "regional reliability councils," have been an abject failure, little more than baling wire patchwork on a major structural fault.

I strongly suggest, therefore, that the task of bringing a national grid is a responsibility of Congress.

The bill may be modified. But the increasing demands we thrust every year on our sources of electrical power require that we take action. If nothing else, we should at least provide a national intertie of generation and transmission facilities.

NORTH VIETNAM'S PEACE PROPOSAL

Mr. PELL. Mr. President, Averell Harriman was the last American chief negotiator on Vietnam and is a statesman and a diplomatist who has always possessed a particularly sharp and astute eye for the verities underlying any situation or proposal.

He points out that there have been basically three reasons why the administration has so far refused to negotiate a definite time for the withdrawal of our forces in Vietnam: First, the safety of our men there, second, the release of our prisoners of war, and third, the giving to the South Vietnamese a "reasonable chance" of a continuation of their independence.

Mrs. Binh's recent proposal at Paris certainly meets the first two requirements. And a very strong hint dropped at Paris that Hanoi would accept any South Vietnam government for a period of time, as long as it does not contain President Thieu, seems to handle the third and final point.

I believe since bombs continue to fall and men, women, and children are being killed each day, the administration should face up to Mrs Binh's proposal and grasp the nettle that has been presented. In this regard, I ask unanimous consent to insert in the RECORD following my remarks a copy of Ambassador Harriman's statement printed in the New York Times of July 15, 1971.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A REASONABLE CHANCE

(By W. Averell Harriman)

WASHINGTON.—Publication of the Pentagon Papers has increased a widespread feeling that the public has not been adequately informed of United States intentions in Vietnam. The credibility of the Government was already at low point. To restore confidence it is essential that the Administration now clarify its aims in Vietnam.

The Administration has previously justified its refusal to negotiate a definite date for withdrawal of all American forces on three grounds—the safety of our forces, the release of our prisoners of war and giving the South Vietnamese "a reasonable chance."

Mrs. Binh's seven-point proposal satisfies the first two reasons. The Administration should now explain what it means by giving South Vietnam "a reasonable chance," and what American vital interests are involved. There are certain factors that already appear clear.

One that should be understood is that we have been fighting North Vietnam, a strongly nationalist Communist state which does not want to be dominated by China. It is supported, of course, by both China and the Soviet Union. During my months of talks in Paris, Hanoi's historic desire for independence was apparent. They were gratified that they were able to establish normal relations with the French and wished to have similar relations with us. Like Tito, they understand to avoid domination by the Communist giants they must have relations with the West and particularly the United States. We must recognize this and no longer blindly follow the concept that we are fighting Communist China.

Another factor is that the majority of the South Vietnamese clearly desire peace and prefer a non-Vietcong-controlled government. During recent years we have helped strengthen the Saigon Government military to Vietnamize the war, but not politically to expand its base to permit negotiations for a compromise settlement and to succeed in the political competition which would ensue. A political settlement worked out by the South Vietnamese themselves could give a "chance" for the South Vietnamese while experience indicates continued attempts to achieve a military solution can only mean endless fighting [with no settlement in sight].

In South Vietnam there are no effective political parties but there are groups representing the non-Communist elements in the country—Buddhists, Catholics, Cao Dai, Hoa Hao, and the labor unions. It is not too late for President Thieu to rally these forces and bring their representatives into a peace cabinet or a negotiating committee. Conditions must be agreed to with the National Liberation Front under which a national election can be held from which would evolve a new constitution and a new government. As the front has proposed, provision should be made for guarantees against reprisals, and release of political prisoners.

There is increasing evidence that the other side would agree to an independent neutral South Vietnam for a period of years. The front, made up of people who are themselves southerners, evidently wants the South to be independent of the North until such time as a merger can be negotiated between equals.

Evidence indicates a willingness to agree to a non-Communist South. In fact Le Duc Tho has stated this in a New York Times interview. Furthermore, the Chinese, for the first time are not publicly supporting a peaceful settlement, and speak of the four countries of Indochina, including both North and South Vietnam. They may wish to keep Indochina Balkanized and not unified under Hanoi.

After the settlement Hanoi must be induced to leave its neighbors alone and that can best be done by long-term cooperative arrangements for the reconstruction and development of North and South Vietnam, Laos, Cambodia and Thailand. The United States should be generous in its financial contribution but must leave the management to an international agency.

I can see only further confusion by awaiting the October elections in South Vietnam. Senator Tran Van Don has succinctly pointed out in a recent speech that President Thieu controls (1) the administrative, military, police and intelligence apparatus, (2) the mass media, and (3) large financial resources. Senator Don concluded that control of any one of the three factors would be sufficient to elect President Thieu, and he also has a fourth "decisive" factor—U.S. support.

Under these circumstances there is no reason to delay negotiations until the election which can hardly be a meaningful democratic expression. Moreover, the frustration pervading our country requires negotiations for our prompt withdrawal from the war.

BEHIND THE LEAD CURTAIN

Mr. METCALF. Mr. President, the problem of toxic leads in our air, water-manufactured products, and our own bodies has been increasingly in the news in recent months.

Lead is the most insidious of polluters. It comes from many sources and occurs in many forms—automobile fuel, paints, containers and industrial by-products. Its effects on humans are adverse; fatalities, mental disorders and sterility have been traced to excess lead. Lead collects in the body so that the effects of small doses are cumulative.

One of the finest articles I have read on the subject of lead poisoning, "Behind the Lead Curtain," appeared in the May issue of Clear Creek, the enterprising new San Francisco monthly tabloid. Written by Mrs. Polly Roberts, it is a cogent, documented and comprehensive report on the problem.

I found particularly interesting her review of the occurrence of lead poisoning through history. I regret only that the instructive pictures and drawings accompanying the article cannot be included.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article is ordered printed as follows:

REPORT FROM BEHIND THE LEAD CURTAIN

(By Polly Roberts)

(NOTE.—Two major reports on lead poisoning in America—the Five Cities Study and the Lead Criteria Document—are presently complete. Both reports are being suppressed by high officials of the U.S. government. Polly Roberts, former Nader Raider, lucidly describes why the lead story has been swept under the bureaucratic rug. On the rapidly withering theory that an informed public is the strength of democracy, rather than a threat to the smooth operation of the governmental-industrial complex, Clear Creek presents Mrs. Roberts' account. Among her findings:

(At least 400,000 American children, most of them poor, have dangerously high lead levels, from nibbling leadpaints, which are still sold for indoor use.

(The lead content of American air is steadily rising, and lead is collecting in the bones of Americans. Conventional wisdom about the relative safety of lead, developed by Dr. Robert Kehoe with the Funding of the Ethyl Corporation, has recently been largely discredited. The scientific community is apprehensive, and many fear that urban American society is slowly breathing in the fate which leaded the upper classes of declining Rome.

(In a cruelly cynical ploy to narcotize public opinion, major oil companies have added lead to their premium gasolines, and come out with saturation-advertised "no-lead" and "low-lead" fuels. The net effect is the addition of more lead to America's atmosphere than was being fumed out before the change.

(Also, Clear Creek has obtained a purloined copy of part of the "Five Cities Study," presently being suppressed by the National Air Pollution Control Administration. This study offers evidence that the air at test sites in Los Angeles is increasing in lead content at an average rate of 7 per cent per year, compounded annually. This means that Los Angeles' atmospheric lead levels are well above California state limit already, and will soon pass the industry-proposed limit of 10 micrograms per cubic meter over a 24-hour period. It also means that the truth is out: NAPCA might as well tell us what is happening to the air of other American cities.)

WHEN IN ROME

Before the second millenium BC, the inhabitants of the Middle East valued silver above all other metals, because pure silver deposits are extremely rare. By the end of the second millenium, gold had become mankind's most prized metal. The ancients had learned to smelt silver from galena, an abundant, lead-rich ore.

The ancients soon began using the lead itself. Soft and corrosion-resistant, lead was fashioned into vessels and utensils, and sheeted for rooves, gutters, and cistern linings. The Greeks poured molten lead around iron rivets to secure building blocks. Ships were lead-sheeted to repel wood worms. Grape sugars were boiled in lead pots, to produce wine which would sour slowly. Lead compounds were used to tint paints, cosmetics, and pottery glazes. Alloyed with tin, lead became the pewter with which bronze pots and utensils were lined to keep toxic copper out of food and drink (pewter linings can still be found in Middle Eastern utensils.)

In the second century BC, the Greek poet-physician Nicander first described the symptoms of lead poisoning among men who mined and refined the metal. Dioscorides also described occupational lead poisoning in the first century AD. The Greeks also became aware of some of the hazards of lead-coated utensils and lead-glazed pottery.

The findings of the Greeks were lost on the Romans. Luxury-loving Roman nobles used lead abundantly—in pottery, cooking utensils, and plumbing. Heavy metal poisoning of the upper classes probably gave Roman civilization a nudge toward doom. Modern techniques have confirmed the presence of high lead concentrations in the bones of wealthy Romans. S. C. Gilfillan has observed that lead afflicted the cream of Roman society with "sterility, miscarriage, stillbirth, heavy child mortality and permanent mental impairment in the children."

After the Romans had declined and fallen, the inhabitants of medieval Europe rediscovered lead poisoning. Vintners found that a touch of lead nicely sweetened wine; even the decree of a death penalty for wine-leaders failed to end this heavy metal spicing. In 1723, the Massachusetts Bay Colony banned the distillation of rum in leaded stills, to prevent what was called the "dry gripes." Modern moonshine makers often use lead-soldered auto radiators as condensors, or drop in lead battery plates to make their white lightning more tasty. As a result, many of the moonshiners' customers suffer from chronic lead poisoning.

As Rome forgot the lessons of the Greeks, America is ignoring the fate of Roman lead consumers. At McGill University, recent tests showed that more than one-half of 264 glazed earthenware containers leached more lead than is permitted by U.S. standards—standards which themselves are highly suspect. Not long ago, two children were poisoned, one fatally, by drinking from an earthenware jug their mother kept constantly full of apple juice. Since only specialists can recognize mild lead poisoning, most cases pass unnoticed.

Many old American houses have lead plumbing (*plumbus* is Latin for lead), and in modern houses the pipes are usually lead-soldered. A number of municipal water systems use lead pipe, and line their water tanks with lead paint. Soft or slightly acidic water dissolves this lead, to the distress of public health officials.

HEAVY METAL CAPITALISM

Despite lead's history as a scourge of humanity, lead poisoning received little medical attention until the late nineteenth century. By that time, lead poisoning was epidemic among workers in proliferating lead-using industries.

Lead enters the body either through the digestive tract or the lungs. Once in the body it accumulates, chiefly in the bones. Because it accumulates a single large dose and many small doses produce similar results. Symptoms begin with anemia, fatigue, loss of appetite, cramps, and headaches. Such low-level poisoning causes sterility, miscarriage, and the birth of brain-damaged babies, even though the poisoned adult's symptoms may not be noticeable.

More severe poisoning may cause vomiting and kidney damage; as well as various nervous disorders, especially the paralysis of frequently-used muscles. The classic "wrist drop," or paralysis of the right wrist of right-handed people, is common at this stage. More severe poisoning produces a condition known as "lead encephalopathy," described by MIT scientist Harriet Hardy:

"The effect of acute lead poisoning on the brain is extreme. Central nervous system damage caused by lead is marked by destruction of various types of brain cells and degeneration of capillaries and blood vessels throughout the entire structure of the brain.

"Lead encephalopathy can cause brain hemorrhage, accumulation of fluid, swelling or shrinking of the brain and atrophy of the convolutions. There are serious and widespread disturbances of blood circulation throughout the brain in acute cases. Lead damage to the brain can cause convulsions, delirium, or coma. It can result in severe headaches, blindness, paralysis, mental retardation, or death."

The tetraethyl lead industry offers an example of lead management's callous attitude toward the safety of workers. Tetraethyl lead (TEL) was introduced as a gasoline additive in the early twenties. Unlike other inorganic lead compounds, TEL is highly volatile and passes easily through the skin and lining of the lung. It concentrates in fatty parts of the body, including nerve linings and the brain. A small dose produces insomnia, excitement, and psychotic attacks so severe that the victim may die of sheer exhaustion.

The TEL industry has reported only 88 cases of poisoning, 16 of which were fatal, since 1926. Independent health officials note that factory physicians conceal lead poisoning cases from both public and workers, and that the symptoms of many cases appear long after the poisoning occurred. Ray Davidson reports in *Peril on the Job* an interview with Harlan Harrison, union chairman of the Houston Chemical Plant in Beaumont, Texas:

"We're continuously exposed to some part of tetraethyl lead. The company runs a urine sample on us once a month. But in between this time we could all of a sudden go into the red or get highly contaminated with the lead.

"They vent this stuff out into the atmosphere. It falls back to the ground; you can smell it . . . Now, the company does take samples, air samples, at Lamar, downtown, and at Gulf States, which is four or five hundred yards from us. But we don't know the results of these and the people there are certainly exposed to this lead whenever they vent it out. What effect it has on you, then or later on, we haven't been able to find out. We have asked these questions. We can't get any answers as of yet."

Other lead-using industries began applying safety policies only in 1943. By that time, many workers were breathing air leaded with seven times the "safe" concentration. The worst lead hazards were in the soldering sections of auto assembly lines. Major industries still do not vigorously enforce lead safety standards; and small shops often take no precautions whatever. Nonetheless, the rate of acute lead poisonings among workers has decreased: only 99 cases were reported in 1967.

More subtle effects of lead poisoning, such as shortened life spans and increased susceptibility to brain and kidney diseases, still plague industrial workers. For example, a study of apparently healthy Japanese workers in a battery factory showed them to have a 25 per cent rate of sterility, compared with a 15 per cent rate in a control group; while 8 per cent of the lead workers' pregnancies ended prematurely or in stillbirths, as opposed to 0.2 per cent of the controls'. In England, a study of retired battery workers indicated that they had a significantly higher rate of brain and kidney diseases than the general population; and the battery workers died at an earlier average age.

In 1969, the United States consumed about 1,390,000 tons of lead in the manufacture of paints, batteries, gasoline additives, lead piping and sheeting, ammunition, and many other items. From the mining and smelting of lead to the use of end products, there is abundant occupational exposure. Two exposed classes of workers are not even in the lead industry: garage mechanics and policemen, who work immersed in auto exhaust fumes.

LITTLE LEAD SOLDIERS

Remember those lead soldiers our grandparents loved? They're gone now, and for good reason. Little children nibbled them—and died. But little children still nibble lead . . .

In the early part of this century, lead came into widespread use as a base and pigment in paints. In 1918, an estimated 40 per cent of all painters showed signs of lead poisoning. As leaded paints aged and peeled, young children would pick off the flakes and nibble them, perhaps enjoying the sweet flavor that lead the ancients to add lead to wine. This happened most often in slums, where houses were poorly maintained. In the late forties, doctors in Chicago and then in other major cities discovered a lead poisoning epidemic among children. Many children, particularly between the ages of one and four, were dying; and even more were brain damaged for life. As a result of the ensuing outcry, home use of lead paint was greatly reduced—though not outlawed.

Nevertheless, statistics on childhood lead poisoning continued and still continue to rise, for the simple reason, as one health official put it, "the more you look the more you find." So when cities such as Baltimore and New York initiated case-finding programs, statistics lept by several orders of magnitude. For example, between 1954 and 1965, New York City treated 2038 children for lead poisoning, of whom 128 died. Nationally, about 750 cases are reported every year.

Among the children who develop lead encephalopathy (brain inflammation), modern treatment has brought the mortality rate down from two-thirds to under 5 per cent. Nonetheless, the outlook for survivors is tragic: one follow-up study of 52 children showed that 82 per cent had permanent brain damage such as epilepsy, cerebral palsy, blindness, and severe mental retardation. Other damage, such as kidney malfunction, may show up later. As Dr. R. K. Byers noted, even children who never exhibit acute symptoms may suffer permanent damage:

"I had originally got interested in lead because of children who had had lead poisoning and had been sent home from the hospital as cured, who then turned up in my neurological clinic because they were misbehaving in one way or another, or not learning in school. One kid set the schoolroom on fire, another nice litle girl danced around on the desk."

Dr. Byers emphasized that none of these children had acute brain inflammation, and concluded, "I think that lead does something to the growing brain which is different from what it does to the adult brain."

Most cases of childhood lead poisoning go unrecognized. A 1969 conference on lead poisoning estimated that 30,000 children in New York City had excessive levels of lead, of whom 4500 had unsuspected severe poisoning. In November, 1970, US Surgeon General Jesse Steinfeld estimated that *400,000 American children have dangerous levels of lead in their bodies. If the same fraction have* serious lead poisoning as estimated for New York City, there are 60,000 children nationwide with *severe* lead poisoning.

What becomes of children with undiagnosed lead poisoning? Recent studies have shown striking correlations between levels of lead and mental retardation. In other words, lead-poisoned children, their illness unrecognized, make up perhaps a majority in that sad population inhabiting our institutions for the mentally retarded.

In belated recognition of the problem, Los Angeles recently began testing all incoming mentally retarded or disturbed children for lead poisoning. Some cities, notably New York, Chicago, and Baltimore, have programs to find and treat lead-poisoned children. When a child with a high lead level is found in Baltimore, the city forces the landlord to remove or cover the leaded paint.

Yet public health officials in most of the country treat lead poisoning of children with indifference; or, at best, ineffective gestures. Why? Because most of the victims are poor, and many are Black. President Nixon recently signed a bill which will provide about $9 million for the detection and treatment of lead-poisoned children—about $25 per affected child, or enough to pay for some 600,000 screening tests at $15 each. An adequate bill would have to provide for the testing of millions of children. One can easily understand the comment of the noted biologist, René Dubos, at a 1969 national conference on lead poisoning in children:

"The problem is so well-defined, so neatly packaged, with both causes and cures known, that if we don't eliminate this social crime, our society deserves all the disasters that have been forecast for it."

METALLIC MALLARDS

After children and leadworkers, the most frequent victims of lead are cows and waterfowl. Lead has become the most serious cause of cattle poisoning. If anyone carelessly dumps junk into a cattle pasture, the whole herd will probably come over to sample the refuse by licking and chewing it. If the litter includes leaded paint, plaster, or battery plates, too bad for the herd. Cattle are extremely sensitive to lead, and can suffer acute lead poisoning from body-level doses in the "normal" human range. Just by grazing along a busy highway, cows can pick up enough lead to cause miscarriage.

Waterfowl get lead poisoning another way. These birds grind their food for digestion with the help of gravel in their gizzards. They pick up this gravel while grubbing for food on lake bottoms. As the result of years of hunting, the bottoms of many lakes and marshes are liberally sprinkled with lead shotgun pellets, which the birds pick up along with natural gravel. Enough lead can be absorbed from a single No. 6 shot pellet to seriously weaken or kill a mallard duck. Conservationists estimate that 2 to 3 per cent of America's waterfowl population dies each year from lead poisoning. The problem could be alleviated by substituting iron for lead shot; but without government regulation, munitions makers have no reason to change.

HEAVY RAIN

To the sources of lead poisoning discussed above has been added, in this century, a use of lead unprecedented in human history. Lead levels in the atmosphere and waters of America—indeed, of the whole earth—have risen beyond levels ever experienced before by the planet's environment.

Part of this contamination comes from industrial discharge into water and air. According to one estimate, American industries "lose" between .25 and 2.5 million pounds of lead every year. As a result, parts of some major rivers (for example, the Ohio) contain lead in amounts above the presently-accepted safe standard; and the ground near some plants is coated with enough lead to kill grazing animals, as happened at Benecia, California, where 47 horses have died of lead poisoning in the past 18 months.

Industries often exhibit cavalier carelessness in lead waste disposal. For example, tetraethyl lead sludge periodically must be cleaned out of refinery and service station tanks. In a 1964 letter to a chemical workers' local union, R. B. Davis, Du Pont's Supervisor of Operations, recommended five methods of lead sludge disposal: burning, burying, dumping in deep sea water, dumping in an acid pit, and "weathering." Davis endorsed weathering most enthusiastically, which means spreading the sludge in a layer three inches thick on a "large, open, well-drained area . . . remote from people," and marked with warning signs. The weathering sludge is then sampled at monthly intervals until most of the lead is gone.

Gone where?

By far the largest source of environmental lead contamination is automobile exhausts. Cars pour out over 200,000 of the estimated *700,000 tons* of lead debouched annually into the American environment. The autos dump lead directly into the atmosphere of crowded cities. What lead is not breathed and absorbed into the bodies of citizens settles to contaminate the land.

People relying on streams, lakes, or rainwater cisterns for drinking water run a serious risk of lead poisoning, if they live near major cities or highways. A 1965 survey of the Illinois River and its tributaries in the Chicago area disclosed that 30 of 80 samples contained lead at above the safe limit set by the US Public Health Service. Cincinnati received a very heavy rain recently: five out of 12 rainwater samples had better than twice the Public Health Service "safe" limit, with one sample containing almost ten times the limit.

Fish and shellfish concentrate water-borne lead. Fish recently caught near Los Angeles had an average of 22 parts per million (ppm) of lead in their livers; 15 times the 1.5 ppm that produces classic poisoning of the human devourer within months.

Lead fallout also contaminates food, to the extent that food grown near major highways (and sold in those seductive roadside stands) may be quite dangerous. Tests have shown that plants near highways often contain 100 ppm of lead—67 times the concentration that will eventually cause lead poisoning of humans—and sometimes are weighted with 3000 ppm of lead. As a result, the average American eats a truly heavy diet.

The upper layers of Earth's oceans now contain about five times as much lead as the lower layers, where lead has not penetrated as rapidly. The lead content of Greenland's ice cap has increasd over the millenia to a present level of about 500 times the natural land level; *two-thirds of this increase occurred in the past 30 years,* and must be attributed to the pervasive use of leaded gasoline.

In the view of scientists, lead in the air is far more dangerous to humanity than is lead in food or water. Although Americans eat far more lead than they breathe, most lead is expelled by the digestive tract; whereas the lungs absorb a high percentage of inhaled lead. City dwellers get between one-third and one-half (or possibly more) of their total lead intake from the air.

COOL BLUE MILLIGRAMS

Despite the widespread and rapidly-increasing exposure of the American people to lead, before 1965 there was virtually no public discussion of lead hazards. A flurry of concern about tetraethyl lead occurred in the twenties and thirties, then died out. Due to governmental and scientific apathy, the field of lead toxicology in America became the province of one man: Dr. Robert A. Kehoe, Professor of Occupational Medicine at the Kittering Institute of the Cincinnati College of Medicine.

In 1930, the Ethyl Corporation, which makes 40 per cent of America's tetraethyl lead, began giving Dr. Kehoe funds for lead research. Kehoe commenced year-long feeding experiments with volunteers, to study the metabolism of lead in the human body and establish toxic thresholds. He came up with the following conclusions, which have become the cannons of lead:

First, Kehoe decided, lead is naturally abundant in the environment, and people have always been exposed to it. This exposure, Kehoe observed, had not increased with the increased use of lead throughout history.

Second, Kehoe advanced an "equilibrium" concept of the metabolism of lead in the body. By his feeding tests, Kehoe concluded that for a given intake of lead, there is a corresponding output. Lead, thought Kehoe, accumulates in the body only to that level where there is an equilibrium between input and output, after which no further storage takes place. Therefore, he suggested, the amount of lead in the blood provides an accurate measure of body lead content.

Finally, Kehoe set a threshold for lead damage based on the content of lead in the bloodstream. He observed ill effects on his volunteers only when their blood contained over .08 milligrams of lead per 100 grams of blood, and insisted that no ill effects occurred below that level. This became Kehoe's danger threshold, and is still the accepted danger level for industrial exposure in this country. The average American has about .025 milligrams of lead per 100 kilograms of blood, or one-third of Kehoe's "danger level." (Cigarette smokers average a bit more, due to leaded insecticides that have been dumped on tobacco fields.)

Kehoe's conclusions received their first major public challenge in 1965, after being used to comfort lead consumers for over 30 years. In an article in the *Archives of Environmental Health,* Dr. Clair Patterson of the California Institute of Technology asserted that virtually all the lead to which Americans are exposed comes from man-made, rather than natural, sources. Patterson estimated that Americans contain about 25 times the lead they would absorb under natural conditions. Because the human body has not evolved to cope with this lead, Patterson hypothesized most Americans *already* suffer from chronic subacute lead poisoning.

Kehoe's industry-fed supporters responded with outraged attacks not only on Patterson's work, but on Patterson personally and the editor of the *Archives.* The American Petroleum Institute (the oil industry's trade association and lobby) cut off Patterson's research funds. Nonetheless, Kehoe's reputation had been tarnished. Toxicologists awoke to look again at lead; and the rest of Kehoe's reputation quickly crumbled.

In 1968 Henry A. Schroeder and Isabel H. Tipton reported, also in the *Archives,* that the average lead concentrations in the tissues of Americans are much higher than lead concentrations in people living where little lead is consumed. Schroeder and Tipton also found that lead levels in Americans *increase markedly* with age. Here ended Kehoe's theory of an equilibrium between lead intake and output. Lead, in fact, collects in increasing quantities in bones and other tissues. This means that the lead level in the blood is not a reliable measure of body lead content.

While lead stored in the bones is relatively harmless (compared with lead in the brain), if that lead should be released from the bones, a healthy-appearing individual can suddenly show signs of lead poisoning. Lead may be released from storage by bone fractures, prolonged illness or alcoholism, and possibly during pregnancy. The medical literature contains a number of cases of lead poisoning occurring in individuals who had absorbed lead many years earlier with no apparent ill effects. Schroeder and Tipton attributed the increasing burden of lead in American bodies to leaded gasoline; and grimly predicted that, with the rapid rate of increase, toxic symptoms might soon appear in the general public.

Kehoe based his still-accepted lead tolerance standard on the experimental response of healthy young volunteers. Some people, such as those with blood or kidney diseases, are more susceptible to lead than are healthy youths. Small children also are highly susceptible to lead: the younger the child, the more vulnerable he is. Women exposed to lead with no easily visible ill effects often suffer miscarriages or stillbirths, or produce severely brain-damaged children. Indeed, children with symptoms of classical lead poisoning have been found to have a blood level of lead as low as .04, a value at the top of the "normal" range of lead levels in American blood. Charles C. Johnson, Administrator of the Environmental Health Service of HEW, recently suggested that small children may get lead poisoning largely from a contaminated city environment, though most toxicologists would dispute this.

Now that Dr. Kehoe's lead curtain has been ripped, scientists are beginning to discover that minute doses of lead cause little-understood chemical changes in the human body. Recent research has shown that delta-amino-levulinic-acid (d-ALA), a building-block in the manufacture of hemoglobin and other essential body compounds, is released at body lead levels far below those generally associated with lead poisoning symptoms. Lead interferes with the action of an enzyme that normally converts d-ALA into a related compound necessary for the synthesis of blood. Studies conducted last year by Dr. Sven Hernburg, a Finnish scientist, showed that lead interferes with the d-ALA enzyme at levels normally found in the population; Hernburg could find *no lead blood level below which the interference did not occur.* This finding is consistent with Dr. Patternson's controversial suggestion that since modern man contains about 25 times the natural amount of lead, *ipso facto* lead causes damage to humans.

The Russian government is much more restrictive of the lead imposed on its citizens than is the American government. Since the days of Pavlov, Russians have regularly tested toxic compounds for their effects on conditioned reflexes. Soviet scientists put lead in the air breathed by test rats, and found that their vigor and reaction time was significantly reduced. The amount of lead tested by the Soviets—11 micrograms per cubic meter for six hours in the air—is probably about comparable to a 24-hour exposure of 2.75 micrograms, which inhabitants of many U.S. cities presently experience. The Russian rats did not have to eat lead; and there is evidence that rats are less susceptible to lead than are humans. The relatively cautious Russians have set a maximum level of 10 micrograms for occupational exposure and .7 micrograms for the population—in contrast to U.S. standards of 200 micrograms occupational, and the industry-proposed 10 micrograms for the American people.

In short, much as industry scientists may squirm, Russian research suggests that current levels of exposure to lead in cities probably causes minor behavioral changes, such as the slowing of reflexes—e.g., the reflex of breaking in the face of an oncoming car. Latest research has pulled the comfortable industry-woven rug out from under the field of lead toxicology. At a time when lead in the environment and in the bodies of the American people is rapidly increasing, scientists have been reduced almost to scratch, with little but forebodings to guide them. Only the State of California has acted, by setting a maximum level for lead in the air of 1.5 micrograms.

All this is not to say that Ethyl acted amiss in funding Kehoe's research; rather, the fault lies with the federal government. For the government completely abdicated its responsibility in allowing Kehoe to so dominate the field of lead toxicology, and in failing to recognize that no more "objectivity" can be expected from an industry-paid scientist than from the lawyer who represents the industry in court. Meanwhile, Dr. Kehoe's place as the pillar of the lead community has been filled by one Dr. Gordon J. Stopps, Assistant Director of Du Pont's Haskell Laboratory (Du Pont makes 40 per cent of America's tetraethyl lead). Dr. Stopps, who at least does not operate under the camouflage of a university professorship, has earned a grudging respect in the scientific community; for while other scientists may disagree with his biases, they have found his methods scrupulously honest. This very honesty of course makes Stopps a more formidable opponent, as he can ably defend his biases.

Nonetheless, one may ask, isn't all this fuss a little academic? After all, the oil companies are phasing lead out of gasoline, removing the worst source of lead. Well, that's what the oil companies would like you to *believe* they're doing . . .

E PLUMBUS UNUM

On January 14, 1970, Edward N. Cole, President of General Motors, dropped a bomb on the normally harmonious auto-oil-lead industry. Lead, said Cole, gums up the catalytic mufflers GM planned to use, starting in 1972, to reduce automobile exhaust pollution. To make matters worse, he claimed, lead in gasoline greatly increases particulate (sooty) emissions. In short, the oil industry would have to begin putting out lead-free gasoline. At the same time, Henry Ford II wrote to the biggest oil companies, suggesting they convert to a two-fuel system of unleaded regular and leaded premium.

The oil and lead industries reeled from this disloyal attack. Malcolm McDuffie, President of Mohawk Petroleum, told a congressional committee that "all the incredible power, influence and adroitness of Detroit had been massed in an obvious attempt to foist onto the American consumer a colossal snow job based on the emotionally inspired and publicly popular theme, 'Get the Lead Out.'"

Lead increases the octane rating of gasoline—that is, the smoothness of burning. Two and one-half grams of lead per gallon, at a cost of half a cent, raises octane rating about eight points. The American Petroleum Institute (the oil lobby) happened to have a study in hand which alleged that conversion to produce high-octane leadless gas would cost $10.8 billion in new refining equipment.

GM fired a counter-study at the oil lobby, calculating that improved engine maintenance and increased power from cleaner gas would save the public about 2.75 cents a gallon.

The Ethyl Corporation, which stood to lose 40 per cent of its lead sales, hit GM with a counter-counter-study. Ethyl argued that leadless gasoline would *increase* air pollution, because the high-octane aromatics which would be added to gas irritate eyes, cause cancer, and form photochemical smog. Ethyl's study had been done by the US Interior Department's Bureau of Mines, under contract with the American Petroleum Institute. With the full weight of government authority behind it, Ethyl took out nationwide ads claiming that getting the lead out would increase smog. Dr. John T. Middleton, head of the National Air Pollution Control Administration (NAPCA), called Ethyl's ads "ill-advised and not true."

Bob Walker of *Finance Magazine* nicely summed up the public impression of this fraternal squabble:

"The problems involved become so technical that the consumer really has no way of knowing who, if anyone, is right. The layman generally is forced to decide which expert he trusts, and he usually is trying to decide among a group of apologists for many special interests, none of whom he knows."

Despite all the jousting concerning who should pay for cleaning up the internal combustion engine, the automotive-petroleum heavy metal combine continued to agree that lead is good for America. As President Charles M. Heinen of Chrysler said, the lead health hazard was a "phony issue" raised by a bunch of "air pollution scare specialists [who] are still trying to convince the American public that automobile emissions are a serious menace to life and health."

This unseemly sniping among members of the internal combustion brotherhood was resolved by Secretary Finch of the Health, Education, and Welfare Department. Acting with unbureaucratic swiftness four days after receiving a proposal for "phasing out lead" from Robert Cole of GM, Finch passed Cole's proposal on to the oil industries:

1. After July 1, 1971, gasoline marketed in the U.S. would contain no more than 0.5 grams per gallon of lead, *unless* its octane rating were at least 97;

2. After July 1, 1974, gasoline marketed in the U.S. would contain *no* lead *unless* its octane rating were at least 97;

3. Gasoline of 97 or greater octane levels would contain up to *four* grams per gallon of lead, *so long as demand for such gasoline* existed.

The lead companies reacted predictably, with press releases as hysterical as any from the get-the-lead-out forces. Charged J. L. Kimberley, Executive Vice President of the Lead Industries Association: "The Secretary is intimidating the petroleum industry into removing lead from gasoline without any proven benefit from doing so. There is no known present or imminent health hazard from lead in the atmosphere." In reference to the industry-sponsored Bureau of Mines study, Kimberley added, "We suggest the Secretary of Health, Education, and Welfare get 'all his ducks in a row' and check with his own and the other governmental agencies before he begins his intimidation program."

But the oil companies found Finch's proposal so appealing they did not even wait for the deadlines. Texaco began it, coming out on April 2 with a lead-free "premium" priced 6 cents above regular, and 2 cents above leaded premium. Union followed, with a new low-lead regular 76, "a gasoline for people, like us, who care about our air," priced one cent above regular. (A Union spokesman charged that Texaco had set their price so high to prove people wouldn't pay for clean air.) By November, 1970, *a Chemical and Engineering News Survey* found that nine oil companies had joined Texaco and Union in marketing no-lead and low-lead fuels, and other companies planned to follow. These gasolines are priced up to three cents per gallon more than regular fuels, with a majority costing one cent more than regular.

Conservationists suspected a heavy metal plot. As it turns out, the slug in the Finch schedule is the allowance of four grams of lead per gallon of high octane gasoline. Until a few years ago, the oil industry had had a "gentleman's agreement" with the U.S. Public Health Service (HEW) limiting lead to three grams per gallon. In the early sixties the oil industry requested the Surgeon General to raise the limit to four. Not having the power to refuse, and unable to *prove* that the increase would be harmful, the Surgeon General acceded, on condition that surveys to be conducted of lead in city atmospheres show no dangerous levels. The so-called "Three Cities" survey of lead in LA, Cincinatti and Philadelphia, completed in 1963, showed lead levels that public health officials did not find reassuring. Therefore, the oil companies needed a green light for adding four grams—which they got from Finch.

Since at the time the oil companies used an average of 2.7 grams per gallon in their premiums, and almost never more than three grams, what made that four gram raise so important? It is very simple: an oil refiner can raise the octane of his gas in two ways; by adding more high-quality ingredients, or by adding more lead. To make no-lead and low-lead gasolines, the oil companies are simply taking some of the high-quality ingredients out of the premium, and putting them into the regular; then, to make up the lost octane of the premium, they add more lead to it. In fact, for technical reasons they must add more lead to the premium than they take out of the regular, *increasing average lead content per gallon*. Since TEL is very cheap (⅕ cent/gram), this reshuffling of ingredients costs essentially nothing. So when the oil companies then charge one to three cents more for their "clean fuels, they really clean up—money if not air. Without the HEW guarantee that the government will not object to four grams per gallon, this profitable little maneuver would not be possible.

Most of the oil companies will not admit they are doing this. However, Union Oil PR chief Fritz Springman did allow that Union might be raising its average lead content per gallon, but "only as a temporary measure." Temporary or not, the oil companies are putting more lead into the air in the name of taking it out, and charging us gullible consumers a fortune for the favor.

THE CATALYTIC CAPER

By the middle of 1969, it had become clear to all that Senator Muskie's Clean Air Act of 1965 had failed to take a molecule of pollutants out of the air. By the incredibly cumbersome procedures it established, the Act actually weakened the powers federal officials already had. So Congress geared up to produce a new Clean Air Act. As the automobile contributes so heavily to lead and other air pollution, much of the lobbying and wheeler-dealering concentrated on cleaning up auto engines, and giving the National Air Pollution Control Administration power to regulate hazardous gasoline additives. In December, President Nixon signed into law the new Clean Air Act of 1970, essentially the Senate version, a stronger bill than most conservationists would have believed possible.

The bill authorizes NAPCA to regulate fuel additives, an important power should NAPCA wish to exercise it. The bill also sets a 1976 deadline by which auto emissions on new cars must have been reduced 90 per cent from present levels. This looks like a victory for clean air, but is it really?

No. In fact, it is a real triumph for GM and its fellow auto manufacturers.

First, it won't work. To reduce emissions so much, auto makers must add catalytic mufflers to their autos. Catalytic mufflers are not only expensive (about $200 each) but extremely fragile. Therefore, to ensure that these mufflers work, NAPCA must, in cooperation with the states, set up an extensive nationwide network of testing stations to which motorists must come at frequent intervals to have their exhaust checked. Until such stations have been established, the auto companies are not responsible for seeing that their autos meet standards. So, if NAPCA does not manage to get the stations established by 1975, (a good possibility considering the size and expense of the task) the 90 per cent reduction will remain a piece of paper. Even if the stations are established, they will be expensive to maintain. The frequent checking will also put an enormous burden on John Q. Public to take good care of his car. Not only that, but 1971 emission controls already interfere so seriously with the operation of cars that many car owners just strip them off. The catalytic mufflers will probably be worse. Of course, this is as the auto companies want it, so they can point to air pollution and say, "See, it's not our fault. The public just won't pay for clean air."

Second, the catalytic muffler racket is a dead end. Even if GM and friends can manage a 90 per cent reduction, they can't do any better without abandoning the internal combustion engine—as they admit they may have to—in the dim distant future. But, as Dr. Ernest Starkman, professor of mechanical engineering at Berkeley, recently charged, by throwing themselves into the frantic though ultimately futile scramble to clean up the internal combustion engine over the next five years, the auto companies must neglect their research on alternate engines, *further delaying the switch to cleaner cars.* The auto companies of course claim they could not possibly mass produce an alternate engine by 1975. According to Edward Lear, developer of some steam and gas turbine engines, "That's because no one is holding a blow torch to their backsides."

Finally, as far as lead pollution goes, cleaning up the air GM's way means abandoning any attempts over the next ten or twenty years to reduce the steadily growing concentration of that heavy metal in our air. Lead wrecks catalytic mufflers. So, in order that these inventions may have their lead-free gasoline, the oil companies put more lead in the gasolines for old model cars than they take out of their lead-free gasolines—and make a tidy profit into the bargain.

In short, with the passage of the Clean Air Act of 1970, the heavies in the auto and oil industries won a respite for the polluting way of life. The American people will pay, both with their tax money, and with their health.

LED TO BELIEVE

Now we are ready for a look at the information about lead in the American environment, data which the Environmental Protection Agency is assiduously protecting from the gaze of the American public.

Suppressed Document One: The Lead Criteria Document, describing the dangers of lead and setting national standards to protect public health, originally had been scheduled for release this January. Immediately after the passage of the 1970 Clean Air Act, William D. Ruckleshaus, head of the Environmental Protection Agency (which now contains NAPCA), immediately announced that the Lead Criteria Document would be released "within a 13-month deadline" (the deadline specified by the Act). To veteran bureaucracy-watchers, this means "not for 13 months."

Yet the document *has* been written, and is currently circulating among a limited number of scientists under the title "Criteria Document for Lead, Draft No. 2." Even more interesting, it turns out that the Epidemiological Study portion was written by Dr. Gordon J. Stopps, the Du Pont employee who has filled Dr. Kehoe's shoes as the leading defender of lead pollution. Naturally, the document is soft on the dangers of lead.

Now it may seem a trifle shocking that an agency charged with protecting public health should rely on scientists from the very industries which threaten public health. However, NAPCA has very little choice. Since the federal government has so long left the field of lead toxicology entirely to industry, it has no respected experts of its own. Furthermore, unlike the governments of most European countries, the US government has no independent research capacity. It must depend on that quasi-official body of scientists, the National Academy of Sciences—National Research Council. By its charter, the National Academy must include industrial scientists. The Academy's aptly-named Lead Liaison Committee naturally includes Dr. Stopps.

Nonetheless, because the Criteria Document has not yet been released, there remains hope. California state recently adopted an atmospheric lead ceiling of 1.5 micrograms per cubic meter (in contrast to the industry-proposed limit of 10 micrograms). Dr. John Goldsmith of the California Department of Public Health, who led the fight for that strict limit, told us, "I believe they (NAPCA) may yet come around to our way of thinking."

We hope Dr. Goldsmith is right. However, the new Clean Air Act requires NAPCA to set public health standards *that can be enforced nationally within four years.* The California Department of Public Health, on the other hand, explicitly recognizes that air pollution standards necessary to protect public health cannot be achieved *without major changes in technology and modifications in life styles*—such as a halt to urban growth and a vast increase in public transportation in Los Angeles. NAPCA would have to buck its own authorization statute to recognize this truth; so the Agency may well take the easy path and set standards that industry, not the public, can "live with." On the other hand, the Clean Air Act *does* give NAPCA power to regulate fuel additives—if it wants to.

Suppressed Document Two: The Lead Criteria Document cannot be suppressed forever, as it faces a statutory deadline of about February 1972. But another, even more important, document has been suppressed by the NAPCA, with no deadline set for its release. This is the Five Cities Study, done in 1968–69 by the US Public Health Service in cooperation with the NAPCA. This study is a measurement of lead pollution in the air of five American cities, three of which were tested in the 1961–62 Three Cities Study.

As Dr. Jack Oppenheimer, a high NAPCA official, told a correspondent of ours last fall, the Five Cities Study was essentially complete at that time, except for summaries and conclusions. Yet at this writing (March 1971) the study had not been released. Furthermore, NAPCA *has refused to release even the raw data to Dr. John Goldsmith* of the California Department of Public Health, although Dr. Goldsmith is a leading expert on lead pollution and participated in the Three Cities Study.

For the benefit of our readers, we have obtained some of the data from the Five Cities Study. This section, showing 1968–69 lead levels in Los Angeles, was procured by a reporter at an air pollution conference last fall. Column (4) shows that average atmospheric lead levels in Los Angeles were 3.6 micrograms per cubic meter in 1968–69—well above the California limit of 1.5 As indicated by column (5), over a seven-year period, lead levels at Los Angeles test sites have increased from 33 to 64 per cent, the average increase being about 56 per cent. This is an increase *of 7 per cent compounded annually.* Another chart in the report suggests that the monthly average lead pollution of downtown Los Angeles for December 1968 was about 7.6 micrograms per cubic meter. Furthermore, the largest lead pollution in downtown Los Angeles was recorded by a station about 95 feet above the ground. Measurements taken down close to traffic and people probably would have been even higher.

The implications of this data are inescapable. The lead levels in the city of Los Angeles are already so high (well above the official California limit of 1.5 micrograms) and are increasing so rapidly that they will soon pass the industry-proposed 10-micrograms 24-hour limit, if indeed they have not already done so in some parts of the city. But the implications extend beyond Los Angeles. The 1961–62 study showed that downtown Philadelphia had the same lead levels as Los Angeles. In other words, all major cities in the country are probably being leaded at the same rate as Los Angeles.

In short, the federal government is actively suppressing data showing that even the *industry*-supported atmospheric lead limit has been approached or passed in American cities. Why? One can only speculate. It is natural for Dr. Stopps of Du Pont and the Lead Liaison Committee to insist that all data be checked and rechecked and checked again . . .

After all, the government has committed itself to cleaning up the air GM's way, which means an *increase* in atmospheric lead pollution for at least the next ten years. If government officials were now to come out and admit that lead pollution has already reached crisis levels, what could they do but wring their hands? Apparently, in the time-honored tradition of "don't alarm the public," they are playing ostrich in hopes the lead will all blow away.

COVER THE EARTH

Since the late 1940s, water-based latex paints have, to a fair extent, replaced lead-containing oil-based paints for indoor use. Nonetheless, lead-containing indoor paints continue to be widely available, particularly in various shades of orange, green and yellow, for which alternate pigments are much more expensive. Some paints, such as Pratt & Lambert House Paint, contain lead in red, brown and grey as well.

These paints have warnings on the labels. For example, a can of Boysen Plasolux (trademark) orange reads: "CONTAINS LEAD. Do not apply on window sills, toys, furniture or interior surfaces of rooms which may be used by children." The same label recommends the use of the paint for "kitchen, bathroom, woodwork, sash and trim, autos, lawn furniture, interior furniture, tools and implements, leather, plastic, boats and many other household applications."

Such warnings are totally inadequate. As many studies have amply demonstrated, most people do not read labels. But even if people did read labels, furniture and houses change hands; future owners may not know a window sill or chair has lead paint on it. Worst of all, lead-containing oil-based paints have a higher gloss and durability than latex paints, making them particularly suitable for bathrooms, kitchens and window frames. For this reason, penny-pinching, unscrupulous (or ignorant) landlords, particularly in the slums, will tend to use lead paints for these purposes regardless of the hazard to tenants.

LEAD NUMBERS

Blood lead levels

Milligrams/100 grams blood and Significance

0.001: "Natural" blood level before man began using lead, calculated by Patterson

0.010: Lower limit of normal blood levels in USA

0.025: Average blood level in USA

0.04: Upper limit of "normal" US blood levels; lower limit of blood levels in children showing poisoning symptoms

0.07: European "danger" threshold for occupational poisoning

0.08: American "danger" threshold for occupational poisoning

Lead in the air

Micrograms/Cubic meter, Period, and Significance

0.7, 24 hrs average, Russian limit for general population.

1.5, 30 day average, California limit for general population.

2.5, annual average, Los Angeles 61–62.

3.6, annual average, Los Angeles 68–69.

6.4, highest monthly average, LA 61–62 at highest-reading station.

7.6, highest monthly average, LA 68–69.

8.0, highest weeklong average, San Diego, 1970.

10.0, 8 hrs/day, Russian limit for industrial exposure.

10.0, 30 day average, Industry-proposed limit for US population.

25, unkown, Average LA freeways 61–62.

44, unknown, Average, vehicular tunnel, LA 61–62.

71.3, unkown, Recorded during peak traffic in LA, 1967.

200.0, 8 hrs/day, US limit for industrial exposure.

LEADED POTTERY

Most pottery contains lead in the glaze, that is, the glassy surface coating. However, only earthenware (brick-colored on breaking) as opposed to china (white on breaking) causes any hazards. Whether or not a given piece of earthenware reaches dangerous amounts of lead depends on whether the piece was fired at a high enough temperature to seal in the lead. Scientists tests for lead by filling the piece with hot vinegar, letting it stand for half an hour, and then analyzing the lead content of the vinegar. This is the only foolproof method of measuring the hazard of pottery.

So how can you tell whether the pottery you use is dangerous? You can't for sure. However, *handmade pottery* of any sort, American or imported, is almost always dangerous, since small potters cannot obtain sufficiently high firing temperatures. In fact, even the products of the "best" commercial firms may be hazardous; for example, on March 4, 1971 Meltox Potteries of California announced it would withdraw all its "California Tempo" line because an 18-month-old baby probably had been fatally poisoned by drinking grape juice from one of the pitchers.

The only way to be really safe is by not using earthenware. If you do, stick to the recently-manufactured products of the biggest American, European or Japanese firms, don't store food in them, and don't put acid foods like fruit juice into them at all. (The same, incidentally, goes for pewter.) If you have any doubts about your current earthenware, toss it out and get a set of china—it's cheaper than having it tested.

If you have been using handmade or other suspicious earthenware regularly, see a doctor and ask for a blood test. The test costs about $15 and low-level lead poisoning is easily treated. If you have small children or expect to have children in the next few years, don't hesitate. Remember, babies and small children run a high risk of permanent brain damage.

This is not a joke. For while only a handful of poisoning cases from pottery turn up every year, public health officials strongly suspect that thousands more go undiagnosed. Since the symptoms of lead poisoning mimic those of so many other diseases, from anemia to viral encephalitis, only trained doctors with reason to suspect lead poisoning will diagnose correctly. After all, lead paint poisoned only a handful of children every year until doctors started looking for cases.

A ban on lead glazes would of course eliminate the danger. Such a ban would not affect most large commercial potters, some of whom indeed support it; however, it would put handicraft potters out of business, as only lead glazes melt at their low firing temperatures. The opposition of these artisans, plus the even more powerful opposition of the Lead Industries Association, has to date stalled all attempts to ban lead glazes.

HEAVY METAL SOUP RECEIPE

An oil refiner begins the gasoline blending process with a number of lead-free, or "clear," octane components. These he normally mixes to make a regular and premium grade, adding about 2½ grams of lead per gallon, to raise the octane of each grade by about 8 points. For example, starting with an 86 "clear" octane regular and a 92 "clear" octane premium, by adding lead the refiner gets a 94 octane regular and a 100 octane premium. Tetraethyl lead is very cheap, so the refiner gets that 8-octane boost for about half a cent per gallon. However, the effectiveness of lead additives is subject to the law of diminishing returns; so while the first half-gram of lead may increase the octane 3 points, the last half-gram added will increase the octane less than one point.

But the refiner can, and does, use another recipe. He can get 94 octane regular and 100 octane premium as follows: instead of mixing his components into an 86 "clear" octane regular and a 92 "clear" octane premium, he can, for example, throw them all into one pot to get an 89 "clear" octane blend. Then he can add 1 gram of lead per gallon to half of this blend, to get a "low-lead" 94 octane regular; and add *4½ grams of lead* to the other half to get a 100 octane premium. He has to dose the premium with this much lead because, by the law of diminishing returns, it takes about 4½ grams of lead to raise octane 11 points from 89 to 100, though it only took 2½ grams to raise the octane 8 points from 92 to 100.

As a result, instead of 2½ grams of lead per gallon, the refiner's gas now averages 2¾ grams of lead per gallon. This costs him 1/20th of a cent per gallon more. Then he bucks the prices of his "no-lead" and "low-lead" gasolines by 1 or 3 cents per gallon and makes millions.

LOS ANGELES SECTION OF SUPPRESSED FIVE CITIES STUDY

A—LOS ANGELES

Site number and classification	Height above ground (feet)	Location
1—Commercial	80	Downtown Los Angeles—County air pollution control district.
2—Commercial	5	La Grea district—Telephone Co.
3—Rural	5	Arcadia—County Aboretum.
4—Residential	10	Pasadena—County air pollution control district.
5—Residential	60	Pasadena—California Institute of Technology.
6—Residential	40	Westwood—University of California at Los Angeles.
7—Industrial	5	Vernon—Vernon City Health Department.
8—Commercial	95	Downtown Los Angeles—Los Angeles City Health Department.

SUMMARY OF MONTHLY AVERAGES OF LEAD PARTICLES BASED ON DECEMBER 1961–NOVEMBER 1962 AND DECEMBER 1968–NOVEMBER 1969

Location	Station	Geometric mean, lead micrograms per cubic meter— 1961-62	Geometric mean, lead micrograms per cubic meter— 1968-69	Percent change (4)/(3)
(1)	(2)	(3)	(4)	(5)
Los Angeles	1	2.49	4.03	+61.42
	2	2.63	4.23	+60.45
	3	2.61	3.46	+32.71
	4	2.27	3.72	+64.04
	5	2.04	3.06	+49.78
	6	1.49	2.36	+58.63
	7	2.17	3.39	+56.29
	8	2.80	4.55	+62.62

INTERNATIONAL WHEAT AGREEMENT

Mr. McGOVERN. Mr. President, on July 12 this body ratified the International Wheat Agreement of 1971. Just before the vote on the wheat agreement, the Senate voted favorably on Senate Resolution No. 136. This resolution provided that the President, at the earliest practicable date, request the International Wheat Council to convene a negotiating conference with a view toward the negotiation of suitable provisions relating to the prices of wheat and to the rights and obligations of members in respect to international trade in wheat.

As originally drafted, the resolution called on the President to ask for such a meeting at the earliest possible date. Yet because some said the time was not right for such a request and because it was suggested we would be handcuffing the administration by such language, this body instead inserted the phrase "at the earliest practicable date."

When the resolution accompanying the International Wheat Agreement was passed, we fully expected the administration would pay some heed to the resolution. Those of us concerned about the well-being of the wheat farmer expected the administration to begin to explore times and places for negotiations as provided for by the treaty.

But within a few days of the adoption of the resolution, Assistant Secretary of Agriculture, Clarence Palmby, was asked when negotiations might begin. Secretary Palmby's reply was that it was not yet "practicable" for talks to begin; and, what is more, he did not foresee the time when such talks might begin.

With reports of record crop yields in the offing both here and in Europe, farmers are genuinely concerned about the lack of pricing provisions in the International Wheat Agreement. Farmers want to know now what the administration intends to do. The administration should spell out in no uncertain terms how it will comply with the Senate resolution requesting the administration to begin negotiations on pricing provisions and related issues as soon as practicable.

The statement by Mr. Palmby seems to be definitely at odds with the resolution we passed on the same day we passed the International Wheat Agreement of 1971. I call upon the administration to clarify its intentions. At the very least, it should tell those of us concerned about the welfare of the farmer what it intends to do.

Price provisions were not included in the wheat agreement. Without the direction provided by S. 136, the new agreement benefits only the international traders.

Devoid of pricing provisions, basing points and references wheats, the agreement we passed last week is of little meaning and does not serve the aim of stabilizing the international wheat trade.

The Senate resolution adopted last week provided the administration the means to give assurance to wheat producers that there would be protection against international price wars in wheat trading and the resulting loss of income to wheat farmers. The President and the Secretary of Agriculture should act quickly to comply with the Senate's recommendation. To fail to do so would leave our wheat farmers in a serious predicament at a time when over half the wheat harvested in the United States goes into the international market.

THE INTERNATIONAL WHEAT AGREEMENT

Mr. MONTOYA. Mr. President, on July 12, 1971, the Senate considered and passed Senate Resolution 136 and the International Wheat Agreement. I made a statement on the floor of the Senate regarding these two pieces of legislation, but through an inadvertent printing error, my statement did not appear in the CONGRESSIONAL RECORD that day. I ask now that the statement I made that day appear in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

INTERNATIONAL WHEAT AGREEMENT

(Statement by Senator JOSEPH M. MONTOYA on the floor of the U.S. Senate, July 12, 1971)

Mr. President, today the Senate faces an issue that will have a direct bearing on the well-being of the American farm community. Farmers in this country are not doing well now; the index of farm prices has slipped to 70, the lowest level since the depression. At a time like this, we should expect every action taken to be in the direction of alleviating the plight of farmers, yet we are asked today to make a decision regarding a very inadequate agreement on international wheat marketing.

The International Wheat Agreement before the Senate today does not contain any minimum price level. This means that a fundamental barricade against the extreme harm done to farmers by wildly fluctuating prices has been removed. Past agreements have contained minimum price levels to avoid such disastrous consequences. We can thank the distinguished Senator from Wyoming (Mr. McGee), for coming to the aid of the wheat farmers in this country by introducing Senate Resolution 136, which instructs the administration to go back to the conference table as soon as possible to negotiate specific price levels. The adoption of Senate Resolution 136 would make the adoption of the International Wheat Agreement much more palatable than the agreement would be by itself.

Though I would prefer to have price levels set in the present agreement, I am willing to support the compromise now forged by the introduction of the McGee resolution to accompany the agreement. This arrangement is better than leaving international wheat trading completely adrift while a new agreement is negotiated.

The International Wheat Agreement consists of two parts; the Wheat Trade Convention, and the Food Aid Convention. As article one of the Wheat Trade Convention indicates, a major objective of this treaty is to further international cooperation in connection with world wheat problems. The basic factor in relation to cooperation and expansion of international trade is stability. And the means of guaranteeing stability in trade of wheat are price stabilization provisions.

Mr. President, it is very important to the people of my State of New Mexico that the new IWA be as strong as possible in its protection of wheat farmers.

During the 1970 crop year, New Mexico farmers planted 184,000 acres of winter wheat, from which was harvested 5.5 million bushels of wheat. The total value to farmers of the 1970 wheat crop in New Mexico was almost $14 million.

With the addition of Senate Resolution 136, this treaty takes on real meaning for wheat farmers in New Mexico and the other wheat-producing States. For in the interest of economic stability, it is essential that minimum and maximum price provisions, along with acceptable basing points of shipment and reference wheats, be implemented. We can thus avoid the threat of price wars which do damage to not only the wheat producers, but also the spirit of international cooperation.

To those who claim that we should rely upon "free trade" and the supply and demand nature of a "world price", the only reply necessary is a call to reality. There is no world price for wheat because factors other than "unfettered enterprise" enter into the international sphere of trade. Political maneuvering, to some extent, guides the tactics of world trade. Markets exist under framework of law, property rights, wealth distribution, and economic conditions. Justice and order are best served in world trade by well-defined guidelines and accessible mechanisms for negotiation.

Without these price stabilization measures, both the farmer and taxpayer in America will suffer. When the price of wheat sold abroad is below the price in the United States, the Government must pay the difference in the form of an export subsidy. The wider the difference, the greater the subsidy. In a "free trade" situation, there would be no safeguards against prices dipping so low as to cause exhorbitant subsidy costs—at the taxpayers expense. These mounting costs could endanger the farm subsidy program which is so important to the welfare of producers and consumers in our country.

So, Mr. President, it is with the knowledge that a clear majority of the other nations involved also desire these price stabilization provisions and the firm conviction that the Senate Resolution 136 makes this international wheat agreement a benefit to our domestic wheat producers that I recommend approval of this treaty.

I also believe, Mr. President, that it is the obligation of this administration to insure compliance by the United States with the provisions of the international wheat agreement. Any violations of treaty conditions, as have happened in the past, must be rectified with enthusiastic cooperation and support for the worthy goals of this international commitment.

I urge consent of this treaty.

CHARLES W. MILLER, PRESIDENT OF NATIONAL ASSOCIATION OF COUNTY ADMINISTRATORS

Mr. FANNIN. Mr. President, the members of the National Association of County Administrators are to be congratulated for their good judgment in selecting as their new president Mr. Charles W. Miller, of Phoenix, Ariz.

Chuck Miller is an extremely capable administrator who is doing an outstanding job for the residents of Maricopa County, Ariz., as their county manager. I have known Chuck Miller for many years, and I am sure that the National Association of County Administrators will benefit greatly from his business acumen, foresight, understanding, and problem-solving abilities.

I ask unanimous consent to have printed in the Record an article from the July 19 edition of the Phoenix Gazette, which tells of the election of Mr. Miller to the national office.

There being no objection, the article was ordered to be printed in the Record, as follows:

County Manager Wins Post

Quiet, soft-speaking Charles W. Miller, 49, is newly-elected president of the National Association of County Administrators.

Elected Saturday in Milwaukee during a preliminary conference of this affiliation of the National Association of Counties, Miller is believed to be the first Arizonan ever to be elected to the organization's top post.

Miller who recently completed his second year of a second hitch as Maricopa County's manager, has launched many programs aimed to upgrade the quality of county government.

He was first Maricopa County's top administrator from 1960 to 1964, and returned to the county in 1969 after resigning as controller of the Valley National Bank.

In demeanor and approach to a political office, Miller's is that of a banker. In his dealings with others, he has the best poker face hiding the shrewdest mind in the business.

Born in New Castle, Ohio, Miller has lived in Arizona since 1948 and was an officer of the Valley Bank before moving into county government for the first time.

He has a bachelor's degree in accounting and economics from the University of Denver, and in 1948 was one of the 10 students selected on a nationwide basis to participate in a specialized course initiated by that university under a Sloan Foundation grant.

He received a master's degree in government management that same year.

He served with the Army in World War II.

In 1968 he was selected by the editorial board of Who's Who in America for the 36th edition. He and his wife Suzanne have two children.

OPPORTUNITIES IN ENVIRONMENTAL CAREERS

Mr. MUSKIE. Mr. President, a number of distinguished men and women are meeting this summer at Bar Harbor, Maine, to plan a unique new college to be devoted to human ecology and called College of the Atlantic. I have just received two publications from the college which speak with great optimism about our Nation's future. One is an article excerpted by Saturday Review from a new Vocational Guidance Manual by Odom Fanning entitled "Opportunities in Environmental Careers." Mr. Fanning states in this book that he believes "that environmental management is going to be the fastest growing area of industry, public services, and the economy for at least the next decade and probably much longer." His book describes, for parents and students, the studies that are available to prepare young persons for careers in environmental management.

To meet the fast growing demand for trained personnel, new institutions also will be needed, such as the College of the Atlantic, described in the second publication. This projected nondenominational, private, coeducational, 4-year college should go a long way toward helping fill the need for manpower for environmental management programs. Although the college is not scheduled to open until September 1972, prospective students have been identified and invited to meet with the founders. These include a distinguished Board of Trustees headed by Dr. Seldon E. Bernstein of the Jackson Laboratory at Bar Harbor. A former assistant dean of the Harvard Graduate School of Education, Edward G. Kaelber, is the president.

The College of the Atlantic will be located at a site already leased, a large estate on Frenchman's Bay, Mount Desert Island, Maine. I cannot imagine a more lovely or ideal place to acquire the attitudes and knowledge necessary for an understanding of human ecology. Most of the island remains undeveloped. Its coniferous forests, mountains, and freshwater ponds are set off dramatically by the surrounding waters of Frenchman's Bay and the North Atlantic Ocean. Approximately one-third of the island is permanently protected by Acadia National Park.

I shall observe the growth of this fine new institution with great interest. I would encourage prospective students or others interested to request literature from College of the Atlantic, Bar Harbor, Maine 04609.

I ask unanimous consent that both of the documents be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Environment Boom

(By Odom Fanning)

On the basis of present evidence, I feel confident in predicting near-future developments in the environment. This prediction is based on two mandates from the Congress: the National Environmental Policy Act of 1969, sponsored primarily by Senator Henry M. Jackson of Washington, and the Environmental Quality Improvement Act of 1970, sponsored primarily by Senator Edmund S. Muskie of Maine. These two laws establish a permanent policy and program. From them, I have made five fundamental assumptions:

1) This policy will be continued indefinitely by the Congress. Both parties support it with equal fervor.

2) Any prospective President of the United States, for the foreseeable future, will have to be an ardent environmentalist. Otherwise, he could not be elected.

3) The federal government will continue to reorganize to implement the laws passed by the Congress to push environmental programs. The reorganization plans of 1970 moved toward logical consolidation, but most Washington observers agreed that they will be followed by more reorganizations.

4) Business and industry will accommodate to the environmental clamor because they inevitably follow the market and respond to market demand. If there is profit in pollution, business will pollute. If there is more profit in less pollution, business will lessen the pollution. If there is no profit in any pollution, business will eliminate the pollution with surprising rapidity. And that is clearly what we already are seeing. Not overnight, because the technology is not available. Not even soon, because we didn't start until yesterday. But rapidly, far more rapidly than businessmen generally thought possible as recently as 1970. To the manufacturer, the retailer, the individual, the cost of cleanup is unavoidable. Not just for good housekeeping—for survival.

5) Public opinion will continue to favor environmental concerns. The environment is a cause around which young people, regardless of differences, can unite. As the mass media of communications usually follow rather than lead, they will continue to respond to these demands. Through opinion feedback, they will help to build further public interest, which will be mobilized into further public action.

Conservation and restoration of the environment can be accomplished only by people working at it. And only part of the work can be volunteer, non-paid—important though that will continue to be. Most of the active participants, and the most effective, will be full-time professionals and paraprofessionals employed at various levels of government and private industry, or in consulting or service firms.

How many such people will be gainfully employed in the United States by 1980? Surprisingly, no one really knows. Only in a few areas of environmental management—notably recreation and parks and environmental protection—have responsible agencies conducted manpower surveys and made logical projections. In my opinion, most of these projections are unrealistically conservative. The Bureau of Labor Statistics' fundamental assumptions about the economy are far more bullish than any official or unofficial estimates of manpower needs. I choose to be far more bullish about the future of the environment, too, than many cynics today, for to me it seems logical. You cannot turn on a spigot of public demands for environmental quality and expect only a trickle of institutional response.

I believe that environmental management is going to be the fastest growing area of industry, public services, and the economy for at least the next decade and probably much longer. I rest my case on the assumptions I have stated about the economy and about the environment, on the few projections available, on educated hunches that democratic processes are ideally suited to respond to a youthful fervor for revolutionary, though peaceful, social change, and on the belief that the young people of America are not going to drop the environmental cause.

The table below lists, by major disciplines, the total environmental manpower available in 1970 and what I estimate will be the needs of 1980.

	Practitioners in 1970	Practitioners needed 1980
Ecology	4, 300	12, 000
Geology	22, 800	33, 400
Geophysics	6, 800	10, 400
Meteorology	4, 000	12, 000
Oceanography	5, 800	40, 000
Forestry	25, 000	37, 000
Forestry aids	13, 000	23, 800
Range management	6, 000	8, 000
Soil conservation	26, 000	30, 000
Wildlife conservation	15, 000	20, 000
Fisheries conservation	4, 500	7, 500
Recreation and parks	215, 790	220, 000
Architecture	34, 000	61, 600
Engineering (construction and consulting)	40, 000	70, 000
Landscape architecture	8, 500	14, 500
Urban planning	7, 000	16, 600
Environmental protection	217, 500	565, 000

As the figures show, I believe that the five areas of environmental management—ecology, earth sciences, resources and recreation, environmental design, and environmental protection—will grow from 655,990 professional and paraprofessional jobs in 1970 to 1,181,800 such jobs by 1980—close to an unprecedented doubling in one decade.

Who will mobilize and energize the resources to motivate and recruit the needed young men and women . . . to build and expand the schools to educate them . . . to develop the science and technology to enable them to solve our pressing environmental problems . . . to expand our economy so that we can afford to do what we want to do . . . to send to Washington, and the statehouses and courthouses, statesmen and politicians and public administrators who will develop the needed programs?

All of us will.

COLLEGE OF THE ATLANTIC

MOUNT DESERT ISLAND, MAINE.

INTRODUCTION

This brochure announces the formation of the College of the Atlantic, an institution committed to the broad study of human ecology. The college will be unique in that faculty and students will engage in a single curriculum. It will focus on problems and studies most relevent to the understanding of man's dependence upon and responsibility to his environment.

The problem orientation of the curriculum will by its very nature necessitate the active participation of residents of Mount Desert Island and surrounding communities.

This is an announcement rather than a prospectus as important alternatives remain in the development of this curriculum. It does describe the ideas and ideals which will be the basis for further refinement before the college's opening in 1972.

Consider this an invitation to share our ideas and enthusiasm.

ORIGINS

The College of the Atlantic was incorporated in July of 1969 as a non-denominational, private, coeducational, four-year college to be located on Mount Desert Island, Maine. The idea of the college was conceived by the original trustees, a group of men resident on Mount Desert and interested in higher education. Early in the planning, the study of human ecology was decided upon as the unifying theme of the curriculum. A large estate on Frenchman's Bay was leased as a site for the college, and a local fund raising drive began to gather support. A president, Edward Kaelber, formerly Associate Dean of the Harvard Graduate School of Education, was appointed in January of 1970 to begin actual planning for the college and its curriculum. After extensive assessment, the president and the Board of Trustees projected an opening date for September of 1972.

GOALS AND PHILOSOPHY

The College of the Atlantic will be distinguished by its focus on human ecology, defined as studies pertaining to man's dependence upon and responsibility to his environment.

The problems caused by man's interaction with his environment are not new, though recently signs of the stress he has inflicted upon it have become more obvious. It is clear that our society and the educational system have failed to develop the attitudes and values which tend to protect and enhance rather than deplete and destroy our environment. Neither have we learned to anticipate the environmental consequences of particular activities nor to use our technology effectively.

To quote Barry Commoner, ". . . we are in a period of grace. We have the time, perhaps a generation, in which to save the environment from the final effects of the violence we have done it."

Immediate disaster, perhaps, with a summoning of will and effort can be staved off. We have the resources and skills, for instance, to control most types of pollution. But we have lacked the appropriate values and attitudes to make use of them.

Concurrently, we have allowed our created environments to grow unmindful of human considerations. Our buildings, cities, organizations and institutions have evolved in such a way as to put stress upon the human qualities of our existence. The impersonality and disorganization of our cities, the automation quality of many aspects of modern life, the lack of concern for aesthetics, the disregard for human rights, and the difficulty of pursuing meaningful lives are all aspects of this stress.

In the words of Pogo, "We have met the enemy, and he is us."

The quality of life

That the decline in the quality of human life cannot be reversed by the mere accumulation of more technical knowledge is a concern of Rene Dubos, a College of the Atlantic trustee. *In So Human an Animal,* he wrote: "Contrary to what is generally claimed, increased knowledge of natural forces and the growth of technology have not improved man's control over the environment. While the rate of environmental change has immensely accelerated, the social and biological responses have not kept pace with the new situation thus created. As a result, technicized societies may be close to the threshold beyond which it will be impossible to evaluate, let alone control, the effects on human life by the new environments created by technological innovations."

College of the Atlantic takes the position that to avoid losing touch with ourselves, we must study man as a product of a cultural as well as a biological past. The humanities and social sciences must serve to temper and guide scientific discovery if we are to enhance our human existence. As environments become ever more man-created, the task of relating man to himself will become more difficult and vital.

Interdisciplinary approach

We consider bodies of knowledge interdependent. Extreme specialization is incompatible with an ecological point of view. The technologist who tries to operate detached from his culture is like a writer with a huge vocabulary but no sense of the use of nuance. Both are likely to be misunderstood and to create destruction.

We will attempt an interdisciplinary approach; but we will recognize the danger of dilettantism. Thus we will expect some students will want to achieve depth in an least one area. This competency, however, must be related effectively to other disciplines. Otherwise, it risks becoming pedantic and irrelevant to real problems facing the world.

College of the Atlantic aims to embody these ideals into a curriculum and a program which will allow students to prepare themselves to do something about the world in a rigorous, understanding and compassionate manner. It will be difficult; there are no easy answers; we could fail. But if we are to develop a college that will make a difference, the risk must be taken.

CURRICULUM PLANS

The initial curriculum planned to meet the goals of the college will be prepared by a nucleus of faculty and staff prior to 1972. Student participation in the development of this curriculum will be sought and will become a necessary part of their program after enrollment in the college. It is anticipated that the curriculum will be limited to pursuing in depth those areas vitally concerned with human ecology. The strength of the college will lie not in an attempt to cover the breadth available in the well-known liberal arts colleges, but in exceeding their quality and setting the standard of excellence in the interdisciplinary study of human ecology.

However, we cannot at this early stage of planning propose a detailed program or pattern of offerings. We do not choose to preempt decisions which will ultimately rest with students and members of the faculty. We can describe in broad outline a curriculum and a structure which we feel would best fulfill the goals of the college as we presently conceive them.

A problem orientation

From the beginning, real and simulated environmental problems will be investigated. Besides providing an overview of the complexity of real problems, a realization of the interdependency of all fields of knowledge will result. The temptation to reduce problems to neat packages and solutions will be lessened. At the same time, this experience will broaden perspectives and provide the motivation for further study.

Concurrently, areas of study will be pursued which relate to or emerge out of the nature of the problems being confronted. Though courses in skills will be offered, the primary purpose of the introductory program will be the awakening and acquisition of the values and attitudes we deem so important.

Before a student can learn to develop solutions for contemporary problems, he must equip himself with as broad a perspective as possible from which to view the problem. Before he can find practical solutions, he must acquire certain skills and tools with which to develop them. Before he can successfully change others, he must understand himself as a human being dependent upon and related to his environment. All of the introductory programs will be offered with these ends in mind. They will be preparatory, and exploratory, in the literal and best sense of those words.

Individual needs

Advanced programs will be closely tailored to individual students' needs and interests. Each student, with the assistance of faculty advisors, will select a specific problem he wishes to investigate concerning man and his relationship to his environment. He will also have the opportunity to study in depth those areas pertinent to his field of inquiry, either in planned courses or independently with those faculty members best equipped to guide him. Particularly, he will be acquiring the specific tools and skills he will need to work out the projects to which his final year will be devoted. During his final year the student will be encouraged to draw upon all the resources of the college and the larger community. His program may, in fact, take him away from the college altogether for a period of time. Though he will have the guidance of a faculty advisor, and his work will be evaluated upon completion, he will work and study independently, or perhaps with a team of other students working on a larger project. While the early part of the program will be largely directed toward an exploration of man's value system, these final stages will enable the student to acquire the specific skills, as John Fischer, the editor of Harper's puts it "to do something about what is going on in the world."

A flexible structure

In order to give this suggested structure the necessary flexibility, we will not be bound by the traditional system of rigid credit hours nor full semester or year courses. Some students will spend three years at the college, while others who spend considerable time in work-study may need more. Rather than the lecture being the mainstay of the educational program, we plan instead that the seminar, laboratory work and field study will take the forefront where students working with faculty members at close quarters can begin to understand how scholars and professionals work and think.

Course and program content will differ from that in other colleges in that wherever possible, subjects will be explored with a view toward illuminating man's relationship to his environment. For example, a program in the humanities concerning American literature might be organized around a study of the ways individual writers have responded to and expressed their attitudes toward their natural surroundings. A program in the social sciences might deal with the interrelationship of environment and the nature and rate of social change. A survey of philosophy might center on the development of thought and values in relation to environment. Programs in the natural sciences will pursue a means of understanding the nature of man and his biological dependence upon his environment as well as a means of acquiring the tools and the methods one must have in order to preserve it.

The approach we most favor is often called problem centered. We believe that at an undergraduate level study should be linked with the real problems and issues facing the working community. Yet we cannot ignore rigor nor content nor skill acquisition just to be relevant. We cannot ignore theory and historical development merely to be current. To maintain this delicate balance will be difficult, but it will be our goal.

INFORMAL CURRICULUM

The informal curriculum of the school will concentrate on those activities particularly suited to a small, coeducational college, located on coastal Maine and devoted to the study of human ecology. Thus it is anticipated that the college will not, in the near future, provide programs in intercollegiate athletics. Instead we plan to provide facilities for an extensive program of individual and team sports to be pursued on the intramural level in areas desired by the students. We will give particular encouragement and support to outdoor sports and recreation associated with Maine. Mount Desert is surrounded by some of the most beautiful and versatile sailing waters on the Eastern seaboard. The Island, a large portion of which is Acadia National Park, is rugged and mountainous and criss-crossed by over twenty miles of carriage paths and trails suitable for hiking, bicycling, cross country skiing, snowshoeing, climbing, or just plain exploration and solitude.

The college will not support some of the social activities sometimes believed to be associated with collegiate life, such as fraternities. Instead, the college will provide resources for such activities as film societies, music enjoyment, both rock and classical, workshops for the arts and crafts, or woodworking and mechanics, and any other activities students desire to pursue commensurate with the goals of the college. As with our formal curriculum, these decisions will not be made for the students, but the encouragement and resources necessary to make their recreational life both relevant and enjoyable will be provided. Again, we do not see the program as something "extra" but a part of the life style, attitudes and values we wish to promote.

THE SETTING

Mount Desert Island, Maine, should be an ideal place to acquire the attitudes and knowledge necessary for an uhderstanding of human ecology. Promoted as the most beautiful island in the world, it is difficult to describe without resorting to the inanities and worn cliches of travel folders. Its coniferous forests, mountains and freshwater ponds are set off dramatically by the surrounding waters of Frenchman's Bay and the North Atlantic. Most of the Island remains undeveloped, and approximately one-third is permanently protected by Acadia National Park.

The climate is tempered by an oceanic thermo effect. While the winter is cold and brisk, and the summer warm, neither experience the extremes of inland areas.

The Island is uncrowded and quiet in fall, winter and spring, about 8,000 persons spread over 100 square miles, largely concentrated in four Island towns. During summer months, the residential population doubles, and more than two million visitors flock to Bar Harbor to visit the Park and enjoy its natural beauty.

The year-round economy of the Island is dominated by the Jackson Laboratory, the world's largest center for the study of mammalian genetics, as well as the historic boat building, fishing and lobstering industries.

Although most of the year offers peace and tranquility unavailable in urban areas, students should be aware they will have to develop a different life style from that to which they might be accustomed. While the college and the community will offer some of the activities many desire, they will be unable to duplicate those diversions available in large urban areas.

THE STUDENTS AT THE COLLEGE

Students will be full members of the college community with rights as well as responsibilities. The role of the student, however, is distinct from that of faculty and staff. While it is the responsibility of the latter to provide the environment and resources for an education, it is students who must make full use of these provisions.

The college will not take the position of watchdog, nor will it make decisions that should lie with a student growing toward maturity. Neither will it shirk its responsibility to provide the guidance and the compassion necessary to make this growth possible.

THE FACULTY

Faculty members will have particular academic specialties, and points of view and biases associated with these specialties. Human ecology, however, is by nature an interdisciplinary study. Staff members will be sought who not only are tolerant of, but eager for other points of view.

Faculty members will need both emotional and intellectual commitment to seek ways of expanding specialties into other fields toward the understanding and solution of problems. Experiments with as many points of view as possible will be essential.

Faculty members must be able to view the world in terms of unities rather than compartments, and to encourage students to do likewise.

Without neglecting the research and study necessary to keep abreast of and contribute to developments in their fields, faculty members must be especially committed to teaching and working closely with undergraduates.

GOVERNANCE

Expected modes of behavior and rules generally ease the day to day existence of communities. It is anticipated that a committee for community governance will provide the guidelines by which the college will live. Students, faculty, administrators and trustees will share the responsibility. Through it is expected that students will be most responsible for the social life of the college and the faculty and administrators for the academic life, all must work together to insure integration of both. Since the college will be part of a larger community, its laws must be respected as well. A community council of Island residents has been formed, which together with student members, will ensure the rapport necessary to make this policy work.

THE COLLEGE AND THE COMMUNITY AT LARGE

As our students and faculty will come from various parts of the nation and the world, they will be concerned with a broad spectrum of far-flung problems. However, it is extremely important that the college be a live part of the Mount Desert Island community. The Island should be viewed as much more than a delightful place for an academic enclave.

Students and faculty may want to participate in various aspects of the Island's economy and culture, or may become interested in Island politics.

Simultaneously, Island residents will be involved with students and faculty in exploration of problems which are the focus of the curriculum. Such participation will be encouraged.

In addition, residents of the Island will be encouraged to participate in college activities such as lectures, films, exhibits and seminars. As the college gets under way, evening study and perhaps other courses of interest will be open to members of the community.

ADMISSIONS

The first class to be admitted in the fall of 1972 will consist of approximately 100 men and women. By 1977 we expect to have reached full growth with about 600 students.

Who will attend?

We know of no tests, transcripts, letters of recommendation, or combination thereof capable of describing the students we seek. Conversely, we know of no catalogues, brochures, or films which have been entirely successful in presenting and exposing colleges to prospective students. We feel colleges and students have mutual problems discovering one another.

In order to begin with particularly suited students, we plan to invite prospective students for visits during the summer and fall of 1971. They will participate in a simulation of the life and programs of the college, and will have ample opportunity to assess the college and to test their commitments to the curriculum and concepts we feel are so vital. Simultaneously, staff members will assess the compatibility of students with the aims and programs of the college.

Mutuality of choice will be stressed throughout the visits. A student faces four years investment of time and money. He should have the opportunity to learn as much as possible about a college before making a commitment. The college, on the other hand, is entitled to a close look at people who seek admission. We believe we can construct a program that will accomplish this to the mutual benefit of the student and the college.

For further information write: College of The Atlantic, Admissions Office, Box 2, Bar Harbor, Maine 04609.

BOARD OF TRUSTEES

Chairman

Dr. Seldon E. Bernstein, Senior Staff Scientist and Assistant Director, Jackson Laboratory, Bar Harbor, Maine.

Three Year Terms

Mr. Elmer Beal, owner lobster pound, Southwest Harbor, Maine.

Dr. Dana M. Cotton, Director of Placement and Secretary of the Faculty of Education, Harvard University, Cambridge, Mass. Twenty-one years Secretary for New England Association of Colleges and Secondary Schools.

Dr. Rene Dubos, Professor, Rockefeller University, New York, N.Y. Author of So Human an Animal, Pulitzer Prize, 1969.

Dr. William Kraushaar, Professor of Physics, University of Wisconsin, Madison, Wisconsin. Member American Academy of Arts and Sciences.

Dr. Winthrop C. Libby, President, University of Maine, Orono, Maine.

Mr. Robert W. Patterson, Architect and landscape architect; Past President Natural Resources Council of Maine; Director, National Wildlife Federation, Mount Desert, Maine.

Dr. Elizabeth S. Russell, Senior Staff Scientist, Jackson Laboratory, Bar Harbor, Maine.

Dr. Theodore R. Sizer, Dean, Faculty of Education, Harvard University, Cambridge, Massachusetts.

Mr. James Russell Wiggins, Publisher, Ellsworth American; Former Managing Editor, Washington Post; Former U.S. Ambassador to United Nations; Brooklyn, Maine.

Mr. Roger Tubby, Dean, School of Professional Studies, Foreign Service Institute; Formerly U.S. Ambassador to International Organizations, Geneva; Washington, D.C.

FOUNDING TRUSTEES

One year terms

Mr. David Benson, businessman, Southwest Harbor, Maine.

Mr. Leslie C. Brewer, businessman, past Chairman and member of board, Mount Desert Island Regional High School, Bar Harbor, Maine.

Mr. Bernard K. Cough, businessman, Bar Harbor, Maine.

Mr. John M. Good, Superintendent, Acadia National Park, Bar Harbor, Maine.

The Rev. James M. Gower, St. Ignatius Catholic Church, Northeast Harbor, Maine.

Mr. Edward Heyman, Author and Producer of musical scores and productions, Bar Harbor, Maine.

Mr. Richard Lewis, U.S. Customs Service, Hulls Cove, Maine.

Mr. James MacLeod, Representative, Maine State Legislature; Bar Harbor, Maine.

The Rev. Arthur C. McGiffert, Jr., President Emeritus, Chicago Theological Seminary, Mount Desert, Maine.

Mr. Carlo A. Ninfi, Treasurer, Town of Mount Desert; President of Board, Mount Desert Island Hospital; Somesville, Maine.

Mr. Robert T. Smith, Regional Director, O. E. O., Bar Harbor, Maine.

Dr. Winston Stewart, Medical Doctor, Bar Harbor, Maine.

HONORARY TRUSTEE

Dr. Clarence C. Little, Director, Emeritus, Jackson Laboratory; President Emeritus, University of Michigan; President Emeritus, University of Maine. Trenton, Maine.

STAFF SKETCHES

Edward G. Kaelber became the first President of College of the Atlantic in January of 1970. After graduation from Harvard College, and World War II service in the European Theater, he attended the Harvard Graduate School of Business Administration. Nine years of operating a wholesale lumber business ended in 1960, when he was apppointed an Assistant Dean in the Harvard Graduate School of Education. As Associate Dean of the Faculty of Education from 1964 to 1969, Kaelber directed various activities, the most recent being the development of a large secondary school in Western Nigeria.

Melville P. Cote joined the college in June of 1970. His particular area of responsibility is in student affairs, beginning with recruitment and admissions. After graduation from Wesleyan University in Psychology, he returned to earn a Master of Arts in Teaching English, then taught at the Punahou School in Honolulu for thee years. He enrolled in the Harvard Graduate School of Education where for five years he studied in a doctoral program in Guidance and Counseling, served as Assistant to the Dean for Admissions, and worked in Africa for two years as the Guidance Advisor for the Harvard Nigerian Project.

TRIBUTE TO SENATOR YOUNG

Mr. CURTIS. Mr. President, a short while ago one of our beloved colleagues was honored by the National Milk Producers Federation. I refer to North Dakota's senior Senator, The Honorable MILTON YOUNG. This group which represents American dairy farmers presented to Senator YOUNG the Distinguished Citizen of Agriculture award.

Mr. President, this organization could not have selected a more deserving person to receive this award than Senator YOUNG. He is knowledgeable in the field of agriculture legislation. He is dedicated to the cause of American agriculture and he is a constant champion of those things which, in his opinion, will improve the economic condition of the American farmers and will improve rural life.

Mr. Kenneth Scheibel has written an article which appeared in the Arizona Republic, published in Phoenix, Ariz., on June 20, 1971, concerning Senator YOUNG and this award. I ask unanimous consent that Mr. Scheibel's article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR YOUNG—NICE GUY WHO FINISHED FIRST

(By Kenneth Scheibel)

WASHINGTON.—Once in a while nice guys finish first.

One man who is tops in the affection and esteem of his colleagues and friends is Sen. Milton Young, R-N.D.

Young is known for his work for farmers in his own state and all over America.

The other night, friends assembled at a dinner to pay high tribute and honor to the shy senator. The honor is a new one and Young was tapped as its first recipient. President Nixon noted the occasion in a letter.

The senator received a Distinguished Citizen of Agriculture award from the National Milk Producers Federation, which represents American dairy farmers.

Letters and telegrams of tribute came in from both Democrats and Republicans, many high in their parties' ranks.

What prompts such affection and esteem for a man in public service? Why such praise for a rather bashful, reticent figure?

It is obviously Young's work to improve the quality of farm life in America. During his many years in Congress he has never worried about who got credit for what—as long as the job was done. He didn't particularly care if the new idea or plan was Democratic or Republican—as long as he felt it was a good one.

"One reason I was able to get some things done,” Young said, “is that I had a lot of good help.

“Whatever failures I had were my own,” he added.

Sen. Young’s philosophy is as unrelenting as the winds that sweep North Dakota: Never give up.

“I farmed,” he said. “I went broke. And that is one reason I am here. I want to keep farm depression from ever happening again.”

The only sin, according to his lights, is to give up or quit. He is no quitter. Now in his fifth term in the Senate, he is a high-ranking member of two top committees—Agriculture and Appropriations.

The highlight of his agricultural work in the Senate is the Public Law 480 program, enacted during the Eisenhower administration, and the many farm price support programs approved and revised by Congress in recent decades.

He concedes the latter are not perfect but so far no one has devised a better system.

“Some people think I am half Democrat,” he said with a grin. Maybe he is.

But whatever the label, just about everyone who honored Sen. Young the other night agrees he is 100 per cent for farmers.

He is a man who gets things done in his own quiet way—no matter who gets the credit.

KENT STATE

Mr. McGOVERN. Mr. President, I invite the attention of the Senate to two letters, one from Arthur Krause, the father of a student killed by the National Guard at Kent State University last May, which was published in the Washington Post, and a letter from Lt. Gen. Robert Taber to my office, detailing the new procedures which are recommended for the National Guard in civil disturbances.

Both letters are timely reminders of the tragedy at Kent State last year. They further serve to remind us of the inadequacy of our national response to the killing of four unarmed students. Last May the Guard ignored existing rules for handling civil disorders in the series of blunders which led to the killings. The improvement of these rules alone is not enough to avert future tragedies. Only when we establish the accountability of the Guard officers and men for these murders can we demonstrate our unwillingness to tolerate irresponsible actions from our law-keeping forces.

The State grand jury that conducted an inquiry into these killings produced nothing but a whitewash of the agents of government involved in the events that led to the killings. The burden must then fall upon a Federal grand jury to investigate the killings, despite the almost 15 months that have elapsed since the tragedy. As Mr. Krause points out, a Federal grand jury can be summoned almost immediately when the administration desires it, as in the case of the Pentagon papers. But why there has been no action so long after those four students were shot down while exercising their right to peaceful assembly is a question that very few can answer satisfactorily.

It is true that the National Guard has a generally good record in its effort to quell civil disturbances. But we only encourage official lawlessness when we fail to insist upon a full and honest investigation into the Kent State killings. I would ask the question with which Mr. Krause closed his letter:

How would you explain to people that you elected not to enforce the law?

Mr. President, I ask unanimous consent that the letters from Mr. Krause and Lieutenant General Taber be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 10, 1971]

THE KENT STATE KILLINGS: “HOW WOULD YOU EXPLAIN TO PEOPLE . . .?”

In your argument with the U.S. Department of Justice many vital questions have been raised. Our judicial system has moved swiftly to resolve the impasse and the outcome will have far reaching consequences for our future as a democracy. In my argument with the U.S. Department of Justice many questions have been raised and, to some Americans, they are equally as vital to the nation’s future because they involve life and death and the right of a citizen to due process of law. However, in my case the Department of Justice is preventing the judicial system from resolving the questions raised in the killing of my daughter and three other students at Kent State University.

I shall not burden you with all the obvious reasons why a federal grand jury should investigate the circumstances surrounding the shooting of May 4th last year. Rather I will let the following quotations speak for themselves in conveying to you the urgent need for justice to be allowed to review this tragedy.

“As a lawyer, I am conversant, and I suppose most people who follow the courts are conversant, with the fact that where there is no premeditation but simply an over-response in the heat of anger that results in a killing, it’s murder. It’s not premeditated, but it’s a murder, and certainly can’t be condoned.”—Vice President Agnew, May 7, 1970.

“We have some reason to believe that the claim by the National Guard that their lives were endangered by the students was fabricated subsequent to the event . . . Aside entirely from any question of specific intent on the part of the Guardsmen or a predisposition to use their weapons, we do not know what started the shooting.”—Justice Department Summary of the FBI investigation, July, 1970.

“In light of the new documentation of the FBI’s findings of ‘fabrication’ and other facts that shatter the state grand jury’s primitive, prejudiced version of events, clear questions arise. Will the Justice Department initiate federal proceedings? Or will the results of the FBI’s labors be buried in J. Edgar Hoover’s vaults? And if so will the media let the suppression stand?”—James Wechsler, New York Post, October 28, 1970.

“I was in the office of the Deputy Guard Commander, Brigadier General Robert Canterbury, when I overheard him say on the telephone, referring to the chaplain, Major John Simons, ‘We’ve got to shut him up. This could be fatal.’ ”—Mr. Schakne, CSB–TV News, Nov. 3, 1970.

“Because of the involvement of the National Guard, which is an arm of the federal defense establishment, and because of the possibility that an infringement of federal civil rights laws may be involved, presentation of evidence to a federal grand jury becomes necessary.”—Akron Beacon Journal, editorial, Nov. 5, 1970.

“The Justice Department has an unpaid debt to the victims of the shootings and their families to initiate its own proceedings, making full use of the FBI findings that J. Edgar Hoover has tried to bury. The central thrust of those findings was that nothing happened at Kent State that justified the killings.”—New York Post editorial, Jan. 29, 1971.

“I think a federal grand jury investigation is both necessary and proper.”—Former Pennsylvania Governor William W. Scranton, June 22, 1971.

“Law enforcement officers should use only the minimum force necessary in dealing with disorders when they arise. A human life—the life of a student, soldier or police officer—is a precious thing, and the taking of a life can be justified only as a necessary and last resort.”—President Nixon, December 10, 1970.

“The public has a right to know whether the force exercised in its name has been rightly exercised. The families of those who died have a right to know why they were killed . . . None of the investigations has afforded the injured parties—and society—an accounting from those responsible for these (Kent and Jackson) exercises of official violence. They may be able to justify their actions, but they have not yet been obliged to do so in a forum where their explanation is subject to crossexamination and the rules of evidence.”—National Council of Churches and other religious groups, May 3, 1971.

“The results of the Ohio State grand jury have been seriously questioned by the FBI and the Scranton Commission report, serving to create more doubt. Only a federal grand jury can provide the kind of information necessary to satisfy the many doubts that surround the tragic event which occurred at Kent State.”—Congressmen Moorhead and Vanik and others, May 13, 1971.

“Washington can move fast enough when it chooses. A federal grand jury is already at work on the ‘leak’ of the Pentagon papers. It will be difficult for most Americans to understand why the violent deaths of four students have evoked no comparable priority.”—New York Post editorial, June 25, 1971.

“An Ohio grand jury absolved the Kent State Guard of any guilt in the deaths of four students, even though they undubitably killed them.”—The London Times, Jan. 31, 1971.

“Justice delayed is not only justice denied, it is justice circumvented, justice mocked, and the system of justice undermined.”—President Nixon, March 11, 1971.

“The total silence and inactivity of the administration in the face of a Presidential Commission’s clear conclusion that grievous acts which resulted in the loss of human life were apparently committed by identifiable individuals makes its evident contempt for our more general recommendations pale into comparative insignificance. It is inconceivable that the Department of Justice would refuse to convene a federal grand jury in Ohio on the basis of the Commission’s conclusions supplemented by evidence developed by the FBI and the obvious miscarriages of justice occuring on the State level.—James F. Ahern, June 22, 1971.

“They (the four killed at Kent State) and their brothers at Jackson State and Orangeburg, were killed by the conscious deliberate acts of other men.”—James F. Ahern, May 4, 1971.

“There were two guardsmen who committed second degree murder. The FBI knows about these two guardsmen, but it wasn’t brought before the (state) grand jury.”—Joseph Rhodes Jr., Nov. 30, 1970.

Gentlemen, I am one of those Americans who find it extremely difficult to understand why the deliberate killing of my child and the three who died with her evokes no “comparable priority.” And in despair I ask you how it is that so many hints that the shooting was a “conscious deliberate act” can be so cynically and callously ignored?

I will conclude by saying that this letter was prompted by the following item in this week’s issue of Time Magazine concerning your legal conflict with the Justice Department:

“The White House insisted, with much justification, that it must take action when it feels that a law has been violated. ‘How would you explain to people that you elected not to enforce the law?' asked one presidential aide."

Arthur S. Krause.

Pittsburgh.

Assistant Secretary of Defense,
Washington, D.C., June 16, 1971.

Hon. George McGovern,
U.S. Senate,
Washington, D.C.

Dear Senator McGovern: This is in response to your letter of May 13, 1971, inquiring about the actions which have been taken by the Department of Defense since the Kent State incident to improve the civil disturbance control capabilities of the National Guard.

During the past year the Department of the Army has taken a number of significant steps to improve the National Guard's training and equipment in the civil disturbance area, some of which were related to the report of the President's Commission on Campus Unrest. Before summarizing the principal improvements which we have reported to the Office of the President in these areas, however, let me address what appears to be your major concern:

"That the National Guards of the states now have policies and procedures which will prevent such tragedies as that one which took place May 4, 1970, and . . . that never again can loaded weapons like the M-1 and M-16 be issued to Guardsmen who are confronting student demonstrators."

We fully share your desire that the policies and procedures of the National Guard be such as to minimize the possibility that deadly force will ever be used unnecessarily against demonstrators. To this end we have not only completely revised the Federal rules for the use of force in civil disturbance situations, but have also made every effort to secure their unqualified acceptance by all the states for use by their Guard personnel while serving under state control.

Your formulation of the problem in terms of the Kent State incident and the subsequent report of the Scranton Commission, however, necessitates two observations. First the Ohio National Guard practice of routinely loading weapons upon being committed to civil disturbance control operations was contrary to both the prior and revised Federal guidelines, and has since been expressly repudiated by the state's new Adjutant General. Secondly, the Scranton Commission did not recommend as sweeping a restriction as is proposed in your letter—a flat prohibition against making available any loaded weapons to Guardsmen confronting student demonstrators. The Commission's much more realistic position on the matter is clearly reflected in the following excepts from its report, one of which you quoted in your letter:

"Shoulder weapons (except for tear gas launchers) are *very rarely* needed on the college campus; they should not be used except as emergency equipment in the face of sniper fire or armed resistance."

* * * * *

"The *general* issuance of loaded weapons to law enforcement officers engaged in controlling disorders is never justified except in the case of armed resistance that trained sniper teams are unable to handle.

* * * * *

"The Kent State tragedy must mark the last time that, *as a matter of course*, loaded rifles are issued to Guardsmen confronting student demonstrators." (Emphasis added).

The proper approach, therefore, in both our opinion and that of the President's Commission, is not to deny Guardsmen the means of defending themselves should this become necessary but to urge all state National Guard organizations to adopt and strictly adhere to standards of restraint in the use of deadly force which have been developed and promulgated by the Department of the Army. As revised in November, 1970, Army Field Manual 19X15, *Civil Disturbances and Disasters*, contains the following specific guidelines concerning the loading and firing of weapons:

(2) The use of deadly force is authorized only where all three of the following circumstances are present:

(a) Lesser means have been exhausted or are unavailable;

(b) The risk of death or serious bodily harm to innocent persons is not significantly increased by its use; and

(c) The purpose of its use is one or more of the following:

(i) Self-defense to avoid death or serious bodily harm (see (3) below);

(ii) Prevention of a crime which involves a substantial risk of death or serious bodily harm (for example, setting fire to an inhabited dwelling or sniping) including the defense of other persons;

(iii) Prevention of the destruction of public utilities or similar property vital to public health or safety; or

(iv) Detention or prevention of the escape of persons against whom the use of deadly force is authorized in subparagraphs (i), (ii), and (iii) immediately above.

(3) Every soldier has the right under the law to use reasonably necessary force to defend himself against violent and dangerous personal attack. The limitations described in this paragraph are not intended to infringe this right, but to prevent the indiscriminate firing of weapons and the indiscriminate use of other types of deadly force.

(4) * * *

(5) Task Force commanders are authorized to have live ammunition issued to personnel under their command. Individual soldiers will be instructed, however, that they may not load their weapons except when authorized by an officer, or provided they are not under the direct control and supervision of an officer, when the circumstances would justify their use of deadly force pursuant to subparagraph (2) above. Retention of control by an officer over the loading of weapons until such time as the need for such action is clearly established is of critical importance in preventing the unjustified use of deadly force. Whenever possible command and control arrangements should be specifically designed to facilitate such careful control of deadly weapons.

(6) The presence of loaded weapons in tense situations may invite the application of deadly force in response to provocations which, while subject to censure, are not sufficient to justify its use; and it increases the hazard that the improper discharge of a weapon by one or more individuals will lead others to a reflex response on the mistaken assumption that an order to fire has been given. Officers should be clearly instructed, therefore, that they have a personal obligation to withhold permission for loading until circumstances indicate a high probability that deadly force will be imminently necessary and justified pursuant to the criteria set forth in subparagraph (2) above. Strong command supervision must be exercised to assure that the loading of weapons is not authorized in a routine, premature, or blanket manner.

(7) Task force commanders should at all times exercise positive control over the use of weapons. The individual soldier will be instructed that he may not fire his weapon except when authorized by an officer, or, provided he is not under the direct control and supervision of an officer, when the circumstances would justify his use of deadly force pursuant to subparagraph (2) above. He must not only be thoroughly acquainted with the prerequisites for the use of deadly force, therefore, but he must also realize that whenever his unit is operating under the immediate command and control of an officer, that commander will determine whether the firing of live ammunition is necessary.

Our efforts to secure universal acceptance of these rules by the states have been considerable, and the response has been most encouraging. The Under Secretary of the Army, Mr. Thaddeus Beal, has on several occasions during the past few months addressed assemblages of state Adjutants General, and urged the adoption of the Federal guidelines in the strongest possible terms. The Chief of the National Guard Bureau has done the same, and also convened a special panel of National Guard experts to examine in detail the civil disturbance plans of every state. The findings of this study group were then reviewed by a special committee of Adjutants General, which submitted specific recommendations for the revision of each state's plan, and unanimously recommended the standardized adoption of the Federal rules for the use of force. These recommendations were conveyed to the states in personal letters from the Chief of the National Guard Bureau to each Adjutant General. Virtually every state has subsequently responded favorably with a written commitment to undertake the necessary revision of its civil disturbance plan, and the Guard Bureau is currently pursuing a vigorous program of follow-up activities to insure that the Federal rules are in fact accepted in both letter and spirit by every state.

In addition to urging the universal adoption of the Federal guidelines for the use of force, the Scranton Commission recommended that National Guardsmen receive more training in controlling civil disturbances, and both special protective equipment and "nonlethal weaponry" in order that the use of deadly force could be limited to "the absolute last resort." The past year has seen a number of important developments in these areas, the most significant of which are summarized below.

Training: Civil disturbance control training for National Guardsmen has been increased. In addition to the pre-existing requirement that all units assigned a civil disturbance mission receive 33 hours of civil disturbance training initially and 16 hours of refresher training annually, all Guard units are undergoing a special, one-time course of 8 hours during Fiscal Year 1971. Currently, furthermore, all Army trainees are receiving 3 hours of civil disturbance training during the Basic Combat Training phase. Beginning in Fiscal Year 1972, this active duty training will be expanded to a 20-hour training program which all Guardsmen will receive at the completion of their Advanced Individual Training phase, just prior to returning to their Guard units for duty. As an adjunct to the training of individual Guardsmen, the Department of the Army has also developed and distributed 1.3 million copies of a wallet-size card setting out revised Special Orders for all military personnel engaged in civil distrubance control operations. These Special Orders are intended as a constant reminder to the individual soldier of his important continuing responsibilities and the limitations on the use of force during such operations. A copy of this graphic training aid is enclosed for your information.

Leadership: We believe leadership is the single most important element in conducting successful civil disturbance control operations, and we are reinforcing the training of those leaders who will have the greatest impact at the point where confrontations actually occur. To this end, we are providing 16 hours of leadership training for the junior leaders of the Guard during FY 71, to include captains, lieutenants, and enlisted personnel in grades E-4 through E-9. Beginning next year, this program will be continued on an 8-hour annual refresher basis.

Protective Equipment: A vigorous program to provide sufficient protective gear for individual Guardsmen has been conducted with regard to the items mentioned in the Scranton Commission Report: "helmets, face masks, flack vests, etc." The current situation is as follows: the standard Department of Army steel helmet will remain the defensive head gear of the Guardsmen. A program has been initiated to equip every Guardsman likely to be committed in a civil disturbance control operation with a protective face shield, protective body armor (flack vest), and a riot baton. Contracts for the face shields and riot batons have been let and deliveries have been underway for several months, with 138,000 of each item scheduled to be in the hands of Guard units by June 30, 1971. The protective body armor is being supplied by the Defense Supply Agency, with distribution of 111,500 vests scheduled for completion by the end of this fiscal year. The difference between the number of face shields and flack vests is due to the fact that Guard units already had approximately 27,300 vests on hand at the initiation of the program.

Non-Lethal Weapons: In the area of research and development of non-lethal weapons, an active program is being conducted by the Office, Chief of Research and Development of the Army. Under this program, the Army is continuing development of more effective means of dispersing riot control agents. These include a rubber, softball-sized, "skittering" hand grenade and a soft-nosed 40mm projectile designed to minimize the possibility of causing injury to anyone struck by these items. An active project is underway to evaluate a "less lethal" projectile for the 40mm grenade launcher that will provide the capability of selectively engaging an individual at a range of 4 to 30 meters in a manner in which he is temporarily stopped with no resulting permanent harm.

The Scranton Commission emphasized that steps should be taken to minimize the danger of violent reaction to campus demonstrators by the police and National Guard. The use of excessive force, not only on a campus but against any segment of the population, is equally undesirable. Rather, we believe the current rule must obtain that only the minimum force necessary to control the disorder is to be used—whether on campus or elsewhere. The increased training, the improvements in equipment, and the acceptance by the states of the Federal Rules for Application of Force all combine to minimize such dangers in any future civil disturbance. Through preparedness and confidence, instilled by training and unit discipline, we intend to reduce to a minimum any hazard that excessive force will be used in the protection of the rights of students and other citizens to freedom from molestation, threat and violence.

In closing, it is considered both proper and in the interest of presenting a more complete picture with regard to employment of Guardsmen in civil disturbance disorders, to point out that from January 1, 1968, until May 4, 1970, (Kent State incident) approximately 154,866 Guardsmen were employed in some 182 civil disturbance operations without causing serious personal injury. Since that time, there have been 76 additional such operations involving approximately 44,733 Guardsmen, all without serious personal injury.

Sincerely,

ROBERT C. TABER,
Lieutenant General, U.S. Army,
Principal Deputy.

SPECIAL ORDERS FOR ALL MILITARY PERSONNEL ENGAGED IN CIVIL DISTURBANCE OPERATIONS

1. Carry out your assigned duties in a military manner and present a neat military appearance at all times. Be sure that everything you do reflects credit upon your country, the military service, your unit, and yourself.

2. Have regard for the human rights of all persons. Be as courteous toward civilians as possible under the circumstances. Do not mistreat anyone or withhold medical attention from anyone needing it. Do not damage property unnecessarily.

3. Use only the minimum amount of force required to accomplish your mission and, if necessary, to defend yourself. When under the control of an officer, you will load or fire your weapon only on his orders. When not under the control of an officer, you will load or fire your weapon only when required to protect your own life or the lives of others, to protect specified property designated as vital to public health or safety, or to prevent the escape of persons endangering life or vital facilities; you are not authorized to use firearms to prevent offenses which are not likely to cause death or serious bodily harm, nor endanger public health or safety.

4. When firing is necessary, shoot to wound, not to kill.

5. When possible, let civilian police arrest lawbreakers. But when assistance is necessary or in the absence of civil police, you have the duty and the authority to take lawbreakers into custody. Take such persons to the police or designated military authorities as soon as possible. Cooperate fully with the police by safeguarding evidence and completing records as instructed.

6. Allow properly identified news reporters freedom of movement, so long as they do not interfere with the mission of your unit.

7. Do not talk about this operation or pass on information or rumors about it to unauthorized persons; refer all civilians who ask for information about what you are doing to your commanding officer.

8. Become familiar with these special orders, and carry this card on your person at all times when engaged in civil disturbance operations.

THE ABA COMMISSION ON CORRECTIVE FACILITIES AND SERVICES

Mr. WILLIAMS. Mr. President, one of the leading political leaders in our country, the former Governor of New Jersey, Richard J. Hughes has been spearheading a national campaign to reform correctional facilities and services throughout the Nation in his capacity as chairman of the American Bar Association's Commission on Correctional Facilities and Services.

The Governor has made an enormous investment in time, energy, and leadership in helping to develop this most important reform program.

I ask unanimous consent to have printed in the RECORD a guest editorial by Daniel L. Skoler from the June issue of the American County, the official monthly publication of the National Association of Counties describing the goals and program of the commission. Mr. Skoler is the commission's staff director. I wish also to submit for the RECORD, a complete membership listing for this notable commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A PROFESSION MAKES A COMMITMENT: THE ABA COMMISSION ON CORRECTIONAL FACILITIES AND SERVICES

(By Daniel L. Skoler)

An exciting program is underway at the American Bar Association (ABA). It is a public service effort—it is interdisciplinary—it is action oriented—and it extends beyond the strict parameters of what has traditionally been the lawyer's concern. It has been funded and staffed—and it falls "dead center" in line with the growing public revelation that the most critical leverage point today for crime control and reduction (short of a more effective set of basic socializing institutions) may lie in our machinery and capacity for effective correction of offenders. "IT" is the ABA Commission on Correctional Facilities and Services.

The background of this effort is worth noting. It offers another case history on how an "establishment" discipline with a sense of responsibility can join the young, the "have nots," and the directly aggrieved, in addressing the social issues of the day. The story goes back to a two-fold challenge—offered to the lawyers in annual convention two summers ago—by an activist and eloquent chief justice.

First—"The day when lawyers and judges could confine themselves sedately to deeds, wills, trusts, and matters of commerce is gone. They must increasingly devote their special skills and talents to the large problems of community and national concern."

Second—"I challenge the social utility of any system of criminal justice which allocates, as we now do, a disproportionate time amount to our resources to the techniques of trials, appeals, and post-conviction remedies while it gravely neglects the correctional processes which follow a verdict of guilty. . . . There must be some way to make our correctional system into something other than a revolving door process which has made 'recidivist' a household word in America."

The message was picked up by Bernard Segal, then ABA president, who himself had been thinking and talking along the same lines. He was quick to provide the necessary ingredients—formal authorization for the program and designation of an interdisciplinary commission to guide it.

Named the ABA Commission on Correctional Facilities and Service, an authorizing resolution of the ABA Board of Governors (Feb. 1970) invested it with an action thrust spanning all facets of corrections in which the Commission might be a helping force for reform. Segal then put together a group of 18 Commission members that has attracted applause both within and without the legal profession. Chaired by former New Jersey Governor Richard Hughes, the Commission counts less lawyers than non-lawyers among its ranks.

The roster includes two former directors of the federal Bureau of Prisons; the Chairman of the U.S. Parole Board; four present or former directors of state correctional departments; four eminent judges (state, federal, and family court); and distinguished lay and professional leaders such as a former Secretary of Defense, the head of the AFL–CIO, the nation's preeminent psychiatrist in correctional reform, a financier who doubles as president of the nation's leading citizen crime control association, the head of the national professional association of prosecutors, and two acknowledged academic leaders in criminal justice research and analysis.

Nearly a year was spent in the search for staff, funding, and the exploration of program avenues and issues that the Commission might address. The effort culminated in a Ford Foundation grant secured earlier this year, the establishment of a 3-man development staff shortly thereafter, and at a meeting with Chief Justice Burger in April, 1971 at the Supreme Court, authorization of the Commission's first four action efforts.

The initial efforts are illustrative of the kinds of concerns, activities, and approaches that the Commission will undertake. They all address important correctional objectives:

a.) effective use of volunteer manpower in correctional programs (a national volunteer parole aide program in which up to 1,000 young lawyers will supervise one parole each under professional guidance—the explosion in court/probation volunteer work of the past ten years has not as yet significantly touched parole systems with their more difficult, released-offender populations);

b.) increased employment opportunity for offenders (a project to stimulate reexamination and removal of unreasonable statutory and regulatory restrictions on employment and trade licensing of ex-offenders—these exist as "underbrush" of the past in many states);

c.) improved prisoner rights and conditions in penal institutions (a project to secure enactment or system adoption of improved standards and regulations for treatment of prisoners and operation of correctional institutions—this through means of visitation, surveys, citizen action, negotiation, assertion of recognized correctional standards, and cooperative work with correctional administrators).

d.) higher education for rank and file correctional personnel (a project to stimulate junior college degree attainment for correctional/line officers—although the skills and training of this group are essential to effective correctional treatment, their participation in federal higher education assistance has been markedly and surprisingly below even the police services).

These are not the only nor necessarily the highest priority efforts that the Commission will have occasion to consider. One criterion for selection was the susceptibility of the programs to early definition and activation. Other priority areas, considered equally desirable for Commission attention, indicated the need for further study before programing could be undertaken. Thus, the Commission has directed program development work in the areas of legal services to offenders, community treatment and diversion programs, juvenile corrections, vocational and technical training of offenders, correctional law reform, and improvement of correctional system organization and efficiency.

Two facets of the Commission thrust need to be emphasized. The first is its necessary reliance on the resources of the bar at national, state, and local levels and on the cooperation of business, labor, education and informed citizen groups. The second is its respect for and commitment to the dedicated professionals in corrections who for years have striven for the resources and improvement which the nation is just beginning to support and who must continue to "man the lines" and make the system perform after the reformers and friends of corrections have made their mark.

The initial project efforts indicate the Commission's essentially coordinative and program development role. For example, the ABA Young Lawyers Section will be the primary implementation resource for the volunteer parole aide program. The Commission will be joining forces with the ABA Criminal Law Section in the offender employment restrictions project. Throughout, it will seek the effort and manpower of state, county, and local bar associations, including the four state bars that have already designated committees to focus exclusively on correctional improvement (Michigan, New Jersey, North Carolina, and Maryland). In similar vein, the Chamber of Commerce (with its extraordinary, across-the-board "grass roots" action programs in criminal justice improvement), the National Civil Service League, and the AFL–CIO will be cooperating in the employment restrictions project.

The Association of American Junior Colleges will be the lead agency in the "higher education for line personnel" project. Regarding general public support, NACo was the first of the national public interest organizations to review and express endorsement for the initial portfolio of efforts.

The ABA is sensitive to and acutely aware of the preeminent position the correctional profession itself must occupy in the business of correctional reform. From the inception of Commission staff activities, detailed consultation on all programs was initiated with the American Correctional Association (ACA), the professional association of the nation's correctional administrators and workers. Not only was endorsement for the Commission efforts forthcoming, but ACA's most helpful advice, guidance, and cooperation has continued to enrich Commission endeavors. The openness of the correctional response confirmed for us corrections' readiness for leadership and change. The ACA commitment has been paralleled by supportive endorsements from other major corrections organizations—the National Council on Crime and Delinquency, U.S. Parole Board, Federal Bureau of Prisons, Law Enforcement Assistance Administration, and National Association of State Training Schools and Juvenile Agencies.

The early Commission liaison with ACA also created an awareness of that organization's goals and programs for developing increased professional leadership—a system of accreditation for correctional systems and agencies, revision and updating of the profession's comprehensive code of correctional standards, and reorganization and broadening of its current base to provide a home for all elements and facets of the correctional spectrum.

Whether the ABA commission will, in the end, prove to be a positive and helpful force in correctional improvement remains to be seen. This will be determined by the combination of commitment, skills and resources that can be marshalled and maintained as the program continues. Whatever the case, the commitment has been made—let us hope this particular endeavor stands the acid test of real service.

MEMBERSHIP OF THE AMERICAN BAR ASSOCIATION COMMISSION ON CORRECTIONAL FACILITIES AND SERVICES

Richard J. Hughes, Newark, N.J., (Chairman), Practicing Attorney; Governor of New Jersey, 1961–69; New Jersey Superior Court Judge, 1952–59; Assistant U.S. Attorney for New Jersey District, 1939–45.

Myrl E. Alexander, Washington, D.C., Director of U.S. Bureau of Prisons, 1964–70; Chief of Prisons for Military Government of Germany, 1945–46; Vice Chairman of U.S. Delegation to United Nations Congress on Prevention of Crime and Treatment of Offenders, 1965; Past President, American Correctional Association, 1956.

James V. Bennett, Washington, D.C., Director of U.S. Bureau of Prisons, 1937–64; Chairman of ABA Section of Criminal Law, 1965–66; Former President, American Correctional Association, 1940.

Peter B. Bensinger, Chicago, Ill., Director, Illinois Department of Corrections; Former Chairman of the Illinois Youth Commission; Former Business Executive.

George Beto, Huntsville, Texas, Director of Texas Department of Corrections; Former President, American Correctional Association, 1970.

A. Leon Higgenbotham, Jr., Philadelphia, Pa., Judge of the U.S. District Court, Eastern District of Pennsylvania; Vice Chairman of the National Commission on the Causes and Prevention of Violence.

Florence M. Kelley, New York, N.Y.; Chief Judge, Family Court, New York City; Former Assistant U.S. Attorney; Former Head of the Criminal Courts Branches of the Legal Aid Society of New York City.

Robert J. Kutak, Omaha, Nebraska, (Vice Chairman), Practicing Lawyer; Authority on Prisoner Rehabilitation and on State Correction and Parole Legislation; Co-Draftsman of the Criminal Justice Act of 1964; Member, White House Task Force on Prisoner Rehabilitation.

Carl M. Loeb, Jr., New York, N.Y., President, National Council on Crime and Delinquency since 1964; Chairman, New York City Board of Corrections, 1957–61; Limited Partner, Loeb-Rhoades Co.; Director, American Metal Climax Corp. and Kawecki-Berylco Industries, Inc.

Richard A. McGee, Sacramento, California, Former Director of the California Department of Corrections; President, Institute for the Study of Crime and Delinquency; Member of White House Task Force Prisoner Rehabilitation; Former President, American Correctional Association, 1943.

Robert S. McNamara, Washington, D.C., President of the World Bank; Secretary of Defense, 1961–69; President, Ford Motor Co., 1960–61.

George Meany, Washington, D.C., President, AFL–CIO; Member of Federal Prison Board.

Dr. Karl Menninger, Chicago, Ill. and Topeka, Kansas; Internationally known psychiatrist and authority on corrections; A Founder of Menninger Clinic; Consultant to Federal and State prison systems; Consultant to the American Bar Foundation Committee on the Rights of the Mentally Ill.

Norval Morris, Chicago, Ill., Professor of Law, University of Chicago, and Director of Center for Studies of Criminal Justice since 1964; Director of United Nations Institute for Prevention of Crime and Treatment of Offenders in Tokeyo, 1962–64.

Lawrence W. Pierce, New York, N.Y., Judge, United States District Court, Southern District of New York; Visiting Professor of Criminal Justice, State University of New York, 1970–June 1971; Chairman, New York State Narcotic Addiction Control Commission, 1966–1970; Director of New York State Council for Youth, 1963–66; Deputy Commissioner of Police, New York City, 1961–63.

John M. Price, Sacramento, California, District Attorney of Sacramento since 1959; Chairman, National District Attorneys' Association.

George J. Reed, Washington, D.C., Chairman, United States Board of Parole; Former Director, Nevada State Department of Parole and Probation, 1965–67; Former Director, Lane County (Oregon) Juvenile Department, 1967–68.

Irving R. Segal, Philadelphia, Pa., Practicing Attorney; Partner, Schnader, Harrison, Segal & Lewis; Vice-President, National Kidney Disease Foundation; Board of Managers, Women's Hospital of Philadelphia; Fellow, American Bar Foundation.

Noah S. Sweat, Jr., Corinth, Miss., Circuit Court Judge of Mississippi; Adjunct Professor of Law, University of Miss.; Former State District Attorney; Faculty Adviser, National College of State Trial Judges.

Marvin E. Wolfgang, Philadelphia, Pa., Professor of Sociology, University of Pennsylvania; Consultant to President's Commission on Law Enforcement and the Administration of Justice, 1965–67.

Lawrence A. Carpenter, Washington, D.C., (terminated membership March 1971), Director, Corrections Program Division, Law Enforcement Assistance Administration, U.S. Department of Justice, 1969–May 1971; Warden, Federal Correctional Institution, Seagoville, Texas, 1966–68; Federal Correctional Institution, Texarkana, Texas, 1965–66; Executive Assistant to Director, U.S. Bureau of Prisons, 1957–1965.

Professional Staff: Daniel L. Skoler, Arnold J. Hopkins, Melvin T. Axilbund, Russell Webb III, 1705 DeSales Street, Washington, D.C. 20036.

TRIBUTE TO THE HENDERSON-DAVIS PLAYERS OF THE SOUTH CAROLINA STATE COLLEGE

Mr. THURMOND. Mr. President, in August of this year, the Henderson-Davis Players, the drama guild of South Carolina State College, will perform in the annual American Festival in northern England, with performances throughout Great Britain, Scotland, Ireland, and Wales.

An invitation is extended to a limited number of highly talented performing groups, and all South Carolinians can be proud that the Henderson-Davis Players were selected to be a part of that distinguished group.

Mr. President, this invitation was not an easy accomplishment, for many hours of hard work and limitless patience by all the members of the guild contributed to this successful endeavor. This can be seen in the many awards and presentations this fine staff of individuals has accumulated in recent years, such awards having national and international recognition. These include the National Association of Dramatic and Speech Arts—NADSA—Best Actor Award in 1968, 1969, and 1970; NADSA Best Actress in 1970; NADSA Best Supporting Actress Award in 1969 and 1970; NADSA Best Dramatic Reading in 1969 and 1970; NADSA second place runnerup trophies in 1968 and 1969 for public speaking and first-place runnerup in 1970; and NADSA critic's choice of best play in 1968, 1969, and 1970. Also, in April 1969, and March 1970, the players were selected as one of the 12 top theatrical groups to participate in the Yale University International Drama Festival in New Haven, Conn.

Mr. President, the awards have not stopped there. At the Calhoun Forensic Festival at Clemson University in 1970, the players were awarded the Calhoun Forensic Inaugural Trophy of 1970, the Best Dramatic Reading Trophy, the Novice Award for Dramatic Reading, and a second place certificate for dramatic reading. With all this, Mr. President, the Henderson-Davis Players have not limited themselves to theaters of high esteem, as they have performed during the academic years of 1969–70 and 1970–71 for various culturally deprived areas of the State of South Carolina.

It could be said that the efforts of several directors were involved in the spectacular accomplishments of the guild, but it was through the efforts of one man, Mr. H. D. Flowers II, that much of the success can be attributed. An instructor of speech and drama at South Carolina State College, Mr. Flowers has directed over 30 productions, and his experience as a performer and director covers children's, secondary, college, and community theatre.

He has served with the Henderson-Davis Players since 1967 and previously with such groups as the Southern Players of Southern Illinois University, the Black Repertory Company in California, and the Sycamore Summer Theatre in Indiana. He has received more than three dozen awards in national and international drama competition. South Carolina State College is proud and fortunate to have such marvelous leadership.

Mr. President, I am pleased to commend the dedicated players themselves. Through their tireless, cooperative efforts, they have achieved a tremendous record of which they can be proud. The members of the guild include: Harry Aiken; Sandra Bowie, who won the Best Actress Award in 1968 and 1970; Lawrence James, a recipient of the National Drama Festival Best Supporting Actor Award in 1968; Ramona Barnes; Linda Combs, a recipient of the NADSA Best Supporting Actress Award in 1969; James Smalley; Norman Thompson; Abigail Brown; Clarence Murray; Mandell Salley, first-place winner for extempore speech in 1970; Gregory Curlee, winner of the Most Valuable Player Awards in 1968, 1969, and 1970; Harold McPhail; Michelline Pinson, and Leroy Odom. So, Mr. President, the guild is laden with the talent and dedication which has been attributable to their prosperity in the field of drama.

All of South Carolina can take pride in the past achievements and future endeavors that lie ahead for the Henderson-Davis Players of South Carolina State College. To be represented by such a fine staff of individuals in Great Britain is an honor to be enshrined by the citizens of our State.

FOOD LABEL CODES

Mr. WILLIAMS. Mr. President, any supermarket shopper who has ever tried to read the code numbers by which food packagers indicate the date on which perishable foods must be removed from the shelf knows that these codes are nearly indecipherable to the average person. In response to this situation, I have introduced S. 2079, which would require all packagers to use a standard, and easily understood, "pull date" code on the label of all perishable and semi-perishable foods.

Recently an article appeared in the Record of Bergen County, N.J., which clearly illustrates the need for this type of legislation. The article, by Edward J. Gorin, explains the four basic coding systems used by the food industry to indicate the shelf life of food products; they are the color code, the month-day code, the calendar day code, and the alphabet code. It also explains how different packagers use variations of the basic codes so that the result is a baffling array of numbers, colors, and letters, thus underscoring the need for my bill. In hopes that my colleagues will take the time to read this informative article, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOUR KINDS OF CODES

There are four basic codes. Learn them, and with a little common sense you will be able to put fresher products in your refrigerator.

AMI—The old code of the American Meat Institute is a four-digit number, an example being 2274. Read the middle digits as the date, the 27th of the month. Then add the first and last digits for the month: 2 plus 4 equals 6, the sixth month is June.

Month-day—Another four digit number, and the new AMI code which is slowly winning supporters among manufacturers. June 27 would be a simple 0627, to be read as 06/27.

Calendar day—A three-digit number representing the number of days that have passed in a year. For this you must carry a calendar on which you have assigned a number to every day, 001 to Jan. 1, 365 to Dec. 31, 178 to June 27.

Alphabet—The letters of the alphabet, ABCDEFG, are assigned a meaning, depending on the product. They could mean a day of the week, week of the month, month of the year, or year of the decade, or they could be combined. FBG, for example, could mean June 27, F being the month of the year (sixth letter), BG being 27 (second letter, seventh letter).

Today is Sunday, June 27, 1971. Wherever possible, and unless indicated, the codes below represent today's date.—E.J.G.

PRODUCT, CODE, AND EXPLANATION

Arnold Bread; Pink twist color; Color code, M-pink, T-white, W-blue, Th-yellow, F-green, Sat.-gray. Production date, 2-day shelf life.

Arnold Rolls; Dlb; Alphabet code with a code word DLONRA, or Arnold spelled backward, D is Monday, L Tuesday, etc. Production date, 2-day shelf life. Ignore the rest.

Bond; Blue twist color; Color code, M-blue, T-yellow, W-orange, Th-green, F-red, Sat.-white. Production code, 2-day shelf life.

Drake; 654; Read as 6/54. The first digit is the month, on a one through six code, six being either June or December. The second and third digits are to be divided by two for the date (27). Expiration.

Entenmann's; 654; Same as Drakes. Used to be the word "cakes" spelled backwards, but has recently changed.

Grand Union; Brown twist color; Color code, M-brown, T-red, W-white, Th-blue, F-yellow, Sat.-green, S-orange. Expiration.

Grand Union (no twists); One line; In crayon on side of package, 1 line means it may be sold until Sunday. Skip Monday, two lines until Tuesday, etc. Expiration.

Grossinger's Rye; G; Alphabet code meaning Sunday. Production date, 3-day shelf life.

Lazzara; G; Alphabet code meaning Sunday. Production date, 1-day shelf life for bread.

Levy; G; Alphabet code meaning Sunday. Production date, 2-day shelf life.

Nancy Lynn; F–27; Alphabet code meaning June/27. Standard except the letter I is skipped, so H means August but September becomes J. Expiration date.

Pepperidge Farm; 2/7; Looks like a fraction, but isn't. Means product expires on the 27th of the month.

Silvercup; Red twist; Color code, M-red, T-blue, W-green, Th-yellow, F-white, Sat-white. Production date, 2-day shelf life.

Silvercup (no twists); G; Alphabet code meaning Sunday. Production date, 2-day shelf life.

Taystee; G; Alphabet code meaning Sunday. Production date, 2-day shelf life for white bread, 3 days for dark.

Tastykake; 5U463; Variation on the Drake code. Ignore everything except the numbers surrounding the letter. These are combined and divided by two. (5U4 becomes 54, or the 27th of the month). Expiration.

Thomas Bread; G; Alphabet code meaning Sunday. Production code, 2-day shelf life.

Thomas English Muffins; G; Alphabet code meaning Sunday. Production date, 2-day shelf life.

Tip Top; G on the twist; Alphabet code

meaning Sunday. Production date, 2-day shelf life.

Tip Top (no twists); C27; Ignore the letter, read as the 27th of the month. Expiration date.

Milk

Milk is coded simply, usually by date of pasteurization, although Grand Union recently began stamping an expiration date on top of the carton. Generally, there will be a sentence on the side of the carton which gives a day of pasteurization, and probably you will buy it that same day. The sentence reads: "Pasteurized at Plant #00–000 during the 24-hour period ending 6 a.m. Mon."

Butter

Breakstone; 1780452; Calendar day code in the first three digits. Ignore the rest. Production date.

Hotel Bar; 178449; Calendar day code in the first three digits. Ignore the rest. Production date.

Land O'Lakes; 627; Month-day code. Expiration date.

Pathmark; 0627; Month-day code. Production date.

Grand Union; 12340627; Month-day code in the last four digits. Ignore the rest. Production code.

Sour cream

Axelrod; 0276; AMI code. Expiration date.

Breakstone; 0627; Month-day code. Expiration date.

Friendship; 12F72; Alphabet code variation. F indicates the sixth month. Combine the numbers around the letter for the date (2F7 becomes 27). Ignore the rest. Expiration date.

Grand Union; 0627; Month-day code. Expiration date.

King Sour; JN27; Open-dated with an expiration date.

Pathmark; 0627; Month-day code. Expiration date.

Eggs

Grand Union; Exp. June 27; Open expiration date.

Pathmark; 178; Calendar day code. Expiration date.

Cottage cheese

Axelrod; 1275; AMI code. Expiration date.

Breakstone; 0627; Month-day expiration date.

Friendship; 72F71; See Friendship sour cream.

Grand Union; 0627; Month-day expiration date.

Pathmark; 0627; Month-day expiration date.

Sealtest; 0627 19; Month-day expiration date. Ignore the rest.

Cream cheese

Borden; 0627; Month-day expiration date.

Breakstone; 0627; Month-day expiration date.

Grand Union; A0627; Month-day expiration date. Ignore the letter.

Pathmark; 0627; Month-day expiration date.

Philadelphia; 178B1; Standard Kraft foods code. Ignore the letter. It's the calendar day code, with the last digit representing 1971. Production code, 14-day shelf life.

Ricotta and mozzarella

Aiello; 0627; Month-day expiration date.

Axelrod; 3273; AMI, expiration date.

Brunetto; 1127; Variation on the month-day code, except here the year begins with August, making June the 11th month. Read it 11/27. Expiration date.

Maggio; 178; Calendar day code. Production date with 14-day shelf life.

Pollio; 0627; Month-day code, expiration date.

Yogurt

Axelrod; 2274; AMI, expiration date.

Borden; 5F27; Alphabet code and date in last three places. Ignore the first number. Expiration date.

Dannon; 6270; Month-day in the first three digits. Ignore the last digit. The first digit, representing the month, is a 1 through 6 code, with 6 being either June or December. July 1, for example, would be 1010. Expiration date.

Grand Union; 0627; Month-day expiration date.

Lacto; 0627; Month-day expiration date.

Light 'N Lively; 0627; Month-day expiration date.

Processed cheese

Austrian Alps; 578; Variation on calendar day code. Subtract 400 to get the production date (578 minus 400 equals 178, or June 27).

Cooper; 06DAP27; Month-day. Ignore the letters. Production date.

Dorman; 6–B–27C; Combination of alphabet and month-day codes. Combine the numbers (6/27) for month and date; the middle letter represents the year of the decade (second year equals 1971). Ignore the last letter. Expiration date.

Grand Union; 6827; Same as Dorman.

Hoffman; 678; Variation on calendar day code, but subtract 500 for the production date. See Austrian Alps.

Kraft; 178G1; Calendar day code. The last digit means 1971. Ignore the letter. Production date, 210-day shelf life for processed cheese, 154 days for Velveeta.

Swiss Knight; 10627; Month-day code in the last four digits. The first digit gives the year, 1971. Production date.

Wispride; 178195; Calendar day in the first three digits, the year in the fourth digit. Ignore the rest. Production date, 6-month shelf life.

Home-prepared rolls and biscuits

Borden; 6–27; Month-day expiration date.

Pathmark; June 27; Open dated, expiration date.

Pillsbury; June 27; Open dated, expiration date.

Appetizing items

Packaged meats are slowly changing over to the month-day code, so you may find that some already have converted by the time you reach the supermarket.

Armour Franks and Sausages; 4272; AMI, expiration date.

Armour, other packages; 5271; AMI, production date.

Grand Union sliced meats; 6270; AMI, production date, 21-day shelf life.

Hebrew National; 062771; Month-day-year, expiration date.

Hormel; 0276; AMI, production date, 21-day shelf-life.

Hygrade; 1275; AMI, expiration date.

Jones; 2274; AMI, production date, 21-day shelf life.

Liberty Provisions; FbG; Alphabet code. Sixth letter, second letter, seventh letter, or 627.

Mogen David; 2274; AMI, expiration date.

Oscar Mayer; 0627; Month-day, expiration date.

Pathmark; 3273; AMI, production date, 21-day shelf life.

Rath; 4272; AMI, expiration date.

Swift; 5271; AMI, expiration date.

Trunz; 6270; AMI, production date, 21-day shelf life.

Fresh meat

Grand Union; 627; Month-day, expiration date.

Pathmark; SUNDAY; Open dated, expiration date.

CAPTIVE NATIONS WEEK

Mr. ALLOTT. Mr. President, the third week in July is Captive Nations Week. This week all friends of the great and historic peoples of Eastern Europe pause to pledge continuing dedication to the cause of liberty in that unhappy area.

The Soviet Union should understand that there is no diminution of our interest, no weakening of our resolve, no slackening of our dedication regarding the rights of Eastern European peoples and nations. The United States seeks improved relations with all Nations. But we will not purchase such improvements by silencing our protests about the Soviet Union's brutal domination of Eastern Europe.

Mr. President, we must make sure that U.S. policy does nothing to worsen the condition of Eastern Europeans.

Specifically, we must avoid two things: First, we must avoid collaboration with the Soviet Union in any conference that would lend even the slightest shred of legitimacy to Soviet domination; and second, we must unequivocally reject the outrageous "Breshnev doctrine" which asserts that all nations of Eastern Europe have only limited sovereignty—sovereignty limited by the Soviet desire for tyrannical intervention.

Mr. President, it is my earnest hope that all Senators and all friends of liberty everywhere will join all persons of Eastern European origin in asserting that the conscience of free men will not rest easy as long as Soviet tyranny exists.

AMA ROADBLOCKS TO HEALTH REFORM

Mr. KENNEDY. Mr. President, our Senate Subcommittee on Administrative Practice and Procedure is currently conducting a series of hearings on the Implementation of the Recommendations of Presidential and National Commissions.

Last week, as part of this series, the subcommittee, which I chair, conducted hearings on commissions and their recommendations in the field of health care.

Time and again, as I pointed out in my opening statement for the hearings, enlightened recommendations for health reform have been frustrated by the actions of the American Medical Association.

Because of the wide public response to the hearing, I ask unanimous consent that my opening statement may be printed in the Record. I also ask unanimous consent that two recent articles appearing in the Detroit Free Press on the subject be printed in the Record. The first is a column by Dolores Katz, published on July 10, 1971; the second is an editorial published on July 16, 1971.

There being no objection, the material was ordered to be printed in the Record, as follows:

OPENING STATEMENT OF SENATOR EDWARD M. KENNEDY AT HEARINGS ON PRESIDENTIAL COMMISSIONS IN THE HEALTH FIELD, SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE, JULY 14, 1971

The Senate Subcommittee on Administrative Practice and Procedure today resumes its hearings on the Implementation of the Recommendations of Presidential and National Commissions.

This session will focus on the work of the Commissions in the field of health care, and our witnesses represent three blue-ribbon groups whose work spans the last two decades.

Health care is a direct and deep concern of every one of us. But the health care crisis—a crisis of costs and delivery and resources—remains one of the major unmet challenges in America today.

It is plain that our failures are not from a lack of attention and study and ideas. The health field has probably been the subject of more eminent Commissions and Committees and task forces and advisory groups than any other topic.

In the last sixty years the number of government or broadly based private health care study bodies has probably reached at least 3 or 4 dozen, running from medical education to mental retardation and from health research to nurse training.

The history of these groups, especially those which focused on the wider issues of health care organization and costs, is of much more than academic interest to us in 1971. For most of the problems they identified remain to be conquered. And many of the solutions they proposed remain to be seriously tried. And, most relevant to our concern in these hearings, most of the barriers to their implementation continue to stand in the way of health care progress.

If we go back as far as 1913, we find the "Committee on Social Insurance," a group formed by an association of social reform advocates from fields like labor, economics, political science, and law. It recommended a system of compulsory health insurance run by the states. Surprisingly enough, we also find, among the supporters of the model legislation developed by the Committee, the American Medical Association, and thus, not surprisingly, we find several states beginning to take favorable action.

The period of World War I brought a change in outlook in the AMA and a reversal of position on health insurance. As a result, by 1920, the recommendations of the Committee on Social Insurance were buried, and the state legislation died.

In 1927 another group of public spirited citizens, with financing from eight private foundations, formed the "Committee on the Costs of Medical Care." Although it was technically private it has assistance from state and local government agencies and from the U.S. Public Health Service, and its Chairman Dr. Ray Lyman Wilbur, became President Hoover's secretary of the Interior during the Committee's life, giving it a quasi-official aura. That group was really the grandfather of all the commissions and committees which have followed. It reported on its comprehensive study of U.S. medical care in 28 volumes over a period of 5 years. Its studies included drug costs, ability to pay for medical care, doctor's incomes, the role of group medical practice, investment in hospitals and case studies of medical and nursing services in places like Brattleboro, Vermont, and Fort Benning, Georgia. Its final report in 1932 was such a landmark that it was reprinted just last year by the U.S. Public Health Service.

The Committee's recommendations were: (1) a shift to the group practice of medicine for providing health care services; (2) extension and expansion of public health services; (3) the meeting of medical costs on group payment basis, through insurance or tax funds or both; (4) better coordination of medical services at the state and local level; (5) strengthening of professional education, especially in preventive medicine, public health, and the social aspects of medical practice.

Those recommendations seem eminently reasonable and vital today, and the majority of the 48 member Committee supported them. But the minority report is equally interesting, for it represented the American Medical Association's point of view and perhaps set the negative theme for that Association's approach to medical progress, an approach which unfortunately continues to this day. For example, the minority wanted an end to what it called "government competition in the practice of medicine." As for indigents, it was willing to have government aid expanded since it shared what it conceived of as 'the ultimate object of relieving the medical profession of this burden." Because it saw an economic threat to doctors, it urged that group practice and group financing "be vigorously and persistently opposed." And in another strong plea for status quo, it wanted any new methods to be "fitted into our present institutions and agencies without interfering with the fundamentals of medical practice," the very institutions, agencies and fundamentals, of course, which the majority had found to be in need of major overhaul.

In response to the 1932 Committee Report, the AMA Journal described group practice as "medical soviets" and saw the Committee Report as aligned with "socialism and communism."

To us the report looks extremely modest. It stressed state and local rather than federal action and it relied largely on voluntary choice of delivery and financing systems.

Nevertheless the pressure from organized medicine continued against any changes in the system of delivering or financing health care. Thus when President Roosevelt presented this historic Report of his Committee on Economic Security in 1935, he knew that its proposals for pensions, unemployment insurance, and other social assistance would be threatened if he also presented that Committee's proposal for national health insurance. Instead he delayed presenting the health report, and merely inserted a line in his social security bill authorizing a study of national health insurance. As it turned out, even that tiny opening was too much for organized medicine, and the flood of mail from the AMA and its allies threatened to undermine the whole social security program in Congress.

FDR backed down on that provision, but as soon as the Social Security Act was passed in 1935, he appointed an "Interdepartmental Committee to Coordinate Health and Welfare Activities", and it appointed a "Technical Committee on Medical Care."

That Committee filed its Report on "A National Health Program" early in 1938, and President Roosevelt convened a "National Health Conference" in Washington in July 1938 to consider the Report.

The findings of that Report echoed those of 1932:

"(1) Preventive health services for the Nation as a whole are grossly insufficient."

"(2) Hospital and other institutional facilities are inadequate in many communities, and financial support for hospital care and for professional services in hospitals is both insufficient and precarious, especially for services to people who cannot pay the costs of the care they need."

"(3) One-third of the population, including persons with or without income, is receiving inadequate or no medical service."

"(4) An even large fraction of the population suffers from economic burdens created by illness."

That was nearly a quarter-century ago, but I doubt that we would have to change a word to describe the crisis today, except for new and additional dimensions of the problem.

The 1938 report did not pull punches: "The formulation of a national health program," it said, "implies acceptance of the principle that the maintenance of the health of its citizens is a responsibility of government." And so it recommended not only expansion of federal assistance to public health and maternal and child health services, and federal help for expansion of hospital, clinic, and other institutional facilities, but also the establishment of a federally assisted program of medical care for the needy and "medically needy", and, finally, "federal grants-in-aid to the states toward the costs of a more general medical care program" for all the people, including public medical services and health insurance programs.

President Roosevelt transmitted the Technical Committee's Report to the Congress in January 1939. He endorsed its approach and requested its "careful study by the Congress." A month later, Senator Robert F. Wagner of New York proposed the "National Health Act of 1939" embodying the chief proposals of the Committee.

President Roosevelt himself vividly described what happened next:

"Although in general, farm, labor, and welfare groups heartily endorsed the objectives of the bill and the bill itself, opposition developed among the professional, particularly the American Medical Association. This opposition assumed the familiar tone of agreeing with the 'objectives' of the bill but disagreeing with the 'method' contemplated. The critics expressed fear that the increased federal grants-in-aid would expand federal control too far; and they were particularly worried that the health insurance proposals for the families of wage earners would mean a trend toward what they called 'socialized medicine'." Roosevelt's protestations that he had no intention of interfering with doctor-patient relationships or "socializing" medicine were ignored; the AMA proceeded to declare the Wagner bill a "threat to the national health", and the bill died in Committee.

More comprehensive bills were proposed by Senator Wagner and Senator James Murray of Montana and Representative John Dingell, Sr., of Michigan, in 1943, and by President Truman in 1945 and 1947. Richard Harris, in *A Sacred Trust*, his history of Medicare, details the frantic efforts of the AMA to defeat the 1940's legislation through a nationwide lobbying and "education" campaign and through millions of dollars from doctors invested in the work of a PR firm.

The Truman-endorsed Wagner-Murray-Dingell national health insurance legislation seem totally dead by 1950. But in 1951, to clear the air after the decade of battle and to leave his successor a better picture of the Nation's health needs, President Truman appointed a "Commission on the Health Needs of the Nation." Its members represented a broad spectrum of American constituencies, and Truman chose as its Chairman Dr. Paul Manguson, a Republican openly opposed to national health insurance.

Despite this attempt at even-handedness, the AMA reacted strongly against the study. Even before the Commission had begun its hearings, some leaders of the AMA sought to brand it as a proponent of "socialized medicine." The Association loudly boycotted some of its hearings (a tactic it still uses today, as I learned in my own health care hearings in Los Angeles), and provoked angry newspaper editorials describing the Commission as a "bunch of socialists."

We will hear in detail today about the recommendations of this Commission, but the simple fact is that its recommendations were comparatively modest. It did not recommend immediate adoption of a national health insurance program (causing three members to dissent that it was too weak). It did reiterate the 1932 recommendations for more group practice, call for expanded federal aid to medical education, and recommend a reorganization of federal health and social security agencies. It also proposed a system of federal contributions to state medical prepayment systems and outlined what we know as Medicare.

The Commission's proposals were met with immediate outrage from the AMA. And with the installation in 1953 of the newly elected Administration and Congress—with their close ties and obligations to the AMA—any hope of implementation disappeared. Although the Commission had focused on the need for followthrough on its work, the Administration took no action, and continued to adhere to the AMA position on specific Commission proposals which turned up in Congress in the years that followed.

Most of us have first-hand memories of

the course of the Medicare fight through the 50's and 60's, with the AMA resisting mightily, until it suffered its first major defeat with the passage of Medicare in 1965.

But other Commissions have met the AMA and learned the lesson of its continuing ability to obstruct. We will hear today, for example, of the work of the Heart Disease, Cancer, and Stroke Commission, and how its proposals suffered major weakening at the hands of the AMA during its course through Congress.

For, of course, the AMA alone cannot block legislation. It must work through those in positions of public power.

No amount of historical gymnastics can hide the public record of AMA opposition to virtually every major health reform in the past fifty years.

They opposed health benefits for veterans after World War I.

They opposed Blue Cross and private health insurance.

They opposed government support for medical education which they saw as a back door approach to socialized medicine.

They opposed innovations in medical school curricula.

They opposed efforts to achieve equal opportunity in medical education.

Long after the doctor shortage was clear to every impartial expert, they obstinately maintained that there was no shortage at all and that any views to the contrary were the product of misleading propaganda emanating from Washington.

They opposed group practice.

They opposed Medicare.

They opposed any real role in the organization for young doctors, interns, and residents to the point where these young physicians, so full of ideas for health reform, have been driven to form their own independent organization.

Over the years, many local AMA groups in different parts of the country have opposed all sorts of public health programs and health reforms, even including immunization against polio with the Salk and Sabin vaccines.

And today they oppose any meaningful efforts for effective peer review to improve the quality of medical care.

In short, for generations, government health programs have been allowed to accomplish only what organized medicine would tolerate. Thus the record of Federal health commissions is essentially an unbroken series of enlightened recommendations hamstrung by the AMA. The absence of follow-through has not been by accident, but by design. Always, the AMA approach has been the same—reports and recommendations are welcome, so long as nothing is done to implement them, so long as they do not alter the status quo.

The checkbooks of the organization, and of AMPAC, its political arm, have always been open to back its views and to support friendly or potentially friendly candidates for public office. No one doubts the insidious effect of the millions of campaign dollars that have poured out of the AMA over the years—$700,000 in the off-year 1970 elections alone, with virtually no reporting or disclosure of the recipients.

During other Administrations, the usual image of organized medicine has been one of digging in its heels against change. But today, the influence of the AMA has become more pervasive, to the point where the organization has a virtual stranglehold on the health programs of the present Administration. Time and again over the past 2½ years, we have seen how the AMA sets the policy and dictates the programs of the Executive Branch. Indeed, it is not too much to say that the AMA and the Administration are one and the same, Tweedledum and Tweedledee. They have formed a marriage of convenience against the public interest, made possible by the self-interest of an organization that puts the wealth of doctors ahead of the health of the people, and by the apathy of an Administration that lacks the will to implement the principles it piously proclaims. Almost from the beginning the relationship was clear.

In 1969, at the outset of the Administration, the AMA blocked the nomination of Dr. John Knowles as Assistant Secretary of Health in HEW.

This spring, the AMA scored a twin triumph in the appointment of its close associate Dr. Merlin DuVal as Assistant Secretary for Health in HEW, and the appointment of its own executive heir-apparent, Dr. Richard Wilbur, as Assistant Secretary for Health in the Department of Defense.

President Walter Bornemeier of the AMA warmly welcomed President Nixon's health plan when it was announced last February.

And President Nixon warmly received the praise of the AMA in addressing their annual convention in Atlantic City last month. His appearance was noteworthy since only a handful of Presidents had previously seen fit to appear at AMA conventions, including Calvin Coolidge and William McKinley.

And the day after he spoke, the AMA rushed into print with an advertisement in the New York Times, and later in the Washington Post and Los Angeles Times, accepting the "challenge" of the President's address, which was not so much a challenge as an attack on the principle of national health insurance favored by so many Americans in and out of Congress.

Of course, each time in the past that a plan of national health insurance has been put forward, the AMA has counterattacked by putting forth a counter program. As explained by its own PR man in 1949: "We will offer a positive program, because we realize that you can't beat something with nothing." The "positive" program suggested by the AMA then was similar to the one suggested by the Administration in 1953 and by the Nixon Administration now—reliance on private health insurance plans that provide no hope of meeting the nation's health needs but guarantee the continued enrichment of health insurers. The genesis of such counterproposals was well-described by Senator Murray in 1953. They were, he said, "intended to lead the American people into believing that the Administration was seriously concerned and was really doing something about the impossible costs of medical care, while at the same time it would lull into a sense of security those who had contributed so much time, effort, and money to the Republican campaign . . . because they believed that a vested interest in the established system of paying for medical care would be protected."

But I believe that the American people see the issue clearly now. They know the important cause at stake. They know the position of the AMA and the Administration, and they know that we can do better. They will not be lulled into a false sense of security.

How many thousands of dollars will the AMA have to spend in advertising in its current "Doctors of America" series to undo the free but unfavorable publicity it received last month in Atlantic City? There the Association voted to withdraw its eloquent resolution of 1970 that adequate health care is a basic right of every citizen, and reverted to its regressive posture of former years, that adequate health care is not a right at all, but a privilege, which citizens must seek as best they can.

Of course, if we had any doubt about the Administration's approach to the health care crisis, we could look at the veto of the health appropriation last year, or the veto of the Hill-Burton Act, which Congress overrode, or the attempted pocket-veto of the Family Practitioner bill last Christmas.

The time has certainly come for some plain talk about the health care crisis. We had sensible, reasonable answers proposed by outstanding Commissions and leading authorities in 1915, in 1932, in 1938, in 1952, in 1965, and between, and since, but we have not had action. Most Americans still cannot obtain adequate health care. Most Americans will still find themselves impoverished if major illness strikes. The organization of our health services is still a shambles. Why? Because the AMA and its friends in political life, and its friends in the health insurance industry have stood in the way of every step towards an efficient, effective affordable health care system for the American people. Instead of the scientific and public service professional organization it was founded as, the AMA has turned into propaganda organ for purveying "medical politics," for deceiving the Congress, the people, and the Doctors of America themselves.

The American Medical Association puts the lives and well-being of American citizens below its own special interests in ordering its priorities. It deserves to be ignored, rejected, and forgotten. And the many distinguished reports it has undermined and buried deserve to be unearthed, re-read, and remembered.

Today we hope to begin that process.

[From the Detroit Free Press, July 10, 1971]

AMA OPENS CAMPAIGN TO IMPROVE IMAGE

(By Dolores Katz)

On the eve of a major debate in Congress over what, if any, kind of national health insurance the nation should have, the American Medical Association has launched a $1.5 million campaign to improve its image.

The AMA, which for over 30 years has opposed any and all forms of federal health insurance proposals, is now going to tell the American public that it is not the shortsighted, self-serving organization that many health professionals, government officials, and doctors think it is.

It is deeply concerned with America's health problems, the AMA will say in full-page ads, in Life, Reader's Digest, and Ebony, in television commercials, and in the nation's major newspapers.

A special news release issued by the AMA declares:

"Of the three messages now being released for publication, one, with the headline "How To Kill Yourself," warns of the dangers of being overweight while pointing out that over 70 percent of the AMA's annual budget goes for health and scientific information."

In 1964, a month after the U.S. Surgeon General released an exhaustive study linking cigaret smoking to heart disease, the AMA announced that it had accepted a $10 million grant from six leading cigaret companies to investigate the relationship of smoking to health. Three weeks after its announcement, the AMA came out against the proposed labeling of cigarets as a health hazard.

The AMA's news release says that another message, "speaking more specifically to national health issues, talks about the AMA's student loan program. Since 1962, the AMA, through voluntary contributions by individual physicians, has guaranteed $48 million worth of loans and helped 20,000 medical students, interns, and residents to become practicing physicians."

The AMA has consistently opposed federal aid to medical students. In 1948 when a federal report estimated that the nation would be short 42,000 doctors by 1960, AMA lobbying in Congress killed a medical school subsidy program geared to increasing the supply of doctors. At Congress' second try in 1963 the AMA tried but failed to defeat President Kennedy's proposal for interest-free loans to medical students (the AMA's guaranteed loan program is not interest-free).

"One thing we are trying to accomplish," says Paul Foley, chairman of the public relations firm handling the AMA campaign, "is to remind everyone of a factor that is frequently overlooked—that the American doctor is a man, or woman, who cares deeply about people's health."

More doctors practice in the affluent suburbs which already have enough physicians than in ghettos and urban areas that are desperately in need of doctors. The area of Detroit with the highest infant death rate has one doctor for every 13,000 residents.

Foley continues: "Many people don't know that the AMA is very firmly on record in favor of expanding medical education."

Beginning in the 1930's, the AMA conducted a deliberate campaign to limit and even reduce the number of students in the nation's medical schools on the grounds that there was an "oversupply" of doctors. This policy, termed "professional birth control" by the AMA Journal, was a major contributing factor to this country's present health manpower crisis. Through the 1950's, and into the 1960's, the AMA consistently maintained that there was no doctor shortage.

Foley concludes: "By emphasizing the many things the AMA is for, we hope to create a more receptive climate, a climate in which there will be a better understanding of organized medicine and its ideas for improving our health care system."

In an attempt to stave off more comprehensive programs, the AMA has its own plan for national health insurance before Congress. It would allow the federal government to purchase private insurance for those who can't afford it themselves. The proposal, which has almost no chance of passage, has been termed "an anachronism" by Dr. Jerome Pollack, professor of medical economics at Harvard Medical School.

Even the AMA admits its insurance plan will do nothing to restructure the nation's health care system.

From the AMA's point of view, there is no reason why it should. Organized medicine likes things the way they are now.

[From the Detroit Free Press, July 16, 1971]

AMA: Medical Care Monopoly

The American Medical Association has embarked on a $1.5 million advertising program designed to pretty up its public image. As our medical writer, Dolores Katz, has noted, the AMA's self-congratulatory propaganda is visibly at variance with the facts of its self-serving past.

The doctors' union must be one of the few organizations left in this land which still refuses to believe that medical care is zooming in cost at the same time that it is deteriorating in quality. For more than 30 years, the AMA's foot-dragging has contributed substantially to this sad state of affairs:

Americans paid $60 billion for health care in 1969. Last year they paid $70 billion and this year they will pay $80 billion. We are fast approaching the point, if we have not reached it already, where only a rich man can afford to get seriously sick.

In 10 other countries, women live longer than they do in the U.S. In 17 other countries, men live longer. The AMA can no longer excuse its bull-headed resistance to reform on the grounds that the quality of American medical care is the wonder of the world.

By federal estimate, the nation is short at least 50,000 doctors. The AMA's "professional birth control" program, a deliberate policy begun in the 1930s to limit medical school enrollments, must bear heavy blame for this deficit.

With Congress once again mulling over our medical mess, the AMA has come up with a stopgap suggestion calling on the federal government to pay for private insurance for the poor. One might be startled at the indifference implicit in this vacuous proposal if the AMA had not already demonstrated so many times that its main concern always seems to be assurance that the bank accounts of its members will remain robust.

The Hippocratic Oath, the code of conduct followed by physicians for centuries, includes the sentence, "The regimen I adopt shall be for the benefit of my patients according to my ability and judgment, and not for their hurt or for any wrong." The doyens of the AMA might well ponder that line and reconsider whether their policies are not, literally, allowing much of the nation to fall ill.

THIRD ANNIVERSARY OF SOVIET INVASION OF CZECHOSLOVAKIA

Mr. ALLOTT. Mr. President, 1 month from today, when the Senate will be recessed, the world will observe the third anniversary of an instance of modern barbarism.

In Czechoslovakia August 21 will be observed—often silently and surreptitiously—sometimes with bold display—as a day of Soviet shame. It was on that date in 1968 that the Soviet Union invaded Czechoslovakia.

This act of callous infamy violated the charter and numerous resolutions of the United Nations. The invasion:

First, violated the sovereignty of a member state of the United Nations—article 2, section 1;

Second, was carried out in violation of article 2, section 4, which prohibits the use of military force in the relations between individual members of the United Nations;

Third, violated the principle of self-determination of peoples—article 1, section 2;

Fourth, was in conflict with article 2, section 7, which prohibits outside intervention in matters essentially within the domestic jurisdiction of any state;

Fifth, was in conflict with a number of resolutions of the General Assembly of the United Nations, particularly with resolution 2131 (xxi) adopted at the meeting of December 21, 1965, upon the Soviet Union's own motion, prohibiting any intervention in the domestic affairs of any state and guaranteeing its independence and sovereignty.

Mr. President, I join with all friends of the Czechoslovakian people in pledging that we shall never accept the domination of that brave nation. When the world pauses next month to observe the unhappy events of August 21, 1968, I hope all Senators will pause and renew their dedication to the cause of freedom in all of Eastern Europe.

Mr. President, on August 21, 1970, the Washington Star carried a fine editorial entitled "Czechoslovakia Remembered." On May 28 of this year the Washington Daily News commented on the depressing condition of Soviet domination in Czechoslovakia. So that all Senators can consider these comments, I ask unanimous consent that they be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Czechoslovakia Remembered

One's capacity for indignation is limited. The emotional scar tissue covering old wounds and ancient wrongs builds up, layer upon layer, numbing the ache. And yet it would be wrong for any free man to let this day pass without recalling that, two years ago today, 14 million Czechs and Slovaks lost their freedom to the Soviet Union, an old hand at the imperalistic game it professes to deplore.

The men and women who ignited that Prague "spring of freedom" have passed from the scene. Alexander Dubcek, who sought to create "socialism with a human face," has been expelled from the party, but still has hope of getting a job as a machinist. Josef Smrkovsky is dying of cancer, as his dream died. Frantisek Kriegel and Josef Pavel are jobless and perhaps destined for show trials. Ota Sik and Eduard Goldstuecker are in exile. And so it goes.

For the little people, too, the purge continues. The once broad-based Communist Party of 1.6 million members is being screened, with anyone not positively enthusiastic about his country's rape being expelled. The leadership no longer wants mass support; the presence of Russian troops obviates the need.

Parliament, the trade unions, local governments, the judiciary and the media have returned to their pre-1967 slavishness, with only the cynics, the opportunists and the incompetents seeking or gaining positions of authority. A whole generation of Czech and Slovak leaders in every field of endeavor has been sacrificed to what the men in the Kremlin term "normalization."

And so the people of Czechoslovakia turn inward, enduring with quiet contempt that which they lack the power to alter. Spending on alcohol increased by 40 percent in 1969 and, in January of this year, Czechoslovakia's birth rate for the first time since World War II fell below the death rate. Hardly the talisman of a people wildly enthusiastic about their Marxist paradise.

In the end it is not impossible that the people will triumph. It took the Czechs and Slovaks nearly three centuries to rid themselves of the Hapsburgs; Russia's hegemony is not immutable.

Today it is enough to pay homage to the memory of those Czechs and Slovak men and women who, to their eternal honor and that of their nation, had the courage and decency to stand up for freedom in the face of a force incapable of understanding the concept. Their names will not be forgotten when the bells of St. Vitus Cathedral once again peal with the joy of a new Prague spring, and there is laughter from the hills of Bohemia to the peaks of the High Tatras.

Thank You, Big Brother

Soviet party leader Leonid Brezhnev's gall in appearing at the Czechoslovak Communist Party Congress this week was like a scene out of George Orwell's "1984."

Mr. Brezhnev had the role of Big Brother, who ruled a third of the world in the Orwell novel thru brainwashing, thought control and terror. His subjects practiced doublethink and spoke Newspeak: war is peace, black is white, truth is lie, joy is forced labor, etc.

In true Orwellian style, the congress tumultuously applauded Mr. Brezhnev, author of the 1968 Soviet Army invasion that crushed Czechoslovakia's autonomy and ended its efforts to give socialism "a human face."

The scene illustrated one of the Kremlin's nastiest and most hypocritical traits: It not only does terrible things, such as enslaving people, but insists that they profusely thank it for the favor.

This time the sad task fell to Gustav Husak, a decent Slovak who runs the country for Russia, probably to prevent a bunch of Stalinist's, traitors and police sadists from taking over.

Poor Mr. Husak had to "express our sincere gratitude" to the Soviet Union "and to you personally, Comrade Brezhnev" for invading Czechoslovakia and overthrowing the government of Alexander Dubcek, which had overwhelmingly popular support.

It is a pity that Orwell, a disillusioned British Communist, did not live to see the Soviet rape of Czechoslovakia and Mr. Brezhnev's later triumphant appearance.

Orwell might have been inspired to update his dictionary of Newspeak with entries like: invasion is nonintervention, domination is equality, do not wait for an invitation to violate a country—it will be issued after the event.

Unfortunately, Orwell's novel was prophecy. This week Big Brother was alive and well in Prague. And in Czechoslovakia it is already "1984."

THANKS TO CONGRESS FOR GI BILL BENEFITS

Mr. CRANSTON. Mr. President, I once again welcome the opportunity to share with Senators and the public my feelings about the basically excellent educational and training benefits for veterans under the GI bill. There is no doubt in my mind that educational and training opportunities for veterans will help to solve many problems both during the transition period from military to civilian life and after reassimilation into the society.

When I served as chairman of the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare in the last Congress, we made some important strides to provide far more comprehensive education and training programs for veterans through the Veterans' Education and Training Amendments Act of 1970—Public Law 91–219. I hope that through this more comprehensive approach, the majority of veterans aspiring to improve their education will have favorable experiences.

Mr. President, all of us in the Senate receive many more complaints than thanks regarding the adequacy and effectiveness of veterans education and training benefits. But we all know that many veterans are very grateful for the opportunity for continued learning which the GI bill has afforded them.

One of my constituents, Thomas Schneck, Jr., recently wrote me asking that I express his thanks to the Congress for providing the GI bill benefits that assisted him in concluding 4 years of night law school at the University of Santa Clara.

Mr. President, in order to relay Mr. Schneck's gratitude to all Senators, I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SAN JOSE, CALIF.,
June 7, 1971.

Senator ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: On Saturday June 12, 1971 the University of Santa Clara will award to me a J.D. degree after four years of night law school. Many people helped me attain this degree including my wife who substituted for me with our five small children when I was in class, my parents and my understanding employers.

At this time when I am thanking my supporters I also wish to express gratitude to the Congress, especially those who have worked for veterans' education benefits. The monthly assistance received from the Veterans' Administration helped our family make ends meet. Please convey my thanks to the Congress.

Sincerely yours,
THOMAS SCHNECK, Jr.

FRIENDS OF THE FBI

Mr. McGOVERN. Mr. President, I have recently received a letter soliciting funds and support for the "Friends of the FBI," a private, tax-exempt organization whose sole purpose is the protection of the FBI and its Director, Mr. Hoover, from public criticism. The appeal refers to the FBI as "our protection against the chaos and violence that threaten us on all sides."

In the past few years, however, it has become clear that a fair amount of chaos and violence exist within the FBI itself: The chaos of organizational discontent and the violence of vituperative response to criticism coming from within or without. The vindictive treatment of agent John Shaw, who criticized the FBI in a private letter, and Mr. Hoover's own public attacks on two former Attorneys General, Robert Kennedy and Ramsey Clark, show the sharp contrast between the license each subordinate had in criticizing his superiors.

This combination of squelching internal discord while lashing out at respected public figures makes it obvious that Mr. Hoover's private fiefdom has gone too long without congressional investigation of its practices. A fruitful area of investigation might be the FBI's public relations efforts, which are now abetted by the Friends of the FBI. Possible connections between the FBI's own extensive publicity operation and the Friends of the FBI should be examined. And the reason why this obviously politically motivated group has been granted tax-exempt status should certainly be discovered.

Mr. President, I ask unanimous consent that the documents I received from the Friends of the FBI be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FRIENDS OF THE FBI,
Hollywood, Calif.

DEAR CONCERNED AMERICAN:

As the enclosed news reports reveal, the F.B.I. and J. Edgar Hoover are now being subjected to the degradation of a vicious partisan attack by self-serving politicians, their supporting media and certain radical elements that ultimately seek the destruction of all law and order in the United States.

This vicious smear campaign has grown to such shocking proportions that *Life* magazine cruelly parodied Mr. Hoover as "The Emperor of the F.B.I." on the cover of its April 9, 1971 issue.

The proposed "studies" of the F.B.I. are matters of even greater concern. One is under auspices of the "Committee for Public Justice", directed by Burke Marshall and Ramsey Clark, and the other is by the Woodrow Wilson School of Princeton University. Such sponsorship clearly indicates the bias that would prevail and foreshadows the distorted, damaging "findings" that would result.

We, the Friends of the F.B.I., are determined to counter this campaign against the F.B.I. and Mr. Hoover, which threatens to undermine the whole structure of law and order in the United States. This is *your* opportunity to declare yourself firmly on the side of honor and law and order in these two important ways:

First, give us your moral and vocal support by adding your good name to our "Declaration of Support" for the F.B.I. and its honorable Director who has served it with such distinction.

Second, please help the Friends of the F.B.I. carry out its plan of sponsoring a non-partisan commission of leading jurists, scholars and journalists to study the F.B.I. and its contributions to America . . . to rebut the two highly questionable "studies" already proposed by avowed opponents of the F.B.I.

We are depending on your generous help *now* to raise the substantial funds needed to wage an effective education campaign on behalf of the "Friends of the F.B.I." We must reach hundreds of thousands of loyal Americans with our "Declaration of Support" and carry out the commission study report . . . to counter the powerfully-backed campaign against the F.B.I. and J. Edgar Hoover.

Your gift of $100, $50, $25, $10 or whatever you can possibly afford is tax-deductible, so I ask you to please be generous.

As you may know, I have the privilege of portraying an F.B.I. agent in the television series "The F.B.I.", and my respect for Mr. Hoover, the F.B.I. and its dedicated agents has grown steadily as I have learned more and more about the illustrious history of the Bureau. I am very proud now to serve as Honorary Chairman for the Friends of the F.B.I.

I am confident you will join me in lending your support for this urgent educational campaign to protect the honor of a great American patriot . . . and to insure the continued effectiveness of the F.B.I.—our protection against the chaos and violence that threaten us on all sides.

Yours for the preservation of law and order in America,

EFREM ZIMBALIST, Jr.,
Honorary Chairman.

VOICE YOUR SUPPORT NOW

For our leaders in their defense of J. Edgar Hoover and the F.B.I.

President Nixon delivered tonight a strong defense of J. Edgar Hoover, the beleaguered director of the Federal Bureau of Investigation.

The President described the criticism leveled at Mr. Hoover as "unfair and malicious," asserted that the director had been taking a "bum rap on a lot of things," and urged his audience of editors and publishers "to be fair."—President Nixon, New York Times, 4/17/71.

"The radicals would like nothing better than to tear down the F.B.I. The removal of J. Edgar Hoover would be a victory for them. . . .

"The F.B.I. can be relied upon to carry on inside the United States extensive investigations of subversion, espionage and any conspiracy against the Government. For the F.B.I. is the principal safeguard of the internal security of our country."—Editor David Lawrence, U.S. News and World Report 4/19/71.

"As a former F.B.I. agent and 10-year veteran of the bureau, I know from first hand experience how zealous the F.B.I. and its Director are in protecting the rights of citizens. . . .

"Even the severest critics of the F.B.I. know that it is a highly professional law enforcement agency which has been a model for police agencies all over the world."—Congressman Larry Hogan, Republican, Maryland, 5/5/71.

SEND YOUR SUPPORT TODAY

To help the Friends of the F.B.I. wage an effective educational campaign to counter the villainous attacks quoted below:

"House Majority Leader Hale Boggs' transparent failure to back up his specific charge that the F.B.I. had tapped his home telephone should not be allowed to obscure the significance of his contribution to an understanding of the grave threat which the bureau represents to American liberty."—Editorial, Washington Post 4/28/71.

". . . The F.B.I. has adopted the tactics of the Soviet Union and Hitler's Gestapo."—House Majority Leader Hale Boggs, Washington Post, 4/6/71.

"After decades of near immunity from public criticism, the Federal Bureau of Investigation and its director, J. Edgar Hoover, within the last five months have become a punching bag for an ever broadening segment of the nation."—Ken W. Clawson, Washington Post, 4/5/71.

DECLARATION OF SUPPORT

I hereby declare my support for the F.B.I. and J. Edgar Hoover, and authorize the inclusion of my name on a petition to this effect to be circulated to the President, the Congress, and the press by the Friends of the F.B.I.

Signature ________________________________
Print name ______________________________
Address _________________________________
City ____________________________________
State __________________________Zip ______

Friends of the F.B.I., Suite 800, 919 18th Street, N.W., Washington, D.C. 20006.

Gentlemen: I am enclosing my maximum contribution to help the Friends of the F.B.I. carry out its urgent and vitally important educational campaign.

—— Mr.
—— Mrs.
—— Miss
—— Other (please specify)

Name ____________________________________
Address _________________________________
City ____________________________________
State __________________________Zip ______

Please check the amount of your tax-deductible gift:

—— $1000 —— $500 —— $250 —— $100
—— $50 —— $25 — $10 or $————

Please make your check payable to: Friends of the F.B.I.

OREGON'S PROJECT "RISE"

Mr. HATFIELD. Mr. President, the successful activities of Reach Independence and Security Through Employment—RISE—have been called to my attention. This is a unique program in which the Oregon State University Cooperative Extension Service and the Oregon Divisions of Public Welfare and Employment have joined forces to conduct a series of highly successful preemployment training programs for 216 women and 17 men in 12 Oregon counties. Thinking that agencies in other States as well as on the Federal level might wish to undertake similar projects of their own, and believing that this will be of interest to Senators, I ask unanimous consent that a statement on the RISE project prepared by Mrs. Bernice Strawn of Oregon State University, as well as correspondence and newsclippings my office has received concerning this commendable project, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Instead of competing with each other, three Oregon agencies are working together to help people and set an example which many of our governmental agencies could well follow.

I am referring to RISE, which stands for Reach Independence and Security through Employment. It is a program in which the Oregon State University Cooperative Extension Service, and the Oregon Divisions of Public Welfare and Employment have joined forces to conduct a series of highly successful, innovative pre-employment training programs for 216 women and 17 men welfare recipients in 12 Oregon counties.

The program is designed to provide opportunities for those now receiving public assistance to move off the welfare rolls and into society as independent, productive and self-respecting citizens.

Each training program lasts only six weeks. The successes of RISE have been measured in many ways, in both economic and human terms.

On a strictly economic basis, the taxpayers are now saving money while former recipients of public assistance are now earning money and also paying taxes.

Perhaps this can best be illustrated by seeing what has happened to 19 women who completed the RISE program in just one county. A year later, five were still off welfare and were employed full time collectively earning at the rate of $19,500 a year. Previously, these same five were receiving $7,207 annually in welfare grants.

One 50-year-old woman with one child still at home and receiving an Aid to Dependent Children grant of $130 a month is now employed and earning $450 a month.

Another woman, 48, with two children at home, had been receiving welfare for almost 23 years. Her grant was $172 a month. After receiving the RISE training, she is working full time and earning $350 a month.

About one-fourth of the trainees advanced to courses in basic education and training to gain their General Equivalency Diplomas because they realized continuing education is necessary in order to secure the work of their choice. Three have enrolled in community college.

These are only some of the results in just one county. County officials in other counties with RISE programs have publicly praised the program, as have RISE traineees themselves. In eight counties during 1970–71 welfare grants were reduced at the rate of $54,424 annually.

On the human side of the ledger, there is no price tag for the substantial changes in attitude that occurred, the self-confidence restored, the feelings of self-worth attained and the improved atmosphere in the homes of the trainees.

Listen to what some of the trainees themselves say:

"We can't really tell you exactly what RISE has done for us. You have to know how we feel in our hearts. I have found I was capable of doing things I wasn't even aware of.

"I have never been able to apply for a job. I would get to the employer's door and chicken out. It was the first time I had courage to ask someone for a job.

"We do have lots of pride, but we didn't have much of a way to prove it until the last six weeks. RISE has opened our first door.

"I was used to staying home all the time and more or less found myself giving up until I found out about RISE.

"Without RISE, I could never get back on my feet. I'm going to take a class at community college this summer (in addition to work). I love my work and had a pay increase."

All this has been accomplished by the three agencies—Cooperative Extension Service, Welfare and Employment—working together to operate a special kind of program that supplements existing training programs. For example, in counties where the Work Incentive Program (WIN) is available, 23 women advanced to WIN training after completing the RISE program and three were referred to vocational rehabilitation for further training. Before, they were not motivated for employment, not acceptable in appearance and lack self-confidence.

RISE works with the individual, helping him to adjust to a group situation while building up the whole person. The training, conducted by specially assigned Extension agents, includes grooming, nutrition, home management, family finance, child guidance, how to apply for a job, and responsibilities of the employee. Aides chosen from the welfare rolls were employed to assist in recruiting trainees identified by welfare Division staff.

Actual class work is kept to a minimum. The emphasis is on working together as a group. Cost of the training, which is funded by the Department of Public Welfare, is approximately $320 per person.

One of the great things about RISE has been the cooperation of local businesses, hospitals, nursing homes and other establishments in providing two weeks' work experience for the trainees. Local units of government have helped in many cases by providing a headquarters building free of charge.

Throughout the life of RISE, great care has been exercised to assure that the training does not duplicate nor overlap any other training programs currently offered through the Employment and Welfare Divisions. Such programs were lacking in several of the counties where RISE was given.

The RISE programs have filled a gap which existed in the many training opportunities available to able-bodied citizens on welfare. It has clearly demonstrated that many welfare recipients will take steps to improve their lives once they regain the self-respect and self-confidence so necessary to individual and family growth and development.

Additional RISE programs are being planned for next year. Emphasis will continue to be motivating welfare recipients to better themselves and to strengthen the working relationships between the Cooperative Extension Service and the Divisions of Welfare and Employment

Agencies in other states, and indeed on the federal level, may wish to undertake similar projects of their own and do what they can to help in the solution of the pressing national welfare crises.

A Step Toward Independence—Oregon's Project "RISE"

(By Bernice Strawn)

Potato chips and ice cream in the grocery basket may not be cause for exhileration to the average American family. But to a mother of two who has just received her first paycheck after several years on welfare, this is splurging to feed their souls as well as their bodies.

Through the help of the Oregon Extension Service, many mothers who were receiving Aid to Dependent Children have gone off welfare rolls and onto payrolls of hospitals, motels, nursing homes, and other firms.

A project called RISE (Reach Independence through Self-Employment) is a joint effort of Extension and the State Public Welfare Commission. The overall goal of the training program is to help welfare women take the first step toward independence.

For some, this step consists of a full-time job. The biggest step some of them can take is part-time work or on-the-job training. Others realize they must have high school equivalency in order to prepare for the work of their choice. The Welfare caseworkers say the women would not have been motivated to go to school or work without the RISE training.

At the outset, it was expected that most of the trainees would do housework and be self-employed. As the program developed, however, other possibilities became evident. The women like the name RISE—it seems to give them a "lift."

This is the way the project works:

The State Public Welfare Commission contracts with the Cooperative Extension Service to train up to 20 welfare clients with Non-Disabled Vocational Rehabilitation funds.

The county welfare office, responsible for recruiting trainees, selects women who are not qualified for other types of training and generally are not motivated toward employment. One welfare supervisor described them as "stay-at-homes."

The Extension Service employs a home economist to work full-time for the duration of the project. Two aides and a half-time secretary are hired from the welfare rolls. Aides receive 2 weeks' training prior to the beginning of the regular training.

Trainees spend 6 weeks, 5 hours a day for 5 days a week, in training.

To keep the training informal and different from school, a vacant home is used as laboratory and headquarters. In addition to housekeeping methods, the women are taught grooming, family relationships, food buying, nutrition, use of plentiful foods, clothing selection, time and money management, good work habits, and how to secure and effectively perform a job.

Actual classwork is kept at a minimum, and the emphasis is on action. Trainees thoroughly clean the training center, which they refer to as "our house." Then they clean each other's homes before being assigned to a homemaker sponsor who is an Extension unit member.

They acquire additional skills at their sponsors' homes. Sponsors have been instructed to work along with them and compliment work well done. They are teachers on a one-to-one basis and send an evaluation of the trainees' work to the agent.

In the meantime each trainee has a free hair styling through the cooperation of a beauty school.

A lesson on clothing selection includes a trip to a local store to select foundation garments. The small clothing allowance, provided in the training budget, also permits buying suitable work clothing at thrift shops.

Then they are ready for work experience at cooperating nursing homes, hospitals, motels, day care centers, and similar establishments. Each trainee works from 10 to 12 days to get experience in two or more types of work and to build up her self-confidence. Often these prospective employers hire the trainees as soon as they have completed the RISE project.

Aides help in transportation of the trainees, supervise their work experience, and assist the agent in various ways. They also make more visits to check on absences. Many would-be dropouts are kept in the training through the work of the aides.

To say that trainees are reluctant to attend at first is an understatement. Therefore, the class sessions stress attitudes. Discussions arise from various sayings such as "They conquer who believe they can." "We cannot choose what comes to us; we can choose how we meet it." "Years wrinkle the skin, but to give up enthusiasm wrinkles the soul." These and others are posted on the walls of the training center.

Group experience is of utmost value to trainees. Many friendships are made. They learn that they have similar problems and often help each other. One woman who had reared 11 children made two dresses for a fellow trainee. Other talents are discovered. Some are adept at setting hair and help others who lack the knack.

The climax of the training program is graduation day. Certificates from Oregon State University are presented to each "graduate." Their families, cooperating Extension unit members, welfare caseworkers, county commissioners, and Extension workers attend.

One or more of the trainees tells the audience what this experience has meant to her. Here is part of what one woman said:

"We can't really tell you exactly what the RISE program has done for us. You have to know how we feel in our hearts. In the past 6 weeks we have found we are capable of doing things we weren't even aware of.

"We were used to staying home all the time, and like myself, I had no education or experience. We more or less found ourselves giving up until we found out about RISE. It is really rewarding to help others and learn and not expect to get paid for it.

"We do have lots of pride, but we really didn't have much of a way to prove it until the last 6 weeks. RISE has opened our first door."

This 28-year-old mother of two is now working part-time while she goes to school to get her high school diploma. On her own initiative she wrote to the State Welfare Administrator and the Governor of Oregon to tell them what RISE meant to her.

Her letters were effective in helping expand the RISE program. One county has trained three groups, and three other counties have each completed training for one group to date.

All but a few have taken a step forward. A welfare representative and the employment office cooperate in placing the women. One lady who took a full-time job in the housekeeping department at a hospital was a little discouraged after the first week. Her children wouldn't let her quit. They were proud to have a working mother. She is still on the job and eligible for a raise.

This is typical of most of the trainees. RISE has given the entire family a boost in self-esteem and a positive attitude toward themselves and the future.

Housekeeping and other starting jobs are not high paying, of course, but these women have one foot on the first rung of the ladder and are reaching for the next.

WASCO COUNTY,
COUNTY COURT,
Dalles, Oreg., May 19, 1970.

Mrs. BERNICE STRAWN,
Home Management Specialist,
Oregon State University,
Corvallis, Oreg.

DEAR MRS. STRAWN: It is with a great deal of admiration that I congratulate the ladies who took part in the R.I.S.E. program, and the Extension Services of Hood River and Wasco Counties. In these times when the accent is on the failures of our society, it is with extreme pleasure that we greet a success. There is no doubt that the participants will benefit permanently from this training.

The format of this action program further reinforces the conclusion of this observer that the Oregon State University Extension Service is the logical source of professional help to guide the programs of training help to the underprivileged. It has been long noted that the service has been a reliable source of technical information, and as a local officeholder I shall welcome the furtherance of its work in community development and aid to the underprivileged.

Sincerely yours,
WALTER CARTE,
Chairman, Mid-Columbia Economic Development District.

OFFICE OF THE GOVERNOR,
Salem, Oreg., March 23, 1971.

Mrs. STRAWN,
Extension Service,
Oregon State University,
Corvallis, Oreg.

DEAR MRS. STRAWN: I am very impressed with your RISE program, as a copy of the letter I am sending respondents will testify. So far I have received over 40 letters and hundreds of clippings with notes and addresses on them—so you can see what a response Mrs. Mullins' article occasioned.

Programs like the RISE project will help us lick the welfare problem and you are to be commended for your fine work and ingenuity.

Sincerely,
TOM MCCALL, *Governor.*

[From the Dalles (Oreg.) Chronicle, May 25, 1970]

TWO-COUNTY RISE GROUP CONGRATULATED

In these times when failures seem to be the predominant news, it is indeed a pleasure to congratulate the ladies who participated in the Reach Independence through Self Employment (RISE) program in Hood River & Wasco counties the past winter under the direction of the Extension Services of the two counties. In this cooperative effort the employers, the Extension personnel, Oregon State University Homemaking Division, homemakers of the area, the Welfare Department, and especially the participants all made the effort to make a success of the training program.

Undoubtedly the participants will be employed in the fields in which they have their first chance to achieve the skills necessary to do so.

As our society attempts to aid the disadvantaged, it seems to this observer that the use of professionals in the Extension Service is the obvious solution. By contrast the use of amateurs to direct training programs have been conspicuously ineffective.

Again we congratulate all of those in the RISE effort; it holds some real hope.

Walt Carte
Wasco County Commissioner
The Dalles

[From the Sunday Oregonian, Feb. 21, 1971]

HERE'S HOPE—WELFARE WOMAN HELPED THROUGH RISE PROGRAM

(By Hope Mullins)

Dear Hope: I have been on welfare most of the time for the past 23 years . . . ever since 1948. I married twice and had five children. Both husbands ran off and never sent me any money. But I am working now and supporting my family . . . and I want to tell people about the wonderful program that helped me get off welfare. It is called "RISE."

Our RISE group had one instructor and 20 women who were on welfare. We met each day for six weeks in an old, rented home. The instructor got us all to cooking inexpensive meals and set us to work cleaning the entire house, using better ways of housekeeping. In only a few days, women who had stayed at home for years and had retreated from the world, were laughing and talking together as they worked.

This program also helps women with medical problems that could keep them from working. For years I'd had rotten teeth but welfare never had any money to get them fixed. The RISE project paid to have all my teeth pulled and gave me dentures.

I'd been having terrible pains in my knees and could hardly walk. The dentist said my teeth had been poisoning my whole system. Now the aching is gone and I feel like a new person. Also, I had needed glasses for a long time but welfare had no funds for this either. I hesitated meeting new people because I couldn't see them very well. Thanks to RISE I have eyeglasses.

This program prepared us to go interviewing for a job. Some of the women had only one faded dress that was too shabby to wear to an interview. RISE gave us each enough money to buy one new outfit. Next, we all went to a beauty parlor and had our hair styled. All through the course, our instructor gave us "pep talks." By the last two weeks, our appearance had improved and our confidence had really been built up. We were ready to get on-the-job experience.

We were given a choice of "trial jobs" to report to for the last 10 days of the course—at a laundry, bakery, grocery store, nursing home and other places. Some of the women were really afraid because they had never held a job before. They were surprised to find they could do good work and they lost their fear of asking for a job. Our class finished almost two years ago and everyone is off welfare.

I work full time as a clerk in a hardware store. I can see to read the price tags and don't mind standing on my feet all day. The days of sleeping three to a bed are past. I can buy meat and fruit for my family, and my children don't have to wear rummage sale clothes and second hand shoes. I even bought a new bike for my son and I pay for the kid's school lunches so they no longer feel the shame of free lunches. Now they have pride and feel just as good as all the other kids at school.

I am forever grateful for the help RISE gave me.

Ruddie.

Dear Readers: The RISE program takes a group of about 20 women and prepares them to get jobs. Each program costs taxpayers about $5,000. However, the yearly savings in welfare funds not paid out as Aid for Families with Dependent Children adds up to many thousands of dollars each year. Most important, it helps women and their families find a better life.

Yet, in Oregon where the program began, it is in danger of being cut from the budget. So far RISE has been used in only 11 counties . . . it is needed all across the country. If you would like to see your local welfare department use this approach to cutting welfare costs, clip this column out and send it to your governor. Ask him to look into the RISE program under the direction of Bernice Strawn, of the Cooperative Extension Service at Oregon State University.

Hope.

What are your opinions on welfare? Why not speak out. Write to Hope Mullins, P.O. Box 849, Corvallis, Ore. 97330.

[From the Sunday Oregonian, Feb. 14, 1971]

HERE'S HOPE!—RISE HELPS TAXPAYERS WITH WELFARE PROBLEMS

(By Hope Mullins)

Dear Hope: Most taxpayers get mighty mad when they think of the huge welfare bills they are paying. Well—I know a way they can help get people off welfare. If you will print my letter, Hope, taxpayers can send a copy of it to their state governor and ask him to look into the "Oregon State University Cooperative Extension program called RISE."

The RISE program is remarkably successful in helping women get jobs, become taxpayers, and get off welfare. I know, because I'm one of the women whom RISE helped. The program takes only six weeks and doesn't cost taxpayers much money. Yet in spite of its proven success in 11 Oregon counties, this program is in danger of being cut from the state budget.

RISE is run by Extension and welfare. Here is how it works.

RISE groups meet five days a week in old, partially furnished houses. They are taught by a home economist. Our group had 18 women and all but two had dependent children. When we arrived that first day, we must have been a sight. We were ashamed, defensive and beat down by life. And, we sure as heck didn't expect the RISE program to help us.

The first lessons were on budgeting, nutrition and grooming. The main purpose of these sessions was to bring us together. We cooked tasty, low cost recipes and cleaned up the kitchen as a group. We mopped and waxed the floors together. We scrubbed the house from top to bottom by using team work. We began teasing each other, and laughing at each other's "boo boos" and we shared our problems. (It did us good to hear what others had been through.)

When you've been on welfare for years, you build a "wall" around yourself and your family so outside hurts can't get in. Bit-by-bit, the working together tore down the walls of isolation we'd built around ourselves.

We went to a beauty parlor and got our hair fixed up. We each received a small clothing allowance and bought ourselves a new dress to wear to job interviews. We were given dentures, glasses and whatever medical help we needed. (The change in people's looks was fantastic!)

When the fourth week arrived, our instructor gave us a choice of jobs to report to for the last two weeks of the program. (She'd asked a bakery, meat market, laundry, nursing home, motel and other businesses if they'd let her class help for 10 days, at no pay, for on-the-job experience.)

Some of the women had never had a job and were really scared. But they all reported to work and soon got used to handling new situations and meeting strangers. We received many compliments from our "bosses." And we did such good work, that every one of us was offered a permanent job! By the end of the course, we had confidence in ourselves and we'd all changed unbelievably.

After completing the class, I was offered a full-time job with the welfare department. (I am in charge of arranging day care for children, so that their mothers can get job training that will help them get off welfare.) Whenever welfare recipients complain to me, "Stubby, I know I'll never get a good job."—I tell them, "Look at me. I walked in your shoes . . . and made it. So can you!."

Our RISE class ended a year-and-a-half ago. All 18 of the women in our group are off welfare. As I said at the beginning of my letter, RISE courses are remarkably successful. They save taxpayers a great deal of money, and give people independence and self-respect. You can't beat a combination like that!

"Stubby."

ROSEBURG, OREG., *March 5, 1971.*

GOV. TOM MCCALL,
Governor of Oregon,
Salem, Oreg.

DEAR SIR: Enclosed is an article on the RISE project which is under the direction of Bernice Strawn at Oregon State University.

My husband and I would like to urge you to look into and support this type of program. This is the kind of thing that is needed. Just handing money to people is no answer.

Many people are on welfare because they have no idea how to handle money wisely, how to cope with the decisions of life, or just plain no idea how to live—period. They (most of them) will learn if they are given a chance but somebody has to teach them. They have no concept of a successful family life or how to have one. Do you know that many of these people who are dependent upon society for their livelihood have never had any close contact with anyone who was living successfully as a contributing member of society.

We are more than happy to support this type of program with our tax money. We feel strongly that money spent this way is an investment that pays terrific dividends.

We only wish that all our tax money, state and federal, could be as well invested.

Sincerely yours,

Mr. and Mrs. STEVE WATKINS.

FEB. 25, 1971.

The Hon. TOM MCCALL,
Governor of Oregon,
State Capitol,
Salem, Oreg.

DEAR GOVERNOR: I have become acquainted with the RISE Program through the enclosed article. As a middle class working tax payer, I feel this program is a tremendous way to combat our Welfare Department's problems of funding. I feel it would be a terrible mistake to discontinue this program in our state and in fact, feel it should be expanded.

It is unfortunate that more working-class people do not know of this program and I feel that as our Governor, you are in a position to make this program better known to all people in our state. If this program is as effective as the article shows it to be, it could very well be advantageous in greatly decreasing our welfare rolls.

Sincerely,

(Mrs.) DEBRA J. LEACH.

FEB. 22, 1971.

DEAR GOV. MCCALL: We hope that you will read the enclosed article from the Oregonian and then direct your efforts toward keeping the RISE program in the budget. This program actually saves money in the long run by enabling women to get off welfare. And by getting off of welfare they gain back their self respect.

As attested to by the letter from "Ruddie", this program has been very successful. When 20 women can be prepared in just six weeks to go out and get steady employment and thus stay off welfare, this is a very worthwhile undertaking. We hope that RISE will not only be continued, but expanded.

Sincerely,

Mr. and Mrs. ROBERT P. LINKEY.

CORVALLIS, OREG., *March 1, 1971.*

GOV. TOM MCCALL,
Statehouse,
Salem, Oreg.

DEAR GOV. MCCALL: I have been very interested to learn about the RISE programs which are designed to help Welfare recipients learn useful skills so that they can take jobs. I hope that this RISE program will be continued. I definitely believe that real caring for others' welfare includes worrying about their self respect and this the RISE program develops. It also will introduce "the work ethic" into a Welfare family, lessening the chances that Aid to Dependent Children will grow up to also become Welfare recipients as they understand that adults do work and that work is important to self-esteem in our society.

Please do all you can to help this important program and others like it to continue.

Sincerely,

(Mrs.) MARJORIE PASCH.

THE WASHINGTON POST EDITORIAL ENTITLED "AID FOR HIGHER EDUCATION"

Mr. PROUTY. Mr. President, on July 8 in my remarks to the Senate, I described the higher education bill, then pending in the Labor and Public Welfare Committee, as a "landmark measure." One week later the bill S. 659 was unanimously ordered reported to the Senate by the Committee on Labor and Public Welfare.

The order to report this historic bill went virtually unnoticed by the media until today when the Washington Post in its lead editorial recognized the import and potential impact of this measure.

The Post's highly favorable editorial is encouraging to me and I commend it to Senators who will soon be considering this historic measure.

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 21, 1971]

AID FOR HIGHER EDUCATION

With little fanfare the Senate Committee on Labor and Public Welfare last week reported out a higher education bill which—if it were to receive adequate funding—would lay a firm new foundation for federal support for higher education. Sponsored by Senator Pell, it would (1) establish a student grant program which would appreciably lower the barriers to higher education facing young people from low and lower-middle income families, and (2) give substantial financial aid to the colleges and universities that bear the cost of educating students from these income groups.

The proposed student grant program would depart from present legislation by introducing the principle of "entitlement" to student aid: i.e., anyone falling under the bill's definition of "needy" and "student" would be entitled to a federal grant. Any student in good standing at an accredited college, university or post-secondary vocational school would be eligible for a grant equal to $1,400 a year minus a "family contribution" depending on family income, assets, number of children and so forth. A student whose family's resources were too meager to permit them to make any contribution would receive the full $1,400 from the government; a student whose family could contribute $800 would receive $600, and so forth.

It should be noted that the bill does not guarantee everyone the right to go to college. Decisions about who should be admitted and what constitutes "good standing" are left to institutions of higher education themselves, but once admitted to student status everyone would have a right to aid if he could show a need. The principle of entitlement to student aid strikes us as both sound and just, although it will be expensive to implement.

Post-secondary education has become, rightly or wrongly, a virtual necessity for a dignified, well-paying job—a passport into the mainstream of American life. But the passports are issued unequally among the rich and the poor. In almost any group of high school graduates of roughly equal "ability" (as measured by high school grades or test scores) one finds a much higher proportion receiving higher education among upper than lower income groups. The real inequality is even greater, of course, because low-income students have less chance of finishing high school and less chance of scoring well on conventional tests even if their true ability is high.

In recent years federal student aid programs have grown rapidly, and many low-income students have gone to college who would not have made it without the government money. But current programs are still far from adequate. The Education Opportunity Grant program has been meagerly funded by the Congress—approved requests far exceed available funds. Moreover, the program seems virtually designed to maximize the uncertainty facing the student. Funds are allotted to states in accordance with a formula that bears little relation to needs and some states are able to fill a far higher proportion of requests than others. Within states, funds are doled out by college student aid officers with different views of "need" (recent attempts by the Office of Education to target funds on the lowest income students have not yet had much effect—largely because hardly any new funds have been available). A student may be turned down for aid at one college, although a neighboring college would have been able to give him money—if he had only known. Colleges as well as sudents are unhappy with the uncertainty. Some have made efforts to encourage low-income students to apply, only to find they did not have any funds to offer them. Many college recruiters believe low-income students would work much harder in high school if they could be assured of funds for college.

The Nixon administration has also embraced the principle of student aid but the administration's student aid proposal, more complex and less generous than the Pell Bill, has not been enthusiastically received, or even well understood, on Capitol Hill. We believe the grant provisions of the Pell Bill are superior, partly because they are easier to comprehend and seem less likely to burden low income students with heavy debt.

Another important feature of the Pell Bill is a substantial program of aid to higher education institutions that enroll recipients of the proposed grants. A college, university or vocational school would receive a "cost of instruction allowance" for each federally aided student it enrolled. A very small college would receive $500 for each federally aided student, while larger ones would receive lower amounts ranging down to $100 per federally aided student.

The "cost of instruction" provision recognizes that no student pays his own way and that the federal government has an obligation, if it is adding to enrollment by passing out student aid, to help colleges meet the costs imposed by the extra students. The program would constitute a major form of federal aid to higher education institutions, not unlike the Green Bill now under consideration in the House. But unlike the Green Bill, which gives institutions federal money for every student enrolled, the Pell Bill would channel the aid toward institutions bearing the heaviest burden of educating low income students. This type of aid has been called a "bribe" to open educational gates to the poor. We prefer to think of it as an incentive to act in the national interest.

The particular cost of instruction formula in the Pell Bill could be improved. The present version is excessively favorable to small colleges. Unfortunately, the average small college, like the family farm, is probably an uneconomic anachronism more worthy of fond nostalgia than rescue with federal funds. Moreover, the Pell formula, which gives colleges a flat sum for each aided student (rather than a percentage of the aid granted) may encourage colleges to take in several marginally needy students in preference to one extremely needy one.

Basically, however, the Pell Bill is a good one. It is our hope that it will pass the Senate and that its passage will jar the House out of its current deadlock and enable passage of a major new higher education act in this session.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

ORDER TO HOLD BILL AND JOINT RESOLUTION AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 4762, a bill to extend the authority of the Administrator of Veterans' Affairs to establish and carry out a program of exchange of medical information, and House Joint Resolution 3, to establish a Joint Committee on the Environment, when received from the House, be held at the desk.

This has been cleared all around.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ELECTIONS CAMPAIGN ACT OF 1971

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate S. 382, which the clerk will state by title.

The second assistant legislative clerk read as follows:

A bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce and from the Committee on Rules and Administration with amendments.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President. if I may have the attention of the Senate, I should like to state that, last evening, a series of negotiations were carried on in the office of the distinguished Republican leader, to see whether an agreement could be arrived at by means of which a time limitation could be agreed upon to assure the final disposition of the pending business. If such an agreement could be reached then it was—and still is—the intention of the leadership to lay the pending business aside and call up the bill reported by the Committee on Banking, Housing, and Urban Affairs, S. 2308, a bill to authorize emergency loan guarantees to major business enterprises.

On the basis of the negotiations carried on at that time—in which I did not participate except indirectly, but the distinguished deputy majority leader acting for me did—an agreement was arrived at which, of course, is subject to affirmation by the Senate as a whole.

If the agreement is entered into, I think it would allow us to carry on our business in an orderly and expeditious way, with the rights of all Senators being protected fully.

I should like at this time to ask the distinguished deputy majority leader to present to the Senate the unanimous-consent request which was worked out last evening and which is subject to this body's approval.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the further consideration of S. 382, the so-called Federal elections campaign bill, the bill be considered as having been amended in the form as reported by the Committee on Rules and Administration, and that the bill as thus amended be treated as original text for the purpose of further amendments; that it be ordered, and that it be in order, immediately, for the distinguished Senator from Rhode Island (Mr. PASTORE) to offer a substitute for the entire bill; provided further, that it shall be in order at any time during the consideration of S. 382 for the majority leader or his designee to have laid before the Senate for its immediate consideration any of the following:

S. 2308, the emergency loan guarantee bill.

The HEW appropriation bill.

The Department of Transportation appropriation bill.

The public works appropriation bill.

The Appalachian regional development bill.

The Sugar Act.

Or other measures as agreed upon by the majority leader and the minority leader, and proceed with the consideration of any one of them until final disposition thereof, or at the discretion of the majority leader; provided further, that the debate on S. 382 be limited to 16 hours, the time to be equally divided between the majority and minority leaders or their designees, and that debate on any amendment be limited to 30 minutes, the time to be equally divided between the mover of such amendment and the majority leader or his designee, with the exception as to time for debate of the following amendments:

An amendment by the distinguished Senator from Colorado (Mr. DOMINICK), on which there would be 3 hours, equally divided.

Two amendments by the distinguished Senator from Vermont (Mr. PROUTY), on each of which there would be 3 hours, equally divided.

One amendment by the distinguished Senator from Arizona (Mr. FANNIN), on which there would be 2 hours, equally divided.

One amendment by the distinguished Senator from Alaska (Mr. STEVENS), on which there would be 2 hours, equally divided.

Provided further, that no amendment not germane shall be received, and that no motion to table the amendment in the nature of a substitute by the distinguished Senator from Rhode Island (Mr. PASTORE), shall be in order; provided finally, that the majority and minority leaders or their designees may allot time under their control, for debate of the bill, to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

Mr. SPONG. Mr. President, reserving the right to object, I wonder if the distinguished deputy majority leader would answer a question for me. If this is agreed to, it would require the unanimous consent of the Senate for any nongermane amendment to be subsequently offered; is that correct?

Mr. BYRD of West Virginia. That is correct.

Mr. SPONG. The distinguished Senator from New Jersey (Mr. CASE) and I have considered the introduction of an amendment which may be ruled nongermane. It concerns public disclosure for judges, Members of Congress, and others.

We would prefer that this be considered after a hearing by the proper committee. The chairman of the subcommittee, the distinguished Senator from Nevada (Mr. CANNON), has been busy with hearings on this bill. We would prefer that hearings on the measure which the distinguished Senator from New Jersey (Mr. CASE) and I have introduced, be held before bringing it to the Senate.

Nevertheless, we believe that our proposal relates to the legislation now before us, regardless of any ruling, and we are hopeful that early hearings can be held on our measure.

Mr. CANNON. Mr. President, I would be happy to assure the distinguished Senator from Virginia that we would schedule hearings on his proposal.

His proposal is similar to one which the Senate acted on before, several years ago. I offered that as an amendment, to require full disclosure on the part of Senators, the judiciary, the executive, and legislative branches. It passed the Senate. I think that we should hold hearings on the bill and I would not like to see it tied to this bill when we have the opportunity to make some headway in the field of election reform.

So, I would be willing to assure the Senator that I will schedule hearings sometime after the recess, at an early date in the fall, and give him hearings on the proposal.

Mr. SPONG. Mr. President, I thank the Senator from Nevada. I share his wish that we move forward with this legislation. On that basis I have no objection to the agreement. I again thank the Senator from Nevada.

Mr. SCOTT. Mr. President, would the distinguished assistant majority leader yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, I would reserve the right to object and, of course, I will not object. I rise for the purpose of saying that I am in favor of the unanimous-consent request. It was worked out very carefully and with great consideration for the concerns of many Senators. It has been possible to have it accepted by the good will of a number of Senators having different concerns as to various bills.

I would like to indicate now that it is my intention to designate as manager of the bill on this side of the aisle the distinguished Senator from Vermont (Mr. PROUTY), the ranking minority member of the Committee on Rules and Administration, with the understanding that he would work out allocations of time with the distinguished ranking minority member of the Committee on Commerce, the Senator from New Hampshire (Mr. COTTON).

I understand from the Senator from Vermont that that can and will be done. For that reason I do so designate the Senator from Vermont, as I have indicated.

Mr. WEICKER. Mr. President, reserving the right to object, I would like to address an inquiry to the Senator from West Virginia. It is my understanding that the limitation on time and also the procedure as contained in the unanimous consent request apply only to S. 382.

Mr. BYRD of West Virginia. The Senator is precisely correct. At the direction of the distinguished majority leader, it was made to do so.

Mr. WEICKER. Mr. President, such limitations do not in any way apply to the exceptions, at least to the bills or to the matters which were contained in the request?

Mr. BYRD of West Virginia. Mr. President, would the Senator clarify his question?

Mr. WEICKER. I refer specifically to the matters which the Senator referred to, both the loan bill, S. 2308, and the various appropriations bills.

Mr. BYRD of West Virginia. Mr. President, may I say that the limitation on time that has been proposed at the direction of the majority leader deals only with S. 382, the Federal Elections Campaign bill.

Mr. WEICKER. I thank the Senator from West Virginia.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous-consent agreement is as follows:

Ordered, That, effective on Wednesday, July 21, 1971, during the further consideration of S. 382, to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, the bill be considered as having been amended in the form as reported by the Committee on Rules and Administration, and that the bill as thus amended be treated as original text for the purpose of further amendment, and that it be in order immediately for the Senator from Rhode Island (Mr. Pastore) to offer a substitute for the entire bill.

Provided further, That it shall be in order at any time during the consideration of S. 382 for the Majority Leader or his designee to have laid before the Senate for its immediate consideration any of the following bills: (1) S. 2308, Cal. 264; (2) the Appalachian Regional Development Bill; (3) H.R. 9667, Transportation and Related Agencies Appropriation Bill; (4) Labor HEW Appropriations, and (5) the Public Works Appropriation Bill, or other bills agreed upon by the Majority and Minority Leaders, and proceed with the consideration of any one of them until they are disposed of, or at the discretion of the Majority Leader.

Provided further, That debate on S. 382 be limited to 16 hours to be equally divided by the Majority and Minority Leaders or their designees, and debate on any amendment to the bill be limited to 30 minutes to be equally divided and controlled by the mover of the amendment and the Majority Leader or his designee with the exception as to time for debate on the following amendment: three hours on an amendment to be offered by the Senator from Colorado (Mr. Dominick); three hours on each of two amendments to be designated by the Senator from Vermont (Mr. Prouty); two hours on an amendment to be offered by the Senator from Arizona (Mr. Fannin); and two hours on an amendment to be offered by the Senator from Alaska (Mr. Stevens).

Provided further, That no amendment not germane shall be received, and that no motion to table the substitute amendment to be offered by the Senator from Rhode Island (Mr. Pastore) shall be in order. *Provided further,* That time for debate of the bill may be yielded by the Leaders or their designees on any pending amendment, motion (except a motion to table), or appeal. (July 21, 1971)

The PRESIDING OFFICER. In accordance with the unanimous consent agreement, the bill is considered as having been amended in the form as reported by the Committee on Rules and Administration, and as thus amended the bill will be treated as original text for the purpose of further amendment.

The text of the bill as amended and being treated as original text for purpose of further amendment is as follows:

S. 382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Election Campaign Act of 1971".

TITLE I—AMENDMENTS TO COMMUNICATIONS ACT OF 1934; LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

EXCEPTION TO EQUAL TIME REQUIREMENTS AND CHARGE LIMITATIONS

SEC. 101. (a) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting after "public office" in the first sentence thereof a comma and the following: "other than Federal elective office (as defined in subsection (c) of this section): *Provided,* That such Federal candidates are given the maximum flexibility in the choice of program format,".

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same amount of time during the same period; and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(c) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new clause:

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate on behalf of his candidacy.".

EXPENDITURES LIMITATIONS FOR CANDIDATES FOR MAJOR ELECTIVE OFFICES

SEC. 102. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (e) and by inserting immediately before such subsection the following new subsections.

"(c)(1) For purposes of this subsection (d), the term—

"(A) 'Federal elective office' means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

"(B) 'use of broadcasting stations by or on behalf of any candidate' includes not only broadcasts advocating such candidate's election, but also broadcasts urging the defeat of his opponent or derogating his opponent's stand on campaign issues;

"(C) 'legally qualified candidate' means any person who (1) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (2) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

"(D) 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(2) (A) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

(i) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

(ii) $30,000, if greater than the amount determined under clause (i).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

"(B) In addition to the amount which he may spend under paragraph (2)(A) of this subsection for the use of broadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of nonbroadcast communications media under section 103 of the Federal Election Campaign Act of 1971.

"(3) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(4) No station licensee may make any charge for the use of such station by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2).

"(5) Broadcasting stations and candidates shall file with the Commission such reports at such times and containing such information as the Commission shall prescribe for the purpose of this subsection and, in the case of broadcasting stations, subsection (d).

"(d) If the Commission determines that—

"(1) a State by law—

"(A) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

"(B) has specified a limitation upon total expenditures for the use of broadcasting stations an behalf of the candidacy of each legally qualified candidate in such election, and

"(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a Federal elective office, or nomination thereto, then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation."

LIMITATIONS OF CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

SEC. 103. (a) For purposes of this section, the term—

(1) "Federal elective office" means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commission to the Congress;

(2) "nonbroadcast communications medium" means newspapers, magazines and other periodical publications, and billboard facilities;

(3) "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidates and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

(4) "use of any nonbroadcast communications media by or on behalf of any candidate" includes not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

(b) During the forty-five days preceding the date of any primary election, and during the sixty days preceding the date of any general or special election, the charges made for the use of any nonbroadcast communications medium by an individual who is a legally qualified candidate for Federal elective office shall not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount of space.

(c) (1) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of—

(A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determinated by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

(B) $30,000, if greater than the amount determined under subparagraph (A).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

(2) In addition to the amount which he may spend under this subsection for the use of nonbroadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of broadcast communications media under section 315(c) of the Communications Act of 1934 (47 U.S.C. 315(c)).

(d) Amounts spent for the use of nonbroadcast communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this section, be deemed to have been spent by such candidate. Amounts spent for the use of nonbroadcast communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(e) No person may make any charge for the use of any nonbroadcast communications medium by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or an individual specifically authorized by such candidate in writing to do so, certifies to such person that the payment of such charge will not violate subsection (c). Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged by such person for such use. Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate at a rate which is less than the rate normally charged by such person for such use shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate charged such candidate.

(f) Violation of the provisions of this section is punishable by a fine not to exceed $5,000, imprisonment for not to exceed five years, or both.

COST-OF-LIVING INCREASE IN LIMITATION FORMULA

Sec. 104. (a) For purposes of this section, the term—

(1) "price index" means the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(2) "base period" means the calendar year 1970.

(b) Commencing immediately after the end of 1971, and after the end of each calendar year thereafter, as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall determine the difference between the price index for the immediately preceding calendar year and the price index for the base period. The amount computed under section 315(c)(2)(a)(i) of th Communications Act of 1934 (as added by section 102 of this Act) and under section 103(c)(1)(A) of this Act shall be increased by such per centum difference (excluding any fraction of a per centum) and rounded to the next highest cent. Each amount so increased shall be the amount in effect for the twelve months following the end of such calendar year.

EFFECTVE DATE

Sec. 105. This title shall take effect on the date of enactment of this Act, except that—

(1) the amendment made by section 101 (b) shall take effect 30 days after such date; and

(2) Section 102 shall take effect on such date as the Federal Communications Commission shall prescribe, but not later than 120 days after the date of enactment of this Act.

TITLE II—CRIMINAL CODE AMENDMENTS

Sec. 201. Section 591 of title 18, United States Code, is amended to read as follows:

"§ 591. Definition

"When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (6) a primary election held for the section of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees; and

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee, without charge for any such purpose;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

Sec. 202. Section 600 of title 18, United States Code, is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in while or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

Sec. 203. Section 608 of title 18, United States Code, is repealed.

Sec. 204. Section 609 of title 18, United States Code, is repealed.

Sec. 205. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, as any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;

shall be fined not more than $5,000 or imprisoned not more than five years, or both."

Sec. 206. Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 614. Extension of credit to candidates for Federal office by certain industries

"(a) No business, the rates and charges for which are regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, shall extend credit, for services rendered or goods furnished to any candidate or to any other person on behalf of such candidates unless the debt so created is secured in full by property, bond, or other security. This section shall not apply to a use of such service or goods by a candidate for purposes not related to his campaign for nomination for election, or election, to Federal office, if the candidate so certifies in writing to that business.

"(b) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, or (in the case of an individual who intentionally violates such provision) imprisonment for not to exceed one year, or both."

Sec. 207. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Repealed.";

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed.";

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors."; and

(4) adding at the end of such table the following: "614. Extension of credit to candidates for Federal office by certain industries."

TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

DEFINITIONS

SEC. 301. When used in this part—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee' means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees; and

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "Comptroller General" means the Comptroller General of the United States;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address of every person making any contribution, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address of every person to whom any expenditure is made, and the date and amount thereof.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Comptroller General.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"In compliance with Federal law a report has been (or will be) filed with the Comptroller General of the United States showing a detailed account of our receipts and expenditures. A copy of that report is available at a charge from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402."

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 shall file with the Comptroller General a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the Comptroller General at such time as he prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the Comptroller General.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Comptroller General within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall so notify the Comptroller General.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office and each candidate for election to such office, shall file with the Comptroller General reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the Comptroller General may prescribe, which shall not be less than five days before the date of filing.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together, with the amounts and dates of all such transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of $100, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of $100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address of each person to whom an expenditure or expenditures have been made by such committee or candidate within the calendar year in an aggregate amount or value in excess of $100, and the amount, date, and purpose of each such expenditure;

(10) the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of $100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the Comptroller General may prescribe; and

(13) such other information as shall be required by the Comptroller General.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 305. (a) Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the Comptroller General a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

(b)(1) Any business, the rates and charges for which are regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, which furnishes goods or services to or for the use of a candidate in connection with his campaign for nomination for election, or election, to Federal office, or to a political committee for use in connection with such a campaign, shall file with the Comptroller General a statement disclosing—

(A) the name of the purchaser and the name of the candidate for the benefit of whose campaign the goods or services were purchased;

(B) a specific description of the goods or services furnished and the quantity or measure thereof, if appropriate;

(C) any amount of the price of such goods or services not paid in advance of their being furnished to the purchaser;

(D) any unpaid balance of the price of such goods or services as of the reporting date;

(E) a description of the type and value of any bond, collateral, or other security securing such unpaid balance; and

(F) such other information as the Comptroller General shall require by published regulation.

(2) Reports required under paragraph (1) of this subsection shall be filed on the dates on which reports by political committees are filed, and shall be cumulative. A copy of each report required of a business under paragraph (1) shall be filed with the department or agency by which such business is so regulated.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Comptroller General in a published regulation.

(c) The Comptroller General may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The Comptroller General shall, by published regulations of general applicability prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President, shall within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with Comptroller General a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE COMPTROLLER GENERAL

SEC. 308. (a) It shall be the duty of the Comptroller General—

(1) to develop prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make such reports and statements;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of $100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b)(1) Any person who believes a violation of this title has occurred may file a complaint with the Comptroller General. If the

Comptroller General determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the Comptroller General, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States Court of Appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

SEC. 309. (a) A copy of each statement required to be filed with the Comptroller General by this title shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The Comptroller General may require the filing of reports and statements required by this title with the clerks of other United States district courts where he determines the public interest will be served thereby.

(b) It shall be the duty of the clerk of a United States district court under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with such clerks;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipts;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 311. Any person who violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

STATE LAWS NOT AFFECTED

SEC. 312. (a) Nothing in this title shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this title.

(b) The Comptroller General shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. 313. If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 314. (a) The Federal Corrupt Practices Act, 1925 (2 U.S.C. §§ 241–256) is repealed.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

TITLE IV—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR FEDERAL OFFICE

INCOME TAX CREDIT

SEC. 401. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE FEDERAL OFFICE

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of the political contributions (as defined in subsection (c)) payment of which is made by such individual within the taxable year.

"(b) LIMITATIONS.—

"(1) AMOUNT.—The credit allowed by subsection (a) shall not exceed $20 for any taxable year.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(3) VERIFICATION.—The credit allowed by subsection (a) shall be allowed with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) DEFINITION OF POLITICAL CONTRIBUTION.—For purposes of this section, the term 'political contribution' means a contribution or gift to—

"(1) an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a general or special election, in a primary election, or in a convention of a political party, for use by such individual to further his candidacy for any such office; or

"(2) a committee acting in behalf of an individual or individuals described in paragraph (1), for use by such committee to further the candidacy of such individual or individuals.

"(d) ELECTION TO TAKE DEDUCTION IN LIEU OF CREDIT.—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the deduction provided by section 218 (relating to deduction for contributions to candidates for elective Federal office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

"(e) CROSS REFERENCE.—

"For disallowance of credit to estates and trusts, see section 642(a)(3)."

(b) The table of sections for such subpart is amended by striking out

"Sec. 40. Overpayments of tax."

and inserting in lieu thereof

"Sec. 40. Contributions to candidates for elective Federal office.

"Sec. 41. Overpayments of tax."

(c) Section 642(a) of the Internal Revenue Code of 1954 (relating to credits against tax for estates and trusts) is amended by adding at the end thereof a new paragraph as follows:

"(3) POLITICAL CONTRIBUTIONS.—An estate or trust shall not be allowed the credit against tax for political contributions to candidates for elective Federal office provided by section 40."

DEDUCTION IN LIEU OF CREDIT

SEC. 402. (a) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by renumbering section 218 as 219, and by inserting after section 217 the following new section:

"SEC. 218. CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE FEDERAL OFFICE.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction any political contribution (as defined in subsection (c)) payment of which is made by such individual within the taxable year.

"(b) LIMITATIONS.—

"(1) AMOUNT.—The deduction under subsection (a) shall not exceed $100 for any taxable year.

"(2) VERIFICATION.—The deduction under subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) DEFINITION OF POLITICAL CONTRIBUTION.—For purposes of this section, the term 'political contribution' means a contribution or gift to—

"(1) an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a general or special election, in a primary election, or in a convention of a political party, for use by such individual to further his candidacy for any such office; or

"(2) a committee acting in behalf of an individual or individuals described in paragraph (1), for use by such committee to further the candidacy of such individual or individuals.

"(d) ELECTION TO TAKE CREDIT IN LIEU OF DEDUCTION.—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 40 (relating to credit against tax for contributions to candidates for elective Federal office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

"(e) CROSS REFERENCE.—

"For disallowance of deduction to estates and trusts, see section 642(i)."

(b) The table of sections for such part is amended by striking out

"Sec. 218. Cross references."

and inserting in lieu thereof

"Sec. 218. Contributions to candidates for elective Federal office.
"Sec. 219. Cross references."

(c) Section 642 of the Internal Revenue Code of 1954 (relating to special rules for credits and deductions for estates and trusts) is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) a new subsection as follows:

"(i) POLITICAL CONTRIBUTIONS.—An estate or trust shall not be allowed the deduction for contributions to candidates for elective Federal office provided by section 218."

EFFECTIVE DATE

SEC. 403. The amendments made by sections 401 and 402 shall apply to taxable years ending after December 31, 1970, but only with respect to contributions or gifts payment of which is made after such date.

Mr. MANSFIELD. Mr. President, I yield the time on the bill which has been assigned to me to the Senator from Rhode Island, the manager of the pending bill.

AMENDMENT NO. 308

Mr. PASTORE. Mr. President, in furtherance of the unanimous-consent agreement, I send to the desk on behalf of myself and also the Senator from Georgia (Mr. TALMADGE), the Senator from Montana (Mr. MANSFIELD), and the Senator from Nevada (Mr. CANNON), an amendment in the nature of a substitute.

The PRESIDING OFFICER. The amendment will be stated.

The amendment in the nature of a substitute reads as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That this Act may be cited as the "Federal Election Campaign Act of 1971"."

TITLE I—AMENDMENTS TO COMMUNICATIONS ACT OF 1934; LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

EXCEPTION TO EQUAL TIME REQUIREMENTS AND CHARGE LIMITATIONS

SEC. 101. (a) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting after "public office" in the first sentence thereof a comma and the following: "other than the office of President or Vice President of the United States,".

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same amount of time during the same period; and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(c) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new clause

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate on behalf of his candidacy.".

EXPENDITURE LIMITATIONS FOR CANDIDATES FOR MAJOR ELECTIVE OFFICES

SEC. 102. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (e) and by inserting immediately before such subsection the following new subsections:

"(c)(1) For purposes of this subsection and subsection (d), the term—

"(A) 'Federal elective office' means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

"(B) 'use of broadcasting stations by or on behalf of any candidate' includes not only broadcasts advocating such candidate's election, but also broadcasts urging the defeat of his opponent or derogating his opponent's stand on campaign issues;

"(C) 'legally qualified candidate' means any person who (1) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (2) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

"(D) 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(2) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

"(B) $30,000, if greater than the amount determined under subparagraph (A).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

"(3) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(4) No station licensee may make any charge for the use of such station by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2).

"(5) Broadcasting stations and candidates shall file with the Commission such reports at such times and containing such information as the Commission shall prescribe for the purpose of this subsection and, in the case of broadcasting stations, subsection (d).

"(d) If the Commission determines that—

"(1) a State by law—

"(A) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

"(B) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a Federal elective office, or nomination thereto, then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation."

LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

SEC. 103. (a) For purposes of this section, the term—

(1) "Federal elective office" means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

(2) "nonbroadcast communications medium" means newspapers, magazines and other periodical publications, and billboard facilities;

(3) "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

(4) "use of any nonbroadcast communications media by or on behalf of any candidate" includes not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

(b) During the forty-five days preceding the date of any primary election, and during the sixty days preceding the date of any general or special election, the charges made for the use of any nonbroadcast communications medium by an individual who is a legally qualified candidate for Federal elective office shall not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount of space.

(c) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of—

(1) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

(2) $30,000, if greater than the amount determined under clause (1).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

(d) Amounts spent for the use of nonbroadcast communications media on behalf of any legally qualified candidate for major Federal elective office (or for nomination to such office) shall, for the purposes of this section, be deemed to have been spent by such candidate. Amounts spent for the use of nonbroadcast communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(c) No person may make any charge for the use of any nonbroadcast communications medium by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or an individual specifically authorized by such candidate in writing to do so, certifies to such person that the payment of such charge will not violate subsection (c). Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged for such person for such use. Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate at a rate which is less than the rate normally charged by such person for such use shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate charged such candidate.

(f) Violation of the provisions of this section is punishable by a fine not to exceed $5,000, imprisonment for not to exceed five years, or both.

COST-OF-LIVING INCREASE IN LIMITATION FORMULA

SEC. 104. (a) For purposes of this section, the term—

(1) "price index" means the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(2) "base period" means the calendar year 1970.

(b) Commencing immediately after the end of 1971, and after the end of each calendar year thereafter, as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall determine the difference between the price index for the immediately preceding calendar year and the price index for the base period. The amount computed under section 315(c)(2)(A) of the Communications Act of 1934 (as added by section 102 of this Act) and under section 103 (c)(1) of this Act shall be increased by such per centum difference (excluding any fraction of a per centum) and rounded to the next highest cent. Each amount so increased shall be the amount in effect for the twelve months following the end of such calendar year.

EFFECTIVE DATE

SEC. 105. This title shall take effect on the date of enactment of this Act, except that—

(1) the amendment made by section 101 (b) shall take effect 30 days after such date; and

(2) section 102 shall take effect on such date as the Federal Communications Commission shall prescribe, but not later than 120 days after the date of enactment of this Act.

TITLE II—CRIMINAL CODE AMENDMENTS

SEC. 201. Section 591 of title 18, United States Code, is amended to read as follows:

"§ 591. Definitions.

"When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organizaton which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees; and

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

SEC. 202. Section 600 of title 18, United States Code, is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidates or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

SEC. 203. Section 608 of title 18, United States Code, is repealed.

SEC. 204. Section 609 of title 18, United States Code, is repealed.

SEC. 205. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;

shall be fined not more than $5,000 or imprisoned not more than five years, or both."

SEC. 206. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Repealed.";

(2) sriking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed."; and

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors."

CAMPAIGN FUNDS

DEFINITIONS

SEC. 301. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party,

(4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees; and

(4) the payment, by any person other than a candidate or political committee, or compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "Comptroller General" means the Comptroller General of the United States;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address of every person making any contribution, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address of every person to whom any expenditure is made, and the date and amount thereof.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Comptroller General.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 shall file with the Comptroller General a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the Comptroller General at such time as he prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the Comptroller General.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Comptroller General within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall so notify the Comptroller General.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office and each candidate for election to such office, shall file with the Comptroller General reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the Comptroller General may prescribe, which shall not be less than five days before the date of filing.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all such transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of $100, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of $100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address of each person to whom an expenditure or expenditures have been made by such committee or candidate within the calendar year in an aggregate amount or value in excess of $100, and the amount, date, and purpose of each such expenditure;

(10) the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of $100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the Comptroller General may prescribe; and

(13) such other information as shall be required by the Comptroller General.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contibutions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the Comptroller General a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Comptroller General in a published regulation.

(c) The Comptroller General may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The Comptroller General shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE COMPTROLLER GENERAL

SEC. 308. (a) It shall be the duty of the Comptroller General—

(1) to develop prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make such reports and statements;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of $100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provision of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b)(1) Any person who believes a violation of this title has occurred may file a complaint with the Comptroller General. If the Comptroller General determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the Comptroller General, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States Court of Appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

SEC. 309. (a) A copy of each statement required to be filed with the Comptroller General by this title shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The Comptroller General may require the filing of reports and statements required by this title with the clerks of other United States district courts where he determines the public interest will be served thereby.

(b) It shall be the duty of the clerk of a United States district court under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with such clerks;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 311. Any person who violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

STATE LAWS NOT AFFECTED

SEC. 312. (a) Nothing in this title shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this title.

(b) The Comptroller General shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. 313. If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 314. (a) the Federal Corrupt Practices Act, 1925 (2 U.S.C. §§ 241-256) is repealed.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

EMERGENCY LOAN GUARANTEE ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 264, S. 2308.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill.

QUORUM CALL

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. SPARKMAN. Mr. President, I ask unanimous consent that we may have additional staff members on the floor from the Committee on Banking, Housing and Urban Affairs during the consideration of this measure.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, what was the request?

Mr. SPARKMAN. I asked unanimous consent that we may have additional staff members from the committee on the floor during the consideration of the measure.

Mr. BYRD of West Virginia. Would the Senator limit the number of staff members?

Mr. SPARKMAN. I will limit it to eight.

Mr. BYRD of West Virginia. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I ask unanimous consent that I may have two staff members on the floor during the debate on S. 2308.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I do not intend to object—would the Senator make it clear that those staff members will not remain on the floor during rollcall votes?

Mr. TAFT. I certainly will do that.

Mr. BYRD of West Virginia. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that I may be permitted to have two staff members on the floor during the debate on this measure, provided they will not be on the floor during any rollcall votes.

Mr. BYRD of West Virginia. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, a parliamentary inquiry, and I would like to direct the inquiry to the distinguished Senator from West Virginia, as I present it to the Chair.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPARKMAN. As I understand it, we have a standing rule, informal though it may be, that staff members generally do not remain on the floor during rollcall votes. Is that correct?

Mr. BYRD of West Virginia. Mr. President, if I may respond, the unanimous-consent agreement that was entered into at the beginning of the session with respect to staff personnel not remaining on the floor of the Senate during a rollcall vote was made to apply only to clerks of Senators but not to clerks of committees.

Mr. SPARKMAN. I am grateful to the deputy leader for that clarification.

Mr. CRANSTON. Mr. President, I ask unanimous consent also that I may have two staff members on the floor during the consideration of this measure, with the understanding that they will not remain in the Chamber during rollcall votes.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I shall not object—I would like to state that I will have to object if such requests continue to be made, except on the part of Senators who have leading assignments in connection with the bill before the Senate; I do not object to the requests thus far made—with the stipulation that those staff people who are given the privilege of the floor stay seated and be quiet; else, Mr. President, I shall have to ask the Chair to call them to order.

Mr. SPARKMAN. Mr. President, again I invite the attention of the Senator from West Virginia to this: I fully agree with his statement, and may I say that those who have made requests do have a vital interest in the legislation.

Mr. BYRD of West Virginia. Yes. I understand that.

Mr. SPARKMAN. I also suggest that, insofar as it may be practicable, while a Member of the Senate may have two staff members here, not more than one of them should sit on the floor with him, and the other should probably stay in the rear of the Chamber. I should think that would be satisfactory.

Mr. BYRD of West Virginia. If the Senator will yield further, Mr. President, I would hope that those Senators who have asked for additional staff members to have the privilege of the floor would supply the names of those staff members to the Sergeant at Arms, so that the order may be precisely and appropriately implemented.

Mr. SPARKMAN. That is with respect to the individual Senators rather than the committee?

Mr. BYRD of West Virginia. No.

Mr. SPARKMAN. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, if I may ask the Senator to yield one additional time——

Mr. SPARKMAN. Yes, indeed.

Mr. BYRD of West Virginia. Mr. President, I hope that it is the understanding of the Sergeant at Arms—and if it is not clear, I ask unanimous consent—that staff members of committees which have no jurisdiction over the measure being considered at a particular time are not included in that regulation which allows up to four staff members of any one committee to remain on the floor at any one time without unanimous consent being granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a section-by-section summary of S. 2308, the bill under consideration, and I invite the attention of Senators to this summary when they have an opportunity to read it.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SECTION BY SECTION SUMMARY OF S. 2308

SHORT TITLE

Section 1.—The short title of the legislation is "Emergency Loan Guarantee Act".

ESTABLISHMENT OF BOARD

Section 2.—Creates an Emergency Loan Guarantee Board (hereafter referred to as the "Board") composed of the Secretary of the Treasury as Chairman, the Chairman of the Board of Governors of the Federal Reserve System and during the pendency of an application for a loan guarantee the President of the Federal Reserve Bank in whose district the prospective borrower is located as determined by the Secretary of Treasury. Decisions of the Board shall be by majority vote of all the members except as to procedural matters, which may be made by the two permanent members of the Board.

AUTHORITY

Section 3.—Provides that the Board on such terms and conditions it deems appropriate may guarantee loans which meet the specified requirements.

LIMITATIONS AND CONDITIONS

Section 4.—(a) (1) Sets forth the economic criteria and provides that a guarantee of a loan may be made only if the Board finds (A) the loan is needed to enable the borrower to continue to furnish goods or services and failure to meet this need would adversely and seriously affect the economy of or employment in the nation or any region thereof, (B) credit is not otherwise available to the borrower under reasonable terms or conditions, and (C) the prospective earning power of the borrower together with the value of the security pledged, furnish reasonable assurance that it will be able to repay the loan within the time fixed and afford reasonable protection to the United States.

(a) (2) Requires lender to certify that it would not make the loan without such guarantee.

(b) Requires that loans be payable in not more than five years but may be renewed for not more than an additional three years.

(c) Provides that guaranteed loans shall bear interest at rates determined by the Board to be reasonable.

SECURITY FOR LOAN GUARANTEES

Section 5.—Directs the Board that in negotiating a loan guarantee every effort should be made to arrange that the loan to be guaranteed be secured by sufficient property of the enterprise to collateralize fully the amount of the loan guarantee.

REQUIREMENTS APPLICABLE TO LOAN GUARANTEES

Section 6.—(a) Provides that no dividends may be declared by enterprise on common stock during any period in which there is principal or interest unpaid on guaranteed loan. Also, enterprise may make no payment on other indebtedness to lender whose loan has been guaranteed while there is any principal or interest unpaid on guaranteed loan. Also, provides that Board may waive this requirement on determination that such waiver would be consistent with reasonable protection of interest of the U.S.

(b) Provides if the Board determines need for guarantee is result of failure of management to exercise reasonable business prudence, Board shall require before guaranteeing any loans such management changes as Board deems necessary.

(c) Requires that the Board receive audited financial statement before guarantee is made.

(d) Provides no payments shall be made or become due unless lender has exhausted any remedies which it may have under guarantee agreement.

(e) (1) Directs Board to satisfy itself that underlying loan agreement contains standard covenants and that they are provisions that the underlying agreements cannot be amended or any provisions waived without prior consent of Board.

(2) Provides that guarantee authority shall be in force on each occasion when borrower seeks advance under loan agreement only if lender gives Board ten days notice in writing of its intent to provide borrower with funds and lender certifies that as of date of notice borrower is not in default and if default has taken place, circumstances concerning it, provided Board may waive such default where such waiver is not inconsistent with reasonable protection of United States. Borrower must also provide Board with plan setting forth expenditures for which the advance will be used and report to Board extent to which such advances were expended according to plan.

(f) Requires any guarantee agreement to contain requirement as between Board and lender that Board have priority with respect to and to extent of lender's interest in any collateral securing loan and any earlier outstanding loans. Term collateral in Section 6 (f) includes all assets pledged under loan agreements and, if appropriate in Board's opinion, all sums of borrower on deposit with lenders and subject to offset under Bankruptcy Act.

INSPECTION OF DOCUMENTS; AUTHORITY TO DISAPPROVE CERTAIN TRANSACTIONS

Section 7.—Provides for Board inspection of corporate books and records and related materials bearing on loan guarantee.

MAXIMUM OBLIGATION

Section 8.—Provides maximum obligation of Board under all outstanding loans guaranteed shall not exceed at any time $2 billion. Board is limited in guaranteeing loans to any one borrower to $250 million.

EMERGENCY LOAN GUARANTEE FUND

Section 9.—(a) Establishes in Treasury an emergency loan guarantee fund to be administered by Board.

(b) Requires Board to prescribe and collect guarantee fee in connection with each guaranteed loan.

(c) Provides that payments required to be made as consequence of any guarantee by Board shall be made from loan guarantee fund. In event such funds are insufficient, Board is authorized to issue to Secretary of Treasury notes or other obligations and Secretary of Treasury is authorized to purchase any notes and other obligations.

FEDERAL RESERVE BANKS AS FISCAL AGENTS

Section 10.—Provides any Federal Reserve Bank which is requested to do so shall act as fiscal agent for Board or reimbursable basis.

PROTECTION OF GOVERNMENT'S INTEREST

Section 11.—(a) Provides that Attorney General shall take such action as may be appropriate to enforce any right accruing to United States as result of issuance of any guarantee under Act.

(b) Provides Board shall be entitled to recover from borrower amount of any payments made under any guarantee agreement and that Board upon making any such payment shall be subrogated to all rights of recipient.

CONGRESSIONAL REVIEW

Section 12.—(a) Directs Board shall not guarantee or make commitment to guarantee any loan after October 1, 1971, unless, at least 20 days prior to making such guarantee Congress is notified of Board's intention to make such guarantee together with detailed justification. A period of 20 calendar days of continuous session of Congress following receipt of notification must elapse without passage by either Senate or House of Representatives a resolution stating that Senate and House of Representatives, as case may be, does not approve of proposed guarantee.

REPORTS

Section 13.—Requires Board to submit annually full report of its operations. In addition to its annual report, Board shall submit special report not later than June 30, 1973, which shall include full report of its operations together with recommendations as to need to continue guarantee program beyond termination date specified in Section 14.

TERMINATION

Section 14.—Terminates Board's authority to enter into any guarantee on December 13, 1973. Such termination does not affect carrying out of any contract, guarantee, commitment or other obligation prior to that date.

Mr. SPARKMAN. Mr. President, the bill that we commence considering today; that is, S. 2308, is a bill which was developed by the Committee on Banking, Housing and Urban Affairs after some 16 days of hearings and 3 days of executive session.

The committee bill would grant authority to the Federal Government to provide emergency loan guarantees to major business enterprises where capital markets are otherwise inadequate to meet their credit needs and when failure of such enterprises would result in serious and adverse damage to the economy or employment of the Nation or a region of the Nation.

I am sure that every Member of this body knows that the administration, in May of this year, asked the Congress for general legislation similar to that proposed by the committee bill. On May 18, I introduced for myself and several of my colleagues S. 1891 which embodied the administration's request. While S. 1891 was written in general terms, it was a well-known fact that the purpose of the legislation was to guarantee a loan in the amount of $250 million for the Lockheed Aircraft Corp., which, because of various reasons, found itself in dire financial circumstances and indeed faced bankruptcy. The administration believed that the only way to save this corporation and some 60,000 jobs in the aerospace and related industries, was through a Government-guaranteed loan.

I might point out here, that the type of legislation proposed by the administration in S. 1891 had been suggested nearly a year and a half earlier by the Chairman of the Federal Reserve Board, who had stated, in effect, that emergency standby authority was needed by the Government to help major business enterprises when capital markets were insufficient and when the collapse of such major enterprises could materially affect the economy of the Nation or region thereof. Very shortly after the administration made its proposal which was contained in S. 1891, the Chairman of the Federal Reserve Board reduced his proposals to writing and requested that they be introduced into the Congress. Senator TOWER and I introduced those proposals on June 7 as S. 2016, and that bill became a subject of consideration by the committee along with the administration's bill S. 1891. In addition, there were several other bills which had been introduced by other Members of this body that were also considered during the 16 days of hearings held by the Banking Committee.

After very careful consideration of this matter at committee level, it was determined that we should take the bill proposed by the Chairman of the Federal Reserve Board and provide general emergency authority on a standby basis to permit the Federal Government to guarantee loans for major business enterprises.

S. 2308, which represents the committee's efforts, was reported by a 2-to-1 vote to the Senate. I think it is a very good bill. Like any measure that comes before this body, it contains some provisions with which I am not particularly pleased. However, it is a measure which was developed by the majority of the committee and a measure which I support.

Let me briefly explain the provisions of the committee bill.

First, the bill provides, on an emergency and temporary basis, a $2 billion authorization for carrying out a loan guarantee program. Under the bill no one enterprise could obtain a guaranteed loan in excess of $250 million. In addition, the bill terminates the authority to enter into guaranteed loans on December 31, 1973. The bill further provides that these guarantees could be made for a period of 5 years with a renewal period of 3 years. Naturally, any guarantee in effect on December 31, 1973, would continue for the term contained in the guarantee document and for any portion of the renewal term.

May I say that the shorter time that we decided on, the little over 2-year limitation in the measure, was recommended by Dr. Burns of the Federal Reserve Board and by various other witnesses who appeared before us. I agree that it would be a good thing for Congress to review the situation at that time, and the committee had no difficulty in agreeing upon that shorter limitation.

Second, the bill establishes an "Emergency Loan Guarantee Board" to administer the guarantee authority created by this legislation. The Board would consist of three members, two of whom are permanent members and one of whom is a so-called floater member whose identity in the case of a given application would depend upon the geographic location of the applicant enterprise. The two permanent members of the Board are the Secretary of the Treasury, who would be designated as Chairman, and the Chairman of the Federal Reserve Board. The third member is the president of the Federal Reserve bank in whose district the prospective borrower is located. Decisions of the Board regarding the granting or denial of a guaranteed loan would be made by a majority vote; decisions of the Board regarding administrative matters would be made by the two permanent members of the Board. The bill does not contemplate the establishment of a new administrative agency to administer the guarantee program. To the contrary, the Board would operate with minimum staff, and that staff would be supplied from the agencies of the Board members.

The bill, of course, provides the Board with discretionary authority to make such terms and conditions as it deems appropriate to make commitments to guarantee or guarantees to lenders against loss of principal or interest on loans under the legislation.

Further, the bill provides that a guarantee may be made only if the Board finds that, first, the loan is needed to enable the borrower to continue to furnish goods or services and failure to meet this need would adversely and seriously affect the economy of or employment in the Nation or any region thereof; second, credit is not otherwise available to the borrower under reasonable terms or conditions; and, third, the prospective earning power of the borrower together with the character and value of the security pledged, furnish reasonable assurance that the borrower will be able to repay the loan within the time fixed under the guarantee and afford reasonable protection to the United States. Furthermore, the bill requires that any lender being guaranteed under the provisions of this act must certify that it would not make a guaranteed loan to a major enterprise without the guarantee.

The bill further provides that loans guaranteed under the act shall bear interest at rates not to exceed a rate determined by the Board to be reasonable, taking into account the range of interest rate prevailing in the private market for similar loans and the risk assumed. The Board would also prescribe a guarantee fee that would be paid by the enterprise as a cost of the guarantee. It is certainly the committee's intent that this guarantee fee will be adequate to support the Government's administrative cost in handling the guarantee, and will reflect the risks assumed by the Government in making the guarantee.

Mr. President, I have thus far been discussing the requirements of the bill as they relate to the general authority, limits and conditions, and eligibility requirements for the guarantee program. I said a moment ago that the bill established discretionary authority within the Board for making the terms and conditions under which a guarantee would be made. The committee bill, however, goes much further than general requirements. It, in fact, prescribes many of the requirements that must be either contained in the guarantee document or imposed upon the borrower enterprise receiving the loan or the lender receiving the guarantee. For example, the bill requires that no dividends may be declared by the enterprise on common stock during any period in which there is principal or interest unpaid on the guaranteed loan. Also, the enterprise may make no payment on other indebtednesses to lenders whose loan has been guaranteed while there is any principal or interest unpaid on the guaranteed loan. The bill does, however, grant the Board authority to weigh these two requirements on a determination that such a waiver would be consistent with reasonable protection of the interest of the United States.

In addition, the bill provides that if the Board determines the need for a guarantee is the result of a failure of management to exercise reasonable business prudence, then the Board shall require, before granting any loan, such management changes as the Board deems necessary.

The bill requires the Board to require audited financial statements before any guarantee can be made. It provides that no payment on the guarantee shall be made or become due unless the lender has exhausted any remedies it may have under the guarantee agreement. It directs the Board to satisfy itself that the underlying loan agreement contains standard covenants and that there are provisions that the underlying agreements cannot be amended or any provision waived without prior consent of the Board. It also provides that no advancement under the loan can be made without 10 days' notice in writing to the Board that the borrower is not in default, and it further provides that before any advancement can be made, a plan for the use of the advance is submitted to the Board. It also requires that the lender advise the Board as to the extent to which such advances were not expended according to the plan. Furthermore, the bill requires any guarantee agreement to contain requirements by the Board of the lender that the Board shall be prior with respect and to the extent of the lender's interest in any collateral securing the loan and any earlier outstanding loans. The term collateral includes all assets pledged under the loan agreement and, if appropriate in the Board's judgment, all sums of the borrower on deposit with lenders and subject to offset under the Bankruptcy Act.

The bill provides that the Board shall not guarantee or make any commitments to guarantee any loan after October 1, 1971, unless at least 20 days prior to making such a guarantee, Congress is notified of the Board's intention to make such a guarantee together with a detailed justification therefor. A period of 20 calendar days of continuous session of Congress following receipt of notification must elapse without passage of either Senate or House of Representatives, stating that the Senate or House, as the case may be, does not approve the proposed guarantee.

Mr. President, I realize this is a rather general statement of the bill, but I believe it sets out about as clearly as it can be done the principal provisions of the bill.

Mr. President, it is possible for large, well-established, and credit-worthy enterprises to experience difficulty in obtaining needed credit. Failure to provide credit to such enterprises could have serious and adverse effects on the Nation's economy or on the economy of a region of the Nation. The failure of the enterprises could be extremely costly in terms of jobs destroyed, confidence impaired, income lost, and goods not produced.

There is a need to avoid serious disruptions of this character and the committee firmly believes that legislation with standby authority and general standards and procedures to deal with these problems is absolutely necessary. The committee bill will permit these problems to be reviewed and decided in a systematic method under specified conditions and with congressional oversight.

The existence of this authority should

not in any real sense erode the disciplines of the free enterprise system. Indeed, the authority established by the committee bill should assist in the maintenance of the Nation's productive capability and protect against a highly specialized risk. Guarantees can be granted under the specified conditions in the bill at small risk to the Federal Government with substantial benefits to the public.

Mr. President, I would be less than candid if I did not say that the Lockheed Aircraft Corp. would be eligible to receive a guaranteed loan under the committee bill, if the board decides that it meets the conditions that have been laid down. In fact, administration officials testified to our committee that that corporation would undoubtedly be the first applicant, and that the corporation's request would be given the most careful consideration. It would, however, under the provisions of the bill, be left up, as I have stated, to the determination of the three-man board which I have described to pass upon the Lockheed application.

By way of illustrating the type of situation which might be considered under the bill, it is helpful to refer to the Committee's record of hearings on the Lockheed Aircraft Corporation, where it is estimated that with additional private funds of $250 million under government guarantee—with adequate collateralization of the government's exposure under the guarantee—approximately 60,000 jobs (counting the indirect impact), could be saved, a $1.3 billion investment in the company's L–1011 air bus program could be turned into usable equipment, vital competition could be maintained in the airframe industry, a productive major enterprise and defense contractor could continue as a going concern, and a major disturbance to the national economy could be avoided.

Lockheed Aircraft Corporation is one of the three remaining United States producers of large commercial aircraft. As the result of major changes in federal spending programs, the aerospace industry of which Lockheed is an important member is in a depressed economic condition. The direct employment and re-employment prospects of nearly 35,000 employees at Lockheed and its major L–1011 air bus suppliers' plants would be seriously affected by a termination of the program.

Additionally, due to the advanced state of the L–1011 program, an estimated inventory investment of $350 million is held by suppliers; the probable worthlessness of this inventory in the event of program termination would strain the financial resources of many suppliers; in fact, testimony was received by the committee that some suppliers would face financial ruin and be forced into bankruptcy. Moreover, among the creditors of Lockheed are three large U.S. airlines which have made advance payments of $240 million toward the purchase of L–1011 aircraft. The questionable value of these unsecured claims against Lockheed would obviously hamper efforts of these airlines to make alternative arrangements and this could endanger their competitive position among domestic air carriers. The loss of these advancements could also seriously jeopardize the financial standing of these companies.

The committee received evidence that when the bankruptcy of Lockheed and the termination of the L–1011 program are viewed as an abnormal business disturbance, they are estimated to impose a social cost on the private economy of $260 to $380 million depending on the duration of the adjustment period. This cost is equal to the GNP lost through the unemployment of aerospace workers and capital during the extra period which is necessary to effect their reemployment. This extra period is required because: First, Lockheed is one of but three airframe producers; second, the aerospace industry is already depressed; and third, large losses which would be suffered by airlines and by suppliers would severely impair their ability to adjust.

Included in this aggregate economic loss, in addition to lost disposable income of workers and the gross product of capital, is a federal income tax loss estimated to be $65 to $95 million, depending on the duration of the excess adjustment period. Additionally, loss recognition by creditors, shareholders and suppliers of Lockheed will result in short run federal revenue losses. Although these may be expected to be recovered in the long run, they will aggregate from $275 to $340 million, depending on the realization rate of creditors and their tax status, in the few years immediately following the bankruptcy of Lockheed. Finally, additional unemployment compensation paid out to displaced workers will amount to $50 to $75 million, depending on duration of the excess adjustment period.

It will be argued by some that this bill is for the sole purpose of helping Lockheed. The majority of the committee believes otherwise. The Chairman of the Federal Reserve Board, Dr. Arthur Burns, and his predecessor, Mr. William McChesney Martin, as well as others, have advocated for some time the Federal Government should have emergency standby authority of the nature provided in this legislation to help major business enterprises that, when they are in dire financial straits, could have adverse and serious effect upon the economy of the Nation or any region thereof.

Mr. President, I may insert here the fact that back in the very beginning of this year I introduced a bill, S. 580, that provided a somewhat similar program. I must say that it went further, but, nevertheless, it included practically all the features that we have in this bill, and other bills have been introduced. Senator JAVITS introduced a bill; Senator HUMPHREY introduced a somewhat similar bill. There were probably a couple of others that I just do not recall at this time. All these bills were before us during the course of the hearings and the consideration of legislation to present to the Senate.

I believe that the program we have proposed here is a good one, and that it needed to be developed in order to help the Nation's private enterprises in world competitive markets, especially since other countries have programs for helping their private business when they are competing in world markets.

The bill sets up an orderly and systematic means of providing guaranteed loans to private enterprises that require such loans and meet eligibility requirements provided in the bill for such a loan. The bill contains all the proper checks and balances to protect the Government's and the public's interests.

The committee believes that this temporary emergency program could be most valuable in providing experience and information to determine the extent, if any, to which the Federal Government should assist private enterprises in the future.

I believe that the bill should be passed, and I hope that the Senate will act expeditiously on it.

I yield the floor.

Mr. TOWER. Mr. President, I wish to commend my distinguished colleague, the Senator from Alabama, for his very thorough statement setting forth the substance of the bill and the reasons for the emergency loan guarantee authority which the committee has recommended to the Senate for favorable action in S. 2308.

I might note—perhaps the Senator from Alabama is not even aware of this yet—that the House Banking Committee has just reported precisely the same bill by a vote of 23 to 11, so a similar bill is now pending before the House of Representatives.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. SPARKMAN. I did not know it. I am delighted with the news, and I think it augurs well for prompt enactment of the measure and sending it down to the White House.

Mr. TOWER. I would hope so. I would hope that Senators would address themselves to this measure as succinctly as possible, so that we may expedite it as quickly as possible.

I fully agree with the Senator's explanation of the committee's intent in structuring the bill as it has, and further, I would commend the Senator for his very capable leadership in guiding the committee through a most complex matter and generating a very sound piece of legislation.

This legislation may be among the most important economic legislation considered by this body in recent history. It is legislation designed to save jobs in a period of relatively high unemployment, to maintain confidence in our credit markets, and to assure a degree of competition in concentrated industries. In sum, it is legislation designed to benefit the American citizen and the public interest. We speak often in this Chamber of the need to save and to create jobs, to promote economic stability, and to protect the interests of the consumer, and yet we rarely have a bill before us which indeed does all of these things, and with virtually no cost involved to the taxpayer.

We go to great expense to set up tremendous Government bureaucracies to minister to the public interests in employment, economic stability, and competition: the Labor Department, the Commerce Department, the Antitrust Division of the Justice Department, the Federal Trade Commission, the Small Business Administration, the Securities and Exchange Commission—these are all examples of the agencies which the Government has established to help protect the public interest in these economic matters; the list of the actual assistance programs the Government administers would require reprinting the entire Roth study. But in this bill, by the expedient use of the stabilizing application of governmental guarantee authority, we will be utilizing the private system itself to protect jobs, to maintain economic stability, and to protect the consumer, without the need to invoke the costly aid of comprehensive governmental programs and assistance. Indeed, if we do not authorize this emergency loan guarantee authority, we may well be faced with such an unemployment problem in the aerospace industry alone that expensive cash-outlay governmental programs may have to be established or expanded to help rectify the situation.

We hear objections from many quarters that this type of assistance is a new and dangerous breed of governmental interference in the affairs of commerce and the structure of our economy. I think that this is a naive view in the extreme. Our system is and always has been a mixed free enterprise system, one that involves the judicious use of governmental authority over interstate commerce to impose certain public-interest decisions on the basic structure of a free enterprise economy. So it is, that the Federal and State Governments regulate monopolies in the public interest; license certain occupations in the public interest; set food, drug, and product standards in the public interest; subsidize research and development costs in the public interest; subsidize housing production and ownership in the public interest; and so on for countless examples. Most pertinent are the RFC and the SBA type loan and loan guarantee programs which have helped to prevent the failures of viable enterprises due to temporary setbacks or credit shortage problems.

Certainly, I do not agree with all aspects of governmental intervention in and regulation of the marketplace, and I argue against those that seem unwise on a case-by-case basis. Every such intervention decision by Congress involves a trade-off decision as to the benefits to be provided to the public and to the parties concerned, as against the costs to the public, the parties concerned, and the integrity of the economic and governmental system under which the decision is being made. I would stop well short of saying that the benefits of nationalization of the railroads, for example, if in fact there are any, would be worth the costs of the accompanying governmental ineptness as a business operator and the destruction of the integrity of the economic system that would be involved in such a step. Yet in the case before us, I do feel that, all things considered, the utilization of a limited amount of governmental power, on a temporary basis, to stabilize the financial status of essentially viable major enterprises in order to protect the vast public interest in the survival of such enterprises, is justified. It is a trade-off decision, as are all others we make in Congress. We are certainly not embarking on any new precedent of philosophy in advocating this type of Government assistance; at most, we are dealing with a question of quantity difference with prior Government experience in the guarantee field. The higher guarantee limits involved in S. 2308 are the result of a realistic assessment of the credit needs of today's large enterprises; the question of whether it breaks with American tradition and philosophy to provide such stabilizing assistance is certainly to be answered in negative.

It is argued by some that any free enterprise system that must rely on governmental guarantees of this nature for large enterprises is imperfect and that such guarantee authority should therefore not be granted. I would remind those who so argue that the same character of objections were made by many to the approval of the Constitution: since it was obviously not perfect, it should not therefore be approved. I think that the answer James Madison made to these objections was timeless, and applies as well to the decision of Congress on the loan guarantee authority as to the question of approval of the Constitution. He said:

> It is a matter both of wonder and regret, that those who raise so many objections against the new Constitution should never call to mind the defects of that which is to be exchanged for it. It is not necessary that the former should be perfect: it is sufficient that the latter is more imperfect.

We face a serious and adverse economic and employment impact should we let major firms such as Lockheed collapse due to the inadequacy of the capital markets to meet their emergency credit needs. The committee has concluded that this impact is, in Madison's words, a more "imperfect" state of affairs than would be the use of a temporary stabilizing force from the Government to correct credit-market imperfections. Probably no action of Government can correctly be described as "perfect"; but certainly some governmental actions are less imperfect than some other governmental actions or inactions. This bill is one of those "less imperfect" cases. In fact, it is one of the less objectionable Government economic actions I have seen because it involves virtually no subsidization and instead relies on stabilization to accomplish its public interest purposes.

In sum, our committee has carefully considered all aspects of this bill, including the makeup and independence of the administering board, the dollar amount of the guarantee authority, the means available to protect the Government's security interest, the need for congressional review, and the economic criteria for qualifying enterprises and circumstances. The bill as recommended by the committee is, I firmly believe, a philosophically consistent, mechanically sound measure which will serve the best interests of the people of this country. I urge my colleagues to consider it carefully during the floor debate, and I believe that the conclusion of the great majority of the Members of this Chamber will coincide with that of the majority of the committee, that this legislation is a vitally important emergency economic measure and should be enacted with all due speed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had appointed Mr. PREYER of North Carolina and Mr. CARTER to be additional managers of the conference, on the part of the House, at the conference asked by the Senate on the disagreeing votes of the two Houses to the bill (H.R. 8629) to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes.

The message also announced that the Speaker had appointed Mr. PREYER of North Carolina and Mr. CARTER to be additional managers of the conference, on the part of the House, at the conference asked by the Senate on the disagreeing votes of the two Houses to the bill (H.R. 8630) to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9417) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mrs. HANSEN of Washington, Mr. FLYNT, Mr. OBEY, Mr. YATES, Mr. GALIFIANAKIS, Mr. MAHON, Mr. McDADE, Mr. WYATT, Mr. DEL CLAWSON, and Mr. BOW were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 1824. An act for the relief of Clinton M. Hoose;

H.R. 1899. An act for the relief of Mrs. Maria G. Orsini (nee Mari);

H.R. 1962. An act for the relief of Dah Mi Kim;

H.R. 1995. An act for the relief of Miss Margaret Gale;

H.R. 2087. An act for the relief of Park Ok Soo and Noh Mi Ok;

H.R. 2107. An act for the relief of Jose Bettencourt de Simas;

H.R. 2706. An act for the relief of Miguelito Ybut Benedicto;

H.R. 2803. An act for the relief of In Kyong Yi;

H.R. 2816. An act for the relief of Rose Minutillo;

H.R. 2846. An act for the relief of Roy E. Carroll;

H.R. 3041. An act for the relief of Mary James Kates, owner of the Gladewater Daily Mirror;

H.R. 9020. An act to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such Act for a certain period of time; and

H.J. Res. 3. A joint resolution to establish a Joint Committee on the Environment.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 108. An act for the relief of Kyung Jo Min and Kyung Sook Min;

S. 145. An act for the relief of Esther Catherine Milner;

S. 161. An act for the relief of the West Fargo Pioneer and Dale C. Nesemeier;

S. 566. An act for the relief of Maria Grazia Iaccarino; and

S. 672. An act for the relief of Nicholaos Demitrios Apostolakis.

The enrolled bills were subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their title and referred as indicated.

H.R. 1824. An act for the relief of Clinton M. Hoose;

H.R. 1899. An act for the relief of Mrs. Maria G. Orsini (nee Mari);

H.R.1962. An act for the relief of Dah Mi Kim;

H.R. 1995. An act for the relief of Miss Margaret Gale;

H.R. 2087. An act for the relief of Park Ok Soo and Noh Mi Ok;

H.R. 2107. An act for the relief of Jose Bettencourt de Simas;

H.R. 2706. An act for the relief of Miguelito Ybut Benedicto;

H.R. 2803. An act for the relief of In Kyong Yi;

H.R. 2816. An act for the relief of Rose Minutillo;

H.R. 2846. An act for the relief of Roy E. Carroll; and

H.R. 3041. An act for the relief of Mary James Kates, owner of the Gladewater Daily Mirror; to the Committee on the Judiciary.

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

Mr. PROXMIRE. Mr. President, I move that the pending bill be referred back to the Committee on Banking and Housing and Urban Affairs with instructions to hold further hearings on the bill and report back by Thursday, July 29, 1971.

Mr. President, I will speak to that point a little further on, but first I invite the attention of Senators to the fact that there are no hearings on any of the Senators' desks. The bill is really being given the red carpet treatment. Here we have it moved ahead of other bills with the pending business laid aside—moving it ahead before hearings are made available to Senators.

If this is not unprecedented, it is unusual. The only reason we have hearings is to instruct and inform the Senate. Hearings are not just for the few Senators who sit on a particular committee. This is such a complicated bill that it goes right to the heart of the free enterprise system. In the view of many us, we should at least have the record available, but there is no record here and no indication of when we will get a record.

The first obligation, it would seem to me, of a congressional committee, after it makes the record and holds its hearings, is to make the hearings available and the record available to the Senate, so that the Senate will have a basis on which to act, and so that all Senators will know what they are doing.

I regret very much that the record is not available. Needless to say, it would be incumbent on any responsible Member of the Senate to see to it that we do not come to a vote on any amendments, or on the bill itself, certainly, until we have hearings available to all Senators and have a chance for Senators to explore the matter, and then have a couple of days to consider the implications of the hearings.

This is a record of 16 days of hearings and they should not go for naught. We should not have empty desks with no hearings available. The hearings comprised 1,200 pages. I have taken a course in rapid reading, Mr. President, and I can read pretty rapidly now, but I must say that reading 1,200 pages of the hearings would take some time.

I do not expect that Senators will read every page of the hearings we had on this guarantee bill, but I would hope that they would try to read some of it because this bill constitutes such a vital issue and we are taking such a profound step, in the view of many people, that it could have serious effect on the economic system of this country.

Mr. President, the Emergency Loan Guarantee Act could more aptly be called a bill for the relief of the Lockheed Aircraft Corp. However, it is understandable why the Lockheed enthusiasts would prefer to cloak their dubious purposes behind the facade of general legislation.

A Lockheed bailout can be made to seem less odious and more respectable if it is disguised within a general program on cooperate welfare. But, of course, one does not really improve a bad product by clever packaging.

The original loan guarantee bill submitted by the administration, S. 1891, was intended to begin with to apply only to Lockheed. The total guarantee loan authority of up to $250 million would have been used exclusively for the Lockheed Corp. However, after 2½ weeks of hearings, it was evident that the Lockheed Corp. was in deep trouble. The administration abruptly changed its direction and supported a general emergency loan guarantee bill, though it had been previously indicated that there was not enough time to enact a general statute. For example, the Secretary of the Treasury, Mr. Connally, in commenting on several general guarantee bills, before the committee at that time said:

> Frankly, I question whether the time available permits adequate consideration of the older bills.

Mr. Connally went on to urge the committee to focus its attention on S. 1891, the bill that is exclusively for the benefit of the Lockheed Corp. These views were echoed even more forcefully by the senior Senator from Texas (Mr. TOWER), a cosponsor of S. 1891. During the Senate committee hearings, the Senator from Texas (Mr. TOWER) said:

> It seems to me that this committee will have to concentrate on the Lockheed question and solve it first before getting into the larger permanent program concept, since it could take a great deal more testimony and planning to permanently set up a program, than we have time to do before we go out of session in August.

Now, we see that in order to get this Lockheed matter approved, it was recognized that it would be necessary to clothe it in a generic bill and that in order to get that bill passed it was necessary to give it the red-carpet treatment, give it a shove, and lay everything else aside, lay the bill before the Senate before the hearings were even printed, and push the bill through by virtue of sheer power.

Virtually the entire record of the Lockheed hearings was focused on Lockheed only. As a matter of fact, the statements by both the Senator from Alabama (Mr. SPARKMAN), the chairman of the committee, and the distinguished senior Senator from Texas (Mr. TOWER), were very, very much devoted to Lockheed. Very little consideration was given to anything other than the $250 million for Lockheed. This is a $2 billion bill. It would make $2 billion available to any of the big corporations which may be in danger of going bankrupt.

Mr. AIKEN. Mr. President, would the Senator know of any other corporation, other than Lockheed, that is presently being considered for a guaranteed loan under the proposed legislation?

Mr. PROXMIRE. No. As a matter of fact, I asked that specific question of Under Secretary of the Treasury Walker when he came in to testify on the generic bill. He said that he did not know. He said that there may well be other companies. And we all know of other companies that may be in difficulties. And others may come in and apply, but they do not have any in mind.

Mr. AIKEN. Mr. President, could the Pennsylvania Railroad, for instance, be eligible under the pending bill?

Mr. PROXMIRE. Yes, indeed. The Pennsylvania Railroad Co. could be eligible under the bill. Any one of the railroads could be eligible. There is a limitation of $250 million contained in the bill.

Mr. AIKEN. I am trying to find out what this legislation means. I notice that there is a maximum guarantee of $250 million in the bill. What is the minimum?

Mr. PROXMIRE. There is no minimum. However, the criterion in the bill provides that the Board must make a judgment that without the benefit of the bill, the bankruptcy of the company could cause serious economic stress in the Nation or in a region of the Nation. I do not have the exact wording before me.

Mr. AIKEN. Or in any other country, perhaps?

Mr. PROXMIRE. No.

Mr. AIKEN. Just in the United States.

Mr. PROXMIRE. The Senator is correct.

Mr. AIKEN. And it would have to cover a broad area and a lot of people; is that correct?

Mr. PROXMIRE. I think that is certainly the expectation. It would not be available, for example, to small business.

Mr. SPARKMAN. Mr. President, would the Senator yield at that point?

Mr. AIKEN. Mr. President, I am trying to get some information on this matter so that I will know how to vote on it.

Mr. PROXMIRE. Mr. President, I gladly yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I want to say in response to that comment that it could apply to any outfit whose failure would seriously and adversely affect the economy of the region. That could be a small business. I am not saying that there would be numerous such cases. However, there could be some.

Mr. PROXMIRE. Mr. President, may I address myself to that point. I do not think anyone would really seriously argue that the failure of a small business could have a seriously adverse effect on a region, unless that term is defined in such ridiculous terms that it could apply to 4½ million small concerns in the country.

Mr. AIKEN. Mr. President, the Senator thinks that small business could be ruled out.

Mr. PROXMIRE. That is my own opinion, unquestionably, and it is also the opinion of Arthur Burns, the Chairman of the Federal Reserve Board.

Mr. AIKEN. Is there any limit on the interest rate and service charges and so forth on loans which might be guaranteed by the Government, or would that be determined by two of the three members of the Board?

Mr. PROXMIRE. All of those things could be determined by two of the three Board members. There is a guarantee fee requirement. It could be very small, or it could be substantial. It is left up to the full discretion of the Board.

Mr. AIKEN. Is there anything in the bill which relates to any contract which the Federal Government might make with a corporation under the loan guarantee?

Mr. PROXMIRE. No, as a matter of fact I wish that there were. I offered an amendment in the committee which was rejected. That amendment would provide that a corporation would not be eligible except on a negotiable, competitive contract as long as the agreement was in existence. That was offered because there is a temptation in order to prevent an administration from being embarrassed to provide "sweetheart" contracts to keep a company alive. There is no such provision.

Mr. AIKEN. Mr. President, the Senator from Wisconsin answered my question almost before I asked it. I was going to ask if Lockheed would be the sole beneficiary, if the bill becomes law, and if the Government could make a contract for either research or other work with Lockheed on a negotiable basis.

Mr. PROXMIRE. Yes. There is no such restriction. The Government could make any kind of contract with the Lockheed Corp. while a guarantee to them is outstanding.

Mr. AIKEN. Does the Senator from Wisconsin not believe that under those circumstances Lockheed's income might be increased through Government contracts sufficiently for them to pay off their loans?

Mr. PROXMIRE. I think that might happen. However, I have great faith in the Defense Department, and I am sure that the Senator from Vermont does also. There is, however, that temptation.

Mr. AIKEN. People have been known to succumb to that temptation before.

Mr. PROXMIRE. There has already been a payment of $47 million paid to the Lockheed Corp. in the last 4 weeks. That payment was made although there was no evidence that the payment was legally valid.

Mr. AIKEN. Does the Senator believe that this bill, if enacted into law, would apply to a company with 1,000 or 2,000 employees that does a business of perhaps $50 million or $75 million?

Mr. PROXMIRE. I think from a perusal of the record, the opinion of the Secretary of the Treasury, who would be the chairman of the emergency board, indicates that this certainly was not in their minds. When the bill came to us from the administration it provided that it would be only if it had a serious effect on the economy of the Nation. Then the committee modified it to include region. There is no possibility that a firm employing 1,000 people would be covered.

Mr. AIKEN. Does the Senator know in how many Federal Reserve districts in the United States the Lockheed Corp. has plants or subsidiaries?

Mr. PROXMIRE. It has subsidiaries in very many of them. It has subsidiaries or plants in many of the districts. I do not know in how many.

Mr. AIKEN. Mr. President, from a quick perusal of the bill the Secretary of the Treasury and the Federal Reserve where the application was made could overrule the Chairman of the Federal Reserve Board.

Mr. PROXMIRE. The Senator is correct.

Mr. AIKEN. Incidentally, I have considerable confidence in Chairman Burns.

Mr. PROXMIRE. I do, too.

Mr. AIKEN. But he could be outvoted at any time, so I wondered if Lockheed has any business whatever in the 12 Federal Reserve districts.

Mr. PROXMIRE. I am sure it has some business. It may be small in some instances, but it has business in a large number of districts.

Mr. AIKEN. The matter then could be brought up in a district where the company—either Lockheed or any other company with big business—could be assured of having two members of the Board favorable or reasonably assured.

Mr. PROXMIRE. The third member of the Board would be the president of the Federal Reserve district in the district where the headquarters is located. In this case it would be California.

Mr. AIKEN. That is somewhat reassuring because we know of other laws in connection with which action is taken where results are hoped to be favorable.

I am glad that is not the case in connection with this bill.

Mr. PROXMIRE. The Senator is correct.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the distinguished chairman of the Committee on Appropriations.

Mr. ELLENDER. Since this discussion affects the authority of the Board and the limitation, I think it might be helpful, if it is agreeable with the Senator from Wisconsin, to have printed in the Record at this point section 3 and section 4. Section 3, as I understand it, gives them almost blanket authority to guaranteed loans—of course, up to the limitation provided in the bill. Then, as the Senator from Wisconsin stated, the Board is empowered to furnish the money if the Board finds that the loan is needed to enable the borrower to continue to furnish goods or services and failure to meet this need would adversely and seriously affect the economy of or employment in the Nation. That would be the country, as I interpret it, and not the region.

Mr. PROXMIRE. On page 3, line 2, the committee did add after the word "Nation" the words "or any region thereof."

Mr. ELLENDER. Yes.

Mr. PROXMIRE. As the Senator pointed out, what this does is to provide open sesame discretion. They can do whatever they want to do. Congress is giving a $2 billion guarantee with discretion for them to do whatever they want to do.

Mr. ELLENDER. In other words, the borrower must show he cannot borrow money anywhere else.

Mr. PROXMIRE. The Senator is referring to (b) which states:

> Credit is not otherwise available to the borrower under reasonable terms or conditions.

That gives the Board great discretion. They could say a 9-percent interest rate is not reasonable. Recently I understand American Airlines paid 11 percent for funds.

Mr. ELLENDER. I was going to point out that the matter of whether interest is reasonable is for the Board to determine.

Mr. PROXMIRE. The Senator is correct.

Mr. ELLENDER. The interest may be greater than the Government pays for its own interest. Is that correct?

Mr. PROXMIRE. The Senator is correct.

Mr. ELLENDER. Mr. President, if the Senator from Wisconsin is willing, I think that sections 3 and 4 of the bill should be printed in the Record at this point so there will be no if's, and's, or but's about the language. It is very plain.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that sections 3 and 4 of the bill, pages 2 and 3, may be printed in the Record at this point.

There being no objection, the sections 3 and 4 were ordered to be printed in the Record, as follows:

AUTHORITY

Sec. 3. The Board, on such terms and conditions as it deems appropriate, may guarantee, or make commitments to guarantee, lenders against loss of principal or interest on loans that meet the requirements of this Act.

LIMITATIONS AND CONDITIONS

Sec. 4. (a) A guarantee of a loan may be made under this Act only if—

(1) the Board finds that (A) the loan is needed to enable the borrower to continue to furnish goods or services and failure to

meet this need woulld adversely and seriously affect the economy of or employment in the Nation or any region thereof, (B) credit is not otherwise available to the borrower under reasonable terms or conditions, and (C) the prospective earning power of the borrower, together with the character and value of the security pledged, furnish reasonable assurance that it will be able to repay the loan within the time fixed, and afford reasonable protection to the United States; and

(2) the lender certifies that it would not make the loan without such guarantee.

(b) Loans guaranteed under this Act shall be payable in not more than five years, but may be renewable for not more than an additional three years.

(c) Loans guaranteed under this Act shall bear interest (exclusive of guarantee fees and service charges, if any) at rates not to exceed a rate determined by the Board to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risk assumed.

INADEQUATE HEARINGS ON GENERAL BILL

Mr. PROXMIRE. Mr. President, as I was saying, virtually the entire record during the first 2½ weeks of hearings was focused on the Lockheed case. Moreover, when the committee scheduled 3 additional days of hearings ostensibly on general loan guarantee legislation, most of the testimony still revolved around the proposed Lockheed loan guarantee. There has been no adequate hearing record to support the need for a general loan guarantee bill. Nor is there any evidence of "a great deal more testimony and planning" originally advocated by Senator TOWER.

Lockheed proponents were able to rescue their proposed bailout by embracing a general emergency loan guarantee statute recommended by Arthur Burns, the Chairman of the Federal Reserve Board. The Federal Reserve bill was designed to deal with the corporate liquidity crisis of last year which arose in the aftermath of the Penn-Central bankruptcy.

However, Dr. Burns told the committee:

> I think that the Congress ought to vote on the administration bill.

That is the Lockheed bill, S. 1891, which the committee did not report and which is not before us. I continue to quote what Dr. Burns told the committee:

> I think it is an urgent matter to do so. To consider our bill will take a little more time, and that time may not be available.

CONGRESSIONAL AUTHORITY SURRENDERED

Despite the recommendations of the Federal Reserve Chairman, the committee has not given adequate consideration to the need for a general emergency loan guarantee statute. The committee did not hear from a broadly representative panel of businessmen or economists on the long-range implications of making the Federal Government the ultimate guarantor of corporate solvency. The bill reported by the committee delegates $2 billion in guarantee authority to an Emergency Loan Guarantee Board with virtually no congressional guidance or documented record of congressional intent.

I think the distinguished Senator from Vermont and the distinguished Senator from Louisiana brought that out very ably. Anyone looking at this record and looking at that section of the bill will see how vague, broad, and unlimited is the delegation of authority given by Congress under this measure to the Executive.

At a time when the Congress is trying to reassert its constitutional powers, the committee bill does just the opposite—it surrenders substantial power to the Treasury and Federal Reserve Board.

When Under Secretary Walker appeared before the committee, he said the administration would support a general emergency loan guarantee bill provided it was made clear that in so doing, the Congress was approving a $250 million loan guarantee for Lockheed.

I think we should consider that fact. The Under Secretary of the Treasury and the Secretary of the Treasury who will be chairman of this board served notice that if Congress adopts this bill that means as far as the Treasury is concerned Lockheed will get the guarantee.

His remarks give credence to the argument that a general bill is simply a tactical ploy to achieve a specific purpose, that is, to rescue the Lockheed Aircraft Corp.

LOCKHEED AID NOT CERTAIN

But while the administration is clearly committed to saving Lockheed, the attitude of the Federal Reserve Board is more ambiguous. Chairman Burns steadfastly refused to commit himself on the need for a Lockheed loan guarantee. In response to a question from Senator TOWER about whether Lockheed would qualify for aid under the Federal Reserve Board bill, Chairman Burns said:

> I am not able to testify whether Lockheed would or would not meet the standards of the administration bill or the standards of the Federal Reserve bill.

Chairman Burns' views on Lockheed would have been largely irrelevant if the committee had approved the latest version of the Federal Reserve Board bill as revised by the Treasury and Federal Reserve staff (S. 2202). Under this bill, loan guarantees would have been approved by a three-man Emergency Loan Guarantee Board consisting of the Secretary of the Treasury, the Secretary of Commerce and the Chairman of the Federal Reserve Board. The Emergency Loan Guarantee Board would have acted by majority vote, thus giving the administration two out of three votes on the Board.

The administration's position is crystal clear. It wants Lockheed to get the guarantee. The administration has made up its mind on that.

Since the administration was publicly committed to Lockheed, the result would be obvious if the committee had approved the three-man board advocated by the administration—the Lockheed loan-guarantee plan would surely have been approved.

REJECTION OF ADMINISTRATION BOARD

However, the committee made an important and substantial change in the structure of the Emergency Loan Guarantee Board. It dropped the Secretary of Commerce and added the president of the Federal Reserve bank in the district in which the loan applicant is located. This gives majority control to the Federal Reserve System rather than the administration.

The purpose of the change was to remove as much as possible the decisions of the Loan Guarantee Board from politics. Federal Reserve officials are independent of the executive branch, and are presumably subject to less political pressure than Cabinet officers.

It is significant to note that, on two separate occasions, a total of nine members of the committee voted in favor of increasing the Federal Reserve System's control. Only the five members of the committee who cosponsored the original Lockheed bill, S. 1891, consistently voted against giving the Federal Reserve System a majority voice on the Emergency Loan Guarantee Board.

These votes could be interpreted as a congressional rejection of the proposed Lockheed loan guarantee. At the very least, they do not represent the specific congressional affirmation of the Lockheed loan guarantee urged by the Under Secretary of the Treasury. Moreover, at no time did the committee vote on the specific merits of the Lockheed loan guarantee.

CONGRESSIONAL INTENT UNCLEAR

With congressional intent unclear, it is not all certain that the Lockheed loan guarantee plan will be approved by the Emergency Loan Guarantee Board established by the committee bill. One certainly hopes the two Federal Reserve members of the Emergency Loan Guarantee Board will give the proposed Lockheed guarantee an independent and objective appraisal. Nonetheless, these two officials will undoubtedly be pressured to go along with congressional "intent" despite the lack of a clear committee vote in favor of the Lockheed loan guarantee.

GENERAL BILL SHOULD BE REJECTED

Under these circumstances, the safest course of action is for the Congress to reject the committee bill. There might be some merit for an emergency loan guarantee statute along the lines recommended by Chairman Burns. But such a bill needs to be more carefully drafted following a comprehensive hearing record—not on a record of a loan to all corporations, and that is what this record is on, as Senators will see whenever the record of the hearing is available—and, of course, as we all know, the hearings are not available at this time—but a record on this kind of legislation, and whether there should be a type of RFC Corporation, and the necessity for a deep probe into the possible need of an RFC-type corporation. The committee had no expert before the committee telling us about the Reconstruction Finance Corporation experience. We certainly ought to find a lesson from that experience.

Incidentally, I am going to try to remedy that situation by reading into the RECORD substantial material from our experience with the Reconstruction Finance Corporation, because that is relevant and we have no record of it, and it is one way to get that experience before the Senate.

According to Treasury, the only use of

the guarantee authority foreseeable in the near future is Lockheed, and since the Lockheed case has no merit, the committee bill can be rejected without prejudicing the case for general legislation.

Such a rejection would still give the committee an adequate opportunity to examine in depth the merits of an emergency loan guarantee statute along the lines recommended by Chairman Burns and others.

I might say that the motion I made that the bill be referred to the committee with instructions to report back 1 week from now, next Wednesday, would, if adopted, give the Senate ample time to act on this measure before the August recess, and would be one last effort to give the committee an opportunity to hear the whole history of this kind of legislation and whether or not the economy requires this sort of far-reaching legislation.

There has also been some thought given to reactivating the RFC, which existed from 1931 through 1957. However, the committee can do a much better job of reviewing the need for general legislation of this type if it were free from the high pressure politics associated with the Lockheed loan guarantee proposal.

Mr. President, I mean high pressure politics. In the 14 years I have been in the Senate I have never been subject to the kind of pressure I have been on this measure. We have had letters to the editors of newspapers in Wisconsin from the State of Washington, the State of California, urging boycotting of Wisconsin products because we are fighting the Lockheed loan guarantee.

I have had threats of physical violence. And one, a gentleman from Georgia who worked at Lockheed and publicly complained about mismanagement of Lockheed, has been receiving phone calls threatening intimidation. He has been put in a position where we have had to appeal to the Federal Government to protect him. Incidentally, we have asked him to come here and testify before the Joint Committee. Just recently marshals were assigned to guard this man because of threats of violence against him.

So the threats and intimidation with respect to opposition to this bill are very substantial and widespread, and affect not only this Senator, but others who have had the temerity to speak up for these principles, and it has approved my State. I have had a number of calls from businessmen. Industrial and dairy products from Wisconsin are being boycotted in California and other areas.

I think this is unwholesome, particularly with respect to a bill which is a generic bill, and not a Lockheed bill.

Furthermore, we should be very much aware of the fact that we are being lobbied—by the AFL–CIO—because they are concerned not with the generic situation but with the Lockheed bailout.

As one article in a Sunday newspaper said, this is a situation where the lobbying is all on one side. I do not know of any group, although many are opposed to this loan, which has participated in any kind of lobbying against the Lockheed bill.

I might also point out that we have had a number of threats, a number of vitriolic letters, from Lockheed employees.

I also have a letter from a Lockheed employee saying that they were pressured into signing correspondence supporting this legislation, although they oppose it, and I intend to read that letter into the record.

With congressional intent unclear, as I have said, it is not at all certain that the Lockheed loan guarantee plan will be approved by the Emergency Loan Guarantee Board established by the committee bill.

Under the circumstances, the safest course of action is for the Congress to reject the bill. There might be some merit for an emergency loan guarantee statute along the lines recommended by Chairman Burns. But such a bill needs to be more carefully drafted following a comprehensive hearing record.

There has also been some thought given to reactivating the RFC, which existed from 1931 through 1957. However, the committee can do a much better job of reviewing the need for general legislation of this type if it were free from the high-pressure politics associated with the Lockheed loan guarantee proposal. Tailoring a general statute to the needs and circumstances of a specific company is a poor way to proceed in the kind of high pressure atmosphere in which we are proceeding and with the kind of terrific pressure being exercised.

One of the attendants in the Senate told me this morning that when he came over the 14th Street Bridge to the Capitol, there was a caravan of cars coming along which had the American flag on one side and "Save Lockheed" on the other.

Of course, they have every right to come up and make their views known on this legislation, but one of the cars had a sign "Boycott Wisconsin Products."

Of course, I do not like that. But again, the reason I raise the point is that, although it is a good thing for people who feel strongly on legislation to let their representatives know—that is a part of democracy—I think we ought to recognize we are operating, not in an atmosphere in which we can objectively and thoughtfully consider whether or not we ought to pass this bill, but in an atmosphere of very powerful pressure.

Turning to the specific Lockheed case, the plan to guarantee $250 million in bank loans to the company should be rejected. It is argued that Lockheed needs an additional line of credit of $250 million to complete the production of the L–1011 Tri-Star, Lockheed's first entry into the commercial jetliner business since a number of years ago when they had the ill-fated Electra.

Lockheed's bankers say they will not put up the $250 million without a Federal guarantee, because they say the company is too risky. I specifically asked the chairman of the board of the Bank of America and the Bankers Trust Co. whether they would provide this money without the Federal guarantee, and they categorically stated that they would not. At the same time, Secretary Connally has assured the committee that there would be little risk to the Government if the Lockheed loan were guaranteed. There is an obvious inconsistency in the administration's case. If the loan is as good as the administration spokesmen say it is, then there is no need for a guarantee. The bankers should be willing to lend Lockheed the money without a guarantee.

The bankers, after all, Mr. President, have a very serious stake here. They have $400 million tied up now. The company is asking for an additional $250 million to be guaranteed. Certainly one would think, if this was just a need of getting over the hump with another $250 million, they could come up with it, because the evidence is very clear that if this company goes into bankruptcy, the Treasury Department has indicated that the banks will get back about $100 million out of the collateral, and that they will wait years and years before they will get much more back.

Under these circumstances, with that strong incentive, if there were a sound loan here, why would not the banks go ahead and provide the $250 million? Obviously because they think it is risky, because they think the Federal Government must become involved.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Was anything brought out during the hearings on this bill in respect to the salaries of the top executive officials of the Lockheed company?

Mr. PROXMIRE. No, there was not. To the best of my knowledge, that was not discussed. The question was discussed in some detail as to whether or not we should mandate the dismissal of the present management. That was discussed in some detail, and the reason that it was not pursued was because the banks made it clear and the airlines made it clear that if this management were dismissed, they would walk away from the situation, that they wanted Mr. Haughton to stay in office.

But the top management salaries were not discussed.

Mr. ERVIN. Am I correct in my understanding that the money which Lockheed needs and the repayment of which is to be guaranteed by the taxpayers is for contracts that are for private enterprise, that is, regular commercial planes, rather than for planes for the Defense Establishment?

Mr. PROXMIRE. That is exactly correct. The money here pertains to the L–1011 Tri-Star, which is a wide-bodied jet in competition with the DC–10, a completely commercial product, not a defense product; and, as a matter of fact, Under Secretary of Defense David Packard testified that he had protected the Defense Department so that, in the event of bankruptcy, the contracts on defense programs would continue. There may be some delay and some additional cost, but there was no question that the contracts would be continued, and there would be no compromising of our defense.

Mr. ERVIN. In other words, the contracts for which this loan guarantee is sought are contracts that have no relation to any interests of the Government, but on the contrary are contracts which, if consummated, have relation to the affairs of those who are engaged, supposedly, in free enterprise for private gain?

Mr. PROXMIRE. The Senator is correct. That is one of the reasons why I am so very concerned about it. If this were a matter of providing a guarantee to insure uninterrupted production of defense requirements, that would be a different thing. That was why we had the V-Loan program and the Defense Production Act, although that was limited in application.

This is for free enterprise. When you get into a position where you guarantee a firm against loss in a strictly private enterprise area, involving promotion of a commercial product in competition with others, it means you are establishing a precedent where the Federal Government would be under pressure and very well might do this again, which would mean that enterprises such as Lockheed would no longer be under the discipline of the free enterprise system, and would lack the motivation it would otherwise have to do a good job to survive.

Mr. TOWER. Mr. President, will the Senator yield for a comment at that point?

Mr. PROXMIRE. I yield.

Mr. TOWER. In response to a question by the Senator from North Carolina, the Senator made a lot of the fact that this is assistance to a commercial enterprise; just as the $20 million tax writeoff to American Motors, located in Wisconsin, was assistance to a private commercial enterprise, is that correct?

Mr. ERVIN. I should like to ask the Senator from Wisconsin if the depreciation allowance laws to which the distinguished Senator from Texas alludes are not applicable to every person engaged in business, whether he be big or little, whereas this bill is denominated a bill only to aid big organizations.

Mr. PROXMIRE. That is correct. As a matter of fact, I intend, a little later, to go into some detail on that American Motors matter, now that it has been raised by the Senator from Texas.

That one may have been wrong, but that does not make this one right, because we did pass the American Motors proposal. But the American Motors situation was different. It provided for a 5-year carryback on loans, instead of a 4-year carryback, for a firm which was a small element in a particular industry, about 15 percent of the industry.

It is true that it did benefit a corporation in my State, but I think that was quite different from this, which is exclusively for Lockheed, and not for anyone else, really. Although they have made it generic, the application to other firms is not very clear, and certainly the overwhelming preponderance of testimony indicates that this is going to be for Lockheed, period.

Mr. ERVIN. Can it not be said, in very plain English, that if Congress enacts this bill, it will show that it is concerned with trying to save the big businesses so they can enjoy economic heaven, but as far as Congress is concerned the little businesses can go to economic hell?

Mr. PROXMIRE. The Senator from North Carolina puts it very well. And, of course, the consequences of this for the concentration of American industry are very serious. It means that a big corporation, the bankruptcy of which it can be shown would have serious impact on unemployment, and so forth, will be saved, even if its management is poor and has done a poor job, but the small company cannot be saved.

Last year we had 11,000 companies that went into bankruptcy. They lost $1.9 billion. Because they were overwhelmingly small companies, no one proposed that they be bailed out. Now, because we have a big corporation, Congress, as the Senator from North Carolina put it so well, is being asked to take care of them because they are big.

Mr. President, as I have said, there is an obvious inconsistency in the administration's case. If the loan is as good as administration spokesmen say it is, there is no need for a guarantee. The bankers should be willing to loan Lockheed the money without a guarantee. On the other hand, if the company is so shaky that the banks will not advance their own money, the Federal Government has no business approving the guarantee. This basic inconsistency was never satisfactorily resolved during the committee's hearings.

IS A GUARANTEE REALLY NEEDED?

It is possible that Lockheed's bankers have access to adverse financial information about the company not provided to Congress or the administration. On the other hand, it is also possible that the banks would advance Lockheed the $250 million on their own if Congress rejected the loan guarantee plan despite their protestations to the contrary. One does not have to challenge the veracity of the bankers to accept this view. Bankers naturally prefer to minimize their risk. As long as they believe there is a reasonable chance that the Federal Government would guarantee additional loans to Lockheed, they can sincerely feel they would not make the loans without a guarantee. But once they are confronted with the harsh reality of no Federal guarantee, it is entirely possible they would take a different view.

The 24-bank consortium supplying credit to Lockheed has a strong incentive to keep Lockheed solvent. They have already loaned the company $400 million. If Lockheed goes bankrupt, the banks would lose much of this investment. One authoritative banking source is quoted as saying:

> I can't stretch my imagination to think that we could recover $400 million. I can see it ending up somewhere in the range of $100 million to $200 million.

The general counsel of the Treasury said the recovery would be closer to $100 million in the event of bankruptcy. Thus, the banks stand to lose more than the amount of the guarantee if they refuse to make the loan. Furthermore, existing bank loans to Lockheed's suppliers and airline customers—those loans are made in very large amounts by the 24-bank consortium that has put up this $400 million—could be jeopardized if Lockheed went bankrupt, thus giving the banks an added incentive to make the loan.

Bankers might be reluctant to risk another $250 million to protect their $400 million investment if they felt they were throwing good money after bad. Unlike the Government, banks have learned to cut their losses. But, according to Lockheed projections, the company would generate enough cash flow to repay the additional amount borrowed after selling only 100 planes. Lockheed claims they have firm orders for 103 planes and options for an additional 75. If these figures are correct, there seems to be little risk involved in loaning the company an additional $250 million. Even if the company sold only 103 planes the banks would be no worse off than they are today. Alternatively, if sales went beyond the 103 figure, the banks would be better off because they could begin collecting on their existing loans of $400 million. Thus, it would seem, on the basis of all we know, that the banks have a lot to win and very little to lose by making additional funds available to Lockheed.

Moreover, if the banks are worried about losing the additional $250 million, they could easily acquire additional security in excess of the $250 million. I think many people feel that Lockheed is just right up to here, that everything they have is mortgaged and pledged, that they are in such desperate straits that getting another $250 million is impossible. That is not the case at all. For example, the banks could require Lockheed to pledge the stock of the Lockheed Missiles and Space Division, the company's profitable subsidiary. That is free and clear. On the basis of its projected earnings, this subsidiary is easily worth $300 million. They could sell it, for that matter. If they did not want to sell it, they could hold it and pledge all that is unencumbered. That has not been pledged at all. That is available. As I have said, that is liquid, because it is a very profitable operation that has excellent contracts, has had a fine record in the past, and has a good future.

There is further evidence that the banks do not really need a guarantee to make the loan. The banks have already agreed to subordinate to the Federal Government their security interest on outstanding loans in return for the guarantee. Thus, any additional security afforded by the guarantee is more than offset by a decrease in the security held on outstanding loans. This point was affirmed by Prof. Vern Countryman of the Harvard Law School and one of the Nation's leading authorities on bankruptcy.

Incidentally, when the hearings are available—it is unfortunate that they are not available now, although we have already started on the bill; I presume they will be available in a day or two—I do hope that Senators, if they read nothing else in the hearings, will read the testimony by Professor Countryman of Harvard Law School. He is an expert on bankruptcy, and he points out how wholly unnecessary this is. As a matter of fact, Congress passed chapter 10 bankruptcy for exactly this purpose, so that a firm could go through bankruptcy, cleanse its management, and have the stockholders and creditors accept the risk they took when they made the investment, but could keep the enterprise going, could keep the jobs going, could keep the products going, and so forth.

Professor Countryman testified that:

> I cannot see that [the Federal Guarantee] gives the banks one iota of protection over what they would have had if they loaned the $250 million and took a security interest in the remaining unencumbered assets of Lockheed.

Finally, the president of Lockheed may have inadvertently let the cat out of the bag when he was questioned by reporters at the Paris Air Show last June. The Lockheed executive said that if Congress turned down the loan guarantee, the company would still try to obtain financing without a Federal guarantee and that it was really the British Government who insisted upon a Federal loan guarantee.

There are many reasons why the British Government would want a Federal loan guarantee. They do not have a good deal of faith, apparently, in the likelihood that Lockheed could keep going. Once the Federal Government has committed itself to Lockheed by a guarantee, then any administration is in a position in which, in order to protect that political commitment and the visibility to everybody, they have to keep Lockheed going, and they will find a way to do it. Of course, they have ways of doing this, as Senator AIKEN indicated in his questioning, by making defense contracts available, which would, in my judgment, be bad from a defense standpoint and from the standpoint of the taxpayer.

For all of these reasons, the need for a Federal loan guarantee for Lockheed is open to serious question. Moreover—I think this is probably the most important point—a dangerous precedent would be created if the Lockheed guarantee is approved. If Lockheed's bankers can successfully blackmail Congress into approving a guarantee for Lockheed by threatening to force the company into bankruptcy, other lenders will be tempted to do the same whenever they encounter a risky loan. Indeed, a prudent banker would be subject to considerable criticism from his stockholders if he did not try to minimize the bank's risk by making use of available Federal guarantees. Thus, the Lockheed precedent can stimulate a rash of bank applications for guarantee assistance with similar threats that bankruptcy will be precipitated unless the guarantee is approved.

This raises another question because the effect of this would be to bail out the banks. And does this not raise the question as to whether it would adversely affect banking practices in the future? If a bank feels that whenever it gets into an unsound situation, especially if their borrower is big, which would affect employment seriously, they can always come to the Federal Government and get a guarantee.

What would this do to sound banking judgments? It has been so important in keeping an effective discipline in the economy and requiring bankers to be careful about loans they make, and when they do, they should watchdog them, and insist on efficiency, keeping costs to a minimum and that their customer operate with maximum efficiency. This discipline disappears when we permit the Government to come in with a guarantee to bail out a big company whenever it gets into trouble or can show that employment would be adversely affected.

The criteria which is the only limiting criteria available—let me read it:

> (1) the Board finds that (A) the loan is needed to enable the borrower to continue to furnish goods or services and failure to meet this need would adversely and seriously affect the economy of or employment in the Nation or any region thereof,

Mr. President, I submit that if this is true of Lockheed, where we know it will not affect Lockheed, then it is true of 100 corporations—maybe 500 big corporations—in this country. It will mean they are all in that position and that bankers contemplating loans to these companies can qualify or modify their usual caution and restraint because they will know that they will be in a position to go to the Federal Government to get a guarantee, a bailout, or to get protection, in the event a big corporation gets into trouble, because every one of the 100 of the biggest corporations in this country, if they went bankrupt, might be in a situation where unemployment could have a serious effect on their region of the country.

That is another aspect of the very able questioning by the distinguished Senator from Vermont, on the question of criteria, and also by the distinguished Senator from Louisiana.

It was pointed out originally, when the bill came down, that serious unemployment would affect the whole Nation. That has been broadened now to "region," but there is no definition of what "region" is. There is nothing in the report. There is no legislative history made. There is no effort to indicate whether region would cover a certain Federal Reserve District, or more than one State, or whether it has to be a big State. That is all left wide open.

There are other weaknesses in the bill, in that we can turn over to the executive branch and the Federal Reserve that discretion which Congress, under the Constitution, has the responsibility to maintain.

By having criteria like that, "unemployment in any region," I suppose could be applied to, say, Sun Prairie, Wis. That is a region, after all.

How big does a region have to be? Does it have to be 100 square miles, 1 square mile, 200 acres, or 1 acre? There is no definition of it here at all. It is left entirely to the discretion, as I say, of the Board, outside of Congress. Congress kisses it off, gives way, and surrenders to the executive branch, primarily, $2 billion which they can use to prop up any big business they want to.

Mr. TOWER. Mr. President, will the Senator from Wisconsin yield at that point?

Mr. PROXMIRE. I yield.

Mr. TOWER. The Senator said it gives it to the executive branch and the Federal Reserve Board.

Mr. PROXMIRE. Earlier, if I said "executive branch," now I am happy to modify it to include the Federal Reserve.

Mr. TOWER. There is only one member of the executive branch and two members of the Federal Reserve System. The Federal Reserve System is a creature of Congress; is it not?

Mr. PROXMIRE. Certainly we were able to pass that limit, over the strong objections of the Senator from Texas. But we have that protection in it. But look at what it is. The Chairman of the Board will be the Secretary of the Treasury. Another member of the Board will be the Chairman of the Board of the Federal Reserve Board. The third member will be the president of the Federal Reserve region in which the headquarters of the company applying for the loan will be located. In this case, it will be a California man who has been elected by the bankers in that area. In view of the attitude of the bankers on this loan—they are all for it—the Bank of America, of course, is the biggest bank in the country—by far the biggest and most dominant bank that is for this "gung ho."

Does anyone think, under these circumstances, that we will have a Board that is not likely to be susceptible to the companies applying for a loan in this and other cases? Of course they will be.

Despite the many reasons for assuming the banks would loan Lockheed the money needed to complete the Tri-Star without a guarantee, suppose these assumptions prove false and the banks actually precipitate a Lockheed bankruptcy? What then? What public benefits would be realized if a Lockheed bankruptcy can be prevented through a Federal loan guarantee?

EMPLOYMENT FIGURES INFLATED

Throughout the hearings, the need to save jobs was given the greatest emphasis. It was argued that 60,000 jobs would be saved if a Lockheed bankruptcy could be prevented.

I really question that one. We can show that has little validity.

Before examining this argument, a few comments are in order about the alleged savings of 60,000 jobs. First, the 60,000 estimate was obtained by doubling the 30,000 direct jobs which would be involved on the L–1011 program at Lockheed and its subcontractors. That goes to the 30,000 direct jobs which I think can be challenged. I intend to do that in a minute.

The administration assumed that 30,000 indirect jobs would be lost throughout the entire economy if Lockheed went bankrupt. The use of such a multiplier is highly doubtful when analyzing a single company. It assumes the Federal Government would do nothing more to stimulate aggregate demand—an assumption one hopes is mistaken.

Incidentally, the economists who testified before the committee—the overwhelming majority of economists, and I questioned many of them and wrote letters to many of them—the overwhelming majority disagree with this notion. They argue that it would be the worst possible way to try to get at the unemployment situation.

Second, the estimated 30,000 direct jobs on the L–1011 includes 14,000 workers already laid off since last January. As of June 1, Lockheed shows only 16,000 employees working on the L–1011—10,000 at Lockheed and 6,000 at its suppliers. The administration was not able to estimate how many of the 14,000 laid-off workers have already found employment elsewhere.

Third, even the 16,000 current employment figure is exaggerated because it apparently includes employees who also work on other projects besides the L–1011. Lockheed's own figures show only 263,301 direct labor hours charged off on the L–1011 program during the last week of May. Dividing by a standard 40-hour week, gives the equivalent of 6,583 full-time jobs—substantially less than the 10,000 Lockheed claims. When the Lockheed subcontractor figures are similarly deflated, the total job loss comes to about 11,000.

That is total on the loss. Even a single job lost is a serious matter. Nonetheless, they grossly exaggerate the claim of a 60,000 job loss. This must be kept in its proper perspective. It is about five or six times the actual figure. Such a marginal error is substantial even for Lockheed, and they have made some awfully big ones.

Mr. President, another element here, of course, is that Lockheed is in direct competition with the Douglas DC–10. We heard testimony by the FAA and the CAB, and they agreed, that in the event Lockheed stopped production of the L–1011, the lion's share of the business would go to the DC–10. That is an American-built plane. As a matter of fact, they have American-built engines. There is no question that it would provide more jobs per plane than the L–1011 does. It is true that the wings, in part, are fabricated in Canada for the DC–10. It is also true that the wings are fabricated in Tennessee for the Lockheed plane, the L–1011 plane, but allowing for that, because there are so many more man-hours involved, substantially more are cut off, the overall effect on employment, by shifting the work from Lockheed to Douglas, would be beneficial.

Incidentally, the labor unions are divided. The UAW came in and testified against the loan guarantee because they have the Douglas plant organized. The machinists came in and testified for it because they have the Lockheed plant organized. But when we look at it overall, there is no question at all in my mind—and I shall be delighted to place the documentation in the RECORD later—that more jobs will be available if the work goes to Lockheed than if it goes to Douglas.

Mr. TOWER. There is another interesting point we might elaborate on. The wings for the Douglas aircraft are made in Canada——

Mr. PROXMIRE. In part. Not entirely, but in part.

Mr. TOWER. The engines for the Tri-Star are made in the United Kingdom. I think it an interesting footnote that the United States has a monstrously unfavorable balance of trade with Canada and a favorable balance of trade with the United Kingdom.

Mr. PROXMIRE. Mr. President, if the Senator from Texas wants to broaden the debate to get into the balance of payments, I would be glad to do so. We could talk for several days on that issue. The balance-of-payments issue is one that has concerned the Joint Economic Committee for some time.

I think the most useful comment on that was made by the Chancellor of the Exchequer from Britain a few years ago when he was in this country. He was asked at that time why Britain had no balance-of-payments problems in the 19th century. He said that the answer was simple, that it was because they had no balance-of-payments statistics. In fact, we have invented this problem and whenever we have no valid argument we say that we are right because of the balance of payments.

If we are serious about that argument, I suggest that there are a number of things that we could do about it. We could recognize the colossal drain on our balance of payments by having so many servicemen and their dependents overseas in Europe and in Vietnam. We could take many other actions that would be far more profound than concerning ourselves with the difference in balance of payments between Britain on the one hand and Canada on the other.

The loss of even a single job is a serious matter. Nonetheless, the grossly exaggerated claim of a 60,000 job loss must be kept in proper perspective. It is about five or six times the actual figure. Such a margin of error is substantial, even for Lockheed. I thought the substantial efforts made for Lockheed made it very vivid.

ALTERNATIVES AVAILABLE

Aside from the number of jobs involved, it is by no means certain that a bank denial of additional credit would precipitate bankruptcy. Alternative means of raising funds are available. Even under the bill, the criteria require that the company has to do what it can to raise the money.

As subsection (b) on page 3 states:

> Credit is not otherwise available to the borrower under reasonable terms or conditions.

It is available to Lockheed if they really want to get it. Let me point out that the company could issue convertible debentures at a price sufficiently low to attract investors. That was a suggestion, incidentally, that was made to me by one of the most competent accountants in the country. He pointed out that, although Lockheed stock was not selling for a high figure—that it was selling for perhaps $9 or $10 a share—the company could issue convertible debentures that would be convertible into stock at, say, $5 a share. That would dilute substantially the equity of the stockholders in Lockheed. The stockholders would have to pay a price for that. But why should they not? Another possibility that could be explored is this: The L–1011 Tri-Star project could be spun off and merged with a financially stronger company; Boeing, for instance. That possibility has not been explored. There is no record on that. There is some indication that that is a possibility.

North American Rockwell Corp. has indicated that they might have an interest in a merger with Lockheed. Mr. Rockwell indicated that he was not interested in the L–1011. Mr. Rockwell was emphatic about that. He said that there was a market for the product of one firm with regard to this project, and not for two. They already had the DC plane and it would be most unwise for two firms to get into the project. That judgment by Mr. Rockwell was confirmed by the Department of Transportation as recently as last March, when they indicated at that time that it would be a mistake for another firm to get into the act with Douglas. With two firms both would be unstable and both would be in trouble and in difficulty. That would be the consequences of providing this guarantee to the corporation.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. Mr. President, I am glad to yield to the Senator from Arkansas for a question.

Mr. FULBRIGHT. Mr. President, first of all I want to commend the Senator from Wisconsin for the very effective way in which he has presented the case in this instance, as he has always done in all other instances. What he has done in his role as chairman of the Joint Economic Committee has, I think, rendered a great service to the country. I want to associate myself with his sentiments concerning the significance of the Lockheed matter.

Mr. President, if I might say a word or two about one aspect of this particular matter, back in the late 1940's or early 1950's, I was a member of the Banking and Currency Committee and of the Subcommittee on the RFC. Some people used the analogy that we had an RFC before, so why do we not create another RFC for this purpose. I remind my colleagues that the RFC was created at a time when the economy of the entire country and of the entire world was in serious difficulties. The RFC was not created for a few mismanaged companies. It was created for any company. It did as much for any small company as it did for the general economy.

Mr. PROXMIRE. Mr. President, it is my understanding—and I have seen the statement, although I do not have it at this moment—that former President Herbert Hoover said it was created expressly for small companies.

If I could take a moment, I should like to quote what Mr. Hoover said. He said:

> I have signed the Reconstruction Finance Corporation Act.
>
> It brings into being a powerful organization with adequate resources, able to strengthen weaknesses that may develop in our credit, banking and railway structure, in order to permit business and industry to carry on normal activities free from the fear of unexpected shocks and retarding influences.

> Its purpose is to stop deflation in agriculture and industry and thus to increase employment by the restoration of men to their normal jobs. It is not created for the aid of big industries or big banks. Such institutions are amply able to take care of themselves. It is created for the support of the smaller banks and financial institutions, and through rendering their resources liquid to give renewed support to business, industry, and agriculture.

That was for purposes that were exactly opposite of this.

Mr. FULBRIGHT. The Senator is quite right. The corporation did end up in assisting some large companies, to the tune of $100 million or $200 million. The Senator is quite right. That was its purpose. The conditions now are quite different. I say that because people are saying that all we are doing is recreating an RFC that was abolished over my objection, because the corporation had rendered great service.

The Senator has said that it was for emergency use for small companies primarily, as well as large companies. However, in the present circumstances all we are doing is preparing to bail out a very large mismanaged company. This means that it would be directly contrary to our professed principle in the private enterprise system. We remove one of the most significant elements of that private enterprise system, and that is the incentive for good management. I do not believe in saddling the taxpayers, even on a contingency basis, with the cost of such mismanagement.

There is nothing wrong with this company going through the traditional reorganization under bankruptcy and letting the people who are prepared take the profit if there was one, and take the loss if there is one. I have no doubt it can be reorganized and that the essential work will go on.

Mr. PROXMIRE. The purpose of chapter 10 bankruptcy is exactly that: To permit the work to go on. The testimony from Dr. Countryman of Harvard is that that would be exactly what we would have.

Mr. FULBRIGHT. I voted against Penn Central on the same grounds. It should have been reorganized. I understand it is still floundering and is in a very precarious situation. That situation should have been met head-on and the company kept going.

I think it is a violation of our basic principles and I would think very embarrassing to anyone who really believes in the concept of free enterprise, to come in and bail out a company like this company.

What will other companies in this field think? What will be the situation at McDonnell-Douglas, a competitor, when they see this happen to one of their principal competitors? Undoubtedly they will be in in time because they can get cheaper credit and make more money relying on a guarantee from the Government. I see no answer to it. If we do this, they could conscientiously suggest it be given to other companies in similar straits. I especially dislike the idea of using this just for big companies. What about little companies that go broke? I understand about 250 small companies go broke each week.

Mr. PROXMIRE. Eleven thousand went broke last year.

Mr. FULBRIGHT. Nobody is bothering about them. I mean the little fellow, who is the backbone of private enterprise, who goes broke. But in the case of big companies like Lockheed, I suppose they have as many lobbyists as there are Senators and probably every one of them is assigned to Congress now. Every big sugar corporation, and every other company that has its hand out has so many lobbyists they have heretofore overpowered Congress by various means that developed over the years.

I think it would be a great setback to the concept of private enterprise to bail out this company under these circumstances.

All of these bankers who come down here want it because it makes their present loans that much better, and they are for it, of course, but they are in it for their own private stockholders and their own loans. They have no responsibility to the public as Members of the Senate have. It is not their function to support policies Government-wide. I do not blame bankers for wanting to put a floor under their own loans. If I were a banker instead of a Senator and had big loans involved in Lockheed I would be representing the stockholders. This should be placed in the RECORD. It does not mean that bankers are bad men. All they are doing is what the manager of an institution like that is supposed to do: protect his stockholders and loans. But I do not see how a Senator devoted to the private enterprise system can support going down this road. It seems inconsistent to me.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I will yield to the Senator from Texas in just a moment, but first I wish to say that I wholeheartedly agree with the Senator from Arkansas. But let me point out that the effect of this on McDonnell-Douglas is most serious. McDonnell-Douglas is in the position of having its competitor propped up by the Government. Look at the position of General Electric. It is in the position of having its competitor, Rolls-Royce, propped up by the British Government and by the American Government too, so its capacity to compete in selling engines for the DC-10 is very much handicapped.

There is one other point I wish to make before I yield to the Senator from Texas. The Senator from Arkansas spoke of the subsidy involved. I think this is a peculiar and a different kind of subsidy. Usually when a subsidy payment is made there is some quid pro quo. Something is received in return. The Government might get some kind of conduct on the part of the farmer who receives it or on the part of the shipbuilding firm. In this case we get nothing.

This is a welfare payment, just as a welfare payment is made to a family because we feel sorry for them and we assist them and we give them enough to keep body and soul together. This is welfare to Lockheed. We give it to them—they give nothing back, that is it.

Mr. President, I yield to the Senator from Texas.

The PRESIDING OFFICER (Mr. HUGHES). The Senator from Texas is recognized.

Mr. TOWER. There occurs throughout the statement that this is simply designed to help one big corporation, a lot of corporate fat cats. It should be understood that there are many small third- and fourth-tier subcontractors who will go out of business if this loan guarantee does not go through. They are first employing perhaps not more than 100 people. Many of these third- and fourth-tier subcontractors are going to go out of business. So this would indirectly help small business. Only 50 percent might go to Lockheed.

Mr. PROXMIRE. There are 1,500 subcontractors. We had some of those subcontractors testify. The chairman was very sympathetic to their point of view. I asked each of them what would happen to them if Lockheed went into bankruptcy. Not a single one would go out of business. Furthermore, by giving this to Lockheed we hurt McDonnell-Douglas. What we give to Lockheed we take away from McDonnell-Douglas.

Mr. FULBRIGHT. If you give them this guarantee, would there be any significant change in the management of Lockheed?

Mr. PROXMIRE. None. The Senator from California (Mr. CRANSTON) was interested in that. The airlines indicated and the banks indicated if Mr. Haughton, chairman of the board, were replaced they would walk away from it and would not go ahead with the L-1011 anyway.

Mr. FULBRIGHT. Of course, it seems to me that what would happen would be that the Tri-Star might not be continued, but there is no reason why under a reorganization the essential business of Lockheed should not continue further.

Mr. PROXMIRE. No, we have clear testimony from Deputy Secretary of Defense Packard that the Department of Defense is protected. He conceded the cost would be somewhat higher because of this, and there may be delays, but there is no question we will be able to get all the defense weapons and equipment that are on order from Lockheed.

As the Senator has indicated, that is about 85 to 90 percent of their total business.

Mr. FULBRIGHT. If I understand the Senator correctly, we are dealing just with this private sector of the transport plane, which is directly comparable to the Douglas plane.

Mr. PROXMIRE. The hearings are very plain on that. We are dealing only with the L-1011.

Mr. FULBRIGHT. I will not interrupt the Senator longer but it seems to me the precedent we set here under the present circumstances of the economy is involved. According to Government authorities, as reported this morning, the economy is beginning to pick up. To set a precedent now by bailing out one of the biggest and worst managed companies in the country would be a serious setback to the idea of private enterprise.

Mr. PROXMIRE. I think the Senator has hit the principal issue that is involved here and the reason why I am taking some time to discuss it and why I understand the distinguished Senator from Connecticut (Mr. WEICKER) and the distinguished Senator from Ohio (Mr. TAFT) are going to discuss this issue. It really goes to the heart of the free enterprise system.

The Senator from Connecticut (Mr. WEICKER) really made what I think was a brilliant presentation to the committee. The Senator hit that point hard. Of course, he can speak much better than I can on what he said, but he said that we think of our free enterprise system in terms of success, and we should, but if we do not recognize the alternative of success, failure, then success does not mean anything. We have to have that kind of stick, or we do not get the kind of efficiency in the free enterprise system that we should. What we do when we underwrite companies is that when they begin to go down the road, they will say, "Do not worry. We will be taken care of."

Mr. FULBRIGHT. What will this do to the pressure of salaries, wages, and so forth? In other words, all these restraints bring about efficiency that a company needs. This particular company has been notorious for not having respect for these usual restraints, because of its large dependence on Government contracts, and because of the usual way in which those contracts have been issued, especially the cost-plus contracts, which many of them have been. They do not care what wages they pay. I do not say this because I am against high wages, but that is certainly against the usual rules of private enterprise.

Mr. PROXMIRE. The record is replete with the increases in cost. Admiral Rickover said that the difference in cost between a contract obtained in ordinary private enterprise and a negotiated contract was 30 to 40 percent. So there is this huge difference because there is not the usual discipline to hold down costs at every opportunity, as is done with a commercial contract, a competitive contract, where a company has to hold costs down.

Mr. FULBRIGHT. We are already noncompetitive in international trade, as reflected by the balance-of-trade figures.

Mr. PROXMIRE. We are getting that way.

Mr. FULBRIGHT. We have had an imbalance in trade for 2 successive months, for the first time in 17 years.

Mr. PROXMIRE. That would certainly tend to worsen the aspects of mismanagement.

Mr. FULBRIGHT. I think the Senator has rendered a great service to the Senate and to the country.

Mr. PROXMIRE. I thank the Senator.

Mr. President, I was discussing various alternative ways in which Lockheed could raise additional funds. I pointed out that the company could issue convertible debentures. That means is available to them. It seems to me that if the board is serious about exploring this area, it should turn Lockheed down on the ground that Lockheed does not need it because Lockheed can issue convertible debentures. It could sell $250 million worth of them. Of course, that would dilute the common stock value. The stock is selling at $8, $9, $10, or $11. The company could even issue convertible debentures at $5 a share, which would make them attractive buys.

In addition, the stockholders could put up more money. What is wrong with that? The company could issue more stock and try to sell it at $5 or $6 a share. The company could raise money that way.

As an alternative, the L–1011 could be spun off and sold to a company like Boeing or other potential companies interested in equity participation.

There has been no evidence, not one word in the record, that Lockheed applied to interest an insurance company or anyone else in providing funds. They have not done that because Lockheed assumes that the Government will come in and give a guarantee.

Some of these methods would involve dilution of Lockheed common stock that the Lockheed common stockholders have in a free enterprise system. However, in a free enterprise system, the stockholders are supposed to lose when their company is in difficulty. They are supposed to gain when a company succeeds.

The thrust of the position taken by the distinguished Senator from Arkansas is that we are taking off that limitation in the free enterprise system—that we are going to permit them to gain, but we are not going to permit them to lose.

TRI-STAR COULD CONTINUE UNDER BANKRUPTCY

Even assuming a Lockheed bankruptcy, it also is not certain that the L–1011 Tri-Star would be canceled. A large company does not disappear in bankruptcy. Trustees appointed by the court can reorganize the financial affairs of the company and make appropriate changes in management. Projects which are commercially viable continue even under bankruptcy.

In that connection, Under Secretary Packard has assured the committee that all of Lockheed's defense contracts would continue under bankruptcy and that there would be no threat to the national defense.

I think that that fact should be made clear to every Member of the Senate, because I am sure that, because this is our No. 1 contractor, some Senators feel that this company should be bailed out because we have the duty to protect our defense program. If that were the argument it would be a strong argument which would get the overwhelming support of the Senate, but as I said, Under Secretary Packard has said that this would involve no danger to our defense; it is simply a matter of protecting the commercial project of the L–1011, the Tri-Star project.

Since 85 percent of Lockheed employment is associated with defense work, a Lockheed bankruptcy would have no effect on the vast majority of Lockheed employees.

If Lockheed declared bankruptcy, the court appointed trustees would carefully examine the commercial feasibility of the L–1011 project. If the project were feasible it could be continued by the trustees. Financing could be obtained by issuing trustee certificates which would have a prior claim on company assets. Of course, if the trustees found the L–1011 program commercially unviable, they would be under no obligation to continue it. Under these circumstances, Lockheed would not qualify for a loan guarantee anyway since there has to be a "reasonable assurance" of repayment.

Lockheed proponents say that the L–1011 is commercially feasible now, but airlines would not wish to deal with a bankrupt company and would thus cancel their orders for the L–1011 if the company failed. Such an argument fails to explain why the airlines have agreed to purchase the engine for the L–1011 from Rolls-Royce, a company in receivership.

It is in bankruptcy now; yet it is able to sell its engines.

The airlines have deposited $250 million on the L–1011 program. They have a strong incentive for sticking with the program regardless of whether Lockheed is bankrupt or solvent.

A little later I want to discuss the situation the airlines are in at the present time. Many persons are arguing that we have to do this to save the airlines. Chairman Sparkman made the point that the airlines have a big investment and need this. I wonder if that is so. What the airlines have done is make about a 10-percent downpayment. If we go ahead with this proposal, are they going to pay the other 90 percent? Anyone who has made even a cursory examination of the finances of the airlines knows they are in no shape to put up the other 90 percent or anything like it. Virtually all the airlines are in trouble. We know that last year TWA was in trouble, but now many others are joining it.

I would like to read from an article which appeared in the Washington Evening Star last Monday night which dramatizes this situation:

> Trans World Airlines, Inc.—

And TWA is down for one of the biggest purchases of the L–1011—

> may have to let some of its $23 million Boeing 747 jets sit on the ground unused this winter for want of passengers and cargo to fill them.
>
> United Air Lines, Inc. has reduced its initial order and options for the $15.5 million DC10 jet—

That is the same kind of wide-bodied jet we are now trying to push into production—

> by 28 because the business outlook is so much more bleak than it was when the order was placed.

What are we doing? We are trying, by this bill, to keep the Lockheed Corp. producing the wide-bodied jet aircraft, or, rather, to push it into it—it has not been in that business yet—when the airlines are canceling orders they have made on the DC–10.

It seems to me that any reading of this kind of news should convince Senators that there is every prospect that once the heat is off and the guarantee goes through, some of these other airlines, since there is practically no difference between the DC-10 and the L-1011, are going to begin canceling options and orders on the L-1011. Then the guarantee comes into jeopardy, once those cancellations begin.

The article goes on:

> Hughes Air West Inc. would like to suspend service at 10 of the 19 cities on its route that are averaging less than 10 boardings a day. The cities were not identified.
>
> These are a part of the woes presented by the three airlines within the past few days in unusual separate appearances before the Civil Aeronautics Board. The CAB released transcripts of the presentations.
>
> "TOO BIG FOR TODAY"
>
> TWA President F. C. Wiser told the board the airline's relative performance last year was affected adversely by the introduction of the huge 380-seat Boeing 747.
>
> "Although this is a fine airplane, it is simply too big for today's markets," he said.
>
> "We lost more money with this plane in 1970 than if we had operated 707s." The 747 can carry twice as much passenger and cargo payload as the 707 jet.
>
> Wiser said TWA withdrew its 747s from the Washington-London service, and Pan American World Airways Inc. took its 747 off the Chicago-London route, because the British complained about big-plane competition and because neither airline knew what to do with 747s in those markets.
>
> TWA LOSS RECALLED
>
> "The fact is we got the airplanes and we have to operate them," Wiser said.
>
> "We also looked at grounding them, and we may see that this winter."
>
> Charles C. Tillinghast Jr., TWA chairman,—

He was one of the witness before our committee—

> said TWA seemed somewhat alone last year in the severity of its financial problems when it recorded the record high loss for any airline of $63 million.
>
> This year, Tillinghast said, TWA is not alone in its financial difficulties but has been joined by many airlines, and particularly by its major competitors.
>
> Tillinghast said the problem is industry-wide, stemming from inflated costs and lack of traffic.
>
> A 727 jet costs 19 percent more now than one delivered three years ago, he said, and added:
>
> SEVERE CUTS CITED
>
> "If we had operated our 1970 system at our 1966 wage rates and material prices, our costs would have been $70 million lower and we'd have made an operating profit of more than $6 million."
>
> Wiser said TWA, in trying to economize, has cut employment 4,500 below a year ago, slashed advertising by $6 million, eliminated some departments and reorganized others, closed its Boston pilot and hostess base, canceled schedules, eliminated morning movies and newspapers and slipper socks on flights, and combined former separate winter and summer uniforms for stewardesses into a single year-around outfit.
>
> United president Edward E. Carlson said the nation's largest domestic airline has deferred delivery of four 747s from 1971 to 1973 and two DC10s from 1972 to 1973 has canceled orders for eight DC10s—

Eight DC-10's canceled; and 23, as I pointed out, have been canceled earlier—

> and passed up options for 20 French-built Caravelle jets.

How insane can we get? Under these circumstances, at a time when the last thing we need is the production of more capacity for our airlines, we are guaranteeing that a new firm, Lockheed, which has not been in the field, is going to come in and produce more.

As I pointed out, last March the Transportation Department made a study and found that this market can support only one American firm, it cannot support two. So we are guaranteeing a situation that will be weak and unstable. It will be bad for the employees, because they will be negotiating with companies that are weak and not making money, and that is always difficult. It is going to be bad for the stockholders of both concerns, because it is a market which simply cannot support new firms, even under normal circumstances, according to the Department of Transportation view, and under present circumstances it is a disaster.

There is every reason to suspect that in view of the outlook for the airlines, in view of the history, and in view of the documented cases of canceled orders, the Lockheed Co., if we provide the guarantee, will be in real trouble, and in my view that guarantee will be in serious—but serious—jeopardy.

Mr. WEICKER. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from Connecticut.

Mr. WEICKER. I wonder if the distinguished Senator from Wisconsin can explain to me, since he sat on the committee and attended the hearings, on page 7 of the report, the statement that is made, right at the outset:

> The Committee bill would grant authority to the Federal Government to provide emergency loan guarantees to major business enterprises where the capital markets are otherwise inadequate to meet their credit needs and when failure of such enterprises would result in serious and adverse damage to the economy or employment of the Nation or a region of the Nation.

It is my understanding, and I wonder if the Senator from Wisconsin could elaborate on that, that the capital markets are not inadequate in the United States today, it is the Lockheed Corp. that is inadequate.

I believe, in other words, that for any sound business enterprise there is certainly adequate capital available.

Mr. PROXMIRE. The Senator has made an excellent point. There is no question but that the capital markets are completely adequate. Ask any banker, and he will tell you that he has got plenty of money. In the last 6 months, the Federal Reserve Board has been supplying new money at a 10 percent a year annual rate, and while interest rates have risen some, and there is a little shortage here and there, by and large the capital markets are fully adequate, there is no question.

Mr. WEICKER. Under the criteria set forth by the committee in this bill, I am not so sure but that Lockheed cannot even qualify if in fact these criteria were used.

Mr. PROXMIRE. The Senator raises, I think, a very interesting point. I think we could question on several scores whether Lockheed would qualify.

The difficulty is that Treasury has told the committee that they are going to guarantee this loan; their mind is closed; that is it. One of the other members of the Emergency Guarantee Board will be the President of the Federal Reserve District in California. I do not know who he is. But knowing that the Bank of America is a dominant factor out there, and knowing the disposition of the bankers on this matter—ABA has supported it—knowing that it comes from California, where, of course, the economy is very dependent on the aerospace industry, I think it is possible that this might not be given the kind of consideration and weight that the criteria should receive.

I think the Senator raises a very good point.

Mr. WEICKER. I cannot help but recall the television footage lately which showed the appearance of these 24 bankers before, I believe, the House committee. The question was asked as to who would participate in a loan to Lockheed without the Government guarantee, and there was a dead silence, without the twitch of a finger.

Then when the question was asked, "Who will participate in the loan as long as the Government guarantees it," 24 hands shot up in the air.

I just wonder what the missing ingredient is here, because there seems to be a reticence to participate in the loan without the Government.

In essence, is not what we are saying that the American taxpayer is the one expected to bear the added risk? Never mind us in the Senate; we do not represent anything but the people of this country. So they have been asked to assume a risk which the 24 largest banks in the United States will not assume; is that not correct?

Mr. PROXMIRE. I think that is a conclusion we just cannot avoid. There was an argument by witnesses, especially the Secretary of the Treasury and others, that there is very little risk here, that there is not much risk involved. But, as the Senator from Connecticut so dramatically has shown, 24 hands go up when the Government says it will guarantee, and not a hand goes up when we say we will not guarantee.

Bankers are supposed to take risks of some kind, but not unsound risks, and this apparently they regard as unsound.

So I think the answer is that the taxpayer is supposed to step in and take that risk. And what does he get for it? What is the quid pro quo? What do they do in return for the taxpayer? Nothing. That is why I say this is a welfare program—not even a subsidy program—for Lockheed and for the banks.

Mr. WEICKER. The Senator from Wisconsin remarked about the situation of TWA with the cutbacks in equipment orders. Clearly, TWA understands, as does, I think, the American banking fraternity, that the airline industry is surfeited with equipment right now.

Mr. PROXMIRE. They certainly are. As a matter of fact, imagine having a 747, a tremendously expensive plane, more than $20 million, the queen of the fleet for these firms, and they only make money out of these when they fly them a great deal, 14 and 16 hours a day. That is the only way they can do it.

As I pointed out, they are now deciding not to fly them at all this winter. They have the planes and are not going to use them. Under those circumstances, how can we expect this competitive plane, the L–1011, which is somewhat different from the 747, but not a great deal—how can we expect them to continue to sell those planes and sell more of them?

Of course, the evidence we have that has been put into the RECORD by a Member of the House shows that the estimates by the Defense Department is that they will have to sell 390 of these planes to break even.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BENNETT. The Senator just said that the 747 and the L–1011 are competitive planes. Is it not true that the L–1011 is expected to be used for short hauls at comparatively small airports, while the 747 is used almost entirely over water?

Mr. PROXMIRE. I asked the FAA when they testified before the committee, whether it was possible to modify the 747 so that you could carry more passengers and use less fuel and use it for short hauls. I asked whether it would be competitive and the answer was "yes." Unfortunately, the hearings are not available now. It seems to me that they are the authorities in the field.

Under the circumstances, I would say that there is a competitive angle involved here, although they are not directly competitive at the present time.

Mr. BENNETT. Was that the entire answer? Was not the rest of the answer that they could be modified but not effectively or economically, and, therefore, they will not be modified?

Mr. PROXMIRE. May I say to the Senator from Utah that when you have the option of either having that plane sitting on the ground, not used at all, or modifying it so that you can use it on short-haul flights, it makes it an entirely different kind of situation. A very, very large part of the cost of these planes, of course, is the amortization. When you make a $20 million capital investment, it means, of course, that your interest costs and your amortization costs are very large. They might even be bigger—I am not sure of this—than your operating costs. Under those circumstances, they have it; they bought it.

Mr. BENNETT. Does the Senator know how it could be modified? Does the Senator know how much it would cost to modify it, how much it would cost to modify the airports so that this giant plane, with its tremendous power, could be used on hops of 200 or 300 miles, and how much it would cost for the necessary support facilities in the airport?

The 747 is something far apart from any other airplane that is flying, and the Senator would like us to believe that with a few dollars it could be modified to take the place of a plane which has been designed specifically not to fly distances over water but to fly from one comparatively small airport to another.

Mr. PROXMIRE. I will yield to the Senator from Connecticut in a moment, but I say to the Senator from Utah that I would agree wholeheartedly that it is not designed for the same use but over the marginal areas where these two planes could be competitive.

I yield to the Senator from Connecticut.

Mr. WEICKER. I should like to respond to the question. It is part of the problem that is built into the L–1011.

When this project started, it was a two-engine configuration, and it was on a design range of 1,850 miles, roughly from Chicago to the West Coast.

Mr. PROXMIRE. The Senator is talking about the old L–1011.

Mr. WEICKER. The original L–1011 was to be used from one small airport to another small airport. Then the emphasis changed to the three-engine aircraft, the one with which we are dealing today, with transcontinental range capability; and by late 1967, the airplane's gross weight had gone up 320,000 pounds. Because of the addition of the third engine, the thrust requirement had dropped to approximately 33,000 to 35,000 pounds.

So what we are talking about is this air bus that was supposed to go from New York to Chicago and Chicago to the West Coast, transcontinental in nature, and this is one of the very reasons why we have the problems with it that exist today.

Quite frankly, the change took place from an airbus with a limited range to a transcontinental plane which is in direct competition with the 747.

Mr. PROXMIRE. Before I yield to the Senator from Utah for response, I should like to say that I am delighted that the Senator from Connecticut is in the Chamber. I did not know that. That is a most useful addition to the colloquy, and I think it is a good answer to the Senator from Utah.

Mr. BENNETT. The unfortunate thing is that it is not accurate. In making the modification, they did not take away from the L–1011 the power to serve small airports. They increased its range, but they still left it capable of serving small airports.

The 747, with any modification that would be economically justified under any circumstances, cannot be modified to serve small airports, and I think the Senator from Connecticut would agree.

Mr. PROXMIRE. May I say to the Senator from Utah that neither this Senator nor the Senator from Connecticut has argued that these are completely and precisely competitive the way the L–1011 and the DC–10 are. We are saying that when you make the airbus a transcontinental plane, to go from New York to Los Angeles, there is an important element of competition involved; and to some extent—not entirely, of course—you can use the 747 instead of the airbus; and there would be less reason, therefore, to buy either the DC–10 or the L–1011.

Mr. BENNETT. It can be used on the 747 routes, but the 747 cannot be used on the L–1011 routes, and it seems to me that that is basic.

Mr. PROXMIRE. You still have a competitive plane, nevertheless, regardless of whether it is competitive on one route. On the transcontinental route, it is competitive.

I yield to the Senator from Colorado.

Mr. ALLOTT. I would disagree as to the latter statement. It is not competitive in size.

But I should like to get to the point, if I may, if the Senator will permit it, that the Senator from Connecticut (Mr. WEICKER) has made. I should like to know his authority for the fact that this plane came out originally as a two-engine plane.

Mr. WEICKER. In response to the Senator from Colorado, I say that this is a matter of the history of the development of the L–1011. The initial design study of the L–1011 was begun in 1966.

I might add that a portion of this comes from the Lockheed Horizon, which is the magazine of the Lockheed Co.

Mr. ALLOTT. That is the initial design?

Mr. WEICKER. The initial design studies of the L–1011 began in 1966 around a two-engine configuration having a maximum takeoff gross weight of approximately 265,000 pounds, the principal design criteria being operational suitability from New York, La Guardia Airport, to Chicago Midway, and now we are in the position where today we have a three-engine configuration plane.

Mr. ALLOTT. Would the Senator contend that any airline has taken the position that Lockheed took on a two-engine plane having a potential capacity to operate from New York to Chicago, or even from Chicago to Denver, which is twice as far?

Mr. WEICKER. I am sorry; I did not understand the Senator's question.

Mr. ALLOTT. I will put it the other way. I will make a positive statement. I do not think any airline ever took a position on a two-engine plane. The airlines that have taken a position on this question have taken a position on a three-engine plane. Is not that correct?

Mr. WEICKER. I am glad to respond to the Senator from Colorado's question. There is no question that I would not expect any engine manufacturer or any airplane manufacturer not to go upward in the capability of the engine or of the aircraft. This is traditional in the industry. But it is also at the root of the problem which we confront today.

Mr. ALLOTT. The Senator does not answer my question. He talks about the conversion of the airplane from the original concept of the plane. I asked him very bluntly if any airline in this country or in any other country has taken the position that Lockheed took on a two-engine plane.

Mr. WEICKER. The Senator is referring to airplanes; I am referring to Lockheed.

Mr. ALLOTT. I am referring to Lockheed. The answer is that they did not.

Mr. WEICKER. The airlines did not.

Mr. ALLOTT. That is correct. So what good does it do to talk about a two-engine plane?

Mr. WEICKER. Because, in response to the Senator from Colorado, the point I have just developed during the course of the debate is that extensive changes did take place, and took place after the fact, when the project was out for bids. That is responsible for the cost increase and the difficulties we have now.

Mr. ALLOTT. I would disagree very much. I have followed this closely myself over the years and I disagree that this is the basis for the increase in cost. The basis for the increase in cost arose with the RB-211.

Mr. WEICKER. If I can, on the basis of change——

Mr. ALLOTT. The question of change is immaterial to this discussion——

Mr. WEICKER. It is not immaterial to the distinguished Senator from Colorado—I can only make the further point that it is not immaterial when the company is coming before Congress asking for a $250 million guarantee because something went wrong.

Mr. ALLOTT. It is immaterial that a company started with a two-engine plane in design and before that design was complete, to put it in development, there was a three-engine plane. What has that to do with this discussion?

Mr. WEICKER. It has a great deal to do with the additional cost of the airplane and the engine.

To follow through on that, originally the design of the engine was a three-spool configuration which would make use of a composite material in the fan blades. That proved to be a failure, so they went back to using the traditional titanium material. The only point I want to make to the Senator from Colorado——

Mr. ALLOTT. I am sorry, but I think the Senator is a little confused in his first——

Mr. WEICKER. Those are the facts directly from the Lockheed Corp.

Mr. ALLOTT. I think the Senator has confused the statement of position from the Lockheed Corp. The composite design of the blades was that the engine was to be designed specifically for the existing L-1011, the three-jet version. It was in the development and research of those planes and other things in that engine that Rolls-Royce ran into its difficulties on, specifically.

Mr. WEICKER. I concur with the Senator from Colorado.

Mr. ALLOTT. But that had nothing to do with a two-engine airplane, because the engine they were developing—we are talking about the RB-211—was being designed specifically for the trijet.

Mr. WEICKER. No. Let me say to the Senator from Colorado that I am trying to make the point that we went from the two-engine to the three-engine jet, that we went from the composite material in the fan blades to titanium, and the whole evolution of the changes brought about the additional expense which now the American taxpayer is being asked to foot.

Mr. ALLOTT. I think that the Senator from Connecticut is entirely in error.

Mr. BENNETT. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield.

Mr. BENNETT. Was there any hardware ever built for the two-engine plane?

Mr. ALLOTT. Not that I know of.

Mr. BENNETT. Was any money actually spent for engines for the two-engine plane at Rolls-Royce?

Mr. ALLOTT. Not that I know of, and I have followed this over the years. I have been personally acquainted with this matter for 5 years. The RB-211 was designed specifically for the Tri-Jet; and of course part of this is that no airline ever took a position with Lockheed for a twin-engine jet. They took a position on a Tri-Jet. One is now underway and being built. They took the position with regard to the RB-211 which at that time was supposed to have composite fan blades, which did not work out—

The PRESIDING OFFICER (Mr. HUGHES). The Senator from Wisconsin has the floor.

Mr. BENNETT. Mr. President, if I may have just 1 minute for one further comment.

Mr. PROXMIRE. Mr. President, I am very happy to yield time to the Senator from Connecticut, the Senator from Utah and the Senator from Colorado (Mr. ALLOTT) to continue this colloquy, provided that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, when any airline takes a position that may be confusing to the Senator from Connecticut, is it not a fact that the airlines refused to buy any two-engine jets and, as a result of those conditions, the change was fundamentally made? Is it not also fair to say that when a product dies on the drawing board because its only potential customer refuses to buy, that there is a dangerous change when the manufacturer begins a modified, new version in order to satisfy his market?

Mr. ALLOTT. I would suggest to the Senator that that is true. I do not have all the situations available to me, but I think that if we look at the 747, we would find some very drastic changes were made in that plane even after the airlines had taken a position.

I should like to define what I mean by "taking a position." I mean by that, going to Lockheed and laying down some hard cash for the delivery of so many airplanes. That is what I mean by taking a position.

Mr. WEICKER. Mr. President, will the Senator from Wisconsin yield for one additional comment

Mr. PROXMIRE. I yield.

Mr. WEICKER. I get back to the original point made, which was to portray this particular aircraft as being something that was only in the market of short city hops, if you will, Mr. President. That is what we started out with. There is no question about that. Now it is a fully transcontinental airplane. It is, to a great degree, in competition with the 747. That is not the way the project started.

Mr. ALLOTT. The Senator means that is not the way the project started at Lockheed.

Mr. WEICKER. That is correct.

Mr. ALLOTT. Does the Senator know of any airline—I will say it again—that took a position on a two-engine plane, or took a position on an airplane like the Tri-Star, with the substantial capability that this is to have? If he does, I do not know of it.

Mr. WEICKER. No; the airlines took their position at such a time as they were guaranteed substantial financing at low interest. That is something we will develop during debate, also, but not to the point of a two-engine aircraft; the Senator is correct.

Mr. ALLOTT. Not the two engine. That is the important fact. The airlines took a position on the Tri-Star with the extremely advanced concept of the Rolls-Royce engine. That plane has a transcontinental capability and that is the plane that the airlines put their money down to buy.

Mr. WEICKER. Will the Senator from Colorado agree that, to a degree—and this is where the whole colloquy started—that the L-1011 is in direct competition with the 747?

Mr. ALLOTT. To the extent that it would be used in transcontinental service, yes, but I do not see that that is significant to the conversation here, because if it produces more economical transportation across the continent, or in two or three hundred mile jumps, then the airlines are justified in using it.

Mr. President, I want to thank the Senator from Wisconsin very much for yielding to me.

Mr. PROXMIRE. Mr. President, may I say that the colloquy we had brings out very well that what the proponents and the opponents are concerned with most, and that is the need. We have argued whether the 747 is a competitor. The Senators from Utah and Colorado are right in saying it is not a direct competitor. It cannot do everything. More important than that is that this article in the newspaper goes on to point out that there is a rapidly disappearing market for the air bus itself. I am not talking now about the 747—but the DC-10. The airlines have deferred some of the orders—they are canceling—but some of the other orders, from 1971 to 1973.

This again indicates they just do not have the need for this plane. This is dramatized by the fact that we are not being asked to guarantee loans so that we do not go into a market for which there is no demand. The Department of Transportation has found that this is correct and they will support the DC-10. Yet we are going ahead and insisting on guaranteeing a plane on which, on the basis of all the evidence we have, there is no demand for it.

So, there has been a very sharp cutback in the orders on the DC-10's. Obviously there has not been a cutback for the orders on the L-1011. It would be a kind of action by the airlines that would affect the votes on this bill and they know that. They have not done that. They did cut back on the DC-10's, and that would indicate what would happen to the L-1011 once the bill becomes law.

Mr. ALLOTT. Mr. President, this is quite a projection that the Senator has made. There have been no cutbacks on the L-1011's.

Mr. PROXMIRE. The Senator is correct.

Mr. ALLOTT. And is it not a fact that all of the airlines that have orders for the L-1011's are strongly in support of the pending legislation?

Mr. PROXMIRE. The Senator is correct. What else could they be but in support? They are in support of the bill for a number of reasons. They support it because the banks do and these airlines are but deep into the banks. They support it because they have a couple of hundred million dollars invested. $200 million would persuade almost anyone. However, that does not mean that it is necessary in the public interest.

Mr. ALLOTT. It does not mean that it is against the public interest because the airlines are for it, either.

Mr. PROXMIRE. No. I would hardly accept the positions taken by TWA, and Eastern Airlines, as those taken by unbiased and objective witnesses. They testified, and they testified very ably. However, they themselves, I think, would admit that they have an interest. A huge financial one.

Mr. ALLOTT. No one would say they do not have a stake involved. However, because they have a stake involved and they are interested in the continued viability of their own airlines and of the airlines system of the United States, it does not mean that they are dishonorable or that they are trying to take anything away from the United States.

Mr. PROXMIRE. The Senator is correct. They are fine airlines and the banks are also run by very fine people. I do not question that. However, I am saying that we have a right to look at the market. What kind of a market is there for this product which we would, in effect, underwrite by guaranteeing a loan to make it possible for them to go ahead? We find that the market is very thin and very undependable. On the basis of recent history there is every expectation that the demand for the plane will be extraordinarily light.

If anything is clear about the airlines situation today it is that they have too much capacity and they do not need any more DC–10's or any of the other type planes.

Mr. ALLOTT. That is the situation today. The Senator from Wisconsin does not know what the situation will be next year. If we are running at the capacity next year that we were 2 years ago, there would be a demand for all of them. Certainly we would not need them in our present situation. However, this situation requires a 2- or 3-year leadtime.

Mr. PROXMIRE. Mr. President, in response to that I go to the Department of Transportation study which made a very careful study. This study was made by an agency of this administration. They found that the market would not support it.

Mr. President, the loss of jobs argument thus rests upon three highly debatable assumptions: First, the banks will not loan additional money to Lockheed without a Federal guarantee; second, Lockheed has no other way of obtaining funding for the L–1011; and third, in the event of bankruptcy, the court appointed trustees would cancel the L–1011 project.

Mr. President, I think that we can question every single one of these assumptions. If we do, then the money that the Lockheed guarantee would supply would not be provided. I think there is every expectation that the banks would loan the money to Lockheed. If they were confronted with the fact that they have this money outstanding and that if they were to let the company go into bankruptcy with the $400 million they have invested, they would be likely to change their minds. There is every evidence that Lockheed has other sources of funds.

JOB LOSS DOUBTFUL

Even if these three questionable assumptions are conceded, the jobs argument has little validity. First, most, if not all of the unemployment resulting from canceling the L–1011 would be ultimately offset by increased employment at McDonnell-Douglas, maker of the rival DC–10. No one has questioned that argument, at least very seriously. There was a time when the argument was made, but the FAA and the CAA put that argument to rest by saying that the lion's share of the business would go to American companies. The engines would be made in this country. So, there would be more business in that event.

If there is a real market demand for wide-bodied jets, this demand will be met. Moreover, U.S. employment could actually increase if the L–1011 were canceled since the DC–10 uses the American built GE engine rather than the British built Rolls-Royce engine. GE estimates over 10,000 additional U.S. jobs would be created if its engines were employed instead of the British engines.

Very little attention has been given to this 10,000 additional U.S. jobs argument. However, it is highly pertinent and an appropriate figure, in fact, if we are interested in jobs. If we do not provide the guarantee, there would be more American jobs than if we were to provide it. There is no way in the long run in which we can provide more jobs by going ahead with the bill. In a very real sense, the proposed Lockheed rescue plan is realy a bail-out of Rolls-Royce and the British Government.

McDonnell-Douglas reportedly has an internal study showing a net increase in U.S. employment resulting from an L–1011 cancellation. Unfortunately, the company has refused to make this study available to the committee unless it is subpenaed.

Unfortunately, that study was not subpenaed. There is no question that the study exists. It has been made. At the worst, if we vote against the bill, there would be more jobs available, and not less.

Second, if the banks do not supply the $250 million to Lockheed——

Mr. TOWER. Mr. President, will the Senator yield at that point?

Mr. PROXMIRE. I yield.

Mr. TOWER. Mr. President, the Senator is a good lawyer. Would the Senator go into court with that kind of an argument, that he knows the study exists, although he does not know what it says, but he does know that there would be more jobs?

Mr. PROXMIRE. Mr. President, the president of Douglas said that it exists and he would make it available if subpenaed.

The Senator asked me whether I would go into court with that kind of an argument. While I have been called many things and been insulted many times in my life, I must say that I am not a lawyer.

Mr. TOWER. I must say that I am not either.

Mr. PROXMIRE. That is one characterization of me that has not been made.

Mr. TOWER. I must apologize to the Senator. I am not a lawyer either.

We cannot make judgments based on studies that someone told us about but that we have not seen.

Mr. PROXMIRE. I think the McDonald people are honest. I do not know whether they have the studies. They say that they have a study and that they would not produce it unless the committee would subpena it. The company would be delighted to produce it if it was subpenaed. But they are in a position where they feel, because of business ethics, that they should not make it available otherwise.

Mr. TOWER. I think the Secretary of the Treasury is honest. He is a Democrat. He said that it would cost us jobs rather than improve the situation. I would prefer to accept his judgment.

Mr. PROXMIRE. The Secretary of the Treasury is a very able man. However, he has admitted he has no study that shows to the contrary. He has none.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from California.

Mr. CRANSTON. Mr. President, I wanted to make certain that it is clear that the bill is not a bill to help big business, as was the bill originally introduced, the earlier administration bill.

As the Senator knows, I offered an amendment in committee, which, I think was adopted unanimously, that inserted the words "or any region thereof." Those words were inserted to come after the language that originally stated that a guarantee of a loan may be made if the board finds that:

> The loan is needed to furnish goods or services and a "failure to meet this need would adversely and seriously affect the economy of or employment in the Nation."

And the words added were:

> or any region thereof.

It was made plain in the discussion of that amendment that it meant a group of States, a State, or even a portion of a State where a firm in difficulty, if it collapsed, would adversely affect the economy in that region.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. CRANSTON. I yield.

Mr. PROXMIRE. That was by voice vote; it certainly was not unanimous. I am sure I was opposed to it for a number of reasons. It is one of the worst aspects of the bill because it gives complete and open opportunity for the board to make any loans they want. Now, there is no limitation. The region is not defined. It could be a part of some city such as Sun Prairie which might have 6,000 or 7,000 people. That might be a part of a region and it might be said that this has a serious effect on the economy or employment there. That is ridiculous because there would be handed over to the executive branch and the Federal Reserve the option to make these loans whenever they want. There is no real criteria.

Mr. CRANSTON. The amendment was cosponsored by the Senator from New Hampshire (Mr. McIntyre), who felt as I felt and feel that when we have an economy that is in as adverse a stance as we have presently, it is not really fair when much of that stems from governmental policies. The war has a great deal to do with our difficulties and that stems from the war that we are unhappily engaged in in Vietnam.

It is our feeling that to limit aid to small businesses that are in difficulty is not fair and we should have a bill to help big business. There is on the books a bill to help small businesses under the Small Business Administration.

Mr. PROXMIRE. There is nothing in the SBA law to provide for a small business to be bailed out to keep it from going into bankruptcy. Loans are made for many purposes. Disaster loans, for instance, are made if a disaster puts them in a position where they could be helped with a loan. But there is nothing to provide that an SBA business will be bailed out.

Last year there were 11,000 bankruptcies. Would it be the Senator's opinion that this bill should be used to bail out those bankruptcies? Should 1,000 or 5,000 of those firms have been saved from bankruptcy by this legislation?

Mr. CRANSTON. Mr. Kleppe, the head of the Small Business Administration, testified before the committee and he stated they would use the sort of formula suggested to this bill to help small companies under SBA, if due to natural disasters or adverse circumstances the company was on the brink of failure and it would be very harmful to have them fail—they would use the present authority in SBA to assist them.

The Senate would agree that perhaps we have a financial disaster in this country because of the financial policies of this administration. Companies have been placed in great difficulty because of the decisions of the executive branch to fight inflation.

Mr. PROXMIRE. We always have a situation where there are adverse circumstances beyond the control of management.

Once a position is taken that failure or bankruptcy can be caused by things over which man has no control, we would be bailing out all of the companies. Even incompetent management can blame failure on monetary policies and all kinds of other things outside their control. But this language is so vague, and I have great respect for the distinguished Senator from California, it just opens up the bill and states that the board can make loans anywhere they want to make them, and that is one of the weakest aspects of the bill.

Mr. CRANSTON. We differ greatly on that point. I think it is one of the strongest aspects of the bill.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. I would like to ask the Senator from Wisconsin if he does not agree with the Senator from North Carolina that a very large part of the inflation from which this country is now suffering arises out of the fact that Congress and the President have authorized an expenditure of almost $400 billion more than they have in the Treasury.

Mr. PROXMIRE. The Senator is absolutely correct. There is no doubt about it.

Mr. ERVIN. This bill is likely to add to that expenditure of funds we do not have by going surety for failing corporations. Is that not true?

Mr. PROXMIRE. The Senator is correct.

Mr. ERVIN. Does the Senator from Wisconsin think the taxpayers of the United States who do not share in the profits of private business should be required to take on the risks of private business?

Mr. PROXMIRE. I think the Senator's point is devastating because he points out that the stockholders who get the benefits will be saved from losses, but the taxpayers get no benefits at all. The taxpayer is the fall guy and will suffer.

Mr. ERVIN. One time I read in an old Book, the Bible, "He that goeth surety for a stranger shall smart for it."

My experience has been that he that goeth surety for a friend often smarts for it.

Under this bill, would not the hard-pressed taxpayers, who already have an inordinate part of the fruits of their labor confiscated by the Government in taxes, be compelled to be surety for enterprises in which they have no interest and from which they will have no benefit? If the enterprise enjoys a profit they do not benefit from it, but they are to share in the losses.

Mr. PROXMIRE. The Senator is correct. That is one of the weaknesses of the bill. The taxpayer is brought in to bail out and share in the losses, but he gets nothing for it.

Second, if the banks do not supply the $250 million to Lockheed to continue the L–1011, these funds will presumably be lent to other productive enterprises. Some of the funds might go into additional housing or small business loans or into school or pollution bonds. In addition to achieving a worthwhile public purpose, the alternative use of the $250 million will generate additional jobs at least equal to the jobs lost at Lockheed.

Just the other day I noticed an analysis by the staff of the Committee on Banking, Housing, and Urban Affairs which went into detail with respect to the $250 million to show the number of houses that could be made available and the number of many other things urgently and desperately needed in our country that could be made available instead of having that money made available to one large corporation for a bailout.

Third, if the L–1011 program is unviable, a Federal loan guarantee will not prevent a loss of jobs—it can only postpone the ultimate loss which will be much greater if the program continues. As President Nixon pointed out in his veto of the public service job bill of last year, we do not serve workers by guaranteeing them dead-end jobs.

There is considerable doubt that the L–1011 program is commercially viable in the long run even though Lockheed may be able to repay the $250 million loan guarantee in the short run. For example, a Department of Defense study indicates Lockheed would have to sell around 390 planes to break even whereas the company only has 103 firm orders.

That study was classified for a long time, but a Member of the House put it into the Congressional Record, so it is now available. That study was made a year ago, and it has not been brought up to date. Certainly a study today would show a higher break-even point, because costs have gone up. The break-even point would be more than 400.

Moreover, a study by Lockheed's bankers indicates that the company is far too optimistic in its projections of the market demand for an intermediate range widebodied trijet. Lockheed projects a total demand for 775 planes through 1980 whereas Bankers Trust puts the figure between 400 and 500.

That is overall demand, and if it were between 400 and 500, Douglas ought to get half, and perhaps more, because Douglas was in it first and is in a substantially stronger position. If that were the case, Lockheed would lose money hand over fist in this operation.

During the hearings, Secretary Connally indicated he was not too concerned about the long-term viability of Lockheed as long as the guaranteed loan was repaid. If Lockheed cancels the L–1011 program after selling only 100 or 200 planes, the Government's guarantee would be liquidated, and certain creditors would get their money back but the workers would still lose their jobs. Indeed, the resulting unemployment would be greater. Despite the rhetoric about saving jobs, the administration's Lockheed proposal is really aimed at saving Lockheed's creditors.

CHANGE IN GAME PLAN NEEDED

The concern over the 10 or 11 thousand jobs which might be lost if the L–1011 program were canceled seems somewhat belated in view of the 2.4 million jobs lost since the present administration took office. We cannot achieve full employment by propping up ailing companies through an industrial WPA. The road to prosperity lies in the active use of fiscal and monetary policy coupled with a wage-price guidepost system to keep down inflation. There would be no severe unemployment in the aerospace industry or elsewhere if not for the administration's disastrous economic game plan. The concern about a potential Lockheed bankruptcy diverts attention from the real bankruptcy of economic policy within the administration.

The best way of helping Lockheed's workers is to speed up the economy. An expanded program of retraining and relocation assistance to unemployed aerospace workers is also needed. Instead of proceeding along these lines, the Administration has adopted the long discredited trickle-down theory of attempting to help workers by subsidizing business.

NO THREAT TO DEFENSE

The jobs argument as a reason for saving Lockheed simply does not pass a close analysis. What are some of the other public benefits claimed by Lockheed supporters? Some argue that we need to preserve the unique capability of Lockheed, our largest defense contractor, in order to strengthen our national defense.

That argument was effectively dispelled by the Under Secretary of Defense himself, David Packard.

Mr. Packard made it quite clear that all of Lockheed's defense contracts would continue under bankruptcy. Mr. Packard also indicated there are too many companies in the aerospace industry and that we will probably continue to have this condition for some time to come. Under these circumstances, the national defense is not strengthened by artificially propping up an ailing aerospace firm. Just the opposite is likely to occur. Maintaining excess capacity in the aerospace industry simply adds to the cost of military procurement with the result that we get less defense capability per dollar of expenditure.

As I have said, all of the evidence is that this would be excess capacity. McDonnell Douglas has all the capacity we need for wide-bodied jet aircraft. If we act to keep the L–1011 alive, we would have too much capacity, probably more than twice as much as we need.

COMPETITION NOT REDUCED

It is also argued that we need to keep Lockheed alive in order to maintain competition in the commercial airframe industry.

This is a very attractive argument for many Members of the Senate, because all of us firmly believe in competition, and we know that competition has been the great reason for our economic strength. It is true that there is only one other producer of the wide-bodied jet, and that is McDonnell Douglas Corp., producer of the DC–10.

If Lockheed fails and the L–1011 program is canceled, it is alleged that McDonnell Douglas would have a virtual monopoly in manufacturing medium-range, wide-bodied jets.

The competitive argument was effectively refuted by Donald Turner, former Assistant Attorney General for Antitrust.

I think there are few men in the country who have had such a dedicated commitment to competition and against monopoly and who have served this country better than Donald Turner in that cause, who, for years, was the assistant attorney general in the Department of Justice in charge of antitrust.

It is also significant to note that the present Assistant Attorney General for Antitrust, Richard McLaren, declined the committee's invitation to testify. That declination has only one kind of significance. He is on the administration's team, and if he testified, he might have to do what Mr. Packard did—come in and refuse to read the statement because he did not agree with it. At any rate, Mr. McLaren, who was Assistant Attorney General for Antitrust, refused to appear.

Not one reputable antitrust authority was produced to back up the administration's contentions. Turner argued that a single manufacturer has frequently obtained a temporary monopoly in the commercial airplane industry. The economies of scale may be such that the market will only support a single firm. Moreover, prices are kept low by the fear of new entrants into the market. For example, it is doubtful that McDonnell Douglas could exploit the airlines by charging excessively high prices when Boeing has the capability for producing a shorter range version of the 747 designed to compete directly with the DC–10.

This is what the Senator from Connecticut and the Senator from Utah were discussing earlier.

It should also be stressed that Lockheed is not presently in the commercial airplane business. Its last commercial venture was the ill-fated Electra of the late 1950's on which it lost $60 million. During the decade of the 1960's, only two firms competed in the jet aircraft field—Douglas and Boeing. These same two firms would continue to supply the market during the 1970's.

There just is not any evidence that a two-firm industry has led to excessive pricing or quality deterioration, nor has a case been made that a three-firm industry is needed to maintain competition.

As a matter of fact, I do not think I have offered, but I will be happy to put into the RECORD, what I think is one of the most remarkable records of progress and service this country has, where this two-firm industry was so successful and so efficient that it resulted in constantly improved planes that increased the speed greatly in the aircraft industry, sharply improved the safety factor, and resulted in a steady decrease in fares-cost to the consumer, not only in constant dollars but in current dollars.

In other words, in spite of the fact we had inflation, the cost of travel on the airlines has gone down. It is true there are some exceptions to that, as anybody knows who takes a shuttle up to New York from here; but overall, by and large, the figures are very clear that in the decade of the 1960's this was one of the most efficient operations in all of America; and it had Boeing and Douglas as the two firms that occupied the industry and performed this great service.

TOO MANY AIRCRAFT FIRMS

There is no evidence that a two-firm industry has led to excessive pricing or quality deterioration nor has a case been made that a three firm industry is needed to maintain competition. If anything, the Federal Government's own studies suggest there are too many firms competing for a dwindling amount of business. For example, a joint DOT–NASA study released last March states:

> Both the economic situation of the airlines and the existing over-capacity in passenger seats make it questionable whether any of these programs—that is, Boeing 747, the DC–10, or the L–1011—will break even for some time to come, and, as mentioned earlier, there are questions concerning the ability of the airlines to finance the present orders.

As I say, that is a study of this administration, a study of an administration supporting the guarantee; so it is obviously not unfavorable to Lockheed.

This same report goes on to state:

> The airbus market, which could probably support one manufacturer in comfort—

The DC–10 occupies it now—

> is being shared between Lockheed and McDonnell-Douglas, both of whom have large sums at risk and are far short of a break-even level of sales. To summarize the situation—

Now, get this—

> too many manufacturers are extensively committed to aircraft for which the airlines are not really ready, either financially or in terms of capacity. The suppliers and users appear to have overstimulated each other, and the result is disruption and financial strain for both parties. (Joint DOT–NASA Civil Aviation Research and Development Policy Study (DOT TST–10–5; NASA SP–266) March, 1971, pp. 6–7 and 6–8.)

Now, this is exactly what the present bill would aggravate. This is what the present bill would make worse, because we would provide that excess capacity would be maintained, and we would push in effect Lockheed into this area where the administration's own study indicates that it would be overcrowded, and the situation would be worse. We would have two weak manufacturers instead of one strong one.

Keeping the L–1011 program alive through Federal loan guarantees will not promote competition; just the opposite result is likely. The economic strain on the airlines caused by too many plane producers can lead to more applications for airline mergers, thus reducing the number of air carriers serving a given market.

If too many plane makers share a given market, the price per plane will have to increase because no firm can get enough sales to recover its costs. These higher prices will inevitably be passed on to the traveling public by the airlines in the form of higher air fares. Thus the traveling public is not well served by artificially increasing the number of airplane manufacturers through Federal subsidies.

To illustrate this point, Lockheed has projected a market for 775 intermediate range wide-bodied trijets through 1980. If the McDonnell Douglas DC–10 and the Lockheed L–1011 share the market, both firms would barely approach the break-even point of 390 sales indicated by the DOD study. On the other hand, the lead bank in the 24 bank consortium supplying funds to Lockheed; that is, Bankers Trust, made its own forecast of market demand last February.

As I say, Bankers Trust estimated a market for only 400 to 500 basic trijets through the same period. If the bank estimates are correct, neither McDonnell Douglas nor Lockheed will reach break-even. Prices will have to be increased if the two firms are to recover their costs.

Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, I favor a Government guarantee of a $250 million loan to the Lockheed Aircraft Corp. I believe that this action is necessary at this time. Thousands of people will be thrown out of work and numerous subcontractors will be adversely affected if the loan is not guaranteed.

I believe that Government assistance of this sort is justified when the economy is severely depressed and unemployment is high. That, sadly, is the case today. The general economic malaise pervading the Nation is a result of the Nixon administration's ineffective anti-inflationary policies over the past 2½ years. The unemployment rate for the Nation has continually hovered around a 9-year high and the cost of living continues to soar. The economic recovery which we were told was just around the corner about a year ago, has still not arrived. The unemployment rate in the Los Angeles area—Lockheed's home base—is 7.2 percent compared to a national rate of 5.6 percent. Thousands of families already are suffering. The Government cannot stand idly by and permit thousands more to suffer.

Lockheed's current financial problems were caused by more than the general economic downturn; other factors also contributed. Bad judgment on the part of Lockheed's management aggravated the company's problems.

But I seriously doubt whether Lockheed would have needed a Government guarantee to get additional private financing if the economy were a healthy one. The banks and the business community in general are understandably cautious because of the present uncertainty over the Nation's economy.

In times like these, we must act positively to prevent further disruptions of an economy already in trouble.

Today the Senate is considering legislation which would authorize the Government to guarantee loans to business enterprises that are in serious financial trouble and who cannot otherwise get credit. The first order of business before the three-man emergency guarantee board set up by the legislation will be to consider the Lockheed Aircraft Corp.'s request for a $250 million Government guarantee loan.

There is no doubt that the real impetus for the legislation now before us is Lockheed's current financial plight. Last April it became apparent to many of us on the Banking Committee that because of many factors, the Lockheed Aircraft Corp. was in serious financial trouble. Lockheed's problems were apparently brought about primarily because of trouble with the L-1011 project—the new three-engine air bus. To start the project the company had borrowed around $400 million from a consortium of 24 banks. However, because of the Rolls Royce bankruptcy and other problems at Lockheed, it was projected that unless an additional $250 million could be obtained, the L-1011 program would go under and along with it, Lockheed. The banks were unwilling to advance any additional funds unless the advances were guaranteed by the Government.

Although the Government could have used the loan provisions of the Defense Production Act, the administration instead decided to draft, and submit to Congress, a specific bill for the Lockheed situation. That bill, S. 1891, contains authority for the Secretary to guarantee loans to a corporation to prevent its bankruptcy if its bankruptcy would seriously affect the economy of the Nation or a region of the Nation.

As I stated at the time the bill was introduced, I am generally opposed to using the taxpayer's dollars to save private corporations from failure. The free enterprise system is intended to reward efficient producers with financial success. On the other hand, the free enterprise system is designed to penalize inefficiency with financial failure. Otherwise we are moving the Nation toward state capitalism, a system which uses the taxpayers' dollars to keep in business those already in business regardless of their efficiency or inefficiency and to block the entry of new businessmen into the field. Only in extraordinary circumstances should the Government interfere to prevent the bankruptcy of a private corporation.

I want to make it clear that my decision to help Lockheed is based on my desire to help the thousands of innocent Lockheed employees and subcontractors who will suffer personal losses if the corporation is allowed to go under. Although I believe that in Lockheed's case, Government assistance is needed, I do not believe that business for Lockheed's management and stockholders should continue as usual. I believe that it is fair to assume that generally, the management of a corporation on the brink of bankruptcy bears a large part of the responsibility for the plight of the company. In Lockheed's case it became clear to me after talking to numerous people in the aerospace industry and financial community in California that Lockheed had, over the years, been badly managed in many ways. They had an unprecedented string of failures which, in my mind, could only be attributed to bad management. I was somewhat surprised that the administration's specific Lockheed bill, S. 1891, did not contain provisions dealing with management. It is true that Lockheed also achieved some remarkable successes as it sought to become the nation's largest defense contractor—notably the outstanding work Lockheed performed on Polaris and Poseidon.

I introduced an amendment to the Lockheed bill which would have required the company, as a condition to receiving assistance under the proposed act, to replace its board of directors and its five top executive officers. In light of Lockheed's management record, I am of the opinion that management changes are necessary at Lockheed in order to fully protect the taxpayer's dollars and minimize the future failures of the company.

After 2½ weeks of hearings, mostly centered on the administration's Lockheed bill, S. 1891, the committee decided to move toward a more general bill. There were some members of the committee and the Senate as a whole who felt that legislation should not be enacted to help just one company or one industry. Senator SPARKMAN introduced S. 2202, a general measure which would authorize the Government to give loan guarantees to other companies which might find themselves in a situation similar to the one filed by Lockheed.

After 3 days of hearings on the general proposal, it became evident that a majority of the committee favored considering the general bill as opposed to the special Lockheed bill. I offered two amendments to the general bill which were adopted by the committee designed to effectively strengthen the administration bill and thus broaden its base of Senate support. My first amendment broadened my original Lockheed management proposal so it would apply to other companies which would be covered by the general bill. Rather than making it an absolute condition to granting of the guarantee that the stockholders of an applicant corporation would have to bring about a complete change in management, my new proposal will require the three-man emergency guarantee board to determine if management is at fault for the financial plight of the corporation, and, if so, the board would have to order the corporation to make those management changes necessary to put the corporation on a sound managerial base. The text of the amendment is as follows:

> If the Board determines that the inability of an enterprise to obtain credit without a guarantee under this Act is the result of a failure on the part of management to exercise reasonable business prudence in the conduct of the affairs of the enterprise, the Board shall require before guaranteeing any loan to the enterprise that the enterprise make such management changes as the Board deems necessary to give the enterprise a sound managerial base.

I recognize that the specific remedy I proposed for Lockheed would not be applicable to, or fit the structure of, every company.

My second amendment would make a wider range of companies eligible for assistance. The administration's original bill—S. 2202—was a big business bill. Only corporations large enough to affect the national economy would qualify for assistance. My second amendment would allow smaller companies to qualify if their continuance is important to the economy and employment situation in any one region of the Nation.

The Small Business Administration programs would take care of the very small businesses. However, companies too large for SBA but not large enough for assistance under the bill as originally drafted, would have been left out in the cold. My amendment will allow these medium-size companies to also qualify for governmental assistance.

I believe that these two amendments and others adopted in last week's executive session substantially strengthens the general bill. Hopefully, the general economic climate in the country will improve over the next several months and the $2 billion authority contained in the proposed act will not have to be used. However, I believe that with so much at stake, the Government should have the standby authority to help corporations in under the circumstances described above. I fully support the committee's bill and trust that the Senate will act promptly and favorably on this vital legislation.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 21, 1971, he presented to the President of the United States the following enrolled bills:

S. 108. An act for the relief of Kyung Jo Min and Kyunk Sook Min;

S. 145. An act for the relief of Esther Catherine Milner;

S. 161. An act for the relief of the West Fargo Pioneer and Dale C. Nesemeier;

S. 566. An act for the relief of Maria Grazia Iaccarino; and

S. 672. An act for the relief of Nicholaos Demitrios Apoltolakis.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AND APPALACHIAN REGIONAL DEVELOPMENT ACT EXTENSIONS—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have been authorized by the distinguished majority leader to make a unanimous-consent request—after having discussed it with the distinguished assistant Republican leader, the distinguished manager of the bill (Mr. SPARKMAN), the distinguished Senator from Wisconsin (Mr. PROXMIRE), the distinguished Senator from Connecticut (Mr. WEICKER), the distinguished Senator from New Mexico (Mr. MONTOYA), the distinguished senior Senator from West Virginia (Mr. RANDOLPH), and with other principal parties:

While pursuant to the order granted this morning, the majority leader or his designee could call up this measure at such time as either of them can get the floor, it is because I am specifying a particular time, Mr. President, that I ask unanimous consent that at 3:30 p.m. today the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar Order No. 267, S. 2317, a bill to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; that the debate thereon be limited to not exceed 30 minutes, the time to be equally divided between and controlled by the distinguished senior Senator from West Virginia (Mr. RANDOLPH) and the distinguished senior Senator from Kentucky (Mr. COOPER); that the time on any amendment be limited to 10 minutes to be equally divided between the mover of such amendment and the distinguished manager of the bill (Mr. RANDOLPH); that at the conclusion of all such time a vote occur on the bill; that no amendments not germane shall be received; and that rule XII be waived.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not intend to object—the distinguished majority whip referred to consultations with a number of principal parties. I had the opportunity to speak with the ranking Republican member of the Committee on Public Works, the Senator from Kentucky (Mr. COOPER), who is in favor of bringing this measure up today.

I must indicate some concern about only 10 minutes on an amendment, with 5 minutes to a side. As long as there are no amendments, I think that is a satisfactory arrangement. If there were an amendment of any particular controversy, I do not think that would be very wise.

After talking with the Senator from West Virginia and the Senator from Kentucky, does the majority whip know whether any amendments are expected?

Mr. BYRD of West Virginia. Mr. President, the distinguished assistant Republican leader raises a very pertinent question. I have discussed the matter with the distinguished senior Senator from West Virginia (Mr. RANDOLPH), the manager of the bill. He anticipates no difficult amendments. The distinguished junior Senator from New Mexico (Mr. MONTOYA), who has been very active in connection with this bill, inasmuch as he is the subcommittee chairman, anticipates no difficult or controversial amendment.

I should think that if a controversial amendment should be offered, which is not foreseen at this time, the majority and minority leadership could work it out so that some additional time can then be granted thereon.

Mr. GRIFFIN. With that understanding—and I should also like to indicate that a rollcall vote probably would be requested—I withdraw my reservation.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the so-called Appalachian Regional Development Act at any time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Chair, and I thank all Senators for their cooperation.

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

Mr. WEICKER. Mr. President, I appeared at the time of the hearings on this bill in opposition to what at the time was a Lockheed bill, and today we find ourselves presented with what is termed a generic bill, one that has wide application. There is no doubt in my mind that nothing is changed, that this is "a Lockheed bill." As we get into further debate on it, it will be very simple to ascertain just how much of a Lockheed bill it is, for it will be my intention to eliminate the October 1 date mentioned in the bill, which is specifically geared to the Lockheed Corp., or it might be possible to make the legislation effective on January 1 of 1972, and then I think we would also find out just how much of a Lockheed bill this is.

At this time, I should like to repeat some of the comments I made before the committee. Let me say this: There are those who will say that the Senator from Connecticut has within the boundaries of his State a large engine manufacturer—specifically, United Aircraft-Pratt & Whitney Division—and that his purpose in arguing against this bill is in order to get additional business for that corporation within his State. Of course, my answer to that argument is that I clearly express myself to the point that I would not support any legislation which said that this loan would be all right if it were made with American engines, because to me that is a self-serving variation of the Lockheed proposal. But what United Aircraft Corp., General Electric Corp., and every sound business corporation in the United States has to fear is the time when either a political subsidy or economic subsidy is substituted for quality. At that point, quality, for which this Nation has been known in the products it has produced, will slowly but very surely disappear.

The problem with this measure is that it does not adhere to the principles of our free enterprise system, nor is it nationalization, but it is something in between. The result that would be achieved would be something in between, something very mediocre.

In effect, this Nation is being asked to conduct business as Lockheed conducts business; and when the Nation conducts it in that fashion, we end up in the same straits in which that corporation finds itself today.

I do not think any man enjoys the role of standing on this floor in what is essentially a negative mission. However, this bill has implications, which, if allowed to take hold, will drastically alter the standards of competition and excellence upon which this Nation was built. The free enterprise system operates not only upon the achieving of success, but also, always in the background, upon the possibility of failure. Take away the possibility of failure and everything is on one level, and that level usually is one of mediocrity. Certainly, the proposal before the Senate today is not designed to further the qualities of excellence, and the proposal today does not simply underwrite Lockheed. It underwrites, in the broadest sense, national ineptitude.

In 1967, Lockheed decided to reenter the commercial aircraft market for the first time since suffering heavy losses on the Electra prop jet in the early sixties; and, unfortunately, the result was little better than the company's ventures in defense production.

I should like to repeat what I said in the colloquy with the Senator from Colorado and the Senator from Utah with respect to some of the history behind the proposed legislation.

The initial design studies of the L–1011 were begun in 1966 around a two-engine configuration having a maximum takeoff gross weight of approximately 265,000 pounds, with the principal design criteria being operational suitability from New York LaGuardia Airport to Chicago Midway. The engine thrust class was approximately 40,000 pounds, and engines under consideration were the Rolls Royce RB–178, a commercial version of the GE TF–39, and the Pratt & Whitney JT–9D. As these two-engine configuration studies continued, more emphasis began to be placed on a design range of 1,850 nautical miles, approximately Chicago to the West Coast.

In early 1967, the maximum takeoff gross weight increased to 300,000 pounds. As a result, the engine thrust requirements advanced to the 50,000-pound-thrust class, and prospective power plants under consideration at that time were the Rolls Royce RB-207 and the Pratt & Whitney JT-90 engine uprated. Then the emphasis changed to a 3-engine aircraft with transcontinental range capability, and by late 1967, the airplane gross weight had gone up to 320,000 pounds. Because of the addition of the third engine, thrust requirements had dropped to approximately 33,000 to 35,000 pounds. At this point, the engines still under consideration were the Rolls Royce RB-211 and the GE CF-6 and a new Pratt & Whitney engine designated JT18D.

Comment was made as to whether or not the change from a two-engine to a three-engine configuration—and some of the other changes which I will get into in a moment—are fair game for our inquiry here this afternoon. Anything is fair game when the taxpayers are asked to put up $250 million.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. TOWER. The taxpayers are not being asked to put up any money.

Mr. WEICKER. The taxpayers are in the position—with deference to the Senator from Texas—of guaranteeing $250 million. There is, therefore, the possibility that the taxpayers will pay $250 million.

Mr. TOWER. Adequately collateralized on a first-in, first-out basis.

Mr. WEICKER. The arrangements that the Senator from Texas talks about, insofar as Lockheed is concerned, are as of today. Yet, as each day changes in the financial picture of the corporation, I think the taxpayers have very little in the way of adequate collateral.

The fact remains that the competition for this airplane is not only the DC-10. It is the 747, a concept I do not think can be sold to the public. That this is in fact a New York to Chicago airplane, is erroneous. I dare say that with the surfeit of aircraft presently held by the airlines, present planes such as the DC-9 and the BAC 111 will be serving that function. This is a transcontinental airbus and as such will be in competition with two other aircraft, the 747 and the DC-10.

Now, Mr. President, let us get back to the history of the engine.

Payload requirements went up from the original 55,000-60,000 pound value to approximately 88,000 pounds. As a result the final 3-engine configuration purchased by TWA and Eastern in early 1968 had a gross weight of 409,000 pounds and the engine thrust requirement was back at 40,000 pounds.

The engine chosen by Lockheed, Eastern and TWA was the Rolls Royce RB-211, and the reasons given for its selection were as follows:

First. Most advanced design.

Second. Lower cost.

Third. Lightest weight, shortest length.

Fourth. Mechanically simpler: Fewer compressor and turbine stages, short rotating assemblies, no variable stators.

Fifth. Greater reliability and safety.

Sixth. Lower maintenance cost: Lower turbine inlet temperature.

Seventh. Modular construction.

Eighth. Best growth potential.

In restrospect, many of the promised advantages of the RB-211 engine have not materialized and the following comments appear to be in order:

First. Most advanced design: This was based upon the fact that the engine was a 3-spool configuration and was going to make use of composite materials in the fan blades. The composite material has been a failure and Rolls Royce has had to return to conventional titanium fan blades. The 3-spool concept still remains to be proven in actual service and it is debatable whether this represents any significant improvement over twin spool engines such as the P. & W.A. JT-9D and the G.E. CF-6.

Second. Lower cost: The production engine prices originally offered by Rolls Royce, and eventually contracted for by Lockheed and the airlines, were very attractive. The original contract price for 3 sets of complete propulsion system parts—engine, thrust reverser and other pod parts—was approximately $2.5 million, considerably lower than prices offered by U.S. manufacturers.

Information released to the press by the British Government and Lockheed in the last few weeks indicate that the price of the engines will have to be increased at least $200,000 per unit over the initial contract price, or approximately $600,000—since three engines are involved—per aircraft.

Some sources have indicated a much higher engine price increase, numbers over $1 million per aircraft having been mentioned, but we will stick with the lower figure.

Such cost increases put the RB-211 powerplants in the same price range as the G.E. CF-6 and P. & W.A. JT-9D powerplants, thus wiping out the lower cost claim. Yet, here we are this afternoon being asked to approve this kind of operation which, in effect, takes the whole bidding process and throws it out the window.

Claims are made as to how much it will cost the taxpayer if, in fact, the project fails. If we subscribe to this type of bidding process, believe you me, Mr. President, the taxpayer will pay, and not only on the L-1011 but on every other project with which the Federal Government becomes connected or involved.

Third. Lightest weight, shortest length: The weight claim was based principally on the use of a composite material for the fan blades. The necessity to revert to standard titanium material resulted in a weight increase of approximately 900 pounds with the result that the RB-211 has no weight advantage over competitive engines. The RB-211 is significantly shorter than the G.E. CF-6 engine but is approximately the same length as the P. & W. A. JT-9D.

Fourth. Mechanically simpler: Although the RB-211 does have fewer compressor and turbine stages than the other engines, its three-spool configuration does not necessarily make it mechanically simpler. On the contrary, the three concentric shafts, all rotating at different speeds, make the bearing configuration on the RB-211 more complicated than either U.S. engine.

Fifth. Greater reliability and safety: At the present time any such claim is premature. The competitive engines are much further along in their development and service experience with the P. & W.A. JT9-D already having logged approximately 1,000,000 engine-hours in commercial service and the G.E. CF-6 engine having had the advantage of over 100,000 engine-hours of military service in the C-5A airplane which is powered by the TF-39, from which the CF-6 design was derived.

Sixth, lower maintenance cost: Once again such a claim is premature and doubtful. The service experience factor mentioned above on the competitive engines gives them a distinct advantage as far as maintenance cost is concerned, particularly in the initial periods of airline service operation. Further, the announced RB-211 engine price increase undoubtedly means that overhaul and maintenance parts prices will also be increased.

Seventh, modular construction: The P. & W.A. JT9-D and the G.E. CF-6 both incorporate modular construction techniques so there is no particular advantage to the RB-211.

Eighth, best growth potential: The current L-1011-1 airplane design has a maximum take-off gross weight of 430,000 pounds and the RB-211-22 take-off thrust has already been increased to 42,000 pounds to provide acceptable airplane performance. Thus already some of the growth potential has been used up. It appears doubtful that the present engine configuration can be increased much beyond these ratings. Significantly greater take-off thrust ratings would be required for any extended range version of the L-1011 airplane such as would be necessary to make it competitive with the G.E. CF6-50 powered DC-10-30 and the P. & W.A. JT9-D powered DC-10-20. Such an airplane would require engines in the 45,000 to 50,000 pound thrust class. Pratt & Whitney Aircraft and General Electric are already proceeding with development programs for growth engines in this 45,000 to 50,000 pound thrust class and have firm production orders and delivery dates for such growth engines. Over a year ago the British Government declined to support development of the RB-207, Rolls-Royce's entry in this thrust class, and the project was abandoned.

Now, Mr. President, let us talk about development for a minute, because this bears on another difficulty this Senator has with the proposed bill or proposed undertaking.

RB-211 DEVELOPMENT

The British Government has stated that approximately $113 million has already been spent on the development of this engine. In late February or early March of 1971 the British Government said it would be willing to put up another $144 million and guarantee production availability of the engine, if Lockheed would pay any development costs beyond that point up to another $144 million. If the total additional costs exceeded $288 million then the British Government would expect Lockheed to share the costs. The British Government also said that it wanted a guarantee, from the U.S. Government, that should Lockheed collapse the British Government would get its $144 million back. At Secretary Connally's press conference on May 6, 1971 he indicated that the British Government had agreed to provide an additional total of $288 million estimated to be required to complete the development of the engine.

I still do not know, from the information I have received, whether this estimate covers the engine only to its certification status, or whether it includes development funds required to support the engine in airline service operation. But since commercial airline engine experience dictates that development expenditures must be continued at approximately the same rate after engine certification as before in order to meet satisfactory durability and maintenance cost standards, it is doubtful that any support funding is provided for in the $288 million total.

RB-211 ENGINE PRICING

The original RB-211 contract engine price was approximately $562,000, including about $27,000 worth of engine furnished accessories. The engine thrust reverser price was approximately $126,000, bringing the total to approximately $688,000. In addition Rolls also furnished the pod parts—cowlings, fairings, and so forth—with the total original contract price being approximately $830,000. In late February or early March the British Government stated that it would probably cost between $350,000 and $450,000 more per powerplant unit to produce the parts. A few weeks later the British Government estimated that for the total of 540 engines—180 airplane sets—on the original contract, they would have to increase the price at least $250,000 per engine in order to meet costs and even this may be considerably understated.

I mention this as part of the history, Mr. President, of what has been an incredible series of changes. All along, right from the outset, the attitude has been to get something for nothing.

I made the comment in the colloquy with the Senator from Wisconsin that when the bankers were all sitting in a row and they were asked whether they would support such a loan to Lockheed without Government backing, not one finger went up. Yet, when they were asked the same question, but with Government backing, 24 hands went up in the air. This was just another manifestation of getting something for nothing.

The Lockheed Corporation thought they would get something for nothing from the Rolls-Royce Corp. Well, they did not get something for nothing. The American people are being asked to pay for the something.

The airlines thought they were going to get something for nothing because of the fact that the British Government guaranteed up to 90 percent of the backing at interest rates that were 2 percent below those in the United States. They thought they were going to get something for nothing. Right now, without the assistance of the American taxpayer, they have nothing at all.

To get back to a review of the situation, as I stated, the Rolls-Royce engine seemingly had three major points in its favor. There were important technological innovations which did not come to pass. There was the cost of $200,000 less than similar American engines. That did not come to pass. There was the question of financing 90 percent of the cost over a 10-year period at interest rates that were two points below the prevailing American market rate. None of these things came to pass.

The cost is what drove Rolls-Royce into the ground.

The American manufacturers simply could not believe that Rolls was serious about its price quotation. They were so far below American estimates that it was assumed that the British Government would be picking up the tab for much of the development cost. As it turned out, that assumption was well founded. The development costs have skyrocketed. The cost is at least $200,000 over the original cost estimates, placing it within the competitive range of that of the American manufacturers.

Earlier this year, Rolls found that the only way to recoup its huge losses was bankruptcy and the consequent renegotiation of contracts and elimination of late delivery penalties.

There is argument that these overruns and technical deficiencies were the fault of Rolls-Royce alone. Some would say that the airlines and Rolls Royce were simply the victims of gross optimism. But Lockheed is simply not an amateur in the aerospace industry and their unquestioning acceptance of British salesmanship must be regarded largely as wishful thinking or, more likely, the substitute of a calculated gamble for sound business judgment.

It is this calculated gamble that the American people are now asked to back up—not a sound business judgment, but a calculated gamble.

I daresay that some of the 11,000 small businesses that went under last year were the result of honest mistakes concerning the adjustment that we had in our own economy. Yet, they went under. No one came to their assistance. But here we have a calculated gamble thrust before the American public, and the American public is asked to put its hard earned money up in back of that gamble. I find it rather extraordinary that just because the situation is so large, it becomes right.

Let us take a look at whether or not this optimism and this misreading of the economic signs has stopped because of the difficulties that Lockheed has encountered or whether it continues unabated.

A copy of the Lockheed Horizons, the company's house organ, dated January 1970, estimated that the world market for wide-bodied jets was 1,400 by 1980. That was in their own publication. They said it would be 1,400 by 1980.

When testifying before the Committee, Chairman Haughton in effect admitted that the prior figure was given in a state of euphoria when he revised the figure down to 775, or 50 percent of the estimate made less than 18 months before.

Now, we hear from the Senator from Wisconsin, that Bankers Trust estimated the market would be roughly 400 to 500.

I am sure that a change of that size reflects the financial problem facing Lockheed in costs. However, again Lockheed is not expecting to cover up its mistake or reinforce it, but rather the American public is expected to do so. That is the difference. That is the reason it becomes susceptible to criticism on the floor.

I mention these specifics only by way of background of the proposal facing us today. Despite all past failures of Lockheed, we are being told that we must help keep the company alive and that it is not really much after all. We cannot forget that this supposedly is not a Lockheed bill. But it so happens that the maximum amount provided in the bill is $250 million, which just happens to be the amount of money required by the Lockheed Corp. at this time.

It just so happens that everyone has to chance a congressional veto on a guarantee under the bill after October 1, 1971, while Lockheed would be free of this danger.

I object very much to the proposition as it has been laid before the American people. It, in effect, is a blackmail proposition based on jobs and not one based on an honest justification, adhering to the high standards of business performance. It is really after the fact and, after having gambled and after having lost, a matter of asking the American public to put forth its money to cover up incompetence.

There is no question about the fact. I admit it. There is no glossing it over. Lockheed's failure would be an economic loss.

We get back to the point made earlier that the whole basis of the free enterprise system is wrapped up in the concept not only of success as the reward for good judgment and hard work and quality product, but it also includes failure as the consequence for bad judgment and bad products.

This Nation is strong enough to absorb such losses. But what it cannot withstand for its future economic health is the acceptance of Lockheed's way of doing business. It cannot accept Lockheed's way of doing business as the national standard. That is what the American people are being asked to underwrite. That is what the bankers were asked to underwrite, but shied away from, and well they should have.

I would hope that the Senate also would reject that method as the basis for reward. Should the day come when industry feels that it can fail either managerially or productwise because Government will make up the deficit, then the Nation has conceded the failure of every enterprise and has resigned itself to the nationalization of its industries.

Government loan guarantees are by no means unprecedented. But Government guarantees of loans to stave off bankruptcy, regardless of what cloak it comes under, would clearly encourage other companies to do business like Lockheed.

Denying this guarantee, on the other hand, would provide a clear signal to the entire business community that total honesty and realism, as well as competence, are required to succeed in the American market.

I have already stated how there are those of my colleagues—not in the Senate, but elsewhere in public life—who have suggested backing the loan guarantee with the stipulation that the engine be of American manufacture. I reject any such self-serving variation of the bill. The quality manufacturers of this Nation have nothing to fear as long as excellence is the standard by which choices are made. Throw in the element of subsidy, political or economic, and the emphasis shifts from better products to shrewder politics, and that, Mr. President, is an abhorrent shift to the industrious and it is an unnecessary shift for the taxpayers.

Already by our presence in this Chamber with this piece of legislation the Senate has given credibility to the Lockheed way of doing business. I know that were this a loan guarantee before a private lender or guarantor, there would be demanded a full financial disclosure—which still has not been given to the American public—replacement of management, a majority on the board of directors and an equity position in the company. The people of the United States deserve no less.

I would hope that this body would reject the loan guarantee proposal, thus affirming that success comes as a consequence of excellence, not subsidy.

I would refer again to the opening paragraph of the committee report:

> The Committee bill would grant authority to the Federal Government to provide emergency loan guarantees to major business enterprises where the capital markets are otherwise inadequate to meet their credit needs and when failure of such enterprises would result in serious and adverse damage to the economy or employment of the Nation or a region of the Nation.

Ask the people who are being requested to back this gamble, the people of the United States, if the capital markets are inadequate and they will say they can go in and meet certain criteria and get loans. The Lockheed Corp. cannot. So it is not that the capital markets are inadequate; it is the Lockheed Corp. that is inadequate.

I would expect, even under the terms of this bill should it pass, that they could not possibly meet the criteria mentioned therein; $250 million might not sound like a great deal of money as we bounce the figures through this government of ours in Washington, but in a State that has 10.1-percent unemployment it is a great deal of money. In many towns throughout our country, and in many cities it is the entire budget.

Mr. President, I say to you that the business of the Senate, the business of our Government, is not to backtrack and sweep up the mess of Lockheed but to go to the priorities of the 1970's and 1980's, which hold the hope for this Nation, and to go with those who have proven by their ability and judgment that they can fulfill the needs of the 1970's, the 1980's, and the 1990's.

Mr. President, as we develop the debate on this issue I think it is important not to lose sight of that statement made a few minutes earlier that success in this Nation should always come as a consequence of excellence; it should never come as a consequence of subsidy—subsidy such as we are being requested to provide this afternoon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO CONVENE AT 10 A.M. ON THURSDAY AND FRIDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate convenes on tomorrow and Friday, it convene at 10 o'clock a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR RIBICOFF TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders under the standing order on tomorrow, the distinguished Senator from Connecticut (Mr. RIBICOFF) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AND APPALACHIAN REGIONAL DEVELOPMENT ACT EXTENSIONS

The PRESIDING OFFICER (Mr. BEALL). The hour of 3:30 having arrived, pursuant to previous order the Chair lays before the Senate S. 2317, which the clerk will state by title.

The legislative clerk read the bill by title, as follows:

Calendar No. 267, S. 2317, a bill to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. On this bill there is a time limit of 30 minutes, 15 minutes to be controlled by the Senator from West Virginia (Mr. RANDOLPH) and 15 minutes to be controlled by the Senator from Kentucky (Mr. COOPER). There will be a limit of 10 minutes on each amendment, to be divided between the mover of the amendment and the manager of the bill.

Who yields time?

Mr. MONTOYA. Mr. President, by designation of the chairman I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 3 minutes.

Mr. MONTOYA. Mr. President, the bill now before the Senate——

Mr. BYRD of West Virginia. Mr. President, would the Senator from New Mexico like to get the yeas and nays now?

Mr. MONTOYA. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MONTOYA. Mr. President, the bill now before the Senate is essentially titles II and III of S. 575, which earlier this month was vetoed by the President.

This bill makes no changes in provisions affecting the Appalachian regional development program as contained in S. 575.

The Committee on Public Works recommends additional amendments to the Public Works and Economic Development Act of 1965 beyond those in S. 575. These additional amendments are intended to alleviate the same problems that would have been attacked by the Public Works Acceleration Act.

One of the new provisions increased the Federal share of the cost of public works projects from 80 percent to 100 percent under certain conditions. This full funding would be available only in designated redevelopment areas in which the State or local government applying for a grant has exhausted its taxing and borrowing capacity for such purposes.

The authorization for public works grants, set at $550 million per year in S. 575, would be increased to $800 million for each of the fiscal years 1972 and 1973. At least one-fourth would be available for redevelopment areas designated under the new section 401(a)(6). This includes communities affected by an actual or threatened abrupt rise in unemployment because of actual or threatened curtailment of a major employment source. It also includes rural areas with substantial outmigration and areas with large concentrations of low-income persons or substantial unemployment.

To expedite the use of title I funds in these redevolpment areas, overall economic development programs would not be required. This provision is waived under these circumstances so as to provide immediate work for the unemployed and underemployed.

I specifically call the Senate's attention to the fact that this legislation provides continued authorization for the regional development commissions created under title V of the Public Works and Economic Development Act of 1965. Under legislation passed in 1969, each of these commissions must receive at least 10 percent of the funds appropriated for these activities. I also hope that the administration will reconsider the low level of its budget request for these commissions so that they can function more effectively. I would hope that the first supplemental appropriations request will include an increase for the title V commissions.

Mr. President, the Appalachian program and the economic development program both are now operating under temporary authority which expires on August 6. I hope the Senate will give permanent authorization to both of these activities by passing this today.

I might say that during the course of last week the Public Works Committee of the Senate, through both the Republican and Democratic membership, has been in touch with the Public Works Committee of the House and we have arrived at a consensus which would be acceptable to the leadership of both committees, and to the membership as well, of what we thought might meet with the approval of the membership of the Senate and the House. I think this bill comes very close to that objective. So I urge the Senate to pass the bill today.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield myself 2 minutes.

I wish to thank the Senator from New Mexico (Mr. MONTOYA) and the chairman of the committee, the Senator from West Virginia (Mr. RANDOLPH), for their very constructive work on this bill. Also I want to pay tribute to my colleague from Tennessee (Mr. BAKER) who, I think, brought to our discussions on this bill some very fine thinking and constructive suggestions.

The report given is correct. Title I of S. 2317, extending the Public Works and Economic Development Act, is similar to the proposal passed by the Senate earlier this year.

Title II, extending the Appalachian Regional Development Act for 4 years and the Appalachian highway program for five, is identical to title III of the conference bill on S. 575. I think that is satisfactory to all those who represent the Appalachian regional area.

In working on S. 2317, the Committee on Public Works arrived at a total increase in the bill of $500 million which was added to the public facilities grant program, title I of the Public Works and Economic Development Act. The more generous designation criteria and program requirements in the bill will permit the expenditure of part of these funds in an accelerated public works program.

I voted to sustain the President's veto. I have not decided to cosponsor this bill. I will maintain my position—open—until I know what the House will do, but I do think a substantial and constructive improvement has been made in this bill which, I think, ought to satisfy all representatives in this body. We are all interested in working toward an effective measure.

Mr. ERVIN. Mr. President, will the Senator yield me 1 minute?

Mr. COOPER. I yield 1 minute to the Senator from North Carolina.

Mr. ERVIN. As a Senator from a State which has a very deep and abiding interest in the Appalachian program, I want to express to the distinguished chairman of the Committee on Public Works, the Senator from West Virginia (Mr. RANDOLPH), to the distinguished Senator from New Mexico (Mr. MONTOYA), to the distinguished Senator from Kentucky (Mr. COOPER), and to the distinguished Senator from Tennessee (Mr. BAKER) my deep appreciation for the fine work they have done in bringing the bill to this stage at this time. I thank the Senator for yielding.

Mr. COTTON. Mr. President, will the Senator yield me 1 minute?

Mr. COOPER. I yield 1 minute to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I was going to wait until the Senator from West Virginia had the floor, but we on the Subcommittee on Health, Education, and Welfare are striving all day long, every day now, to get that bill out of committee, and I have to return to the committee where I have been confined.

I asked for this minute because I wanted particularly to express my appreciation to the distinguished Senator from West Virginia, the distinguished Senator from New Mexico, the distinguished Senator from Kentucky, and the distinguished Senator from Tennessee for including in this bill the other regional commissions that have been in existence since the original Appalachian bill. We depend greatly on ours in New England. It has worked very well.

When the bill came in vetoed, I offered the amendment, which the Senator from West Virginia and the Senator from New Mexico very kindly accepted, and I appreciate their including it now.

I come with a humble heart particularly to express my appreciation to the Senator from West Virginia, because he showed the breadth of kindness——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. Half a minute.

Mr. COOPER. Yes.

Mr. COTTON. Because, among others, I was compelled to vote to sustain the veto, and he was trying to get the bill passed over the veto. But in spite of that fact, he and his associates were too big to take it out on our sections of the country; and on behalf of my colleagues from New England—and I am sure the other regions join—I wish to express my deep appreciation and my admiration for the fairness, particularly, of the Senator from West Virginia, whom I had to oppose, in including the other regions in this bill. It is deeply appreciated.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, will the Senator yield me 2 minutes?

Mr. COOPER. I yield 2 minutes to the Senator from Tennessee, who played a great part in working out this modification, and deserves great credit for his constructive work.

Mr. BAKER. Mr. President, I am pleased that the extension of the Appalachian and economic development programs have come so expeditiously to the floor of the Senate. I think the efficiency with which this bill has been handled bespeaks the keen interest and concern of the Public Works Committee for the continuation of these fine programs.

I am confident that the same intense concern will mark the development of S. 2278, the Economic Emergency Relief Act, which I introduced last week to provide public works assistance on an emergency basis to areas of critical unemployment.

I want to especially commend Chairman JENNINGS RANDOLPH. His leadership in the development of S. 2317 has been excellent in the face of intense pressure.

These extensions of Appalachian Regional Development and the Public Works and Economic Development Acts have come a difficult and harried journey. I am impressed that the leadership of Senators RANDOLPH, COOPER, and MONTOYA have brought that journey to within sight, now, of a most satisfactory conclusion.

I hope that my colleagues will join me today in expressing support for the Appalachian and economic development programs.

At this point, I ask unanimous consent that my name and the name of the distinguished junior Senator from Maryland (Mr. BEALL) be added as cosponsors of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MONTOYA. Mr. President, I yield 5 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, S. 2317 is now before the Senate, having been introduced yesterday by me and reported from the committee unanimously, Democrats and Republicans together, bringing this measure before the Senate this afternoon.

I think we should not dwell today upon what happened to S. 575, except to say that that legislation was vetoed by the President of the United States. In his judgment, that was the proper response to the prior action of both the Senate and the House of Representatives. Even though we had a substantial majority in this body, 57 to 36, voting to override the Presidential veto, that was five votes short of the necessary number.

We understand that the President, after careful consideration of the matter, decided that in vetoing S. 575, he wanted to state his approval of titles II and III, which concern the extension of the Appalacian Regional Development Act, and the Public Works and Economic Development Act. As to Accelerated Public Works, title I, that was an appendage added in the House of Representatives and was not in the original Senate bill.

We have removed title I from the legislation which we bring to the Senate today. As presented in S. 2317, I am joined by several members of the Committee on Public Works, including all of the members who sit on this side of the aisle and several who sit on the other side of the aisle.

There is a need, as expressed by the Senator from North Carolina (Mr. ERVIN) and by other Senators who are not on the committee, but who know of the validity of this type of program, to benefit not just one region, but, as the Senator from New Hampshire (Mr. COTTON) has said, to benefit other regions as well. So we have incorporated, as the Senator from Kentucky (Mr. COOPER) has expressed it, those regions which need these programs, that they may bring to their areas of the country these valid projects, to strengthen the economy and to employ people, just as we have been doing so successfully in the Appalachian region of this country, which includes 13 States—West Virginia, and parts of 12 others.

So this afternoon, with the elimination of the accelerated public works title, we have removed the Presidential opposition to the measure. It is important to add, as I conclude, that we have increased the authorization for funding under the public works and economic development programs from the figure of $550 million to $800 million. This, we believe, within the provisions of the prior act, makes it——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONTOYA. I yield the Senator 2 additional minutes.

Mr. RANDOLPH. Makes it not an answer to those who believe in title I, the accelerated public works feature, but it does permit those projects in high unemployment areas of this country to be moved quickly into being, so that projects can be constructed and people can be employed. I think it is appropriate, this afternoon, that the able Senator from Tennessee (Mr. Baker) has indicated that as we give attention to this subject today, in no wise are we delaying the subject matter—in which he is a leader and in which other Members of the Senate are involved—which concerns those economic disaster areas of the country which need relief during these times, in which there is an unsettled economic picture.

Mr. President, I thank the chairman very much for his leadership of our Economic Development Subcommittee, for his understanding and for his helpfulness. I express my appreciation to all the members of the Public Works Committee, regardless of party, for the effort not only within our committee to move quickly, but also in an effort to come back to the Senate with those features of the measure which were not in controversy at the time of the Presidential veto.

It is my hope that on the rollcall vote this afternoon, the Senate, on both sides of the aisle, will respond to the purposes of this bill, and that it can be attended to speedily in the House and be placed upon the President's desk for his signature, which I feel will be forthcoming.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONTOYA. I yield 1 additional minute to the Senator.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. BYRD of West Virginia. I thank the distinguished manager of the bill for yielding, and I also thank the distinguished chairman of the subcommittee for the excellent and expeditious work which has been done.

I have just this question: Last spring or earlier this year, when the Senate considered and passed the Appalachian Regional Development Act so called, there was a provision in the bill which allowed for up to 90 percent Federal funding for airport safety improvement projects in Appalachia. I merely wish to ask my colleague whether or not the subcommittee and the committee have included such a provision in this bill

Mr. RANDOLPH. I say to my able colleague from West Virginia, who was most active in bringing this into being, giving attention within our committee to his thinking, that the airport safety program is the same as in the Appalachian Extension bill originally presented, and the percentage which he has mentioned particularly is, of course, kept intact.

Mr. BYRD of West Virginia. These projects would be within Appalachia?

Mr. RANDOLPH. Within Appalachia, to develop the airport facilities, to facilitate not only the development of the area through better transportation but also for the safety of the traveling public.

Mr. BYRD of West Virginia. I thank the Senator. I have commended my able colleague many times for his leadership in developing Appalachian legislation. I enthusiastically endorse his further successful efforts to continue and expand this vital program so important to West Virginia and other States.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Mr. President, will the Senator yield for the purpose of my offering an amendment?

Mr. MONTOYA. I believe that, under the unanimous consent agreement, if the Senator from Alaska offers an amendment, he is entitled to his own time.

Mr. GRAVEL. Mr. President, I seek recognition in my own right, and I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 5, strike lines 16 through 20 and insert in lieu thereof the following:

"Sec. 110. Section 512 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3191) is amended to read as follows:

" 'Sec. 512. There is hereby authorized to be appropriated not to exceed $500,000 for the two-fiscal year period ending June 30, 1973, to continue the Federal Field Committee for Development Planning in Alaska for the purpose of planning economic development programs and projects in Alaska in cooperation with the government of the State of Alaska. Nothing contained in this section shall be construed as precluding the establishment of a regional commission for Alaska.' "

Mr. GRAVEL. Mr. President, the attachés to Senator Randolph and Senator Montoya have copies of the amendment, if any Senator desires to read the language. It merely is an amendment to continue the Federal Field Committee for Development Planning in Alaska, which has been in existence in Alaska ever since the disastrous earthquake of 1964. Among other successes the committee has done yeoman service with respect to establishing a knowledge base upon which we are building the Native land claims legislation today which I hope it will be passed by Congress in this session.

This land claims bill is the second most significant piece of legislation in the history of Alaska, the first being the Statehood Act itself.

Unfortunately, today, the President, in an Executive order, abolished the Field Committee. I hope Senators will agree to the retention of this Commission until the State can qualify as a regional commission under title V or until a follow-on Natural Resources and Land-Use Planning Commission, as I have proposed, is established. It certainly would be in the best interests of the taxpayers, since we would not have to go through the startup cost again and instead could build on the existing entity.

I would like to compliment the distinguished committee and subcommittee chairmen, Senators Randolph and Montoya for their unfailing interest and support of Alaska in its search for solutions to its difficult economic problems. All the citizens of my State appreciate it.

Mr. President, I would like to submit for the Record earlier remarks I made about the Field Committee in debate on S. 575 last month.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Mr. Gravel. Mr. President, others have spoken in support of that part of the conference report on S. 575 dealing with the Appalachian Regional Development Act. I will confine my remarks to some comments on the Public Works and Economic Development Act and a statement on section 209 of the bill which treats the extension of the Federal field committee for development planning in Alaska.

Let me say first that I entirely concur in the holding action approach that we decided upon in the Public Works Committee. I participated in most of the hearings across the country and believe that we need some reasonable additional time to really prepare definitive follow-on legislation to these several programs in regional economic development.

We have learned a lot from the different mechanisms and approaches to revitalizing our lagging economic areas, and I am not one who says that experiments should go on endlessly with no calling to account. We now have over 5 years of experience behind us on the working out of the Public Works and Economic Development Act of 1965 and a similar length of time with the Alaska field committee. Indeed I think the administration has been slow in coming forward with a full and detailed evaluation of these particular programs. Still it does take time to sort out and assess what our experiences tell us and to translate this into a full-blown follow-on proposal.

What we have been trying to do under the Public Works Act is try to provide on the one hand the technical assistance and analytical input that would allow us to know what to do in rural areas that were lagging economically and suffering severe and persistant outmigration, and on the other hand make available grant and loan moneys to be used for facilities investment where lack of these can be demonstrated as a big part of the problem, despite the inevitable fund limitation for projects, I believe the real deficiency has been on the analytical and planning sides.

The Federal Field Committee for Development Planning in Alaska was happily spared the problem of projects against planning, because it was specifically created as only a planning activity with no programs to operate or grant moneys to administer. Simply put, its task was to do the analytical work on how Federal agencies—and the State agencies, too—should behave in Alaska in an investment and expenditure sense so as to best contribute to the longer-term development of the State.

Put another way, since government is such a large sector on the Alaska scene, how could it help bring Alaska into the Union economically as it had been brought in politically?

Occasionally it is proper to call for a return to fundamentals, and this is the present case when talking loosely about economic development. It is of great importance to avoid thinking and to carefully concentrate effort in those few directions that are most useful to pursue.

Recall that whether the topic is underdeveloped countries or lagging regions in advanced economies, economic development means something fairly specific. Typically, it refers to the expansion of income-producing activity within the area involved. It means growth in output and in income and employment—a stepped-up pace of economic activity and a more equitable distribution of the fruits of that activity.

Next, the distinctions must be kept in mind between economic development and social development, between economic welfare and social welfare, between economic planning and physical planning.

Economic development—as distinguished from general social development—even when rather broadly conceived, focuses on upgrading employment and income. The legislative history of economic development programs makes it clear that the Congress was viewing reduced unemployment and underemployment as a major objective of economic development in lagging regions. Closely related to the employment objectives is the objective of rising incomes.

Another misconception to guard against is that economic development is about the same thing as promoting the general welfare. Welfare is a much broader concept, and can be construed to include practically any governmental activity. Also, because of the widespread poverty in Appalachia and the somewhat loose relationship between poverty and low incomes, we often confuse the objective of economic development with the objective of fighting poverty. Antipoverty benefits can flow from economic development, but dealing with poverty per se is not the same as pursuing the developmental objective. Whereas the economics maps indicate that unemployment and, to a lesser extent, low incomes are regional problems, poverty is a good deal more than a regional problem. It is in some respects an independent problem not entirely amenable to attack through economic development alone. Some unemployed workers—certainly not all—endure poverty; but the roots of poverty go much deeper than job scarcity.

The point of all this is that we do not yet have very well in mind what we are after—what the goals are. It may be that we have been defining the task too narrowly, maybe increasing the social welfare and quality of life is what these programs should be up to in rural America's lagging regions and not just looking to the economic aspect. Moreover we are not all that sure exactly how public investment in public works projects relates to economic growth and development.

Highways for the Ozarks and dams for Idaho may do some good. But it is still pretty hard to demonstrate specifically the relationship between these and regional economic growth. Still more basically there are unresolved and frequently undiscussed questions about the assumptions on which our programs designed to help rural lagging regions are based. In our economic system, do not leading regions imply lagging regions? Is not economic activity quite naturally uneven from place to place as a result of differing factor endowments, as the economist calls them? Is it really the policy of the United States to fly in the face of market forces and redistribute economic activity? And suppose this means taking from one region and giving it to another?

What if you found that on straight economic grounds the greatest yields come from public investment in areas that are in trouble and withering? Answers to these questions would go a long way toward giving a solid rationale for whatever programs the Congress creates. I believe we can get those answers during a 2-year extension of these acts.

I see the Alaska Field Committee as another one of the organizational experiments in our search for useful mechanisms in Federal-State relations in the development field. It has functioned successfully in its duties—especially in the early years—and has been drawn on by the Congress in matters pertaining to Alaska. Field Committee inputs to the Public Works, Interior and Insular Affairs, Commerce, and even the Armed Services Committee come immediately to mind.

In the executive branch the Bureau of the Budget, Commerce, HUD, HEW, and other sister agencies have made extensive use of the Federal Field Committee and the unique interagency/intergovernmental vantage point from which it speaks. State and governments, the private sector, and the academic community have frequently tapped the field committee's expertise and avenues of assistance.

In the face of all this it is hard for me to understand why the administration through the Bureau of the Budget has been so adamant on striking down the field committee—this little operation of about $250,000 annually. If the field committee helped straighten out or provide a fresh way of looking at just one problem annually, it would surely earn its keep. It almost seems that the smaller your budget the more examination you get in the whole process.

This is not to say, of course, that the field committee should go on forever and join that long string of agencies that gather momentum of their own and never really have to undergo a rigorous searching challenge to their existence, however out-of-touch and useless they may have become.

In fact I want the legislative record to be clear in S. 575 that we have in mind substantial changes for the field committee perhaps including a different follow-on entity altogether. I, myself, introduced legislation last March which would establish a Federal-State Natural Resources and Land-Use Planning Commission for Alaska, and it may well be that this might prove the organization into which the field committee is folded. In any event it makes good sense to me that we should not lose the important base that the field committee provides. We all know that it is harder and more expensive to Government because of the startup costs to launch something from scratch than it is to build on a viable activity already in existence.

Mr. President, two of the most pressing issues confronting us today in the field of public administration are the problems of interagency coordination on the one hand and intergovernmental cooperation on the other. And while both are important, the second is more so, because it involves not money and efficiency alone but the success or failure of whole programs.

The field committee provides a mechanism for help in both these problems in Alaska and provides a model for the design of similar arrangements elsewhere. It should not be struck down, but be continued.

At this very moment probably the two biggest policy problems the Federal Government has in Alaska have to do with the oil pipeline permit and the settlement of Alaska Native claims. Interagency and intergovernmental relations are all wrapped up in both these problems to an incredible degree. The whole question of the future of State-Federal relations in Alaska will be affected for years to come by the outcome of these two major issues.

Clearly this is no time to do away with the kind of mechanisms that are working to foster smoother, more orderly, more effective Federal-State partnerships where neither is a junior partner.

I urge a vote in favor of the conference report, and I felt it would be useful to bring to the attention of my colleagues the facts surrounding one of the less well known parts of the pending legislation.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. MONTOYA. Mr. President. I have taken up this amendment with the committee, and I think the amendment is in very good order. I believe it belongs in this bill. On behalf of the committee, I should like to express my agreement to the amendment.

Mr. COOPER. I have no objection.

Mr. GRAVEL. In view of that, Mr. President, I move the adoption of the amendment.

Mr. STEVENS. Mr. President, it has been my feeling for a long time that Alaska should have a regional development commission similar to the other regional commissions existing in the south 48 States. I am pleased to support this amendment today and to have cosponsored it because I feel it is the first step toward establishing a Regional Development Commission for Alaska.

It is my understanding that the effect of this amendment would be to restore the authorization for the Alaska Federal Field Committee, which will be converted into the Alaska Regional Development Commission, assuming this bill becomes law.

It appears to me that Alaska should participate in the funds made available for all regional commissions and should not continue to have a special committee, particularly one that was created to deal with the reconstruction period after the devastating earthquake of 1964.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. Mr. President, I want to express words of commendation for the leadership furnished to us by the distinguished Senator from West Virginia, the chairman of the full committee, and the meaningful participation offered to us by the Senator from Kentucky (Mr. COOPER) and the Senator from Tennessee (Mr. BAKER).

This bill represents a good consensus on the part of the leadership on both sides of the aisle, and I hope that the President, when he receives this bill, will realize that this is the result of a bipartisan effort in the Senate as well as in the House, and that he will sign the bill when it is presented to him.

The committee has once again been provided with staff work of high quality in the preparation and consideration of this important bill. I know I speak for all members of the committee when I express my appreciation for the contributions made by M. Barry Meyer, chief counsel; Bailey Guard, minority staff director; John W. Yago, Phillip Cummings, Judy Parente, Rick Herod, and David Sandoval, professional staff members.

I have also been greatly aided by my legislative assistant, Karl Braithwaite, whose assistance in the development of this bill was invaluable.

The PRESIDING OFFICER. All time of the Senator from New Mexico has expired.

Who yields time?

Mr. RANDOLPH. Mr. President, do I correctly understand that the Senator from Kentucky (Mr. COOPER) has some time remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 7 minutes remaining.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. RANDOLPH. Mr. President, we have indicated during the debate this afternoon a substantial agreement within our committee, not as to every line but as to the purposes of this measure. Senator BAKER has so indicated by asking that the names of certain Members be added as cosponsors of the measure I introduced yesterday afternoon, S. 2317.

I ask unanimous consent that the names of the Senator from Kansas (Mr. DOLE), the Senator from Maryland (Mr. BEALL), the Senator from Ohio (Mr. SAXBE), and the Senator from Connecticut (Mr. WEICKER) be added as cosponsors of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I will vote for S. 2317, the bill extending the Appalachian Regional Development Act and the Public Works and Economic Development Act.

Earlier this year I joined with Senator RANDOLPH in introducing S. 575, a 4-year extension of the Appalachian Regional Development Act. I have worked with Senator RANDOLPH on this legislation over the years, since we jointly introduced the original Appalachian bill in 1965. His continued support of the program has been most important.

As passed by the Senate, S. 575 included a provision extending the Public Works and Economic Development Act of 1965 for 2 years at presently authorized funding levels.

The House added a new title to the Senate approved bill: Title I—the Accelerated Public Works Act.

The bill was vetoed by the President on June 29.

The President stated very clearly that his objection to the bill and the reason for his veto was the accelerated public works program—title I of the conference bill.

In his veto message to the Congress, the President indicated his support for a continuation of the Appalachian Regional Development Act and the Public Works and Economic Development Act.

I welcome the President's comments as I have supported fully the two programs extended by titles II and III of S. 575 and I believe that they should be continued. During Senate debate last Wednesday on the question of overriding the Presidential veto, I gave my assurances that I would do all I could to secure immediate extension of these two programs.

Members of the Senate Committee on Public Works have worked together since Wednesday to introduce a bill which both the majority and minority could support. I would like to particularly commend the efforts of Senator RANDOLPH, chairman of the Committee on Public Works, Senator MONTOYA and Senator BAKER of Tennessee, ranking minority member of the subcommittee.

The proposed bill now under consideration, S. 2317, is almost identical to titles II and III of the vetoed bill.

The vetoed bill totaled $5.5 billion of which $2 billion was authorized for Accelerated Public Works. The new bill totals $4 billion—$1.5 billion less than the vetoed bill but $500 million over titles II and III of the vetoed bill.

Title I of S. 2317 would extend the Public Works and Economic Development Act for 2 years, as did S. 575, and would authorize a total of $2.445 billion for the 2-year period. This figure is an increase of $500 million over the total authorized for EDA in title II of the conference bill—$1.945 billion. The entire increase represents funds added to the public facilities grant program—title I of the Public Works and Economic Development Act.

Under the conference bill $550 million per year was authorized for public facility grants, an increase of $50 million over the presently authorized funds. This bill will authorize $800 million per year for this program. This represents a total increase of $250 million per year—a total of $500 million—over the amount authorized for this grant program in the vetoed bill.

The major difference between the provisions in the conference bill and S. 2317 is the additional funds and authority provided in the public facilities grant program under EDA.

This bill proposes that at least 25 percent, but no more than 35 percent, of funds appropriated for this grant program under this enlarged authorization for existing title I of PWEDA shall be spent in areas experiencing severe unemployment and economic hardship.

These areas, eligible to receive the earmarked funds, will be designated under the new "special impact" criteria. These criteria were rewritten and expanded in the House version of S. 575, agreed to in conference and included in this bill. Under the revised language, any areas experiencing or threatened with an abrupt rise in unemployment due to the closing of the major employer in the area; areas with a high concentration of low-income people, rural areas with substantial out-migration; and areas of substantial unemployment could be designated under the "special impact" section—section 401(a)(6).

A new proposal in the bill will exempt areas designated under the revised "special impact" section from the overall economic development plan now required for Federal assistance.

Also, the bill will allow for 100 percent Federal funding of projects in these "special impact" areas when the local community has exhausted its taxing and borrowing capabilities.

All other provisions in this bill relating to the Public Works and Economic Development Act are identical to the provisions in the conference bill. These include the 2-year extension of the title V regional commissions, the public facilities and business loan program and the technical assistance program. These programs are authorized at the same levels as in the conference bill.

Title II of S. 2317, extending the Appalachian Regional Development Act for 4 years, is identical to the Appalachian provisions in the conference bill.

The total amount authorized for Appalachia in this bill is $1.541 billion—the same level in the vetoed bill. Amendments to the Appalachian Act include expanded authority under the mine restoration program to provide financial assistance for the abatement of mine drainage pollution and to allow land acquisition cost to be included in the Federal share of any project; expanded authority under the Appalachian housing program; first-dollar authority for the commission and a new program for airport safety improvements. Under this program, $40 million is authorized for a 4-year program and Federal participation may not exceed 90 percent of the project cost except for navigation aid which are eligible for 100 percent assistance.

As I stated before, I support these two programs and I support this bill. I would hope that the Senate will approve S. 2317 and that the House will approve its companion bill, H.R. 9922 without substantive amendments and the addition of new programs.

This bill is urgently needed. The present authorizing legislation for these programs lapsed on June 30 of this year. Programs under the acts are being continued under the continuing appropriations resolution, House Joint Resolution 742. The fiscal year 1972 appropriations bills for the acts are before the Congress, but no new programs can be undertaken without the authority provided in this bill.

Thirteen States are embraced by the Appalachian Regional Development Act, 1,200 areas receive assistance under the Public Works and Economic Development Act and 20 States participate in the title V regional commissions. Program assistance continued by this bill has been important in the development of these areas. The programs must not be allowed to lapse.

There are areas of the country suffering extreme economic dislocations and severe unemployment. I am deeply concerned, as is every Member of this body, that economic assistance and job opportunities be extended to these areas. We cannot see men and women out of work.

As I stated last Wednesday, my mind is open to any new proposals which may be offered to alleviate these situations.

I opposed the Accelerated Public Works Act because I believed that it would not reach effectively those areas of the country with highest unemployment and that it would not help all segments of the unemployed population—particularly the displaced older worker, the returning veteran, the young, and the semiskilled and unskilled workers. We have limited resources and I believe we can put them to better use and provide jobs.

I have indicated my support for the emergency economic assistance proposal introduced by Senator Baker on July 14. Senator Randolph, chairman of the Committee on Public Works, has indicated his support for this concept. Next week the full Committee on Public Works will take up Senator Baker's proposal as well as other similar proposals which have been introduced in the Congress.

We have members on the Public Works Committee representing States suffering the highest unemployment rates in the Nation. Senator Weicker made a very eloquent and moving speech on the problems facing his own State—Connecticut, which has the third highest rate of unemployment in the country. We are all committed, I believe, to design a better work bill—a bill designed to meet the economic needs of the unemployed where they are the most severe and meet the needs of every class of worker in the country, equitably and quickly.

I believe this can be done and legislation brought before the Senate soon on this new proposal.

Meanwhile I would urge the Senate to pass S. 2317 to assure the continuation of these two essential and established programs. The Appalachian Regional Development Act and the Public Works and Economic Development Act.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Rhode Island (Mr. Pastore) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Georgia (Mr. Gambrell), the Senator from Minnesota (Mr. Humphrey), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Rhode Island (Mr. Pastore) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

The result was announced—yeas 88, nays 2, as follows:

[No. 159 Leg.]

YEAS—88

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—2

Buckley
Roth

NOT VOTING—10

Bayh
Gambrell
Goldwater
Harris
Hart
Hartke
Humphrey
McIntyre
Mundt
Pastore

So the bill (S. 2317) was passed as follows:

S. 2317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That,

TITLE I—THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Sec. 101. This title may be cited as the "Public Works and Economic Development Act Amendments of 1971".

Sec. 102. (a) Paragraph (1) of subsection (a) of section 101 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) is amended by striking out "and" at the end of subparagraph (B), by striking out the colon at the end of subparagraph (C) and inserting in lieu thereof the following: "; and", and by adding at the end thereof the following:

"(D) In the case of a redevelopment area so designated under section 401(a)(6), the project to be undertaken will provide immediate useful work to unemployed and underemployed persons in that area."

(b) Subsection (c) of section 101 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) is amended by inserting immediately following the first sentence thereof, the following: "In the case of any State or political subdivision thereof which the Secretary determines has exhausted its effective taxing and borrowing capacity, the Secretary may reduce the non-Federal share below such per centum or may waive the non-Federal share in the case of such a grant for a project in a redevelopment area designated as such under section 401(a)(6) of this Act."

Sec. 103. Section 105 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3135) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $800,000,000 per fiscal year for the fiscal years ending June 30, 1972, and June 30, 1973. Not less than 25 per centum nor more than 35 per centum of all appropriations made for the fiscal years ending June 30, 1972, and June 30, 1973, under authority of the preceding sentence shall be expended in redevelopment areas designated as such under section 401(a)(6) of this Act."

Sec. 104. Subsection (c) of section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

Sec. 105. Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out "and June 30, 1971" and inserting in lieu thereof "June 30, 1971, June 30, 1972, and June 30, 1973".

Sec. 106. Section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161) is amended as follows:

(1) Paragraph (2) of subsection (a) is amended by striking out "40 per centum" and inserting in lieu thereof "50 per centum".

(2) Paragraph (6) of subsection (a) is amended to read as follows:

"(6) those communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) which the Secretary determines have one of the following conditions:

"(A) a large concentration of low-income persons;

"(B) rural areas having substantial outmigration;

"(C) substantial unemployment; or

"(D) an actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment.

No redevelopment area established under this paragraph shall be subject to the requirements of subparagraphs (A) and (C) of paragraph (1) of subsection (a) of section 101 of this Act. No redevelopment area established under this paragraph shall be eligible to meet the requirements of section 403(a)(1)(B) of this Act;

"(7) those areas where per capita employment has declined significantly during the next preceding ten-year period for which appropriate statistics are available."

Sec. 107. The first sentence of section 402 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162) is amended by striking out "thereof" and all that follows down through and including the period at the end of the sentence and inserting in lieu thereof the following: "of such reviews shall terminate or modify such designation whenever such an area no longer satisfies the designation requirements, of section 401, but in no event shall such a designation of an area be terminated prior to the expiration of the third year after the date such area was so designated."

Sec. 108. Subsection (g) of section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

Sec. 109. Subsection (d) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and for the two-fiscal-year period ending June 30, 1973, to be available until expended, not to exceed $305,000 000."

SEC. 110. Section 512 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3191) is amended to read as follows:

"SEC. 512. There is hereby authorized to be appropriated not to exceed $500,000 for the two-fiscal-year period ending June 30, 1973, to continue the Federal Field Committee for Development Planning in Alaska for the purpose of planning economic development programs and projects in Alaska in cooperation with the government of the State of Alaska. Nothing contained in this section shall be construed as precluding the establishment of a regional commission for Alaska."

SEC. 111. Section 2 of the Act of July 6, 1970 (Public Law 91-304), is amended by striking out "1971" and inserting in lieu thereof "1972".

SEC. 112. No person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works and Economic Development Act of 1965.

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

SEC. 201. This title may be cited as the "Appalachian Regional Development Act Amendments of 1971".

SEC. 202. The second sentence of subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows: "To carry out this section there is hereby authorized to be appropriated to the Commission, to be available until expended, not to exceed $2,700,000 for the two-fiscal-year period ending June 30, 1973 (of such amount not to exceed $525,000 shall be available for expenses of the Federal Cochairman, his alternate, and his staff), and not to exceed $3,300,000 for the two-fiscal-year period ending June 30, 1975 (of such amount not to exceed $575,000 shall be available for expenses of the Federal Cochairman, his alternate, and his staff).".

SEC. 203. Paragraph (7) of section 106 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106) is amended by striking out "1971" and inserting in lieu thereof "1975".

SEC. 204. Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows:

"(g) To carry out this section, there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; $180,000,000 for the fiscal year ending June 30, 1973; $180,000,000 for the fiscal year ending June 30, 1974; $185,000,000 for the fiscal year ending June 30, 1975; $185,000,000 for the fiscal year ending June 30, 1976; $185,000,000 for the fiscal year ending June 30, 1977; and $180,000,000 for the fiscal year ending June 30, 1978."

SEC. 205. There is inserted after section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) a new section as follows:

"APPALACHIAN AIRPORT SAFETY IMPROVEMENTS

"SEC. 208. (a) In order to provide a system of airports in the Appalachian region which can accommodate a greater number of passengers in safety and thereby increase commerce and communication in areas with developmental potential, the Secretary of Transportation (hereafter in this section referred to as the 'Secretary') is authorized to make grants to existing airports for the purpose of enhancing the safety of aviation and airport operations.

"(b) Such airport safety improvement projects may include (A) approach clearance, the removal, lowering, relocation, and marking and lighting of airport hazards, navigation aids, site preparation for navigation aids, and the acquisition of adequate safety equipment (including fire-fighting and rescue equipment), and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace which is necessary for such projects or to remove or mitigate or prevent or limit the establishment of, airport hazards.

"(c) Grants under this section shall be made solely from funds specifically made available to the President for the purpose of carrying out this Act in accordance with the provisions of this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

"(d) Except as context otherwise indicates, words and phrases used in this section shall have the same meaning as in the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958, as amended.

"(e) Federal assistance to any project under this section shall not exceed 90 per centum of the costs of the project, except for assistance for navigation aids which may be 100 per centum.

"(f) The Secretary is authorized to incur obligations to make grants for airport safety improvement projects, in a total amount not to exceed $40,000,000 during the period ending June 30, 1975. There are authorized to be appropriated to the President such sums as may be required for liquidation of the obligations incurred under this section."

SEC. 206. (a) The third sentence of subsection (c) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202) is amended by striking out "health services" and inserting in lieu thereof the following: "health and child development services, including title IV, parts A and B, of the Social Security Act. Notwithstanding any provision of the Social Security Act requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement".

(b) Subsection (d) of such section is amended by adding at the end the following: "The Federal contributions to such expenses of planning may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by this subsection."

SEC. 207. (a) The first sentence of subsection (a)(1) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by inserting before the period at the end: "; and to control or abate mine drainage pollution".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs carried out under subsection (a) of this section and conducted on lands other than federally owned lands shall not exceed 75 per centum of the total cost thereof. For the purposes of this section, such project costs may include the reasonable value (including donations) of planning, engineering, real property acquisition (limited to the reasonable value of the real property in its unreclaimed state and costs incidental to its acquisition, as determined by the Commission), and such other materials and services as may be required for such project."

SEC. 208. (a) The catchline for section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) is amended to read: "ASSISTANCE FOR PLANNING AND OTHER PRELIMINARY EXPENSES OF PROPOSED LOW- AND MODERATE-INCOME HOUSING PROJECTS".

(b) Subsections (a), (b), and (c) of such section are amended to read as follows:

"(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, to nonprofit, limited dividend, or corporative organizations, or public bodies, for planning and obtaining federally insured mortgage financing for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under section 221, 235, or 236 of the National Housing Act, in any area of the Appalachian region determined by the Commission.

"(b) No loan under subsection (a) of this section shall exceed 80 per centum of the cost of planning and obtaining financing for a project, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts. Such loans shall be made without interest, except than any loan made to an organization established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for such project. The Secretary shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of such a loan, if he determines that a permanent loan to finance such project cannot be obtained in an amount adequate for repayment of such loan under this section.

"(c)(1) Except as provided in paragraph (2) of this subsection, no grant under this section shall exceed 80 per centum of those expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of any permanent loan made to finance such project, and no such grant shall be made to an organization established for profit.

"(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit organizations and public bodies for reasonable site development costs and necessary offsite improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for asistance under this section, except that no such grant shall exceed 10 per centum of the cost of such project."

(c) Subsection (e) of such section is amended by striking out "The Secretary is further authorized to" and inserting in lieu thereof "The Secretary or the Commission may".

SEC. 209. (a) The catchline for section 211 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 211) is amended by adding at the end "AND VOCATIONAL AND TECHNICAL EDUCATION DEMONSTRATION PROJECTS".

(b) The first sentence of subsection (a) of such section is amended by inserting "and operation" after "equipment".

(c) Subsection (b) of such section is amended to read as follows:

"(b) (1) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of the Department of Health, Education, and Welfare is authorized to make grants for planning, construction, equipping and operating vocational and technical educational projects which will serve to demonstrate areawide educational planning, services, and programs. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this Act and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

"(2) No grant for the construction or equipment of any component of a vocational and technical education demonstration project shall exceed 80 per centum of its costs.

"(3) Grants under this section for operation of components of vocational and technical education demonstration projects, whether or not constructed by funds authorized by this Act, may be made for up to 100 per centum of the costs thereof for the two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of vocational and technical education demonstration projects shall be made after five years following the commencement of the initial grant for operation of the project. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), an education-related facility constructed under title I of that Act may be a component of a vocational and technical education demonstration project eligible for operating grant assistance under this section.

"(4) No grant for expenses of planning necessary for the development and operation of a vocational and technical education demonstration project shall exceed 75 per centum of such expenses.

"(5) No grant for planning, construction, operation, or equipment of a vocational and technical education demonstration project shall be made unless the facility is publicly owned.

"(6) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection."

SEC. 210. (a) Section 214(a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended to read as follows:

"(a) In order to enable the people, States, and local communities of the region, including local development districts, to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region, the President is authorized to provide funds to the Federal Cochairman to be used for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the purpose of increasing the Federal contribution to projects under such programs, as hereafter defined, above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid program is proposed to be made under this subsection, no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets the applicable requirements of such Federal grant-in-aid Act and could be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region, will not be diminished in order to substitute funds authorized by this subsection. Funds provided pursuant to this Act shall be available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other Act. Any findings, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant-in-aid program shall be accepted by the Federal Cochairman with respect to a supplemental grant for any project under such program."

(b) The first sentence of subsection (c) of such section is amended by striking out "December 31, 1970" and inserting in lieu thereof "December 31, 1974".

SEC. 211. Subsection (a)(2) of section 302 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended to read as follows:

"(2) to make grants to the Commission for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to such activities, which will further the purposes of this Act. Grant funds may be provided entirely from appropriations to carry out this section or in combination with funds available under other Federal or Federal grant-in-aid programs or from any other source. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share, as the Commission determines appropriate."

SEC. 212. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended to read as follows:

"SEC. 401. In addition to the appropriations authorized in section 105 for administrative expenses, in section 201 for the Appalachian Development Highway System and Local Access Roads, and in section 208 for Appalachian Airport Safety Improvements, there is hereby authorized to be appropriated to the President, to be available until expended, to carry out this Act, $268,500,000 for the two-fiscal-year period ending June 30, 1971; $282,000,000 for the two-fiscal-year period ending June 30, 1973; and $294,000,000 for the two-fiscal-year period ending June 30, 1975."

SEC. 213. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by striking "1971" and inserting in lieu thereof "1975".

SEC. 214. No person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Appalachian Regional Development Act of 1965.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MONTOYA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the names of the following Senators may be added as cosponsors of the bill just passed, S. 2317: Senators WEICKER, BYRD of West Virginia, COOK, and SPARKMAN.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

EMERGENCY LOAN GUARANTEE ACT

The Senate resumed the consideration of the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

The PRESIDING OFFICER. (Mr. BEALL). The pending question is the motion to recommit S. 2308 with instructions to hold further hearings and to report back by Thursday, July 29, 1971.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized. The Senate will be in order. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from Utah, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. PROXMIRE. Mr. President, reserving the right to object, may I ask the Senator from Texas how long he intends to keep the floor.

Mr. TOWER. Not very long at all.

Mr. PROXMIRE. How long is "not very long at all"?

Mr. TOWER. I would say 5 or 10 minutes, and maybe a little longer.

Mr. PROXMIRE. Mr. President, unfortunately, I think I know what the Senator from Texas has in mind. For that reason, with great apologies to my good friend, the Senator from Utah, who I am sure will have ample time to speak, I object.

Mr. TOWER. Mr. President, I apologize to my friend, the Senator from Utah, but I am not the one who raised the objection.

Mr. SPARKMAN. Mr. President, will the Senator yield to me for a question?

Mr. TOWER. I yield to the Senator from Alabama for a question.

Mr. SPARKMAN. I do not believe the Senator bound himself to any specific time limit, did he?

Mr. TOWER. No, I did not.

Mr. SPARKMAN. Will the Senator speak any longer than the Senator from Wisconsin did?

Mr. TOWER. I will not speak nearly as long as the Senator from Wisconsin. I was not aware that there are that many words in the English language.

Mr. SPARKMAN. I certainly hope the Senator from Texas during the time he has the floor will yield to some of the rest of us who would like to comment on this matter. After all, the only speech so far has been the speech of the Senator from Wisconsin.

Mr. TOWER. I would observe there was considerable colloquy between the Senator from Wisconsin and other Senators.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. TOWER. I would also observe the Senator during the course of being yielded to made a very lengthy speech and no objection was raised by either the majority manager of the bill or the minority manager of the bill.

I would hope that having had most of the day on this measure the opponents would allow the proponents just a few minutes.

Mr. SPARKMAN. I fully agree with the Senator. I suggest that I hope we may have some colloquies. I am very eager to get in some questions and also some thoughts of my own regarding some of the statements made here today that are not sustained by the evidence. I believe the Senator from Texas will bear me out.

Mr. TOWER. Yes, I will certainly bear out the Senator from Alabama in that statement. There were a number of statements made here today that I think require considerable clarification.

I know that the distinguished Senator from Wisconsin said many things that were true but perhaps omitted some things that were true as well, which always can clarify the earlier truth.

Mr. SPARKMAN. And, of course, many of the things he suggested were his personal views.

Mr. TOWER. Yes, and I think the clarification that has to be made is that these were the personal views of the Senator from Wisconsin.

Mr. SPARKMAN. Sometimes is it not true that a person's views may be influenced by his personal feelings?

Mr. TOWER. I would say to a large extent. I have found that to be true in my 45 years of life. That is generally the case.

Mr. SPARKMAN. I thank the distinguished Senator from Texas and I shall listen to him with a great deal of interest.

Mr. TOWER. I am grateful to the Senator from Alabama.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from West Virginia without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia is recognized.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am authorized by the distinguished majority leader to propound the following unanimous-consent request—after having discussed it with the distinguished ranking minority member of the Appropriations Subcommittee of the Department of Transportation (Mr. Case), with the distinguished senior Senator from Colorado (Mr. Allott), with the distinguished assistant Republican leader, and with other principal parties—the request being necessary because I am going to ask to proceed to the consideration of this bill at a particular time—not at a specific time by the clock tomorrow but at a specific point in the day's program. Pursuant to the order entered earlier today, of course, the majority leader, under that order, could proceed to the consideration of the bill tomorrow at any time he gets the floor.

Mr. President, I ask unanimous consent that tomorrow, immediately following the conclusion of the routine morning business, the Senate proceed to the consideration of Calendar Order No. 265, H.R. 9667, an act making appropriations for the Department of Transportation and related agencies; that debate on the bill be limited to 1 hour, the time to be equally divided between the distinguished ranking minority member of the subcommittee, the Senator from New Jersey (Mr. Case), and the junior Senator from West Virginia, the chairman of the subcommittee (Mr. Byrd); that time on any amendment be limited to 10 minutes, the time to be equally divided between the mover of such amendment and the manager of the bill, Mr. Byrd of West Virginia; that no amendment not germane shall be received; that Senators in control of the time on the bill may yield time therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table; that a vote on the passage of the bill occur at the conclusion of such time; that rule XII be waived; and that upon the disposition of H.R. 9667, the unfinished business, which is presently the pending business, be laid before the Senate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the Senator from New York.

Mr. JAVITS. Will the Senator provide for amendments to amendments, similarly?

Mr. BYRD of West Virginia. That is included.

Mr. JAVITS. The Senator said amendments, and amendments to amendments are not included unless so specified.

Mr. BYRD of West Virginia. Yes, they are—as the request was worded—time on any amendment. I thank the able Senator.

Mr. TOWER. Mr. President, reserving the right to object, and I do not intend to object, I would like to ask the Senator from West Virginia how many amendments we may expect, so that those of us who are concerned with this loan guarantee legislation will have some idea how long they will take.

Mr. BYRD of West Virginia. I know of no amendment that will be offered.

I will be glad to yield to the very distinguished ranking minority Member, the Senator from New Jersey (Mr. Case), to inquire of him and of the very distinguished Senator from Colorado (Mr. Allott), as to whether they know of any amendments which will be offered.

Mr. CASE. We know of no amendment.

Mr. TOWER. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Senator for yielding.

Mr. President, will the Senator yield for one additional unanimous consent request?

Mr. TOWER. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays at any time on the Department of Transportation appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the final passage of the Department of Transportation appropriation bill tomorrow.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. I thank the Senator for yielding.

The unanimous consent agreement is as follows:

Ordered, That, effective on Thursday, July 22, 1971, following the morning business the Senate will proceed to the consideration of H.R. 9667, the Transportation Appropriations Act, with debate on any amendment (except committee amendments on which time from the bill may be yielded), be limited to 10 minutes, to be equally divided and controlled by the mover of any such amendment and the Senator from West Virginia (Mr. Byrd).

Ordered further, That, on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from West Virginia (Mr. Byrd) and the Senator from New Jersey (Mr. Case): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal, except a motion to table. *Provided*, That no amendment not germane shall be received.

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

Mr. TOWER. Mr. President, there is before the Senate a motion to recommit S. 2308 to the committee. I know of no issue that has been gone into more thoroughly, or few issues that have been going into more thoroughly, in committee than S. 2308. We have had weeks of committee hearings. We have had reams of testimony. We have had considerable discussion in the executive markup.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. BENNETT. Does the Senator remember how many weeks of testimony we had?

Mr. TOWER. Well, I believe we started taking testimony around the first of June and finally reported the bill to the Senate just this week.

Mr. BENNETT. Does the Senator agree that we had at least 3 weeks of testimony?

Mr. TOWER. We had at least 3 weeks of testimony.

Mr. BENNETT. Does the Senator know how many pages of hearings have been piled up?

Mr. TOWER. I cannot say the precise number, but I indicate with my hands how large.

Mr. BENNETT. Would the Senator agree that it is much more than 1,200 pages, nearly 1,300 pages of testimony?

Mr. TOWER. I would agree that it is at least that; probably in that neighborhood.

Mr. BENNETT. Does the Senator see any reason why we should go back and plow this ground again, after all that time and all that testimony?

Mr. TOWER. I certainly do not see any reason why we should go back and plow this ground again, because I think everything has been said many times, the same arguments have been made many times over, and I hear the same arguments being made repeatedly on the Senate floor. Today I have already heard these arguments repeated time and again. I do not know what enlightenment we could get by recommitting this bill to the committee.

Mr. PROXMIRE. Mr. President, if the Senator wants to know, will he yield to me for a question?

Mr. TOWER. I yield for a question.

Mr. PROXMIRE. Is it not true that in the committee report the Senator from Texas himself observed:

> It seems to me this committee will have to concentrate on the Lockheed question and solve it first before getting into the larger permanent program concept, since it could take a great deal more testimony and planning to permanently set up a program than we have time to do before we go out of session in August.

That was referring to the Lockheed bill, almost all of the hearings were concerned with the Lockheed guarantee not other concerns. We have had virtually no hearings on the generic bill that is before us. We have had hearings on the $250 million guarantee, but little on the $2 billion. We had almost none on the Reconstruction Finance Corporation aspects.

Mr. TOWER. The broader matter that I was referring to was the National Development Bank. We do not have a National Development Bank in this bill. As a matter of fact, this bill does not create any new agency. It expands on the very mechanism we had intended to use for the bill that was configured specifically for Lockheed. We provide a broader bill and a broader authority, because we recognized we have had a Lockheed crisis in the recent past and that is going to occur again, and also because many Senators expressed interest in broadening the bill from the mechanisms which were embodied originally. They were perfected and refined by some amendments. We proceeded to the consideration of the broader bill and had hearings on it. We had substantial hearings on the generic bill. Then, too, as the Lockheed hearing developed, quite a number of people made reference to broadening the authority. As a matter of fact, we had witnesses who testified specifically on a broader bill at the time when we were considering the bill configured primarily for Lockheed. Therefore, I think we have had adequate testimony and adequate discussion.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TOWER. I yield for a question.

Mr. SPARKMAN. Is it not true that in calling the hearings we definitely listed every bill pending before our committee at that time dealing with any phase of this subject, and that I repeatedly referred to the fact that S. 580, which I had introduced way back at the beginning of the year, before we ever heard of the Lockheed situation, was one of the bills being considered, and that it was a broader bill than the one which was referred to the committee, based largely on the recommendation of Dr. Burns, Chairman of the Federal Reserve Board?

Mr. TOWER. The Senator is correct. I recall that at the beginning of every day's testimony the distinguished chairman of the committee mentioned the bills that were under consideration and specified that the testimony would be general. I believe we got substantially general testimony. As a matter of fact, the bill of the Senator from Wisconsin on this matter was also one of those measures that was under consideration at the time and was one of those listed by the chairman.

Mr. SPARKMAN. Mr. President, will the Senator yield briefly?

Mr. TOWER. I yield.

Mr. SPARKMAN. The Senator, a little while ago, attempted to yield to the Senator from Utah without yielding his right to the floor. Of course the Senator understands, does he not, that the motion to recommit is subject to full debate and the Senator from Utah can get the floor in his own right?

Mr. TOWER. I understand that, and certainly, at the appropriate moment, I am hopeful the Senator from Utah, who is one of the most able debaters in this body and who has contributed so much——

Mr. SPARKMAN. And is a veteran member of the committee.

Mr. TOWER. And is a veteran member of the committee. As a matter of fact, were it not that a number of Republicans so willed it, he would still be ranking Republican member of the committee.

Mr. SPARKMAN. Instead of a younger member of the committee.

Mr. TOWER. And I am a younger member of the committee.

Mr. PROXMIRE. Mr. President, if the Senator will yield, is it not true that the Senator from Utah will be able to speak under those circumstances only if the Senator from Texas yields the floor before he makes a tabling motion? Is it not true that the Senator from Texas got the floor so he could make a motion to table the motion of the Senator from Wisconsin? Is it not true that before Senators can weigh the question as to whether or not this is general legislation on which we ought to have hearings, they ought to have an opportunity to read the hearings, copies of which we do not have?

There is a galley proof over there near the Senator from Utah (Mr. BENNETT), but copies are not on the desks of Senators.

It is my contention that the hearings had nothing to do with the generic bill. I submit that before Senators are in a position to know whether to table my motion, they ought to have an opportunity at least to glance through the hearings. I can get them, but I ask the Senator to get 100 copies of them so all Senators can have them.

My point is, how can Senators fairly vote on the motion to table the motion of the Senator from Wisconsin before they can review the hearings and find out whether or not generic hearings were held?

Mr. TOWER. I might point out that even if a motion to recommit were tabled, I believe it would be in order, even at some future time, to make the same motion.

I would like to ask the Chair for a ruling on that.

The PRESIDING OFFICER. That motion could be made at a later time.

Mr. TOWER. That motion could be made at a later time.

Because of the mountain of testimony, it was very difficult for our gallant printer to get the hearings all assembled and bound, but it is my understanding that the Senator from Wisconsin and some of his associates, the Senator from Connecticut and perhaps the Senator from Ohio—associates on this particular matter, let me hasten to say—want to carry on some extended debate on this matter. I am certain the hearings will be bound and every Senator will have adequate time to read them by the time we get this matter to a vote on the substantive issue.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. SPARKMAN. I regret very much that the regularly bound volumes are not available, but we were advised by the Printing Office that, whereas the printing has been done, they had not completed the binding in time to get the volumes to us today.

Unfortunately, the Senator knows—I know I did not; I presume it is true of the Senator from Texas—that we did not expect the bill to come up today, but I am assured that the printed volumes will be on our desks tomorrow; and if any Senator wants to look at the hearings, we have a few copies at our desks.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point? Is it not true——

Mr. TOWER. Mr. President, I yield to the Senator from Ohio first for a question.

Mr. TAFT. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. TOWER. If that is in order, I yield for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator may yield for that purpose.

Mr. TAFT. Mr. President, I would address this inquiry to the Chair: If a motion to table were made and if the motion to table prevailed, would a motion to refer the bill back to the Committee on Banking, Housing and Urban Affairs then be in order?

The PRESIDING OFFICER. If the motion to be made were different from the pending motion. The pending motion has instructions. A subsequent motion could be made with different instructions.

Mr. TAFT. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. In other words, if the instructions on a subsequent motion were different from the instructions on the present motion, such a motion would be in order?

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. Mr. President, will the Senator yield to me for a parliamentary inquiry?

Mr. TOWER. I yield to the Senator from Utah, for a parliamentary inquiry without relinquishing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. If such subsequent motion were made, could it also be tabled?

The PRESIDING OFFICER. It could also be tabled.

Mr. TOWER. I yield, as I indicated I would, to the Senator from Wisconsin for a question, without relinquishing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I ask if the Senator will yield so that I may address a question to the Senator from Alabama.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from Wisconsin for the purpose of asking a question of the Senator from Alabama, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I ask the Senator from Alabama (Mr. SPARKMAN), who is a very fair man, would not the Senator consider, in all fairness to another Senator, that when he makes a motion to refer a matter back to the committee, before the Senate is asked to vote on that motion, we ought to have the hearings before us, so that Senators can judge for themselves whether the hearings were adequate, and not simply have galleys available to a few Senators?

Mr. SPARKMAN. We now have about 20 paper-bound volumes, and for any Senator who wants one, we shall be very glad to pass one around.

Mr. PROXMIRE. Would it not be fair to have the record available to all Senators? Could we not wait 1 day before we act on this motion?

Mr. SPARKMAN. Yes, but the Senator from Wisconsin is asking that this motion be acted on now.

Mr. PROXMIRE. Oh, no, I am perfectly willing to have a vote on it tomorrow or any time. I am not making the notion to table which would cut off debate right now and require a vote now. The Senator from Texas is doing that.

Mr. SPARKMAN. Well, let us proceed. Let us get in a little time on this thing. I have called attention to the fact that this motion is fully debatable, and I hope that before any motion is made to table, we may have an oportunity to speak on it at some length, because there are some things I want to say, and I believe I can correct a part of the record that has been made today with just one side carrying on the debate.

I made the preliminary statement, and took probably 15 minutes. The Senator from Texas made a brief statement, I do not remember how much time, probably 10 or 15 minutes——

Mr. TOWER. About 10 minutes.

Mr. SPARKMAN. And that is all we have had. All of the rest of the day we have heard one side, and one side whose minds were made up, and they have presented the case according to the way their minds were made up.

I do not mean to say anything critical of any of those who have spoken, but I do say that there are things in this record that ought to be brought out that have not yet been brought out.

I certainly hope that we will avail ourselves of the opportunity of making those things known to this body. I am certainly in favor of the Senator from Texas proceeding. I certainly hope that our distinguished and able friend from Utah will go on and present his argument, and I know I want to say some things.

Mr. TOWER. Mr. President, the Senator from Wisconsin suggested that I was going to make a motion to table. I have not determined, myself, that I should make a motion to table. There could be, however, a motion to table, in which case I believe we would probably ask for the yeas and nays.

Therefore, I think it is only fair that I should mention this to the assembled Senators now, so they can expect that there very well might be—I think no final determination has been made on that at the moment, but there might very well be such a motion.

I yield to the Senator from Utah for a question.

Mr. BENNETT. Mr. President, will the Senator from Texas yield to me for a unanimous-consent request?

Mr. TOWER. If it is in order that I may do that without losing my right to the floor.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator from Texas (Mr. TOWER) be permitted to yield to the chairman of the committee for at least 20 minutes, in order that he may make the statements that he indicates he feels should be made, without the Senator from Texas losing his right to the floor.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I do not intend to object if the Senator will place a limitation on the time. I understood that he said "at least 20 minutes." That could mean an hour, or 2 or 3 hours.

Mr. BENNETT. I am sorry. Not more than 20 minutes.

Mr. SPARKMAN. Mr. President, may I say this: I do not ask that he yield that time. I can claim the floor in my own right, certainly, with no time limitation.

Mr. BENNETT. The Senator from Utah, for the first time in his experience in the Senate having had that courtesy of unanimous consent rejected, was interested to find out whether the Senator from Wisconsin would reject a similar request on behalf of his committee chairman. I renew the request.

Mr. PROXMIRE. Mr. President, if the Senator will permit——

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from Wisconsin for a colloquy from the Senator from Utah, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. As I said, and perhaps did not say with sufficient emphasis, I certainly did not mean anything against the Senator from Utah. He has been a very fair man; he is a good friend.

All I was trying to do was protect our position, so the Senator from Texas would not farm out time for those who would speak in favor of his motion to table, and then cut off debate, which he could do, which would be within his rights, before we had an opportunity to reply while Senators are on the floor. We spoke at some length earlier to an empty Chamber. Now there are a number of Senators present. I was just attempting to protect myself, so that if the Senator from Texas should farm out the time for those who would speak in favor of his motion, and then move to cut off debate on the motion to table, I was just trying to protect against that eventuality.

Mr. BENNETT. Mr. President, it seems to me that the Senator from Wisconsin, with the help of one of his friends, has had about 5 hours of time. I do not know why he is afraid to let the opposition voice be heard, even for a limited period.

Mr. PROXMIRE. That is fine; I have no objection to that. The Senator asks unanimous consent to yield to the Senator from Alabama for 20 minutes. I think that would be all right provided that we had time also, 10 or 15 minutes to reply, and the same would apply to the Senator from Utah. I would have no objection to that, provided the Senator could assure us we would have an opportunity to speak, at least briefly.

Mr. BENNETT. In other words, the Senator has had all the advantage up to now, and from now on he wants the time divided equally.

Mr. PROXMIRE. Oh, no. For the information of the Senator from Utah, may I say the first hour was taken up by the proponents. After that time, when there were very few Senators on the floor, the opponents stepped in and spoke for quite a while.

Now that the Senate is well populated, the Senator from Utah and the Senator from Texas very wisely want to put their arguments in and immediately have a vote on tabling. I am trying to protect us against that eventuality to the extent that I can.

Mr. BENNETT. Of course, the Senator from Wisconsin realizes that we can hold the floor. Without the opportunity to make a cohesive argument, we can make it piecemeal, and he is forcing us to do that.

Mr. TOWER. Mr. President, I subscribe to what has been said about the length and the continuity of the hearings, and the consideration that has been given to the basis of this bill. I think it would be the sheerest kind of redundancy to recommit it to the committee. There is nothing new that could be said. There is no new light that could be thrown on the matter. I doubt seriously if the votes of any of the members of the full committee would be changed in the process.

Therefore, I think we should move on to the consideration of this matter. Of course, the Senator from Wisconsin knows, as does the Senator from Texas—as do we all—that in the case of one particular potential beneficiary of this measure, which shall remain unnamed, the sands of time are running out, and therefore some decision should be made soon, or it will mean that millions and millions of dollars are going to be lost. It will mean that subcontractors will have to close their doors. It will mean a loss in considerable amount in tax revenues, as attested to by the Secretary of the Treasury.

Most importantly, it will mean the loss of thousands of jobs. There are a lot of people who are sitting on tenterhooks tonight, waiting for the Senate to act, waiting to find out what we are going to do—people employed in the aerospace industry, an industry that now has an unemployment glut. In the aerospace industry today, there are thousands and thousands of unemployed. To say that one aircraft company would automatically absorb all of the people put out of work by our failing to pass this measure and allow one of the big aerospace manufacturers to become its beneficiary, and then contend that another aircraft company would absorb those people, was characterized by the president of the local chapter of the International Association of Machinists in Burbank. I cannot remember the number of that local now. He said that this contention was a cruel hoax, and it is indeed a cruel hoax. People out there are waiting tonight to find out what we are going to do, to know whether or not a month or 2 months from now they are going to have a job.

The average waiting period for an aerospace worker who has been laid off in California—and the distinguished Senator from California can correct me if I am wrong in this—is approximately 6 months. People talk in terms of losing just one or two paychecks, but I believe the statistics show that the average person laid off can expect not to be reemployed for a period of 6 months.

Not only do we have losses in corporate revenues, not only do we have losses in millions of dollars spent in materiel that will have to be junked, not only do we have millions of dollars in loss of tax revenues, not only do we have losses in jobs, but also, look at all the unemployment compensation that will have to be paid to all these people.

So what we do is extremely critical. Approximately 60,000 people conceivably stand to lose their jobs if we fail to act and to act with some expedition.

I should like to read something in tonight's Washington Star. This is an advertisement that was sponsored and paid for by members of the International Association of Machinists and Aerospace Workers, members of the Engineers and Scientists Guild, and thousands of other Lockheed employees. It reads:

> The debate over whether Congress will guarantee a $250 million bank loan to save Lockheed's L–1011 Tri-Star Airliner Program—and thus save Lockheed itself from bankruptcy—has become a public issue. There is nothing wrong with that. But we who are directly and indirectly involved with the program are disturbed by some of the rather strange things being said by its opponents. We find equally disturbing some of the things that are not being said.
>
> Obviously we have a deep personal interest in this. Our jobs and the well-being of our families are at stake. Still we don't feel any need to distort or mislead. We've bought this space simply to point out a few things.
>
> First, the issue is not a Government loan. It's a loan guarantee.

Of course, this is the point that has been made repeatedly, but, unfortunately, the opponents of the measure keep saying that the taxpayers' dollars are going to be shelled out, or at least they are implying as much.

This is a loan guarantee of $250 million that is adequately collateralized, with the Government having a priority on the assets and resources of the company, with the provision made that the Government guaranteed money will be last in and first out. It is just about the safest, soundest deal one can make, and not one penny of the taxpayers' money is really at stake.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. TOWER. I yield for a question.

Mr. CRANSTON. Is it not true that considerable testimony was given before our committee to the effect that, as against the $250 million that would be slightly risked if a loan guarantee was made, there would be the certain loss, almost surely, in excess of $500 million in tax revenues, in renegotiated contracts, in workmen's compensation paid out, and in other expenses cost to the Government, if Lockheed went bankrupt?

Mr. TOWER. The Senator is correct, and I believe his figures are ballpark figures. This is precisely what would happen.

One thing many people do not understand is that everything that already has been manufactured for use in the Tri-Star cannot be used—or, at least, most of the things cannot be used—because they are designed specifically for the Tri-Star. They cannot be used for anything else, and approximately a billion dollars of engineering and materiel would be worth no more than the scrap value.

Mr. CRANSTON. Speaking of the time it takes unemployed aerospace workers to get employment when they find themselves unemployed, the 6-month figure apparently is now being expanded in California to 7, 8, and 9 months. Many people have been unemployed more than a year.

Here we are talking about human beings who cannot be used in some other way, let alone the parts of airplanes that cannot be used. Here are human beings, not these unwilling to work, but who have spent years of their lives and thousands of their own dollars educating themselves, preparing themselves to serve their families and to take care of them, to take care of their country's needs; and now they are thrown into the scrap heap, with no opportunity to work. It is the new kind of highly skilled, highly talented unemployed that Senator JACKSON and Senator MAGNUSON spoke about this morning in introducing another bill seeking to deal with this problem in a broader sense.

Mr. TOWER. Will the Senator repeat his last question?

Mr. CRANSTON. The point is that we are talking not only about unused parts of airplanes, which cannot be used in any other way if Lockheed goes bankrupt. We are also talking about human beings who have great talents best suited to this particular use, to work in this particular way in aerospace, and they are going to be thrown into the scrap heap, where there is no opportunity for them to work, if this bill is not passed.

Mr. TOWER. The Senator is correct. I want to emphasize that my greatest concern is for our loss in human resources and not the loss of material resources. Material resources can sometimes be stated in terms of cold dollars. The Senator is correct.

The fact is that what you do is to break up a great engineering and technological team, and you cannot reconstitute that team again. It is gone. Here are people of great talent, people who are innovative, people who have good scientific minds, who form themselves into a team, with cross disciplines. When you break up a team like that, you break up American capacity, American potential for technological advance, that much more, as the Senator from California well knows.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. TAFT. I wonder whether the Senator is aware, in talking about employment with regard to this project, that this very day General Electric Co., one of the largest engine manufacturers, whose engine is not being used in connection with the airbus project, has announced the layoff of 7,000 workers in some of their plants, one in Ohio—their engine division is in Cincinnati—one in California, one in New Mexico, two in Massachusetts, one in New Hampshire, and two in Vermont. These 7,000 workers are going to have precisely the same problem as the workers who might be laid off in this connection.

Mr. TOWER. We have layoffs in the electronics industry in my State, but they are not all related to, let us say, the cut in defense expenditures.

Would the Senator tell me whether or not all these are related specifically to that engine?

Mr. TAFT. It is, of course, not entirely clear that they are.

When there is a cutback in any situation, they are not all related to any particular project; but they are in great part, I am sure, related, to the production of aircraft engines and the prospects for aircraft so far as they have been cut back in their projections, even so far as the DC–1 is concerned, and always likely insofar as the European air bus is concerned, which proposes to use a GE propulsion system.

So the entire effect of a decline in the demand of the aircraft which is involved is a factor which is affecting this cutback.

Mr. TOWER. The Senator from Ohio helps make my argument.

The fact is that many McDonnell-Douglas employees have been laid off, and if the production line at McDonnell-Douglas expands, they will hire those they have laid off, if they, indeed, are available, and it would not really create much of an additional job market for all those who are going to be laid off at Lockheed.

This will affect, directly or indirectly, 34,000 families in 35 States. That is how many people are concerned about what we do here.

I might note that the House committee has acted with great dispatch. It is suggested here today that we return our bill to the Committee on Banking, Housing and Urban Affairs of the Senate, when this morning the Committee on Banking and Currency of the House of Representatives reported the identical bill that we have been working on for so long, and reported it by a margin of 2 to 1—23 to 11. The House is acting with dispatch on this, and I am hopeful that the Senate will act with dispatch on it as well. I think it would be really tragic if we tried to recommit the bill to committee, to go over the ground we have already gone over.

Mr. TAFT. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield for a question.

Mr. TAFT. I thank the Senator for yielding. Relative to some remarks the Senator made a few moments ago, with regard to the fact that if this company should go into a trustee in bankruptcy, chapter 10, reorganization, workers would lose their jobs. That is a conclusion that would appear to me to be questionable.

I would ask the distinguished Senator whether it is not true that the trustee in bankruptcy, chapter 10, reorganization, might very well make a decision in view of the inventory. I point out that the inventory of the airframes and the inventory of the engines during the past 3 months of the so-called bankruptcy of Rolls-Royce has continued to be built up, presumably on the feeling that this was a viable project and would work with the trustee in bankruptcy, who could well make the decision that he should continue production of the airbus.

So that it is merely speculation, I would suggest, on the part of the Senator from Texas, that this company would decline to go on further with production of this particular aircraft. We are speculating on the one hand as to jobs presently in existence that might be lost and, on the other hand, we are talking about jobs which are already lost.

Mr. TOWER. The point is, if we force Lockheed out of the Tristar program in order to sacrifice jobs, regardless of the trustee in bankruptcy, chapter 10, reorganization, or not, is it not true that the trustee in bankruptcy may well decide to go ahead with the Tristar project? He certainly would have a duty to examine the economic consequences of our going ahead or not going ahead.

Mr. TAFT. That is a conclusion we cannot arrive at in the Senate.

Mr. TOWER. That is highly unlikely, because the airlines have indicated that if the guarantee is not forthcoming, they will have to begin looking elsewhere. It appears that the trustee in bankruptcy will be more concerned with conserving and cutting down, trying to achieve the most economical possible operation, satisfying the creditors, and trying to keep the thing alive, than on expanding programs.

The reason Lockheed has gone into this is that it has been urged, as every other defense industry has been urged, to branch out and get into more commercially oriented enterprises because, hopefully, one of these days, we will beat our swords into plowshares and our spears into pruning hooks, and the time to do so is now, with all the great technology we possess and our productive capacity, to branch out into the consumer field.

Mr. SPARKMAN. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I am happy to yield to the Senator from Alabama.

Mr. SPARKMAN. I want to bring up this point, that we have heard a lot of talk about the work going over to McDonnell. Does the Senator remember the testimony of the gentleman who has a plant in Nashville, Tenn., which makes the wings?

Mr. TOWER. Yes.

Mr. SPARKMAN. Does the Senator remember the number of employees he had?

Mr. TOWER. The number of employees at the AVCO plant in Nashville, Tenn., is on the order of 7,000.

Mr. SPARKMAN. Was it not brought out that the DC–10—if this whole thing went over to McDonnell-Douglas—the DC–10 was a substitute—was not the testimony that the wings could not be used?

Mr. TOWER. The testimony was that the wings could not be used. As a matter of fact——

Mr. SPARKMAN. Where would they get their wings?

Mr. TOWER. They would be made in Canada.

Mr. TAFT. Mr. President, will the Senator from Texas yield on that point?

Mr. TOWER. Mr. President, I think that this point has been gone over many times. It can be gone over again, because anything we do here does not end the substance of the arguments on the bill. What we are talking about now is the motion to recommit which has been made. I think that Members of the Senate are anxiously waiting to see what we will do on that particular motion.

Mr. President, I would certainly urge that the distinguished chairman of the committee, the Senator from Alabama (Mr. SPARKMAN)—who has labored so hard and I know does not want to proceed further in committee on this question—now offer such a tabling motion, and I am delighted to yield to the Senator for that purpose.

Mr. SPARKMAN. Mr. President, I move that the pending motion to recommit the bill to committee be tabled, and ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BEALL). The question is on agreeing to the motion of the Senator from Alabama to table the motion of the Senator from Wisconsin (Mr. PROXMIRE) to recommit the bill to committee.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia (when his name was called). Mr. President, with the understanding that my vote hereon is no indication of what my sentiments are, I have a pair with the Senator from Montana (Mr. MANSFIELD). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. MANSFIELD), and the Senator from Rhode Island (Mr. PASTORE), are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), and the Senator from Indiana (Mr. BAYH), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 56, nays 36, as follows:

[No. 160 Leg.]

YEAS—56

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Cannon
Case
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eastland
Ellender
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, Idaho
Mathias
McIntyre
Miller
Montoya
Moss
Packwood
Pearson
Percy
Prouty
Randolph
Roth
Scott
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Tunney
Williams
Young

NAYS—36

Aiken
Beall
Brooke
Burdick
Byrd, Va.
Chiles
Church
Eagleton
Ervin
Fulbright
Harris
Hart
Hartke
Hatfield
Hughes
Kennedy
Long
Magnuson
McClellan
McGee
McGovern
Metcalf
Mondale
Muskie
Nelson
Pell
Proxmire
Ribicoff
Saxbe
Schweiker
Smith
Spong
Stevenson
Symington
Taft
Weicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Byrd of West Virginia, against.

NOT VOTING—7

Bayh
Gravel
Humphrey
Jordan, N.C.
Mansfield
Mundt
Pastore

So Mr. SPARKMAN's motion to table was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. HOLLINGS). The bill is open to further amendment.

Mr. TOWER. Mr. President, I wish to take this opportunity to ask the distinguished acting majority leader his views on the schedule for the remainder of the evening.

Mr. BYRD of West Virginia. Mr. President, as far as I am able to determine at the present time, if I may respond to the distinguished Senator, there apparently is no other motion to be offered by any Senator today in connection with the pending business. That being the case—and I see no hands upraised which would indicate to the contrary—there will be no further votes today on this measure or on any other measure.

The Senate, when it completes its business today, will convene at 10 a.m. tomorrow.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m. tomorrow, in accordance with the majority leader's request.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF S. 986 TO THE COMMITTEE ON THE JUDICIARY

Mr. MAGNUSON. Mr. President, because the distinguished Senator from Mississippi (Mr. EASTLAND) has requested that the Consumer Product Warranties and Federal Trade Commission Act (S. 986) be referred to the Committee on the Judiciary for consideration of those aspects of S. 986 which may fall within the jurisdiction of that committee, I ask unanimous consent that S. 986 be referred until October 15, 1971, to the Committee on the Judiciary for their consideration of title II, which they believed to be within their jurisdiction; and that on that date the Committee on the Judiciary be considered to have been discharged from its further consideration of S. 986, and the bill returned to the Senate and placed on the Senate Calendar.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

SEABED ARMS CONTROL TREATY—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Seabed Arms Control Treaty, Executive H, 92d Congress, first session, transmitted to the Senate today by the President of the United States, and that the treaty, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message which, with the treaty, was referred to the Committee on Foreign Relations, is as follows:

To the Senate of the United States

I am transmitting herewith, for the advice and consent of the Senate to ratification, the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, opened for signature at Washington, London and Moscow on February 11, 1971.

This Treaty is the product of intensive negotiations during the past two years at the Conference of the Committee on Disarmament at Geneva and at the United Nations. On December 7, 1970, 104 members of the United Nations voted to commend the Treaty and urged that it be opened for signature and ratification at the earliest possible date.

In broadest outline this Treaty prohibits the emplacement of nuclear weapons and other weapons of mass destruction on the seabed beyond the outer limits of a 12-mile coastal "seabed zone" defined in the Treaty. The provisions of the Treaty are described in detail in the accompanying report of the Secretary of State.

The seabed is man's last frontier on earth, and that frontier should be a source of promise. This Treaty represents a practical and timely step toward helping protect this new environment. It is a significant addition to the structure of multilateral arms control agreements such as the Limited Test Ban Treaty, the Antarctic Treaty, the Outer Space Treaty, and the Non-Proliferation Treaty, contributing to international security.

I consider this Treaty to be in the interest of the United States and the entire world community and recommend that the Senate give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, July 21, 1971.

Enclosures:

1. Report of the Secretary of State.
2. Certified copy of the Treaty.

DEPARTMENT OF TRANSPORTATION APPROPRIATION BILL—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent—with respect to the agreement already entered anent the Department of Transportation appropriation bill on tomorrow, and with particular reference to time on amendments thereto—that the time limitation apply to amendments except committee amendments, on which time from the bill may be yielded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks by the distinguished Senator from Connecticut (Mr. RIBICOFF)—under the order previously entered—there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I trust that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. Immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Connecticut (Mr. RIBICOFF) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to exceed 15 minutes.

At the conclusion thereof the Chair will lay before the Senate the bill making appropriations for the Department of Transportation and related agencies, on which there is a time limitation of 1 hour, with the further stipulation that on any amendment, except committee amendments, the time will be limited to 10 minutes, and at the conclusion of such time there will be a rollcall vote on the Department of Transportation appropriation bill. The yeas and nays have already been ordered on final passage.

On the disposition of the Department of Transportation appropriation bill, the Senate will resume the consideration of the then-unfinished business, which is the bill now pending.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 39 minutes p.m.) the Senate adjourned until tomorrow, Thursday, July 22, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 1971:

NATIONAL MEDIATION BOARD

Peter C. Benedict, of Virginia, to be a member of the National Mediation Board for the term expiring July 1, 1974, vice Francis A. O'Neill, Jr.

ATOMIC ENERGY COMMISSION

James R. Schlesinger, of Virginia, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1975, vice Glenn T. Seaborg.

William Offutt Doub, of Maryland, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1976, vice Theos J. Thompson, deceased.

WITHDRAWAL

Executive nomination withdrawn from the Senate July 21, 1971:

IN THE AIR FORCE

Col. Walter B. Staudt [redacted] FG, Texas Air National Guard, from further consideration for appointment as a brigadier general, Reserve of the Air Force. His name was submitted along with 20 other nominees for appointment to Reserve of the Air Force general officer grades on April 19, 1971.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 21, 1971:

IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The nominations beginning Clinton D. Upham, to be captain, and ending Sydney R. Withers, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on July 19, 1971.

HOUSE OF REPRESENTATIVES—*Wednesday, July 21, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord God will help us: Therefore we shall not be confounded.—Isaiah 50:7.

Almighty God, our Father, amid the disturbances of these demanding days, unsure as we are about many things, help us to be sure of Thee. In these times which try our souls and tempt our spirits as we endeavor to make our Nation safe for democracy and secure for freedom, we pray for courage to keep our spiritual foundations strong knowing that without Thee all our labor is in vain.

Bless Thou our President, our Speaker, and our Members of Congress as they face the difficult duties of these disturbing days. May Thy wisdom make them wise, Thy strength keep them strong, and Thy love lead them in the paths of righteousness that our Nation may continue to be a channel through which liberty and justice can flow to all people.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4590. An act relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore; and

H.R. 9388. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2296. An act to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively.

APPOINTMENT OF CONFEREES ON H.R. 9417, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1972

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9417) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington? The Chair hears none, and appoints the following conferees: Mrs. HANSEN of Washington, Messrs. FLYNT, OBEY, YATES, GALIFIANAKIS, MAHON, McDADE, WYATT, DEL CLAWSON, and BOW.

NUCLEAR SUBMARINE TO BE NAMED "WILLIAM H. BATES"

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, I am submitting for the perusal of my colleagues a resolution petitioning the Secretary of the Navy to name a nuclear submarine in memory of the late Congressman from Massachusetts, William H. Bates, passed by the Massachusetts House of Representatives on June 22, 1971.

Congressman Bates served in the House for 19 years and was the ranking Republican member of the House Armed Services Committee. As a member of the Massachusetts delegation, I concur with the sentiments expressed in the resolution and ask that all Members who knew and remember William Bates direct their attention to this resolution.

RESOLUTION MEMORIALIZING THE SECRETARY OF THE NAVY TO NAME A NUCLEAR SUBMARINE IN MEMORY OF CONGRESSMAN WILLIAM H. BATES

Whereas, Congressman William H. Bates of Salem, Massachusetts, Representative in Congress, 81st to 91st, died June 22, 1969; and

Whereas, Congressman Bates was educated at Salem High School, Worcester Academy, Brown University and Harvard Graduate School of Business Administration; and

Whereas, He rose from rank of Apprentice Seaman to rank of Captain in the United States Navy; and

Whereas, At the time of his death, he was a ranking member of the House Armed Services Committee and the second ranking minority member of the Joint Commission on Atomic Energy; and

Whereas, He served his country with honor, distinction and dedication in World War II and while a member of Congress; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully urges the Secretary of the Navy to name a Nuclear Submarine in memory of Congressman William H. Bates; and be it further

Resolved, That a copy of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, the Secretary of the Navy, the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

PROPOSED AMENDMENT TO H.R. 9844, MILITARY CONSTRUCTION AT BOLLING AIR FORCE BASE

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, I wish to announce my intention to offer an amendment to H.R. 9844, the military construction bill, when it is considered by the House. My amendment would delete from the measure the authorization for further military construction at Bolling Air Force Base in the District of Columbia. Bolling Air Force has not had a significant mission for many years now. The land on which the base sits is located in the Anacostia section of Washington, D.C., an area devastated by serious housing and economic problems. The Bolling Air Force Base site is one of the few tracts of undeveloped land left in the District of Columbia, and it offers a unique opportunity for the building of housing and for economic development for the people of the city generally, and for the long-forgotten residents of Anacostia in particular. For several years, the District government, the National Capital Planning Commission, and community groups in the city, with the encouragement of the Federal Government, have been planning for civilian use of the facility. Authorization of further military construction would seriously undermine all of the planning that has been done, striking a serious blow at efforts to provide a decent environment and new civilian job opportunities for the people of the city.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 8630, TO EXTEND AND EXPAND PROGRAMS FOR NURSES TRAINING FACILITIES

Mr. STAGGERS. I ask unanimous consent that the Speaker be permitted to appoint two additional managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 8630.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints as additional conferees: Messrs. PREYER of North Carolina and CARTER.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 8629, EXPANDING PROGRAMS FOR CONSTRUCTION OF MEDICAL FACILITIES

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Speaker be permitted to appoint two additional managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 8629.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints as additional conferees: Messrs. PREYER of North Carolina and CARTER.

FOOD INSPECTION IN THE DISTRICT OF COLUMBIA

(Mr. RANDALL asked and was given permission to address the House for one minute and to revise and extend his remarks and include extraneous matter.)

Mr. RANDALL. Mr. Speaker, I am pleased to announce that the Special Studies Subcommittee of our Government Operations Committee, which I am honored to head as chairman opened hearings yesterday inquiring into the methods by which inspections of food retailing establishments are made in the District of Columbia, and the effectiveness of procedures by which adherence to sanitary standards is enforced in the Nation's Capital.

As Members may have read, the press coverage indicates serious violations of health standards. But I take this time to emphasize, Mr. Speaker, that the Special Studies Subcommittee is not interested in publicity but only in ferreting out the facts. If there are deficiencies in the law or regulations covering the sanitation of restaurants and other food establishments or if enforcement has been ignored, certainly then we want to find out to give protection to the consuming public, including thousands of visitors in Washington each year.

The Special Studies Subcommittee has no preconceived conclusions. Our final report will be drawn in the form of recommendations when the hearings are completed. I wish to assure the House membership this subcommittee will proceed on this matter with complete objectivity.

PRESIDENTIAL VISIT TO CHINA

(Mr. ANDERSON of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON of Tennessee. Mr. Speaker, as is true of most Members of this body, I have applauded the efforts of the President to seek means of normalizing relations with China, one bold step of which is the planned Presidential visit to that nation.

The speculation—indeed the hope—is widespread that the ultimate visit by the President to the People's Republic of China relates strongly and directly to a solution to the war in Indochina.

I sincerely hope that the aura of optimism created by the President's announcement will not lull anyone into forgetting the urgency of our disengagement from Indochina. Altogether too many die each day; altogether too many American servicemen become ruined for life from the disastrous and cruel hard drug environment; and altogether too many suffer as American POW's or as families of POW's. The situation demands new, fresh American initiatives at Paris now, not after an indefinitely scheduled Presidential visit to China.

I would hope, too, and assume that the President is fully sensitive to the fact that the strongest ideological and logistic ties are not between North Vietnam and China, but between North Vietnam and the U.S.S.R. Moscow is in a much stronger position to help resolve the conflict. I think the President would be well advised to arrive in Peking following a visit to Moscow.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

(Mr. MONAGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I should like to call to the attention of the House the activities of another subcommittee of the House Committee on Government Operations, that of the Subcommittee on Legal and Monetary Affairs, which I am privileged to chair and which is now carrying on hearings on the operations of the Law Enforcement Assistance Administration.

This is the program for which we just appropriated $698 million the other day. It began with $60 million in 1969 and has been multiplied 10 times since then. The authorization for 1973 is $1.75 billion.

Yesterday our committee heard about the activities under this program in Alabama. Today we discussed the Florida experience. It is clear that many questions have been raised about this program. We of course are not finished at the present time. We are not now going to reach any final conclusion. We believe that all aspects should be examined and they are being examined. We believe that in view of responsibility of our committee and the House for guaranteeing the proper expenditure of American tax funds, we are doing a responsible job, and we hope that all Members will follow the activities of this subcommittee.

COMMENDATION OF WORK OF SUBCOMMITTEES ON SPECIAL STUDIES AND LEGAL AND MONETARY AFFAIRS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute.)

Mr. HOLIFIELD. Mr. Speaker, I take just a moment to affirm the statements made by the gentleman from Connecticut (Mr. MONAGAN) and the gentleman from Missouri (Mr. RANDALL) whose respective subcommittees are doing very good jobs.

One is in the field of meat inspection, which is atrocious. In the District of Columbia the witnesses who have appeared have testified to the point that people have practically no protection here in many of the restaurants and other places that serve food. This is something which needs to be brought out in the open.

In the case of the Subcommittee on Legal and Monetary Affairs, under the chairmanship of the gentleman from Connecticut (Mr. MONAGAN) the gentleman is going into the law enforcement assistance funds to the States. The witnesses have already testified that in different areas there has been in the past a great deal of waste and inefficiency.

While neither is ready to make a report at this time, I would say they are doing a valuable piece of work for the benefit of the Congress and the people of the United States.

CONFERENCE REPORT ON H.R. 7109, NASA AUTHORIZATION OF APPROPRIATIONS, 1972

Mr. MILLER of California submitted the following conference report and statement on the bill (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction and facilities, and research and program management, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-368)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development", for the following programs:

(1) Apollo, $612,200,000;

(2) Space flight operations, $702,775,000;

(3) Advanced missions, $5,500,000;

(4) Physics and astronomy, $112,800,000;

(5) Lunar and planetary exploration, $301,500,000;

(6) Space applications, $185,000,000;

(7) Launch vehicle procurement, $146,100,000;

(8) Aeronautical research and technology, $122,500,000;

(9) Space research and technology, $75,105,000;

(10) Nuclear power and propulsion, $70,720,000 of which $58,000,000 is to be used only for NERVA engine development and related nuclear propulsion activities;

(11) Trucking and data acquisition, $264,000,000;

(12) Technology utilization, $5,000,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Modernization of the 40 x 80-foot Wind Tunnel, Ames Research Center, $6,500,000;

(2) Centaur Modifications to Titan III launch area, John F. Kennedy Space Center, $10,700,000;

(3) Alterations to Launch Complex 17, John F. Kennedy Space Center, $4,500,000;

(4) Space Shuttle Facilities, as follows:

Main engine sea level test stands (2), Mississippi Test Facility, $11,000,000,

Main engine altitude test facility, Air Force Arnold Engineering Development Center, $2,000,000,

Auxiliary propulsion test facilities, undesignated location, $1,500,0000,

Thermal protection system development facilities, Ames Research Center, $3,000,000, Langley Research Center, $500,000, Manned Spacecraft Center, $1,200,000, Undesignated location, $800,000;

(5) Power Plant Replacements, Goldstone, Calif., $370,000, and Santiago, Chile, $230,000;

(6) AST Ground Station, Western Europe, $500,000;

(7) Facility rehabilitations and modifications, various locations, $10,000,000;

(8) Expansion of the Visitors Information Center, John F. Kennedy Space Center, $2,100,000;

(9) Facility Planning and Design, $3,500,000.

(c) For "Research and program management," $693,350,000, of which not to exceed $529,916,000 to be available for personnel and related costs.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

SEC. 2. Authorization is hereby granted whereby the total of any of the amounts prescribed by paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward of 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (9) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. (a) Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(b) Nothing in this section shall be construed to authorize the expenditure of amounts for personnel and related costs pursuant to section 1(c) to exceed amounts authorized for such costs.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c)(1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 7. Section 206 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476), is amended as follows: (1) subsection (a) is hereby repealed, and (2) subsections (b), (c), and (d) are renumbered as subsections (a), (b), and (c), respectively.

SEC. 8. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1972".

And the Senate agree to the same.

CLINTON P. ANDERSON,
STUART SYMINGTON,
HOWARD W. CANNON,
CARL T. CURTIS,
MARGARET CHASE SMITH,
Managers on the Part of the Senate.

GEORGE P. MILLER,
OLIN E. TEAGUE,
JOSEPH KARTH,
KEN HECHLER,
JAMES G. FULTON,
CHARLES A. MOSHER,
ALPHONZO BELL,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The NASA request for Fiscal Year 1972 totaled $3,271,350,000. The House authorized $3,433,080,000 and the Senate amendment authorized $3,280,850,000. The Committee of Conference agrees to a total authorization of $3,354,950,000.

The points in disagreement and the conference resolution of them are as follows:

1. The House authorized $745,275,000 for Space Flight Operations, which is an increase of $72,500,000 over the NASA request of $672,775,000. This would allow for $15 million for Skylab rescue capability, $30 million for studies of a second Skylab flight or Saturn IB applications flights, $25 million for additional shuttle development work and $2.5 million for additional shuttle experiment definition.

The Senate amendment authorized $672,775,000, which is the exact amount of the NASA request.

The Conference substitutes $702,775,000 for Space Flight Operations, which is $30 million more than the NASA request; $15 million is for the Skylab rescue capability and $15 million is for the space shuttle.

2. The House authorized $10 million for the Advanced Missions program, which is $8,500,000 more than the NASA request of $1,500,000. These funds are for studies for information retrieval, equipment retrieval, payload handling, large equipment erection and handling, orbit analyses, and lunar resource and base utilization.

The Senate amendment authorized $1,500,000, which is the exact amount of the NASA request.

The Conference substitute authorizes $5,500,000 for Advanced Missions, which is $4 million more than the NASA request.

3. NASA requested $110,300,000 for the Physics and Astronomy Program. The House authorized $112,800,000, an increase of $2,500,000 for additional support of the scientific effort which utilizes sounding rockets and balloons.

The Senate approved the amount of the NASA request.

The Conference substitute adopts the House provision.

4. NASA requested $311,500,000 for the Lunar and Planetary Exploration Program, which included $30,000,000 for the Outer Planets Missions using Thermoelectric Outer Planets Spacecraft (TOPS) for the Grand Tour missions in the latter half of the decade of the 1970s.

The House approved the full amount of the NASA request.

The Senate approved only $10,000,000 for the Outer Planets Missions and therefore authorized $291,500,000 for the Lunar and Planetary Exploration Program, a reduction of $20,000,000.

The Conference substitute authorizes $301,500,000 for the Lunar and Planetary Exploration Program, including $20,000,000 to support initiation of the Grand Tour missions.

The Conference agrees that NASA should examine the TOPS concept with the view to designing a less sophisticated, less expensive spacecraft for carrying out the Grand Tour missions in the latter half of the decade of the 1970s, and to consider subsequent opportunities to explore the outer planets during the 1980s and 1990s using vehicles incorporating the NERVA engine.

5. NASA requested $182,500,000 for the Space Applications Program.

The House approved the full amount of the request.

The Senate authorized $185,000,000, an increase of $2,500,000 to support additional aircraft-type Earth Resources Survey pilot projects and data analysis in cooperation with appropriate government agencies, industry, and universities.

The Conference substitute adopts the Senate provision.

6. The House authorized $134,500,000 for Aeronautical Research and Technology, which is an increase of $24,500,000 over the NASA request of $110,000,000. The House increase is designed to deal with a number of serious problems in aviation including noise abatement, safety, the need for a short takeoff and landing aircraft system, and the need for new, younger individuals in aeronautics research and development. A proviso was included that none of the funds in this area would be used to finance research with respect to construction of airports on lakes or their tributaries.

The Senate authorized $110,000,000 because it did not agree with the necessity for the House increases; however, it does support a strong national aeronautics research and development program.

The Conference substitute authorized $122,500,000. Flexibility is granted to NASA for the allocation of the $12,500,000 increase; however, the allocation should be made in keeping with the serious nature of problems identified by both the House and Senate dealing with noise abatement, congestion, safety and the need to attract new, younger scientists and engineers into aeronautical research and development. The restrictive language on airport research was not included.

7. NASA requested $27,720,000 for the Nuclear Power and Propulsion program, of which $15 million was for nuclear propulsion.

The House authorized a total of $67,620,000, adding $39,900,000 for nuclear propulsion, making a total for nuclear propulsion of $54,900,000.

The Senate authorized $70,720,000 for the Nuclear Power and Propulsion program, and added language to the Act which provides that $58 million of the $70,720,000 is to be used only for NERVA engine development and related nuclear propulsion activities.

The Conference substitute adopts the Senate provisions.

8. The House authorized $6,000,000 for the Technology Utilization program, which is $2,000,000 more than the NASA request. The increase was designed to allow for increased effort across a number of areas, each of which is intended to enhance and increase the transfer of NASA's advanced technology into the public domain.

The Senate authorized $4,000,000, which is the same amount as the NASA request, while at the same time agreeing with the House that this is an important activity. The Senate would maintain the program at the same funding level as for FY 1971.

The Conference susbtitute authorizes $5,000,000 for a number of the purposes identified by the House. Flexibility is granted to NASA but emphasis should be maintained on transferring technology to attack urgent national problems.

9. The House approved $58,630,000 for construction of facilities, an increase of $2,330,000 over the NASA request of $56,300,000. This increase provided for the construction of a Space Information and Education Center at John F. Kennedy Space Center, Cape Kennedy, Florida.

The Senate approved the NASA request. Additionally, the Senate adopted a modification to this section (Sec. 1b) to specify the facility construction project authorized, and the estimated cost thereof, which limits it to its stated function and justified need, rather than, as in past years, specifying a sum of money for various NASA locations without designating the facilities authorized.

The Conference substitute approves the expansion of the existing Visitors Information Center at the John F. Kennedy Space Center, Florida, to accommodate the anticipated visitor loads at the Kennedy Center. The total amount approved for construction of facilities is $58,400,000, including $2,100,000 for the expansion of the Visitors Information Center. The Conference also adopts the Senate legislative language for Section 1(b) of the Act specifying the construction of facility projects.

10. The House increased the NASA request of $697,350,000 for Research and Program Management by $9,500,000 for a total authorization of $706,850,000.

The Senate made a reduction of $16,000,000 for an authorization of $681,350,000. Additionally, language was included in the bill stipulating a limitation of not more than $517,916,000 for personnel and related costs.

The Conference substitute approves a total amount of $693,350,000 for Research and Program Management and includes language stipulating that not more than $529,916,000 can be utilized for personnel and related costs.

11. The Committee of Conference agrees to a change in Section 2 to conform with the changes resulting from the Conference substitute for Section 1(b).

12. The Senate modified Section 4 of the bill with an addition which restricts the amount authorized by the bill for personnel and related costs. Also any reprogramming for increased expenditures for personnel and related costs shall be subject to the approval of the Congress in accordance with the reprogramming procedure specified in that section.

The House had no provision on this subject.

The Conference substitute adopts the Senate modification.

Clinton P. Anderson,
Stuart Symington,
Howard W. Cannon,
Carl T. Curtis,
Margaret Chase Smith,
Managers on the Part of the Senate.
George P. Miller,
Olin E. Teague,
Joseph E. Karth,
Ken Hechler,
James G. Fulton,
Charles A. Mosher,
Alphonzo Bell,
Managers on the Part of the House.

PUBLIC WORKS COMMITTEE DOES NOT OVERLOOK ACUTE NEED IN REDEVELOPMENT AREAS

(Mr. McFALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McFALL. Mr. Speaker, I wish to commend Chairman John Blatnik and the House Committee on Public Works for the timely action taken today to report out a new bill to extend the Economic Development Act and the Appalachian Regional Development Act.

Of particular interest to me was the committee's action to increase the authorization in section 105 of the Public Works and Economic Development Act from $500 million to $800 million for each of the next 2 fiscal years to expand support for redevelopment areas.

The new bill provides for not less than 25 percent or more than 35 percent of the total authorization—$800 million per year—to be used for short-term relief in areas that are experiencing high unemployment.

This will serve to fill, to some limited degree, the vacuum created by the Presidential veto of the original bill which contained the accelerated public works proposal.

Chairman Blatnik and his committee have acted with dispatch without ignoring the need for immediate assistance to areas of high unemployment. The increased authorization will beef up the Economic Development Administration's ability to cope with the mounting problem of unemployment.

ANNUAL ROLLCALL CONGRESSIONAL BASEBALL GAME

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, last Thursday night, July 15 to be exact, was a time that will long burn in the memory of man as a truly historic evening. First came the big GOP machine's swift destruction of the Democrats in the annual Rollcall Congressional Baseball Game at RFK Stadium.

Hardly had the spikes and gloves been packed away, the postgame interviews completed, and the hapless Democrats swept from the field, when President Nixon electrified the world with his dramatic announcement of the breakthrough in our relations with Mainland China.

I have written the President commending him on his bold initiative with China, and also on his timing. Only a true sports fan would have waited for the conclusion of the Congressional Baseball Game before taking the airwaves with his most welcomed news.

Not to belabor the report on the baseball game, Mr. Speaker, but I must report the score was 7 to 3; it was the eighth straight win for the Republicans; and the prospects for the future are for continued GOP supremacy.

Bob Michel, the wily veteran chucker from Peoria, again tasted victory and made the baseball world forget Vida Blue for an hour or so. The big bats of veterans "Vinegar Bend" Mizell and Don Clausen, combined with the good glovework of younger players such as Bill Frenzel and Barry Goldwater, Jr., and the hustle of John Rousselot and many others, has caused the press of the country to label this club as a young dynasty.

Mr. Speaker, the GOP is ready for 1972.

BELGIAN INDEPENDENCE

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, the people of Belgium are today observing their Independence Day. It was on July 21, 1831, that King Leopold I swore allegiance to the constitution of the nation that had but recently secured its freedom.

The Belgians, who had been ruled by Spain, Austria, France, and the Netherlands, have maintained their independence for 140 years, but they have experienced many difficulties. Their precarious position as a buffer state was not changed by their new status and the little nation continued to provide a battlefield for other countries.

When the forces of the German Empire invaded Luxembourg and Belgium at the beginning of World War I, King Albert I declared that "Belgium is a nation, not a road." While the Belgium army could not turn back the forces of its powerful neighbor, it was able, with help from the French, to slow down the drive toward Paris. Led by King Albert and inspired by Cardinal Mercier, the heroic resistance of the Belgians aroused the admiration of people throughout the world.

Belgium was again invaded, subjugated, and occupied during World War II, when National Socialist Germany brutally attacked it, along with Luxembourg and the Netherlands. The Nazis were eventually defeated, just as the forces of Kaiser Wilhelm II had been finally beaten a generation earlier.

For centuries the people of Belgium were the pawns of their more powerful neighbors and their country was the property of alien dynasties. In our own day they have tasted the bitter dregs of defeat and have seen the lights of freedom extinguished as an arrogant totalitarian regime occupied their land.

Mr. Speaker, it is altogether appropriate that Belgium's Independence Day should be celebrated at the midpoint of Captive Nations Week. Belgium has been fortunate in that it was able to emerge from the ignominous position of a captive nation under National Socialist tyranny to the proud status of a free country. May God speed the day when present-day captive nations will be able to throw off the shackles of Communist tyranny.

EXPENDITURES FROM CONTINGENT FUND FOR ALLOWANCES TO MEMBERS, OFFICERS, AND STANDING COMMITTEES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 457) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 457

Resolved, That (a) until otherwise provided by law, the Committee on House Administration may, as the committee considers appropriate, fix and adjust from time to time, by order of the committee, the amounts of allowances (including the terms, conditions, and other provisions pertaining to those allowances) within the following categories:

(1) for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia—allowances for clerk hire, postage stamps, stationery, telephone and telegraph and other communications, official office space and official office expenses in the congressional district represented (including, as applicable, a State, the Commonwealth of Puerto Rico, and the District of Columbia), official telephone services in the congressional district represented, and travel and mileage to and from the congressional district represented; and

(2) for the standing committees, the Speaker, the majority and minority leaders, the majority and minority whips, the Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster of the House of Representatives—allowances for postage stamps, stationery, and telephone and telegraph and other communications.

(b) The contingent fund of the House of Representatives is made available to carry out the purposes of this resolution.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 198]

Abourezk
Abzug
Adams
Alexander
Anderson, Ill.
Baker
Blanton
Celler
Clay
Conyers
Culver
de la Garza
Dellums
Diggs
Dingell
Donohue
Edwards, La.
Esch
Flynt
Foley
Gallagher
Gibbons
Halpern
Hanna
Hébert
Hosmer
Hungate
Jarman
Kee
Kuykendall
Kyros
Long, La.
McCulloch
McKinney
Mayne
Melcher
Mitchell
Murphy, N.Y.
Pepper
Pike
Purcell
Reid, N.Y.
Runnels
Ruppe
Satterfield
Scheuer
Schmitz
Sikes
Sisk
Smith, N.Y.
Stokes
Van Deerlin
Yatron
Zion

The SPEAKER. On this rollcall, 379 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORT ON H.R. 9922

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight tonight to file the report on H.R. 9922, to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 9270

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 9270) making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

EXPENDITURES FROM CONTINGENT FUND FOR ALLOWANCES TO MEMBERS, OFFICERS, AND STANDING COMMITTEES

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the resolution before us, House Resolution 457, is very simple and very understandable. It provides that until otherwise provided for by law the Committee on House Administration may as it considers appropriate fix and adjust from time to time by order of the committee amounts of allowances for Members of the House in a number of areas.

The fundamental reason for this is to spare the House the time consumed each session in considering eight or 10 privileged resolutions on these various subjects. For example, when the postal rate increase recently went into effect, the committee computed the percentage increase in postage rates and brought forth a resolution increasing the Members' postal allowances by that percentage increase. After the matter was carefully considered by the Subcommittee on Accounts and the full Committee on House Administration, valuable time of the House was spent in discussing the privileged resolution on that routine housekeeping matter. House Resolution 457 would eliminate the need for coming to the floor a number of times each session with privileged resolutions on postal and other routine allowances.

There are two inherent safeguards in this resolution. As the report indicates, it is the intention of the committee to keep the House informed through the RECORD of its actions on the day following any such action. Of course, all authorized allowances are dependent upon appropriations, which come under the jurisdiction of the subcommittee chaired by our distinguished colleague from Alabama (Mr. ANDREWS).

It is a perfectly straightforward resolution, Mr. Speaker, and one which I believe the great majority of the Members will support in order to save their time and in order to modernize a really ancient and absurd practice of bringing to the floor every bit of minutia with respect to the routine daily operations of this side of the Congress.

I shall be glad during the brief time I hope this debate lasts to answer any questions, but I reserve the balance of my time and now yield 5 minutes to the distinguished gentleman from Alabama (Mr. DICKINSON) for purposes of debate only.

Mr. DICKINSON. Mr. Speaker, if I might have the attention of the distinguished chairman of our subcommittee, we had a great deal of talk in committee about this particular resolution.

It is my understanding—and I would like to establish this as a matter of legislative history—that whatever action, if this resolution should pass, is taken will be automatically printed and inserted in the CONGRESSIONAL RECORD the following day; is that correct?

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I shall be happy to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I thank the gentleman for asking that question. I would like to reiterate the statement which I made a minute or so ago and point out to the Members of the House the language which appears on page 3 of the report which indicates that the Committee on House Administration did discuss this, as the gentleman says, at considerable length. The language says that following any action, such action will be published and explained in full in the following day's CONGRESSIONAL RECORD, and it is our intention so to do.

Mr. DICKINSON. I want to thank the distinguished chairman of the subcommittee. First, let me go on record by saying that I do oppose this resolution but not without some soul searching. I have the greatest confidence in the integrity and ability of the chairman of the full committee and the chairman of the subcommittee and I would certainly hate for this to be considered as some sort of personality thing, because it is not.

I feel that the best interest of the taxpayers could be served by a restraining influence of debate, if necessary, and certainly floor action on certain items.

What this resolution does is provide that the House Administration Committee have the authority to set clerk hire allowances. This means the total amount you will have to pay your employees, the amount that you will have to pay for postage, the amount that you will have to pay for stationery. What does that mean? That means your stationery account can be increased at the discretion of our committee without floor action. I think the figure now is $3,000 for stationery. I have forgotten the exact figure.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield further?

Mr. DICKINSON. I yield further to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. The figure for stationery is $3,500 a year. I might point out that all of the Members of the House currently expend the full amount of that allowance.

Mr. DICKINSON. I thank the subcommittee chairman.

Also, this resolution encompasses your telephone and telegraph allowances which will be set without floor action. Also office space in your district will be set by the committee. This means that if you now have one official office in an official building—a GSA building—and at the present time you may also lease space if there is none available through GSA or have two offices—this allows our committee to fix the number of offices that you have now and also increase the rental available to you to pay for this.

I am not against paying a reasonable amount for rent. It is just that I think that the taxpayers' interest is best protected by the scrutiny that comes from the searchlight of public disclosure on the floor of the House.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield further to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. As the gentleman knows, the current statutory allowance for district offices is $2,400 per annum for offices not located in Federal buildings.

Under the new Postal Corporation, if the Post Office Department occupies 55 percent of a Federal building, title to that building has been transferred from GSA to the Postal Corporation. I understand that GSA will pay the rent for congressional offices located in buildings which have been transferred to the Postal Corporation. I might point out that at the moment the average Member expends $1,069 of the $2,400 allowance. In many instances, as the gentleman has pointed out, in the high rate metropolitan areas some Members are having to spend out of their own pockets up to $3,000 in addition to their allowance. It depends, of course, on the rents in a particular area.

I might point out that the Members——

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 3 additional minutes to the gentleman from Alabama (Mr. DICKINSON).

And I thank the gentleman for yielding further to me.

I might point out that the Members have been extraordinarily responsible in the use of this allowance. You will note that barely half of the amount on the average is used.

Mr. DICKINSON. I thank the gentleman.

One of the things that will be included here in addition to the number of offices you can have in your district, and the amount of money that will be paid for rent, as well as the number of your trips home. When I first came to the Congress, which has not been very long ago, my recollection is that we were entitled to two trips a year home at the taxpayers' expense. That has been expanded two or three times since then to the point where now each Member is entitled to one trip home per month at Government expense.

Some of the Members have asked, and there are some resolutions, at least, that are pending now, that would increase this amount still more.

So all of these matters that I am discussing now will be within the jurisdiction of the committee. The committee can act upon them, and I predict the committee will act. I think it is very good for the Members, and it makes it very comfortable for them, but I think it is very bad for the taxpayers. I think that some restraints are indicated, and I think that I for one, as a member of the committee, do not want to take the blame for all that goes on for all of the Members.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I want to suggest to the Members of the House that this discussion is getting off the track when it turns to the need or lack of need for more office clerks, and other allowances. The real question, the gut issue here and now, is the turning over to a little handful of 13 Members the ability to fix all the allowances without any further approval or disapproval by the House. That is the issue before us.

I do not understand this sudden burst of speed to make life more comfortable for all the Members of the House.

Mr. DICKINSON. I might say, in conclusion, Mr. Speaker, that if you want more clerk hire, a larger postage allowance, stationery, telephone, and office space, or more offices and more trips home, then vote for the resolution. If you do not want that, then do not vote for it.

Mr. PODELL. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. Yes, I will be happy to yield to the gentleman from New York.

Mr. PODELL. Mr. Speaker, the gentleman is opposing the resolution would then insist that the question as to whether or not the amount of postage allowance that each Member gets should be a subject which the entire Congress can decide, is that correct?

Mr. DICKINSON. I see nothing wrong with it. I think there are many small housekeeping chores that need not come to the floor.

Mr. PODELL. But that is the position that the gentleman takes?

Mr. DICKINSON. Yes, but you could consider that in connection with other minute examples, but when you consider clerk hire, that is no small matter.

Mr. PODELL. But the gentleman believes that whether or not we increase the postage allowance for each Member of the House by $100 is a matter for the entire Congress to decide, o. whether or not that should be within the hands of one committee.

Mr. DICKINSON. In answer to the question put by the gentleman from New York, I think it is sort of a foolish thing to have to come here on minuscule things such as postage stamps so as to raise the amount of the postage allowance commensurate with the amount that the postage rates have gone up. I think it possibly unnecessary, but on the other hand some of the things in here contain a great deal of money, and should be left to affirmative action of the Members.

The SPEAKER. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. VEYSEY).

Mr. VEYSEY. Mr. Speaker, I rise in support of the committee's recommendation. House Resolution 457 represents a significant step toward equipping Congress to exert its rightful influence in relation to the other branches of the Government. I welcome the changes proposed here because I am tired, as I am sure most of my colleagues are tired, of hearing this body referred to as the "separate but unequal branch." The worst of that title is that we have often deserved it.

This bill will authorize the Committee on House Administration to fix and adjust a number of housekeeping allowances without bringing them to the floor for item-by-item approval. We all know the temptation to indulge in prolonged bickering on the floor on matters of housekeeping and the temptation to "grandstand" a little. Public access to the information will be assured because the committee chairman and the subcommittee chairman have agreed that the decisions of House Administration will be published promptly in the CONGRESSIONAL RECORD for all to note. At all times the expenditures will be under the ultimate control of this House.

As the responsibilities of Congressmen change and increase, we expect corresponding changes in our capability to meet the problem. The committee's bill will allow these adjustments to be made on a continuing basis without having to tie up valuable floor time to debate them. The flexibility of this approach is not only attractive, it is essential if we are to preserve the necessary role of the legislative branch against the continuous encroachments of the executive.

There is no question that Congress has allowed itself to be outstaffed and outgunned by the executive branch for years, even for decades. The executive branch, with our permission and our appropriations, has become the most significant force in the conception, development and enactment of new substantive programs. This is not right. The stark fact is that neither Congress nor its committees has the capability—without total reliance on the informational and analytical resources of the Executive—of developing coherent Federal programs, or of effectively overseeing them.

I want a strong and more effective Congress. What if Congress had equipped itself before the 1960's to analyze and weigh the underlying policies proposed by the Executive? Foreign policy assumptions that we now know were questionable went unchallenged by a Congress used to acquiescing to the administration. We might not have avoided this tragic war, but the effort might have changed the nature of the conflict.

Under the simple concept of checks and balances, the people are ill served by a legislative branch that neglects its obligation to counter the other branches. Competition between the executive and legislative branches is inevitable, and must exist without regard to political party in control of either branch. The question is: Will we equip ourselves to hold up our end?

The proposals before us today have been tried and found helpful in a number of State jurisdictions. In the assembly of my home State of California, for instance, a rules committee, with much the same functions as the House Administration Committee has been delegated responsibility for determining, on a continuing basis, the number and compensation of staff personnel, the allotment of office space and equipment, postage, phone, and most other housekeeping activities.

The assembly rules committee is, of course, controlled by the majority party, but it has acted responsibly to strengthen the legislature without partisan favoritism.

The key to the California Rules Committee's success is the degree of consultation with the leadership of both parties that precedes its actions. The spirit of cooperation in which the committee operates has had a positive effect on the quality of the staff effort throughout the assembly. Unqualified people are no longer selected for assembly staff positions because of careful, bipartisan review.

California's use of a system such as proposed in House Resolution 457 has freed the assembly's floor for more important concerns, and has beefed up the assembly's ability to effectively compete with the Governor. I will remind my colleagues that the California Legislature was recently rated the most effective in the Nation, and I can tell you that improvement in effectiveness came in recent years as the rules committee provided the necessary support for its members.

But California has not been the only State to recognize the value of delegating its housekeeping responsibilities to a body able to cope with problems after study in depth on a basis if necessary, rather than crowding housekeeping matters on the floor calendars. Illinois, New York, Ohio, and Texas have all adopted procedures more or less the same as House Resolution 457 proposes for the Congress.

Mr. Speaker, I hope we will capitalize on the experience of our State governments, that is what federalism is all about. I urge my colleagues to join with the committee in enhancing the independence and stature of the legislative branch of the Federal Government.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker and members of the committee, this House of Representatives established the House Committee on Administration as the housekeeping committee for the House of Representatives, and it is entirely appropriate that this House give to the committee they established authority commensurate with their responsibility.

The truth is that the vast majority of the Members of this House want this committee to have this authority. The problem is the majority, or maybe too many at least, of the Members of this House are unwilling to do something on the record that might be interpreted as having done something for themselves.

Let us face up to this thing like men. If any man who sits in this House was a member of that committee, as 25 Members are at the present time, they would resent the implication that they would ever act except in the best interests of the House of Representatives or the taxpayers. I would if I still sat as a member of this committee, as I once did.

The idea that turning over to this committee will of itself automatically bring about inordinate increases in some of the allowances available to us is without merit, because 2 years ago this House gave to the Committee on House Administration when I was chairman of one of its subcommittees the authority to establish your allowances for furniture and office equipment and, gentlemen, those allowances have not been increased since that time because the need has not been demonstrated. But let us think about it in a little bit different way.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. What the gentleman just said about office equipment and furniture allowances is not only true, but the fact is that thanks to that responsibility and the wonderful work the gentleman from Louisiana did during his chairmanship, we embarked on a leasing program which is saving the Government literally hundreds of thousands of dollars a year. I want to pay tribute to the gentleman for that action.

Mr. WAGGONNER. The gentleman is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. Let me make one statement and then I shall be glad to yield to the gentleman.

The situation is simply this. Why should we in the legislative branch of the Government give a blank check to the executive branch of the Government and to the judicial branch of the Government to establish their allowances in these same areas—for telephone, for telegraph, for travel—for all these other things that they find absolutely necessary—and then put restraints on ourselves that do not allow us to do exactly the same thing? It is just that simple.

Anybody who does not want this money can turn it back, as in some instances I have been doing, and in some instances many of you probably have been doing. But every one of these districts are different. Every man operates his office in a somewhat different way. So what applies to one is not necessarily to be applied to the others. We have rural districts, we have urban districts, we have inner-city districts, districts have grown in the last 10 years. This committee is responsible. They are the duly constituted housekeeping committee. They are responsible people sent here by their voters. They will, as they have, act responsibly, and they will not act under the table. What they will do will be known.

My friends, we will be making a terrible mistake if we do not let them have this authority.

I am happy now to yield to the gentleman from Iowa.

Mr. GROSS. Is not every standing committee of the House of Representatives a housekeeping committee?

Mr. WAGGONNER. No, in no respect. Only to the extent of their own internal operations are they a housekeeping committee. They are in no way a housekeeping committee for 435 Members of the House of Representatives. They are oversight committees.

Mr. GROSS. They are housekeeping committees in relation to the entire Federal Government; are they not?

Mr. WAGGONNER. They are housekeeping committees to the extent that the House Committee on Administration gives them authority, but to no other degree.

My friends, I urge you to stand up like men and vote for something you know ought to be voted for.

Mr. THOMPSON of New Jersey. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio (Mr. DEVINE), a member of the committee.

Mr. DEVINE. Mr. Speaker, I am not going to suggest to other Members what they should do on this resolution. I know what I am going to do. I am going to vote against it on a very basic philosophy or principle. It is a matter that I think such things involving postage and involving stationery and involving telephone calls and other communication services, involving office space and district offices and office services, involving clerk hire and allowances and the number of trips for the Members and staff—I think these are of interest to the people of America, the taxpayers, the people who will be required to pick up the check.

Mr. Speaker, I have no reflections whatsoever to make on this committee. I am proud to be a member of it, although it is not popular to be on this committee. Either we give goodies or we do not, and if we do not, we are not very popular, but this is a matter of principle as to whether or not these matters should be handled in the relative secrecy of a committee room and later published, the following day or in the following issue of the CONGRESSIONAL RECORD, or whether they should be resolved on the floor as most other matters are for the Congress of this Nation.

The committee has not in the past been penurious in any sense of the word. I recall that 13 years ago, when I came to the Congress, we received one roundtrip a year travel allowance, and then it went to three, and then to five, and now it is one roundtrip per month while in session. I do not think that is penurious or miserly or stingy on the part of the House. But that matter was publicly resolved. I think the same thing applies to the number of persons on the payroll.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to my chairman, the gentleman from Ohio (Mr. HAYES).

Mr. HAYS. Mr. Speaker, speaking of the roundtrips to the districts, I am not indicating that perhaps we need more—I do not know—but does the gentleman from Ohio know what the Legislature of Ohio allows its members?

Mr. DEVINE. I have no idea.

Mr. HAYS. It is one roundtrip per week.

Mr. DEVINE. Mr. Speaker, if we think that is a meritorious idea for this House, we should bring it to the floor and let the Members decide, but I do not know why 25 Members should act on behalf of the 435, and do it in relative secrecy. The committee points out that on the day following the hearing the action will be published in the CONGRESSIONAL RECORD, which is after the fact. But it is a matter of principle, and I think it is a matter of principle that we should have to stand up and be counted on in a rollcall vote.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Speaker, I rise in opposition to the resolution.

I oppose the resolution for the reasons set forth by the gentleman from Alabama (Mr. DICKINSON). I also wish to be associated with the position which will be set forth by the gentleman from Ohio (Mr. DEVINE) and the gentleman from Michigan (Mr. GERALD R. FORD). I regret there is not more time to debate this issue. It seems strange to me that with all the talk we hear about the public's right to know, we propose to hide from the public the matter of our allowances, some of which are already too generous.

Mr. THOMPSON of New Jersey. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, at the outset, let me say I firmly believe that Members of Congress should be adequately paid. Equally Members of Congress ought to have adequate allowances for the proper operation of their offices and for the proper conduct of their responsibilities as Members of the House of Representatives.

I believe, however, those standards in pay and allowances can be better achieved by the method that we have used all the time that I have served. I believe that in the case of pay we could have done it more properly under the procedure that was in effect prior to the procedure we have at the present time. I feel the question of allowances can be properly handled under existing procedure—not under the proposed procedure of House Resolution 457.

Mr. Speaker, I think the present system has worked. With few exceptions the amounts of the various allowances in my judgment are adequate today. They certainly are infinitely more generous than they have been over the past years. In other words, the House, by the procedure we have at the present time, has increased the number of trips back to the districts where the Congress pays the bill.

The House, under the present procedure, has adequately increased the number of units allowable for telephone and telegraph services.

The present system has achieved the objectives which I believe are desirable—adequate pay and adequate allowances.

There are some pitfalls that every Member ought to be warned about in respect to this resolution. Members are turning over to 25 Members the responsibility that 435 Members ought to have. If by chance the committee makes a mistake, those who turned the responsibility over to them will have to bear the responsibility for any errors.

What are the possibilities? We must recognize that what happens in the committee room is not nearly as exposed to the press or to the public as what happens on the floor of the House. Is it not paradoxical that we are demanding more public opportunity to see what goes on in many, many areas, and on this we are in effect changing the rules so there is less public exposure?

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. On that point I respectfully argue that the gentleman is in error. Under the present procedure all of these matters are privileged. There has been in the past no history of public hearings on them, and no advance notice in the RECORD, as I assure my distinguished friend there will be in the future. The activities in the future, because of the commitment which is made in the report and in this colloquy, will be better known than ever in the past, I assure the Members of the House.

Mr. GERALD R. FORD. I respectfully disagree with my friend from New Jersey. The procedure is just reversed under what is recommended in the resolution.

In addition, there is no vote by the 435 Members of the House. The responsibility under this resolution falls precisely on 25 Members and cannot be revoked unless we change the provisions of this resolution.

The public information, under the proposal of the resolution, comes after the fact, not before it.

Let me point out something which happened in the Michigan Legislature quite recently. The Michigan Legislature apparently turned over to a relatively small committee broad housekeeping responsibilities. Certain actions were taken by the committee beneficial to the Members. The press did not know about it. The public did not know about it.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield me 3 additional minutes, for debate purposes?

Mr. THOMPSON of New Jersey. Mr. Speaker, for debate only I yield the distinguished minority leader a maximum of 3 additional minutes.

Mr. GERALD R. FORD. Mr. Speaker, I was telling a story about the Michigan Legislature. The legislature gave to a very small number of its members broad housekeeping authority. This very small group went out and added some very nice extra allowances to all of the members. The members accepted them.

The difficulty was there was no publicity given to these added benefits. Finally the press found out about it. There were headlines all over the State of Michigan which condemned every member, not just the members who signed the contract for the additional benefits. The exposure to the public and to the press was very, very harmful to the legislative branch as a whole.

I fear this could happen to this House under the procedure recommended in this resolution. For that reason I am opposed to it.

I will stand up and be counted on any justifiable increase. I believe the record will indicate I have. But I want the responsibility for making that decision on my shoulders, not transferred to 25 members of the Committee on House Administration.

Mr. SISK. I thank the minority leader for yielding.

I do raise one question on this. Certainly the authority given here to the Committee on House Administration in no sense relieves the full House of the responsibility for what occurs.

As a member of the Committee on Rules—and I can only speak for myself—let us say if this committee ran away with its new-found authority, then I am sure that through a resolution by a Member of the House or the Committee on Rules, that could very quickly be pulled back into line. I do not interpret this as turning over complete authority to 25 people.

Does the gentleman from Michigan agree that the final authority still rests in the House and through resolutions to the Committee on Rules there would be ample ways to correct any erroneous mistakes made?

Mr. GERALD R. FORD. Let me answer the gentleman from California.

In theory he is correct, but the practicalities of the situation are that once this authority is given to this committee, 25 Members out of 435, it will never be retrieved by the House as a whole until and unless there is a scandal. I think the better way to avoid that scandal is to require these additional benefits be voted on in the House by each and every Member of the House. That is why I oppose this resolution.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on House Administration, the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I would like to point out to the House some of the things that this committee does now.

We have jurisdiction over all electrical and mechanical equipment. That has not run wild. We now, in the last 3 months, have had jurisdiction over the House restaurant which was subsidizing, to use the press term for Members—and I might say for the press, also, because I see as many of them down there as I do anybody else—which was subsidizing its operations to the tune of half a million dollars a year. We have reversed that, and in the last month we cut that deficit in half. I think we may wipe it out altogether.

I had on my desk last week—and I do not think I signed it and, if I did, I will take my name off it—a request for four new electric typewriters for the press corps. We furnish them, the poor taxpayers do, and not these wealthy newspapers.

I am on a parking committee and we cannot get parking space for our employees in the Capitol because we have too many parking spaces for the members of the press.

I could go on and on.

This committee has been responsible. I like to think we have been more than responsible and have picked up some of the slack around here.

I can tell you that it is not going to become irresponsible if it gets this additional housekeeping task. This is the committee that made the investigation in the Adam Clayton Powell affair. I happened to be the chairman of that subcommittee. I think we acted responsibly there. I just happen to know that the California Legislature, which was rated by a group from the press as the highest and best in the country, gives its members certain perquisites through a committee like this.

When I came here, Mr. Speaker, the Members paid their own phone bills. Some of you new Members do not know that, but we did. We have done something about that.

Who checks on the executive branch of the Government and who checks on their travel? You get on any airplane going to Europe, and if you are traveling tourist class, just walk up to the first-class section, and I promise you that 90 percent of them are members of the executive branch.

The Founding Fathers talked about a coequal system of three divisions: the judicial, the legislative, and the executive.

Does anyone think that the legislative branch is equal to the executive branch?

Do you know what I found out? I think I told the House this the other day. We are still talking about how much a computer bill retrieval computer system is going to cost—and I am going to ask that it be established and ask for money for it, but do you know what the Office of Management and Budget has done? They are renting a computer in order to give them instant retrieval on the progress of any bill pending in the House and Senate, but I did not hear anyone down here shedding any tears for the poor taxpayer, and you can bet that if they do it, every branch of Government will do it, but we have not done it for ourselves. We hobble ourselves and handicap ourselves and then we cry because the executive branch is able to push us around. Of course, we do not always get it reported when there is a little pushing done on the other side. The gentleman from New Jersey—I cannot think of his name at the moment—

Mr. THOMPSON of New Jersey. Mr. Speaker, if the gentleman will yield, I think that is my distinguished colleague (Mr. FRELINGHUYSEN).

Mr. HAYS. No; I am talking about the Democrat (Mr. GALLAGHER). I do not know why I could not think of his name, because he sits near to me.

Mr. GALLAGHER offered an amendment in the committee the other day to bar any further aid to Pakistan, except economic aid, until the situation in West Bengal was settled. And, do you know what the Washington Post did in an editorial yesterday? They said that the Forern Affairs Committee had been reformed by the vigorous chairmanship of four young Members who had been elevated in the committee by the Democratic Caucus by adopting the Hansen of Washington committee report. I think that was my amendment. However, they gave these four Members, all of whom are friends of mine, credit for the Pakistan amendment and never mentioned Mr. GALLAGHER's name.

You know when they talk about the unwinking eye of CBS, they have a point. We are seeing some of it today. They said that when the House faced the unblinking eye of CBS the House blinked, and it did; it did.

Now, you are facing the prospect of whether or not we are going to do a modest amount for ourselves.

Do not blink.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. HAYS. Mr. Speaker, I have nothing in mind at the moment that this committee is going to do, but if it happens, as some Members tell me it is going to happen—that this new Postal Corporation says to you, "Boys, your offices in the post office buildings will not be available to you and get out." I hear they are going to do it. Then, you will have to go out on the market and rent office space, you may come to the committee and say, "Why, boys, what are you going to do for me? Am I going to have to pay this out of my own pocket"?

Further, what if Mr. Blount's corporation raises the amount of postage again?

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. If the executive branch of Government is abusing its prerogatives, why does not the Congress pull the string rather than let those officials get away with it? That scarcely entitles us here to repeat the abuse.

Mr. HAYS. I do not say that it entitles us to repeat any mistake. I am simply saying that we ought to computerize and equip ourselves at least as much as does the executive branch in order to find out the information which we need.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

I have heard the gentleman from Ohio over the years make some statements on these House administration resolutions and I have found myself in agreement with many things which he has said in the past. Most of them have had a very incisive and clear ring to them.

First of all, Mr. Speaker, I intend to vote for this resolution. I do not know whether it is popular or not. I think my credentials as a member of the economy bloc are reasonably well established and it is not likely that I would lose them on this vote any way.

First of all, I happen to believe that every Member of Congress does have a vote because, in effect, you will have to vote on each one of these items when you use or decline to use the allotments, authorizations, clerk-hire, reimbursements or what have you which have been approved by the Committee on House Administration. In other words, if you vote against further staff employment and then use the clerk-hire authorization, you have, in effect, voted for it regardless of what you say here or do today. I might lose some votes by voting for this resolution but I have confidence in the committee members and, further, I do not need to use any authorization I consider unnecessary.

Mr. HAYS. I do not think the gentleman will. The gentleman is exactly right and I appreciate his comments.

Mr. Speaker, I do not wish to embarrass anyone, but some of the Members who voted against the pay increase—and I had a little record prepared by the Clerk's office—were the first ones to sign up for it.

Mr. ASHBROOK. Mr. Speaker, if the gentleman will yield further, I, frankly, find myself in that position. I at one time voted against an additional clerk-hire allotment, but 2 years later I used that staff allotment. My point is that by using the clerk-hire authorization I voted for this authorization no matter what the recorded vote might show.

So I say we do have a vote because, when we decide individually to use or not use the telephone allowance, the district office allowance, travel, clerk-hire or other office allotments under the supervision of House Administration, we are voting "yes" or "no" regardless of what the record shows here. So I am willing to vote in that way, "yes" or "no" on any changes you make. And I might add that I have returned a number of my allotments in the past and will continue to do so where they are unnecessary in the operation of my congressional office.

Mr. HAYS. I am aware that the gentleman is returning money and I would say to you that I am not using all of my clerk-hire at the moment, and I have no one from my committee in my office, and I am not using all of my district office expense at the moment—although the telephone company that serves my office went before the public utility commission in Ohio and asked for a 30-percent increase, and I may have to.

I have said a thousand times that that public utility commission in Ohio is misnamed, they ought to knock the word "Public" out of it and call it the "Utility Commission of Ohio" and I know that they are going to get an increase.

Mr. ASHBROOK. Mr. Speaker, if the gentleman will yield further, I would merely point out that in listening to the debate, that I feel as one Member that I do have a vote regardless of whether we turn these decisions over to the Committee on House Administration or we do not, because if I do not use the allotments then I have voted against it, and if I do use it then I have voted for it. All too many of my colleagues are good losers. They vote publicly against these allotments and then, being good losers, they go ahead and use the precise allotment they opposed.

Mr. HAYS. The gentleman is exactly right.

Mr. CONABLE. Mr. Speaker, this resolution is a disgrace. I am ashamed of the view expressed by so many that we as representatives of the people can properly delegate responsibility to set the allowances of our office to a committee or any other group than ourselves. This is the sort of action which inevitably reflects discredibility upon representative government. I do not know whether deviousness is intended, but it certainly will result and we shall rue this day.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 233, nays 167, not voting 33, as follows:

[Roll No. 199]

YEAS—233

Abbitt
Abernethy
Abourezk
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashbrook
Aspinall
Badillo
Baring
Barrett
Begich
Bell
Bergland
Biaggi
Bingham
Blatnik
Boggs
Bolling
Brademas
Brasco
Brooks
Broomfield
Brown, Mich.
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton

Byrne, Pa.
Cabell
Caffery
Carey, N.Y.
Carney
Casey, Tex.
Chamberlain
Chisholm
Clark
Clay
Collier
Collins, Ill.
Conyers
Corman
Cotter
Crane
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Denholm
Dent
Diggs
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Fish
Flood
Foley
Ford, William D.
Fountain
Fraser
Frenzel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Hagan
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Howard
Hull
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Landrum
Leggett
Lennon
Lent
Link
Long, Md.
McClure
McCormack
McDonald, Mich.
McFall
McKay
McKinney
McMillan
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Minshall
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Rangel
Rees
Reuss
Riegle
Roberts
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Vanik
Veysey
Vigorito
Waggonner
Waldie
Watts
White
Whitten
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Young, Tex.
Zablocki

NAYS—167

Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Aspin
Belcher
Bennett
Betts
Bevill
Biester
Blackburn
Boland
Bow
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Byrnes, Wis.
Byron
Camp
Carter
Cederberg
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Duncan
du Pont
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fisher
Flowers
Ford, Gerald R.
Forsythe
Frelinghuysen
Frey
Gettys
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hammerschmidt
Harsha
Harvey
Hastings
Heckler, Mass.
Hillis
Horton
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Pa.
Jonas
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lloyd
Lujan
McClory
McCollister
McDade
McEwen
McKevitt
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Michel
Miller, Ohio
Mills, Md.
Mizell
Mosher
Myers
Nelsen
Nichols
Obey
Pelly
Pirnie
Poage
Poff
Powell
Price, Tex.
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Rhodes
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Skubitz
Smith, Calif.
Snyder
Spence
Springer
Stafford
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Talcott
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Wampler
Ware
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wylie
Wyman
Young, Fla.
Zwach

NOT VOTING—33

Abzug
Adams
Anderson, Ill.
Ashley
Baker
Blanton
Celler
Chappell
de la Garza
Dingell
Donohue
Edwards, La.
Evins, Tenn.
Flynt
Hanna
Hosmer
Hungate
Kee
Kyros
Long, La.
McCloskey
McCulloch
Mayne
Melcher
Mitchell
Pepper
Reid, N.Y.
Smith, N.Y.
Stuckey
Van Deerlin
Vander Jagt
Yatron
Zion

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Celler for, with Mr. Anderson of Illinois against.

Mr. Evins of Tennessee for, with Mr. Baker against.

Mr. Kyros for, with Mr. Hosmer against.

Mr. Van Deerlin for, with Mr. Zion against.

Mr. Hanna for, with Mr. Vander Jagt against.

Mr. Adams for, with Mr. Smith of New York against.

Mr. Kee for, with Mr. Melcher against.

Until further notice:

Mr. Mitchell with Mr. McCloskey.

Mr. Stuckey with Mr. Mayne.

Mrs. Abzug with Mr. Reid of New York.

Mr. Blanton with Mr. Long of Louisiana.

Mr. Chappell with Mr. de la Garza.

Mr. Dingell with Mr. Donohue.

Mr. Pepper with Mr. Edwards of Louisiana.

Mr. Hungate with Mr. Flynt.

Mr. Yatron with Mr. Ashley.

Mr. BROWN of Michigan changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 699, VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 549 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 549

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 699) to require a radiotelephone on certain vessels while navigating upon specified waters of the United States. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Mississippi (Mr. COLMER) is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 549 provides an open rule with 1 hour of general debate for consideration of S. 699, the purpose of which is to require a system of bridge-to-bridge radiotelephone communication on certain vessels in specified waters.

For a number of years certain whistle signals have been required by law; however, there have been problems of failure to understand them, failure to hear or respond, and/or failure to establish direction and nature of source.

From 1965 to 1969, there were 309 collisions involving 618 vessels of the type which would be covered by this legislation. These collisions resulted in 115 deaths and some $20 million in property damage.

The bill would apply to the following vessels while navigating:

Power-driven vessels of 300 gross tons or more;

All passenger vessels of 100 gross tons or more, carrying one or more passengers for hire;

All towing vessels 26 feet or more in length at the waterline; and

All dredges or similar vessels likely to obstruct navigation.

All such vessels would be required to have a radiotelephone capability to transmit and receive information on a frequency designated by the FCC. The communications equipment would be used exclusively by the master or person in charge of the vessel, or the pilot. A listening watch must be maintained continuously while the vessel is navigating.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 549 makes in order for consideration of S. 699, with an open rule and 1 hour of debate.

The purpose of the bill is to require radiotelephones on certain types of vessels using the navigable waterways of the United States.

Currently ships signal to each other using a system whistle signals. Often these signals are not heard, or are misunderstood. This problem with the present signal system is clear when vessel collision statistics are examined. Between 1965 and 1969 some 618 vessels were involved in collisions which resulted in 115 deaths and some $20 million in property damage. Most of these collisions could have been avoided if the vessels involved had been able to "talk directly" to each other and know precisely where each was and where each was going. The statistics further reveal that most—95 percent—of the collisions have involved tankers, freighters, and large towing vessels.

The bill requires that radiotelephones be installed and operable on all vessels of 300 gross tons or larger, and all towing vessels 26 feet or longer at the water line. Such equipment is for the exclusive use of the vessel's master or pilot in charge of the movement of the vessel.

The legislation will not require any additional cost to the Government, except a cost of about $300 per vessel to equip all Navy, Coast Guard, and Geodetic Survey vessels with the required equipment. Total cost will be about $500,000.

There are no minority views. The bill is supported by the departments involved, although the Navy would like to have an exemption added for the Navy until July 1, 1975, by which date they believe they can have all ships so equipped. Other departments and agencies have no problems meeting the effective date, which is 6 months after regulations are promulgated to implement the act.

Mr. Speaker, this measure is long overdue and the rule should be adopted and the bill passed.

Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. COLMER. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4354, MOTOR BUS WIDTH LIMITS ON THE INTERSTATE SYSTEM

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 546 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 546

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4354) to amend section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System, in order to increase such limitations for motor buses. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Tennessee (Mr. ANDERSON) is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 546 provides an open rule with 2 hours of general debate for consideration of H.R. 4354 to provide vehicle-width limitations on the Interstate System. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 4354 is to amend the Federal-Aid Highway Act of 1956 to increase by 6 inches the width limitation for motor buses operating on the Interstate System.

Under present Federal law, buses wider than 96 inches are prohibited from operating on the Interstate System except in those States or localities where the operation of wider buses was lawful on July 1, 1956. The maximum width of buses permitted to use Federal-aid highways other than the Interstate System is regulated exclusively by the States.

Approximately 40 percent of the transit fleet and practically all new transit buses are 102 inches wide. The wider buses are used in the major cities throughout the country. They are not only safer but have far more comfort than the buses 96 inches wide because of the differences in tires, brakes, suspension, and height.

This is permissive legislation that would authorize each State to permit the use of 102-inch buses on its Interstate System. A number of States have already passed such legislation.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Tennessee (Mr. ANDERSON) has adequately explained House Resolution 546 and I concur in his remarks and join therein.

I would simply like to state, Mr. Speaker, that this does not have anything to do with trucks. We have had a bill up a couple of times before having to do with trucks and buses to allow additional weight on rear axle of the trucks, the length and so forth. This bill has nothing to do with that and it has nothing to do with the fact that two Presidents were reportedly opposed to that particular bill.

This measure has to do merely with buses. It would extend the width from 96 to 102 inches, which is 6 inches wider, on the Interstate Highway System only. The cities, counties, and States can still control their own highway requirements. Most buses are now at that particular width. In fact, there are some 22,000 such buses now in use nationally, and if they can use certain city and county streets, and cannot then get on the Interstate Highway System, it puts them at a tremendous disadvantage.

Mr. Speaker, this bill also states that it has to be a safe operation from the standpoint that it is permissible where the lanes are 12 feet wide, unless the Secretary of Transportation reports to the Congress that the use of such buses would be unsafe and their use could not be made safe by the promulgation of safety regulations.

Mr. Speaker, I know of no objection to the rule. I think there is some objection to the bill on the part of the gentleman from Iowa (Mr. SCHWENGEL), who has filed minority views, and I believe he has sent several letters to Members explaining his position. He will undoubtedly oppose the bill or offer some amendments to it.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. I thank the gentleman for yielding.

I guess it is pretty well known to the House that I am very much opposed to this legislation, and I think I will present some good arguments in support of my position. I shall not oppose the rule. I hope as we enter the debate we will recognize some of the inconsistencies and the inadequacies that are presented.

I point out the administration has not endorsed the bill. They are not in favor of it, and there are some good reasons that will be presented for that position. I will vote against the rule because I feel strongly about this legislation, but I will not insist on a rollcall vote. I hope you will listen attentively to some of the facts and some of the pertinent issues that are involved and then let your conscience be your guide.

Mr. SMITH of California. Mr. Speaker, I have no further requests for time. I urge adoption of the rule.

Mr. ANDERSON of Tennessee. Mr. Speaker, I have no further requests for time.

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN REPORTS

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT

Mr. CLARK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 699) to require a radiotelephone on certain vessels while navigating upon specified waters of the United States.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 699, with Mr. REES in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. CLARK) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. KEITH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CLARK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to make a few remarks in support of this bridge-to-bridge radiotelephone legislation. The purpose of this bill is to require the existing capability and the monitoring of a system of bridge-to-bridge radiotelephone communication on certain vessels while navigating on the inland waters of the United States.

This bill would require that all power-driven vessels of 300 gross tons and upward while navigating, all passenger vessels of 100 gross tons and upward, carrying one or more passengers for hire while navigating, all towing vessels of 26 feet or more in length while navigating, and all dredges or similar vessels likely to obstruct navigation have a radiotelephone capability to transmit and receive navigational information on a frequency or frequencies designated by the Federal Communications Commission in consultation with other appropriate agencies.

It should be understood that this radiotelephone communication system between bridges of vessels is presently used voluntarily on a widespread basis. For example, it has been used voluntarily for several years now in the Great Lakes area and in the Delaware River and Delaware Bay area and, in fact, many vessels on all our waters voluntarily carry this capability.

However, I stress the point that its usage until now has been strictly voluntary. S. 699 would make usage of radiotelephones a mandatory requirement. Some may ask if this capability has been used voluntarily with a fair degree of success, why should it now be mandatory? As an answer to this, I would like to point to the tragic collision which occurred in January under the Golden Gate Bridge in San Francisco Bay.

At that time, two tankers, the *Arizona Standard* and the *Oregon Standard* collided and the result was the spillage of over half a million gallons of oil poured into the waters of San Francisco Bay. This incident indicated, as nothing else could, the necessity for not only a mandatory bridge-to-bridge radiotelephone capability, but the necessity that a continuing listening watch be maintained on this radiotelephonic system. This bill would require a continuous listening watch on the mandatory radiotelephone equipment.

In the collision in San Francisco Bay just mentioned, the two vessels were equipped with common radiotelephone channels and both had, in fact, communicated with the harbor advisory station. However, one of the two vessels had either secured her radio or shifted to some other channel, so that the other vessel was unable to communicate with her. The most modern and efficient radio equipment in the world is of little use if no one is listening.

This bill really requires two things: First, that the radiotelephone equipment must be on the bridge of the vessel; and, second, that a continuous listening watch is maintained on this equipment while the vessel is navigating. This radiotelephone equipment is for the exclusive use of the master or person in charge of the vessel.

Thus, it is apparent that the requirements of this legislation are essential to reverse the trend toward increased collisions on our inland waters and I urge the support of all my colleagues for this necessary piece of legislation.

Mr. KEITH. Mr. Chairman, I rise to support the passage of S. 699, the Vessel Bridge-to-Bridge Radiotelephone Act.

On December 15, 1969, nearly identical legislation was favorably considered in this body but failed to become law before the close of the 91st Congress.

Mr. Chairman, there are several instances where legislation such as is proposed here would, if in law, have prevented serious injury to vessels, their crews, passengers and cargo—and to the ecology of the coastal zone where the collision occurred. But the most recent instance and most startling evidence—is a west coast tragedy that occured in January of this year. On January 18, 1971, almost directly under the Golden Gate Bridge, in dense fog, two American-flag tankers, the *Oregon Standard* and the *Arizona Standard* groped their way toward the Golden Gate, the one outbound from the Richmond terminal, the other heading for the same refinery with a full load of oil. Both ships were equipped with radar.

Each was under the command of an experienced captain intimately familiar with those waters. And yet they collided with sufficient force to spill over one-half million gallons of oil. Locked together, they drifted slowly into the Bay as the oil spread rapidly to the shores, and out into the Pacific Ocean along 60 miles of the coast. Only the moderate size of these ships—10,000 gross tons—small by international tanker standards—prevented the total destruction of San Francisco Bay.

San Francisco is unique among our ports in having a harbor advisory radar operated by the Coast Guard. I must stress the term "advisory" since the Coast Guard does not yet have authority to direct vessel movements. On the morning of January 18, the harbor radar operator was in radio communication with the *Oregon Standard* and *Arizona Standard*. Minutes before the collision, each ship was clearly visible on his radar screen. Although both ships were equipped with radiotelephones, one ship, the *Oregon Standard*, apparently turned its set off during the final crucial minutes preceding the collision. The Coast Guard radio operator was therefore unable to contact the *Oregon Standard*.

The legislation we are considering today will require that all ships of 300 gross tons and upward, all towing vessels of 26 or more feet in length, and all passenger vessels of 100 gross tons and upward be equipped with a radiotelephone located on the bridge for the exclusive use of the master or person in charge of the vessel. It must operate on a specific frequency designated by the FCC for the exchange of navigational information between ships.

As I have already indicated, the two Standard tankers were equipped with radiophones operating on a common frequency. There was no requirement, however, that anyone turn the set on and listen or that it be located on the bridge within reach of the master or pilot. Had there been such a requirement, as is contained in this legislation, this tragedy might have been averted.

Mr. Chairman, the distinguished chairman of the Coast Guard Subcommittee, the gentleman from Pennsylvania (Mr. CLARK) has fully described the details of this legislation; however, I would like to comment on two points before closing.

The first concerns the continuous listening watch requirement of section 5. The report of your committee on Merchant Marine and Fisheries discusses the special problem of pilots guiding foreign-flag vessels into American ports. It is anticipated that in many instances pilots will carry with them a portable radiotelephone as authorized in section 5 of the bill, and that the pilot's radiophone may be the only one on the ship's bridge capable of operating on the frequency required by this legislation.

The pilot may, however, be required to use his phone to contact a tug or call ahead to the pier to arrange for docking. During the time the pilot switches to a different frequency to make such calls, the vessel will be in violation of the law, since a continuous listening watch cannot be maintained.

The Coast Guard may grant exemptions to cover these situations under the authority of section 7 of the legislation when it is determined that marine safety will not be adversely affected. It is my understanding, however, that such exemptions will be granted only after thorough scrutiny and will clearly delineate the waters or portions of a channel where the pilot may shift frequencies for business communication.

The Coast Guard, of course, will not grant such exemptions for waters where congested traffic is common, where adverse weather conditions prevail, or where visibility is reduced due to natural topography or manmade obstructions.

In the final analysis, the burden of this legislation falls on the ship and not the pilot. Every ship entering our waters should be equipped with this relatively inexpensive device. I urge the Coast Guard and the Department of Transportation to work vigorously through IMCO to secure an international radiotelephone convention.

Finally, Mr. Chairman, I wish to comment on the term "exclusive use" as employed in section 5 of the bill. I interpret this phrase literally and do not anticipate that this legislation will require the employment of additional personnel on a ship's bridge. The radiotelephone is for the exclusive use of the person conning the ship. It should be located where he can personally maintain the required listening watch and within his reach so that he can personally respond to an incoming call or initiate contact with approaching vessels.

Mr. Chairman, this legislation is a vital step forward in maritime safety. Your committee now is holding hearings on a companion bill, the Ports and Waterways Safety Act of 1971. Passage of this legislation today and the Port Safety bill in the near future will help to insure that the needs of commerce can be met without further degradation of our marine environment.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MAILLIARD), a member of the committee.

Mr. MAILLIARD. Mr. Chairman, I do not think there is any substantial opposition to this bill, but many of us are very much concerned about navigational safety in our ever-increasingly congested inland waterways and harbors. I take this very brief time only to express my great interest in it, because recently we have had a number of collisions in San Francisco Bay, one in particular where two tankers collided under the Golden Gate Bridge and presented a real hazard to the ecology of the bay, which is in enough difficulty already.

I would also say that in our committee we have several other pieces of legislation which I hope will be forthcoming very soon, which ought also to contribute to navigational safety in our crowded bays and harbors and inland waterways.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of our full committee, the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Chairman, I would like to make a few comments to my colleagues concerning the bill now before us for consideration and passage. S. 699, would require a radiotelephone on certain vessels while navigating upon specified waters of the United States.

The purpose of the bill is to reduce vessel collisions and other marine mishaps by requiring the existing capability and the monitoring of this capability of bridge-to-bridge radiotelephone systems. In simple terms, the master or pilot or person in charge of the vessel on the bridge would be able to pick up the telephone at his elbow and communicate with his counterpart on an approaching vessel with respect to navigational information and intentions as to vessel movements.

The House Committee on Merchant Marine and Fisheries began work on this legislation in 1968, when I introduced a bill to require radiotelephones on bridges of all vessels in our waters. The committee's efforts were intensified in January of 1969, when the administration submitted an executive communication covering the subject matter. Hearings were conducted in the 91st Congress and H.R. 6971 was reported out by our committee and passed the House on December 16, 1969.

The evidence and testimony presented at the hearings before our committee and on the Senate side indicated the need for this bill and we feel that this legislation adequately meets the requirement, without imposing an unreasonable cost or administrative burden on either the Government or private enterprise.

I urge the passage of this bill.

Mr. CLARK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Missouri (Mrs. SULLIVAN), a distinguished member of the committee.

Mrs. SULLIVAN. Mr. Chairman, I would like to join my colleagues in support of S. 699. This bill will make the navigable waters of the United States much safer. It is late in coming and badly needed.

Just as we are confronted with problems in our urban centers and ever-increasing fatality rates on our highways—due to increased population and increased mobilization—we are being faced with a similar problem in our ports, harbors, rivers, lakes, and other navigable waters. For the changing times have made their impact there as well.

We are all aware of the great amount of legislation that has gone into making our cities, airlines, and roads safer, but in the same respect there has been a dearth of legislation in the area that this bill covers.

Safety legislation, like all other legislation, has its opposition. But I think you will find that the men who sail these vessels and have the responsibility for the safety and welfare of their crew, passengers, and cargo are overwhelmingly in favor of this bill. Many of those who will be regulated under this bill already realize the need for radiotelephone bridge-to-bridge voice communication and have vountarily installed radiotelephones on their vessels. At this time, the Great Lakes have been voluntarily using bridge-to-bridge radiotelephones for 37 years, and there are also voluntary port radiotelephone systems in existence in the Baltimore-Chesapeake Bay area and in port areas on the west coast, including San Francisco, Los Angeles, San Diego, Puget Sound, the Oregon coast, and the Columbia River Basin. On the east and gulf coasts, you have the Delaware River, the Hudson River, lower Missisipi River, Houston Ship Channel, Sabine-Neches Waterway, Galveston, Tex., city channel, Newark Bay, Tampa Bay and Harbor, and the New York Harbor area, as well as other waterway areas.

Thus it is obvious that great steps have been made already in this direction voluntarily by those who operate on our navigable waters.

As I stated previously, very few bills are fortunate enough to become law without some sort of difference of opinion or opposition. And here may be some here today who can present logical arguments as to why one class of vessel or one geographical area shoud be excluded and they could, in support of their argument, present admirable safety records which would indicate justification for an exclusion under this bill.

To these people, I can only say that they are to be congratulated for their records in the past, but that the purpose of the bill is not only to deal with the hazardous conditions of the present but also to deal with the potentially hazardous conditions which prevail today as well as the hazardous conditions which present themselves in the future. We know what has happened to our cities and on our roads because preventive measures were late in coming and we also know that corrective legislation would not be necessary if there had been preventive legislation first. For these reasons, I fully endorse this bill and urge the support of my colleagues for this needed legislation.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to a distinguished member of our committee, the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Chairman, S. 699 would require certain vessels to have a radiotelephone capability to receive and transmit navigational information, and would apply to all power-driven vessels of 300 gross tons and over 100 tons and over vessels carrying passengers for hire, and all towing vessels over 26 feet in length.

Further, the bill would require that, while navigating, a continuous listening watch be maintained over the radiotelephone by the master or person in charge or the person designated to pilot the vessel. The bill prescribes that the radiotelephone is for the exclusive use of the master or designee, and that additional crew are not to be added for this purpose.

I and members of the Committee on Merchant Marine and Fisheries have labored for some time over this legislation in the belief that it can provide an added measure of safety in our ports and harbors. However, there is one aspect of the bill which troubled me as being unnecessary.

In our consideration of the legislation, the Coast Guard and others repeatedly acknowledged the excellent safety record of the passenger vessels operating in our inland waterways and in our harbors. With this in mind, I felt it would perhaps be unnecessary to include the class of passenger vessels of 100 tons and above which eventually were written into the bill. I believe their safety record negates any argument in favor of including these vessels; and I feared that the new requirement would be construed so as to compel the operators to add an additional man to the bridge watch of such vessels, raising costs in operations that are often marginal in achieving profits. I was therefore pleased that that report on the bill No. 92-346 made it perfectly clear on page 5:

> The committee would like it clearly understood that it is not the intention of this legislation that an extra man be added to the crew to operate this equipment.

> Indeed, the language of the bill and its legislative history indicate not only that the radiotelephone equipment required by this bill should be operated by the master, mate or person in charge of the vessel in the wheelhouse, but that in some other person were added to the crew for this purpose, it would tend to defeat the basic purpose of the legislation. In this connection the Coast Guard indicated that not only do they not envision such an addition of vessel personnel, but they would regard it as being highly undesirable.

Thus, in the absence of deleting this class of vessels from the legislation, we have made it absolutely clear that the legislation does not require—or desire—additional personnel to operate the new radiotelephone.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, during the period of deliberation and preparation of this legislation, I had very serious misgivings about at least one serious effect of this bill. That is the necessity of employing additional personnel working economic hardship on boat lines.

It has always been my understanding that there must be a constructive purpose for legislation. However, during the period of deliberation in the committee that understanding was somewhat shaken by the provision requiring this additional equipment on a class of vessels that have a safety record without peer.

We in New York have the Circle Line, which has as its president a Mr. Frank Barry, who has been operating that line for some 30 years without a single, solitary accident. It is a line that has made 262,000 trips around the Statue of Liberty without an incident. It is a line that has made a trip around Manhattan, which I am sure many of my colleagues have made, and enjoyed, some 50,000 times without an accident. This, mind you, without a single taxpayer's dollar as a subsidy—in this day of foreign shipbuilding. Mr. Barry continues to build his ships in American shipyards.

He runs a tight ship with integrity and diligence. Rather than be burdened, he should be lauded and encouraged. The Circle Line safety record should serve as an example for all shipping companies to emulate.

In view of the aforementioned, it appeared to me in committee that any action on our part that would impose any costs or restrictions would be, to say the least, ill advised.

Mr. Chairman, I offered an amendment in the subcommittee, together with my colleague from New York (Mr. MURPHY). We advocated our position there. I would not have been in a position today to support this bill but for the language and for the understanding of the committee of the position which we maintained. I am gratified by the language which I read in the report, No. 92-346, wherein it says very clearly:

> The bill indicates that the radiotelephone required by this act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, and so forth.

Our concern was that additional personnel would be employed as a result of this legislation. I was assured by the chairman of the committee that this was not the intent. I am confident this is not the intent. My concern was really with the labor-management relationships in the New York area. Absent the reassurance I find in the report and the language in the bill itself, I would continue to have that same concern.

Mr. CLARK. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am glad to yield to the gentleman from Pennsylvania.

Mr. CLARK. Because of your insistence and that of the gentleman from New York (Mr. MURPHY), this is included in the report.

Mr. BIAGGI. I thank the gentleman. May I address one question, just for further clarification and in order to get it in the RECORD, to the chairman of the subcommittee?

Mr. CLARK. Surely.

Mr. BIAGGI. It is in your contemplation that this legislation does not require any additional personnel?

Mr. CLARK. That is absolutely correct.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. Yes, I yield to the gentleman from New York.

Mr. MURPHY of New York. This radiotelephone, based upon my understanding of the hearings and the testimony of the Coast Guard, is designed for a listening watch of the captain and that to add another person in the wheelhouse would create a distraction. At all times the specific attention of the captain is directed to this radiotelephone. Now with reference to the particular boats to which the gentleman has addressed himself and which have not had an accident in 30 years of operation, this will be an additional radiotelephone that will be in those wheelhouses. This is an extra precaution that I think was really intended for towing vessels where the vast number of accidents were on a national basis.

I think the Coast Guard statistics show that there were three accidents in 5 years involving vessels of 300 tons or less in the passenger carrying capacity on a national basis; of course, none of them in New York. But it is perfectly clear to me and perfectly clear to the committee and now to the House that the listening watch of the captain himself is the intent of this particular radiotelephone in this particular instance.

Mr. BIAGGI. I thank my colleague, the gentleman from New York (Mr. MURPHY) for his very fine and detailed explanation.

I would like to thank the chairman of the subcommittee for putting my mind at rest by providing what I feel is so important in the process of legislation dealing with the effect of legislation not only in this country but throughout the world as it touches the people. Of course, I know in talking about the operations in and around New York Harbor it may seem to be quite a parochial interest, but the point has universal application.

Mr. Chairman, I commend the committee for taking this particular action that I am delighted to support.

Mr. KEITH. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to rise in support of S. 699.

This bill would require radiotelephones on all foreign and domestic vessels of 300 gross tons and upward, passenger vessels of 100 gross tons and upward, and towing vessels of 26 feet or over in length, when they are navigating in specified area; it also includes dredges and floating plants engaged in operations which are likely to restrict or affect the navigation of other vessels.

The bill, although requiring a radiotelephone, provides that a portable radiotelephone satisfies the requirement of the act. The major difference between this bill and H.R. 6971, the bill that was passed by the House in the 91st Congress, is the requirement for a constant listening watch. The prior bill allowed the master or person in charge to permit the use of the radiotelephone on other authorized frequencies whenever there was no risk of collision.

This change to a constant listening watch has met with full accord by the Coast Guard, the Federal Communications Commission, most industry and labor organizations, and I am satisfied that any increase in inconvenience which the requirement may occasion is more than compensated for by the increased safety it will afford.

I think that it is also significant that the bill gives the Secretary of the Department in which the Coast Guard is operating the authority to issue exemptions from any of the provisions of this act if he considers that marine navigational safety will not be adversely affected or where a local communication system fully complies with the intent of this concept but does not conform in detail. This gives administrative flexibility which makes the measure a much stronger piece of legislation. Thus, I urge my colleagues to support this worthwhile and needed bill.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Thank you, Mr. Chairman.

I would like to address a few questions to the chairman of the subcommittee that passed out this important legislation.

First of all, I want to compliment the gentleman from Pennsylvania (Mr. CLARK) for chairing this important legislation.

As I recall, the bill is in response, in large part, to the recent collision that many of us from the committee investigated in California, the collision of the Standard Oil tankers in San Francisco Bay that had radiotelephones.

I wonder if the gentleman could explain to me how this bill would have avoided the collision that occurred in San Francisco Bay where, allegedly, the tankers have the kind of equipment that is called for in this legislation.

Mr. CLARK. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Pennsylvania.

Mr. CLARK. Both of these ships that collided had radiotelephones that would be made necessary through the passage of this bill. However, this bill makes it mandatory that there is a watch on board listening at all times. There was not at the time of the collision. One of the vessels did not have its radiotelephone turned on, and the other one did.

Mr. LEGGETT. As I recall, they had the radio tuned in on different channels and it is my understanding that this legislation would actually require by regulation that a common frequency be listened to by vessels transgressing certain inland waters where they would choose to control the traffic; is that correct?

Mr. CLARK. That is correct.

Mr. LEGGETT. Let me ask the gentleman this question: Also in San Francisco Bay at the time of this collision we had the Coast Guard monitoring by radar the actual collision as it took place. What would this bill add to the Coast Guard's authority, if any, to control the vessels if they had such monitoring activity going on?

Mr. CLARK. This bill has nothing to do with that; that is in the coast and harbor safety bill.

Mr. LEGGETT. So that we are not going the full distance in this legislation? We are not covering water traffic as we control air traffic with the air traffic controllers?

Mr. CLARK. That is right.

Mr. LEGGETT. I understand the chairman indicates that we are holding hearings on legislation that would look into water-traffic control which would actually give authority to the Coast Guard, or other agencies, over the traffic in some of these congested inland harbors?

Mr. CLARK. The gentleman is correct.

Mr. LEGGETT. Mr. Chairman, I want to thank the gentleman very much for his answers. I think this is a very important bill.

Mr. Chairman, the purpose of the radiotelephone bill is to reduce vessel collision. The intent is to lessen the many deaths and allay the high cost in property damage. In addition, given the present stress on clean environment, the radiotelephone bill would protect our harbors and coastlines from disastrous oil spillage, fire, and other tainted accidents.

The Federal Government and the Committee on Merchant Marine and Fisheries have been considering bridge-to-bridge radiotelephone legislation over the past 4 years.

During this period, it has become clear that a mandatory radiotelephone system is essential to safe marine navigation. On March 16, 1968, the cargo vessel, the SS *African Star* collided in the Mississippi River with the M/V *Midwest Cities*. Twenty-one lives were lost. The National Transportation Safety Board, who investigated the accident, found that the probable cause of collision was the lack of a common radiotelephone frequency on the two vessels.

The most recent and near tragic collision occurred in San Francisco Bay on January 18, 1971. The *Arizona Standard* and the *Oregon Standard* collided in a thick bay fog near the Golden Gate Bridge. The result was the spillage of over a half million gallons of oil that soon coated the water and washed upon the beaches. The real cost of the clean up operation even now cannot be determined; in fact, the long-range effects of the oil spill on the ecology of the San Francisco Bay and coastline will be unknown for many years.

I along with other Congressmen and local citizens investigated the San Francisco Bay collision. One major cause of collision was once again the lack of a bridge-to-bridge radiotelephone communication aboard both vessels.

The radiotelephone bill would put an end to such costly neglect. It would insure that a radiotelephone be mandatory navigation equipment installed on certain vessels and a continuous listening watch maintained.

As such, in light of every committee and department report and from my own investigations, I believe this legislation is essential to reverse the rising trend toward increased vessel collision. Thus, a radiotelephone system should be imposed that will reduce the possibility of collision and chaos and increase marine safety on our inland waters.

Mr. BYRNE of Pennsylvania. Mr. Chairman, we, the people of the United States, have been blessed in many ways by nature. We do not have earthquakes with the frequency or the resulting loss of lives as Chile or Turkey, or floods such as Pakistan, or famines such as India. Our catastrophes are, for the most part, the result of human error rather than acts of God.

The complicity of our economy, our technology, and our way of life, however, make us more susceptible to those types of catastrophes which are attributable to human error. Fortunately, we can reduce the risks we are confronted with whereas the rest of the world is at the mercy of nature. Safety is our solution. S. 699, is a bill to prevent loss of life and property on our navigable waters. It is the product of 4 years of work, not only by the committees of the House and Senate, but also the many interested agencies and departments of the Federal Government. Four years is a long time, especially when there is a need for legislation and that need grows and makes itself more apparent daily. Fortunately, the work has been done and not only do we have a bill to present to the House for its consideration, we have a good bill—a bill whose immense value may never be completely apparent because it is difficult to count the number of collisions which will be avoided because of this bill, or the lives, property damage, or suffering which will never become a stark reality because of this bill.

In closing, I merely want to say that S. 699 is a desperately needed bill to rectify a desperately dangerous situation, and I fully endorse it.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of S. 699, a bill which would require certain vessels to have radiotelephone capability to receive and transmit navigational information between vessels navigating on the inland waters of the United States.

The tragedies of recent years, involving vessels on the inland waters which have resulted in great loss of life as well as extreme property damage, demand such legislation. Some 14 years ago the passenger vessel *Andrea Doria* and the *Stockholm* collided off the coast of Long Island resulting in many deaths. Since that time we have seen the collisions of two tankers in New York harbor, and are well aware of the destructive fires in the Mississippi River resulting from collisions between oceangoing vessels and tow boats. In each of these cases there was no effective communication between the vessels involved.

Most recently in the San Francisco harbor the oil tanker *Oregon Standard* collided with the *Arizona Standard* with resulting massive pollution along the beaches and shoreline. I was part of a special investigating subcommittee which investigated the tragedy of February 8, 1971.

The two vessels which collided in the San Francisco Bay were equipped with common radio channels and both had in fact communicated with the harbor advisory station. However, one of the two vessels then either secured its radio or shifted to some other channel so that the other vessel was unable to communicate with her. Spillage of over half a million gallons of oil resulted. In this case as well as the aforementioned mishaps, it is reasonably certain that the failure to communicate was a major element.

The bill before us today has the support of the Secretary of Transportation, the Department of the Navy, and the Department of Commerce. Each of these agencies is strongly aware of the need for effective safety measures in the vessels traveling our inland waters.

The specific purpose of the bill is to require for the exclusive use of the master or other persons in charge of the ship a continuous listening watch on a designated frequency. The bill would apply to all power-driven vessels of 300 gross tons or more, all passenger vessels of 100 gross tons or more, all towing vessels of 26 feet or more in length, and all dredges or similar vessels likely to obstruct navigation. The requirement would apply to the navigable waters of the United States inside the lines which mark the inland waters of the United States. The bill does not envision the replacement of existing radio facilities nor the presence of any additional personnel on board.

EXEMPTION PROVISION IN SPECIFIC INSTANCES

One of the strongest considerations calling for more lenient legislation in special instances is that certain types of vessels have admirable safety records. For example, tuna-fishing vessels, according to a survey by the American Tunaboat Association, have not been involved in any ship collision casualty on the navigable waters of the United States. Serious consideration has been given to the fact that these vessels are not likely to create the safety problems which S. 699 seeks to reduce.

Tuna-vessel owners and operators have good reason to be proud of their safety record. However, the committee has felt that matters such as these can best be dealt with administratively.

The intention of the bill is not to legislate strictly. The bill allows the Secretary to issue exemptions with respect to certain provisions of the act if he should consider that safety will not be adversely affected. He may also make exceptions in cases where a local communications system complies with the intent of legislation but does not conform in detail. In this regard, tuna vessels and other vessels with good safety records can make application to be exempted.

There are many shortcomings in the present sound-warning signals. The enactment of this bill could significantly reduce waterway accidents. The requirement of bridge-to-bridge radiotelephones is important and urgently needed to enhance safer navigation of vessels in U.S. waters.

Mr. ECKHARDT. Mr. Chairman, first, I would like to express my wholehearted support for passage of S. 699 as only the first in a series of steps which are necessary to protect the lives and property of those who not only crew America's vessels, but the thousands of residents along waterways who are imperiled daily. I am happy to see this bill come before the House. Since I, in January 1969, introduced a similar measure, H.R. 5189, after a series of potentially dangerous incidents on the Houston Ship Channel.

While Report No. 92–346 by Chairman GARMATZ covers in detail some of the disasters which have happened during the past several years on our waterways, such as the *Andrea Doria* collision, I would like to address myself to a situation which has possibly a much deadlier possibility than any of those mentioned—the situation where tens of thousands of persons live along a heavily traveled waterway upon which millions of pounds of dangerous and noxious products move daily, such as the Houston Ship Channel.

The north side of the Houston Ship Channel, at that time, lies within the eighth district of Texas, which I represent. Since the Texas Legislature redistricted the State in May, both sides of the channel, with its scores of refineries and petrochemical plants, will lie within the eighth district. So you can see that I have a particular concern about the Houston Ship Channel, and I have long had a deep interest in its safety.

At a public hearing in Houston on February 17, 1969, by the Army Corps of Engineers, Mr. Pat J. Neely, Jr., of the Houston pilots, testified that approximately 70 percent of all the dangerous and noxious chemicals which move in interstate commerce move on the Houston ship channel. Mr. Neely was referring to the total tons moved in interstate commerce, not the total number of the various compounds. Vessels carrying these chemicals move between heavily populated areas such as Galena Park, Channelview, and Baytown on the north side of the channel and Pasadena, Deer Park, and LaPorte on the south side. You can imagine what a disaster might occur should a collision between two vessels release chemicals, which, when mixed with the atmosphere, create a lethal blanket over these communities.

To further complicate matters and multiply the danger, there is the possibility that two vessels carrying different compounds might collide, and the mixing of the two chemicals possibly could set off an explosion and holocaust that would make the Texas City disaster of April 1947 sound like a firecracker. In a meeting 2 years ago with Commander Al Rose, the Coast Guard commander in the Port of Houston, I was told that individual barges carry many of these dangerous and noxious materials within separate holds, and this poses an even more dangerous situation should a collision occur. Rear Adm. Ross Bullard, commandant of the 8th Coast Guard District in New Orleans, has warned the Port Authority of Houston that the ship channel is literally a "floating wick."

While a mishap on the Houston Ship Channel in September 1969 certainly does not rank, as far as disasters are concerned, with those enumerated in Chairman GARMATZ' report, I would like to cite it as an example of what possibly could happen should vessels continue to use the antiquated system of whistles. At that time, the British freighter, the *Christiane*, collided with a tug on the Houston Ship Channel, spilling gasoline into the channel. At the subsequent Coast Guard inquiry, the captain and pilot of the freighter said it used whistle signals, but that the tug's pilot did not respond to the signals. The skipper of the tug reported he heard no whistle signals at all. If they had had bridge-to-bridge communication, it is possible that this collision might have been averted.

As I said earlier, passage of this measure will be only the first small step in such a safety program. President Nixon, in a message in 1970, urged approval of a waterway safety program. One section of his message called for enactment of the legislation we are discussing today. Another would have required a radar surveillance system on the Houston Ship Channel, among other waterways, to make it easier to monitor ship movements. It would resemble the air traffic reporting systems now in use at airports. Congress, however, has not seen fit to approve appropriations for this program.

Not only is there an ever-present danger to persons living along the waterways from fire and explosion, but collisions of tankers carrying petroleum products are a danger to the environment, as report No. 92–346 points out. And, it seems to me that the total aggregate of oil spilled upon our waters from unnoticed and unreported spills may be a far greater damage to the environment than the large ones, such as the spill in the Santa Barbara Channel and the Chevron spill in the Gulf of Mexico. For instance, Texas officials estimate that oil companies spilled 25,480 barrels of oil into public waters during 1964, most of it coming from barges. This means that 1,070,160 gallons of oil polluted Texas waters compared with the 700,000 gallons at Santa Barbara and the 850,000 gallons Chevron spilled in the gulf.

At the public hearing on the Houston ship channel in 1969, many officials recommended deepening the channel to accommodate the deeper draft vessels, and the widening of the channel to improve safety. But there is just so much that can be done in this respect. It cannot be widened at points such as the Baytown Tunnel and the Washburn Tunnel, and certainly danger would continue to lurk at these points. Passage of this measure will be a major step in protecting the lives, health, and property of hundreds of thousands of persons who live and work in the vicinity of our major ports.

Mr. CLARK. Mr. Chairman, I have no further requests for time.

Mr. PELLY. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vessel Bridge-to-Bridge Radiotelephone Act".

Sec. 2. It is the purpose of this Act to provide a positive means whereby the operators of approaching vessels can communicate their intentions to one another through voice radio, located convenient to the operator's navigation station. To effectively accomplish this, there is need for a specific frequency or frequencies dedicated to the exchange of navigational information, on navigable waters of the United States.

Sec. 3. For the purpose of this Act—

(1) "Secretary" means the Secretary of the Department in which the Coast Guard is operating;

(2) "power-driven vessel" means any vessel propelled by machinery; and

(3) "towing vessel" means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

Sec. 4. (a) Except as provided in section 7 of this Act—

(1) every power-driven vessel of three hundred gross tons and upward while navigating;

(2) every vessel of one hundred gross tons and upward carrying one or more passengers for hire while navigating;

(3) every towing vessel of twenty-six feet or over in length while navigating; and

(4) every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels—

shall have a radiotelephone capable of operation from its navigational bridge or, in the case of a dredge, from its main control station and capable of transmitting and receiving on the frequency or frequencies within the 156–162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commissions, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) The radiotelephone required by subsection (a) shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672) as amended.

Sec. 5. The radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing contained herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this Act.

SEC. 6. Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

SEC. 7. The Secretary may, if he considers that marine navigational safety will not be adversely affected or where a local communication system fully complies with the intent of this concept but does not conform in detail, issue exemptions from any provisions of this Act, on such terms and conditions as he considers appropriate.

SEC. 8. (a) The Federal Communications Commission shall, after consultation with other cognizant agencies, prescribe regulations necessary to specify operating and technical conditions and characteristics including frequencies, emission, and power of radiotelephone equipment required under this Act.

(b) The Secretary shall, subject to the concurrence of the Federal Communications Commission, prescribe regulations for the enforcement of this Act.

SEC. 9. (a) Whoever, being the master or person in charge of a vessel subject to this Act, fails to enforce or comply with this Act or the regulation, hereunder; or

Whoever, being designated by the master or person in charge of a vessel subject to this Act to pilot or direct the movement of the vessel, fails to enforce or comply with this Act or the regulations hereunder—

Is liable to a civil penalty of not more than $500 to be assessed by the Secretary.

(b) Every vessel navigating in violation of this Act or the regulations hereunder is liable to a civil penalty of not more than $500 to be assessed by the Secretary for which the vessel may be proceeded against in any district court of the United States having jurisdiction.

(c) Any penalty assessed under this section may be remitted or mitigated by the Secretary upon such terms as he may deem proper.

SEC. 10. This Act shall become effective May 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later.

Mr. CLARK (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. If there are no amendments to be proposed, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore. (Mr. BOGGS) having assumed the chair, Mr. REES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 699) to require a radiotelephone on certain vessels while navigating upon specified waters of the United States, pursuant to House Resolution 549, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOTORBUS WIDTH LIMITS ON THE INTERSTATE SYSTEM

Mr. KLUCZYNSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4354) to amend section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System, in order to increase such limitations for motorbuses.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4354, with Mr. REES in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. KLUCZYNSKI) will be recognized for 1 hour, and the gentleman from Michigan (Mr. McDONALD) will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois (Mr. KLUCZYNSKI).

Mr. KLUCZYNSKI. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I appear before this distinguished body in support of H.R. 4354 as reported by the Committee on Public Works.

As indicated in the committee report, this is a simple bill which amends title 23 of the United States Code to permit the operation of buses on the Interstate System up to a width of 102 inches. This is an increase of 6 inches over the present limit of 96 inches.

This 102-inch bus is now in use all over the country on traffic lanes narrower than those on the Interstate System. They are essential to the mass transit development of our major cities and for alleviating urban congestion. My own city of Chicago has hundreds of these buses, as does the D.C. Transit Co. here in Washington.

It is completely unrealistic to keep these buses off the Interstate System in the urban areas when the Interstate System is there with a much safer design, and available for keeping these buses off the crowded residential streets and major arteries.

How are we ever going to make progress in developing the best transit use possible if we do not give the transit user the benefit of the most efficient and comfortable vehicle which we can provide.

The same applies to the intercity buses and their use on the Interstate System. The 102-inch intercity buses have been used in Canada, on the New York Thruway, and on the Interstate System in most of those States covered by the grandfather clause in the 1956 Highway Act.

With the reduction in rail passenger service to many areas of the country which has recently been taking place, there is a much greater need for the greatest flexibility, comfort, and convenience possible for the bus-traveling public of this Nation.

The American Association of State Highway Officials has approved the 102-inch width on the Interstate System.

The Federal Highway Administration has testified that the Bureau of Motor Carrier Safety reports indicate that there is no class of accidents in which 102-inch buses seem more susceptible than other width buses.

Despite all of these items, there are those who oppose this bill on the grounds of safety, and that in some devious manner that this bill has something to do with trucks.

The bill as introduced has been amended in the committee to provide that the wider buses could only be operated on 12-foot lanes, and only after extensive safety studies are conducted by the Department of Transportation. It even gives a veto power to the Secretary of Transportation if the safety studies prove that the intent of this bill cannot be safely accomplished.

With respect to allegations concerning trucks, I would emphasize to the Committee that the bill before you, H.R. 4354, contains absolutely no reference to trucks in any form whatsoever, and any attempt to relate it to trucks is pure fantasy.

I reiterate, ladies and gentlemen, that this is a simple bill that is needed to increase the efficiency of the Nation's transportation system at no cost to the taxpayer other than those required for simple safety studies and rulemaking procedures.

If you close your ears to the rhetoric and the misrepresentations that have been circulated concerning this bill and consider it on its own merits, you can only reach one conclusion and that is that this bill is absolutely necessary for the good of the transportation system of America.

I urge the passage of this legislation and I hope it is by an extremely wide margin.

Ladies and gentlemen, this is permissive legislation. It is not mandatory. I ask your support of the legislation.

Mr. McDONALD of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on behalf of the minority, I wish to express my strong support for H.R. 4354. I agree with Chairman

BLATNIK that this is sound legislation. In our deliberations in committee, the relative adverse impacts were balanced against the undoubted advantages to be derived from increasing the widths of buses, and the latter were found to far outweigh the former. I should like to mention to you some of the principal factors which influenced our decision:

First. This is permissive legislation only. It does not compel any State to permit wider buses to operate on its highways. It simply authorizes States to permit them when, as and if they deem the operation of such buses to be prudent, proper, and safe.

As a matter of fact, 23 States already permit the operation of 102-inch buses on the Interstate System. Undoubtedly, more will do so if this legislation is approved. But the fact remains that they will not be required to authorize such use even if this bill does become the law.

I am well aware that certain Members feel that, if left to their own devices, the so-called trucking interests would ramrod authorizing legislation through in the various States. Personally, I have more confidence in State legislatures than that. I assure you the legislature in my home State of Michigan can and does make up its own mind on the issues that come before it—just as honestly and independently as the Congress of the United States does.

Second. The increased limitation authorized in H.R. 4354 applies only to traffic lanes on the Interstate System which are at least 12 feet wide. Lanes of that width are clearly adequate to carry such traffic. In fact, 12-foot lanes on the interstate, all of which have at least two lanes in each direction, are probably the safest roadways in the Nation upon which such vehicles could operate.

That is why I feel the fears which have been raised over the problem of air turbulence are overstated. Air turbulence is admittedly a serious factor when large and small vehicles pass one another on narrow gage, two-lane roads, particularly for vehicles traveling in opposite directions. But on four-lane Interstate roads, where oncoming traffic is usually separated by median strips, this problem is minimized, although not totally eliminated.

In this regard, it would seem to me that if we applied the same kind of ingenuity in vehicle design as we have done on aircraft, the air turbulence problem could be further reduced as a menace, even on those highways which do not measure up to Interstate standards.

Third. The increased width authorization would apply to buses only. The current 96-inch width limitations applicable to trucks would still apply.

The principal opponent of this legislation, Mr. SCHWENGEL, has conceded the good faith of the sponsors of H.R. 4354 in this regard. He has, however, raised the specter of the 102-inch bus authorization constituting a foot in the door for those who wish to increase width and weight limitations for trucks. I strenuously disagree. On behalf of the minority, I want to state that this is not our intention. We are dealing here solely with buses. Our aim is narrow and limited. It is our belief that unless we measurably improve the comfort and convenience of intercity buses, we cannot reasonably expect to attract more passengers to this form of transportation. Personally, I put wider body buses in the same category as those wider body jet airplanes which we hear so much about. The integration of each into our transportation network will afford passengers in both realms a hitherto undreamed-of standard of comfort.

Parenthetically, it may be that increased seating width is a necessity rather than a luxury these days. Statistics show that Americans are growing taller and bigger with each passing generation. Generally speaking, we are larger and bigger boned than our parents and our children are larger and bigger boned than us. The authorization of increased seating widths recognizes and seeks to accommodate to this physical fact of American life.

Fourth. At the present time, some 22,000 buses, 102 inches wide, are already operating on streets and highways around the Nation. The District of Columbia, for example, has 300 such buses on its city street system. Anyone who has ridden on these vehicles can attest to the improvement that widened seats afford.

Let us face it, only by making bus travel more attractive can we expect to convince the driving public to abandon their cars in favor of public transportation. And only if we succeed in doing this, can we expect to relieve the escalating congestion of our highways.

Buses are the most flexible mode of public transportation we have. But they can only reach their potential as people carriers if we build into them features which match the comfort and convenience of private automobiles. This bill is a step in that direction.

Fifth. In addition to the foregoing, under the provisions of the Urban Mass Transportation Act, the Federal Government has provided financial assistance to communities to purchase 2,481 transit buses. Of this number, 1,761 will be 102 inches wide. Some of the latter are already operating on the Interstate System in those States which permit it on either regular routes or in charter service. In view of this, it would be inconsistent for us to refuse to approve in this measure what we sanction and encourage through subsidization in other legislation.

In this connection, I should like to read to you a letter I have received from Mr. E. W. Knox, general manager of the Department of Street Railways of the City of Detroit:

DEPARTMENT OF STREET RAILWAYS,
Detroit, Mich., July 8, 1971.

Hon. JACK H. MCDONALD,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN MCDONALD: The Department of Street Railways very earnestly supports H.R. 4354 commonly termed the "Big Bus Bill". This Bill increases the width of buses on the Interstate System from 96 inches to 102 inches.

The DSR is a municipally owned system operating 1,100 buses in its active fleet. All buses are 102 inches wide for the following reasons:

1. Aisle width of DSR buses is 26 inches. A six inch reduction would narrow the aisle width to 20 inches which is totally inadequate for the comfort of standees in our inner city operation. There would also be considerable delay and the slowing up of vital schedules due to inefficient egress of the passengers.

2. A conglomerate of 96 inch wide and 102 inch wide buses in DSR's operation would entail a tremendous cost to the Department and would result in inefficiency in that flexibility of operation would be sacrificed.

3. A 102 inch wide bus is considered safer from a standpoint of more stable braking due to the wider width. DSR buses are required to stop within 28 feet at 20 MPH. This is easily accomplished with a standee load. In many instances, DSR buses exceed this standard without loss of control. DSR buses have sufficient brake capacity to meet any legal standard.

4. Suspension members in a 102 inch wide bus are wider and contribute to the safety of the bus by virtue of better stability. Better stability is accompanied by better steering. A 102 inch wide bus, in this regard, can well be considered a safer bus.

It is for reasons of increased safety, comfort and flexibility of operations that the DSR is strongly in favor of H.R. 4354.

As you are aware, 102 inch buses have been permitted in Michigan for a number of years on all highways except those designated as the Interstate System and it is respectfully requested that you give your favorable consideration and support to H.R. 4354 which will eliminate the present inconsistency and permit transit companies to standardize fleets and operate more safely, efficiently, and economically.

Very truly yours,
E. W. KNOX,
General Manager.

Sixth. Mr. Knox's letter brings me to a further point which I wish to emphasize—safety. I yield to no one in my interest in and commitment to the safety of the American driving public. In fact, I have recently cosponsored a bill, introduced by my colleague, the ranking minority member of the Committee on Public Works, Mr. HARSHA, which would vastly expand the highway safety program in this country. Also joining as cosponsors of this bipartisan bill was the chairman of the Public Works Committee, Mr. BLATNIK, as well as the majority of other members of the committee from both sides of the aisle.

We on the Public Works Committee are safety minded and safety conscious. Insofar as safety considerations are concerned in H.R. 4354, I believe adequate safeguards are built into this legislation. The increased widths authorized for buses will not go into effect until after the Secretary of Transportation has completed studies, including engineering and testing analyses, to determine all safety effects. Following completion of such studies, such regulations as he deems necessary to protect the traveling public will be promulgated.

As our report makes clear, our overall intention is to confer "a veto power to the Secretary of Transportation if in fact he does find and reports to Congress that the wider buses will be unsafe and cannot be made safe by promulgation of safety regulations." Personally, I do not believe the Secretary will have to exercise his veto power. But incorporation of such authority in this bill should convince even the most concerned of opponents that safety considerations have not been slighted; that safety was and remains uppermost in our minds.

Seventh. Finally, authorization of increased widths will make possible safety improvements in the buses themselves. Even those who, like myself, have only an elementary knowledge of the laws of physics, know that by increasing the width of a vehicle you make it a more stable operating platform. You also make it possible to make improvements in suspension and braking systems. And last but not least, you make possible handsome dividends in comfort to the traveling public.

You have probably seen those commercials on TV sponsored by the airlines relating to increased seat widths. Clearly, much of the competition between airline companies today is focusing on promises of increased passenger comfort through the wider seats currently being installed on competing passenger aircraft. As I see it, similar benefits should not be denied to the generally less affluent public who travel by bus.

In conclusion, I believe H.R. 4354 is sound legislation. All points, pro and con, were carefully considered in committee. All interests, and most importantly, the safety of the traveling public, are protected.

I sincerely hope that the House, in its widsom, will approve this measure.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Chairman, buses are so vitally important to the future of the country that there is a sense of urgency to this legislation.

There are almost 90 million automobiles in the country today, and every day sees a net increase of about 6,500. Our streets and highways are becoming hopelessly clogged with automobiles, many of them carrying only the driver. These cars are polluting our air. When discarded—and approximately 6,000,000 are every year—they befoul the landscape. As former Secretary of Transportation Boyd once said, we must do something to break up this great love affair of the American people for their automobiles.

Mr. Chairman, the logical, practical, and vital answer is the bus, both local and over-the-road types.

Our Federal Highway Administrator, Mr. Francis C. Turner, put it about as clearly as possible when he said in a speech last March:

> For most of our cities—large, medium-sized and small—only buses can do the job.

And Mr. Turner went on to add:

> In order to get people out of their cars and on to the buses, they must be given some real incentives.

Mr. Chairman, the bill before us today is one of those incentives and, let me stress, has absolutely nothing whatsoever to do with any other mode of transportation or any other kind of vehicle. It would affect only buses using the Interstate Highway System.

This bill will remove the shackles on the width of bus seats, which must be widened to keep up with a population that is simply growing bigger than 15 years ago when the current width limit was imposed. Every bus carries the equivalent of 12 carloads of people. In other words, a bus removes 12 cars from the streets and highways. If the bus operators can make their buses more comfortable, they stand a chance of getting at least some of those people out of their cars. The Department of Transportation is graphically demonstrating this by sponsoring exclusive bus lane experiments in three cities, New York, Washington, and Seattle. During the morning and evening rush hours, highway lanes leading into and out of the cities are reserved for the sole use of buses. Most of the buses being used are modern new transit-type buses of the width this legislation would permit. They are proving that the public—given a comfortable, safe, and reliable service—will leave their cars in their driveways and take the bus. Secretary of Transportation Volpe commented on the success of these projects just last month, stating:

> The fast, clean, *comfortable* service now provided on exclusive busways has resulted not only in a savings of time for the commuter, but also has reduced traffic congestion, increased safety and rehabilitated a lot of once-frayed tempers.

In addition, all the buses in New York City are already 102 inches wide and have been running for some 20 years with no problems attributable to that width. The intercity operators believe they can also win more riders with the more comfortable and safer bus that H.R. 4354 would allow them to offer to the public.

Mr. Chairman, the bus is the transportation mode of the real public. Nearly 400 million Americans took intercity bus trips last year, or more than double the number who flew the domestic airlines. The bus is the vehicle of all the people—servicemen, youths, older persons with little to spend, all races. These people, and the entire public, deserve and should have the comfort and additional safety that this bill would give them.

Mr. McDONALD of Michigan. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, as a follow-on to the remarks which were made by the gentleman from New York (Mr. MURPHY), I think it would be helpful for the Members now on the floor to refer back to the enactment of the Highway Act of 1970 wherein we incorporated the highway-related mass transportation systems, with preferential lanes, as one of the sections of that bill.

I believe it is obvious that there is going to be an increasing need for a new design of the buses for this particular mode of our total transportation is in order.

Having discussed this matter with the Secretary of Transportation and people in the Federal Highway Administration, it is my view that they, in cooperation with our safety engineers, the manufacturers of buses want to move in the direction of cleaner, more comfortable and safer buses. Also, I have asked the Department of Transportation to maximize and intensify the study of aerodynamics and the "wind blast" problems associated with heavy motor vehicles.

There, of course, were some reservations presented to the committee as they related to this legislation, a part of which came from the administration.

But I think it would be helpful if I were to read to the membership section 3 of the legislation at this time, because it tends to incorporate some of the suggested changes to cover reservations the administration had expressed during testimony before the committee.

Section 3 reads as follows:

> SEC. 3. The amendments made by the first section of this Act shall take effect on the first day of the first fiscal year which begins after the date the Secretary of Transportation has completed the necessary safety studies (including engineering and testing analyses) concerning the effects of such amendment and has promulgated such safety regulations as he deems necessary, or on July 1, 1973, whichever date first occurs unless, prior to such effective date, the Secretary reports to Congress that as a result of such studies he has determined that the operation of motor buses having a width in excess of 96 inches but not in excess of 102 inches upon twelve foot wide traffic lanes of the Interstate System will be unsafe and cannot be made safe by promulgation of safety regulations.

I, too, had some concern. However, the inclusion of this particular section tended to sway my thinking in the direction of support for this legislation.

To the Members from California, I do believe I have a responsibility to convey to you what the situation is in our own native State.

We are one of the 23 States that actually have the wider buses that are now in operation. The suburban and urban areas of California have the limitation set at 104 inches, not the 102 inches that is under consideration in this particular bill.

Finally, for those of you from California, I would like to read the communities that are now being served by the 102-inch transit buses and where they are actually in operation: Alameda, Culver City, Long Beach, Los Angeles, Montebello, Oakland, San Diego, San Francisco, and Santa Monica.

I thought this might be helpful as you give consideration to your position on this particular piece of legislation. I recommend passage of the bill before us.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I am not a member of the Committee on Public Works, but I want to try to tell you what I understand this bill to be, and if, when I explain it to you as I understand it in its simplest form, I am in error, then I would like to have someone clarify my thinking, if I am wrong, and where I might be wrong.

As I understand this proposal, it does nothing in the world except on the part of the Federal Government say to the States in the instance of interstate highways which traverse their States, that if you want to, where there are 12-foot traffic lanes, you may, if you choose, allow buses of a width of 102 inches to travel.

It is my understanding that it does nothing more than that.

Now, how can you justify this? I am told that these 102-inch width buses are the safest ever built. I am told that there are 22,000 buses already in service in the United States which are 102 inches wide, and that these 22,000 buses constitute 40 percent of all the buses in use in the United States. In addition to this, if we pass this legislation, they would not immediately go into use in the States where they choose to allow their use because it is incumbent upon the Federal Highway Administrator, Mr. Frank Turner, and the Department of Transportation, to make a determination before July 1, 1973, that the utilization of these buses—not trucks—just passenger-carrying, for-hire buses—will constitute no hazard to safety in any way. If they make a determination prior to that time that there will be a hazard then they can and will veto the use of these buses anywhere that this bill provides that they be allowed where the States choose to allow them.

Now, there is not much wrong with that in my personal opinion. First of all, Frank Turner is, I think, without a peer in Government service as far as the knowledge of our highways are concerned, and the safety on those highways.

For those of you who are interested in safety let me say that I have seen statistics which show that each time you put one of these buses in service you take 11 passenger cars off of the highway. So what does that do to overall safety? And if safety cannot be provided on our interstate highways where on earth can it be provided, because they are the safest highways we have.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I think this bill ought to be passed.

I just want to know, Mr. Chairman, if there is anybody here who says that I have misinterpreted this bill?

Mr. HOWARD. Mr. Chairman, if the gentleman will yield, may I say that I believe the gentleman from Louisiana (Mr. WAGGONNER) is eminently correct in the statements he has made. The fact that this bill merely permits it in those States if they should so choose to permit these buses to be used on their State highways, then that State will have the right to determine that.

The fact that there are some 22,000 buses of this width already is absolutely correct. The total figure of buses in this kind of operation is about 90,000-some, so that figure is almost 25 percent of all of the buses in the country today.

Mr. WAGGONNER. The figure the gentleman is using includes inner-city buses?

Mr. HOWARD. That is right. We are just excluding schoolbuses which naturally would not be utilized and would not want to be utilized that way.

And, of course, the provision that the gentleman from Louisiana (Mr. WAGGONNER) referred to that the Department of Transportation must, under this legislation, make a survey as to any problems which may come up as to safety or such things as that, and that they will have the right to veto the operation of this legislation, should something insurmountable come up, is correct.

I thank the gentleman for yielding.

Mr. WAGGONNER. Mr. Chairman, I believe that this legislation deserves our affirmative consideration.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. WAGGONNER) has again expired.

Mr. McDONALD of Michigan. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, it is not easy to come before this body and oppose colleagues with whom you have worked for 16 years constructively on legislation to build a better America. I am especially proud of the 74 days that I worked with my colleagues in bringing out the interstate system and dozens—yes, hundreds of other bills that have come out of our committee.

But, I am convinced beyond a question of a doubt that we are wrong in acting on this bill today—and it is based upon much study and analysis by myself and much research, far beyond anything that has come before the committee.

I submit that the committee has not had enough time to consider this. There were many people who wanted to be heard on this, but who could not be heard because there was not enough time.

Now my interest is in safety as has been stated by many of you here—and I believe them—my interest is also in economy and I think this is uneconomical because a wider bus means a heavier bus—by 13,000 pounds according to the testimony of the bus people themselves—on the plans that they have in their family of buses.

Now I want to tell you that I speak for a lot of people and among them are the drivers of the buses. I know we had testimony before the committee and somebody from the union saying such and such, but I have gone to the drivers themselves and universally the drivers know that a bigger bus and a wider bus is going to be harder to manage.

Recently I was in Chicago at that great bus terminal there and I am told it is the greatest bus terminal in the world. I spent about an hour and one-half there looking it over, and I said to the people in charge, "Suppose we were to widen these buses by 6 inches," and this man said, "Man, you would not be able to get them in or get them out. We would have to rebuild this whole thing."

Mr. CLARK. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I would like to finish my statement and I will yield after awhile.

Mr. CLARK. This is with reference to the size in Chicago, where they already are 102 inches.

Mr. SCHWENGEL. Mr. Chairman, I am talking about the Greyhound Bus Depot where the buses are, I am told, 96-inch buses.

Now, I speak also for the 80 million, or as somebody now suggested, 90 million drivers on the highways—automobile owners. We know on the average that it would be at least one passenger, so that would be 160 million.

Now, I have had some attention nationally since this came up, that I have been leading the fight both on trucks and buses. But I do not have any letters from anywhere from automobile drivers saying that they favor this bill, but there are hundreds of them, I suppose they reach into the thousands, saying—We are with you, good luck.

Now, the prestigious AAA organization speaks well for the automobile owners and they do not have anywhere near the number or amount of membership that they ought to have for the service that they do for the country. But they came before this committee, and they are completely and utterly against it.

Now, there is another reason I am concerned. The administration is opposed to this bill. The National Highway Traffic Safety Administration is opposed and the National Transportation Safety Board is opposed. Somebody mentioned Mr. Turner in glowing words and I can add to my comment about Mr. Turner because I recognize him as a great pioneer and a great authority, but Mr. Turner is not for this bill.

In an appearance before the committee, and I have forgotten the date, but in the early part of the hearings he said among other things:

> In our previous testimony, safety was our primary consideration in our review of the proposal. It is still our primary concern. Based on the extent of our analysis to date with regard to the potential benefits and safety hazards which would result from the proposed increased bus width, the Department cannot support enactment of H.R. 4354 at this time.

Later after hearings he addressed a letter to Mr. KLUCZYNSKI. I have a copy of the letter. Among other things he said:

> The Department has concluded that the kind of evidence available to us now is not fully adequate to provide a reliable basis for a definitive finding on the relative safety of 102-inch buses as compared to 96-inch or narrower buses. Accordingly, our position on width remains unchanged.

So here are people who work in this field. Here is a man who, as has been said on this side of the aisle, and we admit on our side, is a great authority in the field of road legislation.

I want to call attention to the effect of blast, of air turbulence. We know it is there. If you want to be convinced, get caught on an interstate highway with a panel truck some night. Park it 6 feet off the lane and just see what happens as you sit in that panel truck. Observe how it rocks when a bus or truck comes by, and it may be as far away as 18 feet. It will still cause that panel truck to waver 3 or 4 inches.

Studies have been made of this subject. One of the reasons that Mr. Turner cannot endorse this proposal is that he knows that studies of the blast effect and what to do about it will take time.

So there is this problem and many other problems. I say to you that it is senseless to pass a bill until we know all the facts with respect to the blast effect alone. How serious can that be? I can tell you that a constituent of mine was driving a very substantial trailer behind a car, and as a truck passed him on an interstate highway where there were two lanes, a 24-foot highway, it blew this whole operation, blasted it off the highway, and a life was lost.

This is piecemeal legislation. You cannot distinguish, friends, between a wider bus and a wider truck, regardless of what these people say. I know they mean it when they say that this does not relate to truck legislation, but I believe it will lead to a truck bill. Then what will you do if we have passed this bill? I say it is precedent-making, and we had better not make that precedent again until we know, and we need the whole picture. We need to study the question of the user taxes.

I have a substitute that I will offer at the proper time which is a proposition to have a presidential study to study the questions I have mentioned and many more and to bring back a report. Then we can legislate from a base of knowledge, sound research, thorough research, and we will not be guessing. That will be in the public interest.

I want to call attention to the fact that there are inaccuracies. I pointed that out in the report, and that is in the record. If you base your vote on that committee report, you are basing it on a report that is quite inaccurate and inadequate.

The first error deals with the statement made on page 3 of the report. The report states practically all the cities of the country presently permit 102-inch buses to operate on their streets and highways. This statement gives the impression that cities in this country are practically unanimous on this 102-inch-bus question. The facts in this respect are spelled out on page 339 of the hearings held on the legislation in 1969. Mr. Gunther was testifying. Mr. Gunther is the executive secretary of the U.S. Conference of Mayors, so he knows what he is talking about.

Mr. Gunther said: "There are 14,500 cities that belong to the National League of Cities through State affiliates." That would be less than half of the cities I would include—and he said, "There are about 1,500 bus systems in our Nation and 94 cities are listed here."

That, I said, was a pretty small percentage. The percentage of the total is very small. The 22,000 buses which are 102 inches wide constitute 7 percent of the total number of buses.

This shows there are areas of mistakes.

Let us go on to what I call the third point. This relates to the number of 102-inch buses in service. The majority report states there are approximately 22,000 of the 102-inch-width buses in operation. I am sure this is correct, but the false impression is of the number of 102-inch buses now in use as related to the total number of buses now in use.

Motor Truck Facts, published by the American Manufacturers' Association, states there are 364,340 motorbuses of all types which were registered in the United States in 1969. This means less than 7 percent of the buses in the United States are 102 inches in width—a much smaller quantity than the majority report would imply.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, of these buses in the United States, is it not a fact that 237,000 of them are schoolbuses that are not engaged in commercial and business-type operations?

Mr. SCHWENGEL. I think so.

Mr. EDMONDSON. So when we get this figure down to the commercial operation of buses, we actually have about 25 percent of the commercial buses in operation that are 102-inch buses.

Mr. SCHWENGEL. The gentleman is correct. I am glad he made that point. But the buses are still on the highways, and those buses are 96-inch buses. We have a firm in my district that builds those buses. This is for safety reasons. They are continually trying to do what they can make those buses more safe.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from North Carolina.

Mr. MIZELL. Mr. Chairman, of the number of buses of over 100 inches that are operating at this time, how many of them are operating within the cities and municipalities of the country rather than on the Interstate Highway System?

Mr. SCHWENGEL. There are 94 communities or cities that allow 102-inch buses. Not all the buses in those communities are 102 inches.

Mr. MIZELL. I think it would be safe to say the majority of the buses of 102 inches at this time are operating within the municipalities of this country.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield further?

Mr. SCHWENGEL. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, since the gentleman made a point of trying to discredit the committee report by quoting a colloquy he had in the committee hearing with Mr. John Gunther, executive director of the U.S. Conference of Mayors, I think it ought to be made clear that the testimony of Mr. Gunther was not to any measure at variance with the committee conclusion in its report. Does the gentleman recall Mr. Gunther, on page 319 of those hearings, making the statement that these wider buses are currently operating in most major cities of the Nation?

Is that not exactly what the committee said?

Mr. SCHWENGEL. Mr. Gunther said that, but the figures I quoted are accurate also. They have been checked and doublechecked. According to his own statement, Mr. Gunther said there are 15,000 city buses.

Mr. EDMONDSON. The gentleman criticized Mr. Gunther, but does not the gentleman concede that Mr. Gunther in his executive position ought to know? Does not the gentleman recall Mr. Gunther gave testimony in favor of this bill and said it would be helpful to the cities of the Nation?

Mr. SCHWENGEL. He did, but I quoted that just to establish the point of error. That cannot be questioned. I never said Mr. Gunther was opposed to this bill.

Mr. Chairman, I do not want to belabor the argument or carry it on unduly.

I want to say that I am not against improving the opportunities to move men and goods on the highways. My record is pretty clear on this.

But I am interested in protecting the public interests. One of the public interests is safety. We have not explored all the areas that relate to this question. Unless and until we do I believe we ought not enact this kind of legislation.

The economics of this is bad, because increased width means increased size. On page 119 of the committee hearings is the statement of what the Greyhound Bus Co. has in its plans for a family of buses: Increase length to 40, width to 102, overall height to 12 feet, weight to 42,000 from 28,733.

Well, that is setting a bad precedent. I believe this is the first step toward a truck bill. This is serious business.

I am glad to note so many people who are arguing for this bill are making the point that this is not a truck bill. What will they do? How could they oppose a truck bill if one follows now? I plead with Members to not consider seriously enacting this unless we can amend it. I will have a substitute bill to present at the proper time.

Another error relates to the statement in the report that "Yet, in these cities the newly constructed Interstate System is not available to them under current law." Again, I quote from the 1969 hearings on this same legislation. At page 9, Mr. Charles A. Webb, president, National Association of Motor Bus Owners, testified:

> In about 25 of these States, operations of 102-inch-wide local and suburban buses were permitted prior to July 1, 1956, which means such operations are permitted today on local and suburban segments of the Interstate System. In the remaining 15 States, local and suburban bus operators must confine their modern 102-inch-wide buses to routes which do not embrace any part of the Interstate System.

At page 4, the report states:

> An excellent example of this situation is right in the Nation's Capital where the seven bridges crossing the Potomac River from Virginia, four are on the Interstate System, and therefore, cannot be used by 102 inch buses. The three remaining bridges all have lane widths less than 12 feet, but are available for the 102 inch buses. Yet, within Washington, D.C., the bus system contains over 300 buses of 102 inch width which operate legally on the city street system.

The report bemoans the fact that 102 inch buses can operate in the District of Columbia, but cannot cross the interstate bridges. The fact is there is no need for D.C. Transit buses to cross these bridges because D.C. Transit has no operating authority or routes requiring them to cross the Potomac, except for one short route between Bethesda and the CIA. In fact, it is interesting to note that D.C. Transit has only 173 buses which are 102 inches wide. That is out of a total fleet of 1,167 vehicles, the majority of which are only 95 inches wide. The report claims D.C. Transit has over 300 buses, 102 inches wide, however, I have been assured by D.C. Transit officials that they have only 173 buses that are 102 inches wide.

Still another fallacy in the majority report stems from the statement:

> The clear facts that the 102 inch bus is in widespread use with an excellent safety record on narrow lanes with lesser safety characteristics than the Interstate System has convinced the Committee that the 96 inch restriction on the Interstate System should be removed.

When viewed from the perspective of the fact that "widespread use" means less than 7 percent of all buses, the safety record may not be as impressive as it appears at first blush. The National Safety Council publication, Accident Facts, 1970, indicates that for the year 1968–69, the accident rate for buses were as follows:

Accidents per million vehicle-miles

City	56.45
Suburban	31.71
Intercity	6.34

While it is impossible to tell what percent of the buses involved in these accidents were 102 inches wide, it is quite clear that the city buses do experience a much higher accident rate—hardly what should be termed "an excellent safety record." In addition, since the safety record of 102-inch buses is based mainly on city usage, some of the other safety problems, particularly those of the "blast effect" have not been fully evaluated. The "blast effect" would not be significant under most city traffic conditions.

Also, at page 4, the report states:

> The other part of the bus operation—intercity long haul buses—presents still another phase of the transportation system which must be realized to its peak efficiency. This fact is accentuated by the recent developments in the railroad industry which have completely removed passenger service to many of our cities and so curtailed others as to create hardships on the total mobility of the American people.

It seems clear to me that the major portion of the urban traffic congestion results from intracity traffic and not intercity traffic. Encouraging people to ride intercity buses will do little to solve our urban-intercity traffic problems. In recent years, the number of intercity passengers carried by bus has steadily declined. The 1970 World Almanac cites the following figures:

1966	169,323,447
1967	166,285,070
1968	160,692,862

So the argument that "recent developments in the railroad industry" necessitate increased intercity bus service hardly squares with the fact bus ridership has been declining drastically during the period passenger trains were being dropped at an alarming rate. The bus owners themselves admit that their buses travel, on the average, half empty. It is for that reason, I suggested to the bus owners that they can get additional seating space by removing one row of "unused" seats.

Another point which needs clarification is that of the size and weight of the new wider buses. While the present bill clearly deals only with an increase in the width of buses, it should be noted the new "family" of Greyhound buses would be 5 feet longer, 2 feet higher, and 13,267 pounds heavier than present buses. These increases are within the present size and weight limitations, and no changes in the law are necessary to accommodate them. It seems readily apparent to me that a bus 13,267 pounds heavier is going to cause more wear and tear on our highways. Thus, contrary to the statement contained in the report, there will be substantial costs to the Government and thus to the taxpayers beyond the cost of the studies mentioned in the report.

Finally, it seems to me that there are a sufficient number of inaccuracies in the majority report as to raise serious questions about the conclusions drawn by it in favor of the bill. Conclusions based on such questionable facts, certainly should not be given much weight.

I include the following complete statement on this problem:

Size and Weight Legislation: Statement of Congressman Fred Schwengel

I. BACKGROUND

A. Federal Aid Highway Act of 1956

In 1956, the Congress first considered the subject of vehicle weights and dimensions. The subject was broached in the consideration of the Federal Aid Highway Act of 1956 which established a vast new highway system spanning the country known as the National System of Interstate and Defense Highways. The Federal-State ratio of contribution was to be 90–10.

The magnitude of the Federal contribution gave support to the imposition of standards for vehicle users designed to protect the useful life of this enormous investment and to enhance the safety of the motorists who travel on our highways. Before this time, the matter of regulation had been primarily regarded as a State concern. Naturally, the standards varied quite widely from State to State, ranging, for example, from 18,000 to 24,000 pounds for single axles—from 28,650 to 44,000 pounds for tandem axle maximums.

Ten years earlier, the American Association of State Highway Officials (AASHO), concerned with the same problem of promoting the maximum useful life of the nation's highways, established certain standards to that end. This group of professional highway officials from the various States set forth the following standards:

1. Maximum weights: (a) single axle—18,000 lbs. (b) Tandem axle—32,000 lbs. (c) gross truck—73,280 lbs. (as determined by AASHO formula based on maximum allowed length within the states.)
2. Maximum height: 12½ feet.
3. Maximum width: 96 inches.
4. Maximum length: (a) single unit trucks—35 ft. (b) Buses with 2 axles—35 ft. (c) Buses with 3 axles—35 ft. (d) Truck-trailer semi-trailers—50 ft. (e) Other combinations—60 ft.

Although in 1956 some thought that these standards were out of date and somewhat restrictive, still it was felt that they were reliable enough to be incorporated into the Federal Aid Highway Act. As passed, the 1956 legislation adopted the following legal limits and made them binding upon all Interstate mileage, with certain exceptions for States then having more liberal size and weight standards:

1. Maximum weight; (a) single axle—18,000 lbs. (b) tandem axle—32,000 lbs. (c) gross truck—73,280 lbs.
2. Maximum height: 12½ feet.
3. Maximum length: no limit.
4. Maximum width: 96 inches.

The states protected by the "grandfather clause" exception contained in Section 108(J) of the 1956 Act are: Connecticut, Hawaii, Maine, and Rhode Island.

All the time of the bill's passage, a commitment was also made to undertake extensive research to determine the standards necessary to ensure maximum useful life of the new Interstate System. The commitment was embodied in Section 108(K) of the Act which reads:

Test To Determine Maximum Desirable Dimensions and Weights

"The Secretary of Commerce is directed to take all action possible to expedite the conduct of a series of tests now planned, or being conducted by the Highway Research Board of the National Academy of Sciences, in cooperation with the Bureau of Public Roads, the several states, and other persons and organizations, for the purpose of determining the maximum desirable dimensions and weights for vehicles operated on the Federal Aid Highway Systems, including the Interstate System, and, after the conclusion of such tests, but not later than March 1, 1959, to make recommendations to the Congress with respect to such maximum desirable dimensions and weights."

In 1956, AASHO already had in the planning stage, a series of tests which were designed to elicit much the same information as that mandated by the Act. With some modifications to meet the requirements of Section 108(K), 836 sections of test pavements were built late in 1956 near Ottawa, Illinois. Beginning in 1958 and spanning a two-year period, a nearly continuous series of tests of fully-loaded trucks was conducted over these sections of pavement. The purpose was to gather information bearing on the relationship between pavement types and bridge construction, and vehicle weight limits and axle loadings. The resulting data was to be a critical factor in setting the maximum desirable weights of motor vehicles allowed on the Interstate System.

After several delays, the data from the tests was made available by the Secretary of Commerce and printed as House Document No. 354, 88th Congress, 2nd Session.

The maximum weights and dimensions of vehicles recommended on the basis of the Ottawa tests were the following:

1. maximum weight: (a) single axle—20,000 lbs. (b) tandem axle—34,000 lbs. (c) gross truck—(to be determined by the formula).

$$W=500\left(\frac{L\times N}{N-1}+12N+36\right)$$

Where W is the maximum weight in pounds carried on any group of two or more axles, L is the distance in feet between the extension of any group of two or more axles, and N is the number of axles in the group under consideration.

2. maximum height: 13½ feet.
3. maximum width: 102 inches.
4. maximum length: (a) single unit truck—40 feet. (b) single unit bus—40 feet. (c) semi-trailer—40 feet. (d) truck-trailer semi-trailer—55 feet. (e) all other combinations—65 feet.

II. ACTION IN THE 90TH CONGRESS

A. Senate

In November of 1967, Senator Warren Magnuson, and others, introduced a bill, S. 2658, to increase the maximum weights and dimensions of vehicles operating on the Interstate System. This bill provided for the following limitations:

1. Maximum weight: (a) single axle—20,000 lbs. (b) tandem axle—36,000 lbs. (c) gross weight—computed by formula:

$$W=500\left(\frac{L\times N}{N-1}+12N+40\right)$$

Where W equals the maximum weight in pounds carried on any group of two or more axles, L equals the distance in feet between the extension of any group of two or more axles, and N equals the number of axles in the group under consideration.

2. Maximum length—no limitation.

3. Maximum width—102 inches exclusive of tire bulge and safety devices such as mirrors.

Four days of hearings were held before the Senate Public Works Committee in February and March of 1968. The bill was reported out of committee after it was amended to include the following weight limitations:

Single axle—20,000 lbs. Tandem axle—34,000 lbs. Gross weight—(computed by formula).

$$W=500\left(\frac{L\times N}{N-1}+12N+36\right)$$

The bill was then considered by the Senate under suspension of the rules, and passed by a voice vote with only seven Senators on the Floor.

B. House action

Similar legislation, H.R. 14474, was introduced in the House of Representatives by Congressman Kluczynski of Illinois and eight others. During the general hearings on the Federal Aid Highways Act of 1968, this bill was considered together with S. 2658. The hearings were held in February, May and June of 1968. On July 3, 1968, the House Public Works Committee favorably reported the bill, S. 2658, as amended, to the House.

Subsequently, a rule was obtained from the Rules Committee and the bill was placed on the Union Calendar, Number 669. The bill, however, was never called up for action and died at the end of the session.

C. Position of Department of Transportation

Lowell K. Bridwell, Federal Highway Administrator, testified before the Senate Public Works Committee that the Department of Transportation was opposed to S. 2658 as introduced. He stated, however, that the Department recognized the inadequacies of the existing size and weight limitations. Mr. Bridwell offered the following substitute bill on behalf of the Department:

[Attachment C]

A bill To provide for more uniform standards for the weights and dimensions and the safety and performance of vehicles using the Federal-aid systems, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That,

Section 127, of title 23 of the United States Code is hereby amended to read as follows:

"SEC. 127. Vehicle weight and dimension *limitations, safety and performance standards*

"(a) No funds authorized to be appropriated for any fiscal year for expenditure upon the Federal-aid systems shall be apportioned to any State within the boundaries of which any Federal-aid system may lawfully be used by a vehicle or vehicle combination with:

(1) weight in excess of twenty thousand pounds including tolerances carried on any one axle, or with a tandem-axle weight in excess of thirty-four thousand pounds including tolerances, or with an overall width in excess of one hundred and two inches excluding tire bulge due to loads and safety devices approved by the Secretary, or with an overall height in excess of thirteen feet, six inches, or with an overall gross weight including tolerances on a group of two or more consecutive axles in excess of that derived by application of the following formula:

$$W=500\left(\frac{LN}{N-1}+12N+36\right)$$

Where W represents overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds; L represents distance between centers of the extreme axles of any group of two or more consecutive axles to the nearest foot; and N represents number of axles in the group under consideration; or

(2) the corresponding weights and dimensions permitted for vehicles or vehicle combinations using the public highways of such State under laws or regulations established by appropriate State authority in effect on January 1, 1968, whichever is the greater.

"(b) Any amount which is withheld from apportionment to any State pursuant to subsection (a) of this section shall lapse. Subsection (a) of this section does not deny apportionment to any State allowing the operation within such State of vehicle or vehicle combination that could be lawfully operated within such State on January 1, 1968, or the operation within an urban area as defined in section 101(a) of this title of any transit-type bus meeting the requirements of section 4483(c) of title 26, United States Code, that could be lawfully operated within such area while engaged in scheduled bus service on January 1, 1968.

"(c) (1) In the interest of safety and the efficient utilization of the Federal-aid highway system the Secretary, after consultation with the States and such other public and private organizations as he deems appropriate and no later than two years following the enactment of this Act, shall develop and publish in the Federal Register reasonable and practicable performance standards providing objective criteria applicable to vehicles and vehicle combinations having more than two axles or an overall gross weight in excess of 14,000 pounds, which shall prescribe:

(A) minimum performance standards specifying a ratio of gross weight of a vehicle or vehicle combination to the net engine horsepower available for movement of the vehicle or vehicle combination;

(B) minimum performance standards for the braking system of a vehicle or vehicle combination; and

(C) minimum performance standards for the strength and operation of the linkage and coupling systems between the components of a vehicle combination.

(2) The Secretary shall determine the effective date of any standard prescribed under this subsection, which date shall be not less than one nor more than two years after the beginning of the fiscal year next following its publication in the Federal Register unless the Secretary finds, for good cause shown, that a later date is in the public interest and publishes his reasons for such findings. The Secretary may revise, amend or revoke any standard prescribed under this subsection by notice published in the Federal Register, but the effective date of any revision or amendment shall not be less than one nor more than two years after the beginning of the fiscal year next following its publication in the Federal Register, unless the Secretary finds, for good cause shown, that a later date is in the public interest and publishes his reasons for such finding.

(3) After the effective date of any standard prescribed under this subsection, 10 per centum of funds authorized to be appropriated for any fiscal year for expenditure upon the Federal-aid systems shall be withheld from apportionment to any State within the boundaries of which any segment of any system may lawfully be used by vehicles in violation of that standard. No withholding from the amounts which would otherwise be apportioned to such State shall be made pursuant to the preceding sentence where a reduction in apportionment under section 402(c) of this title is applied to that State for the same fiscal year. Where he determines it to be in the public interest the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to any State. Any amount which is withheld from apportionment to any State pursuant to this subsection shall lapse.

(4) Nothing in this section shall diminish any authority conferred upon the Secretary or the Federal Highway Administrator pursuant to any other act.

SEC 2. Section 101(a) of title 23, United States Code is hereby amended by adding at the end thereof the following:

"The term 'single axle' means an assembly of two or more wheels, whose centers are in one transverse vertical plane or may be included between two parallel transverse vertical planes forty inches apart extending across the full width of the vehicle.

"The term 'tandem-axle' means any two or more consecutive axles whose centers are more than forty inches but not more than ninety-six inches apart and are individually attached to and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles.

"The term 'overall gross weight' means the weight of a vehicle or vehicle combination without load plus the weight of any load thereon.

"The term 'vehicle' means a mechanical device intended primarily for highway transportation of any person or property therein or upon, or by which such device may be drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

"The term 'vehicle combination' means a truck-tractor and semitrailer either with or without a trailer, or a truck with one or more trailers."

SEC. 3. The analysis of chapter 1 of title 23 of the United States Code is amended by revising the caption of section 127 to read as follows:

"Vehicle weight and dimension limitations, safety and performance standards."

It would appear from the printed hearings that the Department of Transportation officials did not testify directly before the House Public Works Committee on this legislation. The only evidence of the Department's position with respect to S. 2658, as passed by the Senate is contained in the answers to a series of questions submitted to the Department by Congressman William Cramer of Florida. The Deparment's responses appear at pages 164–166 of the printed hearings, and appear to have been in line with the contents of the substitute amendment above which was submited by Mr. Bridwell in the Senate.

D. Campaign

During the Presidential Campaign of 1968, the question of increasing the vehicle weight and dimension limitations became a national issue. Eventually, both major candidates issued statements on the subject. President Richard M. Nixon observed during the 1958 campaign, that:

"This proposal raises serious issues, including the safety and convenience of the motoring public. Questions remain about the extent to which greater truck size and weight would impose additional wear and tear on a road network.

"I believe these matters are so important to so many of our people that I favor postponement of action on the bill now before the House.

"As President, I would want this entire matter most carefully reconsidered, I would direct the Secretary of Transportation to take a hard look to make certain that the interests of the traveling public and also the life of our highways are fully protected as we facilitate the vital movement of goods in the Nation's commerce."

Former Vice-President Humphrey also indicated his opposition to the legislation during the campaign.

III. ACTION IN THE 91ST CONGRESS

A. House of Representatives

In June of 1969, Representatives John Kluczynski and Robert Denney introduced legislation essentially the same as that which was reported out of the House Public Works Committee in amended form in 1968. The bill was H.R. 11870. The only change was the addition of a length limitation not contained in S. 2658. The following limits are provided in the Kluczynski-Denney bill:

1. Maximum weight—(a) single axle—20,000 lbs. (b) tandem axle—34,000 lbs. (c) gross truck—as computed by the formula

$$W=500\left(\frac{L\times N}{N-1}+12N+36\right)$$

2. Maximum height: no change from present limits.

3. Maximum width: 102 inches.

4. Maximum length: 70 feet.

The Subcommittee also had under consideration H.R. 11619, which would have permitted an increase in the width of buses operated on the Interstate System from 96 inches to 102 inches. The bill was introduced by Congressman Frank Clark of Pennsylvania.

Eleven days of hearings were held on these two bills during July, August, and September of 1969. In December, the Subcommittee reported the bill back to the full Public Works Committee without recommendation. The full Committee took no further action on either bill. As a result, both bills died at the end of the 91st Congress.

B. Position of the Department of Transportation

Mr. Francis C. Turner, Federal Highway Administrator, testified before the Committee with respect to H.R. 11870 and H.R. 11619. He stated that the Department of Transportation could not support the legislation unless the following changes were made in the bill:

1. That the effective date of the legislation be delayed three years to allow enactment of appropriate safety regulations governing the larger vehicles. He specifically mentioned regulations concerning: brake system performance, tires, weight-horsepower ratios, and track width.

2. That the provision in H.R. 11870 permitting two consecutive sets of tandem axles to carry a gross load of 68,000 pounds, notwithstanding other restrictions in the bill, should be eliminated.

3. That the term "tandem axle weight" be fully defined.

4. That the exception to width limitations for safety devices be modified to include "officially approved" safety devices.

5. That the exception to width limitations for "tire bulge" be eliminated.

6. That the length limitation be 65 feet instead of 70 feet.

7. That the protection of the "grandfather clause" be gradually eliminated.

8. That the size and weight limitations of Section 127, Title 23 U.S.C., be extended to all Federal Aid Highway Systems, and not just the Interstate System as currently provided.

C. Senate action

The Senate took no action respecting vehicle size and weight limitations during the 91st Congress.

IV. ACTION IN THE 92D CONGRESS

A. House action

On March 16, the Chairman of the House Public Works Committee announced that the Roads Subcommittee would conduct hearings on March 30th with respect to H.R. 4354. This bill provides for an increase in the permissible width of buses on the Interstate System from 96 inches to 102 inches. As one would suspect, the shortness of the notice of the hearings prevented many interested groups from testifying on this legislation. One interested witness, the American Automobile Association did not receive notice f the hearings until March 22nd. The short notice worked a particular hardship on groups such as the American Association of State Highway Officials, because their internal procedures require them to contact individual states before they can testify on a bill.

Because of the opposition of the Department of Transportation to the bill, the Subcommittee delayed action on it for at least thirty days. The Department's position is more fully discussed in a following section. The bill is thus presently pending before the Roads Subcommittee of the House Public Works Committee.

B. Position of Department of Transportation

Mr. Francis C. Turner appeared before the Subcommittee to present the position of the Department of Transportation. In his prepared statement he said,

"Based on the extent of our analysis to date with regard to the potential benefits and safety hazards which would result from the proposed increased bus width, the Department cannot support enactment of H.R. 4354 at this time. We will attempt to arrive at a definitive conclusion as to the actual advantages or disadvantages in a reasonable period of time and advise this Committee as to our final overall recommendation."

In an initial response to questioning by Congressman Harsha as to the time necessary for the Department to formulate its position, Mr. Turner stated that ". . . it would take us at least three months to try to put that together in the form that we would be confident of and want to send to the Committee." Responding to further questioning by Congressman Harsha and Congressman Kluczynski, Mr. Turner agreed to attempt to develop the Department's position within thirty days.

C. Senate action

No size and weight legislation has been introduced in the Senate as of this date.

V. ISSUES

The question of changing the limitations on size and weight is extremely complex, and at times, extremely emotional in nature. I will attempt to discuss some of the major issues involved, hopefully in a relatively unemotional manner.

A. Accident data

For a number of reasons there simply are no accident statistics which are sufficiently accurate to analyze this complex question of the effect of increased size and weight on highway safety. To begin, the accident forms utilized in the various states do not distinguish between various sizes and classes of trucks and buses involved in accidents. For example, they do not distinguish between 96 inch buses and 102 inch buses (which, of course, are permitted to operate in some states on primary and secondary roads). Even if the report forms did distinguish between the two sizes of buses, the data still would not be adequate for purposes of this legislation. This is due to the fact that by far the majority of the 102 inch buses now in operation are operated within city limits. They have as a result, a much higher exposure to the possibility of accidents. At the same time, they are not exposed to identical hazards, and they don't expose other drivers to the same hazards, as would be the case on more rural highways. That is to say, areas where the problems of air turbulence are more pronounced.

Thus, we are severely lacking in sound data on what should be one of the first and most important factors in considering this legislation.

B. Air turbulence

The problem of the air turbulence experienced when passed or being passed by a large bus or truck is a problem well known by every motorist. Unfortunately, the Department of Transportation has just recently recognized the problem as one of sufficient seriousness to warrant study and investigation. It is my understanding that the National Highway Traffic Safety Administration has just recently let the first contract for research into this problem. Thus, once again, we are without adequate scientific data to properly evaluate one of the critical problems related to this legislation.

It should be noted that the problem of air turbulence was the subject of an extensive article in the May, 1969 issue of Popular Mechanics. In an article written by E. D. Fales, Jr., the problems of "blast" and "suction" associated with the passing of large vehicles is fully discussed. During the course of this year's hearings, Congressman Don Clausen requested that the Department of Transportation check with the Federal Aviation Administration officials to see if some of the principles of aerodynamics which they utilize daily couldn't be applied to the problem of air turbulence as related to motor vehicles. It was certainly a good point, and one I hope the Department will pursue in a serious manner.

Mr. Turner attempted to belittle the problem because of the relatively small change in the overall size of the vehicle, and thus presumably the small increase in the air turbulence problem. This is after Mr. Turner had testified that: "Frankly, we do not know exactly how to put it (referring to research on air turbulence) together in order to really measure quantitively the impact on safety."

Thus, we have the Federal Highway Administrator recognizing the problem of air turbulence, then stating that they don't know how to properly research the question, but that even so, the additional six inches wouldn't substantially increase the problem.

This is very difficult logic for me to follow. It would seem to me that once we have recognized a problem such as air turbulence, we should fully research the question before we make changes in vehicle size which are likely to complicate the problem. Research might reveal for example, that the proposed extra six inches could be utilized to reduce air turbulence through the application of aerodynamic design principles.

Testimony of Ralph R. Bartelsmeyer, Deputy Federal Highway Administrator, before Senate Roads Subcommittee, May 14, 1971, on Truck Induced Aerodynamic Forces

"In June of 1970, the FHWA Office of Research initiated a study to explore the effect of truck blast (truck induced aerodynamic forces) on passenger automobiles. To date, the research has shown that the truck blast effect is significant to safety. The hazard occurs when the automobile is passing or is being passed by trucks in the same direction, and there is a small speed difference between the two vehicles.

"The research will be extended to include other vehicles, such as campers and "mini-buses," full size buses and some highway structures. Methods of minimizing the hazardous blast effect will be studied.

"The National Highway Traffic Safety Administration has also been directed by the

Secretary to conduct areodynamic testing of 102-inch wide buses as rapidly as possible."

C. Braking capacity

One of the arguments utilized by proponents of the bill is that the additional space will permit better braking systems. They state that the new wider buses will have braking systems which are considerably more effective. National Highway Traffic Safety Administration regulations for new buses and trucks require them to stop within 245 feet at 60 miles per hour.

By comparison automobiles are required to stop within 216 feet from a speed of 60 miles per hour.

The danger of mixing in the same stream of traffic, vehicles with such widely varying braking ability should be apparent to all. The National Transportation Safety Board in its recent report on the tragic multiple-vehicle accident which occurred on the New Jersey Turnpike, November 29, 1969, (Report No. NTSB-HAR-71-3) recognized this problem and recommended that:

"3. The National Highway Traffic Safety Administration set a high priority on establishing performance requirements for new buses, trucks, trailers, and combinations in regard to: (1) improved braking capabilities with balanced skid resistance, reduced "fade", and shorter stopping with maximum load; (2) the use of energy-absorbing underride and override barriers to reduce passenger-car impact decelerations through controlled yielding; and (3) minimum limits on stability factors for loaded vehicles. (Stability factor is defined as one-half the tread width between centers of outside tire footprints, divided by the height of the center of gravity of a loaded vehicle.)

"4. The Bureau of Motor Carrier Safety, Federal Highway Administration, consider the promulgation of regulations to require improved braking capabilities of regulated vehicles, and inclusion of a numerical statement of the stability factor (value) on the identification plate of all tank trailers which transport hazardous materials, in implementing Recommendation 3, above."

In a recent address, Dr. William Haddon, Jr., President, Insurance Institute for Highway Safety, spoke of similar problems regarding braking capacity. Dr. Haddon is the former Director of the National Highway Safety Bureau. In an address to the Society of Automotive Engineers in January of this year. Dr. Haddon stated:

"A *second* noteworthy problem in relation to highway losses involving trucks and buses involves the extent to which their designers and manufacturers provide adequate braking ability. Simply stated, all vehicles in the dense traffic streams typical of many present roads must be able to break at essentially the same rate, lest in emergencies the slower braking vehicles literally sweep the faster before them with results well known to students of the daily press. This is not a requirement that logic places only on the members of one class of vehicles, such as passenger cars—where the at present huge discrepancies in maximum braking rates are also a serious problem (9) for the same and other reasons. It is also not a problem for vehicles only in a particular state of load. It is a logical, necessary performance requirement for all vehicles, especially including the heaviest trucks under their fullest loadings. Moreover, the braking capacity must approach closely at least that of the fastest braking vehicles now on the road since the alternative of worsening, for intervehicular compatibility, the latter's rates would be expected to yield increased losses in their own highway use.

"There is *no* present adequate Federal standard for truck braking rates. And, the Uniform Vehicle Code suggested for states has only a weak requirement for stopping distance (10), and that in a test at only twenty miles per hour. Actual braking performance of heavy trucks is commonly two to three times worse than that of passenger cars. (12) (13) In many emergencies, regardless of the skill of their drivers, this guarantees intervehicular collisions, with property damage, injury, and/or death the result—a problem also presented by automobiles with inadequate brakes. In illustration, consider reports of the multivehicular holocaust, November 29, 1969, on the New Jersey Turnpike, in which among other factors one after another huge truck was unable to stop in a short enough distance and plowed into the vehicles and people ahead. Nationwide increases in traffic densities; the remaining liftimes of present heavy vehicles whose maximum braking ability is incompatible with those of other, intermixed, and usually more vulnerable vehicles; and the indefinite continuation of present brake performance policies lead me to believe that increasing numbers of such disasters will occur."

The contractor's report of work recently completed for the National Highway Safety Bureau by the TRW Systems Group, dealing with the kinds of degradation which occur in the principal brake system design types manufactured during the years 1964–1969 for use on American-made automobiles and light-weight trucks, includes the following conclusion:

Current road tests of stopping distance from a speed of 20 MPH, as implemented in the various states, achieved results which are non-uniform to the point that the results indicate this type of test is relatively ineffectual as a means of detecting brake degradation. Such tests cannot predict 60 MPH performance. (11)

D. Vehicle power

The question of variations in the relative amount of power available to propel vehicles of varying size and weight is directly related to the previous discussion on braking ability. There are extreme differences in the relative power of buses, trucks, and automobiles. This, too, is rather apparent to the motorist stuck behind a big truck on a steep slope. The same applies to buses, if to a somewhat lesser degree. The various agencies of the Department of Transportation are in the process of prescribing certain minimum requirements in this respect. Here again, we are still doing research on a question vitally related to the issues involved in the pending legislation.

E. Pollution

Buses are one of the most serious polluters of our environment in two respects, air and noise. One doesn't spend much time behind, or anywhere near, a bus without being made rather pointedly aware of the extent of the air pollution created by the bus. The same is true of noise, but this is probably more true with respect to pedestrians than motorists.

In this regard, the proponents of the bill hinted that the increase in width would speed development of their turbine engine which does not pollute the air. If this is in fact the case, the proposed legislation should be amended to permit only those wider buses which utilize turbine engines!

F. Automobile versus bus safety

One of the major points used by proponents of the legislation is the increased safety of passengers. They point out the fact that on the larger buses, the passenger seats will be well above the point of impact for the majority of accidents. That's fine for the bus passenger, but what about the auto driver and auto passengers who are still located at the point of impact? In 1969, 977 billion inter-city passenger miles were ridden in automobiles as compared to 26 billion passenger miles in buses. Naturally, I'm not opposed to protecting the bus passenger from injury. However, in view of the relative amounts of travel by the two modes, the case for increased bus passenger safety at the expense of auto passenger safety will have to be very compelling. With 86.4% of all travel in the United States in 1969 being achieved through the use of the automobile, we clearly must give the auto the benefit of the doubt in resolving any safety questions as between the two modes of transportation. It is also important to be aware of the fact that in 1968, 104,702,000 motor vehicles of all types were registered in the United States. Of that total figure, approximately 21,400 were inter-city buses.

This all goes once again to the question of mixing in the same stream of traffic vehicles with widely varying power performance, braking capacity, and ability to survive a collision without serious damage.

G. Actual width

The width limitations contained in the 1956 Act included an exception for safety devices and tire bulge. As has been indicated earlier, the term tire bulge is now obsolete and should be deleted from the statute. The safety device exception is not obsolete. It does need to be revised so that the exception covers only those safety devices approved by the Department of Transportation. This exception has been abused by some vehicle operators.

The question of the safety device exception is directly related to the question of increased width limitations. The present width limitation is 96 inches. It certainly was a shock to me to find that the large mirrors on each side of buses effectively extends that width limitation to as much as 114 inches. By their own testimony, officials of the National Association of Motor Bus Owners indicated mirrors could protrude as much as 9 inches on each side. I personally measured some bus mirrors which protruded 12 inches. That would make the total width 120 inches. In either case, it certainly doesn't leave much room to spare, even on a twelve foot traffic lane. The problem is magnified when you have two vehicles this size passing one another.

Proponents of the bill argue that the mirrors are designed to break away in case they strike another vehicle or a fixed object along the highway. That is not a satisfactory answer to the problem. No driver is going to drive anywhere near the point that his mirror might hit another vehicle. In the normal course of driving he is going to leave sufficient space so that the mirrors will clear the adjacent vehicles. This places him 9–12 inches closer to the other lane on a multiple lane highway, or to the shoulder on a two lane highway.

Another problem in this area is that of "off tracking". This refers to the portion of a vehicle which swings outside the normal line of the vehicle due to the fact the wheels are mounted some distance from the front and rear of the vehicle. We have all witnessed the problem of "off tracking" when a bus attempts to turn a corner, especially in a multi lane intersection. The additional six inches in width and the additional five feet in length obviously further aggravate the problem.

Testifying before the House Public Works Committee on the question of highway safety, Dr. Robert Brenner, then acting director of the National Highway Safety Bureau, responded as follows to this question:

SCHWENGEL. "And I would like to ask, have you done any research or are you planning any research on the effects of increasing the width of the trucks on the highway?"

Dr. BRENNER. "We have work in progress at the present time in the general problem area of stability of trucks, truck-trailer combinations, double bottoms, semis, the whole problem of truck-trailer stability. And insofar as the width of the vehicle, wheel base in relation to the height as well as the mass distribution, are certainly central to stability studies and we will be working in the general area.

"As to the specifics of what the extra width does or does not do in the safety picture, I am not aware of any works specifically in that regard."

This statement was made in 1969, and to the best of my knowledge it still reflects the current status of this research within the Department. With this in mind, it is inconceivable that the Department could take any stand, pro or con, with respect to this legislation to increase the width of buses. At least not if they check with their own safety experts, and not just with the highway builders.

H. Driver rear vision

With both trucks and buses there is a rather extensive "blind spot" to the rear of the vehicle. In this area, the driver is unable to see any other vehicle. The rear view mirrors simply do not cover this area, and any motorist caught in that blind spot can be in for serious trouble. I have estimated that for an average truck-trailer combination 65 feet long, this blind spot includes about 346.7 cubic feet. The total for buses would be somewhat less because the driver does have some vision out the rear of the bus, and because the bus isn't as long.

To increase the width of the bus by six inches, and to increase its length by five feet obviously will increase the number of cubic feet contained in the "blind spot". Again, the Department of Transportation has recognized the problem and is working on it. Several possibilities exist for solving the problem. One is a series of overhead mirrors. Another is electronic equipment utilizing some form of television. It is foolish to increase the scope of this problem by increasing the amount of blind space, when we are just beginning to study solutions to the problem.

A related problem is the fact these large vehicles also block the forward vision of the vehicles behind them. They make it extremely difficult to see directional and warning signs in time to take proper action. The bus owners indicate the new bus will be safe because the bus driver will be in a higher position and then better able to see problems in the road ahead. Again, I ask, but what about the automobile driver who can't see the accident ahead because of the big bus in front of him? Incidentally, the new bus is also two feet higher, further compounding the problem.

I. Economic effect

While the economic impact of increasing the size of buses is not as great as the impact of the increases in size and weight contained in H.R. 11870, it is certainly a factor to be considered. Indeed, the new bus will be approximately 13,267 pounds heavier than the older models. However, since this is within the present weight limitations, no change in the law is required. The increased wear and tear on the highways will be clearly present.

The major economic effect of wider buses relates to the increased highway costs which may result from widening various highway structures to accommodate them. Conceivably, the traffic lanes of our Interstate System will have to be widened beyond their present twelve feet to accommodate the larger buses.

My basis for the foregoing statement lies in the fact that the present lane widths of twelve feet were the result of studies conducted in the late 1940's and early 1950's using vehicles 96 inches wide. Measurements were taken to determine the normal path for the 96 inch vehicles under various conditions. After allowances were made for the "waiver patterns" which were developed, it was determined that the traffic lanes should be twelve feet wide. It seems logical that similar tests using 102 inch vehicles would show a need for still wider traffic lanes. The cost of such a change in the Interstate System alone would be phenomenal!

There has been a good deal of speculation as to the intent of the Congress with respect to lane widths when the Federal Aid Highway Act of 1956 was enacted. It seems to me that the comments of Senator Gore with respect to an amendment offered by Senator Kerr offers some clarification of at least the Senate intent on this question. Senator Kerr's amendment, contained a limitation on maximum width to 96 inches. The amendment was agreed to; Senator Gore's remarks follow:

Mr. Gore. "The committee felt that with the vast investment the people are to make in this magnificent Interstate System of highways, somewhere, somehow, we should call a halt to the ever-increasing weights, to the ever-increasing widths, to the ever-increasing lengths of vehicles traveling the highways.

"Therefore, the Senate Committee approved by unanimous vote inclusion of the AASHO code for maximums, provided the States themselves do not have maximums in excess, in which event they would be permitted to participate in the 90 percent funds without reducing to these maximums.

"Now let us come to the amendment of the Senator from Oklahoma (Mr. Kerr) to the committee amendment. The Senator from Oklahoma pointed out that there was no uniformity in width, and the record shows that that is so. But I did not think the provisions voted by the House were sufficient. The Senator from Oklahoma originally submitted his amendment to have it comply exactly with the provision voted by the House, which applies only to axle weights—18,000 pounds in the case of a single axle and 32,000 pounds in the case of tandem axles.

"According to the testimony before the Senate committee, the most important factor, and the one causing the greatest damage to the highways, is the axle weight. The width causes great hazards in traffic. I insisted that we provide a limitation on width. It happens that there is more uniformity as regards width than as regards any other dimension or specification. At the present time, 46 States have a maximum width of 8 feet, and two States have a maximum width in excess of that. The amendment of the Senator from Oklahoma to this committee amendment provides a maximum width of 8 feet for 46 States, and allows the maximum of the two States in excess of that to remain."

"I shall be glad to reply. As I see it, the most important thing to protect the investment of the people in the roads, that is, to keep the roadbeds and surfaces from being crushed by excess weight, is the control of the axle weights. The most important thing in preserving bridge structures is control of overall weights. The most important thing in preserving safety of traffic is control of the width of the vehicles. The Kerr amendment applies to all three."

J. Tires

One phase of the "safer bus" argument used by proponents of the bill is to the effect that the new buses will have wider tires. They argue that wider tires means more tread contact with the highway surface, and thus better braking ability. Safety experts have advised me that increased tread width will not increase braking effectiveness under normal traffic conditions. It improves only the braking ability on curves.

These experts further advise me that the crucial element here is the chemical composition of the tires, and not the width. To really effectively increase traction, the chemical composition of the tires must be changed to give a "softer" tire. This would, of course, result in a much shorter tire life.

It would be interesting to know if the bus owners are willing to use these "softer" tires in order to *really* improve the braking ability of their buses. I'm inclined to think they are not willing to do so inasmuch as they are fighting the Department of Transportation efforts to establish tougher standards for retread tires used on buses. The American Transit Association and the National Association of Motor Bus Owners have joined in a lawsuit challenging the validity of the Department of Transportation's new regulations on regrooved tires. The regulations require that there be a 3/32 inch of undertread below the grooves of the regrooved tire. The bus owners claim this would reduce tire life by 15%. They claim they can safely utilize the thinner tire on intra-city operations. It must be noted, however, that most city transit systems are supplementing their income with extensive charger operations. Assuming the thinner tire can be used safely on intra-city operations, there can be no assurance that the thinner tires will not be used on intra-city buses utilized for charter operations on the open highway.

K. Bumpers

The need for more adequate energy absorbing systems in the case of collisions between large vehicles such as trucks and buses, and automobiles is readily apparent. As noted earlier, the bus driver and bus passengers may be "well above the point of impact", however, the auto driver and his passengers located right at the point of impact. There is an urgent need for bumper systems designed to absorb amounts of energy sufficient to minimize the damage to the persons and property involved. Also, there is a great need for standardization of bumper heights for all vehicles. These improvements in bumpers should be made *before* we increase the width, length, and weight of buses.

L. Seat widths

One of the major arguments made in favor of the wider bus is the fact a portion of the increased width would be used to widen the passenger seats. Bus owners indicate they would add 1 to 1½ inches to each seat in the wider buses. They claim the additional comfort which would be afforded to passengers is vitally needed to attract more passengers. They, of course, point to the government's efforts to encourage more use of mass transportation facilities such as buses.

This question of seat widths is one which needs a good deal of very close scrutiny. It is especially necessary because of the extent to which the bus owners rely on the need for wider seats to justify the wider bus. Mr. Charles Webb, President of the National Association of Motor Bus Owners testified that passenger seats on inter-city buses is 17 inches. The seat model displayed by the bus owners representing present seats during the hearings measured 33½ inches from the inside of one arm rest to the inside of the other arm rest. This would allow 16¾ inches for each passenger. The model representing the proposed wider seats measured 36½ inches or 18¼ inches per passenger. With these figures in mind, it is interesting to learn that the coach seats in most of United Airline's planes vary from 16½ to 16¾ inches in width! Seats on the Seaboard Coast Line Railroad Company are 18¼ inches wide.

In view of the foregoing indication that present bus seats are wider than many air coach seats, it is interesting to note that in 1968, the airlines compiled 113,910,636,000 revenue-passenger miles whereas the bus operators compiled only 24,500,000,000 revenue-passenger miles. Clearly, the nation's travellers spent a good deal more time in the narrower air coach seats. There has apparently been no great outcry from this group of travellers with respect to seat width.

If the regulatory agency for the buses, the Interstate Commerce Commission, follows the example of the airline's regulatory agency, bus owners may not gain much by installing wider seats. The Civil Aeronautics Board (C.A.B. has recently ruled that the airlines must charge 8.5% more for wider seats. For example, United Airlines has removed one row of seats in its coach sections on some planes. This "five across" seating results in seat width varying from 18.99 inches to 19.74 inches. These wider seats would be covered by the surcharge order of the C.A.B.

An extension of the wider seat argument is equally invalid. This argument is to the effect that wider seats will attract more passengers to bus transportation and thus alleviate urban traffic congestion. This argument conveniently overlooks the fact that most bus seats on present intra city-commuter buses are narrower than 17 inches, even though many cities allow 102 inch wide buses. The explanation is simply that the bus companies use the extra bus width to provide more room in the aisle for passengers required to stand up. So it is clear that increased bus width *does not* contribute to a reduction in urban traffic congestion.

If bus companies are sincerely interested in attracting more passengers they could do better to start by cleaning up their dirty bus depots!

M. Coercion of the States

Still another consideration with which we must deal is that of the relative roles of the Federal and State governments in regulation of vehicle weights and dimensions. This Congressman realizes that the action we take with respect to this legislation will have effects more far-reaching than those which simply concern the Interstate System of this nation. In this respect we should look once again to the mandate of the 1956 legislation. The Federal Aid Highway Act of 1956 directed a study of the appropriate vehicle weight and size limitations with respect to all Federal Aid Highways. The AASHO studies and the recommendations resulting therefrom, have been directed solely to the Interstate Highway System. Obviously, the Interstate System has been built to the highest standards of any highway system in our Nation. The greater problem arises from the fact that our Interstate System does not lead from one vacuum to another, but, in fact, leads from one city to another via the ABC, or primary and secondary road systems. The Federal government has an investment of 50% in the cost of constructing these systems. Granted, this amount may be considerably less than the 90% of construction costs which we have invested in the Interstate System, but there is no logical argument why the Federal government should not protect its investment merely because it is "*only 50%* of the total cost."

The larger buses which would be permitted on the Interstate System under the legislation now before the Public Works Committee are not going to load and unload in the middle of that system. They must, of necessity, use the primary and secondary systems in their movement from one point to another. Section 109 of the Federal Aid Highway Act of 1956, which includes standards for all Federal Aid Systems, specifies that the Secretary of Transportation may not approve plans and specifications for proposed projects unless they provide a facility "(1) that will meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance." AASHO stated in testimony in 1969 that they believe the standards adopted as maximums should apply to *all* systems. It is clear that passage of this legislation by the Congress would serve as leverage to force the various States to increase their size limitations on the primary and secondary systems so as to equal that of the Interstate System. And, of course, there would be pressure to extend the width increase to other vehicles, namely trucks! This is despite the clear fact that our primary and secondary systems are not up to the same standards as our Interstate System. It is one thing to say that this legislation is merely "permissive" and doesn't force the States to do anything. To adopt this philosophy is to be something more than naive.

VI. AMENDMENTS

In the event that H.R. 4354 does receive favorable action by the committee, there are several amendments which should certainly receive careful consideration.

First, the use of the larger vehicles, if approved, should be limited to those highways having a traffic lane not less than twelve feet in width. Further, this restriction should be extended to the entire Federal Aid Highway System in an effort to secure uniform standards, and to protect the safety of motorists on our primary and secondary roads. This, as you will recall, was one of the conditions specified last year by the Department of Transportation. It also has the support of AASHO.

Another amendment suggested by Mr. Turner in his testimony in 1969 deals with the question of excluding "safety devices" and "tire bulge" from the width limitation. Mr. Turner asked that the "tire bulge" exclusion be eliminated in as much as it was no longer needed. He stated during the 1969 hearings: "This tire bulge provision originated many years ago when vehicles were being converted from solid to high pressure pneumatic tires of today. The necessity for this exception no longer exists." I concur with Mr. Turner's suggestion. Likewise, I agree that safety devices excluded from the width limitation should be limited to those which have received the approval of the Department of Transportation. Thus, the words "officially approved" should be added immediately preceding the words "safety devices". This amendment was added by the committee.

It would seem to me that this is the appropriate time to put an absolute limit on bus length, even though that is apparently not an issue with the bus owners. Both the Department of Transportation and AASHO have recommended the forty foot length limit for buses. I strongly urge the committee to include such a length limit in the event favorable action on this legislation is contemplated.

During the 1969 hearings, Mr. Turner asked for a delay in the effective date of any change in size or weight limits. I urge the Committee to adopt his suggestion. The effective date should allow adequate time for the Bureau of Motor Carrier Safety and the National Highway Traffic Safety Administration to enact new regulations appropriate to any changes made. It should also allow adequate time for them to complete action on new safety regulations now in process which deal with braking systems, stopping distance, weight-horsepower requirements, and other problems.

Another amendment which should be considered is that of the "grandfather clause". In the event a width limitation of 102 inches is approved, only one state would be effectively protected under the 1956 "grandfather clause". That clause should now be eliminated insofar as width is concerned.

VI. CONCLUSIONS

The major conclusion that must be drawn from the foregoing discussion is the fact that we are woefully lacking in solid information with respect to the effect of this legislation on highway safety. I have repeatedly called for studies to develop authoritative answers to the questions which have been raised. In this Congress as well as the 91st Congress, I have introduced legislation calling for a Presidential Commission to study all of the aspects of this legislation, from an economic standpoint as well as from a safety standpoint. The Commission would be composed of people broadly representative of the public, as well as the special interest groups affected by the proposed legislation. My bill, H.R. 453, would direct the Commission to examine, among other things, the following questions:

(1) What share of highway construction and maintenance costs is allocable to each class of highway users?

(2) What would be the effect on the costs of the Federal-aid highway systems (both original costs and recurring costs) of permitting motor vehicles having greater weights or dimensions, or both, than those permitted under existing law to use the highways?

(3) What overall economic benefits would accrue from permitting motor vehicles having greater weights or dimensions, or both, than those permitted under existing law to use the highways, and which sectors of the economy would receive these benefits?

(4) How should the costs referred to in paragraph (2) be allocated on the basis of the economic benefits referred to in paragraph (3)?

(5) What would be the effect of permitting motor vehicles having greater weights or dimensions, or both, than those permitted under existing law to use the highways on all aspects of highway safety?

It seems to me that these are fair and reasonable questions. They are certainly questions any reasonable Member of Congress would want satisfactorily answered before he voted in favor of this legislation. If the truck and bus owners are really sincere they would get behind my legislation and work for its early enactment. If the facts are as represented by proponents of the legislation, a favorable report by an unbiased commission would in fact, speed passage of the legislation.

Presumably, if the Commission recommended legislation raising highway user taxes for trucks and buses, the proponents of the size and weight legislation would support that legislation with equal vigor.

With respect to the size and weight legislation presently under consideration. H.R. 4354, there are many factors which mitigate against its present enactment. Among the most significant is the opposition of the National Transportation Safety Board and the Department of Transportation to its enactment. The Board is a completely autonomous board which has the authority to investigate, make final cause determination, and report the facts and circumstances of major surface transportation accidents; and make recommendations for the purpose of preventing accidents and promoting safety in transportation. The Board also conducts special transportation safety studies, examines the adequacy of transportation safety standards, and determines compliance with these standards.

When an agency which has as broad a mandate as this Board has, and which obviously has the necessary experts to carry out the mandate, opposes a piece of legislation on safety grounds it is difficult for me to see how any Member of Congress could seriously consider voting for the legislation.

The Department of Transportation is also charged with responsibility for traffic safety, primarily through the National Highway Traffic Safety Administration. The Administration is under the capable leadership of Douglas Toms. Secretary Volpe and Mr. Toms are to be commended for recognizing the safety problems inherent in the big bus bill, and for urging that it not be enacted. While the opposition of the Department isn't as broad as I would have liked to see, I'm certainly glad to have the Department on my side.

The positions of the Department and the Board follow as Appendix I and II, respectively.

It is incredible that the Public Works Committee would report the bill favorably in view of this strong opposition.

By so acting, the Committee has shown a callous disregard for the safety of the motoring public. The Committee in effect has voted in favor of special interest groups, the bus owners, and against the general public. It seems to me that it would be extremely difficult for a Member to justify to his constituents a vote in favor of this special interest legislation.

[Appendix I]

U.S. DEPARTMENT OF TRANSPORTATION,
Washingon, D.C., May 4, 1971.
Hon. JOHN C. KLUCZYNSKI,
Chairman, Subcommittee on Roads, Committee on Public Works, House of Representatives, Washington, D.C.

DEAR MR. KLUCZYNSKI: On March 30, 1971, I appeared before the Subcommittee on Roads on H.R. 4354, a bill: "To amend section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System, in order to increase such limitations for motor buses." Requests were made at that time by the Subcommittee for certain information to be supplied for the hearing record.

The information requested has been compiled and is enclosed herewith. In addition, I have enclosed for your information a copy of a letter that Secretary Volpe has sent to Representative Schwengel answering a number of questions which he has asked the Department to answer relating to the same subject matter.

Since the hearing held on March 30, at which I appeared on behalf of the Department, we have, in collaboration with the National Highway Traffic Safety Administration and other interested elements of the Department, reviewed all available data concerning the safety aspects of wider buses. As part of the review, the Bureau of Motor Carrier Safety has made an analysis of accident data involving 102 inch and other width buses. In addition, we have some very preliminary information from a study of the potential aerodynamic disturbance produced by wide vehicles, but this work did not involve specific tests with buses.

The Department has concluded that the kind of evidence available to us now is not fully adequate to provide a reliable basis for a definitive finding on the relative safety of 102 inch buses as compared with 96 inch or narrower buses. Accordingly, our position on H.R. 4354 remains unchanged.

The Department, however, has initiated studies to examine specifically the potential effects of wider buses on other vehicles in passing maneuvers and under various wind conditions. The aerodynamic or "blast" effects of large buses have not been adequately examined in our judgment and these must be determined as set forth below before a final judgment can be made on the potential effects of these large vehicles on highway safety. We intend to expedite these studies and related tests and will make the results available at the earliest possible date. We also believe that certain design features of 102 inch buses might have to be altered to assure operating safety equal to that of 96 inch vehicles. These include specifically braking capability and lateral stability, factors which will also be examined in the studies we are undertaking.

If the Committee concludes, based on the testimony and evidence presented to it, that legislation authorizing wider buses should be acted upon during this session, the Department urges that the use of wide buses on the Interstate highways be contingent on an affirmative finding by the Secretary of Transportation that these buses can be operated at least as safely as buses of 96 inches in width or less. The Secretary's firm view is that he would not under any circumstances make such a finding before completion of the studies referred to earlier on the relative safety of the wider buses. We would be pleased to provide the Committee with an appropriate amendment to accomplish this objective.

Finally, we continue to recommend the technical amendments to H.R. 4354 to which I referred in my testimony on that bill.

The Office of Management and Budget advises that it has no objection to the submission of this letter to the Committee.

If we can supply any further information to the Committee on this subject, we will be happy to do so.

Sincerely,

FRANCIS C. TURNER.

[Appendix II]

NATIONAL TRANSPORTATION SAFETY BOARD'S POSITION ON H.R. 4354

H.R. 4354 is identical to H.R. 11691, 91st Congress. At that time we noted the absence of reliable data with respect to the safety effect of larger buses, both on the Interstate System and on the roads of lesser characteristics. The situation remains unchanged and, therefore, we continue to oppose the enactment of such legislation.

Some hazards of larger buses arise directly from the increased width itself, while others arise from other bus design features made possible by the increased width. Some of the hazards apply only to bus occupants, while others apply to everyone who uses highways.

Proponents of H.R. 4354 claim some features of improved safety by the increased width, but it is not clear what the performance effect of these improvements may be, nor is there any requirement in H.R. 4354 that any such improvements actually be made. Two types of 102-inch wide intercity buses are now being operated; in only one type are substantial safety-improving changes claimed.

While recognizing the economic benefit of H.R. 4354, which would substantially increase the express package capacity of intercity buses, we address ourselves to those aspects of the bill which relate to safety. Changes in the pattern of bus operation on Interstate and other highways which might come about with an increased capability for express package service and which might affect highway casualties have not been evaluated, to our knowledge. Until in-depth studies of casualty results are made, or until it is clear in some detail which changes in bus safety performance would be brought about by regulation in the very near future, it would not be reasonable or prudent to accept any degree of increased hazard. We believe that legislation permitting wider buses should be deferred until the Department of Transportation has developed regulations and standards for larger and heavier buses.

Research is lacking in determining the relative safety of wider buses with respect to:

1. Comparison of buses of different widths through past accident statistics, using an adequate statistical base and separating noncomparative factors; and

2. Implementation of a carefully designed and controlled experiment involving selected bus designs, drivers, and routes.

The approach of determining what types of accidents could occur which would not otherwise happen, and making a comparison of off-setting improvements, is mentioned on page 42 of the "Review of Safety and Economic Aspects of Increased Vehicle Sizes and Weights" issued by the Federal Highway Administration, September, 1969.

Although a number of representations of possible safety improvements for wider buses have been advanced, it is not clear that all of the hazards of the wider buses have as yet been identified and evaluated.

Among the identifiable questions of hazards or safety improvements are the following:

a. Frequency of excursions into other lanes will increase with wider buses under present driver capabilities and highway configurations. This question involves vehicle steering stability and driver steering behavior.

b. Possible improved braking by all models of buses and, if so, by how much, and in what braking performance characteristics.

c. Possible reduced tire loadings on wider buses resulting in increased or decreased traction.

d. Higher floors of wider buses inhibiting passenger escape from windows when bus is standing upright, or producing injuries due to longer drop to the ground.

e. Increased width of bus inhibiting window escape when bus is lying on its side with windows above.

f. Changed visibility of road ahead for other vehicles due to 6-inch wider bus and concomitant 2-foot increase in bus height.

g. Increased influence of wind blast in passing other vehicles in opposite directions which might affect safety margins of some vehicles.

h. Wider buses may facilitate installation of occupant crash protection.

i. Potential for passenger injuries may be reduced by higher seated position above other vehicles or increased by higher impact velocity when bus overturns.

j. Increased bus width may improve measured overturn stability when accompanied by increased floor height and what effects will be upon each bus model.

k. Raised floor height and increased proportion of weight represented by express capacity may cause the bus to become top-heavy when passengers are carried with empty luggage and express compartments.

In summary, these questions of hazards or safety improvements derive in part from existing bus safety recommendations of the Safety Board and in part from observations of 102-inch width buses and descriptive literature. We believe that the assessment of most of these questions need not await the occurrence of accidents, as some proponents claim, but may be accomplished by scientific testing or analysis of available engineering information. Until the results of such analysis and reviews are known, and safety standards developed therefrom, we would oppose the passage of H.R. 4354.

OSCAR M. LAUREL,
Member.
FRANCIS H. MCADAMS,
Member.
LOUIS M. THAYER,
Member.

MINORITY POSITION CONCERNING H.R. 4354

Under existing law, the States can and do permit larger buses to operate on the Federal-Aid primary and secondary road systems than are allowed to operate on the Interstate Highway System. H.R. 4354 is permissive legislation that would authorize each State to permit the use of 102-inch buses on the Interstate System within its boundaries; however, no State would be required to increase its present limitations.

As the Interstate System was designed to accommodate the wider bus and has a much lower accident and fatality rate than the Federal-Aid and secondary road systems, we believe that the use of wider buses on a safer roadway would offer benefits to the passenger and to the general public which would outweigh any possible safety hazard which so far has not been proven to exist.

However, we do concur in general with the views of the majority of the National Transportation Safety Board as to the possible approaches to evaluating and judging the comparative safety of the wider buses. We support the enactment of H.R. 4354 at this time providing it is amended to delay its effective date until such time as the Secretary of Transportation completes the necessary studies and promulgates such safety regulations as might be required.

JOHN H. REED,
Chairman.
ISABEL A. BURGESS,
Member.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman and members of the committee, I should like to point out a fact once again to make it very clear concerning this legislation. It seems that much of the opposition to this legislation comes through the use of the scare tactic that this is in part a forerunner of a large truck bill or that this is an attempt to revive a truck bill that was defeated in the Public Works Committee last year.

Mr. Chairman, I was, am now, and intend to be in the future absolutely opposed to any legislation that would permit wider, heavier, longer trucks on our Interstate System. I voted along with the gentleman from Iowa last year in the committee to help kill the truck bill. If I had any idea at all or any indication that this legislation before us had anything even remotely to do with resurrecting a truck bill I would not be here supporting this legislation; I would be here opposing it.

The gentleman from Iowa who was just in the well claimed that there were errors in our committee report on this legislation. I would point out that his statements are not that accurate. He quoted Mr. Gunther, who stated that there were not very many cities, or that it was a small percentage of the cities in the country, that had these wider buses.

The gentleman, I am sure, is well aware that we are talking about the large cities of the United States, which have transit systems. The gentleman from Texas accurately pointed out that Mr. Gunther himself is in favor of this bill. He says the bill is needed and he says that these wider buses are currently operating in most major cities of the Nation.

The gentleman from Iowa did not point out another part of Mr. Gunther's testimony. I should like to quote that:

> What we are endeavoring to do with buses is, as you know, Mr. Chairman, the cities are very concerned about developing an urban transportation system. And the way we have it now is that many of the wider buses that can operate downtown and carry passengers, can't take them out to the outlying places where the jobs have moved.

So this is why we thought we should not object to this increase.

One of the reasons why we feel this is good legislation is we realize with the urban and suburban sprawl today many of the people who live in the cities and who do not own automobiles find that the buses they have taken around the cities are not permitted to be used now to take them to the outlying areas where their jobs are. This will insure that these people have the means and the ability to get to work in the future. I think it is rather important.

Another statement that was made by the gentleman from Iowa had to do with the number of buses that we have in the United States and how many of these are wide buses. We have said that over 20 percent of these buses, 22,000 of them in the United States today, are 102 inches wide. We said that is over 20 percent of all the buses being used for this kind of transportation. The gentleman from Iowa pointed out in an accurate figure that the total number of buses in this country is 364,000. What was not mentioned in that figure is that 237,000 of these 364,000 are schoolbuses which use small rural roads and do not need to use the Interstate System. So this does not jibe with the kind of figures that we are talking about, namely, 22,000 out of 90,000 or so buses that are already in operation.

The gentleman from Iowa also stated in his remarks made earlier that the administration is opposed to this legislation. Well, the administration cannot be opposed to this legislation, since they requested that in the legislation we adopt several of their amendments. Every single amendment they sent down was accepted by the committee and is in this legislation. Mr. Turner is, in fact, in favor of the legislation.

One big point that has been made here regards the AAA. I did not get a letter from the AAA opposing this legislation, but I saw one of the letters which went to one of our colleagues from one of the New England States saying that the AAA, at the time they wrote this letter, was opposed to the legislation, and it added one sentence, which was that they were concerned about the safety aspects of it

Well, as you all know, in this legislation, showing our concern for safety, we do have a provision which requires the Department of Transportation to make a survey concerning all of the safety aspects of this legislation. It goes even further and says if these safety requirements cannot be met or if there is a problem which arises, it gives the Secretary of Transportation veto power over the operation. The only objection I heard from the AAA about this legislation has been taken care of in this bill.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I am glad to yield to the gentleman.

Mr. DINGELL. Mr. Chairman, I am compelled to observe that the Member from Iowa to whom my good friend alludes appears to be confused, as always.

Mr. HOWARD. I thank the gentleman for his comment.

Mr. Chairman, those of us who look at the transportation problems in this country I am sure are all aware of what we must do in the United States. We must do everything that we can with our responsibility in Congress to get our people out of automobiles and into mass transportation facilities. We cannot go on trying to build highways bigger and longer and wider in order to meet the increasing need of automobiles. The bus is the most flexible means of mass transportation in the United States today. Buses can go anywhere that roads can go. They are not tied down to the use of rails, as trains are, or airports like airplanes are, or docks as ships are. They can go anywhere that a road can go. This legislation permits buses which we have now, 102-inch-wide buses, such as we have in New York City—and 100 percent of them are that width—it permits them to use the Interstate System, and this will take an average of 12 automobiles off the road for every bus that is put on the road.

Now let us talk about pollution. Air pollution is something that we are all concerned about. It is estimated that one bus pollutes about five times as much as one automobile. So, if we eliminate 12 automobiles by the use of one bus, we have cut air pollution in this case by more than half. That could justify passing this legislation all by itself.

There is also an additional provision in here for people who are concerned about the width and about how close a car may come to a bus on the Interstate System.

No matter where the Interstate System is, this provides that wherever there is a lane that is less than 12 feet wide, these buses will not be permitted on it. So, we will find, in comparing the distance and space between two passing buses, that there is more room and will be more room with two buses passing each other on the Interstate System than we have now when two Fords pass each other on any of the other roads in our country.

So, Mr. Chairman, this is a safety bill. It is a much needed bill, and has nothing to do with trucks. I certainly would oppose such legislation that would add heavier, wider, and longer trucks on our Interstate System.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Does the gentleman know the maximum width of trucks using the highways today as compared to the maximum width of buses?

Mr. HOWARD. On the Interstate System I believe there is a width maximum of 96 inches. Buses are 102 inches in our cities and on many of our country roads and, certainly, the trucks are using these roads also which is a much more dangerous situation in our Interstate System.

Mr. ANDREWS of Alabama. Buses are wider than trucks?

Mr. HOWARD. Yes; I would say they are. Trucks are certainly much heavier. People are concerned about the width and length of buses and trucks especially in turning, turning corners and such. When we are talking about trucks, we are talking about trucks which may be 40, 50, 60 or 70 feet long. However, buses have a maximum length of 40 feet.

We were also concerned about what these heavier vehicles would do to the roads. The average weight of a long-distance truck is over 60,000 pounds while the average weight of a bus is about 40,000 pounds.

Mr. Chairman, I think this is excellent legislation. I believe it is needed. I believe it will help people to get out of automobiles and use the mass transit system and that it will help people who do not own automobiles to get to their jobs, especially out in the suburbs, and be able to hold their jobs.

Mr. Chairman, I certainly hope that the House will uphold the position of the committee and will act favorably upon this bill.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Will not the passage of this bill also be a step toward uniformity with regard to the rights of operators in the several States on the interstate highways, in view of the fact that a substantial number of States already, by virtue of the grandfather clause in the 1956 act, have the right to have 102-inch-wide buses operating on the highways?

Mr. HOWARD. The gentleman from Oklahoma has brought up a very valid point and I am glad that he has done so. Yes; it will certainly help our coordination of travel throughout the country. Several States were grandfathered in under the Highway Act and since this is permissive legislation, other States will have the right to be covered. Several States have already passed legislation saying that they will permit this use if the Federal Government will release the restrictions it put in back in the fifties. If this is done, we will have a much more uniform mode of mass transportation in this country.

I thank the gentleman for bringing up that point.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes; I yield to the gentleman from Iowa.

Mr. SCHWENGEL. I want to suggest to the gentleman that he might be wrong by implying that the administration supports this bill.

According to a letter which appears on page 29 of the committee report, addressed to Mr. Kluczynski—and this is after the hearings—the following is stated:

> The Department has concluded that the kind of evidence available to us now is not fully adequate to provide a reliable basis for a definitive finding on the relative safety of 102-inch buses as compared with 96-inch or narrow buses. Accordingly, our position on H.R. 4354 remains unchanged.

I talked to them because there was a rumor around this morning. I called Mr. Turner and asked him if he had changed his position and he said, "No." I called Mr. Volpe and I said, "Is this still the administration's position?" And he said, "Yes."

Mr. HOWARD. I am glad the gentleman brought that up because that is precisely why we have given the Department the right to have a period of 18 months during which to conduct surveys and studies on this safety question and have given them the veto power, should they find it is not safe. I believe the gentleman has indicated his support for the inclusion of this provision in the legislation.

I would just say to the gentleman from Iowa that I did not say the administration has verbally supported this bill. I said that the gentleman from Iowa said that the administration opposed the bill, and in that instance I still say that the gentleman was completely inaccurate.

Mr. MIZELL. Mr. Chairman, would the gentleman yield briefly on this point?

Mr. HOWARD. I would be happy to yield to the gentleman from North Carolina.

Mr. MIZELL. Would not the gentleman agree, though, that we might be much wiser permitting the study to be completed before we start in enacting legislation that could prove to be hazardous in the future?

Mr. HOWARD. I believe that we would not, because I can see in my own area, which is one of the most densely populated States in the United States, the difficulties that we have with the lives that are lost because of the fantastic number of automobiles that are competing for the same spot on the highway in trying to get to work, and in getting from work home, going from suburban areas of Newark over to New York or into Trenton. I would rather see the action start now so that we will be able to have the study completed, and then with the completion of the study, if everything is all right, we will be ready to implement the program, rather than having a study again at that time. And when you consider how many thousands of studies we have going on now, to then at that point begin to work on some legislation which would surely delay it another year or another 2 or 3 years, depending on where we were on the particular calendar of that Congress, I feel that we should proceed with the safeguards that we have provided, and through this we will save time and save lives, and an awful lot of legislation to do it in this way.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, in view of the comment just made by the gentleman from Iowa (Mr. Schwengel), implying that the administration has taken a position adverse to this bill, let us refer to that precise letter from which the gentleman from Iowa quoted, appearing on page 29 of the committee report.

Here is what the administration has recommended. It says:

> If the Committee concludes, based on the testimony and evidence presented to it, that legislation authorizing wider buses should be acted upon during this session, the Department urges that the use of wide buses on the Interstate highways be contingent on an affirmative finding by the Secretary of Transportation that these buses can be operated at least as safely as buses of 96 inches in width or less.

And that is exactly what we have incorporated in this bill.

Mr. HOWARD. Exactly.

Mr. WRIGHT. Therefore have not we put in there precisely what we requested by the Department of Transportation?

Mr. HOWARD. The gentleman from Texas is absolutely correct, and I thank him for his contribution.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, first of all I want to thank my distinguished friend and colleague, the gentleman from New Jersey (Mr. Howard), for yielding to me, and I commend the gentleman on his statement.

Mr. Chairman, I would like to call your attention to page 3 of the report, where it says:

> It should be further pointed out that as of January 1, 1971, UMTA (DOT) has provided financial assistance for the purchase of 2,481 buses of which 1,761 are 102" in width.

So, if the administration is opposed to this, they are certainly not acting like it, if they are buying 102-inch-width buses. They bought some 1,761 of these buses, and many of these are running on the streets, and not on the Interstate Highway System, because, in fact, most of them will be running on noninterstate highways. So, I think, if the Department of Transportation really was against this bill they should stop buying such wide buses.

Mr. HOWARD. The gentleman from Illinois is so correct—so correct that I was just going to mention that, if the gentleman had not done so—because we have a contract whereby the Department of Transportation is purchasing some 2,481 buses, 1,761 of which—or two-thirds—are 102 inches wide, yet here we are in the same Congress having on the books legislation passed years ago that will not permit the widest buses possible to use the widest roadways we have. This legislation will help take care of that.

So, I thank the gentleman from Illinois (Mr. Gray), for his observation.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from California (Mr. Don H. Clausen), and a member of the committee.

Mr. DON H. CLAUSEN. Mr. Chairman, I simply wanted to add to this particular colloquy the fact that I had made reference to section 3, which the gentleman has talked about, in my previous remarks. The reason we incorporated section 3 into the legislation was to take care of the disagreements such as we are concerned with at this point.

Mr. HOWARD. I wish to thank the gentleman from California for his contribution.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, just by way of information, what do buses need 6 inches more in width for?

Mr. HOWARD. The buses are already there; this is not a bus-widening bill. What this legislation will do will permit the wide buses to be used which are not now permitted to be used at the present time due to the legislation which we passed some 20 years ago, saying that they can have these buses, and they can use them in the cities and in other certain areas, but they may not use them on the Interstate System.

So that this will permit the flexibility for that busline so that it will be able to carry people from one large city to another. At present it is very difficult to make them use the out-of-the-way roads, most of which are narrow roads, and are therefore more dangerous, rather than giving them the flexibility to adopt schedules to meet the needs of the people.

Mr. WHITE. What are they being used for now? The question arises, why do they need the additional 6 inches?

Mr. HOWARD. Well, they are using them now, and they are using of course mainly the 96-inch-wide buses on the interstate highways. But because of the law as it now stands it puts them in a bind on being able to schedule their business to certain places.

If people want to charter a bus to go into New York City, that is one thing, but if they want to charter a bus to go from New York City to Washington, D.C., and use part of the interstate highway, then they cannot do so; they are required to use the more narrow highways, and they are too wide for this.

This then decreases their capability to be flexible enough to meet the needs of the people and it means too that our bus riders are going to be able to achieve their schedules.

Mr. WHITE. My question is "Why do buses need 6 inches more if we do not need and cannot take 102-inch-wide buses?"

Mr. HOWARD. The thing is that the 96-inch-wide buses do not need more.

This has to do with flexibility now. But we have a great number of buses now 102 inches wide in every part of the cities and among other places which are banned from these routes so we are not going to see renovations made in 96-inch-wide buses where they are going to put them in factories and make them 102 inches wide for a little more comfort.

What we are doing is including the 102-inch-wide buses in the Interstate System with the provision that all lanes must be at least 12 feet wide.

Mr. WHITE. If 96 inches is adequate, why can't they use 96-inch-wide buses on all roads in the future?

Mr. HOWARD. The 96-inch-wide buses are not adequate. That is the problem. If we had enough 96-inch-wide buses to handle all the traffic that is going through these cities, we would not need this legislation.

We want bus service to take care of a lot of people who in increasing numbers are trying to get from the suburbs into the city to work and the many city people who do not own an automobile and many of the poorer people who have a job out in the suburbs so they will be able to make use of all these facilities.

Mr. WHITE. What will the 6 inches more do?

Mr. HOWARD. There are more of them. There are buses that cannot be utilized on this kind of service.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I think perhaps I can help my friend and colleague from Texas in this regard.

The whole purpose of the bill is to try to make it a little more attractive for the public to use mass transportation modes rather than driving their own cars. We are trying to reduce the flow of traffic and the fumes and the noise of automobile traffic. Every time we can encourage a bus load of people to ride that bus instead of driving their own cars, we have eliminated 12 cars and taken them off the road.

The idea of wider buses is to make them more comfortable and give a little more seat room for the passenger and give him a little more elbow room.

If this plan should succeed so as to make it more attractive for more people to ride the mass transit facility such as these buses, then we will have achieved part of the objective of solving this problem that all the big cities are confronted with.

If my colleague would yield further, I think I can give one salient illustration. Right here in Washington in the metropolitan area, there are seven bridges that cross the Potomac River over into Virginia. Four of those bridges are on the Interstate System. The irony of it is that the only system in the Nation that is limited to 96 inches is the Interstate System which is presumably the safest system that we have. It has the widest lanes and it is a system with multiple lanes. The irony of the situation is that right here in the city of Washington on the narrower streets that afford less safe passage, we have some 290 buses which are 102 inches wide daily plying the streets of Washington, but it is not possible for a commuter to ride one of these wider and somewhat more comfortable buses over from Virginia because the company that provides the service coming into Washington is inhibited by the rule which says that you cannot have that size bus on an Interstate System.

Mr. WHITE. Mr. Chairman, will my colleague yield so that I may reply to the gentleman from Texas?

Mr. HOWARD. I yield to the gentleman.

Mr. WHITE. In response to the gentleman from Texas, I stand as one of those who has not made up his mind and I am trying to determine where that extra 6 inches will go. Will it go into the aisle? Are you going to give 1½ inches to the passenger? We have to weigh the comfort of the passenger as opposed to the safety of those driving on the highway. I have driven on the highway and I have tried to pass buses. There is an element of risk in passing a bus. This is what we have to consider for the American public.

Mr. HOWARD. To respond to the gentleman, the additional width would be 6 inches, 4 inches of which would be in the seating width for the passengers, and one inch added to each of the two sides. I would be glad to supply additional information on that subject.

Mr. Chairman, we have seen that people will not use buses and will not ride trains unless forced to do so as commuters or unless they are provided with adequate, fast, clean transportation such as we see in the Metroliner running between here and New York. People use that mass transportation facility. It is hard to get a ticket on that train now.

We feel we can do the same thing, even more flexibly, with adequate, dependable, clean service provided by the buses of this country, and I believe the vehicle by which we can do that is this legislation.

I yield back the remainder of my time.

Mr. McDONALD of Michigan. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, I would respectfully invite the attention of the chairman and ranking minority member of the subcommittee. I wish to direct my remarks to them and invite their responses. I am not going to discuss the merits of this bill because I am obviously not a member of the committee and did not hear the testimony. I do not pretend to have any expertise on this subject. But I do a lot of traveling on the highways, particularly on the interstate highways. The fact is that I travel Interstate 95 and Interstate 85 very frequently. Recently I have been amazed at the increasing number of collisions and accidents that occur on these important interstate highways. There is bumper-to-bumper traffic almost from Washington to Richmond, and particularly coming back up from Richmond to Washington on Sunday nights. Frequently we are stopped on that interstate highway and are held up and delayed for lengthy periods of time.

In recent days I have adopted the habit of leaving I-95 this side of Richmond and going over to U.S. 1 to get out of these jams caused by some truck, bus, or car colliding with another vehicle and jamming up the traffic.

In all the discussion of width and weight of vehicles using the highways, I am surprised if the committee has not considered the advisability of permitting the use of wider wreckers that use the highways intermittently when they are called out to remove another vehicle that has been involved in a collision. I have not been lobbied on either side of this bill. No one has discussed it with me. But I have talked with people who are involved in the operation of wrecker service, emergency vehicles, and I am informed that it is very difficult for a wrecker to remove a tractor-trailer—for example, to get it off the highway—or a bus that has been involved in a wreck with a 96-inch wrecker.

In all of the study— and we have been hearing this subject discussed for several years—is it possible the committee has not given any consideration to the advisability of separate legislation permitting the use of wider and heavier wreckers for intermittent use on the highways in removing buses and tractor-trailers that are involved in collisions?

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. I thank the gentleman for yielding. I want to say we have not discussed this matter before the committee. This is one of many things that needs study and consideration. The gentleman has a very valid point. In connection with that, we do not have any report on the accidents or what causes the accidents or what to do about them. The matter has not been discussed at all on the floor here, and it is a matter that needs a great deal more consideration.

The gentleman raises a very valid point. The answer is we did not discuss this before the committee.

Mr. JONAS. I can testify out of my own experience that it is not infrequent to have a bus piled up in a side ditch on the Interstate Highway System or a tractor-trailer turned over on one of the highways. I am informed by people who are more knowledgeable in this field than I am that it is exceedingly difficult to remove one of these heavy vehicles with a light wrecker.

I would ask my friend, the gentleman from Illinois if he would look with favor on legislation designed to permit the use of heavier wreckers in these limited cases?

Mr. KLUCZYNSKI. Mr. Chairman, the gentleman from North Carolina has raised a point, and we will consider it the next time we have a committee meeting.

I understand the gentleman's question, and we will take it up the next time we have a committee meeting.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield to me again?

Mr. JONAS. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. Mr. Chairman, I would point out to this House the 102-inch buses are on the highway now, and I raise the question of the advisability of those sizes. That is the reason why I think we ought to have a study for the future. The 102-inch buses we have now are grandfathered in.

Very much has been said about taking automobiles off the highways. With the present limitations and the present bus systems we can take a great many more cars off the highway because they are only being used up to 51.10 percent of their capacity at the present time, according to the owners and operators of the buses themselves.

Mr. JONAS. If I may finish, I did not want to discuss the merits of this bill. I think they have been thoroughly discussed.

May I have a commitment from this side of the aisle to join the gentleman from Illinois in giving consideration to this proposal at the next meeting?

Mr. McDONALD of Michigan. Mr. Chairman, if the gentleman will yield, the gentleman will receive the cooperation of the minority in this matter.

Mr. JONAS. I have no interest in it other than bringing this to the attention of the committee, because I think it is an important point that needs the attention of the committee.

Mr. KLUCZYNSKI. Mr. Chairman, we will take it up at the next committee meeting, I assure the gentleman.

Mr. JONAS. I thank the gentleman.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. CLARK).

Mr. CLARK. Mr. Chairman, I rise to strongly support H.R. 4354, which is before this body today.

As the original author of this bill and a similar bill last year, I am most interested in its passage.

There has been much confusion surrounding this bill, including completely unfounded criticism of the bill itself, the circumstances under which the bill has been handled, and the inference that there is something devious in this bill that will in some way be used as an instrument toward the reopening of the truck sizes and weights controversy.

Nothing could be further from the truth and I consider these statements as a personal affront to myself, a flagrant disservice to the Committee on Public Works, and as a definitely detrimental effect to the image of the activities of the Congress in the eyes of the American public.

When I introduced this bill last year it was about as simple a bill as could be introduced. It was a bill which merely allowed the operation of buses of 102 inches in width to operate on the Interstate System. Nothing more, nothing less. As you know, the current limit imposed by the 1956 Federal-Aid Highway Act is 96 inches.

Since the passage of that act, considerable testing of vehicle sizes and weights has been undertaken, such that the American Association of State Highway Officials has adopted 102 inches as the maximum permissible width on the Interstate System. These are the officials with the designated authority and responsibility for building and operating the Nation's highways. It is only the Federal law that restricts the width to 96 inches and that only on the Interstate System.

I would like to emphasize that the question of width of buses is the only thing that this bill addresses itself to and that within this proposed increase in width all the other requirements such as length, height, and weight remains unchanged. Buses will still have to conform to all of these standards as they are now in existence.

I would further like to emphasize to the members as has already been done by my colleagues that these 102-inch buses are now in use in large quantities by most large cities in the country on narrower lanes, and on highways which are much less safe than is the Interstate System.

It just seems to me as the most ridiculous state of events imaginable to have poured billions of dollars into the greatest highway system in the world and then turn around and prohibit its use by vehicles which we allow to operate on our lesser highways.

At that point in time when other forms of transportation are having the most difficulties it is the responsibility of those charged with the welfare of this country to make available the most flexible and efficient system of mobility possible. This bill is dedicated toward that goal.

As I said earlier, the bill as originally introduced merely allowed an additional 6 inches of width for buses on the Interstate System. To allow for the concern of those who raised the question of safety, although I still feel that it is a phantom issue, the committee amended the bill to allow for operation on 12-foot lanes only and to allow the Secretary of Transportation time to make the required safety studies.

The 102-inch buses are already in existence and can be put into service immediately. Furthermore, the bus industry, if it is allowed to use the Interstate System as proposed, can begin to make these buses move more efficiently even than at present and still remain within the stated limits.

This bill provides maximum mobility for the American people at no capital cost. I strongly urge your favorable action.

Mr. KLUCZYNSKI. Mr. Chairman, at this time I yield such time as he may consume to the gentleman from Minnesota (Mr. BLATNIK), the chairman of the full Committee on Public Works.

Mr. BLATNIK. Mr. Chairman, let me say at the outset that this legislation which is pending before this body today in no manner, size, shape or form has anything to do with trucks. I repeat this bill has nothing to do with trucks. I make this statement at the outset to lay to rest once and for all the charges made that this is in some manner connected with trucks. As chairman of the Committee on Public Works I can assure you that this is not true. H.R. 4354 allows an increase in width of buses used on the Interstate System from 96 to 102 inches. This is all this bill does.

This is permissive legislation. It will still require action by the States by enabling legislation to implement it if they so desire to do this. It further directs extensive studies to be made of any further safety features of the operation of buses. These studies will be made by the Department of Transportation. They have until July 1, 1973, to do this before this bill would go into effect. If at any time between the passage of this legislation and July 1, 1973, the Secretary of Transportation reports to Congress that this increase in width in buses will be unsafe and cannot be made safe then the law will not go into effect.

This gives the Secretary of Transportation who is in charge of all our national transportation a total veto power of the legislation.

Let me point out that the track record of safety in buses is quite clear. Buses with widths of 102 inches have been able to operate on the Interstate System since 1956 in nine States of this Union under the grandfather clause of the Federal-Aid Highway Act of 1956. In 29 other States buses can be used which are wider in width than 96 inches. This is 38 of our 50 States. We are talking about over 22,000 buses in this category currently in use. May I add that the Department of Transportation through UMPTA has purchased over 1,700 buses which are 102 inches in width to use in their urban mass transit program. The situation is actually ridiculous. The record is clear. The bus width we are talking about is being used in all portions of our Nation today and every day. It provides greater comfort and convenience to passengers. We in the Public Works Committee in the Federal-Aid Highway Act of 1970 authorized the use of high speed express lanes to move passengers in and out of our urban and suburban areas safely and efficiently. We did this for three reasons: first, to reduce air pollution; second, to reduce noise pollution; and third, to eliminate traffic congestion in our urban areas. This increase in width of buses will make these buses more comfortable and hopefully will induce more and more of our auto driving people to turn to the buses. What we are doing today is recommending legislation for your approval which will provide a more efficient, effective form of mass transportation, will help our environment and resolve the congestion problems of our urban centers.

This is good legislation. It is legislation that will do a job which should be done if we are to face up to the problems we now face in the major transportation areas of all sections of our Nation and I strongly urge its passage.

May I close by commending the gentleman from Illinois (Mr. KLUCZYNSKI), the floor manager of the bill, for his fine handling of this legislation as well as the minority floor manager, the gentleman from Michigan (Mr. McDONALD), and my other colleagues on the Committee on Public Works, the gentleman from Texas (Mr. WRIGHT), and the gentleman from New Jersey (Mr. HOWARD) for the record they established on the floor today in support of this bill.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to the gentleman from Alabama.

Mr. JONES of Alabama. This bill continues to respect, does it not, the police power of the State to enforce proper safety regulations on all vehicles that operate within its borders, including those that travel the Interstate System?

Mr. BLATNIK. That is right.

Mr. JONES of Alabama. I thank the gentleman.

Mr. McDONALD of Michigan. Mr. Chairman, I have no further requests for time.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I believe we just need to get this in its rightful perspective. There is one purpose and one purpose only for the bill your Public Works Committee brings before you.

There exists today throughout the United States, and particularly in our metropolitan areas, a very urgent demand to do whatever this Nation can do to assist in developing facilities of mass transportation to get as many of the individual automobiles as possible off the road. This is an uphill battle. I cannot tell you that the passage of this bill will solve that problem. I am sure it will not alone solve the problem. But I think it is a significant step in the direction we are all trying to take, making it more attractive for the average commuter to take mass transportation instead of taking his own car. That is the entire purpose of this bill.

The gentleman from Iowa suggests that another study, still another study, should be made by some presidential commission. Let us review the history of this legislation.

The irony of it is that the safest roads in the United States, the Interstate System, those with the widest lanes and those with multiple lanes and those with divided highways, are the only lanes in the Nation in which the Federal Government ever has restricted the width of vehicles. In all other areas, whether it be city streets, country roads, or any other primary and secondary highways, we have historically left that determination up to the respective States.

Why did we make this kind of a limitation—an arbitrary 96-inch width—applicable to the Interstate System? We did this because in 1956 when the Congress passed the Interstate Highway Act it was thought that there might possibly be some effect on safety arising from the width or the length or the weight or the size of vehicles. We admitted at the time, those of us who drafted that law, that we did not know what the proper limit should be, so we just arbitrarily established a limit of 96 inches for width. In that very same piece of legislation in 1956, we directed the Bureau of Public Roads to conduct a thoroughgoing study as to the safety factors relative to the Interstate System and then to report to us with recommendations as to what the permanent restrictions, if any, ought to be. We were acting in the dark and we admitted we were acting in the dark. But we created a study by competent authority, the Bureau of Public Roads, and they reported to us. What did that study recommend? That the maximum allowable width be increased from 96 inches to 102 inches. That is exactly what is encompassed in this bill.

Let it be clear that this bill does not have anything to do with trucks. There has been a lot of smokescreen scattered about to the effect that this was a big truck bill, and the subject of massive lobbying efforts.

I am just one member of the Committee on Public Works.

I do not care how you vote on this bill. Vote it up or down. If you do not want it, do not vote for it. But, for heaven's sake, do not be deceived and do not be misled by anybody who comes in here and impugns the integrity of the Committee on Public Works of the House of Representatives and tries to tell you that this bill is here today because the Public Works Committee has been subjected to some lobbying efforts, because that is a damnable falsehood. It is not true.

Mr. Chairman, I shall try to restrain my remarks in such a way that it will be proper in the House. I do think it is altogether wrong for any Member of this body to wrap himself in the garb of sanctimonious self-righteousness and to attack and impugn the integrity of any committee of this House.

I can well understand that any Member of this House might conscionably disagree with the Committee on Public Works, but I ask you simply to bear in mind what we are seeking to accomplish here. We are trying to make it easier for people to use mass transportation.

We speak a lot and hear a lot spoken in this Chamber about the need for mass transit, particularly in big cities. I am for all of the subways that can be built that will help to move people efficiently and relieve some of the congestion that exists on the streets. I am for any other useful mode of mass transit that can be achieved, whether it be overhead or underground or otherwise. But let us be realistic about it. There is not but one way that the average citizen can afford in most metropolitan areas that will move him flexibly within a city and between cities, and that way is by bus. Passenger trains are falling by the wayside, as all of us know. If we are serious about this business of encouraging mass transportation, then I say we should vote for this bill. It does not widen buses; it simply permits the wider buses to get on the wider roads.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I am delighted to yield to the distinguished minority leader.

Mr. GERALD R. FORD. I have been reading section 3 of H.R. 4354, and let me ask a question to be crystal clear that I understand what section 3 provides.

I will paraphrase it in my own words, and if the gentleman would answer yes or no, I would be grateful.

Section 3 provides that if the Secretary of Transportation, prior to July 1, 1973, conducts an investigation or safety study and as a result of that study determines that the operation of motor buses having a width in excess of 96 inches but not in excess of 102 inches upon 12-foot-width traffic lanes of the Interstate system will be unsafe and cannot be made safe by promulgation of safety regulations, his finding does, in effect, veto the use of any buses over 96 inches wide on the Interstate system?

Mr. WRIGHT. The gentleman from Michigan is exactly correct. We do confer upon the Secretary of Transportation in this bill, in the section to which the gentleman has referred, the power to stop the bill and prevent its being effectuated into law if he finds as a result of this study that it would decrease safety.

Mr. GERALD R. FORD. Mr. Chairman, if the gentleman will yield further, if that study is conducted and if that study shows that buses over 96 inches wide on a 12-foot-width traffic lane of the Interstate system will be unsafe and cannot be safe by promulgation of safety regulations, what does he do with that report? Where does he send it? What gives it authority?

Mr. WRIGHT. He, being the agent named in the bill as the administering authority of the bill, has the power to negate the application of the legislation.

Mr. GERALD R. FORD. Just the mere existence of that report with his signature on it coming to that conclusion?

Mr. WRIGHT. Precisely so.

Mr. GERALD R. FORD. I thank the gentleman.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I would be delighted to yield to the gentleman from Iowa.

Mr. SCHWENGEL. On that very point, suppose that some of these studies are so complicated that he cannot find that answer—and one of the things that we worry about is that if the Secretary finds it impossible to do an adequate study on all of the factors that deal with safety—then the bill automatically goes into force? Is that right or wrong?

Mr. WRIGHT. I would say to the gentleman from Iowa that it does not automatically go into force and effect everywhere. It would depend upon each State. We have only a permissive bill. All we are doing is to allow the States, if they want to do it, to permit the buses that already exist and are now operating on the more narrow roads to operate on safer roads, the Interstate System.

I am sure that the gentleman is aware of the fact that the safest roads in the United States are the interstate highways. It has been demonstrated statistically that the fatalities on the Interstate System, measured in millions of passenger miles traveled, is only about one-half that on the other road-street network of the Nation. The irony of this is that we have permitted the use of 102-inch buses—if it is a safety hazard, and the Bureau of Public Roads concluded that it was not—on the narrower roads, but we have prohibited the use of these 102-inch buses on the wider and safer roads throughout the country.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from New Jersey.

Mr. HOWARD. The gentleman is correct. As to the question that was asked whether or not the answer could not be found by July 1, 1973, we have in the report a letter from the Federal Highway Administrator, Mr. Turner, addressed to the chairman of the Committee on Public Works, the gentleman from Minnesota (Mr. BLATNIK), concerning this, and, in the opinion of Mr. Turner, he states that it is his opinion that such studies will require approximately 18 months to complete.

Of course, we have got almost 2 years between now and the terminal date, and it will cost approximately $250,000 or $300,000 in the estimation of Mr. Turner, and he said to us it would not be a very complicated problem for them to go into. He has been give almost 6 months longer than the time he himself estimates would be necessary to complete the studies.

Mr. WRIGHT. The gentleman is absolutely correct.

Mr. Chairman, before I do anything else, let me ask unanimous consent to revise and extend my remarks, and in one case to soften my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. All the committee is trying to do is make it easier and more attractive for people to use mass transit, the cheapest and most generally available form of mass transit that exists today in the United States.

We think it would be helpful to get a few of the cars off of the interstate highways, and permit these buses of no more than 102 inches in width to be used only on the widest lanes, the 12-foot lanes on the multiple-lane highways, if the States want to put them there.

So, vote the bill up or down. It has been studied. It was subjected to lengthy hearings by the Committee on Public Works in the 90th Congress, and was subjected to lengthy hearings again last year, and again we have held hearings this year. So vote the bill up or down, I suggest to my colleagues, but do not create a Presidential commission. It already has an additional study built into it. And the Secretary of Transportation, if for any reason he finds that it will be unsafe or will be less safe than what we have today, he can veto it.

Mr. Chairman, I would suggest that the Members support this bill which the Committee on Public Works has studied carefully and by a preponderant majority has recommended to you favorably.

Mr. BROYHILL of Virginia. Mr. Chairman, I support the pending bill because, coming as I do from a heavily populated urban district, I know firsthand the value of fast, convenient, safe, and comfortable bus service.

Under the able leadership of Secretary Volpe, the Department of Transportation chose a major artery in my district for its first demonstration project of setting aside certain lanes of highway for exclusive use by buses during rush hours. It is proving to be an unqualified success, having nationwide significance in that it shows that people need, and will use, buses.

Secretary Volpe stated just last month:

> In our concentration on the need to move numbers of people instead of numbers of vehicles, the use of exclusive busways has proved an effective method of dealing with rush hour, urban traffic congestion.

The same could be said for interstate bus service.

But faced with the competition of a plush automobile with commodious seating, the intercity bus companies—privately owned, by the way, and subsidy-free—are unable, literally, to expand to accommodate ever-bigger passengers.

This bill today would give them, and the public, the wider seats they need to attract people out of their cars. The crowded freeways and streets in the eastern corridor are stark testimony to the need for greater use of buses.

The traveling public deserves the relief this bill would afford them, and the bill deserves passage today and speedy enactment.

Mr. VANIK. Mr. Chairman, the unanswered questions that have been raised regarding the safety of wider buses should be sufficient to prevent the passage of H.R. 4354. A more extensive study of the effects of a wider bus is needed. Safety is of highest priority and these buses must be proven safe before this measure should even be given consideration.

The current law allows for a 96-inch-wide bus. The 6 inch increase proposed by this bill, brings the width to 102 inches. Even if the buses would travel only in 12 foot lanes of the interstate system, the side margins become extremely narrow. The figure of 102 inches does not include the side mirrors that protrude as much as 9 inches. This leaves an extremely narrow margin on each side, providing the buses ride in the center of the lane. Any slight swerve could have disastrous results if two buses were to pass each other.

The proposed change involves quite a few factors. An increase in the width of the bus will automaticaly enlarge the "blind spot." Not only will the total rear visibility of the bus driver be reduced, but the vehicle behind the bus will have reduced visibility. Imagine what it will be like to drive behind one of these monster vehicles.

The problem of bus widths also ties in with that of truck size. If buses are made wider, trucks will be next to seek an increased width. The plea for wider buses is a strategy for wider and longer trucks.

Additional size also means additional weight. This will cause additional wear and tear on the highways, thus leading to increased costs for upkeep.

The larger buses will also complicate the problem of air turbulence. Drivers already know the wind blasts felt when passing or being passed by a large vehicle. The problem of braking systems also becomes important when the weight and size of the vehicle is increased. Vehicles together in traffic must be able to stop at approximately the same rate, otherwise, the slower braking vehicles will collide with those able to brake faster. The possibility of such collisions calls for more adequate energy absorbing systems. Although bus passengers may be safe in a collision with a car, passengers in a car would be right at the point of impact. At this time, there is a lack of standardization of bumper heights. Improvements in bumpers are needed before buses are increased in size. There has simply not been enough done to provide for a safe intermix of automobiles and larger vehicles on the Nation's highways.

All the problems caused by the wider and larger vehicles have not been identified and studied. It is essential that every safety precaution is considered before this bill can be passed. As long as there is doubt as to the safety of a wider bus, Congress cannot and must not jeopardize human lives by allowing such vehicles to travel on our interstate system.

Mr. WHITE. Mr. Chairman, I feel compelled to explain my vote on H.R. 4354, the bill to amend section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System. After listening to the debate, and analyzing the bill, I concluded that this bill should be recommitted to the Committee on Pulic Works for the purpose of removing certain defects in the bill.

During the course of the debate, it was not clearly shown that widening buses from 96 to 102 inches on the Interstate System would be entirely safe. The bill, in section 3 does provide that the amendments made by the act would take effect on the first day of the first fiscal year after the date the Secretary of Transportation has completed the necessary safety studies, including engineering and testing analyses, concerning the effects of the widening and has promulgated such safety regulations as he determines necessary, or on July 1, 1973, whichever would occur first unless prior to this effective date, the Secretary reports to Congress that as a result of such studies he has determined that the operation of motor buses having a width in excess of 96 inches but not in excess of 102 inches upon 12-foot-wide traffic lanes of the Interstate System will be unsafe and cannot be made safe by promulgation of safety regulations.

This demonstrates, apparently, the committee had some question as to the safety of the widening of motor buses and delegated discretion to the Secretary of Transportation to make a study, and to promulgate regulations or to veto this act of Congress.

In the first place, as there is a question about the safety of widening buses, the proper legislative procedure would be for the Secretary of Transportation to be empowered to make the safety studies and then report to Congress his findings as a basis for the passage of enabling legislation.

The second defect of the bill is that I am not aware of legislation whereby in affect the power to veto an act of Congress is delegated to a non-elected official, the Secretary of Transportation. This is an unwarranted delegation of power. These defects could have been rectified by further hearings and legislation by the Public Works Committee.

However, in the absence of a recommital to the Public Works Committee, with some reservation and as an act of faith in the integrity of the Secretary of Transportation, and the various State, I would then support the passage of this measure. The saving factor of this legislation, though I think the procedure is improper, would be the safety studies and regulations by the Secretary of Transportation, and the necessity for each State under laws or regulations promulgated by the State Authority to set widths of buses on the Interstate System within the respective State.

I do think the U.S. Congress is capable of better procedure than demonstrated by this bill.

Mr. CLEVELAND. Mr. Chairman, for the reasons stated in my supplemental views, which will be inserted in the RECORD following these remarks, I feel we should adopt the study which will be offered by the gentleman from Iowa (Mr. SCHWENGEL). It is my understanding that this may be subject to a point of order. If it is, I will vote to recommit this bill to committee. I think the people of this country are concerned about the effect of bigger and bigger vehicles on the quality of our environment. The SST affair should have made this crystal clear. The widespread acceptance by the public of smaller passenger cars echoes this growing sentiment. Not only the impact on the quality of our environment, but considerations of cost and safety convince me that this legislation should be subject to further study.

My supplemental views follow:

Supplemental Views of Hon. James C. Cleveland on H.R. 4354

I concur with the additional views of Honorable Wilmer D. Mizell, and I also concur, in part, with the minority views of Honorable Fred Schwengel. I commend Congressman Schwengel for his leadership in protecting the public interest against efforts to increase the dimensions and weights of trucks and buses without any definitive studies as to the safety and cost factors involved. As one who joined his successful efforts in 1969 to accomplish this end, I am mindful of the fact that the problem of bus widths cannot realistically be separated from the truck size issue.

During the Committee's consideration of H.R. 4354, I was successful in requiring that the making of a safety study relative to buses be an absolute condition of this legislation, but, unfortunately, the study, which was limited to buses, leaves the larger issues involving trucks and related cost factors unresolved. In the Committee, Congressman Schwengel offered an amendment to H.R. 4354, which would have provided for the establishment of a Presidential commission to make a comprehensive study of the effects of increasing dimensions and weights of all vehicles operating upon the Federal-aid highway systems, including all related safety and cost aspects. Unfortunately, this amendment was defeated.

In my opinion, if the House passes this bill to authorize increased widths of buses, it should insist that the study provided for in the bill be enlarged to include all matters relating to increased dimensions and weights of both trucks and buses with particular emphasis upon the safety and cost factors.

JAMES C. CLEVELAND.

Mr. MIZELL. Mr. Chairman, I rise at this time to express my support for the efforts being made today to provide for a further, more comprehensive study of the issue of wider buses on the Nation's Interstate Highway System.

Serious questions regarding this wider bus standard—which increases the acceptable width from 96 to 102 inches—have been raised by the Department of Transportation and its National Transportation Safety Board.

These questions, in my estimation, have not been satisfactorily answered or properly explored. That is why I believe we need a Presidential commission to study all of these safety aspects, and to reach definitive conclusions on which we can act in a more enlightened and responsible way.

This Commission, which would be composed of public representatives as well as special interest groups affected by the new standard, could provide us with a balanced and through review of the situation. It could answer the questions that need to be answered.

At this stage, when there are 301 miles of interstate highway yet to be completed in my State of North Carolina, and 10,569 miles still unfinished across the Nation, I believe we have ample time and sufficient reason to proceed with due caution in this matter, and to gather all the relevant facts.

There is no reason at all for us to rush into this matter, especially when it could possibly prove dangerous to the safety of our motoring public. If the study proves otherwise, we are still no worse off for having undertaken an extensive review.

The creation of such a commission would provide us with a reasonable opportunity to act in the public good, and it is this course of action I urge my colleagues to adopt.

Mr. KLUCZYNSKI. Mr. Chairman, we have no further requests for time on our side.

Mr. McDONALD of Michigan. Mr. Chairman, we have no further requests for time on our side.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purposes of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 127 of title 23 of the United States Code is amended by striking out the first word and inserting in lieu thereof the following: "(a) Except as provided in subsection (b) of this section, no", and by adding at the end thereof the following new subsection:

"(b) Apportionment of funds shall not be denied to any State for allowing the operation of motor buses upon the Interstate System within such State with a width not in excess of one hundred and two inches plus additional width necessary for officially approved safety devices; or with the maximum width permitted for motor buses using the Interstate System within such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is greater. As used in this subsection, the term 'motor buses' means motor vehicles with motive power, except trailers, designed for carrying more than ten persons."

SEC. 2. The amendments made by the first section of this Act shall not be applicable to any segment of the Interstate System, the traffic lanes of the main traveled way of which are less than twelve feet wide.

SEC. 3. The amendments made by the first section of this Act shall take effect on the first day of the first fiscal year which begins after the date the Secretary of Transportation has completed the necessary safety studies (including engineering and testing analyses) concerning the effects of such amendment and has promulgated such safety regulations as he deems necessary, or on July 1, 1973, whichever date first occurs unless, prior to such effective date, the Secretary reports to Congress that as a result of such studies he has determined that the operation of motor buses having a width in excess of 96 inches but not in excess of 102 inches upon twelve foot wide traffic lanes of the Interstate System will be unsafe and cannot be made safe by promulgation of safety regulations.

Mr. KLUCZYNSKI (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. SCHWENGEL

Mr. SCHWENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHWENGEL: Strike out section 3 of the bill and insert in lieu thereof the following:

SEC. 3. The amendments made by the first section of this Act shall take effect two years after enactment of this Act, unless the Commission established by Title II of this Act reports to the Congress prior to such date that use of 102 inch buses would be unsafe.

TITLE II

SEC. 201. There is hereby established a Commission on Highway Safety and Expense (hereafter referred to in this title as the "Commission").

SEC. 202. The Commission shall make a full and complete investigation and study of all effects on highway safety and the expense of constructing, reconstructing, repairing, and maintaining highways resulting from any changes in the size and weight limitations established by section 127 of title 23, United States Code. Such investigation and study shall include, but not be limited to, a specific examination of the following:

(1) What share of highway construction and maintenance costs is allocable to each class of highway users?

(2) What would be the effect if H.R. 11870, 91st Congress, as introduced, were enacted into law on the shares referred to in paragraph (1)?

(3) What would be the effect if H.R. 11870, 91st Congress, as introduced, were enacted into law on the costs of the Federal-aid highway systems (both original costs and recurring costs)?

(4) What overall economic benefits would accrue from H.R. 11870, 91st Congress, as introduced, if such bill were enacted into law and which sectors of the economy would receive these benefits?

(5) How should the costs referred to in paragraph (3) be allocated on the basis of the economic benefits referred to in paragraph (4)?

(6) What would be the effect if H.R. 11870, 91st Congress, as introduced, were enacted into law on all aspects of highway safety? Specificaly, can 102 inch wide buses be safely operated on our Nation's highways?

SEC. 203. (a) The Commission shall be composed of 16 members appointed by the President, one of whom he shall appoint as Chairman, and shall serve at the pleasure of the President. Two members shall be Members of the House of Representatives one from the majority political party, and one from the minority political party. Two members shall be Members of the Senate, one from the majority political party, and one from the minority political party. One member shall represent the American Trucking Association, one the American Automobile Association, one the American Association of State Highway Officials, one the American Society of Professional Engineers, one the American Association of County Engineers, one the National Safety Council, one the National Association of Motor Bus Owners, National Highway Traffic Administration, and three members shall represent the general public.

(b) A vacancy in the Commission shall be filled in the same manner as the original appointment.

SEC. 204. (a) Except as provided in subsection (b), members of the Commission shall each be entitled to receive $100 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(b) Members of the Commission who are Members of Congress or full-time officers or employees of the United States shall receive no additional compensation on account of their service on the Commission.

(c) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 205. (a) The Commission may appoint and fix the compensation of such personnel as it deems advisable.

(b) The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SEC. 206. (a) The Commission may for the purpose of carrying out this title hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b)(1) The Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter which the Commission is empowered to investigate by section 202 of this title. Such attendance of witnesses and the production of such evidence may be required from any place within the United States.

(2) If a person issued a subpena under paragraph (1) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpenas of the Commission shall be served in the manner provided for subpenas issued by a District Court under the Federal Rules of Civil Procedure for the United States District Courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

SEC 207. (a) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairman of the Commission such department or agency shall furnish such information to the Commission.

(b) The Commission shall, in carrying out this title, utilize the existing test and other facilities of the departments, agencies and instrumentalities of the United States, to the fullest extent possible.

SEC. 208. Not later than two years after the date of enactment of this Act the Commission shall submit a report of the results of the investigation and study required by this title to each House of Congress, and to the President, together with its recommendations, including specific recommendations with respect to each matter referred to in paragraphs (1) through (6) of section 202 of this title.

SEC. 209. The Commission shall cease to exist 90 days after submitting its final report pursuant to section 208.

Mr. SCHWENGEL (during the reading). Mr. Chairman, I believe the Members know what this amendment is so I ask unanimous consent that the amendment be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

POINT OF ORDER

The CHAIRMAN. For what purpose does the gentleman from Illinois (Mr. KLUCZYNSKI) rise?

Mr. KLUCZYNSKI. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. KLUCZYNSKI. Mr. Chairman, the amendment is not germane to the pending legislation.

The CHAIRMAN. Does the gentleman from Iowa (Mr. SCHWENGEL) desire to be heard on the point of order?

Mr. SCHWENGEL. Yes, Mr. Chairman, I would.

Mr. Chairman, I have given consideration to this question and since the bill itself does deal with safety and this amendment deals with safety and, in effect, it seeks in certain sections the same objectives that the bill does, that is to give an adequate study, and this substitute does of course extend the study, but I think it deals more adequately with the total problem which I think should be the interest of the Congress and of the Committee of the Whole.

The CHAIRMAN (Mr. REES). The Chair is ready to rule.

The bill under consideration amends section 127 of title 23, United States Code, to permit buses with a width of up to 102 inches to operate on the Interstate Highway System. While section 127 of the existing law sets weight and width limitations which are applicable to all vehicles using the Interstate System, the bill applies only to motor buses. The Secretary of Transportation is directed to study the safety of the proposed width change and report thereon.

The amendment offered by the gentleman from Iowa, Mr. SCHWENGEL, would establish a Presidential Commission on Highway Safety and Expense to study all the effects on highway safety and cost resulting from any changes in the size and weight limitations established by section 127. The scope of the amendment is thus far broader than the bill. One of the specific examinations which the Commission would be directed to make includes cost allocations between different types of interstate highway users, a matter certainly beyond the purview of the pending bill.

The amendment falls under the general rule that a specific subject may not be amended by a general provision. The Chair has examined numerous precedents which illustrate this proposition. In the 84th Congress, for example, an amendment providing for Federal assistance for school construction generally was ruled out as not germane to a bill providing for construction of schools in impacted areas—July 7, 1956, RECORD, page 12025. And in that same Congress, where the Committee of the Whole had under consideration a bill authorizing a commission to investigate abridgement of civil rights, amendments to enlarge the scope of the investigation to authorize the commission to study and collect information concerning other rights and going to matters not carried in the bill was ruled out as not germane—July 20 1956, RECORD, page 13728.

The Chair therefore sustains the point of order.

The CHAIRMAN. Are there any further amendments to be proposed? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having assumed the chair, Mr. REES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having under consideration the bill—H.R. 4354—to amend section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate system, in order to increase such limitations for motor buses, pursuant to House Resolution 546, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. SCHWENGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCHWENGEL. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. SCHWENGEL moves to recommit the bill, H.R. 4354, to the Committee on Public Works.

Mr. KLUCZYNSKI. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SCHWENGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 178, nays 213, answered "present" 2, not voting 40, as follows:

[Roll No. 200]

YEAS—178

Abourezk
Andrews, N. Dak.
Archer
Ashbrook
Ashley
Aspin
Badillo
Bell
Bennett
Bevill
Biester
Bingham
Boland
Brademas
Brasco
Bray
Brotzman
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burlison, Mo.
Burton
Camp
Carter
Celler
Chappell
Clancy
Cleveland
Collier
Colmer
Conable
Conte
Coughlin
Culver
Daniel, Va.
Danielson
Davis, Wis.
Dellums
Dennis
Derwinski
Devine
Dickinson
Dow
Duncan
du Pont
Dwyer
Erlenborn
Eshleman
Findley
Fish
Flowers
Foley
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Gibbons
Goodling
Grasso
Green, Pa.
Griffiths
Gross
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hansen, Idaho
Harsha
Hastings
Hechler, W. Va.
Henderson
Hillis
Hogan
Horton
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Tenn.
Kastenmeier
Keith
King
Koch
Kyl
Landgrebe
Lennon
Lent
Link
McClory
McCollister
McDade
McEwen
McFall
Macdonald, Mass.
Mann
Mathis, Ga.
Mazzoli
Michel
Mikva
Miller, Ohio
Mills, Md.
Mink
Minshall
Mizell
Montgomery
Moorhead
Morse
Mosher
Moss
Nedzi
Obey
O'Hara
Pike
Pirnie
Poff
Preyer, N.C.
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Ruppe
Ruth
Ryan
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Sebelius
Shipley
Shoup
Shriver
Smith, Iowa
Snyder
Springer
Stafford
Steiger, Wis.
Stubblefield
Sullivan
Taylor
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Vanik
Vigorito
Ware
Whalley
White
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Wydler
Wylie
Yates
Young, Fla.
Zablocki

NAYS—213

Abbitt
Abernethy
Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Aspinall
Baring
Begich
Belcher
Bergland
Betts
Biaggi
Blackburn
Blatnik
Boggs
Bolling
Bow
Brinkley
Broomfield
Brown, Mich.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Carey, N.Y.
Carney
Casey, Tex.
Cederberg
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Collins, Tex.
Conyers
Corman
Cotter
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Delaney
Dellenback
Denholm
Dent
Diggs
Dingell
Dorn
Downing
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Ford, Gerald R.
Ford, William D.
Frenzel
Gallagher
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Gray
Green, Oreg.
Griffin
Halpern
Hammerschmidt
Hanley
Hansen, Wash.
Harrington
Harvey
Hathaway
Hays
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Hull
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kazen
Keating
Kluczynski
Landrum
Latta
Leggett
Lloyd
Long, Md.
McClure
McCormack
McDonald, Mich.
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Matsunaga
Meeds
Metcalfe
Miller, Calif.
Mills, Ark.
Minish
Mollohan
Monagan
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Poage
Podell
Powell
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Rangel
Rees
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Roncalio
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
St Germain
Sandman
Scheuer
Scott
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Spence
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Udall
Ullman
Vander Jagt
Veysey
Waggonner
Waldie
Wampler
Watts
Whalen
Whitehurst
Wiggins
Winn
Wright
Wyatt
Wyman
Young, Tex.
Zwach

ANSWERED "PRESENT"—2

Grover
Wolff

NOT VOTING—40

Adams
Anderson, Ill.
Baker
Barrett
Blanton
Brooks
Caffery
Chisholm
Crane
de la Garza
Donohue
Dowdy
Edwards, La.
Flynt
Hanna
Hawkins
Hébert
Hosmer
Hungate
Kee
Kemp
Kuykendall
Kyros
Long, La.
Lujan
McCloskey
McCulloch
McKay
Mayne
Melcher
Mitchell
Pepper
Seiberling
Smith, N.Y.
Staggers
Symington
Terry
Van Deerlin
Yatron
Zion

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Zion for, with Mr. Adams against.

Mr. Kuykendall for, with Mr. Hébert against.

Mr. Kemp for, with Mr. Barrett against.

Mr. Melcher for, with Mr. Hosmer against.

Mr. Crane for, with Mr. Brooks against.

Until further notice:

Mr. Hanna with Mr. Anderson of Illinois.

Mr. Staggers with Mr. Lujan.

Mr. Kee with Mr. McCloskey.

Mr. Blanton with Mr. Mayne.

Mr. Caffery with Mr. Smith of New York.

Mr. Pepper with Mr. Terry.

Mr. Van Deerlin with Mr. Baker.

Mr. Yatron with Mr. Mitchell.

Mr. Kyros with Mrs. Chisholm.

Mr. Symington with Mr. Hawkins.

Mr. Long of Louisiana with Mr. McKay.

Mr. Dowdy with Mr. de la Garza.

Mr. Edwards of Louisiana with Mr. Hungate.

Mr. Seiberling with Mr. Flynt.

Mr. BRASCO and Mr. HAGAN changed their votes from "nay" to "yea."

Mr. STOKES, Mr. ROUSSELOT, Mr. RANGEL, and Mr. DIGGS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill—H.R. 4354—just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

HOUR OF MEETING ON THURSDAY, JULY 22

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

FEDERAL HIGHWAY SAFETY REGULATIONS

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, in a report entitled, "Caution: Riding in a Bus May Be Hazardous to Your Health," which appears in the Record of July 15, 1971, I discussed the adequacy and enforcement of Federal highway safety regulations. A substantial portion of that report discussed State noncompliance with all or portions of 16 separate Federal standards relating to highway safety.

I pointed out, too, that although substantial segments of State highway safety programs do not meet the minimum standards outlined under title 23 of the United States Code, the Secretary of Transportation has not used his authority to withhold from any individual State a portion of that State's Federal aid highway fund allocation to achieve compliance.

Safety regulations which exist on paper but are not enforced are totally meaningless. They contribute absolutely nothing to the preservation of life on our Nation's highways.

In a news release issued March 2, 1971, the National Highway Traffic Safety Administration reported on the status of State compliance with the existing 16 highway safety program standards and noted that 19 States have not demonstrated acceptable progress in complying with one or more of the standards. And although the news release makes mention of the DOT authority to withhold highway funds to implement approved programs of highway safety, that authority is merely given lip service.

For that reason, I have sent a letter to Comptroller General Elmer B. Staats asking that the General Accounting Office determine whether the Department of Transportation is fulfilling its obligation to use the teeth it has been given by Congress to put the bite on safety-delinquent States.

Under permission to revise and extend my remarks, I would like to include in the Record my letter to the Comptroller General and a copy of the NHTSA news release on State compliance with Federal safety standards.

News Release of Department of Transportation

Secretary of Transportation John A. Volpe has sent letters to the Nation's Governors telling them how their States rank and compare with all other States in their compliance with 16 Highway Safety Program Standards.

Under the Highway Safety Act of 1966, the States are responsible for carrying out highway safety programs to implement Federal Standards developed by the National Highway Traffic Safety Administration, and issued by the Secretary of Transportation.

In issuing a report card to the States, Secretary Volpe said:

"Ideally, all States should be fully implementing the highway safety standards. . . . In my continuing review of the status of highway safety around the country, I find some advances and, unhappily, some retrogression.

"As a former governor, I am of course fully appreciative of the problems in enacting your legislative programs and implementing and financing them. But the attack on highway deaths and accidents must be pressed without pause. With nearly all legislative bodies now in session, it is most timely that as a first step, you seek passage of the traffic safety laws your State needs and put them into effect as soon as possible."

The letters also included a list for each State of specific legislative and administrative steps which it has not taken. The rating grade takes into consideration the State's announced plans as well as its current program level.

The National Highway Safety Advisory Committee, appointed by the President, recommended that Secretary Volpe send the letters to the Governors.

The Secretary sent the Governors a chart showing a fundamental grading system ranging from A to D. This grading system was developed so that each State, the District of Columbia, and Puerto Rico could readily compare its progress or lack of progress with the record of other States in relation to each of the Federal Standards.

The letter code indicates:

(A)—The State is currently fully implementing the requirements of the Standards.

(B)—The State's program, when implemented, will conform substantially to the requirements of the Standards.

(C)—The program when implemented will demonstrate acceptable progress toward implementation of the elements of the Standards.

(D)—The program does not demonstrate acceptable progress toward implementation of elements of the Standards.

The 16 Highway Safety Program Standards issued by the Secretary of Transportation include: Periodic Motor Vehicle Inspection; Motor Vehicle Registration; Motorcycle Safety; Driver Education; Driver Licensing; Codes and Laws; Traffic Courts; Alcohol in Relation to Highway Safety; Identification and Surveillance of Accident Locations; Traffic Records; Emergency Medical Services; Highway Design, Construction, and Maintenance; Traffic Lighting and Control Devices; Pedestrian Safety; Police Traffic Services, and Debris Hazard Control and Cleanup.

The States ranked in the top 10 in compliance are New York, Virginia, California, Louisiana, South Carolina, Delaware, Pennsylvania, Rhode Island, Utah, and Washington. Out of a total of 832 possible grades, there were 29 A's, 775 B's and C's, and 28 D's. Almost 94 percent of the grades were in the B and C category.

Acting Traffic Safety Administrator Douglas Toms said effective State highway safety programs will help achieve the goal of reducing highway crashes and resulting casualties.

"We are faced with 150 highway deaths a day in this country—a dismal toll. But we are making progress. Highway fatalities in 1970 totaled 55,300, but significantly, there were 1,100 fewer deaths than in 1969," Toms said.

"We are charged by law to look at the total State program and its effectiveness. Therefore, in reviewing the programs and working with the States from a technical point of view, we are together improving the quality and effectiveness of the program."

Failure to implement an approved program could result in the loss of Federal funds available for grants to the States and local communities under the Highway Safety Act of 1966. It could also lead to loss of 10 percent of the State's Federal-aid highway construction funds.

[A—Fully implementing; B—Substantial conformance; C—Demonstrates acceptable progress; D—Does not demonstrate acceptable progress]

State	P&A	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316
Alabama	OK	C	C	C	C	C	C	C	B	D	C	B	D	D	C	C	C
Alaska	OK	D	C	C	C	C	B	B	B	C	B	B	B	C	C	C	B
Arizona	OK	C	B	B	C	B	B	B	B	C	C	C	D	D	B	C	B
Arkansas	OK	B	B	B	C	B	B	B	A	C	B	C	C	B	C	C	C
California	OK	B	B	C	B	B	C	B	A	B	B	C	B	B	C	B	B
Colorado	OK	B	B	A	B	C	B	C	B	B	B	C	C	B	C	B	C
Connecticut	OK	D	B	C	B	C	B	A	B	B	B	C	B	B	B	C	C
Delaware	OK	B	B	B	B	B	B	B	A	C	B	B	C	C	C	B	C
Florida	OK	C	B	B	B	B	B	C	B	C	B	C	C	B	C	C	B
Georgia	OK	C	B	C	C	D	C	C	A	C	B	B	D	C	C	C	C
Hawaii	OK	B	B	B	C	B	B	A	B	C	B	C	C	C	C	C	C
Idaho	OK	B	B	B	B	C	B	C	B	C	B	C	C	C	C	B	C
Illinois	OK	D	B	D	B	C	B	A	B	D	B	C	C	B	C	C	B
Indiana	OK	B	B	C	B	B	B	B	C	C	B	C	C	C	B	C	C
Iowa	OK	D	B	B	B	B	B	C	B	D	B	C	C	C	C	C	C
Kansas	OK	D	B	D	B	C	B	B	B	B	B	B	B	C	B	C	B
Kentucky	OK	C	B	A	C	C	C	C	A	C	C	C	C	D	C	C	C
Louisiana	OK	B	B	A	C	B	B	C	A	C	B	B	B	C	B	B	C
Maine	OK	B	B	B	B	C	B	B	B	C	B	B	C	C	C	C	C
Maryland	OK	C	B	B	B	B	C	B	B	C	B	B	C	C	C	C	C
Massachusetts	OK	C	B	B	C	B	C	A	B	C	B	C	C	C	C	C	C
Michigan	OK	B	B	C	B	B	B	B	B	B	B	B	C	C	C	C	C
Minnesota	OK	C	B	B	B	C	B	C	A	B	B	B	B	C	C	B	C
Mississippi	OK	C	B	C	C	C	C	C	C	B	C	C	C	C	C	C	B
Missouri	OK	B	B	B	C	B	B	C	C	C	B	B	C	C	C	C	C

[A—Fully implementing; B—Substantial conformance; C—Demonstrates acceptable progress; D—Does not demonstrate acceptable progress]—Continued

State	P&A	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316
Montana	OK	C	B	B	C	C	B	C	C	B	C	B	B	B	C	C	C
Nebraska	OK	B	B	C	B	B	B	C	A	C	B	B	B	C	C	C	B
Nevada	OK	C	B	B	C	B	B	C	B	C	B	C	C	C	C	B	B
New Hampshire	OK	B	B	B	C	C	C	B	B	B	B	B	C	C	C	C	C
New Jersey	OK	B	B	B	C	C	B	B	B	C	C	B	C	B	C	C	C
New Mexico	OK	B	B	B	B	C	C	B	C	C	B	B	C	C	C	C	C
New York	OK	B	B	B	B	B	B	B	A	B	B	B	B	C	B	C	C
North Carolina	OK	B	B	C	B	B	B	C	C	C	B	C	C	C	C	C	C
North Dakota	OK	D	B	B	C	C	B	C	A	C	B	B	C	C	C	C	C
Ohio	OK	D	B	B	B	C	B	B	B	B	B	B	B	C	C	C	C
Oklahoma	OK	C	C	D	B	C	B	B	B	C	B	C	C	C	C	B	B
Oregon	OK	D	B	C	C	C	B	B	B	C	B	B	C	C	C	C	C
Pennsylvania	OK	B	B	B	B	C	B	C	A	C	B	B	B	C	B	B	C
Rhode Island	OK	B	B	A	C	B	B	A	A	C	C	B	C	C	B	C	C
South Carolina	OK	B	B	A	B	B	B	B	A	B	C	B	C	C	C	B	C
South Dakota	OK	B	B	B	C	B	C	B	C	B	B	C	C	C	C	C	C
Tennessee	OK	C	B	C	C	B	C	C	B	D	B	C	D	B	C	C	C
Texas	OK	C	B	B	C	B	B	C	C	C	C	C	C	C	C	D	B
Utah	OK	B	B	B	B	B	B	B	B	B	C	B	B	C	B	C	C
Vermont	OK	A	B	B	C	C	C	B	A	B	B	B	C	C	D	C	B
Virginia	OK	B	B	A	B	B	B	B	B	B	C	B	B	B	C	C	B
Washington	OK	D	B	B	B	B	C	B	B	B	B	B	B	B	B	B	C
West Virginia	OK	A	B	B	B	C	C	C	B	B	B	B	B	C	C	C	C
Wisconsin	OK	D	C	C	B	B	B	B	B	C	B	C	C	B	C	C	C
Wyoming	OK	B	C	B	C	B	B	C	C	C	C	B	C	C	C	C	C
District of Columbia	OK	B	C	A	B	B	B	B	C	C	B	B	C	B	C	D	C
Puerto Rico	OK	B	B	B	C	C	B	A	B	C	B	B	C	C	B	B	C

Note: 309-312* FHWA responsibility.
313-314

JULY 19, 1971.

Hon. ELMER B. STAATS,
General Accounting Office,
Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: On July 15, 1970, an unregistered interstate tour bus traveling west on rainswept U.S. Route 22 near Allentown, Pennsylvania, skidded and plunged 50 feet down an embankment, killing seven children and injuring the driver and 51 children and adults.

In brief, the bus carried more passengers than it could seat; at least two of its tires were bald or near-bald; its driver had accumulated at least eight prior driving violations; although the crash site was also the site of about forty accidents within as many months, it had not been identified in a Federal-state inventory of hazardous highway sectors; the bus tacograph was inoperative; the tour did not have ICC authorization, etc.

In the interim since that tragic accident, my office has reviewed safety regulations, as they apply to interstate and intrastate bus operations. While, in my judgment, such regulations are woefully inadequate in many respects, it is apparent that the Secretary of Transportation through authority vested in him under Title 23, U.S.C., could require individual states to make substantially greater strides in adopting Federally-proposed minimum standards for motor vehicle safety. Not only is he prohibited from apportioning funds for highway safety programs to any state whose highway safety program has not been approved by the Secretary, but also he is required to withhold ten per cent of Federal aid highway funds from any state not implementing an approved highway safety program.

Since Title 23 represents "minimum standards" for safety proposed for voluntary adoption by the states, it seems obvious that any individual state's highway safety program submitted for review and approval by the Secretary of Transportation should at least entail compliance with those minimum standards. Legislative history of the Act, however, reflects an intent of Congress to withhold funds only if reasonable efforts to achieve compliance are not being made.

The purpose of this letter is to ask that you review the Secretary of Transportation's failure to withhold *any* Federal aid highway funds from *any* state, despite the fact that a number of states require no motor vehicle inspections, or that 16-year-old drivers are permitted to drive buses in some states, etc. Clearly, practices such as these reflect a low level of concern for highway safety—and a level which ought to be raised by forceful Federal action, if not by concerned voluntary action on the part of the individual states.

Your attention to this most serious matter will be sincerely appreciated.

With kind personal regards, I am
Sincerely yours,
FRED B. ROONEY,
Member of Congress.

(P.S.—For your information, I am enclosing a copy of a news release of the National Highway Traffic Safety Administration dated March 2, 1971, which indicates that nineteen states are not making acceptable progress in compliance with one or more of sixteen Highway Safety Program Standards. Ten states are not making acceptable progress to establish periodic motor vehicle inspections, for example.)

A BILL TO CLARIFY THE RIGHTS OF STATES TO ENACT BUY-AMERICAN STATUTES

(Mr. GARMATZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARMATZ. Mr. Speaker, I have today introduced a bill which in effect would clarify the right of States to enact buy-American statutes.

The Federal Government has had a Buy-American Act since 1934. Twenty-one other States and territories also gave preference to domestic goods in their purchasing practices.

In a decision of the California Supreme Court, the California Buy-American Act was declared unconstitutional because it was an "encroachment upon the Federal Government's exclusive power over foreign affairs, and constituted an undue interference with the United States' conduct of foreign relations." This decision has the effect of making all State buy-American acts and regulations unenforceable.

Discontinuance of State buy-American practices has aggravated the Nation's No. 1 problem of creating new jobs and reducing unemployment. Many domestic industries are severely handicapped without the volume of State business. The number of jobs affected is in the hundreds of thousands.

Foreign purchases are not cheap in the long run. One dollar spent for domestic goods generates 36 cents in taxes. The purchase of foreign-produced material generates no tax revenue from the production process.

Studies show that money spent domestically stimulates the economy by more than 15 times. Foreign purchases depress the domestic economy. Any purported savings in the purchase of foreign goods will be lost many times in its effect upon the domestic economy, as well as in loss of tax revenue.

The discontinuance of longstanding State buy-American practices has brought about expansion of foreign imports, but without a corresponding increase in domestically produced exports. This will further complicate the balance-of-payments problem faced by the United States today.

Federal action is needed now to allow State legislatures to continue their longstanding buy-American practices.

As I pointed out in a recent speech before the convention of the International Longshoremen's Association, AFL–CIO, in Miami Beach, Fla., the Secretary of Commerce has been quoted as saying the United States this year may face its first trade deficit in 75 years. He went on to say we are losing our competitive advantage in terms of price, productivity, and technology.

It is well known that the Japanese are eroding our competitive position in electronics; the Germans and others are undercutting our automobile industry. And many other industries where we are subject to foreign competition are in trouble.

It seems to me that the time has come for all in Government, management, and labor to renew our pledge of loyalty and allegiance to this country and all it stands for in terms of buy American. Yes, I would, of course, apply this principle to "ship American."

It may be that we cannot accomplish the full task through the legislative process. But the bill I have introduced today will certainly help in that direction.

THE NATIONAL POWER GRID BILL

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, today, I am introducing on behalf of myself, Congressman JAMES ABOUREZK of South Dakota, and Congressman HERMAN BADILLO of New York, a bill to establish a national power grid and a series of regional bulk power supply agencies. Senator LEE METCALF of Montana will be introducing an identical measure in the Senate.

This bill is the result of our growing concern over what we see as a crisis in the supply of electric power.

The day has passed when the Nation's electrical utilities alone can assure every American an adequate and reliable supply of electricity. The Federal Power Commission reports that there have been 13 blackouts and brownouts of more than 100 megawatts during May and June, with the worst yet to come. And the situation is not improving. Demand for electric power is expected to quadruple in the next three decades. Yet, the utilities are struggling under the current demand and have had little success in implementing plans to meet this future projection. Part of the reason for this is the legitimate controversy surrounding the environmental impact of the utilities' proposed generation and transmission facilities. Electric utilities account for a major share of air pollution from the burning of fossil fuels, and waste heat from powerplants is reportedly causing an increasing amount of harm to marine, animal and plant life.

The utilities response to the environmental challenge has been wholly inadequate. Instead of accelerating research for environmental protection they have simply allowed the situation to deteriorate into a crisis using the threat of a blackout as blackmail in trying to force acceptance of their plans.

The bill that we introduce today would establish a National Grid Corporation, financed by tax exempt bonds. This corporation would be responsible for the bulk supply of electric power. It could generate power either by contracting with existing utilities or by constructing and operating its own large scale plants. The corporation would move this power throughout the country using a "grid" system of extra high voltage transmission lines.

In each of the regions of the United States there would be established by the bill a "Regional Bulk Power Supply Corporation." These corporations would be largely independent of the National Corporation. Direction would be by a three-man board, one member representing private power companies, one representing public power companies and one representing consumers. They would market the National Grid's power to the utilities in the region but would not be in the business of distribution. Rather, they would sell their power through a series of transmission lines to the utilities in the region, private and public, who would then market the power to the consumer.

The need for this legislation is compelling. Only with a national grid system can we assure all Americans an adequate and reliable supply of electric power. And because electric power is a vital necessity in this age of increasing mechanization, it is the responsibility of Government to insure its availability.

An an example of how the national grid could accomplish this, consider the acute power shortage which struck New York City in 1969. Basin Electric Power Cooperative in North Dakota, along with the Bureau of Reclamation and Missouri Basin System wired Consolidated Edison in New York to say that they would supply all of the power New York needed. The city remained dim, however, because there was no way to transmit the power from North Dakota to New York. Had a national grid existed, this power would have been readily available to the energy-starved area. There are operating advantages for a national grid as well. It has been estimated that we would need 20 percent less generation capacity to meet our needs if we were to establish a national grid. Utilities could take advantage of seasonal and time variations in their peak loads. While people in California are still asleep and using little power, the excess capacity could be used in meeting the heavy demand of the Northern States. In the same way, power could go to the South during the summer in their season of peak demand.

Perhaps the most important reason for this public corporation, however, is for environmental protection, a matter so important to us that we must not limit ourselves to what is economically feasible. We do not expect this corporation to make money. Its profits will be in the form of clean air and water, and in the reliable supply of low cost energy to the American consumer. This is obviously an unfair demand to make on a private utility, whose reason for existence is to turn a profit. While obviously no power system can exist without environmental cost, there are promising technologies, such as underground transmission which could eliminate many of the environmentalists' objections. That is why, as part of our requirement that the corporation be in the vanguard of environmental protection, we have made a major commitment to research and development.

The electric power industry is one in which there are very great "economies of scale." Only a system of the size we envision can take full advantage of these economies, while insuring reliability. Further the system of the grid will eliminate the burden utilities now have of maintaining reserves to compensate for equipment breakdown and other emergencies. The resulting operating efficiencies could produce a cost/saving factor of one-third which would be passed on to the consumer.

In introducing this bill, we are offering to enter into a partnership with private industry to do a job which neither of us can do alone. The Government, in meeting its public policy to protect the environment and insure a reliable supply of electricity, will assist in generation and transmission. The corporation will not take over the facilities of the utility industry, nor will it compel them to buy the grid's power. It will simply offer them a choice which we believe will become increasingly attractive as costs rise and concern for the environment grows. The compulsion involved is human and economic rather than legal. We have reached the stage in this country where a reliable supply of electric power, available to every consumer at low cost, and produced without degrading the environment is an absolute necessity. The electric utility industry cannot insure this; the national grid system can.

Mr. Speaker, at this point in the RECORD, I wish to include the statements of Senator METCALF, Congressman ABOUREZK, and Congressman BADILLO presented this morning at a joint press conference announcing the introduction of the national power grid bill. I also include a copy of the legislation.

STATEMENT BY SENATOR LEE METCALF

The National Power Grid bill has been a long time coming.

Gifford Pinchot, while governor of Pennsylvania decades ago, outlined the concept.

Twenty years ago Commissioner of Reclamation Michael Straus proposed a western power grid.

Four years ago former Assistant Secretary of Interior Ken Holum and his associates proposed, in Study 190, a grid covering half of the United States.

More recently, former Secretary of Interior Hickel spoke of Departmental plans for a national power grid. But no proposal has as yet been put before the Congress.

The bill being put before both houses of Congress today will, we hope, at last focus Congressional, executive branch and national attention on a problem that has for too long been put aside.

I regard introduction of a bill such as this as an initial pleading. We need to have all segments of the power industry and environmental and consumer groups examine it closely, criticize or applaud, and help the Congress develop through the hearing procedure an act that will provide a transmission system that will move power where it is needed and diminish the demand for construction of additional generation facilities.

The sponsors come from Eastern and Western States. I commend the House members who have taken a leading role in developing the bill. It belongs on the agenda of priority items to be considered by the Congress.

STRAIGHTENING OUT THE POWER MESS

(Statement by JAMES ABOUREZK)

The United States today faces an energy crisis. Demands for energy are spiralling at a rate that requires doubling of our power output every decade.

The United States today faces a pollution crisis. That crisis is the direct result of production and utilization of ever greater amounts of energy.

Unless ways are found to produce and use energy while limiting pollution, we will face a grim dilemma. We will either have to stop the energy growth which underpins our economy, or we will have to stop breathing.

The purpose of the National Power Grid Act which Senator Metcalf, Congressman Tiernan, Congressman Badillo, and I are introducing today is to help side step that dilemma as far as electrical energy is concerned.

As degradation of our environment increases so do the ranks of those who argue that we must call a halt to our economic growth. They contend that a nation which has 6% of the people of the world, but consumes 35% of total world energy output, is a nation that is going to choke on the poisonous residue of the energy it consumes. If population and energy consumption continue to spiral upward forever, they may be right.

But, whatever the merits of this long run doomsday argument, we must not forget what slowing or stopping our energy growth will mean. It will halt the dynamism of our economy. It will bring an end to an historical trend of tremendous value—a trend toward freeing the human mind by releasing our hands from the time consuming drudgery of physical production. And in a nation where growth remains a powerful individual motivation, a policy of nongrowth will require governmental controls on a scale which I believe would fundamentally alter our democratic system.

A no-growth policy is neither attainable nor desirable in the immediate future. Our demands for energy, particularly electrical energy, are going to increase for some time. Given this fact, it is vitally important that we take steps to insure that the energy we need is available, and available at an acceptable environmental price.

In the field of electrical energy those steps have not been taken. During the past 3 years we have experienced 400 serious power failures affecting 25 million people. Despite the massive Northeast power blackout of 1965, we continue to stumble along with a fragmented transmission system, inadequate generation facilities, and primitive pollution control techniques which guarantee that we will get the least possible power, delivered in the least reliable way at an unacceptably high monetary and environmental price.

The situation is absurd, but we are asked to accept it for the sake of free enterprise. We are asked to make this acceptance even though each of us knows that when his electric bill reaches ridiculous new heights, and his service hits new lows, he can only grin and bear it. The truth is that free enterprise electrical style means freedom for fragmented power companies to seek profits, but does not include freedom for the consumer. If you don't believe it try telling your power company that you don't like their prices or their service and are going to take your business elsewhere.

The fact is that pluralism in the power field means small, expensive, dirty power plants—a crazy quilt of unreliable transmission systems cutting across the countryside—and high prices to the consumer.

The purpose of the National Power Grid Act which I join in introducing today is to call a halt to this costly foolishness.

The basic thrust of this bill is not new. Years ago a distinguished former chairman of the Federal Power Commission, Leland Olds, advanced what he called the "giant power concept". His plan anticipated our bill by proposing to develop economics of scale—while at the same time maintaining a pluralistic, electrical distribution and marketing system. In order to meet these twin objectives, Olds suggested that generation and transmission should be separated from distribution. He foresaw separate generation and transmission organizations providing cheap, clean, bulk electric power to local utilities which would then distribute and market that power as they do today. Essentially, that is what we are proposing here this morning.

Briefly, the specifics of our bill are as follows. A National Grid Corporation would be established and would control generation of all electrical power as well as having responsibility for high voltage transmission connecting separate regional transmission systems—(grids). This corporation would be directed by a 3-man board appointed by the President, confirmed by Congress, and consisting of one consumer representative, one private power man, and one public power man. Several Regional Grid Corporations would also be established to distribute power to local entities within their region. They would be governed by men appointed by the National Corporation.

There are three basic advantages to the system we propose. It would help protect the environment; it would lower prices to the consumer; and it would not alter the pluralistic local distribution and marketing system that exists in the electrical power field today.

Environmental protection would be achieved in several ways. Large new plants usually have higher levels of anti-pollution technology than do small ones, and a few large plants create less pollution than many small ones no matter what the technological level. Our system would favor large generating plants over smaller ones.

Existing small utilities spend less than 1% of sales annually on anti-pollution research, a scandalously low figure. Our Corporation would be required to spend 2% per year and would be given 250 million dollars to start the job.

The existing hodge-podge of power sources and transmission lines results in new lines springing up with little regard to the beauty of the lands they must cross. Under a national system, lines would be larger and fewer, and their route would be planned with environmental factors a primary consideration.

Finally, by placing power generation and transmission under a national system guided by a corporation which would be bound by law to pay real attention to environmental factors, our corporation would help eliminate the economic incentive to environmental degradation that is too often the rule today.

The consumers' interest in more reliable, cheaper electricity would also be served by creation of a National Grid Corporation. Major economies of scale in production, much increased reliability in transmission, and the ability to move power from power rich areas to high priced, power starved areas like New England, would all help lower the cost of electricity in the home. Since our grid system would also tend to standardize the price paid by compaines for their electricity, it would greatly ease the job of utility commissions trying to determine which companies are gouging the consumer and which are not.

Finally, I believe that these benefits can be achieved without materially affecting the pluralistic electrical marketing system we have today. Private power companies would purchase their power from their regional grid and distribute it as they do today. Rural Electric Cooperatives would do the same. Thus the only competition that means anything in the electrical field would be preserved.

So long as America needs, and demands, more and more electrical energy, the logic of providing that electricity in the most coordinated, cheapest, pollution-free manner is unassailable. Only those with padded profits to protect can argue that nationwide planning of electrical generating and tranmission facilities is not desperately needed. The National Power Grid Act establishes the machinery needed to do that planning.

In a recent assessment of the Nation's energy problems, Secretary of the Interior Morton said that solution of those problems, "will demand . . . above all . . . a clear, consistent, long range national energy policy of the kind we have proposed . . . and a dynamic new organization to put it into effect."

Together with Senator Metcalf, Congressman Tiernan, and Congressman Badillo, I believe that the National Power Grid Act gives Secretary Morton the dynamic new organization he seeks. I hope that he will agree.

Badillo Urges National Power Grid

Washington.—New York Congressman Herman Badillo called today for the establishment of a national power grid, calling it the "cornerstone of any effort to achieve electric reliability while protecting our environment."

A national power grid, Badillo said, "would take the Northeast out from under the annual threat of massive blackouts by enabling the region to tap the power surpluses of the Far West."

Badillo, who represents New York's 21st Congressional district, comprising parts of the Bronx, Manhattan and Queens (including the area containing Consolidated Edison's controversial Astoria plant) made the remarks at a 9 a.m. news conference (2322 Rayburn House Office Building, Washington, D.C.) at which the four co-authors of a new bill establishing a national power grid unveiled the details of their proposal.

In addition to Badillo, the bill's sponsors are Rhode Island Congressman Robert Tiernan, South Dakota Congressman James Abourezk, and Montana Senator Lee Metcalf. All are Democrats.

"By interconnecting all our major power systems," Badillo said, "we will create a spinning reserve available to take care of any emergency. For example, if Con Edison's facilities should be strained on a particularly hot summer day, surplus power from the West Coast, which is three hours behind New York time and would not have reached its peak load, could be pumped in."

Another important feature of the national power grid, he asserted, is its ability to relieve air pollution caused by overuse of fossil-fuel power plants.

"Should New York or any other large city be threatened by an atmospheric inversion that traps power plant exhausts in the air, the fossil-fuel plants releasing pollutants could be closed down temporarily and power could be imported from other sections of the country," Badillo noted.

A National Power Grid

(Statement of Congressman Herman Badillo of New York)

The chairman of the Edison Electric Institute recently told the National Press Club in Washington:

"There is no nationwide or national power crisis. Reliability is not one of our industry's major problems."

Isn't that a relief?

If we can dispose of the problem that easily, it would seem there is nothing further to do than deal with the issue with which the Edison Electric Institute is most concerned: how to increase the rate of return on private utility companies' investments.

But there is a reliability problem and the utility industry knows it.

In 1965, the great Northeast blackout dramatically revealed the dangerous weakness in our power system. The failure of a single relay sparked a massive cascading blackout that spread over 30,000 square miles paralyzing six of our most populous and industrialized states. Thirty million people were left without power—some of them in the nation's largest city for as long as 13 hours.

This same catastrophe revealed how completely our social and economic system depends on a reliable source of power. Air traffic control systems throughout the Northeast failed and a major air tragedy was averted only because the night was clear and there was a full moon.

Most hospitals were without power and some 600,000 people were stranded for as long as seven hours in the New York City subway system.

Two years later, this lesson was underscored when a minor accident involving a temporary transmission line in Pennsylvania precipitated another cascading failure which spread throughout 15,000 square miles of the mid-Atlantic region and deprived 13 million people of power at the height of the evening rush hour.

Since 1967, there have been countless lesser failures and harrowing near misses. In each of the past three summers the Northeast again hovered on the brink of utter disaster—a disaster which was averted only through the drastic curtailment of the use of electricity. And during the winters unseasonably cold weather again jeopardized the stability of our power system.

Yet, throughout this time, the power industry repeatedly came before the Congress and the American people with boasts of the reliability of its system. Today, the industry line is something like this: "Just keep the environmentalists under control, hold government supervision of our construction programs and rate structures to a minimum, let us build the plants we want as quickly as possible and you'll have no problem."

But that's not an answer.

In a way, the Edison Electric Institute is correct. There is no national power shortage. In fact, we have a national power surplus. The chairman of the Federal Power Commission told Congress little more than a year ago that we have a national power reserve—or surplus, if you will—of 27 per cent, compared to the 15 or 20 percent generally considered to be a normal safeguard against unexpected equipment failures or higher peak loads than anticipated.

The power crisis stems from our inability to move that power around the nation to the areas where it is needed most. And that inability is the direct result of the private utility industry's intransigence and the weakness of regulation by the FPC and the state regulatory agencies.

With power transmission technology what it is today, it is senseless to talk about solving the power crisis only through construction of new plants. As William E. Warne, a water resources and energy expert recently noted: "New York City simply cannot accommodate in its environs a multiplication of generating stations."

A far better answer, in my view, lies in establishment of a national power grid, owned and operated by a National Power Grid Corporation. This concept is embodied in legislation I am introducing in the House of Representatives today with Congressman Robert Tiernan of Rhode Island and Congressman James Abourezk of South Dakota. The Senate sponsor of this bill is Senator Lee Metcalf of Montana, a recognized expert in the utility field and a leading consumer advocate.

By interconnecting all our major power systems as this bill provides, we will create a spinning reserve available to take care of any emergency, regardless of where it may be. For example, if Con Edison's facilities should be strained because of an unusually hot summer day, surplus power from the West Coast, which is three hours behind New York time and would not have reached its peak load, could be pumped in.

Another important feature of a national power grid is its unique ability to relieve air pollution caused by over-use of fossil-fuel power plants. Should New York suffer an atmospheric inversion that traps power plant exhausts in the air over the city, the fossil-fuel plants could be shut down and power imported from other sections of the country.

Estimates of the time it would take to construct a national power grid range from three years to five or six years, with cost figures running well under two billion dollars. We are spending more than three billion dollars a year on the space program so it would seem that taking this step as an investment in improving the quality of life on this planet would not represent any distortion in national priorities.

Establishment of a national power grid is by no means a total answer to our power problems. But it is a necessary step, a comprehensive move toward assuring the power reliability our nation requires for its economic and social health.

H.R. 9970

A bill to establish a national power grid system, for the purpose of assuring an adequate and reliable low-cost electric power supply consistent with the enhancement of environmental values and the preservation of competition in the electric power industry

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Power Grid Act".

TITLE I—NATIONAL POWER GRID AND REGIONAL BULK POWER DISTRIBUTION

SEC. 101. DEFINITIONS.

For purposes of this Act:

(1) The term "National Grid" means the National Power Grid Corporation, established by section 102.

(2) The term "national board" means the board of directors of the National Grid.

(3) The term "regional corporation" means a regional bulk power supply corporation established by the National Grid under section 103.

(4) The term "corporation" means the National Grid or any regional corporation.

(5) The term "regional board" means the board of directors of a regional corporation.

(6) The term "region" means a bulk power supply region established under section 103(a)(1).

(7) The term "electric utility" means any person or public agency whose functions include the sale of electric power.

SEC. 102. NATIONAL POWER GRID CORPORATION.

(a) There is created a body corporate by the name of the "National Power Grid Corporation" which shall establish and operate a national power grid system. The National Grid shall have a Board of Directors, which shall consist of three members appointed by the President, by and with the advice and consent of the Senate, in accordance with section 202, and which shall direct the exercise of all of the functions of the National Grid.

(b) The National Grid shall establish and operate a national power grid system, consisting of large electric power generating facilities, and a system of very high voltage transmission lines which, to the extent practicable shall interconnect such generating facilities and the transmission systems of each regional corporation. Such system may be established by constructing generating facilities and transmission lines, or by acquisition of existing facilities and lines under section 105, or both.

(c)(1) The National Grid shall contract to sell electric power to regional corporations at rates which shall be uniform throughout the United States and which shall be set at the lowest possible level consistent with sound business principles and the environmental protection requirements of section 201, taking into account the charges necessary to pay the operating expenses of the National Grid (including depreciation) and to amortize the indebtedness of the National Grid.

(2) The National Grid shall provide base load, peaking, or other power to regional corporations to meet requirements of which the National Grid has at least seven years notice. Any notice of requirements under this paragraph shall be accompanied by an offer to contract for the required power,

(3) The National Grid is authorized to purchase for resale by the National Grid surplus electric power generated by any electric utility on schedules and at rates agreed upon with such electric utility.

SEC. 103. REGIONAL BULK POWER SUPPLY CORPORATIONS.

(a) Subject to section 105(a)(2), the National Grid shall establish by regulation—

(1) a number of bulk power supply regions which in the aggregation shall comprise the entire United States, and

(2) a regional bulk power supply corporation in each such region.

(b) Each regional corporation shall have a Board of Directors which shall be composed of three members appointed by the national board with the approval of the President in accordance with section 202, and which shall direct the exercise of all of the powers of such regional corporation. A member of a regional board may be removed by the national board for cause (including failure to carry out any order of the national board issued under subsection (f)).

(c)(1)(A) A regional corporation shall be the exclusive marketing agency for the National Grid within the region for which such corporation was established. Any electric utility, publicly or privately owned, may enter into a contract for services with a regional corporation. A regional corporation shall sell electric power to any electric utility the needs of which it has adequate notice except in cases of failure of such utility to meet its financial obligations, on proof of fraudulent application, or because of willful failure of such utility to comply with wheeling orders under subparagraph (B) or other requirements of such regional corporation.

(B) A regional corporation may not enter into a contract for services with any electric utility unless such utility agrees to permit (at such times and to such extent as such corporation may order) the use of its excess transmission capacity for the purpose of wheeling power from facilities of such corporation or the National Grid to load centers of other electric utilities contracting to purchase electric power from such corporation.

(2) Any transmission lines of an agency the facilities of which are transferred to the corporation under section 105(a)(1) may be transferred by the National Grid to the regional corporation for the region in which such lines are located and shall be operated by such corporation. Each regional corporation shall obtain such transmission capacity, in addition to the capacity acquired under the preceding sentence, as may be necessary to sell electric power generated by the National Grid to each electric utility in the region, and to transmit to National Grid transmission lines such electric power as the National Grid may purchase from such utilities. A regional corporation may obtain such additional capacity (A) by lease of or contract for all or part of the capacity of existing transmission lines of electric utilities, (B) by modification of existing facilities of electric utilities, or (C) by construction of new transmission lines by such regional corporation. Any excess transmission capacity of a regional corporation may be made available to electric utilities on a contract carrier basis.

(d) Electric power marketed for the National Grid by the regional corporation shall be sold at a rate equal to the uniform rate established by the National Grid under section 102(c)(1), plus a transmission rate charged by such regional corporation. Such transmission rate shall be set at the lowest possible level consistent with sound business principles and the environmental protection requirements of section 201, taking into account the charges necessary to pay the operating expenses of the regional corporation (including depreciation) and to amortize the indebtedness of the regional corporation.

(e) A regional corporation shall have the authority to issue bonds in accordance with section 206, but such bonds shall not be guaranteed by the United States unless issued with the approval of the national board.

(f) Any electric utility aggrieved or adversely affected by any action of a regional corporation may obtain administrative review of such action by the national board. The national board may, on the basis of such review, order the regional board to take appropriate remedial action.

SEC. 104. RESEARCH AND DEVELOPMENT.

(a) The National Grid shall carry out a program of research and development in the area of electric power generation and transmission. In carrying out such program, the National Grid—

(1) may conduct research and development activities directly or through contracts with any person or public agency,

(2) shall to the extent practicable coordinate its program with programs of other public agencies, and

(3) shall develop priorities for carrying out such program.

In developing priorities under paragraph (3), the National Grid shall give preference to environmental protection and land use research including, but not limited to, underground high voltage transmission technology, sulfur oxide control and other technology to improve the performance of fossil fuel plants, development and demonstration of utility corridors, development and demonstration of improved methods for disposing of waste heat, and development of alternative methods of electric power generation (including but not limited to thermonuclear fusion, magnetohydrodynamics, and fuel cells).

(b)(1) The National Grid shall expend at least 2 percent of its revenues in each fiscal year to carry out the program under this section.

(2) There are authorized to be appropriated to the National Grid for each fiscal year to carry out the program under this section an amount equal to (A) $250,000,000 less (B) the amount the National Grid is required to expend under paragraph (1) to carry out such program.

SEC. 105. TRANSFER OF CERTAIN EXISTING FEDERAL-OWNED FACILITIES.

(a) Effective 180 days after the date of enactment of this Act:

(1) There are transferred to the National Grid all electric power generating and transmission facilities of the following agencies:

(A) Bureau of Reclamation.
(B) Army Corps of Engineers.
(C) Southwestern Power Administration.
(D) Southeastern Power Administration.
(E) Bonneville Power Administration.
(F) Alaska Power Administration.

(2) After amortization, hydroelectric power projects, together with associated Federal transmission facilities, which are transferred to the National Grid under this subsection shall provide financial assistance to water resource development, the reclamation fund, and the basin accounts, in accordance with the laws and procedures under which they were authorized.

(3)(A) The Tennessee Valley Authority shall be designated as the regional corporation for the region consisting of the area in which it operates on the date of such designation, and for such additional areas as the National Grid may designate by regulation. Such Authority shall retain and operate all of its transmission facilities, but all of its generating facilities shall be transferred to the National Grid.

(B) Payment of principal and interest on bonds of such Authority outstanding on such one hundred and eightieth day shall be guaranteed by the United States. The National Grid shall assume all liability with respect to such portion of the outstanding bonds as the President may determine, taking into account the proportion of the Authority's power revenues attributable to the facilities transferred to the National Grid under this paragraph.

(b) Title II of this Act shall not apply to the Tennessee Valley Authority unless expressly so provided.

TITLE II—GENERAL PROVISIONS APPLICABLE TO NATIONAL GRID AND TO REGIONAL CORPORATIONS

SEC. 201. ENVIRONMENTAL PROTECTION.

(a) Each corporation shall be subject to Federal, State, and local environmental standards. For purposes of this subsection, the term "environmental standard" means a law or regulation prescribing a standard or limitation for the purpose of control or abatement of air or water pollution or for the purpose of some other aspect of environmental protection.

(b)(1) Prior to applying to any public agency for authority to construct any proposed facility, the corporation which proposes to construct such facility shall hold a public hearing, after adequate public notice, and shall allow interested persons to submit comments on such proposal.

(2) Each corporation shall treat all decisions regarding the siting and design of facilities as a significant aspect of land use planning in which all environmental, economic and technical issues with respect to a facility should be resolved in an integrated fashion. In the resolution of these possibly competing demands such corporation shall give all possible weight to the protection of the environment.

(c) This section shall apply to the Tennessee Valley Authority.

SEC. 202. BOARDS OF DIRECTORS.

(a) Of the members appointed to the board of directors of any corporation, one member shall be representative of the interests of privately owned electric power companies, one member shall be representative of the interests of publicly or cooperatively owned electric utilities, and one member shall be representative of the interests of consumers. Not more than two members of any board may be members of the same political party. Not more than two members of the national board may reside on the same side of the 100th meridian.

(b)(1) Members of the board of directors of each corporation shall be appointed for terms of 6 years, except that the terms of office of the members of any such board first taking office after the date of enactment of this Act, shall expire as designated by the President (or the National Grid in the case of members of a board of a regional corporation) at the time of nomination, one at the end of the second year, one at the end of the fourth year, and one at the end of the sixth year, after such date. A successor to a member of a board shall be appointed in the same manner as the original member and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed. No member may be appointed for all or part of more than two terms.

(2) The members of the national board first appointed shall be deemed the incorporators of the National Grid and the incorporation shall be held to have been effected from the date of the first meeting of the national board.

(c) Any member appointed to fill a vacancy in a board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Vacancies in a board, so long as there shall be two members in office, shall not impair the powers of such board to execute its functions, and two of the members in office shall constitute a quorum for the transaction of the business of such board.

(d) The Chairman of each board shall be elected by the members thereof.

(e) Each of the members of the national board shall receive compensation at the rate provided for level II of the Executive Schedule (5 U.S.C. 5313), to be paid by the National Grid. Each of the members of a regional corporations board shall receive compensation at the rate provided for level IV of the Executive Schedule (5 U.S.C. 5315), to be paid by such corporation. No member of any such board shall, during his continuance in office, be engaged in any other business.

SEC. 203. OFFICERS AND EMPLOYEES OF CORPORATIONS.

(a) The board of directors of a corporation may without regard to the provisions of title 5, United States Code, governing appointments in the competitive service—

(1) appoint a manager of the corporation who shall be compensated at the provided for level II of the Executive Schedule, and

(2) appoint such other officers, employees, attorneys, and agents as are necessary for the transaction of its business, fix their compensation (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and general schedule pay rates), define their duties, and require bonds of such of them as such board may designate.

Any appointee of a board of directors may be removed in the discretion of such board.

(b)(1) For purposes of the Act of March 3, 1931 (Davis-Bacon Act; 40 U.S.C. 276a) each contract to which the corporation is a party shall be considered a contract to which the United States is a party.

(2) If work, which if let by contract would be subject to paragraph (1), is done directly by a corporation, the prevailing rate of wages shall be paid in the same manner as though such work had been let by contract.

(c) In the appointment of officials and the selection of employees for a corporation, and in the promotion of any such employees or officials, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency. Any member of a board of directors who is found by the President of the United States to be guilty of a violation of this subsection shall be removed from office by the President of the United States, and any appointee of a board of directors who is found by the board to be guilty of a violation of this subsection shall be removed from office by such board.

SEC. 204. CORPORATE POWERS GENERALLY.

(a) Except as otherwise specifically provided in this Act, a corporation shall have the same powers as a District of Columbia nonprofit corporation has under subsections (a), (b), (c), (d), and (e) of section 5 of the District of Columbia Nonprofit Corporation Act, and in addition—

(1) May make contracts to carry out its functions under this Act.

(2) May adopt, amend, and repeal bylaws.

(3) Shall have power to acquire real property for the construction of generating facilities, transmission lines, and other structures and projects.

(4) Shall have power in the name of the United States of America to exercise the right of eminent domain, in accordance with section 207.

(5) Shall have such powers as may be necessary or appropriate for the exercise of the powers specifically conferred in this Act upon such corporation.

(b) In order to enable a corporation to exercise the powers and duties vested in it by this Act—

(1) The exclusive use, possession, and control of all property to be acquired by such corporation in its own name or in the name of the United States of America, are en-

trusted to such corporation for the purposes of this Act.

(2) The President of the United States is authorized to provide for the transfer to such corporation of the use, possession, and control of such other real or personal property of the United States as he may from time to time deem necessary and proper for the purposes of such coporation as stated in this Act.

(c) Each corporation shall maintain its principal office at a place determined by it.

(d) Section 101 of the Government Corporation Control Act is amended by inserting "any corporation established under the National Power Grid Act;" after "Tennessee Valley Authority;".

(e) A corporation may contract with any person or public agency which it deems qualified, to design, prepare specifications and bidding documents, recommend the award of contracts or supervise the construction and installation of equipment and facilities of any required type anywhere in the United States. A corporation may contract with the Federal Power Commission to participate with the staff of such corporation in system planning and load forecasting.

SEC. 205. ACCOUNTS AND CONTRACTS.

(a) A corporation shall at all times maintain complete and accurate books of accounts. Each corporation shall determine its own system of administrative accounts and the forms and contents of its contracts and other business documents except as otherwise provided by law.

(b) Subject to the other provisions of this Act, a corporation is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it may deem necessary, including the final settlement of all claims and litigation by or against such corporation; and, notwithstanding the provisions of any other law governing the expenditure of public funds, the General Accounting Office, in the settlement of the accounts of the accountable officer or employee of such corporation, shall not disallow credit for, nor withhold funds because of, any expenditure which the board of directors thereof shall determine to have been necessary to carry out the provisions of this Act.

(c) All purchases and contracts for supplies or services, except for personal services, made by a corporation, shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the board of directors thereof shall determine to be adequate to insure notice and opportunity for competition; except that advertisement shall not be required when, (1) an emergency requires immediate delivery of the supplies or performance of the services; or (2) repair parts, accessories, supplemental equipment, or services are required for supplies or services previously furnished or contracted for; or (3) the aggregate amount involved in any purchase of supplies or procurement of services does not exceed $2,500; in which cases such purchases of supplies or procurement of services may be made in the open market in the manner common among businessmen. In comparing bids and in making awards a board of directors may consider such factors as relative quality and adaptability of supplies or services, the bidder's financial responsibility, skill, experience, record of integrity in dealing, ability to furnish repairs and maintenance services, the time of delivery or performance offered, and whether the bidder has complied with the specifications.

SEC. 206. BONDS FOR FINANCING POWER PROGRAMS.

(a)(1) Each corporation is authorized to issue and sell bonds, notes, and other evidences of indebtedness (hereinafter collectively referred to as "bonds") to assist in financing its activities and to refund such bonds.

(2) The aggregate outstanding amount of bonds issued by the National Grid and by all regional corporations shall not exceed $15,000,000,000 at any time. This paragraph shall not apply to bonds issued by a regional corporation and not guaranteed by the United States.

(b) Subject to section 103(e), payment of principal and interest on bonds issued by a corporation under this section shall be guaranteed by the United States. Proceeds realized by a corporation from issuance of such bonds and from power operations and the expenditure of such proceeds shall not be subject to apportionment under the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665).

(c)(1) Subject to paragraph (2), bonds issued by a corporation under this section shall be negotiable instruments unless otherwise specified therein, shall be in such forms and denominations, shall be sold at such times and in such amounts, shall nature at such time or times not more than fifty years from their respective dates, shall be sold at such prices, shall bear such rates of interest, may be redeemable before maturity at the option of such corporation in such manner and at such times and redemption premiums, and shall be subject to such other terms and conditions as such corporation may determine.

(2) At least fifteen days before selling each issue of bonds under this section (exclusive of any commitment shorter than one year) a corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions, and expected rates of interest of the proposed issue in the fullest detail possible and, if the Secretary shall so request, shall consult with him or his designee thereon, but the sale and issuance of such bonds shall not be subject to approval by the Secretary of the Treasury except as to the time of issuance and the maximum rates of interest to be borne by the bonds. If the Secretary of the Treasury does not approve a proposed issue of bonds hereunder within seven working days following the date on which he is advised of the proposed sale, such corporation may issue to the Secretary interim obligations in the amount of the proposed issue, which the Secretary is directed to purchase. In case such corporation determines that a proposed issue of bonds under this section cannot be sold on reasonable terms, it may issue to the Secretary interim obligations which the Secretary is authorized to purchase. Notwithstanding the foregoing provisions of this subsection, obligations issued by a corporation to the Secretary shall not exceed $750,000,000 outstanding at any one time, shall mature on or before one year from date of issue, and shall bear interest equal to the average rate (rounded to the nearest one-eighth of a percent) on outstanding marketable obligations of the United States with maturities from dates of issue of one year or less as of the close of the month preceding the issuance of the obligations of such corporation. If agreement is not reached within eight months concerning the issuance of any bonds which the Secretary has failed to approve, such corporation may nevertheless proceed to sell such bonds on any date thereafter without approval by the Secretary in amount sufficient to retire the interim obligations issued to the Treasury and such interim obligations shall be retired from the proceeds of such bonds. For the purpose of any purchase of a corporation's obligations the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of such corporation's obligations hereunder. A corporation may sell its bonds by negotiation or on the basis of competitive bids, subject to the right, if reserved, to reject all bids; may designate trustees, registrars, and paying agents in connection with such bonds and the issuance thereof; may arrange for audits of its accounts and for reports concerning its financial condition and operations by certified public accounting firms (which audits and reports shall be in addition to those required by sections 105 and 106 of the Government Corporation Control Act) may, subject to any covenant contained in any bond contract, invest the proceeds of any bonds and other funds under its control which derive from or pertain to its power program in any securities approved for investment of national bank funds and deposit said proceeds and other funds, subject to withdrawal by check or otherwise, in any Federal Reserve Bank or bank having membership in the Federal Reserve System; and may perform such other Acts not prohibited by law as it deems necessary or desirable to accomplish the purposes of this section. Bonds issued by a corporation under this section shall contain a recital that they are issued pursuant to this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such bonds and of their validity.

(b) Bonds issued by a corporation under this section shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury or any other officer or agency have authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the bonds of a corporation acquired by them under this section.

(e) Bonds issued by a corporation under this section shall be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance and gift taxes. Interest on such bonds shall not be included in gross income for purposes of any tax imposed by subtitle A of the Internal Revenue Code of 1954.

(f) This section shall apply to bonds of the Tennessee Valley Authority, only if such bonds are guaranteed by the United States, in accordance with section 103(e).

SEC. 207. CONDEMNATION PROCEEDINGS.

A corporation may cause proceedings to be instituted for the acquisition by condemnation of any lands, easements, or rights-of-way, or of any transmission capacity or existing facilities referred to in section 103(C)(2)(A) or (B), which, in the opinion of such corporation, are necessary to carry out the provisions of this Act. The proceedings shall be instituted in the United States district court for the district in which the land, easement, right-of-way, or other interest, or any part thereof, is located, and such court shall have full jurisdiction to divest the complete title to the property sought to be acquired out of all persons or claimants and vest the same in the United States in fee simple, and to enter a decree quieting the title thereto in the United States of America. In any such eminent domain proceeding (including a proceeding in the District of Columbia) a corporation may file with the complaint or at any time before judgment a declaration of taking in the manner and with the consequences provided by the first section and sections 2 and 4 of the Act entitled "An Act to expedite the construction of public buildings and works outside the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain", approved February 26, 1931 (46 Stat. 1421).

SEC. 208. REPORTS.

(a) Each corporation shall report to the President annually, and the President shall transmit the report to the Congress with such comment and recommendations as he deems appropriate.

(b) Each corporation shall file with the President and with the Congress, in December of each year, a financial statement and a complete report as to the business of such corporation covering the preceding fiscal year.

MASSIVE OUTBREAK OF VENEZUELAN EQUINE ENCEPHALOMYELITIS

(Mr. PURCELL asked and was given permission to address the House for one minute and to revise and extend his remarks and include extraneous matter.)

Mr. PURCELL. Mr. Speaker, a massive outbreak of Venezuelan Equine Encephalomyelitis—VEE—is sweeping through the horse population in southern Texas.

VEE is an insect bone virus that is transmitted by mosquitoes and other insects from animal to animal. It also is transmittable to man, and victims now lie in south Texas hospitals. In horses and other equines, VEE takes the form of fever and depression in about half the cases. The other half, however, finds the virus invading the nervous system, with a resultant fatality. Most humans infected come down with a mild form of influenza. However, in a study of 17,000 people affected by the virus in Venezuela and Colombia from 1962–64, one-half of 1 percent suffered fatally as the disease invaded the nervous system.

Mr. Speaker, I am making this statement because there has been widespread speculation and rumor about the effect of this disease, what it is, and what it is not. Some press reports may have distorted it for many who are otherwise unfamiliar with VEE. Many Members of this and the other Body are highly concerned about just exactly what is being done to combat it. There is room for concern, and there is even cause to worry, for it appears that we have not been adequately prepared to deal with VEE when it crossed our borders, nor are we adequately combatting it today. Moreover, there is now a new threat, African swine fever, which has come into this hemisphere, and which is equally frightening in its consequences, since there is no known vaccine against it. Thus, the VEE epidemic may only be a fire drill for dealing with these new strains of disease which we are even less prepared to combat.

Perhaps the saddest thing about the present situation in Texas, is that it might have been confined to a limited area, or possibly avoided. I realize that this statement may smack slightly of "Monday morning quarterbacking," and perhaps it is. However, we in Congress often find ourselves in the position of reacting to events outside these halls, and if one critical statement regarding the way the present epidemic has been handled will help avoid a latter day plague of new diseases to these shores, then I am willing to take a closer look at the present situation. Accordingly, I have scheduled hearings on this epidemic to begin at 2 p.m. Wednesday, July 28, before the Subcommittee on Livestock and Grains which I have the honor to chair. I am doing this because VEE is not a new disease. It first appeared in the Americas in Venezuela in 1936. It was not controlled. It remained there, and in 1943 appeared in Trinidad, where Army veterinarians diagnosed it among the mule population in that area. During the forties and fifties the disease continued to spread in South America, mainly into Colombia. In 1968, a particularly virulent strain appeared in Central America, and by 1970, it had appeared in Mexico. It is this strain which has now crossed the border and found its way into the United States.

This is not the only strain of VEE found in the United States. A strain has been found in Florida, which apparently confines its mild effect only to humans, for only two or three individuals have been hospitalized with it.

The strain in Texas is presently being combated as well, I believe, as can be: There is a quarantine on all horse shipments and mandatory vaccination programs are underway in Texas and the bordering States—New Mexico, Oklahoma, Arkansas, and Louisiana.

The vaccine being used is known as TC–83, a live serum developed for human use from the VEE strain that appeared in Trinidad in 1943. Although it is an experimental drug, it appears successful in combating VEE, even though it requires 14 days after inoculation for the serum to become effective. There are still some questions about the use of the drug which I am sure the subcommittee will want to go into.

The Department of Agriculture, in conjunction with the Air Force, has also initiated a massive spraying program in south Texas and Louisiana in an attempt to destroy mosquitos which are serving as the prime carriers of the disease. Using Malathion and Dibrom, two insecticides judged safe by the Department, thousands of acres will be sprayed by the Air Force and private companies in an attempt to halt the spread of the disease. This follows an earlier attempt to set up a barrier around the extreme southern tip of Texas, which failed before it started, because of, among other things, bureaucratic hangups in getting approval from the Public Health Service to set up the barrier. By the time it was set up, it was too late and the disease was behind the barrier.

Mr. Speaker, it saddens me to say that most experts agree that the present attempts to halt the disease, including the mandatory vaccination program of the entire million-horse herd in Texas, and the massive spraying attempts, will fail.

I say this, because everyone might as well know the truth about VEE. It is going to be with us for a long time. It now appears that the only possible halt in the spread of the disease will have to come from an effective barrier being set up elsewhere than in Texas. The present thought is that the spread of VEE will only be limited to geography and climate considerations. If it follows the same pattern it has followed in South America, it will cycle through rodents and mosquitos from season to season and haunt us for years to come.

Earlier I mentioned the necessity of looking at the VEE situation closely because of a new animal disease threat for which there is no known vaccine. That disease is African swine fever, which has now, within the last few months, been conclusively identified in Cuba. It is felt that it probably arrived there from Spain, and Africa, as a result of the Spanish Airline flights into Cuba. There are also flights from Cuba to the Dominican Republic and to Mexico. Cuba exports some pork to Mexico, and the subcommittee will want to explore with the administration what contingency plans are presently in effect to deal with this new disease, and what cooperative agreements are being sounded with the Mexican Government to avoid a repeat of the VEE situation.

Mr. Speaker, I do not want to take the time at present to go into all aspects of the VEE situation, which raises far more questions than we may ever obtain answers for. I will merely share some of the questions for which the subcommittee will want to get answers, in the hope that we can obtain adequate answers and encourage appropriate safeguards toward slowing the spread of VEE and other diseases which threaten us.

For example, one of the main questions the subcommittee will want to look at is the long delay in getting other governments to attempt to set up effective barriers to VEE, particularly when the path of the disease northward could be identified as long as 20 years ago. Additionally, why was there no contingency plan or vaccination program put into effect in the United States when the new strain reached Mexico last year?

It is generally agreed by administration officials that, despite the mandatory vaccination program, not all horses will be vaccinated. What further plans does the administration have for trying to halt the disease? Are additional Federal efforts called for in States such as Florida, where it appears VEE may be moving toward?

Why was the original barrier placed at the Texas border delayed until it was too late?

How adequate is the supply of TC–83? When can the restrictions placed by the Federal Government on its use be lifted, particularly when these same restrictions apparently resulted in a delay in vaccination of American animals while futile vaccination of Mexican animals was being aided by departmental officials?

Mr. Speaker, I cannot stress how serious is this present situation, and how futile have been our attempts to deal with it effectively to date. It is an open feeling among many respected authorities outside the Government that we could have done a better job. It is our job to make sure these questions and others are answered, not to satisfy an idle curiosity and place unnecessary blame, but to insure that the efforts made from this point on will be responsible to the true needs of the present situation.

Thank you, Mr. Speaker.

WHITE HOUSE DOES HARD SELL ON OLD SOFT SHOE ROUTINE

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, it will be lucidly recalled that the President, while wooing southern delegates and votes in 1968, firmly committed himself to helping with the problem of textile imports.

However, when the matter came before the Congress after the elections, the administration slithered from one foot to another in a posture of ambiguity as to its commitment, in a rendition of the old political soft shoe routine.

When it became apparent that the administration was either unable or unwilling to come to grips with the problem through negotiations with foreign export nations or by firm support of quota legislation in the Congress, the distinguished chairman of our Ways and Means Committee, the gentleman from Arkansas (Mr. Mills), opened the door for voluntary measures which, while far from the relief some might have wished, did give us something rather than empty promises and hallow rhetoric.

The White House, of course, was quite taken by surprise that a single individual, through brilliance and personal ability, was able to open the way for an agreement which the administration's bureaucratic legions had been unable to approach. It was at this time that the administration first evidenced its underestimation of and lack of appreciation for the high ability of Chairman Mills.

Now it appears that Chairman Mills has once again made a significant contribution toward alleviating another pressing import problem, shoes.

However, this time rather than admit it has had its chestnuts pulled from the fire, the White House has had a second string aide hold a press conference to downplay the true role which Chairman Mills played.

This is an old and wornout political ploy whereby one tries to take credit for something someone else has done.

The administration has become rather adept at this without realizing how transparent the tactic is. Thus, they have dropped the soft shoe routine for another chorus of "Waltz Me 'Round Again, Willie."

The trouble is that we have all danced to that music once too often and much prefer to sit this one out.

Therefore, I suggest a change in tunes which would be more appropriate to the successful work Chairman Mills has done for American labor and industry in alleviating the shoe import problem.

A more appropriate verse would be:

"I got shoes,
You got shoes.
All Mills' children got shoes.
When Mills goes to the White House,
Going to put on those shoes.
Going to dance all over that House."

AMENDMENT TO THE MILITARY CONSTRUCTION AUTHORIZATION BILL

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BADILLO. Mr. Speaker, I want to take this opportunity to advise our colleagues that I will offer an amendment to the military construction authorization for fiscal year 1972, H.R. 9844 as reported, tomorrow.

The amendment I intend to offer will require the Secretary of the Navy to report to Congress by January 1, 1972, on the specific action being taken to find suitable alternatives to the firing operations and training on and about the island of Culebra, to report to Congress by June 30, 1972, on the feasibility and cost of constructing an artificial island as a possible alternative and to end all firing operations on or at Culebra as soon as possible but no later than January 1, 1975.

For some 13 years the residents of Culebra sought to end the Navy training and testing on their island. In January their efforts seemed successful when an agreement was concluded among the Secretary of the Navy, the Commonwealth of Puerto Rico, and the municipality of Culebra whereby the Navy agreed to investigate "both technological and geographical alternatives to the training done around Culebra." However, in the 7 months which have passed there has been no visible movement on the part of the Navy to take meaningful initiatives to seek possible alternatives and to begin preparations to withdraw from the island. This policy of foot dragging cannot be permitted to continue and a clear congressional mandate must be given to the Navy to undertake effective action to find and report on alternatives.

I present the text of my amendment herewith, for inclusion in the Record, in order that our colleagues may be familiar with its language. I urge that every possible consideration be given to this amendment and that our colleagues will support it when offered tomorrow.

Amendment to H.R. 9844, As Reported—
Offered by Mr. Badillo

Page 17, between lines 5 and 6 insert the following:

Sec. 204. (a) The Secretary of the Navy (hereafter referred to in this section as the "Secretary") shall immediately undertake a study to determine suitable alternatives (including the use of an artificial island) to which may be transferred all firing and other training operations currently conducted on the island of Culebra and the cays within three nautical miles of such island. The Secretary shall submit a written report on such study to the Committee on Armed Services of the House of Representatives and the Senate not later than January 1, 1972.

(b) If as a result of the study undertaken pursuant to subsection (a) of this section the Secretary determines that the most suitable alternative would be the use of an artificial island, he shall submit a written report to the Committee on Armed Services of the House of Representatives and the Senate not later than June 30, 1972, setting forth the estimated cost of such an island and the time within which the island could be constructed.

(c) The Secretary shall terminate all firing operations on or at the island of Culebra and the cays within three nautical miles thereof at the earliest practicable date but not later than January 1, 1975.

And redesignate the succeeding sections in title II accordingly.

CAPTIVE NATIONS WEEK, 1971

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 1 hour.

(Mr. FLOOD asked and was given permission to revise and extend his remarks and to include certain proclamations and statements.)

GENERAL LEAVE TO EXTEND

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members have 5 days in which to extend their remarks upon this same subject.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, this week is the 1971 Captive Nations Week. July 18 to 24 is the 13th observance of this highly important week. We, in the U.S. Congress, join with millions of our fellow Americans in expressing to the world our firm determination never to forget the freedom aspirations of all the captive nations and to work in every possible manner for the achievement of their eventual liberation from the bondage of Red totalitarianism and Sino-Soviet Russian colonialism. Their fixed objective of national independence and freedom is our objective, and each Captive Nations Week observance stresses this fundamental truth.

The remarkable feature of the annual Captive Nations Week is its steady growth and expansion from year to year. As countless of our fellow citizens come to learn the long list of captive nations, dating back to 1920, the more they are impressed by the significance and importance of the week. Following the leadership of several of our Presidents, our State Governors and our mayors also proclaim the week, urging our citizens to dedicate themselves anew to the study of all the captive nations.

Under the guidance of the National Captive Nations Committee of Washington, D.C., State and local committees have been formed in practically all large States and major cities to observe the annual week. Moreover, the week has attracted the attention of numerous foreign countries so that in the Republic of China, South Korea, the Philippines, West Germany, Turkey and elsewhere Captive Nations Week is being appropriately observed and free Asian parliaments are being asked to pass similar Captive Nations Week resolutions.

Mr. Speaker, there are already several concrete lessons that can be drawn from these annual observances. I summarize them in this fashion:

First. By their consistent opposition to and vehement castigation of Captive Nations Week, Moscow, Peking, and the lesser lights in the Red empire have shown since 1959 their fear of the total captive nations concept as reflected in Public Law 86–90;

Second. The growth and development of Captive Nations Week in this country and abroad have demonstrated the deepened understanding on the part of our people and others of the basic and fundamental importance of all the captive nations to our national security and that of the free world.

Third. Our concentrated support of all the captive nations, including necessarily the dozen in the Soviet Union itself, is one of our most powerful nonmilitary deterrents against further overt Sino-Soviet Russian aggression and a prime, formidable force for peace with freedom and justice in the world;

Fourth. A broad area of detailed work still remains to be done in exposing the complete breadth and depth of Sino-Soviet Russian imperio-colonialism so that once and for all the peoples of the world will know and never forget who the real imperialists and colonialists are, so that the full impact of world opinion will fall heavily on the two last remaining imperio-colonialist centers, namely and solely Moscow and Peking, and

Fifth. To open the full vista of this area and to prepare the ground for this vital work, a Special House Captive Nations Committee becomes more urgent, more necessary, more indispensable with the passing of every day. On this commemorative occasion, I again call upon the Rules Committee to at least vote on the measures which have been submitted to create this desperately needed committee. I again ask the members of that committee to begin with my own, House Resolution 293.

As part of my remarks today, Mr. Speaker, I would like to include the following material:

Captive Nations Week proclamation by President Richard M. Nixon.

Proclamations by: Gov. John J. McKeithen, of Louisiana; Gov. Louie B. Nunn, of Kentucky; Gov. Edgar D. Whitcomb, of Indiana; Gov. Robert B. Docking, of Kansas; Gov. Patrick J. Lucey, of Wisconsin; Mayor Willis D. Gradison, Jr., of Cincinnati; Mayor Orville L. Hubbard, of Dearborn; Mayor Moon Landrieu, of New Orleans; Mayor Richard H. Marriott of Sacramento, and a column entitled, "Captive Nations Give Lie to Detente," by Thomas A. Lane, major general, U.S. Army, retired.

Captive Nations Week, 1971

(By the President of the United States of America)

A PROCLAMATION

From its beginnings as a nation, the United States has maintained a commitment to the principles of national independence and human liberty. In keeping with this tradition, it remains an essential purpose of our people to encourage the constructive changes which lead to the growth of human freedom. We understand and sympathize with the efforts of oppressed peoples everywhere to realize this inalienable right.

By a joint resolution approved on July 17, 1959, the Eighty-Sixth Congress authorized and requested the President to issue a proclamation each year designating the third week in July as Captive Nations Week.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate the week beginning July 18, 1971 as Captive Nations Week. I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all peoples for national independence and human liberty.

In witness whereof, I have hereunto set my hand this ninth day of July, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

Proclamation of the State of Louisiana

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence:

Now, therefore, I, John J. McKeithen, Governor of the State of Louisiana, do hereby proclaim the week of July 18–24, 1971 as Captive Nations Week in Louisiana, and call upon the citizens of Louisiana to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

Proclamation by the Governor of the Commonwealth of Kentucky

To All To Whom These Presents Shall Come:

Whereas, In accordance with Public Law 86–90, unanimously adopted by the 86th Congress, the President of the United States will proclaim the third week of July as Captive Nations Week, following the tradition established by all his predecessors over the last twelve years; and

Whereas, The observance of Captive Nations Week provides another tangible demonstration of the free world's support of the aspirations of the people of East-Central Europe to freedom; and

Whereas, Public observances of Captive Nations Week 1971 in the United States would encourage these people in continuing to persevere in their quest for greater freedom; and

Whereas, This observance will dramatize the quest for universal peace through freedom and will help promote the spiritual unification of Europe and its eventual political reunification;

Now, Therefore, I, Louis B. Nunn, Governor of the Commonwealth of Kentucky, do hereby proclaim the period of July 18–24, 1971, as Captive Nations Week in Kentucky, and urge the citizens of this Commonwealth to observe this week with appropriate ceremonies and activities.

Proclamation of the State of Indiana

To All To Whom These Presents May Come, Greeting:

Whereas, the imperialistic policies of Russian Communists have led through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, White Ruthenia, Estonia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence;

Now, therefore, I, Edgar D. Whitcomb, Governor of the State of Indiana, do hereby proclaim that the week of July 12–18, 1971, be designated Captive Nations Week in Indiana.

Proclamation by the Governor of the State of Kansas

To the people of Kansas, greetings:

Whereas, Captive Nations Week was inaugurated in 1959 by a Joint Resolution of the United States Congress; and

Whereas, each year, Captive Nations Week has provided a fitting opportunity for the American people to show their solidity with their captive brethren in East and Central Europe; and

Whereas, twenty-six years ago, the war in Europe came to an end, but the hopes and expectations that came in the wake of the hard-won victory over the Nazi military machine have yet to be realized, and for the millions of people in Eastern Europe Nazi domination, as well as the USSR, Asia and Cuba have been replaced by Communist rule:

Now, therefore, I, Robert B. Docking, Governor of the State of Kansas, do hereby proclaim the week of July 18 through July 24, 1971, as Captive Nations Week in Kansas and urge all people of the free world to support the aspirations of the people of East-Central Europe, USSR, Asia and Cuba to freedom.

A Proclamation

Whereas, the imperialistic policies of Russian Communism have led to the subjugation of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, Byelorussia, Rumania, East Germany, Bulgaria, North Korea, North Vietnam, Cuba and others; and

Whereas, the enslavement of one billion people by the tyrannous forces of Communism is a cause of deep concern for the people of the United States of America and the free world; and

Whereas, the national security and well-being of the citizens of the United States is dependent on the continued desire for liberty and justice on the part of the peoples of these captive nations; and

Whereas, it is appropriate and proper to demonstrate to the people of the captive nations the support of the people of the State of Wisconsin for their just aspirations for freedom and national independence; and

Whereas, the people of Wisconsin, as do all the people of the United States, want for the people of the world the same freedom and justice which is theirs;

Now, therefore, I, Patrick J. Lucey, Governor of the State of Wisconsin, do hereby designate the week of July 18–24, 1971, as Captive Nations Week in Wisconsin and call upon the people of this state to join with others in observing this week which has been set aside as a tribute to those enslaved nations and people around the world deprived of elementary freedoms and liberties.

I further encourage all citizens to demonstrate their interest in the people imprisoned in the captive nations by attending or participating in commemoration ceremonies at St. Therese's Parish Park on Sunday, July 18, 1971, at 4:00 p.m., in Kenosha, Wisconsin.

Proclamation of the City of Cincinnati

Be it proclaimed:

Whereas, the imposing reality of the captive nations in Eastern Europe, in the U.S.S.R., in Asia and Cuba cannot be ignored if we value our own freedom; and

Whereas, the cardinal Soviet Russian objective has been to obtain Western acquiescence to the permanent captivity of twenty-seven nations; and

Whereas, it is of crucial importance for us to morally sustain the hope and faith of the captive peoples in their eventual freedom;

Now, therefore, I, Willis D. Gradison, Jr., Mayor of the City of Cincinnati, do hereby proclaim the period from July 18, 1971, to Thursday, July 24, 1971, as Captive Nations Week in Cincinnati.

Proclamation of Captive Nations Week

July 18–24, 1971

Whereas, the significance and heritage of the United States of America stems from its belief in the ideals of peace, freedom and self-determination; and,

Whereas, the oppression of peoples in Eastern and Central Europe as epitomized in the Soviet invasion of Czechoslovakia in 1968, hinders the growth of understanding between Communist and free nations; and,

Whereas, many of the people of these captive nations look to the United States as the champion of freedom and for leadership in the struggle for their religious freedoms and individual liberties; now,

Therefore, as Mayor of Dearborn, I proclaim July 18–24, 1971, Captive Nations Week in Dearborn, and urge all citizens to observe this period by showing friendship and good will to people of all ethnic backgrounds, and remembering in prayer the citizens of the world who are denied freedom and the right of political self-determination.

Proclamation of the City of New Orleans

Whereas, the subversive tactics of Totalitarian Imperialism has led to the direct and indirect subjugation of the national independence of Democratic nations after reaching across international frontiers to the very shores of America; and

Whereas, the United States possesses warm understanding and sympathy for the cause of human rights recognizing personal dignity as a universal aspiration; and

Whereas, this city has been host for those who flee tyranny and still shelter thousands of exiles from many nations who hope to one day restore to their homeland that quality of human dignity granted by God that gives free men the right to pursue happiness, cultural, religious and economic independence according to their individual heritage; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support of just aspirations of captive peoples for freedom and independence:

Now, therefore, I, Moon Landrieu, Mayor of the City of New Orleans, do hereby proclaim the period of July 18–24, 1971, to be Captive Nations Week in New Orleans

City of Sacramento Proclamation Issued by the Mayor

CAPTIVE NATIONS WEEK

Whereas, there exists today more than a dozen nations whose people have seen their national and cultural integrity dissolved by oppressive rulers selected for them, not by them, but by the masters of the Kremlin, and

Whereas, it is vital to the security of free men everywhere that the desire for liberty and independence on the part of the people of these Captive Nations be nurtured and strengthened by all honorable means, and

Whereas, there are in Sacramento many residents with close personal and family ties with the peoples of Albania, Armenia, Bulgaria, Cossackia, Croatia, Czechia, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Serbia, Slobakia, and the Ukraine, who feel the heavy hand of Communist Dictatorships, hands of social justice and equality, but delivers the chains of bondage, and

Now, therefore, I, Richard H. Marriott, Mayor of the City of Sacramento, do hereby proclaim the week of July 18 through July 24, 1971, as CAPTIVE NATIONS WEEK in Sacramento and urge all residents to observe the occasion by strengthening their understanding of the basic rights which make all men free.

Issued: This 1st day of July, 1971.

Richard H. Marriott, *Mayor*.

Captive Nations Give Lie To Detente

Washington.—This third week of July has been designated by Congress as "Captive Nations Week" to remind us of the nations still held in the bondage of communist imperialism. Because so many Americans hold a heritage from these Captive Nations, we as a nation should have a pressing interest in restoring their freedom.

When Congress first passed the Captive Nations Week Resolution in 1959 and President Eisenhower signed it into law, Premier Khrushchev was greatly disturbed. He knew that the subjugated peoples were the Achilles heel of Soviet power and he feared an American policy toward their liberation. As nothing was done to align U.S. policy with the congressional resolution, Soviet fears subsided. The American government would do nothing to support its brave talk.

Dr. Lev E. Dobriansky of Georgetown University has been a leader of Captive Nations Week activities for twelve years. He has written extensively about the nature of Soviet power and about conditions in eastern Europe. In a new book entitled, "U.S.A. and the Soviet Myth", (Devin-Adair, $6.50) Dr. Dobriansky reviews Captive Nations Week history and shows how American misconceptions about the nature of Soviet power have served the interests of Russian imperialism.

Perhaps the first misconception is that there are 200 million Russians in the Soviet Union. Dr. Dobriansky points out that 125 million of the Soviet population are non-Russians, captives of Russian imperialism just as the Soviet peoples are captives of the communist party. Minority rule is the rule in the Russian imperium.

Then too, the name "Soviet Union" has to Americans connotations of voluntary union, as the American colonies united to form a more perfect union. As Dr. Dobriansky reminds us, the Soviet Union is a creation of Russian imperialism, using communist internationalism to aid its conquests. The other communist states are not equals in an international communist society; they are the wards of Moscow.

The Soviet Union is the world's greatest imperialism. In the free world, small nations have won their freedom and independence; but no such freedom can exist in the communist world. The Soviet Union and Red China lay heavy hands upon their vassal states, controlling their economic growth and political development to assure full subordination to the twin imperialisms. Dr. Dobriansky lists 24 nations from Armenia to Cuba which have been conquered by the Russian imperialism.

Instead of recognizing the weakness of these imperialisms, the yearning of the oppressed peoples for freedom and the great boon to world peace which their liberation would bring, the United States has sought peace by courting the imperialists and forsaking the Captive Nations. It has strengthened the dictators with trade and recognition even as it turned its back on the aspirations of the oppressed peoples. For 38 years, it has sought detente with the Soviet Union, always failing but always coming back to try again, incapable of facing the reality that the imperial appetite is not satisfied by throwing the children to the wolves.

The United States, as leader of the free world, has an obligation to focus international attention on the Russian and Red Chinese imperialisms, to condemn the medievil cruelty which is so offensive to modern ideas of human liberty and to assist the subject peoples to regain their freedom. It should use the United Nations as a forum for the peaceful dismantling of the Soviet imperialism.

It is a strange paralysis of reason and will which keeps the United States in a zombie-like stupor of seeking the goodwill of tyrants. Congressman Wm. G. Bray of Illinois, in the introduction to the Dobriansky book, likens the U.S. to Sweet Alice of ancient fame:

"Oh, don't you remember Sweet Alice, Ben Bolt,
Sweet Alice whose hair was so brown?
Who wept with delight when you gave her a smile,
And who trembled with fear at your frown?"

Mr. PUCINSKI. Mr. Speaker will the gentleman yield?

Mr. FLOOD. I yield to the distinguished gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I want to congratulate our colleague, the gentleman from Pennsylvania (Mr. Flood), for taking this time today to call attention to his resolution for the creation of a special Select Committee on the Captive Nations. There are few Members of this House who have championed the cause of freedom for the 180 million people behind the Iron Curtain with such vigor and determination as our distinguished colleague from Pennsylvania. I know of his deep concern, his deep dedication and his sincere yearning for the day when the captive nations can rejoin the family of free nations as free people.

I must say that the appeal which the gentleman has made today will fall on deaf ears in the State Department and the executive branch of Government.

We were all very pleased and thrilled when President Eisenhower signed the proclamation setting up the third week of July to be set aside as a week of fervent prayer and hope that the people of the captive nations would be able to regain their freedom, and that this proclamation shall remain in force until such time as, indeed, the captive nations have regained their freedom. It was a day of great pride in this Chamber. My colleague in the well was one of the prime movers in engineering that resolution through the Congress and making it possible for the President to sign it.

But we have watched, since the enactment of this resolution, a constant effort by the State Department to minimize its importance, to hold up the issuance of proclamations as long as possible and to make the proclamation as meaningless as possible, right on through to this year's captive nations proclamation. It is a pro forma proclamation and one that does not reflect the great hope and the great yearning and the great desire of the Congress of the United States when we passed the resolution in its original form.

Mr. Speaker, we see subtle discouragement all over the country of those who try to organize manifestations calling attention to that resolution. There is an effort by the State Department to minimize its meaning.

But in Chicago we have a mayor who believes in the captive nations resolution and who believes we ought to keep reminding the Soviets and the Peking imperialists that the conscience of the free world cannot rest until those people are free. We have Mayor Daley who personally cooperates every year in the Captive Nation's Week program. We had a parade, probably the largest parade in the country, last Saturday, an hour and a half long on State Street, with all of the ethnic groups participating. When these people passed the reviewing stand one could see the yearning for their brothers and sisters in the captive nations to be free.

Mr. Speaker, unless Congress asserts its own sense of responsibility and refuses to accept a negative recommendation by the State Department and takes the bull by the horns and passes this resolution of the House to establish a captive nations select committee, it will not be done.

If we are to wait for the people in the State Department to make that decision, that committee will never come to light.

These are the same people who urge President Nixon to make his mission to China in search of peace. I was very sorry to see the other day a statement made by the President, well-meaning as it was, and I do not question the honesty, the integrity and the sincerity of the President, well-meaning as his statement was, that we refrain from any speculation on his planned trip to China.

I must respectfully reject that suggestion. If Members of Congress had asked questions before President Roosevelt went to Yalta, there would not be a Captive Nations Week today. No one asked any questions because we were at war and we were told of the delicate negotiations. The result was that 180 million people were thrown into Communist bondage against their will.

We in the legislative branch of the Government have the right and responsibility as a coequal branch of government, to ask the executive branch and the Commander in Chief and the President: What promises did Mr. Kissinger make in Peking? What concessions have been made? What does all this mean? And where does Nationalist China fit into all of this? Where does the rest of our allies fit into this secret plan?

I am not at all persuaded by those who say that these are very delicate negotiations, and you should not make any waves you should not ask any questions. I believe it is the responsibility of the Committees of this House and the other body on Foreign Affairs to have complete hearings as to what this trip does mean. And I believe Dr. Kissinger should spell out what agreements were reached during his visit to China. Surely we do not want another Yalta in 1971 or 1972.

I applaud the President for his boldness and his initiative. I am pleased to see that an effort is being made to recapture for the United States its leadership in foreign affairs, but I believe that we have a responsibility, for if people had asked questions at the time that 180 million people were being thrown into Communist bondage, then my distinguished colleague, the gentleman from Pennsylvania (Mr. FLOOD) would not be in the well of the House today pleading for a Select Committee on the Captive Nations. We would not have to have a Captive Nations Week, and at least 180 million people who fought as gallantly in World War II on the altar of freedom would be enjoying the same degree of freedom we enjoy today.

So I congratulate the gentleman in the well. I think that, small group that we are, thank God there are Members in this Congress who refuse to be beguiled by an aura of coexistence with the Communist world.

There are those who are so beguiled by this prospect that today they are willing to sweep everything aside.

The gentleman quite properly stated the case: There are two imperial powers left in this world, the Soviet Union and Red China. It is ironic that this Nation is being beguiled to a point where even when our most vital national interests is at stake, we cannot get the American people to react and respond.

So I say that the gentleman is correct. This Captive Nations Committee ought to be formed. This Captive Nations Committee ought to start asking some questions: What does Mr. Brezhnev mean by the "Brezhnev Doctrine?" What does he mean by keeping these 180 million people in captivity? And what are the plans of the Soviet Union and, indeed, Red China, to bring about some sort of liberation for these people?

I cannot think of anything more important.

Yesterday we passed a resolution establishing a Select Committee on the Environment. It is a good committee, but I cannot understand why, with the prestige of my colleague, the gentleman from Florida who is one of the most beloved Members of this Congress and whose record in defense of human dignity is without blemish, why his clearly pointed admonitions cannot be heard by this Congress, and have it pass this resolution. I am beginning to think that maybe the time has come for my colleague to file a discharge petition for creation of his select committee.

I think we ought to lay it on the line—where do we stand on this? Which of the Members are going to stand up for what is right and what is good and raise their voices in defense of these helpless people behind the Iron Curtain? Which of our Members are going to be beguiled by the smokescreen of the State Department?

I think the time has come when Congress ought to assert its own responsibility and for that reason I join my colleague in his plea. The conscience of the free world cannot rest until these 180 million people behind the Iron Curtain rejoin the family of free nations.

I am so proud there are men like the gentleman in the well (Mr. FLOOD) who over all these years has refused to compromise his principles and his great belief and who has continued his great struggle. These poor people behind the Iron Curtain cannot struggle for their liberty. Thank God that there are men like FLOOD around who has the courage and the stamina and the dedication and determination to continue fighting until that great day comes when we can undo the wrong that was done to these people, and when we can look upon them as our free brothers. I congratulate my colleague, the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Speaker, the gentleman from Illinois (Mr. PUCINSKI) as always is very kind and very gracious. He has been my strong right arm in this project since its inception, since he has been here. He understands the problem because in his veins flows the proud blood of Polish ancestry. Who would know better—who would know better? He has been eloquent before—and the highest compliment I can pay to him today is—I could not have said that better myself—and that is praise from Caesar.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Speaker, I thank the distinguished gentleman from Pennsylvania (Mr. FLOOD) for yielding. I am indeed pleased to join with the gentleman from Pennsylvania (Mr. FLOOD), in his effort today to once again call to the attention of the Congress of the United States, and all the people of this country, the fact that there are millions of people living in slavery under the tyranny and the guns of ruthless Communist imperialists and aggressive colonialists. It is important that this Nation which believes so intensely in freedom, not forget for one moment—as, unfortunately, we are sometimes prone to do—those people in the Captive Nations who are denied these freedoms we so enjoy.

The gentleman from Pennsylvania (Mr. FLOOD) is to be highly complimented for his forthright and continuing efforts to keep this issue squarely before the Congress of the United States. The Rules Committee should be prevailed upon to bring the gentleman's resolution (House Resolution 293) to the Floor of the House so that the full body of this Congress can have the opportunity to either vote up or down on this vital legislation. The compelling reasons why the Rules Committee and the House of Representatives should act immediately on this resolution by the gentleman from Pennsylvania are as follows:

First, America has been the leader of the free world in demanding that the flame of freedom be kept alive. The responsibility for keeping that flame of freedom burning lies right here in the halls of the House of Representatives. This body has the authority to demand on a regular and continuing basis that these captive nations be set free now. "Freedom now" has been a popular slogan in many causes. Through establishing this Special Committee on the Captive Nations, the Congress would be announcing worldwide that we will not rest until freedom once again is available to all nations and people held in slavery under Communist tryanny and dictatorship. In addition to those American men known to be prisoners of war, and those who are reported missing in action, there are other American citizens who are held in captivity in these Communist slave states. On this basis alone, the gentleman from Pennsylvania (Mr. FLOOD) is correct in insisting that the Congress face up to the immediate need for a special committee in this House which will work relentlessly until every single American citizen is freed from captivity, whether it be in the Red Empire of China, North Korea, North Vietnam, or the Soviet-dominated nations of Poland, Hungary, Czechoslovakia, East Germany, Cuba, and so many more.

Second, the U.S. Congress, after spending billions of dollars overseas to try to prevent Communist aggression, has a responsibility to those now living in slavery in captive nations to join in every way possible their efforts to be free. Thousands of these captives struggle every year to cross the borders into free nations and many die in the attempt. We cannot abandon these people in their heroic effort to gain freedom nor can we forget those whom they have left behind. We must give them hope.

Third, Congress can no longer afford the luxury of just talking about this problem without setting up the appropriate machinery to do something constructive. My fellow colleagues, let us stop talking and proceed to the action stage. The Special Committee on Captive Nations will have the ability to study the plight of these people and nations and recommend ways in which Congress, the executive branch, and the Nation can work to get something done to free them.

Again, I wish to commend my colleague from Pennsylvania for his dedication and steadfast persistence. We have put the Rules Committee on notice that we intend to keep going in this effort to establish a proper committee to probe and find ways that the United States can help captive nations and captive people regain their freedom.

Mr. FLOOD. Mr. Speaker, the gentleman from California is very kind and it is that kind of feeling and that kind of speaking that brings the creation of this committee for which we have worked for so many years very, very close.

I have been given reason to believe that perhaps we need only one more vote in the Committee on Rules. If there ever was a year—if there ever was an hour for the creation of a Captive Nations Committee in this Congress—this is the year and this is the hour. You can smell it.

Mr. ZABLOCKI. Mr. Speaker, July 18–24 has been designated Captive Nations Week—a time when we turn our attention to the plight of enslaved peoples throughout the world. Yet a sometimes-unfortunate drawback of such observances is that some people limit their concern within the few specified days, all too quickly forgetting that millions of people live in slavery 365 days a year.

Because our Nation has been free from devastating invasions, American life and culture has generally flourished during our nearly two centuries of existence. We have rarely had to rebuild our country; rather, we have had only to continue building. It is, therefore, easy to continually take for granted the freedoms and privileges we enjoy as Americans and lose sight of the cultural and political enslavement of people held captive by Communist and other forms of despotic rule.

We were reminded of this fact just 7 months ago when Polish workers took to the streets in Polish cities last December. They openly protested a government edict that had heaped an intolerable burden on their already low standard of living. These demonstrations ultimately led to First Secretary Gomulka's downfall and to the rescinding of the December price increase directive by the new regime of First Secretary Edward Gierek. This shakeup in Poland's Communist Party indicates that the voice and will of the people can prevail. Further, what is particularly encouraging, Mr. Speaker, is that these enslaved peoples were given renewed hope in these gains.

Communist domination of the East and Central European countries has been a reality for over two decades. Throughout this time in many of these countries human rights have been trampled upon and political repression has become a fact of life.

Developments such as those in Poland are another of the many examples of popular discontent with Communist-imposed rule. Their message is clear—the peoples of the captive nations vigorously opposes Communist tyranny.

Peace in the world can only be achieved when people everywhere are free from domination because a world half free and half slave remains a breeding ground for endless conflict. As long as natural rights are denied or limited and justice is disregarded anywhere in the world, our own independence is in jeopardy.

Our concern, therefore, Mr. Speaker, must be for the future. It is in this vein of rededication to a just cause that we will give meaning to the observance of Captive Nations Week—not only this week but throughout the year.

Mr. GERALD R. FORD. Mr. Speaker, this year we mark the 12th anniversary of a testament to freedom first proclaimed by the late President Dwight D. Eisenhower. This is the 12th annual observance of Captive Nations Week authorized by congressional resolution in 1959. That resolution empowered American Presidents to proclaim Captive Nations Week each year until "such time as freedom and independence shall have been achieved for all Captive Nations of the world."

Observance of Captive Nations Week points up the dedication of Americans to the nurturing of freedom throughout the world.

There is a truth that no arms and no occupation can kill. The truth is that within the hearts of the enslaved peoples there burns a love of liberty which is a constant threat to their rulers—a yearning for freedom which will ultimately prevail. And this truth gives meaning to our Captive Nations Week observance.

I believe the United States should seek enforceable agreements with the Soviet Union aimed at avoiding a third world war.

But it would be the greatest hypocrisy to close our eyes to the wrongs that the Soviet Union has done to millions of human beings deprived of individual freedoms and national independence.

Americans must continue to make known their deep concern about the people of the Captive Nations and convey this message to the captive world.

Americans should continue to make known their refusal to accept the regimes imposed upon these unfortunate victims of tyranny.

Americans should continue to promote the basic human rights and fundamental freedoms which are the God-given rights of all people.

Americans must never accept the view that freedom is foreclosed for the now-enslaved peoples of the world. Consistent with our own national interests, America should constantly explore all avenues that might lead to a lessening of their plight.

Let us continue to inform the captive peoples of our full and uncompromising support for their unquenchable goal of national and individual freedom. Let them ever know that Americans are dedicated to the furtherance of freedom throughout the world.

Let us keep faith with the people of the captive nations.

Mr. SMITH of California. Mr. Speaker, this week in America we express again our concerns for the liberation of the Baltic Republics of Latvia, Estonia, and Lithuania.

The exploitation and subjugation of these countries by Communist tyranny is a denial of fundamental human rights.

The captive peoples deserve all the support and encouragement we can give to the restoration of their independence.

Hopefully, the recent overtures on the part of our President in his "Journey for Peace" may mark the beginning of a momentous time in history when men everywhere may enjoy their freedom—and when all the world may have peace.

Mr. WAGGONNER. Mr. Speaker, every year since 1959 we here in the Congress have expressed our indignation over the continued enslavement of millions of human beings under totalitarian regimes around the world. Again this year we speak out on behalf of these subjugated peoples during this, the 13th observance of Captive Nations Week. Of course, it is only fitting that the Congress of the leader of the free world, duly elected by the people, do so. It is a fulfillment of our moral obligation to humanity. And since we are living up to our responsibility, I would like, Mr. Speaker, to direct my remarks to some of the opinionmolders in our society—the news media and the intellectual community—who also have a responsibility to search for the truth and to enlighten the American people as to what is going on in the world around them.

Mr. Speaker, I have noted that certain of the opinionmakers in this country have been quick to point out what they term "oppression" and denial of freedoms here in the United States. They have been quick to label our Government racist and fascist. I have also noticed, as I am sure most of us here have, that there has been a concerted moral condemnation of the United States by some of our opinionmakers because of our military involvement in Southeast Asia, inasmuch as it has been a denial of self-determination of those people living in that part of the world, and inasmuch as we have been inhumane in our conduct of the war. These are, indeed, debatable points. What is not debatable, however, is the fact that millions of individuals are daily being deprived of those basic freedoms we enjoy and take for granted in this country. Yet I do not find editorial after editorial denouncing the Communist governments as being racist or fascist or abhoring their crimes against humanity. Where is the concerted moral condemnation of Soviet Russia, or of Red China for their blatant human rights violations and for their denials of self-determination for those peoples under their domination?

Mr. Speaker, there has been a lot of talk these last few days over the things to come as a result of President Nixon's attempts to normalize relations with Red China—talk of world peace, of the possibility of more internal liberalization policies on the part of the Red Chinese leaders. But, Mr. Speaker, our responsibility to the American people is to view the world as it is, not as we would like it to be. Was the cause of peace further advanced when the United States recognized the Soviet Union in 1933 and began trading with it? Has there been over the years any restoration of those freedoms taken by the Bolshevik leaders from the Russian people, and from the Ukrainians, and the Estonians, and the Latvians, and the Lithuanians, and the Byelorussians, and the Czechoslovakians? No, Mr. Speaker, the cause of peace was not further advanced. The freedoms of these people have not been restored. What did happen was that the United States sold into bondage millions of human beings by bailing out economically and giving prestige to their tyrannical leaders.

Yes, Mr. Speaker, we here in the Congress are fulfilling our moral obligation to humanity when we plead the cause of those oppressed people throughout the world. I would only hope that certain others in positions of responsibility in our society, similarly live up to their responsibilities, to utilize their freedoms of speech and of the press, and condemn those governments violating these same freedoms elsewhere and expose the Communist leaders for what they really are.

Mr. WYMAN. Mr. Speaker, I wish to join those of my colleagues who are pausing to recognize the plight of persons behind the iron and bamboo curtains. Twelve years have passed since the designation of the third week in July as Captive Nations Week. While there have been many changes in international affairs since that time, the overwhelming desire of hundreds of millions of people for freedom and true national independence remains undaunted.

For some countries, such as Armenia, the record of Communist domination goes back over half a century, while in other nations the onset of a Communist dictatorship is fairly recent. But regardless of the length of the servitude, we should not assume that it need be a permanent condition. Nationalism is a very enduring quality as so many examples of history—including that of our own—clearly points out. The observance of Captive Nations Week is an excellent way for all Americans to show their understanding of this simple fact and to demonstrate that they have not forgotten the tragic situation of their brothers in Eastern Europe and elsewhere. It is particularly fitting that we hold this observance so soon after the anniversary of our own country's Declaration of Independence. It makes the Fourth of July doubly meaningful for all Americans.

We must dedicate ourselves to the task of fostering freedom for all peoples of all nations until the day comes when the need for the observance of Captive Nations Week has passed.

Mr. STEIGER of Arizona. Mr. Speaker, in 1959 Congress passed Public Law 86–90, establishing the third week in July as Captive Nations Week. I wish to join once again with my colleagues in the House of Representatives in the observance of Captive Nations Week.

The purpose of the observance is to remind those of us who enjoy freedom and national independence that many millions of people in the world are deprived of these blessings. The observance of Captive Nations Week is a public testimony to the fact that we in the United States have not forgotten these people and that we have not abandoned our traditional role as the champion of freedom and independence for all nations of the world.

My friends in the State of Arizona share our desire to see liberty restored to the gallant and long-suffering citizens of the captive nations. On Friday, July 23, many of them will join with the Honorable Jack Williams, Governor of Arizona, in the observance of Captive Nations Week.

Mr. Speaker, I would like to place in the Record the text of the Captive Nations Week Manifesto of 1971:

CAPTIVE NATIONS WEEK MANIFESTO 1971

The undersigned organizations, dedicated to the restoration of freedom in the captive nations, call attention to Public Law 86–90, unanimously adopted in 1959 by the Congress of the United States, by which the third week of July each year is designated as Captive Nations Week.

The observance of this year's Captive Nations Week comes just seven months after the start of a chain of momentous events in Poland. In December, 1970, Polish workers took to the streets of many of Poland's cities—in open protest against the Gomulka regime's edict that had placed an intolerable burden on their already low standard of living. The toll of these food riots, according to the regime's figures, was, 45 dead and 1,165 wounded.

The upheavals led to Gomulka's downfall, and, when fresh work stoppages broke out in January and February of this year, the new regime of Edward Gierek rescinded the December price-increase directive. A shakeup in Poland's Communist Party, which had come in the wake of the December developments, indicates that the last word on the changes in Poland has yet to come.

The Polish events have again brought into sharp focus the inability of communism to satisfy the spiritual and material needs and demands of the people.

Communists regimes, backed by Soviet military power, have ruled over the countries of East and Central Europe for over two decades. The balance sheet of their tenure in power offers undeniable grounds for an indictment for tyranny, insensitivity and incompetence. In East and Central Europe, the Communists have systematically trampled upon human rights, have brooked no opposition and have established themselves as the sole font of wisdom and power.

Yet, political repression notwithstanding, the Communist regimes have been unable to "compensate" for their use of harsh tactics and methods by providing the people a decent standard of living. In divided Europe, the gap in the quality of life between its western and eastern parts has been widening with each passing year. The Communists have thus given the people of East and Central Europe the short end of the stick in both key sectors: in politics and personal life, the watchword is oppression and denial of inalienable rights; in the standard of living, the increase has been negligible—especially compared to the gains registered by other nations over the corresponding period.

The developments in Poland are but the latest in a series of dramatic proofs of popular discontent against Communist rule. Over the past 15 years, we have witnessed the Poznan riots and Polish October in 1956, the tragic but heroic Hungarian Revolution, also in 1956, and the "Czechoslovak Spring" in 1968. There have been other less publicized demonstrations of true popular sentiment in all the captive countries.

The message is clear. The people of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania oppose Communist tyranny. Their aspirations and objectives are the same as those of all freedom-loving people in the world:

the right to chart their own future; national sovereignty and self-determination; respect for and observance of their fundamental human rights; and a chance to rejoin, as free and equal partners, the family of nations.

We believe that a lasting peace in Europe, and the world, can come only after the captive nations have regained their freedom and national independence. As long as there are men and nations in bondage, the quest for a genuine relaxation of tensions is bound to prove fruitless. A world half slave, half free remains a breeding ground for endless conflict. A community of free nations, on the other hand, is the best guarantee for the advent of true international comity, closer cooperation, and a just peace.

While commemorating this year's Captive Nations Week:

We stress that the Soviet Union has violated its solemn promises of freedom and independence to the nine nations made captive during or after World War II—Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania.

We further stress that the Communist regimes in East and Central Europe continue to flaunt the will of the people by denying them the right to free elections.

We appeal to the free governments of the world:

1. To declare, in accordance with the principles of the Atlantic Charter and the Universal Declaration of Human Rights, their support of the right to self-determination for all peoples held captive by the Communists and, consequently, to make this issue the permanent concern of the United Nations.

2. To raise, at international meetings and conferences, the issue of the denial of fundamental human rights to the peoples of East and Central Europe.

3. To reject any and all attempts by the USSR and the other Communist regimes to secure even a tacit recognition of the *status quo* in East and Central Europe, since such recognition would deal a staggering blow to the hopes of the captive peoples of regaining their freedom and independence.

4. To voice their opposition, on all appropriate occasions, to the methods of force and threats and intimidation used by the Communist regimes in their effort to continue holding East and Central Europe in bondage.

We appeal to the People of the United States of America to manifest during Captive Nations Week, July 18–24, their awareness of the importance of the fate of 100 million East and Central Europeans to mankind's long quest for world peace and justice.

CHRISTOPHER EMMET,
Chairman, American Friends of the Captive Nations.
VASIL GERMENJI,
Chairman, Assembly of Captive European Nations.

Mrs. GRIFFITHS. Mr. Speaker, in 1959, by a joint resolution of Congress, our President was authorized to proclaim this third week in July as Captive Nations Week. The American people have yearly observed this time as a period of renewed affirmation of their belief in the individual's right to life, liberty, and the pursuit of happiness. It must remain our constant goal that all nations will someday enjoy that peace, prosperity, and freedom which the American people treasure.

While recognizing that there have been steps toward debate between the nations of Eastern Europe and the West, it would be a mistake to assume that these countries have achieved sufficient independence to allow their citizens the rights which we in the United States assume to be inviolable. We in Congress join with millions of fellow Americans in expressing to the world our firm determination never to forget the freedom aspirations of all the captive nations and to work in every possible manner for the achievement of their eventual liberation.

Mr. ADDABBO. Mr. Speaker, this week the United States observes Captive Nations Week to pay tribute to the billions of people who live under the yoke of oppression yet retain the desire for freedom. This is a week of national concern for our fellow human beings who are less fortunate than ourselves—less able to choose their own way of life—and less free to enjoy the world in which they live.

This is a week set aside by Congress and proclaimed by the past four Presidents as Captive Nations Week. Ceremonies throughout the Nation express the sympathy and understanding which Americans have always shown for the oppressed peoples of the world.

It is particularly important for each of us to remember the reasons for this special week at a point in history when our Nation is so frustrated and weary because of a long and tragic war in Indochina. We must try to separate the policies which led to the mistakes of Vietnam from those policies which assure our continued involvement and leadership in international affairs and on behalf of world freedom. The people of Asia, Eastern Europe, Cuba, and those threatened by outside designs in areas such as the Middle East, Latin America, and Africa must not be ignored at this most urgent time.

We need to strengthen and expand our efforts to bring the message of freedom to those in captivity through Radio Free Europe and other means of communication and to turn the United Nations into a true moral force for the benefit of mankind.

Mr. PATTEN. Mr. Speaker, I am glad to have the opportunity of joining my colleagues here today in the House to commemorate the 13th observance of Captive Nations Week.

Once again we have the chance to call to the attention of the world the plight of 100 million east and central Europeans in the hopes that it will bring them closer to the freedom they seek. They will continue to urge our Government to do all in its power to loosen the unwanted bonds that now tie them to the Soviet Union.

I feel close to the people of the captive nations, because I have come to know many of their friends and relatives who were able to escape from behind the Iron Curtain. My heart breaks with the stories they tell of those who remain behind. We speak of 100 million souls from Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania. What they seek are only the same objectives of all free men. These objectives, as outlined in the Captive Nations Week Manifesto of 1971, include the right to chart their own future, national sovereignty, and self-determination, respect for and observance of their fundamental human rights, and a chance to rejoin as free and equal partners the family of nations.

There is much talk of a European security conference. Such a meeting can be worth while if it secures the self-determination of the captive nations. We cannot stand by and see these nations lost forever to the side of the free nations. We must show our solidarity in working toward their independence. The uprisings in Poland last year are a sign to us that the spirit of freedom is not dead in the captive nations. While this spark remains we must not let the economic problems of the Soviet Union assume a permanence of their domination over the captive nations.

As a member of the Advisory Committee of the National Captive Nations Committee, I will continue to speak out for the personal dignity, freedom, and independence of the captive nations. I will continue to hold dear the motto of the committee which is a quote by Goethe:

> Yes! To this thought I hold with firm persistence; The last result of Wisdom stamps it True; He only earns his Freedom and Existence who daily conquers them anew!

Mrs. REID of Illinois. Mr. Speaker, once again we are gathered together solemnly in this Chamber to commemorate and to protest the enslavement of untold millions of people behind the Iron Curtain. We observe Captive Nations Week not in celebration, but in mourning for the past and present, and to express hope for the future.

Twelve years ago the Congress passed Public Law 86–90, establishing the third week in July of each year as Captive Nations Week. The late President Dwight D. Eisenhower was the first Chief Executive to issue a Presidential proclamation to that effect.

One of the principal objectives of this observance, in part, is the education of the American people regarding the captive nations, especially those under the domination of the Soviet Union. With a greater understanding of the problem, the people are in a better position to recognize and appreciate the current status of these nations and their courageous people. It is also most appropriate that we who enjoy the blessings of liberty pause for a time to reflect on the elemental human rights which are denied to those in the captive nations. Freedom of speech, freedom of religion, and freedom of the press are so elemental to our way of life that we often fail to consider that oppressed peoples living under Communist tyranny have been brutally denied these basic human and political rights. This annual observance affords us an excellent opportunity to show our support for the right of all people to pursue their political, economic, and cultural development as they deem best.

It has often been said that the right of self-determination is the foundation on which all other rights rest. If self-determination is denied, no other right is secure. I know I speak for many in my own State of Illinois whose ancestral homeland is in one of the captive nations and who continue to pray that liberty will soon be restored to these gallant and long-suffering people. I know, too, that I speak for many Americans of all nationalities who share this same dream.

I am proud to join with the voices of the free world in rededicating ourselves in the great cause of liberty for all peoples. Our words and deeds must continue so that we can soon realize a day of true world fredom. I have faith that 1 day the people of the captive **nations** will once again be masters of their own destiny.

Mr. CONABLE. Mr. Speaker, earlier this month Americans celebrated Independence Day, a holiday which emphasizes the rights and privileges which are integral to the life of our Nation. On that day we publicly extol the guarantees of individual freedom that protect each citizen throughout the year and remind ourselves of the crucial importance of the liberties which accompany our citizenship. Since 1959, another July observance, Captive Nations Week, has forcefully proclaimed that the rights to which Americans are accustomed are equally as meaningful to other peoples of the world. Captive Nations Week publicizes the plight of the subjugated peoples of eastern and central Europe who cannot dissent from their government, speak freely through their press or exercise their personal religious convictions. Yet these people are as fervently desirous of these freedoms as were the Americans who won them years ago.

The courageous people in Hungary, Poland, Lithuania, Latvia, Estonia, the Ukraine, Bulgaria, and Czechoslovakia have long sought the inalienable human privileges that Americans cherish. Government oppression and tyranny have not weakened this resolve, shown most recently by the 1968 Czechoslovakian uprising and the Polish upheavals of last December. The relevance of Captive Nations Week lies in its dramatization of the continual rededication of the captive peoples who strive in the cause of independence and self-determination.

As we recall our own political and personal freedoms, we should also remember Captive Nations Week as a particularly appropriate time to make known again our compassion for the people of east and central Europe. We who live in a nation preserving individual rights can best identify with the motivations of the captive peoples struggling to provide a similar environment in their own countries. The aspiration for government of the people's choice remains unabated in those European nations and the American expression of sympathy and support for this goal should be restated with equal firmness.

Mr. BIAGGI. Mr. Speaker, Winston Churchill popularized the saying that—

> Democracy is the worst system of government, except for all the others.

During this week, Captive Nations Week, all Americans—particularly those that condemn "the system"—should reflect upon the unfortunate status of those Eastern Europeans who do not enjoy the liberties that we in this democracy take for granted.

The peoples of Albania and Poland cannot march in the streets to protest government policy, for they do not enjoy freedom of assembly.

The citizens of Czechoslovakia and Lithuania cannot stand at a podium and denounce their Government and its leaders, for they do not enjoy freedom of speech.

The newspapers in Hungary and Estonia cannot publish articles and write editorials that cast their leaders in a poor light, for they do not enjoy freedom of the press.

The Jews in the Ukraine cannot go to synagogue, for they do not enjoy freedom of religion.

Those who live in East Germany cannot travel and visit friends and relatives, for they do not enjoy the freedoms of unrestricted travel.

And when the United States celebrates her 200th year of these freedoms in 1976, the citizens of Bulgaria, Latvia, and Rumania will be unable to make a similar celebration, for they will not be enjoying any freedoms at all.

Mr. Speaker, when a people have been free for centuries, they begin to forget what it was like not to be free, and they grow careless with their liberties. As long as there are peoples who are not free, we must continuously fight for their freedom from oppression.

"No man is an island, entire unto himself," wrote John Donne centuries ago. The same can be said for countries. No country is alone. The lack of liberty in another country diminishes the liberty in our country. If we grow lax in our defense of justice and liberty for others, we will grow lax in defense of our own freedom. As Doremus Jessup discovered, it can happen here.

But it will not happen here, if during this week and all the other weeks of the year, we remember those who are under the vile yoke of communism, and renew our pledge to procure liberty and justice for all peoples in all lands.

Mr. RODINO. Mr. Speaker, the legacy of Montesquieu and Locke and Jefferson—the foundations of sovereignty and democracy are unknown or unavailable to much of the world's population—in Eastern Europe and Asia in particular.

While these great men articulated theories to which free men and to which we as a Nation are deeply indebted, the theory of independence is as old as man himself. Thomas Jefferson one said:

> The God who gave us life, gave us liberty at the same time.

If there is a single issue that today both divides the world and on which the peoples of the world have a unanimity of thought, it is the longing for independence.

The essence of our own Declaration of Independence was eloquently expressed a century ago by President Abraham Lincoln. It is the promise not only of liberty, "to the people of this country, but hope to the world—that in due time the weights should be lifted from the shoulders of all men, and that all should have an equal chance."

This Nation is committed to a world of law and free choice. The peoples of the captive nations are exemplars of man's basic quest for freedom. And, on this 13th anniversary of the official observance of Captive Nations Week, I wish to salute the people of these nations who though repressed retain their dauntless spirit and devotion to liberty.

In my own State, the Captive Nations Committee of New Jersey will mark the culmination of this anniversary with a motorcade through Newark on July 24. I join with the committee in reaffirming a commitment to human dignity and liberty and freedom for all the peoples who do not enjoy this right.

Mr. McCLORY. Mr. Speaker, today we pause to commemorate the 13th anniversary of Captive Nations Week. This annual ceremony, in which we express our solidarity with the captive peoples throughout the world, was inaugurated in 1959 by a joint resolution of the U.S. Congress. Twelve years ago our late President, Dwight David Eisenhower, became the first Chief Executive to issue a Presidential proclamation authorizing the observance of Captive Nations Week during the third week in July.

Mr. Speaker, it is indeed unfortunate that there is a need for us to mark the 13th observance of Captive Nations Week. Certainly it is a sad commentary on the state of mankind that, throughout modern history there have always been peoples forced to accept the rule of others against their will. Although Captive Nations Week first began little more than a decade ago, it could just as well have been initiated a generation, century, or even several thousand years earlier. While we have progressed economically and made technological advances never envisioned by those who came before us, regrettably, man has not demonstrated the same progress in his ability to coexist amicably with his fellow man.

Mr. Speaker, at this very moment the proud peoples of over 25 European and Asian nations are virtual prisoners in their own lands. They are subjected to tremendous oppression as their cruel overlords attempt to bend both minds and bodies to the conqueror's will. Yet, despite the ceaseless harassment, both mental and physical, which these captive peoples have been forced to endure, their pride and spirit have remained unbroken. Today, we salute the tremendous courage displayed by the native inhabitants of these captive nations, and assure them that they have not been forgotten or their struggles gone unnoticed.

Today, there are nations with the power to decimate large portions of the globe with but the push of a button. Never before has it been so imperative that the different peoples of this world learn to live with one another. Certainly, even under the most favorable conditions, this would be an immensely difficult task. The fact that there are presently 27 nations under the weight of foreign domination serves to complicate an already complex situation and places a major stumbling block across the path to world peace. This obstacle is far from insurmountable; indeed, the solution is both simple and obvious.

Mr. Speaker, these captive nations must be given their freedom and the chance to determine their own destinies. This is all they ask, and certainly they must have nothing else.

Mr. KEMP. Mr. Speaker, today we join our voices to those millions of Americans and friends in 17 free world countries who are commemorating Captive Nations Week.

We enjoy the freedom to speak and those other freedoms guaranteed to us by the struggles of our forefathers. Yet, I sometimes think we treat these freedoms all too casually and tend to forget that there are those peoples who still live in the darkness of tyranny.

We must not allow ourselves to become so engrossed in domestic problems that we fail to remember the plight of our brothers who suffer captivity behind the Red totalitarian curtain. The imposing reality of the captive nations in Eastern Europe, in the U.S.S.R. itself, Asia and Cuba cannot be ignored if we value our own national freedom. The cardinal Soviet Russian objective has persistently been to extract Western acquiescence to the permanent captivity of 27 nations in order that Moscow's penetrations in Southeast Asia, the Mideast, Africa, and Latin America may be effected with minimum resistance. Just to mention a few recent episodes, the Russian rape of Czechoslovakia in 1968, the mass incarceration of Jewish, Ukrainian, Russian, and other heroic dissidents in 1969, the recent cultural oppression of the Russian Jews, the scandalous Kudirka case in the United States and the ruthless crushing of the Polish workers' efforts to obtain a measure of freedom in 1970, and the reemphasis of the Brezhnev doctrine at the 24th CPSU Congress this spring—all indicate the crucial importance for us to morally sustain the hope and faith of the captive peoples in their eventual freedom and strategically, our preserved freedom, too.

No matter how desperately some wish to brush their reality under the rug, with softer references and distorting interpretations, these periodic lessons abound as to the blunt existence of the Captive Nations. The Captive Nations are the peoples imprisoned within the Communist-dominated states under the dictatorship of the Communist Parties, and their consummate experiences attest to the overall truth that both in theory and action communism is but a mythology shielding the worst form of totalitarianism and imperiocolonialism in the history of mankind.

Among the numerous forces at work for freedom in the captive world, the most dominant is the indomitable force of nationalism. This natural force means national self-determination and independence, economic freedom and opportunity, cultural progress, and a respectful place in a peaceful community of independent nations. Expressed in many ways, this persistent force is rampant in the Soviet Union; it is manifested daily in central Europe; it permeates all of Asia; it is the basis for Cuban resistance and hope. As the record well shows, nationalism is the greatest insurmountable obstacle to Communist totalitarianism and Soviet Russian imperiocolonialism.

Contrary to absurdities witnessed in some places of the free world, including the United States, the youth, the workers and the intellectuals in the captive world know what it means to be deprived of freedom. There is a steady stream of refugees risking everything to escape to freedom—from mainland China, from Cuba, from East Germany, and everywhere that captive nations exist. With their grasp of the real and true values of human existence, the captives of Communist totalitarianism are today freedom's most trusted allies; tomorrow they shall be its sternest guardians.

The captive nations will play their role for world freedom in the 1970's. By participating in Captive Nations Week we let our enemies know that we will never acquiesce to any permanent captivity of the nations in Eurasia and Cuba and also our captive allies that we are determined to work for their fredom, which in essence means our national freedom as well.

Here in Washington we see many demonstrations and a great number of protesters carry signs urging that the United States "get out of Vietnam." Today, these demonstraters are strangely silent. I hear no voices raised on behalf of our captive brothers. Where are these demonstraters now?—and where are the signs which should say "Soviet Union; Get Out of the Capitive Nations." Get out of Romania, Estonia, Latvia, Lithuania, Poland, and all the other nations which were once free and whose people now suffer under the yoke of Communist tyranny.

Mr. Speaker, we in Congress have the opportunity to demonstrate our feelings toward these captive peoples. We should delay no longer in establishing a Special House Committee on Captive Nations. We can do no less for these peoples who have suffered so much and who look to America in hope.

The captive nations must not be forgotten and let us today renew our pledge that they will not be forgotten.

Mr. Speaker, the working men and women of America have always been in the forefront of the movement to free the captive nations. I would like to bring to the attention of my colleagues an excellent publication made available by the American Federation of Labor and Congress of Industrial Organizations. I include this booklet, "Who Is the Imperialist?" at this point.

Following the booklet, I include two proclamations from the mayor of Buffalo, and the Erie county executive; the Latuiam Information Bulletin; and the speech of Dr. Walter Dushnyck delivered July 14, 1971, at the Buffalo Kiwanis club on the occasion of the observance of Captive Nation's Week.

The material follows:

WHO IS THE IMPERIALIST?

[Maps and charts not permitted in RECORD]

"Imperialism" is a word often heard these days. At work, at meals, wherever people get together and talk about the sad state of the world, imperialism is blamed again and again.

If imperialism is causing so much of the world's trouble, then free men everywhere should know the facts.

What are the facts? What nations recklessly seek to extend their domination and control over a tense and nervous world?

Who is the Imperialist?

This booklet sets forth the record of Communist territorial expansion since 1939.

The Communist claims to these areas rest almost entirely on force.

Who is the Imperialist?

The facts are a matter of record.

Let the record speak for itself.

IMPERIALISM—SOME DEFINITIONS

". . . A depraved choice of national life, imposed by self-seeking interests which appeal to the lusts of quantitative acquisitiveness and of forceful domination . . ." (Hobson's Imperialism.)

"Imperialism is leading to annexation, to increased national oppression. . . ." (Lenin's Imperialism.)

". . . A predatory foreign policy." (Ushakov's Standard Dictionary of the Russian Language.)

"When we say that 'imperialism is ferocious', we mean that its nature will never change." (Mao-Tse-Tung, "Cast Away Illusions: Prepare for Struggle.")

"The policy, practice or advocacy of empire of a nation . . . by the acquirement of new territory or dependencies . . . by the extension of its rule over other races of mankind." (Webster's Third New International Dictionary Unabridged.)

SOVIET TERRITORIAL EXPANSION

1. Romanian provinces

These are the words of the Imperialist:

"Within four days . . . Soviet troops shall occupy the territory of Bessarabia and northern Bukovina . . . The Soviet Union insists. . . ."

So read the Soviet ultimatum dispatched to the Romanian government in late June, 1940.

What could Romania do? She had to accede to Soviet demands made with secret advance notice to Hitler. The Red Army occupied Bessarabia and northern Bukovina; the two provinces were incorporated into the Soviet Union, on August 2, 1940.

The final Treaty of peace in 1947 with occupied Romania confirmed these boundaries.

What the U.S.S.R. Demanded and Got from Romania

19,446 square miles.

3,700,000 persons were compelled to give up their independence and become Soviet subjects.

These areas larger than all of Denmark, included Romania's second and third largest cities, Chisinau (Kishinev) and Cernauti (Chernovtsy).

The annexation of Bessarabia again made Russia a Danubian power in a position to dominate the commerce of the Danubian Basin.

2. Battle States

22,059 square miles.

6,030,000 freedom-loving people were forced to become subjects of the Soviet Union.

Late in 1939, the Soviet Union got secret advance approval from Nazi Germany to seize the Baltic States. They were absorbed into the U.S.S.R. after an "election" supervised by the Red Army.

The Soviet Union Made a Deal with Nazi Germany and Added the Baltic States to the U.S.S.R.

18,353 square miles; 25,400 square miles.

These countries, in total area, were twice as large as Scotland, Kaunas, Tallinn, Riga, once proud independent capitals, became provincial centers of Soviet power.

3. Germany: Northern East Prussia

One million people fled westward. Their homes and farms were taken over by families sent from the Soviet Union.

During World War II, the Red Army occupied northern East Prussia and annexed the area to Soviet Russia.

The U.S.S.R. Demanded and Got This Area of East Prussia and Gave Its German Cities Russian Names

Koenigsberg (population 275,000) is now called Kaliningrad.

5,418 square miles.

Tilsit (population 57,000) has been renamed Sovetsk.

Insterburg (population 39,000) became Chernyakhovsk.

Soviet Zone of Germany and East Berlin

East Berlin: 1.1 million pop.; 155 square miles.

Soviet Zone: 41,500 square miles; 16.1 million.

The USSR created a Puppet State in East Germany in violation of the wartime agreements that Germany would be treated as a unit. On September 6, 1948, Communist organizations with Soviet Zone police crashed into the Berlin Senate Building in East Berlin and drove out the members of the Berlin City assembly popularly elected under Four-Power supervision. The assembly had to reconvene in West Berlin. Since then, there has been no freely elected government in East Berlin.

In October 1949, Soviet puppet communists in East Berlin declared the Soviet Occupation zone of Germany to be the German Democratic Republic (the USSR formally recognized the GDR by treaty in 1955).

June 17, 1953, Soviet occupation troops brutally suppressed widespread strikes and riots in East Berlin and other East German cities and restored the power of the Ulbricht regime.

In 1961, to cut off the mass flight of refugees to the West, the East German regime erected the concrete and barbed wire Berlin Wall of Shame.

Twenty Soviet Divisions remain stationed in East Germany.

4. Eastern Czechoslovakia

What the U.S.S.R. Demanded and Got From Her Neighbor Czechoslovakia:

4,900 square miles.

Many of the 731,000 people in the area abandoned their homes and farms, fled to start life anew in other parts of Czechoslovakia.

This area, nearly equal in size to Alsace-Lorraine, was incorporated into the Ukrainian S.S.R.

In June 1945, Czechoslovakia's easternmost province, Ruthenia, was added to the Soviet Union. The area had never been part of Tsarist Russia. The annexation of Ruthenia and Eastern Poland gave the U.S.S.R. a highly strategic position west of the Carpathian mountain range providing ready military access to Czechoslovakia and Hungary, giving the U.S.S.R. for the first time a common frontier with both countries. It marked the first in a series of post-war Soviet assaults against the sovereignty and territorial integrity of the Czechoslovak nation.

Communists seized control of Czechloslovakia on February 25, 1948, with the Soviet Army poised on its border. Czechoslovakia became a Soviet satellite.

Soviet Occupation

When, in 1968, Czechoslovak Communists under Alexander Dubcek tried to establish "socialism with a human face," the country was occupied overnight August 20–21, 1968, by five of the Warsaw Pact powers—i.e., Soviet units with decorative detachments from Bulgaria, East Germany, Hungary and Poland.

Unable to find leaders willing to collaborate, the USSR subsequently forced the purge of "liberal" communists from the government and at all levels of the Communist Party and the "trade unions," and nullification of the political and economic reforms initiated by the Dubcek regime. The USSR imposed an agreement on the captive government permitting Soviet troops to be stationed in Czechoslovakia—which had been free of occupation since late 1945. In 1971 five Soviet Divisions and ten other Warsaw Pact Divisions were stationed in Czechoslovakia.

5. Eastern Poland

As a result of the agreement between the USSR and Nazi Germany in August 1939, Poland was invaded. Within a month, Hitler and Stalin divided the country between them. In 1941, Hitler attacked the USSR and forced the Russians out of their newly acquired Polish territory. But the Red Army reoccupied the area in 1944. Following the establishment of a Soviet-sponsored provisional Polish government, the Soviet Union annexed 70,000 square miles of Polish territory, establishing the Russo-Polish frontier with minor modifications, at the Curzon line.

A Nazi-Soviet Deal Led to This Grab From the Poles

70,000 square miles.

11,800,000 persons—a population exceeding that of the Netherlands—came under Moscow's control.

This piece of Poland is about equal in size to the combined areas of Austria and Hungary. Within its borders lie the important cities of Lwow (L'vov) and Wilno (Vil'nyus).

6. Finnish Provinces

The Soviet Union attacked Finland in November, 1939. In the armistice concluding the war, Finland lost more than 10% of its territory and population. This land included the Karelian Isthmus with Finland's second largest city, Viipuri (Vyborg), the shores of Lake Lodoga, a section of the Salla (Kuolayarvi) region, and a strip of Kalastaja-saarento (the Rybachiy Peninsula). Resuming the fighting in 1941, the Finns recovered these losses. But in a second armistice on September 19, 1944, Finland was compelled to yield to Russia, in addition to those parts previously ceded, the city of Petsamo (Pechenga) with its access to the Arctic Ocean and border with Norway. The USSR still holds these territories under the peace treaty of February 10, 1947.

What Finland Ceded the U.S.S.R.

18,000 square miles.

Most of 450,000 Finns in this area chose to resettle elsewhere in Finland.

7. Self-determination Soviet style

Poland, 1956

In June 1956 a wave of strikes and popular disorders swifty spread in Poznan. The people demanded "bread and freedom." The USSR had to make limited concessions.

But with Soviet military units in a threatening deployment, the brakes were put on the Polish popular movement for more independence from Moscow.

Moscow settled for the leadership of Wladyslaw Gomulka—who although anti-Stalinist employed harsh measures against those who would have the country stray from the standard Communist pattern or from a "realistic" policy of submission to the Soviet Union.

Soviet garrisons and other troops on Warsaw Pact "maneuvers" in Poland remained a ready reminder of Soviet insistence on subservience.

In 1968 the Gomulka regime joined in suppressing Czechoslovak "liberalization," and took harsh measures against domestic "liberal" elements. When in 1970 the Warsaw regime was in turn faced with a wave of worker riots and strikes in the Baltic coastal towns protesting the regime's anti-labor economic policies, Polish police, troops, and tanks crushed the protests with hundreds of casualties. The Gomulka Government was replaced by another Moscow-approved regime—the Gierek regime.

Hungary, 1956

In 1956, catching fire from the popular unrest in Poland, Hungarians—students, workers, intellectuals, peasants, soldiers, Communists and non-Communists alike—rose en masse against Soviet oppression. Hungarian "freedom fighters" demanding democratic reforms and national independence for Hungary were brutally crushed by Soviet tanks and troops which entered Hungary "in accord with the Warsaw Treaty." An estimated 200,000 Hungarians fled their homeland.

While Soviet First Deputy Premier Mikoyan was still negotiating with Prime Minister Nagy, Soviet units seized control of the country. The Soviets suppressed the legal Nagy government, which had taken up the popular demands, and installed the Kadar regime. Imre Nagy, Minister of Defense General Pal Maleter, Miklos Gimes a leading member of the intellectual Petofi Circle and other prominent Communists and non-Communists who led the Hungarian Revolution, were arrested by Soviet troops.

On June 17, 1958, the anniversary of the East German workers' uprising, Moscow radio announced their executions. Thus, the "anticolonialist protecting power"—the USSR—took its revenge on the people in the protectorate seeking self-determination.

In 1968 Kadar Hungary also joined the USSR in crushing the Czech bid for some democratization.

Brezhnev Doctrine

The "Brezhnev Doctrine" (the Soviets say "limited sovereignty") was the ideological justification for the 1968 invasion of Czechoslovakia.

The 1970 USSR-Czechoslovak Treaty of Friendship imposed by the Soviet Union declares "the protection of socialist gains . . . is a common international duty of socialist countries."

This is a brazen formulation of what had long been de facto Soviet policy. In practice this notion of limited sovereignty among "socialist states" means that the sovereignty of other Warsaw Pact members is limited while that of the dominant USSR is unlimited.

Soviet policy is not to conclude non-aggression pacts with other "socialist states." The "Brezhnev Doctrine" justifies armed intervention by the Soviet Union against any "socialist" country should it undertake changes in the political, economic, or social policies of its government which Moscow interprets as a threat to the "socialist community."

SOVIET TERRITORIAL EXPANSION IN ASIA

In Asia, as in Europe, the Soviet Union extended the area of its control by swallowing up countries and parts of countries along its borders.

8. Outer Mongolia

Area: 604,090 square miles.

Population: 1,174,000.

Outer Mongolia (Mongolian People's Republic) was the first Soviet satellite. The puppet regime established by the Bolsheviks declared Outer Mongolia's independence from China in 1921. In 1936, Mao declared that with the victory of the Communists in China, the MPR "will automatically become a part of China." Communist China did recognize Outer Mongolia's independence in 1949, and signed a border treaty with the MPR in 1962. But in 1964 Mao declared: "The Soviet Union under the pretext of assuring the independence of Mongolia actually placed the country under its domination." (to Japanese Socialist Parliamentary delegation, July 10, 1964.)

"The great Soviet Union . . . remains our true, unselfish friend and reliable protector (from) the encroachment of imperialists . . . If the plans of the Chinese leaders were realized our people would share the fate of the Inner Mongolians . . . who are dealt with on the basis of great—Han chauvinism." (Ulan Bator Radio)—Sept. 10, 1964

Russia maintains troops in the MPR facing Communist China. The MPR regime relies upon the USSR for its defense against Communist China.

9. Tannu Tuva (Tuva Republic)

64,165 square miles.

65,000 people were Sovietized.

In October, 1944, the republic of Tannu Tuva was incorporated into the U.S.S.R.

10. Japanese possessions

Following Japan's defeat in World War II, the Kurile Islands and the southern half of the island of Sakhalin, Habomai and Shikotan were annexed and incorporated into the Soviet Union. The Red Army had occupied these territories after the Soviet Union's six-day token participation in the war against Japan.

"There are no and cannot be any legal or moral grounds for (Japanese) claims to the Kurile Island"—Pravada September 2, 1964.

AREAS OF JAPAN ANNEXED BY THE U.S.S.R. FOLLOWING JAPAN'S DEFEAT

Southern Sakhalin: 17,850 square miles.

433,000 people became subject to Soviet dictatorship. Many had to abandon homes.

These acquisitions, involving an area larger than Switzerland, substantially expanded Russia's Pacific coastline and brought important strategic areas under Soviet control.

COMMUNIST IMPERIALISM IN ASIA

With massive military assistance from the Soviet Union and Communist China, the North Korean and North Vietnam regimes have carried forward the expansionist tradition of communist imperialism. These auxiliary powers are committed to ambitions of territorial expansionism. Neither accepts the idea of staying within its own borders.

1. North Korea

46,814 square miles.

13.1 million North Koreans get no opportunity for self-determination.

In 1945, following their six-day war with Japan, the Russian occupiers of North Korea established a people's government composed of Russian-trained Communists.

The USSR resisted efforts to reunite Korea through free supervised elections. The USSR in 1948 blocked the UN from holding free elections in the North. In contrast to the Republic of Korea whose government was elected in the South under UN supervision, the USSR established the "Democratic People's Republic of Korea" in the North.

2. North Korean grab for South

On June 25, 1950, the Russian-imposed regime of North Korea, with large scale military aid from the USSR, tried to "blitz" the democratically constituted Republic of Korea (South Korea). The UN condemned the attack and ordered military sanctions, including a UN military force to resist the aggression. When the war took a bad turn for the North Koreans, Communist China sent massive formations of "volunteers" across the Yalu River into Korea.

After lengthy negotiations an armistice was reached on July 27, 1953. About 70% of the Chinese and North Korean prisoners refused to be repatriated preferring to stay in South Korea or go to Taiwan.

The North Korean regime persists in terrorism, subversion and border attacks against the Republic of Korea.

3. North Vietnam push for Indo-China

Since its establishment in 1954 under the Geneva Agreements, North Vietnam has never given up its goal to "unify" Vietnam and eventually all Indo-China under its control.

Toward this end, North Vietnam has maintained military forces and political cadres in South Vietnam, Laos and Cambodia to overthrow the established governments.

North Vietnam with an area of 63,360 square miles and population of 20 million is seeking to subjugate an area of 227,580 square miles with 26.8 million people.

SUBVERSION

1954—After signing the Geneva Agreements, Hanoi left thousands of its military and political cadres in South Vietnam to subvert the fledgling republican government.

1960—Failing in efforts to topple the South Vietnamese Government through subversion, Hanoi undertook armed struggles.

1962—After at least five years of armed hostilities against the Kingdom of Laos, Hanoi signed the Geneva accords which were to lead to a permanent settlement of that crisis. However, Hanoi withdrew only thirty-seven of the thousands of troops it had infiltrated into Laos.

INVASION

1965—Hanoi began to send regular North Vietnamese Army main force units into South Vietnam.

1966—Hanoi began to occupy and build base areas in Eastern Cambodia.

1966—Hanoi occupied the route areas—soon to be known as the "Ho Chi Minh Trail"—leading into the eastern part of the Laotian Panhandle.

1968—Communist forces use their Cambodian sanctuaries to launch Tet Offensive.

OCCUPATION

1971—North Vietnamese military forces in South Vietnam number over 100,000; those in Laos 70,000; those in Cambodia about 40,000.

In addition, North Vietnamese Communist political and administrative cadres in South Vietnam, Cambodia and Laos number at least 80,000.

CHINESE COMMUNIST TERRITORIAL EXPANSION SINCE 1950

1. Tibet takeover

In October 1950, Communist China occupied Tibet with 1.2 million people and an area about twice the size of Texas.

In May 1951, the Communist Chinese forced the Dalai Lama to sign an agreement legalizing "the peaceful liberation of Tibet," and making him a virtual figurehead.

In 1959, Communist China suppressed several Tibetan uprisings. The Dalai Lama and 20,000 Tibetans fled to India. The legal Tibetan Government was forced to flee. Tibet was shorn of its last shred of autonomy. A puppet administration was installed, and Tibet was incorporated into China.

2. Cartographical aggression

In 1954, the Communist Chinese published a textbook with a map of China showing large areas of the Soviet Union which "by right" allegedly belong to China. The map, purportedly that of China before the First Opium War (1839–1842), included as part of China: Burma, Vietnam, Korea, Thailand, Malaya, Nepal, Bhutan and Sikkim, the Maritime Provinces of the USSR in the north, parts of Kirghizia, Tadzhikstan, Kazakhstan up to Lake Balkhash, and Sakhalin.

In what Mao has labeled a "war on paper," the Chinese Communists disavow the maps from time to time, but the maps are neither corrected nor withdrawn.

3. Aggression against neighbors

Communist China directly and indirectly has sought to annex or establish hegemony over all neighboring territories it regards as historically Chinese and to exclude the influence of rival powers, whether Communist or non-Communist.

Communist China supported and joined in North Korean aggression into South Korea. In 1962, Red China in a large scale assault on India established control over strategic border areas, including the Aksai Chin Plateu thus securing a very important link between Sinkiang and Western Tibet.

Communist China for years has also supported communist and ethnic minority insurgents in northeastern Burma, northern, northeastern and southern Tailand, Malaysia, Laos, Vietnam and Cambodia.

Since 1968, the Communist Chinese have been building a road network through Communist-controlled northwestern Laos that could extend the Yunnan (China) road network significantly in the direction of Northern Thailand.

CHINESE VS. SOVIET IMPERIALISM

1. Mao claims Soviet territory

"The Soviet Union has an area of 22,000,000 square kilometers and its population is only 220 million. It is time to put an end to this allotment. . . . About 100 years ago, the area to the east of (Lake) Baikal became Russian territory, and then Vladivostok, Khabarovsk, Kamachatka, and since then other areas have been Soviet territory. We have not yet presented our account for this list."—Mao to Japanese Socialist Parliamentary Delegation, July 10, 1964.

2. Mao indicts Soviet imperialism

"There are too many places occupied by the Soviet Union. In accordance with the Yalta agreement, the Soviet Union, under the pretext of assuring the independence of Mongolia, actually placed the country under its domination. In 1954, when Khruschev and Bulganin came to China, we took up this question, but they refused to talk to us. They (i.e. the Soviet Union) also appropriated part of Romania. Having cut off a portion of East Germany, they chased the local inhabitants into West Germany. They detached a part of Poland, annexed it to the Soviet Union, and gave a part of East Germany to Poland as compensation. The same thing took place in Finland. The Russians took everything they could."—Mao to Japanese Socialist Party Parliamentary Delegation July 10, 1964.

3. Peking versus Moscow

"Their (Soviet) evil hands will be cut off as relentlessly as were those of the Indian reactionaries when they invaded China." Saifudin, Chairman of the Sinkiang Uighur Autonomous Region, Urumchi Radio, October 1, 1964.

"The present Soviet Government has gone farther than the old tsars." New China News Agency, October 8, 1969.

"The Soviet revisionist renegade clique has grown from revisionism into social imperialism . . . The Soviet revisionist social imperialists, however, directly plunder and enslave the people of other countries by means of the state power they have usurped." New China News Agency, April 21, 1970.

"The 'Brezhnev Doctrine' is an outright doctrine of hegemony . . . A socialist community is nothing but a synonym for a colonial empire with you (the USSR) as the metropolitan state." New China News Agency, April 21, 1970.

"They have stretched their arms out to Southeast Asia, the Middle East, Africa and Latin America and sent their fleets to the Mediterranean, the Indian Ocean, the Pacific and the Atlantic in their attempt to set up a vast Soviet revisionist empire spanning Europe, Asia, Africa and Latin America"—New China News Agency, April 21, 1970.

"Social-imperialism greedily eyes Chinese Territory." New China News Agency, July 31, 1970.

"Social-imperialism will never abandon its expansionist ambitions." New China News Agency, July 31, 1970.

SOVIET VERSUS CHINESE IMPERIALISM

1. Soviets condemn Mao's territorial claims

"Mao Tse-tung . . . is not only claiming this or that part of Soviet territory, but is portraying his claims as part of some 'general territorial question'. We are faced with an openly expansionist program with far-reaching pretensions. . . . Maps showing various parts of the Soviet Union and other countries neighboring China as Chinese territory continue to be published in the People's Republic of China. . . ."

"By what right are the Chinese leaders claiming lands that do not belong to China? . . . Indeed, were not such a serious question involved, such historic arguments could not be called other than childish."

"Have those who question the inclusion in the Soviet Union of a territory of more than one and a half million square kilometers considered how these claims will be taken by the Soviet people who have lived and worked on this land for several generations?"—Pravda, September 2, 1964.

2. Soviet view of Maoist imperialism

"The Chinese leaders no longer even attempt to camouflage their expansionist aspirations."—Pravda, September 2, 1964.

"The appeals for so-called territorial justice can only be taken as a disguise for imperialist aggression. . . . Mao Tse-tung's . . . reasoning about the unequal division of territories is only a new edition of the theory of Lebensraum."—Radio Moscow, September 6, 1964.

"The danger that China presents today comes from the ideology and war-monger politics of Maoism, just as the danger that was formerly represented by Hitler's Germany and militarist Japan came from the ideology and politics of fascism."—Novosti commentator Georgiy Dadyants in Paris Le Monde, April 2, 1969.

"Peking's policy is primarily determined by the hegemonic ambitions of Mao Tse-tung and his supporters."—Moscow Novoye Vremya, June 27, 1969.

"They use popular slogans and so-called revolutionary methods for greater effect in order to attain their narrow nationalistic goals."—Moscow Radio, March 21, 1970.

"The Chinese leadership has openly shown its unwillingness to participate in any political activity aimed at terminating the Vietnam war. . . . The Peking leaders hope the bloody war in Vietnam will be carried on forever."—Moscow Radio, March 28, 1970.

"The Chinese leaders do not want to relax their policy toward Asia. . . . The expansionist policy of the Chinese leaders is a grim reality to the Asian peoples." Moscow Radio, January 8, 1971.

The general line of the PRC's foreign policy remains . . . to win a place for China as a world power capable of imposing its decisions, its will on other states.—Tass, April 21, 1971.

THE IMPERIALISTS CLASH

Sinkiang

"The authorities of the Soviet Union have . . . carried out large scale subversive activities against Sinkiang, enticed and coerced tens of thousands Chinese citizens into going to the Soviet Union . . . spread lies and slanders . . . distorting the history of Sinkiang in an attempt to undermine the unity of the Chinese peoples of various nationalities."—New China News Agency, April 28, 1964.

Have the Chinese been living there (in Sinkiang) from time immemorial? . . . The Sinkiang indigenous population differs sharply from the Chinese ethnically, linguistically . . . Chinese Emperors conquered them . . . and deprived them of their independence."—Khrushchev to Japanese Parliamentary Delegation, September 19, 1964.

For the past 20 years Peking has been colonizing Sinkiang with Han Chinese to secure its claim on the region by turning the indigenous populations into a minority.

CHINESE COMMUNIST TERRITORIAL EXPANSION SINCE 1950

Expansion of Communist power

The preceding pages reveal but one aspect of predatory Communist policy: territorial expansion. But this does not complete the Communist record.

The Soviet Union and Communist China also have directly or indirectly subjugated many more millions of people and many more square miles without changing a single boundary, Albania, Cuba, Bulgaria, Hungary, east Germany, Outer Mongolia, North Korea, North Vietnam, and the remaining parts of Poland, Romania and Czechoslovakia still lie outside formal Soviet or Communist Chinese borders. But they are no longer free or sovereign states; they are in the "socialist camp"—as Moscow and Peking label it. While they exercise varying degrees of autonomy, they have been reduced for the most part to the level of virtual satellites. The continued existence of their Communist regimes depends on support and protection by the USSR, Communist China, or both.

In country after country, the same methods were used: demonstrate, agitate, infiltrate, intimidate, deceive, subvert, and control.

In exceptional cases the Soviet Union gave up what it seized, e.g., the leased naval bases of Porkalla and Port Arthur, its share in the Chinese Eastern Railway and special air, commercial and mineral rights in Sinkiang. In 1946, it withdrew its military forces from northern Iran after stalling for six months in violation of its treaty commitments and after it had forced a crisis in the U.N. In 1955 after ten years of occupation and eight years of negotiation it finally agreed to withdraw its troops from Austria. Under a state treaty Austria was reestablished with an independent and democratic government. Here and there Communist China has made minor border adjustments with its neighbors.

But neither the Soviet Union or Communist China has ever granted independence to countries once under their control.

In practice neither the Russian nor Communist Chinese leadership regard their client states as having rights to self-determination or to more than token sovereignty.

Albania, like the other Balkan countries, after World War II, found itself saddled with a Stalinist regime. Unable to resolve differences with the post-Stalin leaders of the USSR, the Albanian regime put itself under the protection of Communist China, its sole supplier of essential economic aid.

In Bulgaria the Communist-run Fatherland Front seized total power and suppressed all opposition. Bulgaria remains the most subservient puppet of the Soviet Union in the Balkans.

Cuba—Castro took over January 1, 1959, and waited two years to declare that he was a convinced Marxist-Leninist but had concealed this in order to consolidate power. Castro has never held his promised elections. Moscow hastened to turn Cuba into a center of communist subversion of all Latin America, a base for training guerrilla fighters, and a Soviet missile base against the United States. Only the courageous, firm, and prompt action by the late President John F. Kennedy forced Khruschev to take the nuclear missiles out of Cuba and end this grave danger of a global nuclear conflagration. Castro supported the Soviet 1968 invasion of Czechoslovakia. "It was unavoidable", he declared. "It has absolutely no legality," but could be "explained" from "the political viewpoint." Havana Radio, August 24, 1968). Castro depends on the USSR to keep his economy afloat.

In *Czechoslovakia,* after World War II a "government of national unity" opened the way for Soviet-trained agents to occupy key cabinet posts. As soon as the Communists had an iron grip on the police, communications, armed forces, and other important sources of power, they overturned the freely-elected government. When, in 1968, the Czech Communist (Dubcek) regime went "liberal" the Soviet Union invaded.

Hungary—Over a three year period after World War II under the watchful eye of Russian troops, the democratically elected leaders of the Hungarian government were picked off and replaced by Communists. The non-Communist parties were atomized and forced into a Communist-controlled front. The clergy was subjected to steady persecution. When the Hungarian people, including Communists sought independence in 1956, they were crushed.

Poland continues to live under the Soviet shadow. In 1948, it was forced by Moscow, as was Czechoslovakia, to refuse Marshall aid. Polish "liberalization" gained after 1956 was soon negated. The aftermath of 1970 popular unrest leaves Poland in the shadow of Soviet power. Poland has no foreign policy of its own.

Romania—Romania's Stalinist nationalist Communist regime occasionally exercises a limited measure of prudent independence in foreign policy, but remains in the grip of the USSR through the country's membership in the Warsaw Pact and COMECON (Council of Mutual Economic Assistance). The Romanians systematically avoid any move the Soviets might use as a pretext for invoking the "Brezhnev Doctrine".

The regime of the "Democratic Republic" in East Germany is totally dependent on the USSR for its existence.

China's Communists, who won power largely on their own, have set out on their own imperialist adventures in Southeast Asia, and are challenging and competing with the USSR in supporting subversion in Africa, Latin America, and parts of Asia. Communist Chinese imperialism is competing with Soviet imperialism for control of the Asian land mass.

In Outer Mongolia, in a 1945 "plebiscite," the people "voted" 483,291 to 0 to become "independent." This meant complete separation from China and direct subjugation to Soviet interests. The Outer Mongolian regime remains a faithful puppet of Moscow.

In North Korea the Soviet Union in 1948 established a puppet government and equipped the North Korean army which (in June, 1950) attacked the Republic of Korea. The regime depends on Moscow and Peking for political, military and economic support.

The North Vietnam regime remains dependent on Red China and Moscow. In Indochina North Vietnam carries on the tradition of imperialism rooted in Communist ideology.

HERE IS THE SOVIET AND COMMUNIST CHINESE RECORD AS OF 1970

	Area (square miles)	Population (before annexation)
Territories annexed:		
Romanian provinces	19,446	3,700,000
Estonia	18,353	1,122,000
Latvia	25,400	1,951,000
Lithuania	22,059	2,957,000
Northern East Prussia	5,418	1,187,000
Eastern Czechoslovakia	4,900	731,000
Eastern Poland	70,000	11,800,000
Finnish provinces	18,000	450,000
Tannu Tuva	64,165	65,000
Japanese possessions	17,850	433,000
Tibet	560,000	1,200,000
Total	825,591	25,596,000
Socialist camp dependencies:		
Albania	11,100	2,019,000
Bulgaria	42,845	8,370,000
Cuba	44,218	8,074,000
Czechoslovakia	49,370	14,362,000
Eastern Germany	41,500	16,100,000
East Berlin	155	1,100,000
Hungary	35,919	10,284,000
Poland	120,632	32,207,000
Romania	91,660	19,721,000
Outer Mongolia	604,090	*1,174,000*
North Korea	46,814	13,100,000
North Vietnam	63,360	20,000,000
Total	1,151,663	146,511,000
Total annexations and dependencies	1,977,154	172,107,000
Under attack:		
Cambodia	69,898	6,557,000
Laos	91,429	2,825,000
South Vietnam	66,263	17,404,000
Total	227,580	26,786,000
Grand total	2,204,834	198,893,000

While the Soviet Union, Communist China and their offspring have relentlessly pursued policies of swallowing country after country, the free world has sought to implement the principles of self-determination and independence.

From World War II through 1970 sixty-eight former colonial or semi-colonial areas have exercised self-determination and become independent in the non-communist world. They had been dependencies of Australia, Belgium, Denmark, Egypt, France, Great Britain, Italy, Japan, the Netherlands, New Zealand, Spain and the United States.

These new nations have adopted foreign policies which are of their own choosing and making.

The following page lists the 68 newly independent states (except Rhodesia) created through the principle of self-determination since the beginning of World War II. Their areas and population (with the latest available figures) are:

NEW INDEPENDENT NATIONS SINCE WORLD WAR II

Country	Area	Population	Year of Independence	Former Control
Algeria	919, 352	12, 943, 000	1962	French.
Barbados	166	251, 000	1966	British.
Botswana	238, 605	629, 000	1966	Do.
Burma	261, 721	26, 389, 000	1948	Do.
Burundi	10, 744	3, 406, 000	1962	Belgian.
Cambodia	69, 898	6, 557, 000	1949	French.
Cameroon	183, 381	5, 562, 000	1960	Do.
Central African Republic	241, 000	1, 518, 000	1960	Do.
Ceylon	25, 332	11, 964, 000	1948	British.
Chad	495, 624	3, 361, 000	1960	French.
Congo (Brazzaville)	132, 000	826, 000	1960	Do.
Congo (Kinshasa)	905, 328	16, 730, 000	1960	Belgian.
Cyprus	3, 572	621, 000	1960	British.
Dahomey	44, 685	2, 571, 000	1960	French.
Equatorial Guinea	10, 830	286, 000	1968	Spanish.
Fiji	7, 055	519, 000	1970	British.
Gabon	103, 000	480, 000	1960	French.
The Gambia	4, 003	357, 000	1965	British.
Ghana	92, 100	8, 376, 000	1957	Do.
Guinea	97, 000	3, 702, 000	1958	French.
Guyana	83, 000	710, 000	1966	British.
Iceland	39, 758	200, 000	1944	Danish.
India	1, 261, 483	523, 893, 000	1947	British.
Indonesia	735, 268	112, 800, 000	1949	Dutch.
Israel	7, 992	2, 813, 000	1948	British.
Ivory Coast	127, 520	4, 200, 000	1960	French.
Jamaica	4, 411	1, 900, 000	1962	British.
Jordan	37, 738	2, 071, 000	1946	Do.
Kenya	225, 100	10, 209, 000	1963	Do.
South Korea	38, 012	30, 400, 000	1948	Japanese.
Kuwait	6, 178	555, 000	1961	British.
Laos	91, 429	2, 825, 000	1949	French.
Lebanon	4, 015	2, 367, 000	1943	Do.
Lesatho (Basutoland)	11, 716	1, 000, 000	1966	British.
Libya	679, 182	1, 869, 000	1951	Italiah.
Malagasy	228, 000	6, 643, 000	1960	French.
Malawi	48, 443	4, 285, 000	1964	British.
Malaysia	128, 430	11, 835, 000	1957	British
Maldive Is.	115	104, 000	1965	Do.
Mali	478, 640	4, 900, 000	1960	French.
Malta	95	319, 000	1964	British.
Mauretania	397, 850	1, 120, 000	1960	French.
Mauritius	720, 000	810, 000	1968	British.
Morocco	171, 843	14, 816, 000	1956	French/Spanish.
Nauru	8	6, 053	1968	Australian.
Niger	489, 062	3, 909, 000	1960	French.
Nigeria	356, 574	62, 650, 000	1960	British.
Pakistan	365, 432	109, 520, 000	1947	Do.
Philippines	115, 800	35, 993, 000	1946	American.
Rwanda	10, 170	3, 306, 000	1962	Belgian.
Senegal	76, 104	3, 685, 000	1960	French.
Sierra Leone	27, 625	2, 475, 000	1961	British.
Singapore	225	2, 004, 000	1965	Do.
Somalia	246, 000	2, 500, 000	1960	Italian/British.
Southern Yemen	111, 080	1, 146, 000	1967	British.
Sudan	967, 275	14, 979, 000	1956	British/Egyptian.
Swaziland	6, 705	375, 000	1968	British.
Syria	71, 228	5, 738, 000	1944	French.
Tanzania	362, 820	12, 926, 000	1961	British.
Togo	22, 000	1, 818, 000	1960	French.
Tonga	270	81, 000	1970	British.
Trinidad and Tobago	1, 980	1, 010, 000	1962	Do.
Tunisia	63, 379	4, 533, 000	1956	French.
Uganda	93, 981	8, 133, 000	1962	British.
Upper Volta	105, 946	5, 278, 000	1962	French.
South Vietnam	66, 263	17, 414, 000	1954	Do.
Western Samoa	1, 097	137, 000	1962	New Zealand.
Zambia	290, 586	4, 144, 000	1964	British.
Total	13, 223, 124	1, 153, 452, 053		

The free world has granted independence to: 1,153,452,053 people and 13,223,124 square miles and the Soviet Union and Communist Chinese have subjugated 172,107,000 people and 1,977,254 square miles and are seeking more.

Who is the imperialist?

Proclamation of County of Erie

Whereas, Public law 86-90 was enacted 12 years ago in Congress. This law establishes Captive Nations Week, and in so doing, our representatives themselves also established that we, Americans, do not bow to despotism whether it comes from the Court of St. James or the Kremlin or Peking; and

Whereas, To-day Communist has erected a cruel barrier of barbed wire, minefields, man-hunters, bloodhounds and machine guns. It has reestablished colonialism behind an Iron Curtain, where civilized nations labor under the boot of tyranny. The same ruthless armed oppression has been used against the open resistance in Budapest or the peaceful attempt for changes in Prague. This political oppression and economic exploitation of the Captive Nations is committed in the name of a political system which has been proven to be obsolete and reactionary. Communism attempts to stabilize its system through the blood-shed and misery of others. Fomenting small wars throughout the world is an oft-used strategy; and

Whereas, The peoples of the Captive Nations look to us for sympathy, encouragement and help. We have witnessed that bridges cannot be built to these countries. The puppet governments of Moscow insist that any contact with the West and freedom be denied their people; and

Whereas, We should ensure that these puppet governments receive no economic help from the West. To this end, we should avoid buying any products of these countries because the hard currency so acquired by these governments is used to subvert our own freedom. We must keep in mind that these goods we buy were denied our enslaved brothers.

Now, therefore, I, B. John Tutuska, County Executive of the County of Erie, do hereby proclaim the week of July 19–25, 1971, as "Captive Nations Week" and urge the citizens of Erie County to support and observe this week with appropriate ceremonies and activities.

Proclamation of City of Buffalo

Whereas, the aggressive and overtly hostile policies of Russian and Chinese Communists have led to subjugation and enslavement of a large number of once free and independent nations; and

Whereas, ample proof exists that these unwilling captives are desiring liberty and independence from their captors and have proven, time and time again, their dissatisfaction with their fate; and

Whereas, the powerful deterrent these nations constitute with their passive as well as active resistance by checking and hampering the grandiose ambitions of the Communist imperialists has been recognized by many experts; and

Whereas, the United States is committed to defend freedom and peace with justice all over the world because by such stand the preservation of our own hard-won freedom is being guaranteed; and

Whereas, the freedom aspiring peoples of the Captive Nations know that the United States is the stronghold of human decency with a deep dedication toward helping others to achieve a sovereign life and is willing to aid others at a great cost to her as shown in Vietnam; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week of July of each year as Captive Nations Week, urging the citizens of our great country to observe said week with appropriate prayers, activities and rallies and expressing their moral support for the just aspirations of captive peoples to attain a full measure of freedom and independence.

Now, therefore, I, Frank A. Sedita, Mayor of the City of Buffalo, do hereby proclaim July 18–24, 1971 as "Captive Nations Week" and call upon the citizens of Buffalo to join with their fellow citizens in observing this week with appropriate prayers for the deliverances of the oppressed and subjugated nations the world over.

Latvian Information Bulletin, Washington, D.C., July 1971

BALTIC GENOCIDE DAY REMEMBERED

Thirty years ago about fifteen thousand citizens of Latvia were arrested, without prior warning in the middle of the night, by armed agents of the Soviet secret police. They were loaded into previously assembled cattle cars to be deported to forced labor camps in northern Russia and Siberia. At the loading stations husbands were separated from wives and children, to be sent to different destinations. This happened June 13, 1941, just a year after the Baltic Republics had been forcibly occupied and absorbed into the Soviet Union. Tens of thousands of Lithuanians and Estonians met the same fate. During the first year of the Soviet occupation, preceding the Nazi invasion, altogether some 125,000 Balts were deported or executed by the Soviet secret police. After the return of the Red army by the end of the war, mass deportations on an even greater scale were carried out in 1945, and again in 1949 in the wake of compulsory collectivization of agriculture. Nevertheless, the Moscow occupants had to cope with guerilla warfare, particularly in Lithuania, which was put down only in 1952. Estimates of the Baltic population losses during Stalin's rule range around fifteen percent.

This June, the thirty-first anniversary of the Soviet military invasion of the Baltic Republic (while Russia was still an ally of Nazi Germany), and the thirtieth anniversary of the first mass deportations, were commemorated in the United States, and elsewhere in the free world, by Baltic descendants and their friends. In Washington, D.C., a Mass was held on Sunday, June 13, at the Natonal Shrine of the Immaculate Conception, sponsored by the Joint Baltic American Committee. The service was attended by Dr. Anatol Dinbergs and Mr. Joseph Kajeckas, the diplomatic representatives of Latvia and Lithuania.

Also, the U.S. Congress devoted attention to these tragic events. Nine Senators and thirty-one Representatives inserted their remarks in the Congressional Record of June. We present below a few selected addresses.

REMARKS BY MEMBERS OF THE U.S. CONGRESS

Rep. Gerald R. Ford (R.-Mich.): Mr. Speaker, representatives of more than a million Latvians, Lithuanians, and Estonians living in the United States joined Sunday in commemorating the 30th anniversary of the mass deportations of Baltic peoples to slave labor camps by the Russians in 1941. With the unanimous consent of the House, I would like to place in the RECORD at this point a description of the church service at the National Shrine of the Immaculate Conception which marked this tragic event in world history. The account follows:

A church service commemorating the thirtieth anniversary of the mass deportations of the Baltic peoples to slave-labor camps in Siberia was held on Sunday, June 13, at the National Shrine of the Immaculate Conception in the Nation's Capital.

The celebrant of the special service was Rev. Father Kazimieras Pugevicius of Baltimore.

Spokesmen for the Joint Baltic Committee, representing the central organizations of Americans of Estonian, Latvian and Lithuanian descent, explained that the brutal Soviet action, commencing on the night of June 13, 1941, left deep scars and bitter memories among the Baltic peoples on both sides of the iron curtain. Concentration camp victims were drawn from all social and age groups, the Joint Baltic Committee pointed out, and were packed into cattle cars going to Northern Russia and Siberia, where most perished under the inhuman conditions.

The vast scale of these and later deportations after the Second World War was emphasized by Gunars Meierovics, Dr. John B. Genys and Gerhard Buschmann, representing over a million Latvians, Lithuanians, and Estonians in the United States.

The Committee placed conservative estimates of human losses by Baltic people in Soviet concentration camps to be in excess of fifteen percent of the population.

The Baltic people expressed their alarm at current Soviet policies, which are totalitarian cultural genocide tactics, implemented in the name of russification. They hope that world opinion will be reminded by Sunday's ceremonies of the brutal attempts to stamp out the Baltic peoples' national identity and desire for self-determination. The resultant protests to the Soviet government might stem these policies.

The consensus was unanimous that the plight of the Baltic peoples today was very critical, in the context of colonialism vs. self-government. The Committee declares that the annexation of the Baltic nations into the Soviet Union is not recognized by our government and many other nations. This occupation of the Baltic States by the Soviet Union is a flagrant breach of all international treaties and agreements between the Soviet Union and the independent Baltic States governments! (C.R. 6–15–71)

Sen. Charles H. Percy (R.-Ill.): Mr. President, in mid-June 1940, the Soviet Union overran and seized the nations of Lithuania, Latvia and Estonia. Proud peoples fell under the control of the Soviet Union. Today, 31 years later, this deplorable occupation continues. The peoples of Lithuania, Latvia, and Estonia have not regained their freedom.

No rational man would suggest that the Baltic States should be part of the Soviet Union. Theirs are independent peoples with important cultures and rich religious heritages. For 31 years, against all odds, they have struggled to maintain their customs and traditions. They have been held by force, but their spirit has not been conquered.

On this occasion I would remind my colleagues of the concurrent resolution—House Concurrent Resolution 416—which was agreed to by this body on October 22, 1966. In that resolution, which was also adopted by the House, the Senate urged that the United States should direct the attention of world opinion to the denial of the rights of self-determination for the Baltic peoples and to bring the force of world opinion to bear for the restoration of those rights.

Today we recall and reemphasize the provisions of that resolution so that all may know where the American people stand on this issue. (C.R. 6–15–71)

Sen. Edmund S. Muskie (D.-Maine): Mr. President, one of the tragedies of modern history was the invasion and subsequent fall of the Baltic nations of Lithuania, Latvia, and Estonia on this day 31 years ago. The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. The sudden extinction of their national sovereignty and their brutal absorption into the Soviet Union was an injustice which still burns in the memory of thousands upon thousands of these dispossessed peoples.

Mr. President, we have in recent years been coming to the end of a period of widespread colonialism in the world. Yet we sometimes forget that these countries of the Baltic are still colonies. I pray that they might some day regain their independence and freedom, and that the peace-loving peoples of the area who have been scattered throughout the world can return—and find once again their national identity. (C.R. 6–16–71)

Rep. Martha W. Griffiths (D.-Mich.): Mr. Speaker, in June of 1940 the Soviet Union invaded the Baltic States and took over Lithuania, Latvia, and Estonia by force of arms. The Soviets have since been bent on the systematic destruction of the national identity of the Baltic peoples. Tens of thousands of innocent and helpless citizens have been deported to live in exile in the remote areas of Siberia. And yet, throughout all this physical terrorization the Baltic peoples have persistently retained their will to resist communism. The United States has never recognized the seizure and occupation of the Baltic States and has continuously restated this position.

On this anniversary of the destruction of the Baltic States, I wish to express my admiration for the courageous peoples of Lithuania, Latvia and Estonia. The unfortunate events whose anniversary we observe this month should remind us once again that the hopes and dreams of these peoples are also our own. They should remind us that we must continue to strive for a free and peaceful world in which all people will have the opportunity to live their lives as they choose. The denial of freedom to the Baltic people is intolerable and a blow to the rights of all mankind. (C.R. 6–16–71)

Rep. Edward J. Derwinski (R.-Ill.): Mr. Speaker, today is Genocide Day, the 30th anniversary of the mass deportation of people from Estonia, Latvia, and Lithuania to slave labor camps in Siberia and other sections of the Soviet Union. This terrible instance of Communist brutality occurred in 1941, shortly before National Socialist Germany's armed forces invaded Communist Russia, its erstwhile ally.

The three Baltic republics had enjoyed a short-lived freedom, having secured their independence shortly after the end of World War I, only to lose it soon after the National Socialists and the Communists collaborated to trigger World War II. The territory of the three small countries was invaded first by Soviet troops and then by their Nazi counterparts.

Towards the end of World War II when Soviet troops reoccupied the Baltic States, the U.S.S.R. illegally incorporated these three nations into its structure, an action which our Government has never recognized. Since then, the Baltic people have suffered from the collectivization of their farms and the nationalization of their industries. They have suffered religious persecution and their children have been subject, through Communist educational institutions, to Communist brainwashing.

Hundreds of thousands of Estonians, Letts, and Lithuanians were shipped from their homelands like cattle, to be replaced by peoples from other parts of the Soviet Empire. This wholesale exchange of populations has radically altered the ethnic compositions of Estonia, Latvia, and Lithuania.

Mr. Speaker, it is not pleasant to have to invite the House's attention to such an occasion as Genocide Day. Unfortunately, we must take note of it, so long as the Soviet Union continues to treat the Baltic peoples as colonials to be exploited, as chattels to be exported, and as inferior creatures to be exterminated. Genocide is wrong, no matter who practices it, no matter who the victims are, and regardless of whether they be many or few.

However, I direct the attention of the Members to the fact that throughout the free world the peoples of Estonian, Lithuanian, and Latvian origins maintained their traditional civic, cultural, and church organizations and continue their efforts on behalf of their enslaved compatriots held captive within the U.S.S.R. The legitimate spokesmen for the Baltic peoples are found in the free world rather than the Russian puppets in the three so-called Soviet Socialist Republics. I am confident, Mr. Speaker, that the perseverance of the Baltic people will triumph over communism and that freedom will ultimately be restored to Lithuania, Latvia, and Estonia. (C.R. 6–14–71)

THE BALTIC CONQUEST

Such is the title of an editorial in the *New York Times* of June 21, 1971. We reprint the article in full:

The people of the Baltic states—Lithuana, Latvia and Estonia—have been recalling a sad anniversary. It was in mid-June of 1940 that the Soviet Government of that time, headed by Stalin and Molotov, sent ultimata to these then independent nations, all of which had binding non-aggression pacts with the Soviet Union.

Each ultimatum demanded that the respective government be dissolved and replaced by one satisfactory to Moscow, and also that Soviet troops be immediately admitted to garrison the nation so addressed. Since each of the Baltic nations was small and weak and since the alternative to acceptance of the ultimatum was armed attack from the Soviet Union, the governments surrendered. A few weeks later "free elections" were held in each country to elect parliaments which "unanimously" requested entry into the Soviet Union.

An entire generation has grown to maturity since this aggression took place. National independence is still denied the Baltic states. Moscow has persistently endeavored to achieve Russification of Lithuania, Estonia and Latvia by encouraging migration of Russians to the Baltic area and by trying to force domination of Russian language and Russian culture.

But there is still evidence—not least in the complaints of Moscow's gauleiters in these small lands—that the desire for freedom along the Baltic persists even now, more than three decades after Stalin's shameless and brutal conquest.

LATVIA IN THE LIGHT OF THE LATEST SOVIET CENSUS

The Soviet Central Bureau of Statistics has now published more detailed reports of the results of the census conducted on January 15, 1970. The reports reflect population growth during the preceding decade, and provide figures concerning the ethnic composition of the Soviet population in general, and of the individual Republics in particular. It appears that of the total population of 241.7 million. only 129 million (53.2%) are Russians, while 112.7 million (46.8%) are non-Russians. Of the latter, most numerous are the peoples which inhabit the western (European) and southern (Asian) frontiers of the USSR. Their territories were invaded and added to the Russian colonial empire in the course of modern history, up to World War II.

As for the Soviet-occupied Baltic Republics, their combined population has increased from 6,001,000 in 1959 to 6,848,000 by January 1970. The population increase in Latvia and Estonia, which are today the most industrialized regions of the USSR, is mainly due to the influx of Russians and other Soviet nationals, while in Lithuania the ethnic proportion of the population has changed little since 1959. The profound changes in the ethnic composition of Latvia's population since the war and Soviet invasion is illustrated by the following table, based on the Soviet census of 1970, and the last census of independent Latvia conducted in 1935.

POPULATION OF LATVIA AND ITS ETHNIC COMPOSITION (BETWEEN 1935 AND 1960)

Nationality	1935		1959		1970	
	Number	Percent	Number	Percent	Number	Percent
Latvians	1,473,000	77.0	1,298,000	62.0	1,342,000	56.8
Russians	207,000	10.6	556,000	26.6	705,000	29.8
Others	271,000	12.4	239,000	11.4	317,000	13.4
Total	1,951,000	100.0	2,093,300	100.0	2,364,000	100.0

The Soviet census shows that, while Latvians increased during the last decade by a mere 44,000 persons, the number of Russians in the same period increased by 149,000. Also, other Soviet nationalities, such as Byelorussians, Ukrainians, and others, increased by 78,000. This, of course, reflects a continuous flow of immigrants from the Soviet Union proper. Furthermore, the census rates the *total* number of Latvians within the USSR at 1,430,000. This means that 88,000 Latvians are dispersed in the USSR, outside the Republic of Latvia, as compared to 102,000 in 1959. In order to evaluate this decrease, it must be borne in mind that the census takers determine nationality in accordance with the testimony of the persons they interrogate. It is quite possible that some Latvians, permanently settled in eastern provinces of the Soviet realm, declared themselves to be Russians for reasons of expediency, particularly in cases of ethnically mixed marriages.

In the Republic of Latvia, 98.1% Latvian nationals listed their mother tongue to be Latvian, and only 45.3% claimed to be in full command of the Russian language. This is a remarkable indication of persisting nationalism, considering the fact that about 50% of Latvia's population is under 34 years of age, having no personal recollection of independent Latvia, and being compelled to learn Russian in schools. Other points of interest; 62% of Latvia's inhabitants now reside in towns, and only 38% live in rural areas. There are 200,000 more women than men in Latvia, this obviously being due to the ravages of the second World War.

According to the last census of independent Latvia, the number of ethnic Latvians in 1935 was 1,473,000, or 77% of the total population. Compared with the latest Soviet census, it appears that there are fewer people of Latvian nationality in Latvia today than there were 35 years ago, while the total population has increased by 413,000, mainly due to the immigration of Russians. Even though innumerable thousands of Latvian citizens perished during the war and the years of Nazi occupation, the decline in number of Latvian nationals since 1941 was primarily due to repeated mass deportations during the reign of Stalin.

Also, more than a hundred thousand Latvians managed to escape from renewed Soviet atrocities to Western Europe toward the end of the war. Most of them have subsequently emigrated overseas, primarily to the United States, Canada, Australia, and England. While being loyal citizens of their adopted countries, they generally adhere to their native cultural traditions and continue to support efforts for the eventual liberation of their homeland.

At home, too, the majority of the Latvian people of all ages (except the Moscow controlled communists and their followers) resent the denial of their inherent right of self-determination. Persistent passive and active resistance of premeditated Russification causes the Kremlin and its communist agents in Latvia great concern.

YAKHIMOVICH AND RIPS RELEASED FROM RIGA MENTAL INSTITUTION

This Bulletin carried in its July, 1969, and January, 1970, issues stories about the ordeal of two Lativian citizens, Ivan Yakhimovich, and Ilya Rips.

Yakhimovich, 41, a Latvian citizen of Polish nationality, married and the father of three small children, was for ten years a member of the Communist Party in good standing. Though being a philologist by education, he chose in 1960 to assume chairmanship of a collective farm in the eastern part of Latvia. In 1964 *Komsomolskaja Pravda* (Young Communist Truth) published a laudatory article about him, calling him "hardworking, honest and fair, a man who worries more about his collective farm than he worries about himself."

But in 1968, having lost his idealistic belief in the infallibility of the Party of Lenin, he participated with other dissenters in denouncing the unfair trials of Soviet writers and intellectuals, oppression of minority nations, and the invasion of Czechoslovakia. As a result, he was stripped of his Kolkhoz chairmanship and expelled from the Party. But this did not make him change his views. In early 1969, Yakhimovich, anticipating his imminent arrest, published an open letter, dated March 24 and addressed to the peoples of the Soviet Union, denouncing violation of human rights and demanding freedom of speech. He concluded his appeal by saying: "The strong and mighty of this world are dominant only as long as we are on our knees. Let us arise!"

Yakhimovich was, as he anticipated, arrested on March 25, 1969, and was subsequently confined to a Riga mental hospital. According to the latest news, he was released in May of this year. But nothing is known about the present state of his mental and physical health, nor what happened to his family.

Ilya Rips, a gifted mathematics student of the Latvian University and the son of a Jewish physician, set fire to himself on April 13, 1969, at the Latvian Statue of Liberty in Riga. By this dramatic attempt at self-immolation he protested the denial of permission to Soviet Jews to emigrate to Israel, and the rape of Czechoslovakia. The flames which enveloped his garments were, however, put out by a group of passing sailors, and a policeman delivered his burned and beaten body to a hospital, where he eventually recovered. He was thereafter placed in the same Riga mental institution where Yakhimovich had preceded him by a few weeks, though it is doubtful that the two ever met face to face. However, both were released about the same time two years later. It is of interest to note that Grisha Feigin, the bemedaled former Soviet army major of World War II, who this February was unexpectedly permitted to emigrate to Israel, also underwent examination of his mental health in the same institution.

The latest Soviet underground issue of *Chronicle of Current Events*, No. 18, carried a chilling story of a mental clinic by a Russian inmate, Vasily Chernyshov, after his arrest in March, 1970. The story tells of the application of mind distorting drugs to some "incurable" political prisoners locked up in "special" mental institutions.

MORE NEWS ABOUT LATVIAN JEWS

On May 27, four Latvian Jews were convicted at a closed trial in Riga. The court imposed prison sentences of one to three years. Soviet news agency *Tass* said the "criminal group" had been convicted for reprinting "anti-Soviet publications from Tel Aviv and duplicating other slanderous materials." The nature of the "slanderous" materials was not revealed by *Tass*. One of the convicted persons was Ruth Alexandrovich, a 23-year-old nurse. Her mother, Rivka Alexandrovich, who had been previously permitted to emigrate to Israel and was at the time of the trial in the United States, said that her daughter's fiance, Isai Averbukh, also of Riga, had been arrested just before the trial and sentenced to 15 days in jail for "hooliganism." The real reason for his confinement, obviously, was to prevent him from demonstrating against the unjust trial.

The *Jewish Week–American Examiner*, Washington, D.C., carried in its May 27 edition a story by Victor U. Bienstock of the testimony of a Riga-born Jew, Avraham Feld, on the plight of Jews in the Soviet Union. Feld, who had managed to emigrate from Riga to Israel 18 months ago, was on a speaking tour in the United States. Before his departure from Latvia, Feld was arrested six times on various charges. Concerning Jews in the Baltic States, Bienstock's story has this to say:

"Feld . . . draws attention to the great difference in the situation of Jews in Russia proper and the Baltic states. In the latter—in Latvia, Lithuania and Estonia—he points out, there was rich and full Jewish life until the Russians overran the republics 30 years ago and made them part of the Soviet Union.

"The occupation and annexation put an end to the flourishing Jewish cultural and religious life there and Jews who wanted to live as Jews concluded that they could only do so if they emigrated. Proportionately, there has been less integration and absorption of Baltic Jews than of Russians.

"When the Russians occupied Riga, Feld said, there was a Jewish population there of 60,000. Today, there are about 35,000 including the thousands who moved into the capital from the provinces. The great majority of them—unlike the Jews in Soviet Russia who have been cut off from Jewish life since the Bolshevik Revolution—still are Yiddish-speaking, are versed in Yiddish culture and have some religious background, he said . . .

"The great majority of them want to leave," he asserted, "and that is probably true of the Jews in all the Baltic states. They have more Yiddishkeit and more national feeling than the Jews in Russia."

According to *Jewish Week,* July 1:

More than 80 Jews who staged public hunger strikes in Moscow and Riga to protest denial of exit permits to Israel ended their demonstrations under the threat of arrest. One group of 33 Jews from Riga and Wilna staged their 48-hour strike in the Moscow Central Post Office, while 50 others engaged in a similar demonstration in Riga. The Riga and Wilna Jews sent a letter of protest to the United Nations Commission on Human Rights which was presented to Secretary-General U Thant by Yosef Tekoah, Israel Ambassador to the UN.

The Soviet census of January, 1970, listed the number of Jews living in the Baltics by the end of 1969 as follows: 37,000 in Latvia; 24,000 in Lithuania; and 5,300 in Estonia.

TWENTIETH ANNUAL CONGRESS OF THE AMERICAN LATVIAN ASSOCIATION

The American Latvian Association in the United States assembled for its 20th annual congress on May 21–23 in Grand Rapids, Michigan. The Association (founded in 1951 in Washington, D.C., by immigrants of Latvian descent, most of whom had entered the United States after the war on the basis of the Displaced Persons' Act of 1948) represents today about two hundred organizations of American Latvians from coast to coast. The Congress elected a new Board of Directors, most of whom had served in the preceding year. Uldis Grava was again elected president, and Gunars Meierovics, deputy president. Dr. Ilgvars J. Spilners, director of the Bureau of Information of the ALA, described the aims of the Association in a press release as follows:

"American Latvian Association, uniting about two hundred organizations in the United States, has the responsibility to promote welfare, good citizenship, education and cultural life of Americans of Latvian heritage. However, as long as Latvia is occupied by a foreign force, it has the additional responsibility to inform the world of the conditions in Latvia and, as much as possible, to give Latvians in their occupied homeland uncensored news on happenings, cultural life and ideas in the outside world, as well as in the Baltic."

The Congress received messages from Vice President Spiro T. Agnew, Lawrence F. O'Brien, chairman of the Democratic Central Committee, and William G. Milikan, Governor of Michigan. Also, diplomatic representatives of Lithuania and Estonia, Mr. Joseph Kajeckas and Mr. Ernst Jaakson, sent their greetings. Gerald R. Ford, Representative of Michigan and minority leader of the U.S. House, addressed the assembly in person, as did Robert Boelens, Mayor of Grand Rapids, and Dr. Anatol Dinbergs, Charge d'Affaires of Latvia.

The congress authorized Dainis Rudzitis, the chairman, to send telegrams to President Nixon, Vice President Agnew, Secretary of State Rogers, and Assistant Secretary of State Hillebrand, expressing hope that continuous American moral support of the aspirations for self-determination of the Baltic peoples will precipitate their eventual liberation from the Soviet colonial yoke.

The Department of State conveyed the following reply on behalf of the President:

DEPARTMENT OF STATE,
Washington, D.C., June 4, 1971.

DEAR MR. RUDZITIS: President Nixon has asked me to thank you for your telegram expressing the views of the 20th Annual Congress of The American Latvian Association in the United States held recently in Grand Rapids, Michigan.

The President deeply appreciates your loyal support and your dedication for the cause of freedom.

As you know the policy of the United States with respect to Latvia and the other Baltic States supports the right of self-determination for their peoples and is in sympathy with their just aspirations for a free and independent national existence. Our attitude and actions have been consistent with this policy, as we have never recognized the forcible incorporation of these nations by the Soviet Union. You can rest assured that we will continue to adhere to this policy.

Sincerely,
(S) W. D. Blair, Jr.
WILLIAM D. BLAIR, Jr.,
Acting Assistant Secretary for Public Affairs.

Mr. DAINIS RUDZITIS,
President, Twentieth Annual Congress of the American Latvian Association, Washington, D.C.

Dr. Anatol Dinbergs, Charge d'Affaires of Latvia, concluded his brief address by emphasizing that history is basically a record of people and nations striving for freedom, justice and peace, in opposition to the horrid forces of imperialism. Such ideals guided the Latvian nation during its independent life, and they are not lost today under oppressive Soviet control. That is what disturbs the Moscow installed Latvian communists, as is evidenced by their constant complaints about prevailing "bourgeois-nationalism." For this they blame "malevolent" propaganda of the "ringleaders" of emigre organizations in the West, including the American Latvian Association.

To be singled out by the Communist functionaries in such a manner is in itself a sign of distinction and it also confirms that the Latvian Nation has not lost its identity and continues to strive for the restoration of its independence.

The Captive Nations: Our Unrecognized Allies Against Communism

(Address by Walter Dushnyck, of New York, delivered on July 14, 1971, at the Kiwanis Club in Buffalo, N.Y., on the occasion of the observance of "Captive Nations Week")

Mr. Chairman, Friends of Captive Nations, Ladies and Gentlemen: At the outset of my talk I would like to take this opportunity to express my gratitude to you for inviting me here and allowing me to share some thoughts and observations with you on the vital problem of the Captive Nations.

The observance of Captive Nations Week from July 18 to 24, 1971 is being held on the basis of a Joint Resolution of the U.S. Congress (Public Law 86–90), which became effective as the law of the land twelve years ago, when President Dwight D. Eisenhower issued the first Presidential Proclamation, calling on the American people to observe such a week with appropriate ceremonies and activities. The law further authorized the President of the United States "to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world. . . ."

This law was very specific as to the meaning of the term "captive nations", when it stated:

"Whereas the imperialistic policies of Communist Russia have led, through direct and indirect aggression to the subjugation of he national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others. . . ."

Each year, Captive Nations Week has provided a suitable framework for the American people to demonstrate their solidarity with their brethren in Central and Eastern Europe, and in Asia, who are held in captivity by the Communist regimes. Nationwide observances, preceded by Captive Nations Week proclamations by the President and by Governors and Mayors of many states and cities, offer Americans a renewed opportunity for manifesting their concern for the plight of the captive nations, deprived of their inalienable rights to freedom and human dignity by their Communist enslavers.

Captive Nations Week in 1971 is being observed amid a series of internal events and developments in America which distract the attention of the American people. With the war in Vietnam, American prisoners of war in North Vietnamese captivity, the disarmaments talks with the Soviet Union; the break-down of law and order in the United States, rampant inflation and the general loosening of the American patriotic stance—all this is not necessarily conducive to a spirited and enthusiastic support of the captive nations and their unending quest for freedom and national independence.

But the issue of the captive nations—whether our policy-makers recognize it or not—is closely connected with our national security and our power to survive as a sovereign nation and a leader of the free nations of the world.

THE SOVIET EMPIRE VS. THE UNITED STATES

In order to properly assess and appreciate the problem of the captive nations, we should not fail to learn the nature of the Soviet Russian empire, which is regarded by some of our liberal writers, professors and even some statesmen as a "federation" not unlike our own United States. They advance all sorts of "theories" to justify their belief that Russian Communism has mellowed to the point that true and sincere coexistence with the United States is just around the corner. They further claim that the era of complete sovereignty is a thing of the past. Therefore, they urge, we should not prod the Soviet Union about its captive nations, because that would mean "interference" in the internal affairs of a sovereign country.

The Soviet Union is not a federative union, as it claims to be. Its growth and development came about through ruthless conquests and aggressions against smaller and weaker neighbors, which had been subjected to a brutal process of Russification and Sovietization. Contrary to the accepted popular view, the USSR is not a homogeneous nation, but a conglomeration of an impressive number of alien nations and peoples which are kept by force under Soviet Russian control and domination.

Out of some 235,000,000 people in the Soviet Union today, more than half are non-Russian. In 1920, after the Soviet regime was firmly established, the Kremlin re-conquered such non-Russian nations as Ukraine, Byelorussia, Georgia, Armenia, Turkestan, Azerbaijan although it had previously recognized the independence of these countries. Finland, Lithuania, Estonia, Latvia and Poland had escaped the Soviet Russian imperialistic claws, but not for long. In 1940 the three Baltic States were forcibly incorporated into the USSR, and after World War II the Kremlin succeeded in imposing its totalitarian rule on Poland, Czechoslovakia, Hungary, Bulgaria, Rumania, Albania, East Germany, and, for a while, Yugoslavia. Moscow annexed Northern East Prussia to the USSR, and gave Russian names to such German historic cities as Koeningsberg (Kaliningrad), Tilsit (Sovetsk) and Insterburg (Chernyakhovsk). It also grabbed a few provinces of Finland—Vyborg, the shores of Lake Ladoga, the Salla and Kalastaja-Saarento regions.

In Asia the Soviet Union imposed communist rule on Outer Mongolia, Tannu Tuva, the former Japanese possessions of Southern Sakhalin and the Kuriles Islands, North Korea, North Vietnam and Tibet. Red China was originally controlled by Moscow, but lately Mao Tse-tung has been asserting himself as a "leader of world communism", and has opposed the Kremlin leaders. In our own Western Hemisphere, Moscow has its springboard in Castro's Cuba.

Thus, without counting the original captive nations which Moscow conquered in 1920, the Soviet Union has annexed, since 1945 a total of 1,977,154 square miles of foreign territories with 172,107,000 alien people. Under attack now are South Vietnam, Laos and Cambodia.

In short, this is the record of Soviet Russian aggression and expansion. But the Soviet leaders, who frequently assail "American imperialism and aggression," have the gall to pride themselves on their "liberal policy" toward other nations. On June 20, 1967 Pravda of Moscow, reported a statement of Alexei Kosygin, Soviet Prime Minister, made on the 50th anniversary of the Soviet takeover in Russia, in which he said:

"In the fifty years of its existence, the Soviet Union has respected all other nations, great as well as small. Every nation is entitled to establish an independent national state of its own . . ."

In December, 1965, Soviet Foreign Minister Andrei Gromyko, speaking on his resolution in the United Nations, stated:

"No state has the right to intervene directly or indirectly, for any reason whatever, in the internal and external affairs of any other state. Consequently, armed intervention and all forms of interference of the state or against its political, economic and cultural elements are condemned . . ."

These declarations of Kosygin and Gromyko were obviously false, for it did not deter the Soviet government from sending the Red Army to invade and occupy its "socialist" satellite, Czechoslovakia, in August 1968, just as it had done during the uprisings in Hungary in 1956.

Furthermore, the grim record of the Soviet Union proves that it has constantly broken its treaties, agreements and protocols, all of which are merely means to achieve its imperialistic objectives. More than 130 years ago, a famous French aristocrat, Adolphe de Custine, a trained political observer and one graced with a broad knowledge of political and cultural developments, went on a visit to Russia. Anticipating many modern intellectuals—Koestler, Gide, Silone—de Custine went to Russia as to a "promised land." He toured the country and talked to the Czar and his court nobles. In order to impress him, the Russians treated him to pageantry, military parades and religious ceremonies. But he returned to France at the end of 1839 wholly disillusioned, saying that he was duped by the "god that failed." And he stated:

". . . They (Russians) mean to seize by armed force the countries accessible to them; and thence to oppress the rest of the world by terror . . ."

This gifted French observer ably assessed the essence of Russian politics. General Walter Bedell Smith, former U.S. Ambassador to Moscow and former CIA Director, who wrote a preface to de Custine's book in 1951, stated that the parallels between de Custine's Russia and the present Soviet Union are both vivid and ominous: the merciless despotism, fear of the secret police, the political prisons, the purges, "confessions," censorship and slavery, the rewriting of history and, above all, the same appetite and urge for world conquest.

CAPTIVE NATIONS—A POWERFUL DETERRENT TO WORLD CONQUEST

The presence of the captive nations in the USSR and its peripheral empire constitute a powerful deterrent to Soviet plans of world conquest. The Kremlin leaders are greatly annoyed and irritated because the U.S. Congress enacted the "Captive Nations Week Resolution" in 1959. The Resolution has been denounced and vilified by the Soviet leaders, in the press and over the radio, as a "cold war" instrument and "subversion" of the "peaceful Soviet paradise."

Yet, at the same time the Kremlin leaders incessantly propagate "wars of national liberation," which are primarily directed against the U.S. and its allies. The newly-emerging independent nations of Africa and Asia, and indeed, the countries of Latin America, are under perpetual barrage of Soviet propaganda, aimed at converting these peoples to the Soviet viewpoint and its political philosophy. Propaganda is followed by concrete Soviet deeds of support: weapons and other military equpment necessary for guerrilla fighters. Most of the so-called "wars of national liberation" are inspired ideologically and sustained militarily by the arms of the Soviet Union and its satellites.

THE PLIGHT OF THE CAPTIVE NATIONS

In enacting the "Captive Nations Week Resolution" twelve years ago, the U.S. Congress was far-seeing in defining the meaning and significance of the captive nations. It knew that the great masses of discontented people inside the Soviet Union may well undermine the power and strength of the Communist empire. We all know that during the German-Soviet war in 1941 hundreds of thousands of Soviet troops went over to the German side; the civilian population of Ukraine, Byelorussia, the Baltic States, the Caucasus, and elsewhere welcomed the German armies not as conquerors, but as liberators, because so powerful was the hatred of Soviet Russian domination under Stalin that even Nazi Germany looked to those captive peoples as a benevolent messenger of salvation. It was only when the Nazis began their stupid, senseless and inhuman barbarities that these same peoples turned against the new dictatorship.

The Kremlin leaders know well that in any major confrontation with the United States and/or Red China, the USSR will be exposed to the assault of freedom forces from abroad. They know that they cannot commit their multi-national armies in any major war with the West, because these armies will be undermined by mass defections and desertions to the side of the enemy of the Soviet Union.

That this will be the case is borne out by a great mass of evidence at hand.

(1) Opposition of Intellectuals: In the first place, the Soviet Union is plagued with a number of unbridgeable weaknesses. There is a growing unrest and rebellion of intellectuals, both in Russia proper, and in the non-Russian republics. We all heard of such names as Sinyavsky, Daniel, Amalrik, Grigorenko, Sakharov, Solhenitsyn who, in their underground writings, had assailed Soviet tyranny and have demanded more personal freedom and less police control.

(2) In Ukraine, this anti-Communist opposition has a mass character, because unlike their Russian opponents, the Ukrainians fight against the Russification of the Ukrainian language and culture, as well as against the oppressive yoke of the Communist Party, which, in the case of Ukraine and other non-Russian republics, is a party imposed by Moscow. In the last 7–8 years some 300 Ukrainian intellectuals have been arrested, tried and sentenced in Ukraine. Most of these people were young people—in their mid-thirties, and all were the product of the Soviet system. Among the better known Ukrainian fighters for freedom are Vyacheslav Chornovil, Valentyn Moroz, Syvatoslav Karvansky, Ivan Kandyba, Ivan Dzyuba and others. Some of them were arrested for reading the books on Ukrainian history, published outside Ukraine; others, for disseminating copies of Pope John XXIII's encyclical, *Pacem in Terris,* and the address of the late President Dwight D. Eisenhower, which he delivered during the unveiling in Washington, D.C. of the statue in honor of the Ukrainian poet Taras Shevchenko in June, 1964.

(3) The same repressions against restive non-Russian peoples are conducted in Lithuania, Latvia, Estonia, Byelorussia, and the Caucasus;

(4) We are witnessing the systematic defections from behind the Iron Curtain: Svetlana Allelugena, ballerina Alice Markova, Soviet top-ranking nuclear scientist Nnaotole Fedoseyev, writer Anatole Kuznetsov; only a few days ago some 15 Polish tourists tried to escape from Yugoslavia to Italy; we have weekly defections of Hungarians and Czechs to Austria and Germany. All this indicates most convincingly the restlessness of the captive people in the Soviet communist empire and their desire to live in freedom.

LACK OF WESTERN RESPONSE

It is almost unbelievable that the Western world, which prides itself on upholding the general principles of freedom and emancipation should continue to be so oblivious to the plight and suffering of these "unpeoples" (the captive nations) of the Russian communist empire.

In the past, both the Truman and Eisenhower Administrations adhered to the principle of containing the spread of Communism. In subsequent years, however, this policy has gradually become watered down into one of "bridge building" to Eastern Europe. Today President Nixon is advocating a dubious policy of "negotiation rather than confrontation."

The erosion of our belief in universal freedom was not a bit affected by the invasion of Czechoslovakia and the challenging "Brezhnev Doctrine," which had serious, adverse effects upon Yugoslavia and West Germany, not to mention the captive nations inside the Soviet Russian empire. This deteriorating Western policy with respect to the Soviet bloc was accompanied by the U.S.-Soviet non-proliferation treaty in 1969, the continuous SALT talks with the USSR, and the Soviet-German Agreement of 1970. From the viewpoint of the Kremlin, the Soviet leaders see no reason why they cannot call a European Security Conference which would eventually approve and sanction the much-desired status quo, and thus assure the permanent division of Europe.

But perhaps the best assessment of Western policy was made by East West Digest of London in its issue of October, 1970, which said editorially:

". . . The West's foreign policy is still one of futile optimism geared to reconciliation and trusting such men as Brezhnev and Kosygin who have a record of incorrigible treachery. It is based on a totally false assessment of Soviet intentions and ruthlessness both at home (in the field of repression) and abroad (in the area of subversive imperialism) . . . Both the British and American governments are basically disinterested in the fate of the captive nations. Their members turn a blind eye to reports of re-Stalinization, repression, slave labor camps and putting dissident intellectuals into lunatic asylums . . .

"Western leaders want to enjoy the friendship of both the rulers of communist states and at the same time of the peoples who endure living under such totalitarian regimes. They pursue the fatuous illusion of being all things to all men. They solemnly maintain the contemptible theory that tyranny and freedom are reconcilable and that people denied liberty will happily continue to agree to being denied the freedom that Western politicians themselves enjoy . . .

It is recalled that immediately after the end of World War II hundreds of thousands of anti-Communist refugees were forcibly repatriated to Central and Eastern Europe in an operation known by its code name as "Operation Keehaul." Unlike the Pentagon Papers, this secret document was never made public, perhaps some important lessons could be drawn from it that could benefit those who are still confused about the true nature of Soviet Russian imperialism.

It would be proper at this gathering to recite two cases of how the free world is still uninformed or naive as far as the captive nations are concerned.

THE CASE OF LITHUANIAN SIMAS KUDIRKA

In November, 1970 a young Lithuanian seaman, Simas Kudirka, tried to defect to the U.S. Coast Guard cutter *Vigilant*. He was already on the U.S. ship, but the Soviet guards who came from a nearby Soviet ship, dragged him back, beat him up, while the American captain and seamen watched idly. He was denied the right of political asylum and was handed over to the Soviet police. He believed in what he heard over our "Voice of America," and thought that there was no difference between our professed pronouncements on freedom and our practical policy of "non-confrontation." True, a "confrontation" was avoid at the sacrifice of a human being who sought freedom and was denied it. Also, at the sacrifice of a great amount of American moral and political prestige.

PRIME MINISTER TRUDEAU'S POLITICAL CAPER

Another case of Western myopia or stupidity was the political caper of Prime Minister Pierre E. Trudeau of Canada. Two months ago he went to the Soviet Union, where he signed a "friendship protocol" to assert his independence from American influence. Mr. Trudeau has repeatedly warned about American influence, expressed persistent hostility to NATO and has allegedly a firm trust in the Soviet Union's veracity. While touring Ukraine, he made some observations which created a furor among some 600,000 Canadians of Ukrainian descent (the fourth largest ethnic group in Canada). He said that Ukrainians coming to Canada "found themselves living in a political structure of the same basic design as that of the Soviet Union!" The irony is that the Ukrainians who came to Canada did so primarily to escape the oppressive "political structure" of the Soviet Union.

Before going to Moscow, Prime Minister Trudeau had been asked by members of the Parliament representing strong Ukrainian settlements in Canada to raise the question of persecution of Ukrainian intellectuals by Soviet authorities. Upon his return to Canada, the Prime Minister stated that he did not find any evidence of persecution in Ukraine, and he added:

"My position in the Soviet Union or in Canada is that anyone who breaks the law to assert his nationalism does not get too much sympathy from me . . .

"I didn't particularly feel like bringing up any cases which would have caused Mr. Brezhnev or Mr. Kosygin to say: 'Well, you know, why did you put in jail certain leaders of the Front of the Liberation of Quebec? After all, they think they are only fighting for the independence of Quebec. Our people say they are fighting for the independence of the Ukraine. Why should you put your revolutionaries in jail and we shouldn't put ours?'"

This ridiculous comparison of the province of Quebec and its French terrorist organization, the Liberation Front of Quebec, with the plight of the 46-million Ukrainian nation, forcibly deprived of its freedom and national independence, has rightfully provoked indignation throughout Canada not only on the part of the powerful Ukrainian ethnic group, but of other ethnic communities as well, including the English-speaking one.

A columnist in the *Toronto Telegram* wrote on June 3, 1971:

The captive peoples behind the Iron Curtain do not expect the democracies to wage a war for their liberation, but neither do they expect and certainly do not deserve, what amounts to cynical disregard of their suffering by an elected representative of free men.

"Mr. Trudeau is the first leading politician of a democratic country who has displayed such a callous attitude.

"Other Western Prime Ministers or heads of state have visited Moscow to explore the possibilities of easing tensions of East-West armed coexistence, but none has done or said anything that could be construed as political and moral endorsement of Red fascism.

"For instance, the President of France, while concluding mutual consultation agreements in Moscow last year, said nothing the Soviet regime could exploit for its internal and external propaganda. American governments have been negotiating with Moscow for years without compromising the principle democratic countries stand for.

"Mr. Trudeau, however much he may now want to deny it, rendered the men in the Kremlin invaluable service by telling their helpless subjects that the Bolshevik dictatorship was not much different from the Canadian system of government and by alleging American military threat to our sovereignty . . ."

These two examples, the case of the Lithuanian defector, Simas Kudirka and Mr. Trudeau's political capers, indicate most vividly how the problem of the captive nations is not only misunderstood but also neglected by the free countries.

WHAT CAN WE DO TO HELP THE CAPTIVE NATIONS?

"Captive Nations Week" in 1971 affords a national forum for the discussion of issues affecting our national interest and security.

Therefore, as free citizens, we must support the policy of our government in resisting Communist aggression and communist attempts at world domination;

We must urge our government and the governments of all other free nations to prevail upon the United Nations to institute a U.N. committee to investigate Soviet Russian enslavement of the captive nations;

We must appeal to the U.S. Government to expand radio broadcasts to the captive nations via "Voice of America" and "Radio Liberty," which had been under attack by some of our liberal thinkers;

We must appeal to the U.S. Congress to create a Select Committee on the Captive Nations in the House of Representatives, which would be dedicated to the study of the captive nations;

We must on all occasions, protest and denounce Communist persecution of the captive nations and the suppression of their national, religious and cultural freedoms.

In doing so, we will bring a moral support and encouragement to these hapless captive peoples who always looked to us as for guidance and moral assistance. We must not fail them, for in helping the captive nations we are helping ourselves as well.

Thank you.

Mr. DERWINSKI. Mr. Speaker, as the Members of the House of Representatives once more observe Captive Nations Week, we must bear in mind the fact that over four-fifths of the present population of the United States was not even born when the Reds seized power in Russia back in 1917. This is not particularly surprising, but what will undoubtedly surprise many of my colleagues is that news that almost half of our present population has been born since the beginning of the cold war. Many millions of others who were alive in 1945 were too young to recall at firsthand what occurred a quarter of a century ago.

In light of these facts, we must review some of the happenings of the periods that followed the two World Wars. The fact that they are history does not mean that they no longer concern us.

As a result of World War I, many new nations that had been parts of the German, Austrian, and Russian Empires became independent. Some of them remained free for a quarter of a century, but for others independence lasted for but a brief moment.

The Communists, who seized power from the provisional government of Kerensky, proved to be as imperialistic as the Romanoffs and others who had established and maintained the Russian Empire. The independence of Armenia, Azerbaijan, Byelorussia, Cossackia, Georgia, Idel-Urel, North Caucasia, and Ukraine was extinguished in 1920, while the Far Eastern Republic and Turkistan lost their freedom in 1922. Mongolia became a Communist satellite in 1924.

Estonia, Latvia, and Lithuania lost their independence in 1940, not long after the Communists and their ideological bedfellows, the National Socialists, began World War II.

National Socialism was destroyed as a result of Germany's defeat in World War II, but communism became more powerful than ever. In Europe, Albania, Bulgaria, and Yugoslavia went behind the Iron Curtain in 1946, Poland and Romania in 1947, Czechoslovakia in 1948, and Hungary and East Germany in 1949. In faroff Asia, North Korea became Communist in 1948, all of China except Taiwan in 1949, Tibet in 1951, and North Vietnam in 1954. The loss of China to communism was a devastating blow to the non-Communist world.

The last country to become part of international communism's ever widening sphere of influence was neither European nor Asiatic, but a New World nation located but a stone's throw from the United States. Cuba became a captive nation in 1960.

Lengthy as the list of captive nations has become, it would undoubtedly have become even longer had it not been for the United States. Greece and Turkey would probably have disappeared behind the Iron Curtain soon after World War II, had it not been for American assistance. South Korea is still free only because of a tremendous expenditure of American lives and material treasure. Only the most obtuse member of the surrender cult would argue that South Vietnam, Cambodia, and Laos would have remained outside the Communist orbit if America had not assumed the burden when France abandoned its former colonies.

Much as the overwhelming majority of Americans would like to see the captive nations regain their freedom, realism recognizes that the day of deliverance is yet in the future. A totalitarian structure that is built upon an atheistic contempt for God and an amoral disregard for man, contains within itself the seeds of its own destruction. When these seeds will germinate no one can foretell, but history teaches us to hope rather than to despair.

In the meantime, let us keep the list of captive nations from growing.

Mr. Speaker, the captive nations include more than a billion victims of Communist aggression who have frequently given eloquent demonstrations of their yearnings for independence. As the leader of the non-Communist world, the United States must continue to inspire and encourage them in their desires for a restoration of their freedoms and a place in the family of free nations.

Mr. Speaker, this week as we commemorate Captive Nations Week, we must of necessity review the cause of the oppressed, captive peoples of communism in the light of President Nixon's announcement that he will be visiting Red China sometime within the next 10 months.

This is obviously a change, and another geographic area where change is supposedly working to the betterment of captive peoples is Poland. I will, therefore, concentrate my comments on these two areas.

It is my assumption that Mr. Kissinger traveled to Peking to work out the details and, in effect, complete the agreement under which President Nixon would travel to Peking. It is my further assumption that President Nixon will not consider traveling to Peking, nor could the Chinese Reds consider receiving him unless the war of aggression by the North Vietnamese against Laos and Cambodia, as well as South Vietnam has been ended.

Therefore, President Nixon certainly will not travel to Peking unless there is, in full actuality, a cease-fire in all of Indochina, return of all POW's, and release of all U.S. citizens held by the Red Chinese before he sets foot in Peking.

As far as I am concerned, Mr. Speaker, in commemorating and acknowledging the spirit of Captive Nations Week, we must keep in mind the brutal Red Chinese occupation of Tibet, their military aggression against India, and their involvement in guerrilla warfare in Burma, Thailand, Malaysia and, of course, their military aggressions against U.N. forces in Korea.

The Red Chinese have also been involved in subversive acts in Kenya, Singapore, Indonesia, and other lands. They have invested heavily in factions of the Palestinian guerrilla forces, and they certainly cannot be described as a friendly, peace-loving, or democratic regime. The people of mainland China are captives of communism.

Now let me review the so-called change in Poland. This feeling of change is based upon the events beginning December 20, 1970, when the structure of power in Poland changed at the top. The First Secretary of the Polish Workers' Unity—Communist—Party, Wladyslaw Gomulka, was replaced by Edward Gierek.

It is rather remarkable to see that some people in the West are trying to read in these shifts in the guard in Gomulka's rule some significance of "liberalization" and "nationalism." It is even fashionable to conclude that these changes signify the "splintering" of Communist unity and that the changeover reduces significantly the amount of guidance and control exercised by Moscow over Eastern Europe.

This wishful thinking is not backed up with very much substance. In fact, the comments many are making about the Gierek regime duplicate exactly the false hopes which many had when Gomulka took over.

In 1956 Gomulka was released from house arrest and became the supreme boss of Poland in October. Just as in the present circumstances, sympathetic commentators in the West were quick to praise this development as a sign of the liberalization of Communist rule in Poland. Some even read this as a shift to "nationalism" and to a brand of communism "independent from Moscow."

Let me give you some examples. On October 22, 1956, the New York Times proclaimed Gomulka "a national hero of Poland." A week later Newsweek magazine developed this theme further praising "Gomulka as a hero of millions of Poles," and as "an exponent of national communism." Newsweek even said that Gomulka "may eclipse Tito in the drive to shake the Kremlin's chains." According to Newsweek, this development "would mean eventual loss to Russia of its East European empire—biggest prize of World War II." In the same week, Time magazine concluded its evaluation with a statement that "it is conceivable that Gomulka can lead the 'liberals' to a decisive break with Russia."

This initial enthusiasm of the Gomulka regime in Poland gradually faded away when events proved that there was no real justification for such exaggerated hopes and expectations. Communist control over Poland not only did not dissipate but, with the passing of years, continued to solidify its basic framework. By 1968 the same Gomulka, who was expected to "shake the Kremlin's chains," was eagerly helping his Moscow partners to crush the liberalization effort in Czechoslovakia in a common invasion by the forces of the Soviet Union, Poland, Hungary, and East Germany.

Gomulka lasted 14 years until December 1970 when, after the bloody workers' riots, he was replaced by Gierek and again the West found a new hero.

There is no more justification for rejoicing in 1971 than there was in 1956. Gierek, like Gomulka, is a man who ruthlessly fought his way up through party ranks and has no extensive education or experience. However, the New York Times recently concluded that the new shift in Poland is a switch to a "technocratic management" style of operation, and that the new Gierek regime creates the impression of "sincere independence." The phrases may be different but the thought is a repetition of the same error. On October 21, 1956, the New York Times was just as sure that Gomulka would provide the type of leadership for "a different road to socialism." The Times quoted Gomulka as saying:

> There is more than one road to Socialism. There is a Soviet way, there is a Yugoslav way, and there are other ways.

The Times never spelled out what those "other ways" were. On the next day, October 22, the Times further quoted Gomulka as saying to a delegation of Polish students that—

> Polish troops would never fire on their brothers or on the workers.

The integrity of that promise was shattered 14 years later in December 1970, when Gomulka's security forces fired at the Polish workers on the streets of Gdansk, and Szczecin with numerous people killed and wounded. This was the end of Gomulka and his group, including President and Marshal Marian Spychalski, Secretaries of the Central Committee Zenon Kliszko and Boleslaw Jaszczuk, and others.

The new group headed by Edward Gierek is by no means any better than the one it replaced. It would be even possible to reason that the Gomulka group should be considered more representative of the grassroots of Polish "nationalist" communism—if there can be such a concept of "nationalism" in the dogmatic internationalistic Communist ideology.

Gomulka himself spent his lifetime in Poland with only 2 years in Moscow in 1934 to 1936, when, in between two jail sentences in Poland, he was sent by the party to the International Leninist School. He was fortunate to be in jail in Poland in 1937 when, by Stalin's order, all leading Communist functionnaries of Poland were called to Moscow for consultations. Not a one survived the purge. Gomulka remained in a Polish jail until the outbreak of World War II and then worked in the underground under the German occupation.

By contrast, Edward Gierek spent all his adult life in France and Belgium with only 4 years in Poland in 1934 to 1938 where he was deported from France for helping to organize the first sitdown strike in French history. During World War II Gierek was active in the underground movement in Belgium as a member of the Belgian Communist Party. Only in 1948, or 3 years after the end of World War II, did Gierek come back to Poland where he was born 35 years before his homecoming.

There are many reasons to believe that the Gierek rule will be much less Polish oriented and much more internationalist and cooperative with the international purposes of the Communist Party and of Moscow than the predecessor Gomulka regime.

The sympathies and enthusiasm of the political experts who welcome the new spirit of managerial technocratic leadership in Poland seems to be completely misplaced and unwarranted.

Mr. Speaker, the infamous Brezhnev doctrine applied to the Eastern European satellites of the Soviet Union dramatizes the determination of the dictators of the Kremlin to maintain their tyrannical hold on the peoples of Eastern Europe who are without exception anti-Communist. It is also necessary for us to take note of the activities of the U.S.S.R. in the Middle East, where they not only threaten the State of Israel but, in effect, are slowly asserting greater control over the radical Arab governments. The newest developments in Sudan are evidence of this.

Therefore, Mr. Speaker, Captive Nations Week assumes greater importance today than at any time in the 12 years since President Dwight D. Eisenhower signed into law the week which we observe in the cause of world freedom.

Another great American President, Abraham Lincoln, eloquently emphasized:

> This government cannot endure permanently half slave and half free.

Mr. Speaker, the world cannot endure half slave and half free. Communism is a totally false philosophy. It is based on terror, it attempts to advance by outright aggression or subversion, and it has an ideology that is incompatible with the natural desire of all men to be free and to be served by governments truly reflecting their national history and traditions.

At this point, I wish to place into the RECORD the following resolutions:

Proclamation of the State of Connecticut by the Honorable Thomas J. Meskill, Governor.

Proclamation of the State of Delaware by the Honorable Russell W. Peterson, Governor.

Proclamation of the city of Lansing by the Honorable Gerald W. Graves, mayor.

Proclamation of the city of Mobile by the Honorable Robert B. Doyle, Jr., mayor.

Proclamation of the city of Baltimore by the Honorable Thomas J. D'Alesandro, III, mayor.

Proclamation of the city of Newport News by the Honorable J. W. Hornsby, Jr., mayor.

Proclamation of the city of Hartford by the Honorable George A. Athanson, mayor.

Proclamation of Metropolitan Dade County by the Honorable Stephen P. Clark, mayor.

In addition, Mr. Speaker, I enclose:

An excerpt from the book, "Religion Can Conquer Communism," by O. K. Armstrong and M. Moore Armstrong.

The program of the Captive Nations Week Committee of New York for Captive Nations Week.

A press release of the Captive Nations Week Committee of New York on the sermon of Msgr. John Balrick at St. Patrick's.

An article in the Ukrainian Catholic Daily.

A letter from the Bishop of St. Nicholas in Chicago to Dr. Lev E. Dobriansky, chairman of the National Captive Nations Committee.

A news release from the National Captive Nations Committee.

A Captive Nations Week appeal by the Women for Freedom, Inc.

The material follows:

STATE OF CONNECTICUT,
Hartford, June 25, 1971.

NATIONAL CAPTIVE NATIONS COMMITTEE,
Washington, D.C.

GENTLEMEN: Thank you for inviting me to participate in the observance of "Captive Nations Week" by declaring July 18–24, 1971 as an official period of observance in Connecticut.

I will be happy to issue the official statement you request and enclose a copy for your information.

Again, thank you for writing to me on this important subject.

Sincerely,

THOMAS J. MESKILL,
Governor.

CAPTIVE NATIONS WEEK, JULY 18–24, 1971

During the month of July we are vividly reminded of our nation's declaration of independence. Therefore, it is fitting that we remember those peoples and nations still held captive by foreign powers.

Since World War II, much of Eastern and Central Europe has been dominated by Soviet Russia. Today, communist regimes are attempting to superimpose themselves on governments in the Middle East, Asia, Africa and Latin America.

American men have long defended life, liberty and the pursuit of happiness for their fellow countrymen and have continuously defended these same principles for other peoples on foreign soil.

In these days of stress at home and abroad, I call your attention to "Captive Nations Week" in the expectation that every Connecticut citizen will voice his support for a just and lasting peace for all self-determined peoples throughout the world.

THOMAS J. MESKILL,
Governor.

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover, June 25, 1971.

Messrs. DANIEL J. FLOOD, AND
EDWARD J. DERWINSKI,
National Captive Nations Committee,
Washington, D.C.

GENTLEMEN: Governor Peterson has asked me to send you the enclosed statement urging the observance of "Captive Nations Week."

He has also given his permission for you to use the statement for news release or in any manner that would aid in the observance.

Sincerely,

JERRY SAPIENZA,
Press Secretary.

STATEMENT BY GOVERNOR RUSSELL W. PETERSON IN OBSERVANCE OF CAPTIVE NATIONS WEEK

One of the grim realities of today's world is the existence of captive nations in Eastern Europe, Asia and other parts of the world. Nations such as Hungary, Czechoslovakia, as well as many others, have shown their preference for national independence, a preference which has been ruthlessly disregarded.

With our cherished heritage of freedom and independence, we have a special obligation to offer every possible moral support to these captive nations in order to help them to maintain hope and faith in their eventual destiny as free nations.

Accordingly, as Governor of the State of Delaware, I designate the week of July 18–24, 1971, as Captive Nations Week in Delaware, and urge residents of the First State to consider the plight of those nations who do not enjoy the freedoms which we enjoy and to join in expressions of encouragement and support for their aspirations.

CITY OF LANSING,
Lansing, Mich., June 18, 1971.

Mr. DANIEL J. FLOOD,
Mr. EDWARD J. DERWINSKI,
National Captive Nations Committee,
Washington, D.C.

GENTLEMEN: Per your request of June 14, 1971, please find enclosed my Proclamation declaring the week of July 18–24, 1971, as "Captive Nations Week in Lansing".

Sincerely,

GERALD W. GRAVES,
Mayor.

PROCLAMATION OF THE CITY OF LANSING

Whereas: Since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free people of the world; and

Whereas: The imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, North Korea, Tibet, North Vietnam and others; and

Whereas: It is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

Whereas: The desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

Whereas: It is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States are with them, their aspirations for the recovery of their freedom and independence,

Now, therefore, I, Gerald W. Graves, Mayor of the City of Lansing, by the power vested in me, do hereby proclaim the week of July 18–24, 1971, as: "Captive Nations Week in Lansing" and invite the people of our City to observe this week with appropriate ceremonies and activities, and I urge all citizens to remember those who are held in the captive nations of the world.

PROCLAMATION OF THE CITY OF MOBILE

Whereas, the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

Whereas, this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

Whereas, the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

Whereas, the desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

Whereas, it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence.

Now, therefore, be it resolved that I, Robert B. Doyle, Jr., Mayor of the City of Mobile, Alabama, do hereby declare that the week of July 18 through July 24, 1971, be designated as Captive Nations week in Mobile, and invite our citizens to observe this week with appropriate ceremonies.

PROCLAMATION BY MAYOR THOMAS J. D'ALESANDRO III, DESIGNATING THE WEEK OF JULY 18, 1971 AS "CAPTIVE NATIONS WEEK" IN BALTIMORE

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Checho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Pubic Law 86–90 estabishing the third week in July each year as Captive Nations Week, and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence.

Now, therefore, I Thomas J. D'Alesandro, III, Mayor of the City of Baltimore, do hereby proclaim the week of July 18, 1971, as "Captive Nations Week" in Baltimore, and call upon the citizens of Baltimore to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

OFFICE OF THE MAYOR,
Newport News, Va., June 23, 1971.

Mr. DANIEL J. FLOOD,
Mr. EDWARD J. DERWINSKI,
National Captive Nations Committee
Washington, D.C.

DEAR SIRS: Enclosed is copy of Proclamation written by me in connection with Captive Nations Week.

A copy of said Proclamation has been given to the news media for publicizing said event.

Very truly yours,
J. W. HORNSBY, Jr.,
Mayor.

PROCLAMATION OF CITY OF HARTFORD

Whereas, there are presently one billion humans under totalitarian Red rule; and

Whereas, it is crucially important for us to morally sustain the hope and faith of these captive peoples in their eventual freedoms; and

Whereas, the massive and imposing reality of the captive nations throughout the world cannot be ignored if we value our own national freedom; and

Whereas, on the basis of Public Law 86–90, the Captive Nations Week Resolution passed by Congress in 1959, our people will again express their moral conscience toward the captive peoples in observances of Captive Nations Week, scheduled for July 18–26, 1971; captive peoples in observances of Captive Nations Week, scheduled for July 18–26, 1971;

Now, therefore, I, George A. Athanson, Mayor of the City of Hartford, do hereby endorse the aims of the Captive Nations Committee and urge all citizens to participate in the observance of Captive Nations Week.

OFFICE OF THE MAYOR,
HARTFORD, CONN., *June 23, 1971.*

DANIEL J. FLOOD,
EDWARD J. DERWINSKI,
National Captive Nations Committee
Washington, D.C.

DEAR MESSRS. FLOOD AND DERWINSKI: I am happy to enclose a proclamation for "Captive Nations Week", July 18–26, 1971.

Best wishes,
Sincerely yours,
GEORGE A. ATHANSON,
Mayor.

PROCLAMATION OF THE CITY OF NEWPORT NEWS, VA.

Whereas, the massive and imposing reality of the captive nations in Eastern Europe, in the USSR, Asia and Cuba cannot be ignored if we, as Americans, value our own national freedom; and

Whereas, there are approximately one billion human beings presently under totalitarian Red rule, with the threat of same being spread more and more throughout the world, including the United States; and

Whereas, it is of crucial importance for us, as Americans, to morally sustain the hope and faith of all captive peoples in their eventual freedom from Communistic domination.

Now, therefore, I, J. W. Hornsby, Jr., Mayor of the City of Newport News, by the authority vested in me, do hereby proclaim the week of July 18–24, 1971 as Captive Nations Week and urge that the people of Newport News express their moral conscience toward the captive people throughout the world in observance of this week.

PROCLAMATION OF DADE COUNTY, FLA.

Whereas: The massive and imposing reality of oppression imposed upon some one billion inhabitants of captive nations in Eastern Europe, the U.S.S.R., Asia and Cuba cannot be ignored if we in America value our national freedom, and

Whereas: The cardinal Soviet Russian objective seeks to obtain Western acquiescence to the permanent enslavement of 27 nations so Moscow's penetrations in South Asia, the Mideast, Africa and Latin America can be pursued with the least difficulty, and

Whereas: Russian enslavement of Czechoslovakia in 1968, unrest of Polish workers and the scandalous Kudirka case in 1970, as well as re-expression of the Brezhnev doctrine at the 1971 24th Party Congress in Moscow, stress the necessity to morally sustain hope and faith of all enchained peoples in their eventual freedom, and

Whereas: The U.S. Congress, through Public Law 86–90, expresses moral consciousness on behalf of all captive peoples with observance of Captive Nations Week;

Now, therefore: be it resolved that I, Stephen P. Clark, Mayor of Metropolitan Dade County, Florida, do hereby proclaim the week beginning Sunday, July 18, 1971, as Captive Nations Week.

In observance thereof: I call upon the people of Metropolitan Dade County to join with me in participating, wherever and whenever possible, in ceremonies designed to make no peace with oppression but rather to help us employ our freedom in the maintenance of justice and liberty among all men and nations everywhere.

LET'S HAVE AN ECUMENICAL MOVEMENT TO FREE THE CAPTIVE NATIONS

(By O. K. Armstrong and M. Moore Armstrong)

Believers of all religious faiths, let us unite! Let us join to overcome the godless force that would crush all religion and would build a completely atheist society. We have nothing to lose but the chains of persecutions, restrictions, and harassments that bind our fellow believers in all Marxist lands.

And what have we to gain?

We can gain a world rid of the most reactionary ideology of modern times. We can gain a world in which young people everywhere can plan their futures without enforced military service, and can enter freely into their chosen professions, their homemaking, and their community life. We can gain a world cleansed of the knock on the door at night by the dread secret police; a world without the arrests, imprisonments, and tortures of atheist Marxist rulers.

We can gain a world in which people every where and of all creeds may again rear their altars and light their fires of religious faith, unhindered and unafraid.

To accomplish this history-making task, we must add to our program of moral and spiritual pressure the weapons of direct political action.

Let us hasten to agree that this does not mean taking the churches and the church organizations which we cherish into "politics" or governmental affairs. It does mean that as individual believers we can join hands across denominational lines in this matter of universal concern. We can unite as believers in God and in the unalienable rights of His children of all races and kinds to influence our public servants to help accomplish the most important mission confronting us in this modern age:

It is to regain religious liberty for all people and roll back the tide of Marxist atheism.

If ever there was a common program worthy of ecumenical cooperation, surely this is it. If ever the clear call sounded for religious unity to accomplish a specific task, that clear call is sounding now. . . .

In this common effort of Catholics and Protestants, of Christians and Jews, of Muslims and Bahai, of Buddhists and others whose religious faith prompts concern for fellow men, there need be no sacrifice of cherished beliefs. There need be no surrender of principles or creeds, no giving up of hallowed practices of church, denomination, or fellowship.

All believers, each in his own way or in collective effort within his fellowship and group, may join the ranks of those who now stand at Armageddon and battle for the Lord. . . .

Whatever the believer's faith, as he faces religion's greatest challenge for survival let him take heart by remembrance of a rugged follower of the Nazarene Teacher, the Apostle Paul. Persecuted, beaten, imprisoned, tormented by infirmities but never wavering in his belief in the ultimate triumph of a righteous cause, he wrote to his friends in the struggling fellowship in Rome:

If God be for us, who can be against us?

Believers of the world, let us unite in the crusade to roll back the ominous menace of atheistic communism. We have nothing to lose but the chains that bind our fellow believers, and a whole future to gain for humankind.

The above excerpt from the book, "Religion Can Conquer Communism," was reprinted with the permission of the authors.

CAPTIVE NATIONS WEEK

(13th Annual Observance, Beginning July 18, 1971)

Nationality, Veteran, Patriotic, Church, Political and Civic groups plus individuals are invited to participate in the various Captive Nations Week activities.

PROGRAM—SUNDAY, JULY 18TH: MANHATTAN

9:00 a.m. Assemble at 59th Street & 5th Ave.

9:15 Fifth Avenue Parade—59th St. to 50th St.

10:00 Memorial Mass at St. Patrick's Cathedral

11:00 Fifth Avenue Parade—50th St. to Central Park Mall (Band Shell near 72nd St.)

11:45 Ceremonies, honored speakers and folklore entertainment at Central Park Mall.

2:00 p.m. Peaceful demonstration at Soviet Mission to UN—67th St. & Lexington Ave.

BRING YOUR BANNERS AND FLAGS

Groups and individuals may participate in all or any part of the above program. For further information, please contact the Committee (below).

Judge Matthew Troy, Chairman.

Dr. Ivan Docheff, Exec. Vice Chrmn.

Captive Nations Week Committee of New York, P.O. Box 1204, New York, NY 10017; Phone: 367-7266 or YU2-6505 Evenings.

CAPTIVE NATIONS WEEK,
COMMITTEE OF NEW YORK,
New York, N.Y., July 16, 1971.

UKRAINIAN CATHOLIC PRIEST TO PREACH SERMON AT ST. PATRICK'S

This year, the observance of Captive Nations Week in New York City will begin with the Fifth Avenue Parade from 59th Street to St. Patrick Cathedral at 9:15 a.m. The Solemn Mass will be celebrated by Monsignor John Balkunas starting at 10:00 a.m., and the sermon at St. Patrick's Cathedral will be delivered by the Ukrainian priest, Father Provincional Patrik Paschak, OSBM of Astoria, N.Y.

Following the Liturgy, the participants will proceed in formation to Central Park's Bandshell for a rally. The rally will open with the Pledge of Allegiance by Col. Robert G. Goff, Commander of CWV, Queens Chapter, with opening address by Hon. Matthew J. Troy, and followed by remarks of Dr. Ivan Docheff, Chairman of American Friends of Anti-Bolshevik Bloc of Nations, Inc., George Woloshin, Ukrainian-American student leader, and by the guest speaker. A program of folk songs and dances performed by various nationality groups will follow.

After the Rally in Central Park's Bandshell, the participants are going to march to Soviet Russia's Mission to the United Nations, 67th Street and Lexington Avenue, New York, N.Y. to picket in order to call the attention of our fellow Americans and the world to the real enemy of peace and to the main source of the international tension.

By supporting Captive Nations Week Observance we give hope to those in the Russian-Communist and other slavery aspiring for freedom and independence, and we help to preserve freedom in the United States of America.

We implore the News Media and Public to listen to us on July 18, 1971, as we want to preserve freedom here, and we want to restore it everywhere on the globe.

Thank you.

MICHAEL SPONTAK,
Secretary.

[From the Ukrainian Catholic Daily, July 15, 1971]

THE CAPTIVE NATIONS SCORECARD: CAPTIVE NATIONS WEEK, JULY 18–24, 1971

(Remarks of Hon. EDWARD J. DERWINSKI of Illinois in the House of Representatives, Tuesday, May 4, 1971—Conclusion)

(B) THE KUDIRKA CASE

Vibrant conscience expresses itself in many diverse ways, and one of the most important is ready access to political asylum. This has been a time-honored principle of our Republic and a prime reflector of the American conscience. An outrageous violation of this principle occurred in November 1971, when a Lithuanian sailor by the name of Simas Kudirka leaped to freedom from a Russian fishing trawler off Martha's Vineyard and was brutally returned by our Coast Guard. The disclosures in this case will indicate the lapse of conscience and political ineptitude described earlier, in this case a sample of the authorities involved.

It is unnecessary here to dwell on the eye-opening details of the case, for the published hearings are available to the public. From the politico-moral viewpoint, suffice it to say that, traditionally, the extension of political asylum under whatever circumstances, on land, sea or in the air, has been automatic. One of the conclusions arrived at by a congressional body with reference to an involved officer clearly shows the moral aspect of the scandalous case: "In other words, he was saying: 'I've got it made. What do I care for any other human being.' If this attitude is typical of high officials in the Coast Guard, God help America."

But the additional fact is that this human being was defecting from Russia domination of his captive land, Lithuania. A politico-moral sensitivity to this circumstance could only be derived from proper training in terms of the captive nations approach. The testimony reveals how gravely derelict we are in this important respect. Consider this from a Coast Guard officer: "I didn't and I still don't feel there are any facts that the Russians go around killing people." This quote is accurate but the committee did also conclude, "A reading of the many communications on the Kudirka case points up the need not only for aggressive action but for a refresher course in basic English for both Coast Guard and State Department officers." However, aside from the English, it would probably flabbergast the officer to learn that over the past fifty years some 80 million lives have been sacrificed by the Russian totalitarians. The answers given by Admiral Ellis to Representative Derwinski's questions concerning education on the Soviet Union and Russian contempt for international law are enough to indicate the low state of our training."

(C) POLITICAL WARFARE ON THE U.S. TERRAIN

A careful documentation of this subject would have to cover enemy subversive preparations as far back as 1961, that is for overt operations in this form of bombings, propaganda, demonstrations and assassinations. Those of us who as far back as 1952 advocated the creation of a Freedom Academy for the study of Red political warfare can take pride in our vision of things to come. Some senatorial reactions to the bombing of the Senate in March 1971—such as "You wonder what motivates people to do a thing like this" or "The massive bombardment we are continuing year after year against the people of Indochina has its counterpart in the mounting destruction of humane values in our own land"—actually underscore the desperate need of this Academy, even for some naive Senators.

The relation of this dimension to the captive nations lies in the fact that the Russians, through proxy procedure, have established and are supporting training centers in these nations for this operation. For years Moscow has maintained simulated American towns in Ukraine for such training. Cuba has over forty such centers to receive young American renegades under cover of cutting sugar canes. The ouster of four Russian diplomats from Mexico in March, 1971, involved the training of Mexican traitors in North Korea. One would have to be blind, indeed, not to see Hanoi's long arm of supporters in most of the anti-war demonstrations here. In short, it is not just Communist Party participation in this operation to achieve defeat for the U.S. in Vietnam; the preparatory be blind, indeed, not to see Havana, Hanoi, Prague, Pyonyang and other proxy centers of captive lands.

(D) THE 24TH CPSU AND THE CAPTIVE NON-RUSSIAN NATIONS IN USSR

While captive resources are increasingly exploited for the training of traitors in political warfare management in the U.S. and elsewhere, patriots and freedom-fighters in the captive nations seek ways and means to express their nation's desire for freedom and hope for eventual liberation. It should be emphasized that our traitors receive substantial support from our enemies, the patriots in and from the captive nations have not enjoyed equivalent assistance. Nonetheless, in the recent period, the Russian rape of Czechoslovakia, the outbreaks in Poland, the arrests of intellectuals in Ukraine, the inter-republic frictions in Yugoslavia, and the mutual charges of imperialism and colonialism in Moscow and Peking also reflect the basic and imposing reality of the captive nations within the Red Empire itself. The cardinal objective of Moscow and its syndicate members has been and will continue to be the acquisition of Free World agreement to the permanent captivity of their dominated peoples, but the captive nations themselves will from time to time impress themselves on Free World attention, if not on its prudent and insurable aid.

Thus, as concern the pressure of invincible nationalism and the captive non-Russian nations in the USSR, the 24th Congress of the Communist Party of the Soviet Union, held in March–April of 1971, served up additional examples of the far-reaching ramifications and impact of the captive nations. The demands on the part of the Japanese, Belgian, Chilean and other delegations to the Congress for "independence of each party and noninterference in one another's affairs" may be viewed by some as expressions of nationalism, but there is little reason to count on them. Each of these parties would be for naught in their respective countries if there were no powerful Soviet Union. The same applies to the CP's in the Red Empire, as in Yugoslavia, Rumania, Poland, Ukraine and so forth.

What by far was more important was the string of slavish obeisances uttered by leaders of the non-Russian CP's in the USSR. Listen first to Brezhnev: "All the nations and nationalities of our country, above all the great Russian people, played their role in the formation, consideration and development of this mighty union of equal nations that have taken the road to socialism." No sooner was this myth propounded that the so-called Ukranian quickly added, "The revolutionary energy, dedication, diligence and profound internationalism of the Russian people have quite legitimately won them the sincere respect of all the other peoples of our Socialist motherhood." Plainly, isn't Russian domination a paradise of priceless blessings? The Armenian Kochinyan put in his bit of praise for "the role of the culture of the Great Russian people." The Azerbaijan Aliyev piped in "the friendship and mutual assistance of Soviet peoples, headed by our elder brother, the great Russian people" and the Turkestanian Rashidov ranted about "the great striving of people of all nationalities to learn the Russian language . . ." as . . . "convincing evidence of the dedication of Soviet people to this union, of their love and respect for their elder brother." Oh, so sweet this Russification!

Underlying each of these spurious utterances, is of course, the fear of rampant nationalism in the USSR, which justifies the Amalrik question, "Will the Soviet Union Survive by 1984?" The Latvian Voss brought this into focus with his euphemisms about "Our whole Socialist reality brings up the people in the spirit of friendship and fraternity of the peoples of the USSR . . . The Latvian rabble, already thrown on the dustbin of history maliciously libel the friendship and unity of the Soviet people. They spread untruthful statements that suppression of national minorities exists in the USSR . . . Only isolated politically immature people fall for the bait of such, nationalistic fables." Need more be said about the towering reality of the captive nations, particularly those in the Soviet Union itself?

A NEW FOREIGN POLICY? PINGING RATHER THAN PONGING

The scope, ramifications, theoretic structural unity, and fundamentation of captive nations reality and mode of analysis should be perfectly clear by now. In present-day, confused America, these aspects and features deserve wide circulation for sober thought and action. The forum provided by Captive Nations Week in the third week of July (the 1971 Week being July 18–24) should generate such constructive discussion. The President can lead in this with a more forceful proclamation. The Congress can pave new paths by creating a Special House Committee on the Captive Nations. And our foreign policy toward the Soviet Union can be realistically reshaped to deal effectively with Moscow. Even the ping-pong diplomacy of the present, engendering evolving American-Red Chinese contacts and relations, necessitates careful consideration of the captive nations in the Red Chinese imperial complex.

Upon the issuance of the 617-page State Department report on the State of the World, Secretary of State Rogers declared, "My great hope is that the path we are taking can help create among Americans a new national unity and purpose in our foreign policy—a policy no longer haunted by the past, but committed freshly to the opportunities of the future. One cannot but strongly share this hope, and at the same time point to the captive nations approach as its best means of realization. The President's doubt about us ever having another war won't be justified without this approach. To secure peace with freedom means to ping rather than just pong. Opportunities for pinging are great with the captive nations.

THE ST. NICHOLAS DIOCESE,
Chicago, Ill., June 24, 1971.

LEV E. DOBRIANSKY,
Chairman, National Captive Nations Committee, Alexandria, Va.

MY DEAR DR. DOBRIANSKY: Once again the voice of free nations throughout the world find a most appropriate occasion to unite their efforts in behalf of the greatest blessing mankind enjoys on earth—freedom.

The strength of our efforts, commemorated uniquely during July 18–24, 1971, Captive Nations Week, evokes the strongest response possible, that of moral reaction, to the fate of millions who are deprived of both civil and religious fredom. The tragic fate of these countless victims is a constant reminder that the peace and good will which are the goals of civilized nations remain still an elusive objective. The most sacred rights of man are contravened with impunity, and a physical and moral enslavement, incompatible with human dignity, is imposed even on entire nations. The ruthless force and devious guiles of atheistic communism, working contrary to the religious, cultural and economic aspirations of humanity, prolong such evil by attacking the very resources it seizes: the will of man, the creativity of the human spirit, and the hopes for an improved world.

The Ukrainian nation, one of the first victims of this ruthless persecution, nevertheless stands in the vanguard of all captive nations to contradict whatever ominous threats emanate from the Soviet Empire. The indomitable surge to freedom of Ukraine, together with that of other nations laboring under a similar yoke, proclaims that the human spirit is mightier than any force seeking to restrict it, and that aspirations toward freedom can never be permanently denied.

Atheistic communism has set itself in opposition to both God and man, seeking to establish itself as the absolute for all being and activity. Its downfall is already confirmed in this concentration of evil, and we re-new our confidence that history will record its demise along with previous dictatorships.

Our prayers this day are offered for continued strength of purpose, for universal peace and understanding, for the conversion of enemies, and for the enduring blessing of Almighty God upon humanity and the world He has created.

Very sincerely,

JAROSLAV GABRO,
Bishop of St. Nicholas in Chicago.

NATIONAL CAPTIVE
NATIONS COMMITTEE,
Washington, D.C., July 12, 1971.

THE CONFRONTATION OF NEGOTIATION

On the eve of the 1971 Captive Nations Week, the National Captive Nations Committee in Washington has appealed to the President and Congress for a strong expression of "the moral conscience of America toward the one-third of humanity still in the bondage of totalitarian Red tyranny." Proclaimed by the President and most Governors and Mayors of large cities, Captive Nations Week will be nationally observed on July 18–24. This will be the 13th Observance since Congress passed the Captive Nations Week Resolution (Public Law 86–90) in 1959.

Led by its Chairman, Dr. Lev E. Dobriansky of Georgetown University, the committee stresses in its appeal to every Senator and Congressman, "No matter how engrossed we might become in implosive domestic problems, both useful and trivial, the realities of the world we live in may prove to be explosive if we fail to regain our perspective." Charging that we have lost our perspective concerning "the captive nations in toto," Dr. Dobriansky states, "the imposing reality of the captive nations in Eastern Europe, in the USSR itself, Asia and Cuba cannot be ignored if we value our own national freedom." A *Congressional Record* reprint, titled "The Captive Nations Scorecard" and distributed widely by NCNC, points out that if some irresponsible notions on Vietnam were to succeed, more nations in southeast Asia would be added to the now long list of captive nations, dating back to 1920.

"In real terms, the issue today," says the Professor, "is not confrontation *or* negotiation, but the confrontation *of* negotiation." His current book *U.S.A. and The Soviet Myth* highlights the instrument of confetti diplomacy that Moscow and Peking are confronting us with. Behind this confetti, the NCNC statement declares, "The cardinal Soviet Russian objective has persistently been to extract Western acquiescence to the permanent captivity of 27 nations in order that Moscow's penetrations in South Asia, the Mideast, Africa and Latin America may be effected with minimum resistance."

The committee also announced today the election of Dr. Alton Ochsner, Jr. (M.D.) of Louisiana and Mr. Joseph Lesawyer of New Jersey as executive members of NCNC. For years Dr. Ochsner, who is chairman of the Americanism committee of the New Orleans Chamber of Commerce, has spearheaded the Captive Nations Week event in New Orleans. His dedication and selfless works for the cause of human freedom have won him national renown. Mr. Lesawyer is president of the Ukrainian National Association, an American fraternal that has supported the captive nations movement since 1959. The new member has frequently testified at national party conventions in behalf of the captive nations idea.

During Captive Nations Week, NCNC will emphasize (1) the largest captive nation of 700 million Chinese and the U.N. ineligibility of the unrepresentative Peking regime, (2) the need to expand Radios Free Europe and Liberty against Moscow's anti-American propaganda, (3) the Supplemental Statement of the Blue Ribbon Defense Panel on U.S. insecurity in the 70's, and (4) the creation of a Select House Committee on the Captive Nations, "among other ends to symbolize our conscience toward the plight of one billion souls."

CAPTIVE NATIONS WEEK APPEAL BY WOMEN

Women for Freedom and the undersigned women's organizations are appealing to all members of their sex to manifest concern for the millions upon millions of their sisters throughout the world who are still suffering from the burden of being females, and even more so for their religious, political, and social beliefs. These are the enslaved women of the Captive Nations who yearn to express their womanhood through their love of God, family, and friends, but who are denied these basic freedoms by the Communist oppressors of their lands.

Therefore, we call specific attention to the 18th Captive Nations Week which is being observed this year July 18–24 throughout our nation and other free countries. It behooves all women who cherish freedom to participate actively in Captive Nations Week observances in their communities. But beyond this, concerned women should carry forward their commitment to their sisters in captivity through their community groups, organizations, churches, communications media and legislative representatives. In keeping with their love of human dignity, they should seek implementation of the United Nations Declaration of Human Rights, and through their congressmen, they should work for the creation of a Special House Committee on the Captive Nations. At every opportunity they should strive to call attention to the denial of human rights to our sisters in captivity throughout the world.

For the millions of women who do not share with us the dignity of free and unfettered womanhood, we must offer hope, courage and commitment to help them escape the bondage which destroys them not only as women but as human beings.

This, then, would be a true women's liberation movement!

Women for Freedom, Inc., Byelorussian American Women's Association, Czechoslovak National Council of Women in Exile, Georgian National Alliance, New York City Federation of Women's Clubs, Ukrainian National Women's League of America.

Mr. CARNEY. Mr. Speaker, we are now engaged in the 13th annual observance of Captive Nations Week. It is fitting that we set aside this week each year to focus our attention on our 100 million captive brothers and sisters in Communist-dominated Eastern and Central Europe.

Early in this century many American immigrants were fortunate enough to have escaped Communist oppression in their native lands. Others were not so fortunate and were forced to remain behind. It is to these proud people we now offer our affection and our admiration.

Americans everywhere feel a deep compassion for their loved ones across the ocean. No Iron Curtain or Berlin Wall can sever family ties or dampen the human spirit. Indeed, such manifestations of Communist oppression as these only serve to rekindle the flames of freedom. That freedom-loving spirit lives in all the captive lands. It exists in the hearts of those oppressed as certain as faith and hope and the will to be free exist.

The freedom-loving people of Hungary and Czechoslovakia knew this feeling. Despite overwhelming odds and the prospect of much bloodshed, they fought valiantly but vainly to shed the yoke of totalitarianism. In the face of such courage, can we, as Americans, afford to let our moral consciences sleep? Can we afford to watch the flames of freedom smolder?

I sincerely believe the deprivation of liberty does not destroy the desire for it. That is the reason my colleagues and I can look to the day when the peoples of the captive nations will once again be free.

Therefore, let us officially manifest both to those governments that oppress, and to oppressed peoples everywhere, our deep and enduring concern for the freedom of all nations. Let us reassert our willingness to support those who seek the cherished fruits of liberty.

We Americans extend our hands in friendship to the people of Eastern and Central Europe. We offer our prayers and words of encouragement to nourish and strengthen their spirit. We endorse, and will continue to boldly and firmly endorse, the proclamations designating Captive Nations Week until freedom, self-determination, and human dignity are a reality for all mankind.

Mr. WOLFF. Mr. Speaker, once again this week we observe Captive Nations Week. We set aside this week each year to reaffirm our commitment to freedom for all men, and to show that we do not forget the citizens of those countries which still suffer under Communist domination.

During the past year, we have seen many signs that these oppressed peoples have not given up their hope for freedom and self-determination. The unrest among Polish workers this past winter is a sign that the peoples of Eastern Europe do not support their Communist rulers. The continued resistance of Ukrainians and other nationalities to the Soviet Government's policy of forced Russification is proof that all is not well in the Soviet Union itself. And most spectacularly, the heroic protests of Soviet Jews have called the attention of the entire world to the inequities of Soviet nationality policy.

But these are only the most recent indications of the courage and dedication of these captive nations. The record of many years shows their unbroken determination to enjoy the blessings of peace and freedom.

Living in freedom, we often tend to forget that much of the world languishes under Communist domination. This week gives us a chance to show that we have not forgotten, to show our hope that these nations and the entire world may soon enjoy peace and liberty.

Let us hope for the day when there will no longer be a need for Captive Nations Week. But until that fortunate time arrives, let us rededicate ourselves to bringing to the captive peoples, and to all mankind, the chance to live in freedom.

Mr. DELANEY. Mr. Speaker, this week marks the commemoration of the history of the gallant people living in Communist occupied Cuba, Europe, and Asia. A number of years ago Congress established the custom of setting aside a week in symbolic behalf of those people enslaved by tyranny.

Throughout this Communist occupation the people behind the Iron Curtain have been subjected to a determined effort to destroy their national heritage. Hundreds of thousands of them have been dragged from their lands by the Communists intent upon destroying the ethnic character of their populations. Not in their long and glorious histories have these people experienced such a barbarous annihilation as they have experienced during the years of Soviet Russian rule.

Yet in spite of the attempts of the Communists to surpress their national aspirations, these captive peoples continue to express their desire for freedom. Their continuous opposition and their attempts to revolt have demonstrated to the world that these people will always strive for freedom and for the right to determine their own destinies.

The people of the United States recognize the plight of the captive people and anticipate the day when they will be allowed to rule their homeland unrestricted by Communist tyranny. I join with them in praying for the day when the Communist overlords are finally expelled and the enslaved peoples will once again take their rightful place among the free nations of the world.

Mr. MONAGAN. Mr. Speaker, I am proud to join my colleagues and all concerned Americans in the 13th annual observance of Captive Nations Week, July 18–24. We again give public notice that all people under the heel of oppressive governments, Communist and others, have the support and sympathy of the United States in their struggle against tyranny.

Since President Eisenhower began the observance in 1959, Captive Nations Week has served to demonstrate that the American people realize and are grateful for the responsibility of a free society. The liberties embodied in our Constitution must not be taken for granted. To insure their continued existence we must continue to work for the freedom of all nations. Our most important export is our free system which, more than any other single factor, will serve to crumble the walls of tyranny which encircle captive nations worldwide.

Mr. Speaker, we must continue our support for these millions of individuals in their struggle for self-determination. To protect our own precious freedom we must aid them toward choosing and directing their own forms of government.

Captive Nations Week should serve to remind all U.S. citizens that they must guard against any encroachment upon their liberty, and it should be a beacon to the subjects of repressive governments everywhere that the free citizens of America have not forgotten their plight and struggle. Mr. Speaker, I urge all patriotic Americans to join me and other Members of Congress in observing Captive Nations Week. It is a service in the interest of a free America and a free world.

Mr. BUCHANAN. Mr. Speaker, the deprivation of inalienable human rights by a totalitarian government is fortunately an unknown concept in the American experience. Yet in the satellite nations of the Soviet Union and Communist States of Asia, "life, liberty, and the pursuit of happiness"—ideals which free men take for granted—are merely hollow phrases, flouted by tyrannical regimes. It is in recognition of this suppression of the freedom and independence of literally hundreds of millions of Europeans and Asiatics that we once again formally proclaim Captive Nations Week.

In July of 1959, President Dwight D. Eisenhower, a free world leader who devoted his life to the opposition of tyranny of all kinds, joined with Congress to establish Captive Nations Week. The congressional resolution, noting the denial of national independence of 22 states because of direct or indirect aggression by the Soviet Union, has annually permitted us to focus unified national attention on the plight of those unfortunate people behind the Iron Curtain. Twelve years later, this resolution empowering American presidents to proclaim Captive Nations Week each year until "such time as freedom and independence shall have been achieved in the captive nations of the world" must sadly still be in effect.

The continuing subjugation of civil liberties in the Communist controlled nations serves to illustrate the fundamental hypocrisy of Marxist doctrine. Karl Marx, depicting the downfall of capitalism in the Communist Manifesto, predicted that governmental dictatorship would wither away once the communistic proletariat structure had replaced the old capitalistic system. Yet rather than miraculously vanishing after the Bolshevik Revolution, the central political machine rapidly expanded to infringe on virtually every phase of life of the Russion citizenry. Within three decades the Stalinist colossus had overflowed its borders and brutally annexed the ten neighboring nations to the west.

Since these illegal invasions, every effort to counter Soviet hegemony in these lands has been viciously stamped out. The facts speak for themselves. In 1956 the Polish workers of Poznan were brutally suppressed when they rose up against the puppet dictatorship in Warsaw. That same year witnessed Russian tanks firing on Hungarians in the streets of Budapest. In Berlin the puppet Communist government was forced to construct a physical barrier to prevent mass flight to a free land. Three years ago, troops of the Soviet Union and four of her satellites invaded Czechoslovakia to thwart the burgeoning "liberal" policies of the Dubcek regime. The pronouncement of the Brezhnev doctrine, stating the intention of the Soviet Union to interfere with any Communist state in which forces hostile to socialism seek to infect the public mind with capitalistic ideals, expressly commits the Soviet Union to continued direct domination of all captive nations.

I join with my distinguished colleagues in urging all Americans to participate in Captive Nations Week by reevaluating our own rights and freedoms which are easily taken for granted in our prosperous and fortunate land. It is my prayer that the millions of people living in captivity may find strength in the expressions of sympathy and spirit of hope which reaches out to them through the Iron Curtain.

Mr. MINSHALL. Mr. Speaker, we once again observe Captive Nations Week with words of hope for the enslaved peoples of the world, and with faith that ultimately self-determination will be restored so that they can freely decide the form of government under which they choose to live.

On these occasions in the past, I have

urged that the House of Representatives give more than lipservice to its good intentions by enacting the resolution which would create a special committee on the captive nations. I have been cosponsoring this resolution in repeated Congresses and it still is gathering dust in committee. Our words on the House floor today would be given more credence were we to insist that this resolution be brought to the whole House for a vote. Creation of the committee, in the words of the resolution, would provide a "continuous and unremitting study of all the captive nations for the purpose of developing new approaches and fresh ideas for world peace with freedom and justice".

For the benefit of those who may not be familiar with this legislation, I wish to place it in the Record at this point, with my fervent hope that at long last it will receive the approval it so richly merits:

H. Res. 293

Whereas on the all-important issue of imperio-colonialism the posture of imperialist Moscow, as shown in part by the rape of Czechoslovakia and the Brezhnev doctrine, has not been adequately exposed by us in the United Nations and elsewhere; and

Whereas Presidential proclamations designating Captive Nations Week summon the American people "to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the people of those captive nations"; and

Whereas the nationwide observances in the eleven anniversaries of Captive Nations Week have clearly demonstrated the enthusiastic response of major sections of our society to this Presidential call; and

Whereas, following the passage of the Captive Nations Week resolution in 1959 by the Congress of the United States and again during the annual observances of Captive Nations Week, Moscow has consistently displayed to the world its profound fear of growing free world knowledge of and interest in all of the captive nations, and particularly the occupied non-Russian colonies within the Soviet Union; and

Whereas the indispensable advancement of such basic knowledge and interest alone can serve to explode current myths on Soviet unity, Soviet national economy, and monolithic military prowess and openly to expose the depths of imperialist totalitarianism and economic colonialism throughout the Red Russian empire, especially inside the so-called Union of Soviet Socialist Republics; and

Whereas, for example, it was not generally recognized, and thus not advantageously made use of, that, in point of geography, history, and demography, the now famous U–2 plane flew mostly over captive non-Russian territories in the Soviet Union; and

Whereas, in the fundamental conviction that the central issue of our time is imperialist totalitarian slavery versus democratic national freedom, we commence to shed popular light on this issue by assembling and forthrightly utilizing all the truths and facts pertaining to the enslaved condition of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and other subjugated nations; and

Whereas the enlightening forces generated by such knowledge and understanding of the fate of these occupied and captive non-Russian nations would also give encouragement to latent liberal elements in the Russian Soviet Federative Socialist Republic—which contains Russia itself—and would help bring to the oppressed Russian people their overdue independence from centuries-long authoritarian rule and tyranny; and

Whereas these weapons of truth, fact, and ideas would counter effectively and overwhelm and defeat Moscow's worldwide, anti-American propaganda campaign in Asia, Africa, the Middle East, Latin America, and specifically among the newly independent and underdeveloped nations and states; and

Whereas it is incumbent upon us as free citizens to appreciatively recognize that the captive nations in the aggregate constitute not only a primary deterrent against a hot global war and further overt aggression by Moscow's totalitarian imperialism, but also a prime positive means for the advance of world freedom in a struggle which in totalistic form is psychopolitical; and

Whereas in pursuit of a diplomacy of truth we cannot for long avoid bringing into question Moscow's legalistic pretensions of "noninterference in the internal affairs of states" and other contrivances which are acutely subject to examination under the light of morally founded legal principles and political, economic, and historical evidence; and

Whereas, in the implementing spirit of our own congressional Captive Nations Week resolution and the twelve Presidential proclamations, it is in our own strategic interest and that of the nontotalitarian free world to undertake a continuous and unremitting study of all the captive nations for the purpose of developing new approaches and fresh ideas for world peace with freedom and justice: Now, therefore, be it

Resolved, That there is hereby established a nonpermanent committee which shall be known as the Special Committee on the Captive Nations. The committee shall be composed of ten Members of the House, of whom not more than six shall be members of the same political party, to be appointed by the Speaker of the House of Representatives.

Sec. 2. (a) Vacancies in the membership of the committee shall not affect the power of the remaining members to execute the functions of the committee, and shall be filled in the same manner as in the case of the original selection.

(b) The committee shall select a chairman and a vice chairman from among its members. In the absence of the chairman, the vice chairman shall act as chairman.

(c) A majority of the committee shall constitute a quorum except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

Sec. 3. (a) The committee shall conduct an inquiry into and a study of all the captive non-Russian nations, which includes those in the Soviet Union and Asia, and also of the Russian people, with particular reference to the moral and legal status of Red totalitarian control over them, facts concerning conditions existing in these nations, and means by which the United States can assist them by peaceful processes in their present plight and in their aspiration to regain their national and individual freedoms.

(b) The committee shall make such interim reports to the House of Representatives as it deems proper, and shall make its first comprehensive report of the results of its inquiry and study, together with its recommendations, not later than January 31, 1972.

Sec. 4. The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within or outside the United States to hold such hearings, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable.

Sec. 5. The committee may employ and fix the compensation of such exports, consultants, and other employees as it deems necessary in the performance of its duties.

Sec. 6. The committee shall enjoy a nonstanding status, performing its duties in the course of the Ninety-second Congress and subject to renewal only as determined by needs in the completion of its work and further purposes of the House of Representatives.

Mr. BROOMFIELD. Mr. Speaker, during this week commemorating Captive Nations Week, I wish to pay tribute to the courage and determination of the peoples of the captive nations for their continuing efforts to achieve their personal freedoms.

This week marks Captive Nations Week which was inaugurated in 1959 by a joint resolution of the Congress—Public Law 86–90—a time when we must once again solemnly reaffirm our commitment to the 100 million people in East Europe. Twelve years ago, the late President Dwight D. Eisenhower was the first Chief Executive to issue a Presidential proclamation to that effect.

We have seen a continuation of Communist domination of the countries in East Europe. Last year, however, there was open protest in Poland by workers against higher prices for food. These protests led to the downfall of Gomulka.

The goal of the Soviets at present is to maintain the status quo in the captive nations. The Brezhnev doctrine of limited sovereignty for Eastern Europe is not acceptable to free men.

The United States needs to continue to use all the resources of diplomacy, morality, and world public opinion so that freedom is ultimately restored to the peoples of the captive nations.

We know that while the Communists can stamp out the flame of revolt, as we witnessed in Hungary and Czechoslovakia, the spark of freedom continues to live in the hearts of the people living behind the Iron Curtain. We know that they await the day when they will rise up and throw off the yoke of tyranny.

We, therefore, observe Captive Nations Week in the hope that our concern in their welfare will hasten the day in which the peoples of these countries join the family of free nations.

Mr. DINGELL. Mr. Speaker, I am honored and privileged to join my colleagues in the House in the 13th observance of Captive Nations Week.

The 86th Congress wisely set aside the third week of each July as Captive Nations Week and thus gave the American people an opportunity to reiterate their support for the universal principles of freedom and self-determination for all of mankind. It is my hope and belief that this annual observation serves to sustain the hopes of captive peoples throughout the world that freedom shall one day return to their lands.

It is saddening, indeed, that one of the tragic legacies of World War II is the continuing domination by the Soviet Union of the people of many European nations. The coldly calculating policy of Soviet colonialism and exploitation is forced upon the peoples of many lands through Communist tyranny and military force.

The specter of communism also has been forced upon hundreds of millions of people in other nations throughout the world. In every instance, the Communist dictatorships seek to enslave the minds and hearts of their subject peoples trough the device of totalitarian control. Individual liberties are denied and imprisonment or worse is the lot of those who dare to protest.

Communist imperialism has led to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, Slovakia, North Viet Nam, Cuba, and others.

Recent history makes it clear, however, that the peoples of these nations do not willingly accept Communist domination. The people of Poland, for example, have maintained a continuing struggle for their freedom against the Soviet-dominated government of Poland. The most recent example of their resistance came in December of 1970 when Polish workers demonstrated in the streets against the economic policies of the Gomulka regime and forced the government to substantially ease their plight. The peoples of Hungary, Czechoslovakia, and other nations have similarly demonstrated their disdain for their Communist oppressors.

We all hope that this observance of Captive Nations Week will strengthen the will of oppressed peoples throughout the world and encourage their Communist masters to restore freedom to these nations.

Mr. CRANE. Mr. Speaker, at this particular time when all Americans again join in recognizing the plight of those people who still live under captivity in totalitarian societies, I think it is important for us to reexamine some of those assumptions that were universally accepted by Americans at the end of World War II than they would seem to be today.

At that time, one of our primary objectives for going to war—as had been our primary objective in World War I—was to make the world safer for democracy. In Woodrow Wilson's phrase, "to make the world safer in the post world war era for all individuals in the enjoyment of their inalienable rights."

We have in recent times, however, heard an argument gaining force that the Soviets have some kind of a claim to enjoy a sphere of influence, and that sphere of influence, of course, involves holding many millions of people in subjugation. The American view, by contrast, was the basis for the Atlantic Charter, the Charter of the United Nations, and the other World War II declarations to which the Soviet Union was a party, and to which the Soviet Union has turned its back. Abraham Lincoln said better than a century ago that this Nation could not exist half slave and half free and before the century was out, it would be either all one or all the other. I think in our telescoped world of the 20th century, one might appropriately say that the world cannot exist half slave and half free. And it must be the continuing commitment of all of those people who cherish liberty to renew their dedication and their consecration to those ideals of liberty for which this Nation has gone to war in many times past.

The imposing reality that there are still people living in captive countries cannot be ignored. There are many that would like to wish it away. But the fact is that in 1968 Czechoslovakia saw a reassertion of Soviet Russian domination; in our country we had, at the end of 1970, the famous Kirdurka case—the Lithuanian sailor who sought asylum and was denied it—an incident which has placed a blemish on our moral conscience. The Polish unrest at the end of 1970 was also an indication of the pertinence and the relevancy of Captive Nations Week. In addition to that the reemphasis placed on the Brezhnev doctrine at the 24th Communist Party Congress last March and April was only another way of saying that Moscow is intent upon maintaining its control in Central Europe; in the U.S.S.R.; among the many non-Russian nations; in Asia; and in Cuba. In conclusion I would like to recite a quotation from the former House Speaker, the Honorable John McCormack, who stated:

> We must never for a moment forget the nations large and small which live under dictatorship. We must never forget the ideals of the people who yearn for freedom, and most of all we must never forget that it is freedom which is the truth they seek, and cannot be forgotten.

Mr. GAYDOS. Mr. Speaker, each year Americans observe the date our Nation won its freedom in a war against tyranny nearly 200 years ago. The 4th of July has become quite an occasion for us. It is a national holiday. We take off work. We gather with friends and relatives for picnics and reunions. We listen to patriotic speeches, watch a parade of bands, and top the whole day off with a grand and glorious display of fireworks.

I admit I enjoy these festivities. I relish a 3-day holiday and the time I can spend relaxing with my family. Yet, I cannot help but feel the true feeling for the fourth has been lost. It has become something like a summertime Christmas, decorated with so much tinsel and other trimmings that we have buried the real observance of freedom. Our appreciation for what we have in this Nation has been dulled.

Fortunately, I get a reminder each year which makes me reflect on what it does mean to be an American. The reminder comes in the form of an invitation to participate in the annual observance of "Captive Nations Week." The Assembly of Captive European Nations never fails to point out there are hundreds of millions of people in Europe who look toward the United States as the symbol of liberty.

Like millions of Americans, I have a kinship with those people, the people of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Romania. The district I represent, the 20th District of Pennsylvania, has strong ties with these nations. We know the people there nurture a strong, fierce desire to be free. Quite possibly their desire is greater than ours since we have basked in the light of liberty for nearly 200 years, while they are denied the right of all men and must fight continually to gain it against overwhelming odds. We have seen this desire burst into hot flame. It did in 1956 in Poland and Hungary; in 1968 in Czechoslovakia; and last December again in Poland. Their Communist captors, however, were quick and brutal in stifling the flames before they spread.

The embers of that fire cannot be permitted to be extinguished. That is why each year for the past 12 years the President of the United States has set aside the third week of July as "Captive Nations Week" and urged all Americans, regardless of nationality, to demonstrate a united support of freedom for those oppressed. This is the fuel which we, who enjoy freedom, must use to fan the flames which burn in nations shut off from the world by a curtain of captivity.

That is why, Mr. Speaker, I believe it is an obligation, not a pleasure or privilege, to join with the Assembly of Captive European Nations in supporting the universal principles of freedom and self-determination for all mankind. We cannot afford to forget them. The world cannot afford to forget them.

WILL AMTRAK BECOME A SUCCESS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, today I reintroduced House Joint Resolution 613 to improve the national railroad passenger service and for other purposes, bringing the total number of cosponsors to 51. At this point I include a list of those cosponsors:

List of Cosponsors to House Joint Resolution 613

Andrews of North Dakota, Aspin, Baker, Bennett, Brademas, Brinkley, Carney, Collins, Conable, Conte, Diggs, Donohue, Dow, Dulski, Duncan, Fish, Grasso, Gubser, Halpern, Hansen of Washington, Harrington, Hicks, Hillis, Horton, Keating, Kemp.

King, Lent, Link, McCloskey, McClure, McKevitt, McKinney, Minshall, Morse, O'Konski, Podell, Powell, Quillen, Reid of New York, Roe, Roush, Roybal, Schwengel, Seiberling, Smith of New York, J. William Stanton, Stratton, Terry, Ullman, Whitehurst.

Mr. Speaker, in addition, today, 23 of us cosigned the following letter which was mailed to the gentleman from West Virginia (Mr. Staggers), the distinguished chairman of the House Committee on Interstate and Foreign Commerce:

House of Representatives,
Washington, D.C., July 21, 1971.

Hon. Harley O. Staggers,
Chairman, Committee on Interstate and Foreign Commerce, Washington, D.C.

Dear Mr. Chairman: We, the undersigned, have noted the recent Amtrak decision to incorporate a Washington, D.C.-Cumberland-Clarksburg-Parkersburg route into the basic system. This follows a similar announcement to reinstate rail passenger service in Montana, also at no cost to the states involved.

We believe this comes at a most inopportune time, for it is certain to have an adverse psychological influence on any state planning to vote on appropriations for section 403(c) funds for maintenance of rail passenger service.

We do not believe Amtrak should continue to add to the basic routes by following this seemingly arbitrary, capricious and piecemeal procedure.

We therefore call upon you as Chairman of the Committee on Interstate and Foreign Commerce to initiate a full investigation into the selection process of new routes, and to request Amtrak to make a study as to ways to expand this system under existing or new legislation.

We firmly believe unless Amtrak deals with all parts of the Nation with fairness and equity, it cannot become a success.

Sincerely,

Les Aspin, Charles E. Bennett, Jack Brinkley, Silvio O. Conte, Ella Grasso, Seymour Halpern, Michael Harrington, Louise Day Hicks, Elwood Hillis, Frank Horton, Jack Kemp, Paul N. McCloskey, Jr., James A. McClure, Joseph M. McDade, William E. Minshall, F. Bradford Morse, Alvin E. O'Konski, Carl D. Perkins, Walter E. Powell, J. Edward Rouse, Henry P. Smith, III, John H. Terry, Al Ullman.

Mr. Speaker, the States of Michigan, Ohio, and New York worked long and hard within the concept of section 403(c) to obtain a temporary route, in addition to the previously announced basic system, from New York City to Detroit by way of Buffalo, Cleveland, Toledo, and Chicago. It is probable that Pennsylvania, Indiana, and Illinois will join in the agreement later.

Many meetings were held with transportation leaders in the various States, and I was fortunate to be on hand in Cleveland at the first, key, joint meeting. I then arranged a meeting for the Great Lakes group with Amtrak officials so we could determine firsthand how that temporary route could be obtained.

Amtrak officials laid down some strict requirements, not to mention the fact that New York, Ohio, and Michigan had to pledge to pick up two-thirds of the losses which could range from $3 to $5 million. The Governors and legislative leaders of the above States had to come out with definitive statements regarding the pledge, and legislation authorizing the funding was also a requirement.

After a tremendous extra effort by the States and after a lot of anxiety, Amtrak finally granted the temporary service. However, this is the way it should be, but I felt that two-thirds was too much for the States to bear and therefore my legislation reduces down the State contribution to one-third.

Nothing has been done in either the Senate or the House to ease the burden on the State contribution under section 403(c). But lo and behold, Mr. Speaker, what do we read in the paper—Montana and West Virginia get temporary service with no pain or strain. This is arbitrary, capricious, and discriminatory. It is an insult to every State legislature in the country with the exception of those that benefit from preferential treatment.

For this reason, a number of us have cosigned a letter to Chairman Staggers requesting prompt hearings. We want the Amtrak officials called before the House Interstate and Foreign Commerce Committee to explain this action. Without an equitable program, Amtrak is doomed to failure.

Mr. Speaker, I have discussed this with a number of my colleagues in addition to the cosigners and cosponsors and we are all anxiously awaiting a full investigation into Amtrak policies. Should this not be forthcoming in the near future, I have promised my colleagues that I will take a special order for 1 hour at which time we will review in depth Amtrak decisions and discuss ways and means to end these discriminatory actions.

In view of this, I cannot predict what action will be taken by the legislatures of New York, Ohio, and Michigan in appropriating moneys to keep their agreement viable. Amtrak certainly gave the Great Lakes agreement an adverse psychological blow.

However, Mr. Speaker, we all want to see Amtrak become a success. I certainly hope the members of the Interstate and Foreign Commerce Committee will give them a chance.

VICE PRESIDENT AGNEW'S DENUNCIATION OF BLACK LEADERSHIP IN AMERICA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan (Mr. Diggs) is recognized for 60 minutes.

Mr. DIGGS. Mr. Speaker, the remarks of Vice President Agnew this past weekend denouncing black leadership in America while heaping praise upon the leaders of African nations are typical Agnewisms—wedges planted deliberately in attempt to divide and conquer. His attack follows a very consistent and typical pattern. It was scarcely surprising to anyone who has read or heard his utterances on any segment of the public, branches and members of government, students, peace seekers, the press, and on and on, so long as they are those whose views are at variance with his. This apparently is the Vice President's way of fiddling while Rome burns; of telling the world it is marching out of step with him. His attack was new only in the fact his harangue from Spain is the first time in memory that any head of Government has gone abroad to attack citizens of the country he represents.

While the Vice President speaks of those "who have arrogated unto themselves the position of black leadership," it might be called to his attention that he has been often and most recently noted to be singularly out of step with pronouncements and action from the ultimate source of leadership from the White House, the President of the United States. The congressional black caucus and China are just two cases in point. In his meeting with the congressional black caucus, the President said:

> I can understand why you are here. Black people have not received a fair shake in America. If I were you, I would be on the other side of the table pleading this case.

Apparently, the Vice President is unaware of this statement.

Further, Mr. Agnew has not been noted, in the past in his own State as Governor, nor presently in his Vice Presidency, for his communication with black Americans. Although his statements are very difficult to follow with any degree of logic, it is not hard to understand that times and the people have indeed passed him by. The Vice President also seems unaware that the matter of black leadership is not within his province to decide—just as white leadership and leadership of ethnic groups, student groups, peace groups, and so forth, are not. With regard to black leadership, blacks and people of good will, without regard to race, have decided this matter by elections and/or by their demonstrated support, whether in civil rights groups, the political arena, or any area of social concern.

It is regrettable that the Vice President was so intent on misuse of his meetings in Africa that he missed the significance of the venerable and dynamic leadership of Ethiopia, Kenya, and the Congo as it relates to the links between black Americans and Africans and the mutual issues of concern which bind us together.

Mr. Agnew might well have pointed out determination of Kenyatta, of Kenya, to achieve self-determination for his people. He might have noted his commitment to attaining the fullest political representation and participation in the governmental processes for the people of Kenya. Black American leadership has the same goals.

In this century, Haile Selassie has no peer in symbolizing the will of his people to be free and not yield to colonial oppression.

In obvious contradictory statements, one notes the Vice President's remark that:

> We in the United States make a mistake in attempting to expect immediate representative government in areas where there has been absolute chaos through "this importation of subversion from Communist countries."

Chaos by colonialism is the fact history establishes.

Leaders everywhere, Mr. Agnew should have pointed out, should study the example of Mobutu in developing a strong economy and an effective government in a country which less than a decade ago was ravaged by colonialism and internal wars.

With appalling lack of perception and grasp, it appears not to have struck the Vice President that black Americans have been for centuries a part of a reputedly "representative government—by, for, and of the people"; that the demands of black citizens are then far overdue for the immediate representation and the proper voice in its own government which has been so long and arbitrarily denied.

Black Americans are proud of the work that Africans are doing within their own countries, but there are problems in which they seek and need the assistance of American Blacks and of the U.S. Government. This was a specific issue of discussion with the Vice President in the Congo—U.S. aid.

While the Vice President seems to attempt to distract attention from this issue, the Congressional Black Caucus in its presentation of recommendations to the White House and to congressional leadership of both parties, has pressed for proper attention to Africa through priority allocation of aid. The facts are U.S. aid to the Congo over a period of the last decade exceeded $400 million, an amount that represents more than the United States has given any other African nation. On the other hand, the United States has given assistance in the billions of dollars to help in the restoration of European countries and the development of Latin America and Asia. Again, while admiring the leadership of these African countries which need U.S. aid, the administration which Mr. AGNEW represented in his visits stands behind a sugar subsidy allocation to the wealthy white-minority ruled Republic of South Africa.

The Congressional Black Caucus has led the fight against that allocation. Surely, in reference to his pronouncements on black leadership, the Vice President must know that our efforts had the support of black leadership groups in general, that South Africa is the only country in the world where economic, social, and political discrimination is the proclaimed policy of the government, instituted and implemented by law in the world's most hideous form of racism—apartheid, that a sugar subsidy to South Africa gives sanction and support to these practices and policies.

Mr. AGNEW's trip was to enable him to familiarize himself with developments in the countries he visited; to talk with their leaders and to report to the President on his observations.

Black leadership will not be deposed nor its unity dispelled by the Vice President's attack. In cooperation with all black leadership, national and international; in cooperation with men of goodwill whatever race, color, or creed, we will continue to direct our efforts toward change in the harsh conditions under which all too many poor, black, and oppressed citizens of America and the world are forced to live.

The dedication of the Congressional Black Caucus is to help America finish its highest task—the liberation of its black and minority citizens. We will continue to do our problem solving within the framework of representative governmental processes and thus help this Nation to have its ultimate chance of fulfilling its commitment to one open society with liberty and justice for all.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding. I commend the gentleman as the senior Member from the Democratic side of the aisle and of the Michigan delegation in the House of Representatives, and also as chairman of the black caucus for a most perceptive statement. Without attempting to be emotional or vitriolic he has responded to the slanderous statements that the Vice President leveled at black American leadership.

I feel the gentleman's statement will be helpful for all of those Members in the House of Representatives who are interested in accomplishing the goals that have created the necessity for the formation of the black caucus.

Again, under the leadership of the gentleman in the well, I think we will begin to forge a more responsive group of Members willing to speak to the issues that the distinguished gentleman from Michigan raises.

Then perhaps some day we can begin to solve some of those issues.

I thank the gentleman for yielding.

Mr. DIGGS. I thank the gentleman for his contribution.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from California.

Mr. EDWARDS of California. I thank the gentleman for yielding. I commend the gentleman from Michigan for arranging time today so that we can join him with words on this most important subject.

Vice President AGNEW's remarks while en route to join the celebration of over 30 years of rule by General Franco, that black leaders in the United States could well learn a lesson from the black leaders of Ethopia, Kenya, and the Congo countries from which he had just departed on his round-the-world tour, are but another indication of his continuing insensitivity to the goals and aspirations of the black people of this Nation. The man who stated 3 years ago that he did not need to tour a ghetto "because if you have seen one ghetto you have seen them all" has not grown in the office of Vice President to the extent that he is able to differentiate between the situation faced by the leadership of African nations and that which confronts black leadership here at home.

Perhaps, as Mr. STOKES so eloquently stated in yesterday's CONGRESSIONAL RECORD, Mr. AGNEW's difficulty stems from the fact that he is totally unaccustomed to seeing blacks in leadership positions because the Nixon administration has so miserably failed to appoint blacks to positions of responsibility in this Government. Having watched and listened to the Vice President for 2½ years, it is conceivable to me that he is so out of touch with the movement for social change here at home that he is genuinely unaware that the leadership qualities he so admires in the black leadership of Ethiopia, Kenya, and the Congo could be duplicated in our own Government if the Nixon administration was willing to provide American blacks with the same opportunities for responsible leadership which exist in the countries that Mr. AGNEW has visited.

Yet, although I can recognize as a fact the isolation of this administration from the concerns and needs of this Nation's black communities, I cannot for a moment condone or excuse the insensitivity which has produced this isolation and which leads to the type of remarks made by Mr. AGNEW during his flight. There is no excuse for the fact that Mr. AGNEW expects this Nation's black leadership to grovel in thanks for the few morsels which blacks have received from our bounteous affluence. There is no excuse for Mr. AGNEW's lack of appreciation for the courage of this Nation's black leadership in awakening this Nation's conscience to the need for fulfillment of the constitutional ideals on which this Nation was founded. The price that black leadership, and all black citizens have had to pay for the recognition of fundamental rights in this society is too great for us to have patience with one who would disparage this contribution.

Our country's black leadership needs no defense from me; its record of achievement speaks for itself and equals, if not transcends in majesty, that of the African nations which Mr. AGNEW admires. In truth, the black leadership of this Nation deserves praise rather than scorn from Mr. AGNEW because it has fought for social justice and equality with nonviolent respect for human values and freedom that has not been shown by the society which oppresses them. The black leadership of Kenya and the Congo have been at least able, in recent years, to work in a context which is free of colonial suppression and Haile Selassie of Ethiopia has ruled proudly and independently for decades. Mr. AGNEW would be free to make a fair comparison between the black leadership of this Nation and that of Kenya, Ethiopia, and the Congo if instead of criticizing, he would turn his attention and efforts to removing the remaining obstacles from this society that preclude black leadership in this country from the responsibility and power which Mr. AGNEW admires in their African brothers.

Mr. DIGGS. I thank the gentleman from California for his elaboration of this response.

Mr. ABOUREZK. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from South Dakota.

Mr. ABOUREZK. I want to commend the gentleman from Michigan for taking this time to respond to Mr. AGNEW's remarks. I, too, think it is important to consider that Mr. AGNEW was on his way to celebrate the anniversary of a dictatorship of over 30 years in Spain. We all know the history of that country since Mr. Franco has been in power there. However, I am not sure that we ought to be surprised as to what the Vice President said while there. He has been bad-mouthing people for quite some time now. If he were not in the high office of the Vice President of the United States, his remarks about everybody, including the black leaders of this country, would be taken as nothing more than the bad-mouthing of a redneck, if I might be permitted to compare him with a redneck. But the Vice President, because he holds this high office, does command the national press and the world press for what he says in derogation of other people. I think we ought to recognize it as that.

I am not saying that we ought to forgive him, but I do want to tell the gentleman that in South Dakota last year during the 1970 election campaign, when South Dakota, which had been a very strong Republican State for a long period of time and when things looked bad for the Democrats, the Republican strategy called for the visit of our Vice President to South Dakota. Of course, we all welcomed him to the State, as a very high official of this country. When he got there he engaged in the same kind of rhetoric, the vicious and pernicious mudslinging slander that he almost always engages in. Almost instantaneously the tide of the campaign started to turn. As you know, the Democrats picked up and swept the State.

So I am not sure that you ought to entirely condemn and criticize him. It may be that the fortunes of black people might pick up if you allow him to continue with what he is doing.

I thank the gentleman for yielding.

Mr. DIGGS. I thank the gentleman. That comment by the gentleman who just spoke certainly is food for thought for following that technique. I thank him for his contribution.

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I am glad to yield to the gentleman.

Mr. STOKES. I thank the gentleman for yielding.

Mr. Speaker, I wish to commend the gentleman in the well, the distinguished representative of the State of Michigan, a man who also serves as the very distinguished chairman of the congressional black caucus, for having taken this special order on this very important subject. I wish to associate myself entirely with the remarks that he has made in the well and commend him for having stated so very well and so succinctly the immense problem that comes about as a result of the kind of statements made by the Vice President of the United States.

Mr. Speaker, I rise today in opposition to the Vice President's recent pronouncements from Madrid on the subject of black American leadership.

Vice President AGNEW has recently completed a tour of Africa which included Ethiopia, Kenya, and the Congo. This trip provided a unique opportunity for the Nixon-Agnew administration to show itself above the conflicts that embroil and sometimes embitter us at home. Black Africans have watched the progress of their brothers in America over the years. Young African children have studied the patient struggle of black Americans from emancipation to the present day. They have followed the fight for equality in education, housing, and jobs. They have been aware of the NAACP's gains in the courts in the area of enforcement of existing laws. They waited, with us, the many years before passage of a civil rights law by the Congress of the United States. And, with the rest of the world, they heralded the coming of nine, then 13, black legislators to the House of Representatives, culminating in the formation of the congressional black caucus.

If he were a stateman, a quality his office should evoke from him, Mr. AGNEW would have spoken in positive terms. He would have called upon the Africans' knowledge of American history and added to it. He would have spoken of the gains black Americans have made over the years, and pointed to the 1,860 black elected officials as tangible evidence of those gains. He would have demonstrated to the Africans he met that, in America too, black political maturity is becoming a reality.

But he did nothing of the sort, Mr. Speaker. Instead, and again, black Americans have been slapped in the face by the Nixon-Agnew combine. Not a single gain was cited, and his remarks, instead of being those of a statesman, were those of a backroom politician intent upon hacking up his political adversaries. He referred to black leaders as—

> Those in the U.S. who have arrogated unto themselves the position of black leaders, those who spend their time in querulous complaint and constant recriminations against the rest of society.

With typical shortsightedness he did not recognize that the same system that produced the so-called querulous and complaining black leaders produced him. No, Mr. Speaker, there is nothing of the statesman in Mr. AGNEW.

And yet, his "querulous complaint and recrimination" against black American leadership did not surprise me. He was frustrated. He had just left nations where the heads of state, the vice heads of state, all cabinet officers, all diplomats, and every other prominent official was black.

Considering the absence of black Americans in the Nixon-Agnew Cabinet, how could he have explained to them that they found no black men capable of running a government?

Mr. DIGGS. I thank the gentleman for his contribution. The gentleman made a former statement for the RECORD on this subject for which I would like to commend him.

Mrs. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Speaker, I want to commend the gentleman in the well (Mr. DIGGS) and comment that it was a "good will" mission that Vice President AGNEW was sent to accomplish. It seems to me that he is not only failing to accomplish good will abroad—by attending and celebrating the victory of a fascist regime against the people of Spain 30 years ago for example—but he is certainly not creating good will at home. The good will at home means the good will of all the people. It seems to me that the Vice President of this administration, and the entire administration have failed to make a commitment to the majority numbers of the people in his country. It has failed not only the black people who organized this caucus in order to present their position, their demands for their legitimate share in the decisionmaking process and their demands for their share in the vast economic resources of this country, but many other people who have been denied and deprived the same rights: the young people, the women, the working people of this country. I think this is a moment in history when we require a commitment to the ideals that America is supposed to stand for—to the black people in their fight for the long-overdue right to participate in everything in America. America can become greater if it recognizes the rights of black people and others who have been deprived thus far.

It seems to me that a Vice President who acts in the manner that Vice President AGNEW has consistently acted, not only regarding blacks but regarding the young who have protested this illegal and unconstitutional war which was based on deception and lies to the American people, is someone to whom we should not listen.

Contrast the reporting of the media regarding public opinion with the Vice President's malicious, unfair, and scandalous attack upon the black leadership of this country.

The black leadership has shown a tremendous capacity to move toward meeting the needs of the people. It has shown a significant, serious and mature leadership through the development of the black caucus. The development of the black movement by its leaders has become a movement of real political and social activity, seeking economic and social change. It is completely at variance with the inferences made by the Vice President.

Mr. Speaker, I think a person who occupies the position of Vice President of the United States can ill afford to alienate segments of our population and significant segments of the people in our society.

I want to commend again the gentleman in the well (Mr. DIGGS), who is also chairman of the black caucus, for bringing this serious matter to the attention of the entire House.

This is a moment for us to say to a man who cannot speak for the interest of all the people of this country, but who will blindly attack the black leadership of this country, that that man is not entitled to continue to hold that office .

Mr. DIGGS. I thank the distinguished gentlewoman from New York for her contribution and for particularly underlining the implications of this matter at its broadest base, the substance of democratic pronouncements that we allude to often in this Chamber.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Illinois.

Mr. MIKVA. First, Mr. Speaker, I would like to join in the general commendation of the gentleman in the well for his leadership not only on this issue but on many other issues. I had the great privilege of serving on one of the last outposts of this colonialism, the District of Columbia Committee, with the gentleman in the well. The leadership he has displayed is indicative of the kind of leadership he is displaying today with reference to what the Vice President is saying and doing.

Mr. Speaker, unfortunately Czar Nicholas, Juan Peron, Marie Antoinette, and others are no longer here. Surely, in their former dominions the Vice President could have extended his ill will as he has done in those dominions within his general travels.

I think that his odious comparisons speak for themselves. I think that history will record both the place of the civil rights leaders in this country and the Vice President properly and I think that the civil rights leaders in this country can abide that history writing in easy conscience.

I merely want to say that the Vice President unfortunately not only does nothing to promote good will in the world, but does nothing to cool exacerbated tempers and impatient desires in this country when he prates as unceremoniously as he did on this tour. So I hope that perhaps, if nothing else, in reading these various remarks of our colleagues it will make him aware that maybe he can spend a little more time listening and a little less time talking and he might hear some of the things that are going on in his very own country.

Mr. DIGGS. Mr. Speaker, I thank the gentleman for his contribution and for his continuing association in trying to bring about true democracy not only in the area that he represents, but in the Congress of the United States as it affects this country.

Mr. Speaker, I now yield to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I feel extremely proud to be a new Member of this Congress, and I feel equally as proud to serve under the gentleman in the well as chairman of the congressional black caucus, where a group of determined Congressmen are committing themselves to serving not only their districts, but the poor people throughout the United States. I am proud I am under your leadership because some of the things we articulate and some of the recommendations we have made have been heard by the President of the United States. That is why at this time it is particularly embarrassing to me as a member of a minority group to have a person who alleges to be my Vice President and the Vice President of all of the people of this country who goes to a foreign land and who insults those of us who are struggling to make this a better country.

It is repugnant to me to hear and to understand how anyone could possibly go to the country of Greece and ask for guidelines as to how a Greek Vice President should conduct himself.

It is this type of thing which seems to me is actually un-American. But because of the times we live in and because of the political decisions that have to be made, I think that the ultimate responsibility must fall upon the President of the United States. In fact, Mr. AGNEW was selected because it was part of a so-called southern strategy, and if this is so then I think the Executive has deviated from that strategy far enough in his contemplated visit to China, that he can also remove from his neck the heavy yoke of having a golf-playing comedian as a Vice President, who laughs at the struggles of the poor people in this country. I hope without regard to politics that in the best interests of all the people, such as those in the black caucus and the Members of this Congress, who are working toward having all of the people live together so that they can enjoy freedom and to have equitable rights to enjoy the wealth of this country, that perhaps we can no longer afford the luxury of selecting people for any type of leadership in the manner in which Mr. AGNEW was selected.

Mr. Speaker, I think it incumbent upon President Nixon to repudiate the odious and repugnant remarks made by Vice President AGNEW during the week of his visits with African heads of state. I refer to the July 17 news conference during the course of which Mr. AGNEW delivered a broad indictment against black leaders in America, calling them querulous and saying they had much to learn from their African counterparts whom he met during his recent global tour.

During his tour he visited Emperor Haile Selassie in Ethiopia, President Jomo Kenyatta in Kenya, and General Joseph Mobutu in the Democratic Republic of the Congo.

He described the leadership of these African leaders as in "distinct contrast with many of those in the United States who have arrogated unto themselves the position of black leaders, those who spend their time in querulous complaint and constant recrimination against the rest of society."

The Vice President is quoted as saying:

> I happen to believe that there are many, many black people in the United States who are tired of this constant complaining, and would like to see some constructive action from these people.

At one point in the press conference, Mr. AGNEW bitterly complained that black American leaders have displayed no recognition of any efforts that are made on their behalf by the administration. He also praised the African heads of State for being grateful for our foreign aid.

Obviously, Mr. AGNEW's remarks were spontaneous. He was merely thinking out loud.

Nevertheless, I think President Nixon has a responsibility to disassociate the Executive office from the implications of the Vice President's sudden outburst. It is unambiguously clear that the Vice President is not just irritated, but exceedingly angry at prominent civil rights leaders and black elected officials—especially the congressional black caucus. As a result, he has chosen to attack us by saying that the concerns we have voiced to the White House do not reflect the feelings of many, many black Americans. I think Mr. AGNEW is showing a total lack of sensitivity to minority groups who are still fighting to convert the constitutional guarantees of equality from an illusory promise to a veritable practice.

Mr. AGNEW's remarks also come at a bad time. Mr. Nixon is currently eggshell walking with China in an effort to promote peace abroad. It seems inappropriate that the President's alter ego should incite domestic discord by stomping and storm-trooping over our black leaders at home. At a time when the President is trying to unite the world, the Vice President should not be trying to divide the country.

Indeed, it is ironic that the very people to which Mr. AGNEW's remarks have an appealing ring—the conservative southerners—are the same people who have voiced opposition to the President's China initiative. Clearly, it is in the President's interest to disavow and disassociate himself with Mr. AGNEW's remarks and the audience to which they appeal.

Finally, I find it preposterous to ask black Americans who are fighting for rights guaranteed them by the Constitution to be "grateful" like black African leaders who are putting forth their finest diplomatic etiquette to get more foreign aid.

Ethiopia's Haile Selassie, as you know, hopes to continue getting increase in military assistance, development loans, and technical assistance. The Congo's Joseph Mobutu hopes to get the same increases plus increases in sales as well. And Kenya's Jomo Kenyatta, who is not getting anything other than technical assistance, is hoping to get more. Naturally these leaders are making overtures of "gratefulness" and going through the other necessities of diplomatic protocol.

What black Americans are fighting for, however, are not special privileges but rights—rights the administration has failed to press for. Instead of receiving administration support we have received some rather disappointing omens. Let us just take a look at the record of the Nixon administration.

In January, 1969, Mr. Nixon met with six black leaders and pledged to do more for blacks than any other President has ever done. He then declined to name a black to his Cabinet.

In April 1969, EEOC Chairman Clifford Alexander resigned because of a crippling lack of administration support in an effort to enforce the law on employment discrimination.

During that same month the administration also proposed a severe budget cut in the fair housing enforcement program.

In June 1969, the Nixon administration announced its opposition to extending the 1965 Voting Rights Act which had been so effective in registering blacks in the South.

In July 1969, the Nixon administration relaxed school desegregation guidelines.

In August 1969, the Nixon administration requested a delay in court-ordered desegregation in 30 Mississippi school districts, the first time in history the Justice Department had ever done so.

Between August and November 1969, the Nixon administration attempted to install Clement F. Haynsworth, Jr., Chief Judge of the Fourth Circuit Court of Appeals as an Associate Justice of the Supreme Court. Haynsworth's record was one of foot-dragging in school desegregation and racial equality.

In February 1970, Leon Panetta, HEW's chief civil rights officer, was forced to resign. He charged that the administration policy in civil rights was fashioned by neither a moral nor a legal commitment to equality and enforcement of the law.

During that same month, Daniel Moynihan, the President's chief domestic adviser, proposed that—

> The time may have come where the issue of race could benefit from a period of "benign neglect."

And the President announced he had consistently opposed in the past and would continue to oppose in the future busing of schoolchildren to achieve racial balance.

In March 1970, Senator EDWARD BROOKE, the only black Republican elected to a national office, charged that the Nixon administration has made a cold, calculated political decision to shun the needs of blacks in favor of pursuing a southern strategy.

In April 1970, the Senate beat down an attempt by the Nixon administration to install G. Harrold Carswell to fill a vacancy in the Supreme Court. Carswell was a strict constructionist who used the law as a means of slowing down the progress of the poor and the black.

In May 1970, the Nixon administration sent FBI and Justice Department investigators to Jackson, Miss., to look into the mass murders of four black youths at Jackson State College by State police. None of the police responsible have been arrested.

In June 1970, Dr. James Allen, Jr., Commissioner of Education was asked to resign because of his intent to end both de facto and de jure school segregation.

In October 1970, the Solicitor General Erwin Griswald argued for the Nixon administration before the Supreme Court against student busing in the schools in the Deep South.

In December 1970, James Farmer, Assistant Secretary of Health, Education, and Welfare, resigned saying he could more effectively fight for minority rights outside than inside the Government.

Between January and June 1971, the Nixon administration opposed any requirement that Southern States seeking to alter their voting laws and voting district boundaries should have the burden of proof demonstrating that such changes were not to minimize the voting power of blacks.

In May 1971, the Civil Rights Commission reported that the 40 departments and agencies of the Nixon administration for which it made recommendations 7 months earlier had made little progress in their civil rights performances.

In June 1971, the Nixon administration took the position that it would oppose what it called forced integration of the suburbs but which to us would have meant equal access to all housing.

Now, in July, the Nixon administration opposes pending legislation which would give the Equal Employment Opportunity Commission the power to issue cease-and-desist orders.

With this kind of a record, it is foolish to suggest as Mr. AGNEW has, that blacks should be "grateful" for the accomplishments of the Nixon administration. It is equally irrational to expect blacks to go through all kinds of diplomatic etiquette to secure rights which are properly ours.

It is my hope that in future months we will be seeing less spontaneous outbursts from Mr. AGNEW and more concrete action from Mr. Nixon.

Mr. DIGGS. Mr. Speaker, at this time I yield to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I thank the distinguished gentleman from Michigan for yielding to me, and I want to commend the gentleman for making it possible for us to express our opinions this afternoon under these special orders.

Mr. Speaker, I rise to congratulate Vice President AGNEW for retaining his crown for the third consecutive year. There is no doubt that Mr. AGNEW's attack on black leaders last week while traveling from Kenya to Spain assures him of retaining his championship as "buffoon of the year." Webster's dictionary defines buffoon as a person who tries to amuse by jokes and tricks—such as a clown. Admittedly, our Vice President is a clown but his tricks are no joking matter. Mr. AGNEW is traveling in foreign nations as the official representative of the President of the United States. His proclamations are rightfully construed as the official policy of our Government. Such a broad, general indictment of black leaders in this country by our Vice President, in my opinion, demands rebuttal.

It is truly amazing that Vice President AGNEW who has demonstrated his complete inability to properly assess white leadership—now purports to be an expert on black leadership. For a man who so totally lacks the qualities of leadership, it contradicts logic for him to suddenly become an authoritarian on qualitative leadership.

Mr. Speaker, in 1969, it was the "intellectual liberal" who had to endure the verbal attacks of our Vice President. In 1970, it was the "students" who pricked Mr. AGNEW's wrath. This year it is the black leaders of America. Vice President AGNEW has described black leaders as "complaining * * * carping and unconstructive." He further suggests that black leaders in America emulate the leadership of Jomo Kenyatta of Kenya and Joseph Mobutu of the Congo. I hope the Vice President did not mean that if blacks in this country are to attain equality, justice, and first-class citizenship that it will be necessary to do what Kenyatta and Mobutu did to their white oppressors? Certainly, Mr. AGNEW who has criticized some black leaders for advocating the violent overthrow of our Government is not now siding with them? Mr. AGNEW of all people speaks of "carping and complaining." The record is clear—Mr. AGNEW and carping are synonymous. Perhaps, a little advice from black leaders might help AGNEW—take a close look at our type of government before praising authoritarian regimes—for does the Vice President want us to emulate nations such as Russia, Yugoslavia, or Spain—run by dictators—where a No. 2 man is expendable?

In my opinion, Mr. Speaker, our Vice President is seriously ill. He has all the symptoms of an intellectual misfit. His recent tirade against black leadership is just part of a game played by him—called mental masturbation. Apparently, Mr. AGNEW is an intellectual sadist who experiences intellectual orgasms by attacking, humiliating, and kicking the oppressed.

He either reflects the official ideology of this administration or he does not. At any rate, it is time for President Nixon to set the record straight. I call on the President to either agree with this buffoon or to publicly repudiate him.

Mr. DIGGS. Mr. Speaker, I thank the gentleman from Missouri for his constructive contribution.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I think the distinguished gentleman from Missouri has made a point that might slip the attention of those of us concerned with the matter. It is not simply a matter of the Vice President's repeated racial misstatements which have been made for many years now which is deeply disturbing, but it is the fact that he is the second in command of the administration now occupying office and that as such he speaks for the entire administration.

I think the gentleman from Missouri has very properly implied that this is a statement that the administration should be held responsible for, regardless of which single individual in that administration it emanated. I think we would make a serious mistake to separate the administration from the Vice President's remarks—any of them—but these remarks in particular.

I would remind you, Mr. Speaker, that the black caucus met with the President of the United States—and not with the Vice President. We submitted some 61 requests to the President after waiting 13 months for that meeting. Two months after that, we finally received a response. At no time did the Vice President make any comments about the nature of the meeting—or about the substantive proposals that were made—nor did he in any way indicate that he was receptive of what was going on.

Then from distant shores we have this attack, an innuendo, for there were no specific leaders names mentioned. As a matter of fact, he refused to divulge to the press who he had in mind. So this requires us to join with you and with the gentleman from Missouri to answer very unspecific charges against unnamed people.

As to the allegations of "carping," that will require black leadership to speak more directly and more effectively. We must press harder than ever to realize any reasonable success in achieving the goals that we hear so much about in this Chamber and which our people in the communities across this Nation have so little evidence of movement.

So I think these remarks, all of them, from our friends who are not in the caucus, as well as those who are members, should be instructive to the entire Congress. I feel, as you do, that perhaps a great deal more could come from a true working coalition of Members of good will in this Chamber to meet the real aspirations of the people that we so proudly represent here in the Congress.

Mr. DIGGS. The gentleman is absolutely correct. I sent for a copy of the press briefing of the White House Monday and this question was raised with the Director of Communications, Mr. Ziegler. The response was that he had no comment, that the President had met with certain people, and they were trying to make progress. Apparently, the White House is attempting to disengage or disassociate itself from the statement made by the No. 2 man in our Government. And it is very difficult for me, along with you and others of like persuasion, to see how the administration can disassociate itself without doing it publicly and specifically, particularly when the No. 2 man was selected by the No. 1 man in the first place.

Mr. CONYERS. May I point out to the distinguished Member in the well that these remarks could have a very detrimental effect upon the relationship of the black caucus with the administration, which, of course, is already almost nonexistent.

Mr. DIGGS. The gentleman is absolutely correct.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank my distinguished fellow Member from Michigan, and commend him for taking this time to give us all an opportunity to express our views on the point at hand. Were it not for the affront that the statement of the Vice President gave to our countrymen, our friends, and our brothers, I must say that I would find some pleasure in a tendency on the part of members of the Republican Party, who have a strange inability to recognize merit abroad without giving affront at home. That is a tendency I would like to encourage in anyone whom I oppose politically. And I must agree with my distinguished friend from Michigan (Mr. Conyers) that this is not only Mr. Agnew's particular syndrome. As a matter of fact, almost the same thing is happening with Mr. Mitchell in England.

These men, when they find that congenial climate of the inquisition of the star chamber, seem to find themselves in a position of commending that which exists abroad and at the same time condemning those at home. I do not understand it.

I come from the southland. I know that there is no more abrasively hard atmosphere in which leadership can develop amongst the black community than there, and I know that that hard, abrasive climate has produced some of the finest representatives in my community. I feel that the tough school that the leaders of our black community come from has really produced the highest polish amongst leaders, as high a polish as anyone can find anywhere, and it is surprising to me that this cannot be recognized by persons in the other party.

I certainly do agree that this is not a single attitude of Mr. Agnew. Mr. Mitchell, for instance, in England, was talking about the great virtues of summary justice. He seemed to think there was something great about the worst factors of England.

I think he is probably talking about the period of the bloody law, and Jeffreys of the Bloody Assizes, rather than the present developments in England. I wonder if he knows who he is talking about in Africa? Of course, there are great leaders there, but one who is so blind as not to see the great leaders here that spring from the same racial roots must be too blind to recognize those of merit in Africa.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Michigan (Mr. Conyers).

Mr. CONYERS. Mr. Speaker, I would like to concur with the gentleman from Texas, one of the eminent members of the bar to be found in the Chamber. I would remind the gentleman that the man who heads the Justice Department is the one who gave the District of Columbia its no-knock provision and who is now suggesting it would be eminently fine legislation for the entire Nation. So at least he is being perfectly consistent at home and abroad.

Mr. ECKHARDT. That is certainly true. He also, as the gentleman recalls, was the prime sponsor of the sentence enhancement device, which is the first instance I know of in America in which a man might be tried in camera for an offense for which he was neither indicted nor charged. Now he must find it pleasant to be in those same halls that in medieval England would permit the same types of processes to result in the conviction of those men who laid the foundations of our Anglo-American justice. But I submit that he is looking to the wrong heroes. He should be thinking of some of those who fought tyranny in Parliament and who persisted until they laid the cornerstones of the system of justice we hold dear in this country.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DIGGS. Mr. Speaker, I thank the gentleman for his remarks.

Mr. COLLINS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Illinois (Mr. Collins).

Mr. COLLINS of Illinois. Mr. Speaker, I thank the distinguished gentleman for yielding. First, I would like to compliment the gentleman from Michigan for bringing this most timely issue before the House and also I would like to state that the leadership which the gentleman has provided makes me proud to be a member of the black caucus.

Mr. Speaker, I say, Mr. Agnew, take off those rose-colored glasses. When the black leadership talk about social, economic, and financial conditions of the black and the poor, it is very real.

One should not have to be told that there is a housing shortage and funds have been withheld and houses are not being built. It is evident that unemployment is at an alltime high. It is quite clear that there has been an increase in applications for employment compensation which has led to an increase in welfare rolls for lack of employment. Schools have not been built to provide much needed education facilities; particularly in the highly congested communities.

The need for adequate housing, full-time employment, and adequate education have all contributed to the increase of crime.

No, Mr. Agnew, do not listen to the black leaders. Take the rose-colored glasses off and see the conditions of the black and the poor for yourself.

Mr. DOW. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from New York.

Mr. DOW. Mr. Speaker, may I address an inquiry to the gentleman from Michigan?

In the account I have of the Agnew charges about the U.S. black leadership, the Vice President declared in effect that the black leadership in America did not accurately reflect the sentiments of ordinary black citizens. Does the gentleman in the well believe the Vice President was commenting about the black Congressmen here in the Chamber? Does the gentleman think when the Vice President spoke of black leaders that the Vice President was directing his thoughts at black Congressmen?

Mr. DIGGS. It is a little confusing as to exactly who the Vice President was talking about. He made particular reference to events of recent times. Some people may find in that some indication that it was being directed toward the black members of the House. However, the kind of response that was forthcoming from across the country from leaders of black organizations—Rev. Ralph Abernathy, and others—would indicate many blacks felt they fit the shoe the Vice President was using to kick us with.

Mr. DOW. The Vice President evidently intends to make it appear that he reflects the sentiments of ordinary black citizens. Does the gentleman think he reflects the sentiments of ordinary black citizens as well as the black Congressmen in the House of Representatives?

Mr. DIGGS. I am not aware that the Vice President has any communication with the black community in the State with which he is identified or anywhere else in the United States. So when we hear these kinds of references to black leadership in these vague terms without any more definition than his remarks offered, it is difficult to know to whom he was referring.

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Ohio.

Mr. STOKES. I thank the gentleman for yielding.

With reference to the question that has just been asked of the gentleman in the well, I should like to say it seems to me it would be rather difficult for the Vice President of the United States to have any real idea of what black people in America are thinking today, particularly with reference to their leadership. The Vice President of the United States serves in his capacity as Vice President in a Cabinet that does not have a single black man. It seems to me that an administration that has no contact with black people at the top level of Government would find it extremely difficult to be able to interpret what black people in America are thinking today.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Michigan.

Mr. CONYERS. I completely concur with the response of our colleague from Ohio to the question of the gentleman from New York.

Would the gentleman not agree with me that the Vice President apparently was attempting not only to divide whites against blacks but also to divide black Americans against their leadership? His gratuitous comments about the quality of unspecified black leaders were clearly provocative. I am sure we all resent it. We do not know about whom he was talking.

The gentleman from Michigan (Mr. DIGGS), as the rest of us, can only speculate as to whom he meant.

It would seem that this ill-timed statement serves perhaps another purpose because we would not have been in the well together today had the Vice President not made his remarks. He has, inadvertently perhaps, given us a very important opportunity to restate to our colleagues on the Hill and to the American people as well the nature and the dimension of the objectives of those of us who do constitute legitimate black leadership in this country, as to what we are about, why we are about it, and how dangerously little time we have to accomplish those goals we have set as our task.

Mr. DIGGS. Would the gentleman agree also that it would appear he is trying to divide black American leadership from black African leadership?

Mr. CONYERS. The gentleman is correct.

There was a temptation on the part of some to inquire into the nature and the character of some of the governments that were visited by the Vice President of the United States. I can tell from the comments we have heard here that that temptation was resisted, because it would be very easy for us to begin to make invidious distinctions between African leadership and black leadership as well as between black leadership and its supporters and followers here in this country.

Mr. DOW. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from New York.

Mr. DOW. As the gentleman from Michigan knows, he and I have been associated in considerable efforts to eliminate the sugar quota for South Africa as a means of drawing the attention of that Government to the fact that so many of us in this country deplore the degrading and abysmal servitude in which the black Africans are compelled to live.

Now, I observed that the Vice President has been traveling in Africa. I wish the gentleman from Michigan would enlighten me on what measures or steps Vice President AGNEW took while he was in Africa to lift the yoke from the black people in South Africa and in that part of the dark continent.

Mr. DIGGS. In view of what the Vice President has said and in view of his record, not only as Vice President, but before that when he was an official in Maryland, perhaps he would have felt more comfortable had South Africa been included on his trip because of the nature of the society there.

I am very glad the gentleman made reference to the South African sugar quota, because this is a matter which is now pending in the other body. It was just voted out of the Senate Finance Committee, and it carries the administration's proposal for continuing this subsidy to this racist-developed nation called the Republic of South Africa. When one considers that they have now reversed what they originally were trying to do and when one considers that the quota for the Republic of South Africa now exceeds the entire quota for all of black Africa, then one begins to get some idea of the implications of that measure which is pending in the other body and behind which the administration continues to seek support. It would be interesting to see whether or not the Vice President will join in with the administration and other members of that party in seeking to promote that proposal which has such implications for U.S. policy on the African continent composed of over 300 million people.

Mr. DOW. I have only one other question to ask the gentleman. Again I go back to quotations from the press about the Vice President's comments. This is what it is reported he said:

> I happen to believe there are many, many black people in the United States who are tired at this constant complaining and who would like to see some constructive action from these people.

I suppose he means the black leaders. I would like to ask the gentleman if he could cite some instances of constructive action on the part of the Vice President that we could point to as a good example which the black leaders might follow if they are to improve their leadership as he suggests.

Mr. DIGGS. Well, the gentleman raises a very cogent point. Of course, the Vice President has not set an example in generating harmonious race relations in the United States and he did not do so when he was an official of the State of Maryland. He appears to be continuing along this low road to the detriment of those people of good will like yourself who recognize that unless all of us share equitably in the opportunities and the results of this society that we are all going to be victims of something that our forefathers fought against many years ago.

Mr. DIGGS. I thank the gentleman from New York for his contribution.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I am happy to yield to the distinguished gentleman from New York.

Mr. REID of New York. Mr. Speaker, I wish to compliment the gentleman from Michigan (Mr. DIGGS) and the gentleman from Michigan (Mr. CONYERS) as well as others for taking this time to comment on the Vice President's remarks on black leaders in America.

I do not know the total context in which the Vice President spoke, nor have I seen all of his remarks. But, frankly, what I have seen reported in the press suggests very clearly that the Vice President, if quoted accurately, has made statements that were unfair, unnecessary, and unconstructive.

Further, Mr. Speaker, it is a time-honored rule that those in our diplomatic service and in our Government, that criticism of our country, of our people, is reserved for the United States. It is clearly not the role of a good will ambassador to criticize his country or his people while trying to serve and represent our country overseas.

I have met with several of the African leaders with whom the Vice President conferred on this trip and I have considerable respect for them and the work they are doing in their countries. However, their problems and their responsibilities are vastly different from those of the black leaders in America, so different that virtually the only thing they have in common is the color of their skin, and that is never a basis for comparison. But the Vice President has chosen to make a comparison which in my view is reprehensible and a sorry reflection on the comprehension of his own country and what it stands for.

I have had the privilege of working closely with Reverend Abernathy, Roy Wilkins, George Wiley, Whitney Young, and the late Dr. Martin Luther King as well as Jesse Jackson and others in their continued efforts to secure economic, social, and political rights for all Americans: for black Americans and the rest of our citizens for which the fight has not been an easy one and is not yet won.

Unlike the leaders of black African nations, Reverend Abernathy, Jesse Jackson, Mr. Wilkins, and Mr. Wiley are not in positions of national authority. Yet they do have a national mandate in many respects. They are on the outside all too frequently and sometimes the society and the establishment goes out of its way to keep them there. What they must do and how they must do it is entirely different from the rulers of Ethiopia, the Congo, and Kenya. Much of the political and economic progress made by America is due to the leadership of black Americans dating back to the Revolutionary War. These men, as Americans, have spoken out for all men, have had a sense of feeling for humanity not only in our country but for the fate of mankind.

I deeply hope that these Americans will continue to speak out ever more vigorously for freedom and first-class citizenship, and for the rights of those that are denied in southern Africa. And against the terrible doctrines of the perversion of democracy and the inhumanity of slave labor conditions that pertain in the mines of South Africa, the denial of the basic freedoms and a decent education.

I think that sometimes as I recall Selma, Ala., back in the days of Martin Luther King, one cannot help but be convinced of his very deep conviction that he was concerned with the soul of America and the future of all America. And if we did not know our soul and could not find our own way there would not be much left for America and not much perhaps for the rest of the world.

So, I hope this kind of attack will not in any sense deter you in your efforts to secure that which is vital to all America, the opportunity of a free America concerned with all mankind.

Mr. DIGGS. I thank the gentleman from New York for his remarks.

Mr. CONYERS. Mr. Speaker, will the gentleman yield further?

Mr. DIGGS. I yield further to the gentleman from Michigan.

Mr. CONYERS. I thank my colleague for yielding again.

I rise to commend and identify myself with the fine statement that has been made by the gentleman from New

York and to remind my colleague in the well that when we went to Selma, Ala., in 1965 with a congressional delegation at the request of the late Dr. Martin Luther King, the first to join with us was the gentleman from New York (Mr. Reid) and the gentleman from New York (Mr. Dow).

It is not surprising then that we find them in the Chamber at this hour with us participating in this discussion, because their convictions have made them two of the finest gentlemen in this body, and two of the men who have set the kind of example that gives hope that perhaps we can turn the rhetoric of a constitutional democracy into some meaning for the 24 million black Americans who know precious little about it.

To be charitable, the best one can say of our Vice President and the administration which he so accurately personifies is that he continues to remain arrogantly insensitive to the fundamentals that ought to govern a democracy and to the pressing needs and aspirations of the American people. The great majority of American citizens acutely recognizes, even if the Vice President does not, that irrevelant criticism can never take the place of constructive leadership that should come from the White House.

The Vice President's latest, mindless outburst is capsuled, while enroute to totalitarian Spain, in an irresponsible attack on black leadership in the United States, partially grounded, we have been told, on Mr. Agnew's annoyance at the disclosure of the Pentagon papers in the American press. To our lasting shame, Spiro T. Agnew continues to give vent to what are apparently his deep-grounded authoritarian leanings and convictions, coupled with an apparent desire to divide not only whites against blacks, but blacks against blacks.

Mr. Agnew's ill-founded outburst represents the maneuverings of a demagog, searching for a scapegoat. We do have real, legitimate, and pressing problems that continue to undermine our sense of national purpose. These problems that the Vice President attempts to evade add up to a sum greater than their individual parts: the unendable Vietnam war, the eroding economic climate, and a continuing lack of real opportunity for all. Railing against youth or against the legitimate aspirations of black Americans will not erase these problems, much less solve them. The Vice President's approach to problem solving represents and is symptomatic of the approach of the entire Nixon administration.

Faced with crises in our national and international life, responsible leadership ought to unite and lead. Irresponsive, ill-equipped, uncreative politicians and those who either do not understand or believe in democracy and what should be the American way of life, choose the way of the demagog. That is the way that divides, the way that leads, if unchecked, to dictatorship, war, and irreversible destruction. Is this not the direction of Spiro T. Agnew? In these troubled times is he not seeking to mask unresponsiveness of an administration of which he is second in command?

It is true, as Mr. Agnew asserts, that citizens young and old, black and white, are complaining and carping. Rightfully so, because of an administration which has been and continues to be inept and aimless, an administration populated in high places by those who are so obviously lacking the vision and conviction necessary to further the best interests of the American people.

Mr. Agnew's attack on black leadership would be ludicrous if it were not so tragic, if it were not so shallow and insensitive. In no other single area of American life is Mr. Agnew's lack of knowledge and understanding more clearly demonstrated than when he comments on black Americans.

For every black American who has a decent job and a decent way of life there are scores of other black Americans who are sick and tired of waiting for a tomorrow that never comes. Black Americans are fighting and dying in Indochina in disproportionate numbers. Twice as many black Americans as compared to whites are jobless. The ratio of young black Americans who cannot find a job is frightening.

Mr. Agnew is to be pitied. He does not realize and perhaps will never understand that it is the "complainers" and the "carpers" who are fulfilling the highest role of citizenship in a democratic society. It is these Americans who retain their faith in the potential of America. They know that in order to realize our potential we must end the war, we must uproot racism, we must eliminate unemployment and lack of opportunity.

The fact of the matter is that black leadership must press their claims for justice and opportunity harder than ever. Why? Because people honestly doubt whether this so-called democracy will ever have any real meaning for those who are sick and tired of waiting for a tomorrow that never comes.

Mr. KOCH. Mr. Speaker, the Vice President makes me feel so ashamed at times. His latest failures in terms of philosophy and statesmenship occurred in Madrid. The most objectionable was his coarse references to American leaders who happen to be black. He showed his contempt by making an odious comparison. The comparison was that American black leaders fell short of what he termed the "dedicated, enlightened" leadership displayed by several African heads of state who just happen to be the heads of authoritarian regimes. But, what is more repelling is to find that the Vice President when he thinks of American citizens, and in this case leaders, rather than comparing them with leaders qua leaders, without regard to race finds it necessary because they are black to compare them with other blacks. It would be as offensive to me were he to compare Americans of Greek extraction who happen to be leaders in our country with figures in the Greek junta. I thought that the Vice President was the Vice President of all the people of our country. Clearly, Vice President Agnew does not think that way.

It came as no shock to find that Vice President Agnew, after making his speech, went on to participate in the Franco dictatorship commemoration of their takeover of the democratic and duly elected Spanish Government. Such conduct does not add luster to the Office of the Vice Presidency.

Mr. BRADEMAS. Mr. Speaker, I was distressed to read this past weekend that Vice President Agnew took time out before celebrating the 35th anniversary of the Franco dictatorship in Spain to make some gratuitous remarks about America's black leaders.

I was not, however, surprised by the Vice President's ill-advised outburst because this is, sadly, what we have come to expect from him.

Mr. Speaker, the divisive rhetoric which has characterized Mr. Agnew's tenure as Vice President has been a distinct disservice to the Nation and to the high office he holds.

Mr. Agnew has repeatedly broken the administration's promise to work to "bring us together." By his criticism of the black men and women who have worked so tirelessly to win equal rights for all Americans, the Vice President has driven another wedge between black and white Americans.

Mr. Speaker, we as a nation cannot afford to be torn apart further. I call upon Mr. Agnew to apologize to the black leaders of America, and moreover, Mr. Speaker, I call upon the administration to make good a commitment—which it has so far failed to do—toward the cause of human rights and dignity in America.

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. Diggs) has expired.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 3 legislative days in which to revise and extend their remarks on the subject of Mr. Diggs' special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

INTRODUCTION OF LEGISLATION TO IMPROVE CREDIT UNION SHARE INSURANCE

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Patman) is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, today I am introducing legislation that would improve the share insurance law affecting credit unions.

Basically, the legislation requires the Administrator of the National Credit Union Administration to insure all federally chartered credit unions on either an outright or a provisional basis.

Under the share insurance legislation passed during the last Congress, Federal credit unions were required to apply for the insurance and those credit unions that were turned down in their insurance applications were given 1 year to obtain the insurance or else they would be forced into liquidation.

The legislation that I originally introduced to provide for share insurance for credit unions contained a provisional insurance feature. However, the legislation passed by the Senate did not provide for provisional insurance and, because of the pending adjournment of the 91st Congress, it was necessary for the House to accept the Senate version. At that time, I stated that, if the legislation had problem areas, that I would offer amendments to correct them.

The legislation I am offering today corrects one of those problem areas. As of July 10 of this year, 949 Federal credit unions out of the nearly 12,000 Federal credit unions had applied for and been denied share insurance for a varied number of reasons. Granted, the number of credit unions that have been turned down is small in comparison to the overall number that have been granted, but I feel that Congress wants to keep as many credit unions in operation as possible. My legislation would accomplish that. It would require the Administrator of the National Credit Union Administration to either insure those rejected credit unions on a permanent basis, or on a provisional basis of not less than 1, nor more than 2 years. He would be required, under the provisional insurance plan to state the reasons why the permanent insurance was not granted and, if the credit union did not correct the discrepancies during the time period allowed, then it would have to liquidate at the end of that period.

Mr. Speaker, several hundred of the credit unions that have been denied insurance are of the so-called low-income category. These credit unions do an outstanding job, but they have been slow to develop their full potential because, by their very nature, they are dealing with low income people who do not have a great deal of money to put into savings and, as you might expect, there have been problems with delinquencies. But these credit unions have shown that they are one of the outstanding ways to help fight poverty and we should encourage their continuance in every possible way.

There is little chance, however, that these credit unions can survive without the share insurance, since denial of their applications has placed them under a cloud.

One of the provisions of the 1970 Share Insurance Act was to allow low income credit unions to accept deposits from businesses and individuals outside the credit union's so-called field of membership. Under this provision a low-income credit union, for instance, could accept deposits from a public utility which wanted to help people in a low-income area. Since the funds would be insured, there would be no potential loss to the depositor. These funds will enable the credit union to relend the money to its members. However, without the insurance, it will be impossible for these credit unions to attract large share deposits from outside sources. Its capital will have to come from people within the field of membership of a low-income credit union and, because these people have limited resources, it will mean that the growth of shares will be extremely slow.

Not all of the credit unions that have been denied share insurance are low income credit unions, nor are they small credit unions. Some credit unions have been denied insurance because of supervisory problems, but the withholding of share insurance may actually make it more difficult for the credit unions to correct these problems and could conceivably cause a run on the credit unions.

By insuring all credit unions that have been denied insurance on a provisional basis, there would be little danger to the insurance fund established in the National Credit Union Administration. That fund already has more than $6 million in premiums, and invests these funds in Government obligations. During the first 37 years of operations of the Federal credit unions, losses have been only a fraction of 1 percent and, based on these figures, the amount of money already collected in the share insurance fund by the National Credit Union Administration is enough to cover credit union losses for 74 years, based on past experience. It must also be pointed out that, if all of the uninsured Federal credit unions were given insurance and subsequently failed, there would still be many assets of these credit unions, particularly the loan portfolios, that could be used to offset losses. Thus, there appears to be little danger in providing this insurance, at least on a provisional basis, for those credit unions that have been previously turned down.

When the share insurance legislation was passed, it was pointed out that the legislation was designed to give credit unions the same type of protection provided banks and savings and loans. However, it now appears that credit unions are not getting equal treatment. When the Federal Deposit Insurance Act was passed in 1933, the Federal Deposit Insurance Corporation quickly insured all member banks of the Federal Reserve System by use of a temporary insurance fund. The Corporation also set out to insure non-member banks as quickly as possible and assisted those State, nonmember banks that needed financial help.

There were approximately 1,000 State, nonmember banks that applied for insurance that were found to have assets insufficient to cover their liabilities to depositors and other credits. These banks were assisted in placing themselves in a position to qualify for insurance by a special department set up for that purpose within the FDIC. Correction was accomplished through the raising of local funds, through directors' guarantees, through purchase of local interest of paid assets and through investment by the Reconstruction Finance Corporation in capital obligations of those institutions. In short, the Government went out of its way to provide insurance for all of the banks.

The Federal Savings and Loan Insurance Corporation was established, which also made certain that all federally chartered savings and loans were granted insurance. The FSLIC did look at insurance applications on a case-by-case basis, but officials of that organization have assured me that they did not find a single case where the initial insurance application was denied.

It must be pointed out that both the FDIC and the FSLIC were established at perhaps the most critical financial time in this country's history and there was no guarantee that there would not be huge failures in our financial institutions that could wipe out both of these funds. If the Government was willing to take a chance on banks and savings and loans at the height of the depression, is it asking too much that we provide at least provisional insurance for credit unions that have established an outstanding record of service to little people.

Hopefully, this legislation will reach the floor shortly so that Members will have an opportunity to make certain that these worthwhile credit unions are not voted out of existence.

Mr. Speaker, a copy of the bill I introduced today follows:

H.R. 9961

A bill to provide temporary insurance for the member accounts of certain Federal credit unions, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (2) of subsection (c) of section 201 of the Federal Credit Union Act is amended by striking out "reject" and inserting in lieu thereof "disapprove".

(b) Subsection (d) of such section 201 is amended to read as follows:

"(d) In the case of any Federal credit union whose application for insurance is disapproved, the Administrator shall nonetheless issue to such Federal credit union a certificate of temporary insurance which shall be valid for a period of not less than one year nor more than two years, as determined by the Administrator at the time of issuance. The Administrator shall suspend or revoke the charter of any Federal credit union which has failed, upon the expiration of the period of its temporary insurance, to file an application for insurance which is approved by the Administrator in accordance with subsection (c). A Federal credit union which is temporarily insured under this subsection is an insured credit union under the provisions of this title for the period of such temporary insurance.

SHIPPING TO NORTH VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, during the first half of 1971 Free World shipping to North Vietnam has continued to show a decidedly downward trend. According to information made available to me by the Department of Defense this past June three ships flying the flag of the United Kingdom and one vessel under registry of the Somali Republic frequented North Vietnamese ports. These four arrivals brought the total for the first 6 months of this year to 29. This compares to the 37 Free World arrivals during the first half of 1970. The success of steps to reduce this traffic with the enemy is further borne out by the first half figures for 1968 and 1969 which were 78 and 60 arrivals respectively. This is solid progress and I commend the administration's perseverence to restrict the enemy's source of supply, for this, too, serves in the winding down of the war.

So long as American men are under fire in Vietnam, this problem deserves our very best efforts.

FREE WORLD FLAG SHIPS IN NORTH VIETNAM 1971

	United Kingdom	Somali	Total
January	3	1	4
February	5	1	6
March	3	2	5
April	5	1	6
May	4	----------	4
June	3	1	4
Total	23	6	29

FREE WORLD FLAG SHIPS IN NORTH VIETNAM 1970

	United Kingdom	Somali	Kuwait	Total
January	2	1	1	4
February	5	1	----------	6
March	3	1	----------	4
April	7	2	----------	9
May	6	3	----------	9
June	3	2	----------	5
Total	26	10	1	37

CAPTIVE NATIONS WEEK

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, this marks the 13th year that we have observed Captive Nations Week. Since its inception under the Eisenhower administration the third week in July has been set aside to pay tribute to and remember those 100 million individuals who live under Communist domination.

The list of captive nations is a long one—a list that should weigh heavily on the conscience of each and every Member of this body. As President Kennedy once said:

> All of us . . . must be faithful to our conviction that peace in Europe can never be complete until everywhere in Europe men can choose, in peace and freedom how their countries can be governed.

It is interesting to note that no nation has ever adopted communism voluntarily. The oppression imposed on citizens behind the Iron Curtain has certainly not lessened nor is there a "better type of communism" available these days—as some would lead us to believe.

I am sure that those imprisoned under the thumb of the Soviet Union would be horrified to learn that there is a general feeling some even contemplate such a thought. These oppressed peoples are our greatest allies against communism, and we in the United States are one of the last vestiges of hope in their struggle for freedom and independence.

Each year, during this observance, much talk is bandied about, deep concern is expressed, and much tribute is paid to the many who suffer under Communist oppression.

However, it is rarely possible to take some kind of constructive action which will live on after the well-meaning words have long since died away.

With this in mind, I plan to introduce legislation which would indicate to at least one captive nation that we stand fully behind our promises.

In 1945 the Holy Crown of St. Stephen was entrusted to the U.S. Government for safekeeping until such time as Hungary became free once again to function as a constitutional government established through free choice. The Holy Crown is a national treasure of immense historical and symbolic significance to Hungarians, and American-Hungarians who believe that governmental power is inherent in the Holy Crown itself.

In the course of recent diplomatic negotiations it has become apparent that a possibility exists that the Crown may be returned in an effort to promote American-Hungarian relations. My concurrent resolution expresses the sense of Congress that this not be done. We must not break our sacred trust and thereby indicate our lack of hope in Hungary's future. The Holy Crown of St. Stephen must be kept in trust in America, and we must uphold the belief of Hungarians everywhere that someday freedom and independence will return to Hungary, as well as to all other captive nations.

PROPOSED SENATE AMENDMENT TO H.R. 9388 IS AMBIGUOUS AND MISLEADING

The SPEAKER. Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 15 minutes.

Mr. SKUBITZ. Mr. Speaker, on yesterday, the other body adopted an amendment to the Atomic Energy Commission fund authorization bill, H.R. 9388. The amendment was added as a proviso to project 72–3–b on page 3, lines 9 and 10, that had authorized $3,500,000 to acquire lands near Lyons, Kans., to establish an atomic waste depository.

The language of the amendment reads as follows:

> "On page 3, line 10: After the figure '$3,500,000' Strike out the period and insert: ', except that no funds shall be obligated or expended for the acquisition of a fee simple interest in land, or any other interest in land which exceeds three years from the date of enactment of this Act, until an advisory council appointed by the President of the United States reports to the Congress that construction and operation of such project can be carried out in a manner which assures the safety of the project, the protection of public health, and the preservation of the quality of the environment of the region."

Mr. Speaker, in my judgment, the language is ambiguous and misleading, the amendment does not protect Kansas and its people from the dangers of premature burial of highly dangerous nuclear waste material.

I am sure that Governor Docking and his legal advisers will recognize the transparency of the ambiguous language. I am certain that Kansas scientific advisers to the Governor will understand that their concerns and admonitions have not been heeded. And I have little doubt that enactment of the authorization bill in its present form will trigger a suit by the State of Kansas against an agency of the Federal Government that will seek to enjoin land acquisition, whatever its form or length of tenure may be.

It is vitally important, in my opinion, that the people of Kansas not be deluded into believing that they are now protected from burial of deadly wastes until laboratory research has been carried out and safety assured.

First. This Senate amendment permits the AEC to acquire the land for up to a 3-year period. During that time the AEC can do what it pleases in the salt mine; there are absolutely no restrictions on the agency except its good sense, which it has not evidenced in any great quantity on this matter up to now.

Second. The conditional clause says when and if an advisory council—not authorized by law but referred to in the committee report—tells the Congress that construction and operation of the project and transportation of wastes to it can be done safely, the AEC can undertake permanent acquisition of the land.

In short, the amendment deals only with land acquisition and does not deter it; it simply limits the tenure of land control for a period of up to 3 years. If in the interim the advisory council gives a go-ahead, AEC can buy the land. Or, if at the end of 3 years, the advisory council has not said or done or determined anything, the AEC can still go ahead and acquire permanent possession of the land.

Mr. Speaker, I am constrained to observe that Kansas has been badly served in this matter. It is an action that Kansans will not be permitted to forget.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, the conditional clause of the amendment, beginning with the word "until," would appear at first glance to be a restriction on permanent land acquisition, and indeed on construction and operation of the waste facility until either of two events take place:

a. Three years from date of enactment;

b. The advisory council finds during that 3-year period or at its expiration that the safety of the project is assured.

May I say, Mr. Speaker, that if indeed the amendment truly and effectively is so provided, it would be a substantial step forward. It would not, of course, restrict the AEC from doing what the Governor does not want them to do—bury high level waste experimentally or otherwise in the salt bed. He wants that done through further research in the laboratory.

Careful analysis of the words of the amendment indicate that the restrictions are not there at all.

First. AEC's authority to acquire the land—for the 3-year period—does not restrict burial of high level wastes during that period. This is the heart of the objection by Kansas.

Second. In any event, no matter what eventuates, AEC is free to acquire the land at the end of 3 years.

Third. The authority of the advisory council does not estop AEC from beginning at least experimental burial of high level wastes tomorrow. Moreover, whenever the advisory council reports to Congress, next week, next month, next year; on that day AEC may acquire the land permanently and do what it will on it and in it.

Mr. Speaker, let us consider for a moment this advisory council and its competence, its function, and its authority. The bill itself does not require or direct the President to appoint such a council. It merely says "an advisory council appointed by the President." There is a more specific reference to such a body in the Joint Committee's report. Obviously designed to placate Governor Docking and Kansas and allay their concerns, the Joint Committee suggested that the Environmental Protection Agency, not the President, name a council, which it graciously suggested also would include representation from Kansas, to keep the Congress and the Executive informed on the project.

One might well ask: "informed about what?" What is the competence of this advisory council to determine whether technical and involved scientific facts have been proved? What authority would the council have except to, and I quote, "report to Congress." Suppose in its wisdom it "reported" that all is not well. How would that halt the project? Certainly, according to the language of the amendment, the construction and operation of the project could already have been undertaken, and also the transportation of the wastes.

Of course, the advisory council might learn, like the rest of us, that there had been a train wreck that spilled nuclear wastes and that an entire area someplace was being poisoned because retrieval of the spilled waste was difficult if not impossible. It could then "report" to Congress that the project is unsafe.

Or the advisory council, which obviously will be dominated and controlled by the AEC and the Executive, might in its wisdom determine 6 months from now that AEC's scientific analysis and research is convincing enough to assure the council's members that the project will be safe. Obviously, as soon as it makes such a report, the AEC is free to acquire the land permanently.

Mind you, Mr. Speaker, where does Kansas, the Kansas Governor, his scientific advisers who first raised the serious health and environmental and safety issues—where do all these people stand in such circumstances? How will their voices be heard? How will their views become known? Most important, how can they stop the project if they believe it is still not safe to bury lethal wastes.

I simply cannot understand, Mr. Speaker, why such strenuous efforts are being made to compel Kansas to do what its elected officials of State government say should not be done—now. What is the urgency of pressing forward until safety is really assured, unless of course safety really cannot be assured? How can we be so incredibly naive as to accept assurances that are simply not borne out by the words of the amendment?

I regret this hasty action which I consider ill advised and imprudent. I want the record to show that at least one Member made protest in behalf of his State and its people.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The first electronic computer was the numerical intergrator and computer designed and built under the direction of J. Presper Echart and John Mauchly in Philadelphia, Pa. in 1946. It was housed in a room 30 by 50 feet, contained approximately 18,000 vacuum tubes and required 130 kilowatts per hour.

SUPPORTS EXTENSION OF FOSTER GRANDPARENTS PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from Utah (Mr. McKAY) is recognized for 10 minutes.

Mr. McKAY. Mr. Speaker, earlier this year, I submitted testimony in support of extending the foster grandparents program and it is my hope that the program will receive the funding it needs to continue.

With this in mind, I recently received a paper concerning the foster grandparent program, especially as it involves residents of Utah County.

The paper was submitted by Betty Mattson, a junior majoring in social work at Brigham Young University. I felt that her report was so informative that I asked her permission to submit it in the CONGRESSIONAL RECORD where it might be useful to all Members of Congress and therefore I include it at this point:

THE FOSTER GRANDPARENTS AGENCY

(By Betty Mattson)

Upon entering one of the cheerfully decorated recreational rooms in the children's section of the Utah State Mental Hospital, visitors are immediately set upon by a group of lively, eager children. Some are quickly pulled off to a corner to view a valued treasure, while others are poked and jabbed excitedly in gestures of friendliness and curiosity. But through all the chaos one is impressed with the sweet serenity of an elderly woman, calmly sitting in a chair among all the confusion and darning a pile of socks.

The elderly woman is a foster grandmother and these are the initial impressions of our committee upon visiting the State Mental Hospital for the purpose of finding out who the foster grandparents are and what they do.

In Provo, Utah the Foster Grandparent Agency is a branch of the Community Action Program, being federally sponsored and funded through the Department of Health, Education, and Welfare. Throughout the nation 4200 elderly people currently participate in this beneficial and rewarding program of self-help and fulfillment.

Created five years ago, the Foster Grandparent Program was instituted to serve a dual purpose:

(1) To give elderly, financially deprived citizens an opportunity to supplement their meager incomes, while offering invaluable public assistance in the capacity of "foster grandparents" to severely retarded, emotionally disturbed, delinquent children, and those with educational problems.

(2) It offers these same children an opportunity to receive affection, attention, and to develop a loving relationship with an older person, an experience often deprived this type of child by nature of his particular type of problem. As a result, many have improved their physical skills, their intellectual understanding, and social readjustment.

Qualification for the job of a foster grandparent depend upon these factors:

1. Must be 60 years of age or older.
2. Must not make over $1900 per year if living alone or $2500 per couple.
3. Must be physically and emotionally able to work with children.
4. Must be interviewed and passed upon by the agency where the children are enrolled.
5. Must be considerate and understanding of children and have an active desire to help their individual growth and development.
6. Accept supervision as required.

In Utah County, foster grandparents serve children enrolled in Utah State Training School, the Utah State Mental Hospital, and the Provo and Nebo School Districts. Quite specifically, their duties are these:

1. They help wash the children and dress them.
2. They take the children for walks or rides in wheelchairs.
3. They listen to the children read.
4. They read to the children.
5. If the children can talk, they visit with them, talking about nature, looking at pictures, etc.
6. They help the children put puzzles together, build simple things with their hands.
7. They help the children take steps, learn how to pedal a bicycle, swing, etc.
8. They accompany the children on excursions, ride with them on the bus, take them to classroom training.
9. They help the children write and talk.
10. They help feed the children.
11. They take the children away from others if he is causing undue disturbances.
12. They sing with the children and play games with them.
13. They make candy, cookies, etc. with the children.
14. They sit with the children.
15. They love the children.

In essence then, they fulfill the roles of grandparents, especially to the two particular children whom they are assigned to. After each work shift they carefully fill out a report on each of their children, one-half being devoted to the problems they encountered during the four hour period, and the other to the progress they felt they made. The reports are used extensively by the professional worker in charge of the child's case.

But being a grandparent is much more than simply fulfilling the responsibilities of a job. It is loving and giving. As one grandmother whom we interviewed expressed it, "They call me Grandma, just like my own grandchildren." Those interviewed expressed their deep sense of satisfaction at seeing a child progress to the point of leaving the institution, but at the same time they felt a sense of loss at his departure.

On their own, the grandparents have started holding family home evenings once a week. The success of the program has already been manifest. The children clamor to be allowed a part in the program, and in the minutes of the meetings their names are carefully recorded each time they offer a prayer, give a scripture reading, etc.

When the grandparents were interviewed as a group, our committee was not only tremendously impressed with their high degree of personableness, friendliness, and obvious devotion to the children, but also with their apparent gratitude to the program for what it had given to them. When asked how the program had benefited them personally, they all answered enthusiastically and often interrupting each other in order to express strong feelings. They all seemed to feel that the Foster Grandparent Program helps them to stay young mentally and physically; it serves as a morale booster, and gives them an interest in life. They also felt it was an education in itself and had increased their tolerance tremendously. The grandparents were also in agreement in respect to the way the program helped them financially. Several had been unable to maintain themselves independently before they got the job, either because they were not eligible for social security or simply because they had lost their money in some way.

It was interesting to note that although the program provides for sick leave and vacation, few of the grandparents take advantage of these benefits voluntarily, preferring instead to spend their time working. Mr. Charles Deering, director of the program, referred to the grandparents as "old pioneer stock," "proud people" who "had to work and be independent." This same feeling was expressed by the grandparents themselves when several agreed that they would rather do volunteer work than just sit home, and the majority had been volunteer aides before they ever heard of Foster Grandparents.

Mr. Deering, himself, expressed strong feelings toward the program. He feels that it is a very successful program, in that it offers senior citizens morale and financial help while they are themselves offering invaluable help to the handicapped. He very strongly believes that the program is keeping these people out of rest homes and lengthening their lives. He cited an example of one elderly grandmother who underwent a serious operation and because of her obvious strong motivation for living, recovered and is back at work again. He emphasized his point by offering the information that no grandparent has ever quit voluntarily—only death and illness have taken them away, and there are 28 people on a waiting list, hoping to enter the program.

Our committee was tremendously impressed with the Foster Grandparent Program. It appears to be one of the most innovative and progressive programs of self-help in our country today. It is extremely disappointing to discover that in the next fiscal year the 10 million program is going to be cut back to 7 million, and that many of the grandparents from this area will be forced to return to welfare. It seems incongruous that our government would feel it necessary to cut back funds to a program where self-help is the key to success, and would instead allocate funds to the welfare programs, where these people will obviously be returning, a program where despondency and dependency are the only answers. Our committee urges the expansion of this program and we certainly support its creation and existence.

TWO BILLS WOULD BAN TELEPHONE HARASSMENT TO COLLECT NON-JUDGMENT DEBTS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 30 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, as another result of my investigation of deception and fraud in the sale of magazine subscriptions, which now has spanned some 30 months, I am introducing today two bills intended to deal directly with a serious consumer abuse associated not only with magazine sales but also with sales of a broad range of products and services.

The abuse to which I refer involves the use of the telephone to harass consumers for collection of debts which are unjustified, or are in dispute, often for very valid reasons.

Telephone harassment is a technique which over the years has been employed routinely by certain magazine subscription sales companies to collect payments on high-priced, long-term contracts for magazines, which, just as routinely, were sold by deception or fraud.

My investigation of magazine sales methods revealed a distinct pattern of high pressure salesmen misrepresenting or concealing terms of a "package deal" for magazines, and then resorting to high-pressure collection tactics after subscribers discovered they had been deceived or gypped.

The consumer's natural defense against sales deception is to stop payment. The magazine sales agency, and many other businesses ranging from the "cornerstones" of the business community to the most disreputable, respond with collection pressures ranging from initial, mildly worded reminder notes to pseudo-legal documents and frequent phone calls which threaten law suits, bad credit reports, and attachment of wages. The magazine sales agencies which sell high-priced contracts on a budget payment plan invariably establish their own collection operation. They grind out ingenious dunning letters and harass delinquent subscribers with phone calls placed to their homes, or to relatives, neighbors, and employers.

Complaints received in my office have reported telephone threats of lawsuits, jail sentences, military demotion, deportation, loss of employment, garnishing of wages, public disclosure of bad credit and all manner of possible consequences.

The consumer who receives offensive or threatening dunning notices by mail has something concrete which he can display to convince authorities he is being harassed. And, if the harassment is based on deceptive or fraudulent sales practices, the sales or collection agency involved may have to answer to a State bureau of consumer protection, the Federal Trade Commission, or the U.S. Postal Inspection Service.

But if the threats, intimidation and harassment are confined to abusive telephone calls, the consumer is virtually defenseless. He is prohibited by law from recording a telephone call without the caller's consent—even if the caller is abusive. If the recipient of abusive calls ignores the law and records the conversation anyway, the recording undoubtedly will have no value in a court proceeding, and could conceivably lead to legal action against the harassed consumer for having made the recording.

Some time ago, when telephone company officials were invited to my office to hear a recording of several harassing calls placed to one magazine subscriber, the telephone executives quickly suggested punitive action against the individual who made the recording. The company responsible for the abusive calls clearly was of lesser concern.

In my view, the time has come to turn the tide against the unscrupulous seller who will stop at almost nothing to collect a claimed debt, no matter what valid reason the consumer may have for nonpayment. The answer, I believe, is to prohibit telephone calls for the purpose of collecting nonjudgment debts.

Because many thousands of these calls are being made daily, both interstate and intrastate, I am dealing with the problem by introducing two separate bills. The first of these would prohibit collection by telephone in interstate commerce, by simply including the prohibition in the Federal Communications Act of 1934's existing prohibitions against obscene or threatening phone calls.

The second bill would broaden the authority of the Federal Communications Commission under the Communications Act of 1934 by giving it additional jurisdiction over obscene, threatening, or harassing calls, including harassing calls to collect nonjudgment debts, between the several States and within each and every State.

I felt two separate bills were in order because the first, dealing with interstate telephone communications, is clearly within the jurisdiction of the Federal Government to regulate. The second, broader bill, expectedly will give rise to charges of Federal interference in a matter which is the responsibility of the individual States.

I dispute that latter point of view, because every telephone instrument has the capability to carry the caller's voice, his words, his threats, his obscene utterances both intrastate or interstate at will. He needs do nothing more than dial a particular sequence of numbers to call a party across the street or across the country. Thus, if the individual telephone user has the ability to transmit his voice within a State or beyond, at will, to threaten or abuse the party called, then I am firmly convinced the responsible Federal agency must have the authority to protect the potential victim of the abusive call from the acts of the caller, whether the victim and caller be located within the same State, or are separated by one or more State boundary lines.

But my purpose today is not to fight the issue of jurisdiction. That, I am certain, will be debated fully when these measures are made subject of congressional hearings. I am concerned now only with stopping harassment by telephone to collect debts which have no legal substance. When telephone subscribers are afraid to answer their phones, because some high-pressure collector may be calling to renew his harassment, it is time the telephone subscriber is granted relief.

Mr. Speaker, to clarify the purpose of these measures, and to demonstrate how consumers are being harassed by telephone, I offer the following description of a typical situation, plus supplementary information regarding current Federal efforts in the continuing crackdown on magazine subscription sales abuses.

The phone rings—and you lift the receiver.

A voice at the other end asks, "Mrs. Smith, will you be home today? I represent the Acme Collection Service, and I have been instructed to serve a summons for your appearance in court to explain why you have not maintained regular payments on your contract for magazines. Unless you will mail a payment of $13 today to bring your account up to date, I will have to drop by and serve these papers."

"But," protests Mrs. Smith, "we didn't order magazines. My husband told the salesman we did not want any magazines but he sent a contract and payment book, anyway."

"I'm sorry, Mrs. Smith," responds the voice on the telephone. "I know nothing about your dispute with the Bargain Magazine Co. But I have orders to collect the overdue payments on your account today or serve a summons for your court appearance. Now, will you mail the payment or shall I serve the summons?"

Frightened that she may be but a step away from a jail cell, Mrs. Smith reluctantly agrees to mail a $13 payment for periodicals she did not order and receives a final admonition from the collection agency representative to "make all your monthly payments on time in the future to avoid further difficulties or embarrassment."

The names are fictitious, of course, but the situation is repeated thousands of times daily, often in far more forceful terms, in cities and towns across the country as high-pressure collection agents threaten, cajole, and intimidate consumers to make payments on sales agreements or contracts which may not be legally binding, or which may have been consummated as the result of deception, misrepresentation or fraud.

What our fictitious Mrs. Smith—who might have been a resident of Pennsylvania—wasn't told was that the collector was calling her on a WATS—Wide Area Telephone Service—line from a multistate collection center located in a city in Tennessee, perhaps. Obviously, being hundreds of miles away, the collector had no intention of serving any legal papers on Mrs. Smith. His sole objective was to pressure Mrs. Smith to make a payment on a contract she was not legally obligated to pay.

A manager of one such collection agency volunteered information to my staff that he regularly used this technique to collect payments on magazine contracts. He later repeated his claims in a signed statement to a Bell Telephone representative who was investigating phone harassment at the direction of the Federal Communications Commission.

Both by telephone and through the mail, high-pressure collectors harass and threaten consumers to make payments on questionable or totally phony financial obligations day in and day out. And if you think you have nothing to worry about, just hope you are not placed in the position in which many consumers have found themselves after a jokester entered their name and address on a mail-in order form for books, records, stereotapes or other merchandise and the unsuspecting consumer started receiving bills, payment demands, and threats of legal action from a computer that cannot read and will not listen to explanations.

On January 18 of this year, five subsidiaries of Cowles Communications, Inc., publisher of Look magazine, pleaded "no contest" to charges of postal fraud leveled by the U.S. attorney in Des Moines, Iowa, and paid fines totaling $50,000 on 50 counts of fraud. The legal proceedings were the end result of magazine sales abuses reported by the Easton, Pa., Express newspaper and investigated by my office and the U.S. postal inspectors.

In charges filed in the U.S. District Court in Des Moines, the Justice Department stated that the Cowles subsidiaries attempted to collect payment of magazines sales contracts which legal opinions had indicated were "legally unenforceable."

My own investigation of magazine sales methods clearly shows that most agencies selling long-term, budget payment plan contracts for three, four, five or more magazines use basically the same type of contract. Obviously, if the Cowles contract was "legally unenforceable," then the contracts of most other subscription agencies are likely to be "legally unenforceable," as well.

Thus, any consumer who feels he was deceived or defrauded by a tricky salesman may find it worth his while to consult an attorney, or complain to his State bureau of consumer protection, or the Federal Trade Commission, or, if use of the mail was involved, the U.S. Postal Inspection Service.

My investigation of magazine sales abuses, with the continued assistance of the Easton Express has been underway for 2½ years. To date, it has produced legal proceedings by the Federal Trade Commission involving 17 corporations, mail fraud charges by the U.S. Postal Service against five corporations, a Federal Communications Commission notice to every telephone company in the Nation that the consumer has a right not to be harassed by telephone for the collection of disputed debts, and Internal Revenue Service investigation of tax records of numerous magazine sales agencies. In addition, information and documents have been supplied to at least a half dozen States actively prosecuting magazine sales abuses, including Pennsylvania.

Several weeks ago, the Federal Trade Commission took its first of a series of expected actions against magazine sales companies which send traveling crews of "cash" salesmen from town to town. In that move, the FTC filed charges of deceptive practices against Publishers Continental Sales Corp., based in Michigan City, Ind. In the weeks ahead, I expect that at least a half dozen more companies which sell magazines door to door through traveling crews who often claim to be "students working their way through college" or representatives of such worthwhile Government or charitable programs as Headstart, Youth Corps, and Boys Town, will be named by the FTC in further legal proceedings.

In addition, my files on more than a dozen magazine sales corporations have been turned over to the U.S. postal inspectors, who are now actively engaged in investigation of magazine sales practices all across the country.

Deception and fraud in the sale of magazines is being stopped. But the magazine investigation has merely opened a Pandora's box of other consumer abuses which must be brought to a screeching halt.

Clearly, many of the worst abuses are occurring in the collection field, where no stone is left unturned in efforts to coerce the American consumer to pay claimed debts which may be unjustified, inflated, or subject to legal challenge for any of numerous reasons.

In the Justice Department's 50-count information against the Cowles subsidiaries, it was charged that as part of the defendant corporations' "scheme and artifice" to defraud, and for obtaining money by means of false and fraudulent pretenses, the defendant corporations represented "that they would cause the customer unnecessary inconvenience, including loss of job, legal proceedings, attachment incurring court costs, legal fees, and public embarrassment through jeopardy of credit rating—whereas, the defendant corporations had no intention of garnishing wages or entering the transaction in a court of law, but used this as a scare tactic."

Because the scare technique is in widespread use by debt collectors, I am taking a first step today to stop harassment of consumers by telephone for collection of disputed debts by introducing two bills which would make it a criminal offense to harass any consumer by telephone for the collection of debts which have not been validated by legal process.

Both bills would make it illegal for any individual or organization to: "make a telephone call, solely to pressure, annoy, abuse, threaten, or harass any person at the called number, for the purpose of collecting any debt which has not been held in a valid judgment of a court of competent jurisdiction to be due and owing."

The bill also provides that any person who knowingly permits a telephone under his control to be used for harassment shall be fined not more than $500 or imprisoned not more than 6 months.

The real clout of these bills is the additional impetus they give the Federal Communications Commission to "cut off telephone service" to any individual or organization engaged in telephone harassment to collect nonjudgment debts. The company or collection agency that resorts to telephoned threats of legal action, of public embarrassment of the consumer, of bad credit reports, or other comparable penalties will be sorely pressed to continue plaguing consumers if its telephones are removed.

Companies, such as a Baltimore-based magazine sales agency which regularly harasses subscribers by calling neighbors and employers to try to force payment of disputed magazine sales contracts, may be in line for a dose of their own medicine. In some instances they already are. That Baltimore company, for example, paid a substantial sum to settle one Washington, D.C., area subscriber's suit out of court, after harassing collection calls by the company to the woman's employer temporarily deprived her of a promotion opportunity. The same company has been the subject of dozens of telephone harassment complaints I have filed with the Federal Communications Commission over a period of many months. The company, International Magazine Service of the Mid-Atlantic, Inc., has already received several warnings from its telephone company to mend its telephone collection methods. In addition, its sales methods are being investigated now by U.S. postal inspectors.

A Bill To Prohibit Harassment by Interstate Telephone Communication To Collect Nonjudgment Debts

JUSTIFICATION

The major provision of the Communications Act of 1934 dealing with obscene or harassing telephone calls is Section 223 [47 U.S.C., Sec. 223] which reads as follows:

"Whoever: (1) in the District of Columbia or in interstate or foreign communication by means of telephone—

(A) makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent;

(B) makes a telephone call, whether or not conversation ensues without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number;

(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

(D) makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or

(2) knowingly permits any telephone under his control to be used for any purpose prohibited by this section, shall be fined not more than $500 or imprisoned not more than six months, or both."

(1) With an increase in the use of interstate telephone service for collection of claimed debts, there has been a corresponding increase in the number of illegal practices used that may be in violation of applicable tariffs of the telephone companies and criminal statutes. Practices alleged include calls at odd hours of the day or night; repeated calls; calls to friends, neighbors, relatives, employers, and children; calls making a variety of threats; calls asserting falsely that credit ratings will be hurt; calls falsely stating that legal process is about to be served; calls demanding payments for amounts not owed; calls to places of employment; and calls misrepresenting the terms and conditions of existing or proposed contracts.

(2) Since Section 223 and the harassment subsection (D) apply only to telephone calls which are made solely to harass any person at the called number, it might be determined that harassment in conjunction with debt collection is not in violation of the statute.

Accordingly it is important that the provisions of this Act be amended by adding a new subsection (E) to prohibit annoying, abusive, threatening, or harassing calls for debt collection purposes where that debt has not been first secured by a valid judgment of a court of competent jurisdiction.

The text of the proposed legislation reads as follows:

A Bill to amend the Communications Act of 1934 to prohibit telephone calls made to collect a non-judgment debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 223 of the Communications Act of 1934 is amended—

(1) by inserting after paragraph (1)(D) the following:

"(E) makes a telephone call, solely to pressure, annoy, abuse, threaten, or harass any person at the called number, for the purpose of collecting any debt which has not been held in a valid judgment of a court of competent jurisdiction to be due and owing; or"

A Bill To Prohibit Harassment by Intrastate Telephone Communication for Collection of Non-Judgment Debts, and To Prohibit Obscene or Harassing Telephone Calls Intrastate

JUSTIFICATION

The major provision of the Communications Act of 1934 dealing with obscene or harassing telephone calls is Section 233 [47 U.S.C., sec. 223] which reads as follows:

"Whoever: (1) in the District of Columbia or in interstate or foreign communication by means of telephone—

(A) makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy, or indecent;

(B) makes a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number;

(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number: or

(D) makes repeated telephone calls, during which conversation ensues solely to harass any person at the called number; or

(2) knowingly permits any telephone under his control to be used for any purpose prohibited by this section, shall be fined not more than $500 or imprisoned not more than six months, or both."

With an increase in the use of the telephone service nationwide, for collection of claimed debts, there has been a corresponding increase in the number of illegal practices used that may be in violation of applicable tariffs of the telephone companies and criminal statutes. While some of these illegal practices involve calls in interstate commerce, the great bulk of calls are in intrastate commerce, and accordingly, it is only through regulation of these intrastate calls as well as interstate calls that Congress can attempt to regulate these illegal acts.

Since Section 223 of the Communications Act of 1934 dealing with obscene and harassing telephone calls, applies only to interstate and foreign calls and the District of Columbia, it is important that Congress recognize the inseparability of the interstate and intrastate telephone systems and exercise its responsibility to control illegal acts throughout the entire nationwide telephone communication system.

The text of proposed legislation reads as follows:

A bill to amend the Communications Act of 1934 to prohibit harassing telephone calls made to collect a non-judgment debt, and to prohibit intrastate harassing or obscene telephone calls.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 223 of the Communications Act of 1934 is amended— .

(1) by striking out "in the District of Columbia or in interstate or foreign communication"

(2) by inserting after paragraph (1)(D) the following:

"(E) makes a telephone call, solely to pressure, annoy, abuse, threaten, or harass any person at the called number, for the purpose of collecting any debt which has not been held in a valid judgment of a court of competent jurisdiction to be due and owing; or" and

(3) by striking out in the heading for such section *"in the District of Columbia or in Interstate or Foreign Communications."*

Sec. 2 (a) Section 2(a) of such act is amended by striking out "the provisions" and inserting in lieu thereof "Subject to section 223, the provisions."

(b) Section 2(b) of such Act is amended by striking out "section 301" and inserting in lieu thereof "sections 223 and 301."

(c) Section 3(e) of such Act is amended by striking out "(other than section 223 thereof)."

TOWARD HELPING OUR SENIOR CITIZENS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Biaggi) is recognized for 15 minutes.

Mr. BIAGGI. Mr. Speaker, yesterday I presented the first in a series of statements concentrating on several problems of the elderly American. These statements are in support of eight bills I am currently circulating for cosponsorship that will help resolve some of the financial difficulties the senior citizen finds himself faced with upon retirement.

Today, I would like to concentrate on the three bills that would provide improved medicare services for the elderly. Health is one of the major concerns of the elderly. It is also one of their most significant cost items. Nearly seven out of every eight Americans over age 65 have a health problem that requires some sort of constant care, either with medicine and doctors visits or hospital and nursing home care. Public sources only cover roughly two-thirds of the cost of this care.

Medicare was intended to provide adequate medical care for the elderly in their greatest period of need and to prevent a complete loss of savings or income due to illness. In this respect, medicare has been less than hoped for.

For many over-65 Americans the principle expenditure is for drugs and patent medicines. There is no need to comment here on the disproportionately high cost of prescription drugs. I am sure each of us has had the occasion to criticize the high cost of a small vial of pills.

Nevertheless, these bills for pills that could run into hundreds or thousands of dollars yearly for an elderly American are not paid for under the medicare program. For many this comprises the major portion of their medical expenditures. Thus for elderly Americans in this category, medicare is a failure.

My bill, H.R. 9672, and others like it now pending in the Ways and Means Committee would help solve this problem by extending medicare benefits to cover the cost of prescription drugs. Safeguards are provided that would prevent profiteering from the sale of prescription drugs to medicare recipients. Also a minimum payment of $1 per prescription is required by the beneficiary so that low-cost items are excluded.

Two other bills, H.R. 9151 and H.R. 4507 respectively, would provide for payment of optometrists' services and chiropractors' services under the medicare plan.

The aged American has great need of the services of both of these professional men. Failing eyesight and weakened muscle and bone structure figure prominently in the health problems of the over-65 American.

Mr. Speaker, I am well aware of the criticism of chiropractors which is a holdover from past years when the practice of chiropractic medicine was filled with quacks. Perhaps today the problem is still there to a small degree. But there are many chiropractors who perform significant and important services for sick Americans and their presence is essential to the total health care system in the United States.

These three medicare reforms are by no means the only reforms that could be made. They are, however, important reforms that could be accomplished with a minimum of problems. I urge my colleagues to join me in reintroducing these bills next week. To recapitulate the three bills I discussed today will be reprinted at this point in the RECORD:

MEDICARE REFORMS FOR THE ELDERLY

1. H.R. 9151—A bill to provide for payment of optometrists' services under medicare.

2. H.R. 9672—A bill to include prescription drugs under medicare.

3. H.R. 4507—A bill to include chiropractor services under medicare.

THE SHARPSTOWN FOLLIES—XVIII

The SPEAKER. Under the previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, anybody having any conscience at all must be shocked at the actions of the Justice Department in letting Frank Sharp off the hook. Other, smaller crooks have gotten far greater punishment than Sharp did. Other, smaller crooks were prosecuted with full vigor. Why then did the Justice Department make its shocking and odious deal with Sharp, a deal that enables Sharp to escape any prosecution even for violations of Texas law, thanks to a sweeping grant of immunity granted at the request of the Deputy Attorney General? Even now Texas officials are having to ask the Federal courts if they can prosecute Sharp. What a sorry pass this is.

The Justice Department made its deal with Sharp to keep from prosecuting him at all. If they had prosecuted him they would have had to uncover plain evidence that indicates their own Assistant Attorney General, Will Wilson, was engaged in Sharp's schemes part and parcel.

I have cited many examples of questionable and probably illegal self-dealing loans that Sharp arranged between his various companies while Wilson was providing the man with legal advice. Wilson must have known about these deals, and he must have known they were shady at best and flatly illegal at worst.

Wilson might have chosen simply to ignore all that was going on around him, because he was making good money from Sharp's retainers, and because the same deals that Sharp and his pals were involved in gave Wilson a grand opportunity to enrich himself, just as Sharp and his other pals were enriching themselves.

Wilson was general counsel for National Bankers Life Insurance Co., a company that he helped Sharp take over. It was the common practice of officers and directors in that company to trade in large volumes of the company stock. Some of these deals were short-swing transactions designed to bring quick profits to the insiders. Will Wilson was an insider, and under normal SEC practice, he would have registered his dealings in National Bankers Life stocks. Texas law on this point is not so explicit, and since it did not specifically require Wilson to register his inside trading, he never did report any of it. The distinguished ex-attorney general of Texas operated in the shady gray area of Texas law, and he knew it.

When Sharp was sentenced, his attorneys said that Sharp had been betrayed by his friends and partners. He relied on these people, the counselor said, and they betrayed him, much as Harding had been betrayed by his friends. Will Wilson was a friend of Sharp's. I wonder if Sharp believes that Wilson, like his other pals, betrayed him and enriched himself at Sharp's expense; I wonder if he believes that Wilson was one of those who "just took advantage" of Frank Sharp?

It is certain that Wilson owed a great deal to Frank Sharp. That debt surely is repaid, since Wilson's Justice Department has insured that the man will never face trial for his crimes. But Wilson was there right in the thick of Sharp's wheeling and dealing. If he was a wholly honest man in those dealings, he would be one of the very few in the Sharp entourage who was. I would be surprised if there was a single man on the inside of Sharp's companies who did not take advantage of the law, who did not wheel and deal, and who did not skirt the edges of the law whenever it proved necessary to find the next pot of gold. I would be surprised if Will Wilson was indeed not at the heart and center of the Sharp empire. I would be very surprised if Wilson was in fact wholly ignorant and not a party to a great many of Sharp's dishonest deals.

URGENT STEPS MUST BE TAKEN TO REFORM PROCEDURES AND ATTITUDES OF TREASURY DEPARTMENT AGENTS

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, the latest revelations concerning the June 7, 1971, raid on the home of Mr. Kenyon F. Ballew, of Silver Spring, Md., by a combined force of 28 Federal agents and county police make it clear that urgent steps must be taken by Secretary Connally to reform the procedures and attitudes of Treasury Department agents.

The Washington Daily News of July 19, 1971, reported that two Treasury Department supervisors sat in their car while inexperienced agents led the raid on Mr. Ballew's apartment so that they might have a little on-the-job training. One of the results of the on-the-job training is that Mr. Ballew remains in a hospital with a bullet apparently permanently lodged in his brain.

The Daily News also reports that during a second raid on the same night, led by an inexperienced Alcohol, Tobacco, and Firearms Division agent, a 10-year-old and two younger children were held at shotgun point while the raiders ransacked their apartment.

The Washington Post of July 20, 1971, reported that the Treasury Department agents obtained the warrant to raid Mr. Ballew's apartment in search of illegal hand grenades "solely on the basis of information from a 17-year-old youth who had been arrested on housebreaking charges." No illegal hand grenades were found.

Meanwhile, Montgomery County Executive James Gleason calls the raid on Mr. Ballew's home "justifiable" and Secretary of the Treasury Connally makes no public comment.

The Washington Evening Star in an editorial on July 6, 1971, entitled "Gleason's Judgment," and the Washington Post on July 17, 1971, in an editorial entitled "Mr. Gleason on Raids," make it clear that the Montgomery County executive is in error and that the case, as the Washington Post put it, "is not closed."

Since this raid was conducted under Federal authority, I feel that Secretary Connally has a firm obligation to come forward with a full public report on all aspects of the raid. He also has a responsibility to take expeditious action to assure that no similar event occurs in the future.

For the information of my colleagues, I place the texts of the articles in the Washington Daily News and the Washington Post, as well as the texts of the editorials of the Washington Star and the Washington Post, at this point in the RECORD:

[From the Washington Daily News,
July 19, 1971]

T-MEN IN GUN RAID WERE ROOKIES: CONFIDENTIAL REPORT SAYS SUPERVISORS SAT OUTSIDE IN CAR DURING BALLEW RAID

(By Diane Bauer)

A confidential federal report on The Treasury agent and police raid in which a Quebec Terrace, Silver Spring resident was permanently crippled by a bullet, reveals that inexperienced G-men were picked to lead the raid to give them "on the job training."

A second raid the same night on another apartment where only three children were at home was also led by an inexperienced T-man, the report says. Neighbors have said that a 10-year-old and two younger children were held at shotgun point while the raiders ransacked the apartment.

Portions of the report, which has been circulated to higher-ups in the Justice Dept., Treasury Dept., Maryland U.S. Attorney's office, and Montgomery and Prince Georges County governments "for comment" were made available to the Washington Daily News.

BATTERING RAM

The 100-page report is still in the process of being revised before it will be considered ready for release to the public.

The secret Treasury document is the latest in a series of contradictory official statements brought to light by The News in the five weeks since the 28-man raid.

On June 7 Treasury agents, aided by Montgomery County and Prince Georges County police, some bearded and in scruffy clothing, forced their way with a battering ram into the apartment of Kenyon F. Ballew, 27, of 1014 Quebec Terrace at 8:30 p.m.

ANTIQUES

Mr. Ballew was critically injured with a bullet in the brain as he leaped from the bathtub and grabbed an antique cap and ball pistol to defend himself and his wife.

The agents, from the Alcohol, Tobacco and Firearms Division of the IRS division of the Treasury Dept., had a search warrant to look for illegal hand grenades but found only dummy grenades owned by Mr. Ballew since he was a child, and his antique gun collection.

The confidential report states that altho the warrant, based on information from an informer called "Burt" by the agents was obtained to search for illegal hand grenades, the informant told police that the souvenir grenades were actually dummies and that he did not believe that Mr. Ballew knew how to reactivate them.

Marcus Davis, the agent who obtained the warrant based on the information received from the informant, faces disciplinary action by the Treasury Department for refusing to disclose his personal notes revealing what the informant "Burt" actually said, the report revealed.

The report reveals that twelve agents, twelve Montgomery police and two Prince Georges police took part in the raid on Mr. Ballew's apartment to execute the federal search warrant.

Two Treasury area supervisors sat in a car across the parking lot outside but did not take part in the raids led by the junior men.

The Montgomery County government has already acknowledged that residents of the second apartment which agents battered their way into that night, will receive official apologies and compensation.

INEXPERIENCED

The confidential report reveals that both raids were under the command of Treasury agent Marcus Davis who the report says admits to deliberately placing each team of raiders in the control of an inexperienced man as a training mission. Of the twelve agents on the Ballew raid, five had a year or less experience with AT&F.

Mrs. Ballew, who was dressed only in underpants at the time of the raid, has stated that on hearing someone at the door she called out to them to wait a minute and she would open the door. Agent William Seals, who had one year's experience with AT&F said in his signed statement the night of the raid that he ordered the door battered in because he heard no reply to the raiders' knocks but "scuffling."

Altho in a later report Mr. Seals admits that he did hear an indistinguishable reply, the confidential report reveals that Prince Georges Det. Sgt. Thomas Blount, standing at another entrance to the apartment, was clearly able to hear Mrs. Ballew say she would open the door.

The report reveals that the raid on the second apartment was led by agent Joseph T. Long, a GS–7 with four months experience with AT&F and still in basic training.

The details of the raid have caused Rep. John Dingell, R-Mich. to term it "worthy of the worst raiders in Nazi Germany."

Rep. Gilbert Gude, R-Md., has joined with Rep. Dingell in asking for a report from Treasury Secretary John Connally, but because of continued efforts to revise the report to withstand public scrutiny it has not yet been made public, The News was told.

INVESTIGATION

An inquiry by the White House has also been made and the Maryland State Human Relations Commission last week agreed to investigate Montgomery police tactics to see if a full-scale investigative hearing into police discrimination and brutality in the county is necessary.

Treasury agents last week refused to testify before a Montgomery grand jury investigating the case because no immunity from prosecution was offered them.

Federal officials are concerned that possible charges could be brought regarding the legality of the search warrant, unnecessary severity in executing the warrant and a possible manslaughter or murder charges if Mr. Ballew should die.

NO AUTHORITY

Montgomery County acting police chief Kenneth W. Watkins told The News that no formal authorization for a joint raid by federal agents and county police had been obtained, but that the federal agents were in charge of the county police on the raid.

Altho the report identifies the agents in charge of the raiding parties, Treasury official Scott Waffle said "there wasn't one man out there in charge of the whole shooting match."

In a "review" of the case by the Montgomery government, County Executive James P. Gleason, who last week announced that police execution of the raid was procedurally correct in every way, refused to question neighbors and witnesses at Quebec Terrace about police tactics used in the predominantly black area during the raid.

Other discrepancies revealed in the report include a statement from a Ballew neighbor that Montgomery County police in scruffy undercover agents clothes, who said they wore police armbands during the raid, actually hurried outside to their police car to don the armbands after the shooting.

John T. Bonner, lawyer for Mr. Ballew, said his findings are also in conflict with official reports reelased by Mr. Gleason.

Mr. Bonner said that he has turned over to a ballistics expert fragments found in the apartment of shells fired by the same gun that injured Mr. Ballew.

[From The Washington (D.C.) Evening Star, July 16, 1971]

GLEASON'S JUDGMENT

Montgomery County Executive James Gleason has studied the official county report of the June 7 raid at Quebec Terrace. He has pronounced the police procedures "adequate and correct," adding that "in my judgment there isn't anything that could have been done differently by the officers who took part in the raid.

That judgment is the latest addition to the list of official error that has marked the case from the beginning.

Gleason's judgment was based on the following facts:

Treasury agents and county policemen—some 25 of them—acting on information from an informer, carried out two raids at 1014 Quebec Terrace on the night in question. In both cases, the suspected crime was possession of illegal firearms.

First, the raider broke down the door of apartment number 102—an apartment occupied by a woman and her two daughters. It was the wrong apartment. Their suspect, it turned out, lived in number 103.

The party next went to the rear of apartment number 2, the residence of Kenyon Ballew. They called through the metal door, identifying themselves and demanding entry. They heard a woman's voice answering them but were unable to understand what was being said. Using a battering ram, they broke in. The first men through the door were undercover agents, dressed in old clothes and bearded.

They were confronted by Mrs. Ballew, dressed only in underpants, and her husband, naked and dripping wet, who had come from his bath when the shouting began. Ballew, a gun collector, took an antique pistol from a wall rack. Several shots were fired, one by Ballew. Ballew's shot, according to Gleason, was accidental. It was not aimed at police. It may, indeed, have been fired after he was hit in the head by a police bullet. Police, acting on the informer's tip, searched the apartment for hand grenades. Several were found, all of them harmless dummies.

Ballew is now reported in good condition at Washington Sanitarium and Hospital. The bullet is still in his brain. He is partially paralyzed. His chances for complete recovery are doubtful.

Nothing, in Gleason's judgment, could have been done differently.

Well, for openers, how about those undercover agents who led the raiders into the room? It seems doubtful that if a uniform had been seen immediately by Mrs. Ballew, she would have thought, as she says, that she was being attacked by "hippies or racketeers."

Why did police come to the back door instead of the front, where they could have been seen and identified through the glass panels? Why did they assume that they could be heard when they were unable to understand what was being said to them? Why was there no preliminary investigation of Ballew—an investigation that would have disclosed no criminal record and no reason to believe that the police were dealing with a dangerous and desperate felon? Why did they maintain their blind trust in their informant when the quality of his information had appeared so faulty in the raid staged minutes before?

Gleason's motive in stating his unqualified support of police tactics is, it may be assumed, thoroughly honorable. He does not want to add to the problems of the law enforcers by unjustified criticism. The only greater disservice that can be done the cause of law and order and police-community relations is official condonation of police action that is obviously stupid, sloppy, dangerous and correctable.

[From the Washington (D.C.) Post, July 17, 1971]

MR. GLEASON ON RAIDS

There are still some official inquiries under way to find out more about the raid June 7 that resulted in the shooting in the head of Kenyon F. Ballew of Silver Spring—as well there should be. But in the meantime, Montgomery County Executive James P. Gleason has apparently closed the county government's investigation, by concluding that the incident couldn't have been handled better.

"When you take all the circumstances of the case," said Mr. Gleason, "it was justifiable . . . there isn't anything that could have been done differently; it was a dangerous situation."

That is a pretty categorical statement, when you consider that, as Mr. Gleason went on to acknowledge, there are "different recollections about who shot first"—the authorities, seven of whom were dressed in scruffy clothes, or Mr. Ballew, who collects guns and had one in his hand when shouting authorities barged into his apartment. When you also consider that there are discrepancies between police accounts given on the night of the raid and accounts of police officers in subsequent interviews, Mr. Gleason doesn't appear to be a man terribly concerned about law enforcement procedures.

As we said at the time, the use of plainclothesmen in raids is an extremely dangerous policy in any event, even if these forays turn out to be faultlessly carried out from a strictly legal standpoint. But Mr. Gleason, arguing that the area around the Ballew apartment is dangerous, speaks of recent shootings of police officers and "the breakdown of law and order" as justification for police conduct in the raid.

Such a "breakdown" is encouraged all the more when authorities are given an unequivocal blessing for questionable behavior before all the facts are in. The case, in our view, is not closed.

[From the Washington Post, July 20, 1971]

LAWYER SAYS MARYLAND RAID BASED ON YOUNG HOUSEBREAKER'S TIP

(By Jim Mann)

U.S. Treasury agents obtained a warrant to raid the Silver Spring apartment of Kenyon F. Ballew last month solely on the basis of information from a 17-year-old youth who had been arrested on housebreaking charges, Ballew's attorney charged yesterday.

In an affidavit filed in support of the request for a search warrant, a Treasury agent had said the youth was reliable because he had provided police with accurate information on three housebreakings. But the affidavit did not point out that the accurate information was based on the confession of the youth that he had committed the break-ins himself, John T. Bonner, Ballew's attorney, said.

Ballew, a gun collector with more than 30 firearms in his apartment, was shot in the head and critically wounded in the raid June 7 by Treasury agents and Montgomery and Prince Georges police.

Ballew's wife has said the Ballews believed the lawmen—some of whom were dressed in casual clothes—were attempting a burglary when they broke into the apartment. The incident has sparked investigation by the Treasury Department, Montgomery County officials, a county grand jury and the State Human Relations Commission.

In other developments in the case yesterday:

Treasury officials confirmed reports that five of the 14 Treasury agents participating in the raid had had one year or less experience with the Alcohol, Tobacco and Firearms Division of the Treasury Department and that the first agent to enter the apartment—apparenly the leader of the raid—was one of the five.

Montgomery County Executive James P. Gleason, in his weekly press conference, hit back at criticism of the raid as "Monday-morning quarterbacking." Gleason chose the occasion to appoint Col. Kenneth M. Watkins, who has been acting county police chief since March 31 and headed the department at the time of the Ballew, raid as his permanent police chief.

In applying for a search warrant to raid Ballew's apartment, Treasury agent Marcus David cited two different instances—one in Montgomery and the other in Prince Georges—in which an unnamed "source" provided "information" to local police regarding illegal hand grenades in Ballew's apartment.

In the Prince Georges case Davis said in an affidavit, "the source's reliability is based on three separate reports of burglaries in the Langley Park area of Montgomery and Prince Georges counties, which, according to police reports, in fact took place or were attempted."

Bonner charged yesterday that the "source" was the same in both counties: a 17-year-old who lived in the building next to Ballew's at the Quebec Terrace Apartments on New Hampshire Avenue.

On June 6, the night before the raid, the informant was brought to headquarters by Montgomery police for questioning regarding housebreakings in which he had been implicated, Bonner charged.

Bonner charged that the informant confessed to three housebreakings.

Bonner said that after the youth was questioned by Silver Spring detectives he was taken to Prince Georges County detectives for further interviews, and it was there that he became the "source" for the information provided to Prince Georges County detectives.

"He never really gave them information like an informer," Bonner said. "He hates police, has been a thief all his life."

The affidavit provided in support of the search warrant says that two Montgomery County detectives interviewed the "source" at the Silver Spring police station on June 6, the day before the Ballew raid. No date is given in the affidavit for the interview with the "source" in Prince Georges County.

Montgomery County police refused to comment in any way on the basis for the information regarding Ballew.

"I honestly do not know who the informant is," said Col. Watkins, shortly after he was sworn in as the new police chief yesterday. "An officer never asks another officer the identity of an informant."

All attempts to find confirmation of Bonner's account were unsuccessful.

When Lt. Miles R. Daniels of the Silver Spring detective bureau was asked whether the youth named by Bonner had been questioned on June 6 by his detectives about housebreakings, he told a reporter: "You'd have to get that from central headquarters."

At central headquarters, Insp. Fred P. Thrailkill, who is in charge of all investigations by county detectives, was asked the same question.

"I don't know why he (Daniels) referred that to me. It's not normal for him to refer something like that to me," Trailkill said.

The inspector said he would obtain the information and call back, but he did not do so, and further attempts to reach him were unsucessful.

In Baltimore, Assistant U.S. Attorney Charles Bernstein said that the U.S. attorney's office is never told the identity of confidential informants.

"We don't know who the sources are," Bernstein said. "My understanding was that these were two different sources of information used by the two different departments in Montgomery and Prince Georges."

Asked whether it was possible that there was only one informant in the case, Bernstein said, "If that is so, it's contrary to what I'd been led to believe by the agent."

But Bernstein reaffirmed the position of U.S. Attorney George Beall that the search warrant was valid.

He said that federal report on the raid being prepared by the Treasury Department "will confirm George Beall's original statement that there was nothing improper by any of the officers."

Bonner said yesterday that last Friday for the first time he interviewed the youth who he says was the informant in the Ballew raid.

He says he deduced the identity of the informant from a statement in the affidavit that says "on May 5 or 6, 1971, the source observed a quantity of hand grenades in Apt. 2, 1014 Quebec Terr. (Ballew's apartment)."

Mrs. Ballew remembered a youth who had been in the apartment on one of those days, Bonner said.

Bonner said he could not persuade the juvenile to record or sign a statement. The juvenile has been subpoenaed to appear today before a Montgomery County grand jury investigating the Ballew shooting, Bonner said.

Meanwhile, a spokesman for the Treasury Department confirmed that William H. Seals first law enforcement official inside the Ballew home, had one year of experience with the department. The spokesman said that Seals had also had four years of experience with the Louisiana State Police.

Another Treasury agent in the raid, Joseph T. Long, had been with the department for four months, the spokesman said, but had previously worked for more than three years with Fairfax County police and the Naval Investigation Service.

At Gleason's press conference yesterday, Watkins said he was not aware of the experience levels of the federal officers. "On my own force, I would not want to have trainees at the critical points in a raid," he said.

Last week, Gleason concluded his own investigation of the incident by announcing that he had found nothing improper regarding the police procedures used in the raid.

His defense of the raid prompted editorial criticism in Washington newspapers and also by television commentator James J. Kilpatrick, a conservative who said he usually supports efforts at law and order but took exception in this case.

Yesterday, Gleason responded, by declaring, "Anybody can be a Monday-morning quarterback, and I think that's what's happening in editorials. It doesn't make me feel good. What would you have us change?"

He said press accounts "constantly ignore the circumstances," including the number of weapons in Ballew's apartment and vandalism and shootings in Quebec Terrace.

Asked whether the weapons in the apartment might have been used to start a riot, Gleason replied: "If he (Ballew) had a military installation inside his apartment, it does not justify an illegal raid." But he said he had found the raid was valid.

In the raid, the Treasury agents and police used a battering ram to knock down the Ballews' door and forced their way into the apartment. Ballew was apparently in the bathtub at the time, and his wife was wearing only underpants. Ballew, who was a gun collector, grabbed an antique pistol and headed toward the agents, but was shot in the head. Whether he shot at police is in dispute.

Bonner said yesterday that Ballew's condition has improved to "good" but that he remains in the hospital with the bullet still lodged in his brain. Doctors have been afraid to operate.

The Treasury agents and police found hand grenades in the apartment, but upon testing they turned out to be dummies.

DONABLE SURPLUS PROPERTY PROGRAM AMENDMENTS REMARKS OF HON. JOHN S. MONAGAN

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, today I introduce a bill to amend the Federal Property and Administrative Services Act of 1949, to permit donations of surplus property to public museums and to agencies of States and their political subdivisions which are operated primarily for environmental protection or the provision of services to schools or school systems and for other purposes.

For over two decades, the Federal donable property program has operated to bring surplus personal property to local institutions for education, public health, and civil defense purposes. It is one of the most extensive and economical types of Federal assistance. Its benefits reach every State, the District of Columbia, Puerto Rico, and the Virgin Islands. The property to be donated is channeled through State government agencies which receive, control, and distribute great quantities and varieties of surplus property to the eligible institutions. These State agencies operate the program locally but are subject to the general administrative guidance of the Department of Health, Education, and Welfare.

Carried on without fanfare year after year, this program makes available annually to our schools, hospitals, civil defense units, surplus property which originally costs hundreds of millions of dollars but which, if sold, would bring only a marginal return to the Government. In fiscal year 1970, property was donated which cost $279,669,921. The projected figure for fiscal year 1971 is $330,742,803. A significant new aspect of the program is the large amount of overseas property now being returned to the United States for donation. During fiscal year 1970, overseas property reaching the State agencies comprised 183 container-van loads. The original acquisition cost of that property was $8,170,711. In fiscal year 1971, overseas property donations filled 408 container-vans. It had an original acquisition cost of $12,246,385. As a rule, the overseas property is of very high quality and has had the propitious side effect of generally stimulating more local interest in acquiring surplus donable property regardless of point of origin.

Mr. Speaker, before assuming my present chairmanship of the Government Operations Committee's Legal and Monetary Affairs Subcommittee, I chaired the subcommittee which exercised oversight and investigative jurisdiction of the donable property program. In this Congress, I am pleased to be able to continue close association with the donation program because of my membership on our Government Activities Subcommittee which, under its chairman, the Honorable JACK BROOKS, now exercises jurisdiction over the program.

The authority for the donation program is section 203(j) of the Federal Property and Administrative Services Act of 1949—40 U.S.C. 484(j). The provision has been amended several times since 1949. In 1962, Public Law 87–786 broadened the category of eligible educational institutions so as to include schools for the mentally and physically handicapped, educational radio and TV stations, and public libraries.

From 1962 to 1970, a large number of amendments to section 203(j) were proposed but not enacted. Last year, my Special Studies Subcommittee carefully reviewed pending proposals to amend section 203(j) with a view to selecting particularly meritorious provisions on which it appeared a consensus of Congressional, Executive, and State interests might be reached.

We narrowed our consideration to four provisions. One has already been enacted as section 2 of Public Law 91–426, which gives affirmative congressional sanction to the return to the United States of foreign excess property for further Federal utilization or donation, under GSA regulations, subject to payment of transportation charges by the Federal or local agency which obtains the property.

The other provisions we selected were incorporated in H.R. 20014, which I introduced in the last Congress and which was referred to the Government Operations Committee. H.R. 20014 was the result of long and careful consultation with the Department of HEW, the General Services Administration, the National Association of State Agencies for Surplus Property, and the Office of Management and Budget. That bill sought to do three things:

First, to add public museums to the categories of eligible educational institutions—an addition, by the way, that the Senate approved through its passage of S. 2210, 91st Congress.

Second, to permit local government agencies not otherwise eligible to receive donations if they are organized mainly for purposes of environmental protection or the provision of services to schools or school systems, for example, a tax-supported air pollution instrumentality or an administrative school district furnishing special services to a number of schools or school systems.

Third, to remove from the law an ambiguity which heretofore has deterred the Department of Health, Education, and Welfare from making needed administrative adjustments with respect to overly burdensome restrictions on the use of items which, though originally costing the Government $2,500 or more, have little or no intrinsic value today.

These provisions, incorporated in the bill I now introduce, will enhance the program and also contribute to its more economical and efficient operation. The bill offers the Congress an excellent opportunity to reemphasize the importance of this remarkable program. Beyond its great basic benefits, the donation program can make the rare claim that it returns more money to the Treasury than its administrative costs. It also boasts an unusually able, experienced, and dedicated group of public servants, Federal and State, whose energies and talents have succeeded in maintaining the program's forward momentum. I urge all Members to share in this opportunity through support of my bill.

SUN SHINES ON SHORT CAMPAIGNS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, nearly everyone agrees that our presidential campaigns are too long, yet except for the period directly after an election, there is little official support for regulating campaign length. Even now, despite the prospect of a July 9 Democratic convention in 1972, with the Republican convention to follow shortly thereafter, there is little endeavor toward limiting the time of presidential contests. Several congressional committees are presently considering campaign reform, but none is holding hearings specifically on the length we allow our campaigns to run, a primary cause of many of the electoral ills which the Congress is considering.

On June 29, with seven cosponsors I introduced legislation which would correct the excessive length of presidential races, and in the process, reduce other campaign excesses. My bill, H.R. 9507, would reduce presidential campaigns to 60 days by making impossible the nomination of a candidate for President more than 60 days prior to election.

I should like to bring to the attention of my colleagues an excellent column by Mr. Richard O'Mara of the Baltimore Sun which places the issues surrounding the 60-day campaign bill in proper perspective. I urge all Members to consider these issues and then join me in working for passage of a 60-day presidential campaign in time for the 1972 elections:

A SHORTER, CHEAPER ROAD TO THE WHITE HOUSE

(By Richard O'Mara)

John S. Monagan is a Democratic congressman from Connecticut, and he has been trying for over a decade to end the cruel marathon that is the American presidential campaign. Every year since he came to Congress in 1958, Mr. Monagan has introduced his bill to put a rational brake to a wildly irrational extravaganza. In early July he introduced it again, with seven co-sponsors.

HR 8606 is a terse piece of legislation, only 10 lines long. It proposes a 60-day limit to presidential campaigns. It would make illegal the nomination of anyone for President or Vice President more than 60 days before Election Day. The congressman feels that 60 days is "a reasonable and adequate period of time for voters and candidates to communicate."

Mr. Monagan's arguments for shorter presidential campaigns are various and almost irrefutable. Long campaigns are expensive, exhausting, repetitious, disruptive of the nation's business, boring. They tend to muddle rather than to clarify, and they leave the public numb and fed up.

Primary among the Monagan concerns is expense. It is one shared by members of both parties. By way of comparison, Mr. Monagan observed that in the 1860 election which put Abraham Lincoln in the White House the two major parties spent together only $160,000. A century later, in the election that put John F. Kennedy in the White House, the combined expenses of the parties reached $20 million. Kennedy traveled 40,000 miles and delivered 360 speeches. Lincoln didn't campaign at all.

A recent report by the Citizens Research Foundation revealed that in 1968 the Republicans spent nearly $25 million on Richard Nixon's presidential campaign alone. The Democrats, who spent over $10 million in losing, haven't yet paid off their campaign debt. The spending was so profligate in 1968 that it prompted former Senator Paul H. Douglas to warn the American democracy was in danger of becoming the American plutocracy. Mr. Monagan presumes, not unreasonably, that shorter campaigns would afford the parties less time to overspend.

Despite his good counsel, Mr. Monagan fears things are moving in the other direction. He recently denounced the Democratic National Committee for scheduling the party's convention next July 9, ". . . nearly four full months" before Election Day. And this doesn't include the primaries. They are getting even longer and more numerous. Mr. Monagan cites an observation by the political columnists Rowland Evans and Robert Novak who not long ago accompanied Senator Edmund Muskie to Wisconsin: "Bone tired because of an insanely arduous schedule, Muskie was more drowsy than dynamic during a televised press conference."

Most countries manage to hold elections without having them preceded by endless weeks of speeches and turmoil. England, Canada, India and Israel, to name a few, get through their national election campaigns in about a month. So do most of the other democracies of the world.

The point is, the principal reason for long presidential campaigns in America has vanished. It's a big country, and in the past it took a presidential candidate a long time to get around it by train, to meet a sufficient number of voters. Today jets cross from coast to coast and border to border in hours. Network radio and television, the wire services, flash the words, images and views of the candidates instantaneously to all parts of the nation. The candidate reaches more people and he reaches them faster. He has just so many things to say although, at the same time, he has an over-abundance of opportunities to say them.

After a while the words lose all meaning, a numbness sets in among the constituents. A lesson politicians seem not to have learned is that there is such a thing as overexposure. Observing the early ramblings of Messrs. Muskie, McGovern, Bayh, et al., Mr. Monagan noted plaintively, "They've started again, already."

Mr. Monagan's proposal treats only with presidential elections, not with state primaries. Presumably it would not affect directly the pre-convention scrambles, which are the cause of most immediate concern for the Democratic party. Indirectly, however, it could have a strong impact, for if Democrats and Republicans could agree to limit the length of their general election campaign against each other, the agreement could encourage intra-party harmony.

Nearly everyone agrees that campaign reform is necessary. By one estimate there are some 55 separate campaign reform bills in various committees of the House and Senate. They deal with overall campaign spending, the amounts of political contributions allowable, the amount spent on the electronic media and on the print media, how much should be permitted for each voter in the last election.

Only Mr. Monagan's bill seeks to limit the campaign duration. In the words of its author, it is "the simplest, most direct approach to attacking the ills of our electoral process." Given the chance, it could prove the most effective.

ISRAELI DESALTING PLANT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I am today introducing, with 26 cosponsors, legislation appropriating $20 million to be used in a joint effort with Israel for the construction of a prototype water desalination plant in Israel. I have previously introduced this legislation as H.R. 9666.

The construction of such a plant is authorized by the Foreign Assistance Act of 1969, Public Law 91–175. Section 104 of that act, creating a new section 219 of the Foreign Assistance Act of 1961, provides that the United States may enter into a cooperative agreement with Israel to construct the prototype plant.

Thus far, section 104 of Public Law 91–175 has not been implemented. While $20 million was in fact appropriated in fiscal year 1970, this funding was not employed. Since then, the authorizing law has been moribund.

Yet this state of affairs need not be. And, in fact, it should not be, because the proposed desalination plant would benefit significantly both the United States and Israel.

Insofar as the United States is concerned, we would derive both political and economic benefits. Assistance in construction of the desalination plant would constitute a forthright act of friendship toward a beleaguered nation which continues to struggle for survival. This act would be a clear expression of our determination that Israel shall in fact survive in the future.

The construction of this plant would serve, as well, as a form of encouragement to Israel's neighbors to reach a meaningful peace. The example of peaceful foreign aid afforded by the prototype plant could serve as a means of suasion—demonstrating the assistance we could provide—to those nations in the Middle East which so desperately need to begin turning to their domestic problems.

In economic and technological terms, the construction of this plant would also be most beneficial to the United States. This was made clear by former Assistant Secretary of the Interior Max N. Edwards, who stated in a letter to the Congress on January 17, 1969:

> (W)hile the project is vital to Israel in terms of water supply and power, its significance to the United States is the opportunity to improve and advance science and technology in the field of saline water conversion and to contribute materially to development of low cost desalination processes. We believe we should take advantage of this opportunity.

Moreover, the 1969 provision specifically provides that Israel would bear at least 50 percent of the costs of the project. In addition, the 1969 law provides that, pursuant to the agreement into which the United States would enter with Israel for construction of the plant, "All information, products, uses, processes, patents, and other development of this prototype plant will be available without further cost to the United States." Thus, the technological knowledge gained by construction of the plant would be at our use and disposal.

Finally, insofar as benefits to the United States are concerned, construction of the joint United States-Israeli desalination plant would constitute fulfillment of an executive commitment, made by then President Johnson, and enunciated by the then Premier Levi Eshkol of Israel on January 9, 1969.

The benefits accruing to Israel from the construction of the legislatively authorized plant are also clear. Israel is in desperate need of fresh water. The Sea of Galilee, which provides one-third of her water supply now, is dangerously polluted. Virtually all sources of fresh water have been developed. The plight Israel faces was made clear by Dr. Abel Wolman, who served as chairman of the National Water Resources Board and as president of the American Water Association, when he testified before the House Foreign Affairs Committee on July 29, 1969:

> Israel's fresh water supply will be used to its fullest by the mid-1970's. It cannot meet the 1970–1980 demand for the water.

Finally, Israel faces severe financial difficulties, largely engendered by the enormous military budget she is forced to bear. U.S. aid for this project would thus be particularly helpful.

Lastly, I would note that not only would this plant be a source of fresh water for Israel. In addition, it would produce several hundred megawatts of electricity daily.

Thus, appropriation of funds to begin construction of the prototype dual-purpose power generating and desalting project marks a particularly beneficial opportunity to use the foreign assistance program for a project of peace, to be constructed within the borders of a longtime and loyal friend of this Nation.

The 26 Members who have joined me in introduction of legislation appropriating funds for the joint United States-Israeli desalting plant are:

Mrs. Abzug, Mr. Adams, Mr. Anderson of Illinois, Mr. Badillo, Mr. Cleveland, Mr. Corman, Mr. Collins of Illinois, Mr. Dellums, Mr. Drinan, Mr. Eilberg, Mr. Frenzel, Mr. Fulton of Pennsylvania.

Mrs. Grasso, Mr. Harrington, Mr. Hathaway, Mr. Koch, Mr. Kyros, Mr. Lent, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Rosenthal, Mr. Sarbanes, Mr. Scheuer, Mr. Vanik, and Mr. Waldie.

WHERE WILL THE POSTAL SERVICE GET THE MONEY?

(Mr. GROSS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, yesterday the Postal Service and the postal unions signed a $990 million pay agreement termed by the spokesmen of both sides to have been a "miracle" achievement.

The "miracle," Mr. Speaker, is not in the negotiated agreement, but rather how this fancy package is to be paid for.

According to newspaper reports, the Postmaster General has said there are only two alternatives—increase postage rates or come to Congress for a subsidy. I trust that neither of these alternatives comes as any surprise to my colleagues in the House. From the very outset of the pay negotiations there was never any doubt, at least in my mind, that the source of funds to pay for a wage increase was either higher postage rates or congressional appropriation.

I hope that, should the second alternative materialize, we will in this body give long and serious deliberation to a precedent-setting arrangement whereby the Congress automatically doles out the taxpayers' money to foot the bill for agreements reached by the Postmaster General independent of any congressional involvement.

And speaking of footing the bill for this pay pact, I wish also to remind the Members of this body that inasmuch as Postal Service employees remain under the Civil Service Retirement Act, the net cost of this pay agreement is far in excess of the publicized figure of $990 million.

According to calculations of the Civil Service Commission, for each dollar increase in salary, the unfunded liability of the civil service retirement fund is increased in the neighborhood of $2.65. Therefore, this postal pay raise, over a 2-year period increases the unfunded liability of the retirement fund by $2.6 billion. This makes the total cost of this package in excess of $3.5 billion. Who, I ask, is going to foot this bill?

One way of resolving part of the issue is for the other body to act on the bill, S. 1681, which passed the House on May 14 with the so-called Gross amendment and was sent back to the Senate.

The amendment to that bill, added in committee, clarifies the provisions of Public Law 91–93—the act which strengthened and stabilized the civil service retirement fund—to require that any new unfunded liabilities in the fund caused by increases in postal employee pay resulting from employee-management agreements or administrative action, shall be paid for by the Postal Service in 30 equal annual installments.

Simply stated, the amendment requires the Postal Service to pay for any unfunded liability which it may create in the future in the retirement fund by reason of its own action in granting future pay increases.

The situation with respect to the Postal Service is unique and results from from passage of the Postal Reorganization Act. The Congress now has no control—no oversight whatsoever—with respect to the pay machinery in the Postal Service. Since each future pay raise, negotiated or otherwise granted to employees in the Postal Service, will result in a specific unfunded liability and a new financial drain on the retirement fund, the cost of this liability should properly and equitably be borne by the Postal Service.

Enactment of the amendment is urgently needed if this Congress is to fulfill its total commitment made in the last Congress that the solvency of the civil service retirement fund is to be completely insured.

The amendment is also needed in order to place responsibility on the Postal Service for the liabilities it creates in the fund and to be sure those liabilities are paid for.

I hope that with the recent turn of events at the Postal Service-Postal Union negotiating table, the urgency of placing fiscal responsibility where it squarely belongs will be realized. This House properly acted to place that responsibility and I hope that we can soon see some activity from the other side of the Capitol.

Postmaster General Blount has repeatedly asserted that the Postal Service should be a self-sustaining operation. This being the case, we should lay on the table the full cost of negotiated pay raises and make those responsible for negotiated pay increases responsible as well for the resultant costs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Kee (at the request of Mr. Boggs), for today, through July 30, on account of official business.

Mr. Mitchell (at the request of Mr. Boggs), for Wednesday, July 21, through July 22, on account of official business.

Mr. Kemp (at the request of Mr. Gerald R. Ford), from 4 p.m., today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 20 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. McCormack, for 1 hour today, to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Hillis) and to revise and extend their remarks and include extraneous matter:)

Mr. Chamberlain, for 5 minutes, today.

Mr. Hogan, for 5 minutes, today.

Mr. Hogan, for 10 minutes, on July 22.

Mr. Broyhill of North Carolina, for 10 minutes, on July 22.

Mr. Skubitz, for 15 minutes, today.

Mr. Robinson of Virginia, for 15 minutes, on July 22.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. Mathis of Georgia) and to revise and extend their remarks and include extraneous matter:)

Mr. McKay, for 10 minutes, today.

Mr. Rooney of Pennsylvania, for 30 minutes, today.

Mr. Biaggi, for 15 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Corman, for 60 minutes, on July 27.

Mr. Dingell, for 5 minutes, today, to revise and extend his remarks and include extraneous material.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Barrett and to include extraneous matter.

Mr. Conable, immediately prior to the vote on House Resolution 457 today.

Mr. Rogers and to include extraneous matter in five instances.

(The following Members (at the request of Mr. Hillis) and to include extraneous matter:)

Mr. Collins of Texas.
Mr. Carter.
Mr. Hunt.
Mr. Findley.
Mr. Chamberlain in three instances.
Mr. Wyman in two instances.
Mr. Fish in two instances.
Mr. Thompson of Georgia.
Mr. Schmitz in three instances.
Mr. Broomfield.
Mr. Gerald R. Ford.
Mr. Conte.
Mr. McClory in two instances.
Mr. Conable.
Mr. Hutchinson.
Mr. Kuykendall.
Mr. Goldwater.
Mr. McClure in two instances.
Mr. Miller of Ohio.
Mr. Whalley.
Mr. Hansen of Idaho.
Mr. Bray in two instances.

(The following Members (at the request of Mr. Mathis of Georgia) and to include extraneous matter:)

Mr. Howard.
Mr. Dingell.
Mr. Jacobs.
Mr. Matsunaga.
Mr. Badillo in two instances.
Mr. Garmatz.
Mrs. Griffiths.
Mr. Anderson of Tennessee in two instances.
Mr. William D. Ford.
Mr. Karth.
Mr. Rodino in three instances.
Mr. Rogers in five instances.
Mr. Preyer of North Carolina in three instances.
Mr. McFall in three instances.
Mr. Bingham in two instances.
Mr. Ullman in 10 instances.
Mr. O'Neill in two instances.
Mr. O'Hara in two instances.
Mr. Hagan in two instances.
Mr. Eilberg.
Mr. Rarick in three instances.
Mr. Biaggi.
Mr. James V. Stanton.
Mr. Bennett in two instances.
Mr. Davis of Georgia in two instances.
Mr. Dorn in three instances.
Mr. Conyers in 11 instances.
Mr. Gonzalez in two instances.

(The following Members (at the request of Mr. Stokes) and to include extraneous material:)

Mr. Dow.
Mr. Rodino.

SENATE BILL REFERRED

A Bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2296. An act to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively; to the Committee on Armed Services.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 108. An act for the relief of Kyung Jo Min and Kyung Sook Min;

S. 145. An act for the relief of Esther Catherine Milner;

S. 161. An act for the relief of the West Fargo Pioneer and Dale C. Nesemeier;

S. 566. An act for the relief of Maria Grazia Iaccarino; and

S. 672. An act for relief of Nicholaos Demitrios Apostolakis.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on July 20, 1971, present to the President, for his approval, a bill of the House of the following title:

H.R. 6072. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18–A, 113, and 191, and for other purposes.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 22, 1971, at 11 o'clock, a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

978. A letter from the Secretary of the Army and the Secretary of Agriculture, transmitting notice of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and national forest lands at Libby Dam and Reservoir, Mont., pursuant to 16 U.S.C. 505a, b; to the Committee on Agriculture.

979. A letter from the Chairman, Executive Committee, District of Columbia Bail Agency, transmitting the annual report of the Agency for calendar year 1970, pursuant to Public Law 91-358; to the Committee on the District of Columbia.

980. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of the status and operation of the program authorized by title III of the Elementary and Secondary Education Act of 1965, as amended, covering fiscal year 1969, pursuant to section 404 of the act; to the Committee on Education and Labor.

981. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the management, protection, and development of the national resource lands, and for other purposes; to the Committee on Interior and Insular Affairs.

982. A letter from the Secretary of Commerce, transmitting the 11th in the series of interim reports stemming from the U.S. metric study, prepared by the National Bureau of Standards, pursuant to Public Law 90-472; to the Committee on Science and Astronautics.

Received From the Comptroller General

983. A letter from the Comptroller General of the United States, transmitting a report on the progress made toward independent and comprehensive audits of the Inter-American Development Bank, Department of the Treasury; to the Committee on Banking and Currency.

984. A letter from the Comptroller General of the United States, transmitting a report on the need to increase rates to recover the cost of providing service to commercial firms renting multiple post office boxes, U.S. Postal Service; to the Committee on Government Operations.

985. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in management of projects to develop business opportunities for the poor, Office of Economic Opportunity; to the Committee on Government Operations.

986. A letter from the Comptroller General of the United States, transmitting a report on the further improvements needed in administration of the small business investment company program, Small Business Administration; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee of conference. Conference report on H.R. 7109. (Rept. No. 92-368). Ordered to be printed.

Mr. SISK: Committee on Rules. House Resolution 553. A resolution providing for the consideration of HR. 9092. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes (Rept. No. 92-369). Referred to the House Calendar.

Mr. DELANEY. Committee on Rules. House Resolution 554. A resolution providing for the consideration of H.R. 9727. A bill to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes (Rept. No. 92-370). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 555. A resolution providing for the consideration of H.R. 9844. A bill to authorize certain construction at military installations, and for other purposes (Rept. No. 92-371). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 9922. A bill to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; with an amendment (Rept. No. 92-372). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 9941. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. BERGLAND:

H.R. 9942. A bill to protect producers' income when rebuilding reserve stocks of feed grains and wheat, and for other purposes; to the Committee on Agriculture.

By Mr. BLATNIK (for himself, Mr. Harsha, Mr. Roncalio, Mr. Grover, Mr. Cleveland, Mr. Schwengel, Mr. Snyder, Mr. Zion, Mr. McDonald of Michigan, Mr. Miller of Ohio, Mr. Mizell, Mr. Terry, Mr. Thone, and Mr. St Germain):

H.R. 9943. A bill to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

By Mr. BLATNIK (for himself, Mr. Garmatz, Mrs. Green of Oregon, Mr. Matsunaga, and Mr. McMillan):

H.R. 9944. A bill to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

By Mr. BRINKLEY:

H.R. 9945. A bill to amend title 10 of the United States Code so as to provide that the Chief of the Medical Service Corps of the Navy and Air Force shall be a brigadier general or rear admiral, as the case may be, and for other purposes; to the Committee on Armed Services.

By Mr. BROOMFIELD:

H.R. 9946. A bill to amend the Military Selective Service Act of 1957 to exempt from the draft physicians who agree to practice at least 4 years in rural and inner city doctor shortage areas; to the Committee on Armed Services.

By Mr. BROYHILL of Virginia (for himself, Mrs. Hicks of Massachusetts, Mr. Garmatz, Mr. Duncan, Mr. Dent, and Mr. Teague of Texas):

H.R. 9947. A bill to facilitate the prosecution of those persons presenting obscene motion pictures in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. WILLIAM D. FORD (for himself, Mrs. Abzug, Mr. Anderson of Tennessee, Mr. Andrews of North Dakota, Mr. Badillo, Mr. Begich, Mr. Bingham, Mr. Blanton, Mr. Brademas, Mr. Brooks, Mr. Burke of Massachusetts, Mr. Burton, Mr. Byrne of Pennsylvania, Mrs. Chisholm, Mr. Clay, Mr. Corman, Mr. Cotter, Mr. Danielson, Mr. Dent, Mr. Diggs, Mr. Dingell, Mr. Donohue, Mr. Duncan, Mr. Edwards of California, and Mr. Eilberg):

H.R. 9948. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WILLIAM D. FORD (for himself, Mr. Davis of South Carolina, Mr. Evins of Tennessee, Mr. Fulton of Pennsylvania, Mr. Gaydos, Mrs. Grasso, Mr. Halpern, Mr. Hanley, Mr. Harrington, Mr. Hastings, Mr. Hawkins, Mr. Hays, Mr. Howard, Mr. Jones of North Carolina, Mr. Karth, Mr. King, Mr. Koch, Mr. Kyros, Mr. Landgrebe, Mr. Link, Mr. Matsunaga, Mr. Mazzoli, Mr. Metcalfe, Mr. Mikva, and Mr. Miller of California):

H.R. 9949. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WILLAM D. FORD (for himself, Mrs. Mink, Mr. Mitchell, Mr. Moss, Mr. Nedzi, Mr. Nix, Mr. O'Neill, Mr. Pepper, Mr. Perkins, Mr. Pickle, Mr. Pike, Mr. Price of Illinois, Mr. Rarick, Mr. Rees, Mr. Reuss, Mr. Riegle, Mr. Roe, and Mr. Drinan):

H.R. 9950. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WILLIAM D. FORD (for himself, Mr. Roush, Mr. Roybal, Mr. Runnels, Mr. Ryan, Mr. St Germain, Mr. Sarbanes, Mr. Saylor, Mr. Scheuer, Mr. Stephens, Mr. Stokes, Mr. Thone, Mr. Tiernan, Mr. Wiggins, Mr. Charles H. Wilson, Mr. Wright, and Mr. Yatron):

H.R. 9951. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GERALD R. FORD (for himself, Mr. Broomfield, Mr. Brown of Michigan, Mr. Cederberg, Mr. Chamberlain, Mr. Esch, Mr. Harvey Mr. Hutchinson, Mr. McDonald of Michigan, Mr. Riegle, Mr. Ruppe, and Mr. Vander Jagt):

H.R. 9952. A bill to permit coordination and cooperation in accelerated research and development of devices and equipment to meet Government standards for motor vehicle exhaust emissions and abatement of air pollution; to the Commerce on the Judiciary.

By Mr. GARMATZ:

H.R. 9953. A bill to clarify the right of States and local subdivisions to provide for domestic preference in acquiring materials for public use; to the Committee on the Judiciary.

By Mr. GOLDWATER:

H.R. 9954. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

H.R. 9955. A bill to provide Federal assistance for special projects to demonstrate the effectiveness of programs to provide emergency care for heart attack victims by trained persons in specially equipped ambulances; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDWATER (for himself and Mr. Lujan):

H.R. 9956. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 9957. A bill to amend the Immigration and Nationality Act with respect to naturalization fees; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 9958. A bill to amend title 38, United States Code, so as to provide that increases in social security benefits, railroad retirement benefits, and cost-of-living adjustments of civil service retirement annuities shall be disregarded under certain circumstances in determining eligibility for or the amount of dependency and indemnity compensation for dependent parents of veterans and non-service-connected pension for veterans and widows; to the Committee on Veterans' Affairs.

By Mr. MONAGAN:

H.R. 9959. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property to public museums and to agencies of States and their political subdivisions which are operated primarily for environmental protection or for the provision of services to schools or school systems, and for other purposes; to the Committee on Government Operations.

By Mr. O'KONSKI:

H.R. 9960. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 9961. A bill to provide temporary insurance for the member accounts of certain Federal credit unions, and for other purposes; to the Committee on Banking and Currency.

By Mr. RIEGLE:

H.R. 9962. A bill to amend section 103 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. RYAN (for himself, Mr. Harrington, Mr. Hathaway, Mr. Koch, Mr. Kyros, Mr. Lent, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Rosenthal, Mr. Sarbanes, Mr. Scheuer, Mr. Vanik, and Mr. Waldie):

H.R. 9963. A bill making appropriations to the President for the development of a prototype desalting plant in Israel; to the Committee on Appropriations.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Adams, Mr. Anderson of Illinois, Mr. Badillo, Mr. Cleveland, Mr. Corman, Mr. Collins of Illinois, Mr. Dellums, Mr. Drinan, Mr. Eilberg, Mr. Frenzel, Mr. Fulton of Pennsylvania, and Mrs. Grasso):

H.R. 9964. A bill making appropriations to the President for the development of a prototype desalting plant in Israel; to the Committee on Appropriations.

By Mr. SAYLOR (for himself, Mr. Gerald R. Ford, and Mr. Kyl):

H.R. 9965. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. SHRIVER:

H.R. 9966. A bill requiring the posting of a bond for the use of publicly owned real property in the District of Columbia; to the Committee on Public Works.

By Mr. SPRINGER:

H.R. 9967. A bill to amend the Federal Food, Drugs, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES:

H.R. 9968. A bill to amend title 38, United States Code, to establish a 10-year delimiting period for educational benefits thereunder in the case of Vietnam era veterans; to the Committee on Veterans' Affairs.

By Mr. THONE:

H.R. 9969. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. TIERNAN (for himself, Mr. Abourezk, Mr. Badillo, and Mr. Hathaway):

H.R. 9970. A bill to establish a national power grid system, for the purpose of assuring an adequate and reliable low-cost electric power supply consistent with the enhancement of environmental values and the preservation of competition in the electric power industry; to the Committee on Interstate and Foreign Commerce.

By Mr. WAGGONNER:

H.R. 9971. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI:

H.R. 9972. A bill authorizing the President to proclaim the week of November 12–18, 1972, as "Men's Fashion Week"; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 9973. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.R. 9974. A bill to amend the act of March 4, 1909, as amended, to obtain information for agricultural estimates from county extension agents; to the Committee on Agriculture.

H.R. 9975. A bill to revise the laws governing appointments to the service academies so as to relieve Members of Congress from the responsibility of making nominations for appointments thereto, and for other purposes; to the Committee on Armed Services.

H.R. 9976. A bill to establish the Commission for the Improvement of Government Management and Organization; to the Committee on Government Operations.

H.R. 9977. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 9978. A bill to authorize the disbursement for a limited period from the contingent fund of the House of Representatives of the pay of certain employees paid from the Members' clerk hire allowances who are absent from duty because of injury, illness, or disability; to the Committee on House Administration.

H.R. 9979. A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

H.R. 9980. A bill to provide for the transfer to the general fund of the Treasury of those portions of the stationery allowance of each Member of the House of Representatives remaining unobligated at the close of each session of the Congress for which the allowance is available, and for other purposes; to the Committee on House Administration.

H.R. 9981. A bill limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes; to the Committee on Public Works.

H.R. 9982. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 9983. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 9984. A bill to amend the Federal Regulation of Lobbying Act, and for other purposes; to the Committee on Standards of Official Conduct.

H.R. 9985. A bill to provide for a national cemetery in the area of Broward County or Dade County, Fla.; to the Committee on Veterans' Affairs.

H.R. 9986. A bill to amend title 38 of the United States Code to provide that travel allowances paid to veterans traveling to and from Veterans' Administration facilities shall in no event be less than those paid to employees of the Federal Government traveling on official business; to the Committee on Veterans' Affairs.

By Mr. FISH:

H.R. 9987. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Tennessee:

H.R. 9988. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. JARMAN (by request):

H.R. 9989. A bill to amend the Railway Labor Act and the Railroad Unemployment Insurance Act so as to provide more effective means for protecting the public interest in labor disputes involving the transportation industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KUYKENDALL:

H.R. 9990. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the distribution of certain surplus Federal property to certain nonprofit educational organizations; to the Committee on Government Operations.

By Mr. MEEDS (for himself, Mr. Bingham, Mr. Burton, Mr. Dellenback, Mr. McCormack, Mr. McDade, Mr. Mikva, Mr. Moorhead, Mr. Riegle, and Mr. Sarbanes):

H.R. 9991. A bill to promote the safety and protect the environmental quality of ports, waterfront areas, and the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. PEYSER (for himself, Mr. Anderson of California, and Mr. Charles H. Wilson):

H.R. 9992. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania:

H.R. 9993. A bill to amend the Communications Act of 1934 to prohibit telephone calls made to collect a nonjudgment debt; to the Committee on Interstate and Foreign Commerce.

H.R. 9994. A bill to amend the Communications Act of 1934 to prohibit harassing telephone calls made to collect a nonjudgment debt, and to prohibit intrastate harassing or obscene telephone calls; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 9995. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. WALDIE:

H.R. 9996. A bill to provide certain new transportation services to elderly persons, to authorize studies and demonstration projects for the improvement of transportation services to the elderly, and for other purposes; to the Committee on Banking and Currency.

H.R. 9997. A bill to assist in the provision of housing for the elderly, and for other purposes; to the Committee on Banking and Currency.

H.R. 9998. A bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes; to the Committee on Education and Labor.

H.R. 9999. A bill to provide financial assistance for the construction and operation of senior citizens' community centers, and for other purposes; to the Committee on Education and Labor.

H.R. 10000. A bill to provide for the development of more uniform standards for determining eligibility for the assistance authorized to be provided, under various Federal programs, to facilities for long-term health care (or to the patients thereof); to the Committee on Interstate and Foreign Commerce.

H.R. 10001. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as medical personnel, to serve as medical assistants in long-term-health-care facilities; to the Committee on Interstate and Foreign Commerce.

H.R. 10002. A bill to amend title III of the Public Health Service Act to authorize grants for projects to develop or demonstrate programs designed to rehabilitate elderly patients of long-term-health-care facilities or to assist such patients in attaining self-care; to the Committee on Interstate and Foreign Commerce.

H.R. 10003. A bill to amend the Public Health Service Act to provide for grants for the training and retraining of nurses aides and orderlies; to the Committee on Interstate and Foreign Commerce.

H.R. 10004. A bill to provide for the conduct, within the Public Health Service, of a training program of State inspectors of long-term-health-care facilities; to the Committee on Interstate and Foreign Commerce.

H.R. 10005. A bill to amend title XVIII of the Social Security Act to provide for coverage, under part A of such title, of certain drugs which are prescribed and furnished (whenever possible) by generic name; to the Committee on Ways and Means.

H.R. 10006. A bill to provide for the conduct of a study and investigation of the provision, under State programs approved under title XIX of the Social Security Act, of care to individuals in long-term-health-care facilities with a view more effectively to assure that such facilities will be required to comply with appropriate licensing standards; to the Committee on Ways and Means.

H.R. 10007. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of all expenses for medical care of a taxpayer and his spouse if either of them attained the age of 65, and to provide a credit or refund of social security taxes withheld from the wages of certain individuals who have attained the age of 65 and corresponding reduction in the tax on self-employment income of such individuals; to the Committee on Ways and Means.

By Mr. ADDABBO (for himself, Mrs. Mink, Mr. Boland, Mr. Pike, Mr. Rees, Mr. Leggett, Mr. Eilberg, Mr. Biaggi, Mr. Crane, Mr. Mitchell, Mr. Gibbons, Mrs. Hicks of Massachusetts, Mr. Fish, Mr. Halpern, Mr. Anderson of Illinois, Mr. Mazzoli, Mr. Roybal, Mr. Cotter, Mr. Ashley, Mr. Shriver, Mr. Mann, Mr. Fulton of Pennsylvania, Mr. Link, Mr. Wolff and Mr. Podell):

H.J. Res. 794. Joint resolution creating a Joint Committee on Classified Information; to the Committee on Rules.

By Mr. BIAGGI:

H.J. Res. 795. Joint resolution authorizing the President to proclaim September 11 as "American Family of the Year Day"; to the Committee on the Judiciary.

By Mr. KEMP (for himself, Mr. Brinkley, Mr. Hillis, and Mrs. Grasso):

H.J. Res. 796. Joint resolution authorizing additional appropriations to the Secretary of Transportation for the purpose of providing urgently needed intercity rail passenger service around the Nation and for the purpose of research and development in the field of high-speed ground transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE (for himself, Mr. Anderson of Illinois, Mr. Aspin, Mr. Esch, Mr. Frenzel, Mr. Gude, Mr. Halpern, Mr. Hamilton, Mr. Leggett, Mr. McCloskey, Mr. Nix, Mr. Pike, Mr. Rhodes, Mr. Robison of New York, and Mr. Whitehurst):

H.J. Res. 797. Joint resolution to establish a select joint committee to be known as the Joint Committee on U.S. Foreign Policy in Southeast Asia; to the Committee on Rules.

By Mr. SIKES:

H.J. Res. 798. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Abourezk, Mrs. Abzug, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Dellums, Mr. Dow, Mr. Edwards of California, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Howard, Mr. Koch, Mr. Leggett, Mr. Mikva, Mr. Mitchell, Mr. Roncalio, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Scheuer, and Mr. Seiberling):

H. Con. Res. 371. Concurrent resolution expressing the sense of Congress that the President should set a date for the withdrawal from South Vietnam before December 31, 1971, of the totality of the Armed Forces of the United States and its allies; to the Committee on Foreign Affairs.

By Mr. NIX:

H. Con. Res. 372. Concurrent resolution expressing the sense of the Congress that the President should include in the budget for the fiscal year 1972 an additional $235 million for urban mass transportation and public housing to replace his original budget request of that amount for the supersonic transport; to the Committee on Appropriations.

By Mr. SIKES:

H. Con. Res. 373. Concurrent resolution to extend greetings and commendations to the people of Pensacola, Fla., on the occasion of the 150th anniversary of the transfer of sovereignty of Florida from Spain to the United States; to the Committee on the Judiciary.

By Mr. ZABLOCKI (for himself, Mr. Nix, Mr. Fountain, Mr. Fraser, Mr. Findley, Mr. Broomfield, Mr. Morse, Mr. Thomson, of Wisconsin, Mr. Mailliard, Mr. Fulton of Pennsylvania, Mr. Fascell, Mr. Wolff, Mr. Buchanan, and Mr. Derwinski):

H. Con. Res. 374. Concurrent resolution calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HALPERN:

H. Res. 556. Resolution to express the sense of the House of Representatives relative to the relations between the United States and the Peoples Republic of China; to the Committee on Foreign Affairs.

By Mr. PODELL:

H. Res. 557. Resolution directing the Secretary of Defense to furnish information regarding the extent of military assistance to certain countries; to the Committee on Armed Services.

By Mr. THOMPSON of Georgia (for himself, Mr. Collins of Texas, Mr. Andrews of Alabama, Mr. Archer, Mr. Baker, Mr. Brinkley, Mr. Buchanan, Mr. Daniel of Virginia, Mr. Delaney, Mr. Derwinski, Mr. Haley, Mr. Johnson of Pennsylvania, Mr. Lennon, Mr. Schmitz, Mr. Scott, and Mr. Williams):

H. Res. 558. Resolution to establish a select committee to be known as the Select Supreme Court Study Committee; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 10008. A bill for the relief of Gerardo B. Barbero; to the Committee on the Judiciary.

By Mr. BEGICH:

H.R. 10009. A bill for the relief of the Bill Ray Co.; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 10010. A bill for the relief of Caterina Russo; to the Committee on the Judiciary.

By Mr. PURCELL:

H.R. 10011. A bill for the relief of Barbara A. Marlow; to the Committee on the Judiciary.

By Mr. ROY:

H.R. 10012. A bill for the relief of David J. Foster; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

110. By the SPEAKER: Petition of Ernest E. Seaman, Dallas, Oreg., relative to private use of Federal property on the shoreline of Marion Lake, Oreg.; to the Committee on Interior and Insular Affairs.

111. Also, petition of Romualdo Maturan, Dumaguete City, Philippines, relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

STATE PLANS FOR COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. HANSEN of Idaho. Mr. Speaker, during the last Congress, the Republican Task Force on Education and Training spent a considerable amount of time studying the problems of child development and the best ways of implementing programs designed to enhance the development of the children of this country.

We concluded that there is a strong case for giving State governments significant planning, coordination, and oversight roles in providing comprehensive child development services. Although programs may be implemented on the local, neighborhood, or even individual levels, there is nevertheless an important part for State governments to play in this process.

In all too many cases, the State role has existed more as a potential than as an actual one. Few States have been able to develop the management capacities or hire the personnel needed to execute child development responsibilities.

But, one by one, we are beginning to see States take on more and more initiative in this area. Evidence of a growing State concern and an enlarged State role in child development services was given in hearings before the House Select Subcommittee on Education this spring when Governors from three States gave testimony concerning the efforts they and their States had made.

Since then, another piece of evidence of the growing importance of State governments in organizing child development services has come to my attention. This is the South Carolina Comprehensive Child Development Plan, drafted this spring, in response to the Appalachian Regional Commission's activities in six counties of that State.

This document stands as proof of one State's determination to see that the kind of comprehensive child development services needed by its youngsters will be provided. It first reviews the need for services and the existing resources and then projects an orderly course of action for meeting those needs. While this plan pertains only to the six-county Appalachian region within the State, it is significant that one of the goals stated for this fiscal year is the development of a statewide child development plan as well, using the same techniques that were employed in the development of the six-county plan.

The 50 States have an enormous potential for developing the kind of comprehensive child development resources needed for the children of the country. The South Carolina document is only one of many excellent plans that are being developed in response to the Appalachian Regional Commission or merely in response to pressing needs.

As Congress considers the child development legislation now pending before both House and Senate committees, I hope that the constructive and creative role that States can play will not be overlooked.

The article referred to follows:

[Second Draft, April 21, 1971]

SOUTH CAROLINA COMPREHENSIVE CHILD DEVELOPMENT PLAN

PREFACE

This draft copy of the Comprehensive Child Development Plan is submitted as a part of the 1971 Child Development package as outlined in the *Child Development Newsletter* of December 18, 1970. This preliminary draft is divided into four sections. Section I presents the description of the problem and an inventory of resources currently involved in child development. Section II deals with the progress South Carolina has made toward the development of a Child Development Program. The third section is a delineation and discussion of the components of a Comprehensive Child Development Program, as well as specific objectives for South Carolina. Section IV is a description of the project package for 1971.

The information contained in this plan is limited to the six-county Appalachian Region. This was mandatory given the time frame involved. Furthermore, the demonstration projects will be operated in this area, and a statewide operation will not begin immediately. Another reason for limiting the plan is that a full-time Child Development staff is not operational.

Since the planning of such a program is a dynamic activity, this plan will require revision and updating. Also, since it is limited to six counties, expanded information and planning activities will be involved on an on-going basis.

(Figures referred to not printed in the RECORD.)

CHAPTER I.—DESCRIPTION OF THE PROBLEM AND INVENTORY OF RESOURCES

This section will present a profile of the six-county South Carolina Appalachian Region in relation to planning a Comprehensive Child Development Program. Also included is an initial inventory of current resources involved in child development.

Base data is broken down into six categories: general population characteristics; socio-economic; health; education; nutrition; and social. Obviously, the data that is presented in each section could be presented under two or more of these sections.

BASE DATA

Population.—Situated in the northwestern area of the State, the South Carolina Appalachian Region comprises six counties—Anderson, Cherokee, Greenville, Oconee, Pickens and Spartanburg. Of the three major topographic areas in the State, the region contains two—Piedmont and the Blue Ridge Mountains. It encompasses 3,959 square miles.

Table 1 shows the 1970 population of the six counties. With the exception of Greenville County, the region is more rural than urban, although the degree of rurality decreased from 1960 to 1970 (Table 2). In terms of growth, Pickens County experienced the most significant growth over the ten-year period (28.1%), while Oconee County showed the least (1.3). It should be pointed out that the disparity between these two counties was caused largely by an annexation by Pickens County of part of Oconee County, thus accounting for much of the large increase in population in Pickens County and the small increase in population in Oconee County.

TABLE 1.—1970 POPULATION OF SOUTH CAROLINA APPALACHIAN REGION

	1970 population	Percent urban	Percent Negro population	Percent growth [1]
Anderson	105,474	40.9	18.1	7.1
Cherokee	36,791	46.2	19.3	4.5
Greenville	240,546	70.0	16.6	14.7
Oconee	40,728	30.0	9.9	1.3
Pickens	58,956	38.2	9.4	28.1
Spartanburg	173,724	37.5	21.0	10.8
Region	656,219	50.1	17.1	11.9
South Carolina	2,590,516	47.6	30.4	8.7

[1] In total population, 1960 to 1970.

Sources: U.S. Department of Commerce, Bureau of Census. PC(VI)-42 (Revised) South Carolina Final Population Counts, November 1970. U.S. Department of Commerce Bureau of Census. PC(V2)-42 South Carolina General Population Characteristics, February 1971.

The region increased in population by 11.9%, which is above the ten-year growth of 8.7% for the entire State of South Carolina (Table 1). The Negro population, as a percent of total population of the six-county area, is about one-half of the state figure (Table 1). Of more importance is that the percentage of Negroes in the region decreased from 1960 to 1970, which indicates a general out-migration of Negroes from the area (Table 2).

Another means of viewing changes in population characteristic is comparing the percentage of population with income below $3,000. With the exception of Pickens County, the percentage of population below this poverty level generally decreased (Table 2).

TABLE 2.—COMPARATIVE DATA ON POPULATION CHARACTERISTICS, 1960-70—SOUTH CAROLINA APPALACHIAN REGION

	Percent urban		Percent Negro		Percent of population with income under $3,000	
	1960	1970	1960	1970	1960	1970 [1]
Anderson	54.4	[2] 40.9	19.5	18.1	32.8	23.8
Cherokee	43.2	46.2	21.2	19.3	39.9	27.5
Greenville	63.7	70.0	17.5	16.6	26.4	19.2
Oconee	21.5	30.0	10.7	9.9	38.5	19.7
Pickens	23.8	38.2	10.0	9.4	28.4	29.1
Spartanburg	36.1	37.5	22.1	21.0	32.2	22.8
Region						
South Carolina	41.2	47.6	34.8	30.4	39.5	

[1] Based on 1968 data.

[2] A deannexation of part of the city of Anderson caused the major part of this decrease.

Source: Bureau of Census.

In order to plan a Child Development Program, target populations must be identified. Table 3 shows the population six years old and younger for the region and state. As should be noted, the 82,000 children in the region represent the maximum target population for a Comprehensive Child Development Program. Obviously, all children within this group will not participate; therefore, some better delineation of a target population will be necessary.

TABLE 3.—1970 POPULATION 6 YEARS AND UNDER, SOUTH CAROLINA APPALACHIAN REGION

	Population under 5 years	Population 5 and 6 years	Total population 6 years and under	Percent of total population 6 years and younger
Anderson	8, 981	3, 957	12, 938	12. 3
Cherokee	3, 488	1, 457	4, 945	13. 4
Greenville	20, 700	9, 398	30, 098	12. 5
Oconee	3, 598	1, 566	5, 164	12. 7
Pickens	4, 758	2, 165	6, 923	11. 7
Spartanburg	15, 325	6, 594	21, 919	12. 6
Region	56, 850	25, 137	81, 987	12. 5
South Carolina	235, 764	106, 772	342, 536	13. 2

Source: U.S. Department of Commerce, Bureau of the Census. PC(V2)-42 South Carolina general population characteristics, February 1971.

Since the concept of early childhood development encompasses the time period from pregnancy to six years of age, it is important not only to identify the number of children, but also to identify the number of females of child-bearing age (Table 4). This group represents the maximum target population for family planning and other maternal-related services. Again, all will not be involved, and a more detailed delineation of the target population will be necessary. However, the total number of children six years old and under, and the total number of females of child-bearing age, offer a means of establishing some overall perspective for the planning of a Child Development Program.

TABLE 4.—1970 FEMALE POPULATION, 14 to 44 YEARS OF AGE—SOUTH CAROLINA APPALACHIAN REGION

	Number	Percent of tetal female population	Percent of total population
Anderson	23, 504	42. 9	22. 3
Cherokee	8, 393	43. 5	22. 8
Greenville	56, 944	45. 4	23. 7
Oconee	9, 181	44. 1	22. 5
Pickens	13, 240	46. 4	22. 5
Spartanburg	39, 634	44. 0	22. 8
Region	150, 896	44. 5	23. 0
South Carolina	586, 190	44. 5	22. 6

Source: U.S. Department of Commerce, Bureau of the Census. PC(V2)-42 South Carolina general population characteristics, February 1971.

Projected population growth of the region is shown in Table 5. The Child Development Program will have to have the capacity to expand if the needs of a growing population are to be met. This predicted growth points out the need for continued planning, not only short-range, but also long-range in scope.

TABLE 5.—POPULATION, SOUTH CAROLINA APPALACHIAN REGION, 1970 TO 1990

	1970	1975	1980	1985	1990
Anderson	105, 474	116, 300	128, 000	140, 100	153, 800
Cherokee	36, 791	37, 500	41, 000	44, 300	49, 000
Greenville	240, 546	265, 500	294, 300	326, 800	364, 800
Oconee	40, 728	45, 000	80, 200	56, 700	64, 100
Pickens	58, 956	68, 625	80, 000	93, 000	107, 300
Spartanburg	173, 724	187, 300	204, 100	223, 100	244, 500
Region	656, 219	720, 225	797, 600	884, 000	983, 500

Source: U.S. Census of Population. Estimates by Hammes, Greene, Siler Associates, Washington, D.C.

Socio-Economic.—The per capita income of the region increased significantly from 1960 to 1970, but still remains under the national average (Table 6). However, it should be pointed out that the per capita income for the region is above the per capita income for the entire state (Table 6).

TABLE 6.—PER CAPITA INCOME, SOUTH CAROLINA APPALACHIAN REGION, 1960-70[1]

	1960	1970	Percent income
Anderson	$1, 601	$2, 700	68. 6
Cherokee	1, 221	2, 350	92. 5
Greenville	1, 701	3, 410	100. 4
Oconee	1, 186	2, 620	120. 9
Pickens	1, 477	2, 680	81. 4
Spartanburg	1, 555	3, 260	109. 6
Region	1, 563	3, 082	97. 2
South Carolina	1, 384	2, 972	114. 7
United States	2, 223	3, 937	77. 1

[1] Not in constant dollars.

Source: Office of Business Economics, U.S. Census of Population.

Housing characteristics may serve to point out other economic, as well as environmental and social, problems (Table 7). Of the total occupied housing units in the region, 11.6% lack some or all plumbing facilities. With an average of 3.2 people per occupied unit, an estimated 75,000 people in the region live in an environment below satisfactory health standards. Though the exact number of children under six, as well as their families, cannot be identified from this data, these housing characteristics provide some perspective of the environmental as well as economic problems that prevail in the region.

TABLE 7.—SELECTED HOUSING CHARACTERISTICS, 1970—SOUTH CAROLINA APPALACHIAN REGION

	Population per occupied unit	Occupied houses with all plumbing facilities	Occupied houses lacking some plumbing facilities	Percent of all occupied houses lacking some plumbing facilities
Anderson	3. 1	29, 298	3, 979	12. 0
Cherokee	3. 3	8, 634	2, 247	20. 7
Greenville	3. 2	68, 219	5, 972	8. 0
Oconee	3. 2	10, 435	2, 329	18. 2
Pickens	3. 1	15, 349	1, 925	11. 4
Spartanburg	3. 2	46, 221	6, 951	13. 1
Region	3. 2	178, 156	23, 403	11. 6
South Carolina	3. 4	606, 730	127, 643	17. 4

Source: U.S. Department of Commerce, Bureau of the Census HC(V1)-42 South Carolina General Housing Characteristics February 1971.

The estimated percent of families in the region with income below the poverty level is 24%, or 41,000 families. Based on this figure, it could be estimated with high probability that at least 50% of these families are affected by a sub-standard physical environment in the home setting. Obviously, the problems associated with such a poor home environment substantiate the need for out-reach counseling for nutritional, social, environmental and other related problems.

Another indicator of economic as well as social problems related to child development is the family configuration. Economic and other problems are usually more evident where the family head is a woman (Table 8). This is especially true where children under six are involved.

TABLE 8.—NUMBERS OF FAMILIES BY HEAD OF HOUSEHOLD, BY SEX, BY RACE—SOUTH CAROLINA APPALACHIAN REGION, 1970

	Family head, female		Family head, male		Total percent families headed by female	
	White	Negro	White	Negro	White	Negro
Anderson	2, 060	947	22, 085	3, 064	8. 5	23. 6
Cherokee	881	376	7, 111	1, 025	11. 0	26. 8
Greenville	4, 661	280	49, 453	6, 229	8. 6	26. 8
Oconee	984	199	9, 016	667	9. 8	23. 0
Pickens	976	267	12, 630	905	7. 2	22. 8
Spartanburg	3, 421	2, 005	34, 644	5, 424	9. 0	27. 0
Region	12, 983	6, 074	134, 939	17, 314	8. 8	26. 0
South Carolina	42, 980	40, 034	427, 139	114, 077	9. 1	26. 0

Source: U.S. Department of Commerce, Bureau of the Census. PC(V2)-42 South General Population Characteristics, February 1971

In the South Carolina Appalachian Region, 8.8% of the white families are headed by females, while 26.0% of all Negro families are headed by females (Table 8). Taken together, 11.1% of all families in the region are headed by females, which is slightly above the national average of 10%.

With the need for employment paramount among females who support a family, the need for full-time day care, kindergartens and related services is most evident. Among the families headed by females, national statistics point out that 60% of these families are on welfare. With the per capita income in the region below the national average, the problem may be expected to be worse than the national experience.

In general, the economy of the region is in a period of transition. The largest component of the economy is textile manufacturing. With a somewhat depressed economic condition in the textile industry, the area has experienced some employment problems. Diversification of the manufacturing community is also occurring. As this continues, the demand for new skills as well as more employees will pull more women into the work force, as well as training facilities, thus causing increased demand for child care services not now generally available in the region.

Health.—In terms of data related to unmet health needs and child development, statistics on infants probably are the best indicators. Also, other types of reliable information are usually not available.

The birth rates within the region are somewhat higher than the national average (Table 9). Of particular interest is the high non-white birth rate. In each category, the rates are above the national rate. Individual counties show wide fluctuations when compared to the state and national rates. For instance, Cherokee County has the highest rate for white and non-white (Table 9).

TABLE 9.—LIVE BIRTHS AND BIRTH RATE, SOUTH CAROLINA APPALACHIAN REGION, 1969[1]

	Live births	White live births	Nonwhite live births	Birth rate		
				Total[2]	White[3]	Nonwhite[4]
Anderson	1,836	1,374	462	17.4	15.9	24.1
Cherokee	783	575	208	21.3	19.4	29.2
Greenville	4,280	3,252	1,028	17.8	16.2	25.5
Oconee	808	705	103	19.8	19.2	25.2
Pickens	1,081	959	122	18.3	17.9	21.6
Spartanburg	3,175	2,239	936	18.3	16.3	25.5
Region	11,963	9,104	2,859	18.2	16.8	25.3
South Carolina	50,401	31,626	18,775	19.5	17.6	23.6
United States				17.7	[5] 16.6	[5] 24.2

[1] Based on 1970 census count.
[2] Per 1,000 total population.
[3] Per 1,000 white population.
[4] Per 1,000 nonwhite population.
[5] 1968 data.

Source: South Carolina State Board of Health.

Fetal deaths and death rates generally approximate the national and state average (Table 10). However, some of the counties show significantly high rates of fetal deaths, especially Cherokee and Oconee Counties. Though the absolute numbers may not be great, these figures serve to point out the need for prenatal services aimed at preventing problems associated with pregnancy.

Infant deaths and death rates are shown in Table 11. The rates for the region approximate the state average and are higher than the United States average. Four counties show somewhat higher rates; namely, Anderson, Cherokee, Oconee and Pickens Counties.

TABLE 10.—FETAL DEATHS AND DEATH RATES, SOUTH CAROLINA APPALACHIAN REGION - 1969

	Total fetal deaths		White fetal deaths[1]		Nonwhite fetal deaths[2]	
	Number	Rate	Number	Rate	Number	Rate
Anderson	22	12.0	12	8.7	10	21.6
Cherokee	29	37.0	18	31.3	11	52.9
Greenville	55	12.9	37	11.4	18	17.5
Oconee	14	17.3	10	14.2	4	38.8
Pickens	15	13.9	14	14.6	1	8.2
Spartanburg	51	16.1	29	13.0	22	23.5
Region	186	15.5	120	13.2	66	23.1
South Carolina	845	16.8	381	12.0	464	24.7
United States		[3] 15.6		[3] 13.5		[3] 25.8

[1] Per 1,000 white live births.
[2] Per 1,000 nonwhite births.
[3] Based on 1968 data.

Source: South Carolina State Board of Health.

TABLE 11.—INFANT DEATHS AND DEATH RATE, SOUTH CAROLINA APPALACHIAN REGION 1969

	Total		White[1]		Nonwhite[2]	
	Number	Rate	Number	Rate	Number	Rate
Anderson	47	25.6	23	16.7	24	51.9
Cherokee	21	26.8	17	29.6	4	19.2
Greenville	74	17.3	48	14.8	26	25.3
Oconee	22	27.2	17	24.1	5	48.5
Pickens	32	29.6	23	24.0	9	73.8
Spartanburg	68	21.4	35	15.6	33	35.3
Region	264	22.4	163	17.9	101	35.3
South Carolina	1,220	24.2	599	18.9	621	33.1
United States		20.7				

[1] Per 1,000 white live births.
[2] Per 1,000 nonwhite live births.

Source: South Carolina State Board of Health.

Table 12 shows the number of maternal deaths related to pregnancy in 1969. As can be seen, the South Carolina Appalachian Region has almost 50% of the total number of maternal deaths that occurred in South Carolina. Though the absolute numbers are not large, this information serves to show that some serious health problems are prevalent in the region that relate to the need for a comprehensive maternal and child development program.

TABLE 12.—MATERNAL DEATHS, SOUTH CAROLINA APPALACHIAN REGION, 1969

	Total	White	Nonwhite
Anderson	1		1
Cherokee			
Greenville	5	2	3
Oconee			
Pickens			
Spartanburg	2	1	1
Region	8	3	5
South Carolina	18	6	12

Source: South Carolina State Board of Health.

Though no actual count is available on the incidence of handicaps in children, estimates are available which probably estimate fairly accurately these problems (Table 13). These estimates indicate that in the region some 60,000 children under 18 years of age have handicap problems that are either mental, physical or social in nature.

TABLE 13.—ESTIMATED INCIDENCE OF HANDICAPS, SOUTH CAROLINA APPALACHIAN REGION, 1970

[Calculated for population under 18 years of age]

	Population under 18 years of age	Mental retardation		Severe reading and other learning disabilities	Speech handicapped	Hearing handicapped	Physically handicapped	Emotionally disturbed	Visually handicapped or blind
		I.Q. below 70	I.Q. 70–80						
Anderson	35,713	1,071	2,143	3,571	1,071	714	536	357	357
Cherokee	13,105	393	786	1,311	393	262	197	131	131
Greenville	83,270	2,498	4,996	8,327	2,498	1,666	1,249	833	833
Oconee	14,162	425	850	1,416	425	284	212	142	142
Pickens	18,626	555	1,110	1,863	555	372	279	186	186
Spartanburg	59,350	1,781	3,562	5,935	1,781	1,188	890	594	594
Region	224,226	6,723	13,447	22,423	6,723	4,486	3,363	2,243	2,243
Percent		3	6	10	3	2	1.5	1	1

Another health indicator is the rejection rate of selective service inductees for health-related problems (Table 14). In 1970, 20% of the region's inductees were rejected for health-related problems. Even though this is below the national rate, the 20% rate is significant. Obviously, all causes for rejections may not be related to early childhood, but the information, when combined with other data, serves to set some perspective in terms of health problems in the region.

TABLE 14.—SELECTIVE SERVICE REJECTIONS, HEALTH RELATED, 1970

	Total applicants	Health related rejections	Percent of total
Anderson	388	86	22.2
Cherokee	119	28	23.5
Greenville	824	157	19.1
Oconee	170	28	16.5
Pickens	197	52	26.4
Spartanburg	542	96	17.7
Region	2,240	447	20.0
United States			[1] 32.8

[1] 1969 data.

Source: State of South Carolina Headquarters of Selective Service.

Comparative data on health manpower and health facilities also point out problems that exist within the region (Table 15). In every category, the ratio per 1000 population for the region is below the national average. In some cases, the shortage is critical, such as physicians, dentists and nurses. A hidden figure may also point out a more severe shortage. The pediatrician ratio per 1000 population under 14 years of age is .21; this shortage, coupled with the majority of the pediatricians being located in the metropolitan areas (Greenville, Spartanburg), presents a serious problem in terms of child services in the less urban areas of the region.

TABLE 15.—COMPARATIVE DATA, HEALTH CARE RESOURCES—SOUTH CAROLINA APPALACHIAN REGION

	Physicians		Dentists		Registered nurses		Hospital beds	
	Number	Ratio per 1,000 population	Number	Ratio per 1,000 population	Number	Ratio per 1,000 population	Number	Ratio per 1,000 population
Anderson	86	0.82	26	0.25	234	2.22	449	4.26
Cherokee	14	.38	5	.14	43	1.17	110	2.99
Greenville	266	1.11	76	.32	556	2.31	818	3.40
Oconee	27	.66	7	.17	54	1.33	145	3.56
Pickens	24	.41	11	.19	101	1.71	157	2.66
Spartanburg	148	.85	44	.25	419	2.41	632	3.64
Region	565	.89	169	.26	1,407	2.14	2,311	3.52
South Carolina	2,105	.80	613	.23	5,755	2.97	16,685	3.79
United States		1.6		.46		3.13		4.1

Source: South Carolina Regional Medical Program, South Carolina Health Data Profile, September 1970.

These shortages indicate a need for strong recruiting efforts to attract qualified manpower, as well as innovative efforts to utilize the resources we now have more effectively.

Education.—There are several means of reviewing educational problems in South Carolina Appalachia. Educational problems serve as indicators of various other problems of early childhood development. Retention rates for the first grade are shown in Table 16. The 12.3% retention rate for the region is below the state rate (14.8%), but both are above the national average. Cherokee, Oconee and Spartanburg stand out as having higher retention rates than the other counties as well as the state and region.

TABLE 16.—NUMBER AND PERCENT OF FIRST GRADERS RETAINED SOUTH CAROLINA APPALACHIAN REGION

County	Number first graders (average daily membership)	Number first graders retained	Percent first graders retained
Anderson	2,381	226	9.4
Cherokee	851	141	16.5
Greenville	5,086	463	9.1
Oconee	959	150	15.6
Pickens	1,183	108	9.1
Spartanburg	3,753	666	17.7
Region	14,213	1,753	12.3
South Carolina	62,188	9,213	14.8

Source: State Superintendent of Education, Annual Report—Statistical Section 1968-69 (Columbia, South Carolina, 1969, pp. 42-43).

This high failure rate in the first grade is viewed as one of the major contributing factors to South Carolina's high dropout rate in later grades (Table 17). The region graduated 56% of those entering school in 1957–58. This is above the state average, but below the national average. Also, Cherokee and Oconee Counties are substantially below the region, state and national average. Another way of approaching this problem is median school years completed. In 1960, this was 8.7 years for South Carolina compared to 10.6 for the nation.

TABLE 17.—HOLDING POWER FROM 1957-58 to 1968-69 SOUTH CAROLINA APPALACHIAN REGION

	Number 1st graders 1957–58	Graduates 1968–69	Percent graduates
Anderson	2,521	1,369	54.3
Cherokee	964	436	45.2
Greenville	5,144	3,141	61.1
Oconee	1,047	471	45.0
Pickens	1,221	768	63.0
Spartanburg	4,147	2,250	54.3
Region	15,044	8,435	56.0
South Carolina	70,638	35,427	50.2
Nation			60.0

Source: South Carolina State Department of Education, A Supplement to: Selected Data on Dropouts in South Carolina, November 1969, table 19.

A further indicator of educational attainment is the percent of high school graduates who attend college (Table 18). In the region, 34% of the graduates went to college, which is above the state rate of 33%, but substantially below the national average of 54%. As the above figures indicate, the intellectual level of a large segment of high school graduates (66%) is below acceptable standards.

TABLE 18.—PERCENTAGE OF HIGH SCHOOL GRADUATES OF 1967-68 WHO REPORTED TO COLLEGE IN 1968-69, SOUTH CAROLINA APPALACHIAN REGION

County	Number of high school graduates, 1967–68	Number of high school graduates reporting to colleges	Percent reporting to college
Anderson	1,192	343	28.8
Cherokee	355	132	37.2
Greenville	3,020	1,056	34.9
Oconee	415	115	27.7
Pickens	646	197	30.5
Spartanburg	2,067	805	38.9
Region	7,695	2,648	34.4
South Carolina	33,680	10,647	31.6
United States			54.0

Source: State Superintendent of Education, Annual Report, College Freshman Report, 1968-69, table 2.

The estimated percentage of families in the region with income below the poverty level is 24%. The number of children from these families enrolled in school is shown in Table 19. Of the total enrollment, 18% of the children come from families with incomes below $3,000. For many reasons, a large proportion of the dropouts as well as retentions can be traced to this group. Due to serious problems in early childhood, many of these youngsters are inadequately prepared or are physically and/or mentally incapable of reacting to the experience offered in the educational setting.

TABLE 19.—PUBLIC SCHOOL ENROLLMENT AND LOW INCOME STUDENTS—SOUTH CAROLINA APPALACHIAN REGION, 1969-70

County	Total enrollment	Total number of children from families with less than $3,000 annual income	Percent of total enrollment
Anderson	25,418	4,366	17.2
Cherokee	8,755	2,193	25.0
Greenville	58,633	8,712	14.9
Oconee	9,755	2,399	24.6
Pickens	12,895	2,764	21.4
Spartanburg	39,750	7,736	19.5
Total	155,206	28,170	18.2

Source: State Department of Education.

Furthermore, cultural and social isolation, poor nutritional and health standards, inadequate education and, in many cases, economic deprivation in early childhood may best be evidenced by poor educational attainment.

Costly special programs can, in later years, improve a child's ability which was adversely affected in the early years of development. However, many of these costly special programs could be eliminated if all children received the proper health services, educational training and environmental quality in the years before age six.

Nutrition.—Doctors, physiological psychologists, and educators are speculating upon the relationship between malnutrition and mental retardation and the relationship between malnutrition and the ability to achieve in school. Ample data demonstrate the connection between malnutrition and poverty; health and income are closely related. The progressive nature of illness ultimately interferes with normal productive activity and results in reduced efficiency and income. Poverty and its associated conditions—inadequate nutrition, unsanitary living conditions, poor family planning and food management, and other defects—result in frequent and long illnesses which, in turn, result in the inability to work.

Educators and health personnel have found that youngsters suffering from malnutrition or inadequate nutrition are unable to take full advantage of the benefits of an educational program. Indeed, some of these youngsters are even hesitant to participate in the free lunch program due to its reflection on the family's status. Furthermore, many youngsters do not take full advantage of the free lunch program because foods often provided are unfamiliar to them and which, because of the unfamiliarity, are not eaten. This problem must be dealt with in the home so that parents can support the youngster in understanding nutritional value and benefits of balanced meals and new foods. Understanding health and nutrition is an educational problem, but home visitation and home intervention are needed to assure implementation of what is taught.

A primary source of instruction in health, nutrition, food and family planning, sanitation, and so on, has traditionally been high school programs in home economics and health. A recent study prepared for the Appalachian Regional Commission shows that only 54% of the total number of Appalachian teachers in the area of health have had any preparation in health and only 35% had a college major in health. These data suggest that teachers of health may not be relied upon as the major sources of information about health, nutrition and family planning. Furthermore, by the time youngsters arrive in the grades for health instruction, poor nutrition and health habits have already taken their toll on youngsters from poverty home backgrounds. Most important, however, is the fact that many low income youth who most need the health and family planning information drop out of school before high school—the time when health is taught. The high dropout rate in the region (approximately 50%) suggests that there is need of providing direct education services and information on nutrition, home and family planning, sanitation, food management and economics, and so on to out-of-school people. Family planning needs of the region are not being met. Furthermore, information about the various social agencies and their purposes is not a normal part of a school curriculum.

Fetal, neonatal and postnatal infant death rates in the region generally exceed the national average. Rates for nonwhites are considerably higher than for whites. Inadequate nutrition during these stages of development may contribute significantly to these high rates.

Primary sufferers of poor health habits and malnutrition are very young children because of malnutrition during the developing years.

Kindergarten, Head Start and day care programs often provide meals for youngsters and attempt at that point (ages four and five and older) to rectify problems of malnutrition. Few youngsters in the target area are enrolled in such preschool programs. However, some experts believe that the first three years of a youngster's life are most crucial for development and the effects of malnutrition and poor health habits during those years will have a lasting influence on intelligence, ability to learn, growth and development. Thus, some form of home intervention is needed whereby parents can learn good nutritional techniques while, at the same time, youngsters can receive the benefits of better nutrition.

Social.—Though social problems cannot be completely separated from economic and educational problems, some social indicators are presented to show other problems prevailing in the region.

Illegitimacy in the region is higher than the national average (Table 20). The nonwhite illigitimacy rate is about eight times the white rate. In the individual counties, the rates are higher in Cherokee, Greenville and Spartanburg Counties.

TABLE 20.—ILLEGITIMATE LIVE BIRTHS AND PERCENT OF LIVE BIRTHS ILLEGITIMATE, SOUTH CAROLINA APPALACHIAN REGION, 1969

	Total		White [1]		Nonwhite [2]	
	Number	Percent	Number	Percent	Number	Percent
Anderson	198	10.8	59	4.3	139	30.1
Cherokee	105	13.4	32	5.6	73	35.1
Greenville	547	12.8	147	4.5	400	38.9
Oconee	64	7.9	36	5.1	28	27.2
Pickens	73	6.8	32	3.3	41	33.6
Spartanburg	445	14.0	86	3.8	359	38.4
Region	1,432	11.9	392	4.3	1,040	36.4
South Carolina	7,439	14.8	1,193	3.8	6,246	33.3
United States		9.7				

[1] Percent of white live births.

[2] Percent of nonwhite live births.

Source: South Carolina State Board of Health.

Public welfare statistics point out other problem areas. Those relevant to child development are aggregated in Table 21. A more detailed breakdown will be presented later.

The welfare rolls in the region represent a significant proportion of the population and definitely affects a large number of children under age six. As is the case in many parts of the country, a welfare cycle has begun to be established (Figure 2).

TABLE 21.—PUBLIC WELFARE STATISTICS SOUTH CAROLINA APPALACHIAN REGION, JANUARY 1971

	Food stamp participation (households)	AFDC (cases)	Children and family services (children)
Anderson	1,636	317	2,153
Cherokee	722	63	477
Greenville	5,392	1,049	4,429
Oconee	846	131	454
Pickens	516	116	638
Spartanburg	2,745	791	3,975
Region	11,857	2,467	12,126
South Carolina	70,987	18,578	80,204

Source: South Carolina Department of Public Welfare. Public welfare statistics, January 1971.

The welfare cycle initiates with birth into an impoverished, uneducated and often malnourished welfare and/or poverty family. The youth grow to school age in a barren, deprived home environment from the point of health care, proper nutrition, and aspiration. Lacking proper nutritional and health habits offered by a successful "parental image," the child takes up the crippling "life style" of an inadequate health, nutritional and educational environment. From this background, he enters school in ill health and sadly equipped to benefit from the educational opportunities available to him. After being unsuccessful in the structured academic environment, he drops out and during the next few years is unable to pursue meaningful employment, starts a family, and hence the cycle starts again.

To effectively combat the social, educational and health problems of the youth in this region, the "welfare cycle" must be broken. It is the contention that the major emphasis should be aimed at breaking the cycle through prenatal and preschool intervention programs designed to work with the youth while also training and involving parents in proper nutritional and educational techniques.

INVENTORY OF SERVICES

The previous section of this chapter has pointed out several health, educational, nutritional and social problems that prevail in the South Carolina Appalachian Region in regard to early childhood development. In this section, information will be presented in terms of what is being done to combat some of the problems, as well as to identify current resources involved in child development. Again, due to lack of staff and a tight time frame, this section, as is the case with others, is not complete. The identification of these resources will be an on-going part of the planning activity. However, the data presented here does help to show that some serious gaps are present.

Health.—In the previous section on health, problem areas were identified relating to shortages of professional health manpower, high infant and fetal death rates, maternal deaths and the estimated incidence of handicaps in the region. A discussion of some of the activities aimed at these problems follows.

Table 22 shows the case load of public health clinics involved with maternal and child health. It can be seen that the case load is limited to a small proportion of the population. Staff shortages, as well as limited space, contribute to the relatively small case loads of these clinics.

TABLE 22.—CASE LOAD, SELECTED MATERNAL AND CHILD HEALTH CLINICS OFFERED BY COUNTY HEALTH DEPARTMENTS, SOUTH CAROLINA APPALACHIAN REGION, 1970

	Family planning	Prenatal Conference	Child health	Well baby	Maternity
Anderson	381	420	1,416		81
Cherokee	51		90	190	42
Greenville	1,362	1,156	1,088	115	132
Oconee	(1)	(1)	(1)	(1)	(1)
Pickens	122		74		
Spartanburg	1,189		422		24

[1] Not available at this time.

Source: Provided by Public Health Department, the 6-counties of the South Carolina Appalachian Region.

As an example of the coverage provided, Table 23 shows the estimated need for family planning services and the percent of need currently met based on 1969 data. When comparing the estimated number needing family planning services (25,000) with the number receiving the service (3,100 from Table 22), it can be seen that a significant gap exists in this one area.

TABLE 23.—RANKING AND NEED FOR FAMILY PLANNING SERVICES SOUTH CAROLINA APPALACHIAN REGION, 1969

County	Ranking in 45 counties of South Carolina	Estimated number of indigent women needing family planning services	Percent of family planning need met
Spartanburg	16	7,150	16.9
Greenville	16	8,094	16.8
Anderson	33	4,572	9.1
Pickens	39	1,838	6.5
Oconee	44	2,030	2.8
Cherokee	45	1,937	2.6
Total		25,621	

Source: South Carolina State Board of Health.

Gaps probably also exist in the need for the other clinic services as compared to the number now participating in these programs. As an example, Pickens County estimated its target population for child health nursing clinic to be 5,000 children, but the actual case load was 75 or a 1.5% coverage. Also, some of the County Health Departments do not offer prenatal as well as other maternal and child health clinics.

Greenville General Hosptial and Spartanburg General Hospital offer outpatient services. However, these clinics are usually curative-oriented and are limited to a certain indigent segment of the population through the use of a means test.

Other services are available in the region. Each county has speech and hearing services, which include screening, evaluation and treatment. These services are supported by Appalachian (Section 202) funds. A facility for the rehabilitation and education of handicapped children will begin operation later this year in Spartanburg. The Charles Lea Center for Rehabilitation and Special Education is being constructed and staffed with Appalachian (Section 202) funds.

There are other services involved with maternal and child health. The identification of these will be part of the child development planning activities.

However, certain problems are evident from the data presented here. It is generally recognized that the Public Health Department is the center for the preventive-oriented health services, but the available information points out that the limited ability to offer a full range of preventive services falls far short of a complete continuum of comprehensive maternal and child health services.

Other health care resources are aimed at curative, episodic care with indigents going to emergency rooms or outpatient clinics and the affluent going to the private physician. A total care, preventive-oriented system is non-existent in the region.

The region has a basic framework of health resources, though shortages are present (physicians, dentists, etc.). However, many of these often operate on an individual basis with very little coordination with other agencies and services, as well as with the total family environment. Much greater emphasis on prevention and early intervention is needed, as well as coordination of available and future resources into a continuum of care.

Education.—In terms of child development from birth through age six, educational services are limited.. The State has initiated a pilot kindergarten program for a limited number of five year olds. The 1970–71 enrollment for the region is shown in Table 24. The estimated number of five year olds in the region is 12,500. The State program has the capacity to offer a kindergarten for 11.6% of the five year olds in the region.

TABLE 24.—*State kindergarten enrollments, South Carolina Appalachian region, 1970–71*

County and Number	
Anderson	305
Cherokee	152
Greenville	504
Oconee	223
Pickens	54
Spartanburg	214
Total	1,452

Source: South Carolina State Department of Education.

Private kindergarten programs provide additional enrollment capacity, but these are not licensed and the determination of their capacity was not feasible at this writing. This is another activity that will be part of the on-going planning activities.

It should be noted that most of the private programs charge for their services. This generally bars the participation of children from indigent families, as well as children of many families with incomes in the near-poverty range.

The only preschool programs offered for children of indigent families are OEO and Model Cities-Supported projects. The enrollment in the Head Start programs is shown in Table 25. The Model Cities programs in Spartanburg will begin in the near future.

TABLE 25.—NUMBER OF CHILDREN IN HEADSTART PROGRAMS, SOUTH CAROLINA APPALACHIAN REGION, 1970–71

County	Summer 1970	Year-round currently
Anderson		400
Cherokee		40
Greenville		225
Oconee	313	
Pickens	362	
Spartanburg	800	
Region	1,475	665

Source: Telephone contacts made in December 1970 with Community Action Council and headstart program directors.

The estimated number of four- and five-year-olds in the region is 24,000. Combining the number in the state kindergarten program and Head Start, the data shows that only 3,592 or 15% of the four- and five-year-old children, and only 4.4% of all children six years old and under, have been involved in any educational preschool program. Of course, this does not include day care, which will be discussed later or the private kindergarten. It is obvious that a significant number of four- and five-year-old children do not have the opportunity to become involved in an organized, preschool educational program. Also, those programs now underway are probably not offering a comprehensive package (health, social, nutritional and educational) of services for the children and the family.

Social and Nutrition.—Basic social services that have been identified are day care and public welfare services. In the region, there are 218 day care centers or homes having an enrollment of about 5,000 children (Table 26). The facilities listed are licensed by the Department of Public Welfare and, with the exception of some church-affiliated centers, represent the majority of day care services available in the region. The enrollment of 4,947 represents only 21.1% of the total number of children three and four years old.

TABLE 26.—LICENSED DAY CARE PROGRAMS AND ENROLLMENT, SOUTH CAROLINA APPALACHIAN REGION[1]

	Facilities[1]	Enrollment
Anderson	[2] 45	[2] 598
Cherokee	3	60
Greenville	94	[2] 2,661
Oconee	0	0
Pickens	31	511
Spartanburg	44	[4] 1,117
Region	218	4,947

[1] Based on data provided by the respective county's department of public welfare.

[2] Includes 12 programs that have applications for licensure pending with the State department of public welfare.

[3] Includes 5 Headstart facilities with an enrollment of 235 and 12 programs that have licensure pending.

[4] Includes 20 children in 1 Headstart day care center.

Also, with the exception of the Head Start programs having 255 children enrolled, most of the programs charge for their services, thus barring many indigent or near indigent families from having the opportunity to enroll their children in day care programs.

Based on statistics of the Office of Economic Opportunity, 43% of the children under six in the Appalachian Region (13 states) are from families with incomes below poverty levels. South Carolina Appalachia may not be representative of the other Appalachian states, but the 43% may serve to set perspective.

Using the 43% figure, an estimated 30,000 children under six years of age come from families with income below the poverty level. These 30,000 children represent the number in greatest need of comprehensive child development services. With Head Start being the only type of a "comprehensive" program available to these children, the current enrollment of 2,140 represents a coverage of only 7.1% by all Head Start programs.

Public welfare services related to children under six years of age are Aid to Families with Dependent Children (AFDC), Children; and Family Services Program and the Food Stamp Program.

AFDC participants are shown in Table 27. The 2,467 cases represent a participation rate of approximately 6.0% by families with income below the poverty level.

TABLE 27.—AID TO FAMILIES WITH DEPENDENT CHILDREN, SOUTH CAROLINA APPALACHIAN REGION, JANUARY 1971

	Cases	Persons	Children under 21
Anderson	317	1,210	878
Cherokee	63	273	208
Greenville	1,049	3,945	2,915
Oconee	131	462	339
Pickens	116	414	309
Spartanburg	791	2,963	2,174
Region	2,467	9,167	6,823
South Carolina	18,578	73,573	55,629

Source: South Carolina Department of Public Welfare. "Public Welfare Statistics." January 1971, p. 8.

The number of children involved in the Children and Family Services Program is shown in Table 28. Food Stamp participation is shown in Table 29. The 11,857 households involved in the program represent 28.9% of the families with incomes below the poverty level.

TABLE 28.—CHILDREN APPROVED FOR SERVICE UNDER THE CHILDREN & FAMILY SERVICES PROGRAM, SOUTH CAROLINA APPALACHIAN REGION, JANUARY 1971

	Number of children	Location				
		In home of parent or relative	In home of foster parents	Adoptive homes	Institutions	Elsewhere
Anderson	2,153	1,947	185	10	2	9
Cherokee	477	455	9		7	6
Greenville	4,429	4,097	243	12	34	43
Oconee	454	393	29	2	30	
Pickens	638	577	38	10	6	7
Spartanburg	3,975	3,820	109	17	11	18
Region	12,126	11,289	613	51	90	83
South Carolina	80,204	77,585	1,608	260	402	349

Source: South Carolina Department of Public Welfare. "Public Welfare Statistics." January 1971, p. 17.

Summary.—This section has presented some basic information related to services now involved in child development. The list is far from complete; however, it serves to point out gaps and problems in the current system that is delivering child related services. Conclusions relating to the base data and inventory are presented later in this chapter.

TABLE 29.—FOOD STAMP PARTICIPATION, SOUTH CAROLINA APPALACHIAN REGION, JANUARY 1971

	Number of households	Number of participants	Average number participating per household
Anderson	1,636	4,786	2.93
Cherokee	722	2,414	3.34
Greenville	5,392	18,092	3.36
Oconee	846	2,178	2.57
Pickens	516	1,226	2.38
Spartanburg	2,745	7,848	2.86
Region	11,857	36,544	3.08
South Carolina	70,987	272,645	3.84

Source: South Carolina Department of Public Welfare. "Public Welfare Statistics." January 1971, p. 19.

Manpower Programs.—In terms of manpower, several programs are operational, or soon will be, that will provide professional and para-professional medical manpower. Family practice residency programs (funded with Appalachian 202 funds) are operational at Greenville General Hospital and Spartanburg General Hospital. These residents (ten by the end of 1971) will specialize in family medicine. Hopefully, as these physicians train here, the majority will remain in the area once the training is complete.

Several professional nursing programs are currently operational. Clemson University, Limestone College and the University of South Carolina at Spartanburg have programs for registered nurses. Greenville Technical Education Center will initiate a program for associate degree nurses this year, pending approval by the Appalachian Regional Commission of an application for 202 funds.

Training programs for Licensed Practical Nurses (LPN) are also operational at technical education centers, vocational training centers and hospitals throughout the region.

Other training programs at technical education centers will provide such personnel as dental hygienists, mental health technicians, nutritionist aides, physical therapy assistants, etc. Graduates of these programs should contribute to the expansion of the health care system.

In terms of childhood education, several programs in related fields are operational in South Carolina (USC, Winthrop College, Columbia College and South Carolina State College offer bachelor degrees in early childhood education. The current enrollment by class in these four programs is as follows:

Seniors	113
Juniors	109
Sophomores	116
Freshmen	74

There are no programs in South Carolina that offer a masters degree in early childhood education.

Three schools—Lander College, the University of South Carolina and the College of Charleston—have programs for training teacher aides. The enrollment at Lander is 62, and at USC is 260.

Other sources of manpower for the Child Development Program will be explored as part of the on-going planning process for child development in South Carolina. At this time, certain needs have been identified and sources explored. Once the Child Development planning staff is operational more detailed information will be collected.

CONCLUSIONS

This chapter has presented some basic data and an initial inventory of services related to child development in South Carolina Appalachia. As has been stated, this plan is not to be considered complete.

However, certain conclusions can be drawn and related to certain basic needs for child development in the South Carolina Appalachian Region.

I. The South Carolina Appalachian Region had a 1970 population of 656,219. The following characteristics stand out as significant for planning a child development program:

A. Within the region, there are an estimated 41,000 families with incomes below the poverty level. Within these families, there are an estimated 30,000 children under six years of age.

B. There are 69,400 children in the region under six years of age and 150,896 females of child-bearing age (14–44 years of age).

C. The Negro population represents 17.1% of the region's total population and decreased from 1960 to 1970.

D. There are 23,403 occupied houses in the region lacking some plumbing facilities affecting an estimated 75,000 people who reside in this type of environment.

E. Within the region, 8.8% of all white families are headed by females, and 26.0% of all Negro families are headed by females. Of these families, it is estimated that 11,000 are on welfare.

II. Unmet health needs in the region are indicated by infant health statistics. The following points stand out:

A. The birth rate within the region is above the national average.

B. Fetal death rates and infant death rates are the same or higher than the national average. The non-white rates are significantly higher than the white rate.

C. Almost 50% of maternal deaths in the state occurred in the South Carolina Appalachian Region.

D. Maternal and child health services are limited within the region and nonexistent in some counties. As an example, of the estimated target populations by county in need of family planning, the largest percent of need met is 16.0%.

E. Preventive-oriented, as well as curative health, resources are available within the region in varying degrees; however, an organized continuum of comprehensive services aimed at early intervention and prevention, as well as treatment, is non-existent.

F. A shortage of manpower (physicians, dentists, nurses, etc.) is evident.

III. Educational attainment in the South Carolina Appalachian Region is below national averages. The following points stand out:

A. In the region, 12.3% of all first graders repeat the first grade.

B. Only 56% of the students enrolled in school in 1957–58 graduated from high school.

C. Only 34% of the high school graduates within the region go to college.

IV. Social and nutritional problems prevalent in the region are related to other indicators. The following points stand out:

A. Illegitimacy in the region is above the national average, and the non-white illegitimacy rate is eight times the white rate.

B. Low educational attainment and high retention rates serve to indicate environmental problems in early childhood. These problems may take the form of nutritional deficiencies, poor health habits and slow or retarded intellectual development.

V. In terms of basic services available for children under six years of age, the limited data available points out the following:

A. The current state-supported kindergarten program has a capacity of 1,452, which represents only 11.6% of the five year olds in the region. There are many private kindergartens, but most charge for their services which effectively eliminates most low income families from enrolling their children.

B. There are 218 day care centers in the region with an enrollment of about 5,000 children, which represents only 21.1% of the three and four year olds in the region. Most of these day care programs are private and charge for their services, which effectively eliminates most low income families from enrolling their children.

C. Of the kindergarten and day programs now operating, very few, if any, provide a comprehensive range of educational, health, social and nutritional services to the children and their families.

A rationale for the project package and the implication of the above conclusions are presented in Chapter IV.

CHAPTER II.—PROGRESS REPORT, ORGANIZATIONAL RELATIONSHIPS AND FUTURE PLANS

From the information presented in Chapter I, it is evident that South Carolina has many problems affecting the development of children and their subsequent achievement in later years that warrant the current emphasis on early childhood development.

PROGRESS REPORT

The Office of Child Development of the ARC proposed a schedule of activities and deadlines which were adopted by the Commission at its October 1970 meeting.

The first deadline was met January 1, 1971, with the submission of the planning grant application, a progress report and a letter of intent, stating that South Carolina planned to participate in the Child Development Program and would submit a project package of $1½ to $2 million.

The Governor, by Executive Order, had established a state-level interagency council, composed of the heads of state and local agencies concerned with child development programs. Meetings were held with all members of the interagency council for the purpose of orientation and input into the planning grant application and project development. All of the major agencies involved designated additional staff personnel to assist in the development of the planning grant applications, a state plan, components and program standards.

A progress report and a proposed project package was submitted February 15, 1971. The time period from February 15 to April 1 has been spent developing the formal applications for the proposed projects and a preliminary draft of the state plan. These will be submitted to Washington in conformance with the April 1 deadline.

The first formal meeting of the South Carolina Child Development Council was held March 15, 1971; however, it should be noted that members of the Child Development Council provided significant contribution to the development of the project package, the planning grant application and the preliminary state plan prior to this first meeting. The second meeting of the Council was held April 1, 1971. The agendas and minutes of these two meetings are enclosed as Appendix A.

On October 6, 1970, James F. Keasler, associate director of the South Carolina Appalachian Region Health Policy and Planning Council, accepted the assignment as Project Director to initiate the South Carolina Child Development Program and to make it operational.

In order to meet the deadlines established by the ARC, and to insure the development of a quality program, every available resource was fully utilized. Mr. Keasler relied heavily upon the capabilities of the staff of the South Carolina Appalachian Region Health Policy and Planning Council in the development of the planning grant application, the project package and the preliminary draft of the state plan. Additional invaluable support and assistance were provided by the Appalachian Planning and Development Commission, the State Planning and Grants Division of the Governor's Office, the ARC, the Atlanta Offices of HEW and other regional and local consultants too numerous to mention.

ORGANIZATIONAL RELATIONSHIPS

The South Carolina Child Development Council has been established in accordance with ARC guidelines to provide a forum for the planning and implementation of a comprehensive child development program. The Council is charged with determining ways of maximizing the utilization of available resources, identifying needs and priorities, while at the same time assuring interdepartmental cooperation.

The Council serves as an Advisory Council to the Governor. All appropriate state and regional organizations concerned with child development are represented on the Council. Through initial review by the Council, as well as subsequent A–95 review procedures of all proposed child development programs and plans, it is anticipated that conformance with current related plans would be assured.

Since the demonstration projects will be implemented in the South Carolina Appalachian Region, the initial concern is that these programs conform to the *Health Development Plan* of the health demonstration area, as well as the Development Plan of the LDD. *The Health Development Plans of 1970 and 1971* have placed emphasis upon human resource development, of which child development is an important part. The 1971 *Supplement to the 1970 South Carolina State Appalachian Development Plan* refers to the importance of early childhood development, as well as the implementation of the South Carolina Child Development Program in the Appalachian Region.

FUTURE PLANS

After the submission of the project applications and the preliminary state plan, the Governor's Office, his State Planning and Grants Division and the Project Director will be primarily concerned with the immediate recruitment of a full-time, highly qualified Child Development staff.

Several months will be required for staff development once a full-time planning office becomes operational. The project applications and the preliminary draft of the State-plan will provide important input into staff orientation. It is expected that the South Carolina Child Development Council, as well as other organizations involved prior to the operational status, will also contribute to staff development.

Major emphasis for the child development staff will be directed toward the revision and update of the preliminary State plan. Much effort will be involved in the transition from a regional demonstration approach to a statewide planning and programming approach.

Some of the activities of the Child Development Council and staff will be involved with the determination of financial sources needed to support a comprehensive child development program. Other activities will include the development of an information system, evaluation mechanisms and techniques of the overall program and assistance in the implementation of the demonstration projects. Outside consultants will be utilized as necessary.

LIMITATIONS

Due to the circumstances surrounding the preparation of this preliminary plan the optimal approach to child development can be discussed only in general terms. These circumstances are that no State child development staff, with the exception of the director who serves in a dual capacity, has been employed and that as a consequence preparation of this document is by the demonstration health area staff, the LDD staff and outside consultants. Those preparing this plan have some expertise in child development but would not presume to have sufficient knowledge to design an optimum delivery system of comprehensive child care. Nevertheless it is necessary to have a framework within which applicants can work and a basis upon which the child development staff when employed can build.

CHILD DEVELOPMENT STRATEGY

The development of a child from conception is a complex and exciting phenomenon. In the proper environment this development occurs naturally. Assuming this to be true, the goal of a child development program must be the insuring of the existence of this proper environment for each child. The objectives, therefore, of the child development staff are to identify and describe the proper environment which would encourage and permit a child to develop and to develop a strategy for the creation of this environment if it does not exist in a particular area.

Before a child development staff attempts to define the optimum environment in which child development can naturally occur it must define what it means by child development. In simplest terms child development means the optimal development of a child's potentialities in order that he may be able to understand, enjoy and compete in the world around him and to cope with situations he will encounter in life.

Since resources are limited and since prevention is generally more cost effective than attempts to cure, a child development program should be concerned primarily with children in the years in which they are developing most. Since most experts agree that this includes children under six years of age, the state child development program must address itself primarily to this age group. The child development staff must determine what elements of a child's environment will allow him and encourage him to develop his potentialities. These elements or components can be broadly categorized into health, education and cultural stimulation, social well-being, and nutrition.

CHILD DEVELOPMENT ENVIRONMENT

A healthy environment for a child under six years of age is one which is free from physical handicaps and in which a child is protected from the physical dangers that possibly could surround him. He is protected from disease, from accidents, and from birth defects as far as possible.

The creation of a healthy child environment must begin prior to conception. Family planning, therefore, is the first component of a healthy environment. This, of course, necessitates the education of the parent. Basically, the components of the creation of a healthy environment would be the prevention, the early detection, and the treatment of defects and the education of parents. A comprehensive health care program for young children would include testing of vision, hearing and motor development; dental and health education care; diagnostic evaluation; and follow-up treatment as needed.

The preventive aspects cannot be over emphasized since approximately 20–30% of the chronic, crippling conditions of childhood and later life could be prevented or corrected by comprehensive health care through age five and approximately 60% could be prevented or corrected if health care were extended through age 15. Uncorrected visual problems can be reduced by 80%, hearing problems by more than 50%, and unmet dental needs by 100%.[1] Some of the specific health services which each child in the above age frame requires are delineated on the able of Child Development Components in Appendix B.

The environment which is conducive to the proper development of the child will also include educational and cultural stimulation. An environment which would be conducive to the educational and cultural stimulation of children would permit the child to: explore the physical world; broaden his experiences; observe, respond, and experiment; learn the communicative skills; think critically and creatively; gain awareness of and sensitivity to aesthetic experiences; extend and refine his skills in human relationships; develop self-confidence, self-understanding, and a positive self image; develop motor and manipulative skills; and develop good health, physical and safety habits; [2]

It must be realized that every moment a child is awake and in good health he is learning. This learning process can be broken into four basic components. These are in their order of their proper introduction to a child: affective, perceptual and mechanical (which should probably occur at about the same time), and cognitive areas of development. Affective development includes activities which tend to give the chlid a positive image of himself as a person and as a learner. All activities in a planned program for educational stimulation must continually reinforce this positive image of the child. Perceptual development includes activities which help the child interpret what he sees, hears, or touches. These are activities which make it possible for the child to internalize sensory experiences. Mechanical development includes activities which affect physical coordination and the development of such skills as verbal, reading and writing. Cognitive development includes activities which provide the child with experiences which develop mental operations which are present in developing children of pre-school age such as seriation, classification, correspondence, and reversibility. These activities must occur in a carefully planned sequence. Each of these areas of development is important to the total educational development of a child and must be a part of any program for his development. Some specific educational and cultural stimulation components are included in the Child Development Components table in Appendix B.

An environment which will allow a child to develop properly must include the provision of adequate and nutritional food. More and more evidence is being accumulated to show the urgency for adequate nutrition of mothers and the child through pregnancy and in the early years of childhood during which time—and largely through proper nutrition—is established the biological bases for health and learning. Research gives irrefutable evidence that the nutrition *in utero* and during the earliest periods of infancy profoundly influences the organic development of the nervous system and its capacity for determining intellectual ability and, as a consequence, influences health and learning throughout the individual's life. This points out the importance of proper nutrition to both the mother and unborn child during pregnancy and the importance of nutrition to the proper development of a child. The proper nutritional environment is one in which the proper food is provided to the growing child. This diet must provide the correct combination of minerals, vitamins, proteins, and energy foods (fats and carbohydrates).

Of the twenty-one mineral elements found in the human body, fourteen are considered essential. These are calcium, phosphorus, potassium, sulphur, sodium, chlorine, magnesium, iron, manganese, copper, iodine, cobalt, fluorine, and zinc. The amount in which mineral elements exist in the body vary greatly. No matter how small the amount of an essential element is needed, if it is not provided, health is affected.

Vitamins are any one of a group of substances which occur naturally in foods in minute quantities and which produce specific physiological effects. They are essential to the normal development and maintenance of the human being.

Proteins are in reality an energy food; however, since they contain nitrogen they are characterized as being different from the other two energy sources—fats and carbohydrates. Proteins are essential constituents of body fluids with the exception of the bile and urine. They are essential to all forms of life. Plants build their protein from inorganic materials; however, animals cannot and must obtain either proteins or their cleavage products, amino acids, from their foods to form body tissue.

The human body must have fuel to carry on its work. There are three kinds of fuel which the body is capable of burning—proteins, fats, and carbohydrates. Each of these fuels provides calories and in order for the human body to carry out its daily activities the food intake must provide sufficient calories to meet the energy requirement of the body.

A child cannot be expected to live much less develop properly if he is not provided the proper food.

The environment in which a child lives must permit and encourage him to develop his social skills, gain an awareness of himself, and understand his relationship to the world. If this social environment is not provided so that wholesome development can occur during the formative years of a child's life, which experts say are the most critical in personality formation, there is no reasonable expectation that the child who grows up in the absence of this environment will become a clear thinking, emotionally stable adult citizen. A child's ability to relate to others, to live and work with peers and superiors or to rebel against them is shaped by his early experiences. In the earliest years, the basis is laid for the development that is to influence the rest of the child's life.

Children become social adults only by a long process of physiological maturation accompanied by learning. There is a great deal of sheer knowledge that a child must acquire, but beliefs, values, and principals of moral conduct also have to be internalized so that expected behavior does not require constant external sanctions. The creation of a positive self image so vital to maturity typically occurs only in social relationships that are emotional in quality, and that fact helps to account for the universality of the family as a concrete social system. Perhaps, health,

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Footnotes at end of article.

nutrition, and education can be adequately provided outside of a family situation, but socialization is a function best performed by the family.

INSTITUTIONS CREATING A CHILD'S ENVIRONMENT

In the American or Western civilization the components which fit together to create an environment which is conducive to the proper development of a child are created by a number of institutions. These institutions would include the home and family, the school, the church, the medical community, the cultural community, and the governmental complex. If these institutions and others which have not been identified here are not functioning properly or if their functions are detrimental to the development of a child a crisis in child development is created. This is undoubtedly the situation in which western civilization finds itself. It is a situation in which many children are not living in environments which are conducive to their proper development. To generalize, it could be said that economically deprived children are probably not living in an environment which is conducive to their proper development. Neglected children are not living in an environment which is conducive to their proper development. Unfortunately, the children of many working mothers are also not living in an environment which will further their personal development.

FUNCTIONS OF A CHILD DEVELOPMENT PROGRAM

It is the function of the child development program to identify the institutions which are influencing and creating the environments in which children grow. It is the child development staff's responsibility to identify gaps in the system which is creating the environment children live in. It is the function of the child development program to develop methods of filling these gaps. The methods of filling the gaps in the creation of a wholesome child development environment would be basically two. They are 1) strengthening the existing base which is creating the child's environment so that it is doing a better job and 2) adding to the base: In essence, taking the identified gaps in the provision of the components or services vital to a child's proper development and creating components or services to fill these gaps.

An example of the first method—strengthening the existing base—would be assisting a county health department provide rubella vaccinations to all pre-school age children in the county instead of only 50 percent. An example of the second type of action—adding to the base—would be the development of day care facilities in an area which needs day care but has none. Logically, the approach to be used in any community would be to develop and expand existing services, unless there were critical unmet needs which had to be served.

Since there is much to learn in South Carolina as in any other state concerning the environment which is most conducive to the proper development of a child, South Carolina's strategy for child development will be a series of demonstration projects in a specific area of the state. These projects will not be entirely experimental. They will be based upon the best current knowledge available in the field of child development aimed at satisfying known needs of children or to fill established gaps in the system which is creating the environment in which children live.

To recap, the strategy which will be utilized by the child development program in South Carolina is as follows: 1) to describe in general terms the environment which is conducive to the proper development of a child; 2) to identify the components or services vital to the creation of this proper environment; 3) to identify the institutions which provide these service components for the creation of a proper child development environment; 4) to identify the gaps in the provision of components for the creation of a proper child development environment; 5) to develop demonstration projects which will meet identified needs of children or which will fill in gaps which have been identified in the current system of provision of services vital to the creation of the environment conducive to the proper development of a child; 6) to continue to evaluate demonstration projects which have been designed to meet the known needs or known gaps in the existing provisions of services for child development; 7) to continue to revise the strategy, objective and methodology based upon feedback from demonstration projects; 8) to identify new needs or gaps in services to children and begin to develop projects and programs aimed at meeting new needs of children as they are made evident or become known.

CHILD DEVELOPMENT GOALS FOR SOUTH CAROLINA FOR FY 1972

The goal of the child development program in South Carolina is to create an environment in which each child is permitted and encouraged to develop his own potentialities to their maximum. This is the ultimate goal. It is realized that this cannot be done in one, two, or possibly ten years; therefore, South Carolina has adopted two immediate short-range goals which it hopes to achieve in 1972. The first short-range goal for South Carolina is to effectively implement the projects which are currently proposed for the demonstration area of the state. These projects have been designed to meet known needs of children in the demonstration area of the state. During 1972 these projects will be followed closely and will be evaluated according to their impact on the children involved and upon their acceptance by the local communities. These projects have been developed by local leaders in accordance with needs which have been identified. Local school, welfare, OEO, Headstart and health officials were involved from the beginning in the development of the project package. The feedback which will be received from these projects will be invaluable in determining whether the strategy which the projects are implementing is effective, and whether they are, indeed, achieving thir goal which is to satisfy known needs of children in the Appalachian portion of South Carolina.

The second short-range goal for FY 1972 for the State of South Carolina is to develop a state-wide child development plan. The current plan and model has been developed for the South Carolina Appalachian area. It is believed that the strategy and methodology used in this demonstration area can be readily transferred to a state-wide program. The regional approach has been utilized in the demonstration area because of the existence of the Appalachian local planning district office, the demonstration health area, and the co-terminous boundaries of a state planning district. Since the remainder of the state is divided into planning districts, it would seem that the mehods and strategy used in this district could be easily converted to the remainder of the state.

In the development of a state-wide plan much refinement in strategy will be necessary. As pointed out, no full-time child development staff at the state level exists. This staff will be employed shortly and will begin the development of a state-wide plan. The first function of the state development staff will be a further definition of the environment most conducive to child development and a further definition of the components which compose or which makeup this environment. It may be appropriate as the state staff develops a further knowledge of the components vital to the creation of an environment conducive to child development to use a matrix system whereby each identified component of child development is matched with the particular organization at the state and local level which is presently providing this component. It will be relatively easy to judge from the matrix which components are not being provided by the existing system of organizations and agencies. The logical progression from this point would be to develop methods of providing these components or filling the gaps in the existing system. The gaps identified would be based upon the known requirements for a proper child development environment. As further knowledge becomes available in the area of child development new needs and new components will be identified; therefore, the process of the child development planning is a continuous process which is affected by research in the area and also very much affected by the feedback from demonstration projects. As the state staff begins to develop the state plan, it will be receiving preliminary feedback of the progress of demonstration projects in child development. Also, parent advisory groups, which will be formed for each demonstration project, will provide a vital source for input into the planning-programming process. Utilizing this information, it would be possible for the state staff to define and redirect its strategy as it plans. Evaluation cannot be overemphasized because it will be one of the prime factors in the directing of the child development program in the State of South Carolina.

EVALUATION

At this point in time, specific methods of evaluation cannot be identified. However, the importance of evaluation is realized. Methods of evaluating child development projects will consist of a determination as to whether or not the project has satisfied the objectives established for it. Also very useful in the evaluation of projects will be pre and post tests of children's physical conditions, mental alertness and social adjustment. Methods of evaluating the planning process and planning staff will be developed. Also, methods of evaluating the effectiveness of the State Child Development council will be developed. One of the primary questions of the evaluation of the council and the plan will be whether they are increasing interagency cooperation and reducing interagency jealousies and duplication. More detailed information on evaluation is written into the project applications that are submitted.

STANDARDS, CRITERIA AND GUIDELINES FOR CHILD DEVELOPMENT PROGRAMS

It is essential that programs developed for children must meet high standards. Projects and programs in the demonstration area and eventually in the entire state of South Carolina will meet *Federal Interagency Daycare standards,* the standards enumerated in the regulations covering service programs for families and children in the Federal Register, Volume 34, No. 18, January 28, 1969, Part II, and the Guides on Federal Regulations Governing Service Programs For Families and Children, Title IV Part A and B, Social Security Act 1969. All daycare facilities will be governed by the rules and regulations developed for licensing daycare centers by the South Carolina Department of Public Welfare. Any programs related to the teaching of children in a formal educational setting will meet the criteria established by the State Department of Education as given in *Guide for Teaching Kindergarten.* Nevertheless, it is necessary to express the standards which will be utilized in general terms in insuring proper care to children in the projects which are planned for FY 1972.

PERSONNEL STANDARDS

There is no room for incompetence or halfheartedness in the all-important vocation of the care and guidance of young children and infants. All professional personnel and paraprofessional personnel guiding the child's intellectual, physical, and emotional development must have appropriate personal characteristics, broad professional backgrounds, where implied in the nature of the work, thorough preparation, and demonstrated levels of competency. Fundamental to all of these qualifications is real love for children. The person who does not really like children has no business in either professional or paraprofessional work, no matter how skillful he may be.

Staff personnel, to make their most effective contribution to the learning and development of young children, ought to be involved in planned experiences aimed at enhancing their own professional and personal development. Ongoing programs of staff development are an integral part of any operation serving children.

Many men and women's personalities and family experiences especially equip them for work with children. They can serve useful, increasingly valuable functions, if properly trained and counseled. The use of paraprofessionals in all kinds of services for children can free the professional to give closer individual attention and to apply his skills more effectively. Very often these aids add another dimension of human love and understanding to the schoolroom or daycare situation.

PROGRAM STANDARDS

The most effective implementation of a program is based upon what is known and accepted as the best way to take care of children. Programs have to be based on sound, commonly accepted principles and on the new insights into the growth and development of children, and geared to the individual child. The most effective programs are those that deeply involve parents in planning, development, and implementation.

STANDARDS FOR PHYSICAL FACILITIES AND ENVIRONMENT FOR PRE-SCHOOL CENTERS

Since the physical environment can facilitate or inhibit intellectual, physical, and social development, child development physical facilities should be more than shelters and must provide an environment conducive to learning and good mental and physical health.

Wherever possible, facilities should be located conveniently in relation to children's homes or the parents' places of employment, thus enabling parents (especially the working mother) to deliver and pick up the child, and facilitating parental involvement in the program. Location should permit adequate, safe outdoor play and preclude conditions that might be injurious to the physical or psychological welfare of children.

Suitable housing for children must provide light, heat, ventilation, acoustical control and meet sanitary and safety standards. Design should permit flexibility in use of space for children and adults and reflect aesthetic considerations.

Indoor activities require at least 35 to 50 square feet for each child. Additional space is needed for kitchen, toilet rooms, isolation quarters, office, staffrooms, halls and stairways, storage areas, lockers, laundry, furnace room, and floor space occupied by permanent built-in cabinets and furniture. Outdoor activities require 75 to 100 square feet per child. Outdoor space should be directly accessible from indoor facilities and so designed that all areas are visible and easily supervised. There should be sunny and shady areas, shelter from inclement weather, and plenty of space and sand or dirt for digging.

Sufficient equipment, materials, and furnishings are needed for both indoor and outdoor play, with adequate variety and quantities to meet the developmental needs of children, appropriate to their ages, sizes, and activities. Equipment should include some materials from the following categories: art supplies, blocks and accessories, picture and story books, housekeeping items, large-muscle equipment, manipulative toys, musical instruments, and science materials.

SUMMARY

This chapter has presented the skeleton framework upon which a more definitive concept of comprehensive child development services can be developed. It is far from complete, but represents an initial effort toward the development of an optimum model and a long-range plan for implementing a comprehensive child development program in South Carolina.

FOOTNOTES

[1] Directions Seminar, *The Children We Neglect, A Call for Action,* (1965), p. 2.

[2] T. Harden, *Guide for Teaching Kindergarten,* (Columbia: South Carolina Department of Education, 1969), p. 6.

CHAPTER IV.—PROJECT PACKAGE

The child development projects proposed for implementation this year are of three basic concepts. Five proposals offer comprehensive child development programs which include educational and day care components as well as nutritional, health and social services and family outreach for a defined number of children of ages two to five years. Four of these programs have been developed by county school systems along with the involvement of other agencies such as Public Welfare, Public Health Departments and various other health and social services. The other program was developed by the Community Action Program with active participation of the school system and other appropriate agencies and services.

Another proposal is for a developmental-planning grant for the Clemson University School of Nursing. The project is aimed at appraising the role of the nurse in terms of being the primary caretaker of children and their families. The result of the project will be a model that is relevant to the expanding role of the nurse, the needs of target populations and the resources available.

The final project that is being developed is a comprehensive maternal and child health program. This proposal will offer an organized continuum of pre-natal, post-natal and well-baby services. The project is still in developmental stages and will be submitted sometime after April 1, 1971.

As has been stated before, the planning and development of the project package has been generated at the local level. Obviously, each county within the South Carolina Appalachian Region is at a different level with respect to achieving all the necessary components for a comprehensive child development program. For this reason, there are varying degrees of emphasis upon component areas among the projects depending upon the local situation.

PROGRAM RATIONALE

The following discussion relates the three programming concepts offered by the seven project proposals to the base data and conclusions presented in Chapter I.

High first grade retention rates, high drop-out rates and a low percentage of high school graduates entering college were cited as educational problems in South Carolina Appalachia. These problems are seen as the results of other problems that affect early childhood development. In many cases, first grade retentions and drop-outs can be traced to children who have not been adequately prepared physically and/or mentally to react to the experience offered in the educational setting. Many of these children are from families that offer an environment of cultural and social isolation, poor nutritional and health standards, inadequate education and economic deprivation. It should also be noted that these problems may not be limited to the indigent family. Adequate family income level may not insure a proper environment for early childhood development.

In order to reduce and, sometime in the future, eliminate these educational problems, comprehensive preventive-oriented programs must be developed which are aimed at early intervention into those childhood problems affecting achievement in the later years.

To provide a comprehensive approach, the concept of establishing a pre-school educational component along with a day care component that would provide the setting for a full range of health, educational, social and nutritional services to children ages two to five and through outreach to their families was developed in Oconee, Anderson, Greenville, Spartanburg and Cherokee Counties. This concept is built around the involvement of the total family.

When the child is enrolled either in the pre-school educational setting or the day care setting, a corps of specialists begin to evaluate his needs as well as his family's needs for health, nutrition, social and/or environmental services. The outreach component for the family would provide the vital link in achieving total family involvement.

The operational concept of the program is to use a core staff to provide the basic services such as educational day care and outreach and referral functions. Special services, evaluations and/or treatment would be provided by those agencies or organizations now operational. For instance, speech and hearing evaluations and treatment would be provided by United Speech and Hearing Services. Immunizations and other public health services would be provided through County Health Department.

Outreach teams would identify additional family needs and refer them to appropriate sources. For instance, the mother may need family planning or pre-natal services and other children may be in need of speech and hearing evaluations or general child health clinics.

The program should achieve a significant degree of intellectual development for the child as well as improvement in health habits, nutrition and social development. Outreach and follow-up by specialists in these same areas would provide improvements in the home setting as well as identify and meet special needs (family planning, food management, etc.) as appropriate.

This type of comprehensive program has not been available in South Carolina. The state only recently began a pilot pre-school educational program on a limited basis. The pilot program does not provide a full range of services as discussed above, but the results of the evaluation of the pilot program may show what such a program can achieve at least in educational development.

Excerpts from the evaluation report follow:

"The need for a formal evaluation of South Carolina's pilot kindergarten project was recognized by the States Department of Education. In order to measure the progress of kindergarten children, it was decided to administer the pre and post test forms of the *Caldwell Preschool Inventory* and the *Peabody Picture Vocabulary Test* to all kindergarten classes. Due to a variety of problems related to the implementation of new kindergarten classes, it was decided to delay initial testing until midautumn, 1969. The post tests were administered during the last two weeks of May, 1970. Therefore, the results of the evaluation hold the *limitation* of six months of instruction rather than the usual nine months. The results of these tests were as follows:

TOTAL PRETEST AND POSTTEST MEAN SCORES ON PEABODY PICTURE VOCABULARY TEST AND THE CALDWELL PRESCHOOL INVENTORY OF CERTAIN PILOT KINDERGARTEN CHILDREN, 1969-70 AND SHOWING TEST NORMS

Test	Pretest Mean	Posttest mean	Test norm 50th percentile
Caldwell preschool inventory:			
A—Personal-social responsiveness	19.77	23.03	22.33
B—Associative vocabulary	12.04	17.88	16.33
C^1—Concept-activation, numerical	11.14	14.77	13.50
C^2—Concept-activation, sensory	14.69	17.12	17.63
Total	57.45	72.74	70.00
Peabody picture vocabulary Test: (auditory-visual vocabulary)	46.88	54.25	[1] 55.20

[1] Average score.

"The *Caldwell Preschool Inventory* indicated a child's achievement in four areas considered important for successful school experiences (see table). Their test mean for South Carolina children was 57.45. This is considered to be an extremely *below average* score compared with test norms for children entering kindergarten. The post test mean of 72.74 is considered to be a *high average* score as compared with the test norms. A score of 73 was at the 60th percentile on test norms for this age group. Therefore, the mean post test score for South Carolina kindergarten children was above that of 60 percent of the children in this age group. It may then be interpreted that many South Carolina kindergarten children made significant growth in areas measured by this test.

"Two thousand six hundred and thirty-five children completed both forms of the *Peabody Picture Vocabulary Test,* which provides an estimate of a child's verbal intelligence by measuring his visual-auditory vocabulary. The average performance score (46.88) of South Carolina kindergarten children on the pre test was *below the average* score for entering kindergarten children nationally (50.22). This pre test mean is approximately that of children nationally, age four years and eight months. The post test mean (54.25) was approximately that of children nationally, age five years and ten months. Thus, the average performance score of South Carolina children on the post test was *within the average range* of scores nationally for children completing kindergarten. This measured gain took place within a six months period.

"In order to determine the effectiveness of the kindergarten program in preparing children for first grade, the *Metropolitan Readiness Test* was administered in September 1970 to 199 children who attended pilot classes during the 1969–70 session. A control group of 199 children who have had no kindergarten training were given the same test. Table I shows the means, standard deviations and *t* of the scores on the *Metropolitan Readiness Tests* for the experimental and control groups.

TABLE I.—NUMBER, MEANS, STANDARD DEVIATION AND t OF SCORES ON THE METROPOLITAN READINESS TESTS FOR THE EXPERIMENTAL AND CONTROL GROUPS

Group	Number	Mean	Standard deviation	t
Experimental (State kindergarten)	199	59	14.5	
Control (no kindergarten)	199	46	7.4	[1] 7.73

[1] Significant beyond 0.001 level.

"As is readily observed in Table I, children who had the opportunity to attend the State Pilot Kindergarten program (and who were representative of South Carolina's five-year old population) scored significantly higher on the *Metropolitan Readiness Tests* when compared with children who had not had the opportunity to attend a pre-primary program. Since the *Metropolitan* is predictive of success in first grade, the South Carolina State Pilot Kindergarten program has been shown in this second evaluative analysis to be meritorious."

If these results can be achieved with a program limited to pre-school educational services, the result of a comprehensive approach should be even more significant. At the same time, the entire family will benefit from a comprehensive approach which should begin to work toward reducing other problems in the home environment such as health problems associated with pregnancy and infancy as well as other problems (nutrition, social) already discussed.

One of the problems identified in Chapter I is a shortage of professional medical manpower, namely physicians, dentists and nurses. Two ways of achieving additional output from medical manpower resources seems apparent. One method is to recruit additional manpower thus adding to the supply. A second way to increase output is to find new and innovative means of increasing the capacity or expanding the role of the manpower now available.

It is to this second method that the Clemson University Nursing Center for the Promotion of Family, and Child Health Project is directed.

The recognition of a crisis in the delivery of health services has caused many members of the health professions to appraise the relation of their historical posture to this failure to deliver adequate health care. The nursing profession has been made aware of their potential to increase the quantity and quality of care by experiments and demonstrations that expand the role of the nurse to include such functions as principle therapeutic agent, primary caretaker, and nurse-advocate.

The operational concept of the project is to more definitively develop an acceptable model for the expanded role of the nurse. The program will evaluate existing and proposed health delivery systems in light of the role of the clinical nursing specialist as the primary caretaker of children and their families. From this evaluation, a model will be developed that is relevant to the expanding role of the nurse, the needs of a defined population and the resources available in a given area.

In order to develop a model for the expanded role of the nurse-practitioner, two basic areas will be stressed in the research. These are: (1) legal restrictions and problems; and (2) perceptions and attitudes of families about the nurse as the primary caretaker.

The model that is developed should serve to lead the way to the more efficient use of the professional nurse, especially in areas where manpower shortages are critical and unmet health needs paramount.

Health problems associated with pregnancy and infancy were identified in Chapter I. These problems were identified in terms of fetal death rates, infant death rates and maternal deaths. To combat these problems, the third program concept will provide comprehensive maternal and child health services. Though this project is not as complete as the others, the basic operating concept calls for the county health departments to offer a continuum of pre-natal, post-natal and well-baby clinics.

MANPOWER REQUIREMENTS

The personnel requirements of the proposed projects is not seen as a problem in implementing these programs. The four basic types of manpower needed to provide staff for the programs are early childhood educators, social workers, teacher aides and nurses.

Early childhood educators will be recruited from the graduates of the four schools in South Carolina which offer degrees in early childhood education. These courses are expected to graduate 113 seniors this spring or summer. If these students do not meet the demand, recruiting will be directed at those graduates or qualified teachers who have had experience or some education in the field of early childhood education.

In terms of social workers, several schools in South Carolina and specifically in South Carolina Appalachia offer degrees in sociology; however, most positions require a Master's degree in social work. The University of South Carolina has the only program offering a Master's degree in this field in the state. The first class will graduate this spring and the demand for the graduates is expected to be high. The recruitment of qualified social workers from the one program (USC) may be a problem and other sources will have to be sought. Out-of-state recruiting may be necessary. Another source may be social workers with bachelor's degrees and experience in the field.

Three programs in South Carolina are training teacher aides. These programs should supply the demand of the proposed projects. Also, in-service training programs may be another means of providing enough aides for the projects.

Several programs throughout the region and state are training nurses. The schools offering two-year associate degree nursing programs are: Baptist College of Charleston, Clemson University, University of South Carolina (Columbia, Conway and Spartanburg), Francis Marion College and Lander College. Greenville General Hospital and the Orangeburg Regional Hospital offer three-year diploma programs for nurses. Baccalaureate nursing programs are offered at the Medical University of South Carolina, Clemson University and the University of South Carolina at Columbia. These courses should graduate enough nurses to meet the requirement of the proposed projects.

Obviously, the entire staffing requirements cannot be met with new college students. Experience requirements will demand a number of highly-qualified professional and paraprofessional personnel.

Many key contacts have been made in and out of the state during the development of the projects and state plan. These contacts will be an invaluable source of leads to possible applicants for the key positions in the projects. Where all experience and educational requirements cannot be met, in-service training programs, which are included in five of the six projects, will serve to fill the gaps. Also, when necessary, graduates of out-of-state institutions will be recruited. With several sources of potential staff members available, manpower requirements should not be a serious problem in the implementation of the projects.

SUMMARY

The above discussion has presented the three basic operating concepts the seven project proposals encompass. The formal applications will be submitted separate from this plan; however, the applications along with this document combine to form the initial program package for the South Carolina Comprehensive Child Development Program.

VIETNAM COMBAT DEATHS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. JACOBS. Mr. Speaker, some question has been raised in recent months about the alleged decline in American combat deaths relative to noncombat deaths in Vietnam. The essence of the question is just how the administration is defining "combat deaths."

The fourth and fifth sentences in the following letter received by Mrs. K. M. Ward of Columbus, Ind., from the office of the Adjutant General tend to answer this question.

DEAR MRS. WARD: This is in further response to your letter of 8 October 1970 addressed to President Nixon regarding the death of your brother-in-law, Sergeant Jim A. Wray.

It is indeed thoughtful that you should seek comfort for your sister and you may be assured that the President deeply regrets the loss of each of our servicemen.

He is keenly aware of the contribution and sacrifices of all those who serve in Vietnam but because of the many demands placed upon him, he is unable to extend personal condolences to the next of kin of all personnel who die on active duty. *It is my understanding that President Nixon sends letters of condolence to the next of kin only in combat or combat-associated deaths. Sergeant Wray died on 2 July 1969 in Vietnam as the result of injuries received while on a military operation when supporting artillery impacted in the area.* He was reported as a nonhostile casualty.

The nearest regional Veterans Administration office will assist Mrs. Wray in initiating a request for the memorial certificate you mention.

My deepest sympathy is with Mrs. Wray and her daughter, Tracy, in the great loss they have suffered.

Sincerely,

VERNE L. BOWERS,
Major General, U.S. Army,
Acting The Adjutant General.

REMARKS OF L. MENDEL RIVERS, JR., ON THE OCCASION OF THE KEEL LAYING OF THE U.S.S. "L. MENDEL RIVERS," NEWPORT NEWS, VA., JUNE 26, 1971

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. DOWNING. Mr. Speaker, on June 26, 1971, the keel of the U.S.S. *L. Mendel Rivers* was laid at the Newport News Shipbuilding and Dry Dock Co. in Newport News, Va.

In addition to the splendid remarks of our colleague, Chairman F. EDWARD HÉBERT, Secretary Chafee of the Navy, Admiral Zumwald, and Admiral Rickover, we were pleased to hear from L. Mendel Rivers, Jr., the son of our late, lamented colleague. In a few exquisite words he described the man whom we loved and respected so much.

He repeated his words which some of us have heard from him so often:

> I will not excuse, I will not equivocate. I will not retreat a single inch. And I will be heard.

It was a short, sincere and truly inspirational speech which I believe should be set forth in the CONGRESSIONAL RECORD:

Chairman Hébert, Secretary Chafee, Admiral Zumwalt, Admiral Rickover, Distinguished guests, ladies and gentlemen:

Marcus Antonius remarked, "The evil that men do lives after them; the good is oft interred with their bones." Not necessarily. A man struggled for thirty years to keep his country strong. In his lifetime he received his measure of praise and glory, but he was attacked and cursed time and again by shortsighted, villified by the foolish, and forced to make the choice of agony between a family he helped create and a career he had chosen. And when he died, like all men he wondered whether, at long last, it had been worth the struggle. It is this—the bitterness and the doubt—which, we pray, is interred with his bones in a quiet South Carolina churchyard.

But it is his spirit, his resolution, and his passion for his cause, which live after him. It is the spirit of a man who felt and believed, "I will not excuse. I will not equivocate. I will not retreat a single inch. And I will be heard." I believe, indeed he was. The members of L. Mendel Rivers' family have seen many changes in six short months. As is the case when all great leaders fall we have seen many so-called "friends" virtually disappear, and we have learned that in the finest of grain there is chaff. But we have enjoyed another brand of friendship, that inspired not by its own gain, but by its love for a man. And we now behold the spectacle of a man's dream coming true: the dream of a man who groaned when he heard the "John F. Kennedy" would be diesel-powered, and who couldn't wait to see the last bulky conventional battle wagon retired, and whose name now stands on the Navy's newest vessel in the newest concept of naval warfare. This is a proud and happy day for his family, one for which we are grateful to you all, and one to be surpassed only by the day she finally sets out to sea. She will bear in her hold the tools of war, but she will bear in her heart that same serenity of strength of L. Mendel Rivers, which alone brings peace; unquenchable, unconquerable, indomitable, till war itself shall be no more.

GOLD ON THE U.S. OPEN MARKET: THE HISTORICAL EVENT OF THE CENTURY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. RARICK. Mr. Speaker, an historical event occurred today when the West Coast Commodity Exchange, Inc., of California began public trading in gold futures on an open market.

Mr. David Callahan, president of West Coast Commodity Exchange, Inc., has advised me that over 500 people took part in today's trading, with 271 gold futures contracts being negotiated at a gross dollar value of over $3 million. He further advised be that this is one of the largest records for any new commodity on opening day in U.S. commodity-exchange history.

The most important statistic conveyed to me by Mr. Callahan was that gold prices opened at $59.50 per ounce, closed at $59, with a low of $58. This is almost double the existing value of gold set by the U.S. Treasury at $35 per ounce.

The most significant aspect of this act is that it frees this country from the last vestige of financial allegiance to Great Britain. Previously, gold prices had been established only in London, by a combine of five private companies—the London Gold Market—who meet twice daily for the purpose of fixing the world price of gold.

Furthermore, this act is historically important because it faces reality by overcoming the myth that we are still on the gold standard; therefore, there is, in the face of this reality, no valid reason for our Government to prohibit private ownership of gold.

The present ideas concerning the necessity for Government ownership and control of gold linger from the depression. Today's event, in the face of objection from the Treasury Department, has forced us to realize the absurdity of continuing to deny ownership of gold to American citizens.

This open-market trading of gold futures has brought us out of the dark ages and into the reality and light of our present economic situation. It is an act that should be applauded and imitated throughout our country. Our people should have the right to own gold, instead of allowing our gold reserves to be depleted by foreigners who demand gold as payment for our paper money and obligations.

This is why I have introduced legislation to permit Americans to own gold at every session of Congress.

I ask that related material and news clippings be inserted along with my bill H.R. 353, to permit American citizens to hold gold, at this point:

WEST COAST COMMODITY EXCHANGE, INC.,
Los Angeles, Calif.

FIRST GOLD FUTURES TRADING TO START ON WEST COAST COMMODITIES EXCHANGE

LOS ANGELES, CALIF., July 12.—Public trading in gold futures in an open market will be introduced for the first time anywhere in the world with the start of a gold futures contract on the West Coast Commodity Exchange here on July 20, it was announced here today.

The announcement was made by David Callahan, president of the WCCE, which inaugurated the first new U.S. commodity exchange in 50 years, on the West Coast, trading in silver, copper, sugar and cocoa, on October 15, 1970.

"Open bidding procedure will determine gold prices for the first time in the 300-year history of commodities exchanges in this country and abroad," the exchange executive said.

"In the past, gold prices have been established only in London, by a combine of five private companies—the London Gold Market—who meet twice daily for the purpose of fixing the price of gold."

Pending repeal or amendment of the Gold Reserve Act of 1934, delivery of WCCE gold futures will be made in gold coin (legal ownership of pre-1934 gold coins is specifically authorized by the Gold Reserve Act) certified and approved by the Exchange Board of Governors, in quantities representing the equivalent amount of weight and fineness of 200 troy ounces of gold.

The WCCE Board of Governors has approved British gold sovereigns as the first of several international gold coins to be acceptable for equivalent delivery under the gold contract. Four British gold sovereigns will meet the requisite weight and fineness of one troy ounce of 99.95 gold. The British Mint produced over 500 million gold sovereigns prior to 1934, with an aggregate value of approximately $6 billion dollars.

The WCCE will become the primary source for world trading in Gold Futures and will provide a focal point for traders, miners, processors, manufacturers and the public to create market prices determined through traditional open bidding by all segments of the international commodity industry, Callahan predicted.

The WCCE president anticipates that the Gold Futures contract will attract international trading from European, Mid-East, African, Asian and South American sources as well as in North America.

This overseas trading will generate a substantial in-flow of dollars and thereby assist in correcting the current U.S. deficit in our balance of payments, he predicted on the basis of a study of market factors. The effect of this international trading could strengthen the U.S. dollar, reverse the drain of gold reserves from the U.S. and aid in easing of the current world currency and economic crisis, according to the Exchange officer.

Several bills have been introduced in this session of Congress to permit U.S. citizens to hold, buy and sell gold bullion or to eliminate the $35.00 per ounce ceiling on gold.

Trading rules established by the Board of Governors of the Exchange provide for a margin deposit of $750 on each 200 troy ounce contract, with price changes registered in multiples of five cents per troy ounce or the equivalent of $10.00 per contract. Daily trading limits are fixed at $3.00 per contract either way from the previous day's settlement price or a potential range of $600 per contract per day.

The WCCE Gold Futures contract will be traded in the same manner as other commodities. Assuming the value of a 200 troy ounce Gold Futures contract to be $9,000, the public trader can buy or sell with a total cash deposit (margin requirement) of only $750 per contract. There is no interest payable on the balance. Another advantage is the broker commission of only $25 for the complete round turn (buy and sell) transaction. The futures contract can be held for up to 17 months or liquidated at the election of the holder on any trading day in the interim.

The WCCE president expects the new futures contract to create the "Gold Rush of '71," in Southern California, one hundred and twenty-two years after gold was discovered by James W. Marshall at Sutter's Mill in Northern California in January 1848. This area became the world famous "Mother Lode" that produced $2 billion dollars in gold in the ensuing 100 years. He pointed out that this single gold discovery and the Gold Rush of '49 changed the West from an unknown wilderness to the economic giant of today.

In 1969, the West Coast Commodity Exchange discovered the 200,000 commodity traders in the West and established a "trading post" for them in California starting in October 1970, dealing in silver, copper, cocoa and sugar, Callahan declared. He added that U.S. Silver Coins were listed as a fifth commodity futures contract on May 17, 1971, with Gold Futures to become an appropriate and symbolic sixth WCCE commodity starting on July 20, 1971.

Representative Crane, in proposing legislation to permit U.S. citizens to buy, sell and own gold, declared, "The arguments used when the Gold Reserve Act was passed in 1934 are no longer valid. At that time, we were in a depression and the dollar was convertible into gold. The argument was that people were hoarding gold, reducing the money supply and hindering the economic recovery."

Representative Crane added, "I feel that gold is a good investment, with a 5000-year tradition of universal acceptance. My contention is that Americans should have the right to buy gold, as they do to buy any other commodity.

"Great Britain and the United States are the only major countries in the free world to prohibit ownership of gold."

BACKGROUND INFORMATION ON THE LONDON GOLD MARKET

(Background data summarizes brochure issued by the five members of the London Gold Market)

Five private British companies, Mocatta & Goldsmid, Ldt., started in 1684 (10 years before the Bank of England); Sharp, Pixley & Co., Ltd., (1750); N. M. Rothchild & Sons (1804); Johnson, Malthey (Bankers) Ltd. (1817) and Samuel Montagu & Co. Ltd. (1853), formed the London Gold Market in 1919. These five financial firms meet daily, Monday-Friday, at 10:30 a.m. and 3:00 p.m. in the Rothchild offices in London with the Rothchild representative as Chairman, to set the fixing price of gold which is then announced in U.S. dollar quotations and in the sterling equivalent at the market of such fixing.

In 1844 when Great Britain was on a full gold standard, gold was bought and sold through the Bank of England at approximately $19.40 per ounce (916 fineness). With the outbreak of World War I, this market was closed and the Gold Standard was suspended and never fully restored.

In April, 1925, Britain adopted a modified Gold Standard, as gold coins were no longer in general circulation. The economic depression again forced Britain off the Gold Standard in September, 1931. The worldwide financial position led to an increase in the price of gold from $20.67 to $35 per ounce in 1934 and vast amounts of gold moved through London.

The London Gold Market closed at the outbreak of World War II and was not reopened until 1954 by the original five companies. During the interim period, some of its members established active markets in areas not subject to the International Monetary Fund, with the price of gold fluctuating from $40 to as high as $70 per ounce in the Far East.

By 1960, monetary insecurity about the U.S. dollar forced the creation of the International Gold Pool; restricting gold prices to $35.20. By March, 1962 economic pressures forced elimination of the Pool and creation of the "Two Teir System", with monetary gold pegged $35 and the remainder of gold to find its own price. During the balance of 1968, non-monetary gold fluctuated between $36.70 and $42.60 per ounce. The London Gold Market group of five firms has been the sole international source of gold price fixing, including approval of refineries and assayers in 14 countries: Britain, Australia, Canada, Belgium, Mainland China, Russia, France, Greece, Italy, The Netherlands, South Africa, Sweden, Switzerland and the United States.

The London Gold Market also deals in gold coins as an ancillary activity but only in wholesale quantities rather than as numismatic specimens.

[From Chicago Tribune, Monday, July 12, 1971]

WEST COAST EXCHANGE PLANS GOLD TRADE

(By George Beardsley)

The West Coast Commodity Exchange will announce later today that it will start trading in its gold futures contract on July 20, THE TRIBUNE learned yesterday.

Early in June, the exchange announced that it had formulated plans to trade gold bullion, contingent upon a change in the Gold Reserve Act of 1934, which made it illegal for United States citizens to buy, hold, or sell gold, except for jewelry, industrial uses, or certain coins.

It will be the first time in history that gold futures contracts have been traded on a commodity exchange in this country, possibly the first time in the world.

David Callahan, exchange president, said he will announce the decision of the exchange to begin trading whether or not the law is changed, at a press conference in New York City this morning.

FIRST, GOLD COINS

The exchange contract calls for trading in units of 200 troy ounces. Until the law is changed, Callahan said the exchange will trade in gold coins, whose total gold content equals 200 ounces.

For example, 850 British gold sovereigns, contain about 200 troy ounces of gold, so 850 sovereigns could be delivered to satisfy the contract of a person who sold short and decided he did not want to buy the contract back before it expired.

Callahan said it is the opinion of the exchange's counsel that this form of trading would be legal, noting that the Gold Reserve Act of 1934 states that gold coins minted prior to the time the act was passed are exempt from the provisions of the act.

LAW MAY CHANGE

Callahan said the fact that the exchange will start trading of the gold futures contract doesn't indicate that any *exchange* official has any indication that the law will be changed soon, making it possible for bullion to be traded.

"It is a possibility that the law will be changed," he said, adding that, "when it is changed, we want to be in the business." He said that once the law is changed, he expects that other commodity exchanges will move quickly to enter the field.

He said that there is no significance to the date when the exchange will start trading. "We just wanted to get started trading as soon as possible and we have found a legal way to do it," he said.

When the exchange announced in June that it had plans to trade gold futures, Callahan said that "authoritative financial sources" has assured him that a change in the law was being seriously considered.

Callahan won't say where the sources are located, nor who is seriously considering the change in the law, other than to note that some Congressmen and Senators have introduced bills that would make the ownership of gold by U.S. citizens legal, were the bills to be passed into law.

NOTES CRANE LEGISLATION

He mentioned that Rep. Philip M. Crane [R., Ill.], a member of the House Banking and Currency Committee has introduced a bill to permit U.S. citizens to buy, sell and hold gold. Crane said that the arguments used when the law was passed are no longer valid.

"At that time," Crane said, "we were in a depression and the dollar was convertible into gold. The argument was that people were hoarding gold, reducing the money supply, and hindering the economic recovery."

Callahan said he has not talked to a "single congressman or their representatives," about a possible change in the law, but that he does feel sure there are a "lot of people on Capitol Hill and in various agencies of government" that are concerned about this matter.

Thomas W. Wolfe, director of the Office of Domestic Gold and Silver Operations, has said that the Treasury department has the authority to change the law allowing ownership of gold billion, but Callahan said he believes when and if the law is changed the change will come through congressional legislation.

Trading gold futures, as is the case with any other commodity, of course, is not for everyone.

The contract, which was approved by the exchange's board of governors on June 14, calls for an initial margin of $750 for each 200 ounce contract. A change in the price of gold of $1 an ounce would be a $200 change in the contract, since there are 200 ounces in each contract.

The daily trading limit is set at $3 an ounce, meaning that a person could lose, or make, $600 in one day on a $750 investment.

[From the Washington Evening Star, Friday, July 16, 1971]

U.S. REJECTS GOLD FUTURES MARKET PLAN

The Treasury Department has announced that government regulations prohibit speculative trading in gold futures markets and said it will not permit a futures market proposed by the West Coast Commodity Exchange.

The exchange, headed by David Callahan, announced earlier this week plans to open a gold futures trading operation on British gold sovereigns minted before 1934.

He said the Gold Reserve Act of 1934 specifically authorized possession of such gold coins.

But the Treasury said yesterday the terms and conditions under which Americans may acquire, hold and use gold in any form are set out by regulations under the 1934 law.

"These regulations do not permit the speculative trading in gold or gold futures as proposed by the West Coast Commodity Exchange." British gold sovereigns minted before 1934 are primarily coin collector's items.

H.R. 353

A bill to permit American citizens to hold gold in the event of the removal of the requirement that gold reserves be held against currency in circulation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. At any time when reserves in gold or gold certificates are not required by law to be held against currency in circulation—

(1) the Secretary of the Treasury shall sell any gold held by the United States to any citizen of the United States on demand at a price equal to that then being charged foreign governments, banks, firms, or individuals for gold purchased from the United States Treasury.

(2) the Secretary of the Treasury may purchase from any citizen of the United States any gold tendered at a price equal to that then being paid to foreign governments, banks, firms, and individuals for gold being purchased by the United States Treasury.

(3) no prohibition in the Gold Reserve Act of 1934 or any other law, and no prohibition in any regulation shall be effective to prohibit or restrict the acquisition, holdings, or disposition of gold by any citizen of the United States.

GEORGE MUNDY: TAKING TIME TO CARE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. MAZZOLI. Mr. Speaker, in the fast pace of urban living, people often take too little time to stop and help out others in their community who need a hand. We are fortunate in Louisville to have a man in our midst who has made a career of caring—George Mundy.

Already the manager of the Fontaine Ferry Skating Rink, one of the most important community centers for young people in the Western section of Louisville, Mr. Mundy has now volunteered as a part-time probation officer with the Metropolitan Social Services Department, a program organized this year by Mrs. Jeanne Frank and Mr. Bill Young of the MSSD.

Mr. Mundy, in addition to his two regular jobs and his work at Fontaine Ferry, will now give black youngsters, who have been in trouble, somebody to look up to. Mr. Mundy says:

> Hard work has made the difference for me.

Now his own hard work will help make the difference for others.

Mr. Speaker, when one man gives this much of himself and his life to the services of others in his community, he deserves all the recognition we can give him. I offer George Mundy my own gratitude and admiration, and I also insert in the RECORD at this point a recent article about him in Louisville's Record:

TIME FOR "GOOD WORKS" IS FOUND BY BUSY MAN

George Mundy is busy, busy, busy.

He puts in 80 hours plus each week at two regular jobs.

But he has managed to squeeze in another five or six hours weekly as one of the first black men in the new Volunteer Probation Officer Program of the Metropolitan Social Services Department (MSSD).

For some time the MSSD has been short on probation officer manpower, especially on black men to help black youngsters who have been in trouble. Now the department, in its new volunteer program, has eight blacks and 35 whites as aides to work on a person-to-person basis with "juvenile delinquents."

During week days, Monday through Friday, George is a salesman for a sundries and cosmetics company. And every night and on weekends he manages the Fontaine Ferry Park Skating Rink.

Throughout his career, though, he has found time to do "good works" for people. He has served on the Mayor's Committee on Athletic Events as a "keeper of the peace" at football and basketball games and in 1968 and 1969 he was supervisor of park patrols in parks in the West End.

In the latter job he was in charge of 10 guards assigned to parks at night and early morning to keep youths out of trouble. In 1970 he was appointed manager of the skating rink, mainly a recreation center for young blacks.

When the Volunteer Probation Officer Program was organized this year by Mrs. Jeanne Frank of MSSD and Bill Young of the Louisville-Jefferson County Youth Commission, Mundy offered his services.

Mundy will have all the authority of a regular probation officer but he will have only one "case"—one youngster to work with, five or six hours a week. He will be given his first assignment sometime this month.

"I plan to talk to him (the youth assigned by MSSD) and find out his problem," he said. "I will try to do everything I can to assist him."

Mundy said he thinks it is important to relate to the youngster assigned to him as a person, not as an authority figure to an inferior.

"I hope I'll be somebody he can look up to," he said, "and talk freely with. That way we may be able to make some progress."

Mundy knows how it is to grow up a rough neighborhood, and he has felt the sting of the "color" barrier. He was raised in the "Black Hill" area of Central Park by his grandmother, whom he termed a strict disciplinarian.

"She had everything so well organized that even the neighbors kept her posted on what I was doing," he recalled. "If I stayed out past the curfew, she came looking for me."

When he was 17, after graduating from Central High School, he joined the Air Force, which he said supplied him with goals and more discipline. He served as an air policeman and was discharged as an airman second class.

The only job he could find after leaving the service was that of delivery boy for a drug company. Later he became a salesman for the same company and learned barbering as a sideline. He also worked as a waiter for a catering service.

"I believe in hard work," he said. "That has meant the difference for me."

When he's not working, he spends his "free time" at home (2620 Dixdale Ave.) with his wife, Ella Marie, a school teacher, and their two children, Glenn, 11, and Katherine, 9.

He will use the same philosophy as a volunteer probation officer that he has used as "boss" at the skating rink, he said.

"I'm firm but fair, and I'm sure the youngsters who skate here (at Fontaine Ferry) know that. As a result we have very little trouble, maybe one serious outbreak a month. I handle each case as an individual case. I tell them: 'If you're wrong, just go on out. Lip doesn't bother me.'"

As a volunteer probabation officer, he will be required to fill out a monthly report on his youngster and to be available should the juvenile encounter any further difficulties with the law or Juvenile Court.

Mundy attended 15 hours of training sessions to prepare himself for his new, nonsalaried job. The courses included "History and Philosophy of Juvenile Court," "Legal Aid Society," "Drug Programs and Problems," and "Life Styles and Problems of Probation."

He feels he has the background and the knowledge now to plow ahead into his new challenge.

"It's a challenge type of thing," he said. "I'm really trying to help myself and somebody else at the same time."

CLEVELAND ENGINEERING SOCIETY

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. JAMES V. STANTON. Mr. Speaker, the Cleveland Engineering Society has taken the lead in helping the Nation's professional engineers adjust to the shift in national priorities, from military and space spending to domestic needs, such as health, environment, and social programs.

The society is retraining engineers in a pilot program that will serve as a national model. The Federal Government will finance this initial effort with a $20,000 grant. The program will prepare engineers for new jobs in half the time of similiar programs. The Cleveland Engineering Society has already received requests to start similar programs in Detroit, Buffalo, Louisville, St. Louis, Baltimore, Atlanta, Houston, and Milwaukee.

In an address to the National Society of Professional Engineers employment conference last month in Washington, Dr. Myron Tribus, a senior vice president at Xerox Corp., described the

Cleveland program as an important grassroots effort to solve the "paradox of engineering unemployment." The following is an excerpt from his remarks:

Here is the great nation of ours, beset with all kinds of major problems, a shortage of housing, deterioration of our environment, increasing crime. . . . And yet, we are passing through a period in which thousands of technologically trained people are out of work . . .

The challenge to educators is clear: to provide a good theoretical foundation, a tough minded ability to apply knowledge, a sensitivity to human needs, and above all, an ability to see beyond technical achievement to comprehend the role of technology in the affairs of men . . ."

At this juncture in time, we should all applaud and support the grass roots attempts of several professional groups, who are trying to do something about the problem.

The Cleveland Engineering Society, for example, has just obtained a $20,000 grant from the Department of Health, Education and Welfare for a pilot project to retrain unemployed engineering specialists who need to become generalists in order to be employable. It will help them to fill available jobs that require knowledge in areas such as economics, design for manufacturability, value analysis and methods engineering.

It is good to learn that a Government sponsor has been found for this significant experiment in re-education. This is only as it should be, for the Government did entice these men into jobs that were deemed to be necessary, and the Government held them there with promises of high wages and continued employment. The cost of this kind of retraining will be much smaller than the cost of supporting these men and their families on welfare.

It is devoutly to be hoped that if the Cleveland Engineering Society's experiment is successful, more Government funds will be made available to create a full-scale retraining program not only in Cleveland, but in every other center of engineering unemployment.

JOHN IRWIN, PH. D., EX-CON

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mrs. ABZUG. Mr. Speaker, one of our most pressing national needs is reform of our penal system. It is estimated that most crime is committed by recidivists—those who have previously served time in penal institutions.

Despite the liberal rhetoric of prison administrators, our penal system is oriented to punishment, not rehabilitation. There are many reasons for this; certainly one is our national reluctance to spend the money that would be necessary for programs which would actually rehabilitate. In most cases, too, the ex-convict finds no job available to him when he regains his freedom, even if he has a marketable skill. To many ex-convicts it must seem that society really expects them to return to crime, as it provides few other ways for them to make a living.

Under even the most difficult circumstances there are always a few exceptional individuals who manage to rise above their limitations of opportunity. An exception to the sad tendency of ex-convicts to fail in reintegrating themselves into society is the case of John Irwin. The Christian Science Monitor recently published an article about this impressive man, which I insert in the RECORD. Particularly noteworthy are his comments on indeterminate sentences, an institution which may once have been a move toward modernization but which now seems highly questionable. This has been demonstrated in certain recent California cases where political beliefs or involvement of convicts seemed to play an important role in adult authority decisions to keep them incarcerated. The article follows:

JOHN IRWIN, PH. D., EX-CON

(By Charlotte K. Davis)

SAN FRANCISCO.—With his curly hair, engaging grin, and tall, spare frame, John Irwin is hard to place as a San Francisco State College professor of sociology and ex-convict.

Mr. Irwin, who cringes at the title doctor, spent five years in Soledad Prison for armed robbery. "I was 23 when I began to serve my sentence. Because I felt the enormous pressure of my ignorance, I made up my mind that I would obtain an education, regain my health, and learn Spanish.

"Like many cons, I wanted to learn another language so that I could leave the country, because I didn't think there would be any job opportunities when I got out. I also believed that America was facing many of the same problems that she is now. It was the Joseph McCarthy era and the time of the Korean war."

When asked about guards providing knives and dope to white inmates, as is frequently alleged by cons, Dr. Irwin said that he thought a few engaged in rackets on the side. He cited the case of a San Quentin guard who in 1967 was found to have smuggled in a gun.

If we had a less brutal system, the guards' behavior would be different. Even Christian monks would behave the same cruel way as guards if you erected a system which necessarily treats the client as a person without rights or dignity and will only grant him privileges if he becomes a compliant, sniveling being.

"You turn him into a hostile, hating person who in turn lashes back at the administration."

At Soledad, Irwin became one of the library's most frequent clients. He began by reading history—H. G. Wells, Gibbon, and Will Durant. He consumed classical fiction and literature—English, French, and American novelists.

All convicts try to feel out what are the important books. All read each other's lists. Malcolm X began by reading the dictionary because he felt so inarticulate when he was out on the yard with other inmates.

During his five-year incarceration, which ended in 1958 when he was 28, Dr. Irwin noted that prison administrators were obsessed with the need for rehabilitation of prisoners. When I was in, the guys thought that they were sick and that the administration would cure them.

"Group counseling was considered of prime importance. When I underrated its value, it was one of the reasons why my parole was refused. This was the era when all of the cons carried Freud or the Bible under one arm."

Dr. Irwin blames prison administrators' present problems on a tendency to isolate the leaders. "The attempts at isolation include counseling and the adjustment centers like X and O wing at Soledad. At present there are 800–1,000 people in adjustment centers," Dr. Irwin says with a note of quiet bitterness.

In order to reform the prison system as exists, Dr. Irwin says it is necessary to do the following:

Return to a focus on crime, not the man. We don't have sick people, but rather people who commit criminal acts. They don't differ significantly from a random sample of the population.

Have flat sentences. There is no justifiable rationale for the present indeterminate sentence. It is simply a device to keep people who are considered dangerous incarcerated for longer periods.

Use restraint in sending a man to prison. A man should only be jailed when he has broken a law that society feels strongly about, i.e. murder. A man should be sent to prison only "when there is serious damage done to life, property, and the well-being of a person and not when someone's moral sensibilities have been offended.

Shorten sentences. Making people serve long periods is counterproductive because increasing the severity of the punishment does not serve as a deterrent. It is the certainty of punishment that is the deterrent. For example, when the Nazis occupied Denmark and removed police protection, crime increased.

Extending the length of a man's sentence increases recidivism because the inmate becomes less able to adjust to the outside world.

We need a uniform application of rules. To increase deterrence, you should apprehend as many people as possible who commit one kind of serious offense. As it is now, punishment is heaped on the few who are caught.

Prison walls should be made permeable so that medical and service organizations may have access to inmates.

Dr. Irwin has just begun to establish a California Prisoners' Union composed of ex-cons working together to try to promote racial unity.

"We want to try to organize convicts and establish a positive identity. We are working to bring about structural changes such as abolishing the indeterminate sentence and the Adult Authority board. We want to work with lawyers to obtain new legislation."

For his Ph. D. thesis, Dr. Irwin wrote "The Felon," a book about prison life. In 1968 he started the Rebound program for convicts at San Francisco State College. Rebound offers an alternative life style to former cons.

Dr. Irwin stresses that higher education is not a cure, but simply another path for the former criminal. Since 1968, 31 prisoners have been accepted for the program. Of these, only four have left before completing the first semester.

When asked if there was anything positive about a prison experience, Dr. Irwin answered: "There were plenty of books in the Soledad library."

FAMILY PLANNING PROJECTS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. SCHEUER. Mr. Speaker, the administration has long been in favor of spinning off operating programs of the Office of Economic Opportunity to other executive departments, leaving OEO as merely a poverty research and evaluation organization. This spinoff concept causes considerable concern in the Congress and in the Nation at large insofar as it abandons the concept of an active advocacy agency for the poor within the Federal Government.

There is ample reason to fear that other executive agencies will not operate transferred programs with the same attitudes, expectations, and guidelines developed by OEO in the 1960's. For example, OEO's family planning projects, initiated as a result of an amendment which I sponsored to the Economic Opportunity Act in 1966, are being transferred to the Department of Health, Education, and Welfare, OEO has operated its programs with a unique degree of citizen participation which may disappear under HEW administration. However, the following memorandum of understanding between OEO and HEW, listing the projects to be transferred, acknowledges all the major goals for family planning service delivery championed by OEO. It gives me some reason to hope that these projects will continue to be successfully implemented under HEW administration, but HEW's performance in the coming months will be the real measure of the success of the spinoff concept.

The memorandum of understanding follows:

FAMILY PLANNING PROJECTS

MEMORANDUM OF UNDERSTANDING

The Director of the Office of Economic Opportunity (hereinafter referred to as the "Director") and the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"), in order to facilitate the exercise by the Secretary of authority and responsibility under the Public Health Service Act for the Administration of a grant program for the provision of assistance to selected family planning projects now assisted by the Director under Sections 222(a) and 222(b) of the Economic Opportunity Act of 1964, as amended, hereby agree as follows:

I. Policies

The goals of OEO family planning projects will be furthered by HEW in its administration of grant programs for the support of the transferred projects. These goals, in accordance with the concepts of OEO program guidelines, will be the maintenance of programs designed to:

(a) Aid in developing and carrying out comprehensive family planning information and services focused upon the needs of the urban and rural poor, particularly in areas of marked inadequacies of such health services for the poor.

(b) Continue to provide for comprehensive family planning information and services to the low income residents of the target area of the transferred project. Priority, however, will be given to those residents whose family income falls within the OEO Poverty Index.

(c) Ensure the active meaningful involvement of the consumers of health care, including full participation of low-income persons eligible to receive services, and the community in implementing the program of the transferred projects as described in Section VI(d).

(d) Continue to maintain as an integral part of its operation an outreach program which will assign top priority to providing outreach services to those persons whose annual income falls below the OEO Poverty Index.

(e) Employ low-income residents of the target area in paraprofessional and clerical positions, and administrative positions whenever feasible.

(f) Maintain a training program in which low-income residents of the target area receive training which will enable them to occupy positions with built-in upward mobility either within the project or in another position in the health care field.

II. Availability of funds

The Secretary will provide assistance to each of the projects selected for transfer from funds made available to him for this purpose.

III. Selection of projects

(a) The selection of projects for which responsibility is to be assumed by the Secretary (hereinafter referred to as the "selected projects") will be made by the Director with the concurrence of the Secretary on the basis of the following criteria and priorities, provided that the total of the grants required in the fiscal year ending June 30, 1972, for the support of the selected projects may not exceed $10 million:

(1) Grant programs of $1,000,000 or more which are at the time jointly funded by OEO and HEW and whose program has been in operation at least two years.

(2) Other programs which are presently jointly funded by OEO and HEW and programs presently funded by OEO which operate in the same geographic area as HEW funded programs.

(3) Projects whose program has been developed for a large metropolitan area or state and which contains a coordinating mechanism for planning, funding and/or operating family planning projects in that area.

(4) OEO-funded research and demonstration projects whose major demonstration features have already been achieved.

(5) Small projects in those geographic areas in which HEW places high priority for expansion of services.

(6) OEO-funded Planned Parenthood affiliates.

(7) Projects funded to and administered by community action agencies.

(b) Selection will be made no later than March 15 and the projects selected for transfer notified by April 15, 1971.

IV. Transfer date

(a) The effective date of transfer of responsibility for the selected projects shall be the day after the end of the current or adjusted program year. In accordance with provision of paragraph (b) all transfer dates shall be between August 1, 1971 and January 1, 1972, subject to the availability of funds for the projects to be transferred.

(b) Projects whose current program year and date is between March 15 and June 30, shall have that program year end date extended six months; those whose current program year end date is between July 1, 1971 and July 30, 1971, shall have that program year end date adjusted to July 31, 1971; and those whose current program year end date is between January 1, 1972 and June 30, 1972, shall have that program year end date adjusted to December 31, 1971.

V. Responsibilities during transfer period—March 15–December 31, 1971

(a) Within 15 days after the selection of a project for transfer in accordance with Section III(a), the Director will notify the project grantee, the delegate agencies, and the policy advisory committee of the planned transfer of responsibility for such project. Upon the issuance of such notice, representatives of the Secretary shall have access to the project and to all records relating to it.

(b) The Director shall make the adjustments in program years of projects set forth in Section IV(b).

(c) All project grantees selected for transfer that seek continued funding after the transfer date shall apply to HEW in accordance with HEW procedures. At the Secretary's request, the Director will assist in the review of the applications.

(d) On the effective date of the transfer of a project, the Director will transfer to the Secretary all OEO project files, correspondence files, and all other records and materials relating to the project.

VI. Post-transfer responsibilities

(a) At the request of the Secretary, the Director will make available to the transferred projects and to the Secretary technical assistance resources which OEO makes available to family planning projects which are supported by OEO grants and contracts.

(b) A cooperative program for the appraisal and evaluation of the transferred projects will be developed by the Director and the Secretary.

(c) HEW will ensure that any changes it approves in the size of the target area of the transferred projects or in eligibility criteria for services which are within its authorities will not be made in a manner which results in exclusion from services of previously eligible individuals or in a reduction in the range and nature of services provided to such individuals.

(d) HEW will continue to require each transferred project to ensure the active meaningful involvement of the low-income consumers of health care in implementing the program of the transferred projects and to maintain an organizational structure in which either:

(1) The governing board of the grantee or delegate agency administering the transferred project is structured so that at least one-third of its members are low-income persons eligible to receive services from the project and at least one-half of its members are either low-income persons eligible to receive services or are representatives of community groups, such as social service organizations and labor or business organizations; or

(2) A family planning council is established which acts as a policy advisory board to the administrative agency and is structured so that at least 51% of it members are low-income persons eligible to receive OEO health services. The neighborhood residents selected for the governing board and health council shall be democratically selected and their terms normally shall not exceed two years. The family planning council shall participate in such activities as the development and review of applications for federal funds, the establishment of program priorities, the selection of project director, the location and hours of the project's services, the development of employment policies and selection criteria for staff personnel, the selection of neighborhood residents as trainees, the evaluation of suggestions and complaints from neighborhood residents, the development of methods for increasing neighborhood participation, the recruitment of volunteers, the strengthening of relationships with other community groups, and other matters relating to project implementation and improvement.

(e) (1) No personnel of transferred projects shall be discharged solely because of the transfer. If personnel changes become necessary preference shall be given to the employment of low-income individuals in outreach, clerical, and other paraprofessional jobs.

2. In instances where a transferred project is to merge with a program presently funded by HEW,

(i) Employment priority will be given to low-income individuals presently employed by both projects.

(ii) HEW shall not without first consulting with and soliciting the views of OEO approve any discharge of an employee of the OEO funded project.

(iii) In general the merged project shall continue to employ all individuals employed by the OEO funded project if their performance has been satisfactory and if the job position continues to exist in the merged project.

(iv) Subject to paragraph (i) of this subparagraph, separations by reductions in force will be based on length of service with the Federally supported project.

(f) HEW will provide the grantee and delegate agency with reasonable notice and opportunity for a full and fair hearing prior to terminating assistance for cause and with reasonable notice and opportunity to show cause prior to refusing to provide continued financial assistance to any transferred project.

(g) For a period of three years after the transfer date, HEW will not approve the transfer of a project grant from a grantee or delegate agency which presently receives assistance to operate the transferred project to another grantee or delegate agency without the concurrence of the Director unless:

(1) Such grantee or delegate agency agrees to such transfer, or

(2) Assistance is terminated for cause after reasonable notice and opportunity for a full and fair hearing in accordance with paragraph (f) of this Section.

(h) The staff of the OEO, Office of Health Affairs, will work with HEW staff in facilitating the administration of grants to support the transfer projects.

(i) Upon the effective date of the transfer of a project, the Secretary will, except as otherwise provided herein, succeed to all functions, responsibilities, and authorities which the Director may have with respect to the project pursuant to any grant or agreement related thereto.

Dated April 29, 1971.

ELLIOT RICHARDSON,
Secretary, Department of Health, Education, and Welfare.
FRANK CARLUCCI,
Director, Office of Economic Opportunity.

LIST OF FAMILY PLANNING PROJECTS TO BE TRANSFERRED

The following Family Planning Projects have been selected for transfer in accordance with the Memorandum of Understanding of April 29, 1971 between the Director, Office of Economic Opportunity and the Secretary, Department of Health, Education, and Welfare.

The effective date of the transfer of each project is the day after the end of its current or adjusted program year as shown.

Date: April 29, 1971.

ELLIOT RICHARDSON,
Secretary, Department of Health, Education, and Welfare.
FRANK CARLUCCI,
Director, Office of Economic Opportunity.

AMENDMENT TO MEMORANDUM OF UNDERSTANDING

CONCERNING FAMILY PLANNING PROJECTS

Section III Paragraph (b) of the OEO-HEW Memorandum of Understanding relating to the transfer of responsibility for certain family planning projects from OEO to HEW is hereby amended to state:

(b) Selection will be made no later than May 1, 1971 and the projects selected for transfer notified by May 15, 1971.

Date: April 29, 1971.

FRANK CARLUCCI,
Director, Office of Economic Opportunity.
ELLIOT RICHARDSON,
Secretary, Department of Health Education, and Welfare.

Grant number	City	Grantee	END OF PROGRAM YEAR		Estimated amount
			Original	Adjusted	
6393	Laramie, Wyo	Snowy Range C.A.A	Feb. 28, 1972	Dec. 31, 1971	$46,000
0810	Pueblo, Colo	Pueblo's War on Poverty, Inc	Jan. 31, 1972	do	28,387
6105	Colorado Springs, Colo	Pikes Peak C.A.A	Nov. 30, 1971		40,000
6108	Boulder, Colo	Boulder County Economic Opportunity Council	Dec. 31, 1971		16,470
8803[1]	Denver, Colo	Colorado State Economic Opportunity Office	July 31, 1971		299,307
9004	Flagstaff, Ariz	Northern Arizona Development Council	Feb. 28, 1972	Dec. 31, 1971	49,500
0357	Las Vegas, Nev	Economic Opportunity Board of Clark County	Dec. 31, 1971		95,000
7015	San Diego, Calif	Economic Opportunity Commission of San Diego County	Feb. 28, 1972	Dec. 31, 1971	74,200
0416	San Bernardino, Calif	Dependency Prevention Commission of San Bernardino County	May 31, 1971	Nov. 30, 1971	75,000
0490	Sacramento, Calif	Sacramento Area Economic Opportunity Council	Dec. 31, 1971		75,000
0629	Vallejo, Calif	Solano County Economic Opportunity Council	Mar. 31, 1971	Sept. 30, 1971	87,000
0300	Oakland, Calif	Oakland Economic Development Council, Inc	Dec. 31, 1971		49,800
7022	Kahului, Maui, Hawaii	Maui Economic Opportunity, Inc	June 30, 1971	Dec. 31, 1971	164,000
9812[1]	Los Angeles, Calif	Los Angeles Regional Family Planning Council	Sept. 30, 1971		938,000
0274	Portland, Oreg	Portland Metropolitan Steering	Dec. 31, 1971		28,800
0681	Seattle, Wash	Seattle-King County Economic Opportunity Council, Inc	Mar. 31, 1971	Sept. 30, 1971	67,500
1050	Montpelier, Vt	Central Vermont Community Action Council	Sept. 30, 1971		100,000
0483	Hato Rey, P.R	Puerto Rico OEO	May 31, 1971	Nov. 30, 1971	750,000
1064	New York, N.Y	Community Development Agency	Sept. 30, 1971		996,502
0622	Garden City, N.Y	Economic Opportunity, Commission on Nassau County, Inc	July 31, 1971		65,403
0818	Utica, N.Y	Utica Community Action, Inc	Dec. 31, 1971		27,500
0317	Trenton, N.J	United Progress, Inc	July 31, 1971		38,371
9868[1]	Hartsdale, N.Y	Westchester Community Opportunity, Inc	do		48,914
0133	Pittsburgh, Pa	Community Action Pittsburgh, Inc	Sept. 30, 1971		96,000
2054	Lancaster, Pa	Community Action Program of Lancaster County	May 31, 1971	Nov. 30, 1971	51,949
2071	Reading, Pa	Economic Opportunity Council of Reading and Berks County	Dec. 31, 1971		37,234
2106	York, Pa	Community Progress Council	May 31, 1971	Nov. 30, 1971	31,360
0365	Nashville, Tenn	Metropolitan Action Commission	Feb. 28, 1972	Dec. 31, 1971	150,000
3095	Birmingham, Ala	Jefferson County Committee for Economic Opportunity	Dec. 31, 1971		52,000
0306	Atlanta, Ga	Economic Opportunity Atlanta, Inc	do		162,892
3194	Jackson, Miss	Community Service Association	do		108,000
3201	Memphis, Tenn	Memphis-Shelby County	do		99,000
0234	New Bern, N.C	Coastal Progress, Inc	Sept. 30, 1971		47,694
0574	Edenton, N.C	Economic Improvement Council, Inc	May 31, 1971	Nov. 30, 1971	77,200
2159	Buford, N.C	Carteret Community Action Inc	Apr. 30, 1971	Oct. 31, 1971	33,000
2170	Asheville, N.C	The Opportunity Corporation of Madison-Buncombe Counties	Dec. 31, 1971		24,996
2172	Rosehill, N.C	Community Action Council, Inc	Mar. 31, 1971	Sept. 30, 1971	65,501
2178	Carthage, N.C	Sandhills Community Action Program	Nov. 30, 1971		23,000
2191	Whitehill, N.C	Sencland Community Action Program, Inc	do		20,529
2262	Snowhill, N.C	Green Lamp, Inc	Feb. 28, 1972	Dec. 31, 1971	19,000
2294	Carrboro, N.C	Joint Orange-Chatham Community Action, Inc	Jan. 31, 1972	Dec. 31, 1971	43,270
4319	Franklin, N.C	Macon Program for Progress, Inc	Sept. 30, 1971		37,500
2142	Greensboro, N.C	Guilford County Economic Opportunity Council	May 31, 1971	Nov. 30, 1971	5,008
8583[1]	Raleigh, N. C	Shaw University	Sept. 30, 1971		114,096
4028[1]	Atlanta, Ga	Economic Opportunity Atlanta, Inc	Aug. 31, 1971		739,856
4026	Chicago, Ill	Cook County OEO, Inc	Mar. 31, 1971	Sept. 30, 1971	112,000
4000	Gary, Ind	Lake County Economic Opportunity Council, Inc	Jan. 31, 1972	Dec. 31, 1971	171,000
0847	Kalamazoo, Mich	Kalamazoo County CAP	Aug. 31, 1971		40,000
0808	Flint, Mich	Committee to Promote Action	July 31, 1971		75,000
4065	Muskegon, Mich	Muskegon-Oceana Community Action Against Poverty, Inc	Nov. 30, 1971		16,000
0201	Cincinnati, Ohio	CAC of Cincinnati Area	Sept. 30, 1971		27,000
0607	Dayton, Ohio	Supportive Council on Preventive Effort (SCOPE)	Nov. 30, 1971		51,000
0783	Columbus, Ohio	Columbus Metropolitan Area Community Action Organization	Sept. 30, 1971		176,000
0707	Lake Charles, La	Gulf Assistance Program of Southwest Louisiana, Inc	do		55,155
5002	Alexandria, La	Cenla Community Action Committee, Inc	Mar 31, 1971	Sept. 30, 1971	197,785
5007	Baton Rouge, La	Community Advancement, Inc	Dec. 31, 1971		424,706
5278	Shreveport, La	CAP-CAB, Inc	Jan. 31, 1972	Dec. 31, 1971	239,829
5299	Minden, La	Webster Community Action Association, Inc	Dec. 31, 1971		40,000
5664	New Orleans, La	Family Planning, Inc	June 30, 1971	Dec. 31, 1971	519,121
5016	Holdenville, Okla	Hughes County Development Foundation, Inc	Mar. 31, 1971	Sept. 30, 1971	3,515
5019	Altus, Okla	Southwest Oklahoma Community Action Group, Inc	Dec. 31, 1971		23,172
5038	Stillwater, Okla	Payne and Noble Community Action Foundation, Inc	Sept. 30, 1971		29,708
5075	Okemah, Okla	Okfuskee County Community Action Foundation, Inc	Apr. 30, 1971	Oct. 31, 1971	14,739
5107	Muskogee, Okla	Muskogee County Community Action Foundation, Inc	Feb. 28, 1972	Dec. 31, 1971	31,097
5119	Okmulgee, Okla	Okmulgee County Community Action Foundation, Inc	Apr. 30, 1971	Oct. 31, 1971	12,809
5652	Stigler, Okla	Ki Bois Community Action Foundation, Inc	Sept. 30, 1971		72,460
5662	Chandler, Okla	Redland Community Action Foundation, Inc	Oct. 31, 1971		84,850
5670	Frederick, Okla	Rural Enterprises Community Action Program, Inc	Nov. 30, 1971		3,636
5686	Wagoner, Okla	Wa-Ro-Ma Tri-County—Community Action Foundation, Inc	Sept. 30, 1971		50,722
5690	Pawnee, Okla	United Community Action Program, Inc	Oct. 31, 1971		114,686
5694	Picher, Okla	Northeast Community Action Agency, Inc	Sept. 30, 1971		38,378

Footnote at end of table.

END OF PROGRAM YEAR—Continued

Grant number	City	Grantee	Original	Adjusted	Estimated amount
6008	Tishomingo, Okla	Indian Nations Community Action, Inc	Jan. 31, 1972	Dec. 31, 1971	106, 924
8054 [1]	New Orleans, La	Total Community Action, Inc	Dec. 31, 1971		863, 916
0401	St. Louis, Mo	Human Development Corp	Nov. 30, 1971		121, 712
0884	Des Moines, Iowa	Greater Opportunities, Inc	July 31, 1971		27, 276
6081	Topeka, Kans	Kansas State Economic	June 30, 1971	Dec. 31, 1971	56, 059
	Total				10, 000, 000

[1] OEO funding through Family Planning Division, Office of Health Affairs, others through OEO regional offices.

THE BIG PUSH IS ON

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. ARCHER. Mr. Speaker, I would like to share with my colleagues an article by the distinguished journalist, Allan Brownfeld, which appeared in the April 1971, issue of Private Practice magazine.

In view of current proposals in Congress for sweeping new legislation, I feel Mr. Brownfeld's discussion of the pitfalls of nationalized medicine is particularly apropos.

The text follows:

THE BIG PUSH IS ON

(By Allan Brownfeld)

If there has been any doubt that the effort to achieve national health insurance in the 1970s is one of the major political issues to be decided in the public arena, the publication of Don't Get Sick In America by Daniel Schorr, with a foreword by Senator Edward M. Kennedy, eliminates such misgivings. In a sense, this volume, based on a two-part CBS television broadcast, is one of the opening guns in the campaign.

"America," writes Senator Kennedy "is an also-ran in the delivery of health care to people. In areas like infant mortality . . . America lags far behind almost every nation in Western Europe."

If a premise is incorrect, then everything following from it, although logical within a closed system of reasoning, will be wrong. This is the case with Senator Kennedy's analysis, and it appears on the book's very first page.

Virtually every critic who states that American medical care is inferior to that of the countries which practice socialized medicine in Western Europe use as their basis the comparison of infant mortality rates, as did Senator Kennedy. The statistics which are used as the basis for this charge come from the World Health Organization, although neither Mr. Schorr nor Senator Kennedy felt the need even to quote such statistics. Somehow, they seemed to feel that the validity of the charge was self-evident.

The charge, upon more careful examination, turns out to be completely inaccurate.

Statistical methods of recording infant mortality are not uniform even within the United States. There is even more disparity between reporting methods in the United States and other nations. In many countries, for example, infant birth and death reports are the responsibility of the parents and there is no compulsion for them to report. In the United States, on the other hand, the attending physician is responsible for certifying births and deaths. In Sweden, which is close to the top of the WHO table, birth reports are not required until five years after the event and many neonatal and prenatal deaths are probably never reported. In addition, while one country would consider a seven-month fetus a "viable" infant and its death part of the infant mortality rate, another country would not. There are major variations in the weight required for designation as a viable newborn, and such a difference clearly makes a significant alteration in the percentage of statistical arrivals. And those countries which have legalized abortions would, of course, have lower infant mortality rates than a society in which abortions are generally illegal.

It is clear that such a comparison of infant mortality rates has little to do with the relative merits of a country's medical care delivery system.

But Senator Kennedy is not asking about the relative merits and demerits of the American system of private practice and the European system of socialized medicine. He has already determined that our system is inferior and, as the sponsor of National Health Insurance legislation, he is searching for ways to "revolutionize" American medicine. He understands, however, that the insurance system he is proposing is not really the "answer." The real answer, he says, is an end to the private practice of medicine: national health insurance is only valuable as a means to achieve that end.

In the Senator's own words: "We must use the financing mechanism to create strong new incentives for reorganization and delivery of health care. Thomas Paine, declared at the founding of our American Republic, echoing the words of the ancient Greeks, 'Give us a lever and we shall move the world.' I say, give us the lever of national health insurance, and together we shall move the medical world and achieve the reforms that are so desperately needed . . . only the catalyst of national health insurance will be able to produce the sort of basic revolution that is needed."

In his text, Schorr notes that the federal government is now spending $19 billion a year on health—more than the whole country spent 15 years ago. The government's share of the national health budget rose from 25 to 37 percent in three years. Medicare and Medicaid are costing the Federal Treasury $14 billion a year, double the expected figure, and could easily reach $20 billion by 1957. Yet, the author somehow believes total government control would cost less.

While this volume presents brief bits of material which would challenge its major thesis concerning the negative aspects of American medical care, both with regard to quality and cost, such information does little to blunt the attack.

Dr. Gerald Dorman, then president of the American Medical Association, is quoted, for example, as saying the following:

"There were many times when we used to care for our older patients at a lower fee, or free. The government said that there shall be no more free medicine. Everybody must be paid for it. And we have doctors, not only under Medicare but also in Medicaid, who have made a large income because they are working with the people who are poor, who come under these programs of government care. We have one doctor out in Oakland, California, for instance, who made over $100,000. That was checked over, and it was found that he earned it . . . There's another doctor up in Hartford who made over $25,000, and the government down in Washington said that anyone over $25,000 should be investigated. He says 'Let them come in and look at me,' because his practice is in the poor area."

Describing the manner in which government involvement in medicine has increased, rather than decreased, the cost of medical care, Dr. Dorman noted that ". . . in the old days before Medicare and Medicaid, these people would have been treated free or for a minimal fee. We've had people up in Harlem who were treated for a fifty-cent office fee, which seems incredible . . . But these things have changed. We want to see the poor treated as anybody else in the country, as private patients, so that they can get the best possible care."

Mr. Schorr, while presenting views such as those held by Dr. Dorman, quickly bypasses them and advances to his own position which, simply put, holds that what Dr. Dorman says is true only so long as government helps to finance patients within the private practice system. Then, it is true, that government involvement increases costs. But if government controlled the whole system and set the fees, he argues, it would be different.

What this book calls for is not government aid to assist the poor with their medical bills, but a government-controlled system of medicine. How Mr. Schorr thinks this will be less expensive is difficult to say, for our experience with government bureaucracy in other areas, such as welfare, education, and agriculture, shows mounting rather than decreasing costs, and gross inefficiency. Conveniently, he does not even attempt to confront the issue.

The title of the book, *Don't Get Sick In America*, derives from the case of a Dutch emigre in this country who, faced with a kidney ailment, returned to take advantage of the socialized medical system in his own country. The author, in his chapter "How They Do It Over There," extolls the virtues of nationalized medicine in Sweden, Germany, Great Britain and France. He admits that in England, under socialized medicine, "Getting into the hospital is sometimes difficult since admission is based on a waiting list. It may take a week or two in fairly urgent cases, up to a year for elective surgery. At any given time a nationwide waiting list of half a million is not uncommon," but he still concludes that "few of the doctors who agitate for improvements in the system and even fewer patients would today want to replace that system."

Mr. Schorr quotes from an important series of articles comparing American and European medical systems which appeared in The Philadelphia Inquirer, written by Donald Drake. The conclusion of the series would be a surprise to the readers of Mr. Schorr's book. Drake wrote:

"None of the European systems studied offered substantial incentives to doctors to do a superior job. In England it is traditional for a British GP to swiftly send a patient off to the hospital if his care requires anything more than superficial treatment. In Sweden and Germany, patients are kept in expensive hospital beds for excessively long periods—more than twice the U.S. average—simply because there is no need to move them out and tradition says this is how it should be done. British hospital doctors are reluctant to discharge patients because they are afraid the overworked GP is not up to the task of handling post-hospital care."

Throughout the book, Mr. Schorr cites "authorities," but they are frequently the same ones, and they tend to agree with his own view that American medicine needs to be taken over by the government as rapidly as possible.

In truth, socialized medical systems are far from ideal. Sweden provides a case in point. Schorr notes that "Individuals have a free choice among doctors, and all doctors participate in the program." He says little more, and the reason is that anything more would disprove his own case. Today there is hardly a single hospital in Sweden where there are not long waiting lists for all kinds of hospital care. It is estimated that in Stockholm alone there are more than 4,000 persons waiting to enter hospitals, 1,800 for operations. In some cases, waiting periods for minor operations may be more than half a year.

The same situation exists not only for surgery, but for internal medicine, out-patient clinics, neutrological sections, and various specialization clinics. The situation is worse in state-administered mental hospitals where there were 800 patients waiting for entrance in 1964, a situation which has since become even more critical. Extended-care hospitals and nursing homes for the aged are desperately understaffed and overcrowded. In some cases there are waiting lists numbering 2,000 persons.

The reader is told that socialized medicine would lower hospital costs and Schorr uses the European systems as his example. But he fails to tell his readers the financial state of France's system. The cradle-to-grave system of social security started in its present form in France just after World War II. The system runs three funds, one to cover health costs, one for old age pensions, and one for family allowances. The health fund will run a deficit of $165 million this year. According to experts of the Government Planning Commission, the deficit will rise to $1.8 billion in 1975 if left unchecked.

This volume is a political tract, filled with slogans, attacking the American system of health care and hailing that of Europe, without ever presenting the facts, figures, and statistics which tell a far different story. In an appendix, the author does present several views contrary to the CBS television series he directed. One came from Dr. Morris Fishbein who stated: "While there are slum areas with only one or two doctors to care for many thousands of people, at close hand are the medical services of such giant hospitals as Johns Hopkins, New York Hospital, Massachusetts General, Billings Hospital, Michael Reese Hospital, and literally a thousand others. The people who use these outpatient services know about them. Unfortunately, some either are unaware of their availability or, through apathy, never reach them. But the inclusion of this kind of information in the CBS presentation would have defeated the sensational approach."

What Dr. Fishbein was really commenting upon was the tendency of Schorr to blame the system of private medical practice for slums, environmental decay, poor diets, alcoholism, narcotics addiction, and other problems inherent in a mass, urban, industrialized society.

It may be true that in order to have a truly healthy society, all of these problems must be dealt with, but to attack the private practice of medicine for such difficulties is much like condemning policemen because there is crime. Doctors as doctors cannot and should not be participants in the political process, where the problems of urban living and rural poverty must be analyzed and discussed. Their mission is to cure sick people and assist those who are not sick to remain healthy. The discussion of poverty, slums, and the environment were interesting indeed on Schorr's CBS television special, but bear little relationship to doctors and medicine.

The informed reader looks in vain in Schorr's book for objective assessments such as that of the British Health System by Professor John Jewkes, who served on Britain's Royal Commission on Remuneration of Doctors and Dentists. That Commission concluded that "The average American now has more medical services than the average Briton and the gap between the two has been widening" since Britain's adoption of socialized medicine.

If this volume is the major ammunition in the camp of those who urge a "revolution" in our system of private medical care, the ammunition is faulty and weak.

Senator Kennedy clearly intends to use this issue as one of his major arguing points for the 1972 Democratic Presidential nomination. CBS and Daniel Schorr have provided him with a slick vehicle through which to advance this campaign and, unless those who know better make the real facts clear, its chances for success are becoming dangerously better all the time.

ENFORCEMENT OF THE EQUAL EMPLOYMENT OPPORTUNITY ACT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. ERLENBORN. Mr. Speaker, judging from the number of communications and inquiries that have come to me concerning H.R. 9247 and H.R. 1746, proposals aimed at ending job discrimination, I believe it would be helpful to our colleagues in the House to have some clarification of this important issue.

H.R. 1746 is a bill reported by the House Education and Labor Committee. H.R. 9247 is a bill which our colleague from Kentucky, Mr. MAZZOLI, and I will offer as a substitute to H.R. 1746. The Rules Committee on July 14 approved a 3-hour open rule for consideration of H.R. 1746, making H.R. 9247 in order as a substitute. Indications are that the question may be brought to the House floor any time after July 25.

In the way of background, with the intent of bringing about equal employment opportunity, title VII of the Civil Rights Act of 1964 prohibits discrimination in employment based upon race, color, religion, sex, or national origin. The same statute created the Equal Employment Opportunity Commission to help those people who believe they have been denied employment, promotion, union membership or other job-related opportunity for any of these reasons. As prescribed by law, the job of the EEOC is limited to investigation, mediation, and conciliation. With this authority, the EEOC has made some progress in attaining the goal implicit in its name. Few, however, would argue that sufficient progress has been—or can be—made under existing law. Thus, the primary purpose of both H.R. 1746 and H.R. 9247 is to provide the Commission with enforcement authority.

Beyond that point, however, the two bills part company. In its simplest form, the issue is: Should the Commission be empowered to take its discrimination cases into Federal courts as we recommend in H.R. 9247, or should it be permitted to issue cease and desist orders as recommended in H.R. 1746?

We are convinced the stability, expedition, and protection afforded plaintiff and defendant alike in the judicial approach are preferable to providing a Federal agency with authority to act as investigator, prosecutor, and judge. A separation of powers is inherent to our system of justice; it assures due process of law.

By combining cease and desist powers with authority to issue back pay and affirmative action orders, as H.R. 1746 would do, the EEOC would be transformed into a quasi-judicial body. A quasi-judicial body may be appropriate when competing interests are involved, but we do not believe discrimination occupies the status of an "interest" under our system. It is an injustice which should be eliminated in as quick and efficient a manner as possible. A look at the record clearly demonstrates that judicial enforcement is more expeditious than administrative enforcement. It seems more sensible to us to proceed in the forum offered by judicial enforcement. There, not only can preliminary relief be made available at the outset; but also, if circumstances warrant, further relief can be obtained as the case proceeds, with permanent relief embodied in a self-enforcing decree issuing at the culmination of trial.

Another significant difference between the committee bill and our substitute is that the former would extend the jurisdiction of the EEOC to employment in State and local governments. While we by no means hold that these units of government are innocent of discrimination, we question whether a Federal administrative agency, armed with cease-and-desist power as proposed in H.R. 1746, should be allowed to exercise its powers within their realm of activity. Importantly, such an extension of the Commission's jurisdiction would represent an unprecedented interposition of a Federal administrative agency into the internal administration of State and local government.

These, then, are the major issues between H.R. 1746 and H.R. 9247. There are others. So that you may examine all of them, a comparison of the two bills and existing law follows, as does a summary of H.R. 9247. Additionally, you may wish to refer to the separate views, page 69, and the minority views, pages 58 to 67, of House Report 92-238. And, of course, either of us would welcome an opportunity to answer any questions you may have:

COMPARISON OF PRESENT LAW, H.R. 1746, AND H.R. 9247

Category	Present law	H.R. 1746	H.R. 9247
Number of employees	Employers of 25 or more; unions with 25 or more members.	1st year, same as present law; after that, 8 or more.	No change in present law.
Employees of State and local government	Not covered	Covered	Not covered.
Federal and District of Columbia employees	do	Transfers Civil Service Commission authority in discrimination cases to EEOC.	Do.
Office of Federal Contract Compliance	do	Transferred from Department of Labor to EEOC.	Do.
Authority of EEOC	Limited to persuasion, conference, and conciliation.	Extended to issue cease and desist orders, which can require payment of back pay and affirmative action. Enforceable by U.S. Court of Appeals.	Extended to give Commission attorneys authority to file suit in Federal district courts which can require temporary or permanent relief, including back pay and affirmative action. Appealable to U.S. Court of Appeals and Supreme Court.
Filing of charges	Charge must be filed within 90 days of alleged unlawful act or if a State or local Fair Employment Practice Agency is involved within 210 days.	Increases time limitations to 180 and 300 days respectively.	Increases time limit for filing charge to 180 days of alleged unlawful act.
Service of charge to respondent	Any time within above limits	Same as present law	Charge must be filed within 5 days after filing with the EEOC.
Who may file charge	Person claiming to be aggrieved must file charge in writing under oath. Commissioner may also file where has reason to believe violation has occurred.	Charge may be filed in writing by or on behalf of person claiming to be aggrieved. Commissioner may file written charge; no requirement of reasonable cause.	Charge must specify person or persons claiming to be aggrieved.
Class action	By administrative decisions and Federal court cases, it has become the practice to establish that every individual charge is necessarily a charge on behalf of a class of persons similarly aggrieved.	No change in present law	Limits granting of remedies to persons who have filed or been specifically named in timely charges.
Exclusive remedy	Employment discrimination proceedings now being filed under title VII, the National Labor Relations Act, the Civil Rights Act of 1866 and other laws.	No change	Provides that charges filed under title VII shall be the exclusive Federal remedy (does not displace authority of the OFCC or the Attorney General's right to initiate pattern or practice suits).
Pattern or practice litigation	Deferred to the Attorney General for action	Responsibilities of the Attorney General transferred to the EEOC.	No change in present law.
Limitations on liability	May reach back to the effective date of the act, July 2 1965.	No change	Limits liability to 2 years preceding the filing of a complaint in court.

EXPLANATION AND ANALYSIS OF THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1971

Title VII of the Civil Rights Act of 1964 makes it unlawful for certain private employers, labor unions, and employment agencies to discriminate on the basis of race, color, religion, sex or national origin. It established the Equal Employment Opportunity Commission to administer the law by investigating charges and, when reasonable cause is found, by seeking to obtain voluntary compliance.

The major purpose of this bill is to provide the EEOC with enforcement powers. By authorizing the EEOC to take discrimination cases into Federal District Courts and to obtain temporary or preliminary relief, the bill provides the approach proposed by the Administration during the 91st Congress. This proposal, however, makes the following additional amendments to title VII:

1. *Service of Charges.*—The bill amends section 706(a) to require service of charges within a five-day period and identification of persons aggrieved in order that respondents (employers, employment agencies, or labor organizations) will be speedily informed of the nature of the charges. Such information will enable respondents to evaluate the charges, thereby encouraging respondents and complainants to settle their difficulties without waiting for EEOC action. Currently, because respondents are unaware of the existence of charges while witnesses and documentary evidence are fresh, respondents who wish to comply with the law have no opportunity to resolve cases until substantial liability has built up. Private settlements of disputes will serve to reduce the already enormous backlog facing the EEOC. Relief should be granted where discrimination is found to exist and good cause is shown to merit such relief; but such relief must be applied within reasonable limitations.

2. *Exclusive Remedy.*—Section 3(b) of the bill adds a provision that charges filed under title VII shall be the exclusive federal remedy for persons claiming to be aggrieved by discriminatory practices of covered respondents. This does not, however, displace the authority of the Office of Federal Contract Compliance, the Attorney General's statutory right to initiate "pattern or practice" litigation, or proceedings under state fair employment practice laws. With a strengthened EEOC enforcing title VII, recourse to other federal agencies and statutes won't be necessary. One effect of this section is to supersede employment discrimination proceedings now being filed under the Civil Rights Act of 1866 and the National Labor Relations Act, amongst others. Additionally, the present 90-day limit for filing a charge is extended to 180 days.

3. *Temporary and Preliminary Relief.*—Section 706(f), as changed by the bill makes clear courts may grant temporary restraining orders and other forms of preliminary relief upon a showing that substantial and irreparable injury to the aggrieved parties will occur if such relief is denied. Such extraordinary remedies are warranted only in circumstances which clearly establish their necessity because such relief is granted before a trial on the merits.

4. *Class Action.*—Through EEOC administrative decisions and federal court cases, class actions have become increasingly more common, by calling the complainant a "private attorney general," referring to the statutory right of the U.S. Attorney General to bring "pattern or practice" suits under title VII. With a current backlog of over 25,000 charges, the practice of the Commission and the courts to establish that every individual charge is necessarily a charge on behalf of a class of persons similarly aggrieved prevents the speedy determination of the individual's complaint and enormously complicates the settlement or litigation of the basic charge.

The bill amends section 706(h) to limit the granting of remedies for past discrimination to persons who have filed or been specifically named in timely charges or amendments thereto.

5. *Limitations on Liability.*—As indicated in testimony before the House General Labor Subcommittee by EEOC Chairman Brown, remedies for discriminatory acts may reach back to the effective date of the Act, July 2, 1965. Arguments that the threat of enormous back pay liability will encourage conciliations are simply attempts to coerce employers and labor organizations into surrendering to the administrative process fundamental rights to a fair hearing and due process of law. Back pay awards should measure compensation, not punishment. Section 706(f) has been amended by the bill to limit liability to two years preceding the filing of a complaint in court, following the pattern of the minimum wage law.

AMERICAN POW'S

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. HORTON. Mr. Speaker, today is July 20, 1971. Seven years and 116 days ago, Capt. Floyd Thompson was captured by the enemy in South Vietnam and became one of our first POW's. Across our land there has been a growing concern over the welfare of Captain Thompson and the several hundred men who share his situation. This concern has been reflected in Congress.

Regrettably, the POW's—brave men, who served their country and now suffer for it—have become political pawns in a diplomatic struggle which promises to be as exasperating and frustrating as the military effort which preceded it.

Of those many proposed solutions to the war and the POW issue, I have been disturbed by proposals which purport to insure that our men will be released, and would like to take a few minutes to put the matter in perspective.

There are over 1,500 servicemen missing in Indochina; the North Vietnamese say they have 338 in captivity and have furnished a list of names. Our Government has reason to believe at least 450 are held prisoner in North Vietnam. The rest are in Laos, Cambodia, or South Vietnam, either dead or in bamboo prison camps under unspeakable conditions.

The immediate question which comes to mind is "How can we get these men home to their families?" Various solutions have been attempted. Diplomatically, there is no matter of higher importance. Efforts have been undertaken in Paris, in our embassies around the globe, even with friendly governments acting as intermediaries, and the answer from Hanoi until recently, has been discouraging. Militarily, missions have been undertaken to raid known POW camps. The Son Tay mission last year was probably the best publicized, but the results there—as elsewhere—have been disappointing.

The President dispatched Astronaut/Colonel Borman on a worldwide tour last year, also with disappointing results.

In short, official efforts have not had an impact on Hanoi. Unofficial efforts—in the form of letter writing campaigns, newspaper ads, private delegations to Paris, the news photos of weeping wives outside the North Vietnamese delegation general in Paris—all this publicity has placed pressure on Hanoi, and resulted in better treatment for the Americans they hold prisoner. Mail is more frequent. There have been some prisoner releases. The recent seven-point Vietcong plan also seems to be a response to this pressure. In short, a compelling humanitarian plea and its attendant publicity have created pressures for better treatment and negotiated release that official efforts were unable to bring to bear.

In Rochester, the Jaycees started a campaign to obtain letters and signatures on petitions last December. By April, the "Remember Rochester POW/MIA's" campaign had 110,000 expressions of support, and a delegation took them to Paris. It took over a week for them to see the North Vietnamese. They made dozens of telephone calls to get their appointment; they stopped counting after 70 calls, but it took about 100 calls to get their meeting, and they had a frank discussion with the North Vietnamese for over an hour.

Upon their return, I invited this group to Washington. They met with a group of over 30 Congressmen, Senators, or their representatives. They met with the State Department and with White House officials. The main concern this delegation communicated was the need to keep the pressure on Hanoi.

Congress has made its contribution to this cause. On the opening day of the 92d Congress, I cosponsored a bill to establish a national week of concern for POW's/MIA's. I have written several articles on the subject, and recently signed a petition with over 125 of my colleagues, requesting that COSVN, the organization that controls Vietcong political and military decisions, extend the same treatment to its prisoners in the South that Hanoi claims to provide our men in the North.

It is obvious that the POW question is of paramount importance to our side; I need hardly add that it is part of the strategy and policy of Hanoi as well.

President Nixon has said that there will be American soldiers in the South as long as there are POW's in the North, and Hanoi has focused on this policy for most of its current effort.

There is growing American acceptance of the repeated North Vietnamese assurance that the POW's will be released when a withdrawal date for our troops is set, even when the only firm promise has been that discussions on this matter will ensue. Discussions, not release.

The North Vietnamese have also said that replacement of the government in Saigon was an inseparable condition from the withdrawal of American troops, before the POW's could be released.

In short, I find it difficult to commit myself to a position, based on ambiguous assurances from Hanoi. These same people assured us that there would be progress at Paris, if we only agreed to seat the Vietcong delegation in 1968. They assured us of their agreement to a holiday truce during Tet of 1968. They assured us that the cities of South Vietnam would not be rocketed or attacked if we ceased the bombing. There is no doubt that there are things Congress can and should be doing to express the will of the people and bring this tragic chapter in our national life to a close. Brilliant legislation has been produced, the result of months of research, writing and rewriting. But I think it is important to keep in mind that Congress has an independent responsibility, involving evaluation and judgment. It does not conduct the foreign policy of the United States; however, it does provide the authority for the President and our diplomatic corps to carry out our national policy.

I submit that no amendment or legislation introduced by a Congressman or Senator, can claim to provide a sure-fire solution to the release of our POW's. No Congressman or Senator is qualified to make such an assurance.

This becomes increasingly apparent, as we read of Hanoi's desire to have the United States replace the Saigon government, of their possible concern for reparations from the United States for bomb damage, of their displeasure with our air bases in Thailand and the proximity of the 7th Fleet. Any one of these demands could be offered after total withdrawal to delay even longer the release of our men. Even the Vietcong seven-point proposal, which indicates some flexibility on their side, has required detailed study and its discussion will take weeks and months of negotiation.

Let us make no mistake about it. The return of our POW's is going to be a difficult, agnonizing, lengthy experience, and it is going to require patience, determination, and the confident kind of toughness that our negotiators will have to sustain in the most discouraging atmosphere.

I think it is a disservice to our men held prisoner, to their families, and to this Nation, to pretend otherwise.

TURKEY TO END OPIUM PRODUCTION IN FALL OF 1972

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. SCHEUER. Mr. Speaker, on June 30, the Turkish Government announced its decision to end opium production in the autumn of 1972. This announcement marked a significant contribution to cutting down the flow of heroin into this country and the Nixon administration is to be congratulated for the success of the negotiations which led the Turks to take this step.

Now the administration must take the next step to build upon the policy adopted by the Turkish Government.

First, the President should offer law enforcement aid and technical assistance to the Turks to guarantee the enforcement of the prohibition.

Second, now that we are on the way to solving the problem of illegal opium production in Turkey, we must move immediately and forcefully to stop production in the region which supplies most of the world's illegal opium—Southeast Asia.

Third, to accomplish these ends the President should appoint one individual to exercise determined leadership over all State Department activities in foreign drug control—in order to create a comprehensive integrated program to eliminate illicit opium production abroad.

This individual should develop a well-conceived plan of attack for implementation by the international community which would be presented to the 24th session of the United Nations Commission on Narcotic Drugs in September. He should also take immediate steps to strengthen the United Nations Special Fund for Drug Abuse Control. Finally, the activities of this individual should be coordinated by an Office of Drug Abuse Control within the White House as proposed in the bills which I and a number of my colleagues have suggested.

While I hope to see these new steps taken in the very near future, I want to compliment the administration for the first of what must be many successful efforts to cut off the international flow of illicit narcotic drugs. To that end, I commend the attention of my colleagues to President Nixon's statements on the opium cultivation ban in Turkey, and the statement of Turkish Prime Minister Nihat Erim.

REMARKS ON TURKISH CESSATION OF OPIUM POPPY PRODUCTION BY PRESIDENT NIXON

Even though only a minor part of the world's opium is grown in Turkey, more than half of the heroin entering the United States originates in Turkish poppy fields. Opium is the base from which heroin is obtained, and in order to stamp out the supply of heroin, it is essential to eliminate the production of opium. I can report to you today that the Prime Minister of Turkey has announced that within one year, in accordance with the law of his nation, the opium poppy will no longer be planted.

This step by our close friend and ally is taken in the interests of helping to end the narcotics menace in the world. It is, let me say, a courageous and statesman-like act on the part of Turkish Prime Minister Nihat Erim.

Opium is a cash crop, and a legitimate crop in Turkey. The Turkish people do not use it for drugs—heroin or opium addiction is virtually unknown there. So it is a difficult thing to explain to the Turkish farmers—who use the seeds for seasoning, the oil for cooking, the stalk for fodder and fuel—that they can no longer grow it. We applaud that sort of unselfish and statesmanlike conduct, and we stand ready to help the Turkish people make the necessary adjustment from poppy growing to some other means of making a livelihood.

I would hope that other nations will follow the example set by Turkey, and end the cultivation of the opium poppy. I believe that full cooperation between nations in this manner is the key to solving this problem. Cooperation, and not coercion, is the preferred approach here. But let there be no mistake about the strength of our resolve in this matter. We intend to end this traffic in human misery. We do not intend to lose a generation of young Americans to drugs. I intend to take every step necessary to insure that we do not.

The significance of the Turkish undertaking should be clear—not only to law-abiding American citizens, but to drug traffickers in America and elsewhere.

This is a beginning—it is only a beginning. I know that there will be a strong effort on the part of traffickers to find a substitute source of opium. And when they move, we are going to move. But we are going to move faster.

When we have teenagers dying of heroin addiction in our cities—and we do, then I think we must agree that no step is too drastic if it will help to end this menace in our national life. So we appreciate Turkey's action, we appreciate the difficulty involved, and we call on other nations to show the same sense of international responsibility. We are prepared to help them do it—we will go anywhere, we will extend assistance to any nation, we will cooperate with any government in the effort to end drug abuse in America, and in the world—because ultimately, this is not just an American problem. It is an international problem.

TEXT OF PRESIDENTIAL STATEMENT
JUNE 30, 1971

In today's world, declarations of statesman-like intent are not difficult. But, instances of courageous statesmanlike action are few. Prime Minister Nihat Erim of Turkey has just combined the two. Today, he declared that the Republic of Turkey, our friend and staunch ally within the North Atlantic Treaty Organization, would abandon a traditional agricultural practice in order to make a significant contribution to the well-being of the world in the decree of his government, he announced that within one year, in accordance with the law of his nation, the opium poppy will no longer be planted. This farsighted step will provide an example which we trust will soon be followed by other nations.

For hundreds of years, tens of thousands of Turkish families have raised the opium poppy as a legitimate cash crop and for its edible oil and seed. Under a United Nations convention, Turkey is one of those few nations permitted legally to grow poppy for export; yet, Turkey is one of the few opium-cultivating countries in which the use of opium or heroin as an addictive drug is virtually unknown. Since the opium farmer has little, if any knowledge, of his part in the spread of a frightening international epidemic, a ban on opium production is a particularly difficult decision. These circumstances accentuate the vision and wisdom of this very important step. We know well the importance of the agricultural sector of Turkey's economy and we are prepared to put at the disposal of the Turkish government our best technical brains to assist Turkey's program to bring about a better life for the Turkish farmer. We are proud to assist in a program from which we will all benefit.

Secretary of State Rogers told me about his discussions in April with Prime Minister Erim and Senior Turkish officials. Secretary Rogers understood fully the range of problems confronting the Turkish government and its people, and he was impressed by the efforts being made to solve them. We in the United States are obligated to a friend and ally whose firm military and political commitment to the welfare and defense of the Atlantic community is well known. My administration is committed to aid nations and peoples prepared to help eliminate the narcotics menace. I pledge continued cooperation with Turkey in its efforts to increase the well-being of its people and to maintain its independence and security.

STATEMENT OF PRIME MINISTER ERIM,
JUNE 30, 1971

In recent years the abuse of narcotics in the world has assumed a very serious and dangerous condition. This situation has been described by the United Nations as almost an "explosion." Several times more production is made of narcotic drugs than is needed for legitimate and medical needs. For this reason, the lives of millions of persons who use narcotics end. In some countries, this deadly disaster is spreading rapidly, particularly among youth. It is noted that even 12-year old children are drawn to drugs. Countries which never used drugs ten years ago are now its victim. The tragedy has spread even as far as the African countries. Furthermore, addiction has begun to threaten all the members of the community. Youth in particular must be protected from this addiction as a great duty for the sake of mankind.

We have seen what a great danger the world is facing. We touched on this in the government program which our Parliament passed: "And indicated that the problem of opium smuggling, which has become a destructive tragedy for all young people in the world, will be seriously undertaken by the government, which believes before all else that this harms sentiments of humane consideration. Opium growers will be given support by showing them a better field for earning their living."

Indeed, Turkey has not remained a stranger to the development of the problem of narcotic drugs, to the international agreements made in this matter since the beginning of the 20th century, and to the work of the United Nations. On the contrary, she has joined in the agreements and has taken decisions to end this disaster.

Turkey has participated in all the international agreements made on the subject of narcotics beginning with the Hague Agreement of 1912; those concluded agreements in 1925, 1931, 1936, 1946, 1948, 1953 and 1961.

An important provision of the 1961 Narcotics Single Convention, signed by 78 nations, is the article which binds the production of opium to the permission of the government.

Governments coming before us have fulfilled their commitments to international agreements and furnished all types of statistical information to the authorized organs of the UN. However, the needed law establishing a licensing system for planting in Turkey, which is the key point of this agreement, for some reason was not passed until this year. Our state was continuously asked by internationally authorized organs to fulfill this commitment. This shortcoming was criticized in the parliaments of many countries and by their public opinion. The UN Secretary General in the report he presented on this subject in 1970, based on these criticisms, said that an extensive amount of smuggling was being made from Turkey.

After this, matters took a rapid turn. In the summer of last year the matter was first taken up at the UN Economic and Social Committee. The Committee on Narcotic Drugs was called to an extraordinary meeting. There, the critical situation in the world was taken up and it was decided to start a struggle by taking exceptional measures in the three stages of the problem: production, supply and demand, and smuggling. It was stipulated that a fund was to be established to assure the financial means for this purpose. The subject was agreed upon at the General Council meeting of the UN too.

In a law passed by the Turkish Grand National Assembly in 1966, Turkey ratified the international agreement signed in 1961. In this way, international commitments became a part of our national law. Accordingly, "In the event one of the parties fails to implement the provisions of the agreement and through this, the object of the agreement is seriously harmed, the control body will ask that the situation be corrected and can go so far as to set up an embargo against this country."

Smuggling made from our country in recent years has become very distressing for us. Governments, which were unable to prevent smuggling, decreased the number of provinces where poppies were planted from 1960 on and gradually moved the planting of opium from regions close to the border to the center of Anatolia. Now planting has been decreased to four provinces. In this way it was hoped to prevent smuggling.

However, unfortunately, this system did not give results. During 1970 many things developed in favor of the smugglers. Although the soil products office obtained 116 tons of opium from the poppies planted in 11 provinces in 1969, in 1970 the opium which reached the office from nine provinces was only 60 tons.

The whole world is asking where the difference is going. The contraband opium seized by our security forces, which we learn about in radio and newspaper reports, shows everyone the extent of the problem.

It is certain that a smugglers' gang organized on an international scale, constitutes a political and economic problem for Turkey. They will not be permitted to play around with the prestige of our country any further.

This horrible network of smugglers fools our villagers either with the wish to make extra money or by force and it tries to use them for their own ends. Of the tremendous sums which revolve around these transactions, the poor hard-working Turkish villager actually does not get much. The smugglers pay 400 or 500 liras for an illegal kilo of opium to the villagers whom they force to break the law. By the time this opium reaches Turkey's borders, the smugglers have made a profit many times multiplied. After it leaves our country and throughout its route, the value of the drug becomes augmented more and more; in the end it reaches an unbelievable price. International smugglers are earning millions from the raw opium produced by the villagers, but the Turkish farmer gets only a paltry sum. In countries where health is endangered through this opium, because smuggling cannot be prevented in Turkey, anti-Turkish opinions are created.

The Turkish villager also naturally feels bitter against this problem created by the smugglers who make millions from the back of our farmers. All Turkish citizens also feel a moral pain that our country is blamed for smuggling which is poisoning world youth.

The measures to be applied to control smuggling are extremely expensive. In general, poppies are planted in one corner of the field. For this reason, it is necessary to establish an organization which can control an area ten times that of a total poppy farming area of 13 thousand donums which may actually be planted. Vehicles, gasoline, personnel and their salaries must not be forgotten. Smugglers on the other hand, it must be remembered, will resort to any means. Until now, foreign assistance was obtained for control purposes; even an airplane was obtained for our organization. But, unfortunately, the matter was impossible to control by these means, in spite of all the efforts which were made. Our nation, which is known for its honesty and integrity, is now under a grave accusation. The time when we must end the placing of blames for deaths in other countries on Turkey is long overdue.

We cannot allow Turkey's supreme interests and the prestige of our nation to be further shaken. Our government has decided to apply a clear and firm solution. It forbids completely the planting of poppies; they have already been reduced to four provinces. The agreement ratified in 1966 also stipulates this arrangement.

Poppies will not be planted in Turkey beginning next year. However, we have given careful consideration to the fact that the farmers have until now obtained a legitimate and additional source of income from the planting of poppies. For this reason, in order that the poppy growers will not incur a loss in any way, the necessary formula has been developed. The formula is: in order to make up for the income farmers who are planting in provinces at present will lose, they will be given compensation beginning from the coming year. This compensation will work this way; the basis will be the value of the international market of the whole produce, such as opium, seeds, stems, etc., that the planters will sell to the soil products office this year.

Furthermore, in order to replace the income lost by farmers by other means, and to provide them other means of earning a living, long-term investments will be made in the region. Until these investments give fruit, villagers will continue to be given compensation. From among those who would normally plant this year, those who voluntarily give up planting in the coming Autumn will be given compensation on the same basis.

I am now addressing my villager citizens, in order that this plan may be successful and that it will be possible to establish real values for future year compensations and the criteria for investment, please turn over all your produce to the Soil Products Office. You will receive the necessary assistance in this respect. We have also raised our purchasing price. The larger the amount turned over to the office by all the poppy producers, the larger the compensation they will receive in the coming years without planting. Besides, by selling all his produce to the TMO, the producer will prove that he is not the tool of the smuggler, that the Turkish farmer at no time had the object of poisoning the whole world, nor that he encouraged this knowingly. Dear Farmer Citizens, you will be the ones to save the prestige of our nation. The Government will also henceforth give special importance to your problems. Our Government has taken precautions in order that, in the end, not a single farmer family will incur a loss. Your income will be met without allowing any room for doubts; at the same time, it is planned to establish necessary installations to open new sources of income in the region. I ask you to carry out this plan and to sell all your opium products for this year to the Office at the high price established last month, thereby you will give this program a good start.

Turkish Opium Decree, June 30, 1971

On the basis of the letter of the Ministry of Agriculture dated 26-6-1971, Number 02-16-11-01/342; per law 3491 as amended by law 7368, Article 18; and per Article 22 of Appendix Agreement dated 27-12-1966 to Law 812, the Council of Ministers has decided on June 30, 1971: Definitely to forbid the planting and production of poppies within the borders of Turkey beginning from the Autumn of 1972. This will be done by specifying the provinces shown on the lists attached hereto.

1. To forbid poppy planting and opium producing in provinces where warning is given as of the Autumn of 1972—Afyon, Burdur, Isparta, Kutahya.

2. To forbid poppy planting and opium producing in the provinces where a warning has been given from the Autumn of 1971—Denizli, Konya, Usak.

3. To give a suitable compensation as proposed by the Ministry of Agriculture and by decision of the Council of Ministers to the planters in these seven provinces where poppy planting and production have been forbidden. This will be on the basis of the opium they deliver this year to the Soil Products Office and on the basis of other poppy by-products so that the farmers will not incur any loss of income.

4. To grant to the planters in the areas indicated in Paragraph 1, who voluntarily give up planting in the Autumn of 1971, the right to benefit from the compensation set forth in Paragraph 3.

C. Sunay,
President of the Republic.

NATIONAL ENERGY POLICY—PART VI

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. COUGHLIN. Mr. Speaker, the July issue of Nation's Business carries an article on our current energy crisis. It is instructive from several points of view: first, because it gives the reader a good idea how businessmen view the problem, a view with which I do not always agree, and, second, because it includes what appears to be useful statistics. Rather than highlight them here, or repeat the information contained therein, I submit this interesting article for my colleagues' perusal:

[From the Nation's Business, July, 1971]

(Shortages amid plenty—that's the story on the power supplies that keep our country going; here is a fact-packed report on the situation now and on the outlook for the years ahead)

Heading Off an Energy Crisis

(By Sterling G. Slappey)

Mankind has consumed more energy in the past 30 years than in all history before 1940. And in the next 30 years we will use far more than that.

Six per cent of the world's population is in the United States. Yet the U.S. consumes 32 per cent of the world's energy production. More gas, oil, coal and nuclear power are used in this country than in the Soviet Union, Britain, West Germany and Japan combined.

Can anyone wonder that Western Man—and particularly *Homo Americanus*—has marched to the brink of an energy crisis? Indeed, some executives and economists in the energy field say there is a crisis now.

The predominant opinion, however, is that—although there may be temporary shortages—we are not yet in a crisis, and one can be avoided. An amplitude of the energy sources we now use is available, and dramatic new ways to produce energy are in the offing.

Certainly, we may have brownouts in some areas this summer, when demand for electricity outpaces supply. And next winter we may have some failures in heating supplies due to mechanical breakdown or human error, or because supplies simply weren't in the right place at the right time.

But a crisis?

Not where that prime supplier of energy, the U.S. electric power industry, is concerned—according to one spokesman, President W. Donham Crawford of the Edison Electric Institute.

Mr. Crawford, whose organization is the principal trade association for the nation's investor-owned electric power companies, says that "on an over-all basis, reserve generating capacity is on the upswing."

He adds. however, that in some areas "reserves are less than desirable," and explains:

"These shortages of reserves are basically attributable to an inability to bring in planned capacity additions on time due to construction delays, strikes, late equipment deliveries and, in a few instances, prolonged regulatory proceedings or opposition from conservationists."

The energy-environment conflict is an old one. After all, the first time a settler at Jamestown in the Virginia Colony cut down a tree in 1607, he was opting for energy over scenery.

But it was inevitable that there would be a greater ruckus during a period when energy consumption is soaring as it never has before.

THE CLEANING OF AMERICA

The conflict continues despite the many measures businessmen take to lessen the environmental impact of their efforts to meet the demand for energy:

Their replenishing of the earth where strip mining of coal has sheared it off, their improving of techniques for removal of sulfur from oil and coal emissions, their perfecting of devices to cool water which pours from nuclear plants, their efforts to quiet the machines which roar and clatter while doing man's work. . . .

In speech after speech, U.S. business leaders tell with pride how much money, time and effort their companies have invested in the great cleanup. Some feel the cleaning of America will be as great an accomplishment in the '70s as the landing of man on the moon was in the '60s.

Many executives argue that what the U.S. energy producer needs most right now is the cooperation of government in forming an over-all American energy program which will permit him to increase energy sources without undue interference of the ecologists.

Says M. A. Wright, chairman of the board, Humble Oil & Refining Co.: "We have reached the point where a more coordinated, consistent approach to energy policy issues is essential. We will not be able to resolve our energy problems by continuing to manage our individual energy resources each in isolation from the other."

It seems reasonable, Mr. Wright goes on, "that the objective for the coordination of United States energy supply should be to provide an adequate supply of energy for both present and longer term needs, at a reasonable balance between cost, dependability and protection of the environment.

"A critical corollary to this is the development of contingency plans for disruptions in foreign supply which recognize the probability and possible nature of such disruptions."

A national energy program seems to be in the making as various government and industry leaders discuss and study the matter.

Meanwhile, the demand for energy and the effort to supply it grow and grow.

Edison Institute Chairman D. Bruce Mansfield, who is also president of Ohio Edison Co., reports that during 1970 the electric power industry put more than 200 new generating units on the line. This, he says, "represented some 26 million kilowatts of new capacity, a record amount to be added in a single year."

He continues: "As of the beginning of 1971, total electric capability in the contiguous United States was 339,050 megawatts. By the end of 1975, estimated capacity is expected to be 533,500 megawatts, an increase of 57 per cent over the five-year period."

Sen. Jennings Randolph (D.-W. Va.), one of the most knowledgeable legislators on energy matters, has some ideas about what's needed over a longer pull:

"In the next 20 years," he says, "we must triple our national power capacity to meet projected population and industrial demands. This may require 250 new power plant sites with an estimated capital need of as much as $350 billion. Such an expansion will require approximately eight million acres of land and may require over half a million miles of transmission lines."

And those increases in capacity will have wide impact in the fuel supply field. Our electricity is produced from a variety of sources: coal (46.4 per cent in 1970), oil (11.8 per cent), gas (24.1 per cent), water power (16.2 per cent), nuclear power (1.4 per cent) and even from burning wood and waste (0.1 per cent).

SWEATING OUT THE SUMMER

While there is little government-industry argument over long-range need for electricity, there is disagreement over what might happen this summer.

President Nixon held a special Cabinet session last spring to study what could be done about what was called a forthcoming summer of power shortages. The meeting was an echo of events last Labor Day week when there was a temporary power crisis in the Northeast due to an unexpected, long, very hot, dry spell. Mechanical breakdowns added to the problems.

The Federal Power Commission and industry agree that reserve power of 20 per cent is needed to insure against power failure. But they do not agree on how much of a reserve is available this summer.

About 16.3 per cent, says the government; 18.3, says the Edison Institute. Last year the over-all reserve margin was actually 19 per cent—which means that while electricity supply has increased, the margin of reserve is down.

In 1972, the industry says, reserve margin will be 21.5 per cent, and it will rise to 23.9 in 1975. By then more nuclear reactors will be coming into service ending—hopefully—fears of vast blackouts and brownouts.

In any event, utilities have foreseen the possibilities of power disruptions this summer and have increased orders for turbines and transformers. Orders for equipment placed two to six years ago are now being filled and much of it is going on the line in the next few months. Utilities not only ordered equipment in the United States, they also placed huge orders with Swiss, German, British and Japanese firms.

New technology and better exchange of power between electric companies have also helped to increase peak-load current. To help make up for delayed equipment installations, utilities are installing large numbers of gas turbines—modified aircraft engines—along with the more conventional steam turbines.

In some cases, utilities—in addition to vigorously helping themselves—ask help from their customers.

Consolidated Edison in New York has an educational program, "Ten Ways to Save a Watt." Users are urged, among other things, to turn off air conditioners and other power consuming machinery when not actually needed, to wash dishes and clothes at night when power demands of industry have tapered off and to buy the right size—not necessarily the largest—air conditioner.

In the future, of course, the electric power people—and the suppliers of other forms of energy that move our vehicles and heat our buildings—hope it will be unnecessary to ask anyone to hold back on consumption.

"BURNING" THE OCEAN

They hope to be able to come up with plenty of the conventional fuels. And companies, government and others are working on a variety of energy sources, some of which sound very science fictional, some less so.

A fantastic source of energy could be the "burning" of ocean water—fusing hydrogen atoms and creating steam with heat generated by the fusion. (Hydrogen is fused now, in H-bomb explosions, but controlling the reaction is another matter). British and Soviet scientists are conducting experiments, and Americans are collecting data. It's pretty far-out, but so—a generation ago—was the splitting of the atom which made it possible to produce atomic power as well as atomic bombs.

Then there's the long-discussed possibility of harnessing ocean tides.

Geothermal energy—harnessed heat from the earth's interior—is being produced by Pacific Gas and Electric Co. north of San Francisco, and several other companies are well along in research on use of this energy source. Italy and New Zealand lead the world in geothermal energy production.

There's solar energy, too—already, Americans can buy radios which operate on power from the sun.

Tiny fuel cells, which may have great potential, are being tested in homes and stores by the Pratt & Whitney Division of United Aircraft Corp., and by 32 gas and electric utility companies.

Breeder reactors far in advance of present nuclear reactors—considered certainties before the turn of the Twenty-first Century—will actually produce more fuel than they consume.

Only last month, President Nixon sent a message to Congress asking increased funds for research on breeders, which have long been under development by the Atomic Energy Commission. He said they will have "far less impact on the environment than the power plants which are operating today," and could "extend the life of our natural uranium supply from decades to centuries."

Other hoped-for weapons in the fight to overcome energy shortages are widespread production of oil from coal, shale and tar sands, and large production of liquefied gas and of high-grade gas from coal.

The President's June message to Congress noted he was opening up oil shale fields in Colorado, Utah and Wyoming to private bidders, and asked funds to strengthen research on extracting gas from coal.

These are some of the energy sources of the future. In the meantime the U.S. must get along primarily on oil, gas, nuclear power and coal supplies which sometimes are short because of men's shortsightedness.

In the following four sections, NATION'S BUSINESS takes up in detail the situation for each.

OIL: NO NEED TO SCRAPE THE BOTTOM OF THE BARREL

The oil industry is in the predicament of settlers facing attackers coming over every wall.

The industry is under heavy siege in the Middle East, Alaska, South America, in Washington, and nearly everywhere there's a whiff of exhaust fume or an oil splotch on the water.

Fortunately for oil there's plenty of ammunition to fight back with. Besides, a relief column—in the form of growing recognition of the industry's value—is discernible on the horizon, riding hard to the rescue.

Oilmen can fight with figures:

The industry's product accounts for 44 per cent of Americans' total energy needs. It provides one fourth of their industrial energy, almost half of their commercial and household heating requirements, virtually all of the energy they use to transport themselves and their goods. Americans use 15 million barrels of oil a day—half again more than 10 years ago. In another 10 years, the figure will be half again larger than that.

Oilmen are consoled by the knowledge that many Americans obviously realize how much their activities will be hampered if extreme environmentalists stop the Alaskan pipeline and retard offshore drilling, if the government refuses to make more federal lands available for exploration, if petroleum-rich nations overseas send the price of oil out of sight.

Domestic reserves of this relatively cheap, convenient fuel are down to 39 billion barrels—enough for less than 10 years at the current rate of consumption.

That's a puddle compared to what's beneath the Middle East—at the very least, 319 billion barrels.

America presently gets only 4 percent of its petroleum from that corner of the world, where turmoil easily can interrupt or hinder the flow of oil, and has done so.

Why, it's often asked, should Americans worry about Middle Eastern oil, since practically all of it goes to Europe and the Far East?

THEIR TROUBLES ARE OURS

The answer is threefold: Our Western European and Far Eastern allies can't prosper without oil, and we need them in peace or war. Second, practically all major oil companies—British Petroleum and Shell are exceptions—are American owned. And finally, the U.S. will be using more Middle Eastern oil in the future.

Says Humble Oil Chairman Wright:

"If we have a crisis and Middle East production is curtailed, we will all be in trouble. Europe depends about 85 per cent on Eastern Hemisphere crude. The United States isn't dependent on the Eastern Hemisphere at the moment, but we have no surplus capacity to aid Europe. . .

"Our present forecasts indicate that 10 years from now this country will rely on the Eastern Hemisphere for 30 per cent of its oil. This figure points out the need for accelerating exploration and development of our offshore and Arctic areas.

"We assume that Canadian and Venezuelan oil will be available to us, but in 1980 the demands of this country will be about 22 million barrels a day, of which six million must come from the Eastern Hemisphere."

Our inadequate domestic supplies and our insatiable appetite for oil are two principal reasons why oilmen were forced last winter to pay higher prices to Middle Eastern countries for crude.

In five years the over-all bill for crude will have been $5 billion higher. This, of course, brings America much closer to the time when a gallon of gasoline may cost 60 cents or more, and Europe to the time when a gallon costs at least $1.25.

With turbulence in the Middle East, oilmen turned to many other areas for exploration—Australia, Indonesia, Africa, the North Sea and Spitsbergen as well as South America (Venezuelan oil now flows at the rate of 3.7 million barrels a day, but that country's reserves are down to 2.6 per cent of the world's reserves).

Nowhere did they hit anything like the vast ocean of oil lying beneath northern Alaska and adjacent Canada. Exploration there has hardly begun and no one knows just how much will eventually be found. Already it's accepted that at least 9.4 billion barrels are waiting beneath Alaska which eventually will be added to American reserves.

The problems in Alaska include weather, mileage, demands of the ecologists and attendant need for billions of dollars.

The government is expected to give permission this fall for contracting for work on the $2.3 billion dollar pipeline from Prudhoe Bay to Valdez, Alaska. The line would take two to three years to build and carry two million barrels a day, reducing dependence on Middle Eastern oil.

COZY CARIBOU

Environmentalists have fought the pipeline for nearly two years, saying it would melt the tundra and foul up the fauna and vegetation. They were particularly concerned that the pipeline would be a threat to the caribou in the area.

Oilmen produced new proposals, made new engineering studies, promised all sorts of favors for the caribou. It's now reported that the caribou would be a greater threat to the pipeline than the pipeline would be to the caribou. The animals can be expected to huddle close to the line and the warm oil it would contain.

Mr. Wright sums up this fight and others by saying: "Many environmentalists seem to feel industry should not look for oil off populated coastlines or in relatively untouched wilderness areas such as Alaska. They seem to feel we should find oil in locations where they would like it to be—rather than where oil actually exists. . . .

"But the evidence is clear that most of the large prospective reserves yet to be discovered in the United States are in the waters of the continental shelf or in remote frontier areas such as Alaska.

"The relative amount of flexibility granted to the petroleum industry in future years to explore for oil, to produce it, and to transport it from these areas—much of which are federally owned—may depend in large measure on our environmental performance.

"We think the record of our industry in handling the environmental issue may also affect our credibility with the public on other, unrelated issues of great significance to our business. Therefore we are working very hard to improve that record."

Environmentalists have been on the oil industry's neck, of course, not only when it comes to producing oil but when it comes to burning it. There is much public and private research on how to remove pollutants from emissions when petroleum is consumed. President Nixon last month asked Congress for an extra $15 million to find methods of extracting sulfur dioxide from oil and coal stack gases.

From all sources the United States until recent years had a comfortable five million-barrel-a-day surplus producing capability. Now, the country just barely has a surplus capability. This is considered a dangerous situation, especially due to the needs of national defense.

Many oilmen feel the United States must find and develop 105 billion barrels between now and 1985.

(The heavy fuel oil situation is particularly bad. Until two years ago, consumption of this fuel, used in power plants, large industrial installations, schools and commercial heating, increased annually about 2 per cent. In 1969 it leaped 8 per cent and last year, 11 per cent. Practically all heavy fuel oil has to be imported).

Because we still manage to keep ahead by a nose, and because some experts say more than half of the discoverable oil in the United States is still waiting to be discovered, many oilmen avoid describing the situation as a "crisis."

"DISINCENTIVES" FOR DRILLING

But exploration within the United States has been drastically reduced. Says Frank N. Ikard, president of the American Petroleum Institute in Washington:

"While demand for petroleum products has reached an all-time high, the number of wells drilled in search of new petroleum supplies in 1970 dropped to the lowest point in 22 years. Over the past 15 years, the number of exploratory wells drilled per year has declined 48 per cent.

"And more than 80 per cent of the 8,400 exploratory wells drilled last year turned out to be dry holes.

"There is no question that the lack of adequate incentives is the primary cause of this sharp decline in drilling. In fact, we have seen a whole series of 'disincentives' laid in the path of petroleum producers.

"These have included the higher taxes imposed on petroleum companies during the past year; the unrealistically low prices set by the federal government on natural gas sold interstate; the continuing proposals to undermine the domestic oil industry by permitting excessive amounts of imports; and the restrictions that involve offshore leases and the movement of Alaska North Slope petroleum.

Early in the Age of Oil it was realized that the United States would depend increasingly on petroleum. Government policies provided incentives for a strong oil industry.

More recently, the incentives became targets for criticism.

The depletion allowance developed into an emotional political issue. Congress reduced it from 27½ per cent, where it had been for 40 years, to 22 per cent. Along with other tax measures, this increased the oil industry's annual tax bill by $700 million.

And the Mandatory Oil Import Program, established in 1959, has been under new attack. Oilmen acknowledge that oil importing is necessary, and also say it inevitably will increase. But they want controls so as to nurture the domestic industry.

The present Administration is sympathetic in many ways to the oil industry.

Although Dr. Hendrick Houthakker, of President Nixon's Council of Economic Advisers, called talk of a pending oil crisis "exaggerated," he said construction of the Alaskan pipeline is a "matter of high priority."

Interior Secretary Rogers C. B. Morton will be the man to decide if the pipeline will be built, and in mid-May he gave a hint of how he feels. He put energy ahead of ecology.

"Ecology," he said, "is the most important thing in the world until the lights go out."

The Secretary said he is not "altogether sympathetic to the oil industry's belief that outspoken conservationists are contributing to a world-wide energy shortage." However, he added, "some people" are "expressing totally unrealistic opposition to progress."

Talk of action that would "shut this important source of energy down or restrict it from developing," he said, is "'Alice in Wonderland' type rhetoric."

GAS: ENOUGH FOR PRESENT CUSTOMERS, BUT HOW ABOUT THE NEW ONES?

Natural gas producers say their big troubles began in June, 1954, when the Supreme Court affirmed that the Federal Power Commission had the right to regulate gas prices at the wellhead.

Prices were set so low, gasmen say, that producing companies could not get enough money to find and develop resources. Gas exploration became an adjunct of oil exploration. At the same time, consumers were turning to this type of fuel in increasing droves—one major reason being its cleanliness.

Last year the U.S. burned 22 trillion cubic feet. Usage of gas now goes up about 7 per cent per year.

Although low prices were a ready complaint of gasmen, as long as more natural gas was being located each year than burned, the industry looked like a winner for decades to come.

But that utopian situation of constantly increasing reserves has been a thing of the past since 1968. With exploration slowed due to lack of funding, additions to reserves fell five trillion cubic feet below production in that year. The gap was more than 10 trillion cubic feet in both 1969 and '70.

Today, the nation continues to use more gas than it finds, a situation growing more serious because the U.S. now has only a meager 12- to 13-year supply in reserve—some 265 trillion cubic feet.

It's known that there is a great deal more gas beneath the continental United States—estimates go as high as 1,500 trillion cubic feet—but companies say they lack the huge sums required to locate it, get it out of the ground and pipe it to customers.

Optimists in government point out that although the U.S. is using up its treasure trove of reserves—the supply was estimated to be enough for 22 years in 1955—more gas can be bought in Canada and there is plenty of gas in Alaska.

Actually, North Slope discoveries of the past three years have produced only 26 trillion cubic feet of proven reserves thus far. That's little more than a year's supply. Potential reserves are said to be enormous, but as of summertime 1971, they remain just that—"potential."

The shortage of reserves would be less serious if natural gas were merely a supplemental fuel. But it is second only to oil in the energy field, accounting for 32 per cent of all energy consumed.

HIGHER PRICES AHEAD?

There is hope down the road for natural gas because the FPC is relaxing the rigid price structure.

It is generally accepted in Washington that the FPC must move decisively, and soon too, or the gas industry will be permanently injured and a major energy crisis will be touched off.

The FPC is now looking into claims that the gas industry is keeping quiet about certain reserves so it can put pressure on the government for better prices. In effect, some government people say that reserves listed as "potential" are "proven."

The industry denies this and says the gas reserve shortage is all too real. Many companies, it points out, now must decline to accept new customers because they simply don't have the gas to service them with. One company has a waiting list of 17,000.

Shortages in immediate supply for existing customers are not unheard of.

In Cleveland, a number of factories halted operations when the fuel ran out in the winter of 1969–70.

Walter E. Rogers, president of the Independent Natural Gas Association of America, looks for a doubling of today's natural gas consumption, assuming supplies are available.

He warns: "Our basic energy resources are decreasing at an alarming rate. Unless this trend is reversed, this country could be in a very tragic situation well before the turn of the century."

G. J. Tankersley, president of the American Gas Association, urges higher wellhead prices to spur exploratory drilling and he wants the government to open more lands under its control for exploration.

At the same time, he says, "There is a misconception that we are running out of gas. . . . Most companies have adequate supplies for present users, are covered by long-term contracts, and are bringing some new gas to market or utilizing new storage facilities to improve load factor. The principal concern is in regard to potential future customers."

Various supply steps being advocated by the gas industry should start new gas flowing for new customers "within a relatively short period," Mr. Tankersley says.

NEW SOURCES OF SUPPLY

Two new sources of fuel are in the offing for the industry, though large supplies from either source are several years away.

A number of companies hope to get liquefied natural gas from Algeria, and possibly from other countries. U. S. gas men have been studying Canvey Island terminal in the River Thames, at which England for several years has been receiving ships bearing large quantities of Algerian gas.

Meanwhile, at least three processes are being developed (and others are under laboratory research) to make high-quality gas from coal.

Production of gas from coal is nothing new. The manufactured gas burned in much of the U. S. until the late '40s came from coal.

But it was more expensive, and didn't heat as efficiently as natural gas.

Now, the Hygas Process is being tested in Chicago by the Institute of Gas Technology, under contract from the U. S. Office of Coal Research. A plant to test Consolidation Coal a process developed by Bituminous Coal Re- Co.'s Acceptor Process is under construction at Rapid City, S. Dak. And a pilot plant for search, Inc., and the Office of Coal Research is planned at Homer City, Pa.

It is anticipated that gas produced from these sources would be more expensive than most natural gas but that it would be competitive in price with Alaskan or Algerian gas.

The supply of gas can hardly improve appreciably by next winter, although there may be slightly more of it. So it is toward the winter that gasmen are looking, hoping it won't be a winter of discontent.

COAL: "YOU CAN PAINT A ROCK BLACK AND SELL IT"

The words "blackout" and "brownout" have been unwelcome additions to millions of American conversations during recent summers—especially the long, hot one of 1965.

The situation they describe—when lights and air conditioners go off, elevators and transit system trains halt and stoves won't cook often stems from inadequate use of a magnificent black treasure, the nation's almost inexhaustible supply of coal.

Ecologists are partially responsible. Their onslaughts have retarded mining. It makes human lives grubby, they claim, and drives away animal life. Strip mining wrecks the landscape and causes flooding, they complain; underground mining causes acid drainage.

Coal men admit there's truth in much of what they say.

But ecologists fail to nominate a substitute source for the needed energy derived from coal. And, they fail to give the coal people credit for making tremendous strides in allaying ill effects of mining.

Progress is being made in the way land is cut for strip mining, in beautifying and restoring terrain after the coal is removed, in filling in low places to turn useless valleys into useful level lands, in nullifying mine acid with lime.

Another reason for coal shortages we have had, and still have, is that during the '50s and early '60s much misinformation was published about nuclear energy. It was claimed that atomic power was prepared to do all things for all men and right away, too. Coal was made to appear a faltering source of energy and much mining activity was curtailed, because utilities were reluctant to sign long-term contracts for coal.

Three or four years ago it became obvious that nuclear energy was still largely something for the future. Coal mining began to come back and today it's a booming business.

As one mine owner puts it: "In this market you can paint a rock black and sell it."

UP, UP—AND STILL NOT ENOUGH

Last year 596 million tons were mined and still there was a shortage. This year 615 million tons are expected to come out of the earth, and still there may be a shortage.

In 1961, 403 million tons were mined.

Coal's all-time record year was 1947, when 630 million tons came up. That, however, was in a period when coal was far more widely used for heating than it is now. Its big use today is in generating electricity.

Electric utilities gobbled up 320 million tons last year; coking coal took 96 million tons; 91 million tons went to general industry; 10 million tons were retailed.

In addition, 71 million tons were exported—an amount second only to the 76 million tons sent abroad in 1957. Uncle Sam's balance of payments problem was eased by very nearly $1 billion in 1970, thanks to coal.

If there's a coal shortage at home, many ask, why are we shipping so much to Japan, Canada and Europe?

The answer is that shipments go out under long-term contracts, some for 20 and 25 years, signed in the days when some Americans were turning their backs on the ugly duckling of mining. Furthermore, most exported coal comes from mines opened specifically to fill foreign contracts.

The economics of coal mining point up why long-term contracts are sought after by mine operators.

Capital cost of a new underground mine is $12 to $14 per ton of annual production and a mine easily can yield one million tons per year.

HUGE RECLAMATION PROJECTS

Though it's less expensive than underground mining, strip mining isn't a cheap way to get coal from the earth either. Coal companies are now under reclamation bonds required by laws in the 21 main coal producing states. If the companies don't redress strip-mined land to the satisfaction of authorities, states keep the bond money and do the job themselves.

Last year 39 per cent of all coal came from strip mines and the figure will go higher this year.

A National Coal Association survey shows that 58,000 acres were reclaimed in 1970, 64,000 in 1969, 72,000 in 1968 and 57,000 in 1967. More acreage has been reclaimed in some years than others because of catching up on a backlog of stripped land.

Despite progress in reclamation, there are bills in the House and Senate in Washington to ban strip mining altogether. The Coal Association, which favors redressing stripped land, says passage of the bills would be disastrous.

Ecologists jump on coal from all directions.

One favorite attack is to charge that burning coal pollutes the air. This is true, but here again progress is being made in cleaning up.

Fly ash from burning coal can now be collected by electrostatic precipitators and other devices which are more than 99 per cent effective. Therefore, fly ash is less of a problem.

Sulfur in coal is a tougher obstacle. Some states want it removed before burning, which people in the industry say is nearly impossible. The industry is now setting about proving that the way to cleaner energy is to regulate the sulfur dioxide content of the emissions.

A wide range of removal processes are being developed and some of the best already are installed in full-scale demonstration plants at electric utilities. In the next five or six years this problem should be very near solution.

There is plenty of coal with less than 1 per cent sulfur content in the West but unfortunately it is far from markets and costly to transport. Low sulfur coal is scarce in the East.

HOPPERS ARE A HURDLE

A big contributor to the coal shortage last year was a shortage of railroad hopper cars.

Railroads have somewhat relieved the situation by installing a "permit system" under which they won't haul a producer's export coal unless he supplies the name of the ship for which the coal is destined and the vessel's arrival date. This bars a producer from sending coal to a port on speculation, and then storing the coal in hoppers until somebody buys it.

As a result 7,500 hoppers have been freed this year for hauling coal to domestic users.

The Interstate Commerce Comission is helping by requiring prompt return of hoppers to the owning railroad as soon as they are unloaded. And the railroads have beefed up their hopper fleets.

Looking eight or 10 years down the road, there are interesting developments in coal which should go far toward heading off an energy crisis.

Eventually, synthetic petroleum will be obtained from coal—one reason, undoubtedly, why oil companies have bought into the coal industry and now account for 21 per cent of production. And, as noted previously, gas will be obtained from coal. Both processes are known to be entirely achievable.

The United States has far more coal than any other source of energy—in fact, at the present rate of consumption it has more than 1,000 years of supply in proved reserves. Reserves amount to 88 per cent of those of all energy fuels, including oil shale and uranium. Almost half the known coal in the world is in this country.

MEN AND MONEY

Huge amounts of it will be coming out of the ground in the next generation or two. Herbert S. Richey, president of Cleveland's Valley Camp Coal Co. says that in a few years we will be mining 900 million tons yearly—up nearly 50 per cent over the projected 1971 total.

Money will be needed.

In addition to the capital costs of opening a new mine, there's the United Mine Workers of America. W. A. Boyle, UMW president, says he will demand $50 a day per miner, instead of the current $37, in the next contract (the present one expires Oct. 1) as well as 50 cents a ton for the union's welfare fund instead of the present 40 cents.

Men will be needed too.

Besides the $24 million to $30 million needed in capital expenditures to launch a deep mine producing two million tons a year, Mr. Richey says, "The most serious problem is hiring and training approximately 500 employees to operate the mine. Included in this group would be highly skilled supervisors, engineers and technicians. Today there is a distinct shortage of such people, as well as a shortage of skilled miners.

"One reason is that many trained mining people are retiring. Secondly, the lack of a long-term energy policy in this country permitted the government to make various statements regarding the ease and economy of converting the national energy sources from fossil fuels to nuclear fuels. This has failed to materialize.

"This lack of national policy thoroughly discouraged the coal industry from acquiring and developing properties and training men to supply the fuel now needed."

NUCLEAR POWER: A BRIGHTER POWER SOURCE TOMORROW

The prospects for nuclear energy were being oversold as long ago as 1914.

In his book, "The World Set Free: A Story of Mankind," H. G. Wells outlined what could be done with the atom. The noted British visionary and writer told not only of the atom bomb, but of peaceful uses of atomic power, at time when few men knew what he was talking about.

Mr. Wells was on the mark in a great deal he said. But he was off on his time element, and subsequent writers have been, too.

Many times they have had us on the threshold of the Atomic Age. Soon, they have predicted, the atoms would "heat, operate, fuel, cure, create."

Today, total U.S. nuclear power production is only a fraction of the latest one-year increase in over-all electricity capacity.

One reason for the disappointment of so many nuclear power fans has been a misconception about how long it takes to get a nuclear plant into operation. It's now realized that from seven to 10 years are required—and not three to five years, as once was supposed.

Another reason has been worry.

During the 1960s, we were steadily warned—often incorrectly—that nuclear plants could cause immense trouble.

People stewed about radiation, about what would happen if there were accidents at the plants, or earthquakes. Ecologists claimed that injection of heat from the plants into the air or bodies of water would muck up the environment. Others said the huge, bubble-shaped reactor buildings, and the cooling towers and ponds would mar the landscape.

The financial community was troubled because nuclear installations are so expensive in their early stages; many men wondered if they would ever pay off. And finally, nuclear plant builders were asked, "What will be done with radioactive waste materials?"

Such attitudes have built up approval to build several nuclear plants which otherwise would now be contributing massive doses of electricity to regional grids. Three major plants which were delayed for months for some of these reasons are located in Michigan and Minnesota and on Long Island.

DEACTIVATING THE DOUBTS

The Atomic Energy Commission is working on safety measures while also licensing reactors and trying to get more production—as it has in the past two decades. The AEC's attention to safety is notable. It says no member of the general public ever has been endangered by radiation at a nuclear plant it licenses—and all U.S. nuclear plants must be AEC-licensed.

Advocates of nuclear power contend it has less effect on the environment than other forms of power generation. As for worries in the financial community, money outlays now planned or under way indicate a lot of confidence in nuclear energy's fiscal feasibility.

And the radioactive waste disposal problem seems to be on the way to solution. The plan now—it's meeting some opposition—is to solidify liquid waste, transport it in huge stainless steel canisters within lead and cement containers, and bury the canisters far underground in an abandoned salt mine near Lyons, Kans. The area is isolated, dry, and free of earthquakes. And salt is an excellent shield against radiation.

During the last 10 to 15 years the word periodically has gone out that we were running out of uranium. Not true. And, before the uranium in Utah, Colorado, Wyoming, Texas, New Mexico and other states is gone, the uranium-stretching breeder reactor should be coming into its own. Also, we should be using more thorium, which is in plentiful supply.

There is every indication that we are finally launched on the age of widespread development of nuclear energy sources. Already this year 13 reactors have been ordered—as against 14 during all of 1970 (peak year was 1967, when 31 were ordered). In 1969 only seven were ordered.

Bigger reactors are being built than heretofore.

Early in May, for example, the Carolina Power & Light Co. ordered the first of four reactors of 900,000 kilowatts each for a plant near Raleigh, N.C., which will cost $1 billion and should begin operation by 1977 (and be fully completed in 1980).

Westinghouse Electric Co., which landed the reactor business, says the order is the largest ever placed in the industry. The reactors and the initial fuel supply will cost $175 million.

At present, 21 U.S. nuclear plants have a combined capacity of 8.3 million kilowatts. By 1980 nuclear electric generating capacity will have reached about 150 million kilowatts, which should then be almost one fourth of our nation's total power capacity.

How much will expansion cost between now and 1980? By today's reckoning, $25 billion. Inflation can send the figure far higher.

APPROACHING THE ULTIMATE

Farther down the road, breeder reactors should be commercially available by about 1985. They will approach the ultimate for they, in effect, recycle old fissionable materials and—through an enriching process—actually produce more fuel than they consume.

By 1985, nuclear energy is expected to furnish 11 per cent of our total energy requirement, as against only .3 per cent now.

Atomic Energy Commission Chairman Glenn T. Seaborg, commenting on the financial payoff of breeders and their ability to stretch fuel supplies, says that if certain breeders are available in the mid-1980s—and he thinks they will be—the "gross benefit to the nation from electrical energy savings in the 35-year period following could be more than $350 billion in terms of today's dollars."

By the year 2,000, Dr. Seaborg says, electricity generated in this country will be six times as much as at present, and half of this will be produced at nuclear plants—about 1,000 of them.

Half of those nuclear facilities, he adds, will be powered by fast breeder reactors.

And many of the reactors will have been operating long enough to produce sufficient new fuel to refuel themselves and an equal number of other reactors.

Since Dr. Seaborg feels America will need coal, oil and gas, far into the future, he cautions the country to develop its fossil fuel resources.

However, those in the nuclear energy industry—both the government and private sectors—feel they have *the* power source of tomorrow.

For a sign of the times, they point to the Tennessee Valley Authority. Created to harness hydroelectric power, and forced by the burgeoning demand for electricity to turn increasingly to coal, it is now converting to nuclear energy at several plants.

THE INVISIBLE JEWISH POOR

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. SCHEUER. Mr. Speaker, while surveys continue to find that the median income of American Jews on the whole is higher than the general national median income, recent studies have indicated that the proportion of people living in poverty is as large among Jews as among other major religious and ethnic groups.

This fact was discussed in a recent speech by Mrs. Ann G. Wolfe, a social welfare consultant of the American Jewish Committee, in a speech delivered at the annual meeting of the Chicago chapter of the committee.

Mrs. Wolfe's speech, entitled, "The Invisible Jewish Poor," is detailed and well supported and I commend it to my colleagues:

THE INVISIBLE JEWISH POOR

(By Ann G. Wolfe)

The difficulty of addressing oneself to the subject of Jewish poverty has to do with its invisible nature. Some 7 years ago, America was startled to learn that there were, among us, 30 million poor people living below a level that was considered the poverty line by government standards. It took a man of insight and vision, Michael Harrington, in his book, THE OTHER AMERICANS, to alert most of us to the fact that we were a country in which poverty, in its extreme, existed side by side with affluence. For a reason that is not altogether clear, the Jewish community did not recognize the relevance of this phenomenon to its own people. To be sure, from time to time, we would read about a group of Jews living in extreme poverty, but these groups seem to be few and far between, and with an occasional exception, did not arouse either passion or anxiety. It is difficult to explain why it took so long for us to come to the realization that we too, have our poor—our "others"—a situation which now presents us with a new and urgent challenge.

A recent issue of *Jewish Week*, an Anglo-Jewish publication—the April 22, 1971 issue—has as its lead editorial, an item with the caption, "Belated Recognition of a Problem." In it the editorial states:

"Better late than never is the utmost of enthusiasm earned by the announcement of the Central Conference of American Rabbis (Reform), that its incoming President, Rabbi David Polish of Evanston, Illinois, is proposing a far-reaching program of service to the Jewish poor in America.

"It is not merely neglect that the American Jewish poor have suffered. They have been the victims of prejudice and discrimination as well, and they have suffered from these attitudes at the hands of fellow Jews. Lest the Reform rabbis be allotted a disproportionate share of the blame for past error because of their present decision to take action, let it be recorded that the whole of the affluent Jewish community, including even much of the Orthodox establishments, is to blame.

"Because the myth that the American Jew has conquered poverty has been generally accepted by the affluent Jewish majority, we do not even have reliable statistics on the extent of Jewish poverty."

The publicatiton carries a news item that quotes from Rabbi Polish, to the effect that thousands of Jewish poor families do not have a place in the Jewish community and he went on, "We have swept the Jewish poor out of sight and acted as though they didn't exist."

In order to understand the dynamics of change that characterizes the Jewish community in the United States, a look at our history is illuminating. From the end of the 1900's to the mid 1960's, the Jewish population increased rapidly. In 1880, American Jews numbered less than 250,000, and represented less than ½ of 1% of the total population. By 1970, the Jewish population had increased twenty-five times in 90 years, compared to a four fold increase for the total United States population during the same period. Now, at the beginning of the 1970's, the American Jewish community is the largest concentration of Jews in the world; more than two and a half times the number of Jews in Israel, and accounts for half of world Jewry.

Secondly, look at the *source* of our population growth. The tremendous increase in the number of Jews in the United States was not the result of natural growth, as was true for most of the rest of America, but was rather due to heavy migration of Eastern European Jews between 1890 and 1924.

Before the 1870's the American Jewish community was composed largely of first and second generation German Jews, who had come to these shores between 1820 and 1870, with the rest—some of Sephardic origin—descendants of the original Spanish and Portuguese settlers of the colonial period. There were smaller groups from central Europe who were descendants of a pre-19th century migration. As a result, the striking feature that defines the character of the American Jewish community evolved out of the Jewish immigration, from Eastern Europe at the turn of the century. However, the character of the American Jewish community is now changing, as a result of internal forces at work among native-born American Jews. The transition from a foreign-born, immigrant group to an Americanized second and third generation community has important consequences for the structure of the Jewish community, and for the ways in which American Jews live. For the first time in the history of the American Jewish community, a third generation Jewish population faces the American scene without large-scale outside reinforcement. We are now on our own, so to speak. It is this that sets the framework for an understanding of the phenomenon of our Jewish poor, and the invisible character of Jewish poverty.

Another interesting historical fact should be noted. In part of his study of the social and religious history of the Jew, Salo Baron observed that as early as the middle 17th century, it was already noticeable that "great destructive forces, contagious diseases, and wars, seem to have claimed fewer victims among the Jews than among their gentile neighbors." Whether the health and mortality differentials noted by Baron for the mid 17th century characterizes the American Jewish community today, has not been fully explored. However, what skimpy data is available from some community studies, indicates that there does appear to be differences that exist in the survival pattern of Jews, and of the total white population. There appears to be lower death rates of Jews at younger ages. The lower birth rate in the Jewish families result in a Jewish population today with a larger number of elderly than in the general population. One out of 10 Jews is over the age of 65.

We have no up-to-date scientific data on many of the characteristics of the Jewish population in America. We have pieces of information on income, occupation, age distribution, education, etc. Studies done at different times, in different cities; surveys of special functional agencies, census reports—these help us put together the pieces of the puzzle. Hopefully, more accurate information will be forthcoming from the national population study, currently being conducted by the Council of Jewish Federations and Welfare Funds.

So, age is an important and basic demographic feature. At the present time, and until the national population study of the CJFWI is completed, the only national information on the age composition of the Jewish community is the 1957 census survey. Changes have undoubtedly occurred since then. However, the data clearly indicates that the Jewish population is, as I have said, on the whole, older than that of the general white population of the United States. The youngest age group, under 14, make up 23% of the total Jewish population, compared to 28% of the total white population. Also, there is an interesting figure in the 1957 census—28% of U.S. Jews are in the age range of 45 to 64, as against 21% of the U.S. white population in that age group. We can expect therefore, that the Jewish population in the next decade will continue to have an *increasing* proportion of older people.

In American society, the problems associated with an aged population are serious. During the next few decades, such problems may be even more serious for the Jewish community than for the population as a whole. It is expected that the proportion in the Jewish population, 65 years of age and over will increase from 10%, at the present time, to 17% in 1978.

Overall, therefore, it would seem that the Jewish age structure requires continuous assessing, not only for its impact on births, deaths, and the economic structure of the community, but also because of its broader sociological implications; and because of the need to plan services for the future. In an as yet unpublished demographic profile of the American Jew conducted for the AJC, Dr. Sydney Goldstein, of the Department of Sociology at Brown University, states as follows:

"While recognizing that the general trend is toward an aging population, with its associated problems of housing, financial crises resulting from retirement, more illness, one must also be aware that changes are taking place at other points in the age hierarchy and that the needs for schools, playgrounds, camps, and teenage programs, also vary as the age profile changes. Too often, the Jewish community has been guilty of planning its future without taking account of the basic considerations of the probable size distribution and age composition of the population."

I have devoted so much time to a discussion of some of the demographic features of the Jewish community because these have direct and immediate relevance to our understanding of the dimensions of our problems relating to our invisible poor. These members of our community have been obscured during the last decades because we have, in some measure, been part of an incredibly fast changing society. We now live in an age where we speak of generations of computers as we once spoke of generations of men, and it may well be that progress is becoming our most serious problem.

The years of the past decade have moved along with increasing technological advances, leaving behind institutions and people who have become both out of fashion and ill-equipped to deal with changing needs. Some of us believe that many of our most serious national problems stem from the failure of our institutions to adapt to change. In the Jewish community, we see a larger aging population unable to adapt to a new and different society, and if we are candid, the same failure of national institutions to take cognizance of these changes, holds true for some of our Jewish institutions.

Part of the blame lies with the institutions, but the greater blame lies with us. For more than a decade after World War II, until the 1960's began to shake us out of our complacency, many of us were content to sit back and take comfort in the fact that we never had it so good. It was during this period that *we* became aware, and the country as a whole was convinced of the affluence of the Jewish community; it often created problems for us. All the statistical figures on income showed the Jewish community enjoying higher average incomes, and a higher median income than that of the general population.

The researcher encounters the greatest difficulty in collecting information on income. Not until 1940 did the federal census include such a question. Among the large numbers of Jewish communities surveyed, very few collected information on income, and some of the information which was collected is often questionable. However, a small number of national surveys did include such questions. These clearly documented the fact that the income level of Jews is above that of the general population. A study conducted at the University of Michigan in 1956, indicated that 42% of Jewish families had incomes of $7,500 and over, compared to only 19% of the general population. The National Opinion Research Survey conducted in 1955, had similar data. The median income for heads of Jewish households was just under $6,000 compared to just over $4,000 for the total population. Somehow, these facts hid some others, less pretty.

It is in these studies that we find significant indications of the extent of poverty in the Jewish community. The National Opinion Research Survey on income related to religion reported that 15.3% of Jewish households had incomes under $3,000 a year; 15.6% of Catholics had incomes under $3,000 a year; and 22.7% of Protestants had incomes under $3,000 a year. If we were to add the figures for the near-poor—those earning under $4,500 a year, the figure for the Jewish community would be much greater. 15% of 6 million people is a large number.

Who are the Jewish poor? Who are those in the Jewish community who have not made it, who are not making it, and who live their lives in quiet desperation, out of the mainstream of the Jewish community?

We have blind spots in our vision of ourselves and it is time to look at the facts. An interesting example of a blind spot relates to wealthy *Miami Beach*. In a study done in that community called South Beach, it was learned that 40,000 people were clustered in an area of some 30 square blocks. Of these, 80% are over 65, and 85% are Jews. The average annual income is $2,460; thousands are living on less than $28.00 a week for rent and food.

Elderly Jews, the remnants of the vast immigration of the beginning of the 20th century, constitutes the largest group of Jews living in poverty. In spite of all the figures I have given, we do not know, accurately, what proportion of the poor in our community are elderly. The 8 or 9 community studies which we have reviewed reveal that something like 60 to 65% of Jews living in poverty are over 60 or 65 years of age. An impressionistic look at the needs of the elderly poor—discloses that the major problem facing the elderly poor is housing. Their living conditions are often inadequate, in various stages of dilapidation or disrepair. Frequently, they need help in improving their current housing, or assistance in relocating. They often find themselves the last hold-outs in areas that have ceased being Jewish. Loneliness and isolation are perhaps the most poignant characteristics of old age, and these are reinforced for the Jewish elderly who are locked in to neighborhoods that no longer offer them the support and security they need. More than emotional insecurity is the sense of physical fright that the deteriorating neighborhood induces.

The aged often live alone (one report says 2 out of 3), as widows or widowers, in housing arrangements that do not allow for much meaningful social contact with others. In the survey of the Miami Beach area, to which I referred earlier, the people need financial help. They need to be able to pay the skyrocketing rents and have some money left from the Social Security check so that they can eat adequately.

In addition to this they ask for simple things: some said the best thing would be to get a hot lunch in a congenial setting where they could meet others and spend a few pleasant hours. Some of these people who were interviewed said they had inadequate cooking facilities. Others asked for drop-in centers where they could sit and talk to others, or where they might have some group activities that were not, as one man put it "children's games for old people". One man who was interviewed said rather matter-of-factly that he had come to Miami Beach for a "warm death bed" and now found himself on a picket line protesting the increasing rents in the area.

Late in 1969, the Los Angeles Chapter of the American Jewish Committee expressed an interest in sponsoring an apartment project for indigent Jewish aged in Los Angeles county. A study was conducted to determine the possible demand for such housing and the number of locations needed for those who might want such housing.

The study used material from the Los Angeles County Department of Public Social Services files of persons receiving Old Age Assistance. It identified Jewish individuals and families throughout the Los Angeles region. The report surprised many people, because we learned that there were more elderly Jews who are poor than anybody had ever believed. There are about 8,000 elderly Jews receiving public assistance from the Los Angeles County Department of Public Services.

The study also found that a large number of elderly Jews would be eligible for Old Age Assistance didn't apply for it for a variety of reasons: pride, lack of knowledge of what is available, physical inability to get to the welfare office. These make up a figure of 18,306 indigent elderly living in households on incomes below $4,000 a year.

Miami Beach and Los Angeles are perhaps the most dramatic examples of problems the indigent elderly face. The warmth of the climate drew the old and the retired to those cities in the hope of a comfortable and secure old age. These cities did not turn out to be the land where the streets were paved with gold, and this second disappointment is one that can almost not be corrected. There is almost no time left.

We owe a great debt to the present population of the elderly in our community. They were the ones who helped build our community. The vast numbers managed on their own—some had some help, but for the most part they were a vigorous, powerful, independent force. It should be possible for them to live out their years involved and cared for, and we should make it clear by what we do that we value their lives, their experience, the work of their hands, their humor, and their constant hope.

In a recently published book about the elderly Jews in an old age home—*Home Life*, by Dorothy Rabinowitz and Yedida Nielsen—this hope is etched sharply by one resident of the home who said:

"I don't talk about the past . . . I don't want to think I am getting older. I want to think about living. Now the world is altogether different. I like to know about the future. I want to look through a window to see how it will be after I am gone. I want to know about this world."

The aged who make up about two-thirds of our poor are perhaps easier to see, and evoke sentiments that all of us feel. But there are significant numbers of poor who are not old folk, and I think it is important to explode the myth that the Jewish poor are all the Jewish old.

There is less sympathy for this other group—30–35% of our poverty group—which is made up of single, unrelated people or families, many with young children, some headed by one parent. There are Jewish families receiving Aid to Dependent Children—a fact that is usually greeted with disbelief. In New York City alone it is estimated—although here, too, we wonder why it has not been possible to get more accurate statistics about the Jewish poor—that one quarter of a million Jews subsist below the level of $3,500 a year, and another 150,000 live at near-poverty on incomes below $4,500. A study undertaken in 1963 and '64 by the Columbia University School of Public Health and Administrative Medicine, show that 10% of the Jewish population is sustaining itself on $3,000 a year or less. For the foreign born Jews in New York City, this figure rises to 15.7%. A figure fairly similar to the Puerto Rican community where 16.3% are living under $3,000 a year. 75% of the foreign born Jews in New York are 50 years of age and older, but in addition to this aging population, there are Orthodox and Chassidic poor, many of them with young families. There are 80,000 Chassidic Jews in New York City, and this group is the third largest poverty group in New York.

In *Philadelphia*, a study conducted by the Jewish Employment and Vocational Service of that city, reveals what some of us have long suspected—that we are like anybody else. Unemployed Jews who came to this agency reflect the same problems that the poor of any group have. The study covered a sample of Jewish men and women representing an active caseload of more than 700 persons. The age range was from 17 to over 65 years, and about half of them were in their prime work period, in the ages between 21 and 50. One-third of the persons coming to the Vocational Service were older than 50, and 17% were under 20. About two-thirds of the persons coming for help with employment had incomes in the previous year below *$2,600*, and one in six had an annual income of $4,000 or more.

Up until the very recent past we have had a long period of full employment in America. During such periods, jobless persons are usually people with severe problems of a personal nature, or were those against whom society discriminated. In the Philadelphia study, it appeared that six out of ten of the Jews coming for help with employment had disabilities classified as primarily emotional, but this group overlapped another group of four out of ten who had problems relating to aging or physical health. Limited education was found to be an important factor among poor Jews, half of the job seekers having less than 11 years of schooling, and one in five with less than an eighth grade education. Here, too, our blind spots operate. Because of the high proportion of young Jews in college today, and our tradition as the "People of the Book", we tend to overlook the earlier generation that has had a less impressive education.

In commenting on this study the Executive Director said:

"The conditions of impoverishment in spirit as well as economically, which is typical, and the social dependency among other minority groups which stems from exclusion, rejection and chronic failure are operative in the Jewish population as well."

He went on:

"It seems apparent that—in the case of Jewish Employment Vocational Service clients, at least, vocational handicaps underlie their separation from the mainstream of the self-respecting, self-supporting members of society."

One might consider too, current situations of economic recession and rising unemployment and its effect on that part of the Jewish community which lives marginally.

In summarizing the problem of the Jewish poor—estimated at 700,000 to 800,000 in the United States—we must make the point that their problems are common to all poor, but that there are problems peculiar to Jews, problems in inter-group relations, problems related to a Jewish identity which exist in a society whose image of the Jew is not altogether accurate, an image which the Jewish community persists in perpetuating. The problems include poor housing, inadequate medical care, neighborhoods that are undesirable in terms of emotional and physical security and outside the Jewish cultural mainstream.

There are special needs in the Orthodox community to which we must pay attention. There are demands which Jewish ritual makes—the need to buy Kosher food, for example. The Chassidic community has a built-in resistance to secular education, particularly at the high school and college levels. Few Chassidim have a college degree—an impediment to benefiting from the economic advantages which higher education normally bring. Jewish education for this group drains the resources of the Chassidic family. On religious grounds, the Orthodox and Chassidic communities are opposed to birth control and tend to have large families. In Williamsburgh, in New York City, the median family size is 6.3 children, as opposed to the average Jewish family size of 2 children.

My thesis is a plea to "raise our consciousness"—a phrase borrowed from Women's Liberation—about what we have been unconscious about. What, then, is to be done and who is to do it?

Future historians may likely assess the pattern of Jewish community organization as the unique characteristic of 20th century Jewry. It has become a model for the structure of voluntary organizations of other religious and ethnic groups. Students from all corners of the globe come to study the complex of Jewish health, welfare, and other agencies. We have the structure and the processes for rational planning. What may need some doing, in my opinion, is the use of our structures in a way more responsive to needs which we now perceive. And in moving toward this responsiveness, I suggest that some basic questions need to be asked:

Who decides what service gets how much money?

What process is used in making the decision?

Do all elements in the Jewish community share in this decision-making process?

How are priorities set? Where is the power?

Does the Jewish community need to reorder its domestic priorities?

Are we paying enough attention to our domestic Jewish needs?

A word about the American Jewish Committee and its role in this field. Our organization is constantly changing. For those of us who work for AJC, it is revealing to look back on our jobs and realize that what we do today is vastly different from what took up our days five, ten or twenty years ago. It is a characteristic that makes working for AJC so exciting, and it is the quality that makes our membership so knowledgeable and so challenging in the Jewish community. From a "defense agency" in the early days, we grew in knowledge and understanding of the fact that Jewish security could not be achieved in a society which did not protect the rights of all groups. In the 1940's we moved into areas of scientific research, to understand the nature and dynamics of prejudice. In 1947 we took our place in the civil rights movement, placing our resources and knowledge at the disposal of all America in its great struggle for equality. We became what we now call a community relations agency.

We have been refining our understanding of equality, and in the early 1960's we recognized for example, that we could not continue to call for fair employment without also calling for full employment. We perceived a truth which is becoming even more apparent today, that economics has a great deal to do with equality.

In 1969, our Executive Board took a step which may in its long-range implications be as important as the steps we took in 1947 when we moved into the field of race. In 1969, after 3 summers of turmoil in our cities, we recognized that the domestic tranquillity which we believe to be an ultimate goal, cannot be achieved in a society in which a large number of people subsist on incomes inadequate to maintain health and decency. We moved to help in public welfare reform, and in a rather curious by-path, discovered a truth which had been buried for too long. In our activity around welfare reform in behalf of the poor, we "discovered" our own poor. We also discovered that many of our poor had little or no contact with the existing institutions we take such pride in. In cities across the country—Dallas, Philadelphia, Boston, St. Louis, Los Angeles, Miami, Chicago—our Chapters began to view their own communities with a diagnostic eye and the questions that I have suggested are questions being asked by our own membership. As a result of this growing interest we are beginning to define our role. Today, the AJC is moving to become more of a Jewish "civic" agency, expressing the views of our members on the major issues that touch the Jewish experience today, and which affect the quality of Jewish life.

We have just received a grant from the Baron DeHirsch fund—a fund with an illustrious history in helping the immigrant Jew become a productive and self-supporting citizen—to convene a consultation on the nature of Jewish poverty which will be held in New York in the fall of this year. The consultation will, we hope, bear the hallmark of AJC—with scholarly papers and analysis by experts that will help to clarify the situation of Jewish poverty today, and project for us the needs of the next decade. We hope to enrich the whole Jewish community's knowledge by publications that will result from this consultation. Under consideration are some pilot and demonstration programs that will attempt to get at an understanding of the blocks that stand in the way of communication between the Jewish poor and those of us who are in the mainstream of Jewish communal life. This will involve work in transitional neighborhoods, which may yet be saved for those Jews who wish to remain in a familiar and congenial environment and where supportive services may help in this process.

In all of our work, we do not intend to become a competing agency with those in the Jewish community that are responsible for on-going and direct services to people. We do not intend to set up agencies. We see ourselves as supporters and stimulators, and we hope to develop the closest and most cordial relationships with Jewish organizations in those fields in which we have mutual concerns. If in this process, we all heighten our awareness, and refine our skills to do what needs to be done we will consider our undertaking to be successful. In several of the communities around the country, we now have on-going discussions with the local Jewish Federations and their affiliate agencies so that our work may go forward in an atmosphere of understanding and cooperation.

In conclusion, it is gratifying to note that within the past two weeks, the Chicago Jewish Federation reported the results of a study conducted in this city, analyzing the extent of Jewish poverty. It is to be hoped that this study will be the first step in a continuing process of renewing the spirit which motivated the formation of Jewish services during the early years—the underlying belief that we must care for each other, and that the suffering and pain of any group in the community affects us all.

DR. JOHN J. COSTANZI

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. McDADE. Mr. Speaker, in an age where we are witnessing an astonishing and almost miraculous advance in every field of medicine, a distinguished son of the 10th Congressional District, Dr. John J. Costanzi, Lt. Col., U.S. Air Force, has been singled out for particular recognition in a field of medicine where he has been acclaimed as one of the Nation's most knowledgeable investigators.

Today Dr. Costanzi will receive the Air Force Research and Development Award in a ceremony at the Pentagon, and it is an award which he richly deserves.

Dr. Costanzi was born in Old Forge, Pa., attended school at the Old Forge High School, graduated from the University of Scranton, and went on to pursue his medical studies at the Georgetown University School of Medicine here in Washington.

He interned at Walter Reed General Hospital as a member of the U.S. Air Force, served a residency in internal medicine at Wilford Hall USAF Medical Center, then became chief resident in internal medicine at that same hospital. He was appointed a fellow in hematology-oncology at Wilford Hall; and has served since then as assistant chief, hematology-oncology service, as director of intern education, both at Wilford Hall USAF Medical Center, and as clinical assistant professor of medicine, University of Texas Medical School at San Antonio, San Antonio, Tex.

During those years since his work in medicine began, he has published dozens of articles in the learned journals of medicine in America, most of them in very specialized fields of the study of blood.

As reported in the Lackland Talespinner, for the past 4 years Dr. Costanzi worked in collaboration with Col. Charles A. Coltman, chief of hematology-oncology in the medical center of Wilford Hall, researching medical illnesses related to cold which render airmen unqualified for worldwide assignments, or eligible for discharge.

Such illnesses include blue fingers, toes, ears, nose, blocked circulation, or hives. Dr. Costanzi examined the protein content of the patient's plasma, and found that it did not remain the same in the plasma solution upon exposure to cold. He isolated and categorized the abnormal protein and compiled an identification system for it and other substances in the plasma.

The significance of the research transcends the matter of the tolerance of cold. Indeed, Dr. Costanzi has noted the presence of the abnormal protein in cases of cancer, especially cancer of the bone marrow and lymph glands. Because of this, he has recommended that any person whose blood exhibits the abnormal protein be kept under regular medical observation as one who has a higher probability of developing cancer than those with normal protein.

I know that every Member of this House joins with me today in offering our warmest congratulations to Dr. Costanzi. He has pursued a career with the Air Force with distinction. He has added to that distinction in the pursuit of his medical career, where he has become one of the outstanding authorities in the field of blood in this Nation.

With your permission, Mr. Speaker, I will append here an article from the San Antonio News of Friday, July 16, 1971:

LOCAL A.F. DOCTOR CITED FOR RESEARCH

A lieutenant colonel at Wilford Hall Air Force Hospital has been chosen one of five officers from throughout the nation to receive the Air Force Research and Development Award in a Tuesday ceremony at the Pentagon, Washington, D.C.

Dr. John J. Constanzi, assistant chief of hematology and oncology, will receive the award for research on abnormal blood protein. The research was done with Dr. Charles A. Coltman Jr.

Hematology and oncology are medical specialties dealing with the study of the blood and tumors, respectively.

Presenting the citations in Washington will be U.S. Air Force Chief of Staff Gen. John D. Ryan.

Dr. Costanzi's research began several years ago with a study of certain persons whose bodies have trouble coping with cold, or even cool, environments. Such persons usually can tolerate cold weather or an air conditioned room, but upon entering warmer surroundings, they immediately develop a blue color in the fingers, toes, nose and ears, indicative of poor blood circulation. Occasionally an individual will be found who even breaks out in hives after emerging from the cold.

Dr. Costanzi said, "A lot of people have this condition, but some of them have it associated with abnormal protein."

He added, "It's an acquired disease. Something happens to a person during his life so that his body starts producing this abnormal protein. We all have this protein in our bodies, but something happens to it to change its physical properties."

It was this unusual form of flood protein that most interested Costanzi and Coltman. Through various clinical and laboratory studies, they found that the protein, when exposed to cold, actually separates from the rest of the blood and thickens, producing a sort of sludge which hinders the flow of blood.

In cases where hives appear, it was discovered that an antibody reaction was involved. The blood, identifying the precipitated protein as a foreign substance, produces antigens against it, and the resulting chemical combination of the two substances attaches itself to the capillary walls and breaks them. When the capillaries are broken, the blood serum seeps into the skin, causing it to swell and itch. Other conditions, such as swelling of the throat and diarrhea, can also result, Dr. Costanzi said.

He said the high point of the research came when it was proved that other proteins in the blood—called complements and numbered one through nine—also take part in the antigen-antibody reaction. This was an important finding, since by knowing that all nine complement proteins must play a part in the reaction before damage will occur, it is probable that by interrupting the reactive process anywhere along the line will prevent the formation of hives.

A further important finding in Costanzi's studies is that abnormal protein is usually associated with cancer, especially cancer of the bone marrow and lymph glands. Dr. Costanzi said that though many persons with the deviant type of protein in their blood are found to be without cancer, they should be kept under long-term observation because they apparently have a high probability of eventually contracting the disease.

A major difficulty in the research, as pointed out by William Hall commander Brig. Gen. E. H. Underwood Jr. in his recommendation of Costanzi for the award, has been that so little information on abnormal blood proteins is available.

In his brief submitted to the Air Force high command, Underwood stated, "A major difficulty encountered by Dr. Costanzi in performing the laboratory studies required were on the absolute outer fringe of our knowledge concerning protein structure and complement interaction."

The general also said, "As Dr. Costanzi proceeded through each step to determine what is pathologic and results of that specific abnormality on subsequent steps, he was required to learn for himself through correspondence and occasionally through visits with centers performing these techniques, the precise technical means for proceeding to each subsequent stage of his research."

Gen. Underwood said Dr. Costanzi is now recognized as one of the nation's "most knowledgeable investigators" of abnormal protein reactions in the blood.

MATSUNAGA SPEECH ON CHINA POLICY RAISES THE QUESTION: WILL PRESIDENT NIXON TAKE THE NEXT STEP?

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. LEGGETT. Mr. Speaker, President Nixon's nationwide television announcement of last Thursday that he had accepted an invitation from Premier Chou En-lai to visit mainland China sometime before May 1972, seems to fit into the pattern which certain Members of Congress have been advocating in recent months—the early seating of the People's Republic of China in the United Nations and the adjustment of our own diplomatic relations in accordance with such United Nations recognition.

Although it is true that Mr. Nixon's announcement did not go beyond a general statement of plans to visit mainland China, it is not pure speculation to believe that the President's quest for "normalization of relations" with mainland China will definitely include an early recognition of the People's Republic of China and our consent to its admission to the United Nations.

Closely related to the China question is the equally urgent problem of Taiwan's independence. I use the word "Taiwan" in its most accurate sense, meaning not the Nationalist Chinese Government or any of the two million followers of Generalissimo Chiang Kai-shek who, with their leader, sought refuge on the island from mainland China more than 20 years ago, but referring to the 12 million native Taiwanese who, since the end of World War II, have been denied the right of genuine self-determination.

This is clearly the next step that President Nixon ought to take: An announcement that the United States supports the holding of a UN-sponsored plebiscite on Taiwan. Such a step will definitely be in accord with his announced peace-seeking motive that underlies his proposed visit to mainland China. Will he take it?

Nowhere, in my opinion, has the case for an independent Taiwan been more clearly and effectively stated than in a speech delivered in Honolulu, Hawaii, on July 10, 1971, 5 days before President Nixon's announcement, by one of our own distinguished colleagues, the Honorable SPARK M. MATSUNAGA. Believing that many of our colleagues and other readers of the CONGRESSIONAL RECORD will find the speech of the gentleman from Hawaii (Mr. MATSUNAGA) informative and helpful, I am submitting it for inclusion in the RECORD at this point, together with a Honolulu Star-Bulletin editorial of July 13, 1971 containing comments on the Matsunaga speech.

WHICH WAY OUR CHINA POLICY: A CASE FOR AN INDEPENDENT TAIWAN

(Address by Hon. SPARK M. MATSUNAGA)

Mr. Toastmaster, Ladies and Gentlemen:

I am especially pleased to address you this evening, for the Japanese Junior Chamber of Commerce is known thoughout Hawaii as an active, live-wire organization. In fact, this reputation has spread as far east as our Nation's Capital, where it has been my great privilege and pleasure to host the Chamber-sponsored Cherry Blossom Queen annually. Such an enviable reputation, I am sure, is not the result of chance. It is earned—earned by the hard work of dedicated members. This fine reputation has not been diminished in any way during the past year; if anything, it has been enhanced. So, to the outgoing officers, I extend my commendation for a job well done!

To the incoming officers, I offer my congratulations on their election. I am confident that under their leadership the Japanese Junior Chamber of Commerce will continue to occupy a place of high esteem in the Hawaiian community.

I would like this evening to examine with you an issue which I believe will soon become one of paramount importance. Aside from the Vietnam war and the recent disclosure in *The New York Times, The Washington Post,* and other newspapers of parts of a secret Pentagon study, perhaps the area of international relations which is commanding increasing attention in Washington is our China policy.

It is generally agreed that the revival of this issue is attributable in large part to the cordial reception that the American ping-pong players enjoyed during their visit to mainland China last April. The visit was highly significant because it was the first time that a group of Americans had been to the Chinese mainland since the People's Republic of China was established in 1949.

For more than 20 years, the existence of the two Chinas—the People's Republic of China, often referred to as Red China, and the Republic of China, often called Nationalist China—has posed a major diplomatic dilemma. Nationalist China is a member of the United Nations; Communist China is not. The People's Republic, on the other hand, is coextensive with the vast Chinese mainland which today has a population of some 800 million people. In contrast, Nationalist China, after being driven out of mainland China in 1949, sought refuge on Taiwan, a relatively small island, where approximately 2 million of its citizens now live. In speaking of the Chinese nationalists on Taiwan, I am not including any part of the native Taiwan population, numbering some 12 million people.

In the United Nations, the dilemma of the "two Chinas" as closely related to the question of which of the two Chinas is entitled to representation in that body. The question has also been debated in Congress with increasing frequency, with the view, of course, to providing some guidelines which the executive branch of our government might follow. Many members of Congress believe, as I do, that there ought to be a "normalization of relations" with the People's Republic. This means that in the United Nations Mainland China would be admitted as a full-fledged member nation. It also means that there would be U.S. diplomatic recognition of the world's most populous country.

Unpleasant as the proposition is to some of our citizens, it is time for the United States to stop playing like an ostrich with its head in the sand and acknowledge the fact that the control of Mainland China and its 800 million inhabitants is vested in the communist government in Peking, and that the Nationalist Chinese Government on Taiwan controls only the people of Taiwan. In short, we ought to acknowledge, as a nation a situation which has existed for more than 20 years and adjust our diplomatic relations accordingly.

The two-China issue, looming larger today than ever before, tends to obscure the Taiwan question, which could be stated simply as *The Case For An Independent Taiwan.* Many Americans are unaware that such a problem exists. Nationalist China, Taiwan, Formosa—these words have been used interchangeably and mean the same thing to those who equate them with Chiang Kai-shek and his followers.

The names *Taiwan* and *Formosa* take us back in history to two different periods involving the settlement and development of the island. The name Formosa comes from "Ihla Formosa," meaning the Beautiful Isle, the name given by the Portuguese to the island. The Portuguese, who arrived in the 17th century, did not establish any permanent settlement on the island.

Taiwan was the name given much later by the Manchus who ruled the island, as a part of Fukien Province, from the Chinese mainland, where the Manchu dynasty was in power for over 200 years. Although the first inhabitants of Taiwan or Formosa are believed to have come from Malaya or the islands of Indonesia, many of the natives of the island can trace their origins to settlers who came from Fukien in the 16th and 17th centuries. For centuries, therefore, the Taiwanese have been living in an environment different from that of the Chinese people and undergoing experiences distinctly Taiwanese. They have established their own identity and perspective in seeking to be masters of their own destiny.

These historical events are of great significance in reaching a full understanding of today's Taiwan situation. It would be helpful for us as Americans to have in mind the geographical separation of the homeland of the Taiwanese from the Chinese mainland, and their long history as a people separate and distinct from the land of their forebears. A strong nationalist feeling, as we shall see, was to develop in comparatively recent times.

It was not until the early 1900's, after Japan had obtained control of Taiwan, that a set of conditions evolved which did much to foster Taiwanese nationalism. Taiwan and the Pescadores, a group of small islands about 25 miles from the southwest coast of Taiwan, were ceded to Japan in 1895 by the terms of the settlement of the Sino-Japanese war. Whether the result was intended or not, Japan contributed in a major way to the growth of nationalism which today appears to have as its ultimate goal the complete independence of Taiwan.

Japanese rule of Taiwan was far from smooth or exemplary. However, the Japanese did contribute a few of the plus-factors which exerted considerable influence in shaping Taiwanese thinking as we know it today. For example, the Japanese gave the island its first effective centralized administration. And by effectively breaking off ties with mainland China and by ending Chinese migration, Japanese rule fostered a sense of common identity among the Taiwanese. Moreover, development policies of the Japanese, though aimed for the benefit of the Japanese Empire, did produce wealth that was partly shared by the Taiwanese, who came to enjoy a standard of living that was conspicuously higher than that on mainland China.

The Japanese also provided some degree of law and order and protection for person and property that was previously unavailable. The Japanese made valuable contributions to the development of agriculture, bringing order out of confusion in the old Chinese land system and land tax laws. The construction of irrigation facilities removed much of the uncertainty in agricultural planning and also reduced flood destruction. Taking advantage of the low cost of electric power, the Japanese developed a number of relatively large industries, including sugar, canning, textiles, paper, cement, and petroleum. An extensive building program included the construction of factories, dams, communication systems, and transportation facilities.

To the credit of the Chinese Nationalist Government, it took over these facilities, improved and expanded them, and, with United States foreign assistance, it has transformed Taiwan into a modern and prosperous island state. Taiwan's economic well-being, however, has been perenially clouded by her uncertain and insecure status in the family of nations. She has always been, and continues to be, treated like someone's stepchild, without an identity of her own.

Taiwan's current legal status has been under serious question since the end of World War II, when allied decisions led to the imposition of Chinese Nationalist rule on the Taiwanese people. At the Cairo conference in November 1943, the United States, Great Britain, and China declared that Taiwan and the Pescadores "shall be restored to the Republic of China." The Potsdam Declaration of August 1945 directed that "the terms of the Cairo Declaration shall be carried out." Accordingly, General MacArthur required all Japanese troops on Taiwan to surrender to Generalissimo Chiang Kai-shek.

The wishes of the allied nations, however, have never been legalized. Under the Japanese Peace Treaty of April 1952, Japan renounced all "right, title, and claim" to Taiwan. Neither this agreement nor any other thereafter has transferred sovereignty over Taiwan to Nationalist China. The British delegate to the 1951 San Francisco peace conference said of Taiwan's status under the proposed peace treaty: "In due course a solution must be found in accordance with the purposes and principles of the Charter of the United Nations." In a similar vein, French Premier Georges Pompidou made it clear on April 23, 1964, that France's recognition of Communist China in no way implied French acquiescence to Peking's territorial claim over Taiwan. In the French view, "Formosa was detached from Japan, but it was not attached to anyone." Pompidou further stated that Formosa's status "must be decided one of these days, taking the wishes of the Formosa population into consideration."

Of even greater interest—and this may surprise most Americans—is the fact that the United States officially holds the same position. When President Truman ordered the Seventh Fleet into the Taiwan Straits in June 1950, following the outbreak of the Korean War, he stated then that:

"The determination of the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations."

And as currently as April 28, 1971, a State Department spokesman, Charles W. Bray III, read the following Department statement:

"In our view sovereignty over Taiwan and the Pescadores is an unsettled question to future international resolution. Both the Republic of China and the People's Republic of China disagree with the conclusion. Both consider Taiwan and the Pescadores are part of the sovereign state of China."

Of course, these legal pronouncements mean very little if the United States is unwilling to give practical application to them. They mean even less to the 12 million Taiwanese who have endured Nationalist China's rule since 1945. Political observers generally agree that Chiang Kai-shek's regime on Taiwan rests upon discrimination against and oppression of the Taiwanese people and that this has fed the flames of a growing spirit of nationalism among the Taiwanese. After Chiang's forces took control of Taiwan in 1945, Taiwanese were dismissed from local government jobs to make room for Chinese mainlanders. At the same time, undisciplined Chinese troops reportedly took advantage of the local population and committed numerous acts of violence against the person and property of the native Taiwanese.

The rage of the Taiwanese exploded after the Nationalist police beat to death a woman who allegedly had sold untaxed cigarettes, and on February 28, 1947, the Taiwanese successfully disarmed the Nationalist troops and presented a list of reforms to the Nationalist governor, Chen Yi. While promising to cooperate, Chen Yi secretly called in reinforcements from the mainland. The troops arrived on March 8 and began the systematic slaughter of dissident Taiwanese, estimated between 12,000 to 20,000.

While the Chiang regime has not repeated an atrocity of this magnitude, its policies today place the Taiwanese in the position of second class citizens. Nearly all political offices are appointive, not elective, and mainland Chinese are usually appointed. Only one of eight Cabinet members is Taiwanese. Only two of 21 members of the prestigious standing committee of the Kuomintang Central Committee are Taiwanese. Taiwanese are allowed only a three percent token representation in the legislative bodies: 32 out of 1,448 in the National Assembly, 17 out of 447 in the Legislative Yuan, and six out of 74 in the Control Yuan. In other words, 97 percent of the lawmakers are Nationalist Chinese who make up less than 15 percent of the total population.

Within the 600,000-man Nationalist armed forces, Taiwanese fill the bulk of the lower ranks, but less than 100 officers above the rank of major are Taiwanese. Elite units such as the Taiwan Garrison Command, the military police and fighter squadrons are almost solidly mainland Chinese in all ranks. While many Taiwanese have been successful in business, most companies are still segregated, staffed either all by Taiwanese or all by mainland Chinese, from owners down to workers. In short, Taiwanese interests have been completely subordinated to Chiang Kai-shek's desire to perpetuate his rule.

Nationalist suppression has done much to keep Taiwanese nationalism alive. For example, whenever elections have been allowed, Taiwanese candidates have defeated the Kuomintang in almost every election in the last half dozen years. While there is no known organized opposition on the island—due mainly to the repressive political atmosphere there—more than half of the 1,500 Taiwanese who go abroad annually to study join the Taiwan independence movement in the United States or Japan. Prominent intellectuals have been imprisoned or have left Taiwan for having criticized the government. Just last year, Dr. Peng Ming-min, former chairman of the Political Science Department at Taiwan University, escaped after five years of house arrest for his advocacy of Taiwanese independence. In 1969, Dr. Chen Chung-tung, a prominent cancer research specialist, was sentenced to 15 years imprisonment for having joined the independence movement while in Japan. There are an estimated 3,000 to 4,000 political prisoners on Taiwan.

These facts, I believe, constitute clear evidence that there is a deep-seated longing for political freedom and possibly independence among the 12 million Taiwanese. A plebiscite, supervised by the United Nations, offers the most democratic and feasible method of ascertaining the real wishes of Taiwan's "silenced majority." Such a plebiscite would give the Taiwanese a voice, for the first time in their long history, in determining their future. It would help bring to an end the 22-year myth, with which the United States has gone along, that Chiang Kai-shek represents the entire nation of China as well as Taiwan.

Nowhere have I heard a stronger refutation of this myth than from Dr. Lung-chu Chen, a distinguished Formosan who is now serving as Research Associate at Yale Law School. In a speech delivered before members of Congress on April 28, 1971, he said:

"Contrary to the claims of Chiang and Mao and their supporters, Taiwan does not belong to China. Taiwan is Taiwan and China is China; they are two separate political entities."

"Taiwan is Taiwan and China is China"—the statement is simple and clear. And yet, even today, there are many Americans, including members of Congress, who advocate the taking of Nationalist China's seat in the United Nations and giving it to Communist China, and placing Taiwan under the political control of Communist China. There could not possibly be a more inhumane proposal in the cold and calculating game of international power politics. The advocates of such a proposal, in my opinion, show a callous lack of concern for the wishes of 12 million Taiwanese who yearn for self-determination, the very principle upon which this Nation was founded, and which it has since advocated.

As members of an active and enlightened civic organization in Hawaii, you who are members of the JCC can perform an incalculable service in helping to direct public opinion into the proper channels on the Taiwan question. Many of you have visited in Taiwan, as I did several years ago. However, we must not rely solely upon our visible impressions gained during a short visit to that island. Visitors to Taiwan, including members of Congress, are generally given VIP treatment by the Nationalist Chinese, who are careful not to offend citizens of the country from which millions of dollars have come in the form of aid of one kind or another. Visitors to Taiwan are supposed to leave with only a favorable impression of Chiang's regime and the Nationalist Chinese who rule the island. As informed citizens, we can help this Nation to bring to long-ignored Taiwan the justice and equality that we have helped to bring to other young countries.

Certainly, the first step towards such a goal is the holding of a United Nations-sponsored plebiscite on Taiwan. Moreover, such a plebiscite would be in total accord with the United Nations Charter and international morality. The United States, indeed, may hold the key to determining whether genuine self-determination for Taiwan will ever be realized. By acting this fall in the United Nations General Assembly, this Nation can embark on a new and fruitful policy that is morally just and may contribute a great deal toward peace in Asia. I will wholeheartedly support such a policy and will continue to work for its realization. I urge you to do the same.

Thank you very much.

[From the Honolulu Star-Bulletin, July 13, 1971]

Political Godsend

Self-determination for the people of Taiwan or Formosa seems likely to gain increasing support within the United States for obvious reasons. It is an idea whose time has come.

Hawaii's senior congressman, Spark M. Matsunaga, committed himself to this solution of the "two Chinas" problem last week. Others will follow.

America more than ever after Vietnam needs moral justification for its political actions.

It is being pragmatic (but not immoral) in seeking better relations with mainland China, but the mainlanders are insisting that the price of good relations must be a severance of ties with the Nationalist Chinese government on Taiwan.

Having supported this government and boasted about its successes for so long America would be hard-pressed to suddenly drop it.

Thus the drive for self-determination for Taiwan's or Formosa's 14 million residents (including only two million Nationalist Chinese refugees from the mainland) is something of a political godsend.

What is more moral in the last third of the 20th century than national self-determination?

And what would be more likely to get the U.S. off its hook with the Nationalist Chinese?

The probable result of a self-determination referendum would be a vote for an independent Formosa.

This would amount to the legal dismantlement of the Nationalist Chinese government and leave us with only one China, not two.

That won't make everything all right with the mainland Communists. They still count the island as part of China.

But even if self-determination will not solve everything, it would at least move the U.S. away from its awkward and unrealistic recognition of the Nationalists as the legitimate government of all China and give America a moral position that will stand up domestically and internationally.

Rep. Matsunaga argues that the U.S. has kept its options open right along on the question of Formosa's long-term future.

When President Truman ordered the Seventh Fleet into the Taiwan Straits in 1950, he said that "the determination of the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations."

The U.S. State Department said in April: "In our view sovereignty over Taiwan and the Pescadores is an unsettled question subject to future international resolution."

The case of the Formosans was presented in the Star-Bulletin last Friday in an article by Ming-min Peng, an absentee leader of the self-determination movement now at the University of Michigan.

The prospect that this case will gain an increased U.S. following is exceedingly strong.

RED CHINA TRADE—BEWARE OF THE ELIXIRS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. HUNT. Mr. Speaker, if a recent news article is even a remote indication of what the American people can expect relative to the initiation of trade with Communist China, the consumer is going to have a mighty difficult time separating the wheat from the chaff.

Fortunately, in this case, an alert investigator for the Food and Drug Administration has determined that the labels on certain foodstuffs arriving from Red China are not quite up to the level of belief that Americans should expect of the products and commodities they purchase. For example, the label on a can of vegetable soup stated: "For strengthening the stomach and expelling rheumatism." The Chrysanthemum tea is even a better elixir than the vegetable soup with the claims of its being a "sedative, eye brightener, liver soother, anti-inflammatory, and heat reliever to human health." The sugarcane tea fills in a gap "for refreshing and soothing the lungs." No doubt there are other foodstuffs and perhaps other products entering this new trade channel whose claims are just as boastful and far-fetched as the examples cited.

Mr. Speaker, while there may be a tendency on the part of some to keep hands off the new Red China trade so as not to cast the U.S. Government in the role of the "spoiler," the interests of the consumer demand that the commodities comprising this trade be examined with the greatest care at the expense of the doctrine of caveat emptor—let the buyer beware. No less is being demanded of our own producers and manufacturers.

UNIFYING AMERICA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. FRASER. Mr. Speaker, I received a rare recording of a leading businessman's views and outlook on our country. Rare because Mr. Virgil C. Sullivan, director, Bemis Co., Inc., combines his practical firsthand knowledge of our Nation—its ideals and its problems—with the perspective of a philosopher-historian. It is American optimism:

> We have many problems in this country with our attitude differences, but one of the good things about Americans is that when we get aroused, we jump into it with both feet and get something done."

I recommend most highly that Mr. Sullivan's remarks on our economy, our youth, our silent majority, our American way—our hope—be read by everyone.

UNIFYING AMERICA—A RECORDING

BEMISTORY. To start off, you're probably the most continental of our company directors, having worked abroad with the World Bank and done extensive traveling.

SULLIVAN. I've never actually lived abroad, but I have made many trips. I went to Southeast Asia twice a year for quite a few years for the World Bank and represented it on the board of directors of a number of development banks in some of those countries—specifically Malaysia, Thailand and Pakistan. But I also made at the World Bank's request trips to a number of other countries: India, Egypt, Lebanon and Greece to handle specific jobs with specific objectives.

BEMISTORY. You've also traveled abroad for pleasure?

SULLIVAN. Yes. But as a matter of fact, the World Bank jobs were frequently for my own pleasure, because I didn't do them as a source of income but because it was an interesting thing to do and perhaps of some assistance.

BEMISTORY. With all of your financial background maybe you could tell us what is happening with the economy. Are you optimistic about the future?

SULLIVAN. Basically I have to be an optimist because one has to believe that problems that are as serious as those we face can and will be resolved. I believe that the country, in terms of economics, has boxed itself in, through a series of foreign policy and financial decisions that have established a number of other countries as more than viable competitors of the United States. Particularly Germany and Japan. So that, one by one, the advantages of the United States in the world markets have disappeared, and the number of areas in which we had superior techniques has declined in favor of countries that have not been preoccupied, financially and in use of their technical talent, in feeding the military.

BEMISTORY. Is the military the main culprit?

SULLIVAN. Obviously in times of Russian intransigence, particularly in earlier years, we needed a military establishment of sufficient power to carry out its function, but I don't believe that anyone who is well informed today denies any longer that a very substantial part of military expenditures in the last ten years has been completely wasted—and in amounts that make the so-called foreign aid seem like peanuts.

Foreign aid is no problem for the United States. As a matter of fact, foreign aid is such a small part of our budget that it's almost meaningless. Since the Marshall Plan projects, and that's a frightful advantage to the United States pursued the most progressive and generous policies that any nation has pursued, we have not been noteworthy for generosity or aid to anybody.

BEMISTORY. That's an interesting point, but go on.

SULLIVAN. From there on, it's been a matter of trying to serve our own interests and frequently serving those interests so badly that we have landed in a financial box, so to speak. We completely lost sense of what was important to the country. We reached a point where we were spending 10 to 11 per cent of our income on military gadgets, military establishments and military bases—half of them in countries which the American public wouldn't even be able to identify. Our competitors in the economic world, principally again Germany and Japan, spent less than 1 per cent of their income on military period, say ten years after the war, in which those countries.

But even more important than the financial expenditures was the wastage of talent. In Germany and Japan the young people were trained as technicians and engineers and used those talents in the production of useful items. You might say that Japan produced a better Toyota while we tried to produce a better bomber.

The third item in what I consider the three principal causes of our financial problem was the wastage of manpower. Several years ago there were serious employment problems in this country, in that there wasn't enough skilled labor. The reason there wasn't enough skilled labor is that we took the young in their best, most productive ages and had them idling, from an economic standpoint, around the world—over three million of them really doing nothing, while the young men in Germany and Japan were producing economic goods. Today we waste manpower in unemployment.

BEMISTORY. Have we learned anything from this?

SULLIVAN. It finally is beginning to dawn on our political leaders, I hope, that the United States cannot carry this burden of wasted manpower, wasted technical talent and an enormous wastage of money. When we hear of financial crises, monetary crises, when Americans try to cash checks in Europe and find out that the Europeans don't want dollars or won't even take dollars in some cases, it is, in my judgment, a reflection of the policies that I've just enumerated.

You cannot live like a drunken sailor, which the United States has done for ten years, and end up solvent. It's just as simple as this.

BEMISTORY. Do you think this is the cause of a lot of frustration in young people?

SULLIVAN. I don't think there is any question of this. I can't imagine that these young people enjoy what they've had to do. I believe that, specifically, the universities were used to do research work for better methods of killing Asiatic peasants and for any other purposes that the military had. The young men who have these research talents were funded by the military through the universities.

I don't doubt for one moment that the majority of those young people would much prefer to be doing research work in something that was useful to business, useful to medicine or useful in pollution control.

Bemistory. *Is there any way we can harness the talents of all those people? For instance, there are so many unemployed Ph. D's and thousands of other educated people who were working in defense.*

Sullivan. Three or four years ago when all of this talent was being employed in the universities and funded by the government through the universities for purposes I consider hardly a proper employment of your best talent, nobody objected to it. Now, when it is proposed that the same talents might do something useful, immediately the same congressmen who rubber-stamped requests for the military now say we can't afford it.

Now, why shouldn't the same government that was able and willing to fund this research work for the military have at least as large a funding through the universities for young people and others pursuing worthwhile objectives? I see no reason why not. If anybody posed these alternatives and said you could afford one and not the other—that it was vital to the American future to have a better way of destroying peasants in Asia but it wasn't vital to the United States to have better ways to clean up our rivers—anybody who listened to such a comment would inevitably conclude that we were insane.

Bemistory. *The priorities certainly seem mixed up.*

Sullivan. You asked me about the effect on the young people. This is what, in my judgment, is driving the young people wild. They see these needs. They see how ludicrous our military objectives are in other parts of the world. You can't sell them the same tired cliches that sell the older people.

I think that funding of research with proper objectives through the universities is worth a substantial amount of money, a substantial amount of effort. In addition to anything else that it produces, it will produce a sense of worthwhile purpose in the young. The thing that completely frustrates them is that they don't think they have any purpose. I think that their enthusiasms could be harnessed; the same enthusiasms that older people get so exercised about, because they're termed destructive, could be turned to useful purposes.

Bemistory. Maybe one of the big problems is that they see all of the domestic turmoil, such as welfare inequities.

Sullivan. This is the first requirement, helping this class of unemployed. I think that in a country such as the United States nobody should be at the starvation level. It is one of the tragedies of our industrial society. Industrial civilizations do a lot for their people but they destroy a lot of people. And the people they destroy are part of the price and I see no reason why we shouldn't see that they don't starve.

Bemistory. Does business have any responsibilities to try to harness the talents of these people for some of these worthwhile goals, like stopping pollution?

Sullivan. I would think that pollution control, environmental control, is of such vital importance that it has to be a government function. It's impossible in many businesses to operate without some adverse effect on the environment.

I think the goal of business is to reduce that violation of the environment to the minimum possible, and the only way that business as a whole can be expected to do that is through a government that sees to it that business knows what the limits of tolerance are and insists on them living up to it.

Bemistory. Perhaps one of the reasons why there is so much criticism of the whole business system is that they don't voluntarily do many things.

Sullivan. I think many businesses do. The problem is that they are often penalized because somebody else doesn't and gets cost advantages by operating this way. It's an expensive business to control some of these emissions. Many of the objections, particularly of the young people, are warranted but the degree of guilt put on business is frequently exaggerated and unfair. Violations of the environment by business were often done in ignorance, an ignorance which the same young people could have shared at the time. It's just that we all of a sudden have realized what we are doing to the environment and we're going to have to do something about it.

I don't object to the young people being unfair about it. Philosophically, this is the only way things get done. If you don't have a needle jabbing into the human being, he doesn't do anything. My philosophy is that nearly all progress is made by reasonable people, but only when goaded by unreasonable people. And I really believe that. I don't think reasonable people would do anything unless they were goaded by unreasonable people. And therefore while I might not like the unreasonable individuals, I always to myself justify their performance on the theory that if it weren't for them, nothing would ever be done.

Bemistory. Do you see room for people like this within the system? Can there be agitators within the business system?

Sullivan. I don't see why not. I think the most successful businesses have been built by unorthodox people in the beginning. I think that you really have to assume that society is a broad spectrum in which nearly everybody has a useful function.

But the majority of the progress is made by the element in the center, goaded by the idealists, mostly the young, who in an unreasonable way see all the faults of that center and of their elders and don't understand any of those faults until they get to the same ages, when they will be committing similar faults. I can remember most of the people who goaded our society in the 30's into reforming, becoming somewhat better than it had been before. By the 50's all of them were so conservative that they were being damned by the young people.

Bemistory. One of the things today that might be unique is the discontent of the people in the middle. In one of our surveys a few months ago we had a question on the feeling of helplessness that people have over changing things in this country. We found that the vast majority of people feel completely helpless about taking action because they don't know what to do. They are aware of problems and want to change things but have no route to take to go about it.

Sullivan. I would certainly agree that this is one of the major problems of the country. What the solution is I haven't the faintest idea. Some of those people do have routes open to them if they work at it.

This same feeling of helplessness apparently was one of the problems of some of the young dissidents for a period of time and resulted in their resorting to extravagant and violent methods. But there already are beginning to be some signs that they are aware that they do have more power than they thought. In talking to young people, I often make the point that they don't use the power they have. A far larger percentage—over twice as high—of the people over 50 or 55 vote, compared to those in the voting ages under 30.

Bemistory. Don't you think it's primarily political power that they can channel their discontent into?

Sullivan. They can. I've said to some of them: You talk about revolution and the necessity to change the system. Well, this is the only system I've ever read about that provided the means to overthrow it right in the system. You don't have to tear it down. All that these young people who want to change the system would have to do would be go and vote. I realize it's more complicated than this—the nominating process and ending up with bad choices—but until they have exhausted the methods that are open to them, they really have no right to resort to the violence.

Bemistory. Probably that's a growing movement. You can tell from the last election results.

Sullivan. That's right, and you can even feel it in the air. I not only went to, but was one of the sponsors of, the peace rally here. They were mostly young people but some older people, too. And these young people had made up their minds—you could just feel it. They're no less determined to change the system than they were before, but they've decided that the political route is open to them. I think this is clear all around the country.

Bemistory. Before, it was a little more anarchistic, but now they're channeling their power.

Sullivan. And they'll be able to use it. I think many things like that lead one to be hopeful. But there are other things that are far more disturbing: the black problem. Even though there has been substantial progress, you simply cannot flaunt that in the face of the black population when a very high percentage of them are unemployed. Even if we had the work here, many of them are not trained for employment. Here again, a wealthy country like this is not using these resources. Yet there is no market that I ever saw that could equal the potential buying power of the underprivileged, whether black or white, in this country—if they were brought up to a decent level. It's one of the biggest markets in the world.

Bemistory. If you could choose a career again, would you choose the same or would you branch out into something a little more toward social service?

Sullivan. I think that is almost impossible to answer. I ended in my work by accident—ended in it for the simple reason that my father was a drama critic and journalist, and it was hard to really make a respectable living at that in those days. I looked at banking and decided that it was the easiest way to make money. I went into it just in time for the big depression in 1929 and found that in the 1930's newspaper people were making more money than bankers. So as a matter of timing I couldn't have done worse.

But I found that investment banking, as contrasted to commercial banking, is a highly imaginative business, and even commercial banking is moving along more imaginative lines. There is no problem that any business has that doesn't come to investment bankers, and as a result it has the potential of being one of the most constructive businesses in the world. I don't believe it is, as it's conducted now, but it could be. And it has done far more for the country than the critics of the system would realize. The United States is probably the only country in the world where anybody who has an intelligent commercial or economic idea could get it financed.

Many people who can't get things financed wouldn't agree with that, but I'm dealing in broad generalities, and investment banking finances more poor ventures than the good ventures it overlooks. This is one of the secrets back of American economic power.

Bemistory. Could you tell us how the pollution you've seen elsewhere compares with the United States and how much hope you see for the United States solving its problems?

SULLIVAN. I have read a great deal about it, but a great deal of it is also right there to see. In Japan, particularly, the pollution is indescribable. It's worse than the United States—certainly as bad as the worst in the United States and worse than most of the United States. For one reason, we have a larger country, less densely populated. And it's much newer.

I'm somewhat of an optimist as far as the United States is concerned for two reasons: one, that while we have really destroyed a beautiful country and done a characteristically American job of it, a very thorough job, it hasn't gone too far because it hasn't gone so long. Secondly, the real reason I'm more optimistic is that the public is so aroused to the problem.

BEMISTORY. Is that sufficient?

SULLIVAN. We have many problems in this country with our attitude differences, but one of the good things about Americans is that when we get aroused, we jump into it with both feet and get something done. I don't see why American genius shouldn't be used for this, instead of announcing the other day, as we did, a new kind of bomb which scatters nails over large areas. Why couldn't that same talent be working on pollution?

I think that the United States will do something. When I say the United States, I mean the people of the United States who make the politicians act. A politician won't be able to stand in the way if there are enough people pushing. They may make some unreasonable rules, but this is better than no rules at all.

BEMISTORY. In every possible way, from pollution and other regulations to taxes, business is controlled by the government more than ever. Do you think this has restricted private industry to the extent that it can't make a reasonable profit?

SULLIVAN. Generally I don't believe that the problems that most companies have in making a reasonable profit relate to the government. Usually there are other problems, some within management's control and maybe some outside of it, but no company has ever been taxed out of existence. I think there's a problem when one state taxes you more than another state and you have businesses moving. But the consumer pays the taxes in the end anyway.

BEMISTORY. Everybody wants to point a finger at somebody. If people don't like things, there has to be a scapegoat, and next to government the best target seems to be business.

SULLIVAN. It's a convenient target, yes. But I must say that when you compare the social conscience of most American businesses with what you find in any other country, you could conclude that it's better, *or* less bad, in the United States. Most of these undeveloped countries are being exploited by their own business people to a degree that was maybe done a hundred years ago here. I think that the American businessman generally speaking has more social conscience than any in the world. That's not to say I'm satisfied—I don't think he's done nearly enough.

BEMISTORY. So, by comparison, then, the situation in America is pretty good?

SULLIVAN. I often get in the position of having people think I'm an overly severe critic of this country, but it's only because I think that we have the potential for doing so much more than we do. Well, I consider myself an optimist, but a lot of people don't. Again I come back to the theme: it's the people whom we consider unreasonable today who will get results. They'll never get the credit for it; somebody else will. But if they hadn't been raising the roof, nobody would be doing anything. You might have read the "Story of San Michele" by Alexis Carrel about a Swedish doctor who lived on Capri. He was quite a philosopher as well as a medical man, and he made the comment that the human being accomplishes something in direct ratio to the obstacles he overcomes in his life. This is really true. You take those hurdles away, and we don't do anything.

BEMISTORY. You seem to have a very logical attitude toward life.

SULLIVAN. I've just read a lot of history and philosophy.

BEMISTORY. I wonder if you could tell us your feelings about young people today.

SULLIVAN. You know, if anybody is going to stand up and say our young people are hopeless, which some people really do, they are saying that the country has no future, and you know it's not possible. I have sons and I've talked over these things with them and some of their friends a great deal, and I find they have an attitude that is totally constructive and refreshing. When I compare what we did when I was in college and what these kids do today, I don't see how you can come to a negative conclusion. And I'm not being sentimental. I think a lot of them are crazy. They waste their talents so much, but maybe that's the price of it.

You see, what really bothers this center segment of society, this silent majority, is that they think they are being asked to repudiate everything that they have grown up to believe in, and they don't really get the point. What the young people are doing is not asking them to give up those standards; the young people are asking them to try to live up to them. That's all they're asking. What unfortunately confuses the issue is this war. I think if we ever get out of the mess and get the issues concentrated on ecology, then all will be different. You'll find an alliance between this center group and the younger element. I'm sure of that.

BEMISTORY. We had thought of presenting ecology as a unifying issue in the magazine but we realized that for minority groups it isn't their top priority.

SULLIVAN. Well, naturally the black has more important things on his mind right now. His priorities are different—first of all, to get enough to live on. No society is interested in anything else until they meet that basic requirement. But I see no reason to assume that once the basic needs are satisfied, the blacks wouldn't be as interested in a livable environment as anybody else.

BEMISTORY. That probably is true.

SULLIVAN. It's the one hope for this country: have a national object that unifies it. Find something that we can get people mutually interested in, and I don't know anything better than ecology. This country needs that unity because it won't ever amount to anything until we get it.

In Kenneth Clark's book, "Civilisation," he comments that civilization is a matter of self-confidence or purpose on the part of the people, a belief in themselves. And this is why we don't have a civilization today—because Americans no longer believe in their purpose, they don't believe in what they are doing. They have to get it back, and to get it they have to have some general purpose like ecology. With the American capacity for accepting challenges, they've got to have something they can ride, something they can concentrate on. When they do that, there's no people in the world who ride anything any harder. And once we decided on this job of cleaning up this country and making it a fit place to live, I believe the resultant unity of purpose will bring out the best in us.

NEW TOOLS OF HISTORY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. WALDIE. Mr. Speaker, an important trend in the development of historical study was analyzed in an article by Robert Reinhold which appeared in the International Herald Tribune on July 9.

The subject is one of considerable significance, and I am including it in the RECORD as I am sure my colleagues will be interested in its contents:

THE NEW TOOLS OF HISTORY

(By Robert Reinhold)

CAMBRIDGE, Mass.—A new scholarly publication, the Journal of Interdisciplinary History, was organized last year to provide an outlet for new approaches in research, and its first three quarterly issues carry some unusual fare for historians.

The articles include a "psychohistory" of Richard M. Nixon, a highly statistical analysis of social mobility in Old Boston and, in the current issue, a computer study of voting patterns in mid-Victorian England.

The journal is dedicated to the "cross-fertilization" of what its editors see as an inbred profession: history. As such it represents the institutionalization of a growing trend among historians to borrow the increasingly precise methods and expertise of the social scientists—the psychologists, economists, political scientists, sociologists, anthropologists, demographers and others—for the solution of historical problems.

Armed with computers, statistics, psychoanalysis, sampling techniques, economic models and other tools of modern social science, younger historians have established a wide beachhead in the discipline that Prof. C. Vann Woodward of Yale, former head of the American Historical Association, calls "a living fossil from the pre-scientific age." They have come up with findings that have challenged some long-held historical assumptions.

RESISTANCE

While some would dispute Prof. Woodward's view, history—straddling the fence between the humanities and the social sciences and clinging to its literary roots—has long resisted the inroads that rigorously objective method and quantification have made on its sister disciplines.

But this resistance is withering under the leadership of men like Sigmund Diamond of Columbia, Charles Tilly of Michigan, Stephan Thernstrom of UCLA, William O. Aydelotte of Iowa, Samuel P. Hays of Pittsburgh, Lawrence Stone of Princeton, E. A. Wrigley of Cambridge, François Fuert of Paris, Robert Jay Lifton of Yale and others.

The new techniques have emerged partly in response to a growing emphasis on "analytical" history. Though most historians continue to write largely narrative, or descriptive, history, scholars today are placing growing stress on "problem solving," on explaining the events of history and unearthing the underlying forces that have motivated men.

Though narrative historians have often engaged in intuitive analysis, much of it very cogent, many historians are seeking more stringent scientific means of testing theories and verifying conclusions.

At the same time, historians have taken a broader view of political history. There have always been historians who have dealt with political history as more than the episodic chronicle of kings, ministers and heroes.

But the significance of such factors as social class and mobility, urbanization, geography, population growth, disease and economics as determinants of human events is now almost universally recognized.

BLOCH

Historians trace this development largely to the great French historian of the 1930s Marc Bloch, a leader of the so-called "Annales" School.

Together, these developments have forced the historians to look beyond state archives and other traditional sources to seek the aid of the social scientists, who have built elaborate techniques and theories to explain human behavior.

One technique gaining wide currency is prospography, or collective biography. A prospographer studying the United States Senate at any time would attempt to interpret its actions in terms of the economic, social and even emotional background of its members as a group.

At the same time, political historians are beginning to reap benefits from the computer. At the University of Michigan, all American election results, Congressional roll-calls and census data since independence have been fed into computers.

In the article on mid-Victorian voting in the current Journal of Interdisciplinary History, the author, Michael Drake, of the Open University in England, argues that the nonsecret balloting of the period provides a fertile field for computer analysis.

Such quantitative methods have made their greatest impact on economic and political history because prices, industrial production and voting records are easily susceptible to measurement. But the techniques have also taken firm hold in social history, and to a lesser extent, cultural and intellectual history.

That impact has been such that some experts feel that many historians may soon be unable to read some of the new work even in their own specialties.

All are not happy about this. Prof. Carl Bridenbaugh of Brown has cautioned historians not to "worship at the shrine of the bitch-goddess quantification."

Such is the split, in the view of Lawrence Stone of Princeton, who is using computers to study 300 years of housing patterns in England, that "there is danger of sectarian warfare."

Interesting or not, historical questions on many fronts are coming under the scrutiny of the quantifiers. The possibilities are illustrated by the work of Prof. Emmanuel Le Roy Ladurie of Paris, who has been building a social and cultural picture of early 18th-century France by statistically analyzing the country's very detailed military recruitment records.

For example, tailors were drawn maps of the regional differences in occupation, height, physical defects, literacy, delinquency and other factors listed in the records.

For example, tailors were found to be concentrated in the northeast and southwest. Shorter men were concentrated in the economically depressed southern and western provinces, while those with "elite" professions tended to come from the northern regions and Pyrenees in the south.

In economic history, econometrics, or the mathematical expression of economic history, has been used to explore the influence of economics on the flux of history.

Econometric models developed some time ago suggest, for instance, that railroads were not as crucial to American industrial growth as once thought and that slavery was an economically viable system when the civil war broke out.

Possibilities and limits of this approach are suggested by the work of Dr. Peter D. McClelland of Harvard. He has estimated that the economic burden of British taxes on commerce by the American colonists was only 3 percent of gross national product.

While this implies that economics was not as great a cause of the American revolution as many have thought, historians have noted that it is often small irritants that move men—and this is a matter that does not easily lend itself to analysis by numbers.

Perhaps the fastest-growing of the new techniques is psychohistory. Analysts and historians with psychonanalytic training have adapted Freudian analysis in the search for the hidden psychological forces that have motivated men.

They cull the writings, speeches and biographical data of great leaders for clues. Woodrow Wilson, King George 3d, Joseph Goebbels and now President Nixon are among those so studied.

For example, in an article in the Journal of Interdisciplinary History, Dr. Bruce Mazlish of MIT argued that Mr. Nixon "compensates for his lack of native abilities, where this is the case, by enormous hard work and persistence," and that he has had "a serious problem with death wishes and anxiety: in relation to his brothers, himself and Eisenhower."

Though highly controversial, this method is gaining acceptance.

All of this has caused unease among some who fear that history as art and literature will be lost in a rising tide of equations, computer punch cards and pschological jargon.

Prof. H. Stuart Hughes, the intellectual historian at Harvard, views history as a kind of mediator between the arts and science. He feels historians should take advantage of scientific method when appropriate, but preserve history as literary art.

"One of the tricks we have to master is translating social science terminology into ordinary language," he said in an interview.

The new methods have caused some to wonder if history won't eventually be cannibalized by other disciplines. One who is not overly concerned about this is Dr. Woodward of Yale, who said:

"History is a very old craft. It has adjusted to all kinds with the theologians, the biologists, the physicists, and we can live with the social scientists, we welcome all comers—we try to civilize them."

FACTS AND FIGURES ON SPIRO T. DE MILLE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. LEGGETT. Mr. Speaker, some of the quantitative dimensions of Vice President AGNEW's current world tour have come to my attention:

The Vice President's entourage consists of 141 persons plus 11 newsmen.

Although 152 people could normally travel in a single Boeing 707, Mr. AGNEW and his entourage travel in a caravan of four 707's.

An additional cargo plane is used to carry the two bulletproof Cadillacs used by the Vice President to commute between airport, hotel, and golf course.

Should the bulletproof limousines prove incapable of protecting him, he is accompanied by 80 Secret Service men.

The hotel bills for the entourage run about $3,000 per day.

Mr. AGNEW's high-level diplomatic meeting with the President and Cabinet of Kenya was accomplished inside of 15 minutes, during which the participants exchanged souvenirs.

His meeting with Haile Selassie of Ethiopia was somewhat less efficient, requiring almost an hour. It is not known whether this delay was due to a larger number of souvenirs in need of exchanging, or whether other factors were involved.

There is nothing classified about these statistics. In fact, I got them all from the current issue of Newsweek. But I feel they are worth repeating.

TWELVE THOUSAND FIVE HUNDRED SIGN ALBANY PETITIONS AGAINST PUBLIC SCHOOL BUSING

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. MATHIS of Georgia. Mr. Speaker, I want to call the attention of the House to an event that has occurred in the past few days in my hometown, Albany, Ga. The citizens of Albany have felt the brunt of the rulings from the courts of this Nation regarding the busing of pupils for the sole purpose of achieving ratios, and I believe the action that has occurred in Albany reflects the feeling of a vast majority of my constituents, not only in Albany-Dougherty County, but all across the Second District of Georgia.

A group of citizens formed an organization, called the Concerned Taxpayers and Parents Incorporated of Doughtery County, for the purpose of making known the feelings of the community in regard to the latest court edicts on busing. The group was headed by responsible leaders in the community, not rabble-rousers, but solid, God-fearing, hard-working men and women who are concerned about the future of public education in our State, and indeed, across this Nation.

The president of the group was a white businessman—Earl Sheely—and the group's vice president was a black businessman—Thomas Chatmon. Mr. Chatmon, I might point out, was a candidate for Congress in last fall's primary, and is held with respect by both the black and white communities. Under the leadership of these two men, approximately 500 black and white citizens of Dougherty County canvassed the community, seeking the feelings of other citizens and taxpayers. The result was a petition signed by an estimated 12,500 persons protesting the busing of children to achieve equal racial ratios in the schools—and I believe it significant that of the 12,500 some 4,500 of those who signed were black.

Mr. Speaker, I believe that the actions of this group says with more eloquence than I can muster that my people are sick of court edicts and senseless rulings. We are concerned for the education of our children, black and white, and we would like to see our Government share our concerns.

I include for the RECORD a news article dealing with this subject that appeared in the Friday, July 16, edition of the Albany Herald, written by Mr. Sam Pruitt. I hope each and every Member of this distinguished body will take the time to read this article and try to understand the frustration that prompted the action of this group.

12,500 SIGN ALBANY PETITIONS AGAINST PUBLIC SCHOOL BUSING

(By Sam Pruitt)

A biracial group of 12,500 "Concerned Parents and Taxpayers Inc. of Dougherty County" has petitioned U.S. District Judge Robert Elliott to give educational quality priority over integration demands.

Claiming to represent approximately 30 per cent of the adult Dougherty County population, the group said 4,200 of the 12,500 signatures represent local black opposition to busing merely to achieve racial balance in all schools.

A group spokesman said black participation in the effort was documented through name and address checks of each signature as they were returned during the past two months.

HOMES CANVASSED

Approximately 500 black and white citizens were responsible for circulation of the petition in a house-to-house canvass throughout the community.

The group's president, Earl Shealy, a white insurance agency owner, and its vice president, Thomas Chatmon, a black businessman, announced the group's objectives as follows:

1. To combine the efforts of all citizens, black and white, in promoting greater understanding and harmony in order to progress toward those objectives which will benefit all Dougherty County citizens.

2. To keep the public informed of the actions and policies of the Dougherty County School Board in order to promote equitable distribution of educational assets of the Dougherty County school system with emphasis on facilities, teachers and materials.

3. To keep the appropriate legislative and judicial branches of government informed, as necessary, of the majority feeling of the concerned parents and taxpayers of Alabama and Dougherty County.

COMMENT ON KING

Shealy and Chatmon said C. B. King, attorney for the plaintiff in eight-year-old local desegregation suits against the Dougherty County Board of Education, "is not as powerful before the court as he may seem to be."

"He is not the final arbiter of Dougherty County desegregation plans, he is only the attorney for 'Shirley Gaines et al,' and he is not the Dougherty County black people's spokesman," they said.

The group's 14-member board of directors is composed equally of black and white local teachers, professional men and women, businessmen and citizens.

Shealy and Chatmon said the petition signatures by both black and white Dougherty Countians "represent a unity of purpose shared by local black and white people in a common effort to solve a community problem."

QUALITY EDUCATION FIRST

"We believe we have collected sufficient evidence on the petition to show the court that the local black and white communities agree that quality of education must take precedence over racial demands," they said.

Second District Congressman Dawson Mathis called the group "highly significant," and expressed hope that the aims of quality education ahead of classroom ratios would be achieved.

"I would like to commend the officers and directors of this fine group and all those who have participated in this undertaking," he said. "Such unity of purpose is rare indeed in today's confused world."

Mathis said he hopes the court "will be cognizant of the sincerity, dedication, concern and sheer numbers of this project."

TALMADGE SUPPORT

Sen. Herman Talmadge, in a July 9 letter, offered his support to the group. He said he had argued in the Senate against "busing simply to change the racial composition of a school."

We have argued and cajoled and repeatedly pointed out the hypocrisy of the coercion that has been brought against schools in the South while those in the North and other parts of the country are allowed a higher rate of racial segregation than anything we have in the South at the present time," Talmadge said.

THE VETERANS OF FOREIGN WARS: PUTTING MEANING INTO THE IDEA OF COMMUNITY AND NATIONAL SERVICE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. BEGICH. Mr. Speaker, the Veterans of Foreign Wars, individually and collectively, at the post level and the national level, have never failed to speak out on the issues that concern their communities and their Nation. But, most important, this organization has maintained a long tradition of action on behalf of the needs of veterans and, indeed, the real needs of the people of America. Commander in chief Rainwater, in his acceptance speech, announced "Our Heritage" as the theme for the Veterans of Foreign Wars in 1971. He spoke of the American heritage as one of the "constructive idealism of man" providing a legacy of "freedom and opportunity for every American who respects it." To be constructive and protect our heritage of freedom and opportunity with responsibility requires an awareness of the problems we face and the willingness to act on them—in our own community and on a national scale.

Over almost 70 years, the Veterans of Foreign Wars have shown that acute awareness and readiness to act. None will dispute that the VFW has led in establishing, expanding, and supporting major veteran benefits, rights, and programs. In the 1920's, the VFW was in the forefront of the drive which culminated in a cash payment of bonus certificates to World War I veterans. The VFW has strongly advocated the establishment of the Veterans' Administration in the 1930's, thus, providing a one-stop single agency to serve the interests of veterans and their dependents.

The VFW, in conjunction with other groups, persuaded the Congress during World War II to enact the most comprehensive benefit program ever approved by any government—the GI bill of 1944. It was this outstanding organization's initiative and leadership that convinced this country to give terminal leave pay for all veterans of World War II, and, in the 1950's, brought about the establishment of Loyalty Day. Since 1960, the VFW has been in the forefront of one of the areas most crucial in our inflated economy—the provision of hospital and medical services. In Congress last session alone, this drive resulted in an important new law—Public Law 91-500, providing medical benefits for older veterans—and a House-passed bill—H.R. 692, increasing the authorized period of community nursing home care. More recently, the VFW has spoken out opposing the planned reduction in the average number of patients treated in veterans' hospitals. I wholeheartedly support their concern and hope that the capability of veterans' hospitals to serve all those who need care will not be reduced. For the coming decade, one focus of their attention is the employment problem of the returning veteran. A bill that I have cosponsored—H.R. 7833, providing increased unemployment compensation for Vietnam era veterans—will take a first step in meeting this new problem.

The national concern of the VFW has been equaled by its dedication to the resolution of the problems faced by communities and individuals across the Nation. Many have called for an advocate for the individual American in his relationship with the Government, the VFW has led in providing a voice through their assistance in handling veterans' claims. Others have emphasized the importance of volunteers helping those in need in the community, the VFW has provided a model in their efforts in hospitals, and establishing contracts and volunteer programs to get returning veterans in touch with employers.

In Alaska, there are over 30,000 veterans, 6,000 having served in Vietnam. These men are owed a special obligation by this country and I hope that the VFW will continue to keep their concerns in front of Congress and the Nation. In our community and in Washington, this organization has shown the leadership that reflects the VFW objective of promoting Americanism through constructive service to the communities in which we live. The members of the VFW did not end their service to this country on leaving the Armed Forces but have rededicated themselves to the assistance of our fellow man and acting as the conscience of our country and individual communities.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

A TIME FOR HOPE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. ROBISON of New York. Mr. Speaker, although my optimism is restrained and cautious at this time, my enthusiasm is very high indeed for the leadership and initiative now provided by President Nixon in reaching out toward the People's Republic of China. The President's decision to visit Peking before May of next year gives new substance to the "Nixon doctrine," whereby the United States works for a safe and sane world not only by maintaining our strength, but also by increasing our communication with all nations, irrespective of ideology or social order.

Naturally, this is only a first step toward establishing a sense of normalcy between China and the United States, and I caution anyone from thinking that this step guarantees peace in Southeast Asia. But it is a positive sign, bringing forth—as Anthony Lewis wrote just the other day in the New York Times—"a time for hope." It is "a time for hope" not only because it is so obvious that we cannot indefinitely ignore a nation of 750 million people, but also because it seems unlikely that China would welcome a visit by President Nixon until the end of our ground combat participation in Vietnam. This may be our first tangible piece of evidence that the administration does indeed have a definite timetable for terminating our military involvement there and, if so, the announcement is doubly encouraging to me.

Of course, this is a great personal achievement for Mr. Nixon since it is the culmination of over 2 years of determined efforts by him to begin to open doors to China once again. The President realizes that a longstanding peace is impossible in a world where giant nations make no attempt to communicate, and that very realization makes this troubled world just a little bit safer.

Because Anthony Lewis summarizes this Presidential achievement so well, I am including the full text of his column, in the hope that it will be of interest to my colleagues:

THE PRESIDENT'S COUP

(By Anthony Lewis)

PARIS, July 16.—In "The Making of The President 1968" Theodore White records a comment by Richard Nixon on the function of the American Presidency.

"I have always thought this country could run itself domestically without a President," he said. "All you need is a competent Cabinet to run the country at home. You need a President for foreign policy; no Secretary of State is really important. The President makes foreign policy."

In one dramatic stroke, Mr. Nixon has now demonstrated the truth of that vision of the Presidency in foreign affairs. His announcement that he will visit Peking reminds us that, in the American system, only the President can ultimately speak for his country abroad. Only he has the vision and the political power to change the old assumption—to deal in the large with a changing world.

It is that sense of large possibilities in the Nixon move, of the opportunity for new beginnings, that has instantly lit the world's imagination. One has only to list some questions that come to mind to recognize the potential of the Nixon trip.

Could the President conceivably visit Peking if, at the time, Americans were still fighting in Vietnam and bombing northern Laos, not far from the Chinese border? Or does the agreement on his trip necessarily imply that Mr. Nixon and the Chinese leaders at least see the possibility of an end to the war now?

It is significant that the Chinese Government has just changed its attitude toward the Paris peace talks. When they began, in 1968, Peking was against North Vietnam even sitting down to talk with the Americans. But lately it has shown strong interest in a negotiated settlement, endorsing the new Vietcong proposal.

Did Henry Kissinger, in his extraordinary twenty hours of talks with Premier Chou En-lai, explore Chinese ideas on a settlement? Is the way open for Presidential diplomacy?

Peking has not said, in terms, that the Vietnam war is an absolute obstacle to correct Sino-American relations. The one such obstacle, in the view maintained for a generation now, is American support for Chiang Kai-shek's Nationalist Government on Taiwan. And so more questions present themselves.

Is some way out of the Taiwan dilemma emerging, some accommodation of our commitment to Chiang with Peking's commitment to One China? And what about American opposition to Peking as the sole Chinese member of the United Nations? Is there some new give in this area?

It would be foolish to assume that solutions are at hand for such old and bitter problems. But it is just as hard to believe that the People's Republic of China would welcome President Nixon unless there was at a minimum the promise of some movement on these questions. One diplomat put it in the form of a skeptical question:

"Does Chou En-lai like Richard Nixon enough to help make him President for four more years just out of good fellowship?"

But the President's announcement raises a hope even broader than the possibility of peace in Vietnam and normal Sino-American relations. That is the hope of a comprehensive political settlement in Asia.

Of course it is foolish to build great baroque dream castles in diplomacy. But there is a realistic basis for large-scale understanding between China and the United States—the different interests of the two countries.

China's first interest is Taiwan. Her fundamental disagreement with the Soviet Union makes her want powerful friends. Beyond that, Peking wants to resume a prominent role in world politics. To achieve any of those vital interests, she really must deal with the United States.

For the United States, getting out of the Vietnam morass is the first priority. Then we may have learned the impossibility of trying on our own, at our distance, to impose a stable political pattern on Asia. To do these things we need an accommodation with China—if she is, as we have begun to think, a China concerned primarily for her own national integrity and development, not with external expansion.

The announcement of the trip hardly solves the problems, and indeed it involves dangers. A specific one is the risk of upsetting Japanese politics. More generally, by announcing the trip a long but indefinite time in advance, Mr. Nixon may have given something of a hostage to fortune—for any act of his that made Peking break off the arrangements would be devastating to him.

But it is a time for hope, and in a strange way for the American domestic scene as well as foreign affairs. Even the beginning of success in this venture could end the long night of recrimination in the United States and restore the old faith and optimism. That, too, is an inescapable function of Presidential leadership.

FEDERAL ROLE IN POLLUTION CONTROL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. HAMILTON. Mr. Speaker, I include the following speech I gave to a meeting of the Indiana Presbyterian Synod School at Hanover College, July 16, 1971.

SPEECH BY HON. LEE H. HAMILTON

I. COMPLEXITY OF THE ENVIRONMENTAL TASK

In spite of all the protests, meetings, speeches—including this one—legislation, organizations, in spite even of the enormous political popularity of the environmental issue, I'm not fully persuaded that we have begun to grasp the dimensions of the environmental task.

As politicians talk, existing laws are unenforced and underfinanced.

As oil companies run slick and expensive television commercials, they fail to put inexpensive storm chokes in ocean rigs in defiance of existing federal law, polluting vast areas of the sea.

As cities cry for monstrous sums of money from Washington, they push high rise apartments even higher, allow more shopping centers to be built, pave highways, and intrude in innumerable ways upon the environment.

As students bury a new car to show their passionate commitment to a clean environment, they invade Washington to protest, leaving behind an incredible quantity of cans, paper, and trash.

Cost

I'm not sure we've begun to grasp the cost of cleaning up America.

The best estimates in Washington are that in the next 5 to 7 years we need to spend from $35 billion to $70 billion to control water pollution, and $15 billion to control air pollution.

In fact, the Federal Government will spend only $2 billion in 1972 on pollution control and abatement.

Complexity

From the attitudes I encounter I'm not persuaded that we've begun to see the complexity of the tasks of cleaning up the environment.

Some of us seem to think there can be quick and easy solutions to the environmental crisis. A creek can be cleared of junk and beer cans, but it is no easy task to return a river to an unpolluted state when the pollution is fertilizer draining from the surrounding farms, and when the farmers, if required to halt the use of fertilizer, will face insolvency.

Some think that pollution can be totally eliminated, and that America can be restored to a pre-industrial purity.

Some simply accept pollution, like the mayor of a town who said recently to me, "If you want the town to grow, it's got to stink."

Some expect the impossible. You cannot take the oily, chocolate brown Cuyahoga River in Cleveland which burst into flames a while ago and expect to turn it into a trout stream.

Some see only one problem at a time. A well meaning, passionate fighter for the underdog said to me the other day, "Hungry people don't care about the environment." That's exactly the kind of thinking that got us into this mess. Single minded pursuit of any goals, even a very worthy one like feeding the hungry, is bound to produce undesirable side effects.

Some want to blame somebody else and almost in anger they lash out at technology, at capitalism, at the poor, at the politicians, at the establishment.

A law school senior said to me the other day he would not defend a client who was a polluter, suggesting that even law school seniors have something to learn.

The fact is, of course, that we are all polluters and all living Americans are big polluters.

Concern over the environment obviously has a grave moral content, but I'm concerned about the tendency to present the issue in the form of a TV horse opera, with some guys wearing the black hats and some the white.

Environmental decision making is a technical, subtle, intricate process, and we must bring to it not only our passion, for passion without competence will only lead to confusion.

Political complexities

I'm not sure we have become sufficiently aware of the political complexities of the environmental task.

The issues of the environment are shot through and through with power politics of the high order. Action by the politician to match his words may be suicidal. Profits and crucial political support are not always on the side of the environment.

In the Congress, we are already hearing the voices of the steel, automobile, and chemical companies warning us not to be overzealous, not to listen to people who become emotional over the issue, who are not conducive to realistic pollution control programs.

No politician has failed to note that large contributions often come from industries that often pollute.

I am persuaded that the most formidable problems we will encounter as we seek to manage the environment are political, and that politics not science, is the key to whether or not we succeed.

We have the power and the knowledge to achieve a better environment. I'm not sure we have the political will to do it.

Manpower

I'm not sure we've begun to grasp the critical need for manpower to help in the environmental task. We need tens of thousands of men and women who can handle environmental materials from several natural sciences. They will have to be integrators, dealing with broad questions of values and purposes and laws that lie beyond the sciences. They will have to be highly sophisticated about the decision making processes in this nation.

The universities which have given us so many specialists, who with their amazing analytical capabilities have taught us to take the world apart, must now train men and women who will take the lead in putting it back together again.

Life style

I'm not persuaded that we fully realize the changes in life style that an effective attack on the environment will require of many of us.

Are we willing to pay more taxes, accept higher utility bills, lower profits, fewer dividends, and organize efficiently, and inconvenience ourselves?

Do we want a lower airplane fare and polluted atmosphere or a higher fare and an emission free plane?

Do we want a more expensive lead free gasoline that produces fewer miles per gallon?

Will we pay $100 for a pollution control kit for our car?

Will we allow more and more government control of land use?

Will we curb our insatiable demand for electricity?

Will we give up our nonreturn Coca Cola bottles and our indestructable beer cans?

We're almost certainly headed for disruption of industry, higher bills for consumers, and considerable inconvenience for all of us in adopting a less wasteful style of life.

For all of these reasons, I view the task ahead of us with much respect for the obstacles to overcome.

II. THE PRESENT LAW

The first tool at hand in the fight for a clean environment is the present law. I will confine my remarks to water pollution because of the limitations of time, and also because efforts to combat it represent the major Federal involvement.

Although the Federal Government has been active in the abatement of water pollution for over three-quarters of a century, the legal backbone for our national water cleanup campaign began with the Federal Water Pollution Control Act of 1956. This legislation provided for construction grants, enforcement procedures, research programs, and Federal efforts to establish water quality standards and to enforce them. For a decade after the passage of the act, Federal involvement grew very slowly, and the level of budgetary support was small. For example, during the period 1957–1965 the average annual appropriation for waste treatment facility construction, which is the major Federal spending effort, was less than $70 million.

In 1965, the passage of the Water Quality Act sharply expanded the Federal effort by increasing sharply the expenditures for research and development and for the construction of waste treatment facilities.

This program is up for renewal this year in the Congress.

Under the present law, then, you have several programs:

One. A water quality standard setting and enforcement program. The states have the responsibility to set and enforce water quality standards, with the federal government authorized to step in if the states fail to do so. The standards become the basis for enforcement action. If there is a violation of an established water quality standard, then this leads directly to court action by the Attorney General.

Two. Construction grants for the treatment facilities.

Three. Research and demonstration projects.

Four. Support of planning assistance and training activities including support of state and local river basin agencies, training the manpower, establishing data, administration of programs.

Considering the explosive growth of population and the proliferation of new industry, the federal water pollution control efforts have at the very least prevented far worse degradation of our water resources. The basic water pollution control laws on the books are sound and point in the right direction.

There are a number of deficiencies in current federal law:

One. Enforcement Procedures are Slow and Cumbersome.

The pollution control policies attack industrial waste by establishing standards that are enforced in the courts. This entails a lengthy, tedious and often ineffective process of negotiation with states and individual polluters. The individual polluters have too much incentive for delay.

Two. Inefficient Controls.

The present law promotes control efforts that are inefficient. For example, most waste loads which are treated by municipal plants today come from industrial sources. The federal grants for the construction of the treatment plants represent a heavy subsidy to industry. It would be more efficient to adopt internal production processes that generate less waste to begin with.

The President has proposed to attack this problem by requiring as a condition for receiving federal treatment grants that municipalities charge industrial firms portions of the project costs that are allocable to the treatment of their wastes.

3. Defective Priority Determination.

The Federal Government provides grants for the construction of municipal waste treatment facilities in accordance with state set priorities. These priorities often have no relationship to effective plans for cleaning up river basins.

States often determine priorities partly on the basis of those communities which are ready to proceed, or on a first come first serve basis. There has also been a disproportionate amount of grants that go to small communities.

4. Lack of Comprehensive Approach.

Pollution control has been approached primarily on the basis of requiring uniform treatment of waste by each community, rather than through a river basin approach in which treatment goals are related to the characteristics of the river.

For example, we often allocate to secure uniform secondary treatment of waste. This may be too much in some cases and too little in others.

The point here is that treating each community as a separate entity, rather than as part of an entire river basin, adds to our pollution control problems.

5. Allocation Rigidities.

Under existing law, any funds appropriated for waste treatment plants remain available to the Federal Government until they are spent. Because of the formula used to allocate the funds, the initial allocation provides some States with more funding than they can use. There must be much more flexibility in the allocation of funds, so that all funds appropriated can be fully used.

Also the year to year uncertainty as to the level of actual appropriations has caused great difficulty for the cities in designing and planning waste treatment facilities.

6. Red Tape.

Finally, the Congress is receiving many complaints that communities are being strangled by federal red tape, and the entire problem of pollution control has been confused by the fact that administrative responsibility for the program has been shuffled from agency to agency.

III. POLICY ALTERNATIVES

In our efforts to control pollution, we can choose from three basic policy alternatives or a combination of them.

1. Enforcement of Pollution Laws and Standards.

By this approach we just order the polluter to cease or reduce his level of discharge to an acceptable level. It is the "thou shalt not" approach.

If there are too many non-returnable bottles and cans being used, outlaw them.

There are problems with this approach.

It is complicated, drastic, expensive, slow. Who should have the power to enforce—the city, the state, or the federal government? Will local governments really crack down on major polluters who are often major tax payers?

Why should Indiana pass strong water pollution standards if Ohio does not?

Should all enforcement be at the federal level?

Obviously, direct regulation is an important method to use but we're not going to get the clean up job done only with direct regulation.

Direct regulation can be especially helpful in preventative cases when the pollutant is hazardous, like mercury.

2. Subsidization.

A second method of pollution control is subsidization. This can be done by direct grants to manufacturers or municipalities to purchase pollution control equipment or by providing tax credits, reductions, and write-offs to offset expenditures for abatement equipment.

There are immense costs to this approach and those costs are often borne by the people not doing the polluting. Furthermore, most local and state governments are strapped for funds and simply can't have the amount of money needed for pollution control.

The most important area where subsidization can be effective is in funds to states and localities for the construction of pollution control facilities.

3. Pollutor's Discharge Fee System—Economic Incentive.

A third approach to pollution control is the use of economic incentives not to pollute. A fee is levied on all pollutants discharged into the air and water. This forces the polluter to pay the total cost of producing the product, and serves as an incentive to limit pollution.

We measure the damage a polluter is doing to the environment and we present him a bill for the social cost: 1) He can stop producing and therefore stop polluting; 2) He can install pollution abatement equipment; or, 3) he can pay the tax.

Let me give you an example of the use of these alternatives in regard to litter:

First, we can pass strong anti-litter laws, To enforce them properly, we would have to place a policeman every 100 yards along our highways.

Second, we can outlaw the nonreturnable bottle, but that seems rather drastic.

Third, we can assess the user of the nonreturnable bottle the cost he imposes on the community.

IV. What Should Government do?

Without doubt, government bears the major burden in our efforts to control pollution. Let me very hastily suggest the areas where we focus our attention in government:

One. Organization.

Governments must organize themselves for effective action. We have made some progress on this in recent months. Just this past week in the Congress we have established a joint Congressional Committee to help insure prominence in pollution control. The Environmental Protection Agency has been established.

But we still have a long way to go before our political institutions are structured to organize ourselves in the most efficient way to carry out the fight against pollution.

We should also:

(1) strengthen the review procedure under Federal law for agency activities affecting the environment. Many agencies not sufficiently attuned to problems.

(2) make increased use of federal government procurement policies to induce compliance with environmental quality standards and programs on the part of sellers of goods and services.

(3) exercise the Federal licensing power to protect and enhance environmental quality, through such agencies as the Federal Power Commission and the Corps of Engineers.

The Environmental Protection Agency should continue to reorganize itself internally, as it has been, to maximize the impact of its programs.

Two. Education.

We must multiply our efforts to promote environmental education. Most of our schools and colleges have in the words of Dr. Elvis Starr, "done a demonstratively miserable job" in educating us about the environment.

This is changing, but we must do everything we can to see that our schools and churches, universities make environmental awareness an important part of the curriculum.

The Environmental Quality Education Act, passed by the Congress to provide Environmental Curriculum development by colleges and universities, teacher training, pilot projects, and support for environmental projects in schools and local communities is an important step.

Three, More Money.

A very important step needed to save our environment is the enactment of higher funding levels for pollution control. The quality of the environment is only partly a question of more money—but more money is essential.

Four, New Legislation.

Although the major pollution control legislation is on the books, the search for more effective laws must continue.

Fundamentally, it seems to me that the most important thing we can do is to build into our economic and political institutions incentives to reduce pollution, to make the polluter pay.

The most critical policy issues concern the restructuring of our economic and political institutions. In addition, there will always be need to review and tighten present legislation, and to extend its range as new problems develop.

Five, State and Local Action.

Although I think action by the federal government is most important, that action alone will not solve the problems of pollution. The burdens of control are too many, too costly, too complex to be handled exclusively by any one level of government.

Cooperation among federal, state and local governments is crucial.

By my last check the state of Indiana had only 26 full time state personnel working on water pollution control, and only 7 people assigned to air pollution control.

The pressure must be kept on local and state governments to act aggressively.

Six, Research.

We must move rapidly forward in research. Just as important as research is the application of what we now have. Improvements in pollution control will come forth, but we cannot wait.

THE RESPONSIBILITY OF CONSTRUCTIVE DISSENT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. SCHEUER. Mr. Speaker, there are few among us who have not spoken at graduation ceremonies during the last few weeks. As Tom Wicker said recently, words come easily, especially at commencement exercises. But as the younger generation is drenched in a flood of words, an occasional speaker comes through with solid, memorable remarks.

In early June, Clark Clifford spoke to the graduating class at Sidwell Friends School on "The Responsibility of Constructive Dissent" and made a lasting impression on his audience. I commend the attention of my colleagues to this speech as a fine example of communicating with the younger generation.

The Responsibility of Constructive Dissent

Mr. Smith, Parents, Distinguished Guests and Members of the Class of 1971:

We are assembled today to honor the achievements of 84 fine men and women.

You are among the most fortunate of our citizens because of the excellent education you have already received, and because of the opportunity it affords you for even greater progress and advancement.

But with the unusual opportunity you possess, and, more accurately, because of it, you also face an unusual responsibility.

It is with reference to this responsibility that I shall direct my remarks.

Years after Abraham Lincoln delivered his famous Gettysburg address, a prominent historian remarked that Lincoln had made one serious mistake in his speech when he said, "The world will little note, nor long remember what we say here * * *."

The inescapable fact is that the world will always remember what Abraham Lincoln said that day.

Now I do not have the temerity to suggest that my remarks today will be compared to those of President Lincoln's, but it is my hope that, long after the words are forgotten, the major thrust of my comments will remain in your consciousness.

The title of my address today is "The Responsibility of Constructive Dissent."

In the New Testament, Matthew tells us, in Chapter 21, Verse 12, that upon entering the temple, Jesus, in defiance of established authority, drove out all who were buying and selling there. "He said to them, 'It is written, my house shall be called a house of prayer; but you make it a den of robbers.' "

Fifteen centuries later, a courageous German priest flung 95 Theses in the face of the established church and changed the course of western history. In 17th century England, George Fox, stifled by the rigid orthodoxy of English Christianity, strove, despite persecution and imprisonment, to establish the Society of Friends.

The destiny of these great dissenters was to challenge and overthrow long established authority. They were driven by ideals which would not bend to the custom of their time. That destiny, I feel, is shared by this graduating class. You must bear the responsibility of dissent so that this country can fulfill the ideals of freedom, justice, and equality for which it was founded.

Man is a creature of habit. As he goes through life, he acquires patterns of action, ways of thinking. These can become self-sustaining long after they have lost their original justification. Unfortunately, we often find it difficult to discard our habits when they no longer serve to guide us. If there is an "opiate of the people" in this country—it is complacency.

In our century, reality changes at a spellbinding rate. It is estimated that the volume of human knowledge doubles every ten years. In my own high school years, computers, racial equality and intercontinental air travel, to name only a few common phenomena of today's world, were scarcely conceived of. A 19th century man would be dumbfounded at what has transpired in the past 100 years. Ideas lose their relevance very quickly in this atmosphere of rapid change. Since we tend to cherish patterns of the past, we must struggle against that tendency in order to cope with the ever-changing present. The logical discussion by which new ideas push out the old involves a good deal of friction. Dissent is a manifestation of this friction. Through dissent, we shake off the cobwebs of the past in order to meet successfully the problems of the present and the future. We progress, ideologically, through the process of criticism and re-evaluation.

Thomas Jefferson suggested that each new generation be allowed to write its own constitution. He was implying, I think, that our young people are in the best position to adjust the social structure to meet the changing needs of their own time. Your vision is clear: You are unencumbered by the baggage of the past. Your world is in the making now, and you have a duty to shape what you will inherit, even though many of your elders may not willingly grant you this function.

The founding principle of this nation was that each individual has an unalienable right to life, liberty and the pursuit of happiness. But we cannot realize these ideals by merely proclaiming them. They stand as goals and guides which must be given a new and fuller meaning as the realities of our national union change.

Updating our ideals is a process which requires courage—courage to overcome the inertia of the past—courage to withstand the scorn of those who cling to the past. The present younger generation has shown this courage to a degree which gives me great hope for the future of our country. I welcome its irreverence, its skepticism. I urge you to direct the considerable energy you will show in condemning our shortcomings towards evolving practical solutions to those shortcomings.

The ideal of equality was implicit in the founding of our country. and it has long been cherished by all Americans. However, the daily lives of millions of our people testify with bitter eloquence to the fact that we have fallen far short of this ideal.

Let me give you an illustration.

To be born in the "non-white" category is to expect seven fewer years of life, three fewer years of education, and 37% less income. These are measurable deprivations. What cannot be measured is the basic human dignity which our society denies to those judged "non-white."

Now some progress has been made in this area. We have done much in the past twenty years to guarantee legal equality to all citizens. This progress has been accomplished largely through the courage and self-sacrifice of those who refused to inherit the inequities of the past. Through a long, trying, and sometimes tragic process, the position of a dissenting minority has become the law of the land.

Despite this progress, complacency is as dangerous today as it was twenty years ago. We must continue to drive towards complete legal equality for all Americans. More importantly, we must press for a social equality which respects the human dignity of each individual. This cannot be decreed by legislative fiat. It must become part of our social conscience. Just as, far too late in our history, slavery became morally abhorrent to us, and we rose as a nation to expunge it, we must now root out all traces of racial inequity.

Another illustration.

The spectre of poverty in the world's richest nation should be a cause of shame to all who share disproportionately in those riches. In our rush towards ever greater prosperity, many have been left behind. The pursuit of happiness which our founders guaranteed to all in the Declaration of Independence is a pursuit which now favors some but ignores many. Though we have achieved an unprecedented degree of material well-being, a sizeable minority of our people live a life which would be unthinkable for the fortunate majority. In terms of income, the one-fifth of our families at the top of the ladder receives 41% of our national income. The lowest one-fifth receives only 5% of the income. A large group of Americans today have never enjoyed decent housing, adequate medical care, and a fair opportunity for education.

There is no doubt that we have the means to remedy this unjust disparity. What is lacking is a commitment to use these means for the good of all. Self-critical dissent, though it is an abrasive and painful process, is absolutely necessary to shake off the personal acquisitiveness of our past. We will be a truly wealthy nation only when all share, both materially and spiritually, in the fruits of our prosperity.

I turn now to another problem of our day.

Our foreign policy has been a major focal point of dissent in recent years. Student activism has served as a catalyst for a continuing reappraisal of the principles underlying our relations with other members of the world community. We have witnessed here in Washington, over the past few months, the strength and determination of this dissent.

Our experience in Vietnam illustrates the fatal consequences of applying ideas and assumptions of the past to an ever-changing world situation. Guided by a doctrine which served us well in the late 1940's and 1950's, we have somehow failed to advance the interest of those Asian allies we sought to protect, and we have failed to realize where our own best interest lie. Our persistence in this course of action at such tragic cost, with no real hope on the horizon, bears witness to the deadly tenacity of our out-dated thinking.

No course of events in our history shows more clearly the folly of static complacency than the results of our policy in Southeast Asia. Fortunately, there have been an ever-increasing number of Americans willing to undertake the harsh and painful re-evaluation necessitated by our experience in Vietnam.

The fact that this re-evaluation results, to a considerable extent, from the spirited dissent of many of our youth, provides a source of real hope for the future of America.

Yet, despite the bitter lessons we have learned in Vietnam, we cannot isolate ourselves from the world community. Our wealth, our power, and our democratic heritage saddle us with the responsibility to lead a world wracked with the problems of rapid change. While many of our international assumptions must now be altered, let us strive to evolve a new set of goals relevant to the reality of today's and tomorrow's world. We can no longer attempt to dictate to other nations the kind of social and political institutions they should adopt. In rejecting this approach, however, we must accept the obligation to play a leading role in international efforts to eradicate oppression and poverty.

More than one-third of the world's nations exist in a largely pre-industrial state. Modern communications have exposed the people of these countries to the material prosperity enjoyed by the industrialized nations. These new nations are determined to reach this level of prosperity. They will reach it either with our help or at our expense. It is apparent from the suspicion with which many of the developing nations view this country that our help must take new forms. We cannot make these countries pawns in a struggle for our own aggrandizement. For too long, we have viewed world affairs as a bipolar contest for power between the Capitalist and Communist blocs. This conception ignores the interest of many smaller nations who wish only to realize their own potential, apart from the ideological battle of the major powers.

These are but a few general areas in which this country must re-assess its policies in order to meet the challenges we face both as Americans and as members of the world community. Old ideas will not readily yield, though they have outlived their utility. The process of dissent is one through which all of us, but especially the young, must constantly test our priorities and policies.

I urge you, then, to bear the responsibility of dissent. When ideas, despite their strong roots in the past, no longer serve adequately in the present, they must give way. Only by continually calling ourselves to account can we hope to avoid the quicksand of yesterday's dogmas. Despite the great divisions in America today, the ideals and aspirations of our founders remain as goals which all Americans share. Your generation must strive, through responsible dissent, to achieve an ever-greater realization of these ideals.

A word of caution regarding dissent. An attitude of dissent purely for the purpose of dissenting is not only valueless, it is harmful. Dissent which interferes improperly with the legal rights of others can be disastrous to an otherwise noble cause. For dissent to be constructive, it must come from an inner conviction of the individual, and not be the result of a blind acceptance of the views of another. Dissent must be used to build—not to destroy.

Those dissenters whom history remembers as great, have been able to forge new principles and institutions to replace those which were outworn. Their dissent was not an end, but a means of regeneration. This, ultimately, is what you must produce.

It is not an easy course that I suggest. It will take dedication, firmness and a willingness to stand alone for what you believe is right.

Lord Tennyson phrased it well when he said:

> "Some sense of duty, something of a faith,
> Some reverence for the laws ourselves have made,
> Some patient force to change them when we will,
> some civic manhood firm against the crowd."

I wish for each of you good health and a full and happy life.

I thank you.

A COOL MILITANT

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. BADILLO. Mr. Speaker, last Sunday the Puerto Rican community in New York City celebrated Puerto Rican-American citizenship day. Although the gathering at the Central Park mall was held to commemorate the 54th anniversary of the congressional act granting U.S. citizenship to Puerto Ricans and to the dynamic force behind this effort, Luis Muñoz Rivera, it also served to pay tribute to the many outstanding accomplishments of Puerto Ricans and to their numerous contributions to the United States.

One of these noted Puerto Ricans, who has devoted so much time and energy to improving the health and well-being of his fellow man, is Dr. Antero Lacot. Recently appointed to the second-ranking position in the New York City Health and Hospitals Corp., Dr. Lacot has been described as a "cool militant."

Mr. Speaker, I am indeed proud of Dr. Lacot's important appointment and I wish to commend him on this fine accomplishment. In order that our colleagues may be more fully aware of Dr. Lacot's career, achievements and philosophy, I submit herewith, for inclusion in the Record, a well-written and perceptive feature article which appeared in the New York Post last week:

[From the New York Post, July 17, 1971]

MAN IN THE NEWS: DR. ANTERO LACOT—THE POLITICS OF HEALTH

(By Fern Marja Eckman)

Dr. Antero Lacot, 51, graying hair crisp-cut close to his scalp, brown eyes alert, skin glowing like a freshly-minted penny, clad in orchestrated tones of his favorite color (green suit, boldly striped green-and-white shirt, solid green tie), looks like a pillar of the Establishment.

But it was the militant and the dissident who 14 months ago pushed him into his post as administrator of Lincoln Hospital in the South Bronx against opposition from above.

This week, with an assist from the Hispanic Assn. of Hospital Executives, the Puerto Rican physician bounced even higher—to what amounts to the second-ranking position in New York City's infant Health and Hospitals Corp. (HHC) at a salary of $45,000. His title: senior vice-president for medical and professional affairs.

Lacot, intelligent, genial, low-keyed, so controlled that he might almost be tagged "guaranteed non-inflammable," traits that are obviously invaluable for an obstetrician who has delivered more than 6,000 babies, voices the correct responses. He is "gratified," he welcomes "the opportunity" to "do a little more" toward solving the city's health problems.

But eight days ago, when news of his appointment officially reached him at his home in College Point, Queens, Lacot reacted with spontaneity. "I celebrated," he said, laughing. "My wife and I drank champagne."

On Wednesday afternoon, a day punctuated by conferences and congratulatory messages, the new man in the HHC was in his office at Lincoln, where he will continue to work for some weeks until his successor is named.

"The last 14 months have been very hectic, very dramatic," he said. "It was very rough. This is an old hospital, underfinanced, understaffed, serving an area of over 350,000 people." As he spoke, he signed papers his secretary, Mrs. Violeta Garcia, had slid in front of him.

"We have had during the last year a series of demonstrations and demands on the part of a great many groups that claim to have the answer to a great many of our problems. This is natural because health is closely knit to politics."

How?

"Budgets," he explained patiently, "are screened and approved by political entities. So a health institution depends on politics. Right? You have to deal constantly with situations in which it becomes necessary to distinguish between the service goals of these groups who demonstrate and their political goals. Which may or may not be related to health. You understand what I mean?

"There are individuals who pick on the hospitals as the weak spot. There is nothing wrong in doing things that influence politicians to change their priorities to improve health. On the other hand, I think it's wrong to allow hospitals to become an instrument just for changing the political structure."

Head-on clashes over budget cuts, red tape, the pediatrics chief, racism, the Young Lords and community participation have all but split Lincoln in recent months.

Lacot, accessible to both sides, had to tightrope between New Left activists and more conservative elements on his staff. Observed one young doctor, "The New Left felt he was too conservative and the conservatives felt he was too sympathetic to the radicals."

But Dr. Gabriel Koz, president of the Lincoln Hospital Medical Board and director of the Psychiatry Dept., himself a target at one point, praised Lacot's "honesty, openness and genuine devotion to the community's health care needs."

Dr. Joseph T. English, HHC president, described Lacot as "a cool militant." It is a term Lacot likes. He said: "At Lincoln, the major thing we've done is keep it in operation. I have done more than I could do under the circumstances. But I'm not satisfied because there is so much more to do . . ."

His new job, which vice-president Lacot views as "very difficult but not impossible," is light years away from his birthplace, Arroyo, a fishing village on the southern coast of Puerto Rico. "Life was quiet there," he said. "Everyone knew everyone else. We played baseball in the street—and every four or five hours an automobile would go by."

The fourth child of CPA Gregorio Lacot and the former Francisca Salgado, Antero Lacot comes from "a professionally oriented family." One of his sisters (twins, as are his own sons) is a pharmacist, the other has a Ph.D. in education and his brother is a lawyer.

"We're a very closely knit family," said Dr. Lacot. "If we went out, we always went out together. Because my father worked late in the afternoon, we'd all go to the beach at 5:30 in the morning. You can't believe how wonderful it was. Then we'd come home, have breakfast and go to school.

"I would always discuss things with my father, with my mother. Even today, when we've been separated so many years, I subconsciously think when I have to make a decision, 'What would my father say?' We are really a family the way textbooks describe a family."

As a schoolboy, Antero Lacot was always picked to declaim in the auditorium on Fridays. "I remember I was Mark Anthony," he said. He took a deep breath. "Friends, Romans, countrymen, lend me your ears. I come to bury Caesar . . .'" He grinned. "I loved that," he said.

During his last two years in high school, excelling in math and science, "very fond always of the image of the physician in the community, the image of a person who was doing a job and was respected," he determined to be a doctor. "But you had to be rich to go to the U.S. to study," he said. As a precaution, he earned a B.S. in pharmacy at the University of Puerto Rico.

The uncle of a fellow-student had graduated from the University of Michigan Medical School. Lacot and his friend both applied there. Only Lacot was accepted. A partial scholarship from the Puerto Rican government cut his expenses to manageable proportions.

Lacot, whose English is fluent but still heavily accented, found himself at a disadvantage at Ann Arbor. His formal English did not extend to campus colloquialisms and medical terminology. To expand his vocabulary, he assiduously listened to the radio, went to the movies, read Time magazine every week from cover to cover (he still does) and The New Yorker.

Antero Lacot, B.S., M.D., returned to Puerto Rico in 1944 to intern at the spanking new Fajardo District Hospital. "Fajardo is where the Conquistador Hotel is," he told us, clearly aware of the sad gaps in mainlanders' knowledge. By 1955, he was chief of gynecology and obstetrics. In 1964, he became director of the Fajardo Clinic, a proprietary hospital.

On March 13, 1953, he married Rosalina Lain, who is called Cuca (pronounced Koo'-kah). "She was a secretary in a finance company, very friendly with my mother, my sisters," said her husband. "So that was it!"

The Korean War separated bride and groom for two full years. As a member of the Reserves, Capt. Lacot was stationed in Kure, Japan, with the U.S. Army Medical Corps. He looks back on this period as "very pleasant—it is easy for someone who speaks Spanish to learn to speak Japanese." But he missed the birth of his daughter, Rosalina, now 17.

"My baby was born on Dec. 19th and I found out on Dec. 25th," he reported. The telegram informing him he was a father was sent to his APO address in San Francisco, then airmailed from there. "I called my wife right away and then I went to the bar," Dr. Lacot said. "It was Christmas Day—and quite a party!"

Rosalina was 17 months old before he saw her. "She started crying," he said. "She didn't know me but she called my picture, 'Daddy.'" He shook his head. "But now we're very close."

Very close indeed. At the press conference earlier this week, Dr. Lacot introduced Rosalina, a student at St. Agnes HS in College Point, as "the only woman dearer to me than my wife." Cuca joined in the laughter. So did the fraternal twins, Antero Jr. and Jose, 14, lively, handsome, groomed to the teeth and absent with leave from Eastern Military Academy in Cold Springs, L.I.

In the fall of 1966, Dr. Lacot enrolled at Columbia's School of Public Health and Administrative Medicine "with the idea of spending one or two years in New York." To gain "a better concept of public health in terms of field work," he tacked on another year with the State Health Dept.

He was put in charge of surveying hospitals that applied for certification. One of the hospitals he surveyed: Lincoln. Offered the directorship of the Neighborhood Maternity Center on Prospect Av. in the Bronx, an affiliate of Lincoln and Yeshiva's Albert Einstein College of Medicine, Lacot decided to settle in New York permanently.

"In the meantime," he said, "the children have been here two years. They had friends here. They didn't want to change schools."

Came the crisis at Lincoln, with Puerto Rican community leaders demanding Lacot's promotion to administrator and Hospitals Commissioner Terenzio downthumbing the suggestion on the grounds that the candidate lacked administrative experience. When the dust settled, Lacot was in and Terenzio out (via resignation). Controversy is now Lacot's intimate. "We live in a controversial world," he said laconically, lighting a filtered cigaret.

At Einstein, Lacot ranks as assistant professor of gynecology and obstetrics, ditto of preventive medicine and community health. At the New York School of Psychiatry, he is clinical professor of community health.

At College Point, the doctor and his brood troop to the beach together. On Sundays, they go to Mass, a movie (Lacot prefers films about detectives), a restaurant. "You're going to laugh," he said. "I have simple pleasures. I have the wrong job, but I like leisure.

"I enjoy reading in a hard chair, taking a nap, working in the garden, washing my car. I don't need much to make me happy, honestly. One thing I enjoy very much is talking to people. And not necessarily about medical or scientific things, but how life is, why things are this way or the other way."

He drinks scotch and water, a dry martini with an olive before dinner, favors beef, spicy foods, pastelillos—which is something like a meat pie. And, of course, rice and beans. He retires at 11 p.m., always rises at 5 a.m. "Including Sundays," he said, amused by the interviewer's unconcealed look of horror.

"I get up and prepare breakfast for my two chihuahuas, Cuquita and Bambi. Scrambled eggs." By 8:30, having driven to the Bronx in his green Chrysler, he is behind his desk.

"In my 14 months here, I've had a lot of long days but I'll tell you this," he said. "I've never had a single long day in my life doing routine work. I do not believe in a 14-hour work day. You should be able to do your work in 8 hours. If you cannot do it, that means you need more staff or you are too slow."

He lit another cigaret. "I smoke half a pack a day," he said. "Oh, no," Mrs. **Garcia**, on her way out, said darkly. "He smokes a lot." Her boss chuckled. "No one's asking you," he said. "Don't you know that will endanger public health?"

Lacot thinks it would be "appropriate" for the man who follows him at Lincoln to be Puerto Rican, since 70 per cent of the population Lincoln serves is Puerto Rican. In his own case, he takes it for granted that "being Puerto Rican must have had some influence in my appointment." But his qualifications do not end there: "I would hate to see myself selected just because I'm Puerto Rican."

Of the city's hospital network, afflicted with too many patients, too little staff, too high costs, too little money, obsolete plants and antiquated equipment, Lacot said:

"I think we are dealing with an overheated and overburdened organization. Its troubles come not from inefficiency but from the tremendous demands and the tremendous needs of the community. We need more resources. More money. But I do not believe that money alone will improve the quality of health care.

"I think we have to introduce management systems that will improve the corporation's effectiveness. I am very concerned about the fact that industry has gone way ahead of the public services in terms of improvement."

His telephone rang and Lacot picked it up "Thank you," he said. "Oh, there are other good people." Then he said with mock seriousness to his caller: "As good as me? This is impossible. I am irreplaceable!" And he laughed aloud.

He sounded like a happy man.

AID TO THE ELDERLY PACKAGE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. WALDIE. Mr. Speaker, we are all aware of the many problems faced by our senior citizens as they attempt to survive and maintain a meaningful existence in the face of a society oriented entirely toward youth. It is my view that this Government can and must provide assistance for these people whereever and whenever it is feasible. To this end I have introduced 12 measures which I feel will form a significant contribution to the improvement of the lives of our older citizens. The bills can be summarized as follows:

The first bill, "Middle-Aged and Older Workers Employment and Community Service Act," authorizes, under Title I: General Provisions:

Appropriations of $140,000,000 for fiscal year 1972 and $210,000,000 for fiscal year 1973 for purposes of this act.

Directs the Secretary of Labor to establish criteria to achieve an equitable distribution of assistance under this act among States and between urban and rural areas.

Title II: Midcareer Development Service Program: Establishes a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers to find employment by providing training, counseling, and special supportive services to such workers.

Authorizes the Secretary of Labor through the Manpower Administration to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons who are at least 45 years of age.

Authorizes the Secretary to develop and carry out a program to train an adequate number of people to understand learning processes of middle-aged and older persons. Provides for making personnel available to localities where such persons are unemployed as a result of plant closings or large scale reduction in work force.

Title III: Older American Community Service Employment Program: Provides an order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are 45 years old or older and who have poor employment prospects, the Secretary of Labor is authorized to establish an older American community service employment program.

Authorizes the Secretary to enter into agreements with public or private nonprofit agencies to further the goals of such program. Prohibits the Secretary from paying more than 90 percent of the cost of project which is the subject of an agreement.

Title IV: Special Reports and Studies: Directs the Secretary to undertake, either directly or by way of grant or contract, a thorough study of manpower program authorized by provisions of Federal law other than this act, and other federally assisted training program to determine whether such programs are responsive to the needs of persons who are at least 45 years of age. Requires the Secretary to report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than January 31, 1973.

Requires additional studies on extended unemployment compensation and disability programs, and on Federal Employment Opportunities.

The second bill directs the Secretary of Health, Education, and Welfare, within the Public Health Service, to conduct a program for the training of State officers or employers who are authorized by the State to participate in such program and who are charged with the responsibility of conducting inspections of longterm health care facilities in the State or carrying on other appropriate activities designed to assure that longterm health care facilities operating in the State comply with applicable licensing and other requirements of State or local law.

Authorizes the Secretary to issue necessary regulations relating to the program.

Authorizes appropriations of $2,500,000 for the fiscal year ending June 30, 1972, and $5 million for each of the next 3 fiscal years.

The third bill authorizes the Secretary of Health, Education, and Welfare to make grants to public or nonprofit agencies, institutions, and organizations to provide for the training and retraining of nurses aides and orderlies. Authorizes to be appropriated $2,500,000 for the fiscal year ending June 30, 1972, and $5 million for each of the next 3 fiscal years.

The fourth bill provides grants to medical schools under the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities. Authorizes to be appropriated $2,500,000 for the fiscal year ending June 30, 1972, and $5 million for each of the next 3 fiscal years.

The fifth bill, the "Housing for the Elderly Act," authorizes an additional Assistant Secretary under the Department of Housing and Urban Development to be designated an Assistant Secretary for Housing for the Elderly. Provides that all programs administered by the Department to provide aid or assistance in behalf of the elderly be administered by and through the designated Assistant Secretary.

Directs the Assistant Secretary to: First, make maximum use of the loan program under section 202 of the Housing Act of 1959 in providing housing and related facilities for the elderly; second, be regularly consulted with all respect to all other programs of the Department to the extent that they provide or otherwise involve housing for the elderly; third, provide a central source and clearinghouse of information with respect to housing for the elderly; fourth, coordinate housing programs for the elderly and seek ways to consolidate programs which overlap; and, fifth, carry out studies and make recommendations for such administrative and/or legislative action as may be appropriate to meet the housing needs of the elderly in rural areas, including emergency grants where necessary for the repair or rehabilitation of dwelling units.

Liberalizes the mortgage procedures relating to housing for the elderly.

Authorizes the Secretary of Housing and Urban Development to make grants for the planning and construction of multipurpose facilities to demonstrate the utility and feasibility of such facilities in meeting the special needs of elderly persons for adequate housing and readily available medical and related services. Authorizes appropriations for such programs of $25 million for each of the fiscal years 1972, 1973, and 1974.

The sixth bill provides for the inclusion of prescription drugs on the list of services for which the providers of such services will be paid under the Health Insurance program. Limits payments for such drugs to instances where such drugs are dispensed by a licensed pharmacy except that payment may be made to a physician when the Secretary of Health, Education and Welfare determines that such drugs were required in an emergency or that there were no pharmaceutical services available.

Establishes a Formulary Committee within the Department of Health, Education, and Welfare a majority whose members must be physicians. Provides for the publishing of a formulary of drugs eligible for reimbursement and sets standards for the inclusion of qualified drugs on such list. Authorizes the committee to set the maximum allowable cost for such drugs. Requires that pharmacies be reimbursed at a rate to include a fee for professional services not to exceed the median of all fees charged within a particular State or region of the country. Authorizes the committee whenever possible to list the drugs by their generic names.

The seventh bill, the "Uniform Long-term Health Care Facilities Standards Act," directs the Secretary of Health, Education, and Welfare in consultation with the Secretary of Housing and Urban Development and such other governmental officials as the Secretary deems appropriate to conduct a study and review of the various Federal programs which provide assistance to facilities for long-term health care with a view to developing and recommending for adoption by the Congress of more uniform: First, designations for the various types of such facilities which are eligible to receive assistance under such programs; and second, standards which the various types of such facilities must meet in order that they will be eligible for such assistance.

Requires a report to Congress within a year with recommendations. Authorizes necessary appropriations.

The eighth bill, authorizes the Secretary of Health, Education, and Welfare to conduct a study and investigation of the operation of programs receiving Federal financial aid under title XIX of the Social Security Act involving care to individuals in long-term health care facilities. States that the purpose of such a study will be to determine the desirability and feasibility of imposing, as a condition for receiving such Federal assistance, the requirement that the State agency that administers such programs would have certain regulation enforcement functions otherwise vested in the State agency charged with the licensing and inspection of such facilities.

Provides that on or before July 1, 1972, the Secretary shall complete such study and investigation and submit to the Congress a report with the Secretary's recommendations.

The ninth bill, the Senior Citizens Community Centers and Services Act, authorizes, under "Title I: Construction of Multipurpose Community Centers for Senior Citizens," the Secretary of Health, Education, and Welfare to make allotments to the several States for the construction of multipurpose community centers for senior citizens on the basis of first, the total population and the population of senior citizens; second, the extent of the need for community centers for senior citizens; and third, the financial needs of the respective States. Provides that no State, other than the Virgin Islands, American Samoa, and Guam, for any fiscal year shall receive less than $100,000.

Requires the Secretary to prescribe by general regulations applicable to all the States standards for the construction and equipment of such centers and the kinds of community centers and services that are needed to provide adequate social services. Requires any interested State to file a plan pursuant to the regulations prescribed by the Secretary and upon the approval of such plan by the Secretary the State agency shall forward to the Secretary applications for individual construction projects. Sets standards for the approval of such applications. Authorizes to be appropriated the sum of $70 million for the fiscal year ending June 30, 1973, $140 million for the fiscal year ending June 30, 1974, and $200 million for the fiscal year ending June 30, 1975.

Title II: Initial Staffing of Multipurpose Community Centers for Senior Citizens: Authorizes the Secretary to make grants to meet the costs of the compensation of professional and technical personnel for the initial operation of the community centers and for the delivery of social services established therein. Provides that such grants may only be made for 3 years from the date of the opening of such center and such grants may not exceed 75 percent of the costs during the first fiscal year, 66⅔ percent during the second fiscal year and 50 percent of the costs during the third fiscal year. Sets standards for the approval of the applications for such grants. Provides that no grant may be made for the above purpose after June 30, 1975, unless a grant with respect thereto was made before July 1, 1975. Authorizes to be appropriated the sum of $40 million for the fiscal year ending June 30, 1972, and for each of the 2 succeeding fiscal years.

Title III: Programs and Services of the Multipurpose Community Centers: Declares that it is the intent of Congress that: First, all programs and services assisted under this Act shall be absorbed into the program activities of the new community centers; second, communities have maximum flexibility in designing programs that meet the needs of older citizens; and third, senior citizens will be involved in the planning, organizing and operating of all federally assisted programs. Provides that the State plans shall contain provisions which meet the intent of the Congress. Provides that the Secretary shall by regulation establish the Federal share of the costs of that portion of the State plan to be assisted by this title. Authorizes to be appropriated the sum of $60 million for the fiscal year ending June 30, 1972, $100 million for the fiscal year ending June 30, 1973, and $150 million for the fiscal year ending June 30, 1974.

Title IV: General Provisions: Defines major terms contained in the Act. Provides that no State standards shall provide for a Federal share of the approved projects of more than 90 percent or less than 50 percent. Provides that the Secretary shall pay installments to the States upon certification by the State agencies that work has been performed or purchases have been made in accordance with the approved State plan. Provides for judicial review to the United States court of appeals for the circuit in which such State is located if the Secretary refuses to approve any application for a project submitted to him.

The 10th bill authorizes appropriations of $5 million for the fiscal year ending June 30, 1972, and $10 million for each of the next 3 fiscal years, to enable the Secretary of Health, Education, and Welfare to make grants to any public or nonprofit private agency, institution, or organization to cover all or any part of the cost of projects for the development or demonstration of progress designed to rehabilitate aged inpatients of long-term health care facilities or to assist such inpatients to attain self-support or self-care.

The 11th bill permits under the Internal Revenue Code the deduction of all expenses for medical care of a taxpayer and his spouse if either of them attained the age of 65, and provides a credit or refund of social security taxes withheld from the wages of certain individuals who have attained the age of 65 and a corresponding reduction in the tax on self-employment of such individuals.

Finally, the last bill, the "Senior Citizens' Transportation Services Act," provides that applications under the urban Mass Transportation Act must contain provisions for reduced rates during non-rush hours for persons 65 years of age or older.

Permits reduced fares for persons 65 years of age or older under the Federal Aviation Act and provides for reduced rates for persons 65 years of age or older on common carriers in interstate commerce.

Makes it unlawful for any person engaged in the business of insuring motor vehicles or selling motor vehicle insurance to deny or refuse to sell insurance to any individual on account of his age if that individual possesses a valid driver's license.

Provides that any person who violates this provision shall be subject to a civil penalty of not to exceed $10,000. Provides that any such civil penalty may be compromised by the Secretary and in determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. Provides that the amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

Authorizes the Secretary of Transportation, in consultation with the Secretary of Health, Education, and Welfare, to prescribe such standards for the design, construction, and alteration of buildings, structures, and facilities which are provided with financial assistance under the Urban Mass Transportation Act of 1964 and are subject to this Act as may be necessary to insure that elderly and physically and mentally handicapped persons will have ready access to, and use of, such buildings.

Authorizes the Secretary, after consultation with the Secretaries of Transportation and Housing and Urban Development, to make grants to any public or nonprofit private agency, organization, or institution and to enter into contracts with any agency, organization, or institution, or with any individual: first, to study the economic and service aspects of transportation for elderly persons living in urban or rural areas; second, to conduct research and demonstration projects regarding the feasibility of special transportation subsystems for use by elderly persons or similar groups with similar mobility restrictions; third, to conduct research and demonstration projects on portal to portal service and demand actuated services; fourth, to conduct research and demonstration projects concerning the impact of pricing structures on the comfort, well-being, and morale of elderly persons; fifth, to study transportation and social service delivery interface; sixth, to conduct research and demonstration projects to coordinate and develop better transportation services rendered by social service agencies; seventh, to conduct research and demonstration projects concerning other relevant problems affecting the mobility of elderly persons; or eighth, to conduct research and demonstration projects concerning the use of transportation personnel to assist elderly persons who use public transportation.

Authorizes to be appropriated to carry out this program $2,500,000 for the fiscal year ending June 30, 1972; and $5 million for the fiscal year ending June 30, 1973.

I am sure that my colleagues share my concern with the plight of the elderly in this country. I have introduced this legislation in the hopes of alleviating some of their more pressing problems and I hope all the Members of this House will give these measures careful consideration.

RABBI COHEN SPEAKS OUT ON ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. HOGAN. Mr. Speaker, I have frequently stated my strong opposition to liberalized abortion policies. It is clear to me as well as to many others that an abortion illegally and immorally deprives the child of his inherent right to life.

Because of my position I was very pleased to learn of a statement issued recently by Rabbi Meyer Cohen, director of the Union of Orthodox Rabbis of the United States and Canada, in which he points out that abortion, "even when legalized by the state, does not cease to be a flagrant violation of the basic and fundamental religious and ethical principles."

I commend Rabbi Cohen for his comments and insert the full text of his statement into the RECORD for my colleagues' deliberate consideration.

STATEMENT ON ABORTION BY RABBI MEYER COHEN, DIRECTOR OF THE UNION OF ORTHODOX RABBIS OF THE UNITED STATES AND CANADA

Abortion in general is prohibited in Jewish law. In extreme cases, such as a pregnant woman's serious illness, competent orthodox rabbis should be consulted and they in turn, after ascertaining her condition from competent physicians, will decide upon the merits of the case, and their decision is to be followed.

[Elaborating upon this instruction to Jewish women, we wish to stress the following general points:

[Abortion, even when legalized by the state, does not cease to be a flagrant violation of the basic and fundamental religious and ethical principles. Human life, including the life of an unborn child, is one of the most sacred things. Mere human legislation cannot change that status. Considering the fact that the unborn child is innocent and defenseless, makes abortion doubly sinful and repugnant. Thus abortions are transgressions against religion and against humanity. Sanction by the state of abortions has an additional aspect of evil, for it undermines the very bases of society's regard for the sanctity of human life.]

VIETNAM PEACE PLAN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to take this opportunity to share with my colleagues an article on the "Vietnam Peace Plan" in the July 8–14, 1971, edition of the French Newspaper Le Monde. The article points out that the recent peace proposal by the South Vietnamese Provisional Revolutionary Government—Vietcong—was not rejected by Washington. The fact that the White House has not rejected this peace proposal hopefully indicates that the administration is sincere about the political settlement they hope to find at the Paris peace talks.

VIETNAM PEACE PLAN—SIGNS OF INTEREST FROM WASHINGTON

For the first time a peace plan put forward by representatives of the South Vietnamese Provisional Revolutionary Government (PRG) at the Paris talks has not been rejected out of hand by Washington. Yet none of the earlier proposals presented by Hanoi and the PRG had been couched in take-it-or-leave-it terms. They were meant to serve only as a basis for negotiations.

The PRG seven-point plan, introduced by Mme. Nguyen Thi Binh, the Vietcong chief negotiator in Paris, certainly contained some fresh ideas, one of which linked the pace of troop withdrawal to the release of American prisoners of war. It also attached much greater importance than usual to the future role of the opposition forces in Saigon, ruling out none of the "means" these hard-pressed movements could use to form a government of "national concord."

Mme. Binh was also more explicit than usual about postwar developments and the period of transition—pending reunification—during which South Vietnam will temporarily join a Southeast Asia more under American and Japanese influence than under Communist one.

Mr. Nixon is of course free to choose from the seven-point PRG programme the points which suit him best, but he knows that Mme. Binh's proposals form a whole. It is true that military and political questions are handled under separate heads in this peace plan, while the Vietcong has not surprisingly branded the "Vietnamization" of the coming elections as no less fraudulent than the "Vietnamization" of the war. But for the time being, at least, the White House continues to back President Nguyen Van Thieu.

However, the American leaders have been gradually driven into a corner. First of all, the PRG's plan includes the proposals on prisoner release and troop withdrawal recently voted by the United States Senate and not unfavourably commented upon by the official New China News Agency.

In addition, Mr. Nixon can afford no further delays in the repatriation of most of his forces, which have become increasingly undermined by problems of morale and the heavy use of drugs.

The economic and financial situation of the United States—the dollar crisis, unemployment and inflation—also call for a revision of the nation's order of priorities, with less than eighteen months to go before the next presidential elections.

None of these facts has escaped the attention of the PRG. Nor has it failed to take into full account the rising discontent in the villages of the south and Saigon's army setbacks in Laos, Cambodia and near the demilitarized zone. But it makes no attempt to conceal its mistrust of American good will. It knows, for example, that the United States government, either directly or in the shape of "private" projects, has sponsored plans for the economic "Vietnamization" of the south. These projects are aimed at strengthening the present regime's hold over the country, and ensure its continued presence within the "liberal" Asian camp.

Deeply preoccupied by the specifically military aspects of the war, the US Senate advocates of an early end to the conflict seem to have completely overlooked these plans, which if carried out, might prolong the fighting. In addition, Washington has given no signs of toning down its support of the regimes in power in Vientiane and Phnom-Penh.

Although the White House struck an encouraging note by stating its "interest" in the PRG proposals, it seems premature to express optimism about the possible outcome of this peace move. These are trying times for Mr. Nixon, and he badly needs a breakthrough in the negotiations. Unfortunately, there is every reason to believe that America's present rulers remain unshakably wedded to the dream of an Indochina "allied" to the United States.

"ENVIRONMENTAL PRESIDENT"

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. NEDZI. Mr. Speaker, The Christian Science Monitor of July 12, 1971, carried an interesting column by Peter C. Stuart under the heading "Environmental President" in which the environmental activities—or lack of same—of President Nixon are set out in rather clear perspective.

I was particularly pleased to see the record set straight with regard to the creative roles of our colleagues, Congressmen Dingell and Reuss and Senators Muskie and Jackson.

I believe my colleagues will find Mr. Stuart's comments useful and I insert the text of his article to appear at this point in the Congressional Record.

[From the Christian Science Monitor, July 12, 1971]

Environmental President

(By Peter C. Stuart)

Washington.—Richard Nixon, we are now told, is "the first truly environmental President."

The Chamber of Commerce at Nashua, N.H., got the word firsthand from Secretary of the Interior Rogers C. B. Morton.

The source is a curious one. Mr. Morton is remembered as the man whom Mr. Nixon appointed six months ago after firing his administration's most outspoken environmentalist, Walter J. Hickel.

The new Interior Secretary, too, is evidently given to overstatement, at least where his boss is concerned.

Rhetorical pollution spews freely these days from all quarters. But when it comes from the top of the government, it carries the stamp of officiality—and deserves special examination.

The nation's "first truly environmental President," someone has calculated, never once mentioned the topic of environmental quality during his 1968 election campaign.

He has since compensated for this oversight, however, with a sprinkling of solid environmental works—and a torrent of environmental words.

"The President," Secretary Morton proclaimed back in New Hampshire, "restructured and revitalized the federal government to cope with the critical problems of the environment." He specifically mentioned creation of the President's Council on Environmental Quality.

Whoa, there. The council—the President's environmental right arm—was devised by Democrats in Congress (Sen. Henry M. Jackson of Washington and Rep. John D. Dingell of Michigan) and foisted upon a reluctant President Nixon.

Another member of the President's environmental "team" also has let his rhetoric get away from him. William D. Ruckelshaus, administrator of the Environmental Protection Agency, boasted to the National Press Club earlier this year that "we dusted off the 1899 Refuse Act."

Nothing could be further from the truth. Not only was the musty old law against water pollution "dusted off" by someone else (the House Conservation and Natural Resources Subcommittee chaired by Rep. Henry S. Reuss (D) of Wisconsin), but the Nixon administration resisted enforcing the rediscovered law for months.

"Judge us by our actions, not our words," the President (in substance) has counseled his critics. What better measure of environmental action than money spent?

In its first two fiscal years, the "first truly environmental President" and his administration spent proportionately less money for natural-resources functions than the average for the previous 10 years.

Although Mr. Nixon proposes nearly doubling such outlays in the upcoming fiscal year, among the budget's 13 functional categories natural resources still falls tenth.

When this budget was released earlier this year, pollster Louis Harris was reporting that Americans rated environmental pollution as "the most serious problem" facing their communities.

All of which gives an ironic twist to the claim made by Secretary Morton last month to the National Audubon Society convention:

"President Nixon's leadership is helping us develop a better understanding of priorities."

There is some evidence that environmental drumbeating, while it won't clean up pollution, may sway public opinion. The Harris Poll recently reported that Americans rate environmental newcomer Nixon higher on "air and water pollution control" than Sen. Edmund S. Muskie (D) of Maine (36 percent to 33 percent). Never mind that Senator Muskie has been writing antipollution legislation, virtually alone, since the early 1960's—long before it became good politics.

THE PROPOSAL TO CITE DR. STANTON OF CBS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. DELLENBACK. Mr. Speaker, on July 13, 1971, the U.S. House of Representatives voted 226 to 181 to return the contempt citation against the Columbia Broadcasting System and its president, Dr. Frank Stanton, to the House Interstate and Foreign Commerce Committee for further study. At the time of the actual vote I was unavoidably away from Washington. I stayed on the floor until after 3 that day hoping that the vote would come before I had to leave to catch a 3:30 plane. The vote did not come until after 4. I did, however, leave instructions with House staff personnel that I wished to be paired against the citation or, in the alternative, in favor of a motion to return the measure to committee. The Pairing Clerk was unable to find me a pair. As a result I wish to take this time to make my position against citing CBS and Dr. Stanton clear.

May I repeat at this time what I have stated on a number of occasions before committees and on the floor of the House. I own a minority stock interest in a corporation which is engaged in broadcasting, being the licensee of a television station and three radio stations in southern Oregon and northern California. I hope that the position I took on this issue was not distorted by this fact, and in truth I don't believe it is. But as a believer in and advocate of full disclosure, in fairness I disclose once again the fact of this ownership.

I believe that the committee's need for the requested background information on the documentary, "The Selling of the Pentagon," to complete its investigation into alleged deceptive editing practices was not great enough to risk the serious implications such a contempt citation could have on first amendment rights and on the power of the Congress to seek necessary information in connection with proposed legislation.

This is a complex constitutional issue which has many ramifications, and the adverse effects of finding Dr. Stanton and CBS in contempt of Congress could quite possibly set a very dangerous precedent. I am pleased that the House recommitted this unsound measure.

Even though Dr. Stanton and CBS resisted the subcommittee's subpena, the network in effect conceded certain errors in connection with the preparation of the documentary by changing their procedures to be used in future similar programs. So the subcommittee's basic goal of avoiding this type of situation in the future has really been reached.

Once again let me reiterate my position, had I been able to be on the floor of the House at the time of the vote I would have cast my vote in favor of the motion to recommit the contempt citation to the committee for further study. Furthermore, had a straight vote on whether or not to cite CBS and Dr. Stanton as being in contempt of Congress come before the House, I would have voted against such.

PREDICAMENT OF EX-FELONS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. FAUNTROY. Mr. Speaker, yesterday, I introduced H.R. 9893 to restore to convicted felons their right to vote in elections in the District of Columbia. My attention is called to an article by William Raspberry in the Washington Post. In it, he discusses the hardships that an ex-convict can encounter in seeking a job. Many of the difficulties, I think, lie in the fact that we do not accept a man who has paid his debt to society as a citizen.

I commend this article about an ex-felon who has encountered these difficulties to my colleagues because I think it expresses in the most poignant terms what it means to be free and yet still a captive of the past. I do not claim that H.R. 9893 will free the shackles of the past from men as Sidney Gross, but I believe that unless the state removes the stigma of a felony conviction, by restoring full citizenship rights, ex-convicts will always remain prisoners and unable to work as productive members of our society.

The article follows:

Sentences Are for Life

Sidney Gross isn't looking for sympathy. He has served his three sentences for robbery and larceny, and he is not griping about that.

But he does have a point when he says he hasn't done anything that merits a life sentence. His last bit was for stealing a television set.

A life sentence for *that?* Well, not technically. He is free as far as the courts are concerned, or at any rate he will be as soon as he comes off parole next year.

But at age 42 he is finding out what countless men half his age are discovering every day: Every sentence is a life sentence.

That business of paying your debt to society may have some meaning as far as courts and prisons are concerned, but as far as society is concerned, the debt is never paid.

Gross, at age 42, is paying through his inability to find work. The courts have nothing to do with that; it's the rest of us who are punishing him.

For most of his adult years—at least those that were not spent behind bars—Gross has been a truck driver. A good one, he says, who can handle any kind of rig. He says he has an accident-free driving record.

He also has 80-odd job applications on file all over the area, although he really doesn't expect anything to come of them. He has a prison record.

Not many people will tell him that his record is the reason they won't hire him, says Gross, who is black. What happens is that the vacancies simply disappear when they discover he is an ex-con.

He said he chased one job 122 miles round trip, only to have it evaporate when he showed up. "You know you kinda get used to expecting something like that to happen," he said, "so I stopped half way there and called to make sure there was still a job. They told me, sure, come on. When I got there they told me the job had been filled." The next day the ad was back in the papers.

"Man, truck driving is the only thing I know. You show it to me, and I'll drive it. I've got $80 worth of licenses, but that ain't worth nothing without a job. What do they expect me to do? I've got to eat, you know."

What they expect Gross to do, of course, is to rob again. They expect it so much that they practically guarantee it.

Employers know that they are forcing ex-convicts into criminal activity when they refuse to give them work. The way they see it, if they have two applicants for a job and one of them has a record, it's a safer bet to take the other one.

They know that eventually the rejectee may have to pick up a gun in order to feed himself; they just hope he will point it at someone else.

Gross, who may be a bit prejudiced on the matter, thinks the employers are stupid.

"I mean, look at it this way. If they hire me and I mess up, it's the easiest thing in the world to find me. As long as I'm on parole, all they have to do is snap their fingers, and I'm back in jail.

You know I've got more to lose than the man with a clean record, which means the man will be taking less of a chance on me. I know I've done some things I shouldn't have done, but I never took anything from anybody I worked for. Never. But nobody wants to give a man a break."

It's hard to know whether to be more or less sympathetic with Gross than with countless other record-burdened job-seekers

Unlike many of them, Gross does have a definite useful skill, a fact that may serve to intensify his frustration. But also unlike a lot of the others, he has only himself to worry about. So many jobless ex-cons have families to feed.

I suppose Gross's predicament can help drive the point to young people that crime doesn't pay.

But it doesn't seem reasonable to make a convict pay so much beyond what the judicial system says is the price of his crime, to make every sentence a life sentence.

It's as though we start off thinking once a criminal always a criminal, then do everything we can to make it so.

MAYOR MINETA GIVES SAN JOSE'S FIRST STATE OF THE CITY ADDRESS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to take this opportunity to share with my colleagues the words of Norman Y. Mineta, mayor of the city of San Jose, Calif., in his "state of the city" address to the people of San Jose. Mr. Mineta, the first Japanese-American mayor of a major American city, was elected in April of this year. His dedication to the complex problems of the rapidly growing city of San Jose has been clearly demonstrated in his efforts as city councilman and vice-mayor. Mr. Mineta faces the challenges of the office of mayor with innovative and progressive vision. I commend his "state of the city" speech to you:

THE STATE OF THE CITY

(By Norman Y. Mineta)

Some months ago when I announced my candidacy for Mayor, I did it with the conviction that if elected I might be able to help the people of this community to address and correct the problems which we must face and put to rest in the decade of the 70's. Since the electorate has given me this opportunity, I would like to outline the program I have in mind.

We know what our problems are, but somehow have seemed incapable of summoning the necessary will and resources to act. We see our Bay dying, our rivers growing filthier, our atmosphere increasingly polluted. We understand that oppressive poverty in the midst of affluence is intolerable. We are aware of racial tensions that could tear our nation, as well as our city apart. We recognize that these problems do not stop at our borders, but are common to all the cities in our region, and throughout this land. We see our society sliding toward disaster!

We all know we cannot turn away from the problems which surround us, for it is *our* land, *our* city, and the quality of *our* lives which are affected. We know we must act. The only question is how.

After having consulted with my fellow Council members, I, as Mayor of this city, would like to share with you today some observations and goals which I have for San Jose, in the hope that if you share in these beliefs, we will be able to begin to work together to bring about their implementation.

The cornerstone upon which I believe we can build a record of progress, is that we, as elected officials, and the entire fabric of city government must establish new and considerably closer working relationships with the people of this community. To bring this about, however, two things will have to happen. First, the Mayor, the City Council, and most importantly the professional employees of this city will have to want the participation of our citizens in deciding what is to be done. As the city administration, we are going to have to recognize that people do not interrupt our business—people are our business!

Secondly, the people of this community—and I do mean all the people of this community—must be willing to speak out and to give us not only the benefit of their ideas but the benefit of their efforts as well. We must all become involved. It is my firm belief that we must take a look at ourselves and ask what we have done to give confidence in self-government. Too many take a free ride as far as any distinctive effort to serve the common good. Too many are apathetic, self-absorbed, and self-serving. In a vital society such as ours, we have a responsibility to reject fiercely and consistently those who exploit fear and anger and hatred for their own purposes. One cannot rid himself of these emotions, but you can reject those who live by manipulating them. Such persons, and I do not call them leaders, will not move us towards a better future.

Most Americans want to see problems solved, including the problems of poverty, race, and the quality of life. People do want to see justice done, and in order to get results the citizen must publicly voice his opinion against those who are unwilling to work toward the solution of our common problems.

In recent years, members of the City Council have attempted to involve more and more citizens in the decision-making process, through creation of boards, commissions, committees, and task forces. Despite these efforts, most of our citizens have not made themselves heard at City Hall in any significant way.

Now, what I propose is that instead of waiting for them to come to us with their problems, complaints, or suggestions, I propose that we—the Mayor, the City Council, and top members of our city administration—go into the neighborhoods to listen to the people we serve.

To accomplish this, I suggest the City Council hold a series of meetings in all the neighborhoods of the city each year. The City Planning Department already has divided the city into 14 planning areas, and those which have become urbanized can serve as neighborhoods for purposes of these Town Forums. Council members and members of the city administration should attend these forums to answer citizens' questions and to note complaints and suggestions.

I also propose that the Council authorize the establishment of Neighborhood Planning Councils in each of these areas. These groups of citizens would be selected by residents of each neighborhood to serve as advisors to both the City Planning Commission and the City Council on all matters of neighborhood concern, including planning and zoning.

This type of Neighborhood Planning Council will give the City Council and the city administration a greater opportunity to listen to what the people want and to help them achieve it. This proposal really is not new for San Jose, for the Model Cities program is an example of our efforts to bring about an innovative approach to planning by utilizing citizens at the neighborhood level. Parenthetically, let me say that I, and other members of the Council, are dedicated to making the Model Cities program a success.

I will suggest that each Councilman assume responsibility as liaison to one or more of these neighborhood groups. This could be accomplished by combining certain of the Planning areas to create six liaison districts: one, West San Jose; two, Willow Glen; three, Edenvale-Almaden; four, South San Jose-Evergreen; five, Alum Rock-Berryessa; and six, Central-North San Jose-Alviso. While this arrangement would have no legal status, it would give many of our citizens a direct line to the City Council on matters of concern to their neighborhood, and also would let us see how the frequently-discussed plan for City Council districts might function.

Now, let me share with you some thoughts I have on the issues and problems facing the city and possible solutions and approaches that might be considered. However, in enumerating these issues, I will not be discussing them in any order of priority.

Although only six years have passed since the voters approved our present City Charter, I believe it is time to take an intensive look at the relationships of the Mayor, the City Council, and the city administration and the type of representation provided to the people of this city.

We must modernize the City Charter and make it more responsive to the needs of this rapidly growing community.

I urge the City Council to appoint a citizens committee, representing all elements of the community, to review the existing City Charter and to recommend any changes it believes are necessary.

Another program I would hope the City Council will initiate as a means to involve more citizens in their government is one called the "Night Mayor" in some cities. Under this program, citizens man telephones in the Mayor's office after the regular closing hours for city offices. These unpaid volunteers record non-emergency complaints from citizens who now must be told to call back the following day—a frustrating and negative response to people with problems. Through the "Night Mayor" program, many citizens can be satisfied immediately, while others will have the assurance that a regular city employee will be able to start work on the problem without another call.

There are 21 Community Goals, developed by our citizens and adopted by the City Council several years ago. They relate to a variety of subjects, covering almost every aspect of community life. But, if I could choose a single, all-encompassing concept about the future San Jose, I would say that all of our efforts should be designed to recreate San Jose as, "The Garden City," a term by which it was known not too many years ago.

I do not mean that we should attempt to return to the days when San Jose was a sleepy, post-war town in the middle of a valley whose major industry was agriculture. Those days are gone forever, and San Jose is an urban giant with a half million population in an industrialized valley with twice that many residents.

No, by "The Garden City," I mean that all our efforts should be directed toward creating a quality of life in the San Jose of today in which the needs of the people are provided and in which all the people have an opportunity to participate in determining the delivery of those services.

We must be concerned with the environment of those people who already populate this valley. We must control and manage the inevitable growth which has created many of the problems that we face here. There are those who would stop all growth, if they could, because they see it as a danger. I do not fear growth in size or in numbers. I see it as a challenge which can be converted into an asset for all, as long as we are willing to make many of the hard decisions necessary to bring growth under control and make it manageable.

We must adhere closely to the new urban development policy adopted by the City Council earlier this year. It contains future growth within the urban area, rather than allowing development to occur in outlying areas. This can help us improve the environment for the benefit of all city residents.

We must continue to work closely with regional agencies established to solve air and water pollution problems. We must look to our Environmental Task Force to develop local recommendations in a variety of fields, including noise control, recycling of waste materials and protection of open space.

I detect a resurgence of community pride and a desire to identify with the City of San Jose. In the furtherance of developing this latent spirit, we should attempt to create a new image for our city. Two steps I would urge the City Council to take would be to ask the San Jose Chamber of Commerce to develop a new logo or symbol for the city to use, and also to ask the Citizens Community Improvement Committee to develop a program that would, in actuality, restore some of the visual beauty of the "Garden City."

The citizen and taxpayer who demands services must realize that San Jose's present financial structure allows the city to provide service at only minimum levels. Compared with the 17 largest cities in California, San Jose ranks at or near the bottom of the list in the amount of money it spends for such municipal services as police, fire, library, and parks and recreation. Were it not for the fact that we have some of the most knowledgeable and dedicated public employees in the country, we would not be able to maintain even our current level of services. Still, we must continue to analyze existing services, eliminate non-essentials, improve our management techniques, and train our employees to provide better service to the public.

Another major area of financial concern is the city's capital improvement program. By fiscal year 1972–73 all of our remaining general obligation bonds will be sold and without a new bond program, or some alternative financing plan, we will be unable to meet the future needs of the community for facilities necessary to serve our growing population.

Last year, a citizens committee was formed to review city operations, expenditures, and finances. This group is expected to make its final report to the City Council next June. However, we should not wait until June to learn if we should proceed with general obligation bond financing for future capital improvements. To wait that long would allow an undesirable break in the capital program.

I suggest the City Council ask the citizens committee to give us its recommendation on capital needs by early next spring, so that the administration and the community will have sufficient time to prepare a detailed program for submission to the voters later in 1972, should that course of action be necessary.

One of the major capital investments that must be made in the near future involves the creation of a transit program as part of a balanced transportation system in Santa Clara County. We are fortunate to have one of the finest road networks in the state with our County Expressway System coupled to the network of state freeways and local major streets. This system will be enhanced in the future by the development of the Guadalupe and West Valley Freeways that will be constructed by the state. We are pressing for early completion of these two vital units of our freeway system, since we recognize the need for automobile transportation as part of a balanced system for moving goods and people.

We also recognize the need to develop a program that will move masses of people around the county and the Bay Area. Your Council and city administration, together with citizens and officials from all parts of the county, have actively supported formation of a county-wide transit district. Two recent elections have seen this proposal fail by narrow margins, compelling San Jose and Palo Alto to join together to provide an interim mass transit program based on the service offered by the private San Jose City Lines and the Peninsula Transit Lines. We are hopeful the U.S. Department of Transportation will approve the application for a two-and-one-half-million dollar demonstration program that will bring modern equipment and innovative service to expanded areas of both Palo Alto and San Jose. This will not be just another bus system, but one which we hope will show the voters of the entire county a system which could be developed countywide by a Transit District. Because of the importance of transportation, I will ask the San Jose City Council to urge the County Board of Supervisors to place another transit district formation measure before the voters of Santa Clara County no later than November, 1972.

Recently, as a spokesman for the National League of Cities and U.S. Conference of Mayors, I had the opportunity to cite before a congressional committee the housing problems as they exist in San Jose. I testified that the lack of housing for low and moderate income families continues to plague us, despite the fact that private builders have constructed an average of more than 6,700 new homes each year for the past 10 years.

On the other hand, the Federally-assisted housing programs which are available to us without a referendum also have not filled the needs of the low income market.

We must take steps to alleviate this problem. The City Council must weigh carefully the recommendations of the City Housing Task Force and implement its proposals. Personally, I pledge to continue working closely with federal officials, for the housing issue is one we cannot solve alone. I will continue to support the home building industry's efforts to secure adequate funding of the 235, 236, and rent subsidy programs to solve part of the problem. We also must continue our efforts to conserve and rehabilitate our inventory of existing, older housing to insure that it continues to provide decent, safe and sanitary shelter for many residents. Finally, I will support another election on a public housing measure at the appropriate time in the future.

The current economic situation is another topic that I want to discuss briefly, since it is of great importance to the city and its residents.

First, I want to announce that I have agreed to personally accept the chairmanship of the new Manpower Area Planning Council, which will determine how local agencies will utilize approximately $14 million in manpower training funds for Santa Clara County. For the first time in the history of local manpower planning, this broadly based and highly representative council will make the decisions on how these funds will be better utilized for the benefit of the citizens of this area.

I look forward to the challenges and the opportunities this program offers us. I pledge to work to keep our level of unemployment from rising to the levels it has reached in other western communities. We recognize that 80 percent of our business and industrial expansion comes from companies which are already located here. We must assist local businesses in expanding their facilities. We must increase our efforts to diversify and expand our industrial base by finding companies which are compatible with our community goals. This effort must be made not to bring more people to our community, but to absorb those human resources that lay idled by our present high unemployment rate.

I pledge my full support to the new City Youth Commission and to all the young people of the community. The average age of 23.9 years for the San Josean is one of the lowest in the country and is another indicator of our rapid growth and potential for greatness. We must be certain that our youthful residents are given the opportunity to lead full and meaningful lives.

At the same time, we must not forget that group of citizens which has come to be known as the "forgotten Americans," our older residents. Programs must be developed by the city that relate to the needs of older citizens, many of whom are living on small fixed incomes. They have leisure and service needs that are quite different from most other citizens. Programs must be developed to meet these needs—especially since this is an increasingly larger sector of our community.

In this regard, the protection of people and property must continue to be of high priority in this community. I call on all citizens of San Jose to join with me in a pledge to support our new Police Chief, Robert Murphy, and our fine Police Department. I urge the Chief and city administration to continue to find ways to involve our policemen with all members of the community in cooperative efforts to reduce crime and increase community protection. We must continue to work together to cure the root causes of today's crime problems such as inadequate housing, unemployment, discrimination, drug abuse and the variety of other social ailments which beset all urban communities.

The day of parochialism is gone for governmental agencies. Many of our problems cannot be solved by this city or any city alone since these problems do not recognize city boundaries.

Here in Santa Clara County there is a long history of intergovernmental cooperation among the cities and the county, stretching back to the formation of the Inter-City Council in the mid-1950's. San Jose has been an active member in this organization, as it has in the newer County-wide Planning Policy Committee and the Transportation Policy Committee. These organizations are addressing themselves to seeking solutions to specific problems that affect us locally, such as transportation, land use, development of the tidelands, and waste disposal.

The concern of all the people and their interests must be taken into account and protected by all local governments. Cooperative solutions must be sought, and San Jose will continue to work with other local governmental agencies—cities, the county, and special districts—to find the solutions which answer the needs of all the people of this valley.

In conclusion, I want to return to the basic premise upon which the progress and programs which I have tried to outline rest. That premise is that the record of progress to which I am committed can only be achieved if we and the city administration work together with an enthusiastic citizenry.

I am reminded of something Daniel Patrick Moynihan, who until recently was President Nixon's Urban Affairs Advisor, once said: "People do things about matters which they care about. And where people care about their cities they are apt to do something about them."

The legacy of crisis will probably continue, but the '70's offer us the opportunity for the improvement of our urban conditions. Our approach to the urban crisis lacked the commitment essential to dedicate the resources, muster the talent, design the technique, and order the supporting mechanisms necessary to overcome the inertia that prevents urban progress. Whether the City of San Jose will be able to meet these challenges successfully rests largely on a matrix of events, decisions and actions at all levels of government and the private sector.

The key to purposeful movement in the entire urban area must remain the Mayor and his team in City Hall. These are difficult times. There are problems that are real and solutions and avenues of approach are available to us by working within the framework of the system.

Our city will not move unless it's given a solid push. That solid push on the part of you is involvement. Your involvement must, of necessity, be vigorous and purposeful. I am confident that the citizens of San Jose have the power to act decisively as individual citizens and as a community. It is my firm hope that with my leadership and with citizen involvement that we can tackle the problems and give San Jose a solid push.

As George Washington said in the Broadway musical 1776:

"Is anybody there?"
"Is anybody listening?"
"Does anybody care?"
Thank you.

IMPLEMENTING THE 1969 COAL MINE HEALTH AND SAFETY ACT

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. HANSEN of Idaho. Mr. Speaker, because of increasing attention which has recently been focused on the Bureau of Mines' efforts at implementing the 1969 Coal Mine Health and Safety Act, I believe that the remarks recently delivered by the Director of the Bureau, Elburt F. Osborn, will prove of great interest to my colleagues.

Mr. Osborn correctly notes that this milestone act required a safety revolution in the coal mines, and he dispassionately documents what has thus far been done by the Bureau, and what must be done in the future, if the act is to be implemented to the fullest possible extent.

I commend this report to the attention of my colleagues, Mr. Speaker, and include the text of the remarks in the RECORD:

DEPARTMENTAL SURVEY ON COAL MINE HEALTH AND SAFETY, INTERIOR BUILDING, WASHINGTON, D.C., JUNE 1, 1971

(Statement of Elburt F. Osborn, Director of Bureau of Mines)

I welcome the opportunity to appear for this discussion of coal mine health and safety. It was just one year ago today that the *Health Standards* of the 1969 Coal Mine Health and Safety Act became effective. On March 30, 1970, 15 months ago, the *Safety Standards* of the Act became effective. It is now timely that a review statement of the Bureau of Mines activities in enforcement of this law should be made. And it is also timely and appropriate that all others who have comments regarding coal mine health and safety should now have a chance to be heard.

Assistant Secretary Hollis Dole in a statement last August before the Subcommittee on Labor, Committee on Labor and Public Welfare, United States Senate, said:

"Simply stated, the Act requires a safety revolution in the coal mines within 90 days and a health revolution to follow within 90 days."

The Bureau entered the revolution undermanned. The Bureau's principal weapon was the inspector force consisting of 210 inspectors, 30 inspector trainees and 60 specialists in such technical areas as roof control, ventilation, electricity and other areas of mining technology—300 all told, or about one-third the estimated number of inspectors required, to carry out the provisions of the Act.

Our personnel in the support echelon of education and training were scattered and not properly organized for effective action. Health and safety research by the Bureau was for all intents and purposes nonexistent.

During the interim between the time the President signed the coal Act into law on December 30, 1969, and my beginning as Director of the Bureau of Mines in October 1970, some progress had been made toward developing an effective health and safety force. However, not the force necessary to accomplish the needed revolution. The most discouraging fact to all of us at that time, and the most discouraging fact today, is the specter which haunts every meeting of people where coal mining is discussed—the unacceptable rate of fatalities.

The first half of 1971, however, has shown some improvement. This period has the lowest number of fatalities for any comparable period in recorded coal mine history.

The first six months of this year produced the lowest fatality rate, .73 per million man hours of exposure in recorded history for a like period.

The first half of 1971 had the lowest fatality rate, .31 per million tons of coal produced in recorded history for the first half of a year.

But we—the Bureau of Mines, industry, labor organizations, supervisors, and miners—all of us—must work together to do better—to *dramatically* reduce the fatalities in our Nation's coal mines.

To reduce the accident rate, we have a program consisting of three major thrusts: Regulation or enforcement, Education and training, Research and development.

For the first, Regulation, we need a qualified inspection force large enough to enforce the law. For the second, Education, we need enough teachers and education specialists to train miners, supervisors, and management on how to do their jobs safely, and to motivate them with the attitude that "safety pays." For the third, Research, we need the cooperative effort of industry, universities and our own laboratories in order to make progress in mine safety research in the shortest possible time.

The first leg of the health and safety triangle, the one receiving the most emphasis and the one on which we depend to achieve compliance with the law, is the regulation or *enforcement*. So there can be no misunderstanding, I wish to repeat what I said at the 54th Anniversary Convention of the National Coal Association on June 14—"I want to make a flat statement about compliance. We shall continue to seek it, indeed press for it. We will do this because it is our obligation, a duty with which we have been charged by the Congress and the President of the United States, as well as the Secretary of the Interior."

To do otherwise would be a dereliction of that duty. It would also be contrary to our firm belief in the rightness of the law, both for the industry, the miners, and for the country. But enforcement, and the required compliance, requires an adequate staff of inspectors. Progress in building our inspection force can be judged from the fact that the staff of 300 enforcement personnel on December 30, 1969, has now been increased to nearly 1100. Of this number, approximately one-half are now Duly Authorized Representatives of the Secretary and are qualified mine inspectors. An additional one-third are making spot health inspections while they complete their on-the-job training to be qualified inspectors. The remaining enforcement personnel are in formal classroom training. By the end of the calendar year, all of our enforcement personnel will be trained and authorized to inspect both surface and underground mines and at that time we will not only be making the minimum number of inspections required by law but may substantially exceed that number.

The acceleration underway in number of inspections is shown by the fact that in the first half of 1971, we made more inspections than in the entire previous year.

During the calendar year of 1970, the Bureau of Mines made 10,265 inspections. From January 1 until June 30, 1971, 11,021 inspections were made. Of these, 7,355 were made since March 30 of this year. The number of inspections per week has increased 101 percent in the second quarter of 1971 over the first quarter of this year. The increase is due to a more efficient management of inspection personnel and in part to the number of spot inspections made; however, until we are completely staffed to make four regular inspections of each mine per year, we believe that the best way to get more health and safety is through the presence of Bureau inspectors in the mines.

In order to get the greatest coverage, we use spot inspections.

The statutory requirements of the Act made it mandatory for mine management to submit roof control and ventilation plans to the Bureau of Mines for approval. These submissions have now been done for all active, producing underground coal mines. Approval of these plans by the Bureau is also nearly complete. A few plans remain to be approved partly because of the time required to go underground and look at the conditions before the plans are approved, and partly because in some areas the complexity of roof control requires much technical discussion before a final plan is approved.

The health provisions of the Act presented enormous challenges and opportunities to both the coal industry and the Bureau of Mines.

The sheer size of the tasks before us, the complexity of the problems which needed to be solved, and the urgency of the demands to improve the working environment of the miners were staggering. For the first time, coal workers pneumoconiosis and respirable dust have been recognized on a national basis as vital problems.

The Bureau is charged with establishing the most extensive respirable dust monitoring system ever attempted. A computer-based dust sampling system has been established and is working, and for the first time workers with a marked degree of coal dust induced lung impairment will be offered the option of working in a less dusty atmosphere.

To carry out the dust sampling program, large numbers of mining personnel had to be trained as to the need, responsibilities, and mechanics of the system. To date, 2,509 industry personnel and 864 Bureau inspectors have undergone this training.

During drafting of the legislation which became the Coal Mine Health and Safety Act of 1969, the levels of respirable dust that were proposed as Standards were thought by many in industry to be unattainable. It is therefore especially heartening to learn that the first level of respirable dust, 3.0 mg/m^3, established by the Act, is clearly attainable at this time. Respirable dust exposures have been reduced an average 50 percent in the mines of America. The diligent application of available technology, basically the proper ventilation and water sprays, are responsible for this achievement. However, additional progress must be made through more effective use of present technology, development of new technology, and comprehensive education and training programs if the 2.0 mg/m^3 standard is to be achieved.

Nevertheless, this indicated compliance with respirable dust standards is exceedingly encouraging. It has now been proven that the dust levels in our mine can be lowered. It is very possible that new miners will never have to face the possible shortening of their lives by Black Lung—or coal workers pneumoconiosis.

ASSESSMENTS

In 1970, assessment procedures were started under the Coal Mine Health and Safety Act. Subsequently, the Department was enjoined by a Federal Court from enforcing the regulations then existing. Assessment procedures were stopped as a result of the injunction.

On January 16, 1971, regulations defining procedures for assessing civil penalties for violations of the Act were published in the Federal Register.

Since that day the Bureau's Assessment Office has been working day and night, seven days a week, to assess penalties for the nine-month backlog of Notices of Violations and Withdrawal Orders and to assess subsequent cases.

As of June 30, 1971, our Assessment Office has assessed penalties on 1,600 Withdrawal Orders and 36,950 Notices of Violations. $4.8 million of assessments have been proposed. $300,000.00 has been paid to date by coal mine operators. More payments are being made daily.

The tremendous backlog of Notices of Violations and Withdrawal Orders, written in the twelve-month period up to April 1 of this year, has now been taken care of, with appropriate assessments proposed.

Industry and some legislators charge that our assessments are too high. Some legislators and other critics say our assessments are too low.

We are concerned with only one thing in our assessment procedures—compliance. Penalties will be higher, if need be. It is our hope and belief, that assessments will be helpful in achieving compliance by all of industry. Withdrawal Orders and Notices of Violations will certainly decrease in number, and the mines will be safer for all who work in them.

There can be little doubt that an adversary situation developed, with the increase in the number of inspectors, the pressure on the inspectors to enforce the law and the problems encountered by industry in trying to comply. We are aware of this problem and ask all operators, labor organizations, miners and supervisors to join with us in finding ways to keep the lines of communication open between you and our inspectors and let us maintain a team effort against death and disease in the mines. To do the job we must all work together all of the time. Communication workshops will start in August in two Coal Mine Health and Safety Districts designed to find ways to lessen the adversary problems. Communication skills and personal interaction programs will soon become an integral part of our training program.

I have been speaking of enforcement of the law. The second leg of our triangle is *education*.

EDUCATION

We recognize the potential of using education and training as a vehicle to reduce mine accidents and help eliminate the hazard to the miner's health. We welcome the challenge of the Coal Mine Health and Safety Act to increase the role of education and training in health and safety activities.

Currently we have approximately 60 full-time Bureau instructors. These instructors with the help of cooperative instructors in industry have trained over 50,000 coal miners in such courses as first aid, accident prevention and mine rescue since March 30, 1971. Field instruction is supported by a Division of Education and Training Services located in Pittsburgh, Pennsylvania. This Division produces course materials, visual aids and health and safety motion pictures. We plan to offer mine management training to include instruction in such courses as "Safety Dynamics for Supervisors" and additional programs of instruction in new technology as they develop through our research and development efforts. We are establishing nine training centers throughout the United States. These centers will have the responsibility to train all coal miners in health and safety related courses, provide industry and miners with training materials, and provide a base of operations for field trainers.

The Federal Mine Safety Academy to train Federal, State and industry employees to be mine health and safety inspectors and specialists will soon be a reality. Academy classes will start in Beckley, West Virginia, in temporary quarters on September 1, 1971. We will extend our invitation to industry and labor to participate in this program. Limited space will be available in every class to non-Federal people. As the program improves, we hope to be able to accept everyone who has the desire to improve conditions in the mines.

Enforcement and education must be supported by research to develop new and improved mine safety technology. No longer can mining research and engineering be the unspectacular discipline of the past. The engineers who design mining equipment, plan new mines, develop haulage, electrical and ventilation systems must do so with a commitment to mining methods that will be inherently safer than today.

The overall policy for health and safety research was established by the Congress. The Act directs the Secretaries of the Interior and of Health, Education, and Welfare to conduct studies, experiments, demonstrations, and research "to improve the working conditions and practices in coal mines and to prevent accidents and occupational diseases originating in the coal mining industry." Assigned to the Secretary of the Interior are the physical phases of the health and safety research and to the Secretary of Health, Education, and Welfare the physiological and pathological aspects. The Bureau's efforts are directed toward integrating all research and development programs into a cohesive unit to carry out this policy.

For FY 1971, $20.4 million were allocated for health and safety research under the Coal Mine Health and Safety Act of 1969. Of this amount, $8.1 million were obligated for research to be done by the Bureau of Mines and $12.3 million for contracts with universities, industrial research laboratories, mine equipment firms and other industries with the competence to do the type of research we think is necessary. I will show you on this graph the technical areas where current research is being conducted.

The innovative ideas that are expected to emerge from the research initiated or planned during the year will be incorporated in the engineering system to be developed for improved health and safety.

As an example of a major thrust to achieve greatly improved safety in the mines, the Bureau of Mines in cooperation with State mining departments, labor, and industry, two days ago in Charleston, West Virginia, launched the most comprehensive attack on eliminating death caused by falls of roof in coal mine history. Note in the next two slides the significance of roof falls. For the next six months, this project will be a major objective of the Coal Mine Health and Safety Division, the Technical Support group and the Education and Training specialists throughout the Bureau of Mines. Conquering death caused by roof falls is a major endeavor.

The Bureau is also taking new precautions against disasters. The months of October through March are traditionally those months which have the greatest number of mine explosions. We shall adopt a posture of a complete winter alert of all enforcement personnel during these extra dangerous months. During this time, vacations will be curtailed and to the extent possible, we will have all field people on permanent alert status.

The entire concept of health and safety management in the Bureau of Mines has changed. Effective today the number of Coal Mine Health and Safety Districts increased from five districts to nine. Work loads will be equalized and District Managers will be able to give more attention to individual mine problems.

In the past, Coal Mine Health and Safety has been criticized for not administering the law uniformly in all Districts. We plan to attack this problem by rotating District Managers' assignments.

The proposed rotation plan we have adopted will include three additional "District Managers" in the rotation schedule. This will complement a proposed long-range management development program, which will result in better management of people and resources. This better management will be achieved through careful selection of qualified persons and intensive training.

The Bureau is developing a computerized information system to be located in Denver, Colorado. It is designed to provide managers with information relative to enforcement functions and will enable them to react quickly to needed changes in inspection and accident investigation procedures.

In August of last year, the Subcommittee on Labor, Committee on Labor and Public Welfare, United States Senate, requested the Office of the Comptroller General of the United States to do a review on the problems associated with the implementation by the Department of the Interior of the Federal Coal Mine Health and Safety Act of 1969.

This task was carried out by the General Accounting Office at a time when the Bureau itself was making an internal analysis. We at Interior have made considerable changes, many of them before the May 13, 1971, publication of the GAO report.

We believe that the major problems in implementing the Act, which were cited by the General Accounting Office, have been solved or are being solved. We are proceeding with obtaining full compliance with the law.

The coal mining industry has been and will remain one of greatest importance to the Nation—essential for the energy we demand. It is a large industry, producing currently over 600 million tons of coal a year, valued at approximately $3.7 billion, from some 2800 mines, located in 23 States, and employing over 140,000 people.

The Nation that developed the manned spaceflight program, that conquered polio and developed a system of agriculture second to none—*can*, and *must* make this great coal industry a safe place to work. Let us keep in mind that safety involves two major areas of concern. First, the environment which means sufficient air, minimum dust, and control of the roof and machines. The second area of concern is the human element, the attitude and behavior of the miner, the mine supervisor, the operator, the inspector and the public toward safety. This changing attitude and behavior must come through education. Research must be the cohesive factor which binds them together.

I appreciate the opportunity this meeting affords not only to tell our story but listen to people, interested in the welfare of coal miners, tell theirs. Thank you for coming—I hope the next two days will be profitable to all concerned.

TRIBUTE TO THE LATE LANDON R. WYATT

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. DANIEL of Virginia. Mr. Speaker, a week ago today, on July 13, the Commonwealth of Virginia lost a giant among men. Landon Russell Wyatt, former State senator, a leader in the community, active all his life in the religious, civic, and business affairs of Danville and the Commonwealth, will be remembered by many. For myself, the Senator was a genuine friend. To him I owe much of whatever degree of success I have attained. I was never with him 5 minutes that he did not render something that could be put to practical use.

So that those who read the CONGRESSIONAL RECORD may know the substance of the man, I offer the following commentary from the Danville Register and Danville radio station, WBTM, for inclusion:

LANDON R. WYATT, BUSINESSMAN, FORMER LEGISLATOR, DEAD AT 80

Landon Russell Wyatt, Danville businessman, and former state legislator, died last night shortly after 10 o'clock at Memorial Hospital. He was 80.

Wyatt, who had been in declining health for the past three years, had re-entered the hospital last week.

His death ended a career highlighted by financial successes in nearly every commercial venture he undertook and by political successes that made him a major force in the General Assembly of Virginia where he served as a member of the House of Delegates and the Senate.

Wyatt was born Jan. 1, 1891 in the Callands community of Pittsylvania County and was educated at the Grady Grade School and the old Danville Commercial College.

His first business venture was in 1911 when he became affiliated with Pollock and Sheppards grocery store in Danville.

He returned from service in Army Ordnance during World War I and purchased an interest in Piedmont Motor Co. and later organized Wyatt-Payne Motor Co.

This served as the forerunner of Wyatt Buick Sales Co., his basis for expansion into automobile dealership in Lynchburg—Dickerson Motor Co.—and Martinsville—Wyatt Buick.

He began what would be a lengthy career in politics with his election to Danville's City Council in 1934. He remained on Council for 10 years, serving as vice president of the council and as a member of the Finance Committee.

In 1944 he won election to the Virginia House of Delegates where he served until 1954 the year he won election to the Senate, representing Danville, Pittsylvania County, Martinsville and Henry and Patrick Counties—the 13th Senatorial District.

During his 13 years in the Senate he became a major power in that body, winning assignments on its prestigious and potent committees on Privileges and Elections and Finance.

Wyatt also held posts on the Senate Committees on Public Institutions and Education, Insurance and Banking, Nominations and Confirmations and Welfare.

In 1967 Wyatt declined to seek a new term, retiring to his many business and civic interests in Danville.

Wyatt held directorships and board memberships on several major businesses—Dan River Inc., Danville Industries Inc., Piedmont Broadcasting Corp.

He was chairman of board of First Federal Savings and Loan Association and served as president of the Danville Fair Association.

Wyatt has served as president and member of the board of trustees of Averett College and a trustee of Hargrave Military Academy.

His interest in education and his legislative efforts toward higher education recently were recognized by the Danville Community College which renamed its first major classroom complex the Landon R. Wyatt Building.

He was president of the Danville Chamber of Commerce, the Kiwanis Club, the YMCA and Retail Merchants Association.

Wyatt was a member of the First Baptist Church where he served as chairman of the Board of Deacons and a trustee.

He was married to the former Mary Beulah Hundley who survives along with one son, Landon R. Wyatt Jr., and three daughters, Mrs. F. W. Townes III and Mrs. Robert J. Adams, both of Danville, and Mrs. Jack H. Wyatt of Richmond.

Also, one sister, Mrs. Henry Hall, and one brother, W. E. Wyatt, both of Danville; and eleven grandchildren.

Funeral services will be conducted tomorrow with the hour to be announced later today.

The body is at Townes Funeral Home and the family will be at the residence, 862 Main St.

TRIBUTE PAID WYATT BY COLLEAGUES

Tributes have been paid the late Landon R. Wyatt by U.S. Sen. Harry F. Byrd Jr., Congressman William M. Tuck, and State Sen. William F. Stone.

All had been colleagues of the former state senator who died late Tuesday night at age of 80, ending a political career that had propelled him into the highest councils of the Virginia Democratic Party.

Funeral services for Wyatt will be conducted this afternoon at 2 o'clock from the First Baptist Church. Interment will be in Mountain View Cemetery.

Sen. Byrd called Wyatt "An outstanding Virginian. I join with the people of Virginia and Pittsylvania in mourning his death.

"I served with him for 18 years in the Virginia legislature where he rendered conspicuous service to Virginia. I cherished his friendship."

Wyatt was serving his second term in the Virginia House of Delegates when Tuck was elected governor of Virginia in 1946.

Now retired to his native Halifax County, Tuck said yesterday: "I regret to learn of the passing of Sen. Wyatt. I have known and been closely associated with him for many years. He was a devoted public official and one of the outstanding citizens of Virginia and this generation."

The former Fifth District Congressman praised Wyatt as one "endowed with sterling qualities of character and possessed of many talents."

Pointing to the late state senator's legislative service, Tuck said "His record in Richmond as well as elsewhere was outstanding. I have never known a better friend and will ever cherish his memory."

State Sen. William F. Stone who shared the 13th Senate District with Wyatt until the latter's retirement in 1967, said, "Virginia has lost one of its most dedicated leaders and I have lost a long-time personal friend."

Stone described Wyatt as "A conservative on money matters, and one of the few men in public life that I have known who spent the taxpayers money the same way he spent his own."

Wyatt, he continued, was concerned with the progress of Virginia. "He was in front of legislation involving education, tuberculosis, mental health and many other fields involving the growth and development of Virginia."

"He will be missed by the state", Stone said, calling him "a Christian gentleman who carried his Christian ethics onto the political scene with him."

Averett College, on whose board Wyatt had served for many years, announced it will suspend all summer school activities and administrative operations today in memory of the man who had served as president of the college's board of trustees.

LANDON RUSSELL WYATT, R.I.P.

Few men in Danville's history have had the impact upon this city in so many ways as did Landon R. Wyatt, who died Tuesday night at age 80.

He moved from his native Pittsylvania County into the city in 1911 at age 20 to seek opportunity and he found it in abundance for himself and for others as well.

From a slow start in a period when the economy was sluggish and money was hard—and hard to come by—Landon Wyatt committed himself to getting ahead and he used his hands and his head to earn and to save a part of his earnings. His first job was with a local grocery. Then he moved on to Piedmont Hardware, a wholesale firm which he later served as president and was a major stockholder.

But it was the automobile business that saw Landon R. Wyatt's acumen as a dealer and as a judge of ability and character in others come to full flower. He held several dealerships before settling for the Buick franchise. He was still a partner in Wyatt Buick Sales Company at his death. At one time he owned the Buick dealerships in Lynchburg and Martinsville as well as at Danville. He sold the Lynchburg dealership some years ago.

At one time or another Mr. Wyatt helped

a dozen or more men of ability and enterprise to establish their own firms—many in the automotive field and some in others—and became a substantial investor in their businesses.

In addition to his extensive business holdings, which included several farms in Pittsylvania, the mineral rights to large acreage in Southwest Virginia's coal country, and several Danville firms, Mr. Wyatt was active in civic, religious, educational and public affairs.

Growing up when obtaining an education was not easy for a youth with responsibilities, Mr. Wyatt listed his formal education as Grady School in Pittsylvania and Danville Commercial College. He took courses in the latter institution during his early years in Danville and the accounting training proved of great value throughout his adult life. He knew the values of education, so he made certain that not only his own children but other children of his community, and throughout the state, had an opportunity for all the formal education they could take. His interest in education was reflected by his chairmanship of the Board of Averett College, his membership on the Board of Hargrave Military Academy and his active interest in development of Danville Technical Institute that grew into the Danville Branch of Virginia Polytechnic Institute and later into Danville Community College.

Just last week, the Community College System approved the recommendation of the DCC Board that the multi-purpose building on the local campus be named the Landon R. Wyatt Building.

Few decisions of major import for Danville were made over the past 40 years without Landon R. Wyatt having some part in the process. His counsel and his guidance was sought by people in every walk of life who knew him as a man of good judgment and good will.

Along with all his other interests and activities, he devoted 33 years to public service—ten on City Council, ten in the House of Delegates and 13 in the Senate of Virginia. During his 23 years of legislative service to the Commonwealth, he was called into consultation by a half dozen governors who valued his viewpoint. On one occasion, during the 1950s, when the General Assembly seemed unable and unwilling to agree on a budget that held them into session far into a Sunday morning, it was Senator Wyatt who broke the stalemate and brought agreement that let them adjourn *sine die* and come home.

During the administration of Governor Thomas B. Stanley it was Senator Wyatt who helped work out plans that took the Department of Mental Hygiene and Hospitals out of the farming and dairying business at considerable savings to the Commonwealth. Wyatt later was patron of the legislation that made families responsible, within their means, for a portion of the cost of patient treatment at the state hospitals. This legislation proved a double advantage by reducing the dumping of the senile upon the hospitals for purely custodial care and also reduced the fiscal drain upon state resources to maintain and improve these institutions and services.

Hundreds of Danvillians and Pittsylvanians and other Virginians know stories full of humor and shrewd comment they can and do tell of their friend Landon Wyatt. He was a doer and a leader—a combination not common in this day. Since it isn't, that is all the more reason he was highly respected at home and away from home, and regarded with genuine affection by those closest to him.

LANDON R. WYATT, 1891–1971

The physical being of Senator Landon R. Wyatt, unable to keep pace with the indomitable spirit of the man, gave in to the ravages of time and full life Tuesday night, July 13, 1971.

Seldom has the City of Danville seen the passing of such a leader. Seldom will the community and State mourn a favorite son of Senator Wyatt's caliber. The passing of this man marks a fast-fading rarity in this day and time; the obscure country boy of humble origin who as a self-made man gained success, fortune and fame through his own determination and innate ability to cope as an individual.

Senator Wyatt left an indelible stamp on the Danville community and the State of Virginia which will grow more lustrous with the passage of time. His influence will live in the foundations of educational institutions in the State through his efforts in the State Legislature for higher and better education; in his association with Averett College. In the field of higher education Senator Wyatt was determined that the youth of Virginia should have the advantages denied him in his own youth.

This is not to say that all of Landon R. Wyatt's pursuits in his lifetime were geared to charitable works for others. He first looked after his own; and in attainment of position in business, the civic life of the community and in the political arena was then able to share his knowledge and abilities with those who would listen and prosper.

The credits of a lifetime are legion in the obituary of the holder of Danville's first Citizenship Award. His name headed the list, over the years, of organizations of every description. Loved and honored by thousands of his contemporaries, his detractors were relegated to those who opposed him in the market place or the political arena.

Here at Radio Center, more than grief, there's a warm remembrance of a valued officer of the corporation, a source of advice and counsel in times of adversity, a friend and member of the family with a rare and rustic charm in his association with the entire staff and personnel.

Piedmont Broadcasting Corporation shares with all the other enterprises and organizations of which Senator Wyatt was chairman, the regrets and loss in his leaving the life he loved so well; a life of association with people.

A WBTM Radio Editorial. For Piedmont Broadcasting Corporation, Leon Smith.

VIETNAM

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. EVANS of Colorado. Mr. Speaker, a former Colorado commander of the American Legion, Mr. Marshall Reddish, recently wrote about our military involvement in Vietnam and the damage that this war has done to our spirit and our youth.

I commend this article, which was published in the Rocky Mountain News, to my colleagues attention:

VIETNAM

(By Marshall M. Reddish)

Demonstrators against the Vietnam war apparently agree with Hamlet, who thought that a play (demonstration?) might "catch the conscience of the king."

The Constitution of the United States gives everyone the right to assemble peacefully to petition for the redress of grievances. We must protect that right regardless of how distasteful we may think the cause for which the petition is made.

However, violent assembly and violence in petitioning are unconstitutional, illegal, and cannot be tolerated. No one may be allowed superior rights to infringe upon the rights of others just because he declares himself a revolutionary.

But let's not get sanctimonious. Let's not block our vision by wrapping ourselves in the folds of the American flag.

I know how easy it is, because I have done it, for veterans of wars previous to Korea and Vietnam to beat their breasts like the Pharisees and call attention to the guilt of the youth. We participated only in popular wars, the old type, the glamorous wars, where the entire country was mobilized in spirit.

KOREAN WAR BEGINNING

Beginning with the Korean War, we have permitted an assault upon the patriotism of our youth. In previous wars, the American people have had a declared intention to win, not to defend some inconsequential parallel of latitude, some highly doubtful and nonviable regime, not to get bogged down in a land war in Asia against the limitless Asian hordes.

It is a complete violation of the American spirit to force our youth to go through a sausage grinder of a war we say we are not trying to win. If we don't have the guts to win it, then let's have the courage to get out of it. What a refreshing of the American spirit would occur if we announced: We have done all we can afford to bring peace and freedom to Indochina. We are pulling out every one of our troops! If they are attacked while withdrawing, or you fail to release American prisoners, then we will take out one of your cities with hydrogen bombs, and if you don't cooperate in our withdrawal then we will take out another and another! We should have bands playing as our boys leave and when they arrive home.

But to return to sanctimony. Are peaceful demonstrators against the Vietnam War unpatriotic? Are the ladies at the bridge table unpatriotic when they say happily that their sons will not have to go to Vietnam, because of flat feet, punctured eardrum, a nervous condition, of college deferment? And are fathers patriotic when they carefully steer their sons into a noncombat situation in the National Guard or a military Reserve unit? Are the military services themselves patriotic when they persuade men to reenlist and promise them they will be given noncombat assignments?

Recently, I talked with an exceptionally fine young man from a family with a military heritage, a Reservist on active duty taking flight training. He said his record in training was good enough that he was allowed to choose his specialty. He plumped for prop-jets. Why? Because prop-jets are not used in Vietnam.

Are we patriotic when we permit a system of military induction which results in our fighting being done largely by the poor, the underprivileged, and the minorities?

I say, let's talk with these protesters. Let's find the ones who would be good citizens and good leaders if we would listen to them and show them that we really care, not just parrot patriotic cliches at them. Let's try to tell them that we understand their frustrations, that we know this is a lousy war, that we got into it with good democratic, American intentions, that we have tried to make a stand, within our lights, in defense of human freedom, that we think we have accomplished something, that we will not continue to tolerate the sacrifice of our youth to save our Asiatic face or any other type of face maintaining in which those not exposed to danger may safely indulge.

AMERICAN COMMITMENT

Let's tell them that we are getting the hell out, that they must believe that, that we are making a commitment of the American people to do that, and that we are thankful to them for fighting a thankless war.

After we have established a dialogue, let's explain why public disorder is so self-defeating, that it cannot be permitted, that the infringement of the civil rights of others just won't do. Let's tell them that they have caught, not the conscience of the King, but the conscience of the American people. Let's say to them that we are responsive to the young, the underprivileged and the minorities.

Perhaps we might even paraphrase William Jennings Bryan in his famous "Cross of Gold" speech. "We, the American people will no longer press down upon the brow of our youth this crown of thorns. We shall not crucify the American spirit to save face."

There will always be a struggle to be made for America and what it has meant to the world. Let's ask the peaceable demonstrators to join us.

LIVING UP TO OUR IDEALS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. MAZZOLI. Mr. Speaker, sometimes with all the fireworks we tend to forget that the Fourth of July is more than an annual birthday party for our Nation. It is a solemn celebration of freedom that retains its meaning only so long as our Nation lives up to the ideals of law, justice, and opportunity expressed in that Declaration of July 4, 1776.

It is our responsibility to make Independence Day stand for our enduring hope for a greater nation. We can never stop and rest on our laurels—Americans can never rest until they have built the best Nation that men can build. This special meaning of Independence Day was eloquently expressed in a recent editorial appearing in Louisville's Record. Mr. Speaker, I would like to insert at this point in the RECORD the text of this editorial, entitled hopefully, "Still A Day for Celebration":

STILL A DAY FOR CELEBRATION

In the popular mind, July 4 is probably regarded as a seasonal holiday. Marking the apex of the summertime, it has come to mean a day for family outings, a day to spend in the warm sun, a time to flee the oppressive congestion of city life.

Yet above and beyond this, Independence Day has over the years retained some special significance for the American people. At least in a vague sort of way it is associated with what we love to call the great American way of life—a free, democratic society, a system of political and economic opportunity, and, in theory at least, a haven of equality and justice for all.

We all know the hard facts of reality do not quite match the glowing promise of that America hailed in song and verse. We know that some Americans have had to scratch out an existence in dismal poverty and oppression. We know, too, that opportunity has knocked on some doors and passed others by simply because a man's race or creed was not acceptable to some of his fellow citizens.

These are not new problems in America. They have been historic, long-standing imperfections in the American dream. More currently, the litany of our national sins grows longer and, by far, more disturbing.

We, the people, stand by silently and watch this beautiful land of ours being ravaged by strip mining, channelization of streams, clear-cutting of forests and industrial pollution of air and water—and we yawn in incredible apathy. Worse, we as individuals compound the problem with our own trash and litter scattered on public and private land alike with utter abandon and irresponsibility.

Today we are beset with crises of strikes and serious unemployment, inflated prices and deflated quality of products. We are flooded with pornography and threatened with rapidly spreading drug abuse. Crime is a way of life in the decaying cores of big cities as people in rural areas continue to abandon their farm land for the slim chance of a better life in urban industrial centers.

But these sores in American society pale before the maddening realization that our nation is embroiled in the longest, most futile, most hopeless and bungling war in its entire history. What began, for most of us, as a noble support of human freedom for our brothers in Indochina has deteriorated into a catastrophe for the people we set out to help, and a moral disaster for our own country.

The jeremiad could go on and on. And yet we still manage to celebrate July 4 with no small measure of conviction and sincerity. We fly our flags and watch displays of fireworks and listen to the tired cliches of patriotic oratory, and somehow the dream comes alive again. Somehow we know that any human society will be imperfect, will fall short of its ideals, will at times be grievously disappointing. But we seem to know that the ideals are worth striving for, and we know that by the striving we become a better people, a better nation.

This, as we see it, is the greatness of America. As a nation we are committed to the *effort* to make this the best society of men that human wisdom can construct. Our Independence Day is not really so much a celebration of what we have already accomplished as it is a celebration of America's *will* to accomplish those many things that remain to be done.

So long as the American people can retain this will to improve their nation and its institutions, July 4 will indeed be a day for justifiable celebration.

PATRIOTISM AND FREEDOM

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. MADDEN. Mr. Speaker, I am grateful to Robert E. Wilhelm, vice chairman of the board of the Hoosier State Bank of Indiana, Hammond, Ind., for sending me the following patriotic sermon entitled "Freed for Responsibiilty" delivered by the Rev. Jack H. Barrell, pastor of the First United Presbyterian Church of Hammond, Ind., on June 27, 1971

Reverend Barrell, one of our outstanding clergymen in northern Indiana, has devoted a great deal of time outside his church duties to charitable and patriotic programs as well as being chaplain for the Hammond Police Department and other assignments for which he receives no compensation. His message on freedom and patriotism should be read by all members of the so-called discontented organizations and many of our youth groups who are looking for a change in the Government in our land of liberty and freedom.

The sermon follows:

FREED FOR RESPONSIBILITY

INTRODUCTION

Next week-end is the 4th of July. Thousands of American families are making their plans on how to spend the 4th of July, particularly since Congress has legislated that it is to be a long week-end. How many families think of the 4th of July and all of its symbolic meaning? I'm troubled as a Pastor and I'm troubled as a citizen as I listen to much of the talk going on across this great nation of ours. I'm troubled by those who say we ought to do away with the 4th of July because it's filled with hypocrisy, this is no longer a land of the free and the brave, there's no freedom and there's no justice in the United States of America.

However, I'm more troubled, not about those who so often criticize us, but I'm troubled by the apathy which is sweeping our Country, which is sweeping the institutions of our Country, as people say, "Oh goody, a long week-end", and off they go, never giving a thought as to why or how or what the 4th of July means to their heritage, to their freedom today, to the fact they can take a long week-end and not worry about anything.

Today we throw around the terms liberty and freedom as meaning: "I'm free to do what I want to do at your expense." For some strange reason, one of the loopholes of Democracy or one of its shortcomings is, that once a person is raised in a Democracy his concept of freedom, for some strange reason, is something which is going to continue until the end of all creation. That freedom once won for us, by the brave patriots of the past, has been left as a legacy for us to enjoy today.

Historically, if we look at freedom, we come to realize that it is not a legacy of the past, but something which each individual in each generation of time must commit himself to develop and earn again for himself and for his generation. You have heard it said, "that eternal vigilance is the price of liberty", but I say eternal exercise of freedom is also the price of liberty.

FREEDOM IS RESPECT FOR LAW

I. Today, we are in the struggle of what many call law and order. The terms law and liberty have become so confused many people think law restrains liberty, but the fact is, if we go back even into our Bibles and study the basic concept of freedom in God, freedom carries with it a certain inherent responsibility and concept for law. God is omnipotent, this means God is over everything, he's the supreme court of everything, he is the final judge over everything which goes on in his creation, but this does not mean that God can do as he pleases. God in creating a very orderly and dependable universe decreed a certain style of law and order so to speak. i.e. Human beings living on the planet earth, are built into a system of life, a system of gravity where everything falls back down toward the center of earth.

Now what would it be like if we lived on a planet where on Sunday mornings all of the stones fell down toward the ground, but on Sunday afternoon everything fell out toward the universe; you'd be like a yo-yo going back and forth; you'd be at your job and then you'd be out in the sky and then you might be back at your job again. What would it be like in a system where on Mondays you couldn't steal, but on Tuesdays you could go out and steal all that you wanted, absolute confusion and chaos would result. So it is, God in creating this universe created within it, a certain law and a system of government and order for human life. God, also obeys his own laws, otherwise, his children wouldn't understand him let alone seek to obey the wisdom that He gives us.

Freedom has it beginnings, not with man, but with God and freedom that begins with God cannot be legislated or doled out to citizens of the country through governmental agencies. Man must develop a concept of freedom within his own life if freedom is to have any lasting meaning or import, or power, or pressure in what he does as an individual and a citizen. Freedom can never be understood until we are conscious of our relationship with a God who loves us and then we begin to understand what responsibility is, for He is the source of our continuing eternal freedom and liberty.

Everyone today says they want to be free, but I must caution you to remember, the scripture tells us that no individual is ever free who does what he wants to do, he is a slave to his wants. Freedom, freedom that tugs at your heart strings, freedom that plays on the emotions of your body and freedom which goes soaring through your memories and which awakens your minds, is a responsibility which comes from God, a responsibility that has been a hallmark of the patriots of our nation, John Witherspoon at the time of the Revolution, of John Paul Jones in the middle of Lake Erie. Freedom is the ability of the individual to do things for other people, even at an expense to himself.

GOVERNMENT IS MADE FOR MAN

II. The Declaration of Independence begins by asserting that a man's rights are derived by his belief in an Almighty God and thus it is we've set back and said that man is not a pawn of a totalitarian State. In other words he is not the pawn of government. We proclaim in the Bill of Rights as well as the Constitution, that government is made for the man, and that man is not made for government. That God has created within each individual certain rights which a government cannot take away. We tell our young people, in school that this great nation of ours, was conceived on the idea of majority rule, but the minority has a right to *peaceful persuasion*. We tell our young people that this nation was created with the concept that the accused has a right to appeal things to a higher judicatory. We loudly proclaim to the world that this nation was founded on the concept that all men have the right and freedom to worship the God of their own choice and that young people can pick and choose a career without the interference of a dictator.

WHERE HAVE WE STUMBLED, WHERE HAVE WE FAILED?

Our confusion, our chaos and our distrust of one another, is the result of our making light of the basic presence of God in the life of each individual citizen in this nation. The Church has stood by and let the world do it, we have stood by and let the world literally take the nation apart and say, we don't need God in this and we don't need God in that, you keep God in the Church! Christians we've done it because we didn't want to ripple the waters and let anyone know that we were committed to Jesus Christ.

In the Bible freedom is not a conquest or an emancipation of an individual or a social order, freedom doesn't set man up in the middle of his fellow man and say now there's a free man! Freedom doesn't say man is the end of all freedom, he's the end of all God's creation, but freedom, in the Bible, makes us more and more aware of the need of the leadership of God in our daily lives. Freedom makes us aware of the basic law of liberty, *love*. The thing that Christ went to the Cross and died all about, is love for us, and when we violate the law of love we undercut not only our lives, but our relationship with God.

The Master said in the gospel three times, "I am the vine, you are the branches," and he ends up in saying it the third time, "I am the vine, you are the branches, without me you don't exist." Yet, today we insist on cutting ourselves off, not only from the source of life, but our source of freedom, and as Shakespeare so eloquently said, "What fools these mortals be."

GRATITUDE FOR YOUR BLESSINGS

III. The Christian test of freedom of faith and freedom of action and freedom of worship is always by the standards of God. As James said, "We are pledged, if we've accepted Jesus Christ as our Lord and Savior, we've already pledged ourselves to speak and act as people who are judged by the law of liberty." I'm getting a little tired of the Church, Church members and Clergymen proclaiming loudly that we have the tremendous freedom to worship God in this Country.

When the weather is rainy, cloudy, icy, snowy, or even sunny, we have a million excuses of why we don't want go to church. And yet in those lands, that were once free in our lifetime, people worship now in fear of their lives. We proclaim to the world that we have the power to deal directly with God, we don't need a intermediary. We all have the power to talk to God and He can talk back to us and yet the only time God ever hears from most of us, is when we're in trouble or when we think we're going to be in trouble. When was the last time you had the humility to thank God for waking up alive this morning?

The world cries out, the Church cries out, everybody cries out today, I want to be independent, "I want to be me." The title of a popular song, and yet I say being independent is one thing, but its quite another to know what to do with independence.

CONCLUSION

Human freedom is not a gift from man, human freedom is a gift from Almighty God and necessary if there is to be that love that we say we want to rule the world. If God was impersonal and absolute we wouldn't need to be free. He would play you around like checkers or chess on a chess board until he got everyone in the proper niche at the proper time and everything in the world would be perfect, you'd be perfect and the world would be all sublime just like living the life of a robot. My brethren be grateful that your God is love! And because He is love, speak and act like people who are under the royal law of liberty.

REALISTIC VIEW OF WAR IN VIETNAM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. DERWINSKI. Mr. Speaker, as speculation erupts over the relationship between the end of the aggression by the Communists in Vietnam and the possible visit by President Nixon to Peking, I trust that an objective attitude will develop within the country in regards to the overall consequences of the war in Vietnam.

I believe a calm, realistic view of the war was elaborated on in an article by Dumitru Danielopol, the distinguished foreign correspondent of the Copley Press, in the San Diego, Calif., Union of July 7:

AMERICANS NEED TO TAKE REALISTIC VIEW OF WAR

(By Dumitru Danielopol)

It's about time the American people sent their psychiatrists home and faced Vietnam for what it really is.

They have no reason to have a guilty conscience. Their presidents' commitments to halt the spread of communism in Southeast Asia was right and proper. One can debate the tactics employed, but the commitment was honorable and essential.

The hysteria that we are experiencing now over the publication of the stolen Pentagon papers will subside. Someday patient, qualified historians will look dispassionately at the years of crisis and judge the mistakes, but I am convinced that they will not fault the American stake in that part of the world.

Taking a broad look back at World War II and what followed, one can say without any doubt that after the defeat of Nazi Germany and Japan, the U.S. leaders faced a vital and serious problem. War-weary, they had to prepare at once to defend the rest of the free world from an even more dangerous and aggressive enemy—communism.

It's easy to overlook or forget those years, but history remembers the Communist aggression in Eastern Europe, the Berlin airlift, the takeover of mainland China, the Korean War, the Berlin Wall, etc.

They all fall into the same pattern. The Communists will move into any place where they are not opposed.

Immediately after the defeat of the French in Indochina, South Vietnam became a target of new aggression by the North. It is a crucial stepping stone to the rest of Southeast Asia.

"Tonkin (Vietnam) is the bolt in the door to Eastern Asia," the French used to say.

There is little doubt that the late North Vietnamese president, Ho Chi Minh, would have occupied Saigon had the United States not intervened. Nor is there any doubt that Laos would have gone to the Reds and Prince Sihanouk in Cambodia would have made his own deals. You can speculate on what course history would have taken in Indonesia.

It is easy to say that we should never have gotten involved in Vietnam. It's fashionable to cover yourself with ashes and call the American involvement a "crime."

It's a little more realistic to ask:

Where would we be if we hadn't stepped in?

You can argue the "domino theory," but you can't argue that without American intervention the specter of Communist success would have confronted Thailand, Indonesia, Singapore, Taiwan, Japan, Australia and New Zealand with difficult decisions.

The day will come, I think, when instead of calling our involvement in Vietnam a "mistake," a "tragedy," a "crime," historians will look on it as one of our most unselfish, most enlightened moves.

They may criticize the way we did it, but not the purpose.

RESEARCH MOST IMPORTANT IN FIGHT AGAINST CANCER

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. ROGERS. Mr. Speaker, an editorial in the Washington Post on Sunday pointed up some of the many problems that the scientists of this Nation face in our quest to cure cancer.

I would call particular note to the comments of Dr. Philip R. Lee as to the present state of the art in our knowledge of cancer itself.

As my colleagues know, we have appropriated an additional $100 million for research in order to accelerate our work in the area of cancer.

I feel strongly that all possible funds in the area of cancer work be aimed at the very important area of research. For we cannot "organize" and answer, we must find it through thorough scientific research.

Our efforts should not be diminished by directing our limited financial resources into nonresearch areas.

I would like to insert at this time the editorial from the Post for the information of my colleagues:

[From the Washington Post, July 18, 1971]

Can 79 Senators Be Wrong?

The recent 79-to-1 vote in the Senate in favor of establishing a special "Conquest of Cancer Agency" is understandable—in political and emotional terms. But scientific and administrative wisdom seems to us on the side of the brave and lonely dissenter, Sen. Gaylord Nelson. The Wisconsin Democrat is just as determined to conquer cancer by accelerating cancer research as any of his colleagues. But he feels just as strongly that to pull all our financial and scientific resources into one, separate, bureaucratic basket with a fancy name and place it on the White House doorstep, as it were, is not going to do the job any better or quicker than the existing mechanism—the National Cancer Institute, which is one of the oldest and largest institutes in the world-renowned National Institutes of Health.

We agree with the senator that the proposed new agency may well weaken the cohesive and balanced research effort NIH has been engaged in for years (and that was not faulted by any of the senators who spoke in favor of a separate agency). It may well compete for funds and scientific talent to the detriment of a comprehensive over-all approach. And, worst of all, a dramatized "Conquest of Cancer" effort may well raise false expectations, promising yet another illusive light at the end of yet another tunnel.

The Senate vote, it seems, was essentially swayed by the optimistic notion that, as Sen. Jacob K. Javits put it, we are close enough to a final breakthrough so that one big push, somewhat like the Manhattan Project or the Apollo effort, would yield us a cure for cancer. Would that this were so. There have been some recent "breakthroughs" to be sure. But the vast majority of scientists tell us, in the words of Dr. Philip R. Lee, former assistant secretary for Health and Scientific Affairs, that "we are not yet ready to start a countdown for an anti-cancer blastoff, no matter what emotional appeal such an approach may have to the public."

Cancer is not one disease but a series of diseases. The problem, as Dr. Edward E. David, Jr., the Science Adviser to the President, has explained, "straddles virtually all the life sciences—molecular biology, biochemistry, virology, pharmacology, toxicology, genetics—(and) any one of these, or all of them, will contribute to the final solutions . . . Who knows what new discovery will become vital even next year?" So, the battle against cancer, to quote Dr. Lee again, "must be able to draw not only on the cancer specialists . . . but on the other specialists in other institutes of the NIH . . . This will require the same kind of close collaboration among the various NIH institutes that has been required many times in the past."

The cancer conquerors in the Senate say that this collaboration is assured by keeping the proposed new agency within NIH. But the association is more tenuous. Within or without, the head of the new agency is to be directly responsible to the President. He is not to be responsible to the NIH director who, as a member of the proposed Cancer Advisory Board (which is to run the agency) has but one voice among 22 others when it comes to coordinate programs, transfer of funds to other institutes and other decisions.

And why should the new cancer agency chief bypass the Secretary of Health, Education and Welfare whose vast agency is needed for all the public health and educational efforts that are also vital if we are at last to come to grips with this disease? The President, who proposed the separate agency, has also proposed a government reorganization that would reduce the number of separate government agencies reporting directly to him so as to free him and his staff for policy considerations, planning and evaluation. The answer to this contradiction, as given by the President's Office of Management and Budget seems more prolitic than persuasive: The President wants to provide direction to an area of priority medical and social concern," OMB said, though the arrangement may be temporary.

We are all in favor of the President's providing direction, not only to conquer cancer but also to sound and meaningful efforts toward conquering all the diseases, medical and social, that beset our society. This calls most of all, for orderly government and administration. We therefore share Senator Nelson's hope that the House will give the cancer agency proposal a deliberate, careful look.

SECRETS—PAST AND PRESENT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. ROSENTHAL. Mr. Speaker, in an article in today's Washington Post, Morton Mintz describes a graduate student's astonishment upon being denied access to pollution data on file at the National Archives—astonishment since the "classified" material in question is approximately 70 years old.

Frankly, I, too, am astonished. While it would be easy to dismiss this particular incident merely as a somewhat humorus example of redtape gone wild, it nonetheless underscores the basic point that the withholding of information from the American public seems to be standard operating procedure in many Government agencies. This is more evidence—as if we needed it—of classification by habit instead to need; by whim rather than reason.

Mr. Mintz's article reminds us once more that it is the consumer who is often the victim of unwarranted Government secrecy. Two of his contentions are:

First. The Department of Agriculture's Consumer and Marketing Service suppresses records of meat products that are suspected of being contaminated or unwholesome.

Second. The Food and Drug Administration refuses to publish records of hearings called when a company is suspected of violating the law.

These are just two more examples of the general disregard in which the consumer often is held by Government agencies whose responsibility it is to protect them. These agencies must be reminded that they represent the public, not the business community. We have seen too many examples of thinking that says all information is born classified and the agency must be convinced it will reap benefits before it will make that information available to the people.

Secrecy in national security affairs can sometimes be justified. The withholding of consumer information from the American people can never be justified.

Mr. Speaker, I would now like to place Mr. Mintz's article in the Record:

[From the Washington Post, July 20, 1971]

Secrets of the Bureaucracies

(By Morton Mintz)

"I am from Missoula, Montana, and I have been in Washington doing research on pollution for a Ph. D. dissertation in history." Donald MacMillan said in a letter to Sen. Lee Metcalf (D-Mont.) the other day. "At the National Archives I was advised that I could not use anything that was stamped 'Bureau of Investigation.' The period I was interested in was essentially the first decade of the twentieth century . . . I feel ridiculous even suggesting that the Nation's security could be threatened by information seventy years passed, but apparently somebody does . . . If we cannot have an honest and rigorous search for the truth our future as a self-governing democracy is indeed bleak."

MacMillan's astonished discovery that he could not have access to—it bears repeating—files on pollution seven decades old serves to make a point which, quite understandably, drew scant attention in the recent momentous struggle over the Pentagon Papers. The point is that secrecy seems to be endemic in *all* bureaucracies—not just those occupied with national security—and it is manifested, almost always, against the very public supposedly being served; this happens readily and pervasively even when no justification in military security or foreign relations is so much as claimed.

The evidence of this, regrettably, is as easy to come by in the "open administration" of President Nixon as it ever was in those of his predecessors. Here are some examples:

The Walsh-Healy Act empowers the Department of Labor to make federal contractors comply with the job-safety standards it has approved. The department had traditionally refused to make public inspection reports and notices of violation. It claimed that the Freedom of Information Act, enacted to protect "the public's right to know," somehow authorized secrecy and that publicity would discourage employer cooperation with department inspectors. Ralph Nader's Center for the Study of Responsive Law challenged the department in court. Last January, U.S. District Judge John Lewis Smith ruled for the Center.

The Department of Agriculture's Consumer and Marketing Service routinely had suppressed records on meat and poultry products it detains on the suspicion that they are adulterated, unwholesome or unfit for human consumption, as well as the warning letters it sends to packers suspected of doing business in two or more states (packers doing business exclusively within a single state are immune from federal inspection of meat and poultry products).

In 1969, the department denied access to the records and letters to a consumer of meat and poultry products, Harrison Wellford, an associate of the Nader Center. Under the Freedom of Information Act, the records were an exempt "investigatory file," the department said. In the case of the letters, it argued, their release would deter packers from cooperating.

Wellford sued in Baltimore, where U.S. District Judge Edward S. Northrop ruled for him. The department appealed. In May, the U.S. Court of Appeals in Richmond upheld Judge Northrop, ruling that the purpose of the information law was not to increase administrative efficiency, "but to guarantee the public's right to know how government is discharging its duty to protect the public interest." (In opposing a consumer's effort to find out how well the government may be protecting the public from unwholesome meat, it may be said in passing, the Agriculture Department behaved much like those city health departments, including Washington's, that withhold the identity of restaurants that violate sanitary regulations from those who eat in them.)

The Department of Commerce has a National Industrial Pollution Control Council, which President Nixon created by Executive Order. Last October, the Council, meeting at Commerce, refused to admit representatives of 10 environmental and consumer groups, and refused to give them a transcript of the proceeding. This year, to escape such groups, the Council met in the New State Department Building, where security regulations prohibit entry of any visitor who has not made special arrangements. Larry Jobe, an Assistant Secretary of Commerce, argues that the department could not get industry representatives to serve if public-interest groups were to be represented and if the Council's meeting were to be open to the public.

At the Civil Aeronautics Board, Chairman Secor D. Browne last year appointed an Advisory Committee on Finance and named as chairman James P. Mitchell, a vice president of the Chase Manhattan Bank who has primary responsibility for financial dealings with airlines. At the organizational meeting, held in Mitchell's office, the committee decided that all meetings "would be closed to the press and the public" and that a verbatim transcript "was not necessary to the conduct of business."

Within the Department of Health, Education and Welfare, the agency with an unexcelled disposition toward secrecy is the Food and Drug Administration. For example, when the FDA summons a company to a hearing to show cause why it should not be prosecuted for a law violation, the agency closes the hearing and refuses to release the transcript or disclose the recommendation made by hearing officers. A decade ago, FDA was not only refusing to turn over to Congress files on an anti-cholesterol drug that caused cataracts in thousands of patients, but actually tried to have written into the law a prohibition against releasing most any information it acquired under the Food, Drug, and Cosmetic Act.

The White House, to suppress information, has invoked the "Executive Privilege" with such frequency down through the years that Clark Mollenhoff once wrote an angry book about it. Currently, the endless blanket of "Executive privilege" lies atop a report by the White House Office of Science and Technology that is understood to predict serious environmental damage to the United States should supersonic transports ever be permitted to fly across it at supersonic speeds.

Congress now and then pries valuable suppressed information out of agencies, but it must be noted that, by calculation of Congressional Quarterly, 41 per cent of all congressional committee meetings were held behind closed doors last year, an increase of 5 percentage points over 1969.

In his letter to Senator Metcalf, Donald MacMillan said, "As I approached the National Archives for the first time I was struck by the noble and inspiring ideas inscribed in its concrete walls. One I recall was most impressive: 'The heritage of the past is the seed that brings forth the harvest of the future.'"

A future substantially freer of governmental secrecy than is the present is not beyond our grasp. We may yet achieve the "deep sense of pride" that President Johnson spoke of when, on July 4, 1966, he signed the Freedom of Information Act in the belief "that the United States is an open society in which the people's right to know is cherished and guarded." One reason for a cautious optimism is that the lawsuits won by the Center for Study of Responsive Law, against the Labor and Agriculture Departments, indicate a willingness in the courts to come down on the side of openness.

In the FDA, a new general counsel, Peter Barton Hutt, takes over on September 1. Rather than cling to the secrecy orientation of the past, maybe he and others in federal agencies will heed the instruction of Attorney General Ramsey Clark when he announced the rules to implement the law only four years ago: "that disclosure be the general rule, not the exception," and "that there be a change in government policy and attitude."

And Congress would take a major step forward by enacting at least two pending bills: one for an independent consumer protection agency empowered to intervene in administrative and court proceedings in behalf of the public (and against federal agencies, if need be), the other, sponsored by Senator Metcalf, to open the proceedings of the possibly 1,800 government advisory committees—such as the Commerce Department's and the CAB's—to public scrutiny.

BREZHNEV'S PROPOSAL TO NATO

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. DERWINSKI. Mr. Speaker, a very timely commentary on the situation in Eastern Europe, and especially on Czechoslovakia, was contained in the lead article in the June 1971, issue of the American Bulletin published by the Czechoslovak National Council of America.

In view of the natural interest in Soviet foreign policy and that it is better for us all to appreciate its actual application, I believe this article merits special consideration:

PROMISES, PROMISES—BREZHNEV'S PROPOSAL TO NATO

There is a "mysterious mushiness" in the political climate in Washington today, wrote Stewart Alsop in his article in Newsweek magazine on May 31, 1971. Analyzing the present situation, Mr. Alsop pointed out that Soviet power is growing steadily, but that some of our leaders on Capitol Hill tend to dismiss the hard evidence. In fact, the recent Mansfield amendment was to cut the American troop commitment to NATO in half. It was defeated, said Mr. Alsop, "with a big assist from Leonid Brezhnev, after the Administration had mustered all the elder statesmen, from the 'strong horse' period, including old Harry S. Truman himself." In Mr. Alsop's view, should this trend continue, the United States could lose its primacy and cease to be the world's No. 1 power, and should the Russians then decide to exercise their power, "our country will suffer some sort of traumatic shock" and "this will have a therapeutic effect," like the electric shock treatment. "But I am not at all sure this is a good guess. There is a curious new flaccidity, a mysterious mushiness, about American life and thought that may be incurable."

This is a very pessimistic outlook and Mr. Alsop hopes that he is wrong. Without a doubt, Mr. Brezhnev's courtship requires careful scrutiny. An editorial writer in the WALL STREET JOURNAL "wonders why Brezhnev is so generous in his proposal on troop reductions to the NATO countries." Brezhnev volunteered to explain "if anything is not clear to somebody." The Wall Street Journal thinks that "there are so many things that aren't exactly evident. Maybe one point the Russians could clarify is whether they are ready to renounce imperialism and any future acts that would be akin to their 1968 invasion of Czechoslovakia and its continued occupation. A plain answer to that question could form a very solid foundation for troop-reduction talks. But we're still not sure that Mr. Brezhnev means to make things quite that clear."

REMOVAL OF FOREIGN TROOPS FROM CZECHOSLOVAKIA

The Czechoslovak National Council of America voiced its apprehension to the Department of State in its letter of May 26, 1971:

The Czechoslovak National Council of America, speaking on behalf of Americans of Czech and Slovak descent, wishes to make known its concern:

Currently, there are indications pointing to a new Soviet interest in mutually agreed troop reduction in Europe and the creation of a new European security system.

The NATO Powers are similarly interested in a development which might alleviate the burden of military expenditure. Furthermore, the NATO Powers sincerely wish to ease the existing East West tension along the Iron Curtain. Hence a dialogue may ensue which could lead toward a new military situation in Europe.

Presumably, in any such discussions, the so called legitimate interests of both sides shall be duly respected. The presence of Soviet (or any other Warsaw Pact) troops on the territory of Czechoslovakia has never been recognized as a legitimate interest of the Soviet Union or the Warsaw Pact Organization. On the contrary, it represents an evil, unacceptable to the West, which would have to be removed before any serious talks could even be considered.

If the genuine interest of the Soviet Union in any agreed settlement of the pending questions is to be given any credence, the Soviet Union should, first of all, be required to cause the removal of all foreign troops from the territory of Czechoslovakia. Only if this pre-condition were met could the NATO Powers believe that the Soviets intend to enter into meaningful negotiations.

The Czechoslovak National Council of America submits this urgent request: that our Government should insist upon the evacuation of all foreign arms and armed units from the territory of Czechoslovakia as a precondition to any negotiations concerning troop reductions, to be mutually agreed upon and the creation of a new European security system.

Senator Gordon Allott of Colo. also questions the reasons for Mr. Brezhnev's interest in European troop reduction and our disengagement in Central Europe (CONGRESSIONAL RECORD, May 14, 1971). "It would be radically wrong for the United States to make unilateral reductions at this time," states Mr. Allott. "This is a grave matter with many possible long term consequences. We should do nothing precipitately or unilaterally. This is especially apparent when we recall something we too often forget. NATO troops in Western Europe have a different status. NATO troops are invited guests of democratic governments. The Soviet troops are uninvited occupants.

"It would be dreadfully wrong to miss an opportunity to ease the burden of tyranny in Eastern Europe by making any U.S. troop reduction contingent upon a comparable Soviet reduction of the forces it imposes upon its unhappy satellites."

IN CZECHOSLOVAKIA, FOURTEENTH OR FIFTEENTH?

The much delayed Communist Party Congress convened in Prague on May 24th. The Prague regime calls it the Fourteenth Congress but escaped Party delegates, who fled after the Soviet occupation of Czechoslovakia, proclaimed in Paris that they insist on the legality of the Fourteenth Congress, held secretly in a factory on the outskirts of Prague in 1968, at a time when the Soviet armies were already in the city. The economist Oto Sik, Eduard Goldstücker, and other escapees, proclaim this year's congress to be the fifteenth. (See AMERICAN BULLETIN, April, 1971).

Fourteenth or fifteenth, call it what they will, it was a dismal farce, a disgusting performance of Moscow stooges that the people of Czechoslovakia will neither forget nor forgive. Although President Ludvík Svoboda had denounced the invading troops arriving —as he said—"without the agreement of the constitutional authorities of the state," now in his opening speech he thanked the Soviet Union and its allies for their "international assistance" (this is the official term for the invasion). He was followed by Gustav Husák, party chief, who thanked Brezhnev "in the name of the whole of our party and the overwhelming majority of our working people."

This is the big lie because practically the entire population was solidly behind Dubcek and the more liberal Communists, and violently opposed to the Soviets and to their allies and stooges. This disgusting submission has saved Husák his position in the Communist Party for he succeeded in convincing Moscow that under his rule the country has been "normalized" (Communist term for "brought under absolute control"). Under the normalization process the country is reverting back to the 50s, as evidenced by the purges of writers, artists, teachers, etc. and by the blackout in education. It must be admitted, however, that so far prison sentences have been lighter than twenty years ago and that there has not been any death sentence.

LETTER TO THE SECRETARY OF STATE, WASH., D.C.

Regarding the state of affairs in Czechoslovakia, the Czechoslovak National Council of America has sent the following letter to the Hon. William Rogers:

DEAR MR. SECRETARY: The Czechoslovak National Council of America, a national organization of Americans of Czech and Slovak descent, submits for your consideration facts that are even more distressing than the general deterioration of the situation in Czechoslovakia.

After the unfortunate events of 1968, General Ludvik Svoboda made a solemn statement to the effect that as long as he is president of Czechoslovakia, there shall be no renewal of political trials. The very perusal of the daily press informs us that numerous political trials are in process or about to be initiated. Furthermore, the review of earlier pre-1968 political trials, initiated during the months of the thaw for the rehabilitation of the condemned, have been completely halted.

Thus the promises, solemnly made by the head of state, to the citizens of Czechoslovakia, have been broken without any further explanation.

The Czechoslovak National Council of America urges you, Mr. Secretary, to bear this in mind whenever the trustworthiness of the present government of Czechoslovakia in international dealings is being evaluated.

The Czechoslovak National Council further hopes that the United States Government will find ways and means of impressing upon the Government of Czechoslovakia the necessity of honoring not only its international but also its domestic commitments made to its own people.

BLACKOUT IN EDUCATION

On April 15 and 16, the Prague press published "criteria for accepting students to high schools." As best as one can translate the government lingo, which is almost unintelligible to anyone not living in Czechoslovakia, the procedure for admitting students is as follows:

1. The Ministry of Education has issued directives on the basis of which the Nine-Year Elementary School will prepare a complex evaluation of the student applying for entry. The class profile of the applicant will receive special evaluation: his (or her) civic-political and moral aspect of his personality, talents and abilities, knowledge of and interest in his chosen studies. This evaluation is to be prepared by a commission (school principal, room teacher and 9th grade teachers) and representatives of the National Committee in the district of his domicile. (Editor's note: National Committee members are the Communist Party executives. One can imagine the predicament of an honest teacher who would like to recommend a student from a non-Communist, or Catholic, etc. family, or from a family with a member with a prison sentence for non-conformity or some other political sin. Such a recommendation might be futile gesture and a dangerous provocation which could turn the wrath of the committee member against the teacher.)

2. It shall in the future be the duty of the Nine-Year Elementary School to learn to know the student thoroughly and also his family environment. Beginning with 7th grade, students will be chosen from workingmen's and farm laborers' families, to whom effective help will be given.

3. In selecting the students, an important factor will be the evaluation of class origin (Editor's note: Since the applicants were all born under communism, in a so called classless society, the word origin must apply to the student's forefathers), the political and social interests of the parents and their contribution to the building of a socialistic society. Consideration will be given to the whole progress of the parents, especially from the standpoint of any changes in their social standing, as compared to their original occupation. (In plain language, this regulation means that a child of a director from the working class is given precedence over a child of a father who is now a lowly workman but was engaged in private enterprise some thirty years ago).

4. Therefore, in deciding on a student's admission and the evaluation in toto, of foremost importance are abilities and interests, his class origin, civic-moral probabilities, the social and political activities of his parents, and his entrance examination. One of the members of the commission will be a representative from the National Front, who will see to it that the stipulated class-political conditions are strictly adhered to.

In schools of higher learning, the governing principle and decisive standpoint will be a complex evaluation of the applicant: the political and moral aspects of the applicant's personality, his talents and abilities, knowledge of and interest in the selected studies, and his origin. Into account will be taken any work he has done in youth and other organizations etc. (in the Communist youth movement).

The criteria for entrance also include a point system for grading examinations of applicants: a student from the working class or a farm laborer's family is to receive 20 points to his advantage at the outset; a student from a less developed area receives 10 points.

The directives also instruct on how to select faculty members.

Conditions are turning to "normal," according to the Prague regime, meaning back to the 50s, to the darkness of twenty years ago.

A STUDENT REPORTS ON CONSUMER AFFAIRS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. GUDE. Mr. Speaker, I would like to share with my colleagues an interesting paper that has resulted from my High School Intern program.

Thirty-nine outstanding high school students from the Eighth District of Maryland participated in an intensive 3-week session of seminars, field trips, and research. Each student chose a topic of current interest and submitted a position paper at the end of the program.

From these, I have chosen one that has been especially helpful to me, in that it is an excellently documented analysis of Federal consumer programs, as well as a paper that shows original thought and concise potential solutions to the problem with which it deals. I feel that this paper is a valuable contribution to the 92d Congress.

The paper, written by Robert B. Lederer of Albert Einstein High School follows:

ORGANIZATION OF FEDERAL CONSUMER PROGRAMS

(By Robert B. Lederer)

I. INTRODUCTION

Over the last half-century, as the American economy has grown more rapidly and expanded more widely, there has naturally come a larger selection of products and services being sold by greater numbers of businessmen. This has resulted in an increase in the number of cases of fraudulent and misleading practices as well as unsafe products. Responding to the need for protection of the consumer, Congress passed many laws and set up several agencies to deal with the problem. But such solutions were only modest beginnings. During the middle 1960's, partially as a result of the influence of the mass media and the spirit of protest, the voice of the American consumer became more and more shrill. Once again, Congress, acting with the President's strong support, took the lead in passing a battery of consumer protection legislation. Today, there are many controls on unfair and unsafe products and practices, yet consumers believe there are still serious deficiencies in the amount and quality of consumer protection exercised by the Federal Government. They see laws passed, but not enforced; agencies given power, but not using it; and they see an apparent disregard for consumer interests in much federal policymaking.

What is the cause of the lack of effectiveness of federal consumer programs? There is no simple answer, but a major part of the problem can be traced to the organization of the Federal Government. President Theodore Roosevelt once said that "organization makes policy." President Nixon agrees with this viewpoint:

> The major cause of the ineffectiveness of government is not a matter of men or of money. It is principally a matter of machinery. It will do us little good to change personnel or to provide more resources unless we are willing to undertake a critical review of government's overall design.[1]

Thus, to many who are concerned about improving consumer protection, there can be no significant improvement until the organization of federal consumer programs is vastly restructured. Typical is the statement of the House Government Operations Committee in a report on consumer legislation:

> The evidence presented to this committee from a multitude of sources makes it abundantly clear that the present organization of activities in the Federal Government on behalf of the consumer is inadequate.[2]

Once again, Congress and the President are responding to the demands for reform. President Johnson set up several high level consumer organs as did President Nixon. Both presidents have sent several messages to Congress recommending changes in the Federal Government's consumer setup. Numerous bills have been introduced in Congress that call for creation of new consumer agencies or improvements in existing ones. The purpose of this report will be to evaluate some of the more important proposals on Federal Government consumer organization, and then present recommendations for what I believe to be the best solutions to the problems at hand.

II. PRESENT PROGRAMS

Before we can go into the specific problems, it is important to examine what agencies and programs exist at the present time. There are literally hundreds of such programs, but I will merely describe the most important ones.

One of the major government consumer protection agencies is the Federal Trade Commission (FTC). This is one of the independent regulatory bodies which has administrative, quasi-legislative, and quasi-judicial duties. According to President Nixon, "a principal function of the FTC has historically been to serve as the consumers' main line of resistance to commercial abuse."[3] Its specific activities in consumer protection include investigating and correcting unfair or deceptive acts, including false and misleading advertising. FTC also has functions in the area of regulating and eliminating monopolies and trade restraints. Recently the Commission was reorganized in a way that is hoped will strengthen it; its functions have been divided into a Bureau of Consumer Protection, a Bureau of Competition, and a Bureau of Economics. An Office of Policy and Evaluation has been created to determine priorities in enforcement efforts.

Another federal agency that is almost entirely concerned with consumer protection is the Food and Drug Administration (FDA), located in the Department of Health, Education and Welfare (HEW). Its main areas of concern include the safety, purity, and wholesomeness of food; the safety and effectiveness of drugs and similar medical products; proper labeling, including warnings for safe use; honesty in packaging; safety of toys; and regulation of hazardous substances. To carry out these goals, FDA conducts tests of the products it regulates, establishes standards for consumer protection, carries out continuous research to improve definitions and standards of trade practices and promotes honesty and fair dealing in consumer interests. The FDA has under it a Bureau of Food, Pesticides and Product Safety, a Bureau of Drugs, and an Office of Product Safety.

The Department of Agriculture (USDA) has several consumer programs which are concerned with inspection and grading of food, fair trade practices in farm commodities, and research on the wholesomeness of food and the economic use of the consumer's budget. Specifically, the Consumer and Marketing Service (C & MS) and the Agricultural Research Service (ARS) operate some of these consumer programs.

According to the U.S. Government Organization Manual, the consumer protection functions of C & MS are as follows:

> The service . . . administers inspection programs to insure the wholesomeness of domestic, imported, and exported meat and poultry products. Continuous supervision is exercised over further processing of meat and poultry products to assure wholesomeness and truthful labeling, and prevent adulteration or deceptive practices.[4]

In addition, there are other functions which indirectly contribute to fair treatment of the consumer: 1. standardization, inspection, grading, and classing of most important farm commodities; 2. market regulatory programs ". . . designed collectively to protect producers, handlers, and consumers of agricultural commodities from financial loss or personal injury resulting from careless, deceptive, or fraudulent marketing practices . . ."[5] 3. marketing agreements and orders which ". . . help to establish and maintain orderly marketing conditions for certain (highly perishable) commodities . . ."[6]

The marketing and nutrition research programs in ARS are also of indirect benefit to consumers. Research is conducted on such topics as agricultural marketing efficiency, commodity quality, development of new and improved commodities, human nutrition and "effective consumer use of food, clothing and textiles; and efficient management of money, time, and other family resources."[7]

Another department which has certain consumer protection functions is the Commerce Department. Although the department has no specific consumer programs, Congress has vested it with administration of several laws pertaining to unfair trade practices and product safety. For example, Commerce has partial responsibility for enforcing the Truth in Lending Act, the Fair Packaging and Labeling Act, and the Flammable Fabrics Act. Also, the National Bureau of Standards operates some programs which test consumer products and set standards for them. The only specific consumer program—which has no enforcement power—is the newly created National Business Council for Consumer Affairs. When President Nixon set it up, he said, "The Council will be a vehicle through which government can work with business leaders to establishing programs for accomplishing the goal . . . of fostering a marketplace which is fair both to those who sell and those who buy."[8]

One other department which maintains jurisdiction in an aspect of consumer protection is the Department of Transportation (DOT). The major consumer program there is located under the National Highway Safety Bureau (NHSB). This agency was given a Congressional mandate to try to reduce traffic accidents by improving, among other things, the safety of motor vehicles. Specifically, under the Bureau's Motor Vehicle Programs, ". . . Federal Highway Vehicle Safety Standards are issued which prescribe safety features and levels of safety-related performance for motor vehicles and motor vehicle equipment."[9]

General enforcement powers for consumer protection are lodged in the Department of Justice. There, as a result of a recent reorganization, a Consumer Protection Section has been established within the Antitrust Division. The new Section will enforce consumer protection laws over which the Department has jurisdiction.[10]

There are many other programs in the federal government which exercise powers to protect consumers. There are even more agencies and programs which have functions that *affect* consumers—sometimes adversely. Included in the latter category would be all the regulatory agencies in addition to those departments which have powers to regulate industries.

Many such agencies, recognizing the effect they have on consumers, and faced with a rising spirit of consumerism, have set up special offices to dispense information to the public and give the consumer a voice in their affairs. One source describes the phenomena in this manner:

> Like teen-agers chasing the school's shortest skirt, federal agencies are embracing consumerism in a bureaucratic hug. Some critics consider it more selfish just than enduring love.[11]

One of the critics is Rep. Benjamin S. Rosenthal, a Democrat from New York, chairman of the Democratic Study Group's Consumer Task Force, and a longtime consumer advocate. Rep. Rosenthal thinks that some of these offices "use the word 'consumer' as a device to cloak their real activities. It's an exercise in futility and sleight-of-hand, more a public relations gesture than a legitimate effort at consumer protection."[12] Other observers, however, believe the new offices should be given a chance to prove themselves. They point to the achievements that have been made thus far:

> HEW's Office of Consumer Services is helping poor residents of three Model Cities areas establish buying cooperatives and credit unions . . . FDA's Office of Consumer Affairs . . . has cut a backlog of 2,000 inquiries to a few hundred, and is directing activities of 20 FDA consumer specialists in 18 cities. ICC has published a booklet advising families on the financial practices of household movers.[13]

Some of the agencies mentioned above will be referred to again later in reference to their deficiencies.

In order to advise the President on all these consumer matters and represent consumer interests in the Federal Government, President Johnson in 1964 set up the post of Special Assistant to the President for Consumer Affairs. He also established the President's Committee on Consumer Interests to have oversight over the many consumer programs. But the Committee had little staff, funds, or public notice, and no specific powers, so in February, 1971, President Nixon abolished it. Instead, he created an Office of Consumer Affairs (OCA) in the Executive Office of the President. He named his Special Assistant for Consumer Affairs, Mrs. Virginia H. Knauer, as Director of OCA. According to the Executive Order which set it up, OCA

> . . . not only advises and represents the President on matters of consumer interest, but also analyzes and coordinates the implementation of all Federal activities in the field of consumer protection, helping to establish priorities and resolve conflicts, and recommending ways in which governmental consumer programs can be made more effective.[14]

During a recent House Committee hearing Mrs. Knauer described the operation of her office. The exchange between a committee member and Mrs. Knauer follows. (NOTE.—I attended these hearings, but they are so recent that they have not been printed up. Thus, I could only take rough notes and so the words of both people have been paraphrased.)

Q. What would you say is the role and function of OCA?

A. The actions of the Office start at the highest level. President Nixon frequently calls me and the other heads of White House Offices for briefings. Our job is to coordinate. I work with cabinet officers and agency

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Footnotes at end of article.

heads—in a cordial working relationship—and have urged the placing of consumer representatives in all commissions and agencies.

Q. Could you consider your agency as a consumer advocate?

A. . . . I think that anyone who speaks for and to the President about these matters *is* a consumer advocate.

Q. Then you intervene in proceedings of other agencies?

A. Not so much intervene, but we present the administration's position.[15]

What specific activities does OCA perform? There are many. Some of the present programs follow:

(1) To develop the all-important coordination of programs, a Division of Program Analysis has been established. It will make surveys to evaluate Federal consumer programs on a priority basis. Analyses will be used to make recommendations to the agencies on policy matters, program effectiveness, and elimination of duplication.[16]

(2) Publishing of monthly Consumer News. It is designed to bring together in one publication a description of recent and pending Federal consumer programs and policies. Specifically, each issue lists (a) all government agency actions in the past month that affect consumers; (b) all pending decisions or proceedings by agencies on consumer matters (including address of agencies); (c) new Federal consumer publications and where they can be bought; and (d) other tips and information of use to consumers.[17]

(3) Maintenance of a complaint mechanism whereby citizens can send grievances against any business or government agency to OCA, which serves as a clearinghouse and tries to satisfy complainants. The Office receives about 2,000 complaints per month. Unlike in the past, OCA is now empowered to take up a complaint directly with the manufacturer and try to solve the problem.[18]

(4) Giving of policy direction to the new Consumer Product Information Coordinating Center (CPICC), located in the General Services Administration (GSA). The Center was created by Executive Order in October, 1970. By October, 1971, CPICC will begin identifying by brand name the over 4,000 items which GSA buys for the government that are also available to consumers.[19]

(5) Establishment of a Consumer Advisory Council (CAC) within OCA. This was contained in President Nixon's Executive Order setting up OCA. The Order provides that CAC be composed of twelve members appointed by the President for two-year terms. The main duty of CAC is to advise the Director of OCA on the following matters:

(a) policy matters relating to consumer interests; and

(b) the effectiveness of federal programs and operations which affect the interests of consumers; and

(c) problems of primary importance to consumers, and ways in which unmet consumer needs can appropriately be met through Federal Government action.[20]

III. POOR PERFORMANCE OF PRESENT PROGRAMS

Despite the large number of agencies that have consumer protection functions, despite the OCA which oversees all of them, despite the many laws that have been passed, the present programs are not operating adequately. Ralph Nader has said the Federal Government's consumer efforts are characterized by "impotence . . . delay . . . [and] nonresponsiveness." [21] One source of proof for this statement can be found in expert studies of two of the most important federal consumer protection agencies, FTC and FDA.

A commission of the American Bar Association, recently created at the suggestion of President Nixon to appraise the present efforts of the FTC in the field of consumer protection, indicted the agency as continuing to fail in many respects. The commission said in its report of September 15, 1969: "Through lack of effective direction, the FTC has failed to establish goals and priorities, to provide necessary guidance to its staff, and to manage the flow of its work in an efficient and expeditious manner." It concluded that both the volume and the force of FTC law enforcement have declined during this decade . . .

A 1969 internal study of the FDA, another key agency in the protection of consumers, concluded that "The Federal Government is doing a grossly inadequate job of protecting consumers from dangerous drugs, contaminated foods and other hazardous products." [22]

The result of this government indifference to the consumer interest has inevitably been a continuance of the same unfair and unsafe practices which have gone on for years. Ralph Nader testifies to the extent of such abuses, and divides them into two categories:

I think if there is one impressive fact about these hearings . . . it is the rigorous and continual documentation of consumer abuse, both in the areas of reducing the real income of the consumer, which is another way of cheapening the dollar, and in terms of harmful impact on his health and safety. These two forms of deleterious impact, reducing his real income and harmful impact on his health and safety, represent two of the most fundamental values of our society . . .[23]

I will now discuss some examples of these two types of abuses, and how the federal government has refused to stop them. Let us take the health and safety cases first.

In the area of consumer health and safety, the main problem has been a lack of willingness, on the part of government agencies, to impose standards or ban dangerous products. A special report prepared for the National Commission on Product Safety documents this inaction:

The administration of these programs (auto safety, flammable fabrics, hazardous substances) has been marked by too much timidity and inordinate delay . . . FDA has taken over two years to bring to completion proceedings for a proposed ban of the commonly recognized and highly dangerous poison, carbon tetrachloride, and the same agency failed to use its authority to ban (it) . . . The Department of Commerce has failed to take steps to apply even the weak existing flammability standard to dangerously flammable blankets, bedding, and other interior furnishings, which were made subject to safety regulation over two years ago . . . As for the auto safety program, although a few important standards have been issued, they have been drawn mainly from safety features already incorporated in the vehicles of most domestic manufacturers.[24]

Another source elaborates on the auto safety problem:

The DOT, charged with enforcing auto safety standards, has been more concerned with appeasing industry than with protecting the public. Crash survivability tests have been halted—although they would have determined for the public which cars were safest. Twenty percent of automobiles and equipment tested by DOT fail to meet federal safety standards, but little action has been taken to require call-backs or penalize the violators.[25]

Although economic loss is a less publicized consumer problem, it is nonetheless a very critical one. It can come from many sources, including ". . . outright fraud and sharp practices honed to an incredible subtlety." [26] In many cases the federal government has not taken action to stop such practices. One example:

The Department of Commerce determines the standard size of the lumber that supplies the basic strength and rigidity to our homes. The department is now in the process of reducing the standard 2″ by 4″ to 1½″ by 3½″. What does this mean for the consumer? Some consumer spokesmen maintain that a new home owner will either be getting 11% less wood in his home or an added cost of about $400. It was the big lumber manufacturers' interest, not the consumers' interest that the Commerce Department advanced.[27]

A related area of consumer harm, which according to one source, costs the American consumer billions of dollars a year, is the granting of rate and tariff increases by federal regulatory bodies. In addition to the immediate extra cost that the consumer must pay in terms of the products or services themselves, there are also the long-term harms of inflation to which such increases contribute. Examples of such rate hikes sanctioned by the regulatory agencies are countless, but a few examples will suffice:

During fiscal years 1969 and 1970, the CAB, the FCC, and the FPC granted increases to industry totalling $1.2 billion. Additionally, the ICC recently approved a $1.3 billion increase in rail freight rates. Late last year, industry requests for further increases totalling $1.2 billion were before these same agencies. The total dollar value of reported rate and tariff increases accepted and pending during the last 2 fiscal years in actions by the three regulatory agencies is over $4 billion. This figure does not include most increases granted by the ICC nor any increases granted by the Federal Maritime Commission. These agencies were unable even to estimate the total dollar value of increases pending and approved.

The CAB deserves special mention for its recent action in approving airline fare increases. In Nov., 1970, it approved an increases in domestic fares and rate structures which cost airline travelers $100 annually. [In April, 1971] the Board authorized a 6 to 9% increase in domestic airlines fares that will increase annual revenues anywhere from $115 million to $400 million per year.

Confidence in the federal consumer protection apparatus is also shaken when the FCC accuses Western Union of allowing its telegram service to deteriorate, but also approves $21 million in rate increases to that monopoly.[28]

IV. CAUSES OF THE PROBLEM

As was mentioned earlier, there is no one simple cause of the inadequacy in federal consumer programs. However, there are several specific problem areas that can be identified. Two of these are a lack of funds and staff for the agencies, and insufficient enforcement powers or mechanisms. These problems are beyond the scope of this report. It was explained earlier in the report that the real determining factor is the organization of the programs involved. Thus when we consider the area of *government organization*, there are two problems that are major culprits; one is the lack of coordination between governmental programs; the other is the lack of consumer advocacy in government policymaking. Let us examine these two deficiencies.

A. Lack of coordination

One of the major problems in all governments today is fragmentation. New agencies are haphazardly established when the need arises, but no review is made to determine the effect of such action on existing agencies. President Nixon spoke of these problems when he released his Executive Reorganization proposals:

As we reflect on organizational problems in the federal government today, one seems to stand out above all others: the fact that the capacity to *do* things—the power to achieve goals and to solve problems—is exceedingly fragmented and broadly scattered throughout the federal establishment. In addressing almost any of the great challenges of our

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time, the federal government finds itself speaking through a wide variety of offices and bureaus, departments, and agencies.[29]

In the area of consumer protection, such fragmentation is as bad, if not worse, than in other areas of government. Various estimates have been made of the number of federal agencies and programs involved in consumer matters. The number of administering agencies that have such functions has been set variously at 30, 33, 36, 39, and 43. By my own count, I have arrived at 45. (A complete list is contained in Appendix II.) Similarly, the number of *programs*—and here the estimates run wild—range from 150 to 260 to 300 to 413 to 500 to 900 to 1,000. I think the mere range of such estimates underlines the problem of a lack of coordination and overview. It must also be pointed out that these programs use a large number of resources—a 1961 study estimated that all the consumer programs cost almost $1 billion annually and employ over 65,000 persons.[30] Certainly in ten years, with the proliferation of programs and the severe inflation, these figures must be much larger today. In addition, these various agencies have divided and joint jurisdiction over many consumer laws. Some examples:

> Responsibility for enforcing the Truth in Lending Act is vested in nine separate agencies; administration of the Fair Packaging and Labeling Act is divided among three agencies—the FTC, the FDA, and the Department of Commerce; Flammable Fabrics Act jurisdiction is shared by Dept. of Commerce, FTC and FDA; responsibilities for the wholesomeness of fish and fishery products falls both to the FDA and Interior Dept.'s Bureau of Commercial Fisheries . . .[31]

Most of this fragmentation and joint responsibility is under no supervision or control in the higher levels of government.

The fragmentation of these programs throughout the government, and the joint and split jurisdiction have serious consequences in the general performance of government. Again, I turn to President Nixon, who has spoken eloquently about the results of scattered responsibility. His list of results in government activities in general can be applied to consumer programs specifically.

> (1) The diffusion of responsibility makes it extremely difficult to launch a coordinated attack on complex problems . . . When one part of the answer to a problem lies in one department and others lie in other departments, it is often impossible to bring the various parts together in a unified campaign to achieve a common goal.
>
> (2) Even when departments make a concerted effort to broaden their perspectives, they often find it impossible to develop a comprehensive strategy for meeting public needs. Not even the best planners can set intelligent spending priorities, for example, unless they have an opportunity to consider the full array of alternative expenditures. But if one part of the problem is studied in one department and another part of the problem is studied elsewhere, who decides which element is more important? . . . Too often, no official below the very highest levels of the government has access to enough information to make such comparisons wisely. The result is that the government often fails to make a rational distribution of its resources among a number of program alternatives.
>
> (3) Divided responsibility can also mean that some problems slip between the cracks and disappear from the government's view. Everybody's business becomes nobody's business and embarrassing gaps appear which no agency attempts to fill.
>
> (4) At . . . times, various Federal authorities act as rivals, competing for the same piece of "turf". Sometimes one agency will actually duplicate the work of another; . . . on other occasions, Federal offices will actually find themselves working at cross purposes with one another . . . In an effort to minimize such problems, government officials must spend enormous amounts of time and energy negotiating with one another that should be directed toward meeting people's needs. And even when they are able to work out their differences, officials often reach compromise solutions which merely represent the lowest common denominator of their original positions. Bold and original ideas are thus sacrificed in the quest for intragovernmental harmony.
>
> (5) Scattered responsibility also contributes to the overcentralization of public decision making. Because competing offices are often in different chains of command, it is frequently impossible for them to resolve their differences and for providing needed coordination, an entirely new layer of Bureaucracy has emerged at the *interagency* level . . . Even so, there are still many occasions when only the White House itself can resolve such interjurisdictional disputes. Too many questions thus surface at the Presidential level that should be resolved at the levels of Government closer to the scene of the action.
>
> (6) Inefficient organization at the Federal level also undermines the effectiveness of State and local governments . . . Some local officials are so perplexed by the vast array of Federal programs in a given problem area that they miss out on the very ones that would be most helpful to them . . .
>
> (7) If it is confusing for lower levels of government to deal with this maze of Federal offices, that challenge can be even more bewildering for individual citizens . . . The people whom the Government is supposed to be serving are often forced to weave their way through a perplexing obstacle course as a condition of receiving help.[32]

When we add the examples of the poor performance of consumer programs to President Nixon's statements, it becomes clear that the lack of coordination is having serious repercussions in all aspects of federal consumer protection.

What is being done to cope with this problem? I mentioned earlier that President Nixon has set up an Office of Consumer Affairs mainly to coordinate consumer programs so as to eliminate duplication and resolve conflicts. OCA has been working on this problem, but obviously it will take time to see results—after all, the Office was only created in February, 1971. However, there is disagreement on whether OCA is doing or can do enough to alleviate the problem. Some say it must be given time, others want to strengthen it, still others would like to consolidate some of the programs themselves to make OCA's job easier. All of these approaches will be discussed later.

B. Lack of representation

A second major problem with the present federal consumer setup is that there is a lack of consideration of the consumer interest in the policymaking and enforcement stages. As was mentioned earlier, there are many instances where agencies have taken no action on serious problems, or have granted companies inflationary rate hikes. Why do these agencies—particularly the regulatory bodies—disregard the consumer viewpoint? There are two answers, both related.

The first answer is that these agencies have worked with the industries so long that (to use a common cliché) "the agencies have become creatures of the industries they are supposed to be regulating." A task force report prepared for the National Commission on Product Safety (NCPS) explains why this is so:

> Continual communication with the representatives of the regulated industries causes agency preoccupation with the economic burdens and dislocation that specific safety standards would impose. The Government penchant for multiplying layers of review preceding the final decision produces conflicting interests within the agencies, which may create a stalemate and allow industrial representatives to probe for the soft spots receptive to delay . . . [The net result is that], as if instinctively, the agencies approach problems so as to seek accommodation with the regulated industry and avoid major conflict with it.[33]

The second reason why many regulatory agencies do not consider the consumer viewpoint is simply that it is not presented; or when it is presented, it is in a weak and unprofessional way which industries can easily overcome with their large amounts of money and personnel. Rep. Rosenthal supports this view:

> In proceedings before regulatory agencies . . . the industry . . . has a staff, frequently a battalion of very well paid lawyers and very able lawyers to present the case; and yet no one presents the case in opposition. There is no consumer representative . . .[34]

Thus, the basic problem is that since many matters concerning rates, licenses, and standards are very complicated, few consumers or consumer groups have the resources or knowhow to present their side of the story. This idea is explained by a representative of a well-known consumer group:

> Because our system of government, like our judicial system, is primarily one of advocacy, it follows that only those interests that are specifically represented are taken into full account . . . At the Federal level, who argues for the consumer before . . . any department or agency whose official actions affect the consumer interest? Hardly anyone. We at Consumers Union, the Consumer Federation of America, Mr. Nader and his associates, and a few other groups appear occasionally. But we are the first to recognize how much goes on where none of us makes the appearance.[35]

To put the problem in a nutshell, there is presently a gross imbalance in representation before federal agencies. That imbalance favors the industries which are regulated. To many people—consumers, legislators, even some businessmen—only by establishing an official Federal Government consumer advocate that can argue the consumer's case before the agencies, can his viewpoint be represented. Once again, we turn to Rep. Rosenthal for an explanation:

> Because their interests are so broad and disparate, consumers will never have the kind of organized representation—trade associations, lawyers, lobbyists—that has been so effective for producer groups. Only government can fill that void.[36]

There are, of course, some people—mostly businessmen—who disagree with the idea of a publicly-funded consumer spokesman. They say such a post is unnecessary or could be too powerful. But consumers say that the long list of inaction and unfair treatment by the Federal Government is certainly justification enough for the creation of such an office. In addition, the idea has been tried successfully—judging from experiences at the local level, it would appear that such an office can produce results.

Thus, there is nearly universal agreement that there should be a consumer advocate at the Federal level. What there is great disagreement on, however, is: (a) where the advocate should be placed in the government framework; and (b) what specific powers he should be granted. The main battleground has been on the first question—location. Various bills have been introduced which would put the advocate function in the Justice Department, the FTC, the OCA, or in a new, independent agency.

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V. HISTORY AND OVERVIEW OF BILLS

At this point, let us examine the bills that are presently before Congress dealing with the organization of Federal consumer programs. At the same time, let us briefly go over the history of the more important bills. (NOTE.—This report will cover some bills not presently before Congress, but which are based on ideas that still carry some support.)

One of the bills, H.R. 3809, introduced by Representatives Erlenborn and Brown, would set up a statutory OCA (with similar powers to the existing ones) and a strengthened Bureau of Consumer Protection within the FTC. The Bureau, to be headed by a Consumer Counsel, would have the functions of advocacy, complaint handling, information dissemination, and product safety. Hearings have been held on the bill, and a committee vote is expected some time in August. The Nixon Administration tentatively supports the bill, but it wants to wait until a thorough evaluation has been made of the report by the President's Advisory Council on Executive Organization (the Ash Council), before it takes a firm stand. President Nixon promised a decision by April 20, 1971, but that date has come and gone with no action. It appears that without the firm support of the Administration, the bill stands almost no chance of receiving committee approval.

The bill just described could be considered as the "child" of a similar bill, H.R. 14758, introduced in the 91st Congress. This proposal also called for an OCA, but would have placed the advocate function in a to-be-created Consumer Protection Division of the Justice Department.

Another bill, H.R. 13793 in the 91st Congress (by Rep. Dwyer) has also not been reintroduced in this Congress. That bill would have established a statutory OCA with all of its present powers of coordination *plus* the advocacy function. While not under active consideration at this time, the bill could conceivably be a compromise in a future legislative battle.

I have also included in this report an evaluation of some sections of H.R. 6960 and H.R. 6961, the parts of President Nixon's Executive Reorganization plan which would establish, respectively, Departments of Economic Affairs and Human Resources. Both of the proposed departments would contain some consumer protection programs and they will be examined in that light. These complex bills are being considered in lengthy hearings and I am sure that it will be months before they will be put to a committee vote, much less a vote of the entire House.

Finally, we come to the bill to which the most attention has been and will be given. It has so many cosponsors that it was introduced as three identical bills. I am speaking of H.R. 14, 15, and 16—henceforward, to be referred to as simply H.R. 14—by Rep. Rosenthal, which would establish an independent Consumer Protection Agency (CPA), as well as a statutory OCA. The bill's main provisions are as follows: OCA would be made statutory and given additional powers to what it presently has; CPA will be set up to represent the interests of consumers in proceedings before Federal agencies and the courts, to gather and make available the results of tests and analyses of products, and to assume the functions of the NCPS.[37]

Since this is such an important and popular bill, it would be beneficial to examine its history. The "great-grandfather" of H.R. 14 was a bill by Senator Estes Kefauver, first introduced in 1959, that provided for the establishment of an executive Department of Consumers. This bill would have transferred many related consumer protection agencies into one, consolidated department. Extensive hearings were held but no action was taken. In 1965, Rep. Rosenthal introduced a revised version of the bill, which changed the name to Dept. of Consumer Affairs (DCA), and housed in the department the power of advocacy, in addition to the other functions. In September and October of 1969, hearings were held on the bill—then designated H.R. 6037. As a result of testimony by consumer spokesmen against the bill, Rep. Rosenthal dropped the department idea. In November, 1969, he modified the bill to provide for a Consumer Protection Agency, to which would *not* be transferred any existing programs—although consumer groups have now shifted their support away from DCA to CPA, two bills, H.R. 254 and 1015, have been introduced in the 92nd Congress to set up a DCA. I could not find out who is sponsoring these bills.

Hearings were held on the revised bill in April, 1970. After this, the House Government Operations Committee wrote a compromise bill, numbered H.R. 18214, that established a CPA and an OCA. The Committee approved the bill, 31 to 4. Meanwhile, the Senate approved a similar bill, 74 to 4. Chances looked excellent for final passage, but the bill was defeated in the House Rules Committee on a 7 to 7 tie vote.

This year, Rep. Rosenthal has introduced virtually the same bill with 170 cosponsors. The proposal has strong popular support. The House Democratic leadership has declared the bill one of their top priorities for this year. Ralph Nader has called it "the single most important bill ever before Congress." The main force of opposition, in addition to many business interests, comes from the Nixon Administration. As mentioned earlier, the Administration has not yet formulated its exact position for this year, but in the past, it has gone on record in opposition. However, a talk with a staff member of OCA indicated that the President's position is not hard-and-fast; he "hasn't foreclosed the option," but thinks that the bill is "an idea whose time has not yet come . . . perhaps in the future."[38]

What happens now? Hearings were held on the bill (along with other pending consumer bills: H.R. 3809, 254, 1015) during April, May, and June of this year. According to one of Rep. Rosenthal's aides, the subcommittee considering the bill will probably vote on it late in July, with the full committee taking it up sometime in late August. The aide expressed the view that chances for the bill's final passage—including the elusive approval of the Rules Committee—are "excellent"; but he quickly added that there is some chance the resulting bill will contain some modifications.[39] In any event, it would seem that all the evidence points strongly to some consumer agency bill being on the President's desk by the end of this year. After that point, it is anybody's guess what could happen, though one wonders if Mr. Nixon could risk being branded "anti-consumer" by vetoing such a bill.

VI. DETAILED ANALYSIS OF BILLS

At this point, we shall take up each of the bills, list their main provisions, and look at the pro and con arguments. The discussion will be arranged by problem areas—first coordination, then advocacy.

A. Coordination

1. Statutory OCA

As was pointed out earlier, most parties involved in consumer issues believe there is a need to do something about the fragmentation of consumer programs. Of course, OCA was set up by Executive Order to try to deal with this problem. However, many people (including the Administration, as of last year) favor making OCA statutory, to deal with three problems with the existing Office: First, a future President could abolish the Office just as easily. Secondly, present OCA appropriation are coming partially from other Federal agencies with consumer programs. A third need is indicated by a former Special Assistant to the President for Consumer Affairs:

> I remember in my experience being told to try to coordinate the activities, but it was impossible. We tried to do it through the Bureau of the Budget, for example, to have an overview of their programs through how they were spending their appropriations. But unless you have statutory authority, unless you know that Congress wants the agencies coordinated, as important as is the President, and even with his backing, it is not enough.[40]

A fourth reason for a statutory OCA is that this office would then be more responsible to Congress. In summary, the formalizing of OCA through Congressional action would make the Office permanent, would clearly define its authority and responsibilities, and would indicate that Congress supports it. I have seen no evidence of any opposition to this concept.

In addition, some consumer groups would like to strengthen OCA's powers. H.R. 14 would impose several additional powers and responsibilities on OCA and its Director. Some examples:

(1) Upon the Director's request, each Federal agency is directed to make available its services, personnel, information, and estimates to OCA for consumer-related purposes.

(2) The Director is required to submit an annual report to Congress and the President which evaluates consumer activities by OCA and other agencies, and gives recommendations for legislation.

(3) OCA is given more wide-ranging power and responsibilities in acting on consumer complaints.[41]

Consumer groups feel these changes will make OCA more effective and productive. Again, there has been little opposition to the proposals, although I am sure industry groups will attempt to water down some of these provisions when the bill is actively considered.

Even with the establishment of OCA, some people would like to go further, toward controlling the fragmentation. They think that while *coordination* is fine, *consolidation* is the ultimate solution. Two approaches to consolidation have been considered: One is the creation of a new Dept. of Consumer Affairs to pull together many consumer protection functions under one roof; the other is the total reorganization of the executive branch in which (among others) consumer programs would be partially consolidated under new super-departments.

2. Department of Consumer Affairs

Let us first consider the DCA bill (H.R. 6037 in the 91st Congress.) Its main provisions are as follows:

(1) Establishment of an executive Department of Consumer Affairs which will have the function of "protecting and promoting the interests of consumers generally and in various specific ways."

(2) Transfer of the following functions to DCA: enforcement of the Fair Packaging and Labeling Act (from Commerce, HEW and FTC) and the Truth in Lending Act (from nine other agencies); consumer protection functions of C & MS (from USDA); functions relating to food containers and misbranding of food (from FDA); the Division of Prices and Cost of Living (from Labor); and the Home Economics and Human Nutrition Research branches of ARS (from USDA).

(3) Power to intervene before Federal agencies and courts to present the consumer viewpoint.

(4) Various other provisions on related matters, including consumer complaints, information, safety, research, and surveys.[42]

Generally, the argument for the DCA bill is that only a full-scale Cabinet Department

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can adequately protect and advocate the rights of consumers at the Federal level. To be more specific, the pro-DCA people contend that consumer programs are presently under the jurisdiction of agencies that cater to different constituencies—business, labor, farmers—and thus cannot be responsive to consumer needs. If such programs were all put under the aegis of a DCA, it is argued, consumers would have a sympathetic niche in the government which would stand up for their rights. A related argument is the "everyone-else-has-it-why-not-us?" line of reasoning: Businessmen have the Commerce Dept., labor has the Labor Dept., and farmers have the Agriculture Dept., but what does the consumer have? Another justification is that the mere establishment of a DCA—with its Secretary having an equal access to the President as do other Cabinet members—will give the whole consumer movement tremendous prestige and could have beneficial side-effects. In addition, it is pointed out that a unified consumer center in the Federal Government will "remove many of the frustrations of dealing with the dozens of scattered bureaus that are now dealing with these problems." [43]

The thrust of the opposition to the DCA bill is that consumer protection functions are inseparable from other governmental functions, but even if this were not so, establishment of such a department could cause more harm than good to the consumer. On the first point, it is argued that "consumer protection is not a separate commodity which can be regulated or promoted by a separate agency of government." [44] This is because consumer interests are intimately tied into all that the Federal Government does, whether it is health, education, transportation, or housing. Ralph Nader lists the consequences to the consumer of setting up a DCA. He says that giving the Dept. such a regulatory role would:

(a) simply refocus the entire lobbying environment on the Department;

(b) weaken the Department's strong advocate role because it would have to referee between competing interests in its administrative hearings and rule-making roles;

(c) further lighten any public interest burdens from other departments and regulatory agencies; and

(d) generate needless opposition by the agencies which would be losing their programs.[45]

Since DCA would have something to "give" to industry, opponents argue, this will attract lobbying forces which have undermined other agencies. In addition, the consumer functions might be downgraded in the government by the fact that DCA would be no more important or significant, in the President's eyes, than any other department. A final argument against DCA is on the overall grounds of prudent government organization. President Nixon has spoken for the view that executive departments should not be organized around narrow interests. He contends that:

> When any department or agency begins to represent a parochial interest, then its advice and support inevitably become less useful to the man who must serve *all* of the people as their President.[46]

3. Partial Consolidation

There are some who say that while *total* consolidation of consumer programs in a DCA is not the answer, perhaps there can be a *partial* amalgamation of such programs under other departments. It has been well established in this report that in some cases, lack of consumer protection by a federal agency has results from a conflict of interest—in fact if not in law—within that agency. When this is the case, most consumer spokesmen would agree that such a function should be removed from that agency. Then, the function can be put in another organization which will not create a conflict of interest. However, this is a painstaking process. A noted consumer spokeswoman has underlined this by stating that "I think you have to take these agencies one by one, and you are going to have to compromise." [47]

President Nixon and his staff have performed such a difficult task and the result is the Executive Reorganization Plan. Of course, this deals with the entire executive branch, of which consumer programs make up only a small part. Nonetheless, the President has included some consumer program reorganization in the plan; in addition, his general philosophy on the topic might be instructive for development of further ideas. The following is an excerpt from the press release on the plan:

> Under the proposals which I am submitting, those in the Federal Government who deal with common or closely related problems would work together in the same organizational framework. Each department would be given a mission broad enough so that it could set comprehensive policy directions and resolve internally the policy conflicts which are most likely to arise. The responsibilities of each department would be defined in a way that . . . enables the President and the Congress to hold specific officials responsible for the achievement of specific goals.
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> These same organization principles would also be applied to the *internal* organization of each department. Similar functions would be grouped together within each new entity, making it still easier to delegate authority to lower levels and further enhancing the accountability of subordinate officials.[48]

Briefly stated, his proposals would abolish seven existing departments (Commerce, Labor, Agriculture, Transportation, Interior, HEW, and HUD) and create four new super-departments (Natural Resources, Community Development, Human Resources, and Economic Affairs). Only the last two proposed departments are relevant to this report. These two bodies would house most programs specifically involved in active consumer protection. The Human Resources Dept. would absorb nearly all of HEW, plus large parts of Agriculture and Labor; it would be subdivided into three major Administrations: Health, Human Development, and Income Security. Presumably, the consumer programs would be lodged under the Health Administration.

Included would be: FDA (from HEW); food inspection functions of C&MS (from USDA); and the product safety programs (from Commerce). The Economic Affairs Department would absorb most of Commerce, Labor, and significant segments of Agriculture and Transportation. It would contain six Administrations: Business Development; Farms and Agriculture; Labor Relations and Standards; National Transportation; Social, Economic, and Technical Information; and International Economics. There appears to be no internal consolidation of the consumer programs which would be included: motor vehicle safety programs of NHTSB (from DOT); enforcement of Fair Packaging and Labeling Act and Truth in Lending Act (from Commerce); Bureau of Labor Statistics (from Labor); the remaining functions of C&MS; and the National Business Council on Consumer Affairs.[49]

It is clear that the President's reorganization plan would go a long way towards consolidation of consumer programs. In this respect, he has followed the advice of several consumer spokesmen who have, over the years, recommended changes such as those proposed—but on a much smaller scale. Indeed, it is interesting to note that many consumer programs consolidated under the Nixon plan are the same ones which were to be transferred to Rep. Rosenthal's proposed DCA. This might seem to indicate that the congressman would be enthusiastic about the consumer parts of the Nixon plan. According to Rep. Rosenthal's legislative assistant, this is not the case: "I don't think the reorganization itself will help. If anything, it might bury these programs under more bureaucratic layers; it might make the programs less effective." [50]

To summarize, several solutions to the coordination problem have been proposed. A statutory OCA appears to have virtually no opposition. However, sincere consumer partisans have lined up on both sides of the difficult question of creating a DCA or partially consolidating consumer functions in a vastly restructered Executive Branch.

B. Advocacy

We have already discussed the imbalance that now exists in the consideration of policy matters before the Federal Government. It is clear moreover, that despite opposition by some industry groups, the idea of a federally-supported consumer advocate enjoys wide popularity. The points of disagreement, as was pointed out earlier, are the location and powers of the advocate. We shall now analyze the proposals that have been made to house the advocate, variously, in OCA, Justice, FTC, or an independent CPA.

1. OCA

The first proposal calls for the vesting of of the advocacy function in a statutory OCA. The main argument in favor of the bill is that OCA is very near to the "ear" of the President, and thus would carry his prestige and support. This, so its backers say, would be much preferable to an independent agency, which would be competing with the one-hundred-odd existing agencies for the attention of both the President and the public. Opponents contend that a consumer advocate located close to the President has to balance his judgements and thus can never be a strong, partisan advocate. Thus, say the critics, political pressure would frequently inhibit the advocate from performing his duties. Supporters respond that since consumer protection is a major political issue, the President would be risking political trouble if he tried to silence the advocate. But critics say they can only rely on what has happened in the past. They point to the many examples where a Presidential consumer adviser has been unable to express strong proconsumer viewpoints. Or when the adviser has spoken out, there inevitably has been a backdown later on due to pressure from members of the President's staff.

2. Justice Department

Another approach, put forward by the Nixon Administration in 1969, would put the advocate in a proposed Consumer Protection Division (CPD) of the Justice Department. The Division, to be coequal with all the other divisions would have both advocacy and enforcement functions. It would be supported by a substantial staff of lawyers. Generally, the justification for the bill is that it makes sense to put an advocate in an agency that deals with related matters (i.e. enforcement) and has a large, skilled staff. In addition, say the supporters, legal representation responsibilities historically have been primarily by the Justice Department. Critics of the scheme argue that the Justice Department is usually the lawyer for government agencies, rarely against them, and anyway, higher officials could veto adventurous plans of the Consumer Protection Division. Supporters answer that the Antitrust Division is a perfect example of where intervention is sometimes promulgated against federal agencies. Furthermore, they say, disputes between CPD and higher authorities could be resolved in the same way antitrust cases are: allow the CPD to present its own case to a reviewing court. Another argument of the critics is that CPD would not have enough time,

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Footnotes at end of article.

money, or staff to do a good job on both advocacy and enforcement. The response to this argument has been that CPD will be sufficiently staffed and funded to do the job. But actually it is difficult to know in advance how many resources would be needed, so the question is unclear.

In his 1971 consumer message to Congress, President Nixon noted the non-response to his earlier proposal to put the consumer advocate in Justice. He also noted that the Ash Council's report, which had then just been issued, "suggested" that an advocate might be best placed in a new Federal Trade Practices Agency which would be created from a restructuring of the FTC. The President has as yet taken no position on the recommendation, but has urged that, if Congress is intent on acting now, it should place the advocate in FTC as an interim measure. As mentioned earlier, H.R. 3809 is written along these line; its Bureau of Consumer Protection in FTC would be headed by a Consumer Counsel. Generally, the argument in favor of the bill is that FTC has traditionally been the consumer's "advocate" before private companies, and it has a staff trained in this field; thus it would be well suited to house an advocate to appear before federal agencies. Doubts have been raised, however, about the Consumer Counsel's ability to act independently. One reason is that the Counsel's actions are, to quote the bill, "subject to direction by the Commission."[51] The American Law Division of the Congressional Research Service has interpreted this to mean that the Counsel probably would have no power to overturn any directive by the FTC.[52] This could considerably inhibit the intervention powers of the Counsel, especially in light of the fact that much of the advocacy work would probably be performed before the FTC itself. A second problem, which has also been confirmed by the American Law Division, is that positions of the Bureau could be regarded as positions of the FTC in general. The result might be that a court would disqualify the FTC from considering a matter before it, on grounds of prejudice.[53] Thus, consumer groups are worried that the Counsel's freedom to intervene might be seriously restricted by FTC directives or court rulings. This, it is argued, would not only mean continued inaction on important problems, but also increased frustration on the part of American consumers.

4. Consumer Protection Agency

Undoubtedly the most important bill concerning advocacy that is presently being considered by Congress is H.R. 14, which would establish an independent CPA. It would be headed by an Administrator appointed by the President and confirmed by the Senate. CPA's functions would be as follows:

(1) Formally represent the interests of consumers in proceedings before federal agencies and courts;

(2) Encourage and support research, studies and testing leading to a better public understanding of consumer products and consumer information;

(3) Submit recommendations to the Congress and the President on improving the operation of federal consumer programs;

(4) Conduct surveys and investigations concerning the needs and problems of consumers which do not duplicate activities of other federal agencies.

(5) Continue the work of the National Commission on Product Safety.[54]

The specific mechanism for representation of consumers would work as follows:

Before federal agencies, the CPA is authorized to represent consumers as a party on matters which do not involve an adjudication solely for the purpose of imposing a fine, penalty or forfetiture for an alleged violation of any statute of the U.S.

On matters which do involve an adjudication for such a sole purpose, the agency may certify evidence and information, but not as a party to the proceedings. Before federal courts, the Agency may only certify evidence and information, but not intervene as a party. But the Agency may initiate a judicial review of an agency proceeding to which it was a party, when a right of review is otherwise accorded by statute.[55]

The triggering mechanism for such intervention would be a finding on the part of the Agency that:

(1) the result of such investigation, hearing, or other proceeding may substantially affect the interests of consumers; and

(2) such interests may not be adequately protected unless the Agency intervenes.[56]

Another important feature of the bill—which is probably a first in the area of public policy—provides that

> Every Federal agency taking action which may substantially affect the interests of consumers is required to (1) notify the Agency . . . of the taking of such action and (2) take such action in a manner calculated to give adequate consideration to the valid interests of consumers. In taking action, an agency is required to indicate publicly the effect such action will have upon the consumer interest and the basis upon which the consumer interest was taken into consideration.[57]

The general argument in favor of CPA is that a consumer advocate must be *independent;* he must be free from political pressures that exist in the White House and in other agencies; he must have unrestricted ability to be an unabashed, partisan spokesman for the consumer. This would be the case with CPA since [it] would be under less pressure to accept an "overall" administration viewpoint which comprises the consumer view into an amalgam that reflects other agency interests as much as, or even more than, the consumer interest. In other words, the consumer agency would, to a much larger extent, be free to "agree to disagree" rather than being forced to negotiate and concede points at issue.[58]

The main line of opposition to CPA is founded on the attitude that "merely" establishing another agency will do nothing to solve the problem, and may compound it. The critics base their conclusion on four contentions: One, we have too many independent agencies already; there is no need to create another large, costly bureaucracy. Two, independent agencies tend to become less effective as they get older. Three, the President could weaken CPA by merely choosing a weak or nonactivist Administrator. Four, independent agencies are not responsible enough to Congress.

The answers to these arguments are as follows: On the first one, it cannot be denied that the bill sets up a new bureaucracy, but large and costly? No—the scope of CPA is clearly spelled out and limited. According to the committee which approved the bill,

> It must be stressed . . . that no large new bureaucracy is contemplated or intended in this legislation. If personnel and programs mushroom, the organizational structure will no longer be serving its intended purposes.[59]

As to the second contention, this obscures the fact that CPA is not merely another agency. It is a special agency—a totally new concept in government: one agency performing watchdog duties over all the others to protect a specific interest. Thus, one cannot draw conclusions for CPA based on performance of agencies in the past. Furthermore, it is probable that the *existing* agencies would be improved if CPA was created. This is because CPA would be urging or forcing them to take a more balanced approach to consumer problems. In answer to a question on how to improve federal consumer program coordination, Ralph Nader mentioned the CPA bill:

> Coordination has to be motivated. I've been to many interdepartmental meetings and nothing gets done. But if Congress passed the Consumer Protection Agency bill, with a staff of advocates that could intervene in proceedings of regulatory agencies, then the motivation would be clear. You can't force coordination. But if there's a constant monitor and spur for the consumer, it will tend to force coordination among the agencies.[60]

As for the third argument, Presidential appointments are always based, to a considerable degree, on the ability of the appointee to satisfy the agency's clientele group. In this case the clientele group is composed of consumers and, as Ralph Nader has said,

"I think we now have arrived at a point . . . that the consumer constituency is demanding that if there is going to be a consumer protection unit anywhere, it has to be headed by somebody interested in consumer protection." [61]

The fourth argument is answered by pointing to the provisions in the bill requiring CPA to report annually to Congress and to keep the appropriate committees informed on all of its activities.

Another area of dispute in this bill is the amount of advocacy power granted to the CPA. Some groups—particularly those representing industrial interests—are worried that the power of intervention may give CPA unwarranted powers over the agencies. A Chamber of Commerce representative explains:

> If it is desirable that the views of the consumer advocate be presented in particular agency and court proceedings, then it would seem reasonable that he appear as a witness for that purpose. But to authorize [him] to intervene—and perhaps actually initiate proceedings . . .—is in effect to provide for an overseer on the supposedly independent actions of administrative agencies and courts. Add the potent weapon of publicity which a consumer advocate of such power could bring to bear on agencies to persuade them to comply with his proposals, and the net effect on our traditionally unfettered courts and regulatory agencies would be nothing short of intimidating.[62]

Supporters of the bill reply that there are sufficient safeguards to prevent any detriment to the Federal rulemaking process. For example, the bill requires CPA to determine that a given proceeding will substantially affect consumers, in order to intervene. If such a finding is not made, intervention will be ruled out. Also, intervention is not allowed in court cases (except appeals from previous intervention). Finally, as the Committee has pointed out, "nothing in this legislation takes away any discretion from any adjudicatory body." [63]

Not surprisingly there are also arguments in the other direction—that the bill would not give the advocate *enough* power. For example, in FDA proceedings on confiscation of unsafe food, criminal sanctions are often involved. But under the bill, CPA would have no powers of intervention in such proceedings; also off limits (as mentioned above) are all court cases except appeals. I do not know of Rep. Rosenthal's response to this criticism, but it is interesting as an example of the tug-of-war that has been and will be, I am sure, waged over this bill.

One other area which has engendered controversy is that of joint or shared functions of CPA and the OCA set up in the bill. The following is a summary of the pertinent provisions:

Consumer Complaints: When consumer complaints are received or developed by the Office or Agency, such action may be taken as is within the authority of each. If the complaint is referred to another federal agency, the nature of the action taken thereon shall be ascertained. Duplication by

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Footnotes at end of article.

the Agency and the Office in the handling of complaints is specifically prohibited.

A public document will be maintained by the Agency alone for public inspection of complaints. The Agency shall promptly notify producers and vendors of all complaints concerning them received and developed. A complaint can only be made available for public inspection with the permission of the complainant and after the party complained against has had a reasonable time, but not less than 60 days, to comment.

Consumer Information: The Agency and the Office shall gather from other sources and disseminate to the public, information of general value to consumers.

The Agency shall have primary responsibility for disseminating to the public, consumer information in the possession of other federal agencies, including the results of relevant tests performed by those agencies on consumer products.[64]

Critics of the bill do not like the fact that Agency and the Office have several similar functions. In addition to handling complaints and gathering and disseminating information, both units are empowered or required to: submit recommendations to Congress and the President; conduct conferences, surveys, and investigations; support various types of consumer programs; and keep appropriate Congressional committees informed. Some of the dissenters on the Committee which approved the bill, explain why they think such overlap is "wasteful, duplicative, and inefficient":

In our judgment, it is extremely doubtful whether there is any significant difference in the functions of each of these proposed new governmental units, which is sufficient to be a valid reason for creating *both* units. It would seem likely that, under energetic administration, either of the units has within its powers, duties and functions the potential of taking great steps in the representation of the interests of consumers. To create two units of government with such similar powers, duties and functions is to dilute the responsibility for carrying out this important mission of the federal government. It would appear inescapable that there will be a considerable amount of overlapping and unnecessary duplication of effort on the one hand, while some important things may not be done at all—with no single agency clearly responsible in this area of consumer protection.[65]

The Committee majority defends the bill against these charges, pointing out how it will be attempted to avoid duplication:

In certain limited instances, the Agency and Office have been granted similar functions . . . In each instance, however, the Office and Agency are charged with the responsibility of avoiding duplication in the conduct of these operations. In order to discharge this responsibility, we believe that the Agency and Office should enter into a written understanding which clearly and concisely spells out their areas of responsibility. To the extent that any duplication does occur, the committee believes it will be of a constructive competitive nature which will redound to the benefit of consumers.[66]

This last point on competition evokes strident criticism from the dissenters:

This duplication of responsibilities cannot be excused by the argument used in the Committee report that it will foster competition between the agencies. That is not the purpose of this legislation, as the Committee report concedes. This duplication and division of responsibility may make even more difficult, as well, the management of the hundreds of consumer interest activities which are already spread throughout the federal establishment. Such duplication could also hinder the Congress in its exercise of legislative oversight in this important field.[67]

A final area of argument is the proposed Consumer Advisory Council (CAC). This body would be composed of 15 members appointed by the President to serve staggered terms of 5 years. In addition to providing advice to CPA and OCA, and studying federal consumer programs, CAC is designed to perform an independent watchdog function over the operations of the Office and Agency to assure that they carry out the duties conferred upon them. This means that if either fails to exercise its responsibility adequately the Advisory Council has the duty to bring this fact to public attention and recommend corrective action . . . [CAC] is charged with alerting the Congress, President, and public if such behavior is detected.[68]

The Committee explains the benefit that CAC could have.

The Advisory Council is designed to function as more than the customary body attached to many Federal programs to give a public veneer. The Council envisioned here will maintain an aggressive and innovative oversight over consumer programs and these two agencies in particular to make sure that the interests of consumers are being protected in a responsible but reasonable and fair manner . . . This should be a valuable aid to the consumer effort within the Government.[69]

But the dissenters believe CAC just adds more duplication. They talk about this and then make a final statement.

Having divided the responsibility for representating the consumers between the Office and the Agency, the bill proposes to go still further. . . there is established the Consumer Advisory Council . . . [Its] function is startlingly similar—to advise the Administrator and the Director on matters relating to the consumer interest; to review and evaluate the effectiveness of federal programs, and operations relating to the consumer interest. It sounds like a broken record—three organizations representing the same interest.

This is a highly questionable way to proceed when the government's financial resources are being so severely strained. It would seem to be without question that there are many needs in this country which should be met before we create three government organizations to do a job which, in all probability, would be better performed by a single government organization.[70]

Thus, we can see that H.R. 14 is actually a complex piece of legislation about which there are valid arguments on both sides of the specific issues. Despite the controversy, it seems clear that a consumer advocate is an "idea whose time has come" and, as mentioned earlier, I predict that some form of a CPA bill will probably pass Congress this year.

In summary, we have reviewed the problems in consumer programs, the causes, and the suggested solutions. Now it comes time to sort out the many proposals and come up with some rational, workable solutions to the problems of fragmentation and imbalanced representation.

VII. RECOMMENDATIONS

After studying all the proposals on federal consumer agencies, I have taken what I believe are the best elements from each, and then aded my own refinements, to form a list of recommendations for comprehensive reform. My recommendations are as follows:

(1) The Office of Consumer Affairs should be established as a statutory body. It should be given all the powers in H.R. 14 which it would possess exclusively.

I support wholeheartedly the idea of institutionalizing OCA and giving it all the powers it needs to really be an effective coordinator of consumer programs. I am convinced that with the backing of Congress, along with sufficient powers, OCA can go a long way towards eliminating duplication and overlap in Federal consumer programs. In addition, it has the potential of becoming an effective spokesman at the highest level for the consumer interest.

(2) Most existing consumer protection functions should be consolidated in two of the super-departments proposed by President Nixon: Human Resources and Economic Affairs.

Generally, I would go along with most of the President's proposed transfers. However, I would go further than he, so I will now set down the type of organization which I believe would be best, from a consumer viewpoint:

(A) *Human Development Department:* A Consumer Protection Administration should be added, encompassing the following five areas:

(1) *Product Safety*—this should include present FDA and Commerce Dept. functions in the field, the motor vehicle safety programs of NHSB, and some other functions the President proposed in his consumer message which would provide wider powers to regulate and ban unsafe products.

(2) *Hazardous substances regulation*—such as pesticides and poinson control, now in FDA.

(3) *Food wholesomeness*—encompassing appropriate functions of both FDA and C & MS.

(4) *Drug regulation*—the programs now in FDA.

(5) *Consumer research*—the programs now in ARS.

(B) *Economic Affairs Department:* A Fair Trade Practices Administration should be added that would contain:

(1) Enforcement of present consumer protection laws now housed in the Commerce Dept.

(2) Market regulatory functions of C & MS.

(3) The National Business Council on Consumer Affairs.

(4) *Perhaps,* the proposed Federal Trade Practices Agency might be housed in this Administration, rather than being an independent agency, as the Ash Council has proposed. I have not examined their recommendation sufficiently to know all the implications involved; however, it would seem that transferring FTPA to my proposed Fair Trades Practices Administration would eliminate much of the conflict that presently exists between Commerce and FTC.

In general, I reject the arguments for a separate Dept. of Consumer Affairs. This would simply be the wrong approach and might be worse than the present setup. However, I believe some transfer of functions is necessary, and those which I have proposed would not be vulnerable to the same arguments used against transfers to DCA; the main reason is that this proposal would only be one part of the picture—it would supplement my other recommendations.

(3) A new Consumer Protection Division should be created in the Justice Department. It should include only enforcement powers—not those of consumer advocacy.

I think that such an upgrading is necessary to demonstrate a commitment to consumer justice and to allow a maximum marshaling of forces in the enforcement of consumer protection legislation.

(4) A new, independent Federal Consumer Advocacy Agency (FCAA) should be established in the Executive Branch. This agency, to be headed by a Federal Consumer Advocate, should have all the same powers and functions, with exceptions noted below, as the Consumer Protection Agency proposed in H.R. 14.

There is no doubt that an independent consumer advocate is needed. However, the CPA proposal can be improved upon: I think my proposed name would more accu-

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rately indicate to the public what the agency and its head do specifically; "consumer protection" is too all-encompassing a phrase. In addition, I would make the following significant changes in the functions of the CPA and its relationship to the OCA and CAC:

(A) The restriction on CPA as far as proceedings involving a fine, penalty, or forfeiture, should be removed. FCAA should have full-fledged powers of intervention in both non-penalty and penalty matters.

I can see no pressing reason for this undue inhibition, especially considering the fact that many important agency rules and all consumer laws involve such penalties. For example, as I see it, CPA could not intervene in any enforcement cases handled by the Justice Dept. since all the laws they enforce have penalties for violations. My proposal would correct this deficiency.

(B) Unlike CPA, FCAA should not absorb the functions of the National Commission on Product Safety. Instead, these matters should be transferred to the proposed Product Safety bureau in the Human Resources Dept.

This change is necessary because if the consumer advocate gets into the area of making detailed studies on *specific* aspects of consumer protection, it will tend to dilute the powers of advocacy.

(C) FCAA *alone* should have the following functions which H.R. 14 would have divided between CPA and OCA:

(1) Receipt and action on complaints.

(2) Gathering and dissemination of information. This should include a transfer of the publishing of CONSUMER NEWS, presently done by OCA, to FCAA.

(3) Reporting to Congress. OCA should retain authority to report to the President, but not to Congress. FCAA should obtain whatever information it needs from OCA for preparation of its report, and then the Agency should submit a comprehensive document to the President and the Congress.

In regard to joint and shared functions of CPA and OCA, I believe that some definite choices have to be made. To me it would seem that the way to divide up functions would be to re-evaluate the roles of CPA and OCA. In my proposals, I have adopted the principle that FCAA should be the main governmental link to the consumer; it should be the public, visible unit, whereas OCA should really be more of an administrative tool for the President—it does not need public relations functions.

I realize that this idea may be seen as a weakening of OCA, but I think it is the only way to avoid the troublesome problem of duplication between the two units.

(D) The Consumer Advisory Council (CAC) should be placed under the aegis of FCAA. The Council should possess all functions of H.R. 14's CAC except for: (1) "watchdog" power over the Agency, and (2) power to report to Congress if inappropriate behavior of OCA or CPA occurs. FCAA should, however, have watchdog powers over OCA, and the expert studies of CAC should be incorporated into FCAA's annual reports to Congress and the President.

The problem of duplication extends to the CAC proposed in H.R. 14. While I would agree that such a Council, where regular citizens can be heard from, is desirable, I think that it need not be an independent body. I do not believe that we need a watchdog watching a watchdog—this is what H.R. 14 would provide. In my view, the constant publicity of FCAA would allow the public to perform that role amply. Also, a separate CAC report to Congress would be unnecessarily duplicative and confusing. My recommendations would minimize this duplication.

Thus, I am strongly in favor of an independent, forceful, partisan consumer advocate in the Federal Government. The arguments have been overwhelming that such an office is desperately needed and cannot be placed under the structure of any other agency. My specific proposals, I believe, will streamline and strengthen the powers of the consumer advocate, and thus enable him to be even more forceful and effective.

In summary, I think I have put forward a group of recommendations that will lead to a sorely-needed improvement in the quality of federal consumer programs. With the proper governmental mechanisms to achieve coordination and representation, it seems inevitable that Federal agencies will once again serve the one person whose needs have been neglected for so long—the American consumer.

FOOTNOTES

[1] Richard M. Nixon, *Message to Congress on Executive Reorganization*, Washington, Government Printing Office, 1971, p. 1.

[2] Committee on Government Operations, *Consumer Protection Act of 1970*, Washington, GPO, 1970, p. 4.

[3] Richard M. Nixon, *Buyer's Bill of Rights*, Washington, GPO, 1971, p. 6.

[4] Office of the Federal Register, *United States Government Organization Manual, 1970–71*, Washington, GPO, 1970, p. 260.

[5] *Ibid.*

[6] *Ibid.*

[7] *Ibid.*, p. 262.

[8] Nixon, *Buyer's Bill*, p. 9.

[9] Federal Register, *Manual*, p. 390.

[10] Nixon, *Buyer's Bill*, p. 5.

[11] *Washington Star*, May 27, 1971, p. C–12.

[12] *Ibid.*

[13] *Ibid.*

[14] Richard M. Nixon, *Executive Order: Office of Consumer Affairs*, Washington, GPO, 1971, p. 1.

[15] Subcommittee on Activities of Regulatory Agencies of the House Committee on Small Business, Hearings, (live), June 1971.

[16] "Trying to Make Sense Out of a Maze of Consumer Programs", *Consumer News*, I (1971), 3.

[17] "Dear Consumer", *Consumer News*, I, April, 1971, p. 1.

[18] Executive and Legislative Reorganization Subcommittee of the House Committee on Government Operations, *Organizing Federal Consumer Activities* (Hearings), testimony by Virginia H. Knauer, p. 253, 1970.

[19] "Uncle Sam's Tips on Consumer Products," *Consumer News*, I, May, 1971, p. 1.

[20] Nixon, *OCA*, p. 4.

[21] Executive Reorganization Subcommittee, *op. cit.*, Testimony by Ralph Nader, p. 170.

[22] Committee on Government Operations, *op. cit.*, p. 7.

[23] Executive Reorganization Subcommittee, *op. cit.*, Testimony by Ralph Nader, p. 170.

[24] Howard A. Heffron, *Federal Consumer Safety Legislation*, Washington, GPO, p. 1.

[25] Executive Reorganization Subcommittee, *op. cit.*, p. 38–9, Testimony by Rep. Benjamin Rosenthal.

[26] Benjamin S. Rosenthal, *Statement of the Congressman Before the Subcommittee on Legislative and Military Operations of the House Committee on Government Operations, April 27, 1971*, Washington, privately printed, p. 6.

[27] Executive Reorganization Subcommittee, *op. cit.*, testimony by Rep. Benjamin Rosenthal, p. 38–39.

[28] Rosenthal, *Statement*, p. 7.

[29] Nixon, *Executive Reorganization*, p. 3.

[30] Reorganization Subcommittee, *op. cit.*, Testimony by Charles Mack, Executive, Consumer Issues Committee, Chamber of Commerce of the U.S., p. 54.

[31] Committee on Govt. Operations, *op. cit.*, p. 5.

[32] Nixon, *Executive Reorganization*, p. 4.

[33] Heffron, *op. cit.*, p. 2.

[34] Reorganization Subcommittee, *op. cit.*, *Part 2*, statement by Rep. Rosenthal, p. 69.

[35] Reorganization Subcommittee, *op. cit.*, *Part 2*, statement by David Swankin, Washington Representative, Consumers Union of the USA, p. 78.

[36] Rosenthal, *Statement*, p. 3.

[37] Committee on Govt. Operations, *op. cit.*, p. 1.

[38] Pam Wagner, staff member, Office of Public Affairs of OCA, personal interview, July 14, 1971.

[39] Peter Barash, Legislative Assistant to Rep. Rosenthal, personal interview, July 14, 1971.

[40] Reorganization Subcommittee, *op. cit.*, Mrs. Esther Peterson, former Special Assistant to the President for Consumer Affairs, p. 100.

[41] Benjamin S. Rosenthal, *H.R. 14*, Washington, GPO, 1971, p. 4–5.

[42] Reorganization Subcommittee, *op. cit.*, p. 35–6.

[43] *Ibid.*, statement by New York Attorney General Louis J. Lefkowitz, p. 123.

[44] *Ibid.*, statement by Rep. Florence Dwyer, p. 23.

[45] *Ibid.*, statement by Ralph Nader, p. 66.

[46] Nixon, *Executive Reorganization*, p. 4.

[47] Reorganization Subcommittee, statement by Mrs. Helen Nelson, former Consumer Counsel for California, *op. cit.*, p. 128.

[48] Nixon, *Executive Reorganization*, p. 7.

[49] *Ibid.*, pp. 10 and 12; also, Committee on Government Operations, U.S. Senate, *President's Departmental Reorganization Program—Components of the New Departments* (Chart), Committee Print, 1971.

[50] Barash, interview.

[51] Rosenthal, *Statement*, p. 10.

[52] *Ibid.*, statement of American Law Division of the Congressional Research Service.

[53] *Ibid.*

[54] Benjamin S. Rosenthal, *Summary of the Consumer Protection Act of 1971*, privately printed, 1971, pp. 1–2.

[55] *Ibid.*, p. 20.

[56] Rosenthal, *H.R. 14*, p. 15.

[57] Committee on Govt. Operations, *op. cit.*, p. 6–7.

[58] Reorganization Subcommittee, *op. cit.*, statement of Andrew Biemiller, Department of Legislation, AFL–CIO, p. 285.

[59] Committee on Government Operations, *op. cit.*, p. 7.

[60] Subcommittee on Regulatory Agencies, *op. cit.*

[61] Reorganization Subcommittee, *op. cit.*, *Part 2*, statement of Ralph Nader, p. 148.

[62] *Ibid.*, statement of Charles S. Mack, U.S. Chamber of Commerce, p. 58.

[63] Committee on Govt. Operations, *op. cit.*, p. 9.

[64] Rosenthal, *Summary of the Act*, p. 2.

[65] Committee on Govt. Operations, *op. cit.* (supplementary views of Representatives Buchanan, Myers, and Steiger), p. 24.

[66] *Ibid.*, p. 8.

[67] *Ibid.*, p. 26 (supplementary views).

[68] *Ibid.*, p. 8.

[69] *Ibid.*, p. 11.

[70] *Ibid.*, p. 26 (supplementary views).

APPENDIX I: ABBREVIATIONS OF AGENCY NAMES

Abbreviation and *Agency*

ARS—Agricultural Research Service.
CAB—Civil Aeronautics Board.
CAC—Consumer Advisory Council.
C & MS—Consumer and Marketing Service.
CPA—Consumer Protection Agency.
CPD—Consumer Protection Division.
CPICC—Consumer Product Information Coordinating Center.
DCA—Department of Consumer Affairs.
DOT—Department of Transportation.
FAA—Federal Aviation Administration.
FCAA—Federal Consumer Advocacy Agency.
FCC—Federal Communications Commission.
FDA—Food and Drug Administration.
FHA—Federal Housing Administration.
FPC—Federal Power Commission.

FTC—Federal Trade Commission.

FTPA—Federal Trade Practices Administration.

GSA—General Services Administration.

GPO—Government Printing Office.

HEW—Health, Education and Welfare (Dept.).

HUD—Housing and Urban Development (Dept.).

ICC—Interstate Commerce Commission.

NCPS—National Commission on Product Safety.

NHSB—National Highway Safety Bureau.

OCA—Office of Consumer Affairs.

SEC—Securities and Exchange Commission.

USDA—U.S. Department of Agriculture.

VA—Veterans' Administration.

APPENDIX II: FEDERAL AGENCIES WITH CONSUMER PROGRAMS—AS OF JULY 1, 1971

(NOTE.—Revised from a list in *Consumer Protection Act of 1970*, House of Representatives Document #91-1361, July 30, 1970, p. 5.)

The following Federal departments and agencies conduct one or more consumer programs:

Administration on Aging.
Agricultural Research Service.
Bureau of Federal Credit Unions.
Bureau of Labor Statistics.
Civil Aeronautics Board.
Commerce Department.
Committee on Productivity.
Consumer Advisory Council.
Consumer and Marketing Service.
Defense Department.
Environmental Protection Agency.
Federal Aviation Administration.
Federal Communications Commission.
Federal Deposit Insurance Corporation.
Federal Extension Service.
Federal Home Loan Bank Board.
Federal Housing Administration.
Federal Maritime Commission.
Federal Power Commission.
Federal Reserve Board.
Federal Trade Commission.
Food and Drug Administration.
General Services Administration.
Government Printing Office.
Health, Education, and Welfare Dept.
Interior Department.
Interstate Commerce Commission.
Justice Department.
National Bureau of Standards.
National Commission on Product Safety.
National Commission on Consumer Finance.
National Business Council for Consumer Affairs.
National Highway Safety Administration.
National Railroad Passenger Corporation.
National Transportation Safety Board.
Office of Consumer Affairs.
Office of Consumer Services.
Office of Economic Opportunity.
Office of Education.
Office of Renewal and Housing Assistance.
Postal Rate Commission.
Postal Service.
Public Health Service.
Securities and Exchange Commission.
Transportation Department.
Treasury Department.
Veterans' Administration.

BIBLIOGRAPHY

Barash, Peter (Legislative Assistant to Rep. Benjamin S. Rosenthal), personal interview, Washington, July 14, 1971.

Committee on Government Operations, *Consumer Protection Act of 1970*, July 30, 1970, House of Representatives, Report #91-1361, Washington: Government Printing Office, 1970.

Committee on Government Operations, U.S. Senate, *President's Departmental Reorganization Program—Components of the New Departments*, Committee Print, 1971.

"Dear Consumer," *Consumer News*, I (April, 1971), p. 1.

"Federal Agencies Cultivate Images as Consumerists," *Washington Star*, May 27, 1971, p. C-12.

Heffron, Howard A., *Federal Consumer Safety Legislation, A Special Report For the National Commission on Product Safety*, Washington: Government Printing Office, 1970.

House of Representatives, Executive and Legislative Reorganization Subcommittee of the Committee on Government Operations, *Organizing Federal Consumer Activities*, (Hearings), *Part 1:* September 16, 17, and 18; November 13 and 14, 1969. *Part 2:* April 13 and 17, 1970; Washington: GPO, 1970.

House of Representatives, Subcommittee on the Activities of Regulatory Agencies, of the Committee on Small Business, Hearings, (live), June 1971.

Nixon, Richard M., *Buyer's Bill of Rights—Message from the President of the United States* (February 25, 1971), House of Representatives Document #92-52, Washington: GPO, 1971.

Nixon, Richard M., *Executive Order: Office of Consumer Affairs* (February 24, 1971), The White House, Washington, 1971.

Nixon, Richard M., *Press Release on Executive Reorganization* (March 25, 1971), The White House, Washington, 1971.

Office of the Federal Register, *United States Government Organization Manual, 1970/71*, Washington: GPO, 1970.

Phillips, Jewell Cass, Abraham, Henry J. and Ewing, Cortez A.M., *Essentials of National Government*, New York: American Book Company, 1966.

Rosenthal, Benjamin S., *Background of the Consumer Protection Act of 1971*, privately printed, 1971.

Rosenthal, Benjamin S., *H.R. 14, A Bill*, House of Representatives, Washington: GPO, 1971.

Rosenthal, Benjamin S., "Some Progress Made," *Congressman Ben Rosenthal Reports From Washington*, privately printed, 1971 (May).

Rosenthal, Benjamin S., *Statement of Congressman Benjamin S. Rosenthal of New York, Before the Subcommittee on Legislation and Military Operations of the House Committee on Government Operations*, (April 27, 1971), privately printed.

"Trying to Make Sense Out of a Maze of Consumer Programs," *Consumer News*, I (June, 1971), p. 3.

"Uncle Sam's Tips on Consumer Products," *Consumer News*, I (May, 1971), p. 1.

Wagner, Pam (Staff member, Office of Public Affairs of the Office of Consumer Affairs), personal interview, Washington, July 14, 1971.

The students who participated in my Intern Program were:

Miss Susan Sweet, Springbrook High School.

Miss Ellen Gerecht, Springbrook High School.

Mr. Tracey Hyde, Walt Whitman High School.

Mr. Robert Lederer, Albert Einstein High School.

Mr. James Lomax, The Bullis School.

Miss Cecelia Klieforth, Northwood High School.

Mr. Robert Friedman, Robert E. Peary High School.

Miss Debbie Kurtz, Charles W. Woodward High School.

Miss Barbara Jackson, Charles W. Woodward High School.

Mr. William Sacho, Landon School.

Mr. Matthew Gensler, Genelg Senior High School.

Miss Marianne Fitzgerald, Ursuline Academy.

Mr. Roger Brown, Rockville High School.

Mr. Mark Shroder, Montgomery Blair High School.

Mr. Robert Fowler, Winston Churchill High School.

Miss Deborah Brumitt, Sherwood High School.

Miss Marion Jenkins, Sherwood High School.

Mr. Jon Davis, Gaithersburg High School.

Mr. Louis Piro, Gaithersburg High School.

Miss Cynthia Shaffer, Gaithersburg High School.

Mr. Daniel Kostka, Good Counsel High School.

Mr. Terrence Keeney, Good Counsel High School.

Mr. Ross Sutton, Wheaton High School.

Mr. Bill Wallace, Wheaton High School.

Miss Linda Wilt, Atholton High School.

Miss Ellie Schildwachter, Atholton High School.

Miss Mary Schultheis, Paint Branch High School.

Mr. Gary Strobel, Paint Branch High School.

Mr. Thomas McInteer, Paint Branch High School.

Mr. Steven Feld, Walter Johnson High School.

Mr. Jonathan Dorfman, Walter Johnson High School.

Miss Carol Haberlin, Academy of the Holy Cross.

Miss Shirley Blatzheim, Academy of the Holy Cross.

Mr. Addison Shostak, Robert E. Peary High School.

Mr. Stephen DuBose, Arundel High School.

Miss Kathleen Reilly, Arundel High School.

Mr. Michael Cheston, Howard County High School.

Mr. Sanford Porter, Howard County High School.

Mr. James Stoner, Bethesda-Chevy Chase High School.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "As long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

REPRESENTATIVE BLATNIK SETS RECORD STRAIGHT ON ACCELERATED PUBLIC WORKS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 21, 1971

Mr. RANDOLPH. Mr. President, one of the most serious and pressing problems facing the United States today is that of unemployment. More than 5.5 million workers are now without jobs. They and their families are suffering hardships because of the failure of our economy to generate sufficient jobs.

We in Congress are attempting to respond to this deplorable situation by passing responsive, well-reasoned legislation designed to put the resources of the Federal Government behind realistic programs to create worthwhile employment.

Congress recently passed two important pieces of legislation, the Emergency Employment Act and the Public Works Acceleration Act. The President chose to sign the first into law and to veto the second.

On July 14, as the Senate prepared to vote on overriding the President's veto, The Washington Post published an editorial discussing these two legislative attempts to reduce unemployment. The editorial made certain observations about accelerated public works that are unsupported by fact.

Today the Post published a letter from my knowledgeable colleague in the House of Representatives, Representative JOHN A. BLATNIK, chairman of the House Public Works Committee, setting the record straight. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 21, 1971]

REPRESENTATIVE BLATNIK ON THE VETOED ACCELERATED PUBLIC WORKS BILL

Your lead editorial of July 14, while properly approving President Nixon's action in signing the Emergency Employment Act, evidences some misunderstanding of the Accelerated Public Works Bill which he vetoed.

In fairness to the supporters of the Accelerated Public Works Bill (APW) an overwhelming majority of the Congress—I hope you will clear the record.

You say "Public works projects, like dams and highways, create jobs . . . but it takes time to get such projects started. Moreover, it is hard to turn them off when the economic picture brightens—who needs a half-finished dam?"

I'm sure you are aware that no dams or highways are contemplated under APW. This bill calls for a small-project program. It would provide federal aid for water and sewage treatment plants, nursing homes, hospitals and similar community facilities which can be started quickly and completed within one year to 18 months. The facility must be needed by the community and the community itself must be suffering from unemployment substantially higher than the national average.

Six thousand such projects already have been approved by the federal authorities, the necessary architectural, engineering and financial arrangements have been completed and most of them could be started in 60 to 90 days. Nothing is holding them back except presidential inertia and/or presidential indifference.

As to "turning them off when the economic picture brightens," the President's own chief economic adviser, Dr. Paul W. McCracken, told us just last week that he doesn't see much prospect of improvement in our economy for the rest of this year. How long must our jobless workers wait for things to get better of their own accord?

You say that workers with the skills and experience needed for public projects already are fully employed and that "the net effect may be to add to inflation without much reduction in unemployment."

Tell that to the so-called hard hats. The jobless rate among construction workers has been running well over 10 per cent for the past year; today it is almost twice as high as the national average for all workers. And it is higher still in the areas of severe depression that this bill was designed to help.

Moreover, APW is not merely a "construction" bill. It would provide, and provide quickly, as many as 170,000 on-site construction jobs; but it also would create 50,000 or more jobs in allied industries and services. That adds up to 420,000 desperately needed jobs—nearly 9 per cent of our present overall unemployment.

Today we are spending more than half a billion dollars a month on unemployment benefits and close to one billion dollars a month on welfare-public assistance. At least some of that non-productive spending, which certainly adds to our inflationary pressures, could be diverted into productive jobs, into the creation of essential facilities that will remain as a lasting contribution to the quality of life in our communities.

The President was not confronted with an "either-or" choice between the Emergency Employment Act and Accelerated Public Works. We need both, and need them now.

In Chicago several weeks ago, Mr. Nixon expressed concern over the poor quality of our care for the aged; APW would provide nursing homes for the aged. Mr. Nixon is concerned, as are all of us, over the deterioration of our environment; APW would help our communities build water and sewage treatment plants to protect the quality of our water resources.

APW won't end by tomorrow morning an unemployment crisis that has been two years in the making, but it's a long sight better than doing nothing; especially to all those jobless workers who have been trying for two years to live on presidential optimism.

JOHN A. BLATNIK,
Chairman, House Committee on Public Works.

WASHINGTON.

SEVEN YEARS AND 117 DAYS

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. HUTCHINSON. Mr. Speaker, I take this opportunity to speak on the issue of American prisoners of war in North Vietnam.

Seven years and 117 days ago Capt. Floyd Thompson was captured and became the first American prisoner of war. Today, there are more than 1,600 men who are listed as prisoners of war or missing in action. More than 300 of these brave Americans have been captured or missing longer than any U.S. serviceman was held prisoner during all of World War II.

It is not difficult to understand the severe emotional distress experienced by the families who have lived with uncertainty for so many years. The plight of these families has reached the hearts of millions of Americans who have participated in various campaigns to express their concern for the American servicemen held prisoner.

No one can dispute that this conflict has become increasingly unpopular with each passing day. But regardless of the attitude about the military conflict, Americans are united in the desire that Hanoi abandon its cynical and unfeeling policies of the past and demonstrate some humanitarian concern by allowing the safe return of all U.S. prisoners of war to their homes and families.

DRASTIC CUTS IN CLINIC SERVICES THREATEN HEALTH AND SAFETY OF LOWER EAST SIDE RESIDENTS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mrs. ABZUG. Mr. Speaker, I was shocked and upset this afternoon when I learned that Beth Israel Hospital, which is located in my district, will be forced to close down its outpatient clinic, effective August 1, and that in anticipation of this closing, it has begun to turn would-be patients away from its doors. This cutback will affect not only regular outpatient care, but also emergency room treatment, at the hospital, and it will no doubt result in the deaths of many individuals if it is carried out.

The clinic has received considerable funding through the ghetto medicine program, but recent cuts in the budget of the State of New York have resulted in so substantial a loss of funds that the hospital can no longer carry the burden. As a result, people who would be treated at Beth Israel are going to the Gouverneur Clinic, located miles away—in an emergency case, this could easily mean the difference between life and death. The Gouverneur Clinic is also extremely strapped for space and for funds. The sudden increase of about 20 percent in its caseload is placing it under intolerable pressure, and it too may be forced to close in the near future.

Mr. Speaker, we are desperate. The city of New York says that it cannot help us. The State of New York says that it cannot help us. We in Congress may represent the last hope for retaining the health facilities which serve thousands upon thousands of poor people on the

Lower East Side of Manhattan. I shall call upon Mayor Lindsay to provide funds from the city treasury, but this would be a stopgap solution at best.

The solution—the only solution—to the problem of providing decent health care for all Americans, rich and poor alike, lies in a comprehensive system of national health insurance and care. If the 92d Congress does nothing else, it can assure itself a prominent niche in the history of our Nation by enacting strong and comprehensive health care legislation. I urge upon you the need for action at this session to provide the medical facilities which are the birthright of every American.

At this point, I include in the Record the text of the letter to New York City's health commissioner, Dr. Mary McLaughlin, from Beth Israel's president, Charles H. Silver, and its general director, Dr. Ray E. Trussell:

Beth Israel Medical Center,
New York, N.Y., July 15, 1971.

Dr. Mary McLaughlin,
Commissioner of Health,
125 Worth Street, New York, N.Y.

Dear Commissioner McLaughlin: This letter is addressed to you in connection with the severe problems resulting from the combined State and City underfinancing of the Ghetto Medicine Program and some unfortunate decisions which must be made as a consequence.

Beth Israel is located next to the second highest concentration of poor people in Manhattan. The demands on us for services are enormous and growing every year, not only at Beth Israel but at Gouverneur and the Judson Clinic. One way or another Beth Israel met these demands and their costs until 1969 at which time the regressive actions of the State Legislature made their fatal impact. Cost control legislation, reduction in medicaid eligibility, co-pay requirements and rising costs placed the Medical Center in a rapidly escalating deficit position which forced our Trustees to adopt a policy in the Fall of 1969 that unless public subsidy could be found to fund the public services we were performing we would have no choice but to eliminate the deficit producing services.

Beth Israel has no endowment and no reserves. It is in short term debt more than five million dollars. Beth Israel is in no position to subsidize the State and City. Philanthropy today provides less than one percent of our operating budget.

The Ghetto Medicine program is an administrative solution from the Governor's office to meet the crisis facing the voluntary hospitals. At best it is an interim device to be used until a more positive program can be authorized by the Legislature or until a comprehensive national health insurance program is passed by the Congress. However, regardless of real or imaginary defects the Ghetto Medicine Program has made it possible for us to continue to serve the poor without restriction since late 1969. One measure of "success" is that the number of visits to our clinics and emergency room have continued to increase. In addition, as you know, inspectors from your Department have given us the highest ratings both in Beth Israel and Gouverneur.

If we had not received this very substantial public funding necessary to meet our audited deficits our clinics would have been closed to half of our patients, our emergency service reduced to receiving ambulance patients only instead of providing 45,000 visits per year. Gouverneur services would have been severely cut back in a community of very great need.

Now, however, the City and the voluntary hospitals face a situation of serious under financing of the Ghetto Medicine Program, more State Legislature imposed medicaid cutbacks, and unavoidable increases in costs due to our collective bargaining contracts. We are informed that this year under the Ghetto Medicine Program approximately 13 million dollars are available to the 23–25 programs seeking assistance—a figure far below the amount of money needed just to keep open at the present level of service.

We also are informed that in contrast to the last year's policy, you will not be allowed to write a contract for payments at the full amount needed per month for a period shorter than the full year in order to give time to all of us to seek more funding or to adjust program levels in an orderly way. In effect, we must accept a percentage of our deficit which obviously will be substantially below what we need to break even.

Some hospitals in your program which have been receiving relatively small amounts of Ghetto Medicine subsidy can survive this year if they receive only a partial subsidy. Beth Israel cannot. Last year Beth Israel received:

$180,000 per month for Beth Israel Clinics & Emergency Room.

$135,000 per month for Gouverneur-Judson.

$315,000 Total per month.

$3,780,000 Annual rate.

This year (July 1, 1971–June 30, 1972) Beth Israel needs:

$316,000 per month for Beth Israel Clinics & Emergency Room.

$195,000 per month for Gouverneur-Judson.

$511,000 Total per month.

$6,132,000 Annual rate.

The reasons for the increases are increased volume of services, collective bargaining contract mandatory increases, and the fact that last year we were underreimbursed. This year we must break even or cut back.

Gouverneur is a public facility and we look to you and/or the Health and Hospital Corporation to make it possible for us to keep it open by whatever combination of funding you work out. As you know we are prepared to fully staff the new Gouverneur and are anxiously awaiting the go ahead signal to start recruiting interns, residents, attending physicians, nurses, and other personnel to open on July 1, 1972. If we do not receive such a directive soon, the Hospital cannot open as an inpatient facility until July 1, 1973 since house staff recruitment is carried on and completed in the Fall of each year. We are fully committed and prepared to serve as soon as we are authorized. We know that somehow the City through the Health Department and the Corporation will keep the present Gouverneur open and get us into the new facility as soon as possible. To do otherwise would be to retreat from endless pledges to the community and to invite severe disturbances.

On the other hand, it is quite clear that there is not enough money available in the Ghetto Medicine appropriation for this year to meet the enormous deficits which Beth Israel is incurring in trying to meet the public need and demands on the Lower East Side. Faced with this reality and no other resources with which to meet such deficits there is no choice but to first cut clinic services to patients who have no resources (medicaid and/or medicare) and to refer such patients elsewhere. We will make every effort to care for such patients at Gouverneur but public transportation between Beth Israel and Gouverneur is very inadequate. Most such patients will prefer to go to Bellevue and we have advised the Executive Director of Bellevue of this contingency. More than 40,000 such clinic visits will be displaced from Beth Israel. Naturally this will be done in an orderly way with transfer of medical records on request to whichever hospitals are selected by the patients.

It is most important that the Beth Israel emergency room remain open to all. We have become the family doctor for vast numbers of poor people especially during evenings and on weekends. In addition the Gouverneur ambulances bring all patients picked up in the Gouverneur district to us—a feature which will continue for surgical patients, injured patients, pregnant women and patients requiring intensive sophisticated care even after the new Gouverneur opens since there will be no surgical or maternity in-patient services in the new facility. It is incumbent on the City to make it possible for us to continue to operate our emergency services for the good of the immediate local community and of the residents of the Gouverneur area. Otherwise there will be a serious displacement of emergency patients to other institutions and a breakdown in the organizational pattern of care to the Lower East Side through Gouverneur-Beth Israel—a pattern which has operated successfully for almost ten years.

It is with the deepest regret that unless you can write a contract for the full amount needed per month we must advise you that Beth Israel will close its clinics to present and prospective non-medicaid patients on August 1st because of the obvious inability of your Department to meet our operating deficits through the Ghetto Medicine Program. Thus we request a contract which will:

1. Reimburse us at the promised rates for April–June of 1971 (Total $945,000)

2. Reimburse us for the same percentage of our Beth Israel clinic deficits for July and August of 1971 which you allow other hospitals. This will allow for an orderly rather than chaotic referral process and completion of care for most current patients.

3. Reimburse us for the 12 months beginning July 1st, 1971 for the combined Beth Israel-Gouverneur deficits in emergency room services in both locations and clinics in Gouverneur and Judson. This will required $115,000 per month for Beth Israel and $195,000 for Gouverneur.

Without such a contract we will close further services immediately both at Beth Israel and Gouverneur. It is a most serious situation that the State and Local governments in facing their own problem and economic stringencies fail to take the minimal steps necessary to keep the voluntary hospitals serving "ghetto" areas fully active in a partnership desperately needed by the public, and especially the poor in the public. Every voluntary hospital which is forced to reduce its services—and Beth Israel is next—places a greater burden on the public hospitals. It is ironic that we will continue to serve the very poor with medicaid but must now turn away the not quite so poor without medicaid and also without money to purchase care. The need for National Health Insurance—comprehensive, adequately financed, and equally available to all—was never more evident. Until that day arrives in this Nation and in the face of the current political and economic forces at play, voluntary hospitals in a situation such as Beth Israel can only seek to survive while still striving to serve. Our commitment to community service is unchanged. The step we first are taking cuts our total ambulatory visits at Beth Israel, Gouverneur and Judson only by 11% (excluding our several hundred thousand narcotic visits from the computations). However, this may be the forerunner of further cuts. Other hospitals with large deficits soon may follow our inescapable action. The solution to this crisis lies with increased funding by the State and City. It is beyond our control.

These cutbacks mean we must drastically reduce staffing and other costs unless we can serve an equivalent number of patients who are covered by some form of third party insurance. For this reason we are most interested in negotiating a contract for the care of welfare patients. If you wish to enter into such negotiations which can be done expeditiously then it is imperative to cover our clinic deficits until the transfer of patients out and new patients in can be arranged. Otherwise we will suffer losses which we cannot sustain.

In closing we wish to thank you and your staff for the superb cooperation we have had from the Department of Health. We have enjoyed this new joint venture of maintaining and expanding services to the poor in our geographic areas of responsibility. We will work closely with you in implementing such changes as are necessary. We request early assurance regarding our remaining contract requests. Otherwise we will be forced to close our emergency room and the Gouverneur-Judson program. We sincerely trust and expect that such drastic action can be avoided with your help.

We have discussed this problem with our Advisory Committee. The members are most distressed and are planning political action.

Respectfully yours,

Charles H. Silver,
President.
Ray E. Trussell, M.D.,
General Director.

JOBS FOR VETERANS PROGRAM

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, July 21, 1971

Mr. GRIFFIN. Mr. President, on Monday, July 19, Senator Philip A. Hart and I cosponsored a jobs for veterans conference at the Veterans' Memorial Building in Detroit.

I ask unanimous consent that remarks I delivered at the conference together with a copy of the program which includes the names of others who participated as well as a list of 40 distinguished citizens who accepted assignment to the Southeast Region Jobs for Veterans Task Force, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks by U.S. Senator Robert P. Griffin

Mayor Gribbs, Lt. Governor Brickley, Administrator Johnson, Secretary Lovell, my old friend from Congress, Bill Ayers, the many distinguished leaders of Detroit and Michigan who have taken time to attend this important luncheon meeting; veterans, and friends of veterans:

Never in history has the nation asked more of our young men than it has asked of those who served in Vietnam.

Sent halfway around the world, these men have fought in the jungles of a strange and unfamiliar country—in a war that has been misunderstood and unpopular at home.

Some have returned to find themselves viewed with suspicion as drug addicts or even war criminals.

For the most part, these war veterans have not been welcomed by ticker-tape parades or brass band receptions. Instead, they have returned to a climate of indifference—bordering on hostility, which has made it all the more difficult for them to find jobs.

This is shabby treatment for those who have worn the uniform of our country.

This luncheon-conference, which has brought together so many leaders of this city—leaders who are in a position to make things happen—is our collective way of saying to the Vietnam war veterans that, regardless of our differing views about the war, we *do* appreciate your personal sacrifices; that we intend to change that climate of indifference; and that we pledge to do all we can to see that you get the kind of a break you deserve.

That the leadership in the whole Detroit area shares a deep concern for these deserving young men is attested to by your presence here today. No major Michigan conference in recent history has brought together so many diverse and powerful interests in a concerted effort to do something about the problems of jobless veterans.

I am very pleased to welcome to this conference the top leadership of the major automobile manufacturing companies; top officials of the UAW, the AFL–CIO Council, as well as many of the skilled and trade unions in the area; key manufacturing and industrial employers in the five-county area surrounding Detroit; department executives and employment officials of the City of Detroit; mayors and city managers from large and small cities in the five-county area; representatives of the Wayne County Board of Commissioners; members of the Detroit City Council; members of the Legislature—and many others who are both distinguished and important to this crusade.

I am pleased that representatives of the major service club organizations in Michigan are here, along with officials from every veterans organization. Top people are here from the Detroit area academic community, and, as well as representatives from most federal agencies officed in Michigan. And last, but certainly not least, we are honored with representation of all branches of the armed services.

Surely, in this audience, we can find the resourcefulness as well as the resources to cope with the problem that confronts the jobless veteran.

A special word of appreciation and tribute is due some staff people whose tireless, dedicated efforts have made this conference possible. I refer, among others, to Jim Keck and Duke Grimshaw of the Greater Detroit Chamber of Commerce, to Jerry Kable of Senator Hart's staff, and to Anne Getz and Lee MacGregor of my own staff.

Speaking of Sen. Hart, he is not here because the Senate is considering important legislation on the floor this afternoon. Under the circumstances, we agreed that Michigan deserves and needs some representation in Washington today. He kindly volunteered to "mind the store" so I could be here.

This is typical of the kind of cooperation and support that has come from Senator Hart and from so many other quarters throughout the planning stages of this conference.

Obviously, this is a crucial period in the lives of Vietnam veterans. Most of them are in the 20–24 age group, and for that group the labor market is particularly tight. About 30 percent of the veterans are married; many have more than one dependent.

Many have been in military assignments in which their training has related solely to combat missions. As a result, they do not have marketable civilian skills, and often they find themselves handicapped by a lack of pre-service job experience.

So far, about one in four of the returning veterans has elected to continue his education under the GI Bill or a government-sponsored job training or apprenticeship program. In other words, the vast majority have been attempting to go directly into the civilian labor market—and in many cases they are seeking their first full-time jobs.

Throughout the nation, one veteran out of ten is classified as unemployed. But in our state the veteran unemployment picture is much worse. In Michigan, one out of every five honorably discharged veteran is out of work.

More than one million men and women completed their military service and returned to civilian life throughout the U.S. in 1970.

That was nearly twice the number separated from service in 1965. In Michigan, 3500 men and women are returning each month to our state to look for jobs in civilian life.

Of the 79,000 unemployed veterans in Michigan, 48,000 or more than half, are Vietnam veterans.

More than 15 percent of this number are black. Nearly 20 percent have not completed high school.

In the Detroit area alone, there are 38,000 unemployed veterans, and about 23,000 of them are Vietnam war veterans.

Due to heavy troop withdrawals this year and the difficult economic situation that plagues the nation, unemployment among veterans in Michigan this year is higher than at any time since the end of the Korean war.

Perhaps that rough outline will serve to sketch in the dimensions of this very serious problem. But, of course, the real question for this conference is: What can the government and the private sector do about it?

As I indicated earlier, only one out of four veterans is continuing his education. I wish to stress that we could—and should—do something about that.

There are a number of things that could be done—some of them in Washington. For example, I am convinced that enactment of legislation now pending (which I have sponsored) to speed up the initial payment of benefits when a veteran enrolls in school under the GI bill would help a great deal. At present, veterans sometimes struggle along for two, three or four months before that first benefit check comes through.

I am pleased today to make an announcement that can be very important to many veterans in this area who seek job training. Secretary of Defense Laird has just approved a request by Senator Hart and me to make unused military installations at Selfridge Air Force Base available for job training programs for unemployed veterans.

Although further details still must be worked out, this move is designed to assist the State to provide training under the auspices of the U.S. Labor Department.

This is a pilot program here in Michigan, which should be a model for the rest of the nation.

As the Vietnam war continues to wind down, surely it only makes common sense that installations no longer needed for military purposes be used to help train veterans for civilian jobs.

Later in this program, you will hear from the V.A. Administrator, the Honorable Donald Johnson. But, in passing, I wish to note that more than 2,500 veterans are convalescing in Michigan's five VA hospitals. Today, I can announce that each of the five hospitals has been awarded an increase in appropriations for fiscal 1972 in order to begin needed remodeling and modernizing—and some expansion of facilities.

In the category of new facilities to be provided, I can also announce today that a new drug treatment unit for veterans is to be established at the VA Hospital in Allen Park. This is the second VA hospital in Michigan to begin needed drug treatment programs for veterans.

I've commented on the fact that the top leadership of the Detroit area is here in force today. But it should not be overlooked that many of them have already been at work on this problem of jobs for veterans.

Many of the firms represented today have adopted policies of priority hiring for veterans. Some of the firms have set up training and apprenticeship programs keyed to veterans. I urge others to follow their example.

I know that General Motors and Ford have been very actively participating in Operation Transition, a new Defense Department program which begins the process of training for civilian employment even before the serviceman has been discharged from service. Indeed, I understand that all of our major auto companies have sent teams to U.S. military bases to cooperate in this training prior-to-discharge program.

I am conscious of the fact that Lynn Townsend of Chrysler, Emil Masey of the UAW, and Alan Merrill of Ford have accepted assignments on the *National Jobs for Vets Committee* headed by Bill Ayers. Of course, that is a nationwide effort, from which this conference is an outgrowth.

And then, I wish also to mention that the *National Alliance of Businessmen*, founded by Henry Ford II, has recently made a nationwide commitment to secure 100,000 jobs for returning Vietnam veterans.

We should not overlook what's going on at places like Wayne State University, where its Center for the Education of Returning Veterans has launched a program to identify and recruit veterans, especially those in minority groups, who have not availed themselves of GI benefits. Incidentally, our office is working with them, trying to get some more money for this program through the Department of Health, Education, and Welfare.

One of the most exciting and important developments around the state has been the awakening of service club organizations to the key role they can play. They are recognizing that the readjustment problem of veterans today is just too big and complex to leave it to the V.A. and the veterans organizations. So, leaders in the Jaycees, Kiwanis, Lions, Rotary, and Optimists, as well as other service clubs, are setting up committees and programs to welcome home and assist returning veterans.

So far as employment in the public sector is concerned, we will soon hear from Mayor Gribbs, who may have something to say about the impact for Detroit of the new public service legislation, recently signed into law by President Nixon. This legislation, which will open up 200,000 new public service jobs throughout the nation, calls for priority consideration in hiring to be given to the veterans.

But the public and private programs I have reviewed must be viewed as only a beginning for what still remains to be done if we are to achieve the goals toward which this conference is striving.

Later on, after you have heard from some of the very distinguished people with whom I share the privilege of sitting here at the head table, I shall announce the names of 40 of Detroit's most distinguished citizens who have accepted assignments to a Task Force which will operate henceforth as the *Southeast Michigan Jobs for Vets Committee*. My special thanks go to the staff of the Greater Detroit Chamber of Commerce for helping to enlist such outstanding talent.

The ingenuity and determined effort we can expect from this Task Force—and from all of you who support them—will equal or surpass, I am sure, the imaginative efforts that have been cropping up elsewhere in the nation to help veterans find jobs.

For example, in Houston, arrangements were made so that newspaper want-ad space is available without charge to job-seeking veterans.

Buffalo and New York City committee issue daily veteran "hotline" job bulletins, in which employers list available jobs.

The AFL-CIO in California has sent expert teams to four mustering-out bases in the San Francisco area to advise returning veterans on day-to-day job opportunities in their home towns and throughout the state.

The National Institutes of Health in Bethesda, Maryland, is expanding its career-guidance facilities to attract veterans into health careers in hospitals, public health agencies, research institutions and private industry:

The medical school at the University of Washington is using a computer to match veterans trained in the military in health fields with health jobs as they become available in the state.

These are only a few examples of many ways to work on solutions to this important, complex problem.

According to my wife, the biggest trouble with Senators is that they talk too long. And she's right.

Like you, I want to hear from the others who have a part in this program.

With their help—and with your continued, dedicated support—I'm confident that we can—and we shall—accomplish great things in this new effort to give those who served the flag of our country the kind of a break they deserve.

Thank you very much.

JOBS FOR VETERANS LUNCHEON

PROGRAM

Master of Ceremonies: J. P. McCarthy, WJR Radio.

Military Color Guard: Selfridge Air Force Base.

National Anthem: Don Hill[1] and Catherine Grimshaw—Soloist.

Invocation: The Very Reverend Malcolm Carron, S.J.

Message: Philip A. Hart, United States Senator.

Address: Robert P. Griffin, United States Senator.

Remarks:

James H. Brickley, Lieutenant Governor, State of Michigan.

Roman S. Gribbs, Mayor, City of Detroit.

William Ayers, Director, National Jobs for Veterans.

Malcolm R. Lovell, Assistant Secretary for Manpower, U.S. Department of Labor.

Address: Donald Johnson, Administrator, Veterans Administration.

Announcement: Robert P. Griffin, United States Senator.

Response: Dean Richardson, President, Manufacturers National Bank.

Benediction: Right Reverend Archie H. Crowley.

SOUTHEAST MICHIGAN JOBS FOR VETERANS TASK FORCE

Chairman

Dean Richardson, President, Manufacturers National Bank.

Ex officio members

Philip A. Hart, United States Senator.

Robert P. Griffin, United States Senator.

William G. Milliken, Governor, State of Michigan.

Roman S. Gribbs, Mayor, City of Detroit.

Members

H. Glenn Bixby, Chairman of the Board, Ex-Cell-O Corporation.

Malcolm Carron, S. J., President, University of Detroit.

Roy D. Chapin, Jr., Chairman of the Board, American Motors Corporation.

Walker L. Cisler, Chairman of the Board, The Detroit Edison Company.

Peter B. Clark, President & Publisher, The Evening News Association.

Sherwood T. Culp, Group Manager, Sears, Roebuck & Company.

Harry B. Cunningham, Chairman of the Board, S. S. Kresge Company.

Lawrence F. Doss, President, New Detroit, Inc.

Rt. Rev. Richard S. Emrick, Diocesan Bishop, Episcopal Diocese.

Henry Ford, II, Chairman of the Board, Ford Motor Company.

William Ford, Director, Michigan Employment Security Commission.

John H. French, Jr., Chairman of the Board, City National Bank.

Glendon Gould, President, Great Lakes Steel.

George E. Gullen, Acting President, Wayne State University.

David B. Harper, President, First Independence National Bank of Detroit.

Dwight Havens, CCE, President, Greater Detroit Chamber of Commerce.

Milo Hector, Regional Vice President, American Oil Company.

Joseph L. Hudson, Jr., Vice Chairman of the Board, The J. L. Hudson Company.

Lee Hills, President, Detroit Free Press.

Ray W. Macdonald, President, Burroughs Corporation.

William D. MacDonnell, President, Kelsey-Hayes Corporation.

Boniface Maile, Maile, Leach Schreier.

Emil Mazey, Secretary Treasurer, International UAW.

John C. McCabe, President, Michigan Blue Shield.

Garfield McDade, Vice President, The Great Atlantic & Pacific Tea Company.

Ralph T. McElvenny, President, Michigan Consolidated Gas Company.

James H. Quello, Vice President, WJR, Capitol Cities Broadcasting Company.

James M. Roche, Chairman of the Board, General Motors Corporation.

Alan E. Schwartz, Chairman of the Executive Committee, Cunningham Drug Stores.

Robert B. Semple, Manager, Wyandotte Chemical Corporation.

Patrick M. Sheridan, Manager Peat, Marwick & Mitchell.

Austin Smith, M.D., Chairman of the Board and Chief Executive Officer, Parke, Davis & Company.

C. Boyd Stockmeyer, President, Detroit Bank & Trust.

Robert M. Surdam, President, National Bank of Detroit.

Lynn A. Townsend, Chairman of the Board, Chrysler Corporation.

E. Robert Turner, Executive Director, Southeast Michigan Council of Governments.

Tom Turner, President, Metropolitan Detroit AFL-CIO Council.

Kenneth J. Whalen, President, Michigan Bell Telephone Company.

Joseph W. Williams, President, Booker T. Washington, Businessmen's Association.

Stanley J. Winkelman, President, Winkelman Stores, Inc.

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[1] By permission, Detroit Federation of Musicians.

"NEWSPEAK" AND THE PEOPLE'S RIGHT TO KNOW

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. SCHMITZ. Mr. Speaker, in a move that lacked both enthusiasm and bravery, the House of Representatives voted recently to send a motion citing CBS President Frank Stanton for contempt of Congress back to the House Interstate and Foreign Commerce Committee. This committee, on which I serve, had previously voted, 25-13, to send the measure to the full House for a decision. The House's decision—or lack thereof—probably signifies the demise of the effort by the representatives of the people to insure a modicum of fairness in network news presentations.

The Selling of the Pentagon, CBS's sequel to the notorious Hunger in America, and its staged invasion of Haiti, had precipitated a controversy of wide dimensions. The controversy, however, despite what CBS claimed, was not a matter of congressional infringement on freedom of speech or of the press but, rather, whether the people have a right to know when they are being deliberately deceived.

The committee's action had arisen out of a refusal of Dr. Stanton to provide "outtakes" from the Selling of the Pentagon. These outtakes were not needed to prove that CBS deliberately doctored the program—the committee already had the proof—but to show how CBS doctored the quotes and material so that Congress might legislate on how to protect the public from such perfidious practices in the future. Dr. Stanton was being cited because, as committee chairman HARLEY STAGGERS said:

> Of a willful refusal to comply with a legitimate Congressional inquiry . . . We have clear evidence of deceit—men's words electronically altered to change their very meaning . . . When deliberate attempts are made to deceive a great multitude of American citizens—the owners of the airwaves—their representatives have the duty to make careful inquiries . . . and I think the broadcaster who was responsible should be prepared to answer such questions.

Moreover, once the Government grants the mass media exclusive use of the public airwaves, it would be foolish to maintain that the elected representatives of the people should not insure against the abuse of this monopolistic privilege.

CBS' deliberate mendacity has far-reaching implications. As the Subcommittee on Investigations report states:

> The American viewing public bases its decisions at the ballot box upon the information it obtains from its most prominent news source—the TV set. The raw naked power to manipulate by gross fabrication the input data is the power to manipulate, however well intentioned, the decision-making process of the American electorate.

CBS based its blockage of the public's right to know on claims of first amendment guarantees. But as the Supreme Court pointed out only a short time ago, calculated falsehood falls outside the fruitful exercise of the rights guaranteed by the first amendment. Moreover, CBS seems to have completely ignored the rights of free speech of those whose words were altered and the right of the viewing public to hear the views of others free from manipulation.

CBS also claimed that its "outtakes"—the portions which show how the false statements were constructed—were subject to the same privileges as a reporter's confidential sources. However, in the program itself CBS stated that "we sought no secret files, no politicians pleading special cases, no access to classified documents. We looked only at what is being done for the public—in public." Therefore, since the situation admittedly contained no confidential sources, the refusal by CBS to make known what it admitted was public is inconsistent. Additionally, the actions of the committee in attempting to see that the truth was told the public was not censorship or dictation of editorial content. It was an attempt to deal with a deliberate, mechanical alteration of a person's words to make him say the opposite of what he actually said. One of those involved, Marine Col. John MacNeil, is suing CBS for $12 million on a complaint that says the program "maliciously libeled and defamed his good name and character."

CBS, in addition to letting the public be damned, apparently is ignoring its own guidelines. In the November 23, 1959, issue of Broadcasting, James T. Aubrey, Jr., a CBS–TV network vice president, set out some "new rules for programing" for the industry. Part of this statement reads:

> To the extent that any interview which purports to be spontaneous is not, that fact must be adequately disclosed. Regarding such interviews, any editing, preparation or rehearsal (other than rehearsal of physical position and movement on camera) must be indicated.

And as Stanton himself said in a "policy note" on June 28, 1971, with regard to editing:

> *We must continue to be meticulously careful, in all circumstances, that the editing results in a clear and succinct statement which reflects fairly, honestly, and without distortion, what was said.* (emphasis added)

But despite these network pronouncements, past and present, the actual practice of CBC continues to be one of fostering deception. The writers and editors of the Selling of the Pentagon, Peter Davis and Perry Wolff, as I pointed out on April 1 of this year, were also the writers and editors of Hunger in America. The distortions and falsehoods incorporated in the latter "documentary" are by now common knowledge. And yet CBS allowed them to produce the "documentary" on the Pentagon. A measure of the propaganda value of the Selling of the Pentagon is seen when one considers that the Center for Marxist Studies in New York has been showing the CBS film on a regular basis.

As it stands now, the news media—with the tacit approval of the U.S. House of Representatives—can continue to engage in the worst kind of disregard for the rights of others and for the public's right to know.

ROBERT CLARK NAMED PRESIDENT OF HOFFMANN-LA ROCHE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. RODINO. Mr. Speaker, a recent Nutley Sun editorial aptly illuminates the abilities of Robert Clark who has been selected to succeed Dr. V. D. Mattia as president of Hoffmann-La Roche pharmaceutical firm. I join in saluting those responsible for this wise choice and in extending Bob Clark my every best wish for fulfillment in his new challenge:

NEW ROCHE PRESIDENT

Robert B. Clark, Executive Vice President of Hoffmann-La Roche Inc., last week was promoted to the presidency, a vacancy created by the sudden and untimely death of 48-year-old Dr. Virginius Dante Mattia.

Mr. Clark was selected personally by Dr. Mattia three years ago to join the firm as his righthand man. During his term of employment with Hoffmann-La Roche, Bob Clark performed his duties in a manner that constantly won the admiration of his peers.

In the appointment of Bob Clark to the presidency, HLR management made a wise decision.

Hoffmann-La Roche is Nutley's most important neighbor. The institution is our most prestigious industrial possession. HLR is the leader in the pharmaceutical world. Clark's degrees in chemistry and law prepared him well for his chosen field of endeavors. During the period of over 20 years with the Warner-Hudnut, Warner-Chilcott and Warner-Lambert companies, Bob Clark acquired a tremendous amount of special knowledge in the pharmaceutical field, holding the offices of senior vice president, executive vice president and president in the various companies. He originally joined Warner-Hudnut as its patent attorney in 1947.

At HLR only three years, Clark's intimate knowledge of the Nutley-Belleville-Clifton area is astounding.

Bob Clark's immediate objectives are to achieve the goals authored by the late Dr. Mattia. He is determined that Hoffmann-La Roche remain the good Nutley citizen that we have come to know it all these years.

Bob Clark's rise in the industry has been steady and constant. Happily, Bob Clark knows his business, knows his company, knows his people and knows our town. To fill the vacancy caused by the tragedy of Dr. Mattia's early death, HLR management could have gone outside of the company for a successor. It is to its everlasting credit that it gave recognition to one of its own therein lies the success of HLR management.

Assuming the awesome burdens of the presidency of HLR and attempting to fill the shoes left vacant by the death of Dr. Mattia present a herculean task. We are confident Bob Clark is equal to the challenge. On behalf of a community which has enjoyed the benefits of its leading citizen—HLR—we wish Bob Clark every success as he undertakes the most difficult of all tasks—following in the foosteps of Dr. Mattia.

YOUR OPINION, PLEASE—1971

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. BRAY. Mr. Speaker, Thomas Jefferson said:

> That government is the strongest of which every man feels himself a part.

In order to make this more possible, I have for some years conducted an annual public opinion poll. These polls stimulate a new interest in major national matters and give me the benefit of what people think should be done. They are valuable supplements to the more direct contacts I have through the years personally, by mail, wire, and telephone. The results will be tabulated and inserted into the CONGRESSIONAL RECORD, and everyone polled will receive a copy of the insert. Following are the questions for Your Opinion, Please—1971:

(1) France has passed legislation which holds that each individual who voluntarily joins a mob is civilly and criminally responsible for any acts committed by the mob. Should we have a similar law?

(2) a. Should penalties for the *use* of marijuana be repealed?

b. Should penalties for the *sale* of marijuana be repealed?

(3) Should American draft dodgers or military deserters who fled abroad be allowed to return without prosecution?

(4) Should the Government impose wage and price controls to fight inflation?

(5) Do you approve of the President's initiatives towards Peking, to be made without deserting allies and endangering our own security?

U.S. SUPREME COURT CONTRIBUTES TO CRIME—JUSTICE HAMLIN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. RARICK. Mr. Speaker, there are some great Americans in the legal profession who realize that the U.S. Supreme Court is itself responsible for the congestion of the Federal and State court dockets and that the Supreme Court has thereby been a major factor in the increasing crime rate that imperils our Nation. Some are willing to speak out against the current trend in judicial practice.

I am proud of the Honorable Walter B. Hamlin, associate justice of the Louisiana Supreme Court, and the contributions he has made to the legal profession and to our country during the course of a long and distinguished legal career.

Mr. Justice Hamlin has long recognized the dangers that result from the Supreme Court's trend in decisions that ignore the rights of the people as a whole and has spoken out against them. He plans to dedicate his retirement years to activities designed "to get the President of the United States to appoint judges who will recognize the rights of the people as a whole against these individuals who, with a blindness or perversion stunning to the national mind, would endanger the magnificent achievement of those who have gone before us in building this Nation." The cause of freedom under the law has never been better expressed than by Justice Hamlin who understands where the judicial problem lies.

I include in the RECORD at this point a copy of a letter which I received from Justice Hamlin relative to this issue and his remarks to the 14th Annual Attorney General's Conference for District Attorneys, held at the Monteleone Hotel in New Orleans, on March 5, 1971. I urge my colleagues to read them as the testimony of a man who has dedicated his life to the law—as the testimony of a great American jurist:

SUPREME COURT,
STATE OF LOUISIANA,
New Orleans, July 19, 1971.

Hon. JOHN R. RARICK,
Member of Congress,
Washington, D.C.

DEAR JUDGE: I have carefully read your letter of July 14, 1971, together with enclosures. I appreciate your letter and heartily agree with you.

It is the same old story—conferences, conferences, conferences, and not one mention as to why the dockets of the Federal and State Courts are clogged.

The United States Supreme Court is itself responsible for the congestion of these dockets because of its decisions since 1961 in its obsession to help the hardened criminal. I refer particularly to Mapp v. Ohio, Boykin v. Alabama, Gideon v. Wainwright, and the recent decisions compelling misdemeanors and certain contempt matters to be tried before juries.

You, as an experienced judge, certainly know that these are the cases that cause delays in the administration of criminal justice. The United States Supreme Court fails to take into consideration that these poor, indigent, cunning, malevolent, brutal, vicious, and hardened individuals know just as much about their rights, if not more, than the average citizen. If it weren't so tragic, it would be laughable to see how the United States Supreme Court has gone out of its way to foist these unchallengably guilty people upon the public after they have been convicted by due process of law and as the result of a fair trial.

It is so simple. The true test is and should be: Did this defendant receive a fair trial? If so, then the Federal Court should not interfere with the Judges and Justices of State Courts who are just as experienced and just as honorable as they are in the administration of criminal justice.

I am enclosing herewith a copy of the May, 1971, issue of "The Identification Officer," the official Louisiana Police Science publication. This is the official pubication of the Louisiana Division of the International Association for Identification, fully described on page 1. On pages 12 through 14 is quoted in full an address I delivered before the 14th Annual Attorney General's Conference for District Attorneys at the Monteleone Hotel in New Orleans, on Friday, March 5, 1971. On page 12 is marked off what I had previously stated to this same group in March, 1965. After discussing the recent decisions of the United States Supreme Court, I added what is marked off pages 13 and 14.

On March 13, 1973, I will have reached the compulsory retirement age of seventy-five years. If my health holds out, I am going to devote the balance of my life in trying to get the people of this State and Nation to insist that the President of the United States appoint Judges who will recognize the rights of the people as a whole as against these individuals who, with a blindness or perversion stunning to the national mind, would endanger the magnificent achievement of those who have gone before us in building this Nation. It is my hope that I will have good citizens like you joining me in this endeavor.

With kindest regards and best wishes, I am

Sincerely yours,

WALTER B. HAMLIN.

UNITED STATES SUPREME COURT DECISIONS

(*The Honorable Walter B. Hamlin, Associate Justice of the Louisiana Supreme Court, delivered the following timely address before the 14th Annual Attorney General's Conference for District Attorneys at the Monteleone Hotel in New Orleans, on Friday, March 5, 1971.*)

I am again honored at having been invited to address you today. In March, 1965, six years ago, I delivered an address before this conference entitled, "A Discussion of Recent United States Supreme Court Decisions With Regard to Local Law Enforcement."

I discussed, among others, Mapp v. Ohio (1961), which overruled Wolf v. Colorado (1949), Beck v. State of Ohio (1964), Aguilar v. Texas (1964), on search and seizure, Massiah v. United States (March, 1964), and Escobedo v. Illinois (June, 1964), and observed that, in spite of divergent views on the part of members of the court, no really fixed formula was set forth in the majority opinions.

The Miranda and Johnson cases were decided later and will be mentioned later.

In March, 1965, I stated:

"It is a matter of common knowledge that the number of serious crimes committed annually in the United States has increased by a shocking 50 percent over the last decade. The public generally is alarmed, because we are increasingly frustrating or throttling our law enforcement officers with judge-made rulings that stagger the commonsense of the average citizen. He simply cannot understand them. However, he does feel that there is today the danger of our having a nation of criminals within our great nation, simply because the criminal has increased in numbers. An article in the January, 1965, issue of the American Legion Magazine states that according to FBI head J. Edgar Hoover, the growing crime rate is out-stripping the population growth by a ratio of more than 5 to 1.

The average citizen is afraid of a taking over by this criminal element. And because of his feeling it could be that many years hence, after most of us passed on and there is an entirely different membership with its different philosophy on our highest court, the pendulum will swing again and a real 'police state' might come into being under the guise of striking at the criminal with an iron heel. The stream of history has recorded that should this occur, no one will be safe.

If the pendulum swings and a future Supreme Court should create a 'police state', it will be nationwide; whereas, the possibility of fifty 'police states' being in existence at one time is remote indeed. With the radio, television, news media and modern methods of communication, I believe that the people of our fifty states are too enlightened today to stand for the existence of a 'police state' in any one of them. The people possess an intrinsic human dignity, an inner majesty, which gives them an appetite, a passion for freedom. They will not willingly relinquish that which they have earned by the sweat of their brain or brow to either the criminal or the tyrant.

Under our system of government, men here, on this land, built from wilderness a nation with the most freedom for the greatest number of people enjoying the highest standard of living the world has ever known. The fact of this magnificient achievement is inescapable; it surrounds us; it is part of our blood and bone. Yet the ever-increasing criminal element, with a blindness or perversion stunning to the national mind, would destroy the system which produced this magnificent achievement.

Therefore, in these times of mounting danger from the criminal element, local law enforcement should not be handcuffed at the expense of the public safety and welfare. So, as Justices Clark and Black said in the Beck Case, I simply suggest that the United States Supreme Court try to allow the state courts to determine and resolve the issues involved in local law enforcement.

Let me observe that our state judges are sincere men, honorable men, and they know what is best to be done for the safety and welfare of their communities. They want their people to live with freedom from fear—either of the criminal or the tyrant. They know that the course of Right will not die; it suffers eclipses, but is born again; it may be ignored or trampled under foot, but it does not, therefore, cease to exist, and all good souls recognize it as the only rule of life. It is a useless endeavor to place Might upon the pedestal which others have raised to Right."

On May 5, 1969, the United States Supreme Court, by per curiam opinion, decided the case of Halliday v. United States, 89 S. Ct. 1498, 394 U.S. 831, 23 L. Ed. 2d 16 (1969). This matter involved the acceptance of a guilty plea in a case where a United States District

Judge who accepted it failed to comply with Rule 11 of the Federal Rules of Criminal Procedure. The per curiam of the United States Supreme Court stated in part:

In McCarthy we noted that the practice we were requiring had been previously followed by only one Circuit; that over 80% of all verdicts in the federal courts are obtained after guilty pleas; and that prior to Rule 11's recent amendment, not all district judges personally questioned defendants before accepting their guilty pleas. Thus, in view of the general application of Rule 11 in a manner inconsistent with our holding in McCarthy, and in view of the large number of constitutionally valid convictions that may have been obtained without full compliance with Rule 11, we decline to apply McCarthy retroactively. We hold that only those defendants whose guilty pleas were accepted after April 2, 1969, are entitled to plead anew if their plea was accepted without full compliance with Rule 11.

Accordingly, the judgment of the Court of Appeals for the First Circuit is affirmed.

It is my view that the foregoing per curiam was rendered to put an end to a massive and indiscriminate jail and penitentiary release and delivery from custody of convicted criminals, which had been caused by the rendition of Gideon v. Wainwright and similar decisions.

I am firmly of the opinion that the United States Supreme Court, in rendering this per curiam, realized the effect of the violence of these decisions to the enforcement of criminal justice in this Nation and established a deadline date.

I believe that my opinion is corroborated by the action of the United States Supreme Court in Johnson v. State of New Jersey, 348 U.S. 719, 16 L. Ed. 2d 882, 86 S. Ct. 1772, June 22, 1966, as follows:

We hold that Escobedo affects only those cases in which the trial began after June 22, 1964, the date of that decision. We hold further that Miranda applies only to cases in which the trial began after the date of our decision one week ago.

The Court established a deadline in Johnson; it evidently realized the devastating effect of its failure to set a deadline in Miranda.

Dutton v. Evans, 91 S. Ct. 210, was decided on December 15, 1970. In that case, the Supreme Court of the United States reversed the judgment of the Court of Appeal and remanded the case to that court for consideration of other issues presented. But what is most significant is the following quote from that decision:

"Almost 40 years ago, in Snyder v. Massachusetts, 291 U.S. 97, 54 S. Ct. 330, 78 L. Ed. 674, Mr. Justice Cardozo wrote an opinion for this Court refusing to set aside a state criminal conviction because of the claimed denial of the right of confrontation. The closing words of that opinion are worth repeating here:

There is danger that the criminal law will be brought into contempt—that discredit will even touch the great immunities assured by the Fourteenth Amendment—if gossamer possibilities of prejudice to a defendant are to nullify a sentence pronounced by a court of competent jurisdiction in obedience to local law, and set the guilty free. 291 U.S. 122, 54 S. Ct. 338."

In order to be sure about what Justice Cardozo meant by the use of the word "gossamer" I looked it up in the dictionary and found that it has two meanings, as follows:

1. A film of cobwebs floating in the air in calm clear weather.

2. Any gauzelike fabric.

At this point I am going to pause to render a great cheer, because at last the Supreme Court of the United States, as now constituted, has realized that what I said before this conference six years ago is correct.

The Dutton Decision is going to have a salutary effect upon the people of this Nation, the enforcement officers and prosecutors, as it filters down.

I say this because for several years past, common sense has been put behind exaggerated judicial concern over the rights of an accused. This situation has been staggering to the national mind. People have never been able to understand why a convicted murderer or rapist—or anyone else—unchallengeably guilty, should be freed because of some inconsequential error which did not diminish by any common standard the fairness of his trial.

The true test, in my opinion, is and should be:—Not the legal technicalities involved, but whether the rules have denied the defendant a fair trial.

I do not desire to contribute to the devastating effect of technical decisions on the enforcement of criminal justice in this Nation. As a Justice of the Supreme Court of Louisiana, I am reluctant to adopt a technical ruling in favor of a guilty defendant, unless there is a ruling that fits like a glove the case under consideration. In that event, I am compelled to do so.

Another decision of importance is the recent case of McGarry v. Fogliana, 370 F. 2nd 42, decided by the United States Court of Appeals, Ninth Circuit, on December 14, 1966, rehearing denied January 18, 1967, in which it was held in habeas corpus proceeding:

"Appellant also asserts that his retained counsel failed to perfect an appeal from his conviction. Standing alone, this is not a ground for federal habeas corpus. He makes no showing whatever that any prejudicial errors occurred that would have called for a reversal of his conviction."

I am quoting that decision because many applications for habeas corpus received by us today contain an allegation that defendant had ineffective counsel; that he wanted to appeal, but that his counsel did not or would not allow him to do so. Today, any lawyer who is compelled to accept appointment to defend these criminals is placing his reputation at their mercy. They do not hesitate to attack his ability, leaving it open for some demagogue to use what one of these people has had to say about him if he ever runs for public office.

It is my hope that the lower federal courts will take notice of the trend that the United States Supreme Court is establishing, as the United States Court of Appeals, Ninth Circuit, apparently did in McGarry v. Fogliana.

I am sure that the Supreme Court of the United States is going to continue this trend.

I hope that the lower federal courts will take heed. They have been unduly exercising the so-called "post-conviction remedies," which, as an old practitioner since 1919, stuns me. It is amazing that this expression crept into the jurisprudence. When I was admitted to the Bar in 1919, the only post-conviction remedy which was exercised was by application to the Board of Pardons for clemency. When a man was convicted he stood convicted unless the conscience of the State—the Board of Pardons—did something for him.

I have a simple remedy. All the Supreme Court of the United States has to do is to overrule Mapp v. Ohio and go back to Wolf v. Colorado and the previous jurisprudence. This will do away with Motions to suppress and the daily complaint "they arrrested me too fast."

We all know that trials for murder are rare in the federal courts. Murder, manslaughter, robbery, burglary, rape, theft, and many other types of cases are tried in the state courts that are not tried in the federal courts.

The effect of Mapp v. Ohio has been to prevent the police from pursuing a murderer for the purpose of seizing the lethal weapon; from pursuing a burglar or robber for obtaining the money, jewels or articles stolen, when they have entered a building after the commission of a crime. I could go on and enumerate other instances, but I know it would not be feasible at this time.

It is my view that it was very unwise and ill-advised for the United States Supreme Court to have overruled Wolf v. Colorado, which it did ex proprio motu. The overruling of Wolf was not necessary to the decision.

Mapp put the police in handcuffs.

This address may well close with a reading of a portion of an article appearing in the Times-Picayune of Wednesday, February 24, 1971, quoting Justice Hugo L. Black:

Justice Hugo L. Black, in explaining the Supreme Court's reversal of their actions, said federal district courts should not stand in the way of developing state prosecutions except when the prospective defendant proves he would suffer "irreparable injury" or that the state officials were guilty of "bad faith and harassment." What constitutes irreparable injury was not defined.

Black said there must be "a proper respect for state functions, a recognition of the fact that the entire country is made up of a union of separate state governments, and a continuance of the belief that the national government will fare best if the states and their institutions are left free to perform their separate functions in their separate ways."

REMARKS OF HON. JACK McDONALD OF MICHIGAN REGARDING HIGHWAY DEVELOPMENT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. CHAMBERLAIN. Mr. Speaker, my colleague and friend, Mr. JACK McDONALD of Michigan, has worked arduously not only here in Congress but in his home district on behalf of better and safer highways. He has brought his experience and expertise to bear on the many facets of highway construction, and has left his mark on the many highway bills which have come before this body in the past 5 years.

Yesterday, Mr. Speaker, Mr. McDONALD carried the message of highway development and its future to the members of the Michigan construction equipment dealers in East Lansing, Mich. The speech which he delivered to that group puts highway development in its proper perspective and has relevance to all of us in Congress. Because of its relevance, Mr. Speaker, I wish at this time to include a copy of Mr. McDONALD's speech for printing in the RECORD:

SPEECH OF MR. JACK McDONALD

The economic heartbeat of this nation is dependent on the thin ribbons of asphalt and cement which connect our population centers. Our Gross National Product is up to a trillion dollars a year because your work has made the marketplace accessible. Eight of every ten Americans commute to work by automobile. Every item you buy in a retail store traveled by truck somewhere on its way to you. In the economy as a whole, a whopping 17 percent of the Gross National Product is generated by the highway transportation industry.

I know I do not need to sell you on the importance of good roads to the nation. But as your invited guest and as a member of the Subcommittee on Roads of the House Public Works Committee, I want to sketch in the accomplishments of the Federal road program in Michigan, then speak of its future here and across the Nation with special reference to the 1970 Federal Aid Highway Act, and finally to discuss the balanced-transportation concept and the threats to the Highway Trust Fund.

Fifteen years ago we began one of the greatest construction projects in the world's history—the Interstate Highway System. We have completed 75 percent, or 31,500 miles of that 42,500 mile project. Michigan ranks ninth in the States, with 1,174 miles of Interstate Highway in various stages of construction and planning. On March 31, there were 948 of those miles completed.

In dollar terms, since July, 1956 construction of the Interstate System has directly put more than one billion dollars into the Michigan economy, of which $980 million came from the Highway Trust Fund. That is more Federal money than any of 43 other states.

In short, our state has an enviable record in the area of Interstate Highway achievement. By the same token, of course, those figures show we have only 9 per cent yet to be done in completing the entire task, 6 percent below the national average. Perhaps it sounded a bit gloomy for your business to note that our mileage progress is so far above average. But there is a counterbalancing factor. The most difficult and complex jobs were incomplete as we approached the end of the original program. And that is why last year in our committee, and in the 1970 Federal Aid Highway Act, we extended the life of the Highway Trust Fund another five years, to 1977.

Further evidence of this counterbalancing factor is the knowledge that the remaining 226 miles of Michigan's system will cost an average of two million, eight hundred thousand dollars per mile. The Federal share of $468 million for remaining work will give our state the fourth largest amount of Federal Interstate Highway funds in the nation between now and the completion of the system.

I have gone into the Michigan picture for you much more thoroughly than I would with another kind of audience, because I know it is important for you to know just where we stand in this state and what the prospects are for the future. In order to complete this picture, we must also consider the status of the Federal-Aid primary, secondary and urban systems.

Since July 1, 1956, Michigan roadbuilders have completed construction of 9,381 miles of these roads, almost eight times our Interstate mileage. Now underway or authorized is an additional 434 miles, with the Federal contribution to this effort being nearly $700 million. Despite the enormity of the task we have completed, the task ahead will keep us all busy.

Let's turn now to the broad picture of the federal role in highway building in the future. The 1970 Federal-Aid Highway Act, which was signed by the President on the very last day of 1970, makes some significant changes in operations of the Federal Highway Trust Fund. The Trust Fund has existed ever since the 1956 act designed it as a means to put into operation President Eisenhower's call for action on the 40,000-mile system—since extended by 2,500 miles—proposed ten years earlier in the 1944 Federal-Aid Highway Act.

As you know, the Federal Highway Trust Fund—and I might add that 28 states also have their own highway trust funds—is derived from excise taxes on motor fuels, lubricating oil, parts and accessories, tires, and a use tax on trucks and buses weighing more than 26,000 pounds. The money actually goes first into the general treasury, but twice a month the Internal Revenue Service tells Treasury how much it estimates these taxes total for the period and the sum is transferred to the Trust Fund, subject to later revision to actual rather than estimated figures.

Appropriations from the Trust Fund are made to the Federal Highway Administration, which is now part of the Department of Transportation, every year by Congress. A small amount, totaling less than $12 million in fiscal 1970, goes for roads maintained by the Forest Service and on Indian reservations, to the Corps of Engineers, and to the right-of-way revolving fund. But most of it is allocated to the states for highway construction under a formula which is part of the law.

Under the old law, from 1956 through June 30, 1970 the Federal Highway Trust Fund took in more than $47 billion and spent nearly all of it for highway construction, except for the present invested balance. Under the "pay-as-you-go" provision, no money is advanced to the states until it is in hand. Appropriations have been in most years, and in every year since 1966, less than income. The last annual report of the Fund shows more than $2½ billion unspent in the kitty, most of it invested in 6% Treasury certificates. Interest income in fiscal 1970 was over $115 million.

Now, you can mark it down as axiomatic that any special-purpose fund with that much invested balance is going to feel some pressure from those who want to spend it for other things than those it was originally set up for. Here we run into another problem, the executive procedure by which the President refuses to spend all the money the Congress has appropriated. This impoundment has helped build the balance, which is expected to increase annually by more than a billion dollars to over $10 billion in 1977. And of course the larger the balance the greater the pressure for spending it on other things than highway construction.

In every session of Congress since 1965 there have been bills offered for diversion of funds to other purposes than highway construction. Beginning in last 1966, in every year since, the executive branch has arbitrarily impounded money authorized by Congress to be paid from the Trust Fund. As of June 30, the cumulated deferment by this action had reached $5.5 billion, about equal to the total fiscal 1972 apportionment to the states—and again, only about $4.6 billion will be released to them in the year just starting.

You see, there are at least three steps ininvolved in getting the actual money out into the construction pipeline. As a member of the Roads Subcommittee, I am in on only the first, which is authorization. We set in the law, as we did in the 1970 act, the amount which we believe should be spent. For example, the old law authorized spending $2,225,000,000 on the interstate system for the year ending June 30, 1974. This was to have closed out the program. We increased that authorization to $4 billion and added $4 billion more for each of the next two years as well as extending the life of the program to 1977.

The second stage is carried out when the Appropriations Committee sets the amount to be actually spent, which we always hope will be the full amount authorized. This happens in all programs of the government—first the authorization, then the appropriation, which takes into account the annual budget requests from the Executive Branch. Often the Budget asks for less than is authorized, and occasionally the Appropriations Committee decides on more funds than the budget calls for, but never more than the authorization allows.

The third step is actual release of the funds to the operation. In many cases, especially in recent years, and especially if the appropriation exceeds the budget request, the administration refuses to let the full authorization be spent. Instead it keeps the left-over money to reduce the next budget request. On the face of it, this practice is defiance of Congressional judgment, substituting not only judgment but contrary action by non-elected bureaucratic officials. It strikes directly at the roots of democracy and should be stopped everywhere. In effect, Congress says, "Do this," and the bureaucracy says, "We refuse." It is a grave question whether this whole matter of impounding millions and even billions is constitutional. It affects many other programs besides highways, and it will quite likely be tested in court some day.

As I said, this has happened to the Highway Trust Fund every year for the last five years. Because we object to this short-circuiting of what ought to be done, we put into the 1970 act a section prohibiting impounding of apportionments to the states and of diversion of funds. Unfortunately, it is only a "sense of Congress" statement without sufficient teeth if it should be ignored. But it clearly expresses the will of Congress to end the practice, at least with regard to the Highway Trust Fund.

As to other new provisions, one of the most important is the shift from 50–50 funding of the ABC system to a 70–30 ratio, with the increased federal share taking effect June 30, 1973. Thus the state and urban burden will be eased beginning two years from now.

But in accord with the recent thinking on "balanced transportation," some other provisions of the 1970 law change the exclusive highway-construction purposes of the fund. Within proper limits, there is nothing wrong with using trust funds for highway-related purposes other than roadbed construction. I agree with the "balanced" concept, but I do not agree with those who would raid the Fund for other than highway needs.

For instance, we set up in the new law a National Highway Institute for the education and training, including fellowships and up to 70% of the tuition, of State and local highway department employees in such things as highway planning, right-of-way acquisition, environmental factors, construction engineering, and so on. We authorized up to $20 million a year in coming years for highway beautification and set up a Highway Beautification Commission. We authorized as part of future construction costs expenditures where necessary for constructing new housing, or for acquiring and rehabilitating existing housing, for people displaced by highway construction. We authorized demonstration projects for so-called "development highways" to aid economic growth in such needy regions as Appalachia to cut their economic isolation. We authorized a study of highways in relation to public transportation needs, and we authorized $500,000 for urban transportation planning. We authorized upgrading the National Highway Safety Bureau to a National Highway Safety Administration, with two-thirds of the funding from the Trust Fund.

These and similar expansions of the use of Trust Fund Money, I believe, are both legitimate and needed. The proposals we have had to fight are the ones which would take money from highway use to spend on other kinds of transportation.

One of the strongest efforts to do this was by Senator Jennings Randolph last year—strong in part because he is chairman of the Public Works Committee in what we in the House call "the other body." His proposal, which passed the roads subcommittee which he also chairs only to be killed in full committee, would have permitted use of Trust Fund money derived from direct highway users, to purchase bus and even rail transit equipment for existing systems, and even to pay some of the operating costs of transit systems. Such an unwarranted incursion on the Fund, using it for transit systems themselves, is simply an outright raid in the name of a distorted "balanced transportation" concept.

Under other law, the Urban Mass Transportation Administration went into operation the first of July as a parallel organization to the Federal Highway Administration. The lines should be kept separate, and the disbursement of funds from the trust money should not be for their purposes, except for roadbed construction of special bus lanes under certain circumstances, such as the three now operating experimentally. Under the 1970 act, these bus lanes can be built out of highway money where it is shown they will result in cutting back other highway construction otherwise needed for automobiles, with the transfer of riders to the express buses which save them commuting time. As to buses themselves, it may surprise you to learn that even in New York more people are moved by buses every day than by subway. With only about ten cities large enough to warrant city rail commuter systems, mass transit in effect means buses, and buses mean street and road and busway construction.

It is this great task of construction for the moving of our people, freeing them and furthering their personal, commercial and industrial activities from the geographical confinement of the pre-motor age, that is yours. Your task is not finished and it will not be even when the extension of time for interstate system has expired. Your work is construction, not tearing down. We have too much of that in this country in more than one sense. You are builders, and you can be proud of that fact, as I am to have counted myself also among builders in my business career. Now that I am a representative of the people in Congress, I hope that I may still count myself a builder in all that I do, even though the kind of building may be different.

So I close with a word to you from a favorite poem expressing that thought. Today I dedicate it to you who are here, and to all whom the words so truly fit:

I saw them tearing a building down:
  A gang of men in a dusty town.
With a yo-heave-ho, and a lusty yell
  They swung a beam and the side wall fell.
I asked the foreman if these men were skilled
  As those he'd hire, if he were to build.
He laughed and said, Oh no, indeed;
  Common labor is all I need.
For they can wreck in a day or two
  What builders have taken years to do.
So I asked myself as I went my way,
  Which of these roles am I to play?
Am I the builder who builds with care,
  Measuring life with the rule and square?
Or am I the wrecker who walks the town,
  Content with the role of tearing down?

POWERPLANT SITING ACT OF 1971

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. FISH. Mr. Speaker, today I am joining a number of my colleagues as a cosponsor of the "Powerplant Siting Act of 1971." This legislation aims at striking a proper balance between the need for adequate and reliable electric power and our obligation to protect and enhance the quality of our environment. The emphasis is on the early identification of potential sites for power projects and transmission lines, long-range planning for future power needs and public participation in the decisionmaking process.

But, most importantly, this bill will insure the protection of environmental values. As we know, the intensity and breadth of public concern over the location of powerplants and the routing of transmission lines is related to the fact that these facilities can cause a number of negative environmental effects. Our environmental concern requires a special examination in the case of powerplants into problems of air pollution, water pollution, land degradation, solid waste disposal, noise pollution, and radiation effects. There is a compelling need for a national policy on the siting of power projects that calls for the full consideration of environmental problems. This bill emphasizes time—time to plan, time to consider alternatives, and time to fully explore the pollution problems caused by power facilities before the need for those facilities gives us only the alternatives: build or degrade, or brown out or preserve.

The key elements of this measure are as follows:

First. State or regional certifying agencies would be established to license power companies and review all plans for the location of powerplants or large transmission lines. The certifying bodies would provide for the participation in its decisionmaking process of environmental protection, natural resources planning, and electrical power service components of the local and State governments involved.

Second. All public utilities would be required to submit general plans for expansion which describe the general location and the size and type of proposed power facilities. These plans would have to be submitted at least 10 years before any construction could take place. They would also have to be filed with the Federal Power Commission and the EPA.

Third. Actual sites of plants and general locations of transmission lines would have to be disclosed 5 years before construction. Public hearings on detailed plans would have to be held at least 2 years prior to any construction.

Fourth. This process would also establish a "one-stop" certification procedure on power siting. At present, in many cases it is necessary for utilities to obtain up to several dozen separate local, State, regional, and Federal approvals, permits, licenses, and so forth. In fact, at present, in many States, power agencies have only ratemaking powers and have no authority over the actual sites of plants and transmission lines.

This legislation is strongly endorsed by the Nixon administration and, in particular, by the Department of the Interior and the Council on Environmental Quality. In this era of pressing power needs and serious environmental problems, this measure creates a framework for the early review and resolution of conflicts between these two important areas of public policy.

AFRICAN SWINE FEVER COULD BE NEW THREAT TO NATION'S LIVESTOCK

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. DOW. Mr. Speaker, in the past several weeks I have been investigating several livestock diseases which are a threat to our country. On Monday, July 19, I reported to my colleagues what I had learned about the history of Venezuelan equine encephalomyelitis—VEE—and the way in which it could have been prevented if the Department of Agriculture had pursued different policies. My remarks appeared on page 26003 of the RECORD.

Today I would like to advise my colleagues about African swine fever, which is potentially the most dangerous and destructive of all communicable swine diseases. Unlike VEE, this disease does not infect humans.

African swine fever now exists in Spain, Portugal, France, Italy, and all countries in Africa. Most recently—and this is a cause for alarm—the disease has been discovered in Cuba, right here in our hemisphere.

Yesterday Dr. Fred Mauer of Texas A. & M. expressed his concern that this disease could be spread into the United States from Mexico, which has in the past imported pork products from Cuba. The causative virus of African swine fever is highly virulent and may be present in pork and pork products originating in countries where the disease exists. Dr. Mauer urged that Mexican and American officials meet to discuss ways of averting the introduction of the disease onto this continent.

The State Department has advised me that the U.S. Department of Agriculture has been and is in direct contact with Mexican officials about African swine fever. Over the weekend, officials of USDA met with Mexican officials to discuss both VEE and African swine fever. An agreement is in effect under which the Mexicans will not import pork products from Cuba, although there might be some difficulty in fully enforcing this ban.

The Cubans are likewise very concerned, and they have called upon Canadian authorities for assistance in combating this disease. There is no vaccine against African swine fever, and it can only be eliminated through quarantine and slaughter of infected animals. Accordingly the Cuban Government has taken the drastic step of ordering the extermination of 500,000 hogs in Havana Province where the disease is concentrated. Of these, 130,000 hogs are in the city of Havana itself.

The Agency for International Development has just sent circulars to all posts advising agricultural attaches to be prepared to render advice and assistance to local governments that may request it.

With reference to our country, we currently have the capability of diagnosing this disease, although its symptoms are quite similar to hog cholera. The USDA is capable of differentiating the two, however.

I am hopeful that USDA has or is now developing contingency plans for dealing with this disease in case it should enter the United States despite our efforts to keep it out. I am writing to Secretary Hardin asking him to take action in case these plans do not now exist. The threat posed by African swine fever to our livestock is enormous, and the consequences to the American consumer and to the farming industry could be very grave. We must not be unprepared for this disease as we were in the case of VEE. African swine fever has no cure and no vaccine, and prevention is of the utmost importance for this reason.

CARRIER ENDS CRUISE WITH NO WAR LOSSES

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. COLLINS of Texas. Mr. Speaker, the July 1 issue of the Los Angeles Times contained an article by Staff Writer George McArthur entitled "Carrier Ends Cruise With No War Losses." I bring this to the attention of my colleagues because one of the aircraft mentioned in the article is produced in my district of Texas. The A–7 Corsair II, built by the Vought Aeronautics Co., a division of LTV Aerospace Corp. of Dallas, is one "tri-service" aircraft program that has worked. In this day of cost overruns and schedule slippage in our major aircraft programs, it is refreshing to have one program that is on schedule and on cost. More importantly, the A–7 Corsair II is the best close air support and interdiction bombing system in the world today. Presently utilized by both the Navy and Air Force, the workhorse A–7 aircraft is this country's light attack bomber of the 1970's. The people of Dallas are proud of this accomplishment.

The article follows:

YANKEE STATION.—The U.S. aircraft carrier Kitty Hawk was headed back to her home port of San Diego after a unique Vietnam cruise—27,000 flight hours, mostly over Laos—without the combat loss of a single plane or man.

In the five months the carrier cruised at Yankee Station in the South China Sea, the carrier lost only one man—a sailor who disappeared and is presumed to have fallen overnight one night.

And one plane was lost—a jet which developed engine trouble and from which the pilot successfully ejected.

The cruise was a far cry from the earlier days of the war or even the earlier days of carrier aviation when just landing aboard a flattop sometimes gave pilots the shivers. In the worst of her previous four cruises off Vietnam—during the bombing of North Vietnam—the Kitty Hawk had 15 planes shot down.

BOMBING OF TRAIL

In a war that has become casualty-conscious, the last cruise of the Kitty Hawk will be closely studied by the military planners. The U.S. command realizes that continued American air support and the bombing of the Ho Chi Minh Trail is probably necessary for the next few years if the Saigon government is to survive. Such a continued air campaign would obviously raise less opposition if the loss of planes and men was minimal.

The Kitty Hawk showed it could be done at minimal cost—though also probably at some cost in effectiveness. The fact that America is winding down its commitments is not lost on the pilots.

"My guys are very conscious of that situation," one veteran flight commander admitted. "They are not as Hawkish and gung ho as we once were."

Another pilot added, "The way things are in Laos now there isn't a target over there worth a pilot or a $4.5 million airplane. You play it cool."

"A SUNDAY DRIVE"

The old hands also say that bombing the Ho Chi Minh Trail bears no comparison to the hazards encountered bombing North Vietnam. Some of the older pilots call bombing Laos "a Sunday drive"—though the younger ones naturally disagree.

Since March 1970 when the U.S. command began announcing air losses over Laos, Communist gunners have shot down 64 U.S. warplanes, mostly from the Air Force, although the Navy has flown about half the strike missions. In the last 3 months, for example, eight Air Force planes have been downed while only two Navy planes were lost in combat.

Rear Adm. Damon W. Cooper, who commands carrier operations on Yankee Station, refuses to engage in a Navy-Air Force comparison of losses. He notes that there are too many variables. For example, the Air Force flies all the low-level spotter missions which are the most vulnerable to ground fire.

He does, however, attribute the low Navy losses in good part to the A–7 Corsair, a jet developed for the Navy by Ling-Temco-Vought. The A–7 can carry its weight in hardware and is jammed with electronics enabling the pilot to bomb and strafe accurately from altitudes outside the effective range of smaller caliber anti aircraft weapons—the type most prevalent in Laos.

Although the Kitty Hawk did use its supersonic F–4 Phantoms for some ground strikes, they were generally used to fly cover (and the Kitty Hawk's fliers fought one of the rare recent engagements with Hanoi's MIG). The Air Force, on the other hand, has relied more and more on the Phantoms for bombing missions over Laos.

While the Phantom is an excellent aircraft it was not specifically designed for such missions and is consequently more vulnerable than planes with electronic fire control systems like the A–7.

The Kitty Hawk's pilots were also aware that plain old-fashion luck was favoring them this trip. More than one flier came back from Laos to discover bullet holes in his plane when he had not even realized he had been hit. One was Lt. Scott Shields who came back with his Phantom peppered with holes from a SAM missile.

As the cruise neared its end, the fliers avoided the subject of losses—like baseball players who realize their pitcher has a no-hitter going.

RECOGNIZE ALL POTENTIAL

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, our country faces numerous domestic challenges in the seventies, but none are more serious than the problem of drug abuse. This problem extends beyond our national boundaries for a large portion of the hard drug source is found in South Asia where opium is exported in large quantities both for its legitimate conversion into morphine, one of the medical profession's valued pain killers, and for its illegitimate conversion into heroin, which has rapidly become one of our Nation's most serious health threats and another cause of crime, especially among our youth.

When our people are threatened by such a serious problem, it has been the American tradition for the people to respond. I am most encouraged by a new organization known as RAP of Tennessee, Inc., the RAP meaning Recognize All Potential, which has been organized as a nonprofit counseling and treatment center in Sewanee, Tenn. I commend all those responsible for organizing to combat drug abuse and wish them Godspeed in their efforts.

I have received a letter from Dr. Roger A. Way which explains in some detail the approach RAP makes toward solving the drug problem and I include it in the RECORD in hope it will prove valuable both to my colleagues and to all those now trying to solve the drug abuse problem:

RAP OF TENNESSEE, INC.,
Sewanee, Tenn., July 17, 1971.

Hon. WILLIAM R. ANDERSON,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: We are organizing a non-profit counseling and treatment center near Sewanee to combat drug abuse.

We would appreciate a letter from you stating your concern and an endorsement of efforts to control this growing menace to our youth. This letter is to be used in a brochure for raising funds and making the presence of the facility known.

We are fortunate in obtaining Mrs. Richard Packard as Director. She has had some six years experience in dealing with drug users in Pittsburgh, Pennsylvania, and has effected a high percentage of cures. Her approach is based on the concept that unless the basic insecurity of the individual, the inability of the individual to adjust to his environment, and the distorted thinking of the drug user are corrected, continued drug use can be expected.

Our organization, RAP (Reorganize All Potential) of Tennessee, Inc., has no regional affiliation but is connected with RAP (Reorganize All Potential) of Pittsburgh, Inc. It has no official connection with the University of the South, but is a separate organization.

We will be awaiting your reply with great expectation.

Cordially,

ROGER A. WAY, M.D.,
Chairman of the Board.

NEED FOR PARAPLEGIC RESEARCH

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. HANSEN of Idaho. Mr. Speaker, recently there came to my attention a copy of a most remarkable address delivered to the National Paraplegic Foundation by Dr. William F. Windle, one of the Nation's most highly respected research neurologists. Dr. Windle has articulated in this speech the hope for the ultimate prevention and cure of paraplegia.

Like so many others, until a few months ago I was unaware that there was a basis for the hope that "regeneration in the central nervous system, previously considered hopeless, is amenable to solution through basic research."

This quotation, which Dr. Windle explains in his speech, is not his conclusion alone, but is the corporate conclusion of a group of 22 eminent scientists. These individuals represent a wide range of scientific disciplines, from neurology to zoology, and they issued this remarkable statement at the conclusion of a national conference on applications of new technology to the enigma of the central nervous regeneration. Though I am told that many of these distinguished scientists arrived at the conference skeptical of such a chance, after a pooling of their knowledges, they departed from the conference converted to the idea that a reappraisal of the prospects was indeed justified.

My interest in this subject, Mr. Speaker, is the result of a tragic accident which rendered paraplegic the son of a good friend. From my conversations with his father, I learned that the deputy assistant secretary for educational and cultural affairs, Mr. Allen A. Reich, was also president of the National Paraplegic Foundation. Subsequently, I had the pleasure of making the acquaintance of Mr. Reich who, himself a paraplegic because of a swimming accident, is attempting to marshall support for efforts in funding which would make such basic research possible. Mr. Reich's energies and optimism are infectious, Mr. Speaker, and at his urging, I have read a great deal about the subject which has convinced me that the question must be more fully pursued, and that this pursuit must ultimately be encouraged by the funding resources of the Federal Government. The need for this support arises not only because of the scope of the problem and the need for a central coordinating agency, such as the National Institute of Neurological Diseases and Stroke; but also because many of the victims who are so afflicted received their injuries as members of our Armed Forces.

I recently received a letter from the Administrator of the Veterans' Administration, Donald E. Johnson, in which I was informed that 2,235 such injured men were transferred from the Armed Forces to the Veterans' Administration from August 1964 through April 1971. These patients sustained an injury to the spinal cord which produced a paralysis—either paraplegia or quadriplegia.

Recently, Mr. Speaker, the National Paraplegia Foundation received a sizable donation which has enabled it to offer a $10,000 award to the Scientist of the World making the greatest contribution toward a cure for paraplegia. A distinguished panel of scientists has been drawn together to select the award recipient, and further information on the worldwide competition, Mr. Speaker, can be obtained from the National Paraplegia Foundation office at 333 N. Michigan Avenue, Chicago, Ill., 60601.

There is much more information which I wish to share with my colleagues, Mr. Speaker, and I will do so at a later date. But, for the present, I think that the following information will convince my colleagues that the question merits their close attention.

Mr. Speaker, I insert Dr. Windle's remarks, along with other information, into the Record at this point:

A National Effort for Research in Paraplegia

(By William F. Windle of Denison University)

Our long-term goal is prevention and cure of paraplegia. Progress toward it has been slow because of attitudes of pessimism and defeatism. Now I think a new ray of hope is piercing the gloom, but I fear it will become dim without hard work to keep it shining. The previous speaker summarized recent basic research findings that support this optimism. I shall comment on what we believe needs to be done to expedite work toward prevention and cure of this tragic affliction.

The problem of paraplegia, as you know too well, is one of damage to the spinal cord resulting in its functional impairment. Sometimes the cord is severed, but relatively few people become paraplegic or quadriplegic because of a *severed* spinal cord. Most of them lose control over their lower body through traumatic accidents in which the spine is injured but its cord, though crushed, is largely intact. Why does a functional deficit exist in an otherwise intact spinal cord whose nerve fibers are still there but are not conducting messages. Obviously, the normal physiology has been altered. It should be possible to restore it, but no amount of physical therapy is going to do so. This aspect of the problem of paraplegia demands basic neurophysiological research to find the answer. Quite probably the solution will precede that of the age-old enigma of regeneration in the *severed* spinal cord whose nerve fibers are no longer there. Major financial support is needed to mount the research that will solve this problem.

How large a public health factor is spinal injury? It goes beyond the totally disabled citizen. Some individuals with spinal cord damage retain partial function although they are crippled and must go through life with impaired ability of locomotion. One can hardly separate these patients with partial spinal cord disfunction from those with total loss. Traumatic accidents are the cause of most cases. They constitute the fourth ranking cause of death—now more than 100 thousand annually. To these we must add victims of the war—at east 2500 paraplegics from Viet Nam. But there is more to the picture. Those temporarily disabled by traumatic accidents (about 10 million) and those permanently disabled (roughly 400 thousand) require more days of hospitalization than does any other group of medical-surgical patients. The cost of this is staggering: in the billions—not millions—of dollars each year. It would seem to me that our affluent society, even if insensitive to the vast human suffering, should afford to do more than is now being done to reduce this enormous dollar drain.

What *are* we doing? We are keeping most of them alive, but beyond that, precious little. I cannot separate the dollar effort on research toward prevention of accidents or curing the spinal injury patients from the total amount we spend for all medical research, which is little enough. The total of all medical research is only about ⅕ of that spent on space exploration, no more than 1/20 of that for the Indochina war, and 1/60 of the defense budget. **Indeed, it is hardly 1/7 of what we** spend for the highways on which most of the accidents occur. And yet, some of our leaders in Washington have no qualms about imposing economic restrictions on dollars for medical research, while eagerly supporting these other projects; and the reason for this is that they hear no voices from the citizens who are most tragically affected. If advances are to be made in research toward a cure for paraplegia, the Congress must hear from you—loud and clear. It is not enough to ask for appropriations for patients' care. There must be generous support of research of a very basic kind. The type of research that is sorely needed is that which was considered at our Palm Beach conference in February 1970. You have heard it reviewed.

Perhaps the most vexing problem is that of nerve fiber regeneration in the damaged or severed spinal cord. We have known for the better part of a century that this is within the realm of possibility, but research on the subject has commanded very little support. One of the most firmly established medical dogmas is that "regeneration in the human central nervous system is impossible". Well do I remember the discussion of a paper I presented 20 years ago before which I had demonstrated a way to promote regeneration in the severed spinal cord of cats. An eminent neurologist declared that the title of my paper should be changed so that no one would be misled into thinking that the demonstrated spinal cord regeneration in animals could apply to man, because of course every neurologist knew *that* to be impossible. Well, at that time spinal cord severance *was* usually fatal. We have come a long way in keeping the paraplegic patient alive. But we still need to know how to cure him.

Most body tissues *are* capable of either repair or regeneration, but further efforts are needed to ascertain methods for increasing to maximum the rate of effectiveness of these natural processes. A broadly based program of research into mechanisms of repair of all types of tissue could prove effective.

The problem of spinal cord regeneration has been brought to the present state of hopefulness primarily by research which was directed towards understanding basic processes of the nervous system rather than specifically aimed at finding a cure for paraplegia.

The recent report of our conference on spinal cord regeneration concluded with the cautiously optimistic statement that "it is now entirely reasonable to abandon the view that central nervous regeneration cannot be accomplished in man". Furthermore, the conferees agreed that the path of future research is now clear. It remains to recommend the best means for stimulating and channeling research efforts in this field. We need more basic research in neutral fine structure, neurochemistry, neurophysiology, and europharmacology if we are to realize the goal.

The National Paraplegia Foundation should call upon the National Institutes of Health to pursue more dynamically research toward finding a way to central nervous regeneration. The path is clear for a national commitment to solve the problem of paraplegia by eliminating it through basic research. This is the "Call to Action."

[From Science News magazine]

Spinal Cord Regeneration—Scientists Are Calling for Research on a Not-So-Impossible Dream

Hope that a paralyzed human spinal cord can regenerate is not dead.

That hope, generally cast off as cruel dreaming, has been brought cautiously to life by a small corps of scientists. They believe that the time is ripe for applying the knowledge gained from 20 years of fruitful research in biochemistry and molecular biology to problems of central nervous system regeneration in man.

The issue of human spinal cord regeneration is, with good reason, one of the most sensitive subjects in medicine. Because of disease, accidents and war injuries in Vietnam, nearly 200,000 Americans are confined to wheelchairs or bed with partial or total paralysis. Efforts at rehabilitation are expensive, slow and frustratingly unsuccessful in many cases. Occassionally, a physician will announce to his colleagues and the press a dramatic cure of a paralyzed patient. Inevitably, such claims have proved unfounded, earning their maker the scorn of his colleagues for raising hopes that cannot be fulfilled. Clearly, no responsible physician gives a paraplegic reason to believe that he will get up and walk. Indeed, most investigators have considered the probability of spinal cord regeneration so remote that they called research in that direction a waste of time.

With all of this in mind, 22 scientists from a variety of disciplines nevertheless agreed earlier this year to accept an invitation from the National Paraplegia Foundation to assemble in Palm Beach, Fla., for a conference on the Application of New Technology to the Enigma of Central Nervous Regeneration. They came as skeptics. They departed converted to the idea that a tentative reappraisal of the situation was justified. In a summary report, to be published in a forthcoming issue of Experimental Neurology, they conclude that, "As of today the problem should no longer be considered insoluble."

At the same time, they hasten to emphasize that while they are calling for a new research effort, they are by no means suggesting that any practical, medical application looms in the immediate future. Nor do they guarantee even long-range results. But they think it is worth a try. The meeting was called by Dr. William Windle of New York University, a pioneer in studies of human spinal cord regeneration.

Conference participants, from the United States and abroad, represented a wide range of scientific disciplines from neurochemistry to zoology. Focusing their attention exclusively on experimental, fundamental areas of science, they urge investigations of at least four specific phenomena that can now be rationally studied because of recently acquired understanding of cellular behavior. In the 1950's and 1960's such efforts would have been fruitless.

The four areas of increased interest are collateral sprouting, growth of the neuron, neurotrophic interactions and nerve specificities.

If peripheral nerve fibers are severed, one of two reactions may occur. The severed fibers may regenerate, or adjacent, intact fibers may develop what are called collateral sprouts to reinnervate the damaged tissue. A similar process is thought to occur in central nervous tissue, including the spinal cord, and scientists have reasoned that if this collateral sprouting could be controlled and directed, nerve function might be restored.

But Dr. Geoffrey Raisman, an anatomist at Oxford University, presents data indicating that collateral sprouting may actually inhibit restitution of severed nerves in the central nervous system. His studies of adult rat tissues show that an injury to nerve fibers does act as a stimulus to their growth and to the growth of adjacent nerve axons. But the collateral sprouting or growth of these adjacent axons is nonspecific—collateral sprouts may grow to terminal sites in tissue where they themselves cannot function. In effect, they get in the way of proper regenerating nerve fibers. Further studies of this problem need to be carried out.

Studies of rats by Dr. Raisman and others show that mammalian neurons of the central nervous system do have some capacity for regrowth. And studies of fish by Dr. Bernice Grafstein of Cornell University Medical School, and others, demonstrate that these animals have a clear ability to regenerate nervous tissue. Nevertheless, it remains possible that regenerating mammalian neurons fail to reestablish functional connections because they are unable to regenerate fully.

Preservation of the neuron or nerve cell body is essential to regrowth. For some reason which remains unclear, severing the axon—the long tail that extends from the cell body and conducts nerve signals—often results in death of the nerve cell. Scientists, speculating about the relationship between severing the axon and neuron death postulate that either some feedback mechanism exists between axon and cell body that is vital to neuronal life or the protein loss resulting from axon severing may result in annihilation of the cell.

Still other factors may be implicated in neuron preservation. One is a mechanism functioning locally in the axon that permits sprouting to occur. Another is a set of systems for signaling the neuron to engage in new protein synthesis and for maintaining that synthesis until new nerve cell growth is completed. Understanding of any of these myriad processes could illuminate features of spinal cord regeneration.

Neurotrophic interactions, as they are called, refer to a general class of cellular interactions by which a neuron controls or initiates molecular changes in another cell. Experiments conducted by Dr. Stanley Crain and his colleagues at Albert Einstein College of Medicine in the Bronx reveal that the development of organized networks of synoptically connected neurons is not dependent upon prior electrical activity. Studying fetal mouse brain cells in what he calls a drugged cell culture (Novocain was added to the medium to block electrical discharges during the entire period of weeks in culture), he finds that the cells nonetheless form a neural network composed of normal, highly specific connections. After the Novocain is withdrawn, complex, patterned electrical discharges can then occur as in tissue grown in normal culture media. It is tempting, scientists say, to speculate that neurotrophic (chemical) influences may be operating between these neurons as they develop functional CNS relationships.

Among the first investigators to offer evidence supporting this hypothesis was Dr. Marcus Singer of Case Western Reserve University in Cleveland. Addressing the Palm Beach conference, Dr. Singer reported that he and his colleagues believe, from experiments with salamanders with amputated limbs, that the trophic, or regulating, property of neurons derives from a macromolecule or large chemical agent. Dr. Singer's tropic chemical, which has yet to be characterized, is presumed to be nonspecific in its effects—it acts broadly on a variety of cells.

In a somewhat similar vein, neuroanatomist Lloyd Guth of the National Institutes of Health in Bethesda, Md., reported evidence of highly specific trophic influences. In fact, Dr. Guth proposes that one of the trophic actions of a neuron is the regulation of gene expression in the peripheral cells that the neuron innervates.

A series of recent experiments with rat muscle cells supports his hypothesis. There are two main types of muscle fibers. Slow fibers are those that emit continuous electrical signals and perform such functions as maintaining posture. Fast fibers are employed in, for example, raising an arm.

Each type of muscle fiber is innervated by specific nerve fibers, and the biochemical activity of each is associated with the presence of two specific and distinct forms of the contractile protein myosin and its enzyme ATPase. When Dr. Guth and his colleagues cross-innervated slow and fast muscles, sending fast nerves to slow muscle fibers and vice versa, they discovered that the muscle fibers began producing the type of protein and enzyme characteristic of the muscle that nerve normally innervated. Because protein synthesis is known to be controlled by genes, he concludes that the neurons by some undetermined mechanism, are regulating gene expression in muscle cells.

"It seems eminently worthwhile," he declares, "that a search for both nonspecific and specific trophic interactions between neurons of the adult central nervous system be undertaken."

Advances in techniques of tissue culturing allow reearchers to probe the specific relationships and trophic influences of neurons on neurons and of neurons on muscles. Studies reported by Dr. Crain are among those of interest in this regard. He has been introducing nerve cells to muscle fiber in culture to investigate the chemical that may be involved in trophic interactions and to observe the results of those interactions. Though data on the former point have yet to accumulate, "we are," he says, "preparing to use a variety of drugs to block postulated trophic factors and thereby gain some insight into their nature."

Although trophic chemicals remain unknown, fascinating observations of interacting nerve and muscle cells have already been recorded. In one case, adult human muscle cells were transferred to a culture medium where, as anticipated, they did not grow at all. Then, by adding mouse fetal spinal cord so that nerve fibers could grow into contact with dormant muscle fibers, the investigators discovered they had created a milieu conducive to muscle regeneration. The mouse fetal spinal cord (nerve fibers) clearly stimulated human muscle cell regeneration.

A series of future experiments are planned to determine whether a similar response occurs if adult human spinal cord or brain tissues are exposed to mouse fetal spinal cord neurons in culture. Likewise, Dr. Crain is attempting to obtain human fetal spinal cord tissue for similar experiments. Fetal tissue is generally known to survive better in culture than does adult tissue, possibly because it is naturally undergoing processes of growth and differentiation that are not common to adult tissue. The implications of this work for spinal cord regeneration in adult human beings are exciting but definitely preliminary.

Indeed, the implications of all the proposed neurobiological research for treatment of paraplegia are speculative and tentative at present. As Dr. Guth observes, however, "In the past, many of us felt that supporting research in human spinal cord regeneration was a case of throwing good money after bad. This is no longer the case. It now seems more sensible to abandon the view that central nervous system regeneration cannot be accomplished in man.

CLEVELAND, OHIO, AND ITS MAYOR

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. JAMES V. STANTON. Mr. Speaker, Thomas Vail, the distinguished editor and publisher of the Cleveland Plain Dealer, described the problems facing Cleveland and its mayor in a timely column last Sunday. I feel this is a fair and accurate reflection of the mayor's last 4 years, and I wish to place it in the Record at this point:

A Summing Up on Carl Stokes

(By Thomas Vail)

Reflections on Carl Stokes as mayor of Cleveland.

Has Carl Stokes been good or bad for Cleveland?

This is a question you hear repeatedly among concerned citizens.

As Carl Stokes will conclude his four dramatic years as mayor of Cleveland on Nov. 8, some preliminary assessments of his performance are due.

As a breakthrough image maker, the first black mayor of a major American city, Stokes has been very good. A brilliant speaker with a ready smile and a keen sense of humor, Stokes has entertained far and wide.

In this visual age, no one should underestimate looks and delivery, also called star quality and charisma. These potent media requirements Stokes has used everywhere to the benefit particularly of himself but also to the benefit of Cleveland's image.

When Stokes came into office in 1967 he possessed, in addition to his show biz personality, other extraordinary assets.

Republican business leaders, scared by the Hough riots of 1966, were for him in hopes that urban black violence would become less under a black mayor.

Liberal whites were naturally attracted to a new breakthrough experiment in black power. The blacks were excited to see one of their own up there and projecting so well.

The media, especially The Plain Dealer, provided vital coverage and support.

The new black mayor had other friends in high places. President Johnson and Vice President Humphrey, interested in black political support, helped with increased federal aid, including especially restoration of Cleveland's urban renewal funds.

Some exciting, young, able people (black and white) came to Cleveland to man City Hall administrative posts because of Stokes and their hopes for his success.

Action was forthcoming. The downtown building boom increased, a port authority was created, and the city raised its income tax from one half of 1% to 1%.

Also during the first year of the Stokes administration, the mayor and Cleveland received plenty of complimentary national media attention.

Then in 1968 things started coming apart.

The business community's urban money action program, called "Cleveland: NOW," started to dry up when some of the money ended up in less than responsible hands.

A shocked Police Department stood by when it was eliminated from enforcing public safety after three policemen were killed in the Glenville gunfight. Fred (Ahamed) Evans was found guilty of first-degree murder in the deaths of the three policemen and one civilian.

Two of Stokes' appointees to the Civil Service Commission were indicated for tampering with police promotion and appointment exams.

The Cleveland community again was shocked in 1970 when a police chief, one William P. Ellenburg, was hired from Detroit. The newly appointed chief was found to have questionable connections publicized by the Plain Dealer. When The Plain Dealer and the Detroit Free Press unearthed the Ellenburg story, Mayor Stokes questioned the integrity and facts of The Plain Dealer and then after a trip to Detroit accepted the chief's resignation nine days after making the appointment.

Finally, in two city elections the people of Cleveland, who had elected Mayor Stokes, refused to increase their taxes for more city revenues, although at one of the two elections (1970) they approved money for the city school systems.

During the Stokes era (1967-71) Cleveland experienced problems common to many large, mature, heavy-industry urban centers. Blacks and whites, who could afford to do so, moved out. Downtown buildings sprouted up but public housing went practically nowhere. The population of Cleveland suburbs surpassed the city of Cleveland and the per capita tax base of the inner city was depleted further. The executive branch under Mayor Stokes, and the legislative branch under ethnic control, became increasingly reluctant to agree on anything.

But even though no mayor under such circumstances can perform urban miracles, after Stokes' first year, hopes faded. What went wrong?

Why did Stokes try to forget and even attack the people and institutions without which he could never have become mayor in the first place?

Why is racism blamed for all our urban problems? Why in four Stokes' years did Cleveland have five police chiefs and four safety directors? Why were there so many able black leaders who left the ship during the Stokes administration?

Most important, what is the final assessment of the Stokes mayoralty?

In terms of image Mayor Stokes helped Cleveland a lot.

As one outstanding educator observed: "No longer can black children say that they cannot make it in the system."

For a change people everywhere recognized who was mayor of Cleveland, where Cleveland was located, and seemed interested in the city's condition.

But in terms of improvement in the field of administration and of building a base for further community development for rich or poor there has been no real progress.

Stokes is leaving City Hall with the image of a fellow who overcame humble beginnings, had everything going for him when he stepped upon the scene, and finally for some reason or other just "blew it."

NIXON CHINA VISIT SPURS PEACE HOPES

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the surprise announcement by President Nixon of his coming trip to Communist China has opened a new chapter in the history of East-West relations. Clearly it comes at a time when people both here at home and around the world are yearning for a breakthrough toward the President's goal of a generation of peace. While it is, of course, premature to speculate as to what these developments portend, I find the press reaction to this dramatic news to be of particular interest and, accordingly, I ask that the editorial appearing in the State Journal of Lansing, Mich., on July 16 be included in the RECORD.

[From the State Journal (Mich.), July 16, 1971]

Nixon China Visit Spurs Peace Hopes

President Nixon's stunning announcement Thursday night that he has accepted an invitation from Premier Chou En-lai to visit Red China is one of the most hopeful events that has transpired during the past decade in a war-weary world.

The President's proposed visit to the China mainland, of course, can guarantee no settlement of the long-standing disputes between the two nations. But the fact that the President and chief officials of The Peoples Republic of China are going to sit down and talk after a 20-year Cold War freeze may well mean that the ice jam is finally starting to break up.

Even more hopeful is evidence that the more moderate wing of the Chinese Communist leadership may be gaining the upper hand in guiding the destiny of that giant Asian power.

It has long been evident, as President Nixon noted Thursday night, that "there can be no stable and enduring peace without the participation of the People's Republic of China and its 750 million people."

The President's diplomatic bombshell predictably set off worldwide speculation ranging from high praise to denunciation. But certainly there can be little doubt that the major issues facing Asia and the world today cannot be resolved with one of the world's great powers sitting isolated on the sidelines, and the move bodes well in this direction.

Chou-En-lai's invitation and the President's acceptance appear to be a setback for some of Nixon's more vehement critics, who have contended that the chief executive has no real intention of removing the American military presence in Indochina.

Various experts have contended that Chou would never agree to such a meeting if he was not convinced that the United States is pulling out of that Asian morass, and the fact that such a thing is about to happen should provide thought for those critics.

The problems facing Nixon and the Peking leaders, as some China experts note, are monumental. There is the deadlock over the status of Taiwan and the Chinese Nationalist government, which the U.S. has backed for more than 20 years.

There is also the question of whether this nation will support Red China's admission to the United Nations while still managing to keep Nationalist representation in that body. And there is the question, too, of bringing the Peoples Republic of China into the nuclear disarmament talks at a time when China and Russia are exchanging war threats.

One thing certain, however, is that the hopes for future world peace can only start to move forward when leaders of the great powers sit down and start direct negotiations at the conference table.

The President has long stressed his desire to bring an end to the wall of hostility which separates the United States from the China mainland. It was a view he expressed while visiting Lansing during the 1968 presidential campaign.

Now, it appears that some progress toward this goal may at last be in sight.

The planned visit to China during the next few months (a date has not been disclosed) does not in itself assure any immediate results.

But the simple fact that the step is being taken provides hope that a new era of negotiations and understanding may be arriving.

It is spectacular news that cannot help but generate enthusiasm and optimism as well as hope.

PROPOSED FOREIGN CRIMES ACT OF 1971

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. BENNETT. Mr. Speaker, I have introduced H.R. 9597 which I have called the "Foreign Crimes Act of 1971." I first introduced this legislation several years ago in an effort to fill the jurisdictional void resulting from decisions of the Supreme Court of the United States relating to crimes committed by certain nationals or citizens of the United States in foreign lands. My legislation would confer jurisdiction on the U.S. district courts to try certain civilians who are or have been connected with the Armed Forces.

Until the year 1960 the U.S. Government exercised court-martial jurisdiction over civilians serving with, employed by, or accompanying the Armed Forces outside the United States. However, in that year, the Supreme Court declared this exercise of criminal jurisdiction unconstitutional during peacetime. (*Kinsella* v. *Singleton*, 361 U.S. 234; *Grisham* v. *Hagan*, 261 U.S. 278; *McElroy* v. *Guagliardo*, 361 U.S. 281).

One would ordinarily think that the courts of foreign countries could exercise jurisdiction over civilians working overseas who committed crimes in those countries. Unfortunately, most foreign tribunals nevertheless do not wish to accept jurisdiction of cases involving offenses in which the parties involved are exclusively members of the American military establishment stationed in that country.

Also, wrongful acts committed by civilian employees and dependents in foreign countries which would be crimes if committed in the United States, do not always violate any laws of the United States if committed out of the country. The seriousness of the situation has become all too apparent from the reports of the multitude of crimes committed in Southeast Asia that go unprosecuted because of the present state of the law.

My bill would therefore permit the U.S. district court to exercise jurisdiction over serious crimes which foreign countries choose not to try because local interests are not considered sufficiently involved or where they cannot act effectively.

The only persons affected by my bill would be members of the United States Armed Forces and persons serving with, employed by, or accompanying the Armed Forces of the United States who are nationals or citizens of the United States. I am happy to report that the Department of Defense has long recognized the need for action in this area and favors the prompt enactment of this proposal.

Of course, merely conferring jurisdiction upon the courts will not effectively deal with the problem unless authority is given certain officials to perform an arrest or to apprehend or restrain civilians who are serving with, employed by, or accompanying the Armed Forces in time of peace. Therefore, my bill also provides the necessary authority to enable U.S. officials in foreign countries to apprehend such a person and to provide for his return to the United States to stand trial when there is probable cause to believe that he has committed an offense against the laws of the United States. The bill would also grant such authority when there is probable cause to believe that such a person has committed an offense against the laws of a foreign country. The legislation would also apply when competent officials of the foreign country request the assistance of the United States officials in effecting the apprehension of such a person and his delivery to them for proceedings in accordance with the Status of Forces arrangements. At the present time the Department of Defense has been handicapped in discharging the obligations of the United States under the Status of Forces agreements in reliance upon which foreign countries permit military personnel and civilians to enter their territory.

Since the Department of Defense has supported this proposal in the past I am hopeful that I can soon secure a favorable report from the Department on this measure and that it can be carefully and quickly considered and enacted by the Congress.

MORE THAN 80 MEMBERS SUPPORT ANTI-GAG RULE POSTAL SERVICES BILL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, today I am reintroducing a bill that I introduced on June 28 which would guarantee the right of Postal Service employees to communicate with Members of Congress. I have been joined by more than 80 of my colleagues from both sides of the aisle, representing 29 States.

Members who have indicated their support for this bill represent the views of the entire political spectrum but we all share one common belief. We all believe that the right of postal employees to petition Congress or to furnish information to either House of Congress shall not be denied.

My bill would prohibit anyone from interfering with this right. It contains a penalty provision which is exactly the same as the penalty provision contained in the Hatch Act, passed by Congress in 1939 to prevent pernicious political activities.

The proposal which we are reintroducing today provides for a maximum $1,000 fine and up to a year in prison for any Federal officer or employee who discriminates in any manner against any postal employee for communicating with a Member of Congress or a congressional committee.

It is unfortunate that legislation of this nature has become necessary. However, in view of the policies being implemented by the Postmaster General, I can see no other way to guarantee the postal employees' right to communicate with their elected representatives in Congress.

There can be no doubt about the Postmaster General's attitude in this matter. In his now infamous memorandum of last January 12, he stated in part:

> It is mandatory that postal employees immediately cease any direct or indirect contacts with Congressional offices on matters involving the Postal Service.

He later attempted to clarify this "gag rule," but his intention remains obvious. In his "clarifying" directive, the Postmaster General stated:

> In the event that a direct contact with a Congressional office becomes necessary, it is to be coordinated in advance with the (new) Congressional Liaison Office.

Perhaps the Postmaster General simply does not realize that the enforcement of this policy would contravene the laws of the United States. Perhaps it has not occurred to him that enforcement of the "gag rule" would interfere with a basic constitutional right to which every American citizen is entitled—the right to petition his Government.

But there can be little doubt that the policy presently advocated by the Postmaster General does interfere, both directly and indirectly, with the postal employee's right to communicate with his Representative in Congress. There can be little doubt that present policy unnecessarily inhibits the free and open communication which has traditionally existed between postal employees and Congress.

The bill which I am introducing today, rather than creating any new rights, would simply provide for the protection of presently existing legal rights. The specific language setting forth the postal employee's right to communicate with his Congressman was written into law in 1912. Section 7102 of title 5 of the United States Code states:

> The right of (postal) employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

My bill would simply make the existing law something more than a hollow pronouncement of this right. It would assure that this right could actually be enforced. Under my proposal, the postal employee would have the assurance that his right to communicate freely with his Congressman would not be violated, and Congress would have the assurance that it would always have the access to the information it needs to evaluate the operation of the Postal Service.

I would like to emphasize that the penalties provided under this legislation are the same as those provided under the Hatch Act. The Hatch Act, as we are well aware, forbids the employees of the executive branch of the Federal Government from using their official authority or influence for the purpose of interfering with an election or affecting the result thereof.

It would seem to me that the activities Congress has attempted to prevent by enacting the Hatch Act—interfering with or affecting the result of an election—are certainly no less pernicious than the activities which could and would be prevented by the enactment of this bill—interfering with a Federal employee's right to communicate with his Representative in Congress. For these reasons, I feel that enactment of this bill is vital.

Mr. Speaker, broad bipartisan support for this measure is readily apparent in view of the more than 80 Members who are joining me today in reintroducing this bill. I would hope that my colleagues will give this legislation the prompt and favorable consideration which it deserves.

At this point, I would like to insert the text of the bill into the RECORD.

H.R. 9948

A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the United States Postal Service and Members of Congress, and other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) chapter 4 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 722–727; Public Law 91–375), is amended by adding at the end thereof the following new section:

"§ 413. Communications between Postal Service personnel and committees and Members of Congress

"(a) Notwithstanding any other provision of this title or of any other law, or any rule, regulation, order, or directive of, or applicable to, the Postal Service, neither the Postal Service nor any officer or employee of the Government of the United States outside the Postal Service shall prohibit or prevent any officer or employee of the Postal Service from having any direct oral or written communication or contact with any Member of Congress or with any committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of any such Member or committee.

"(b) The preceding provisions of this section shall not be construed to affect in any way the authority of the Postal Service to establish, operate and maintain any office or other organizational unit within the Postal Service to maintain liaison with the Congress and process all inquiries, requests, and other communications from the Congress to the Postal Service on an official basis; but such office or other organizational unit shall not be operated and maintained in any manner, or in accordance with any rule, regulation, order, or directive, which is in violation of subsection (a) of this section.".

(b) The table of sections of chapter 4 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 722; Public Law 91–375), is amended by adding at the end thereof—

"413. Communications between Postal Service personnel and committees and Members of Congress.".

SEC. 2. (a) Chapter 92 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1924. Interference with communications by Postal Service personnel to Congress

"Whoever, being an officer or employee of the Postal Service or any officer or employee of the Government of the United States outside the Postal Service, removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the Postal Service, or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member of Congress or any committee of Congress as described in section 413(a) of title 39, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

(b) The table of sections of chapter 93 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1924. Interference with communications by Postal Service personnel to Congress.".

SEC. 3. The amendments made by this Act shall become effective at the beginning of the second calendar month following the date of enactment of this Act.

THE DETERIORATING MAIL SERVICE

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. BARRETT. Mr. Speaker, I recently had occasion to write to the Postmaster General regarding the continued deterioration of mail delivery service and the increased incidents of destruction of mail prior to delivery. The situation has reached epidemic proportions and since I cannot risk having my mail pilfered and stolen I am having it picked up at the post office. I have received hundreds of phone calls from my constituents complaining of the situation and now am receiving mail from many of our irate citizens around the country who also complain of the mail service.

Many of our colleagues have told me of their experience, which is akin to mine, and the complaints being received from their constituents.

Mr. Speaker, the mail service has greatly deteriorated in the past 2 years, causing a multitude of problems for our people and businesses—deteriorated to a point where it is a disgrace.

Among the letters I have received is one from Mr. James G. Robinson of Beavercreek, Oreg., which I insert at this point in the RECORD along with a clipping from and Oregon newspaper:

BEAVERCREEK, OREG.,
July 17, 1971.

Hon. WILLIAM A. BARRETT,
U.S. Representative,
Washington, D.C.

DEAR SIR: I am attaching an article from our Sunday Paper, July 11th. I have a like condition at our home.

For the last 18 months or longer I have been compelled to pick up my mail at the Beavercreek, Oregon, 97004, Post Office.

Our Christmas mail was opened, my veterans mail was lost.

I sent to the Postal Inspector in Washington, D.C. letters from our Farm Paper, "Capital Press", Salem, Oregon, and my wife's religious mail, and mail from our relatives in Oklahoma proving mail loss.

Finally an inspector came to our home from the Seattle, Washington Office, but nothing came of it. I finally requested of the Washington, D.C. office to order the carriers to put my mail in our mail box. It is well marked with our name in metal letters, the number 256 in 3 inch reflecting letters; as my wife is critically ill and it is six or seven miles to the Post Office.

After several months, a local inspector, Mr. Moon, came to my home and suggested for my own peace of mind that I should continue to go to the Beavercreek Post Office and get my mail there. This I have done. No effort was ever made as far as I know to correct this intolerable condition. There were several other people with like problems, so I have heard.

I had asked for a hearing with the local postmaster and inspector—no go.

We had for many years loved and respected our U.S. Mail and all those concerned with it, but today I feel thoroughly "whitewashed". I feel a lot of strings were pulled that would allow this to continue without a hearing.

I hope your condition will improve.

Sincerely,

JAMES G. ROBINSON.

SOLON SAYS NO TO HOME DELIVERY

PHILADELPHIA.—A Philadelphia congressman who says his mail has been stolen, mutilated, and on one occasion, burned, has asked the U.S. Postal Service to halt deliveries at his home here.

U.S. Rep. William A. Barrett, D-Pa., a 30-year veteran of the House, says he will pick his mail up at the post office rather than enjoy the convenience of home delivery.

"The situation has reached epidemic proportions," Barrett said Saturday. "I cannot risk having my mail pilfered and stolen any longer."

Barrett, who represents a large West Philadelphia district, says his constituents have placed "hundreds of phone calls" to his office complaining of mail thefts. He said most complain about missing pension and welfare checks, money orders and personal letters.

MODEL CITIES—"SOFTWARE" IS THE WORD

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, I insert in the RECORD the 5th of a series of articles concerning Model Cities that recently appeared in The Atlanta Constitution.

BUREAUCRATIC CODE—"SOFTWARE" IS THE WORD

(By Duane Riner)

Atlanta chief administrative officer Dan Sweat says the "whole thrust" of Atlanta's Model Cities program thus far has been "to spend 80 per cent in software programs."

Chuck Straub, a Model Cities official with the U.S. Department of Housing and Urban Development (HUD), says, "They put a lot of effort in software."

"Software" is a bureaucratic code word for the whole range of social programs in the Model Cities cupboard—education, job training, medical services, day care centers, planned parenthood and the like.

"A lot of the appearance of the program has been judged on what's visible in the neighborhood. That's unfortunate," says Straub.

As in the ill-fated housing effort, the Model Cities agency hands out "software contracts to operating agencies such as the State Labor department, the Atlanta Board of Education, the Atlanta Urban League and a total of about 30 public and private service-type agencies.

But even here, the Model Cities agency has been charged with failing to do its principal job: coordination.

The last publicly-released HUD review slapped the Atlanta Model Cities agency on the wrist for failing to audit its 28 operating agencies.

So HUD took the bull by the horns and inspected accounting records of six agencies. It found "certain deficiencies" in two of the six "which we believe could have been detected by regular on-site monitoring of fiscal transactions."

Without identifying the errant agencies, HUD said its reviews disclosed:

"(1) Ineligible expenditures; (2) lack of documentation to support expenditures; (3) improper or no bank reconciliations; (4) checks not countersigned by two officers; (5) use of petty cash as a source from which to borrow money, and (6) purchase orders an/or contracts not available for inspection."

Needless to say, HUD recommended that Model Cities "give priority" to monitoring fiscal activities of its operating agencies.

Another snafu in coordination, according to the federal auditors, involved Model Cities' failure to document follow-up action it takes to correct deficiencies uncovered in evaluation reports.

Yet another section of the audit reveals the Model Cities agency has not bothered to obtain copies of the administrative policies of its various operating agencies.

The auditors said Model Cities should review the administrative policies and procedures of the operating agencies "and take exception to any cost which is in excess of those costs allowed by (Model Cities') own administrative policy."

Another eyebrow-raiser was failure of the Model Cities agency to document the basis on which contractors are selected or consultant fees paid.

Model Cities, the audit noted, awarded contracts to nine consulting firms. Not a word was found in the contract files to indicate how many other prospective contractors—if any—were considered, the basis on which the winners were chosen or how the fees were decided.

The auditors said the city purchasing agent advised them that the city does not require bids for professional services.

But they added: "We believe, however, that in any HUD-assisted program the consultant services contract files should, as a minimum, include the following information:

(1) An explanation of how the amount of compensation or reimbursement to be paid was determined.

(2) Identification of each prospective contractor considered.

(3) Summary of bids and proposals, if any, received.

(4) Justification for non-competitive procurement of contract services and reasons for selection of the contractor, or justification for selection of other than the lowest bidder in competitive procurement.

Singled out for special attention by the auditors was James S. Robinson, doing business as Urban East Housing Consultant.

Urban East, no longer under contract, received $144,569, including $30,000 for "consultant and contract services."

What concerned the auditors was the absence of any cost breakdown to justify $30,000 for consultant and contract services.

In a classic piece of bureaucratic understatement, the auditors commented, "We believe, however, that even though this contract is being phased out that the operating agency should furnish the (Model Cities agency) some evidence of the reasonableness of the value of services rendered."

Here's what an Atlanta Urban Observatory housing study had to say about Urban East:

"The role of Urban East in housing development is something of an enigma from information and evaluations derived from our informants. Most of our informants agree that Urban East has accomplished very little in stimulating new housing."

The report said the firm's specific responsibility "is variably interpreted by our informants."

Some described it as a stop-gap organization designed to aid individual families in arranging for new housing.

Urban East told the academic evaluators that its broad responsibilities included counseling families with legal difficulties in existing housing, supervision of management in housing projects, developing feasibility studies for housing construction, aiding residents in applying for housing assistance under low-interest federal programs and locating sponsors for new housing on designated tracts.

But like other agencies involved in the no-go housing effort, Urban East's role was described by Urban Observatory officials as "fuzzy" and its ability to generate new housing "remained at a continuous level of inadequacy."

THE PERSIAN GULF

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. HAMILTON. Mr. Speaker, the Persian Gulf could become an increasingly important for the United States in the next decade. Without radical changes in the U.S. fuel and natural gas priorities and many new discoveries of energy deposits, the United States will, in the late 1970's and early 1980's, have to import more than a third of its oil from the Persian Gulf according to a State Department estimate. These estimates, however, never approach the nearly 90 percent dependency of Western Europe and Japan on Middle East oil.

Unfortunately, this time of increased potential importance of the oil deposits in the gulf corresponds with a time of increased potential political instability. The correct British decision to end its fig leaf of protection in the lower gulf area will have repercussions on an area that has changed little politically over the last century.

Many of the dormant political rivalries that could bring the whole gulf area to the brink of a period of violent upheaval were recently documented in an excellent article by David Holden entitled "The Persian Gulf: After the British Raj," which appeared in the July 1971 issue of Foreign Affairs.

The two major causes of the rivalries in the gulf area are religious and ethnic: the Persians or Iranians are mostly on the north side and the Arabs on the south side of the gulf; and the inhabitants of the area are both Shi'i and Sunni Muslims, the two largest sects in Islam. The Arab side of the gulf is predominantly Sunni, except for parts of the lower gulf, and Iraq and Iran are largely Shi'i.

In an area of small states, there are four major gulf powers, each of which is trying to assert some kind of great presence or influence as the British leave. Iran sees only increasing instability on the Arab side of the gulf and in order to protect her position, she indicates that she will reclaim three small islands near the mouth of the gulf—the Straits of Hormuz. Both Iraq and Saudi Arabia have interests in improving their respective positions in the area; they also spend some time feuding with each other. Kuwait, a small state with a big purse, is quietly using its influence to insure greater political stability in the lower Arab gulf.

Ten small entities occupy the rest of the Arab side of the gulf, but their smallness is accompanied by longstanding tribal rivalries and a penchant for being unable to reason together. Oman has been independent for some time and, indeed, had relations with the United States in the 1830's. Today, Oman faces a south Yemeni and Chinese-inspired revolt at its back door. Bahrein, an island which refines and produces oil, is also seeking independence, and Qatar, a smaller producer of oil, is expected to follow. The seven remaining Trucial States, so-called because of the treaty relationship with England since the 1830's, are, with varying degrees of enthusiasm, considering the possibility of joining together in a federation which the British seek to establish before they depart at the end of 1971. Recently, six of the Trucial States ratified a federation constitution but there may be more changes before the British leave. Indeed, old family feuds between tribal leaders and the disparities between rich oil sheikhdoms and they very poor fishing communities threaten such a conglomeration before it comes into being.

Whether all these states will be able to stand alone remains to be seen. The revolutionary forces in the Arab world are becoming increasingly vocal and dominant. If social change and massive education are not given to the entire population of the area, tribal leaders, kings and sultans will be overthrown. For the United States there is only the role of providing technical assistance and acquainting itself with the problems of the region. In this exercise, David Holden's article is most useful. It follows:

THE PERSIAN GULF: AFTER THE BRITISH RAJ

(By David Holden)

When Sir Alec Douglas-Home, the British Foreign Secretary, told the House of Commons in March that all permanent British forces in the Persian Gulf would be withdrawn by the beginning of 1972 he signaled the end of the last important vestige of the nineteenth century's *Pax Britannica* and opened the door to what could be a major, and possibly painful, reconstruction of the Middle Eastern map.

Ever since Britain signed her first Arabian treaty with the Sultan of Muscat in 1798, in a successful attempt to close the Gulf to French naval forces during the Napoleonic wars, a "special relationship" has existed between Britain and the territories around the Gulf. In Persia, as Iran was generally known until after the Second World War, the British established a sphere of interest so important to them as an answer to Russia's imperial designs upon India that for a time in the nineteenth century there were two separate British diplomatic missions in Tehran—one appointed by the British Government in India and the other from the London Foreign Office. On the Arab shore of the Gulf the relationship was for many decades more arbitrary and more tenuous, being based essentially upon the exercise of Britain's maritime power over a number of scattered, impoverished and generally piratical coastal tribes. These were compelled by the threats of gunboat diplomacy to sign a series of treaties suppressing piracy and the slave trade and eventually granting Britain exclusive rights to the control of their foreign affairs and defense, in return for a promise of British protection. At its peak, during and immediately after the First World War, this apparatus of British hegemony was complete from one end of the Gulf to the other, comprising special relationships, written or unwritten, with all the Gulf states, great or small, including Persia, Iraq, and Saudi Arabia.

The rise of local nationalism, the development of the Gulf oil industry and the fall of Britain's Indian Empire a quarter-of-a-century ago changed most of that. Today all that is left of the complex yet effective structure of British power in the Gulf, which imposed a rough stability upon its affairs for the better part of 150 years, is the so-called Trucial system in the lower Gulf, with which—after that first treaty with the Sultan of Muscat—it all began. In a few months from now that, too, will disappear; and for the first time since the heyday of Britain's East India Company all the territories around the Gulf will be at liberty to seek their own salvation without the threat of British intervention or the comfort of British protection.

This final remnant of the British Raj—for that, in effect, is what it is—has been for some years now an obvious, if in some ways charming, anachronism. Its basis was a "perpetual maritime truce" forced upon the unruly coastal tribes of Oman in 1853 and extended later to the nearby shaikhdoms of Qatar and Bahrein. Its result in our own day has been the extension of British protection to nine tiny, quasi-independent states which, since the discovery of oil, have included some of the richest, some of the smallest and some of the poorest states in the world.

Bahrein, with 200,000 people and a small oil field now 40 years old, has by far the largest and most sophisticated population of these nine states. The Trucial Shaikhdom of Abu Dhabi, with a population of around 25,000 and an oil income of some £120 million a year is by far the richest—per capita, the richest state in the world, bar none—although only ten years ago it was sunk in the traditional penury of desert isolation.

Qatar lies roughly midway in riches between these two and Dubai, the biggest of the seven Trucial Shaikhdoms, with about 70,000 people, whose flourishing entrepôt and gold smuggling trade as well as a small new offshore oil field make it the commercial center of the Trucial Coast.

The remaining five Trucial Shaikhdoms—Sharja, Ajman, Umm al-Qaiwain, Ras al-Khaima and Fujaira—are scarcely more than strips of desert and lagoon interspersed with fishing villages. Their populations vary from about 5,000 to 20,000 each, their chief pastime is dreaming of the day when they, too, may strike it rich, and their principal sources of income meanwhile are bizarre excursions into the field of international philately and money obtained from an almost equally bizarre assortment of oil companies for exploration concessions that have so far proved unrewarding. Of these five, only Sharja has any pretentions to prosperity, derived mostly from the presence of a British military base and airfield which will be among those partially sacrificed in the British withdrawal.

II

This withdrawal itself has two aspects. The first is the military one, involving the recall of about 6,000 British ground troops stationed in Bahrein and Sharja, together with their air support units. The second is political, and follows from the first: the termination of the old treaties of protection and their replacement by a simple treaty of friendship, carrying no significant obligations for either side. It is proposed, however, that a British "presence" shall continue in the Gulf through the use of existing airfields as staging posts for the Royal Air Force, as well as through occasional naval visits, specialized desert training for small British Army units and, most importantly, the provision of British officers and equipment for local armed forces. In addition, Britain will continue its present arrangements with the neighboring Sultanate of Oman where de facto British protection has existed since 1798. These arrangements are now regulated by an exchange of letters which took place between Britain and the former Sultan in 1955, in which Britain undertook to train and equip the Sultan's forces in exchange for staging rights on the airfield of Masirah, an island off the southern coast of the Sultanate.[1]

In spite of these qualifications, however, the purpose of the British withdrawal is clear: to disengage, as far as possible, from military and political commitments which have become increasingly untenable. In terms of the Gulf's history, where the British umbrella has provided the only guarantee of stability for the past 150 years, this is tantamount to a diplomatic and strategic revolution; and the fact that it is accompanied by equally radical economic, social and political changes within the Gulf territories themselves as a consequence of soaring oil wealth and burgeoning nationalism only multiplies the uncertainties and tensions which it must release throughout the region.

The decision to withdraw was not taken, therefore, without misgiving. As late as the beginning of 1968 Britain's Labour Government of the day was committed to maintaining the special British position in the Gulf in the belief that it might ensure stability there for a few more years. Only when a sharply deteriorating balance of payments forced London to reduce its overseas defense commitments did withdrawal from the Gulf become one of the imperatives of Labour's policy, with Harold Wilson's announcement that all British forces would be withdrawn from "East of Suez." In opposition, the Conservative Party condemned this policy as a "scuttle:" and after its return to power in June 1970, one of Sir Alec Douglas-Home's first moves was to begin a series of consultations with Gulf rulers, from the Shah of Iran downwards, to see whether a reversal of Labour policy was either practicable or desirable. Many critics in Britain and America believed strongly that it was both, pointing especially to the need to secure the Gulf's vital oil resources (amounting to approximately two-thirds of the non-communist world's proved reserves) against Arab intransigence or Soviet-inspired subversion and arguing that the low foreign exchange cost of maintaining the British forces there (estimated at about £17 million a year) was a minimal insurance premium for the £2,000 million or so of annual revenues to Western oil companies from their Gulf production. Without the British presence, the critics said, the Gulf might become an area of persistent unrest in which local conflicts between rival Arab states and subversive movements as well as international tension between Arabs and Iranians could erupt and be exploited by the Soviet Union, imperiling Western oil interests and supplies.

Such risks certainly cannot be ignored. Historically, the Gulf has usually been an area of division and flux rather than of unity and stability, partly because it marks the line of stress between rival Arab and Persian cultures and partly because it lacks any indigenous focus for its small and scattered Arab communities. Only sporadically and by conquest has unity been imposed upon its disparate elements: once by the Arabs after the birth of Islam when they swept into Persia with their new religion and, for a time, controlled both shores; more than once by the Persians who have several times occupied parts of the Arab shore; and in the last two centuries by the diffuse overlordship of the British imperial system. If the last-named disappears without any international or regional system of security to replace it the prospect of renewed instability must, on the face of things, be rated pretty high. For the sake of clarity it will be as well to consider the threats of disorder, in this case, under three separate though somewhat overlapping headings: territorial disputes, revolutionary movements and external influences.

III

The territorial disputes in the area comprise a formidable list, ranging from a general sense of territorial rivalry (as well as cultural suspicion) between Iran on one side and the Arabs on the other, to the intricate but damaging squabbles of the tiny Trucial Shaikhdoms. Between Iraq and Iran there are conflicting claims to navigation rights in the Shatt al-Arab waterway at the mouth of the Tigris-Euphrates and a long-standing dispute over Iranian sovereignty in the neighboring province of Khuzistan. In addition, Iraq has accused Iran of fomenting the sporadic Kurdish rebellion in northern Iraq and also of using her position as the leading Shiite Muslim country to stir up trouble among the large Shiite community in Iraq.[2] These disputes are exacerbated by the ideological antipathy of the "revolutionary" Baath (Socialist Renaissance) Party régime in Iraq for the allegedly "monarchist-imperialist" rule of the Shah in Iran.

Between Iran and Saudi Arabia and some of the smaller shaikhdoms there have been several disputes over the so-called median line in the Gulf, which demarcates the areas of offshore oil exploration and exploitation, and between Iran and two of the Trucial Shaikhdoms there is an urgent and possibly explosive contention over the disposition of three tiny islands near the mouth of the Gulf. The biggest of these, Abu Musa, has a shifting population of only a few dozen Arab fishermen and has been regarded up to now by the British, in their traditional capacity as arbiters of Gulf affairs, as being part of the territory of Sharja. The other two, known as the Tumbs, are even smaller and virtually uninhabited, and have been listed so far among the domains of Ras al-Khaima. Iran now argues that this allocation of sovereignty was mistaken and was acceptable only as long as Britain remained responsible for the foreign affairs of the Trucial States. Now that Britain is abandoning that responsibility Iran is reasserting its claim to sovereignty, supporting it with the strategic argument that possession of these islands by weak and unstable Arab regimes could lead to their occupation by revolutionary or hostile forces which might then be able to impose a blockade on Iran's vital oil trade through the mouth of the Gulf.

On the Arab side, internecine territorial or family disputes are legion. Iraq has not wholly abandoned its hope of seizing the rich oil shaikhdom of Kuwait, to which the late General Kassem laid claim in 1961 only to be thwarted by the last major action of British forces in the Gulf. Saudi Arabia has recently reaffirmed its claim to the Oasis of Buraimi whose eight small villages have been shared until now between the Shaikhdoms of Abu Dhabi (six) and the Sultanate of Oman (two)—both under British protection. On the other hand, there is a traditional link of overlordship between several of the shaikhs of the Trucial Coast and the Sultan of Oman that has been in abeyance for over a century but may well be revived in the near future; while between the Trucial Shaikhdoms themselves there are complex family jealousies and unresolved territorial disputes which resulted in frequent tribal war and murder up to 1948 and which might yet lead to more of the same in the absence of a British referee. One of these disputes currently under review involves the offshore boundaries of Sharja and Ajman and conflicting claims to exploration rights around the island of Abu Musa advanced by two American oil companies.

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[1] The Sultanate of Muscat and Oman changed its name officially to the Sultanate of Oman after the palace coup of July 1970.

[2] The division between Shiite and Sunni Muslims is the chief religious schism in Islam. A majority of Arabs belong to the Sunni groups, while almost all Iranians are Shiite. There are significant Shiite communities among the Gulf Arabs, however, especially in Iraq and Bahrein.

The second factor threatening the stability of the area—revolutionary movements—is partly a result of the rapid growth of oil wealth in recent years. All the traditional regimes around the Gulf are now subject to some degree to the menace of modern revolutionary movements feeding upon a combination of old tribal jealousies and the usual resentments of a disoriented new class. Until the 1967 Arab-Israeli war, much of the external support for these movements came from Cairo, but the change in Egyptian policies since then has left the field open to two other contenders for the revolutionary spoils. First is the Baathist regime in Baghdad, which is hostile to all forms of traditional government—particular Shaikhs, Sultans and Shahs—and which has been extending its cells lately in Kuwait, Bahrein and even in Dubai and Abu Dhabi on the Trucial Coast. The second, and currently more menacing, movement is the so-called Popular Front for the Liberation of the Occupied Arab Gulf (PFLOAG) which is an extension of the earlier Dhofar Liberation Front—an indigenous movement against the rule of the former Sultan of Muscat and Oman in his southernmost province of Dhofar. PFLOAG is now greatly influenced by the Marxist government of the People's Republic of Yemen (formerly South Arabia) which took over in Aden after the British withdrawal from there at the end of 1967; and there have been persistent reports from British sources of Chinese advisers and arms filtering through from Aden to aid the PFLOAG rebels in Dhofar.

Their grip on most of the interior of Dhofar and the threat of their extension through the mountains of Oman into the Gulf shaikhdoms was the principal reason for the palace coup of July 1970, in which the old and reactionary Sultan of Muscat was overthrown by his son, Qabus. He, in turn, is now trying to overcome the poverty and isolation of the last century in his kingdom by spending the Sultanate's new oil revenues of approximately £40 million a year on economic development. Qabus is handicapped in this, however, by the simultaneous need to increase his small armed forces to cope with the Dhofari rebels. Success on both fronts—if it can be achieved at all—is likely to come slowly. The situation in the Sultanate meanwhile cannot be regarded as stable; and from the British view there remains a risk that the obligations involved in the 1955 exchange of letters could drag U.K. forces into a minor war with the Dhofari rebels.

Finally, there are four chief external influences which (apart from the possibility of Chinese influence in southern Yemen and Dhofar) may increase the instability of the area. First, there is the residue of the old British presence which will remain after 1971. There is little doubt that as long as the current regimes in Bahrein, Qatar and the seven Trucial States remain in power they will continue to follow the habits of the past 150 years and look to Britain for help and advice, even if direct military protection is denied them. To this extent Britain may continue to contribute to stability. There is, however, an obvious risk that even the greatly diminished British presence will arouse hostility among the revolutionaries and the discontented, without providing the strength on the ground to combat that hostility. Next, there is the American commercial presence manifested chiefly in the big U.S. oil companies which control between them about two-thirds of all production from the territories around the Gulf. They, too, are a stabilizing force in so far as they produce the cash which all the Gulf regimes desire, but they are also natural targets for "anti-imperialist" hostility. Third, there is a cautiously expanding Russian influence in the area, expressed partly through arms and commercial deals with Iran, partly through the establishment of diplomatic missions, as in Kuwait, and partly through the classic medium of naval visits to Gulf ports. The direction of Soviet policy here, however, is still unclear and its capacity for creating trouble may be limited by the Russian desire to remain equally friendly, if possible, with both Iran and the Arabs as well as by the uncertain relationship of future Russian and world oil requirements.

Lastly, and probably most importantly, there remains beyond these great-power interests the influence of the Arab-Israeli dispute. If there is no peace agreement there a renewal of extremist Palestinian activity is likely, together with a general strengthening of left-wing and possibly Maoist influences throughout the Arab world. This could be reflected in unrest in Kuwait, where the immigrant Palestinian population is large and potentially restive and also in Saudi Arabia, where the aging King Faisal has suffered several attempts in recent years to overthrow or modify his regime. A Libyan-type coup d'etat in Saudi Arabia would have profound repercussions throughout the Gulf, and cannot be discounted. A further round of Arab-Israeli fighting might also exacerbate relations between the Arab states and Iran, whose National Oil Company is Israel's chief source of oil. The Western oil companies also might be subjected to growing Arab pressure, if only as a means of gaining revenge for Western failure to "compel" Israel to make peace on terms acceptable to the Arab governments.

IV

In view of all these actual or potential sources of radical change or instability the Gulf must be regarded as on the brink of a period of upheaval greater than anything it has known since the British Raj took it under its capacious wing. It is understandable, therefore, that the British decision to withdraw was greed in some quarters with dismay. Yet two crucial arguments support the decision. First, the value of British troops as an "insurance premium" for the Gulf's oil supplies has proved illusory in the past and looks still more illusory for the future. British forces were unable to do anything to prevent Dr. Mossadeq from cutting off Iranian oil supplies in the Abadan crisis of 1951, or to insure the uninterrupted flow of oil from Saudi Arabia or Iraq in the Suez crisis of 1956 and the Arab-Israeli war of 1967. They were also utterly irrelevant to the Tehran oil negotiations earlier this year when the oil-producing countries drove an unprecedentedly hard bargain with the companies purely on the basis of their strength in a sellers' market. Second, to retain British forces in the Gulf once their withdrawal had been promised would have done more than any other single thing to promote the disorder which their continued presence would have been supposed to prevent.

In his consultations after June 1970, Sir Alec Douglas-Home was clearly looking for someone in the Gulf who would give him the excuse to say that the British would stay. But no such excuse was offered him. All the major powers of the Gulf—Iran, Iraq, Saudi Arabia and Kuwait—were adamant that Britain should honor her withdrawal commitment. So were all the other Arab states beyond the Gulf; and although the smaller Gulf shaikhdoms evinced a clear private preference for the old British protection, only one—Dubai—was prepared to so much as hint in public that Britain should change her mind. Under these circumstances any effort by Britain to retain permanent forces in the area after 1971 would have been interpreted as a return to "imperialism" and would have provided the Iraqi and Dhofari revolutionaries—not to mention the Soviet Union and China—with the best possible grounds for capturing young hearts and minds throughout the Gulf. Egypt then would almost certainly have felt obliged to return to the fray, adding powerfully to the chorus of denunciation in order to retain her leadership in the rest of the Arab world. The result would have been, inevitably, to place Britain and the Western interests she would have been ostensibly defending in an impossible position—pilloried by their enemies and deserted by their friends, with the prospect in the fairly near future of British forces being employed to protect shaikhly rulers and their disputed territorial boundaries against local revolution or aggression.

This prospect is now excluded; yet the vacuum of power which will remain after 1971 will also be dangerous, and it is not easy to see how it will be filled. No external power seems likely to replace the old British presence with its own. The U.S. Government is in no mood to take on new Middle East commitments, nor would its intervention be welcomed by any of the states concerned. The Soviet Union would find overt support to revolutionary movements damaging to its current posture in Iran and Kuwait. On the other hand, local security arrangements are still embryonic and, in their present form, seem increasingly likely to be still born. Indeed, the most unfortunate aspect of the uncertainty about British intentions introduced by the Conservative Party and Government after 1968 was the encouragement it offered, until March of this year, to Bahrein, Qatar and the Trucial Shaikhdoms to postpone firm decisions about their own future in the hope that Britain might, after all, decide to stay on. Now, with only a few months left before the British withdrawal, the creation of realistic local arrangements to take the place of the old British protection is going to be a hurried and probably botched affair.

A beginning with local security systems was made, in some panic, when the Union of Arab Emirates thrust itself upon a somewhat skeptical world in 1968, immediately after the Labour Government's announcement of its intention to withdraw British forces from the Gulf by the end of this year. The Union declared itself to be a federation (the implied contradiction between these two terms is typical of its inability so far to make up its mind on the most fundamental matters) of "the nine"—Bahrein, Qatar and the seven Trucial States—which together would compose a viable, independent entity to which Britain could transfer its defense and foreign affairs responsibilities before withdrawing from the scene. To the surprise of no one who knows the Gulf, however, the Union proved a decidedly spastic infant whose future now seems certain to lie alongside such other short-lived post-colonial federations as those of South Arabia, Malaysia and Central Africa. In spite of repeated meetings, much rhetoric and a good deal of unconcealed arm-twisting by Britain, Kuwait and Saudi Arabia, the nine have achieved little beyond declarations of intent whose pious promises are more than outweighed by the sort of practical rivalry that has resulted in three separate "international" airports on the Trucial Coast within 100 miles of each other (Abu Dhabi, Dubai and Sharja), and at least four separate armed forces (Abu Dhabi, Qatar, Ras al-Khaima and the Trucial Oman Scouts, the last-named a unified force under British command).

Much of the reluctance to advance toward federation results from old inter-tribal jealousies, especially among the four principal shaikhdoms. The ruling families of Bahrein and Qatar have a long history of enmity, as also do those of Dubai and Abu Dhabi. On the other hand, Dubai and Qatar have close ties of marriage which in turn make the relationship of Dubai and Bahrein uneasy, while all four have contended jealously for a special position within a federation based on their respective claims to influence. With its relatively large and well-educated population—almost twice that of all seven Trucial States together—Bahrein insists upon additional power and preferably the privilege of providing the federal capital as well. Abu Dhabi replies that as the richest of the nine it is entitled to equally preferential treatment. Qatar tries to keep up with both. And Dubai, with two-thirds of Trucial Oman's population and a highly successful record of commercial enterprise, bolstered by a large Iranian immigrant community and the benevolent interest of Tehran, is inclined to opt out of the federal structure altogether and continue independently as a free port—the Hong Kong or Beirut of the Gulf.

V

To resolve these ancient conflicts in the time now available before British withdrawal seems impossible; other avenues will need to be explored. Pressure is already growing rapidly in Bahrein for independence on the Kuwaiti model, with membership in the United Nations, a gradual increase in representative forms of government under the ruling shaikh and a degee of protection from Saudi Arabia. If that happens, Qatar will probably follow suit, finding an equal protection in Saudi Arabia, with which there are, in any case, close religious ties through the puritanical Wahhabi sect of the Sunni Muslims. A federation of the seven Trucial Shaikhdoms would then seem the last possibility.

But this, too, could disappear over the horizon within the coming year as a result of a threefold rivalry between Abu Dhabi, Dubai and a revivified Sultanate of Oman under its new ruler, Qabus. The four tiniest shaikhdoms have already shown some interest in restoring relations with the Sultanate which could, in time, lead to the creation of a "Greater Oman" such as sometimes existed under earlier Sultans before the British froze the tribal pattern as they happened to find it in the nineteenth century. Dubai, supported by Iran, would then seek to remain independent, and Abu Dhabi would be confronted with the choice of either entering some kind of federal relationship with the new Oman or, conceivably, falling prey to Saudi Arabia, intent upon asserting its claim to Buraimi. An alternative scenario suggests that Abu Dhabi may use its wealth and its new armed forces—with 4,000 soldiers and a small but modern air force this is now easily the strongest of the nine shaikhdoms—to absorb at least four of the other Trucial States, leaving Dubai and possibly Sharja to fend for themselves as best they could.

Meanwhile, two more immediate problems must be solved if the lower Gulf is not to be abandoned to turmoil. One is the disposition of the Trucial Oman Scouts, a competent force of some 2,000 men which has kept the peace throughout the Trucial Coast for nearly 20 years under British authority and now is looking for a new master. The other, potentially more dangerous, is the fate of the three small islands at the mouth of the Gulf to which Iran lays claim. There was some hope in 1970 that Iran's claim might be settled as part of a package deal over a similar claim to Iranian sovereignty in Bahrein. Initially, Iran refused to accept any federation of the nine shaikdoms until its Bahrein aspirations had been dealt with, although these were neither historically nor geographically well founded. Two years of delicate negotiation were required before all parties agreed last year to the face-saving device of a U.N. mission of inquiry which duly reported that the Bahreinis believed themselves to be Arabs rather than Persians and wished to exercise their right to self-determination in that capacity.

With that, Iran generously abandoned her claim, only, however, to insist more vigorously upon her other claim to Abu Musa and the Tumbs. Hopes of a package deal have been dashed, and the Shah seems adamant in his determination to take possession of these islands, willy-nilly. The Iranians point out that it will be easier for him to do so before the British leave than afterward, for Britain—as a final act of penitence for the "sins" of Raj, perhaps?—can easily bear the Arab odium that may be involved in handing them to Iran.

After Britain has ceased to be responsible for the affairs of the Trucial States, on the other hand, any attempt to seize the islands by force might place Iran in the embarrassing position of taking action against fellow members of the United Nations, assuming that the Trucial States had by then attained some internationally recognized and independent form. Iran is willing to pay the Trucial rulers compensation, and there is little doubt that if Arab pride could be surmounted the rulers would happily settle for that. But Arab pride is easily touched; and the "sacrifice" to Iran of portions of the "sacred soil of Arabism"—however small and unproductive—might undermine the fragile solidarity between Iran and the Arab traditionalists in Saudi Arabia, Kuwait and elsewhere, and would certainly present the Iraqi and Dhofari revolutionaries with an apt rallying cry. The fundamental division of the Gulf between Arabs and Persians would then be uppermost, with serious and possibly violent repercussions on both sides.

In the last resort there is little doubt that Iran would win a purely military contest among the Gulf states, with her powerful armed forces and her larger and more cohesive population. But the struggle, if it comes, is unlikely to be a purely military one. Diplomatic, ideological and commercial battles would be more probable, in which the Western powers—and probably Russia, too—might be forced to choose between Iran and the Arabs. For the Western powers, especially, that choice might be all the more uncomfortable for knowing that it would be linked in Arab minds with their stance on the Arab-Israeli crisis as well, in view of Iran's oil shipments to Israel.

One cannot safely look more than a year or two ahead in the Gulf in any case; and it is not at all out of the reckoning that within the next few months we shall be forced to recognize the Gulf as an area of major international instability and concern. The fact is that whatever happens the Gulf has already entered a new period of flux in which neither existing boundaries nor traditional regimes can be expected to prevail. The combination of the economic and social revolutions now under way in the wake of oil riches and modern nationalism, and the diplomatic and strategic revolution implicit in the British withdrawal will obviously generate extensive change, although perhaps not immediately. If one looks for comfort in what must seem to many a disturbing scene, it is probably best found in the element that inspires most of the concern: oil.

It is true that oil and the wealth it has generated have been the principal catalysts of change in the Gulf so far, and will no doubt continue to be so for years to come. But it is also true that oil has been, and may remain, one of the best safeguards against total disorder. As the late President Nasser once remarked, "You can't drink it;" and as the major markets for the Gulf's immense reserves will remain beyond local control, there will always be an incentive, even for the revolutionaries, to come to some terms with those who buy it.

Moreover, if the dispute over Abu Musa and the Tumbs can be resolved before the end of 1971 there is at least a fair chance that other matters in the Gulf can evolve peacefully over the next year or two, as long as Iran and the larger Arab states (except Iraq) can maintain a modus vivendi in opposition to the revolutionary movements. A breathing space of this kind would give the last remnant of the British Raj more time to work out its destiny.

Meanwhile, we must recognize that the best policy now may be to stand back as far as possible from the Gulf and let its constituent peoples find their own levels, untrammelled at least by the old requirements of foreign hegemony; for as the twentieth century moves toward its final quarter we can hardly conceive of this region's destiny in terms of the arrangements, or divisions, thought appropriate at the beginning of the nineteenth century. The *Pax Britannica* has served its turn in the Gulf, not ignobly and not without profit to practically all concerned. But its day is over, and we must be prepared now for some fairly bracing years of readjustment, if not of revolution, in its wake.

MEDIA AND DEMOCRACY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. EDWARDS of California. Mr. Speaker, in the last decade, and especially during the last few years, we have seen our churches take their place among other institutions in America in the constructive criticism of present cultural patterns and institutions. William F. Fore, the executive director of the National Council of the Churches of Christ in the United States of America is among those church leaders concerned about secular affairs. He has prepared an interesting and insightful commentary on the effect of media on our democratic society which I believe is worthy of consideration by all my colleagues:

The Churches and Participative Democracy: An Analysis and Proposal

RAPID SOCIAL CHANGE

During the past three or four years we have experienced the mushrooming of futurism. Instead of trying to understand the present by looking to the past, men increasingly spend their creative energies trying to describe the future. The prophets of futurism include such diverse thinkers as Buckminster Fuller, Marshall McLuhan, Teilhard de Chardin, Arthur C. Clarke, B. F. Skinner and Harvey Cox. Its popularizers include Herman Kahn, Vance Packard, and Peter Drucker. The idea is that the acceleration of change has become so rapid that we are entering a quantum jump into a whole new world, a world which will require totally new theological underpinnings, moral and ethical guidelines, and social institutions. The theorists of change admonish us that, unless we envision the future, imagine its alternatives, and then work to achieve the *right* alternatives, the rate of technological change will sweep us away to become obsolete and perhaps extinct as the ecology simply moves on relentlessly without us.

A recent provocative summary of this thinking is Future Shock, by Alvin Toffler. Here is a highly literate yet unhysterical description of our possible futures, and I recommend its reading to anyone not wishing to follow the ostrich into the more marginal reaches of life. Toffler describes and documents the disquieting symptoms of change about which we read, and which we are now beginning to experience almost daily. A shorthand summary of the main features of this future should be sufficient:

The rapid increase in the rate of information flow; the speed-up in novelty of all kinds; the fractured family; the distintegration of the old bureaucratic and technological models of organization; the throw-away society; the surfeit of subcults and differing life-styles; the specter of "overchoice."

THE PRESENT ROLE OF MASS MEDIA

In this increasing speed-up of cultural change, the mass media of communication are playing a significant, perhaps crucial role. They reflect the changes and transmit them with great speed, which results in accelerating them even faster. They provide new ways of looking at the world, new frameworks of perception, which becomes no longer a response to change but a cause of change.

Let us examine in more detail the role of mass media today, and in particular, television in the United States where electronic media have now achieved a place of dominance, in order to see what clues this may give us about the future.

1. Both radio and TV have grown and prospered to an extent almost unparalleled in our national economy. Total revenue for radio has increased at prodigious compound rates every year except two (1954 and 1961) since 1935, increasing from $80 million in 1935 to $1.168 billion in 1969.

Television grew even faster in a much shorter span of years, from $9 million in 1948 to some $2.299 billion in 1969. In the last ten years television advertising revenue has expanded at an average rate of 9.3% annually. 1970 revenues increased only 4.2% over the year before, but most observers agree this "slump" will be over by late this year. Clearly, broadcasting remains a lucrative byproduct of the technological speedup.

2. Though we do not really understand what it is doing to us, researchers, advertisers, broadcasters and social critics alike agree that the modern communications media have a tremendous impact upon our lives and our values and are a major cause of social change. TV has become a principal instrument of education, both for our children who are exposed to more hours of TV than to formal elementary education, and for adults where across all income levels the TV set is on some forty-six hours a week, or longer than the average work week, in 95% of all households.

Yet we do not treat television with the same care that we treat our public educational system, in terms of the kinds of adults we want our children to become, or what kind of citizens we want our adults to become. In other words, the goals of our society have not been related to the medium by which many of these goals can be achieved.

3. Over the past forty years, broadcasting has performed a function essential to the life of the nation. The networks, partly by accident, partly by the vision of their leaders, and partly by the requirements of their broadcast licenses, have provided the informational linkage without which the nation simply could not have dealt with the political, economic and social changes of the past four decades.

This is not to say that the social value of broadcasting has been all or even predominately beneficial. But broadcasting has been the essential mover of goods without which we could not have today's tyrannies of overchoice. And network broadcasting has brought us an essential commonality of experience which has helped bind the nation together. One has only to recall times of real national crisis, and the central importance of radio and television to our experience springs into memory.

4. Broadcasting has radically affected the way people make political decisions. When F. D. R. used his Fireside Chats to leapfrog over the heads of an obstructionist Congress and a hostile press, politics entered a new era. With the advent of television, General Eisenhower in 1952 employed media experts and in a few months developed a new coalition of voters which cut across all the old party lines. John Kennedy refined TV's political power; Lyndon Johnson was cut down by it. Frank Shakespeare packaged Richard Nixon and sold him as a television commodity.

Today every politician recognizes the pivotal role TV plays in his election. In the elections of November 1970, more than half of all candidates for the Senate and Governor's offices felt they had to retain out-of-state consultants on the use of television. This has created a new power center: the media expert. For example, Dave Garth, a New York based political media man famous for his campaigns for Robert Kennedy and John Lindsay, won last November with John Tunney in California and Adlai Stevenson III in Illinois; it is said he will probably have as much clout as any other individual in the process of picking a Democratic nominee for President in 1972.

Thus television has actually become a part of political process, and so long as candidates must pay for commercial time to reach the electorate, candidates will continue to be packaged, discussion of issues will continue to be truncated, and the electorate will have to make its political decisions largely on the basis of 30 second and one-minute commercial spots.

5. Broadcasting, and television in particular, is becoming less rather than more responsive to the needs of society. This is not because there are no responsible men in the TV power centers but because of the very nature of the medium itself and the lack of social control exercised over it.

For example, although the networks and their wholly owned stations accounted for 40% of all industry profits in 1969, they are continuing to reduce the number of low-profit public service programs. Jack Gould quotes a TV executive as saying: "You can put the whole bag in one sentence. Get the top rating for the bottom dollar." As for specials, VARIETY called the 1971 line-up "a season of new specials thoroughly dominated by travelog and patriotism" but without insight and creativity.

Regarding documentaries, three commercial TV producers and a major program producer agreed in an industry symposium in late 1970 that the fear of low ratings or sponsor disapproval had made today's commercial documentary series "blander and blander." They agreed that most modern documentaries have failed to keep up with the times in identifying those responsible for social abuses rather than merely reciting a list of ills, and that "experimentation in ideas and techniques was a memory of TV's yesteryear."

So far as news coverage of issues is concerned, television has the inescapable tendency to act like a searchlight that reaches out in the darkness and plays on anything that moves. The President and other conventional voices can be heard. But the only other access available is melodrama—the crazies, the radicals, the bizarre, and those with enough sophistication and calculation to stage a pseudo-event. Meanwhile the prospects for sustained, reasoned and serious debate has become almost nil. Even commentary is difficult. As Theodore H. White, said recently, "TV is a medium where you are carrying a twelve-ton pen and you have a hundred people helping you carry the pen. It's collective, not an individual, effort." Thus radio's contribution, the insightful personal commentary, has almost disappeared from the TV scene.

THE FUTURE ROLE OF MASS MEDIA

Now let us project into the future. What will be the role of mass media as the nation and the world face increasingly rapid social change? Here are a few educated guesses:

1. In the next decade television will slowly cease to play the centralized, unifying information roles which it has played for the past two decades. The old charge of the 50's and 60's, that television is a monolith tending toward centralized control of everything from news input to clothes and life styles, was true to a considerable extent. But the advance in communications technology is slowly decentralizing communication input, and consequent destandardization of cultural output will follow. CATV, video cartridge, broadcast groups, station specialization, not to mention the possibilities of laser and satellite carriers in the near future—all augur for a radical de-monopolizing of communications. Alvin Toffler describes it this way: "Television (today) may still be homogenizing taste; but the other media have already passed beyond the technological state at which standardization is necessary. When technical break-throughs alter the economics of television by providing more channels and lowering costs of production, we can anticipate that that medium, too, will begin to fragment its output and cater to, rather than counter, the increasing diversity of the consuming public." This has already happened to magazines, records, radio and the movies. The 1970's is the decade for it to happen to TV.

2. The broadcast networks are going to cease to exist as we know them today, probably within ten years. This is due partly to the competition from new technology—cable, then video cassette. But it is due also to the gradual diversification of consumer demand and pressure from the FCC for stations to meet local needs and interests and to divest themselves of multi-media ownership. The roots of this development go back twenty years. Radio networks suffered tremendous declines from about 1948 to 1960, and since 1960 its increases in time sales have hardly kept up with the general economy; on the other hand, non-network sales have soared. The picture has been the same with TV since about 1961: network sales have hardly kept pace with the cost of living, while national non-network and local have both more than doubled in those ten years.

Today the old-style radio networks are just about finished. N.B.C. has announced that its 12 radio stations are up for sale, and President Arthur Watson currently is sifting through eight different bids. When its owned stations are sold, network feed then will become unprofitable. The C.B.S. radio network already is reduced to only the Arthur Godfrey show and hourly newscasts. The A.B.C. radio network is actually a series of specialized feeds rather than a national network.

The attrition of national TV networks will take much longer. Probably there will continue to be network feeds of programming with the broadest mass audience appeal—

the I Love Lucys—for many years to come. But the old idea of three networks dominating all programming, and forming the staple of entertainment for the vast majority of people, will gradually erode during the next decade under the onslaught of alternative forms of entertainment which provide more diversity and greater choice to the listening public.

3. Unfortunately, this erosion of the old network pattern will further reduce the public service capabilities of broadcasting. The money which the networks were able to siphon off to support their complex and well staffed news operations simply no longer will be available. Local news coverage may improve and diversify to some extent, but the national and international "global village" approach inherent in the media will not be available to huge audiences as they are today.

The national TV newscasts, despite their failings, today provide a sounding board to which the entire country can react. When the President or other national leader wishes to reach the nation, he can do so at the push of a button. But already this unifying force is beginning to wane; today when there is a moon-shot, Senate hearing or Presidential speech, only a few stations in a market carry it; the options on other channels are far greater than they were during the time of FDR's radio chats or Kennedy's news conferences. And, as the networks become increasingly oriented to "top rating for the bottom dollar" there won't be many dollars left for unprofitable coverage of news and special events.

4. As national broadcast news declines, there will be a growing centralization of local control over news. For some years the major broadcast interests have been buying into local newspapers. We already are moving into an age when more than 95% of all the daily newspapers in the United States will have no local print competition, and where only two national news-gathering organizations will supply virtually all national and international news. As TV networks decline, we can expect the local newscasters will have to take whatever comes off the two major wire services, as radio does now.

In summary, the prospect for mass communications is a disaster for the public interest. Despite the new technologies, news and information about what is going on in our nation and world will become less available, more centralized and increasingly predigested and truncated.

The smart communications money is going to go where profits are to be made, not where social responsibilities are to be picked up and carried. Radio and TV became a unifying force in American life, not because the entrepreneurs decided it would be good for the country, but because such a network was good for business. Public service programming developed not out of the impulse of corporate concern for the public, but because it was required by law and it took some of the sting out of private enterprise making huge profits from the use of public airwaves.

Thus, when radio and TV networks become unprofitable they will be dumped, and with them, the public service functions they contain. In the decade ahead more and more money will be put into program packaging, into local stations, into diversification to embrace and control every form of communication outlet in a given market—broadcast, cable, cassette and print. Since most of these outlets require little or no public service accountability at present, the results will be a catering to the demands for greater diversity in entertainment, with consequent high profits—and a disappearance of costly public service programs.

There will be no equivalent of the large, responsible newsgathering agencies of the three networks. Political campaigns will become increasingly personality-package oriented, less and less issue oriented. Major questions which were once publically debated before millions of viewers will simply be replaced by fifth-run, and eventually fifteenth-run I Love Lucys.

The one potential solution to the problem lies with cable TV. Cable potentially could deliver an audience as large as broadcast television. It could provide fifty or eighty channels and it could charge the consumer or the communicator on the basis of homes delivered. It could make cable cost of local events profitable. It could make enough money nationally to support a massive news bureau. And it could do one thing broadcasting could never do: provide two-way communication. Furthermore, it could become a common carrier and could allow anyone to purchase time on the basis of the number and the distance of the receiving sets—a dial-access system.

Through cable local town meetings would be possible, and each Congressman could reach his district without the present waste of broadcasting into all the unwanted districts. Issues could be examined in depth, paid for either by the persons dailing in, or from the share of profits designated for public affairs programming as required by law or franchise.

But cable is not likely to reach its potential. The present growth of cable is a morass of conflicting jurisdictions and rules. No two cable systems are alike. Most are incompatible with each other. Most have minimal public service accountabilities. The technological mechanism which could bind the nation together with common information and feedback is being destroyed by the lack of social mechanisms to bring it into being.

PARTICIPATIVE DEMOCRACY

Given this bleak prospect for the future, what can we do about it? According to Toffler, the way to deal with "future shock" is to create machinery to exert systematic social control of technology. This requires setting goals for the future. But the problem thus far is that goal-setting has come *from the top down*. "This technocratic premise perfectly mirrors the old bureaucratic forms of organization in which line and staff were separated, in which rigid, undemocratic hierarchies distinguished leader from led, manager from managed, planner from plannee."' This is a major manifestation of our national unease: people want to have a part in determining their future.

The key to overcoming this break-down of planning is to make political democracy really work. This in turn requires a highly efficient and responsive communication process. Says Toffler: "Political democracy, by incorporating larger and larger numbers in social decision-making, facilities feedback. And it is precisely this feedback that is essential to control. To assume control over accelerant change, we shall need still more advanced—and more democratic—feedback mechanisms."

Thomas Jefferson said essentially the same thing almost two hundred years ago: "The way to prevent error is to give the people full information of their affairs." In other words, a massive, continuous, responsive information flow is essential to make our democracy work.

THE CHURCH'S STAKE

What has the church to do with this problem? In the first place, it is a moral problem—the kind of moral problem that has to do with the whole society rather than with an individual. As Theodore White has said: "Americans are not being oppressed by evil men. We are being oppressed by institutions that don't seem to work." The institutions of communication in our society aren't working very well, and they promise to perform even more poorly unless something is done to improve them.

Second, there is a close relationship between theism and democracy. Sidney Mead has pointed out that every living religion affirms the fact that "no man is God." To say that God is infinite is to insist that no man is absolute. This is also a premise of democratic systems. This idea—that no one person may play God with men—is as fundamental to democracy as it is to Christianity.

And third, if the church wants to do those elements in society which prevent men from being tyrannized by other men and which help uphold the worth and dignity of persons, then it must get to the roots of the problems in our society (technology, political power, phychological manipulation, information control) and attack them there.

Thus, on moral, philosophical and practical grounds, the churches in the next decade must help develop a massive, sophisticated and responsive communication system—a process which links all members of the nation together and which involves them with their leaders in feedback loops so that goals can be developed to deal with unprecedented technological change.

SPECIFIC PROPOSALS

What can the churches do? By "churches" I do not mean that we can expect all or most of the members of a given denomination to become knowledgeable or interested in this problem. I do not believe we can expect many national plenary groups to adopt resolutions in this area. What is possible, however, is that the communication leadership in denominations can exert continuous and enlightened pressure—through ecumenical and denominational action with the Congress, the F.C.C., other regulatory bodies and so on—toward securing adequate social regulation of communications.

In the past decade the church communication agencies have shown themselves capable of influencing public policy in significant ways. The current F.C.C. license forms, establishing standing of the public before the F.C.C., adequate treatment of minority interests by broadcasters, creation of the Corporation for Public Broadcasting, Supreme Court validation of the Fairness Doctrine, and the fair employment practices in broadcasting—all were significantly influenced by church action.

The following are four specific proposals to which we should address ourselves immediately.

1. The churches should work with other national organizations to have the Secretary of Commerce call a Fifth Communications Congress, the purpose of which would be to develop a plan to overhaul the entire regulatory system currently in force. Such a Congress is as vitally needed today as when Herbert Hoover called the ones in the 1920's to solve the problems pertaining to radio. It would take into account the vastly expanded technology and the need for new and more effective regulatory patterns.

2. The churches should seek to secure through the Congress and the F.C.C. the establishment of a cable TV service which is nationwide in scope, broadband in capability, with common carrier service and uniform technical standards, operated under common carrier and public utility regulation. Such a system, and only such a system, can provide the necessary forum function at the national, state and local levels which will be needed to secure genuine participative democracy in the decades ahead.

3. The churches should assist other national organizations in establishment of a quasi-governmental Communications Research Center. This Center would be supported by grants from foundations and the communications industry, plus project grants from governmental agencies. It would be attached to a university with a reputable graduate school in communications, and for its research projects it would draw upon local faculty and also seek out the most expert re-

searchers in specialized fields. Studies would be made of the influence of various media upon learning, perception, decision making, adjustment to change, crime, delinquency, aggression and other anti-social behavior, consumption, creativity and so on, thus providing a firm basis for regulation (In England the Television Research Committee was begun in 1961 by the Home Secretary at the behest of religious, educational and social service interests. The Centre for Mass Communication Research has become attached to the University of Leicester, it is supported by grants from the BBC, ITC, educational and social science groups, and the University).

4. The churches should generate and support the development of an effective national citizen's organization in the area of mass communication, whose purpose it would be to give voice to the public interest in the mass communications field. Several attempts have been made in this direction, but none thus far has been able to galvanize the attention of large segments of the public.

CONCLUSION

There is little question that mankind is facing one of its greatest tests in the form of technological change. If we believe that all men should be part of the decision-making process, and if we reject the view that a few men should play God with our future, then we must quickly set about the task of developing a workable participative democracy. In the kind of society in which we live, this can only be done through intelligent use of the electronic communications media. Conventional broadcasting partially meets this need at present, but its adequacy to do so in the future is being seriously questioned.

The churches, more than any other institution, have a stake in the development of an effective nation-wide communication system, since it will have a fundamental impact on what men become.

In *Man Evolving*, Theodosius Dobzhansky says: "By changing what he knows about the world, man changes the world he knows; and by changing the world in which he lives, man changes himself."

As Christian communication specialists, our job is to call attention to changing what we know about the world, before it is too late.

WILLIAM F. FORE.

LARRY SPINELLI REPORTS ON KIDNEY DISEASE IN AMERICA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. RODINO. Mr. Speaker, this summer I have been fortunate to have working in my office as a summer intern Mr. Larry Spinelli of Belleville, N.J. Larry has just finished his freshman year at Seton Hall University and plans to continue his college work at Drew University next fall. I consider him one of the outstanding young citizens of my congressional district. He has worked actively with various civic and public service organizations and is an able and talented asset to his community and the State of New Jersey.

One of his projects this summer was to undertake a study of kidney disease in America, for this is, in my judgment, a much neglected health problem in our country. Kidney disease is a great threat to all Americans, and we must combat it by properly funding programs and agencies that are working to solve this health problem and by developing further legislative initiatives that may be needed. Larry's report to me on the situation is both concise and informative, and I ask that it be printed in the RECORD so my colleagues may have the benefit of this excellent analysis of the kidney disease problem during our deliberations on steps that can be taken by Congress to solve it.

KIDNEY DISEASE IN AMERICA

(By Larry Spinelli)

INTRODUCTION

Last year, over 100,000 people in the United States died of some form of kidney disease. Kidney diseases are a major problem in America today. Unlike cancer, we have many cures, both temporary and permanent. Dr. Willem Kloff, the inventor of the first practical artificial kidney, feels that it is "criminal" that in many cases a "death committee" must decide who will get an artificial kidney and who will not.

This report on kidney disease in America tries to show the full scope of the problem from all aspects. This problem is a severe and difficult one. Mr. Virgil Smirnow, Executive Director of the National Kidney Foundation, stated that kidney disease is one of the few diseases today in which "only the rich survive."

We have tried for a long time in America to truly make all men equal. Just as we will not allow race, creed, or national origin to put an individual at a disadvantage, so it must also be economically. We cannot let money put an American at a disadvantage in life. And we must not, and cannot, let it be a matter of life and death.

Description

The kidneys are two bean-shaped, purplish-brown organs, located in the small of the back with one on each side of the spine. The right kidney is normally somewhat lower than the left because of the liver above. Each kidney is approximately 4.5 inches long and 1.5 inches thick. The kidneys are supplied with blood through the renal artery. Each kidney is connected to the bladder by an elongated tube called the ureter. This ureter conveys the urine from the kidneys to the bladder.

If cut along its axis, the kidney appears to be made up of three major sections. These sections are the outer cortex, an intermediate medulla, and the pelvis. The cortex contains the major functioning segments of the organ. The medulla consists mainly of a system of tubes that drain into the pelvis, which is a pouch-like organ that collects the urine.

The basic functioning unit of the kidney is the nephron. It has been estimated that there are about one million nephrons in each kidney. Each nephron is supplied by many blood vessels. The function of the nephron is to filter the blood. Through this filtering process the nephron can also control the chemical balance in the body.

Function

A person's entire blood supply is filtered through the kidneys about twenty to twenty-five times a day. Within the outermost layers of the kidney, the blood passes through an intricate network of arteries. These arteries grow progressively smaller until they join at the nephron. The nephron removes all fluids containing waste products and minerals. The minerals are returned through the nephron back into the blood and the remaining product is urine. The urine collects in the pelvis and then travels through the ureter into the bladder until it is discharged. Although the average man filters more than 180 quarts of fluid a day, all but some 1½ quarts are absorbed back into the blood.

Description of kidney diseases

Pyleonephritis

This is an infectious inflammation of the kidney tissues. At the beginning stages it does not interfere with the kidney's function, but if untreated it can lead to more serious disturbances of kidney functions. Pyleonephritis is caused by infectious germs entering the kidneys through the blood stream or urinary tract. This is usually the result of some obstruction in the urinary tract.

The acute form of this disease is characterized by chills and fever associated with frequent and painful urination. The body can be virtually free of symptoms until the inflammation reaches the acute stage. If untreated, it can become chronic and eventually lead to renal failure and death. Pyleonephritis is found both in the young and the old and can either involve one or both kidneys.

Nephrotic Syndrome

This is a non-inflammatory disease that settles in the kidney membrane. It results in large amounts of protein escaping from the blood and flowing into the urine instead. Nephrotic Syndrome is usually found in young children. Childhood nephrosis is uncommon and no cause for it or prevention of it is known. The first symptom is swelling in various parts of the body. A check of the urine will show that it contains large amounts of albumin (protein). If not treated, the disease may subside permanently or it can lead to permanent kidney failure and death. Today, about 80% of the patients can have this disease brought under control by "steroids" (cortisone, prednisone). This keeps the child in nearly normal health with no swelling and normal urine. The danger of any infection is reduced. Steroids do not cure the disease and the patient must have frequent urine checks for many years before he can feel that a complete cure has been achieved. The remaining 20%, where steroids are not a satisfactory cure, are a continuing problem to doctors. Research is continuing to find an effective cure for those who do not respond to steroids.

Glomerulonephritis (Nephritis, Bright's Disease)

Acute.—This is a kidney disease occuring most frequently in children and young adults. Although adults are often stricken with the disease, ⅔ of all cases occur in children. The first sign of the disease is an acute sore throat. This is followed by swelling in some parts of the body and also blood in the urine. It is still not known how this throat infection is related to the kidneys. No infectious bacteria are found in the kidneys. Many doctors feel that it is in some way related to an allergy in the kidneys.

The acute phase of the disease lasts from 3–4 weeks. During this time, severe illness or death may occur from high blood pressure, heart failure, convulsions, or kidney failure. Fortunately, these complications generally can be treated successfully if recognized early enough. Following this period, there is a general improvement over a 3–7 month period with eventual recovery for 95% to 97% of children and 60% to 80% in adults.

Chronic Nephritis.—If acute nephritis is not cured the patient develops chronic nephritis. There usually aren't any symptoms. the infection causes gradually kidney damage and finally death. There is no known cure.

Urinary Tract Stones

When crystals of chemical substances are present in the urine, they may form stones (calculi) at any level in the urinary tract, from the kidneys through the bladder. The stone can make its presence known by causing painful renal "colic". On the other hand, stones may produce painless obstructions that in turn may cause kidney damage. The stone can be removed through a high intake of fluids, medication, or surgery.

Polycystic

Polycystic kidneys result from structural defects in the formation of the nephron. This condition is present at birth. If the defect is very severe, the infant will die within a short period of time. If it is mild, it may not reveal its presence until adult life. The kidney becomes filled with small holes or fluid filled cavities. High blood pressure is present and uremia develops. Most people with polycystic kidneys can lead a fairly normal life with regular medical care.

Uremia

Uremia is not a disease of the kidneys but a condition that results from the failure of the kidneys to function properly. This can be caused by any one of the many kidney diseases that can create this condition. The kidney fails in excreting the wastes from the blood. Instead, these wastes now accumulate in the blood. The severity of this condition depends on the extent of renal failure. Its signs are headache, nausea and vomiting and finally convulsions, coma and death.

Acute Renal Shutdown

This is the condition in which both kidneys stop forming urine. It is one of the most serious disorders of the kidneys. This is caused by an interference with the flow of the blood. This can be caused by a sudden "crush accident" or reactions to poisons or blood transfusions. Acute renal shutdown can also occur when any of the described above kidney diseases progresses to the critical stages. Unless the function of the kidneys is corrected, death is certain. There are only two cures for this. A physician can either rely on an artificial kidney or a kidney transplant.

The artificial kidney

In order to understand how an artificial kidney works we must first understand the process of dialysis. We can best illustrate this process if we take a cellophane bag filled with salty water and place it in a container filled with pure water. The salty water and the pure water will mix so that each liquid will be equal in salinity. This equilibrium is possible because the molecules can pass through the pores of the cellophane. This same process (dialysis) occurs in our own kidneys and it is the basis of the artificial kidney machine.

In the artificial kidney, a cellophane sheet is placed between the blood of the patient and a cleansing fluid called dialysate. Since dialysate is free of wastes, the wastes from the blood flow into this solution in order to create a state of equilibrium between the two liquids. In the same sense, the minerals and chemical substances in the dialysate (that are absent in the blood) flow into the blood to maintain this perfect balance. Any patient using the artificial kidney machine must have a cannulas placed in his arm. This cannulas is a tiny tube that regulates the flow of blood into the artificial kidney.

As of March 1970, there were approximately 3,753 people receiving dialysis, about 1,400 of these in their own home. Dr. Iray Creifer of the New York Kidney Foundation believes that there are over 10,000 people that are "prime candidates" for dialysis. Dr. Deane, medical director of the New York Nephrology Foundation estimated that the cost of dialysis in a hospital was about $250 per treatment, plus fees. He further stated that if a patient needs 2–3 treatments a week, the annual cost would range between $35,000 and $40,000 a year. If a patient receives ambulatory care (treatment in the hospital but the patient lives at home) the cost of dialysis would be between $14,000 and $20,000 a year. The first year of treatment at home is estimated to be about $18,000, and after this initial cost about $3,500 a year.

An artificial kidney costs between $1,750 and $40,000. As the cost increases, so does the power of the machine and the less number of times the patient needs treatment. The majority of the machines in use cost about $3,000. Two to three treatments are needed a week, and the operating expense is about $30 a treatment.

Kidney transplantation

The only alternative to an artificial kidney is a kidney transplant. Kidney transplantation has been accomplished in more than three thousand different cases since the first successful one in 1954. Since the discovery in 1961 of drugs to suppress graft rejections, kidney transplants have been more successful. The transplant operation itself is usually a surgical success, but it is the immunological barrier that causes the patient to die. Dr. Kloff of the University of Utah stated that "Transplants of a kidney—when successful—are far more desirable than the best possible treatment with the artificial kidney. But after a few years, only 60% of such homografts survive, so the risk is higher." 90% of the kidney transplant patients have survived more than two years, if the donor was a relative. If the organ is from a cadaver, 50% to 60% of the patients survive one year and 25% for at least five years. The cost of the transplant operation ranges from $1,500 to $80,000, with the average cost being about $10,000. After the operation, the surgeon must continue to see the patient on a regular basis, giving rise to a very high medical bill.

Even if the transplant is initially successful, the patient will eventually die of body rejection. The hope of doctors is to increase the period of survival. Some transplant patients have survived for six years, others have died on the operating table.

FINANCING

Today, there are a variety of different funding programs to help the end-stage kidney patient. Each program has certain merits but yet none of the programs is completely successful or has yet fully solved the problem.

Medicaid

Medicaid (Title 19), is a project run by the individual states and supported by matching funds from the federal government. In many states, coverage for hemodialysis and transplantation is excluded on the basis that they are not "routine, generally accepted medical procedure." Often, it excludes outpatient or home care and all care not rendered in approved treatment centers. The amount of care is very fluctuating because of the unsteady and severe budgetary strains of states. The patient must be receiving welfare at the time he applies for the medicaid program. In New Jersey, hemodialysis and kidney transplantation are covered by the medicaid program. The patient must go only to state approved treatment centers. There are currently nine centers in the state, two in New York and three in Pennsylvania that are approved.

Regional medical program

Through the passage of PL–91–515, kidney disease was added to the Regional Health Program. This program was appropriated 44.5 million dollars this year, with 25% of this sum for kidney disease. As of July 1971, President Nixon has withheld these funds from their respective programs. The real problem with this RMP is that it is only a contracting and granting agency. Through a medical board, certain hospitals and medical centers are chosen that are believed best qualified to receive federal monies. This money can only be used for research or the improvement of methods of care. No money can be used for the purchasing of dialysis machines or aid for the individual.

OEO and HUD

The anti-poverty program (OEO), the model cities program (HUD) and other programs oriented to the urban poor are not at all designed to help the chronically ill. Although these programs can, in certain cases, defray the initial cost, they do not help with any prolonged illness that would accompany a transplant operation or the use of an artificial kidney.

The Veterans Administration program

The Veterans Administration is the one federal program that is a direct provider of medical care. There are currently 277 dialysis machines operating within the VA system. These machines are available for service-connected individuals and also for all veterans. The machines are usually kept in the confines of the Veterans hospital but in special cases a machine can be used at home with the VA paying for all operating costs. Under PL–89–785, the Veterans hospitals are authorized to work with community centers patients whenever possible. The Veterans hospital will also perform a kidney transplant operation for all veterans when a suitable donor can be found. They will pay the cost of the operation and also supply post-operation care.

Vocational rehabilitation

The federal-state vocational rehabilitation program is large enough to allow coverage of patients with end-stage kidney disease. There are many problems with this program. It excludes all non-working women. It also works under limited funds since the emphasis of the program is in the area of retraining. The main objective of the program is to get the individual back into the labor force. This is quickly accomplished with the artificial kidney machine, but that does not end the problem. A renal failure patient cannot be rehabilitated because without a kidney machine he will die. This program does not cover kidney transplant operations. The amount of funds allotted to kidney disease patients under this program is relatively small.

State programs

State programs for end-stage kidney patients vary from state to state. New Jersey has become one of the model states with the passage of bill No. 769 in May, 1969. This bill authorized the New Jersey State Department of Health to begin a program to aid kidney patients. This aid is offered to any resident suffering from kidney failure. These funds are used only as a last resort, when all other resources have been used up. The thrust of the program is for patient care. The patient must go to an approved center, but there are several scattered throughout the state. As of July 1, the state has spent $400,000. The original appropriation was $250,000 but additional funds were supplied. As of now, the Department of Health feels it is operating an adequate program and no needy patient is turned away.

Private health insurance

As of 1967, there were 82.8% of all Americans covered by some form of health insurance. There were 76.4% covered by surgical benefits and 62.3% receiving in-hospital medical benefits. Over 163 million Americans are covered by health insurance today. However, most are too inadequate to cover chronic kidney diseases. In order to be covered for chronic kidney disease, the patient must have a high-paying policy. According to income, only 35% of the people with a $3,000 or less income are covered by health insurance. In the $10,000 or more income bracket, 90% are covered by health insurance.

According to Blue Cross, a kidney transplant operation would be treated as any major surgery. The cost would be based on a fee schedule and the doctor's cost. Major medical would pay for any supplemental kidney care, including an artificial kidney, up to the total payment allowed by the individual policy. When considering the cost of an artificial kidney, a $10,000 or $20,000 policy would not help for too long a period of time.

THE INFORMATION BUDDY SYSTEM

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. GALLAGHER. Mr. Speaker, ever since I have been concerned with privacy, beginning 7 years ago, I have noted what I call "the information buddy system." This describes a subculture of investigators whose negotiable commodity is information they have which is desired by someone else. All laws and all normal codes of conduct are broken by these men, for if they have data you want today, you will have data they want tomorrow. They are intimately tied up in the old school tie concept.

A particularly flagrant example was disclosed in the Washington Star of July 21, 1971. The activities of the information buddy system knows no bounds of private business or public service. According to the Star, the former head of the Army's domestic intelligence network did a favor for a Western Union executive and utilized the might and majesty of the U.S. Army to dig up embarrassing material about an employee.

In addition, here again we see the cloak of national security being used to gain information from credit bureaus, police files, bank accounts, and other supposedly confidential sources. Interestingly, my privacy inquiry conducted detailed investigations on the credit reporting system and was the first formal group to criticize the Army's incursion into the domestic, peaceful, and constitutionally protected activities of civilians. The Army system utilized computerized information systems—again a threat my privacy inquiry first disclosed.

Mr. Speaker, I have become convinced that trends this example highlights are leading the United States into the era of post-constitutional America. To put it another way, giving the powerful aid of the new surveillance technology to information buddies will make the age of Aquarius into the age of Aquariums, where every citizen's life is lived in a fishbowl.

It may well be that this compulsive insiderism, coupled with preemptive strikes of presumptive surveillance of potential suspects, may lead this Nation to a point where the only ones left to govern are either those of so little imagination and energy that their dossier is a total blank or else those whose unprincipled skill and experience gives them access to everybody's dossier. By using the computer to magnify this access to include each and every record, we see that the datamaniacs can undertake purges by a program and not have to bloody their hands with a pogrom. That, of course, would be the most efficient and economical form of totalitarianism because in such a formula-ridden Cybernetic State, there are no people, only statistical abstracts of those who deviate from the norm.

Mr. Speaker, some people call this possibility a managed society. I choose to call it dictatorship and as one further signpost on this beckoning road, I insert the article referred to into the Record at this point:

[From the Washington Star, July 21, 1971]

Army Spy Chief Ousted Over "Favor"

(By Jared Stout)

The former head of Army spying on civilians has been ousted from his intelligence post for his part in an attempted cover-up of an Army probe done as a favor for a private businessman. The probe cost a civilian his job.

Col. Arthur J. Halligan was removed from his job as director of investigations for the U.S. Army Intelligence Command at Ft. Holabird, Md., and given a written reprimand March 18 for "dereliction of duty" in failing to investigate complaints about the probe.

Halligan, who is scheduled to retire August 31, was one of three officers punished in the case—which has just come to light and is the first known instance of Army action against misuse of domestic intelligence. Halligan ran the civilian spy program until the Pentagon moved to end it after it was exposed last year.

He was one of two officers who, Pentagon investigators found, tried to cover up the probe for eight months because they believed it was ordered by the then head of intelligence, Gen. William H. Blakefield, and concerned a Blakefield relative.

NATIONAL SECURITY CITED

The Pentagon inquiry also showed that Halligan claimed national security as grounds for the probe and warned an agent who complained about it that he could be prosecuted under U.S. espionage laws if he talked about the case.

Documents on file with the Army and Senator Sam J. Ervin's constitutional rights subcommittee outlined the case. A letter to Ervin, a North Carolina Democrat, from the Army's acting general counsel, R. Kenly Webster, disclosed the punishments.

The other officers punished were Col. Cline Lampkin, deputy commander of the intelligence command until his June retirement, and a captain who ordered the probe while with the 771st Military Intelligence Attachment (MID) at San Juan, Puerto Rico.

Lampkin was given an oral reprimand for failing to investigate. The captain, whose name was not disclosed in documents available in the case, was given a written reprimand and steps to take away his Army commendation medal were underway.

AGENT SPARKS PROBE

According to the Webster letter and documents filed with the Army and Ervin's subcommittee, the case arose from an agent's complaint to superiors over an assignment given him on Aug. 13, 1969.

The agent, who asked not to be identified, was told to gather information on Joseph Lynch, then a messenger in the St. Croix office of Western Union International. Lynch had no connection with the Army or access to classified material.

The agent was told by the assistant operations officer of the 771st MID to be "extremely discreet," inquire into Lynch's credit and police records, and report his findings to Lynch's superior, Nitel B. Davis, chief of the Western Union cable office.

Davis was "a drinking buddy" of the operations officer, the documents said. Davis told the investigating agent Western Union was trying to fire Lynch, but did not have sufficient evidence to do so.

The agent's information supplied the needed data. Although Lynch had never been arrested, he was mentioned in some police intelligence files, the documents said, and that apparently was enough. The documents did not show specifically what information was gathered on Lynch.

BANK RECORDS CHECKED

The documents did show, however, that the information was obtained by the agent claiming national security was involved. The claim opened the normally confidential records of the First National City Bank to the investigators, for example.

Access to police intelligence and court records was gained through Army liaison with local authorities, a link supposedly limited to providing data useful in preparing the Army for antiriot duty in U.S. cities.

The investigating agent complained to Halligan on August 19, 1969, reporting what he thought was "a flagrant violation of everything I've come to believe is expected from military intelligence personnel."

"I don't feel the Army should be in the private investigative business, nor do I feel that we have the right to delve into the private comings and goings on private citizens with whom we have no business," the agent wrote Halligan.

INVESTIGATION PROMISED

According to the Army and subcommittee documents, Halligan called the agent two weeks later and assured him the Lynch matter would be investigated. But eight months passed without further word.

The agent wrote Halligan again, saying he was considering using another route to have the Lynch case investigated. Halligan replied this time with a letter stamped "confidential." It was read to the agent before witnesses and his commander.

The letter cited penalties of U.S. espionage laws and said the agent would be open to prosecution if he talked of the Lynch case further. Halligan also claimed to have conducted a complete inquiry.

Halligan wrote that the checks on a telegraph messenger involved "elements of a highly classified and sensitive intelligence operation, the full scope of which you have no need to know." The checks were warranted, the letter said.

On his release from service, the agent took his complaint to the inspector general for the assistant chief of staff for intelligence, Halligan's Pentagon superiors. The inquiry, started there in November, 1970 was the basis for the letter to Ervin.

TREASURY GESTAPO AT WORK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the Congressional Record a signed front page editorial by Mr. William Loeb, publisher of the distinguished Manchester, N.H., Union Leader.

Mr. Loeb expresses the concern of American citizens at the outrageous conduct of Secretary of the Treasury Connally's Gestapo in their raid on the home of an innocent, law-abiding citizen.

The Nation is becoming curious as to why Secretary Connally has not brought forward a more vigorous investigation to ferret out the wrongdoing, correct the evil, and punish those responsible for the maiming of Mr. Kenyon Ballew in his home by agents of the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service.

The matter requires vigorous attention by Secretary Connally lest it come to be assumed that this action represents something endorsed by him:

Treasury Gestapo at Work

The other night Kenyon F. Ballew, a life member of the National Rifle Association and a Boy Scout leader and gun collector, and his wife, Sara Louise, were washing up and getting ready to go to bed. Mrs. Ballew, clad in panties, was in the apartment living room and her husband was in the bathroom washing.

Suddenly, there was a loud banging at the door and the words, "Open up. Open up." The door was broken open and a bearded man wearing a yellow sweatshirt and carrying a handgun came in followed by a man in a striped shirt.

Mrs. Ballew screamed and Mr. Ballew emerged dripping wet from the bathroom and picked up a .44. He fired simultaneously with the raiders.

After the shots were exchanged, Mrs. Ballew saw her husband on the floor. He was bleeding from the head. Mrs. Ballew started to scream, "Get the police! Murder!" And one of the raiding party said, "We ARE the police!"

It seemed that, based on the flimsiest of information that the apartment contained live hand grenades, agents of the Treasury Department, which is responsible for the enforcement of the 1968 Gun Control Act, decided to raid the Ballew home. Why they came in the dead of night and why they didn't identify themselves as the police and why they felt it was necessary to break down the door are questions that need to be answered by the Treasury Department.

All decent people are outraged by this unnecessary, stupid brutality. Such Nazi Storm Trooper-like behavior indicates not only arrogance but also utter stupidity.

As it turns out, Mr. Ballew has a responsible job as a Washington pressroom worker. He is a former Air Force military policeman. He has a fine character and no record of conviction for any crime.

This blundering performance apparently is not the first that Treasury Department agents, operating in the middle of the night, have broken into the homes of people suspected of violating the Gun Control Act. The total number of night raids that has been admitted by the Treasury Department is 11. But, it should be 24 if the police are to be believed.

Mr. Ballew, as of this writing, has a bullet in his brain and a 40 per cent chance of recovery. This is the result of this outrageous action.

Washington is the scene of numerous daily murders, assaults, rapes, etc. This fact completely justifies any defensive action that Mr. Ballew may have taken when the unidentified individuals broke down his door. The occupant of any home can only expect the worst in that atmosphere.

Undoubtedly, the Treasury Department will do its best to cover up this horrible situation, which will remind many Americans of the horrors of Nazi Germany, but it is to be hoped that the White House will not allow the Treasury Department to cover up the situation but will demand a thorough report.

It would seem that the enforcement of the 1968 Gun Control Act should be transferred to an arm of the government which would carry out its duties in a more professional fashion—and more in line with the fundamental American principle of the rights of the individual.

William Loeb, *Publisher.*

ROPER SURVEY ASKS: WHAT SHOULD A PURCHASER KNOW?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. ROSENTHAL. Mr. Speaker, the consumer movement is growing steadily. As is evidenced by the following article, the consumer is extremely discontent with the failure of manufacturers at all levels of the marketplace—from food weights, to drug names, and to packaging techniques.

The reluctance on the part of most manufacturers to provide the consumer with information sufficient to enable him to make an intelligent purchase is disgraceful. The consumer still stumbles through the aisles in the supermarket having to choose from what seems to be intentionally disstandardized packages of goods seeking to force him to rely almost exclusively on advertising claims in making his purchase.

I insert in the Record at this point the following article:

Put It on the Package—What Should a Purchaser Know?

On one consumer issue, consumers know what they think: rules and regulations to prevent buying confusion. A recent Roper survey asked the public to react to six proposals affecting packaging and labeling of the products that they buy. The results are quite definite. Majorities ranging from just under two-thirds to nearly nine-tenths of the public think stricter regulations are "a good idea." Separate matched samples of approximately 1000 people across the nation were each asked this question about three proposals:

"There has recently been a good deal of agitation for the government to impose some stricter rules and regulations concerning products sold to the public in order to avoid consumer confusion or deception. To take some examples—do you think it is a good idea or not such a good idea to require (proposal)?"

The results are shown in Table I below.

Two suggested requirements, those for grade labeling and packages no larger than necessary for their contents, generated virtually no controversy. A third, the showing of octane rating on gasoline pumps, produced the most uncertain reaction from some groups—older people, the less educated, women and non-car owners—who may have had some doubts about what octane rating is. The item that drew the strongest objections was standardization of package size and shapes, which nearly one-quarter of those interviewed thought "not such a good idea."

This is not the whole story, however. In presenting these consumer proposals no attempt was made to balance their benefits with the drawbacks that might accompany them. While they were stated as objectively as possible, the descriptions themselves inevitably carry implications of the desirable ends they set out to accomplish, and give no hint of any unforeseen and undesirable consequences that might result from them.

Octane, for example, is no longer a direct indicator of gasoline performance. Loaded with additives, modern gasoline is, for practical purposes, a chemical compound. Hence, octane is only a single dimension of gasoline performance, argue the oil companies. Putting octane rating on the pump could put it up front in the public consciousness, forcing gasoline producers to compete for the highest octane score, at the expense of other possibly more important components. Similarly, other industries see undesirable side effects in each of these well intended attempts at consumer protection. The inclusion of generic terms with brand names will destroy the incentive to research and develop new drugs, argue the companies in question. If others can immediately and prominently feature the same chemical formula, why invest in the high costs of R & D? Better copy another drug in the first place.

Grade labeling, it is claimed, will push products toward the lowest permissible quality level for each grade, since manufacturers will get no credit for surpassing minimum specifications. It will also tend to inhibit innovation, since a new formulation may not comply with the established mix of ingredients. (Building codes, while assuring minimum standards, have also held back technological progress.) The same charge can be leveled at standard packaging. Why should manufacturers come up with a better box, if their product has to be distributed in the regulation container? What about the consumer inconvenience if the official bottle doesn't fit his corner cupboard? Not to mention the boredom engendered by those rows of identical boxes lined up on supermarket shelves. So go the counterarguments.

To get a clue to consumer awareness of these pitfalls, those favoring each proposal were asked whether they saw any drawbacks to making the requirement. The results are shown in Table II below.

Again, no ambiguity appears in the answers. For most people, stricter rules on product labeling and packaging are all to the good. If they have heard the case against them, they don't accept it. More likely, they are unaware that one exists.

However, there are some exceptions. Nearly one-third of the public can see some drawbacks in standard packaging, nearly one-quarter have doubts about drug label changes, and one-quarter see disadvantages in labeling per ounce or pound. This last is interesting because it is the only one of the six already in effect in some stores. As regulations become reality, their pros and cons may be more thoughtfully considered, and for some disenchantment may result.

These dubious minorities, like dissidents on other issues, may ultimately carry more weight than their present numbers. If most people, as is likely, have not begun to think about the practical effects of consumer regulations, the current level of criticism may be only the start of controversy to come. Another straw in the wind is that college-educated people are least in favor of most of the controls on the list. And even where they are most in favor, as on grade labeling, favored by 88%, they are most ready, too, to admit that disadvantages exist (14% see drawbacks, as compared to 7% with grade schooling or less).

Public discussion of possible consumer controls should begin before legislation is passed, not after it has become a fact of buying life. Further research is needed into the public's receptivity and resistance to the growing movement for "truth in packaging." The issues will not go away; they must be explored and faced and dealt with. Manufacturers may feel they have a good case against labeling changes, but the public doesn't see it. Whether they are unaware or unimpressed was beyond the scope of this research.

[In percent]

	Table I			Table II			
	Good idea	Not such good idea	No opinion	See drawbacks	No drawbacks	No opinion	Not asked (not in favor)
That all processed food products be graded A, B, or C according to the quality and amounts of key ingredients in them?	87	5	8	10	71	6	13
That a package be no larger in size than is needed for the amount of product in it?	85	7	8	10	69	6	15
Grocery stores to show the price per ounce or pound as well as the total price of all packaged foods that come in cans, boxes, or bottles?	78	15	8	9	63	5	23
Drug companies to print the technical or chemical name of a medicine on the label in as large letters as the advertised brand name?	74	13	13	9	60	4	26
Gas stations to show the octane rating of their gasoline on the pumps?	72	7	21	6	61	4	28
That all brands of a given product be sold in packages of standard sizes and shapes?	63	23	14	7	51	4	37

HONORABLE BILL SCOTT'S SPEECH AT THE MANASSAS BATTLEFIELD

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. DORN. Mr. Speaker, my distinguished colleague and warm personal friend, the Honorable William L. Scott, of Virginia's Eighth District, made an outstanding address before the United Daughters of the Confederacy at Manassas Battlefield Park on July 17, 1971. Representative Scott spoke to the UDC on the 110th anniversary of the first battle of Manassas. His excellent speech applies some of the lessons learned from the history of the United States and the Commonwealth of Virginia to problems of attitude which we are currently facing in our country, and I commend Bill Scott's penetrating and thought-provoking address to the attention of the Congress and the people of America.

Address by Congressman William L. Scott

I appreciate the kindness of Mrs. O'Bannon, as president of the District of Columbia division of the United Daughters of the Confederacy, in inviting me to speak here at the park today. Certainly, it would be presumptuous to attempt in any detail to tell the Daughters of the Confederacy about the first battle of Manassas. We might remember, however, in commemorating the 110th anniversary of the battle, that the South was the underdog, that the North wanted action, wanted the rebels thrashed and wanted to go on to Richmond. It just didn't turn out that way. People coming in to this area from Washington in their carriages, as if going on a picnic, were disappointed. In fact, we might say that the North was shocked and the South elated by the rout and the complete victory of the southern forces at Manassas. The tenacity of Jackson, the raw courage should not be forgotten. Certainly Virginians today need to "stand like a stone wall" for what is right and proper.

Thomas Jonathan Jackson only lived 39 years. Yet some say he lived two lives. One as a Presbyterian deacon frequently in prayer to the Heavenly Father, a devoted husband and father, a teacher, a man of integrity. Others knew him as one who obeyed orders he received and expected like obedience to those he gave. A military leader whose principles and methods have the admiration of soldiers everywhere. Driving his men to the point of exhaustion, holding his officers to a high order of intelligence, saved lives and won battles. It brought him from the rank of Major to that of Lieutenant General in less than two years. A saint or a devil in military action. A part of the American story that began long before his birth and continues today.

Just two weeks ago, we commemorated the founding of our republic and you will remember the ceremonies telecast from the National Archives and participated in by the Speaker of the House, Carl Albert, Chief Justice Warren Burger and President Nixon. The President indicated at that time the commencement of a bicentennial era, a five year period between now and 1976 when we would be commemorating the 200th birthday of the nation. Virginia played an important part in the establishment of our country, even winning the title, "The Mother of Presidents." Our own 8th District is one of the most historic areas of the State and Nation. Washington was born in Wakefield, Westmoreland County in the northern neck, grew up at Ferry Farm in Stafford County across the river from Fredericksburg, living a portion of his early life and most of his adult life at Mt. Vernon. Monroe, Madison, William Henry Harrison and John Tyler were also natives of the 8th District. In fact, Harrison and Tyler both were from Charles City County, along the James River near Williamsburg served together as President and Vice President. I doubt that we have ever had another instance in which one man from the same county of the same state succeeded another to the presidency as was the case when John Tyler succeeded William Henry Harrison.

We are proud of Virginia and our southland and their principles over the years. And yet I doubt that any of us would object to the measure now before the Congress to strike commemorative medals of the 200th anniversary of the founding of our country with the theme "one nation bound in unity." We believe not only in states' rights, but perhaps even more important, in individual rights. We believe that the only reason for any government existing at any level, is to serve the people and that the ultimate sovereignty or ultimate will resides in the people. And so we move toward the Nation's 200th birthday, a gala year of celebration throughout the country, I would hope that the spirit of '76 will continue to be abroad in the land, that people throughout the country will continue to think of America as a land of opportunity; a melting pot that has produced a Nation of tremendous talent from diverse cultural backgrounds.

When Mr. Nixon was campaigning for the Presidency in 1968, he visited the colonial capitol at Williamsburg and spoke of the American spirit, stating that a nation, like an individual, does have a spirit. A national yearning that tends to spur our conscience, we know that in the past, the people of America have responded every time demands were made upon them. Mr. Nixon also spoke last summer at the national convention of the Jaycees on the subject "What's Right About America" stating that some people on the speaking circuit around the country were spewing destructive criticism and we know that this is true. Some act like America is a dying nation and that revolution is the only solution to alleged oppressive conditions that people are being forced to endure. This is pure nonsense, but, yet, we hear it from time to time. I believe such people are a threat to the country's welfare, they seem to be consumed with a hatred for an orderly civilized society. While they heap abuse on this country, oftentime, they offer no reasonable alternative and I suspect they would be miserable under a less democratic type of government.

A census taken in April of last year determined that there is something over 206,000,000 people in the country. We know that we have a large country—a rich and powerful country, but it wasn't always so. People came to a wilderness here to find a new life for themselves and their families and to create a new nation. They founded a country based upon the concept of individual dignity and worth with everyone's rights being protected by the law, a society of their own making with ultimate power in the people. Under our system of government, we have grown into a nation envied throughout the world. Critics of our country, sometimes our youth, act as if nothing has gone before and that there are simple solutions to all of the problems that confront society.

I remember having a college course in economics some years ago, and the professor stating that the age of the great inventions and discoveries was past, that we were going through a period of refinement and stagnation—that there was really nothing left to be invented or discovered. But, this was before television was perfected—before the modern miracle drugs—before the computer, before space exploration—before the Salk vaccine and even before the atomic age.

I believe that our youth need to be taught that the older generation and those who came before us have discovered cures to many of the ills that plagued mankind—that such diseases as smallpox and tuberculosis were once as dreaded as cancer is today—that we have found solutions to problems and that other solutions will be found in the future.

Individuals seeking solutions to their own problems and the problems of their communities have made this a great Nation. It's not done by Government edict. Few among you would disagree with this, yet, I remember the late Mendel Rivers speaking on the floor of the House a year or so ago when we were considering a measure coming from the Armed Services Committee of which he was chairman, being hissed by some sloppily attired people in the gallery when he expressed concern about the lack of patriotism in the country.

Some weeks ago at the Fairfax Methodist Church, the minister indicated that we should not concentrate so much on what we are against that we don't have time to work for the things we are for and I believe there's a valuable lesson in this statement.

Isn't it true that each of us has a part in shaping the future of the country. I believe that in our homes, our schools, our churches, we should talk as the President did on "What's Right About America." If the will of this country is being challenged, we have an obligation to accept the challenge. We need to work for the things we believe are best for America. In our home, shouldn't we see that young people feel loved and appreciated, secure—that they are told of American heritage—of the accomplishments of the past—that they're disciplined and prepared for coping with those who would destroy the country. Don't we have an obligation in our churches to see that Christian ideals are taught? In our schools, our scouts, our character building groups—to see that the proper type of adult leadership is provided? We are familiar with Edmund Burke's statement "For evil to prevail, it is only necessary for good men to do nothing."

I believe the challenge is with us. We are proud of our early heritage . . . of Washington, and Jefferson, of Lee and Jackson, but I believe our youth must be aware that we have our pioneers today—those who go to the moon and those who perform open heart surgery—that Billy Graham and others are great Christian leaders just as Thomas Paine was, that there was the Eisenhower and MacArthur in our own generation—that this Nation is no more dead than Christ is dead. If the spirit of America is to be maintained, we are among those who must see that it is done.

SICK OF NONSENSE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. ROYBAL. Mr. Speaker, at the request of a constituent, Mr. Leonard Valiukas, I am inserting into the RECORD an article appearing recently in the Los Angeles Tidings:

I Am a Liberal and I Am Sick of Nonsense

(By K. Ross Toole)

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of anyplace except exurbia. I was nurtured in depression; I lost four years to war; I am invested with sweat; I am a "liberal," I am square and I am sick of hippies, Yippies, militants and nonsense.

I am a professor at the University of Montana, and I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats.

As a professor and as the father of seven children, ranging in age from 7 to 23, I have watched this new generation and concluded that most of them are fine. But a minority are not—and the trouble is that minority threatens to tyrannize the majority and take over. I dislike that minority; I am aghast that the majority "takes" it and allows itself to be used. As one fed-up member of the "Establishment" (which, by the way, is nothing but a euphemism for "society"), I say it's time to call a halt.

We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point, and respect when they deserve it. We do not owe them our souls, our privacy, our whole lives—and, above all, we do not owe them immunity from our mistakes, or their own.

WHAT MY GENERATION DID

Every generation makes mistakes, always has and always will. We have made our share. But my generation has also made America the most affluent country on earth. It has tackled, head-on, a racial problem as no nation in history had dared to do. It has publicly declared war on poverty, and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in history. It has begun these things, not finished them. It has declared itself, and committed itself, and taxed itself, and damn near run itself into the ground, in the cause of social justice and reform.

Its mistakes are fewer than those of my father's generation—or his father's, or his. Its greatest mistake is not Vietnam; it is the abdication of its first responsibility, its pusillanimous capitulation to its youth. Since when have children ruled this country? By virtue of what right, by what accomplishment should teen-agers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

The psychologists, educators and preachers say the young are rebelling against our archaic mores and morals, our materialism, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderdash!

Common courtesty and a regard for the opinions of others are not merely decoration on the pie crust of society—they are the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen and discuss; they will only shout down and throw rocks. Society has classically ostracized arrogance without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs urinating on our beliefs and defining our premises? It is not the police we need—our generation and theirs—it is an expression of our digust and disdain. Yet we do more than permit this behavior; we dignify it with introspective flagellation. Somehow it is our fault. Balderdash again!

Sensitivity was not invented in 1950. The young of any generation have felt the same impulse to reach out, to touch the stars, to live freely and to let the mind loose along unexplored corridors. Young men and women have always felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

IDEALISM OR CHILDISH TYRANNY?

Today's young people did not invent sensitivity; they do not own it. And what they seek to attain, all mankind has sought to attain, throughout the ages. Shall we, therefore, approve the presumed attainment of it through drugs? And shall we, permissively, let them poison themselves simply because, as in most other respects, we feel vaguely guilty because we brought them into this world? Again, it is not police raids and tougher laws that we need; it is merely strength. The strength to explain, in our potty, middle-aged way, that what they seek, we sought; that it is somewhere, but sure as hell not in drugs.

Society, the "Establishment," is not a foreign thing we seek to impose on the young. It—along with the 18-year-olds—is the product of thousands of years of the development of mankind. We know it is far from perfect. We did not make it; we have only sought to change it. We win, if we win at all, slowly and painfully. The fact that we have been only minimally successful is the story of all generations—as it will be the story of the generation coming up.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they solve all problems this week or join a wrecking crew of paranoids. Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance and instant gratification. That is not idealism; it is childish tyranny.

The worst of it is that we (professors and faculties in particular), in a paroxysm of self-abnegation, go along, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

THE FLAG IS INSULTED

As a professor I meet the activists and revolutionaries every day. They are inexcusably ignorant. If they want to make a revolution, do they study the ways to do it? Of course not! Their hero is Che Guevara, whose every move was a miscalculation and a mistake. He failed; he died in the jungles of Bolivia with an army of six. I have yet to talk to an "activist" who has read Crane Brinton's "Anatomy of Revolution," or who is familiar with the works of Jefferson, Washington, Paine, Adams or even Marx or Engels. I have yet to talk to a student militant who has read about racism elsewhere or who understands, even primitively, the long and wondrous struggle of the NAACP.

An old and scarred member of the wars of organized labor in the United States in the 1930s recently remarked to me: "These 'radicals' couldn't organize well enough to produce a sensible platform, let alone revolt their way out of a paper bag." But they can—because we let them—destroy our universities, make our parks untenable, make a shambles of our streets, and insult our flag.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of materialism or stupidity, but simply because we have failed to keep that generation in its place, and failed to put it back there when it got out. We have the power; we do not have the will. We have the right; we have not exercised it.

To the extent that we now rely on the police, Mace, the National Guard, tear gas, steel fences and a wringing of hands, we will fail. We need to use disdain, not Mace; we need to reassess a weapon we came by the hard way, by travail and labor; firm authority as parents, teachers, businessmen, workers and politicians.

The vast majority of our children from 1 to 20 are fine kids. We need to back this majority with authority and with the firm conviction that we owe it to them and to ourselves. Enough of apology, enough of analysis, enough of our abdication and responsibility, enough of the denial of our own maturity and good sense.

IT'S OUR COUNTRY

The best place to start is at home. But the most practical and effective place, right now, is our campuses. This does not mean a flood of angry edicts, a sudden clamp-down, a "new" policy. It simply means that faculties should stop playing chicken, that demonstrators should be met not with police but with expulsion. The power to expel (today strangely unused) is one of the oldest rights and necessities of the university community.

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those who seek to employ Freudian analysis, too positive for "academic senates" who long for philosophical debate, and too prosaic for those who seek orgiastic self condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed up with nonsense. We need—those of us over 30: tax-ridden, harried, confused, weary and beat-up—to reassert our hard-won prerogatives.

It is our country, too. We have fought for it, bled for it, dreamed for it, and we love it. It is time to reclaim it.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 3,100 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 233,300 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

STATEMENT OF CHAIRMAN JOHN W. DAVIS REGARDING HEARING ON SCIENCE, TECHNOLOGY AND THE ECONOMY

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. DAVIS of Georgia. Mr. Speaker, the Subcommittee on Science, Research and Development of the House Committee on Science and Astronautics will hold hearings on July 27, 28, and 29, 1971, on the subject of "Science, Technology, and the Economy". These hearings will explore the general relationships between support for science and technology and their effects on the economy of the United States and the rest of the world.

The subcommittee's extensive hearings last year on the subject of a national science policy have given rise to a strong congressional interest in the relationships between research and development and their role in promoting economic growth. At that time there was considerable attention given to the viability of the United States in world commerce. Today, the continuing deterioration of our trade position makes hearings such as these even more imperative.

I should like to point out to my colleagues that the economic effects of science and technology have become increasingly international in character. Both multinational corporations and nearly instantaneous exchange of information through scientific and technical literature encourage rapid transfer of technology across national boundaries.

We now have published evidence which points up a truth which many of use have felt for some time—that were it not for our technologically intensive exports, the United States would today be staggering under a massive trade deficit. It follows that the knowledge resulting from research and development, and the controls exercised over that knowledge, are vital to the economic well-being of our country.

The witnesses for these hearings represent diverse backgrounds, but they have all been outspoken on the necessity to recognize the economic importance of support for science and technology.

The Honorable Maurice H. Stans, Secretary of Commerce, will be the initial witness on July 27. The Department of Commerce has the responsibility for collecting data concerning the economic impact of technologically intensive and other industries on both domestic and foreign commerce. Also appearing on July 27 will be Dr. John R. Pierce, executive director of research, communications sciences division of the Bell Telephone Laboratories, and chairman of the recent National Academy of Engineering symposium on "Technology and International Trade."

Leading off the July 28 hearing will be Andrew J. Biemiller, legislative director of the AFL–CIO. Biemiller, who will be accompanied by AFL–CIO research director, Nathaniel Goldfinger, has spoken out in the past concerning the necessity of protecting jobs of U.S. workers by slowing down the export of U.S. technology to foreign countries. Also appearing on July 28 will be Dr. Richard R. Nelson, of the department of economics at Yale University, and a member of the President's Science Advisory Committee Panel on Science and Technology. Dr. Nelson has published extensively in the economics literature on this subject.

Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy will be the leadoff witness on July 29. Mr. Weidenbaum has in the past advocated a stern look at investment in research and development, and called for objective, factual, quantitative analysis before undertaking new scientific projects. Testifying at the same session with Mr. Weidenbaum will be Dr. Willard M. Bright, president and chief executive officer of the Kendall Co. Dr. Bright has been actively concerned with the role of technology in the economy, and is chairman of the science/technology committee, National Association of Manufacturers.

These hearings on July 27, 28, and 29 are only the initial portion of a detailed study on the subject of science, technology, and the economy. I anticipate that specific issues of special interest to the committee and the Congress will be explored in greater detail during this fall and winter as the subcommittee holds further hearings and meets with additional knowledgeable experts.

Our objective is to try to find answers for two important questions. First, what total resources should we as a nation invest in research and development, both in the public and private sectors? Second, what are the optimum ways for making these investments? For example, should we enact tax incentives to encourage more research and development in private industry, increase research and development in Federal laboratories, make block grants to educational institutions, or increase direct support of research by existing agencies of the Federal Government? If we can get reasonable answers to these and other questions related to them, we will have performed a much-needed service to the Congress and the Nation.

FEDERAL DEPARTMENT OF NATURAL RESOURCES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. DINGELL. Mr. Speaker, it was most encouraging to learn that the board of directors of the Sport Fishing Institute, at their regular annual session at Milwaukee, Wis., endorsed establishment of the new Department of Natural Resources. The institute, as we all know, has a long history of supporting strong conservation principles. I am sure that everyone will be interested in knowing about SFI's action.

Following is the text of the resolution adopted by the SFI board of directors that was carried in that organization's Bulletin No. 226, July 1971:

> FEDERAL DEPARTMENT OF NATURAL RESOURCES
>
> Whereas, there is a substantial fractioning of effort, with resulting lack of coordination and attendant waste of limited resources, in the present multiplicity of agencies concerned with various aspects of conservation of natural resources and environmental affairs, which are scattered throughout several federal departments of the government; and
>
> Whereas, the need for concentration of purpose by and maximum coordination of effort among these natural resources and conservation agencies is very urgent, in the interest of protecting and maintaining an acceptable level of environmental quality, yet exceedingly difficult of attainment in the present circumstances of administrative diffusion;
>
> Now, therefore, be it resolved, that the Board of Directors of the Sport Fishing Institute, meeting in regular Annual Session at Milwaukee, Wisconsin, this 16th day of May, 1971, does herewith endorse and support the proposed creation of a comprehensive new Federal Department of Natural Resources, by gathering together in the proposed new conglomerate, from the Departments of Interior, Agriculture, Commerce, and Army, as well as several other related Offices and Programs, the principal resource conservation and development agencies and activities, possibly excepting the independent Environmental Protection Agency, that significantly affect the quality of the land and water environments and the well-being of the living organisms they support and produce.

TIME TO HONOR THE GENEVA CONVENTION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. SCHMITZ. Mr. Speaker, while there has been much discussion of the numerous North Vietnamese Communist violations of the Geneva Convention of 1949 Relative to the Treatment of Prisoners of War, a serious question has recently arisen as to whether or not the United States is abiding by this same convention.

The fact that the United States is not fulfilling its obligations under this convention was brought to my attention by former North Vietnamese prisoner of war, Lt. Robert F. Frishman. Lieutenant Frishman wrote:

> Congress not only holds a moral obligation to the men it sent into the battlefield to carry out its policies . . . but it also holds a legal obligation. As you know, the Geneva Conventions of 1949 are the law of the land and the very first article states that our country is obligated "to ensure respect for the present Convention in all circumstances."

Lieutenant Frishman cited as his authority the official "Commentary on the Geneva Conventions of 1949." This standard guide to the Geneva Conventions of 1949 was prepared by the International Commiittee of the Red Cross.

The commentary states:

> In the event of a Power failing to fulfill its obligations, each of the other Contracting Parties (neutral, allied or enemy) should endeavor to bring it back to an attitude of respect for the Convention. The proper working of the system of protection provided by the Convention demands in fact that the States which are parties to it should not be content merely to apply its provisions themselves, but should do everything in their power to ensure that it is respected universally.
>
> The words "in all circumstances" refer to all situations in which the Convention has to be applied and these are in Article 2 (Declared or Undeclared War). It is clear, therefore, that the application of the Convention does not depend on whether the conflict is just or unjust. Whether or not it is a war of aggression, prisoners of war belonging to either party are entitled to the protection afforded by the Convention.
>
> In view of the foregoing considerations and the fact that the provisions for the repression of breaches has been considerably strengthened, (The Contracting Parties are no longer merely required to take the necessary legislative action to prevent or repress violations. They are under an obligation to seek out and prosecute the guilty parties, and cannot evade their responsibility) it is clear that Article 1 is no mere empty form of words but has been deliberately invested with imperative force.

North Vietnam is openly violating articles 1, 13, 21, 26, 30, 71, 109, 122, and 126 of this convention which they signed in 1957. Since they have not seen fit to comply with its provisions voluntarily, it is our duty to use the above referenced "imperative force" necessary to bring about compliance.

In order to move the administration in a direction consonant with both our obligations under the convention and the welfare of the American servicemen being held by the enemy, I have introduced House Concurrent Resolution 360. Six other Congressmen have joined with me as coauthors of this resolution which expresses the sense of the Congress that the President take whatever steps are necessary to make North Vietnam abide by the Geneva Convention Relative to the Treatment of Prisoners of War and authorizes him to use whatever force may be necessary to do this.

This resolution answers the question with which Lieutenant Frishman ended his letter. He asked:

> How much power does our country have and when are we going to carry out our binding responsibility?

We have the power, it is time to fulfill our obligation.

ARCHBISHOP HENRY J. O'BRIEN

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mrs. GRASSO. Mr. Speaker, this day marks the joyful celebration of the 75th birthday of Henry J. O'Brien, first archbishop of the diocese of Hartford. This happy event provides new opportunity for the Connecticut community to unite in felicitation and good wishes to an outstanding spiritual and civic leader. It is a special honor to join in extending birthday greetings to a beloved and devoted laborer in the vineyards of the Lord. Certainly, Archbishop O'Brien is well remembered at St. Thomas Seminary, where he was first assigned in 1926 and where he served with distinction as president beginning in 1934. The people of our State remember, as well, his dedicated service as the ninth bishop of Hartford, in addition to his distinguished tenure as archbishop from 1953 until his retirement in 1968.

On this day of reminiscence, we acknowledge his clear and firm dedication to human and civil rights. In his capacity as archbishop, he established the Committee on Human Rights in 1964. His commitment to civil rights found positive expression in the announcement of the archdiocese's participation in Project Equality. This program has been a model and inspiration that has been emulated in other areas. Furthering his influence in this area, Archbishop O'Brien's concern for the disadvantaged led him, in 1967, to create the Office of Urban Affairs in the archdiocese.

All of us marvel at his sense of charity and the unity of all faiths. The Commission for Ecumenical Affairs and the participation of the Hartford archdiocese in the Connecticut Interfaith Housing Corporation are now producing the fruitful results which Archbishop O'Brien envisioned when he initiated these programs.

The religious community he served and the larger community of which he was a vital and integral part are the beneficiaries of his judgment, his kindness, and his compassion. While we rejoice that the burden of his many duties has been relieved, we give grateful thanks that this day and this occasion provides all of us the welcome opportunity to wish Archbishop O'Brien a happy birthday and many happy returns of the day.

AUTO FIRMS GIVE DISCOURAGING REPORTS ON ANTIPOLLUTION EFFORTS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. BROOMFIELD. Mr. Speaker, within the past month, representatives of major domestic and foreign auto firms have given discouraging reports in regard to their efforts to develop and improve antipollution technology. While it appears that some companies may be able to achieve necessary reductions in the level of hydrocarbons and carbon monoxide emissions by 1975, they have all warned us that prospects for reaching lower nitrate levels by 1976 are all but nil.

It is with this in mind, that I am cosponsoring a bill along with the distinguished minority leader, the gentleman from Michigan, Mr. GERALD R. FORD, which would permit U.S. automakers to work cooperatively in their efforts to conform to the guidelines for exhaust emissions stipulated in the Clean Air Act of 1970. Currently, auto firms are conducting their research programs independently at a great cost in funds and duplication of efforts but with no guarantee of final success.

As a result of Federal antitrust regulations, which prohibit any form of collaboration within the auto industry, it is necessary for us to legislate an exemption to these laws in order that such a joint endeavor might begin. It should be emphasized that the antitrust exemption that we call for is limited in both time and scope. Cooperation is restricted solely to research and development of the technology required to reduce automobile pollution and, it must cease as of December 31, 1975.

I might add that this legislation contains further safeguards which will insure that the exemption will not serve in any way to destroy a competitive auto market. Provisions have been made that any improvements resulting from common research will be made available to all manufacturers upon request. In this way, smaller companies, limited in budgets and research facilities, will not be placed at a disadvantage, and all manufacturers will be able to produce cleaner cars sooner and more efficiently.

In an area where the health of our people and the quality of our environment is concerned, I feel that we are warranted in requesting that the auto industry be freed to work in concert. While I am in support of existing antitrust legislation, and the free competition which it seeks to insure, I would suggest that in this instance, the public welfare must take precedence.

There will be two major benefits if this measure should become law. First of all, it will facilitate attempts to reach the goal of a pollution free car sooner. Second, the costs of these innovations and improvements will be lower for the consumer, if research and development is undertaken on a joint basis.

Without this legislation, the probability of serious damage to the U.S. auto industry will be greatly increased; the high cost of research, initiated without benefit of the wisdom and experience that a common effort could provide, will force car prices to rise. And those costs, we all know, will in the end be paid for by the American consumer.

GREENSBORO RECORD HONORED FOR ITS COVERAGE OF URBAN AFFAIRS

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. PREYER of North Carolina. Mr. Speaker, for the third time in 3 years the Greensboro Record published in Greensboro, N.C. has been honored for its coverage in the important field of urban affairs.

Given to stimulate excellence in reporting local affairs, the Howard Award has appropriately honored the Greensboro Record's great dedication to not only reporting the urbanization of Greensboro but to supporting and encouraging stable, realistic growth in our city.

I am particularly pleased that protection of our environment is a primary factor in this newspaper's concern about urban affairs. They have been a strong advocate of environmental controls and an articulate spokesman for the cause of conserving human and natural resources.

The entire Greensboro News Co. shares in this honor as does any good team, but particular mention should be given to the major contributing reporters in the winning entry: Richard Benton, Jim Schlosser, Jo Spivey, Barbara Ross, Ken Irons, Greta Tilley, and Dorothy Benjamin; to Managing Editor Ben Bowers; to City Editor Dave Alexander and Assistant City Editor Roy Martin; to Editorial Page Editor Abe Jones and Editorialist Robert Register; to Photographers Dave Nicholson, John Page, and Jack Moebes; and to Candy Johnson, Hugh Page, and Peter Leo.

NATIONAL OCEAN SURVEY

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. DAVIS of Georgia. Mr. Speaker, the National Ocean Survey, the Nation's first and oldest scientific agency, is one of the smallest in the Government, but the country would be in quite a fix if it did not exist. This is graphically pointed out in articles which appeared in the current issue of the Saturday Evening Post and the July issue of Reader's Digest. I commend to the attention of the House these interesting articles on the former Coast and Geodetic Survey, now part of the National Oceanic and Atmospheric Administration in the U.S. Department of Commerce.

The articles follow:

[From the Reader's Digest, July 1971]

THEY KNOW WHERE IT'S AT

(By Alfred Steinberg)

A few years ago, in Albuquerque, N.M., authorities were horrified to find that certain metropolitan subdivision boundaries overlapped each other by as much as 300 feet. Surveyors—using different starting reference points—had goofed. As a result, the ownership of millions of dollars' worth of property lay in jeopardy, and court calendars faced decades choked with land-title suits.

An SOS raced to the U.S. Coast and Geodetic Survey (now the National Ocean Survey), a small federal agency whose charge it is to "find" the exact position of every point in the United States and its possessions. Help was soon on the way. A crew of engineers, mathematicians and surveyors rode into Albuquerque loaded with tons of scientific gear. They put up dozens of 90-foot-high steel towers, from which, using special instruments and light beams, they determined the precise latitude and longitude at 450 places in the area. These points they marked, and related to the Survey's national network of known position points. City authorities expected no problems when the subdivisions were resurveyed, and none has appeared to date.

Time and again, throughout the country, similar scenes have been re-enacted. In a slower age, deeds could safely declare that the property line ran from the red barn in the valley to the forked sycamore on the hill. But in this swift-moving era of valuable real estate and modern technology, location by approximation can be costly and dangerous.

In Pennsylvania, for example, the state highway department used its own reference points instead of the Survey's geodetic controls to plan a new bridge. Work started from both shores, and in midstream the two sections were 13 feet apart. Engineers building the New Jersey Turnpike depended on local topographic maps instead of Survey positioning markers to determine where to set the road and interchanges. Several S curves were needed afterward to join the highway to its cloverleaf turn-offs. In Maryland, engineers ignored the Survey's vertical positioning bench marks that tell elevation above sea level. Result: they ran a sewage system upgrade, so any fairly heavy rainfall floods low-lying streets and basements.

PRECISE POSITIONING

In today's world you can't make an ocean trip or fly in a commercial jetliner without coming under the protective arm of the Survey. Nor can the government construct a dam, fight a war or shoot off a missile without this agency to tell us exactly where we're at—right to the inch.

Not long ago the Survey had the opportunity to check the accuracy of one of its field crews a century back. The deed for a valuable piece of land in Pennsylvania stated that the corners of the property had been tied into a nearby Survey marker. Unfortunately, no marker could be found, and to settle a boundary dispute the court wanted the Survey to set a new marker on the basis of its files. After determining the precise spot where the original marker should have been, crew members, on a hunch, dug deep—and, seven feet directly below, found the old marker.

Congress has made the agency responsible for surveying our coasts, for finding the exact location of underwater hazards—shipwrecks, reefs and rocks—and noting their position and depth on coastal navigation and harbor charts. Since the depth depends on the height of the tide, the Survey also issues books with daily predictions for the year ahead, telling the time and level of the tides for more than 8000 locations in this country and abroad. All ships in American coastal waters rely on this information.

On a commercial-plan flight, the latest Survey aeronautical charts show the correct position of electronic navigational aids on the ground en route, and the location of permitted sky highways. Coming in for a landing, your pilot will have the agency's airport chart showing the location and height of chimneys, radio antennas and other obstructions around the landing field, plus the exact length and elevation grade of the runways.

The value of precise locating is never more strikingly apparent than in wartime. During World War II, using data from every available source, the Survey turned out detailed target charts of hundreds of important enemy centers. The 1000-plane bombing raid on the vital Ploesti oil fields in Romania, and the atomic-bomb drops on Hiroshima and Nagasaki, were guided by Survey target maps. When the November 1942 invasion of North Africa was decided on, the U.S. Army asked the Survey to supply information. Only a few days later, the Army received a detailed report predicting—with astonishing accuracy—the tides, winds and currents each day at the invasion sites, the possibility of fog, moonless nights, and what the countryside would be like beyond the beaches.

Today, Apollo spaceships couldn't go into orbit, nor could Minuteman missiles be fired accurately, without the pinpoint positioning by the Survey of the craft or missile and its ground radar-tracking stations. Here's how it works: Space mathematicians compose an ideal flight path, showing speed and direction of the rocket every foot of the way from ground to orbit or to target. When a missile is fired, the first radar station automatically and instantly reports what it sees to the missile's computer brain. Should the data fail to agree completely with the locked-in trajectory profile, the computer instantly repositions the missile into its correct path and speed. This same process continues from radar station to radar station until the missile is in its right groove. A ground location error of only a foot would magnify into dozens and dozens of miles off-course for a Minuteman on a 10,000-mile flight, or could bring disaster to a NASA space shot.

ZERO POINT

From launch sites to state boundaries, all the pinpoint positioning done by the Survey radiates from a single bronze disc, set in concrete, on the privately owned Meades Ranch in north central Kansas. This modest marker, measuring only 3.6 inches in diameter and projecting a mere six inches aboveground, is the zero point for all mapmaking in North America. When a local surveyor checks the corners of your property, he is actually computing how far your lot is from Meades Ranch. Close to the center of the country, the disc marks the intersection of two arcs that cut the United States into a four-piece pie—one arc running from the Atlantic to the Pacific along the 39th parallel, the other from Canada to the mouth of the Rio Grande along the 98th meridian.

It was President Thomas Jefferson who first saw the need for a zero point and an agency to establish a positioning network. Thanks to him, the agency began life in 1807—the first scientific body of the federal government—with a $50,000 appropriation from Congress. Today its budget is $40 million and, with headquarters in Rockville, Md., it functions within the National Oceanic and Atmospheric Administration of the Department of Commerce. There are dozens of field stations and observatories and, if you count the officers and crews who man the Survey's fleet of 15 oceangoing vessels, a total of 2600 employes.

Today the Survey may use laser beams and infrared rays. But director Rear Adm. Don A. Jones still operates according to the order Jefferson laid down: that it make "a complete triangulation survey, including the determination of latitude, longitude and azimuths—direction from Polaris—of the principal places and bases, measured with the greatest possible accuracy."

Triangulation is a surveying method invented in the 17th century. Ponder a triangle with the Meades Ranch point as one corner and two neighboring town centers as the other corners. If you measure the length of one side of this triangle, and two of its corner angles, you can compute the length of the other two sides through trigonometry. And once you solve that, you can form another triangle—using any two corners of your original one, plus a third point—and solve it the same way. With this start, you can triangulate endlessly until you determine the location of *all* the land adjoining Meades Ranch—or the entire North American continent!

MARKERS FOR ALL

Vastly increased needs for accurate positioning by land users and industry have forced the Survey to increase the density of its triangulation markers. Its present goal calls for markers every two to five miles in urban areas; five to eight miles apart in rural zones; at intervals of 10 to 15 miles in the mountains. This network is today two-thirds completed, and will be finished by the end of the century. Nomadic positioning crews, continuously in the field, do the work.

The Survey also takes on positioning jobs on request from federal, state, local and foreign governments, and occasionally from private industry for a fee. In the Gulf of Mexico, where leases on the 50-mile-wide underwater Continental Shelf run as high as one million dollars an acre, the Survey triangulated oil-lease boundary lines for drillers. In 1964, the Survey positioned Bermuda by using an orbiting satellite that tied the island into its network. It found that Bermuda was misplaced on maps—220 feet north and 105 feet west of the location previously assigned it.

Triangulation crews generally work at night, because sunlight distorts instrument readings. They put up steel towers to see above trees and other ground obstacles. In their calculations, they use theodolites, which measure angles, and geodimeters, which utilize the speed of light to determine distances between points. Readings must be refined to take into account the pull of gravity, magnetic deflection from true north, and the degree of earth curvature in the area. Further accuracy is attained by computing each angle 32 times and carrying out decimals beyond six places.

Finding elevation above sea level adds a third dimension to the Survey task. Leveling, as vertical positioning is called, begins on the shore with the painstaking computing of the average sea level. Leveling field parties strike inland from here, taking sights on special leveling rods from step to step, and setting bench-mark links every 150 to 500 yards.

At present count, Survey crews have positioned 120,000 triangulation discs in their national network, and a half-million bench marks showing elevation above sea level. You can find markers almost anywhere—from Mt. Whitney (the bench mark at its peak notes that it rises 14,494.777 feet above mean sea level), to the north portal of Golden Gate Bridge. The tip of Washington Monument is a marker in itself.

A current project of the Survey is the use of orbiting satellites to establish a triangulation scheme that will tie continents together for worldwide geodetic control. Beyond this, always on the lookout for new and practical fields to position, the Survey is already giving thought to triangulating the moon!

[From the Saturday Evening Post, Summer 1971]

THEY KNOW WHERE IT'S AT

(By Alfred Steinberg)

Three years ago in Albuquerque, New Mexico, authorities were horrified to find that the boundaries of certain subdivisions in the metropolitan area overlapped each other by as much as 300 feet. Individual surveyors, using different starting reference points instead of a common starting anchor, had goofed. As a result, the ownership of millions of dollars' worth of private property lay in jeopardy, and court calendars faced decades choked with land-title suits.

But there was a path out of this mess, and Albuquerque took it. An SOS raced eastward to the national headquarters of the U.S. Coast and Geodetic Survey (now the National Ocean Survey) in Rockville, Maryland, and help was soon on the way. A crew of sunburned, windburned engineers, mathematicians and surveyors rode into town loaded with tons of scientific gear. They put dozens of 90-feet-high steel towers, like erector sets, all over the area. Then they climbed the towers at night and through special instruments and light beams, they determined the precise latitude and longitude of 450 places on the earth's surface, found the exact distance and direction between all these points, and related the entire lot to the Geodetic Survey's national network of primary positioning points. City authorities expected no problems when the subdivisions were resurveyed, and none has appeared to date.

Time and again, scenes similar to this have been reenacted throughout the country, for the Survey, the oldest federal science agency, is charged with finding the exact position of every point in the United States and its possessions. In a slower age, approximations of position were often sufficient. Deeds could safely declare that the property line ran from the old red barn in the valley to the forked sycamore tree on the hill; road-building meant widening the dirt path; and water came from the pump on the back porch. But in this swift-moving era of valuable real estate and modern technology, location by approximation can be costly and dangerous.

In 1969 in Pennsylvania, for example, the state highway department used its own reference points on each side of a river, instead of the Survey's geodetic controls, to lay out construction of the two halves of a bridge. Work started from both shores, and in midstream the two sections were 13 feet apart.

Engineers building the New Jersey Turnpike depended on local topographical maps instead of Survey positioning markers to determine where to set the road and interchanges. Several "S" curves were needed afterward to join the highway to its cloverleaf turn-offs.

Utilities generally position their underground lines and pipes so they know exactly where they are should trouble erupt. This was not done in Washington, D.C. Recently when Interstate 95 was widened, it cost taxpayers $100,000 a mile merely to locate the existing underground utilities that would have to be moved. In Maryland engineers ignored the Geodetic Survey's vertical positioning benchmarks that tell elevations above sea level and ran a sewage system upgrade as a result. Any fairly heavy rainfall flooded low-lying streets and basements.

Even on the international scene, cartographers can use the services of the Survey. Until a few years ago, for example, Bermuda was misplaced on their maps. In 1964, the Survey positioned the island by using an orbiting satellite that tied it into its network and found that Bermuda was 220 feet north and 105 feet west of the location previously assigned it.

In today's world you can't make a safe ocean trip, fly in a commercial jetliner or have a dependable water supply pour through your faucet without coming under the protective arm of the Survey. Nor can the government construct a dam, fight a war, or shoot off a Minuteman missile without the help of this 164-year-old federal agency that tells us where we're at.

Congress has made this agency responsible for finding the exact location of underwater hazards, such as shipwrecks, reefs and rocks, and noting their horizontal and vertical positions on coastal navigation and harbor charts. Since the depth of submerged dangers depends on the height of the tide, the Survey also issues charts with daily predictions for the year ahead telling the time and level of the tides for more than 8000 locations in this country and abroad. All ships in American coastal waters rely on these charts to get in and out of port safely.

On a commercial plane flight, lean back in your seat and relax. In addition to the skill of the pilot and the quality of the aircraft, every cockpit comes equipped by law with the latest Survey aeronautical charts showing the correct position of electronic navigational aids on the ground en route and the location of permitted sky highways. The charts also position the places aloft where magnetism affects the reading of compasses, and the degree of the aberration. Coming in for the landing, your pilot will have the agency's airport chart showing the location and height of chimneys, radio antennas and other obstructions around the landing field, plus the exact length and elevation grade of runways.

The value of precise locating is never more strikingly apparent than in wartime. During World War II, the Survey turned out 1812 detailed target charts of important enemy centers for the Air Force. What positioning data it lacked in its own library, it picked up from the O.S.S., American embassy files, tourists, private firms with overseas branches and foreign magazines. Each chart emphasized approaches to the target from seven different directions, ground objects along the route that were easily recognizable from the air, such as a stadium, pond or road intersection; and a model of the terrain ahead when the pilot came in over his target. These maps were printed on paper that could be left in the rain without damage, and the ink was fluorescent for nighttime reading. The 1000-plane bombing raid on the vital Ploesti oil fields in Romania and the atomic-bomb drops on Hiroshima and Nagasaki were guided by Survey target charts.

When Churchill and Roosevelt decided on the invasion of North Africa, the U.S. Army asked the Survey to supply information that would take the guesswork out of the November 1942 amphibious landings. Only a few days later the Army received a detailed report predicting with astonishing accuracy the tides, winds and currents each day at the invasion sites, possibility of fog, what night would have no moon and what the countryside would be like beyond the beaches.

The Survey also served as a focal point in gathering landing conditions data for the Normandy D–Day operations and the Pacific islands assaults. When not enough information was known about Bougainville, the Admiralties and other Pacific islands to plan nighttime hit-the-beach attacks, Survey parties simply went ashore in advance to get the facts and braved enemy fire to make harbor and inland channel charts, check the firmness of the beaches, and estimate enemy strength from observation. At Roi Anchorage at the northern end of Kwajalein Atoll, where coral heads kept ships from approaching close to shore, Survey divers blasted 75 of the coral barriers to a depth of 30 feet to produce a channel.

In the current era, NASA's Apollo space ships couldn't have gone into orbit without the pinpoint positioning by the Survey of the missile and its ground radar tracking station nor could the Defense Department's Minuteman missile have shown testing successes. When NASA's astronauts first came to Cape Canaveral—now Cape Kennedy—to start the space shots, Survey crews were already there establishing geodetic controls for the launch pads and the radar tracking network stretching through the Bahamas.

An expert told me: "If you don't have an accurate ground position reading of the lift-off point, and the exact distance and direction from it to each of the nest of ground radar tracking stations in the area, you'll never put a missile into the proper orbit to deliver it to the intended target."

It is on the basis of these ground positioning figures that the flight path of a missile into its correct orbit is calculated. First the space mathematicians compose an ideal flight path, showing speed and direction of the rocket every foot of the way from ground to orbit or to target. When the missile is fired, the first radar station automatically and instantly reports what it sees to the missile's computer. The brain immediately translates this into an exact picture of the location, speed and direction of the missile. Should the data fail to agree completely with the locked-in trajectory plan for that point in flight, the computer instantaneously repositions the missile into its correct path and speed. This same process continues from radar station to radar station until the missile is in its right orbit. A ground location error of only a foot or a direction miscalculated by only a fraction of a degree between launch site and ground radars will magnify into dozens and dozens of miles off-course for a Minuteman on a 10,000-mile flight and could bring disaster to a NASA space shot.

From launch sites to the boundaries of a state, all the horizontal positioning done by the Survey radiates from a single bronze disc set in concrete in a grass field on Meades Ranch, a privately-owned farm in north central Kansas. This modest marker, which measures only 3.6 inches in diameter and projects a mere six inches above ground, is the zero point for all mapmaking in North America. For since 1913, when Mexico and Canada also adopted the Meades Ranch disc as the zero point in their own surveying computations, it has served as the mother "geodetic datum" for North America.

When a local surveyor checks the corners of your property and ties his work into one of the Survey's markers in your area, he is actually computing how far your lot is from Meades Ranch. This is also the case when a Survey positioner determines the location of a Minuteman silo.

Meades Ranch was chosen for this honor because it lay close to the center of the country, at the crossing of two Survey positioning arcs that cut the U.S. into a four-piece pie. One arc runs from the Atlantic to the Pacific along the 39th parallel; the other, from Canada to the mouth of the Rio Grande along the 98th meridian.

It was President Thomas Jefferson, the gentleman scientist, who a century earlier conceived a plan to establish a zero point in the capital city, from which all places would be positioned and distances measured. He also saw the need for an agency to establish a positioning network. The number one priority in his time was for offshore positioning, for ships were foundering at a shocking rate near the coast for want of navigational information. Thanks to Jefferson, the agency began life in 1807—the first scientific body of the federal government—with a $50,000 appropriation from Congress and an assignment to "cause a survey to be taken of coasts . . . designating the islands and shoals, and places of anchorage."

Counting the officers and crews who man the Survey's fleet of 15 ocean-going vessels, Rear Admiral Don A. Jones directs a total of 2600 employees and dozens of field stations and observatories from his headquarters in Rockville, Maryland. In the past, the agency has operated as an independent bureau and as a part of the Treasury and Navy Departments, but today it functions within the National Oceanic and Atmospheric Administration of the Department of Commerce.

With a small $40 million budget, Jones is expected to handle a host of responsibilities. These include surveying the coast; determining geographic positions and elevations; observing tides and currents and making prediction tables for mariners; computing and publishing nautical and aeronautical charts for sea and air navigation; supplying the mariner, land surveyor, aviator, radio engineer and others with magnetic information; heading gravity studies and earthquake observations and investigations for the federal government; and conducting oceanographic research and positioning work in the Continental Shelf and outlying sea beds.

Today the Survey may use laser beams and infrared rays in some of its positioning work, but it still operates according to the orders Jefferson laid down: that the agency makes "a complete triangulation survey, including the determination of latitude, longitude and azimuths—direction from Polaris—of the principal places and bases, measured with the greatest possible accuracy."

Triangulation, a surveying method invented in the seventeenth century, deals with finding the angles and the length of the three sides of a triangle. Ponder a triangle with the Meades Ranch point as one corner and two neighboring town centers as the other corners. If you measure the length of one side of this triangle and two of its corner angles, you can compute the length of the other two sides through trigonometry. Also, if you determine through star readings the latitude-longitude of Meades Ranch and the direction from it to another corner, you can calculate the latitude-longitude of the two other corners and their direction from Meades Ranch—also by using trigonometry.

Once you solve this first triangle, you can form a second triangle hinged on any two corners of your original one, and solve it the same way. Now with this start, you can triangulate endlessly until you determine the location of *all* the land adjoining Meades Ranch—or the entire North American continent!

Until a few years ago, the Survey's network goal was to provide a position control point every five to eight miles in metropolitan areas; eight to ten miles in rural zones; and at 20-mile intervals in mountain regions. However, because of vastly increased needs for accurate positioning by land users and industry, these positioning stations were found to be too far apart to be carried forward to specific projects by local surveyors without a probability of error. So the Survey has established new objectives to increase the density of its triangulation markers. The new goal calls for urban markers every two to five miles; rural, five to eight miles; and a spread of ten to 15 miles in the mountains. This thicker network is today two thirds completed and will be finished by the end of the century.

The Survey also takes on positioning jobs on request from federal, state, local and foreign governments and from private industry. A top group at national headquarters determines the priority of assignments. Private firms must pay a fee for positioning services, and if all such requests were handled, the Survey would not have manpower for its network goal and other priority requirements from government agencies. One recent positioning job for private companies was done in the Gulf of Mexico, where leases for the 50-mile-wide underwater Continental Shelf run as high as $1,000,000 an acre. Here the Survey triangulated oil-lease boundary lines for drillers to help them ward off would-be poachers.

Nomadic positioning crews, continuously in the field, do the triangulating work of the Survey. They generally work at night because sunlight distorts instrument readings. When the atmosphere is not clear, they put up demountable steel towers in order to see above trees and other ground obstacles. They work from rooftops in big cities. In their calculations, they use theodolites, which measure angles, and Geodimeters, which utilize the speed of light to determine distances between points. On occasion, the crews fly 12-foot, helium-filled balloons near the midpoint of the line to be measured to tell the temperature of the air through which the light beam is racing. Light travels faster in warm air, and reading adjustments must be made. Corrections must also be computed for the pull of gravity and magnetic deflection from true north, and the degree of the earth curvature in that area. For instance, the earth is flattened at the poles and bulges at the equator. Further accuracy is attained by computing each angle 32 times and carrying out decimals beyond six places.

Vertical positioning, or finding elevation above sea level, adds a third dimension to the Survey task. Leveling, as vertical positioning is called, begins on the shore with the computing of the average sea level from painstaking analysis of tide gauge readings over a wide coastal area. Leveling field parties strike inland from here, taking sights on special leveling rods from step to step and setting benchmark links every 150 to 500 yards. When they cover about 50 miles, they retrace their steps and stake readings all the way back to the first benchmark to check their accuracy.

Not long ago the Survey had the opportunity to check the accuracy of a field crew a century back when a Pennsylvania court called on the agency for help in a boundary dispute. The 100-year-old deed for a valuable piece of land stated that the corners of the property had been tied into a nearby Survey marker. Unfortunately, the marker had either been removed or destroyed, for none could be found, and the court wanted the Survey to set a new marker on the basis of its files so the case could be settled. After the field party positioned the precise spot where the original marker should have been, crew members, acting on a hunch, dug deep and found the old marker seven feet directly below that point.

When elevation above sea level becomes a major factor of life to a community, the Survey takes special interest. Today it is closely monitoring the rich San Joaquin Valley in California, where heavy irrigation has so compacted the lava-sediment soil that the land level is dropping about a foot each year. Some water is already flowing in the wrong direction, and in time dikes will have to be built to keep out sea water. "The valley's going to look like Holland," a Geodetic Survey leveler says. Houston is another place with a vertical position problem, for elevation tests show it to be sinking about a half foot annually.

At present count, Survey crews have positioned 120,000 triangulation discs in their national network; a half-million benchmarks showing elevation above sea level; 9000 magnetic markers; and thousands of gravity and directional discs. Most of the magnetic markers were set near county seats so that local surveyors could test their compasses.

But you can find the other types of markers most anywhere. If you make the grueling ascent to the top of 14,300-foot-high Uncompahgre Peak in Colorado, or Stone Mountain, Georgia, or Mt. Kennedy—a dangerous slope in the Canadian Rockies, you will find triangulation discs. The steepest line of leveling ever run by a Geodetic Survey vertical positioning crew inches up Mt. Whitney and the benchmark at its peak notes that it rises 14,494.777 feet above mean sea level.

There is also a bronze disc embedded in the north portal of the Golden Gate Bridge. Alongside the historic Hudson River, a string of positioning markers set a half mile apart stretch all the way from New York City to Albany.

In its continuous effort to sharpen its positioning points, the Survey is still the pure-science leader on gravity and magnetism, and a top significant factor in oceanography. A current project of the Survey is the use of orbiting satellites to establish a triangulation scheme that will tie continents together for worldwide geodetic control. Beyond this, always on the lookout for new and practical fields to position, the Survey is already giving thought to triangulating the moon!

FEDERAL SURPLUS PERSONAL PROPERTY TO NONPROFIT EDUCATIONAL ORGANIZATIONS

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. KUYKENDALL. Mr. Speaker, I introduce on the floor today a bill which I feel rights a wrong. Under the Federal

Property and Administration Services Act of 1949, only those educational institutions who are tax-supported or held exempt from taxation are eligible to receive Federal surplus personal property. Junior Achievement, unfortunately, is not an eligible institution. Therefore, the bill I introduce today will amend the act to include nonprofit educational organizations, such as Junior Achievement, which in my estimate is worthy of Federal assistance.

Junior Achievement is chartered for the purpose of encouraging, promoting, supervising, and developing, on a nonprofit basis, an education program designed to give youths, not over the age of 21 years, experience in industry and business by making it possible for them to learn by doing. It also provides these boys and girls, regardless of race, color, or creed, with an opportunity to learn a craft, the art of buying and selling, the procedures of accounting as well as the human relations problems faced by both the employee and employer; and to instill in these young participants a degree of responsibility for the successful functioning of American business and Government during the years in which they will administer.

Junior Achievement and many organizations like it need and deserve the assistance we can give it. As President Nixon so adequately put it:

> Nothing is dearer to me than the satisfaction I derive from Junior Achievement across the nation. And nothing is more meaningful for the future of our country than the full development of all its young talent. Those who press forward the work of Junior Achievement deserve our highest admiration and full support. You advance a splendid cause and perform a public service that can never be repaid.

HENRY KISSINGER—THE MAN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. RARICK. Mr. Speaker, so that my colleagues might know the thought and training of the one man who controls the policies of this Government—the one man who not only advises the President which course to follow, but also tells him what the alternatives are—and his utter disdain for the role of Congress in determining foreign policy, I insert the following article from the Washington Post of July 11, 1971, and a documented article from the Herald of Freedom for January 24, 1969, in the RECORD:

[From the Washington Post, July 11, 1971]

HENRY KISSINGER: NIXON'S METTERNICH

(By David Landau)

(The writer is managing editor of the Harvard Crimson, in which the following appeared as part of a series of three articles on the career of Henry A. Kissinger.)

"He was a rococo figure, complete, finely carved, all surface, like an intricately cut prism. His face was delicate but without depth, his conversation brilliant but without ultimate seriousness. Equally at home in the salon and in the Cabinet, he was the *beau-ideal* of [an] aristocracy which justified itself not by its truth but by its existence. And if he never came to terms with the new age it was not because he failed to understand its seriousness but because he disdained it."

With these words, a Harvard thesis-writer named Henry Kissinger introduced Clemens Metternich, Austria's greatest foreign minister. Metternich was a man whom Kissinger emulated, whose diplomatic life he has sought to relive. And the comparison of the two is far from inapt.

As Richard Nixon's most influential adviser on foreign policy, Kissinger has embodied the role of the 19th-century balance-of-power diplomat. He is cunning, elusive and all-powerful in the sprawling sector of government which seeks to advise the President on national security matters. As Mr. Nixon's personal emissary to foreign dignitaries, to academia and—as "a high White House official"—to the press, he is vague and unpredictable. Yet he is the single authoritative carrier of national policy besides the President himself.

Like the Austrian minister who became his greatest political hero, Kissinger has used his position in government as a protective cloak to conceal his larger ambitions and purposes. Far from being the detached, objective arbiter of presidential decision-making, he has become a crucial molder and supporter of Mr. Nixon's foreign policy. Instead of merely holding the bureaucracy at comfortable arm's length, he has entangled it in a web of useless projects and studies, cleverly shifting an important locus of advisory power from the Cabinet departments to his own office. And as confidential adviser to the President, he never speaks for the record, cannot be made to testify before Congress, and is identified with presidential policy only on a semi-public level.

A CONSTITUENCY OF ONE

Like the ministers who ruled post-Napoleonic Europe from the conference table at Vienna—and the Eastern Establishment figures who preceded him as policy-maker of a later age—Kissinger believes that legislative bodies, bureaucracies and run-of-the-mill citizenries all lack the training and temperament that are needed in the diplomatic field. He is only slightly less moved by the academics who parade down to Washington to peddle their ideas. And when one sets aside popular opinion, Congress, the bureaucracy and the academic community, there remains the President alone. The inescapable conclusion is that Henry Kissinger's only meaningful constituency is a constituency of one.

It might have seemed surprising that, only a month after his election, Mr. Nixon would have chosen one of his most vocal antagonists—the foreign policy adviser of his chief rival, Nelson Rockefeller—as a leading policy aide. But the two men had much more in common than anyone would have supposed.

To begin with, Mr. Nixon turned out not to be the partisan, suspect observer of the international scene whom Kissinger had so feared. Quite the contrary—Mr. Nixon was determined to take hold of the foreign policy machine and fashion his own commitment to world order, regardless of public and congressional opinion. In the past, decisions had been made in a chaotic, *ad hoc* atmosphere which lacked consistency and framework; the new President decided that such practice should cease.

For somewhat different reasons, Kissinger agreed that policy planning should be centered in the White House. For Kissinger, the balance-of-power diplomat, had long believed that world equilibrium was based on the constant threat of force, and that respect for the United States rested on the fear of its enormous military machine. At times, secret talks and well-placed overtures could avert military engagements that were not in the interest of the United States; at others, where an escalation to armed conflict seemed necessary, the decisions must be made and the orders carried out by a few top men who acted with the greatest of speed.

Such a policy of threat demanded a high degree of centralization—and the resulting Nixon-Kissinger policy structure was designed to circumvent those forces in government, such as Congress and the Cabinet bureaucrats, which were considered extraneous to that approach.

GUARDING CREDIBILITY

In addition, Kissinger realized that the policy of threat would be a failure if Mr. Nixon could not appear unfettered by others—inside Washington and out—who had claims on the President's conduct of foreign affairs. In as early a tract as "A World Restored," his 1954 Ph. D. thesis on Metternich and the restructuring of post-Napoleonic Europe, Kissinger had written that "the impetus of domestic policy is a direct social experience; but that of foreign policy is not actual, but potential experience—the threat of war—which statesmanship attempts to avoid being made explicit." In other words, popular opinion was little more than an encumbrance on those few who were capable of making decisions. For if the foreign diplomat were allowed to feel that the President's policy could be swayed by domestic upheavals, then the credibility of threat—the linchpin of the policy—would ultimately collapse.

Corollary to the policy of threat was the notion that the United States would keep its promises and fulfill its commitments no matter what the price. For the ultimate failure of diplomacy was to lose credibility, and there was a feeling for the honor of a great power that went very deep in Kissinger. There was the idea that a faulted credibility in one area of the world would surely lead to disaster in another, because for Kissinger all the great troublespots of the world were lined up on a single continuum that connected the two superpowers: the Soviet Union and the United States. Should the Russians violate the ceasefire lines in the Mideast, then the President must be free to respond in Cambodia. And if the policy made no sense in cost-benefit analysis, at least it would proceed from strategic thinking which transcended the day-to-day pressures of political life.

WHITE HOUSE PREDOMINANCE

Kissinger felt that the presidency was the only office of government which could determine and executive foreign policy in the way it should properly be conducted. Congress was an impediment; its members, by and large, were not properly schooled in the hard-fought, intricate practice of diplomatic affairs and were more likely to respond to the uninformed concerns of their voters, to the shoddy tug-and-pull of the popular political process, than to the arduous twists and turns of great-power relationships. The bureaucracy, too, was an enemy; no imagination, no flair, no speed or adaptability, little grasp of the sacrifices and risks one must incur if the one were to maintain a flexible policy.

Kissinger, the balance-of-power diplomat, had long believed that world equilibrium was based on the constant threat of force, and that respect for the United States rested on the fear of its enormous military machine.

And as for popular opinion, Kissinger's interest lay not in how the votes would be cast today, but in how the executive structure would be affected by domestic reactions to the policy when that policy had finally run its course five or ten years later. His overwhelming concern was how well the White House could continue to function as the major force in foreign policy, whether popular opinion would one day rise up and destroy the presidency as an instrument of diplomatic relations. And when Kissinger finally agreed to go to work for the man he had scorned as a presidential candidate, it was only on the condition that the policymaking structure be geared to White House predominance.

In a series of meetings at the end of November, 1968, Mr. Nixon invited Kissinger to accept the post of foreign policy assistant and proposed a revival of the National Security Council. Set up under Truman after World War II to coordinate policy planning, the NSC system had long since fallen into obscurity, but Mr. Nixon viewed it as an instrument of restoring to the White House a critical measure of flexibility and control over policy decisions. More than anything else, he dreaded being handed a single policy recommendation which, more often than not, might be a compromise policy, an effort on the part of several differing agencies which had subdued their disagreements and presented the White House with a position it could then only accept or reject.

Underlying the revived NSC structure was the so-called "options" system; the recommendations of each agency would be solicited by the White House and then screened for the NSC and the President by Kissinger and his staff.

As the "options" man, Kissinger would be expected to give a fair, objective account of each alternative; as confidential adviser to the President, his strength would rest more on his personal relationship with Mr. Nixon than on his policymaking abilities—a relationship that would have been very difficult to predict. "I suppose what really was clear was that Henry Kissinger did not intend to become a man of particular influence," Thomas Schelling, Kissinger's closest colleague on the Harvard faculty, said recently, "I think he honestly thought that there was a more detached role for himself." So Kissinger had gone to Washington to whittle down the options and strengthen Mr. Nixon's hand; his own influence could be determined only by the chemistry of his relationship with the President.

A TOWERING FIGURE

But for astute observers, the news of Kissinger's supremacy in foreign policy was not long in coming. In December, 1968, he flew to Key Biscayne to present Mr. Nixon with a set of blueprints for the revived NSC system—and William P. Rogers, the new Secretary of State, was already out in the cold. No longer would it be as necessary for the Secretary to meet with the President on an informal basis, as Acheson and Dulles and Rusk before him had done; like all other Cabinet members who dealt in foreign policy, his ideas would no longer be brought directly to Mr. Nixon, but would have to pass first through a system which Kissinger administered. And when Rogers met with the President and his national security adviser, he was completely overshadowed, so outclassed by Kissinger that he would rarely see Mr. Nixon in Kissinger's presence any more. "He avoids his confrontations with Henry because he knows he'll make a fool out of him," one State Department official said recently.

Kissinger was a towering figure amid the rest of the Nixon appointees. None could compare to him in terms of sheer mental preparation for the job. And it is probable that Kissinger came into his job better prepared than either of his predecessors under Kennedy and Johnson, not to mention those whom Mr. Nixon had just appointed to other, less rigorous posts, the men who had won their jobs as political favors, not by sheer intellectual breadth.

Most of the others in Mr. Nixon's retinue were men of politics, men who could be restrained by adverse domestic feeling or be deterred from a policy that seemed to make no material sense. But Mr. Nixon—a President determined to behave in a presidential way—and Kissinger, the great-power diplomat, would brook no compromise. And Mr. Nixon's personal relationship with Kissinger, unfettered as it was by ulterior political motives, became deep and profound. Kissinger is the President's only post-1960 acquaintance to have become a member of his personal inner circle. He sees Mr. Nixon more frequently than do any of his other appointees. And as Mr. Nixon's confidante, Kissinger passes the crucial judgments on the very options that he and his staff have laid out.

BUREAUCRATIC COUP

But Kissinger's coup of the Cabinet departments was not as simple as that. It involved a devious circumvention of the bureaucracy through the skillful use of study memoranda and detailed, lengthy questionnaires. According to several men who were close associates of Kissinger at the time, Kissinger came to power determined not to rely on normal channels for information concerning each of the policy undertakings. And so he proceeded to ensnare the Cabinet departments in a series of useless policy studies which left them very much on the short end of decisionmaking.

Kissinger's first act as Mr. Nixon's adviser was to commission an options memorandum on the progress of the war in Vietnam; he began work on the study as early as December, 1968. In the months preceding the study, the military state of affairs in Indochina had been the subject of a raging controversy inside the various departments. The outgoing presidential advisers and the upper crust of Washington's foreign service were claiming that the National Liberation Front had grown significantly weaker since the Tet offensive the previous February, that the Communist military campaign would fold in a matter of months. But the lower echelon—often closer to the truth than were their superiors—said that the guerrillas were merely regrouping forces and growing stronger all the time—that in effect, the entire American military effort had been a failure.

Since the higher-ranking officials had regularly suppressed the opposing view in their conversations with the White House, the consultants whom Kissinger had commissioned to write the study now felt it especially necessary to get word to Nixon of what the second group was saying—which was now possible for the first time, because Kissinger and the NSC were already committed to forego the compromise policy formula and unfold the disagreements for the President.

Kissinger's solution was to split the Vietnam memorandum in two; the first part would contain a list of options on what to do about Vietnam, and the second would be a list of specific questions on the progress of the war. It was the questions part of the study—the first, in what became known as National Security Study Memoranda (NSSM)—which Kissinger said had been designed to reveal the differing points of view. This he proposed to accomplish in an unprecedented way—by putting identical sets of questions to different departments, questions which, in the cases of most agencies, fell clearly outside their range of primary responsibility. The CIA, for example, was asked to file a report on the proficiency of Saigon's army—a task which had always belonged to the military command in Vietnam.

As for popular opinion, Kissinger's interest lay not in how the votes would be cast today, but in how the executive structure would be affected by domestic reactions to the policy when that policy had finally run its course five or ten years later.

One result of the questionnaire, undoubtedly, was that many estimates suddenly became more honest; for example, the military command decided for the first time to abandon the "attrition" rationale for sustained U.S. ground action in Vietnam. In similar manner, the State and Defense Departments showed up each other's positions on the war.

TIED UP FOR MONTHS

But the major result of the questionnaire seems to have been that it tied up and discredited the bureaucracy as a whole. The higher-level officials were now as shamed as their underlings, and entire agencies were seen in outright conflict. Furthermore, the questions themselves were long and bulky—merely sorting out the answers required a major effort on the part of Kissinger's own staff. And by the time the series of National Security Study Memoranda—on Vietnam and on each of the remaining issues of foreign policy—had been completed, Mr. Nixon and Kissinger had already taken the crucial steps in shaping the new administration's approach to policy.

"They had us tied up here for months and months," one State Department official ruminated recently on the NSSM series. "One wonders whether they've been used in the formulation of foreign policy."

In fact, Kissinger's use of the NSSM series to tie up Washington's civil service was a blunt, cynical attempt to alter the effectiveness of the NSC setup. The options system had been designed to curtail the influence of the bureaucracy, not to remove it; but when the dust had cleared, the Cabinet departments had been rendered virtually ineffective in the choosing of policy. By foreclosing one source of ideas, Kissinger had eliminated the options that would derive from it. The result was that his own office had been measurably strengthened.

As if this were not enough, Kissinger also proceeded to strike the "immediate withdrawal" alternative from the options half of the Vietnam memorandum, leaving his current Vietnamization plan as the most moderate of all the options listed. Thus, even before the paper had gone to the NSC, Kissinger had made the crux of the administration's final choice inevitable: the United States was not going to leave Vietnam without exacting a price from the NLF and Hanoi. By thus manipulating the options system, Kissinger had unilaterally made a crucial policy choice.

Kissinger's ascendance took an additional toll on the functioning of the Cabinet departments and stifled any useful ideas which might otherwise have originated in them. Neither Rogers nor Defense Secretary Melvin Laird has been as forceful and persuasive an advocate as Kissinger, and, as a result, their immediate assistants—the men who feed position papers to Kissinger and his staff—have been less likely to take risks and back up their department heads. The result has been a near monotony of viewpoint; the crucial policy recommendations have come almost uniformly from Kissinger's office.

More important, however, is the fact that, with the concentration of power in Kissinger's office, congressional investigation of policymaking—which was never very comprehensive—has reached a new low in effectiveness. As confidential adviser to the President, Kissinger has successfully claimed "executive privilege" when asked to testify on the record in congressional hearings. As a result, the only contact that Kissinger has with Congress is through informal, intermittent briefing sessions with House and Senate leaders. And even those briefings appear to be empty exercises, for Kissinger is subjected to them only when the President decides they are necessary.

Congressional resentment on this point reached a high pitch last March, when Stuart Symington, a member of the Senate Foreign Relations Committee, charged on the Senate floor that Kissinger was "Secretary of State in everything but title," and that Rogers' appearances before congressional committees has become "a rather empty exercise."

A CONFIDENTIAL RELATIONSHIP

Congress is not the only group of men with whom Kissinger has been secretive. In his spiraling staff of more than 100 people, there is no one with whom Kissinger discusses his conversations with the President. Besides his deputy, Gen. Alexander Haig, there is not one Kissinger staff member who has had any direct access to Mr. Nixon—a sharp departure from past practice, when numerous White House consultants, including Kissinger himself, were able to meet with the President. And until recently, Kissinger was the only administration official besides Mr. Nixon to convey presidential policy to the media.

There is not a single important international issue on which he does not have a major say; even on the subject of the Middle East—which Kissinger generally leaves to the State Department, partly because of his Jewish background—he has emerged at crucial points to warn against a growing Soviet presence. One of Kissinger's former staff assistants recently went so far as to suggest that the Middle East had been tossed to Rogers as a political bone because it was not a major issue.

But if Henry Kissinger's experience as White House administrator has demonstrated anything, it is that obedience to the orderly process of government is basically incompatible with the role of the cunning diplomat. For if he were obligated to predicate his actions upon such obstacles as popular will and honest information, then his actions could be predicted and the diplomat's flexibility—his capacity to pursue a policy of threat—would rapidly diminish. If the bureaucracy could be curbed, and Congress circumvented, then the policy of threat would become a reality. And that is precisely what Kissinger engineered.

[From the Herald of Freedom, Jan. 24, 1969]

HENRY A. KISSINGER

It is becoming distressingly apparent to even his staunch supporters that President Richard Nixon has made some strange appointments to key positions. Even before he officially took office, Henry Kissinger, who will be Mr. Nixon's most important adviser on foreign policy, caused the pro-Nixon Manchester Union Leader to editorially demand that Mr. Nixon "Fire Kissinger!" Kissinger is the personification of all that American conservatives distrust and fear in a political leader. He has been associated with the Council on Foreign Relations, the Bilderbergers and the Pugwash Conferences. All three are highly suspect organizations whose activities are carried on in varying degrees of secrecy. Dr. Kissinger continues the McGeorge Bundy, Walt W. Rostow pattern of individuals with CIA connections occupying the top National Security spot. There is no reason to believe the United States will be any better off with Kissinger doing the planning than it was with Rostow with whom most knowledgeable Americans were most unhappy.

McGeorge Bundy, Kennedy's Special Assistant for National Security Affairs, was a former CIA man and an associate of Kissinger at Harvard. Walt W. Rostow, who took Bundy's place under Johnson, came from the CIA-financed M.I.T. Center for International Studies. Henry Kissinger has been associated with the International Seminar and the Center for International Affairs at Havard, also CIA-financed.

Henry Alfred Kissinger was born in Fuerth, Germany, May 27, 1923, the son of Louis Kissinger and the former Paula Stern. He and his brother, Walter Bernhardt Kissinger, were brought to the United States in 1938 by their parents who were refugees from the Hitler regime. Louis Kissinger, Henry's father, was reportedly a prominent rabbi and Zionist in Berlin.

Henry Kissinger graduated from George Washington High School (N.Y.C.) in 1941 and served in the U.S. Armed Forces from 1943 to 1946, being discharged with the rank of staff sergeant. He served with the 970th Counter-Intelligence Corps and remained in the Military Intelligence Reserve. While in service, he was reportedly investigated by G-2 which opened a case because of Kissinger's reported attempts to reach Germany and contact important personages there. Upon leaving military service, he entered Harvard where he majored in government and received four scholarships, among them the Rockefeller Foundation Fellowship for Political Theory. Kissinger graduated from Harvard in 1950 and received his M.A. degree in 1952 and Ph.D. in 1954 in the Harvard Graduate School of Arts and Sciences. Kissinger was married on Feb. 6, 1949 to Miss Ann Fleischer and they were divorced in 1964. The couple has two children.

In 1951 Kissinger had become executive director of the Foreign Student Project which had been started that year by Harvard Summer School. In 1952 its title was changed to International Seminar and it began publishing a quarterly journal entitled, "Confluence, An International Forum," of which Kissinger was the editor from its inception. In 1953, when the Council on Foreign Relations launched a project allegedly to "seek the answer to the question of the threat of Soviet action against insufficient American initiatives," three subcommittees were appointed and Kissinger was named study director. Out of this emerged Kissinger's book, "Nuclear Weapons and Foreign Policy," published in 1957 by Harper and Brothers. The book created quite a furor and impressed the then Vice President Nixon. According to the N.Y. Times, the book "brought Mr. Kissinger to the attention of scores of politicians, diplomats and military men and became a source book for American policymakers."

Kissinger began his association with the Rockefellers in 1956 when he worked for the Rockefeller Brothers Fund, Inc. as director of the over-all Special Studies Project (1956–7) "to develop concepts that might be helpful in meeting the challenges America faces today." From 1958 to 1959 he was Research Secretary of a Council on Foreign Relations discussion group.

Under the Kennedy Administration Kissinger was special consultant to President Kennedy on the Berlin Crisis. He has also been consultant to the Operations Research Office; Operations Coordinating Board, Weapons Systems Evaluation Group, Psychological Strategy Board, National Security Council; and Arms Control and Disarmament Agency. In 1962 he became a full Professor at Harvard, on the faculty of the Center for International Affairs which is CIA-financed. For ten years Kissinger has been chief foreign policy adviser to Gov. Nelson A. Rockefeller, who reportedly "recommended him enthusiastically" to Mr. Nixon. Kissinger was definitely a Rockefeller man, having attended both the 1964 and the 1968 Republican conventions as a Rockefeller aide, hoping his man would get the presidential nomination. He is credited with having pushed the Republican platform toward a more "dovish" position on Vietnam.

The importance of the position now held by Dr. Kissinger was described in an article in the N.Y. Times of December 8, 1968:

"For reasons that are as good and logical as they are unsettling, the power of war and peace in the United States resides in the person of one man. Last month, the country elected Richard M. Nixon for the job. Last week, the President-elect chose the one man who day in and day out will guide and guard him in that task: Henry Alfred Kissinger.

"Dr. Kissinger is to be that someone, as McGeorge Bundy was for President Kennedy and Walt W. Rostow has been for President Johnson.

"That all these men should have come from Cambridge is not entirely coincidental. Harvard and the Massachusetts Institute of Technology there helped to propel such policy-oriented academicians onto the national scene where the politicians came to know and need them.

"Dr. Kissinger's access and accessibility to the academic community must have been an important consideration in his selection, as also was his ten-year advisory relationship with Mr. Nixon's principal rival, Governor Rockefeller of New York. He helped to lead scholars and thus government toward an understanding of the political and psychological problems posed by nuclear technology and toward a re-examination of both diplomatic and military assumptions carried forward from the age of American invulnerability."

Kissinger was a member of a group at Harvard which began working fifteen months before the presidential elections on a study for the benefit of the new President, whoever he might be. Kissinger wrote the foreign policy section of the resulting recommendations and Mr. Nixon was reportedly so impressed with it that he immediately asked Kissinger to see him. (The report will not be made public.) Kissinger wrote the concluding essay in the massive Brookings Institution study, "Agenda for the Nation." The central theme of the essay was that the incoming administration of the United States must deal with a world which is militarily "bi-polarized" but politically "multi-polarized."

Kissinger has written many books and articles and it should be easy to find out where he stands from them, but his writings are difficult to understand, often contradictory. A remark attributed to him recently might explain his attitude. A story in Newsweek of December 30, 1968 concerning an article on Vietnam, written by Kissinger before he was named to be Assistant for National Security Affairs by Mr. Nixon, stated: "It was perhaps significant . . . that after his appointment as a Nixon adviser, Kissinger tried first to persuade the editorial board of Foreign Affairs to drop the article and then, no more successfully, to make some changes in the manuscript." The article stated further that when a reporter congratulated him on the "brilliance" of the article, Kissinger replied: "The last thing in the world I want to be at this point is publicly brilliant."

Kissinger's views on ending the war in Vietnam appeared in the January 1969 issue of Foreign Affairs, the quarterly publication of the Council on Foreign Relations. U.S. News and World Report commented on his "formula:"

"The Kissinger formula calls for a series of steps to bring about a phased withdrawal of U.S. and North Vietnamese troops from South Vietnam and lay the groundwork for a political settlement between the Saigon Government and the Communist-controlled National Liberation Front. Dr. Kissinger did not rule out but called 'undersirable' suggestions that a coalition government with Communist participation be set up to govern South Vietnam." (Emphasis Added.)

Newsweek in its article on the Kissinger "formula" commented:

"Like most scenarios for a negotiated settlement, Kissinger's article contained some apparent inconsistencies. Although he stressed that Saigon cannot afford to give even implied recognition to the NLF, his proposal for direct talks between the two adversaries could only—despite his disclaimers—give the Viet Cong added stature. . . . And in view of his suggestion that Washington and Saigon maintain the closest possible cooperation, it seemed unrealistic to urge the exclusion of the South Vietnamese from U.S. talks with Hanoi. Nixon himself declared through a spokesman . . . that he would neither endorse nor condemn Kissinger's article . . ."

Human events gave the South Vietnamese reaction to the article:

". . . the South Vietnamese were also known to be perturbed by an article in Foreign Affairs this month by Henry Kissinger, the man who will be Nixon's chief White House adviser on foreign policy.

"While the Kissinger article is complex and warns against imposing any coalition government on Saigon, many diplomatic observers believe his recommendations for ending the war are extremely fuzzy and could be easily manipulated by Hanoi.

"Particularly irksome to some were his proposals for South Viet Nam to deal directly with the National Liberation Front—thus giving the NLF recognition—and to have a coalition commission supervise the political process in the south, including new elections."

It was because of his recommendations on Vietnam that William Loeb, Publisher of the Manchester Union Leader, stated in an editorial: "This first miserable decision by Professor Kissinger should bring about his dismissal from a post to which he should never have been appointed," Mr. Loeb stated:

"There is one man in the Nixon administration who is acting just as this newspaper predicted. Harvard Professor Henry A. Kissinger, Nixon's ill-chosen White House foreign policy adviser, wants to withdraw the troops. He says it will be a signal to Hanoi that the U.S. is ready to begin general withdrawal of U.S. forces if there is reduced fighting.

"This is typical of the Harvard professor type of unrealistic approach that has done so much harm to this nation in the last 30 years. Kissinger doesn't understand that Hanoi, like its Soviet masters, respects only one thing and that is superior force."

Dr. Kissinger's previous posture on Vietnam was described in the N.Y. Times:

"During the Vietnam war he began, at least publicly, as a defender of American objectives and tactics. But on a series of quiet but energetic government missions, he reached the conclusion much sooner than either Governor Rockefeller or Mr. Nixon that American military prospects were dim, and that Washington's political prescriptions were not working as advertised—he found much fault also with Kennedy and Johnson positions, and especially the running hot-and-cold reactions to Moscow without the planning and strategic purpose that Dr. Kissinger has consistently demanded."

U.S. News and World Report quoted Kissinger as stating: "Ending the war (in Viet Nam) honorably is essential for the peace of the world. Any other solution may unloose forces that would complicate prospects of international order." And this is what Kissinger and his intellectual colleagues definitely want: international order, which would consist of world government in a "World of Disarmament." Kissinger recommended a start toward this in "The Troubled Partnership" in 1965 in which he found a need for improved consultation among the allies. He advocated a "united Europe with federal, supernational institutions as the precondition for an Atlantic partnership," or regional world government.

As the N.Y. Times stated, Dr. Kissinger has access to the academic community, both at home and abroad. He participated in at least one Pugwash Conference, being listed as a participant in Part Two of the two part conference held at Smugglers Notch, Stowe, Vt., Sept. 5 to 8, and Sept. 10 to 17, 1961. This was one of a series of meetings which began in 1957 under the auspices of the very pro-Soviet Cyrus Eaton and which derived their name from his home in Nova Scotia at which the first meeting was held. The name was changed from "Pugwash," however to improve the image of the conferences and an attempt made to disassociate the conferences from Eaton, at least in the eyes of the public.

The Conference attended by Kissinger was the Seventh Conference on Science and World Affairs, part two being on "Disarmament and Arms Control." Among those participating in the conference were Linus Pauling, Paul Doty, Gerald Piel, I. I. Rabi, Louis Sohn, Henry Kissinger and Leo Szilard. At the Sixth Conference, entitled the Conference of International Scientists on World Security and Disarmament, held in Moscow, Nov. 27 to Dec. 5, 1960, Kissinger's predecessor in his present job was present. Walt W. Rostow gave the closing address. Also in attendance at the Moscow conference was Dr. Jerome Wiesner, an important adviser to President Kennedy as was Rostow. The thinking of Rostow, Wiesner and Kissinger seems to be that we must trust the Soviets in order to avoid annihilation in this thermonuclear age.

The general plan is for the U.S. and the U.S.S.R. to join forces to police the world under a supranational authority such as an enlarged and greatly strengthened U.N., armed with a nuclear police force. Some of the papers presented at the Moscow Pugwash Conference in 1960 were most frightening in their content but they were not meant for the eyes and ears of the masses, just for those who are planning our future.

It is interesting to note that in January 1967, Nelson Rockefeller (to whom Kissinger was foreign policy adviser for ten years) and Cyrus Eaton, Jr., son of the sponsor of the Pugwash conferences, joined forces to profit by trading with the Communists. International Basic Economy Corp., controlled by the Rockefeller brothers and organized in 1947 under the principal direction of Nelson Rockefeller, and Tower International, Inc., headed by Cyrus Eaton, Jr., announced plans, as revealed in the N.Y. Times of January 16, 1967, to "spur trade with Reds." The article stated: "An alliance of family banking fortunes linking Wall Street and the Midwest is going to try to build economic bridges between the Free World and Communist Europe. The joint effort contemplated by I.B.E. and Tower is seen as combining the investment skills and resources of the Rockefellers and the special entre to Soviet bloc officialdom that Tower enjoys largely as a result of contacts cultivated over the last 15 years by Cyrus S. Eaton, Sr. The elder Eaton has been an outspoken advocate of closer ties between the U.S. and the Soviet Union. He has backed his convictions by visiting Russia and entertaining high Soviet leaders including former Premier Khrushchev." Kissinger's "foreign policy" advice must have made Rockefeller feel that investments in Communist countries would not be too risky.

Men of science are not going to have complete control of the new "World of Disarmament," as there are other important people in the world . . . bankers, industrialists, diplomats. These people meet and plan in secret and are called the Bilderbergers. Henry Kissinger has attended at least one of their meetings. His name was on the list of participants at the Williamsburg, Va. Conference, which took place March 20, 21 and 22, 1964. The idea of the Bilderberg meetings originated in the early fifties. The first meeting that brought American and European "leading citizens" together took place under the chairmanship of Prince Bernhard at the Bilderberg Hotel in Oosterbeek, Holland, from May 29 to May 31, 1954. Although the Bilderbergers claim that they are not a "policy-making body" and that "no conclusions are reached," they surely do not bring important people from practically the four corners of the earth for nothing.

Another group of "unofficial" policymakers is the Council on Foreign Relations, with which Kissinger has long been affiliated. The CFR is believed by many to be the secret government of the United States. After a thorough investigation this organization was declared subversive by the American Legion of California in 1962.

Among the present or past members of the Council on Foreign Relations we find the following:

Alger Hiss, Ralph Bunche, Lauchlin Currie, Harry Dexter White, Herbert Matthews, Joseph Barnes, Cyrus Eaton, J. Robert Oppenheimer, John K. Fairbank and Arthur Goldberg, all of whom have had a record of close affiliation with Communists and some of whom were actually identified as Communists.

During the first week of December 1968 the International Association for Cultural Freedom conducted a five-day closed seminar at Princeton, N.J. Ninety individuals attended, among them Henry Kissinger who told those assembled "The doors to the White House will always be open to your ideas." Present to hear this kind invitation were Charles Hamilton, co-author with Stokely Carmichael of the book, "Black Power;" Andreas Papandreu, left-wing leader of the Panhellenic Liberation Movement, exiled from Greece due to his pro-Communist activities; Arthur Schlesinger, Jr., McGeorge Bundy and George Ball, among others. Some of the participants were from Communist countries at this seminar financed by the Ford Foundation.

Henry Kissinger has been a friend and associate of John Kenneth Galbraith (who called the appointment of his friend "a good one"), Adam Yarmolinsky (expected to step into Kissinger's job at Harvard, who said "I will sleep better with Henry Kissinger in Washington."), Arthur Schlesinger, Jr. ("I think it is an excellent appointment.") and Robert R. Bowie with whom he worked at the Harvard Center for International Affairs.

Kissinger has been described by a colleague as "impatiently arrogant" and his confidence in his own ability is evident from a comment reportedly made when Rockefeller sent one of his "position papers" to other advisers for comment: "Do you ask a housepainter to touch up a Picasso?" In his new position Dr. Kissinger intends to make some long-range plans for the United States as well as to completely reorganize and restructure the entire White House security planning machinery. This is a very important job to entrust to a man as acceptable to the Democratic left-wing Kennedy Administration as he seemingly is to the Republican moderate Nixon Administration. To what ends will he use the "brilliance" he wishes to conceal from the American people?

THE DOCTORED DOCUMENTARY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. CARTER. Mr. Speaker, an interesting editorial recently appeared in the San Francisco Examiner with which I am in complete agreement.

The first amendment states that—

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; . . .

However, with this freedom of the press goes the responsibility of telling the truth. Freedom of the press does not include the right to falsify or deceive.

I include this article for the perusal of the Members:

The Doctored Documentary

(By Charles L. Gould)

Journalists are being asked to close ranks and support CBS in refusing to allow a congressional committee to review raw film footage from the controversial documentary "The Selling of the Pentagon."

The rallying cry of those manning the ramparts is: "Freedom of the press is at stake." Nonsense.

The question here is not "freedom of the press." It is "responsibility of the press." Was the film doctored? Was the film rigged? Did the editors splice the film so that questions and answers of various respondents were out of sequence?

These questions are raised by critics of the film. They submit some evidence to support their charges.

However, only CBS knows for sure. Only a review of the raw film can reveal the truth. Isn't this what "freedom of the press" is all about? Is it not a search for truth?

If CBS did not doctor the film it should not hesitate a moment to show its unused film clips. This is not a case of a reporter protecting his sources. This is not a case of a journalist covering a breaking news story in competition with other reporters.

The CBS documentary was produced with the cooperation of dozens of individuals in and out of government. Some of these individuals claim the documentary was doctored to warp and twist their statements.

They, too, have rights.

Those who defend CBS should ask themselves if their positions would change if a film were doctored to put the Pentagon in a good light rather than a bad one.

Forty years ago, responsible journalists were indignant at the rigging of photographs by the editors of Bernard McFadden's New York Graphic. The paper died.

Ten years ago many journalists denounced the controversial documentary "Operation Abolition" because two or three scenes were out of sequence.

The film, which revealed Communist involvement in the city hall riots here in San Francisco, was withdrawn from circulation.

Many journalists—not including this one—defend the publication of vital government secrets on the argument of the "people's right to know."

Now they deny the people's right to know by defending CBS in classifying its film clips "Top Secret."

They can't have it both ways.

If we want to keep the free press free—and responsible—we can't use the First Amendment as an excuse for exposing the mistakes of others and also use it as an excuse for hiding our own.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

TOBACCO: THE $10,000,000,000 QUESTION

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. PREYER of North Carolina. Mr. Speaker, my distinguished predecessor in this House, the Honorable Horace R. Kornegay, spoke recently to the Rotary Club of Chicago. His speech provides an important response to some of the attacks which have been made on the tobacco industry. As a former Congressman, an able attorney, and the president of the Tobacco Institute, his remarks should be of interest to all of us, and I am placing them in the Record.

The remarks follow:

Tobacco: The $10,000,000,000 Question

As I travel this land of ours I am growing more and more accustomed to hearing a growing chorus of disenchantment, dissatisfaction and distrust directed at the foundation of our American way of life. I am not talking about the Hippies and the Yippies. To give them their due, they are open in their determination to bring down society. I am talking about the self-righteous reformers of our social and economic system.

Gentlemen, let us be on guard. While our attention is riveted on the street shenanigans of the Rennie Davises and the Abby Hoffmans, let us not overlook the social and economic crusaders and their destructive work in the state house, the court house, the Congress and the federal regulatory agencies. I speak of the social engineers who would so hamstring industry and business as to virtually destroy the free enterprise system.

You don't have to smoke to see the flames or feel the heat that surrounds the cigarette controversy. It is a burning $10 billion question that no businessman should ignore. For as you contemplate it, you might well say to yourself: "There but for the grace of a zealous crusader, go I and my business."

Tobacco is a very big industry with few defenders. If the vast numbers of people who owe all or part of their living to tobacco were aware of the threat it faces, the outlook might be rosier. For example:

About three million members of farm families earn their principal livelihood from the crop. They live in 22 states and earn about $1.4 billion a year from the leaf.

More than 100,000 workers are gainfully employed in tobacco manufacturing and collect an annual payroll of more than half-a-billion dollars.

There are more than 4,500 wholesale firms that distribute the product to literally hundreds of thousands of retail outlets that depend on cigarette sales for a substantial part of their income.

There are nearly three-quarters of a billion dollars realized from the export of tobacco and tobacco products.

The federal, state and local governments receive $4.6 billion in taxes from the sale of tobacco products.

In all, there are 329 industries directly or indirectly involved in selling their products to the tobacco industry, ranging from cellophane and advertising to transportation and steel.

Gentlemen, all of that adds up to $10 billion.

But the cigarette controversy is not important to you because of the money involved. It is important to you because of the principle. Do not misunderstand me, please, as our critics do. I am not suggesting that we balance or equate health against dollars. I am simply suggesting to you that we look at the principle and, then decide what course is just.

And the principle involved in the cigarette controversy is simply this:

Shall we as a nation scrap the historical principle that anybody—an industry as well as an individual—is innocent until proven guilty?

Shall we impose on the business community a cruel and unusual assumption of guilt and force it to prove its innocence of all charges, however irresponsible?

If this new standard is imposed on business then we can say goodbye to the economic system as we know it. We will really see a domino theory in action. First, the tobacco industry, then the auto industry, then the drug industry, then the food industry. Banking, oil, air travel, advertising will also succumb. I can see the legislation marching on. We have had Truth in Lending and Truth in Packaging. Soon we will get Truth in Medicine, Truth in Advertising until we ultimately get the one big omnibus bill—Truth in Misery.

I exaggerate, of course. But what worries me is that I am not at all sure by how much. When the so-called Fairness Doctrine was invoked against cigarette advertising in 1967, we jokingly warned that someone was bound to demand equal time to answer the military recruiting commercial because war is a health hazard. And sure enough, the jest was seriously advanced some time later by an anti-war organization.

Another reason why I am afraid I have not exaggerated is the unrelenting nature of our opponents—ours today, perhaps yours tomorrow. Let me give you an example.

The cigarette industry volunteered to end the broadcast advertising of its product as the only possible way to avoid reaching young people in the audience.

The cigarette industry voluntered to list the "tar" and nicotine content of the product in print and billboard advertisements.

The cigarette industry volunteered to display in all advertising the side of the package containing the health warning notice required by Congress.

Now, those are three steps recently taken toward self-regulation. They are in the best tradition of informing the public, of not hiding any facts because essentially we have nothing to hide.

But, did that satisfy our leading foe, Senator Moss of Utah? It did not. Last week, speaking to the National Better Business Bureau convention in Miami he was still on the attack. He told representatives of business that the tobacco industry is "a perfect example of self-interest rather than public interest," and cited our "failure to impose self-regulation."

I cannot remain silent when my industry is unfairly abused.

I am shocked at Senator Moss' violent attack on the tobacco industry. He appears to have almost no knowledge of history or the burden of testimony taken from scientific experts in Congressional hearings, showing the controversy about cigarettes.

The tobacco industry mounted its unprecendented smoking and health research support programs ten years before the Senator began talking about action to deal with the health question. Its decision to place the words of the Congressionally authored package warning in all of its advertising is only the latest of a constant series of voluntary actions by the industry in the smoking and health controversy.

Incredibly, within the past month Senator Moss has congratulated the tobacco industry on self-regulation. Yet now, he seems to have forgotten that.

For one who professes to promote self-regulation, Senator Moss is doing a masterful job of kicking it to death. No American industry has attempted to cooperate more with the government, or has taken more far-reaching self-regulatory action than the tobacco industry.

Well, there is a silver lining, after all. It is good for the underground war against tobacco to surface where all can see its vindictiveness.

For sixteen years, the anti-smoking forces have been waging unrelenting and undeclared war against the tobacco industry. We have long known their true intentions—while others doubted it. We have long known their dedication to the elimination of cigarette smoking—while others disbelieved. And we have long resisted their efforts to control the behavior of free citizens—while others hung back.

Now for the first time the war against tobacco is being waged in the open. For the first time the true motives of the antismokers have surfaced for all to see. For the first time, the American people are getting a look at its face. And it is not pleasing. The Face of Prohibition never is.

The words that follow are those of prestigious groups and individuals within the opposition ranks; but the spirit is pure Carrie Nation.

Here's what the U.S. Surgeon General said in January: "It is high time to ban smoking from all confined public places such as restaurants, theaters, airplanes, trains, and busses."

Here's what a U.N. group said a month ago: "Public smoking which is a trial for the ex-smoker and a temptation for the non-smoker should be continuously discouraged. Smoking should be an activity limited to consenting adults in private."

Here's what a committee of English doctors demanded recently: "It is necessary to challenge and change the present general acceptance of cigarette smoking . . . Public disapproval of a dangerous habit that upsets many non-smokers must be promoted."

The pattern is clear. It is one of step-by-step coercion, from control of information to actual control of behavior.

At first, the anti-smoking camp was content to inform people about an alleged hazard. Then when the public did not respond, they tried to frighten people into conformity. Still frustrated by an unsheeplike public, they escalated further to vilification, insult, and abuse so as to make smoking—and smokers—socially unacceptable.

Now they are poised on the top rung—or should I say bottom rung—of repression. Today's slogan is "Thou shalt not smoke." It is shouted with the fervor of the fanatic who knows best what is right for his fellowman.

I for one am glad the anti-smoking forces have decided to try to impose this commandment. For it violates another commandment which is deep-rooted in most Americans. And that is: "Thou shalt not push people around."

A refreshing reaction to the Surgeon General's latest attempt to push people around has come from the press. Apparently, there is resistance to his call for a ban on smoking in public places.

A Rhode Island newspaper sees "a touch of hysteria creeping into the smoking issue," and it notes that, "fanaticism often generates a deep reaction unfavorable to the cause."

An Ohio newspaper said it would be impossible to enforce such a ban without having a "virtual army of federal agents busting people for clandestinely lighting up in public places."

A San Francisco newspaper commented that crusaders, like the Surgeon General, "who once taste blood, are not to be denied. They charge on until they fall flat on their faces or on their backsides, depending on whether they slip or are pushed."

A television commentator called the ban "the spirit of compulsion at work. The same crusading zeal that springs from a busybodiness mixed with arrogance."

Fortunately for us all, when human beings start out on a crusade, they always introduce a bit of lunacy into it. Lunacy was compounded recently in New York City when the Surgeon General's ban on public smoking was actually implemented on, of all places, the decks of Staten Island ferries. This moved a New York columnist to lament the fact that "the learned, concerned surgeon general can't think of anything to do about the waters beneath the ferries, which are an open sewer and a potential typhoid trap, or anything to do about that haze of filth that hangs in the air above our Fun City."

And indeed the learned, concerned surgeon general is strangely reluctant, or unable, to see any evil in anything but cigarettes. He has determined that smoking is dangerous to health. He has determined that smoking should be prohibited in public, and that it is "a dirty, smelly, foul, chronic form of suicide."

But did you also know that this hardline antismoker is a model of moderation and mildness concerning other alleged health hazards? For example:

Mercury, lead, arsenic and other metallic pollution, he has determined, is not a cause for hysteria. "We are not presently faced with widespread, serious human health hazards from these substances," he says.

Herbicides, such as 2,4-D, he has determined, do not as now marketed and under current use present a hazard to public health.

Water pollution, he has determined, would be improved if smoking is reduced, "since there would be fewer cigarette butts to . . . find their way into our water sources."

Air pollution, he has determined, is a minor cause of disease compared to smoking. He makes this statement in the face of the HEW finding that death rates from lung cancer are twice as high in urban areas than in ural areas, *even after making full allowance for smoking.*

Why the hysteria? Why the shouting? Why the crusading?

The explanation, it seems to me, results from the tenacity of the cancer mystery which is a challenge to the entire nation. It is humbling to realize how little real progress has been made in solving the fundamental problem of causation. It is understandable that individuals and organizations which are morally convinced that the elimination of cigarette smoking is the simple solution to a very complex question would feel frustrated by anyone's unwillingness to accept their judgments.

Nevertheless, many eminent scientists who are skilled technicians in the field agree that the question of smoking and health is still very much a question.

And so apparently do millions of Americans who continue to smoke, despite an almost incessant campaign of fear and exhortation. It well may be that smokers have been so bombarded with propaganda that they have become immunized against it. They may be proving Marshall McLuhan right when he observed that the "price of eternal vigilance is indifference."

I look ahead hopefully to the rest of 1971 as a period of sharply reduced noise level which might accelerate the scientific resolution of the smoking and health controversy.

Over a hundred years ago, the English writer William Hazlitt put his finger on the problem. He said: "The origin of all science is in the *desire to know causes;* and the origin of all false science and imposture is in the desire to accept false causes rather than none; or which is the same thing, in the unwillingness to acknowledge our own ignorance."

A crusade is a poor way to get at scientific truth. The American people deserve better.

The American people deserve objective unbiased answers to the controversial questions concerning smoking and health—answers that must ultimately come from further scientific research and new knowledge. And they also deserve full, free, and informed public discussion of both sides of the controversy.

That is why the tobacco industry pledges to contribute to public understanding through public discussions.

That is why the tobacco industry is spending *more* money on scientific research on the smoking and health question than any other source, government or private. And we will continue to do so.

That is why the tobacco industry will continue to live each day in such a way as to meet the four-way test of truth, fairness, goodwill and benefit to all concerned.

WORLD LAW DAY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. FINDLEY. Mr. Speaker, today, July 21, as authorized by presidential proclamation 4060, is World Law Day. In the proclamation signed June 17, President Nixon elucidated the essential role law plays both domestically and internationally.

Particularly noted in the proclamation was the shrinking size of our globe, and the correspondingly greater need for the rule of law among all nation-states. In President Nixon's words:

> More and more, it becomes a matter of prime importance that principle and not mere power should govern in this country called Earth.

World Law Day, Mr. Speaker, is indeed an appropriate occasion for all Members of Congress—entrusted as they are to make laws—to express their own deep convictions about the role of law in today's world.

I have long felt that disputes between nations should far more frequently be taken to the International Court of Justice. Those who view the world solely in terms of traditional power politics argue only for continued lawlessness on the international level.

To a tragic degree, many in this country have come to equate national power with peace. In the most fundamental sense, the use and threat of force by any nation is no more conducive to real peace than is the use and threat of force by an individual citizen.

What keeps peace within a nation is the compact among its citizens to accept and support rules of law and their ajudication and enforcement. Agreement stems not from theory or some ideal blueprint, but from their basic self-interest in order as opposed to anarchy.

Likewise, to achieve peace and justice for all nations and all peoples on a worldwide level, we must strive consciously and persistently to eliminate international anarchy and create order. This requires us to become more and more aware of our mutual self-interest as human beings in this shrinking world.

As the President pointed out in his proclamation, we in the United States—with our long heritage of respect for the rule of law—should have a genuine interest in seeing this great principle put to work in the world community. Mr. Nixon's call for a "heightened recognition of the importance of the rule of law in international affairs" must not be dismissed merely as fanciful words, but must be put into practice.

It is with this profound conviction that I insert into the RECORD the text of the President's proclamation:

WORLD LAW DAY, 1971—PROCLAMATION 4060, JUNE 17, 1971

(By the President of the United States of America; a Proclamation)

From the time more than 25 centuries ago when a Hebrew prophet wrote, "The Lord is our judge . . . our lawgiver . . . our king; he will save us," Western civilization's sense of salvation has been intimately related to its vision of the universal rule of law in the affairs of men. We in the United States have special reason to cherish this vision, for the freedom, the order, and the abundance which we enjoy are fruits of its application. The great principle that the people are sovereign, and that the law they make is supreme, has operated with such signal success in our country's history that Americans are turning increasingly to the compelling logic of putting it to work in the world community as well. People of many other nations and cultures are doing likewise.

At the same time technology is shrinking the globe so that the sense of common destiny and common danger, the sense that "my country is the world; and my countrymen are mankind," is no longer fancy but compelling fact for the whole human race. More and more, it becomes a matter of prime importance that principle and not mere power should govern in this country called Earth.

We can see many heartening evidences that law is becoming stronger and more just around the world under the pressures which reason and necessity exert. Within the nations, human rights and ecological wisdom continue to gain stature in the law. Among the nations, security and cooperation—on every front from space to the seabeds—are being enhanced through negotiations, treaties, and conventions. The United Nations is entering its second quarter of a century, and many other international organizations are working effectively through and for world law.

Also playing a constructive role are those organizations which are made up not of countries but of individual men and women, joined together in the interest of the law as citizens of their countries and of the world. One of the most important of these is the World Peace Through Law Center, founded in 1963, which this summer will hold its Fifth World Conference on World Peace Through Law at Belgrade, Yugoslavia. July 21, the date when thousands of lawyers and jurists from around the world will convene for this conference, will be observed in many nations as World Law Day—an observance in which I know the American people, a people who love the law, will want to join.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby proclaim July 21, 1971, as World Law Day. I call on every American to reflect that day on the sacredness of the law in American tradition. And I urge each American to join with millions of his fellow men around the world in heightened recognition of the importance of the rule of law in international affairs to our goal of a stable peace.

In witness whereof, I have hereunto set my hand this 17th day of June, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

RICHARD NIXON.

SUSAN MARTZ VISITS CAPITAL

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. WHALLEY. Mr. Speaker, the following article appeared in the July 19, 1971, Huntingdon, Pa., Daily News:

HUSTONTOWN, PA.—Susan Martz, the 13-year-old girl who has raised more than five million Betty Crocker food coupons in six months and used them to purchase five portable artificial kidney machines for Pennsylvania hospitals, has been invited to visit the nation's capital by her congressman.

U.S. Rep. J. Irving Whalley (R-Pa.), whose 12th district includes young Susan's home in Fulton County, said he would show her around Washington Wednesday.

Susan began collecting coupons for kidney machines in December, in memory of her brother, who died of kidney disease and might have been kept alive by an artificial kidney. Aided by nationwide publicity, she has been receiving thousands of coupons in the mail, from places as far west as Hawaii.

Susan and her parents just returned to this south central Pennsylvania town from Minneapolis, Minn., where they delivered 3.5 million coupons in a pick-up truck.

The coupons will purchase three more portable artificial kidney machines, valued at $3,000 apiece, for Philadelphia General Hospital, Altoona Mercy Hospital and the Hershey Research Medical Center.

Two similar machines were presented earlier this year to the Harrisburg hospital. A sixth machine will go to Western Maryland State Hospital in Hagerstown, Md.

We were extremely pleased to have Susan visit us on Capitol Hill today. Susan has done such a remarkable job on her project of collecting coupons for the kidney machines that we wanted to show her our appreciation by having Susan and her family as our guests for the day. We were happy to arrange for a White House tour, show her around the Capitol Building and Botanic Gardens, and have lunch in the Capitol Members dining room.

I am especially proud of Susan. Everyone throughout Pennsylvania and Maryland should be thankful that a girl named Susan Martz from the small town of Hustontown, Pa., cared enough about people to devote so many days and hours to this noblest of causes.

Efforts in the fight against kidney ailments should not stop with a young girl's dream. A little-known but frightening fact is that one out of every five deaths caused by illness is a result of a kidney disease. We should all be involved in this fight; not just Susan Martz and her friends and family.

During the 91st Congress I cosponsored a bill providing $15 million for the establishment of a kidney research project. I am happy to say that this is now law.

I have also introduced a bill to establish a National Kidney Institute at the National Institutes of Health. This would make kidney research a matter of national concern and recognition and would bring the full weight of our facilities to bear on this devastating problem.

We will continue our fight against this dreaded ailment, just as Susan will pursue her campaign until the program expires. We hope that all people everywhere will join in this battle, send coupons to Susan, and work toward the establishment of a National Kidney Institute at NIH so that the problem can be licked.

We owe a debt of gratitude to Susan Martz for her unselfish efforts on behalf of all those with kidney ailments. We thank you, Susan, and wish you the best of everything in the years ahead. You deserve it.

ROBBERY IN THE NEW SENATE OFFICE BUILDING

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. MIKVA. Mr. Speaker, yesterday evening, two young men walked into the New Senate Office Building, took the stairs to the office of Senator JOHN L. MCCLELLAN of Arkansas, and calmly robbed the Senator's personal secretary at gunpoint. They tied her up and got away with $10. The secretary, Mrs. Jeannine Ragland, said the men threatened her with a handgun, and from her description, the police think it was an automatic pistol.

Mr. Speaker, how many more times must this happen, how many more lives must be threatened or lost, before we do something to take the guns out of the hands of criminals? Twenty thousand Americans were killed by guns during the last year; 200,000 were wounded. As a nation, we are armed to the teeth, and no one is better armed than the criminals and thugs who prowl the streets.

The gun lobby will tell us that "guns do not kill people; people kill people." But guns make it easy for people to kill people. Handguns are cheap, easily purchased, and they make murder effortless and antiseptic.

Even the faintest of heart becomes the aggressor, armed with a false sense of bravado, when he carries a handgun. It is the great equalizer to the criminal. Would the two men who robbed Mrs. Ragland have had the nerve, would they have even thought of doing it, if they had not been armed? We will begin to control violence in this country only when we begin to control handguns.

I think people are beginning to realize that. I think they are beginning to see through the self-serving rhetoric and the breast-pounding public relations of the gun lobby. This Congress would do well to follow their example.

A Washington, D.C., television station, WTOP, has recently broadcast an editorial called, "The Bloody Need for Gun Control." It quotes FBI director, J. Edgar Hoover, who said 4 years ago:

Those who claim that the availability of firearms is not a factor in murders in this country are not facing reality.

Mr. Speaker, there should be no question about the reality of the need for handgun control today.

The transcript of the editorial follows:

THE BLOODY NEED FOR GUN CONTROL

Two more tragic, senseless killings have taken place on the streets of this city. If handy-guns weren't so readily available to anybody, the killings, in all likelihood, wouldn't have occurred.

A 41-year-old man and his 19-year-old son were gunned down this week in the middle of a busy suburban street. The two, with the rest of the family, were homeward bound from a fireworks display. They reportedly had been harassed—"tailgated"—by a crowd in a following car. When the two cars stopped at a traffic light, heated words were exchanged, some punching and shoving took place, and then the fatal shots were fired.

The gun buffs have a standard argument to cover such episodes. The gun didn't do the killing, they say. The man who used the gun is the villain. Make the punishment swift, sure, and severe, it is said, and shootings will decline. As far as it goes, that's all true.

But criminal penalties for murder and armed robbery already are severe. Our prisons have countless thousands of gunmen inside, but the killing goes on. Furthermore, a good percentage of those who kill never are caught. The slayer of the father and son is still at large.

So, we need something more. Not only must we make it tough for the hand which holds the gun—we need to make it much, much tougher to buy a gun and have it handy. We're not talking here about sporting weapons, like rifles. The most serious culprits are pistols and other hand-guns.

This week's shooting obviously was a crime of passion, done in the heat of an unplanned, streetside argument. If a gun hadn't been on the scene, the father and son almost certainly would be alive today.

Four years ago, FBI Director J. Edgar Hoover said, "Those who claim that the availability of firearms is not a factor in murders in this country are not facing reality."

Over 20,000 people die each year in this country because of firearms. Isn't that slaughter a sufficient basis for rigid controls on hand-guns?

This was a WTOP editorial, Norman Davis speaking for WTOP.

PREVENTION OF VA PENSION BENEFITS REDUCTION

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. MOLLOHAN. Mr. Speaker, today I introduced a bill to remove obstacles in the path of our veterans who should be receiving higher pension benefits.

The bill would prevent Veterans' Administration pension benefits from being reduced in the cases of those veterans who are receiving other retirement benefits and pensions, whether private or public.

Presently, in such cases, veterans' pensions are reduced routinely and without the slightest consideration on whether or not our veterans have the incomes adequate enough to insure a decent standard of living.

The present trend is for our retired veterans to have other pension benefits beside their VA pensions, and, by reducing their VA benefits in proportion to their outside pension benefits, we are, in effect allowing the VA pension to become less than what Congress originally designated.

AUTO RESEARCH POOL IN PUBLIC INTEREST

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. CHAMBERLAIN. Mr. Speaker, today I have joined other members of the Michigan congressional delegation in introducing legislation to permit coordination and cooperation in accelerated research and development of devices and equipment to meet Government standards for motor vehicle exhaust emissions and abatement of air pollution. This is a companion bill to S. 2258 introduced in the other body by Senator ROBERT P. GRIFFIN, on July 12, 1971.

The purpose of this legislation is to permit the major automobile manufacturers to pool their efforts in this area by providing for an exemption of these activities from antitrust laws. I share the view that such an exemption would be in the national interest and that, in view of the fact that Congress has legislated an absolute deadline for the meeting of emission standards, this action should be taken to help insure that there are no unnecessary added obstacles placed in the way of developing as soon as possible pollution control devices.

As the question has been raised whether this proposed antitrust exemption might also be expanded to include the cooperative research development of automotive safety equipment, it would be my hope that this possibility would be fully explored by the appropriate committees of the Congress as well.

That there is strong public support for Senator GRIFFIN's legislation is evident from the editorials appearing in the State Journal of July 15, 1971, and the Jackson Citizen Patriot, July 13, 1971, which I commend to the attention of my colleagues in the RECORD at this point.

AUTO RESEARCH POOL IN PUBLIC INTEREST

Antitrust laws were established in the United States primarily to break up monopolistic practices which posed a threat to the public interest. In general the laws have been effective in pursuing that goal.

But in recent years problems have arisen which cut across the antitrust laws and the public interest and require new thinking. One such issue is the congressional directive to develop effective air pollution control and better safety devices for automobiles.

Last year Congress placed several "deadlines" on the automobile industry between then and 1975 to meet new federal standards on emission control and safety items. Present indications are that the automobile firms are going to face extreme difficulty meeting some of these deadlines, particularly the smaller companies, as they research the problem independently.

Acutely aware of the crisis this could cause for the auto industry, the economy and thousands of employes, Leonard Woodcock, President of the United Auto Workers union, last May appealed to the antitrust division of the Justice Department for assistance in setting up a crash program of joint research, combining the technological and financial resources of all the auto firms to meet these two key problems.

Woodcock stressed that there should not be "competition" in such vital areas as human safety and pollution control and argued that cooperation among the auto companies in these areas could be carried out within the spirit of the antitrust laws with strict monitoring by the federal government.

He further warned that the 1975 antipollution standards set by Congress give the advantage to the biggest firms with the greatest financial assets while the smaller auto companies will be at a distinct disadvantage.

An official of the antitrust division responded a short time later, turning down Woodcock's request. His position was that cooperation in this field could lead to suppression rather than development of antipollution devices and safety developments.

The Justice Department further argued that companies have the right to purchase products of competitors and thus enjoy the fruits of competitive research.

U.S. Sen. Robert P. Griffin, R-Mich., has now joined the battle by introducing a legislative bill that would permit joint automotive air pollution research with strict federal controls. Griffin's bill did not include any provision for such pooled efforts in developing safety devices, however.

In explaining the measure, Griffin said that the lawmakers may now be facing an unpalatable choice between a congressional extension of the deadline or enforcing standards which could lead to a crippling of auto production with the attendant consequences to the national economy. His bill would, if passed, expire at the time the 1975 deadline arrives.

It seems clear to us that joint research, with strict overseeing by the Justice Department, is more in the public interest than the present course—especially since such cooperation would provide a much greater guarantee of achieving or surpassing the new standards, and almost certainly more quickly than is likely under the go-it-alone mandate.

We support the Griffin bill, but think it should be expanded to include Woodcock's proposals regarding joint research to develop required safety devices as well.

[From the Jackson Citizen Patriot, July 13, 1971]

IN OUR OPINION—CLEAN CARS DELAYED BY ANTITRUST LAWS

Michigan's Robert P. Griffin may have something good going in his bill which would permit American automobile manufacturers to pool their talent and resources in the development of pollution-free cars.

Although the drive for a clean car is being made under a deadline imposed by Congress and the subject is a matter of great public interest present anti-trust laws prohibit cooperation among the manufacturers.

Admirable as the purpose of anti-trust laws may be, here is a case where they may be hampering progress and may provide a death sentence for smaller manufacturers which they are supposed to protect.

In his effort to change the rules Senator Griffin is making common cause with Leonard Woodcock, president of the United Automobile Workers, who seldom sees eye-to-eye with the Republican senator. Mr. Woodcock made his protest to the Justice Department over the anti-trust laws in a letter dated May 24, 1971.

The proper concern of both is the health of the Michigan-based automotive industry and the thousands of jobs it provides.

Pooling the research and the sharing in its benefits by all the companies, large and small, would serve to encourage, rather than suppress, competition. If one of the Big Three should make a breakthrough in pollution control, meet the federally imposed deadline, and thus get the jump on its competitors it might well be forced to share its technology with them.

You can imagine the expressions of concern in Congress if General Motors and Ford should meet the deadline for pollution-free cars and leave Chrysler and American Motors in a touch-and-go position.

In certain areas of research, such as those affecting pollution abatement and development of safer cars, cooperation among the manufacturers should be encouraged, rather than balked by anti-trust laws. It would not be amiss to have the automobile companies create a research project, mutually owned and with all sharing in the benefits, for the purpose of finding ways of building cleaner and safer care. Not only would progress be more rapid, but no company would be forced to play "catch-up" when others make a breakthrough in safety or in clearing up exhaust emissions.

The Justice Department cannot be faulted for enforcing the laws as they exist. Any show of laxity in this regard would create a stir because of the unique character of the industry and the domination of it by one or two companies.

But sometimes the law can be, as Micawber described it, "a (sic) idiot."

This is one of those times.

CALIFORNIA SCIENTISTS REESTABLISHING

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. GOLDWATER. Mr. Speaker, a few months ago the Corona Fuse Testing Center in Corona, Calif., was closed due to the military spending cutbacks. Of the personnel transferred, 480 scientists are now in the final stages of reestablishing their work at the China Lake Naval Weapons Center, Calif. As the representative for that area I would like to bring it to the attention of my colleagues that the $3.293 million for the funding of the Michelson Laboratory, located in the center, is vitally necessary due to the critical shortage of laboratory and office space. More than 75 percent of the free world's airborne weaponry was developed or tested at the Naval Weapons Center. If the center is to continue in this critically important role, it is imperative that the Michelson Laboratory be expanded to meet the urgent need to house the additional personnel and equipment from the Corona facility. The funds for the Michelson Laboratory were deleted from the House's military construction appropriations bill, which was unfortunate due to the need for the additional facilities caused by the closing of the Corona base.

THE UNPLAYFUL TOYS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. O'HARA. Mr. Speaker, with passage of the Child Protection and Toy Safety Act of 1969, the Congress declared its intention to eliminate from the marketplace unsafe toys which might kill or maim our children.

Early this month, I sought to call to the attention of the Congress the fact that despite passage of the Toy Safety Act more than 18 months ago, there are still unsafe toys offered for sale to unsuspecting parents and children.

On July 1, I wrote to the Food and Drug Administration specifically asking what action they planned to take in advance of the 1971 Christmas season.

In that letter to Food and Drug Commissioner Charles C. Edwards, I suggested a special Christmas toy safety campaign be implemented, with comprehensive and intensive surveillance of toy stores by FDA field representatives.

To date, I have received no reply from Commissioner Edwards.

The peril of "Unplayful Toys" was the subject today of an editorial in the Washington Post. That editorial quotes Mr. Edward M. Swartz, a former assistant attorney general for Massachusetts and author of a new book "Toys That Don't Care," who believes that:

> We need a Paul Revere mentality, to call a warning to us all that the toys are coming, and they can burn and blind and kill.

He adds:

> It seems almost ludicrous to say that, but the evidence . . . and facts are plain; there is no exaggeration of the problem.

Certainly action is needed. I am confident that the Congress will fully support strong action to remove unsafe toys from the store shelves. I look to the Food and Drug Administration to carry out its responsibilities under the Child Protection and Toy Safety Act of 1969.

Mr. Speaker, I insert the Washington Post editorial "Unplayful Toys," and a copy of my July 1 letter to Food and Drug Commissioner Charles C. Edwards in the RECORD at this point:

UNPLAYFUL TOYS

Few experiences are more pleasant for a parent than watching a child happily at play. With a toy occupying his hands and mind, the child—whether a crawling infant, a preschooler, a peewee between 5 and 10, the pre-teenager or the young girl or boy—is engaging in the most natural of pastimes. However natural toys may be though, many are anything but safe. An estimate of the U.S. Public Health Service is that toys annually injure 700,000 children in this country; another 500,000 are hurt by swings and 200,000 more by slides. Most of these injuries are not fatal and many are not serious, but what consolation is this to the still large numbers of parents whose children are killed or injured? Edward M. Swartz, a former assistant attorney general in Massachusetts, states in his thoughtful and well-researched book "Toys That Don't Care," play items "with sharp cutting edges, easily shatterable parts, high explosive potential, lethal electrical hazards, dangerous flammability, unnecessary psychological risks, suffocation or strangulation capabilities, or fatally poisonous potential can be found by the dozens."

One reason many dangerous toys are made and sold is that the toy industry has had few effective safety restraints put upon it; its efforts at self-regulation have not succeeded, a not unusual outcome when member companies of any industry are asked to "volunteer" their compliance to safety standards. Another reason for the persistence of dangerous toys is the weakness of existing federal legislation, the National Commission on Product Safety said in its final report last year "that neither the interest created by congressional hearings nor passage of the Child Protection and Toy Safety Act has significantly reduced the hazards." Even assuming some measure of zeal is present, such regulatory agencies as the Food and Drug Administration are underfunded and understaffed to deal with the activities of the $3-billion-a-year toy industry. A third reason is that only the rare consumer ever suspects that the "harmless little toy" he is buying for his child might be hazardous—cars, guns, knives, of course, but *toys*?

If 700,000 children were injured every year by street maniacs, the outcry would be loud and instant. Strangely, though, hardly a murmur is heard when unsafe toys do the damage. As with most problems involving an industry, the government and the consumer, the simple goal of safety has a complex solution. By continuing to market many unsafe products, toymakers risk going the way of the car-makers; not only having safety engineering forced on it by the government but also inviting public cynicism about claims of concern for the consumer.

In short, two forces are needed if industry self-regulation continues to be weak: more funds from Congress for the regulatory agencies to enforce the law and get premarket testing; and second, public pressure on both industry and the government to take seriously the need for safe toys. Until then, suggests Edward M. Swartz "we need a Paul Revere mentality, to call a warning to us all that 'the toys are coming, and they can burn and blind and kill.' It seems almost ludicrous to say that, but the evidence . . . and facts are plain; there is no exaggeration of the problem."

JULY 1, 1971.

DEAR COMMISSIONER EDWARDS: I have long been interested in the subject of toy safety, and as a sponsor of the Child Protection and Toy Safety Act of 1969, believed that its enactment would result in the prompt elimination of hazardous toys from the marketplace.

I was bitterly disappointed when, less than a month before Christmas Day of 1970, it was discovered that unsafe toys were being sold and that the Food and Drug Administration had not taken the strong action intended by Congress when it enacted the Child Protection Act.

Now it is less than six months until Christmas, 1971. It is not too early, in my estimation, to seek assurance from the Food and Drug Administration that every possible action is being taken to fully implement the Child Protection Act. While unsafe toys should be barred from store shelves at all times, the large number of toys sold during the Christmas season make it appropriate for the FDA to plan a special toy safety campaign during that period.

I would strongly recommend, in light of the experience of Christmas, 1970, that the FDA begin *now* to plan a vigorous and comprehensive Christmas "Toy Safety Check" campaign to be implemented no less than three months before December 25, 1971.

The assurance that Christmas toys are safe is, in my view, the best gift we can give to American children and their parents.

The principal components of the special Christmas Toy Safety Campaign should be increased and intensive surveillance of stores by the FDA field representatives. If regular FDA manpower is insufficient for the task, I would suggest that the field staff be augmented by voluntary manpower recruited from among consumers and provided with training in the identification of hazardous toys and other products designed for use by children.

Finally, I would like to address myself to some specific provisions of the Toy Safety Act, and the Food and Drug Administration's implementation of these provisions.

1. Imminent Hazard—As you are aware, the Act gives the Secretary of Health, Education, and Welfare the authority to declare a dangerous toy an "imminent hazard to the public health," he may declare the toy a banned hazardous substance, thus prohibiting its sale immediately upon publication of an order in the Federal Register. Apparently there is some reluctance on the part of the FDA to use this authority. I note that even though a number of toys have been identified as dangerous and available for purchase, the FDA has never used the "imminent hazard" provisions of the Act but, instead, has chosen slower administrative procedures or negotiation. What plans do you have to utilize the imminent hazard provisions of the Toy Safety Act?

2. Thermal and Electrical Hazards: The Food and Drug Administration has promulgated regulations regarding toys with mechanical hazards. At this writing, more than 18 months after the effective date of the Act, the FDA still has no regulations applying to toys with thermal or electrical hazards as provided by the Act. When does the FDA plan to promulgate thermal and electrical hazard regulations?

I would appreciate a response at your earliest convenience.

Very truly yours,

JAMES G. O'HARA,
Member of Congress.

AUTO ENGINE ANTIPOLLUTION RESEARCH SHOULD BE POOLED BY MANUFACTURERS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. GERALD R. FORD. Mr. Speaker, today, Republican Members of the House have joined in introducing a bill aimed at speeding up the development of automobile engine antipollution devices and holding down the cost of such devices to the car buyer.

This bill is identical with a measure introduced in the Senate on July 12 by Senator ROBERT P. GRIFFIN of Michigan. The thrust of the legislation is to provide the automobile manufacturer with a temporary exemption from the antitrust laws permitting them to pool their efforts to develop auto engine antipollution devices meeting the standards of the 1970 Clean Air Act Amendments.

Mr. Speaker, United Auto Workers President Leonard Woodcock has asked the Justice Department to permit the automotive manufacturers to share their research discoveries and developments to this end but the Justice Department has refused. Mr. Woodcock is concerned about clean air but he is also concerned about the jobs of the 1 million UAW members. I feel sure all Members of Congress share those concerns.

Under a consent decree issued in 1969, the auto companies now are barred from sharing car engine antipollution research discoveries and developments. The Griffin-Ford bill would have the effect of setting aside this consent decree temporarily. It would amount to a carefully circumscribed exemption from the antitrust laws, applicable only to development of auto engine emission control devices.

Mr. Speaker, Congress has given the automobile manufacturers tough deadlines to meet under the 1970 Clean Air Act Amendments. Congress now should help them meet those deadlines so that a virtually pollution-free car engine can be developed as quickly and economically as possible.

A FORWARD-LOOKING UNION LEADER

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. HOWARD. Mr. Speaker, those men and women in labor-management relations who negotiate contracts are at the cutting edge of a tremendously important aspect of our economy.

One of them is Joseph A. Beirne, president of the Communications Workers of America, and a native of New Jersey.

The Communications Workers have just ended a weeklong strike against the Bell System, pending ratification of the agreement.

They have gotten a good contract, thanks to Joe Beirne and the dedication of their members, as well as the realization on the part of the Bell System that the workers needed and could justify their demands.

During the course of the strike, which began on July 14, the New York Times ran a biographical article about Joe Beirne, headed "A Forward-Looking Union Leader." This article called Joe "innovative and philosophical."

That is nothing new to those of us who have known him for years, and who know he is the kind of labor leader who will get everything getable for his members, but who will do it with the power of reason and intellect as well as with the power of a half million loyal members.

Mr. Speaker, I urge all of my colleagues to take a few minutes of their valuable time and read the following article on Joe Beirne:

A FORWARD-LOOKING UNION LEADER: JOSEPH ANTHONY BEIRNE

(By James M. Naughton)

WASHINGTON, July 14.—When leaders of the Communications Workers of America asked members to sanction the strike that began today against the Bell System, the request was made over a network of 65 television stations. It was typical of the innovative leadership of Joseph Anthony Beirne, the philosopher of the American union movement and the only president the 500,000-member Communications Workers union has had since it was formed in 1947.

Mr. Beirne (pronounced Burn) has counseled that strikes are becoming increasingly less effective as union weapons in an automating society. But he has never refrained from calling a walkout if his militant demands were unsuccessful at the bargaining table.

Telephones, connections clicking through the computers, were operative across the nation—including the national headquarters of the communications workers. For roughly eight of the 10 hours he spent there today, Mr. Beirne had his ear pressed against a telephone receiver, checking on the progress of the strike and the chances for an early settlement.

"It is not a very satisfactory discovery for a union to realize that the direct impact of its strike weapon is quite moderate," Mr. Beirne wrote in a 1962 book, titled "New Horizons for American Labor." Such a discovery, likely to be made with increasing frequency by leaders of unions in sophisticated industries, merely forces the progressive union man to move in other directions to improve the lot of his followers, Mr. Beirne counseled.

STARTED WORKING AT 16

Mr. Beirne has been looking forward since he began as a 32-cent-an-hour utility boy at the Western Electric Company in Kearny, N.J., at the age of 16.

Now 60, and a trim 5 feet 8 inches, his straight black hair touched with gray but modishly long at the temples and neck, he exhibits the same qualities of youthful impatience and generosity of spirit that are as much a hallmark as the broad-brimmed Stetson he always wears in public.

Mr. Beirne drives his own Cadillac to work each day and the deep tan and the Band-Aid covering a blister on his right index finger today testified to the fact that he still cranks up the power mower to trim the lawn at his home in Suburban Chevy Chase, Md.

He was born in Jersey City on Feb. 16, 1911. He went to school at nights to obtain a high school diploma and two years of college training, but most of his education has been decidedly informal.

TRAVELED BY BUS

When he began transforming the old National Federation of Telephone Workers into the Communications Workers of America, Mr. Beirne and his wife, Anne, often traveled by bus from city to city, accompanied by the first two of their three daughters.

Now they have a three-bedroom house in Chevy Chase and a cottage at Fort Myers, Fla. The daughters are married and the Beirnes have 14 grandchildren.

But the education, on the job, is continuing. Mr. Beirne recently urged the development of "pure research in collective bargaining—agreement by unions and managements on basic facts that could be constants in the bargaining process.

Mr. Beirne is fiercely loyal to his associates and earned a reputation for generosity when a number of the headquarters staff members supported an opponent for the union presidency nearly two decades ago. His opponent lost but Mr. Beirne declined to dismiss those who had not given him their support.

He is, at the same time, ferociously conscious of the union's budget. His own salary was just raised to $40,500 a year, hardly one of the highest in the union movement, and Mr. Beirne does little entertaining on union funds.

In his most recent book, "Challenge to Labor," Mr. Beirne said that labor leaders should welcome automation as means to achieve higher wages, better jobs, longer vacations and shorter hours.

"The more we can save human labor for important tasks and remove ourselves from lives of meaningless drudgery," he wrote, "the closer we shall be to the truly great society."

WASHINGTON POST SHOOTS FROM THE HIP

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. McFALL. Mr. Speaker, responsible reporting requires the writer to know his subject and get the facts. The Washington Post editorial of July 14, 1971, respecting the Accelerated Public Works bill was a gross example of how a large metropolitan newspaper can miss its mark—in editorial form. Chairman John Blatnik of the House Public Works Committee has taken the time to set the record straight and I believe it will be appropriate to have reprinted here a copy of his "letter to the editor" published today:

Rep. Blatnik on the Vetoed Accelerated Public Works Bill

Your lead editorial of July 14, while properly approving President Nixon's action in signing the Emergency Employment Act, evidences some misunderstanding of the Accelerated Public Works Bill which he vetoed.

In fairness to the supporters of the Accelerated Public Works Bill (APW) an overwhelming majority of the Congress—I hope you will clear the record.

You say "Public works projects, like dams and highways, create jobs . . . but it takes time to get such projects started. Moreover, it is hard to turn them off when the economic picture brightens—who needs a half-finished dam?"

I'm sure you are aware that no dams or highways are contemplated under APW. This bill calls for a small-project program. It would provide federal aid for water and sewage treatment plants, nursing homes, hospitals and similar community facilities which can be started quickly and completed within one year to 18 months. The facility must be needed by the community and the community itself must be suffering from unemployment substantially higher than the national average.

Six thousand such projects already have been approved by the federal authorities, the necessary architectural, engineering and financial arrangements have been completed and most of them could be started in 60 to 90 days. Nothing is holding them back except presidential inertia and/or presidential indifference.

As to "turning them off when the economic picture brightens," the President's own chief economic adviser, Dr. Paul W. McCracken, told us just last week that he doesn't see much prospect of improvement in our economy for the rest of this year. How long must our jobless workers wait for things to get better of their own accord?

You say that workers with the skills and experience needed for public projects already are fully employed and that "the net effect may be to add to inflation without much reduction in unemployment."

Tell that to the so-called hard hats. The jobless rate among construction workers has been running well over 10 per cent for the past year; today it is almost twice as high as the national average for all workers. And it is higher still in the areas of severe depression that this bill was designed to help.

Moreover, APW is not merely a "construction" bill. It would provide, and provide quickly, as many as 170,000 on-site construction jobs; but it also would create 250,000 or more jobs in allied industries and services. That adds up to 420,000 desperately needed jobs—nearly 9 per cent of our present overall unemployment.

Today we are spending more than half a billion dollars a month on unemployment benefits and close to one billion dollars a month on welfare-public assistance. At least some of that non-productive spending, which certainly adds to our inflationary pressures, could be diverted into productive jobs, into the creation of essential facilities that will remain as a lasting contribution to the quality of life in our communities.

The President was not confronted with an "either-or" choice between the Emergency Employment Act and Accelerated Public Works. We need both, and need them now.

In Chicago several weeks ago, Mr. Nixon expressed concern over the poor quality of our care for the aged; APW would provide nursing homes for the aged. Mr. Nixon is concerned, as are all of us, over the deterioration of our environment; APW would help our communities build water and sewage treatment plants to protect the quality of our water resources.

APW won't end by tomorrow morning an unemployment crisis that has been two years in the making, but it's a long sight better than doing nothing; especially to all those jobless workers who have been trying for two years to live on presidential optimism.

John A. Blatnik,
Chairman, House Committee on Public Works.
Washington.

CONGRESS, COMMONS DIFFER VASTLY DESPITE THEIR COMMON ROOTS

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. GARMATZ. Mr. Speaker, this month the important and influential American Bar Association is holding its annual meeting in London, England, as guests of the British bar and bench. This demonstrates our common heritage and further serves to strength the close ties that the United States has with England and other English-speaking countries.

The American Bar Association was founded in 1878 and its chief objectives are to uphold and defend the Constitution of the United States; to advance the science of law; and to promote the administration of justice.

Inasmuch as many Members of both Houses of Congress are also members of the bar, I think that the following article on "Congress, Commons Differ Vastly Despite Their Common Roots" should be of particular interest. The British Parliament is an institution of great antiquity and justly prides itself on being "the mother of Parliaments." Our Congress has common roots with the British Parliament. Our law is based on the English common law. We speak the same language. Hence our mutual interest.

The enclosed article appeared in the Baltimore Evening Sun on July 6, 1971, and is as follows:

Congress, Commons Differ Vastly Despite Their Common Roots

Washington.—If British lawmakers voted against government policy, as American senators rebuffed President Nixon recently over Vietnam, then Prime Minister Edward Heath would have resigned.

The fact that Mr. Nixon did not dramatized the difference between life on Capitol Hill and in the Palace of Westminster.

Aides shrugged aside Mr. Nixon's defeat as a single holdup in his fixed four-year power trail. In Britain's House of Commons, it would have denoted a loss of confidence in the Prime Minister, requiring either a new government or new national elections.

OTHER CONTRASTS

There were plenty of other contrasts on view inside and outside the semi-circuar senatorial chamber, in the styles as well as in the working systems of American and British legislators.

Some of the senators, for instance, chewed gum even while they spoke. Others read their speeches with aides beside them holding stacks of reference material.

Throughout the day the floor of the chamber resembled a hotel lobby with members of the two main parties criss-crossing, huddling in group consultations, addressing the president pro tempore regardless of the fact that one or another of their colleagues nominally was in full oratorical flight.

For the House of Commons' studied informality, little of this would be tolerated in Westminster. There Mr. Speaker insists upon strict observance of the rules of order.

NO NEWSPAPERS

Leaders of the government and opposition lean back in their leather seats, it is true, with their feet up on the table before them. And backbenchers lounge nonchalantly along their benches, conversing softly, writing notes. But they cannot read newspapers. They must not step over one of the two red bands on the carpet keeping the rival sides two sword-lengths from each other.

They dare not, unless they are ministers making formal pronouncements, read their speeches. And they are barred from addressing their colleagues either by name or as "you." It must be "the honorable member for Blank."

A British member of parliament visiting the Senate Tuesday would have gasped at the intensity of the activity on the floor. There were the senators themselves coming and going as they pleased; aides lolling on sofas lining the walls; page boys and girls on their endless missions.

In the House of Commons only elected members, and officers of the House, are allowed on the floor during working sessions. A lawmaker cannot pass between a speaker on his feet and the chair. No two members can address the chair at the same time.

These firm procedural rules do not always maintain the stately calm of the Mother of Parliaments. Dignified incumbents in the 630-member Commons have been known to trade enraged insults, even to hurl things at each other. It is no accident that British MP's cannot carry their brief cases into the chamber.

Outside the respective chambers the contrasts are even more vivid.

LUSH OFFICES

The salary of a senator, for instance, is $42,500 a year. The British lawmaker gets $7,500. A senator is allowed from $295,000 to $477,000 yearly for the staff he employs, depending on the population of his state, plus up to $4,000 more for such expenses as travel.

The House of Commons man is given $1,200 a year as a contribution toward the cost of a secretary whose salary is two or three times that amount.

American senators have lush offices for themselves and their staffs, good communications, first class logistic services, a private restaurant. Even a subway that takes them to and from the Capitol to the two nearby Senate office buildings.

The British MP has to lope through a 2½-mile labyrinth of corridors and lobbies if he wants to wander through the precincts of Westminster. He can often be found in some nook or cranny of the Tudor-Gothic corridors, dictating to his part-time secretary because he lacks an office of his own.

He has a variety of restaurants, cafeterias and bars to choose from, but most are badly served in the quality of their fare.

The American and British Parliaments have, of course, much in common.

Both are rooted in the democratic process although their procedures differ. The essentially two-party system produces mavericks and its bipartisanship as issues arise.

Each legislature has sought to preserve its traditions even while keeping up with the times, although American lawmakers appear ready to move further, faster. To this day no British monarch can set foot in the Commons because of a 17th century clash between crown and Parliament.

And when Black rod, the royal messenger, comes to inform members of the Commons that their presence is required by the monarch the door of the chamber is slammed symbolically in his face.

Members of Congress and Commons alike are eternal targets of the lobbyists. They roam the capitol corridors outside the Senate chamber when it is in session, whereas they are banned within a prescribed radius of the London Parliament. Still pressure groups appear to operate more openly in London, except on such major issues as Vietnam.

But perhaps the greatest similarity of all in the American and British systems is that friendships can and do transcend the tidy frontiers of party, and that legislators elected by and from the people serve as a substitute for civil war.

A FORECAST ON VALUE-ADDED TAX

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. ULLMAN. Mr. Speaker, there has been increasing discussion about value-added tax as a revenue source in this country. In 1968, I inserted in the CONGRESSIONAL RECORD an article by Prof. Richard W. Lindholm, College of Business Administration, University of Oregon. In this analysis, Professor Lindholm forecast the adoption of a value-added tax in the United States by 1973. His prediction is proving to be near the mark, and I would like to reprint the article in the RECORD at this time:

WHY THE UNITED STATES WILL HAVE A VALUE-ADDED TAX BY 1973

(By R. W. Lindholm, University of Oregon)

The United States, now relying on a nineteenth-century system of taxation and deferring to the ideas of nineteenth century political philosophers such as John Stuart Mill, must change its outmoded tax ways if it is to thrive in the twentieth century.

Current taxation practices in the U.S. are derived from John Stuart Mill's ideas, expressed in 1861 to the British Parliament's Select Committee on Income and Property Tax. The U.S. still subscribes to his hedonistic philosophy of taxation, taxing production so that aggregate personal sacrifice is minimized, justifying all taxes according to the popular standards of individual ability-to-pay. But these practices no longer square with today's social and economic problems.

On the surface the old system sounds equitable, but its real effects appear to work against the best interests of the very segment of society whose welfare it is designed to promote. For today low income non-producers receive help through government expenditures and not through direct redistribution of the income of high producers. Therefore, the welfare of the low-income group seems finally to depend on an increase in funds available to the government. But taxes based on ability-to-pay tend to discourage both profits and individual savings and thus to reduce funds available for investment. Without sufficient new investment economic growth is hindered and so is the growth of government funds.

European theories offer a solution for this problem in the philosophy and imposition of taxes. Although they developed ability-to-pay income taxes, Continental economists never completely accepted Mill's tax policies. Since World War I, first through development of the turnover tax and now through the value-added tax, the industrial nations of the Continent have supported taxation based on *use* of resources rather than on production. Resources, by whomever used and in whatever quantities, bear the same tax rate.

The value-added tax (VAT) is difficult to describe briefly for people unfamiliar with tax systems different from those already used in the U.S. But basically, VAT is a general excise tax, a tax assessed at a given rate, say 10 percent on each sale of a good or service. In effect, it is a 10 percent tax levied on gross receipts, the cost of which is paid by the seller and passed on to the buyer. However, the tax liability of any one seller (and hence the buyer's cost) is reduced by the amount of VAT already paid on the goods and services that have gone into the good or service he offers for sale.

The VAT is founded on use of resources, not production, and on national, not private, prosperity. In modern industrial nations, with capital in short supply and social demands heavy and growing, the domestic advantages of the *resource use* rather than *resource production* approach to taxation cannot be ignored. When resource use is the tax base, it is society's ability-to-pay that is of fundamental importance, rather than individual ability-to-pay, which is emphasized when production is the base.

A closer look at the operation of the VAT and consideration of its widespread use will confirm the advisability of its adoption in the U.S. Assuming the continued viability of capitalism, it is possible to argue the merits of VAT as a basic tax both in its domestic effects and in the competitive advantages it offers internationally.

Domestically, the U.S. system of taxation, the old John Stuart Mill approach implying taxation based on resource production, stimulates spending as opposed to saving. An individual cannot reduce his taxes by saving. He can only reduce his tax payments by earning less, i.e., producing less. This combination of the stimulation of spending and lessened production tends to promote inflation and to inhibit the growth of the economy.

Other disadvantages accompanying the present system. The payroll tax method of social security financing places nearly all of the burden on the producing sector of society. The corporate profits tax places all its burden on our best measure of business efficiency, profits. The individual income tax falls most heavily on society's most productive members, and the more successful their productive efforts, the greater the tax burden.

With VAT, on the other hand, the tax burden rests on a broad, impersonal base. The VAT is impersonal, for it is levied on goods and services, not on individual producers, VAT places an equal burden on all resources as they are utilized. Productive workers using a given quantity of resources pay the same tax as non-producers who use up the same quantity of resources.

VAT offers both public and private advantages. Encouraging business growth, VAT reduces the return, i.e., profit, required from an investment to make it outweigh the risks, i.e., chance of loss. VAT encourages saving (and the consequent possibility of investment) by taxing spending. For private persons VAT offers the advantages of spreading social security financing over the entire life of all of society's members and of increasing the take-home portion of additional dollar earnings by reducing the rates of payroll taxes and income tax withholdings.

These business and personal influences of VAT fit in well with the fiscal needs of today, by utilizing a broad base, perhaps as large as $700 billion in the U.S., VAT would permit government to shift its revenue intake by large amounts with only a small change in the tax rate. Profit and income tax rates can be made much more flexible because VAT can be relied on to provide large and stable revenues. Incidentally, VAT, with the entire production and marketing process as its base, would provide unmatched data for use in evaluating economic trends.

These domestic economic advantages of VAT are augmented by its international strengths. First, it stimulates exports by offering tax advantages to both seller and buyer. The General Agreement on Tariffs and Trade (GATT) has developed a set of regulations to be followed among its cooperating nation members relative to the treatment of taxes. One of these rulings is that indirect taxes (VAT has been declared an indirect tax) can be refunded on goods exported, and that a tax equivalent to the importing nation's indirect tax applicable to the import may be levied as a border tax.

The GATT procedure rests both on a sound theoretical concept, the destination principle of tax payment, and on administrative realities.[1] The allocation of income or profits taxes to particular exports to provide a basis for tax rebate is nearly impossible. The same difficulty exists, of course, in setting border tax rates on imports. On the other hand, indirect taxes, and particularly VAT, can be calculated very accurately for each good exported and for each good produced in a nation.

Second, and perhaps most important, adoption of the VAT, stimulating exports as it does, is necessary if the U.S. is to maintain its position in international trade. The European Economic Community (EEC) has decided to move further in the direction of using this traditional Continental approach to taxation. The EEC Member States have determined to harmonize this general indirect tax system into a rather uniform VAT by 1970. The domestic and international economic implications of this decision are just becoming apparent, and they are so important that the U.S., Great Britain, and other industrial nations can fail to follow suit only at considerable economic peril.

All modern industrial nations seek to expand their international trade, to increase the rate of their economic growth, and to provide for the welfare of their citizens through this expansion. VAT tends to support expansion, whereas the individual ability-to-pay tax system suppresses it. An examination of tax figures from the leading industrial nations further substantiates the threat of economic danger, both in international trade and social financing, for the U.S. and other non-VAT countries.

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[1] Destination principle teaches that taxes should be paid in the area of final use.

The comparative tax data of industrial nations show that as a portion of GNP, the total taxes collected are fairly similar. The nation collecting the highest 1965 taxes, measured in this fashion, was Sweden at 39.01 percent of GNP paid as taxes. The lowest was Japan at 19.62 percent. The percentages for other industrial nations went like this: Belgium, 29.74 percent; Canada, 27.13 percent; France, 38.49 percent; Germany, 34.33 percent; Italy, 29.66 percent; The Netherlands, 34.08 percent; Norway, 34.90 percent; Switzerland, 20.87 percent; United Kingdom, 29.94 percent; and the United States, 27.30 percent.

But, examined in detail, these apparently similar data demonstrate a considerable variation in the manner in which nearly one-third of the typical "industrial nation's GNP is collected as taxes and spent. All nations confront the problem of financing social security programs. For example, in 1965 Japan collected only 3.52 percent of GNP as social security contributions; and the U.S. at 4.22 percent was next, with the United Kingdom and Switzerland tied at 4.76 percent. On the other hand, French Social Security Contributions were at 14.25 percent and Italy at 10.41 percent was not far behind. Although these collection totals are a good indication of the level of social security expenditures, they don't tell the whole story. Canada, for example, collects only 1.85 percent of GNP as Social Security Contributions, but Canada uses a large amount of general revenues to finance her social security system, while France uses very little general revenue taxes for this purpose. In Germany, Holland, Sweden, and Switzerland, too, there is increasing use of general revenues to support social security expenditures.

Another detail or two will help demonstrate why the U.S. will be using VAT as a major tax by 1973.

Since corporate profits taxes are likely to retard business growth, those nations with the least use of such taxes will very likely experience more rapid economic expansion than will nations with a high use. French corporate profits taxes in 1965 were 2.12 percent of GNP, while in the U.S. such taxes equaled 4.50 percent, in Canada 4.19 percent, and in Japan 3.96 percent. The other industrial nations used the corporate profits tax about as intensely as France. Here, the U.S. is at a clear disadvantage.

Again, the U.S. is overlooking a source of revenue that has proved profitable to the other industrial nations. VAT belongs to the family of taxes classified as general excise taxes levied by the national government. When the leading industrial nations are compared in their use of this type of tax, a sharp divergence again develops. (This time 1961 data will have to be used, for the required breakdown of more recent data is not available.) The U.S. collects no taxes from this source, while France obtains 25.0 percent of total tax collections, or 8.1 percent of GNP, from this type of tax. In Germany the percentage is 16.5 percent and in Italy 16.7 percent.

Finally, the U.S. must recognize the unmistakable international trend toward increasing use of the VAT and must weigh the domestic advantages other nations have found in this tax. Through their VAT the Dutch plan to increase general excise tax collections above those now collected from their cascade turnover tax. The new German VAT (Mehrwetsteuer) is expected to raise sufficient revenues to permit the *Gewerbesteuer* (a local direct *business tax*) to be largely eliminated. The coverage of the French TVA has been expanded, while the rates have been reduced, a move that will increase revenues from this source. Undoubtedly the introduction of VAT in the remainder of the EEC Member States will have a similar upward impact on the portion of national revenues raised from a general excise tax. The development of VAT in Denmark and the new Norwegian VAT are more than likely only the first of the adoptions which will be made by commercial and industrial nations outside the EEC.

Very simply then, VAT will be adopted in the U.S. by 1973 because it provides an efficient excise tax that can be levied at substantial rates without placing an undue burden on any single level of production; serves up through its administrative procedures unparalleled economic data for use by business, government, and individuals; corrects the undue tax burden that accumulates on wages as social security and medicare costs increase; makes possible more flexibility in fiscal policy through provision of a stable basic revenue source; permits acceptable procedures for increasing domestic capital investment and stimulating exports; and finds increasing favor among the industrial nations of Europe whom the U.S. cannot permit to enjoy the international trade advantage it offers in an ever smaller world of reduced trade barriers and freer capital markets.

MINNESOTA ENVIRONMENTAL CONTROL CITIZENS ASSOCIATION TAKES POSITION AGAINST PROPOSED AMENDMENTS TO ATOMIC ENERGY ACT OF 1954

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. KARTH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: An excellent statement sent to me by the Reverend Paul H. Engstrom, president of the Minnesota Environmental Control Citizens Association with respect to H.R. 9285 and H.R. 9286.

PROPOSED AMENDMENTS TO THE ATOMIC ENERGY ACT OF 1954

(By Rev. Paul H. Engstrom)

The Board of Directors and the Power Generation Task Force of MECCA (Minnesota Environmental Control Citizens Association) hereby register strong opposition to H.R. 9285 and H.R. 9286 now under consideration by the Joint Committee on Atomic Energy.

IN RE: H.R. 9285

It is our understanding that this bill, if enacted into law, would eliminate the present mandatory review and reporting by the Advisory Committee on Reactor Safeguards (ACRS) of all power and test applications for construction permits and operating licenses.

This committee was established by Congress in 1954 to examine safety studies and facility license applications, to advise the AEC on reactor safety standards, and to point out present and potential hazards. The idea of creating such a committee was good as far as it went. But the Act gave the committee no teeth. Nor did it allow for the temptation in men to ignore or suppress the committee's recommendations.

Example: After studying the Fermi nuclear power plant proposal, the ACRS reported (6/6/46) to the then chairman of the AEC, "The committee believes there is insufficient information available at this time to give assurance that the . . . reactor can be operated at this site (30 miles from downtown Detroit) without public hazard." Result: The report was suppressed and within two months the AEC approved issuance of the construction permit. This ill-fated plant, built at a cost of $120 million not only failed, but it came close to causing a catastrophe near a large metropolitan center.

We like to think that the ACRS, though purely an advisory body and composed of members appointed by the AEC itself, still provides some braking influence, at least in the area of engineering safety. (It certainly has not functioned effectively in protecting metropolitan areas from proximate location of nuclear plants.) At any rate, even minimal influence is better than none. H.R. 9285, however, renders ACRS almost useless. It allows the committee to review applications but does not force the committee to do so.

In the name of expediency, and to enable the ACRS to deal with "the increasing volume of reactor applications," this bill would remove the last vestige of careful, routine, and dependable examination of all applications at every stage by a body created by Congress.

We oppose the bill because we believe that all safeguards now in existence—even the weak ones—should be zealously guarded and maintained. In fact, they should be strengthened.

IN RE: H.R. 9286

This bill, as we understand it, would require a "site authorization" from the AEC and an early site hearing at which persons whose interest may be affected by the proceeding would be admitted as a party upon request. The bill would eliminate the present mandatory hearing at the construction permit stage unless there is a request for a hearing "by any person who demonstrates that his interest may be substantially and adversely affected and if there exists a substantial, unresolved question significantly affecting the health and safety of the public." The bill would also eliminate hearings at the operating license stage.

We favor the provision for a mandatory early site hearing although it carries with it a sad implication. The question to which the people are allowed to address themselves is not whether there shall be a nuclear power plant in their community. That matter has already been decided without their consent or participation. The only question to which they can speak is where in the area the plant shall be located.

We disfavor—in fact we strenuously oppose—elimination of the present mandatory hearing at the construction permit stage. The proposed conditions for participation in the hearing provide too tall a barrier for us to accept.

We also strenuously oppose elimination of hearings at the operation license stage.

(One of the most burning questions in our country today is the *people's right to know*. We believe that human beings are important, that they have a right to live in a pollution-free environment, to know the truth, and to participate in the decision-making processes of government. We believe these rights are as fundamental as any specifically written into the American Constitution by our founding fathers.

We must all be alert to the possible erosion of liberty by increased regulation, administration, and bureaucratic control.)

The siting hearing is very important but it is only a small part of the whole procedure. Five to seven years elapse between siting and operation. During this period significant things can happen that the people should know about. Example: There is now widespread concern about failure of Emergency Core Cooling Systems (ECCS) tests. In fact, several hearings have been delayed pending solutions to these problems. If it had not been for public hearings, this potentially hazardous condition would not have been brought to light.

Also, during this interim period new safety techniques can be developed. Hearings bring these matters to the attention of leaders who should know, but do not always know, about them.

In his statement before the Joint Committee on 22 June 1971, Commissioner James T. Ramey of the AEC emphasized the escalation of time and effort spent on hearings and preparation for the same. He cited the increased number of applications and the *increased proportion of contested proceedings*. It is important to ask, "Why the latter?" The answer is: because more people are becoming concerned.

We understand and appreciate the increased workload on the AEC, ACRS, and staff personnel. This is to be expected with increased AEC effort to sell nuclear energy to the nation's power industries. It is also to be expected with increased public opposition and therefore more and longer hearings. We suggest enlarging the staff if this is necessary—and it appears to be. The Commission's efforts to streamline procedures—short of interrupting the democratic process—are commendable.

We suggest making the regulatory, safety, and enforcement functions, now in the hands of the AEC, a part of a new comprehensive energy agency that would place less emphasis on fission reactors and more emphasis on alternatives that will be less harmful to human life and the environment. Such an agency would have jurisdiction over controls on gaseous emissions from fossil fuel plants, the development of new technologies to preserve fossil fuels, and the development of fusion power and magneto hydrodynamics.

There is reason to be worried about a system in which an agency is called upon to regulate the energy it sells and in which it must act as both defendant and judge at hearings concerning itself. The AEC now produces its own witnesses whose job it is to insure that a given plant will be built regardless of public opposition, regardless of possible violations of its own rules and regulations, and regardless of the absence of proof that the facility will be safe.

The present licensing procedure involves such a long process of appeal that for all practical purposes it is outside our judicial system. All the people have to depend on is the effectiveness of their own moral and legal suasion in public hearings and now even that opportunity is being threatened with near extinction.

In his June 22nd statement, cited above, Commissioner Ramey stated: "The Commission has recognized that a regulatory review of site suitability, including opportunity for public hearing *might be desirable* before any large commitment is made by the utility and before there is irrevocable change in the landscape." (pages 25–26) Now, what kind of condescension is this? For one thing, we are concerned about more than "change in the landscape." We are concerned about the health and safety of millions of people. For another thing—and this is the essence of the present memorandum—we regard this, and public hearings at every stage, as not desirable, but *absolutely essential*. If these hearings are dispensed with, we will have one more good reason to fear for our democracy's future.

"The special nature of liberties is that they can be defended only as long as we have them. So the very first signs of their erosion must be resisted. . . . It is an eternal error to believe that a cause considered righteous sanctifies unrighteous methods. . . . We are learning that affluence without simplicity is a giant trap. . . . Our political leaders are learning that Sophocles was right: nothing that is vast enters into the affairs of mortals without a curse, and that vast American power has now produced its curse." (from speech by Eric Sevareid at Stanford University, June 13, 1971)

America is more than a nation. It is a great idea at work—the idea that people are important, they count for something, they have certain basic rights. America is an experiment to see whether people who are given freedom can use it well, whether leaders who are given authority can keep from abusing it.

Our founding fathers were desperately afraid of the concentration of power in a single agency or a single branch of government. So are we.

THE RODEO

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. RONCALIO. Mr. Speaker, this week marks the height of the rodeo season in Wyoming. In the last full week of July, the capital city of Cheyenne hosts the daddy of them all, Cheyenne Frontier Days, the world's largest outdoor rodeo and a perennial favorite with the thousands of fans of one of the West's most popular sports.

On July 30 and August 1, Sheridan, Wyo., hosts All-American Indian Days, a celebration of traditional and contemporary Indian arts, crafts, dancing, games, and historic dances.

In simple cowboy lingo, the rodeo represents the lure and challenge of the old expression, "Never a cowboy who couldn't be throwed, never a bronc that couldn't be rode."

ORIGINS OF RODEO

Rodeo originated in the Southwest during the post Civil War period when great trail herds were formed to move beef to northern markets.

Beginning as a lighthearted pastime of working cowhands, rodeo has become a highly competitive national sport which awards an annual $3.7 million in prize money and attracts thousands of spectators from coast to coast.

In the late 1930's, with the formation of the Rodeo Cowboys Association, uniform regulations were established and the sport received professional status, providing each competitor a fair chance in competition.

A NEW BREED OF COWBOY

Though its Western origins remain an unmistakable feature of rodeo, a new era is being ushered in with a new breed of cowboy.

Like his predecessor, he may have grown up on a ranch, but equally likely is the chance that he broke into the sport at one of 87 colleges which offer rodeo scholarships and field top rodeo teams. Some are urban dwellers who have taken up the sport under the tutelage of a seasoned professional.

HUMANE TREATMENT OF STOCK

In its 35-year history, the Rodeo Cowboys Association has made other contributions not readily apparent to those unfamiliar with the sport.

Over the years, the association has worked closely with the American Humane Association in developing 19 rules to insure the humane handling of livestock in rodeo events.

Officers of the American Humane Association are issued credentials through their own organization, which are cosigned by the RCA, allowing them complete freedom of movement at any of the sanctioned rodeos. Last year, the RCA approved 547 rodeos throughout the Nation.

Dave Stout, secretary-treasurer of the RCA, has said he welcomes the cooperative efforts of the American Humane Association because it prevents inhumane treatment and helps refute the mistaken impressions created by opponents of the sport.

On June 29 of this year, the Wyoming Veterinary Medical Association passed a resolution endorsing the AHA pamphlet entitled, "To Protect Rodeo Livestock," recognizing the continuing effort to insure humane treatment of competition stock.

THE SPIRIT OF THE WEST

In recognition of the unique identification of Western history with the sport of rodeo, I would like to insert for the RECORD an account of Wyoming's celebrations.

The article, entitled, "Wyoming's Living History," was written by Gene Bryan and appeared in the July issue of the Wyoming State Employees Association Reporter.

Linking the legendary heritage of the West with rodeos and other historical and colorful pageants, Mr. Bryan puts the sport in an accurate context, enhancing every fan's appreciation of the events.

As a resident of Cheyenne, I have for years enjoyed the Frontier Days celebration, which is marking its 75th anniversary this year.

On a visit to Wyoming during the Fourth of July weekend, I attended the 52d annual Buffalo Bill Cody Stampede in Cody and Pioneer Days in Lander.

During the Lander rodeo, I spent an afternoon helping work the chutes. From my vantage point—one I would recommend to anyone proposing restrictions on events—I saw nothing to justify discriminatory legislation. If anything, the cowboys had a rougher time of it than the stock.

I recommend to my colleagues the following article, both for its pertinence to the issue of rodeo stock protection legislation and for its accounting of tourist attractions in Wyoming:

WYOMING LIVING HISTORY

(By Gene Bryan)

Wyoming has been a state less than 100 years, but it storied past is replete with cowboys and Indians—the stuff of which legends are made. Wyoming's living history is very much a part of the high country today in the form of colorful pageants and Wyoming's own particular heritage—the rodeo.

Historical pageants such as the Green River Rendezvous in Pinedale and the Gift of the Waters Pageant in Thermopolis recall Wyoming-shaping events—the meetings of the mountain men—fur trappers with the Indians on the Green River in the 1820's and the 1830's and the Shoshone and Arapahoe's giving of the hot springs near Thermopolis to the Federal Government. All American Indian Days in Sheridan is the Indian's own celebration, one in which they keep alive their own proud culture while attempting to create better understanding between the Indian and the non-Indian.

Rodeo, of course, is the world of the cowboy, and the cowboy is the image of The West. From the time the first herds of longhorns were "headed up" by Texas trailhands and turned north to the Great Plains until this space age era of astronauts, moon shots and jumbo jets, the cowboy has been an integral part of the western scene. The heritage of the cowboy is omnipresent in Wyoming, not only in the form of the professional cowboy, but also the cow-punching, 12-hour-in-the-saddle variety of working ranchhand.

Rodeoing starts in early spring with intercollegiate rodeo at Casper College in Casper and the University of Wyoming in Laramie plus get-togethers at the Snake River Rodeo in Dixon (population 108) and the Valley Station Rodeo at McFadden (population 150). Action picks up steam with the opening of the famous Cody Night Rodeo (nightly except Sunday) in mid-June and weekend rodeo in Dubois and Jackson. The pace reaches a frenzy with the Fourth of July celebrations.

While fireworks may be traditional with the rest of the United States during the Independence Day celebration, rodeo captures the spotlight in Wyoming. Nearly a dozen rodeos are staged across the 97,914 square mile face of Wyoming, including two of the country's oldest rodeos.

Lander Pioneer Days has passed the three quarters of a century mark, having been started by Ed Farlow, father of Stub Farlow, the reputed model for the bronc buster on the Wyoming license plate. The Buffalo Bill Cody Stampede celebrates its 52nd anniversary in 1971. Fourth of July rodeos range from these well-established institutions to smaller, more intimate rodeos in Lyman, Ft. Bridger, Afton, Big Piney, Guernsey, Ten Sleep and Saratoga.

These rodeos, in contrast with such giants as Cheyenne Frontier Days, Calgary Stampede or Pendleton Roundup, are gatherings of the local ranchhands who test their skills against stock that in many cases is wilder and ornerier than the professional rodeo stock. Action is guaranteed fast and furious, and fun is the order of the day.

Cheyenne Frontier Days annually caps the month of July, then the fair season descends on the Equality State, including the Central Wyoming Fair and Rodeo (first weekend in August) and the Wyoming State Fair (late August).

The rodeo season roars to a close on Labor Day weekend with, appropriately enough, Cowboy Days in Evanston, and one of the most rambunctious one day rodeos anywhere —the Meeteetse Rodeo, where cowboys from ranches with such colorful handles as The Pitchfork and The Hoodoo gather at the foot of the Absarokas to "do their thing," and do they ever! Rompin', stompin Meeteetse offers the perfect climax to the Wyoming rodeo season.

The "Daddy of 'em All" remains Cheyenne Frontier Days. Exploding in all its fury the last full week in July in the Cowboy State's capital city, Frontier Days celebrates its Diamond Anniversary in 1971 (July 24–August 1). In line with this milestone the celebration is being expanded to nine rodeos, nine night shows and four parades. Action will kick off Saturday, July 24, with the first of the downtown parades, the first afternoon rodeo and the initial night show, then continue through the next week and climax on Sunday, August 1, with the championship finals and awards presentation.

New to Frontier Days this year, too, will be a $1.2 million stadium expansion that will provide better, more comfortable seating to the more than 100,000 spectators who will view the "Mardi Gras of the West." A covered section tier will be added to the west grandstands, providing an additional 3,000 seats. New press facilities will be included in the new section.

The $100,000 plus Frontier Days purse draws the top names in the professional rodeo circuit—from all around champion Larry Mahan right through the ranks of 500–600 professional cowboys—to do battle with the best broncos, Brahma bulls and roping stock in the country.

Cheyenne Frontier Days parade, scheduled for both Saturdays as well as Tuesday and Thursday of Frontier Week, features the world's largest collection of horse drawn vehicles. Everything from the traditional surrey with the fringe on top to the Conestoga to the stage coach is included in this two and a half mile long review of the West as it was . . . and is.

The night show is traditionally headlined by a top name in the entertainment field (past headliners have included Lorne Greene and Michael Landon of "Bonanza" fame, "Doc" and "Festus" of "Gunsmoke" and Fess Parker), but the excitement is generated by the hell for leather chuckwagon races.

Besides all the parade, rodeo and night show activity, the annual celebration features the Ogallala Sioux Indians, chuckwagon breakfasts, a giant carnival, square dancing, mellerdrama and night life to suit anybody's taste.

With the Wind River Mountains as a backdrop, the Sublette County Historical Society annually stages the Green River Rendezvous on the second Sunday in July in Pinedale.

The Rendezvous is a living memorial to the mountain man and fur trappers who blazed the trails for an empire. The Rendezvous pageant depicts the lusty furtrading "fairs" of the 1820's and 1830's when western Wyoming was still a wilderness.

The great demand for fur—especially the prized beaver pelts—gave impetus to the organization of firms to enter into the West. These firms hired men and equipment to enter into the Oregon Country to trap and trade furs. From these ranks came such mountain men as Kit Carson, William Sublette, Davey Jackson, Jedediah Smith, Joe Walker and many, many others who have been immortalized in the history of the West.

From the nature of the operation and the immense area to be covered, fixed forts or trading posts were out of the question. Instead, a fixed meeting place or rendezvous was predetermined each year where all were to meet the following year to transact business, trade and celebrate . . . mostly celebrate.

Because the Green River area had earned the well deserved reputation of being the finest beaver waters known, most of the rendezvous were held from the mouth of the New York to the mouth of Horse Creek. The only law of the rendezvous was what little compassion was in some men's hearts, and there was a majority of rascals. This was no place for the weak or timid, and the leaders could be nothing less than men of strength who would leave their mark indelibly engraved in Western Americana.

With the ending of each rendezvous, the wedge was driven a little deeper into Oregon Country. Change was in the wind—the trapper roamed farther and farther afield, and the Indian little realized his way of life would be irrevocably altered.

The fur trade collapsed in the early 1840's, and beaver plews were of little value. The Indian and trapper trails had become roads. The British found they couldn't compete, and the Indian's new way of life left him little. For the pursuit of a beaver skin by the intrepid trapper, the Oregon Country had become a part of the United States.

In Pinedale, at noon on the second Sunday in July (July 11, 1971), this county of few people and many horses recreates the epoch of the rendezvous. As an intermittent annual event over the past 28 years, the Sublette County Historical Society's pageant again brings the impact of the historical significance of the rendezvous to life. With hundreds of items; people, horses, mules, wagons, pack strings and tepees, a fast moving program is presented—a spectator will find himself suddenly a part of the history that developed Wyoming.

Following the pageant, a beef barbecue is offered, allowing visitors to mingle and visit with Jim Bridger, Kit Carson, Bill Sublette, Captain Bonneville, Indian chiefs, Rocky Mountain Fur Co. representatives, Father De Smet and the others who make up the pageant.

That 31 word passage is repeated each year in a moving historical pageant in the town that grew up around the Indians' sacred waters. Thermopolis, at the foot of the Wind River Canyon in the Big Horn Basin of Wyoming, annually hosts the Gift of the Waters Pageant on the first full weekend in August, commemorating the giving of the waters of Big Spring to the Federal Government by Chief Washakie.

Big Spring is the world's largest mineral hot spring (18,600,000 gallons every 24 hours) and is the raison d'etre of Hot Springs State Park, site of the pageant. In 1896 Chief Washakie, heading a council of Shoshone and Arapahoe, entered into a treaty with the Federal Government, ceding to the United States a tract of land approximately ten miles square of the northeast corner of the Wind River Indian Reservation embracing the Big Spring. At the time of the treaty he made a request that a portion of the waters be reserved for free public use forever.

The Federal Government eventually ceded one square mile of the land to the State of Wyoming, and Chief Washakie's wish that a portion of the waters be reserved for the free use of the public is carried out through the State Bath House at the park.

The pageant, written in 1925 by Marie Montabe, is presented in four scenes: The arrival of the various Indian nations, Chief Washakie and the dancers; prayers to Dama Upa (Our Father) and the Indian women's chorus; the sub-chief telling of the long journey to the spring and his introduction of Chief Washakie, who then makes his remarks giving the land to the United States and the fourth scene in which the narrator brings an end to the colorful ceremony with the singers and dancers fading into the red-billed background that surrounds Big Spring.

The ceremony is presented twice Sunday of pageant week (July 31–Aug. 1, 1971).

All American Indian Days, the Indians' own celebration staged normally in Sheridan the first weekend in Agust, was founded by volunteers with a great idea and no money, but they were volunteers who never gave up.

Through 17 years of trial and error, Indian and non-Indian have worked together to present a beautiful show that has done much to revive and present Indian culture and to further interracial friendship.

The three day celebration (July 30–August 1, 1971) features an Indian arts and crafts exhibition, historical ceremonies, dancing, Indian games and other talent, both traditional and contemporary. On Sunday, a joint church service is held under the open sky, watched over by the Big Horn Mountains, on ground fought over by ancestors of today's worshippers.

An important feature of the celebration is the Miss Indian America contest. It is different from the usual beauty pageant because this girl must have more than beauty. She must be able to function as an ambassadress from her people to the rest of the United States and overseas as well. To meet this challenge Miss Indian America must have outstanding speaking ability, she must have poise, character and intelligence, plus knowledge of and pride in her people and a dedication to their service.

Before All American Indian Days began, there were signs in Sheridan and other western towns reading "No Indians or dogs allowed," "No Indians wanted," and in restaurants, "No Indians served." All American Indian Days was a resounding answer to that type of mentality. Since, 1952, when the first celebration was held as part of the Sheridan, Wyo. Rodeo, the spirit of All American Indian Days has done much to close the gap between the Indian and non-Indian.

The concepts of All American Indian Days and the Miss Indian America Pageant have brought national recognition to the Sheridan community.

In 1954 and again in 1962, Sheridan was awarded Freedoms Foundation Award for its effort toward improvement of race relations between Indians and non-Indians. This event also played an integral part of the selection of Sheridan as a recipient of the All American City Award in 1958.

THE JOB SEEKERS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mrs. GRIFFITHS. Mr. Speaker, today, there are some 30 million women in the American labor force. Many of these working women constitute the sole support of their families. In this time of high unemployment, it is well to remember that increasing unemployment has severely hurt the working woman. For the benefit of all, I would like to place in the RECORD articles by Pamela Morris on this matter entitled. "The Job Seekers—and the sad story of a woman who has one," which appeared in the Detroit News of July 18, 1971. As mentioned in the articles, the city of Detroit has a 12.6 percent overall unemployment rate, which broken down by sex reveals an 8 percent unemployment rate for men over 20 and a 10.5 percent unemployment rate for women over 20. Certainly, 40,000 women of the Detroit metropolitan area on the unemployed list is not to go unnoticed. The articles follow:

THE JOB SEEKERS

(By Pamela Morris)

The out-of-work woman is the one victim of today's bleak economy no one seems to take seriously.

If she's single, she can always go back to Mom and Pop, can't she?

If she's married, her husband's salary is the vital one. She's working merely for frills or to escape the monotony of housework. Everyone knows that.

So the public continues to tut-tut over the plight of the male breadwinner scrambling to find a job at a time of peak unemployment. A lady's lament falls on deaf ears.

But statistically at least, the employment situation is worse for women—particularly in Detroit, where the heavy industrial nature of the city means fewer jobs for women.

Detroit is already in sad shape, with a 12.6 percent overall unemployment rate. (The national figure in May, a mere 6.2 percent, was a nine-year high.)

Broken down by sex, the local statistics show men over 20 with 8 percent unemployment, women over 20 with 10.5 percent.

Translated into numbers, the figures lose some impact from a women's point of view since men still outnumber women in the labor force.

But some 24,000 unemployed Detroit women, 40,000 in the tricounty area, is a sum not to be sneered at.

And not all these unemployed women have a family or a manly shelter to flee to when they find themselves jobless. Independence—by choice or by circumstance—is the lot of many women today. Fifteen of every 40 working women are either single, widowed or divorced.

Like Nora Anderson, gray-faced and toothless, who says she is 55 and looks 10 years older. She cares for her invalid 69-year-old ex-husband in an apartment they share.

"Whatever work you get for me I can do," she says urgently. "Restaurant or bakery, baby-sitting, sewing or something . . . I'll do anything.

Her alternative is welfare.

And there is the 55-year-old divorcee, her face too brightly painted, who was laid off in April after 25 years as a cocktail waitress at a typical businessman's bar.

"That's all I ever did," she says, the bitterness twisting her cheerful mask. "Experience don't mean nothing nowadays."

For she can find no work either. Her field is limited, of course. She doesn't drive, so distance is a problem. She has never served food. And many bars prefer younger cocktail waitresses with a more nubie, cuddly image.

Summer is always a slack season for restaurants but it's worse this year. In a recent month, 5,200 people were registered with the Michigan Employment Security Commission (MESC) looking for work in food and beverage preparation and service.

But, on an average day, the MESC computer showed only 154 employer requests for waiters or waitresses, 33 openings for short order cooks.

Age is another strike against those two jobseekers. But younger women, qualified women, are just as desperate, just as depressed.

There's the petite, 34-year-old brunet, fidgeting in the line as she waits for her unemployment compensation check. She has a bachelor's degree in art from University of Michigan and 20 hours towards her master's.

She tried teaching, didn't like it and turned to electrical drafting. After years at a small electrical engineering firm, she was laid off April 15.

"I'm able to pay for rent and food. I had to give up my car. The rest of my creditors are being patient," she says.

"I was making $7,200 a year and I see no reason to take a filing job for $300 a month, not yet. I'm making more sitting home on my rear and collecting unemployment."

There is no shame connected with unemployment compensation. Many in the line are righteous. They think they contributed to the unemployment insurance fund and are thus entitled to benefits. They are mistaken though. Employers, not employes, pay into the fund.

The technicalities that make an individual either eligible or ineligible for benefits would fill a book. But, basically, it's pretty simple.

The applicant must be: unemployed; able and available for work and actively seeking a new job; have worked a minimum of 14 weeks for any employer who is subject to the Michigan Employment Security Act in the year prior to his unemployment.

If he meets all requirements, he'll cash in. The size of his check will depend on average weekly earnings and number of dependents.

He may receive as much as three weeks of benefits for every four weeks worked in the year prior to his unemployment. Thirty-nine weeks, which includes a 13-week extension, is the absolute longest he can depend on the weekly allotment.

A young woman, 24, with an attractively curled Afro, is collecting her last check. She is in the process of a divorce, a separation that left her with two young children to care for.

Unwisely, she admits, she left her $109 a week telephone company job last September.

"They put me on the night shift after four years and I couldn't stand the pressure."

She's applied for jobs and had offers . . . mostly in the $75 a week range.

"It would all go for baby-sitting," she almost wails.

So what does she do now? What happens when the last of that final check is spent?

"It can't get any worse," she says with a sigh. But is she an optimist?

For the black women in Detroit the job scene is particularly bleak . . . a discouraging 15 percent unemployment rate compared with her white sister's 10.5 percent.

And then there are the working wives. How many recognize the necessity of her paycheck?

"You can't feed five kids on my husband's $135 a week, and pay the bills," says Martha Collins, of Madison Heights.

The $4.04 an hour she was bringing home from her tool company job before a mass layoff was not just supplementing her husband's earnings. She was sharing the role of breadwinner.

She hasn't been able to find comparable factory work. And she winces of returning to her first profession—waitress—with a shudder that shakes her ample body.

"That would be a hard row to hoe. I hope the economy takes a swing up before I'm forced into that."

It is almost impossible for a woman to locate a job in industry today. MESC counted some 15,000 one month looking for such work and listed, on a typical day, a scanty 1,100 employer requests for manufacturing personnel. And most of those heavy jobs usually filled by men.

The soft-spoken, neatly groomed woman is a 42-year-old housewife with six children. She just completed a course in business education at Wayne State University and happily applied for teaching jobs at some 20 schools within a 45-minute travel time radius of her home.

Predictably, she's had no response.

She's now sitting on a straight-backed chair at her local MESC employment office, waiting to talk to a job counselor.

"I put down 'managerial position,' but I'd take secretarial work," she says. "Every day I'm out of work we get farther and farther behind in our bills and now we're in debt.

"I can teach any business course and I did my student teaching in data processing. That kind of practical course is so important to students today but most schools don't include it," she trails off with a discouraged shrug.

"We're getting a lot of unemployed teachers, a lot of college graduates," says Lorraine Barrett, a supervisor for MESC interviewers.

"Their problem is that they're overqualified. What employer wants to spend money and time training someone he knows will leave as soon as a teaching job opens up?"

For teachers, the outlook remains discouraging. It is estimated that 104,000 new graduates in the United States will be unable to find teaching posts this fall.

The typewriter and steno pad, for 50 years a woman's bailiwick, is one of her last refuges.

On a good day the MESC files will show some 500 openings for assorted clerical personnel.

But there are two catches. Starting pay has remained, in most instances, miniscule. And the employer has gotten picky.

He used to be satisfied with seeing 5 or 10 applicants before he tapped one to fill a vacancy. Now he insists on interviewing 25 or 30, weeding out the inexperienced, the older woman, the girl with rusty skills.

There is one field, of course, where the eagerness is on the employer's side. The cry for domestic workers is enough to shatter the eardrums.

The cry falls on deaf ears.

"It doesn't make sense," says an MESC spokesman. "Domestic work is perfect for the older, unskilled woman who's going back to work after she's raised her family. Keeping house and cooking are what she knows and can do well."

"But it just doesn't have status. They'd rather get a job clerking in a dime store for less than they'd make at day work."

Employment counselors don't even suggest domestic work to the desperate women they deal with.

"If she's white, she's insulted. If she's black, she might slug you," says one interviewer.

With the exception of domestic work, though, almost all other areas find women "involuntarily unemployed."

Salesgirls are laid off because customers are scarce when money is tight. Hairstylists twiddle combs, because wives whose husbands are idle can no longer afford the luxury of a weekly shampoo and set.

But the employment counselors, after dispensing the gloomy figures and shaking their heads sympathetically over women's plight, decide things aren't so bad after all.

"It is easier for women to find work than for men," says one with a smile.

Why?

"Well . . . I'm not sure, and I don't have the figures to back it up, but . . ."

Every source says the same thing.

And then one manager of a private employment agency mentions casually that she would never send a man out to interview for a still available clerk job, the kind that pays a measly $325 a month.

"Why, it would be absurd. How could a man with a family to support, a man who had been making from $10,000 to $20,000 a year, exist on such a salary?"

But if the job applicant is a woman, counselors don't hesitate to ask her typing speed and send her on such an interview—even though she might be the head of a household, a college graduate, an individual with more skills to offer an employer than 50 words per minute.

She should be grateful for any job, you say? Perhaps. If she's desperate enough, she probably is.

But the woman suffers . . . the mind-chilling monotony of a dead-end job, the obvious sacrifice of a paycheck ridiculously incompatible with her training and experience.

And the rest of womankind suffers with her, as the women's lib campaign to upgrade women's status in the marketplace slowly and very surely grinds to a halt.

For if women with skills that go beyond typing and shorthand get mired in the steno pool, how long might it take them to struggle out and up when the economic picture begins to improve?

It is easy to say they should remain steadfast, they should hold out with the same pride and sense of worth that keeps the axed male executive from taking a job as a truckdriver.

But with the groceries to buy and the rent due, pride is the one commodity women can't afford this week.

. . . AND THE SAD STORY OF A WOMAN WHO HAS ONE

(By Pamela Morris)

Diane Durocher is one of the victims of the unemployment epidemic.

Typical? No. There is no such thing as a typical story told by an out-of-work woman.

But she can describe that ironic combination of urgency and inertia that afflicts the unemployed, the bitter feeling that someone must be playing a bad joke.

And Diane, 27, is eager to tell her story, sitting cross-legged on the floor of her Palmer Park apartment, sipping unsugared iced tea and chain smoking.

She has nothing better to do, after all.

Diane graduated from Michigan State University in 1968 with a journalism degree.

"It took me a couple of extra years. I worked my way through," she says matter of factly.

After graduation she was hired by a suburban daily newspaper as a reporter. In the space of a few months, she became the business writer.

Diane quit her job in January, 1970, shortly after the paper came under new management.

"It sounds naive and stupid but I just wasn't sure I agreed with their ideals anymore. Besides, I thought I could make more money somewhere else."

Even last year the job market for creative people was getting spotty, but she didn't panic.

She moved back to her parents' home in Okemos. Then she took a three-week job-foraging trip to the West Coast. No luck.

When she returned to Detroit, she got a job offer from the American Red Cross. They needed someone for their public relations department.

"I really hesitated. Back at MSU the journalism profs were always telling us we'd be prostituting ourselves if we took a job outside a newspaper."

But she didn't hesitate too long. It was the only offer she had.

Relative tranquility until the middle of this May.

"Then I got laid off," says Diane, grimacing.

Nationwide economic slumps hit the charity business hard, too.

When her first, tentative inquiries into the job market brought no results, she applied for unemployment compensation.

But employes of nonprofit organizations aren't eligible for benefits.

Then she did begin to get frantic.

"Move back with my parents? Again? I can't keep doing that all my life. Besides, my roommate and I just rented this apartment in January."

With her severence check and her savings she had a grand total of $780. She also had her half of the rent, $80, to cough up, a $70 car payment, a $400 bank loan, payments on the loan that helped get her through school. And hefty charge account balances.

"I know it was dumb—but after doing without all through school. I really go wild on clothes and stuff now. It's like a sickness."

So she redoubled her job hunting efforts and applied at "one of those rent-a-girl places" for something to tide her over.

"But if you don't type, all they have is jobs scrubbing floors."

(Like many writers, Diane views her appallingly inaccurate typing with a sense of pride.)

She did have one offer in her field—a post as social writer at a weekly paper in a small town.

"I mean, where is Buchanan, Mich.? The whole thing just turned me off."

So she continued to type up resumes, started a short story to submit to True Confessions magazine and kept in touch with employment agencies that held her application.

"I refused to let myself sleep until 11, even if I didn't have anything to do. So I'd get up at 9 and fuss around the apartment. Then a friend would call me to meet downtown for lunch. It takes a couple of hours to get ready for that.

"I'd pick up the newspaper on the way home . . . the want ads, you know."

Books and the newspaper occupied most of the afternoon.

"But the biggest, the most agonizing decision every day was whether or not to turn on the 4:30 movie. I wasn't letting myself get hooked on daytime television. I vowed that. But is 4:30 daytime, or early evening?

"I always felt better when I fought the impulse and didn't watch the movie. It was like winning a battle."

And the days, she says, "just went by."

Until one morning she woke up and found half her savings gone, after only a few weeks of joblessness.

"My God, it really hit me. I'm spending money and I'm going bananas."

Her first action was to throw herself upon the mercy of the government.

After a six-hour wait at the Michigan Department of Social Services, Diane learned she still had too much money in the bank to qualify for welfare. But a sympathetic worker directed her to the agency where food stamps are obtained.

"They were really nice at the food stamp place. That day I got $14 worth of stamps, my two-week allowance," she says, exaggerating the wide smile that must be her trademark.

But she adds more quietly, as she examines the melting ice cubes in the tea, "In my whole life, I'd never been in a welfare office. Never."

It wasn't long afterwards that she sat down next to the phone with the Yellow Pages open in her lap to "Restaurants."

"It was very simple. I just went down the list and called the places where I thought the tips would be good. I lucked out. The third place I hit, Topinka's on the Boulevard, said to come on in."

So Diane dipped into her savings once again . . . and reported for work in a new white uniform.

"That's how I put myself through school, you know, waiting table."

She's just a little out of practice now. Her movements are not as deft and sure as those of her co-workers. She forgets to smile sometimes, so intent is she on conveying the food from tray to table without the mashed potatoes sliding onto the customer's lap.

But how could she have known to keep in practice? She left the drudgery of waitressing behind when she left MSU with that gilt-edged diploma—the supposed guarantee of her right to practice her chosen profession.

Diane is still not exactly "employed." She's only working the lunch shift, 11 to 2, for $5 a day and tips, which average $7 or $8 daily.

"It's been a long time since I hustled for a buck," she says with a groan.

She continues to queue up for food stamps every two weeks, since her part-time job leaves her on the poverty level.

But, if nothing else, the waitress job has kept her sane.

"It's great to wake up in the morning with something to DO."

It's a stopgap, of course. Her hunt for work in the media has, if anything, intensified.

"By August, I'm sure to find some sort of job in my field . . . aren't I?"

The question is an afterthought, as if the possibility of failure just occurred to her.

But the possibility is real—for Diane and for many of the other 40,000 unemployed women in the Detroit area.

Too often, the jobs they are searching for simply don't exist.

HOUSE OF REPRESENTATIVES—*Thursday, July 22, 1971*

The House met at 11 o'clock a.m.

Father Elwyn D. Brown, Christ Church, Rockville, Md., offered the following prayer:

Holy Father, author of life, we know that You reveal Yourself in our history. We thank You for Your trust in calling us to be agents in that history. May Your grace be felt today in this deliberative body that choices and decisions made for our welfare may be arrived at according to Your laws. May the spiritual and emotional forces that rob us of our freedom to be, contrary to Your holy will, give way to intelligent reason and wise choice. Enkindle in our hearts fervent affection for our land; affection that has motivated great statesmen in these United States.

"May Your power be our power;
May Your strength, our strength,
Your light, our light,
Your love, our love."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9382. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9382) entitled "An Act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PASTORE, Mr. MAGNUSON, Mr. ELLENDER, Mr. STENNIS, Mr. ANDERSON, Mr. ALLOTT, Mrs. SMITH, Mr. HRUSKA, and Mr. YOUNG to be the conferees on the part of the Senate.

REV. ELWYN D. BROWN

(Mr. GUDE asked and was given permission to address the House for 1 minute.)

Mr. GUDE. Mr. Speaker, I am very pleased that we could have the Reverend Elwyn D. Brown of Christ Episcopal Church in Rockville here today to offer the opening prayer.

Father Brown represents an old and historic parish, established in 1726 on a petition from the Rock Creek Parish. Although it was recently expanded to accommodate the church's growing congregation, much of the church building dates to 1887.

But Father Brown does not rest on the parish's past, but is a leader in the great ecumenical movement of today's churches. Born in Rochester, N.Y., his first years in college were spent preparing for a law career. But World War II, in which he served as a GI, not a chaplain, in Europe, interrupted. After the war, his goals changed and he finished his work for a B.A. degree at Hobart College and then entered the Episcopal Theological School of the Harvard Corp. in Cambridge, Mass. He served at St. John's in Mount Rainier, Md., for 13 years, and was called to Christ Church a year ago.

Father Brown is the bishop of Washington's chairman of Ecumenical Relations and has represented the diocese at discussions at Yale University and the Papal mass in Yankee Stadium. He is a member of the central committee of the International Ecumenical Fellowship and is president of the standing committee of the Episcopal Diocese of Washington.

LOOK HOMEWARD, MR. PRESIDENT

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, the world wants to look hopefully on the President's projected visit to Red China. It is a dynamic thrust toward better understanding between nations. But it must not be a continuation of the one-sided U.S. effort which has been met with such minimal response. Undoubtedly the Communists already are amazed at the length to which the United States appears willing to go in this action without a requirement for reciprocal action. Nevertheless, we wish the President every success in his undertaking. It is a courageous endeavor.

However, before our country becomes overengrossed in its Red China program, it seems in order to suggest that the President look homeward. Here aggravating problems are gnawing at our Nation's vitals. There are strikes and the strike problems are worsening. Wage and price escalation now is leapfrogging. There remains nagging unemployment. Successful welfare reform must have a stronger base than guaranteed payments to everyone who does not want to work. We are not coming to grips with any of these. Present efforts to solve domestic problems are in reality feeble. They contain nothing new and dynamic.

Would it not be in order for the President to launch an "America first" drive? Should he not say to Congress, to management, to labor: Let us counsel together for our country's needs—not for political advantage, not for higher prices, not for gains for labor—for "America first."

The great power and prestige of the President's office are needed to bring our country's leaders together, to provide a higher degree of assurance for the harmony, the cooperation and the determination needed for a massive attack on these major problems. There are flaws in our domestic structure. The gaps are widening and they must be bridged. The danger is growing. This action may well be more important to the future peace of the world than anything else which might be undertaken—much more than a mission to China.

CONTROL OF DUMPING WASTE MATERIALS INTO COASTAL AND OFFSHORE WATERS

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, we will soon be voting on a most important piece of legislation. H.R. 9727 is a bill which would control the dumping of harmful waste materials into America's coastal and offshore waters.

This bill has been reported out by the Merchant Marine and Fisheries Committee and I would like to commend this committee for its prompt action.

In February of 1971, President Nixon outlined his policies on this subject. These policies are now part of H.R. 9727.

The bill recommends that a national policy be set up banning unregulated ocean dumping of all materials and placing strict limits on ocean disposal of any materials harmful to the environment.

It also makes it mandatory that the Administrator of the Environmental Protection Agency must grant permission for any materials to be dumped into our main bodies of waters.

I certainly support this bill and hope that it will soon be the law of the land.

THE 150TH ANNIVERSARY OF TRANSFER OF SOVEREIGNTY OF FLORIDA FROM SPAIN TO THE UNITED STATES

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 373) to extend greetings and commendations to the people of Pensacola, Fla., on the occasion of the 150th anniversary of the transfer of sovereignty of Florida from Spain to the United States.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 373

Whereas the month of July 1971 marks the one hundred and fiftieth anniversary of the transfer of the sovereignty of Florida from Spain to the United States, and

Whereas it was July 17, 1827, the twenty-three star emblem of America was raised from a flagstaff at Pensacola, Florida, and

Whereas that event marked the establishment of Pensacola, Florida, as the territorial capital of this frontier land, and

Whereas Major General Andrew Jackson, commanding United States troops, then became the first Territorial Governor of Florida, and

Whereas the people of Pensacola, Florida, this year observed the sesquicentennial of the occasion by celebrating with community events, parades, festivities, the presence of many dignitaries including representatives of foreign governments, and

Whereas this occasion was marked with a symbolic changing of the flags and the reenactment of the original transfer in 1821, and

Whereas the people of Pensacola, Florida, acted in concert to bring appropriate attention to this significant historic occasion in outstanding manner through various committees and organizations, and

Whereas the Pensacola area, since the original transfer, has become known worldwide for its sound progress, bountiful beaches, pleasant streets, warm hospitality, and for the beauties of nature as well as for the role the area has played in the national defense and history of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring) That the Congress of the United States extends its greetings and commendations to the people of Pensacola and to all the people of Florida on the occasion of the one hundred and fiftieth anniversary of the transfer of sovereignty of Florida from Spain to the United States and that a copy of this resolution be transmitted to the mayor of the city of Pensacola and to the Governor of the State of Florida.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On pages 1 and 2 strike out all of the whereas clauses.

The amendment was agreed to.

Mr. SIKES. Mr. Speaker, today I have the honor to present a concurrent resolution offering the greetings and felicitations of the Congress of the United States to the people of Pensacola and all of Florida on the occasion of the 150th anniversary of the transfer of the sovereignty of Florida from Spain to the United States.

The First District of Florida, which I represent, is especially involved in this observance because this historic transfer took place at Pensacola, largest city in the First District.

The highlight of the observance of this occasion took place last Saturday, July 17, just 150 years to the day from the time Maj. Gen. Andrew Jackson, then in charge of U.S. troops accepted Florida on behalf of the United States and who then became my State's first territorial Governor.

I had the honor of being asked to take part in the pagentry surrounding the Pensacola celebration last week. Pensacolans from all walks of life participated in the parades, community events, and other festivities which were climaxed by a reenactment of the original transfer which saw the flag of Spain lowered from its staff and the 23 star flag of the United States hoisted in its place during solemn ceremonies.

It is fitting that the Congress take note of this important anniversary, for the transfer of this magnificent State to the United States has meant much to all Americans who now know Florida as the Nation's foremost vacation land as well as a land steeped in history and tradition.

Those of us privileged to take part in the celebration will not soon forget the pagentry and solemnity of the occasion as well as the enjoyment of being present at this significant occasion.

I invite all my colleagues in the Congress to join with me in the passage of this resolution in honor of my State and the wonderful people of Pensacola who brought to life last week this historic event.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the legislation just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 9382, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1972

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9382), making appropriations for the Department of Housing and Urban Development; for Space, Science, Veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. BOLAND, EVINS of Tennessee, SHIPLEY, GIAIMO, PRYOR of Arkansas, ROUSH, MAHON, JONAS, TALCOTT, MCDADE, DEL CLAWSON, and BOW.

TO PROVIDE FOR ADDITIONAL COMPENSATION FOR THE OFFICERS AND EMPLOYEES OF THE OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-373) on the resolution (H. Res. 533) to provide for additional compensation for the officers and employees of the Office of the Speaker of the House of Representatives, and ask for immediate consideration of the resolution.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. BOGGS). Evidently a quorum is not present.

Mr. ANNUNZIO. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 201]

Abzug
Adams
Alexander
Anderson, Tenn.
Ashley
Aspin
Badillo
Baring
Blanton
Blatnik
Brooks
Caffery
Celler
Chappell
Chisholm
Clark
Clay
Collins, Ill.
Conyers
de la Garza
Dellums
Diggs
Dingell
Donohue
Dorn
du Pont
Eckhardt
Edwards, La.
Evins, Tenn.
Foley
Gallagher
Goldwater
Hagan
Hanna
Hansen, Idaho
Hawkins
Heckler, Mass.
Hogan
Holifield
Hosmer
Hungate
Jarman
Kemp
Kuykendall
Kyros
Long, La.
Lujan
McCloskey
McCulloch
McKay
McKinney
Mathias, Calif.
Mayne
Melcher
Mikva
Mitchell
Murphy, N.Y.
Pepper
Powell
Pryor, Ark.
Purcell
Railsback
Rees
Rosenthal
Rostenkowski
Scheuer
Skubitz
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Steiger, Ariz.
Stokes
Tiernan
Udall
Van Deerlin
Wilson, Bob
Wyman
Yatron

The SPEAKER pro tempore. On this rollcall, 354 Members have answered to their names, a quorum.

Is there objection to dispensing with further proceedings under the call?

Mr. HALL. Mr. Speaker, I object.

MOTION OFFERED BY MR. PUCINSKI

Mr. PUCINSKI. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Two hundred Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 371, nays 5, not voting 57, as follows:

[Roll No. 202]

YEAS—371

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends

Ashbrook
Ashley
Aspin
Aspinall
Baker
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Diggs
Dingell
Dowdy
Downing
Drinan
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley

Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
King
Kluczynski
Koch
Kyl
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
McClory
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKevitt
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mazzoli
Meeds

Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rangel
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed

Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone

Tiernan
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten

Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—5

Dickinson
Gross

Hall
Landgrebe

Schmitz

NOT VOTING—57

Adams
Anderson, Tenn.
Badillo
Baring
Blanton
Blatnik
Caffery
Clay
Conte
Conyers
de la Garza
Dellums
Donohue
Dorn
Dow
du Pont
Edwards, La.
Erlenborn
Findley

Frenzel
Gallagher
Goldwater
Hagan
Hanna
Hansen, Idaho
Heckler, Mass.
Hosmer
Hungate
Kemp
Kuykendall
Kyros
Long, La.
Lujan
McCloskey
McCulloch
McKay
McKinney
Mathias, Calif.
Mayne

Melcher
Mikva
Mitchell
Monagan
Murphy, N.Y.
Pepper
Powell
Pryor, Ark.
Railsback
Smith, Iowa
Smith, N.Y.
Stafford
Stokes
Teague, Tex.
Van Deerlin
Wilson, Bob
Wyman
Yatron

So the motion was agreed to.

Mr. RHODES changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

TO PROVIDE FOR ADDITIONAL COMPENSATION FOR THE OFFICERS AND EMPLOYEES OF THE OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution as follows:

HOUSE RESOLUTION 533

Resolved, That, until otherwise provided by law, effective as of July 1, 1971, in addition to all other amounts provided by other provisions of law, there shall be paid out of the contingent fund of the House for compensation of the officers and employees of the Office of the Speaker of the House the sum of $50,000.

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The Clerk will finish reading the resolution.

The Clerk completed the reading of the resolution.

The SPEAKER pro tempore. For what purpose does the gentleman from Missouri rise?

Mr. HALL. To state a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HALL. At the conclusion of the last rollcall, does not the question recur on the motion to dispense with further proceedings?

The SPEAKER pro tempore. The gentleman must know that that is exactly what we voted on. The result of the vote was 369 to 5.

Mr. HALL. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER pro tempore. A quorum was established a minute ago.

Mr. HALL. Mr. Speaker, a point of order. The Clerk has read the title of the bill in the interim. I renew the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Mr. HALL. Mr. Speaker, I ask unanimous consent to withdraw the point of order.

The SPEAKER pro tempore. It there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HAYS. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman from Ohio is recognized.

Mr. HAYS. Mr. Speaker, this is a very simple resolution which increases the amount of money available for the Speaker for staff by $50,000.

The staff of the majority leader as previously constituted was both too small and too limited in its range of skills to adequately handle the workload of the Speaker's office.

New people have been added and more should be added to give the Speaker the numbers and the variety of special talents necessary to cope with the stature and scope of the office. To date we have identified the need for more staff for research, writing, special projects, caseworkers, stenographers, and receptionists. Certain areas where the Speaker has had or should assume responsibility have received only cursory attention because of the shortage of staff support and the demands on the Speaker's time.

To sum up, we have had an increase of about 300 percent in our total workload. We have a greatly expanded volume of mail of all kinds and the same is true of our telephone load and visitor load. We are having to deal with demands from organizations and individuals on the national level, governmental and nongovernmental, individuals who write and call in from all over the country, our State, and district. The official duties and the ceremonial duties, plus the constant stream of activity from the press and academics, and nongovernment persons, call for much broader staff support than afforded by the relatively small staff of the majority leader.

May I say, Mr. Speaker, the newspapers frequently say that the office of the Speaker is the second most important office in the country, second only to the President. I am not making any odious comparison when I point out to the Members that with this increase the Speaker will have about one dollar for every one thousand dollars that it takes to run the White House. I am not saying they get too much money to run the White House. I do not know. That is not within my range of oversight in this Congress. There are committees to deal with it, and I assume they think the President needs the money they are giving him, and if they think so that is good enough for me, but I am using this as a simple basis for comparison to show that the Speaker has a relatively tiny staff to cope with the tremendous responsibilities of the office.

Mr. GROSS. Mr. Speaker, will the gentleman yield

Mr. HAYS. I yield briefly to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, will the gentleman please state to the House, for my edification and for that of other Members who may be interested, the total allowances now for all purposes for the Speaker?

Mr. HAYS. If this resolution passes, he will have $166,500.

Mr. GROSS. For all purposes?

Mr. HAYS. For the Speaker's staff. Additionally he will have the amount for his district office which we all have.

Mr. GROSS. I have been given a figure of approximately $307,000 a year. Is that in error?

That is for all purposes as a Member of the House, the allowance for the office of the Speaker, and the increase.

Mr. HAYS. I had my staff check it out, and the figures they came out with are the figures I gave the gentleman, $116,500, or it will be $166,500 with the addition, plus the same amount we all have, whatever that is, and I cannot say at the moment. Maybe it adds up to the same amount.

Mr. GROSS. I thank the gentleman.

Mr. HAYS. Then the figure of $1 to $1,000 still stands.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the chairman of the Committee on House Administration yielding. I have been a personnel officer in years gone by, and I would not want to be in the position of denying adequacy to, of all people, our Speaker, or to his administration. I think there may be some error in comparing that with the duties of the White House, but I well appreciate the Speaker is the number three figure in Government, and he must be adequately provided for. I certainly would not want to be denying him such adequate assistance.

Mr. HAYS. If the gentleman will permit me, I would interrupt him for a second.

Mr. HALL. The gentleman has the time.

Mr. HAYS. The Speaker is the No. 3 man in order of succession, but I think as far as power is concerned he is No. 2 in the country. I referred to his position as far as power.

Mr. HALL. I would accept the distinguished gentleman's comment concerning that, albeit tradition has held otherwise; but, I rue some of the comments about the No. 2 elected official in our scheme of government that have been made. Be that as it may, I have just completed and yielded from the dilatory tactics brought on by my apoplectic amazement that this bill would suddenly be brought up today, so soon after we gave the Committee on House Administration the power yesterday over Members' clerk hire and other allowances exclusive of the Speaker and a few others; and also after having been granted unanimous consent yesterday, prior to a meeting of the full Committee on House Administration on this matter, to come in here early today and to deal with the matter of the military construction bill, to be brought up by the Committee on Armed Services, of which I am a member. We must presume our Committee on House Administration has adequate justification for this use of taxpayers' moneys, but I would prefer to be reassured.

It was just a few days ago, Mr. Speaker, on a point of order made by this gentleman from Missouri on the Legislative Appropriation Act that I had stricken on a point of order, as sustained by the Chair, a $40,000 increase for the office of the Speaker.

It was then not authorized. I appreciate that this would authorize it and the resolution would provide it.

I am interested in knowing why there is a 20-percent increase over the $40,000 that was stricken on a point of order a relatively few days ago.

I am interested in knowing why it is necessary for our new Speaker, as beloved as he is, and as much respect as his neighbor from Missouri has for him, to use four offices in the Capitol and why, as chairman of the House committee, he allows all the political parties to have campaign offices in the Capitol, yet wants a new office building constructed as opposed to the Madison Library.

I am interested in present costs compared with prior Speakers.

I simply believe as I did, as I helped in the fight last year to prevent an increase in pay of the respective employees in the Speaker's office, successfully, and raise those clerk-hire employees, that economy begins at home, that the Speaker should be the paragon of virtue in leading this economy, and that we should have a complete explanation of the difference between the two speakers, the difference between the numbers of offices that they occupy, and that we ourselves should pull the purse strings on this 20-percent increase of the appropriation.

I for one shall vote against it. I hope that I shall be joined by many people who believe the taxpayers have had enough.

I thank the gentleman for yielding.

Mr. HAYS. I will say this to the gentleman: I want to tip him off to something that will give him an opportunity to offer an amendment. When the bill comes to a vote on the appropriation for the various offices, there is an item of $720,000 for the Vice President's office downtown in addition to all the allowances he gets for his office up here. The gentleman might want to offer an amendment to knock that out; I do not know.

Mr. HALL. I thank the gentleman.

Mr. HAYS. Let me say, I do not want to make this a partisan matter. I will say if the distinguished minority leader, Mr. Ford, needs more money to operate his office and comes in and justifies it he will get a very sympathetic and receptive hearing from me, as chairman, and I can assure the gentlemen from my committee. There is nothing partisan about this.

Mr. HALL. If the gentleman will yield further, I am sure if I would come in to ask for needed additional personnel or assistance I, too, would get a sympathetic hearing from the Committee on House Administration. "Sympathetic" is a relative matter, I understand.

Mr. HAYS. I would have to have a couple of days to think about this.

Mr. HALL. Who made it a question of "partisan" is a matter of record in the Record.

Mr. HAYS. May I say to the gentleman, I get apoplectic, too, sometimes, but I am not apoplectic about this delay he has caused today; to do the same thing to the military construction bill, which I could—but I am not going to.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Pennsylvania.

Mr. DENT. I thank the gentleman.

Not too long ago this House decided it was going to limit the travel that I had for my committee, and other committees of this House. First of all, they created a problem I do not know how to resolve, since they limited it to nine members. I have 17 members of the committee, and I cannot pick out nine even if I give up my slot, which I have done twice.

I should like to read something which is in the public print:

> THE VICE PRESIDENT: SAFARI
>
> He had already played golf in Singapore, Korea and Saudi Arabia, and now he stood on the first tee of the best private club in Kenya's capital of Nairobi, swinging his driver like a machete. You guessed it, sports fans. This was no touring pro nor even a salesman of exploding golf balls, but Vice President Spiro Agnew, currently flailing his way around the world in his newest role—as international troubleshooter, diplomat and spreader of goodwill.
>
> Agnew's diplomatic round, whatever its effect, was surely his costliest venture yet. He traveled with a party of 141 persons (not counting 11 newsmen paying their own way), flying in a caravan of four Boeing 707s—plus a cargo plane carrying two bullet-proof Cadillacs for Agnew's dash from airport to hotel to golf course. Eighty U.S. Secret Service men and countless embassy personnel were alerted around the world to aid and protect the Vice Presidential person, and he moved everywhere inside a cocoon of human flesh that never failed to dazzle his hosts. "No head of state arriving in Nairobi ever had such security," marveled the Nairobi Daily Nation of the American No. 2.
>
> Hacking: Whatever the reason, Agnew kept his distance from the natives. "Robert Kennedy addressed us as if he were one of us, and Hubert Humphrey tried to do the same," said a senior at Haile Selassie I University in Addis Ababa. "Agnew never saw us, and we never saw him." On his arrival in Nairobi, Agnew did not even bother to read a statement of greeting. Instead, he shook hands with Kenya's Vice President and rushed off to his hotel (where the bill for his entourage was $3,000 a day). Aside from hacking up the local golf course, his main outing was to a nearby hunting lodge, where in company with his private physician and his pretty, red-haired secretary,—

Mr. HAYS. Do not knock that.

Mr. DENT. I do not even knock the next sentence. It is

> he watched two rhinos copulating.
>
> The principal advocate of the Vice Presidential tour was his press man, Victor Gold. "This trip wasn't for the benefit of the press;

it's a diplomatic mission." Gold said angrily one day when the newsmen's wisecracks got a little loud. "There seems to be a certain style where you are expected to shake hands with a camel driver or pat cheetahs on the head. Well, the fact is that we don't conduct our diplomacy for the benefit of the mass media. We're conducting it for the benefit of the U.S. Government and the people of the U.S."

All of which would be fair enough, except that Agnew has had little to do with heads of state, or diplomats either. South Korean President Chung Hee Park reportedly refused to talk business with him at all, and the Koreans shunted him off to the links, saying, "This time we just want him to enjoy Korea." Agnew spent under an hour with Haile Selassie and all of fifteen minutes with Kenya's Jomo Kenyatta and his Cabinet, barely enough time to hand over a replica of a George Washington candelabra and rake in his own booty: a monkey-skin robe, a wooden elephant and a wooden rhino. "This suits my personality," said the Veep, admiring the last.

Agnew has not made any serious *faux pas* so far, but he worked in many little ones. He called Arabia's King Faisal "Prince Faisal," referred to Jomo Kenyatta as Yomo Kenyatta, pronounced the name of Kenya itself the colonial way (*Keen*ya instead of *Ken*ya) and insisted that he is not going to any NATO countries on this round of diplomacy. Not only is the Vice President going to a NATO country this week, he is going to the only one—Portugal—that still has large colonial holdings in Africa.

Agnew saved his major gaffe for the weekend. Holding a news conference aboard Air Force Two as he flew north to Europe from his last African stop in the Congo, he said that "most" U.S. black leaders "could learn much" from the African strongmen he had just seen. Kenyatta, Ethiopia's Emperor Haile Selassie and Congolese commandant Joseph D. Mobutu, all of whom rule virtually unchallenged, "have impressed me with their understanding of the internal problems and their moderateness," the Vice President said—as opposed to "the querulous complaints and constant recriminations" of most black leaders in the U.S.

Mr. GERALD R. FORD. Would the distinguished gentleman from Ohio yield to me?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I regret very much that my friend from Pennsylvania took this time for this purpose. I do not think it has any connection with the matter that is before us. As the gentleman from Ohio knows, I favor the resolution on behalf of the Speaker's office.

As I understand it, those representing the Speaker came before the committee this morning and justified the facts sufficiently to get the committee to act favorably. I think it is poor taste, to say the least, on the part of the gentleman from Pennsylvania (Mr. DENT) to use the time for the purpose that he just used it.

For example, I do not recall any Member on our side, when former Vice President Johnson took a trip to Pakistan, to arise on the floor and make comments comparable to the ones made by the gentleman from Pennsylvania.

If I could, let me add another comment at this point: in a special order yesterday one of the gentlemen from the other side of the aisle, on page 26517, used language in reference to a high official in the U.S. Government that I have never seen used or heard used in this Chamber. I have checked it out, and apparently under the rules of the House, that language of the gentleman from Missouri is not subject to the rules of the House because the Vice President is not a Member of the other body.

Mr. HAYS. May I say to the gentleman——

Mr. GERALD R. FORD. May I finish my thought? And I appreciate the gentleman giving me this time.

I cannot imagine somebody in this body on either side of the aisle using language of that kind on the floor of the House in reference to the second ranking Member of the U.S. Government in the executive branch. I could appropriately categorize that language in one way or another, but I would have to use language, in my opinion, that would violate the rules of the House.

It seems to me that the gentleman from Missouri (Mr. CLAY) for having used that language, owes an apology to the House and an apology to the Vice President.

Mr. HAYS. Well, let me say to the gentleman that I do not know what the language is that he is referring to, but whatever it may have been, it would not make any difference to the Supreme Court which sits across the street, because they have ruled several times now that you could say anything about a Member of Congress, you could call him anything, you could tell a lie, you can accuse him of any crime you want to, and nothing can happen to you just so long as you do not do it with malice aforethought. You know, you can have the malice right then, but just so you do not think about it beforehand.

Mr. GERALD R. FORD. Will the gentleman yield further?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I am familiar with those decisions by the Supreme Court, and I disagreed with many of those decisions, as I do with many other decisions of the Court, but it seems to me that we in this body, regardless of our political affiliation, should conduct ourselves with a certain degree of common decency.

As I read that language, I think that language is most shocking, regardless of a person's political affiliation. The language used by the gentleman from Missouri (Mr. CLAY), is degrading to the House.

Mr. HAYS. Well, just let me finish this by saying to the gentleman that sometimes, having been a student of British parliamentary history, I think, perhaps, we have too strict rules here about what Members can say to each other and oftentimes miss some humor. I recall an exchange which I used in paraphrasing a matter on this floor which brought down some criticism on my head but which I thought was quite humorous and I attributed it to the two principals involved.

At one time when Lady Astor was a Member of the House of Commons she got into an argument with Winston Churchill. She said:

> If the right honorable Member was my husband, I would put poison in his coffee.

Churchill replied:

> If the lady was my wife, I would drink it.

I do not know what the gentleman is referring to because I have not read the language. However, the Members can decide that for themselves.

Mr. GERALD R. FORD. I thank the gentleman for yielding.

Mr. GROSS. Mr. Speaker, I am opposed to this resolution for the reason: First, that it was approved by the House Administrative Committee less than an hour before the House convened and there was no advance notice whatever that it would be considered today; second, and most important, no real justification has been given for a $50,000 per year increase in the allowances for the Speaker of the House which, I am reliably informed, now total at least $257,000 a year.

If the latter figure is correct, and if the House approves the $50,000 contained in this resolution it will mean that the Speaker has been provided annual allowances, exclusive of salary, of some $307,000. As the gentleman from Missouri (Mr. HALL) points out, the House of Representatives ought to set the pace in holding down expenditures and this certainly is not the way to do it.

Only a couple of weeks ago this increase for the Speaker was a $40,000 item in an appropriation bill. Because it was then unauthorized it was stricken from that bill on a point of order by the gentleman from Missouri. To the question of why it has been increased to $50,000 in this short space of time there is no valid explanation.

I am opposed to this resolution and I want to be so recorded on the record.

Mr. HAYS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Two hundred and nineteen Members are present, a quorum.

Mr. HALL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONTE. Mr. Speaker, during the last rollcall we were in attendance at the Small Business Committee hearings. The lights and the bells did not work. Had I been present I would have voted "yea."

AGNEW VICTIM OF VULGAR DIATRIBE

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, I am not going to be so presumptuous as to rise in defense of the Vice President. He is eminently able to speak for himself.

Nor need I stand in judgment of the Vice President's recent observations that certain leaders unduly occupy themselves with querulous complaints and constant recriminations.

Some of our associates must have felt that sting, or at least they arrogated unto themselves to respond to that observation.

For after all the business of the day was done, and most of us had gone last evening, a few of our colleagues took the floor and went on for an hour, and some 12,000 words in the CONGRESSIONAL RECORD, in a discourse that at times sank to a vulgar diatribe, and, at best, sounded an awful lot like querulous complaints and recriminations.

REPLACEMENT OF H.R. 6666 ON THE NEXT PRIVATE CALENDAR

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the signed withdrawals of objection to H.R. 6666 by my colleagues Mr. HAYS and Mr. JAMES V. STANTON be entered in the RECORD and that the bill accordingly be permitted to be placed on the next Private Calendar.

The signed withdrawals follow:

WASHINGTON, D.C., *May 7, 1971.*

Hon. HAROLD R. COLLIER,
Washington, D.C.

DEAR HAROLD: I am glad that you brought to my attention the Private Calendar bill H.R. 6666 and am writing to tell you that in connection with Congressman Wayne L. Hays I am withdrawing my objections.

Kindest personal regards,

Sincerely,

JAMES V. STANTON,
Member of Congress.

Washington, D.C., *July 8, 1971.*

Hon. HAROLD R. COLLIER,
House of Representatives,
Washington, D.C.

DEAR HAROLD: In reply to your July 6th letter, I will withdraw my objection to your bill, H.R. 6666, and I am sure Mr. Stanton also will.

With kindest regards, I am,

Very sincerely yours,

WAYNE L. HAYS,
U.S. Congressman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A REPORT ON DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Departments of Labor, Health, Education, and Welfare and related agencies for fiscal year 1972.

Mr. MICHEL reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 9270, AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION PROGRAMS APPROPRIATIONS, 1972

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill H.R. 9270, making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 92–376)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9270) "making appropriations for the Agriculture-Environmental and Consumer Protection Programs for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 21, 25, 26, 28, 29, 30, 31, 33, 35, 36, and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 13, 15, 16, 17, 19, 23, 24, 37, 41, 42 and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$173,479,500"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,500,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,900,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$82,934,000."; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$500,000."; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$164,068,000."; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,980,000."; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,536,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,867,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$124,100,000."; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$441,400,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$132,099,000 (of which $26,688,000 shall be available for the watersheds authorized under the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701, 709, 16 U.S.C. 1006a), as amended and supplemented),"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$18,113,500"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,200,000,000; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert "harvest or knowingly permit to be harvested for illegal use,"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 34, and 38.

JAMES L. WHITTEN,
WILLIAM H. NATCHER,
W. R. HULL, JR.,
GEORGE E. SHIPLEY,
FRANK E. EVANS,
GEORGE MAHON,
MARK ANDREWS,
ROBERT H. MICHEL,
BILL SCHERLE,
Managers on the Part of the House.

GALE W. MCGEE,
JOHN C. STENNIS,
ROBERT C. BYRD,
ALLEN J. ELLENDER,
HERMAN E. TALMADGE,
ROMAN L. HRUSKA,
MILTON R. YOUNG,
HIRAM L. FONG,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9270) making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—AGRICULTURAL PROGRAMS

Department of Agriculture

Office of the Secretary

Amendment No. 1: Appropriates $6,912,000 for the Office of the Secretary as proposed by the Senate instead of $6,932,000 as proposed by the House.

Office of the Inspector General

Amendment No. 2: Appropriates $14,354,000 as proposed by the Senate including $300,000 for additional work on the FHA, school lunch, and meat inspection programs instead of $14,054,000 as proposed by the House. In addition, the conferees expressed their concern with the large number of violations in the food stamp program in which little or no punitive or preventive action is being taken. The conferees direct that all cases of violation of the law by program recipients shall be forwarded to the responsible local welfare office for consideration in administering the program.

Agricultural Research Service

Amendment No. 3: Appropriates $173,479,500 instead of $169,532,000 as proposed by the House and $180,183,000 as proposed by the Senate. The following tabulation lists the changes from the House Bill agreed to by the conferees:

Additional research at pesticide laboratories	+$800, 000
Research on mosaic resistant and cold tolerant sugarcane varieties, Houma, La	+62, 500
Soybean production research	+300, 000
Research on floricultural crops	+100, 000
Research on sheep (predator control)	+125, 000
Research on sheep production, Clay Center, Nebr	+150, 000
Research on fowl cholera and other turkey diseases	+50, 000
Additional research on major swine diseases	+250, 000
Research on fruit and nut crops, Byron, Ga	+100, 000
Special cotton cost-cutting research program	+750, 000
Research on eradication of Hawaiian fruit flies	+250, 000
Expansion of nutrition research at Grand Forks, N. Dak	+125, 000
Research on restoration and revegetation of strip mined lands in North Central area	+65, 000
Research on temporary storage of high moisture feed grains	+50, 000
Research on Appalachian horticultural crops	+40, 000
Soil and water research in Hawaii	+100, 000
Research on saline seepage and related soil problems in Montana	+60, 000
Research on Venezuelan equine encephalomyelitis	+500, 000
Planning a soil and water research laboratory, Beckley, W. Va	+70, 000
Net change over the House bill	+3, 947, 500

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to provide $70,000 to remain available until expended for the planning of a soil and water research laboratory at Beckley, West Virginia. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees concur in the language of the Senate report calling on the Department to give special attention to the soil and water conservation research laboratory planned for Akron, Colorado. In addition, the conferees direct that, from available funds, a restudy of the feasibility and need for the proposed soil tilth center be made. The dairy cattle management and forage research laboratory proposed by the Senate has been deleted. The Department should restudy the need for such laboratory on a smaller scale or perhaps in connection with research at other centers.

Amendment No. 5: Provides $100,154,650 as proposed by the Senate for plant and animal disease and pest control instead of $99,654,650 as proposed by the House. The additional funds will aid in controlling outbreaks of Venezuelan equine encephalomyelitis.

Cooperative State Research Service

Amendment Nos. 6, 7, and 8: Provide $1,900,000 for the special cotton research program instead of $1,000,000 as proposed by the House and $2,750,000 as proposed by the Senate.

Extension Service

Amendment No. 9: Provides $1,000,000 for rural development work proposed by the House instead of $2,850,000 proposed by the Senate.

Amendment No. 10: Provides $500,000 for special cotton cost cutting education work instead of $1,000,000 added by the Senate.

Amendment No. 11: Adjusts the total payments to conform to Amendment Nos. 9 and 10.

Statistical Reporting Service

Amendment No. 12: Provides $20,980,000, including $1,238,000 for a farm operators expenditure survey, $30,000 for reports of cattle on feed in Kansas, and an additional $100,000 to strengthen potato production statistics, instead of $20,500,000 as proposed by the House and $21,430,000 proposed by the Senate. The conferees agreed that the Department should maintain the parity concepts provided in the basic law in recognition of the need to maintain the purchasing power of farmers in an otherwise urban economy.

Economic Research Service

Amendment No. 13: Provides $16,252,000 as proposed by the Senate instead of $16,500,000 as proposed by the House.

Foreign Agricultural Service

Amendment No. 14: Provides $25,536,000, including $500,000 for additional overseas marketing work, instead of $25,036,000 proposed by the House and $26,036,000 proposed by the Senate. The conferees are disappointed by the failure to break down the many trade barriers to expanded agricultural exports, and call on this service to be more thorough in its reports in this area along with suggestions for possible relaxation of trade barriers.

Agricultural Stabilization and Conservation Service

Amendment No. 15: Deletes the language pertaining to the further limitation of payments inserted by the House.

This was one of the major items of controversy.

It is to be noted that, under the various laws passed by the Congress and signed by the President, a commitment was made to make payments under certain terms and conditions at not to exceed $55,000 per person or corporation per crop. These payments really serve the purpose of enabling the processors to buy farm commodities, including cotton, at world prices while the producers in turn must pay American prices for all machinery, equipment, supplies, and so forth, while leaving out of production a part of their land.

It is apparent that American agricultural producers are dependent upon a stable return and that stability is directly related to the various federal programs to stabilize production.

At any rate, this is a commitment at the present time.

These payments, whether it be wool, sugar, wheat, or cotton, come because of a law—a law passed by the Congress and signed by the President. The conferees have agreed to carry out the good faith commitment made to the American agricultural producer. After all, we must—for it is the consumer for whom they produce and industry and labor which is dependent upon what they buy.

People are quitting the farms at a rate of 400,000 to 600,000 per year, and have done so for 6 straight years. In 25 years farm producer income as a percentage of investment has dropped 50 percent which to a great degree explains why farmers are quitting the farm. Perhaps they need to but consumers cannot afford to have them do so.

Commodity Credit Corporation

Amendment No. 16: Provides $4,213,331,000 for full reimbursement of the net realized losses of the Corporation as proposed by the Senate instead of $3,613,331,000 proposed by the House. Such restoration was requested by the Office of Management and Budget.

TITLE II—RURAL DEVELOPMENT

Department of Agriculture

Rural Development Service

Amendment No. 17: Provides $250,000 as proposed by the Senate instead of $230,000 proposed by the House.

Resource Conservation and Development

Amendment No. 18: Provides $20,867,000 and 20 planning starts for resource conservation and development projects instead of $15,691,000 proposed by the House and $25,421,000 proposed by the Senate.

Rural Electrification Administration

Amendment No. 19: Provides citation of the Telephone Bank Act added by the Senate.

Amendment No. 20: Provides new telephone loan authorizations of $124,100,000 instead of $118,200,000 as proposed by the House and $130,000,000 proposed by the Senate. The conferees call on the Administrator not to make loans to telephone companies or associations where there is any indication that such company or association is likely to be purchased by larger corporate interests.

Farmers Home Administration

Amendment No. 21: Provides an appropriation of $97,665,000 for administrative expenses proposed by the House instead of $106,250,000 proposed by the Senate.

TITLE III—ENVIRONMENTAL PROTECTION

Independent Agencies

Environmental Protection Agency

Amendment No. 22: Provides $441,400,000 for operations, research, and facilities instead of $425,100,000 proposed by the House and $458,900,000 proposed by the Senate. In addition to restoring the $8,800,000 deleted on the House floor, the conferees agreed to provide an additional $7,500,000 for solid waste disposal grants.

The conferees believe it most important that the various agencies of Government and the Congress, in the review and appraisal of Federal Government programs, projects, and activities, have full information available not only as to the impact upon the environment but also the significant economic impact on the public and the affected areas and industries.

The conferees, therefore, direct that, in addition to the environmental effects of an action, all required reports from departments, agencies, or persons shall also include information, as prepared by the agency having responsibility for administration of the program, project, or activity involved, on the effect on the economy, including employment, unemployment, and other economic impacts.

The conferees expect the agencies involved to spend such additional sums as may be necessary, out of general funds available, to cover any additional costs of preparing such statements.

This requirement will apply primarily to the environmental impact statements required under section 102 of the Environmental Quality Act, and the reports required under the permit dumping programs based on the Refuse Act of 1899.

National Commission on Materials Policy

Amendment No. 23: Provides $500,000 for this newly appointed Commission as proposed by the Senate instead of $50,000 proposed by the House. At the time of the House action, the Commission had not been appointed. In providing the funds for its operation, the conferees direct that the Congress be kept informed on the progress of such studies as are undertaken.

Department of Agriculture

Soil Conservation Service

Amendment No. 24: Provides $154,734,000 for conservation operations proposed by the Senate instead of $150,146,000 proposed by the House.

Amendment Nos. 25, 26, 27, 28, 29, 30, and 31: The Senate concurs with the House recommendation to merge the two appropriations "Watershed works of improvement" and "Flood prevention" because of their similarity. The conference agreement includes $105,411,000 for watershed programs and $26,688,000 for flood prevention projects.

Amendment No. 32: Provides $18,113,500 for the Great Plains conservation program instead of $16,229,000 proposed by the House and $19,998,000 proposed by the Senate.

Agricultural Stabilization and Conservation Service

Amendment No. 33: Deletes language added by the Senate to raise the limitation on payments under the rural environmental assistance program to $5,000 in connection with practices to reduce pollution by animal wastes. The conference considered this matter and calls on the Department to make a thorough review of the need for such adjustment.

TITLE IV—CONSUMER PROTECTION AND SERVICES

Independent Agencies

Office of Consumer Affairs

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to provide $960,000 for the Office of Consumer Affairs as proposed by the Senate instead of $950,000 proposed by the House and $450,000 for the Consumer Products Information Coordinating Center as proposed by the House, for a total of $1,410,000. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 35: Deletes the separate appropriation for the Consumer Products Information Coordinating Center of $450,000 as proposed by the Senate instead of a similar amount in combination with the appropriation for the Office of Consumer Affairs as proposed by Amendment No. 34.

Department of Agriculture

Consumer and Marketing Service

Amendment No. 36: Deletes language exempting the provisions of Public Law 92-32 from the limitations on the section 32 appropriation added by the Senate.

The conferees agree that such language could threaten support for the prices of apples, fruit and other perishable commodities which are dependent upon purchase of surpluses with section 32 funds and donations to schools and needy families. There is no intent to limit the effect of Public Law 92-32 so long as it does not reduce the level of section 32 funds which need to be carried forward as provided in basic law.

Food and Nutrition Service

Amendment No. 37: Provides $531,594,000 for the child nutrition programs as proposed by the Senate instead of $518,594,000 as proposed by the House.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to provide $25,000,000 for the school breakfast program as proposed by the Senate instead of $12,000,000 proposed by the House. Language has been added to place $6,500,000 of the increase in reserve pending determination of need. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 39: Provides $16,110,000 for the nonfood assistance program as proposed by the House instead of $33,000,000 as proposed by the Senate.

Amendment No. 40: Provides $2,200,000,000 for the food stamp program instead of $2,001,184,000 as proposed by the House and $2,500,000,000 as proposed by the Senate.

The conferees are in agreement that the Food Stamp Act makes no provision for providing cash for face value of stamps even in making change. Such a practice has grown up and threatens the success of the Food Stamp Program. Such practice should be stopped and the conferees concur in the language included in the House report requiring that all violations of the Act be forwarded to the responsible local officials for their consideration in connection with the certification of eligible participants.

Independent Agencies

Food and Drug Administration

Amendment No. 41: Provides authority to the Food and Drug Administration for the hiring of necessary consultants as added by the Senate.

TITLE V—GENERAL PROVISIONS

Amendment No. 42: Inserts section number.

Amendment No. 43: Prohibits harvesting marihuana or other such prohibited drug-producing plants as proposed by the Senate instead of a prohibition against growing such plants as proposed by the House.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1972 recommended by the Committee of Conference, with comparisons to the fiscal year 1971 total, the 1972 budget estimate total, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1971	$9, 548, 907, 550
Budget estimates of new (obligational) authority, fiscal year 1972	12, 104, 813, 850
House bill, fiscal year 1972	12, 423, 896, 050
Senate bill, fiscal year 1972	13, 621, 677, 050
Conference agreement	13, 276, 900, 050
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1971	+3, 727, 992, 500
Budget estimates of new (obligational) authority (as amended), fiscal year 1972	+1, 172, 086, 200
House bill, fiscal year 1972	+$853, 004, 000
Senate bill, fiscal year 1972	−344, 777, 000

Jamie L. Whitten,
William H. Natcher,
W. R. Hull Jr.,
George E. Shipley,
Frank E. Evans,
George Mahon,
Mark Andrews,
Robert H. Michel,
Bill Scherle,
Managers on the Part of the House.

Gale W. McGee,
John C. Stennis,
Robert C. Byrd,
Allen J. Ellender,
Herman E. Talmadge,
Roman L. Hruska,
Milton R. Young,
Hiram L. Fong,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON RULES TO FILE A SPECIAL RESOLUTION

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a special resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MILITARY CONSTRUCTION AUTHORIZATION, 1972

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 555 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 555

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes, and all points of order against section 504 of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 555 provides an open rule with 2 hours of general debate for consideration of H.R. 9844, the military construction authorization bill. All points of order are waived against section 4 of the bill due to a transfer of funds, which constitutes an appropriation in a legislative bill, and the bill will be read for amendment by titles instead of by sections.

The purpose of H.R. 9844 is to provide military construction authorization and related authority in support of military departments during fiscal year 1972.

The total authorization in the bill is $2,133,137,000, which is $126,307,000 less than the amount requested by the Department of Defense. The total is broken down, as follows:

Army	$565, 930, 000
Navy	318, 716, 000
Air Force	222, 299, 000
Defense agencies	19, 879, 000
Military family housing	918, 412, 000
Homeowners' assistance	7, 575, 000
Reserve components	80, 326, 000

One construction program we are all interested in is the one in Vietnam. It is over 90 percent complete; the DOD cost-plus contractor effort is scheduled for termination by July 1, 1972, and no additional military construction authorization or appropriations are being requested for fiscal year 1972.

According to testimony presented before the Committee on Rules, a determined effort has been made over the past years to continuously reduce the amount of unfunded and unused construction authorization available to the military departments. On data furnished the Committee on Armed Services this year, the residual authorization estimated at the end of the coming fiscal year for all three services is again within acceptable limits.

This authorization contains two distinct parts:

First, the authority to provide and construct new facilities in the amount of $1,207,150,000 to support the Active and Reserve Armed Forces, and the defense agencies; and

Second, the authority for military family housing and the homeowners' assistance in the amount of $925,987,000.

All the construction authorized will occur at approximately 256 military installations throughout the world and includes approximately 550 separate projects.

Mr. Speaker, I urge the adoption of the rule in order that this important bill may be considered.

Mr. Speaker, I now yield to the gentleman from California (Mr. SMITH).

Mr. GROSS. Mr. Speaker, will the gentleman yield for one question before yielding to the gentleman from California (Mr. SMITH).

Mr. O'NEILL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. Would the gentleman from Massachusetts care to state the content of the special resolution that he previously referred to, and for which he obtained permission to file?

Mr. O'NEILL. It is House Resolution 538. The gentleman from Texas (Mr. TEAGUE) filed the resolution asking that the Committee on Veterans' Affairs be able to travel.

Mr. GROSS. I thank the gentleman.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts has explained House Resolution 555, and I concur in his statements and simply wish to state that the point of order is waived, because there is a transfer of funds in this one particular situation.

Normally, Mr. Speaker, in considering this important subject over the years, I have tried to explain the bill in some detail. I am going to refrain from doing that today because the distinguished chairman of the Committee on Armed Services, the gentleman from Louisiana (Mr. HÉBERT) and the distinguished ranking minority member, the gentleman from Illinois (Mr. ARENDS) made splendid presentations before the Committee on Rules, and they will do the same before the Committee of the Whole today.

At this time, Mr. Speaker, I am going to take a few minutes to extend some praise to some of the Members in the House, and some of the former Members.

I remember when Mr. Carl Vinson, of Georgia, was chairman of the Committee on Armed Services. I did not have the opportunity to become real close or personally associated with him, but he was a fine American, and he did a fine job as the chairman of the Committee on Armed Services.

Following Mr. Vinson, after his retirement, the distinguished gentleman from South Carolina, the late Mendel Rivers, became chairman of the committee. He and I were very close friends in many ways. I think he was a great American.

He did an outstanding job as chairman of this committee. I pay tribute to him and I am sorry we lost him. Now we have the distinguished gentleman from Louisiana (Mr. HÉBERT) who has gone into this extremely important position under probably as difficult or more difficult circumstances than any other previous chairman. There is this tremendous and very bad situation in Southeast Asia. He has faced this and all of these problems in a commendable manner. The gentleman from Louisiana (Mr. HÉBERT), all Members, and all the people want to get out of Southeast Asia as soon as we can. I commend the gentleman from Louisiana for the marvelous job he is doing as chairman of this distinguished committee.

On our side of the aisle, on my side, we had the gentleman from Massachusetts, Mr. Bates, a really likable, able, and fine American who was the distinguished ranking minority member of this committee. Now we have the gentleman from Illinois (Mr. ARENDS), our minority whip, who is the ranking minority member of this committee. How the gentleman takes all the responsibilities of his whip job and his leadership and his speaking commitments and everything else and as ranking member on this committee is something to behold so far as I am concerned. He is always pleasant and always takes a phone call and always answers your questions. I pay tribute to him.

Mr. Speaker, I would like to praise all these Members and the members of the Committee on Armed Services for the job they do and, particularly, the staff of this fine committee. We have some excellent staffs on the committees throughout the Congress. Our staff on the Committee on Rules is just as good as any staff here. I do not know whether they are Republicans or Democrats, but any Member can call up and they can talk to any member of the staff any time and get an honest and sincere answer. The same is true with the Committee on Armed Services, the Committee on Veterans' Affairs, the Committee on Appropriations, and all the rest of them. We pay the staffs reasonable money, pretty good money. I will take any one of the staffs of these committees and put them up against the staff of any corporation in the United States, and I believe that they will do a finer, more efficient, and a harder working job than the staff of the corporations.

Mr. Speaker, I urge the adoption of this resolution. I reserve the balance of my time.

Mr. O'NEILL. Mr. Speaker, I want to concur in the remarks made by the gentleman from California. Also, I would like to mention the fact that in a 1-minute address in the CONGRESSIONAL RECORD of Wednesday, July 21, 1971, at page 26441, I included a copy of a resolution which was passed by the Massachusetts Legislature. It was a resolution memorializing the Secretary of the Navy to name a nuclear submarine in memory of Congressman William H. Bates.

We all loved Bill. He was one of the most able and valuable Members who have ever served in the House of Representatives. He was a friend of many of us. He was an outstanding Congressman.

I do not know what can be done to prevail on the Secretary of the Navy to name a nuclear submarine after our late colleague, but I echo also the same sentiments the Massachusetts Legislature had in passing this resolution.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9844, with Mr. Steed in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Louisiana (Mr. Hébert) will be recognized for 1 hour, and the gentleman from Illinois (Mr. Arends) will be recognized for 1 hour.

The Chair recognizes the gentleman from Louisiana (Mr. Hébert).

Mr. HÉBERT. Mr. Chairman, I do want to thank my distinguished friend and colleague from California (Mr. Smith), who is most generous in his commendation of my predecessors and myself, and also the glowing words he had to say in connection with my right-hand man on the other side of the aisle, the gentleman from Illinois (Mr. Arends).

I think the Committee on Armed Services is being conducted under the same principles and the same philosophy it always has been. There are no party lines on the committee. It is a committee composed of Americans in the interest of the security and safety of their country.

Let me say to my distinguished friend from Massachusetts (Mr. O'Neill) that there will be a submarine named in honor of Bill Bates. The Secretary has already informed the committee that a new nuclear-powered submarine to be built will be named the *William H. Bates*.

Mr. Chairman, today we are presenting H.R. 9844, the military construction authorization bill for fiscal year 1972.

The purpose of this bill is to provide military construction authorization and related authority in support of the military departments, and is necessary for enactment before appropriations can be provided to finance these activities of the military departments during fiscal year 1972.

The bill as submitted by the Department of Defense requested $2,259,444,000 for new authorizations. Our committee recommended the approval of $2,133,137,000. The Department request included $919,220,000 for all family housing expenditures including 9,684 new family housing units. The request also included $7,575,000 for the homeowners assistance program involved in base realinements.

Last year the Department requested $2,069,094,000. The increase requested by the Department of Defense in fiscal year 1972 authorizations over the amounts requested in fiscal years 1970 and 1971 was due primarily to additional emphasis on housing for both bachelor and married personnel as well as increases for Reserve Forces facilities and pollution abatement. In compliance with the national policy to improve environmental quality, the program to abate air and water pollution is being accelerated. This year's request included $129.9 million to abate pollution at defense installations located in the United States and possessions, and represented a 75-percent increase over the amount requested last year.

For Safeguard, $172.5 million was included in the Army title of the authorization, exclusive of $11.1 million for 215 units each of military family housing at Grand Forks, N. Dak., and Malmstrom Air Force Base, Mont., which was contained in the Defense military family housing title. Within the $172.5 million in the Army title, $167.3 million was for major construction of tactical facilities and $5.2 million for community assistance in helping to reduce local impact of Safeguard installations in North Dakota and Montana as authorized in section 610 of Public Law 91-511. The committee felt that in view of the unobligated balances in the community assistance account, that the $5.2 million could be safely deferred until programs for the use of the funds could be firmed up. The Secretary of Defense has outlined the objectives of this year's authorization program for continued deployment of Safeguard. Briefly, these include completion of the presently authorized Grand Forks, N. Dak.; Malmstrom, Mont.; and Whiteman, Mo., sites, and site investigations and planning activities including long lead-time procurement pointed toward deployment for a fourth site at either Francis E. Warren Air Force Base, Wyo., or in the Washington, D.C., area for protection of the national command authorities.

The Defense family housing new construction program for fiscal year 1972 requested 9,684 new units as opposed to 8,000 new units last year. Together with increases for improvements to existing public quarters, leasing, and maintenance and repair, Defense requested an increase from $809,038,000 for family housing in fiscal year 1971 to $919,220,000 in fiscal year 1972. The Secretary of Defense indicated his strong support for this program and we are convinced that a continuing program of building military housing is vital in our effort to improve the morale of our men in service. It is a key factor in retaining qualified personnel on a career basis and moving in the direction of an all-volunteer force. That is the reason that the theme of this year's program with our committee has been "peoples' projects."

Because this committee feels strongly that the inadequacy of military family housing is a primary factor in the loss of many of our most skilled and scarce military specialists, we have fought each year for a sustained program to provide decent homes for our military families. The replacement losses and retraining of these specialists are costly and critical factors in our military budget. The Department of Defense request mentioned above included a per unit average cost limitation increase for family housing which averaged approximately $1,500 per unit. It was the opinion of our committee in view of the increase from $19,000 per unit to $23,000 per unit average cost allowed the Department of Defense over the last 2 years that another increase at this time was not justified. By disallowing this increase, the committee actually reduced the budget request by some $15 million.

Instead of reducing the budget by this amount, the committee is recommending that the bulk of the funds saved by this action—$15,295,000—be used to add an additional 665 housing units to the Department's request. Additionally, the committee authorized 250 units for MacDill Air Force Base which will be funded from prior years' savings. Accordingly, the committee reduced the family housing program by only $808,000, largely as a result of holding the number of units in the domestic leasing program to 10,000. Thus, of the total reduction effected by the committee, virtually the entire amount was levied against the active forces portion of the program, which was reduced nearly 10 percent of the total request for such facilities.

I know that one of the items this committee would like to be informed of in some detail is the situation in South Vietnam as it relates to the military construction program. The construction program in South Vietnam is over 90 percent complete, and has progressed so well that the DOD contractor effort is now scheduled for termination by July 1, 1972. No additional military construction authorization or appropriations are being requested for fiscal year 1972 as COMUSMACV and the in-country component commanders have made vigorous efforts to cancel or defer lower priority projects in order to free up resources for application against more urgent requirements. The principal elements yet to be completed are construction of operating-training-logistics facilities for the Vietnam Armed Forces, and restoration of the few remaining essential portions of the highway network.

Under current plans, primary highway restoration should be substantially completed by midcalendar year 1972. A small portion of the program, assigned to Vietnamees troops and contractors, will remain for future completion.

In view of the relatively modest size of the fiscal year 1972 program, your Armed Services Committee faced an especially difficult task in effecting substantial reductions in this year's request. However, every member of your Armed Services Committee was determined that the final committee recommendation should be made on the basis of austerity, and reflect only those projects that the committee was fully convinced were essential to our military needs. Including the four military services and the Defense agencies, there were 620 separate projects requested at 270 individual bases and installations.

After hearings by the full committee, and review of each individual project requested by the Department, the committee was successful in effecting reductions of $126,307,000 in the bill.

The committee bill which we now seek to bring before the House totals $2,133,137,000 for new authorization. The total reductions effected by the committee represented some 6 percent of the amount requested, however, as mentioned before, the active forces portion of the program was reduced about 10 percent. The Committee on Armed Services is convinced that these reductions will certainly not impair the operational effectiveness of the Armed Services nor will they in any way jeopardize our national security.

Let me briefly discuss some of the major segments of this bill because I do not wish to bore you with all the details contained in our report.

Troop housing is one of the most important and vital requirements in the Defense construction program. We recognize the importance of this item in persuading personnel to stay in the military service as a career, and we believe implicitly that improved housing will provide both immediate and long-range benefits through increased reenlistments, heightened morale, and reduced recruitment costs. Again, peoples' projects.

Within the Army's request for troop housing and community facilities, the largest portion, $48 million, is directed toward providing privacy in existing barracks. The request also includes the construction of 7,420 enlisted barracks spaces and support facilities at $44 million, alteration of existing barracks at $13 million, and 1,310 new bachelor officers' quarters for $16.7 million. Additionally, the Army's request includes $9.4 million for various community support facilities.

The Navy's programing for bachelor housing totals $108.7 million and will provide new and modernized quarters for 26,307 bachelor enlisted men and 1,288 bachelor officers. Mess facilities total $7.7 million and community support items total $11.4 million. Included in this general category is $1 million for modernization at the naval home in Philadelphia, Pa.

The Air Force program for this category provides $39.5 million for troop housing facilities, and $10.1 million for community facilities. The $39.5 million will provide 4,980 airmen's dormitory spaces at a cost of $21 million; alterations and improvements to existing dormitories, $11.6 million; 424 bachelor officers' quarters, $0.9 million.

Included in H.R. 9844 are authorizations amounting to approximately $152.8 million for hospital and medical facilities of all types. These include hospital additions, dispensaries, dental clinics, and two new hospitals to replace the existing obsolescent facilities at Walter Reed General Hospital and Hill Air Force Base, Utah.

Here in the case of medical facilities, the committee found itself in almost complete agreement with the program that the Defense Department submitted. The committee still feels strongly that the pace of replacement for many of the outmoded World War II hospitals and similar medical facilities should be accelerated. Despite the enforced austerity inherent in this fiscal year, the committee is determined that the Defense Department should maintain a minimal but suitable emphasis on priority replacement of vital health facilities.

Now, Mr. Chairman, I want to make a few general observations concerning this bill. As I stated earlier, we deferred a considerable number of projects totaling $126.3 million. We did this in spite of the fact that we were working with a relatively austere request, and many of the projects will have to be built in the future. But in view of the pressures on the economy and the need for the fiscal prudence, we deferred for the present those projects which we feel could safely be postponed without seriously impairing our national security. In doing this, I feel the committee fulfilled its responsibility to the American taxpayer.

I do not wish to belabor the point, but I feel that the full Armed Services Committee which has spent many hours on this bill, has refuted again the baseless charge that it blindly approves everything the generals and admirals ask for. I believe that I mentioned earlier that the total reductions effected by the committee comprise some 6 percent of the total request. Actually, that percentage is to some extent misleadingly low when you examine the character and distribution of the cuts imposed by the committee.

One other subject which I think I should bring to your attention is the addition of two new general provisions in title VII. These are a result of experience our committee has recently had regarding Camp Pendleton, Calif. In January 1970, the President established the Federal Property Review Board. This Board directed the Department of Defense to declare excess certain portions of the land now comprising the Marine Corps base at Camp Pendleton, Calif.

The Marine Corps objected, the Navy objected, the Office of the Secretary of Defense objected, but they were forced to forward to our committee a declaration of excess which included 6½ miles of beach frontage and approximately 3,400 acres inland. The inland acreage is now used as a buffer zone between the city of San Clemente and the firing ranges and training areas of Camp Pendleton. Also, there are located thereon water wells, sewage facilities, and helicopter pads. After extensive hearings, our Real Estate Subcommittee recommended that the proposal be disapproved.

Since the present law does not give the Congress any veto power over such transactions, the committee felt it was wise to put a provision in the bill before you—section 708—prohibiting the disposal of any portion of Camp Pendleton unless specifically authorized by law.

Further, during the hearings in connection with Camp Pendleton, the committee learned that less than 24 hours prior to the declaration of excess being sent to our committee, a lease had been executed to the State of California for 25 years at $1 per year which covered 3½ miles of beach frontage at Camp Pendleton. This type of transaction does not have to be reported to the Congress under existing law. However, we have added a section amending the present law which provides that if the annual fair market rental value exceeds $50,000, it must be reported to the Congress regardless of the amount of the lease.

In summary, gentlemen, I feel that your Armed Services Committee has done an outstanding job with this bill and demonstrated conclusively its awareness of the need for fiscal economy and public responsibility. Therefore, I urge your unanimous support of this bill.

Mr. HOLIFIELD. Mr. Chairman, would the gentleman yield?

Mr. HÉBERT. I would be delighted to yield to the distinguished gentleman from California.

Mr. HOLIFIELD. I am very much interested in the item which the gentleman has just explained to the House. However, I am not quite sure about it because I have not been able to read the bill as yet as to exactly what is involved. But, as I understand it, there will be about 6 or 6½ miles of beach that will be made available to the public; is that correct?

Mr. HÉBERT. Yes.

Mr. HOLIFIELD. I am not deeply concerned as to whether it is leased or whether it is sold so long as it is made available. I would like to say that I do appreciate the making available by the committee of this land on any type of basis, whether it is lease or sale, because we are facing a situation in southern California of population density and population occupancy of the beaches, during the weekends particularly, where it is getting to the point of something like the situation which exists at Jones Beach up in New York.

They are lying on the public beaches as close together as they can lie because the population density is so great. And to open up this land farther south so the people who do want to get away from the great crowds around the metropolitan area of Los Angeles is, in my opinion, a great service to the people.

As I understand it, that Marine base has about 176,000 acres. Is that approximately correct?

Mr. HÉBERT. Approximately that.

Mr. HOLIFIELD. And about 17.5 miles of beach frontage; is that correct?

Mr. HÉBERT. That is correct. These are approximate figures.

Mr. HOLIFIELD. I would say that the release of 6.5 miles of beach—and I do not know anything about the back land the gentleman has spoken of—is of great benefit to the people of California, and I want to express my thanks to the committee for going along with this matter. I do not know what the intricacies or the intriguing processes that may have obtained have been, but I would say that considering the number of men that are trained there, and I know that it is an important base, but 176,000 acres is a lot of land, and 17.5 miles of beach frontage is a lot of miles of beach frontage.

The amphibious landings and the numbers of boats used on that beach are not very great. I think that the people of the State who, after all, own the land, along with the people of the United States—and whether you get a dollar for the use of it or $50,000 for the use of the land, is taking the money from one pocket and putting it in another. The main thing is that the people of California and the visitors—and we have several million visitors every summer out there from other parts of the United States—will have an opportunity to use beaches that are not as crowded as they are around the metropolitan area of Los Angeles.

I am very grateful for the help of the Committee on Armed Services on this, and for the great leadership of the chairman of that committee.

Mr. HÉBERT. I will say to the gentleman from California that the Committee on Armed Services has always seen the benefit of what the President had proposed, but it could not go along with giving away the land. Remember, we lived through the ill-fated McNamara giveaway programs, and we feel if we give away the military land today we may have to buy it back tomorrow, and sometimes at 1,000 or 2,000 times its price. While the sunbathing is very nice on the beach, and the swimming in the blue waters of the Pacific in the sunshine of California is very beneficial for the people, there are 3,400 acres of land which, if not controlled by the military, could well be used as a beautiful, beautiful housing development.

Mr. HOLIFIELD. I certainly do not rise to advocate turning this land over to private people.

Mr. HÉBERT. I understand that.

Mr. HOLIFIELD. The gentleman knows that I have supported every military construction bill, and almost every other kind of military bill that has come to this floor in the 29 years I have been here, so I am not antimilitary, as the gentleman knows. I realize the importance of the defense of our Nation. But the density of our population is getting to the point where these large tracts of land, unless they are used, in my opinion, or made available in a more generous way than they have been in the past, that this would be wrong because the push of population itself is occurring.

And just as we have the multiple land use in the Department of Interior's land jurisdiction where people can use the land for recreation, and where it can also be used for forestry and grazing, and things like that, that we should have the multiple land use of these large tracts wherever possible—retaining, always, the right of the military to utilize these tracts if they are needed for proper procedures.

Mr. HÉBERT. The gentleman can be very sure that the Committee on Armed Services will always cooperate in that direction and has the fullest praise for the President's suggestion and his cooperation after he was informed of the facts.

Mr. HOLIFIELD. Of course, I might point out that in the sale of military lands, there is always a reversion clause, where if it is used for other purposes it reverts to the Government. The gentleman no doubt is going to speak on that matter and the gentleman from Texas (Mr. Brooks), the chairman of the subcommittee takes care of that surplus property that is in the lease.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman.

Mr. BROOKS. Mr. Chairman, as an associate of the gentleman from California (Mr. Holifield) and as chairman of the Subcommittee on Government Activities, I have maintained a very long and detailed interest in all surplus land transactions. I have had occasion to take a look at this area that you are discussing. This land is just south, adjacent to the President's house or summer residence. That land is used by the Marine Corps now for amphibious training. To take this land by Executive order without adequate explanation to the Congress or anybody else is not the result of a Marine Corps decision or the Department of Defense. This land is needed by the Marine Corps for training. They utilize the beach. There are many facilities located on the land that the Marine Corps is using.

If we dissipate the real property to the military needs we are going to compromise the defense of this country. Under the theory followed by the President, if they wanted to take all of Camp Pendleton, they could do it. But I want to know where they are going to put the Marine Corps on the west coast?

If we are going to take any more property from the Marines they better not do it until we locate a different site for the Marines—assuming we want to maintain an effective military establishment in this country.

You cannot train thousands of men to use weapons systems on small tracts of land. It takes thousands of acres of land and we have that land and this is an asset that belongs to this country. It just happens to be located in California. At great cost we have developed over the years a fine base. Now they want to take it away.

I hope the committee will continue to look into this—we must not compromise the effectiveness of Marine Corps training operations in California or anywhere else, no matter what the reason may be.

Mr. HÉBERT. Mr. Chairman, I could not agree with the gentleman from Texas more.

I assure you no committee with jurisdiction over certain elements of Government disposal other than the House Committee on Armed Service's Real Estate Subcommittee believes more in what you are saying—that you are protecting our interest.

My own opinion is that wrong information was fed into the computer.

Mr. BROOKS. I think the wrong information was fed into the computer and fed into the executive department.

Mr. HÉBERT. That is what I meant.

Mr. BROOKS. I feel that the President did not have the facts on what kind of profitable real estate venture might come of this. This canyon and frontage on the Pacific Ocean were it ever transferred to a big real estate promoter somebody would get rich out of it.

Mr. HÉBERT. I am convinced that the President had no idea that he received the wrong information out of the computer until the Committee on Armed Services put the correct information in and he received the proper answer. I just hope that somebody down at 1600 Pennsylvania Avenue has learned a lesson that when the House Committee on Armed Services says no, it is spelled "n"–"o" and it means "no" and it does not mean "maybe." It means "no." If they wanted it to mean "yes," it would be "yes." But it is not "maybe."

Mr. Chairman, I have consumed enough time. I have tried to give you the highlights of the bill. I hope it will receive favorable consideration.

Mr. BELL. Mr. Chairman, I fear that through inadvertence, the House of Representatives may have made a grave error today which could cost the people of southern California the loss of some critically needed recreational lands.

I am referring to the question of the transfer of some 6 miles of prime beachfront and 3,400 upland acres of underutilized lands currently closed to the public as part of the Camp Pendleton Marine Corps base in California.

On July 14, President Nixon announced that he had decided to adhere to his original call for the transfer of these beautiful lands for recreational purposes to the people of California.

The Pendleton transfer was to be the first in a series of actions by the executive branch to transfer to the public a substantial number of parcels of property throughout the Nation.

The new concept would recognize the need to insure the best use of the public lands of the Nation so that the beauty of the mountains, the beaches, and the seas would be preserved for—and opened to—the public wherever possible.

The President had originally announced the transfer of the lands in the spring. Consistent with the statutory requirement, the proposal was submitted to the Armed Services Committees of both the House and Senate for their information. Recommendations were made by the House committee. But on the 14th of July, it was announced by the Western White House that the President would follow his original proposal and release all of the lands. The only question which remained was whether the lands would be leased or disposed of by outright transfer. The State of California preferred outright transfer due to the enormous investment required to furnish basic access and facilities.

Mr. Chairman, the people of southern California will be stunned when they hear that the House of Representatives has accepted—perhaps unwittingly—a provision which will attempt once again to bar the transfer of these critically needed lands.

In the military construction authorization bill an amendment was quietly inserted in committee to bar any form of the transaction. Section 708—on page 48 of this 50-page bill, H.R. 9844, the amendment reads as follows:

Sec. 708. Notwithstanding any other pro-

> vision of law, none of the lands constituting Camp Pendleton, California, may be sold, leased, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law.

Unfortunately, I, like most of my colleagues, was unaware that this provision had been inserted in the bill. The report on the bill, dated July 19, was not available to Members of the House of Representatives until the morning of July 20.

Thus, consideration of the bill today would appear to be a violation of the Legislative Reorganization Act which requires:

> No general appropriation bill shall be considered in the House until printed committee hearings and a committee report thereon have been available for the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays).

Particularly unfortunate is the fact that the bill which the House passed today bars not only the outright transfer of these lands to the State of California; the language in the bill would appear to bar any lease arrangement or any other arrangement which would make these lands available to the public.

Mr. Chairman, if this provision becomes law, the Congress will have acted in grave disregard of the public interest. The lands sought by the President and by the State represent a mere 3 percent of the lands under marine control at Camp Pendleton.

Three and one-half miles of beach have already been leased to the State; these lands would not be affected. But passage of this provision will close to the public an area of beach used as an exclusive enlisted men's club and not for any military purpose. It would freeze the entire 3,400-acre upland tract in the hands of the marines and bar turning that beautiful land over to the public for use as urgently needed picnic and campgrounds. The upland acreage is not currently used for military purposes; some of it is leased to private ranchers to grow strawberries.

The Pendleton lands had been thoroughly studied and surveyed by the General Services Administration, the Property Review Board, and the Marine Corps, and Department of Defense. It was agreed that of the 18 miles of choice coastal beachland and 126,000 acres of mountains, lakes, and canyons which comprise the enormous area of Camp Pendleton, a small portion—3 percent—of this could be opened for the use of the people living in the burgeoning areas of southern California.

It is, of course, essential that the entire area be protected from private development and be maintained in as wild and natural a state as possible. The intention is not to create a crowded "asphalt playground" but to make accessible to the public a gigantic nature park. The California State parks director, Mr. William Penn Mott, Jr., has assured us that the State is determined "to preserve both the beach and the upland camping complex in as wild a state as possible."

We must not allow this bold new program to be crippled in its very first step by an arbitrary recommendation of the House Armed Services Committee; we must permit the transfer of these beautiful lands for recreational purposes for the people of California. The Pendleton transfer is, in the President's words, merely the first step in a series of transfers "in all sections of the country, in the East, the North, the South, whereby we will declare excess property that presently is being used by the Federal Government, or some agency of the Federal Government, but in a way that we have determined is not the best use."

Mr. Chairman, I have heard the enthusiastic endorsement of the President's proposal by the people of my district and the rest of southern California for this incomparable beachland and campground area. The people in this area overwhelmingly support the President's program for preserving and making available these lands.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the third major bill that the Armed Services Committee has presented to the House this year. Earlier we presented the draft bill and the weapons procurement authorization bill.

H.R. 9844 provides the authorization for construction at our military installations, both in the United States and overseas. The legislation we bring before you today provides $2,133,137,000 in construction authorization for fiscal year 1972.

Mr. Chairman, the bill before us recognizes twin goals: It provides construction which our committee believes to be absolutely necessary if our Armed Forces are going to retain their capabilities; and, at the same time, it recognizes the President's call for economy and for reduction of defense expenditures whenever possible—calls that are heard frequently in this Chamber as well as elsewhere in our society.

I would like to express my full support of H.R. 9844. It is my belief that our Committee on Armed Services, under the strong and able leadership of our distinguished chairman, the gentleman from Louisiana, has produced a bill that provides a good balance of facilities for each of the military services. In his usual competent fashion our chairman has explained the bill in great detail.

I will not take the time of the House to go into the measure extensively, because I do not think it is necessary for me to repeat what our chairman has already said. However, I do want to take the time to comment generally and commend the members of the Armed Services Committee who worked so long and hard going over each item in this bill, project by project.

The committee this year was faced with the same problem that faced the Secretary of Defense and the services in initially developing this program. The services and the committee recognize that many valid requirements must await authorization in a future year. As the chairman reported to you, this bill represents a reduction of $126 million below the level of authorization requested in the President's budget.

The reductions the committee made in the bill were not based upon a judgment that the items were not desirable or important. In many cases we were convinced that the items being deferred now will eventually be authorized. We proceeded on the premise that we would defer projects wherever we could because of the pressing demands on our Federal budget, and because of the extraordinary effort that the Government must make in the coming year if the inflationary trends are to be controlled.

There is $167.3 million included in this bill for construction in support of the Safeguard ABM system. The Safeguard construction in this bill is merely that which is required to support the deployment that the House has already extensively debated and approved. As the chairman pointed out earlier, the authorization for Safeguard includes completion of the presently authorized Grand Forks, N. Dak., Malmstrom, Mont., and Whiteman Air Force Base, Mo., sites and site investigation and planning activities, including long leadtime procurement, pointing toward development of a fourth site at either Warren Air Force Base, Wyo., or in the Washington, D.C., area for protection of the national command authorities.

Our committee was certainly pleased that no request for authorization was presented for any further construction in Southeast Asia. Testimony before the committee revealed that our construction effort is over 90 percent complete, and the contractor combine has been notified that their efforts will be no longer needed after July 1, 1972. Bear in mind that the only construction requirement remaining is for the improvement of the Republic of Vietnam Armed Forces, which is crucial to our Vietnamization program and further withdrawal of the remaining American boys from Southeast Asia.

Mr. Chairman, I gave my full support to the recommendation of our committee chairman that the committee reject the Defense Department's request for another increase in the average unit cost limitation for family housing. This recommendation by our chairman resulted in the reduction of approximately $15,300,000 from the President's budget for family housing construction. However, rather than take credit for saving that amount of money, the chairman recommended, and the committee agreed, that we add 665 housing units to the Department's recommended 9,684. We are all acutely aware of the need for more and better housing facilities for our gallant men in uniform. The committee unanimously supported the chairman in this, and I commend him for his action.

The Air Force testified they would be able to construct an additional 250 units of family housing at MacDill Air Force Base, Fla., using savings from prior-year projects, therefore, not increasing the budget one penny. This makes a total of

10,599 units of family housing that the services will be able to place under contract for the same amount of money they requested for 9,684 units. I urge your support of this committee recommendation.

Mr. Chairman, I should like also to comment on the Marine Corps program for which $46,752,000 is requested in the fiscal year 1972 authorization request. Of this amount, $35,235,000 is for the provision of better living quarters for the bachelor marines. The requirement for adequate living quarters is of great importance at this time, when we have a withdrawal of our marines from a combat environment to a position of maintaining combat readiness in a garrison-type situation. Our committee's emphasis on "peoples' projects" is certainly carried out in the Marine Corps program, and I believe it will be of great value in retaining our highly trained veterans. To accomplish the administration's goal of an all-volunteer service requires that these dedicated men be provided living accommodations that will convince them that their country is interested in their well-being.

I congratulate the Marine Corps for devoting so much of their program attempting to get better living quarters.

In conclusion, Mr. Chairman, I hope the House will support this bill on which our Armed Services Committee has done a great deal of work. We trimmed the very little fat there was to be found in the Department's proposals without getting into the muscle. It may be, with the austere budget that was presented to us, we trimmed too much. However, the committee unanimously voted to report this bill to the House and I urge you to support it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I noted with a great deal of interest that only a short time ago, there were allegedly 219 Members on the floor dealing with a resolution that called for the expenditure of $50,000. I sit here and note—and I say it with great interest and regret—the fact that there are all of 25 or 30 Members here now to consider a bill authorizing the expenditure of more than $2 billion.

I do not know whether the gentleman from Illinois has any suggestion as to whether there ought to be more Members here to take part in the $2-billion authorization. I do not know whether the gentleman wants to comment on this situation. If not, we will let it rest there, but I did want to call attention to the situation as it now exists.

Mr. ARENDS. I think I know exactly what the gentleman is talking about, and I feel he has a point. As you know, however, these are strange times and this House on occasion is a strange place.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, as the gentleman who just preceded me in the well has indicated, these are indeed strange days where we have a rather strange misallocation of priorities, and I do not mean to criticize this entire bill. I think this is a good bill. I commend the chairman of the committee for bringing the bill to the floor in this rather unfettered form. It is a clean bill providing for military construction inside and outside the United States. I think the amounts we are authorizing here today are certainly reasonable.

However, I think we have to recognize that there are certain things we are not doing in this bill. I would call attention particularly to the rather disastrous situation in naval shipbuilding. A little bit later I plan to call attention to the expenditures being made for the anti-ballistic-missile system. I do not intend to offer any ABM amendments today, because I think we had a vote on that particular issue a very short time ago, but we are spending $160 million approximately for the anti-ballistic-missile system. We should be spending this year $160 million to modernize our naval shipyards instead so we can have a first-class Navy.

A few weeks ago I addressed a letter to Secretary Laird, in which I said:

> Originally, the Yards were to be modernized on a 5 year basis. The Department of Defense then revised this program to a 10 year modernization program. $89.3 million was programmed for expenditure the first year of the revised program, as opposed to $71.6 million actually appropriated—about 80% funding—

For the funding for the first year. For last year, for 1971, we were supposed to have $144.4 million to accomplish this modernization in 10 years. In fact there was actually included $50.6 million, or a modernization program 35 percent of the target.

I said:

> For the next '72 fiscal year many of us in the Congress were rather amazed to hear you say on the one hand that you want to exceed the Soviet Union in Naval strength and yet you are recommending appropriations of but $13.7 million of the revised 3rd year increment of $161.1 million modernization program, a funding of but 8½%.

I also said:

> I wish to advise you that at the current funding level the modernization targets of the Secretary of Defense re-established three years ago will require not 10 years but 100 years to accomplish.

And I said to the Secretary:

> As you know, the 10 year *Ship Modernization Program* provided Chairman Rivers by Secretary Nitze in 1966 has turned out to be about 60% myth and 40% actuality. It appears this year that the Shipyard Modernization Program is 92% myth.
>
> Frankly, if you don't know where you are going at the top, how do you expect the sailors and civil servants at the bottom to configure themselves into an efficient work force? Your guidance and leadership is critically required in the interest of the Department of the Navy and national defense.

I was not too surprised to get in my office this morning the reply not from the Secretary but from Deputy Assistant Secretary of Defense Glenn V. Gibson, wherein he confirms my facts, and he concludes with this analysis of the situation, which is the total explanation by the Nixon administration:

> Please be assured that we share your concern that our naval shipyards are in need of modernization. It is our objective to allocate maximum funding to this purpose consistent with other needs of the Services. In all candor, however, we must state that because of the many competing demands on available appropriations, we see little possibility that, in the foreseeable future, funds provided for shipyard modernization will approach the dollar amounts set forth in the 10-year planning program.

In a word, the Nixon administration is confirming a new revised 100-year shipyard modernization program to keep the American fleet somewhere in the world's top 10 or 20 navies.

I want to congratulate the administration on its foresight and planning, and certainly will await its next revision upward.

I believe that the administration, by being as penurious as it is with the dollar, and lacking foresight as it has, is doing nothing more than exerting a calculated effort to destroy the U.S. naval shipbuilding capability.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BRAY. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. LEGGETT. Mr. Chairman, the callous indifference of the Department of Defense to the needs of the Navy amounts to confusion and indecision at the top of our Department of Defense that is bound to reverberate in every ship and repair and construction facility of the U.S. Navy.

The full text of the two letters with accompanying tables follow:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 20, 1971.

Hon. ROBERT L. LEGGETT,
House of Representatives,
Washington, D.C.

DEAR MR. LEGGETT: This responds to your letter of 30 June 1971 addressed to Secretary Laird with respect to the Shipyard Modernization Program.

This program was approved in November 1968 and, as you know, was to have been funded in specified annual increments over the 10-year period, FY 70 through FY 79. However, in FY 70 and FY 71, and again in FY 72, higher priority needs for available funds resulted in the necessity to reduce the amounts originally planned for shipyard modernization in these years.

A secondary factor, which already has exerted a constraining influence on the Navy's shore establishment and will continue to do so, is the substantial reduction taking place in the number of ships in the Active Fleet. This is causing a redetermination of the types of facilities which should be acquired and the time schedule for these acquisitions.

Please be assured that we share your concern that our naval shipyards are in need of modernization. It is our objective to allocate maximum funding to this purpose consistent with other needs of the Services. In all candor, however, we must state that because of the many competing demands on available appropriations, we see little possibility that, in the foreseeable future, funds provided for shipyard modernization will approach the dollar amounts set forth in the 10-year planning program.

Sincerely,

GLENN V. GIBSON,
Deputy Assistant Secretary of Defense.

WASHINGTON, D.C.,
June 30, 1971.

Hon. MELVIN R. LAIRD,
Secretary, Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: As you recall, some years ago in 1964 Secretary McNamara emasculated Naval Shipyards under the promise that the survivors would be modernized in a 5 year program. The study was entitled "Study of Naval Requirements for Shipyard Capacity."

Unfortunately, the targets that had been planned have been ignored by subsequent Administrations of the Department of Defense.

I enclose for your review Table A setting forth the revised 10 year proposed *Shipyard Modernization Program* for our 8 continental Naval Shipyards and the 9th Shipyard at Pearl Harbor as presented to my House Armed Services Committee by the Navy.

Originally, the Yards were to be modernized on a 5 year basis. The Department of Defense then revised this program to a 10 year modernization program. $89.3 million was programmed for expenditure the first year of the revised program, as opposed to $71.6 million actually appropriated—about 80% funding.

For the current fiscal year, the second year of the revised 10 year modernization program, originally there was programmed $144.4 million; actually requested and appropriated was $50.6 million, or approximately 35% of the 10 year target goal.

For the next '72 fiscal year many of us in the Congress were rather amazed to hear you say on the one hand that you want to exceed the Soviet Union in Naval strength and yet you are recommending appropriations of but $13.7 million of the revised 3rd year increment of $161.1 million modernization program, a funding of but 8½%.

I wish to advise you that at the current funding level the modernization targets of the Secretary of Defense re-established three years ago will require *not 10 years but 100 years to accomplish.*

Tables B and C to support the figures are attached hereto and were provided to my House Armed Services Committee through the Navy Department, all on a non-classified basis.

As you know, the 10 year *Ship Modernization Program* provided Chairman Rivers by Secretary Nitze in 1966 has turned out to be about 60% myth and 40% actuality. It appears this year that the Shipyard Modernization Program is 92% myth.

Frankly, if you don't know where you are going at the top, how do you expect the sailors and civil servants at the bottom to configure themselves into an efficient work force? Your guidance and leadership is critically required in the interest of the Department of the Navy and national defense.

Very sincerely,
ROBERT L. LEGGETT,
Member of Congress.

TABLE A.—ORIGINAL 10-YEAR PLAN FOR MODERNIZATION OF ALL NAVAL SHIPYARDS, EXCEPT PORTSMOUTH, N.H.

[In thousands of dollars]

Activity	Fiscal year—										
	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	Total
Boston:											
MCON	7.7	25.2	34.5	12.6	21.6	20.3	24.5	24.9	10.1	4.0	175.4
OPN	1.4	2.0	1.7	1.7	1.3	1.9	1.5	1.2	1.0	1.0	14.7
OMN	.5	1.0	1.3	1.5	1.1	1.0	.6	.5	.3	.4	8.2
Total	9.6	28.2	37.5	15.8	24.0	23.2	16.6	26.6	11.4	5.4	198.3
Philadelphia:											
MCON	10.9	6.5	17.6	11.9	16.7	1.7	4.0	1.2	8.5	5.2	84.2
OPN	2.1	3.8	3.5	2.2	1.8	2.0	1.9	1.8	1.0	1.0	21.1
OMN	.5	1.5	1.9	1.7	1.6	1.3	1.2	1.0	.8	.3	11.8
Total	13.5	11.8	23.0	15.8	20.1	5.0	7.1	4.0	10.3	6.5	117.1
Norfolk:											
MCON	2.3	24.3	12.7	12.2	8.6	1.5	4.6	4.2	8.8	1.4	80.6
OPN	1.9	3.6	2.5	1.9	3.5	2.1	1.4	2.5	1.4	1.2	22.0
OMN	.7	1.2	1.4	1.4	1.4	1.3	1.0	.7	.3	.3	9.7
Total	4.9	29.1	16.6	15.5	13.5	4.9	7.0	7.4	10.5	2.9	112.3
Charleston:											
MCON	.5	8.8	4.5	8.7	6.5	1.3	1.4	2.6	2.3	13.0	49.6
OPN	2.7	3.6	2.5	3.5	1.9	1.8	1.4	1.3	1.3	3.7	23.7
OMN	.7	.9	1.1	.9	.7	.9	.5	.4	.3	.2	6.6
Total	3.9	13.3	8.1	13.1	9.1	4.0	3.3	4.3	3.9	16.9	79.9
Long Beach:											
MCON	8.3	7.6	10.0	7.9	6.1	20.3	20.9	10.6	4.6	3.2	99.5
OHN	.9	7.3	6.4	4.4	1.9	.6	.4	.4	1.9	.3	24.5
OMN	.7	1.8	1.8	1.5	1.2	1.3	.8	.6	.4	.2	10.3
Total	9.9	16.7	18.2	13.8	9.2	22.2	22.1	11.6	6.9	3.7	134.3
Hunters Point:											
MCON	8.7	5.0	16.4	4.7	9.0	9.5	6.2	2.9	1.1	4.4	67.9
OPN	3.3	3.9	2.8	2.3	1.0	1.3	1.3	1.3	1.2	1.2	19.6
OMN	.5	1.5	1.6	1.3	1.2	1.1	1.1	.9	.5	.4	10.1
Total	12.5	10.4	20.8	8.3	11.2	11.9	8.6	5.1	2.8	6.0	97.6
Mare Island:											
MCON	5.1	7.9	8.7	16.0	8.7	1.5	14.7	11.8	8.3	10.9	93.6
OPN	4.2	3.7	2.4	1.4	2.0	3.3	2.0	2.2	2.2	2.1	25.5
OMN	.6	2.4	2.3	2.4	2.1	1.4	1.1	.8	.6	.6	14.3
Total	9.9	14.0	13.4	19.8	12.8	6.2	17.8	14.8	11.1	13.6	133.4
Puget Sound:											
MCON	7.5	6.8	8.0	11.9	6.3	1.2	8.2	3.6	3.6	1.3	58.4
OPN	2.7	3.1	3.0	1.3	1.9	1.5	1.4	1.4	1.2	2.0	19.5
OMN	.5	1.6	1.5	1.4	1.5	1.1	.8	.7	.5	.4	10.0
Total	10.7	11.5	12.5	14.6	9.7	3.8	10.4	5.7	5.3	3.7	87.9
Pearl Harbor:											
MCON	8.4	4.3	8.1	16.7	8.6	1.5	5.1	1.9	2.1	3.5	60.2
OPN	5.4	3.2	1.2	5.4	1.5	1.0	1.0	.9	.9	.9	21.4
OMN	.6	1.9	1.7	1.7	1.7	1.2	.9	.7	.5	.2	11.1
Total	14.4	9.4	11.0	23.8	11.8	3.7	7.0	3.5	3.5	4.6	92.7
Total all yards:											
MCON	59.4	96.4	120.5	102.6	92.1	58.8	79.6	63.7	49.4	46.9	769.4
OPN	24.6	34.2	26.0	24.1	16.8	15.5	12.3	13.0	12.1	13.4	192.0
OMN	5.3	13.8	14.6	13.8	12.5	10.6	8.0	6.3	4.2	3.0	92.1
Grand total	89.3	144.4	161.1	140.5	121.4	84.9	99.9	83.0	65.7	63.3	1,053.5

TABLE B.—HOUSE ARMED SERVICES COMMITTEE, MILITARY CONSTRUCTION SUBCOMMITTEE, JUNE 10, 1971

[Page 231, following line 11]

SHIPYARD MODERNIZATION AUTHORIZATION AND APPROPRIATION DOLLARS FOR FISCAL YEARS 1970 AND 1971

Shipyard and appropriation		Fiscal year— 1970	Fiscal year— 1971
Boston	MCON	$7,682,000	0
	OPN	1,294,000	$1,507,000
	O. & M.N.	62,000	70,000
Total		9,038,000	1,577,000
Philadelphia	MCON	10,828,000	0
	OPN	2,013,000	1,783,000
	O. & M.N.	169,000	87,000
Total		13,001,000	1,870,000
Norfolk	MCON	2,319,000	3,980,000
	OPN	2,025,000	2,723,000
	O. & M.N.	65,000	147,000
Total		4,049,000	6,850,000
Charleston	MCON	5,932,000	6,884,000
	OPN	2,597,000	3,240,000
	O. & M.N.	304,000	207,000
Total		8,833,000	10,331,000
Long Beach	MCON	1,793,000	8,073,000
	OPN	1,725,000	1,489,000
	O. & M.N.	185,000	70,000
Total		3,703,000	9,632,000
Hunters Point	MCON	$6,889,000	$5,008,000
	OPN	2,991,000	3,132,000
	O. & M.N.	71,000	240,000
Total		9,951,000	8,380,000
Mare Island	MCON	3,477,000	0
	OPN	2,942,000	1,863,000
	O. & M.N.	87,000	368,000
Total		6,506,000	2,231,000
Puget Sound	MCON	7,467,000	4,914,000
	OPN	2,483,000	2,543,000
	O & MN	305,000	42,000
Total		10,255,000	7,499,000
Pearl Harbor	MCON	3,557,000	0
	OPN	2,230,000	2,220,000
	O & MN	156,000	96,000
Total		5,943,000	2,316,000
Grand total		71,648,000	50,686,000

TABLE C.—FISCAL YEAR 1972 SHIPYARD MODERNIZATION DOLLARS REQUESTED BY THE INDICATED REVIEW LEVELS

Activity	NAVSHIPS	CNM	SECNAV	OSD
NSY Boston	0	0	0	0
NSY Philadelphia	$3,290,000	$2,390,000	0	0
NSY Norfolk	3,022,000	3,022,000	0	$1,880,000
NSY Charleston	7,685,000	7,013,000	$7,195,000	7,372,000
NSY Long Beach	9,435,000	5,585,000	5,535,000	0
NSY Hunters Point	4,760,000	3,983,000	0	0
NSY Mare Island	$4,019,000	$4,019,000	$2,474,000	$394,000
NSY Puget Sound	5,597,000	3,403,000	2,677,000	2,677,000
NSY Pearl Harbor	2,049,000	2,049,000	0	1,384,000
	39,857,000	31,464,000	17,931,000	13,707,000

Note: The above dollars are military construction only.

Mr. BRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Chairman, I rise in support of this measure.

It is very gratifying to see the emphasis placed in this bill on "people projects." The Air Force has devoted $80 million or almost one-third of their request to such things as bachelor housing, morale, welfare, and recreational facilities, and pollution abatement. This high regard for people shown by the Air Force is very commendable. We know that there are many, many things which the Air Force has to build for the direct operation and maintenance of its planes and missile systems, for training and for research. They have shown here that they recognize the importance of their people and consider them to be their most valuable asset. The Air Force is trying to improve the morale of their people and retain them in the service. These projects are needed if we are to achieve our objective of a "zero draft." I fully support the need for "people projects."

I would like to say a few words about these projects. First, consider bachelor housing. The Air Force's request for $40.4 million for bachelor housing will replace old World War II barracks and modernize such existing buildings as can be done economically. The Air Force is trying to make their bachelor housing more attractive, more spacious and with more privacy. The men and women in our Armed Forces certainly deserve a decent place to live. This bill is a step in the right direction There is still a long way to go on this, and I am confident that the Congress will do its part.

Next, we have morale, welfare and recreational facilities. The Air Force request for these is $15.8 million and includes religious facilities, clubs, gymnasiums, libraries, and a post office. The need for better facilities of this kind is very real. The Air Force has a big complex job to do and its people work hard. Congress has long ago agreed these facilities are important necessities and not luxuries. Our service people require places where they can relax from their strenuous work and feel that they are part of a community. The Air Force has too many old, dilapidated buildings which they use for their religious, recreational, and physical activities and they should be replaced. Each year the Air Force tries to build some of these important projects, and this bill furthers the program.

Last, but not least, we include pollution abatement projects. There is really no need to talk about their importance. These projects are in direct support of people. There is no question about the need to clean up our environment. The Air Force has requested $24 million for air and water pollution abatement projects at their bases. These include sewage plants, incinerators, and projects for converting heating plants from coal to oil and gas. These projects will not only benefit the Air Force, but all the people in the country.

May I conclude by saying that there are no projects more important in this bill than the "people projects," and I urge their approval. Also I commend our chairman for his determined and objective leadership.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Chairman, I am pleased to note the language of the committee report which deletes an earlier authorization of $2,210,000 for the establishment of administrative facilities at Fort Sam Houston, Tex., in behalf of the 5th Army.

Mr. Chairman, the 5th Army Headquarters, which was located at Fort Sheridan from 1968 until 1971, served as the command post for 5th Army needs throughout the 13-State areas of the Midwest prior to the transfer of the 5th Army Headquarters to Fort Sam Houston, Tex.

Mr. Chairman, at the time of the announcement of the headquarters removal, I requested information from the Department of Defense as to other military activities performed in the Chicago area with a view to utilizing to a maximum extent possible the structures and other facilities at Fort Sheridan.

Mr. Chairman, it seems well to recall that Fort Sheridan was established as an Army post in 1889. At that time, a group of public-spirited citizens, operating through the Commercial Club of Chicago, donated the major portion of the property at Fort Sheridan. In accepting the land, the joint resolution of the House and Senate recited specifically that the land was to be used for military purposes. Since that time—March 13, 1887—Fort Sheridan has served continuously as a military post and has indeed constituted the Army presence in the great metropolitan area of northeastern Illinois and northwestern Indiana. Significantly, the Chicago Association of Commerce and Industry, the successor to the same organization whose members made the original donation of the land for Fort Sheridan in 1887, is today actively supporting a retention of the full facilities at Fort Sheridan for military purposes.

At various times throughout her history, Fort Sheridan has served as a recruiting, training, and separation center. Its important missions to Active and Reserve Forces, as well as to veterans and to the civilian community, are legion. In sum, Fort Sheridan is both a beautiful and a highly serviceable military post and has continued as such throughout a period of more than 80 years.

When the 5th Army Headquarters was transferred to Fort Sheridan in 1968, this appeared to be a most logical move. The entire headquarters facility was moved from the south side of Chicago to Fort Sheridan where it remained until the consolidation of parts of the 5th Army Command with the 4th Army Headquarters at Fort Sam Houston, Tex.

Mr. Chairman, the transfer of elements of the 5th Army Headquarters to Fort Sam Houston, Tex., did not result in the abandonment of Fort Sheridan. Representations that this became a deserted base are without foundation. I should add that the best estimates which I have been able to receive indicate that before the 5th Army Headquarters was located at Fort Sheridan, the total military, civilian, and dependent population at Fort Sheridan was 3,500. The most recent count as of July 17, 1971, was 3,183.

Mr. Chairman, at the time of the announcement of the transfer of 5th Army activities to Fort Sam Houston, Tex., I requested that a study be made of the feasibility of transferring to Fort Sheridan various other Army activities performed at other locations in the general Chicago area. Such a study has now been completed and is awaiting final approval by the Secretary of the Army.

While this study has not been made available to me, it is my understanding that it contemplates the full utilization of the permanent facilities at Fort Sheridan as well as the utilization of 90 percent of the temporary facilities. In addition, I am informed that some 500 students per year will be accommodated at Fort Sheridan where classes of instruction will be provided. A total of some 2,000 military and civilian personnel will utilize these Army facilities. These career men and women, coupled with personnel from nonappropriated funds plus the dependents of other military personnel will bring the total population at Fort Sheridan to approximately 5,000. This is greater than the population at Fort Sheridan during the time that the 5th Army Headquarters was located there. In addition, the facilities at Fort Sheridan will continue to be available for Reserve officers and men who may be able to fulfill their Reserve requirements at this post. However, Mr. Chairman, let me add that while the civilian and military personnel are not too numerous, Fort Sheridan has not been a military post which has boasted of its numbers, but rather of the quality of its personnel—and the importance of the missions which it performs.

Mr. Chairman, let us look for a moment at the significant missions now performed at Fort Sheridan.

First. The command of the Army Reserve units in a seven-State area is located at Fort Sheridan. This mission is headed by a major general with service to some 135 Reserve units throughout the area of the Midwest. It has never been contemplated that this function could be transferred to such a remote point as Fort Sam Houston, Tex., or elsewhere in the Nation. I for one want this command to remain where it is—where the officers and men and women who perform this mission reside—namely, Fort Sheridan, Ill.

Second. A maintenance command unit charged with the servicing of military equipment in the Midwest is located at Fort Sheridan. The highly skilled personnel which make up this mission provide maintenance for the electronic gear of our sophisticated weapons systems, as well as the repair and maintenance of jeeps, howitzers, and materiel of the important Air Defense Command.

Third. In addition to providing medical and dental care for those within the immediate area of Fort Sheridan, the entire medical and dental care services of the U.S. Army within a seven-State area is administered at Fort Sheridan.

Fourth. The 51st Ordnance Detachment—that highly skilled unit which performs services in detecting explosives and defusing of bombs—is located at Fort Sheridan. While it would seem unthinkable that this mission should be discontinued or transferred to a place far distant from the Midwest, it is, on the contrary, most logical to continue this activity at Fort Sheridan. This unit is also trained to respond to chemical, nuclear, biological, and conventional attacks and works closely with the civilian authorities as a protection to the civilian population.

Fifth. The veterinary food inspection service for Fort Sheridan and numerous other Army posts is commanded out of Fort Sheridan.

Sixth. The 113th Military Intelligence Group with its important missions is commanded from Fort Sheridan.

Seventh. Other missions now performed at Fort Sheridan include a 5th Army maintenance and assistance team, a medical procurement office, a security force, a flight detachment service, and various other activities which contribute to the effectiveness of Active and Reserve Army units within a wide area of the Midwest and which constitute an invaluable and irreplaceable segment of our national defense.

Mr. Chairman, I commend the committee for deleting funds previously authorized which would anticipate the transfer of further administrative duties from the Midwest to Texas—particularly the activities which I have outlined and which can best be performed from a centrally located and fully equipped military post at Fort Sheridan. Let me call attention to the unique location of Fort Sheridan, its proximity to air and rail transportation, its ready access to the entire Chicago metropolitan area. Let me also call attention to the sophisticated communications system installed at great cost to accommodate the 5th Army Headquarters Command and which continues to be available to the post commanders and other personnel at Fort Sheridan.

Mr. Chairman, we are about to give final consideration to the measure extending a selective service law and to phase out the draft and to substitute a completely volunteer military service. One of the principal ingredients of a successful volunteer military force is the attractiveness of military posts and the availability of recreational and other supporting services which will attract and retain men and women in our military forces. To consider the diminution or elimination of Fort Sheridan at this time would be quite inconsistent with our efforts to develop a volunteer military force.

Mr. Chairman, expressions from the city governments of Highland Park, Lake Forest, and from officials of the city of Chicago, as well as many others, should constitute convincing evidence that Fort Sheridan is a vital adjunct to the Chicago area and to the Midwest. The Army can continue to perform its present missions—and additional essential missions at Fort Sheridan. I interpret the language at page 17 of the committee report to be consistent with the views I am expressing here today—views which are borne out by the exchange between the gentleman from Indiana (Mr. BRAY) and Maj. Gen. E. P. Yates at page 5255 of the committee hearings.

Mr. Chairman, in the passage of this bill today, the importance of Fort Sheridan to the Midwest and to our national security is made eminently clear.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield to me?

Mr. McCLORY. I am happy to yield to the distinguished chairman.

Mr. HÉBERT. The gentleman knows the committee opposed the move of 5th Army Headquarters from Fort Sheridan.

Mr. McCLORY. I appreciate the position of the committee and the language in the committee report deleting funds from a prior authorization, in order to indicate the intent of the House to retain Fort Sheridan.

Mr. HÉBERT. I want the gentleman to know again, as far as the committee is concerned, that it opposed the move of the headquarters from Fort Sheridan.

Mr. McCLORY. I appreciate that very much.

I would just like to add this point on another subject to which the chairman referred earlier. The chairman commented with regard to the beach portion of several other military bases. I want to say I see no reason why the beach portion or portions of the beach at Fort Sheridan might not be made available to the public, providing that they do not interfere with the military operations there and that such public use is consistent with the primary military missions which are performed there.

I might say, too, that I know there is an active study going on at the present time to transfer other military activities to Fort Sheridan to make full and efficient utilization of all of the permanent facilities, and almost all of the temporary facilities at Fort Sheridan.

Mr. PRICE of Illinois. Will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. PRICE of Illinois. I am sympathetic with the position taken by the gentleman from Illinois in trying to resolve this matter. Personally I felt that the Army was wrong in removing the command operations from the whole central part of the country and leaving that vast area without a major command post of the Army. I thought it was an unwise move. However, I am hopeful, as the gentleman is, that Fort Sheridan will continue to be utilized in an effective way and that they can make good use of the full potential available again and return this post to the central part of the country in the event that such an objective would be found desirable.

I am very sympathetic with the gentleman. I know the committee seriously considered this. At one time we thought about legislating on the command situation of the Army so that no great parts of the country would be left without a major command post of the Army.

Mr. McCLORY. I thank the gentleman and commend him on his initative as well as the interest and support of the gentleman from Illinois (Mr. ARENDS) the gentleman from Indiana (Mr. BRAY), and the other members of the committee all of whom seem to be in support of the retention of Fort Sheridan as an important Army post consistent with the historic mission it has served for more than 80 years.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I rise in support of this legislation and want to point out another aspect of it which I think will be of particular interest to the Members of the House and to the committee. That is the fact that this bill contains very substantial funds for dealing with the problems of water pollution and air pollution.

Mr. Chairman, we have had charges made over the past few years that although the Congress was paying great attention to the cleaning up of water pollution and air pollution, the Federal Government was, in fact, neglecting its own house and that in many communities the major polluters were Federal installations, and not a few of those were military installations.

So, I think that it will be of considerable interest to the members of the committee to realize that this bill contains $129.9 million to deal with air and water pollution control at some 173 defense installations, both in the United States and overseas.

Of this total amount, $61.9 million is for the abatement of water pollution at 81 installations, and $68 million is for the abatement of air pollution at 92 installations.

The water pollution control projects are essentially additions to existing facilities in order to provide for advanced treatment of sewage and waterborne industrial wastes in order to comply with the updated Federal, State, and municipal water quality standards.

Mr. Chairman, I think this points up the fact that the Department of Defense has responded, with our prodding, rather rapidly and remarkably well in dealing with this problem.

We are pleased with the progress that the Department of Defense is making in air and water pollution abatement and feel that the services are truly taking the lead in this Nation's concerted effort to protect and enhance our environment. This year's program again indicates an acceleration of this effort and represents a significant increase over the authorization requested for this purpose last year. The greater emphasis evidenced by this program is in consonance with the national policy declared by the National Environmental Policy Act. This is also in accord with Executive Order 11507, dated February 4, 1970, which requires that necessary actions to abate pollution by Federal agencies be completed or underway by December 31, 1972.

For too long this Nation has regarded its atmosphere and water resources as limitless, free resources. The limits are now in sight and we must move to preserve what is left not only for ourselves but for those who will follow. This committee has been providing authorization for pollution on an accelerated basis at defense installations since fiscal year 1968. From fiscal year 1968 through fiscal year 1971 these authorizations amounted to approximately $177 million. This year's program includes $129.9 million for air and water pollution control at 173 defense installations both in the United States and overseas. Of this total amount, $61.9 million is for the abatement of water pollution at 81 installations and $68 million is for the abatement of air pollution at 92 installations. The water pollution control projects are essentially additions to existing facilities to provide for advanced treatment of sewage and waterborne industrial wastes to comply with updated Federal, State, and municipal water quality standards. The air pollution control projects are principally fuel conversions for heating plants to also comply with updated Federal, State, and municipal air quality standards regarding sulfur and fly ash. Other air pollution control projects relate to processing industrial exhausts and the construction of incinerators. All of these projects have been coordinated with the Environmental Protection Agency. Full advantage will be taken of the research and development efforts of the Environmental Protection Agency, the Department of Defense, and industry.

An innovation in this year's program will provide improved visibility and assist in the management and execution of the program. All water pollution control projects have been included in one line item and similarly all air pollution control projects have been included in one line item.

We fully endorse the efforts of the Defense Department in identifying and programing these pollution abatement projects and the full amount requested for authorization is approved. We will expect that the fiscal year 1973 program to be presented by the Department of Defense will essentially complete the initial effort by the services to bring all installations into compliance with existing standards. However, we realize that new legislation and updated quality standards will impose follow-on projects in subsequent years.

I am sure there are, perhaps, Members who will suggest that a pollution problem exists in their particular area which may not have been included in this bill. But, in this bill we have approved the recommendations of the Department, and if some particular problem areas have not been properly brought to the attention of the appropriate military department or to the Department of Defense, that certainly would be the proper way to proceed because insofar as the committee is concerned this is one of the Department's requests that we acceded to completely.

I want to say, too, Mr. Chairman, that the remarks of the distinguished gentleman from Louisiana, our chairman, with respect to the treatment of the Camp Pendleton area has my full support. I think, as he pointed out, that we have not only recognized the needs of the people of California and the expanding population growth in California—some of it unfortunately at the expense of my own State of New York, I might point out, but we have not been chary with respect to that particular point either. Our committee also recognized that the Marine Corps remains an important fighting arm and we certainly cannot deprive the Marine Corps of its ability to utilize, as the gentleman from Texas (Mr. BROOKS) mentioned a moment ago, certain amphibious training areas when the need requires.

So I think the action which the Armed Services Committee has recommended with regard to Camp Pendleton will meet the needs of both of these aspects of our national policy without harm to either one.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I would like to speak briefly on three vital medical projects in the Army section of the Military Construction bill that involve about $115 million and embrace the new Walter Reed Army General Hospital as a part of the Walter Reed Army Medical Center complex.

In addition to the Walter Reed Hospital, which is the principal user of these funds and which was authorized last year, is the addition to the Womack Army Hospital at Fort Bragg, N.C., and air-conditioning and updating the alteration of the Brooke Army General Hospital at the Brooke Army Medical Center, which will bear a great portion of the patient-care burden while the new Walter Reed Center is being built.

These three are important, and I think it suffices to say at this time that these hospitals and additions are being built under the aegis of the former Military Hospital Construction Subcommittee of the Committee on Armed Services under a new technique involving computers and automatic data retrieval which will allow hospital construction to be updated for the first time, according to planning during the construction, so that at the time the hospital opens for business it will not be obsolete due to the rapid medical breakthroughs in techniques.

Mr. Chairman, I would like to speak briefly on three vital medical projects in the Army section of the military construction bill.

The new Walter Reed General Hospital is urgently required to provide for the replacement of the motley aggregation of pre-World War II and "mobilization type" buildings which are now inadequate to support modern medical equipment, and actively impede efficient medical service. Last year Congress authorized the initial phase of construction to prepare the site for the new hospital. The existing hospital, one of the foremost medical facilities in the world, is the primary Army professional care, training, and teaching hospital. To insure that Walter Reed Army Medical Center continues to provide medical leadership and promote advanced treatment methods for the Armed Services, the new hospital will be the most modern in existence. The Army has taken care to insure that the design will provide maximum flexibility by adopting structural features which can accommodate new medical techniques through minor changes in the building even through the construction period. In addition the hospital facility will have the ability to provide the most modern medical treatment, techniques, training and research activity known to the medical profession. It is the basic building stone of the total and complex Walter Reed Army Medical Center.

Walter Reed is the largest of the Army's seven specialized treatment hospitals. In addition to serving the Army medical requirements in the Washington area, special services are rendered to the Office of the President, the State Department, and other designees of the Secretary of the Army. Walter Reed General Hospital is the focal point for worldwide referral of military patients with complex and demanding medical problems. These problems require the utmost in modern scientific equipment, professional talent, and health administration. In addition, the hospital provides the primary medical base for the Walter Reed Institute of Research, the Walter Reed Army Institute of Nursing, the U.S. Army Institute of Dental Research, and the Armed Forces Institute of Pathology. A look at the current training load consisting of 207 medical resident doctors, 13 dental residents, 32 medical interns, eight dental interns, 70 student nurses, and various other technicians directly related to medical activities, emphasize the importance of this facility.

In order that Walter Reed Hospital continue in the forefront of medical progress in the United States, the new hospital is a most urgent requirement. When completed the new hospital will contain beds for 1,280 patients and will treat over 5,000 outpatients a day as well as providing the primary medical base for teaching as I have already mentioned.

The addition at Womack Army Hospital is required to provide a complete, permanent medical facility at Fort Bragg. The present 500-bed hospital was completed in 1958, and is adequate as far as bed space provided, but the addition is needed to provide clinical and administrative space to the size necessary to accommodate the 142-percent increase in outpatient workload which has been experienced since the hospital was constructed. At the present time the various medical, surgical, and specialty outpatient clinics are either housed in temporary buildings or are not provided at all. The temporary buildings have outlived their usefulness and because of their deteriorated condition present a demoralizing appearance, as well as an ofttimes actual unsanitary and dangerous situation.

The proposed construction is considered urgent because the outpatient clinics are unable to decrease the long waiting time for appointments or keep up with their present work because no additional patient care space is available. In addition to outpatient clinics the construction will provide sufficient space for essential medical activities such as a pharmacy, laboratory, mental hygiene, medical supply, medical equipment maintenance and preventive medicine.

The air conditioning and alteration of hospital buildings at Brooke Army Medical Center is required to support the increased workload at Brooke General Hospital. The number of occupied beds has increased by 21 percent and the number of outpatient visits has increased 81 percent from fiscal year 1965. This project will alleviate the overcrowding conditions in the X-ray facilities and the emergency room as well as providing temperature control in needed areas for electronics and other devices.

I strongly recommend that the Members of Congress support these three needed medical projects for the furtherance of high-caliber medical care to the American serviceman.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I am strongly in favor of the approval of this legislation that has come out of the Committee on Armed Services.

The emphasis in this particular military construction bill for fiscal year 1972 has been placed on quarters and housing of all types, in order to make the service more attractive for the volunteer forces that we expect to come into it. It is a bill that the committee has worked long and hard on, and gone into every item thoroughly. I think it should have the approval of the House this afternoon.

Mr. Chairman, as my colleagues know, we are always striving to improve our Nation's weapons systems. In this regard, the Air Force has perfected a short range attack missile commonly referred to as SRAM. This new weapon is an air-to-ground missile to be carried by the B-52 and FB-111 bomber aircraft, and launched at targets while the aircraft is outside the cone of fire from antiaircraft defenses. These SRAM missiles carry either nuclear or conventional warheads which can destroy soft to medium hard targets and can be launched with a low or high trajectory. This new weapon will be a welcome addition to our Nation's arsenal. It is scheduled to be operational in the near future.

However, it does require certain minimal support facilities at the aircraft's home base. These facilities are missile assembly shops and igloos, in which the missiles are received, assembled, checked-out and stored until needed in an operational readiness configuration. The reliability of this weapon—the confidence we have that it will perform as designed—is due in large measure to the skill and care of the men in the shops and the environment in which they work on the missiles. The missiles are about 16 feet long, weigh over a ton, and require special equipment to inspect them and to move them about.

Six bases require the special shops and seven bases require igloos in which to store the missiles. These numbers are determined by the production rate taking into account the lead time required for construction and is a continuation of the program which started last year when we authorized shops for the first three bases to receive the SRAM.

In closing, let me state that we must provide reliable equipment and adequate facilities in which to perform maintenance on the SRAM to assure the reliability required of the missile to enhance the stategic capability of our Nation's defense.

Mr. HÉBERT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I want to congratulate the committee on putting in an addition of $2,076,000 into the item for the Naval Air Station at Alameda, Calif., to complete the facilities or to allow the construction of facilities necessary to take care of the industrial waste at that station. We have no fight with the Naval Air Station at Alameda in disposing of its normal sewage which goes into the city system, but at this place they revitalize planes and airplanes that come out of the Far East, and these planes must be washed out with acid, and this goes into San Francisco Bay. This has been a source of great embarrassment to the people in the East Bay area that this has taken place. So I am happy that this additional money now has been granted so we can complete those facilities that are planned that will remove this impediment from the Naval Air Station.

Mr. CLANCY. Mr. Chairman, I, too, rise in support of H.R. 9844, the military construction authorization bill for fiscal year 1972. Your Committee on Armed Services worked long and hard going over the individual line items in this bill which number 620 individual projects at 275 military installations.

There was not very much fat to trim in this budget; and very frankly, as I stand in the well of the House today I cannot say with certainty to my colleagues that we did not cut too deep—we may have cut too deep. The total cut decided on by the committee amounted to $126,307,000; and as you have been told, the vote to report this bill to the House was a unanimous vote.

The committee, in general, has not challenged the validity of the requirements for projects which have been deferred, but rather, questioned the timeliness of accomplishing the projects this year under our current budget situation. The point I wish to stress is that the program, which the committee recommends, represents only valid requirements and only those projects, which in the opinion of the committee, must be included in this authorization program.

I should like to address my remarks specifically to title II of the bill, the Navy's program, which totals $318,716,000. This is an increase of approximately $50 million in authorization over last year bill. When inflation is considered, the real increase is about $26 million. I feel that some explanation is in order on this increase.

The naval shore establishment provides support for the seagoing muscle of the U.S. Navy, the ships, aircraft, and their associated weapon systems. The naval shore establishment also provides support for the Marine Corps.

In developing the Navy's program, the Navy's attention is directed at providing the shore facilities needed to support the Navy's four principal missions:

The first mission is strategic deterrence, where the Navy's Polaris/Poseidon combination of strategic forces make a vital contribution to nuclear deterrence. The sea-based systems will probably increase in importance as enemy weapons become more accurate.

The Navy's projection forces, which include attack carriers and amphibious ships, and enable the Navy to extend its power into the Eurasian rimland is the second mission, which is titled "Projection Mission."

The third mission, sea control, insures that our lines of communication overseas are kept open. This is accomplished through a varying mixture of weapons systems including submarines, land- and carrier-based antisubmarine aircraft and strike aircraft operating from attack carriers.

The fourth mission, overseas presence, which is perhaps the most important, is achieved through both sea control forces and projection forces.

It is the logistic facilities support required by each of the above missions that is evaluated in developing the Navy's annual military construction program. The program is not merely a list of projects, but a vital part of the logistics support needed for the Navy to carry out its worldwide missions.

With today's fast-moving and rapidly changing environment, the Navy faces virtually every management problem that confronts any industrial firm. Plant modernization is a problem that is similar to both industry and the Navy. In the competitive marketplace, today's assets can become tomorrow's liabilities. This is equally true with the Navy and the naval shore establishment.

I also wish to point out that the replacement cost of the existing naval shore establishment is approximately $26 billion, of which 70 percent represents facilities that are over 25 years old. To meet the requirements of our new and ever expanding technological development, many of these facilities must be replaced or modernized. This is one reason the Navy portion of the bill is larger this year. The other reason and probably the most important one is that the facilities managers in the Navy are making known the serious facilities deficiency problem, and are having some success in obtaining a larger allocation for military construction.

I would like to briefly discuss the categories of facilities which make up title II of the bill and will support our naval and Marine Corps forces.

The first category is operational and training facilities at $51,195,000. Operational and training facilities make up 16 percent of the program and include 26 projects for aviation, communications, waterfront operational and training facilities. Major training facilities approved are phase II of the engineering studies complex at the Naval Academy and an electronic-communications training building at the Naval Training Center, Orlando. Both projects are vital for strengthening and modernizing programs for training enlisted and officer personnel.

The second category is maintenance and production facilities for $26,944,000. Six aviation, two shipyard, and two other maintenance and production projects were approved in this category, which comprises 9 percent of the Navy's program.

The third category at $9,843,000 is for research facilities that will provide space for performing research in the quest for newer and better weapons and equipment. To support and advance the Navy's research and development program, seven projects or three percent of the total program was approved for research, development, test and evaluation facilities. The two major laboratory projects are a vulnerability and hardening facility at the naval ordnance laboratory, White Oak, Md., and the first phase of two phases of an environmental health effects laboratory at the Naval Hospital, Bethesda, Md.

The fourth category is for supply and storage facilities at $2,360,000. Supply and storage facilities were limited to the most pressing ordnance storage and warehouse improvements. Supply and storage facilities make up 1 percent of the program.

The fifth category at $22,957,000 is for medical facilities, which constitute 7 percent of the approved program. The major facility approved is a 220-bed hospital addition at Long Beach, Calif. It is urgently required to supplement the existing 350-bed hospital. The remainder of the medical program consists of three dispensaries and dental clinics and one research laboratory.

The sixth category is for administrative facilities at $7,490,000. Administrative projects approved cover a wide range of functional requirements, such as an engineering management complex and a data processing facility. These projects make up 2 percent of the Navy's program. The committee believes that the deferral of projects in this category will have the least impact on Navy operations and consequently reduced this category to 57 percent of the requested amount.

The seventh category at $128,939,000 is the largest and is for troop housing and community facilities. The housing provided here is for bachelor officer and enlisted personnel. Emphasis was placed on bachelor housing, messing facilities, and community support facilities by the Navy. The Navy believes and the committee concurs that retention of personnel will be improved with modern bachelor housing and recreational facilities that compare favorably with those found in the civilian community. The committee approved all of the people-oriented projects, which constitute 40 percent of the Navy's program.

The eighth category is for utilities at $12,873,000. Adequate utilities are a primary requisite if shore activities are to provide full and effective logistic support to the fleet. Electrical, heating, water, and other utilities projects comprise 4 percent of the approved program.

The ninth category is air and water pollution abatement facilities approved in the amount of $36,257,000. The pollution abatement projects at the various locations approved this year will continue the Navy's program for reducing and controlling the emission of pollutants from its installations. Approximately $1 million of the pollution abatement program will be applied to Marine Corps installations. Pollution abatement projects constitute 12 percent of the approved program.

The final category is real estate at $19,858,000. Real estate includes six land acquisition projects. A major portion of this request is for the purchase of approximately 509 acres in the Sewells Point complex at Norfolk, Va. Real estate represents 6 percent of the program.

I assure you that these are all valid requirements which represent the minimum essential facilities necessary to provide proper working and living environment and a high combat capability for our naval and Marine Corps forces. I wish to stress that it is my belief that the committee has developed a bill that is well balanced between the 10 categories discussed. I recommend without reservation its approval as presented.

Mr. HILLIS. Mr. Chairman, included in the military procurement bill are moneys for Grissom Air Force Base which is located in my congressional district near Peru, Ind.

I want to make special mention of the funding of $654,000 for Grissom.

This money will be used to fight an air pollution problem in this north central Indiana community. Officials of the Air Force base are doing their very best to be good neighbors and they realize that it is important that this problem be cleared up.

Grissom Air Force Base is to be commended for its actions. This money will be used to convert its huge coal-burning furnaces into oil.

Grissom is a credit to our Nation and its operation is of great interest to all Indiana residents.

Mr. Chairman, I certainly support this funding for Grissom Air Force Base.

Mr. DICKINSON. Mr. Chairman, I wish to support the construction projects included in this bill at Bolling Air Force Base. For many years now we have been aware of the controversy concerning the use of the Bolling Air Force Base land and the requests to turn some of the land over to the District government for their use. Congress has taken the position that this land is required to house and support the military activities which, after much close scrutiny, must remain in the Washington area. Equally important, the land is required to provide housing and community facilities for the Defense personnel assigned in this area.

In the program this year there is a project for 400 units of family housing for the Air Force's people, mostly younger enlisted men who have a very difficult time finding something adequate in the Washington, D.C., area on their very limited income; and a project that will construct bachelor quarters for 500 single enlisted men who are now forced to live off the base or in grossly inadequate buildings on the base. These men and the families who will primarily benefit from these projects find the living expenses, the cost of housing, transportation to and from work, and off-duty entertainment pretty difficult to meet in this area.

Further, in line with much recent activity regarding the future ways the military can recruit and retain a sufficient number of trained and dedicated people, this matter of where and how well a man can live becomes more and more important. I believe we will need to do much more in the housing area, move bachelor enlisted men out of old wooden buildings that are hot in the summer and drafty in the winter, and provide enough family housing for the people.

Another project in this program provides a chapel center at Bolling to accommodate both a new 400-seat chapel for services and some community space for such things as religious education and other church-related activities. The existing facilities are old substandard wooden buildings that are uneconomical to keep any longer and provide only half of the space required for the religious program.

I would like, now, to address the project that will provide a headquarters facility at Bolling Air Force Base. Again we find the activities that will occupy this facility presently located in old World War II wooden buildings that are neither adequate in functional arrangement nor suitable for economical upgrading to make them functional.

The last project at Bolling is an expansion to the base utility systems to provide for these new buildings since the existing systems are inadequate to meet the new requirements.

To summarize, these projects at Bolling Air Force Base are a part of the logical modernization of the facilities necessary to accommodate the continuing Air Force activities in the Washington area.

Mr. RYAN. Mr. Chairman, I am very much concerned about the continued use of Culebra Island, which is part of the Commonwealth of Puerto Rico, as a weapons range for the U.S. Navy's Atlantic Fleet.

For more than 20 years the tiny island of Culebra has been subjected to periodic bombardment by the Navy. The result is that the lives of some 750 American citizens who inhabit that island have been harassed, disrupted, and threatened.

The Navy's continued shelling has had a serious impact upon the island's economy. Its ships destroy lobster traps and fishing nets, and with them the potential development of a prosperous fishing industry on Culebra.

The beaches of Culebra are unparalleled in their beauty, but the continuation by the Navy of its bombardment activity has prevented the development of its natural resources.

The ecological balance of Culebra has been endangered. Fish, lobsters, and birds in large numbers have been killed by detonations of explosive shells. On one occasion in 1967, in fact, 15 tons of dead fish washed up on the Culebran beaches.

In 1909, President Theodore Roosevelt designated the keys off Culebra as national wildlife refuges. And yet, in May 1968, the Navy lodged a massive bombardment against Twin Rock, one of those bird refuges, and thousands of nesting marine birds were killed.

In 1940, a child died as the result of the detonation of a shell. Just last year, six mortar rounds were fired into a bathing area on Flamingo Beach, landing within 200 yards of seven children and an adult. And an errant shell nearly killed the Governor of Puerto Rico while he was relaxing on a supposedly safe yacht.

The will of the people of Culebra—who are without a vote in this House—has been clearly expressed. And it is about time that the Navy began to heed it. It is time for the Navy to withdraw from Culebra totally, and for the Congress to protect Culebranese as it would all other American citizens.

Despite the possibility of constructing artificial islands or floating platforms to serve as targets, and despite the availability of alternatives, Secretary of Defense Laird has flatly insisted there is no alternative to Culebra. He came to this conclusion despite the contradictory conclusion of the Advance Research Projects Agency—ARPA—whose scientists have publicly stated that the construction of artificial targets is feasible.

In light of the Navy's continued neglect of the lives and well-being of the residents of Culebra, and in light of its heel-dragging in finding suitable alternatives, the least the Congress should do is to require the Secretary of the Navy to undertake an immediate study to determine suitable alternative sites to which the Navy can transfer all of its shelling and training operations.

This would be a significant step in protecting the people of Culebra from the continued subjection to the insensitive and dangerous practices of the U.S. Navy.

Mr. BRAY. Mr. Chairman, we have no further requests for time.

Mr. HÉBERT. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $10,750,000.
Fort Knox, Kentucky, $775,000.
Fort Lee, Virginia, $5,192,000.
Fort George G. Meade, Maryland, $2,480,000.

(Third Army)

Fort Benning, Georgia, $2,185,000.
Fort Bragg, North Carolina, $9,631,000.
Fort Campbell, Kentucky, $9,996,000.
Fort Rucker, Alabama, $437,000.

(Fourth Army)

Fort Bliss, Texas, $626,000.
Fort Hood, Texas, $18,600,000.
Fort Sam Houston, Texas, $9,694,000.

(Fifth Army)

Fort Carson, Colorado, $21,043,000.

(Sixth Army)

Fort Lewis, Washington, $3,931,000.
Fort Ord, California, $2,174,000.
Presidio of San Francisco, California, $10,498,000.

(Military District of Washington)

Fort Myer, Virginia, $2,300,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $2,048,000.
Aeronautical Maintenance Center, Texas, $4,000,000.
Harry Diamond Laboratory, Maryland, $9,035,000.

Letterkenny Army Depot, Pennsylvania, $319,000.

Redstone Arsenal, Alabama, $879,000.

White Sands Missile Range, New Mexico, $1,264,000.

Yuma Proving Ground, Arizona, $2,921,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

East Coast Relay Station, Maryland, $326,000.

Fort Huachuca, Arizona, $2,580,000.

Pentagon, Virginia, $1,072,000.

ARMY MEDICAL DEPARTMENT

Brooke Army Medical Center, Texas, $2,551,000.

Walter Reed Army Medical Center, District of Columbia, $112,500,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Sunny Point Military Ocean Terminal, North Carolina, $305,000.

SAFEGUARD SYSTEMS COMMAND

Various Locations, $167,300,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska, $1,718,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii, $4,787,000.

MODERN VOLUNTEER ARMY

Various Locations: Barracks Improvements, $35,500,000.

POLLUTION ABATEMENT

Various Locations: Air Pollution Abatement Facilities, $35,512,000.

Various Locations: Water Pollution Abatement Facilities, $32,791,000.

Outside the United States

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Panama Area, Canal one, $8,026,000.

UNITED STATES SAFEGUARD SYSTEMS COMMAND

Kwajalein Missile Range, $2,865,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations, $1,221,000.

MODERN VOLUNTEER ARMY

Various Locations: Barracks Improvements, $12,500,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Various Locations, $1,652,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $1,946,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $10,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

Sec. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Sec. 103. (a) Public Law 90-408, as amended, is amended under the heading "Inside the United States", in section 101 as follows:

With respect to "Joliet Army Ammunition Plant, Illinois", strike out "$2,188,000" and insert in place thereof "$2,391,000".

(b) Public Law 90-408, as amended, is amended by striking out in clause (1) of seciton 802, "$366,499,000" and "$453,651,000" and inserting in place thereof "$366,702,000" and "$453,854,000", respectively.

Sec. 104. (a) Public Law 91-142, as amended, is amended under the heading "Inside the United States", in section 101, as follows:

With respect to "Fort Hancock, New Jersey", strike out "$625,000" and insert in place thereof "$693,000".

(b) Public Law 91-142, as amended, is amended by striking out in clause (1) of section 702 "$186,591,000" and "$290,726,000" and inserting in place thereof "$186,659,000" and "$290,794,000", respectively.

Sec. 105. (a) Public Law 91-511 is amended under the heading "Inside the United States", in section 101 as follows:

(1) With respect to "Carlisle Barracks, Pennsylvania", strike out $503,000" and insert in place thereof "$658,000".

(2) With respect to "Badger Army Ammunition Plant, Wisconsin", strike out "$1,604,000" and insert in place thereof "$2,234,000".

(b) Public Law 91-511 is amended by striking out clause (1) of section 602 "$179,717,000" and "$264,914,000" and inserting in place thereof "$180,502,000" and "$265,699,000".

Mr. HÉBERT. Mr. Chairman, I ask unanimous consent that title I be considered as read, and printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. HOWARD

Mr. HOWARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Howard: On page 4, line 10, strike out $32,791,000." and insert "$34,191,000: *Provided*, That $1,400,000 of that amount shall be utilized for participation by Fort Monmouth, New Jersey, and Camp Charles Wood, New Jersey, in the sanitary sewer system program of the Northeast Monmouth County Regional Sewerage Authority."

Mr. HOWARD. Mr. Chairman, this amendment is a small, although I believe a very important amendment. What it does simply is to add $1.4 million to this legislation, added to the large amount that the committee has authorized for pollution abatement in this country.

This deals with the facility at Fort Monmouth, N.J.

This amendment has been before the committee in past years and I am sure this would be in the bill today if we had had the information during the markup of this bill that we have just received within the past few days.

The community surrounding Fort Monmouth has for the past few years been developing the northeast regional sewerage authority, a $40 million project to combat water pollution. They had urged that Fort Monmouth join with them—that the Fort Monmouth system in a few years would not be adequate to handle the sewage that it has and it would have to put in more money at that time.

The Department of the Army requested this last year and the year before. But at that time the Committee on Armed Services, concerned with the taxpayers' dollar, asked this question. It said:

> Is Fort Monmouth polluting the waters with its present sewage system?

At that time there was no proof that Fort Monmouth was in violation of the New Jersey State code so the committee deferred action.

I had this amendment on the floor last year. At that time in concern for pollution abatement, the former chairman of the Committee on Armed Services, the gentleman from South Carolina, stated that if I were to withdraw this amendment, he would have a look at these projects and were he the chairman of this committee today, he would do everything he could to see that this amendment is included.

This year because of recent actions by the Committee on Armed Services, this was not requested by the Department of the Army. But they had requested it last year and the year before.

After the hearings were held—while the bill was being marked up—and after the markup I received two letters. One of them came from the State of New Jersey, Department of Environmental Protection where I asked them, "What is the condition of the Fort Monmouth sewerage system?" They say now—and they did then—and I quote from that letter, and I have already received permission to include this in my remarks when we were in the House—they say:

> The evidence obtained as a consequence of these investigations has led us to the conclusion that New Jersey's Water Quality Standards are being violated due to the discharge of treated sewage affluent from the Fort Monmouth installations.

They further talked about the $40 million operation and the community surrounding the Fort Monmouth area in general to clean up the waters for shellfish and such things it said:

> We will be required to maintain the present classification of the Shrewsbury River as condemned for the harvesting of shellfish, even after the completion of the $40 million Northeast Regional Project, as long as the two Federal treatment plants remain.

In a letter that was received by me just the day before yesterday, which was immediately transmitted to the Committee on Armed Services, as I say after this bill had been written—I have a letter from the State of New Jersey, Department of Environmental Protection which was send to the command at Fort Monmouth, N.J., and I quote from that letter which states:

> I can assure you that if the sewage discharge from Fort Monmouth were, in fact, originating from a municipality or an industry we would have initiated legal measures to achieve compliance with this State's water pollution control laws.

Mr. Chairman, we in Monmouth County are very, very proud of the facility we have at Fort Monmouth. We believe it has served our area very well over the past few years. We believe the communities have cooperated with the Fort Monmouth and the command. We can remember that installation as the founding area for the Signal Corps back in 1917 during World War I.

Over the years we have had a wonderful relationship. We would hope that this committee, with these new facts and the evidence that we have from the State of New Jersey, would accede to this amendment and add this small amount, so that the $40 million of taxpayers' money that has been spent in the area of Fort Monmouth will not be negated by the failure of the Congress to come up with this small amount to join with the community and to do a complete job in water pollution abatement in the central New Jersey and seashore area.

I certainly want to thank the chairman of the committee for past considerations and hope that because of this new information that we just have received that Fort Monmouth has not complied at the present time with the State's requirement, the chairman will graciously rise in support of this amendment.

The letter to which I referred is as follows:

STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION,
Trenton, N.J., July 9, 1971.

Mr. J. P. HOFFMAN,
Special Assistant for Congressional Affairs, U.S. Army Electronics Command, Fort Monmouth, N.J.

DEAR MR. HOFFMAN: I am enclosing a copy of a report on our investigation of the Parkers Creek Estuary with particular reference to the sewage treatment and disposal facilities at Fort Monmouth.

Our field and laboratory findings confirm the position taken by this Department for the past several years that the waters of the Shrewsbury River and its tributaries can best be restored and protected by Fort Monmouth participating in the Northeast Monmouth County Regional Sewerage Authority project which, as you know, is well under way.

I can assure you that if the sewage discharges from Fort Monmouth were, in fact, originating from a municipality or an industry we would have initiated legal measures to achieve compliance with this State's water pollution control laws.

The record of this Department and our Federal counterpart; of the Northeast Monmouth County Regional Sewerage Authority and the municipalities it serves points up the unswerving attitude as to how our water resources in this area can be protected and enhanced.

We have no quarrel with respect to the caliber of operation being provided. It is our firm opinion that no sewage treatment plant should discharge into these critical waterways notwithstanding the type of treatment which is or could be provided.

We would be happy to discuss this matter further with you particularly with respect to the establishment of an abatement schedule leading to connection with the regional authority.

Very truly yours,
ERNEST R. SEGESSER,
Assistant Director for Water Quality.

STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION,
June 7, 1971.

Hon. JAMES HOWARD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HOWARD: This is in response to your recent inquiry concerning the continued operation of the Fort Monmouth and Camp Charles Wood Sewerage Treatment Plants and the effect they are having on water quality in the Shrewsbury River. Personnel of our Bureau of Water Pollution Control have made a number of investigations of Parkers Creek, a tributary to the Shrewsbury River, which is the receiving stream for the effluent from the two military treatment plants cited above. The evidence obtained as a consequence of these investigations has led us to the conclusion that New Jersey's Water Quality Standards are being violated due to the discharge of treated sewage affluent from the Fort Monmouth installations. In addition to laboratory data, visual observations have made it quite clear that these waters are being degraded.

There is clear and conclusive evidence that neither Parkers Creek nor the Shrewsbury River provides for proper assimilation or disposal of sewage effluent. The completion of the Northeast Monmouth County Regional Sewerage Authority system which serves twelve municipalities will remove all sewage effluent discharges from the Shrewsbury River and its tributaries with the exception of two Federal treatment plants. The continued presence of the discharges into Parkers Creek precludes any possibility of reopening any portion of the Shrewsbury River for the harvesting of shellfish. We will be required to maintain the present classification of the Shrewsbury River as condemned for the harvesting of shellfish, even after the completion of the 40 million dollar Northeast Regional Project, as long as the two Federal treatment plants remain.

It is interesting to note that the Eatontown Sewerage Authority was informed by the State that they could not expand their secondary treatment plant or intensify the degree of treatment with discharge into Parkers Creek. They were required to abandon their facility and connect to the Northeast system even though their plant was completed in 1960 and payment on the outstanding bonded indebtedness had not been completed. In contrast to the Eatontown situation, the two military treatment plants are 28 and 30 years old.

The commitment of local officials to a comprehensive and complete program of regional pollution abatement in this area has preserved the opportunity for Fort Monmouth to connect to the Northeast system. The County of Monmouth provided loan funds under favorable terms and conditions to cover the incremental cost of enlarging the interceptor sewers to provide the capacity to accommodate future sewage flows from the military installations when their treatment plants are abandoned.

The New Jersey Department of Environmental Protection considers this a most urgent situation which should be rectified through the required appropriation to allow for the abandonment of the two Federal treatment plants serving Fort Monmouth. If there is any further information which I can provide to you or the Committee, do not hesitate to call on me.

I am sending this same letter to Senator Harrison Williams and Senator Clifford Case because of their continued interest in this problem.

Sincerely,
CHARLES M. PIKE,
Director.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. HÉBERT. Mr. Chairman, the Armed Services Committee is fully aware of the great contribution that Fort Monmouth has made to the military and the great desire to have this project restored. The gentleman from New Jersey did file with the committee a complete statement while the hearings were being held, and went to great length to present the matter to us.

However, as of now, the Army has not told us a thing about it. We know nothing about it. They did not request the project. I have no doubt that in the last few days the gentleman has gotten in touch with them and they have responded, but this is exactly the type of operation that the Armed Services Committee is determined is not going to continue. It has prevailed in the past; it will not prevail in the future. All of a sudden, the Army, the Air Force, and the Navy, at the persistence of well-intentioned Members of Congress who are doing their job and doing it well, go over and talk to some of these folks and they say, "Why, sure we need it." But they do not come to the Armed Services Committee and tell us until it is too late.

The construction bill was up for weeks. We were delayed in marking it up for 2 weeks because of the conferences on the draft bill, and yet all of a sudden, the night before the bell strikes 12, they come up with some kind of statement. We are trying to keep the Army, Navy, and Air Force, all of them, honest. We are encouraging them to come and tell us what the "facts of life" are, or forget about it. This is the position in which we find ourselves, and with the exception of one amendment that I know of, I know of no changes that the Army or anyone else has justified to the committee. On behalf of the committee, I say we are trying to keep the bill down. We are trying to stay within the budget. We are trying to discharge our responsibility in that direction.

Therefore, I ask that the amendment be defeated.

Mr. ARENDS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. ARENDS. Mr. Chairman, I appreciate what the gentleman from Louisiana has said. I wholeheartedly agree with him. We cannot change signals at any time during the consideration of a bill without having all facts at our command. Therefore, let me repeat, I strongly support what the gentleman from Louisiana has said and henceforth let us hope that all committee witnesses from the Department of Defense will have a firm position as to their testimony and not later on change their minds.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOWARD).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ANDREWS OF NORTH DAKOTA

Mr. ANDREWS of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ANDREWS of North Dakota: On page 3, line 22, strike the figure "$167,300,000" and substitute the figure "$172,500,000."

The CHAIRMAN. The gentleman from North Dakota is recognized in support of his amendment.

Mr. ANDREWS of North Dakota. Mr. Chairman, the increase of $5,200,000 in the Safeguard System Command is for the purpose of local impact assistance, to take care of the human needs of the community into which this ABM system is imposed. At the time the Army testified before the distinguished Committee on Armed Services they indicated that they had adequate funds for taking care of these needs for the next fiscal year.

The committee therefore justifiably said in their report on page 14:

> The $5,200,000 request for community impact assistance is deferred. . . . Funds previously authorized are expected to be adequate for another year.

Mr. Chairman, this particular area happens to be in the district I am privileged to represent in Congress. I know the reason these funds had not been used was because of delay in transmitting the requests through the proper channels. These are now coming in and based on these changes, I asked the Army to give me an updated report on the needs which they provided yesterday. Based on this report I requested, the Assistant Secretary of the Army, Mr. Beal, today wrote a letter to Chairman HÉBERT, which he authorizes me to read, pointing out this:

> JULY 22, 1971.
>
> Hon. F. EDWARD HÉBERT,
> *Chairman, Armed Services Committee, House of Representatives, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: It is understood that the House Armed Services Committee has recommended the deletion of $5.2 million for Community Impact Assistance for Fiscal Year 1972. The enclosed facts may have a bearing on that decision.
>
> General Leber, Safeguard System Manager, testified before the House Armed Services Committee on the 24th of June. His testimony at that time is now updated by the attached fact sheet which provides a status report on funding accomplished against the $11.8 million provided for Community Impact Assistance in Fiscal Year 1971.
>
> As indicated in the information in this attached fact sheet, the amounts transferred to other Federal programs plus the total of known requests not yet submitted to the Army for action, exceeds the $11.8 million previously authorized for this purpose. Therefore, it is highly desirable to retain the $5.2 million in the program. These funds will be required for obligation in Fiscal Year 1972.
>
> Processing of these actions which in some cases has been delayed in the past, has been expedited through improved procedures and liaison with local, State and Federal agencies.
>
> Sincerely,
> ASSISTANT SECRETARY BEAL.

Mr. Chairman, I appreciate the Chairman's support in resolving this error brought about by outdated testimony by the Army, and I would certainly hope the Chairman and the Committee would go along with this amendment, which is needed for the human needs in the local area involved in this ABM construction project.

Mr. HÉBERT. Mr. Chairman, I rise in support of the amendment. This amendment is a classic example of what I was talking about and trying to say with the previous amendment. The amendment offered by the gentleman contains the language which the Army asked for and attempted to make a case for before the committee, but it failed to make a good case, and because of the fact that it did not make a good case and did not submit sufficient evidence, we struck it from the bill. But the case is made now.

In the previous case, in the Monmouth case, no request was made by the Army of the committee, and no attempt was made before now to justify it. In this instance they attempted to make the case, and we got them to justify it further, and they have gotten the information to us at a late hour, but they have gotten it here. They have given us the facts to show this is needed and have presented the facts on the floor.

Therefore, I support the amendment.

Mr. LEGGETT. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, the pending military construction authorization bill contains a total of $167.3 million for construction of the Safeguard missile system at four sites. Our committee has cut $17 million this year for ABM construction—this is a slow, but a very good start.

Inasmuch as this House only 1 month ago recorded 129 votes against the deployment of this system—an admitted minority—I do not plan to offer an anti-ABM amendment today.

Considering that the opposition forces have increased 50 percent in the last year alone—the future of the ABM must be considered as foreboding.

In abating the making of a redundant motion today, I am also cognizant that in Vienna today there are important talks progressing looking toward strategic arms ABM limitation.

Some say that the talks would never have occurred unless we voted ABM funds in the past and started deployment. It is also arguable that the same talks could have occurred without expending the $9.0901 billions that will have been expended on ABM after the 1972 appropriation.

We are talking in the SALT negotiations about limiting manned bombers and we have barely started spending on the B-1 bomber program so I believe this proves that ABM would be a SALT bargaining chip without spending $9.0901 billion.

Our theory on the ABM has changed many times—first an anti-Chinese weapon, then an anti-Soviet first strike weapon—now in vogue again with the imminent testing of a five-megaton Spartan warhead, is the anti-Chinese weapon.

But our thinking is fuzzy. President Nixon just announced he is going to Peking very shortly.

It is reasonable to assume that if we are going to talk to the Chinese—one of the first things both sides should be talking about is arms limitation.

I commend the administration on arranging the top level Communist talks. Only a Republican administration could do this without splitting the country. Countries that talk—usually trade. Countries that trade together usually do not war on one another.

The danger is that sometimes in a nation as large as the United States the right hand Department of Defense does not know what the left hand State Department is doing.

I would certainly hope that with negotiations blossoming in Europe and Asia, the Defense Department will partially moderate its spendthrift attitude of spending tax defense dollars as quickly as possible on anything and everything contained in the budget regardless of changing world affairs. The policy of the Department of Defense to reprogram and spend every last dime of an appropriation is asinine.

Mr. Chairman, it has become increasingly evident that the Safeguard ABM is not a good defense investment.

First, because it cannot do the job it is designed to do—its radars can be easily and cheaply destroyed by the first wave of a Soviet attack, or by sabotage.

Second, because the land-based ICBM's Safeguard is supposed to defend, are possibly themselves obsolete, we are ill-advised to sink more money into them.

Interservice rivalry notwithstanding, we are going to find ourselves moving more and more toward an underwater deterrent in the future.

I will not now take time to elaborate on these points, but I want to read into the RECORD at this time a brilliant study of the underwater long-range missile system by my California colleague, CRAIG HOSMER. This study is one of the series sponsored by Members of Congress for Peace Through Law. It is remarkable, because in it Congressman HOSMER, long one of the most articulate supporters of Safeguard, says:

> By the mid-1980's it may be doubtful whether our land-based forces could survive a pre-emptive strike let alone possess the penetration power necessary to inflict unacceptable damage, even if supplemented by the expensive B-1 bomber and provocative WS-120A, a suggested American counterpart to the Soviet SS-9. . . . In contrast to the land-based elements of our triad deterrent structure, the submarine-launched ballistic missile is neither destabilizing nor vulnerable. A case can be made for ULMS to ultimately replace Minuteman, Safeguard, and

our B–52s as well as our retiring early model Polaris submarine . . . of all the strategic weapons systems now being discussed for possible deployment, only ULMS offers the potential of fulfilling U.S. strategic deterrent requirements in the decades ahead.

I urge everyone to read the full text of this excellent study. The Safeguard is the most cost-ineffective option of our defense arsenal. I would hope that all expenditures on this system could either be terminated or sharply constrained by agreement at the earliest opportunity.

Mr. Hosmer's article follows:

REPORT ON THE UNDERSEA LONG-RANGE MISSILE SYSTEM—ULMS

(By Representative CRAIG HOSMER)

SUMMARY

Previous appropriations totaling approximately $60 million and another $110 million sought for FY 1972 will bring research and development of the ULMS (Undersea Long-Range Missile System) concept to a point of sufficient clarity for Congress to evaluate the advantages and disadvantages of deploying it.

This decision is being forced less by intrinsic potentialities of ULMS than by a possible future need to supplant existing land-based deterrent systems with more survivable forces as they become increasingly vulnerable to larger warhead yields and increasing missile accuracies.

The probabilities within the foreseeable future are quite small that anti-submarine warfare technologies or techniques will be perfected which could impair the relative invulnerability of ballistic missile submarines. ULMS submarines with missile ranges extending to 6000 miles in combination with the Polaris/Poseidon fleet already in being could constitute a stable and powerful deterrent.

Although costly, the ULMS "blue water option" being made available through research and development funding will give the Congress a new strategic defense alternative to consider.

RECOMMENDATION

The full $110 million requested for FY 1972 ULMS research and development should be appropriated, and the Congress should begin preparing itself to examine and evaluate any requirement for deployment of the system.

DESCRIPTION

The Undersea Long-Range Missile System, frequently referred to by the acronym ULMS, is a proposed follow-on to our Polaris/Poseidon ballistic missile fleet. The ULMS program envisages the development of a more efficient, highly survivable, sea based nuclear deterrent capable of launching missiles with a range equivalent to an ICBM from quieter submarines of improved hull and propulsion designs. As presently conceived, this new system will probably consist of 25 submarines each with 24 missiles as compared to our current fleet of 41 ballistic missile submarines each with 16 missiles.

In FY 1970 $10 million was funded for ULMS R&D, another $44 million was appropriated in FY 1971 and $110 million is sought for FY 1972. These funds will bring ULMS to the point of definitive design and the Congress to the point of a decision on whether and how to produce ULMS.

ULMS will optimize the Navy doctrine upon which the Polaris/Poseidon ballistic missile submarine is based, namely that strategic systems should not only be invulnerable but operate outside the continental United States, removed as far as possible from the institutions they are created to protect. As currently envisioned, ULMS will augment the United States undersea deterrent forces but will differ from Polaris/Poseidon in the following major areas:

1. Greater survivability due to ICBM range.
2. Greater ABM penetration capability because of ICBM range.
3. Greater on-station availability through decreased transit time.
4. Total integrated system design.
5. Modular construction to decrease maintenance time.
6. Extra quiet operation through incorporation of latest technological advances.
7. More cost effective than restarting Poseidon construction.

Survivability

ULMS will approximately double the 3000 nautical mile range of the Poseidon missile. The major advantage afforded by ULMS' intercontinental range will be increased survivability of the ballistic missile submarine.

The vulnerability of mobile weapons systems is inversely related to the area in which they can maneuver. For submerged ballistic missile submarines within reach of their targets, survivability is enhanced according to the length of the missile's range over deep water. The greater the range of the missile, the further at sea the submarine launch platform can patrol.

For every linear increase in missile range, the area in which the enemy's anti-submarine (ASW) forces must search is increased by the square of the distance. When the Polaris range of approximately 1500 nautical miles was doubled to the 3000 mile range of the Poseidon, the latter became almost four times more difficult to locate. ULMS 6000 nautical mile range will require a further increase in ASW surveillance by another factor of four to encompass a total area of 55 million square nautical miles.

ABM penetration

ULMS' extended missile range which will enhance its survivability also will improve the system's targeting effectiveness.

Shorter range ballistic missile submarines must choose between the survivability of the open sea and the ability to attack multiple, widely separated targets. With an intercontinental range, one ULMS in the Indian Ocean could hit any target in the Soviet Union from eastern Europe to Siberia. Also, while a Poseidon on station in the Pacific could strike only targets in the eastern U.S.S.R., one ULMS in the identical patrol area could retaliate not only against Siberian targets but also against targets as far west as Moscow. ULMS' ability to retaliate against multiple, widely separated areas will provide an excellent means of penetrating even heavy ABM defenses.

The longer range missile planned for ULMS will give the U.S. deterrent coverage over the entire defense perimeter of the Soviet Union. Currently only 9 percent of the U.S.S.R.'s defense perimeter can be penetrated by land based missiles located in the U.S. and less than one-third can be covered by our shorter range Polaris/Poseidon missiles. However, ULMS' all-azimuth penetration capability will greatly complicate the Soviet ABM problem in defending against a U.S. retaliatory strike.

On-station availability

Due to the limited range of Polaris/Poseidon, a portion of its at-sea time may be spent in transit to its patrol area. However, ULMS' ICBM range missile will permit it to operate even from the continental United States and to be within range of some targets immediately upon leaving port. This feature eliminates transit time to and from station, thus more efficiently utilizing ship assets. For example, 85 percent of all ULMS might be on station at one time compared to 60 percent or less of the Polaris/Poseidon fleet.

ULMS' increased operating range means that our dependence upon foreign basing with all its diplomatic complexities and political uncertainties could be reduced or ended. Travel of crews to deployment sites could then be eliminated and logistics chains reduced in complexity and cost.

Integrated system design

The original Polaris submarine was not designed for a sea based deterent function but was converted from an attack submarine during its initial construction on a crash basis. Although numerous incremental improvements and refinements have since been made, there has not been a major reevaluation of the needs and design specifications of long-range ballistic missile submarines in terms of optimum depth, speed and size characteristics as these may differ basically from those of attack submarines and current range ballistic missile submarines.

ULMS is being designed from the keel up for one purpose—as the backbone of the United States' sea based deterrent. Its missiles, hull, propulsion, sonar, communications and other subsystems will be integrated into one entire system. Among other advantages of redesigning the complete system are that it permits the utilization of modular construction and maintenance and the incorporation of the latest and most advanced submarine technology.

Modular construction

The entire ULMS system is being designed to feature ease of maintenance and maximum access to equipment. By means of modular construction, incrementally planned overhauls will be made during brief in-port replenishment periods. Time spent in shipyards will be minimal. Modular component construction will also give ULMS a phenomenally high at-sea-to-in-port ratio, constributing to the need for fewer ships to meet the sea based deterrent mission.

Quiet operation

Quietness of operation is one of the key elements of the ULMS design. Exploitation and incorporation of new technology and total system design is expected to significantly decrease the operational noise of ULMS compared to that of other submarines.

ULMS' propulsion chain is being designed to be as silent as possible, assisted by a pumpless natural circulation pressurized water-cooled nuclear reactor power plant whose fuel will last for the life of the ship. Probably ULMS will be double-hulled to contribute to quieter operation and will also incorporate the latest quieting technology such as air layering, machinery isolation, absorptive materials and the like.

Should our ballistic missile submarines become more vulnerable in the decades ahead, a probable area would be the detection of ship noise. Acoustical energy and particularly sonar are the preeminent weapons of anti-submarine warfare forces. All submarines emit noise while in motion, but to detect the submarine its sound must be differentiated from other background noise in the ocean. Thus, the quieter the submarine's movement, the less vulnerable it is to discovery and preemption.

As presently envisioned, ULMS could be up to three times quieter than the latest model Poseidon at loiter speed and for evasion purposes travel at speeds still maintaining a reduced acoustic level.

Cost effectiveness

ULMS' high survivability, availability and reliability coupled with an effective maintenance program and system design will contribute to a lower cost per effectively deployed missile, thereby reducing total system cost. The estimated expense of the entire ULMS system, plus ten years of operation is about $15 billion—approximately the same amount expended over the same period on the Polaris/Poseidon fleet.

While the ULMS fleet will probably be comprised of fewer submarines than our Polaris/Poseidon force of 41 vessels, it will nevertheless utilize approximately the same number of deliverable warheads. Thus, 20 inflation years after deployment of the first Polaris, ULMS could be deployed at the same cost, with the same number of warheads, but with substantial improvements both in survivability and effectiveness.

RATIONALE

If the United States is to build more submarine deterrent forces, ULMS is obviously the most efficient system. But do we need more ballistic missile submarines? Whatever its technological or institutional merits, no weapons system is self-justifying. In an era of limited resources and salient domestic needs, the rationale for any strategic program depends upon the political structure and international milieu from which it derives its function.

Three principal arguments for developing an Undersea Long-Range Missile System are being put forward:

1. In the event SALT fails, ULMS will provide a nonprovocative stabilizing hedge against the increasing vulnerability of land based systems and maintain U.S. strategic sufficiency.

2. If SALT is successful, ULMS will provide an invulnerable minimum deterrent umbrella under which significant reductions in strategic forces can be made.

3. At a time when sea based deterrent forces are of increasing importance, ULMS is the natural replacement for those Polaris submarines which may reach retirement age in the 1980's.

Land-based system vulnerabilities

The increasing vulnerability of Minuteman and the B–52s has been demonstrated by the admitted need for a Safeguard ABM defense system. Thus, by the mid-1980's, it may be doubtful whether our land based forces could survive a preemptive strike, let alone possess the penetration power necessary to inflict unacceptable damage, even if supplemented by the expensive B–1 bomber and provocative WS–120A, a suggested American counterpart to the Soviet SS–9. Given the mere prospect of such events, it is illogical that we should continue to structure our triad deterrent forces so that 90 percent of our retaliatory capability is vulnerable to preemption and is able to penetrate only 9 percent of the Soviet defense perimeter.

In contrast to the land based elements of our triad deterrent structure, the submarine-launched ballistic missile is neither destabilizing nor vulnerable. There are those who argue against relying more on our sea based deterrent forces for fear that we are putting all our "deterrent eggs in one basket." However, if SALT fails to halt the erosion of our land based systems, a sea based deterrent could be our only invulnerable retaliatory force. Thus, if pessimistic predictions of Soviet intentions are correct, funds will be better spent to improve our most survivable deterrent potential by the development of ULMS than to build or defend more vulnerable systems.

Arms control potential

If an agreement is reached at SALT, the most provocative and vulnerable strategic weapons could be phased out under the protective cover of a sea based deterrent. In fact, as the numbers of retaliatory vehicles on each side are reduced, their relative invulnerability becomes more acute since minor technological improvements or small violations will have far greater impact.

One settlement that might come at SALT could be a ceiling on the total number of each side's strategic offensive launchers, starting with a freeze at current force levels which would be scaled downward at fixed dates as the older forces on both sides reach retirement vintage. Given a limitation of 2000 launchers per side, which would approximate current force levels, we might want to restructure our deterrent forces by adding 600 ULMS while retaining 500 Poseidon launchers and reducing in numbers manned bombers to 200 and land based missiles to 700.

However, with a reduction to 1000 allowable strategic launchers, the value of ULMS to our deterrent capability would outweigh our other systems since neither land based missiles nor manned strategic bombers would be worth the loss of an equivalent number of invulnerable submarine-launched missiles. Because ULMS can be easily verified yet cannot be used effectively as a counterforce weapon against other ballistic missile submarines, ULMS and its Soviet counterpart might thus provide the means for significant strategic arms limitations coupled with a stable nuclear deterrent in the decades ahead.

Modernization

Of primary importance in the preceding discussions is the emphasis we must place on our sea based forces in the next two decades since they will be imperative for deterrence. The hull life of a ballistic missile submarine has been approximated at 25 years, after which time it becomes too costly and self-defeating to refit it. Therefore, should the oldest Polaris submarines which were not converted to Poseidon become candidates for retirement by the 1980's, the number of submarines in our sea based deterrent force will be decreased from 41 to 31.

Given both the strategic deterrent and the arms control potentialities of sea based forces discussed previously, it would seem ridiculous to eviscerate our most stable strategic system through age obsolescence and not develop a follow-on system. Thus, to meet the needs of strategic stability in the decades ahead, we must have the ULMS option open.

Critique

By offering an efficient system to fulfill sound strategic needs, ULMS has been praised rather than attacked by the traditional watchdogs of military cost effectiveness. Criticisms of ULMS come from two perspectives: (a) those in rival services who, fearing their own project budgets may be reduced by ULMS efficiency, attempt to find strategic weaknesses in ULMS, and (b) those against all military programs who stress their fear of stimulating the arms race or their revulsion against any defense spending. These combined complaints result in five general criticisms of ULMS.

1. Invulnerability: Criticism: The possibility of a Soviet technological breakthrough in ASW capability would preclude reliance on a sea based deterrent.

2. Retaliatory Capability: Criticism: A minimum deterrent based upon ULMS would not threaten sufficient retaliatory damage to deter the Soviet Union.

3. Command and Control: Criticism: Sea based deterrent forces lack the capability to wage a limited nuclear war.

4. Pacing the Arms Race: Criticism: Development of ULMS will stimulate the arms race.

5. Defense Costs: Criticism: ULMS will cost too much.

It should be noted that while the first three criticisms argue against exclusive reliance on a sea based deterrent, only the last two challenge the need for continued ULMS research and development.

Invulnerability

The fear of a technological breakthrough which would immediately reveal the presence of all submerged vehicles, although implausible, is often postulated as an argument against reliance on a sea based deterrent.

Acoustics, radio, radar, infrared, magnetism and gravity are the principal physical phenomena currently being explored as means to detect submarines. However, the properties of all but the last two of these are so well understood and their sensory possibilities so thoroughly explored that fundamental breakthroughs in sonar, electro-magnetic or thermal sensing technology cannot reasonably be expected. Incremental improvements in signal magnification, discrimination and interpretation can be expected as well as amplified signal power and some extension in detection ranges.

The "ensonification" of the oceans by high energy transducers generating acoustic power measured in megawatts has been suggested as a potential breakthrough in sonar technology. Even if feasible, "ensonification" would have uneven degrees of reliability. It could be defeated by acoustic countermeasures and mobile decoys. And, should the worst come to pass, U.S. proximity to the ocean would be an enormous advantage over the Soviet Union in the deployment and operation of such a system.

Indeed, any postulated improvement in ASW detection devices will undoubtedly be accompanied by sensing countermeasures. In fact, after two decades of extensive ASW research and funding, the submarine's invulnerability has benefited more through technological advances than it has lost in ASW detection.

The alternative to qualitative ASW improvements based on unexpected breakthroughs in detection would be a quantitative approach, requiring massive deployment of ASW sensors and extensive numbers of hunter-killer submarines, aircraft, destroyers and satellites. Here the laws of probability rather than those of physics handicap ASW efforts.

Without a technological breakthrough, it would be economically and militarily impossible to deploy enough ASW forces to destroy even a fraction of our sea based deterrent force in a first strike. Unless every ULMS could be tracked continuously and destroyed simultaneously, a preemptive attempt would only invite unacceptable retaliation from the remaining missile submarines. Even if the Soviet Union subordinated all other priorities to ASW efforts, this would require such extensive and visible deployment as to provide the United States adequate warning time to take effective countermeasures.

Seemingly more plausible than the threat of preemption is the counterforce by attrition scenario in which a Soviet hunter-killer submarine force would concentrate on one or two ULMS at a time, silently destroying them. By the time America's national decision makers would suspect the Soviet Union, we would be unable to credibly retaliate because it would be tantamount to suicide.

But even if the Soviets could destroy several of our submarines in this manner, counterforce by attrition could never meet even the minimal requirements of a first strike. Any unreporting submarines would immediately arouse suspicion and establish the attacker's culpability. A use of nuclear warheads to destroy the submarines would be quickly detected, risking American retaliation and the possibility of nuclear escalation. Even the risk of spotting conventional ASW weapons explosions in this circumstance would be great. In any event, should attrition be embraced as a strategy, American attack submarines could serve as escorts for their own ULMS, destroying the Soviet hunter-killers as soon as they began tracking and retaliating in kind against Soviet ballistic missile submarines as well.

Retaliatory capability

Two alleged impediments have been cited by some in expressing doubt as to the ability of an undersea based deterrent to fulfill its retaliatory role. One is that submarine-launched ballistic missiles must be fired sequentially, allowing ABM defenses to deal with these incoming warheads individually rather several at a time. The other is theoretical possibility of plotting back a sea-launched missile's trajectory to locate, target and destroy the submarine that fired it.

The latter possibility does not exist since the time required to launch all a submarine's missiles is only a few minutes, and the opponent's missile flight times are considerably longer. In the brief minutes involved, the submarine's full load of missiles will have been launched and its retaliatory mission completed before an opponent could possibly locate and destroy it.

Nor does sequential firing present a unique problem to sea-launched warheads. Poseidon and ULMS missiles nest at least 3 and up to 14 or even more individually guided reentry vehicles. Therefore, the moment the missile's nest opens what amounts to a salvo is readied to confront ABM defenses. Additionally, the added thrust of ULMS which gives it intercontinental range and all-azimuth penetration could be employed in such ABM defeating configurations as fractional orbital bombardment and close-in depressed trajectory.

A novel complaint has been lodged against ULMS on the grounds that ultimately it may possess too much firepower rather than too little. Qualitative improvements in missile guidance, it is feared, might upgrade the system and give it a destabilizing counterforce capability against the U.S.S.R.'s land based deterrent.

ULMS would not necessarily degrade the Soviet Union's retaliatory sufficiency. For while the U.S.S.R. has lagged behind the U.S. in deploying strategic deterrent forces at sea, the Soviets have already deployed a ballistic missile submarine very similar to Polaris and are committed to a massive building program besides developing their own underwater long-range missile. In fact, the current Soviet submarine construction program appears to be concentrating less on attack submarines than on the development of a credible sea based deterrent.

If both the Soviet Union and the United States deploy a substantial deterrent at sea, an ULMS counterforce capability against land based missiles will not effect the stability of the strategic balance and Soviet deployment of the provocative SS–9 will prove superfluous.

Command and control

Another criticism against depending mainly upon a submarine deterrent is the possibility of interruptions in command communication, especially during a first strike attack.

Even in the unlikely event part or all of the missile submarine fleet might be out of contact with the national command authority for a few minutes or hours, this would effect only the rapidity of retaliation, a relatively unimportant factor in sea based deterrence. It will not diminish the certainty of retaliation, the fundamental consideration upon which all theories of deterrence are founded.

As our land based missiles become increasingly vulnerable, there will be a greater incentive to launch endangered retaliatory land based forces on warning to avoid preemption. This prospect is exceedingly hazardous.

On the other hand, hair-trigger retaliation is not necessary for sea based deterrent forces which will not be threatened by an impending attack on the continental United States. Thus, delay in reestablishing communications will not impede retaliation but will allow the national command an opportunity to obtain an accurate assessment of the situation and direct a controlled retaliation.

Pacing the arms race

A supposed political disadvantage in committing ourselves to the undersea long-range missile concept is the alleged adverse effect such a decision could have on the current SALT talks. However, of any weapons system now being discussed for deployment in the 1980's, ULMS would be least adversive to SALT.

First, ULMS is not a new spiral in the arms race, either technologically or in numbers of weapons deployed, but is merely a stabilizing improvement of a system which has already proven itself nonprovocative and impervious to rapid technological obsolescence.

Second, the Soviet Union, while participating at SALT, is continuing its own development of an advanced underwater long-range missile system.

Third, the immediate decision is only whether to begin development of ULMS. Therefore, if a comprehensive agreement at SALT, limiting all strategic systems, abolishing ABM and controlling antisubmarine warfare development is reached, ULMS can be halted before deployment.

Defense costs

Any weapons system estimated to cost approximately $15 billion is not inexpensive. However, as Senator George S. McGovern (D–S.D.) and Representative John F. Seiberling (D-Ohio), in their report on the B–1 bomber to Members of Congress for Peace through Law stated:

"A persuasive case can be made for purchase of a given weapons system regardless of cost, *if* it can be shown that that system will have a decisive influence on the ability of the United States to deter nuclear war."

Measured by this criteria, ULMS as currently envisioned will be cost effective. A sea based deterrent relying on ULMS will be able to deter any aggressor. The total cost of ULMS is meaningful, then, only if it is compared with the cost of land based offensive and defensive systems, because a case can be made for ULMS to ultimately replace Minuteman, Safeguard, and our B–52s as well as our retiring early model Polaris submarines. Thus, as the National Urban Coalition concluded after an extensive and critical study of U.S. military spending:

"Since sea based missiles seem to offer the most certain deterrent, it is extremely important that we keep exploring technological frontiers in this field. For the most part, this means a high priority for ULMS research."

Noting that the development of an ULMS prototype is not necessarily a commitment to deployment, the Urban Coalition report emphasized "that insufficient priority is being given ULMS research efforts." This point cannot be overemphasized.

Ballistic missile submarines as complex systems are extremely susceptible to cost overruns should they face inconsistent financial commitments for research and development. However, ULMS is being designed and managed for cost effectiveness. If the waste and technological problems resulting from rush jobs to meet last minute threats are to be avoided in the 1980's, we must commit ourselves now to the adequate and consistent development funding needed to keep the ULMS option open.

CONCLUSION

The vulnerability of our land based strategic systems, our growing reliance upon sea based deterrent forces and the ULMS/Poseidon potential to provide unilateral strategic sufficiency seriously indict the current structure of our redundant triad deterrent force. Therefore, with the need to evaluate the currency of our sea based deterrent. Congress should not only reexamine our land based strategic weapons systems but also the assumptions and doctrines by which these systems are justified.

Of all the strategic weapons systems now being discussed for possible deployment, only ULMS offers the potential of fulfilling U.S. strategic deterrent requirements in the decades ahead. We should therefore encourage full steam ahead on ULMS development by approving the full FY 1972 request for $110 million for this purpose.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for 1 additional minute.)

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota (Mr. ANDREWS).

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to take time to address a question or two to the chairman of the Committee on Armed Services with respect to what has happened to the extensive program that was announced by the White House last summer for the closing of a large number of bases and other military installations in this country in the interest of saving money and devoting those savings to the modernization of our military forces. What happened to that closing program?

Mr. HÉBERT. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the distinguished chairman.

Mr. HÉBERT. I suggest that my dear friend from Iowa must, if he needs to see the truth, go to the top of the mountain and talk to The Man. He can talk for himself. I do not know what happened. I am not in the confidence of the White House and its policies.

Mr. GROSS. It seems to me it is more than passing strange that such a program would have been announced a year ago and apparently so little has happened. An installation here and there has been closed, but it is my understanding that the services recommended the closing of a very substantial number of bases, shipyards, and air installations.

Mr. HÉBERT. I personally never saw a list of bases to be closed.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. TEAGUE of California. There was one base closed in my district, Edwards Air Force Base, and I did not object to it, because I thought it was superfluous. Now I rather wish I had, because there is the greatest fight going on between the Bureau of Prisons and local authorities and drag strip people and the Department of HEW as to what becomes of that property. Nevertheless, I cite it as an example of one base that has been closed.

Mr. GROSS. I appreciate the gentleman citing me an example, but I am sure he will agree that hardly warrants the continuance of other unneeded bases. I note one which was apparently on the list for closing and which will get $8 million under this bill. I do not know whether that is for new construction or simply maintenance. As long as it is open it will have to be funded, I am sure, but I would hate to wake up some day and find that millions of dollars have been spent on installations which this administration says are obsolete or which should be closed for other reasons. I would dislike very much to learn that new money has been spent for construction on those bases rather than for simple maintenance until they can be closed. I do not want to discover that this has happened.

Mr. HÉBERT. I will tell the gentleman this: the committee looks very eagerly at any rumor of a base that might be closed. I am familiar with what the gentleman says, and the base closings cannot come too fast. I do not know and I cannot give you an answer as to why the position was changed, but there is no permanent construction in this bill that would be going to a base where there was an indication of the activities of that base being narrowed or of its being closed. I share the gentleman's concern for these moves.

During the ill-fated McNamara "savings" we lost money every time we closed a base, rather than saving money. It will be a long, long time until we catch up with those mistakes.

Mr. GROSS. I just want to reemphasize the fact, that if there are bases surplus to the needs of the defense of this country, if that situation exists—and I do not know in how many instances that may be or whom it may affect—if they are being kept open for political reasons, it is just as wrong as it can be. I am not saying that this is the case. I am only saying that if this is the case, then drastic action ought to be taken against those who fail to close those installations that are surplus to our needs so that the saved money can be used for purposes necessary to the defense of this country.

Mr. HÉBERT. I could not agree with the gentleman more. The gentleman will recall that the first announcement of base closings was by former Secretary of Defense Mr. McNamara when he was in office, and I think I was the first one to rise up and say to close the bases if they are not needed.

Mr. GROSS. I thank the gentleman for his response.

The CHAIRMAN. If there are no further amendment, to be proposed to title I, the Clerk will read title II.

The Clerk read as follows:

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Radio Station, Cutler, Maine, $161,000.

Naval Security Group Activity, Winter Harbor, Maine, $94,000.

Naval Station Newport, Rhode Island, $1,660,000.

Naval Underwater Systems Center, Newport, Rhode Island, $655,000.

Naval Air Station, Quonset Point, Rhode Island, $3,511,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $1,505,000.

Naval Submarine Medical Center, New London, Connecticut, $668,000.

Military Sealift Command, Atlantic, Bayonne, New Jersey, $82,000.

Naval Ammunition Depot, Earle, New Jersey, $383,000.

FOURTH NAVAL DISTRICT

Naval Home, Philadelphia, Pennsylvania, $991,000.

Naval Air Development Center, Warminster, Pennsylvania, $749,000.

NAVAL DISTRICT, WASHINGTON

Naval Academy, Annapolis, Maryland, $8,400,000.

Naval Medical Research Institute, Bethesda, Maryland, $4,500,000.

Naval Ordnance Station, Indian Head, Maryland, $1,307,000.

Naval Air Test Center, Patuxent River, Maryland, $321,000.

Naval Ordnance Laboratory, White Oak, Maryland, $1,397,000.

FIFTH NAVAL DISTRICT

Naval Amphibious Base, Little Creek, Virginia, $85,000.

CINCLANTFLT Headquarters, Norfolk, Virginia, $4,201,000.

Naval Communication Station, Norfolk, Virginia, $884,000.

Naval Shipyard, Norfolk, Virginia, $1,880,000.

Naval Station, Norfolk, Virginia, $19,316,000.

Naval Air Station, Oceana, Virginia, $6,240,000.

Naval Weapons Station, Yorktown, Virginia, $2,067,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $1,603,000.

Naval Security Group Activity, Homestead, Florida, $439,000.

Naval Air Station Jacksonville, Florida, $6,930,000.

Naval Training Center, Orlando, Florida, $8,525,000.

Naval Air Station, Pensacola, Florida, $8,380,000.

Naval Air Station, Saufley Field, Florida, $505,000.

Naval Air Station, Whiting Field, Florida, $1,520,000.

Naval Air Station, Glynco, Georgia, $5,656,000.

Naval Construction Battalion Center, Gulfport, Mississippi, $3,008,000.

Naval Air Station, Meridian, Mississippi, $3,266,000.

Navy Commissary Store, Meridian, Mississippi, $270,000.

Naval Hospital, Charleston, South Carolina, $754,000.

Naval Shipyard, Charleston, South Carolina, $7,372,000.

Naval Station, Charleston, South Carolina, $929,000.

Naval Air Station, Memphis, Tennessee, $1,770,000.

Naval Hospital, Memphis, Tennessee, $262,000.

EIGHTH NAVAL DISTRICT

Naval Air Station, Kingsville, Texas, $90,000.

NINTH NAVAL DISTRICT

Navy Electronics Supply Office, Great Lakes, Illinois, $323,000.

Naval Hospital Corps School, Great Lakes, Illinois, $3,161,000.

Naval Training Center, Great Lakes, Illinois, $2,386,000.

ELEVENTH NAVAL DISTRICT

Naval Weapons Center, China Lake, California, $447,000.

Naval Amphibious Base, Coronado, California, $1,557,000.

Naval Amphibious School, Coronado, California, $137,000.

Naval Hospital, Long Beach, California, $15,092,000.

Naval Air Station, Miramar, California, $4,116,000.

Naval Air Station, North Island, California, $8,557,000.

Naval Station, San Diego, California, $1,886,000.

Navy Submarine Support Facility, San Diego, California, $2,878,000.

Naval Training Center, San Diego, California, $1,349,000.

Naval Weapons Station, Seal Beach, California, $714,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California, $4,716,000.

Naval Schools Command, Mare Island, Vallejo, California, $1,338,000.

Naval Shipyard, Mare Island, Vallejo, California, $394,000.

Naval Communication Station, San Francisco, California, $155,000.

THIRTEENTH NAVAL DISTRICT

Naval Shipyard, Puget Sound, Bremerton, Washington, $2,677,000.

Naval Torpedo Station, Keyport, Washington, $2,496,000.

Naval Air Station, Whidbey Island, Washington, $3,294,000.

FOURTEENTH NAVAL DISTRICT

Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii, $2,202,000.

Naval Ammunition Depot, Oahu, Hawaii, $78,000.

Fleet Submarine Training Facility, Pearl Harbor, Hawaii, $501,000.

Naval Station, Pearl Harbor, Hawaii, $6,267,000.

SEVENTEENTH NAVAL DISTRICT

Naval Facility, Adak, Alaska, $516,000.

Naval Station, Adak, Alaska, $9,025,000.

Naval Arctic Research Laboratory, Barrow, Alaska, $2,400,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, $4,434,000.

Marine Corps Development and Education Command, Quantico, Virginia, $1,783,000.

Marine Corps Base, Camp Lejeune, North Carolina, $2,610,000.

Marine Corps Air Station, Cherry Point, North Carolina, $3,607,000.

Marine Corps Air Station, New River, North Carolina, $3,364,000.

Marine Corps Air Station, Beaufort, South Carolina, $2,417,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $1,444,000.

Marine Corps Air Station, Yuma, Arizona, $2,261,000.

Marine Corps Supply Center, Barstow, California, $678,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, $593,000.

Marine Corps Base, Camp Pendleton, California, $8,944,000.

Marine Corps Air Station, El Toro, California, $838,000.

Marine Corps Air Station, Santa Ana, California, $908,000.

Marine Corps Recruit Depot, San Diego, California, $1,497,000.

Marine Corps Base, Twenty-Nine Palms, California, $6,653,000.

Marine Corps Air Station, Kaneohe, Hawaii, $2,455,000.

POLLUTION ABATEMENT

Various Naval and Marine Corps Installations: Air Pollution Abatement Facilities, $15,474,000.

Various Naval and Marine Corps Installations: Water Pollution Abatement Facilities, $12,883,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Station, Guantanamo Bay, Cuba, $3,579,000.

Naval Station, Roosevelt Roads, Puerto Rico, $4,473,000.

FIFTEENTH NAVAL DISTRICT

Naval Communications Station, Balboa, Canal Zone, $200,000.

Naval Security Group Activity, Galeta Island, Canal Zone, $516,000.

ATLANTIC OCEAN AREA

Naval Facility, Grand Turk, West Indies, $418,000.

Naval Station, Keflavik, Iceland, $5,800,000.

EUROPEAN AREA

Naval Security Group Activity, Todendorf, Germany, $377,000.

Naval Air Facility, Sigonella, Sicily, $981,000.

INDIAN OCEAN AREA

Naval Communication Facility, Diego Garcia, Chagos Archipelago, $4,794,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $75,000.

Naval Air Station, Agana, Guam, Mariana Islands, $12,398,000.

Naval Communication Station, Guam, Mariana Islands, $1,823,000.

Naval Magazine, Guam, Mariana Islands, $993,000.

Naval Station, Guam, Mariana Islands, $3,385,000.

Naval Communication Station, Yokosuka, Japan, $258,000.

Naval Air Station, Cubi Point, Republic of the Philippines, $1,892,000.

Naval Communication Station, San Miguel, Republic of the Philippines, $1,280,000.

POLLUTION ABATEMENT

Various Naval Installations: Air Pollution Abatement Facilities, $488,000.

Various Naval Installations: Water Pollution Abatement Facilities, $7,412,000.

SEC. 202. The Secretary of the Navy may establish or develop classified Navy installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $3,733,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided,* That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. (a) Public Law 90–408, as amended, is amended under the heading "Inside the United States", in section 201 as follows:

(1) With respect to Naval Submarine Base, New London, Connecticut, strike out "$1,225,000" and insert in place thereof "$1,825,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (2) of section 802, "$239,082,000" and "$245,947,000" and inserting in place thereof "$239,682,000" and "$246,547,000", respectively.

SEC. 205. (a) Public Law 91–142, as amended, is amended under the heading "Inside the United States", in section 201 as follows:

(1) With respect to Naval Submarine Base, New London, Connecticut, strike out "$303,000" and insert in place thereof "$1,056,000".

(2) With respect to Naval Air Station, Alameda, California, strike out "$6,094,000" and insert in place thereof "$8,170,000".

(b) Public Law 91–142, as amended, is amended by striking out in clause (2) of section 702 "$276,794,000" and "$311,848,000" and inserting in place thereof "$279,623,000" and "$314,677,000", respectively.

SEC. 206. (a) Public Law 91–511 is amended under the heading "Inside the United States", in section 201 as follows:

(1) With respect to Naval Ordnance Station, Indian Head, Maryland, strike out "$159,000" and insert in place thereof "$249,000".

(2) With respect to Marine Corps Recruit Depot, Parris Island, South Carolina, strike out "$112,000" and insert in place thereof "$210,000".

(b) Public Law 91–511 is amended by striking out in clause (2) of section 602 "$245,930,000" and "$268,898,000" and inserting in place thereof "$246,118,000" and "$269,086,000", respectively.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to title II?

There being no amendments to title II, the Clerk will read title III.

The Clerk read as follows:

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation appurtenances, utilities, and equipment, for the following acquisition and construction.

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $1,453,000.

Tyndall Air Force Base, Panama City, Florida, $1,019,000.

AIR FORCE COMMUNICATIONS SERVICE

Richards-Gebaur Air Force Base, Kansas City, Missouri, $782,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Ogden, Utah, $16,930,000.

Kelly Air Force Base, San Antonio, Texas, $11,024,000.

McClellan Air Force Base, Sacramento, California, $727,000.

Newark Air Force Station, Newark, Ohio, $1,476,000.

Robins Air Force Base, Warner Robins, Georgia, $9,404,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $11,760,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $11,427,000.

Various location, $275,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, $1,244,000.

Brooks Air Force Base, San Antonio, Texas, $1,468,000.

Edwards Air Force Base, Muroc, California, $3,048,000.

Eglin Air Force Base, Valparaiso, Florida, $4,248,000.

Space and Missile Test Center, Lompoc, California, $84,000.

Satellite Tracking Facilities, $323,000.

AIR TRAINING COMMAND

Keesler Air Force Base, Biloxi, Mississippi, $2,900,000.

Lackland Air Force Base, San Antonio, Texas, $2,564,000.

Laredo Air Force Base, Laredo, Texas, $78,000.

Laughlin Air Force Base, Del Rio, Texas, $579,000.

Lowry Air Force Base, Denver, Colorado, $8,435,000.

Mather Air Force Base, Sacramento, California, $1,165,000.

Randolph Air Force Base, San Antonio, Texas, $865,000.

Reese Air Force Base, Lubbock, Texas, $2,522,000.

Sheppard Air Force Base, Wichita Falls, Texas, $7,478,000.

Williams Air Force Base, Chandler, Arizona, $1,639,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $968,000.

Elmendorf Air Force Base, Anchorage, Alaska, $441,000.

Various Locations, $1,092,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $2,013,000.

Bolling Air Force Base, Washington, District of Columbia, $7,185,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $369,000.

Charleston Air Force Base, Charleston,

South Carolina, $2,347,000.

Dover Air Force Base, Dover, Delaware, $3,391,000.

McChord Air Force Base, Tacoma, Washington, $1,556,000.

McGuire Air Force Base, Wrightstown, New Jersey, $1,004,000.

Norton Air Force Base, San Bernardino, California, $2,016,000.

Scott Air Force Base, Belleville, Illinois, $665,000.

Travis Air Force Base, Fairfield, California, $1,299,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $1,937,000.

STRATEGIC AIR COMMAND

Beale Air Force Base, Marysville, California, $1,348,000.

Blytheville Air Force Base, Blytheville, Arkansas, $522,000.

Carswell Air Force Base, Fort Worth, Texas, $100,000.

Castle Air Force Base, Merced, California, $5,703,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $1,306,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $1,445,000.

Fairchild Air Force Base, Spokane, Washington, $104,000.

Grand Forks Air Force Base, Grand Forks, North Dakota, $514,000.

Grissom Air Force Base, Peru, Indiana, $95,000.

K. I. Sawyer Air Force Base, Marquette, Michigan, $1,431,000.

Loring Air Force Base, Limestone, Maine, $1,980,000.

Minot Air Force Base, Minot, North Dakota, $1,564,000.

Offutt Air Force Base, Omaha, Nebraska, $1,640,000.

Pease Air Force Base, Portsmouth, New Hampshire, $77,000.

Plattsburgh Air Force Base, Plattsburgh, New York, $128,000.

Vandenberg Air Force Base, Lompoc, California, $925,000.

Westover Air Force Base, Chicopee Falls, Massachusetts, $456,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $440,000.

Various Locations, $928,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $2,151,000.

Cannon Air Force Base, Clovis, New Mexico, $290,000.

George Air Force Base, Victorville, California, $547,000.

Holloman Air Force Base, Alamogordo, New Mexico, $7,067,000.

Homestead Air Force Base, Homestead, Florida, $1,421,000.

Langley Air Force Base, Hampton, Virginia, $1,968,000.

Little Rock Air Force Base, Little Rock, Arkansas, $150,000.

Luke Air Force Base, Phoenix, Arizona, $2,292,000.

MacDill Air Force Base, Tampa, Florida, $1,156,000.

McConnell Air Force Base, Wichita, Kansas, $232,000.

Mountain Home Air Force Base, Mountain Home, Idaho, $2,060,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, $446,000.

Nellis Air Force Base, Las Vegas, Nevada, $925,000.

Shaw Air Force Base, Sumter, South Carolina, $1,473,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $434,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $2,200,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $15,220,000.

Various Locations, Water Pollution Abatement, $7,820,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Naval Station, Keflavik, Iceland, $2,017,000.

PACIFIC AIR FORCE

Philippine Islands, $129,000.
Ryukyu Islands, $1,388,000.
Korea, $478,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $850,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $1,254,000.
United Kingdom, $962,000.
Various Locations, $996,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Japan, $1,497,000.

POLLUTION ABATEMENT

Various Locations. Water Pollution Abatement, $985,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $11,985,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force or his designees, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 88–174, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

(1) Under the subheading "AIR FORCE SYSTEMS COMMAND" with respect to Sacramento Peak Upper Air Research Site, New Mexico, strike out "$3,167,000" and insert in place thereof "$3,410,000".

(b) Public Law 88–174, as amended, is amended by striking out in clause (3) of section 602 "$162,287,000" and "$491,969,000" and inserting in place thereof "$162,530,000" and "$492,212,000", respectively.

SEC. 305. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES," in section 301 as follows:

Under the subheading "Military Airlift Command" with respect to Travis Air Force Base, Fairfield, California, strike out "$6,047,000" and insert in place thereof $6,946,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (3) of section 802 "$314,578,000" and "$400,950,000" and inserting in place thereof "315,477,000" and $401,849,000", respectively.

SEC. 306. (a) Public Law 91–511 is amended under the heading "INSIDE THE UNITED STATES," in section 301 as follows:

Under the subheading "Strategic Air Command" with respect to Minot Air Force Base, Minot, North Dakota, strike out "$134,000" and insert in place thereof "$330,000".

(b) Public Law 91–511 is amended by striking out in clause (3) of section 602 "$191,937,000" and "$256,189,000" and inserting in place thereof "$192,133,000" and "$256,385,000", respectively.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. FAUNTROY

Mr. FAUNTROY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FAUNTROY: On page 21, strike out lines 9 and 10.

Mr. FAUNTROY. Mr. Chairman, I am offering an amendment that would delete from the military construction bill a $7.2 million authorization for the construction of additional military facilities at Bolling Air Force Base. This authorization follows on the heels of an authorization last year of a "little Pentagon" at Bolling Air Force Base that will ultimately cost the taxpayers an incredible $133.2 million. Fortunately, Congress had the good sense to defer appropriating funds for this undertaking, pending further study of the project. I urge you to show that same good sense now by deleting this authorization for further military construction at Bolling until such time as there are assurances that the entire site will be developed in a balanced fashion so as to meet not only the Federal Government's need for office facilities but also the District of Columbia's need for jobs, economic development, and housing.

Bolling Air Force Base has not been fully operational for several years now. The base is located in the Anacostia section of the city, an area with some of the worst housing and unemployment problems that can be found anywhere. The site is one of the few large tracts of undeveloped land remaining within the District of Columbia, and it offers an unparalleled opportunity for construction of a "new town" within the very boundaries of the city, a chance for new housing and economic growth designed to meet the needs of the people of the city generally and of the long-suffering residents of the Anacostia area in particular.

In the military authorization bill for

1970, Congress specified that Bolling Air Force Base would be kept under military control until 1975. In signing the bill, President Nixon expressed concern with the "provision in the bill which prohibits disposal of any part of the Bolling-Anacostia complex before January 1, 1975." The President noted that the Defense Department was reviewing its need for facilities in the Washington metropolitan area, and he asked that the study specifically consider the Bolling-Anacostia complex. As far as I have been able to determine, that study has not yet been submitted to the President. If it has been given to the President, I think the Congress should have an opportunity to see it before approving this authorization.

I think that there is a great deal at stake today as you decide whether to authorize funds for further military construction at the air base. For many years now, the District government, the National Capital Planning Commission, and community organizations around the city, with the encouragement of the Federal Government, have been actively planning for civilian use of a portion of the facility for more housing and for economic development. The National Capital Planning Commission has developed a detailed plan for a portion of the Bolling-Anacostia site that could result in the building of 8,000 units of housing for all income levels. This could mean decent living conditions for over 30,000 people, many of whom now must endure slum conditions. In addition, the NCPC plans call for shopping centers and other job opportunities so that an economic base can be established for this area of the city. In this way, millions of dollars can each year be added to the city's tax roles to finance the education, day care, health, and public safety programs that this city so desperately needs. There is enough room for both military use and the city's requirements. It is not a matter of one excluding the other. Both can exist side by side, but only if very careful planning is done. There are 920 acres of land at Bolling-Anacostia, only 416 of which would be needed for the creation of this "new town." This is not a planner's pipedream, but something that could come about in time for the bicentennial celebration, something that could serve as the model for the Nation.

There is real danger, however. The authorization contained in this bill, combined with the "little Pentagon," threaten to preempt Bolling-Anacostia for exclusive military use. This would place in jeopardy the years of effort to use this important facility to provide a decent environment and new job opportunities for thousands of people in this city. We have talked much about reordering our national priorities to stress the social needs of our people. My amendment provides us with the opportunity to strike the balance in this case for the human needs of our society.

In short, what I am asking you to do in deleting this authorization for Bolling Air Force Base is to freeze the present situation until Congress and the committee have an opportunity to assess the conflicting claims for the use of land available at the base. The great danger is that if we move forward in a piecemeal fashion, approving one military authorization after another at the base, we will lose all opportunity to reconcile the military's needs with the city's pressing needs, and this would be a tragedy. I urge your support of this amendment.

The CHAIRMAN. The time of the gentleman from the District of Columbia (Mr. FAUNTROY) has expired.

(By unanimous consent, Mr. FAUNTROY was allowed to proceed for 30 additional seconds.)

Mr. FAUNTROY. Mr. Chairman, you will note that when the vote is taken that one voice will not be raised in support of this amendment, and that will be the voice of myself because I do not enjoy the privilege of having a vote on the floor of the House. So I hope that this body, in addition to supporting this amendment that I have offered, will consider providing me a vote to go along with my voice.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from the District of Columbia (Mr. FAUNTROY).

The gentleman from the District of Columbia seems to have been misinformed as to the situation at Bolling Air Force Base, because under the law nothing can be done, not of a military nature, at Bolling Air Force Base, and no portion of the Bolling-Anacostia complex can be disposed of for any purpose until 1975. That is the law. So this question becomes a moot question, but even if it were not a moot question I would oppose it. Authorization was given last year for the construction of what is known as a little Pentagon on part of the site at Bolling. The Bolling-Anacostia complex is being used every day of the week, and is being reserved for military use.

Therefore, Mr. Chairman, I oppose the amendment offered by the gentleman from the District of Columbia (Mr. FAUNTROY) and ask that it be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from the District of Columbia (Mr. FAUNTROY).

The amendment was rejected.

The CHAIRMAN. The Clerk will read title IV.

The Clerk read as follows:

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

Inside the United States

DEFENSE ATOMIC SUPPORT AGENCY

Sandia Base, Albuquerque, New Mexico, $662,000.

DEFENSE SUPPLY AGENCY

Defense Automatic Addressing System Office, Dayton, Ohio, $143,000.

Defense Construction Supply Center, Columbus, Ohio, $1,569,000.

Defense Depot, Mechanicsburg, Pennsylvania, $487,000.

Defense Depot, Memphis, Tennessee, $136,000.

Defense Depot, Ogden, Utah, $1,452,000.

Defense Depot, Tracy Annex, Stockton, California, $100,000.

Defense General Supply Center, Richmond, Virginia, $432,000.

Defense Industrial Supply Center, Philadelphia, Pennsylvania, $541,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $134,000.

DSA Subsistence Regional Headquarters, Alameda, California, $268,000.

Air pollution abatement, various locations, $1,317,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $2,638,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to title IV? If not, the Clerk will read title V.

The Clerk read as follows:

TITLE V—MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, two thousand one hundred forty units, $51,920,000:

Fort Carson, Colorado, two hundred units.

Fort Gordon, Georgia, two hundred units.

U.S. Army Installations, Oahu, Hawaii, three hundred units.

Malmstrom ABM Site, Montana, two hundred fifteen units.

Camp Drum, New York, eighty-eight units.

Fort Bragg, North Carolina, one hundred fifty units.

Grand Forks ABM Site, North Dakota, two hundred fifteen units.

Carlisle Barracks, Pennsylvania, sixty units.

Fort Jackson, South Carolina, three hundred units.

Fort Hood, Texas, four hundred twelve units.

(2) The Department of the Navy, four thousand four hundred seventy-nine units, $106,417,000:

Naval Complex, East Bay, San Francisco, California, three hundred units.

Naval Complex, Long Beach, California, three hundred units.

Marine Corps Base, Camp Pendleton, California, three hundred twenty-five units.

Naval Complex, San Diego, California, six hundred units.

Naval Complex, District of Columbia, one hundred fifty units.

Naval Air Station, Jacksonville, Florida, three hundred units.

Naval Training Center, Orlando, Florida, four units.

Naval Air Station, Glynco, Georgia, one hundred thirty units.

U.S. Naval Installations, Oahu, Hawaii, four hundred units.

Naval Complex, Warminster, Pennsylvania, two hundred units.

Naval Complex, Newport, Rhode Island, two hundred units.

Naval Complex, Charleston, South Carolina, two hundred eighty units.

Naval Air Station, Memphis, Tennessee, one hundred units.

Naval Complex, Norfolk, Virginia, seven hundred forty units.

Naval Station, Roosevelt Roads, Puerto Rico, two hundred fifty units.

Naval Complex, Subic Bay, Republic of the Philippines, two hundred units.

(3) The Department of the Air Force, three thousand seven hundred thirty units, $85,790,000:

Beale Air Force Base, California, two hundred units.

U.S. Air Force Academy, Colorado, two hundred units.

Ent-Peterson Air Force Base, Colorado, two hundred fifty units.

Dover Air Force Base, Delaware, three hundred units.

Bolling Air Force Base, District of Columbia, four hundred units.

Homestead Air Force Base, Florida, one hundred sixty units.

Andrews Air Force Base, Maryland, four hundred fifty units.

Offutt Air Force Base, Nebraska, three hundred units.

Nellis Air Force Base, Nevada, two hundred twenty units.

Cannon Air Force Base, New Mexico, two hundred fifty units.

Wright-Patterson Air Force Base, Ohio, five hundred units.

Shaw Air Force Base, South Carolina, five hundred units.

(b) Trailer Court Facilities—

(1) The Department of the Navy, one thousand five hundred spaces, $4,500,000.

(2) The Department of the Air Force, eight hundred fifty spaces, $2,780,000.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed $23,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding $40,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed $32,000 and in no event shall the cost of any unit exceed $40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. Section 401(a)(3) of Public Law 91–441 (84 Stat. 905, 909), is amended by striking out "$8,800,000" and inserting in lieu thereof $9,200,000".

SEC. 504. Within the limitations contained in sections 501 and 502 of this Act, the Department of the Air Force is authorized to construct 250 units of family housing at MacDill Air Force Base, Florida at a cost of $5,250,000. This authorization shall be funded from previously authorized, but unused appropriations for family housing.

SEC. 505. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(a) for the Department of the Army, $10,367,000.

(b) for the Department of the Navy, $8,271,000.

(c) for the Department of the Air Force, $13,825,000.

(d) for the Defense Agencies, $205,000.

SEC. 506. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, four family housing units in foreign countries at a total cost not to exceed $106,000. This authority shall include the authority to acquire land and interests in land, and shall be limited to such projects as may be funded by use of excess foreign currencies when so provided in Department of Defense Appropriation Acts.

SEC. 507. Section 515 of Public Law 84–161 (69 Stat. 324, 352) as amended, is amended by (1) striking out "1971 and 1972" in the first sentence and inserting in lieu thereof "1972 and 1973", (2) striking out "seven thousand five hundred" in the second sentence and inserting in lieu thereof "ten thousand", and (3) striking out "$190" and "$250" in the third sentence and inserting in lieu thereof "$200" and "275", respectively.

SEC. 508. Section 507 of Public Law 88–174 (77 Stat. 307, 326) as amended, is amended by (1) striking out "1971 and 1972" and inserting in lieu thereof "1972 and 1973", and (2) striking out "$185" and inserting in lieu thereof "$210".

SEC. 509. (a) Sections 4774(f), and 9774 (f) of title 10, United States Code, are amended to read as follows: "(f) If the Secretary of Defense, or his designee, determines, on the basis of a survey of the family housing needs at any installation where the construction of family housing is authorized, that the construction of four-bedroom units or five-bedroom units for enlisted men is required, such units may be constructed with a net floor area of not more than one thousand two hundred and fifty square feet, and one thousand four hundred square feet respectively."

(b) Section 7574(d) of title 10, United States Code, is amended to read as follows: "(d) If the Secretary of Defense, or his designee, determines, on the basis of a survey of the family housing needs at any installation where the construction of family housing is authorized, that the construction of four-bedroom units or five-bedroom units for enlisted men is required, such units may be constructed with a net floor area of not more than one thousand two hundred and fifty square feet, and one thousand four hundred square feet respectively."

(c) Sections 4774(g), 7574(e), and 9774 (g), of title 10, United States Code, are amended by inserting "or five-bedroom units" after "four-bedroom units".

SEC. 510. (a) Chapter 449 of title 10, United States Code, is amended by repealing section 4775 and by striking out the corresponding item in the analysis.

(b) Chapter 949 of title 10, United States Code, is amended by repealing section 9775 and by striking out the corresponding item in the analysis.

SEC. 511. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $10,000 limitation prescribed in section 610(a) of Public Law 90–110 (81 Stat. 279, 305), as amended, for the U.S. Naval Academy, Annapolis, Maryland, five units, $125,000.

SEC. 512. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $285,200,000; and.

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $633,212,000.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to title V? If not, the Clerk will read title VI.

The Clerk read as follows:

TITLE VI—HOMEOWNERS ASSISTANCE

SEC. 601. In accordance with subsection 1013(1) of Public Law 89–754 (80 Stat. 1255, 1292) there is authorized to be appropriated for use by the Secretary of Defense for the purposes of section 1013 of Public Law 89–754, including acquisition of properties, an amount not to exceed $7,575,000.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to title VI? If not, the Clerk will read title VII.

The Clerk read as follows:

TITLE VII

GENERAL PROVISIONS

SEC. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, V, VI, shall not exceed—

(1) for title I: Inside the United States, $527,720,000; outside the United States, $38,210,000; or a total of $565,930,000.

(2) for title II: Inside the United States, $263,841,000; outside the United States, $51,142,000; section 202, $3,733,000; or a total of $318,716,000.

(3) for title III: Inside the United States, $199,758,000; outside the United States, $10,556,000; section 302, $11,985,000; or a total of $222,299,000.

((4) for title IV: A total of $19,879,000,000.

(5) for title V: Military family housing, $918,412,000.

(6) for title VI: Homeowners assistance, $7,575,000.

SEC. 703. Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based on bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

SEC. 704. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction, supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 705. (a) As of October 1, 1972, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204), and all such authorizations contained in Acts approved before October 27, 1970, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisitions, or payments to the North Atlantic Treaty Organizations, in whole or in part before October 1, 1972, and authorizations for appropriations therefor;

(3) notwithstanding the repeal provisions of section 605(a) of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204, 1223), authorization for the following items which shall remain in effect until October 1, 1973:

(a) utilities in the amount of $2,874,000 at Navy Public Works Center, Newport, Rhode Island, that is contained in title II, section 201, of the Act of July 21, 1968 (82 Stat. 373); and

(4) notwithstanding the repeal provisions of section 605(a) of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204, 1223), authorizations for the following items which shall remain in effect until October 1, 1973:

(a) Utilities in the amount of $288,000 at Fort Hancock, New Jersey, that is contained in title I, section 101, of the Act of December 5, 1969 (83 Stat. 293), as amended.

(b) Utilities in the amount of $545,000 at Fort Wadsworth, New York, that is contained in title I, section 101, of the Act of December 5, 1969 (83 Stat. 293), as amended.

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date; and

(3) notwithstanding the repeal provision of section 605(b) of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204, 1223), authorizations contained in section 401 of the Act of October 7, 1970, Public Law 91–441 (84 Stat. 905, 909) for the following items which shall remain in effect until fifteen months from the date of this Act:

(a) two hundred family housing units at Malmstrom ABM Site, Montana.

(b) two hundred family housing units at Grand Forks ABM Site, North Dakota.

SEC. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $3,200 per man for permanent barracks;

(2) $11,000 per man for bachelor officer quarters; unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, that notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 707. Chapter 159 of title 10, United States Code, is amended as follows:

(1) Section 2674(a) is amended by adding immediately before the period at the end thereof "or for a project which the Secretary

of a military department determines will, within three years following completion of the project, result in savings in maintenance and operation costs in excess of the cost of the project".

(2) The catchline and text of section 2672, and the corresponding item in the analysis are amended by striking out "$25,000" wherever it appears and inserting in place thereof "$50,000".

(3) Section 2672 is amended by adding the following new sentence at the end thereof: "The authority to acquire an interest in land under this section includes authority to make surveys and acquire interests in land (including temporary use), by gift, purchase, exchange of land owned by the United States, or otherwise."

(4) Section 2677(b) is amended by deleting the last sentence thereof.

(5) Section 2662 is amended by deleting subsection (a)(3) and inserting in its place the following new subsection:

"(3) A lease or license of real property owned by the United States, if the estimated annual fair market rental value of the property is more than $50,000."

SEC. 708. Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, leased, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law.

SEC. 709. Titles I, II, III, IV, V, VI, and VII, of this Act may be cited as the "Military Construction Authorization Act. 1972".

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title VII be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisana?

There was no objection.

AMENDMENT OFFERED BY MR. HÉBERT

Mr. HÉBERT. Mr. Chairman, the committee has sent to the desk a technical amendment, which I offer at this time.

The Clerk read as follows:

Amendment offered by Mr. HÉBERT: On page 40, line 14, strike out the figure "$19,879,000,000." and insert in lieu thereof "$19,879,000."

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to be proposed to title VII? If not, the Clerk will read title VIII.

The Clerk read as follows:

TITLE VIII

RESERVE FORCES FACILITIES

SEC. 801. Subject to Chapter 133 of Title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $25,686,000.

(b) Army Reserve, $30,300,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $10,090,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $9,000,000.

(b) Air Force Reserve, $5,250,000.

SEC. 802. The Secretary of Defense may establish or develop installations and facilities under this Title without regard to Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and Sections 4774(d) and 9774(d) of Title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under Section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 803. This Title may be cited as the "Reserve Forces Facilities Authorization Act, 1972."

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title VIII be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to title VIII?

Mr. BENNETT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I also ask unanimous consent and that is the purpose of my rising really—unanimous consent to return to title II of this bill because at the time when this bill was up on title II there was a confusion on the floor, not the fault of the gentleman from New York (Mr. BADILLO)—and he has an amendment to offer to this bill. I am going to oppose the amendment, but I feel honor bound to ask unanimous consent to go back and consider it because of the fact that if there had not been this confusion in which I was partly involved, I do not think he would have missed having this opportunity.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. KING. Mr. Chairman, I object.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes, pursuant to House Resolution 555, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HÉBERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 359, nays 31, not voting 43, as follows:

[Roll No. 203]

YEAS—359

Abbitt
Abernethy
Abourezk
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Baring
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Keating
Kee
Keith
King
Kluczynski
Koch
Kyl
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
McClory
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKevitt
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Metcalfe
Michel
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup

Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens

Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware

Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—31

Abzug
Badillo
Barrett
Bingham
Burton
Clay
Conyers
Edwards, Calif.
Fraser
Green, Pa.
Hawkins

Hechler, W. Va.
Helstoski
Kastenmeier
Mikva
Miller, Ohio
Nedzi
Nix
Podell
Rangel
Rees
Reuss

Rosenthal
Ryan
Scheuer
Stokes
Thompson, N.J.
Vanik
Waldie
Yates
Zwach

NOT VOTING—43

Adams
Alexander
Anderson, Tenn.
Blanton
Caffery
Chisholm
de la Garza
Dellums
Diggs
Donohue
Dorn
Edwards, La.
Goldwater
Hanna

Hansen, Idaho
Hansen, Wash.
Hosmer
Hungate
Jones, Tenn.
Kemp
Kuykendall
Kyros
Long, La.
Lujan
McCloskey
McCulloch
McKay
McKinney
Mathias, Calif.

Mayne
Melcher
Mitchell
Murphy, N.Y.
Pepper
Powell
Pryor, Ark.
Railsback
Smith, N.Y.
Teague, Tex.
Van Deerlin
Wilson, Bob
Wyman
Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Jones of Tennessee with Mr. Mayne.
Mr. Alexander with Mr. Kemp.
Mr. Adams with Mr. Hansen of Idaho.
Mr. Teague of Texas with Mr. Railsback.
Mr. Caffery with Mr. Goldwater.
Mr. Dorn with Mr. Lujan.
Mr. Melcher with Mr. McCloskey.
Mr. Hanna with Mr. Mathias of California.
Mr. Van Deerlin with Mr. Hosmer.
Mr. Pryor of Arkansas with Mr. McKinney.
Mr. Hungate with Mr. Wyman.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Blanton with Mr. Smith of New York.
Mrs. Hansen of Washington with Mr. Bob Wilson.
Mr. Long of Louisiana with Mr. McKay.
Mr. Edwards of Louisiana with Mr. de la Garza.
Mr. Donohue with Mrs. Chisholm.
Mr. Kyros with Mr. Dellums.
Mr. Yatron with Mr. Mitchell.
Mr. Murphy of New York with Mr. Diggs.
Mr. Pepper with Mr. Powell.

Messrs. HAWKINS, BARRETT, and HECHLER of West Virginia changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 714. Joint resolution designating the week of August 1, 1971, as "American Trial Lawyers Week."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9667. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9667) entitled "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of West Virginia, Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. ELLENDER, Mr. CASE, Mrs. SMITH, Mr. ALLOTT, and Mr. YOUNG to be the conferees on the part of the Senate.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 9667, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. McFALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9667) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. McFALL, BOLAND, YATES, STEED, MAHON, CONTE, MINSHALL, EDWARDS of Alabama, and BOW.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time to ask the majority leader about the program for the remainder of this week, if any, and the program for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the inquiry of the gentleman from Michigan, we have completed our legislative business for this week.

The program for next week is as follows:

Monday is District day, but there are no District bills scheduled.

The only business scheduled for Monday is House Resolution 538, Veterans' Affairs Committee investigation authority. The program for Monday is very light.

On Tuesday, we will have the Labor-HEW appropriations for fiscal year 1972.

On Wednesday, we will have:

H.R. 9092, the pay system for Government prevailing rate employees, under an open rule with 2 hours of debate; and

H.R. 9922, the Economic Development and Appalachian Acts extension, which is subject to a rule being granted.

On Thursday, we will have the public works appropriations bill for fiscal year 1972; and

H.R. 9727, the Marine Protection Research and Sanctuaries Act, to be considered under an open rule with 2 hours of debate.

On Friday, subject to a rule being granted, we will have H.R. 8432, the emergency loan guarantee fund, more popularly described as the Lockheed bill.

Mr. GERALD R. FORD. Mr. Speaker, do I understand there will be no conference reports on Monday?

Mr. BOGGS. My information is there will not be conference reports on Monday, and probably there will be a conference report on Tuesday, and conference reports as well as privileged resolutions, will be in order the 4 latter days of the week. Also, any further program will be announced later.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, it is hard to understand why there is only one small piece of legislation, as there appears to be, on Monday. Is there something of an earth-shaking event I am unaware of that precludes the taking up of a conference report if it is available and moving up the prevailing wage bill or something of that sort on Monday, rather than having a session on Friday of next week?

Mr. BOGGS. In response to the distinguished gentleman, Friday is the regularly scheduled Friday for us to meet. We meet on the first and third Fridays, as the gentleman knows. On Monday there has been some consideration given to what might be considered as an earth-shaking event; namely, the space shot in Florida. A great many Members on both sides of the aisle have expressed a desire to be there. NASA has invited them to go, and I hope all of them can go.

Mr. GROSS. Mr. Speaker, that helps at least to some extent to explain.

ADJOURNMENT OVER TO MONDAY, JULY 26

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

"MOON WALK," SPACE PROGRAM HAILED IN ST. PETERSBURG

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, on Tuesday, July 20, the second anniversary of man's first historic walk on the moon, leading citizens of St. Petersburg and Pinellas County, Fla., gathered at the Commerce Club for a celebration of that great event and the other progressive accomplishments of the Nation's space program.

This was entirely fitting since some 2,800 citizens of the Tampa Bay area contributed significantly to the success of that famed "moon walk"—and also to every other major step in America's progress in space from the first Explorer missions to Apollo 15, which will be launched on July 26.

These men and women, many of whom are my constituents, are employees of the Aerospace Division of Honeywell, Inc., located in the St. Petersburg area, and controls produced by Honeywell personnel will guide the Apollo 15 craft when it sets down on the moon on July 30.

Their contribution to future developments in the space program will be increased by the imminent transfer and relocation of Honeywell's 170-man space-science team from company headquarters in Minneapolis to the facilities in my district.

A highlight of Tuesday's observance was the unveiling of a unique exhibit produced by Honeywell personnel. It is an 8-foot "Talking Tower" with three striking color panels that revolve while the recorded story of the heritage, benefits, and problems of the U.S. space program is broadcast.

The exhibit will tell its story throughout the Tampa Bay area for the next month—at the Honeywell facilities, shopping centers, and schools—and I would like to share its inspiring message with you and my colleagues:

FOR ALL MANKIND

"OUR HERITAGE"

Ours is a heritage of exploration . . . drawn from men with the courage and determination to know the unknown . . . We've sailed the seas with Columbus; crossed the mountains with Daniel Boone and withstood the dangers of the prairies. We opened the West with the "iron horse," and gave man his wings with Wilbur and Orville Wright.

Science is our lifetime; the blood of George Washington Carver, Thomas Edison, Robert Goddard and Albert Einstein flows through our veins. We've shared the loneliness of Charles Lindbergh as he flew the Atlantic . . . and the excitement of John Glenn when he took America's first view from earth orbit.

Our charter has been . . . and remains . . . to use space "for all mankind . . ."

"OUR REWARDS"

In boldly meeting the challenges of space . . . we've produced a bold, new world. Its dividends span the fields of engineering, medicine, communications, environmental sciences, astronomy, geology . . . and even to everyday household products. On July 20th, 1969, Neil Armstrong's first historic step on the Moon freed us as creatures of a single planet . . .

While Project Apollo unlocks the secrets of the Moon, Mariner is erasing the mysteries of Mars. And, our Earth has become smaller.

Communications satellites bring continents and people closer together. Weather satellites, increasing the accuracy of forecasts, saved 50,000 people during Hurricane Camille. We've learned that we can see our earth and our universe far better from space than from the earth itself.

Gemini astronauts mapped 80 per cent of Peru in less than 3 minutes—a task that hadn't been completed after 40 years of earthbound effort. Meanwhile, unmanned probes are finding answers to questions that have baffled scientists for generations.

AN UNCERTAIN FUTURE

Today America faces the challenge of continued leadership in space, and the crucial decisions needed if we are to reap the harvest of the seeds already planted.

The future, however, is far from certain. Our space program itself is in jeopardy.

Drastic reductions in funding have taken their toll. The last Apollo manned mission comes in 1972 . . . to be followed only by the flight of the Skylab Space Laboratory in '73. America has no other manned space flights scheduled until '78—and then only if the space shuttle is approved. Unmanned programs have also been curtailed. Now we must decide if we'll go forward to pursue the exciting and tremendously rewarding projects that lie ahead.

Space shuttle, which takes off like a rocket and lands like a jetliner, promises to bring space down to earth. With shuttle, we will realize vast savings in the cost of building and launching communications, weather and earth resources satellites.

Skylab and other earth resources programs, with orbiting infrared scanners will permit scientists to see things not visible to the human eye on earth. They'll detect on spills, water pollution and crop diseases and will inventory and help control our dwindling supply of natural resources.

Late in this decade, two electronic explorers can take advantage of a once in a lifetime alignment of the planets and make an 11-year unmanned grand tour of Jupiter, Saturn, Uranus, Neptune and Pluto.

Networks of communications satellites could break the bondage of global illiteracy. A permanent American space station will allow man to live almost indefinitely in space.

The success of our space program belongs to neither the scientists the astronauts nor the government-industry team that made the gigantic undertaking possible . . . but to you . . . the American citizen.

Your courage, your determination, your wisdom has made it possible for America to reach into the unknown . . . the decision to continue to use space "For All Mankind"—is in your hands.

ADDITIONAL EVIDENCE ON KATYN FOREST MASSACRE

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, it is a remarkable coincidence that in this morning's Washington Post on page A22 the Associated Press dispatch from Tel Aviv dated July 21, 1971 stated that a former Polish citizen now living in Israel claimed that he had talked with several Russian soldiers who took part in the Katyn Massacre of 10,000 Polish officers during World War II.

Abraham Vidra, 64, of Haifa stated that a Soviet major named Joshua Sorokin later told him he was sent to supervise the departure of the Poles from the camp to the massacre site in the Katyn Forest.

On Tuesday in commemorating Captive Nations Week, and along with my remarks made on the floor of the House, I included therein a verbatim copy of the conclusions and recommendations made by the special committee created by Congress in 1951 to investigate this international crime. The findings which I inserted in the RECORD can be found in the CONGRESSIONAL RECORD of July 20, 1971, page 26256. The dispatch in this morning's paper from Tel Aviv is a continuation of the avalanche of testimony our committee gathered conclusively connecting Stalin and the Soviet leaders with the massacre of approximately 15,000 Polish leaders in the winter of 1939–40.

Mr. Speaker, I ask to include with my remarks the article from today's July 22, 1971 Washington Post:

MASSACRE AT KATYN DESCRIBED

TEL AVIV.—A former Polish citizen now living in Israel claimed today that he had talked with several Russian soldiers who took part in the Katyn massacre of 10,000 Polish officers during World War II.

Abraham Vidra, 64, of Haifa told the newspaper Maraiv that he knew at least two Soviet soldiers involved in the massacre in the Katyn forest near the Russian town of Smolensk.

Who did the killing has been in dispute for nearly three decades. The U.S. Congress conducted an inquiry and concluded the Soviet government ordered the massacre.

The Soviets say the Nazis were behind it, but they have refused to allow an international, on-the-spot investigation.

The case first came to light in 1943 when the Nazi occupation force announced discovery of a mass grave in the forest.

Vidra claimed he had kept his story secret for 30 years because of a promise to a Soviet Jewish officer.

This is the story he told Maraiv:

In 1939, the Red Army occupied East Poland and captured thousands of Polish troops. They were sent to several prison camps, including one at Starobelsk, in the eastern Ukraine. Vidra, who had been arrested for "Zionist activities," also was interned at Starobelsk.

At the end of 1940, 10,000 Polish officers were taken from the camp and were never seen again.

At that time Vidra became friends with a Soviet Jewish major named Joshua Sorokin, who was sent to supervise the third and last departure of the Poles from the camp.

After he returned, Sorokin told Vidra that the Polish officers had been shot in the forests of Smolensk.

"What my eyes saw, the world will not believe," he told Vidra.

Vidra was transferred in February 1941 to Talitza, in the Ural Mountains, where his job was to break in new prisoners. Two arrivals with Russian names, Lts. Alexander Suslov and Samyun Tichonov, "behaved in a peculiar way, unlike the other inmates . . . and no one knew why they were imprisoned at Talitza." Vidra was ordered to keep them away from the other prisoners.

One day Suslov, sobbing, told him: "I want to tell you my life. Tichonov and me, we're the most miserable people in the world.

"I killed the Polaks with my own hands. I shot them myself." Suslov became hysterical. He said some of the Russian soldiers ordered to kill the Poles. They committed suicide instead and threw themselves into the mass grave. The other executioners were quickly dispersed around Russia.

CONGRATULATIONS TO HON. JOHN P. SAYLOR

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, tomorrow one of our Members will celebrate a historic occasion, a most important time of the year for him, namely, his birthday.

This is normally the time when some men at this ripe age may even be considering retiring. But obviously this gentleman is in the greatest of health. He is full of charm and ability and some bluster, but obviously he is one of the biggest-hearted and one of the best men in the Congress. I refer to our esteemed colleague, the gentleman from Pennsylvania, who walks tall and stands tall, like some Texans, but he is one of the really great Members of the House. I think we ought to observe the fact that "Big JOHN" SAYLOR will be celebrating his birthday tomorrow.

OBSCENE MAIL CATEGORY FOR MINORS

The SPEAKER. Under the previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, on Wednesday, July 7, while I was on official business with a delegation from the Post Office and Civil Service Committee, this body approved legislation to prohibit the use of the mails to sell, deliver, or distribute obscene matter to those under the age of 17. As a cosponsor of this bill, I regret that I was unable to be present during the debate on the measure. I applaud the action of this body in its overwhelming approval of H.R. 8805 by a vote of 356 to 25.

It remains now for our colleagues in the other body to follow through with action on this legislation. Last year, similar legislation received favorable action here, but was allowed to die in the other body.

The bill which the Post Office and Civil Service Committee, on which I serve, offered for the approval of our colleagues this year differs only slightly from last year's legislation. The main thrust of the bill remains the same. It would create a category of nonmailable obscene matter with respect to minors; yet, for the first time in law, this legislation would define the term "obscene." The definition of "obscenity" incorporated in the legislation is substantially that proposed by the minority on the President's Commission on Obscenity and Pornography.

Mr. Speaker, the traffic in obscenity and pornography is a matter of national concern. I, and my colleagues on the Post Office and Civil Service Committee, are often queried by our colleagues in the House about our response to this widespread problem.

For this reason, I am pleased that we were able to bring to this Chamber H.R. 8805, which is sound legislation to protect minors from obscene mail. However, I feel an even greater sense of satisfaction to learn that the enactment of the postal reorganization bill, which I cosponsored during the last Congress, has resulted in a sharp drop in mail customer complaints about obscenity in the mails. Recent testimony from postal officials indicates complaints have been reduced by over 40 percent.

In addition, the General Counsel of the newly established Postal Service recently said that 37 dealers in obscenity were indicted for violations of Federal statutes during 1969, with 10 convictions during the same period. In 1970, 14 dealers were convicted and 71 indictments were returned.

Some progress, then, is certainly being made in the fight against the use of the mails to purvey pornography. The action of the House on July 7 is testimony to our concern about the problem. Hopefully, our colleagues in the other body will act accordingly, at the earliest opportunity.

LEGISLATION NEEDED TO PREVENT STRIKES IN RAILWAY INDUSTRY

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. BROYHILL) is recognized for 10 minutes.

Mr. BROYHILL of North Carolina. Mr. Speaker, the Congress has been guilty of dragging its feet by neglecting to consider legislation to deal with crippling strikes in the railway industry. Thus, once again, the Nation is faced with a crisis in its railway system, with the prospect of vast unemployment looming ominously over the economic horizon. The United Transportation Union has effected a strike against the Southern Railway and the Union Pacific Railroad and although it is at present a regional shutdown, it will have just as disastrous results for these areas of the Nation as would a national strike.

If this were the first such emergency facing the Nation, lack of permanent legislation could be condoned. However, eight times since 1963, the Congress has been forced—out of necessity—to take temporary emergency measures to keep our railways in operation. Congress should have learned long ago that these temporary solutions do not work and it is more than regrettable that we have not yet formulated an effective permanent measure to settle such disputes. The present strike has been restricted to the beginning stages to the southern and western portions of the country but this geographic limit should not be a deterrent to immediate and positive legislative action to avoid the hurried, last-minute preventive measures the Congress has enacted in the past.

The necessity for permanent legislation in this field cannot be overstressed, and the effect of the stoppage of one of the biggest links in our transportation system on our economy cannot be underestimated. A look at the entire industry shows that American railroads operate 207,000 miles of line serving more than 50,000 communities—moving more than 41 percent of the Nation's intercity freight. The railroads form a vital link for many industries, providing the bulk of such raw materials as lumber, chemicals, steel and paper. A stoppage of this transportation artery for only one week would result in losses to economic output representing 5.8 percent of the gross national product. Unemployment and a shorter work week are inevitably the result of these strikes. Industrial activity is just now picking up from last year's downturn. Business conditions are showing signs of definite improvement and to permit a strike like this to affect wages, working hours and employment is to jeopardize the important gains that have been made over the past year.

Recognition of the disastrous economic impact of a transportation strike has been widely accepted. Unfortunately, the appropriate legal measures to prevent them have not. Two laws, the Taft-Hartley and the Railway Labor Act, currently provide the President with authority to forestall labor disputes before they threaten the national economy. Neither provides the mechanism that will guarantee a settlement. Under the Railway Labor Act, the President is able to postpone a strike for 60 days. The present strike had its beginnings last year and the President used his powers at that time to divert a national emergency but he no longer has legal authority to stop the strike. He can appoint an Emergency Board to hold hearings and recommend a compromise settlement and this has been done. However, one of the parties did not accept the compromise offer. The President can also call on the National Mediation Service to work with both parties in an attempt to encourage bargaining sessions to effect a voluntary settlement. The Mediation Service has been working around the clock to get the current disputing parties to agree. As this strike has so dramatically emphasized, the President has only limited authority under existing laws to deal with strikes that affect the national interest.

The ineffectiveness of this kind of procedure is evidenced by the number of times a transportation crisis has been thrown into the lap of the Congress, which has hastily and temporarily terminated the strike, only to repeat the procedure several months later. The Congress has already acted three times during this past year to avert a national shutdown, the last two cases going beyond the cooling-off period. The present work stoppage is but a continuation of the strike disputes that the Congress considered last year and only temporarily resolved.

The President, by special message to the Congress, has been urging that the Congress pass new laws to eliminate the need for congressional action in railway disputes. All we have seen from the Congress in response to this plea is inaction and indecisive solutions. Just in the past months, the Nation has witnessed several threatened strikes which have emphasized the need for immediate action. On March 4, 1970, a possible nationwide rail strike was averted only hours before 48,000 workers were to walk off their jobs on March 5. Again, on December 10, 1970, a last-minute congressional compromise halted a rail strike at 2:10 a.m. And most recently, a 2-day strike was ended May 18, 1971, when President Nixon signed a strike ban, directing striking signalman to return to work.

In the last two instances, the Congress went far beyond extending the cooling-off period by law to permit the two sides to reach a voluntary settlement. In addition, the Congress has entered one side of the dispute by granting a pay increase by law. I feel that this is a highly questionable position for the Congress to take and will make it more difficult for normal collective bargaining to take place. The Congress has continually found itself at the bargaining table because it has refused to provide the guidelines these disputes need to encourage their fair solution.

The Interstate and Foreign Commerce Committee has scheduled hearings on July 27. Congressional action on these bills pending before Congress, however, should have been started long before this stage. What is most desperately needed, and I cannot reiterate this need strongly enough, is meaningful, permanent legislation which would give the President the flexibility he does not now possess to settle these crippling disputes. Many Members, including myself, have introduced legislation to this effect, and we must now set the legislative machinery in motion to find an equitable and effective method of settlement so that we will not have the specter of the shorter workweek and unemployment hanging over us or be forced into future temporary decisions by our own default.

Mr. Speaker, I include at this point an editorial comment from the Washington Post:

[From the Washington Post, July 22, 1971]

Congress and Collective Bargaining

The railroad strike now under way and its threatened expansion ought to make it crystal clear that the time for Congress to completely overhaul the nation's labor laws is long past. A national rail strike—or a national strike in any of the other transportation industries—is intolerable. Yet the experience of the last few years has demonstrated conclusively that there is nothing in the existing labor laws that can produce a satisfactory settlement in such complex situations before a strike, or, for that matter, once a strike begins.

Talking about this in London the other day, Secretary of Labor Hodgson said, quite rightly that the real question is whether free collective bargaining can survive. Some semblance of collective bargaining was maintained in the rail industry as long as there was fear on both sides of the table of what kind of settlement Congress might impose if no agreement was reached and a state of national emergency occurred. But that fear has diminished with each congressional intervention and now seems to have disappeared since Congress has never done more than merely put off to another year the really tough questions in these negotiations.

We think that Congress should realize that it has only two options left in dealing with labor problems that can lead to strikes which are unacceptable because of the harm they would do to the national economy. One is to set itself up with the tools necessary to become a fair and final arbitrator. The other is to invent some new mechanisms which can breathe life into collective bargaining in industries, like the railroads, where it is almost dead.

The administration's proposals, which have been before Congress for more than a year, strike us more likely to achieve that latter purpose than anything else now in sight. The most interesting and perhaps the most useful of these is the "final offer selection" option which the President could invoke in transportation emergency situations. Under this proposal, the President would appoint a board which would decide, after hearings, which final offer submitted by management or labor would compromise the contract. The effect of this would be to force management and labor closer together—perhaps close enough to reach agreement themselves—by posing the threat that one side or the other would lose everything because its final offer was unreasonable.

Such a device would not only provide a way out of the current railroad mess but might have provided a way through which the problems would have been settled across the negotiating table. It seems unlikely that the unions would have been so intransigent on the work rules issues if they had feared that their failure to move on these questions might have led to a contract written precisely as the railroads want it.

The failure of Congress to act on this legislation or on some other alternative is inexcusable. The collapse of collective bargaining as we know it in the railroad industry has been obvious for a long time. If the present strike accomplishes nothing else, it serves to remind the public that Congress is as much to blame for it as the railroads or the unions by its refusal to provide some new mechanism through which these labor disputes can be resolved.

WELFARE REFORM

The SPEAKER. Under a previous order of the House, the gentleman from Virginia (Mr. Robinson) is recognized for 15 minutes.

Mr. ROBINSON of Virginia. Mr. Speaker, I ask your indulgence and that of my colleagues, for I have taken the floor today in order to "slam the barn door after the horse has got out." Fortunately, however, our Founding Fathers so structured the Federal legislative process that there remains another gate he must pass through before this particular horse gets clear away. It is in hopes of securing that gate in a timely fashion that I rise.

I speak, of course, of welfare reform and the fact that, though the House has already struck out a second time in the statesmanship ballgame by voting for counterfeit reform in the guise of H.R. 1, hearings will soon begin in the other body which regrettably is again saddled with the responsibility for bolting the gate on this vicious throwback.

It is, in my opinion, a gross miscarriage of responsibility that the House has twice voted through a measure so thoroughly repugnant to the very essence of our Federal system.

The very least we can do, those of us who recognize the folly of H.R. 1, is to lend encouragement to those in the other body who will be fighting the odds the House has helped create, as they seek to obtain a fair and impartial hearing for legislation that will truly reform our welfare problems rather than merely confounding them.

To our great good fortune there is a notable alternative already proposed which embodies true and meaningful reform. Thanks to Senator Carl Curtis of Nebraska, the other body need not content itself this time with a delaying action, nor risk the wrath of the voting public by merely killing H.R. 1. No one even slightly familiar with the present welfare debacle could countenance that.

And therein, perhaps, lies the crux of our failure here in the House to deal decisively with H.R. 1 in the way it deserved. The need for reform has become so obvious and so urgent that there should no longer be any need even to discuss it.

Yet, the response to this apparent and compelling need for reform has been to view anything that bore the label of "reform" as desirable and deserving of prompt enactment. Enhancing this unfortunate reaction was the brief time permitted Members of the House to study the revised version of H.R. 1 after it was reported and the determination with which its proponents ignored alternatives and insisted on debating H.R. 1 entirely in terms of the existing program rather than in terms of its own provisions and merits—or lack of them.

But there is plenty of time for the Senate to examine H.R. 1 and expose it for the cruel hoax that it is. To characterize it as welfare reform is like calling pneumonia a cure for the common cold. Although the Curtis-Duncan alternative had been introduced before the House acted, there was admittedly little time to mobilize sentiment for its consideration. No such handicap faces sincere reformers in the other body.

And that, I believe, is the key. Given the persuasive arguments against H.R. 1 which were fielded in the House debate, it is difficult to believe that any rationale could have led a majority of House Members to support it except the conviction that there was no acceptable alternative.

That is why it is imperative that we now go over and over all the arguments again, this time keeping in mind that a thoroughly viable alternative does exist.

The arguments are myriad, but several I think are persuasive enough in themselves to render others superfluous. A recent editorial in the Richmond Times Dispatch captured what I feel are the arguments which destroy the credibility of H.R. 1 as "welfare reform." Let me, if I may, recap them briefly, with certain supportive detail which has not, to my knowledge, been previously discussed.

First of all, as has been frequently pointed out without satisfactory rebuttal, H.R. 1 establishes the concept of a guaranteed annual income, set under present provisions at a level of $2,400 for a family of four.

President Nixon has said he does not favor a guaranteed annual income. A substantial cross-section of Members from both sides of the aisle repudiated the concept in debate, and even some who supported the bill, nevertheless voiced reservations about the guaranteed annual income.

What I considered most significant about the debate on this point, however, related to the argument that, once the concept was established, political pressures would begin immediately and inevitably to push the level of guaranteed income upward. This point was made repeatedly and forcefully, and never was the slightest attempt made to refute it, though it was clearly pointed out that any substantial increase would be financially catastrophic.

Lest anyone doubt that such political pressures will be at work, I point out the following quotation from a June 24 article in the Washington Post:

> (Senator Abraham) Ribicoff yesterday began soliciting Senate support for a plan that would initially pay welfare recipients at least $2,800 annually for a family of four, and within several years woud pay all families at least enough to reach the poverty line, currently just over $3,600.

Thus, we begin again on the long and futile journey we have made with social security and similar programs. Will we never learn?

A second argument against H.R. 1 is that it "federalizes" the entire welfare program. It is a good argument but a poor choice of words, for what H.R. 1 threatens, in fact, is the final destruction of the Federal concept of government by "nationalizing" welfare. Thus any hope of meaningful partnership between State and National Government—any pretense of preserving the delicate balance so essential to a true federal system—is abandoned. For if welfare is not a program inherently best suited to State design and administration, no program of any significance could so qualify.

It is interesting to me that the Members of this body displayed such high regard for the specious and jerry-built rationale offered in defense of a "constitutional right to welfare" and so little regard for the deeply embedded constitutional principle of "federalism," which is, indeed, the very foundation and cornerstone of American Government.

Equally significant is the fact that nationalizing welfare is not only destructive of the federal system, but is detrimental to the best interests of welfare reform. As the Times-Dispatch effectively points out:

> The major cause of the present system's failure has been the attitude of the Department of Health, Education and Welfare, which has seemed to pursue policies designed to keep people on welfare rolls rather than to keep them off.

Let me enumerate a sampling of those policies, as I understand them to be and you will see why many States are facing bankruptcy.

For example, for purposes of AFDCU—Aid to Families With Dependent Children, Unemployed—HEW has defined being employed as working 35 hours a week. Thus, anyone who works fewer than 35 hours a week is unemployed and eligible for benefits. Is it any wonder the AFDC caseload is growing by leaps and bounds?

Or take HEW's reaction to a Federal court ruling that States must hold evidentiary hearings before they can terminate assistance to a welfare recipient. HEW promulgated regulations expanding on that ruling by requiring that the States employ special hearings officers to conduct such hearings and prohibiting the use of regular Welfare Department staff members for such work.

Then there are the regulations which prohibit the conditional termination of assitance during the hearings or appeal procedure. Thus, benefits which cannot be recovered must be paid to recipients who may be obviously ineligible but who demand a hearing and appeal the decision to the ultimate. Far more rational would be an approach which allowed termination of assistance after the initial decision of ineligibility, with a requirement for full reimbursement plus payment of a penalty by the Government to the recipient if the decision is not upheld on appeal. This would deal fairly with the taxpayer and, by discouraging unjustified termination decisions and reimbursing of full benefits plus a bonus where mistakes are made, would deal fairly with the welfare recipient as well. But such logic has apparently been beyond the reach of Federal welfare bureaucrats whose primary concern is to keep people on the welfare rolls whenever conceivably possible.

Other instances, such as arbitrary and widely varying staffing requirements from State to State, the mandated "Self-declaration" policy, and reams of mandatory special services to be extended to persons eligible for dollar benefits under the law, could be cited; but the point is made. How can people who have illustrated this sort of a preconceived "mind set" with regard to the present system be expected to improve the system by being given full control over it? This is not to mention the virtually impossible task of trying to administer from Washington every deatil of such a vast and complex program, even if a proper attitude prevailed.

The third fundamental argument against H.R. 1 is perhaps the most persuasive: the argument that you do not reform the present welfare program by adding millions of new recipients to the rolls and then looking for ways to get them off.

With all due respect, the "Dupe of the Year" award must go to the fellow naive enough to accept the assurances of H.R. 1's proponents that the tremendous increase in persons on welfare which it envisions will be only temporary. The work incentive programs built into it are supposed to reduce the welfare rolls substantially over the long haul. But, so far, work incentives have never worked—due in large part to opposition they engender in the very people who will be now administering the program—and even if they did, the minimum guaranteed annual income is likely to move up apace of the earned income of the working poor for many years.

Those, then, are the prospects if H.R. 1 is adopted. Conversely, the Curtis bill eliminates the dangers inherent in a uniform guaranteed annual income. It removes the design and administration of the entire welfare program from the hands of the HEW bureaucracy and places it in the hands of State officials who have both the expertise and proximity to tailor the programs to honest needs. It provides Federal financial assistance through the mechanism of revenue sharing, to ease the dollar burden presently handicapping the programs in many States. And through improved administration and elimination of present abuses and cheaters it will result in a substantial reduction in the welfare caseloads while permitting improved benefits for the truly needy.

That is true welfare reform. I urge the other body to give it careful consideration. It will stand on its own merits.

And I urge the administration to study it candidly, in conjunction with the goals for welfare reform outlined by President Nixon. Neither personal feelings, nor professional pride, nor partisan politics; neither convenience nor impatience nor exasperation nor lack of effort nor anything else within our control should keep us from enacting the best possible legislation when dealing with so momentous an issue.

Mr. Speaker, I include the Times Dispatch editorial referred to above:

WELFARE REFORM

President Nixon has called the nation's welfare system an "outrage." Governor Ronald Reagan of California has called it "a cancer eating at our vitals." Hardly anyone has a kind word for the system, which is wasteful, demoralizing, flawed by abuses and dismayingly ineffective. Instead of rescuing the nations' poor from the quagmire of poverty, America's welfare system has encouraged the development of a degrading mendicant mentality among certain segments of society. For many persons in this country, which used to preach the virtue of self-reliance, welfarism has become a way of life. Countless young Americans are entering adulthood convinced that as a matter of "legal right" they are entitled to a government dole.

An "outrage" the existing welfare system truly is, and it ought to be tossed onto that garbage dump reserved for society's discarded mistakes. On this much there is wide agreement. But while the need for reform is generally recognized, the most influential reformers, unfortunately, seem to favor a course that would lead to even more welfarism.

This promises to be the effect of the Nixon-backed welfare "reform" measure the U.S. House of Representatives approved late last month. Inspired by President Nixon's sincere desire to develop a plan that might eventually reduce the demand for public assistance, this bill actually threatens to exacerbate the nation's welfare problems.

Consider the measure's key provisions. It would give federal endorsement to the radical guaranteed annual income concept by assuring each family of four a yearly income of $2,400, a "minimum" that surely would rise constantly. It would federalize the entire welfare program by concentrating responsibility for administering and financing the system in Washington. It would add millions of "working poor" not now eligible for public assistance to the welfare rolls. Within four years, according to prevailing estimates, the number of persons on welfare in the United States would double to about 20 million under the Nixon plan.

True, the bill contains work incentive features designed to encourage welfare recipients to return to a productive role in society, but Washington's previous experiments with such plans have been generally disappointing. Anyway, it is difficult to accept the proposition that the best way to solve the nation's welfare problems is to put more persons on the public assistance rolls, then try to develop programs to get them off.

Is there no alternative to the President's proposal? Fortunately there is. U.S. Senator Carl Curtis, a Nebraska Republican, has introduced an especially appealing welfare reform bill that seems to be aimed directly at the major cause of the present system's failure.

That cause is the attitude of the Department of Health, Education and Welfare, which has seemed to pursue policies designed to keep people on welfare rolls rather than to keep them off. It is HEW that establishes basic eligibility standards, and woe be to any state or locality that dares defy Washington's edicts. Many states and localities that have sought to move against cheaters have found their way blocked by unrealistic HEW regulations. HEW's unrelenting attitude makes it virtually impossible for any state to adjust its welfare program to suit its own peculiar needs and conditions.

Sen. Curtis would solve the problems created by HEW simply by depriving that agency of most of its authority over welfare programs. The federal government would continue to help finance the nation's welfare programs, contributing more than half the cost in some instances, but the money would go directly to the states, which would be free to establish their own programs and eligibility requirements. Guided not by directives from Washington but by local needs and by local financial conditions, states could develop realistic welfare programs designed to help those genuinely in need of help and closed to professional deadbeats who lie and cheat to obtain public assistance. Certainly it stands to reason that state and local officials, being more responsive to the people than anonymous HEW bureaucrats, should be more vigilant than Washington against extravagance and fraud.

The Curtis bill may not be perfect, but it appears to be vastly superior to the House-approved bill. When the Senate takes up this important subject, it should make a detailed comparison of the two proposals. Those legislators interested in genuine welfare reform, rather than in welfare liberalization, may find the Nebraskan's proposal more to their liking.

OVERSEAS MILITARY CREDIT UNIONS PASS $150 MILLION LOAN MARK

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, on several occasions, I have discussed with this body the outstanding work performed by credit unions operating on U.S. military installations overseas.

The latest report of these institutions indicates that at the end of May they had leant more than $152 million to servicemen, ranging from the lowest ranking enlisted man to the highest ranking officer.

Not only is the lending figure impressive because of its dollar size, but it is equally important to consider what would have happened to these servicemen, on a financial basis, if these credit unions had not been in operation.

In 1965, the Domestic Finance Subcommittee of the House Banking Committee conducted hearings into the problems that servicemen face in attempting to obtain loans or finance a purchase. The subcommittee was shocked to learn that it was not uncommon for servicemen abroad to pay interest rates as high as 100 percent on a short-term loan and interest rates of 60 percent were commonplace. The subcommittee made several visits to military installations in both Europe and the Pacific areas to look into the problem and it was suggested that the best solution was to establish credit unions in those countries where the United States had major troop concentrations.

Because of an initial resistance by certain agencies within the Department of Defense, and a myriad of roadblocks, it was 2 years before the credit unions could be established. In late 1967, we were finally successful in opening credit unions in Germany and shortly thereafter, credit unions were opened in Italy and Great Britain and, subsequently, in Korea and the Philippine Islands.

Looking back, it is almost inconceivable that anyone would have opposed the opening of overseas credit unions. But, time after time, the committee met resistance, particularly within certain elements of the Department of Defense and that resistance is still showing up in the form of limited assistance to the overseas credit unions. For instance, one credit union in need of larger office facilities was told that there was no space available. Shortly thereafter, however, the military installation gave a large portion of choice space to a Yugoslavian furniture store.

I am happy to say that the top level officials of the Department of Defense, beginning with Secretary Laird, are firmly committed to a program of overseas credit unions. However, this enthusiasm does not filter down to the various military units.

In spite of these handicaps, the overseas credit unions have performed in an unbelievable manner. For instance, it was suggested by military officials that credit unions were not needed in Korea since no more than 1,600 servicemen would join the credit union, even after it had been in operation for a number of years. Despite this gloomy forecast, the San Diego National Federal Credit Union opened offices in Seoul, Korea, on April 1, 1969. Since that time, its acceptance has been so great that it has had to open five additional offices to keep up with the need for its services. And at the end of May of this year the credit union, which had been told that it would never have more than 1,600 members, had signed up nearly 23,000 members and had loans outstanding of more than $13.5 million.

All of the other overseas credit unions have similar success stories, but I picked out the situation in Korea because of the gloomy forecast that had been made by some U.S. military officials in that country. It has been estimated that since the overseas credit unions went into operation, that servicemen using the facilities have saved from $15 to $20 million in interest charges of those they formerly paid to high rate credit extenders. For instance, a serviceman borrowing money for a new car can save from $200 to $500 in interest costs by dealing with the credit union.

There are still some areas with major troop concentration that are not served by on-site credit unions and it is my hope that the Department of Defense will work to correct this situation. Recently, attempts were made to establish a credit union in Vietnam, particularly in light of "Operation Reunion," a program under which servicemen in Vietnam could fly back to the United States during their leave periods. It was learned that many servicemen were unable to take advantage of this program because they did not have cash in hand when the time came to purchase the airplane ticket. However, the military decided against allowing credit union operations in that country, citing many of the same negative reasons that were used in Korea. In June, the gentleman from New York (Mr. WOLFF) reported on a special study mission that he made to Asia near the end of last year under the auspices of the Committee on Foreign Affairs. During the 90th Congress the gentleman from New York (Mr. WOLFF) was a member of the Banking and Currency Committee and took part in the overseas investigation, the need for credit unions. He was a valuable member of the committee and was instrumental in helping to establish the credit unions. In discussing the credit union situation in Vietnam in his June report, Congressman WOLFF points out:

> This is especially galling since 2 years previously a special mission of the House Banking and Currency Committee, of which the author, then on that committee, was a member, went to Vietnam as part of a broader investigation of credit frauds against servicemen. At that time, we found a deplorable situation in Vietnam, but were assured by MACV that credit unions would be established to give our men a fair chance to avoid the ugly clutches of the loansharks. . . .
>
> The situation should be rectified without any further delay.

Mr. Speaker, so that all Members will have an opportunity to see just how effective the overseas credit unions have been, I am inserting a copy of the monthly Overseas Credit Union Report provided to me by Gen. Evert Thomas, retired, executive secretary of the Defense Credit Union Council:

DEFENSE CREDIT UNION COUNCIL,
Washington, D.C., July 8, 1971.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, Washington, D.C.

DEAR MR. CHAIRMAN: The following progress report concerning the operations of credit union sub-offices in Germany, England, the Philippine Islands, Korea, and Italy is submitted for your information.

Andrews Federal Credit Union began operations at Wiesbaden on 11 March 1968. It has since opened a sub-office at Frankfurt. As of 31 May these sub-offices had acquired 27,074 members, made loans in the amount of $34,074,195.22, and received share deposits in the total amount of $17,006,299.49. During the month of May, 898 loans were made to military personnel. These loans were distributed by pay grade as follows:

E–2	3
E–3	77
E–4	204
E–5	265
E–6	152
E–7	40
E–8	11
E–9	7
W–1	1
W–2	8
O–1	17
O–2	29
O–3	54
O–4	16
O–5	11
O–6	3

Fort Belvoir Federal Credit Union began operations at Wurzburg on 1 February 1968. As of 31 May this sub-office had acquired 4,537 members, made loans in the amount of $5,714,664.65, and received share deposits in the total amount of $444,930.65. During the month of May, 183 loans were made to military personnel. These loans were distributed by pay grade as follows:

E–3	5
E–4	29
E–5	69
E–6	45
E–7	14
E–8	3
O–1	4
O–2	4
O–3	6
O–4	2
W–2	2

Pease AFB Federal Credit Union began operations at Ramstein on 15 January 1968. It has since opened sub-offices at Baumholder, Bitburg, and Pirmasens. As of 31 May these sub-offices had acquired 33,696 members, made loans in the amount of $28,722,332.95, and received share deposits in the amount of $11,225,068.92. During the month of May these sub-offices made 1,196 loans to military personnel. These loans were distributed by pay grade as follows:

E–2	31
E–3	261
E–4	283
E–5	291
E–6	197
E–7	95
O–1	15
O–2	23

Lackland AFB Federal Credit Union began operations in Berlin on 26 December 1967. As of 31 May this sub-office had acquired 2,322 members, made loans in the total amount of $870,281.91, and received share deposits in the amount of $1,911,882.28. During the month of May this sub-office made 173 loans to military personnel and these loans were distributed by pay grade as follows:

E–3	14
E–4	44
E–5	54
E–6	31
E–7	15
E–8	4
O–1	1
O–2	4
O–3	5
O–4	1

Redstone Federal Credit Union began operations in the Mannheim-Stuttgart area on 15 February 1968. It has since opened a sub-office at Heidelberg. As of 31 May these sub-offices had acquired 22,436 members, made loans in the total amount of $25,760,221.00, and received share deposits in the amount of $5,053,594.00. During the month of May these sub-offices made 277 loans to military personnel and these loans were distributed by pay grade as follows:

E–3	6
E–4	44
E–5	106
E–6	39
E–7	21
E–8	8
W–2	6
W–3	1
W–4	1
O–1	8
O–2	5
O–3	24
O–4	4
O–5	4

Finance Center Federal Credit Union began operations at Furth on 15 February 1968. It has since opened sub-offices at Bamberg, Ansbach, and Illesheim. As of 31 May these sub-offices had acquired 12,943 members, made loans in the amount of $8,728,811.64, and received share deposits in the amount of $2,728,107.87. During the month of May these sub-offices made 241 loans to military personnel and these loans were distributed by pay grade as follows:

E–2	2
E–3	9
E–4	50
E–5	50
E–6	44
E–7	18
E–8	3
W–2	4
W–3	1
W–4	17
O–1	19
O–2	21
O–3	3

Keesler AFB Federal Credit Union began operations at Lakenheath, England on 15 November 1968. It has since opened sub-offices at South Ruislip, Bentwater, RAF Alconbury, and Upper Heyford. As of 31 May these sub-offices had acquired 10,957 members, made loans in the amount of $13,430,045.87, and received share deposits in the amount of $2,050,753.60. During the month of May these sub-offices made 1047 loans to military personnel and these loans were distributed by pay grade as follows:

E–1	4
E–2	1
E–3	266
E–4	329
E–5	149
E–6	116
E–7	58
E–8	20
E–9	8
O–1	1
O–2	12
O–3	58
O–4	23
O–5	2

Barksdale AFB Federal Union began operations at Clark Air Base in the Philippine Islands on 20 December 1968. As of 31 May this sub-office had acquired 20,487 members, made loans in the amount of $15,708,316.55, and received share deposits in the amount of $10,662,863.63. During the month of May this sub-office made 914 loans to military personnel and these loans were distributed by pay grade as follows:

E–1	3
E–2	9
E–3	253
E–4	249
E–5	206
E–6	80
E–7	36
E–8	14
E–9	5
O–1	1
O–2	12
O–3	31
O–4	10
O–5	5

San Diego Navy Federal Credit Union began operations at Seoul, Korea on April 1, 1969. It has since opened sub-offices at Taegu, Camp Casey, Osan AFB, 2nd Division, and Kunsan. As of 31 May these sub-offices had acquired 22,628 members, made loans in the amount of $13,527,587.73, and received share deposits in the amount of $4,245,933.80. During the month of May these sub-offices made 1,598 loans to military personnel and these loans were distributed by pay grade as follows:

E–2	30
E–3	319
E–4	459
E–5	314
E–6	180
E–7	125
E–8	40
E–9	7
W–1	10
W–2	15
W–3	2
W–4	2
O–1	7
O–2	23
O–3	47
O–4	12
O–5	5
O–6	1

Fairchild AFB Federal Credit Union began operations at Aviano Air Force Base, Italy on May 19, 1969. It has since opened sub-offices at Vicenza and Camp Darby. As of 31 May these sub-offices had acquired 4,500 members, made loans in the amount of $5,934,178.88, and received share deposits in the amount of $2,089,349.17. During the month of May these sub-offices made 273 loans to military personnel and these loans were distributed by pay grade as follows:

E–2	1
E–3	53
E–4	70
E–5	70
E–6	32
E–7	18
E–8	5
E–9	1
O–1	5
O–2	1
O–3	12
O–4	1
W–1	4

As of 31 May 1971 the sub-offices had signed up 161,580 members, received share deposits in the amount of $57,418,783.41, and made loans in the amount of $152,470,636.40.

Respectfully,
Brig. Gen. Evert S. Thomas, Jr.,
U.S.A., retired,
Executive Secretary.

The overseas credit unions that have compiled such an outstanding record are physically located on the military installations that they serve. This provides our servicemen and women with full service credit union benefits, including loan counseling, and this is particularly helpful for many of our young servicemen, who find themselves in financial difficulty and need someone to talk to to obtain advice.

There is, however, another group of credit unions that are also providing credit union service through the mails. These credit unions, for the most part, are serving members of our armed services at smaller installations where there are not enough servicemen to justify a full service, on-site credit union facility. However, through the use of air mail and, in some cases, through telegraphic communication, a serviceman in financial trouble is able to obtain a loan in only a few days under such arrangements.

These credit unions are also to be saluted for their desire to help servicemen and it should be a comfort for parents of young servicemen to know that if their son or daughter has financial problems that, no matter where they are stationed, they can get help from a credit union, either directly or through rapid mail or telegraphic service.

No longer will these parents have to worry about their sons or daughters being forced to deal with a loanshark in the case of a financial emergency.

AMERICAN SECURITY COUNCIL DEVOTES TIME TO CAPTIVE NATIONS WEEK

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, the American Security Council devoted 6 days of its program, "Washington Report," broadcast nationwide on the Mutual Broadcasting System—just before and during Captive Nations Week—to the plight of those nations still living under Communist subjugation.

John M. Beinhardt, managing editor, conducted a series of interesting interviews, and I want to take this opportunity to compliment John and the American Security Council for giving time to this important issue.

Mr. Speaker, at this point I include copies of the program transcripts and call them to the attention of my colleagues:

Next Week Is Captive Nations Week

(Broadcast July 16, 1971)

BEINHARDT. Next week is Captive Nations Week. This is the American Security Council Washington Report. Our guest is Congressman Edward J. Derwinski, Republican of Illinois who speaks on the subject of Captive Nations Week, being observed this year July 18th through the 24th.

DERWINSKI. The year 1971 represents a significant development in our foreign policy which makes the emphasis on Captive Nations Week ever more important. Rather than entering into an era of negotiations with the Communist World, it's obvious we have more problems with the Reds than ever before, and not just in Southeast Asia. In the Middle East the movements of the Communists to outflank NATO and the continued complications caused in the Berlin area, all accentuate the fact that rather than mellowing, the designs of Communists for world domination are ever present. We should also make mention of the fact that in the spirit of Captive Nations Week, we hope to produce a world situation whereby freedom under truly legitimate governments would be afforded the people of Eastern Europe whose satellite governments were imposed at the end of World War II by the Russians. The many non-Russian nations within the U.S.S.R., Lithuanians, Latvians, Estonians, Ukrainians, Armenians, and others have as much right to self-determination as any peoples served by independent governments.

The states of the captive nations are also affected by the tendency of the ultra-liberals in the press and various organizations throughout our country and the world to believe that there isn't any threat posed to the Western World by Communist expansion. This is a delusion.

Specifically when we look at the Middle East and note that the Commnuists are not only determined to continue to support radical Arab aggression against Israel, but by their presence in Algeria, Lybia, Sudan, and the latest efforts they are making in the Arabian peninsula in the wake of British withdrawal, we clearly see the effort of the Reds to control Northern Africa. The obvious design is to outflank NATO, which would leave Western Europe in a very untenable position subject perhaps to economic blackmail. Therefore, in the history of the Captive Nations movement, never before have we faced a challenge as difficult and complex as today. We must make every effort to alert our fellow Americans to the true menace of Communism, to the growing complications we have with this false ideology, for the need to be ever alert in defense of freedoms and to develop the progressive foreign policy positions whereby the free world will triumph and freedom and legitimate government will be restored to the present captives of Communism.

BEINHARDT. Thank you Congressman Derwinski. You have been listening to the American Security Council Washington Report.

Captive Nations Week Remains Significant Today

(Broadcast Monday, July 19, 1971)

JOHN BEINHARDT. Captive Nations Week remains significant today. This is the American Security Council Washington Report. Our guest today is the man who drafted the original Captive Nations Week Resolution, Dr. Lev E. Dobriansky, who is Director of the Institute on Comparative Political and Economic Systems at Georgetown University. Dr. Dobriansky, what brought about the original Captive Nations Week Resolution and what significance does it have for us today?

Dr. DOBRIANSKY. The original Captive Nations Week Resolution is really the only resolution that was passed by Congress back in July, 1959. And the main reason for it was to put into conceptual form the state of the world as it was then and as it is now—namely the growth of the Soviet-Russian imperium, out of the Soviet Union and through Eastern Europe, into Asia and then eventually into Cuba. If one reads the Resolution, he will see a clause there which is open ended, namely stating "and others." Thus Cuba was not included. But a year later, Cuba actually became a captive nation. Now the circumstances fundamentally and basically have not changed; on the contrary, the entire Vietnam issue can be viewed from this totalistic captive nations approach. Many in this country think that it was simply a civil war in Vietnam. The so-called civil war there had been repeated time and time again going all the way back to 1917–1918 in areas that are now within the Soviet Union, such as Byelo-Russia, Ukraine, Georgia and elsewhere. And we today apply it to Vietnam by raising the question, "who's next"? And if we were to pursue some of the policies that are being suggested by some of our leaders, well then Vietnam, Cambodia, Laos, and probably Thailand would be placed on this long list of captive nations. The fact that we must recognize is that the communist conspiracy—the communist drive for world domination—whether out of Peking or out of Moscow—is still presently with us. And they will use all sorts of techniques to achieve that end. Not necessarily overt military, but also diplomatic and numerous other techniques which they have used in the past, depending on circumstances. I think it's also important to bear in mind that as we consider the admission of Red China into the U.N., that we must remember that we are dealing with 700 million captive Chinese on the mainland of China. This should be brought up on the occasion of Captive Nations Week which we are celebrating in the period of July 18–24.

BEINHARDT. Thank you Dr. Dobriansky.

Twelfth Anniversary of Captive Nations Week

(Broadcast Tuesday, July 20, 1971)

JOHN BEINHARDT. Twelfth anniversary of Captive Nations Week. This is the American Security Council Washington Report. Our guest is the Minority Leader of the U.S. House of Representatives, Congressman Gerald Ford of Michigan.

Congressman FORD. This year we mark the twelfth anniversary of a testament to freedom, first proclaimed by the late President Dwight D. Eisenhower. This is the twelfth annual observance of Captive Nations Week, authorized by Congressional Resolution in 1959. That resolution empowered American Presidents to proclaim Captive Nations Week each year until such time as freedom and independence shall have been achieved for all captive nations of the world. Observance of Captive Nations Week points up the dedication of Americans to the nurturing of freedom throughout the world. There is a truth that no arms and no occupation can kill. The truth is that within the hearts of the enslaved people, here burns a love of liberty which is a constant threat to their rulers. A yearning for freedom which will ultimately prevail. And this truth gives meaning to our Captive Nations Week observance. I believe the United States should seek enforceable agreement with the Soviet Union aimed at avoiding a Third World War. But it would be the greatest hypocracy to close our eyes to the wrongs that the Soviet Union has done to millions of human beings, deprived of individual freedom and national independence. Americans must continue to make kown their deep concern about the people of the captive nations and convey this message to the captive world. Americans should continue to make known their refusal to accept the regimes imposed upon these unfortunate victims of tyranny. Americans should continue to promote the basic human rights and fundamental freedoms which are the God-given right of all people. America must never accept that freedom is foreclosed for the now enslaved peoples of the world. Consistent with our own national interests, Americans should constantly explore all avenues that might lead to a lessening of their plight. Let us continue to inform the captive peoples of our full and uncompromising support for their unquenchable goal of national and individual freedom. Let them ever know that Americans are dedicated to the furtherance of freedom throughout the world. Let us keep faith with the people of the captive nations.

BEINHARDT. Thank you Congressman Ford.

World Half-free, Half-slave Cannot Exist

(Broadcast Wednesday, July 21, 1971)

BEINHARDT. World half-free, half-slave cannot exist. This is the American Security Council Washington Report. Our guest today is Congressman Philip M. Crane, Republican of Illinois.

Congressman CRANE. At this particular time when all Americans again join in recognizing the plight of those people who still live under captivity in totalitarian societies, I think it's important for us to re-examine some of those assumptions that were universally accepted by Americans at the end of World War II then they would seem to be today. At that time, one of our primary objectives for going to war—as had been our primary objective in World War I—was to make the world safer for democracy. In Woodrow Wilson's phrase, "to make the world safer in the post world war era for all individuals in the enjoyment of their inalienable rights." We have in recent times however heard an argument gaining force that the Soviets have some kind of a claim to enjoy a sphere of influence, and that sphere of influence of course involves holding many millions of people in subjugation. The American view by contrast, was the basis for the Atlantic Charter, the Charter of the United Nations and the other World War II declarations to which the Soviet Union was a party, and to which the Soviet Union has turned its back. Abraham Lincoln said better than a century ago that this nation could not exist half slave and half free and before the century was out, it would be either all one or all the other. I think in our telescoped world of the twentieth century, one might appropriately say that the world cannot exist half slave and half free. And it must be the continuing commitment of all of those people who cherish liberty to renew their dedication and their consecration to those ideals of liberty for which this nation has got to war in many times past. The imposing reality that there are still people living in captive countries cannot be ignored. There are many that would like to wish it away. But the fact is that in 1968, Czechoslovakia saw a reassertion of Soviet Russian domination; in our country we had, at the end of 1970, the famous Kirdurka case—the Lithuanian sailor who sought asylum and was denied it—an incident which has placed a blemish on our moral conscience. The Polish unrest at the end of 1970 was also an indication of the pertinence and the relevancy of Captive Nations Week. In addition to that the re-emphasis placed on the Brezhnev Doctrine at the 24th Communist Party Congress last March and April was only another way of saying that Moscow is intent upon maintaining its control in Central Europe; in the USSR; among the many non-Russian nations; in Asia; and in Cuba. In conclusion I would like to recite a quotation from the former House Speaker, the Honorable John McCormack who stated "we must never for a moment forget the nations large and small which live under dictatorship. We must never forget the ideals of the people who yearn for freedom, and most of all we must never forget that it is freedom which is the truth they seek, and cannot be forgotten."

Beinhardt. Thank you Congressman Crane.

Captive Nations Still Hunger for Freedom

(Broadcast Thursday, July 22, 1971)

John Beinhardt. Captive Nations Still Hunger for Freedom. This is the American Security Council Washington Report. Our guest is Congressman Lawrence J. Hogan, Republican of Maryland.

Congressman Hogan. As we again commemorate Captive Nations Week I think it's appropriate that we pause and see what the status is in those countries. For more than 2 decades the Communist regimes have waged an all out effort to subjugate, spiritually as well as physically, the 100 million people of the captive European lands. Yet, inspite of so many set backs, East and Central Europeans still hunger for equal justice, personal dignity and freedom. I think that now we have a particularly opportune time to do something constructive in regard to the problems of Captive Nations. The Soviet Union and the East European Communist regimes have no fear of being attacked by the peaceful and prosperous nations of the West. I think that's accurate. Whatever instability and threat to peace there exists in Europe today, the roots are in the communist orbit itself. We need to give the people in those captive nations an opportunity to express themselves and I think we have an opportunity to do something about that. The communist economy at this time needs Western help so badly that Moscow is looking for overtures for trade and commerce with the West. As a case in point, Moscow was compelled to reach an accommodation with West Germany in order to get economic aid. Now I think that what we ought to do is to use this need on their part for trade to exert pressure upon them to have free elections in those captive nations. Today when self-determination is a universally accepted right of all nations, the Soviet Union is violating the charter of the United Nations by treating the East and Central European countries as colonies and keeping them in check by mlitary might. We at this point in time can bring pressure to bear, it seems to me, on the communists and convince them that if they want to have an open rapport with free nations in the world, then the least they should do is allow free elections in captive nations and give the people in those countries the opportunity to express their opinion regarding the Soviet domination which has kept them in virtual slavery for so many years.

Beinhardt. Thank you Congressman Lawrence J. Hogan.

Captive Nations Resolution Still Relevant Today

(To be broadcast Friday, July 23, 1971)

John Beinhardt. The Captive Nations Week Resolution is still relevant today. This is the American Security Council Washington Report, continuing our special programs this week commemorating Captive Nations Week. Our guest today is Congressman Roman Pucinski, Democrat of Illinois. Here by telephone from his office on Capitol Hill is Congressman Pucinski.

Congressman Pucinski. My friends, once again for the twelfth consecutive year we set aside a week to honor the people of the world's Captive Nations. These people share with us in America the same hopes and aspirations. The same dreams for a better future. An entire generation has endured the stifling cloak of a system of government that has no faith in the people. After thirty years the people still cannot be trusted with an open and competitive election. Yet, amazingly, even the children born into this repressive form of government are seeking to overthrow it as we have seen in Czechoslovakia, in Hungary and Poland. Decisions that we in the free world take for granted . . . where we will work and live . . . trips with our families . . . things we purchase for our homes and above all who will lead us are unknown behind the iron curtain. Career decisions there are based on government set quota systems. Housing is so scarce as to be almost non-existent and far too many people are crowded into small rooms with no hope of moving. Privacy itself is considered suspect by a regime that indeed has much to fear from the thoughts of the people. This week, as in all weeks, we Americans reach across the oceans and clasp in spirit the outstretched hands of people who share our love of liberty and self-determination. Through our broadcasts, our letters, our contact with those friends and family who remain prisoners in their own nations, we reaffirm our deep affection and our spiritual union. To the people of Poland, Hungary, Lithuania, Czechoslovakia, Ukraine, Latvia, Estonia, White Ruthinia, Romania, East Germany, Bulgaria, Armenia, Albania, Tibet, Kossackia, Turkistan, and others. We in the Congress of the United States pledge our continuing efforts to give whatever assistance we can. On behalf of the American people, we solemnly vow never to forget the wrongs that have been committed in the name of the so-called peoples liberation movements of the communist governments.

Beinhardt. Thank you Congressman Pucinski.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The average person on a U.S. farm had 78.2 percent as much personal income after taxes as the average nonfarm person. This compares with 77.3 percent in 1969 and 74.5 percent in 1968.

JOINT COMMITTEE ON U.S. FOREIGN POLICY IN SOUTHEAST ASIA

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. Morse) is recognized for 1 hour.

Mr. MORSE. Mr. Speaker, I am honored that a number of distinguished Members are joining with me today in filing legislation which would establish a Select Joint Committee of the Congress to inquire into the origins of U.S. involvement in the Vietnam war and the adequacy of information provided the Congress during the period of that involvement. On the basis of the findings of its inquiry, the committee also would study and determine the current nature of U.S. interests in Southeast Asia and Vietnam.

Cosponsors of this resolution are: Mr. Anderson of Illinois, Mr. Aspin of Wisconsin, Mr. Esch of Michigan, Mr. Frenzel of Minnesota, Mr. Gude of Maryland, Mr. Halpern of New York, Mr. Hamilton of Indiana, Mr. Leggett of California, Mr. McCloskey of California, Mr. Nix of Pennsylvania, Mr. Pike of New York, Mr. Rhodes of Arizona, Mr. Robison of New York and Mr. Whitehurst of Virginia.

Under this resolution, the chairmen of the House Armed Services Committee, House Foreign Affairs Committee, the Senate Armed Services Committee and the Senate Foreign Relations Committee each would select two members of his committee, one Democrat and one Republican, to serve on the select committee. The commitee would report its findings to the current session of the Congress.

The recent publication of classified documents relating to our involvement in Vietnam has given rise to charges that the Executive willfully misled the Congress and the American people regarding our objectives in Vietnam. In the face of such serious charges concerning our involvement in a war which is now dividing our people as they have never been divided in its recent history, the Congress has a responsibility to seek the facts and to inform the public. As legislators, we must move to confirm, to deny or to place in perspective the serious charges that have been made.

The immediate crisis, then, occasions my resolution. But long before the recent disclosures, it was clear that there was need for the Congress to spell out clearly our vital national interests in that part of the world. For too long the congressional voice on Vietnam has been muted and uncertain. It has constituted an imperfect guide for actions by the executive, which lacks the advantage of an articulated policy by the Congress. In other words, the Congress has not been the active, responsible partner in the formulation of American foreign policy which our system of government requires if there is not to be continuous conflict between the executive and legislative.

What constitutes the U.S. vital interests in Southeast Asia has almost without fail been determined by the White House, the Pentagon, or the State Department. For the past 10 years, the Congress and its committees have asked the Executive for a clear expression of what those interests are and have received a number of views, many of them contradictory. It is time for the Congress to express its opinion.

I believe in this regard that the present crisis presents a valuable opportunity. Public reaction to the disclosures is so strong that the Congress and the Executive can no longer avoid coming to grips with the question of adequate and full information for the Congress on the question of Vietnam. At the same time, on the basis of this information, the Congress should seize the opportunity to formulate and enunciate a statement of congressional policy on Vietnam.

Members will recall the controversy which developed around the Tonkin Gulf resolution in the years following its passage. The executive claimed that the resolution granted the President authority for military actions in Southeast Asia which many in Congress who had voted for the resolution disputed. The resolution thus became the source of bitterness and misunderstanding between the two branches of Government.

About 18 months ago, Senator MATHIAS and I introduced resolutions calling for repeal of the Tonkin Gulf resolution and other congressional resolutions such as the Formosa Straits resolution which had been interpreted by the executive as a broad grant of authority to intervene militarily around the world. I took this step in the belief that the Congress had to become a more active partner in the formulation of our Nation's foreign policy; and revocation of past resolutions which seemingly bestowed unconditional grants of authority on the executive represented an essential step in that direction.

But I recognized then that it was impossible for the Congress simply to scrap the Tonkin Gulf Resolution and conclude that its work was done. For in the absence of a new congressional expression of intent, repeal was subject to two inconsistent interpretations: either as meaning that Congress wished to withdraw all support for the war in Vietnam and force the administration to withdraw immediately without any conditions whatsoever; or that the Congress wished to stand aloof from the issue and leave its entire resolution to the President and his advisers.

Neither view was tenable. At the time, Congress had definite views regarding the conditions of our withdrawal. These particularly concerned the plight of our missing and captured soldiers. At the same time, the Congress was far from unanimous in thinking that the President, as Commander in Chief, had authority to do anything he wished in Vietnam.

In view of the foregoing, Senator MATHIAS and I included language in the original resolution repealing the Tonkin Gulf Resolution which spelled out the necessity for disengagement in Vietnam. The language provided a framework for troop withdrawal, dealt with the need for a viable government in South Vietnam with broad popular support, and proposed steps for postwithdrawal development in Vietnam and Southeast Asia.

It was a grave oversight in my opinion that the Congress ultimately decided simply to repeal the Tonkin Gulf Resolution without addressing itself to the major questions posed in the remaining sections of the original resolution.

A majority of the Congress may have preferred policy formulations different from those which the original resolution contained. But this was not the point. What was at issue was the fact that by skirting these important questions Congress once again provided the Executive with what amounted to a blank check. That is precisely what many who voted for the repeal of the Tonkin Gulf resolution thought the Congress was trying to avoid.

Since then, there have been a number of attempts to enunciate a congressional view on Vietnam. Indeed, even prior to repeal of the Tonkin Gulf Resolution, I urged that in view of the drastic changes which had taken place in the nature of U.S. involvement since the passage of that resolution, it was urgent that the Congress articulate more clearly its views on Vietnam. On September 25, 1967, I, therefore, introduced a resolution, upon passage of which the appropriate committees in Congress would "immediately consider and report to their respective bodies their determination as to whether further congressional action is desirable in respect to policies in Southeast Asia."

The latest effort to deal with this problem came in June with the Senate's adoption of an amendment calling for the withdrawal of all American troops within 9 months of its enactment, provided U.S. POW's are released. Senator MANSFIELD, the author of the amendment, stated at the time:

Last session the Senate initiated the repeal of the Gulf of Tonkin resolution. That resolution had been cited by the previous administration as the functional equivalent of a congressional declaration of war and a justification and endorsement of a policy of escalation in Vietnam. Many of us were aghast at the broad interpretation put on that resolution. Whatever it was—functional or otherwise—it is gone. But with its demise has gone the only expressed Government policy—with respect to U.S. involvement in Indochina. There is no longer an expressed policy with regard to that involvement.

The Senator then argued that his amendment "seeks to fill that void."

Such a claim may be too sweeping, although the resolution's approval certainly represents a welcome consensus in the Senate. It is the first articulation of congressional views on Vietnam adopted by a body of Congress since the repeal of the Tonkin Gulf resolution; it is also, however, completely silent on our postwithdrawal policy in Southeast Asia. Even if the Congress adopts the Mansfield amendment, in other words, much, if not most of the void will still exist.

Because no issue divides our Nation as does the war in Vietnam, the American people cannot be expected to understand continued congressional inability to articulate a clear national policy on this issue. It is for this reason, and in order to fill the void adequately, that I am introducing a resolution establishing a select committee, composed of Members of both bodies of Congress, to hold hearings and to define with precision, present and future U.S. objectives and interests in Southeast Asia.

Unless the Congress is willing to develop and enunciate an overall framework for U.S. foreign policy in Southeast Asia, it is my judgment that this branch will remain in permanent stalemate on Vietnam. The reluctance of Congress to articulate a national policy may derive in considerable part from general uncertainty regarding the existence or absence of vital U.S. interests in Southeast Asia. But while such hesitation to establish a policy when the stakes involved remain so unclear may be understandable, I would point out again that the ultimate consequence of inaction is to create a policy void which, in effect, grants all initiative to the Executive.

I believe that if those who argue for a policy of definite disengagement were ever convinced that their proposals did violence to the vital interests of the United States, they would willingly moderate their stand in their opposition to the President's policy. Similarly, I believe that if the Congress were to determine that the United States has no vital interests in Vietnam, the President would be obliged at once to accelerate U.S. disengagement.

It may be objected that a congressional determination of present, as well as postwar U.S. interest in Vietnam will prove too lengthy a task. This is simply not true. The documents are before us. We also have the benefit of 10 years of public debate on this issue. What is required is the political will to tackle a controversial public issue.

Since the original formulation of this resolution, an event of historic importance has taken place. I refer to the President's decision to visit the People's Republic of China before May 1972. It is clear that his trip could alter the diplomatic landscape in Asia for the rest of this century. I submit that this development is all the more reason why the Congress should attempt to grapple with the question of our vital national interests in Southeast Asia. The President will arrive in Peking better prepared for his discussions with Chinese leaders if he has the benefit of Congress expressed views on our policy in Southeast Asia.

Members are aware that the Senate is actively considering the establishment of a select committee to study at least some of the issues I have raised. The problem in question, however, is one which clearly affects the work and relationship of both bodies of Congress with the Executive. In effect, we are dealing with a constitutional issue which cuts to the very nerve center of democratic government in the modern era.

Presently, foreign policy has an impact on our domestic life which our Founding Fathers could not have even dimly imagined when they created our governing institutions. It has become vital, therefore, to insure that the elected representatives of the people in both bodies have a more effective role in the formulation of our foreign policy. Otherwise, a widening area of national life will remain isolated from the influence of democratic practice.

The select committee I am proposing will also consider such questions as the use of "executive privilege" in impeding the flow of information to the Congress about Southeast Asia, and the classification and declassification of documents. Better access to all sources of information is an issue of vital concern not just to congressional committees with foreign affairs responsibilities, but to every congressional committee whose work is hindered when sources of information are limited. We are dealing with questions of principle here which transcend the controversial and important matter of Vietnam itself.

In short, the issues in question are of such paramount interest to the legislative branch as a whole that, in my view, both Chambers should be associated with any suggestions or recommendations which a select committee might bring forward. We cannot allow the Congress to speak with a divided voice on this issue. Nor can we allow one body to speak for the other. We should not abdicate our responsibilities.

The establishment of a joint committee composed of members from both the House and the Senate will contribute to a clearer and more harmonious dialog between the legislative and the executive. It can demonstrate to the American people that the Congress as a whole is prepared to deal responsibly with the very serious charges that have been made in the public press and will restore to Congress its historic role in the formulation and determination of U.S. foreign policy.

Mr. ANDERSON of Illinois. Mr. Speaker, I am proud to join with my good friend and colleague, the gentleman from Massachusetts (Mr. Morse) in this special order and as a cosponsor of his bill to create a select Joint Committee on U.S. Foreign Policy in Southeast Asia. The eight-man committee would be charged with the responsibility of investigating the origins of American involvement in South Vietnam; the quality and adequacy of information provided the Congress by the Executive during the period of our involvement, including congressional access to Vietnam documents covered by executive privilege and procedures for the classification and declassification of documents relating to our Vietnam involvement. As a result of these investigations, the joint committee would further be responsible for studying, determining, and enunciating existing vital interests of the United States in Southeast Asia.

Mr. Speaker, it seems to me that such a committee can provide a very valuable service to the Congress and the American people at this point in time by helping to clear up a number of related issues—by showing us where we have been, how we got there, where we are going, and what adjustments in course, if any, should be made to avoid repeating past mistakes.

I think it is especially important to emphasize that this committee is not being proposed with the purpose in mind of hunting witches or finding scapegoats or for cataloging past mistakes. The primary purpose of this proposed committee is to examine our Vietnam experience and to draw from it those lessons which will serve to guide us in the future—which will enable us to correct and coordinate the clumsy foreign policy apparatus which steered us into Vietnam by subtle jerks and pulls. Central to this overhaul is a thorough examination of the faulty information system which does not seem to be properly plugged in to Capitol Hill. I am referring here, of course, to the fact that the Congress has been forced to take certain actions and make certain decisions without being fully apprised of the facts. Our constitutional machinery which was designed to give the Congress a central function in matters of war and peace just cannot operate properly if there is faulty wiring in the information system. Vietnam is proof positive of that principle: it has brought a near breakdown in that system and in the public confidence in that system.

This resolution recognizes that glaring deficiency and delegates to the proposed joint committee the responsibility of investigating the quality and adequacy of information provided to the Congress and the procedures for classification and declassification of such information. One Pentagon official recently estimated that well over 90 percent of the materials which are classified should not be so designated. Supreme Court Justice Stewart, in his brilliant opinion in the New York Times case, said that the first principle of wisdom in matters of internal security is to avoid secrecy for the sake of secrecy. In his words:

> When everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained.

It is my hope that the proposed Joint Committee can provide some specific guidance in reversing this tendency to overclassify information, and that further, it can devise ways to insure that the Congress does have access to information of a classified nature which is essential in making the most prudent decisions. An ill-informed Congress is bound to take ill-advised actions. There can be no excuse for this.

Finally, Mr. Speaker, I think it is important to lay special emphasis on section 2(b) of this resolution which requires that, "The Joint Committee, in light of the findings of this investigation, shall, in addition, determine and enunciate existing, vital U.S. interests in Southeast Asia." I think this will be particularly helpful in the formulation of the evolving Nixon doctrine as it relates to that part of the world. What are our vital interests? To what extent should we extend military and economic assistance to the nations of Southeast Asia? How broad is our nuclear and conventional military umbrella as a Pacific power? These are the questions to which we must address ourselves as we look beyond Vietnam.

And so, Mr. Speaker, I commend the gentleman from Massachusetts on his initiative in proposing this select Joint Committee on U.S. Policy in Southeast Asia, I am proud to join as a cosponsor, and I urge prompt action on this legislation.

PANAMANIANS WARN OF APPROACHING RED-LED VIOLENCE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in recent addresses I have warned the Congress and the Nation of the hate-infected campaign that is now being waged by the present military government of Panama against the United States, especially against our authorities of the Canal Zone and Panama Canal who bear the burden of responsibility for maintaining, operating, and protecting that vital waterway. It seems that everything that the present Panama Government does is aimed at advancing Soviet designs to gain control over the Canal, which has been a Communist objective since 1917.

As a result of my long interest in the canal question, I have received much information from many persons in various countries familiar with Isthmian problems, including citizens of Panama who for security reasons cannot be identified. From this mounting evidence it is clear that preparations are now being made for the perpetration of more violence of the magnitude of that of January 9–12, 1964, when Red-led Panamanian mobs attacked the Canal Zone and overwhelmed the zone police, requiring Canal officials to call upon the U.S. Army to protect the lives of our citizens and the canal itself.

Recently, I received an unusually thoughtful and well expressed letter from a group of Panamanians who, because of the danger to their lives or livelihood, must remain anonymous. I was touched by their statements that the authors recognize that I am not an enemy of Panama, either No. 1 or otherwise. To them I wish to express my appreciation and to say that I have never thought that the mass of the Panamanian people ever considered me an enemy and I wish them to know this.

Furthermore, much of the information supplied has been confirmed by reports from independent and well-informed North Americans who have recently visited the isthmus.

Mr. Speaker, because of ill-advised policies of appeasement of Panamanian radicals, many of them Red revolutionaries, the position of the United States on the isthmus is in grave danger to which our authorities should be alert. This danger, which could include sabotage, cannot be met by acceding to those who would blackmail the United States with threats of violence as is now being attempted. Most certainly the time has come for our Government to take a proper stand in defense of our justly acquired, treaty-based rights, power and authority over the Canal Zone and Panama Canal. To this end, I urge prompt adoption by the House of the 33 pending Panama Canal sovereignty resolutions sponsored by some 100 Members of the body, which are now before the Committee on Foreign Affairs.

As the indicated letter confirms in brief form what I have been stating in the Congress and warns of approaching trouble, I quote it as part of my remarks and urge that it be read by every Member of the Congress, especially members of committees with cognizance over canal matters and all others concerned with the security of the Panama Canal and the Western Hemisphere.

JUNE 1971.

Representative DANIEL FLOOD,
House of Representatives,
Washington, D.C.

DEAR SIR: Please accept a greeting from a group of Panamanians who are aware of the true reality in Panama under this communist-type dictatorship which is backed (seemingly) by President Nixon. Honorable Mr. Flood, on behalf of thousands and thousands of democratic Panamanians we request your help so that this country will return to the roads of constitutionality. What evil this government of assassins does both to the people of Panama as well as to the United States government. We, the majority of the Panamanian people, know perfectly well that you are not enemy number one of the people of Panama; these accusations are made by the communists of the former governments and those in the illegal and unconstitutional government which is ruling us at the present time.

The press, radio and television which are bought off by the Guard daily accuse the government and authorities of the Canal Zone of the sale of drugs, prostitution, discrimination and imperialism, of abuse of Panama's sovereignty, etc. You well know that the propaganda by this communist government of Panama against you hurts United States' prestige outside the country very much; it is especially good fodder for the communist countries.

Now the government of Panama is continually insulting and threatening the United States over the new Canal treaty. This is the same people, politicians and communists backed by the accursed National Guard of Panama, that provoked the violent events in 1964 against the authorities of the Canal Zone and who, at the present time, are indoctrinating the students, labor unions, country communities, etc., against the American Canal authorities, accusing them of being imperialists (a very typical communist slogan) in order to create worse problems and very dangerous violences in the very near future. At the present time the communists hold important and key positions in Panama's government. Mr. Flood, you (plural) have to do something about doing away with this dangerous dictatorial government of Torrijos. Look what happened in Cuba. Only the communists use the word revolution in their propaganda.

We and thousands of Panamanians wonder why Mr. Nixon's government permits this situation in Panama, and receives Mr. Lakas at the White House. He pretends to be the president of the government junta of Panama, a sinister and corrupt person. All of us in Panama have known for a long time that this Mr. Lakas is a dealer in [corruptive practices] and that he is the owner of [unsavory properties] and as customers they have the American soldiers who are stationed in the Canal Zone. Mr. Lakas is the owner of several such places in the city of Colon and Panama City such as the Hotel Ideal, the Llave de Oro. Is Mr. Nixon blind? What a come-down for the august White House to invite such a person. Honorable Mr. Flood, Panama is in great danger. Communism is settling its foundations firmly and with gigantic steps. We wonder is it that there are communists in high positions in the government in Washington who are advising Mr. Nixon wrongly, or are there also communists in the State Department or the Pentagon??? who permit this kind of government in Panama that threatens and insults them daily and is preparing the peasant and student masses against the Zonians, that steals the loans from the International Development Bank. This is another institution which we suspect must be filled with communists because this bank is lending this communist government many millions that are going into private pockets.

Mr. Emilio Ortiz de Zevallos, the present representative of the BID is a great admirer and friend of that communist Torrijos, and through the former the bank has loaned many millions in recent months. It is general knowledge in Panama that Torrijos, the National Guard officers, the officials of the government, and the relatives of all these, are becoming rich, if not millionaires, at the expense of the BID millions. It is suspected that Mr. Ortiz de Zevallos is of communist leanings.

Mr. Flood, some day we will identify ourselves to you, but you must know that there is no freedom in our country and it is dangerous, and this humble letter might get lost before it reaches you. That day will be when we return to a constitutional regime and you will see that in the face of the great mass of the Panamanian people you are not an enemy, for, as we repeat, that has been created by the communists. But you have to hurry because they are indoctrinating the masses every day.

Sincerely,

THE ANTI-COMMUNISTS.

BALBOA, CANAL ZONE, PANAMA.

LEGISLATION TO TIE COST-OF-LIVING INCREASES TO PERSONAL TAX EXEMPTIONS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, today I am introducing legislation that would restore some equity in our Federal income tax system. The bill ties the individual exemption to increases in the cost of living. The fact that the exemption is fixed has created a great deal of inequity in the tax system. The $600 personal exemption was set in 1948; since then the cost of living has risen over 50 percent, while the exemption has been raised only 4 percent. The 1969 tax reform bill increased the exemption to $625 for 1970, $650 for 1971, $700 for 1972, and $750 for 1973, a net increase since 1948 of only 25 percent.

The cost of living rose over 6 percent in 1970, requiring $636 in 1970 to purchase what one could buy for $600 in 1969. Thus, in a period of inflation the Government's receipts are automatically increased, mostly at the expense of low- and middle-income taxpayers. They keep getting pushed into higher and higher tax brackets when their wages are raised to keep up with the cost of living, in addition to the real value of their exemption decreasing.

On the other hand, most exemptions for businesses are figured on a percentage basis, with their exemptions and deductions increasing as their base increases. For example, depletion and depreciation allowances are computed as percentages of income and costs, and when income or costs increase, the deductions increase. Unfortunately, it does not work that way for individual income taxpayers. For the 10 years from 1961 to 1970 the individual income tax receipts rose from $41 billion to $90 billion, an increase of 120 percent, while the corporate tax receipts rose from $21 billion to $33 billion, an increase of only 57 percent.

To put it another way, individuals who were paying twice as much as corporations in 1960, were paying three times as much in 1970. My bill would restore some of this lost equity.

The 1969 tax reform bill will increase the personal exemption to $750 in 1973. From that time forward, my bill would tie the personal exemption to the cost of living in the following manner. The Internal Revenue Service would use the annual percentage charge in the cost of living from September 1 of the previous year to August 31 of the present year, and adjust personal exemption by this percentage, rounding to the nearest $5. For example, if the cost of living rises 3.1 percent from September 1, 1973, to August 31, 1974, the IRS will multiply the $750 exemption by 3.1 percent and add $25 to the individual exemption for the 1974 tax returns—$750 times .031 equals $23.25, round to $25. This would make the personal exemption $775 on the 1974 tax return. By using September of the previous year to September of the current year, the IRS will have ample time to compute the new exemption and place it in the tax forms to be distributed to the taxpayers.

I believe this bill is a moderate one, which would benefit the great majority of taxpayers.

I hope my colleagues will give it their careful attention.

THE SHARPSTOWN FOLLIES—XIX

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, during these past few weeks I have been raising questions about the curious conduct of the Department of Justice in the case of Frank Sharp.

The time has long since passed when answers should have been supplied to these questions. The time has come for Will Wilson to resign his position. The time has come for Anthony J. P. Farris to resign. These are the men who are responsible for a monstrous miscarriage of justice. They are unable or unwilling to answer my charges, and I believe that this is only proof of my charges. And surely these charges are sufficient to cause these men, each of them, to tender their resignations. They have not served the cause of justice; they have created a vast, stinking scandal; and they have no business in holding the jobs they have.

Frank Sharp built a paper empire with the help and advice of Will Wilson. He misused every position he had and he looted any number of companies and banks by the use of tried-and-true shell games. He was nothing but a con man who made it big.

Wilson knew about Frank Sharp's self-dealing loans, his kiting of assets, his fixing of company books, his insider trading, his illicit deals, his phantom companies. Wilson took part in these deals.

Wilson has taken great liberties with the truth, and he has never denied his many ties with Sharp and his involvement with the scandalous, incredible financial manipulations that Sharp used to loot whole companies of millions of dollars in property, assets, and plain, cold cash.

A man who has had a part in such schemes as this has no business in being a chief law enforcement officer of the United States. Wilson is no less a schemer than Sharp, and at the very best he ought to simply pack his bags and leave office.

Wilson may deny knowledge of the Sharp deals. But how could a man who held the position he did in Sharp's empire have been ignorant? And if he was indeed ignorant, then I say that he was a patsy. A man so blind has no place in the office he now holds.

Whatever the case may be, Wilson ought to resign. He was too much a part of Sharp's questionable deals, too close to the building of the Sharp empire, too involved himself in shady stock transactions to be trusted in the high office he now holds. He can do an honorable thing by resigning.

And I say that the U.S. attorney who arranged the deal that let Sharp off the hook is too small a man to occupy his office. He says that he had no choice but to make a deal with Sharp. Well, Anthony J. P. Farris was taken, that is all. He is not the only guy to get taken in a deal with Frank Sharp. But having been taken, having sold out justice, having sold out even the right of the State of Texas to prosecute Sharp, he ought to be able to recognize the truth and recognize the magnitude of his error.

Anthony J. P. Farris said that he made a deal with Sharp, a deal to let him enter a couple of minor guilty pleas, a deal for complete immunity, so that Sharp could testify against his former associates. Farris seems not to understand that he let the big fish get away so that he could catch a few minnows. He cannot see—incredibly enough—that he is trying to go fishing for Charlie the Tuna with a whale as bait.

Aside from his moral obtuseness in making this stinking deal, Anthony J. P. Farris knows that if he had prosecuted Sharp this would have embarrassed his boss, Will Wilson. He should have ignored that and gone ahead, because that was his plain duty. But Farris wants to play political games.

I say that courts are not the place for political games. U.S. attorneys have no business making deals with men like Sharp. U.S. attorneys are not supposed to be morally blind and mentally inept. But Anthony J. P. Farris is morally blind for making the kind of deal he did with Sharp, and mentally inept too. The least he can do is to protect the public against future repetitions of his great fishing act by resigning. The people should not have to trust their business to him any more.

Incredibly enough, Deputy Attorney General Kleindeinst approved the deal that Farris made with Sharp. Well, in the past this man has amply demonstrated his capacity to blunder, and this instance is only the latest of these. The country has no need to entrust its second highest legal job to such a hack as this. He should quit and go back into helping run political campaigns.

With these men out of the way, justice might have a better chance to prevail in this country. The people have every right to expect them to resign, and I say to them, please, in the name of all that is good and just, leave office now. Give us some reason to believe that justice might yet prevail; give us some reason to believe that you have some concept of decency. You can restore my faith by resigning, and at the same time give somebody else the chance to do what you have failed to do. You have no right to inflict yourselves on this great land any longer.

THE DILEMMA FACING AMERICA'S STEEL PRODUCERS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, it is becoming increasingly apparent that the United States considers its steel industry to be expendable. Today the costs of entry of imported steel are so mild as to severely damage our domestic steel producers and ultimately lead this country to a dependence on foreign steel producers for our own steel needs.

I would like to call the attention of my colleagues to an article written by Stewart S. Cort, chairman of the board of Bethlehem Steel Corp., which appeared in the July 1971 issue of Nation's Business.

Mr. Cort describes the dilemma facing America's steel producers with the keen insight of a man who has spent almost his entire working life in the steel industry.

The article follows:

FREE TRADE? YES—BUT!

(By Stewart S. Cort)

There are many "myths" about international trade.

One is that everyone else is playing the game under the same rules we are.

Another is that the benefits of more trade outweigh any possible dislocation of domestic industries—even basic ones like steel. No other nation looks on trade this way, and no other nation considers its steel industry expendable. We cannot afford to do so either.

There are no practical private responses to competition aided and abetted by other governments, especially when foreign labor costs are already much lower than ours.

Certainly the least we can ask is that, until such time as those governments can be persuaded to let their steel industries stand on their own feet, our industry be the recipient of something more than pious exhortations. In fact, we need assurance that we will be allowed to participate in the growth in demand for steel in the United States.

By the same token, foreign producers should also be allowed to share in that growth—but not at a rate in excess of the growth in domestic consumption. Since the beginning of 1969, steel producers in the European Community and in Japan have limited their total steel exports to the United States under arrangements they adopted at the urging of our government. These arrangements expire at the end of this year and we believe they should be extended for another two years, with some improvements.

The present set up provides that their exports can increase by 5 per cent a year—about *double* the normal growth of steel demand in this country. This provision is very damaging and must be remedied.

Although we believe it had been understood that the European and Japanese producers would maintain existing patterns of distribution among product categories and geographical markets, they have not done so.

Imports of higher-value products, particularly of the very high value stainless and alloy steels, have risen rapidly, and the proportion of imports into West Coast markets has increased substantially. These practices have hurt some American producers badly, and new arrangements should rectify the situation.

Finally, the existing arrangements do not apply to certain countries which export significant amounts of steel to the United States. Some of these countries have increased their exports considerably during the past two years, notably in stainless and alloy categories. We hope additional countries may be persuaded to join in the arrangements for the future.

GUARDING A "GOOD RIGHT ARM"

The measure of "protection" my industry needs and asks is trifing compared to that accorded our competitors by their governments.

It is of a type endorsed by two Administrations committed to liberal trade policies. One reason for this nonpartisan endorsement is that this method of dealing with a trade problem does not provide any basis for retaliation. It is done with the consent of those affected. And, in fact, the voluntary arrangements have *not* triggered retaliatory measures.

I think it true that this nation must be a leader, if not *the* leader, toward gradual but steady reciprocal dismantling of trade barriers. We should be magnanimous. But it does not follow that our magnanimity should feed the rapacity of less merciful competitors.

To turn the other cheek is admirable, but it is a suicidal gesture if the blow you are dealt is fatal.

What many Americans fail to comprehend is that the blow that threatens our nation's economy *could be*, if not fatal, at least disabling. Can we not agree that the steel industry is the good right arm of our industrialized economy? If we are not willing to agree that this is so we are unique among all the advanced nations of the world.

And if we are willing to agree that a "strong and viable" steel industry is essential to our economy, can we accept the proposition that its strength and vitality ultimately depend on the level of steel imports reaching our shores? This is no myth. It is a fact.

In support of this assertion, look at just a few enlightening statistics. Steel imports rose from about one million tons (1.5 per cent of domestic consumption) in 1957 to a high of nearly 18 million tons (about 17 per cent of consumption) in 1968.

More significantly, those imports had maximum impact in certain vulnerable areas such as the West and Southwest, where they took over 25 per cent of the total market and as much as 90 per cent of the market for some steel products. Obviously, this situation spelled chaos for U.S. producers, especially for those serving the markets under heaviest attack.

Furthermore, during the term of the voluntary arrangements, foreign makers have concentrated on higher-priced grades. For example, they captured about 68 per cent of the stainless wire rod market and 53 per cent of the stainless wire market.

Considering that the steel industry as a whole registered profits on sales in 1970 averaging only 2.7 per cent, it should be obvious that the inroads of imports are taking a fearful toll.

It should be equally obvious that, in the absence of renewed voluntary arrangements or some other form of import restrictions, imports will continue their climb. And finally, it should be obvious that the American steel industry cannot attain and maintain good health if something in the range of 20 per cent of the total domestic market is captured by imports—and especially if the major impact of those imports is directed at the higher-priced, higher-profit-margin products.

THE CRUCIAL BATTLE

It is true that the steel industry, like most industries, faces many problems. Still, the make-or-break problem is steel imports. Unless we lick that one, all our other battles are being fought in vain.

Now, let us consider how relentless dictates of academic free trade theory would work when applied to our steel industry.

We can start by accepting certain realities. Reality Number One is that steel products can be made in several foreign countries on a basis that permits them to be sold in the United States in a range of $20 to $45 per ton under domestic prices.

Unquestionably, those competitors have "comparative advantage." Under free trade theory, then steel is one of those "lines of production in which the United States cannot compete internationally," and, according to the theory, "we must avoid building protective fences around these weak industries."

In other words, free trade theory considers steel to be a "weak" industry, and therefore expendable. I do not agree that our steel industry is really all that "weak," and I most assuredly do not agree that it should be deemed "expendable," but let us continue to explore the avenue down which free trade theory takes us.

What would be the effects on steel consumers and on our nation's over-all economy if our domestic steel industry were to wither as offshore suppliers took over a major portion of the market?

Question One: What would happen to steel prices once foreign suppliers control the market?

Would they exercise restraint? All evidence available to us indicates that ruthless price gouging would be the order of the day.

Every time that domestic steel prices have risen so as to reflect higher costs, have not the prices of imported steels followed—without any cost justification whatsoever? And have we not time and again seen the prices of steel imports rise *above* domestic prices during periods of tight supply in our markets?

Question Two: What assurances would American steel users have of a continuing source of supply in the event of an international crisis?

Within my own lifetime there have been periods when we could not realistically look to any of the major producers in other countries as a reliable source of steel products.

Similarly, one can imagine countries withholding steel so as to enforce high prices here. This possibility is hardly farfetched, considering the recent tactics of the oil-exporting nations of the Middle East.

Even a more innocent development, such as a sudden upsurge in home markets, could impel foreign producers to significantly reduce their steel exports to the U.S. Indeed, this is precisely what happened only a year ago in Western Europe.

Question Three: What about national defense?

How could we gird ourselves to meet a threat to our security without a reliable supply of steel? Are there sufficient ploughshares and pruning hooks available for reconversion into the weapons of defense?

I think not. Granted, military needs have normally represented only a small fraction of total domestic production, but they are nevertheless vital. These needs embrace highly specialized grades and types which are the products of continuing intensive—and expensive—research. This cannot, however, be supported solely by production for military purposes. A much broader base is necessary.

And what a Looking Glass world this is, when a steel executive is reduced to arguing that a viable steel industry is essential to the security of his country!

So much for our nation's need for a healthy steel industry, even without considering domestic employment, purchases, the colossal investment in the steel industry, or the industry's contribution to meeting the tax burdens of our complex society.

LOSING AN EDGE IN STEEL

Let us consider now how this great industry got into its present fix.

There are those who agree with an unidentified government official who recently explained the plight of the steel industry to a wire service reporter. "The American steel industry," he said, "has let its equipment become obsolete."

That accusation is, to put it bluntly, false. Through the decade of the 1960s, our steel industry's capital expenditures totaled $16.3 billion, largely for modernization rather than net expansion. If the industry has indeed "let its equipment become obsolete," it has not been because of parsimony.

But I would be the last to argue that we have not lost much of the comparative advantage we once enjoyed. What are some of the reasons?

First, the steel industries of major foreign competitors such as Japan and West Germany have been built largely from the ground up since World War II.

In fact, the expansion of the Japanese industry has been so rapid that half its present facilities are not more than five years old. Obviously, those industries are more modern, on the average, than ours. Nevertheless, steel output per man hour is still higher in this country than in any other, although the margin is not nearly as great as it was and our edge is steadily diminishing.

Second, today's steelmaking technology is world-wide.

American equipment and expertise were primarily responsible for the phoenix-like rise of foreign steel mills from the ashes of war. In fact, it was American tax dollars, in large measure, that paid the bills for the initial revival. And today, even though we readily admit that foreign competitors deserve a great deal of credit for their own innovations, they continue to draw on the technology of our country to improve their steel industries.

For example, we have led the way in iron ore and coal processing and in high-speed rolling mill technology. Industries in other countries have consistently borrowed from us in these fields. In fact, many of the most modern installations of American-designed production facilities are located abroad.

This brings me to my third explanation for our loss of advantage. Only after you realize that steelmaking technology is completely international can you comprehend the simple reality that the availablity of funds plus the willingness to spend them is all it takes to have a thoroughly modern and efficient steel industry.

No steel company and no steel industry in any nation possesses magic formulae or arcane "secrets" that can give it any substantial and lasting edge as a steel producer. A commitment of resources is all that is required. And in this regard, our most worrisome competitor is twice blessed.

CAPITAL AND LABOR COSTS

In Japan, virtually unlimited capital is made available (however indirectly) by the government, and the installed cost of integrated steel plants is about one third in the United States. This great additional comparative advantage in capital costs results from low hourly employment costs in construction.

Labor is a major factor in the installed cost of steel plants. In other words, the much lower hourly employment costs of foreign producers give them a double advantage—both in capital costs and in operating costs.

Lower capital costs mean less invested capital per ton of steel products shipped. And this, in turn, translates into a higher rate of return on investment for offshore producers despite a lower profit per ton.

To give you a better idea of what we are up against when we gaze westward across the Pacific, it would be well to take a look at Japan's national goals in steel. Japan wants an output matching that of the United States (and *doubling* our per capita production) by 1975! Further, this expansion contemplates doubling steel mill exports every four years. Clearly, the Japanese nation recognizes the desirability of a strong and growing steel industry.

My fourth and final point relating to our reduced competitive edge in comparison with foreign producers lies in the decisive matter of unit costs.

It is not wage levels *per se* that determine competitiveness, but unit costs. High wages can be, and often are, offset by greater productivity. In fact, that is why American wages rose so far above those in other countries in years gone by without affecting our competitive position.

Unfortunately, our competitors now boast both wage scales far lower than ours *and* productivity approaching our level. Thus Japanese steel wage costs (which vary between one fourth and one third of ours), coupled with relatively high productivity, yield unit labor costs $40 to $45 per ton under ours, according to the U.S. Bureau of Labor Statistics. Similarly, European steel producers are favored by unit labor costs typically $20 to $25 per ton under ours.

Putting it another way, we would have to reduce our labor input (man hours per ton shipped) by 70 *per cent* in order to nullify the Japanese advantage in unit labor costs, assuming no change in current hourly employment costs.

The significance of the competitive cost advantages can be better appreciated when one realizes that the average U.S. price for a ton of steel is on the order of $175. It does not require much knowledge of cost accounting to see that a cost advantage of $20 to $25, much less one of $40 to $45, is decisive when the product sells for about $175.

There is no technology by which we can overcome the cost advantage enjoyed by offshore competitors. Nor can we offset it by cutting prices, considering that our net income *before* taxes averages less than $10 per ton.

At least one third of the world steelmaking capacity outside the U.S. not only is favored by "government supports," but is government-owned, wholly or in major part. And, might I add, nationalization represents the ultimate in subsidization of an industry. If free trade theorists object so strongly to the mild "protection" we ask, would they prefer the vastly more comprehensive protection that a nationalized industry requires? I think not.

Most of the remainder of steelmaking capacity in other countries is government-supported and nourished to a degree unheard of in the United States. Mergers and cartels are condoned if not actually encouraged. Steelmakers are insulated from some or all of the rigors of domestic free capital markets. Tax policies are designed to assist growth and to enhance export of steel.

THEIR BARRIERS ARE HIGH

And virtually all of these countries have erected nearly insuperable barriers to unwanted steel imports. To cite a typical example, the "cost of entry"—total of duties, taxes, etc.—to get $100 worth of U.S.-made carbon steel bars into France is over $33; but it's only $7 to bring $100 worth of French-made bars into the United States.

What is the answer? At this point I wish to reassure the advocates of free trade and all readers that I, too, prefer a solution that conforms as closely as is possible with the ultimate achievement of truly free—and fair—international trade. But what is the situation now?

Some say that "producers must learn to stand on their own feet without government supports."

I wholeheartedly agree.

But the principles that apply to our own steel industry must apply equally to all others as well, if we are to compete on a fair basis.

This is not the case today.

FINANCIAL PROBLEMS OF RETIRED AMERICANS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. BIAGGI) is recognized for 15 minutes.

Mr. BIAGGI. Mr. Speaker, for the past 2 days I have been discussing some of the many financial problems that face elderly Americans once they retire. Many who have lived decent, hard-working lives find in retirement that they are now poverty stricken—crippled by a fixed income in a highly inflationary period. Moreover, illness or large, regular medical expenses quickly eat up savings.

Today, I would like to talk about three of the eight bills I am circulating for cosponsorship. These three would provide needed tax relief for the elderly.

The first bill would provide a $5,000 retirement income exemption. A person who has worked all his life should not be forced to live in poverty because inflation has reduced the purchasing power of his savings and pension or social security payments. With such a tax exemption we could provide quick assistance to the over 5 million elderly Americans who live in poverty. An additional 5 million would also directly benefit since the median income of older American families is around $4,500 and the median income of elderly persons living alone or with nonrelatives is about $1,800. These are shameful statistics. We should bow our heads in shame that the elderly Americans who helped build the vast tehnologiccal giant that is today's America must live out their final years in poverty, unable to enjoy the fruits of their efforts.

A second bill I am proposing would provide for a full medical expense deduction for taxpayers over the age of 65. This provision was in the law prior to the passage of medicare. At that time the 3-percent deductible provision was reinstated for all Americans based on the argument that medicare would take care of the needs of the elderly Americans and thus the tax deduction was unnecessary.

Mr. Speaker, there is no need for me to explain to my colleagues that medicare has not proved to be the panacea for the elderly that it was heralded to be. It has helped, without question, but there are still many elderly Americans who must pay large sums for prescription drugs, optometrists' services, and chiropractors' services—all of which are not covered by medicare.

This bill, H.R. 7922, would provide some modicum of tax relief for our senior citizens who find themselves in a financial bind because of medical expenses. As I pointed out yesterday, almost seven out of every eight over-65 Americans suffer from some sort of chronic ailment. Let us help ease their suffering somewhat by partially relieving the financial burden of poor health.

Mr. Speaker, the third bill I would like to discuss today is directed at the faithful son, daughter, or relative who has taken upon themselves the burden of caring for an elderly person close to them. This bill would give them a tax exemption regardless of their dependent's income, provided that the taxpayer provides over 50 percent of the dependent's income.

I would point out to my colleagues that this is the same provision that is in the law with respect to children under 19 or who are in college.

Today, if your mother were living with you, had an income of say $2,000 and received 50 percent of her support from you, you could not claim an exemption for her without your mother losing her exemption. Yet, if your daughter were living with you under the same conditions, both you and she could claim a personal exemption.

Enactment of this bill would provide a small incentive for persons to help their ailing relatives rather than let them go on welfare. It would be the margin of difference in many cases between the welfare check and the cost of support. I strongly believe that this inequity should be corrected immediately.

These three bills combined with the three bills I discussed yesterday and the two I will discuss next Tuesday will help greatly to relieve the financial burdens of our elderly Americans. We cannot continue to ignore the over 20 million Americans over the age of 65. With over half of these earning less than $5,000 annually, they are truly one of the great blocks of American poor. But the worst aspect of the situation is that many of these people did not know poverty until retirement. It was then that restrictive laws, rampant inflation, and a lack of public concern took over to condemn them to a demoralizing way of life.

To recapitulate, the three bills I discussed today and am circulating along with five others for cosponsorship are:

H.R. 7920, a bill to provide a $5,000 retirement income tax exemption for civil servants at retirement and for all taxpayers at age 65;

H.R. 7922, a bill to provide a full deduction of all medical expenses for taxpayers over age 65; and

H.R. 7924, a bill to provide a taxpayer with an exemption for an over-age-65 dependent regardless of the dependent's income. This is the same as in the case of a dependent who is under age 19.

LEGISLATION TO REQUIRE USE OF RECYCLED PAPER IN CONGRESSIONAL RECORD WOULD HELP ESTABLISH PROGRESSIVE POLICY THROUGHOUT FEDERAL GOVERNMENT

(Mr. DOW asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOW. Mr. Speaker, since the beginning of the 92d Congress there has been an increasing interest in the use of recycled paper by the Federal Government in general and by individual Congressmen and Senators, in particular.

There is one positive step we in Congress can take to set the example in the use of recycled paper. The CONGRESSIONAL RECORD is published each day that a House of Congress is in session and uses approximately 5,000 tons of newsprint each year. This is the equivalent of a medium-sized daily newspaper in one of our country's cities.

Many arguments have been put forth raising the environmental advantages to use of recycled material. By encouraging greater use of products made from recycled material we can help ease the increasing solid waste burden. It has been the experience of newspapers in the 27th Congressional District of New York which I represent that recycled newsprint is less expensive. In fact 100 percent recycled newsprint cost about $7.50 a ton less than the virgin newsprint."

For this reason I am introducing legislation today with 65 cosponsors to require substantial use of recycled paper in the production of the CONGRESSIONAL RECORD. As publishers of a major journal we in Congress should take this leadership role.

Recently the Environmental Protection Agency urged newspaper publishers across the country to increase their use of recycled fibers in the newsprint they purchase. Several newspapers in my district—particularly the Newburgh Evening News and the Poughkeepsie Journal—are using recycled newsprint and it is time that we in Congress took the same step.

The legislation I am introducing today would require that 50 percent of the paper purchased by the Government Printing Office for the CONGRESSIONAL RECORD be made from recycled fibers.

Similar legislation has been introduced in the Senae by Senator Moss and more than a score of his colleagues.

There are solid enivronmental reasons for making this policy decision by Members of Congress. More important there are solid economic reasons which are proven by the prestigious newspapers across the country that have moved in this direction. Among those newspapers are the New York Daily News, Washington Post, Baltimore Sun, New York Post, Boston Globe, and the Newark News. Also using recycled newsprint are the Gannett Newspaper Group and the McClatchy Newspapers.

Many Members of this House are already aware of the potential uses for recycled paper.

Earlier this year I was the first Congressman to print his constituent newsletter on recycled paper to demonstrate that such paper was available at comparable cost and quality to paper produced with only virgin fibers.

Many other Congressmen and Senators have followed this lead with their newsletters. Others have started using recycled paper in their stationery and for other purposes.

To its credit the House Stationery Room has made recycled paper in many forms available to Members. I am using it for news releases and also in photocopying office documents.

Such new uses for recycled paper bring attention to the problem and offer positive steps toward resolution of the growing solid waste crisis.

On May 3, I introduced legislation—H.R. 8005-8007—with 40 bipartisan cosponsors which would require greater use of recycled fiber in all paper purchased by Federal agencies. Such a policy would open a tremendous market for paper with recycled fiber and spur the efforts to eliminate the millions of tons of scrap paper which clutter our town dumps, litter the highways and fill the air with noxious smoke when incinerated.

Enactment of my first two bills and this new legislation dealing with the CONGRESSIONAL RECORD will set a progressive farsighted policy for the Federal Government. I strongly urge other Members to join me.

Mr. Speaker, I would like to include a list of the cosponsors of this legislation and a copy of the bill:

LIST OF COSPONSORS

Bella S. Abzug, New York; John B. Anderson, Illinois; William R. Anderson, Tennessee; Bill Archer, Texas; Thomas L. Ashley, Ohio; Les Aspin, Wisconsin; Herman Badillo, New York; Benjamin B. Blackburn, Georgia; Jack Brinkley, Georgia; Phillip Burton, California; Shirley Chisholm, New York; James C. Cleveland, New Hampshire; William R. Cotter, Connecticut; R. Lawrence Coughlin, Pennsylvania; Ronald V. Dellums, California; Charles C. Diggs, Jr., Michigan; John G. Dingell, Michigan; Robert F. Drinan, Massachusetts; Don Edwards, California.

Joshua Eilberg, Pennsylvania; Marvin L. Esch, Michigan; Edwin B. Forsythe, New Jersey; Bill Frenzel, Minnesota; Cornelius E. Gallagher, New Jersey; Ella T. Grasso, Connecticut; Gilbert Gude, Maryland; Seymour Halpern, New York; Michael Harrington, Massachusetts; Ken Hechler, West Virginia; Henry Helstoski, New Jersey; Frank Horton, New York; William L. Hungate, Missouri; William J. Keating, Ohio; Edward I. Koch, New York; Peter N. Kyros, Maine; Robert L. Leggett, California; Clarence D. Long, Maryland; Romano L. Mazzoli, Kentucky; Abner J. Mikva, Illinois; Patsy T. Mink, Hawaii.

William S. Moorhead, Pennsylvania; F. Bradford Morse, Massachusetts; John E. Moss, California; Alvin E. O'Konski, Wisconsin; Claude Pepper, Florida; J. J. Pickle, Texas; Charles B. Rangel, New York; Howard W. Robison, New York; Peter W. Rodino, Jr., New Jersey; Fred B. Rooney, Pennsylvania; J. Edward Roush, Indiana; William F. Ryan, New York; Paul S. Sarbanes, Maryland; John P. Saylor, Pennsylvania; John F. Seiberling, Ohio; Robert H. Steele, Connecticut; Robert O. Tiernan, Rhode Island; Jerome R. Waldie, California; G. William Whitehurst, Virginia; Larry Winn, Jr., Kansas; Jim Wright, Texas.

H.R. 10034

A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 9 of title 44, United States Code, is amended by adding at the end thereof the following new section:

"§ 911. Congressional Record: use of recycled paper

"Paper used in the printing of the Congressional Record shall contain not less than 50 per centum recycled paper. For the purpose of this section, the term 'recycled paper' means any paper which after sale to, and use by, a consumer of that paper, has been (1) discarded or collected as an element of solid waste; and (2) has been recovered in whole or in part and reprocessed into a new raw material for use in the manufacturing process of new papers; except that such term shall not include any waste materials generated by the paper manufacturing process and reused as part of such process.

(b) The analysis of that chapter is amended by adding below item 910 a new item as follows:

"911. Congressional Record: use of recycled paper."

SEC. 2. The amendments made by the first section of this Act shall become effective thirty days after the date of enactment of this Act.

STEEL IMPORTS—INDUSTRY LEADER CITES FACTS TO CONTEMPLATE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the current issue of Nation's Business, Stewart S. Cort, chairman of Bethlehem Steel Corp., takes a long, hard look at the damage steel imports are doing to our domestic industry. I bring this article to our colleagues' attention because there is almost a total news blackout concerning the detrimental effects of imports on American business and labor.

The author does not shy away from the goal of free international trade—he asks only that the term "free" be understood to include the term "fair." That position is one that I have taken for lo these many years with the introduction of bills to provide for fair and equitable international marketing in a multitude of products. Unfortunately, the Congress has not acted to halt the increasing flow of imports into the American market with the result that industries we have traditionally counted upon to be the very backbone of our way of life, find themselves instead with their backs to the wall.

Mr. Cort's article takes the current-day free-traders' principal arguments for unrestricted imports apart one-by-one. He points out that capital and labor costs of foreign steelmakers are nowhere near those of domestic costs. He repeats that which many of us in Congress have concluded for years:

> Virtually all of these countries have erected nearly insuperable barriers to unwanted steel imports.

He then cites specific examples of what the American exporter faces in trying to market his goods in a foreign land and explains the pricing differences which give rise to other competitive advantages for the foreign producer. But the most telling point of all, Mr. Speaker, is the point he makes about governmental intervention in the marketplace. These words are worth repeating verbatim:

> At least one third of world steel making capacity outside the U.S. not only is favored by "government supports," but is government-owned, wholly or in major part. And, I might add, nationalization represents the ultimate in subsidization of an industry. . . .
>
> Most of the remainder of steelmaking capacity in other countries is government-supported and nourished to a degree unheard of in the United States. Mergers and cartels are condoned if not actually encouraged. Steelmakers are insulated from some or all of the rigors of domestic free capital markets. Tax policies are designed to assist growth and to enhance export of steel.

The position of most foreign steelmakers vis-a-vis their government is that of the "favorite child." Foreign governments realize the importance of steelmaking to the health and stability of their economies so they do everything in their power to preserve, expand, and enhance those industries. Over the past few years, the U.S. Government seems bent on a course exactly opposite to that. Unless the prevailing State Department philosophy changes—and soon—the U.S. Government may be faced with having a "revitalization" problem on its hands.

What a pity that would be. The American steel industry is quite willing and able to meet foreign competition, if only the Government would allow it on an equitable basis. I sincerely hope it does not take more displacements of America's skilled labor to convince the administration and Congress that the steel import problem is near the crisis stage with respect to domestic American production.

The article follows:

FREE TRADE? YES—BUT!

(By Stewart S. Cort, Chairman, Bethlehem Steel Corp.)

There are many "myths" about international trade.

One is that everyone else is playing the game under the same rules we are.

Another is that the benefits of more trade outweigh any possible dislocation of domestic industries—even basic ones like steel. No other nation looks on trade this way, and no other nation considers its steel industry expendable. We cannot afford to do so either.

There are no practical private responses to competition aided and abetted by other governments, especially when foreign labor costs are already much lower than ours.

Certainly the least we can ask is that, until such time as those governments can be persuaded to let their steel industries stand on their own feet, our industry be the recipient of something more than pious exhortations. In fact we need assurance that we will be allowed to participate in the growth in demand for steel in the United States.

By the same token, foreign producers should also be allowed to share in that growth—but not at a rate in excess of the growth in domestic consumption. Since the beginning of 1969, steel producers in the European Community and in Japan have limited their total steel exports to the United States under arrangements they adopted at the urging of our government. These arrangements expire at the end of this year and we believe they should be extended for another two years, with some improvements.

The present setup provides that their exports can increase by 5 per cent a year—about *double* the normal growth of steel demand in this country. This provision is very damaging and must be remedied.

Although we believe it had been understood that the European and Japanese producers would maintain existing patterns of distribution among product categories and geographical markets, they have not done so.

Imports of higher-value products, particularly of the very high value stainless and alloy steels, have risen rapidly, and the proportion of imports into West Coast markets has increased substantially. These practices have hurt some American producers badly, and new arrangements should rectify the situation.

Finally, the existing arrangements do not apply to certain countries which export significant amounts of steel to the United States. Some of these countries have increased their exports considerably during the past two years, notably in stainless and alloy may be persuaded to join in the arrangements for the future.

GUARDING A "GOOD RIGHT ARM"

The measure of "protection" my industry needs and asks is trifling compared to that accorded our competitors by their governments.

It is of a type endorsed by two Administrations committed to liberal trade policies. One reason for this nonpartisan endorsement is that this method of dealing with a trade problem does not provide any basis for retaliation. It is done with the consent of those affected. And, in fact, the voluntary arrangements have *not* triggered retaliatory measures.

I think it true that this nation must be a leader, if not *the* leader, toward gradual but steady reciprocal dismantling of trade barriers. We should be magnanimous. But it does not follow that our magnanimity should feed the rapacity of less merciful competitors.

To turn the other cheek is admirable, but it is a suicidal gesture if the blow you are dealt is fatal.

What many Americans fail to comprehend is that the blow that threatens our nation's economy *could be*, if not fatal, at least disabling. Can we not agree that the steel industry is the good right arm of our industrialized economy? If we are not willing to agree that this is so we are unique among all the advanced nations of the world.

And if we are willing to agree that a "strong and viable" steel industry is essential to our economy, can we accept the proposition that its strength and vitality ultimately depend on the level of steel imports reaching our shores? This is no myth. It is a fact.

In support of this assertion, look at just a few enlightening statistics. Steel imports rose from about one million tons (1.5 per cent of domestic consumption) in 1957 to a high of nearly 18 million tons (about 17 per cent of consumption) in 1968.

More significantly, those imports had maximum impact in certain vulnerable areas such as the West and Southwest, where they took over 25 per cent of the total market and as much as 90 per cent of the market for some steel products. Obviously, this situation spelled chaos for U.S. producers, especially for those serving the markets under heaviest attack.

Furthermore, during the term of the voluntary arrangements, foreign makers have concentrated on higher-priced grades. For example, they captured about 68 per cent of the stainless wire rod market and 53 per cent of the stainless wire market.

Considering that the steel industry as a whole registered profits on sales in 1970 averaging only 2.7 per cent, it should be obvious that the inroads of imports are taking a fearful toll.

It should be equally obvious that, in the absence of renewed voluntary arrangements or some other form of import restrictions, imports will continue their climb. And finally, it should be obvious that the American steel industry cannot attain and maintain good health if something in the range of 20 per cent of the total domestic market is captured by imports—and especially if the major impact of those imports is directed at the higher-priced, higher-profit-margin products.

THE CRUCIAL BATTLE

It is true that the steel industry, like most industries, faces many problems. Still, the make-or-break problem is steel imports. Unless we lick that one, all our other battles are being fought in vain.

Now, let us consider how relentless dictates of academic free trade theory would work when applied to our steel industry.

We can start by accepting certain realities. Reality Number One is that steel products can be made in several foreign countries on a basis that permits them to be sold in the United States in a range of $20 to $45 per ton under domestic prices.

Unquestionably, those competitors have "comparative advantage." Under free trade theory, then, steel is one of those "lines of production in which the United States cannot compete internationally," and, according to the theory, "we must avoid building protective fences around these weak industries."

In other words, free trade theory considers steel to be a "weak" industry, and therefore expendable. I do not agree that our steel industry is really all that "weak," and I most assuredly do not agree that it should be deemed "expendable," but let us continue to explore the avenue down which free trade theory takes us.

What would be the effects on steel consumers and on our nation's overall economy if our domestic steel industry were to wither as offshore suppliers took over a major portion of the market?

Question One: What would happen to steel prices once foreign suppliers control the market?

Would they exercise restraint? All evidence available to us indicates that ruthless price gouging would be the order of the day.

Every time that domestic steel prices have risen so as to reflect higher costs, have not the prices of imported steels followed without any cost justification whatsoever? And have we not time and again seen the prices of steel imports rise *above* domestic prices during periods of tight supply in our markets?

Question Two: What assurances would American steel users have of a continuing source of supply in the event of an international crisis?

Within my own lifetime there have been periods when we could not realistically look to any of the major producers in other countries as a reliable source of steel products.

Simliarly, one can imagine countries withholding steel so as to enforce high prices here. This possibility is hardly farfetched, considering the recent tactics of the oil exporting nations of the Middle East.

Even a more innocent development, such as a sudden upsurge in home markets, could impel foreign producers to significantly reduce their steel exports to the U.S. Indeed, this is precisely what happened only a year ago in Western Europe.

Question Three: What about national defense?

How could we gird ourselves to meet a threat to our security without a reliable supply of steel? Are there sufficient ploughshares and pruning hooks available for reconversion into the weapons of defense?

I think not. Granted, military needs have normally represented only a small fraction of total domestic production, but they are nevertheless vital. These needs embrace highly specialized grades and types which are the products of continuing intensive—and expensive research. This cannot, however, be supported solely by production for military purposes. A much broader base is necessary.

And what a Looking Glass world this is, when a steel executive is reduced to arguing that a viable steel industry is essential to the security of his country!

So much for our nation's need for a healthy steel industry, even without considering domestic employment, purchases, the colossal investment in the steel industry, or the industry's contribution to meeting the tax burdens of our complex society.

LOSING AN EDGE IN STEEL

Let us consider now how this great industry got into its present fix.

There are those who agree with an unidentified government official who recently explained the plight of the steel industry to a wire service reporter. "The American steel industry," he said, "has let its equipment become obsolete."

That accusation is, to put it bluntly, false. Through the decade of the 1960s, our steel industry's capital expenditures totaled $16.3 billion, largely for modernization rather than net expansion. If the industry has indeed "let its equipment become obsolete," it has not been because of parsimony.

But I would be the last to argue that we have not lost much of the comparative advantage we once enjoyed. What are some of the reasons?

First, the steel industries of major foreign competitors such as Japan and West Germany has been built largely from the ground up since World War II.

In fact, the expansion of the Japanese industry has been so rapid that half its present facilities are not more than five years old. Obviously, those industries are more modern, on the average, than ours. Nevertheless, steel output per man hour is still higher in this country than in any other, although the margin is not nearly as great as it was and our edge is steadily diminishing.

Second, today's steelmaking technology is world-wide.

American equipment and expertise were primarily responsible for the phoenix-like rise of foreign steel mills from the ashes of war. In fact, it was American tax dollars, in large measure, that paid the bills for the initial revival. And today, even though we readily admit that foreign competitors deserve a great deal of credit for their own innovations, they continue to draw on the technology of our country to improve their steel industries.

For example, we have led the way in iron ore and coal processing and in high-speed rolling mill technology. Industries in other countries have consistently borrowed from us in these fields. In fact, many of the most modern installations of American-designed production facilities are located abroad.

This brings me to my third explanation for our loss of advantage. Only after you realize that steelmaking technology is completely international can you comprehend the simple reality that the availability of funds plus the willingness to spend them is all it takes to have a thoroughly modern and efficient steel industry.

No steel company and no steel industry in any nation possesses magic formulae or arcane "secrets" that can give it any substantial and lasting edge as a steel producer. A commitment of resources is all that is required. And in this regard, our most worrisome competitor is twice blessed.

CAPITAL AND LABOR COSTS

In Japan, virtually unlimited capital is made available (however indirectly) by the government, and the installed cost of integrated steel plants is about one third that in the United States. This great additional comparative advantage in capital costs results from low hourly employment costs in construction.

Labor is a major factor in the installed cost of steel plants. In other words, the much lower hourly employment costs of foreign producers give them a double advantage—both in capital costs and in operating costs.

Lower capital costs mean less invested capital per ton of steel products shipped. And this, in turn, translates into a higher rate of return on investment for offshore producers despite a lower profit per ton.

To give you a better idea of what we are up against when we gaze westward across the Pacific, it would be well to take a look at Japan's national goals in steel. Japan wants an output matching that of the United States (and *doubling* our per capita production) by 1975! Further, this expansion contemplates doubling steel mill exports every four years. Clearly, the Japanese nation recognizes the desirability of a strong and growing steel industry.

My fourth and final point relating to our reduced competitive edge in comparison with foreign producers lies in the decisive matter of unit costs.

It is not wage levels *per se* that determine competitiveness, but unit costs. High wages can be, and often are, offset by greater productivity. In fact, that is why American wages rose so far above those in other countries in years gone by without affecting our competitive position.

Unfortunately, our competitors now boast both wage scales far lower than ours *and* productivity approaching our level. Thus Japanese steel wage costs (which vary between one fourth and one third of ours), coupled with relatively high productivity, yield unit labor costs $40 to $45 per ton under ours, according to the U.S. Bureau of Labor Statistics. Similarly, European steel producers are favored by unit labor costs typically $20 to $25 per ton under ours.

Putting it another way, we would have to reduce our labor input (man hours per ton shipped) by 70 *per cent* in order to nullify the Japanese advantage in unit labor costs, assuming no change in current hourly employment costs.

The significance of the competitive cost advantages can be better appreciated when one realizes that the average U.S. price for a ton of steel is on the order of $175. It does not require much knowledge of cost accounting to see that a cost advantage of $20 to $25, much less one of $40 to $45, is decisive when the product sells for about $175.

There is no technology by which we can overcome the cost advantage enjoyed by offshore competitors. Nor can we offset it by cutting prices, considering that our net income *before* taxes averages less than $10 per ton.

At least one third of world steelmaking capacity outside the U.S. not only is favored by "government supports," but is government-owned, wholly or in major part. And, might I add, nationalization represents the ultimate in subsidization of an industry. If free trade theorists object so strongly to the mild "protection" we ask, would they prefer the vastly more comprehensive protection that a nationalized industry requires? I think not.

Most of the remainder of steelmaking capacity in other countries is government-supported and nourished to a degree unheard of in the United States. Mergers and cartels are condoned if not actually encouraged. Steelmakers are insulated from some or all of the rigors of domestic free capital markets. Tax policies are designed to assist growth and to enhance export of steel.

THEIR BARRIERS ARE HIGH

And virtually all of these countries have erected nearly insuperable barriers to unwanted steel imports. To cite a typical example, the "cost of entry"—total of duties, taxes, etc.—to get $100 worth of U.S.-made carbon steel bars into France is over $33; but it's only $7 to bring $100 worth of French-made bars into the United States.

What is the answer? At this point I wish to reassure the advocates of free trade and all readers that I, too, prefer a solution that conforms as closely as is possible with the ultimate achievement of truly free—and fair—international trade. But what is the situation now?

Some say that "producers must learn to stand on their own feet without government supports."

I wholeheartedly agree.

But the principles that apply to our own steel industry must apply equally to all others as well, if we are to compete on a fair basis.

This is not the case today.

HEARINGS ON HOUSING AND URBAN DEVELOPMENT LEGISLATION

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BARRETT. Mr. Speaker, the Subcommittee on Housing of the House Banking and Currency Committee will begin hearings August 3 on all housing and urban development legislation.

There are three principal bills before the subcommittee:

First, the administration's proposal for special revenue sharing for urban community development (H.R. 8853);

Second, the administration's "Housing Consolidation and Simplification Act of 1971" (H.R. 9331); and

Third, the proposed "Housing and Urban Development Act of 1971," which contains the proposals of the three

Housing Subcommittee panels (H.R. 9688).

Taken as a whole, these bills will, I am certain, be the basis for the most far-reaching housing and urban development legislation since the landmark Housing Act of 1949.

At this time, I wish to announce the witnesses for our first week of hearings and also our general schedule after the August recess. On August 3 and 4, the subcommittee will receive testimony from Secretary of Housing and Urban Development George Romney. Mr. Romney will present the administration's case for special revenue sharing for urban development and for a consolidation and simplification of our Federal housing programs; provide us with the administration's views on the proposals of the Housing Subcommittee panels; and briefly review the current housing scene by summarizing the President's third annual housing goals report recently submitted to the Congress.

On August 5, a series of witnesses will present the general case for the proposals made by the Housing Subcommittee panels. These witnesses will be as follows:

First, Prof. George Sternlieb of Rutgers University on the need for preserving the existing housing stock and the subcommittee's proposal to stem the abandonment of housing units;

Second, former FHA Commissioner Philip Brownstein on the subcommittee's proposals for improved homeownership counseling and management of federally subsidized housing;

Third, Donald Kummerfeld, director of the Center for Political Research, on the subcommittee's proposal for housing block grants to State and metropolitan housing agencies;

Fourth, Prof. Morton Schussheim of the University of Pennsylvania on the subcommittee's proposal for community development block grants; and

Fifth, Prof. Warren Smith of the University of Michigan on the subcommittee's proposal for an Urban Development Bank (Urbank).

On that date, the subcommittee will also receive testimony from Mr. P. E. H. Brady, of Toronto, Canada, former chairman of the Province of Ontario Housing Corp. Mr. Brady will comment on the subcommittee's proposal for Federal aid to State and metropolitan development corporations.

The subcommittee will resume hearings after the summer recess on Wednesday, September 8, and conclude on Friday, September 17. During that period, the subcommittee will receive testimony from Governors, mayors, homebuilders, realtors, and other organizations affected by the proposals. In addition, one session of the hearings will be set aside for testimony on the implementation of title VII of the 1970 Housing Act, the Urban Growth and New Community Development Act of 1970. We will also set aside one afternoon for testimony from Members of the House who have expressed a desire to testify on bills they have introduced.

For the benefit of House Members and the general public, I will provide the House with a definite schedule of witnesses for the September 8–17 portion of our hearings as soon as possible.

ALCO STANDARD CORP. SUCCESS STORY

(Mr. MINSHALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, it is inspiring and encouraging to know that even in today's market the old-fashioned success story still is being enacted. It took the imagination, initiative, and genius of Tinkham Veale and Myron Gelbach to create Alco Standard, a unique company dedicated to preservation of independent entrepreneurs, backbone of our free enterprise system.

From a modest beginning just a few years ago, Alco Standard has burgeoned into a half-billion-dollar enterprise. It is a tribute to the ingenuity of Tink Veale and Mike Gelbach that, in the words of the Wall Street Journal, small businessmen who have joined Alco Standard have found "profits and happiness." Alco's member companies, operating autonomously under their former owner-managers, appear to have no way to go but up the ladder of success.

The Wall Street Journal last Monday, July 19, presented a graphic picture of the growth and operations of Alco's remarkable record. The article follows:

ALCO STANDARD KEEPS GROWING AND PROFITING, DEFYING THE FATE OF OTHER "MULTI-COMPANIES"

(By James MacGregor)

GATES MILLS, OHIO.—Can a small businessman find profits and happiness in a conglomerate that has 200 partners, 80 presidents, nine annual reports and a chairman who works in a stable?

John Kaiser did. He sold his growing little Tempo Products Co. to Alco Standard Corp., three years ago. Since then, sales have risen 65%, profits have doubled and Mr. Kaiser, who is still running his company is delighted. "I always had some reason why I couldn't add to the plant or build up inventory," he says. "Alco took away my excuses. I've never had more fun than I'm having now."

Although conglomerate stocks are enjoying a modest comeback these days, many of them fell on hard times in the past two years. The acquisitions they tried to turn around didn't turn. Antitrust regulators surged to the attack. A recession arrived. Earnings, already diluted, evaporated. James Ling lost a job.

Meanwhile, almost unnoticed, Alco Standard racked up a remarkable record. Forbes Magazine's 1971 report on American industry places Alco first of the 43 "multicompanies" in return on the total capital and gain in stock price, second in per-share earnings growth, and third in sales growth and return on equity over the past five years. Alco is still gobbling up companies while other conglomerates are spinning them off. George Morris, a securities analyst at Cleveland-based Prescott, Merill Turben & Co., says he expects Alco's sales and earnings to grow at least 15% a year for the next five years.

NO TURNAROUND CANDIDATES

As Alco people tell it, the reason is a concept called the "corporate partnership," which really includes all those partners and presidents. Alco acquires only small, profitable, privately held companies that are still owned and managed by the entrepeneurs who built them. Publicly owned concerns are taboo. Turnaround candidates are verboten.

The owner gets Alco stock (never cash) for his company, thus becoming a "partner." He must keep managing his company, too. That's where the 80 presidents come from. From then on, Alco leaves him alone. He leans on the 30-man corporate staff for financing and staff work (computers, insurance, accounting) and does everything else just as he did before. About the only thing that changes is that "partners" supply certain operating figures to the parent company. "I've been in Alco two years now," one partner-president says, "and I'm the only Alco person who's ever set foot inside the door of my plant."

Many conglomerates promise the same thing, but it doesn't usually happen, says William E. Cox, chairman of the marketing department at Case Western Reserve University's school of management. "If you go into the typical conglomerate, the first thing they do is overhaul your financial system. It's not very long before their systems replace yours. Many of these businessmen look on their companies like children, and they can't take the new systems. So they walk away. When the top guy leaves, the business always suffers, no matter how strong its patents and market positions are."

Adds George Greene, an analyst at Philadelphia-based Janney Montgomery Scott Inc., "I know of no other company that carries the idea of autonomy as far as Alco Standard does."

THE CHAIRMAN AND HIS STABLE

Understanding how the "corporate partnership'" works begins with Tinkham Veale II. He's the chairman who works in a stable, which is on a well-manicured 200-acre estate here in Gates Mills. He works in his stable because with sales last year of $456 million and earnings of $12.8 million, or $1.53 a share, Alco is getting too large to run from his den. That's what he used to do five years ago when sales were only $35 million and profits $749,000, or 37 cents a share.

How do Alco and its partners get together? In many ways, Mr. Kaiser and Tempo are typical. Tempo was having its problems when Mr. Kaiser bumped into Tink Veale at a college reunion four years ago. Mr. Kaiser had built Tempo, a distributor of sprays and marine products, from scratch, and he saw growth opportunities ahead. But Tempo needed funds to expand, and Mr. Kaiser didn't cotton to the notion of "having to put up all my personal assets as pledges" for loans, especially since, at 55, he wanted "some liquidity for estate purposes."

Mr. Veale had heard that line before. After a varied and successful business and investment career, he retired in 1951 to raise racehorses. "But each year it was less fun," he says. "I needed more to do." After hearing his businessmen friends bemoaning their estate worries, undercapitalization and distractions from their sales or manufacturing fortes, he decided to pattern a company after a large law or accounting firm (his father-in-law, A. C. Ernst, founded the Ernst — Ernst accounting firm). Each partner would draw on central funds and staff services while "doing his own thing."

Mr. Veale—and some analysis of the stock—believe that brings into Alco some companies that other conglomerates can't acquire because their owner-managers want to keep running their own show. Other companies made overtures to prosperous Kilroy Structural Steel Co. of Cleveland. But says its president, Edward A. Kilroy, Jr., whose company now is in the Alco fold: "I've made some money. I don't have to work for anybody. The best thing about Tink Veale is that he does not tamper with good people. He gives them their head."

Alco Standard actually began in 1965, when Mr. Veale merged Alco Chemical Co., of Philadelphia with a half-dozen small companies controlled by himself; a younger brother, George Veale IV; and a college classmate, John Vaughan. Alco's Frank Andruss and Messrs. Vaughan and Veale IV kept running the companies, Myron Gelbach (now president) took over the administration, and Tink Veale went out to spread the gospel to other little companies: four in 1966, five in 1967, 13 in 1968, 23 in 1969 and 27 last year.

WORKING WITH MISSIONARY VEALE

Acquisition, Alco-style, is a missionary process. Mr. Veale does most of the work himself, winnowing 20 or more prime prospects a year from 400 possibilities, "about 90% of them brought to us by friends of friends." If the prospect's financial statements pass muster (steady sales and profit growth, plus stronger patents, processes or market position), he goes to work on the owner, selling his slogan, "It's better to have part of a gusher than all of a trickle."

No matter how good a prospect looks, the man in charge has to pass the personality test—energetic and aggressive, to be sure, but also eager to join Alco and socially compatible as well. Mr. Gelbach says at least one acquisition died when Mr. Veale, assessing the company's president, decided, "we would not be proud to have him at the Pop Club." The Pop (or "Partners-of-Profit") Club is a part-business, part-social group of the top one or two men at each company, plus top staff officials.

Alco won't outbid another suitor for a desirable company. Acquisitions are strictly for stock because Mr. Veale believes an executive doesn't work his best unless he has a stake in the company's ownership (his opinion of "hired managers" isn't printable). He also wants new companies to pay an "initiation fee" by contributing at least 50% more to per-share earnings than the company as a whole in the year of acquisition. Thus, if Alco earned $1 a share, the acquired company in its first year would have to earn $1.50 a share on the Alco shares it receives.

That policy averts two common conglomerate problems, analysts say. With no cash purchases, Alco avoids the liquidity crises that have forced companies like Ling-Temco-Vought and KDI Industries to sell units to raise cash as business slumped. The "initiation-fee" idea avoids excessive earnings dilution. Mr. Kilroy says, "If someone offers me four times what my company is worth and he offers me stock, I have to wonder what's he's giving everyone else. If he's doing the same thing with them, why his company is going to explode one of these days and my stock is going to be worthless."

GETTING A PIECE OF THE ACTION

Alco partners and employes now own close to 50% of the company's seven million shares (Mr. Veale owns 592,000). Mr. Veale believes so strongly that "anyone whose decisions affect profits should have a piece of the action" that about 1,000 of Alco's 12,000 employes have stock options. Some partner-presidents have given options to production-line foremen. Executive salaries are considered a bit on the low side, but partners also get yearly bonuses, based partly on Alco's profits and partly on the earnings growth of the partner's company over previous years (if he only matches the past few years, he gets nothing).

For Tempo Products, little has changed since it joined Alco except for the monthly reports Tempo sends to Alco headquarters. Still, Mr. Kaiser concedes that he was wary about the first capital budget he submitted. "I had it loaded," he says, "because I knew the old rule that you only get half what you ask for." The ensuing conversation, he claims, went like this:

Mr. Veale: "That's fine. You can have it all."

Mr. Kaiser: "Aren't you going to cut anything?"

Mr. Veale: "Nope. We only bet winners."

Not all Alco companies are winners, of course. One was sold not long ago when its president decided he would be better off in a different company. Another venture was quietly folded. Others get special attention from Alco's eight "managing partners," who are part consultant and part group vice president, watching over six to 10 other companies as well as their own. One managing partner says there is a big difference between his actions and those of other large corporations: "we'll never reorganize or consolidate a problem company out of existence. All we want to do is set up a guy there who can do the same job the other partners are doing."

WHEN THE SUPERIOR BECOMES INFERIOR

Indeed, when a partner-president disagrees with his superiors, his superiors often lose, because, Mr. Gelbach says, "the partner is the guy who's committed his money to his company." Not long ago Mr. Kaiser told George Veale, his managing partner, that he planned to stake an inventor to funds to develop a product. Mr. Veale thought it a waste of money. "I won," Mr. Kaiser says. "The inventor got his cash. But George won, too, because the invention was worthless."

Not many companies could operate with that sort of decision making. But tolerance for occasional mistakes seems to be part of the college-fraternity feeling that Mr. Veale fosters within his company. "Those guys have all made their million," one analyst comments. "What Tink has done is to get them all competing against each other to see who can make the most money."

Despite Alco's considerable success in recent years, some analysts maintain reservations about the company's future. They worry about Alco's refusal to consolidate smaller operations into large units to obtain the benefits of cooperative effort and economies of scale. More important, they ask what will happen as the handpicked crew of entrepreneurs Mr. Veale has gathered begins to retire.

Mr. Veale has an answer to that one: nepotism. "Exceptional people tend to have exceptional children," he says, pointing to two dozen Alco sons, sons-in-law and nephews currently functioning in staff posts or as No. 2 men to their parents or, in some cases, running the companies their fathers brought into Alco.

WOMEN'S EQUALITY DAY

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, women's struggle for equality is now almost 140 years old. More than three quarters of a century passed before the Women's Rights Movement succeeded in attaining the right of women to vote. By August 26, 1920, the necessary number of States had ratified the 19th amendment to enshrine that amendment in our Constitution. Many men hoped that by giving women the vote, the raucous and unfeminine suffragettes would be quelled.

Women have not been deflected, however, from their goal of full equality—equality not only at the polls, but also in the political parties, in public power, in employment, in management, in education, in the home, and in all spheres of public and private life. President Nixon indicated last week the amusement with which he contemplated women's organization for political strength. This is an indication of why suffrage cannot be correlated with equality, more than 50 years after the institution of the 19th amendment.

Congress and the President must join in supporting the Women's Movement for full equality and responsibility. Such support is dictated as an affirmation of the democratic principles upon which our country stands.

Last year, women chose August 26, the day of the effectuation of the 19th amendment, to demonstrate their continuing struggle for equality. In commemoration of the 19th amendment, and of the women's strike in 1970, I will shortly offer a joint resolution to direct the President to designate August 26 of every year as "Women's Equality Day." After a century and a half of struggle, women are entitled at least to this small token of respect.

Mr. Speaker, I include the text of my resolution in the Record at this point:

Joint resolution designating August 26th of each year as "Women's Equality Day"

Whereas, the women of the United States have been treated as second-class citizens, and have not been entitled to the full rights and privileges, public or private, legal or institutional, which are available to male citizens of the United States; and

Whereas, the women of the United States have united to assure that these rights and privileges are available to all citizens equally, regardless of sex; and

Whereas, the women of the United States have designated August 26, the anniversary of the date of the passage of the Nineteenth Amendment, as a symbol of the continued fight for equal rights; and

Whereas, the women of the United States are to be commended and supported in their organization and activities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 26th of each year is designated as "Women's Equality Day", and the President is authorized and requested to issue a proclamation annually in commemoration of that day in 1920, on which the women of America were first given the right to vote, and that day in 1970, on which a nationwide demonstration for women's rights took place.

WOMEN ARE HARASSED DAILY FOR TITLE DESIGNATION

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, while Congress debates the equal rights amendment, the "Women's Equality Act," and other measures designed to give women full equality in all phases of public and private life, women are harassed daily by Government interrogations as to their marital status. Thus, the thousands of Government forms which make up redtape require women to designate "Miss" or "Mrs.," while men, apparently, are sufficiently described by the term "Mr."

Each time a women is required to designate Miss or Mrs., she is reminded that her identity is perceived not only by her sex, but also by her marital status; that is, without knowing whether or not a woman is married, her identification is not complete. This inquiry is only one of the thousands of reminders that the Government perceives a woman's primary role as a wife and, one may assume, as a mother. Governmental curiosity about marital status does not, apparently, extend to the private lives of men. Mr. Speaker, there is absolutely no justification for such idle curiosity about women; and in view of the vast number of forms which must be completed by anyone associated with the United States, its elimination will do much to enhance the personal respect for the individual, and serve as an indication of the Federal Government's commitment to principles of equality.

There is, however, a more destructive consequence of the Government's designation of marital status. I speak of the subjection of women to double discrimination; that is, discrimination because they are women, and discrimination because they are, or are not married. Black women, of course, incur an additional level of discrimination. Employment, for instance, is one field in which discrimination against women is notorious, and despite Federal legislation, the existence and extent of such discrimination is still well-entrenched. Men who work for or with the Government and who are inclined to prefer men for nonclerical employment—and I regret to say, Mr. Speaker, that such preference is still the rule in all of the Federal agencies—are additionally disposed to discriminate according to marital status. Thus, after clearing the initial hurdle of sex discrimination, a woman will often be denied employment—or promotion, or responsibility, or some other benefit—because she is married. Supervisors rationalize extensively about this discrimination, usually on the basis that a married woman is apt to get pregnant, or she is a "second breadwinner," or some other unsubstantiated myth.

Likewise, a married woman may be denied credit on the basis that she has a husband which may be available to a single woman despite her sex. Health insurance, life insurance, social security, maternity benefits, and other benefits are available to different degrees depending upon marital status.

Mr. Speaker, it is not too much to ask that women be treated and considered as individuals and not as wives of individuals. To avoid any temptation on the part of the Federal Government to be a party to any such discrimination, I will shortly offer this bill to eliminate designation by marital status by means of a title or prefix, in any instrumentality of the United States.

Mr. Speaker, I insert the text of my bill in the Record, at this point:

H.R. ——

A bill to prohibit any instrumentality of the United States from using as a prefix to the name of any person any title which indicates marital status, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) no instrumentality of the United States shall use in connection with—

(1) the carrying on of any correspondence,

(2) the keeping of any record, or

(3) the issuance of any certificate, document, or other written instrument,

any title as a prefix to the name of any person which has the effect of indicating the marital status of such person.

(2) For the purposes of this subsection, the term "instrumentality of the United States" means—

(A) the Congress of the United States,

(B) any court of the United States established by Congress in accordance with article III, section 1 of the Constitution, and

(C) any agency, department, corporation, independent establishment, or other instrumentality of the United States, the District of Columbia, or any government of any territory or possession of the United States.

(b) This Act shall take effect with respect to all—

(1) correspondence which is carried on,

(2) records which are kept, and

(3) certificates, documents, and other written instruments which are issued after the date of the enactment of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Link from 3:30 p.m., July 22 through July 27, on account of House Agriculture Committee field trip.

Mr. Mathias of California (at the request of Mr. Gerald R. Ford) from July 22 through July 26, on account of official business as member of House Committee on Agriculture.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman for 15 minutes today and to include extraneous matter.

(The following Members (at the request of Mr. Coughlin) to revise and extend their remarks and include extraneous material:)

Mr. Kemp, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Morse, for 60 minutes, today.

(The following Members (at the request of Mr. Runnels) to revise and extend their remarks and include extraneous material:)

Mr. Flood, for 10 minutes, today.

Mr. Aspin, for 10 minutes, today.

Mr. Foley, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Rooney of Pennsylvania for 10 minutes, today.

Mr. Biaggi, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the Record, or to revise and extend remarks was granted to:

Mr. Howard during consideration of the military construction bill today and to include extraneous matter.

Mr. Bell (at the request of Mr. Gubser), to insert his remarks immediately after those of Mr. Holifield regarding Camp Pendleton.

Mr. Leggett, to include tables and extraneous material in his statement earlier today.

Mr. Gross to insert his remarks during debate on House Resolution 533.

All Members (at the request of Mr. Coughlin) for 5 legislative days on the subject of Mr. Morse's special order today.

(The following Members (at the request of Mr. Coughlin) and to include extraneous matter:)

Mr. Hastings.

Mr. Shriver.

Mr. Miller of Ohio.

Mr. Harsha.

Mr. Reid of New York.

Mr. Fish.

Mr. Price of Texas.

Mr. Duncan in two instances.

Mr. Collins of Texas in two instances.

Mr. Robison of New York.

Mr. Goldwater in two instances.

Mr. Grover.

Mr. Johnson of Pennsylvania.

Mr. Schmitz.

Mr. Derwinski in two instances.

Mr. Hunt.

Mr. Whalen.

Mr. Arends.

Mr. Riegle.

Mr. Findley.

Mr. Gubser in two instances.

Mr. Minshall in two instances.

Mr. Anderson of Illinois in two instances.

Mr. Latta.

Mr. Spence.

Mr. Talcott in two instances.

Mr. Thompson of Georgia.

Mr. Archer.

Mr. Ruppe.

Mr. Cleveland.

(The following Members (at the request of Mr. Runnels) and to include extraneous matter:)

Mr. Yatron in two instances.

Mr. Van Deerlin.

Mr. Brasco.

Mr. Waldie in three instances.

Mr. Daniel of Virginia in two instances.

Mr. Rooney of New York in two instances.

Mr. Carney.

Mr. Roush in two instances.

Mr. Hanley.

Mr. Dorn.

Mr. Mazzoli in four instances.

Mr. Annunzio.

Mr. Jones of Tennessee in two instances.

Mr. Dingell in three instances.

Mr. Monagan in two instances.

Mr. Gonzalez in two instances.

Mr. Eilberg in two instances.

Mr. Ryan in three instances.

Mr. Hagan in three instances.

Mr. Rarick in three instances.

Mr. Fascell in two instances.

Mr. Begich.

Mr. Patten in two instances.

Mr. Ichord in four instances.

Mr. Bingham.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to enrolled bill of the Senate of the following title:

S. 699. An act to require a radiotelephone on certain vessels while navigating upon specified waters of the United States.

ADJOURNMENT

Mr. RUNNELS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until Monday, July 26, 1971, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Resolution 533. Resolution to provide for additional compensation for the officers and employees of the Office of the Speaker of the House of Representatives (Rept. No. 92-373). Referred to the House Calendar.

Mr. FLOOD: Committee on Appropriations. H.R. 10061. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-374). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 538. Resolution to authorize the Committee on Veterans' Affairs to conduct an investigation and study with respect to certain matters within its jurisdiction; with an amendment (Rept. No. 92-375). Referred to the House Calendar.

Mr. WHITTEN: Committee of conference. Conference report on H.R. 9270. (Rept. No. 92-376). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Baring, Mr. Begich, Mr. Bingham, Mr. Brooks, Mrs. Chisholm, Mr. Dellums, Mr. Donohue, Mr. Eilberg, Mr. Fulton of Tennessee, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Hogan, Mr. Hungate, Mr. McCormack, Mr. Mitchell, Mr. Moss, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, and Mr. Riegle):

H.R. 10013. A bill to amend the Internal Revenue Code of 1954 to increase personal exemptions after 1973 by an amount based on annual variations in the Consumer Price Index; to the Committee on Ways and Means.

By Mr. ASPIN (for himself, Mr. Rosenthal, Mr. Roybal, Mr. Runnels, Mr. Schwengel, Mr. Seiberling, and Mr. Stokes):

H.R. 10014. A bill to amend the Internal Revenue Code of 1954 to increase personal exemptions after 1973 by an amount based on annual variations in the Consumer Price Index; to the Committee on Ways and Means.

By Mr. BARING (for himself, Mr. Hogan, Mr. Anderson of Illinois, Mr. Aspin, Mr. Alexander, Mr. Bell, Mr. Biester, Mr. Blackburn, Mr. Brown of Michigan, Mr. Buchanan, Mr. Badillo, Mr. Boland, Mr. Biaggi, Mr. Broyhill of North Carolina, Mr. Broomfield, Mr. Collins of Texas, Mr. Conte, Mr. Coughlin, Mr. Caffery, Mr. Collier, Mr. Danielson, Mr. Dellums, Mr. Edwards of California, Mr. Esch, and Mr. Findley):

H.R. 10015. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. BARING (for himself, Mr. McKay, Mr. Mitchell, Mr. Morse, Mr. Moss, Mr. Moorhead, Mr. Michel, Mr. Nix, Mr. Obey, Mr. O'Konski, Mr. Pepper, Mr. Patman, Mr. Quie, Mr. Rees, Mr. Reid of New York, Mr. Riegle, Mr. Rodino, Mr. Roe, Mr. Seiberling, Mr. Steele, Mr. Symington, Mr. St Germain, Mr. Tiernan, Mr. Thomson of Wisconsin, and Mr. Vander Jagt):

H.R. 10016. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. BARING (for himself, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Frelinghuysen, Mr. William D. Ford, Mr. Fascell, Mrs. Grasso, Mr. Gibbons, Mr. Gubser, Mr. Gallagher, Mr. Griffin, Mr. Hansen of Idaho, Mr. Harrington, Mr. Howard, Mr. Horton, Mr. Hosmer, Mr. Johnson of Pennsylvania, Mr. Jacobs, Mr. Keith, Mr. Koch, Mr. Lent, Mr. McCloskey, Mr. McEwen, and Mr. McKinney):

H.R. 10017. A bill to require the protection, management, and control of wild free-roaming horses and burros on public land; to the Committee on Interior and Insular Affairs.

By Mr. BARING (for himself, Mr. Williams, Mr. Whalen, Mr. Whitehurst, Mr. Wiggins, Mr. Young of Florida, and Mr. Yatron):

H.R. 10018. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL of Virginia:

H.R. 10019. A bill to designate certain lands in the Shenandoah National Park, Va., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Florida:

H.R. 10020. A bill to prohibit the furnishing of mailing lists and other lists of names and addresses by Government agencies to the public; to the Committee on Government Operations.

H.R. 10021. A bill to assist in the effective and suitable disposal of passenger cars at the time of the discontinuance of their use on the highways by encouraging the disposal of such cars through persons licensed by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10022. A bill to amend section 245 of title 18, United States Code, to make it a crime to deny any person the benefits of any educational program or activity where such program or activity is receiving Federal financial assistance and to provide for injunctive relief; to the Committee on the Judiciary.

H.R. 10023. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

H.R. 10024. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

H.R. 10025. A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 10026. A bill to permit the release of certain veterans from liability to the United States arising out of loans made, guaranteed, or insured under chapter 37 of title 38, United States Code; to the Committee on Veterans' Affairs.

H.R. 10027. A bill to provide for the establishment of a national cemetery in Florida; to the Committee on Veterans' Affairs.

H.R. 10028. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

H.R. 10029. A bill to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 10030. A bill to amend section 207(c) of the Flood Control Act of 1960; to the Committee on Public Works.

By Mr. DICKINSON:

H.R. 10031. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. DOW (for himself, Mrs. Abzug, Mr. Anderson of Illinois, Mr. Anderson of Tennessee, Mr. Archer, Mr. Ashley, Mr. Aspin, Mr. Badillo, Mr. Blackburn, Mr. Brinkley, Mr. Burton, Mrs. Chisholm, Mr. Cleveland, Mr. Cotter, Mr. Coughlin, Mr. Dellums, Mr. Dent, Mr. Diggs, Mr. Dingell, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Esch, Mr. Forsythe, and Mr. Frenzel):

H.R. 10032. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record; to the Committee on House Administration.

By Mr. DOW (for himself, Mr. Gallagher, Mr. Gaydos, Mrs. Grasso, Mr. Gude, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Horton, Mr. Hungate, Mr. Keating, Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. Long of Maryland, Mr. Mazzoli, Mr. Mikva, Mrs. Mink, Mr. Moorhead, Mr. Morse, Mr. Moss, Mr. O'Konski, Mr. Pepper, and Mr. Pickle):

H.R. 10033. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record; to the Committee on House Administration.

By Mr. DOW (for himself, Mr. Hawkins, Mr. Rangel, Mr. Robison of New York, Mr. Rodino, Mr. Rooney of Pennsylvania, Mr. Roush, Mr. Ryan, Mr. Sarbanes, Mr. Saylor, Mr. Seiberling, Mr. Steele, Mr. Tiernan, Mr. Waldie, Mr. Whitehurst, Mr. Winn, and Mr. Wright):

H.R. 10034. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record; to the Committee on House Administration.

By Mr. DRINAN:

H.R. 10035. A bill to establish an independent agency to be known as the U.S. Office of Utility Consumers' Counsel to represent the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain electric, gas, telephone, and telegraph utilities; to provide grants and other Federal assistance to State and local governments for the establishment and operation of utility consumers' counsels; to improve methods for obtaining and disseminating information with respect to the operations of utility companies of interest to the Federal Government and other consumers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FAUNTROY:

H.R. 10036. A bill to authorize the government of the District of Columbia to engage in certain activities designed to effect community development; to the Committee on the District of Columbia.

By Mr. HAMILTON:

H.R. 10037. A bill to amend the Agricultural Adjustment Act of 1938 to authorize the lease or sale of tobacco allotments within a State under certain conditions, and for other purposes; to the Committee on Agriculture.

By Mr. HARSHA:

H.R. 10038. A bill to amend the Communications Act to establish conditions upon which competing applications may be considered for authorizations specified in pending renewal applications; to the Committee on Interstate and Foreign Commerce.

By Mr. McKINNEY:

H.R. 10039. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 10040. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 10041. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas, and for other purposes; to the Committee on Public Works.

By Mr. CAREY of New York (for himself and Mr. Fraser):

H.R. 10042. A bill to permit greater involvement of American medical organizations and personnel in the furnishing of health services and assistance to the developing nations of the world, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ESCH (for himself, Mr. Aspin, Mr. Anderson of Illinois, Mr. Harrington, Mr. Fish, Mr. Schwengel, Mrs. Chisholm, Mr. Halpern, Mr. Mitchell, Mr. Johnson of Pennsylvania, Mr. Rees, Mr. Pelly, Mr. Roe, Mr. Eilberg, Mr. Miller of Ohio, Mr. Begich, and Mr. Córdova):

H.R. 10043. A bill: Vietnam Veterans Act of 1971; to the Committee on Veterans' Affairs.

By Mr. ESCH (for himself, Mr. William D. Ford, Mr. Edwards of California, Mr. Nichols, Mr. Hillis, Mr. Fauntroy, Mr. Cederberg, Mr. Rosenthal, Mr. Blackburn, Mr. Moss, Mr. Grover, Mr. Donohue, Mr. Sarbanes, Mr. St Germain, Mr. Dellums, and Mr. Roe):

H.R. 10044. A bill: Vietnam Veterans Act of 1971; to the Committee on Veterans' Affairs.

By Mr. FISH:

H.R. 10045. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON (for himself, Mr. Dellenback, and Mr. Hechler of West Virginia):

H.R. 10046. A bill to amend section 16 of the act of March 3, 1899 (30 Stat. 1121, 1153, ch. 425; 33 U.S.C. 411 and 412); to the Committee on Public Works.

By Mr. HARRINGTON (for himself, Mr. Koch, Mr. Dellenback, Mr. Hechler of West Virginia, and Mr. Mazzoli):

H.R. 10047. A bill to amend the act of March 3, 1899, commonly referred to as the Refuse Act, relating to the issuance of certain permits; to the Committee on Public Works.

By Mr. HARRINGTON (for himself and Mr. Roe):

H.R. 10048. A bill to amend section 8 of the Federal Water Pollution Control Act, relating to grants for the construction of treatment works, in order to increase the Federal share of construction costs and to authorize the obligation of certain amounts for such grants, and to amend section 10 of the act relating to water quality standards, and for other purposes; to the Committee on Public Works.

By Mr. KYL (for himself, Mr. Hosmer, Mr. Steiger of Arizona, Mr. Don H. H. Clausen, Mr. Lloyd, Mr. Dellenback, Mr. Camp, Mr. Sebelius, and Mr. Skubitz):

H.R. 10049. A bill to provide for the management, protection and development of the national resource lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LONG of Maryland:

H.R. 10050. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, and for other purposes; to the Committee on Education and Labor.

By Mr. REID of New York:

H.R. 10051. A bill to amend the Federal Water Pollution Control Act to increase the penalty for pollution of the water by oil; to the Committee on Public Works.

By Mr. RODINO:

H.R. 10052. A bill to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SAYLOR (for himself, Mr. Kyl, Mr. Don. H. Clausen, Mr. Camp, and Mr. Dellenback):

H.R. 10053. A bill to amend the act of March 3, 1909, as amended; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Kyl, Mr. Steiger of Arizona, Mr. Don H. Clausen, Mr. Camp, and Mr. Dellenback):

H.R. 10054. A bill to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of Georgia:

H.R. 10055. A bill to amend the Internal Revenue Code of 1954 to permit barbers who work for a percentage of the charges made for their services to establish qualified pension plans for themselves in the same manner as if they were self-employed; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 10056. A bill authorizing the Secretary of the Army to establish a national cemetery at Camp Parks, or Port Chicago, Calif., for northern California; to the Committee on Veterans' Affairs.

By Mr. FLOOD:

H.R. 10061. A bill making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. BURKE of Florida:

H.J. Res. 799. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BURTON:

H.J. Res. 800. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. DEVINE (for himself, Mr. King, Mr. Clancy, Mr. Dickinson, Mr. Ware, Mr. Hall, Mr. Brown of Ohio, Mr. Collins of Texas, Mr. Wylie, Mr. Goodling, Mr. Hunt, Mr. McClure, Mr. Scherle, Mr. Young of Florida, Mr. Burke of Florida, and Mr. Miller of Ohio):

H.J. Res. 801. Joint resolution proposing an amendment to the Constitution of the United States with respect to the place where citizens are to vote in any election; to the Committee on the Judiciary.

By Mr. HALPERN:

H.J. Res. 802. Joint resolution to provide for the designation of the calendar week beginning on October 3, 1971, and ending on October 10, 1971, as "National Student Participation Week"; to the Committee on the Judiciary.

By Mr. BINGHAM:

H. Con. Res. 375. Concurrent resolution requesting the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales; to the Committee on Foreign Affairs.

By Mr. GUDE:

H. Con. Res. 376. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mr. SCOTT:

H. Con. Res. 377. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mrs. ABZUG (for herself, Mr. Badillo, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Diggs, Mr. Edwards of California, Mr. Halpern, Mr. Helstoski, Mr. Koch, Mr. Leggett, Mr. Mitchell, Mr. Rees, Mr. Riegle, Mr. Ryan, Mr. Scheuer, and Mr. Stokes):

H. Res. 559. Resolution expressing the sense of the House that administration pursual of current proposals at peace talks in Paris is a matter of utmost urgency; to the Committee on Foreign Affairs.

By Mr. BOLAND:

H. Res. 560. A resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Tennessee:

H.R. 10057. A bill to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors; to the Committee on Armed Services.

By Mr. HARSHA:

H.R. 10058. A bill for the relief of Daniel L. Suter; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 10059. A bill for the relief of Jun Nam Soo; to the Committee on the Judiciary.

H.R. 10060. A bill for the relief of Suh Mi Sun; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

112. The SPEAKER presented a petition of Fridlander Semen Iskovlevich, Krivo Rog, U.S.S.R., relative to treatment of Soviet citizens in the United States; which was referred to the Committee on Foreign Affairs.

SENATE—*Thursday, July 22, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God and Father of all mankind, make us mindful of all the peoples of the world created to be free but now unfree, made for liberty but now oppressed, brought into being for self-fulfillment but now unfulfilled, made to govern themselves but now captive to alien powers. We pray that the captive may be set free from all bondage, and all Thy children unfettered to achieve their divine intended destiny under Thy sovereignty. May we offer not only our prayers but also our compassion and our love.

Give this Nation wisdom and strength, that the glory of these troubled times may be in overcoming tyranny, achieving justice for all, and in eliminating the evils which separate man from man. Endow us with courage to choose the hard right against the easy wrong. Help us to be faithful to every high trust, to honor our word, and to fear only failure to do Thy will.

Guide us, O Lord, by Thy higher wisdom and sustain us by Thy grace through the days that yet remain.

We pray in the name of Him who came to set men free. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, July 21, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the calendar, beginning with New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the executive calendar, beginning with New Reports, will be stated.

U.S. DISTRICT COURTS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. district courts.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of William S. Sessions, of Texas, to be U.S. attorney for the western district of Texas for the term of 4 years.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

BOARD OF PAROLE

The assistant legislative clerk proceeded to read sundry nominations in the Board of Parole.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

AMBASSADOR

The assistant legislative clerk read the nomination of Fred L. Hadsel, of Ohio, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 266 and 272.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN TRIAL LAWYERS WEEK

The joint resolution (H.J. Res. 714), designating the week of August 1, 1971, as "American Trial Lawyers Week," was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–272), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution is to designate the week commencing August 1, 1971, as "American Trial Lawyers Week."

STATEMENT

The American Trial Lawyers Association, will celebrate its 25th anniversary the week of August 1–7 at Portland, Oreg.

The American Trial Lawyers Association was formed and has dedicated itself to improving the quality of the law and the administration of justice for the public good and has established a tradition of excellence in advancing the science of jurisprudence. This association has advanced the cause of the injured, the accused, and those whose rights are jeopardized by upholding and improving the adversary system for trial by jury.

The committee deems it appropriate that this resolution would pay tribute to the American Trial Lawyers Association and their 25th anniversary and renew the commitment of each American to support the efforts of all trial lawyers in enhancing the administration of justice.

Accordingly, the committee recommends favorable action of House Joint Resolution 714, without amendment.

COAST GUARD AUTHORIZATION, 1972

The Senate proceeded to consider the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard which had been reported from the Committee on Commerce with amendments, on page 2, line 25, after the word "aircraft", strike out "$32,614,000" and insert "$38,324,000"; on page 3, line 2, after "(1)", strike out "three" and insert "five"; after line 3, strike out:

(3) one administrative aircraft.

In line 18, strike out "$51,690,000" and insert "$62,190,000"; on page 6, line 2, after the word "by", strike out "law." and insert "law;".

After line 2, insert:

(35) Various locations: develop and construct additional Harbor Advisory Radar and Marine Traffic Systems;

And, after line 5, insert:

(36) North Bend, Oregon: construct air station facilities.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I seek no time.

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Connecticut (Mr. RIBICOFF) is now recognized for 15 minutes.

(The remarks of Mr. RIBICOFF when he submitted amendments to H.R. 1 are printed in the transaction of morning business section of the RECORD under the appropriate heading.)

PERIOD FOR THE TRANSACTION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, there will be a period for the transaction of routine morning business not to exceed 15 minutes, with a limitation therein of 3 minutes for each Senator.

Is there morning business?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BOUNDS OF PROPRIETY EXCEEDED BY FORMER SECRETARY OF STATE

Mr. PELL. Mr. President, abuse or overstatement is expected from some, but comes with ill grace from men with the background and intelligence of Dean Acheson. When he characterized the Mansfield amendment that proposed cutting back our forces in Europe as "asinine," at least he was describing the idea of a man alive and able to look after himself.

But when he fires verbal shots at President Kennedy as being "not decisive" and "not really what I was looking for in the leadership of my country" or of Senator Robert Kennedy as analyzing a problem in a "silly way" and of both President Kennedy and Robert Kennedy as demonstrating "high school thought that was unworthy of people charged with the Government," both men now assassinated—perhaps because they possessed those very qualities which Mr. Acheson said they lacked—I do believe our former Secretary of State has gone beyond the bounds of propriety.

I realize Mr. Acheson has a flair for publicity, but I would hope that he would secure it by ways other than of subjecting our assassinated national leaders to personal obliquity.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR SENATE TO CONVENE AT 10 A.M. ON MONDAY, JULY 26, 1971

Mr. MANSFIELD. Mr. President, without making any commitments as to whether or not the Senate will be in session this Saturday, and there is a strong possibility that it will be, but pending further developments, I ask unanimous consent that when the Senate convenes on Monday next it convene at 10 o'clock a.m.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters which were referred as indicated:

REPORT BY THE NATIONAL BUREAU OF STANDARDS

A letter from the Secretary of Commerce transmitting, pursuant to law, a report from the U.S. metric study prepared by the National Bureau of Standards (with accompanying report); to the Committee on Commerce.

BOUNDARY CHANGES IN CERTAIN UNITS OF THE NATIONAL PARK SYSTEM

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT ENTITLED "FOCUS ON INNOVATION"

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the status and operation of ESEA title II, for the fiscal year 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Wyoming; to the Committee on the Judiciary:

"JOINT RESOLUTION NO. 1

"A joint resolution ratifying a proposed amendment to the Constitution of the United States of America granting the right to vote to citizens who are eighteen years of age or older

"Whereas, the Ninety-Second Congress of the United States of America at its First Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposal to amend the Constitution of the United States of America in the following words, to wit;

" 'JOINT RESOLUTION

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled* (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE

" 'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation.' "

"Now, therefore, be it resolved by the Legislature of the State of Wyoming, a majority of all members elected to the two Houses, voting separately, concurring therein.

"SECTION 1. That the said above proposed amendment to the Constitution of the United States of America be and the same is hereby ratified by the Legislature of the State of Wyoming.

"SEC. 2. That certified copies of this Resolution be forwarded by the Governor of this State to the Administrator of General Services, Washington, D.C., and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

A resolution adopted by the American Federation of Musicians, Seattle, Wash., praying for the enactment of the national health security bill; to the Committee on Finance.

A resolution of the Communications Workers of America with reference to H.R. 1; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HUGHES, from the Committee on Veterans' Affairs, without amendment:

H.R. 3344. An act to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter

37, title 38, United States Code (Rept. No. 92-284).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

H.R. 6217. An act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938 (Rept. No. 92-294).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with an amendment:

H.R. 4263. An act to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order (Rept. No. 92-295).

By Mr. HART, from the Committee on the Judiciary, without amendment:

H.R. 7271. A bill to authorize appropriations for the Commission on Civil Rights (Rept. No. 92-293).

My Mr. BYRD of West Virginia, from the Committee on the Judiciary, without amendment:

H.R. 1892. An act for the relief of Stephen C. Yednock (Rept. No. 92-285);

H.R. 1907. An act for the relief of Arnold D. Smith (Rept. No. 92-286);

H.R. 2110. An act for the relief of the estate of Julius L. Goeppinger (Rept. No. 92-287);

H.R. 2246. An act for the relief of Charles C. Smith (Rept. No. 92-288); and

H.R. 3753. An act for the relief of Sgt. Ernie D. Bethea, U.S. Marine Corps, retired (Rept. No. 92-289).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 149. Resolution to print additional copies of Tributes to the late Senator Richard B. Russell of Georgia (Rept. No. 92-290); and

S. Res. 152. Resolution authorizing the printing for the use of the Committee on Government Operations of additional copies of part 1 of its hearings entitled "Organized Crime" (Rept. No. 92-291).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with additional amendments:

S. Res. 140. Resolution authorizing special supplementary expenditures by the Committee on Foreign Relations for an inquiry and investigation pertaining to the making of policy relating to U.S. involvement in Southeast Asia (Rept. No. 92-292).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Lynton Keith Caldwell, of Indiana; Jerome L. Klaff, of Maryland; J. Hugh Liedtke, of Texas; Lee W. Minton, of Pennsylvania; Rogers C. B. Morton, of Maryland; Frederick Seitz, of New York; and Maurice H. Stans, of New York; to be members of the National Commission on Materials Policy.

BILL PLACED ON CALENDAR

The bill (H.R. 9020) to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such act for a certain period of time, was read twice by its title and ordered to be placed on the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. METCALF:

S. 2331. A bill to designate the Veterans' Administration hospital located at Miles City, Mont., as the "Mike Mansfield Veterans Hospital." Referred to the Committee on Veterans' Affairs.

By Mr. TOWER:

S. 2332. A bill to permit a member of the U.S. Armed Forces to send mail matter without payment of postage if the member is performing duties at an overseas isolated or hardship area. Referred to the Committee on Post Office and Civil Service.

By Mr. SPARKMAN:

S. 2333. A bill to provide Federal assistance to local governments in support of community development activities. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PERCY:

S. 2334. A bill for the relief of the Thomas Hoist Co. Referred to the Committee on the Judiciary.

By Mr. COTTON:

S. 2335. A bill for the relief of Pin Woen Ng. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself, Mr. BENNETT, and Mr. TOWER):

S.J. Res. 137. A joint resolution to defer until January 1, 1974, the effective date of an amendment to section 5219 of the Revised Statutes relating to the taxation of national banks by the States. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MILLER:

S.J. Res. 138. A joint resolution proposing an amendment to the Constitution of the United States relating to equal rights for women. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER:

S. 2332. A bill to permit a member of the U.S. Armed Forces to send mail matter without payment of postage if the member is performing duties at an overseas isolated or hardship area. Referred to the Committee on Post Office and Civil Service.

FREE MILITARY MAIL

Mr. TOWER. Mr. President, I introduce today a bill which would permit a member of the U.S. Armed Forces, who is performing his duty in an area designated by the Department of Defense as an isolated or hardship overseas assignment, to send his mail without paying for postage. In essence, this bill extends a privilege which is presently being used by service men and women who are serving in designated combat areas.

The practice of free postage was originally established to facilitate the ability of military personnel to correspond with their loved ones while performing their duties in a combat zone. The daily operations of a postal system, which includes the selling of stamps, are often difficult to maintain in a hostile fire zone. Yet, one of the most effective ways to destroy the morale of our troops is to impede their communication with their families. For this reason, the Congress has provided for a practice which encourages the flow of correspondence in a combat zone.

Because of our international commitments, the United States now maintains many military installations located outside our continental limits. Any military personnel stationed at such installations are performing "overseas duty." Although a serviceman's civilian dependents are permitted to accompany him to many of these assignments, there are also many installations where civilian dependents are not authorized.

The Department of Defense bases its decision on dependent accompaniment upon such considerations as the available standards of living and general desirability of the area; the political climate existing in the country concerned; the probability of its being attacked by a potential enemy; and the possible adverse effect that the presence of dependents might have on a unit's mission, operational readiness, or combat capability. The movement of dependents is not normally authorized to any area where one or more of the above factors is significantly unfavorable.

Although it is often necessary to separate a serviceman from his family for extended periods of time, we should do everything within our power to make this separation as bearable as possible. My bill would enable the Defense Department to expand the free postage privilege to servicemen who are separated from their dependents even though they may not be assigned to an actual hostile fire zone. I urge my fellow Senators to give this bill their careful consideration. I feel that this proposal would significantly contribute to maintaining a high level of morale and a positive attitude among the men and women who serve our country in the Armed Forces.

Mr. President, at this time, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3401(a)(1)(A) of title 39, United States Code, is amended—

(1) by inserting after "President," the following: "(i)"; and

(2) by inserting before the semicolon at the end thereof a comma and the following: "or (ii) which is an isolated or hardship area".

By Mr. SPARKMAN:

S. 2333. A bill to provide Federal assistance to local governments in support of community development activities. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I am introducing today a bill entitled "The Community Development Assistance Act of 1971."

This bill would establish a new Federal grant assistance program for community development to assist communities in eliminating and preventing slums and blight, and in improving the quality of the urban environment. The new program would be a decided improvement over the existing system by simplifying and consolidating five existing categorical programs and replacing them with a single, more comprehensive development assistance program. Significant improvement would also be accomplished by linking renewal and housing programs, and by providing increased Federal support and greater continuity of investment in community development.

This bill is an alternative proposal to the administration's bill, The Community Development Act of 1971 (S. 1618), which I introduced for myself and Senator Tower by request on April 22, 1971.

My purpose in introducing this bill is to give the Committee on Banking, Housing and Urban Affairs, to which these bills would be referred, the opportunity to consider alternative approaches to the development of a new Federal grant system for community development among our Nation's cities. I believe that the special revenue sharing feature of S. 1618 has certain shortcomings which will not be acceptable to the Congress, and it has become apparent to me that an alternative proposal is needed.

Both Community Development bills would consolidate existing Federal grant programs into a single program, giving to the local community the maximum latitude in developing and executing on a citywide basis activities which it believes will contribute to the eliminating of slums and blight and to the upgrading and improvement of the city.

However, I have serious reservations on the revenue-sharing proposal contained in the administration bill, S. 1618. I do not believe that the Congress or the American taxpayer would want a plan of Federal distribution of funds to local communities without knowing how the money is to be used. My bill differs from the administration bill in that it requires a prior declaration of the community's development goals; a specific accounting of how Federal funds are to be spent; and a yearly performance statement as prerequisites for the grant.

My bill aims, as does the administration's bill, to consolidate community development programs and to streamline application and approval procedures. My intent is to facilitate the delivery of Federal assistance to localities, and at the same time to retain adequate control of Federal funds to assure that they are spent in a manner consistent with national development objectives.

One of the most significant advantages of this bill is its provision for funding. This provision aims to assure continuity of Federal funds, so that each community can be assured of funds 1 year in advance of the current year, and also can be reasonably certain of funds for 2 years in advance of the current year.

The existing programs which will be incorporated in the new program are urban renewal, community facilities—including grants for water and sewer, neighborhood facilities and advances for land acquisition—public facility loans, public works planning advances, and open space land grants.

The rehabilitation grant program and the model cities program will continue as they are, but eventually will be wrapped into the new program.

Both social and physical improvement activities are eligible for assistance (except for basic public works) provided they contribute to the purposes of the act and the development plan of the community.

Contract authority will be requested in the bill to enable the Secretary to make a firm contract with a community on a 2-year cycle. Three years authority is requested in the bill amounting to $8.8 billion with limitations in spending of $2.5 billion the first year, $2.9 billion the second year and $3.4 billion the third year. The second and third years assume that the community needs will be approximately 15 percent greater for each of the 2 years.

The allocation of funds will provide that 75 percent be distributed to localities which are currently carrying out at least two of the programs. The remaining funds would be allocated to other localities at the discretion of the Secretary.

A "basic grant entitlement" will be established for each community development agency by averaging the annual grant amount over the best 3 of the previous 5 years. Adjustments will be made for communities new to the programs.

A performance statement must be submitted 90 days before the year's end accompanied by an application for the ensuing 2 years. HUD action on the application will be required in 45 days, otherwise the application is automatically approved.

Applications must carry local governing body approval and must contain a statement regarding local capacity, adequacy of relocation housing and provision for public hearings on acquisition and disposition of private land.

The principal differences, in the two bills are the following:

First, the administration bill would eliminate Federal prior approval for assisted activities whereas my bill would require a prior statement acceptable to the Secretary on the following:

First, a summary of the community's goals and objectives for community development over a 3-year period

Second, a detailed program and budget for first year assisted activities

Third, a preliminary program and budget for second year assisted activities.

Second, the administration bill as revised would consolidate three programs: urban renewal, rehabilitation loans, and model cities. My bill would consolidate five programs: urban renewal, community facilities, open space land grants, public facility loans, and public works planning advances. The rehabilitation loan program would continue as a separate program as would the model city program until the 5-year demonstration period is completed for each city now receiving Federal assistance under it.

Third, the administration bill would distribute Federal funds to communities within metropolitan areas by a special revenue sharing formula and to other communities at the Secretary's discretion. My bill would establish a basic grant entitlement for each community already active in federally-assisted community development programs based on previous grant experience. A percentage increase over the basic entitlement for each of the next succeeding 3 years would be stated in the bill as a maximum grant for each such community. Other communities new to the program or having special problems would be allocated funds at the discretion of the Secretary. In each instance the actual grant would, of course, be limited by the amount appropriated by Congress.

Fourth, a further difference between the bills is the degree of assurance that the communities would have in the receipt of Federal assistance for community development. The administration bill follows the revenue sharing concept for the large communities utilizing an arbitrary formula which each community would be subject to. My bill contains contract authority which permits the Secretary to make a firm contract for a 2-year period based on the community's basic entitlement and the acceptability of its statement on its first year's firm plans, its second year's preliminary plans and its summary of goals and objectives for a 3-year period. The actual grant would, of course, be subject to adequate performance and a satisfactory updating and detailing of second and subsequent year plans.

Fifth, the administration bill contains no specific dollar authorization, relying, I suppose, on the President's revenue-sharing statement that $2.1 billion would be earmarked for the first year for urban community development. My bill would call for a 3-year contract authorization of $8.8 billion but grants would be limited to $2.5 billion for the first year. This may be compared with the authorization for urban development programs approved by the Senate under 1970 housing legislation for a total of $2.3 billion for fiscal year 1971.

Sixth, the administration bill contains no requirement on local contribution. I assume, therefore, that the Federal assistance would, in fact, be a 100-percent grant. My bill would limit Federal assistance to 90 percent of the cost of the development activities.

Seventh, my bill contains certain specified prerequisites for Federal assistance on which the administration's bill is silent, such as a community program to meet the housing needs of low and moderate income families and to carry out systematic code enforcement.

Mr. President, I ask unanimous consent that a section-by-section summary of the bill be printed in the Record at this point in my remarks.

There being no objection, the summary was ordered to be printed in the Record, as follows:

SECTION-BY-SECTION SUMMARY: COMMUNITY DEVELOPMENT ASSISTANCE ACT OF 1971

The first section of the bill would provide that upon enactment it may be cited as the Community Development Assistance Act of 1971.

SECTION 1. SHORT TITLE

This section would provide that this Act may be cited as the "Community Development Assistance Act of 1971."

SECTION 2. FINDINGS AND PURPOSES

This section would set forth the following Congressional findings:

(1) The Nation's cities, towns and smaller urban communities face critical social, economic and environmental problems arising from: (a) population growth and concentration of low income persons in center cities; and (b) inadequate public and private investment in housing and physical facilities and public services which have resulted in the growth and persistence of slums and blight.

(2) The future welfare of the nation de-

pends on the establishment and maintenance of viable urban communities as social, economic and political entities which require: (a) systematic and sustained action to eliminate blight, to conserve and renew older areas, and to develop new centers of population growth; (b) substantial expansion of the scope and level of federal assistance and increased continuity of such programs, and (c) continuing efforts to improve the program procedures at all levels of government.

This section would declare the purpose of the Act is to accomplish the above by improving the present system of federal assistance for community development by (a) replacing five existing categorical programs with a single, more comprehensive community development assistance program, and (b) authorizing a new financial assistance program intended to increase federal support and to assure greater continuity of public and private investment for community development. Such a program would support community development activities which would be directed toward:

(1) conserving and expanding the Nation's housing stock;

(2) eliminating slums and preventing deterioration of the physical stock of a community;

(3) achieving better utilization and arrangement of land;

(4) expanding and improving the quantity and quality of community services;

(5) restoring and preserving properties of special historic or aesthetic value; and

(6) eliminating conditions detrimental to health or safety through demolition, code enforcement, interim rehabilitation assistance or related activities.

SECTION 3. DEFINITIONS

This section would define certain items as follows:

(1) "Secretary" would mean the Secretary of Housing and Urban Development

(2) "Community Development Agency" would mean any State, county, municipality, local public agency, or other governmental entity or public body, or two or more such entities or bodies, authorized to undertake in whole or in part the community development activities for which assistance under this Act is made available; and

(3) "State" would mean any State of the United States, the District of Columbia; the Commonwealth of Puerto Rico; the Trust Territory of the Pacific Islands; the territories and possessions of the United States; and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States.

SECTION 4. COMMUNITY DEVELOPMENT ACTIVITIES ELIGIBLE FOR ASSISTANCE

This section would set forth the activities eligible for assistance and declare that they shall further the purposes of the Act as outlined in Section 2. Such eligible activities include:

(1) Acquisition of real property (including interests therein) by purchase, lease, donation or otherwise, which is: (a) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed; (b) determined to be appropriate for rehabilitation or conservation activities; (c) necessary for historic preservation, urban beautification, conservation, recreation or the guidance of urban development; (d) to be used for public works or facilities; or (e) to be used for other public purposes including the conversion of land to other uses;

(2) Disposition at fair value of any real property in whole or in part (through sale, lease, donation or otherwise) acquired pursuant to this Act, or its retention for public purposes;

(3) Clearance, demolition and removal of buildings and improvements in whole or in part;

(4) Acquisition, construction, reconstruction or installation of community facilities and site improvements, including water and sewer facilities, neighborhood facilities, historic properties and beautification areas, streets, street lights, utilities, foundations and platforms for air rights sites, pedestrian malls and walkways, parks, playground, recreation areas.

(5) Relocation payments and assistance for those displaced by community development activities;

(6) Conservation and rehabilitation of existing properties through appropriate programs including code enforcement, interim assistance and demolition;

(7) Development or redevelopment of federal surplus real property acquired pursuant to existing federal law;

(8) Designing and providing interim financing for the construction of public facilities which are necessary to a community development program;

(9) Provision of technical or financial assistance to persons or organizations providing services, including advisory services, to the planning and execution of the community development program;

(10) Provision of financial assistance for the rehabilitation or conservation of existing properties;

(11) Provision of additional public services, financial or other assistance (a) to increase employment opportunities or improve the accessibility of health, education, recreational, or other services and facilities to persons in areas where community development activities are being performed, or (b) to coordinate public and private development programs;

(12) Payment of administrative costs related to the community development program;

(13) Payment of financial incentives to encourage the timely construction of federally-assisted community facilities, such as schools and libraries, required by the community development program, in an amount not to exceed 15 percent of the total Federal contribution; and

(14) The carrying out of local-option activities deemed to be in the public interest and necessary to the conduct of a community development program in an amount not to exceed 10 percent of the locality's total annual grant.

SECTION 5. AUTHORIZATION

This section would authorize the Secretary to incur obligations in grants for an amount not to exceed $8.8 billion over a three year program. It further authorizes appropriations to liquidate obligations incurred under this section not to exceed $2.5 billion prior to July 1, 1973, which amount may be increased not to exceed $5.4 billion prior to July 1, 1974, and not to exceed an aggregate of $8.8 billion prior to July 1, 1975.

SECTION 6. ALLOCATION OF FUNDS

Subsection (a) would authorize the Secretary to allocate 75 percent of the funds appropriated under Section 5 to community development agencies which, on the date of enactment, were carrying out two or more community development activities described in the Act.

It would also authorize the Secretary to allocate the balance of funds appropriated to

(A) Community development agencies other than described above

(B) Community development agencies whose basic grant entitlement is not sufficient to meet urgent development needs

(C) Community development agencies which are carrying out activities in localities which have sustained disasters.

Subsection (b). This subsection would authorize the Secretary to determine a basic grant entitlement for each locality applying for grant assistance under this Act. In making this determination the Secretary shall:

(1) Consider the development activities of each locality during the preceding five years.

(2) Classify each activity into one or more categories of development program.

(3) Determine the total amount of assistance granted to the locality under each program category.

(4) Ascertain the three years out of the last five years in which the total amount of such assistance for each category was greatest.

The basic grant entitlement for each applicant is an amount equal to the sum of the average annual amount of such assistance granted to the locality during the three years referred to in clause (4) above for each such category.

Subsection (3). This subsection would require the Secretary to make a report to Congress not later than February 1, 1974, setting forth recommendations for improving the determination of maximum grant entitlements and the distribution of funds under this Act.

SECTION 7. REQUIREMENTS FOR FINANCIAL ASSISTANCE

Subsection (a) would require that assistance be granted only upon the basis of an application approved by the Secretary. Applications would be acted on within 90 days after submission. Following approval, the Secretary is to insure through administrative action that subsidy and loan funds requested are available. The application shall include the following:

(1) A summary plan for community development outlining major goals and objectives for the succeeding three fiscal years, and including a detailed plan for

(a) meeting the housing needs in the community, particularly for low and moderate income families

(b) preventing and eliminating slums and blight, and upgrading neighborhoods.

(2) A statement setting forth a program and budget for community development activities to be carried out during the succeeding two year period.

The statement referred to in paragraph (1) above shall indicate relocation housing requirements, the number of low and moderate income housing units which will be provided with federal assistance, and the number of rehabilitation loan grants needed.

Subsection (b) would authorize the Secretary to waive the requirements in subsection (a) above if (1) the application is for a locality of less than 25,000 population outside an SMSA, (2) the assistance is for a single development activity, and (3) the Secretary determines that such a waiver is not inconsistent with the purposes of the Act.

Subsection (c) would require a community development agency to submit to the Secretary a performance statement at least 90 days prior to the end of each year together with revised application. The Secretary may condition further assistance upon compliance of the agency with terms of grants made under the Act.

Each application renewal shall be deemed approved by the Secretary within 45 days after submission unless he notifies the agency of his disapproval for reasons of performance or eligibility of activities.

Subsection (d) would require that no application be approved unless:

(1) the governing body of the locality has approved the application;

(2) the applicant has certified that it has provided for public hearings with respect to the acquisition and disposition of private land and has found such activities to be consistent with comprehensive development plans of the locality and the planning region;

(3) the application demonstrates there is a serious need to eliminate and prevent slum and blight, to revitalize neighborhoods

and to increase housing for low and moderate income families; and a feasible program.

(4) unless the Secretary finds that the applicant has carried out its prior contractual commitments.

SECTION 8. GRANTS

Subsection (a) would authorize the Secretary to make grants to community development agencies subject to the following terms—

(1) except as otherwise provided, the grant shall not exceed 90 percent of the total net program cost, except for rehabilitation grants and relocation payments which may equal 100% of cost.

(2) the aggregate of such grants shall not exceed—

(A) 115 percent of the basic grant entitlement in the first grant year.

(B) 130 percent of such entitlement, in the second grant year.

(C) 145 percent of such entitlement in the third grant year.

(3) community development agencies described under sections 6(a)(2)(B) and 6(a)(2)(C) may receive grants in excess of the basic entitlement.

SECTION 9. LOANS

Subsection (a) would authorize the Secretary to make loans to cover short term financing for planning and operations and interim financing for acquistion or construction of community facilities.

Such loans would bear interest at such rates not less than the going federal rate and would be secured and repaid as the Secretary prescribes.

The Secretary would be authorized to issue and have outstanding notes and obligations for purchase by the Secretary of the Treasury in an amount not to exceed $1.5 billion.

Subsection (b) would amend Section 312 of the Housing Act of 1964 to authorize the Secretary to make rehabilitation loans on properties designated for rehabilitation in a community development program.

SECTION 10. LABOR STANDARDS

This section would require that all laborers and mechanics employed by contractors or subcontractors for construction work financed in whole or in part with funds provided under this Act be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. Such requirements, however, would apply to residential property only if such property is designed for eight or more families. The Secretary of Labor would have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and other Federal laws.

SECTION 11. GENERAL PROVISIONS

This section would extend certain functions, powers and duties of the Secretary as defined in section 402 (except subsection (c)(2) and (f) of the Housing Act of 1950.

SECTION 12. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

This section would amend section 217 of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 to make those who are displaced as a result of any activity pursuant to the Act, displaced persons within the meaning of that Act.

SECTION 13. INTERSTATE AGREEMENTS

This section would give Congressional consent to compacts and agreements among any two or more States in support of community development activities assisted under this title.

SECTION 14. EFFECTIVE DATE TRANSITIONAL TERMINATION OF EXISTING PROGRAMS

Subsection (a) would provide that the Act shall become effective July 1, 1972.

Subsection (b) would provide that after June 30, 1973, no new grants or loans (except pursuant to commitments made on or before that date) could be made pursuant to: Title II of the Housing Amendments of 1955; Title VII of the Housing Act of 1961; and section 702 of the Housing Act of 1954.

Subsection (c) would provide that after June 30, 1974, no new grants or loans (except pursuant to commitments made on or before that date) could be made pursuant to Title VII of the Housing and Urban Development Act of 1965.

Subsection (d) would provide that after June 30, 1975, no new grants or loans could be made pursuant to Title I of the Housing Act of 1949, except pursuant to contracts (other than those contracts for advances authorized under section 102(d) of the Housing Act of 1949) made on or before that date.

SECTION 15. APPROPRIATIONS FOR LIQUIDATION OF URBAN RENEWAL CONTRACTS

This section would include payments required under urban renewal contracts with respect to projects or programs for which funds have been reserved and for which funds have not previously been appropriated among the purpose for which annual appropriations are authorized by section 3689 of the Revised Statutes, as amended (31 U.S.C. 711). In conjunction with the transition to the community development legislation, this authority would be used to liquidate over $3 billion of urban renewal contracts, but only in such amounts as are necessary to meet annual cash disbursement requirements.

NOTICE OF HEARINGS

Mr. SPARKMAN. Mr. President, hearings will be held on this bill along with the administration's two bills, S. 1618 and S. 2049, and all other bills pending before the Subcommittee on Housing and Urban Affairs.

Secretary Romney has agreed to testify on these bills on August 2, 1971, at 10 a.m. in room 5302, New Senate Office Building.

Other witnesses have indicated the need for more time. The dates for subsequent hearings will be announced at a later time.

By Mr. PERCY:

S. 2334. A bill for the relief of the Thomas Hoist Co. Referred to the Committee on the Judiciary.

Mr. PERCY. Mr. President, I send to the desk a bill for the relief of the Thomas Hoist Co. A letter dated July 12, 1971, from the Assistant Secretary of the Department of Housing and Urban Develepoment provides a full explanation of the urgent need for such relief, and I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
Washington, D.C., July 12, 1971.

HON. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: In accordance with your request this letter will serve to advise you of the result of an investigation undertaken by the Department of Housing and Urban Development relocation staff in the Chicago Regional Office and at the Central Office in Washington in connection with the claim of the Thomas Hoist Company of Chicago. The Thomas concern asserts its eligibility for a relocation payment in the amount of some $58,645.43 additional moving expenses. We have established that the moving process undertaken by the Thomas Hoist Company was not completed until after a time at which the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) became effective. It appears that the Thomas Hoist Company originally attempted to sell its building and move while most of its equipment was out on rental, thereby eliminating most of the moving expenses which would have been incurred by the company. The plans of the Chicago Department of Urban Renewal prevented the sale and move of Thomas Hoist at that time, necessitating the move's accomplishment in 1970–71 at a time when a substantial amount of equipment was contained on the property. Considerable loss thereby incurred and this extra expense forms the claim of an additional relocation payment.

A difficult question arises as to whether P.L. 91–646 can be applied to accomplish this end. As you know, before July 1, 1972 a State Agency assisted by this Department shall be considered to fall within the application of the new law only if and when it can legally comply with the provisions of the Uniform Relocation Act. The Chicago Department of Urban Renewal has not as yet filed such an assurance, and apparently has some question as to whether it must do so in this case, as it seems to consider the move as having been accomplished before the effective date of the new law.

Because of a court order providing forceable entry and eviction from their new premises by July 15, 1971, it is imperative that speedy relief be provided to prevent the loss of approximately $200,000 worth of equipment by Thomas Hoist. It is our opinion that the situation of the Thomas Hoist Company is one which merits assistance as rapidly as possible, given the circumstances. It appears to us that private relief legislation would be the most desirable and efficacious manner of providing the quick relief which is needed by the company.

We hope that this letter will assist you in determining what assistance can be given the Thomas Hoist Company in disposing of a serious problem.

Sincerely,

SAMUEL C. JACKSON.

By Mr. MILLER:

S.J. Res. 138. A joint resolution proposing an amendment to the Constitution of the United States relating to equal rights for women. Referred to the Committee on the Judiciary.

Mr. MILLER. Mr. President, I introduce a joint resolution proposing a constitutional amendment relating to equal rights for women.

Mr. President, those of us who have championed the cause of equality for women were deeply disappointed last year when some of our colleagues closed their eyes to the sincere concerns and objections that arose over the House-passed House Joint Resolution 264. This joint resolution was termed "the equal rights amendment" and apparently represented an untouchable format which no amendment supposedly could improve upon. It simply provided that—

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

This properly raised a great many questions over its scope and implications, cogently expressed by Prof. Paul Freund of the Harvard Law School in his testimony when he said that not every legal differentiation between boys and girls, men and women, husbands and wives, is of an obnoxious character, and that "to compress all these relationships into one, tight little formula is to invite confusion, anomaly, and dismay."

To be fair about it, I should note that the proponents of House Joint Resolution 264 argued that flexibility of interpretation was intended and that the amendment would allow State action differentiating between the sexes in the cases of "overriding and compelling public interest." But the language of the resolution did not say so, and the refusal of some of the proponents to amend the resolution to say so laid a foundation for an understandable reaction that no one really knew how far the courts might stretch the meaning of the language in the absence of more precision in the legislative language.

The Senator from Indiana (Mr. BAYH) well stated the dilemma at the time he introduced a proposed substitute for "the equal rights amendment," which would have simply prohibited denial of equal protection of the laws on the basis of sex, when he said:

> These, then, are the conflicting concerns that face us—insuring the equal protection of the laws to those who have been discriminated against on account of sex, while recognizing the need for a flexible standard in cases where different treatment under the law may be justified.

The proposal I have introduced represents a practicable and workable approach to reconciling these conflicting concerns.

The evidence presented to the Congress discloses that the major areas of discrimination against women are employment and education. "Equal pay for equal work" is a plea all of us have heard, but the fact of discrimination goes far beyond this and extends particularly to opportunity for work. Two-thirds of the States impose limitations on the number of hours worked by women, thereby precluding women from supervisory jobs requiring overtime.

We have received complaints that some laws excluding women from certain categories of "hazardous" or "unhealthful" employment have been administered if not actually enacted more to discriminate against women than to "protect" them. And the Women's Equity Action League has produced impressive statistics showing that in many colleges and universities an obvious bias exists against faculty positions and promotions for women. According to the Presidential task force report submitted on December 15, 1969, the median earnings of white men employed year-round full time were $7,396; and of white women, $4,279. For Negro men, it was $4,777; and for Negro women, $3,194. The unemployment rate is higher among women than men, and among girls than boys; still, in the JOBS program, only 24 percent of those hired were female; and of 33,000 enrollees in the Job Corps in June of 1968, on 29 percent were female.

Undoubtedly some of these statistics are related to differences in educational background. And the Presidential Commission found that discrimination in education is one of the most damaging injustices women suffer. It noted that higher admission standards for women than for men are widespread in undergraduate schools and are even more discriminatory in graduate and professional schools. It would seem obvious that without an equal opportunity for education, women cannot expect to achieve equal employment opportunities.

Accordingly, my proposed constitutional amendment provides that equality of rights and responsibilities under the law with respect to opportunities and conditions of education and employment shall not be abridged on account of sex. This provision, alone, would lay a foundation for meeting not only the most crucial but, by far, the vast majority of problems over which women are concerned. However, there are additional problems of discrimination. There are instances of sex discrimination required or permitted by State laws in access to public accommodations, in the sale, rental, or financing of individual dwelling units, in age for entering into legal and binding contracts, and in alimony, child support and child custody. It is significant that, while many believe the guarantee of equal protection of the law under the 14th amendment to the Constitution extends to cases involving discrimination on account of sex, the Supreme Court has never so ruled. That is why my proposed amendment also provides that no State shall deny, on account of sex, the equal protection of its laws to any person within its jurisdiction.

This provision would make it clear that the Congress does not agree with the implication of the Supreme Court that the 14th amendment does not extend to discrimination on account of sex. It would require the courts and the State legislatures to review these areas of discrimination. And it would extend a vast body of judicial precedent on the subject of discrimination to cases involving discrimination by reason of sex, thus assuring the continuity and consistency needed for understanding and compliance with my amendment.

Finally, the function of women as mothers and homemakers is basic to our form of society. It is of "overriding and compelling public interest." As Prof. Leo Kanowitz of the University of New Mexico School of Law testified, under an equal rights amendment—

> Sex classifications could continue if it can be demonstrated that though they are expressed in terms of sex, they are in reality based upon function.

There are laws which are concerned with the function of women as mothers and homemakers, and my amendment further provides that its other provisions shall not impair the validity of any law required to secure the rights and responsibilities embraced by this function. For example, the presidential commission found that women head 1,723,000 impoverished families; that one-quarter of all families headed by white women are in poverty, and more than half of all headed by Negro women are in poverty. It said:

> Without any question the growing number of families on Aid to Families with Dependent Children is related to the increase in unemployed young women.

And it recommended a system of well-run child care centers available to all preschool children, with "priority given the needs of low-income working mothers." Such a recommendation obviously was not premised on sex, as such, but on the function performed by women as mothers and homemakers. My amendment would not be content with a law which might be "convenient" to this function. It would have to be "essential." To provide otherwise would lay a foundation for abuses which we are trying to eliminate.

The proposal I have made will not satisfy everyone. Some will say it goes too far. Others will say it doesn't go far enough. However, I believe a fair-minded appraisal will permit the conclusion that if it had been in our Federal Constitution a long time ago, most of the cases of discrimination against women by reason of sex would have been avoided, and we would be a better country.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1404

At the request of Mr. BYRD of West Virginia, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 1404, relating to the importation into the United States of strategic and critical materials from any free world country.

S. 1846

At the request of Mr. BYRD of West Virginia, for Mr. JACKSON, the Senator from Ohio (Mr. TAFT), and the Senator from New Mexico (Mr. MONTOYA) were added as cosponsors of S. 1846, a bill to establish a Coal Gasification Development Corporation.

S. 1872

At the request of Mr. CASE, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 1872, for the relief of Soviet Jews.

S. 2258

At the request of Mr. GRIFFIN, the Senator from Utah (Mr. BENNETT) was added as a cosponsor to S. 2258, the Motor Vehicle Air Pollution Control Acceleration Act.

SENATE JOINT RESOLUTION 116

At the request of Mr. JAVITS, the Senator from Rhode Island (Mr. PELL), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Joint Resolution 116, to authorize and request the President to proclaim the period September 12, 1971, through September 20, 1971, as "Myasthenia Gravis Week."

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 38

At the request of Mr. STEVENS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Resolution 38, to give legislative authority to the Select Committee on Small Business.

EMERGENCY LOAN GUARANTEE ACT—AMENDMENT

AMENDMENT NO. 316

(Ordered to be printed and to lie on the table.)

Mr. PACKWOOD submitted an amendment, intended to be proposed by him, to the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

AMENDMENT NO. 317

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON submitted an amendment, intended to be proposed by him, to Senate bill 2308, supra.

AMENDMENT NO. 320

(Ordered to be printed and to lie on the table.)

Mr. BYRD of Virginia submitted an amendment intended to be proposed by him to the bill (S. 2308), supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 238

At the request of Mr. PEARSON, the Senator from Utah (Mr. MOSS) was added as a cosponsor of amendment No. 238 intended to be proposed to S. 382, a bill to establish a Federal Election Commission.

ANNOUNCEMENT OF A HEARING

Mr. JACKSON. Mr. President, I wish to announce for the information of the Members of the Senate and the public that the Committee on Interior and Insular Affairs will hold an open hearing on S. 1846, a bill to establish a Coal Gasification Development Corporation, on July 27 and 28. A press release was issued announcing this hearing on June 3.

The hearings will be held in room 3110, New Senate Office Building, beginning each day at 10 a.m.

The hearings will be directed to methods of setting up a coal gasification study rather than to the technicalities of coal gasification itself.

ADDITIONAL STATEMENTS

THE DOCTORED DOCUMENTARY

Mrs. SMITH. Mr. President, the publisher of the San Francisco, Calif., Examiner, Charles L. Gould, has written an excellent editorial on the controversy over the CBS "The Selling of the Pentagon." He goes right to the heart of the issue of the people's right to know, including the right to know on the film clips.

His observation that CBS and its defenders "can't have it both ways" reminds me of the criticism of the doctored, composite picture used against the late Senator Millard Tydings in the 1950 Maryland senatorial election campaign. I remember well the extremely effective CBS documentary by the late Edward R. Murrow against the principal architect of the composite picture.

Twenty years later in its "The Selling of the Pentagon," CBS was doing essentially the same kind of composite job in its doctored documentary that it had condemned on the doctored picture 20 years before. As publisher Gould says, "They can't have it both ways."

I ask unanimous consent that publisher Gould's editorial be placed in the RECORD and I invite the attention of every Member of this body to it.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE DOCTORED DOCUMENTARY

(By Charles L. Gould)

Journalists are being asked to close ranks and support CBS in refusing to allow a congressional committee to review raw film footage from the controversial documentary "The Selling of the Pentagon."

The rallying cry of those manning the ramparts is: "Freedom of the press is at stake." Nonsense.

The question here is not "freedom of the press." It is "responsibility of the press." Was the film doctored? Was the film rigged? Did the editors splice the film so that questions and answers of various respondents were out of sequence?

These questions are raised by critics of the film. They submit some evidence to support their charges.

However, only CBS knows for sure. Only a review of the raw film can reveal the truth. Isn't this what "freedom of the press" is all about? Is it not a search for truth?

If CBS did not doctor the film it should not hesitate a moment to show its unused film clips. This is not a case of a reporter protecting his sources. This is not a case of a journalist covering a breaking news story in competition with other reporters.

The CBS documentary was produced with the cooperation of dozens of individuals in and out of government. Some of these individuals claim the documentary was doctored to warp and twist their statements.

They, too, have rights.

Those who defend CBS should ask themselves if their positions would change if a film were doctored to put the Pentagon in a good light rather than a bad one.

Forty years ago, responsible journalists were indignant at the rigging of photographs by the editors of Bernarr McFadden's New York Graphic. The paper died.

Ten years ago many journalists denounced the controversial documentary "Operation Abolition" because two or three scenes were out of sequence.

The film which revealed Communist involvement in the city hall riots here in San Francisco, was withdrawn from circulation.

Many journalists—not including this one—defend the publication of vital government secrets on the argument of the "people's right to know."

Now they deny the people's right to know by defending CBS in classifying its film clips "Top Secret."

They can't have it both ways.

If we want to keep the free press free—and responsible—we can't use the First Amendment as an excuse for exposing the mistakes of others and also use it as an excuse for hiding our own.

CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Mr. TALMADGE. Mr. President, we are living today in a complex and changing society. We are situated at a point in time when fundamental, widespread, and irreversible change in the American society is taking place every day.

The State of Georgia is no exception. None of us here today are immune from the social and economic revolution that has been underway in the Nation for the past several years.

I think it can safely be said that the segment of our society that is being the hardest hit is our cities. Urban areas have been plagued by a multitude of new problems, such as drugs and pollution. Old problems, such as traffic congestion, welfare, and crime, are getting bigger and bigger.

It is well established that government is related to people. Wherever a person goes, he carries his problems with him. If a person comes to town to live, he and his family must be housed, fed, clothed, and protected. If he chooses to live in the suburbs and commute, he still needs employment within the urban-oriented economy. He must move in and out of town, by car, bus, or train. This means more pressure upon the transportation system.

When people come to town to live, work, trade, and play, they create tremendous new demands for city water, sewerage, police and fire protection, and all the many other municipal services with which all of you are already so painfully aware. Again, as city officials know so well, all this costs money.

In addition, the city is in a continuing race with population to build more classrooms and schools, to hire more teachers, and to provide more hospitals, libraries, and centers for culture and athletics. This also means more money.

Thus, cities are confronted on the one hand with having too much of one thing and too little of another. The massive migration into urban centers—far too many people—have placed demands upon cities that cannot be met because there is not enough money available.

More than just the economic problem, many cities are becoming unlivable as well as ungovernable. In many cases, they are seething, unsafe hotbeds of strife and disorder.

I am reminded of the warning of the historian Arnold Toynbee when he wrote:

> The imprisoned town dwellers of the past have been apt to develop an ugly temper. . . . An inescapable city cannot be a seedbed for vegetables or cereals, but it has often been a seedbed for riots and revolutions.

We have today what we call the urban crisis. It has already cost the cities, and American taxpayers all over the country, billions upon billions of dollars. In spite of all the money that has been poured into cities, we are losing, and not gaining.

Welfare costs multiply every year. Pollution becomes more acute. Traffic becomes more congested. The increasing crime rate makes it more and more unsafe to even walk the streets. Housing becomes a financial impossibility.

Thus, to return to the central issue I mentioned before, cities are fast losing their ability to function well or prosper. I was asked to discuss with you today the relationship between the social and economic problems of cities today and a matter in which I have been intimately involved for the past several months—that of rural decline. Or, to put it another way, I would like to discuss today how we can take some of the pressure off overgrown municipalities through rural development.

And by we, I mean urban and rural interests acting in unison—by city governments working just as hard as their country counterparts. More and more we are coming to the realization that what benefits one benefits the other.

People have been bemoaning the rural-to-urban migration for years. Yet, we have stood by and watched people leave farms and smalltown communities without really doing anything to counteract this trend. Voluminous reports on rural decline have been made. Great studies on this most underdeveloped segment of America have been made.

People have talked and talked about how rural problems have been translated into urban problems. But the trend has been allowed to continue. However, now that the urban crisis has become so severe and virtually intolerable, we are getting more interest from local government, the Federal Government, from the news media, and from concerned taxpayers everywhere.

We have reached the point at long last where action is not only possible, but imminent. Although the hour is late and we are already about 25 years behind the problem, I think we can safely say now that rural development is an idea whose time has come. Not only has this become a prime issue for agricultural communities and rural areas, it is also being promoted by urban interests.

There is unprecedented congressional concern about rural development. We voted to get started on programs to bring about a better population and economic balance between rural and urban America. That amendment was adopted without dissent and, though it was primarily only a statement of purpose, it constituted an important beginning.

Early this year, I assumed the chairmanship of the Senate Committee on Agriculture and Forestry. One of my first acts was the creation of a new subcommittee, the Subcommittee on Rural Development. Senator HUBERT HUMPHREY, former Vice President and former mayor of Minneapolis, was elected chairman of the subcommittee.

Rural development is now a major thrust of the Agriculture Committee. We have bipartisan support. We have urban and rural support. The subcommittee is going to the grassroots to hold hearings, and to benefit from suggestions of local people and local governments. Only recently, we completed a tour and hearings in Alabama and in Alma and Tifton, Ga. We are working on legislative remedies to this problem that has vexed our society for so long.

Ours is the richest and the most resourceful Nation in the world, and it makes no sense to try to crowd 75 percent of the people on 2 percent of the land.

Migration of people who do nothing more than swap rural poverty for the urban ghetto is intolerable in our free and prosperous economy. At the same time, rural and small town communities have for too long suffered a brain drain. Just as rural areas have surrendered their worst unto cities, they have also had to give up their best.

We believe Federal, State, and local governments working together can put together programs to assure every person in the United States an opportunity for adequate food, shelter, medical care, education, and gainful employment. In short, we believe every citizen should enjoy the right to live and work in comfort and security wherever he pleases.

We believe that any effort to solve the urban crisis—whether it be through massive direct aid or whatever—will fail without a corresponding effort on behalf of rural areas and small towns. Past history already has proven this to be a fact.

We do not have all the answers. We know what rural development means and what it is going to take, but we admittedly do not have within our grasp the means for securing these goals. But we know which way we must go. We must build more bridges between the Federal Government and State and local government in order to improve educational standards in rural areas. We must seek expanded water and sewer facilities. We must provide more and better health and hospital care. Most important, we must promote the ways and means for attracting more business and more industry to rural America. This means more jobs, more opportunities for employment in areas where none now exist or where they are declining.

It is difficult to say which comes first—whether people go where the jobs are, or whether industry always locates where the people are. But without a doubt, the two go together. It must be our goal to bring people and jobs together in areas where they are most needed and where they will be in the best interests of the Nation as a whole.

Industrial development and the availability of more jobs is probably the most important key in rural development. I know, and so do you, that every community which has experienced population growth and a stronger economic base has done so by putting together a combination of factors: The attraction and expansion of industry; by providing more education and technical training in order to equip more people for jobs.

This is more than just a responsibility of government. The most important agent in dealing with rural unemployment and lagging incomes must be private enterprise. But there can and must be more of a partnership between government and industry in order to create more jobs and to give people the skills required to fill these jobs.

On July 7, I introduced, along with several of my colleagues, the Consolidated Farm and Rural Development Act. It is a very important and complex piece of legislation. No doubt it will be modified and hopefully improved in several ways before it passes the Senate.

The bill aims for two goals. First of all, it is a deliberate effort to disperse new industrial development to towns and counties of under 35,000 population. If you disperse industry, you disperse jobs. And if you disperse jobs, you disperse people and attain a more balanced population.

The bill would strictly forbid the pirating of industries from one place to another. We know that business will grow as we add another 75 million people between now and the turn of the century. This growth, the creation of more jobs through industrial expansion, should take place somewhere other than in the large cities.

The second thing the bill would do is provide credit to small towns and counties for construction of community facilities. I know many of you have been waiting in line for years for the grant and loan process of the Federal Government for water and sewer construction to catch up to your town. Our legislation will do a better job of making that money available.

We have undertaken to provide a Rural Development Bank. It would be set up almost exactly like the present farm credit system. The Rural Development Bank, like the farm credit system, would require infusions of Federal capital for about 10 years. Gradually, however, it will be operated entirely with the capital of the people who are doing the borrowing and participating.

Farmers who participated in farm credit went to great lengths to repay the Federal money in that system so that management of the funds could be handled directly by themselves. I expect that our small towns and counties would react the same way, and that the Rural Development Bank would enjoy the same measure of success.

The rural development credit system would have 10 regional banks. They in turn would have 300 to 500 local lending agencies, which would be tied in as much as possible to the multicounty planning agencies which most States have already set up. It will also permit rural bankers to become participants in the system so that they could participate in loans for new industry with the rural development banks.

Smalltown bankers have an enormous stake in the future of their communities. I am especially proud of this section of the bill because it is in the best tradition of the free enterprise system. What we need in rural America is the capital muscle to permit our small towns to pull themselves up by their own bootstraps. This system will provide both hard and soft credit to do the job. Personally, I do not like the term soft credit. Farmers who have received these type loans have seldom reneged on their obligations. I am confident that smalltown America will also meet its obligations.

In addition to the loan program, there will be an agency to provide grants for partial payment of community facilities and provisions for offering financial incentives which industry says it must have to locate away from population centers. These industrial grants would not be subsidies to giants like United States Steel. But if a business is unable to pay the interest on its loan out of earnings, all but 1 percent of its interest could be augmented with a subsidy. Eligibility for these grants would require stringent guarantees from the industries receiving them. The money would not be provided for fly-by-night or doomed-to-fail operations.

The industries we want in rural America to supplement our agricultural economic base must be good citizens and good neighbors. We do not want anyone who would further exploit the underemployed people in rural communities. We are saying that we want future industrial growth to occur in rural America. If we are to make that happen, we must make it economically feasible for American business. Thus, financial incentives are a necessary part of the plan.

We do not propose artificially low interest rates or other methods to undermine the income tax. We are open about our direct grants because the States have proven, especially in the South, that incentives are needed to attract new industry—and they produce the desired results.

We have been talking about the need for a national growth policy and a social and economic balance between rural America and urban America. In this legislation, we propose to start moving in earnest in that direction.

It is not going to be easy. We are not going to attain our goals overnight. But we must keep moving.

SUPPORT FOR JUVENILE DELINQUENCY PREVENTION AND REHABILITATION ACT OF 1971

Mr. PEARSON. Mr. President, I speak today in support of the Juvenile Delinquency Prevention and Rehabilitation Act of 1971.

The percentage of juveniles in the American population is ever increasing. With this increase has come an alarming increase in juvenile delinquency—juvenile arrests for violent crime increased 148 percent in the last decade. This act, as an amendment to the Omnibus Crime Control Act of 1968, constitutes a more substantial effort to cope with the juvenile delinquency problem of our Nation. Let me emphasize the word "cope." We must realize that in seeking to reduce juvenile delinquency, we are not trying to establish an adversary relationship between society and criminal, but are reaching out to support a young man or woman who may be on a course of alienation toward acts of criminal behavior, as a result of the psychological pressures of our society on today's youth.

In combating crime, we must emphasize the importance of correctional and institutional programs to prevent recidivism. This emphasis pertains to all ages of criminals, but especially to juveniles. They are the ones whose criminal record bears the heaviest burden on themselves as individuals and on their families, and it bears the heaviest burden of cost and unfulfilled promise on the society.

The separate programs for juveniles called for by this legislation are needed to cope with the critical job of rehabilitating juvenile delinquents after their very first offense. As shown in the FBI's most recent report on the subject, statistics show that of those arrested under 20 years of age, 74 percent were arrested again. This was the highest percentage of all age groups. If we do not deal more effectively with juvenile delinquency, we will be running a never-ending race against its rising burden, cost, and debilitative effect on our society.

Mr. President, my support for this legislation is focused on its stated purpose to provide separate, or at least more adequate, correctional facilities for juvenile delinquents. Many of the present correctional methods even today make no adequate distinction between crimes committed by juveniles and those committed by adults. We have seen in the past generation a shift toward less formal courtroom procedures for juvenile defendants, and then a countershift to adversary proceedings and an emphasis on the right of these defendants to counsel and legal representation, and most recently a new turn back to the concept of informal juvenile courts. All this concern for juvenile offenders will not bear fruit unless it is carried over to the detention and correction process.

Over this Nation on this very day, juveniles are placed in the same institutions, even the same cell, as someone who may have robbed, murdered, or assaulted another person more than once. It is no longer enough to excuse this dead end correction policy, which serves primarily to produce hardened criminals at the expense of the State, by turning away from the need for separate and more adequate facilities for juvenile correction programs.

The act I am supporting would authorize a new title containing all enabling legislation and funds for the prevention of juvenile delinquency and the rehabilitation of juvenile delinquents under part E of the Law Enforcement Assistance Administration. It is important to note that this new title will not deprive any State of presently authorized block grant funds. Funds for the new title will be authorized as a separate line item, independent of the block grant moneys. Each State in order to qualify for assistance under the new title would within 2 years be required to provide a comprehensive plan including a juvenile justice component. In addition, a specific percentage of LEAA funds—and, in my judgment, this should be subject to discussion and hearings—will be earmarked for programs of juvenile justice. In setting up this requirement, funds would not be wrested away from other LEAA programs, but we would insure that significant portion of additional funds authorized by this bill would in fact be applied to the problem of juvenile delinquency.

This legislation also emphasizes the importance of coping with the problem of drug abuse as a new and very different source of delinquent misbehavior. Many of today's crimes are linked with efforts to obtain drugs, or they take place after someone has taken drugs and is under their influence. We must realize that these crimes are very similar to those crimes committed while a person is under the influence of alcohol and that, as in the case of alcohol, programs of prevention and education can be the most productive policy for government to pursue. Above all, we must approach the drug problem so as to encourage alternative means of dealing with juvenile behavior, and these means should not merely punish but work to strengthen the faith of young people in our society and dispel the belief that they can only express their emotions through delinquent behavior.

Although LEAA now allocates only 19 percent of its block grant funds to the area of juvenile justice, many of its discretionary grants have been directed toward juvenile problems. In my own State of Kansas, we recently received a grant of $120,000 for the planning of regional juvenile detention centers with future plans for additional centers. This form of Federal assistance was directly responsive to the widely recognized and long neglected need in the State of Kansas for facilities to serve as an alternative to existing overcrowded youth homes and reformatories. I want to compliment the Justice Department for its recognition of this need and make it quite clear that the continuing improvements now in progress with the assistance of LEAA funds should, in my judgment, be taken into account as the specific earmarkings are written into this legislation.

Mr. President, I urge the Senate to cope with the juvenile delinquency problem by supporting the Juvenile Delinquency Prevention and Rehabilitation Act of 1971.

POLITICAL CAMPAIGN IN SOUTH VIETNAM

Mr. HUGHES. Mr. President, the political campaign is heating up in South Vietnam. Charges are being hurled back and forth, leaving truth the major victim.

Our Government's declared policy is one of strict neutrality in these elections. I support that policy, although I am not convinced that elections can be truly free in an atmosphere of war and outside intervention.

Recently, Harold Willens, chairman of the Businessmen's Educational Fund, traveled to South Vietnam and talked to many people about the forthcoming elections. He found that most South Vietnamese with whom he talked believed that the American Embassy favors and supports the reelection of President Thieu, despite repeated assurances to the contrary. Mr. Willens also found that the South Vietnamese thought that their country was more likely to remain noncommunistic if President Thieu were defeated and a new government installed.

In view of these facts, Mr. Willens tried repeatedly but unsuccessfully to communicate his findings to officials of our Government. Now he has sent a letter to Ambassador Bunker in Saigon suggesting ways to avoid American partiality in the elections. He urges a reassessment of basic assumptions about U.S. policy. In order to permit fresh thought and to eliminate any doubts about our neutrality, he also urges the resignation of Ambassador Bunker.

Whether or not one agrees with Mr. Willens' line of reasoning, it represents a useful contribution by an American businessman to the dialog about the political situation in South Vietnam and the forthcoming elections there. I therefore ask unanimous consent that Mr. Willens' letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

BUSINESSMEN'S EDUCATIONAL FUND,
Los Angeles, Calif., June 29, 1971.

Hon. ELLSWORTH BUNKER,
American Ambassador,
Saigon, Vietnam

DEAR MR. AMBASSADOR: When we were in Saigon recently, you were graciously generous with your time and assistance. My deep gratitude makes it extraordinarily difficult to write this letter.

For as one American to another, I am

writing to plead with you to tender your resignation immediately as an act of personal sacrifice which would perform a high public service for the people of two countries. This urgent plea stems from two basic considerations:

1. Even if it is unjustified, it is undeniable that most South Vietnamese see you as favoring—and even acting to assure—the reelection of President Thieu October 3rd.

2. This widespread assumption makes an honest election impossible. Yet an honest election October 3rd presents an unparalleled opportunity to end the war quickly through *South Vietnamese self-determination* while providing *peace with honor for the United States.*

I invited Dick Thompson of your staff to join us during my discussion with General Minh. Dick heard the General say that the chief obstacle to a fair election "is that most Vietnamese people believe that Ambassador Bunker strongly supports Thieu. Everyone has this impression." The same conviction was independently communicated by scores of Vietnamese with whom I discussed the election: representatives of divergent opinions, interests and organizations.

Almost without exception, the people I met believe that Minh would defeat Thieu if their countrymen could vote without feeling that they might lose their jobs—or their lives—by voting "wrong." And in total contrast to the view from the Embassy, Mr. Ambassador, *all felt South Vietnam would be more likely to remain non-Communist if Thieu were defeated.*

If that strikes you as bizarre, please give thoughts to these chilling words of the Pentagon Study: "the explanation of how the U.S. mission became detached from the realities of the political situation in Saigon in August, 1963 is among the most ironic and tragic of our entire involvement in Vietnam."

I respectfully submit, Mr. Ambassador, that if your presence insures President Thieu's reelection, and if the people I met are right about their own country, this October 3rd could witness an even more "ironic and tragic" misjudgment than that of August, 1963. For even though the choice is limited to two generals, one does stand for peace and reconciliation, the other for war and repression. If the people freely chose the former, there would be Vietnamization not of the war but the peace. The people of South Vietnam would be taking back their country from us and assuming the responsibility for guiding its destiny.

Let me hasten to assure you that the thoughts expressed in this letter have nothing to do with "instant expertise." Rather, I am sharing impressions with you as one who is free from the inevitible inhibitions of a subordinate. I am reporting to you facts and opinions candidly revealed to me by Vietnamese people your staff would probably never even meet.

As an example: one of your assistants estimated "several hundred" political prisoners in all of South Vietnam. Two ARVN officers on active duty with whom I met secretly and separately *each estimated about 100,000!* Their figure was corroborated by others in a position to venture an intelligent guess. They included former political prisoners among whom were women who had been in various prisons including Con Son. There they had watched South Vietnamese guards (paid with American tax money) torture other women to death by forcing bottles and eels into their sex organs. Mentioning Con Son reminds me, incidentally, how it shocked me as a businessman to learn that an American construction firm had accepted a $400,000 contract (again our tax money) to build additional "isolation wards" in that notorious prison.

The massive number and barbaric treatment of South Vietnamese political prisoners whose only crime is dissatisfaction with the Thieu regime caused General Minh to say: "If I were a Communist, I would infiltrate and make propaganda about this." Like all Vietnamese I met, with the single exception of the Prime Minister, General Minh believes the Thieu regime is driving anti-Communists into the hands of the Communists; that in terms of keeping South Vietnam non-Communist, the Thieu policies are counterproductive; that without ongoing massive American support, the Thieu government will quickly collapse.

General Minh would probably agree with your recent statement that "with two billion dollars a year in American assistance, South Vietnam has a reasonable chance to avoid a Communist takeover after the U.S. pulls out." But, like all his countrymen with whom I spoke, he feels such assistance should be economic rather than military, and that our assistance cannot prevent a Communist takeover once the feared and hated Thieu government is forced to stand alone.

It is important to stress that your presence unfortunately vitiates the possibility of an honest election and that your resignation would simply indicate American neutrality. It is also important to emphasize, Mr. Ambassador, that I hold no particular brief for General Minh. But the inescapable fact is that there can be only one issue of any consequence for the desperately war-weary Vietnamese on October 3rd. That issue is peace versus war.

And where are the peace candidates? The 1968 presidential runner-up Truong Dinh Dzu is in Chi Hoa prison serving a five-year sentence. Other anti-Communist nationalists are also locked up or locked out by an incredibly restrictive election law which your own staff people told me would never be passed after the Senate rejected it.

So there remains only one hope for a people sick to their bones of a war they don't want and disgusted with a government forced upon them by American policy and power. That hope is General Minh, a man who would probably prefer to avoid the awesome responsibility of reconciling and repairing his broken land at a time like this: almost any sensible man not driven by overpowering ambition would prefer that.

But this particular man is obviously as inwardly torn as his land and his people are outwardly torn. He spoke repeatedly of October 3rd being "our last chance to keep my country out of the hands of the Communists and to save something of our Vietnamese traditions and culture." Better than I, you know that General Minh is a dedicated non-Communist. And you know that he is not a crafty political creature who lusts for power with its attendant burdens. Yet this self-effacing, almost diffident man has been cast by fate as the only "peace candidate." He feels he can end the war quickly and prevent a Communist takeover.

Isn't that what you want, Mr. Ambassador? If it is not, then my words will be meaningless. If it is what you want, however, perhaps these words will strike a responsive chord. And then perhaps you will save human lives—American and Vietnamese—by a sacrificial act which will win you the plaudits of history, the love of many persons around the world, and, above all, self-respect.

For you, too, are cast in a fateful role. You are one of the few people whose personal reassessment of basic assumptions might cause similar reappraisal by the Administration. It is possible, Mr. Ambassador, that the Vietnamese people may know more than Americans in Saigon and Washington about how to end their war and keep their country non-Communist. If your heart and mind could accept that possibility and cause you to act in accordance with it, your colleagues in Washington might do the same. That would be the first time in many years that a U.S. Administration did what businessmen must do constantly in order to survive: reassess basic assumptions.

Now comes the most difficult part of the most difficult letter I have ever written: trying to explain why I must release a copy of this letter to the press, who may, of course, choose to ignore it completely.

When I returned from Vietnam, I tried for weeks to meet with Dr. Kissinger. I wanted no one to know of our meeting other than Mr. Richard Smyser who was trying to arrange it. I wanted only to serve as honest broker, conveying the thoughts expressed here in the hope they might prompt the Administration to announce a withdrawal date. That, of course, would be the best way of all to free the South Vietnamese presidential election of the hovering American presence which will otherwise dominate that election and guarantee its "dishonesty." By now, most Vietnamese simply do not believe the Americans will ever leave. They *cannot* vote "freely" when they take for granted that American power and money will be available for whatever punishment "our candidate" may want to mete out afterward.

All this I wanted to tell Dr. Kissinger. Mr. Smyser expressed understanding of my reasons for refusing to communicate through an intermediary. But he was unable to obtain an appointment for me. He was not alone in trying and failing.

From this, I conclude that should you agree that your resignation would achieve American neutrality in the election; should you be willing to make the personal sacrifice involved, others in the Administration would strive to dissuade you. Perhaps that will be more difficult for them to do if the question should become a public question.

It is my sincere hope, Mr. Ambassador, that you will read this letter in the spirit with which I write it. The ordeal of Vietnam has lasted long enough for all who are a part of it. October 3rd offers unparalleled opportunity to end it quickly and honorably. Your decision may largely determine whether or not that fateful opportunity eludes us.

Sincerely,

HAROLD WILLENS.

USE OF RECYCLED PRODUCTS BY DEPARTMENT OF THE NAVY

Mr. DOMINICK. Mr. President, as the Nation begins to place needed emphasis on maintaining the ecological balance and preserving our national resources, there is a movement toward use of recycled paper products, metals, and other solid waste materials.

After recent discussions with Secretary of the Navy, Mr. Chafee, it occurred to me that a large organization such as the Navy could make an enormous contribution to the goals of preservation of resources and ecological balance by use of such recycled products. I wrote to the Secretary to inquire about the Navy's plans in this area, and he advised me that he has established a program to use recycled paper at the Pentagon and throughout the Naval establishment.

I want to commend Secretary Chafee for his initiative and leadership in establishing a program which will help in curbing the Nation's solid waste problem and preserving natural resources. By his example in adopting recycled paper for use in his own office and fostering a vigorous campaign to encourage its use throughout the Navy, even among shoppers in exchanges and commissaries, the Secretary has made a significant contribution toward protecting our environment.

This is one more example of Secretary's Chafee's extraordinary ability to move the Navy into the mainstream of

American life while continuing to build its defense capability which is of such vast importance to every American.

I ask unanimous consent that my letter to Secretary Chafee and his response—printed on 100 percent recycled paper—be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

June 30, 1971.

Hon. John H. Chafee,
Secretary of the Navy, The Pentagon, Washington, D.C.

Dear John: After our recent conversation concerning the enormous amount of paperwork essential to the efficient administration of an organization as large as the U.S. Navy, it occurred to me that you might have some plan to deal with the resulting quantity of waste paper.

With the increasing emphasis on protecting our environment and maintaining an ecological balance through preservation of our natural resources, I would be interested to learn of any plans the Navy may have or programs already in operation which contribute to this effort.

In addition, I would appreciate knowing whether commissary stores under Navy jurisdiction are stocking new, recycled paper products.

Best personal regards.
Sincerely,

Peter H. Dominick,
U.S. Senator.

Department of the Navy,
Washington, D.C., July 21, 1971.

Hon. Peter H. Dominick,
U.S. Senate,
Washington, D.C.

Dear Peter: Thank you very much for your recent letter in which you indicated your interest in the Navy's use of recycled paper.

I am delighted to be able to report that we have initiated a concerted drive to increase the use of recycled paper throughout the Navy. We are determined to do everything we possibly can to reduce the Nation's solid waste disposal problems, and I am convinced that it is incumbent upon us to assume a position of leadership in moving toward more widespread use of recycled materials. We have undertaken a comprehensive study to determine what actions can be taken by the Navy, and I am happy to be able to outline the progress we have made to date.

I have written to Senator B. Everett Jordan, Chairman of the Congressional Joint Committee on Printing, which oversees the procurement of our letterhead stationery. I have asked for immediate approval of expanded use of recycled fiber paper for all official Navy Department stationery. As you can see from this sheet, which is made from 100% reclaimed waste, recycled paper can adequately serve our stationery needs.

I have also written the Administrator of the General Services Administration, Mr. Robert L. Kunzig, asking that he approve a plan to increase specified amounts of recycled fiber content products used by the Navy, both aboard ship and throughout our shore establishment. We hope that through GSA we will be able to procure products containing a greater amount of recycled material. This will include paper towels, toilet paper and writing pads. In the packaging areas, we propose to use more recycled materials in the fiberboard, folding cartons, set-up boxes, metal-edge boxes, and cushioned bags we procure.

We have also initiated a program for encouraging the use of recycled materials in our Navy commissaries and exchanges throughout the country. Using the slogan, "Solutions to Fight Pollution", we are urging all of our patrons to purchase recycled paper products such as towels, tissues and stationery. Through a vigorous in-store merchandising campaign we will inform our customers of the amount of recycled fiber content of each paper product, and encourage them to use products containing reclaimed and recycled materials.

These steps represent just the beginning of the Navy's effort to use as much reclaimed and recycled fiber as we can to conserve our natural resources, and at the same time contribute to curbing the Nation's solid waste disposal problems.

Very best personal wishes.
Sincerely yours,

John H. Chafee.

THE PEOPLES' RIGHT TO KNOW

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the Record a statement and some insertions in behalf of the Senator from Arkansas (Mr. Fulbright).

There being no objection, the statement and insertions were ordered to be printed in the Record, as follows:

Statement by Senator Fulbright

Mr. President, a free press, as guaranteed in the First Amendment, remains vital in our society. In recent weeks the First Amendment has withstood serious challenges. The right of press freedom, the right of the American people to be informed about matters of public importance have been reaffirmed.

However, as Robert Roth of the Philadelphia Bulletin reminds us in an incisive and significant column, "Those who regard the First Amendment as a bulwark of the American way of life may be inclined to relax a little. They had better not."

Mr. Roth points out:

"There is in this country a considerable body of opinion which holds that there are things more essential than a free press, that the national security—as defined by those in power—should come first . . .

"There are those who believe that the business of government is best left to those who are paid to do the job, and that goes double when it comes to foreign affairs and quadruple when military policy is at issue. There are those who gladly concur when they are told they are not competent to question official judgments because they do not have "all the facts" and who never ask why they do not have them. There are those who believe that patriotism and curiosity are enemies."

I believe Mr. Roth is correct in his assessment. Too many Americans have fallen victim to the "myth of the expert"—the notion that most of us are not capable of understanding the complexities of foreign policy and that only a select few should even be informed. The results of this kind of logic are tragically obvious today.

Mr. Roth continues by noting:

In less civilized times it was customary to punish, sometimes to kill, the bearer of bad tidings. There is a survival of that custom in the attitude of those who reserve their anger not for the users of questionable policy but for the news media which question it.

Certainly there are those on the scene today who bring to mind Peter the Great, the Russian Czar who strangled the man who brought him the news of the defeat of the Russian troops at Narva by the Swedes under Charles XII.

As Congressman Ogden Reid of New York has written in another article which deserves serious attention and which was published in the New York Times, July 13:

Our democracy does not work well in secret. The Pentagon Papers illuminate the arrogance of those in high places and the serious erosion, if not breakdowns, of our constitutional system of checks and balances.

At least two Administrations, if not three, believed that they were not accountable to the Congress and the American people for watershed decisions taken about Indochina.

The present Administration has gone even further and launched the most serious attack on the press in our history, subpoenaing reporters' notes, threatening reprisals against television and radio stations under the power to license, and, for the first time nationally, invoking prior restraint against the right to publish.

Mr. Reid offers some worthwhile suggestions about what can be done to insure that Congress and the public do have access to information necessary for enlightened views and decisions. Mr. Reid also cites the need to come to grips with executive privilege, a subject which will be dealt with next week in hearings by the Senate Judiciary Subcommittee on Separation of Powers. The hearings will concentrate on S. 1125, a bill I introduced which would restrict the use of executive privilege.

Mr. Reid further mentions the need for a national Newsmen's Privilege Act, under which newsmen would not have to disclose confidential information obtained in a journalistic capacity or reveal confidential sources except in cases which are libelous, or where such information is illegally obtained or a threat to human life or national security. I am pleased to be a co-sponsor of legislation (S. 1311) introduced by Senator Pearson for this purpose and I am hopeful that it will be acted upon by the Senate.

Mr. President, I believe that the articles by Mr. Roth and Congressman Reid are deserving of our attention and I ask unanimous consent that they be printed in the Record.

At the same time, Mr. President, I would like to place in the Record an example of the continued effort in certain quarters to undermine the press, particularly in relation to its coverage of the war in Indochina. I ask unanimous consent to have an article entitled "Agnew Implies U.S. Press Follows Red Line on War" from the Baltimore Sun of July 7 printed in the Record. Along with it I would like to place two items which I believe provide an interesting contrast: The transcript of a round-table discussion by ABC correspondents in Vietnam, as aired on April 1, and an article by Wes Gallager, General Manager of the Associated Press, printed in the Paragould Daily Press, April 13, 1971.

[From the Philadelphia Bulletin, July 18, 1971]

On Erosion of the American Spirit: Why the People's Right To Know Is Still in Danger

(By Robert Roth)

Washington.—Now that the Constitutional guarantee of a free press has been twice upheld—in the Supreme Court and in Congress—those who regard the First Amendment as a bulwark of the American way of life may be inclined to relax a little. They had better not.

The decision of the highest court in the "Pentagon Papers" case, denying the government the right to prevent publication of material it preferred to keep secret, was indeed a confirmation of the basic freedom. So, too, was the Congressional repudiation of an attempt to punish a television network for refusing to disclose material it had accumulated but did not broadcast in the preparation of a news commentary program, "The Selling of the Pentagon."

But such successes are by no means irreversible.

SUPPORT FOR REPRESSION

There is in this country a considerable body of opinion which holds that there are things more essential than a free press, that the national security—as it is defined by those in power—should come first, that it is more important for the press to be honest, fair and impartial than it is for it to be free, and that the news media, which are elected by no one, should not be allowed to meddle in the affairs of a government run by elected officials.

Those who accept that view find strong leadership in the Nixon Administration and support—though as yet it falls short of being majority support—in Congress and the Supreme Court. The danger that such a view may one day prevail in the legislative and judicial branches of the government as well as in the executive is increased by the readiness with which many acquiesce in the doctrine that it is better to know too little than too much.

There are those who believe that the business of government is best left to those who are paid to do the job, and that goes double when it comes to foreign affairs and quadruple when military policy is at issue. There are those who glady concur when they are told they are not competent to question official judgments because they do not have "all the facts" and who never ask why they do not have them. There are those who believe that patriotism and curiosity are enemies.

Those who fall into such categories gain one doubtful advantage: they cannot be held accountable for what they did not know about. Just as there were Germans who preferred not to know about Hitler's gas ovens and Russians who did not want to be informed of Stalin's wholesale butchery, there are Americans who have no desire to know, and do not want to be told, how many civilians have been slaughtered by American weaponry in Vietnam. The publication of the Pentagon Papers made many uncomfortable not only because it revealed much that was not generally known but also because it called attention to much that was known but had been willfully ignored.

In less civilized times it was customary to punish, sometimes to kill, the bearer of bad tidings. There is a survival of that custom in the attitude of those who reserve their anger not for the users of questionable policy but for the news media which question it.

REPULSIVE LAW

This is not a new attitude. It goes as far back in American history as the Alien and Sedition Acts, adopted in 1798, which made it a crime to publish anything which might bring the government into disrepute. That law was so repulsive to what was then the American spirit that within two years it was nullified, those who sponsored it were turned out of office and their party never again won an election.

There has been some erosion of the American spirit since then. If President Nixon is defeated next year, it will not be because his administration has waged guerilla warfare against the news media. Vice President Agnew made himself a household word, and the most effective fund-raiser his party has, mainly by attacking newspapers and networks. No storm of popular indignation was aroused by the administrations' effort to block publication of the Pentagon history or by its decision to punish the publishers if it can. There is little evidence that the vast majority now values a free press as much as it did in Thomas Jefferson's day.

Whatever the cause, it is obvious that a free press will survive only if Americans believe, as Herbert Hoover did, that "absolute freedom of the press to discuss public questions is a foundation stone of American liberty."

[From the New York Times, July 13, 1971]

FREE PRESS, FREE PEOPLE

(By OGDEN R. REID)

Our democracy does not work well in secret. The Pentagon Papers illuminate the arrogance of those in high places and the serious erosion, if not breakdown, of our constitutional system of checks and balances.

At least two Administrations, if not three, believed that they were not accountable to the Congress and the American people for watershed decisions taken about Indochina.

The present Administration has gone even further and launched the most serious attack on the press in our history: subpoenaing reporters' notes, threatening reprisals against television and radio stations under the power to license, and, for the first time nationally, invoking prior restraint against the right to publish.

This precensorship was claimed to be justified because of an "immediate grave threat to national security." Critical national security touching our very survival is not in fact at issue here—nor is cryptographic intelligence.

While the Kennedy and particularly the Johnson Administrations' failure to inform Congress is a shocking example of unilateral executive decision-making, the attempted effort by the Nixon Administration to prevent what is essentially past history reaching Congress or being published is hardly more reassuring.

After six days of hearings before the Government Information Subcommittee of the House of Representatives, certain remedies are clearly called for if the Congress is to reassert its constitutional role.

First, the Congress must enact a new statute governing classified documents. This law must sharply limit that which should be labeled secret and it must provide for automatic declassification and Congressional oversight. If a matter should remain secret after a stated period, there should be an affirmative, positive finding as to why continued secrecy is necessary.

The Congress should explicitly reserve the right to make public material improperly classified by the executive contrary to statute when its classification is not a matter of national security and is simply a device to avoid governmental embarrassment. Equally, no Executive order on classification should be issued that subverts the intent of the Congress. Above all, there must be a vast reduction in the corps of 8,000 Defense Department officers who now have authority to originate top secret and secret designations.

Second, the Freedom of Information Act should be tightened in two respects. The types of information now permitted to be withheld must be sharply limited, and time permitted for Government response to a court suit must be reduced from the present 60 days.

Third, the Congress must come to grips with executive privilege. Here we are dealing with a collision between the executive and the Congress that has been going on since George Washington assumed office. It should be subjected to accommodation, but that will never happen if the Congress does not assert the powers and responsibilities given to it by the Constitution.

Fourth, legislation may well be required to protect the Fourth Estate. The press often serves as a coordinate branch of our democracy, especially when a breakdown occurs between the other three. Specifically, we need a national Newsmen's Privilege Act—now law in six states—protecting the confidentiality of sources, absent a threat to human life, espionage, or foreign aggression. Legislation should be enacted to prohibit the issuance by the courts of injunctions against publication, thereby removing prior restraint from the reach of the executive.

Congressional legislation and assertion of appropriate initiatives can help redress the current situation. If need be, the power of the purse can be more resolutely used vis-a-vis an unresponsive executive. But more fundamentally, what we need is government with faith in the American people and in their right to participate in the great decisions. If we do not see this now, after the Bay of Pigs, the Dominican Republic intervention and the whole tragic history of Indochina, then as a nation we do not really understand democracy.

[From the Baltimore Sun, July 7, 1971]

AGNEW IMPLIES U.S. PRESS FOLLOWS RED LINE ON WAR

(By Peter J. Kumpa)

SINGAPORE, July 5.—Vice President Agnew swung out again here today at a favorite target, the U.S. news media, accusing them, in effect, of an unintentional pro-Communist bias in reporting on the Vietnam war.

Before playing golf this afternoon with Prime Minister Lee Kuan Yew and paying a ceremonial call on President Benjamin Sheares, the Vice President met with his traveling press corps and slid into attacks on the American press for its war coverage and its handling of secret security papers.

Mr. Agnew said that he thought the South Vietnamese government had "a very good prospect" of holding the line against the Communists, even with continuing American troop withdrawals. But he detected a soft spot in continued U.S. support far from the battlefield. He explained:

"We're in a very vulnerable situation with respect to American opinion because it's completely possible for the North Vietnamese, in a very high-risk high-casualty effort, to launch a pinpointed attack which will unquestionably—if it's successful, regardless of North Vietnamese casualties—be played heavily as a failure of the Vietnamization program in the United States."

ATTACK EXPECTED

The Vice President said that the U.S. military believe such an attack is likely and expected.

"Success," he went on, "in a military sense is a lot different from a public relations coup, which is easily achieved because so many of our people in the national media are too ready to assist the North Vietnamese by their over-emphasis on what's taking place.

"I don't think they mean to assist them," Mr. Agnew continued, "but we've gone through this terrible introspective, almost masochistic, twinge of conscience in our country regarding the Vietnam war where we look with favor on anything good that happens to the enemy."

CAMBODIA EXAMPLE

The Vice President said that he thought the South Vietnamese, eventually if not immediately, could defeat such a Communist attack.

"The point is," he emphasized, "will the attack be related to the American people in perspective or will it be distorted as a complete defeat for the Vietnamization program?"

Mr. Agnew said that the American press had reported the invasion of Cambodia miserably and inaccurately.

"It was treated as a total escalation of the war, as a defeat, and it turned out to be one of the smartest things we've ever done in Vietnam, without which we couldn't continue with our withdrawals," he said.

The Vice President drifted into American press policy on his own after he was asked about a major political crisis here arising out of the conflict between Prime Minister Lee and local newspapers. Two papers have been shut down, the editor and three other employees of another paper have been jailed.

Trying to avoid the specific Singapore issue, Mr. Agnew said that he "believes very firmly in free press," but then added, "but I also believe that it's impossible for a nation to conduct its business in the public press, and there must be some security."

The Vice President went on to criticize, though not by name, those newspapers that have published the secret Pentagon study on the origins of the Vietnam war.

"I don't think it's up to any newspaper principal or any private citizen who is really totally unbriefed in many of the matters under consideration to take it upon himself to decide that to publish that information would not harm the national interests," he said.

COMMERCIAL FACTOR

"I don't see how he's in a position to make that judgment, and I think that he would be tempted to find in favor of publication because he is in fact involved in a commercial enterprise which would benefit from the publication of that information in a commercial sense."

Brought back to his opinion of the free press principle, Mr. Agnew endorsed it.

"I don't think there's anything other than a healthy result to be obtained from the criticism of the government," he said. That view here at this time could be interpreted as criticism of Prime Minister Lee's testy bouts with the press.

The Vice President called the meeting with newsmen just a day after aides had explained that his 10-nation, round-the-world trip was really "a goodwill mission" or a "showing of the flag" where much substantive diplomatic news was not to be expected.

Mr. Agnew has said about as much, explaining that he was returning calls made by heads of state or government of some of the countries now on his schedule.

But today, in a long opening monologue, he said that he was going to talk to leaders about the nuances of the Nixon Doctrine and "what the desires of American foreign policy are."

SAID NOTHING NEW

As he put it, the Vice President said nothing new, only emphasizing that the United States was pulling back from Vietnam but not from its commitments and not from a stance where it would continue to help nations, economically and materially, from a Communist threat. He also explained that the United States was seeking, in effect, a balanced status quo to keep the peace in areas like the Middle East.

Asked if he would call the rest of his trip "something more than a goodwill mission," Mr. Agnew replied:

"That's a hard question to answer. I guess you'd have to define 'goodwill.' It is a diplomatic mission without specified problem areas at its center. It is an overall diplomatic mission to make world leaders that I will visit more conversant with American attitudes with respect to American foreign policy—this administration's attitudes. So I guess in that extent you'd say it's more than simply to sit down and say 'Hello, how are you?' "

TREATY COMMITMENTS

A moment later, in talking about U.S. treaty commitments, the Vice President said he thought that some may have been entered into without "real in-depth examination" as to their length or obligation. Nevertheless he said all present ones had to be kept because a nation that does not cannot achieve "stature" in world affairs.

The Vice President had opened by describing the "national media" as a press that might make a foreigner think that isolationism was a prevalent mood in the United States. And he closed in talking about treaty obligations with another kick at the press. He said that it could have done "a much better job" in presenting President Nixon's State of the World message to make the public more aware of the nation's obligations.

ARE WE GETTING TRUTH FROM VIETNAM?

(By Wes Gallagher)

Are we getting the truth from Vietnam? Once again that question is being raised, as it has been so many times in the past eight years. Now it relates to the fighting in Laos.

Again the answer is yes—though we are getting the truth slowly, grudgingly, amid confusing rhetoric. As usual in Indochina the cost is high. Five newsmen were killed in the first two weeks of the Laos campaign. In all, 34 correspondents have been killed in South Asia since 1965, and 17 are missing.

In the early days of the Laos operation, the U.S. Command refused to let newsmen ride on American-piloted helicopters. The inexperience of the small group of South Vietnamese pilots led to the deaths of the first four correspondents killed in Laos.

PART OF THE PROBLEM

Protests by The Associated Press and others to Herb Klein, White House press adviser, resulted in the assignment of a U.S. helicopter to the press, with two gunships ordered to fly escort. While this met part of the problem, it was very different from past unrestrictedly with U.S. pilots throughout the South Vietnamese war zone and in Cambodia.

News coverage has been further restricted by prohibiting U.S. helicopter pilots who have been flying over Laos from talking to correspondents. In one instance, the pilots' area was fenced off with barbed wire and a gate guarded by a military policeman. But, like most such restrictions imposed by military commands, it didn't work. The pilots talked anyway, as did their crewmen.

There never has been formal censorship in Vietnam, though various efforts to restrict correspondents' access and movement have cropped up from time to time. Newsmen were banned at first from air bases while North Vietnam was being bombed. The idea of a single press helicopter surfaced on several occasions, presumably on the theory that it would limit and control the movements of correspondents.

INFORMATION OFFICER

Even that odd chestnut, an information officer accompanying correspondents in the field, has been repeatedly trotted out in Vietnam. The idea dates back to World War I, was tried and abandoned as unworkable in the early days of World War II, and was tried again in Korea and Vietnam.

In fact, none of the ploys by commanding generals to get the war reported as they want it reported has ever really worked. They may slow up reporting at times, may even succeed in misleading—but only temporarily.

These schemes fail because of one basic fact. Men who are fighting and dying in battle want to talk about what they have seen and done.

This human impulse to talk is not confined to the ordinary GI. Commanding generals like to think that all officers share their views; this isn't true, either. Each officer is his own strategist—that's his life. He follows orders but when he finds a sympathetic ear he will pour out his views of the war, anonymously most times.

OBSCURITY HANDICAP

While there has never been censorship in Vietnam, there are other difficulties. Because battles are small by comparison with other wars, objectives frequently obscure, front lines nonexistent, and territorial seizure no index of success against guerrillas, the conflicts in reports have been sharper than in other wars.

The correspondents always had the job of sifting and weighing official briefing reports against those from the field—sometimes against optimistic official versions. Over the eight years of war in Vietnam, they have done their job well. The truth has gradually emerged from the confusion of each phase.

Correspondents have found again it is an axiom of war. When operations are going badly, restrictions imposed on the press are at their height. When operations go well, there's always helicopter space to get to places, view captured material, prisoners of war and so on.

Correspondents also have found that military objectives have a way of changing with the nature of enemy reaction. If the enemy stops a drive short of what seemed to be the objective, newsmen sometimes find briefing officers contending that the objective was limited, was attained anyway, and that nothing more had been expected. This has been common in other wars as well.

NOT DEFINED

The Laos objective has never been really defined in specific terms. Possibly the most unusual explanation in several wars came from Lt. Gen. John W. Vogt, speaking at the Pentagon in connection with the slow-down in Laos:

"The decision to pause at this particular point was made because of a desire to assess the enemy action at this time, observe where he would intend to attack, and it was made conscientiously and orders were given accordingly."

The idea of bursting into enemy territory and then waiting to see where and how he'll clobber you might set generals like Patton, MacArthur, Forrest (get there "fustest with the mostest") spinning in their graves. But this is the rhetoric of war, which seldom makes sense.

It will be weeks probably before a clear picture of Laos emerges. But emerge it will. And in the final analysis the reader will have to weigh for himself the operation's success or failure. Soldiers fighting a war will always talk. And from the confusion of the war itself, from conflicting claims and counterclaims, clashing assessments and evaluations, the truth will emerge.

ABC ROUND TABLE ON LAOS

(Note.—On April 1, the "ABC Evening News with Howard K. Smith and Harry Reasoner" devoted a major part of its time to a round-table discussion by its correspondents in Vietnam. What follows here is a transcript of that exchange of views.)

JIM GIGGANS. Every day in Quang Tri, which was the press center for the Laotian operation, there would be briefings—one in the evening and one in the morning. In the morning we would be given mimeographed sheets, but in the evening there would be South Vietnamese briefers and American briefers. Usually, the Americans would cover only the American side of the operation; the South Vietnamese, the South Vietnamese side. When they were in conflict, there was no way to verify one bit of information with the other. The Americans would continually say, "Go to the South Vietnamese to find out." Or if it had anything to do with the American operation, the South Vietnamese would say, "Check with the Americans." However, when there was a difference, there was no way of finding out just what the truth was. No side was infringing—as they called it—upon the other.

HOWARD TUCKNER. Because we were lucky enough to have some South Vietnamese officer friends, we got some favored treatment. I was very close to the executive officer of one of the crack divisions involved in the Laos campaign. He told me about the faulty intelligence, faulty reconnaissance, that what they found in Laos was not at all what they were led to believe they would find. He said, "I wish I could tell you on camera what's really happening but I don't have that kind of courage."

He sent me into Laos to see Lieutenant Colonel Dung, the head of the armored task force, whose job it was to spearhead the drive to Tchepone. That was the original objective; his orders were to take it in three days. I spent two nights with this man. We talked privately for three hours the first night and he told me that he found that the entire route—Route 9—was mined. He said intelligence didn't indicate that. He told me that he was seriously outgunned in fire power. They found that the North Vietnamese had about sixty tank battalions in the Laos operation area. That's about 600 tanks. And since that time, military sources confirm that they had no idea that the North

Vietnamese had anywhere near that many tanks in Laos. The South Vietnamese also found that they were seriously outgunned. Their artillery pieces were 155s and 105 millimeter; the enemy had 152s and 130s, which shoot farther and hit harder.

I asked this man if he would go on camera with me and do this publicly. He said he'd like to think about it overnight. He did so, and then we had an interview. The reaction from Washington and Saigon was that he didn't have the big picture; that he was merely a local commander. He was a local commander—with the biggest responsibility of the first week of the drive to take Tchepone. He never got there because he found out he was seriously outgunned. He advised Lieut. Gen. Hoang Xuan Lam, the head of the operation, not to go ahead, to stop the tanks right where they are, to get out. . . . Of course, they couldn't do that because the operation was so well publicized in advance that it would look like a complete, ridiculous move if that happened. But it turned out that Lieutenant Colonel Dung was right. Because when his 220 armored units got ready to leave Laos and go back to Vietnam, they couldn't make it. Half of them were left in there; 50 per cent at least.

Steve Bell. I think the most significant thing about coverage of the Laos operation was our inability to get to the story; the reason is that the military denied us the space available—privileges that have always been part of coverage here in Indochina. That means that any time a helicopter or a truck is going where the action is you can ride if they have room. The decision is yours, it's individual. In this case, first they denied us any access to Laos, with American helicopters or planes, invoking an old diplomatic rule against carrying people across borders in military flights—something that had been ignored in Cambodia. Then when they did have a chopper that was dedicated to taking newsmen across the border it was under the control of the South Vietnamese commander, who on most days said it was too dangerous to fly and the helicopter went nowhere. Or when he did allow it to go somewhere it went only to a fire base where nothing was happening and you couldn't get a picture of the war one way or the other.

Don Farmer. And that rule was changed only after four newsmen died flying in a Vietnamese helicopter. You know, I think a lot of truth in Vietnam comes from correspondents who have been here for a long time. And many of them have told me that this was easily the most frustrating operation they have ever covered in Vietnam.

Steve Bell. One perfect example of the problem between what they report and what we know to be fact is in tank losses on both sides. The South Vietnamese each day, and the Americans, would have a very firm total on enemy tanks destroyed in Laos. And I don't doubt for a second that the enemy lost a great number of tanks—that was one of his worst areas of setbacks. At the same time, we never had a South Vietnamese tank or armored vehicle reported lost, yet we know that about 200 of them went in and I was on Highway 9 the day they fought their way back into South Vietnam and American armor supported them—we were ambushed three times—and less than 100 vehicles came out—tanks, APCs and trucks. But get back to the briefer and he would swear that South Vietnamese tank losses were very light, giving no figures. At the same time, we had it confirmed from a number of U.S. sources that American pilots had to fly special missions into Laos to destroy South Vietnamese tanks and APCs that had been left behind, abandoned by their crews.

Don Farmer. You know, in more general terms also, they talk about this operation being a success and the President was quoted as saying that, "We now know that the South Vietnamese can hack it." Well, in some ways, that's very true, but, you know they could not have hacked it at all had it not been for United States air support.

Steve Bell. This brings up a point that has really bothered me—the way that the American military and the government in Washington have tried to knock down our stories of Vietnamese reverses in Laos. Most of our information came from South Vietnamese troops that we personally talked to as they came out of Laos to Ham Nghi, many of them wounded, demoralized, near hysteria, or from the U.S. helicopter pilots who had pulled them out, and who told stories—the most vivid stories—of all those South Vietnamese grasping for the struts, and total disorganization and sometimes panic, at these evacuation points. When we filmed these reports, when we broadcast them, then we were told by the military and the U.S. Government that these were unreliable people. But they're the same young men that you're asking to fly your helicopters into Laos, to fight and die as the spearhead of the American support effort in Laos. Now, suddenly, they're unreliable. And they're afflicted by tunnel vision because they're telling us stories of . . . of a negative nature about South Vietnamese operations. I recall in Cambodia, in the months that we were over there covering, traveling with the South Vietnamese, that they never missed an opportunity to set up little displays, even at the most remote outpost, of captured weapons, captured documents. They'd take you out and show you enemy dead where they'd had a fire fight the night before. They made these tremendous victory claims in Laos and never once were they able to take newsmen to show them what they were talking about.

Don Farmer. One day they told us that they were going to take us into Laos to see one of the biggest arms caches of the operation that they had uncovered and captured and we were very happy about that, and so we went out to Ham Nghi again, and we got there and we were put off and put off, and finally the South Vietnamese commanders came out and said, "Gentlemen, we're very sorry, but our regiment commander who uncovered the cache has inadvertently destroyed it." Which means it didn't exist any more, if it in fact ever existed in the first place.

Steve Bell. It seems to me that there are a number of examples where we are dealing with things that turned out to be something other than what we were told, and we had an opportunity to actually verify the fact that we were being misled. The most blatant example is the reporting of U.S. helicopter losses. The American helicopters were reported as lost *only* when they were destroyed and could not be retrieved from the battlefield.

This leaves out completely all the literally hundreds of helicopters that were unable to return from a mission because they were downed by enemy fire.

Don Farmer. You know I remember talking to a helicopter pilot about two weeks ago and I think that at that time the figure they were giving us in Saigon and here officially, American helicopters shot down and destroyed, was somewhere around fifty at that time. And this helicopter pilot told me that they had lost 119 in the first week of the operation, and we were then a good month into the operation. Another helicopter pilot told me the figure was actually more like 250, and they did not report those which were recovered; even if there were people killed and wounded, they didn't report them.

I think there is one other really significant fact in trying to report this operation, and that is as it came to a close—at least the Laotian part of Lam Son—we were told by the Americans and the Vietnamese—the South Vietnamese, of course—that this was a great success, a great victory. Well, in fact it may have been in some aspects; the ARVN proved themselves to be good fighting men. The Marines did very well for a time. The Rangers certainly took it on the chin, and their high losses are certainly not proof of poor performance. But, when they say things like "We now have cut the Ho Chi Minh Trail," you and I know that that's absurd. And that's the kind of statement we're getting and they're so unbelievable that I think sometimes we're getting slightly paranoid—you know, we start looking for lies where maybe they don't exist.

And I think it's a natural human failing that, partly our fault, but there's a reason for it. We've been lied to so many times that you begin to suspect that no one ever tells you the truth.

THE CAPTIVE NATIONS

Mr. PERCY. Mr. President, in our country where we enjoy the daily benefits of freedom, we do not always appreciate our blessings. However, I have found that Americans of Eastern European origin and descent are more likely than the rest of us to value the meaning of freedom. They know what freedom means, because they know what the lack of freedom means.

On the occasion of the annual observance of Captive Nations Week, millions of Americans recommit themselves to the principle of freedom for all mankind, and in particular for the peoples of those nations of Eastern Europe who do not have the opportunity to pursue their national life, their religious life, or their daily life in full freedom. They must not be forgotten, and they will not be forgotten.

As Americans, we continue to support the legitimate aspirations of the peoples of Poland, Czechoslovakia, Hungary, East Germany, Bulgaria, Albania, Lithuania, Latvia, Estonia, Ukraine, Armenia, and Georgia. This week and every week, we should all remember the oppressed peoples of Eastern Europe in our prayers.

REFORM OF THE FEDERAL CRIMINAL LAWS AND THE AMERICAN BAR ASSOCIATION

Mr. McCLELLAN. Mr. President, in January of this year, the National Commission on Reform of the Federal Criminal Laws completed nearly 4 years of work by presenting to the President and to the Congress a draft of a proposed new Federal criminal code for the consideration of the Congress. It was my privilege and honor to serve on that Commission along with my distinguished colleagues, the Senators from Nebraska (Mr. Hruska), and North Carolina (Mr. Ervin).

The Subcommittee on Criminal Laws and Procedures, which I am privileged to Chair, has embarked upon an extensive examination of the Commission's recommendations, and I am happy to note that the subcommittee can now expect to receive the support and able assistance of two learned sections of the American Bar Association.

Mr. President, I ask unanimous consent that the text of two resolutions of the American Bar Association's House of Delegates, adopted at its recent New York meeting, be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolution

Whereas, The National Commission on Reform of Federal Criminal Laws has submitted to the President and Congress a proposed new Federal Criminal Code "as a work basis upon which the Congress may undertake the necessary reform of the substantive Federal criminal law"; and

Whereas, The Commission's report demonstrates the desirability of fundamental reform of the substantive Federal criminal laws and new approaches to: (1) the scope of Title 18 of the United States Code, including all Federal felonies and the codification of common defenses; (2) problems of Federal jurisdiction, including the relationship of what is criminal to the factors which bring criminal behavior within Federal jurisdiction; (3) grading of offenses, including legislative determinations as to what aggravating factors subject the offender to more severe penalties, and the appropriate penalizing of more serious criminal conduct committed in the course of committing lesser Federal offenses; and (4) the sentencing system, including limitation of the number of the classes of crime and the formulation of statutory guidelines for the exercise of discretion within the range of sentencing authority; and

Whereas, The specific issues involved in drafting a new Federal Criminal Code are too numerous and great to bring all of them in advance of legislative drafting before the House of Delegates for individual resolution of each specific proposal:

It Is Hereby Resolved, That the American Bar Association approve the following specific actions:

1. To commend the National Commission on Reform of Federal Criminal Laws for its extensive work and constructive report;

2. To endorse the Commission's recommendation that the Congress undertake reform of the Federal Criminal Laws, using the Commission's report as a working basis therefor;

3. To endorse in principle the Commission's proposals regarding the restructuring of the Federal Criminal Laws and the scope of Title 18, United States Code; the treatment of Federal jurisdiction as a separate matter in defining elements of offenses; the grading of offenses; and the systematic treatment of sentencing;

4. To urge the United States Department of Justice and the Judiciary Committees of the Senate and the House of Representatives to give top priority to the Commission's report with a view to enactment of a new Federal Criminal Code in 1972; and

5. To authorize the Section of Criminal Law to offer the assistance of the Section and to work with the staffs of the United States Department of Justice and the Congress for the purpose of developing specific proposed legislation to implement reform of the Federal Criminal Laws; *provided, however,* that none of the views presented shall be contrary to action of the House of Delegates previously taken and that such views shall be consistent with the ABA Standards for Criminal Justice; and *provided, further,* that the Section shall at all times make it known to the staffs with which it confers that the Association's support of specific legislation resulting from such consultation will require further approval of such proposed specific legislation by the Board of Governors or the House of Delegates; *and to authorize* the Section of Criminal Law to encourage and coordinate the similar assistance of other interested Sections and Committees of the Association which may be hereafter authorized to participate in this work, subject to the same conditions.

Resolution

Whereas, The National Commission on Reform of Federal Criminal Laws has issued its Final Report on a proposed new Federal Criminal Law has issued its Final Report on a proposed new Federal Criminal Code containing provisions relating to the conduct of organizations and persons acting in a representative capacity which provisions substantially depart from existing law, and

Whereas, Senator McClellan, Chairman of the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary has invited the Section of Corporation, Banking and Business Law to submit its comment on the proposed Criminal Code and has extended an invitation for the Section to have its representative testify at public hearings.

Resolved, That the Section of Corporation, Banking and Business Law is authorized to appear before the appropriate committees and subcommittees of Congress to present its views with respect to Chapters 3 and 4, Sections 1006, 1551, 3007 and 3502 of the proposed Federal Criminal Code which relate specifically to the Section's activities, and to submit a written statement in support of such views, subject to the following terms and conditions:

1. The Section shall take no action in conflict with any position previously adopted by the Association;

2. At least fourteen (14) days prior to the submission of any written statement to any legislative committee a draft thereof shall be submitted to the President and Secretary of the Association, to the Chairman of the House of Delegates, to the chairman of each other section or committee of the Association as shall have requested to be kept informed, and to the Executive Director of the Association with a list of the other sections and committees to which such distribution is being made.

3. The Section will coordinate its statements, testimony and activities with such other sections and committees, and no statement as to which timely written objection is received from the chairman or other proper officer of any such other section or committee shall be filed unless approved by the Board of Governors in advance of filing.

4. The Board of Governors may require the Section to refrain from publication of its conclusions or from action publicly promoting, opposing, or endorsing or committing the Section to any proposal or course of action until the proposed action has been approved by the Board of Governors or by the House of Delegates.

5. Between meetings of the Board of Governors, the President of the Association or the Chairman of the House of Delegates may require the Section to withhold publication or action until the next meeting of the Board of Governors or the House of Delegates.

6. No statement shall be submitted to any legislative committee unless it has been approved in writing by the Chairman of the Section of Corporation, Banking and Business Law.

7. A copy of any statement filed pursuant to this resolution shall be submitted to the Board of Governors and House of Delegates no later than the next succeeding annual report of the Section of Corporation, Banking and Business Law.

CAPTIVE NATIONS

Mr. TAFT. Mr. President, from our beginnings as a nation, the American people have maintained a steadfast commitment to the principles of national independence and human liberty. In keeping with this tradition, it continues an essential purpose of the United States to encourage the constructive changes which lead to the growth of human freedom, both at home and abroad.

For this reason, Captive Nations Week has a special meaning for all Americans. We understand and sympathize with the efforts of oppressed people everywhere to attain the inalienable rights so hard won and so vigorously maintained by our own citizens. Our sympathies and understandings are especially keen because of the strong ties of birth and blood linking many of our own people with those in other lands still struggling to be free.

It was especially fitting, therefore, that in 1959 the Congress authorized and requested President Eisenhower to issue a proclamation designating the third week in July as Captive Nations Week, to be observed by Americans with appropriate ceremonies and activities each year, until all captive nations shake off the yoke of tyranny and take their rightful place in the community of free nations.

The observance of Captive Nations Week this year comes just a few months after the bloody food riots in Poland. Last winter, as we know, workers in that country took to the streets to protest the oppressive economic policies of the Golunka regime. The toll of these riots, according to the regime's own figures, was 45 dead and almost 1,200 wounded.

These tragic events were but the latest in a series of dramatic proofs of the complete inability of communism to satisfy the spiritual and material needs and demands of the people.

The list of nations which have fallen to Communist imperialism since the Russian revolution constitutes an awesome catalog of suppression. Communist regimes, backed by the brute force of a Soviet military occupation, have ruled over millions of people in East and Central Europe for more than two decades. The record of their tenure in power offers unquestionable grounds for an indictment of tyranny, callousness, and incompetence.

The meaning of this record of repression and resistance is clear. Captive people have opposed, do oppose, and will continue to oppose Communist tyranny. Their hopes and goals are those shared by freedom-loving people everywhere; attainment of sovereignty, self-determination, and liberty.

As we share common aspirations with captive peoples, so do we share a common destiny. As Lincoln reminded us, "a house divided against itself cannot stand." Neither can a world divided against itself hope to endure, half slave and half free. A world so divided remains a fertile breeding ground for continued divisive conflict.

I have long believed that lasting peace in Europe and elsewhere in the world can come about only after currently captive nations have regained their national independence. This fact is as simple as it is certain. Just as certain is the need for America to play a meaningful role in this struggle. Far less simple, however, is the definition of that role.

The period preceding World War II taught us the dangers of ignoring our international responsibilities, and defining our role in a way too narrow and too limited. The years since World War II, however, have taught us the perils of an overly ambitious definition of our role in the worldwide struggle for freedom. No country, including the United States, is capable of assuming the role of universal policeman, no matter how virtuous the cause.

This in no way suggests that we should abandon our commitment to freedom and self-determination, only that we must formulate our policies in a reasonable way to insure that they may be effectively applied.

With this goal in mind, President Nixon has undertaken a fundamental review and redefinition of our foreign policy. As a part of this process the President himself will be going to China soon to seek the normalization of relations with the regime in Peking.

This dramatic action does in no way represent a lessening of our commitment to freedom. Relations with a government do not imply approval of its policies, only that we recognize the necessity of dealing with an important fact of life.

Through the dialogs that follow, attempts will be made, not to endorse the rigidity and repression of the status quo, but to set the stage for greater flexibility in foreign relations, and thereby better the chances for the spread of freedom in the captive nations. All Americans should support the President in this historic effort, for only a community of free nations can guarantee a just and lasting peace.

NLF PEACE INITIATIVE

Mr. MOSS. Mr. President, last week in a Senate statement, I informed my colleagues that my analysis of the recent National Liberation Front peace initiative led me to conclude that it represents a significant peace overture apparently made in good faith. Because the proposal offers some hope for a genuine breakthrough in the now stalled talks, I called upon the President to respond positively and creatively to the initiative and to ask for an immediate ceasefire while actively exploring the possibility of a settlement based upon this new concession.

For 3 weeks now, the administration has withheld reply to Hanoi's seven-point peace initiative, while pursuing talks with Communist China. In a well-reasoned editorial in this morning's New York Times, Nhan Dan, the official Hanoi newspaper, was quoted as asserting:

> President Nixon has been running about wildly in search of a way out. But he has gone to the wrong place. The exit door has been opened, yet he has tumbled into an impasse.

The Times editorial suggests that Hanoi's seven-point initiative offers to the United States a way out of Vietnam that administration visits to Peking cannot provide.

I also am persuaded that there is no substitute for direct negotiations with Hanoi in Paris to be opened by a constructive response to the unanswered seven-point peace proposal. I recommend this penetrating editorial to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 22, 1971]

PEKING'S ROLE IN VIETNAM PEACE

President Nixon is wise to discourage speculation about the effect of his new China policy on Vietnam. Euphoric hopes in this country, stirred in part by earlier White House comments, could boomerang badly if the war is not ended. But equally dangerous is the effect Mr. Nixon's own hopes for Chinese aid may have on his strategy for peace in Southeast Asia.

The crucial question is whether the key to peace lies in Peking—or in Hanoi. For three weeks, a reply to Hanoi's important new seven-point peace proposal, brought to Paris by Politburo member Le Duc Tho, has been withheld by Washington while pursuing talks with Communist China. Symbolic was Dr. Henry Kissinger's passage through Paris on his return from 20 hours of private talks with Premier Chou En-lai in Peking. His rejection of a private meeting with Mr. Tho, the first offered the United States in almost two years, suggested that Washington saw less value in talking with North Vietnam.

Hanoi now is seeking to disabuse Washington—and Peking, perhaps, as well—of any such illusion. An editorial in the official Hanoi newspaper Nhan Dan has warned against any "compromise between the big powers in an attempt to make smaller countries bow to their arrangements." It has emphasized North Vietnam's independence, sovereignty and "spirit of self-reliance," implying that the fight could go on even if there were a reduction in aid from Moscow or Peking.

President Nixon, Nhan Dan asserted "has been running about wildly in search of a way out. But he has gone to the wrong place. The exit door has been opened, yet he has tumbled into an impasse." The implication is that Hanoi's seven points offer the United States a way out of Vietnam that visits to Peking cannot provide.

This comment undoubtedly is being read by some in the Nixon Administration as evidence that Hanoi is worried about the improvement in Chinese-American relations. The hasty trip of North Vietnamese Foreign Minister Trinh to Peking after the Kissinger visit has led some analysts to speculate that Hanoi was not informed beforehand. Whatever the facts, it would not be surprising if Hanoi felt uneasy. No Peking briefing on the 20-hour Kissinger-Chou conversation is likely to convince North Vietnam that it has heard everything.

Nor would Washington be wrong to feel encouraged by the increasing indications over the past six months that Peking, heretofore a major barrier to a negotiated peace, now favored an Indochina settlement. Mr. Chou's recent hint of a new willingness to participate in a Geneva-type conference followed enthusiastic endorsement of Hanoi's seven-point proposal—that the first time Peking has shown enthusiasm for any peace proposal.

But it is one thing for Peking to get out of the way of a settlement and quite another to expect Communist China to force Hanoi to yield. Competition with Moscow for influence in the world Communist movement undoubtedly inhibits Peking. Moscow now has thrown cold water on the idea of a new Geneva conference just as Peking earlier discouraged any Soviet role in mediating the Vietnam conflict. Moreover, Mr. Chou's comments about a Geneva meeting may be interpreted as being favorable not to a substitute for the Paris talks but to an international sequel that would guarantee a settlement achieved directed between Washington and Hanoi in Paris.

It is vital to avoid mistaken notions based on what happened at the first Geneva conference in 1954. Many Americans have bought the belief, promoted by Hanoi itself, that the Vietnamese Communist were pressured by Peking and Moscow into accepting an unfavorable settlement in Geneva in 1954. The fact is that the Viet Minh Communists themselves advanced the partition solution that later was adopted. The reports of pressure on the Viet Minh by Moscow and Peking stem from the final transactions of the conference, needed to meet Premier Mendes-France's 30-day deadline and they applied to secondary matters.

All this suggests that a settlement in Indochina, if it is going to be negotiated now, will have to be negotiated with Hanoi, not with Peking and Moscow. The two great Communist powers could help, if they would, by favoring compromise. The inability of Hanoi hawks to invoke external support for intransigence undoubtedly would strengthen the hand of Hanoi's doves.

But there is no substitute for a major new effort to negotiate directly with Hanoi in Paris, first of all by a constructive response to the unanswered seven-point proposal that now lies on the table there.

DEATH OF HARRY W. MORRISON

Mr. JORDAN of Idaho. Mr. President, all of Idaho was deeply saddened earlier this week to learn of the passing of Harry W. Morrison, cofounder of the construction and engineering firm of Morrison-Knudsen Co. Harry Morrison was a truly outstanding Idaho pioneer, a good friend dedicated to the betterment of his fellow man. His many contributions to the construction industry knew no boundaries, and the worldwide esteem that he enjoyed for the greatest share of this century was justifiably earned.

I ask unanimous consent to have printed in the RECORD a biographical sketch of Harry W. Morrison, released earlier this week by Morrison-Knudsen Co.

There being no objection, the sketch was ordered to be printed in the RECORD, as follows:

HARRY W. MORRISON

Harry W. Morrison, co-founder of the globe-girdling construction and engineering firm of Morrison-Knudsen Company, Inc., died early Monday (July 19) at a Boise hospital. He was 86.

Death came to the noted construction executive—a man once described by a national news magazine as "having done more than anyone else in history to change the face of the earth"—after being taken ill at his summer home at Payette Lakes, Ida., north of Boise.

He had been in declining health in recent years, and, while holding the honorary title of founder-chairman of Morrison-Knudsen, he withdrew from active management of the company in 1960.

One of the largest construction firms in the world, "M-K" was established at Boise in March, 1912, as a partnership by Mr. Morrison and M. H. Knudsen, who died in 1943. Their total assets when they joined were $600 and a few teams of horses.

With Morrison at the helm, M-K grew to become a worldwide organization that has built some of the great projects of all time in more than 50 countries. They include Hoover Dam and major portions of Grand Coulee Dam and the St. Lawrence Seaway, railroads up the Andes in Peru and through jungles of Brazil, Karadj Dam in Iran, canals and dams in Afghanistan, pipelines in Pakistan, and military bases throughout Alaska and the Pacific during World War II.

Widely known as the dean of U.S. contractors, Morrison was first and foremost a businessman with a keen ability for organization and finance as well as being an innovator of methods that helped spur progress of the construction industry.

He attributed success in any venture to "integrity and honesty."

Harry Winford Morrison was born February 23, 1885, near Kenney, Ill., at Tunbridge Township in DeWitt County. At the age of 14, he took a summer job as a waterboy with the Chicago construction firm of Bates & Rogers that was to set the course of his career.

In 1904, with the National Reclamation Act of 1902 ushering in a new era in the winning of the West, the 19-year-old Morrison went to work fulltime for the Chicago firm as a timekeeper on the U.S. Reclamation Service's Minidoka Dam Project in Idaho.

When he failed to get a raise, he quit and joined the Reclamation Service in 1906. Two years later, he was serving as a supervisor on a diversion dam project near Boise. Here he met Knudsen, then 50, who was renting out horse teams for canal excavation.

Upon formation of the partnership, the first office consisted of one room in a downtown Boise building which doubled as sleeping quarters for Morrison. The first jobs were small and close to home—canals, logging roads and railroad work.

In 1914, the partners took on their first dam job—the Three Mile Falls Dam in Oregon that yielded a $14,000 profit on a $120,000 contract. It was then that Morrison determined to concentrate on dam-building which was to remain his first construction love.

During the early years of the company, Knudsen took himself off the payroll every winter and, during two tough years, drew no salary at all. Morrison lived on $1000 monthly.

In 1925, now incorporated under Knudsen as president and Morrison as vice-president, M–K joined with Utah Construction Company in a combination that later built Guernsey Dam in Wyoming and Deadwood Dam in Idaho.

Deadwood Dam was an outstanding test of new equipment and faster methods for M–K's next decade of construction. There the company's builders used some of the first bulldozers ever manufactured and tested gasoline-powered revolving shovels and new diesel trucks.

Hoover Dam, begun in 1931 and one of the biggest construction achievements of all time, not only moved M–K into the ranks of the nation's top construction firms but also marked the dawn of a new era in heavy construction in the West and of a new so-called "joint venture" method of financing large-scale projects. Morrison was a prime mover in the march toward these milestones. So huge was the Bureau of Reclamation's undertaking on the Colorado River that no single company had the means or the inclination to tackle it alone. Morrison persuaded a group of leading builders to band together in a corporation known as Six Companies, Inc., which actually was composed of eight separate companies pooling their resources and talents.

After Hoover, the Six Companies' members split into two competitive teams bidding on a pair of contracts for the San Francisco-Oakland Bay Bridge. Morrison's group landed the contract to build the deep caisson piers for the San Francisco side of the 4,620-foot-long span, while the other team got the Oakland side.

In the following years, M–K shared in various combinations with members of the original Six Companies and others to build such western U.S. dams as Bonneville, Parker, O'Shaughnessy and the second phase of Grand Coulee, including the spillway dam, pumping plant foundations and left-bank powerhouse.

The company also was busy elsewhere during this period, which saw Knudsen, then 77 and already semi-retired, assume M–K's chairmanship in 1939 and Morrison become president and general manager. Working alone or in joint ventures, M–K constructed roads, railroads, and such dams as Imperial on the Colorado, Roy Inks in Texas and Kingsley in Nebraska.

World War II brought another giant stride in M–K's growth. Building for battle as a member of a joint venture known as Contractors, Pacific Naval Air Bases, it sponsored construction of the world's largest underground installation for Naval fuel storage at Red Hill, near Pearl Harbor, Hawaii. Westward across the Pacific, the company's men built bases on Midway and Wake Islands. More than 1,200 of them were taken prisoner and 98 were killed when the Japanese seized Wake in December, 1941.

In Alaska, M–K performed more than half the total dollar volume of wartime work under a high-speed Civil Aeronautics Administration program that built 26 air fields and 42 range stations. The company spent $400,000 of its own money to build and equip a field at Cold Bay, near Dutch Harbor in the Aleutians, before a contract was signed or money was appropriated by Congress.

The company's star salesman, as well as its chief inspector for many years, Morrison logged more than 100,000 miles annually for many years visiting clients, investors and projects around the world.

Though he never forgot he was a hard-headed American businessman working to make a profit, Morrison recognized another objective for his company's far-flung operations:

"We like to think we leave the impression around the world," he once said, "that all America is interested, earnestly and hopefully, in economic and social progress for all men."

"A man's worth," he once declared, "is counted in the things he creates for the betterment of his fellow men."

Honors by the score came to him unbidden. Though his formal education ended after two years of high school and a business-school-correspondence course, he was tapped for honorary degrees by the University of Idaho, the College of Idaho and the University of Portland. An award for "economic statesmanship" was granted him by Seattle University and he was picked as Idaho's "Businessman of the Year" by the Idaho State University chapter of a national business fraternity.

Other honors included a U.S. Navy Civilian Service Award in 1944; an award in 1947 for outstanding construction achievements by The Moles, a famed eastern construction society; honorary life membership in the Idaho Society of Engineers in 1950, a management award from The Beavers, another construction fraternity, in 1956; and election as honorary lifetime president of the Idaho Branch of The Associated General Contractors of America in 1957.

He served for many years as a director of The Idaho First National Bank and of Kaiser Cement & Gypsum Company from its organization until mid-1960, as well as serving as an officer or director of many M–K subsidiaries and affiliates.

From 1940–50, Morrison was president of the Southwestern Idaho Water Conservation Project that helped promote irrigation development. He was also a member of the Hoover Commission's prestigious Resources Study Group from 1953–55.

Time Magazine featured him as the subject of a cover story on the entire U.S. construction industry in its May 3, 1954, issue, and Fortune Magazine, calling him the "greatest heavy-construction stiff in history," carried a major story on the famed builder in its December, 1956, issue.

Unheralded for the most part by his own wish were his many philanthropies, among them his contributions and service to Boise College, to Boy Scouts of America, to hospitals, churches and numerous charitable organization.

Thousands of Boise residents today enjoy the recreation facilities offered by Ann Morrison Park, a 155-acre haven developed from former swampland at a cost in excess of $1,200,000 by The Harry W. Morrison Family Foundation and donated to the City of Boise in memory of his first wife.

Morrison's marriage to his first wife, the former Ann Daly, took place in 1914, two years after M–K was founded. Until her death in 1957, she was his constant companion on trips in this country and in many foreign lands.

In 1959, Morrison married Mrs. Velma V. Shannon of Bakersfield, California. In recent years, she and Mr. Morrison became known in horseracing circles as breeders and owners of racing stock, with their principal interest centered at their ranch, known as Gem State Stables, near Tipton, Calif. "Home" in Boise was a single-story, white frame house at 912 Harrison Boulevard.

Survivors, besides his wife, include a sister, Mrs. Edna Allen, Boise; four cousins, Frank Morrison, Raymond Morrison and Claude Waldron, all of Boise, and John Morrison, of Spokane, Wash.; and a step-daughter, Mrs. Judith Wilkerson, and a step-son, Ron Shannon, both of Boise.

THEY'RE POISONING YOUR WILDLIFE

Mr. METCALF. Mr. President, a great many of our wild animals are being needlessly poisoned. Poisons are used excessively in some of our Western States. In a recent article in Colorado magazine, this problem is thoroughly explored. A case in Wyoming illustrates the size of this problem.

This May, in Wyoming, 50 eagles were found dead. Many of them were bald eagles, our rapidly disappearing national bird. The cause of their death was found to be thallium sulfate, a very lethal poison. Thallium sulfate can kill plant life and all kinds of animals.

This deadly poison was supposed to be used by Government agencies only. In 1967, the Federal Government stopped using thallium. In Wyoming, the sale of thallium was suspended for 6 months. However, since 1968, 370 pounds of thallium were shipped by the American Smelting and Refining Co. to a Colorado warehouse. This May, antelope carcasses containing 15 times the recommended lethal dosage of thallium were found in Wyoming near the dead eagles.

The Interior Department's Division of Wildlife Services is one of the biggest poisoners. Last year, the Division earmarked 96 percent of its budget in Rocky Mountain States for killing wildlife. Among the poisons used are Compound 1080, a very toxic poison with no known antidote, strychnine, and cyanide. Some landowners use poisons also.

It is estimated that 1 pound of Compound 1080 is enough to kill 200,000 coyotes. One thousand one hundred and sixty tons of bait laced with this poison have been used by this one agency in the past 5 years. They have also used 3 million strychnine tablets in the past 5 years. This poison kills not only predators, but many innocent and harmless animals.

Mr. President, I need not emphasize the seriousness of this unwarranted killing. In order that my colleagues may be better informed on this problem, I ask unanimous consent that the article, entitled "They're Poisoning Your Wildlife," be printed in the Record. This article appeared in the July–August 1971 issue of Colorado magazine.

There being no objection, the article was ordered to be printed in the Record, as follows:

They're Poisoning Your Wildlife

By western standards, Jackson's Canyon in central Wyoming is not an unusual place. From one end to the other, it measures less than three miles long by a quarter mile wide—and its ruddy sandstone walls rise no more than 300 feet from a rocky creek that runs dry most of the year.

Here and there, pines and spruce have taken root—growing tall and straight toward the narrow band of sunlight filtering down from above. And along the rugged walls, small caves and sharp stone outcrops give the place a typically rugged appearance. Like most western canyons, a small but stable community of wildlife makes its home here—mule deer, skunks, coyotes, bobcats, and many birds and ground animals.

Until May 1, 1971, hardly anyone paid much attention to Jackson's Canyon. Many other places are less remote and more spectacular—and hard work and gentle beauty are seldom in demand together. But on that day, Bruce Wampler and Gordon Krause—both 18-year-old residents of nearby Casper—decided to hike in and explore the little-known spot.

Driving 12 miles southwest from Casper, they reached the broken jumble of rock at the mouth of the canyon in early afternoon. Almost immediately, the two boys set off up the dry streambed—taking time to explore a cave, identify an early-blooming wildflower, or just sit and drink the warm air of the first spring-like day of the year.

Shortly after 2:00 PM, Wampler was scrambling up the middle of the canyon when he noticed an oddly shaped stump among the boulders. Looking more closely, he saw it was a large, dead bird wrapped around a pine branch. The eyes were rotted out, but the snowy white head and tail feathers identified it immediately.

"Hey!" his voice echoed along the canyon walls. "Here's an eagle—Bald Eagle. Must have been washed down during the rains."

The boys poked at it with a stick, lifting the great three-foot wings and looking for gunshot wounds. They found none, and in a few moments resumed their hike—assuming the bird had simply died of natural causes.

Twenty yards upstream, Krause found another dead eagle—also a bald washed down from above. Still they suspected nothing unusual; perhaps this bird was the mate of the first and they both had been struck by lightning.

But minutes later they found a third limp carcass, and suddenly they were worried. This was a Golden Eagle—a different species—and it was on dry ground. Then almost at once, they found two more. Now the pleasure hike was a thing of the past; quickly they made their way to the head of the canyon, before winding back out to their car. In all they found seven dead eagles—six bald and one golden.

In the days that followed, events sped quickly. On May 2 a larger group—most of them members of Casper's Audubon Society—came to the canyon. Immediately their trained eyes saw this was an ideal communal wintering site for the eagles. It was remote; the tall ponderosa pines were natural roosts, and the canyon's thermal wind currents enabled the majestic birds to soar aloft with little effort. So the searchers expected additional eagles and they found them—six more in all, and all dead.

A day later the US Bureau of Sports Fisheries and Wildlife—an agency of the Interior Department charged by federal law with protecting these rare birds—was on the scene. Enforcement Chief Charles Lawrence, Washington-based veteran of many similar cases, headed the ten-man investigating team—and immediately they joined the intensified search for more fallen birds.

Dead eagles continued to turn up almost daily in the little canyons cutting into the mountainous ridge east of Casper. The carcasses were flown to a Bureau of Sport Fisheries and Wildlife laboratory in Maryland for autopsies—and one by one various causes of death were ruled out. The eagles were not shot; they had not been killed by pesticides like DDT; mercury tests were negative. Only one thing was certain: the great birds had died suddenly and of unnatural causes.

Back in Wyoming, while Lawrence and his men scoured the rangelands around Casper for still more eagles, charges and countercharges began to mount. Some blamed the deaths on sheepmen—pointing to the herder's long-standing feud with the big birds. Others suggested starvation, radiation poisoning and even Communists as the possible culeprits. A CBS television crew swooped in to film a four-minute segment for Walter Cronkite. Wyoming Governor Stanley K. Hathaway touched off a brief jurisdictional feud over possession of the birds when he ordered his Game and Fish Department to seize some specimens for local autopsies. And in one of the affair's few humorous moments, State personnel closed in on Lawrence like Keystone Cops and literally snatched four carcasses away. But during this time little was proven save that the number of dead eagles spiraled steadily to over 50—and a lot of people were sick and angry.

Finally on May 19, the Bureau's laboratory in Maryland turned up something positive. Conclusive traces of lethal thallium sulfate—a tasteless, odorless heavy metallic compound with a long history of use as a predator and rodent poison—had been found in the tissue of the dead birds. The Government had stopped using the dangerous chemical in 1967, but it was still a staple on the public market.

Now suddenly there was a target, and the thrust of the investigation veered sharply. Instead of searching only for dead eagles, the federal field crews began also to hunt for thallium "bait station"—sheep carcasses or horse quarters laced with the poison to kill coyotes that might be preying on private livestock—especially sheep.

Governor Hathaway moved to counteract the use of thallium—urging a ban of over-the-counter sale of the chemical in his State. And in Washington, Interior Secretary Rogers C. B. Morton asserted that the best way to end the poisoning of eagles would be to "make a few arrests and get a few convictions."

On May 26, the American Smelting and Refining Company popped into the picture with the announcement that its Denver plant was the source of the deadly thallium. Sixty-five pounds of the poison had been shipped into Wyoming during 1970 and early 1971; in addition, a staggering 370 pounds had been delivered to the Wool Warehouse in Craig, Colorado since 1968. The total amount is enough poison to treat over 100 tons of bait—and kill a next to incalculable number of animals and birds.

The thallium, it turns out, is primarily a residue of lead manufacture—and printed regulations on the package labels state that it is "For use . . . by Government Agencies only." When questioned about its sale to private ranchers, a company spokesman blandly explained, "We get it as a byproduct, so we have to do something with it. We just can't let it go to waste." However, two days later the firm voluntarily removed its thallium from the pest control market and recalled as much as they could.

All the while, Lawrence's field investigation pressed toward an apparent conclusion. By May 29, some evidence started turning up: three dead antelope (all shot out of season) were found just 11 miles from Jackson's Canyon—each of them laced with approximately 15 times the recommended lethal dose of thallium. Evidence that eagles had been feeding there was also present. Next came a list of six Wyoming ranchers who had recently purchased and admitted using the chemical. And then Lawrence hesitantly announced he was "zeroing in" on a suspect.

Thus, after a full month's inquiry by both national and State officials, it appeared that the case might soon be closed.

But nothing was farther from the truth.

"The Feds have done a slick job up here," drolled one experienced Casper observer, "and the public has been taken to the barber's.

"Everybody's all upset about the eagles, because they're our national bird. They're all shook up about thallium, because it's deadly and they've never heard of it. And they're all hot to hang some dumb sheepman because they think he's the only villain.

"Why hell, there's poison all over this state and there has been for years. That's why the Feds don't want these people to start gettin' nosey. They want this to be a tidy, isolated case—solved and then forgotten."

Suspicions like this are not hard to come by. For in the West, the business of predator control is an old and entrenched way of life. Individuals, ranchers, sheepmen's associations, counties, the states and even the Federal Government, are all plugged into the action. And poisons are a major part of this loosely knit "eradication program"—just as they have been since the late 1850's when strychnine was first used against wolves.

Ironically for the Wyoming eagle case, it turns out that even the erstwhile Bureau of Sport Fisheries and Wildlife has a large stake in predator control. Ever since 1915 a small but resilient department within the agency—it's now known as the Division of Wildlife Services—has been putting out poison, and in 1971 it has an $8,000,000 budget to keep up the deadly work.

So it's small wonder that those who knew what had been going on were uneasy about Lawrence's own "official investigation." "It's like letting a suspected criminal take over the court and summarily clear himself," remarked one ardent conservationist.

And indeed, some dirt may have already been swept under the rug. For example, on May 10 Casper geologist and Aubudon member Bart Rea located a sheep carcass bait station on the sage-covered plains a mere six miles from Jackson's Canyon: fresh Government warning signs were posted nearby. Three days later the carcass and posters had both vanished—with no explanation. About this poison station Bureau officials reported as follows: 1) they didn't know anything about it; 2) it was strychnine bait put out in November 1970 and all the poison had perished; 3) it wasn't a bait station at all, but merely a sheep that had been killed by dogs, and 4) all the highly toxic compound 1080 baits in the area had been "picked up several weeks ago." Not a word has been spoken since.

However, no doubt lingers on the State level in Wyoming. For here in the environmental backwoods of the Rockies, sheepmen rule the land—and protecting eagles is a mere afterthought in most people's minds. Only a year before Governor Hathaway was pressing former Interior Secretary Walter Hickel to declare an open season on the big birds so woolgrowers in his State could shoot eagles. Now in the wake of the current furor, he has changed his public tune—deploring the "tragic loss of these magnificent and rare eagles from Wyoming's skies." But in the same breath, the Governor quickly passed the buck on the matter of thallium to his Commissioner of Agriculture, Jack Hertzler—a farmer from the Governor's home town of Torrington and a 1967 Hathaway appointee.

Hertzler has never favored tight controls on either pesticides or poisons, and has effectively slowed public input that might threaten to curb the wide-open use of these chemicals throughout the State. So when Hathaway asked Hertzler's Board of Agriculture to pull thallium off the market, the Commissioner gave as little ground as possible without embarrassing his Governor. Though the Bureau of Sport Fisheries and Wildlife stopped using the lethal poison in 1967, and though the Environmental Protection Agency decided to indefinitely ban all interstate shipments, Wyoming merely suspended sale for a brief six months. More study was needed, said Hertzler's Board, "before permanently removing a product potentially needed by the State's sheep and wool industry for predator control."

So the poisoning will go on. If it isn't eagles, it will be other animals: bears, mountain lions, martens, fishers, weasels, badgers, wolverines, foxes, coyotes, ferrets, bobcats, hawks, owls, jays and even chickadees—to say nothing of man and his pets. If the lethal substance isn't thallium sulfate, it will be some other poison; cyanide, strychnine, arsenic, compound "1080"—or perhaps a new, "miracle" prairie dog killer which its makers have cheerfully dubbed "Gophacide." And if it isn't Jackson's Canyon, it will be a thousand other spots in the wide open West.

A list of recent examples could be endless: three pet dogs killed by 1080 near El Rito, New Mexico in 1967; two Golden Eagles dead of strychnine near Jefferson, Colorado in 1970; all the foxes and badgers around Elmo, Utah killed by 1080 less than a year ago; two more Golden Eagles dead of strychnine near Craig, Colorado in early 1970; a six-year-old girl almost killed by cyanide near Fruita, Colorado in 1969, and a bear slowly dying of thallium near New Castle, Colorado in October 1970—completely hairless except for tufts between his ears and on his paws.

It all goes back to the early days of the American West and the impulses that gave it birth. With few exceptions, there was little generous in the settling of this land; much more, it was a matter of subdue and possess, take and use. These relentless drives stripped beavers from the streams, ripped gold from the mountains, strung fences across the plains and dammed up the rivers. Quite naturally, anyone—or thing—that interfered with this rush to tame the wilds was in trouble. Some, like the Indians, were finally confined. But others had to be eliminated.

The so-called predators fell into the second group. These were the animals that kill to live, and as the prairies and hills began to fill with cattle and sheep, a collision was imminent. The gray wolf was the first to lose out: guns, traps, trained government hunters, and a lot of strychnine finished that job by 1925. Other species, like the mountain lion and the bear, retreated into remote areas where they are slowly dwindling.

But the clever coyote has been able to hang on. Few native animals have been more successful in adopting to the changes that have swept this land. Where he once roamed only the Western plains, he has recently been spotted within the Los Angeles city limits all the way to the dense pine woods of Maine. And whereas he once fed primarily on mice, rabbits and prairie dogs—plus an occasional aging deer or antelope—he now will dine on anything from watermelons to rattlesnakes to shoe leather: dead or alive, rotten or fresh, raw or cooked. It is this dietary abandon that has made the coyote the most despised animal in the West.

"Them dang coyotes are killers," recently drawled a beer customer above the din of twanging guitars at the Galveston Cafe in Craig, Colorado. "Why, them useless varmints'll come right on your back porch and steal yer chickens. This one old boy out east o' town told me t'other day, bunch of 'em kilt seven of his sheep in a week. Another feller said he seen 'em sneakin' aroun' his cows one night, and the next mornin' he done lost a calf. Me—I'd as soon shoot 'em as look at 'em."

Bobcats, mountain lions, bears, foxes, raccoons, hawks, owls, and eagles—all these are equally unpopular, and all are fair game, any time and any place. Charges against them are similar. Other animals on this most-wanted list include the badger (for digging holes), the prairie dog and various ground squirrels (for eating forage that might be grazed by cattle and sheep), and the magpie (for being a general nuisance). War against this wildlife has been relentless.

Jack Berryman is a stocky, graying native of Utah with an M.A. in mammal ecology and a long background in "wildlife control" for both State and Federal agencies. In 1964 he became chief of an inconspicuous branch of the Interior Department with the friendly-sounding name, "Division of Wildlife Services"—the DWS. However, though it spends a few words and little money on pesticide monitoring and other small projects, the primary service of Berryman's agency to the nation's wildlife has been to kill it off by the hundreds of thousands. Last year, for example, over 96% of the Division's $2,000,000 budget for the Rockies was earmarked for slaughter of wild animals.

Central DWS offices oversee the duties of 30 to 40 hired professional wildlife killers in each state (their job title of "District Field Assistant" fails to describe their true work) who are stationed in outlying areas where they are close to their victims. Killing on both public and private land, this force is skilled in an array of deadly techniques—all honed by the long tradition of "varmint hating" in the West. In addition to poisoning, they know shooting (afoot, from vehicles and from helicopters and light planes), trapping, snaring and denning (the practice of digging the young—usually coyote pups—from their dens and clubbing them to death).

There is absolutely no way to tell how many animals this well-drilled operation has killed. DWS records are either guarded like the gold at Fort Knox (even though they are public information), loosely kept, not kept at all, or impossible to keep in the first place. But a tally of the lethal baits and devices set out does give some hint of the death that has been spread. During a recent five-year period in seven Western states, DWS staked out 1,160 tons of 1080-laced bait; scattered 3,000,000 strychnine tablets, and set almost 500,000 cyanide charges. During 1969 in New Mexico alone, the count was: 1,080 baits—1,073; strychnine balls—60,000; and cyanide charges—4,000.

But ironically, the tragedy of this deadly assault is not its staggering toll of coyotes. Instead it is the large numbers of innocent birds and animals that drop in on the baits for an easy meal and end up suddenly dead. Because of this lethal spin-off, at least three Western species are now plummeting down the road to extinction—the Bald Eagle, the Black-Footed Ferret and the Kit Fox. None are predators, but all make fatal mistakes: the eagle eats carrion, the ferret dines on prairie dogs and the tiny Kit Fox—full grown at six or seven pounds—is a camp follower of the coyote.

Knowledge of what all this overkill is doing to the environment is next to nil. DWS has a sophisticated laboratory in Denver—the Wildlife Research Center it is called—and like much else in this sordid racket, the name is a coverup. Work on the effects of its poison program begins and ends with a few slap-dash predator counts, while the bulk of the lab's expertise is consumed with the testing of new and more potent killers—known as "predacides."

Chief Berryman sees nothing particularly wrong with this emphasis. "There is not one ecosystem in the United States that is understood," he recently asserted. "If we waited until we understood an ecosystem, we would do nothing." Meanwhile, ignorance is bliss—especially since environmental yardsticks have precious little bearing on the practical worth of the DWS program anyway.

A brief glance at the state-by-state annual reports pinpoints the true character of DWS. In effect it is like a commercial exterminating firm largely dedicated to serving one special interest: the sheep industry. "And to heap insult on injury," adds noted southwest wildlife authority, Hal Perry, "this program is footed by the taxpayers' money to kill taxpayers' animals on taxpayers' land."

But ask a woolgrower if coyotes cut into his flocks and he'll say, "Hell yes; they're gonna put me out of business!" But ask the same question of a cattle rancher or farmer next door and he'll say, "Well, you know these sheepmen have it hard in a lot of ways, so you got to expect they'll exaggerate a little."

Year in and year out, official reports of predator losses—compiled from questionnaires sent to sheepmen—consistently exceed any verified figures. And often these statistics make little sense to begin with. For example, reports in Wyoming have shown a substantial yearly increase in the killing of both lambs and sheep by eagles—while simultaneously the number of sheep in the State is decreasing, and the big birds themselves are rapidly disappearing.

Furthermore, while Wyoming woolgrowers claimed the loss of 8,400 lambs to eagles in 1970, wildlife authorities have concluded that, "the relation of the domestic sheep to the eagle is one of mutual indifference and there is no doubt that most of the lambs taken are already dead."

Often there is no way of telling how a sheep has died in the first place. "Them woollies just aren't very sound critturs," observes veteran Colorado trapper, Paul Maxwell. True enough. Sheep can die of fright, get stuck on their backs, walk over cliffs, eat noxious weeds and suffer death from a number of mysterious causes. Thereafter, if something feeds on the carcass, it becomes a "predator loss."

"The coyotes and others get blamed for a lot more damage than they actually do," says Ernie Wilkinson, a southern Colorado wildlife photographer who spent seven summers working hand-in-hand with the sheepherders for the Division of Wildlife Services.

"Old sheep never die; they just get eaten by coyotes," cracked a Colorado public official who is also aware that death from old age does not qualify a sheep for income tax deduction.

And yet there is no question that coyotes do kill some sheep, and that the industry itself is in serious trouble. From 56 million in the mid-1940's, the numbers have dwindled to a mere 20 million in 1970. Synthetic fibers, cheap imports, and a growing labor shortage—especially among herders—have all taken their toll.

"So we must poison predators to stay in business and the program must be intensified," recently pleaded Edwin Marsh, Executive Secretary of the Utah-based National Wool Growers Association. It's a cry repeated over and over—not only in Washington where Marsh lobbies tirelessly, but also across the vast Western range.

Of all his problems, the predator is the one which the sheepman can see, comprehend and do something about. So predators become the scapegoat for his many troubles, and he lashes out desperately against them. And if he exaggerates his eagle losses and his coyote losses, it's because he somehow believe he'll get some help—and maybe even save his neck. Certainly this accounts for one of the poison program's most appalling figures: a spiraling DWS budget during the same period that sheep numbers have dropped steadily—twice as much control to protect half as many sheep.

"We had the predators whipped 25 years ago," recounts jowly Joe Burke, a lifetime sheepman from Casper, Wyoming. "We had new poisons, and good herders were learning how to protect the sheep. But then people started feeling sorry for the coyote and bear and bobcat, and the attitude of the government changed. They stopped helping the sheepman. In fact, they put restrictions on him. So the predators jumped back."

Burke, a past president of the American Sheep Producer's Council, seems unmindful of the growing millions of dollars being sunk into "more control" by DWS. Instead, he recites statistics on the spiralling losses that predators allegedly inflict on his industry, and criticizes present control programs for not killing enough animals.

On the other side of the fence, arguments are equally strong. Jack Gorsuch, a retired miner who spent his life tramping the central Colorado woods, is appalled by the decline of wildlife in the mountains he knows like the back of his hand; he believes much of this loss is due to poisons.

"What has become of all our fur-bearing animals?" he asks. "And the birds that used to inhabit our forests and high country? Just where are our foxes, pine marten, bobcats, weasels, badgers, mountain lions, and other furred animals that had no quarrel with man? And what has happened to our eagles, hawks, owls and woodpeckers that picked up those strychnine balls or took a peck at the 1080 baits?"

"A dead forest," Gorsuch calls it—and there are many who share his view.

And yet there is no real end in sight. Sheepmen plead for more help from DWS. In turn, Wildlife Services personnel attend stockmen's meetings and lobby for more work. In Washington both do all they can to keep federal funds pouring into the extermination program, while at home they push ranch-dominated state legislatures for wide-open poison laws.

A recent Colorado episode dramatizes this vicious cycle. Late last fall, a group of woolgrowers discovered that some recently revised State game laws made it either bothersome or illegal for them to poison the public's wildlife on their own land. They wanted a carte-blanche instead, so they went to the Executive Secretary of Colorado Woolgrowers who wrote a suitable law and turned it over to Clarence Quinlan, a long-time member of the House of Representatives and, not surprisingly, a sheepman himself.

Before long, House Bill 1464 was well on its way to passage. Opposition was negligible, partly because few of the State's urban legislators knew what it was all about, and partly because Colorado statutes on the matter were already something of a muddle. The bill zipped through the House by a vote of 52 to 10, cleared a committee in spite of overwhelming citizen testimony against it—and then fell into the guiding hands of wily Fay DeBerard, a small-town rancher who also happened to be President pro tem of the Colorado State Senate.

It looked like the proposal would have little trouble in the Senate until a last minute rally from those whom DeBerard sneeringly calls "the ecology people" came up with some limiting amendments. Then the graying rancher swung into high gear. First, a clause which would have outlawed persistent poisons like thallium and 1080 was shorn from the amendment. Next came the section for a public hearing on poison use in the State, but DeBerard wanted no such thing. He feared conservationists would outnumber sheepmen in such a democratic gathering. To soothe the sudden anxieties that had started to swirl about the bill, he asked his colleagues, "Why be cluttered up with such a public hearing? Poison can be used without endangering anybody or anything."

So out went the public hearing and the watered-down version sailed through the Senate. In signing the bill, Colorado Governor John Love duly observed that it "does not solve the problem of predator poisoning," and announced plans to appoint a committee which will deal more fully with the issue. But even though the new law will have few effects on the actual use of poisons, it is still far ahead of anything else that exists in the Rockies—for it is the first statute to actually acknowledge that the lethal chemicals might not be the healthiest thing in the world. Elsewhere in the region, nothing on the law books places a single effective control on poison use since rural interests demand the killings.

Even the State Game Department—with their prime responsibility to manage the public's wildlife—have scurried aboard the poison bandwagon. Their motive is unique: "Let's," say the managers, "protect our native game birds and animals from their natural predators—and save them instead for a two-legged predator with a gun." So every state in the Rockies, except New Mexico, kicks some of its funds into the DWS coffers—and yet another wave of killing spills across the land: bobcats are poisoned to protect turkeys, coyotes are poisoned to protect quail, raccoons are poisoned to protect ducks—and the list goes on.

It's no surprise that sheepmen support this activity—or that they are always ready with gruesome accounts of coyotes preying on deer. But in the West, they get results including a recent hike to $45,000 as Colorado Game and Fish's annual donation to the DWS poisoning program. This arrangement becomes appalling when a State spokesman admits in effect, "Well, we don't exactly know what DWS does with our funds, or if we're really getting our money's worth."

But a day of reckoning is slowly coming for those who have warred so intensively and deviously against the wildlife of the West. People are beginning to ask questions that have obvious, if embarrassing, answers. Why poison the coyotes and get overrun with rabbits, mice and gophers which in turn must be checked with more poison? What are we doing trying to protect eagles with one hand while poisoning them with the other? Why are we killing thousands of innocent animals in order to get the few hundred that are preying on sheep?

And the same people who are asking these questions are beginning to take action. Only this spring, the Division of Wildlife Services began to feel the pinch when a pair of weighty lawsuits were dropped on its Washington doorstep.

Initiated by three major US conservation groups, these complaints allege an even dozen counts that fill 25 pages of legal stationery. Accusations include killing over 20 species of animals that harm neither crops nor livestock, failure to comply with the National Environmental Policy Act of 1969, and assorted instances of bureaucratic misconduct such as failure to post warning signs, illegal scattering of strychnine, spreading poisons on private lands without permission, and concealing financial records. Both lawsuits are still in their preliminary stages, and both will probably be long, drawn-out battles. When recently questioned about them, DWS official, Bruce Stollberg, would only growl a terse "We'll be ready."

Where these lawsuits will go is anyone's guess. But they collectively point to a broad awakening of Americans to a valuable resource they need to protect. What is it worth to hear the haunting howl of a coyote? To glimpse a bobcat bolting suddenly through the woods? Or to watch an eagle soaring effortlessly overhead? No one has ever translated these increasingly rare experiences into dollars and cents and it's doubtful if they ever could. But as millions of Americans spend increasing amounts of time in the great outdoors, one thing is sure: the value of these experiences—and the wildlife that provides them—will never decrease.

Early last month—in the wake of the Wyoming eagle kills—Wyoming Senator Gale W. McGee called a special two-day hearing in Washington. His purpose was not only to dig out the facts on thallium, but also to draw a bead on the whole predator control empire.

Sadly, the government testimony was largely unimpressive. Investigator Charles Lawrence disclosed that it was unlikely that he could get a conviction; laws protecting the eagle just weren't tight enough. William Ruckelshaus of the Environmental Protection Agency described many loopholes in existing poison control laws. And Russell Train, Chairman of the President's Council on Environmental Quality, pointed toward vast areas of ignorance surrounding predator ecology and the poison business.

So there's still a long way to go, and not very much time to get there. Meanwhile, whole wildlife populations are being poisoned down a one-way road to oblivion.

"Can you imagine our last eagle?" recently queried one thoughtful Colorado observer. "It will probably be in the Washington Zoo, sitting alone on a big branch—looking off into space with its cold yellow eyes. Eagles live a long time, so this one will be around for a while—sort of like a national shrine with bronze plaques mounted on the cage and people coming from all over the nation to get one last look.

"Then one day that bird will give out an agonizing cry, shudder just once, fold up its wings and topple over dead. There'll be a big funeral, a lot of newspaper stories, some pretty books and the President will call a very sombre press conference. Then it will be over.

"Imagine it. They chose that bird for this country back in 1782 because it symbolized freedom. And now we've killed it off. Our national emblem is extinct. . . . I wonder just what that says about us. . . ."

THE POISONS

The following poisons and explosive devices are in common use today throughout the Rocky Mountain West—on public as well as private land. The stated purpose of these is to eradicate coyotes, bear, mountain lions, prairie dogs and other animals believed to be destroying sheep and cattle, or their graze.

Poisons are generally placed in remote areas away from camp and picnic grounds and other recreational sites. Posting of warning signs is usually required, but not always done. Older signs weather and are difficult to see.

Compound 1080 (sodium fluoroacetate). Developed as a rat poison during World War II, 1080 is a fluffy, flour-like white powder readily soluble in water. It is extremely toxic to humans and to all forms of wildlife—and especially canines. Government figures project that one pound of 1080 is enough to kill 200,000 coyotes. It may be absorbed through unbroken skin, and there is no known antidote.

For predator control, dissolved 1080 is injected into a dead animal with a long pickling syringe. The resulting bait is then placed on an exposed ridge or similar game crossing—usually in the winter—so that anything that comes along and takes a bite will die. 1080-soaked grain is also scattered around the burrows of prairie dogs and ground squirrels believed to be eating graze otherwise available to cattle and sheep.

Death takes from one to three hours. Coyotes and badgers become violently sick before passing into convulsions; bobcats sink into a depression. 1080 does not break down; anything feeding on the carcass of a poisoned animal—or on the bait it has vomited—is endangered. It is possible for a coyote to die from eating a poisoned prairie dog, and then for birds to die from eating the coyote.

Thallium Sulfate. A heavy, white metallic powder first used for rodent control, thallium is highly lethal to all forms of bird and animal life—and will also kill plants and sterilize soil. It may be absorbed through the skin and there is no known antidote.

For predator control, this powder is usually dusted into one-inch cuts in a freshly butchered carcass by means of a special container with spout, or with a spoon or spatula. Thereafter, it is massaged into the meat with a pointed stick. Baits are placed like those for 1080.

Thallium takes from 36 hours to six days to produce a long, slow death from respiratory failure. In sub-lethal doses, it will cause gradual loss of hair, toenails, teeth and eyesight as well as malfunctions of the kidneys and nervous system; partial paralysis may also occur. An animal dead of thallium can cause secondary poisoning in anything that eats it.

Cyanide "Coyote Getters." The frame of these killing devices consists of a hollow five-inch steel stake. Mounted in the upper end of this stake is a firing unit for special .38 calibre cartridges which are loaded with gunpowder and a prescribed amount of cyanide. A soft wool or fur hood fits over the firing unit. The stake is driven into the ground, the firing unit readied and the hood is smeared with a fetid scent alluring to coyotes. When an animal pulls on the hood with its teeth, the charge is triggered—shooting a spray of cyanide into its mouth. Death from suffocation occurs in less than five minutes.

Coyote getters are curious looking objects; they often have been mistaken for survey markers or strange stakes.

Strychnine. The deadly fruit of an East Indian tree, strychnine has long been in use as a poison in the West. All forms of wildlife as susceptible—both mammals and birds.

Currently, almost all poisoning with this substance involves small, quarter-inch cubes which are rolled into the center of balls of fat or ground meat. These are then spread by hand in areas of supposed predator concentration—or around "attractor" bait carcasses. Paper bags of strychnine balls also are scattered over the countryside from airplanes. Violent spasms precede rapid death from respiratory failure.

OHIO THE FEATURED STATE IN SMITHSONIAN INSTITUTION'S FESTIVAL OF AMERICAN FOLKLIFE

Mr. TAFT. Mr. President, since its beginning in 1967, the Festival of American Folklife, sponsored by the Smithsonian Institution, has brought a new and exciting dimension to life in Washington, D.C. Each year the festival has focused on the folklife of an individual State. I am happy to report that this year's fifth annual festival had Ohio, as its featured State, and a portion of the Mall was set aside for the people of Ohio to display and to demonstrate the folkways and crafts which give richness and diversity to Ohio life.

On July 1, I had the fortunate opportunity to visit the Ohio exhibit and to meet with the Ohio participants. It was impressive to see the variety of skills to be presented and to realize that the hundreds of thousands of visitors who come to the Festival of American Folklife would gain a better understanding of my native State of Ohio. At a time when we hear so much about our technological society, about the problems of the city and dangers of industrial pollution, it is heartening to know that old traditions, representing the best of American life and history, have continuing vitality. These crafts and traditions are not archaic folkways, to be preserved in books and museums, but living expressions of the many cultures that have built the United States. I think that the Smithsonian Institution, which this year celebrates its 125th anniversary, is to be commended for establishing the Festival of American Folklife as an annual event in the Nation's Capital. Under the leadership of Secretary S. Dillon Ripley, Jim Morris, Director of the Smithsonian's Division of Performing Arts, and Ralph Rinzler, festival director, the festival has grown each year and has itself become a fine tradition of Washington's summer. The festival each year reminds of all that is best in American life, and I look forward to visiting it again in the years ahead.

Mr. President, in these brief remarks, it is impossible to describe in detail the many fine exhibits from the State of Ohio, but I ask unanimous consent that a listing of the Ohio participants be included in the RECORD at the conclusion of my remarks. My thanks to these fine people for coming to Washington and giving so generously of their time and talents to make the Ohio participation in the festival the great success it was.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OHIO PARTICIPANTS

CRAFTSMEN

Ralph Aling, weaver.
John Ascherl, stained glass cutter.
Michael Ascherl, stained glass cutter.
Anastasia Bolettenny, psyanki maker.
Oneta Bradford, soul food cook.
Mara Bosilkoff, pysanki maker.
Mr. and Mrs. Milorad Butrich, Serbian cookery.
Manuel Dinarhos, Greek cookery.
Theoharis Dinarhos, Greek cookery.
Mr. and Mrs. Stojan Djokovich, Serbian cookery.
Sophia Galilei, Italian cookery.
Kostas Hapsis, Greek cookery.
Mr. and Mrs. Richard Helwig, apple butter makers.
Chet Hines, dulcimer maker.
Irene Hines, sourdough baker.
Dr. and Mrs. Hnatiuk, pysanki makers.
Rev. Mel Klokow, Moravian congregation.
Manuel Kostandino, Greek cookery.
Tom Kouliofis, Greek pastries.
Irene Kowal, pysanki maker.
Grace Martina, Italian bread maker.
John Marx, bagel maker.
Alice McCaffrey, crocheted rugs.
Mrs. Roman Miller, Amish bread maker.
Virgil Miller, cider maker.
Otto Moore, basket maker.
Arthur Nicholas, dulcimer maker.
General Custer Nicholas, dulcimer maker.
Raymond Nicholas, dulcimer maker.
George Pappas, Greek pastries.
Roy Earl Penn, toy maker and whittler.
Lena Pollack, buckeye doll maker.
Henry W. Raber, Amish buggy maker.
Thomas Rauch, carnival lore.
Paul Richards, maple sugar candy maker.
Harry Rife, gunsmith.
John Rokas, Greek pastries.
Mrs. Mileva Samardzija, Serbian cookery.
Ernest Schmid, cheese maker.
Ernest Sickles, glass cutter.
Ernest Sickles, Jr., glass cutter.
Anna Smearsoll, rug weaver.
Paul Smearsoll, rug weaver.
Mike Tsambounieras, Greek cookery.
Minas Tsambounieras, Greek cookery.
Mrs. Sofie Tsambounieras, Greek cookery.
Ernest G. Urban, cobbler.
Joyce Walker, butter maker.
George Weber, wood carver.
The John Heckewelder, candle makers.
Memorial Church Congregation, love feast bun makers; Herrnhut Star Markers.

TOBACCO AND HEALTH

Mr. MOSS. Mr. President, frequently in our Senate deliberations on the effects of smoking on health, I find a few of my esteemed colleagues rising in defense of tobacco and championing certain "eminent authorities" to the effect that smoking is not harmful to health. I have often pondered the credibility of this testimony.

In this morning's Washington Post, however, I read of an authority to the effect that smoking is actually beneficial to health. Sioux Indian Chief Red Fox credits his 101 years to "15 pushups and 18 cigars a day."

The chief reports tobacco has as many vitamins as such vegetables as cabbage and cauliflower, and women who smoke pipes and sniff snuff "would give birth to a baby today and be up washing diapers in the morning."

Now that is credibility.

PROGRAMS FOR SENIOR CITIZENS

Mr. CHURCH. Mr. President, earlier this month I had occasion, as chairman of the Special Committee on Aging, to submit testimony to the Labor-HEW Subcommittee of the Senate Appropriations Committee urging that funding levels for programs affecting senior citizens be significantly increased in the current fiscal year.

I submitted these requests for adequate funding in light of the administration's persistent refusal to seek, on its own, the necessary funds to adequately administer present programs.

I ask unanimous consent, Mr. President, that there be printed at this point in the RECORD two statements I submitted to the Senate Appropriations Committee. The first concerns the urgent need to adequately fund operation mainstream, which provides financing for the popular and successful green thumb and green light programs. The second statement concerns funding for other program affecting senior citizens.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY BEFORE THE LABOR-HEW SUBCOMMITTEE OF THE SENATE COMMITTEE ON APPROPRIATIONS, JULY 1971

Mr. CHURCH. Mr. Chairman, since January 1969 the unemployment rate has risen precipitously from 3.4 percent to 5.6 percent, adding nearly 2.8 million persons to the jobless rolls. Today there are more than 5 million unemployed individuals.

Practically all segments of our economy have felt the impact of this economic slowdown—whether in the form of mass layoffs, shorter work weeks, smaller paychecks, rising prices, or just slow business. And all age groups have been affected by the widespread unemployment which has affected every region in the Nation. But, older workers and their families have been especially hard hit.

Today there are nearly 500,000 individuals 55 and older who have lost their jobs. This represents an 84 percent increase for this age group since January 1969. Many of these persons have discovered that they have lost more than their jobs. Thousands have also lost their pension coverage—even though they may have worked most of their lives to provide a little "nest egg" for retirement.

Once unemployed, these older workers run a grave risk of being without work for a long period of time. Today there are 171,000 persons in the 55-plus age category who have been unemployed for 15 weeks or longer, or almost months. Compared with January 1969, this represents a startling 195 percent increase in their long-term joblessness.

For many of these individuals, Operation Mainstream has literally been a lifesaver. Thousands of disadvantaged older persons have been able to help themselves out of poverty by providing urgently needed public services in their communities.

An excellent example is the Green Thumb program, which is conducted by the National Farmers Union. Approximately 3,000 participants—ranging in age from 55 to 94—have helped to beautify our Nation's countryside in many ways. For example, they have planted over 4 million trees; built hundreds of roadside parks for recreational purposes; and restored numerous historical sites.

Outstanding pilot programs—such as Green Thumb, Green Light, Senior Aides, and the Senior Community Service projects—have provided ample evidence of the soundness of the concept of community service by older Americans. It is for these reasons that I appear here today to urge increased funding for these successful programs. Specifically, I propose that the Administration's budgetary request for Manpower Training Services be increased by $2.2 million, from $1,566,396,000 to $1,568,596,000. The purpose of this proposed $2.2 million increase is to raise the budget estimate for Mainstream from $38.8 million to $41 million.

The benefits of this undertaking, I strongly believe, are many. For example, this can provide new job opportunities for the hardcore unemployed. At the same time, it can also provide an effective means for delivering badly needed public services—services which many communities are now unable to provide for their citizens.

This $2.2 million increase can also help to provide new Green Thumb programs in additional States.

Moreover, service programs can be tailored to the special needs of the elderly, especially for those who must work part-time to supplement inadequate retirement benefits. For many aged or aging Americans, serving in their communities can be a most rewarding experience. For others, it can mean a new career or an opportunity to engage in purposeful activity.

The enthusiastic acceptance of these existing demonstration programs strongly suggests that there are many low-income older persons in virtually every community who are ready, willing and able to perform services benefiting their localities. Greater utilization of their skills, experience and wisdom would not only assist the elderly job seeeker, but the public as well.

Mr. Chairman I urge prompt and favorable action on my amendment to provide an additional $2.2 million for Operation Mainstream.

TESTIMONY BY HONORABLE FRANK CHURCH, CHAIRMAN, SENATE SPECIAL COMMITTEE ON AGING, BEFORE THE LABOR-HEW SUBCOMMITTEE OF THE SENATE COMMITTEE ON APPROPRIATIONS, JULY 1971

Mr. Chairman, thank you for the opportunity to appear here this morning to testify on issues of vital concern for the Nation's elderly.

As Chairman of the Senate Committee on Aging, I also wish to compliment you and your Subcommittee for the genuine interest that you have always demonstrated for older Americans. This was certainly the case last year when you helped provide $500,000 to fund the Retired Senior Volunteer Program for the first time. It was also demonstrated when you approved an additional $500,000 for the Foster Grandparent program, which helps low-income elderly persons to help themselves by providing vital supportive services for young, disadvantaged children. And it was clearly apparent when $650,000 in funding was provided to pay for the elderly's delegate expenses to the White House Conference on Aging.

These measures, I am pleased to say, had strong bipartisan support, as so often occurs on issues affecting the aged.

This was forcefully demonstrated earlier this year when the Administration submitted its budget. As you may recall, that budget called for a $2.5 million cutback in funding for the Older Americans Act. It would have provided only 28 percent of the $105 million authorized to be spent. And it would have cut many programs to the bone, despite an urgent need for stepped-up funding.

However, members from both sides of the aisle protested these shortsighted and ill-advised reductions. Joint hearings—evaluating the Administration on Aging and the progress of the White House Conference on Aging—were then held in March and April by the Committee on Aging and the Subcommittee on Aging of the Senate Labor and Public Welfare Committee. At our concluding hearing, the Administration not only rescinded its original budgetary request, but also proposed a $7.85 million increase in funding for special programs for the aging and a $2.15 million raise for aging research and training.

However, the revised budget requests only about 38 percent of the authorized funding under the Older Americans Act. For these and other reasons, I strongly believe that far-reaching action is still needed on several fronts to improve the budget.

SPECIAL PROGRAMS FOR THE AGING

Particularly important is the need for a $10.5 million increase in funding for special programs for the aging—raising the Administration's request from $33.7 million to $44.2 million. Of this total, I propose that the community programs on aging (Title III) be increased from $9 million to $15 million, and the Foster Grandparent program from $10.5 million to $15 million.

Community Programs on Aging: Perhaps the lifeline of services for older Americans is the community programs on aging which help the elderly in a wide variety of ways, including transportation for the infirm and frail; home delivered meals; homemaker and home health services; telephone reassurance calls; and many others.

For many older Americans these services mean the difference between living independently and being institutionalized at a much higher public cost. And for some, these services have literally meant the difference between life and death.

However, the $9 million budget estimate will fund approximately 700 community projects, the same number as during the past fiscal year. But, compared with fiscal year 1969, this represents a reduction of about 400 projects. Yet, nearly 6 years of successful operations have amply demonstrated the need to expand community programs on aging, instead of holding the line or retreating.

Under my proposal, an additional 460 community programs could be funded. And the number of elderly persons being served would be increased from 1 million to nearly 1.7 million. With these services, more older Americans would be able to live in dignity, instead of subsisting.

Foster Grandparent Program: Another area of special concern is the Foster Grandparent program. In a recent report from the Administration on Aging to the Senate Committee on Aging, we were informed that "hundreds of requests for Federal help to start new projects are turned away each year for lack of funds." Yet the budget for fiscal 1972 requests the same amount, $10.5 million, as was appropriated last year. This will fund about 68 projects.

However, my proposed funding increase—from $10.5 million to $15 million—would add 30 new projects to the Foster Grandparent program. It would also provide new opportunities for satisfying part-time employment for 1,800 low-income persons 60 and older, raising the present total from 4,200 to 6,000. An additional 3,600 neglected, retarded and otherwise disadvantaged children would receive important supportive services which are not now available.

These are compelling reasons. But there are others. In a recent report, entitled "Cost-Benefit Analysis of the Foster Grandparent Program," it was pointed out:

"The funding rate of the Foster Grandparent Program is thus a sound investment having a rate of return of at least 200% or 300% in terms of direct benefits and savings."

Yet, the market for their services has hardly been tapped. According to the latest data available, more than 8,000 eligible elderly poor are on the waiting list at the 68 projects. In addition, there are thousands—perhaps hundreds of thousands—of potential applicants who know nothing about the existence of this program.

RESEARCH AND TRAINING

One of the major problems in the field of aging is the low priority assigned to research and training. For example, of the $69.15 million requested for research and training to be administered by the Social and Rehabilitation Service, only $5.8 million is specifically earmarked for aging research and training.

Mr. Chairman, I urge that funding for SRS research and training be increased by $3.7 million from $69.15 million to $72.85 million. Specifically, I propose that research for Social and Rehabilitation projects be raised from $24.125 million to $25.825 million. This would be designed to boost funding for aging research by $1.7 million, from $2.8 million to $4.5 million. Additionally, I urge that appropriations for training in the field of aging be increased from $3 million to $5 million.

Research: This is a modest increase, considering the documented needs in both of these crucial areas. But this proposal can have important as well as far reaching benefits.

For example, this proposed increase could fund an additional 25 research and demonstration projects. With this money, new studies could be launched to consider alternative living arrangements for the elderly and other important issues affecting older Americans.

Important but still unanswered questions about the aging process present cogent arguments for expanding R & D efforts. Moreover, even though present research and demonstration has been limited, it has repeatedly proved to be a sound investment.

Training: A dearth of trained personnel continues to be one of the most pressing problems for upgrading or providing services for the elderly. According to one report—"The Demand for Personnnel and Training in the Field of Aging"—it is estimated that more than 80 percent of all persons serving the elderly have never had formal preparation for their work.

But unless action is taken now to expand training opportunities, the elderly will continue to face a critical shortage of qualified personnel to provide the care and services which they need.

Adequate funding is, of course, a number one priority. Under the proposed budget, approximately 352 persons will participate in the long-term training program. However, my proposal for an additional $2 million could make available new opportunities for 440 professionals to provide vital leadership during this decade. Or, it could train 20,000 persons to participate in the short-term courses. From an economic standpoint, additional funding for training would also seem to be a very prudent investment. It can, for example, help assure that more older Americans receive the services which they need for health and independent living. This can help to reduce the rising costs of institutionalized care.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Major increases in funding are also urgently needed for research and training in the National Institute of Child Health and Human Development. Unlike research under the Older Americans Act, gerontological research under NICHHD focuses on biomedical, sociological and psychological aspects of aging. In addition, the aging branch of NICHHD trains professionals in biomedicine. On the other hand, training under the Older Americans Act is designed primarily for practitioners, such as managers of retirement homes.

Quite clearly, the NICHHD budget for aging research and training is in full scale retreat, although there is a critical need for increased efforts. Compared with last year's appropriation, the Administration is proposing a 12 percent cutback—from $8.762 million to $7.180 million.

Mr. Chairman, I strongly support the Gerontological Society's recommendation that funding for NICHHD be raised from $103.232 million to $108.052 million. This would have the effect of increasing the appropriations for aging research and training from $7.180 million to $12 million, for a $4.820 million boost in funding.

With this money, further research can be initiated for treatment of chronic diseases which plague aged and aging Americans. In addition, social and psychological research can be conducted to make the later years more satisfying and rewarding. Moreover, additional personnel can be trained to serve older people in medicine.

Dr. Jerome Kaplan summed up the need for this approach when he testified before the Senate Committee on Aging in March:

"We must have knowledge about the aging process, disease, and their related behavioral components if we are to deal effectively with the needs of our people. Simultaneously, we must have the training and education programs that produce qualified professionals who provide services to our people."

"There is one axiom: research, training, professional education, and services go hand in hand. Each is necessary to the other but not sufficient in itself."

SENIOR OPPORTUNITIES AND SERVICES

Now, I would like to turn to funding for the Office of Economic Opportunity. The Administration's budget proposes that $830.4 million be spent for community development programs. Of this total, $388 million is recommended for community action operations, including $8 million for the Senior Opportunities and Services program.

Mr. Chairman, I urge a $2 million increase in funding for community development programs, from $830.4 million to $832.4 million. The purpose of this amendment is to increase appropriations for SOS by $2 million, from $8 million to $10 million.

The reasons for taking this action, I believe, are many. SOS has been one of the most successful of all the poverty programs. Approximately 800,000 elderly persons are served in many ways, including training to prepare older persons for part-time or full-time jobs; screening applicants for subsidized housing units; consumer education programs to assist aged persons in buying food and budgeting their money; and employment opportunities in these programs. With my proposed $2 million increase, an additional 200,000 older persons could be served.

A recent evaluation by Kirschner Associates found that SOS programs are an effective means for identifying and meeting the needs of the aged poor. Moreover, the report noted:

SOS programs have a low unit cost per beneficiary.

The projects have produced significant improvements in the aged's sense of dignity as well as their physical and emotional well-being.

SOS programs have been enthusiastically accepted at the community level.

In fact, SOS projects have generated 40 cents in local resources for every Federal dollar spent, which is the largest nonfederal share of any OEO program.

CONCLUSION

Mr. Chairman, the net impact of my proposals would be to provide an appropriations increase of $21.02 million for several programs serving the elderly. This is a very modest increase considering their urgent needs. But, I also believe it is realistic considering the budgetary situation and the many requests you receive to increase funding for other programs.

In terms of added costs, this will amount to about a dime per person in the United States. Surely we can afford this extra cost for 20 million older Americans, who have worked most of their lives for the progress we now enjoy.

THE ADMINISTRATION'S ACTION PROGRAM TO COMBAT THEFT OF INTERNATIONAL CARGO

Mr. BENNETT. Mr. President, today I wish to comment upon a significant problem which has been neglected far too long. It concerns the security and protection of international cargo from theft and pilferage at our ports of entry through the United States. The gravity of this problem is evident. In a recent report filed by the Select Committee on Small Business, it was estimated that the loss of cargo due to the absence of comprehensive security regulations may annually approach the $1.5 billion mark. Aside from the huge dollar loss, which has obvious dysfunctional effects upon the economy, the problem of cargo theft often reaches proportions which seriously deter foreign trade with the United States. Other resulting detrimental effects include such things as the following: Manufacturing schedules may be delayed or not met, employees of manufacturers may be laid off because of lack of raw materials, seasonal markets may be lost, cargo insurance premiums skyrocket, stolen merchandise may be put into the stream of commerce by the underworld to compete with legitimate business in direct competition with the original importer, and duties often are not collected on merchandise which has been stolen.

The growth of this multi-million-dollar criminal activity in the transport of international cargo must be stemmed immediately. It is for this reason that I urge serious consideration of the administration's action program to combat theft of international cargo as outlined by the Honorable Eugene T. Rossides, Assistant Secretary of the Treasury, in a speech delivered June 17, at the Government-Industry Cargo Security Conference. This program is divided into three major areas of concern. The first two parts, which became effective April 1, 1971, deal with, first, cargo accountability, protection of imported cargo from time of unloading until delivery to the consignee or his agent, and second, improvement of physical and procedural security, the handling and storage phase in the processing of imported merchandise. The third part of this program is concerned with national standards, licensing, and personnel identification. I am particularly interested in this phase of the program because of the bill, S. 1654, dealing with this issue, which I introduced in the Senate in April. This legislation seeks to curb the problem of theft by prescribing national standards for the physical security of areas where cargo is handled and stored, by screening those persons who seek access to high-risk cargo areas in order to eliminate undesirable persons; and by restructuring the criminal penalties relating to unlawful removal of goods from these areas.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the complete text of Mr. Rossides' speech as being of vital interest and concern to all and deserving of careful consideration.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ADMINISTRATION'S ACTION PROGRAM TO COMBAT THEFT OF INTERNATIONAL CARGO

Mr. Chairman and Distinguished Guests: I am pleased to be here today at this conference to discuss with you the Treasury Department's three-point action program to curtail the theft and pilferage of international cargo and to explain the nature of the proposed Administration legislation which Treasury has submitted to Congress to combat international cargo theft.

Early in this Administration, President Nixon directed a concerted attack on (1) organized crime and (2) drug smuggling. This concerted attack became Treasury's highest priority in the area of law enforcement.

The long neglected problem of theft of cargo fell into both of these priority areas. Therefore, early in 1969 Treasury initiated a study of the cargo theft problem and developed an action program based, first, on what we could accomplish under existing authority and, secondly, on that which required additional legislative authority. Throughout our work on this program, we maintained a close liaison with the Senate Select Committee headed by Senator Bible, whose hearings assisted greatly in focusing attention on the problem.

The gravity of the problem is well known to all of you. The actual dollar loss is huge. In addition to the dollar loss, however, the economy is affected in other ways by such cargo losses—manufacturing schedules may be delayed; employees of manufacturers may be laid off due to lack of raw materials; seasonal markets may be lost; insurance premiums are increased; stolen merchandise may be put into the stream of commerce by the underworld in competition with legitimate business, oftentimes in direct competition with the importers of the property which has been stolen; duty and internal revenue taxes are not collected on merchandise which is not received by the consignee; and lower income taxes are paid by importers who (1) fail to receive stolen merchandise which they would otherwise sell at a profit, and (2) claim a loss on their income tax returns for such theft or pilferage.

I would like to establish the perspective from which Treasury sees its involvement in the matter of security of cargo.

Cargo in international trade is exposed to theft and pilferage at many points from the time it leaves the foreign producer until it reaches the consumer in the United States. Some losses, of course, occur in transit in the foreign country and while awaiting loading either at docks or airports abroad prior to transoceanic shipment. The shipment arrives in the United States, is held by the carrier for a brief period until it has been cleared by Customs, and is then transported inland either by freight forwarders or by the importers via their own transport.

From the time that the merchandise physically touches the territory of the United States, either being unladen from an airplane at an airport of entry or from a vessel onto a dock, it is under "customs custody" until released by Customs for entry into the commerce of the United States. After this release, delivery may be made by the carrier either directly to the importer or to a designated agent, such as a customhouse broker or freight forwarder.

It is this period of "customs custody," including the point of delivery by the carrier, with which Customs is and should be concerned. During this period, the carrier is responsible for insuring the physical security of the merchandise. Customs, however, does exercise control over movement of the cargo by the carrier until a suitable arrangement for payment of duty has been made and until Customs is satisfied that contraband, such as heroin and cocaine, is not being smuggled into the United States.

Clearly, any theft or pilferage of merchandise, once it had landed and until its release from customs custody, threatens the proper collection of duty and the prevention of smuggling, with which Customs is charged. Moreover, Customs already has personnel physically present at the airports and docks, at the terminals and warehouses.

It is on the basis of these interests and capabilities that I am able to report to you this morning on Treasury's three-part action program.

1. *Cargo Accountability*. The first part, a regulation which became effective April 1 of this year, establishes a closer accountability for imported cargo, from time of unlading until delivery to the consignee or his agent. This also produces statistics which will enable us to pin-point the specific piers, terminals or warehouses, and the types and values of merchandise which are most involved in cargo thefts.

2. *Improved Physical and Procedural Security*. The regulation, also effective April 1, establishes elementary standards for the handling and storage of international cargo, provides for better authentication of pick-up orders and verification of delivered quantities, and permits district directors of Customs to require bonded warehouse operators, customhouse brokers and carriers to submit lists of their employees. This regulation focuses particularly on secure storage and handling of cargo with a high value-to-weight ratio and cargo with broken packaging.

3. *National Standards, Licensing and Personnel Identification*. The third part of our program is a legislative proposal now before the current session of Congress—the Mills-Byrnes bill, H.R. 8476 and the Bennett bill, S. 1654, This legislation would give the Secretary of the Treasury authority to complete Customs' protection of international cargo by establishing nationwide standards for security, both physical and procedural, at seaports and airports of entry.

Its distinctive feature is that it permits high selectivity in applying more intensive security standards and greater control of personnel engaging in cargo handling in those areas in which the risk of theft is demonstrably greater. In these special "cargo security areas" the Secretary of the Treasury would, by regulation, be able to restrict access to those persons representing licensed firms and/or displaying identification badges approved by the local Customs official.

FIRST REGULATION

Under the first regulation, the efforts of Customs inspectors have been redirected. They are now identifying high-risk merchandise and shipments and, to the extent possible, personally supervising its discharge. This means that an appropriate percentage of the bills of lading are physically counted either at time of discharge or shortly thereafter. At least 10 percent of the bills of lading are also verified upon delivery to the onward carrier or importer.

In the field, the Bureau of Customs has designated regional, district and port personnel as coordinators for the cargo accountability and anti-theft program within their respective areas.

Regional Commissioners of Customs and District Directors of Customs have been requested to contact port authorities, private port security agencies, insurance companies, marine surveyors, and others, and elicit from them information concerning theft and pilferage from piers and terminals in their areas. Their reports on this matter, together with statistics from the accountability reports, will be the basis for recommending assignment of additional inspector personnel to areas where substantial theft and pilferage occur.

At present, approximately 20 percent of a cargo inspector's time is devoted to reconciling the manifest with the entry documents. The Customs Service is testing the feasibility of adapting this function to the computer. On an interim basis, until it can be definitely established that the computer concept should be carried forward, we are experimenting with the use of clerical employees to perform the paperwork function and further redirecting the inspectors' activity to the actual cargo on the piers and terminals.

SECOND REGULATION

The second regulation, in the main, makes applicable nationwide the lessons learned from a test program initiated at New York, JFK Airport in May 1970. In the first six months of the test program, the number of reported instances of theft and pilferage declined by approximately 44 percent, compared to the similar period in 1969, and the dollar value by 67%. This reduction was accomplished with minimum expense and minimal effect on facilitation in the transportation industry and by employing basic common-sense principles of cargo and documentation security. Some of the procedures instituted were:

1. Spot-checks of cargo laden onto trucks and vans from aircraft.

2. The movement of both high-value and broken-package merchandise from aircraft to terminal in locked trucks.

3. Depositing high-value and broken-package cargo in a safe repository such as a vault, security crib, or U.S. Customs examination room.

4. Locked brokers' mail boxes to eliminate theft of documents.

5. Use of a new Cargo Release Form. This form provides for authentication by the broker of the person authorized to pick up the merchandise.

6. In cooperation with port authority and local law enforcement officials, spot checks and searches of trucks departing from the airport or terminal areas.

Treasury's second regulation enables Customs to move quickly to apply these simple, but effective, measures, whenever a high incidence of theft so warrants.

The problem on the waterfront is equally grave, although there appears to be a wide variance in the magnitude of losses of cargo. Along the 650-mile waterfront of New York harbor cargo theft is so serious that some shippers are directing business to other East Coast ports. Every type of merchandise among the $20 billion in general cargo annually passing through the port is a candidate for theft, but the goods most frequently stolen include whiskey, cigarettes, radios, television receivers and TV tubes. These goods bring top prices from the fences who resell the stolen goods to legitimate dealers and to mob-infiltrated firms.

In connection with these two regulations I particularly want to thank, on behalf of the Secretary, industry elements represented here today for their willing and imaginative cooperation with Customs, not only in the JFK pilot project but also in commenting on and implementing the two regulations.

ADMINISTRATION-PROPOSED LEGISLATION

To deal with this serious problem with full effectiveness, the Treasury Department, on behalf of the Administration, has proposed legislation, which has been introduced into both houses of this Congress, aimed at selectively identifying and remedying the loopholes still existing in Customs' control of the movement of international cargo.

The proposed bills direct the Secretary of the Treasury to establish by regulation national standards for cargo protection which would relate to such maters as adequate cargo storage space, special storage areas for high-value items, lighting, fencing, alarm systems, separate private vehicle parking areas, and guards, as well as to procedural matters.

The bill further provides for the creation of "Customs security areas" which would be established when the Secretary makes a finding that within a port or portion of a port there is an unusual risk of theft or pilferage to imported merchandise or merchandise for export. The establishment of a "Customs security area" will subject cargo facilities within that area to even tighter security measures than those prescribed under the national standards. Access to such areas would be restricted and under the control of Customs officers.

For access to a "Customs security area," the Secretary of the Treasury may require the display of identification cards or badges approved by the Customs officer in charge of a port. The bill also identifies violations for which the Customs officer in charge of a port may suspend or revoke an identification card and the procedures which he must follow when he takes such action. These procedures provide for a full hearing and review if requested by the aggrieved party.

The thrust of this legislation is to provide for equality throughout the country in meeting the minimal standards which prudent industry management would normally follow in its own interest. Only in specific areas of demonstrated high theft risk, where normal measures had proved ineffective or industry had failed in its basic responsibilities, would stringent measures and tight controls be imposed. Treasury would expect to define those areas as narrowly as statistical evidence would permit—not an entire port if we could pin-point a dock area, not a dock area if we could specify a particular pier, not an entire airport if the problem were concentrated at a specific carrier's terminal. And we would hope to work ourselves out of the Customs security area business as rapidly as possible.

In addition, the legislation tightens up the criminal penalty structure for cargo theft and facilitates the administration of justice in minor cases of pilferage.

While this entire program is addressed to security of international cargo, we would expect it to provide spin-off security for the large quantities of domestic cargo flowing through and temporarily stored at the same airport and seaport facilities.

As noted earlier, this action program ties in with two top priority concerns of President Nixon—the drive to stop smuggling of contraband narcotics and dangerous drugs into the United States and the campaign against organized crime. If the drug smuggler can steal the package containing narcotics before entry is made, he can avoid the risk of any scrutiny or examination by a Customs officer.

Organized crime is undoubtedly a significant factor in theft of cargo, during unloading and delivery to the terminal storage area, while it is in the terminal awaiting release, and especially during delivery to the pick-up trucker when collusion can be arranged with corrupt cargo handlers in the terminal. All large-scale thefts have to involve fences controlled by organized crime. This is a development that must be recognized and dealt with effectively if any meaningful progress is to be achieved.

For organized crime, theft and pilferage has become, within the last decade, a big and extremely profitable business, especially at large deep-water ports and at major airports. No single effort and no single agency can solve this problem. We must respond with all the available resources of Federal, State and local Governments. We must have the full and dynamic support and cooperation of industry and labor. That is why this joint conference represents an important step forward in attacking the entire problem.

I close with a personal prediction—within one year of passage of the Administration's proposed legislation, we will have substantially reduced the theft of international cargo at all key airports and seaports.

FREEDOM FOR SLOVAKIA

Mr. PELL. Mr. President, the Slovak World Congress met on June 19–20, 1971, in Toronto, Ontario, to discuss and wrestle with the problems of their oppressed homeland of Slovakia. The junior Senator from Ohio (Mr. TAFT) and I had the good fortune to attend their final dinner meeting. This congress was attended by some 1,300 delegates from all over the world, all of the belief that Slovakians abroad should dedicate themselves to achieving the freedom of their compatriots in Slovakia. I am particularly saddened that a nation which has always valued and fought for freedom now finds itself shackled in a very harsh way.

As a man who had the honor, as a young American Foreign Service officer, of establishing the American Consulate General in Bratislava, as a man who has a great love for Slovakia, both because of the character of her people and the beauty of her land, and as a man who believes that Slovakia should be allowed to live its independent life, I ask unanimous consent that the stirring declaration adopted by the Slovak World Congress, the text of my address to the world congress, a welcome letter from Stephen B. Roman, president of the Slovak World Congress, a short history of the country of Slovakia, and the remarks made by an old friend and the ranking host official, the Honorable William Davis, the Prime Minister of Ontario, be printed in the RECORD at the conclusion of my remarks.

I also commend and congratulate Mr. Stephen Roman for all that he did as general chairman to make the congress the ringing success that it was.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR CLAIBORNE PELL

Prime Minister Davis, an old friend, Mr. Roman, spiritual and temporal leaders of the Slovak people, yes, and lovers of Slovakia.

I am hugely honored to be your guest here. I say this because I believe I am the only member of the United States Senate who has lived in Slovakia. I have always admired your country and respected its people. I guess I am a Slovak Nationalist at heart.

I well remember when I first visited Slovakia. It was in August 1939, just prior to World War II. I came across the Polish border north of Preesov, although I must say that I was a bit taken aback by the soldiers and guardists who were marching about at that time. I then drove around through that wonderful section of the country between Kosice and Michalovce, then under Magyar rule, and that was when I fell *first* in love with your beautiful area.

A couple of years went by and my father was appointed the last American Minister to Hungary prior to World War II. He, too, then had the opportunity to travel and enjoy Slovakia in the course of his tours of the then overly swollen Hungary. Then, right after World War II, I was really greatly honored to establish the American Consulate General at Bratislava. In fact, I enjoyed that year as a young Foreign Service Officer carrying out my mission there more than any other Foreign Service job I ever had. Actually, I had striven hard to get this assignment and found it fully up to expectations. I remember at the time writing a dispatch to my Government that it was obvious that since the Communists would fare badly in the coming election of 1948, I believed that the Communists would take extra legal steps such as organizing a putsch in order to retain the Czech and Slovak people in the Soviet orbit. Nobody believed me at that time. However, I am sad to say the events that followed bore out my views.

I remember formally opening our American Consulate General a couple days after the Communist putsch of 1948. Our building was a lovely four-story one on Hviezdoslavovo namesti. It was a great site. I took particular pride in flying our American flag there, particularly at the time of the massed so-called demonstrations that took place directly in front of our building.

During my year in Slovakia, I became increasingly in love with your lovely country. I remember so well shooting boar in the mountains of eastern Slovakia, climbing the high Tatra, walking in the woods above Piestany and along the Vah, and enjoying the lovely wines at Modra.

It was a wonderful year marred principally by the cruel practices of the communist police. Many of my friends were among those jailed and tortured.

One of those arrested was a young American of Slovak background who had come to work for us at the consulate in early 1948. I think many of you here know of him—his name is John Hvasta. He's sitting right there. Like the nation of Slovaks, John withstood the ordeal of his imprisonment and came out of it matured and tempered by his cruel experience, more vibrant and ever more dedicated to fighting for his beliefs and to the cause of freedom.

I guess, though, cruel political experiences are part of the heritage of Slovakia and of Central and Eastern Europe in general.

I remember one time going down to Karol Smidke, President of the Slovenská Národná Rada, and protesting the abuses suffered in jail by one of my employees. I am afraid that I got quite excited which resulted in his tearing open his shirt and showing me the scars he had suffered from the Hungarian political police. In any case, after many months of increasing friction with the local government authorities, I was transferred. I remember my sense of sadness when my wife and I crossed the Danube leaving Slovakia. Many of my friends had fled—in fact, I left wearing Fedor Hodza's winter overcoat, in order that I might afterwards return it to him in America—but many of my friends were also left behind.

However, since that year, I have had the opportunity to pay a few visits to Slovakia. In fact, just a couple of years ago, I went once again on that wonderful drive from Kosice to Michalovce and Sobrance, to Snina and Humenne, then to Persov and back to Kosice. The beauty of that country, combined with the knowledge of its very early Christian origin have always had an immense effect on me. Without any exaggeration, I can honestly say that I consider that area the most beautiful in the world. I look forward to visiting it again someday when conditions and life there are better.

But, speaking of life there being better, on my last visit to Slovakia a little while ago, I went across the Soviet frontier to Uzhgorod and I can assure you that life there in Uzhgorod measured in the terms of food and smiles, goods and living quarters, vehicles and churches and human life in general, is far poorer than it is in Slovakia.

The other day, I participated in a discussion as to whether a nation possesses a sense of identity as does a person. We came to the conclusion that some nations do and some don't—just like people. But if ever a country possesses a sense of national identity, a sense of tradition and of history and pride, it is your own Slovakia.

There is another sense, another instinct, that Slovakians possess, and that is the instinct for freedom—freedom as individuals and freedom as a nation.

It is one of the great ironies and tragedies of history that a people who *so* cherish the concept of freedom should find their freedom so shackled.

But the yearning for freedom, once instilled in a people, is not easily extinguished. The love of freedom continues to express itself through all hardships; the yearning for freedom relentlessly seeks fulfillment.

I recall when I was last in Slovakia, shortly before the Spring of 1968. Mr. Dubcek was in office, and there were vibrant and healthy signs that both the Slovaks and the Czechs were moving vigorously toward a greater measure of social, economic and political freedom.

But these moves provided to be entirely too rapid to be countenanced by the Soviet Union. The Soviets saw the reforms of the Dubcek government as an example that might be so admired as to prove contagious to other peoples of Eastern Europe.

Just as twenty years earlier they had organized a Communist political putsch, so now they did the same. But, after twenty years of cruel Communist rule, this time it took a half million Russian soldiers.

So the light of freedom which glowed brighter for a few short months in your country was again dimmed—and in a way that sent even more waves of shock and protest throughout the Western world than had the original Communist putsch just twenty years earlier.

It is an episode that remains for all the World a reminder that the bonds that tie Eastern Europe to the Soviet Union are not bonds of friendship, but of fear.

Indeed, I think the summer of 1968 was in the minds of many in the United States Senate during the recent debate over reduction of United States forces in Western Europe.

True, the military presence of the United States in Western Europe did not prevent the Soviet Union from sending its troops into Czechoslovakia. But the NATO alliance, and, indeed, the political stability and economic strength of the Western European Community is a key part of the environment in which events in Eastern Europe are played out.

That is one reason why it is important for the United States to maintain the strength of the NATO alliance. While I do not believe the strength of that alliance requires so many United States soldiers, nor does it require the United States to carry such a large share of the economic burden of the alliance. But, a precipitate, reduction of United States forces might well raise such doubts, and it was for that reason that I, together with Senator Taft and a majority of the United States Senate, voted recently against the proposal to cut our European troop strengths in half.

In the long run, we all know, troops and sheer military strength will not be the determining factor in the national life of Slovakia, or of any other people.

Military force, and the threat of it, cannot indefinitely prevail over the force of an idea. And, given time, the national identity of a people will assert itself over all obstacles.

I have no doubt that the Slovakian people, with their strong sense of national identity, their sense of tradition, and pride in their history, will assert themselves.

Yours is a great country, and a great people. I pray with you that the Slovaks will before too long live in freedom and enjoy personal independence. In this regard, I congratulate you, Mr. Roman, and the Slovak World Congress on your Declaration. I shall put it in the CONGRESSIONAL RECORD—and know Senator Taft will join me in doing so, Moreover, I look forward to doing what I can to see its objectives and achievements.

Good luck. Na Stastie, Representatives of Slovak organizations throughout the free world as well as individuals of Slovak origin in the United States of America, Canada, Australia, Switzerland, Italy, Austria, France, South Africa, Argentina, Germany and Spain assembled in Toronto in order to promote the creation of a world organization of Slovaks hereby declare that:

The struggle for freedom and self-fulfillment has been a continuing process throughout Slovak history. Attainment of this objective in the past has not been without obstacles, or dedicated work and sacrifices of many individuals and groups. Now, when the Slovak nation is unable to determine its own destiny, because it is under a foreign military domination, such efforts, dedication and sacrifices must be increased to help them achieve their freedom once again.

Those of Slovak origin now living throughout the free world, are urged to dedicate themselves to this task. Our obligation will be to present to the free world a true picture of the life under which our brethren are compelled to live, and to seek a change of their plight.

The concepts by which we will be guided in this work will be the traditional values promoted throughout Slovak history which have given vitality to the nation in its growth and acceptance among nations of the western world.

The Congress will continue to adhere to the democratic principles in civil and international relations and considers tolerance in ideological, political and religious matters an expression of maturity for democracy and strongly opposes any tyranny whether it comes from the left, or, from the right.

TORONTO, ONTARIO,
June 20, 1971.

It has been obvious during the past two decades that the Slovaks living in Slovakia have been unable to determine their own destiny. A number of recent facts attest to this unfortunate reality namely the following:

The basic freedoms of Slovaks, as well as of other Captive Nations under communism, are still quite limited—travel to Western countries, and press and assembly freedoms have recently been set back to almost the 1948 levels.

The federalization of Czechoslovakia into two equal sectors—the Czechs and the Slovak, introduced by the Constitutional Act of October 1948, has been severely circumscribed in recent past and is slowly being replaced by a new centralism;

Religious freedom continues to be restricted to Roman Catholics, Uniates, Lutherans, Jews and to other denominations; and

The present Czecho-Slovak Federal Government has taken no initiative nor has it responded to initiatives suggested by the Holy See in the Vatican to establish a Catholic Province in Slovakia, even though such provinces exist in Bohemia (Czech) as well as in Moravia.

We contend that the issue of the continued existence and recognition of a Slovak nation be duly accepted by all nations, including the records of the United Nations.

The question of the suppressed freedoms of all nations now living under communism must soon be given full airing and remedies instituted. This has been and should not cease to be an issue of interest to all civilized nations. Slovaks call upon them to help in this cause.

We take a positive attitude towards the economic integration in Europe and urge that the Slovak nation be included in this and other unifying processes benefiting their degree of economic and other freedoms.

Viewing the future political situation in Eastern Europe with hope and cautious optimism, we look forward to the day when obstacles which presently prevent cultural and educational exchanges between Slovaks at home and abroad will be removed.

To support the objectives mentioned above, we have established a permanent organization under the name of: Slovak World Congress, which shall embody the spirit of brotherhood and mutual respect. Religious affiliations or political views, insofar as they are not contrary to the spirit of democracy and the objectives mentioned above, will not bar anyone from membership or active participation in our organization. We consider it essential that our goals and methods as well as our activities follow democratic principles.

We shall endeavour to have the Slovak World Congress represent its members at international scientific, cultural, religious or political forums in the interest of the Slovak nation as expressed in the Constitution and the by-laws of the organization.

We urge that the Slovak World Congress devote itself to promoting the spirit of unity among its members and to co-ordinate all its efforts through constant contact with member organizations maintained through central secretariats, regional secretariats, committees and information bureaus in various countries around the world.

We ask the blessing of Almighty God in this undertaking in the firm hope that with the help and co-operation of all those who wish well for the Slovaks we may successfully fulfill our role.

WELCOME

SLOVAK WORLD CONGRESS,
Toronto, Ontario, Canada, June 19, 1971.

On behalf of the Executive of the Slovak World Congress I am delighted to extend to each of our delegates, observers and guests a most cordial welcome and sincere thanks for their attendance at and contributions to this session of the Congress.

The Slovak World Congress, comprising representatives of Slovak organizations, cultural institutions, associations, newspapers and individuals of Slovak origin, was founded one year ago in New York City. There, representatives from 17 countries did much of the preliminary organizatory work, but needed time to discuss and put forward concrete programmes for the Congress. For that reason the sessions were adjourned to be reconvened in Toronto.

The Toronto sessions are intended to establish a permanent co-ordinative body representing Slovaks abroad, to have one designated voice to speak out freely on behalf of the Slovak nation's aims, ideals and aspirations.

To this end, the initiators of the idea of a Slovak World Congress feel they have been successful. How successful they have been, however, will depend on each and every person of Slovak origin in the years to come.

May God guide the Congress in the years to come in achieving its goals within an atmosphere of freedom—freedom to promote one's heritage, freedom to live proud of one's heritage.

STEPHEN B. ROMAN,
President.

HIGHLIGHTS OF HISTORY OF SLOVAKIA

Slovakia is situated in the heart of Europe from the slopes of the Carpathian Mountains, to the banks of the River Danube, having for neighbours Austria, Hungary, Poland, the Soviet Union (since 1945) and Moravia-Bohemia. The territory of today's Slovakia with its 20,000 square miles is only a remnant of the area inhabited by the ancestors of the present-day Slovak population. Ten centuries of struggle against German expansion and Asiatic invasion and, later, nationalism and assimilatory policies on the part of Slovakia's neighbours, reduced the Slovak territory to its present dimensions.

The history of Slovakia and the Slovaks goes as far back as the sixth century A.D. The ancestors of today's Slovaks crossed the Carpathians in the sixth century and established their permanent habitat on the banks of the Central Danube and its tributaries, but Slovakia was already inhabited in prehistoric times and the Romans waged wars therein against Germanic tribes.

Latin and early Slav chronicles recorded the names of several rulers and princes who reigned over the Slavic tribes which are considered ancestors of today's Slovak's. Princes Pribina, Mojmir and Ratislav laid the foundations of the first Slovak state and church organization which, under King Svatopluk (870–894) became an empire known to historians as Great Moravia. At the beginning of the tenth century A.D. (the year 907 is accepted by some historians) Great Moravia was defeated by the combined military force of Germans and Magyars (Hungarians) who invaded Europe from Asia, and Slovakia became, at the beginning of the eleventh century, a part of the Kingdom of Hungary.

Although Slovakia within St. Stephan's kingdom was a separate administrative unit (called Hungaria superior or Partes regni superiores), the Slovaks, with the exception of a short period in the 14th century when a Slovak nobleman Matus Cak ruled over a great part of Slovakia's territory as an independent ruler, were more a cultural than a political factor in Central European affairs. However, during the so-called "Spring of Nations" in 1848 the Slovaks made the first serious attempt at separation from Hungary, and expressed a wish to be a separate "crownland" under the Habsburgs. From 1861 they claimed territorial autonomy and equality of rights within Hungary, strongly supported in their national struggle especially by the Slovaks in the United States.

At the end of the First World War Slovaks and Czechs decided to separate from the Habsburg Monarch and created Czecho-Slovakia. Unfortunately, instead of organizing the new state on a federal basis, as had been agreed upon between Czechs and Slovaks, two agreements (Cleveland and Pittsburgh) and stipulated at the Peace Conference, the new Republic, to use the words of Milan Hodza "was to embark upon a tough centralism," trying to impose the Czech language and culture on the Slovaks.

As a result, the Slovaks were forced into a new struggle for their national rights and survival which took the form of a twenty year long fight for Slovakia's autonomy.

When the international events of the years 1938–39 forced upon the Slovaks the decision whether to be a part of the German Reich or an independent country, the Slovak Diet, on March 14, 1939, unanimously proclaimed Slovakia's independence and created the Slovak Republic.

In 1945, the Soviet Army occupied Slovakia and Czecho-Slovakia was restored as a Communist country, governed again from

Prague. Slovak resistance to this situation resulted in ruthless persecution. In 1968 under the leadership of a young Slovak, Alexander Dubcek, Slovaks and Czechs hoped to achieve "socialism with human face," but the liberalization was crushed by the Soviet invasion.

Cultural History.—Although Christianity penetrated into the territory of the Slovak tribes at an earlier date, it is the year 830 A.D. which is considered to be the starting point of the organized conversion of the Slovaks to Christianity and likewise the dawn of the Slovak political and cultural history. In Nitra, seat of the Slovaks princes, history recorded a consecration of the first church on the territory of Western Slavs, and owing to the work of Sts. Cyril and Methodius Slovakia became in the second half of the ninth century, the mediator of the Christian faith and civilization even for the neighbouring countries to the east.

From the tenth century, Slovaks remained attached to Western culture and civilization as deeply and faithfully as were the Poles, Czechs, Slovenes or Croats. Byzantine Christianity and Eastern civilization remained in Slovakia and was renewed after the collapse of Great Moravia. The main characteristics of Slovak cultural and literary development were medieval universalism, a deep religious spirit and later a humanism and patriotism whose roots are to be found in Western European thought and philosophy. Humanism was spread on Slovak territory mainly by the University of Bratislava—Istropolitana—founded in 1465.

Slovakia kept growing culturally even during the religious disturbances of the Reformation and Counter-Reformation, as witnessed by the activities of the University of Trnava founded in 1635, and the numerous relics of Baroque art and culture.

According to some historians, Slovakia had already become, during the seventeenth century, the refuge of manifold cultural activities and produced intellectuals and professors for Slovak as well as European universities. Long before World War II Slovakia had reached if not passed the Central European civilization level.

REMARKS BY THE HONORABLE WILLIAM DAVIS

It is a privilege to address men and women who stand in the forefront of civilization's never-ending struggle for freedom.

For more than eleven centuries the Slovak people have been developing, extending and seeking to preserve a rich and fertile cultural heritage. More than that, you have sought endlessly to maintain that priceless ingredient of true spiritual fulfillment—the right of the individual citizen to be his own person, to think his own thoughts, to speak his own words, to contribute directly to the formation and performance of his own government and to worship as he chooses. In so doing you have contributed your full share, and perhaps more, to the development of the Slavic peoples as a whole and to the cultural family of peoples around the world.

Ontario and all of Canada has been enriched by the spirit and integrity of Slovaks, Ukrainians, Poles, Czechs, Serbs, Croats, Slovenes and all the others who claim the honor of membership in the world Slavic community which numbers more than 200 million persons.

To those of us whose family roots have grown in Canada the very concept of eleven centuries of growth and development is a difficult one to grasp. Just this week I attended a meeting of federal and provincial leaders representing all parts of Canada, who were assembled in Victoria, British Columbia, to discuss some of the problems of a federal state which has been in existence for just a couple of weeks less than one hundred and four years.

For Canada, those problems are serious. They were not all resolved. We will speak about them again and again in the months and years to come. By the same token it is refreshing and educational for me to be among you tonight. It adds greatly to my sense of perspective to realize anew that a century is but a moment in the span of time. National states and boundaries are important, but they are subject to change. People are more important. And, in their most vital respects they are not subject to change.

It has been said many times that we in Canada are a fortunate people. We are prosperous, despite occasional economic shifts and changes. We have great potential for the future, despite moments of self-doubt that realistically are becoming less and less frequent. We have pride, despite nagging fears that some of our basic values may be weakened by the pressure of modern events in an age of massive power and nuclear weapons of a literally infinite destructive capacity.

But most of all, we are free. Yet even in this connection I must use the word "despite". As recently as a few months ago we have been troubled by violent dissension within our midst. We have had to resort to extreme measures, including the deployment of armed force, in order to safeguard the values held sacred by the overwhelming majority of our people.

For the most part, however, the internal history of Canada has been the history of peace. Unlike the peoples of Europe, we have in large measure been allowed by the forces of history to develop in our own way, at our own pace and according to the beliefs which were commonly shared among our people. There are few places in the world that can make such a claim. Yet I do not make the claim in a boastful spirit. We have been lucky. Fate has been on our side. On two major occasions, we have gone to war in protection of our values and to honor our alliances. The graves of Canadian soldiers are honored in many parts of the world. Our participation on the battlefield in the cause of freedom has formed one of the richest and most enduring parts of our heritage.

It detracts in no way from those splendid memories to express concern about the condition of freedom here in Canada or in other parts of the world that are commonly assumed to be free. On many occasions I wonder if we have not been a little too insulated from the harsh processes of the world at large which can crush the freedom of the individual or of a race of people almost as an afterthought, or can snuff out the lives of men, women and children without a moment's concern for the hideous violations of humanity involved. I know I need not speak to you of these things; it might be better if you in this audience spoke to us.

When I received the invitation to be here tonight from my good friend Stephen Roman, who exemplifies so well the contribution of the Slovaks to this developing nation, I was faced with certain decisions. Through the years there has developed in Canada something of a political tradition as to what one says if one is in public life to groups of people whose culture or national origin is other than Canada. It has become fashionable to lapse into a certain tone of message. One speaks first about the great contribution made by members of the group concerned to Canadian development. This is true. I said those very words of Stephen Roman a few moments ago and make no apology for having said them.

One then speaks of the great potential of Canada and invites his audience to participate in that great future. I have already done something like that tonight. The sentiment is genuine and the facts are sound. I make no apology. One speaks of the heritage of the group concerned and pays tribute to it. Again I plead guilty. Again I make no apology. Finally one speaks of contributions to freedom—and I have already done that tonight and only a part of my time is used up.

When words of that sort are used by a political leader in Canada, regardless of the particular party to which he belongs, the words are meant sincerely and I think are received in that spirit by the audience. To some extent there is happy marriage. The political leader is saying what he actually wants to say and the audience is hearing something that it actually wants to hear. It is only proper that the accomplishments and beliefs of people receive fair recognition and support from other people.

Yet, with the passage of the years, this process has begun to take on a hollow ring, and an air of ritual has begun to develop.

Tonight I do not think the ritual should be followed entirely. For one thing you come not just from Canada but from at least a dozen other countries. It would be unfair of me to subject you in total to our domestic political conventions. But there is another and more important reason.

To me, one of the most tiresome parts of the ritual, whatever its merits, is that it tends to leave the person doing the speaking in the position of saying—this is what we do in Canada and isn't that wonderful for you. Or, this is what you are doing, and isn't that wonderful for us?

Frankly, there is no room in Canada above all other countries in the world for a "we" or "they" approach. I stand before you tonight not as an English speaking Canadian but as a human being. I speak to you not as persons of the Slavic languages, but as human beings. Our differences in background and culture may be great, but they are tiny compared to the common humanity which binds us together. A central part of our purpose on this earth, whatever the geographic starting point one or more generations ago, is to help one another.

In Canada, the equation goes a large step forward. This country is the Slovaks. It is all the Slavic peoples. It is the Canadians of French origin. It is the English Canadians. It is the Germans, the Swedes, the Japanese, the Chinese and the multitude of others. There is no master race here. My rights and privileges are everyone's rights and privileges, just as my responsibilities are everyone's responsibilities.

The Slovakian Canadians here tonight are a part of me and we welcome our visitors not as two distinct peoples but as one. The Laurentian and the Rocky Mountains are in my blood as the Carpathians are in yours. So that means the Carpathians are in mine as well, just as the Rockies and Laurentians are in yours. There can be no other way for us here in Canada. No one seeks to absorb anyone else. We ask, all of us, only the right to do our own thing. This we are free to do so long as it does not infringe upon the basic rights of our fellows.

That is the extra dimension that Canadian freedom possesses. There is no melting pot here. Canada is the sum of its people. The people are not the sum of Canada. This is a unique ingredient. It is something that free men everywhere have a stake in preserving. We are not a belligerent world power. We are a peaceful country trying to develop a style of life and an atmosphere of development for our children which is second to nothing else on earth, because it is founded upon the freedom of diversity.

Therefore I would ask two things of you tonight.

First, help us to protect here the freedom that many people have lost in Central Europe.

Second, do not let us fall into the pitfalls of smugness and overconfidence. Remind us that freedom takes many years to grow and only a few years to die.

Make us aware that our experience in Canada, so fortunate an experience, is but the tip of humanity's iceberg and, sadly, is not representative of the actual condition of the majority of the world's peoples who are denied real freedom either by the subjugation of political creed, of racism, or of economic deprivations.

Do that, and we will be as one.

OIL POLICY CHIEF ASSURES NEW ENGLAND OF AMPLE FUEL SUPPLY

Mr. HANSEN. Mr. President, there has been some controversy among members of this body over the oil import quota program from time to time.

The issue has generated debate among members from the eastern area of the United States, particularly in New England where little or no oil and gas is produced.

During the past several years, I have attempted to point out the dangers of over-dependence on oil imported from foreign sources, especially those in the Middle East.

Last week, Secretary of the Interior Rogers Morton, in a speech before the National Petroleum Council, reemphasized this gamble with U.S. national security. He said:

> Our central problem is national security. If we could really depend upon unlimited foreign energy sources, we could forget all about . . .
>
> Liquefying and gasifying coal;
> Cleaning up stack gases;
> Developing oil shale deposits;
> The North Slope, and
> Or the outer continental shelf.
>
> We could simply buy our oil and gas abroad.
>
> But all the experience of the past twenty years, plus what we can infer from the bargaining actions of the O.P.E.C. Nations during the past year and the actions of the Soviet Union in the Middle East and Mediterranean lead us to conclude that we had better not become overly dependent upon energy supplies from this part of the world. Any dependence upon foreign petroleum would also have negative effects on our balance of payments.
>
> "We have the tremendous potential in undeveloped energy resources of the United States to make ourselves essentially independent of external sources for our future supply. We can certainly limit our dependence upon these sources to a degree commensurate with our national security. In the short term we cannot avoid increasing our dependence upon foreign energy supplies over the next few years because they now appear to be the only available source to fill the supply and demand gap. But we should recognize that we are acting contrary to our long-range national interest in doing so, and thus make specific provisions for reducing this dependence on foreign sources as rapidly as we can.

Another contention has been that oil prices in New England were exorbitant and that the oil import program should be abandoned entirely.

But as many of us have argued, oil and oil product prices have been remarkably stable during an inflationary period when practically all other costs of living were rising at higher rates than oil products.

Gas is another example. After years of unrealistic Federal producer price regulation, the Nation is confronted with a natural gas shortage because of diminishing returns to producers, as compared with the costs of exploring for and developing new supplies of gas.

Plans are now afoot to import liquefied natural gas to the east coast at about double the cost of domestic gas delivered to the same point.

On the other hand, the price of residual oil, which has been exempt on the east coast for 6 years from any import quotas, has about doubled during the past year. The east coast is now dependent on foreign-produced residual for more than 90 percent of its requirements. But in spite of events of the past year, which proved the risks of dependence on a basic energy source, some New Englanders still insist on doing away entirely with the oil import quota program which, as far as that area is concerned, has about been done away with anyway.

Even the price differential between Canadian and United States crude oil is rapidly disappearing as the price of Venezuelan and other foreign crude continues to increase. Canada has been able to sell her own crude to U.S. refineries at lower prices because she was importing more than half of her needs at lower prices. But Canada also has a security problem and would need most of the oil she is now selling in the United States should her imports be cut off.

In his recent energy message to Congress, the President referred to the sharp increase in demand as a major cause of our recent energy problems. He also said that the fact that energy had been relatively inexpensive in this country had accelerated the growth in demand.

President Nixon said:

> During the last decade, the prices of oil, coal, natural gas and electricity have increased at a much slower rate than consumer prices as a whole. Energy has been an attractive bargain in this country—and demand has responded accordingly.

This is the story that needs to be understood and one of the best explanations I have heard was given recently in Boston by the man who heads the President's Oil Policy Committee, Gen. George A. Lincoln, who is also Director of the Office of Emergency Preparedness.

General Lincoln pointed out in his speech that there were favorable geologic indications of oil deposits off the shores of New England, particularly Massachusetts. If close-to-home sources of oil and gas could be developed and more refining capacity could be built in the New England area, one of the major cost factors, transportation, could be reduced and certainly oil produced offshore the continental United States would be more secure than foreign oil.

And, as General Lincoln also pointed out, a tanker mishap such as one off the coast of Massachusetts just before the Santa Barbara blowout can cause an oil spill much greater than the entire amount involved at Santa Barbara.

There will, of course, have to be a tradeoff between environmental considerations before offshore oil production and new refineries could become realities in New England.

General Lincoln made his remarks at a meeting of the New England Fuel Institute. For the benefit of Senators from that area who may not have had the opportunity of hearing or reading General Lincoln's speech, I ask unanimous consent that it be printed in the RECORD.

I hope that they will find it informative and interesting.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY HON. G. A. LINCOLN

I felt privilged to receive your invitation to speak to you today. Needless to say, I had extensive correspondence with some of you here and with your customers. No one in my experience pursues our fuel problems with more tenacity in correspondence than some of you from New England—other than perhaps a few of our correspondents from Texas. Hence, I am glad for the opportunity to meet with some of my correspondents.

When I came to Washington over two years ago after a lifetime in the Army and as a teacher of subject matter which included public administration, no one told me that I would be devoting a substantial portion of my effort to fuel problems and oil import policy. In fact, the record indicates that no predecessor in my office was called upon to do so.

The change in the function of our agency came about as an immediate result of the report of the Cabinet Task Force on Oil Import Control which reported to the President in February of 1970. I served on the Task Force and participated actively in its studies and deliberations during the year it was in existence. I agreed with the principal findings of the task force at the time. I have learned more since and so, a little late, withdraw on some—but have instituted many others.

In accordance with the recommendations of the Task Force, the President directed that, as Director of the Office of Emergency Preparedness, I would provide "the policy direction, coordination and surveillance of the program, acting with the advice" of a permanent Oil Policy Committe, composed of the heads of the Department of State, Interior, Defense, Commerce, Treasury and Justice, as well as the Chairman of the Council of Economic Advisers. The President's action was not a startling innovation, as it might have appeared to some. The fact of the matter is that he put new life into President Eisenhower's proclamation of 1959 which contained a provision, largely disregarded in the past, which required a Director of the Office of Emergency Preparedness to maintain "constant surveillance" of the oil import program and to inform the President of any circumstances which might indicate the need for changes.

The role of the Office of Emergency Preparedness in relation to fuel and energy is not limited to oil imports, however. By virtue of various responsibilities under Acts of Congress, and executive orders we also are called upon to plan for and act in the event of emergencies. Hence for over a year my office has been making assessments of our national energy situation with the assistance of a Joint Board composed of all the governmental agencies with responsibilities in this field. The most recent such assessment was issued on May 17 for the current summer season.

The Joint Board has directed its attention to spot shortages, and New England has been a focal point for much of its activity. Last year residual fuel oil for New England, particularly Massachusetts, was a troublesome problem.

A series of foreign supply difficulties caused a shortage of tanker capacity and steep increases in tanker rates. As you all know, New England depends upon foreign sources for about 95% of its residual fuel oil and pays the world price for it since residual oil imports are not limited by the oil import program. For residual oil you are de facto free from control and de facto captive to foreign supply sources. In addition, last year, domestic demand for this oil was increasing much more rapidly than for other petroleum products. Last summer we began to get reports of tight supplies to meet your winter requirements.

Because of the unsettled foreign supply situation and tanker uncertainties, it appeared that major distributors were reluctant to take on new contract customers for the winter season. The impact of these conditions fell particularly hard on school districts, municipal utilities and other public institutions which rely on public bidding or on spot market purchases for their supplies. Under ordinary circumstances these practices no doubt provide some economies to these buyers, but when market uncertainties exist, their business is not as attractive to sellers and they are not likely to receive priority treatment.

To help meet the situation we asked domestic refiners to add what they could to foreign supplies. We recognized that because of the low prices of other boiler fuels, the oil industry in the United States has designed and operated its refineries over the past 20 years to minimize residual fuel oil production. Nevertheless, we appreciated the response of several refiners who assured us they would make some additional residual oil in response to our request.

At the end of September the Chairman of the Council of Ecconomic Advisers and I announced that a Field Board would be established in Boston to assist users in solving their supply problems. While chaired by our agency's Regional Director, representatives of the Interior and Commerce departments, and the Federal Power and Interstate Commerce Commissions all participated.

More than fifty special situations were called to our attention. The Field Board made on-the-ground visits with the help of staff from the government of the State of Massachusetts. Only in this way were we able to get an accurate appraisal of the problem. Field Board staff actively worked to bring sellers and users together. By mid-December we were getting reports that the supply channels were full and subsequent difficulties were at a minimum. Based on our experience in New England, similar Boards have been alerted in our other Regional Offices across the country to render similar assistance elsewhere as fuel and power emergencies are threatened.

In observing the specific fuel problems of the New England states, a few general observations would seem in order. New England is particularly dependent on oil for fuel. To me it seems that both the major and intermediate suppliers of these products in this region have an implicit responsibility to assure the consumer that supply will be available. I suggest that there is no proper place for "gamesmanship" in which the user is frightened year after year that there will not be enough fuel for his needs. In your cold climate your customers provide an assured market. As a matter of simple reciprocity, the oil industry should provide an assured supply.

We have had many indications that some of the oil consumers in New England do not have reasonable storage capacity for their needs. In view of the world-wide rising trend of fuel costs and prices, you as suppliers might well encourage your customers to install additional storage. It could well be that you could offer price incentives since fewer deliveries would be needed.

You are well aware of the fact that the demand for various types of fuels is changing rapidly as our people insist on a cleaner environment. It is in your interest, as I see it, to be sure your customers understand the meaning of these demand changes. Spot shortages will continue to occur unless fuel users plan for these changes well in advance.

The fuel industries and the American people have experienced great changes in the energy pattern over the life of our nation. It is difficult for us today to comprehend that wood was our major fuel until the 1880's. Then coal was dominant until the 1950's, and at its zenith in 1910, coal supplied 72% of the market. Oil passed coal in 1950, and since 1960, oil and natural gas have consistently provided about 75% of the nation's energy needs.

Today we face similar changes, but the rate of change is accelerating rapidly. Federal and state regulations arising out of our need to control air and water pollution already are having dramatic impact on energy sources of all kinds.

The recent guidelines on sulfur emission issued by the Environmental Protection Agency, when fully implemented, would require a three-fold increase in natural gas consumption in critical regions such as the New York City area and a 200% increase in the Chicago region. From the environmental standpoint, natural gas is the most desirable fuel, but it is rapidly becoming the scarcest, as well. For several decades large quantities of natural gas have been sold for boiler fuel purposes at very low rates on an interruptible basis. In addition, it appears that federal regulation of interstate sales has not made proper allowance for exploration and development to assure adequate future supplies.

Although natural gas provided 44% of the energy from hydrocarbon wells in 1969, sales of natural gas at the well-head contributed only 25% of the revenue. This has had an adverse effect on exploration for both crude oil and natural gas. The Federal Power Commission is already proceeding, through public adjudications, to remedy this condition. However, even if the Commission's actions have the desired effect, lead times of several years will still be required before substantial improvements in our natural gas reserves can be expected.

Another troublesome factor you all face is the wide variety of standards and timing that are being incorporated in your state and local regulations. My staff has, I believe, counted at least 17 different fuel standards in 9 Eastern states. Refiners and distributors alike will have difficulty in supplying fuels meeting these varying requirements. To attempt to do so would require more storage, more transportation equipment and higher costs all around. Yet if this complexity is resolved by limiting distribution to those fuels meeting the strictest standards, the consumer in many areas will be offered only fuels which may be substantially more expensive than required by the local regulations affecting his locality.

Environmental considerations appear certain to have a growing impact on the No. 2 heating oil so widely used in New England. While the growth in demand for middle distillates was only 2.3% for the nation in the last heating season, we have seen estimates that it may well reach as much as 4.2% in the coming season.

As you know, we instituted an experimental program last year allocating 40,000 barrels per day of No. 2 fuel oil imports from Western Hemisphere sources to independent deep-water terminal operators. We had a two-fold purpose: to add competitive vigor to this market and to assure an increment of supply if the shortages predicted should become a reality. We are now reviewing that program to determine what our future course should be.

To date the distribution elements of the industry have been very cooperative in providing the data we need. We are also hopeful that the refiner-marketers will be equally responsive.

I have been reading the letters coming from these major suppliers in response to our inquiries about supply next winter. Here's two typical responses:

"Our projections indicate that demand can be supplied at an 84% utilization of distillate production capacity. . . ."

"As far as (our company) is concerned, our supplies of distillate fuel and our transportation capability will be adequate to meet the requirements of our customers, even if the winter should prove to be colder than the past two heating seasons."

We seem already to be getting the industry committed in writing to insuring that New England will have the fuel available to be warm next winter.

The President, speaking in New Hampshire last October, promised that New England would be warm last winter. His Joint Board is going to see that you are warm this winter. That's one of the purposes of the planning and letter-writing we are doing now. But you here have to join in the planning if we are to be sure.

On June 4 President Nixon sent a message to the Congress on the nation's clean energy problems. He announced actions to accelerate development of the breeder reactor, gasification of coal, technological improvements in stack emission controls and the production of synthetic fuels from oil shale and tar sands. These are all essential steps if we are to have clean energy in the 1980's since each of these programs will require long lead times before commercial production can be expected. These are long run energy security measures.

The need for these actions is not due only to domestic phenomena. World-wide demand for petroleum—especially clean fuels—is growing at a rate nearly double our own. This demand situation had a direct bearing on the ability of the oil exporting nations to increase their take sharply in the past year. Since residual fuel oil imports into your area, as I mentioned before, are not limited by the oil import program, you are paying world prices for this product today. You have seen these prices go up steeply, and like you, we hope lower tanker rates will give you some price relief. However, our studies indicate that the low sulfur grades will remain in tight supply, and we intend to continue to monitor this situation closely.

The Mandatory Oil Import Program—continued by four presidents over a 12-year period—has always had its controversial elements. I previously mentioned the sizable volume of correspondence from New England.

A teacher among the ancients once said that nature gave us two ears and only one tongue in order that we may hear twice as much as we speak. This is most appropriate for us because we hear just as much from the oil-producing states as we do from New England. On balance, I can only say that we must be about on course since the dissatisfaction appears equal from both regions.

Some New Englanders may think the arguments are just between themselves as consumers and the oil industry as producers and sellers. I assure you this is not the case. The oil industry in the producing states, through severance taxes and royalty payments, is a principal contributor to the school systems and fiscal structures of those states. For example, in *Wyoming* the state's share of royalties from Federal lands is about half of the total revenue of the government in that sparsely populated state. Hence, there should be no surprise that public officials from those states recognize a parochial interest and are just as vocal as those from your states.

The overriding objective is energy security. I realize, however, there are wide differences of opinion on the measures most appropriate to protect our national security interest in energy supply.

I hope, nevertheless, that I have brought home to you here in Boston that the oil import program is under constant review. We do seek improvements, and my office and the Oil Policy Committee never fail to consider carefully the impact of changing conditions on the consumer and the producer alike. In April, for example, my office released the first formalized price investigation report in the history of the program—an investigation which satisfied no one completely. We are constantly seeking suggestions for better ways to achieve energy security with all possible fairness to all. But energy security is, to my mind, an overriding consideration for those like myself, who have the formal responsibility that you not be cold and dark and powerless through energy shortage.

In his recent energy message the President announced that the Department of the Interior would establish a five-year advance schedule for off-shore oil and gas leasing. The Department of the Interior has advised that there are several likely prospects for natural gas and oil off the East Coast, including one off New England, if suitable environmental safeguards are provided. Here you might have an ultimate answer to a better fuel situation in New England.

As you balance the environmental implications with your fuel needs you should recognize that the alternative may be an ever-increasing flow of ship-borne oil. In 1969 there were approximately 525,000 tanker and tanker barge entries into seacoast ports of the United States, of which 1,244 were into the Portland Maine, harbor alone. Even the most conservative estimates indicate this volume of oil-bearing traffic may rise to over 750,000 entries by 1975.

Each of these vessels is a pollution hazard, and an accident to just one large tanker may cause an oil spill much greater than the entire amount involved in the blow-out off Santa Barbara. As a specific case in point, just two months before the damaging Santa Barbara occurrence, the tanker Keo broke up off Massachusetts because of hull failure and spilled 210,000 barrels of volatile #4 oil, far more oil than was lost in the California misfortune.

Our way of life wants more than adequate energy on a day-to-day basis. We want our energy to be consistent with the quality of life we seek to achieve. We want it secure from external disruptions over which our country has no control. We want it at a reasonable cost and without excessive concentration of private economic control.

We Americans do not have to choose between adequate energy and clean air and water. Both are necessary and will be attained; but we will have some troublesome years of transition in effecting these parallel objectives.

In energy as in every other field, problems come with progress. But progress has solved far more than it created. I have only to think back to the kerosene lamp, the woodburning stove and the horse-drawn plow to find reassurance. Today's energy problems are a great challenge. But we of our country have met and surmounted great challenges before, one of the first being the establishment of a sturdy society in New England. You have a great tradition. The first steps in surmounting a great challenge in our democratic system are to understand and to consult about the problems with which we must grapple. I hope these remarks have made a small contribution to that end.

UNIVERSAL VOTER REGISTRATION AMENDMENT TO FEDERAL ELECTION CAMPAIGN ACT

Mr. KENNEDY. Mr. President, next week, during the debate on S. 382, the Federal Election Campaign Act of 1971, I intend to introduce an amendment to establish a system of universal voter registration for the Nation.

In large measure, the dismal turnout of American voters on election day is the result of the fact that the path to the polls is too often an obstacle course for the voter, instead of the incentive to total participation it ought to be. Each year, tens of millions of citizens are disfranchised by archaic requirements of registration and residence that should long since have gone the way of the poll tax.

Statistics demonstrate the appalling record of voter participation that America has compiled in recent years. Only 61 percent of our eligible voters actually went to the polls in the 1968 presidential election. Forty-seven million people stayed home, at a time when the winner—President Nixon—was receiving only 31 million votes. Incredible as it may seem, half again as many people stayed away from the polls and voted for the man who is our President.

Indeed, it is fair to say that, of all the great democracies of the Western World, the voting record of America is probably the worst. In 1970 in Britain, 72 percent of the eligible voters went to the polls, and they called it one of the lowest turnouts in history, the lowest since 1935, the cause of the Labor Party defeat. In the most recent elections in other democratic nations, the turnout has been even higher—75 percent in Ireland, 76 percent in Canada, 80 percent in France, 87 percent in Germany, 89 percent in Sweden and Denmark.

At the same time, however, we know that Americans who are registered are Americans who vote. In the 1968 Presidential election, 89 percent of the voters who were registered actually went to the polls and cast their ballots. The heart of the problem, therefore, is the inadequate system of voter registration that now bars millions of our citizens from participation in the most basic right of all in our democratic society—the right to vote. Just as the enactment of the 18-year-old vote last year marked a significant milestone in broadening the base of the electorate, so I believe the next major milestone must be comprehensive reform in our voter registration procedures.

The system of universal voter registration I propose would be based on a simple post card method and computer technology. It would be administered by a new agency to be established in the Census Bureau. Any citizen could register to vote simply by filling in his name, address, and date of birth on a post card form and mailing it to the new agency. Merely by filling out his address on the form, the citizen would determine his voting residence. There would be no requirement of residence for a specific period of time. At a single stroke, therefore, the system would do away not only with burdensome registration requirements, but also with unfair residence requirements that operate to bar voters in almost every State.

With the assistance of computers, the information would be stored, divided according to election districts, and made available by the Census Agency to appropriate State and local election officials, as the official list of eligible voters.

Use of the new voter registration list would be mandatory in Federal elections, and optional for State and local elections. I believe, however, that the simplicity, efficiency, and cost savings of the system would lead to its rapid acceptance for State and local elections as well, so that within a brief period of time, the Nation would have a truly universal voter registration system for all elections. Our system of democracy deserves no less.

A detailed description of the plan follows:

SUMMARY OF UNIVERSAL VOTER REGISTRATION AMENDMENT

1. A new agency—the Universal Voter Registration Administration (UVRA)—will be established in the Census Bureau. UVRA will be authorized to organize and administer a program of universal voter registration for all Federal elections, and to assist states in their registration for state and local elections.

2. A computer center at UVRA will be established to compile voter rolls on computer tapes. The information compiled will be the name, address, zip code, party designation, date of birth and local precinct of individuals registering to vote.

3. Individuals will register through post card voter registration forms, to be mailed to UVRA. Where appropriate, bilingual forms will be available. The cards will be postage free and will be of the type which allows visual scanning by computers to read the information. The post card form will contain a line for the signature of the individual wishing to register, and the penalty for fraud will be printed on the card. The post card forms will be widely available in all post offices and will also be available to private voter registration groups.

4. To avoid objections based on potential infringements of the right of privacy, UVRA information will not be available to any other Federal agency, and UVRA will not draw on information collected for other purposes by other Federal data centers such as the Internal Revenue Service or the Social Security Administration. The UVRA system will be used for voter registration and no other purpose. Individuals not wishing to register through UVRA will still be able to register through state and local election offices.

UVRA registration will close approximately 30 days before primary or general elections. At that time, the UVRA will compile lists of registered voters by local precincts, and forward the lists to the appropriate state or local election officials. Simply by having his name on the list, any person will thereby be authorized to vote in Federal elections. States will be able to supplement and update the lists in advance of the election.

6. UVRA will be authorized to publicize its lists at appropriate intervals, so that individuals may make changes and additions.

7. UVRA will be authorized to inform individuals of the location of their local polling places.

8. UVRA will be authorized to conduct a media campaign to inform voters of the new registration program, and to encourage voters to register early and spread the computer load evenly throughout the year.

9. Use of the UVRA list will be mandatory for all Federal elections and optional for State and local elections. If state and local officials decide to use the UVRA lists for state and local elections, they may not delete anyone from the list for failure to meet other qualifications.

10. The UVRA is authorized to request information from the states on persons 18 or older who have died in the state since the last report, as well as other appropriate information directly related to the purpose of voter registration.

RELATIONS BETWEEN THE UNITED STATES AND RED CHINA

Mr. TOWER. Mr. President, the subject of Red China and the proper relations between the United States and that power have been much in the news lately.

On Tuesday, July 20, the Senate Committee on Foreign Relations held hearings on this matter and the senior Senator from South Carolina (Mr. THURMOND) presented at that time some interesting testimony as well as some interesting documents on this problem. So that all of my colleagues might have a chance to examine this testimony and the accompanying documents, I ask unanimous consent that they appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR STROM THURMOND

Mr. Chairman: There is a category of persons who favor the recognition of Red China, and I do not fall in that group. There is another category of persons who favor the admission of Red China to the United Nations, and I do not fall in that group either. The Peking regime has demonstrated none of the settled characteristics of nationhood which would make it possible to have economic or cultural relations profitable to the West, a point which I will elaborate upon in a moment.

However, we must recognize that the President is engaged in a very complicated situation in Asia. Although President Nixon is winding down the war in Southeast Asia at a rapid rate, his proposed trip to Peking could hasten the end of the war, and, if so, the trip would be worthwhile. America's paramount interest in the Far East at the present time is to leave behind an international structure which will assure a lasting peace.

No peace will be possible as long as the Communists continue their aggressive aims against the peoples of the free world. The war in Vietnam has been sustained and prolonged primarily because of the aid and assistance given by the two major Communist powers, Moscow and Peking. The President's trip to Peking might possibly lead to an understanding between Mao's government and our government as regards the intentions of both.

On the other hand, the President is well aware that the chances of solid accomplishments from summit diplomacy are slim. Such summit conferences must be well prepared, and our goals sharply defined. Our allies in the Far East, such as Nationalist China, Korea, Japan, and others, should be assured that this visit will not affect our relations with them, and that no agreement will be made that will jeopardize them.

On the other hand, the Peking regime is a brutal dictatorship which imposes its will by force on its own people. Nor has the Peking regime altered its conditions for friendship. As recently as June 21, Premier Chou En-lai told a visiting American newspaper publisher, Mr. William Attwood, that normalization of relations depends upon our withdrawing military support from the Nationalist Government on Taiwan, and recognizing the sovereignty of Peking over Taiwan.

It is particularly significant, therefore, that at the same time that the President's Special Adviser on National Security was in Peking, the Secretary of Defense was in Japan. Secretary Laird told the Japanese that Japan must assume a broader responsibility not only for her own defense, but also for that of the Southeast Asia area. Japan's economic expansion in manufacturing and textiles has been made possible because the United States has carried the major portion of the costly burden of defense for that whole area. Japan is capable of carrying part of the burden.

The Laird recommendation is similar to a proposal I put forth in an address in Tokyo in the fall of 1970. At that time I urged Japan, Nationalist China, Korea, the Philippines, Malaysia, and Vietnam to join together in a mutual defense pact, under our nuclear umbrella. Such a pact would not be viable, speaking geopolitically, if the island of Taiwan were in Communist hands, or even if declared an autonomous region of the mainland. Secretary Laird's mission to Japan, therefore, is evidence that the President's trip does not mean that normalization of relations with Peking will be automatic.

As for trade, there appears to be little possibility of stepped up commercial relations between mainland China and the United States, unless special concessions and subsidized rates of credit are offered. It has been well established, even by experts who support the idea of increased trade, that mainland China simply doesn't have the dollar exchange to trade with the United States. China's greatest needs are in food grains. Other goods imported in recent years were: fertilizer, rubber, cotton, iron and steel products, and machine tools, in that order. Even if Communist China wanted to buy from us, it would be difficult for us to meet Japanese and other low-wage Asian competition which is trading on the Chinese doorstep.

As for selling to the United States, the principal manufactured exports would doubtless be textiles and shoes. If there is anything that the United States does *not* need, it is more textiles and shoes from low wage, or in this case, virtual slave-labor countries. In my State of South Carolina, a key issue for our people is the survival of our textile industry, which is already threatened by the flood of imports of man-made textiles from the Far East. On top of this, exports from Communist China would be a significant threat. The Communist system is not bound by free market requirements, and could easily dump textiles into the U.S., if necessary to earn exchange.

Mr. Chairman, the South Carolina General Assembly unanimously adopted a Resolution memorializing the President and the Congress to exercise extreme caution in opening trade relations with Communist China, and I ask your consent that the text of this Resolution of the South Carolina General Assembly be made part of the hearing record of this Committee as Exhibit A.

As for the prospects of trade generally, one need only point to the study done by Robert F. Dernberger, printed in *China Trade Prospects and U.S. Policy*, a symposium edited by Alexander Eckstein and published by the National Committee on United States-China Relations (Praeger Publishers, 1971). Dernberger's best estimate is that by 1980 trade between U.S. and Mainland China could reach a total of $1.27 billion. But even Dernberger says that trade could be as low as $50 million both ways, with a more realistic estimate of $400 million both ways. It is clear, therefore, that there is no trade bonanza in prospect for the next decade.

Those who look for trade as an inducement toward better relations, therefore, are most likely to be bitterly disappointed. The temptation will be to stimulate trade artificially through special inducements, all for the sake of political rather than commercial goals. Such inducements would naturally be paid for by the American workers and taxpayers, and I strongly oppose any such action.

Finally, I would like to point out some of the difficulties of dealing with a government which has no settled constitution, no organized system of law, and a history of dealing harshly with foreigners. While official visitors, such as the President, would naturally be singled out for special consideration, the ordinary visitor—the journalist, the businessman, the student, even the tourist—faces special hazards in traveling in such a country.

Scholars of Chinese law have noted that the 1954 Chinese Constitution is largely inoperative or ignored. The official Chairman of the People's Republic, Liu Shao-chi, was seized during the cultural revolution and is held in prison; no successor has been named, and Liu has never been removed from office. The National People's Congress is supposed to meet once a year for a term of four years, but its last meeting was December 21, 1964 to January 4, 1965. This means that the Chairman of the People's Republic is serving an extended term in violation of the Constitution, because he is supposed to be elected for a four year term by the National People's Congress.

Premier Chou En-lai, with whom the discussions were held in Peking, is also supposed to be elected by the National People's Congress, upon recommendation of the Chairman of the Republic. Chou En-lai was last appointed on January 3, 1965. It is reasonable to assume that his term has also expired.

The President of the Supreme People's Court also is elected by the National People's Congress. Yang Hsiu-feng, the man last elected to the Presidency of the Supreme People's Court, and thus the highest judicial official in China, was paraded through the streets during the cultural revolution, and reportedly committed suicide. No successor has been appointed.

The legal system of mainland China is likewise in a shambles. In fact, the Communist government has never promulgated a criminal code, a civil code, a code of criminal procedure, nor a code of civil procedure. I asked the Far Eastern Law Division of the Library of Congress to make a study for me of Chinese Communist Law. This study reports as follows:

"In the absence of basic codes and statutes, the courts and the procuracy have been guided by a vast body of unpublished rules, regulations, reports, judicial interpretations, syntheses of court decisions, and above all, Party directives and Party policy. Most of these materials are available only to those who administer the system."

In point of fact, the Chinese courts most often fall back upon the so-called "Regulations of the People's Republic of China for Punishment of Counter-Revolutionaries." These regulations are most sweeping, and any sort of "offense" could be charged against the accused. As a result, the Library of Congress study concludes:

"In view of the near legal vacuum existing in People's Republic of China, it would be impossible to predict the fate of an American citizen traveling in mainland China who was apprehended and charged with a crime. We cannot even be certain that his detention would be publicly admitted nor that the charges against him would be specified. He would not benefit from substantive or procedural guarantees. Travel to Communist China by American citizens thus at this point strikes us as being a risk-laden undertaking."

Mr. Chairman, I ask that this study by the Library of Congress "Some Points Concerning the Criminal Law of the People's Republic of China" be made part of the record of this hearing, along with the text of the Counter-revolutionary statute, as Exhibit B.

Another point of concern both for the journalist and for the businessman who is trying to get the basic information needed for his profession is the so-called "Provisional Regulations for the preservation of State Secrets." These regulations list 17 categories of information that constitute state secrets. These categories include many items that would be of legitimate interest, for example, to a businessman seeking trade—State economic plans; facts relating to railways, communications, postal service, telecommunications; State financial plans, budgets, and financial statements; customs plans, monetary trade, etc. The seventeenth category is "Other state affairs that are required to be kept secret." Of course, in a Communist state, everything is a state affair. Thus an unwary American could quite conceivably get into trouble in the normal course of his affairs in China; the penalties for offenses against the state secrets regulations are drastic. Moreover, as I have already pointed out, there is little chance of obtaining justice at the hands of the Communist judicial system.

Mr. Chairman, the Far Eastern Law Division of the Library of Congress has also prepared a short study of the State Secrets regulations, including the applicable legal text, and I ask that this be made part of the record of this Committee as Exhibit C.

Mr. Chairman, I also have a longer study comparing the 1954 Constitution of the People's Republic of China with the Draft of the revised Constitution. This study was also prepared by the Far Eastern Law Division of the Library of Congress, and shows how the reins of power on the mainland are being drawn more tightly into the hands of the ruling elite. I believe it would also be useful to these proceedings if it were made part of the record of this Committee as Exhibit D, and I so request.

Exhibit A

Resolution

A concurrent resolution memorializing the President and the Congress to exercise extreme caution in opening trade relations with Communist China and to immediately make provisions for establishing potent safeguards to prevent further erosion of domestic textile markets by still another low-wage nation

Whereas, the President of the United States has lifted restrictions on trade with Communist China in forty seven categories, including textile products and machinery; and

Whereas, it is believed that Communist China has a large textile industry, and the President's action simply opens another source of low-wage textile imports that further imperil the wages and jobs of thousands of Americans; and

Whereas, there seem to be no reliable indications at this time that substantial exports can be sent to Red China so far as textiles are concerned; and

Whereas, the importation of textiles and apparel from foreign nations has seriously undermined the entire economic structure of the State of South Carolina; and

Whereas, the revenues of the State Government, county governments and municipal governments of South Carolina are down by millions of dollars causing mandatory cutbacks in all agencies of State Government thereby affecting every citizen of this State; and

Whereas, thousands of South Carolinians have lost their jobs or are on short time that causes them to earn below average wages; and

Whereas, the foreign competitors who flood our market and force thousands of our citizens completely out of work or onto short-time, manufacture and market their textiles and apparel under conditions that are illegal in the State of South Carolina and in the United States; and

Whereas, the textile markets of the United States are virtually wide open to foreign imports while many of the major exporters to this country tightly protect their own markets against our textile exports; and

Whereas, the textile industry of South Carolina and the entire nation has invested billions of dollars in recent years in new plants and equipment making it the most efficient in the world; and

Whereas, the American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, with the gap being even wider between this country and some other Asian Nations; and

Whereas, the Legislature and the people of South Carolina are not willing to see these terribly unfair conditions continue to weaken their most important industry which together with its supply and related industries over the years have been good, responsible corporate citizens; and

Whereas, the opening of trade with Red China adds still another competitive burden on the American textile industry and its employees. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of South Carolina respectfully memorializes the President of the United States and the Congress of the United States to immediately take steps necessary to safeguard the American textile industry against further serious inroads into its markets by placing appropriate restrictions on all such items that might be imported into this country.

Be it further resolved that copies of this Resolution be forwarded to the President of the United States, to each United States Senator and each member of the House of Representatives from South Carolina, the Clerk of the United States Senate, the Clerk of the House of Representatives of the United States, to the Secretary of Commerce and the Secretary of State of the United States.

Exhibit B

Some Points Concerning the Criminal Law of the People's Republic of China

In February 1949, eight months before the Chinese Communists instituted the People's Republic of China, the Party issued an important document stating that all former Nationalist government laws were abolished and that:

> Before the people's new laws have been systematically promulgated, [people's judicial work] shall be based on the policy of the Communist Party and the various outlines, laws, regulations and resolutions of the People's Government and the People's Liberation Army.[1]

The abrogation of Nationalist laws was broadened to include the entire Nationalist judicial system in Article 17 of the Common Program of the Chinese People's Political Consultative Conference, adopted on September 29, 1949, in Peking. Article 17 provided:

> All laws, decrees and judicial systems of the Koumintang reactionary government which oppress the people shall be abolished. Laws and decrees protecting the people shall be enacted and the people's judicial system shall be established.[2]

In the twenty-two years which have passed since the Communists swept clean the legal slate in China, they have enacted a few basic statutes, such as the Marriage Law, the Trade Union Law, and the Counterrevolutionary Act; they have not, however, promulgated a criminal code, a civil code, a code of criminal procedure, nor a code of civil procedure, despite the fact that the People's Republic of China, like the Soviet Union, follows the continental system, which is characterized by codified law. There exist two major statutory collections containing only limited information useful in actual court cases. The last volume of these collections was issued in 1964. In the absence of basic codes and statutes, the courts and the procuracy have been guided by a vast body of unpublished rules, regulations, reports, judicial interpretations, syntheses of court decisions, and, above all, Party directives and Party policy. Most of these materials are available only to those who administer the system.

On February 27, 1957, at the Eleventh Enlarged Session of the Supreme State Conference in Peking, Mao Tse-tung delivered a historic address, "On the Correct Handling of Contradictions Among the People." In this address, Mao stated that "we are confronted with two types of social contradictions—contradictions between ourselves and the enemy and contradictions among the people. These two types of contradictions are totally different in nature."[3] "The contradictions between ourselves and our enemies are antagonistic ones. Within the ranks of the people, contradictions among the working people are nonantagonistic. . . ."[4] Mao contended not only that the two types of contradictions were different in nature, but also that different methods must be employed to resolve them. Mao says: "We have always maintained that, under the people's democratic dictatorship, two different methods—dictatorial and democratic—should be used to resolve the two different kinds of contradictions, those between ourselves and the enemy and those among the people."[5] The democratic method of persuasion was to be used to solve contradictions with the enemy.

The theory of contradiction thus stated by Mao has become fundamental to judicial work in the People's Republic of China. In deciding any case, the judicial worker first must categorize it as displaying an antagonistic on non-antagonistic contradiction. Whether an accused is labeled a member of the people or an enemy is crucial to his fate, for the label influences the type of punishment he will face. Unfortunately, Mao provided only very vague criteria for distinguishing a member of the people from the enemy.

In the People's Republic of China, there appear to be no statutes governing common crimes, such as rape, theft, murder, and arson. The courts, in passing judgment on an individual accused of almost any crime, most often can fall back upon the Regulations of the People's Republic of China for Punishment of Counter-Revolutionaries,[6] approved by the Government Council of the Central People's Government, February 20, 1951. Its Article 2 indicates:

> *Article 2*. Persons committing crimes for the purpose of overthrowing the popular democratic regime and undermining the people's democracy shall be punished in accordance with the present Statute.

The penalties prescribed are quite harsh, death or life imprisonment being stipulated for most specified crimes. Further, its Article 16 provides for crime by analogy, stipulating as follows:

> *Article 16*. Persons who have committed other crimes for counterrevolutionary purposes that are not specified in this Statute are subject to the punishment applicable to the crimes which most closely resemble those specified in this Statute.

By using Article 16, the judge in a Communist Chinese court can stretch the Counterrevolutionary Act so that it covers almost any crime imaginable.

Another statute commonly used to punish malcontents, malefactors, and undesirables in the People's Republic of China is the "Decision of the State Council on the Question of Education and Rehabilitation through Labor."[7] This 1957 measure was directed against four categories of persons: 1) tramps, hoodlums, and persons who repeatedly commit theft or fraud in violation of the Regulations Governing Security Control; 2) counter-revolutionary and anti-socialist reactionary elements whose offenses are minor and who are expelled by state and Party agencies, social and mass organizations, and schools, and who cannot earn a living (these first two categories are limited to those whose offenses are not punishable under criminal law); 3) those able to work who refuse to do so over an extended period, or who breach discipline, disturb public order and are now jobless; and 4) those who refuse to accept specific job assignments, those who refuse to be transferred or re-located and those who repeatedly obstruct the performance of of-

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Footnotes at end of article.

ficial duties and engage in disorderly conduct. Persons in the above four categories may be sent to labour camps for indefinite periods and be put on probation after their release. The decision to commit a person under this measure may be made by different extra-judicial groups of persons, such as civil administrative organs, the police, the unit in which a person works or studies, or his parents or guardians, with the approval of the provincial people's governments. A May 1964 article in the Soviet government newspaper *Izvestia* said that this measure gave the administrative organs the power to put "practically any Chinese citizen" in special camps "without investigation or trial for unlimited periods." [8]

In view of the near legal vacuum existing in the People's Republic of China, it would be impossible to predict the fate of an American citizen traveling in mainland China who was apprehended and charged with a crime. We cannot even be certain that his detention would be publicly admitted nor that the charges against him would be specified. He would not benefit from substantive or procedural guarantees. Travel to Communist China by American citizens thus at this point strikes us as being a risk-laden undertaking.

It is interesteing to note that Seymour Topping, assistant managing editor of The New York Times, reports from mainland China that he was "not permitted to visit a people's court to get firsthand impressions." [9]

FOOTNOTES

[1] Quoted in Cheng P'u, "Destroying Thoroughly the Old Legal System and Liquidating Bourgeois Legal Thinking—Re-reading of the Central Committee of the Chinese Communist Party's Directive Regarding the Abolition of the Koumintang's Complete Book of Six Codes and the Affirmation of Legal Principles in the Liberated Areas," *Cheng fa ven chiu* (Political-Legal Research), Peking, No. 2, May 1964.

[2] *The Common Program and Other Documents of the First Plenary Session of the Chinese People's Political Consultative Conference,* Peking: Foreign Languages Press, 1950, p. 8.

[3] Mao Tse-tung, *On the Correct Handling of Contradictions Among the People,* Peking, 1957, p. 8.

[4] *Ibid.*, p. 9.

[5] *Ibid,* p. 19.

[6] Regulations of the People's Republic of China for Punishment of Counter-Revolutionaries, *Survey of China Mainland Press,* No. 72 (February 23–24, 1951), p. 1–4. New China News Agency, Peking, February 21, 1951. Also in Current Background, No. 101 (July 24, 1951), pp. 9–11; and in Blaustein (ed.), Fundamental Legal Documents of Communist China, South Hackensack, N.J.: Fred B. Rothman & Co., 1962, pp. 215–221.

[7] Decision of the State Council on the Question of Education and Rehabilitation through Labor, *Chung-hua jen min kung ho kuo fa kuei hui pien* (Collection of Laws and Regulations of the People's Republic of China, Vol. 6, Peking: Jen min ch'u pan she, 1958, p. 243–244.

[8] Summarized by Reuter, Moscow, May 16, 1964, and published in the *Washington Post,* May 17, 1964. The *Izvestia* editorial, translated into Chinese, was published in *People's Daily,* July 13, 1964.

[9] Seymour Topping, "China: Mass Efforts Achieve Great Feats," *The New York Times,* June 26, 1971, p. 8.

STATUTE ON PUNISHMENT FOR COUNTERREVOLUTIONARY ACTIVITY

(*Approved by the Government Council of the Central People's Government, February 20, 1951*)

ARTICLE 1

This statute is based on Article 7 of the Common Program of the People's Political Consultative Council of China for the purpose of punishing counterrevolutionary crimes, suppressing counterrevolutionary activity, and strengthening democratic dictatorship of the people.

ARTICLE 2

Persons committing crimes for the purpose of overthrowing the popular democratic regime and undermining the people's democracy shall be punished in accordance with this present Statute.

ARTICLE 3

Persons maintaining a link with the imperialists and betraying their motherland shall be punished by death or life imprisonment.

ARTICLE 4

Persons who through instigation or bribery incite government workers, soldiers of the armed forces or the militia to insurrection shall be punished by death or life imprisonment if they are the organizers or leaders of the insurrection.

Accomplices in the said crimes shall be punished by imprisonment for terms of up to 10 years, and proportionately larger under aggravating circumstances.

ARTICLE 5

Persons instigating the masses to armed insurrection, if they are the organizers or leaders of the insurrection or have committed other serious crimes shall be punished by death. Active accomplices in these crimes will be punished by prison terms of 5 years or more.

ARTICLE 6

Persons who have committed one of the espionage acts or acts aiding the enemy mentioned below are subject to the death penalty, life imprisonment, or, under extenuating circumstances, prison of 5 years or more:

(1) Stealing or giving out government secrets or providing internal and external enemies with secret information;

(2) Directing enemy airplanes and ships to bombardment targets;

(3) Providing internal and external enemies with arms, supplies, or other war materials.

ARTICLE 7

Members of counterrevolutionary or espionage organizations committing one of the acts mentioned below are subject to the death penalty, life imprisonment, or, under extenuating circumstances, prison terms of 5 years or more:

(1) Underground activity in behalf of internal and external enemies;

(2) Organizing counterevolutionary and espionage groups or participating in them after liberation of a given place;

(3) Organizing or directing counterrevolutionary and espionage organizations and committing other malicious and serious crimes before the liberation of a given place, if after liberation they failed to atone for their guilt;

(4) Participating before liberation of a given place in counterrevolutionary and espionage organizations, if they persist in counterrevolutionary activity after liberation;

(5) Participating in counterrevolutionary activity after voluntary confession of guilt and registration with people's governments;

(6) Continuing to maintain contact with counterrevolutionary and espionage organizations or participating in counterrevolutionary activity after the people's government attended to their education and gave them their freedom.

ARTICLE 8

Persons exploiting secret feudal organizations to carry out counterrevolutionary activity shall be punished by death, life imprisonment, or under extenuating circumstances, prison terms of 3 years or more.

ARTICLE 9

Persons who plot or commit one of the following crimes for counterrevolutionary objectives are subject to punishment by death, life imprisonment, or, under extenuating circumstances, prison terms of 5 years or more;

(1) Destroying or plundering military installations, factories, mines, forests, farms, dams, jetties, communication lines, transport systems, banks, warehouses, safety devices, and other important state or private property;

(2) Using poison, spreading bacteria or excitants of infectious diseases, or in other ways seriously harming people, livestock, and crops;

(3) Impairing the market or monetary system at the order of internal or external enemies;

(4) Attacking, killing, or wounding civil servants or individual citizens;

(5) Counterfeiting official documents of military and government institutions, democratic parties, and people's organizations for counterrevolutionary activity.

ARTICLE 10

Persons who have committed for counterrevolutionary purposes one of the following crimes aimed at incitement and provoking discontent are subject to imprisonment for a term of 3 years or more and, under aggravating circumstances, to the death penalty or life imprisonments.

(1) Instigating the masses to show resistance to government action in the purchase of foodstuffs and levying of taxes, to refuse to carry out conscription duties and perform military service, to sabotage, and to refuse to execute the orders of the people's government;

(2) Sowing dissension and hostility among the nationalities, democratic classes, parties and people's organizations, or undermining the unity of the people and the government;

(3) Engaging in counterrevolutionary agitation, fabricating and spreading false rumors.

ARTICLE 11

Persons who have secretly crossed the national borders for counterrevolutionary purposes shall be punished by a prison term of 5 years or more, life imprisonment, or death.

ARTICLE 12

Persons who organize mass liberation or mass flight of prisoners from jail shall be punished by death or life imprisonment. Active accomplices in these crimes shall be punished by imprisonment for a term of 3 years or more.

ARTICLE 13

Persons who give secret aid to counterrevolutionary criminals shall be punished by a prison term of up to 10 years and, under aggravating circumstances, a prison term of 10 years or more, life imprisonment, or death.

ARTICLE 14

Persons who have committed crimes specified in this Statute may be treated leniently, their punishment may be mitigated or may be completely exempted from punishment if one of the following circumstances obtains:

(1) They voluntarily appear before the people's government; admit their guilt, and sincerely repent of their crimes;

(2) Before the discovery or investigation of a crime or after it they frankly confess to what they have done and are sincerely repentant and by their selfless work atone for the crime;

(3) They commit a crime not by their own desire, but as a result of intimidation or deception on the part of the counterrevolutionary elements;

(4) Their counterrevolutionary crime, which was committed before liberation of the country, if not serious and if after liberation they completely repent and break off

relations with counterrevolutionary organizations.

ARTICLE 15

The prison terms of persons who have committed several crimes—none of which is punishable by the death penalty or life imprisonment—must in the aggregate be less than the total of all the penalties, but greater than that provided for the most serious of the crimes committed.

ARTICLE 16

Persons who have committed other crimes for counterrevolutionary purposes that are not specified in this Statute are subject to the punishment applicable to the crimes which most closely resemble those specified in this Statute.

ARTICLE 17

Persons who have committed crimes specified in this Statute will be deprived of political rights and their property, wholly or in part, confiscated.

ARTICLE 18

This Statute is also applicable to counterrevolutionary crimes committed before it came into effect.

ARTICLE 19

Anyone may expose a counterrevolutionary crime and secretly report on it to the people's government. However, false accusations and slander in this regard are not permitted.

ARTICLE 20

The affairs of persons who have committed crimes specified in this Statute while military administrative committees are functioning are subject to consideration by military tribunals set up by the headquarters of military districts, military administrative committees, or organizations combatting banditry.

ARTICLE 21

This Statute shall come into force on the day it is confirmed and published by the Central People's Government Council.

EXHIBIT C

THE PROVISIONAL REGULATIONS FOR THE PRESERVATION OF STATE SECRETS OF THE PEOPLE'S REPUBLIC OF CHINA

One of the arguments advanced in support of normalizing relations with the People's Republic of China is that such a step would facilitate travel to that country by American citizens and that personal presence on the mainland will enable the scholar, official, or businessman to gather much-needed information on the present state of affairs there. A survey of the little-known Provisional Regulation for the Preservation of State Secrets[1] (promulgated by the Government Administrative Council on June 8, 1951, by order of Premier Chou En-lai) weakens the force of this argument and, further, reveals the risk involved in attempting to gather information on mainland China.

Article 2 of this regulation lists 17 categories of information that constitute state secrets. The categories are extremely broad and vague, and the final category is the catch-all phrase "other state affairs that are required to be kept secret." Since, under a Communist system, the state permeates all phases of life, there is almost nothing in Communist China which cannot be considered to be a state secret. By the provisions of Article 5, personnel of all grades of people's governments, armed units, democratic parties, mass organizations, organs, schools, factories, enterprises, mines, and warehouses are charged with the responsibility of strictly preserving state secrets. This list exhausts the categories of persons with whom an American would likely come in contact on the mainland. Any one of them could accuse him of attempting to discover or prompting another to disclose a state secret if he appears to be probing for information. Or, a Chinese who inadvertently disclosed to an American information considered to be a state secret could be charged under the provisions of this regulation. Article 13 of the regulation specifies that selling or deliberately revealing state secrets shall be considered a counterrevolutionary offense and shall be punished in accordance with the Regulations for the Punishment of Counterrevolutionaries, which calls for death or life imprisonment in most instances. Article 15 stipulates that "persons who disclose state secrets or lose state secrets through carelessness shall be punished according to the circumstances of the case."

Order of the Government Administrative Council (GAC) of the Central People's Government. These Provisional Regulations for the Preservation of State Secrets passed at the eighty-seventh meeting of this council have been ratified by the chairman and are hereby promulgated for enforcement. Signed Premier Chou En-Lai dated June 8, 1951.

Provisional Regulation for the Preservation of State Secrets

Article I. These regulations are enacted for the purpose of strictly preserving state secrets of the People's Republic of China, of preventing spies, counter revolutional elements in subversive elements inside and outside the country from prying into, stealing, and selling state secrets and of guarding against revelation and loss of state secrets by all personnel.

Article II. State secrets shall mean the following:

1. All national defense and military plans in military construction measures.
2. Secrets concerning the organization, unit identification, actual strength, equipment, garrison posts, transfer and deployment of all kinds of armed units as well as concerning rear service munitions work.
3. Foreign relations secrets.
4. Public security secrets.
5. State financial plans, state budgetary estimates, budgets and financial statements as well as financial secrets.
6. State monetary plans, customs plans, as well as secrets concerning monetary trade and customs affairs.
7. Secrets concerning railways, communications, postal service and telecommunications.
8. State economic construction plans and secrets concerning economic construction work.
9. Secrets concerning survey of resources, geological survey, materiological forecasts and geographical survey.
10. Secrets concerning scientific new inventions and discoveries, culture, education, hygiene and medicine.
11. Secrets concerning legislative, judicial, supervisory and control affairs.
12. Secrets concerning affairs of nationalities and overseas Chinese.
13. Secrets concerning internal organization and personal affairs.
14. Archives, secret codes, seals and all kinds of documents, telegrams, correspondence, reference materials, statistics, figures, charts, books, etc., relative to state secrets.
15. All organizations, warehouses and premises relative to state secrets.
16. All state affairs not yet decided upon or decided upon but not yet promulgated.
17. Other state affairs that are required to be kept secret.

Article III. Concrete items and general scope of state secrets shall be decided upon and promulgated by the state administrative council of the Central People's Government in the case of those relative to administration and by the People's Revolutionary Military Council of the Central People's Government in the case of those relative to national defense and military affairs. In case local preservation of secrets is specifically called for supplementary provisions may be made by local governments and reported to superior organs for file.

Article IV. All grades of people's governments and armed units are required to set up security organizations to take charge of security work under organizational rules to be separately provided.

All democratic parties and groups, peoples, bodies, organs, schools, factories, enterprises, mines and warehouses may according to their respective needs establish a state secret preservation system and security organization.

Article V. Personnel of all grades of people government, armed units, democratic parties and groups, peoples, bodies, organs, schools, factories, enterprises, mines and warehouses must strictly preserve state secrets. In accordance with specific conditions, all organizational units should from time to time conduct necessary propaganda and education among the masses concerning the preservation of state secrets. In regard to places where great secrecy should be maintained, the people may be organized by local governments to take security measures and security compacts may by signed and carried out through mutual supervision.

Article VI. Working personnel in charge of and undertaking the preservation of state secrets must be really reliable ones fully and strictly examined and selected by the personnel departments.

Article VII. A close control and check system must be established and necessary material equipment supplied in connection with the copying, correlating, printing, sealing, mailing, delivery, reading custody, destruction and filing of telegrams, documents, reference materials, statistics relative to state secrets.

Article VIII. In the case of important conferences, the attending personnel should be determined according to work needs and should be subject to screening and approval by a definite organ. Strict check and security education must be conducted in regard to personnel assisting in the work of the conference. Guards must be closely posted around conference halls. Documents of the conference must be examined and approved by persons in charge before printing and distribution and should be recalled after the conference unless permission has been granted and may not be copied without permission. Even documents which need not be handed back must be clearly recorded. No individual person may take minutes without permission. It is not permitted to disclose to outside persons proceedings of the conference. When the proceedings of the conference require to be circulated then it is necessary to appoint special persons to take charge of circulating the documents and also necessary to determine the contents of the documents to be circulated and the person who will receive the document.

Article IX. Secret codes used by all grades of People's Government shall be compiled under a unified plan and approved for use by the GAC of the Central People's Government and the security departments of the Administrative Regions People's Government (MAC). The secret code used by all grades of armed units shall be compiled under a unified plan and approved for use by the People's Revolutionary Council of the Central People's Government and the security departments of first grade military district commands and field army headquarters.

Article X. In case of various grades of People's Governments and armed units find it necessary to set up radio stations, the government must report the matter grade by grade to the GAC of the Central People's Government or the Administrative Regions People's Government (MAC) for approval. The military must report the matter grade by grade to the central staff of the People's Revolutionary Military Council of the Central People's Government or the first NSIEN military-district command or field army headquarters for approval.

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[1] Provisional regulations governing the protection of state secrets, in *Chung yang jen min cheng fu fa ling hui pien* [Collection of Laws and Decrees of the Central People's Government], Vol. II, Peking: Jen min ch'u pan she, 1953, pp. 19–22.

Article XI. In regard to publications and reporting of news, articles and reference materials relative to state secrets, measures for publication shall be worked out under a uniform plan by the GAC of the Central People's Government in the case of those falling within the scope of administration and by the People's Revolutionary Military Council of the Central People's Government in the case of those falling within the scope of military affairs.

All news articles and reference materials published in newspapers and magazines and broadcast by radio stations shall not divulge state secrets. All news agencies, newspapers, broadcasting stations and publishing agencies should formulate security and examination measures in connection with publications of news articles and reference materials.

Article XII. All publications put out by the organizational units in the administratary system are subject to approval respectively of the GAC of the Central People's Government and the Administrative Regions People's Government. All publications put out by the organizational units in the military system are subject to approval respectively of the general staff and the general political department for the People's Revolutionary Military Council as well as of the first grade military district commands or headquarters and political department of field army. The above publications may not publish state confidential documents or disclose state secrets and should be subject to security examination by the competent authorities before printing.

Article XIII. Any of the following acts shall be condemned as counter revolutionary and shall be punished in accordance with the regulations for the punishment of counter-revolutionaries.

1. Selling state secrets to enemies inside and outside the country.
2. Deliberately revealing the state secrets to enemies inside and outside the country.
3. Selling state secrets to unscrupulous merchants inside and outside the country.

Article XIV. Persons who utilize state secrets for speculation in profit making purposes shall be delivered to judicial organs or military tribunal.

Article XV. Persons who disclose state secrets or lose state secrets through carelessness shall be punished according to circumstances of the case.

Article XVI. Any of the following merits shall be commended or rewarded.

1. Preserving state secrets heroically and unyieldingly before the enemy.
2. Preserving state secrets under critical circumstances and in defiance of difficulties and dangers.
3. Timely denunciation of elements who make illegal use, sell and steal state secrets and breaking such cases.
4. Timely taking remedial measures on discovery of loss and revelation of secrets.
5. Consistently carrying out the security system and persuading others to preserve state secrets with marked success.

Article XVII. The supervisory organs of all grades of People's Governments should take supervision over preservation of state secrets as one of their regular tasks.

Article XVIII. Various organizational units may formulate concrete measures for enforcement on the basis of these regulations.

Article XIX. These regulations shall be passed by the GAC of the Central People's Government and promulgated for enforcement after approval by a chairman of the Central People's Government.

Article XX. The right of interpretation and right of revision of the regulations shall belong to the GAC of the Central People's Government.

Exhibit D

A Comparison of Certain Aspects of the 1954 Constitution of the People's Republic of China and the Draft of the Revised Constitution of the People's Republic of China

In the latter months of 1970, intelligence sources of the Republic of China clandestinely obtained from mainland China a copy of the "Draft of the Revised Constitution of the People's Republic of China,"[1] which purportedly was a product of the Second Plenary Session of the Ninth Central Committee of the Chinese Communist Party held from August 23, to September 6, 1970. Although no mainland source has made mention of the existence of such a draft constitution, the copy made public by the Republic of China is widely believed to be authentic. Some months after the publication of the draft constitution, intelligence sources in Taipei obtained a copy of the preamble,[2] to the draft constitution, the existence of which had not at first been certain.

It is immediately apparent that the draft constitution is less a revision of the 1954 Constitution,[3] which officially is still in force, than it is a re-writing, for the length of the two documents varies greatly. The 1954 Constitution contains 106 articles in four chapters plus a preamble; the draft contains only 30 articles in four chapters plus a preamble. Many features of the draft reflect and formalize changes effected during the Cultural Revolution. Other features merely make explicit conditions whose reality had been masked by the paper provisions of the 1954 Constitution.

The major theme of the draft constitution is aggrandizement of the power of Mao Tse-tung, the Chinese Communist Party, and the People's Liberation Army at the expense of the power of the state structure (the State Council, and the National People's Congress and its Standing Committee).

The draft constitution and its preamble bluntly place Mao Tse-tung in a commanding position in the People's Republic of China without benefit of electoral process. His name is mentioned seven times in the preamble, and Article 2 proclaims:

"Chairman Mao Tse-tung is the great leader of the people of all nationalities in the entire country, the Chief of State of the proletarian dictatorship of our country, and the supreme commander of the whole nation and the whole Army. Vice Chairman Lin Piao is Chairman Mao's close comrade-in-arms and successor, and the deputy supreme commander of the whole nation and the whole Army. Mao Tse-tung's thought is the guiding direction of all the work of the people of the whole nation."

Although the draft leaves it unclear as to whether these titles designate formal offices, Mao in the above article is given three titles: "great leader of the people of all nationalities in the entire country, the Chief of State of the proletarian dictatorship of our country, and the supreme commander of the whole nation and the whole Army." The powers of these positions are left unstated, but it is to be assumed that the scope of Mao's power, especially since he is also the Chairman of the Chinese Communist Party, is virtually unlimited. It is significant that Lin Piao is named as Mao's deputy and successor, for it was the power of the People's Liberation Army which Lin headed that gave weight to Mao's bid for supremacy during the struggles of the Cultural Revolution. The draft constitution thus represents Mao's attempt to insure that the People's Republic of China will continue in the path which he has mapped out. Instability is built into the document, however, for it would have to be revised or re-written after the deaths of Mao and Lin or should Lin's death precede that of Mao.

The Chinese Communist Party (CCP) is mentioned only twice in the 1954 document, both times in the preamble, where the CCP is referred to as having led the Chinese people in their struggle against imperialism, feudalism and bureaucratic-capitalism, and as being the leader of the people's democratic united front. In the draft constitution and its preamble, however, the CCP is mentioned no less than nine times, and these references to the CCP occur at strategic points, giving it great explicit power over the state structure and the army. References to the CCP in the body of the Constitution read as follows:

"*Article 1*. The People's Republic of China is a socialist state of proletarian dictatorship led by the working class (through the Chinese Communist Party) and based on the alliance of workers and peasants.

"*Article 15*. The People's Liberation Army and the militia of China are the children of workers and peasants under the leadership of the Communist Party of China. . . .

"*Article 16*. The National People's Congress is the highest organ of state power under the leadership of the Communist Party of China. . . .

"*Article 17*. The functions and powers of the National People's Congress are: to amend the Constitution, to make laws, to appoint and remove the premier of the State Council upon recommendation by the Central Committee of the Communist Party of China. . . .

"*Article 26*. The most fundamental rights and duties of citizens are: to support Chairman Mao Tse-tung and his close comrade-in-arms, Vice Chairman Lin Piao, to support the leadership of the Communist Party of China. . . ."

In contrast to and as a result of the aggrandizement of the explicit powers of the CCP, the specified powers of the National People's Congress are reduced in the draft constitution. In its Article 27, the 1954 document enumerates 14 functions and powers belonging to the National People's Congress, including such crucial powers as supervising the enforcement of the Constitution, electing the Chairman and Vice-Chairman of the People's Republic of China, deciding on the choice of the Premier of the State Council upon the recommendation of the Chairman of the Republic, and electing the President of the Supreme People's Court and the Chief Procurator of the Supreme People's Procuratorate. Article 28 added to these the power to remove from office such officials as the Chairman and Vice-Chairman of the Republic, the Premier and Vice-Premiers of the State Council, and the Vice-Chairman and other members of the Council of National Defense. In Article 17 of the draft constitution, the powers of the National People's Congress are reduced to five: "to amend the Constitution, to make laws, to appoint and remove the premier of the State Council upon recommendation by the Central Committee of the Communist Party of China, to examine and approve the state budget and the final state accounts, and to exercise such other functions and powers as the National People's Congress considers it should exercise." The sweeping grant of power at the end of the preceding list of powers should not be construed as empowering the National People's Congress to take upon itself broad powers.

The draft constitution likewise reduces the enumerated powers of the Standing Committee of the National People's Congress from the 19 listed in the 1954 document to five,

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Footnotes at end of article.

taking away from the Standing Committee such crucial powers as those of revising or annulling inappropriate decisions issued by the government authorities at various levels, deciding on general or partial mobilization, and deciding on the enforcement of martial law throughout the country or in certain areas.

The State Council too suffered a loss of power in the 1970 document, its enumerated powers being reduced from the 17 listed in the 1954 Constitution to only five.

While the 1954 Constitution is rather specific in its allotment of power over the military to various state organs, the draft constitution seemingly vests all power over the military in Mao Tse-tung and the Communist Party.

Under Article 42 of the 1954 Constitution, the Chairman of the Republic was placed in command of the armed forces of the county and named as Chairman of the Council of National Defense, a body with unspecified powers and composition. He shared his power over the military, however, with other state organs. Item 13 of Article 27 vested in the National People's Congress the power to decide on questions of war and peace. Item 16 of Article 31 gave to the Standing Committee of the National People's Congress the power "to decide, when the National People's Congress is not in session, on the proclamation of a state of war in the event of armed attack on the country or in fulfilment of international treaty obligations concerning common defense against aggression." The State Council was empowered by Item 14 of Article 49 "to guide the building up of the defense forces."

The draft constitution makes no mention of which bodies or which official has the right to decide on questions of war and peace, to mobilize the troops, etc. The implication is that, by omission, these powers vest in Mao Tse-tung, "the supreme commander of the whole nation and the whole Army," and the Communist Party, which in Article 15 is stated to have leadership over the People's Liberation Army and the militia.

One of the most interesting features of the draft constitution is the manner in which it enhances the power of the People's Liberation Army over the state structure, even while unprecedentedly placing the People's Liberation Army under the explicit control of the Chinese Communist Party.

Article 20 of the 1954 Constitution dealt with the armed forces as follows:

"*Article 20.* The armed forces of the People's Republic of China belong to the people; their duty is to safeguard the gains of the people's revolution and the achievements of national construction, and to defend the sovereignty, territorial integrity and security of the country."

Article 15 of the draft constitution amplifies the above article in the following manner:

"*Article 15.* The People's Liberation Army and the militia of China are the children of workers and peasants under the leadership of the Communist Party of China, the armed forces of the whole nation. The People's Liberation Army of China is forever a combat column and, at the same time, a work column and a production column. The duty of the armed forces of the People's Republic of China is to safeguard the socialist revolution and the achievements of socialist construction, to defend the sovereignty, territorial integrity and security of the State, and to guard against subversion and aggression by imperialism, social-imperialism and their lackeys."

Chang Chen-pang, Research Fellow of the Institute of International Relations in the Republic of China, has written an enlightening commentary upon the significance of Article 15. Chang points out that

". . . the second sentence of this article ("The People's Liberation Army is forever . . .) was uttered by Mao Tse-tung many years ago; today it is laid down in the constitution. This has a special significance. Being a work team, the armed forces may have their functions interpreted in a very broad and vague sense. As we all know, during the Cultural Revolution period Mao Tse-tung entrusted the armed forces with five kinds of tasks, namely 'support the left, support the workers, support the peasants, military control, and military training.' . . . The soldiers assumed these missions in their capacity as work teams. In these terms the new draft constitution gives the armed forces unlimited power to interfere in politics. One may perhaps not realize this merely from a casual reading of the text. But if we do a little study of Mao's sayings we would find that to use armed force to safeguard the socialist revolution and to strengthen proletarian dictatorship is Mao Tse-tung's basic thought."[4]

Enhancement of the power of the armed forces is evident also in two other articles of the draft constitution. Article 3 stipulates:

"*Article 3.* All power in the People's Republic of China belongs to the people. The organs through which the people exercise power are the people's congresses at all levels, which are predominantly composed of deputies of workers, peasants, and soldiers."

Article 11 provides that "all state organs must practice the principle of simplified administration; their leadership organs must practice the revolutionary three-in-one combination of army personnel, cadres and masses, and of the old, the middle-aged and the young."

Chang Chen-pang again provides illuminating commentary:

"In Article 3, soldiers are listed together with workers and peasants and thus are given the same status. The point is that the soldiers are organized and therefore are far more powerful than the farmers and the workers. Article 11 stabilizes the predominance of military men in the leadership in all the governmental departments and all levels of the revolutionary committees, which they gained in the Cultural Revolution. Being stabilized, this predominance of military men will become a system, and the power of the troops will prevail all over the mainland."[5]

Chang continues his analysis by contending that in the People's Republic of China the armed forces will gain control of the party. Chang writes:

"In the Ninth Central Committee of the Chinese Communist Party, for instance, military cadres occupy 74 of the total of 170 seats and thus constitute approximately 43 percent of the Committee. Of the alternate members of the Central Committee, military cadres take 49 of the total of 109 seats, constituting approximately 45 percent. In the new Political Bureau elected by the Ninth Central Committee, among the 20 members exclusive of Mao Tse-tung, military cadres occupy ten seats, or 50 percent. The actual influence of these military cadres in the Central Committee and in the Politburo is far greater than their percentages would indicate. At present the Communist party and the armed forces have almost merged; this also shows that Mao Tse-tung's dictatorial leadership is substantially a military dictatorship."[6]

Chang believes that Mao himself is not controlled by the armed forces. He senses however, that "once Lin Piao really succeeds Mao as leader, a situation of 'the gun commands the party' will hardly be avoidable."[7]

The 1954 Constitution contains 12 articles relative to the Supreme People's Court and the Supreme People's Procuratorate. The draft constitution has only one article dealing with these two bodies, and, somewhat mysteriously, the Supreme People's Procuratorate is not mentioned, although there is a reference to "procuratorial and trial authority." In both constitutions the Supreme People's Court is made accountable to the National People's Congress; however, a controversial provision of the 1954 document setting forth the independence of the people's courts in administering justice is deleted in the 1970 draft. Article 78 of the 1954 Constitution provides:

"Article 78. In administering justice the people's courts are independent, subject only to the law."

From approximately May 1956 to June 1957, the so-called Hundred Flowers period of relative liberality on the mainland, Article 78 was the object of great controversy among jurists and party officials. During this period, a group of jurists launched an attack against the Communist Party for interfering with the administration of justice in violation of the provision of this article. The most prominent figure among the jurists was Chia Ch'ien, a chief judge of the criminal division in the Supreme People's Court, a Communist Party member, and a veteran judicial worker.[8] It was reported that Chia considered it illegal for the Communist Party committee members to interfere with judicial work—a practice which, obviously, has been prevalent in the People's Republic of China. Chia was reported to have contended that the law is the expression of the will of the people and that since the people, and through them the party, enact the law, judges accept party leadership by obeying the law and hence need no further direction from the party.[9] During the anti-rightist movement which followed the Hundred Flowers period, Chia was branded by the Party as a rightist and his views were vigorously refuted at length in law journals, newspapers, and text books. In these sources it was argued that the court must be at the command of the Communist Party and that judges must pass only those judgments acceptable to the party.[10]

In refuting those who contend that to subordinate the judiciary to the party is incompatible with the constitutional provision that "in administering justice the people's courts are independent, subject only to the law," Communist legal writers often quote Article 17 of the 1954 Constitution, which provides that "all organs of the state must rely on the masses of the people, constantly maintain close contact with them, heed their opinions, and accept their supervision." Obviously in this connection the Communist writers equate the people with the party—and it has often been declared that it is illegal for any court to claim independence from the people.

Since the end of the Hundred Flowers period, judges in the People's Republic thus have, as far as is known, maintained a record of unbroken subservience to the dictates of the Communist Party. Article 25 of the draft constitution formalizes this state of affairs by deleting the controversial provision concerning the independence of the court and by providing that "the exercise of procuratorial and trial authority shall follow the mass line." The "mass line" is, of course, the theme, campaign, or goal currently espoused by the Party.

Chapter III of both the 1954 Constitution and the 1970 draft constitution is entitled "Fundamental Rights and Duties of Citizens." This chapter in the 1954 document contains 19 articles, while in the 1970 draft it contains only four articles. In addition to being shortened, the content of Chapter III in the 1970 draft varies significantly from that of Chapter III in the 1954 Constitution.

One of the most significant changes in this chapter appears in its first article, Article 26. There it is decreed that "the most fundamental rights and duties of citizens are: To support Chairman Mao Tse-tung and his close comrade-in-arms, Vice Chairman Lin

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Footnotes at end of article.

Piao, to support the proletarian dictatorship, to support the socialist system, and to abide by the Constitution and laws of the People's Republic of China." If the 1970 draft is officially promulgated, the citizen of the People's Republic of China thus will owe first allegiance not to the government, but to Mao Tse-tung, Lin Piao, and the leadership of the Communist Party of China.

The requirement of loyalty on the part of every citizen to the leadership of the Communist Party would signal the death of the so-called democratic parties, whose existence is sanctioned under the 1954 Constitution. The 1954 document describes the People's Republic of China as a "people's democratic state," and its preamble proclaims that the people's democratic united front forged during the struggle for liberation "will continue to play its part in mobilizing and rallying the whole people. . . ." The "democratic parties" retain token representation in governmental bodies. If the 1970 draft becomes the law of the land, there evidently will be no further attempt to maintain the fiction of a multi-party state.

Article 89 of the 1954 Constitution provides:

"*Article 89*. Freedom of the person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except by decision of a people's court or with the sanction of a people's procuratorate."

Although this provision has been abused, it did provide some check against the formidable power of the public security organs. This check has been removed in the 1970 draft constitution, Article 28 of which contains the statement that "no citizen may be arrested except by decision of a people's court or with the sanction of public security organs."

Chapter III of the 1970 draft significantly deletes the provisions of Article 97 of the 1954 Constitution, which guaranteed to the citizen of the People's Republic of China "the right to bring complaints against any person working in organs of state for transgression of law or neglect of duty."

Article 88 of the 1954 document speciously provided that "citizens of the People's Republic of China enjoy freedom of religious belief." Although freedom of religious belief is again guaranteed in the 1970 draft, to it is added "the freedom of iconoclasm and of propagating atheism."

Article 95 of the 1954 Constitution states:

"*Article 95*. The People's Republic of China safeguards the freedom of citizens to engage in scientific research, literary and artistic creation and other cultural pursuits. The state encourages and assists creative work in science, education, literature, art and other cultural pursuits."

This article portends continued forced feeding of the omnipresent thought of Mao Tse-tung to the populace of the People's Republic, for Mao's thought is identified with the thought of the proletariat. The final phrase of the article also contains a hint that intellectuals can expect perpetuation of the policy of their being sent to the fields and factories to engage in manual labor. It perhaps also has as an overtone the threat that recalcitrant intellectuals will be arrested and subjected to the notorious "reform through labor."

FOOTNOTES

[1] Draft of the Revised Constitution of the People's Republic of China, *Background on China*, B. 70-81, November 4, 1970. The Chinese text of the draft constitution appears in *Chung yang jih pao* [Central Daily News], November 5, 1970.

[2] Preamble to the Draft of the Revised Constitution of the People's Republic of China, *Background on China*, B. 71-23, April 26, 1971.

[3] *Constitution of the People's Republic of China*, Peking: Foreign Languages Press, 1954.

[4] Chang Chen-pang, "An Analysis of the Revised Draft 'Constitution' of the Peiping Regime," *Issues & Studies*, Vol. VII, No. 4 (January 1971), p. 58.

[5] *Ibid.*, p. 59.

[6] *Ibid.*

[7] *Ibid.*

[8] "Anti-Rightist Struggle in the Supreme People's Court," New China News Agency press release, December 11, 1957.

[9] Feng Jo-chi'üan, "Refuting Chia Ch'ien's Absurd Anti-Party Contention of Trial Independence," *Cheng fa yen chiu* [Political-Legal Research], No. 1, 1958, p. 20.

[10] See Chung-kuo jen min ta hsüeh, fa lü hsi, kuo chia yü fa ch'üan li lun chia yen shih [Office of Teaching and Research of State and Law, Department of Law, Chinese People's University], *Lun jen min min chu chuan cheng ho jen min chu fa chih* [On the People's Democratic Dictatorship and People's Democratic Legal System], Peking, 1958.

CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA

(Adopted on September 20, 1954 by the First National People's Congress of the People's Republic of China, at its first session)

PREAMBLE

In the year 1949, after more than a century of heroic struggle, the Chinese people, led by the Communist Party of China, finally achieved their great victory in the people's revolution against imperialism, feudalism and bureaucrat-capitalism; and so brought to an end a long history of oppression and enslavement and founded the People's Republic of China, a people's democratic dictatorship. The system of people's democracy—new democracy—of the People's Republic of China guarantees that China can in a peaceful way banish exploitation and poverty and build a prosperous and happy socialist society.

From the founding of the People's Republic of China to the attainment of a socialist society is a period of transition. During the transition the fundamental task of the state is, step by step, to bring about the socialist industrialization of the country and, step by step, to accomplish the socialist transformation of agriculture, handicrafts and capitalist industry and commerce. In the last few years our people have successfully carried out a series of large-scale struggles: the reform of the agrarian system, resistance to American aggression and aid to Korea, the suppression of counter-revolutionaries and the rehabilitation of the national economy. As a result, the necessary conditions have been created for planned economic construction and gradual transition to socialism.

The First National People's Congress of the People's Republic of China, at its first session held in Peking, the capital, solemnly adopted the Constitution of the People's Republic of China on September 20, 1954. This Constitution is based on the Common Programme of the Chinese People's Political Consultative Conference of 1949, and is an advance on it. It consolidates the gains of the Chinese people's revolution and the political and economic victories won since the founding of the People's Republic of China; and, moreover, it reflects the basic needs of the state in the period of transition, as well as the general desire of the people as a whole to build a socialist society.

In the course of the great struggle to establish the People's Republic of China, the people of our country forged a broad people's democratic united front, composed of all democratic classes, democratic parties and groups, and popular organizations, and led by the Communist Party of China. This people's democratic united front will continue to play its part in mobilizing and rallying the whole people in common struggle to fulfill the fundamental task of the state during the transition and to oppose enemies within and without.

All nationalities of our country are united in one great family of free and equal nations. This unity of China's nationalities will continue to gain in strength, founded as it is on ever-growing friendship and mutual aid among themselves, and on the struggle against imperialism, against public enemies of the people within the nationalities, and against both dominant-nation chauvinism and local nationalism. In the course of economic and cultural development, the state will concern itself with the needs of the different nationalities, and, in the matter of socialist transformation, pay full attention to the special characteristics in the development of each.

China has already built an indestructible friendship with the great Union of Soviet Socialist Republics and the People's Democracies; and the friendship between our people and peace-loving people in all other countries is growing day by day. Such friendship will be constantly strengthened and broadened. China's policy of establishing and extending diplomatic relations with all countries on the principle of equality, mutual benefit and mutual respect for each other's sovereignty and territorial integrity, which has already yielded success, will continue to be carried out. In international affairs our firm and consistent policy is to strive for the noble cause of world peace and the progress of humanity.

CHAPTER 1.—GENERAL PRINCIPLES

Article 1

The People's Republic of China is a people's democratic state led by the working class and based on the alliance of workers and peasants.

Article 2

All power in the People's Republic of China belongs to the people. The organs through which the people exercise power are the National People's Congress and the local people's congresses.

The National People's Congress, the local people's congresses and other organs of state practise democratic centralism.

Article 3

The People's Republic of China is a single multinational state.

All the nationalities are equal. Discrimination against, or oppression of, any nationality, and acts which undermine the unity of the nationalities are prohibited.

All the nationalities have freedom to use and foster the growth of their spoken and written languages, and to preserve or reform their own customs or ways.

Regional autonomy applies in areas where people of national minorities live in compact communities. National autonomous areas are inalienable parts of the People's Republic of China.

Article 4

The People's Republic of China, by relying on the organs of state and the social forces, and by means of socialist industrialization and socialist transformation, ensures the gradual abolition of systems of exploitation and the building of a socialist society.

Article 5

At present, the following basic forms of ownership of means of production exist in the People's Republic of China: state ownership, that is, ownership by the whole people; co-operative ownership, that is, collective ownership by the working masses; ownership by individual working people; and capitalist ownership.

Article 6

The state sector of the economy is a social sector, owned by the whole people. It is the leading force in the national economy and the material basis on which the state carries out socialist transformation. The state ensures priority for the development of the state sector of the economy.

All mineral resources and waters, as well as forests, undeveloped land and other resources which the state owns by law, are the property of the whole people.

Article 7

The co-operative sector of the economy is either socialist, when collectively owned by the working masses, or semi-socialist, when in part collectively owned by the working masses. Partial collective ownership by the working masses is a transitional form by means of which individual peasants, individual handicraftsmen and other individual working people organize themselves in their advance towards collective ownership by the working masses.

The state protects the property of the co-operatives, encourages, guides and helps the development of the co-operative sector of the economy. It regards the promotion of producers' co-operatives as the chief means for the transformation of individual farming and individual handicrafts.

Article 8

The state protects the right of peasants to own land and other means of production according to law.

The state guides and helps individual peasants to increase production and encourages them to organize producers', supply and marketing, and credit co-operatives voluntarily.

The policy of the state towards rich-peasant economy is to restrict and gradually eliminate it.

Article 9

The state protects the right of handicraftsmen and other non-agricultural individual working people to own means of production according to law.

The state guides and helps individual handicraftsmen and other non-agricultural individual working people to improve their enterprise and encourages them to organize producers', and supply and marketing co-operatives voluntarily.

Article 10

The state protects the right of capitalists to own means of production and other capital according to law.

The policy of the state towards capitalist industry and commerce is to use, restrict and transform them. The state makes use of the positive sides of capitalist industry and commerce which are beneficial to national welfare and the people's livelihood, restricts their negative sides which are not beneficial to national welfare and the people's livelihood, encourages and guides their transformation into various forms of state-capitalist economy, gradually replacing capitalist ownership with ownership by the whole people; and this it does by means of control exercised by administrative organs of state, the leadership given by the state sector of the economy, and supervision by the workers.

The state forbids capitalists to engage in unlawful activities which injure the public interest, disrupt the social-economic order, or undermine the economic plan of the state.

Article 11

The state protects the right of citizens to own lawfully-earned incomes, savings, houses and other means of life.

Article 12

The state protects the right of citizens to inherit private property according to law.

Article 13

The state may, in the public interest, buy, requisition or nationalize land and other means of production both in cities and countryside according to provisions of law.

Article 14

The state forbids any person to use his private property to the detriment of the public interest.

Article 15

By economic planning, the state directs the growth and transformation of the national economy to bring about the constant increase of productive forces, in this way enriching the material and cultural life of the people and consolidating the independence and security of the country.

Article 16

Work is a matter of honour for every citizen of the People's Republic of China who is able to work. The state encourages citizens to take an active and creative part in their work.

Article 17

All organs of state must rely on the masses of the people, constantly maintain close contact with them, heed their opinions and accept their supervision.

Article 18

All servants of the state must be loyal to the people's democratic system, observe the Constitution and the law and strive to serve the people.

Article 19

The People's Republic of China safeguards the people's democratic system, suppresses all treasonable and counter-revolutionary activities and punishes all traitors and counter-revolutionaries.

The state deprives feudal landlords and bureaucrat-capitalists of political rights for a specific period of time according to law; at the same time it provides them with a way to earn a living, in order to enable them to reform through work and become citizens who earn their livelihood by their own labour.

Article 20

The armed forces of the People's Republic of China belong to the people; their duty is to safeguard the gains of the people's revolution and the achievements of national construction, and to defend the sovereignty, territorial integrity, and security of the country.

CHAPTER TWO: THE STATE STRUCTURE

SECTION I. THE NATIONAL PEOPLE'S CONGRESS

Article 21

The National People's Congress is the highest organ of state authority in the People's Republic of China.

Article 22

The National People's Congress is the only legislative authority in the country.

Article 23

The National People's Congress is composed of deputies elected by provinces, autonomous regions, municipalities directly under the central authority, the armed forces and Chinese resident abroad.

The number of deputies to the National People's Congress, including those representing national minorities, and the manner of their election, are prescribed by electoral law.

Article 24

The National People's Congress is elected for a term of four years.

Two months before the term of office of the National People's Congress expires, its Standing Committee must complete the election of deputies to the succeeding National People's Congress. Should exceptional circumstances arise preventing such an election, the term of office of the sitting National People's Congress may be prolonged until the first session of the succeeding National People's Congress.

Article 25

The National People's Congress meets once a year, convened by its Standing Committee. It may also be convened whenever its Standing Committee deems this necessary or one-fifth of the deputies so propose.

Article 26

When the National People's Congress meets, it elects a presidium to conduct its sittings.

Article 27

The National People's Congress exercises the following functions and powers:

(1) to amend the Constitution;

(2) to enact laws;

(3) to supervise the enforcement of the Constitution;

(4) to elect the Chairman and the Vice-Chairman of the People's Republic of China;

(5) to decide on the choice of the Premier of the State Council upon recommendation by the Chairman of the People's Republic of China, and of the component members of the State Council upon recommendation by the Premier;

(6) to decide on the choice of the Vice-Chairmen and other members of the Council of National Defence upon recommendation by the Chairman of the People's Republic of China;

(7) to elect the President of the Supreme People's Court;

(8) to elect the Chief Procurator of the Supreme People's Procuratorate;

(9) to decide on the national economic plans;

(10) to examine and approve the state budget and the financial report;

(11) to ratify the status and boundaries of provinces, autonomous regions, and municipalities directly under the central authority;

(12) to decide on general amnesties;

(13) to decide on questions of war and peace; and

(14) to exercise such other functions and powers as the National People's Congress considers necessary.

Article 28

The National People's Congress has power to remove from office:

(1) the Chairman and the Vice-Chairman of the People's Republic of China;

(2) the Premier and Vice-Premiers, Ministers, Heads of Commissions and the Secretary-General of the State Council;

(3) the Vice-Chairman and other members of the Council of National Defence;

(4) the President of the Supreme People's Court; and

(5) the Chief Procurator of the Supreme People's Procuratorate.

Article 29

Amendments to the Constitution require a two-thirds majority vote of all the deputies to the National People's Congress.

Laws and other bills require a simple majority vote of all the deputies to the National People's Congress.

Article 30

The Standing Committee of the National People's Congress is a permanently acting body of the National People's Congress.

The Standing Committee is composed of the following members, elected by the National People's Congress: the Chairman; the Vice-Chairmen; the Secretary-General; and other members.

Article 31

The Standing Committee of the National People's Congress exercises the following functions and powers:

(1) to conduct the election of deputies to the National People's Congress;

(2) to convene the National People's Congress;

(3) to interpret the laws;

(4) to adopt decrees;

(5) to supervise the work of the State Council, the Supreme People's Court and the Supreme People's Procuratorate;

(6) to annul decisions and orders of the

State Council which contravene the Constitution, laws or decrees;

(7) to revise or annul inappropriate decisions issued by the government authorities of provinces, autonomous regions, and municipalities directly under the central authority;

(8) to decide on the appointment or removal of any Vice-Premier, Minister, Head of Commission or the Secretary-General of the State Council when the National People's Congress is not in session;

(9) to appoint or remove the Vice-Presidents, judges, and other members of the Judicial Committee of the Supreme People's Court;

(10) to appoint or remove the Deputy Chief Procurators, procurators, and other members of the Procuratorial Committee of the Supreme People's Procuratorate;

(11) to decide on the appointment or recall of plenipotentiary representatives to foreign states;

(12) to decide on the ratification or abrogation of treaties concluded with foreign states;

(13) to institute military, diplomatic and other special titles and ranks;

(14) to institute and decide on the award of state orders, medals and titles of honour;

(15) to decide on the granting of pardons;

(16) to decide, when the National People's Congress is not in session, on the proclamation of a state of war in the event of armed attack on the country or in fulfilment of international treaty obligations concerning common defence against aggression;

(17) to decide on general or partial mobilization;

(18) to decide on the enforcement of martial law throughout the country or in certain areas; and

(19) to exercise such other functions and powers as are vested in it by the National People's Congress.

Article 32

The Standing Committee of the National People's Congress exercises its functions and powers until a new Standing Committee is elected by the succeeding National People's Congress.

Article 33

The Standing Committee of the National People's Congress is responsible for the National People's Congress and reports to it.

The National People's Congress has power to recall members of its Standing Committee.

Article 34

The National People's Congress establishes a Nationalities Committee, a Bills Committee, a Budget Committee, a Credentials Committee and other necessary committees.

The Nationalities Committee and the Bills Committee are under the direction of the Standing Committee of the National People's Congress when the National People's Congress is not in session.

Article 35

The National People's Congress, or its Standing Committee if the National People's Congress is not in session, may, if necessary, appoint commissions of inquiry for the investigation of specific questions.

All organs of state, people's organizations and citizens concerned are obliged to supply necessary information to these commissions when they conduct investigations.

Article 36

Deputies to the National People's Congress have the right to address questions to the State Council, or to the Ministries and Commissions of the State Council, which are under obligation to answer.

Article 37

No deputy to the National People's Congress may be arrested or placed on trial without the consent of the National People's Congress or, when the National People's Congress is not in session, of its Standing Committee.

Article 38

Deputies to the National People's Congress are subject to the supervision of the units which elect them. These electoral units have power to replace at any time the deputies they elect, according to the procedure prescribed by law.

SECTION II. THE CHAIRMAN OF THE PEOPLE'S REPUBLIC OF CHINA

Article 39

The Chairman of the People's Republic of China is elected by the National People's Congress. Any citizen of the People's Republic of China who has the right to vote and stand for election and has reached the age of thirty-five is eligible for election as Chairman of the People's Republic of China.

The term of office of the Chairman of the People's Republic of China is four years.

Article 40

The Chairman of the People's Republic of China, in pursuance of decisions of the National People's Congress or the Standing Committee of the National People's Congress, promulgates laws and decrees; appoints or removes the Premier, Vice-Premiers, Ministers, Heads of Commissions and the Secretary-General of the State Council; appoints or removes the Vice-Chairmen and other members of the Council of National Defense; confers state orders, medals and titles of honour; proclaims general amnesties and grants pardons; proclaims martial law; proclaims a state of war; and orders mobilization.

Article 41

The Chairman of the People's Republic of China represents the People's Republic of China in its relations with foreign states, receives foreign diplomatic representatives and, in pursuance of decisions of the Standing Committee of the National People's Congress, appoints or recalls plenipotentiary representatives to foreign states and ratifies treaties concluded with foreign states.

Article 42

The Chairman of the People's Republic of China commands the armed forces of the country, and is Chairman of the Council of National Defense.

Article 43

The Chairman of the People's Republic of China, whenever necessary, convenes a Supreme State Conference and acts as its chairman.

The Vice-Chairman of the People's Republic of China, the Chairman of the Standing Committee of the National People's Congress, the Premier of the State Council and other persons concerned take part in the Supreme State Conference.

The Chairman of the People's Republic of China submits the views of the Supreme State Conference on important affairs of state to the National People's Congress, its Standing Committee, the State Council, or other bodies concerned for their consideration and decision.

Article 44

The Vice-Chairman of the People's Republic of China assists the Chairman in his work. The Vice-Chairman may exercise such part of the functions and powers of the Chairman as the Chairman may entrust to him.

The provisions of Article 39 of the Constitution governing the election and term of office of the Chairman of the People's Republic of China apply also to the election and term of office of the Vice-Chairman of the People's Republic of China.

Article 45

The Chairman and the Vice-Chairman of the People's Republic of China exercise their functions and powers until the new Chairman and Vice-Chairman elected by the succeeding National People's Congress take office.

Article 46

Should the Chairman of the People's Republic of China be incapacitated for a prolonged period by reason of health, the functions of Chairman shall be exercised by the Vice-Chairman.

Should the office of Chairman of the People's Republic of China fall vacant, the Vice-Chairman succeeds to the office of Chairman.

SECTION III. THE STATE COUNCIL

Article 47

The State Council of the People's Republic of China, that is, the Central People's Government, is the executive organ of the highest state authority; it is the highest administration organ of state.

Article 48

The State Council is composed of the following members: the Premier; the Vice-Premiers; the Ministers; the Heads of Commissions; and the Secretary-General.

The organization of the State Council is determined by law.

Article 49

The State Council exercises the following functions and powers:

(1) to formulate administrative measures, issue decisions and orders and verify their execution, in accordance with the Constitution, laws and decrees;

(2) to submit bills to the National People's Congress or its Standing Committee;

(3) to co-ordinate and lead the work of Ministries and Commissions;

(4) to co-ordinate and lead the work of local administrative organs of state throughout the country;

(5) to revise or annul inappropriate orders and directives issued by Ministers or by Heads of Commissions;

(6) to revise or annul inappropriate decisions and orders issued by local administrative organs of state;

(7) to put into effect the national economic plans and provisions of the state budget;

(8) to control foreign and domestic trade;

(9) to direct cultural, educational and public health work;

(10) to administer affairs concerning the nationalities;

(11) to administer affairs concerning Chinese resident abroad;

(12) to protect the interests of the state, to maintain public order and to safeguard the rights of citizens;

(13) to direct the conduct of external affairs;

(14) to guide the building up of the defense forces;

(15) to ratify the status and boundaries of autonomous *chou*, counties, autonomous counties, and municipalities;

(16) to appoint or remove administrative personnel according to provisions of law; and

(17) to exercise such other functions and powers as are vested in it by the National People's Congress or its Standing Committee.

Article 50

The Premier directs the work of the State Council and presides over its meetings.

The Vice Premiers assist the Premier in his work.

Article 51

The Ministers and Heads of Commissions direct the work of their respective departments. They may issue orders and directives within the jurisdiction of their respective departments and in accordance with laws and decrees, and decisions and orders of the State Council.

Article 52

The State Council is responsible to the National People's Congress and reports to it, or, when the National People's Congress is not in session, to its Standing Committee.

SECTION IV. THE LOCAL PEOPLE'S CONGRESSES AND LOCAL PEOPLE'S COUNCILS

Article 53

The administrative division of the People's Republic of China is as follows:

(1) The country is divided into provinces, autonomous regions, and municipalities directly under the central authority;

(2) Provinces and autonomous regions are divided into autonomous *chou*, counties, autonomous counties, and municipalities; and

(3) Counties and autonomous counties are divided into *hsiang*, nationality *hsiang*, and towns.

Municipalities directly under the central authority and other large municipalities are divided into districts. Autonomous *chou* are divided into counties, autonomous counties, and municipalities.

Autonomous regions, autonomous *chou* and autonomous counties are all national autonomous areas.

Article 54

People's congresses and people's councils are established in provinces, municipalities directly under the central authority, counties, municipalities, municipal districts, *hsiang*, nationality *hsiang*, and towns.

Organs of self-government are established in autonomous regions, autonomous *chou* and autonomous counties. The organization and work of organs of self-government are specified in Section V of Chapter Two of the Constitution.

Article 55

Local people's congresses at all levels are the organs of government authority in their respective localities.

Article 56

Deputies to the people's congresses of provinces, municipalities directly under the central authority, counties, and municipalities divided into districts are elected by the people's congresses of the next lower level; deputies to the people's congresses of municipalities not divided into districts, municipal districts, *hsiang*, nationality *hsiang* and towns are directly elected by the voters.

The number of deputies to local people's congresses and the manner of their election are prescribed by electoral law.

Article 57

The term of office of the provincial people's congresses is four years. The term of office of the people's congresses of municipalities directly under the central authority, counties, municipalities, municipal districts, *hsiang*, nationality *hsiang*, and towns is two years.

Article 58

The local people's congresses at every level ensure the observance and execution of laws and decrees in their respective administrative areas; draw up plans for local economic and cultural development and for public works; examine and approve local budgets and financial reports; protect public property; maintain public order; safeguard the rights of citizens and the equal rights of national minorities.

Article 59

The local people's congresses elect, and have power to recall, members of the people's councils at corresponding levels.

The people's congresses at county level and above elect, and have power to recall, the presidents of people's courts at corresponding levels.

Article 60

The local people's congresses adopt and issue decisions within the limits of the authority prescribed by law.

The people's congresses of nationality *hsiang* may, within the limits of the authority prescribed by law, take specific measures appropriate to the characteristics of the nationalities concerned.

The local people's congresses have power to revise or annual inappropriate decisions and orders issued by people's councils at corresponding levels.

The people's congresses at county level and above have power to revise or annual inappropriate decisions issued by people's congresses at the next lower level as well as inappropriate decisions and orders issued by people's councils at the next lower level.

Article 61

Deputies to the people's congresses of provinces, municipalities directly under the central authority, counties, and municipalities divided into districts are subject to supervision by the units which elect them; deputies to the people's congresses of municipalities not divided into districts, municipal districts, *hsiang*, nationality *hsiang* and towns are subject to supervision by their electorates. The electoral units and electorates which elect the deputies to the local people's congresses have power at any time to recall their deputies according to the procedure prescribed by law.

Article 62

Local people's councils, that is, local people's governments, are the executive organs of local people's congresses at corresponding levels, and are the administrative organs of state in their respective localities.

Article 63

A local people's council is composed, according to its level, of the provincial governor and deputy provincial governors; or the mayor and deputy mayors; or the county head and deputy county heads; or the district head and deputy district heads; or the *hsiang* head and the deputy *hsiang* heads; or the town head and deputy town heads, as the case may be; together with council members.

The term of office of a local people's council is the same as that of the people's congress at corresponding level.

The organization of local people's councils is determined by law.

Article 64

The local people's councils administer their respective areas within the limits of the authority prescribed by law.

The local people's councils carry out the decisions issued by people's congresses at corresponding levels and decisions and orders issued by administrative organs of state at higher levels.

The local people's councils issue decisions and orders within the limits of the authority prescribed by law.

Article 65

The people's councils at county level and above direct the work of all their subordinate departments and of people's councils at lower levels, as well as appoint or remove personnel of organs of state according to provisions of law.

The people's councils at county level and above have power to suspend the carrying out of inappropriate decisions by people's congresses at the next lower level and to revise or annul inappropriate orders and directives issued by their subordinate departments, and inappropriate decisions and orders issued by people's councils at lower levels.

Article 66

The local people's councils are responsible to the people's congresses at corresponding levels and to the administrative organs of state at the next higher level, and report to them.

The local people's councils throughout the country are administrative organs of state, and are subordinate to and under the coordinating direction of the State Council.

SECTION V. THE ORGANS OF SELF-GOVERNMENT OF NATIONAL AUTONOMOUS AREAS

Article 67

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties are formed in accordance with the basic principles governing the organization of local organs of state as specified in Section IV of Chapter Two of the Constitution. The form of each organ of self-government may be determined in accordance with the wishes of the majority of the people of the nationality or nationalities enjoying regional autonomy in a given area.

Article 68

In all autonomous regions, autonomous *chou* and autonomous counties where a number of nationalities live together, each nationality is entitled to appropriate representation on the organs of self-government.

Article 69

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties exercise the functions and powers of local organs of state as specified in Section IV of Chapter Two of the Constitution.

Article 70

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties exercise autonomy in the limits of the authority prescribed by the Constitution and the law.

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties administer their own local finances within the limits of the authority prescribed by law.

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties organize their local public security forces in accordance with the military system of the state.

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties may draw up statutes governing the exercise of autonomy or separate regulations suited to the political, economic and cultural characteristics of the nationality or nationalities in a given area, which statutes and regulations are subject to endorsement by the Standing Committee of the National People's Congress.

Article 71

In performing their duties, organs of self-government of all autonomous regions, autonomous *chou* and autonomous couties employ the spoken and written language or languages commonly used in the locality.

Article 72

The higher organs of state should fully safeguard the right of organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties to exercise autonomy, and should assist the various national minorities in their political, economic and cultural development.

SECTION VI. THE PEOPLE'S COURTS AND THE PEOPLE'S PROCURATORATE

Article 73

In the People's Republic of China judicial authority is exercised by the Supreme People's Court, local people's courts and special people's courts.

Article 74

The term of office of the President of the Supreme People's Court and presidents of local people's courts is four years.

The organization of people's courts it determined by law.

Article 75

The system of people's assessors applies, in accordance with law, to judicial proceedings in the people's courts.

Article 76

Cases in the people's courts are heard in public unless otherwise provided for by law. The accused has the right to defence.

Article 77

Citizens of all nationalities have the right to use their own spoken and written languages in court proceedings. The people's courts are to provide interpretation for any party unacquainted with the spoken or written language commonly used in the locality.

In an area where people of national minorities live in compact communities or where a number of nationalities live together, hearings in people's courts are conducted in the language commonly used in the locality, and judgments, notices and all other documents of the people's courts are made public in such language.

Article 78

In administering justice the people's courts are independent, subject only to the law.

Article 79

The Supreme People's Court is the highest judicial organ.

The Supreme People's Court supervises the judicial work of local people's courts and special people's courts; people's courts at higher levels supervise the judicial work of people's courts at lower levels.

Article 80

The Supreme People's Court is responsible to the National People's Congress and reports to it; or, when the National People's Congress is not in session, to its Standing Committee. Local people's courts are responsible to the local people's congresses at corresponding levels and report to them.

Article 81

The Supreme People's Procuratorate of the People's Republic of China exercises procuratorial authority over all departments of the State Council, all local organs of state, persons working in organs of state, and citizens, to ensure observance of the law. Local organs of the people's procuratorate and special people's procuratorates exercise procuratorial authority within the limits prescribed by law.

Local organs of the people's procuratorate and the special people's procuratorates work under the leadership of the people's procuratorates at higher levels, and all work under the co-ordinating direction of the Supreme People's Procuratorate.

Article 82

The term of office of the Chief Procurator of the Supreme People's Procuratorate is four years.

The organization of people's procuratorates is determined by law.

Article 83

In the exercise of their authority local organs of the people's procuratorate are independent and are not subject to interference by local organs of state.

Article 84

The Supreme People's Procuratorate is responsible to the National People's Congress and reports to it; or, when the National People's Congress is not in session, to its Standing Committee.

CHAPTER THREE: FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

Article 85

Citizens of the People's Republic of China are equal before the law.

Article 86

Citizens of the People's Republic of China who have reached the age of eighteen have the right to vote and stand for election whatever their nationality, race, sex, occupation, social origin, religious belief, education, property status, or length of residence, except insane persons and persons deprived by law of the right to vote and stand for election.

Women have equal rights with men to vote and stand for election.

Article 87

Citizens of the People's Republic of China enjoy freedom of speech, freedom of the press, freedom of assembly, freedom of association, freedom of procession and freedom of demonstration. The state guarantees to citizens enjoyment of these freedoms by providing the necessary material facilities.

Article 88

Citizens of the People's Republic of China enjoy freedom of religious belief.

Article 89

Freedom of the person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except by decision of a people's court or with the sanction of a people's procuratorate.

Article 90

The homes of citizens of the People's Republic of China are inviolable, and privacy of correspondence is protected by law.

Citizens of the People's Republic of China enjoy freedom of residence and freedom to change their residence.

Article 91

Citizens of the People's Republic of China have the right to work. To guarantee enjoyment of this right, the state, by planned development of the national economy, gradually creates more employment, and better working conditions and wages.

Article 92

Working people in the People's Republic of China have the right to rest and leisure. To guarantee enjoyment of this right, the state prescribes working hours and holidays for workers and office employees; at the same time it gradually expands material facilities to enable working people to rest and build up their health.

Article 93

Working people in the People's Republic of China have the right to material assistance in old age, and in case of illness or disability. To guarantee enjoyment of this right, the state provides social insurance, social assistance and public health services and gradually expands these facilities.

Article 94

Citizens of the People's Republic of China have the right to education. To guarantee enjoyment of this right, the state establishes and gradually extends the various types of schools and other cultural and educational institutions.

The state pays special attention to the physical and mental development of young people.

Article 95

The People's Republic of China safeguards the freedom of citizens to engage in scientific research, literary and artistic creation and other cultural pursuits. The state encourages and assists creative work in science, education, literature, art and other cultural pursuits.

Article 96

Women in the People's Republic of China enjoy equal rights with men in all spheres of political, economic, cultural, social and domestic life.

The state protects marriage, the family, and the mother and child.

Article 97

Citizens of the People's Republic of China have the right to bring complaints against any person working in organs of state for transgression of law or neglect of duty by making a written or verbal statement to any organ of state at any level. People suffering loss by reason of infringement by persons working in organs of state of their rights as citizens have the right to compensation.

Article 98

The People's Republic of China protects the proper rights and interests of Chinese resident abroad.

Article 99

The People's Republic of China grants the right of asylum to any foreign national persecuted for supporting a just cause, for taking part in the peace movement or for engaging in scientific activity.

Article 100

Citizens of the People's Republic of China must abide by the Constitution and the law, uphold discipline at work, keep public order and respect social ethics.

Article 101

The public property of the People's Republic of China is sacred and inviolable. It is the duty of every citizen to respect and protect public property.

Article 102

It is the duty of citizens of the People's Republic of China to pay taxes according to law.

Article 103

It is the sacred duty of every citizen of the People's Republic of China to defend the homeland.

It is an honourable duty of citizens of the People's Republic of China to perform military service according to law.

CHAPTER FOUR: NATIONAL FLAG, NATIONAL EMBLEM, CAPITAL

Article 104

The national flag of the People's Republic of China is a red flag with five stars.

Article 105

The national emblem of the People's Republic of China is: in the centre, Tien An Men under the light of five stars, framed with ears of grain, and with a cogwheel at the base.

Article 106

The capital of the People's Republic of China is Peking.

LETTER FROM AMERICAN MEDICAL ASSOCIATION TO DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE

Mr. KENNEDY. Mr. President, I am inserting in the RECORD a copy of a letter from Mr. Harry Hinton, director of the Washington Office of the American Medical Association, to the Director of the Democratic Senatorial Campaign Committee, of which I am a member.

Mr. Hinton's letter relates to a statement I made last week upon opening a hearing of the Senate Subcommittee on Administrative Practice and Procedure, which has been conducting a study of the implementation of the recommendations of Presidential and national commissions. Our hearing last week covered the long series of commissions and other blue-ribbon advisory groups in the field of health care.

Pointing to the repeated and strong recommendations for innovation and reform offered by these groups over a period of nearly 60 years and to the long history of AMA opposition to these recommendations, I said:

> In short, for generations, government health programs have been allowed to accomplish only what organized medicine would tolerate. Thus the record of Federal health commissions is essentially an unbroken series of enlightened recommendations hamstrung by the AMA. The absence of follow-through has not been by accident, but by design. Always the AMA approach has been the same—reports and recommendations are welcome, so long as nothing is done to implement them, so long as they do not alter the status quo.

Among other evidence, I cited Franklin Delano Roosevelt's identification of the AMA as the force behind the defeat of his program for national health care reform.

I said that—

> The checkbooks of the organization, and of AMPAC, its political arm, have always been open to back its views and to support friendly or potentially friendly candidates for public office. No one doubts the insidious effect of the millions of campaign dollars that have poured out of the AMA over the years—$700,000 in the off-year 1970 elections alone, with virtually no reporting or disclosure of the recipients.

Anyone interested in more detailed facts on AMPAC, the American Medical Political Action Committee, should consult the National Journal, volume 2, No. 31, August 1, 1970, pages 1659–1665.

I indicated that the AMA "has a virtual stranglehold on the health programs of the present administration," that the AMA and the administration are "Tweedledum and Tweedledee," that "they have formed a marriage of convenience against the public interest made possible by the self-interest of an organization that puts the wealth of doctors ahead of the health of the people, and by the apathy of an administration that lacks the will to implement the principles it piously proclaims."

I concluded:

> Instead of the scientific and public service professional organization it was founded as the AMA has turned into a propaganda organ for purveying "medical politics" for deceiving the Congress, the people, and the doctors of America themselves. The American Medical Association puts the lives and well-being of American citizens below its own special interests in ordering its priorities. It deserves to be ignored, rejected, and forgotten, and the many distinguished reports it has undermined and buried deserve to be unearthed, re-read, and remembered.

The AMA's response is intriguing, to say the least. They have not sent me or my subcommittee, or any newspaper that I know of, any substantive reply to my statement. Instead, their chief Washington lobbyist has sent what can only be described as a blackmail message to the director of the Democratic Senatorial Campaign Committee. In substance it suggests that because some portion of the political funds supplied to AMPAC by AMA members has been contributed by AMPAC to the campaign committee; the campaign committee ought to be able both to silence my attacks on the AMA and suppress my efforts to obtain for this Nation—in spite of AMA opposition—comprehensive reform of its health care delivery and financing system, including national health insurance. The letter threatens, not very subtly, that if I persist, the AMA will manage to get "every physician in the country to leave the Democratic Party."

This is one of the most straightforward and candid documents I have seen during my time in Washington. It speaks clearly for itself, and it fully confirms the validity of my own remarks last week. I will comment only on the implication that the AMA speaks for every physician in the country. The AMA will not reveal its current level of membership, but indications are that for the first time in this century it can count fewer than half of the profession even technically on its rolls. Moreover, it is well known that a substantial proportion of the members of the AMA—many of whom are members only because local rules require them to be—do not share its Neanderthal views on health care.

Certainly few doctors I know, no matter what their views on the underlying issues, would subscribe to political threats as a means of persuading others to adopt those views, and I hope that every doctor who dissents from this approach will let the AMA and his Senators know of his disagreement.

To give the AMA full opportunity to rebut any of the statements I made last week and to elaborate on its letter to the campaign committee, I am offering Mr. Hinton the opportunity to appear before the Subcommittee on Administrative Practice and Procedure during its scheduled hearings on Tuesday or Thursday of next week, whichever is more convenient for him.

Mr. President, I hope that in our ordering of priorities, we never get to the point where we place the political contributions of two "medical" organizations above the lives and health of 200 million American citizens. If we have to sacrifice contributions to protect lives and health, that is a small price to pay. The fact that one party may have chosen the opposite order of priorities and the opposite conclusion only strengthens the necessity for those of us in the other party to do what the people's interest demands and what conscience requires.

The full text of my statement last week appears at page 26384 of the Record for July 21, 1971.

I ask that the text of Mr. Hinton's letter, with its letterhead, be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

American Medical Association,
Washington, D.C., July 19, 1971.

Mr. Frank N. Hoffman,
Executive Director, Democratic Senatorial Campaign Committee, Old Senate Office Building, Washington, D.C.

Dear Nordy: I think you will grant that AMPAC has made every effort possible over the years to cooperate with the Democratic Senatorial Campaign Committee, and that our relationships have been cordial.

I think you also know that I have personally done everything within my power to help the Democratic Party win its fair share of physician support.

So it is intensely discouraging to see these efforts damaged severely by one man's irresponsible action. Yet I can categorize in no other fashion the statement delivered last week by Senator Kennedy before the Subcommittee on Administrative Practice and Procedure, a copy of which is enclosed.

The Senator's attack is compounded of half-truths and untruths. It is based upon his own version of ancient history, beginning in 1913, and its tone is completely intemperate.

As a lifelong Democrat I cannot accept that Senator Kennedy speaks for my Party and its thinking on so serious a matter as the nation's health care.

Meanwhile, if Senator Kennedy wants every physician in the country to leave the Democratic Party, he is going about it in the right way.

Best personal wishes.
Sincerely,
Harry R. Hinton.

THE HIGHWAY TRUST FUND—TIME FOR CITIES

Mr. HUMPHREY. Mr. President, in the July 1971, edition of Nation's Cities, Patrick Healy, the executive director of the National League of Cities, makes a cogent case for an expanded and more efficient use of the Highway Trust Fund. Healy correctly points out that though a great deal of money for the funds is generated in the cities, "only a small amount of it trickles back to deal with the cities' transportation problems." When that fact is coupled with the contribution that cities must make from general revenues in order to maintain their roads, the magnitude of the transportation crisis begins to become apparent.

Mr. President, various financing methods have been offered to help solve this transportation crisis. Some have urged the creation of an Urban Mass Transportation Trust Fund. Others have advocated full funding of the urban system designated in the 1970 Highway Act. Still others have urged that the secondary road system program, topics, be coordinated and combined with the urban system into one comprehensive transportation package.

Whatever the method, I believe that we must give serious and thoughtful consideration to opening up the highway trust fund for operating and maintenance costs. There is over $5 billion surplus in this fund—$5 billion that could be used to improve the highways and streets of our cities.

Patrick Healy's article echoes a position that I have held and spoke to at the recent Conference of Mayors meeting in Philadelphia. Healy suggests that, first, new highway user tax allocation formulas must be implemented that assure urban areas a substantially larger portion of money; second, a ceiling on money for the Interstate system in order to provide larger user tax revenues for urban areas; third, returning user taxes to cities according to a formula that assures a predictable level of assistance for developing transportation budgets; fourth, using transportation trust fund revenues for improvement of transportation services; and fifth, fostering of comprehensive urban transportation planning.

Mr. President, I ask unanimous consent that Mr. Healy's article be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Highway Trust Fund: What's In It for Cities?

In the next decade, massive assistance will be needed to improve the traffic systems of America's cities. Beyond filling the potholes, an urgent enough priority in many cities, more money is required to make street systems more efficient through engineering improvements ranging from changes in street signs to multimillion-dollar computerized traffic signal systems. In addition, it is estimated that mass transit systems will require between $25 billion and $35 billion for capital improvements and several billions more for operating subsidies.

Improvements on this multi-billion-dollar scale are the only way to keep people and goods moving. A prime reason for decay of some central cities—a decay which will spread slowly outward unless the trend is reversed—is the lowering of convenience and safety of mobility in cities. There can be no higher priority in the transportation field than improvement of traffic circulation in our cities. The economy of the cities and the health of the nation require it.

Federal and state highway trust funds currently provide vast sums of money for improvement of transportation systems. But, though a great percentage of this money is generated in the cities, only a small amount of it trickles back to deal with the cities' transportation problems. Thus, it is time for city officials to take a new look at federal and state programs aiding improvement of highways.

It is estimated that in 1971 more than $16 billion in highway user taxes will be collected by all levels of government. Over half these sums will be generated in urban areas since over half of all vehicle miles are traveled on urban street and highway systems. However, federal and state programs allocating highway user revenues generally favor non-urban areas in allocation formulas. At the federal level, there exists a better than two-to-one differential favoring non-urban areas in allocating highway assistance for routes off the Interstate Highway System. And there is little to indicate that significant changes in this imbalance can be expected soon. In 1970, despite the urgent pleas of cities for a fairer share of assistance, Congress refused to change the level of assistance authorized for urban areas while raising significantly assistance for non-urban areas as indicated in Table I.

TABLE 1.—AUTHORIZATIONS FROM HIGHWAY TRUST FUND FOR PROGRAMS OTHER THAN THE INTERSTATE SYSTEM; FISCAL YEARS 1970-73, 1968 HIGHWAY ACT FOR FISCAL YEAR 1970 AND FISCAL YEAR 1971; 1970 HIGHWAY ACT FOR FISCAL YEAR 1972 AND FISCAL YEAR 1973

[Millions of dollars]

	Total	Urban	Nonurban	Unspecified
1970	$1,425	$475	$950	X
1971	1,425	475	950	X
1972	1,767	475	1,069	[1] 223
1973	1,814	475	1,069	[1] 270

[1] The unspecified funds are for highway safety and bridge improvement programs. Allocation of these funds is under State control. State control of fund allocations often results in discrimination against cities.

In addition to, and in part because of, discrimination against cities in allocation of highway user tax revenues, cities are required to pay ever larger sums from their scarce *general* tax revenues to subsidize highways and other transportation programs. Since 1965 cities' contributions from *general* tax revenues to support highways have grown 62 per cent. Currently, cities pay more for highways from general tax revenues than any other level of government (Table II), and despite the urgent financial crisis of the cities, the relative share of city highway costs paid from general tax revenues has increased in the past few years (Table III). Clearly highway users do not bear the full cost of city highways.

TABLE II.—1971 PROJECTED GENERAL TAX EXPENDITURES FOR HIGHWAYS: BY LEVEL OF GOVERNMENT

Cities	$1,735,000,000
Counties	1,141,000,000
States	321,000,000
Federal Government	704,000,000
Total	3,901,000,000

TABLE III.—CITY HIGHWAY EXPENDITURES

[Dollar amounts in millions]

	Year							Percent Increase 1965-1971
	1965	1966	1967	1968	1969	1970	1971 [1]	
Total highway expenditures	$2,186	$2,266	$2,645	$2,843	$2,947	$3,052	$3,161	45
General tax receipts appropriated for highways	1,069	1,080	1,287	1,462	1,487	1,685	1,735	62
General tax receipts for highways as percent of highway expenditures	49	48	49	51	50	55	55	

[1] Estimated.

Unlike cities, states allocate very few of their general tax dollars to highways. The Federal Highway Administration estimates that in 1971 states will spend a total of $15.2 billion on highways but that only $321 million—approximately 2 per cent—will come from general revenues.

Beyond direct costs for highway programs, cities, because they are so heavily dependent on the property tax, bear significant indirect costs in losses of taxable land to highways. Between October 1968 and December 1970, federal highway programs in urban areas provided relocation assistance to persons displaced from 37,131 dwelling units and 5,733 businesses. But no aid came to cities which lost the taxes from these properties. Some will argue that new highway rights-of-way raise the value of adjacent property to compensate for losses in the right-of-way. But often adjacent property values decline significantly between the time a right-of-way is selected and completion of construction—a period which can last many years. In addition, there are those who dispute the argument that new roads upgrade adjacent property values, at least as that argument is applied to heavily developed urban areas.

Such highway assistance that is provided to urban areas often does little to upgrade the system for traffic circulation within the urban area—that system so vitally necessary to maintain the economic base of the city. Rather, federal and state assistance programs concentrate on route systems to maintain inter-city highways which move traffic through and around the cities; and federal and state officials exercise greater control over route selection and project priority setting than do the local officials.

In addition to development of projects which may not be tailored to local needs and priorities, tight federal and state control over urban highway assistance results in severe delays in getting assistance to urban areas, particularly when the federal and state agencies' priority interests are elsewhere. In 1968, Congress authorized $400 million for fiscal years 1970 and 1971 to improve traffic operations in urban areas through the TOPICS program. By the end of fiscal year 1970 only $1 million of these funds had been obligated for improvements to local traffic systems, and the DOT budget indicates that a total of only $97 million of these funds will be obligated by the end of fiscal year 1971.

At the federal level, five separate assistance programs affect urban areas. These support, separately, construction of the Interstate System, urban extensions of the Primary System, urban extensions of the Secondary System, traffic operation and engineering improvements on federal aid routes (TOPICS), and improvements for other designated arterial highways (the Urban System, authorized in the 1970 Highway Act and which went into effect the first of this month). Local officials do not exercise a dominant role in any of these programs, though in the Urban System state and local officials are to make decisions "in cooperation with each other," subject, of course, to federal approval. With each system the relative powers of federal, state, and local officials are different, the funding is different, and federal and state regulations are different. This creates considerable confusion and makes it almost impossible to develop a coordinated program for improvement of local highway systems relying on federal assistance.

The National League of Cities has urged (as a step to improve the capacity of local officials to coordinate these programs) that the urban extensions of the Secondary System, the TOPICS program, and the Urban System be combined into one system with local officials playing a dominant role in selecting routes and setting priorities for financing. However, Congress in the 1970 Highway Act, with the strong backing of the Administration, chose to preserve the fragmented structure for financing and programming urban routes.

Such a clearly inadequate financing structure for urban highways cannot continue. Local officials were among the first and the strongest supporters of programs to dedicate highway user taxes to trust funds reserved for highway purposes at both the federal and state levels. But considering the limited returns in comparison to contributions cities have made and the great needs for assistance in upgrading local transportation systems, it is time for city officials to rethink their position on this issue.

Since the 1968 Congress of Cities, NLC's *National Municipal Policy* has warned that local officials will not continue support for the highway trust fund unless much more adequate financing is provided for Urban Systems. Today, in addition to financing problems, several other factors are gaining increasing importance which demand a review of position.

These new factors will require not only that a great deal more state and federal money be spent on improving urban transportation systems but also that local officials be given much greater control and discretion in developing the mixes of transportation systems most appropriate to serve their city. Unless state and federal highway trust funds can be regeared to support more costly and more flexible transportation improvement programs in cities, city officials should not be counted on to support further extension of trust fund programs.

Briefly listed, the important factors in this consideration are:

The severe and growing financial crisis of the cities which makes it very difficult for cities to maintain existing contributions from their general revenues to highways while both state and federal governments often report surpluses in highway user tax receipts. Currently, the accumulated surplus in the Federal Highway Trust Fund is over $5 billion.

A growing belief among city officials that dedicating ever increasing amounts of urban land to highways severely curtails local planning options and may make an economic and social regeneration of central city areas impossible; first, because of an inability to combine sufficient amounts of non-highway dedicated land to try new experiments in housing, commercial ventures, or industrial expansion which could lure back large numbers of people who are now abandoning cities; second, because the property tax base could be so eroded that needed funds for new programs would be absolutely unavailable and loans would be impossible to obtain.

The year 1972 will see the originally scheduled date for completion of the Interstate Highway System come and go with the actual completion date still well in the future. Vitally needed improvements to urban traffic systems were originally deferred awaiting completion of the Interstate System. Now these major improvements in urban areas can be delayed no longer. In many cases urban traffic conditions have been aggravated by improvements on the Interstate System which have funneled large volumes of traffic onto urban street systems unprepared to move this traffic efficiently. Further, the Interstate System is not fulfilling its assigned function in many urban areas because it carries a heavy volume of local traffic forced onto the freeway because of the inadequacy of the local street system.

Increasing agreement that inexpensive and convenient transportation alternatives must be provided for those millions of Americans who do not have use of an automobile in our system which in some areas places almost exclusive reliance on highways and the automobile for mobility. Included in this group are the approximately 65 million Americans under 16 years of age plus many older persons and poor people who are barred from the road because of infirmity or poverty. The poor, the old, and the young are also those who most often need the better access to urban opportunities that good transportation can provide, but there is little prospect of private automobiles improving those prospects in the near future. Stricter licensing and motor vehicle inspection requirements and unavailability or high cost of auto insurance are making it increasingly difficult and costly for the disadvantaged to own cars, which, when they are purchased often only perpetuate the circle of poverty.

Greater national concern about the relationship of motor vehicle traffic to air pollution which is creating pressure at many points to curtail motor vehicle traffic while at the same time preserving an efficient high capacity system for moving people and goods so vitally necessary for urban survival. Motor vehicles account for more than 80 per cent of all air pollution in Atlanta and Washington, D.C. Levels are nearly that high in many other major cities. Recent studies have shown startling increases in lead levels in the air of several major cities during the past several years raising the potential of a critical health hazard. In issuing recent guidelines for achievement of air quality standards demanded by law, William D. Ruckelhaus, administrator of the Environmental Protection Agency stated, "If we are to meet the legal deadline for carbon monoxide, then, some cities may have to require drastic changes in their commuting habits."

Thus, merely improving the efficiency of highways to bring in more cars may become a legally prohibited transportation alternative for some cities. Other solutions must be available. Each affected city will have to develop a system for moving people and goods which complies with these regulations while preserving the vitality of the central city. Certainly, the locality must exercise control over use of resources to solve this problem. In addition, it is arguable that since motor vehicles have contributed to the problems requiring the realignment of traffic patterns, motor vehicle user taxes should help pay for the solutions, even if the solutions are not highway related.

The answer to these problems, however, is not to cut off the highway trust fund and start tearing up the highways as some would suggest. Rather, the goal of city officials must be to redirect the vast resources of federal and state highway trust funds toward meeting today's urban transportation problems. Accordingly, I would suggest the following program, which, if adopted, will provide the basic reforms necessary to aid the cities. Without such reforms, city support for highway trust funds, already weakening, will continue to erode.

First, new highway user tax allocation formulas must be implemented which assure that urban areas will receive back a substantially larger portion, more nearly approaching the user tax revenue they generate and assuring that a more equitable share of urban transportation costs is financed by highway users. No lonegr is it valid to suggest that because of the poverty and economic difficulties of rural areas, cities should provide a major subsidy for rural highways. Today's greatest poverty crisis and today's greatest economic crisis is in the cities. Cities must receive a much greater share of user tax revenues to meet their transportation needs and preserve themselves as economic entities.

Second, this substantially larger portion of user tax revenues for urban areas could be realized in part by fixing a ceiling on funds allocated to the Interstate System and providing that future increments in the Highway Trust Fund be dedicated to improvement of urban systems. Such an approach is proposed in the *National Municipal Policy* and recently received support of state highway officials on the Joint NLC-American Association of State Highway Officials' Committee on Urban Highways.

Third, the great bulk of user tax revenues returned to cities should be allocated among cities according to a mandatory formula assuring a *predictable* level of assistance which local officials can plan for in developing their transportation budgets. Such formulas will avoid the long delay incident to federal and state decisionmaking in allocating funds. A small portion might be reserved for allocation on a needs basis to localities with urgently needed transportation programs which could not be financed from the formula allocation. However, other programs such as the Urban Mass Transportation Act should be looked to by individual localities requiring high levels of assistance for improvement of transportation systems.

Fourth, local officials should be allowed to use trust fund revenues for improvement of a broad range of transportation services. In most cases, these funds would be used to improve highway systems but with greater coordination than permitted by today's fragmented aid system. In some instances these funds would be used to support improvement of public transportation, particularly improvements required for those people or areas of the city which cannot be adequately served by private auto. This greater flexibility in use of funds will allow each urban area to tailor its own solutions to transportation problems without being prejudiced by availability of funds.

Fifth, the comprehensive urban transportation planning processes should be upgraded so that they can adequately develop comprehensive transportation programs for urban areas with the new flexibility of funding they will have. As part of this upgrading, incentives must be provided for communities to pool funds they receive under the formulas in order to both plan and implement the total urban transportation system. Additionally, federal support for transportation planning which is currently provided as part of grant-in-aid programs relating to each transportation mode must be pooled and allocated to support local planning efforts by an agency without a bias toward any particular mode in solution of transportation problems.

SENATOR HUMPHREY'S ADDRESS TO THE ANNUAL CONFERENCE OF THE NATIONAL ASSOCIATION OF COUNTY OFFICIALS

Mr. TUNNEY. Mr. President, the Senator from Minnesota (Mr. Humphrey) addressed the annual conference of the National Association of County Officials yesterday in Milwaukee, Wis. In that speech he urged this country to dedicate itself to the development of a more balanced national growth policy. He stressed the importance of such a policy in providing the people of this country with a true freedom of residence, a freedom of choice as to where they work and live.

I commend the entire speech to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by Senator Hubert H. Humphrey

Two weeks ago, the Senate Subcommittee on Rural Development of which I am privileged to be the Chairman, held field hearings in the South. We went to Georgia and Alabama to examine firsthand what local people were doing to solve their problems.

And, we found out.

We saw progressive and exciting child development centers, bold and beautiful recreational areas, business and industry reviving.

We were told about jobs, about opportunities, and about good wages.

And, when we asked how these things have come about, invariably the answer was *People, Resources,* and driving, committed *Leadership.*

The two areas we visited—Alma-Bacon, Georgia, and Decatur, Alabama are success stories of rural renewal.

We need similar success stories in other parts of our Nation, because we are faced with an overpowering sense of urgency that envelops our cities and counties and frustrates our way of living.

We know the problems. Urbanologists can recite a litany of urban ills.

They see smog, and they say it is bad.

And, it is.

They see slum housing, and they say it is bad.

And, it is.

They see congestion; they see poor schools; and they say these are bad.

And, they are.

But beneath all of these is one inescapable fact: We have not yet learned that as a nation we must begin to plan and to understand our own growth.

Two hundred years ago, this country dedicated itself to national independence.

Now, two hundred years later, this country must dedicate itself to balanced national growth.

To live as a free people with free political institutions requires *freedom of residence*—to be able to choose where we want to live.

That freedom is being denied today—by technology, by confused national policies that have permitted our rural areas to deteriorate and our cities to decay, but most importantly by the lack of a *National Growth Policy:*

Does it make sense for the outmigration from rural areas to continue at the rate of 600,000 a year?

Is it right that more than one-half of all the counties in the United States lost population last year?

Does it make sense for 73 percent of the people to live on 2 percent of the land?

Is it sound national policy for a nation of our size, our wealth, and our potential to be without a transportation policy, an understandable energy policy or a program for long-term financing of public facilities?

I say it is not sound national policy; it makes no sense.

And, it is time to come face to face with reality: We have been asking the wrong questions and seeking the wrong answers.

We should ask not *are* we going to grow, but, *"How* are we going to grow?" *"Where* are we going to grow?" and *"What kind* of life will we have?"

We could continue on the same course, with the continuing migration to the cities. But it is breaking the backs of the taxpayers and still the cities cannot provide adequate services.

We can continue to have a total national welfare burden of some $20.9 billion dollars. We can continue to see welfare costs increase—as they have in Los Angeles, for example, rising in just two years from $700 million to $1.3 billion.

We can continue to spend huge amounts for basic services—services that seldom get better but always get worse.

We can continue as before—or we can define and follow a balanced national growth policy.

We can decide what we must do in transportation, in housing, in education, in land use, in health and welfare, and in population distribution.

And we can begin immediately to implement balanced national growth *programs*.

But, any programs we propose and any changes we make will fail unless we have a healthy, booming economy.

This nation's economy is floundering badly and all of us know it.

Inflation has boosted food prices, housing costs, clothing costs and medical expenses.

The consumer price index has increased at an annual rate of about 6 percent.

Unemployment totals over 5.5 million workers—and the so-called "hidden unemployment"—people so discouraged because they can't find a job that they have dropped out of the labor force altogether—may make the total as high as 7 million.

And, by the end of this year the recession will have cost State and local governments $6 billion in lost revenues. It will cost the Federal Government over $30 billion. And, it will cost the economy over $150 billion.

We simply cannot continue with a high rate of unemployment with high interest rates, with climbing inflation, and a sluggish economic growth.

I have called for an effective national incomes policy to curb inflation, to build confidence in the dollar and to stimulate the economy.

I repeat that call today. I invite you to join with me.

* * * * *

I believe that the 1970's should be the decade of domestic development.

In the 1950's, we ignored problems.

In the 1960's, we defined problems and began to solve them.

In the 1970's, we must make the breakthroughs that lead to real solutions.

This is a decade in which we must correct the imbalance that has made our Nation privately wealthy but publicly poor.

And we can begin by implementing a national growth policy.

When I spoke to your Legislative Conference in April, I endorsed the idea of general revenue sharing.

I want to reiterate my support. And I urge both the Congress and the Administration to put aside partisanship and individual pride of authorship to pass an acceptable revenue sharing bill *this session*.

But I want a revenue sharing bill not just for the big cities but for all units of government. I cannot support a revenue sharing plan that omits states and cuts off counties under 50,000 population.

To do so would be to make over 40 per cent of our people second-class fiscal citizens.

And, I will not be a part of it.

We must also federalize the entire cost of welfare. And, we can make a beginning this year.

Welfare is a national problem. It demands national answers and national financing.

A third program that I believe is essential is the National Domestic Development Bank—legislation I recently introduced to help cities, states, and towns finance vitally needed public projects.

My legislation is based on accepted principles of international finance. I propose that we now apply them at home by providing long-term loans at low interest rates and couple the financial help with technical assistance.

This plan will allow cities, counties, towns, school districts and other government jurisdictions to move ahead on a wide range of urgently needed public construction.

It will provide an alternative source of funds for new schools, for medical and hospital centers, for day care centers, parks, waste disposal plants, playgrounds, mass transit systems, and much more.

It can provide jobs and stimulate the economy.

It can remove the reliance of local governments on the ever-increasing property tax.

And, it can help promote better balanced urban-rural growth.

We have used this approach successfully overseas. I say if we can help build a better Rio de Janeiro, then we can build a better Milwaukee or Detroit, or McKean or Erie County.

Next, we can and must enact the Consolidated Farm and Rural Development Act of 1971.

This legislation can help stem the tide of outmigration before it becomes a flood.

It recognizes that much of the urban crisis is due to the deterioration of rural America.

This proposal is fundamental to a National Growth Policy.

The legislation is designed explicitly for communities under 35,000 population. It creates a Federal Rural Development Credit Agency to be an expediter of community programs.

This is a bill to help small communities and rural counties to conserve their most basic resource—people—people who can build and revitalize their communities.

But development and financial proposals are only part of achieving a viable balanced national growth.

If we are really serious about understanding national growth . . . if we really want to help the cities . . . if we really want to renew rural America and make a better life for all of our citizens . . . then we must take a hard look at the structure of government at all levels. For all levels of government must play a role, working together, putting aside narrow self-interest and jurisdictional jealousies to promote a better life for people—because that is what government is all about.

County government is coming into its own. There has been a lot of talk about the place and about the future of county government.

I say it has a place and an important future.

But I also believe it can do better than it has been doing.

And reorganization can help make county government more effective. It can make it more understandable, more sympathetic and more responsive.

Let me give you my views:

First, counties must have the option of home rule. They must have the power to restructure the way they deliver services. They must have the flexibility to change their methods.

Second, we must reduce the proliferation of autonomous and overlapping jurisdictions.

In Los Angeles County, for example, there are over 3000 separate units of government. In Watts alone, there are over 80 different jurisdictions.

Counties should have control over this infrastructure—the special districts of an area. Counties should be able to supervise the activities of these districts and make certain that one district does not work against the interest of the others.

Third, counties need the authority to transfer and consolidate functions between the municipalities and county governments. There can be a "two level" approach to serving people, if the authority to rationalize functions is provided.

Fourth, counties should have adequate taxing power.

Fifth, counties need the authority to coordinate and evaluate municipal zoning priorities in order to use available land wisely for planned, balanced growth.

Sixth, county governments must become more professional. They should utilize advanced technology and management experts. I believe they should hire out-of-work aerospace engineers, research associates and other trained personnel.

But at the same time, political responsibility should be centralized in the hands of an elected official and his council.

Experts should be kept on *tap*—not on *top*.

County reorganization is only one aspect, though, of effectively implementing a national growth policy.

What is also needed is the transformation of single purpose planning commissions into comprehensive planning and development agencies on a multi-county basis.

Multi-county units can deal more effectively and more efficiently with the economy, migration, poverty, underemployment, governmental cooperation, citizen participation and balanced growth.

These organizations are a natural link between the counties, the states and Federal agencies. They can provide the administrative and communication channels between the various governmental levels.

They can be mechanisms for policy determination on a regional scale.

But if they are to be effective, they must be granted area-wide responsibilities.

Multi-county bodies should not be isolated—they should be duplicated over the entire states.

They must have professional staff.

County membership must be mandatory.

And these agencies must be adequately funded.

Development Banks, credit services, governmental reform, and comprehensive planning can take us a long way toward balanced national growth.

The urban and rural crises are real and urgent and challenging.

If we are going to do anything about how we live, and where we are going to live—if we are going to have true freedom of residence, then we must act now.

Tomorrow is too late.

Today is the first day of the rest of our life.

RURAL HEALTH CARE

Mr. HUMPHREY. Mr. President, there are many things about the quality of life in rural community America which need significant improvement, but perhaps one of the greatest needs is in the area of rural health care.

Many rural counties have no doctor at all. Hundreds of others have no medical specialists, nor adequate backup health personnel.

I am pleased to see that the Samaritan Health Service in Phoenix, Ariz., is making an enormous contribution toward bringing adequate health care to the countryside.

Mr. President, I ask unanimous consent that a Washington Post article on the Good Samaritan Health Service be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

City-Community Hospital Confederation Aids Rural Care

(By Stuart Auerbach)

PHOENIX, ARIZ.—On a Thursday morning this spring, Mrs. Alvin Reidhead gave birth to premature triplets in the small hospital at Holbrook, 200 miles from here.

As births of premature triplets go, the delivery was routine. But the infants were all high-risk babies—weighing less than the 5½ pounds the doctors feel is necessary for survival.

All three Reidhead triplets—Vikki, Nikki, and Ricki—survived, thanks to a unique hospital network that provided them with the newest, most sophisticated care available anywhere.

They were born in the 25-bed Holbrook Hospital under the care of Dr. Robert Joseph Haley Jr., an oldtime general practitioner who has helped deliver three sets of triplets in his lifetime.

But he had a backup in this case that went far beyond what is available to most GPs practicing ir remote, small-town hospitals.

For Holbrook Hospital is part of Samaritan Health Service, a confederation of nine Arizona hospitals stretching from the booming suburbs of Phoenix to the rim of the Grand Canyon, 250 miles from here.

Good Samaritan Hospital in downtown Phoenix, a leading medical center, is the focus of this two-year-old experiment to find new ways of providing medical care to both rural and urban residents of one of the nation's fastest-growing states.

The experiment is being watched with growing interest by hospital officials and health planners across the country who see it as a way to insure that the hospital remains the center of health care delivery.

It is the prototype of Ameriplan, the American Hospital Association's program to reform health care in the country.

Under Ameriplan, hospitals would change from institutions that only care for people who arrive at their doors to ones that reach out into the community to find the sick and that run programs of preventive medicine.

They would emphasize out-patient care as well as in-hospital treatment. And they could be easily converted to the prepaid group practice-health maintenance organization concept that is so popular with health reformers.

"It's a direction in which the voluntary hospital and private medical systems can go to save themselves," says Stephen M. Morris, president of Samaritan Health Service. He is also president-elect of the AHA and an architect of Ameriplan.

"I think if we continue to go the way we are now," he adds, "we're going to lose the whole ballgame. The public is simply not satisfied with either our financing mechanism or our delivery mechanism."

Ameriplan would establish a national network of hospital-based corporations that would provide medical care to all residents of a given area in much the same way that Samaritan Health Service helps hospitals in outlying communities such as Holbrook.

For example, when the Reidhead triplets were born, Samaritan Health Service mobilized its full facilities to keep them alive.

Mary Flemons, the head nurse at Holbrook Hospital, had just returned from a refresher course at Good Samaritan and was up to date on the care of high-risk newborn.

To bolster her, Joanne Junasz, a pediatric nurse at Good Samaritan, drove to Holbrook with extra supplies. And the health corporation rushed three Isolettes—baby-sized incubators—from Phoenix to Holbrook.

Meanwhile, Dr. Haley at Holbrook conferred twice daily by phone with experts in the care of the newborn at Good Samaritan.

The triplets thrived on the round-the-clock care they received at Holbrook. But the hospital's small staff was physically overtaxed; doctors and nurses there couldn't maintain the care the infants needed and still treat their other patients.

So the Reidhead triplets were flown to Good Samaritan in the health system's ambulance plane. They stayed there until they gained enough weight and strength to go home.

Samaritan Health Service has done more than just take care of cases too complicated for the smaller hospitals. Indeed, a good part of consortium's job has been keeping these hospitals supplied with doctors and nurses.

One man, David W. Graef, spends much of his time recruiting doctors for the outlying hospitals.

"Some Friday nights when there are no doctors I get one by Saturday. I call everybody I know who has the weekend off," says Graef.

The big problem is the isolation of the small towns. And when the doctors like it, the wives usually don't.

"I'm convinced if they'd stay there a while, they'd love it," says Graef, who has even tried advertising for doctors in conservation magazines.

The problem of finding doctors to locate in small towns is a national one, with vast stretches of rural America without medical help. In many towns, the only physician is elderly and unable to find a replacement so he can retire.

Morris thinks a hospital-based network, such as Samaritan Health Service, could help solve the problem of getting more doctors for rural America.

"I kept two hospitals open in northern Arizona by being able to move doctors there and relieve them when needed," he says.

Samaritan Health Service also improves the ability of the small hospitals to practico sophisticated, quality medicine.

Now they can offer medical tests that are impossible to perform in a small hospital laboratory. A car now makes a circuit of each hospital daily and picks up samples to be tested in the Good Samaritan laboratory. The results are telephoned back to the individual hospitals.

Dieticians from the health service's headquarters here travel to the smaller hospitals and help them plan their meals. Other experts help set up better billing systems and community relations campaigns—services that the small hospitals couldn't afford on their own.

And all the doctors and nurses at the outlying hospitals can take refresher courses at Good Samaritan, in much the same way that Mrs. Flemons from Holbrook had done before the birth of the Reidhead triplets.

Bringing sophisticated medical care to the vast, sparsely populated regions of Arizona is only one part of Samaritan Health Service's activities.

The consortium also has taken three hospitals in the suburbs of Phoenix, one of the fastest growing areas of the nation, under its wing.

Doctors at these small suburban hospitals also have the benefit of backup from the specialists at Good Samaritan. For example, they can get the complicated analysis of blood gas levels done in minutes through Good Samaritan's laboratories, and experts at Good Samaritan can diagnose from electrocardiographs transmitted from one hospital to the other over telephone lines.

"It's helped upgrade the quality of medical care—at least in my hospital," says Raymond L. Tate, administrator of the 62-bed Northwest Hospital in nearby Glendale.

"Major benefits have ensued to the small hospitals. The strengths of Good Samaritan have been made available to us."

Meanwhile the corporation is saving money by centralizing training, purchasing, insurance coverage and administrative functions.

Morris says that the 1970 budget for all the hospitals together was $40 million. If the nine hospitals had been operating separately, he says, their total budgets would have been $44 million—10 per cent higher.

Furthermore, he says, costs at his hospitals are rising slower than the national average. In 1969, the first year of the health service's operation, its bills increased 8 per cent compared to the national average of 12 per cent. In 1970, the Samaritan Health Service increase was 9 per cent the national average for hospitals, 15 per cent.

Although the idea of a coordinated network of hospitals had been in Morris' mind for years, Samaritan Health Services got its start in the spring of 1968 when Southside Hospital, in a nearby suburb, was in such dire financial shape that Good Samaritan bought it at a bankruptcy sale.

Northwest Hospital, also in financial trouble, asked to join the system next.

Other hospitals asked to join in Samaritan Health Service officials say they have not solicited other hospitals to join.

While health experts from all over the country come here to study Samaritan Health Service, local doctors and hospital officials have greeted the experiment with some reserve.

At local hospital administrator meeting says Tate, "I don't get a lot of praise or support. They just say, 'Don't rock the boat. Don't rock the boat'."

Morris has alienated many Arizona doctors, who are especially conservative, by saying publicly that Samaritan Health Service's concept will end the traditional fee-for-service practice of medicine for a single doctor.

The system also lost some medical allies who feared that too many of the strengths of Good Samaritan were being drained to help the smaller hospitals. "This hurt," says Nelson.

While Samaritan Health Service continues to gain strength here, other hospitals around the country are trying their own versions of the idea.

George Washington University Medical Center in Washington, for example, has taken a section of the city and promised to provide full medical care for anyone who lives there.

And in Chicago, Rush-Presbyterian-St. Lukes Medical Center announced last month that it is forming a unified health care system that will tie 20 community hospitals to it.

The plan includes the reactivation of Rush Medical College and the use of Presbyterian Hospital as the backup facility for the community hospitals. The network will cover 1 million to 1½ million residents of Chicago.

Morris says these experiments are important.

"If we can demonstrate to Congress that the private sector can deliver health care, the public will accept," he says, "I think that Congress will give us a chance."

S. 2219: VA HEALTH MANPOWER TRAINING ACT

Mr. CRANSTON. Mr. President, on June 30, 1971, I introduced S. 2219, the proposed Veterans' Administration Health Manpower Training Act of 1971, a bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration.

At that time, I was unable to make a full statement explaining the bill or present a section-by-section analysis of the bill. I would like to do so at this time.

THE NEED

The Nation's critical shortage of all types of health professionals and all types of allied health professionals is an accepted fact. This shortage is further aggravated by the enormous increase in the use of health care services which can be attributed to our expanding population, increasing numbers of older people and children, better education with a consequent growing awareness of the availability of health care services, and the improved ability of people to pay for health services, especially through the mechanisms of insurance and prepayment.

Among our social goals, few have higher priority than the improvement of public health. I am committed to the proposition that preventive, curative and rehabilitative medical care should be within the reach of all persons in America, regardless of race, geographic location or economic status.

Along with a growing demand for health care services and our efforts to meet this demand, we have experienced an ever increasing sophistication of methods and a relative shortage of skilled manpower in the field. As a consequence, the cost of medical care has risen to a point where it threatens to frustrate our social goals and to price itself beyond the reach of both public and private resources.

THE STATE AND NATURE OF HEALTH MANPOWER EDUCATION AND TRAINING

We have a great deal of knowledge and experience in the field of health manpower development. Indeed, the current health manpower shortage is a reflection of success as well as one of failure. The methods of modern medicine have prevented or cured many of the most devastating of diseases; they have prolonged life, reduced disability and relieved much human suffering. These achievements, along with the inability or unwillingness of health care to providers to alter the traditional methods of providing services, have contributed significantly to a demand that now outstrips our ability to render the services needed.

Our need for health manpower goes beyond a mere increase in the numbers of workers. More highly trained personnel must be produced to handle the complex technologies of modern medicine. New categories of workers are needed to extend the functions of existing skills and to achieve the necessary volume of services. Health facilities, human skills, and financing mechanisms must be reexamined and reorganized into new and better methods for the provision of health care. Moreover, in order to retain and update the knowledge and skills of health manpower, we must produce an extensive system of continuing education together with an adequate system for periodic evaluation of both quality and productivity.

I plan to introduce legislation in the near future which will be directly applicable to these latter needs, particularly in the context of Veterans' Administration facilities and health manpower.

ALTERNATIVES TO MEET THE NEED

IMPROVEMENT AND EXPANSION OF MEDICAL SCHOOLS

Many new approaches which I believe show great promise were included in the October 1970 report of the Carnegie Commission on Higher Education. Many of the Commission's recommendations having direct application to expansion and improvement of medical schools have been adopted by the Senate in S. 934, the Health Professions Educational Assistance Amendments of 1971. This bill, which I cosponsored and to which I successfully offered significant amendments, was passed unanimously by the Senate on July 14. My amendments included the provisions for the acceleration of medical and dental education, for increases in the size of health professions entering classes and for the shortening and reform of required medical school curriculums, as well as incentives to encourage the admission of socioeconomically disadvantaged persons and minority group members to training in medicine and dentistry and the other health professions. I might add, the Senate has also just passed unanimously S. 1747, the Nurse Training Amendments of 1971, which provides these same improvements and advances in the nursing professions. S. 934 also specifically provides for the development of new medical schools.

ESTABLISHMENT OF UNIVERSITY HEALTH SCIENCE CENTERS

The Carnegie Commission also recommended the establishment of additional university health science centers. These centers' responsibilities would include the coordination of the education of health care personnel and cooperation with other community agencies in improving the organization of the provision of health care.

The commission recommended that VA hospitals at Fresno, Calif., Hampton, Va., and at Reno, Nev., be utilized in the establishment of new university health science centers.

ESTABLISHMENT OF AREA HEALTH EDUCATION CENTERS

An additional recommendation of the Carnegie Commission was the establishment of area health education centers. This recommendation was based on the premise that many parts of the country do not provide ready access to the medical centers associated with medical and dentistry schools for treatment or for training of health manpower. In some cases, this is true in an urban area where the demand for facilities is so great that existing centers are inadequate to the need. But, mostly, it is true in rural areas where distances alone preclude easy access.

To remedy this defect in the health system, the Carnegie report suggested the establishment of area health education centers, facilities which would be extensions of major medical centers, would have a constant interchange of faculty and students with the affiliated health professions school, and would, in turn, provide needed counseling and training to the surrounding community.

The report suggested, as potential candidates for establishment as area health education centers, community hospitals, specifically calling attention to the possibility of utilizing Veterans' Administration hospitals for these purposes. In fact, the Commission suggested some 17 VA hospitals as good nuclei for these area health education centers. These VA hospitals are at: Montgomery, Ala.; Los Angeles, Calif.; Boise, Idaho; Fort Wayne, Ind.; Topeka, Kans.; Saginaw, Mich.; Biloxi, Miss.; Miles City, Mont.; Grand Island and Lincoln, Nebr.; Fargo, N. Dak.; Altoona and Erie, Pa.; Columbia, S.C.; Amarillo, Tex.; Spokane, Wash.; and Cheyenne, Wyo.

I think it is obvious that the solution of the Nation's health manpower problem will require the combined talents and energies of the private sector and public agencies. It will demand the mobilization of institutions and human resources in widely scattered areas throughout the country.

I agree with the commission that a greater role can be played by the VA hospital system in the overall national health system. The VA system already has achieved recognition as an important contributor to the Nation's health resources.

The Carnegie Commission did express some reservations about the effect on education programs of current Veterans' Administration policies limiting the provision of total health care only to veterans for a service-connected disability or for any disability if they were discharged or released from military service for a disability incurred or aggravated while in military service; and generally limiting care for a non-service-connected disability to those services necessary in preparation for a scheduled hospital admission, or followup care for such an admission, or to a veteran who has a permanent total disability from a service-connected disability.

I also agree with the commission that a greater role should be played by the Veterans' Administration hospital system in meeting the medical needs of veterans, and, indeed, the chairman of the House Committee on Veterans Affairs (Mr. TEAGUE) and the administration have each authored legislation—H.R. 37 and S. 1924—which will broaden the scope of health care which may be provided veterans. I was delighted to join in introducing (by request) the administration bill—S. 1924—which would permit the provision of medical services for a non-service-connected disability where such care will obviate the need for hospital admission.

I proposed just this concept in my March 4, 1970, speech before the American Legion National Legislative and Rehabilitation Commissions as follows:

> Expanding pre-hospital outpatient care for nonservice-connected conditions to include reasonably necessary care to prevent hospitalization, as well as to prepare for it.

Next week I intend to introduce legislation which would authorize the provision of outpatient care for a non-service-connected disability when such ambulatory care is the most appropriate method of treating that disability. Additionally, I will recommend providing hospital and outpatient care to the wife or children of a veteran having a total and permanent disability which is service-connected and, where such care will not interfere with furnishing services to veterans, providing hospital and outpatient services to widows or children entitled to death compensation or dependency and indemnity compensation under title 38. This same bill will authorize the VA to treat a veteran's family where that is necessary for the veteran's total care and rehabilitation. For example, many psychiatric disabilities can only properly be treated through a family relationship.

With the broadened patient care that will be provided by this proposed legislation, Veterans' Administration facilities will not only provide better care to eligible veterans—that is by treating "the whole patient" and by treating him as part of a family unit—but education and training programs will provide greater diversity in clinical training and a broader medical experience for the student.

ROLE OF THE VA DEPARTMENT OF MEDICINE AND SURGERY IN TRAINING HEALTH MANPOWER

In the discharge of its major mission, the care and treatment of veteran beneficiaries, the Veterans' Administration produces an important byproduct in trained health manpower. In its huge system of hospitals, clinics, and extended care facilities—by far the largest such system in our Nation under a unified management—the VA has developed programs to assist in the education and training of physicians, dentists, nurses, and more than 60 other categories of health care and administrative support personnel.

Both the quantity and the high quality of these training programs are made possible by cooperation with medical schools, colleges, and universities throughout the country. At the present time, 82 medical schools maintain affiliations with 96 VA hospitals. In addition, the VA is affiliated with 52 dental schools, 287 nursing schools, 75 schools of social work, and 93 graduate departments of psychology. Students are also accepted from schools of physical therapy, occupational therapy, and from universities, colleges, and junior colleges.

Approximately one-half of all physicians entering practice each year receive some of their training in a VA hospital, and large proportions of other health personnel are a product of this system. A total of about 53,000 trainees will be handled through the VA and its affiliates during the current year—fiscal year 1972.

The VA investment in training programs has been highly justified in terms of the consequent improvement in the quality of patient care for the disabled veterans in its facilities. Many VA trainees are thereafter recruited for employment in the agency; and the instructional personnel are among the best in their fields. The existence of educational programs and of university affiliations has proved to be extremely valuable and is today virtually indispensable for the recruitment and retention of full-time health staff in VA hospitals.

CURRENT LIMITATIONS ON VA ROLE

However, despite this substantial contribution and enormous potential, the VA health and hospital system is not now being fully utilized as a resource for the Nation's manpower pool. Nor has its full potential ever been seriously approached.

Undergraduate medical training, including clerkships, and internship, and residency training programs in the VA could readily be expanded to accommodate about 10 percent more—well over 2,000—students in existing facilities. A principal inhibition has been the philosophy—embodied in present section 4101 (b)—that VA training funds should be limited to support of the VA mission. In point of fact, it would be extremely difficult to conduct modern health manpower training within the confines of a single type of health facility.

Full use of the VA system as a health manpower training resource for the Nation is not entirely a matter of direct funding. A major inhibition to full utilization is the lack of a clear legal structure for the present VA operation in the manpower field and the lack of public recognition of this important role. The VA must generally defend its training budgets in reference to agency manpower needs alone or in terms of services actually delivered by students.

A specific commitment to the mission of health manpower development would greatly improve the VA position in reference to affiliations, especially with community colleges and non-Federal hospitals, and would permit expansion even within current levels of spending.

In addition, further expansion of VA medical manpower training programs is inhibited by the limitations of available hospital space and staff time available for teaching.

An untapped potential exists in those hospitals which are not now affiliated with medical schools. These hospitals may be such distances from medical schools that affiliation is prohibited by that factor; or they may be underutilized for teaching by medical schools, because the schools have other adequate clinical facilities available to them.

All but two of the VA hospitals recommended for utilization in area health education centers or university health science centers are hospitals which currently are not now affiliated with medical schools.

To help meet the national health manpower shortage crisis, and to improve the VA system of care for its prime beneficiary, the veteran, I have introduced S. 2219, the proposed Veterans Administration Health Manpower Training Act of 1971. I have been joined in sponsorship of S. 2219 by a most distinguished group of eight other Senators: Mr. BENTSEN, Mr. EAGLETON, Mr. HUGHES, Mr. MANSFIELD, Mr. MONDALE, Mr. NELSON, Mr. RANDOLPH, and Mr. WILLIAMS. I wish to note the generosity of both Senators BENTSEN and MANSFIELD who had introduced an earlier measure—Senate Joint Resolution 76—identical to the more limited House version, House Joint Resolution 464, for joining in the more expansive S. 2219.

I would also like to congratulate my friend and colleague, Congressman OLIN E. TEAGUE, chairman of the Committee on Veterans' Affairs in the House of Representatives, for his success in securing House passage on July 19 of House Joint Resolution 748, which addresses this same problem. I am indebted to Chairman TEAGUE for his leadership in this area and the contribution made by his resolution and its predecessor, House Joint Resolution 464. While our bills differ in several instances, they share a common philosophy and intent. I am confident that this Congress will enact a bill which will enable the Veterans' Administration Department of Medicine and Surgery to expand its role and take on additional responsibilities in furtherance of the Nation's health goals, and at the same time improve the level of quality of care it provides to its prime beneficiary, the veteran.

GENERAL PROVISIONS OF S. 2219

S. 2219 would encourage the greater participation of the VA hospital and medical system in the training of additional health manpower through three major authorities:

First. Provision for expansion of existing Veterans' Administration hospital education and training capacity.

Second. Authority for the implementation of a pilot program to aid in establishing 10 new public nonprofit institutions, which may be medical, health professions or allied health schools, or area health education centers operated in conjunction with Veterans' Administration medical facilities.

Third. Authority to award grants to medical, health profession, and allied health schools which are affiliated with VA medical facilities for programs to expand and increase their capacity to train health manpower.

AN EXPANDED MISSION FOR THE VA DEPARTMENT OF MEDICINE AND SURGERY

Mr. President, these new authorities, amending title 38 of the United States Code, are based on a proposed major new expansion of the mission of the VA Department of Medicine and Surgery—D.M. & S.—included in the bill. This expanded mission—to assist in providing an adequate supply of health manpower to the entire Nation as long as that function does not interfere with the Veterans' Administration's primary mission of providing medical care and treatment to veterans—would be added to section 4101(b), in addition to the basic Veterans' Administration Department of Medicine and Surgery mission of caring for sick veterans.

At present, the basic D.M. & S. mission includes training and education of health manpower, but only to the extent that such training would help fulfill the VA major function of providing medical treatment and care to veterans. This inhibits training programs from expanding to their fullest capacity since, in general, further expansion of health manpower training could have been achieved without decreasing the quality or amount of care provided veterans. In fact, it is a well-accepted proposition that where active medical education programs exist, the quality of patient care improves.

LINE BUDGET ITEM FOR HEALTH MANPOWER TRAINING

The bill further encourages the expansion of the VA role in the Nation's health manpower system by requiring a line item appropriation in the VA budget for the education and training of health manpower. This provision should mitigate the difficulties the Department of Medicine and Surgery has faced in the past in having to justify its budget for training in terms of services provided to its hospital patients.

PROXIMITY OF VA HOSPITALS AND MEDICAL SCHOOLS

To foster more affiliations between Veterans' Administration facilities and health education institutions, the bill also includes an amendment to section 5001 (c) of title 38, requiring that any new Veterans' Administration hospital may be constructed only if located near an accredited school of medicine or osteopathy which has agreed to affiliate with the new facility.

Similarly, in the new chapter 82, section 5065, which section 5(a) of the bill would add, relating to pilot programs to assist in the establishment of new medical, health professions, and allied health schools and area health education centers, such new institutions can be established only if they are located in proximity to and operated in conjunction with Veterans' Administration facilities. This requirement for affiliation is repeated in section 5071 of the new chapter 82 with respect to Veterans' Administration grant assistance to schools of the health professions, and allied health, and area health education centers in that grants may be awarded only to those institutions which are affiliated with a Veterans' Administration medical facility.

SUBCHAPTER I: EXPANSION OF VETERANS ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

The first major authority granted to the VA in the new chapter 82 which S. 2219 would add—that of expanding existing Veterans' Administration health manpower education and training—would provide that up to 30 percent of the amount appropriated for health manpower and training under the new chapter could be utilized for the extension, improvement, remodeling, or repair of Veterans' Administration buildings to make them suitable for manpower education and training programs. This would apply to the provision of equipment, classrooms, lecture facilities, laboratories, and other teaching space as well.

In addition, VA training programs would be supported in the development of improved methods of education and training, including programs to reduce the period of required education and training for health personnel.

This provision is comparable to section 773(e) of the Public Health Service Act, governing the determination of priorities for applications for project grants by health professions schools, which specifies that special consideration should be given to "the extent to which the project may result in curriculum improvement or improved methods of training or will help to reduce the period of required training without adversely affecting the quality thereof.", in addition to considerations of the effect of the proposed project on increased enrollment, and the maintaining of accreditation standing. The new VA provision the bill proposes is similar in philosophy to my amendments, described earlier, to S. 934 and S. 1747 for health professions and nursing education and also to the requirement of innovative reforms required in proposed section 5067 (b)(1) in subchapter III and proposed section 5073(b)(5) for subchapter IV programs.

VA TRAINING OF NEW TYPES OF HEALTH MANPOWER

The VA is in a particularly opportune position to develop new methods of training and to experiment with educational requirements. It is a nationwide system, consisting of 165 hospitals—with three more to be activated during fiscal year 1972—in every region of the United States, with an outstanding reputation for training, due to its many contributions to the health manpower field. In addition, it has the unique ability to utilize health personnel without regard to the restrictions of State licensing or certification requirements. The Veterans' Administration hospital system is thus in a position to produce new levels and types of personnel; to expand the roles and responsibilities of existing types of personnel; and to put the innovations to a practical test in a clinical setting under the quality supervision of VA and medical school staff. Hopefully, after success is achieved in the VA, the results of these innovations can be provided to the general medical community and can be incorporated into general usage.

For example, the VA provides an almost ideal training ground for the development of new categories of personnel calculated to extend the effectiveness of skilled professionals. It is estimated that existing facilities and VA affiliates could increase their annual production of physicians' assistants by no less than 200 or 300 if additional training funds were made available for this purpose.

Among the most qualified individuals who can benefit from these programs to train new types of health personnel are the returning trained health support personnel of the armed services, such as the Army medic and the Navy corpsman. However, careers in the health fields are by no means limited to those with previous health training. Because of my deep interest in providing career opportunities to veterans and particularly to disabled veterans and veterans of the current conflict in Vietnam, section 5063(c) of the new chapter 82, directs the Administrator to give the highest priority for admission to training programs to qualified individuals who are veterans of the Vietnam era and those who are disabled and that he give priority to qualified veterans in all other cases.

PILOT PROGRAMS FOR THE ESTABLISHMENT OF NEW SCHOOLS OR AREA HEALTH EDUCATION CENTERS

The second new authority included in S. 2219 is subchapter III in the proposed chapter 82: implementing pilot programs for the establishment of new medical, health professions, allied health, or area health education centers operated in conjunction with existing VA medical facilities. This new subchapter offers a dramatic new means of substantially contributing to the Nation's health manpower needs.

Under this authority, the VA could enter into an agreement with a college or university to establish a medical, other health professions, or allied health professions school or an area health education center, whereby the VA could lease to the college or university land or buildings for a nominal consideration; and make improvements necessary to make them suitable for use in training and education programs. The VA medical facility would provide the clinical setting essential to the training and education of students. In addition, grants could be awarded to these institutions to support the cost of faculty salaries for the first 6 years, with a gradually decreasing level of support, starting at 90 percent and decreasing down to 50 percent. To be eligible for such support, the school would have to show its ability to meet accreditation standards within a reasonable time, and to be able to provide full salary support after the initial 6 years. In addition, such a new school would have to include in its plan such innovations as programs for cooperative interdisciplinary training, emphasizing the team approach in providing health services; and the training for new types of health manpower, such as physicians' or dentists' assistants—assuring the fullest opportunities for career advancement—and programs for recruiting and retaining financially or educationally disadvantaged individuals having potential for training in the health field. These provisions closely resemble the capitation conditions I added to S. 934 and S. 1747.

As I mentioned earlier, there are a number of Veterans' Administration hospitals, presently not affiliated with medical schools, situated in moderate-sized communities some distance from a university medical center, in areas being considered for the establishment of medical schools. Many of these hospitals have sufficient land and buildings to enable them to lease this property to a projected new medical or health professions school. In these locations, the Veterans' Administration hospital could easily provide the primary clinical teaching resources to a school, when supplemented by other local hospital resources in women's and children's diseases. The potential exists in many cases for utilization of the VA hospital in a health professions school, nursing school, allied health school, or an area health education center.

Projections based on the establishment of three medical schools, and one dental school would produce 100 additional graduates by the end of academic year 1976, and each year thereafter—75 physicians and 25 dentists—one projected nursing school would provide 100 new graduates each year after 1977, and some 5,000 individuals would receive training in allied health schools or area health education training centers each year.

SUPPORT OF AFFILIATED HEALTH PROFESSION, ALLIED HEALTH SCHOOL AND AREA HEALTH EDUCATION CENTERS

The third authority included in S. 2219 is contained in subchapter IV in the new chapter 82: direct financial support to schools affiliated with VA facilities to provide encouragement to such schools to expand and improve their capacities to train health manpower. The support would be provided only if it would result in a substantial increase in the number of students trained at the school—if such an expansion would not endanger its accreditation standing—or compromise the quality of education, and the school plans to include significant programs for the training of new types of health personnel, including physicians', dentists', and other health profession's assistants, and nurse practitioners.

One of the major benefits of this provision will be its impact on emerging medical schools and other health professions schools affiliated with VA facilities. Through grant support and the benefit of VA clinical settings they should produce signficantly more and new types of graduates at a faster pace.

APPROPRIATIONS AUTHORIZATION

To carry out the purposes of the new chapter 82 to be added by S. 2219, an appropriation of $125 million for each of fiscal years 1972 through 1977, is authorized. The allocation of the amount appropriated among the three programs of the new chapter 82 of part VI of title 38, U.S. Code, is left to the discretion of the Administrator of Veterans Affairs, with the exception that no more than 30 percent may be utilized for programs under the new subchapter II—Expansion of Veterans' Administration Hospital Education and Training Capacity.

EMPHASIS ON CURRICULUM IMPROVEMENT AND ENROLLMENT EXPANSION

I would like to call attention to the major emphasis placed in S. 2219 on programs which attack the critical health manpower shortage and at the same time provide incentives for improvement and innovation in curricula.

In each of the three major subchapters of subchapter 82, assistance is conditioned on the inclusion in a training program—whether it be in a Veterans' Administration hospital, in a pilot program institution, or in an affiliated health education school or area health education center—of certain objectives. These objectives reflect the capitation condition programs I amended into S. 934 and S. 1747. They are to:

Reduce the period of required education and training for health personnel without adversely affecting the quality of such education or training;

Develop or initiate improved methods of education and training;

Attract qualified veterans to the health professions and para-professions;

Develop cooperative interdisciplinary training among health professions and allied health schools with emphasis on the use of the team approach in providing health services;

Expand and improve education and training opportunities for allied health and other health personnel;

Develop institutions that can become viable and self-supporting;

Train for new rolls, types, or levels of health manpower, including physicians' assistants, dentists' assistants, nurse practitioners, providing the fullest opportunities for career advancement and mobility;

Recruit, enroll and retain qualified individuals, who, due to socio-economic factors, are financially or educationally disadvantaged;

Maintain accreditation standards;

Increase numbers of students trained.

POTENTIAL APPLICATION OF PROVISIONS

The initial reaction from the medical community to provisions included in S. 2219 has been enthusiastic. The potential applications of its provisions are numerous.

Of the 114 schools currently listed by the AMA as approved or in development, only 24 are not now or currently planning to be affiliated with the VA. At the same time, the Veterans' Administration has made it a policy that no future VA health facilities will be established except in locales adjacent to health professions education institutions.

In my own State of California alone, the Loma Linda University School of Medicine has requested that a Veterans' Administration hospital be constructed near it; schools already affiliated with VA hospitals have sought further relationships—the University of Southern California, Stanford University School of Medicine; and the University of California Medical Schools at Davis, Los Angeles, and San Francisco. Several have indicated a willingness to consider providing land for the construction of a new Veterans' hospital near the medical school. Also, the Veterans' Administration Hospital in San Diego, Calif., now under construction, is being built on land donated by the University of California at San Diego School of Medicine.

As I mentioned earlier, the Carnegie Commission has suggested 20 likely VA hospitals which could be associated with university health science centers or serve as the nuclei for area health education centers. In California, these include the VA facilities in Fresno and in Los Angeles

In addition, I have received letters from leaders in the health education field in California suggesting affiliations between the VA hospital in San Francisco—Fort Miley—and the City College of San Francisco nursing school; the VA facility in San Diego and allied health professions training programs; and the University of California at Los Angeles School of Nursing and the Brentwood Veterans' Administration Hospital, in the training of the Geriatric Nurse Practitioner.

Mr. President, I request unanimous consent that there be set forth at this point in the Record statements I have received from Dr. Rheba de Tornyay, dean, UCLA School of Nursing, and a letter from Dr. Clifford Grobstein, vice chancellor for Health Sciences and dean of the School of Medicine at the University of California, San Diego, regarding the applicability of S. 2219 to potential programs at those schools.

There being no objection, the material was ordered to be printed in the Record, as follows:

REACTION TO THE "VETERAN'S ADMINISTRATION HEALTH MANPOWER TRAINING ACT"

(Prepared by Rheba de Tornyay, R.N., Ed. D. Dean designate, UCLA School of Nursing)

The "Veterans Administration Health Manpower Training Act of 1971" will provide much needed assistance to schools of nursing both to increase enrollment in existing training programs and to provide additional facilities for preparing nurses for increasing responsibilities in the care of people.

The need for increasing the supply of nurses has been well documented. Community college nursing programs throughout California are providing first level registered nurses economically in terms of time and tax-based support. These nurses, prepared in a two year program, have demonstrated their ability to perform skillfully standardized nursing measures as well as provide the environment and interaction necessary to promote the health objective of the patient. The community need for these nurses, and the applicants for enrollment to the community college nursing program, continues to be greater than the schools can accommodate with current budget and facilities. An example can be cited from City College of San Francisco. The chairman of the nursing program, Miss Ganelle Griffin, indicates that this program should double its enrollment from the current 100 students to 200 students based on community demand. Chief deterrents to such an expansion are budgeted nursing faculty positions, and lack of adequate clinical facilities in the San Francisco Bay Area. A Veterans Hospital is located in San Francisco with patients having health problems requiring traditional nursing care. This school could be assisted to increase its enrollment if additional nursing faculty and classroom space as well as clinical resources were available. The proposed "Veterans Administration Health Manpower Training Act of 1971" would provide necessary assistance to this particular school of nursing to increase its enrollment appreciably. This school of nursing is particularly sensitive to the needs for upward mobility for vocational nurses seeking education to qualify to become registered nurses. A large number of these vocational nurses are members of minority ethnic groups, and according to the chairman of the nursing program the three major deterrents in accepting many more qualified members of the nursing team are budgeted faculty positions, clinical facilities, and classroom space. This proposed legislation would provide relief in all three areas.

Baccalaureate nursing education is currently being revised to include the skills of diagnostic health screening, and the management of specified health problems. Through collaborative efforts between medicine and nursing, nurses with baccalaureate and higher degree will be assuming responsibilities that have traditionally been the responsibility of the physician. Nursing is uniquely suited to provide assistance to patient in the psycho-social realm of human needs, such as counseling and teaching. There is considerable discussion at the present time about the nurse's role as a "primary care agent" for patients whose major problems are ones of adjustment to illness and infirmity, as well as assistance in coping with their disabilities. The management of stabilized chronic long-term illness will undoubtedly become a nursing responsibility in the future.

The objective of helping each person to live his life in comfort and dignity is a central nursing goal. All older Americans, and most certainly a citizen who has served his country in its time of need, deserves personalized and humane care. An area of health care as yet undeveloped is the Geriatric Nurse Practitioner. These nurses would be prepared through carefully supervised clinical experiences with concurrent theoretical courses to work independently with older patients presenting chronic physical and emotional problems. This preparation would most likely occur in the senior year of the baccalaureate nursing program to provide a broad-base background in the pathophysiological processes as well as the psychosocial needs of patients. The nurse would assume responsibility for patient health screening, counseling, teaching, and continuous evaluation and health management. Through team efforts, the nurse would refer those patient problems that are primarily medical in nature to the physician, and those social problems that require complex assistance to the social worker. Other members of the health team would assist depending on the patient's needs, but the nurse would assume responsibility for referral and coordination of patient activities. To date, such a program has not been developed as an integral part of a baccalaureate nursing program.

The University of California, Los Angeles, School of Nursing is well able to assume responsibility for the development of a geriatric nurse practitioner program. Located in a Center for the Health Sciences with a Medical School, this Center is in close proximity to the Brentwood Veterans Hospital complex. The School of Nursing does utilize the facilities of the Wadsworth and Brentwood hospitals for clinical nursing experiences, but to date has not included the extended care facilities of the Veteran's Hospital. If additional faculty could be added to the school of nursing faculty, a project for preparing Geriatric Nurse Practitioners could be undertaken to produce nurses prepared for primary roles in caring for patients with chronic problems in conjunction with the Veteran's Hospital. Research is badly needed in long term illness, for example, on the effects of such interventions as stimulation and irritation to prevent sensory deprivation and its effect on the central nervous system. The utilization of the extended care facility of this Veteran's Hospital would provide much needed research facilities for the graduate program in nursing at UCLA. The funds provided by this proposed legislation could assist in providing both classroom space and laboratory space for such research efforts.

The partnership of a school of nursing financed through local taxes, such as a community college, or through State support as the University of California and the Federal Government through the use of Veteran's Hospitals will benefit all—patients, students, and the communities involved.

UNIVERSITY OF CALIFORNIA, SAN DIEGO,
La Jolla, Calif., June 7, 1971.
Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: I understand that you have under consideration legislation to promote health professional educational efforts by the VA. I believe that such legislation, appropriately drafted, would make a substantial contribution to the mission of the VA as well as to health manpower needs. I would emphasize that to accomplish this new legislation must expand and strengthen existing VA medical school relationships and recognize that the academic rather than the hospital side of the relationship should have the initiative in educational matters.

Here at San Diego, we have a developing School of Medicine alongside of a shortly-to-be-opened VA Hospital. Additional resources supplied either to the School or the Hospital will substantially accelerate our program for health manpower production. For example, we will take our fourth class of approximately 50 entering M.D.-students this coming fall. Whether we can enroll our projected full class of 96 students in the fall of 1972 depends on additional resources for faculty and patient care. Funding of our Clinical Science Building, as you know, has been delayed and we will not have an on-campus hospital of our own for at least five years. Additional research and teaching space in the VA Hospital, plus broadened utilization of patient care facilities there, would essentially guarantee our efforts to achieve our initial objective despite other delays. Moreover, it would enable us to begin to consider moving beyond the original program when earlier projected facilities become available.

We have considerable interest, also, in promoting allied health professional training at the VA. Along with other institutions in the area, we have established a Coordinating Council for Education in Health Sciences in San Diego and Imperial Counties. Suitably augmented, the new VA Hospital can play an important role in establishing a Health Education Center for the region.

Accordingly, I endorse your efforts to secure new enabling legislation. I hope that the provisions will encourage flow of support to both the Medical School and the VA Hospital so that each will be motivated toward a mutual approach, rather than an arrangement dominated by either party.

With many thanks for your continued interest in this vital area.

Sincerely yours,
CLIFFORD GROBSTEIN,
Vice Chancellor for Health Sciences and Dean of the School of Medicine.

Mr. CRANSTON. Mr. President, I also request unanimous consent to set forth next in the RECORD a series of tables indicating projections for the training and education of individuals and for the establishment of medical, dental, and nursing schools and area health education centers under the provisions of S. 2219.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

POSSIBLE USE OF $125,000,000 UNDER NEW CH. 82 IN S. 2219 PER YEAR OVER 6 YEARS FOR VARIOUS PURPOSES RELATED TO ACTIONS BY VA TO EXPAND THE NATION'S HEALTH MANPOWER POOL

[In thousands of dollars]

Year	Sec. 5061			Sec. 5067—New schools			Sec. 5073—expand present affiliated schools	Administration	Total by year
	Alter VA facilities	Special Allocation to VAH	Total	Construction	Salaries	Total			
1	15	22.5	37.5	20	3.2	23.2	61.8	2.5	125
2	23	14.5	37.5	20	12.3	32.3	52.7	2.5	125
3	23	14.5	37.5	20	21.8	41.8	43.2	2.5	125
4	23	14.5	37.5	20	20.0	40.0	45.0	2.5	125
5	23	14.5	37.5	10	24.8	34.8	50.2	2.5	125
6	23	14.5	37.5	10	29.9	39.9	45.1	2.5	125
Total	130	95.0	225.0	100	112.0	212.0	298.0	15.0	750

ALLOCATION OF CONSTRUCTION COSTS FOR NEW SCHOOLS UNDER SUBCHAPTER III OF CHAPTER 82

[In millions of dollars]

	1 school	Total
4 Medical and 1 dental school	15.38	76.90
1 Nursing school	7.69	7.69
4 Others	3.84	15.41
Total		100.0

SCHEDULE FOR OPENING OF NEW SCHOOLS UNDER SUBCHAPTER III OF CHAPTER 82

Program year	Number of schools starting[1]				
	Medical	Dental	Nursing	Other	Total
1	3	1	1	2	7
2	1			2	3
Total	4	1	1	4	10

[1] Students would be first accepted in the year after start.

A. EACH MEDICAL SCHOOL, AND THE DENTAL SCHOOL, WILL HAVE 50-STUDENT CLASSES—EXCEPT FOR THE FIRST ENTERING CLASS WHICH WILL BE 25

Program year	Enrollment				
	3 medical schools and 1 dental school accepting students in program year 2		1 medical school accepting students in program year 3		Graduates by end of indicated year
	1 school	4 schools		Total	
1973	25	100	------------	100	----------
1974	75	300	25	325	----------
1975	125	500	75	575	----------
1976	175	700	125	825	100
1977	200	800	175	975	200

PROJECTED ENROLLMENT FOR NEW SCHOOLS UNDER SUBCHAPTER III OF CH. 82

B. THE NURSING SCHOOL (4 YEAR) WOULD ACCEPT AN INITIAL ENTERING CLASS OF 50 STUDENTS IN THE SECOND PROGRAM YEAR, AND 100 EACH YEAR THEREAFTER. CONSEQUENTLY ITS ENROLLMENT AND GRADUATES WOULD BE

Program year	Enrollment	Graduates
1973	50	-------------
1974	150	-------------
1975	250	-------------
1976	350	50
1977	400	150

Note: C. The "other" schools are expected to have an enrollment of 5,000 different students, in classes of variable length during the 6th program year.

USE OF FUNDS FOR SUBCHAPTER IV OF CHAPTER 82

Given the circumstances of the economy and the manpwoer market in 1971, it is not possible to address the nation's health manpower needs in terms of numbers in specific fields or professional disciplines. Jobs in the allied health fields, particularly at the technical level do not warrant the expense, to the employee or the employer, of relocation. Therefore, priorities must be based on the needs for health services as they are faced by individual communities or health service areas, concentrating attention not only on basic training but on distribution, utilization and retention of personnel.

Priorities for allocation of funds administered under Subchapter III will be based on the relevance of the proposed programs to the demonstrated needs of the community served by the applicant, i.e., training programs which will produce manpower, with the appropriate capabilities and skills and in reasonable numbers, to provide the kinds of services most seriously needed by the community (including the VA system in that community).

1. Physician
2. Nurse
3. Dentist
4. Laboratory Service personnel
5. Radiology Service personnel
6. Dental Auxiliary personnel
7. Physicians' Assistants
8. PM&R Therapy personnel (Physical Medicine and Rehabilitation)
9. Clinical Psychologist
10. Social Worker
11. Speech Pathologist and Audiologist
12. Inhalation Therapist
13. Nurse Anesthetist
14. Medical Record Library personnel
15. Dietetics personnel

Mr. CRANSTON. Finally, Mr. President, I ask unanimous consent that there be printed last in the RECORD a section-by-section analysis of S. 2219, followed by the full text of the bill with typographical errors corrected.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF S. 2219, PROPOSED VA HEALTH MANPOWER TRAINING ACT OF 1971

Section 1. Establishes the title of the proposed Act as the "Veterans Administration Health Manpower Training Act of 1971".

Section 2. Sets forth eight findings and declarations by the Congress with respect to the nation's shortage of qualified health manpower; the great needs for expansion of training and education of health manpower; the unique and substantial untapped capacity of the Veterans' Administration (with its existing affiliations with 81 (this number has increased to 82 since introduction of S. 2219) medical schools, 287 nursing schools and 400 institutions of higher learning which educate and train health manpower) to assist in the expansion and improvement of existing and the establishment of new affiliated medical, other health professions and allied health schools and area health education centers as well as generally to assist in the expansion and improvement of education and training opportunities for all health personnel; and the essentiality of increased training of health manpower if the nation is to provide the best possible medical care for its veterans. The specific clauses in the section are self-explanatory.

Section 3. Revises subsection (b) of section 4101 of title 38, regarding functions of the VA's Department of Medicine and Surgery (DM&S), by adding to the basic VA mission (providing complete medical and hospital services for veterans) the function of assisting in providing an adequate supply of health manpower to the entire Nation as long as that function does not interfere with the primary mission. Subsection (b) presently *limits* education and training activities to those "in order to more effectively carry out" the basic DM&S mission. Under the revised subsection, the Administrator, in order to assist the Nation to meet it's needs for more health manpower, is directed to carry out this program of education and training of health manpower in cooperation with health professions and allied health schools, other institutions of higher learning, academic health centers, and area health education centers.

The revised subsection also would add a new second sentence requiring that the President's annual budget request contain a separate line item for health manpower education and training.

The new subsection (b) resembles the VA-proposed revision (included in section 201 of the administration bill—S. 1924) and establishes the basic framework for the chapter 82 to to be added to part VI of title 38 by section 5 of the bill (S. 2219).

Section 4. Adds at the end of subsection 5001 (c) of title 38, regarding the location of VA hospital and domiciliary facilities, a requirement—reflecting present VA policy—that a new VA hospital shall be constructed only in close proximity to an accredited medical or osteopathic school which is affiliated or has agreed to affiliate with the VA hospital in question and that such construction shall include such classrooms, lecture facilities, laboratories, and other teaching space, facilities, aids and beds necessary to carry out health manpower training-in accordance with the purpose of the new chapter 82 to be added by section 5 of the bill. Similar language is included in the proposed subchapter II (section 5064) of the new chapter, regarding improvements to existing VA health facilities, for the same health manpower education and purpose, as in this amendment to section 5001 (c) in section 4 of the bill.

Section 5. Subsection (a). Adds to Part VI of title 38, regarding acquisition and disposition of VA hospital and domiciliary property, a new chapter 82, entitled "Utilization of Veterans' Administration Hospitals to Improve and Expand Education and Training of Health Manpower".

Subchapter I of the new chapter 82. Sets forth basic requirements for coordination with other Federal programs and promulgation of regulations, authorizes appropriations to carry out the new chapter, and establishes certain limitations on expenditure of funds.

New Section 5061 adds the requirement that the Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate programs carried out under the new chapter 82, of title 38, and programs carried out under Public Health Service Act section 309 (Project Grants for Graduate Training in Public Health), title VII (Health Research and Teaching Facilities and Training of Professional Health Personnel, including Training in the Allied Health Professions), title VIII (Nurse Training) and title IX (Education, Research, Training, and Demonstrations in the Fields of Heart Disease, Cancer, Stroke, Kidney Disease, and Other Related Diseases).

New Section 5062 authorizes appropriations of $125,000,000 each for fiscal years 1972 through 1977, and stipulates that any funds appropriated pursuant to this section shall remain available until expended. This section further stipulates that no more than two percent of the funds appropriated pursuant to section 5062 for any fiscal year may be used for administrative expenses in carrying out the provisions of the new chapter 82.

New Section 5063. Subsection (a) prohibits the Administrator from entering into agreements under provisions of the new chapter 82 with respect to Subchapter III pilot programs (for assistance in the establishment of new, public nonprofit medical, health professions, and allied health schools and area health education centers) after the close of the sixth calendar year after the calendar year in which chapter 82 would take effect, and sets the same prohibition with respect to Subchapter IV grants (for assistance to affiliated medical, health professions, and allied health schools, other health manpower training institutions, and area health education centers).

Subsection (b) authorizes the Administrator to establish the Advisory Subcommittee on Programs for Assistance for Health Manpower Education and Training of the Special Medical Advisory Group established pursuant to section 4112 of Title 38, and further prohibits the Administrator from entering into any agreements or making any grants under these same programs without prior consultation with such Advisory Subcommittee. This subsection further provides that the Assistant Chief Medical Director for Research and Education in Medicine shall be an ex officio member of the new Subcommittee.

Subsection (c) directs the Administrator to ensure that qualified persons who are veterans shall be given priority for admission to health manpower education and training programs assisted under the new chapter 82 or any provision of title 38, and that among these qualified veterans, highest priority be given to those who served during the Vietnam era and those who are entitled to Veterans' Administration disability compensation, or whose discharge or release was due to a disability incurred or aggravated in line of duty.

Subsection (d) directs the Administrator, after consultation with the Advisory Subcommittee established pursuant to new section 5063(b), to prescribe regulations covering terms and conditions for entering into agreements under subchapter III and making grants under subchapter IV of the new chapter 82.

Subchapter II of the new chapter 82 of the new chapter. Sets forth new ways for the Administrator to expand the Veterans' Administration Hospital in-house education and training health manpower capacity.

New Section 5064 provides that up to 30 percent of the sums appropriated pursuant to the authorization in the new section 5062 may be spent to extend, expand, alter, improve, remodel or repair VA buildings and structures (including equipment and, where necessary, the addition of teaching space, aids, and beds) to the extent necessary to make them suitable for use for health manpower education and training to carry out the expanded mission of the Department of Medicine and Surgery as it would be newly defined in the amended section 4101(b) of title 38 (to assist in providing an adequate supply of health manpower to the Nation, as long as that does not interfere with the primary V.A. mission of providing complete medical and hospital services for veterans) and that these funds may also be spent for the development of improved methods of education and training which may reduce the period of required education and training for health personnel without adversely affecting the quality of such education or training.

Subchapter III of the new chapter 82. Authorizes the implementation of a pilot program for assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and area health education centers, if located in proximity to and operated in conjunction with VA medical facilities.

New Section 5065 sets forth the purpose of the subchapter

New Section 5066 defines the term 'area health education center,' 'health professions school' and 'state.'

Subsection (*a*) describes the assistance which may be provided to eligible institutions as follows:

(1) Leasing to the college or university of land, buildings and other structures (including equipment therein) under the control of the Veterans' Administration, as may be necessary for the establishment and operation of a school or center as defined in new section 5066. Adopting the general provisions proposed in section 301 of the administration sponsored bill, S. 1924, any lease made pursuant to subchapter II of new chapter 82 would be authorized to be made without regard to the provisions of section 5 of title 41, United States Code, which requires advertising where the lease exceeds $500. Since any lease under this section would not be for commercial purposes, but only for health, or educational purposes, advertising in these cases serves no useful purpose but does involve time and expense that is considered unnecessary.

In addition, any lease under this subchapter would be exempt from the provisions of section 303b of title 40, which bars lease provisions calling for alteration, repair, or improvement of such leased property as part of the consideration for the rental to be paid.

Under the proposed change, the lessee would be permitted to maintain, protect, or restore property where such property is leased to public or nonprofit organizations. In negotiating the rental value, practice is to set a rate that will serve to recapture the value of all services provided by the Government. In some instances if the lessee were required to provide for maintenance and protection of the property leased, the Veterans' Administration could be relieved of certain expenses for materials and personnel.

(2) Extension, remodeling or repair of building and structures (including the provision of initial equipment, or the replacement of obsolete or worn out equipment) and, where necessary, the addition of hospital teaching beds, to the extent necessary to make the VA hospital in question suitable for use as health professions schools or area health education center facilities.

(3) Payment of grants to support the costs of faculty salaries during the first six years of the school or center's operation, such support to represent not more than 90 percent of the cost of faculty salaries during the first three years of operation and no more than 50 percent during the second three years of operation.

Subsection (*b*). Paragraph (1) sets forth requirements that must be met prior to the Administrator entering into agreements pursuant to new section 5067(a) as follows:

A. The college or university must submit a plan whereby it agrees to provide during the term of the agreement its share of the financial support for the proposed school or center, including full financial support for all programs essential to assure that the school will meet the accreditation standards of appropriate accreditation bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare.

B. The overall plans for the school or center must meet such professional and other standards as the Administrator deems appropriate, in consultation with the Secretary of Health, Education and Welfare; and must include significant programs for cooperative interdisciplinary training among health professions and allied health schools with emphasis on the use of the team approach in providing health services, training for new roles, types or levels of health manpower, including training of physicians', dentists' or other health professions' assistants and/or nurse practitioners, providing for career mobility, or programs for recruiting, enrolling, and retaining qualified individuals who due to socioeconomic factors are financially or educationally disadvantaged.

C. The school must maintain mutually beneficial arrangements with the Veterans' Administration medical facility with which it is associated.

D. The school must show that there is reasonable assurance that with the aid of an agreement under new section 5067(a) it would meet the accreditation standards of appropriate bodies.

Subsection (*b*). Paragraph (2) directs that any agreement entered into pursuant to subchapter III shall contain such terms and conditions as the Administrator deems necessary and appropriate to protect the interest of the United States.

Subsection (*c*) limits the Administrator to providing assistance in the establishment of a total number of no more than ten new health institutions, which may be public nonprofit health professions and allied health schools or area health education centers, and directs that schools and centers established with assistance under subchapter III shall be geographically dispersed throughout the United States.

Subchapter IV of the new chapter 82. Provides for assistance to affiliated medical, health professions, and allied health schools and other health manpower training institutions, and area health education centers.

New section 5071 declares the purpose of Subchapter IV to make grants to health manpower training institutions affiliated with the V.A. in order to assist such institutions to expand and improve their capacities to train health manpower.

New section 5074 defines the term "eligible institution" as being a nonprofit public or private health professions school of the type defined in section 5066, area health education center of the type defined in section 5066, or institution for the training or education of allied health or other health personnel, which maintains an affiliation with the Veterans' Administration. Unlike Subchapter III, assistance under Subchapter IV is available for nonprofit private institutions, whereas Subchapter III includes only public institutions.

New Section 5073. Subsection (a) sets forth the purposes for which grants to eligible institutions may be awarded. These purposes are to carry out projects and programs for the expansion and improvement of the institution's capacity to train health manpower. Grants which provide for the construction of facilities may include only the extension, expansion, alteration, improvement, remodeling or repair of existing structures (including provision of initial equipment and replacement of obsolete or worn-out equipment).

New Section 5073. Subsection (b) authorizes approval of applications for a grant under section 5073 only if:

(1) the grant will be for a project or program which will make a significant contribution to improving the education (including continuing education) or training program of the eligible institution and will also result in a substantial increase in the number of students trained at the institution;

(2) there is assurance that the increase in the number of students will not threaten any existing accreditation or compromise the quality of training at the institution;

(3) the application provides for proper fiscal control and accounting procedures;

(4) the application provides for making appropriate reports and keeping such records as the Administrator may require; and

(5) the application sets forth significant programs for the education and training of physicians, dentists, or other health professions assistants, or nurse practitioners, or other new types of health personnel, providing the fullest opportunities for career advancement and mobility.

New Section 5074 provides for the manner in which payment may be made pursuant to grants under subchapter IV.

* * * * *

Section 5. Subsection (*b*) *of S. 2219.* Makes conforming changes in the table of parts and chapters at the beginning of title 38 and the table of chapters at the beginning of part VI of title 38.

Section 6. Provides that during the two years immediately following enactment of this Act, no part of any real property under the jurisdiction of the Administrator of Veterans' Affairs on the date of enactment of this Act shall be determined to be excess to the needs of the Veterans' Administration or transferred or otherwise disposed of.

S. 2219

A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Administration Health Manpower Training Act of 1971".

Sec. 2. The Congress hereby finds and declares—

(1) that there is a great shortage of physicians, other health professionals, allied health personnel, and other health manpower in the United States;

(2) that it is estimated that there is a shortage in the United States now of at least forty-eight thousand physicians, seventeen thousand eight hundred dentists, one hundred fifty thousand nurses, eight thousand seven hundred optometrists, twelve thousand nine hundred podiatrists, and two hundred sixty-six thousand allied health and other health personnel;

(3) that the Veterans' Administration operates the largest medical care system in the United States with over a quarter century of experience in the education and training of health manpower;

(4) that the Department of Medicine and Surgery of the Veterans' Administration maintains an active and close affiliation with eighty-one medical schools, fifty-one dental schools, two hundred and eighty-seven schools of nursing and approximately four hundred universities, colleges, and junior colleges which educate and train health manpower;

(5) that it is essential that the health manpower pool of the Nation be expanded;

(6) that if the training of sufficient numbers of physicians, other health professionals, allied health personnel, and other health personnel is to be accomplished, it is essential that the educational capacities of medical and health professions schools affiliated with the Veterans' Administration be expanded, that new medical and health professions schools affiliated with Veterans' Administration hospitals be established, and that education and training opportunities for the training of existing and future allied health and other health personnel be expanded and improved;

(7) that because of the size, diversity, and quality of its medical program, the Veterans' Administration's Department of Medicine and Surgery is uniquely qualified to assist in the expansion and improvement of existing affiliated medical, other health professions and allied health schools and area health education centers, in the establishment of new public nonprofit medical, health professions and allied health schools and area health education centers, and in the expansion and improvement of education and training opportunities for allied health and other health personnel; and

(8) that it is essential that an adequate number of physicians, health professionals, allied health personnel, and other health personnel be trained if the Congress is to discharge its responsibility to provide the best possible medical care for the Nation's veterans.

SEC. 3. Section 4101 of title 38, United States Code, is amended by deleting subsection (b) and inserting in lieu thereof the following:

"(b) In order to carry out more effectively the primary function of the Department of Medicine and Surgery to provide a complete medical and hospital service for the medical care and treatment of veterans and to assist in providing an adequate supply of health manpower to the Nation, the Administrator shall, to the extent feasible without interfering with the medical care and treatment of veterans, develop and carry out a program of education and training of such health manpower, acting in cooperation with such schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health or allied health professions; other institutions of higher learning; medical centers; academic health centers and area health education centers; hospitals; and such other public or nonprofit agencies, institutions, or organizations as the Administrator deems appropriate. For the fiscal year ending June 30, 1972, and for each fiscal year thereafter, there shall be included in the budget required to be submitted to Congress by section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) a separate line item showing the estimated expenditures by the Veterans' Administration during such fiscal year for the education and training of health manpower."

SEC. 4. Section 5001(c) of title 38, United States Code, is amended by striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "except that any new hospital shall be constructed in close proximity to a school of medicine or osteopathy which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare and which has agreed to affiliate with the Veterans' Administration through such hospital and shall include such classrooms, lecture facilities, laboratories, and other teaching space, facilities, aids, and beds as are necessary to make the hospital suitable for health manpower education and training in accordance with the purposes of chapter 82 of this title".

SEC. 5. (a) Part VI of title 38, United States Code, is amended by inserting immediately after chapter 81 the following new chapter:

"Chapter 82—UTILIZATION OF VETERANS' ADMINISTRATION HOSPITALS TO IMPROVE AND EXPAND EDUCATION AND TRAINING OF HEALTH MANPOWER

"SUBCHAPTER I—COORDINATION WITH OTHER PROGRAMS; AUTHORIZATIONS FOR APPROPRIATIONS; GENERAL PROVISIONS

"Sec.
"5061. Coordination with other programs.
"5062. Authorization for appropriations.
"5063. Limitation on agreements; regulations.

"SUBCHAPTER II—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

"5064. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health, manpower education, and training.

"SUBCHAPTER III—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW PUBLIC NONPROFIT MEDICAL, HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND AREA HEALTH EDUCATION CENTERS

"5065. Declaration of purpose.
"5066. Definitions.
"5067. Pilot program assistance.

"SUBCHAPTER IV—ASSISTANCE TO AFFILIATED MEDICAL, HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND OTHER HEALTH MANPOWER TRAINING INSTITUTIONS, AND AREA HEALTH EDUCATION CENTERS

"5071. Declaration of purpose.
"5072. Definitions.
"5073. Grants.
"5074. Payments.

"SUBCHAPTER I—COORDINATION WITH OTHER PROGRAMS; AUTHORIZATIONS FOR APPROPRIATIONS; GENERAL PROVISIONS

"§ 5061. Coordination with other programs

"The Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate programs carried out under this chapter and programs carried out under section 309 and titles VII, VIII, and IX of the Public Health Service Act.

"§ 5062. Authorization for appropriations

"There is hereby authorized to be appropriated $125,000,000 for the fiscal year ending June 30, 1972, and a like sum for each of the five succeeding fiscal years. Funds appropriated pursuant to this section shall be used for entering into agreements and making grants pursuant to this chapter. Funds appropriated pursuant to this section shall remain available until expended. Not more than 2 per centum of the funds appropriated pursuant to this section for any fiscal year may be used for administrative expenses in carrying out this chapter in such fiscal year.

"§ 5063. Limitations on agreements; regulations

"(a) The Administrator may not enter into any agreement under subchapter III of this chapter or make any grant under subchapter IV of this chapter after the close of the sixth calendar year after the calendar year in which this chapter takes effect.

"(b) The Administrator may not enter into any agreement under subchapter III of this chapter or make any grant under subchapter IV of this chapter without prior consultation with an Advisory Subcommittee on Programs for Assistance for Health Manpower Education and Training, which the Administrator is hereby authorized to establish, of the Special Medical Advisory Group established under section 4112 of this title. The Assistant Chief Medical Director for Research and Education in Medicine shall be an ex officio member of such subcommittee.

"(c) The Administrator shall ensure that qualified persons who have been separated or discharged from the active military, naval or air service shall be given priority for admission to health manpower education and training programs assisted under this chapter or any other provision of this title and that among such qualified persons those who served during the Vietnam era and those who are entitled to disability compensation under laws administered by the Veterans' Administration or whose discharge or release was for a disability incurred or aggravated in line of duty shall be given the highest priority.

"(d) The Administrator, after consultation with the advisory subcommittee referred to in subsection (b) of this section, shall prescribe regulations covering the terms and conditions for entering into agreements under subchapter III and making grants under subchapter IV of this chapter.

"SUBCHAPTER II—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

"§ 5064. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training

"Out of funds appropriated to the Veterans' Administration pursuant to the authorization in section 5062 of this title, the Administrator may expend such sums as he deems necessary, not to exceed 30 per centum thereof, for (A) the necesary extension, expansion, alteration, improvement, remodeling, or repair of Veterans' Administration buildings and structures (including provision of initial equipment, replacement of obsolete or worn-out equipment, and, where necessary, addition of classrooms, lecture facilities, laboratories, and other teaching space, facilities, aids, and beds) to the extent necessary to make them suitable for use for health manpower education and training in order to carry out the purpose set forth in section 4101(b), and (B) special allocations (including trainee stipends and instruction salaries) to Veterans' Administration hospitals for the development or initiation of improved methods of education and training which may include the development or initiation of plans which reduce the period of required education and training for health personnel but which do not adversely affect the quality of such education or training.

"SUBCHAPTER III—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW PUBLIC NONPROFIT MEDICAL HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND AREA HEALTH EDUCATION CENTERS

"§ 5065. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator, in consultation with the Secretary of Health, Education, and Welfare, to implement a pilot program under which he may provide assistance in the establishment of new public nonprofit health professions and allied health schools, and area health education centers if such schools and centers are located in proximity to, and operated in conjunction with, Veterans' Administrtaion medical facilities.

"§ 5066. Definitions

"For the purpose of this subchapter—

"(1) The term 'area health education center' means a public nonprofit educational facility or other public nonprofit institution affiliated with a Veterans' Administration hospital for the conduct of or the providing of guidance for education and training programs for health manpower in association with State, community, or other nonprofit colleges or universities, other hospitals and health facilities, or professional health or medical organizations in a particular geographical area to serve as an instrument of cooperation between the medical school and its education, research, and health service programs and the framework of health facilities and organizations and activities for the betterment of health in a given area.

"(2) The term 'health professions school' includes any public nonprofit school of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry or public health which is, or there is reasonable assurance will be, accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare.

"(3) The term 'State' means the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"§ 5067. Pilot program assistance

"(a) Subject to subsection (b) of this section, the Administrator, in consultation with the Secretary of Health, Education, and Welfare, may enter into an agreement to provide to any public nonprofit college or university the following assistance to enable such college or university to establish a new health professions or allied health school or an area health education center:

"(1) The leasing to the college or university for nominal or no consideration, under such terms and conditions as the Administrator deems appropriate, of such land, and such buildings and other structures (including equipment therein) under the control and jurisdiction of the Veterans' Administration as may be necessary for the establishment and operation of such school or center. Any lease made pursuant to this subchapter to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subchapter to any public nonprofit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease.

"(2) The extension, alteration, improvement, remodeling, or repair of buildings and structures (including the provision of initial equipment, and replacement of obsolete or worn-out equipment) and, where necessary, the addition of hospital teaching beds provided under paragraph (1) to the extent necessary to make them suitable for use as health professions schools or area health education center facilities.

"(3) The payment of grants to reimburse the college or university in part for the cost of the salaries of the faculty of such school or center during the initial twelve-month period of operation of the school or center and the next five such twelve-month periods, but payment under this paragraph in the case of any college or university shall not exceed an amount equal to—

"(A) 90 per centum of the cost of faculty salaries during the first three twelve-month periods of operation, and

"(B) 50 per centum of such cost during the second such three twelve-month periods.

"(b)(1) The Administrator may not enter into any agreement under subsection (a) of this section unless he finds that—

"(A) the college or university has declared its clear intention, and submitted to the Administrator a plan under which it agrees, to provide during the term of the agreement its share of the financial support for the proposed school or center, including full financial support for all other educational programs and facilities necessary to assure compliance with the provisions of clause (D) of this paragraph and to provide full salary support for the proposed school or center thereafter;

"(B) the overall plans for the school or center meet such professional and other standards as the Administrator deems appropriate in consultation with the Secretary of Health, Education, and Welfare as to the education and training programs and include significant programs for (i) cooperative interdisciplinary training among health professions and allied health schools with emphasis on the use of the team approach in providing health services, (ii) training for new roles, types, or levels of health manpower, including training of physicians', dentists', or other health professions' assistants and of nurse practitioners, providing the fullest opportunities for career advancement and mobility, or (iii) recruiting, enrolling, and retaining qualified individuals who due to socioeconomic factors are financially or educationally disadvantaged;

"(C) the school or center will maintain such arrangements with the Veterans' Administration medical facility with which it is associated (including but not limited to such arrangements as may be made under subchapter IV of chapter 81 of this title) as will be mutually beneficial in the carrying out of the mission of the medical facility and the school or center; and

"(D) with regard to health professions and allied health schools, after consultation with the appropriate accreditation body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare, there is reasonable assurance that, with the aid of an agreement under subsection (a) of this section, such school will meet the accreditation standards of such body or bodies within a reasonable time.

"(2) Any agreement entered into by the Administrator under this subchapter shall contain such terms and conditions (in addition to those imposed pursuant to subsections (a)(1) and (b)(1) of this section) as he deems necessary and appropriate to protect the interest of the United States.

"(c) The Administrator shall not use the authority under this subchapter to assist in the establishment of more than ten new public nonprofit health professions and allied health schools and area health education centers. Schools and centers established with assistance under this subchapter shall be located in geographically dispersed areas of the United States.

"SUBCHAPTER IV—ASSISTANCE TO AFFILIATED MEDICAL, HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND OTHER HEALTH MANPOWER TRAINING INSTITUTIONS, AND AREA HEALTH EDUCATION CENTERS

"§ 5071. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator in consultation with the Secretary of Health, Education, and Welfare, to carry out a program of grants for eligible health manpower training institutions and area health education centers which maintain affiliations with the Veterans' Administration in order to assist such institutions or centers to expand and improve their capacities to train health manpower.

"§ 5072. Definitions

"For the purpose of this subchapter, the term 'eligible institution' means any public or private nonprofit—

"(1) health professions school of the type defined in section 5066 of this title,

"(2) area health education center of the type defined in section 5066 of this title, or

"(3) institution for the training or education of allied health or other health personnel, which maintains an affiliation with the Veterans' Administration.

"§ 5073. Grants

"(a) Any eligible institution may apply to the Administrator for a grant under this subchapter to assist such institution to carry out, through the Veterans' Administration hospital with which it is affiliated, projects and programs for the expansion and improvement of such institution's capacity to train health manpower. Any such application shall contain a plan to carry out such projects and programs and such other information in such detail as the Administrator deems necessary and appropriate. Grants under this subchapter which provide for the construction of facilities may include only the extension, expansion, alteration, improvement, remodeling or repair of existing structures (including provision of initial equipment and replacement of obsolete or worn-out equipment).

"(b) An application for a grant under this section may be approved by the Administrator, in consultation with the Secretary of Health, Education, and Welfare, only upoin the Administrator's finding that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improving the education (including continuing education) or training program of the eligible institution and will result in a substantial increase in the number of students trained at such institution;

"(2) there is reasonable assurance from a recognized accrediting body or bodies approved for such purposes by the Commissioner of Education of the Department of Health, Education, and Welfare that the increase in the number of students will not threaten any existing accreditation or otherwise compromise the quality of the training at that institution;

"(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter;

"(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports; and

"(5) the application sets forth significant programs for the education and training of physicians', dentists', and other health professions' assistants, nurse practitioners, and other new types of health personnel, providing the fullest opportunities for career advancement and mobility.

"§ 5074. Payments

"Payments made pursuant to grants under this subchapter may be made in installments, and in advance or by way of reimbursement in installments, and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine."

(b) The table of parts and chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part VI of such title are each amended by adding

"82. Utilization of Veterans' Administration Hospitals to Improve and Expand Education and Training of Health Manpower__ 5060"

immediately below

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply ------------------------ 5001".

SEC. 6. During the two-year period immediately following the date of the enactment of this Act, no part of any real property which is under the jurisdiction of the Administrator of Veterans' Affairs on the date of enactment of this Act shall be determined to be excess to the needs of the Veterans' Administration or transferred or otherwise disposed of pursuant to any provision of the Federal Property and Administrative Services Act of 1949.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 699) to require a radiotelephone on certain vessels while navigating upon specified waters of the United States.

The message also announced that the House had passed a bill (H.R. 4354) to amend section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System, in order to increase such limitations for motorbuses, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 4354) to amend section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System, in order to increase such limitations for motorbuses, was read twice by its title and referred to the Committee on Public Works.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1972

The PRESIDENT pro tempore. Under the previous order the Chair lays before the Senate H.R. 9667, the Department of Transportation appropriation bill for 1972, which the clerk will state by title.

The second assistant legislative clerk read as follows:

> A bill (H.R. 9667) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. BYRD of West Virginia. Mr. President, I yield myself such time as I may require.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 9, strike out "21,342,000" and insert "$22,342,000".

On page 2, line 15, after the word "expended", strike out "$24,000,000" and insert "$31,100,000".

On page 3, line 7, after "(49 U.S.C. 1674)", strike out "$500,000" and insert "$1,000,000".

On page 3, line 12, after the word "Columbia", strike out "$1,500,000" and insert "$1,760,000".

On page 3, after line 12, insert:

"CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT TERMINATION

"For expenses necessary for the termination of the civil supersonic aircraft development program, $58,500,000."

On page 5, line 17, after "5 U.S.C. 3109", strike out "$96,682,000" and insert "$101,682,000".

On page 5, at the beginning of line 22, strike out "$7,150,000" and insert "$9,750,000".

On page 6, line 24, after the word "law", strike out $14,000,000" and insert "$15,500,000".

On page 7, line 24 after the word "grant", insert "engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant;"; and, on page 8, line 6, after the word "Alaska", strike out "$252,009,300" and insert "$301,809,300".

On page 8, at the beginning of line 23, strike out "research, development, and service testing" and insert "research and development"; on page 9, line 1, after the word "grant", strike out "$63,360,700" and insert "$73,360,700"; and, in line 6, after the word "for", where it appears the second time, strike out out "research, development, and service testing" and insert "research and development".

On page 9, after line 20, strike out:

"FEDERAL PAYMENT TO THE AIRPORTS AND AIRWAY TRUST FUND

"For payment to the Airport and Airway Trust Fund as provided by section 208(d) of Public Law 91-258, $530,944,000; however, the unappropriated balance in the Trust Fund as of July 1, 1972, shall be available solely to liquidate obligations incurred subsequent to June 30, 1972, under sections 14(a)(1) and 14(a)(2) of Public Law 94-258."

And, in lieu thereof, insert:

"FEDERAL PAYMENT TO THE AIRPORT AND AIRWAY TRUST FUND

"For payment to their Airport and Airway Trust Fund as provided by section 208(d) of Public Law 91-258, $750,744,000; *Provided,* That of the anticipated unappropriated balance in the Trust Fund as of July 1, 1972, not to exceed $408,000,000 shall be available to liquidate obligations incurred under sections 14(a)(1) and 14(a)(2) of Public Law 91-258."

On page 12, at the beginning of line 10, strike out "$7,110,000" and insert "$7,159,000"; in line 12, after the word "exceed", strike out "$92,337,000" and insert "$93,326,000"; and, in line 14, after the word "exceed", strike out "$14,855,000" and insert "$15,320,000".

On page 13, line 14, after the word "expanded", strike out "$4,000,000" and insert "$10,000,000"; and, in line 15, after the word "which", strike out "$1,000,000" and insert "$3,000,000".

On page 14, line 1, after the word "Code", strike out "$15,000,000" and insert "$20,000,000".

On page 14, line 11, after "(78 Stat. 505)", strike out "$4,661,393,000" and insert "$4,662,382,000".

On page 15, line 8, after the word "fund", insert a colon and "*Provided,* That appropriations from the Highway Trust Fund are authorized for liquidation of obligations incurred against balances of the sums authorized for prior fiscal years and remaining unobligated at July 1, 1971."

On page 15, line 20, after the word "Fund", insert a colon and "*Provided,* That appropriations from the Highway Trust Fund are authorized for liquidation of obligations incurred against balances of the sums authorized for prior fiscal years and remaining unobligated at July 1, 1971."

At the top of page 16, insert:

"BALTIMORE-WASHINGTON PARKWAY TRUST FUND

"For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970, for the Baltimore-Washington Parkway, to remain available until expended, $2,500,000, to be derived from the 'Highway trust fund' and to be withdrawn therefrom at such times and in such amounts as may be necessary."

On page 16, line 13, after "5 U.S.C. 3109", strike out "$62,837,000" and insert "$75,837,000"; and, in line 14, after the word "which", strike out "$22,000,000" and insert "$29,500,000".

On page 17, line 6, strike out "$1,943,000" and insert "$2,468,000".

On page 17, line 9, after the word "activities", strike out "$7,000,000" and insert "$13,700,000".

On page 17, line 13, after "5 U.S.C. 3109", strike out "$5,481,000", and insert "$5,781,000".

On page 17, after line 13, insert:

HIGH-SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT

"For necessary expenses for research, development, and demonstrations in high-speed ground transportation, $29,077,000, to remain available until expended: *Provided,* That this appropriation shall be available only upon enactment into law of S. 979 or H.R. 8107 and H.R. 8302, 92d Congress."

On page 18, at the beginning of line 26, strike out "$6,300,000" and insert "$7,149,000".

On page 19, line 6, after the word "expended", strike out "$52,000,000" and insert "$78,000,000"; in line 7, after the word "That", strike out "$49,000,000" and insert "$75,000,000"; and, in line 8, after the word "demonstrations", strike out "of which not less than $3,000,000 shall be available for research, development, and demonstrations related to subway safety" and insert "of which $40,000,000 shall be utilized for research and demonstrations on bus, commuter rail, rail rapid transit and light rail research".

On page 21, at the beginning of line 21, strike out "$30,640,000" and insert "$28,940,000".

On page 25, after line 7, strike out:

"SEC. 303. None of the funds provided in this Act shall be available for administrative expenes in connection with commitments for grants in aid for airport development aggregating more than $280,000,000 in fiscal year 1972."

On page 25, at the beginning of line 12, change the section number from "304" to "303"; and, in line 14, after the word "of", strike out "$30,000,000" and insert "$50,000,000".

On page 25, after line 15, strike out:

"SEC. 305. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $75,000,000 in fiscal year 1972 for 'State and Community Highway Safety and Highway Related Safety Grants'."

On page 25, after line 20, strike out:

"SEC. 306. None of the funds provided under this Act shall be available for the planning or execution of programs the obligation for which are in excess of $20,000,000, exclusive of the reimbursable program, in fiscal year 1972 for 'Forest Highways'."

At the top of page 26, strike out:

"SEC. 307. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $10,000,000 in fiscal year 1972 for 'Public Lands Highways'."

On page 26, at the beginning of line 5, change the section number from "308" to "304"; and, in line 8, after the word "than", strike out "$800,000,000" and insert "$1,000,000,000".

On page 26, at the beginning of line 10, change the section number from "309" to "305".

On page 26, at the beginning of line 13, change the section number from "310" to "306".

On page 27, at the beginning of line 1, change the section number from "311" to "307".

On page 27, at the beginning of line 4, change the section number from "312" to "308".

On page 27, after line 12, insert a new section, as follows:

"SEC. 309. Appropriations under this Act for the Federal Aviation Administration may be expended for necessary expenses to establish, conduct, and carry out the International Aeronautical Exposition in an amount not to exceed $3,780,000: *Provided*, That funds so expended shall be reimbursed to the appropriation from which expended out of revenues credited to the appropriation 'Federal Aviation Administration/United States International Aeronautical Exposition,' in Chapter XI of Public Law 92–18."

Mr. BYRD of West Virginia. Mr. President, the pending business before the Senate is the Department of Transportation and related agencies appropriation bill for fiscal year 1972, H.R. 9667, which passed the House of Representatives on July 14. This bill makes appropriations for the Department of Transportation, which is one of the newer departments of the Federal Government, and resulted from a consolidation of the Coast Guard, Federal Aviation Administration, and activities of the Federal Highway Administration, Federal Railroad Administration, Urban Mass Transportation Administration, and the St. Lawrence Seaway Development Corporation.

In addition, the bill contains appropriations for certain independent agencies whose activities and programs are related to transportation, such as the National Transportation Safety Board, the Civil Aeronautics Board, Interstate Commerce Commission, the Panama Canal, the Washington Metropolitan Area Transit Authority, Aviation Advisory Commission, and the Commission on Highway Beautification.

The budget estimates of new budget authority submitted by the President in connection with this entire bill totaled $2,860,127,997. The bill as it passed the House of Representatives totaled $2,733,369,997. The bill which the Committee on Appropriations of the Senate has reported, and which is now before the Senate, makes recommendations in the amount of $2,957,929,997. This is an increase of $224,560,000 over the House bill.

In addition to new budget authority which is contained in this bill, the bill contains in excess of $5 billion in appropriations to liquidate contract authorizations, the bulk of which is under the Federal Highway Administration. The grand total in the bill of new budget authority, reappropriations, appropriations to liquidate contract authorizations, appropriations for debt reduction, and rescission of unobligated balances is $8,209,013,000. There is a table on page 40 of the report which gives a detailed recapitulation of these figures.

I will enumerate the major changes which have been made in the bill by the committee. The report is before each member and it explains in detail all of the changes effected by the committee. I will be glad to answer any questions at any time with respect to this bill.

The first appropriation contained in the bill is for the Office of the Secretary. The budget estimate is in the amount of $22,342,000 and 908 positions. The House of Representatives recommended $21,342,000 and 854 positions. The Secretary of the Department requested the Senate committee to restore the $1 million reduction and the 54 positions. In addition, the Secretary requested an additional 14 positions over and above the 1972 budget estimate, which would be financed within the funds provided in the budget estimate. The committee was advised that the Department plans to staff each of the 10 regional offices with three employees, and the House had allowed only two employees for each of the regional offices. The request contained funds for 44 positions which the Secretary stated were urgently required to give his office the management muscle needed to achieve broad transportation goals and policies for the country. The additional 14 positions were requested for cargo security and elimination of theft at transportation terminals. It was the view of the committee that the Secretary presented a very good case and the committee complied with his request, thus recommending the additional $1 million for the Office of the Secretary.

For transportation planning, research, and development, which is also under the Office of the Secretary, the budget estimate is in the amount of $24,600,000 and 90 positions. The House of Representatives allowed the 90 positions with an appropriation of $17,500,000. The committee was requested to restore the $7,100,000 House reduction. The justification to the committee detailed the plans for research and demonstration projects under 19 different work categories. The committee was advised that under the House allowance the completion of many urgently required studies would be seriously jeopardized and some of them would have to be deferred entirely. The House reduction represents a 28-percent reduction, and some studies anent transportation noise and pollution problems; the Department's climatic impact research program, which has international implications in view of the rapidly approaching dates on which the Concorde and the TU–144 are expected to enter commercial SST service; the analysis of census data, which is needed for policy formulation by the Department; and other projects of benefit to the transportation industry would have to be deferred. For these reasons, the committee recommends an appropriation of $24,600,000, an increase of $7,100,000, for the full amount of the budget estimate.

The committee concurs with the House and its recommending $500,000 for the special foreign currency program for transportation research activities overseas. These funds are used to establish cooperative research programs with Poland and Yugoslavia through the utilization of excess foreign currencies, and the projects relate to the international standardization of transportation procedures.

For grants-in-aid for natural gas pipeline safety, the committee recommends that the House allowance of $500,000 be increased to the full amount of the budget estimate, $1 million. These funds are used for grants to States on a matching basis to enforce safety standards in connection with interstate gas pipelines. The Senate has not passed the act extending the authorizing legislation of 1968, but the measure has passed the House of Representatives. The Department contemplates providing one full-time employee on a shared basis with each of the States, and the remaining funds will go to the individual States on the basis of a formula to help finance emergency State projects.

For consolidation of departmental headquarters, the budget estimate is in the amount of $2 million, and the House has recommended an appropriation of $1,500,000. The committee recommends an appropriation of $1,760,000, an increase of $260,000 for the consolidation of departmental headquarters into the Nassif Building. The House bill contains $600,000 for the leasing of parking space and $900,000 for moving the departmental printing plant. In addition to those items, the committee has approved $170,000 to install a sprinkler system in the library and $90,000 for the construction of a driveway entrance. The housing of a library in a public building of this nature without an adequate sprinkler system constitutes a safety hazard, and the driveway entrance money would relieve the growing congestion which has developed with the loading and unloading of vehicles.

The committee recommends an appropriation of $58,500,000 for civil supersonic aircraft development termination. The President in Senate Document No. 92–30, which was transmitted to the Senate after the bill had been reported in the House of Representatives, recommend this appropriation. In 1967, the Department of Transportation requested airlines holding SST delivery position reservations to contribute funds toward program costs. The Department indicated that if significant airline contributions were not received, the SST program would probably not go forward. The airlines contributed $58,500,000 to the project. This amount was used by Boeing Aircraft Corp. as a portion of the Government's share of the contract costs. Since the SST project has been abandoned by the Congress, this appropriation would provide funds to repay the carriers for their investment in the program.

Mr. President, we now come to the Coast Guard, and for operating expenses, the committee recommends an appropriation of $475 million, the same as the

House allowance. The amount in the bill is $29 million over the appropriations for 1971, and this increase includes funds to initiate operations of newly acquired or improved facilities constructed from prior appropriations; increased activity to meet responsibilities in maritime environmental protection, principally in the oil spill pollution area; maintenance of physical plant; and general cost escalations affecting all items. The committee has directed in its report that none of the reduction under the estimate be applied to the plans for carrying out aerial surveillance related to oil pollution.

For acquisition, construction, and improvements in the Coast Guard, the committee recommends an appropriation of $101,682,000. This is $5 million over the amount contained in the House bill and a like sum in excess of the budget estimates. The additional $5 million is for the initial stages of development and deployment of an integrated marine traffic control system. The amount for this purpose was based upon a study of an integrated marine traffic control system for the Puget Sound area. This appropriation item provides funding for vessel improvements; acquisition of nine replacement aircraft; and the reactivation of six aircraft for pollution surveillance. It includes funds for replacement and improvements of shore stations and navigation aids, repair and supply facilities, and training and recruiting facilities.

For alteration of bridges, the committee recommends an appropriation of $9,750,000. The House bill contains $7,150,000. The budget estimate was $3 million, for continued funding for alteration of obstructive bridges located near Chicago, Ill., and Wilmington, N.C. The House recommendation provided an additional amount of $4,150,000 for 6 additional bridges—one at Chicago, Ill.; one at Gulf Beach, Fla.; one at Norfolk, Va.; and three in Alabama. The committee has added $200,000 to the $1,200,000 earmarked in the House report for bridge construction at Calumet River, Chicago, Ill., and $2,400,000 for modification of the Burlington Northern, Inc. railroad bridge over the Illinois River at Beardstown, Ill.

For retired pay of the Coast Guard, the committee concurs with the House action and the budget estimate, and recommends an appropriation of $71,371,000. This appropriation provides for retired pay of military personnel of the Coast Guard and Coast Guard Reserve, members of the former Lighthouse and Lifesaving Services, and for annuities payable to beneficiaries of retired military personnel. The actual number on the rolls at the end of 1970 was 13,936, and the number is estimated to rise to a figure of 14,529 at the end of 1971 and 15,180 at the end of 1972.

The committee recommends an appropriation of $25,900,000 for reserve training, the amount of the House allowance and an increase of $15,356,000 over the budget estimate. The President's budget proposed phasing out the Selected Reserve by June 30, 1972. After that date, support needed to meet any requirements would be funded as an element of Navy Reserve appropriations. The committee concurs with the House in recommending the continuation of the Selected Reserve under Coast Guard appropriations. The committee believes that little, if any, actual savings would result from the Department's proposal to transfer Selected Reserve functions to the Navy Reserve and feels that a peacetime mission can be found for the Coast Guard Reserve.

The committee recommends an appropriation of $15,500,000 for research, development, test, and evaluation for the Coast Guard. The House reduced the appropriation request for research under this head by $3.6 million. The House action contemplated a $2.5 million carryover in 1971 funds, whereas the Department has now advised the Senate committee that the actual carryover is only in the amount of $1 million. The Department has appealed the $1.5 million, and the committee recommends that the Senate restore this amount. The committee was advised that failure to restore this amount would result in an adverse impact on ongoing projects, such as the maritime pollution control project, and projects dealing with mechanical spill cleanup procedures, and would also adversely affect projects which deal with the safety of commercial vessels.

For operations of the Federal Aviation Administration, the committee recommends an appropriation of $989,074,000, an increase of $93,684,000 over fiscal year 1971 and the same as the House bill. The full 49,322 positions approved in the House bill and recommended by the Senate committee include the 927 new positions related largely to the maintenance of air traffic control and air navigation equipment. Some controversy has developed over the utilization of moneys that have accumulated in the trust fund, it being charged that moneys have been used for operational expenses which, under the law, were anticipated to be of the lowest priority. It is contemplated in this year's budget that the actual requirement of $250 million for airport facilities and the requirement of $280 million for airport grants will be fulfilled. There is new legislation which will more specifically spell out the priorities and which will emphasize, presumably, that operational expenses will be of very low priority in their call upon the trust fund.

The committee recommends $301,809,000 for facilities and equipment, which is $49,800,000 over the budget estimate and the House allowance. In the House report, reference is made to increasing the number of control towers from four in the budget estimate to six, and also to increasing the number of airport surveillance radars at eight locations, in the budget estimate, to a total of 24 locations. The House made these additions; however, it did not include any funds in the bill for these additional facilities. The committee has included $35.8 million in the bill for additions made by the House and also has included $14 million for airport surveillance radars at Casper, Wyo.; Gulfport, Miss.; Huntington, W. Va.; Longview, Tex.; Muskegon, Mich.; Pueblo, Colo.; and Waterloo, Iowa. The committee was advised by the Department that the failure to provide funding for the additional items included by the House would create a severe imbalance in the priorities of their program. The committee recommends sufficient funds of 1,946 positions, which is the number included in the budget estimate.

For research and development, the committee recommends an appropriation of $73,360,700. This is $10 million in excess of the amount approved by the House of Representatives. The committee was advised that the reduction effected by the House will result in further delays in the efforts on both the upgraded third and fourth generation air traffic control systems at a time when every effort is being made to find means of accelerating the schedule, and that this monetary reduction by the House introduces a further delay to a very tight schedule. The committee's action restores the House reduction and approves the full budget estimate. These funds will finance research in air traffic control, including systems modernization and increased airport/airway system capacity; navigation; aviation weather devices and techniques; and aeromedical research—and will provide the full number of budgeted positions of 490.

For grants-in-aid for airports, the committee recommends $15 million for planning grants and $92 million for liquidation of contract authorizations. These sums are identical with the budget estimates and the House allowances. The committee was informed that the 1972 programs level for the airport development program will be $280 million, the annual level authorized in the authorization act. A general provision included in the bill by the House, section 303, establishes a limitation of $280 million for grants-in-aid for airport development for 1972. The annual level authorized for this program is $280 million and the administration's program is at that same level, so the committee saw no reason to continue a general provision setting a ceiling of $280 million. Accordingly, the committee recommends that section 303 of the House bill be deleted.

For Federal payment to the airport and airway trust fund, the committee recommends an appropriation of $750,744,000. This is an increase of $219,800,000 over the House bill. This increase consists of the $35,800,000 which was included under facilities and equipment to finance the additional facilities mentioned in the House report for which funds were not included in the bill; $14 million for the airport surveillance radars included in the bill by the committee; $10 million additional included in the bill by the committee for research and development; and $160 million additional included in the bill for liquidation of contract authority in the grants-in-aid program. Title II of the Airport and Airway Revenue Act of 1970 authorizes additional appropriations from general Treasury funds to supplement user tax revenues as required to make expenditures for certain activities of the Federal Aviation Administration. As proposed in the budget estimates, the trust fund at the end of this fiscal year would not have any balance. No money would remain in the fund to liquidate obligations binding on the Government pursuant to grant agreements entered into with public airport sponsors. The bill as it passed the House included $248 million to remain in the trust fund after June 30, 1972, to liquidate these authorized obligations to communities when their airport development projects are completed. The committee recommends that the House allowance for this purpose be increased to $408 million—an increase of $160 million to provide funds for the total authorized airport program obligations for the two fiscal years for which liquidating cash appropriations have not yet been requested. Language has been included in the bill by the committee increasing the sum and providing that $408 million shall be reserved for the liquidation of these obligations.

Under the heading, safety regulation, the committee concurs with the House of Representatives and recommends an appropriation of $160 million. This appropriation finances all of the safety regulation activities of the Federal Aviation Administration, including regulatory activities, medical research relating to Federal air regulations, and the security guard program.

For operation and maintenance of the Washington National and Dulles International Airports, the committee recommends an appropriation of $11,467,000. This amount is the same as the House allowance and the budget estimate.

For construction at the two airports, the committee recommends an appropriation of $4,930,000. This sum includes $2,065,000 for runway rebuilding and terminal improvements and holding aprons at Washington National Airport, $2,835,000 to expand the Dulles mobile lounge fleet, and $30,000 for increased pay costs. The request for $14,700,000 for expansion of the Dulles terminal has been temporarily deferred by the House and the committee concurs in this action. Subsequent to the passage of the bill by the House deferring this expansion, no appeal was made to the Senate committee to restore the sum.

In connection with the U.S. International Aeronautical Exposition to be held at Dulles May 27–June 4, 1972, language has been included in the general provisions to allow the Department borrowing authority to obligate funds prior to the accumulation thereof of revenue receipts, in an amount not to exceed $3,780,000.

Mr. President, we now turn to the Federal Highway Administration. The first appropriation item under this head is for salaries and expenses, and the committee recommends $7,159,000 in appropriations, together with a transfer of $93,326,000 from the Federal-aid highways appropriation. The increase of $1,038,000 over the House bill will provide an additional 18 positions. The 18 positions restored constitute the minimum number necessary for staff resources required for effective and responsible execution of new programs authorized in the 1970 Highway Act. The funding restoration is also required to meet uncontrolled price increases in personnel, planning studies, and programs authorized by the House. The committee is of the view that certain functional areas must be strengthened, particularly legal services, field engineering operations, administration, and motor carrier safety if the agency is to provide continuing responsiveness to growing program demands and complexity. The funds provided the Federal Highway Administration with this appropriation will finance a total of 4,102 positions.

The bill contains $1,100,000 for administrative expenses for highway beautification. This is the same amount as the House bill. Also in the House bill, provision was made for an appropriation of $10 million to liquidate contract authority and the committee concurs with this recommendation. A general provision included in the bill by the House limited obligations for the highway beautification program for fiscal year 1972 to $30 million. In an appeal for an obligational level of $50 million, the Department of Transportation stated that the program has been realined to emphasize the control and removal of unsightly billboards, with a goal of complete removal of these billboards within 5 years. At the rate permitted under the House limitation, the period required would be extended to almost 10 years, thus increasing the overall cost to about $300 million. The committee has increased the obligational level for this program to $5 million, and the funds allowed under this head will finance 10 new positions.

For highway related safety grants, the committee recommends an appropriation of $5 million to liquidate contract authorizations. This is the amount of the House bill, and although it is $1 million less than the budget estimate, there was no appeal to the Senate after the House made this reduction. These funds are used to pay State claims for obligations incurred in implementing the highway safety standards administered by the Federal Highway Administration. These standards relate to traffic control devices, highway construction and maintenance, accident location surveillance, and highway-related pedestrian safety. Under section 305 in the general provisions, the House included a ceiling of $75 million on this program and the State and community highway safety program. The Department advised the committee that the initiation of new projects could be severely limited under the House restriction and the orderly planning and buildup of ongoing projects hampered. The committee has, therefore, deleted the House provision. The Federal-Aid Highway Act authorized contract authority for highway-related safety grants in the amount of $30 million for fiscal year 1972 and $100 million for fiscal year 1972 for State and community highway safety.

The committee recommends an appropriation of $10 million for rail crossings—demonstration projects, an increase of $6 million over the House bill. The committee was advised that the reduction effected by the House would create a delay in the elimination or upgrading of hazardous rail-highway crossings for many of these projects until fiscal year 1973 and later years. The States have been very responsive and cooperative in developing a course of action, and it was the view of the committee that restoration of the full amount should be made in the light of the potential savings of life and the elimination of highway-rail hazards.

For territorial highways, the committee recommends an appropriation of $1 million to liquidate contract authorizations. This is the same amount as provided by the House. These grants are made to assist the Territorial Governments of the Virgin Islands, Guam, and American Samoa in the improvement of their highways.

For the Darien Gap Highway, the committee recommends the sum of $20 million, an increase of $5 million over the House allowance, and the full amount of the budget estimate. The administration has been working with the Government of Panama and Colombia and has just established a policy of program acceleration for completion in 5 years for installation of an all-weather road surface open to traffic, with final completion in 7 years, rather than the 10 years originally estimated. This schedule cannot be met without the full appropriation of $20 million in fiscal year 1972. This highway will connect the Inter-American Highway of Central America with the Pan-American highway system of South America, creating a single, cohesive network stretching from Alaska to every South American country. The 250 miles of highway in the Darien area of Panama and Colombia is estimated to require $50 million, of which the United States' share and Colombia is estimated to require $150 million is being supplied by Colombia and Panama.

For liquidation of contract authorization for Federal-aid highways, the committee recommends the sum of $4,662,382,000, to be derived from the highway trust fund. The increase of $989,000 over the House allowance provides for the financing of additional amounts in the salaries and expenses item, which I described earlier and which will contribute to the financing of 18 additional positions to strengthen the legal services, field engineering, and motor carrier safety activities. These funds are required for payment to the States for work performed under grants for Federal-aid highway programs. These programs include the Interstate Highway System; Federal-aid primary, secondary, and urban programs; new grant programs for special bridge replacement; economic growth center development highways; and highway-related safety grants.

For the right-of-way revolving fund, the committee recommends an appropriation of $25 million, the amount of the House allowance. A total of $300 million has been authorized to establish a right-of-way revolving fund for the advance acquisitions of rights-of-way by the States and for payment of relocation expenses. This appropriation makes no addition to the overall highway costs. It merely advances in time an expenditure which must eventually be made and, in fact, produces savings by avoiding future inflation of property values. Of even greater importance, it provides substantial assistance to those persons and businesses displaced by highway construction by allowing them a longer period of time to accomplish relocation. The revolving fund is utilized to provide interest-free loans for the advance acquisition of rights-of-way by the States and payment of relocation expenses, including the State share of the cost, and to permit more adequate comprehensive highway planning.

For forest highways, the committee recommends an appropriation of $25 million for liquidation of contract authorizations. This is the amount of the budget estimate and the amount included in the House bill. Main highways within or adjacent to national forests are constructed and improved with these funds. Projects are jointly selected by the States, the Forest Service, and the Federal Highway Administration on the basis of their contribution to meeting the traffic requirements within the national forests. Authorities are apportioned by States on the basis of a formula which uses as factors the national forest area and value in each State. The authorization act authorizes a program of $33 million in fiscal year 1972. The House included a general provision in the bill limiting this sum to $20 million for fiscal year 1972. The committee has deleted the House provision in order to allow the forest highways program to advance at the rate envisioned in the authorization act. The administration proposed in the budget that the unobligated balances for fiscal year 1971 and prior year authorizations be rescinded. The House did not act upon this recommendation. Subsequently, the Department requested the committee to include language in the bill which would authorize these balances to be financed from the highway trust fund. The committee has concurred in this alternative recommendation. Consequently, all unobligated balances in the forest highways program as of June 30, 1971, aggregating approximately $38 million, will be available to be financed from the highway trust fund.

For public lands highways, the committee recommends $5 million in liquidation appropriations, the same as the budget estimate and the House amount. These funds are used to assist the States with large areas of public lands in the improvement of sections of main roads which the States find difficult to finance otherwise. Contract authority was made available by the Federal-Aid Highway Act of 1970 for 1972 and 1973 in the amount of $16 million for each year to be financed from the highway trust fund. The House has included in the general provisions language which places a ceiling limitation of $10 million on this program. The committee has deleted the House language in order to allow the administration to proceed with the public lands highway program as contemplated in the authorizing legislation. As in the case of forest highways, the budget submitted proposed language to rescind unobligated balances of 1971 and prior year authorizations. The language was not approved by the House and alternative language to permit trust fund financing of these balances was subsequently submitted. The committee recommends this language which will carry over $26,637,000 to be financed from the trust fund.

For the Baltimore-Washington Parkway, the committee recommends an appropriation of $2,500,000 to commence preliminary engineering work on resurfacing and expanding the parkway as authorized by the Federal-Aid Highway Act of 1970. This is an increase of $2.5 million over the House bill. In eliminating this item, the House felt that the project agreement among the Secretaries of Transportation and Interior and the State of Maryland would not be executed in the near future. The authorizing legislation prohibits expenditure of funds until such an agreement is concluded. The Department has advised the committee that it fully expects to reach an agreement in fiscal year 1972 with the Secretary of the Interior and the State of Maryland. These funds will permit the Federal Highway Administration to commence preliminary engineering work as soon as the agreement is reached so that later delays in construction can be avoided. This parkway was initially constructed as a scenic drive, safe only at speeds up to 50 miles per hour. It has since become a utility highway, used principally by commuters and tourists as a high-speed travel-way. Evidence of the safety deficiencies of this Parkway is found in the fact that there was a total of 10 fatalities last year. In recommending the appropriation, the committee feels that lack of funds should not be a bar to moving ahead with this project as rapidly as possible in view of its potential for greatly increasing highway travel safety.

For traffic and highway safety under the National Highway Traffic Safety Administration, the committee recommends an appropriation of $75,837,000, an increase of $13 million over the House bill and $1 million under the amount requested by the administration. The sum recommended by the committee is $32,902,000 over the appropriations for fiscal year 1971. The major portion of the total increase of $32,902,000 over the appropriation for last year—or the sum of $25,500,000—is provided for expansion in the administration's alcohol safety action projects—ASAPS—which are designed to reduce alcohol-related annual highway deaths by identifying and controlling the problem drinker. Alcohol is involved in one-half of annual highway fatalities, of which two-thirds are caused by problem drinkers. Funding has been provided to conduct 40 ASAPS as compared to 29 approved by the House. The committee directs that the program not be limited in scope but that projects be implemented in all States as soon as possible. The remainder of the increase will allow funding for 817 positions and expansion of $4,320,000 in other areas of the National Highway Traffic Safety Administration contract program.

For compliance test facilities, the committee recommends an appropriation of $9,600,000, the amount of the budget estimate and the House allowance. The funds recommended under this head are for the construction and equipping of a compliance test facility, to be located at East Liberty, Ohio, for testing manufacturers' observance of existing standards on motor vehicles, tires, and other equipment; to investigate consumer reports of safety defects; and to evaluate test procedures for proposed standards.

For State and community highway safety, the committee recommends an appropriation of $47 million to liquidate contract authorizations. This appropriation is to pay obligations incurred in the administration of a highway safety grant program initially authorized under the Highway Safety Act of 1966. Federal grants are provided to assist the States and their political subdivisions in the establishment of highway safety programs based on comprehensive statewide plans in accordance with uniform standards. The States are required to match the Federal grants. The 1972 appropriation provides financing for the administration of 12½ of the 16 safety standards currently in effect. The remaining three and one-half standards are administered by the Federal Highway Administration for which separate funding is provided in the Federal Highway Administration budget. This division of responsibility is prescribed in the Highway Safety Act of 1970. Prior to 1972, funding for all standards was included in the National Highway Traffic Safety Administration.

As I described a few moments ago, the House included in the bill section 305, which limits obligations for State and community highway safety and highway-related safety grants to $75 million. As in the other case, the committee has deleted the House provision since the committee was advised that new and ongoing projects would be severely limited or hampered under the House language. As stated before, the Federal-Aid Highway Act authorized contract authority for State and community highway safety in the amount of $100 million for fiscal year 1972.

The next main item is the Federal Railroad Administration. For the Office of the Administrator, the committee recommends an appropriation of $2,468,000. This amount is $525,000 over the House allowance and will fund 35 additional positions sought and needed to carry out programs recently authorized by Congress, such as the Federal Railroad Safety Act, the Passenger Services Act, the Emergency Rail Services Act, and the expansion of the high-speed ground transportation program. Total positions funded under this appropriation are 124. The promulgation of initial railroad safety standards is the highest priority for this organization.

For railroad research, the committee recommends an appropriation of $13,700,000, which is an increase of $6,700,000 over the House allowance. The committee was advised that the reduction effected by the House would delay the development of safety standards which will retard the rail safety program. With the additional funds recommended by the committee, it is expected that the Federal Railroad Administration will be able to delineate specific tangible accomplishments resulting from research programs dealing with safety and studies of train derailments, collisions and vehicle-train collisions. This appropriation provides for railroad research which is directed at solving critical safety problems, enhancing the environment, and promoting transportation efficiency. During 1972, major emphasis will be placed on conducting research related to train accidents caused by defective tracks and roadbeds, equipment systems, and human error.

For the Bureau of Railroad Safety, the committee recommends an appropriation of $5,781,000, which is $300,000 over the House bill. The additional amount provided by the committee will restore 19 positions deleted by the House. These positions will be filled by experienced civil engineers and will help in accident investigative work. They will spot check the carriers' own inspection practices and will cope with a backlog of requests for investigations and inspections of possible track problems. At the present time, only two qualified employees are on the rolls to perform these duties. A total of 281 positions is financed from this appropriation.

For high-speed ground transportation, the committee recommends an appropriation of $29,077,000. This item was omitted from the House bill since the extension of the authorization act had not been enacted, although bills are pending in the two Houses. The committee recommends the full amount of the budget estimate contingent upon passage of the authorizing legislation. The funds recommended consist of new budget authority of $17.3 million for research and development, largely at the high-speed ground test center; $10 million for demonstrations, largely for improvements in the Metroliner and Turbotrain demonstrations; and the remainder is for administration.

For administrative expenses of the Urban Mass Transportation Administration, the committee recommends an appropriation of $7,149,000, an increase of $849,000 over the House bill. These additional funds will finance the employment of 75 additional employees over the House bill, and the committee has directed that none of these employees be assigned to field stations outside of UMTA headquarters except those employees considered essential for supervision and implementation of ongoing programs.

The next item is research development, and demonstrations and university research and training. The committee recommends an appropriation of $78 million, the amount of the budget request and $26 million over the House bill. This budget is the first to emphasize research demonstrations and this accounts largely for the increase of $52 million over the program for the prior fiscal year. The committee recommends full restoration because long leadtime is inherent in these programs and projects. In addition, the projects undertaken in the research, development, and demonstration activities are designed to improve and explore innovations in facilities, equipment, methods and techniques. Some of the efforts currently underway will reach critical decision points in 1972, as to options of continuing, discontinuing, or modifying the projects. The committee is pleased with the progress being made at the Pueblo test track and also to learn of the plans to test light rail and "people mover" projects at Pueblo and Morgantown, W. Va. In its report, the committee has directed that $15,000 of the funds allowed be promptly applied to costs of development of surveys leading to specific recommendations from UMTA, to be submitted as soon as possible, as to how best to preserve railroad rights-of-way into central city areas for future transportation use. In addition, the committee has deleted from the bill $3 million which was earmarked on the House floor for subway research in view of the fact that it was a last-minute action on the floor of the House and had had no committee hearings in either body.

For liquidation of contract authorizations under the Urban Mass Transportation Administration, the committee recommends the full amount of the budget estimate and the House allowance, $150 million. The Urban Mass Transportation Act authorized $3.1 billion in contract authority. Section 308 of the general provisions, inserted in the bill by the House, has the effect of limiting this program to $800 million in fiscal year 1972. The Secretary of the Department of Transportation requested that the provision inserted by the House be deleted on the grounds that it is unnecessarily constraining on the potential program and could impede progress toward the solution of urban transportation problems. The committee recommends that the limitation be increased to $1 billion, to encourage acceleration of the program.

For the St. Lawrence Seaway Development Corporation, the committee concurs with the House in recommending a limitation of $749,000 on administrative expenses, an increase of $20,000 over the 1971 limitation. The corporation's total revenue for 1972 is estimated at $7.1 million, of which $3.4 million will be applied to retirement of U.S. Treasury bonds; $3.3 million for operating expenses—including the administrative expenses under limitation; and capital outlays of $0.4 million—including $0.1 million for lock rehabilitation expense. The St. Lawrence Seaway Development Corporation, a wholly Government-owned enterprise, is responsible for the development, operation, and maintenance of the St. Lawrence Seaway system in the United States. The corporation is one of the operating administrations within the Department of Transportation and has offices both in the Department and in Massena, N.Y. The corporation has joint responsibility with the St. Lawrence Seaway Authority of Canada for the 114-mile reach of the international section of the St. Lawrence River between Lake Ontario and St. Regis, N.Y. Principal facilities of the U.S. corporation—the Eisenhower and Snell locks, the Wiley-Dondero Canal, the corporation's offices, and operational and maintenance facilities—are located in Massena, N.Y., and vicinity.

For salaries and expenses of the National Transportation Safety Board, the committee recommends an appropriation of $7,150,000, the same as the House allowance. The Safety Board investigates, determines the probable cause, and issues reports on all civil aviation accidents; makes final cause determination and reports the facts and circumstances of major surface transportation accidents, relying on the administrations within the Department of Transportation to investigate such surface transportation accidents; conducts special transportation safety studies; makes recommendations for the purpose of preventing accidents and promoting safety in transportation; examines the adequacy of transportation safety standards and determines compliance with these standards; and reviews on appeal actions against any certificate or license issued by the Secretary or an Administrator of the Department of Transportation.

The committee recommends an appropriation of $13,445,000, the full budget request and House allowance, for salaries and expenses, Civil Aeronautics Board. The funding recommended would provide 16 new positions for regulatory functions. Ten relate to increased workload in rates and fares, including the air freight investigation; the remaining six are for increased workload in the consumer affairs and enforcement areas. The Board regulates the economic aspects of air carrier operations, both domestic and international, and participates in the development of international air transportation.

The committee recommends an appropriation of $53,600,000 for payments to air carriers, the same amount as the House allowance. Evidence indicated that this was the minimum amount that would be necessary to fulfill this obligation. The Civil Aeronautics Board, in repeated appearances before this committee, has stated that it has a contract liability for such subsidy payments to the certificated air carriers. Because estimates of the level of subsidy needed were as high as $82 million, and because this group of air carriers has sustained net losses on these routes for 3 consecutive years, the committee directs the Board, as soon as it is feasible, to reevaluate the level of payments required for this fiscal year. The committee will be receptive to any supplemental request based thereon, in order to assure that large segments of the American public will continue to receive at least minimum air service.

The next item is Interstate Commerce Commission, salaries and expenses. The committee recommends an appropriation of $28,940,000, the same as the budget estimate but $1,700,000 under the House allowance. It was the view of the full committee that an appropriation in excess of the budget estimate for the Interstate Commerce Commission should not be recommended at this time.

For the Panama Canal, operating expenses, the committee recommends an appropriation of $50,800,000 for fiscal year 1972. The net change from 1971 results principally from cost escalations of wages, supplies and materials, and service price increases. There are program improvements, principally in hospitals and schools. This appropriation provides for those functions in the Canal Zone which, in the United States, would be performed by State and local governments and civilian departments of the Federal Government, and for the operation of hospitals and clinics. All operating expenses, including depreciation and other nonfund expense, are recovered and paid into the Treasury as miscellaneous receipts. Such recoveries are derived from individuals and agencies served and from the Panama Canal Co.

The committee recommends an appropriation of $3,700,000 to finance necessary improvements and replacements to educational facilities, hospitals and clinics, and municipal facilities in the Canal Zone Government area. Like the House, the recommendation excludes $600,000 for the Rainbow City school complex improvements and $443,000 on the basis of carryover balances from 1971 and expected slippage in construction activities. Appropriations to the Canal Zone Government are repaid to the U.S. Treasury over the useful life of the capital assets acquired.

The committee recommends a limitation of $19,283,000 on general and administrative expenses of the Panama Canal Company. The increase of $2,035,000 over 1971 consists of wage increases and cost escalations—$1,441,000—additional workload—$326,000—program improvements—$141,000—and miscellaneous items—$127,000. The amounts involved are derived from Panama Canal Company resources.

The next item is the Washington Metropolitan Area Transit Authority. The committee recommends the full advance appropriation of $174,321,000 requested for fiscal year 1973 for the Federal share of the rapid rail transit system to serve the National Capital area. The funds recommended will enable the Authority to continue the orderly planning of the third year of construction activity. The advance funding of the Federal contribution is needed for the continuing participation of the Maryland, Virginia, and District of Columbia interstate compact members.

The last item, Mr. President, is the Highway Beautification Commission, and the committee recommends an appropriation of $200,000. This will provide professional staff and services for the Commission on Highway Beautification established by the Federal-aid Highway Act of 1970. Both Houses of Congress have already named their members.

Mr. President, I wish to express appreciation to our very diligent and capable staff, and particularly to Mr. Thomas Scott, Mr. John Witeck, and Mr. Joe E. Gonzales, for their assistance to me and to the other members of the committee in our conduct of the hearings, in our markup of the bill, both in subcommittee and in full committee, and in our preparation for the floor debate.

I also wish to take this opportunity to express my deep gratitude to the ranking minority member of the subcommittee, the Senator from New Jersey (Mr. CASE), for his cooperation, his understanding and courtesy at all times.

I also wish to express thanks to the distinguished Senator from Colorado (Mr. ALLOTT), who has been on the committee for many years, who has great knowledge of the subject matter of this bill, and who at all times has rendered such very capable help and advice to me and cooperation.

May I say that it has been a genuine pleasure to work with these two Senators on the minority side of the committee.

Mr. CASE. Mr. President, it has been a pleasant experience to work on this bill. The leadership of the chairman of our subcommittee has been up to its regular, usual, and expected high standard of diligence, competence, courtesy, and thoughtfulness.

The Senator from Colorado (Mr. ALLOTT), on whom I have relied so heavily because of his long experience as well as his native talents, and I have had a happy relationship, not only with each other but with our chairman.

Beyond that, I want only to say that, in addition to the staff support which we have received, and good staff support, from the director of the staff and from Mr. Witeck, we have also been greatly helped by Mr. Clark, minority member of the subcommittee staff.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. BYRD of West Virginia. I thank the Senator for noting this inadvertence on my part. I, too, wish to express gratitude to Mr. Clark for his efficiency, for his diligence, for his constant courtesy and cooperation, and for the fine work that he has done. He has been of great assistance to me also in my first year of handling this difficult appropriation bill.

Mr. CASE. I know that Mr. Clark thanks the Senator. We all thank him. As a matter of fact, it did not occur to me, and I do not think it would have to Mr. Clark, that this was an inadvertent omission. I thought the Senator was just leaving something for me to say, and something I was very happy to say.

As to the substance of the bill, the chairman has outlined the high points of it in a comprehensive way, and I think our report, plus what he has said, adequately deals with it.

There is just one matter that I might mention, since it has recently been called to our attention. There is some apprehension downtown at the Department of Transportation about the matter of the Federal payment to the Airport and Airway Trust Fund. I do not know that anyone is completely satisfied about what we have done about that, but what I wish to emphasize—and I think the chairman and the Senator from Colorado will bear me out in this—is that what we have done is to throw the whole matter into conference, where, if there are any bugs involved in the action by either body, they can be straightened out. I think that is where we had best leave it, so that the best and most satisfactory result can be accomplished.

Beyond that, I only wish to express my appreciation again to the chairman and the staff of the committee, and to my colleague the Senator from Colorado.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, will the Senator yield me 2 or 3 minutes?

Mr. BYRD of West Virginia. Yes.

Mr. ALLOTT. I wish to express my appreciation to the distinguished Senator from West Virginia and my colleague the Senator from New Jersey for their cooperation and help in this bill.

Many of the items in the bill were in the old Independent Offices Appropriation, and for many years I sat on that subcommittee, and in recent years I have been on this Subcommittee on Appropriations for the Department of Transportation.

However, there are one or two matters, I wish to discuss. I do agree with my friend that the best thing we can do with the Airport and Airway Trust Fund is to leave it as we have done, and place the whole thing in conference. I would not be happy with the effects of what was done if it were left as at present, I will say that frankly; but since the authorizing legislation is somewhat vague, and it is not specifically spelled out who is responsible for the expenditures of what sums out of which of the four categories that are enumerated under section 14 of the present law, I think this is the best way we can do it.

Mr. President, I would also like to mention the matter of subsidies for the local service air carriers. We have increased this item considerably. Despite the fact that this particular bill is $26,690,608 under the appropriation for last year, it has had to absorb several items such as the appropriations to take care of the subsidies to local feeder airlines.

I simply wish to say this about that question: We have had a situation in this country where the actions of the Government have, in effect, taken off all of the passenger trains in this country except Amtrack. We have left thousands of smaller communities in this country without any real transportation; they have occasional buses, and that is about all.

So, since this was done by action of the Government, I feel that we have a deep obligation, as indeed the CAB feels to keep the local service carriers going, and keep them going on an efficient basis.

Other than that, and to thank my colleagues and also the staff on both sides, I have one special word of appreciation, particularly for his assistance to me on the ground transportation aspect of the measure, to my own staff member, Paul Weyrich, who has indeed been of great help, and I think probably is more informed on the matter than any other one person I know of on Capitol Hill.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield the distinguished Senator from California whatever time he requires.

Mr. CRANSTON. I call the attention of the Senator from West Virginia to one matter that I have discussed with him several times, which relates to $2.5 million for Coast Guard barracks, mess hall, and classrooms, which we had hoped might be built in Petaluma, Calif., rather than at another location. I hope that the Senator is able to report that that was accomplished in the committee.

Mr. BYRD of West Virginia. Mr. President, I am able to so report. The distinguished Senator and I have discussed this matter at some length previously.

The request was for a reprograming of funds which were available for the construction of a barracks at Yorktown, Va., to the Petaluma site.

Both of these locations, as I understand the testimony—and I am sure the Senator from New Jersey will substantiate my understanding—are desirable; but, as I understand it, there is a substantial problem, as the Senator from California has pointed out to me on several occasions, in connection with the training of petty officers, and this site at Petaluma is intended to help overcome that problem.

It is my understanding that at the Petaluma site there are Army barracks no longer needed by the Army, and that this amount of money, $2.5 million, would result in a saving of several million dollars, because it would cost $10 to $12 million if equal capability were to be provided elsewhere.

This does not mean that the Yorktown facility will not be built. It will be built. But this action of reprograming will save money in the amount of several million dollars, at the same time it will provide excellent facilities for training purposes, and it will not eliminate or delay the need for the facility at Yorktown, Va.

I thank the Senator for calling this matter to my attention during the subcommittee hearings. I thank him for his assistance in the surveillance of the item, and for his great interest in the committee's work and his support and understanding in all matters. I congratulate him on his efforts in this particular instance.

Mr. CRANSTON. Mr. President, I thank and congratulate the distinguished chairman for his excellent work. It is quite unusual when you can get $2.5 million spent in your own State and thereby save the Nation $10 million. I hope we will have more opportunities to do the same thing in the future, and I shall do whatever I can to assist in such efforts.

Mr. BYRD of West Virginia. The Senator from West Virginia knows that the Senator from California will do just that, and I hope that the Senator from California will be able to achieve many repeat performances as far as saving the money of the Nation is concerned.

Mr. CRANSTON. I am sure it would require the help of the Senator from West Virginia. With his help, we can do it again. I hope. I thank the Senator very much.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BYRD of West Virginia. Mr. President, I know that the Senator from Alaska (Mr. STEVENS), wishes to propose an amendment. I would suggest that the cloakroom alert him to the fact that the bill is now open to further amendment. I do not wish to consume time by putting in a quorum call at this point, if the Chair will indulge me just briefly.

Mr. STEVENS. Mr. President, will the manager of the bill yield me 5 minutes in order to make some inquiries concerning the bill, before I offer these amendments?

Mr. BYRD of West Virginia. I am glad to yield 5 minutes to the Senator.

Mr. STEVENS. It is my understanding that the authorization bill, H.R. 5208, with respect to the Coast Guard, which was passed this morning, authorizes the acquisition of five long-range search aircraft, which are the HC-130 long-range patrol aircraft for the Coast Guard. It is also my understanding that the bill before the Senate funds only three of these long-range search aircraft. Is my understanding correct?

Mr. BYRD of West Virginia. The bill does contain funds for three of such aircraft.

Mr. STEVENS. It is further my understanding that the bill that was passed this morning authorizes the $1.5 million for the acquisition of the so-called air deliverable antipollution transfer system and that no money is available in this bill for that. Is my understanding correct?

Mr. BYRD of West Virginia. It is my understanding that there was no debate on the authorization bill that came out of the Commerce Committee and passed the Senate this morning. I am not sure as to the particulars.

Mr. STEVENS. May I inquire whether my information is correct that there is no money in the bill now before the Senate for the so-called ADAPTS system dealing with the antipollution transfer concept?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. STEVENS. I am also interested in one other area, and that is the question of the acquisition of the three high-endurance cutters which were authorized by both the House bill and the Senate-passed bill, in the amount of $57 million. It is my understanding that none of these is funded by this bill. Is that correct?

Mr. BYRD of West Virginia. What is the question?

Mr. STEVENS. It is my understanding that none of the three new high-endurance cutters would be funded by this appropriation bill.

Mr. BYRD of West Virginia. The Senator is correct, because the authorization bill, I believe, just passed the Senate this morning.

Mr. STEVENS. It is also my understanding that a portion of the increase that was authorized by the bill that was just passed is, in fact, included in the bill.

Mr. BYRD of West Virginia. Five million dollars for a marine traffic control system is contained in the bill by virtue of the fact that the Senator from Washington (Mr. MAGNUSON) brought it to the attention of the committee during the markup, and the committee accepted the amendment.

Mr. STEVENS. The difficulty is that we were informed that the entire bill had been delivered to the committee. I think that the great problem is the timing on the acquisition of some of this new equipment. Our committee just finished the authorization bill on Monday, and it is my understanding that the Senator's bill just came out of the committee, also. There has been a very difficult timing problem.

We are very serious about the necessity of this. I know that we will have supplemental hearings later, and I assume that some of these matters will come up then. I should like, if possible, to make a record as to the necessity.

For example, our committee found that the Coast Guard is unable to discharge its responsibilities for the protection of our offshore fishing fleets, and this is related directly to the HC-130 aircraft, which are not in the bill.

I would be pleased to discuss this matter a little further with the manager of the bill, and perhaps I should offer amendments so that we might discuss it a little more fully.

I have some statistics to show this. Operating off the coast of Alaska in any month are from 500 to 1,200 to 2,000 foreign fishing vessels. The United States at this time utilizes only 10 percent of the fisheries resource of the Continental Shelf off my State. These foreign vessels are increasingly violating not only good conservation practices but also the very agreements we have entered into with these foreign nations to protect our salmon fleet, to protect our halibut stock and to protect our king crab, which are becoming an increasingly important food source for this country.

One of the difficult problems is that the Coast Guard has gone through a period of transition. We are no longer operating the flying boats, and I have the statistics to show how many of these aircraft we have there now. One piece of equipment that has proved invaluable is the new HC-130 long-range patrol aircraft.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. STEVENS. Let me offer my amendment.

Mr. BYRD of West Virginia. How much additional time does the Senator want?

Mr. STEVENS. I do not like to take up the Senator's time on the bill.

Mr. BYRD of West Virginia. The Senator need not be hesitant.

Mr. STEVENS. Five minutes would be fine.

Mr. BYRD of West Virgina. I am glad to yield 5 minutes to the able Senator.

Mr. STEVENS. We have been placed in an unfortunate position, because of the deactivation of the flying boats. The increased fishing fleets, the increased need for surveillance in terms of pollution require new equipment.

It was my great hope that at least these two HC-130 long-range patrol boats would be authorized by this bill, taking into account the consideration of the delay in time.

I am also advised—if I might mention this merely as an aside—that we are talking about the acquisition of two aircraft from a company for whom we are about ready to guarantee a loan for $250 million; but we delete the $8.5 million that would have been a bona fide purchase of equipment which both the House and the Senate have unanimously agreed to—there was no objection to the bill as it went through—are needed. Apparently, we are putting our priorities in the wrong schedule.

The really great problem with this bill, so far as I am concerned, is that it does not adequately reflect the concern that the legislative committees have. I would point out, for example, the bill that was introduced by my good friend, the Senator from South Carolina (Mr. Hollings), who is the chairman of the Subcommittee on Oceans and Atmosphere of the Commerce Committee—I serve on that subcommittee, also, and cosponsored the bill with him—would call for an expenditure of $4.7 billion for the modernization of the Coast Guard.

At the very time we are going around the country holding hearings concerning the increase and modernization of the Coast Guard, we find that we are not funding the equipment that is considered to be absolutely necessary by the authorizing committee.

I must say that I understand the delay, and I apologize to the manager of the bill for not coming to the committee to deal with the things we had authorized. We authorized them on Monday. The bill did not pass until this morning. Yet, the House bill authorized all the items I have discussed here, and so did the Senate bill.

I would urge the manager of the bill to consider placing in the bill at least these two HC–130 long-range patrol aircraft. I have the amendment prepared which would deal with all of them, but I am a realistic person, also. I understand that we are not going to write into this bill at this time an increase of $127 million before the subcommittee has the time to review the justification of the Coast Guard on these items. But the two long-range 130 patrol aircraft are absolutely needed. Let me point out to the chairman one thing: 5 years ago we had civilian aircraft that were flying the Alaskan waters which were amphibious. Today they are flying jets. There is no surveillance capability in the civilian fleet today. Five years ago, there were PBY's and Grumman Gooses, and other amphibious aircraft which the Coast Guard has now retired. They are a lifeline for the American fishing fleet. They help not only Alaska, but the entire Northwest—Oregon and Washington.

The C–130 long-range aircraft are the only thing we have to protect our shores from pollution, the only thing we have to protect our fishing fleets from intrusion in the areas where foreign fishing fleets have agreed not to fish—but they are fishing there, as last year there were several such intrusions, discovered by the efforts of aircraft like this.

The delay time in getting patrol aircraft authorized, constructed, and delivered, means that if it is not in this bill, we must wait until the supplemental, next year, so that we will be a year behind in delay in getting patrol aircraft.

One thing I would urge most strenuously on the two Members who have the responsibility for this bill is that these two aircraft, but for the timing, I am sure they would have included in the bill.

The PRESIDING OFFICER (Mr. Gambrell). The additional 5 minutes of the Senator from Alaska have expired.

Mr. ALLOTT. How much time does the Senator from Alaska need?

Mr. STEVENS. May I suggest the absence of a quorum for just a moment——

Mr. ALLOTT. Mr. President, I ask unanimous consent for a call of the quorum with the time to be charged against the time on the bill—on my time.

The PRESIDING OFFICER. Without objection, it is so ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

> On page 18, line 7, after the colon insert the following new sentence: "$1,000,000 shall be appropriated to the Alaska Railroad Revolving Fund for use in construction and engineering work on an extension of the Alaska Railroad from Fairbanks, Alaska, to the International Airport located near that city:"

Mr. STEVENS. Mr. President, today I am introducing an amendment to the Department of Transportation and related agencies appropriation bill for fiscal year 1972 which would appropriate $1 million to the Alaska Railroad Revolving Fund for use in construction and engineering work on an extension of the railroad from Fairbanks, Alaska, to the International Airport located near that city.

This project has already been authorized by Congress. Expenditures for authorized projects of this type are derived from funds available in the Alaska Railroad Revolving Fund. Because of the present depressed economic situation in my State, the railroad's cash flow has been greatly reduced and is presently in a negative position.

The construction of the rail spur, which my amendment would make possible, would facilitate the transportation of goods to the airport. This would enable Fairbanks to play its rightful role as the main supply center for goods and materiel shipped to the North Slope of Alaska for use in building the trans-Alaska pipeline. Moreover, the price of fuel used by aircraft flying in and out of Fairbanks would be greatly reduced.

Thus, the construction of the spur would significantly accelerate the economic and social progress of Fairbanks by providing a much-needed, relatively inexpensive transportation link. Recognizing this fact, officials of the Fairbanks borough, State, and Federal Governments have been working together in a joint examination of the various possible routes between Fairbanks and the airport. I understand that the Federal share of $1 million, which represents 60 percent of the estimated construction costs, would be matched by a 40-percent contribution of property, money, and other resources by the borough and the State of Alaska.

Mr. President, for the reasons that I have just outlined, I urge favorable consideration of the amendment which I have just introduced. I ask unanimous consent that certain letters and other material in support of the proposed extension be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Fairbanks North Star Borough,
Fairbanks, Alaska, March 12, 1970.

Hon. Theodore F. Stevens,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

Dear Senator Stevens: During the past five months, officials of the Fairbanks North Star Borough and members of the Fairbanks Metropolitan Airport Advisory Commission have been working diligently for an extension of The Alaska Railroad to Fairbanks International Airport. Such an extension is needed to provide competitive through-rate for wet and dry cargo to the North Slope. It is our firm belief that an early construction of a railroad spur extension to the airport is of the greatest importance—not only to Fairbanks—but to the entire State of Alaska.

This rail spur will be an extension of the existing railroad, branching out at a point near Mile 2 Richardson Highway, proceeding south in a line parallel to Van Horn Road to a point on the southern boundary line of the airport reserve property, and continuing across the airport reserve property to the west side of the airport.

At present, we find ourselves in this position. The Alaska Railroad has indicated that it has funds and material available to lay the tracks but not the funds to lay the base. Private property owners are providing the right-of-way and the embankment for the spur to the southern boundary line of the airport reserve property. It is, however, vitally important that this spur continue across the airport reserve property to the west side of the airport to serve existing and prospective operators located there.

It is believed that sufficient gravel could be made available from State borrow sources to construct the embankment for that part of the railroad spur located on State-owned airport property. In his letter dated March 9, 1970 (please see copy attached), Mr. Harry A. Wakefield, Director of the Division of Aviation, roughly estimates this gravel quantity requirement at 175,000 cubic yards. The Corps of Engineers has approved the removal of material from the established borrow source adjacent to Morgan Island. This area is under the management of the Division of Lands and, subject to their extension of the Division of Aviation borrow permit, the material could be made available for the railroad spur embankment. Mr. Wakefield further estimates the cost of the material in place in the embankment at $1.50 to $2.00 per cubic yard. Based on the dollar amounts as projected by Mr. Wakefield, the total cost of material in place in the embankment for that part of the railroad spur located on State-owned property will be approximately $350,000.

Any assistance you may be able to give us in this matter will be much appreciated. I look forward to hearing from you.

Very truly yours,
John A. Carlson,
Chairman.

Department of Public Works,
Anchorage, Alaska, March 9, 1970.

Re: Fairbanks International Airport Railroad Spur.

Mr. John Carlson,
Chairman, North Star Borough,
Fairbanks, Alaska.

Dear Mr. Carlson: This will serve to confirm our conversation which took place recently in Commissioner Strandberg's office with the delegation from Fairbanks, including yourself.

As indicated at that time, we believe that sufficient gravel could be made available from State borrow sources to construct the embankment for that part of the railroad spur located on airport property.

This quantity requirement has been estimated roughly at 175,000 cubic yards. The Corps of Engineers has approved the removal of material from the established borrow source adjacent to Morgan Island. This area is under management of the State Division of Lands and, subject to their extension of our borrow permit, the material would be made available for the railroad spur embankment. We estimate cost of the material in place in the embankment at $1.50 to $2.00 per cubic yard.

Sincerely,
Harry A. Wakefield, Jr.,
Director, Division of Aviation.

Fairbanks North Star Borough,
Fairbanks, Alaska, February 12, 1971.

Hon. Theodore F. Stevens,
U.S. Senator, Senate Office Building,
Washington, D.C.

Dear Ted: As you may know, for the past two years the Fairbanks North Star Borough and numerous interested citizens have been working diligently for an extension of The Alaska Railroad to the Fairbanks International Airport. In order for us to play our rightful role as a supply center to the North Slope, as well as providing for lower operating costs—through reduced fuel cost—or aircraft in and out of Fairbanks, it is imperative that the railspur be built without further delay. In fact, it is *critical* that the spur be completed this summer.

I am enclosing our latest correspondence from Mr. John E. Manley, General Manager of The Alaska Railroad, which indicated that the Fairbanks North Star Borough has recommended a route for the railroad spur that is not to his liking. He also indicates that the route proposed by the Borough would incur additional costs and would require the abandonment of some new road bed.

Enclosed is a map showing the route proposed by The Alaska Railroad, as well as the route recommended by the Borough. As you will note, the route proposed by the Borough may well be shorter than the one chosen by The Alaska Railroad and, consequently, may be constructed at a lesser cost. The abandonment of approximately one and one-half miles of grade already built would *not* result in a loss to citizens who has also agreed to place the grade for the route recommended by the Borough, at *no* cost to the Railroad.

Mr. Manley now indicates that there is doubt in his mind that he can afford to build this spur to the Airport in any alignment because of the financial picture of the Railroad. During a meeting in January, he stated to us that the Railroad was about one million dollars in the red. We recognize the fact that business is down throughout the State of Alaska, as well as in the lower 48. However, back in 1969 when this project was initially begun, Mr. Manley indicated that a certain amount of dollars was available for the construtcion of the railspur. Inasmuch as the amount was insufficient to cover the cost of the entire railspur construction, we realized that the successful completion of the project would to a large extent depend on input from our private citizens. Many obstacles had to be overcome but—Fairbanks North Star Borough and its citizens want and need this railspur extension to the International Airport and were willing to undertake the job and provide the labor and materials for the railspur grade at no cost to The Alaska Railroad in order to accomplish the project.

We are now at a point where I feel a meeting should be set up in Washington, D.C. with whomever makes the decisions on the expenditures of the Department of Transportation. This would enable us to present our case and obtain the additional funds needed for the construction of the railspur. Would you please advise me of any additional information you might need in this particular case and when we could, in fact, plan to come to Washington, D.C. in order to get this job accomplished once and for all.

Your cooperation and assistance will be appreciated.

Very truly yours,
John A. Carlson,
Chairman.

April 13, 1971.

Mr. John E. Manley,
General Manager, The Alaska Railroad,
Anchorage, Alaska.

Dear Mr. Manley: This will acknowledge receipt of your letter dated March 24, 1971, relating to the proposed extension of The Alaska Railroad to Fairbanks International Airport.

The route of the proposed railspur has again been discussed by the Fairbanks North Star Borough Assembly. As a result of this discussion, Resolution No. 71–10 was drafted and approved by the Assembly at its regular meeting of April 8 (please see attached copy). In essence, this resolution supports the route as determined by The Alaska Railroad's engineering section and supersedes the Assembly's previous motion that the spur should follow a more southerly route. I believe this resolution should clarify any question that you might have had concerning the Assembly's support of the proposed extension and its route.

We are, of course, most eager to see this project progress as rapidly as possible. The U.S. Army Engineering Construction Battalion at Fort Wainwright is ready to construct the roadbed for the railspur on the military reservation and is awaiting confirmation of the alignment from your office.

As indicated in my previous correspondence, should the financing of the proposed extension prove to be a problem, we will be happy to assist in any way possible. Our Congressman will be in Fairbanks this week, at which time we will be discussing the matter with him as well as the possibility of obtaining additional funds should it become necessary.

I look forward to hearing from you concerning progress being made on the proposed railspur.

Very truly yours,
John A. Carlson,
Chairman.

A Resolution Supporting the Construction of the Rail Spur to the Fairbanks International Airport by the Route Projected by the Alaska Railroad

Whereas, Fairbanks International Airport in the Fairbanks North Star Borough is uniquely situated to serve the transportation needs of the Interior and Arctic Slope of Alaska; and

Whereas, the track of The Alaska Railroad does not presently extend to the Fairbanks International Airport; and

Whereas, a rail spur to Fairbanks International Airport is necessary to meet civilian and military needs and to provide wet and dry cargo capabilities to the operators; and

Whereas, private citizens have provided right-of-way and base for such a spur at no cost to The Alaska Railroad; and

Whereas, the State of Alaska has provided right-of-way and base for such a spur on airport property at no cost to The Alaska Railroad; and

Whereas, The Alaska Railroad has indicated its willingness to build the spur by a route determined by its engineering section; and

Whereas, the Assembly of the Fairbanks North Star Borough wishes to cooperate with The Alaska Railroad so that the construction of the spur may be completed in the summer of 1971:

Now, therefore, be it resolved by the Assembly of the Fairbanks North Star Borough that the Assembly supports the construction of the rail spur to the Fairbanks International Airport by the route projected by The Alaska Railroad.

Mr. STEVENS. Mr. President, this has already been authorized by Congress, with funding from funds available to the Alaskan Railroad through the revolving fund. It is a project that is a railroad spur, to facilitate the transportation of goods which come up by rail barge to the Alaskan Railroad, which is a Government-owned facility, but when it gets to Fairbanks, there is no spur to the airport.

We are talking about jet fuel for planes on their way to Tokyo, and we are talking about interstate jets that come into the airport, but what is more important is the transhipment of rail freight that comes in from what we call the "South 48," all the way up the coastline until it gets to Fairbanks, and then it is taken off the railroad, because of the lack of this spur.

This is a project which has the support of the whole Alaskan delegation, I am certain. We have all written to the Department of Transportation concerning it because, again, it is a matter which is wholly local. The funds, incidentally, come from the revolving fund and not from the general fund.

I would urge that the manager of the bill consider this amendment as being worthwhile in order to facilitate activity and also to take cognizance of the depressed economic situation in the Fairbanks area at this time.

Mr. BYRD of West Virginia. The distinguished Senator from Alaska (Mr. Stevens) has discussed this matter at some length with the distinguished Senator from Colorado (Mr. Allott), and with me, and we think he has made a good case. The Senator from Colorado and I have decided to accept the amendment and take it to conference. We hope that the Senate will adopt the amendment.

Mr. STEVENS. Mr. President, I move adoption of the amendment and yield back my time.

Mr. BYRD of West Virginia. I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Alaska (Mr. Stevens).

The amendment was agreed to.

Mr. STEVENS. Mr. President, I want to take just a couple of minutes for a brief colloquy about the other matter.

We have discussed the problem that has occurred because of the delay and lack of a real fitting together of the authorization bill that both the House and Senate Commerce Committees adopted. I would ask my friend if, on the first supplemental that will be brought up sometime during this session, we can marshal our testimony and present not only some Members of this body who are interested in these items, but also the Coast Guard, to consider the great necessity for the long-range patrol aircraft and the endurance cutters, and other matters that could be considered at that time under the first supplemental.

Mr. BYRD of West Virginia. Mr. President, I can give the distinguished Senator my assurance—and again this is a matter that the Senator from Colorado (Mr. ALLOTT) and I have been discussing with the able Senator from Alaska—that the Coast Guard will be invited to testify. A good record will be made. I am sure that the Senator from Alaska will want to appear before the committee and he will make an excellent case.

The matter has been authorized, as I understand it, by legislation in both the House and Senate; but it has not yet been enacted into law. It does not yet carry the President's signature. There is nothing in the hearings on the subject.

I can assure the Senator that the committee will be receptive to any budget estimate and to any testimony that can be later submitted to the committee on behalf of this item. A supplemental appropriations bill will be coming along after the August recess. I am glad to give my assurance to the Senator from Alaska, and my support, insofar as I can see the matter now.

I trust that the Senator will accept this as a good promise which, I think, will bear fruit if the RECORD can be made clear with respect to the substantiation of the need for this money.

Mr. STEVENS. I thank the Senator.

Mr. ALLOTT. Mr. President, I yield myself such time as I may use.

I just want to congratulate the distinguished Senator from Alaska. He has always been extremely diligent in looking after the interests of his State. I also want to tell him that we thought when we heard this matter and when we provided for the acquisition of nine replacement aircraft and the reactivation of six aircraft for pollution surveillance that we had done all that the Coast Guard has requested.

We are in this peculiar situation which the Senator has pointed out, and that is that the Senate has just acted upon the authorization bill this morning.

There is another situation about this kind of a fix, however, and that is that it does place the manager of the bill in a very peculiar position with his colleagues, not only upon the subcommittee but also upon the full committee, having accepted something about which we really have no testimony at all.

I want to give the Senator my personal assurance—and I think I can do this also on behalf of the ranking minority member of the committee, the able Senator from New Jersey (Mr. CASE)—that when this matter comes up we hope that we will be able to get the budget estimates on this and that the committee on the supplemental will be able to give this matter serious and deep consideration.

Mr. STEVENS. Mr. President, I am indebted to both the Senator from West Virginia and the Senator from Colorado. I realize the timing problem involved. I feel it is unfortunate that we did not have an opportunity to go through this testimony before the committee.

I thank the Senators for their courtesy and kindness on behalf of the State of Alaska.

Mr. BYRD of West Virginia. Mr. President, the Senator from West Virginia indeed thanks the Senator from Alaska for his understanding.

Mr. PERCY. Mr. President, if I could address a comment to the acting majority leader, I would be derelict if I did not express deep appreciation to the subcommittee, and particularly to its chairman, the distinguished Senator from West Virginia (Mr. BYRD), for increasing the amount for the alteration of bridges to take care of two very, very critical situations in Illinois that would have adversely affected overseas as well as domestic commerce in the Midwest if corrections ordered by the Federal Government could not have been made.

The House added $4 million-plus. The Senate added approximately $2.5 million. I think these are sound investments for the future, and I am deeply appreciative to my colleague for his recognition of the problem we faced.

Mr. BYRD of West Virginia. I thank the Senator. I also thank him for his good work in the committee. He was very alert to the two situations in his State, and, of course, the results show that he was very persuasive.

Mr. HATFIELD. Mr. President, in my home State, as elsewhere around our great country, the U.S. Coast Guard plays a vital role, providing a tremendous service to all who live, work, or play by or on the sea. Often unsung, certainly without fanfare, the men of this valiant service go quietly about their business of saving lives and property, protecting our environment from the ravages of pollution, enforcing our laws and treaties, making our ports and waters and the craft that ply them safe for recreation and commerce alike, and protecting our precious natural resources—the fisheries—from those whose practices would deprive our fishermen of their livelihood and us of the assurance of a continued source of food and revenue.

In the Oregon-Washington area alone the Coast Guard saves about 400 lives annually. In terms of property, I estimate that the Coast Guard saves about $177 million each year—in just the Northwest.

But the ability of the Coast Guard to continue to perform with the professional expertise of which we are all so proud is threatened by two very serious factors. I refer to a very low retention rate for their people and an increasing state of age and deterioration of their physical plant.

The bill before us today represents a highly people-oriented budget aimed at enhancing the living and working conditions of Coast Guardsmen and their families, at permitting maximum use of the experience available, and at offsetting lost experience with more training.

Also given high priority in the budget for the Coast Guard this year are projects to improve the physical plant and others to enhance Coast Guard capability for marine environmental protection.

Mr. President, I commend the Coast Guard to you today as a distinguished, selfless, dedicated service, which is a source of great pride for all of us—and of great comfort for all whose business or recreation takes them to the seas and waters of the United States. I am proud of the service given by the Coast Guard to my hometown of Newport, Oreg.

The Coast Guard has embarked on a well-conceived and realistic program to assure its capability of continued high performance. I urge the wholehearted support of the Senate in providing the resources necessary for the Coast Guard to continue to grow in its long tradition of distinguished service to humanity.

As a member of the Committee on Commerce, I am well acquainted with all the Coast Guard programs through hearings on proposed legislation and through personal contact, both here and Oregon. While the appropriations bill for Coast Guard capital improvements falls short of what is needed, I commend the gentlemen of the Appropriations Committee for exceeding the Coast Guard request in this vital area.

At a time when Coast Guard personnel are increasing their efforts in pollution control and offshore fisheries patrols, we in the Congress are in the final stages of enacting legislation to add still more duties affecting ports and waterways and boating safety. We would be ill advised in this context to also enact appropriations levels which may well cost the Coast Guard ships, manned stations and personnel vitally needed to continue the protection now provided to our coastal areas.

Mr. President, I am fortunate to serve on the Merchant Marine Subcommittee of the Commerce Committee. As my colleagues are aware, this is a new committee assignment for me this Congress, and I am enjoying it.

When the committee considered H.R. 5208, the Coast Guard authorization bill, I offered a statement favoring increased support for Coast Guard operations. I feel strongly, as my statement indicates, that the Congress owes the Coast Guard greater support and a greater financial commitment to allow them to operate at a level I believe the country expects.

I ask unanimous consent that my statement at the Coast Guard hearing appear at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR MARK O. HATFIELD

Mr. Chairman, I appreciate the opportunity to address a few comments to S. 1223, a bill to authorize appropriations for Coast Guard activities. My remarks are in support of the Coast Guard in their many-faceted activities of a "people-oriented" nature.

In my opinion, the Coast Guard does a remarkable job, in view of the severe budgetary restraints under which it operates. I can appreciate the frustration that must be felt when Coast Guard officials see the mammoth appropriations directed to Department of Defense activities, some for projects of dubious merit, while the Coast Guard suffers from underfunding in so many areas.

As some of my colleagues are aware, about a year ago, my family and I moved from Salem, the State capital, to Newport, on the Oregon Coast. While I have tried to keep abreast of Coast Guard activities throughout my years in public service, since moving to Newport, I have been able to see first-hand the high return the public receives for each tax dollar we appropriate for Coast Guard activities. It has convinced me that we need to increase the appropriations for Coast Guard activities in a number of areas.

While I have noticed it a number of times, the search and rescue operations of the Coast Guard were dramatically illustrated this past Christmas, when I was in Newport for several days. A fishing vessel had broken up along the coast near Newport, and the SAR planes flew many patrols right in front of our house. Nearly every time I have been in Newport, I have heard, or have read in our local paper, about the fine work done by the SAR operation at Newport.

In November 1970, I had the pleasure of speaking at the dedication of a Coast Guard monument at Newport. In the preparation of my remarks for that occasion, I looked into the scope of the Coast Guard activities in SAR. In the Oregon-Washington area, it is estimated the Coast Guard SAR operations save 400 lives annually, while assisting 11,000 people. The value of property assisted is $177 million. These impressive statistics, I am sure, could be echoed by my colleagues on this Subcommittee regarding their respective States.

During the past three years there has been a great increase in the number of SAR operations conducted along the Pacific Coast, and off the Northwest States in particular.

In the 13th Coast Guard District, for Oregon and Washington, search and rescue operations in 1968 totalled 3,940. In 1969, the total increased by 13% to 4,464. In 1970, there was an estimated 16% increase to 5,200.

At the Yaquina Station, operating from Newport, SAR operations climbed from 230 in fiscal 1968 to 305 in fiscal 1970—a 33% increase. At Astoria, they grew from 152 in fiscal 1968 to 235 in fiscal 1970, a 54% increase.

In view of the rising number of SAR missions conducted in Oregon, I am disturbed that there is no reference to increases in the number of aircraft stationed in Oregon and I call attention to the need for additional helicopters to assist in SAR. In 1970, the Coast Guard had over 100, but more are needed. I believe the number of helicopters available for SAR in Oregon and other places of demonstrated need should be increased.

I do not need to repeat to the representatives of the Coast Guard the intense feelings along the Oregon Coast generated by incursions of foreign fishing fleets. The distinguished Committee Chairman, Mr. Magnuson and my colleague from Alaska, Mr. Stevens, I know would share my sentiments.

I do appreciate the cooperation by the Coast Guard in attempting to solve this many-faceted problem. I know Senator Packwood and Oregon's two Congressmen from the Coast, Mr. Wyatt and Mr. Dellenback, share my strong feelings that increased Coast Coast Guard activity in this area is needed.

If the Coast Guard could provide a station at North Bend, I think an increase in both surveillance of foreign fishing vessels and SAR could be accomplished. The use of helicopters would provide needed versatility. In my opinion, the coastal citizens of Oregon would like their tax dollars spent in this area.

I also have spoken in Oregon on the need for more funding for buoy tenders. In late 1970, the Coast Guard is operating 38 seagoing buoy tenders and 12 coastal buoy tenders that are over 26 years old.

The third area of Coast Guard activity I have stressed in Oregon speeches is the oil pollution protection operations. It was coincidental that one speech I gave came only a few days after the San Francisco oil collision. The fact that one ship was the "Oregon Standard" caused the incident to generate added interest in Oregon.

At this time, I was told that original Coast Guard plans were for two oil pollution containment systems—one for the East Coast and one for the West Coast. I understand that budget restraints caused only one of these to be operational—on the East Coast. I know of Coast Guard plans to expand this facet of their operations, and I welcome it.

When I have spoken on this subject in Oregon, I have itemized the Coast Guard budget and the costs for expansion of these programs. I then have compared this with the cost of the Vietnam War. I will not repeat these today, but will only point out that these "people oriented" programs of the Coast Guard must not be reduced by pressures of Department of Defense demands for Vietnam spending.

In conclusion, I applaud the activities of the Coast Guard in these areas, as well as others. Their programs deserve increased appropriations. The fine record of the Coast Guard, in the face of inadequate appropriations reflects credit on the entire Coast Guard, from the Commandant to the Coast Guardsman in Newport, Oregon.

One reason I sought membership on this Committee was so I could have a voice in determining the programs of the Coast Guard. I look forward to working with Coast Guard officials in any way I can to see that these programs receive the funding they deserve.

Mr. HATFIELD. Mr. President, I also would note that we must insure an adequate funding level for the pay of men in the Coast Guard, for I am aware, through my long involvement trying to increase all military pay scales, that the retention rate for personnel is hampered by inadequate pay scales.

During the Coast Guard authorization hearing, I had a brief colloquy with Adm. Chester Bender, the Coast Guard Commandant, about this problem.

I ask unanimous consent that this portion of the transcript appear at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Transcript

Senator Hatfield. Thank you very much, Admiral Bender.

In your complete statement, not the summary, you alluded to the problem that you have in personnel retention. Will you elaborate a little bit on this for the record, please?

Admiral Bender. Yes, sir. In the last year or so, our retention at the end of the first enlistment has been running only about 8 percent. In later enlistments, in succeeding enlistments, our retention goes up much higher—to about 85 percent. But this very poor retention rate at the end of the first enlistment causes many problems.

It requires a great deal more recruiting, obviously, because the people turn over more rapidly and also because of this rapid turnover, it requires more training in order to accommodate the needs of the service through the creation of the petty officer capabilities and so the needs of additional accommodations for people are greater, particularly in the training areas. And our capability to perform our duties is lessoned by this rapid turnover.

Senator Hatfield. What besides facilities? Would you comment upon pay scales and their relationship to this problem?

Admiral Bender. Well, we do feel, Mr. Chairman, that pay scales are a very essential element in the determination as to whether or not a young man elects to remain in the service. We must acknowledge that many of the people that we get in the Coast Guard in this first enlistment do not ever intend to make the service a career and are, in fact, entering the services in lieu of one of the other services to fulfill a military obligation. Nevertheless, we feel an increase in pay scales would be a very important factor in the better retention the improved retention, of our people.

Senator Hatfield. Have you done any studies as to demonstrate the non-comparability of the Coast Guard pay scales to that of civilian pursuits in similar jobs?

Admiral Bender. No, sir. The Coast Guard has not directly conducted any such studies.

Senator Hatfield. Are you aware of how many Coast Guard members are receiving welfare checks in addition to the Coast Guard pay? As you perhaps know, we have about 50,000 in the military service today who are on welfare because they qualify under the poverty definition and because we in the Congress have failed to develop a comparable pay program.

I was just curious to know if you have any surveys as to your own Coast Guard as to how many of your men are in this poverty class.

Admiral Bender. We do not have such figures, Mr. Chairman, but I am well aware that some of our younger people are in fact in a poverty category.

Senator Hatfield. What about numbers of personnel? As I indicated earlier, the requirements, the very heavy burden upon so many of these in the search and rescue area activity, particularly on over-time and the hours per week that they are required to serve, is this a problem that relates to retention?

Admiral Bender. It is a very great problem. We are working our personnel currently at many of our stations over 100 hours a week. And we would like to make a substantial reduction in those areas in order to again make the service more attractive to those people and thereby retain them.

Senator Hatfield. In your budget or any other report, do you indicate the number of increased personnel to be necessary to reduce this situation from 100-hour work week to a reasonable work week?

Admiral Bender. Yes, we do, Mr. Chairman. That would occur in our operations expense, our OE budget, which, of course, does not come before this Committee at that time.

Senator Hatfield. No, but in that budget request and supported by the Department of Transportation, do you provide for these additional personnel to relieve that situation?

Admiral Bender. In our 1972 budget, we will ask for 108 additional positions—that is, new positions in this field or manning the Coast Guard Stations in order to make this a partial correction, at least.

Senator Hatfield. So between the improved facilities which would relate to the working conditions, the better hours, a more comparable pay scale, you feel that these are at least three of the factors that would help this retention problem that you have brought to our attention?

Admiral Bender. Yes, sir; I do. And another one, of course, is the facilities themselves, the housing facilities and the barracks, these things.

Senator HATFIELD. You were talking—and again referring back to your original testimony, not the summary—about modernizing some of the vessels that I believe were 35 years old. What do you project as far as the life of such a vessel—both a modernization program and not a modernization program as opposed to, say, new construction?

Admiral BENDER. Yes, sir. We would hope to gain another 8 or 10 years out of these vessels, Mr. Chairman.

Senator HATFIELD. And you feel that is the best economics to modernize vessels 35 years of age rather than replacement?

Admiral BENDER. I do, Mr. Chairman, in terms of particularly the buoy tenders that are built very sturdy in the first place and have capability of continued operation with these improvements in habitation.

Senator HATFIELD. Does the Navy operate vessels this age?

Admiral BENDER. No, sir. I believe the average age of a Naval vessel would terminate at about 25 years.

Senator HATFIELD. Do you think there is a relationship, too, between the problem of retention rate and the age of your vessels that you are assigning these men to?

Admiral BENDER. Not directly in terms of age, Mr. Chairman. But rather in terms of the fact when these vessels were built back in the '30s, we simply did not give as much consideration to habitability as we do today. And our men today are not satisfied with the conditions that we provided at that time.

Mr. BOGGS. Mr. President, first I would like to congratulate the chairman and other distinguished members of the subcommittee for their fine work on this bill. They did an excellent job in their hearings and have brought before the Senate a bill which, I believe, will meet the needs of the agencies covered without adding undue stress to our fiscal situation.

There are two items in this bill which, though possibly minor in the greater context, are most important in the field of safety.

This bill contains a total of $31 million to fund the alcohol safety action program through the various States. That figure can be broken down to show that $21 million will fund ongoing programs in 29 States and $10 million will be used to fund 11 new programs.

It is my belief that this program is vitally important if we are to cut down on the tragic losses suffered on this country's highways. It has been estimated that the effects of alcohol accounted for more than 50 percent of the 47,500 fatal accidents and a $6 billion economic loss in this country during 1970.

The Congress, in the Highway Safety Act of 1966, required the States to adopt comprehensive traffic safety programs. It was mandated that top priority be given to development of safety standards in relation to alcohol.

The subcommittee's action on this bill goes far toward fulfilling that commitment we made 5 years ago. I would hope that in the very near future every State in the Nation will have a similar program.

The subcommittee also saw fit to restore to the $10 million level the appropriations for demonstration projects to eliminate or improve ground-level rail-highway crossings. This project is most important to those States which form the corridor for the new high-speed railroad system being developed between Boston and Washington.

Mr. McGEE. Mr. President, the bill before us, as amended, contains what I believe to be a very important and significant addition, for which I want to express my thanks and the thanks of the people of Wyoming to the Senator from West Virginia (Mr. BYRD). He was most cooperative in helping me to pursue the addition of an Airport Surveillance Radar system for the Casper Air Terminal. The Senator, of course, has some recent experience with aviation accidents in mountainous areas, and so he understood our problem in Wyoming.

The Casper Air Terminal was, perhaps, a marginal case. With respect to its total number of itinerant airborne operations, that is. With respect to air carrier operations, it was more than 1,000 per year above the minimum criteria for installation of an ASR system. But the fact is inescapable that the Casper Air Terminal is, for its size, a busy airport. It is situated at relatively high elevation, with mountains nearby, and clearly the dictates of air safety would favor the installation of airport surveillance radar. I have no doubt, Mr. President, that if this $2 million item prevails through the remaining lawmaking process, that lives ultimately will have been saved.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9667) was read the third time.

Mr. BYRD of West Virginia. Mr. President, I yield back the remainder of my time.

Mr. ALLOTT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Indiana (Mr. BAYH), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Kansas (Mr. DOLE) are necessarily absent.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BROCK) and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 90, nays 0, as follows:

[No. 161 Leg.]

YEAS—90

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Young

NAYS—0

NOT VOTING—10

Baker
Bayh
Brock
Dole
Goldwater
Harris
Humphrey
Mundt
Thurmond
Williams

So the bill (H.R. 9667) was passed.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of West Virginia, Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. ELLENDER, Mr. CASE, Mrs. SMITH, Mr. ALLOTT, and Mr. YOUNG conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, it is with great pride and deep appreciation that I rise this afternoon to thank the able and distinguished majority whip for his management of the Department of Transportation appropriations bill. As I am sure many of my colleagues have witnessed, the Senator from West Virginia (Mr. BYRD) has an instantaneous recall on matters he has studied. Both in his tasks as majority whip and as manager of various important legislation his help is most appreciated.

In committee the able assistance of the Senator from New Jersey (Mr. CASE) was most helpful in expediting this legislation. The followthrough on the floor with the Senator from Colorado (Mr. ALLOTT) providing his discerning comments and observations certainly helped form the consensus we have witnessed today.

The participation in the floor discussion by the helpful Senator from Alaska

(Mr. Stevens) helped explain not only his amendment but also led to a better understanding of the pending appropriations bill. I wish to thank the Senator from Alaska.

The thoughtful participation by the Senators mentioned certainly contributed to this being a constructive legislative day.

DOT FAILS TO SUBMIT NATIONAL TRANSPORTATION POLICY STATEMENT

Mr. HUMPHREY. Mr. President, on May 21, 1970, the President signed into law the Airport and Airway Development Act of 1970. Section 3 of title I of that act requires the Secretary of Transportation to formulate and recommend to the Congress for approval a national transportation policy. It further requires that the Secretary submit his recommendations in this regard to Congress by May 21 of this year.

Mr. President, it is my understanding that the Secretary of Transportation has not as yet done this despite the fact that 2 months have passed since that deadline.

Today, Congress has been asked to appropriate almost $8 billion to this Department for various national transportation programs. Yet we still find ourselves without any meaningful national policy or objectives defining how these various programs relate to each other as well as to national growth objectives.

Yesterday, I addressed the National Association of Counties in Milwaukee, Wis., at which time I urged that this country submit itself to a more balanced national growth pattern. An essential element in achieving that goal is a definition of our national transportation policy. The location and availability of highways, airports, and other modes of transportation and the facilities to support them are key determinants in establishing a pattern of growth in this country.

Therefore, Mr. President, I would like to take this occasion to admonish the Secretary of Transportation and the administration to provide the Congress with this important policy statement as soon as possible. As a reminder to both the Secretary of Transportation and to the Congress as to what was enacted last year in this regard, I would like unanimous consent to include in this point in the Record, section 3 of title I of the Airport and Airway Development Act of 1970.

There being no objection, the section was ordered to be printed in the Record, as follows:

Title I—Airport and Airway Development Act of 1970

Sec. 3. National Transportation Policy.

(a) Formulation of Policy.—Within one year after the date of enactment of this title, the Secretary of Transportation shall formulate and recommend to the Congress for approval a national transportation policy. In the formulation of such policy, the Secretary shall take into consideration, among other things—

(1) the coordinated development and improvement of all modes of transportation, together with the priority which shall be assigned to the development and improvement of each mode of transportation; and

(2) the coordination of recommendations made under this title relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

Report to Congress

(b) Annual Report.—The Secretary shall submit an annual report to the Congress on the implementation of the national transportation policy formulated under subsection (a) of this section. Such report shall include the specific actions taken by the Secretary with respect to (1) the coordination of the development and improvement of all modes of transportation, (2) the establishment of priorities with respect to the development and improvement of each mode of transportation, and (3) the coordination of recommendations under this title relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

EMERGENCY LOAN GUARANTEE ACT

The PRESIDING OFFICER (Mr. Bentsen). Under the previous order, the Chair lays before the Senate S. 2308, a bill to authorize emergency loan guarantees to major business enterprises.

The legislative clerk read the bill by title, as follows:

A bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

The Senate proceeded to consider the bill.

Mr. BENNETT. Mr. President, yesterday the Senate made it quite clear that, if it can actually get to a vote on the pending business, the emergency loan guarantee legislation, it will vote to approve that legislation.

It is to be expected perhaps, that those who oppose the legislation, realize that if they can prevent us from voting before the August recess they will have killed the Lockheed Co. by neglect.

Therefore, I hope Senators, particularly those who voted yesterday to refuse to recommit the bill to the committee, will realize the importance of this problem and that if and when a cloture motion or cloture motions are offered, will do what they can to persuade some of the Senators who voted against the committee's position yesterday, and voted to refer the measure back to committee, to support the committee and support the majority of the Senate.

I think we should be entitled to a vote on this very important bill. Every once in a while we find ourselves involved in a crisis, and this is one of those times. It is crisis for one corporation. By adopting the proposal, the committee hopes we may avert future crises of a similar type for other corporations.

This is not the only time that the Senate has acted to avoid a crippling crisis for private corporations. As a member of the Finance Committee, I can remember when, a few years ago, at the request of the Senator from Wisconsin (Mr. Proxmire), the committee altered its bill to provide a $20 million tax relief for an important constituent in his State.

We were happy to provide it. The relief provided undoubtedly made it possible for that constituent to continue in business. It is in business and it is healthier today than it was when it needed the crisis help.

I hope that the Senator from Wisconsin, remembering that, and realizing how effective that kind of assistance was, will be willing to give this present corporation a chance to survive this present crisis, and not go on the theory that it all depends upon whose ox is gored.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. PROXMIRE. The Senator from Utah, as did the Senator from Texas yesterday, has referred to the American Motors case, which is entirely different. There is no analogy whatsoever; it is a completely different kind of situation. I have a substantial speech explaining that, which I shall deliver later on in the debate.

But the simple fact was that at that time American Motors was allowed to carry back its loss against taxes for 1 additional year, and a bill was passed putting all other corporations into the same category. Why does that mean that automatically, now, a loan guarantee to the Lockheed Corp. is desirable and in the public interest? It is quite a different situation, which I shall be happy to explain later on.

Mr. BENNETT. The Senator from Utah will agree that no two crises are the same. What I am interested in is the fact that the power of the Government was used to meet that crisis with the particular type of help that was necessary then. This is a different type of help, but the crisis is no less real. In fact, it may be much more serious.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. SPARKMAN. There are some similarities and some differences between the instance to which the Senator refers and the present instance. That cost the Government $20 million in cash, did it not?

Mr. BENNETT. It did.

Mr. SPARKMAN. Does the Senator believe that this one will cost the Government any $20 million?

Mr. BENNETT. I do not believe this one will cost the Government one red cent.

Mr. SPARKMAN. I join with the Senator in that expression of confidence.

I am not critical of the Senator for looking after this matter. It was an economic situation. But maybe the Senator remembers that in the committee this question was brought up, and if I recall correctly, the explanation of the Senator from Wisconsin was that this was an economic crisis that meant a great deal to his area.

Mr. BENNETT. That is right. I am sure it was.

Mr. SPARKMAN. This crisis means a great deal to many areas in the United States, does it not?

Mr. BENNETT. This crisis affects so many installations in various parts of the

United States that I think there are probably very few States that are not affected, directly or indirectly, by the situation.

Mr. SPARKMAN. And it includes, I believe, as many as 3,500 suppliers and subcontractors, most of whom are relatively small businesses, and will mean a great deal in the communities in which they exist?

Mr. BENNETT. Many of these small businesses are almost more important in their own communities than Lockheed may be in the Los Angeles area.

Mr. SPARKMAN. Does the Senator remember the testimony of the businessman, the head of AVCO, which has the operation in Nashville, Tenn.?

Mr. BENNETT. Apparently I was not present that day, but I am sure the Senate will be interested in the Senator's memory of it.

Mr. SPARKMAN. That is a fairly sizable business. I do not know how many employees he had; I am not sure. Perhaps the Senator from Texas recalls the number he had.

Mr. TOWER. There would be 7,000, I believe, affected in the Nashville plant.

Mr. SPARKMAN. In the Nashville plant?

Mr. TOWER. Yes.

Mr. SPARKMAN. And did he not testify before us that his company would be ruined?

Mr. TOWER. That is my recollection.

Mr. SPARKMAN. And there were other companies whose representatives testified to the same effect; not small businesses, but relatively so.

Mr. TOWER. Mr. President, if the Senator will yield to me, I might add a footnote to that.

Mr. BENNETT. I am happy to yield.

Mr. TOWER. The President of Menasco, Mr. Lynch, also testified that his company makes the landing gear for both the DC–10 and the L–1011, and he testified that he would have to close down one of his plants, employing 500 to 600 people, if the L–1011 went down the drain.

Mr. BENNETT. Mr. President, I urge the Senate to approve the emergency loan guarantee legislation because I believe it to be in the national interest. To be sure, there are legitimate arguments both for and against the measure, but on balance, the committee has approved a proposal which could save thousands of jobs, could provide hundreds of millions of dollars in taxes to the U.S. Treasury, which would make it possible to assist any major businesses faced with an emergency financial credit crisis, and which would make it possible to save billions of dollars in assets that otherwise might be useful only for scrap.

I am aware of the arguments that have been made in opposition to the measure. One cannot honestly say that they are all wrong. When this proposal was first suggested, my own reaction was to oppose it. I can now say, however, that after considering all of the arguments, it would be in the national interest to approve this bill. We have been very careful in the committee to recommend a bill which has ample protection against weakening the discipline of the free market, and have given the unusual protection of a veto by either House of Congress on the decisions of the Emergency Loan Guarantee Board for which the bill provides. In addition to that protection, the requirements that must be met in order for a loan guarantee to be granted have been so tightly drawn that only in instances where the alternative could have a major and adverse effect on the economy of this Nation or a region of the Nation could the Board even consider granting a Government guarantee. I do not intend to take the time of this body explaining the bill. That has been masterfully done by the chairman of our committee, the Senator from Alabama. I do, however, feel impelled to comment on some of the arguments against approval of this measure which have been propounded by the chief opponent, the senior Senator from Wisconsin.

Mr. President, even a surface consideration of the views of the Senator from Wisconsin indicate to me that he is grasping for straws. After doing his best to defeat the emergency loan guarantee legislation before us in the committee, and then having it approved by a vote of two to one, one can understand his feeling of frustration. That frustration has shown through in his statement to the Senate in such words and phrases as "cloak their dubious purposes," "odious," "bailout," "clever packaging," "case has no merit," "high pressure politics," "threats," and "blackmail" to mention a few of the phrases used by the Senator.

Because many Members of the Senate have not had an opportunity to be as close to the problems contained in the consideration of this emergency loan guarantee legislation as those of us who are on the committee, I believe that it is necessary to discuss some of the statements made by the Senator so that all Members can be in a position to decide on the merits of the case. Let me say, first of all, that the establishment of an emergency loan guarantee program is like most issues which we must consider.

There are some advantages and some disadvantages, some pluses and some minuses, and it is our responsibility to weigh these and make an intelligent decision. Nobody will ever be satisfied that we have the right answer to everything. The important thing is that, on balance, we have the best answer with which to meet the problem.

The Senator from Wisconsin states that the Lockheed case has "no merit." That is an obvious misstatement, in my opinion. Every case has some merits, and this proposal, if adopted, could result in creating or saving thousands of jobs and the savings of hundreds of millions of dollars to U.S. taxpayers. To me, that cannot be described as "no merit." Whatever one may think of the basic idea of guarantee legislation, it provides a mechanism through which these meritorious ends can be achieved, with almost no chance that any cash outlay will be required. The merits of the Lockheed case will be decided by a board of whose members the Senator from Wisconsin apparently approves, since he voted for them in the committee.

The Senator accuses proponents of this legislation of trying to disguise a Lockheed guarantee proposal behind the facade of general legislation. Nothing could be further from fact. The Senator, himself, acknowledged this when he quotes the spokesman for the administration, Under Secretary Charls Walker, as saying the administration would support a general emergency loan guarantee bill provided it was made clear that, in so doing, Congress was approving a $250 million loan guarantee for Lockheed. Indeed, Under Secretary Walker made it completely clear to the committee that there was no intent to mask anything in approving the general bill by adding that he wanted to make it clear that "there will be a recommendation to the board by the chairman of the board that that loan be made forthwith. I just don't want any question about it." He added, "We are not trying to hide anything. We are interested right now, immediately, in the Lockheed Aircraft Corp., and I have got to make that clear." So the thought that this bill has been changed in order to hide the Lockheed guarantee just does not stand up. When this point was made clear, the Senator from Wisconsin changed his tactic and suggested that the administration was trying to bypass the board which, according to the bill, must decide on all applications. Secretary Walker dispelled that suggestion, also. The fact is that the bill sets up criteria, and the board must make the decisions. There is no way under the bill to get around the board, nor has there been any attempt to do so by any committee member or the administration.

The Senator from Wisconsin suggests that the administration found its original Lockheed bill in deep trouble and abruptly changed its position to support a general bill. The fact is that during the hearings, there were witnesses who believed a general bill would be better, including the Chairman of the Federal Reserve Board. The major critic of the single shot bill was the Senator from Wisconsin, himself. Whenever the present Federal guarantee programs, totaling over $137 billion, such as housing loan guarantees, small business loan guarantees, "V" loan guarantees, or Export-Import Bank loan guarantees, were cited as a precedent, the Wisconsin Senator would say:

> You say we have done it before, but we have also done it under guidelines that were available to all comers who could qualify, not for one firm.

The Senator was persuasive, and the Chairman and ranking minority member as well as other committee members decided to recommend a procedure patterned after a Federal Reserve Board recommendation so that all comers who could qualify under certan very strict guidelines would at least have access to the mechanism. Frankly, the administration had to be sold on this approach. The administration thought that it might take additional time, and time is precious. Indeed, it did take additional time.

The final position on the issue by the administration was voiced by Under Secretary Walker when he said in answer to a question from the Wisconsin Senator asking if it would not be more direct and simple to proceed on the Lockheed guarantee:

> If that is what the Committee wants to do. I thought the Chairman said you wanted to go "generic." But if you want to go Lockheed alone, we are with you.

How the administration position could be any more clear, I do not know. And let me add, I do not believe it is necessary to raise such strawmen in our consideration of this serious matter.

The Senator from Wisconsin suggests that we did not have enough testimony on which to act, and there was a great deal of byplay yesterday because the testimony, though printed, had not been bound. This issue was brought up before any of us expected it. The two volumes of testimony have now been bound and are available for all to read.

We had more than 3 weeks of hearings and over 1,200 pages of testimony in addition to hundreds of pages that properly were not made public because the information was proprietary. The Senate properly withheld that from the public because it could have affected the competitive relationship of many companies. While there is little doubt that the Senator from Wisconsin would have liked to continue hearings until Lockheed went bankrupt—and this was his purpose yesterday in attempting to refer the bill back to the committee—the Senate, in its wisdom, rejected that idea.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. BROCK. The Senator from Utah mentioned the Senator from Wisconsin's criticism of our hearings and of our witnesses. Yesterday, the Senator from Wisconsin was particularly critical of the committee in this regard. I should like to make a point with respect to the witnesses.

We had 36 witnesses testify before our committee in 3 weeks. According to my count, 17 of those who testified were requested by the Senator from Wisconsin. A breakdown of the 36 witnesses is as follows: Eleven were either Senators or witnesses representing various agencies related to this problem or the administration. Ten had an interest in the matter and, according to the Senator from Wisconsin, their comments cannot be trusted. These represent labor leaders, businessmen, and professional people. Of the remaining 15, the Senator from Wisconsin invited all but four. Those four were Chairman Burns of the Federal Reserve Board, former Chairman of the Federal Reserve Board William McChesney Martin, a representative from Arthur Young accounting firm requested by Senator STEVENSON, and the president of the Union Fork & Hoe Co., requested by Senator TAFT. The Senator from Wisconsin states there was no disinterested support. The 11 disinterested witnesses who he invited were invited on the basis of prior knowledge that they would testify against the bill. The Arthur Young accounting firm did not testify on the bill but only on technical matters. The president of Union Fork & Hoe was invited knowing that he would testify against the bill, leaving only two witnesses who were requested to testify without assuring that they would be against the bill. These two were Chairman of the Federal Reserve Board Arthur Burns and former Chairman William McChesney Martin, both of whom support the proposed legislation.

Let me add one point. We were faced with the same problem in the committee as we are faced with here on the floor. The Senator from Wisconsin has not tried to mask his intention to filibuster this matter until the Lockheed Aircraft Corp. is forced into bankruptcy. Proponents of the legislation did not desire to have unnecessarily lengthy hearings. At the same time, we did not want in any way to keep those whom the Senator from Wisconsin desired from testifying. The result is that a great number of witnesses who testified were against the bill.

Had we desired to assist the Senator from Wisconsin in his filibuster in the committee, we could have invited endless witnesses favoring the proposal. We did not think that was necessary since we would be defeating our own ends, because time is the essence of this proposal. If there is going to be any opportunity for the Lockheed Aircraft Corp. to comply under this act and for 30,000 to 60,000 jobs to be saved——

Mr. PROXMIRE. Mr. President, will the Senator from Tennessee yield?

Mr. BROCK. The legislation needs to be enacted before our August recess. To have extended our hearings for another week or two would have assured that the proposal would not have had a chance to clear the Senate in time to be of any value to the only company of which we are aware which will ask to be considered by the Emergency Loan Guarantee Board.

I yield.

Mr. PROXMIRE. Did I understand the Senator to say that I was filibustering the bill?

Mr. BROCK. That is the effect of the action.

Mr. PROXMIRE. Well, Mr. President——

Mr. BENNETT. Mr. President—Mr. President, I must intervene here in order to protect my right to the floor. I would be happy to yield to the Senator from Wisconsin so that he may question the Senator from Tennessee (Mr. BROCK).

Mr. PROXMIRE. If the Senator says that we are filibustering the bill, the fact is we have only been on it less than a day. We have not had a chance to make even opening statements. There are several Senators waiting to speak who have not had a chance to speak. We do feel, and I feel, that in view of the strenuous efforts of the Lockheed lobby, we have a right to do our best to try to arouse general opinion around the country, and that may take some time. That does not mean that we will talk the bill to death or delay it indefinitely. It does not mean that we are filibustering. What we want to do is have a chance to express our opinions. To accuse us of filibustering, after less than 1 day of discussion, when a number of Senators have not spoken at all, seems to be a little premature.

Mr. BROCK. The Senator has had more than adequate opportunity to express his repugnance to the bill. He has stated it time and time again, ad infinitum. There is no question that the committee has bent over backward to give the Senator adequate time to present witnesses to give their testimony against the bill. We did not intend or try in any way to impede his desire to delay the proceedings, a desire that was not masked. It was clearly stated by the Senator himself that he had no intention of expediting the proceedings.

Mr. PROXMIRE. Does the Senator really charge that I tried to delay the bill in any way in committee at all? I did not extend the committee discussion. When we had the markup session, we did that in a day or a day and a half, as I remember. I had a number of amendments that I could have offered to delay the bill. I did not. I felt I could not get them adopted, so I did not offer them. If I had intended to delay the committee and filibuster in committee, it would have been easy to extend it for another couple of days. I made no effort to do that.

Mr. BROCK. It was the Senator himself who was objecting to the witnesses before the committee—not this Senator but the Senator from Wisconsin. He is the one that raised the issue yesterday. The committee bent over backward——

Mr. BENNETT. Mr. President, this is an interesting colloquy, but I wonder whether I might get back to my statement——

The PRESIDING OFFICER (Mr. CHILES). Does the Senator refuse to yield further?

Mr. BENNETT. I apologize to my friend from Tennessee.

Mr. President, on the question of whether the Senator from Wisconsin has delayed the bill, I remember that after we had the hearings he asked for another set of hearings and the committee granted it. His motion yesterday would have delayed action on the bill for another week. A week between now and the 6th of August, when the Senate recesses, is a very substantial part of that time.

I should like to ask the Senator from Wisconsin a question: Will he assure the Senator from Utah that there will be ample time to vote on this bill and go to conference and bring the conference report back for action before the 6th of August?

Mr. PROXMIRE. Of course, this Senator cannot speak for any other Senator. I do not know what other Senators will do. All I know is that so far as I am concerned, I expect to express myself strongly on a number of issues with regard to the bill.

I have some amendments which deserve considerable discussion. I do not know what other Senators intend to do. But I would expect that this would take a substantial amount of time. We took 7 weeks to discuss Cambodia. We have spent a great deal of time on other issues that came before the Senate in the past which were historic issues, as this one is.

This deserves at least 4 or 5 weeks of discussion, perhaps much more. I do not know whether we will have that kind of discussion, but it would not surprise me. I do not think that would be a filibuster. It would be the kind of educational discussion we need.

Mr. BENNETT. I have listened to the euphemism "educational discussion." If I were to do that, it would be a filibuster, but when he does it, it is always an educational discussion.

We have not got 4 or 5 weeks before Lockheed will be up against its fatal decision. So far as I am concerned, I will permit the Senate to vote. The Senator said that we need weeks and weeks of discussion, so I assume that he is saying to me he has no intention of permitting the Senate to vote on this bill before the 6th of August.

Mr. PROXMIRE. Let me correct the Senator on that as to precisely what I said, which was that each Senator must speak for himself. I intend to speak on some of the issues which I have not yet brought up at all. I intend to bring up amendments and speak on them. I do not know how long that will take, but I have talked to other Senators who expect to talk at length, too. It may go for a considerable time; and if it does, that would not necessarily mean it was an effort to talk the bill to death.

Mr. BENNETT. It would not necessarily mean that, but it would necessarily mean the end of Lockheed. The Senator had 28 amendments in committee which he did not offer, so that the Senator from Utah assumes, in order to keep this debate rolling, that the Senator from Wisconsin is prepared to offer those 28 amendments on the floor.

Mr. PROXMIRE. Look what has been done in order to pave the way, to grease the skids for Lockheed. We take it up before we have any hearings, No. 1; and, No. 2, everything else is moved aside. There were other bills on the calendar before this one, but they were moved out of the way and they will not be taken up until later. The election reform bill is a conspicuous example.

We know this has no direct connection to Lockheed, but even the time for a rollcall vote has been shortened. Instead of the 20-minute rollcall, we now have a 15-minute rollcall, in order to save time. That is mighty good for this one corporation. I hesitate to think that any simple constituent or a small company would get that kind of consideration out of the U.S. Senate.

Now we are told by the Senator from Utah that there is a deadline on the bill. Why? Not for the generality of firms but for one firm, one and only one. It is Lockheed that is the issue here.

Mr. BENNETT. The Senator from Wisconsin knows that as well as I do.

Mr. BROCK. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. BROCK. I am sure that the Senator from Wisconsin did not mean to imply that the rules of the Senate were changed to a 15-minute rollcall just to implement this bill. The Senator knows better than that.

Mr. PROXMIRE. No, indeed. I have discussed this with the leadership and I am convinced that they were completely sincere—that that was not the reason for it. All I say is, this is another change that happens to make it easier for Lockheed.

Mr. BENNETT. Mr. President, this colloquy has convinced me all the more that we are facing a filibuster.

What is it that one of Shakespeare's characters said?

> The lady doth protest too much, methinks.

Now, Mr. President, I go back to my statement.

Mr. President, the committee agreed that the hearings were sufficient and, incidentally, most of the witnesses, 11 out of 15 as the Senator from Tennessee has so clearly pointed out, other than administration representatives and principals that would be involved in the loan guarantee, were brought in at the request of the Senator from Wisconsin. If they were not broadly representative as the Senator claims, he has no one to blame but himself. As a matter of fact, they were broadly representative and included administration witnesses from the Treasury Department, the Defense Department, the Federal Aviation Administration, the Civil Aeronautics Board, the Securities and Exchange Commission, the Small Business Administration, both the former and present Chairman of the Federal Reserve Board, chairman of the board and other management representatives of Lockheed Aircraft Corp., major bankers and banking associations, several nationally known economists, experts in bankruptcy, several labor leaders, airline presidents, major business representatives, small business representatives, representatives from a major national accounting firm, law school deans and professors, Senators, a disaffected former Defense Department employee, and a well-known consumer advocate.

I do not remember a hearing we have had in which a broader representation was achieved.

The Senator from Wisconsin suggests that—

> The bill reported by the Committee delegates $2 billion in guarantee authority to an Emergency Loan Guarantee Board with virtually no Congressional guidance or documented record of Congressional intent.

The committee bill is very clear. We specify exactly what requirements must be met before the Board may provide a guarantee. We limited the life of the guarantee authority to 2½ years, and in addition, we retain authority for either House of the Congress to veto the action of the Emergency Board on any of its loan guarantee recommendations. How the Congress could be any more specific is difficult for me to imagine. Further, it is difficult for me to understand why the Senator from Wisconsin suggests that we are surrendering power when, in fact, we have delegated the administrative functions but have retained authority for either House of Congress to override the Board—thus retaining for ourselves the final veto—and have included procedures intended to make such a resolution not subject to filibuster tactics. The fact is, the committee wanted a tight mechanism and it reported an extremely tight bill.

The Senator suggests that the Federal Reserve System has control over the Emergency Guarantee Board in the committee bill. This is a twist on words. The fact is that two individuals, one, the Chairman of the Federal Reserve Board, here in Washington, appointed by the President with Senate consent, and the other, the President of the District Federal Reserve Bank, elected by the bankers in the Federal Reserve district in which an applicant firm is located, could represent a majority of the three-man Board, the third man being the Secretary of the Treasury. The discussion in the committee centered around the fact that the president of the Federal Reserve district would be independent of both the administration and the Federal Reserve Board Chairman. There was no intent by the committee that the Federal Reserve be given control over the Loan Guarantee Board. In fact, the committee rejected a proposal by the Senator from Wisconsin which would have put control in the Federal Reserve. In addition, it rejected a proposal that would have required unanimous vote of the three members which would have given the Federal Reserve Board Chairman a veto over the actions of the other members of the Board. In fact, it would have given any one of the three such a veto.

The Senator from Wisconsin goes through a torturous discussion which he claims could be interpreted as showing that a majority of the committee was against the Lockheed loan guarantee. In my view, he is absolutely wrong in making such an interpretation. The fact is that everyone in the committee knew that Lockheed would be the first loan guarantee to be considered if we set up an Emergency Loan Guarantee Board.

It should be made clear, however, that while the committee specifically approved legislation under which it believes Lockheed Aircraft Corp. could receive—and probably will receive—a loan guarantee if the bill is passed, the decision, in fact, is up to the Board, and the Board must be sure that the guarantee would comply with the strict provisions of the bill. That is the way we intended it.

The Senator from Wisconsin suggests that the bankers may have access to adverse information that has not been provided to the Congress or the administration. Let me just say that, in my opinion, the bankers who testified before our committee did not try to hide anything. They were forthright and so far as I could tell, completely honest. I have dealt with these men before and have no reason to doubt their honesty. It is no secret, however, that the Senator from Wisconsin did doubt their testimony and at one point said:

> Gentlemen, I don't like to say this, and I say this recognizing that you are men of honesty and have a fine record in business, but I just cannot believe you when you say that you would categorically turn down this loan if the Government doesn't provide the guarantee.

I feel sure this was an attempt to force them to soften their statement but they did not. The witnesses were taken aback by a Senator saying what he did, but they answered:

> Well, sir, the answer is we won't go any further.

They added that there was no need to

continue the discussion if their statements were not to be taken at face value. All of the arguments used here today by the Senator were used in the hearings, and the bankers said that their decision was not a quick one, but one that had taken months and months of study and discussion. I am sure that Senators will agree with me when they realize that the bankers already had $400 million worth of the depositors' money in the Lockheed Corp., that it can be readily understood why they would be reluctant to go further without some form of guarantee. To suggest now that the banks will make the loan without the Government guarantee is simply an unjustified argument that no guarantee is necessary.

The Senator from Wisconsin continues with his fear that someone is trying to put something over on the Government by saying:

> The President of Lockheed may have inadvertently let the cat out of the bag when he was questioned by reporters at the Paris Air Show last June.

The president of Lockheed said that if the Congress turned down the loan guarantee, the company would still try to obtain financing. First, this was discussed in our hearings and it was explained that the president was obviously talking for public consumption at an airshow where the reporters had just flown in the L-1011, which this guarantee hopes to save What was he supposed to say? "Gentleman, this is a great aircraft, but if the Government doesn't provide a guarantee so that we can get financing, it will never be available to the airlines of the world"? Of course not. No man worth his salt would give up at that point. He had to express optimism and the possibility that the company could obtain help from somewhere if the guarantee were not granted. I am sure he did not know any source of such financing. The hard reality is that there is no cat to be let out of the bag inadvertently. This doubt that seems to be nagging in the mind of the Wisconsin Senator is also unjustified in my opinion.

Even more unjustified is the suggestion that the Lockheed bankers are attempting to blackmail the Congress into approving a guarantee for Lockheed. Webster's International Dictionary defines blackmail as:

> To extort money from by intimidation, especially by threats of exposure to public accusation, censure, or disgrace.

Certainly, the Senator does not think that the banks are going to try to extort money from the U.S. Congress. No money from the Government need be involved in this legislation. Certainly he does not think that the banks are threatening to divulge information to the public that would expose the Government to public accusation, censure, or disgrace. The banks have testified to our committee as we requested. They did not suggest anything that could by the widest stretch of imagination be allied to blackmail. Furthermore, all of the information that could be detrimental to the Government is public. It is difficult to blackmail with information that is already well known by the public. Again, the Senator brings up an ugly emotion-packed term which, in my opinion, is not appropriate and which has no bearing on our proper consideration of this loan guarantee legislation.

The Senator says that the employment figures used by the administration and Lockheed during the hearings were inflated and suggests that instead of 60,000 jobs being saved, there would be only somewhere in the neighborhood of 11,000. In my opinion, he is absolutely wrong on this count. The simplistic mathematics he used to get to this conclusion left out some of the major items. First of all, he divided the 262,301 direct labor hours charged against the L–1011 by 40 hours and decided that this was appropriate for the number of employees. Let me say that I have done some research into this matter and find that employees do not spend 40 hours a week on direct labor, even though they may be paid for a 40-hour week. Roughly, 4½ hours a week are taken up by vacation, coffee breaks, going to the blood bank, and other items that are not actual work on the vehicle. This means that the hours should have been divided by 35½ instead of 40 in order to obtain direct labor on the vehicle. Now, in addition we all know that there is indirect labor in such things as engineering, production management, material control and management, and other indirect labor which in this specific case adds 32 percent to the direct labor hours. When these actual factors are taken into consideration, the total for the week in May used by the Senator from Wisconsin comes to 10,000, just as was reported in the hearings and not the much lower figures used by the Senator from Wisconsin. In considering these complex issues, we must be careful to compute our figures accurately or, of course, we can find all sorts of problems which do not really exist.

Let me say that there is no reason to exclude all of the secondary jobs as the Senator has also done. The material for that estimate was taken from an econometric model at the University of California and is considered to be completely justified. The actual jobs we are talking about could be considerably more than the 60,000 used by the administration. That figure was intended to present the facts conservatively.

Interestingly, most of the other arguments by the Senator from Wisconsin are arguments against a loan guarantee for Lockheed. I hope that it is clear to the Members of this body that every decision on guarantees is to be made by an independent board. We are not, in approving the bill which we are now considering, approving a loan guarantee for Lockheed. We are approving a mechanism through which major adverse impacts on the national economy can be offset through the availability of a Government guarantee of a private loan. When, in fact, these adverse effects may be primarily the result of Government action, I do not see how anyone can say that the Government does not have a responsibility to provide such emergency assistance.

The Government has already set up a wide variety of such mechanisms and has outstanding now $137 billion of guarantees.

With this background, I do not believe it is necessary to refute every argument which the Senator raises against a guarantee for Lockheed. Indeed, I am sure that the board set up in the bill will consider every argument against such a guarantee which is raised by the Senator and probably delve into the matter much deeper than he or any of the rest of us have done. They will be the "loan officers" in a manner of speaking. Our responsibility is to act as a board of directors and set the policy guidelines by which they will act and also to provide them with the authority under which they can act.

I am, however, interested in some of the arguments used by the Senator. For example, he suggests that the administration is merely using rhetoric about saving jobs while its real aim is saving Lockheed's creditors or its stockholders. This is an interesting comment from the Senator, particularly in light of the fact that Mr. Meany, the president of the American Federation of Labor and Congress of Industrial Organizations, vigorously supports the Lockheed guarantee. Does the Senator believe that Mr. Meany is not interested in saving jobs? Does he believe that Mr. Meany is interested only in saving creditors and stockholders? Does he believe that he is using labor-saving rhetoric as a front for some other devious purpose? We also had the president of the International Association of Machinists & Aerospace Workers before our committee. He, too, supported the guarantee for Lockheed. What does the Senator give as his motivation? I am of the opinion that these labor leaders are interested in jobs, and I do not think it is our place to question their motivation or their integrity in so testifying.

Mr. President, yesterday in the Washington Star this union took a full page ad to explain its feeling of great need for the passage of this legislation. I ask unanimous consent that the text of the ad may be printed in the RECORD at this point.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star
July 21, 1971]

SOME STRAIGHT TALK ABOUT LOCKHEED AND 60,000 JOBS

The debate over whether Congress will guarantee a $250 million bank loan to save Lockheed's L–1011 Tri Star Airliner Program—and thus save Lockheed itself from bankruptcy—has become a public issue. There is nothing wrong with that. But we who are directly and indirectly involved with the program are disturbed by some of the rather strange things being said by its opponents. We find equally disturbing some of the things that are not being said.

Obviously we have a deep personal interest in this. Our jobs and the well-being of our families are at stake. Still we don't feel any need to distort or mislead. We've bought this space simply to point out a few things.

A GUARANTEE, NOT A LOAN

First, the issue is not a Government loan. It's a loan guarantee. The $250 million would be loaned by commercial banks and repaid by Lockheed—much the same as VA-guaranteed loans are made every day to veterans buying homes. If Lockheed is allowed to stay in business and repay the loan, *Not One Cent Of Taxpayer Money Need Ever Be Touched.*

But if the loan guarantee is withheld and Tristar program ends and Lockheed is thrown into bankruptcy, the U.S. Government will *Lose* more than $500 million in tax revenues.

60,000 AMERICAN FAMILIES

The Tri Star program has been directly responsible for the incomes of 34,000 families in 35 states—and for the incomes of more than 60,000 totally. These families are spending money on goods and services and they are paying taxes. They are not on the welfare rolls yet.

Some opponents of the guarantee claim that all the Lockheed people could go to work for McDonnell Douglas. But the slowdown on the Tri Star program has already caused 9,000 Lockheed employees to be laid off. Plus thousands more employees of Lockheed suppliers. Since February only one worker in ten has been able to find another job. The rest are collecting unemployment and using up life savings. Some of these families have already been forced onto welfare.

PRECEDENTS APLENTY

Others claim there is no precedent for the loan guarantee. Yet in 1967 the Government guaranteed loan authority for $75 million to what is now McDonnell Douglas when that company faced financing problems resulting from the DC–8 and DC–9 Airliner programs. In fact, it is estimated that the Government has now guaranteed a total of $137 billion in loans of one kind or another.

Also in 1967 Senator Proxmire himself sponsored special tax legislation for the direct support of American Motors Corporation—one company in a competitive market exactly as Lockheed is.

The small business administration has been helping small businesses survive since 1953. It currently has $2.5 billion outstanding in loans and guarantees to 126,000 small firms. Nearly 1,000 of the Tri Star's suppliers fall into the small business category.

The U.S. export-import bank frequently guarantees loans to foreign companies so they can buy American products. It has recently guaranteed or made credits available for nearly $600 million to finance Boeing 747 purchases and $190 million for McDonnell Douglas DC–10S. So why not a loan guarantee to an American Company?

This AD sponsored and paid for by members of the International Association of Machinists and Aerospace Workers, members of the Engineers and Scientists Guild, and thousands of other Lockheed employees.

Mr. BENNETT. Mr. President, the Senator questions the projections for the market for wide-bodied airbuses and uses a figure of only 400 to 500 instead of the figure used by the Civil Aeronautics Board, the Federal Aviation Administration, Lockheed, and McDonnell-Douglas of 775 planes through 1980. These figures were part of the testimony given in our hearings. The fact is that the lower figures used by the Senator are representative for only the United States market and the higher figures represent worldwide demand. It ignores the market for these airbuses abroad. At this point it might be interesting to make the comment that when we consider our balance-of-payments problem, the largest type exports on which we depend, the exports that bring in credits for us on our balance of payments, are aircraft and aircraft parts. If this bus, the L–1011, is killed, obviously we are going to lose some of that foreign market. This is another ripple in the whirlpool that defeat of this bill might create.

The Senator suggests that there was no disinterested support for the Lockheed loan guarantee in the hearings. He should remember that he and other opponents were instrumental in calling virtually all of the witnesses other than those brought in by the administration.

The Senator from Tennessee has made that perfectly clear. It also should be added that as the result of letters the Senator from Wisconsin sent out, he knew exactly how the witnesses would testify and in fact made sure that he called none who might show any interest in the loan guarantee. Let me add at this point, the letters that were received from economists which the Senator has used so often as in opposition to the Lockheed guarantee invariably had a disclaimer that the respondent was not able to comment on the specific situation but then some of them went on to say that they were against the general principle of bailing out failing business firms. So am I. So is almost everyone I have talked to.

One can be against the general principle and realize there are times when solutions must be found outside of those principles for crises.

At the same time, many of those who have taken time to consider the facts of the situation have shown favor for the loan guarantee. Let me quote from a letter from an economist to the Senator, which he has not mentioned.

> I fully agree with what I think is your own position that, on principle, the Government should stay out of such commercial projects and let the chips fall where they may. This is, after all, how our free enterprise system works which has served and still serves the country so well.
>
> But I also believe that there must occasionally be exceptions to the rule to prevent inestimated damage. . . .
>
> I therefore hope that the Senate will vote for the bill. . . .

Another reply stated:

> The answers to these questions are clouded but I have reluctantly concluded that on balance, the national interest would be better served at this time by approving some form of loan guarantee.

This answer was from one who said that he had done some reading and checking.

Still another reply, and this is the last one to which I will refer, stated:

> The case for approving a loan guaranty seems very clear to me: by so doing, we avoid potentially large losses in employment, output and exports, which society would suffer as a result of Lockheed's going into bankruptcy.
>
> The two counter arguments against the loan guaranty which your letter cites, appear to me to be a little mischievous.

Indeed, in my opinion, many of the arguments used by the Senator portray half facts or a misinterpretation of information which I believe to be a little mischievous.

The Senator suggests that this bill makes it so that big firms cannot fail, but small ones can. The Senator knows that very few firms of any size will be able to comply with the restrictions we have put in this bill. He also knows that far more money is presently being used by the Small Business Administration to assist small businesses, not only with direct loans but with loan guarantees. The claim that "what is really proposed is socialism for big business and free enterprise for small business" is hardly warranted.

He suggests that McDonnell-Douglas and Boeing will find themselves competing not only with Lockheed, but with the Federal Government as well. This concept was thoroughly discredited in our hearings. Both McDonnell-Douglas and Boeing are big enough to take care of their own interests, and McDonnell-Douglas already had the benefit, a few years back, of a very substantial $75-million Federal loan.

Both McDonnell-Douglas and Boeing were invited to testify on this bill and to present any case they wanted to present, but did not choose to do so, therefore they did not raise the question that the Senator raises, and I do not think it should be raised in their name.

The Senator suggests that all of the agencies of the Federal Government will cater to Lockheed if a loan guarantee is granted. He has far less confidence in the honesty and integrity of our public servants than I do. Furthermore, these agencies will be operating in a fishbowl atmosphere where every act will be scrutinized. If anything, they will go out of their way to assure that no special favors are granted to any firm who may obtain a guarantee under this legislation.

Our report requires that all major transactions of any agency with such a firm be reported to our committee.

In conclusion, I find the Senator from Wisconsin in disagreement with virtually all of those individuals and agencies and organizations which have taken time to really study the guarantee loan program. He disagrees with the administration, he disagrees with the Civil Aeronautics Board, he disagrees with the Securities and Exchange Commission, he disagrees with the labor organizations, he disagrees with Lockheed management, he disagrees with the airlines, he disagrees with Lockheed competitors, he disagrees with the Department of Defense, and he disagrees with the bankers. It is my recommendation that the Senate disagree with the Senator from Wisconsin and agree with all of these experts and with many economists who have studied this proposition and have decided that it is in the national interest to establish a mechanism whereby major adverse economic effects which may be brought about by the lack of working capital through conditions not under the control of the management of major firms could be averted through the use of Government guarantees of private loans to companies which meet all of the very strict requirements which we have set up in this legislation.

Mr. President, I hope that the Senate will have an opportunity to vote on this measure in ample time to carry through the other steps of the legislative process. If the Senate chooses to vote it down, that is its business, but I do not think we want on our conscience the fact that we allowed this crisis to become fatal while we sat on our hands.

Mr. MANSFIELD. Mr. President, I want to express the hope, too, that the Senate will face up to its responsibility on the pending legislation and that it will be possible to come to a final vote within a reasonable length of time. The decision can be up or down, but a decision is called for, because a bill has been reported out of the committee and is now the pending business.

ORDER FOR ADJOURNMENT FROM FRIDAY TO 11 A.M. SATURDAY, JULY 24

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, it stand in adjournment until 11 o'clock Saturday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM SATURDAY TO 10 A.M. MONDAY, JULY 26

Mr. MANSFIELD. And that when it completes its business on Saturday, it stand in adjournment until 10 o'clock Monday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME AND WARNING BELL FOR YEA-AND-NAY VOTES

Mr. MANSFIELD. Mr. President, for the information of the Senate, I also wish to state that, after giving the matter due thought and consideration, the joint leadership has decided in the matter of time allowed for a vote, which at the present time is 20 minutes, that instead of changing it to 15 minutes, with the bells to ring half-way in between, we will continue with the 20-minute limitation, as is, until the pending business is disposed of or until the Senate returns from its recess on September 8.

Mr. BYRD of West Virginia. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. BYRD of West Virginia. Mr. President, I am glad that the distinguished majority leader has decided to postpone the operation of the new suggestion that there be 15 minutes on a vote, with a midway ringing of the warning bell, until the disposition of the pending measure. I would hope that no inferences whatsoever could have been drawn with respect to this measure and the application of this rule to it.

I think it is wise that there be a postponement with respect to a new practice relating to time on rollcalls. I would suggest, even when such is done, that it be on an experimental basis until experience determines just how well it works.

May I just take an additional moment to state for the record that the suggestion that there be 15 minutes on a rollcall vote, with a midway warning bell—rather than the 5-minute warning bell, as is the case at present—came from several Senators who had missed votes because of what they deemed to be not enough time between the warning bell and the announcement of the vote by the Chair.

Other Senators had complained that the time consumed on rollcalls was too much. For example, on Monday of this week there were seven 20-minute rollcalls.

So it may well be that the 15-minute proposal, once it is put into effect, will be the one which most Senators will want, or it may be to the contrary; but, in any event, it can be done on an experimental basis and we can see what is best for the Senate.

I thank the distinguished Senator for yielding.

Mr. MANSFIELD. Mr. President, I agree with the remarks made by the distinguished deputy minority leader.

When the 15-minute rule goes into effect, it will go into effect on an experimental basis. If it works well, I am sure the Senate will approve it. If it does not, we will go back to the 20-minute allowance. But the reason why the joint leadership suggested the change to 15 minutes was that a number of Senators had raised the question with the leadership, and we thought we were complying with the will of the Senate.

However, several Senators on this side of the aisle—none interested in the pending business—have been to see me and have raised some questions about the feasibility of a 15-minute time limitation.

On the basis of their feelings on this matter—and we want every Senator's feelings to be considered—I want to repeat again that the 20-minute rollcall rule will stay in effect, as is, until the pending business is completed; and that will mean that with a few days left, if the action on the bill is not completed before the Senate goes into recess, there will be no change; but if it is completed, there will be a change on an experimental 15-minute basis when the Senate comes back into session on September 8.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9382) entitled "An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes"; that the House had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. BOLAND, Mr. EVINS of Tennessee, Mr. SHIPLEY, Mr. GIAIMO, Mr. PRYOR of Arkansas, Mr. ROUSH, Mr. MAHON, Mr. JONAS, Mr. TALCOTT, Mr. McDADE, Mr. DEL CLAWSON, and Mr. BOW were appointed managers of the conference on the part of the House.

ARMED ROBBERY IN THE SENATE OFFICE BUILDING

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Criminal Law and Procedures and the Permanent Subcommittee on Investigations, I have long been concerned with the mounting menace of crime in the United States. Indeed, in the minds of many, the threat of crime, the fear of crime, and the incidence of crime is one of our most pressing domestic problems. I share that assessment and their deep concern.

During the past several years the Congress has recognized the gravity of the problem and has enacted a series of bills designed to combat this peril. A number of these measures I introduced and others I cosponsored. We are making some progress. But the forces of crime are relentless and fortified, and they are entrenched. If we ever hope to stem the tide we must be equally adamant in our resolution, determination, and efforts to combat this internal danger to our safety and security.

In working on this problem, through investigations, and through legislative action I have come to know of the violence of crime, the terror it holds, the fear it strikes, and the cost it extracts from our society and our people in human suffering and financial loss. I have compiled, analyzed, and agonized over the sordid statistics of crime. I had not thought, however, that one of my own staff would likely become one of those cold statistics.

But just this week, my personal secretary, Mrs. Jeannine Ragland, was the victim of armed robbery at 5:30 in the afternoon last Tuesday while working at her desk in the Senate Office Building. Working alone in a room just several feet down the hall from my office—and incidentally, this room is in a space occupied by the Government Operations Committee—Mrs. Ragland was accosted by two gun-carrying Negro males about 19 or 20 years old who promptly and coolly bound and gagged her, then robbed her of the contents of her purse. A gun was trained on her throughout the robbery with the constant threat that if she screamed that would bring death.

Fortunately she was plucky enough to control her emotions and remained calm during those terror-filled moments. She suffered no physical harm and I hope she will suffer no lasting emotional shock or mental scars from the incident.

But just think of it, Mr. President—a daylight robbery in the Senate Office Building. It makes us wonder if there is no safe refuge, no sanctuary from the armed hoodlums who roam our streets and invade our homes, our offices, and places of business. Have we allowed permissiveness to so invade and permeate our society that young gun-toting punks feel free to walk the Halls of Congress and stalk our staffs? Where will it all end?

And if Mrs. Ragland's ordeal itself is not bad enough to contemplate, the consequences, if they run true to form, and if this crime practice continues, are certainly equally appalling. First is the difficult problem of apprehending the criminals. Then comes the more difficult—and too frequently the impossible—task of trying to convict them and make it stick. Our system of justice is in trouble. The safety of our society is becoming imperiled, Mr. President, for as the Attorney General of the United States recently stated before the American Bar Association in London, England:

> We face in the United States a situation where the discovery of guilt or innocence as a function of the courts is in danger of drowning in a sea of legalisms.

Mr. Chief Justice Warren Burger in dissenting on a reversal of a conviction in a case, while still a member of an appellate court, described the timeless, never-ending processing of judicial review in the following language:

> I suggest that the kind of nit-picking appellate review exhibited by reversal of this conviction may help explain why the public is losing confidence in the administration of justice. I suggest also that if we continue on this course we may well come to be known as a society incapable of defending itself—the impotent society.

Mr. President, law enforcement is a hard task. And the prevention of crime, as indicated in the case of my secretary, is sometimes impossible. But we can and should bring some semblance of sanity to our system of justice once a criminal is apprehended, and we should expedite the disposition of these cases.

I sincerely trust that, in the instant case, the armed robbers who perpetrated this brazen attack on Mrs. Ragland will be apprehended, duly convicted, and appropriately punished.

Mr. President, the Washington Daily News has been running a series of articles and columns on crime in the last several days, and I ask unanimous consent to have them printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, the first of these, dated July 12, contains two articles; one is headlined "Justice Won't Bring Diane Back" and relates the rape and strangulation of a young woman as she left a Washington restaurant with her husband. Commenting on the tragedy her husband said:

> I'd like to see justice prevail. But when you see what justice has done in recent years, I don't think it will prevail. Things are too permissive to stop all this crime. It will get worse. We've got a Supreme Court that lets criminals go, gives them loopholes. But even if justice did prevail, it wouldn't bring Diane back. It will happen to someone else.

What a sad commentary on our present state of "justice," in America, Mr. President.

In the same edition is another article entitled, "Stealing Is Becoming as American as Apple Pie." The article goes on to state that stealing is becoming so flagrant that some authorities estimate that between 10 and 15 percent of the price Americans pay for goods and services goes to cover the costs of thievery.

In the edition of July 13 is another article on shoplifting which indicates that form of thievery has been increasing at the rate of 20 percent a year, at an estimated cost of $3.5 billion a year.

Mr. President, I talked to a merchant the other day who told me that merchants have to add 2 percent to the cost of their goods to cover thievery and shoplifting. This man operates a chain of stores in a small town. He said that it was necessary to add 2 percent to the cost of the goods to cover the losses occasioned by shoplifting.

In the same edition is an editorial on this column which notes that if crime continues to flourish in the United States the Communists will not have to bury America, our thieves will do it for us.

The July 14 edition of the Washington Daily News chronicles the mushrooming theft of freight cargoes in the United States which is estimated to cost the American people more than $1.5 billion annually.

Finally, Mr. President, is an article appearing in the July 15 edition headlined, "Confessions of a Wall-Street Thief"; which describes the growing theft of securities by organized crime which, according to testimony before the Permanent Subcommittee on Investigations by Attorney General Mitchell, ran between $400 and $500 million in 1969 and 1970 alone.

Mr. President, on my way to the Chamber just a few minutes ago I was stopped by a young man who said to me, "I am the young man from Senator EASTLAND's office who was robbed last night." I had gotten that information and I made a notation of it here to include in my remarks.

I understand that a member of Senator JAMES O. EASTLAND's staff was a victim of an armed robbery just last evening behind the Supreme Court Building. The victim, Mr. Mark Hazzard, was walking back toward the Senate Office Building after having dinner on Pennsylvania Avenue. He was grabbed around the neck by one of the two Negroes while the other held a gun on him and demanded his money. They took his money and ran.

I asked him about the description of these men and he told me they were 19 or 20 years old, Negro males. The same description would fit the description of the two persons who brazenly walked into the Senate Office Building and robbed the secretary at gunpoint.

I am reluctant to make hasty decisions and suggestions, but I do suggest to my colleagues that we give some consideration to strengthening police protection here in the Capitol, the Senate Office Buildings, and in the area of the Capitol. This is the second person from my staff who has been robbed. Last year or the year before I had a young man working on the staff of the Committee on Government Operations. He had been there for a number of years. He was robbed just outside the office building in the area of the old Carroll Arms Hotel. He and a friend of his were robbed at gunpoint.

Mr. President, this is not an isolated incident I am talking about. Some of these things are not even reported, but these things are occuring all over town and I do think we are entitled to have better protection. I am not criticizing anyone. I am saying it is something that addresses itself to all Members of Congress because we have our people here from our States working for us. Not only that, but visitors and tourists come to the Nation's Capital and they are entitled to better protection than we are providing today.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. YOUNG. I would like to add that two girls from my staff were robbed about a block and a half from the Supreme Court building just a few months ago.

Mr. McCLELLAN. It is not unusual. Members of the press called me and asked if I was shocked about what happened. I could not say I was shocked because we had every warning that these things are going on. Of course, it was unexpected that it would happen to a member of my staff, but to say that one is shocked that someone would walk into the Senate Office Building, take out a gun, and rob someone—it has been so prevalent—I could not say I was shocked. Naturally, we are distressed that it happened, but to say that we were shocked in the sense we could never conceive of such a thing happening would be straining at the point because so much of it is happening around that we might expect it would happen that as this occurred.

I thank the Senator for yielding to me. I have to go to the committee now. I am in the process of holding hearings.

EXHIBIT 1

[From the Washington Daily News, July 12, 1971]

JUSTICE WOULD NOT BRING DIANE BACK

(By Jerry Oppenheimer)

Joseph Johnston had just flown back from Racine, Wis., where his wife of 23 months, Diane, was buried in her family's plot at Westlawn Cemetery.

Diane, 27, a sparkling, vivacious young woman who came to Washington from Racine six years ago to find a career and eventually to marry Joe, was raped and strangled by two armed men two weeks ago after she and her husband were abducted as they left an evening's outing at Hogate's Sea Food Restaurant.

Joe Johnston, 27, was sitting in the living room of his second floor apartment in an integrated garden complex in Hillside, nervously sipping milk to ease his aching gut, chainsmoking to relieve the pent-up tension.

"I'd like to see justice prevail," said Joe Johnston, a route salesman for a District linen supply house. "But when you see what justice has done in recent years, I don't think it will prevail. Things are too permissive to stop all this crime. It will get worse. We've got a Supreme Court that lets criminals go, gives them loopholes. But even if justice did prevail, it wouldn't bring Diane back. It will happen to someone else."

Lt. Joseph M. O'Brian, of the District police homicide squad, has assigned six detectives full time in efforts to solve the murder of Diane Johnston.

"We've interviewed a couple of hundred people who were in the area of the restaurant and near the Washington Star building where her body was found. We're doing lots of talking, backtracking the Johnstons' steps, trying to locate witnesses. All I can say is that we're hopeful."

Six suspects have been brought in for questioning thus far. Lt. O'Brian said, but all of them were released. Based on meager descriptions of the killers from Mr. Johnston and other sources, police attempted to make a composite drawing. "But we just don't have enough information," Lt. O'Brian said. One man, according to Mr. Johnston, was in his early 20s with a thin build, the other in his early to mid-20s, 6-foot-1, with a heavy build, shaven head and wrinkles in the back of his muscular neck. Both were black.

Lt. O'Brian said his detectives are seeking as witnesses a family with children who were seen by Mr. Johnston getting into their car at the time the couple was abducted while they walked toward their 1967 Ford Cortina sedan on the Hogate's parking lot at about 10 p.m.

Were the men who bound Diane Johnston with a rope and sexually assaulted her as her husband was held at gunpoint just common muggers, dope addicts? "We can't speculate," said Lt. O'Brian. "This was a bizarre crime. We have to keep an open mind on this thing. Right now we're interested in talking to anyone who might have been on Hogate's lot at 10 p.m. on Saturday June 26."

Diane Sorenson Johnston decided at age 21 to leave Racine, her parents, two brothers and two sisters. With several friends already settled in Washington, Diane bought a plane ticket and headed east.

"Certainly I had a mother's qualms," said Mrs. Margaret Sorenson, Diane's mother. "I was afraid of something like this happening to her, that she might get hurt in some way. Racine is a small town and I was afraid she wasn't ready for the big city. I thought it was a different type of life there."

But it wasn't. Diane settled with three other roommates in a dormitory-type apartment in Oxon Hill. The girls went everywhere together, used a buddy system for safety, even when they went to the basement laundromat, and usually rode home with each other from work, Diane from her secretarial job at National Geographic, her best friend from a clerk job at the FBI.

"My daughter was not afraid," said Mr. Sorenson. "We were afraid for her. Now we have a numbness that this is the type of world we're living in, that this can happen. I just want the men who did this brought to justice—I don't want revenge."

ROLLER SKATING

On a warm evening in June, 1966, Diane Sorenson went roller skating at a rink in Alexandria. So did Joe Johnston. "We liked each other immediately," said Joe, gazing at the picture of his wife on the small piano in the living room of his apartment, the drapes pulled closed at midday.

"During that summer we dated constantly. It was a general boy-girl relationship. Diane was working at an insurance agency in Georgetown at the time and we'd go out at night and on the weekends. We had our fights. We postponed getting married once but we were never separated for more than a week."

Eight months before they were married, the couple was touched by their first experience with crime. Shortly before Christmas, 1968, an armed black man jumped aboard Joe Johnston's laundry truck while he was making his daily deliveries and pick-up. "He threatened to kill me if I didn't turn over the money. I gave him $170 and he took off. Diane was pretty terrified when this happened. She wanted me to get out of the business."

On Aug. 28, 1969, Diane Sorenson became Diane Johnston at a simple ceremony attended by just a few friends in the Uppper Marlboro Court House.

"Neither one of us cared for a big nerve-wracking wedding. There were only six couples there and later we had a small reception and dinner and we took a long weekend from our jobs and went to Williamsburg, Va., for a honeymoon. We always wanted to see it."

Shortly after they were married, Diane took another secretarial job and in the months that followed, her husband said, "We just worked at our jobs. We enjoyed going to plays, listening to music, camping. We played cards with our friends and we enjoyed eating fine food. We tried to eat in every good restaurant in Washington. I guess you could say we were weekend trippers.

"Of course we eventually planned to have children and buy a house. But we were trying to save money and at the same time enjoy our early years together. We didn't want to be like other couples who had children too early and not enough money to live. I was the practical one and Diane was the brilliant one."

MOVED FROM THE CITY

Joe Johnston is a native Washingtonian, but when the Hayes-st ne., neighborhood in which his family lived started changing racially, when crime started to increase, the Johnstons moved to Takoma Park. Joe graduated from Bladensburg High School in 1962.

Saturday, June 26, was, as Joe Johnston put it, "a normal weekend day for us."

"We awoke late in the morning and decided to have breakfast out. When we got back home Diane and I watched a John Wayne movie on TV and discussed what we should do for the rest of the weekend. We had been thinking about going up to Loft Mountain near Skyline Drive to camp overnight but decided to put it off until the July 4th weekend.

"Late in the afternoon Diane said, 'Let's go out for dinner, I'll take you.' We had three favorite restaurants in the city but we didn't want to spend too much money and weren't in the mood to get all dressed up. One of our favorites was Hogate's."

At 7:30 p.m., Joe and Diane Johnston switched off the lights in their one-bedroom apartment, turned off the console color television, made sure the stereo dust cover was on and locked the front door. They walked across the grassy strip in front of their building, got into their car and joined the suburban flow of traffic on Pennsylvania-av into the city.

"We had seafood and wine and then planned to go to a little club called The Place Where Louie Dwells," recalled Mr. Johnston.

But less than 45 minutes after they paid their check at Hogate's, Diane Johnston was murdered.

The murder of his wife, says Mr. Johnston, "has strengthened my bigotry. Individual Negroes are okay but as a race I'm against them even more now. I read the papers, I see what the race has done in the last 10 years, all the crime is coming out of the ghetto. But Diane was open minded on race, she would look at both sides. She would argue with me about my feelings. It was wonderful balance. I think she was the only girl I ever could have married, I guess because she could stand me."

Looking back over the recent tragic events, Joe Johnston said, "I have no advice for the public about what to do in this crime age. It doesn't happen to everyone, just a select few. You can't say 'I won't go into the city because I'm going to get mugged.'

"Diane and I had this overlapping fear of crime that everyone has. But we felt free and we weren't going to let it affect our lives. We were worried about the flow of crime into the suburbs. The only thing we really did tho was to keep the door locked at night.

"A few years ago I bought a gun to keep around the house for protection. I tried to get a license but I was told it was against the law.

"I guess it's against the law unless you are a criminal."

[From the Washington Daily News, July 12, 1971]

Thefts Up Prices 10 to 15 Percent

(By Robert Dietsch)

Stealing apparently is becoming as American as apple pie.

And a nationwide boom in thefts is costing American consumers dearly. Some authorities estimate that between 10 and 15 per cent of the price Americans pay for goods and services goes to cover the costs of thievery.

The FBI defines stealing, or theft, as "the unlawful taking or stealing of property or articles of value without the use of violence or force or fraud."

It encompasses everything from stealing a pencil from the office or a wrench from the factory to pocket picking, purse snatching, auto stealing, shoplifting, truck-cargo theft and heisting stock certificates from brokerage houses.

The FBI keeps statistics on stealing, and so to some degree do department stores, private security organizations, trade associations and police departments.

EXTENT UNKNOWN

But a Scripps-Howard Newspapers survey of government, congressional, police and FBI officials shows no one really knows the real extent of stealing in this country. Most of them do agree, however, that it is getting steadily worse. The FBI estimates stealing has doubled in the last decade.

They also agree that employees as well as outsiders are responsible and that organized crime is involved.

And the sad fact is that stealing is a well-paid, low-risk, tax-free business. Of those who steal, comparatively few get caught. Police and security men, overburdened and understaffed, tend to use their limited resources to fight and solve crimes against the person. One result is that crimes against property—stealing—are assigned a relatively low priority.

EMPLOYES STEAL $10 MILLION

Consider these statistics:

Employes steal about $10 million a day from their companies. That's more than $3 billion a year. In 1970, bank robbers got $8 million; but bank employes stole $16 million in cash from their employers. If stolen securities are included, the "in house" theft totals $33 million.

Chances are that more than one million autos will be stolen this year. Last year, the figure was $15,500, valued at more than $250 million—a theft rate 5 per cent higher than 1969.

One of every 10 persons who walks into a retail store—department, supermarket, discount, even a "mom and pop" grocery—is a shoplifter. Shoplifters steal $8 million worth of items each day.

In 1970, the Penn Central Railroad, now bankrupt, reported 5,809 cases of theft or pilferage. (To "pilfer" is to steal by taking a little at a time.) In the first four months of 1971, Penn Central reported a 39 per cent increase in thefts.

Cargo thefts from trucks, airline and ship terminals, post offices and railroads come to almost $1.5 billion a year. Sen. Alan Bible, D-Nev., chairman of the Senate Small Business Committee, breaks down the total: $900 million stolen from trucks, $110 million from airlines, $250 million from railroads, $210 million from ship terminals.

George Ross, the U.S. Postal Service's director of personnel and security investigation, says: "We find ourselves under attack by a new generation of thieves and criminals who threaten the integrity of the U.S. mail. An every increasing volume of mail containing literally billions of dollars in currency, jewelry, securities, credit cards, travelers checks and other valuable items, has taxed our security resources and disclosed areas of weaknesses in our traditional methods of protecting the mail." Recently, a convicted "master thief" told a Senate committee how he and his confederates stole 100 million in valuables from the post office and the airlines.

Theft also flourishes on Wall Street. Atty. Gen. John Mitchell told a Senate committee that in 1969 and 1970 about $500 million in stocks and bonds were stolen by thieves connected with organized crime syndicates. Stock market officials think the total was lower. But they concede theft is a problem.

Even cattle rustling, a kind of stealing associated with the opening of the wild west, is on the increase—up between 15 per cent and 25 per cent during the last two years in places like Iowa and Missouri.

ANYTHING GOES

Almost anything seems to lure today's thieves:

Hotpants are a hot item for today's department store shoplifters. Typewriters, adding machines, electric clocks and Xerox copiers—anything that isn't securely nailed down—are disappearing from offices and warehouses.

One witness told the Senate Small Business Committee of "a tremendous market for stolen female wigs." Another reported that a salami importer consistently lost 10 per cent of his packages on the New York docks.

In New York City, 318 trucks—carrying everything from clothing, whisky and drugs to shoes for only the right foot and surgical brassieres—were hijacked last year.

CRISIS POINT

Sen. Bible says his report "makes it plain that thievery and vandalism have reached such proportions that survival of small businessmen in high-crime areas has reached the crisis point . . . it shows graphically the deep impact crime is having on the small businessman, whose losses are proportionately 35 times greater than those sustained by big business."

Says Transportation Secretary John Volpe: "Crime in transportation ranges from stealing blank tickets in crowded airline terminals to the theft of giant cargo containers from busy wharves and piers. The audacity of transportation criminals is unlimited."

Who steals?

Those who carry off little items from the office or factory are ordinary people who consider themselves honest, law abiding, clean-living.

Most shoplifters are young amateurs. So are most auto thieves.

Pilfering from trucks, docks, piers, even the mails is done largely by amateurs. Their motives vary. Some want to "get back" at the boss; some want to help their budgets; some want to impress their families or neighbors with items they can't ordinarily afford.

ORGANIZED CRIME

But large-scale stealing of trucks, stock certificates or autos has to be run on an organized basis that provides for getting stolen merchandise back into the commercial stream. Thus law officials are convinced that organized crime is behind much of the large scale stealing in the United States. And a growing number of security men think so-called legitimate businessmen are willing to buy stolen goods from shady middlemen.

William Barry, a former FBI agent who now heads Smith & Wesson Security Services in New York, says:

"There are two general categories of criminals:

"The unorganized, divided between the amateur and the professional acting alone but linked and selling to the second group, organized crime.

"In the unorganized section, the professional thief engages in a wide variety of property offenses. And he spends his full time and full energy on crime. Often he may be hired to do special jobs by the established figures in the world of organized crime. But he is not regarded as permanently a part of that world.

"The amateur is generally described as a white-collar offender or one who has no past criminal record. These people perpetrate crime of opportunity."

[From the Washington Daily News, July 13, 1971]

SHOPLIFTERS ARE OF ALL AGES, TYPES

(By Robert Dietsch)

NEW YORK.—At a mid-Manhattan department store a security officer noticed a teenage girl seemed to be much plumper than when he saw her enter the store. It turned out she was wearing 12 bikini bathing suits under her street clothes. She told the store detective: "I liked them all, so I took them."

In a Chicago suburb, a 20-year-old woman was arrested for trying to shoplift a girdle. Store detectives reported: "She was wearing a maxicoat and not a stitch underneath. She was going to steal a whole new wardrobe from the skin out."

In Manhattan a well dressed, middle-aged man was nabbed for shoplifting a $7 pair of gloves. He had $600 in his wallet.

These incidents illustrate the endemic proportions of shoplifting in the United States:

Each day, retail stores in the United States lose more than $8 million either to shoplifters, who account for 90 per cent of the losses, or to employes who steal from their bosses. These combined losses—called "shrinkage" in the trade—total $3.5 billion a year. Shoplifting has been increasing at the rate of 20 per cent a year.

Shoplifts may total more than 200,000 a week, or about 10.5 million a year. Few shoplifters or employe thieves are caught—perhaps 200,000 a year, or about one in every 50. But stores are increasing their security precautions and staffs. And they are getting tougher on picking up shoplifters and taking them to court.

ONE IN TEN

Some surveys indicate one in every 10 persons who walks into a store these days is a shoplifter.

Department stores aren't the only victims. Grocery supermarkets are being hit harder than ever. Shoplifters are taking meat, cigarets, health-care items, panty hose. Some thieves consume food on the premises as well as hiding items in bags and their clothing. Safeway Stores reports shoplifting up 20 per cent last year in six western states.

Pittsburgh police say supermarket customers stuff toothpaste inside paper towel rolls, put butter into lard or margarine packages (thus paying the lower price at the checkout counter) and when buying styrofoam ice chests stuff them with goods before reaching the checkout line.

FBI statistics show shoplifting is more common in the suburbs than in big cities. In cities with populations over 250,000, shoplifting accounts for 7.5 per cent of larcenies committed. In the suburbs, the comparable figure is 9.6 per cent. FBI Director J. Edgar Hoover calls shoplifting "the fastest-growing larceny violation in the country."

Shoplifting averages 2.7 per cent of store sales, and up to 8 per cent in some cases. Because retailer profits average 2.5 per cent of sales, it's obvious that costs of shoplifting are "built into" retail prices.

All kinds of people shoplift. Security men agree that most shoplifters are teen-agers, that women outnumber men 20 to 1 and that most shoplifters are amateurs. But it's also agreed that professional shoplifting is increasing, that the professionals "lift" more expensive items (the average shoplift involves merchandise costing $28) and that professionals are loosely linked to organized crime.

ALL TYPES OF PEOPLE

Howard Haimowitz, Operations Services manager for the National Retail Merchants Association, says:

"When I was a security officer for a New York department store I caught the richest and the poorest, the young and the old, the amateur and the pro. One day I nabbed the chief executive officer of a giant industrial corporation; he tried to lift a 95-cent dirty book."

Memphis police nabbed one shoplifter stuffing a hair dryer into her girdle.

Lt. Frank Corrigan, head of the Cleveland police fraud unit, says:

"A lot of the poor shoplift because they're poor and can't afford to buy much. But just as many affluent or middle-class people shoplift." This is supported by suburban arrests.

VARIETY OF REASONS

Policemen, security men, psychiatrists and store executives offer a variety of reasons for shoplifting. They give today's "poor moral climate," "permissiveness," greed, a search for "kicks," youthful rebellion, the need to obtain money for drugs, inflation and the high cost of living, the tempting open displays in modern department stores, the impersonal nature of today's stores.

"Shoplifting? I think everybody has tried it," says one saleswoman in Bonwit Teller's store on New York's Fifth Avenue. In fiscal 1970, Bonwit Teller lost $3.2 million to thieves. This was more than company profits.

One psychiatrist associated with a department store chain suggests that "with so many people shoplifting the crime has actually gained a certain twist of legitimacy." Says Mr. Haimowitz: "One major problem is that shoplifting is not a dirty word today. Youngsters see shoplifting as sort of a game. If we really begin to use the word with its proper meaning, we might get somewhere. Let's tell it like it is . . . shoplifting is stealing."

Thus the National Retail Merchants Association, in cooperation with its members and the press, is planning a nationwide educational campaign to tell the public, especially the young, about the dangers of shoplifting and its cost to society. The campaign will stress that penalties for shoplifting are being stiffened and that a police record of a shoplifting conviction can seriously affect a person's school and employment record.

There apparently are as many ways of stealing an item from a store as there are items to steal. The maxicoat was a blessing to professional shoplifters; the length of the coat hides goods stuck between the legs or attached to garter belts.

Stolen items are dropped into umbrellas or hidden in baby carriages. Some women shoplifters carry big purses with false bottoms. Only 1 per cent of shoplifters are classified as kleptomaniacs, persons with a pathological impulse to steal. Police in Parma, Ohio, a Cleveland suburb, arrested a single woman for stealing baby clothes. Investigators found her home stuffed with stolen goods; psychiatrists ruled her a kleptomaniac.

Department stores, waging war on shoplifters, have augmented their security forces. (Store detectives are now called "loss-prevention specialists.") They have installed wideview mirrors and closed-circuit television to keep an eye on most counters and sales racks.

Here in New York, for example, Macy's has 48 cameras peering about. They're monitored from an elaborate communications center which resembles a military command post.

In Memphis, police have undertaken a campaign to educate sales clerks on shoplifting techniques. In Denver, May-D & F stores employ 26 security officers who use two-way radios, sonic detection devices and internal alarm systems.

BUGGED CLOTHES

A few stores, including Halle's in Cleveland, are using a "sensormatic system" in which sensitized tags are attached to garments. The tags are removed when the garment is sold. Anyone trying to walk out of the store or even out of a special section of the store with the tag attached to a garment sets off an alarm bell.

Stores today are more inclined to prosecute shoplifters. But they still are wary of false-arrest suits. In general, a clerk or security man has to see an item being stolen before a store will prosecute.

"We do not touch a person unless we're absolutely sure he has the stuff hidden," says Del Bianco, who is a member of a 20-person security staff of a Pittsburgh department chain.

Richard Lusk, director of the Denver Retail Merchants Association, says 90 per cent of the Denver courts treat shoplifting "as a nuisance and not a costly crime and slap defendants on the wrist with minimum fines instead of jail terms."

PROSECUTE ALL

Patrick Ray, security chief for Goldsmith's Department Store in Memphis, headed a special employe training program which he links to a decrease in shoplifting. Mr. Ray also says his policy is to prosecute all shoplifting suspects: "If we don't prosecute, we just encourage the person to try again."

Last March, Mrs. Louis Stokes, wife of the Democratic congressman from Cleveland filed a $250,000 false-arrest suit against a suburban shopping center and a woman's clothing store in the center, charging them with "falsely and maliciously" accusing her of shoplifting. The store never pressed formal charges, and Mrs. Stokes' case is pending Guyahoga County Common Please Court. Mrs. Stokes is the sitter-in-law of Cleveland Mayor Carl Stokes.

Retailers and security men concede that no store prosecutes every person it catches. Generally teen-age culprits are taken into the store's security offices to embarrass them, if nothing else. Usually they are released only after their parents are called in. Cleveland's Lt. Corrigan thinks "50 per cent of the first offenders learn their lesson the first time they're caught.

DRUG ADDICTS

It's also agreed that more and more drug addicts are turning to shoplifting. To support a $100-a-day habit, an addict must lift between $800 and $1,000 worth of merchandise, because his return on "hot goods" peddled to a fence is between 10 per cent and 15 per cent.

In the District, the Woodward & Lothrop store caught a thief who had been an addict for 12 years and had been shoplifting for six. The addict visited the store five or six times a day, walking out with between $100 and $150 worth of merchanidse each time.

Retailers see some cheer in greater security precautions. But they concede they haven't found the full answer to shoplifting. Some store executives see the problem getting worse, not better. Sighs one:

"We're never going to eliminate shoplifting any more than we can eliminate gambling or prostitution."

[From the Washington Daily News, July 13, 1971]

NATION OF THIEVES?

Consider only a few of the startling facts being set out in the series of articles, "Theft: The Hidden Tax," by Robert Dietsch, now running in The Washington Daily News.

Employes snitch goods from their bosses to the tune of $3 billion a year. An estimated 10 to 15 per cent of the price of most things we buy goes to make up for theft losses. Auto thefts last year ran to nearly $1 million. Shoplifters take $8 million in merchandise every day.

Thieving is everywhere—in stores, banks, on the streets, from homes, from freight depots, from airlines and railroads and trucks, and even—on a big scale—from the U.S. mail.

Have we become a nation of thieves? Is everybody stealing?

Not quite, of course. But the increase in crimes of all types, and stealing in particular, is not merely alarming; it is appalling.

It is so general all of our beefed-up law enforcement agencies can't cope with it. Relatively few thieves are caught. Thieves pay no taxes on their loot.

The public loses all around. It loses directly to the thieves who swipe its property. It loses in paying higher prices to cover losses from goods taken from stores and warehouses. It pays more taxes to make up for tax deductions due to stolen goods. It pays an ever-increasing bill for police in a semi-vain effort to stop all this.

In addition to the dollar losses, there is an even bigger loss. An enormous percentage of all this crime is committed by kids. Auto thefts, street holdups and shoplifting especially are the work of "young amateurs," as Mr. Dietsch described them. But they are amateurs fast becoming professionals. They get away with a small theft and they try again, something bigger. If they escape arrest, they will wind up in sophisticated and professional gangs.

Unless this wave of thievery among the young is checked, we could turn into a society little better than a mob.

"We will bury you," said Khruschev.

But, if crime continues to flourish, the Communists needn't bother. Our thieves will do it for us.

The most visible answer is to pour more millions into ever-bigger and better-trained police and detective forces. But, more than that, something has to be done about the fabric of the society—parents, schools, churches, civic and business groups in a massive campaign to direct the theft-minded young into more useful lives, a corollary to the campaign now mounting to get the kids off pot and drugs. The Dietsch series dramatically points up the crucial nature of this problem.

[From the Washington Daily News, July 14, 1971]

MUSHROOMING RACKET COST OVER $1.5 BILLION YEARLY—FREIGHT HEISTS LINKED TO ORGANIZED CRIME

(By Robert Dietsch)

NEW YORK.—A truck carrying 880 cases of liquor, worth more than $60,000, rolls out of the Lincoln Tunnel toward New York City's warehouse district. Suddenly the truck is forced to the curb by an auto. Two men hop onto the truck's runningboard, tell the driver to get out. A third hijacker slides behind the wheel and drives the truck away.

Ten such incidents occur in New York alone each week. Some estimates say $900 million worth of goods are stolen from trucks each year.

An airliner lands at John F. Kennedy Airport. Its cargo includes a small package containing $320,000 worth of diamonds. When a jeweler's representative comes to pick up the package, it can't be found.

BIG AIRPORT BUSINESS

Around the nation's big airports, the second biggest business—next to carrying people and cargo—is theft. Perhaps $110 million a year.

At a giant Hudson River pier, a dispatcher tells three longshoremen to load two giant containers of electric typewriters onto a waiting truck. The truck driver signs the papers handed him by the dispatcher, and drives away. It turns out to be another heist. The dispatcher and the truck driver, a later investigation shows, are part of an organized band of thieves.

Thefts from ship terminals, docks and piers probably top $200 million a year.

RAIL CARS LOOTED

A Penn Central Railroad freight train stands in a freight yard on New York's East Side. Suddenly, a crowd of 100 persons, mostly young, appears, opens the freight cars, loots their contents. One car is filled with reclaimed clothing to be sent to Europe. In minutes, the car is half empty.

It's estimated that $250 million worth of goods are stolen each year from railroad freight cars. One in every 10 autos shipped by rail either is stolen or arrives at a wholesale point damaged or stripped.

Stealing of all kinds is the fastest growing crime in the United States. But theft of freight cargoes is mushrooming into a racket that costs Americans more than $1.5 billion a year.

FEW ARE CAUGHT

Relatively few of the thieves are caught. Only about 5 per cent of the stolen goods are recovered.

Like other types of stealing, some cargo thefts can be linked to individuals. They pilfer from broken containers and packages; they steal one liquor bottle from a broken case, one typewriter from a broken carton, a pair of pants from an unlocked truck.

But police officials and the FBI say most cargo stealing is master-minded by crime cartels and syndicates. Sometimes they work entirely thru their own organization, sometimes with the help of individuals loosely tied to the organization.

Consider truck theft.

"Look," says Sgt. Tom Connolly of New York's police loft, safe and truck squad, "one guy can consume a couple bottles of scotch he lifts from a truck. But 880 cases in that hijacked truck coming in from Jersey? That's an organized job.

"Either the driver was in on the job or a dispatcher tipped somebody else on when and where the truck would be coming into the city. Most truck hijackings—and we had 318 in the city last year and 106 so far this year—involved a dishonest driver or dishonest dispatcher.

"Stealing a truckload of goods is no good unless you can peddle it, get it back into legitimate channels. That's where the organization comes in. They know how to get rid of the stuff, what so-called legitimate businessman will buy it."

"GIVEAWAY" DRIVERS

When the truck driver himself is part of the crime ring, he leaves his truck parked at a prearranged spot, walks away and finds his truck "stolen" when he returns. Police call such hijacks "giveaways."

Sgt. Connolly and other security men are convinced crime syndicates usually steal a truck "on order," after prearranging to deliver certain stolen goods to a fence or dishonest retailer. One of the unexplained mysteries of cargo stealing is the "distribution system" involved.

New York police think much stolen merchandise turns up in small retail outlets which have continuous "discount" or "fire" sales. But there's a growing feeling that even established businessmen, faced with rising costs and taxes, sometime buy stolen merchandise.

MANY MIDDLE MEN

In Washington, the Senate Commerce Committee is launching an investigation into the magnitude and inner workings of cargo thefts. Don Gray, a committee investigator, says:

"Small thieves don't have the resources to get stolen cargo into the merchandising system. There may be several brokers between the theft and the eventual retail sale. We just don't know."

Sgt. Connolly says most furs are stolen in August and September, just before the major selling season. "These thieves are smart and well organized," he says. "They hoist appliances just before Mother's Day, gift-wrapped liquor just before Christmas.

"One major shoe importer not long ago tried to thwart hijackers by bringing in only left shoes on one trailer, right shoes on another. "Hijackers picked up the truck with the left shoes. But they came right back a couple of weeks later and hoisted the right shoes, too.

SURGICAL BRASSIERES FENCED

"But sometimes they goof. A truck with 'drugs' was hijacked. The crooks found out the stuff was for animals, not humans. That truck was found abandoned with cargo intact. Another time a truck with surgical brassieres was hijacked; we found that truck with only half its cargo. Darned if the hijackers didn't find a buyer even for that."

Waterfront theft long has been a problem. But here again it's agreed that organized crime is increasingly responsible. The theft of giant containers, usually marked only by code, requires the collusion of an insider who knows the contents of the container and its scheduled delivery timetable.

Containers used on the ships and docks usually hold between $50,000 and $200,000 worth of cargo. More than 65 were stolen from New York City docks alone last year.

The Waterfront Commission of New York Harbor (which covers 650 miles of developed frontage) says:

"Container thefts would not be possible without planning and criminal cooperation among a variety of larcenous individuals, for such thefts require the aid of persons who can identify the contents of the container and its location, require persons who have storage facilities to hide the huge amounts of cargo and also require a tractor and trailer to move the stolen container. Organized crime has the ability and the organization—and has used these qualities—to secure such information and the contacts to distribute and 'fence' in large volune."

SECURITY LAX

Security on the docks has been lax, authorities agree. The waterfront commission says "not only do some port watchmen (average age: 51) steal for themselves, they also act in collusion with truck drivers, checkers and lift drivers to strip the piers. In one case, a port watchman was so deeply in debt to loansharks he was forced to act as an accomplice to a pier theft."

The 1,000 private watchmen employed on the New York piers caught only 24 thieves in four years. In the same period, fewer than 50 waterfront commission agents caught 809 pier workers stealing.

Sen. Alan Bible, D-Nev., says "the country's transport industry has become the favorite target of organized and unorganized crime because the pickings are rich and easy." He wants Congress to create a presidential commission on the security and safety of cargo.

Tighter security, in the form of personnel investigation and identification tags, cameras, fences, better lighting and restricted entrances and exits, has been instituted at major airports. The result, according to some security men, is a reduction of thefts.

At John F. Kennedy Airport here, cargo thefts rose from $42,000 in 1962 to more than $4.5 million in 1969. Today, according to some figures, the total is down to about $1.5 million on an annual basis. Other sources insist the improvement has not been that dramatic and a serious theft problem remains.

[From the Washington Daily News, July 15, 1971]

CONFESSIONS OF A WALL STREET THIEF

(By Robert Dietsch)

NEW YORK.—This is a 19-year-old brokerage clerk and part-time musician confessing to a private investigator how he turned Wall Street thief:

"I had just returned from my honeymoon when I got a call to come to a restaurant about a band engagement. There I met a male, white, Italian about 48–50, black thinning hair, well dressed. He asked whether I would work for him and I said how, and he said by stealing stock from my firm. The man said he had contacts and said he would pay me $25,000 for every $1 million worth of stock I stole.

"Then he said, 'Blackie (another man I previously had met in the restaurant) would not like if he learned you wouldn't cooperate and might harm your pretty new wife' . . .

"I didn't steal anything the first week. But then the man and Blackie picked me up and warned me again about my wife. They told me to start stealing Treasury bonds. But I said I didn't have access to any bonds. So they told me to start stealing stocks; they wanted me to get $5 million worth.

"So on Tuesday I began stealing stocks. I just picked up loose certificates and stuck them in an attache case. I met my contacts in a phone booth and gave them the attache case. They said I would get my money after the stocks were sold. I also was told to keep on stealing stocks and take them to a 39th-st address. There I met another contact, male, white, Italian, 30–35 years, 6 foot 2, always white socks.

"A couple of weeks later I told the man my company had hired guards and I couldn't steal any more. Already, a friend of mine had been caught stealing. Blackie said I had better keep on stealing and to remember I was working for them for life."

About that time, the clerk was caught and began talking. He never collected any money for the thefts.

This isn't an isolated incident. Theft is flourishing on Wall-st as never before. Most experts say the stealing of stocks, bonds and government securities is being masterminded by organized criminals, aided by a ragtag army of clerks trying to earn a fast buck or recruited by gangsters.

Security men, the Justice Department, brokers and the stock exchanges agree Wall-st theft is serious and may still be growing. But nobody really knows the extent of the losses.

Atty. Gen. John Mitchell, who told the Senate Investigations sub-committee that between $400 million and $500 million worth of securities was stolen by organized crime during 1969 and 1970, says many thefts on Wall-st go unreported or even unnoticed.

"Financial institutions sometimes prefer to absorb the losses resulting from thefts rather than injure their public images or be confronted with the prospect of paying higher insurance premiums," he said.

FREE FOR ALL

The New York Stock Exchange thinks Mr. Mitchell's loss estimate is exaggerated. But Murray Gross, an assistant New York state district attorney, says "It's a free-for-all on Wall-st."

Mr. Mitchell also has said $40 million of stolen stocks and $25 million of stolen or lost government bonds are in circulation. W. Henry Dupont, head of a computer company, says unsuspecting brokerage firms have $1 billion in stolen securities tucked away in their vaults.

The theft of security certificates is so widespread that Wall-st is considering elimination of them in favor of keeping stock and bond records in computers. The trouble is, some security men think the next new major form of stealing will come in the form of a "computer thief"—an expert who knows how to put false information into a computer to get the computer to issue him payment.

"I am absolutely convinced ways will be found to steal by computer," John Beardsley of the Hartford insurance group told the Senate sub-committee. "I can foresee a new era of computerized crime."

COMPUTERIZED CRIME FEARED

Mr. Beardsley also said escalation of thievery on Wall-st during the 1960s cost insurance companies almost $144 million in claims payments and caused many insurance firms to curtail or refuse coverage for banks and brokerage houses. Some bank and brokerage theft insurance policies now contain a $1 million deductible clause—meaning the policyholder must pay the first $1 million of any loss by theft.

Organized stock and bond stealing began in a big way during Wall-st's paperwork blizzard of 1968 and 1969. Because trading volume was so great, many firms just dumped stock certificates on back-room tables, readily available to clerks and other persons recruited by organized criminals.

Says Mr. Gross: "The leaders of organized crime came to Wall-st with their same bag of tricks. And they found they could use the traditional techniques that are so successful in other areas of crime—extortion, robbery, intimidation, counterfeiting, embezzlement and simple theft. They were more than able to breach the flimsy fortress of Wall-st security."

EASILY NEGOTIABLE

Many stocks and bonds are easily negotiable. Treasury securities are "bearer" securities and thus the easiest of all to sell on the criminal market.

Stolen securities are often peddled for a fraction of their worth. One thief stole $2.2 million worth of stock certificates and sold them for $3,000 because he wanted only money to buy a new Mustang.

In a rising number of cases, stolen stock is pledged as collateral for bank loans. If the bank accepts the stock, the borrower takes his loan money, disappears and leaves the bank holding the bag.

SWITCHING TECHNIQUE

Lately, according to police, Wall-st thieves have become even more sophisticated. One new gimmick is called "switching":

A thief at firm A steals 10,000 shares of General Motors stock and gives them to an accomplice at firm B. The accomplice at firm B steals 10,000 GM shares from his firm, fences them and replaces them with the shares stolen from firm A.

When firm A discovers its loss, it reports certificate numbers for shares that are tucked away in firm B's vault. Meanwhile, firm B, since it has the number of shares it is supposed to, has no reason to suspect a thief and therefore doesn't bother to check the certificate numbers.

LEARNS TOO LATE

When the heat dies down, the GM shares in firm B's vault are removed and fenced at a discount. Firm B reports by then its loss. But the certificates it thought were just stolen were fenced a long time previously.

In a case still under investigation, two New Yorkers have been charged with using a forged letter and a Swiss bank account in an attempt to swindle $740,000 from the Shearson, Hammill & Co. stock market firm.

William Barry, president of Smith & Wesson Security Services who was retained by Shearson, Hammill in that case, says:

"Wall-st thieves are getting craftier. False entry into bookkeeping machines, fraudulent accounts and bogus letters are becoming more commonplace."

Until recently, Wall-st firms were lax on security. But with thefts and insurance rates rising, most firms are cracking down, insisting on investigations of employes and better handling of stock certificates.

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

Mr. TAFT. Mr. President, S. 2308 would set up a Government-guaranteed kitty of $2 billion to bail out large corporations which have become victims of either mismanagement or economic reverses, or both.

There are two ways of looking at this piece of legislation, and two ways of looking at the problem. The committee, on which I serve, looked at both views, and in the bill that has come to the Senate floor, took the so-called generic approach.

The principal justification, however, made at the committee hearings, if indeed one was made, slanted in the direction of a specific approach to make possible a guarantee of an additional $250 million bank loan to the Lockheed Corp.

With regard to this matter, I would first like to disclaim, on my part—and I believe on the part of many of those in this body who disagree with the proposed legislation—any intent to prevent the Senate from acting upon it in due and proper time so that the so-called deadline of August 6 which the British Government has imposed cannot be met.

However, I think there are many items that ought to be considered, and considered fully, not only by this body but by the public. I want to state my agreement with the Senator from Wisconsin, who indicated just a few minutes ago on this floor that he intends to see that the public does have a full opportunity to consider this problem and to bring its reaction to it to the attention of the Members of this body and the Members of the House of Representatives before they vote on the measure.

Mr. President, yesterday in a colloquy with the Senator from Texas we talked about one particular aspect of this problem that I feel certainly ought to be paramount. There are many considerations: The overall effect on our economy, the balance of trade impact, and many other impacts.

But none of these considerations, Mr. President, in my opinion, are as important as the question of jobs. I think all of us in this country, with approximately 5 million unemployed, must, should be, and are concerned with the problem of providing adequate employment opportunities for American citizens. I think we are deeply concerned by the unfavorable direction that we see in international trade. We have had in recent months an unfavorable trade balance for the first time in many years. I think we are very unhappy with the continual outflow of jobs out of this country. There are many things that I think we could do to correct it.

Certainly this question of jobs is something that has been bandied about a good deal. The impression is attempted to be given that unless this legislation is passed, there will be some dire effect upon jobs in this country. As I pointed out yesterday in the colloquy with the Senator from Texas, first of all, it is impossible to know until you have a trustee and a chapter 10 reorganization, if this company should fail and go into bankruptcy, whether the trustee would make the decision to go ahead with the production of the aircraft, the L-1011, using the Rolls-Royce engines, or not. It is quite possible, I think, that the trustee might decide that was the best thing to do in the interest of all the creditors and considering all of the factors that will have to be weighed in connection with his duties as trustee in bankruptcy. We just do not know, even in connection with the L-1011 project, to say nothing of the other activities of the Lockheed Corp., whether or not there would be any jobs cut off.

I pointed out yesterday that if the project should be discontinued, however, we would have another job effect in the aerospace industry resulting from the additional orders that might be placed for the DC-10 aircraft, or, indeed, even also for the so-called European airbus, because the European airbus uses a General Electric propulsion system made in this country.

Since the colloquy yesterday, the New York Times has reported on the event that I mentioned on the Senate floor yesterday, the layoff yesterday of some 7,000 workers by the General Electric Co., quite a number of those workers being in the aircraft engines area.

For one thing, of course, the termination of the SST is in part responsible for this, but also just the slowness of the whole business of selling aircraft has had its impact, as well as, of course, the demobilization and the cutback in some of the military business which the General Electric Co. had been doing in the field.

This article in the New York Times this morning, written by Gene Smith, reads as follows:

> The General Electric Company said yesterday that its aircraft engine group expects to lay off more than 7,000 employes this year. It blamed the combination of "a decline in the United States supersonic transport program."
>
> The result will be a 26 per cent cutback in employment, with the total work force dropping from 27,242 at the beginning of this year to approximately 20,000 by early 1972. The company explained that the adverse developments in air travel and the demise of the supersonic program had affected its "emerging commercial business that the company had planned to offset the steadily declining United States defense expenditures."
>
> G.E. declined in yesterday's trading on the New York Stock Exchange. It closed at 56⅞, off ¾. Its volume of 109,900 shares made it the fourth most active issue of the day. Its 1971 range has been from a low of 55⅛ to a high of 62⅞.
>
> The company indicated that most of the 7,000 employes to be laid off would be production workers but added that there would also be "significant reductions" in engineering, financial, marketing and clerical personnel as well as members of the group's management team.
>
> The company's aircraft engine group has its headquarters at Lynn, Mass., where it employs 5,500, plus an additional 1,350 at Everett, Mass. It employs 13,500 at its development and production facilities in Evendale, Ohio, outside Cincinnati. Other facilities and their employment totals include: Albuquerque, N.M., 1,150; Kansas, 750; California, 650; Vermont, 1,100; New Hampshire, 350; Seattle, 100; and Arizona, 50. Also there are some 250 technical representatives scattered around the world.
>
> G.E. said all locations would be affected by the employment cutbacks.
>
> The company produces the CF6 turbofan engine for the new McDonnell Douglas DC-10 trijet and was prime contractor for the engines for the supersonic transport. Recently several airlines have dropped options or stretched out their orders for the DC-10.
>
> Others have delayed decisions on the giant planes pending improvement in airline operations. For example, only last week American Airlines advised its 35,000 employes that another work-force reduction "has begun." George A. Spater, president, advised employes that American's cuts "continue to be the least severe of the three transcontinental carriers."
>
> American has cut its payroll by 2,000 since last November. United Air Lines, which recalled 335 employes last month, has reduced its total employment from 52,000 at the end of 1970 to about 47,800 now. Trans World Airlines' payroll is down to 36,850 from 37,762 at year-end.
>
> Fred J. Borch, chairman and chief executive officer, and other top G.E. executives have strongly opposed the proposed $250-million Congressional loan guarantee for the Lockheed Aircraft Corporation's Tristar airbus program unless the aircraft maker is required to substitute American-built engines for the British Rolls-Royce engines on grounds that the domestic jet engine business is in a period of declining orders.
>
> The bankruptcy of Rolls-Royce precipitated the Lockheed crisis.

These are actual jobs, jobs in being in this country. I want to point this out because I think the suggestion that there possibly will be some job losses unless we pass this measure, to me, amounts to mere speculation. We see here, as a result of the placing of this engine order out of this country originally, the number of jobs that are being affected. We see a cutback in the overall use and need for new aircraft, which I think is bound to raise certain questions as to whether or not the target objectives of the plane's sales to the breakeven point for Lockheed can or ever really will be met.

I think we may be involved in a vain effort here, in any case. If it turns out to be vain, those jobs will have to shift, of course, from Lockheed over into other industries and possibly to other producers of aircraft in this country, and the DC-10 aircraft is being produced largely in this country.

Certainly, I am aware, as has been pointed out, that certain parts may be coming from Canada. But, by and large, the aircraft is an American aircraft.

I want to go back into some ancient history, because I think it is really pretty pertinent to the problems we have before us today.

Because I represented the First District of Ohio, in which the Evendale General Electric plant was located with a large number of employees—13,000 and some at the present time as was indicated in the article I have just read—I became very deeply concerned when, in early 1968, there were rumors that the DC-10 aircraft and the European airbus might both be distended to use engines produced outside of this country, in Great Britain, by Rolls-Royce. At that time, in the CONGRESSIONAL RECORD, volume 114, part 4, page 4727, I said:

> Mr. TAFT. Mr. Speaker, information coming to light about the jet engines for the planned DC-10 airliner, raises some vital questions about Government policies on our unfavorable balance of payments now and in the future. Aviation Week and Space Technology has just revealed the likelihood of official U.S. sanction of engine purchases abroad that could have an adverse payments effect of about $7 billion and cost the Nation 18,000 jobs principally in Cincinnati, Albuquerque and Lynn, Mass.
>
> In its February 26 issue, the magazine states:
>
> "Official Washington sources say the Johnson administration will sanction U.S. purchases of Rolls Royce engines, despite this country's balance-of-payments problem, to smooth entry of U.S. airbus builders into the European market."
>
> However, such smoothing has not been necessary to sell superior U.S. airplanes abroad in the past as is evidenced by our penetration of almost 90 percent of the world jet transport market.

In the case in question, the estimated price of engines, service, and spare parts is approximately $7 million per plane. The estimated worldwide market is 1,000 aircraft, half of which would be for domestic use.

While the transaction is essentially a private one not subject to law or regulation, Government agreement on the payments question has been sought, and according to the article, will be given.

How does all this happen? Is it designed as an unofficial foreign aid program to Great Britain?

Engines of like or superior quality can be purchased at competitive prices in the United States despite our higher labor rates. To divert such an order abroad, even by informal approvals, seems certain to hurt job opportunities. It would seem that any sanction of the Government should take this into account too.

If we are to embark upon a system to sanctions of this sort, especially if a decision with an enormous adverse effect on the balance of payments is involved, the Congress should know and approve of it. Any such system should operate in the clear light of day!

The Secretary of the Treasury and any other administration officials who may have been involved, owe the Congress and the people an explanation as to what has occurred, with a detailing of what activities are carried on at the Treasury, the White House, and other departments of Governments in this case and similar cases. What is going on and what will the effect be?

Mr. President, I followed up on the colloquy at that time on the floor of the House, on March 5, 1968, saying that I had raised the question before, citing an article published in the Metal Working News, again raising the same rumor, that there was some official sponsoring of placing the engine order for the DC–10 in Great Britain with Rolls-Royce.

I followed this with an open order in which we went to the floor, with many other Members, and raised serious questions about what had occurred. In that open order, I recounted as follows as to what the facts were at that time. I read in the Congressional Record, volume 114, part 5, pages 5437–5440. The facts I quoted are as follows:

First. Two American airplane manufacturers, McDonnell-Douglas and Lockheed are interested in the production of a new jet airliner of the "Airbus" variety, carrying approximately 250 passengers and with a three-jet-engine powerplant. The airplane is designed for use on long-range flights but they will also be used on smaller fields such as Washington National and LaGuardia. The bidders on the engine involved are the General Electric Co., which would manufacture the engines in this country, and Rolls Royce, which would manufacture them in Great Britain. It is probable that the manufacturers of the airplane will make the choice of engines based upon the decisions of the respective airline customers.

Second. The estimated market for the airliner in question is 1,000 aircraft, approximately half of which would be for the U.S. market and half for the foreign market.

Third. On December 19, American Airlines placed orders with McDonnell-Douglas for 25 of the DC–10 aircraft, with an option to purchase 25 more. The approximate price per aircraft was $16 million, making the initial order one for approximately $400 million. As far as is known, at the time of placing this order, American Airlines reserved the decision on the General Electric or Rolls Royce jet engines and this is still being negotiated.

Fourth. Prices of the jet engines in question have been quoted by the New York Times today for the engine itself at $620,000 for the General Electric engine and $525,000 to $540,000 for the Rolls-Royce engine. However, with reversers, engine cowlings, spare parts, the total price for engines from each manufacturer is estimated to be in the neighborhood of $1 million per engine. The prices overall of the two manufacturers over the life of the engines are said to be entirely competitive.

I might say that the cost of that Rolls-Royce engine, according to the testimony we have had, has gone up by more than $200,000 per engine in the meantime because of problems that were raised with regard to the plans for the engine.

While the aircraft uses only three engines, it is probable that an additional engine and parts will be bought for each airplane, so that the likely price for the engine and all connected items for each aircraft at the outset will be $3,600,000. In addition, experience in the past on jet engines indicates that the value of sales of spares and additional parts and service per engine over the life of the engine will at least equal the original cost of the engine and all connected items. Thus the likely total expenditures for engines for each aircraft over its life is approximately $7.2 million, making the total likely expenditures for such equipment for 1,000 aircraft in the neighborhood of $7 billion.

I continue to point out that apparently there was a memorandum within the Department of Transportation by a subordinate official indicating that the U.S. Government would look with favor upon the placing of the aircraft engine order for the DC–10 aircraft with Rolls-Royce, and for production in Great Britain.

Mr. President, because this was brought to the light of day, I finally succeeded in receiving at that time from the Department of Transportation an assurance that this was not the case.

I read from the Congressional Record, volume 114, part 6, page 7077, where I stated on the House floor:

I am delighted that I have now received from the Secretary of Transportation, a communication indicating that in dealing with the airbus matter, it is the official view that it would be inappropriate for the administration "to sanction or disapprove a decision by a U.S. manufacturer to purchase foreign-built engines." While it apparently is true that some earlier departmental communication responded to a manufacturer's inquiry with an indication that the Government would "look with some favor" on a cooperative program with British industry, I now have the positive written assurance of the Secretary of Transportation of complete official neutrality as to the placing of orders by American airplane manufacturers for jet engines.

I continued:

Presumably, a decision will be made by competitive bidding. American engine makers will still have to overcome large-scale subsidies anticipated from the British Government to the British engine manufacturers. It is also true, of course, that labor rates in Great Britain are considerably lower than labor rates in this country.

But, it is my hope, that the technical skills, know-how, and efficiency of American industry will prevail in a free, competitive market. This is all that American labor and manufacturers ask.

Mr. President, I ask unanimous consent that the portions of the Record from which I have quoted be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

[From the Congressional Record, Mar. 5, 1968]

Still No Answers on Engine Purchase: Interest Grows in Congress

Mr. Taft. Mr. Speaker, last week I raised a number of questions regarding the possibility of the proposed DC–10 "air bus" using Rolls-Royce engines. At that time I pointed out that the contract represents a $7-billion expenditure and some 18,000 jobs, and asked the administration to comment on a report that they had sanctioned purchase of the foreign engines. I have, as yet, received no reply.

Tomorrow, a number of my colleagues will join me in participating in a 1-hour discussion of the facts as they exist today.

For the information of my colleagues, I include the following article from the Metalworking News of March 4, 1968.

Foreign Engine DC–10 Could Stir Ire in the United States

Washington.—Representative Taft (R. O). has demanded a Johnson administration explanation of an unconfirmed report that the proposed DC–10 airliner is to use foreign engines.

Mr. Taft told colleagues Thursday that if this airplane uses Rolls Royce engines, as has been reported, it could mean a $7 billion adverse impact on the balance of payments plus a loss of about 18,000 American jobs in Cincinnati, Albuquerque, N.M., and Lynn, Mass.

Conceivably this matter may arise Tuesday at a Senate Finance Committee public hearing on a House-passed excise tax extension bill Treasury Secretary Henry Fowler will be the witness and any committee member could bring the matter up.

Mr. Taft in his House floor speech made clear he wants some explanation of the report from Mr. Fowler.

The DC–10 airliner is a private venture of McDonnell Douglas Corp. but, Mr. Taft noted the Government reportedly has been approached for its opinion on the Rolls Royce engine procurement matter, since this would affect the American balance of payments positions.

[From the Congressional Record, Mar. 6, 1968]

Balance of Payments—Purchase of Foreign Engines (Rolls-Royce) Compared With Purchase of U.S. (G.E.) Engines

Mr. Taft. Mr. Speaker, on Thursday, February 29, 1968, I reserved for today 1 hour to discuss and investigate the information coming to light about jet engines for the planned DC–10 airliner and Government policies relating thereto. Since that time very little additional information has come to light. As I indicated then, the source of my original concern related to an article in Aviation Week and Space Technology of February 26, 1968, indicating that the Johnson administration "will sanction U.S. purchases of Rolls-Royce engines." Unfortunately, I can report to the House that I know very little more about any such sanctions at this time and no statement of affirmation or denial of the article has been made either by the White House or the Departments of the Treasury or Transportation. Informal inquiries to the White House have resulted in a denial of knowledge there of any such sanctions.

My purpose today, therefore, will be to outline for the House and for the public the facts, law, and likely effects on the balance of payments and otherwise of the purchase abroad of the engines in question. Before doing so, I should make it clear that my purpose is to bring to light what is known about the transaction and to ask again for a disclosure of any formal or informal governmental activity which may have taken place in the past, is going on at the present or is planned in the future which could have an effect upon the decision on engines.

FACTS

First. Two American airplane manufacturers, McDonnell-Douglas and Lockheed are interested in the production of a new jet airliner of the "Airbus" variety, carrying approximately 250 passengers and with a three-jet-engine powerplant. The airplane is designed for use on long-range flights but they will also be used on smaller fields such as Washington National and La Guardia. The bidders on the engine involved are the General Electric Co., which would manufacture the engines in this country and Rolls-Royce, which would manufacture them in Great Britain. It is probable that the manufacturers of the airplane will make the choice of engines based upon the decisions of the respective airline customers.

Second. The estimated market for the airliner in question is 1,000 aircraft, approximately half of which would be for the U.S. market and half for the foreign market.

Third. On December 19, American Airlines placed orders with McDonnell-Douglas for 25 of the DC–10 aircraft, with an option to purchase 25 more. The approximate price per aircraft was $16 million, making the initial order one for approximately $400 million. As far as is known, at the time of placing this order, American Airlines reserved the decision on the General Electric or Rolls Royce jet engines and this is still being negotiated.

Fourth. Prices of the jet engines in question have been quoted by the New York Times today for the engine itself at $620,000 for the General Electric engine and $525,000 to $540,000 for the Rolls Royce engine. However, with reversers, engine cowlings, spare parts, the total price for engines from each manufacturer is estimated to be in the neighborhood of $1 million per engine. The prices overall of the two manufacturers over the life of the engines are said to be entirely competitive.

Fifth. While the aircraft uses only three engines, it is probable that an additional engine and parts will be bought for each airplane, so that the likely price for the engine and all connected items for each aircraft at the outset will be $3,600,000. In addition, experience in the past on jet engines indicates that the value of sales of spares and additional parts and service per engine over the life of the engine will at least equal the original cost of the engine and all connected items. Thus the likely total expenditures for engines for each aircraft over its life is approximately $7.2 million, making the total likely expenditures for such equipment for 1,000 aircraft in the neighborhood of $7 billion.

Sixth. The U.S. market penetration on sales of jet aircraft in the past has been at a 90-percent figure based on dollar volume, as will be set out in exhibit A attached.

Seventh. The General Electric engine, designated C–6, will include some of the engineering and research done in connection with the C–5 General Electric engine, designed and engineered under Government contract, and significant royalties would be paid to the U.S. Goverment on the sale of C–6 engines by General Electric. Although no facts seem to be available on the subject, substantial underwriting of engineering and preparation costs on the Rolls Royce engine are expected to be backed by the British Government.

Eighth. While there has been an informal indication that the White House has taken no position in the matter and apparently no defense purchases are currently planned, inquiries by American airlines to the Treasury Department early last fall and early this year brought a reaction of no objection from the balance-of-payments point of view on the part of the Treasury. However, as yet, there has been no official denial of any kind by the administration or any department of the Federal Government of the statement made in Aviation Week relating to the sanction of the purchase of Rolls Royce engines.

Ninth. There has been a high-level Federal interdepartmental meeting on the subject of the airbus engine, but the results have not been made public.

LEGAL BACKGROUND

Insofar as I have been able to determine, there is no legal basis upon which a sanction of the Federal Government might be requested or granted for the purchase of Rolls-Royce engines or, for that matter, for the purchase of engines manufactured in the United States. The transaction involved appears to be a private transaction beyond any such regulation and any Government sanction would be extra legal.

Insofar as shipments overseas are concerned, that portion of the aircraft manufactured solely in this country, might be considered for Export-Import Bank financing, but the portion manufactured abroad such as foreign engines would not be eligible, although they might be eligible for similar programs from other nations and Great Britain has such a program.

U.S. airlines are, of course, regulated by the Federal Government under the Department of Transportation and otherwise as to routes and schedules, as well as equipment.

U.S. manufacturers of air frames, and other parts of the aircraft may or may not have Government contracts on other aircraft or equipment, but most probably have such contracts.

Should the U.S. Government decide to buy DC–10's for defense or other purposes, the Buy American Act—41 USCA 10a—would apply and Rolls-Royce engines would be prohibited without a finding of national interest by the head of the department involved.

THE BALANCE-OF-PAYMENTS EFFECT

The balance-of-payments effect of the purchase abroad of all of the engines for the 1,000 aircraft estimated, would be an adverse balance in the area of $7 billion over the entire period of production.

If, as mentioned in the Aviation Week article, the use of U.S. engines had an adverse effect on overseas sales and perhaps cut those sales in half, the net effect of the balance-of-payments difference between the use of U.S. and foreign engines, would still be favorable to the use of the U.S. engines, but the difference would be cut down to $2.15 billion over the period of production. Exhibit B, which I am setting out and including in the RECORD, shows in detail the statistics from which this conclusion is drawn. However, as shown in exhibit A, U.S. jet market penetration has been at 90 percent in the past.

Moreover, the U.S. manufacturer seeking the engine contract, estimates that the total employment involved is 18,000 to 20,000 jobs per year in the Cincinnati, Ohio, Lynn, Mass., Albuquerque, N. Mex., areas, as well as certain other areas in California and elsewhere for subcontractors.

The total number of jobs alone estimated for the Cincinnati area is some 5,000 jobs per year, with an annual payroll estimate of $37.5 million in the Cincinnati area. Using usual economic activity indicators, this would mean a net effect on the Cincinnati area economy of $62,500,000 annually.

Mr. Speaker, considering the impact of the decision on the vital areas of employment, business, and more immediately and urgently, the balance of payments, there should be an official statement by the President or the Secretary of the Treasury denying the claim of official sanction for the use of Rolls-Royce engines.

The exhibits referred to follow:

EXHIBIT A.—FREE WORLD AIRLINE JET TRANSPORT MARKET

[Turbojet and turbofan powered subsonic aircraft delivered or on order]

	Airline purchases		
	Domestic	Overseas	Total
Boeing 707, 720	580	204	784
Boeing 727	578	112	690
Boeing 737	129	61	190
Boeing 747	105	54	159
Douglas DC–8	268	190	458
Douglas DC–9	286	177	463
Douglas DC–10	25		25
Total	1,971	798	2,769
British and European production:			
British Aircraft BAC–111	62	74	136
Hawker Siddeley HS–121		54	54
British Aircraft VC–10		52	52
Sud-Aviation Caravelle	20	227	247
Fokker F–28	3	6	9
Total	85	413	498
Grand total	2,056	1,211	3,267

U.S. JET AIRPLANE MARKET PENETRATION (PERCENT)

Aircraft quantity	85
Aircraft price (dollar volume)	90

EXHIBIT B.—BALANCE OF PAYMENTS—EFFECT OF PURCHASE OF FOREIGN ENGINES COMPARED WITH PURCHASE OF U.S. ENGINES

[Assume worldwide market for 1,000 airbuses. Estimated total price of $1,000,000 for engine with reverser, cowling, and spares]

U.S. market:
  500 aircraft.
  $6.5 billion for aircraft.
  $3.6 billion for engines, services, and spares (based on 3,000 engines installed plus 20 percent spares).
Foreign market:
  500 aircraft.
  $6.5 billion for aircraft.
  $3.6 billion for engines, services, and spares (based on 3,000 engines installed plus 20 percent spares).

ALTERNATIVE NO. 1—USE ROLLS-ROYCE ENGINES

Payments flow:
  —$3.6 billion for engines purchased from Rolls-Royce.
  +$6.5 billion for sale of U.S. aircraft.

	Billions
Payments flow	+$6.5
Do	−3.6
Total payments flow	+2.9

ALTERNATIVE NO. 2.—USE U.S. ENGINES

U.S. market:
  No payments flow impact.
Foreign market:
  Payments flow:
    +$6.5 billion for sale of aircraft.
    +$3.6 billion for sale of engines.

	Billions
Payments flow	+$6.5
Do	+3.6
Total payments flow	+10.1

Conclusion: If airbus usas Rolls-Royce engines, net payments flow disadvantage to United States is the diffarence between $10.1 billion and $2.9 billion, or $7.2 billion.

VARIATION ON ALTERNATIVES.—USE U.S. ENGINES BUT SELL 500 TO U.S. MARKET ONLY AND 250 TO FOREIGN MARKET (WITH EUROPEAN AIRBUS TAKING 250)

U.S. market:
  No payments flow impact.
Foreign market:
  Payments flow:
    +$3.25 billion for sale of aircraft.
    +$1.80 billion for sale of engines.

	Billions
Payment flow	+$3.25
Do	+1.80
Total payments flow	+5.05

Conclusion: Even if foreign market is cut in half by a European airbus, payments flow advantage to United States of using U.S. engines is the difference between $5.05 billion and $2.9 billion, or $2.15 billion.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I am glad to yield to the gentleman from New York.

Mr. WOLFF. I wonder if the gentleman could tell us the total cost of the aircraft itself?

Mr. Taft. The total cost of the aircraft itself is estimated in the neighborhood of $16 million. This is based on the announced price of the 25 aircraft ordered by American Airlines at a total price of $400 million.

Mr. Wolff. I thank the gentleman.

Mr. Boland. Will the gentleman yield?

Mr. Taft. I am delighted to yield to the gentleman from Massachusetts.

Mr. Boland. I, too, want to express my deep concern about reports that the McDonnell-Douglas Corp. may buy foreign-made engines for the giant DC–10 passenger planes it will build.

I am confident that American manufacturers, despite higher labor costs, could turn out DC–10 engines that would prove just as economical in the long run as any foreign-made engines. I hope U.S. companies will be given an opportunity to bid competitively for the DC–10 engine contract.

The purchase of these engines abroad would drain away from the U.S. economy $7 billion and 18,000 jobs over the next 15 years. It would, moreover, create a new deficit in this country's balance of payments.

I join my colleagues in urging McDonnell-Douglas Corp. to give American manufacturers a chance to compete for the DC–10 engine contract.

GENERAL LEAVE TO EXTEND

Mr. Taft. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to extend their remarks and include extraneous matter on the subject on which I have spoken.

The Speaker pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. Bates. Mr. Speaker, I wish to join in emphasizing that the U.S. Government should not in any way approve or sanction the purchasing of American-built DC–10 Air Bus engines from a foreign manufacturer.

At a time when our balance-of-payments situation is so critical that the President is seeking restraints on Americans traveling abroad, it is inconceivable that anyone in the administration would so much as consider such a thing as encouraging an American industry to shop abroad for over $7 billion worth of aircraft engines. Reports that such might be the case, therefore, demand our attention. Not only would a foreign purchase of this kind greatly aggravate the balance-of-payments problem, but it would deny thousands of Americans employment which the same purchase from an American jet engine manufacturer would provide.

One of the principal U.S. bidders for this engine contract is the General Electric Co., whose factories in Massachusetts, Ohio, and New Mexico would produce the Air Bus engines. In Massachusetts alone, and largely in GE's Lynn plants, it is estimated that this would involve the expenditure of over $35 million annually over a 15-year period. It would affect 18,000 to 20,000 jobs per year in that same period throughout the United States.

So it is easy to see how important it is for this private enterprise matter to be worked out without Government interference of the type reported whereby a foreign engine manufacturer would benefit to the detriment of domestic jobs and welfare—on the remote possibility that this would help get us into the European market.

[From the Congressional Record, Mar. 6, 1968]

Administration Should Answer "Airbus" Rumors

Mr. Brown of Ohio. Mr. Speaker, I should like to join my able colleague from Ohio, Representative Robert Taft, in questioning the rumored involvement by the administration in the letting of a contract for the engines for the DC–10 airliner known as the "airbus."

General Electric, with plants in Ohio and around the country, is competing with the Rolls-Royce Co., of Britain, to supply the engines for this jet. Industry sources calculate that over a period of years, the contract is worth over $7 billion, including original cost, spare parts, servicing, and so forth.

According to an article in Aviation Week & Space Technology magazine of February 26, 1968, the administration has sanctioned this large purchase abroad. On March 4, 1968, the Washington Daily News carried a headline that the "White House Favors Rolls-Royce for U.S. Airbus."

With undenied rumors such as these circulating, it makes little difference what the administration did or did not do. If the airlines, who are to purchase this aircraft and will have the right to name the supplier of the engine, believe that the White House wants the engine order to go to England, that order probably will be placed there, regardless of the airline industry's feelings. An industry whose every action is subject to Federal regulation is not in the position to buck the White House. It is for this reason that I feel we must have an explanation from the administration of these rumors.

I would hope that American industry can win this contract by competitive, free market, bidding. Not only am I concerned about the 18,000 to 20,000 jobs this contract is estimated to mean, but it will have an undeniable effect on our crucial balance-of-payments difficulties. However, at the present time, the issue is whether the administration is involved as an advocate. Perhaps the headlines and rumors are errors or misunderstandings. But too much is involved, not only in the sense of our critical balance-of-payments situation, but also in the freedom of American industry, to compete fairly for business and to award contracts on the basis of that competition. The Congress, the airlines, the engine industry, and the U.S. taxpayers, are justified in demanding an immediate explanation of the rumors by the administration.

[From the Congressional Record, Mar. 12, 1968]

Purchase of Foreign Engines for the DC–10 Airbus

Mr. Taft. Mr. Speaker, despite a number of protestations of high Government officials to the contrary, there still has been no official denial by the Johnson administration of its sanction for the purchase of foreign engines for the DC–10 airbus. In the absence of such a denial, the conclusion of many must be that, "Where there is smoke there is fire." The latest such indication comes from overseas in an article from the London, Times. It points up again the need for official clarification of the U.S. position by the President or the Secretary of the Treasury.

Mr. Speaker, I include in the Record the following article from the March 1, 1968, edition of the London Times:

Rolls-Royce on Brink of Winning Massive U.S. Engine Order

(By Arthur Reed)

Rolls-Royce last night appeared to be close to winning a multi-million pound contract to provide jet engines for an American airliner. Sir Denning Pearson, the company's chief executive and deputy chairman has left for the United States to join the team striving to settle the deal.

If Rolls-Royce obtains the order, to engine the projected Douglas DC–10 airbus, it will be one of the biggest *coups* in the history of British exporting. Each DC–10 will have three engines, and the makers have put the world-wide market for this type of aircraft at approaching 1,000 over a decade or more.

The company has evidently almost succeeded in beating stiff opposition from General Electric. Rolls-Royce's engine, the RB–211, has been judged cheaper to buy and to operate than its American competitor.

President Johnson is now reported to have given the purchase of British engines his blessing, despite his country's difficult balance of payments situation—so removing one of the final barriers standing between Rolls-Royce and the contract.

Another contract for which Rolls-Royce are negotiating in the United States is that to provide the engines for the Lockheed L–1011 airbus. Douglas has already received orders from American Airlines for 25 of its DC–10s, with options on a further 25. But so far there are no orders for the Lockheed project, and no firm decision has been made to go ahead with it.

[From the Congressional Record, Mar. 13, 1968]

Unanswered Questions Concerning Airbus

Mr. Taft. Mr. Speaker, the unanswered questions about the administration's actions on jet engines for the "airbus" continue to pile up. The latest information I have received seems to indicate once more that a position has been taken despite repeated denials.

Accordingly, I have today written to the Secretary of Transportation on the matter and, for the information of the Congress, I include a copy of my letter in the Record at this point:

March 13, 1968.

Subject: Government action regarding the airbus engines.

Hon. Alan S. Boyd,
Secretary, Department of Transportation
Washington, D.C.

Dear Mr. Secretary: As you will recall, on Friday, March 8, I telephoned you about recent reports of government action to affect orders for jet engines for the "airbus" aircraft. You advised me that a meeting had recently taken place on the subject at which you had been present, as well as representatives of Defense, Treasury and, I believe, other departments of government. My understanding of your statement was that the meeting had resulted in a decision that the Federal Government has no authority to try to influence private concerns in placing orders for jet engines with either U.S. or foreign manufacturers. I further understood from you that no further steps had been taken or were being taken in regard to inquiries about government attitudes made in this connection.

As you know, under date of March 6, as a joint signer with a number of United States Senators and other Members of the House of Representatives, I wrote to the President, to the Secretary of the Treasury and to you, requesting that a statement be made by the Government on its official position on the matter. As yet no action that I know of has been taken on this letter.

It has now come to my attention that, as a result of the meeting on February 6, which I presume to be the meeting that you described to me, contact was made by your Department with a representative of an air frame producer stating that "the U.S. does look with some favor on the subject of the proposed cooperative program."

It would seem logical to think that the proposed "cooperative program" referred to was an engine order by the air frame manufacturer with Rolls Royce, a foreign manufacturer of jet engines.

In view of this information, I would appreciate a report confirming or denying that your Department took such action and describing the decisions of the interdepartmental meeting in question. It would also seem appropriate to renew the request in the letter of March 6, that the Government's position be stated. If there is an official or unofficial position, I believe the Congress and the public should be aware of it.

Because of the very serious balance of payments implications of the entire matter, I am sending a copy of this letter to the Honorable Wilbur Mills and the Honorable John Byrnes of the House Ways and Means Committee, as well as to the President and the Secretary of the Treasury.

Sincerely,

ROBERT TAFT, Jr.

[From the CONGRESSIONAL RECORD, Mar. 20, 1968]

PLACING OF ENGINE ORDERS BY U.S. AIRFRAME MANUFACTURERS WITH ROLLS ROYCE CO., IN GREAT BRITAIN

Mr. TAFT. Mr. Speaker, on March 6, along with my colleague, Don Clancy, and a number of Senators and other Congressmen concerned, I wrote to the President, the Secretary of the Treasury, and the Transportation Secretary, asking for confirmation or denial of published reports that the Government had encouraged placing of $7 billion and 20,000 jobs for engine orders by U.S. airframe manufacturers with the Rolls Royce Co. in Great Britain. On March 13, not having had a reply to the first letter, and having received additional information that an American airplane manufacturer had been advised by a representative of the Government, that the Government would "look with some favor" on a program with the British engine manufacturer, I repeated my demand for a statement of position by the Federal Government on the matter.

I am delighted that I have now received from the Secretary of Transportation, a communication indicating that in dealing with the airbus matter, it is the official view that it would be inappropriate for the administration "to sanction or disapprove a decision by a U.S. manufacturer to purchase foreign-built engines." While it apparently is true that some earlier departmental communication responded to a manufacturer's inquiry with an indication that the Government would "look with some favor" on a cooperative program with British industry, I now have the positive written assurance of the Secretary of Transportation of complete official neutrality as to the placing of orders by American airplane manufacturers for jet engines.

While this is reassuring, it does not, of course, in any way make certain that the orders placed by American airplane manufacturers would actually be placed with American engine manufacturers.

Presumably, a decision will be made by competitive bidding. American engine makers will still have to overcome large-scale subsidies anticipated from the British Government to the British engine manufacturers. It is also true, of course, that labor rates in Great Britain are considerably lower than labor rates in this country.

Mr. TAFT. Mr. President, I am happy that we now have before us the transcript of the record of the hearings of the Committee on Banking and Currency on this matter. Also I think the delay in receiving the transcript in itself justifies taking quite a few more days on this particular piece of proposed legislation, because much of the material in it was not presented at the time of the hearing, and some of it has only recently been submitted to the committee. Even members of the committee have not had a chance to examine the material that has been placed in the hearing transcript.

Particularly, I should like to invite the attention of the Senate to a letter addressed to the President of the United States by Mr. Fred Borch, president of General Electric Co., who in that letter recites, in part, some of the things I have already reviewed with regard to the placement of the original contracts in 1968. In part, Mr. Borch's letter, which appears on page 113 of the hearings, states as follows:

> Let me recite the events that have created the problem:
>
> 1. In the head-to-head competition of 1967–68 between Rolls Royce and United States engine manufacturers, Rolls Royce, lacking any experience in making the large engines incorporating the most advanced technology, convinced Lockheed and the airlines to resolve their doubts about Rolls Royce's promises with respect to their "paper engine" by accepting very rigid commitments with respect to engine performance specifications and delivery dates. As it turned out, the firm engine prices to which Rolls Royce committed itself were completely unrealistic. In this intense-competition, General Electric was forced to meet all these commitments and agreed to the same penalty provisions for failure to meet these commitments that Rolls Royce agreed to.
>
> 2. In competing for the engine business, the British Government backed Rolls Royce by providing subsidies in the form of long-term credit for U.S. airlines that, to say the least, established new dimensions in international competition and against which no U.S. manufacturer could compete. The airlines ordering the 1011 airbus were given 10 year loans for 90% of the total engine cost, at 6¼% at a time when prime rates in the U.S. were at least two points higher. This unfair subsidization was done despite understandings between the U.S. and Great Britain not to use their finances to support exports into the other's country.
>
> 3. If General Electric had won the competition and totally failed to meet its performance, delivery, and other commitments, as Rolls Royce had done, General Electric stockholders would have had to Lockheed several hundred millions of dollars in penalties, making it unnecessary for Lockheed to require U.S. Government assistance.

This is the very point with regard to this type of legislation. If General Electric had got into this situation today, had obtained the contract, Lockheed would not be here seeking to be bailed out.

Mr. Borch continued:

> 4. If the British Government had honored the original Rolls Royce contracts with Lockheed, Lockheed today would not have this serious financial problem. However, Rolls Royce and the British Government, on the contrary, effectively washed out these contractual commitments to Lockheed and the affected domestic United States airlines through the device of bankruptcy proceedings. The British Government from the very beginning has adamantly taken the position that it will not honor the original Rolls Royce contract and furthermore insists on the renegotiation with Lockheed of all the terms of the original contract involving an increase in the price of the engines, a delay in the delivery schedule, and substantially lower performance specifications.
>
> 5. In view of the above, it now seems to us incredible that the British also insist that after the contract is renegotiated, the United States Government must guarantee Lockheed's ability to pay a higher price for engines which do not meet the original specifications.

That, I submit, is exactly what the British Government is doing. I continue to read:

> The British Government position nets down to the fact that it will not stand behind its own British company, but it insists that the U.S. Government stand behind the U.S. company. This position is all the more difficult to accept when one recognizes that it was the poor performance of the British company that put the U.S. company (Lockheed) in trouble on the airbus.

Continuing with regard to the matter of Rolls Royce employment, Mr. Borch's letter states as follows:

> We believe there is an approach which avoids these difficulties—namely, that U.S. Government financial assistance to Lockheed should be conditioned upon U.S. engines to power the airbus. The airlines can then decide in open competitions as to which U.S. engine will be used. In order to replace the line of credit extended by the British Government to the airlines, the U.S. Government should also extend equivalent assistance to the affected airlines.
>
> This approach would then have the following advantages:
>
> 1. An additional 30,000 to 40,000 jobs in the hard-hit aerospace industry would be provided for U.S. engine production, easing the acute unemployment in this vital industry.

They are the jobs we are talking about, if we are talking about job possibilities and job losses in the United States. That is what should have been done, and should have been done at that time.

The letter from Mr. Borch, which I have been reading and explaining to the Senate, is dated May 3, 1971. Unfortunately, no decision was made at that time as to what would be done. The decision was simply delayed, because they proceeded to manufacture the airframes, with Rolls Royce manufacturing the engines in Great Britain, financed by the British Government, in one case, and by Lockheed, in the other. The situation has now reached the point, apparently, where the option of converting to U.S. engines is no longer available. This is because of the additional cost in the restructuring of the L–1011 to accommodate American engines, and restructuring the engines.

However, I think that if at that time, in lieu of the additional subsidies the British Government put into the production of the engine, the cost had been picked up in the redesigning and rebuilding of the American engine, it could have been done at that time, but it was not. This is the matter I referred to, of continually building up an inventory. I said it was extremely likely that a trustee in bankruptcy, if there were a bankruptcy, would have resulted in the continuation of production with the present Rolls Royce engines.

The material from Mr. Borch, presented to the committee, was, as I say, novel to some of us, because it had not been printed in the record previously. Mr. Borch continued:

> 2. There will be less technical risk for both Lockheed and the airlines in the airbus program. Certificated U.S.-manufactured engines are available today that can be adapted without technical risk, to give aircraft performance that is more competitive with other wide-bodied transports.

I say that this is no longer true, because the cost of the airbus should be about the same with U.S. engines, considering the new, higher price of Rolls Royce engines against the cost of U.S. engines, which makes the cost of U.S. engines virtually a standoff.

Mr. President, the reason I have read the material I have, and I have a complete history of this particular project, is that I feel the Senate should know of the decisions made in this case and we should point out and consider, when we are talking about providing Federal Government guarantees of loans to bail out corporations of situations such as the one Lockheed is in, the decisions that were made. I do not see how the U.S. Government can or should undertake to assure management decisions that turned out to be incorrect and I am afraid if we do we inevitably insert the Government itself as a factor in determining the wellbeing of one company as compared with other companies in a highly competitive area.

Some of the additional material that was submitted by Mr. Borch is included in the transcript of the committee hearings at pages 117, 118, and 119. That material is worth noting

First, I would like to note that apparently even from the outset there was much question about a market existing for the L-1011.

It was desired and apparently felt necessary in starting this project off to have 110 orders for the aircraft. These were secured only by utilizing so-called Air Holdings, Ltd., not an operating airline itself, but a holding company in Great Britain.

Mr. President, I would like to read certain material from the RECORD which appeared on pages 117 and 118 of the committee hearings. The transcript of Minister of Aviation Supply Frederick Corfield, House of Commons, February 8, 1971, is as follows:

> At the outset, let us have right on the record the actual number of orders for the aircraft. At the latest count, there are 110 firm orders, with a further 68 which are not firm, including the whole of the 50 Air Holdings order, *which is little more than a bookkeeping transaction, and a somewhat bogus one at that.*

That was Mr. Corfield, Minister of Aviation Supply, House of Commons.

On page 118 there is then reference to an article from Aviation Week & Space Technology of February 15, 1971, which states:

> LONDON.—Complex financial package set up by Air Holdings, Ltd., with Lockheed Aircraft Corp. to sell 50 L-1011 TriStars outside the United States was under review last week by the Rolls-Royce receiver since it now appears that Air Holdings finance was provided by the engine manufacturer.
>
> When the deal was signed in 1968, Air Holdings' potential liability to Lockheed was $36 million if none of the 50 was sold. Rolls-Royce then indemnified Air Holdings against this loss.

Further examination with regard to the soundness or lack of soundness of judgment of the Lockheed Corp. management on this question I think deserves examination. As I read Mr. Borch's letter sometime earlier, the whole question of the engine and its engineering capabilities were not worked out in advance of the commitment to Rolls-Royce.

It was, as Mr. Borch characterized it, a paper engine. Material submitted and which is in the transcript at page 119 with regard to the engine is as follows:

> Rolls-Royce heavily overcommitted itself—technically, financially (both development cost and engine price) and timing.
>
> RB211 performance does not meet original thrust, fuel consumption and weight specs.
>
> Hyfil fan blades "advanced technology" on which RB211 was sold to airlines, now abandoned.

This is really the whole nub of the matter. The reason Rolls-Royce failed and the reason the Rolls-Royce engine had to be redesigned at tremendous cost was because they took a bet on an unproven type material to be used in the turbine and they found their fan blades would not work.

Continuing with the material from the transcript of hearings:

> Original RB211 development costs estimated $156 million; now estimated as high as $408 million.
>
> Original enterprise believed to be $844,000; Lockheed reportedly now asking airline customers to pay additional $200,000 per engine (not believed to cover total "costs" of RB211—estimated to be $244,000 more than contract price).

In other words, the whole history of this project is fraught with errors of judgment on the part of the management of Lockheed that got the company into the circumstances in which it now finds itself, and because the company is in shaky financial condition, we are asked to rescue it from the undue circumstances in which it finds itself, when Pratt & Whitney, and General Electric, would be held hard to the contract, without aid from the Federal Government.

It is said that the U.S. Government could not possibly lose anything by this transaction. I do not buy that at face value. I believe firmly there is a great risk involved, because if the airlines would guarantee it, certainly the banks would go ahead and make loans without the need for this guarantee by the Federal Government.

The breadth, magnitude, and lack of enforceable controls in this measure are something which we ought to examine. In the amendment before the committee and in the minority views I have labeled it a financial Tonkin Gulf resolution.

This opens the public treasury wide open for almost any kind of guarantee or backing that the Federal Government decides to give to private enterprise of one kind or another, with little control by the Congress.

It is true that we have a provision in the bill, which I hope will be strengthened by amendment if the bill is to be passed, saying that after October—and why October I cannot see—any loan that is proposed to be guaranteed by the Federal Government will have to come to the Congress for notification and approval purposes. But I cannot see why loans to Lockheed and others made before October should not be subject to equal review by the Congress. I would point out that, unfortunately, Congress is not well qualified to make the kind of financial judgments that should be made in these kinds of transactions.

Opening the public treasury to bail out inefficient corporate enterprises poses serious consequences for our free enterprise system.

I oppose this measure for a number of very fundamental reasons.

First, business failures and bankruptcy, like the profit potential, are necessary to weed out or reorganize our inefficient businesses. Productivity of American industry will suffer if inefficient companies and management are bailed out by the taxpayers.

Overall employment would not suffer through a reorganization under the Bankruptcy Act, as I have pointed out a number of times. Loan guarantees would not save the jobs of employees working on projects which are not economically viable. We are not talking just about immediate jobs today, but, rather, the long-term job prospects in the entire industry.

As I have indicated, cancellation of the L-1011 might well result in more employment rather than less, because if there is a real market for this aircraft in the United States and throughout the world, the aircraft will be built. The aircraft will be built by American manufacturers, and I think will be built with American engines.

Another point I would like to make is that such guarantees would subsidize one company at the possible expense of competitors. Other companies make tax contributions, and they are going to contribute to these other companies something of value, something that they and we all own in the form of taxes.

Lastly, it would replace the financial marketplace with political decision-making and imprecise standards.

The extensive hearings held by our committee in my judgment did not make a sufficient case for either the rescue of Lockheed or the generic approach now proposed before the Senate.

With respect to the Lockheed guarantee loan, I would like to review just a few points.

First, concern has been expressed for the employees of Lockheed. Certainly I share that concern. But the reorganization of Lockheed under chapter 10 of the Bankruptcy Act would not necessarily mean wholesale unemployment. If the Tri-Star project is economically viable, those jobs would not be lost. Other divisions of Lockheed certainly might well continue with profitable production.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. TAFT. I yield.

Mr. PROXMIRE. I know there have been a number of Lockheed employees who have expressed concern. I have talked to several today, myself. They are, as the Senator has said, concerned about their jobs. The people I have talked to work for a Lockheed missile plant.

On the basis of the hearings we had, and on the basis of the representations we have had from people in the administration and others, we were told that those people working for Lockheed in defense would not lose their jobs; that any possible job loss would be confined to those who were working on the L-1011. Even in that case the trustee would have the right, if he decided to so so, to proceed to permit the L-1011 plant to continue. Of course, the trustee would be in a strong position to get additional funds, because he could issue certificates which would have a prior claim. So it could continue if it were a profitable operation.

So many people are deceived about this matter. As a matter of fact, I think I have received more correspondence from people in Georgia complaining about my proposal, saying that they are going to lose their jobs, than from any other part of the country. It is my understanding that in Georgia the work is primarily of a defense nature, and very few—only a handful of those jobs would be lost regardless of what action we take on the guarantee.

Mr. TOWER. Mr President, will the Senator yield on that point?

Mr. PROXMIRE. I yield.

Mr. TOWER. The L–1011 is produced in Georgia.

Mr. PROXMIRE. I said the overwhelming amount of employment in Georgia would be continued, and I think undoubtedly the Senator from Texas is correct, that there are some jobs connected with the L–1011 in Georgia, but they would represent a tiny fraction of the total jobs that Lockheed has and that would continue.

As a matter of fact, the people who saw me this morning were fine people, courteous and intelligent, but they admitted that their jobs, as I have said—which were in California in this instance—were jobs that would continue regardless of what action we take on this measure.

Mr. TAFT. I thank the Senator from Wisconsin for his contribution.

As I have said, the reorganization of Lockheed under chapter X of the Bankruptcy Act would not mean massive unemployment. If the TriStar project is economically viable, those would not be lost. If that project is not viable, a loan guarantee would not save the jobs.

Ultimately only market demand will determine whether these men and women will be gainfully employed in this project or by subcontractors or competitors.

I would like to interject at that point by referring to the Penn Central situation. I feel that if the U.S. Government is to get into a guarantee for private corporations or private activities or business activities of one kind or another in order to save jobs—and I think there may in some instances be a justification for doing so—this should be done, I believe, only after a company has gone into chapter X reorganization under the Bankruptcy Act. This could have been done in this instance.

I have pending a bill, and I offered an amendment in the committee, which was turned down by the committee, which would have had that effect.

I think chapter X reorganization would probably result in improving performance, for instance, under the missile and other defense contracts, where we have seen questions raised, particularly with regard to the C–5A.

Later in this discussion I expect to introduce into the RECORD some material showing many of the inside problems reported by someone who has been in the Lockheed management. Those difficulties seem to be at least in part responsible for the trouble it now faces.

A court-appointed trustee could avoid money-losing contracts and keep operating those portions of the company's business which are economically viable.

It has been said, too, with regard to a chapter X reorganization, that somehow it would result in a cancellation of orders by the airlines.

The airlines have no right to make a cancellation simply because a company goes into a chapter X reorganization. If they have firm contracts before the company goes into reorganization, they have them after the company goes into reorganization. Representations to the contrary made to the committee could be misleading, and I think should be explained.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. PROXMIRE. As to the point which the Senator has just made about chapter X reorganization, I think there is great confusion. I think many Senators including some members of the committee, have understood that once Lockheed goes into bankruptcy, the L–1011 automatically is out, because the airlines would cancel their orders.

As the Senator from Ohio has pointed out, they have no right to cancel. The L–1011 production could be carried on just as well under a chapter X bankruptcy reorganization, and that is the precise, explicit purpose of having chapter X, so that firms can be continued without losing jobs, without losing the product they provide, and at the same time, of course, have the management changed and pay the price stockholders have to pay in our free enterprise system.

Mr. TAFT. I thank the Senator. In that regard, let me say that the committee had some very interesting testimony from William McChesney Martin, former Chairman of the Federal Reserve Board and former chairman of the New York Stock Exchange. I asked him, if he were on this particular Board set up to make guarantees of loans, if he had before him the Penn Central situation, whether or not he would have made a loan before the company went into bankruptcy, or only after the company had gone into bankruptcy.

His testimony was that he thought he probably would have let that company go into bankruptcy, because there were evident problems of management that needed to be straightened out and a need for the therapeutic effect of having the court, under a reorganization proceeding, come into the situation.

To resort to Federal loan guarantees without requiring chapter X reorganization as a condition precedent, would not save jobs. It would simply bail out stockholders and management.

I do not believe that it should be the function of the Federal Government to insulate the creditors and stockholders of Lockheed from the risks which they assumed in order to make a profit.

How can we justify to the small taxpayers and the medium size business owners that their tax dollars are being used to bail out rich corporations, when no such remedy is available to them?

There should be no misapprehension that this measure is required for our national defense. Secretary Packard testified that, "continuation of existing programs probably could be worked out satisfactorily with a bankruptcy receiver, or a trustee in reorganization." A reorganized company might be a more effective defense contractor.

It seems unlikely that the $250 million loan can do the job its supporters claim it can. There will remain substantial risk of default. According to Secretary Connally the guaranteed loan will provide only a $100 million margin over Lockheed's peak cash requirement. And for a company operating at the volume of the Lockheed Corp., it certainly would not take much to push it over that brink, and presumably, then, to see it come back to this emergency board to get some more of that $2 billion.

We had some testimony that this was an unusual situation, that the $2 billion, even if authorized for guarantee purposes, would not be used. I think that is about as likely as saying that a lollipop would not be used at a kids' picnic. I will predict that if we go ahead with this legislation, and a $250 million guarantee is made to Lockheed Corp., they will be back before this Board asking for further loan guarantees in the future, if they do not give up this project entirely.

The $100 million margin is equal to only about 2 weeks' expenditures by this troubled corporation. Having $250 million at risk, who would say that the Government will not then have heavy pressure for additional guarantees or advances? My bet is that the company will be back for more.

Projected sales figures for the L–1011 are uncertain. Rising costs continue to be a problem in all Lockheed divisions. Its union agreements come up for renegotiation this month. A wage increase settlement of only 5 percent, far below the level of recent settlements in other industries, would wipe out the entire $100 million margin.

Lockheed's predicted defense revenues include an estimated $1.5 billion in completely new defense business. Some observers believe these estimates may be high by as much as 30 percent.

In recent years Lockheed has repeatedly fallen far short of projected performance levels. Such a record casts grave doubt over the wisdom of the suggested loan.

Even if a $250 million loan guarantee would prove sufficient to rescue Lockheed, it hardly follows that the American taxpayer should be the one to guarantee such a loan.

Twenty-four banks have loaned Lockheed a total of $400 million to build the L–1011 Tri-Star airbus. They now say they can lend no more without a Government guarantee. Prof. Vern Countryman of Harvard Law School pointed out in his testimony before the committee, that the Government would have priority as to all assets upon default. Thus, the proposed legislation would "protect the banks only to the extent of the sufficiency of the unencumbered assets, which is precisely the same protection they would get if they loaned an additional $250 million on the security of the unencumbered assets, without a Government guarantee."

Why then do the banks wish to involve the Federal Government in the Lockheed loan plan? An examination of the record is not reassuring. The $400 million already advanced to Lockheed is only the tip of the aerospace iceberg. Most of the major banks in question are also involved in lines of credit to Lockheed's principal subcontractors on the L–1011 Tri-Star, the C–5A cargo plane, and the S–3A anti-submarine plane. The banks have also made large loans to the airlines that have ordered the Tri-Star.

In all, the banking system has advanced more than $8 billion to the aerospace and airline industries. In this context the banks have reason to try to generate greater governmental involvement in the whole aerospace industry. But that does not prove it is sound policy.

If Lockheed and the banks feel they must find a guarantor for their loan they should look to the British rather than the American Government. Three events, all originating in England, were the cause of the issue that faces Congress today.

First, there was the massive British Government support, including long-term financing to the airlines, that got the Lockheed-Rolls-Royce project off the ground. Without such support, it is doubtful that Rolls would have been selected by Lockheed to supply the engines for the L–1011.

Second, there was the failure of Rolls-Royce to perform its contract. The Lockheed engine order was for an unproven "paper" engine based on cost savings from new type turbine blades that failed in tests. The increased cost sank the company.

Finally, there was the British Government's decision to enter the engine business by accepting the strengths and capabilities of Rolls while disavowing its liabilities to its customer. After refusing to forward the late delivery payments specified in the original contract with Lockheed, the British now ask that the U.S. Government support Lockheed so as to minimize the risks involved.

If the British Government would honor the original Rolls contract with Lockheed, there would be no need to consider an additional $250 million loan. Should the U.S. Government now guarantee such a loan it would encourage the trend of foreign governments in promoting competition with U.S. manufacturers.

Our aircraft industry is basically sound and very competitive. We have dominated foreign markets for the past quarter century. At the present time 11 foreign airlines have placed orders for the competitor of the L–1011, the DC–10, which is powered by the American-made General Electric CF–6 engine. Even the European producers of the A300–B airbus, have elected to use the same General Electric propulsion system. I believe it would be extremely unwise to reward the poor performance of Lockheed with a Government-guaranteed loan and thereby articially sustain it as a competitor in the aerospace industry.

As the General Electric Co. witnesses pointed out, "any form of subsidization of Lockheed would necessarily bring additional pressures on the viability of the two dominant domestic suppliers of commercial aircraft, Boeing and McDonnell-Douglas."

There is serious question as to the commercial success of the Tri-Star project, upon which these guarantees have been premised. There has been a great deal of dispute over just how many of the L–1011's Lockheed would have to sell to cover its costs. Widely variant break-even figures have been quoted. The company publicly estimates that it needs to sell between 195 and 205 of its Tri-Star jets to recover its initial investment plus production costs.

That figure is substantially above the total of present firm orders and options, which number together 178. Even more disturbing is an independent study made in May 1970 by the Office of Systems Analysis in the Office of the Secretary of Defense which concludes that Lockheed has to sell at least 390 L–1011's before they can break even on the program. This is twice the Lockheed estimate. Also, the DOD study predicts that if Lockheed sells as many as 252 planes they would lose $535 million, over twice the net worth of the corporation.

In a recent letter of transmittal, Undersecretary of Defense David Packard warned that the data it contained was a year old, and that its conclusions were only "an approximation." The passage of time, however, cannot be used as an excuse to discount the importance of this study. If anything, the general situation has worsened since 1970. Considering the poor position of the airlines, the delay in production of the L–1011, and the added costs of the Rolls Royce affair, the prospects of selling 400 of these airplanes seem slim, to say the least.

The estimate of Lockheed and its supporters for the airbus market over the next decade is 60 percent greater than that of the Civil Aeronautics Board or that of a joint Department of Transportation-Federal Aviation Administration report. A discrepancy of 500 wide-bodied aircraft indicates a revenue discrepancy of over $10 billion for the industry, a figure to give pause to those who would stake the public's money on this venture.

The earnings projections of the airlines are dismal. The Air Transport Association of America, projects a pre-tax loss for the 12 major airlines in 1972 of $279 million. This will not make it easier for these airlines to finance the acquisition of all the L–1011 orders necessary to keep Lockheed afloat.

As a result of overoptimistic traffic projections a few years ago, airlines are now bearing the burden of extensive over-capacity. Last winter the Boeing 747's were making transcontinental flights with as few as a dozen passengers on board.

The Civil Aeronautics Board has reported that major domestic airlines consequently are cutting back their orders of new aircraft. At the present time 12 of 34 firm purchase orders for all classes of widebodied jets have been cancelled, while 31 options have been allowed to expire.

Such figures do not bode well for the viability of the Tri-Star project even if the $250 million guarantee were given under the proposed legislation.

Mr. President, a few moments ago I stated that I would like to put into the RECORD some of the information regarding the vast Lockheed waste charged by a former manager of that corporation. It was published in the Washington Post of July 18, 1971. A portion of the article reads as follows:

> A former Lockheed Aircraft Corp. assistant division manager has given The Washington Post voluminous documentary evidence which, he charges, reveals "disastrously rotten management" that wasted "untold millions of dollars."
>
> Mismanagement was Lockheed's "real problem," accounting for much of the estimated $2 billion or more in cost overruns on the giant C–5A transport plane, Henry M. Durham said in an interview.
>
> A survey of five C–5As showed that from 65 to 87 per cent of the parts issued, and presumably installed before final assembly, in the month ending April 6, 1970, were reported missing.

The specific figures were listed in the article, in a memorandum to Durham from a subordinate.

I continue reading:

> Quality-control and production personnel, in reports supposedly reflecting the true condition of Ship 0023, said that 30 parts were missing from the wing of this C–5A when it moved to final assembly on March 11, 1970. But five days later, in a memo to a superior, Durham said that an audit showed the number of parts not actually installed, or not recorded by managers as having been installed, to be 1,084, or 36 times as many as those claimed.

He continues with various other criticisms of the company. For example:

> At Lockheed's Chattanooga plant, Durham said, he found expensive tools and equipment "rusting away in the back yard." These items included drills, carbide cutters, and 18 castings that were "concealed under scrap metal and other junk." He said Lockheed has paid a total of $10,488.45 for 13 of the castings.
>
> "Management people walked through this jungle every day but took no action to correct it," Durham said in the interview.
>
> Also at Chattanooga, Durham said, he found that the stockrooms carried 4,894 categories of miscellaneous small parts (MSPs), but that only 813 actually were necessary. Yet, Durham said, "many of the unneeded parts at Chattanooga were critically needed in Marietta . . ."

Mr. President, I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VAST LOCKHEED WASTE CHARGED BY FORMER MANAGER

(By Morton Mintz)

MARIETTA, GA., July 17.—A former Lockheed Aircraft Corp. assistant division manager has given The Washington Post voluminous documentary evidence which, he charges, reveals "disastrously rotten management" that wasted "untold millions of dollars."

Mismanagement was Lockheed's "real problem," accounting for much of the estimated $2 billion or more in cost overruns on the giant C–5A transport plane, Henry M. Durham said in an interview.

He ridiculed a key argument made on Capitol Hill by Lockheed chairman Daniel J. Haughton in behalf of the pending bill to save the company from bankruptcy with a government guarantee for a loan of up to $250 million.

"The problem was not so much our ability to manage, but the type of contracts under which we had to operate—contracts that now have been found unworkable and are no longer used on new programs," Haughton told the House Banking and Currency Committee Tuesday.

In contrast, Durham cites examples of inefficient, wasteful and even, he contends, improper practices. His records show that the examples were among those he had provided Lockheed in pressing for reforms.

Durham says he was in charge of major production-control activities for the C–5A program, running "a control and supply organization" that procured, stocked, issued and delivered parts at the Lockheed-Georgia division.

A company spokesman, however, minimized his importance by referring to him as "a supply man" and not an executive.

Initially, in responding to a reporter's inquiry, W. P. Frech, director of manufacturing at Lockheed-Georgia, spoke of Durham as "a good employee who worked hard."

Later in the conversation, however, Frech characterized Durham as "a disgruntled employee" who lacked "justification for his actions" and was "not in a position to know" whereof he spoke.

Durham's charges are "false—all of them, practically," Frech said. "We have minute, functional systems to prove that all systems are 'go'."

The controversy may be clarified on Capitol Hill, where Sen. William Proxmire (D-Wis.), a leading opponent of the loan bill, has asked Durham to testify before the Senate Subcommittee on Economy in Government. No date has been set.

In alleging mismanagement of the C–5A program, Durham cites these examples:

1. A survey of five C–5As showed that from 65 to 87 per cent of the parts issued, and presumably installed before final assembly, in the month ending April 6, 1970, were reported missing. The specific figures, as listed in a memo to Durham from a subordinate, W. T. Garrison:

Ship 0020 (the company's designation for the 20th C–5A), 1,356 parts issued, 893 missing; Ship 0021, 1,533 issued, 1,038 missing; Ship 0022, 1,492 issued, 1,120 missing; Ship 0023, 1,039 issued, 912 missing; Ship 0024, 364 issued, 305 missing.

2. Trying to find out what lay at the bottom of such problems, Durham, who was with Lockheed for 19 years, and Ron Newberry, of the C–5 Production Task Force, investigated a random sampling of 160 parts listed as "missing" from Ships 0009 and 0010.

Their main finding, made in a report of Oct. 13, 1969, was that 67.5 per cent of the parts claimed to be missing actually were—but that Lockheed nontheless had certified the affected sections of the aircraft to be complete, Durham said.

RECEIVED PAYMENT

By so certifying, Durham contends, the company was able to obtain Air Force payment for work that had yet to be accomplished, and, at the same time, to be credited for an "on schedule" performance.

An additional 16.3 per cent of the parts claimed to be missing actually were not, the report said.

The investigation report also revealed that 8.2 per cent of the parts listed as missing had been installed, but for no recorded reasons and in violation of company rules.

An additional 5.5 per cent of the parts were where they were supposed to be, the report said.

Finally, 2.5 per cent of the parts reported missing should not have been replaced because they were specified by engineering requirements, the report said.

Durham did not so much as hint that a single C–5A was delivered to the Air Force in unsafe condition. His concern, instead, was overwhelmingly with management efficiency in the control of aircraft parts.

3. Quality-control and production personnel, in reports supposedly reflecting the true condition of Ship 0023, said that 30 parts were missing from the wing of this C–5A when it moved to final assembly on March 11, 1970. But five days later, in a memo to a superior, Durham said that an audit showed the number of parts not actually installed, or not recorded by managers as having been installed, to be 1,084, or 36 times as many as those claimed.

4. Durham said that Lockheed reordered very small parts (VSPs), costing from 16 cents to $37.50 each, on the basis of supplies in stores or warehouses rather than on the basis of what he calls "an adequate inventory accountability system." One result, he said, was that VSPs were "scattered on floors, tables, in boxes, heaps—all over the place. They were being swept up and dumped. Finally, somebody caught on . . ."

But as of May 1, 1970, according to a memo he wrote on that date, VSPs that "should cost around $560,000 per aircraft" are "currently exceeding over $1,000,000 per ship." On this basis, he calculated, the overrun merely on VSPs for the C–5A program could come to $30 million.

(The 1965 contract estimate of the price for each C–5A was $20 million; 115 were to be built. Since then, the price has approximately tripled, and 81 are to be built.)

5. After Ship 0008 made its first flight, about 2,000 parts previously procured on the basis of being needed were returned to stock as not needed. Durham told V. H. Brady, his immediate superior, in a memo on Nov. 24, 1969. This wasted "thousands of dollars," he told a reporter. "It happened on all ships, constantly."

When a ship arrives at the flight line, Durham said, it is theoretically in such an advanced state of completion that, apart from engineering changes, only components such as radar gear and flight equipment need be added.

But after Ships 0009 through 0014 arrived at the flight line, calls went out for replacements of 15,291 "missing" parts and 5,294 defective, or "butchered," parts, according to internal reports, Durham said.

6. When a C–5A moved to flight-test status it was, again, in theory, almost ready to be flown, Durham explained. But on the basis of the number of calls made for parts for the first eight C5–As to reach flight test, he calculated that 79,600 items had to be delivered, mostly to replace missing parts.

After Ship 0020 reached final assembly, calls went out on a single day, April 8, 1970, for replacements for 48 parts that previously had been delivered and signed for, Durham's aide, Garrison, told him in a memo. On the same day, 42 similar duplicate part requests were made for Ship 0021, and 27 for Ship 0022, the memo noted.

Once delivered as a result of such duplicate requests, large numbers of parts could not be installed. Durham said in the interview. The reason, he said, was that the components to which they were to be attached were strewn around—"on the floor, on tables, in people's pockets, under tables . . ."

Redundant ordering, he said, frequently occurred because production personnel, impatient with a procedure requiring them to certify, and quality-control specialists to verify, that a part was defective, would additionally invoke a speedier procedure intended exclusively for missing parts. In this way, "thousands of parts were being double-ordered and double procured."

7. After a wing cracked on a rounded C–5A undergoing simulated flight conditions on July 13, 1969, Lockheed set up a wing-modification program in Palmdale, Calif. Durham said that the Marietta plant then got a "panic" order for kits of two or more parts each. "Thousands of parts" had to be rounded up, packaged and shipped—Air Express—to Palmdale, he said.

In a memo on April 28, 1970, E. V. Shaddix, manager of the modification program, told Durham the kits were not needed and "are being returned to you for re-stocking . . ."

8. In a memo of Nov. 3, 1969, to Brady, his boss, Durham told of the shipment of numerous parts kits to Eglin Air Force Base, Fla., following a careful inspection to assure that each listed part actually was present. On Oct. 30, 1969, Shaddix phoned from Eglin to tell Durham that several needed parts were missing, the memo related. J. L. Ferrell, manager of the company's flight-test control department, then went to Florida to investigate.

Ferrell found that a root problem was the failure of planning personnel to order all the necessary parts to start with, the memo said. That aside, Ferrell discovered the parts situation to be "out of control." The memo continued:

"For example, some . . . kits were piled under a coat rack . . . All of these kits were partially opened. Blueprints and parts were strewn on the floor, laying on cabinets, . . . stacked up in hallways and on top of desks . . ."

A Lockheed logistics supervisor said that a company flight-test crew, on arriving at Eglin, "demanded all of the kits, removed them from whatever control they were under, broke them open, and started to work," the memo reported.

"He further indicated that since that time he has had no control of the situation at all," the Durham memo continued. "In fact, he said he has accumulated and stored several parts in his hotel room."

9. At a Lockheed parts plant in Chattanooga, Durham charged, procurement personnel commonly bought items at "premium prices" from outside suppliers, even though the same items were stocked in the company's own "stores" in Marietta, as could be readily determined by "pressing a button" for a computer printout.

An April 2 purchase order shows that, for example, Lockheed ordered a small amount of sheet steel from a frequently patronized supplier, the J. M. Tull Metals Co. at Atlanta. Durham obtained a print-out showing that Lockheed already had similar sheet steel on hand in Marietta, he said. On a square-foot basis, Durham said, Tull Metals' price was $3.15; Lockheed's was 67 cents, about one-fifth as much.

10. Numerous aircraft parts must be built to extremely close tolerances or must meet other "exotic" requirements, according to Durham. But Lockheed, at exorbitant cost, sometimes set such requirements needlessly, for noncritical equipment such as a missile dolly used only on the ground, he said.

Durham illustrated his point with a purchase order, dated last Feb. 15, for some rod ends from Southwest Products Co. of Monrovia, Calif. The price was $437.30 each. Rod ends meeting cruder specifications, but perfectly adequate, would cost only a few dollars each, he said.

Another purchase order shows that a year earlier, Lockheed bought identical rod ends from the same company—but at a unit price of $336.30, or $101 less.

11. At Lockheed's Chattanooga plant, Durham said, he found expensive tools and equipment "rusting away in the back yard." These items included drills, carbide cutters, and 18 castings that were "concealed under scrap metal and other junk." He said Lockheed had paid a total of $10,488.45 for 13 of the castings.

"Management people walked through this jungle every day but took no direct action to correct it," Durham said in the interview.

12. Also at Chattanooga, Durham said, he found that the stockrooms carried 4,894 categories of miscellaneous small parts (MSPs), but that only 813 actually were necessary. Yet, Durham said, "many of the unneeded parts at Chattanooga were critically needed in Marietta . . ."

In a May 8, memo, copies of which he sent to Lockheed chairman Daniel Haughton and to R. H. Fuhrman, president of Lockheed-Georgia, Durham said that "Ship 0002 was a shell when it was originally delivered to flight test even though it was reported to be in good shape . . .

"On Ship 0008, . . . over 10,000 parts were delivered and over 4,000 finally returned to normal stock because they were not required to get the ship in a flying condition." (After Ship 0008 became airborne, Durham reported that 2,000 more parts were returned as unneeded, as previously noted).

President Lyndon B. Johnson flew down here on March 2, 1968, for the "roll-out" ceremony for the first C5A, Ship 0001. But major portions of that aircraft, including the nosecap, claimed by the company to be complete, were "window-dressing"—"dubbed" or "faked" units hastily contrived to look impressive but, Durham charged, nowhere near functional.

Ordinarily, engineering changes in the C-5As required parts removal and replacement. Often, this could be accomplished with reworking, or modification, of the originals.

But, Durham said, "millions of dollars worth of purchased parts were erroneously scrapped" and substitutes purchased usually because the Planning Division had called for scrapping rather than reworking. The division was "under great pressure to reduce the number of behind-schedule engineering jobs," Durham said.

Durham complained about this to Lockheed-Georgia president Fuhrman. Abuses such as this occur "with the full knowledge of many members of management up and down the ranks," Durham said in a memo dated April 17, 1970.

"I have been very disappointed with my superiors for lacking the fortitude and courage to go to the top if necessary to get serious problems corrected," he told Fuhrman.

"I was specifically instructed to direct all reports and comments directly to Mr. Brady (Durham's immediate superior) but could not get him to do anything concrete," the letter said.

"I realize now that it is because certain members of management feel they must conform and not rock the nice, tight little boat they have constructed.

"I believe one cannot afford to jeopardize the company by conforming to such standards. One must operate with directness and integrity in the best interests of the company, not the individual."

UNLIKELY CANDIDATE

Henry Durham's 19 years with Lockheed might well have marked him as an unlikely candidate to become a whistle-blower.

Born 44 years ago in Bradenton, Fla., he attended Georgia State and the University of Georgia for 3½ years, served 3½ years in the Marine Corps and then joined Lockheed as a dispatcher. Moving up through the ranks, he was named an assistant division manager, responsible for all production-control for C-5As moving to flight-line and flight-test status, in October, 1968.

Most of the time at Lockheed, he said, he worked 11-hour days and 7-day weeks, usually without claiming overtime.

His wife, Nan, recalled how it became routine long ago for her to prepare two suppers each day, an early one for their two children and herself and a late one for her husband.

A CORPORATION MAN

Durham, not without a touch of bitterness, says he had been a corporation man through and through. "If Lockheed wanted it, I assumed it was good," he said.

He was a hawk on the Vietnam war but now has "sort of moderated my views." Decals of the American Flag and the National Rifle Association adorn the rear window of his jeep-type vehicle.

At Lockheed, where he had as many as 300 employees under him, Durham won lavish praise.

"Among his many qualifications are unquestioned loyalty, energy, initiative, product and corporate knowledge, ambition, and an insistance on a job well done—first of all by himself, and secondly by all reporting to him," R. C. Goddard, who succeeded V. H. Brady as Durham's immediate superior, said in a letter of Feb. 24, 1970.

"It is our unqualified opinion that Mr. Durham would represent a real asset to any organization to which he might be assigned," Goddard added.

Later, in a formal commendation, Goddard said, "For a job well done under adverse conditions, this company expresses its sincere appreciation."

But a few days after signing the commendation, Goddard and Brady told Durham that he must accept either a demotion—to manage the C-5H refurbishment program, with a pay cut of $20-week—or a layoff.

Durham said the explanation he was given was that only he was qualified to manage the program. He didn't believe it. The real explanation, he insists, had to be his relentless fight against inefficiency and waste.

In the spring of 1970, he carried his case to Lockheed-Georgia president Fuhrman. "He listened, mostly," Durham said of the 1¼ hour interview.

APRIL LETTER

Following up, he told Fuhrman in the April 12, 1970, memo how he had been disillusioned:

"I expected all concerned to come to the rescue, but, instead, received a very adverse reaction which continues.

"I discussed the problem with my immediate superiors, imploring them to take it up the line, to no avail . . .

"I was specifically instructed to direct all reports and comments directly to Mr. Brady, but could not get him to do anything concrete."

Durham opted for the layoff. "I was going to be my own man," he said in the interview. "You can become a pawn—bent, twisted."

Telling Goddard of his decision, Durham said in a letter, "I do not have the audacity to say I am always right. However, I do plan to always act in accordance with my honest opinions, principles and convictions, regardless of the consequences."

Durham had asked for two weeks to train a successor. But the day after he sent the letter, Goddard startled him by telling him to leave that very afternoon and refusing to explain why.

Durham recalled the episode a week later in a letter to Fuhrman. After "19 years of dedicated service," Durham told him, he was "rushed out" of the plant, with an initial refusal even to let him gather up his personal belongings.

Such treatment usually was reserved for a person who has been fired, the letter said, and it was "monstrous."

A week later, on May 25, Durham chronicled his story to Lockheed chairman Daniel Haughton.

In a 3-page, single-spaced letter supported by copies of documents such as those given to The Post, Durham told of a call from V. H. Brady directing him "to keep quiet and hide" a specific missing-parts report; of a dawning "horrible realization" that data were being withheld from corporate management (including Haughton), and of "charts produced to illustrate how beautiful everything was rather than the true facts."

"PROTECTIVE SOCIETY"

Durham also told Haughton of "what I choose to call the Lockheed-Georgia Management Protective Society" . . . To be a member, one must worry more about protecting his hide and the hides of his superiors than working in the best interests of the company and the country."

After he met with Fuhrman, Durham told Haughton, "I was ostracized, criticized, pushed into a corner and eventually downgraded."

Yet, he told the board chairman, he was "not seeking revenge"; neither was he asking for reinstatement or a new job. Rather than work with the people he had been with at Lockheed, Durham said, he would go elsewhere and "dig another foxhole."

Despite all of this, Durham still had faith in the company. "Lockheed management as a whole throughout the corporation is beyond reproach," he told Haughton. "I know the Lockheed Corporation had to be built on integrity to be as large as it is . . ."

Haughton, replying almost at once, said he had read the letter, "perused" the documentation, and planned to talk with Fuhrman and request an investigation.

Once the investigation is complete, Haughton, Fuhrman or the investigator would contact Durham, the board chairman said. (No one ever contacted him, Durham says).

"I hope you find a job that you will be happy with," Haughton's letter concluded.

After leaving Lockheed, Durham looked for a job, painted his house and spent more time with his family than he had for many years.

ASKED TO COME BACK

Then Frech, the director of manufacturing at Lockheed-Georgia, asked him to come back. "Not with those people," Durham remembers replying.

A couple of weeks later, Frech phoned again to renew the invitation. This time, Durham accepted—even though it meant a cut of more than $80 a week below his previous salary, and working 100 miles away in Chattanooga where, at still more cost, he would have to rent an apartment for use during the workweek.

Durham says he took the offer, last August because he asked for, and got, assurance from Frech that the "mess" at Lockheed would be straightened out, because he still was confident that the investigation Haugton promised would be made, and because he was sure the investigation would vindicate him.

Once in Chattanooga, however, Durham said he found things continuing much as before. Also as before, he protested, again to no avail.

Thus, on Aug. 24, in a detailed memo to C. L. Starnes, manager of the Chattanooga facility, Durham said, "The stock situation is, at the best, intolerable. Parts are crowded, piled and jammed into bins . . . Housekeeping is non-existent.

Last May, Durham, saying he decided "I couldn't stand it any more," asked again to be laid off. Frech recalled it differently, saying Durham left after being told that, with employment shrinking, he'd have to "take a little bit of a downgrade."

Before leaving, Durham hand-wrote a 23-page letter to Starnes, including instructions for his successor and "observations and constructive criticism."

The letter includes detailed analyses of the familiar problems, reports on such reforms as

Durham had been able to achieve, a plea for a crackdown on "shabby performance" and a closing wish for "good luck."

For two months now, Durham has been trying to start a business selling aerosal products to retail accounts in the Atlanta area. His wife has become the breadwinner, working as a caseworker for the Cobb County Family and Children Services.

(At this point Mr. WEICKER took the chair as Presiding Officer.)

Mr. TAFT. Mr. President, having covered the specific arguments that I feel militate against the desirability of a loan to the Lockheed Corp. whether or not this general legislation is passed, I should like to discuss the implications of the general legislation itself, without specific reference to Lockheed.

Turning to the generic approach, I find even more serious deficiencies.

First. This loan guarantee legislation would tend to shore up unsound firms and encourage shaky companies to scurry to the Government for salvation.

Last year, 11,000 firms in this country failed with a loss of $1.9 billion. How many of these are we going to bail out? Two? Ten? Or perhaps all 11,000?

Mr. President, I have made a study of the matter of business failures in connection with this so that the Senate could have some reference point from which to move, and I find the following:

I find business failures statistics for States of Senators who voted for the Lockheed bill in committee to have been as follows:

In Alabama, in 1970, 71 failures, a total of $6,480,000 in losses; in Texas, 585 failures in 1970, $126,409,000 in losses; in Utah, 28 failures, $1,410,000 in losses; in California, 2,706 failures, with more than $300 million in losses; in New Jersey, 447 failures, $142 million in losses; in New Hampshire, 32 failures, $3,340,000 in losses; in Tennessee, 170 failures, more than $48 million in losses; in Illinois, 441 failures, $75 million in losses; in Georgia, 180 failures, more than $26 million in losses; in Delaware, six failures, more than $15 million in losses. In Ohio, my own State, I find that there were 849 business failures, with $51,646,000 in losses, in 1970.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table setting out these figures and the figures for 1969.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BUSINESS FAILURE STATISTICS FOR STATES OF SENATORS VOTING FOR LOCKHEED BILL

State	1970		1969	
	Number of failures	Total liability of failed companies (thousands)	Number of failures	Total liability of failed companies (thousands)
1. Alabama	71	$6, 480	85	$8, 448
2. Texas	585	126, 409	402	88, 398
3. Utah	28	1, 410	18	1, 712
4. California	2, 706	300, 547	2, 394	214, 618
5. New Jersey	447	142, 196	377	53, 141
6. New Hampshire	32	3, 340	50	4, 220
7. Tennessee	170	48, 090	123	23 024
8. Illinois	441	75, 357	360	64, 691
9. Georgia	180	26, 106	208	13, 770
10. Delaware	6	15, 313	5	4, 176

Source: Mr. Bridge, Business Outlook Division, Department of Commerce.

Mr. TAFT. Mr. President, there seems little economic sense in aiding the least productive enterprises. Such an effort would neither increase industrial efficiency nor maintain our competitive posture on the world market.

In short, this generic legislation makes no sense on any of these counts. It undercuts the threat of failure which is an essential spur to efficiency.

The businessmen of America understand this danger. As reported in the Wall Street Journal on May 10, 1971, the members of the Business Council, meeting at Hot Springs, Va., earlier this year expressed their overwhelming opposition to proposals of this nature.

When firms all across the country are making Herculean efforts to ride out the recent economic dislocations associated with the demobilization from the Vietnam war, it seems imprudent to divert credit to Lockheed, whose managerial competence has been questioned by businessmen, Government officials, and now even by members of its own executive team.

If no guarantee were granted, and the L–1011 program were terminated, as Lockheed says it would be, the resulting shift to the DC–10 with American built engines would generate several hundred man-years of additional employment in the United States. Many economists have testified that if Lockheed received special protection from Congress, other companies would soon line up looking for relief and the free enterprise system would lose some of its ability to weed out poor managers and inefficient firms and reward efficient and resourceful ones.

Economist Alan Greenspan told the Banking Committee:

> It is the very threat of bankruptcy which often jolts firms, large and small, from inefficient practices in their utilization of labor and capital and in their methods of financing and marketing. To have the possibility of falling back on a guarantor of last resort (the government) must inevitably remove this very valuable prod to efficiency and productivity.

At this point I should like to insert into the RECORD the testimony of Prof. Vern Countryman, which is most instructive on the question of bankruptcy and other matters.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF PROF. VERN COUNTRYMAN ON S. 1891

My name is Vern Countryman. I am a Professor of Law at Harvard Law School, where I teach courses on commercial law, secured credit and bankruptcy. In view of my interest and experience in these areas, I am troubled about four aspects of S. 1891, which would authorize the Secretary of the Treasury to guarantee up to $250 million in loans "to major business enterprises in order to provide emergency credit." The Secretary has said that "substantially all of the guarantee authority would be used to insure the granting of emergency credit to the Lockheed Corporation." The aspects of the bill that trouble me are the following:

I. *Why a government guarantee?*

Assuming for the purposes of this question that the government guarantee should be authorized if it would assist Lockheed in its present emergency, I have serious doubts that it would do so.

Previous testimony and submissions to the committee indicate that a consortium of 24 banks has already extended some $400 million in credit to Lockheed on the security of certain assets, and that Lockheed has unencumbered assets to which it assigns a book value of some $160,000,000 and a "current" or "insurable" value of some $400,000.

These same 24 banks are to be the source of the additional $250 million loan which the government is to guarantee. That guarantee would prove of value to the banks, of course, only if Lockheed defaults on the loans, in which event the government would pay off the loans and be subrogated to the banks' claims against Lockheed. Presumably the banks are not persuaded by Lockheed's $400 million valuation of its unencumbered assets or they would not be insisting on the government guarantee as Secretary Connally says they are.

But § 6 of the bill provides that the guaranteed claim shall be secured by a "first and prior lien on the property of the enterprise." Hence, if the government has to make good on its guaranty of the new $250 million loan it will have first recourse against all assets of Lockheed, including those which secure the existing bank loans of $400 million, to reimburse itself. While the equitable doctrine of marshalling of assets would doubtless require the government to resort first to the unencumbered assets, it would have a first claim to the banks' collateral to the extent that the unencumbered assets were insufficient.

The government guaranty seems, therefore, to protect the banks only to the extent of the sufficiency of the unencumbered assets, which is precisely the same protection they would get if they loaned an additional $250 million on the security of the unencumbered assets without a government guaranty.

When Senators Proxmire and Taft questioned Secretary Connally about this matter early in his testimony, they received no satisfactory answer. Later he offered two explanations, neither of which seem to me entirely satisfactory:

(a) Some of the banks involved, he explained, had reached their legal loan limits, which could only be exceeded if further lending were guaranteed by the government. Presumably the reference is to 12 U.S.C. § 84, which places limits on the amount a national bank can loan to any one person but in paragraph (10) makes an exception for additional lending covered by an "unconditional" government guarantee. That statute also authorizes the Comptroller of the Currency to define the term "unconditional" and he has done so in a regulation (12 C.F.R. § 3.1) which states that the requirement that the guaranty be "unconditional" means "that the protection afforded to the bank thereby against loss resulting from factors beyond its control must not be substantially diminished or impaired" and that a guaranty is not unconditional if "subject to defeasance by a contingency or a condition subsequent not within the control of the bank." It seems to me that the effect of the priority given the government by § 6 of the bill is to render the guaranty conditional within the meaning of the statute and the regulation.

(b) The Secretary also told the Committee that the contract between Lockheed and Rolls Royce governing production by Rolls of the engine to be used by Lockheed in the L–1011 air bus contains a provision "that the contract becomes null and void if the guarantees are not obtained by August 8." He also agreed to provide the Committee with a copy of this contract but I understand that he is now declining to do so. In view of his unwillingness to produce the contract, of his prior assurances that the British were not concerned with the fact of the government guaranty as long as the funds were forthcoming, and of his complete failure to demonstrate how the guaranty would facilitate the additional lending, I do not see how the Committee can give credibility to this belated and unsupported justification for the guaranty. In any event I would suggest that the Committee consider (1) whether Rolls Royce is in any position to insist upon such a contractual condition and (2) whether any other company in financial difficulty and seeking to follow Lockheed's example could not easily obtain a similar contract from a major supplier.

II. The absence of controls in the bill.

The bill itself gives the Secretary no specific controls over the manufacturing operations of the company and empowers him to guarantee the $250 million in loans on terms which will give him no controls over the company's financial operations either:

(a) Section 5 of the bill authorizes him to inspect the company's records. This may enable him to determine in advance that a default is imminent, but empowers him to do nothing to avoid it.

(b) Section 3(e) provides that the guaranty agreement shall forbid declaration of dividends while any part of the guaranteed loans remains unpaid—but even this modest limitation may be waived by the Secretary.

(c) Section 3(f) provides that the guaranty agreement shall forbid payment of any other indebtedness to a lender whose loan has been guaranteed so long as any part of the guaranteed loans remain unpaid—but again the Secretary is authorized to waive the limitation.

(d) The only real control imposed by the bill is the authority given the Secretary by § 5 to disapprove any disposition of the company's assets "which may affect the repayment of a loan that has been guaranteed"—and here again the Secretary is not required, but only authorized, to act.

I believe it fair to say that no private financing agency would guarantee Lockheed's debts in an amount much smaller than $250 million with so little control over its future procurement, borrowing and spending policies—including the disbursement of the very loans being guaranteed. Indeed, Lockheed's own submissions to this Committee indicate that its current agreements with the banks impose conditions as to maintaining minimum current net assets and net worth and limitations on future borrowings, future encumbrances of assets, future leasing of equipment and future redemption of outstanding debentures. The absence of controls is the more shocking in view of the Secretary's testimony that he has not attempted, and apparently does not intend to attempt, to inform himself as to the competence of Lockheed's present management or to insist upon any change in that management.

True, § 3(a) of the bill does provide that the Secretary may make the guarantee "on such terms and conditions as he may determine" but unless some standards are contained in the bill the Congress will have given the Secretary a blank check.

By contrast, the Emergency Rail Services Act of 1970 (84 Stat. 1975), under which the Secretary of Transportation was authorized to guarantee up to $125 million in trustee's certificates for the Penn Central Railroad, does impose standards even though the Penn Central is now being operated by trustees appointed under § 77 of the Bankruptcy Act who are officers of the federal bankruptcy court. Before the Secretary can make guarantees under that Act he must make written findings:

(1) That cessation of essential transportation services which would endanger the public welfare is imminent;

(2) That there is no other practicable means of obtaining funds;

(3) That the certificates cannot be sold without a guarantee;

(4) That the railroad can reasonably be expected to become self-sustaining; and

(5) That the value of the assets of the railroad in the event of liquidation provide reasonable protection to the United States.

Except in extraordinary circumstances the Secretary is to make such findings only after published notice and an opportunity to interested persons to submit data and argument.

Moreover, the guarantee is to be made on condition that:

(1) The proceeds of the sale of the guaranteed certificates will be used to meet expenses essential to continued provision of essential transportation services.

(2) Other revenues of the railroad will be used, to the fullest extent possible, for such expenses.

(3) Proceeds from any sale of assets will be devoted, to the fullest extent possible, to the provision of essential transportation services.

The Secretary under that Act is also directed to determine the interest rate for the guaranteed loan and the Act itself fixes a maximum maturity date of 15 years. And the expenditure of the funds obtained from the guaranteed certificates is subject to supervision by the bankruptcy court to insure that they are used only for the purposes prescribed.

Even under the Rail Passenger Service Act of 1970 (84 Stat. 1327), establishing AMTRAK and authorizing interim emergency government loans and guarantees of $200 million to assist railroads in joining the operations of the National Railroad Passenger Corporation, the Secretary of Transportation is required, before making a loan or guarantee, to make written findings that:

(1) The loan or guarantee is necessary to carry out the provisions of the Act.

(2) The proceeds of the loan or guaranty will be used solely to carry out contracts entered into with the Corporation;

(3) The loan or guarantee is not otherwise available on reasonable terms and conditions; and

(4) There is reasonable assurance that the business affairs of the railroad will be conducted in a prudent manner.

Under that Act, also, the Secretary is directed to fix the interest rate and maturity dates are fixed at not to exceed five years.

In view of these recent precedents in comparable situations involving government guarantees, I find it amazing that the bill now before you is so devoid of limitations and controls.

III. *The consequences of bankruptcy.*

The Secretary has assured the Committee that the only alternative to a government guarantee is bankruptcy for Lockheed, with consequent disastrous consequences for national defense and the economy. The predicted consequences for the defense program have been pretty well discredited by the subsequent testimony of Deputy Defense Secretary Packard. The consequences for the economy are highly speculative and involve predictions and judgments in areas where I have no expertise, although (with defense considerations out of the picture) I find it difficult to justify this special effort to save Lockheed from bankruptcy unless similar efforts are to be made in behalf of other industrial companies of similar size, the much greater number of smaller companies (some 15,000 in 1969), and the even larger number of consumers (more than 169,000 in 1969) who end in bankruptcy each year.

However that may be, I believe I am qualified to speak on some alternatives and some consequences if Lockheed were driven to bankruptcy. In the first place, it is obvious that the initial effort would not look to liquidation of the company, but to its reorganization under Chapter X of the Bankruptcy Act, with liquidation through straight bankruptcy proceedings ensuing only if the reorganization effort failed (see 11 U.S.C. § 636). (Chapter X is the equivalent, for all but interstate railroads, of the § 77 proceeding in which the Penn Central is now attempting reorganization.)

If proceedings were initiated under Chapter X, the court would appoint one or more independent trustees (11 U.S.C. § 556), free of prior connection with the debtor (11 U.S.C. § 558). It would be the obligation of the trustee or trustees not only to take over operation of the debtor's business (11 U.S.C. § 589) while attempting to work out a reorganization plan (11 U.S.C. § 569), but also to investigate the prior conduct of the management (11 U.S.C. § 567).

With respect to existing executory contracts of the debtor the trustee is authorized to assume or reject them with the approval of the court (11 U.S.C. § 516) and such contracts may also be assumed or rejected in the reorganization plan. (11 U.S.C. § 616).

If the trustee needs additional funds to operate the business the court may authorize him to issue certificates "upon such terms and conditions and with such security and priority in payment over existing obligations, secured or unsecured," as the court may fix (11 U.S.C. § 516).

If the existing contracts with airline companies for the projected air bus seem likely to produce the cash flow predicted by Lockheed and by the Secretary, the trustee and the bankruptcy court would doubtless elect to assume and perform them, so that the predicted loss of some $200 million in advances on those contracts made by the airline companies would not eventuate.

I note in this connection that Professor Charles Seligson, in his testimony before this Committee, has predicted that the trustee would have difficulty marketing the trustee's certificates and that the trustee would decide to reject the contracts with the airline companies. Professor Seligson's learning and experience in this field are certainly entitled to great respect and, since I have never seen the airline contracts, I am not in any event qualified to contradict him on that score. I note also that Professor Seligson has undertaken to study the matter more fully and report back to the Committee. But if his Seligson prediction as to the nonmarketability of the trustee's certificates proved correct, it would then be soon enough for the Congress to determine, as it did in the case of the Penn Central, whether it should provide a government guarantee for certificates whose proceeds would be expended by the trustee under the supervision of the bankruptcy court. And to the extent that Professor Seligson concludes that the Chapter X trustee would reject the contracts as unprofitable, his conclusion seems to me to cast considerable doubt on the predictions of Lockheed and the Secretary as to the profitability of those contracts.

It may be, moreover, that Lockheed's long-range survival as a reorganized company under Chapter X would be enhanced if it could rid itself of the airline contracts or, by the threat to do so, renegotiate them on more favorable terms. So far as I know, that question has not yet been examined, though Professor Seligson's forthcoming study may throw considerable light upon it.

I note further in this connection that Secretary Connally has advised the Committee that, in his judgment, a Chapter X trustee for Lockheed, or a Chapter X reorganization plan, could not reject also outstanding executory defense contracts, no matter how necessary to a successful reorganization of Lockheed, because the applicable statutory provisions (11 U.S.C. §§ 516 and 616) contain exceptions for "contracts in the public authority," an exception which he considers "applicable to any contract in which the government is involved." No one can say the Secretary is clearly wrong about that since, as he noted, this statutory exception has never been judicially interpreted. But my own judgment is that the exception was designed only for operating contracts and leases between state and local governments and intrastate public transportation utilities. It was inserted in the statute at the behest of Mayor LaGuardia in an effort—only temporarily successful—to protect the five cent New York subway fare. See Senate Hearings on H.R. 8046, 75th Cong., 2d Sess., 171–172, 180 (1938). If confined to intrastate transportation companies it would correspond to the provision in § 77 for interstate railroads [11 U.S.C. § 205(c)(6)] forbidding abandonment of leased lines, on rejection of a lease, without prior approval of the ICC. See also *Matter of Chicago Rapid Transit Co.*, 129 F.2d 1, 8 (7th Cir. 1942), construing an identical statutory exception in former § 77B of the Bankruptcy Act, the predecessor of Chapter X.

IV. *The extraordinary priority for the federal government.*

In the absence of new legislation on the matter, federal claims in a Chapter X proceeding are entitled under the general federal priority statute (31 U.S.C. § 191) to be paid ahead of all existing claims, including any wage claims against the debtor existing at the time the Chapter X proceeding was initiated. *United States v. Key*, 397 U.S. 322 (1970). But this federal priority does not prevail over the administration expenses of the proceeding, including wage claims and federal, state and local taxes incurred by the trustee in operating the debtor's business in an attempt to work out a reorganization. A provision in Chapter X [11 U.S.C. § 616(3)] expressly provides that such expenses must be paid. See also, *Abrams v. United States*, 274 F.2d 8 (8th Cir. 1960); *Kennebec Box Co. v. O.S. Richards Corp.*, 5 F.2d 951 (2d Cir. 1925).

If reorganization fails and the company is liquidated in a straight bankruptcy proceeding, a different order of priority prevails (11 U.S.C. § 104). Administration expenses, including wages and taxes incurred after bankruptcy, are still first paid. But pre-bankruptcy wage claims earned within the preceding three months, not to exceed $600 per claimant, are also paid ahead of federal claims. Next come some, but not all, tax claims, federal state and local. And federal non-tax claims come last in priority.

But § 6 of the bill, in addition to giving guaranteed loans a first lien on all property of the debtor, would give them "a priority superior to all other priorities in proceedings under the Bankruptcy Act." This is an amazing provision in a bill whose sponsors profess to be largely inspired by concern for the Lockheed employees and for the economy generally. It would put the federal guaranty claim ahead of the first priority for post-bankruptcy wages and state and local tax claims both under Chapter X and in straight bankruptcy proceedings. It would also put the federal guaranty claim, in a straight bankruptcy proceeding, ahead of the limited priorities now given to pre-bankruptcy claims for wages and state and local taxes.

This provision goes beyond the Emergency Rail Service Act governing the Penn Central guaranty, which provides that the federal guaranty claim shall be treated as an expense of administration, and well beyond the Rail Passenger Service Act, which gives the federal claim the same priority it would have under the general federal priority statute. In effect, it requires wage claimants and state and local taxing authorities to underwrite—to the extent of their priority claims—the federal guaranty. This result may not be deliberate, and it may be that the Secretary would agree to a corrective amendment if the matter is called to his attention. But if the result is deliberate it seems to me to add considerably to the burden of justifying this extraordinary legislative proposal.

Mr. TAFT. Mr. President, the generic approach also presents the very dangerous problem of injecting politics and heavy pressures into the granting of such loan guarantees. One need only refer to the Reconstruction Finance Corporation. I believe that we definitely should be concerned with this.

In its dying years, the RFC was a frequent subject of congressional investigation of charges that powerful Democrats or Republicans were improperly influencing the agency, even over the objections of the staff, in order to approve loans to politically favored firms. In its heyday it was a base of power second to none among government agencies and departments. Even now charges are being made by responsible observers that the Lockheed loan will be approved by Congress, not on its merits, but because the firm is "wired into" Congress better than others. The possibility of congressional veto of guarantees made after October 1, 1971, in a sense—as I pointed out earlier—compounds this problem. Stopping legislative action is generally not that difficult and the possibility of really sound congressional assessment of a particular guarantee is not good.

The RFC may have been needed when a general depression existed, but it would certainly not be appropriate where free market conditions are capable of functioning as they are today.

Mr. President, just yesterday, the Senator from Wisconsin quoted with regard to the RFC from President Hoover. I think it is worth repeating because it points out vividly that the purpose of the RFC was not the purpose which is advanced for this particular legislation.

That statements reads as follows:

> I have signed the Reconstruction Finance Corporation Act.
>
> It brings into being a powerful organization with adequate resources, able to strengthen weaknesses that may develop in our credit, banking and railway structure, in order to permit business and industry to carry on normal activities free from the fear of unexpected shocks and retarding influences.
>
> Its purpose is to stop deflation in agriculture and industry and thus to increase employment by the restoration of men to their normal jobs. It is not created for the aid of big industries or big banks. Such institutions are amply able to take care of themselves. It is created for the support of the smaller banks and financial institutions, and through rendering their resources liquid to give renewed support to business, industry, and agriculture.

Just exactly what this proposal before us now is created for.

Mr. President, an article entitled "Corruption in Washington, and What Lies Behind It," written by Blair Bolles, which was published in Harper's magazine for January 1952.

Mr. President, I read from it, as follows:

> The flamboyant record of the Reconstruction Finance Corporation shows the effect of the friendship principle on the government's management of its responsbilities as the successor to J. P. Morgan.
>
> The RFC has been generous in a haphazardly democratic way. Anybody who selfishly wanted a loan that would not benefit the nation one whit could get it from the RFC if he found the right lawyer or had the support of the right politicians in the days when William Boyle led the Democratic National Committee. The corporation has pandered to greed without being snobbish about it. It helped the deserving and undeserving. It thrust money on the proprietors of roadside snake farms, cultivators of cactus plants for sale in dime stores, dental clinics, paperboard makers, mattress makers, television manufacturers, canneries, movie houses, cafes, drug stores, truckers, a trailer manufacturer, a maker of fluorescent lamps, a rainbow trout factory, and some very dubious fellows who wanted to be concessionaires for the roulette room in a Nevada hotel. In a kind of perverted way, it was dedicated, before the revelations of the Fulbirght Committee forced a clean-up in the spring of 1951, to an ideal cause, to the cause of small business.
>
> Borrowers in great numbers began to hammer at the doors of the RFC in 1948, when Congress authorized the agency to make direct loans "to aid in financing agriculture, commerce, and industry; to encourage small business; to help in maintaining the economic stability of the country; and to assist in promoting maximum employment and production." The corporation had antedated the New Deal by two years, and it had been an important adjunct of the New Deal's effort to revitalize the American economy. Until 1948, however, most of the Corporation's loans had been limited to private lending agencies and large enterprises like railroads. The new law shouted, "Come one, come all."

I ask unanimous consent to have that article printed at this point in the RECORD, and also "Is It Time for RFC to Close Up Shop," which appeared in the June 1950 issue of American Business.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CORRUPTION IN WASHINGTON AND WHAT LIES BEHIND IT

(By Blair Bolles)

The corrupt abuse of the federal government for personal profit has lately exceeded anything known in those two outstanding past epochs of political sins, the Grant and Harding Administrations. Not that any thieves of the first magnitude, like Grant's Secretary of War Belknap and Harding's Secretary of the Interior Fall, enliven the current scene. What sets modern Washington apart from Washington after the Civil War and Washington after World War I is the present-day democratization of corruption. Washington is the source of extra-legal favors for far more Americans than those fortunates who had ready access to the government in previous epochs, and, while the great majority of public servants remain honorable and responsible, the favor-seekers have found more officials ready to fulfill their wants than seem to have been available in evil times that lie behind us.

The revelation in 1951 by congressional committees and alert newspapers of the spread of human weakness through the Reconstruction Finance Corporation, the Internal Revenue Bureau, and other federal agencies has generated a move for the moral reform of Washington. This reached such strength last October that a subcommittee of the Senate Labor and Public Welfare Committee, headed by Senator Paul Douglas of Illinois, recommended the establishment of a Commission on Ethics in Government. But although the existence of such a commission might frighten or convert some crooks to honesty, it is improbable that officials who ignore the old Commandments would honor whatever new ones the commission produced. Actually, preoccupation with the improvement of morals could have the effect of keeping alive the opportunities for corruption. Such preoccupation diverts us from the real issue which corruption symbolizes. For the key fact is that Washington festers from a political problem which underlies and generates the moral problem. The first must be solved before the immorality can be rooted out.

The political problem of the federal government lies in the fact that it has taken over the role of J. P. Morgan & Co. and does not yet know how to play it. In the old days American business turned to the bankers of the country, among whom the Morgans were by all odds the most powerful and influential, for loans and for capital funds. In effect these bankers decided who should have money for the relief, reorganization, or expansion of their firms and who should not. If a great banker favored his friends, as Morgan the Elder certainly did, this might occasion criticism but involved no taint of corruption; for the funds which he dispensed were private, not public.

Now, however, the situation has changed. Washington has become the financial center of the United States since the revolutionary tax law of 1944 began to channel into the federal Treasury a large portion of the money which private citizens used to invest through Wall Street or their own brokers in business expansion. In 1929, the last year before the Great Depression, the federal Internal Revenue Bureau collected 2.8 per cent of the value of all the goods the country produced. In 1949 the taxes amounted to 15.6 per cent of the national product. The government also diverts money from private to government use by the enormous loans it floats. In 1929 the value of federal secruities outstanding was one-fifth of the country's gross national product; in 1949 the value was about equal to the gross national product. The shift of the money center to Washington has made private enterprise dependent in large measure on public financing for its survival and expansion. Yet the government—though it has clear-cut plans for using Treasury funds in foreign-aid programs—has no coherent, well-worked-out policy for the disposal of such funds in the United States. And the vagueness of policy invites favoritism in the use of the funds, which is quite another matter with public funds than with private ones.

One reason why the Truman Administration plays J. P. Morgan clumsily is that it is heir to another institution which generally is considered an antibiotic for Wall Street. That institution is the New Deal, which the Administration keeps alive as a theory, at least, under the name of Fair Deal. The confusion arising from the government's attempts to mingle the two roles has obscured the purpose of government from many officials in responsible positions. The Morgans, father and son and partners, had a good sense of financial values; otherwise their bank would have failed. The New Dealers had a good sense of social values; this filled them with their pioneering zeal and gave them a goal for government in the prewar Administrations of Franklin D. Roosevelt. The modern administrators in Washington, however, often show only a vague notion of either social or financial value. Operating with public funds, they lack above all a definition of the "public interests."

The collision between the government as dispenser of capital (Morgan) and as social and economic equalizer (New Deal) creates the opportunity to get rich corruptly in Washington. One can see this strange result in the fate of the idea of the welfare state. The idea—born of the conviction that it is the duty of government to improve the lot of Americans lagging in the race for comfort, security, and opportunity—gave an intellectual focus to the aims and activities of Roosevelt's Presidency. Although the money may often have been unwisely distributed, at least there was a definite and defensible public purpose behind its distribution. Now, however, while the federal officials still blow the trumpets loudly for the welfare state, this institution has been undergoing a subtle change into the rich man's welfare state, a monument to privilege instead of to equality. With no plain purpose to guide them, many officials put the money and authority of Washington at the disposal of those who don't need help or who don't deserve it at public expense.

The philosophy of government produced by the Roosevelt New Dealers has not turned out to be strong and flexible enough to be adapted to good times. The Rooseveltians flourished in years of national poverty. The prosperity which the United States has enjoyed since World War II smothered their spirit. Moreover, Congress has not passed laws which realistically accommodate New Deal attitudes to the current facts of political life. President Truman has got rid of most of the New Dealers and put the agencies symbolic of the welfare state under the control of practical men. These men seldom act on the New Deal notion that the federal government is responsible for the welfare of all the persons in whose name it acts, even though they profess this notion. Yet while the old idea has been losing its vigor, the agencies established to give form to the idea survive. The gigantic apparatus of government built up to promote welfarism under Roosevelt, and expanded during World War II and afterward, is still the dispensary of money and of favors more valuable than money. The centralization of national power in this federal apparatus simplifies the task of the modern seekers of privilege. Instead of having to milk the nation, they have only to milk the nation's government. The billions gathered in taxes and borrowings make Washington a magnet for favor-seekers. The New Deal apparatus provides the means for satisfying them.

For example, the Civil Aeronautics Board, established under Roosevelt to regulate commercial aviation in the public interest, has degenerated into the defender of the private interest of established airlines in keeping the skies closed to new competitors. The Federal Power Commission, expanded under Roosevelt to promote conservation and to safeguard the consumer, now takes its cue from the great private producers of power and fuels. The Maritime Commission, created under Roosevelt in a revolt against the high subsidies paid to shipbuilders and ship-operators, now pays subsidies higher than before. The transformation of the Commission into the Maritime Administration has not improved it. The Reconstruction Finance Corporation for four years has been lending money without distinguishing between private and public interest. Whether or not the Defense Production Administration, a recent creation of the Truman Administration, has channeled funds toward big business engaged in military production, to the harm of smaller industry, as has been frequently charged, the fact that it would be in a position to do so illustrates how arbitrary are the powers enjoyed by such agencies.

II

By coincidence, the history of modern privilege in the federal government begins in the year Congress lifted the United States to its present high tax plateau. That was 1944. Measured against present standards, internal revenue collections before that year were a trifle. At their height in Roosevelt's prewar Presidency they reached $6,700,000,000 in 1941. Two years later they were $21,040,000,000. The 1944 law boosted them to $40,425,000,000. There above Everest they have remained with slight variation. Since 1944 the government has poured back into the nation about $46,000,000,000 in various manifestation of its Wall Street guise.

The pattern of irresponsibility and carelessness in official use of the taxpayers' money was set in 1944 by fraudulent overpayments which some military officers made to industrialists in the settlement of World War II contracts. This tendency to be generous to individuals at the expense of the public showed itself later in the bargain prices at which the government sold its surplus merchant ships and other surplus property, and in advances to RFC borrowers who went bankrupt almost immediately upon obtaining their loans. Lately this confusion about the nature of "public interest" has been underlined by the interest in armaments which the fear of Russia excites. The determination to remain militarily strong has given rise to what we can call "military socialism." Under military socialism the government pays the owners of factories and shiplines, by subsidies and other indirect or tax devices, to produce goods or perform services that have no measurable economic value to the American public but ostensibly are useful to the government in developing its military strength. The new superliner, America's answer to the *Queen Mary*, which is to be launched in the spring, is a good example of the abuse of the taxpayer that sometimes marks military socialism. The maritime law authorizes the government to pay one-third of the cost of building a ship as a subsidy; the United States Lines, the owner of the superliner, was reluctant to build it unless the government subsidized 60 per cent of the cost; the Navy Department provided the Maritime Commission with a reason, based on military security, why the higher subsidy should be paid, and the arrangement was completed to the satisfaction of the United States Lines. The ship in reality does have economic as well as military value; but it was in the name of security that the Commission widened the Lines' profit margin.

Interest in obtaining these favors from Washington has risen as the flow of money into the Treasury has become more rapid. Conversely interest has risen also in squirming around the tax laws. Great sums have been "distributed" by the government in gifts of money through the device of not collecting money. Merchant ship and airplane lines subsidized by Washington receive a tax favor which improves their competitive position vis-à-vis the nonsubsidized lines. The revenue act of 1950, passed to finance the beginnings of the rearmament program inspired by the outbreak of the Korean war, authorized the Administration to postpone the collection of taxes for five years on the sums spent by industry to build new plants for defense production—another phase of military socialism. In ten months the Defense Production Administration postponed most of the tax payments on nine billion dollars' worth of plant. The lack of a guiding purpose and the drive for speed in rearmament led to some successful conniving by firms to get the tax favor for the erection of factories which they had planned long before there was a war in Korea.

Another kind of tax favor has been provided by the Internal Revenue Bureau and the Department of Justice. Reversing their position from the days when they prosecuted Al Capone for nonpayments of income tax, they have permitted "Greasy Thumb" Guzik, a former Capone pal, and other racketeers to deduct from their taxable income large sums under the general heading of "miscellaneous." The Internal Revenue has shown consideration for racketeers also by settling government tax claims against them for a small percentage of the total amount due.

In contrast to its kindness to Greasy Thumb, the Bureau forced Joe Louis, the retired heavyweight boxing champion, back into the ring with its demand for full payment to the last cent of his delinquent taxes.

The essence of corruption infects the various devices for redistributing government funds—the donation of money, military socialism, the subsidy, the tax favor—because they are invoked for some and closed to others on a capricious basis. The evil lies in discrimination. The history of corruption shows that a good many officials simply adopt friendship as their standard for determining who is to get it and who is not. Given the failure of the Capitol or the White House to define exactly the purpose and role of the agencies which administer the favors, it is easy for the custodians of government authority to jettison old abstractions like "public interest" and "equal justice and opportunity for all" in favor of a personalized approach to their duties. Undoubtedly the great majority of officials steadfastly try to honor their responsibilities and to make decisions on the basis of merit and justice. But those who have fallen into the modern way command the sluice gates of the Treasury.

III

The flamboyant record of the Reconstruction Finance Corporation shows the effect of the friendship principle on the government's management of its responsibilities as the successor to J. P. Morgan.

The RFC has been generous in a haphazardly democratic way. Anybody who selfishly wanted a loan that would not benefit the nation one whit could get it from the RFC if he found the right lawyer or had the support of the right politicians in the days when William Boyle led the Democratic National Committee. The corporation has pandered to greed without being snobbish about it. It helped the deserving and undeserving. It thrust money on the proprietors of roadside snake farms, cultivators of cactus plants for sale in dime stores, dental clinics, paperboard makers, mattress makers, television manufacturers, canneries, movie houses, cafes, drug stores, truckers, a trailer manufacturer, a maker of fluorescent lamps, a rainbow trout factory, and some very dubious fellows who wanted to be concessionaires for the roulette room in a Nevada hotel. In a kind of perverted way, it was dedicated, before the revelations of the Fulbright Committee forced a clean-up in the spring of 1951, to an ideal cause, to the cause of small business.

Borrowers in great numbers began to hammer at the doors of the RFC in 1948, when Congress authorized the agency to make direct loans "to aid in financing agriculture, commerce, and industry; to encourage small business; to help in maintaining the economic stability of the country; and to assist in promoting maximum employment and production." The corporation had antedated the New Deal by two years, and it had been an important adjunct of the New Deal's effort to revitalize the American economy. Until 1948, however, most of the Corporation's loans had been limited to private lending agencies and large enterprises like railroads. The new law shouted, "Come one, come all."

The law accentuated the J. P. Morgan aspect of the federal government. In 1948 the United States was hovering half-way between the system of free enterprise and a system of state-controlled money. Superficially the times gave the illusion that free enterprise had been firmly re-established as the irrevocable American way. But free enterprise wants a steady flow of private money in the form of investments, and this flow was missing. One permanent result of the New Deal is the distribution of a far greater share of the national income to labor and farmers than they received a quarter of a century ago during the swan-song period of all-out free enterprise. Instead of buying stocks in speculative enterprises, farmers and labor tend to put their money into savings banks and insurance companies, which in turn ordinarily make surething investments instead of risking their capital on new ventures or the expansion of old ventures. This cautiousness cut down the underwriting opportunities of the Morgans and other old-line investment houses. The tax laws further restricted these opportunities. Before the Depression the United States invested 18 per cent of its national income in business enterprise. In 1949 private investment had fallen below 10 per cent, and 18 per cent was flowing to Washington in taxes and a larger amount in borrowings.

The revised RFC was in a position to take up some of this investment slack. The amount of the loans the agency made between 1948 and 1950 increased rapidly over the amount disbursed before 1948. Congress had directed the RFC to lend money "in the national interest," but the agency defined this requirement strangely. Applicants for loans who had no friendships in the RFC and employed no lawyer or political intercessor whom the RFC recognized as a friend were likely to get nothing, no matter how neatly their proposals fitted the public interest. Other applicants who had friends or used friendly intercessors often got what they were after, whether it was in the public interest or not.

The American Lithofold Co. of St. Louis provides a famous example of this kind of discrimination. The RFC turned down Lithofold three times. When Lithofold retained Vice-Chairman Boyle as its attorney and Boyle phoned to Chairman Harley Hise of RFC, Lithofold got the loan it wanted. The absence of clear-cut techniques for sorting over the loan applications was frankly underlined in the testimony of Joseph Casey, a lawyer with a large RFC practice, before the Fulbright Committee in the spring of 1951:

"You have a situation in the RFC where there are no standard practices. There is no group before whom you appear at one time. There is no rule by which this loan is granted or that one is not, that you can judge yourself by. It is a matter of rule of thumb in each individual case."

"It is a matter of filling out the forms, presenting a balance sheet, and presenting the facts, and that is all there is to it?" Senator Homer Capehart of Indiana asked Casey.

"Senator," said Casey, "you would never get a loan on that basis."

The friendship principle stimulated corruption in the RFC in a number of ways. The sale of friendship was one of them. Many of the fortunes made in California in 1849 and the lush years following belonged not to the gold miners but to the foresighted men who sold the miners the necessaries of life, who owned the ships that moved the gold around Cape Horn, and who traded in real estate in the towns around the mines. So it was with getting rich from the RFC. Those who assisted the borrowers for a price often made more money than the borrowers themselves. These intercessors had some sort of entree to the RFC, such as a friendship with a director, or a friendship with a friend of a director. The intercessor might be an attorney in private practice, or an official of the government, like James Finnegan, the former Collector of Internal Revenue in St. Louis. The fruit of this friendship was on the market. The intercessors did a brisk commerce.

Another source of corruption in the friendship principle is the opportunity it has given borrowers to take mean advantage of their trusting friends within the RFC. The story of the Ribbonwriter Corporation of America is interesting in this connection.

Ribbonwriter in January 1949 submitted to the Reconstruction Finance Corporation a request for a loan of $400,000. The company had a new gadget to market—an attachment for the typewriter that would enable a typist to make five copies of her work without using carbon paper. Ribbonwriter was a Florida corporation; and the Florida advisory committee of the RFC and the director of the Jacksonville agency of the RFC recommended that Washington turn down the application.

In Washington Charles B. Lewis, loan examiner for the RFC, disagreed with Floridian opinion. He recommended approval, and the RFC board took his advice. The agency refused to buy Ribbonwriter's gadget, but it advanced $300,000 to Ribbonwriter on May 16, 1949; the company went bankrupt on July 29, 1949, and two weeks later the receiver found that Ribbonwriter had less than $100 cash in hand. Florida lawyers of the RFC passed on to Washington reports that some of the owners of Ribbonwriter were making personal use of the loan.

Why did Charles B. Lewis, who had been the president of two banks in Georgia, propose that the RFC make this sour loan? The reason came out during the investigation of the RFC which a special subcommittee of the Senate Committee on Banking and Currency made in 1950 and 1951: for forty years he had been a friend of Wiley L. Moore, a director of Ribbonwriter.

"I relied all along on Mr. Moore's guarantee," Lewis told Senator J. William Fulbright, the chairman of the subcommittee.

Among friends in Washington a man's word is as good as his bond, or perhaps better. Friendship means trust. Lewis understood that along with the transportation system of Jacksonville, Florida, Moore "owned" the Georgia Life Insurance Company in Atlanta. The first vice-president of the Life Insurance Company of Georgia wrote to Fulbright, "We wish to advise that Mr. Moore is not and never has been in any way connected with our company. Insofar as we can determine, this Mr. Moore not only has no interest in our company, but has no connection with any company of a similar name that could have possibly confused Mr. Lewis."

Fulbright. Mr. Lewis, do you know whether Mr. Wiley Moore is a stockholder in the Ribbonwriter Company?

Lewis. He told me he was.

Fulbright. How much stock does he own?

Lewis. He did not tell me.

Fulbright. Mr. Moore *did not own any stock*. . . . You do not know really whether Mr. Moore, your friend, put any money at all in this, do you?

Lewis. Only his word. I have not checked the record of it.

In his reliance on friendship as a guide, Lewis had the example of his superior, William Edward Willett, Director of the RFC, to follow. Willett was a friend of C. Edward Rowe, a judge from Athol, Massachusetts. They had worked together as national bank examiners in 1933. In 1949 Rowe was a director and owner of one-third of the stock of the Harrington and Richardson Arms Company, a maker of shotguns and shells in Worcester, Massachusetts. Business was poor, and the firm sought a loan from the RFC to tide it over to the next year's hunting season.

The agency's examiner in Boston refused to recommend the loan. Rowe thereupon went to Washington to see Willett. Willett greased the way for Rowe's loan application in spite of the opposition in Boston. He hand-picked an examiner from the Washington office and assigned him to Rowe's case. He did Rowe the unusual favor of letting him confer with the examiner. The loan went through. Willett's examiner recommended a credit of $300,000 for Harrington and Richardson.

"I did it as a personal favor to Judge Rowe." Willett told Senator Fulbright to explain the special assignment of the examiner.

"Isn't it a fact," Fulbright asked him, "that because he was an old friend, you did depart from the usual ruling and did extend this favor to him?"

"That is a fact, yes, sir. I would do it for any friend."

IV

The elevation of friendship into a principle of government has been stimulated by President Truman himself. Like Grant and Harding, he is an honest man, but he has been attracted by many political confidence men.

For the sake of his friends, he stomached a long succession of moral horrors when he was chained to the Pendergast machine in Kansas City, and to demonstrate his loyalty to the old machine Truman, upon becoming President in 1945, pardoned fifteen of the sixty-three persons who had been found guilty of fraud in the Jackson County (Kansas City) elections in 1936. He has underlined his devotion to the principle by his loyalty to members of his own staff who have put a blemish on the concept of democratic government as the equalizer of opportunity. Furthermore, in 1950, when the Fulbright Committee was plugging along with its investigation of the RFC, Truman reappointed as directors of the Corporation the two men whom the committee had found most willing to recommend loans on the friendship basis; the other three directors, the President dropped. These who stayed on, Ed Willett and Walter Dunham, were friends of Truman's administrative assistant for patronage matters, Donald Dawson, and usually eager to please the Democratic National Committee.

Despite the President's special sense of loyalty, Congress and public indignation lately have forced the Administration to make some reforms. The RFC now is managed by one man instead of by five. The President let Chairman Boyle of the Democratic National Committee resign after the Hoey Committee of the Senate, with the indispensable help of the St. Louis *Post-Dispatch,* exposed Boyle's use of his political influence at the RFC for a legal fee. At this writing Truman has dismissed Internal Revenue Collectors Delaney of Boston, Johnson of New York, Finnegan of St. Louis, and Smythe of San Francisco and he expressed approval of the suggestion by Boyle's successor, Frank McKinney, that collectors hereafter be appointed on the basis of merit.

Those actions may signify an interest in better behavior by government officials, but they do not get rid of the basic temptation which lures officials to apply the friendship principle corruptly in their daily work on behalf of the public. As long as the money flows in a torrent to Washington, as long as Washington therefore remains the magnet of businessmen seeking finance capital in the various forms the federal government has it available, and as long as neither President nor Congress formulates a realistic set of standards to guide officials in the dispensation of that capital, so long will the moral tone of Washington remain low.

The federal government has an enormous power in its authority to lend or not to lend money, to grant or to withhold tax favors, and to determine whose business it will finance in the name of military socialism. This is the power of economic life and death. It can choose the companies that are to survive. Those which cannot obtain private financing and need its help and to which it lends money or pays subsidies or whose taxes it reduces are the companies that will live on. Those whose requests it turns down limp along weakly or fade away. The designation of these "chosen instruments" often takes place as haphazardly as blindfolded children pin the tail on the donkey at a birthday party. True, this Administration has attracted to its ranks a dismaying number of officials whose behavior under such circumstances is sleazy and disreputable. The fact remains that a sound study of what it means for the government to take over the mastery of American capitalism will do more for morality than a new Moses with a new Decalogue trying to overwhelm evil without getting rid of the occasion of evil.

Is It Times for RFC To Close Up Shop?

(By Eugene Whitemore, based on an interview with Jesse H. Jones, former Secretary of Commerce)

Should the Reconstruction Finance Corporation be "given a decent burial lock, stock, and barrel," as its former chairman, Jesse A. Jones, suggests?

Is the present administration of RFC prostituting the agency, turning it into a political instrument? Are the loans being made today really necessary?

Recent loans which have received considerable publicity have put the spotlight on RFC and raised many questions about its present management and policies.

On April 10, 1950, Jesse H. Jones, former chief of RFC, and former Secretary of Commerce, wrote a now-famous letter to Senator J. William Fulbright concerning the RFC of which he was chief for 13 difficult years. Mr. Jones said: "The corporation was created as an emergency agency when millions of our people were on short rations, when there was no market for farm products and no demand for anything but a square meal.

"To meet the ever-increasing problems, the RFC Act was amended many times, giving it additional powers. These amendments came in a steady stream soon after the corporation got started, but always after careful consideration by Congress. Prompting every one of these amendments was a problem of emergency nature to be met by the extension of RFC's powers.

"However, it was always assumed that the RFC was doing what private enterprise was not in a position to do, and when the situation was met, the RFC would cease operations. It was never with the thought of creating a Government bank to compete with private enterprise that the RFC was created or maintained. It was always with the idea of doing an emergency job which could be accomplished in no other way."

Mr. Jones led the RFC through the bitter depression years, begining on February 2, 1932. As many of the problems of depression were relieved by the quick actions of RFC in emergencies, it served an important purpose. It might have been liquidated long ago, but the war intervened and brought a wholly new set of problems. For 13 years Mr. Jones virtually retired from management of his large-scale private interests, remained in Washington without holidays or visits to his home in Houston, except at Christmas-time. It was 13 years of grueling overwork, and on schedules which would have made many younger men crack up.

Mr. Jones was active in many wartime emergency organizations, and was, more than almost anyone else, responsible for planning and activating the Committee for Economic Development. He persuaded Paul Hoffman to assume leadership of this activity, and what Mr. Hoffman and CED did to create a sound and healthy climate for postwar business is well known to every businessman.

It is generally agreed that no other agency of Government was ever run more efficiently than RFC under Mr. Jones' administration. Not once was there a whisper of scandal.

Can we say the same of today's administration of RFC? One glance at several widely discussed loans gives the answer. There is the Lustron loan, made to a group of men who put only a few thousand dollars of their own money into a monster scheme to build enameled-metal homes. Many building authorities predicted early failure of the scheme and opposed the loan. By clever manipulation of public sentiment, claiming that G.I.'s would be deprived of decent housing unless Lustron was financed, a loan of many millions was obtained for that company.

Lustron is now in bankruptcy, apparently a dismal failure. Even before its shiny bright homes were being produced, private enterprise was well along with a solution to the housing problem—and without much help from Lustron. In some cities which were crying for new homes only a few short months ago, there is now a surplus.

Another loan which came in for considerable criticism was the Kaiser-Frazer loan, which enabled the company to take over the gigantic wartime emergency plant built for Ford at Willow Run, Michigan, near Detroit. It would seem that if any company on earth could operate this multiacre plant it would have been Ford. But the money was loaned to Kaiser-Frazer to enter the automobile business.

Henry J. Kaiser obtained a vast amount of publicity for his shipbuilding and contracting activities during the war. Joe Frazer had been in the automobile business for a number of years, but had never shown any remarkable ability in that field. The company had no organization of automobile men, it had no dealer organization, no far-flung system of parts depots, district offices, or any other of the usual requisites for a successful large-scale automobile building and marketing organization.

In an industry where there have been about 50 failures for every success, the RFC was willing to loan money to a newcomer to attempt to capture a share of the market. Of course, the world was clamoring for American automobiles and paying fancy prices for them. But by the time the company really got under way, the scarcity of automobiles was being relieved by the established companies in the field. Even when automobiles were still scarce, some dealers were selling Kaiser-Frazer cars at a discount. The company borrowed $44 million from RFC and lost $39 million the first year.

These losses are deductible from taxes. To quote Mr. Jones: "Much of this loss ultimately comes out of the Federal Treasury as tax deductions. But if the automobiles were made by one of the more experienced companies, the Treasury would collect taxes from the stockholders' dividends as well as from the manufacturer on its profits in making the automobiles."

Here were two gigantic attempts to start in business, using Federal funds. Every automobile company in existence today began on a small scale and grew with the industry. The gigantic loan to Kaiser-Frazer was made only by thumbing a nose at all previous experience of the industry. In the case of Lustron, the prefab home industry is so new and so small that there was no experience to use as a guide. But it seems worth pointing out that a company as well-heeled as United States Steel Corporation of Delaware prefers to move cautiously in this field. Instead of entering it on a gigantic scale, U.S. Steel bought a small company (Gunnison), and is developing that enterprise with its own money and with considerable caution.

Another loan which probably should never have been made is the Waltham Watch Company loan, which was made partly as a result of a vigorous recommendation by an employee of RFC, who was made president of the company after the loan was made. This same man remained with Waltham only a brief time, then returned to RFC at a huge reduction in his salary.

The Texmass loan has also been vigorously criticized. These facts seem to warrant agreement with Mr. Jones that the RFC needs a decent burial. But it is well known that Government enterprises are difficult to bury. Even though the emergency which made them necessary is past, Government agencies have an almost miraculous power of survival.

In the event the Government will not bury RFC as he suggests. Mr. Jones has an alternate solution. He says: "I suggest that it close its 32 branches and make only loans to business and industry in cooperation with banks and financial institutions which would make and administer the loans and carry a participation in them of not less than 25 per cent for their own account. I would limit the RFC's participation in any loan to a few hundred thousand dollars."

Mr. Jones said further that in some cities where the branch office of RFC probably has as many as 150 employees, the work, if his recommendations are followed, could be carried on by one man and a girl. "When a loan comes up, the local branch manager could get on his bicycle, visit the local banks and sell the loan," declares Mr. Jones.

In our interview with him, Mr. Jones told of a recent RFC loan of 50 per cent for 10 years on a new hotel. Five hundred thousand dollars was loaned, and any bank in the vicinity large enough to handle such a loan would have been glad to have it. National banks are allowed by law to loan money on real estate for 10 years.

In this connection Mr. Jones declares that many banks are actually suffering from Federal competition. In some cases bank stocks are selling for as little as 50 to 60 per cent of their liquidating value. From a political standpoint politicians realize that the voters may not shed any tears over the plight of banks, but businessmen know that our country cannot carry on without strong banks; and no bank or any other private institution can be strong unless and until it earns fair profits.

Here are the plain facts: The emergency which the RFC was designed to relieve has long passed. Banks, insurance companies, loan companies, and private capitalists can provide all the money needed for justifiable loans. The RFC is probably being used as a club over private banks. Borrowers say: "If you don't let me have the money, I will get it from RFC."

Under Mr. Jones the RFC was not subject to political pressure. It was well known that bringing a politician to RFC to urge a loan was the wrong way to obtain a loan under Mr. Jones' administration. Of course, some would-be borrowers did bring Representatives and Senators. Some of them threatened to denounce the RFC from the floor of the Congress. Mr. Jones told several of them to "be sure and say that old Jesse Jones is all that stands between us and the loan." No one ever "denounced" him on this basis.

To successfully loan even large sums of money requires long experience, great skill, careful training, and some inherent sense of values. Few men can successfully loan even small sums of money. The men with the experience background, integrity, and ability to loan untold millions are so rare that they can be counted on very few fingers. Without a man of these rare qualifications it scarcely seems likely that RFC can be expected to continue the success the corporation enjoyed under previous administrations.

The question frames itself: "In view of the corporation's recent record of blundering, because the emergency no longer exists, because there is ample finance for all sound purposes—isn't it time to follow Mr. Jones' suggestion that RFC be "given a decent burial, lock, stock, and barrel?"

Mr. TAFT. Mr. President, I think we should consider this because there was little or no testimony before the committee with regard to the operations of the RFC. There was fragmentary information, to say the least, to the kind of information we should be considering here dealing with generic legislation of this type.

It has been suggested that this measure is analogous to subsidizing commuter service and feeder airlines. This is completely untrue. In those cases, a selected business concern is not being subsidized at the expense of a competitor as would be the case here. Those cases involve industrywide assistance in the interest of public service; this does not.

Mr. President, today there are 5 million men unemployed. This is of critical concern to all in my State where the second largest steel mill has just shut down. We must proceed with emergency help in our economic policies conducive to the general economy for the progress and expansion of the free enterprise system. It needs the carrot of success, but it also needs the stick of failure.

Mr. President, I ask unanimous consent to have printed in the Record certain comments from various economists and commentators on these matters.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Robert Weintraub, University of California

I am Robert Weintraub, Professor of Economics, University of California at Santa Barbara. I have been asked for my comments as an economic expert of the "Lockheed Bill." I am opposed to it. As stated by Secretary Connally in his letter of transmittal to the President:

"The purpose of the proposed legislation is to authorize the Secretary of the Treasury to guarantee lenders against loss of principal and interest on loans made to major business enterprises in order to provide emergency credit.

"The failure of major business enterprises can have serious national or regional consequences, including the causing of substantial unemployment, as well as other business failures. To provide for credit to avoid such consequences, government guarantees may be warranted.

"The proposed legislation would authorize guarantees of loans in such circumstances in principal amount not to exceed $250 million and would contain provisions to assure that the interests of the United States are adequately safeguarded. It is anticipated that substantially all of the guarantee authority would be used to insure the granting of emergency credit to the Lockheed Corporation."

I see no reason whatever for providing a Federal loan guaranty for Lockheed and I see no merit whatever in granting the Secretary of the Treasury authority to provide such guarantees. Moreover, the proposed legislation has dangerous implications for the future of competitive capitalism and democracy in the United States.

Six specific reasons for the Lockheed Bill are set forth in Secretary Connally's May 6, 1971, statement:

1. *Jobs.* The proposal, if enacted, would permit financing production of the Tristar airbus, L–1011. The Secretary argues that nearly 7,000 Lockheed workers who were laid-off because of cutbacks in the Tristar program will be rehired as a result. Secretary Connally also argues that funding the Tristar will forestall the lay-off of 25,000 other workers now employed by Lockheed and its sub-contractors on the Tristar project. The implication is that it would be bad for the national employment situation to allow the Tristar program to be abandoned.

2. *General Economy.* The Secretary states that most of the $1.4 billion invested by Lockheed, its suppliers, its bankers and customer airlines in the Tristar airbus would be lost if the project collapses. He indicates that, as a consequence, Lockheed would be forced into bankruptcy and that this, in turn, would have serious adverse effects on confidence and the general economy.

3. *Technological development.* The Secretary argues that U.S. technical excellence in the aircraft industry would be undermined by Lockheed's bankruptcy and dispersion of its work force.

4. *Competition.* The Secretary asserts that it is worthwhile to maintain "the competitive position . . . of this airframe manufacturer."

5. *Balance of payments.* Secretary Connally states that "Overseas sales of the Tristar will add to this country's trade earnings."

6. *National security.* Under this final shield, Secretary Connally argues that defense costs will rise if Lockheed goes into bankruptcy.

None of the Secretary's arguments, however, stands up to objective economic analysis.

1. *Jobs.* Definitely the 32,000 *jobs* directly involved in the Tristar will be lost if production of the Tristar is not funded. But this is a micro, not a macroeconomic datum. The 32,000 *persons* involved would obtain other jobs, though perhaps with a time lag, if the Administration pursues fiscal and monetary policies designed to achieve maximum employment with minimum inflation (e.g., 4% unemployment and 1–3% per year inflation of the CPI). One may ask whether Secretary Connally believes the Administration's macro "gameplan" is working. If so, his concern about the *jobs* that will be lost if the Tristar is not financed is unwarranted.

The Secretary is right, of course, to be concerned about the people involved. But in this case, as in all like it, it would be more economical to assist those who lost jobs to find new ones and to compensate them until they relocate than to subsidize their present jobs.

2. *General Economy.* The argument that Lockheed's going into bankruptcy would have serious adverse effects on confidence and the general economy also makes no sense once it is recognized that state of the economy in-the-large and the state of confidence as well depend in the final analysis upon the efficiency and effectiveness of the macroeconomic policies which the government is pursuing. The now possible loss of the $1.4 billion invested in the Tristar and the bankruptcy of Lockheed will doubtless have serious adverse effects on the investors involved but there is no reason to assume a domino effect on confidence in general provided that a proper macro game plan is being followed.

3. *Technological development.* Secretary Connally's argument on this question assumes that the bulk of technological advances originate in production. This may have been true in years past. But it no longer is. Today, technological development originates primarily in research laboratories. If there is a concern with maintaining our technological superiority in the aircraft industry or other industries, the proper policy for the

Secretary to recommend is an increase in spending on research.

4. *Competition.* I fail to see why it is worthwhile to maintain the competitive strength of Lockheed in the airframe sector. Quite the contrary, it would be worthwhile to permit the number of firms in this industry to adjust to the number the market will support. To subsidize an extra firm is to subsidize a misallocation of resources.

5. *Balance of Payments.* Sales of the Tristar definitely would add to U.S. trade earnings. But the balance of payments problem can't be solved or significantly alleviated by subsidizing selected exports. In fact there will be a payments problem of one sort or another (in the past a dollar shortage, today, a dollar surplus, in the future,?) so long as other nations fix their exchange rates in terms of the dollar. It is their problem, not ours. Let them solve it.

6. *National security.* In my opinion the Lockheed Bill would increase defense costs. It would do so by inviting widespread inefficiency and waste.

In summary, there's no reason to subsidize the Tristar project and no reason to prevent Lockheed from going into bankruptcy. Indeed, Lockheed might emerge from bankruptcy a viable competitor. It is unlikely to become one if the government now pays the tab for past errors.

Because the arguments for providing loan guarantees to major business enterprises in general would most likely be the same as in the case of Lockheed, I also see no merit whatever in granting the Secretary of the Treasury authority to provide such guarantees in as yet unspecified cases. Indeed such authority has dangerous implications. American economic life has benefited by organizing production competitively. Implicit in the competitive organization of production is that risks must be taken by producers, for production is forward looking—we produce, then sell. Producers, not consumers or taxpayers, must bear the risks of production if our economy is to remain free and viable. Last, American political life has benefited by the separation of political and economic power. The Lockheed Bill would join the two as no other legislation has. It should be vigorously opposed.

Testimony of Thomas Gale Moore, Michigan State University

Thank you for inviting me; it is a great privilege to be here today.

The American economy is a marvelously efficient instrument for satisfying the needs and desires of the American people for a growing standard of living. It provides this high standard of living because it is efficient, that is because business is efficient. Business takes the basic resources of our economy: labor, raw materials, and capital and molds them into useful outputs that satisfy our wants. But as Adam Smith put it, nearly two hundred years ago, business does not do this because it is magnanimous or public spirited. Business provides these desirable ends in search of profits and because of fear of bankruptcy. The carrot and the stick of profits and losses are the goals that keep business and our economy efficient and productive.

Both the carrot and stick are necessary and in fact the stick may be becoming more necessary. As stock ownership in corporations has become more diffuse, individual stock holders tend to have less to say about corporate affairs and the profit drive among management can become attenuated. Whether profits do become less important to corporate executives depends at least in part on how secure they are. In a competitive economy, if they aren't efficient they will eventually make losses. Eventually creditors will take over and inefficient management will be eliminated. Thus one of the major forces leading firms in the economy to be efficient, is the fear of bankruptcy.

The point of these hearings is to consider a loan guarantee for Lockheed Aircraft Corporation. It has been urged on this committee that such a guarantee is not a precedent. But it clearly is a precedent. I understand that Mr. Arthur Burns recommended last week before this committee that the government be given authority to guarantee emergency loans to financially troubled companies. If the Lockheed guarantee is approved, then the next logical step will be to guarantee loans to all large financially distressed corporations. While the Lockheed guarantee is alleged to be a special case, each corporate failure or would-be failure will be a special case. There will be a general demand for tax payers funds to bail out inefficiently run firms and to reduce the pressures of the market place.

Consider the potential long run damage to the economy of this precedent. It will reduce the size of the stick of bankruptcy. It will therefore reduce the incentives for American business to be efficient—at least big business.

As you all know the British economy has not been known for its efficiency in recent years. While there are many complex factors involved in the British problems, it is probably not coincidental that for some years the British government has taken upon itself the responsibility for bailing out financially distressed companies. I understand that the British Government is now trying to reduce the dependence of their business on the Government. Corporations are to be responsible for their own decisions. It would be a pity if we went down the path that the British followed just when they have learned the hard lesson that the stick of losses is necessary as well as the carrot of profits.

Thus on general principles it would seem unfortunate to guarantee loans for Lockheed; it would be even worse to accept the Federal Reserves recommendation to give the government general power to aid financially distressed companies.

Let us turn to the merits of the Lockheed case itself. It is alleged that bankruptcy will be the inevitable result if the Government refuses to guarantee a $250 million loan. Furthermore it is alleged that bankruptcy will result in the demise of the L–1011 air bus project. Neither allegation is necessarily correct. First, bankruptcy will result if in the eyes of major creditors, especially the consortium of banks that has granted Lockheed $400 million credit, a new management is likely to be able to retrieve more from the enterprise than is likely by the existing managers; that is, if the creditors feel they can receive a greater return on their investment in Lockheed by forcing it into bankruptcy and having a new management, then they will do so. Given the sorry track record of Lockheed in the last few years, I would be surprised if they did not believe that new management and a general reorganization would recover more of their assets than the current management is likely to. Not only does this seem reasonable but desirable. The Government should not be in the position of sustaining a particular management, especially of a firm that has suffered substantial losses for the last two years under its guidance.

In other words bankruptcy means a general reorganization of the corporation under new management. Will this new management which is representing the interests of creditors continue the L–1101 project? It will if in the eyes of the creditors the probabilities are such that they can get more of their original investment back by doing so. The creditors therefore will make a hard headed analysis of the situation and decide whether the plane is likely to be a success or not. Since the creditors which include major airlines who will be future customers have so much at stake, their decision is likely to be extremely well informed. Thus to argue that the L–1011 plane will be abandoned is to argue that creditors won't think that it is likely to be a success. Are the creditors a better judge of the viability of the project, or is Secretary Connally and the executives of Lockheed?

Thus if Secretary Connally is correct in that bankruptcy means the demise of the airbus, then it would likely mean that the government would lose money on this loan guarantee. If he is wrong, then the only purpose of the loan guarantee would be to support the existing management of Lockheed and reduce the risks to creditors of a step they would take in any case.

Much stress in these hearings has been on the potential job loss if the L–1011 air bus project is abandoned. As indicated above it is not clear it will be abandoned. But even if it were, is it desirable to keep uneconomic projects afloat simply to preserve jobs? This perpetuates inefficiency. If a company is producing the wrong project, it is clearly wasteful for the government to aid it to continue to waste resources and produce unwanted goods. A.W.P.A. for aerospace engineers seems undesirable and a waste of resources. While I sympathsize with the individuals and their families laid off in the aerospace industry, they are hardly candidates for the most disadvantaged groups in the U.S. If the Congress feels that too great a burden of readjustment of resources is being borne by individuals in the aerospace industry and in southern California in particular, then facilitating the individuals' relocation and reemployment in other areas and sectors of the economy would be more useful and less wasteful than perpetuating their employment in producing unwanted products.

Next, I want to touch on a philosophical point. I am a college teacher. I talk with students every day. Many are disillusioned with the American system. They say that there is little difference between the system in Russia and Eastern Europe and that of the State Capitalism in the United States. The Government here simply protects the vested interest of the large corporations. There is no discipline of the market place, they claim. The corporations can manipulate the government to guarantee their profits.

I have been able to argue, I think somewhat successfully that there is market discipline in the U.S., that corporations must serve their customers and try to be efficient or in the long run, they will suffer losses and be forced into bankruptcy. However, if the Government does bail out Lockheed, then it will be more difficult to convince them that the system does work. And in fact to the extent that the Government does get into the business of guaranteeing loans to financially distressed corporations, there will be less motivation for companies to serve the public. The American free-enterprise system will not work as well.

As I have already argued a loan guarantee would be a precedent. The next step would be guaranteeing loans to all large financially distressed corporations. This could cost the Government hundreds of millions. But more troublesome will be the problem of deciding which firms are eligible for loan guarantees and which are not. Is the Government to discriminate against small firms? Can the Government get into the business of guaranteeing loans to mom and pop stores? In other words, granting this loan guarantee will establish an unfortunate precedent which will come back to haunt the Congress.

Statement of Alan Greenspan, President, Townsend-Greenspan & Co., Inc.

Mr. Chairman, I am most appreciative of your invitation to comment on the proposal to provide a federal loan guarantee for the Lockheed Aircraft Corporation.

I am in fundamental disagreement with this type of loan guarantee becaues it would set a major precedent which could have far-reaching consequences. To place the federal government in a position where it can pick and choose which particular private enterprises should or should not be allowed to slip into bankruptcy, must inevitably lead to subsidization of the least efficient firms in an industry. I believe we often lose sight of the tremendous churning that goes on in a free, competitive economy—of the way in which firms vying for profitability attempt to marshal their resources in the most productive manner. It is the very threat of bankruptcy which often jolts firms, large and small, from inefficient practices in their utilization of labor and capital and in their methods of financing and marketing. To have the possibility of falling back on a guarantor of last resort must inevitably remove this very valuable prod to efficiency and productivity. To institute such a mechanism can only impair the viability of our free enterprise system and slow the growth of living standards of the American people.

Moreover, it is important to remember that when the federal government guarantees private credit it does not add to the total financial resources available. It only moves one borrower up in the credit rating queue at the expense of other borrowers who are not fortunate enough to have such a guarantee.

More than twenty years ago the Hoover Commission with the history of the Reconstruction Finance Corporation in mind noted that "direct lending by the government to persons or enterprises opens up dangerous possibilities of waste and favoritism . . . it invites political and private pressures, or even corruption."

Of more immediate concern, however, is whether the proposed loan guarantee is an effective response to the crisis that now confronts Lockheed. What would such a loan do? First, barring as yet unforeseen difficulties, production of the L–1011 would be expedited. Presumably, one hundred or more planes eventually would be produced and the loan under federal guarantee repaid. But there appears little chance of full recovery of the $1 billion-plus already invested in this project. A substantial part—several hundred million dollars—will doubtless be lost. In fact, by any reasonably conservative evaluation it has already been lost. The work force committed to the L–1011 by Lockheed and its sub-contractors would, if this loan guarantee goes through, I assume be kept on their jobs for several years.

But is this all a net gain? Certainly the longer-term effects on aerospace employment are by no means clear. The DC–10 and L–1011 are very similar planes, calculated to serve substantially the same market. Hence, the longer-term airframe production and employment picture is likely to be determined by total airbus demand rather than the existence of Lockheed. While there may conceivably be some slippage should the L–1011 program be disbanded, substantially all of the orders are likely to shift to the DC–10. Hence, although one cannot deny that the termination of the L–1011 would have a severe immediate impact upon the employees of Lockheed and its sub-contractors, the longer-run trend of U.S. aerospace employment may not be significantly altered.

Moreover, owing to the heavy initial fixed costs involved in any airbus program, incremental costs of additions to the production line of the DC–10 should be relatvely low. The so-called "learning curve" in airframe assembly often yields very substantial savings at the tail-end of long production runs. This implies that any switch in demand from the L–1011 to the DC–10 could be costed out at significantly lower average costs than would be involved in the initial runs of the L–1011. Thus, from the point of view of airbus production and use, the productivity gains achieved by extending the production lines of the DC–10 could act as a partial offset to the losses incurred should Lockheed cease production of the L–1011.

I do not wish to oversimplify what are admittedly complex questions of cost analysis and legality. However, I do wish to point out that in an over-all sense there is a credit from extending DC–10 production runs which directly or indirectly may accrue either to those airlines currently committed to the L–1011 or to purchasers of the DC–10 generally.

But, more importantly, it should be recognized that the proposed loan guarantee does not guarantee the existence of the Lockheed Aircraft Corporation. It is merely a vehicle to bail out one particular substantial investment made by Lockheed, which in retropsect was clearly a poor one. It by no means guarantees the existence of Lockheed in the future, as I will indicate shortly. Moreover, saving that part of the L–1011 investment which is still salvageable is by no means a net savings to the aerospace industry as a whole or to the economy generally. Whatever gains there may be, if any, are clearly short-run and much too high a price to pay for the precedent which the Federal guarantee encourages.

The Lockheed crisis is an early symptom of a much broader problem which will confront the American economy during the next five years—that is, the required shrinkage in our over-all aerospace-military complex. Even the most optimistic pojections of our military and civilian airframe requirements over the next five years suggest a decline in capacity needs. The process of retrenchment will understandably be difficult, but attempts to shore up an industry declining for fundamental economic reasons must in the end turn out to be both costly and self-defeating.

We are now experiencing the downside of a cycle, the upside of which began a decade ago. During the early 1960's a major expansion in our general purpose forces, specifically Air Force and Navy squadrons, was initiated. This program was well underway when the air war in Vietnam escalated. As a result, the time schedule for equipping our wing structure with modern aircraft was moved ahead. On top of this, we had to replace large losses of jet fighters and helicopters. Thus, to be able to sustain both the accelerated rate of buildup and the level of losses, a massive increase in airframe production was undertaken.

Even had we maintained the early high levels of air combat in Vietnam, it is likely that airframe production would still have slipped as fighter and helicopter inventory goals were finally met. This normal retrenchment, however, was accelerated by other factors. As the air war was de-emphasized, our losses dropped sharply. In addition, owing to technical and cost difficulties, the few aircraft programs still scheduled for heavy production in the current period, such as the F–111 and the C–5A programs, were scaled back. Concurrently, our space program peaked and civilian air carrier requirements for new equipment were reduced.

While some of these forces are temporary and apt to be reversed, it is very difficult to construct a credible projection of military and civilian aerospace requirements which can keep present capacity profitably employed. Consequently, the most reasonable assumption is that in the years immediately ahead we will experience a decline in aerospace facilities and, through merger or liquidation, find ourselves with perhaps one or two fewer major aerospace contractors.

I do not wish to minimize the pains associated with the retrenchment of so important an industry as this. In fact, even before Lockheed's most recent difficulties, the aerospace industry was in what many have perhaps rightly called a major depression. However, if Lockheed is continuously propped up (and I mean more than by the planned loan guarantee), without a major reversal in the long-term aerospace outlook, some other major company in the industry must find itself in trouble. Unless we are willing to embark upon a major new aerospace weapons expansion, some contraction in the industry, some further losses of jobs, mergers and possibly bankruptcies, appear inevitable.

With respect to the broader question of a government lending or guaranteeing agency, I think certain points should be made. Despite our concern with the current recession, the economy today is functioning in a wholly different world from that which characterized the 1930's, when the severe financial difficulties, following the collapse of the economy, led to the creation of the R.F.C. We exist, and have existed since the end of World War II, in a period of relative prosperity. Thus, we cannot look upon the problem of government loans or guarantees as a temporary expedient pending a return to prosperity. In fact, the types of problems which have now led to the call for government guarantees are structural and threaten to be long-standing.

Although our level of activity by any historic standard is high, profit margins have only just emerged, and then by the narrowest of margins, from their lowest levels since the 1930's. The debt burden of our business structure has risen sharply. As a result, interest charges, loan amortizations and other legally fixed obligations have now reached the point where a substantial number of large, as well as smaller, business enterprises are barely able to meet their commitments at the present depressed levels of cash flow. Unfortunately, the current outlook suggests that the problem of subnormal corporate profitability and attendant financial difficulties is one which is apt to persist to a greater or lesser extent throughout the remainder of this decade. So long as this condition persists, increasing demands will be heard to substitute government guarantees for private financial worthiness. (While I sympathize with the attempts embodied in S. 2016 to delimit the scope of such guarantees, I fear it will be extremely difficult to do so, once such a bill becomes law.)

We will have all become concerned in recent years with the seeming intractibility of wage increases to rising unemployment. Levels of unemployment which historically would have created labor market slack and, through the collective bargaining process, generated a market reduction in the rate of wage increases, have been slow to do so this time. This has been one of the key factors impinging on corporate profitability. Major increases in unemployment benefits and welfare programs have markedly reduced the financial hardship historically associated with unemployment. While sociologists may argue that this is all to the good, its secondary effect has surely been to reduce competitive pressures within the labor market and hence to induce a shift in the balance of power in the collective bargaining process towards labor. This necessarily must lead, other things equal, to a higher average rate of increase in wages than would have occurred one or two decades ago in labor markets with statistically similar unemployment characteristics.

Recent evidence also suggests that rates of return on the capital investments made by a number of industries during the past four or five years have been unexpectedly poor. Moreover, the increasing proportion of capital expenditures devoted to abating pollution must also inhibit average rates of return in the future.

While it is reasonable to expect some eventual improvement in profitability, it is difficult to imagine either profit margins or rates of return on new capital investment being restored to the levels which existed five and ten years ago. If, as I suspect, margins remain subnormal during the decade of the 1970's, it will be difficult to raise the substantial quantities of equity money that almost every flow of funds analysis suggests will be required. Hence, the longer-term financial prospects of American business are scarcely such as to suggest that the current difficulties are of a short-term or emergency nature; rather, they reflect far more basic problems.

In addition, it must be recognized that while the quantity of long-term savings flowing into the capital markets does vary from year to year, it is not an unlimited source of funds. Government loan guarantees, direct and indirect, necessarily single out certain areas of the economy for special treatment. Presently it is primarily housing, via government guaranteed mortgages. Presumably, in the future we will be seeing other areas where the financing requirements are met by "set-asides" in the market through the guarantee mechanism. Government loan guarantees tend to reduce the size of the pool of long-term savings available for nonguaranteed private borrowing. Hence, the initial problem of inadequate cash flow for business will tend to be compounded by these expanding guarantee programs.

In such a case, the Administration and the Congress are likely to be faced with a major dilemma characterized by increasing demands of a political nature on a limited resource—real savings. All things cannot be accomplished. Attempts to do so without realization of the implications can only lead to grave disruptions in our economic system.

Before the Congress moves in the direction of a new form of guarantee with widespread consequences, I respectfully recommend that a thorough examination of the thrust of all such programs be reviewed in a total context. We are all aware that while many programs may appear desirable when examined in isolation, in the broader context they are seen in a much less favorable light.

[From the Washington Post, June 27, 1971]

Will Lockheed Revive RFC?

(By Robert Samuelson)

"I had been brought up in the belief that the three most necessary things to a satisfactory life were family, religion, and money."—Jesse Jones, former chairman of the Reconstruction Finance Corporation.

Is the Reconstruction Finance Corporation about to be resurrected?

By the end of last week, it appeared that Congress might just perform something approaching such a supernatural feat. Only 18 years earlier the Congress had said the last rites over the RFC—one of the aggressive, ambitious New Deal agencies, a sort of super-government bank, which, from 1932 to 1953, made more than $40 billion worth of loans to corporations, banks, special wartime companies, and local governments.

A number of prominent Congressmen, including Rep. Wright Patman (D-Tex.), chairman of the House Banking and Currency Committee, have been extolling the virtues of the RFC for years, but their enthusiasm hardly accounts for the sudden wave of popularity. If there is a medicine that will revive the RFC, it is spelled Lockheed.

Lockheed Aircraft Corp. desperately needs what an RFC-like agency is adept at providing: government-guaranteed loans. Unless it receives $250 million worth of those loans (and the company's banks insist they won't supply the money without federal backing), Lockheed will be unable to complete its TriStar jumbo jet, and without the TriStar, the firm will dive into bankruptcy.

A sympathetic Nixon administration proposed a $250 million guarantee exclusively for Lockheed. Now, after two and a half weeks of hearings, the Senate Banking and Currency Committee is considering a substitute measure, which, if not an identical twin of the old RFC, at least looks like a blood relative. It may well follow the lines suggested by Federal Reserve Chairman Arthur F. Burns and provide authority for up to $2 billion in loan guarantees to big corporations experiencing financial problems.

Who might ask for the guarantees? No one knows, but more than a few giant firms have flirted—or are flirting—with financial problems that could propel them to Washington for assistance: Chrysler, Pan Am World Airways, or possibly another major aerospace company, like Grumman.

For Lockheed, there are obvious advantages to the switch.

One experienced Congressional aide scornfully characterizes the original $250 million guarantee proposal as a "private bill"—a term usually reserved for a Congressman's legislation to aid constituents on such personal matters as immigration and claims against the government. The broader bill would jetison this narrow "special interest" stigma. Already, Sen. Majority leader Mike Mansfield (D-Mont.), an opponent of the initial proposal, has indicated he could support a more general measure.

Moreover, substitution may divert attention away from some of the more slippery details of Lockheed's current plight. The broader legislation is almost certain to generate its own thick cloud of controversy. Some economists have denounced the idea as an ill-advised scheme that will send shaky companies scurrying to the government for salvation.

"It is the very threat of bankruptcy which often jolts firms, large and small, from inefficient practices in their utilization of labor and caiptal and in their methods of financing and marketing," economist Alan Greenspan told the Banking and Currency Committee last week. "To have the possibility of falling back on a guarantor of last resort (the government) must inevitably remove this very valuable prod to efficiency and productivity."

The proposal may also be attacked as an open invitation to political abuse. Anyone who makes this criticism will be able to point to the old RFC. In its dying years, the RFC was a frequent subject of Congressional investigation of charges that powerful Democrats and Republicans improperly influenced the agency—sometimes over the objections of staff—to approve loans to politically-favored firms.

Even without the suggestion of corruption, many economists and businessmen will undoubtedly argue that firms that must seek guarantees probably deserve to expire. Consider the case of Lockheed.

Faithful observers of the Lockheed affair have witnessed a classic episode of attempted industrial assassination. The most vigorous opponents of the loan guarantee are probably to be found among rival aerospace firms. General Electric (which makes engines for the rival McDonnell Douglas DC–10) and North American Rockwell have both openly belittled the proposal. Two top vice presidents of McDonnell Douglas have publicly damned the Lockheed guarantee.

It is not hard to understand why. Squeezed simultaneously by declining government (space and military) spending and static airline orders, the industry has shrunk considerably since its boom year of 1968:

AEROSPACE STATISTICS

[Dollars in billions]

Year	Total sales	Government sales	Employment
1968	$29.0	$16.6	1,418,000
1969	26.1	15.7	1,354,000
1970	24.9	14.4	1,069,000

With the future saturated in uncertainty, some economists contend, as Greenspan said, that if Lockheed is permanently propped up, another "major company in the industry must find itself in trouble." The Administration and Lockheed, by contrast, characterize the company's problems as primarily short-range reflecting trauma of the bankruptcy of Rolls Royce (manufacturer of the TriStar's engines).

To skeptical economists, however, new government loans (or loan guarantees) simply constitute an undesirable subsidy to certain sectors of the economy diverting funds from areas which deserve and need the funds more.

This strict standard of economic purity may not impress Congress. Aside from tariffs and special tax provisions—all of which provide hidden subsidies—the government already supplies open subsidies to many parts of the ostensibly private economy. For example:

Ship builders and operators have received direct subsidies since 1936 that now total nearly $4 billion as an offset against lower foreign wages.

To provide airline service to smaller cities, the government has been making direct subsidies to airlines for years with the payment projected at $63 for FY 1971.

Farmers, of course, are the biggest recipients of direct subsidies, which they collect as both price support for their crops (with the government buying their output at a predetermined price level) and outright payment for complying with certain Agriculture Department regulations.

In FY 1971, the total outlay amounts to $2.7 billion.

Some of the proponents of the loan guarantee proposal appear acutely aware of the objections that are likely to be raised.

Federal Reserve chairman Burns says the loan guarantee authority should be used only as a last resort to underpin firms so large that their collapse would do "serious injury" to the economy. The Penn Central's bankruptcy a year ago, he points out, so frightened many lenders that numerous companies experienced temporary problems in receiving needed loans. In the last 18 months, Burns says only two firms would possibly have qualified for assistance under his definition: Penn Central and Lockheed.

The Burns bill would establish a three-man commission consisting of the chairman of the Fed, the Secretary of the Treasury, and the Secretary of Commerce to pass upon applications for loan guarantees; the commission would have no permanent staff, which, Burns says, would have a vested interest in keeping itself busy—i.e. drumming up business.

Burns sees the loan guarantee authority receiving little, if any, use. "I think it's a most humiliating experience for a corporation to come to government," he told the Banking and Currency Committee.

But other proposals suggest a broader application of the guarantees. Sen. Jacob Javits (R-N.Y.) envisions the guarantees going to medium-size firms with temporary problems, and Wright Patman (D-Tex.) champions a Development Bank, which, like the RFC, might extend direct loans to housing or local governments.

Such is the confusion that surrounds Lockheed that there is no assurance that any legislation will emerge from Congress. The circumstances are certainly less compelling than those that first gave birth to the RFC.

Originally created under Hoover, the agency did not really blossom until the New Deal when Roosevelt appointed Jesse H. Jones—an authoritarian, ambitious, independent-minded Texan, who once worked as a lumberman—as chairman. Jones expanded the RFC into a small empire, abandoning the narrow goals of Hoover's appointees to preferred stocks in banks, make loans to businesses, and establish a host of subsidiaries, many of which survive to this day: The Federal National Mortgage Association, The Commodity Credit Corporation, The Export-Import Bank.

But with the passing of the Depression, the RFC's standing slipped considerably. Congressional investigating subcommittees were climbing all over the agency. The chairmen of the Democratic and Republican Committees, both attorneys, were accused of improperly practicing before the RFC when they occupied important political posts. More serious, there were cliques of Washington insiders with close ties to the RFC's directors. One resourceful young man who started his government career in 1940 as a $1,040 a year messenger, developed into a $60,000 a year "expediter" of RFC loans by 1950.

After one hearing, Sen. J. William Fulbright (D-Ark.), chairman of the investigating subcommittee, was moved to comment: "I have never heard so much lying in my life." And so, in the summer of 1953, Congress quietly put the RFC to sleep.

[From the New York Times, July 16, 1971]

A New R.F.C.?

The Lockheed Aircraft Corporation, on the verge of bankruptcy as a result of huge cost overruns on military programs and delays in building its L–1011 Tristar airbus for commercial airlines, says that nothing can save it but a Government loan guarantee of $250 million. Powerful pressures are being brought to bear on Congress to grant this loan guarantee.

A group of 24 banks, which has already extend $400-million in credits to Lockheed, refuses to put up the extra $250 million without a Government guarantee. William H. Moore, chairman of Bankers Trust, says that he can't see why Lockheed shouldn't be helped inasmuch as "there isn't a private enterprise company or organization that isn't now receiving help or about to get help."

The steel and textile people, Mr. Moore points out, want help in the form of import quotas; the farm people "have been helped for years"; and small businesses have the Small Business Administration. So he cannot see how loan guarantees for Lockheed—and the banks—strike "at the heart of private enterprise at all." In brief, big corporations have as much right to welfare as anyone else.

Rather than simply put through special legislation to bail out Lockheed, the Senate Banking Committee, by a vote of 10 to 5, has now approved a bill authorizing Government guarantees of loans to any companies whose failure would "adversely and seriously affect the economy of the nation." The bill would let the Government guarantee up to $2 billion in such loans, of which no single company, by a curious coincidence, could get more than $250 million, at least not at any one time.

Impelled by Lockheed's imminent failure, Congress is thus rushing through legislation to re-establish what amounts to the old Reconstruction Finance Corporation of Great Depression days, which was finally abolished after World War II. The argument for a new R.F.C. is that the nation's economy is in such perilous straits that the failure of Lockheed or some other large companies would bring on a liquidity crisis and widening financial catastrophe.

Lockheed's chairman, Daniel J. Haughton, says that if his company fails, "as many as 60,000 jobs" throughout the nation may be lost; this includes all 17,800 Lockheed workers employed on the L-1011, another 16,000 at "our thousands of supplier plants," and, because of multiplier effects, "thousands of others whose jobs would be affected indirectly."

But at the same time, Mr. Haughton says that if Lockheed fails, McDonnell Douglas will get all the business with its DC–10 and will have a $20-billion monopoly of "the wide-bodied tri-jet market." It is difficult to see how the American economy can lose all those jobs and McDonnell Douglas simultaneously pick up all that business.

As for the monopoly aspects of the problem, it is by no means clear that a duopoly with Lockheed as one of its members would increase efficiency and save the public money. Moreover, Boeing is pushing its short-range version of the 747, a European consortium is planning to build a wide-bodied twin-jet, the A–300B, and it is not unimaginable that other competitive aircraft will in time emerge.

Lockheed can still operate in receivership. Under Secretary of Defense Packard and Lockheed's Mr. Haughton are agreed that the company could fulfill its defense obligations while reorganizing in bankruptcy. Mr. Haughton says, however, that no airline would buy the L–1011 from a bankrupt company. He does not explain, however, why Lockheed itself has decided to go on buying the engines for the L–1011 from a company now in bankruptcy, Rolls Royce.

The dominant issue in the Lockheed case is whether the United States wants to take a major step toward establishing not merely a precedent but an agency for rescuing large companies that are failing. In the specific case of Lockheed, such a course does not appear warranted. If it is necessary to establish a new R.F.C., with all the dangers of political decision-making where vast private economic interests are involved, and all the risks of furthering a trend toward state socialism or corporate fascism. Congress should hold exhaustive hearings that would give supporters and opponents of this type of legislation, including economic experts, a chance to be heard.

If, despite all the money the Federal Reserve has poured into the economy since the squeeze of last year, there is still danger of a national liquidity crisis and an economic disaster, the Administration should stop talking about the improvement in unemployment and the fading of inflation and come up with a new economic plan. If a Lockheed bankruptcy will bring the economy down, things are far worse than the country has been led to believe.

Mr. TAFT. Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. I want to commend the distinguished Senator from Ohio for what I think is a most useful discussion of the real impact of bankruptcy on employment.

The average person thinks of bankruptcy as large firms and factories being razed, records junked, employees laid off, and so forth. Many people, including, perhaps, Members of the Senate, do not understand the situation in this particular case as to the full impact of chapter X reorganization in bankruptcy and what it can do.

May I ask the Senator from Ohio, is it not true that with the vast majority of jobs, they can be continued under bankruptcy in most cases, and is that not true in this case?

Mr. TAFT. That certainly is true. Many firms which have gone into bankruptcy, have, under chapter X reorganization come back and have been successful and have become larger and more important corporations than they were before.

Mr. PROXMIRE. Is it not true that even the L–1011 will be continued in bankruptcy if the trustee decides that the program is a viable one and can be made profitable, which is the contention of those who favor the guarantee?

Mr. TAFT. That certainly is the case and, as I have indicated, the continued buildup of the inventory occurred even since the failure of the Rolls-Royce Co., and its takeover by the British Government, would indicate that there would certainly be very strong economic pressure to make use of that inventory by doing just that.

Mr. PROXMIRE. Mr. President, if they are right, and we are not taking a risk, then the L–1011 would continue even in the event Lockheed were to go into bankruptcy.

Mr. TAFT. The Senator is correct.

Mr. PROXMIRE. And if they are wrong and the L–1011 is not a sound product, then a guarantee would not do any good, because under such circumstances Lockheed would very likely go into bankruptcy anyway.

Mr. TAFT. The Senator is correct.

Mr. PROXMIRE. So, in either event, the guarantee bill will not save jobs. It would seem to me that, if the guarantee works out favorably so that the L–1011 continues, the jobs will not be lost. And if the L–1011 is a sound project, it may continue without the guarantee and jobs will not be lost.

Mr. TAFT. The Senator is correct.

Mr. PROXMIRE. The argument of the opposition is largely refuted by the excellent speech of the Senator from Ohio in which he has gone into the matter in great depth.

It is true, of course, that—I may have misspoken—there will be a few jobs lost in top management.

Mr. TAFT. That is very likely.

Mr. PROXMIRE. Those are the jobs we are talking about as far as a guarantee is concerned.

Mr. TAFT. The Senator is correct.

Mr. PROXMIRE. I thank the Senator.

Mr. TAFT. Mr. President, I yield the floor.

Mr. TOWER. Mr. President, I yield to the Senator from West Virginia for a colloquy.

NOTICE OF FILING OF CLOTURE MOTION

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from Texas for yielding. It is the general understanding that a motion to invoke cloture on the pending measure will be offered on tomorrow. It is the further understanding that the Senate will be in session on Saturday.

Under the rule, when a cloture motion is submitted, 1 hour after the Senate meets on the following day but one, the Chair is required to ask the Secretary to call the roll to ascertain the presence of a quorum, following which there is an automatic rollcall vote on the cloture motion.

Members on both sides of the aisle and on both sides of the question are interested in having such a vote occur at about 2 p.m. on Monday. I therefore ask unanimous consent—it having been cleared with the distinguished majority leader, the distinguished minority leader, the distinguished manager of the bill (Mr. SPARKMAN), the distinguished Senator from Texas (Mr. TOWER), the distinguished Senator from Wisconsin (Mr. PROXMIRE) and others whom they have contacted—that the 1 hour under rule XXII not begin running until 1 p.m. on Tuesday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. Certainly.

Mr. TOWER. Mr. President, for the benefit of all Senators, that would mean that the quorum call would occur at approximately 2 o'clock?

Mr. BYRD of West Virginia. The quorum call would occur at 2 o'clock.

Mr. TOWER. And the vote on cloture would follow immediately?

Mr. BYRD of West Virginia. The Senator is precisely correct.

Mr. TOWER. Did not the Senator from West Virginia intend to include in his unanimous consent request consent for controlled time for that hour?

Mr. BYRD of West Virginia. I thank the Senator for calling the matter to my attention.

Mr. President, I ask unanimous consent that the 1 hour of controlled time under rule XXII be equally divided between and controlled by the majority leader and the minority leader or their designees.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia subsequently said: Mr. President, a little earlier today, the Senate entered an order providing for the 1 hour under rule XXII, with respect to a cloture motion, to begin running on Monday next at 1 p.m.

I ask unanimous consent, at the request of Members on both sides of the aisle and Members on both sides of the question, to modify that order so as to provide that the 1 hour under rule XXII—with respect to the cloture motion which is expected to be entered tomorrow—begin running at 2 p.m. on Monday instead of at 1 p.m. on Monday.

Mr. TOWER. Mr. President, reserving the right to object—and I do not intend to object—the consent agreement earlier propounded and agreed to will in every respect be preserved, except that the hours will be changed from 1 and 2 to 2 and 3?

Mr. BYRD of West Virginia. No. The hour of 3 o'clock is not mentioned in the consent agreement. The previous consent agreement specified 1 o'clock. Under the agreement as revised, the 1 hour under the rule would begin running at 2 o'clock.

Mr. TOWER. And the beginning of the last hour will occur at 2 o'clock?

Mr. BYRD of West Virginia. Precisely.

Mr. TOWER. It would mean that the quorum call would occur at 3 p.m.?

Mr. BYRD of West Virginia. Exactly.

Mr. PROXMIRE. Mr. President, will the Senator yield for a little clarification?

Mr. BYRD of West Virginia. I yield.

Mr. PROXMIRE. As I understand it, then, the debate on the cloture motion will be 1 hour, between 2 o'clock and 3 o'clock, on Monday afternoon. Is that correct?

Mr. BYRD of West Virginia. Mr. President, in response to the Senator's inquiry, the debate may begin at any time prior to 2 o'clock if Senators so wish, but controlled time under the rule, meaning the 1 hour under the rule, would begin running at 2 o'clock on Monday afternoon, which would mean that at 3 o'clock, the Chair would direct the clerk to call the roll; and, on the ascertainment of a quorum, a rollcall vote on the motion to invoke cloture would be automatic, which would be about 3:15 p.m.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

OTHER FEDERAL GUARANTEE PROGRAMS

Mr. TOWER. Mr. President, it has often been asserted by opponents of this bill that it is establishing a new principle of government intervention in the market, that guaranteeing the loans of large business enterprises is somehow a radical change from existing government assistance concepts and programs and would represent a break with traditional American political philosophy. Nothing in my estimation could be further from the truth. The Government of the United States has been involved in the markets on behalf of individuals, communities, and businesses, since the formation of the Republic itself. Where the public interest has been sufficient enough to warrant government intervention in the marketplace for some reason, to readjust the allocation of goods, services, and credit, the Government has done so.

Aside from the special types of subsidization provided by our tax system—for example, the $20 million tax savings provided to American Motors in 1967 at the Senator from Wisconsin's instance to preserve a competitor in the auto industry—there are numerous Federal credit assistance programs designed to assist individuals, communities, and businesses meet financial needs. These programs are administered by 10 departments and 12 other agencies providing Federal credit aid to individuals, communities, and to both nonprofit and profitmaking institutions in virtually every sector of the economy.

Much of the Federal credit assistance program is directed at providing housing for the Nation, but substantial credit aid has been provided for such purposes as community development, education, rural electrification, international development, and small business. Congress has also authorized Federal credit assistance for private financial institutions generally, as well as for nonfinancial businesses in such areas as agriculture, export credit, defense production, area redevelopment, ship construction, trade adjustment assistance, air carrier service, minerals exploration, railroads, and other purposes.

In the 1972 budget, the bulk of Federal credit assistance is currently being provided in the form of guaranteed and insured loans, which are estimated to increase from $125 billion outstanding on June 30, 1970, to $167 billion on June 30, 1972. In other words, the Government is already offering special credit assistance to individuals, communities, and businesses to the tune of around 0.15 trillion dollars. That is a tremendous amount of Federal credit assistance. And what has been the justification for this assistance? The public interest in adequate housing, employment, and stable businesses, and confidence in the credit markets.

The same type of public interest is involved in the case of this emergency loan guarantee legislation—employment, economic stability, confidence in the credit markets. The Lockheed firm alone could be considered a major SBA program itself if it were to receive a loan guarantee under this bill. Involved in its many tiers of subcontractors and suppliers are some 35,000 smaller business firms. Certainly not all of these firms would fail if Lockheed went under, but many would. For example, the chairman of the board of the Menasco Corp., which makes the landing gear for the L-1011, testified that some 10 or 15 of his subcontractors would probably fail if Lockheed went into bankruptcy. The failures of these smaller businesses, along with the reduced employment of others which manage to survive, would have a heavy impact on our already too-high unemployment level.

Mr. President, I do not believe that there is a better alternative to the employment problems that would be caused by the failure of a firm like Lockheed than to utilize Federal guarantee authority to stabilize such an otherwise viable firm in order to keep it operative and give it a chance to succeed over the long run. The alternative is higher unemployment, more Federal and State unemployment and welfare assistance, reduced tax revenues, the loss of considerable investment in plants and equipment, and an untold amount of avoidable human suffering. I do not believe that this body would accept this alternative when a sound legislative solution exists to solve the problem.

Mr. President, much has been made of the fact that this is a bill designed to reward an incompetent management. This bill is no such thing. Any corporate executive will tell you, Mr. President, that there are some risks involved in making judgments in business matters; that the whole decisionmaking progress in the corporate world involves risk—educated guesswork, perhaps; indeed, risk.

A great deal has been said about the management of Lockheed. That is opinion and not fact. There have been numerous allegations that the management of Lockheed is inferior and incompetent. Now, this, indeed, is a matter of opinion and apparently the opinion held, for the most part, by those who are in opposition to this bill, but it is not an opinion that we find to be held generally among other corporate executives and some labor executives.

I wish to quote from some of the testimony given before our committee on the matter of Lockheed management competence.

Mr. James R. Kerr, president and chief executive officer of Avco Corp., stated:

> I think that the problems, as I indicated, that Lockheed got into from my own knowledge were brought about by their efforts to develop weapons systems under a unique and unworkable type of procurement that has since been abandoned.

The chairman asked Mr. Kerr the following question:

> The CHAIRMAN. Mr. Kerr, you said that you felt confident that the difficult position that Lockheed is in is not altogether Lockheed's fault. Substantially that is what you said?
>
> Mr. KERR. That is correct, sir.

Mr. Kerr then acknowledged that the management was not to blame for the problems that Lockheed got into, but the unique character of the development of new and unique defense technology.

Now, further testimony. Mr. Charles C. Tillinghast, Jr., chairman of Trans World Airlines, Inc., testified, as follows:

> We expect that the L–1011, if completed, will come significantly closer to meeting performance specifications than, for example, the Boeing 747. Looking at the L–1011 program by itself, we can see no basis whatever for charges of inefficiency or incompetence.
>
> In view of the very considerable attention that the Congress has devoted to the affairs of Lockheed over the past year, it is, perhaps, presumptuous of me to comment on assertions of gross incompetence on the part of Lockheed in its defense contracting. In this regard, however, I cannot fail to note that in the field of sophisticated defense systems, Lockheed is by no means unique or atypical in experiencing technical problems or cost overruns. Hardly a major aerospace contractor is free of instances of failure to meet contract objectives which contemplate new technological achievements never before accomplished. That these contracts are normally let under competitive procedures which compel a degree of optimism as to the contractor's ability to penetrate the unknown merely increases the likelihood of a short fall in meeting objectives.
>
> It is my impression that over the years, Lockheed has had a relatively fine record of performance, absent which it is extremely doubtful that today it would be the nation's largest defense contractor. Unfortunately, several problems coincided in point of time to produce a financial debacle.

Now, there was testimony from Gerald G. Lynch, president and chairman of the board, Menasco Corp. This is the firm that makes the main landing gear for both the McDonnell Douglas DC–10 and the Lockheed L–1011 Tri-Star. I asked Mr. Lynch during the course of the hearings if he could give us a comment on Lockheed management. He said:

> There has been a lot of discussion about the Lockheed management. In my opinion, the Lockheed management is as good as any in the aerospace industry, and I know them all. Lockheed has a superb reputation with suppliers and in the industry for quality, for schedules, and they monitor our costs extremely carefully.
>
> Until the C–5 problem arose, Lockheed was considered to be the best if not one of the best aerospace companies. During the last 1½ to 2 years, we have heard much about the so-called Lockheed management. I think most of it, Senator, is pure nonsense. The problems the Lockheed Co. have are simple. They accepted the total procurement concept on the C–5A and two other military programs. The concept was unrealistic and was unworkable. It was a good concept in principle. It didn't work out. It didn't work out because of the pressures generated by the Vietnamese war, because they were pounding technology, but in the aggregate, the so-called excess costs on the C–5A don't begin to compare with the excess costs on the F–111 program. The only difference is the F–111 program was virtually a cost plus type contract whereas the other contract was issued on a total procurement basis.
>
> Another company is having extreme difficulty at the present time with the total package concept, that is Grumman on the F–14. Grumman is aware apparently of the experience of Lockheed so instead of spending its money on the total program is quitting after 13 aircraft and saying in effect to the Government, we have given you an option on the balance of 775, but you can't exercise it because we are not going to build it. If you want us to build those aircraft, the aircraft program is going to be $2 or $3 billion more. But the economic facts are identical, as they were in the C–5 program. The only difference is the contractual instrument that was used to cover the situation.
>
> So, in summary I can say the Lockheed management, I think, has been much abused, brutally abused, it has been abused in the Congress, it has been abused in the public press. Frankly, I don't think most of the people, Senator, know what they are talking about.

Further testimony came from Secretray Connally. He stated:

> Approximately in December, with in effect their back to the wall on many of these programs, Lockheed agreed to in effect assume $480 million in losses on these various programs, which they just took and started writing off on their books. Within 48 hours after this agreement had basically been agreed to they received words that Rolls Royce had gone into bankruptcy.
>
> Rolls Royce was the engine supplier for the L–1011. This came as a complete shock to Lockheed, to everybody else, and I think to the British economic world as well as to the United States. It was totally unexpected. But it created a new set of circumstances entirely with which Lockheed had to cope.
>
> To just simply say that their problems are the result of mismanagement I think is too sweeping a charge and an unfair charge.

By the way, I might note here that certainly Lockheed, when it entered into the contract with Rolls-Royce, could not anticipate that Rolls-Royce could go bankrupt.

Indeed, nobody did. It came as a shock to the business world in Britain. I happened to have been in London at the time Rolls-Royce went into bankruptcy. It came as a great surprise to some of the best business and financial brains in Great Britain.

Quoting from the testimony from Mr. William H. Moore, of Banker's Trust, he said:

> At this point I would like to say a word about management, having dealt with the company for many years. I know that Mr. Haughton and his associates, many of whom are still active, have been primarily responsible for the numerous highly successful programs completed and still continuing. It became evident as early as 1940 that Mr. Haughton was becoming one of the more important people in the operational end of the business. He and his colleagues were key figures in the development of Lockheed during World War II in manufacturing military aircraft as well as the P–38, and more recently the highly successful Polaris, the Poseidon and the Agena and the C–130 Hercules and other programs also can be listed as this present management's contribution.
>
> Mr. Haughton has basically been in full charge of this aspect of the business for the past ten years. This management has made changes in divisional direction as problems have arisen. The confidence the company has developed over the years was evidenced by the financing the banks arranged in May 1969. This financing would have been more than adequate to meet the company's requirements if the company had not experienced serious problems with its defense programs which developed and it was also for purposes of diversification that they launched the L–1011.
>
> I think that our confidence in any program, even with a government guarantee, would be severely eroded if we were to change managements at this particular point in time.

This is a banker speaking—the people who are lending money to Lockheed. The people who are lending money to Lockheed want the present management continued. I am doubtful if these banks would throw money into a company with faulty management.

Continuing with the quotation:

> As I said in my opening statement, I just do not think that you can put together a team of people and come out with the proper answer of management. Now, there is a lot to be said about the problems coinciding with this management, but also there were a lot of successes that coincided at the same time. Maybe they would have been better off if they had one or the other each year and not had it all bunched together, but do not forget, as I said earlier, this management put together a lot of successful programs that also coincided.
>
> So my feeling is that my confidence or our bank's confidence would be severely strained at this point if we were to have a major management change.

I think, too, that we should enter into the record at this time the testimony by the president of General Electric, who made some of the strongest testimony before the committee in opposition to the bill. This is Mr. Borch, who is the president of General Electric. He testified strongly, almost vehemently, against the bill, but then I asked him a few questions about the management. I said:

> Mr. Borch, does General Electric currently act as supplier for Lockheed on any of its products?

Mr. Borch said:

> Lockheed, I am glad to say, is one of our major customers.

Then I asked:

> Do you support the notion that the Lockheed management is incompetent?

And here is the answer from a man who before the committee almost vehemently opposed the guarantee legislation:

> Mr. Borch. I certainly do not. My own business experience has been that one makes errors inevitably when one takes high risks. God knows I have made some very bad ones myself, and the last thing I would do is to criticize people who have worked as hard and effectively as Lockheed on the many programs with which we have been associated with them.

So there is testimony favorable to the Lockheed management from a man who is very, very much opposed to the enactment of this legislation.

I think the point should be reiterated, as was done in the testimony, that many successful programs have been developed by Lockheed and by this same management team that is being branded as incompetent, by this same team that it is being said we are trying to rescue from faulty or incompetent management.

Much of the military technology of the United States was developed by this management team, and, as one of those who testified pointed out, it was an unfortunate and fortuitous circumstance that all of Lockheed's troubles tended to coincide at one time. Certainly I think one of them cannot be laid to rest on the fault of Lockheed at all, and the other not entirely. Certainly, Lockheed had nothing to do with the failure of Rolls-Royce. With reference to the cost overruns on some of the expensive weapons systems that Lockheed was trying to develop, under a well-conceived but unworkable system, that was not all Lockheed's fault, either, but was, in good part, the fault of the Government of the United States or was the fault of embarking on a contract program in which we had had no experience, which we did not know would work at all. It was a good concept, but it would not work. So I do not think we can fault management in this instance.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Alabama.

Mr. SPARKMAN. I was not present when the Senator began his remarks. I am not sure he quoted one of the witnesses testifying on good management, Secretary Packard.

Mr. TOWER. I did not quote Secretary Packard.

Mr. SPARKMAN. Let me read what Secretary Packard said in answer to a question propounded by the Senator from California (Mr. Cranston). He said:

> I must say that, considering the problems that this management has faced in the last two years, you might find it hard to find anybody who could do any better, but I think you have to be a little careful in dictating to management. I think it ought to be judged on performance in the future.

Then there was another question by the Senator from California. Mr. Packard then said:

> I have been concerned about this management of those divisions which are producing specific products for us, and they have in general, I think, good management in those areas.

Mr. TOWER. So it would appear that Secretary Packard's testimony bears out that not only did he consider the top management to be competent, but the lower echelon management, as well?

Mr. SPARKMAN. Yes. Furthermore, backing up what the Senator said a few moments ago, that not all of the troubles that Lockheed ran into were of its own making, the Senator recalls, I am sure, that Secretary Packard said part of the fault was in Lockheed, but part of it was with the Air Force, and he pointed out, too——

Mr. TOWER. If the Senator will yield at that point——

Mr. SPARKMAN. I yield.

Mr. TOWER. I have here an excerpt from the testimony that Secretary Packard delivered just the day before yesterday, July 19, before the House committee considering this same legislation, and he said:

> The Government has some responsibility for the plight of Lockheed in the present situation because this plight has resulted in part from past procurement policy practices and attitudes in the Department of Defense.

Mr. SPARKMAN. Yes. That is virtually the same testimony he gave to our committee. In fact, he said something about that—

> There was no doubt in my mind as I addressed this problem that this program had not been managed very well both by the contractor and I think by the Air Force as well.

In other words, the problem came up because, actually, there was more or less a dispute as to how many planes were going to be ordered, how many were ordered, and how many were discontinued, and some of the extra costs were involved as a result of that.

But, you know, I have been rather interested and at the same time somewhat amazed to read the various news stories about Secretary Packard not being in favor of this program.

The Senator will remember that he testified to this effect before our committee. He said:

> I certainly do not see how Lockheed can avoid bankruptcy if this loan guarantee is not provided. Substantial unemployment would be the immediate result. There also would be substanital financial losses which would impact on an industry already weakened by a reduction in defense programs. There would be an impact on the airlines, I believe, for they would lose part or all of the advance payments they have made to Lockheed. The loan guarantee has very little risk for the government, in my view, and should be supported.

To read some of the reports and hear some of those speaking, one would think that Packard was not in favor of this, but the Senator will recall, I am sure, that at least four or five times in his testimony before the committee, he said the loan ought to be made.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. TOWER. He reiterated that. And may I further point out that in his testimony only last Monday, he reiterated this again, before the House Banking and Currency Committee. He said:

> I want to make my position on this Lockheed loan guarantee proposal clear here today, since there seems to be some uncertainty about my position from previous testimony.
>
> I strongly support a loan guarantee of $250 million to the Lockheed Company at this time, for the following reasons:
>
> 1. I am convinced Lockheed would be forced into bankruptcy without this guarantee.
>
> 2. It is not possible for the L–1011 program to continue with the Lockheed Company in bankruptcy.

This would take issue, of course, with our distinguished friend from Ohio.

> 3. Failure to continue the L–1011 program will result in substantial additional unemployment beginning immediately and continuing throughout the next year.
>
> 4. Many of Lockheed's suppliers and possibly some airlines could also be forced into bankruptcy.
>
> 5. In the case of bankruptcy, the cost to the Defense Department of important products which are urgently needed will probably increase.
>
> 6. Should bankruptcy occur, the major banks of the country will be forced to absorb substantial losses on loans to an important defense contractor, just at a time when we need these same banks to carry a larger share of the financing for the defense industry in order to reduce the dependence of this industry on direct Government financing.
>
> 7. There is small risk for the Government in undertaking this guarantee, because the program will probably generate adequate cash flow to repay the guaranteed loans, even with the present number of L–1011 orders.
>
> 8. The Government has some responsibility for the plight of Lockheed in the present situation, because this plight has resulted in part from past procurement policies, practices, and attitudes in the Department of Defense.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. SPARKMAN. May I just follow this up one further step? Back on this subject of management, I am sure the Senator saw the article in the Washington Post on Sunday, starting on the front page, "Lockheed Weighs Charge by Former Management."

Mr. TOWER. I am aware of that article.

Mr. SPARKMAN. I think some things were said about it in the debate yesterday.

As a matter of fact, if one reads where it is continued over on page 8, and reads way on down, he will find that this gentleman was not a manager. He was not an executive. He was in some job; apparently he was a very good contractor, a very good man. But if you remember the first part of the story, it seemed that he was just condemning Lockheed for everything. I want to read just a couple of sentences out of a letter that he wrote to Lockheed, to Mr. Haughton. He said this:

> Lockheed management as a whole, throughout the corporation, is beyond reproach. I know the Lockheed Corporation had to be built on integrity to be as large as it is.

I just thought it was important that that be brought out. It is in about the 25th or 30th paragraph.

Mr. TOWER. I think the Senator has done us a great service in bringing that to light, in view of the fact that all we have heard is that this man was all critical of Lockheed, that there was nothing good he had to say about Lockheed.

Mr. SPARKMAN. Yes. He was critical of some things, but——

Mr. TOWER. But he said that overall, the management had been above reproach.

Mr. SPARKMAN. Yes. That was his final testimonial, after he had left the Lockheed Corp.

Mr. TOWER. Beyond reproach; that sounds like a pretty strong testimonial to me, and I think it is high time we set the record straight on the assertion that what we are trying to do here is bail out bad management.

Mr. PROXMIRE. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Does the Senator maintain that anyone has said on this floor that Deputy Secretary of Defense Packard did not approve the Lockheed loan? We have always maintained that he approved it. He made it crystal clear when he appeared before the committee that he approved it. He answered affirmatively when I asked whether he approved it.

But Secretary Packard did not approve the bill now before us, because, when he came before the House committee on behalf of the administration, he would not even read his prepared statement. He said when he testified before us that the Lockheed loan he would approve, but it should not be a precedent. I asked him, "If this were a precedent, would you oppose it?"

He said, "Yes."

And, of course, what the bill before us does is establish an overwhelming precedent. It makes available, not $250 million, but $2 billion, for anyone to come and get. This bill is opposed by Packard.

Mr. TOWER. Well, Mr. President, the opponents of the bill have stoutly maintained that this is not a generic bill, but a Lockheed bill, and so I think it is important for us to show that Secretary Packard favored guaranteeing the loan to Lockheed, because that seems to be the principal issue in this debate.

Did the Senator see the statement by Secretary Packard that he did not read?

Mr. PROXMIRE. I certainly did.

Mr. TOWER. What did the statement say?

Mr. PROXMIRE. The statement he refused to read was a statement putting him on record in favor of this legislation, and he was not in favor of this legislation; he opposed it.

Mr. TOWER. Did he make any statement at that time, in front of the committee, opposing the present bill? Did he specifically oppose the present bill?

Mr. PROXMIRE. Mr. President, I want to tell the Senator from Texas that that is the most eloquent action a Cabinet officer can take, when he comes down here, to refuse to read his statement. In the 14 years I have been here, that is the only time, to my knowledge, it has ever happened. Only a man of the integrity of David Packard would do that. It was an overwhelming argument against the bill.

Mr. TOWER. But did he positively make a statement that he opposed S. 2308?

Mr. PROXMIRE. He did not have to. He refused to read the statement; that is resounding proof that he did not approve it.

Mr. TOWER. He did not read a statement, so we can speculate and make assertions as to whether or not he opposed the pending measure; but we are not journalists here we are U.S. Senators. Thank the Lord we are not journalists.

Mr. HART. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. PROXMIRE. Mr. President, will the Senator yield for a moment?

Mr. HART. I yield.

Mr. PROXMIRE. Mr. President, I would like to note that the leadership has indicated there will be a cloture vote on Monday, that a cloture motion will be filed on Friday.

I have had my staff research the history of cloture motions in this body. This will set a new record. With rare exceptions in the history of the Senate a cloture motion has not been filed this soon after debate began. It has not been filed today, but it will be tomorrow. We have had 1 full day of debate on this issue, and they are already filing a petition to shut us up. A number of Senators have not yet had a chance to make a single speech. Not one amendment has been acted upon. There are a number of proposed amendments which should be considered. So I hope Senators will keep in mind that this is an almost unprecedented action in gagging debate in what is supposed to be the greatest deliberative body in the world—a body which has many distinctions, but one of the principal ones is that we should have an opportunity to express ourselves fully as to the effect of proposed legislation, and this is certainly legislation of great importance.

Earlier today, the Senator from Tennessee and the Senator from Utah contended that, in appearances before the committee on this legislation, there had been ample opportunity for economists and other experts to testify on a generic bill.

We invited two distinguished professors from Princeton to appear. Let me read very briefly from a letter declining to appear because this is what they said:

> We do not feel that we can accept your invitation to testify on S2202, "The Emergency Loan-Guarantee Act." The time allowed simply does not permit us to undertake a sufficiently thorough analysis of the economic implications of this bill.

They had about 3 days.

> We are indeed sorry that more time has not been provided to allow economists, businessmen, and the financial community to study fully and then to comment on this important piece of legislation, which, if enacted, may have a major effect on the functioning of our economy. We realize that the impetus for this bill is the current financial difficulty of the Lockheed Aircraft Corporation and that it is felt by some that haste is required if Lockheed is to be "saved." We would strongly urge, however, that if the Congress feels that for some reason (yet to be convincingly stated) the public interest requires a loan guarantee to Lockheed—we already have written to you detailing our opposition to a loan guarantee in this particular case—some way be found to "bail out" Lockheed without rushing through the much broader bill now being considered as a substitute.

Mr. President, I hope Senators realize that when we act on this bill and are forced to act on it rapidly because of the cloture motion, distinguished scholars who feel very strongly about this have written us, saying that they really have not had an opportunity to present their case.

I thank the distinguished Senator from Michigan for yielding to me for this purpose.

Mr. HART. Mr. President, I was interested in the remark the Senator from Wisconsin made with respect to the announced intention to seek to apply cloture. He said that in the 14 years he has been privileged to serve in the Senate, he recalls no instance in which cloture was proposed so quickly.

Would not the Senator agree that this is the first time we have had such enormous economic muscle seeking to terminate debate? Usually, the reason we have to seek cloture is that we seek to speak for voices who are disorganized, sometimes minorities, but never very wealthy. I know that is a harsh suggestion when I speak it. But why blink it?

There is a vast distinction between the groups sought to be served by the measure now pending and the groups who would most directly benefit from the bills considered when cloture normally has been sought after extended debate and too often never has been obtained, anyway.

May that not explain the urgency?

Mr. PROXMIRE. I think the Senator's point is a very good one. I think all of us are aware that the proposed legislation is being very heavily lobbied by economic groups, and it is being lobbied, unfortunately, on only one side. Usually, two sides are represented on an issue of this kind, strongly represented, but in this case there is only one. There has been no lobbyist, to my knowledge, from General Electric. There may be some. I hope some will develop. But to date there have not been any working in what, in my view, is the public interest.

I should like to make one correction. The Senator from Michigan said that I had indicated that in the 14 years I have been in the Senate, I recall no instance in which cloture was proposed so quickly. I ask the Library of Congress to research this subject as far back as they could go, and we have had the cloture rule for a number of decades, for scores and scores of years. They could not find any parallel and similar instances in the history of the Senate when a cloture motion had been filed as early as this one will be filed.

Mr. HART. Yet, perhaps none of us should be surprised.

Mr. PROXMIRE. The Senator is correct.

Mr. HART. I recall having been involved in a bill not too many years ago when people were outraged when we filed a cloture motion, after a period longer than we have now been engaged in discussing this bill, simply to attempt to permit us to bring up a civil rights bill.

Here we are confronted with cloture on actual passage of a bill which, as the Senator himself has said—and he has cited economic authority—is complicated. It takes time. As to the long-term implications of the pending proposal, I would suspect that not many professional economists or political scientists would really want to stand up and say they know for sure, as of now, each of the consequences. But, certainly, we should acknowledge our own limitations; and, having acknowledged them, we should commit ourselves to take the time that will be required in order to say, with reasonable confidence, that we do sense, if not fully understand, the consequences of the proposed legislation.

I share the position of the Senator from Wisconsin in commenting on the proposed early cloture; but, as I have said, having been given a moment to think about it, I am not surprised.

Mr. President, my interest was attracted to one particular aspect of the argument that apparently developed in the committee and which may have been discussed on the floor. It is the proposition that runs something like this: We ought to prevent the Government aid that is proposed in this bill in order to maintain competition. Some of those proposing the bill argue that it would promote competition by preserving Lockheed and that unless we act as it is now proposed we should, we will increase further the degree of concentration in the aerospace industry. Pass this bill in order to prevent further economic concentration, is the proposition.

In my book, that is specious, for at least two reasons.

First, without Government guarantee of a $250 million loan, at worst, Lockheed is likely to undergo reorganization rather than disappearance.

Second, if its affairs are in such poor shape that it cannot survive as a viable competitor even after reorganization, then competition is not served by keeping Lockheed in the aerospace industry. Indeed, one can make a rather solid argument that competition would be disserved by wasteful misallocation of resources.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. PROXMIRE. I am delighted that the Senator, who is the chairman of the Antitrust Subcommittee of the Committee on the Judiciary, and is, in my view, in the best position of any Senator to speak on competition—and again and again has gone to bat in unpopular causes, sometimes against great economic odds because of his strong feeling about the preservation of competition—is addressing himself to this issue.

I invite his attention to the fact that one of the witnesses we secured was Donald Turner, who, as the Senator well knows, was formerly Assistant Attorney General in charge of Antitrust, who has devoted a great deal of his life to the antitrust policies of our Government, fighting to preserve competition. He considered this same guarantee bill and came to the same conclusion to which the Senator from Michigan did.

He pointed out, just as the Senator has here, that this would not serve competition; that when you have this kind of situation in this kind of industry, to create a situation in which you have a weak firm, bolstered by Government support, you are likely to create an unstable condition and have, as the Senator said here, a misallocation of resources.

Mr. HART. I was not aware that Professor Turner had testified and made that point. I should interject here that unlike the Senator from Wisconsin, I am not able to claim any academic exposure to economics. I am a Greek in history fellow, but, happily for me, the Antitrust Committee has a number of very able antitrust lawyers and economists. Each of them is devoted to his fingertips in resolve that economic concentration should be reduced in this country and, without exception, they have recommended to me and themselves have voiced the conclusion that my comments today will reach; namely, that this is not the kind of preservation of competition that those who believe competition in this country should be increased have in mind. Quite the contrary.

The policy of competition requires not only deconcentration of economic power but also unhampered entry and exit into and out of markets. The barriers to market entry by new competitors and the barriers to growth of small firms into larger ones through additions to capacity are far too great in much of the economy today. The Government does not help competition, however, by subsidizing the continuation of poorly managed firms whose business might better be diverted by market forces to more efficient firms.

Furthermore, the effect of a general policy of bailing out failing firms, provided they are large, merely encourages bigness in business for the sake of gaining that additional leg up. Already our democratic society is threatened by the power of big firms to influence Government and of Government to grant special favors to large firms no matter how poorly they serve the public interest. That describes the situation right now.

Some would claim that those against this loan are against preserving competition in the aircraft industry. That is an argument that I reject. First, it is not clear to me that we will not have a Lockheed Tri-Star but for a loan guarantee. If there is a market demand for Tri-Star, competition will meet that need efficiently and at the lowest cost. More important, however, is the issue of what kind of competition we should seek to preserve. The competition which has made this Nation strong is one that rewards efficiency and creativity while at the same time disciplining those whose performance is less good. Markets work well not only where there is a potential for profit but also where there is a threat of loss. It would be shortsighted to forget that both the stick and the carrot make our system work.

This is a particularly relevant concern with respect to the long-run vitality of our aircraft industry. In recent years, much that is disturbing has been learned of this industry, particularly in the area of defense procurement. And here the Senator from Wisconsin has been the principal educator. Unrealistic estimates of delivery time for new systems of defense. Incredible underestimates of procurement costs which have resulted in billions of dollars of unanticipated expenditures. Expenditures which too often produce little or no tangible benefit for the taxpayer. Is this the competition we seek to preserve? What can we expect in the future if now the Government in the face of financial difficulty becomes the guarantor of loans? It is that point which I understand from the press so disturbs Under Secretary Packard.

Far from preserving competition this loan program bodes to destroy it. It goes beyond Lockheed and would apply to any "major business enterprise" that would qualify under the general standards proposed. What discipline will the marketplace thereafter impose? Free enterprise for profit, but not for loss? It would be nice—but will not work. The preservation of competition does not rest on the preservation of any one competitor—rather, it rests on the preservation of a process in which all actors are encouraged and if need be, forced to perform creatively and efficiently.

If Lockheed or other "major business enterprises" are teetering on the edge of insolvency, then there is a time to test the remedy to which they should turn. chapter X of the Bankruptcy Act offers a time-tested remedy which can save a viable economic enterprise with minimum damage to all concerned.

There is, however, a popular and insidious misconception attached to the concept of bankruptcy. The principal function of bankruptcy is rehabilitation, not liquidation, although the Latin derivation of the word "bankruptcy," bancus ruptus, suggests it is liquidation. In Roman law, a merchant's insolvency was called to the public attention by breaking his table, a rather abrupt manner of liquidation. The modern equivalent of breaking down his store. That is the way the public's attention was called to his insolvency. The evolution of bankruptcy in this country has taken a more humane course with substantial emphasis upon a system of relief and rehabilitation of a debtor with equitable treatment of creditors. Major chapters of the Bankruptcy Act are designed specifically for the purpose of rehabilitating the debtor rather than destroying or liquidating the debtor. In this context, bankruptcy should not have fatal consequences for a troubled but viable firm, nor for its employees, suppliers, buyers, and society in general, since the objective of the bankruptcy proceeding is rehabilitation by reorganizing the troubled firm.

The alternative of rehabilitation by a chapter X proceeding carries some significant advantages. It can be done in a manner which emphasizes the creation of a strong and viable firm within the precepts of a privately owned free enterprise system that we are always talking about—free competition, whatever we want to call it, or label it—privately owned. This is pro competition since we insure the existence of a viable and stronger competitor, free of Government subsidy and control, while also retaining the deterrent of the competitive system—ultimate failure, if there is no viability, if there is inefficiency or mismanagement. The alternative presented by this bill is in reality a subsidy by Government with substantial involvement of the Government in sustaining a competitor in the marketplace. Rather than rely upon the judgment of the marketplace for capital, which in this case has apparently reached a decision adverse to Lockheed, this bill would substitute the judgment of the Government in determining who should succeed and who should fail. Lest there be any mistake about the fundamental significance of this measure to the continued belief in the American creed of a free enterprise system, let me suggest that this proposal is in effect an emasculation of the other side of the competitive coin enshrined in the antitrust laws. By removing the sanctions which attach to inefficiency and mismanagement, we obliterate a significant portion of the underpinnings of the antitrust laws. Rather than the market determining who shall not succeed, we substitute the judgment of Government. Would not the next step be that the judgment of who shall succeed in the competitive race will also rest with Government?

Mr. PROXMIRE. Will the Senator yield?

Mr. HART. I yield.

Mr. PROXMIRE. The Senator, I am delighted, has gone into the implications of the chapter X bankruptcy as an alternative, and, as I understand it, he is saying something that I think has not been called to the attention of the Senate before, and on which we have had very little testimony before the committee. We have some, but certainly we have not had the insight.

The Senator from Ohio (Mr. TAFT) earlier today indicated that one of the aspects of chapter X is that the jobs are not destroyed. They continue.

The Senator from Michigan is pointing out here that we also retain the competitive element which the firm represents, because the firm continues to produce its product. It continues to compete to the extent that what it produces is a sound and viable product that the marketplace will support.

As I understand it, the Senator's objection is that what this bill would substitute for the judgment of the marketplace is political clout, in effect. In the event that that firm has the influence—and we are being told in no uncertain terms now what kind of influence Lockheed has—and in the event the firm has the pressure and the funds to hire the influence to procure from the Government a guarantee, then despite the decision of the marketplace, despite the record that indicates they cannot raise money by going into bankruptcy and making a case that they have a viable product and a firm that deserves a loan, they will get bailed out.

The Senator is raising a point, as I understand it, that this is a direct interference with competition, and that, far from keeping competition alive, it tends to subvert it.

Mr. HART. Indeed, yes. We are speaking, however, of the treatment that is supposed to be given to—how do they describe it?—major business enterprises.

Mr. PROXMIRE. Yes.

Mr. HART. The bill does not change the discipline of the marketplace as it affects the smaller man. Our economic theory that if one produces, he will succeed and be rewarded, and that he will experience failure if he does not, will continue to operate for the smaller man. Where we are changing the rule is with respect to what happens to a major business enterprise, and there we say, "We will permit you to enjoy socialism so long as you are rich, but we will let the discipline of competition continue to apply to those who do not qualify for that magic list of our 100 largest business enterprises."

I do not know whether the committee discussed what it meant exactly by major business enterprises—perhaps the first 50 or the first 200.

Mr. PROXMIRE. At any rate, would it not be logical to propose as a name for this Emergency Guarantee Board—since we have the SBA, the Small Business Administration—that it be the BBA, the Big Business Administration?

Mr. HART. I hope we will never find out what shorthand labels will attach. I hope we will have the wisdom not to attach them; but it would not be an inaccurate shorthand description if we go ahead and create this.

The Senator from Wisconsin is right. I am suggesting that we have a viable and well-proven alternative, chapter X of the Bankruptcy Act, if Lockheed and other large corporations are in as deep as they claim. The proceeding under chapter X entails the appointment of independent trustees, free of prior connection with the debtor, who take over operation of the debtor's business. The trustees attempt to work out a reorganization plan while also investigating the prior conduct of management. The trustees, subject to court approval, are empowered to assume or reject existing executory contracts of the debtor. If the trustee needs additional funds to operate the business, he is empowered to issue certificates upon such terms and conditions and with such security and priority in payment over existing obligations as the court may fix. The trustees have broad ranging powers to sell off or dispose of unprofitable lines of business or contracts in the process of rehabilitating the firm. Although there is no guarantee that a lean and hard competitor will emerge from reorganization under chapter X, we run a much lesser risk for all concerned and for the future of the free enterprise system than if we choose the alternative proposed by S. 2308.

We have a history of experience to bear out this potential of chapter X proceedings. Large electric and gas utility systems and local transit systems have been reorganized under chapter X or its predecessor. Two large motion picture companies, Paramount and Twentieth Century Fox, were successfully reorganized under the predecessor of chapter X. Both companies continued to produce and distribute motion pictures on a very large scale, and after reorganization these companies had many years of financial success. Other recent chapter X cases suggest we should rely upon competition and the basic premises of a free enterprise economy coupled with chapter X and not begin another massive erosion of antitrust policy by the backdoor approach of subsidies to politically powerful but poorly managed firms.

Government action to provide capital to private firms is desirable in some circumstances. Our private capital markets are far from perfectly competitive. We should intervene, however, on the side of encouraging loans to new enterprises and efficient businesses that are being denied access to capital because there competition is not wanted by those with power. We are asked here to provide Government intervention for the opposite reason.

Even if it be assumed that Lockheed or a chapter X proceeding on behalf of Lockheed cannot straighten the financial problem out and maintain the viability of the company without the loan guarantee, there is no assurance that the loan guarantee will protect jobs. The only assurance is that the investors, lenders and present management will gain a new lease on life in the form of an exemption from the normal consequences of inefficiency or mismanagement in a competitive market. The potential for dislocation of employees is aggravated because of concentration in a market of the domestic side of the industry and because we do not have full employment since the major objective of the present "game plan" seems to be fighting inflation with the bodies of the unemployed. Indeed, the inflation-unemployment dilemma will remain insoluble so long as economic concentration sits astride the economy immune from monetary and fiscal controls. Even, so, one would expect that the risks of a competitive economic system should not be so lightly dismissed. The allocation of manpower resources should also take place by competition rather than Government dictate. That prospect has substantial longrun risks of misallocation of workers and an even more severe longrange unemployment prospect.

If these companies, and specifically Lockheed, are in danger of insolvency necessitating corporate reorganization, the wholesale unemployment threat is not very realistic. Corporations in reorganization are not closed down, nor are employes thrown out of work en masse. Indeed, a major concern of any trustee under a chapter X proceeding should be the rational reorganization of the firm with the interests of all concerned uppermost. If Lockheed is producing goods and services demanded by the free economy, that demand will not vanish even if Lockheed totally collapses. Jobs will be created to meet the demand. If the demand is not there and this is the reason for granting loan guarantees, we are taking the first step down a long road toward abandoning a free enterprise society.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. PROXMIRE. Whether we are dealing with Lockheed or some other firm this is true, but in the case of Lockheed it is in competition with the McDonnell-Douglas Aircraft Co. with respect to wide-body jets. The whole question is whether or not we should provide a guarantee so that Lockheed can produce the L–1011, which would be in express competition with the other plane produced by American labor, so that if jobs are lost at Lockheed, which produces the L–1011—and I believe there is a good case they would not be, but if they are—jobs should be picked up by their competitor, McDonnell-Douglas with the DC–10, which representatives of the FAA and the CAB testified before our committee would get the lion's share, the overwhelming share of the business. Does that make sense?

Mr. HART. It makes sense as the Senator stated it and it makes sense as I read the exchange before the Senator's committee when this bill was being considered.

This discussion recurs rather frequently in the hearing record. I believe that the picture sketched by the Senator from Wisconsin is correct. I know there was basic disagreement in the hearings for various reasons. But if our concept of jobs, as well as money, responding to market pressure is correct, then what the Senator described is what would happen even if reorganization does not produce a viable business. Even if that occurs, given the marketplace pressures, the reorganization should insure that there is not a net loss of employment.

I think none of us has any allusion that what we say here at this moment will have any historic consequence, and what we have said, but what we do will have historic consequence.

What we do here has fundamental long-range implications for the future evolution of the economic principles upon which we organize our society. In one section of the committee hearing record I read the testimony of Professor Galbraith. He manages to use the language in a fashion that few of us are able to do and he paints a very clear and understandable picture even when he is describing something that usually would put students to sleep in economic classes; he manages to be the exception to the rule when he discusses economics.

Professor Galbraith observed in his testimony before the committee:

> Were I a principled conservative I would oppose this rescue. It makes nonsense of the notion that private enterprise should be self-reliant—should not depend for its salvation on the government.
>
> (T)here is another tradition of American Conservatism which avows the most stalwart commitment to free enterprise, risk and the market, and which rushes with obscene haste to the government whenever a dollar may be lost or made. . .
>
> As a liberal, I would oppose the guarantee. If a large corporation like Lockheed is to be rescued from miscalculation and mismanagement, then an Alabama or Wisconsin farmer or a small retailer in Worcester or Fort Worth should have similar rights. And it should not be held against him that he is a bad manager, wastes money, or allows his men to loaf on the job. Lockheed has done all these things. He should not be penalized because, though like Lockheed in all other respects, he differs in being small.
>
> Even were I a socialist, I would oppose this guarantee. Lockheed got much of its plant from the government—including that in which the L–1011 is being built. It also gets most of its working capital from the government and nearly all of its business from the government.
>
> Its cost overruns in the past have been extensively socialized. Unquestionably, this guarantee carries socialism further. But it is socialism not for society, but for a private corporation and its creditors. It is not the old-fashioned socialism for the poor, but the new-fashioned socialism for the rich.

Professor Galbraith has given his answer to the proposal as a liberal. He has suggested what he believes a conservative position should be, and he has given what he believes the Socialist position should be. We have heard, then, from all segments except Communists and prohibitionists. I buy his answers.

If this bill is to be adopted we will have opted for socialism for the rich by subsidizing giant-size corporations while holding the small firm and individual entrepreneur to a free enterprise competitive society. It would be very embarrassing for politicians to take to the stump and tell constituents, "I believe in free enterprise for all you little fellows and the poor." None of us would do that no matter what we feel about this bill. We should not overlook the fundamental change we adopt by this legislation: We socialize the big for the sake of the rich and tell the small to go out and suffer the whims and sometimes the disappointments of a free competitive marketplace.

Moreover, we enshrine bigness and economic concentration. The economic, social, and political consequences of concentrated economic power are now beginning to be perceived. Rather than take steps toward legalizing and insuring that power so that it is even more deeply rooted in our society, we should be taking steps in the opposite direction so that we will not find ourselves in the position this bill now places us; what we say here will not be long remembered, but what we do here will be impossible to ignore or forget.

I hope very much, Mr. President, that we will be given the opportunity to study not alone the aspect that I have discussed but the myriad other aspects which I am sure are involved in the consideration of the bill before us.

I like to think I never engage in a filibuster here, but I close by renewing the hope voiced by the Senator from Wisconsin that, given the complexity of the problem—as I delivered that speech, one would think I was sure that was the answer; why blink it, I am not at all sure that is the answer—I am sure we are confronted here with problems that are deep and basic as to the kind of society we shall have. Let us not gallop through here with a cloture before we have even identified one of the problems, much less a way to solve it.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. PROXMIRE. First, I warmly commend the Senator on an excellent statement.

On page 2 of his statement, the Senator says:

> Unrealistic estimates of delivery time for new systems of defense. Incredible underestimates of procurement costs which have resulted in billions of dollars of unanticipated expenditures. Expenditures which too often produce little or no tangible benefit for the taxpayer. Is this the competition we seek to preserve? What can we expect in the future if now the government in the face of financial difficulty becomes the guarantor of loans?

Earlier, just before the Senator spoke on the bill, we had a colloquy in which we were disputing the position of Under Secretary of Defense Packard. I think all of us here know that Secretary Packard is No. 1 on procurement. I think he is a fine man and has done a good job, although the situation is bad. This describes the situation so well—the enormous overruns.

The reason why Mr. Packard took the unprecedented position of refusing to read the statement prepared for him by the administration seems to be that he recognizes, just as the Senator from Michigan has put it right here, that if the defense firms, which have not performed as well as they should by any means and have run up costs as high as they have, no matter what they do, now can be bailed out, then what little discipline there is now for holding down costs and holding down expenses of the Federal Government is likely to be frittered away.

That is why, in the aftermath of the Packard position before the House Banking Committee, there have been many stories to the effect that Mr. Packard may be on the way out, that he may either resign or be fired.

It would seem to me that he must feel, as the top procurement official, as the Senator from Michigan has so well expressed it, that without some kind of discipline such as we now provide with at least a bankruptcy procedure, our defense procurement will be less efficient even than it has been.

Mr. HART. Mr. President, all I know about this is what I have read in the press, but it is my understanding that Mr. Packard, as the Senator from Wisconsin has said, discovering that the proposal was not a one-shot-save-Lockheed deal, but a bill that would be available to major business enterprises, did indeed conclude that he could not in conscience testify in support of it, and the reason, as I get it from the press, is exactly as the Senator from Wisconsin has stated it.

The track record of defense suppliers in this country is intolerable. Perhaps I should say it is unsatisfactory. But if we give them this kind of bailout guarantee, it will change from unsatisfactory to intolerable.

At least Packard was saying that if you remove what discipline there remains in terms of ultimate failure, you increase the likelihood that, instead of improving in their estimate procedure, their delivery time, the likelihood is they will get worse.

The Senator from Wisconsin is absolutely right, and perhaps better than any other member in this Chamber, he knows the track record. It is he who perhaps more than anybody else in America has made us all aware of the track record.

Secretary Packard knows the track record, and knowing, notwithstanding his loyalty to his administration, realized that he could not, in conscience, read testimony prepared which would have voiced support for the bill now before us.

I join the Senator from Wisconsin in acknowledging and praising the kind of courage that is involved.

I did get to the Chamber in time to hear the Senator from Wisconsin's exchange with the Senator from Texas. The Senator from Texas makes the point that Secretary Packard is not yet on record in any hearing in opposition to the bill.

I feel, as the Senator from Wisconsin, that what he did was a more powerful expression of dismay and opposition than if he had taken the stand and read for an hour in opposition.

I hope we shall conclude, if on further study and discussion this bill does as I have suggested at the moment I think it would do, and as others have suggested they believe it will do, that we do have the wisdom and courage of Secretary Packard in rejecting it.

Mr. TOWER. Mr. President, the colloquy between the Senator from Michigan and the Senator from Wisconsin suggested that all the people thrown out of work by the failure of Lockheed would immediately be employed by McDonnell-Douglas. Well, that might be the opinion of the people whose jobs are involved.

Reading from the testimony of Mr. James L. Quillin, who is president of the Aeronautical Industrial District Lodge 727, International Association of Machinists & Aerospace Workers, here is what he said:

> Some have suggested that Lockheed workers who lose their jobs if the L-1011 program is canceled could go to work for McDonnell Douglas on the DC-10 since it is produced in the same area. This is a cruel hoax and should be branded for what it is, a complete distortion of the facts. In the first place such a proposition completely ignores the geography of southern California. The DC-10 is assembled in Long Beach which is 35 miles from Burbank, the home of the L-1011. It is possible to commute from Burbank to Long Beach on a twice daily basis; however, considering the Los Angeles traffic and freeway system, it is a hair-raising experience at best.
>
> Next, the proponents of this suggestion blithely ignore another salient geographical fact, that is, the L-1011 is assembled in Palmdale, Calif., utilizing nearly 4,000 Lockheed employees. This final assembly facility is 100 miles from Long Beach, Calif. It stretches the bounds of credulity to suggest that these workers could commute the 200 miles a day round trip to Long Beach. Assuming for the sake of argument that laid-off Lockheed workers could get to these jobs on the DC-10, which presupposes, of course, that all airlines will switch to the DC-10, is there any guarantee that they would stand in front of the 40,000 other unemployed aerospace workers in Los Angeles County who would be in line for these same jobs on the DC-10?
>
> Finally, and representing perhaps the most blatant disregard of the facts by those who suggest that terminated Lockheed workers can be hired for the DC-10 is the fact that McDonnell-Douglas has an estimated 9,000 employees on layoff right now while they are producing DC-10's at full production rate. These employees in southern California must be recalled before other workers could be considered for openings. Consequently, Lockheed workers could not be hired for DC-10 production even if they lived across the street from the plant in Long Beach.

Let us not have any illusions that, automatically, all of those workers would be absorbed by McDonnell-Douglas, because McDonnell-Douglas could not and would not require the same number to expand on and string out the production line at McDonnell-Douglas, even though they did get all the business for the L-1011.

Another suggestion is that this proposal is simply a bailout for corporate fat cats. Probably most of the people who own shares in Lockheed, with the exception of small shareholders, and who are employed in high-paying jobs at Lockheed, could survive economically. But it is the little people, the workers, who could not survive.

It is said that this would be a help to small business. But look at the hundreds of small contractors, and the three or four hundred subcontractors, who would themselves go bankrupt. It is the small businesses that would go bankrupt. I could cite one in my own State that would go bankrupt. Let us not go through the demagoguery of labeling these people as simply a bunch of rich men or fat cats. The bill will assist small businesses and the workers in small businesses in all economies, in all areas, that would otherwise be depressed. So let us get that adequately clear.

Mr. PROXMIRE. Mr. President, will the Senator from Texas yield on that point?

Mr. TOWER. I yield on the point.

Mr. PROXMIRE. The Senator has quoted at some length from the leaders of the machinist union. Of course, a part of the answer to that is that the machinists do represent the Lockheed Corp., and UAW represents the workers of the McDonnell-Douglas Corp.

Leonard Woodcock, the head of the UAW, came in, and he had quite a different view. If the Senator will permit, I should like to read briefly from what he said. He said:

> It is true that some workers would lose jobs and others gain them; and individual subcontractors would have to find new contracts, but there would be no net change, and the problem of insecurity in the aerospace industry cannot be solved by efforts to shore up one particular corporation.

Mr. Woodcock goes on to point out that the way to provide more demand for the work of these people is to get into areas where there is a demand.

We know now that the airlines are surfeited with planes. They have far too much capacity. I read yesterday where TWA has canceled a number of orders on the DC-10. With that kind of situation, an effort by the Federal Government to shore up production where demand is failing makes no sense whatever.

The people who work producing the DC-10 and those who work producing the L-1011, and are faced with loss of their jobs, are both good Americans; both would like to have a job. The action proposed here to push the L-1011 so that it can get the work the DC-10 workers would have is shortsighted and unsound. As Leonard Woodcock stated:

> What has to be done is to meet the basic problem of the decline of the entire aerospace industry. This problem should be met by creating new jobs in new industries, which should not only provide useful application of the skills of aerospace workers, but from production workers to engineers. They should also help to meet some of the domestic needs of our country, ranging all the way from purer air and water to effective urban mass transit programs, which have been so long neglected.

Mr. TOWER. Well, I think that in determining which shall get the work under this circumstances, the testimony of the representatives of the workers who are going to lose their jobs is far more valid, and probably far more candid, than the testimony of the representatives of the workers who are not going to lose their jobs.

Also, I think it should be noted that the UAW would like it very much indeed if that union could have a monopoly on the aerospace workers in this country. That would be very fine for them. It would enhance their power tremendously. But as far as the actual picture is concerned, the facts of the total unemployment picture in the aerospace industry simply do not sustain any contention other than that held by Mr. Quillan, the head of the local which would be affected.

As far as the aerospace industry being sick is concerned, one of the reasons it is sick is that we in Congress have insisted that we are tired of trying to maintain and enhance our leadership in this area in competition with the other countries in the world. We are voluntarily surrendering our leadership in the aerospace industries to other countries.

Given their present momentum, without some meaningful agreement at Helsinki or Vienna, the Soviets are going to outproduce us in arms. In about 2 years, they will be militarily superior to the United States. They have developed several fighter aircraft over the past 10 years. We have not developed one new fighter aircraft over the past 10 years, not one new air superiority weapon. And those Members of Congress and others who want to unilaterally disarm the United States must admit that they helped bring about the decline in the aerospace industry in this country.

Lockheed wants to get into a commercial enterprise, knowing that reliance on military contracts is very shaky, with the mood of the country these days. They are seeking some commercial business. Are we going to say to them, "No, we are going to force you out, and have only one producer in this competitive area of commercial production?"

Mr. PROXMIRE. Does the Senator maintain that the DC-10 workers who go to McDonnell-Douglas have not been losing their jobs, when there is a cancellation of 23 DC-10's such as that announced the other day by TWA? Does that not mean there are hundreds of workers losing their jobs, and does it not also follow that if we go ahead and push Lockheed into this area, there will be more who will lose their jobs?

Mr. TOWER. We are not pushing Lockheed into this area.

Mr. PROXMIRE. I think we are.

Mr. TOWER. McDonnell-Douglas and Lockheed each made a market survey to determine the number of planes that would probably be required, and their figures are in the same ball park. I might add that TWA has testified in favor of what we are trying to do for Lockheed here. TWA is one of the affected airlines. They know how it affects them economically, and to assume that because there is a current recession in business in the airlines—money has been tight; we have had a cash flow crisis, though I think we are over it. We have had a liquidity crisis. The first thing people do is stop traveling, so certainly the airlines are in trouble right now; but does the Senator think that will be for always, for the next 5, 10, 15, or 20 years? My goodness, flight is the future basic means of transportation for the whole world. Right now, everything of bulk importance moves by sea, but I anticipate that even in my lifetime, it is conceivable that everything of bulk importance could move by air.

Why does the Senator think the passenger trains have gone down the drain? It is because people are traveling by air. That is going to continue, and over a long period, it is going to reflect growth; it is not going to diminish.

Mr. PROXMIRE. How does the Senator explain the fact that the Department of Transportation and NASA's study, the only authoritative study we have of this industry and whether it could support one or two firms, comes down very hard, clear, and emphatically on the side of its being able to support only one firm? They are saying that if two firms were in the industry, both would be weak and unstable, and the industry would not be able to operate as effectively or efficiently. How does the Senator explain that?

Mr. TOWER. What is this study?

Mr. PROXMIRE. It is a study just completed on March 31.

Mr. TOWER. Made by whom?

Mr. PROXMIRE. It was a study made by the Department of Transportation and by NASA.

Mr. TOWER. Was this study made a part of the testimony?

Mr. PROXMIRE. The study was put into the record. I brought it to the attention of CAB and FAA when they testified, and they acknowledged that that was the finding of the Department of Transportation and NASA.

Mr. TOWER. Who made the study?

Mr. PROXMIRE. The study was made by those two departments.

Mr. GAMBRELL. Will the Senator yield? I believe it was the staffs of those two departments.

Mr. PROXMIRE. Well, yes; it was not made by the Secretaries.

Mr. TOWER. But it is not the official position.

Mr. PROXMIRE. All the work around here is done by staffs. We all know that.

Mr. TOWER. Are we going to believe that, or the contention of the Department of Transportation that we should keep Lockheed in business?

Mr. PROXMIRE. Well, of course, once the President makes a decision that we are going to bail out Lockheed, everybody in the administration will support bailing out Lockheed. That is a foregone conclusion.

Mr. TOWER. But the official position denies the Senator's contention.

Mr. GAMBRELL. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9667) entitled "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes", had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. McFall, Mr. Boland, Mr. Yates, Mr. Steed, Mr. Mahon, Mr. Conte, Mr. Minshall, Mr. Edwards of Alabama, and Mr. Bow managers of the conference on the part of the House.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 699) an act to require a radiotelephone on certain vessels while navigating upon specified waters of the United States.

The enrolled bill was subsequently signed by the President pro tempore.

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

Mr. GAMBRELL. Mr. President, I was about to address a question to the distinguished Senator from Texas in further reference to the testimony of Mr. Leonard Woodcock of the Automobile Workers' Union, which was cited by the Senator from Wisconsin.

In that testimony, I asked Mr. Woodcock if what he had to say about the L-1011 program would not have applied equally to the SST program. In effect, he admitted that it would, that there should be a shift of skills and technology from this form of airframe construction into other domestic uses and that type of thing.

Then I asked him what the position of his union was on the SST, and he said:

> Officially, we had a neutral position.

This stuck me—and I so stated at the time—that I thought it was very unique that his union would have a neutral position on the SST and be opposed to an indirect Government support program for the L-1011, since it is obvious that the L-1011 has more of a market demand than the SST program had. Orders for 100 L-1011 planes are pending at the time, and no orders were pending for any SST. The L-1011 was—except in a very remote set of circumstances—going to require no Government money at all, no tax money; whereas, every dollar that was going into the SST, with the exception of some peripheral support from the airlines, was coming from tax dollars.

To me at that time—and still—it undermined the credibility of the testimony of Mr. Woodcock and caused me to look further as to why he might oppose the L-1011 and be neutral on the SST. I think the record bears out that that probably was the result of the competition of workers—the machinists who work on the L-1011 and the autoworkers who worked to some extent on the SST.

Mr. Woodcock's testimony was reduced to that of a very much interested witness, one whose constituents were working directly on one program on which they were neutral and were not working on another program which they opposed. So his testimony, in the ultimate, has to be judged and has to be credited, if at all, only in the light of the direct interest that he and his union had and might benefit from the termination of the L-1011 program.

I think it is important that that be brought to light at this time, or repeated at this time, so that the fact that a representative of organized labor might be opposed to this bill would not cause anyone to think that, looked at objectively, organized labor thinks that the L-1011 program and the Lockheed Corp. should be permitted to go down the drain.

I had hoped that the Senator from Michigan might remain; but, in his absence, I would address this inquiry to the Senator from Wisconsin. There is a great deal of talk about supporting big business and letting small businesses go—a callous attitude toward small business and a cozy attitude toward big business. This has had a great deal of appeal to the press, and it makes good stump speech conversation, and it has a populist appeal, which is a popular appeal to make in these times.

Admittedly, on its face, this measure is directed toward big business, major business enterprises, whose collapse might have serious adverse effects on the national economy. But it occurs to me, particularly in the case of Lockheed, that we are talking about something more in the nature of an army of men, led by a general, that finds itself trapped or encircled, perhaps for reasons of its general's leadership, perhaps because the circumstances of the war have gone contrary to the way everyone thought it was going. In any event, we have an entire army that is trapped in the midst of enemy territory.

Are we to say that because the general who led that organization may have been incompetent, we are not going to send out anyone to save the army; but we are going to let the men go down the drain? We are not talking about a group of people who said, "I want that general to lead me through thick and thin. I want to live or die by the decision he makes." We are talking about an industry which the U.S. Government has consistently encouraged to develop in order to improve our capacity in military aircraft, in order to achieve and hold world leadership and commercial aviation.

We had the man who makes the ovens that go into the L–1011. These are employees who in good faith have gone to work in these places. All of a sudden, we have said, "No; we have absolutely no encouragement to give you from this point on." Even though all you are asking for is the guarantee of a bank loan—you are not asking for any tax dollar to be deposited in your bank account—all you are asking for is some credit support to carry you over a hump, we are not going to give it to you. To all you people and everyone who is associated with you in good faith, the subcontractor who builds the landing wheels, the subcontractor who builds the ovens for the interior of the planes—all these people who had the right to assume that they were in a program in which the U.S. Government believed and who are now to be told, even though they are not asking for a direct subsidy—all they are asking for is that about 15 percent of the private investment in this be guaranteed by the Federal Government with very little risk, and that is all they are asking for—the U.S. Government will say, "Absolutely not. You, and big business with which you are associated, will be permitted to draft, to float free in the world market, maybe sink or drown, maybe get caught up by someone else; but, in any event, the $1.4 billion worth of investment by private persons in your business will be lost and we, the U.S. Government, have suddenly thrown up our hands to say that we are not in the commercial aviation business any more. We would as soon see that particular phase of it go down the drain."

Mr. PROXMIRE. May I say to the distinguished Senator from Georgia that this is not the idea or the intention, I am sure, of the Senator from Michigan or of myself. The position the Senator from Michigan took, with considerable emphasis, was that chapter X bankruptcy is precisely designed to keep the enterprse afloat, that as a matter of fact the jobs could be preserved and the capacity to produce the product could continue. It would be possible that the firm, for example, in the Lockheed case, would continue with all production not related to the L–1011 and that would include about 85 percent or 90 percent of its force, and that is almost all the jobs in Georgia.

The basis of the testimony we had by Mr. Packard and others was that bankruptcy, if it took place, would not result in the loss of more than maybe a couple of hundred jobs in Georgia. Of course, that is important. These jobs are not insignificant. They are significant. But we should recognize that we are not talking about the entire enterprise, the entire "army" the Senator referred to in his analogy awhile ago which would be destroyed, go over the cliff, or be sunk without trace because of bankruptcy. The trustee would carry on all of the business that was sound.

Mr. GAMBRELL. Well, on the question of chapter X bankruptcy, I know that——

Mr. PROXMIRE. The Senator from Michigan is now in the Chamber, I see. He is in the front of the Chamber. I did not mean to usurp his place, but the Senator from Georgia propounded a question that he wanted to ask the Senator from Michigan, so he asked me because the Senator from Michigan was not in the Chamber at the time. Perhaps the Senator from Georgia would like to pursue this colloquy with the Senator from Michigan, since he is now in the Chamber.

Mr. GAMBRELL. I will come back to that, but the Senator from Wisconsin made the point which the Senator from Michigan might wish to make himself in his own right, or maybe he has already made it regarding chapter X bankruptcy.

There is something misleading in the RECORD in that regard. Yesterday, in the remarks of the Senator from Wisconsin, he reported about Professor Countryman of the Harvard Law School, who testified substantially what the Senator from Wisconsin just said, and perhaps the Senator from Michigan has said the same thing, that chapter X bankruptcy was designed to offer salvation to companies which had gone on the financial rocks.

On page 713 of the hearings, I had the following colloquy with Mr. Countryman:

> . . . let me ask you this: I don't suppose you have been a banker?
>
> Mr. COUNTRYMAN. No, sir.
>
> Senator GAMBRELL. Have you had a recent experience in a bankruptcy case?
>
> Mr. COUNTRYMAN. Yes, several.
>
> Senator GAMBRELL. I mean a direct participation in a bankruptcy proceeding?
>
> Mr. COUNTRYMAN. Oh, no, I have not practiced in bankruptcy for some years; no.
>
> Senator GAMBRELL. Have you been involved in any way in a bankruptcy case in the last few years?
>
> Mr. COUNTRYMAN. No, sir.
>
> Senator GAMBRELL. I might say I have . . .

Mr. President, I might say that I have on several occasions. And I have. And, I might say, and this of course would be a matter of opinion, but it would be substantiated by those who have practiced bankruptcy law, those who have experience in bankruptcy cases, that chapter X is a very poor and inadequate remedy, and is probably no remedy for a company like Lockheed. That is why the testimony almost universally is that the L–1011 program would go completely out the door if Lockheed went into bankruptcy, the reason being that it takes a tremendous amount of management skill, it takes a tremendous amount of financial resources, and it takes a tremendous amount of faith and confidence to go through a 2- or 3-year construction contract program, in fact, in this case, a 5-, 6-, or 8-year program, to develop a commercial airplane.

We can take a railroad which is out there, running every day on schedule, and yielding a specific fare under Government regulation, and it will run itself almost for a set period of time and it certainly will not go on the rocks.

Mr. PROXMIRE. If the Senator will yield at that point, he makes a good point. I do not know, I cannot speak for the Senator from Michigan, but it may well be that in something so complex and as difficult as the aerospace industry and the aircraft program, there will be some merit to the case.

The principal thrust of my remarks, however, was that this is about a 90 percent defense—oriented firm and every witness who testified agreed, including the Treasury Department which is strongly in favor of this, that the defense part of the business would continue. It may not be that chapter X is the answer, but certainly most of the Lockheed business would continue, whether chapter X were adequate or not.

Mr. GAMBRELL. This is where statistics will mislead. To the average onlooker into the business of Lockheed today, it may be 95 percent defense, but if they perfect the L–1011, build it, and sell it and make it in accordance with the plans, that percentage will decline tremendously down to about 50 percent, possibly 45 percent. In other words, this is their diversification program. The very thing that cannot stand chapter X is the thing that will go out and be lost.

Mr. PROXMIRE. The Senator is talking about new jobs in the future and new profits, a new bonanza. This is the defense part of the business and it will continue and will not be adversely affected.

Mr. GAMBRELL. May I clarify the record a little bit. We may be continuing new jobs, but we are talking about more work for the same people, the same 30,000, the same 40,000, the same 50,000 people, over a period of 6 or 8 years. We are not talking about hiring another 30,000, 40,000, or 50,000 people. We are talking about all those same people who will stay to work for Lockheed. The percentage the Senator is talking about, 95 percent, is based on sales. Yes; the sales will be 95 percent sales to the Federal Government, but not when the L–1011 plane is built. Once the plane is built and the sales begin, the sales will go up, which will maintain the same work force, and that is what we are trying to save today. We are not talking only about Lockheed employees, but employees in hundreds and hundreds who work in other subcontracting jobs, as well as the suppliers.

Mr. PROXMIRE. Perhaps the Senator from Michigan would want to respond to that, but if the Senator is talking about that, he is talking about how we can operate to preserve jobs for American workers.

I have here an analysis, a very careful and responsible analysis, that shows:

> (a) The L–1011 as delivered has a high (25% plus) foreign labor content predominantly due to the U.K. Rolls Royce engine.
>
> (b) The competitive Boeing B–747 and McDonnell Douglas DC–10 have from 11% to less than 5% foreign content, predominantly in structural assembly.
>
> (c) Considering the traditional high spare engine and spare parts consumption of propulsion systems—equivalent over an airplane life to more than twice the initial delivered engines—the foreign manufactured labor fraction for the life time of the L–1011 program is over 40%.
>
> (d) Replacement of the L–1011 with DC–10's and B–747's will definitely increase United States employment after the initial transitional phase.

What we are talking about now is guaranteeing a firm which, in turn, will produce a product with, as I say, 40 percent foreign labor content. If we are really talking about preserving American jobs, it seems to me that it is a pretty easy choice. A job is just as important to a Douglas employee producing DC–10's as it is to a Lockheed employee.

Mr. GAMBRELL. The Senator recognizes that not all lost sales on the L–1011 will go to the DC–10's; there is the A300–B.

Mr. PROXMIRE. Only the lion's share would go to the DC–10's.

Mr. GAMBRELL. The European airbus is much more competitive with the L–1011's than the DC–10's.

Mr. PROXMIRE. That was not the testimony when they appeared before the committee. They said that the lion's share would go to the DC–10's.

Mr. GAMBRELL. Maybe 30 percent would go to the DC–10's.

Mr. PROXMIRE. I would say that is a pretty anemic lion at any rate. I would say 90 percent.

Mr. GAMBRELL. The part that went to the A300–B would go to the foreign workers.

Mr. PROXMIRE. In view of the labor content, we could still have a nominal labor percentage, going to the European airbus, maybe 5, 10, or 15 percent. We would still have a net gain in employment if the DC–10 was the main plane.

Mr. GAMBRELL. I do not know if that is clear or not. The DC–10's wings were made in Canada. The Senator could argue as to who would get the most employment. It is most cloudy to me as a result of the hearings. It certainly was not clear because they did not know who was going to get it.

Mr. PROXMIRE. Mr. President, that was further complicated by the fact that the Europeans make the engine for the American airbus. Those were American jobs.

Mr. GAMBRELL. That is correct. And there was some European work being done on the DC–10's. And around and around we went. The question was whether this specific program would save those particular jobs and this specific private investment.

Mr. WEICKER. Mr. President, would the Senator yield for a question?

Mr. HART. Mr. President, would the Senator yield?

Mr. GAMBRELL. I yield to the Senator from Michigan.

Mr. HART. The Senator from Georgia did suggest that there was no magic and no guarantee with respect to the overall consequences of a chapter X proceeding and specifically no guarantee with respect to the falloff of jobs.

I agree for the reasons he cited. I was shocked, however, by the exchange he just had with the Senator from Wisconsin which goes to the business of the undesirability of applying cloture at this moment. If two able committee members are still wondering if they know for sure what kind of job offsets are involved in this discussion, they should at least give those of us who are not on the committee an opportunity to catch up with the uncertainty and move forward to an understanding before we have cloture imposed.

Mr. WEICKER. Mr. President, will the Senator yield?

Mr. GAMBRELL. Mr. President, I believe the Senator from Iowa wanted to be recognized in order to keep a White House appointment.

Mr. MILLER. Mr. President, I do not wish to keep the Senator from Georgia in his chair. However, I would like to have the floor in my own right.

Mr. WEICKER. Mr. President, would the Senator yield for a question?

The PRESIDING OFFICER. The Chair will straighten the situation out first. The Senator from Connecticut was on his feet when the Senator from Georgia sat down. Does the Senator from Georgia intend to yield the floor?

Mr. GAMBRELL. I intend to yield. I had previously agreed to yield to the Senator from Iowa.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa on the assumption that this is a short presentation.

Mr. MILLER. Mr. President, I do not wish to mislead the Chair. I would like to be recognized in my own right, and after being recognized, I propose to yield to the Senator from Connecticut who only desires to ask a question of the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Iowa has the floor and he may yield for that purpose under a unanimous-consent agreement.

Mr. MILLER. I thank the Chair. I also thank the Senator from Georgia.

Mr. President, I ask unanimous consent that I may yield to the Senator from Connecticut for the purpose of asking a question and receiving a response from the Senator from Georgia.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WEICKER. Mr. President, I thank the Senator from Iowa. I would like to ask the Senator from Georgia a question. We have heard during the course of this debate various figures as to who will gain employment and who will lose employment. However, we have also heard from the Senator from Ohio that the employees of the General Electric are being cut back in their engine division.

We know that is a fact. And I can assure the Senator from Georgia of the fact that the employees of the Pratt & Whitney Division of the United Aircraft, also engine manufacturers, are being cut back.

Without getting into the broad argument as to who is gaining and who is losing jobs, how do we explain to these unemployed employees of American engine manufacturers the fact that as they stand there to get their unemployment checks, their taxes are going to be used to create jobs in the Rolls-Royce Corp. in Great Britain?

I am trying to get a response as to what explanation will be given. It is one thing to go ahead and lose one's job. I think that it is a little bit too much—would not the Senator from Georgia agree—that after one has lost his job, his taxes would then go to pay the fellows who caused him to lose his job.

Mr. GAMBRELL. Mr. President, I would have to admit that answering the question of anyone who lost his job would be pretty difficult. The same would be true also of the Lockheed employee who loses his job. It is very hard to say, "You lost your job because the economy went bad, or because the president of the company did not know how to manage the company, or because the Government short-changed the company in relation to negotiations on other aircraft that you were not working on."

Anyone who lost a job would not be satisfied with any answer given him. However, one comment that I think is pertinent is that his tax dollar is not being put into this program, as was true in the case of the SST.

Many Senators voted to put tax dollars in the SST in order to keep the jobs there. However, basically we are talking about credit support, just as we are talking about credit support when a person puts his $20,000 in an FDIC-supported bank. The Government guarantees that he will get it back. That is only because of the Federal tax dollars that we are talking about. In this program involving a guarantee by the Government, they would get it back if it went bad.

Mr. WEICKER. But is it not true that if the U.S. Government takes upon itself the obligation of guaranteeing $250 million that means we will set aside $250 million. We will have to set it aside in order to guarantee it in case the worst comes to pass.

Mr. GAMBRELL. I do not know where it will be set aside or in which pocket it will be carried. However, it will not be taken down unless $1.4 billion of private investment has gone ahead of it.

Mr. WEICKER. That may be so. However, this is not a case in which we have a piece of paper in front of each Senator. This is $250 million that will have to be set aside to guarantee the work.

Mr. GAMBRELL. The same type of money would have to be set aside for the FDIC guarantee.

Mr. WEICKER. I intend to cover that in my later comments. I do not want to impinge upon the time of the Senator from Iowa. However, I think there is a great difference in the example I have given on the engines in competition between Lockheed and other aircraft frame manufacturers within the United States. The competition is rough enough within our own country without adding to it the international market.

I thank my colleague for yielding.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

(The remarks of Mr. MILLER when he introduced Senate Joint Resolution 138 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

CLAYTON BION CRAIG, ARTHUR P. WUTH, MRS. LENORE D. HANKS, DAVID E. SLEEPER, AND DEWITT JOHN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar Order No. 274, S. 1866. This matter has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 1866) for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, any provision of law to the contrary notwithstanding, copyright is hereby granted to the trustees under the will of Mary Baker Eddy, their successors, and assigns, in the work "Science and Health with Key to the Scriptures" (entitled also in some editions "Science and Health" or "Science and Health; with a Key to the Scriptures"), by Mary Baker Eddy, including all editions thereof in English and translation heretofore or hereafter published, for a term of seventy-five years from the effective date of this Act or from the date of first publication, whichever is later. All copies of the protected work hereafter published are to bear notice of copyright, and all new editions hereafter published are to be registered in the Copyright Office, in accordance with the provisions of Title 17 of the United States Code or any revision or recodification thereof. The copyright owner shall be entitled to all rights and remedies provided to copyright owners generally by law: *Provided, however,* That no liability shall attach under this Act for lawful uses made or acts done prior to the effective date of this Act in connection with said work, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction or circulation of said work. This Act shall be effective upon enactment.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that appropriate extracts from the committee report (No. 92-280) be inserted in the RECORD in explanation of the bill.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

The purpose of the substitute language is to incorporate in the bill various technical amendments recommended by the Copyright Office of the Library of Congress relating to the correct identification of the work which is the subject matter of this legislation, providing for a notice of copyright, and registration in the Copyright Office, and protecting innocent parties who lawfully made use of the work prior to the effective date of this legislation.

STATEMENT

S. 1866 was introduced on May 14, 1971, by Senator Quentin N. Burdick on behalf of himself and Senators Percy, Bayh, Brooke, Cranston, Griffin, Hatfield, Humphrey, Montoya, Scott, Thurmond, and Tunney. The bill relates to copyright protection for the various editions, including translations, of Mary Baker Eddy's "Science and Health with Key to the Scriptures." Of the numerous editions of the work published between 1875 and 1906, copyright registrations were made for 17 editions, all copyrights having now expired except the one applying to the edition published in 1906. The copyright on this edition will expire on December 31, 1971.

In its consideration of this legislation the committee has been advised that students and adherents of the Christian Science religion look to "Science and Health with Key to the Scriptures" by Mary Baker Eddy as the fundamental statement of the religious teachings of Christian Science. They consider this book, together with the Bible, as the basic textbook for all instruction in the Christian Science religion, and for the teaching and practice of the spiritual healing which is a central part of this religion.

Those who are students or adherents of the Christian Science religion and worship in the church of Christ, Scientist, founded by Mrs. Eddy, also look to the Bible and "Science and Health With Key to the Scriptures" as the only Pastor of this Church. All sermons in the Church of Christ, Scientist, including The Mother Church in Boston and countries are comprised of readings of scriptural texts and correlative passages from "Science and Health." The citations comprising each weekly sermon are printed in the "Christian Science Quarterly", and each week the same sermon is read in every Church of Christ, Scientist, throughout the world. This sermon is also studied individually by students of Christian Science and members of the congregations throughout the week prior to the Sunday service at which it is to be read.

Members of the Church of Christ, Scientist, students and adherents of Christian Science, and those of the general public wishing to learn of this religion are reliant upon the integrity and purity of the exact statement of Christian Science as set forth in "Science and Health With Key to the Scriptures," and upon the uniform system of pagination and line numbering which it employs, in order effectively to study and practice Christian Science, and to participate in the religious services and exercises of the Church of Christ, Scientist. Only through use of the authentic editions of the textbook can there be any assurance to a user that the copy of this book which he has is adaptable to the religious purposes of this Church and can be used for the study and practice of Christian Science.

In all of the religious practices and activities of Christian Science, use of "Science and Health With Key to the Scriptures" as a textbook is based on two essential factors. First, the text of the book must be authentic and contain the exact words of its author, Mary Baker Eddy. Second, the words on each page, together with the numbering of the pages and lines, must be the same in all editions and translations, and be consistent with the system of reference and citation established by Mary Baker Eddy. Unless the book meets these requirements it cannot serve its purpose as the denominational textbook of Christian Science. Accordingly, students and adherents of this religion must use "Science and Health with Key to the Scriptures" without any change in the words or form.

Copyright in "Science and Health With Key to the Scriptures" is owned by the Trustees under the Will of Mary Baker Eddy. The Trustees, who are subject to the authority of the Director of Charitable Trusts and the Probate Court of the State of New Hampshire, are non-profit in character, and no individual or commercial interest will be served by assuring to them, through copyright protection, the means for preserving the purity and integrity of "Science and Health With Key to the Scriptures."

The purpose of seeking copyright for this book is not to provide pecuniary profit or material gain for the Trustees or the Church, but to preserve and maintain the purity and integrity of the statement of the religious teachings of this denomination, and thereby to protect members of the public against the possibility that, in purchasing or otherwise acquiring the book entitled "Science and Health With Key to the Scriptures," they might receive a distorted version of the teachings of Christian Science instead of the true and correct version thereof, or that the version acquired might not be the book which they require for the study and practice of Christian Science.

The Congress has enacted a number of private copyright bills applying to a particular work. The following is a list of private copyright bills which have been passed:

Act of May 24, 1828 (ch. 145, 6 Stat. 389).—John Rowlett, "Rowlett's Tables of Discount or Interest."

Act of February 11, 1830 (ch. 13, 6 Stat. 403).—John Rowlett, "Rowlett's Tables of Discount or Interest."

Act of March 3, 1843 (ch. 140, 6 Stat. 897).—John Rowlett, "Rowlett's Tables of Discount or Interest."

Act of February 19, 1849 (ch. 52, 9 Stat. 763).—Levi H. Corson, a perpetual calendar or almanac.

Act of August 2, 1854 (ch. 187, 10 Stat. 810).—Thomas H. Sumner, a method of ascertaining a ship's position at sea.

Act of January 25, 1859 (ch. 16, 11 Stat. 557).—Mistress Henry R. Schoolcraft, "History Statistics, Condition, and Prospects of the Indian Tribes of the United States."

Act of May 24, 1866 (ch. 99, 14 Stat. 587).—Mrs. William L. Herndon, "Exploration of the Valley of the Amazon."

Act of June 23, 1874 (ch. 534, Stat. 618).—William Ted Helmuth, "A System of Surgery."

Act of February 17, 1898 (ch. 29, Stat. 1396).—Judson Jones, "The Alphabet of Orthoepy."

The power granted to the Congress under Article 1, Section 8 of the Constitution is not limited to the enactment of general patent or copyright statutes, but may be exercised in respect of specific inventions or to secure exclusive rights in a specific writing created by a specific author.

The committee recommends favorable action on this legislation, as amended, because of the special and possibly unique circumstances presented by this work. The committee wishes to reaffirm, however, its general opposition to private patent and copyright bills, especially those providing for a longer term.

Mr. BURDICK. Mr. President, S. 1866 as reported by the Committee on the Judiciary, is a private bill for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John, extending the copyright on the work Science and Health with Key to the Scriptures by Mary Baker Eddy. This legislation, of which I am the sponsor, is cosponsored by the senior Senator from Illinois (Mr. PERCY) and 10 other distinguished Senators from both sides of the aisle.

The Librarian of Congress and the Justice Department have both stated that they have no opposition to the bill. In response to some suggestions by the Copyright Office the Committee recommended some minor changes in the bill.

Mr. President, the book with which we are concerned, Science and Health with Key to the Scriptures, is the textbook and fundamental statement of the religious teachings of Christian Science and has a position in the functioning of that Church which is unique in any religion anywhere, inasmuch as the book is considered the Pastor of the Church. The sermons in Christian Science churches in the United States and other countries are comprised of readings of Scriptural texts and correlative passages from Science and Health with Key to the Scriptures. Citations comprising each weekly sermon are compiled and distributed throughout the world for individual study by Christian Scientists who read from this book daily. The Christian Science Church has no ordained clergy, and adherents of this religion look to the Bible and to the Christian Science textbook for instruction in their religion and for the teachings and practice of spiritual healing which is the central part of this religion.

For this reason it is absolutely essential to the free practice of their religious beliefs that Christian Scientists, as well as those of the general public who wish to learn of this religion, be certain that any copy of Science and Health which they obtain be exactly the same as originally copyrighted by its author, Mary Baker Eddy. Every copy of this book contains a uniform system of pagination and line numbering employed in order to permit reliable citation of portions of the work.

If the copyright of Science and Health with Key to the Scriptures should ever be permitted to expire, the book would fall into the public domain. Amended editions, annotated versions, modernized editions, and abridged editions could all be published and would cause great distress and confusion, not only among Christian Scientists, but among those of the general public wishing to obtain a correct and complete statement of the teachings of this religion. Therefore the Committee on the Judiciary recommends the passage of this bill which would maintain the copyright on Science and Health with Key to the Scriptures for an additional period.

Ownership of this copyright is held in trust and is completely nonprofit in character. No individual or commercial interest will be served by continuing this copyright protection. Most copyrights are granted in order to give their owners a temporary monopoly over a specific expression of an idea to permit persons to obtain a reasonable monetary profit from artistic or literary effort. In cases where that is the rationale for granting copyright there is no justification for continuing copyright beyond its normal term, particularly by the use of a private bill. In the case of this particular literary work, however, the underlying rationale for its copyright is different. It is in the nature of protection against unfair competition or confusion in the mind of the public rather than the protection of an economic interest.

Our trademark laws are all based upon the desire to protect the consumer from the risk of purchasing one product in the belief that it is another. This is exactly the basis for extending the copyright on Science and Health, except that, being a literary work, the protection must be achieved through the copyright law. Those who have most strongly supported consumer protection legislation will readily see why a statement of religious teaching, being of far greater importance to mankind than mercantile interests, should have its integrity and purity maintained against the possibility of confusion by the purchasing public.

Mr. President, passage of this bill would create no restraint upon free expression of religious ideas. It would only limit those who would seek to express the ideas of Mary Baker Eddy in her words. Anyone may comment on or criticize Christian Science, either favorably or adversely, at any time. Anyone may express ideas similar to those in Science and Health as long as exactly the same words are not used. Furthermore, commentators may make fair use of quotations from this work without permission of the copyright owner. It is only the publication of this book itself or the use of its title and author's name which the bill would limit.

There is no doubt about the constitutionality of private copyright laws. The committee report lists a number of such bills which have been enacted in the past. In a similar situation involving extension of a patent through the use of a private bill a three-judge Federal court in 1962 upheld the constitutionality of Congress' action and its judgment was affirmed *per curiam* by the Supreme Court of the United States in 1963 (*Radio Position Finding Corp.* v. *The Bendix Corp.* 205 F. Supp. 850 (D.Md.1962), aff'd per curiam 371 U.S. 577, 83 S Ct. 548(1963)).

The term of this copyright extension is the same as the term set in the proposed general revision of the copyright laws for anonymous works, pseudonymous works, and works made for hire.

Mr. President, in view of the fact that the book Science and Health with Key to the Scriptures plays such a unique role in the life of an American religion and since the book is bringing personal profits to no one, I urge its passage. At the same time I wish to point out most emphatically that the committee considers this bill an exception to its general policy of opposition to private patent and copyright bills, especially those providing for a longer term.

Mr. HART. Mr. President, since I voted against this bill in the Judiciary Committee, I should like to explain briefly the nature of my reservation.

Copyright protection would be extended for the 1875 work by Mary Baker Eddy, "Science and Health with Key to the Scriptures," the text used in the teaching and practice of the Christian Science religion. The book represents the fundamental statement of the teachings of the Christian Science Church.

The religion requires that the original text by Mary Baker Eddy be reproduced in haec verba without any deviation whatever—including pagination and the placement of the words on each page. Otherwise, the text cannot serve as the denominational textbook of Christian Science. That is the justification offered for the extraordinary private relief sought here.

However, I feel that S. 1866, would unnecessarily and unwisely legislate a statutory monopoly trenching upon fundamental constitutional guarantees and limitations for a purpose which dangerously approaches "establishment" of religion.

Article I, section 8 of the Constitution grants to the Congress the power—

> To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writing and Discoveries.

A copyright grants a monopoly over expression and limits what may be freely said and heard in public. To that extent it conflicts with the first amendment's guarantee of freedom of speech, expression and the correlative right to hear. Yet, in order to promote the progress of science and the useful arts through the creation and dissemination of expressions and ideas, some profit incentive for authors was deemed necessary by our Founding Fathers. A balance was struck and this statutory monopoly over expressions and ideas was carefully limited in time and to authors. Presently, a copyright is granted for a period of 28 years, with a right of renewal for an additional 28 year period.

The Congress simply has no power to grant copyright protection to trustees of an estate. The limitation to authors is specific. Nor would S. 1866 benefit the progress of science and the useful arts. Mary Baker Eddy was afforded ample protection and monopoly over her work for a large number of years. The normal statutory period of monopoly over expression is about to expire, and it should be allowed to expire.

Under these circumstances, S. 1866 would also impinge on the first amendment. It seems to me that this bill infringes upon the rights of scholars, lay people, and members of the Christian Science and other religions to engage in textual and historical criticisms of the work in question.

Also, it can be construed to be a grant not of a limited duration, and therefore, further crowds the first amendment's safeguard of freedom of speech. S. 1866 may offend the first amendment's proscription against the establishment of a religion. The intent is not masked; it is spelled out and to the point. State aid to religious schools for procuring nonreligious texts was recently deemed by the Supreme Court violative of that clause. What of S. 1866?

These constitutional problems can be easily avoided—and with no adverse effect upon the Christian Science Church. An official, authorized version of the text could be established and denominated as such by the church to assure the exact replication of the original text, which the church deems essential to its members. This is a well-recognized practice in other religions with regard to their basic texts. This solution would also implement the committee's reaffirmation of "its general opposition to private patent and copyright bills."

For these reasons, Mr. President, I oppose the bill.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, and read the third time, and passed.

EMERGENCY LOAN GUARANTEE ACT

The Senate resumed the consideration of the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. President, I want to take this opportunity to correct a completely inaccurate statement which appeared in the Washington Post this morning in connection with the current debate on the Emergency Loan Guarantee bill. The statement attributed to United Press International said that Daniel J. Haughton, the Chairman of Lockheed, "kept tabs on yesterday's vote from the Vice President's office just off the floor."

This is an example of reporting without bothering to ascertain the facts. Mr. Haughton was in fact in the Capitol but he watched the proceedings on the Senate floor from the public gallery. As a matter of fact, I spotted him there, myself. At no time was Mr. Haughton in the Vice President's office. He appeared in the Vice President's reception room briefly in order to obtain a gallery pass. This could easily have been verified had the UPI correspondent bothered to take 2 minutes to check out his erroneous information.

Mr. WEICKER obtained the floor.

Mr. PROXMIRE. Mr. President, I apologize to the Senator from Connecticut, who has been waiting to obtain the floor, but I do have a brief statement. I ask if he will yield to me a minute and a half or so.

Mr. WEICKER. Mr. President, I ask unanimous consent that I may yield the floor to the Senator from Wisconsin to make a statement.

The PRESIDING OFFICER. The Chair asks the Senator to reconsider his request. He asks unanimous consent to yield the floor.

Mr. WEICKER. Mr. President, I ask unanimous consent to yield to the Senator from Wisconsin for the purpose of making a statement.

Mr. PROXMIRE. Mr. President, may I ask unanimous consent that the Senator from Connecticut may yield to me with the understanding that he not lose his right to the floor.

Mr. TOWER. Mr. President, for how long?

Mr. PROXMIRE. For 2 or 3 minutes.

Mr. TOWER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, earlier I pointed out the disastrous impact on American employment of the shifting from the DC–10 to the L–1011. I think I have some dynamite here because the L–1011 as delivered has a high foreign labor content, and I pointed out that the foreign labor content of 25 percent initially for the L–1011 and including parts 40 percent, is far more than for the DC–10.

I would like to point out that a little more subtle is the fact that Rolls Royce is, because of the L–1011, being sustained as a future competitor to the U.S. engine builders. The adverse impact of this long-term future is major.

What is the Lockheed plan to add to the long-term future U.S. commercial airplane employment? Will Lockheed, as a marginal commercial competitor, increase U.S. employment in the aerospace industry, or will they again repeat the current situation?

On the 19th of June, Lockheed presented to a Japanese Government-appointed commission of representatives of Japanese aerospace industry, the Japanese Ministry of International Trade and Industry, and the Japanese Ministry of Finance, a plan to establish the Japanese as the prime program manager and prime manufacturer of a twin-engine L–1011 derivative airplane for the large short-range twin market. In addition to providing Japan with all the technical knowledge and design of the L–1011 plus Lockheed manufacturing expertise, one of the major benefits of NAMCO—the Japanese Government-sponsored aircraft program center for export programs—was the Lockheed offer to help solve the Japanese manufactured L–1011 derivatives in the United States. I shall submit excerpts from that Lockheed proposal document. Such a complete offer to help establish a foreign competition—starting work less than a year from now—and to assist him in making sales in the United States to support Japanese labor follows the Lockheed pattern with the United Kingdom, encouraging imports of the Rolls-Royce engines and supporting British labor. For Lockheed to be the champion of American jobs is callousness. Termination of the L–1011 program will not only increase jobs now, but by eliminating future adverse acts of a marginal commercial producer, will preserve and increase U.S. aerospace jobs in the future.

I ask unanimous consent to have printed in the Record at this point the Lockheed presentation for the NAMCO–Lockheed meeting on June 19, 1971.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Lockheed Delivers Additional Jobs to Foreign Competitors

LOCKHEED AND FUTURE UNITED STATES EMPLOYMENT

There has been a great deal of discussion on the impact of the potential L–1011 termination on current and near term future employment. The salient facts are:

(a) The L–1011 as delivered has a high (25% plus) foreign labor content predominantly due to the U.K. Rolls Royce engine.

(b) The competitive Boeing B–747 and McDonnell Douglas DC–10 have from 11% to less than 5% foreign content, predominantly in structural assembly.

(c) Considering the traditional high spare engine and spare parts consumption of propulsion systems—equivalent over an airplane life to more than twice the initial delivered engines—the foreign manufactured labor fraction for the life time of the L–1011 program is over 40%.

(d) Replacement of the L–1011 with DC–10's and B–747's will definitely increase United States employment after the initial transitional phase.

A bit more subtle is the fact that Rolls Royce is, because of the L–1011, being sustained as a future competitor to the U.S. engine builders. The end adverse impact of this long term future is major.

What is the Lockheed plan to add to the long term future U.S. commercial airplane employment? Will Lockheed, as a marginal commercial competitor, increase future U.S. employment in the aerospace industry—or will they again repeat the current situation?

On the 19th of June, Lockheed presented to a Japanese Government appointed commission of representatives of Japanese aerospace industry, the Japanese Ministry of International Trade and Industry and the Japanese Ministry of Finance, a plan to establish the Japanese as the prime program manager and prime manufacturer of a twin engine L–1011 derivative airplane for the large short range twin market. In addition to providing Japan with all the technical knowledge and design of the L–1011 plus Lockheed manufacturing expertise, one of the major benefits to NAMCO—the Japanese Government sponsored aircraft program center for export programs—was the Lockheed offer to help sell the Japanese manufactured L–1011 derivatives in the United States. Excerpts from that Lockheed proposal document are attached to document this offer. Such a complete offer to help establish a foreign competitor—starting work less than a year from now—and to assist him in making sales in the United States to support Japanese labor follows the Lockheed pattern with the United Kingdom encouraging imports of the Rolls Royce engines and supporting British labor. For Lockheed to be the champion of American jobs is callousness. Termination of the L–1011 program will not only increase jobs now but by eliminating future adverse acts of a marginal commercial producer will preserve and increase U.S. aerospace jobs in the future.

Lockheed Presentation for NAMCO/Lockheed Meeting June 19, 1971

(Lockheed Aircraft Corporation, Burbank, California)

PROPOSAL FOR A JOINT DEVELOPMENT MANUFACTURING AND SALES PROGRAM FOR A TWIN ENGINE COMMERCIAL TRANSPORT BY NAMCO AND LOCKHEED

Lockheed Aircraft Corporation believes that a substantial market will exist for a wide-bodied, high capacity, twin-engine airplane starting in 1975 and extending through 1985. The demand for this type aircraft will be in addition to the demand for the wide-body trijet aircraft and the B–747. The characteristics of a successful and competitive twin engine airplane to satisfy this demand have been evaluated and discussed with key U. S. airlines. These characteristics may be expressed as follows:

A capacity of 200–225 for United States operations.

A range of 1200 to 1400 nautical miles.

Seat-mile economics competitive with the wide-body trijets.

Airplane-mile economics approximately 20% better than the wide-body trijets.

Passenger comfort and convenience equal to the wide-body trijets.

External noise characteristics better than FAR 36.

NAMCO/LAC TWIN ENGINE AIRCRAFT

Costing premises

1. Program quantity—425 Aircraft.
2. Major schedule milestones: a. Go-ahead, June, 1972; b. Certification, October, 1975; c. First delivery, 3rd Quarter, 1975; d. Last delivery, 2nd Quarter, 1985.
3. Estimated costs are in 1971 U.S. dollars.
4. Costs are quoted based on the two following concepts: a *Integrated Program*—Utilizing all Basic Design, Tooling, and Production Learning from the L–1011 TriJet which would be common to the twin; b. Single Program—Design, Tool-up and Manufacture the Twin Engine Model assuming no prior TriJet Model experience.
5. Engine/Pod Costs—Lockheed estimates extrapolated from current Rolls Royce prices for the RB 211–22B.

NAMCO contribution

The overall program management would be a NAMCO responsibility with Lockheed participating as a major program partner.

The overall engineering design responsibility for the twin would be a NAMCO responsibility and the detail design responsibility for the wing, empennage, system modification, and interior details would be a NAMCO responsibility. Lockheed would expect to participate in engineering decisions as a major partner to offer strong technical support and advice regarding U.S. airlines' requirements.

NAMCO would be responsible for all wing and tail manufacture in Japan. The final assembly of the airplane would be located in Japan with backup capability at the Lockheed assembly plant at Palmdale, if manufacturing rate requirements demand it.

NAMCO would be fully responsible for sales and service support in Japan, the Pacific, and Middle East areas.

Common parts to the L–1011 would be manufactured by NAMCO for direct supply to Japanese operators of the L–1011.

MANUFACTURING PLAN

Structure

Fabrication—Fuselage, Lockheed; Wing, Japan; Empennage, Japan; Landing gear, Japan (lic.); Nacelles, Japan (lic.).

Assembly (Sub.)—Fuselage, (Lockheed and Japan); Wing, Japan; Empennage, Japan; Landing gear, Japan (lic.); Nacelles, Japan (lic.).

Final assembly—Japan (Lockheed).

PROGRAM PLAN

Benefits to NAMCO

Reduced program development cost, reduced development risk, strong technical support, sales advantage in U.S.A. and U.K., opportunity for further joint participation in related commercial products.

Mr. PROXMIRE. I thank the distinguished Senator from Connecticut for yielding to me.

Mr. WEICKER. Mr. President, I would like, if I could, to ask my colleague from Wisconsin to detail his earlier comments relative to the uniqueness of the cloture vote which apparently will be precipitated when the motion is called up tomorrow.

Is my understanding correct that this is the first time in the history of this body that this move has taken place within such a short period of time after debate has commenced?

Mr. PROXMIRE. The Senator is correct. I asked my staff to have the Library of Congress make an analysis of what cloture motions have been filed in the past. That analysis, which I hold in my hand, and which I shall discuss on Monday, shows that with the exception of a noncomparable situation never, never in the history of the Senate has a cloture motion been filed after such a short period of debate.

Mr. TOWER. Mr. President, will the Senator yield for a correction?

Mr. PROXMIRE. Unless there were previous cloture motions filed on the same issue.

Mr. TOWER. The Senator is incorrect. Actually, I would like to bring to the attention of the Senate the fact that a motion for cloture was filed on October 7, 1966, and signed by the Senator from Wisconsin, which was filed for the stated purpose of closing debate on the Morse amendment to the Higher Education Facilities Act of 1963. The bill was reported 2 days before, on October 5, and the Morse formula itself was apparently brought up on October 7, the same day that the cloture motion was filed, which was signed by the Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator, but I will rely upon the findings of the Library of Congress, which I hold in my hand and which I shall be glad to put into the RECORD later.

Mr. TOWER. In other words, the Journal of the Senate is incorrect. I hand the Senator a copy of the Journal of the Senate.

Mr. PROXMIRE. I shall be delighted to read it. May I say to the Senator that this is the first time it has been called to my attention. I shall be happy to look it over. Later on I will discuss this matter. I thank the Senator.

Mr. WEICKER. Mr. President, I feel partly assuaged by the fact that this is the second time in the history of this body that cloture will be attempted to be invoked at such a rapid pace.

I have had occasion again, I say to my colleague from Wisconsin, to read a UPI release which just came over the wires, which indicated as follows:

> The Lockheed Corporation friends in the Senate moved today to force Senator William Proxmire into silence, and accused him of trying to singlehandedly bring about the collapse of the giant air and aerospace firm.

Mr. President, I want to make it very clear, number one, that I do not believe my colleague from Wisconsin has as his objective the bringing about of the collapse of Lockheed; and, number two, the endeavors taking place on the Senate floor today are in no wise singlehanded.

There are some very basic principles involved here, and what we are trying to do is make sure that this country, this Nation, this Government operates on the basis of those principles, and that we do not alter the whole structure of Government for the Lockheed Corp. That is what is involved.

We have already seen exception after exception for this corporation. For example, as has already been indicated, the rapidity of filing the cloture motion, accomplished either for the first or second time in history, tailored for the Lockheed Corp.

This generic bill, in effect, is tailored for the Lockheed Corp. For instance, the bill indicates that certain procedures will be followed relative to the Congress of the United States having a veto over any loan guarantee made by the special board to be set up by this legislation, but this will not take effect until October 1 of this year, thus excluding the Lockheed Corp. from the provisions of the bill. That is another exception for Lockheed.

I cannot think of anything worse, as I said yesterday, than to have this country—and certainly not the Senate of the United States—do business like Lockheed; and I think that is exactly what we are being forced into doing. According to the same press release by the UPI, a statement was made by one of our colleagues that the debate shows that big business is firmly in the saddle. Again I must take issue with that comment. Let us make it very clear. Maybe Lockheed's officials think they are in the saddle, but not big business. Big business has already indicated in the meeting at Hot Springs, Va., as stated by the Senator from Ohio, its opposition to this proposition. Certainly the many viable corporations throughout this country in the same business as Lockheed have not come to the Government for this type of assistance.

So I think it is not a question of business being firmly in the saddle; it is a question that this individual corporation is trying to get some special concessions from the Government of the United States.

Lastly, in this release, the statement is made that time is vital in the fight, because Lockheed says it must have a $250 million guaranteed loan by August 6 to remain in business.

Mr. President, I, and I think many of my colleagues, are getting a little bit tired of having deadlines thrown in our faces by both business and labor—both business and labor—in the matter of legislation to correct their excesses. Several times in such legislation within the last several years, it has been a matter of record that both the House of Representatives and the Senate participated, at the last moment, in collective bargaining in order to avert certain strikes. I voted for some of that legislation, but I think it was wrong, just as in this particular case I think it is an excess on the part of the Lockheed Corp. when it drives or attempts to drive the Senate to the wall.

What makes it all the more galling is that the deadline really was not set by one of our own corporations; the deadline was set by the British Government, and I find that intolerable.

QUORUM CALL

Mr. WEICKER. Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRANSTON). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. CRANSTON. Mr. President, I object for one moment on behalf of the minority leader.

The PRESIDING OFFICER. Objection is heard. The clerk will resume the call of the roll.

The rollcall was resumed.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, will the Senator yield for a question?

Mr. WEICKER. The Senator from California requests the Senator from Connecticut to yield for what purpose?

Mr. CRANSTON. For a question in regard to the remarks the Senator has made.

Mr. WEICKER. I yield.

Mr. CRANSTON. The Senator stated that he was concerned about the fact that the deadline in early August was imposed by a foreign company. I ask if the foreign company to which the Senator referred was TWA.

Mr. WEICKER. No. The Senator from California misunderstood my comments. I said the deadline that was imposed came from two sources—one, from the Lockheed Corp., as evidenced by the UPI news release, and two, from the British Government.

Mr. CRANSTON. A domestic company of some size is very concerned about the time that has been running in consideration of this measure. I should like to read briefly from the committee hearing record the testimony of Mr. Tillinghast, the president of TWA.

Mr. WEICKER. Mr. President, I should like to comment to the Senator from California that I gather that this response is still in the nature of a question.

Mr. CRANSTON. Yes.

Is the Senator aware that Mr. Tillinghast said in the hearing, responding to a question by Senator PROXMIRE:

> Senator, it is simply this, we have a vast amount of money tied up in this program. If the program aborts it will do us vast injury. With every month that goes by that injury gets greater. And I simply cannot subject our stockholders to indefinite delay and indefinite risk, and in the balance of considerations I would just have to say if we are talking about October or November I think we are not part of the program.

Senator PROXMIRE then asked whether he had a specific date in mind, and Mr. Tillinghast replied:

> We have been thinking in terms of August 8. If it seems to be making satisfactory progress we feel in the balance of risk we would be prepared to stay until August 8.

The Senator will note that he did not say it had to be all the way through then. He referred to satisfactory progress. This is the head of a large American company with a large investment of American dollars in the L–1011 program. I want to make sure that the Senator is aware of that interest on the part of an American company.

Mr. WEICKER. So that, in effect, this particular American corporation is in the same "airplane" as the Lockheed Corporation, for, in fact, they do have a commitment to this particular program.

Mr. CRANSTON. That is correct.

Mr. WEICKER. So their position would be the same as to deadlines; and I imagine, also, that we would put in that category Eastern Airlines.

Mr. CRANSTON. I think that no other airline is quite as committed and quite so troubled by the passage of time as is TWA. I believe that many small contractors are very worried about what is going to happen to them if Lockheed collapses while they are waiting to see what we do.

Mr. WEICKER. I think the time for those deliberations came when the decision was made to go along with this particular project. In the case of the airlines, it was the tempting fact of the British Government guaranteeing 90 percent of the financing at interest rates 2 percentage points below the prevailing rate in the United States. They made that decision, I would expect—speaking for myself, as an individual—on the basis that in any such arrangement, if it works out, you have gone over the hill. But if it does not, then you have to come to Congress. That is why we are here today.

What I have argued against is that I see no reason for the taxpayers of the United States to make good a calculated gamble that went wrong by Lockheed, TWA, and the other parties to this misadventure.

Mr. CRANSTON. If I may add a point about Eastern Airlines—

Mr. WEICKER. I yield to the Senator from California for the purpose of a question.

Mr. CRANSTON. The Senator asked about Eastern Airlines, and I want to respond by saying that Eastern Airlines is concerned about the time passing; but they are not so agitated about an August 7 or 8 deadline. They are in a position different from that of TWA and therefore could wait a longer time.

Mr. WEICKER. Mr. President, I read from the bottom of page 791 of the record of the hearing before the Committee on Banking, Housing and Urban Affairs:

> ASSURANCE THAT THE TRISTAR PROGRAMME WILL BE COMPLETED
>
> The assistance of the U.S. Government takes the form of the guarantees for which the U.S. Administration is seeking Congressional authority, the amount of $250 million being that which the U.S. Administration expect will be sufficient to assure the continuity of the TriStar project. The British Government understand that before providing such guarantees to Lockheed the U.S. Administration will have taken steps to satisfy themselves that the other requirements for the completion of the project (notably the confirmation of current airline orders) are met.

This is the interesting portion:

> If the guarantees mentioned above cannot be given by 8 August 1971, the agreement between Lockheed and Rolls Royce for supply of the RB 211, and the British Government's offer of support will not become effective.

That, as I read it, or had I been a member of the committee and heard it, is an ultimatum from the British Government to "the U.S. administration."

Mr. President, much of the debate in which we are engaged hinges on the critical question of whether it is advisable for the United States to commence support programs for floundering companies. Intertwined with this question is the issue of whether the Lockheed Corp. has exhibited that managerial efficiency and quality deserving of public support. Considering the fact that the Emergency Loan Guarantee Act was designed principally as a relief to Lockheed, we can get some indication of the quality of the competence necessary to merit this kind of financial assistance in the future.

Inasmuch as I have had the privilege of hearing the distinguished Senator from Texas (Mr. TOWER) comment upon some of the remarks made by Assistant Secretary of Defense Packard in his testimony before the Senate committee, I should like to bring to his attention the testimony of Mr. Packard before the House Committee on Banking and Currency regarding Government dealings with Lockheed for the SRAM, the Cheyenne helicopter, and the C–5A project. So I will read his testimony. This is the legacy of the Lockheed Corp., upon which we and the taxpayers of this country are asked to plunk down—rather, excuse me—guarantee $250 million.

Regarding the testimony by Mr. Packard on SRAM, he says:

> With regard to the SRAM program, Boeing as prime contractor for the SRAM submitted to the Air Force a claim for $54 million. This claim was presented on behalf of the Lockheed Propulsion Company, subcontractor to Boeing for development of the SRAM missile motor. The legal basis of the claim was the economic impossibility of developing the missile motor within the subcontract ceiling price as originally bid. Of the $54 million claimed, $50 million was earmarked to Lockheed. At the request of the Air Force, three independent solid rocket experts reviewed the SRAM development in light of the Boeing-Lockheed claim. These experts concluded that problems encountered with the rocket nozzle and the rocket propellant required development effort outside the state-of-the-art.

Does that not have a familiar ring? It seemed to me that there were claims made in the initial development of the Tri-Star project, specifically the composite material of the fan blades for the engine, that were beyond the state of the art, too. This was known to our engine manufacturers in the United States, but it was cheaper, and as long as the British said they could do it, it was accepted by the Lockheed Corp. But now the project is back to the original titanium plan and no advantage has been found from it.

To get back to Mr. Packard's testimony:

> Subsequently, through normal negotiating procedures, the Air Force reached a settlement with Boeing under which $20 million was paid against the $54 million claim, with the provision that the full $20 million be applied to increasing the ceiling price of Lockheed's subcontract. Lockheed received its $20 million settlement payment from Boeing at the end of October 1970.
>
> I would like now to turn to the Cheyenne and the C–5A, and describe in greater detail our resolution of those disputes.

That hits rather close to home, as I shall develop after reading this testimony.

Back to Mr. Packard's testimony:

> CHEYENNE
>
> The Cheyenne development contract, a fixed price incentive type contract with a ceiling of approximately $89 million, was awarded to Lockheed by the Army in March of 1966. The contract, to be performed by

> the Lockheed California Company, called for the design, development and fabrication of 10 aerial vehicles and one static test vehicle, along with testing and related technical support, software, and program management.

That was back in 1966.

Continuing Mr. Packard's testimony:

> This development contract also contained a series of options which the Army could exercise for different production quantities. In January of 1968, the Army exercised its option for the lowest production quantity, 375 helicopters. Work towards production began, although the production contract was never completely definitized. In May of 1969 with the first production aircraft scheduled for delivery in September, the Army, after carefully studying the unresolved technical problems . . .

Does that not have a strange ring, improving technical problems?

Continuing Mr. Packard's testimony:

> . . . and Lockheed's overall production effort, terminated the production contract for default because of Lockheed's failure to make adequate progress. Lockheed claimed that the termination should have been one for convenience of the Government, and, on May 22, 1969, appealed the default termination to the Armed Services Board of Contract Appeals.
>
> The legal and factual issues presented in the litigation of the production termination order were sufficiently complex to make it impossible to predict with any certainty what would have been the final outcome. The Armed Services Board of Contract Appeals' decision would undoubtedly have been appealed and a final resolution by the courts of all the matters at issue would not have been reached for a number of years.
>
> At the time of the default termination of the production contract, the Army made it clear to Lockheed that there were sufficient grounds to terminate the development contract for failure to make progress. Because of the importance of the development program and the requirement for an advanced attack helicopter, the Army elected to continue with the development.

Mr. President, you understand why they decided to continue, not because of the good product but because it might be too expensive, too complicated to unravel the mess at that point in time. I shall return to that.

To continue Mr. Packard's testimony:

> To accomplish this objective, Lockheed and the Army entered into negotiations to seek a way to resolve outstanding technical problems and restructure the development program to include greater Army management of the development effort.

The Army had made sure that it would supervise the effort rather closely from here on in.

Back to Mr. Packard's testimony:

> Although a modified development program was agreed to in principle, the development contract was not restructured or amended. Both parties were inhibited from making contractual changes which could prejudice their litigation of the terminated production contract. Although the contract was not formally restructured, Lockheed continued development effort along modified lines, mostly out of its own funds.
>
> The ceiling price of the original development contract was approximately $89 million. Lockheed's expenditures for Cheyenne development greatly exceeded this ceiling price. By the end of 1969, Lockheed had incurred costs amounting to approximately $167 million and since that time, $2 to $3 million in corporate funds have been expended each month for the development effort.
>
> We decided that the development contract should be converted from its fixed price incentive to a cost reimbursement form. Our proposal, with which Lockheed has agreed, is to reimburse allowable costs incurred on the program since December 29, 1969.

I might add, as we read of this incredible mismanagement, I cannot help thinking of the rather old phrase, "Would you like to have this fellow sell you a used car?" Never mind investing $250 million.

Returning to Mr. Packard's testimony:

> Any overceiling costs incurred prior to that date would not be recovered by Lockheed and as a consequence the company would incur a loss of approximately $72 million on the Cheyenne development contract.
>
> We also proposed that the litigation over the defaulted production contract be settled out-of-court. Lockheed has incurred costs on the production contract of approximately $99 million, against which they had received reimbursement of some $54 million in progress payments prior to default. The company estimated that an additional $38 million for settlement of remaining claims of suppliers and subcontractors would be needed. The proposed agreement which the Army has reached would permit the company to retain $54 million in progress payments received prior to termination of the production contract. In addition, the Army would reserve $36 million upon which Lockheed could draw as it reached settlement agreements with subcontractors and suppliers on their claims under the production contract. Audit procedures have been established to assure that this $36 million will be channeled to subcontractors and suppliers and that it will not be diverted into Lockheed's commercial programs.
>
> Finally, as a part of the settlement, Lockheed will withdraw its litigation and there will be a mutual waiver of all outstanding claims which either the Army or Lockheed may have arising out of the contract.

Mr. President, there is another part to the story, and it demonstrates the danger of this Government getting entangled and thrown into the embrace of a corporation such as Lockheed.

First, this is 1971, and there is nothing flying up there under the heading of Cheyenne.

Second, what is not so well known is that when this project went out to bids, several companies in the United States made their proposals. They are companies which had had experience in the helicopter field, and that was not exactly the Lockheed Corp.'s forte. Their bids were thrown aside and off went Lockheed into the unknown.

What is also not so well known is that the United Aircraft Corp., the Sikorsky Division, decided with its own money—not the taxpayers' money, but its own money—to pursue this project. They developed a helicopter called the Black Hawk. Yet to this day, even though the Black Hawk flies, and flies well, the Army will not have a flyoff between the Black Hawk and the Cheyenne. And we keep paying for the Cheyenne. When I say we, I mean the taxpayers of this country.

So given the alternative as between competent companies, they chose the one with the least experience—Lockheed.

Given the alternative of a product produced with private funds as compared to public funds, we are going along with one produced with our taxpayers' money at an increased cost.

Mr. President, we get back to the original point, which is that there is nothing flying under the name of Cheyenne or that has the specifications called for in the original Cheyenne contract.

I point out that this is the company upon which we are placing $250 million as a display of our confidence in its managerial productability, and we have not even gotten into the question of the C–5A yet. I think it is strange indeed, it tragic, that the Senate and the committees and the departments of this Government have spent the time that has been spent and will be spent on what clearly is not deserving of the time, and certainly not $250 million.

AMENDMENT NO. 319

Mr. STEVENS. Mr. President, I send to the desk an amendment which would extend the provisions of the pending bill to small business enterprises that are recognized as small business concerns under section 632 of the Small Business Act.

It is my feeling that as the Senate considers the pending bill, which, according to the report, would offer emergency loan guarantees to major business enterprises for the benefit of the economy of a region, we should similarly consider extending the guarantee concept to small business enterprises whose solvency and continued operation would seriously affect a city, a portion of a State, or a region of a State. It is my feeling that considering the present financial circumstances the country is in, there are many small business enterprises in positions quite similar to those we have heard discussed on the floor of the Senate.

Being one who really, speaking frankly, has not made up his mind which way to go on the pending bill, I have studied the bill and have attempted to present a title II to the bill which would deal with the small business problem and offer similar assistance to small businesses. I think that if the pending bill is needed for major business enterprises, a similar title is necessary for small business enterprises.

I would call specific attention to the fact that if the amendment shall be agreed to, 10 percent of the funds which would be guaranteed by the bill would be earmarked for small business, and there would be a limitation of $500,000 on any guarantee that a small business enterprise would receive, as determined by the administrator of the Small Business Administration.

Many companies are in this position. Many of us are from States which have no major enterprises, enterprises which this bill would not assist in any way.

I would urge those who are managing the bill to take a long look at this approach, because I think that if there is fairness in securing a guarantee for major business enterprises—and I am not commenting one way or the other on that—then, certainly, there is similar fairness in terms of considering the problems of small businesses. It is my understanding that those postcrisis guarantees are not available to small businesses any more than they are to major businesses today; that the Small Business Administration makes guarantees to companies in advance of crises, but once they have reached a crisis, once they have reached the position in which they have no credit available and where the last straw is needed to save their enterprise, the Small Business Administration is not involved.

I am indebted to the Senator for yielding to me on his time and to the manager of the bill for his consent.

I ask unanimous consent that this amendment to S. 2308 be printed in the RECORD in full at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 319

The end thereof, add the following new title:

TITLE II

SHORT TITLE

SECTION 1. This Title may be cited as the "Emergency Loan Guarantee Act for Small Business Enterprises."

SEC. 2. The Administrator of the Small Business Administration is hereby authorized to consider and act upon an application for guarantee of a loan to any business enterprise which qualifies as a small business concern under Section 632 of the Small Business Act, as amended (15 U.S.C. 631), and regulations promulgated thereunder.

AUTHORITY

SEC. 3. The Administrator, on such terms and conditions as he deems appropriate, may guarantee, or make commitments to guarantee lenders against loss of principal or interest on loans that meet the requirements of this Title.

LIMITATIONS AND CONDITIONS

SEC. 4. (a) A guarantee of a loan may be made under this Title only if—

(1) the Administrator finds that (A) the loan is needed to enable the borrower to continue to furnish goods or services and failure to meet this need would adversely affect the economy of a particular city, locale, or other political subdivision, (B) credit is not otherwise available to the borrower under reasonable terms or conditions, and (C) the prospective earning power of the borrower, together with the character and value of the security pledged, furnish reasonable assurance that it will be able to repay the loan within the time fixed and afford reasonable protection to the United States; and

(2) the lender certifies that it would not make the loan without such guarantee.

(b) Loans guaranteed under this Title shall be payable in not more than five years, but may be renewable for not more than an additional three years.

(c) Loans guaranteed under this Title shall bear interest (exclusive of guarantee fees and service charges, if any) at rates not to exceed a rate determined by the Administrator to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risk assumed.

SECURITY AND LOAN GUARANTEES

SEC. 5. In negotiating a loan guarantee under this Title, the Administrator shall make every effort to arrange that the payment of the principal of and interest on any loan guaranteed will be secured by sufficient property of the business enterprise to collateralize fully the amount of the loan guarantee.

REQUIREMENTS APPLICABLE TO LOAN GUARANTEES

SEC. 6. (a) A guarantee agreement made under this Title with respect to an enterprise shall require that while there is any principal or interest remaining unpaid on a guaranteed loan to that enterprise the enterprise may not—

(1) declare a dividend on its common stock; or

(2) make any payment on its other indebtedness to a lender whose loan has been guaranteed under this Title.

The Administrator may waive either or both of the requirements set forth in this subsection, as specified in the guarantee agreement covering a loan to any particular enterprise, if he determines that such waiver is not inconsistent with the reasonable protection of the interests of the United States under the guarantee.

(b) If the Administrator determines that the inability of an enterprise to obtain credit without a guarantee under this Title is the result of a failure on the part of management to exercise reasonable business prudence in the conduct of the affairs of the enterprise, the Administrator shall require before guaranteeing any loan to the enterprise that the enterprise make such management changes as the Administrator deems necessary to give the enterprise a sound managerial base.

(c) A guarantee of a loan to any enterprise shall not be made under this Title unless—

(1) the Administrator has received an audited financial statement of the enterprise; and

(2) the enterprise permits the Administrator to have the same access to its books and other documents as the Administrator would have under section 7 in the event the loan is guaranteed.

(d) No payment shall be made or become due under a guarantee entered into under this Title unless the lender has exhausted any remedies which it may have under the guaranteed agreement.

(e) (1) Prior to making any guarantee under this Title, the Administrator shall satisfy itself that the underlying loan agreement on which the guarantee is sought contains all the affirmative and negative covenants and other protective provisions which are usual and customary in loan agreements of a similar kind, including previous loan agreements between the lender and the borrower, and that it cannot be amended, or any provisions waived, without the Administrator's prior consent.

(2) On each occasion when the borrower seeks an advance under the loan agreement, the guarantee authorized by this Title shall be in force as to the funds advanced only if—

(A) the lender gives the Administrator at least ten days' notice in writing of its intent to provide the borrower with funds pursuant to the loan agreement;

(B) the lender certifies to the Administrator before an advance is made that, as of the date of the notice provided for in subparagraph (A), the borrower is not in default under the loan agreement: *Provided*, That if a default has occurred the lender shall report the facts and circumstances relating thereto to the Administrator and the Administrator may expressly and in writing waive such default in any case where he determines that such waiver is not inconsistent with the reasonable protection of the interests of the United States under the guarantee; and

(C) the borrower provides the Administrator with a plan setting forth the expenditures for which the advance will be used and the period during which the expenditures will be made, and, upon the expiration of such period, reports to the Administrator any instances in which amounts advanced have not been expended in accordance with the plan.

(f) (1) A guarantee agreement made under this Title shall contain a requirement that as between the Administrator and the lender, the Administrator shall have a priority with respect to, and to the extent of, the lender's interest in any collateral securing the loan and any earlier outstanding loans. The Administrator shall take all steps necessary to assure such priority against any other persons.

(2) As used in paragraph (1) of this subsection, the term "collateral" includes all assets pledged under loan agreements and, if appropriate in the opinion of the Administrator, all sums of the borrower on deposit with the lender and subject to offset under section 68 of the Bankruptcy Act.

INSPECTION OF DOCUMENTS: AUTHORITY TO DISAPPROVE CERTAIN TRANSACTIONS

SEC. 7. The Administrator is authorized to inspect and copy all accounts, books, records, memoranda, correspondence, and other documents of any enterprise which has received financial assistance under this Title concerning any matter which may bear upon (1) the ability of such enterprise to repay the loan within the time fixed therefor; (2) the interests of the United States in the property of such enterprise; and (3) the assurance that there is reasonable protection to the United States. The Administrator is authorized to disapprove any transaction of such enterprise involving the disposition of its assets which may affect the repayment of a loan that has been guaranteed pursuant to the provisions of this Title.

MAXIMUM OBLIGATION

SEC. 8. The maximum obligation of the Administrator under all outstanding loans guaranteed by it shall not exceed at any time $200,000,000 of the $2,000,000,000 authorized in Title I of this Act, but in no event shall the Administrator guarantee loans to any one borrower in an amount greater than $500,000.

EMERGENCY LOAN GUARANTEE FUND

SEC. 9. (a) $200,000,000 of the Emergency Loan Guarantee Fund established in Section 9(a) of Title I shall be administered by the Administrator. The funds shall be used for the payment of the expenses of the Administrator and for the purpose of fulfilling the Administrator's obligations under this Title. That portion of the $200,000,000 authorized for use by the Administrator which is not needed for current operations may be invested in direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof.

(b) The Administrator shall prescribe and collect a guarantee fee in connection with each loan guaranteed by it under this Title. Sums realized from such fees shall be deposited to the Administrator's credit in the Emergency Loan Guarantee Fund.

(c) Payments required to be made as a consequence of any guarantee by the Administrator shall be made from the $200,000,000 authorized to the Administrator from the Emergency Loan Guarantee Fund. In the event that moneys in the fund are insufficient to make such payments, in order to discharge his responsibilities, the Administrator is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Administrator with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations.

PROTECTION OF GOVERNMENT'S INTEREST

SEC. 10. (a) The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States or any officer or agency thereof as a result of the issuance of guarantees under this Title. Any sums recovered pursuant to this section shall be paid into the Administrator's portion of the Emergency Loan Guarantee Fund.

(b) The Administrator shall be entitled to recover from the borrower, or any other person liable therefor, the amount of any payments made pursuant to any guarantee agreement entered into under this Title, and upon making any such payment, the Administrator shall be subrogated to all the rights of the recipient thereof.

REPORTS

SEC. 11. The Administrator shall submit to the Congress annually a full report of its operations under this Title. In addition, the Administrator shall submit to the Congress a special report not later than June 30, 1973, which shall include a full report of the Administrator's operations under this Title together with its recommendations with respect to the need to continue the guarantee program beyond the termination date specified in section 12. If the Administrator recommends that the program should be continued beyond such termination date, he shall state his recommendations with respect to the appropriate board, agency, or corporation which should administer the program.

TERMINATION

SEC. 12. The authority of the Administrator to enter into any guarantee or to make any commitment to guarantee under this Title terminates on December 31, 1973. Such termination does not affect the carrying out of any contract, guarantee, commitment, or other obligation entered into pursuant to this Title prior to that date, or the taking of any action necessary to preserve or protect the interests of the United States in any amounts advanced or paid out in carrying on operations under this Title.

Mr. TOWER. Mr. President, will the Senator yield, so that I may make a brief response, without losing his right to the floor?

Mr. WEICKER. I yield.

Mr. TOWER. The Senator from Alaska, I understand, is submitting his amendment to be printed and is not calling it up at this time. Is that correct?

Mr. STEVENS. That is correct. I have no intention to call up this amendment until after the vote that I understand will take place following the procedural aspects which will occur under the cloture motion.

Mr. TOWER. I thank the Senator. I appreciate the sense of what he is doing here. I think the manager of the bill would want to have an opportunity to look at it. It is conceivable that it could fit into this bill. Some difficulties might be involved with respect to the collateralization and the criteria established for the various businesses, which might require further amendment of the Senator's amendment. If he would give us an opportunity to look at it over the weekend, I would be grateful.

Mr. STEVENS. I have already indicated that I have no intention to call up this amendment until after the vote on the cloture motion.

Mr. TOWER. I thank the Senator.

I thank the Senator from Connecticut for yielding.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

AMENDMENT NO. 320

Mr. BYRD of Virginia. Mr. President, in a few moments I will send an amendment to the desk and ask that it be printed. It is an amendment on page 2, line 11, to strike the word "majority" and insert the word "unanimous."

It is a very small board that the pending legislation would establish, only three members. It seems to me that when we are dealing with vast sums of tax funds, more than a few individuals should reach the conclusion that it is essential that tax funds be used to guarantee these loans.

I do not plan to call up the amendment which I propose at this time. I will merely send it to the desk and ask to have it printed. It would change one word, from "majority" to "unanimous" decision of the three-man board.

I send the amendment to the desk and ask that it be printed.

The PRESIDING OFFICER (Mr. TUNNEY). The amendment will be received and printed, and will lie on the table.

THE DEPENDENCE OF THE UNITED STATES UPON THE SOVIET UNION FOR CHROME ORE

Mr. BYRD of Virginia. Mr. President, on March 29 I introduced S. 1404, a bill designed to end the dependence of the United States upon the Soviet Union for chrome ore—a material vital to the defense of this country.

Mr. BYRD of Virginia. The United States today faces an imminent and serious shortage of chrome. This material is essential in the manufacture of such critical defense items as jet aircraft, missiles, and nuclear submarines.

My legislation is simple in structure. It would amend the United Nations Participation Act of 1945 to provide that the President could not prohibit imports of a strategic material from the free world country as long as the importation of the same material is permitted from a Communist-dominated country.

Actually this legislation would apply to only one commodity, chrome ore, and to one nation, Rhodesia.

Late in 1966 the United Nations Security Council imposed selective sanctions on Rhodesia. The embargo later was made complete.

After the action by the Security Council, President Johnson ordered an embargo on trade between the United States and Rhodesia. This was done by unilateral executive action, without consulting the Congress.

Prior to the sanctions, Rhodesia was the largest single source of metallurgical chrome ore imported into the United States.

There is no domestic production of this commodity, so our country now has become dependent on the next largest supplier, the Soviet Union, for about 60 percent of its chrome ore.

Since becoming the prime source of chrome ore for the United States, the Soviet Union has increased the price per ton of this ore from $25 to $72. This is an increase of about 188 percent.

The increase in price is a disadvantage to the United States, but what concerns me most—and what prompted me to introduce S. 1404—is that the United States has placed itself in a position of dependence upon Russia for a strategic commodity. To me, this is illogical and dangerous.

I think it is important to review briefly the background of the present policy of the United Nations and the United States toward Rhodesia.

In my view, the imposition of sanctions on Rhodesia by the United Nations Security Council was not justified. The principal reasons given for the sanctions policy were three in number: First, Rhodesia unilaterally declared her independence from Great Britain; second, the Rhodesian Government failed to provide for "an orderly transition to majority rule"; and third, Rhodesia represents "a threat to international peace and security."

As to the first point, the declaration of independence, that is rightly a matter to be settled between Great Britain and Rhodesia. It is not properly the business of the United Nations or of the United States.

The second charge is positively ludicrous. If the United Nations Security Council were to impose economic sanctions on every country ruled by a minority, it would have to begin with one of the most prominent members of the Council itself—the Soviet Union, where 240 million people are ruled by a tiny handful of Communist Party leaders.

Recent figures show that 37 members of the United Nations do not have a form of government based on majority rule, and that adherence to the majority rule principle is questionable in 25 other member countries.

Clearly, the existence of minority rule does not justify punitive action by the United Nations against any country.

Turning to the third charge made by the United Nations Security Council; namely, that Rhodesia threatens world peace—this is obviously absurd.

Whom has Rhodesia threatened? What nation has reason to fear an assault by this small African nation?

The answer, of course, is that no one actually believes that Rhodesia threatens the peace.

The policy of the United Nations Security Council toward Rhodesia is rooted in falsehood and injustice. Yet, the United States has actively supported this policy.

I am now and have been from the outset opposed to the policy of sanctions against Rhodesia as being unjust and contrary to the interests of the United States.

However, my legislation would not require that the United States abandon all sanctions against Rhodesia—much as I wish that this be done.

The only commodity affected by S. 1404 would be chrome ore.

The reason for singling out this commodity is clear and simple: It is the one item which could and should be imported from Rhodesia that is vital to the national security of the United States.

At the present time, there is pending in the Senate Armed Services Committee legislation supported by the administration which would authorize withdrawal from the national stockpile of approximately 30 percent of this Nation's strategic reserve of chrome ore. Release of this amount—approximately 1.3 million tons—would provide a short-range solution for the problems faced by American industry because of the present chrome shortage.

However, withdrawal from the stockpile clearly leaves the long-range problem unsolved. If the present rate of consumption of chrome ore continues, the amount to be disposed of would supply our requirements for less than 2 years. Obviously, we cannot go on reducing the stockpile indefinitely without jeopardizing national security.

Furthermore, withdrawals from the stockpile do nothing toward eliminating our dependence upon the Soviet Union for a large portion of the chrome needed for industry and defense.

I do not believe that it is logical for the United States to continue to be dependent on Communist Russia for a material vital to our national defense.

We are spending billions of dollars for weaponry as a protection against possible Russian aggression.

Russia is the No. 1 reason—and indeed, almost the sole reason—for our huge defense expenditures.

I state again: The legislation addresses itself to only one material; namely, chrome.

In summary, it does one thing and one thing only: It simply provides that the President could not prohibit imports of a strategic material from a free world country if importation of the same material is permitted from a Communist-dominated country.

The Senate should have the opportunity to vote on this important legislation, and I shall do what I can to see that the Senate has this opportunity.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the distinguished Senator from Texas.

Mr. TOWER. Mr. President, I associate myself with the remarks of the distinguished Senator from Virginia. I certainly support the pending legislation before the Committee on Armed Services. I have said many of the same things that the Senator from Virginia said on earlier occasions; not nearly so well, I might say, but I have said them anyway.

Does it not occur to the Senator from Virginia that it is possible that the Soviets could themselves be buying chrome from Rhodesia and selling back to us?

Mr. BYRD of Virginia. I think it is a very possible assumption that the Soviets are doing just what the distinguished and able Senator from Texas indicated.

Mr. TOWER. As the Senator from Virginia noted, there is some indication that the intransigent attitude of the last British Government is very likely to be somewhat relaxed by the present British Government, and that there is a harbinger of a better relationship between the Government of the United Kingdom and the present de facto Government of Rhodesia, in which case the United States would look a little foolish if they continued with this sort of intransigent attitude toward it.

Mr. BYRD of Virginia. I think the Senator is correct. Incidentally, C. Y. Sulzberger, the able foreign correspondent for the New York Times, published an article a month or two ago in which he predicted that Great Britain would relinquish her sanctions against Rhodesia.

As Dean Acheson, the former Secretary of State testified recently in regard to S. 1404, the United States is going to look very foolish, indeed, if it does not find some way to extricate itself from the very difficult and unusual situation in which we find ourselves in regard to sanctions against Rhodesia.

I will put the article in the Record, Zambia is a black nationalist government and it has made a direct breach of United Nations sanctions against Rhodesia. I will read for the Record a two-paragraph report published in the New York Times on July 12, 1971, and datelined Zambia:

> Zambia, faced with a heavy drain on her foreign exchange and the problem of keeping four million landlocked people from going hungry, is to modify her policy against trading with Rhodesia and buy corn from that country.
>
> The Zambian Government announced last night that it was ordering 1.5 million bags of corn—a direct breach of United Nations sanctions against Rhodesia. Zambia has been one of the most outspoken critics of white domination of African masses in Southern Africa. . . .

Mr. BYRD of Virginia. In view of the fact that a black nationalist government, such as Zambia, has made a direct breach of United Nations sanctions against Rhodesia, it seems rather odd that the industry in our country and our country too, should continue to be penalized by our Government's attitude toward the United Nations' sanctions.

I am very grateful to the able and distinguished senior Senator from Texas for his strong support in this matter. He was one of the first Senators to bring this matter of sanctions against Rhodesia to the attention of the Senate and in his persuasive and able way he has contributed tremendously to focusing attention on what I think is a very vital problem.

ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders under the standing order, the distinguished Senator from Missouri (Mr. Symington) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the conclusion of the remarks of the Senator from Missouri (Mr. Symington) tomorrow, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, and that upon the conclusion of the transaction of routine morning business the Senate resume its consideration of S. 2308, the emergency loan guarantee bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume that it will be the last quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask the Chair, am I correct in stating that, under the order, upon conclusion of the routine morning business tomorrow the Chair will lay before the Senate Calendar Order No. 264, S. 2308, a bill to authorize emergency loan guarantees to major business enterprises?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, if no other Senator seeks recognition, I shall state the program for tomorrow, which is as follows:

The Senate will convene at 10 o'clock a.m. Immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Missouri (Mr. Symington) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of the period for the transaction of routine morning business, the Senate will resume its consideration of Calendar Order No. 264, S. 2308, a bill to authorize emergency loan guarantees to major business enterprises. There may be rollcall votes.

A cloture motion is expected to be introduced tomorrow, with a vote thereon to occur on Monday.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 33 minutes p.m.) the Senate adjourned until tomorrow, Friday, July 23, 1971, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 22, 1971:

U.S. District Courts

Edward R. Neaher, of New York, to be a U.S. district judge for the eastern district of New York.

Robert E. DeMascio, of Michigan, to be a U.S. district judge for the eastern district of Michigan.

Aldon J. Anderson, of Utah, to be a U.S. district judge for the district of Utah.

Department of Justice

William S. Sessions, of Texas, to be U.S. attorney for the western district of Texas for the term of 4 years.

Board of Parole

Maurice H. Sigler, of Nebraska, to be a member of the Board of Parole for the term expiring September 30, 1972.

William T. Woodard, Jr., of North Carolina, to be a member of the Board of Parole for the term expiring September 30, 1977.

Gerald E. Murch, of Maine, to be a member of the Board of Parole for the term expiring September 30, 1977.

Diplomatic and Foreign Service

Fred L. Hadsel, of Ohio, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

EXTENSIONS OF REMARKS

EDUCATIONAL PARTICIPATION IN COMMUNITIES AT CAL STATE, LOS ANGELES

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. ROYBAL. Mr. Speaker, I would like to share with my colleagues some facts about a remarkable program involving over 3,000 students at California State College, Los Angeles. This program is known as "Educational Participation in Communities," and is funded through college work-study moneys.

The objective of this program is to involve students in providing service to the communities surrounding Cal State. It is estimated that over 3,000 students annually put in a total of 390,000 man-hours in this effort. The program serves east, south central, and central Los Angeles and the San Gabriel Valley.

This program is one segment of a nationwide effort throughout our college campuses to reach minority and low-income communities. Over 300,000 students, representing 80 percent of the Nation's campuses, participated last year in similar programs.

This effort has included a variety of approaches from tutoring to ethnic studies programs, economic development in the minority community, legal aid, consumer boycott, lunch programs, to mention only a few.

Through such programs the student goes beyond a textbook knowledge of society and people into a direct personal testing and participation in problem solving. I consider this type of internship in community life as an excellent way to stimulate a probing analysis and action plan for this society and build community leadership.

Our college campuses cannot be disembodied from the local social and political setting; they must play a role in solving local problems. It is by working in our communities that we test our ideas of change and development, and gain a deeper knowledge—and perhaps wisdom—about ourselves and others.

For this reason I urge a strong Federal support of educational programs of this caliber. We should encourage and continue funding the work-study program and similar approaches that can directly benefit the community as well as the student.

I am inserting into the Record a fact sheet on student-community service programs and "Educational Participation in Communities" at Cal State:

EPIC

EPIC (Education Participation In Communities) is a community service organization funded by the Federal Government, the Associated Students and the Student Activities Office at Cal State Los Angeles. EPIC serves as a clearing house for college students and community people who want to service the community. We work in the communities of South Central, East and Central Los Angeles as well as in San Gabriel Valley.

EPIC places student volunteers in community service projects that fit the student's career objectives, but also allow him to acquire a more humanistic outlook on the problems of real people. The volunteer experience we offer carries many benefits that shouldn't be understated. To begin with, there is a possibility for the student to receive up to four (4) units of credit from any one of the more than 20 departments that are cooperating with us within the college. Then there is the possibility of using EPIC as a tool to determine your real vocation in life and to use EPIC as a viable way of testing and putting your academic knowledge to work in a real life situation. Also, experience as an EPIC volunteer can be used as a very positive referral when you are looking for a job, or it could easily become a stepping-stone into a rewarding and well-paying position. And finally, there is the fact that we often have work-study positions open in EPIC to people with previous volunteer experience.

CONGRESS AND THE WAR POWERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. FRASER. Mr. Speaker, the Zablocki Foreign Affairs Subcommittee on National Security Policy and Scientific Developments held hearings on June 1 and 2 on "War Powers Legislation."

The Honorable John R. Stevenson, legal adviser, Department of State, testified on June 2 as an administration witness. Shortly after he made his opening statement, I questioned Mr. Stevenson about executive authority to commit U.S. forces unilaterally to military action. One exchange brought out that Mr. Stevenson does not consider a vote by a Congressman for defense appropriations as necessarily an endorsement of war activities supported by those funds:

Mr. Fraser. Just one final question:

In your judgment, would an appropriation to support activities of our Armed Forces abroad constitute a ratification or an endorsement of the undertaking?

Mr. Stevenson. I think it is hard to generalize. I think in some cases it could; in some other cases, you have had clearly just the opposite an indication that they did not want to endorse certain types of action.

Mr. Fraser. For example, it was argued on the Floor of the House in connection with the Vietnam apppropriations that whatever one thought of the war, the troops were there, they were fighting and if you cut the funds off you endangered their lives.

Do you think that is a legitimate argument?

Mr. Stevenson. I think it is a legitimate argument. I think that if that argument is made, however, it takes away from the other argument that you put forward earlier.

Clearly if you justify the apppropriation on the basis of not affecting the safety of our troops in the field, then I am frank, to say that it doesn't indicate approval of what is being done in the same sense because clearly they are doing it because they want to protect the safety of the troops.

Mr. Fraser. In other words, when that argument is made——

Mr. Stevenson. I think it weakens any ratificatory effect of Congressional action.

Clearly, there may have been indications of disapproval of the initial policy but unwillingness to endanger our troops.

Legal challenges to the war raise the issue addressed by Mr. Stevenson. It will be useful, I believe, to include for the wider Record audience the following exchange between Mr. Stevenson and myself. It is taken from "War Powers Legislation," a publication of the House Foreign Affairs Committee, pages 68 to 72.

Mr. Fraser. Mr. Stevenson, it is difficult when looking at this question to ascertain the extent to which the President may be circumscribed by international law either as embodied in the United Nations Charter or otherwise.

For example, take the Bay of Pigs invasion. Do you think that was lawful under accepted principles of international law?

Mr. Stevenson. Mr. Fraser, I would rather not comment on a previous administration.

I am quite prepared to talk about what this administration has done but I don't think it is appropriate for me to comment on——

Mr. Fraser. Let us put the question hypothetically.

Suppose the United States engineered an invasion of a neighboring Caribbean country because the United States disliked the regime controlling the country.

Mr. Stevenson. Let me put the answer in this fashion:

Under the United Nations Charter we have restrictions on the use of force. Clearly force can be used consistent with the charter where the appropriate organs of the United Nations have authorized such action.

In addition, you have two provisions, one allowing action pursuant to the action of a regional body constituted under the charter and finally you come down to the most important provision of all which deals with the question of collective or individual self-defense.

You have to justify the use of force that is not otherwise authorized under the charter pursuant to the provisions relating to individual or collective self-defense.

So that normally the use of force should be related to one of these areas. Now there are obviously in addition to that the generally accepted rules under international law involving the protection of your own Nation and other matters of that nature.

Mr. Fraser. Are you saying that under my hypothetical case the American action would appear to be a violation of international law?

Mr. Stevenson. Again, I don't think it is useful for me to speculate on hypothetical cases.

When you use the word "invasion," clearly aggressive war, initiation of aggressive war is something that you can't do under the United Nations Charter.

The determination of what you can do in terms of self-defense is something that you have to look at in terms of a particular fact situation to determine whether in fact the response was justified, given all the particular facts.

As you probably know, under the U.N. Charter when you do rely on self-defense you have to report to the Secretary General, indicating why you think the particular response was a justifiable exercise in self-defense.

PRESIDENTIAL ACTION AND THE U.N. CHARTER

Mr. Fraser. I do not mean to involve you in old issues. However, I am concerned whether a President may, on his own initiative, without authorization from Congress, commit U.S. Forces to actions which would be considered violations of the United Nations Charter.

Let us suppose, for example, that the President's action would be considered a violation of the charter. Does he have that power?

Mr. Stevenson. Basically, we are talking about two different situations.

One is when the President of the Country acts in a particular way and the question is whether the action is consistent with international law and particularly the present highest form of that international law; namely, the U.N. Charter.

If we violate the U.N. Charter, the consequences are basically that we subject ourselves to action by the United Nations and members of the United Nations for violating the U.N. Charter.

The consequences of violating the charter basically do not relate to the question of the President's domestic constitutional authority.

Mr. Fraser. Let us put it in another way.

Treaties are regarded as the supreme law of the land. Is that the constitutional principle?

Mr. Stevenson. That is correct.

Mr. Fraser. Is the President bound by those treaties when the treaties constrain the exercise of his power?

Mr. Stevenson. Basically the section of the Constitution that you are dealing with, and I defer to my colleague from the Department of Justice on this, is the supremacy clause.

Basically this indicates that in terms of litigation and the application of law within the United States in our courts the treaties are to be treated on the same level as other legislation in determining the rights of private citizens.

Now, clearly I think that the responsible officials of this Government are also required to act in accordance with international law because if they don't the United States becomes liable internationally for that violation.

In fact, one of the functions of my own office within the State Department is to make sure that the international law consequences of actions that are taken are appreciated because clearly we do not wish to be in violation of the international laws.

INTERNATIONAL LAW VERSUS NATIONAL LAW

Mr. Fraser. I gather there are two different issues here. One occurs when the United States has a relationship with other nations or with international bodies.

My question goes to the power of the President. Does he have the authority to undertake an act which would place this Nation in violation of international law?

I think you said that the President didn't have that authority. But I am not clear exactly what constraints exist on the President's power.

Mr. Stevenson. We are talking about two different legal systems, the international legal system and our own constitutional legal system.

Mr. Fraser. But our own system recognizes the force of treaties.

Mr. Stevenson. That is correct, in terms of application in our courts and it gives effect under our supremacy clause to treaties.

Clearly the President's advisers would advise that no action be taken contrary to international law. But I think the issue you are raising is whether international law is also, as it were, incorporated in the constitutional restrictions on the President's authority.

I think my answer to that would be that I think the President's advisers would advise him to act in accordance with international law.

But there can be situations where the legal system is in conflict with international law.

CITES THE DOMINICAN REPUBLIC INVASION

Mr. Fraser. Let me make it more concrete.

Take the Dominican Republic invasion. Assume that the claim that U.S. nationals were in danger was not in fact, a legitimate claim, as it wasn't. The President nevertheless ordered forces to land. Let us assume that a Marine declined on the grounds that the President, by ordering troops into the Dominican Republic, was in violation of international law.

What then?

Mr. Stevenson. Here again, we are not talking about a matter of private right in the usual sense. I think as the case I quoted in my statement indicates in this area the attitude of the courts would be that this is basically a political question and they would not be inclined to interpose a constitutional objection to the President's action in this area.

Really substantially we are not far apart because in fact the President and the executive branch regard compliance with international law as one of our major responsibilities.

But I do not think that you can link that to the constitutional question.

Mr. Fraser. Mr. Stevenson, it is quite clear that the United States, from time to time, flagrantly and substantially disregards international law.

I am not impressed by any contrary assertion on your part. It may well be that the United States advances the cause of international law more often than we impede its advance but it is clear that we violate that law when we think we have an interest in doing so.

But let me come back to my question. You contend that the courts would rule, in the face of a satisfactory demonstration that the President's order was in volation of international law, that they could not sustain the right of a member of the Armed Forces to decline to carry out the President's order?

COURTS NOT APPROPRIATE TO ACT ON INTERNATIONAL ISSUES

Mr. Stevenson. I think the history has been that our courts would not think that they were appropriate tribunals to determine that question.

Mr. Fraser. This is not a very satisfactory state of affairs.

Mr. Stevenson. Again, I go back to the situation. You have indicated that you think we do not comply with international law as much as we should.

I can only again speak for this administration. I think during this administration there has been an attempt to act in accordance with international law. I suggest that sometimes you may have a difference as to what international law permits.

Mr. Fraser. I am trying not to focus on this administration alone.

Mr. Stevenson. I also think that when you say it is not a very satisfactory answer, I think that there are many international penalties for not complying with international law.

Certainly I think this country's record overall has been good in this area.

AUTHORITY FOR TROOPS IN VIETNAM

Mr. Fraser. Under what authority does the President currently maintain troops in Vietnam?

Mr. Stevenson. The authority under which he is presently maintaining troops in Vietnam is his authority as Commander in Chief and his special role in terms of this country's foreign policy.

I think he has indicated on numerous occasions that his interest is in liquidating the war that we were involved in when he came to power and that all of his actions have been taken with a view to terminating that involvement in a way that is consistent with the safety of our troops.

Mr. Fraser. Your view is that the President has the inherent authority to deploy troops to any country?

Mr. Stevenson. I would not say inherent. I think it is based on his power as Commander in Chief.

Mr. Fraser. Inherent in his power as Commander in Chief?

Mr. Stevenson. Yes.

Mr. Fraser. The President could order troops to Israel tomorrow in the absence of any treaty agreement or without authorization from Congress?

Mr. Stevenson. Again, I do not want to speculate on a particular case.

The President clearly does have power to deploy troops aboard. Congress has in the past participated in many respects in this.

We have had a number of treaty commitments involving the deployment of troops abroad. We have many status of forces——

POWER OF THE PRESIDENT TO COMMIT TROOPS

Mr. Fraser. Even without a treaty, you are saying that the President has unrestricted power to commit U.S. Forces anywhere in the world to active hostilities?

Mr. Stevenson. You say commitment. Again, I think you are using, I think it has been recognized that the President does have the right to deploy troops around the world when he feels this is necessary in discharging his duties as Commander in Chief.

Mr. FRASER. It is that specific statement of the President's power that causes me concern.

Mr. STEVENSON. We are talking just about stationing troops at this point.

Mr. FRASER. My question assumes that the troops would become involved in hostilities.

Mr. STEVENSON. If we are talking about committing them to hostilities, I think both Secretary Rogers' statement and my own statement have indicated that we feel that this is something that should be done jointly with the Congress, subject to the exception——

Mr. FRASER. I am not talking about what may be desirable or useful, I am talking about what you regard as the power of the President.

Mr. STEVENSON. This is something that under out constitutional system of shared powers requires joint action except in an emergency situation.

Mr. FRASER. Let us pursue that.

Is it your view that, except in an emergency the President does not have any authority to commit troops?

Mr. STEVENSON. I think we have to be very careful about the words we are using. On the one hand we talk about stationing troops.

Mr. FRASER. Let us leave stationing out.

DEFINING "SHARED POWERS"

Mr. STEVENSON. In the second situation if what you mean is the question of using troops to initiate hostilities, which basically is what you are talking about, we feel that that is something for a shared power under the Constitution except in an emergency situation.

Mr. FRASER. Let us be precise about shared power.

Are you saying that the President has no authority unless the Congress has authorized it?

Mr. STEVENSON. I think here, again, you are trying to make very precise something that the Constitution does not make that precise.

I think that there are many different ways that Congress can in fact exercise its share of this power. I think, as the Secretary himself pointed out last week, that this administration has no interest in having the President, himself, initiate that sort of action without congressional support.

It is only where you have an emergency situation that he must remain free to act without some form of appropriate congressional action.

* * * * *

Mr. FRASER. Is it not true, Mr. Stevenson, that our involvement will end only after the President secures a specific objective?

The objective being to secure the South Vietnamese nation through the buildup of the capabilities of the South Vietnamese armed forces?

Mr. STEVENSON. I think I had better let the President speak for himself. I think he has stated what our objectives are.

Mr. FRASER. My point is that this specific objective is an objective that goes far beyond the safe withdrawal of American forces.

Mr. STEVENSON. It is combined with it. I think they are always mentioned together as part of the process of orderly liquidation of the situation that he was presented with when he came to office.

I think he has always linked the two things together.

VIEW OF THE NIXON DOCTRINE

Mr. FRASER. In your view, under the Nixon doctrine, would the President have the authority to commit air and sea support to Thailand without congressional authorization in the event of a Thai internal insurgency?

Mr. STEVENSON. Both the Secretary and I have made clear that we are only talking about independent Presidential action in the event of an emergency situation.

It is our clear intention to seek congressional action. Now, I really don't think it would be in the national interest for me to speculate with respect to what we might do in any particular country because you then have to consider what the treaty and other commitments are and the nature of the emergency, whether or not it would permit the type of consultation which the administration would like to have.

So, I really would not like to comment with respect to any particular situation.

Mr. FRASER. It seems to me, Mr. Stevenson, from our point of view it is not enough that the President indicates that he would like to consult. We are trying to define the limitations on the President's authority.

The President is to be commended for any effort to consult. There is no reason to believe he would not consult. But we are dealing now with the question of Presidential authority or power under the Constitution.

In your judgment, would the President have the power to commit air and naval forces under the SEATO Treaty if he felt it would be useful to do so?

MEANING OF "CONSTITUTIONAL PROCEDURES" IN SEATO TREATY

Mr. STEVENSON. The SEATO Treaty clearly provides that our obligation to act shall be implemented in accordance with our constitutional procedures.

Mr. FRASER. What do the constitutional procedures require?

Mr. STEVENSON. In that case I go back again to the statement that Secretary Rogers and I have both indicated, we feel this is an area where there should be joint action except in an emergency situation.

Mr. FRASER. Assume there is no emergency and the Congress does not act. Then do you think the President still has the authority to act?

Mr. STEVENSON. I think that is putting in a different way just what I have said.

I think no, where it is not an emergency situation that it is a matter of joint congressional and Presidential action.

Mr. FRASER. In other words, Congress would have to affirmatively act in order to give him that authority?

Mr. STEVENSON. That is correct. As I mentioned earlier, the way in which Congress acts is something else again. There are many different ways.

Mr. FRASER. Just one final question:

In your judgment, would an appropriation to support activities of our Armed Forces abroad constitute a ratification or an endorsement of the undertaking?

Mr. STEVENSON. I think it is hard to generalize. I think in some cases it could; in some other cases, you have had clearly just the opposite, an indication that they did not want to endorse certain types of action.

Mr. FRASER. For example, it was argued on the floor of the House in connection with the Vietnam appropriations that whatever one thought of the war, the troops were there, they were fighting and if you cut the funds off you endangered their lives.

Do you think that is a legitimate argument?

Mr. STEVENSON. I think it is a legitimate argument. I think that if that argument is made, however, it takes away from the other argument that you put forward earlier.

Clearly if you justify the appropriation on the basis of not affecting the safety of our troops in the field, then I am frank to say that it doesn't indicate approval of what is being done in the same sense because clearly they are doing it because they want to protect the safety of the troops.

Mr. FRASER. In other words, when that argument is made——

Mr. STEVENSON. I think it weakens any ratificatory effect of congressional action.

Clearly, there may have been indications of disapproval of the initial policy but unwillingness to endanger our troops.

SUPPORT FOR LOCKHEED AIRCRAFT CORP.

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. DAVIS of Georgia. Mr. Speaker, I would like to bring to the attention of my colleagues a most significant show of support for the Lockheed Aircraft Corp. by a large number of my constituents and other concerned Georgians.

I am referring to a petition which a delegation from the Marietta-Atlanta area presented to the Banking and Currency Committee this morning. This petition contains 250,000 names, and represents a concerted and diligent effort on the part of many Lockheed-Georgia employees, their neighbors and friends, and concerned public officials throughout the Marietta-Atlanta area.

Mr. Speaker, I am most concerned with the future of this great company, and I consider it significant indeed that this delegation of Georgians was able to procure some quarter of a million signatures to attest to Lockheed's viability and strength and its enormous contribution to the Marietta-Atlanta area.

Mr. Speaker, I commend to the attention of this body this petition which was signed by 250,000 Georgians, as follows:

RESOLUTION

Whereas, the Lockheed Aircraft Corporation is the nation's largest defense contractor and one of the most reputable companies in the aviation industry and an outstanding corporate citizen, and

Whereas, the continued healthy development and production of aircraft by the Lockheed Aircraft Corporation is of vital concern to the economic and national security of our nation, and

Whereas, the continued production of aircraft by the Lockheed Aircraft Corporation is of great concern to the advancement and maintenance of technical skills of a large segment of the people of our nation, and

Whereas, irreparable harm to both the National security and the economic situation would result from a Lockheed shutdown, in that the thousands of scientific, technical and skilled personnel trained and now employed by Lockheed and thousands of subcontractors and suppliers would be displaced or lose jobs or be forced to work below their skill levels, and

Whereas, the Federal Government has requested Congress to authorize the guarantee of bank loans in the amount of $250 million to the Lockheed Aircraft Corporation, and

Whereas, if said bank loans are guaranteed by the U.S. Government, Lockheed will be able to obtain bank loans enabling it to continue its production, thereby assuring continued employment of its thousands of employees, and thousands of employees of its contractors and subcontractors at a time when vast government sums are being appropriated to help non-employed workers find jobs:

Now therefore, be it resolved by the undersigned Cobb Countians and other concerned Citizens:

That the Congress of the United States is urged by this resolution and individual correspondence to approve the administration's request that bank loan guarantees be made to Lockheed Aircraft Corporation.

RACE AND WELFARE: AN ECONOMIC ASSESSMENT

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. BRADEMAS. Mr. Speaker, last month the House passed the landmark welfare reform bill, H.R. 1. This bill, which would relieve the States of the burden of rising welfare costs and provide a family of four with a minimum annual income of $2,400 a year is now before the Senate, where I am hopeful that it will be acted upon favorably.

In this regard, I think the commencement address of Andrew F. Brimmer at San Francisco State College on June 3, 1971, is particularly important. Dr. Brimmer, a valued member of the Board of Governors of the Federal Reserve System since 1966, addresses himself to the crucial question of "Race and Welfare: An Economic Assessment."

In this speech, while expressing some reservations over the bill, Dr. Brimmer endorses its basic provisions and defines with great precision the Nation's pressing need for welfare reform.

Mr. Speaker, I include Dr. Brimmer's remarks at this point in the RECORD:

RACE AND WELFARE—AN ECONOMIC ASSESSMENT

(By Andrew F. Brimmer)

I gladly accepted the invitation to address this year's graduating class at San Francisco State College. I accepted on the assumption that you did not ask me to participate because you wanted to hear the kind of exhortations about the responsibilities of young people in society which usually characterize commencement exercises. Instead, since you know something about my background and interest, I assumed that you came expecting me to focus on an important economic issue which also has relevance for the society in which all of us must live—and hopefully help to improve.

At the same time, however, I also know that a commencement exercise is a time for congratulations on the enormous efforts which most of you have made to arrive at this juncture in your educational experience. Consequently, I congratulate you on your accomplishments, and I urge you to look forward to employing your skills—especially your capacity to look cirtically on the ills around you—to help create a more humanitarian society. Of course, in the light of the experiences which many of you have had on this campus in the last few years, I know that there is no need to point out to you the enormous deficiencies which still plague our nation. I know also that I do not have to dwell on the opportunities you will have to help overcome these short-falls. Nevertheless, I do want to encourage you to join with the rest of us in tackling the work to be done in the years ahead.

PROBLEM OF PUBLIC WELFARE

Having said that, let me go on to identify an economic issue whose resolution should have the highest national priority. This is the problem of public welfare. The simple fact is that the accelerated growth of dependency on public welfare is creating a permanent "underclass" in America. If allowed to continue unchecked, I am afraid that it may undermine further the already weakening support of efforts to bring about a greater measure of economic equality in the United States.

Moreover, the problem of welfare is increasingly acquiring racial overtones. The representation of blacks and other minorities in the welfare system is expanding at an accelerating rate—with a disproportionate share of the growth being accounted for by families headed by black females. While a number of factors help to explain this development (including the legacy of racial discrimination and segregation in this country), the central presence of the black female on the welfare stage is inescapable.

Furthermore, the increased association of the welfare program with blacks has implications that are far-reaching. It has strengthened the distorted image (held by so many whites) of the black community as a subculture of American society plagued by poverty with little capacity to support itself. While the facts belie such a view, the actual dependence of a sizable fraction of black families on welfare casts a patina of incapacity on the community as a whole. This helps to obscure (for blacks as well as for whites) the real economic progress that blacks are making in the United States. Moreover, the apparent linkage between welfare and black people contributes to hostility toward blacks—especially on the part of working (but lower income) white persons. Thus, an unfortunate by-product of the present welfare system is the aggravation of racial tension.

TRAGIC NUMBER DEPENDENT CHILDREN

But the most tragic feature of the welfare system is the large number of the nation's children in families dependent on welfare. Black children make up a disproportionately large percentage of that total. Aside from the stigma of dependence that sets them apart—from affluent black children as well as from white children—there is a great danger that the welfare system may sap the will and determination of these young people to make the necessary effort (through the acquisition of marketable skills) to become self-supporting.

In the light of these circumstances, I am personally convinced that a vigorous national commitment must be made to break the cycle of successive generations of dependence on public welfare. We must be prepared to make the investment—although it will obviously be enormous—that is necessary to underwrite the quantum jump from dependency to self-sufficiency for a significant part of our population. In my judgment, further tinkering with the existing patch-work system of public welfare will simply continue what—in fact—is nothing more than a system of charity and alms-giving that does more to perpetuate misery than it does to generate opportunity.

What is needed is a rational system of income maintenance—however it is described. It does not matter whether some would call it a negative income tax or a guaranteed minimum income. Aside from providing enough income to meet present minimum needs of dependent families, such a system must also provide incentives for those aided to contribute to their own improvement. Thus, opportunities to obtain training for useful work and the presence of meaningful jobs, once trained, must be integral features of such a system. Above all, any plan adopted must provide avenues along which the children of those families currently entrapped in a web of dependency can escape to self-sufficiency as they approach maturity.

FAMILY ASSISTANCE ENDORSED

I realize that the establishment of such an ideal system cannot be accomplished immediately. We may as well accept the fact that both budgetary and political constraints pose immense obstacles at the present time. However, it is crucial that we begin to move immediately in the right direction. For this reason, as I indicated in the spring of last year, I personally favor the adoption of the basic features of the Family Assistance Program (FAP) recommended by the Administration. While I share some of the reservations expressed by a number of observers with respect to the Program, I think there are far more reasons to praise the plan than to damn it. This is especially true from the point of view of the black community for whom the FAP would represent an early and significant step on the road toward an improved standard of living for a sizable number of families still suffering from the economic deprivations of a long history of discrimination and its corrosive consequences.

I will amplify these major points in the rest of these remarks.

THE EXPANDING WELFARE SYSTEM

In December, 1969, there were more than 10.7 million people receiving cash payments under some type of public assistance program sponsored or supported in part by the Federal Government. The largest of these plans was the one providing aid to families with dependent children (AFDC). At the end of 1969, there were 1.9 million families enrolled under this plan, and 7.3 million persons were receiving aid—of whom 5.4 million were children. Thus, AFDC (the program which the typical observer has in mind when he thinks of "public welfare") accounts for about 68.5 per cent of the total number of persons receiving cash payments. There were three other Federal programs with sizable enrollments: old-age assistance (2 million); aid to the blind (80 thousand); and aid to the permanently and totally disabled (803 thousand). There were also 422 thousand general assistance cases. These figures do not include the 19.3 million persons enrolled in the health insurance programs under Social Security (of whom 7.2 million had claims approved and received $4.2 billion in reimbursements).

Total payments under the four programs mentioned above (excluding medical and general assistance) amounted to $6.3 billion in 1969. Over half of this amount ($3.6 billion) was paid under AFDC. Old-age assistance payments amounted to $1.8 billion; the disabled received $827 million; and the blind got $94 million. If the $5.2 billion of payments under the various medical assistance plans are included, cash transfers in the form of welfare payments totaled $11.5 billion in 1969.

While funds to finance welfare payments are provided by all levels of government, just one half of the total ($6.0 billion) was contributed by the Federal Government in 1969. The States provided nearly two-fifths ($4.2 billion), and local governments put up slightly more than one-tenth ($1.3 billion). In the last few years, the proportion of total welfare payments originating with the States has been rising somewhat, while the shares of both Federal and local governments have trended downward—but only slightly.

DRASTIC RISE IN AFDC

During the last two decades, the public welfare system—whether measured by the number of recipients or total payments—has expanded much more rapidly than the country as a whole. This is particularly true of AFDC. For example, from 1950 through 1960, the number of beneficiaries under AFDC rose by 38 per cent vs. 19 per cent for the total population. Between 1960 and 1969, the number receiving AFDC payments again rose by 38 per cent, while the population expanded by only 12 per cent. The comparison with personal income tells the same story: in the 1950's, AFDC payments rose by 90 per cent vs 76 per cent for aggregate personal income. Between 1960 and 1969, personal income increased by 85 per cent, but AFDC payments jumped by 236 per cent. An even more dramatic picture of the growth of AFDC emerges when the comparison is made—not with total personal income—but with the sub-total of Government transfer payments (Social Security, unemployment benefits, welfare payments, etc., which represent income to the recipients). In both 1950 and 1960, AFDC payments were 4.2 per cent of such transfers, but by 1969, they had risen to 5.7 per cent.

Since 1969, the AFDC program has continued to expand rapidly. Under current law, total AFDC payments are estimated at $5.3 billion for fiscal year 1971 (ending this June 30) and at $6.8 billion in fiscal 1972. The Federal Government's share is still expected to be well over half the total in each year—rising from $3.0 billion in 1971 to $3.8 billion in 1972. Moreover, there is no prospect that the rate of growth of AFDC payments will slow appreciably in the near-term. Consequently, the problems of welfare reform are mainly problems arising with respect to AFDC.

RACIAL CHARACTERISTICS OF WELFARE RECIPIENTS

As I mentioned above, much of the current discussion of the welfare system has acquired racial over-tones. While one seldom hears the virulent racist jokes which were once commonplace—and public—commentaries on race relations in this country, the life and times of welfare recipients are becoming standard fare for night club comics, newspaper columnists, and even for popular folksingers. And, although the intended humor is supposed to be directed at the general mosaic of "life on welfare," in many cases the racial slurs just beneath the surface frequently show through.

On the other hand, the heavy representation of blacks in the welfare program is inescapable. This is especially true in the case of the AFDC. In October, 1970, about 49.3 per cent of the family heads covered by the program were white, and 50.7 per cent were Negroes and other nonwhites.[1] In 1969 (when the latter two groups could be distinguished separately in the statistics), black family heads constituted 45.1 per cent of the total; other nonwhites accounted for 6.9 per cent, and whites made up 48.0.[2] Over the last decade, black families as a proportion of total AFDC coverage increased appreciably while the proportion for other groups generally declined. For instance, in 1961, whites constituted 51.8 per cent of the total, Negroes 43.1 per cent, and other nonwhites made up the remaining 5 per cent.

The representation of blacks in other segments of the welfare system is far less marked than it is in AFDC. In the case of old-age assistance, in 1965 (the latest year for which a racial breakdown is available), about three-quarters of the recipients were white, one-fifth were Negroes, and about 3 per cent were other nonwhites. Among those receiving disability benefits, over three-fifths were white, less than one-third were blacks, and about 6½ per cent were other nonwhites.

So, while we must not deny the fact that a disproportionate percentage of welfare recipients are blacks, all of us should protest vigorously any attempt to exploit the racial characteristics of those receiving public assistance.

THE PLIGHT OF WOMEN AND CHILDREN

Since the principal Federally-supported welfare program (AFDC) is focused on the needs of children, the sizable number of aid recipients who are women and children from broken homes is not surprising. Likewise, one is not surprised to note on the welfare roles the large percentage of the total that consists of families headed by black females. But what I personally find distressing is the fact that dependence on public welfare seems to have become a way of life for successive generations of American citizens.

The absence of fathers in the home of the typical family receiving welfare assistance has been widely noted. In October, 1970, women headed 82 per cent of the AFDC families, and the father was absent from about three-quarters of these homes. In contrast, the mother was absent in less than 10 per cent of the cases. Yet, only one-sixth of these mothers were employed or in training, so the need for some form of outside aid was self-evident.

As indicated above, black women head a substantial proportion of the households dependent on AFDC. This situation reflects both the high incidence of poverty and the considerable number of divided families in the black community. For instance, in 1970, of the 4.9 million black families in the United States, 1.4 million, or 29 per cent were below the poverty level (defined last year by the Federal Government as $3,968 for a family of four). The corresponding figures for the nation were: total families, 51.9 million; poor families, 5.2 million, or 10 per cent. For whites: total families, 46.5 million; poor families, 3.7 million, or 8 per cent. So, while black families constituted 9.5 percent of all families, they accounted for 28 per cent of those trapped in poverty.

Among the 1.4 million poor black families, 820 thousand (57 per cent) were headed by females. In contrast, females headed 37 per cent of all poor families in the nation and only 27 per cent of poor white families. Moreover, poor families headed by black females are the poorest of the poor. For all families, the median income deficit (the amount required to raise a family's income to the poverty threshold) was 1,110 in 1970. It was $1,024 for whites and $1,316 for blacks. However, it was $1,492 for families headed by black females, compared with $1,219 for those headed by white females. While the income deficit per family member was smaller for black women's families (because the latter typically contain a larger number of children) than was the case for white women's families, these figures do provide a rough indication of the extent of the deprivation under which they live.

FREQUENCY OF DIVIDED FAMILIES

The frequency of divided families in the black community has also been widely noted. In 1970, just over one-quarter of all black families were headed by females, compared with 9 per cent for whites. While the proportion for black families has stabilized in the last few years, it has risen substantially in the last two decades—from 17 per cent in 1950, through 22 per cent in 1960, to 27 per cent last year. For white families, the ratio remained essentially unchanged throughout the period.

The situation of many of our children was equally distressing. In 1969, there were 5.4 million children in families receiving assistance under AFDC. These children represented three-quarters of the 7.3 million persons in the 1.9 million families receiving such aid. The vast majority of these children were concentrated in large families. In fact, one-third of them were in families with 6 or more children, and well over one-quarter were in families with 4 or 5 children. About 8 per cent were in one-child families, 14 per cent were in families with 2 children, and 16 per cent were in families with 3 children.

Furthermore, the children of families on welfare have represented an increasing proportion of the poor children in the last decade. In 1960, there were 9.4 million children in families below the poverty level; in the same year, 2.4 million children were receiving aid under AFDC. Thus, the latter were equivalent to 25 percent of the former. By 1970, the number of poor children had risen slightly to 9.8 million. However, the number of children in AFDC families had more than doubled—climbing to 5.4 million—and represented 55 per cent of all of the poor children in the country.

LEGACY OF DEPENDENCE

To some extent, this sharp increase reflects program changes designed to provide greater coverage of needy families. Yet, it also provides a rough index of the size of the task which must be undertaken if successive generations of children are to be rescued from continued dependence on public welfare. The reality of such a danger is clearly indicated by the duration of assistance to some of the families currently being aided by AFDC. In 1969, about 10 per cent of the families had been receiving payments for less than one year. However, when the percentage distribution of the rest of the families, by number of years since the first receipt of assistance, is taken into account, the picture which emerges is far from comforting.[3] The typical AFDC family had been receiving aid for an average of 6 years. About one-fifth had been on welfare between 6 and 10 years, and one-eighth had been on between 11–19 years. Just over 2 per cent had been aided for more than two decades.

These statistics confirm the impressions gotten from the reports of social workers and others in close contact with welfare families: the welfare system has developed to the point where several hundred thousand cases now exist where mothers and daughters (and even granddaughters) have grown to maturity depending on public assistance as a way of life. So, the legacy of dependency—and its attendent deprivations—is transmitted from one generation to another, and one of the chief causes of poverty becomes poverty itself. Consequently, in my opinion, if there were no other reasons for this country to adopt a rational system of income maintenance, the need to save the coming generations of our children from such an experience is more than sufficient to justify moving ahead without further delay.

THE FAMILY ASSISTANCE PROGRAM

For this reason, despite several drawbacks in the plan, I would support the adoption of the Administration's Family Assistance Program (FAP) as the principal means through which the Federal Government provides assistance to needy families. It will be recalled that, in broad outline, the proposed FAP would have the Federal Government pay a basic income to all families who could not provide for themselves—whether they are employed or unemployed. It would be geared to dependent families with children, and it would replace entirely the AFDC. Under the proposal, persons (except mothers with preschool children) who accept assistance would be required to register for work or training. It is estimated that in the first year of the program, over half of the families covered would have one member employed or undergoing training.

The FAP would work in the following fashion: A family's basic allowance would consist of $800 for the first two members and $400 per member for each of the next three additional members. Thus, for a family of four, the allowance would be $2,400 per year, with the family excluded from receiving food stamps.

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[1] For comparison, it should be kept in mind that blacks constitute only 11 per cent of the nation's population.

[2] In passing, we might note that the slight rise in the white proportion in 1970 was partly a reflection of the impact of the recession in the national economy in that year.

[3] The statistics were as follows: less than one year, 10 per cent; one year, 18 per cent; two years, 12 per cent; three years, 8 per cent; four years, 7 per cent; five years, 6 per cent; 6–10 years, 19 per cent; 11–19 years, 13 per cent; and 20 years and over, 2 per cent. (The duration was unknown for 6 per cent of the families.)

Cash payments to families would be computed by adjusting the basic allowance to account for the earnings of the family. The first $720 of family income would not affect the payments because it is assumed that there are basic costs of transportation, lunches, clothing, etc., associated with taking a job. Cash payments to families would then be reduced by 66 cents for each additional dollar of earnings above the $720 minimum.

A simple numerical example will illustrate the program's operation. Assume a family of four has a cash income of $2,000. The first $720 of this income would be disregarded, leaving a balance of $1,280. A family's cash payment would then be reduced by 66 per cent of this amount, or by $845. This sum ($845) would be subtracted from the family's basic allowance of $2,400, making its cash payment after earnings $1,555.

3.6 MILLION COVERED

So far only a rough idea can be provided with respect to the probable coverage of the family assistance program. The projections available were prepared by the Department of Health, Education and Welfare in February of this year. According to these estimates, in 1972, about 3.6 million families would be covered; of these, 2.2 million (three-fifths) would be white, and 1.4 million (two-fifths) would be nonwhites. These families would include close to 18 million persons—of whom 11 million would be children. Gross payments would approximate $4.1 billion, and nonwhites would receive about $1.8 billion—or 44 per cent. These annual payments would average around $1,134 for all families, about $1,027 for white families, and about $1,304 for nonwhites. However, since nonwhite families are expected to be somewhat larger (averaging 5.3 members vs 4.7 members for whites and 4.9 members for all families), payments per capita would be somewhat higher for nonwhites: $231 for all families, $219 for whites, and $246 for nonwhites. In 1969, there were 1.9 million families participating in AFDC, involving 7.3 million persons, of whom 5.4 million were children. Outlays under the Federally aided programs amounted to $3.6 billion, and the average monthly payment per family was $193 (just over $2,300 per year).

Compared with the existing AFDC, the proposed FAP would have a significantly different impact on particular groups of families. For example, in 1972, a somewhat greater proportion would be white (61 per cent vs 49 per cent), and the proportion of nonwhites in the total would decline sharply (to 39 per cent from 51 per cent). The proportion of aided families headed by men would rise dramatically (from less than one-fifth to one-half) and the relative position of families headed by females would drop from over four-fifths to just under one-half. Moreover, family heads who were full-time, all year workers would constitute almost one-third of FAP recipients, compared with less than one-tenth under the AFDC. Finally, while over four-fifths of the AFDC family heads did not work in 1970, less than one-third would be in this category in the first year of the FAP.

IMPROVEMENT IN 21 STATES

On balance, it appears that FAP would represent a considerable improvement—compared with the existing AFDC program—in about 21 States. Of these, 13 are Southern States (with a heavy concentration of blacks), and most of the remainder are Western States (with a sizable proportion of Indians and Mexican-Americans among their populations). In 1970, the average for the largest amount of annual payment under AFDC for a family of four in the 13 Southern States was approximately $1,524. However, the average payment varies greatly among these States, and in some it is much below $1,000. Thus, given an annual payment of $2,400 for a family of four, there would be an increase of roughly $876 (or 57 per cent) compared with the amounts received by the average AFDC family in that region. While the exact status of families under the old and new programs cannot be determined, there appears to be no doubt whatsoever that the new proposal would result in a real improvement.

In 30 States there would not be an opportunity to make further improvements—unless these States and local governments maintained their existing programs at substantially the same levels. Under the existing AFDC program, the average for the largest amount of annual payments for a family of four for basic needs in these States in 1970 was $3,216. Under the FAP (and assuming the 100 per cent maintenance factor at the 1970 level), the new arrangement would require the States to add roughly $816, or 34 per cent. The 30 States include primarily the heavily populated northern industrial States plus California. Most of these have a sizable concentration of low-income persons (including nonwhites) in urban areas.

ASSESSMENT OF RESERVATIONS REGARDING FAP

Having reached this conclusion, permit me to say that I also recognize that a number of reservations have been expressed about several features of the FAP. These criticisms have been especially strong in the black community. But, in my personal opinion, these limitations (while serious) need not be fatal—particularly if they are approached with perception and sensitivity.

Perhaps the most important limitation, as seen by some observers, is the requirement that a sizable proportion of aid recipients be available for work or training. If this requirement is held to those actually capable in this regard, it would be not only an acceptable feature of FAP, but also a necessary part of a viable program for income maintenance. Otherwise the program will fail to perform what should be one of its basic missions: to encourage those dependent on welfare to strive to improve their own condition.

A good deal of the criticism of the work or training requirement in the FAP seems to arise from the fear that mothers with minor children will be forced to leave their homes—and their children—to accept low-status jobs yielding incomes at or below the poverty level. In fact, as already indicated, the provision would not apply at all to mothers with preschool children. Nor would it apply to a mother or other female caretaker of a child, if the father or another adult male relative is in the same home and is registered. An exemption would also cover a woman (as well as a man) who is unable to work or be trained because of illness, incapacity or age, or who is needed at home on a continuous basis because of illness or incapacity of another family member.

MANY COULD SEEK EMPLOYMENT

Furthermore, it should be remembered that men will make up 1.8 million, or one-half, of the 3.6 million family heads to be covered by FAP. In contrast, there were only 436 thousand male family heads (or 18 per cent of the total of 2.4 million families) receiving benefits under AFDC in 1970. Thus, an additional 1.4 million male family heads would be brought under coverage of the program, while approximately 200 thousand fewer female family heads would be enrolled (an attrition that may reflect at least partially the substitution of husbands for wives among aided families). Consequently, with a much heavier representation of men, it is not unreasonable to expect them to seek employment or training—as their health and abilities permit.

Even in the case of women presently covered by AFDC, a substantial number are also employed or in training. For example (using the bench marks of the 1969 statistics as an index), of the roughly 2 million female family heads receiving benefits in October 1970, it is estimated that about one-sixth (or well over 340 thousand mothers) were holding jobs or undergoing training. Approximately another 280 thousand (or one-seventh) were incapacitated for employment. Also in 1970, about one-third of the mothers on AFDC (more than 600 thousand women) were full-time homemakers. Thus, around one-quarter (or 500 thousand) of the female family heads receiving AFDC benefits in 1970 (purely on the basis of the over-all statistics) might be considered eligible for employment or training.

On the other hand, the FAP must not be used as a device to force poor people to return—against their will—to the homes of rich people to serve long hours as cooks and maids, or as low-paid laborers on plantations and corporate farms, or as sweat-shop workers on the fringes of our industrial society. At the same time, welfare recipients (along with other disadvantaged members of society) should not conclude that jobs which match their skills and abilities (particularly after they have had a genuine opportunity to acquire training and experience) are too lowly to be performed. So, fundamentally, much of the success (or failure) of the FAP work or training provision will depend on those public officials responsible for the administration of the program: they must insist that the training involved is meaningful and that the wages, hours, and working conditions on the jobs offered are not substandard. And above all, in the long-run, the economy must be expanding at a rate sufficient to provide a sustainable measure of full employment.

Consequently, if women beneficiaries under FAP were to be distributed with respect to work-status in roughly the same proportions as they are under the AFDC, almost half of the female family heads (about 900 thousand) would be exempted from the work or training provision in any case. Perhaps another 300 thousand or so would keep the jobs they already have or continue the training in which they are already enrolled. Finally, many of the remaining one-half million female family heads would qualify under one or more of the other exemptions of FAP.

NEW JERSEY EXPERIMENT

But, on balance, the effect of the work or training requirement under FAP undoubtedly would be to encourage more welfare recipients to seek employment. However, this conclusion is not as strange (nor is the requirement as harsh) as it may appear to some observers. There is well-founded evidence (e.g., the results of the New Jersey Graduated Work Incentive Experiment) showing that poor people prefer to work—even when they receive an income supplement. The record is also full of examples of employers receiving large numbers of applications from unemployed poor persons in the labor force in response to even modest recruiting efforts. On the basis of these experiences, I am reasonably confident that the work or training provision of FAP would lead to a constructive outcome.

Another criticism of FAP is that the minimum benefit of $2,400 for a family of four is already below the poverty level. In fact, some have suggested that the minimum be raised to $5,500, while others have argued for $6,500. While one can agree that the proposed minimum is too low, we should not confuse our preferences with a clear-headed assessment of the probabilities in the near-term. Even a figure of $3,600, compared with $2,400, would extend coverage of FAP from 18 million to 69 million persons, and increase the net cost from $4.1 billion to $25 billion. Extending the minimum benefit to $5,500 would cost an extra $71 billion and cover more than half the population of the United States.[4] The cost and coverage consequences of the $6,500 figure would be so large that it would be virtually impossible to carry on a meaningful discussion of its impact.

So, in my personal judgment, these larger magnitudes are beyond the realm of probability, and even the $3,600 figure is most unlikely to be taken seriously by the Congress at the present time. To me, the reason is self-evident: the American public is simply not willing at the present time to underwrite a system of income transfers on such a scale.

CONCLUDING OBSERVATIONS

In closing these remarks, let me repeat the major theme stated at the outset: our existing system of public welfare—although it is continuing to expand rapidly—is not providing a means to increase the probability that those families dependent on it will become capable of self-support. In fact, it may perpetuate generation after generation of poverty among the people now entrapped in the system. Consequently, we need to get on with the task of designing—and implementing—a rational system of income maintenance.

For this reason, despite its weaknesses, I favor the early adoption of some version of the Family Assistance Program which the Administration recommended last year. Its establishment would mean that a sizable number of welfare recipients—and particularly the poverty-stricken families headed by females—would benefit substantially.

So, rather than get bogged down in an unpromising debate over the merits and limitations of a few specific features of the plan, we should devote our energies to the early launching of an income maintenance program with the broad features of the FAP. Once this is in place, we can always work to make further improvements. In the meantime, the adoption of the FAP would create a promising basis for checking the increased dependence on public welfare of a growing segment of our population.

EQUAL RIGHTS FOR MEN AND WOMEN SUPPORTED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. EDWARDS of California. Mr. Speaker, I have been deluged with mail from dedicated women's organizations during the last few months. It is my impression that the enactment of the equal rights for men and women constitutional amendment is of the utmost concern to many intelligent, active, and concerned women throughout the United States. I recently received a resolution from the National Association of Women Lawyers reiterating this concern, and expressing their very serious and considered view that the constitutional amendment should be enacted in its original form, without weakening amendments. I do not believe that groups of women, such as the NAWL, can or should be ignored.

The resolution follows:

RESOLUTION OF THE NATIONAL ASSOCIATION OF WOMEN LAWYERS

Whereas, the National Association of Women Lawyers has for years supported and proposed a constitutional amendment that would grant equal rights to women; and

Whereas, the Committee on the Judiciary of the House of Representatives of the United States held hearings on House Joint Resolution 208 (commonly known as the Equal Rights Amendment) in March and April 1971; and

Whereas, the evidence adduced at such hearings has demonstrated overwhelmingly the need and desirability for the enactment of the Equal Rights Amendment, reading as follows:

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." and

Whereas, the House Committee on the Judiciary in June 1971 has appended undesirable and crippling amendments to the Equal Rights Amendment;

Now, therefore, be it resolved, that the National Association of Women Lawyers in National Convention duly assembled in New York, New York, on the 3rd day of July, 1971, opposes any and all amendments to the Equal Rights Amendment, as above set forth, and reiterates and reaffirms its commitment to the adoption of the Equal Rights Amendment to the United States Constitution as originally proposed in House Joint Resolution 208; and

Be it further resolved, that copies of this Resolution be sent to the Speaker of the House of Representatives, to members of the House Committee on the Judiciary, and to the President of the United States Senate.

CAPTIVE NATIONS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mrs. GRASSO. Mr. Speaker, John Morley once wrote:

> You have not converted a man because you have silenced him.

This aphorism is equally true with regard to nations.

History is filled with accounts of physical conquest. However, the conquest of a people's spirit is quite another matter. This week, we commemorate the plight of our Eastern European brothers. They are living proof that Mr. Morley's words strike a truthful note. The subjugation these nations have been forced to suffer has few parallels. Likewise, their clever and courageous resistance to cultural domination has been unequaled.

Bricks cannot hold back tanks, clubs cannot silence machine guns, unarmed people cannot repel soldiers. However, a nation's ideals and principles, hopes and dreams are not easily thwarted by tyranny. Czechoslovakia may have lost her chance for an independent socialist course, but her people have not lost the will to resist foreign domination. The Soviet Union is no longer able to conceal the fact that the Czech people detest their presence and are as uncooperative as possible. The Communist regime in Poland has not been able to turn people from their religious convictions; and at least one nation, Rumania, has been able to attain some release from the Soviet grip.

The nations of Estonia, Latvia, and Lithuania were briefly independent following World War I. Though they are now assimilated with the U.S.S.R., many people there still struggle to retain their national identity. The people of America applaud the valiant struggle of these people to pursue an independent course.

Despite some encouraging signs of a detente with the Soviet Union, let us not forget the cross of captivity now borne by the nations of Eastern Europe.

Hopefully, the captive nations of Eastern Europe will soon be free to choose their own course among the nations of the world. Until that long awaited day occurs, it is my belief that the President should implement House Concurrent Resolution 416—89th Congress—which would bring the Baltic States' question before the United Nations and would request the Soviets to withdraw from Lithuania, Latvia, and Estonia.

CAPTIVE NATIONS WEEK

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. FISH. Mr. Speaker, 12 years ago this month the 86th Congress, during the administration of the late Dwight D. Eisenhower, designated the third week in July as Captive Nations Week. This year, from July 18 through July 24, the people of the United States and 17 other free nations will again mark that anniversary.

This observance is a reminder to all the people of the world that America and the American people are dedicated still to the ideal of freedom for all people. That this desire for freedom still burns in those nations presently held captive was dramatically shown during the past year, when the proud people of Poland last December took to the streets in protest against their low standard of living.

The disturbances led to the fall of the leader of the Polish Government, but more than that, these uprisings again brought into sharp focus the inability of communism to satisfy either the spiritual needs for freedom, which is part of each human being, as well as the failure of that form of government to provide for the material necessities necessary to make freedom a reality.

Living as we do with a guaranteed freedom, as well as in a country capable of providing the material necessities to make this freedom meaningful, we sometimes tend to forget what a priceless possession we have in this country. Yet, the revolts of Hungary and Poland in 1965, the tragic crushing of a liberalizing movement in Czechoslovakia, and finally this most recent upheaval in Poland, must remind us all how much those people held under Communist domination desire freedom. The sacrifices of those brave people who die in these uprisings illustrate to us all how valuable is the priceless possession we, too, often take for granted.

This weeklong observance of Captive Nations Week gives us all an opportunity to reaffirm, not only our efforts on behalf of all repressed people, but also the chance to ponder the danger and suffering that can occur through freedom's loss. Let us this week rededicate ourselves to the principle that all men should be free, and strengthen our spirits with that love for freedom that has marked us as a nation from our birth.

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[4] These alternative estimates were prepared by Josephine Allen for Charles L. Schultze, et al., ***Setting National Priorities: the 1972 Budget,*** Brookings Institution, Washington, D.C., 1971, Ch. 8, p. 187.

RHODESIA'S OFFICIAL ECONOMIC REPORT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. RARICK. Mr. Speaker, I fear that very shortly we will be called upon to consider House Resolution 45, in an effort to gain congressional approval for the continuation of the President's enforcement of U.N. economic sanctions against Rhodesia.

During hearings before a Foreign Affairs Subcommittee, members of the U.S. State Department, desirous of appeasing the British as well as upholding the United Nations, delivered distorted and secondhand "expert" testimony on Rhodesian matters of which they had little knowledge, experience, or expertise. Even more ridiculous, our U.S. State Department, in matters on which they lack knowledge, also lack the initiative to even ask the Rhodesian people and thus obtain the information firsthand.

So that our Members will know that the sanctions against Rhodesia have only served to unite the people of that country and make them more self-sufficient and determined as to the propriety of their cause in gaining their independence from Britain and their refusal to look backward, I include a portion of the Official Report of the Parliamentary Debates from the Rhodesian House of Assembly—the equivalent of our Congressional Record—be inserted at this point, followed by Rhodesian newspaper comments on the distorted facts being given the American people and this body by U.S. State Department "experts":

(Rhodesia Official Report—Unrevised)

Parliamentary Debates—House of Assembly

(No. 10, Vol. 79—Thursday, July 15, 1971)

(Note.—The Hon. James Wrathall, I.D., M.P., is the Minister of Finance.)

MOTION

Finance bill: budget statement

The Minister of Finance.—[Hon. Members: Hear, hear.]—I move that leave be granted to bring in a Bill to make further provision in connexion with the revenues and public funds of Rhodesia; and to make provision for ancillary and incidental matters.

I do not propose to dwell in any detail on the country's economic performance during 1970 since the salient features were outlined in the Economic Survey published in April. Instead, I intend giving greater emphasis to the picture that is emerging in 1971.

In the five and a half years since sanctions were first imposed the economy has made remarkable progress. Rhodesia as emerged from the stage of being largely reliant upon primary production with a relatively unsophisticated secondary industry into a vibrant economy which is well diversified. I believe that this development may well have been achieved at a somewhat faster pace than would have been possible under free and unfettered conditions.

Although the rate of growth of the agricultural sector has not been as rapid as that of secondary industry, the agricultural industry is no longer as vulnerable as it was before Independence. The crops which are susceptible to seasonal factors now account for less than half of total agricultural output. Diversification and greater use of irrigation have helped the industry to insulate itself against the more severe consequences of adverse climatic conditions. The record of the last two years is adequate proof of this. Following a very poor harvest in 1968, there was a complete reversal in agriculture's fortunes in 1969. The harvest was good and output and income rose to a new record. Then followed the 1970 season which promised well at the start but deteriorated later because of the poor distribution of the rains. Yet the total value of agricultural output last year declined by less than one per cent, to $230 million.

Climatic conditions this year were again disappointing, with parts of the Midlands and Matabeleland areas suffering virtual drought conditions. In spite of this, agricultural output in 1971 will not be depressed. Indeed, there are indications of substantially increased surpluses in most commodities.

In the mining field, the tonnage of minerals produced has been rising steadily. The volume of production increased by nearly 10 per cent. in 1970 and this trend has continued. Base metal prices have weakened, however, and there has been a decline of some eight per cent. in the total value of mineral production for the first five months of 1971, as compared with the same period last year. It is encouraging to note the diversification and expansion that is taking place in mining activity. As the industry becomes more broadly based it will acquire greater flexibility to withstand the wide fluctuations that occur in world market prices.

Growth of manufacturing industry is still vigorous but there are indications of a slowing down. The index of production indicated a 12.5 per cent. growth in 1970 whereas the average level of production for the first five months of this year was only some eight per cent. above that of the corresponding period of 1970. Some retardation must be expected because of the limited allocations for imports of minerals for manufacturing. I shall return to the subject of the balance of payments later.

With one exception, all sectors of manufacturing increased production fairly substantially in the first five months of the year. The exception was the beverages and tobacco sector whose level of activity is normally low in the early months of the year when the tobacco packing industry is dormant.

The level of output of both the building and civil engineering industries shows no evidence of slowing down. The volume of work done by the civil engineering industry during the first quarter of this year reflects a 55 per cent. increase over the corresponding period of 1970, mainly because of mining development and work on water storage and reticulation in urgan areas.

The value of the output of the building industry rose by 14 per cent. in the same period. The demand for buildings as reflected in building plans approved has continued at a high level, increasing during the first five months of this year by as much as 19 per cent. over the corresponding period of 1970.

Since 1968 there has been marked activity in the industry to meet the heavy demands for residential accommodation arising from the inflow of immigrants. There is no evidence of any decline in home building and the level of construction of commercial and industrial buildings, as indicated by plans approved, has increased by 50 per cent, compared with last year.

Economic growth in Rhodesia over the past few years has been characterized by a high rate of capital formation. Since 1968 this has been some 17 per cent of the gross domestic product, a percentage matched by few countries to-day. Although the analysis for 1970 is not yet complete, preliminary figures indicate that capital formation exceeded $175 million. This is some 15 per cent above the level of 1969. This high rate of capital formation is likely to be exceeded this year and the next, if only because of the expected public sector development expenditure.

In addition to capital formation, skilled manpower is essential for continued economic growth, which of itself leads to a growth of employment opportunities. Although the recent discussions between Government, employee and employer representatives on the present skilled manpower position have not led to any agreement on the extent of shortages, I wish to mention briefly the major sources of skilled manpower to which we must look to ensure a sufficient supply, namely, apprenticeship training, higher education and immigration.

The effects of the Apprenticeship Training and Skilled Manpower Development Act of 1968 are now beginning to show. There has been a steady increase in the annual intake of apprentices and at the present time there are some 1,850 such persons who will complete their training within the next four years. The flow of apprentices, together with the normal gain from immigration, should be adequate for the expected growth of demand in the registered trades.

The country's requirements in the professional field are being met to an increasing extent by Rhodesians trained at universities. Our own University of Rhodesia is now playing a significant role in the provision of teachers, doctors, lawyers, agriculturists and geologists. It is perhaps appropriate, particularly because of the forthcoming triennial review, to emphasize the need for the most careful planning in the provision of future degree courses if the country is to achieve the best return from the substantial investment it is putting into the University. I believe it is essential to promote courses best suited to the requirement of the country, thereby ensuring the employment of those who have the privilege of a higher education.—Hon. Members: Hear, hear.]

European immigration remains at a high level. Figures for the first five months of this year already show a marked upward trend in comparison with the same period last year and net immigration into Rhodesia in 1971 is likely to be higher than in any year since 1958. Gains have occurred in all occupations but the net gain of 85 engineers and 778 artisans in the period January to May of this year is particularly gratifying.

I have spoken on many occasions about what I consider to be a major problem, namely, the growth of employment opportunities. This subject is so vital that I make no apology for once again returning to it.

On the evidence of the past, it is clear that the cash economy cannot expand fast enough to absorb the increasing number of potential work seekers generated by the African population. For example, in the period 1962 to 1970 the Gross Domestic Product increased in real terms at an average compound rate of about 3¼ per cent. per annum. In the same period the African population increased at a rate of 3½ per cent. per annum. From this it would be reasonable to expect only a moderate worsening in the rate of unemployment but, unfortunately, this is not the case.

The need to remain competitive in to-day's trading world has forced the pace of rationalization and has accelerated the adoption of improved techniques and generally substituted capital for labour. In 1961, nearly 17 per cent of the African population was employed in the cash economy. By 1970 this ratio had fallen to 14 per cent despite the growth of commerce and industry and the expansion in mining that has taken place since 1965. In numerical terms, 3.1 million Africans of all ages were not employed in the cash economy in 1961. By 1970 this figure had risen to 4.4 million, and by 1980, assuming the current pattern is unchanged, the figure will be about 6 million. However, the process of structural change in the economy to which I have just referred will probably aggravate the position. Apart from this depressing aspect, there is another facet of the problem that needs to be emphasized, namely, the growth of the urban African population.

Between the census years 1962 and 1969, the number of Africans in employment in the seven main urban centres increased by 17,000, but in the same period the number of Africans born in these centres amounted to 187,000. These facts show that the growth of the African urban population contains the seeds of a massive employment problem. The country is therefore faced not only with the prospect of unemployment among the urban Africans who may well have served their connexions with the tribal homelands, but also among the potential work seekers from the tribal areas.

The African people should have no illusions about the future. If they wish to attain a reasonable standard of life for their children, free from the frustration of thwarted aspirations and free from the misery of poverty, the realities of the situation demand a concerted effort to limit population growth.—[Hon. Members: Hear, hear.]—The economic lessons of history are clear. There is no simple bridge that spans, no springboard that propels an economy from subsistence into advanced stages of development. The transition can be achieved only through sheer hard work at the basic level of agricultural development and exploitation of other natural resources.—[An Hon. Members: Hear, hear.]—More and more Africans will be compelled to seek their livelihood on the land; they will have no alternative. They must learn to husband their land resources and put them to work for a better way of life.

Those who believe there are short cut solutions and easy panaceas are doing a grave disservice to the African people and to the development of this country.—[Hon. Members: Hear, hear.]

For some time past private enterprise has expressed concern about the ability of the railways to move traffic on offer. The Rhodesia Railways are faced with demands for traffic movement well above the present capacity of the system. Agricultural and mining traffic is at a record level and because of the delayed completion of the Kafue hydroelectric scheme in Zambia, large additional movements of coal are needed for the thermal power stations in Rhodesia to supplement power supplies in the jointly owned Zambian and Rhodesian power system. The Railways have to contend with staff shortages, delays in obtaining equipment and inefficiencies in the contiguous Zambian system; yet despite these difficulties, not only have record tonnages been moved in Rhodesia in recent weeks but even greater movements are expected in the peak months ahead. These achievements, in the face of extraordinary handicaps, should not be allowed to pass without a word of congratulation to railway personnel.—[Hon. Members: Hear, hear.]

Notwithstanding the efforts that are being made, the Rhodesia Railways will not be able to handle all the traffic on offer. Although priority is given to the movement of export traffic, even some of this cannot be moved for various operating reasons. A large proportion of export movements consist of low rated primary products which are carried at sub-economic rates. In giving priority to these export movements, the Rhodesia Railways have been forced to forgo higher rated internal traffic, which has been taken over by road haulers. The Railways are therefore faced with the twin problems of moving large volume of low rated traffic and of embarking upon an expensive capital development programme which is essential if future demands are to be met.

I turn now to the subject of prices. 1969 saw the first world-wide symptoms of a serious general inflation. By 1970 the average rate of inflation amongst the highly developed industrialized countries was 5½ per cent, which was more than double the rate experienced in the first half of the 1960s. The reasons are not far to seek. Very briefly, a situation of overfull employment in these countries has allowed wages to increase in excess of productivity, with both competitive demand for labour and the strength of trade unions contributing to the pressures for higher wage levels. Equally important, however, has been the almost universal existence of excessive demand for goods and services which has permitted spiralling price rises.

The effect on developing countries of inflation amongst industrialized nations is serious, especially when prices for the developing countries' exports remain relatively static. The increasing cost of imported capital goods and raw materials damages essential development programmes, inhibits the creation of employment opportunities for indigenous populations and erodes the profit margins of primary industries. Some of these effects were felt in Rhodesia last year. Short of economic isolation, the effects of imported inflation are inescapable. However, there are reasonable grounds for optimism in relation to those causes of inflation which are within internal control. Wage demands in Rhodesia generally are presented with an awareness of responsibility and, inconsequence, wage awards have tended to move in line with improvements in productivity. There is also a general public resistance to price increases which, strengthened by the price control mechanism, has served to keep the internal situation within reasonable bounds.

The position in the first five months of the year was most satisfactory. The May consumer price index for Europeans was less than 1 per cent above the December index and only 2.3 per cent above the May index for 1970. However, because of increased car insurance rates and flat rents, the June index increased by a further 1 per cent. The average for the first six months heavily influenced by the June index, was 3 per cent above the average for the first six months of 1970. I am hopeful that there will not be further significant increases in the index in the rest of the year.

The African consumer price index has moved up fairly sharply over the past 12 months primarily because of long delayed price changes to bread and meat. The African index rose by 3.9 per cent. between June, 1970, and June, 1971, but it is also important to note that the same index increased by only 5.4 per cent between June, 1969, and June, 1971, that is, an average of about 2.7 per cent in the last two years.

The country cannot be complacent about its relative success in containing inflation. Rhodesia remains vulnerable to the continued inflation of the industrialized nations and the extraordinary rises in external freight charges which are occurring at present.

I have warned on several occasions that the balance of payments would continue to be under strain for some time to come. Rather in the manner of the homespun philosophy of Mr. Micawber, Rhodesia's "domestic happiness" depends upon her living within her foreign income. The ability to import plant, machinery and raw materials, service foreign borrowings and pay for other services is dependent upon export performance. Notwithstanding a marked increase in export earnings during the past two years, commitments for imported goods and services have moved steadily upwards.

In 1970, even though domestic exports increased by 16 per cent, imports rose at a slightly faster rate. The increased deficit on invisible transactions had the added effect of moving the current account's balance from a surplus of $5.7 million in 1969 to a deficit of $7.7 million in 1970.

The balance of payments position during the past six months has not improved. Exports have been depressed by the adverse 1969–70 agricultural season, while imports have continued to rise sharply because of the additional demands created by the replacement needs of existing industry and the substantial development plans of the private and public sectors.

The foreign currency allocated to the private sector this year has fallen short of demand mainly because of the vital need to meet national priorities such as rail transport, power and those other basic services on which the rest of the economy depends.

The restricted level of present allocations will have an effect, of which everyone should be aware, namely, a slowing down of the national growth rate. Notable success has been achieved these past few years in developing the economy with less and less demand on imports, but there is a limit to which imports can be reduced in relation to the gross domestic product. Future growth therefore will be related more closely to the growth of imports of materials, which in turn will be governed by export performance and the necessary allocations for infrastructural development.

The balance of foreign transactions exerted relatively little influence on the growth of the banking sector's deposit liabilities during 1970. The deterioration that has since taken place in the balance of payments is now clearly apparent in the changing structure of the banking sector's operations. Figures available for the first quarter of 1971 reveal a marked slowing down in the growth of deposit liabilities to the public, despite a large increase in bank lending to the public of $23 million. Deposit liabilities increased by only $6 million compared with $15 million in the first quarter of 1970. The deficit balance of payments position has also had an important impact on the money market, tending to deplete available short-term funds. The banking system's holdings of Treasury Bills declined sharply in the first quarter of the year in order to generate funds for the purchase of foreign currency and Treasury Bill rates tended to harden in this situation.

I do not intend to say much about the enhanced three year public sector investment programme which was published in April. I have spoken earlier about its impact on the balance of payments position, explaining how a substantial element of the difficulties on external account has arisen because of increasing public sector development expenditures.

The planned provisions for the triennium 1971–74 represent an increase of 40 per cent. over those of the 1970–73 programme. The greater part of the expenditure of over $350 million will be applied to economic services, with particular emphasis being given to the transport sector.

Loan account expenditure for the fiscal year 1971–72 is a reflection of the increased measure of public sector investment and I estimate that it will amount to $61.6 million. Of this, $23.4 million will be spent on development in those areas of direct central government responsibility, for example, schools, hospitals, national parks, air-fields and the main road network. Loans to local authorities, statutory boards and statutory funds, amounting to $34.4 million, will be primarily for development in their specific areas of responsibility. In all, development expenditure will account for $57.8 million out of the total provision of $61.6 million. The balance of $3.8 million is unrelated to development expenditure.

The amount to be spent on development is $16 million more than comparable provisions for the last fiscal year. This sharp increase is largely accounted for by the needs of the Rhodesia Railways; more than $22 million compared to the $10 million of 1970–71. I should explain that it has not been possible to allocate to the Railways more than one-third of the total loan resources except by a severe pruning of other demands which nevertheless deserve a high priority.

I have provided $9 million for the Department of Works' building programme. This represents a substantial increase over the $6.2 million provided in 1970–71 and whilst an element of the increase must be attributed to rising building costs, the greater part will be required for the new teaching and central hospital complex in Salisbury and new office accommodation to alleviate a shortage which is now critical. As work on the new hospital complex gathers momentum, demands for funds will increase. I want to make it perfectly clear that there is a limit both to the availability of loan funds and to the capacity of the building industry. Thus it will be necessary to confine other Government building to relatively minor projects in the next few years.

In terms of the Rhodesia Railways Act, any deficit which cannot be met from the Railways' own resources must be charged to the Consolidated Revenue Fund. The Act further provides that any surpluses subsequently earned must be applied in the first instance to reimbursing the Exchequer.

In 1969, it became necessary to advance, by way of an interest free loan, the sum of $3.28 million to the Railways to meet the deficit incurred during the year ended 30th June, 1968. The Railways repaid $1.81 million from profits earned in the following two years. However, the Railways are expected to have incurred a further loss of approximately $3.3 million in the year ended the 30th June last which means that they are unable to repay at present any part of the outstanding balance of $1.47 million on the original loan. Because of the circumstances in which the 1968 losses were incurred and because of the further losses, I have provided $1.47 million on revenue account estimates as a grant to the Railways to enable them to extinguish the outstanding liability on the original debt of $3.28 million. The estimated deficit of $3.3 million for the 1970–71 operations of the Railways will be covered by a statutory loan account appropriations.

I do not expect the financing of the loan account for 1971–72 to present a problem. I propose to raise $79 million in the form of market issues and bonds, against which $31 million will be used to redeem maturing debt. Thus, some $48 million new money from the capital market will be available to cover the major part of the year's programme. This will be supplemented by loan recoveries estimated to be nearly $13 million.

I now turn to the revenue account.

In my last Budget, I estimated that expenditure on revenue account would amount to $215.7 million. In the course of the year I sought Parliamentary approval for supplementary estimates totalling $2.1 million. I had also to authorize the issue of an additional $1.9 million on statutory appropriations, making the total provision for the year $219.7 million.

Because of underspendings on votes of $5.9 million, the total out-turn was reduced to $213.8 million. Revenue was more buoyant than expected, totaling $213.4 million, as against an original estimate of $206.7 million.

The deficit was only $430,000 and after taking account of the accumulated past surplus, the opening balance for the 1971–72 fiscal year is a surplus of $6.8 million.—[An Hon. Member: Very good.]—[Hon. Members: Hear, hear.]

I estimate expenditure on revenue account for the fiscal year 1971–72 to be $236.5 million, which represents an increase of $16.8 million over the previous year's figure. It has long been a convention in presenting the Budget to explain the increase in some detail and to expand upon certain of the more significant aspects of expenditure. However, I have been attempting to modernize Budget presentation and this year I introduced a further innovation, namely, the Treasury Memorandum issued with the printed Estimates. Because of the detail contained in the Memorandum, I shall confine myself to three matters which seem to merit further comment.

A statement by my colleague, the Hon. the Minister of the Public Service, last April referred to a structural review of the service being undertaken by the Public Services Board for implementation on the 1st July, 1971. This review has produced new salary scales for both the civil and uniformed services, costing an additional $12.25 million.

The Public Services as a whole now enjoy much improved conditions of service. Not only have salaries been increased, but the pension scheme has been revised. The new scheme is a marked improvement on that in force previously. While it is right that conditions of the Public Service should keep pace with the trends of to-day, these major improvements do constitute a burden on the general taxpayer, on commerce and industry. The public will expect, therefore, a further improvement in efficiency in administration.

Committees under the chairmanship of Ministers have been established to examine the functions of each Ministry of Government. The purpose is to eliminate unnecessary or uneconomic functions and redundant posts. These committees, co-ordinated by a central committee represented by the Public Services Board and the Treasury, will place their findings before Government later in the year. I believe this is the first occasion on which so searching an examination of the public services has been undertaken. I trust that the results will lead not only to a streamlining of departmental organization but also to improve efficiency.

In past years adjustments to civil, uniformed forces and war pensions have usually accompanied a general Public Service pay rise. On the other hand adjustments to old age pensions and other pensions paid from the Exchequer have been dealt with at rather irregular intervals.

From researches I have made, I find that there has never been any clear Government policy in relation to periodic adjustments in pensions for which Government is responsible. This has been unfair to the pensioner. To avoid uncertainty I wish to state that in future Government will adjust pensions paid from the Exchequer at the same time as any general civil and uniformed forces' salary increases are granted.—[Hon. Members: Hear, hear.]—Naturally, the level of adjustment will be related to the circumstances at the time.

My final comment relates to the tobacco industry. My Budget Statement last year referred to the tobacco situation and attempted to explain the financial aspects of the burden imposed by sanctions. Although tobacco remains a major problem, I can report some improvement. The volume of sales by the Tobacco Corporation has increased encouragingly during the past 12 months but unfortunately losses have increased also. I hope that the increased interest on the part of buyers will lead to firmer prices and a consequential reduction in overall Exchequer liability. The expected level of losses on disposal of each new crop is a massive burden for the economy, more particularly when account is taken of the potential losses inherent in the stockpile of earlier production.

I am providing $19 million to cover losses, that is, an increase of $3 million over the 1970–71 appropriation. This will bring the total amount provided to the Tobacco Corporation to cover losses incurred up to the 30th June this year to $68 million.

Last year I said that I expected the years ahead would reflect a steady rise in revenue which would be sufficient to maintain a normal expansion in expenditure. However, I drew attention then to the tobacco losses which I felt could disturb this rather favourable outlook. The Revenue account expenditure is being lifted to a higher level by the larger provision for tobacco losses and the new salary scales for the Public Services. On the other hand, two important sources of revenue have been lost to the Exchequer through the transfer of vehicle licensing to local authorities and the net postal and telecommunications revenue to the new Corporation. Despite these adverse aspects, the prospects for the Exchequer are encouraging.

I estimate that existing sources of revenue will produce $229.1 million in the fiscal year 1971–72 compared with the estimated expenditure of $236.5 million. After taking account of the surplus of $6.8 million brought forward there is an estimated deficit on revenue account at the 30th June, 1972 of $630,000. It follows that I have no proposals to increase taxation.—[Hon. Members: Hear, hear.]—[An Hon. Member: Very good.]

Although there are a number of minor income tax and other taxation amendments in the Finance Bill I have only one amendment which I wish to mention specifically. This concerns widows, widowers and divorcees who are providing their children with a full-time education. The law as it stands treats such persons as family taxpayers until their children turn twenty-one years of age, when they lose the family abatement. I cannot see that the attainment of majority by the child should in these circumstances create a change of this nature and I therefore propose to continue the family abatement for such persons whilst their children are undergoing full-time education and remain under the age of twenty-five.—[Hon. Members: Hear, hear.]

Mr. Speaker, I now lay on the Table the Financial Statements, 1971.

When I began my statement, I said that Rhodesia's economy was vibrant; the economic trends of which I have spoken confirm this assessment. If further evidence of the inmate strength and resilience, of the economy is needed, I believe the budget itself is ample proof.

We have a modest rate of inflation. Our rate of capital formation is high and we have also a highly satisfactory level of national savings. We have been able to cover the estimated loss on this year's tobacco crop, absorb a substantial increase in public service salaries and pensions and the ever expanding costs of health, education and other social services. Not only have we been able to do so without recourse to additional taxation but in the last fiscal year we have surrendered net revenues to local authorities and the Posts and Telecommunications Corporation. Although the benefits of these changes need no explanation, the revenues lost are by no means insubstantial.

The country's successes against sanctions are, if anything, a condemnation of a mediaeval and archaic diplomacy.—[Hon. Members: Hear, hear.]—Nevertheless, despite these successes, we must never allow ourselves to become either smug or complacent.

The country has solid achievements behind it; it also has future problems. I have outlined what I regard as the major problem of the economy, the employment of a growing population, irrespective of whether sanctions exist or not. I speak for all thinking Rhodesians, whatever their race or occupation, when I say that we accept the challenge and are ready to play our part to further the development of this fair land.—[HON. MEMBERS: Hear, hear.]

Mr. Divaris. I move that the debate be now adjourned.

Mr. Clark. I second.

Motion put and agreed to.

Debate to be resumed: 20th July.

[From the Rhodesian Viewpoint, July 21, 1971]

Rhodesian Newspaper Appalled at Misinformation Given to Congress

NATIONAL DAILY CRITICIZES STATE DEPARTMENT REPRESENTATIVES

In an editorial headed "State Department at Play", the Rhodesia Herald, Salisbury's daily newspaper which is frequently critical of Rhodesian Government policies, said that it was appalling that the United States Congress should be relying on "information" about Rhodesia like that given by two representatives of the State Department. The editorial was referring to hearings on the Collins bill before the Subcommittee on International Organizations and Movements of the House Foreign Affairs Committee. Congressman Collins (R-Tex) introduced a bill seeking an amendment to the U.N. Participation Act which would make Rhodesian chrome available to U.S. consumers.

"The State Department", said the Rhodesian Herald, "can be expected to make a case for keeping sanctions. But at the level of official advice to Congress one would expect that argument to be backed up by knowledge of the facts.

"The most startling thing about Mr. Oliver Crosby, head of the State Department office that deals with Rhodesia, and Mr. John Armitage, the State Department U.N. man, is that they do not know facts it is their job to know.

"For their benefit, Rhodesia's House of Assembly has eight tribal representatives, not seven; and they are not appointed by chiefs. They are chosen by elected councillors sitting with headmen and chiefs.

"There is no tribunal that designates persons as Coloured or Indian. The title of a Bill Mr. Crosby was talking about is not the Property Value Bill. And although the churches have objected to it, it is not involved in their dispute with the Government about missions to Africans.

GOOD LAUGH

"Mr. Wrathall (Rhodesian Finance Minister) will have a good laugh at the assertion that 'in terms of real production' the economy has grown by less than 1 per cent a year; and Mr. Hawkins (Rhodesian Transport Minister) may be tickled by the picture of 'disintegrating' aircraft and railway rolling stock.

"We leave it to the chrome mining companies to express amusement, if they see fit, over what was said about their outfits.

"If there is a settlement Britain will have to sell it in the United States. Against such a background of misinformation the task will not be easy. If what Mr. Armitage called the 'administering power of Rhodesia' is not a little disturbed, it should be", concluded the Rhodesia Herald.

REPUBLICAN OPPOSITION TO TRIP MOUNTS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. SCHMITZ. Mr. Speaker, at this point in the Record I would like to insert a short article which appeared in today's Washington Post.

It is self explanatory and chronicles a situation which I think may be indicative of the sentiments held by many thinking members of the Republican Party. They feel that they have been betrayed. They do not feel that pious homilies to the blessings of world peace accompanied by concessions to dictators which compromises both ourselves and our allies are in any way consistent with the best interests of the Nation or consistent with the understood position of the man they supported for President.

The article follows:

Big Nixon Donor Is "Ashamed"

Santa Ana, Calif., July 20.—A millionaire former Marine officer threw into a trash can Monday night his award for being the top contributor in Orange County to Richard Nixon's 1968 campaign as a protest of the President's planned trip to mainland China.

"I am very ashamed of having supported Richard Nixon in 1968," George Brokate told the monthly meeting of the Central Committee of the Republican Party of Orange County.

He said Mr. Nixon had shown himself to be "just another tricky weathervane opportunist politician. He has sold out the hopes for freedom of millions of people in Asia by going hat in hand to an atheistic dictatorship which has helped kill thousands of Americans in Korea and Vietnam, and which grows and sells dope to the youth of the free world."

Brokate, 32, volunteered for—and got—combat duty in Vietnam in 1966, after he had completed his post-college tour as a Marine captain and returned to civilian life.

In 1968 he said he was given a plaque inscribed "with deep appreciation" by Mr. Nixon for contributing $13,000 to his presidential campaign, more than any other single contributor from Orange County.

Brokate, who made his fortune in real estate development, produced the plaque before the gathered committee and threw it into a trash can.

"I don't want it," he said. "It is a symbol of the betrayal of freedom and betrayal of the United States Constitution. There is literally nothing left Nixon will not sell out to get reelected."

Brokate said conservatives should reconsider giving him their support.

VETERANS DRUG TREATMENT ACT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 1971

Mr. ZWACH. Mr. Speaker, I rise in support of H.R. 9265, a bill to authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen, veterans, and ex-servicemen suffering from drug addiction.

It is estimated that between 10 and 15 percent of U.S. troops in Vietnam have acquired a drug habit and we need to make a massive effort toward treating and rehabilitating our heroin addicted GI's before returning to civilian life.

The Veterans' Administration hospital already has a continuing drug treatment program for veterans. Five specialized drug treatment centers are already in existence and it is hoped that 27 more centers will be in operation by October.

The bill we have before us will expand this program under an agreement with the Secretaries of the Army, Navy, or Air Force, to receive and treat active duty servicemen for drug addiction.

The most important provision of this bill, however, is that the Veterans' Administration will have the necessary authority to treat any servicemen, veteran, or ex-servicemen irregardless of type of military discharge.

This legislation is not meant to be a veterans "benefit" but rather a very logical, humanitarian, and necessary medical solution to our growing drug problem.

REPRESENTATIVE MOORHEAD INTRODUCES KENT STATE REPORT INTO RECORD: REPORT CALLS KILL THE RESULT OF A CONSPIRACY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MOORHEAD. Mr. Speaker, four students were shot to death and nine were wounded, one seriously, when the Ohio National Guard opened fire—for no apparent reason—on a group of student demonstrators at the Kent State University campus on May 4, 1970.

Since that fateful day claims and counterclaims have tried to establish what occurred and who was responsible for the carnage.

An Ohio State grand jury found that the Guard was justified in shooting the 13 and killing four. A Federal district Court ordered the destruction of the grand jury report because of its lack of content and its thinly veiled bias.

The parents of the four slain students have filed suit against the Guard and other Ohio officials. But to this day, there has yet to be an authoritative explanation of what happened.

The closest we have to an exhaustive study is a 25 volume FBI report and Justice Department summary which arrives at some disturbing findings, including the conclusion that the Guard's claim that their lives were in danger prior to the shooting was a "fabrication."

On May 24, 1971, 20 Members of this body sent a letter to the Attorney General, asking him to convene a Federal grand jury to investigate this sordid incident and report to the American people what really happened at Kent. To date, we have not received any word of any kind from the Justice Department.

I have in my possession now and will introduce into the Record today a report prepared by Peter Davies, the Department of Law, Justice, and Community Relations of the Board of Christian Social Concerns of the United Methodist Church, which suggests that the deaths of Allison Krause, Sandra Scheuer, Jeffrey Miller, and William Schroeder, were the result of a conspiracy by members of the Ohio National Guard to shoot and kill Kent State students.

Mr. Davies' study, based on the reports

of the Scranton Commission, the FBI, several books on the killings, and arduous personal research, charges that several members of troop G of company A, Ohio National Guard planned a deliberate act of murder upon a prearranged signal.

His study includes numerous photographs—which cannot be reproduced in the Record—and dozens of quotes from witnesses who have testified that members of troop G while advancing up a small knoll on the Kent State campus, suddenly wheeled around in a 135 degree turn, raised their M-1 rifles and commenced shooting into a parking lot some 100 yards away.

The soldiers later said that they were fired upon. The FBI report said conclusively that there was no sniper fire or shots fired at the guardsmen.

With pictures, testimony, and commonsense, Davies carefully explains why he believes that the guard's decision to fire was made when the Guardsmen were on a nearby football practice field and were being pelted with missiles thrown by students.

Mr. Speaker, photos contained in the Davies' study show conclusively that the National Guard Brigadier General Canterbury's claim that the men were under attack by screaming students is a lie, since the closest students were not "3 or 4 yards" away, as the General testified under oath, but 20 yards and more. Furthermore, there is no evidence that the Guard was being attacked. Photographs show that there were no students close to the Guard when the shooting started.

Mr. Speaker, I have asked, other Members of this body have asked, and Members of the other body have asked the Attorney General to convene a Federal grand jury to provide the people of this Nation with the truth. He has steadfastly refused even to answer our demands.

His own Federal Bureau of Investigation has provided him with a lengthy study that casts so much doubt on the defense offered by the National Guard that surely a question of perjury is involved in some of the sworn testimony before the President's Commission.

Mr. Speaker. I believe that a prima facie case has been made that there was murder committed at Kent State—and while I do not discount the possibility that outside agitators traveled to Kent State to add to the furor—I believe that this Nation and this Congress deserve the kind of explanation that only a Federal grand jury can produce.

We have a leadership crisis in this country. Our young—and our older citizens alike—cannot take heart when it becomes apparent that Federal officials are sitting on justice merely because certain people might feel uncomfortable with the findings of a grand jury.

I cannot accept—as one of my staff was told by a Justice Department official—that some cases are better left unopened.

That is not justice in America as I know it.

I hope that the work of Mr. Davies and the thousands of hours put into this investigation by friends and relatives of the four slain students is not wasted.

I believe that the only way their work will not go for naught is if the Attorney General convenes a Federal grand jury and investigates the deaths of these young people.

I would like to enter this into the Record at this time.

AN APPEAL FOR JUSTICE: JUNE 21, 1971

"If two or more persons conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States . . ." Section 241, United States Code, Title 18

An Appeal to the United States Department of Justice For An Immediate and Thorough Investigation of The Circumstances Surrounding the Shootings at Kent State University May 1970 Respectfully Submitted to the Attorney General of the United States and the Assistant Attorney General of the Civil Rights Division.

Researched and Compiled by Peter Davies.

Circulated by The Department of Law, Justice and Community Relations. The Board of Christian Social Concerns, United Methodist Church, Washington, D.C.

(Note.—Illustration, photographs, maps, and charts not printed in the Record.)

SOURCES

The Department of Justice Summary of the Report by the Federal Bureau of Investigation, July 1970.

The Special Report on Kent State by the President's Commission on Campus Unrest, October 1970.

The Minority Report of the Kent State University Commission, 1971.

The Special Report by the Akron Beacon Journal of the Knight Newspaper Investigation, May 24, 1970.

"Thirteen Seconds: Confrontation at Kent State" by Joe Eszterhas and Michael D. Roberts. Dodd, Mead & Co., New York, 1970.

"The Killings at Kent State: How Murder Went Unpunished" by I. F. Stone. New York Review (Vintage Books), 1970.

"The Kent Affair" edited by Ottavio M. Casale & Louis Paskoff. Houghton Mifflin Co., Boston, 1971.

"Kent State: What Happened and Why" by James A. Michener. Random House, New York, 1971.

Photographs: John P. Filo, Howard Ruffner, Mike Glaser, Kent State University News Service, The Akron Beacon Journal, Beverly K. Knowles, Richard C. Harris, Jr., John A. Darnell.

I am deeply indebted to many friends whose help and encouragement has made this appeal for justice possible.

In particular I wish to thank the Rev. John P. Adams, Mr. Pat Englehart, Mr. Robert Giles, Attorney Steven Sindell, Mr. Joe Eszterhas, Mr. Jeff Sallot, Mr. James Carreno, and several Kent State students who provided me with invaluable information concerning the events leading up to the fatal shooting.

I have not referred to the report of the special Ohio grand jury in view of the fact it has been ruled unconstitutional by a Federal District Court in Ohio and is under that Court's order to be expunged from the Portage County records and physically destroyed.

INTRODUCTION

This document suggests that an unknown number of Ohio National Guardsmen, mostly sergeants and members of Troop G, 107th Armored Cavalry, conspired together on or before May 4, 1970, to shoot at the students and that this conspiracy was formalized into a decision to do so at approximately 12:15 p.m., ten minutes before the act was executed.

On May 17, 1971, in a letter to Mr. Erwin D. Canham, a former member of the President's Commission on Campus Unrest, I said: "No matter how outrageous or distasteful it may be, we have to face up to the possibility, no matter how remote, that the shooting was deliberately triggered by a few guardsmen, many of them sergeants, with the intent to punish the students."

On May 19, 1971, in his reply, Mr. Canham said: "As to whether or not there was a conspiracy on the practice field by some members of the National Guard, I agree that this should be investigated to the fullest possible degree. The Scranton Commission could not do so because of the barriers placed in the way of testimony by the National Guard. We could not overcome these barriers. I hope this matter can be pushed further."

Last year, on May 7th, the Vice President of the United States was interviewed by David Frost. During the course of his appearance, Mr. Agnew was asked some questions about the killings at Kent State three days earlier, and the following exchange occurred:

David Frost: But you think that the Guardsmen obviously went far too far?

The Vice President: Oh, yes, there is no question about that.

David Frost: What if it is discovered there was no shot fired at them by a sniper and they just opened fire without a warning shot or anything? Not having been fired at in any way, in that sense what is the word for that, murder?

The Vice President: Yes, but not first degree. As a lawyer, I am conversant, and I suppose most people who follow the courts are conversant, with the fact that where there is no premeditation but simply an overresponse in the heat of anger that results in a killing, it's murder. It's not premeditated, but it's a murder, and certainly can't be condoned.

At the time four families were burying their dead children, the Vice President of the United States was condemning their deaths and accusing the Ohio National Guard of committing second degree murder. "It was murder, he said, and certainly cannot be condoned." One year later, a member of the President's Commission calls for the fullest investigation into the possibility some guardsmen conspired together to commit first degree murder. This book reveals why Mr. Agnew told the American people the killings were murder and why Mr. Canham believes there should be an investigation of the Ohio National Guard.

Students killed, fatally wounded and wounded were taken to Robinson Memorial Hospital in Ravenna, about six miles from Kent.

I. THE THEORY

"It is my observation that it was completely impossible for that number of men to act spontaneously, yet in such perfect unison; there simply had to be an order from someone and it would appear that someone had chosen in advance a commanding point to make their stand." Witness before the Kent State University Commission

In late November, 1970, Joseph Rhodes, Jr., a former member of the President's Commission on Campus Unrest, spoke in suburban Northboro, Massachusetts, and said: "There were two Guardsmen who committed second degree murder. . . . The FBI knows about these two Guardsmen, but it wasn't brought before the (state) grand jury."

Mr. Rhodes went on to say that other members of the President's Commission knew about this, and that the two men had gone to Kent State "intending to kill students."

This was the first public allegation by anyone connected with an official investigation that the shooting on May 4, 1970, was not a sudden reaction to a real or imagined danger. However, it was not very sensational because both the Justice Department summary of the FBI investigation and the President's Commission report contain numerous indications that the shooting was indeed a planned and deliberate act executed upon a pre-arranged signal. Furthermore, the publication of several books served to suggest that the shooting was the outcome of a conspiracy and the combined material presents an overwhelming indication to this effect.

Prior to Mr. Rhodes' comment, Senator Stephen M. Young of Ohio, as early as June last year, formally accused the Ohio National Guard of committing murder and later, on the floor of the Senate, he charged that Sergeant Lawrence Shafer of Troop G had deliberately aimed and shot Kent State student Joseph Lewis, Jr. It was through Senator Young's efforts that the Justice Department summary was finally revealed to the public at the end of October, and the report confirmed the Senator's accusation against Shafer. The summary also revealed that the Justice Department believed the guardsmen had gotten together after the shooting and concocted the story of having had to fire in self-defense. Such a fabrication was essential to concealment of the truth.

For reasons we do not know, the allegations of both these gentlemen have been pointedly disregarded despite the now monumental accumulation of testimony and photographs which support the theory that the shooting was planned and carried out with the intent to kill, maim or injure students. At least half the guardsmen who fired their weapons were not involved in such a conspiracy and did indeed fire in reaction to those who triggered the shooting by their willful firing. Most of these guardsmen shot into the air.

This theory is neither unrealistic nor improbable. In fact, it is the only theory which explains how so many guardsmen suddenly wheeled around like a flock of birds turning, why all their fire was directed into a certain area some 300 feet away when many more students were so much closer to them, and why the National Guard has gone to any length, no matter how bizarre, to try and justify the shooting.

The Guardsmen sent to Kent State by Governor James Rhodes were taken from active duty in Cleveland where, since April 29th, they had been subjected to extreme provocation, harassment and injuries at the hands of striking truckers. At one point during their confrontation with the strikers the guardsmen actually came under sniper fire. However, they were not disposed to shoot at men as swiftly as they would at young boys and girls under far less dangerous conditions. The shooting at Kent State occurred because a few guardsmen, perhaps no more than eight to ten, had decided to do so at an opportune moment during their march from the Commons to the football practice field and back again to the Commons. The decision to do this was almost carried out when the guardsmen were on the practice field, but their situation at that moment was not conducive to a shooting "in self-defense." The conspirators then agreed to shoot at the Prentice Hall parking lot area when they reached the Pagoda on their return march, the shooting to be done upon a signal provided by the firing of a .45 pistol.

The guardsmen involved in this decision were members of Troop G. As the return march commenced, it was Troop G which was located at the right flank of the line; sixteen men and two officers. During the course of the climb to the Pagoda, some six to nine guardsmen of Troop G maintained a fairly constant surveillance of the students in the parking lot where they knew, in a few minutes, they would be shooting with willful intent to hit students. The closer they got to the Pagoda, the more they tended to hang back until they became the last knot of guardsmen to crest the hill.

Suddenly a single shot rang out, and some eight to ten guardsmen instantly wheeled around 135 degrees, raised their M-1 rifles and commenced shooting back down into the parking lot. They had selected an ideal "commanding point to make their stand." It is 19.8 feet above the parking lot. However, the timing was slightly off, and most of the guardsmen had gone a few yards too far. The sergeant with the .45 who had given the signal to shoot had to lead his men forward to the edge of the crest of the hill for better sighting of the students in the parking lot.

At the sound of the shot from the .45, the other guardsmen, mostly members of Company A, first of all looked over their right shoulders and most of them are looking in the direction of the sergeant with the .45 pistol. As the fussilade began, more guardsmen joined in until some thirty had fired one or more shots.

One officer, General Robert H. Canterbury, reacted by moving toward the front firing line ordering the men to "Cease fire!" His order was ignored. A pre-planned act was being executed. Major Jones is believed to have hit some of the guardsmen on the head with his baton to stop them from shooting. None of the photos substantiated the story. The firing had lasted for 13 seconds. In or near the parking lot into which the guardsmen were shooting lay ten students out of the thirteen which were shot. The scene in this area was one of carnage. Sandra Sheuer was bleeding to death; Allison Krause was dying, and nearby Jeffrey Miller lay dead. Not far from the two girls lay William Schroeder, his internal organs almost as badly destroyed as Allison's. Just to the south of the lot lay Dean Kahler, unaware that he would never walk again. Douglas Wrentmore was shot through the knee about 20 feet from Allison Krause and in the opposite direction Thomas Grace found he had been hit in the back of his left ankle. Further away Alan Canfora, who had waved a black flag at the guardsmen, was shot through his right wrist, and beyond him—over 500 feet from the Pagoda—lay Robert Stamps and Donald MacKenzie. Not one of these ten students was closer to the Pagoda than 270 feet. The two students closest to the guardsmen, Joseph Lewis, Jr., at 60 feet and John Cleary at 110 feet, happened to be in the direct line of fire to the parking lot. Lewis had been deliberately shot by Sgt. Shaefer, but Cleary was standing sideways to the guardsmen when the shooting began and probably blocked the path of a bullet destined for the parking lot. He was shot through the upper left chest.

After Canterbury had finally stopped the shooting, the march back to the Commons resumed. It has been suggested that if the guardsmen were deliberately shooting at the students to kill, maim or injure, then a great many more would have died. This suggestion credits National Guardsmen with a shooting skill they just do not generally possess. These are weekend soldiers, and they were shooting at moving targets some 300 to 400 feet away. It is consistent with their general firing ability that they succeeded in hitting ten students with some 40 odd bullets. If there is one thing the National Guard is notorious for, it is their inept marksmanship.

This is one theory on how and why the guardsmen suddenly turned and began shooting into a specific location so far away. Another suggests that the decision to punish the students was made in the form of an order by an officer. This theory is based upon the acceptance of Sergeant Pryor's claim that he did not fire his .45 pistol. That he might not have fired is explored further in the conclusion to this appeal for an investigation. If the FBI ballistics test on Pryor's gun is negative, then who fired the .45 from which the FBI has four spent cartridges?

One of the photographs taken shortly after the shooting reveals another guardsman close by the Pagoda with a .45 in his right hand. In the same photo, to the right of the Pagoda, is Sgt. Pryor with his back to the camera. One of the photographs taken during the time the guardsmen were on the practice field shows Sgt. Pryor having a private conversation with another guardsman who could be an officer. Did this officer tell Pryor that when they reached the Pagoda he would give the signal to shoot in the form of a shot from his .45 or by verbal command, such as "Turn and fire three rounds?" If Pryor did not fire, then this would indicate he did not approve of the officer's order, but passed it on to the men in Troop G as they collected together for the return march to the Commons. This seems unlikely. When the signal or order came, Pryor would have to simulate the motions of shooting. The man he spoke to on the practice field is probably another sergeant. The photographs referred to here appear in the chapter devoted to the film record of May 4, 1970.

To date, the only published basis upon which the guardsman with the .45 in his left hand has been identified as Sgt. Pryor is his own words to the Akron Beacon Journal that the figure in the photographs "could be" him. However, two photographs taken before the Guard commenced their march up the Commons to disperse the noon rally show a man forming up his men for the march, and this man can be identified as the same man in the pictures of the shooting with a .45 in his left hand. Identification is accomplished through the fact he is the only guardsman appearing in the scores of photos, with a consistency of positioning, wearing a shoulder holster. The straps over the left shoulder and around his back clearly stand out in many of the photos in which he appears, and this is also true of the picture taken when the shooting was about to commence, and he appears to have his arm in recoil from firing or in bringing his gun down to shoot at the students. The guardsman in this picture is Pryor, and he can be so identified in all the other photos beginning with the two covering his preparations to move out. Furthermore, this also identifies the soldiers in these two pictures as members of Troop G. It has not been possible to verify who is standing next to Pryor in one of the photos.

Captain Srp is likely among the small group of officers around General Canterbury in a number of the pictures covering the Guard on the practice field. Lieutenant Colonel Fassinger can be identified in a number of photos along with Major Jones, both of whom are in the group around Canterbury, and both without gas masks. It is, therefore, very doubtful that Captain Srp was aware of anything transpiring between Pryor and his men. Regardless of which theory is close to the truth, one thing is very clear. The shooting took place as the result of a decision or an order. It did not occur in panic or fear or self-defense. No testimony, no evidence, and no photograph has yet substantiated this claim by the Ohio National Guard.

The President's Commission, as Mr. Erwin Canham revealed in his letter, could not investigate why the shooting occurred because "of the barriers placed in the way of testimony by the National Guard." The Commission's report clearly indicates the degree to which it doubts the veracity of General Del Corso and Canterbury: *"Even if* the Guardsmen faced danger, it was not a danger that called for lethal force. The 61 shots by 28 Guardsmen certainly *cannot* be justified. *Apparently,* no order to fire was given, and there was inadequate fire control discipline on Blanket Hill." This is a conclusion full of doubt because the Commission was unable to overcome the barriers "placed in the way of testimony" by the party responsible for the killing of four students. It is time these barriers were overcome.

II. THE REPORTS

"Aside entirely from any questions of specific intent on the part of the Guardsmen or a predisposition to use their weapons, we do not know what started the shooting." Department of Justice.

At approximately noon on May 4, 1970, the guardsmen assembled by the ruins of the ROTC building were ordered to advance against the students gathered on the Commons. The Justice Department reports that 96 men of Companies A and C, 145th Infantry and Troop G, 107th Armored Cavalry, moved out with bayonets fixed and their weapons "locked and loaded," with one round in the chamber, pursuant to rules laid down by the Ohio National Guard.

"All wore gas masks. Some carried .45 pistols, most carried M–1 rifles, and a few carried shotguns loaded with 7½ birdshot and .00 buckshot. One Major also carried a .22 Beretta pistol." The Major was Harry D. Jones, staff officer of the 1st Battalion, 145th Infantry.

The President's Commission reports that Troop G had gone off duty at 6:00 p.m. Sunday, May 3rd, but "had just lined up for their first hot meal of the day when they were sent back to duty on campus." This was due to the sit-in developing at Prentice Gate which would eventually be broken up by tear gas and culminate with guardsmen chasing students across the campus until trapping them outside a dormitory and there bayonetting several students. One girl suffered a wound requiring her removal to a hospital.

Between midnight and 1:00 a.m. Monday, Troop G once again went off duty, but were awakened less than four hours later to prepare to relieve Company A at 6:00 a.m. These events, following upon the hard time they had experienced in Cleveland, did little to generate a mood of tolerance in the ranks of the guardsmen. On the contrary, quite a few were becoming disgusted with the whole situation.

Prior to the march to the practice field, Company C—according to the Justice Department—was instructed that "if any firing was to be done, it would be done by one man firing in the air (presumably on the order of the officer in charge). It is not known if any instructions concerning the firing of weapons was given to either Company A or Troop G."

Both the Justice Department and the President's Commission agree on the Guard's formation as they started up the Commons toward Taylor Hall.

"Company A was on the right flank, Company C was on the left flank and Troop G was between the two."

This is the first significant fact in a secondary theory that part of the conspiracy to shoot the students involved deliberate aiming at specific students who stood out to some of the guardsmen by their shouting obscenities or throwing rocks. One of the victims, Allison Krause, appears in a photograph showing the guardsmen drawing near to the Pagoda for the first time. She is silhouetted against the sky with very few students near her. She is facing the approaching guardsmen and is shouting at them. The guardsmen have their backs to the cameraman, but it is clear that they are members of Troop G.

This fact is established by the reports. As the skirmish line neared the Victory Bell, Company C except for two, left the formation and advanced up to the northeast corner of Taylor Hall, to the left. The remaining line now had Troop G on the left flank and Company A (53 men) spread out to the right. As this line proceeded up the hill toward the Pagoda, members of Troop G would be marching up beside the west wall of Taylor Hall and Allison Krause would be facing them from her position on the crest of Blanket Hill. These same guardsmen would see Allison again when they were on the football practice field. At the time the photograph was taken showing Allison Krause shouting at the guardsmen of Troop G, they were approximately 75 feet from her.

As the line of guardsmen swept across the crest of Blanket Hill, the students who had been in the center retreated down the south side of Taylor Hall. Some remained by the building watching the Guard continue toward the practice field, and the others went down into the Prentice Hall parking lot. When the guardsmen arrived on the field, they could proceed no further because of a long, cyclone-type fence. Members of G Troop were now the closest guardsmen to the parking lot where there were only a few students, estimates ranging from thirty to fifty, compared to the several hundred gathered in front of Taylor Hall and along its terrace.

Suddenly, 16 members of G Troop and one other guardsman, went down on one knee and aimed their rifles directly into the parking lot where Allison Krause was at this time along with Dean Kahler and Alan Canfora who was taunting them by waving his black flag. It was at this time that someone, believed to be a sergeant of Troop G, fired his .45 one or two times. We do not know why he fired nor whether this was a signal for the firing line to shoot into the parking lot. For some reason, the guardsmen of G Troop did not fire.

The line of kneeling guardsmen with their weapons trained on students in the parking lot incited an increase in shouting and rock throwing.

"The crowd on the parking lot was unruly and threw many missiles at guardsmen on the football field. It was at this point that the shower of stones apparently became heaviest." President's Commission.

One tear gas cannister was fired into the parking lot. It was thrown back at them. Then the men of Troop G stood up. Many students believed their increased shouting and throwing had preventing the guardsmen from shooting. As the guardsmen of Troop G were still facing the lot and Company A was being organized for the return march to the Commons, several students drew attention to themselves by running up to the fence. Among these few was Allison Krause who, at 5'8'' with a pony tail and wearing a bush jacket, would be recognizable again to those members of Troop G who had seen her before by the Pagoda. At the fence she again shouted at them in a loud voice just as she had done earlier.

The same is true of Jeffery Miller, who was also in the parking lot. He, too, drew the attention of a number of G Troop when he picked up the tear gas cannister and, running toward the fence, threw it back at the soldiers. His distinguishing attire of Indian head-band and fringed jacket were no doubt noticed by some guardsmen.

It was now that witnesses report seeing some kind of huddle take place on the practice field. The group was Troop G. James Michener conceded: "It seems likely . . . that on the football field, when the students were being obnoxious and stones were drifting in, that some of the troops agreed among themselves, 'We've taken about enough of this crap. If they don't stop pretty soon, we're going to let them have it.' It was in this mood that they retreated up the hill."

We do not know precisely what was agreed among the men of Troop G, but subsequent events would indicate the man chosen to fire the signal for the shooting into the parking lot was Sergeant Myron C. Pryor, Troop G's senior non-commissioned officer, a career-army soldier in his forties. Sgt. Pryor was armed with a .45 pistol. Aware now that General Canterbury intended to lead the guardsmen back to the Commons, the conspirators had to agree upon the best point between the field and Taylor Hall at which to stand and shoot. The choice was obvious. The Pagoda provided a perfect landmark; it was located at the crest of Blanket Hill which would give the guardsmen an excellent view into the parking lot, and it was close to Taylor Hall where there were many more students whom the guardsmen could later claim surged toward them and caused them to shoot in fear for their lives. It also had to be agreed that when Sgt. Pryor fired his .45 into the ground, those involved in what was going to happen would wheel around together and commence shooting.

Lt. Colonel Fassinger called for more tear gas, and then ordered the troops back to the Commons. Once again a long line of guardsmen started back up Blanket Hill, this time with Troop G on the right flank and Company A strung out to the left. General Canterbury was close to the center of the line on G Troop's side and Major Jones closer to the right flank. A series of photographs covering the Guard's return march to the Commons show a knot of about ten guardsmen on the extreme right flank, frequently bunched together compared to the rest of the line. They are the members of Troop G who are constantly watching the Prentice Hall parking lot as they ascend to the "commanding point" where they will turn and shoot.

The Justice Department report concedes there is so much conflicting testimony, it is unable to determine exactly what did happen when Troop G reached the crest of Blanket Hill, the last of the guardsmen to do so. However, the following extracts from their summary of the FBI investigation indicate the shooting was preplanned:

1. "There was no request from any guardsman for permission to fire his weapon."

2. "Some guardsmen, including some who claimed their lives were in danger and some who fired their weapons, had their backs to the students when the firing broke out."

3. "There was no sniper . . . . The FBI has conducted an extensive search and has found nothing to indicate that any person other than a guardsman fired a weapon."

4. "At the time of the shooting, the National Guard clearly did not believe that they were being fired upon. No guardsman claims he fell to the ground or took any other evasive action and all available photographs show the Guard at the critical moments in a standing position and not seeking cover."

5. "Five persons interviewed in Troop G, the group of guardsmen closest to Taylor Hall, admit firing a total of eight shots into the crowd or at a specific student." (Emphasis added).

The five are: S. Sgt. Barry Morris, Sgt. Lawrence Shafer, SP/4 James McGee, SP/4 Ralph Zoller, SP/4 James Pierce.

Other members of Troop G who fired, but have not admitted firing into the crowd or at specific students, are: Sgt. F/C Okey R. Flesher, Sgt. Dennis L. Breckenridge, Sgt. Joseph D. Sholl, SP/5 William J. Case, SP/4 William E. Perkins, SP/4 Lloyd W. Thomas.

Excluding the Troop's two officers, Capt. Raymond J. Srp and Lt. Alexander Stevenson, there were 16 men in Troop G comprising: 7 Sergeants, 1 Specialist 5th, 6 Specialist 4th, 2 PFC's.

The four members of Troop G who did not fire are: S. Sgt. Rudy E. Morris, SP/4 John R. Baclawski, PFC Michael D. McCoy, PFC Paul R. McCoy.

We are left with one other member, and he is not only the key to the conspiracy to shoot the students, but also a man whose veracity is extremely questionable. This man is First Sergeant Myron C. Pryor who has made several claims about his role in the tragedy, claims which the testimony of witnesses and the evidence of photographs refute.

Shortly after the shooting, Sgt. Pryor claimed he was not even on Blanket Hill when it happened. Confronted with the now famous photograph of the actual shooting, Sgt. Pryor conceded that the man standing out in front pointing his .45 pistol at the students, in his left hand, "could be" him. He denied firing the gun and claimed that throughout the shooting he was "loading it." Several photographs of the shooting prove that Sgt. Pryor is lying and numerous witnesses testified to seeing this guardsman raise his .45 and fire into the ground like a signal for the others to start shooting.

The reports contain overwhelming evidence to the effect that the first shot which preceded the volley did NOT come from an M.1 rifle. The Justice Department states:

"General Canterbury told the FBI that the first shot came from a small caliber weapon, such as a .22. In a statement immediately after the shooting, however, he does not specifically mention caliber or the fact that he believed the first shot was fired by a sniper."

The Akron Beacon Journal, recent winner of a Pulitzer Prize for coverage of the Kent State killings, conducted an interview with an unidentified guardsman who had fired his M.1 that day:

Q. What about the first shot?

A. It seemed to come from closer, but it was hard to tell because of the noise. I remember thinking when I heard it first that *it was us shooting.*

Q. How long were you up there before the shooting started?

A. I don't know. *I heard the first shot.* (Emphasis added)

The Justice Department notes:

"One guardsman heard someone yell and believed he had been given an order to fire. Another 'thought' he heard 'someone' say 'warning shots.' Another 'thought' he heard 'someone' say 'If they continue toward you, fire' . . . .

"Capt. John Simons, the 107th chaplain, who interviewed a number of guardsmen who fired, says, '*I think they were angry*, they were scared, and that something caused them to fire.'" (Emphasis added)

That is a fairly accurate description by Captain Simons. Men like Sgt. Pryor, with their loaded pistols and many years experience, certainly were not "scared" of the demonstrators. They were angry and they had but one means of venting that anger. Others, the younger ones, some of whom were students themselves, were no doubt scared at times, and when the shooting began, many of them fired in reaction. One guardsman stated that when he saw that front line shooting down into the students, he immediately ejected the rounds in his gun in disgust just to ensure he did not shoot. Some fired a round into the air because they could see no point in shooting into the crowd

On the actual shooting there are conflicting conclusions and some obvious obstruction to justice on the part of the Ohio National Guard. *How many shots were fired?*

1. The Justice Department says a minimum of 54 shots were fired by a minimum of 29 guardsmen.

2. The President's Commission says 61 shots were fired by 28 guardsmen.

3. The Justice Department says 5 guardsmen admit to firing 8 shots into the parking area.

4. The President's Commission says 4 guardsmen admit firing 9 shots into the parking lot areas with M.1's and one man admits firing 2 shots into the crowd with his .45 pistol. Five guardsmen firing 11 shots into the parking lot area.

Obviously a number of guardsmen are lying. If their claim to firing only 11 shots at the students is valid, how do they account for the fact that there were 15 wounds inflicted and, according to the FBI, there were 32 bullet holes in cars parked in the Prentice Hall lot? Most of the shooting was done by the members of Troop G involved in the conspiracy, and they were shooting into a specific area and perhaps, in some cases, at specific students, over a period of ten to eleven seconds following the signal to shoot. It is more likely that they fired 35 to 40 shots into the parking lot area and that the other shots were fired into the air or into the ground. The photographs of the shooting show at least 8 guardsmen aiming and firing their M.1 rifles down into the parking lot. There is also Sgt. Pryor who probably fired 4 shots.

Sgt. Pryor told the FBI he did not fire. However, the Justice Department reports:

". . . at least one person who has *not admitted* firing his weapon *did so*. The FBI is currently in possession of *four spent .45 cartridges* which came from a weapon *not* belonging to any person *who admitted he fired*. The FBI has recently obtained all .45's of persons who claimed they did not fire and is checking them against the spent cartridges." (Emphasis added)

It is over a year later, and we still do not know the outcome of the FBI's check on these cartridges and Pryor's .45 pistol. The photographs clearly indicate he did indeed fire his pistol. It is time the FBI informed us whether or not Sgt. Pryor is lying when he says he did not shoot. If he did fire, then his role in the conspiracy was a major one and would confirm the testimony of witnesses that a guardsman with a .45 in his *left* hand fired the first shot. Pryor is right handed, but on the morning of May 4th he sustained a burn to that hand, according to the Akron Beacon Journal, and was forced to use his left hand. This is the reason he is seen holding the pistol in his right hand at the end of the shooting.

With respect to the five guardsmen of Troop G who admitted to the FBI shooting into the crowd or at a specific student, the Justice Department report says: SP/4 McGee claimed he saw . . . "*a sergeant* from Troop G" fire a *.45 pistol* "into the *crowd*." McGee told the FBI he then fired his M-1 "twice over the heads of the crowd and later fired once *at the knee of a demonstrator* when he realized *the shots were having no effect*." Unfortunately, the Justice Department does not elaborate on exactly what SP/4 McGee meant by this. All reports agree that when the shooting began, students either stood still, threw themselves to the ground, or ran away from the Guard. Mr. McGee says he fired twice over their heads and then shot AT a student because his first shots were "having no effect." What effect? Not killing them? This entire statement suggests that Mr. McGee fired all three shots into the crowd.

SP/4 Zoller also admitted to the FBI that he fired "at the knee of a student." SP/4 Pierce claims "the crowd was within ten *feet* of the National Guardsmen." The photographs and the reports refute his claim. No student was closer than 15 *yards*, and they were on the terrace where no shooting was directed. The closest student in the line of fire was Joseph Lewis, Jr., and he was 20 yards—60 feet—from the guardsmen. Such wild and totally inaccurate claims as this have contributed to the obstruction of justice. Pierce admitted firing four shots of which he aimed two at specific students and fired one "into the crowd."

Staff Sergeant Barry Morris claims "the crowd advanced to within 30 feet and was throwing rocks." This claim, like that of Pierce, is erroneous. Morris admits firing two shots from his .45 pistol "into the crowd." Sergeant Shafer, as previously noted, admitted firing once at a specific student (Lewis) when he was "25-35 feet" from Shafer. He said he fired four other shots but not at a student or into the crowd.

These five guardsmen of Troop G admit to firing a total of 16 rounds. Whether they fired more we still do not know, but it is reasonable to assume they were in the front firing line (any guardsman shooting "into the crowd" from behind this line would be endangering the lives of the men in front) and, therefore, the photographs indicate it is more likely most, if not all, of their shots were fired "into the crowd" or at a specific student.

Two of the five claim they aimed "at the knee of a student" but only one student, Douglas Wrentmore, was shot in the knee. It is indeed disturbing that the Justice Department report should contain so much information which indicates that guardsmen are lying, distorting the facts and generally obstructing justice without moving the Department to intervene and establish, once and for all, just what is the truth about the shooting.

The excessive use of the Fifth Amendment by Generals Del Corso and Canterbury and Captain Srp in connection with the civil litigation serves to reinforce the theory that there was a criminal conspiracy.

The most significant aspect of the entire Justice Department report speaks for itself. The Department does not know what started the shooting "aside entirely from any questions of specific intent on the part of the Guardsmen. . . ." It is time these questions were faced and answered when four American citizens were shot to death.

III. THE WITNESSES

"It's true that the Guards were surrounded but only by the fence. I wouldn't say that the students in the parking lot presented much of a threat. A lot of missiles were in the air, but damned few of them reached the Guardsmen. Then I saw the Guards go into a huddle, and it was quite obvious that a decision of some kind had been reached." Ken Kesey, Vietnam Veteran.

Both the Justice Department summary of the FBI investigation and the President's Commission indicate a considerable degree of command confusion from the time the guardsmen set out from the Commons. The main body, comprising Company A and Troop G, was under the command of Lt. Colonel Fassinger, but when General Canterbury, attired in a business suit, tagged along behind, he assumed authority for issuing orders such as whether or not to proceed across Blanket Hill and when to leave the practice field. Likewise, with Company C. When they broke away from the main body and headed for the opposite corner of Taylor Hall, they were under the command of Captain J. Ronald Snyder. However, Major Jones ran after them and presumably assumed command of the Company until he left the men and went down to the practice field. All of this must surely have caused some confusion among the guardsmen and in turn communicated itself in particular to the sergeants. For some, there must have been a sense of autonomy, especially when it became apparent on the practice field that the officers, from Canterbury on down, really did not know what they were doing.

The Justice Department simply observes: "Apparently no plan for dispersing the students was formulated." The significance of this confusion becomes obvious in light of what was to happen by the Pagoda on the return march to the Commons. There has, to date, been no concrete evidence indicating that any officer fired a weapon from Blanket Hill. Major Jones may have fired his Beretta while on the practice field but most witnesses report that the guardsmen who did fire used a .45 pistol, whereas Jones only had a .22 pistol. The shooting, at the Pagoda however, did involve seven sergeants—eight with Sgt. Pryor—and out of the 28 or 29 who fired, only 8 were below the rank of Specialist 4th. Troop G had 2 men below that rank and neither fired. Company A had 19 below that rank of which 8 fired. It is suggested these 8 were among those who fired in the air or in panic reaction to the shooting by Troop G.

During his appearance before the President's Commission, General Del Corso had this exchange with Commissioner Canham:

Q. Did I accurately understand you when you said that you could envisage no Commander giving an order to fire into a crowd?

A. That is right.

Q. Then is it your suggestion that the Commander might not assess the situation as being endangering to the lives of his forces? That is to say, why doesn't he think the same way as the individual troops?

A. Well, I am certain he does assess this all of the time. Commanders are doing this all of the time they are in command, continuously assessing the situation or attempting to do what is the best procedure to maintain peace and order.

Q. And you are suggesting that the Commander under these circumstances did not assess it as requiring fire?

A. No. I won't say that.

General Del Corso won't say it, but the photographs clearly indicate that General Canterbury, the commander on the scene, was taken totally by surprise when the shooting started and obviously did not, despite his post-shooting statements, regard the situation as endangering the lives of his forces. Nothing so far published indicates that officers like Canterbury and Fassinger were aware that some of the men had made a decision to shoot at the students and their reaction to it in the photographs tends to confirm this. In fact, past experience was such that the officers would have no reason, especially at Kent State, to expect their men to shoot. General Del Corso told the President's Commission:

"As a matter of fact, in all the commitments that our troops have been committed, which have been more than any other community in the United States Army, we have never injured an individual until the Kent State incident.

Yet, in every incident, we have had our troops injured, we have been fired at in many of them, and certainly we have taken verbal insults."

How very significant that the one State militia with the most prior experience in civil disorders of any militia in the nation should unleash a fusillade of firing at unarmed civilians over 200 feet away and kill four of them. How very significant that the most experienced militia in the nation should resort to shooting for the first time when the danger to their lives was almost non-existent compared to previous confrontations when, as General Del Corso pointed out, they had been, "fired at in many of them." The implication in this fact is but one more indication that the shooting was NOT in self-defense, as the Justice Department concluded, but was planned and executed by a few guardsmen. Such a conspiracy is totally beyond the control of the commander at the scene when that commander is not fulfilling his obligation to protect lives and property. At Kent State, General Canterbury, at the critical moment was not where he should have been.

During the march from the Commons to the practice field, the general was behind his men which is where he should have been on the return, especially the climb to the Pagoda when the bulk of the students were to the right of the guardsmen. Instead, he took no notice of the knot of men on the right flank and permitted them to become an almost autonomous unit. Major Jones was with them on their left but, like Canterbury, was not between them and the students. Had either of them positioned themselves as they had done during most of the marching around the campus, the conspiracy to shoot could not have been carried out.

It is the shooting itself which is the most damaging evidence against the National Guard. The sudden turn with incredible precision, the deliberate concentration of almost all their fire into the Prentice Hall parking lot between a metal sculpture to their left and two evergreen trees to their right (see photo No. 1), and the totally unnecessary prolongation of the shooting are not consistent with troops shooting "in the honest and sincere belief" that their lives were in danger. On the contrary, it is consistent with troops determined to shoot specific students and continuing shooting to insure hitting those singled out for punishment. (See Diagram No. 2)

Finally, the fact that Sgt. Pryor and a number of those guardsmen who were shooting actually moved back toward the parking lot some 10 to 15 feet from the point where they turned signifies the extent of their determination to kill, maim or injure students in the parking lot area.

The observations of many witnesses to the Guard's conduct on the practice field and to the shooting serve to confirm the impression conveyed by the photographs: that some kind of decision was made on the football field, that the shooting was the consequence of that decision, and that Sgt. Pryor did indeed fire his .45 pistol at approximately 12:25 p.m. on May 4, 1970.

President Robert White convened a Commission to investigate the events of that weekend, and here are the observations of six witnesses before the Kent State University Commission:

"I don't think the Guard panicked. It seemed too orderly, and they fired as though on command." (page 241)

"It is my observation that it was completely impossible for that number of men to act spontaneously, yet in such perfect unison; there simply had to be an order from someone, and it would appear that someone had chosen in advance a commanding point to make their stand." (p. 241)

"Suddenly, as if on command, although I did not hear one, the National Guard turned toward the crowd who had moved onto the practice field and into the parking lot." (p. 241)

"I saw a guardsman with a sidearm draw from his holster aiming in the crowd, he fired. At the same time simultaneously with, and no pause between this, the rest of the guardsmen also fired." (p. 238)

"As (the Guard) crested the hill, they stopped, they turned, and at this time I saw a man withdraw a sidearm from his holster, aim it at the crowd, and fire into the crowd. With this firing, or at the same time, I saw there were other guardsmen with rifles that shot into the crowd." (p. 238)

"It appeared that there was someone in command since the troops, immediately prior to the shooting, did turn and consolidate into a more consolidated line, more or less simultaneously."

Many witnesses told of seeing a guardsman with a .45 draw the weapon and raise it in the air before lowering the gun and firing it at the students or into the ground. Some of the witnesses describe this guardsman as "an officer." Howard Ruffner's photograph showing the completion of the guardsmens' turn reveals only one man with a .45 pistol—Sgt. Pryor—and it is natural that among so many guardsmen with M.1 rifles, Pryor should stand out and appear to be an officer. However, there was another man with a .45 in front of the Pagoda. He will be referred to later.

Donald MacKenzie, one of the students shot by the guardsmen, told two reporters for the Cleveland Plain Dealer, Michael Roberts and Joe Eszterhas, that "one of the guardsmen turned and fired and then I heard the volley. As the guardsmen turned, *they rushed a few steps back up the knoll, firing, led by a guardsman with a .45 pistol.*"[1] SP/4 Russell Repp, of Company A, told the same reporters: "Everyone was up tight. No one was thinking of firing. Then I heard *small-arms fire,* three shots, it might have been an echo, and the guys returned the fire."[2]

During his testimony before the President's Commission, Howard Ruffner gave a vivid portrait of Troop G's autonomy and the lack of "fear" among the rest of the guardsmen preceding Troop G:

"The Guard turned around in somewhat of a maneuver, and I got a picture of the guards turning around, just the front line of the guard turned. The guard in this corner of the building (by the railing of Taylor Hall) turned, but I didn't know what they were looking at all the time, whereas this group up here (closer to the Pagoda) turned in the same direction like this, but the guard behind them hadn't reacted to anything, and they were still going toward the Commons."

His photograph, reproduced in the next chapter, has captured a reaction on the part of the rest of the guardsmen to the sound of Pryor's shooting. Most of them, including General Canterbury, have slightly turned to their right and are looking over their shoulders in Pryor's direction. It is one of the most significant photographs taken on May 4th because it proves that Sgt. Pryor is NOT loading his weapon and, more than that, reveals his arm in recoil upward, presumably from having fired the shot which caused the guardsmen and the general to turn in reaction to that shot. From the Justice Department summary and the testimony of witnesses, it is suggested that this is probably Sgt. Pryor's second shot, the first one having been the signal to turn and prepare to shoot. Ruffner's photo has captured the completion of the turn and guardsmen in various stages of preparation to shoot. One already has his M.1 in firing position and is aiming directly at Ruffner. Others have their rifles at different stages of coming up to their shoulders for firing.

Mr. Ruffner was ideally located to confirm or disprove General Canterbury's claim that his men were justified in shooting. He had said that his men had fired as they reached the Pagoda because there was a sudden charge of more than one hundred students to within "3 to 4 yards" of them, shouting and screaming "Kill the pigs." Ruffner told the Commission:

"As far as the number of students in this area here (between him and the Pagoda) as General Canterbury mentioned this morning, he said there was a rushing of students and a barrage of rocks. Seeing that I was 120 feet from them, there was *only two* other students in front of me. I believe one of them was near the sidewalk or just in front of me, along the front of the sidewalk. The one in front of me jumped over the railing as soon as the firing started, and the other one was hit."

Other photographs prove conclusively that General Canterbury's description of a student "assault" which justified the shooting is a description that was constructed to protect guardsmen from criminal prosecution, to mislead the public, and to conceal the truth. It should be noted that his dramatic account of this student attack was given under oath before the President's Commission. It is indeed most fortunate that so many persons took so many photographs, for they indicate that no such assault took place.

Civil suits filed by the families of those killed and wounded enable their lawyers to submit interrogatory questions to defendants like General Del Corso and Canterbury, and their excessive resort to the Fifth Amendment on those questions regarding the shooting serve to bolster the impression that these men are deeply concerned about their culpability in the shooting which has been condemned by both the Justice Department and the President's Commission.

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[1] "Thirteen Seconds", Dodd, Mead Co.

[2] Ibid.

William Montgomery, a Vietnam veteran, observed the noon rally and the shooting. "Most of the students were clean-cut fraternity types. Really, I saw very few people you would call radicals there. A lot of the kids had just come back from the weekend and didn't even know what was coming off. What happened at the Pagoda *seemed to be planned*. They sure didn't look like panicky men." (Emphasis added)

James Michener, in his recently published book "Kent State" also takes note of the evidence furnished by the photographs:

"Available photographs *do not support* claims of extreme danger (to the Guard). In picture after picture, empty space surrounds the guardsmen. They are under attack neither on the left nor the right, neither from the front nor from the rear." (p. 368) (Emphasis added)

Regarding a conspiracy, Michener makes ominous observations which confirm rather than refute such a possibility:

"One must also take into account the strong feeling running through the Guard that 'we've taken enough.' During the truckers' strike tough union men had cursed them, thrown rocks at them, hit them with empty beer bottles and on several occasions *actually brought* them under sniper fire, and 'we weren't about to take a lot of guff from some snot-nosed college brats.' (However, in weeks that were to follow, hard-hats at the Portage County Ordnance Depot northeast of Kent would create *much more violence* than had occurred at the university, but in neither that strike nor the earlier truckers' was firing into a crowd deemed necessary)." (p. 371) (Emphasis added)

Again, the implications are obvious. These guardsmen had literally had a very rough week, and their action in Cleveland was consistent with what society expects of its militia when it is committed to restore order in civil disturbances. At Kent State, there was a situation of minimum danger, compared to what they had experienced in Cleveland, yet they made the application of maximum force—shooting and killing. Why? The answer seems clear.

At Kent State, the Guard was exposed to college students, and there was an element of it that was not going to take the abuse from "snot-nosed college brats" and long hairs that it had experienced in Cleveland from the strikers.

Michener makes considerable emphasis on the effect upon guardsmen of foul language from females, going so far as to say: ". . the girls had removed themselves from any special category of 'women and children'. They were tough, foul-mouthed *enemies*." Such an "enemy" was Allison Krause who had given the Guard a "hard time" with words for which she would be summarily executed by that element in the Guard who had "removed" girls from any "special category."

Brian Fisher, another witness to the Guard's climb to the Pagoda, recalls that a girl near him was yelling at the soldier when one of them, "a left-handed fellow" turned toward the girl and shouted at her: "Come one step nearer, you bitch, and I'll blow your head off." [3]

Countless witnesses were struck by the precision with which the shooting was carried out, the impression that it was "planned" and executed at "a commanding point" (and what better point than the landmark of the Pagoda at an elevation of 19.8 feet above the parking lot where the shooting is going to be directed upon prior decision?). Every action of the guardsmen on the right flank of the march back to the Commons just does not fit the excuse that the firing occurred because they "feared for their lives." On the contrary, it fits but one theory: conspiracy to shoot at those students in the Prentice Hall parking lot who had cursed them or thrown rocks at them while they were on the football field or prior to their arrival there. Among those who had done so and attracted attention to themselves were Jeffrey Miller, Allison Krause, Alan Canfora, Dean Kahler and Thomas Grace. Joseph Lewis, Jr., drew attention to himself at the time of the shooting by making an "obscene" gesture with his finger and was deliberately shot by Sgt. Lawrence Shafer for this offense. Lewis could have been killed. It was quite incredible that no action has yet been taken against Sgt. Shafer for an act which, under any other circumstances, would automatically have culminated in criminal proceedings against Shafer.

In one of the photographs Lewis can be seen standing near the terrace railing making the harmless gesture known as "giving them the finger" During General Del Corso's appearance before the President's Commission, he was asked about the Guard's guideline to its men on the subject of shooting:

Q. Now, with respect to the discharge of weapons, as it is included within the Ohio National Guard training, will you describe what the training and what the regulations are in that area, please?

A. The only time an Ohio National Guardsman is permitted to fire his weapon, unless he is directed to do so by an officer, is for self-defense, to protect the life of himself or another individual.

Q. Now, with respect to self-defense, would you describe what, if any, elaboration is given a guardsman with respect to that rule and that prerequisite to discharge the weapon?

A. Well, in self-defense, if he is being assaulted, and it is apparent that he is going to be seriously injured or possibly killed, this is self-defense, this is *CLOSE CONTACT*. (Emphasis added)

Joseph Lewis, sixty feet away, was deliberately shot for insulting the Ohio National Guard with an upraised finger. Likewise, Allison Krause, Jeffrey Miller, Alan Canfora and several others were deliberately shot for insulting the guardsmen, taunting them with a black flag and throwing rocks at them ten minutes prior to their being shot. And all of them almost 100 yards away or further.

Much has been made by Del Corso and Canterbury of the great number of injuries to their men. The Guard claims that some fifty men were injured on May 4th, 1970, but the Justice Department says:

"Although many claim they were hit with rocks at some time during the confrontation, only one Guardsman, Lawrence Shafer, was injured on May 4, 1970, seriously enough to require any kind of medical treatment. He admits his injury was received some 10 to 15 minutes before the fatal volley was fired." (Emphasis added)

Sgt. Shafer of Troop G must have sustained this injury, then, when the guardsmen were on the football practice field. How many rocks were thrown at the Guard at that time? How large was the crowd in the Prentice Hall parking lot at that time?

One student witness was asked how many people she saw throwing things from the parking lot at the guardsmen on the field. "Well, I remember seeing at least eight," she replied. "And I could see because I was right down by the road. And there were maybe three in front of me who started to throw things. And the Guard started to point guns at the crowd." Photograph No. 2 confirms that there were few students in the parking lot at the time the guardsmen were on the practice field and other witnesses have stated that only a few of those in the parking lot were actually throwing anything. Photographs No. 3 and 4 serve to substantiate their testimony.

Of the three pictures only No. 4 shows anyone in the act of throwing something toward the guardsmen who are a good 100 feet from the throwers—three in all in this photograph. The sparsity of the crowd in the parking lot combined with the few who really drew the attention of the guardsmen by running up toward the fence to shout or throw something makes it very reasonable to assume that several troops on the field would be able to pick out these students a little later, particularly when looking down at them from an elevation of almost 20 feet with some 13 seconds in which to do so.

Another disturbing aspect of the National Guard's campaign to obstruct justice is their subtle portrait of the guardsmen as very frightened young kids about to be overwhelmed by a vicious, violent screaming mob, bent upon killing them. This impression was recently given further credence by the Attorney General of the United States during a television interview when he said:

"The unfortunate part of all of this is that, certainly in the case of these poor kids that were guardsmen, you know they think of the National Guard being some heavy handed force. They're a bunch of kids that are pulled out of school and their jobs and thrown into this National Guard duty and they're just like the college kids on the other side."

At Kent State, these "poor kids" were not just like the students at all. The "poor kids" had M.1 rifles and the use of the word "kids" to describe them is deliberately designed to mislead the public. General Del Corso was asked by the President's Commission what was the average age of the "enlisted men in the Ohio National Guard." Del Corso replied, "I would estimate that the average age is approximately 23 years." The Justice Department reports:

"Each person who admits firing into the crowd has some degree of experience in riot control. *None are novices*. Staff Sergeant Barry Morris has been in the Guard for five years, 3 months. He has received at least 60 hours in riot control training and has participated in three previous riots. James Pierce has spent 4 years, 9 months in the Guard. He has an unknown, but probably substantial, number of hours of riot control training and has participated in one previous riot. Lawrence Shafer has been in the Guard for 4½ years. He has received 60 hours of riot control training and has participated in three previous riots. Ralph Zoller has been in the Guard for 4 years. He has received 60 hours of riot training and has participated in three previous riot situations. James McGee has been in the Guard for 4 years, 7 months. He has received 60 hours of riot training and has participated in two previous riots. *All are in Troop G*." (Emphasis added)

There were some other "poor kids" in Troop G not included in the above because they had not admitted to the FBI firing into the crowd. Sergeant First Class Okey R. Flesher had been in the Guard for 13 years, 8 months at the time of the shooting and had received at least 60 hours training in riot control. SP/4 William E. Perkins, 4 years and 9 months in the Guard with 58 hours training in riot control and previous riot duty in 1966 and 1968. Sergeant Dennis L. Breckenridge, 5 years and 11 months service and at least 60 hours training in riot control, also with prior riot duty in 1966 and 1968. In fact, of the eleven men in Troop G who fired their weapons, not one had been in the Ohio National Guard less than 3 years and eight months—the length of service of Sergeant Joseph Scholl. And none of the eleven had less than 58 hours training in riot control. Furthermore, all eleven had previous riot duty in either Cleveland-Hough in 1966 or Akron-Cleveland in 1968 or both. Their experiences at the hands of strikers on April 29 and 30 are not included under

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[3] "Kent State", Random House

"previous riot duty." Only black Americans and students "riot." Of the 15 in Company A who fired, PFC James Brown had 9 years service and Sergeant Mathew MacManus had 6 years. Seven of the fifteen had 96 hours training in riot control.

The Ohio National Guard claimed, after the shooting, that it had followed "to the letter" the crowd control guidelines and instructions laid down by the Department of the Army. This is not true. The guidelines do not recommend the issuance of live ammunition to all guardsmen because it exposes civilians to the kind of shooting which occurred at Kent State and, as the Army says, "implies summary execution." The guidelines do not recommend a process of crowd control which jumps from tear gas to M.1 bullets. When General Del Corso was asked by the President's Commission the range of the M.1 when fired on a level trajectory, he replied: "It is 3,400 yards." That is 10,200 feet. The use of such a weapon by National Guardsmen when activated for civil disorders is criminal negligence on the part of all concerned, from the federal government down. Guardsmen carry guns solely for use in self-defense when a crowd comes so close and is so menacing that they pose a real threat to the guardsman's life. In the event the guardsmen come under sniper fire, then specially trained units with weapons like the M.1 are to be utilized. At Kent State, there were fifty odd guardsmen with a weapon capable of killing four people with a single bullet and also capable of killing over a mile away.

An Army training film puts great emphasis on the need for minimum force: "You may be greatly outnumbered, but remember that your training and proper conduct, the image you present of a neat, well-disciplined soldier, give you a practical, psychological advantage over an unruly, emotional mob. Those confrontations demand much of you. You must work within an atmosphere of explosive emotionalism and yet remain calm and rational. You will be subjected to the worst extremes of provocation, and yet you must be guided only by logical thought. When every natural instinct within you begs for action, you must remain passive." [4]

At Kent State on May 4, 1970, a number of guardsmen gave in to their "natural instinct" and deliberately, with malice aforethought, used their weapons "for action" by shooting into an area selected beforehand to punish those in that area for their verbal insults and audacity in throwing rocks toward them.

Was the mood of the guardsmen conducive to a conspiracy? We have the account of Brian Fisher and we have this statement by a guardsman to CBS-TV News shortly after the killings: "How do I feel? I feel it's about time one of them got it like that." This is but a reflection of the hatred consuming many residents in the Kent-Ravenna area from which many of the guardsmen came. In fact, almost all of the members of G troop who were on Blanket Hill that day reside and work in Ravenna, the town where local residents ran a full-page ad in the *Ravenna Record Courier* praising the National Guard for their defense of the good citizens of Kent and their courage in upholding law and order.

The shooting was almost an inevitable end-product of irrational emotions. The dead at Kent State and the two shot to death at Jackson State ten days later are not martyrs. They are a challenge to the conscience of the American people. The deliberate killing of student demonstrators and blacks challenges the government and all of us who believe that law and justice are more vital to a healthy democracy than order at any price.

IV. THE PHOTOGRAPHS

General Canterbury also testified that the closest students were within four to five yards of the Guard. In the direction the Guard fired, however, photographs show an open space in front of the guardsmen of at least 20 yards. President's Commission On Campus Unrest.

(NOTE.—The following are photo captions only.)

Photograph No. 2: This was taken at the time, or shortly thereafter, the jeep with Kent State policeman Rice and three guardsmen had gone out toward the students and ordered them to disperse on the grounds that their peaceful assembly was "illegal."

General Canterbury is to the left of center, in a business suit, and the man to right of center (with hand on right hip) is believed to be Lieutenant Colonel Charles Fassinger. To his left is a jeep, front wheels turned inwards. This is the vehicle appearing in the next two photographs showing Troop G forming up for the march across the Commons. Sergeant Myron C. Pryor of Troop G is identified by the arrow.

Photograph No. 3: Sergeant Myron C. Pryor, senior non-commissioned officer of Troop G. 107th Armored Cavalry, lining up the men of his Troop who are to take part in the dispersal of the noon rally. Sgt. Pryor, wearing a shoulder holster for his .45 pistol, is identifiable by the straps for the holster over his left shoulder and around his back. Hanging from his belt, visible in the photo, are (from left to right) his canteen, gas mask and pouch for tear gas cannisters. In a later photograph, he will be seen handing a cannister to another guardsman. Soldiers in the background are members of Company C, 145th Infantry.

Photograph No. 4: Taken shortly after No. 2. This is Troop G getting into formation. Sergeant Pryor is to the right with his arms raised. The holster straps are visible. According to the Akron Beacon Journal special report on the Knight Newspapers investigation, Pryor is right handed, which would explain the holster being over his left chest. However, according to the newspaper, Pryor injured his right hand some hours before this photograph was taken. Sgt. Pryor will figure very prominently in the shooting to take place some 45 minutes from the moment captured in this picture, with his .45 in his left hand. To the extreme left of the photo is General Canterbury in a business suit. Many students believed Canterbury was university president Robert White, which naturally incensed some of them—seeing a man they believed to be the college president marching around with the National Guard. This mistaken identification was due to Canterbury's attire and the fact many students had never seen White.

Photograph No. 5: View of guardsmen approaching the Victory Bell at the start of their march to the football practice field. This picture shows Troop G in the foreground and Company A, on the right flank, in the background. Company C is to the right of Troop G. Crowd of students in background are ignored by the National Guard, despite the fact they are "technically" on the Commons and could be construed as participants", in the rally. The Guard, however, considered them "spectators" which, of course, contributed to the "circus" atmosphere witnesses spoke about before the President's Commission. The building in the background is Johnson Hall.

Photograph No. 6: Guardsmen advance up the Commons toward Taylor Hall, streamer of tear gas is from a cannister thrown back at the Guard. The man whose helmet is directly beneath the streamer is believed to be Lt. Colonel Fassinger.

Photograph No. 7: View of Troop G and Company A approaching west side of Taylor Hall. General Canterbury is in extreme left of the picture and Sergeant Myron C. Pryor is identified by arrow. Male student, in circle, has just thrown something toward the guardsmen. (Company A is to the right in the photograph).

Photograph No. 8: Guardsmen of Troop G, to the left, draw closer to the west side of Taylor Hall. Sergeant Pryor, arrow, is turned sideways as he holds out a tear gas cannister in his right hand.

Photograph No. 9: View of Company C after they had broken away from the line and were proceeding to the east side of Taylor Hall. To extreme right can be seen Johnson Hall with the guardsmen of Troop G and Company A approaching the west side of Taylor Hall. Also, in extreme right can be seen Major Jones running to catch up with Company C. Structure behind Jones is the Victory Bell. The significant fact in this photo is that the rally HAS been dispersed and the area of the Commons occupied by the students "illegally" assembled has been cleared. This photograph, NOT included in the President's Commission report, proves it was totally unnecessary for General Canterbury to have continued pursuing the students as he did. This raises the question: What exactly constitutes "dispersal?" Where it not for the shooting, the Guard could have pursued students around the campus until doomsday in their quest to "disperse" the noon rally. This photograph established that the purpose of the mission, as Canterbury described his mission to the President's Commission, was here completed.

Photograph No. 10: This photograph, taken from the Johnson Hall parking lot, shows the entire west side of Taylor Hall and the marching skirmish line of Company A, nearest the camera, and Troop G. This picture also confirms that General Canterbury's mission to clear the Commons had been accomplished. Guardsman indicated by X is believed to be Lt. Colonel Fassinger. Arrow at crest of Blanket Hill indicates position of Allison Krause. (See photo K in Part V)

Photograph No. 11: Troop G, to the left, and some members of Company A climb the hill toward the Pagoda. This is the hill appearing in No. 10. In the foreground, left, is General Canterbury in his business suit. Sgt. Myron C. Pryor is identified by the arrow. At the crest of the hill eight students can be seen, one of them apparently shouting at the approaching guardsmen.

Photograph No. 12: The Guardsmen have arrived on the football practice field. In background is the long fence which prevented the troops proceeding any further in the direction they were going. The 10 guardsmen in center of the picture are members of Troop G. Note one guardsman aiming his M.1 rifle directly toward the Prentice Hall parking lot where, at this time, Allison Krause, Jeffrey Miller, Dean Kahler, Alan Canfora, and Thomas Grace were located and would harass and taunt the guardsmen. Robert Stamps would also come into this area and actively taunt the Guard. About 15 minutes from the time this picture was taken 11 members of Troop G would fire their weapons, at least 5 of them, directly into the same parking lot they are now facing. All of the above named students would be shot. Sergeant Pryor, arrow, has his left hand on his gun holster and appears to be adjusting it or possibly preparing to remove his .45 pistol from the holster. Another guardsman, indicated by X, is moving forward to fire a tear gas cannister into the parking lot. (Refer to next picture).

Photograph No. 13: Guardsman indicated by an X has moved forward about 15 feet from his position in previous picture. In this photograph he has just fired a tear gas canister from an M-79 grenade launcher. Sgt. Pryor has also moved forward to the point where the guardsman with the M-79 is standing in photograph No. 12. Pryor is identified by an arrow. There are only 16 men of Troop G on the practice field plus two officers—Captain Raymond J. Srp and Lieutenant Alexander Stevenson—for a total of 18. Except for Sergeant Richard K. Love and his companion from Company C, all other guardsmen are members of Company A. The three senior officers on the field are Canterbury, Fassinger, and Jones, the latter running down to the field when the men of Troop G knelt down and assumed a firing position (as shown in later photographs).

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[4] "Eye On the World", Cowles Book Co.

Photograph No. 14: Another view, taken about the time the previous picture was taken. Guardsman indicated by an arrow is believed to be Sgt. Pryor. In a few seconds the tear gas canister launched into the parking lot (photo 13) will be thrown back onto the practice field by Jeffrey Miller. It is possible this act prompted the group of men of Troop G closest to the parking lot to assume firing positions, although Commission photo No. 25 indicates the guardsmen were already down and aiming at the time Miller threw the canister back at the Guard.

Photograph No. 15: Allison Krause is standing close to the student wearing a fringed jacket, extreme lower right. Guardsmen can be seen on the practice field.

Photograph No. 16: A tear gas cannister lands on the football field after being thrown back at the Guard by a student. It is possible this is the one thrown by Miller. The guardsman bending down to pick up the cannister is a sergeant or possible Lieutenant Stevenson. Sergeant Pryor is identified by an arrow and General Canterbury can be seen in his business suit with his *back* to the kneeling guardsman of Troop G.

Photograph No. 17: Another angle taken at almost the identical moment as the previous photograph. Here General Canterbury can be seen clearly. He is apparently oblivious to what is going on behind him. Sgt. Pryor is the last guardsman in the picture in extreme right, looking at the sergeant (?) who is picking up the tear gas cannister (not in this picture).

Photograph No. 18: Guardsman is now seen throwing back the cannister he was about to pick up in previous photos. He is throwing it in the direction of the crowd in front of Taylor Hall, not toward the parking lot. This may indicate the cannister was not the one thrown by Jeffrey Miller. Sgt. Pryor is identified by an arrow as he watches the sergeant (?) throw the tear gas cannister. To Pryor's right is a guardsman with an M–79 grenade launcher. This is probably the same one seen firing a cannister in Photograph No. 13 and, as he is apparently a member of Troop G, is also the one guardsman seen near the Pagoda at the time of the shooting with an M–79.

Photograph No. 19: Tear gas from the thrown cannister has now blown across the field toward the fence. The man who threw it back at the students is indicated (A) as he walks toward Sergeant Pryor (B). Guardsman (C) is probably Lt. Colonel Fassinger and (D) is General Canterbury. Guardsmen indicated by an X has a .45 in his right hand, and it is possible that this man, rather than the one who threw the cannister, is Lieutenant Stevenson.

Photograph No. 20: Sgt. Pryor has stopped and turned and is obviously speaking with the guardsman who threw back the tear gas cannister. This man is probably another sergeant, although it is difficult to state this with certainty. Canterbury and Fassinger can be identified in the background from their indicated positions on the previous photo. Most of the tear gas in earlier photographs has now dissipated.

Photograph No. 21: Taken at the same time as No. 19. It shows the distance of the area in front of the Guard toward the parking lot of Prentice Hall. The lot is some distance further on to the left of the picture. Students in foreground are part of the crowd at the base of Blanket Hill in front of Taylor Hall. Guardsman indicated by an arrow is believed to be Sgt. Pryor.

Photograph No. 22: General Canterbury speaking with his officers Fassinger and Jones, in cloth cap and back to camera. Sergeant Pryor, identified by white arrow is walking toward the group of officers, also with his back to the camera. Black arrow indicates man who might be Lieutenant Stevenson or possibly Captain Srp. In the foreground, waving a black flag, is a student.

Photograph No. 23: This is the eastern end of the Prentice Hall parking lot. The students are looking in the direction of the guardsmen on the football field. This is the part of the lot where Allison Krause was during most of the time the Guard was on the field. When the troops were preparing to depart, she ran forward to right of this picture and shouted at them. This part of the lot is about 150 feet from the guardsmen. The student wearing a hat is carrying a black flag and one of the two students seen in photos with black flags is Alan Canfora. Most of these students are carrying rags of cloths to protect themselves against the tear gas. Just to the left of center is a student walking, with right leg bent and holding a rag to his face. Behind him, almost obscured, is another student carrying a small rock, about half the size of a baseball. Were he to later throw it at the Guard from any part of this lot, it could not reach the soldiers. (Hand is indicated by arrow).

Photograph No. 24: This photograph and No. 25 taken as the guardsmen commenced to depart from the football practice field for the return march to the Commons. It is about this time that the decision to shoot at the students in the parking lot was formalized. In this photo, six guardsmen of Troop G can be seen looking toward the parking lot. This could be because they are the closest troops to the students in that area at this time. However, their surveillance will be maintained throughout their return march. This will be in spite of the fact that the parking lot gets farther away as they march, and the much larger crowd at Taylor Hall gets closer.

Photograph No. 25: This picture could relate to the testimony of witnesses that some kind of "huddle" took place at which a decision of some kind was reached. Arrow indicates a guardsman with a .45 pistol in his right hand. He will appear again in another photograph very close to Sergeant Pryor. The student at bottom left, wearing a hat and waving a black flag, is the same student in Photograph No. 23.

Photograph No. 26: Company A is marching forward in a fairly tight formation. Troop G, however, is straggling and starting to hang back. Four guardsmen are looking back over their right shoulders at the parking lot, watching the students harassing them. It is about the time that Allison Krause ran to the fence and drew attention to herself again by shouting obscenities at the departing guardsmen. Likewise, Jeffrey Miller and Dean Kahler taunted the Guard by throwing things toward the troops. Few, if any, of these missiles came close. The other student with the black flag appears here and the student to his left appears to be shouting at the guardsmen, one of whom, marked X, is looking directly at the student. The guardsman (B) to left of center is Sergeant Pryor, and the guardsman in extreme left (A) bears a striking resemblance in build and walk to the man marked (A) in Photograph 19. Presumably he is a sergeant. There are 7 sergeants in Troop G. Most of them are carrying M.1 rifles. First Sergeant Pryor is not, and perhaps the next highest ranking sergeant—Sergeant First Class Okey F. Flesher—would also just be armed with a .45 pistol.

Photograph No. 27: Guardsmen approaching the road en route to Blanket Hill, seen in extreme right of picture. (A) indicates the same sergeant in the previous photograph. The developing group of about ten guardsmen in Troop G is now apparent as they trail the rest of the line. Presumably, this is part of the military V-formation General Canterbury stated was used. However, no such formation was apparent in the march up the Commons to the football field. Pryor and the sergeant (A) are once again close together, and this raises again the question what was said when the two conversed in photo No. 20. In this photo, and especially the previous one, no more than about 15 students can be seen to the Guard's left (in the background).

Photograph No. 28: Guardsmen have crossed the road and started their ascent of Blanket Hill to the Pagoda. The two guardsmen (A) are looking directly back at the parking lot, as are Sergeant Pryor and Major Jones. This part of the road is approximately 50 feet or so from the spot where Jeffrey Miller will be shot dead in about 3 minutes. Note no students at all in front of the guardsmen impeding their progress to the Commons.

Photograph No. 29: Guard continues march to the crest of Blanket Hill. In this picture, six guardsmen are looking toward the parking lot, among them Sergeant Pryor. The guardsman closest to the students in the foreground seems not overly anxious about their proximity to him. In fact, during most of this march back to the Commons, few guardsmen paid much attention to students that were the closest to them, and this held true when they started shooting. The students on the terrace of Taylor Hall were ignored during the 13 second volley. White arrow indicates man who will be standing about ten to twelve feet from Jeffrey Miller when he is killed. Black arrow indicates the first of two small islands in the road where parking ticket machines are located at the entrance to the Prentice Hall parking lot. Miller was standing about 20 feet from this point (to the right.)

Photograph No. 30: A front view of the guardsmen drawing closer to the crest of the hill and the Pagoda where they will suddenly turn and start shooting into the parking lot. Guardsman (A) seen earlier with .45 pistol in his right hand. John Cleary is seen walking away from the path to be taken by the Guard. He will shortly be shot in the upper left chest as he stands sideways to the guardsmen facing Taylor Hall. Guardsman indicated (B) is believed to be Sergeant Pryor, but it is not absolutely certain.

Photograph No. 31: At least 10 guardmen can now be seen looking back at the parking lot. They are looking over the heads of the few students in the foreground. Sergeant Pryor is seen for the first time with his .45 pistol in his left hand, due to his having injured his right hand earlier this day. The guardsman (A) with a .45 pistol in his right hand is the same man appearing in photograph No. 25. The guardsman mentioned in the section of pictures covering the practice field with the M–79 grenade launcher is believed to be the one indicated here by X. The arrow points to General Canterbury. Guardsman (Y) appears to be dodging some kind of missile. The parking lot is about 150 feet from the guardsmen. Guardsman (Z) could be the one who had a conversation with Sergeant Pryor on the practice field.

Photograph No. 32: Sergeant Pryor is identifiable by the strap of his shoulder holster going round his back and under his right arm. Four guardsmen are looking back at the parking lot which is now over 200 feet away. The student walking with his back to the Guard is the same man seen in the previous photo (extreme right) standing still and watching the Guard march by. X is the guardsman with the M–79 grenade launcher who will shortly be standing close to the Pagoda during the shooting. Two guardsmen are looking at the man, extreme right near the fern tree, who is shouting at the troop. Note the tight grouping now. These are the guardsmen who are going to turn with such precision and let loose a hail of gunfire into the parking lot.

Photograph No. 33: The Guard has reached the Pagoda. About 2 to 3 seconds after this photograph was taken, a signal to turn and shoot apparently was given. As the Justice Department noted, there is nothing to prevent the troops from continuing in the direction in which they are headed. The students in the foreground are the closest to the Guard of those actually on Blanket Hill. They appear to be close, but the metal sculpture, seen in extreme right, is 100 feet from the Pagoda. In this picture only one guardsman is looking back in the direction of the Prentice Hall parking lot. Again Sgt. Pryor is identified by the strap round his back. Comparing this picture with the next photograph enables us to see how far this knot of men proceeded before turning. Major Jones will have moved from his position in this picture to the Pagoda before the men turn. This delay in the signal to shoot will be corrected by some of the guardsmen, including Pryor, moving back to the crest they had passed over.

Photograph No. 34: The signal has been given. The reaction of some of the men of Company A and General Canterbury is to the sound of a shot. Five guardsmen in the group in background have turned to look over their right shoulders. Canterbury, in particular, is looking in the direction of Sergeant Pryor. Guardsman (X) is the one with the M–79. Guardsman (A) is already aiming directly at the cameraman, Howard Ruffner. The next photo shows the shooting in progress, and it will confirm that the two guardsmen (B) and (C) will not move from their positions in this photo nor—in the next picture—have they lowered their M.1 rifles to shoot. This is also true of guardsman (D). During the shooting photos show that the group in the background—Company A—will also move toward the Pagoda but most of them keep their rifles pointing skyward. Fifteen members of Company A fired their weapons, but none admitted to the FBI firing at the students. The few photographs we have tend to substantiate their claim. However, far more than 5 guardsmen of Troop G aimed and fired at the students in the parking lot. Guardsmen numbered in this photo 1 thru 9 will be seen in the next photo aiming and firing directly toward the Prentice Hall parking lot. Guardsmen indicated by arrows will appear aiming and shooting in photograph No. 36 when Sergeant Pryor has stopped firing. Pryor's finger is visible and after examination under magnification, it can be reasonably stated that his trigger finger is . . .

Photograph No. 35: Unfortunately, I was not able to secure prints of this picture, and the next one from Mr. Darnell. Consequently, the clarity of the two photos leaves much to be desired. However, Sergeant Pryor stands our clearly and he is obviously shooting into the parking lot. It can now be clearly seen the extent of the move back toward the area into which they are shooting. Sergeant Pryor is now well in front of the Pagoda and on level terrain. In the previous photo, he is about level with the Pagoda and on the slope. X indicates the approximate position he was in when the prior picture was taken. It is this move back for a better position to sight specific students in the parking lot which condemns the Guard. This is a deliberate and aggressive motion. It is not a spontaneous or defensive movement. Neither the President's Commission nor the Justice Department drew attention to this fact. Why? It is the most significant act by those involved in the conspiracy to punish certain student and is the crux to a thorough investigation. These guardsmen have yet to be asked to explain why they moved back toward the source of the "danger" which compelled them to shoot in defense of their lives.

Photograph No. 36: Guardsmen circled appears in previous photo shooting into the parking lot. In this photo, he has turned to his left and is shooting toward the metal sculpture where John Cleary was shot. It is also in the direction of Joseph Lewis. Note in background members of Company A with rifles pointing skyward (white arrow). Major Jones has not yet moved to stop the shooting, whereas Canterbury has reached the firing line and appears to be physically trying to restrain some guardsmen from continuing to shoot.

Photograph No. 37: Taken from the terrace of Taylor Hall. The shooting has just started, and some students are running for cover while others have not yet reacted. Joseph Lewis, making an "obscene" gesture at the guardsmen is indicated by arrow. Moments after this picture was taken, Lewis will be shot twice, one in the lower abdomen, and once in the left leg. Note the area of Blanket Hill beyond the railing all the way across to the trees in the background. From the Pagoda, to the thick tree trunk and then toward Taylor Hall, indicated by lines, is the area in which General Canterbury claimed, under oath, that a mob of students numbering close to one hundred was rushing the guardsmen screaming, "Kill the pigs! Stick the pigs!" and that if the soldiers had not fired, they would have been overrun and possibly killed. "I feel I could have been killed," General Canterbury told the Commission. This mob, he said, came within three to four yards when the troops had to fire or face certain injury and possible death. Lewis is standing 20 yards away from the Guard. One other student can be seen in this area, and he is ducking and running toward the railing. There *are* students closer to the Guard; eight are visible, but they are on the terrace and no shooting was directed into the terrace area. Like photo No. 35 this, too, indicates no assault. General Canterbury has yet to be taken to task for his . . .

Photograph No. 38: This is the entranceway into the Prentice Hall parking lot and the bullets are flying. Point **X** indicates a distance from the firing line of approximately 250 feet. Arrow No. 1 indicates direction Allison Krause was running, with her back to the guardsmen, when she was shot. Arrow No. 2 indicates direction in which Sandra Scheuer and William Schroeder were going at the time they were shot, and arrow No. 3 indicates direction where Jeffrey Miller was standing when shot in the face. He is about 15 feet to the right from the arrow. The sign, which appears in photograph No. 39, can be seen in this picture in extreme upper right corner.

Photograph No. 39: The scene in the Prentice Hall parking lot, south side. The sign is just about 300 feet from the Pagoda. The students in the background running and diving for cover are over 400 feet from the guardsmen. This is the area, including that part to the north (to left of photo), where 10 of the 13 students were felled.

Photograph No. 40: Like the previous two photos, this one was taken as the guardsmen's bullets were spraying the parking lot and northern end of the football practice field. Dean Kahler and William Schroeder were lying prone, as these students are lying, when they were hit. Schroder died, and Kahler was paralyzed for the rest of his life. These students are at varying distances from the Guard. The man in the foreground, lying on the slope of Blanket Hill, is about 230 feet from the Pagoda. The girl across the road is about 260 feet away, and the girl in the background, left of center, is approximately 450 feet away. The worn patch in the football field is where the front group of Troop G was standing in Photograph No. 12.

Photograph No. 41: Taken a few seconds after Jeffrey Miller was shot dead. Man in foreground is referred to in photo No. 29. Girl to right of picture has just realized that Miller has been killed. Arrow No. 1 indicates point where the FBI says Dean Kahler was shot while lying prone. Arrow No. 2 indicates direction of the parking lot where eight more students lie, three of them dying.

Photograph No. 43: In foreground, near path leading to the terrace of Taylor Hall, lies Joseph Lewis with several students beside him. Guardsman X is the man with the M–79 grenade launcher. This guardsman did not shoot during the volley. For the first time the guardsman with a .45 in his right hand is seen beneath the Pagoda along with a second guardsman. It is possible this is the guardsman who conferred with Sergeant Pryor on the football field (photo No. 20) and who is marked (Z) in photo No. 31. He is not the man in photo No. 31 marked (A). There is reason to believe this man and Pryor played a conspiratorial role in the shooting which took place, and in the giving of the signal for the turn. He appears in photograph No. 44 in front of the Pagoda. As yet, we have no photo showing exactly what this man with the .45 pistol did during the shooting.

Photograph No. 44: Behind the metal sculpture lies John Cleary with several students trying to aid him. To the right is Taylor Hall. Arrow indicates guardsman believed to be the man who spoke with Pryor in Photo No. 20. Joseph Lewis is beyond the sculpture near the railing.

Photograph No. 45: Joseph Lewis, in foreground, lying on his back as the guardsmen, shooting completed, continue their march back to the Commons. Just to the left of man standing holding a newspaper is the guardsman indicated by an arrow in the previous photograph. He is walking away from the Pagoda and has his .45 pistol in his right hand. Sergeant Pryor cannot be seen in this picture. There is a certain element of incredible callousness in this photo of the Guard departing the scene. A conspiracy possibly has been executed and with planned effect. Four killed and nine wounded. "We have reason to believe that the claim by the National Guard that their lives were endangered by the students was fabricated subsequent to the event." So said the Department of Justice. When is the Ohio National Guard going to be called upon to prove they fired in self-defense? Their claims so far have proven to be utter distortions of the truth.

Photograph No. 46: The cameraman who took this picture was standing close to the Pagoda. Here is the approximate view some of the guardsmen had during the shooting. The metal sculpture stands out to right of center, and in the background is Prentice Hall. To the left is Taylor Hall. In left foreground a boy and his girl friend hold each other. Further away a girl shouts in the direction of the Guard who has departed from Blanket Hill when this photo was taken. The cars, extreme right, are in the parking lot. THIS is the area into which all the shooting aimed at students was directed and where 8 students were shot down. Miller and Kahler were close to the parking lot, but not in the lot. The distance speaks for itself. Self-defense? No. Deliberate murder.

Photograph No. 47: A scene of carnage.

(A) Indicates location of Allison Krause, killed.

(B) Indicates area where Alan Canfora and Thomas Grace were wounded.

(C) Approximate location of William Schroeder and Sandra Scheuer, both killed.

(D) Area where Douglas Wrentmore was shot.

(E) Behind the students lies Jeffrey Miller, killed.

(F) Indicates area where Dean Kahler was shot and paralyzed.

(G) Approximate location of Donald Mac-

Kenzie, some 130 feet from the Pagoda, when he was shot.

(H) Indicates location of Robert Stamps, wounded.

Photograph No. 49: One of the cars hit by Ohio National Guard shooting. If Mr. Rhodes' statement is confirmed, this would further substantiate the more than remote possibility that certain guardsmen were aiming at specific students as they ran among the parked cars. It is very unlikely that all the shooting was deliberate in intent and at random in direction. Some guardsmen, as almost 50 photographs suggest, were shooting to kill students like Allison Krause, Jeffrey Miller, Alan Canfora, Dean Kahler, and in process "accidentally" shot and killed Sandra Scheuer. Whether or not William Schroeder had drawn attention to himself earlier is not known and presumably he, too, was killed "accidentally" or by those who were shooting at students at random.

Photograph No. 48: Bullet hole in one of the cars in the Prentice Hall parking lot. Five guardsmen admitted to the FBI firing 8 shots into this area. With those 8 shots they succeeded in killing four and inflicting at least 10 wounds, Lewis having been hit with two bullets. The bullet which killed Allison Krause disintegrated. The bullet which killed William Schroeder fragmented into at least two pieces. An M.1 bullet crashed through the bedroom window of an apartment house almost a mile from the campus and another went through the window of a room in Prentice Hall. The pictured bullet hole, and at least two in the next photo, reveal the extent of the fabrication of fact on the part of the Ohio National Guard. Joseph Rhodes, a member of the President's Commission, reported late last year that the FBI investigation turned up 32 bullet holes in cars parked in the lot by Prentice Hall. The Commission report states that a MINIMUM of 61 shots were fired. There is reason to believe even more than this figure were fired.

Photograph No. 50: The guardsmen en route back to their starting point after having shot 13 students, four of them fatally.

V. THE VICTIMS

"She was only with us for nineteen years. And when we go to her grave tomorrow, what do we say? Do we say that there is no justice, Allison? No one cares that you're dead, Allison? That you were—executed? Or do we say there is justice, Allison?" Mrs. Doris Krause.

In the public's almost obscene preoccupation with which students said what and how many rocks were thrown and who threw them, the fact that the National Guard actually used M.1 combat rifles and took four lives has become almost obscure. When General Del Corso was asked by a member of the President's Commission if he equated rocks with M.1 rifles, he replied: "Certainly not." Nevertheless, in the aftermath of the killings, the National Guard commanders left no stone unturned in their frantic effort to make the victims responsible for their own deaths. It was nothing less than a sordid attempt to conceal the truth, an attempt which has so far succeeded in obstructing justice in taking its course.

The lives of the four who died have been placed under numerous microscopes, but very little effort has been made to establish what the four did during the final hour of their brief lives. William Schroeder appears in two photographs among the crowd being driven from the Victory Bell by tear gas, but how he came to be in the Prentice Hall parking lot at the time of the shooting is not known. Sandra Scheuer left Taylor Hall to go to the Music and Speech Building at about the time the guardsmen were commencing their return march to the Commons. As she walked down into the lot, the Guard was nearing the crest of Blanket Hill, Jeffrey Miller and Allison Krause, unlike Sandra, appear in several photographs, along with hundreds of other students, protesting the presence and actions of the National Guard. Neither were politically radical, nor did they belong to any student organizations like the S.D.S. Why, then did they participate in the demonstration. The answer for them and for a great many others is to be found in the testimony of Kent State student Barbara Knapp when she appeared as a witness before the President's Commission.

Q. What happened with you at the rally?

A. Well, I was down by the Liberty Bell. I was over by myself. I didn't know anybody there, so I was standing there. The bell was to my right. . . . The first thing that happened almost immediately after I got there was, they announced over the PA system that we had to clear the area, and the crowd yelled back, "No," and all that. I was not yelling. I was just watching, but I had this feeling that I was not going to go, this is my area, I had a right here. And then the jeep came out from the guardsmen, came about halfway between the guard and the students and again announced, you know, we had to leave . . . then the guardsmen advanced, started coming across, shooting tear gas, and the crowd came up the hill, you know, between Taylor and Johnson, and I went up the hill with the crowd. . . .

I went into the park lot side. I remember standing on the road down there, just as the guard got to the top of the hill and were coming over, and I just can't convey the feeling I had of just, you know, seeing these men come across the hill with rifles, with gas masks, and uniforms. I just kept thinking, 'This isn't happening,' you know. 'We are civilized, this is Ohio, this is not happening here.'"

Well, it was happening, and to students like Allison Krause, the reality of troops armed with rifles and fixed bayonets forcing her off her own campus was not an event you just let happen. It was the conduct of the Guard at the outset which inflamed the students and incited the stone throwing and insults. There was a military arrogance in the dispersal of a peaceful assembly which anyone in the Guard with a modicum of common sense could have predicted would not contribute toward restoring peace on the campus.

It is appropriate to this theory of conspiracy that the factual, minute by minute, final hour of Allison's life be recounted here to emphasize the horrifying injustice in these four violent deaths and to explain why she, alone with several other students, may have been deliberately shot.

Allison had agreed to meet her boy friend, Barry, at the noon rally. She arrived about the time the crowd was beginning to gather and is seen running by the Victory Bell, at extreme left of Photograph A. She made her way up the hill toward Taylor Hall and the rear of the main crowd. When Barry arrived, she gave him half of a wet rag she had brought with her in case the Guard used tear gas, as they invariably do. As can be seen in Photographs B and C, the noon rally was indeed a peaceful assembly just as the Justice Department and the President's Commission concluded. The arrow in photo B identifies Jeffrey Miller. The girl marked X appears in Photograph No. 42 kneeling beside Miller's body.

When the guardsmen commenced their preparations to disperse the peaceful crowd, a jeep was ordered out by General Canterbury to tell the students their rally was "illegal." Allison and Barry stood watching the jeep as many students began shouting at the guardsmen. On the vehicle's second trip, a rock was hurled and bounced close to it, the act drawing cheers of approval. At this, Canterbury ordered his men to "lock and load" and move out to disperse the students.

As the guardsmen started out, tear gas was hurled into the midst of the students, and as the Guard drew closer to the area of the Victory Bell, more tear gas was fired. The crowd began to move backwards up the hill toward Allison. She was soon caught up in the tide of students streaming up Blanket Hill toward the west side of Taylor Hall and the Pagoda. The tear gas was getting bad now, and in photographs F and G she can be seen trying to protect herself from the gas and avoid being swept up by the fleeing students.

The Guard now split into two formations. Company C went to the left toward the east side of Taylor Hall, leaving Troop G on the left flank of the main group heading for the Pagoda. Photograph H shows Company C in the foreground having just passed the Victory Bell, and in the background can be seen Troop G and Company A heading up the hill. The man in the extreme right of the photo running toward Company C is Major Jones. The most significant aspect of photograph H, as mentioned before, is the proof that General Canterbury had accomplished his mission of dispersing the rally.

Having fled the commons up to the crest of Blanket Hill, many of the students, among them Allison, stopped to see if the Guard was going to pursue them beyond the area they had been driven from by tear gas and bayonets. In photograph "I" the lingering crowd can just about be seen at the top of the hill through the haze caused by tear gas. The roof of the Pagoda is visible behind the tree just to the left of center. In the foreground are members of Troop G, on the left flank of the line, approaching the moment when they will clearly see Allison for the first time. Sergeant Pryor is identified by an arrow.

From her position in photograph G, Allision has moved up the side of Taylor Hall and in an unusual photograph, J, the last of the students can be seen rounding the southwest corner of Taylor Hall. This photograph was taken from the terrace, and the Pagoda appears in the far left of the picture.

Allison and Barry are either amid the crowd near the Pagoda or have yet to appear from behind the corner of Taylor Hall, extreme right. The student standing on the terrace wearing a fringed jacket, knew Allison, and he appears later in photograph M taken in the parking lot at the time Allison and Barry were standing to his right.

As the couple stood at the crest of the hill watching the guardsmen continue their march up the slope toward them, Barry recalls that she was weeping; not from the tear gas, but from the emotion of what was happening to her, her friends, and her campus. Troops with guns and bayonets sweeping through an American university. To Allison, this only happened in South America, and she was far from alone in her reaction to what seemed like a military invasion.

Photograph K captures the moment when Allison and some members of Troop G (in the foreground) have their first of two face to face confrontations. She stands out against the skyline and is shouting at the oncoming guardsmen in a loud and clear voice exactly what she thinks of their driving her and her fellow students from their rally. The members of Troop G are, at this point, some 60 feet from her, and she appears to be the only female out of the sixteen students visible to them. This fact, along with her choice of words, no doubt drew the attention of several of the guardsmen as they advanced toward the crest of the hill.

After photograph K was taken, the couple went down Blanket Hill "without stopping" to the Prentice Hall parking lot, occasionally looking over their shoulders to observe the guardsmen as they swept across the top of the hill and marched down toward the football practice field. (See Photograph L)

Why is Allison Krause dead? At no time during this final hour of her life did she pose a threat to any Guardsmen. At no time was she ever closer to them than she is in photograph B. No student killed or wounded carried any kind of firearm. Like Sandra Scheuer, Allison was killed as she was going away from her killer, and had her back toward him. These deaths cannot be swept aside on the excuses of General Canterbury's imaginary "mob" coming within "three and four feet" of his men because the shooting was directed at the parking lot over 300 feet away. The guardsmen were totally unconcerned about the students milling around the terrace of Taylor Hall, some of them as close as 40 feet, because they were concerned solely with the students 300 feet away.

To conclude this account of the final hour in Allison's life it is fitting to record here the answers given by General Canterbury to some interrogatory questions submitted to the General by her parents' lawyers:

Q. Do you claim that Allison Krause in any manner caused any injury whatsoever to any member of the Ohio National Guard who fired a weapon *immediately prior to or at the time of the shooting?*

A. Yes.

Q. If your answer is in the affirmative, then state with specificity and in detail the factual basis for any and all reasons for such claim, including the names and addresses of any and all persons who have any knowledge supporting such claim.

A. Allison Krause was unknown to me so that it is *unknown* whether she was one of those rioters who *caused injury* to members of the National Guard immediately prior to the shooting.

Q. Do you claim that Allison Krause in any manner caused any member of the Ohio National Guard who fired a weapon immediately prior to or at the time of the shooting to fear serious injury or that his life was in danger?

A. Although Allison Krause was unknown to me immediately prior to the incident, it is known that she was among the crowd menacing, threatening, *and assaulting the National Guard and causing them actual injury and grave concern for their lives.*

Q. If your answer is in the affirmative, then state with specificity and in detail the factual basis for any and all reasons for such belief, including the names and addresses of any and all persons who have any knowledge supporting such claim.

A. I refuse to answer this in its entirety based upon the privilege against possible self-incrimination, United States Constitution, Amendment Five. I base part of my knowledge on photographs I observed at the President's Commission hearing relative to Kent State. These photographs showed Allison Krause with the rioters. (Emphasis added)

To the best of my knowledge, the photographs contained in this chapter are the only ones in which Allison can be identified with any degree of certainty, and upon these General Canterbury bases "part of his knowledge" that she "assaulted the National Guard", caused them "actual injury" and "grave concern" for their lives.

When a general states, in a legal document, that a young woman 343 feet from troops armed with M.1 rifles is "causing them actual injury and grave concern for their lives", and when he resorts to this kind of calculated distortion of the obvious, it suggests the extent of his fear of a thorough and impartial investigation of the shooting.

On November 3, 1970, CBS-TV News reported an interview with Major John Simons, Chaplain to the 107th Armored. Correspondent Shakne, in introducing the Major, said:

"Last May, four days after the Kent State shooting, CBS News learned that a National Guard chaplain who'd been on the scene was sharply critical in private conversations of the command decisions that had led to the shooting. The National Guard commanders in Columbus, Ohio, the state capital, at the time *tried to keep the chaplain from making his criticisms public.* I was in the office of the Deputy Guard Commander, Brigadier General Robert Canterbury, when I overheard him say on the telephone, referring to the chaplain: "We've got to shut him up. This could be fatal." (Emphasis added)

Apparently, the Ohio National Guard commanders and an unknown number of its men will say anything and resort to any tactic to block an investigation. Why? Because what happened on May 4, 1970, was murder and they, more than anyone else, know it.

The following photograph, taken by Beverly K. Knowles, tells us why a thorough investigation of the shooting "could be fatal" for the Ohio National Guard. This picture is proof positive that the shooting was NOT self-defense. It is proof positive that General Canterbury's screaming mob of a hundred or more about to overwhelm his troops is a figment of his imagination, conceived and produced under oath to block any federal or congressional investigation of his men's conduct that day.

This photograph was first published, as far as is known in the June issue of "Kent," a magazine for the alumni of Kent State University. Donald D. Shook, the director of alumni relations, made these comments regarding the photograph in his report to the readers on the events of May 1 thru 4, 1970:

"One of the reasons given for the shooting was that the Guard felt threatened and thought the crowd closing in on them would take their weapons. A photo (never before published) taken atop a nearby dormitory at about the instant the shooting started shows relatively few students near the Guard at the time. Indeed, the main body of students was scattered in the parking lot some 200 to 300 feet from the Guard's position. Witnesses on the Commons say there were no students behind the Guard to impede its return to the Commons." (p. 7)

That was in June last year. The following month, the Justice Department confirmed these facts as did the President's Commission in October. Nevertheless, as the Attorney General has said more than once, the decision whether or not to convene a Federal grand jury is a most difficult one. Why? There is not ONE photograph among the many hundreds taken on May 4th which supports any of the reasons given by the Ohio National Guard as justification for the shooting. There is not ONE witness who has testified or stated in a deposition that the guardsmen did NOT suddenly wheel around, like a flock of birds turning, and move back toward the area into which they immediately began shooting.

One final observation on Miss Knowles' important photograph. The President's Commission states she took the picture "a few seconds" after the shooting. Mr. Shook says it was taken about "the instant it started." The latter statement is correct. Jeffrey Miller was still alive when Miss Knowles took her picture. The Commission has incorrectly located someone close to the curb of Blanket Hill as Miller when in fact he was shot exactly where someone can be seen kneeling on the opposite side of the road to where the Commission places Miller (circled on photograph). Reference to Photograph No. 41 will show Jeffrey lying just few feet from the curb of the practice field, not near the curb appearing in the bottom right hand corner of photo No. 41. Another point concerns the white Volkswagen parked near the X on Miss Knowles' photograph. In picture No. 39, this same car can be seen just left of center, its roof and the upper part of its windows appearing above the other cars nearer the camera, four in all. When photo No. 39 was taken, the shooting was in progress, and in this photo, as well as Miss Knowles', the hood of the Volkswagen is down. However, in photograph No. 47, taken shortly after the shooting, the hood is up. This is important because defenders of the National Guard's action have argued that Beverly Knowles took her picture after the shooting was over and the crowd which was menacing the guardsmen had scattered during the shooting and, therefore, do not appear in her picture.

Many witnesses to the shooting reported seeing guardsmen "kneel" and fire. This was an optical illusion, because they had passed over the crest of the hill when they turned to shoot. Donald Shook reports: "From our vantage point some 50 yards downhill toward the Commons from the Guard unit, we observed the men reappear at the crest of the hill. They turned to face in the general direction from which they had come. At this point, rifles were raised, and the first row of Guardsmen *took a step forward*—a move that gave many the impression that they had dropped to one knee." (Emphasis added)

We are a nation of laws. The events of May 4th at Kent State were precipitated, inflamed and prolonged by the actions of the Ohio National Guard. Both the official reports of the Justice Department and the President's Commission stated that the noon rally was a peaceful assembly UNTIL the National Guard literally attacked the students with tear gas and then advanced upon them with fixed bayonets. The civilian authorities had failed to obtain any legal injunction to prohibit peaceful assemblies. The decision by General Canterbury to disperse this assembly violated the provisions of Ohio's Revised Code and the Constitutional rights of all the students, both participators in the assembly, onlookers, and those going about their business on the campus. The direct consequence of Canterbury's decision was the violent death of four American citizens. It is now our duty and our responsibility to publicly question the Ohio National Guard and to investigate "whether or not there was a conspiracy on the practice field by some members of the National Guard." Mr. Canham hopes this can be investigated "to the fullest possible degree." I have yet to hear one valid reason for not doing so immediately.

VI. CONCLUSION

"When we see someone in the first full spirit of life, suddenly and senselessly wiped out of existence, we are overwhelmed. The first brutal truth we must face together is that we mark here the anniversary of four senseless deaths. They, and their brothers at Jackson State and Orangeburg, were killed by the conscious deliberate acts of other men. When did we start to value life so cheaply?" James F. Ahern, Member of the President's Commission on Campus Unrest, May 4, 1971, at Kent State University.

"Justice delayed is not only justice denied, it is justice circumvented, justice mocked, and the system of justice undermined." President Richard M. Nixon, March 11, 1971.

CONCLUSION

The killing of four students at Kent State now stands as a classic example of justice delayed, circumvented and mocked. Very few tragedies like this are so extensively photographed, and very few occur in conditions where so many witnesses are able to provide investigators with so much invaluable information. Unlike the inexcusable shootings at South Carolina State in 1968, and Jackson State in 1970, the killing at Kent State took place in broad daylight beneath a brilliant sun. Consequently, we have an almost step by step record of what happened on May 4, 1970, and this record suggests that the shooting began as the result of a planned and prearranged act involving a certain number of guardsmen. Nothing occurred at Kent State to compare with the assault upon these same units by strikers in Cleveland. At the time of the shooting no student was closer than

60 feet in the area into which the firing would be directed. At the moment of the supposed "grave threat" to the lives of the guardsmen they had their backs to this "threat" and, therefore, were incapable of evaluating its gravity. The sudden turn upon the sound of a shot, the incredible precision of that turn, the number of guardsmen involved in that sudden turn, the advance back toward the parking lot "led by a man with a .45", the deliberate aiming into the parking lot where certain students had harassed them five to ten minutes earlier, the pointed disinterest in so many students close by them along the terrace of Taylor Hall who could be considered a "threat." All of these facts strongly indicate the execution of a conspiracy.

Section 241 of the United States Code, Title 18, provides the Department of Justice the statute necessary to convene a Federal grand jury for the purpose of investigating every aspect of the points raised in this appeal; an investigation the Ohio National Guard has so desperately sought to prevent by whatever means necessary. One judicial decision on Section 241 bears inclusion here:

"It is not necessary to find the conspiracy charged was formed against a particular individual, but it is sufficient if it *appear* that he was included in *a class* actually conspired against." U.S. vs Butler, C.C.S.C. 1877, 1 Hughes 457, 25 Fed. Cas. No. 14,700. (Emphasis added)

I submit the conduct of a number of Ohio National Guardsmen from the time they were on the practice field to the time they ceased shooting was such it "appears" that Allison Krause, Jeffrey Miller, Alan Canfora and several other Kent State students were "included" in the "class" conspired against, i.e., college dissenters, long-hairs, college girls using obscenities, campus hippies and anti-war demonstrators.

To deny the existence of an element in our society whose hatred for student protesters is such they do not only approve of the killings, but genuinely wish more had been shot is to deny reality. To assume that a uniform, whether of the police or the National Guard, cleanses the wearer of his prejudices is to assume they are not human beings. Who can deny, without an investigation, that there might not have been a man in Troop G and Company A who had recently been incensed by the sight of campus disorders at Ohio State and elsewhere on his television screen and perchance expressed his belief that a good shooting would put an end to their nonsense only to suddenly find himself face to face with the object of his anger and an M.1 or .45 pistol in his hand?

This is the conclusion to this appeal for justice, but we still do not have a conclusion to the tragedy. The events of that day strongly indicate that premeditated murder was committed and much of the theory to this hinges on the role played by First Sergeant Myron C. Pryor. Did he or did he not fire his weapon? He claims he did not, and the Justice Department report says, "The FBI does not believe he fired." However, we have the unresolved question regarding the four spent .45 cartridges. To whose pistol do these cartridges belong? If not to Pryor, then we have a truly fascinating question concerning this career-Army soldier. The following photograph is shown again to draw attention to his trigger finger. Is it possible he is just holding the .45 pistol with his trigger finger lying along side of the gun pointing toward the muzzle end? If so, it is unlikely he has just fired or is going to fire, yet his stance and the position of his arm and angle of his body are completely consistent with a man shooting. This is also true of the other photographs in which he appears to be aiming and shooting. He claims he did not, and the FBI believes he did not. Is it possible, then, that in Sergeant Pryor we have a rather cunning instigator who hatched the conspiracy and protected himself by simulating to the men he was shooting when in fact he was not shooting? Who is going to notice whether or not he is actually firing a .45 amid the noise and concentration of some 20 or more M.1 rifles being discharged in a fusillade? If he did not fire, then who gave the signal by shooting into the ground? A photograph appearing earlier shows that close by the Pagoda there is an other sergeant with .45 pistol, or possibly an officer. This could be the man delegated to perform the task of sounding the signal to turn around and shoot into the parking lot. Whatever the case may be, these are extremely grave questions which have to be answered through the means provided by the grand jury process.

Justice delayed is not only justice denied, it is the undermining of the very system of justice. But beyond that, by what law do we deny the parents of those killed and wounded the right to know exactly what their children did that day, exactly what the FBI investigation found concerning their children that day, and precisely why their children were shot, especially those who were shot to death when all of them were nowhere near the National Guard to pose any kind of threat at all. The parents, and the American people, have a right to know the answers to all these questions. This is not a police state where people are shot down by the militia and the nation compelled to accept without question the reasons given by those responsible for the shooting.

Four human lives were not only inexcusably destroyed; they may very well have been deliberately taken by a number of men using their uniform, anonymity and subsequent lies to satisfy their personal animosity toward a "class of persons" they had decided were long overdue for punishment. It was time they were taught a lesson. It was, as one guardsman said, "Time they got it like that." That this might be possible is deeply disturbing to the orderly routine of our lives because it raises the horror and the spectre of another My Lai.

In this case, the victims are Americans, and the site of the massacre is an American campus. It is too much for the mind to contemplate, let alone accept.

We would much prefer to let the dead rest in peace and the reasons why they are dead at nineteen and twenty remain buried with them. Unfortunately, however, we must also reconcile their deaths with our Constitution and our laws. We would rather forget about Kent State than face up to this challenge. Why? Because to do so would require our submitting every aspect of the events of May 4, 1970, to our judicial process, and we know that to do so could culminate in several convictions of Ohio National Guardsmen for first degree murder. Is it possible that this administration does not want to expose itself to the public reaction which was unleashed by the conviction of Lt. Calley? Why else is the Department of Justice so reluctant to expose the Ohio National Guard to the scrutiny of a Federal grand jury? Why else did the State of Ohio convene a grand jury for the sole purpose of exonerating the National Guard of any responsibility for the four deaths and nine injuries? Why else does the Attorney General of the United States suggest that the "intervening action" of the Ohio grand jury "affect" his Department's deliberations without mentioning that their exoneration of the Guard has been declared unconstitutional by a Federal Court? Why else are the parents of the dead being denied the public judicial forum of a courtroom to compel Generals Del Corso and Canterbury to prove that the killing of their children was justified?

The answers to these questions, as recent American history has taught us, is painfully obvious. First, those primarily responsible for creating the atmosphere and conditions conducive to this kind of official act of violence have always been protected no matter how many lives were deliberately destroyed, particularly when the dead are seemingly as insignificant as blacks or students. Who are these human beings of such power in this instance? One is former Governor James Rhodes of Ohio. This is the man who authorized the sending of troops onto the Kent State campus with live ammunition and then, after the guardsmen were there, went to Kent and whipped up hatred and emotions in a speech obviously designed to enhance his chances of winning a primary for the United States Senate. Did he use Kent State for political profit? He uttered wild and irrational statements totally unsubstantiated factually and accused his opponent, Robert Taft, Jr., of being "soft" on campus disturbances. He obviously seized upon the situation at Kent State in the hope that it would salvage his waning chances of winning the primary. The minds of some National Guardsmen inferred free license to shoot at students. Why? The Governor categorized them (the students) as "the worst type of people we harbor in America today." The extent of his culpability in the killing of the four students will never be established as long as the courts protect him from having to answer for his conduct.

Another gentleman of such power is General Del Corso who, at the same news conference on May 3rd, when Rhodes fished so desperately for votes, stated publicly that every means under the Guard's authority would be utilized to crush the Kent State uprising, including "shooting" if necessary. To some guardsmen this could have been the seal of approval from their Adjutant General to use the license they believed the Governor had granted them.

The appalling facade of officialdom's integrity, loyalty and devotion to duty has plagued our society for far too long. At My Lai this nation squarely faced its responsibility as a democracy in a world torn between two diametrically opposed ideologies. That we did so can only enhance our stature in this conflict and command the respect of nations wavering on the brink between our concept of society and the totalitarian concept of domination and injustice.

At Kent State we are faced with the same responsibility in a domestic concept. We are a nation torn between two opposing attitudes on priorities with a great many Americans wavering on the brink between the two concepts of national urgency. The tragic deaths at Kent State provide us with the unhappy, but unique, opportunity to demonstrate to our children that the hypocrisy, the lies, the self-preservation at any price, the contemptible facade is not more important than human life when those lives might have been taken deliberately with malice of forethought, as were the lives of those old men, mothers, young women and children at My Lai. Kent State, whether we like it or not, is America's My Lai in Ohio. If we fail to do what the United States Army has already done, then we are subscribing to the very philosophy we, as a people, have abhorred and sacrificed our lives to oppose—the philosophy that the state can do no wrong.

On November 5th last year, the *Akron Beacon Journal* editorially took note of the fact the Justice Department has reason to believe some Ohio guardsmen were lying when they claimed they fired in "self-defense." This conclusion by the Department, the editorial said, "Merits a full presentation of all relevant evidence to a federal grand jury." The *Beacon Journal* expressed the belief that "Many persons will lose confidence in our judicial system unless the facts go to a federal grand jury." Many Americans, however, feel there have been more than enough investigations of Kent State and that nothing can be gained from rehashing the tragedy before a federal grand jury. The truth of the matter is that there has been but one investigation of any consequence, and that one ended up being consigned to the incinerator by a Federal judge. Why should there be a federal grand jury inquiry? The *Beacon Journal* says: "Because of the involvement of the National Guard, which is an arm of the federal defense establishment, and because of the possibility that an infringement of federal civil rights laws may be involved, presentation of evidence to a federal grand jury becomes necessary." Those reasons alone warrant the convening of such an investigation. The President's Commission was powerless to explore any possible criminal acts on the part of guardsmen or students and steered clear of any questioning which could possibly be construed as touching upon criminal responsibility for the four deaths. Consequently, the Kent State tragedy has yet to be investigated in accordance with the provisions of federal laws applicable to this case in which four Americans were shot to death. In both the Orangeburg and Jackson State tragedies, the Department of Justice convened federal grand juries despite the intervening action of local grand juries, and neither of the local findings were ruled unconstitutional by a federal court.

In view of these known facts, it appears that the principal reason the Justice Department has not yet fulfilled its obligation imposed by our Constitution is a reluctance to submit to a grand jury the ballistics, photographic and physical evidence now available for such an investigation. This evidence indicates that murder was committed at Kent State, as Vice President Agnew asserted over a year ago, and as others have intimated recently. The Ohio National Guard claims the shooting was justified and, therefore, the killings were justified. The Guard has yet to be called upon to produce any evidence to substantiate their claim. Why are we so reluctant to make this demand of the Ohio National Guard?

The President of the United States, in a letter to William Scranton, Chairman of his Commission on Campus Unrest, said, "Law enforcement officers should use only the minimum force necessary in dealing with disorders when they arise. A human life," said the President, "the life of a student, soldier or police officer, is a precious thing, and the taking of a life can be justified only as a necessary and last resort." Two young women and two young men were shot to death at Kent State. Was the taking of those four precious lives a necessary and last resort?

APPENDIX 1: DEPARTMENT OF JUSTICE SUMMARY OF THE FBI INVESTIGATION

PRINCIPLE CONCLUSIONS

1. Most persons estimate that about 200–300 students were gathered around the Victory Bell on the Commons with another 1,000 or so gathered on the hill directly behind them. Apparently, the crowd *was without a definite leader,* although at least three persons carried flags.

2. The crowd apparently was *initially peaceful* and relatively quiet.

3. Information suggests that it was the Ohio National Guard who determined that the rally would not be held.

4. Just prior to the time the Guard left its position on the practice field, *members of Troop G,* were *ordered* to kneel and aim their weapons at the students in the parking lot south of Prentice Hall. They did so, but did not fire. One person, however, probably an officer, at this point did fire a pistol in the air. No guardsman admits firing this shot.

5. Some guardsmen, including General Canterbury and Major Jones, claim that the Guard did run out of tear gas at this time. However, *in fact, it had not.*

6. Forty-seven Guardsmen claim they did not fire their weapons. There are substantial indications that at least two and possibly more Guardsmen are LYING concerning this fact.

7. The Guardsmen were not surrounded. Regardless of the location of the students following them, photographs and television film show that only a very few students were located between the Guard and the Commons. *They could easily have continued in the direction in which they had been going.*

8. NO guardsman claims he was hit with rocks immediately prior to the shooting.

9. Only one guardsman, Lawrence Shafer, was injured on May 4, 1970, seriously enough to require any kind of medical treatment. He admits his injury was received some 10 to 15 minutes before the fatal volley was fired.

10. One guardsman specifically states that the quantity of rock throwing was NOT as great just *prior to the shooting* as it had been before.

11. There was no sniper.

12. The great majority of Guards do not state that they were under sniper fire and many specifically state that the *first shots* came from the National Guardsmen.

13. At least one person who has not admitted firing his weapon, *did so.* The FBI is currently in possession of four spent .45 cartridges which came from a weapon not belonging to any person who admitted he fired. The FBI has recently obtained all .45's of persons who claimed they did not fire, and is checking them against the spent cartridges.

14. Sergeant Robert James of Company A, assumed he'd been given an order to fire, so he fired once in the air. As soon as he saw some of the men of the 107th (TROOP G) were firing *into the crowd,* he ejected his remaining seven shells so he would not fire any more.

15. Sergeant Ruby Morris of Troop G prepared to fire his weapon but stopped when he realized that the "rounds were not being placed." (?)

16. Sergeant Richard Love of Company C fired once in the air, then saw others firing into the crowd; he asserted he "could not believe" that the others were shooting *into the crowd,* so he lowered his weapon.

17. Four students were killed, nine others wounded, three seriously. Of the students who were killed, Jeff Miller's body was found 85–90 yards from the Guard. Allison Krause fell about 100 yards away. William Schroeder and Sandy Scheuer were approximately 130 yards away from the Guard when they were shot.

18. Although both Miller and Krause had probably been in the front ranks of the demonstrators initially, neither was in a position to pose *even a remote danger* to the National Guard at the time of the firing. Sandy Scheuer, as best as we can determine, was on her way to a speech therapy class. We do not know whether Schroeder participated in any way in the confrontation that day.

19. Miller was shot while facing the Guard. The bullet entered his mouth and exited at the base of the posterior skull. Both Krause and Scheuer were shot *from the side.* The bullet that killed Allison Krause penetrated the upper left arm and then into the left lateral chest. The bullet which killed Sandy Scheuer entered the left front side of her neck and exited the right front side. William Schroeder was shot while apparently *lying in a prone position,* facing *away* from the Guard. The bullet entered his left back at the 7th rib and some fragments exited at the top of his left shoulder.

20. Of the 13 Kent State students shot, none, so far as we know were associated with either the disruption in Kent on Friday night, May 1, 1970, or the burning of the ROTC building on Saturday May 2, 1970.

21. Aside entirely from any questions of specific intent on the part of the Guardsmen or a *predisposition* to use their weapons, we do not know what started the shooting. We can only speculate on the possibilities. For example, Sergeant Leon Smith of Company A stated that he saw a man about 20 feet from him running at him with a rock. Sergeant Smith then says he fired his shotgun once in the air. He alone of all the Guardsmen does not mention hearing shooting prior to the time he fired . . . It is also possible that the members of Troop G observed their top noncommissioned officer, Sergeant Pryor, *turn and point his weapon at the crowd* and followed his example. Sergeant Pryor *admits* that he was pointing his weapon *at the students* prior to the shooting but claims he was loading it and denies he fired. The FBI does not believe he fired. Another possibility is that one of the Guards either panicked and fired first, or intentionally shot at a student, thereby triggering the other shots. (Emphasis added)

By any yardstick these conclusions constitute an indictment of the Ohio National Guard. They are not the findings of a commission or a board of inquiry. They are the findings of the Department of Justice of the United States based upon a massive investigation conducted by the most efficient and skillful investigative agency in the nation: the Federal Bureau of Investigation. The FBI report, upon which the Justice Department reached these conclusions, runs to some 8,000 pages. The thoroughness and magnitude of the FBI investigation was revealed by FBI Director J. Edgar Hoover on November 19, 1970, during his appearance before a House appropriations subcommittee. He said the FBI assigned a peak of 302 agents to the Kent State case. The investigation cost $274,100 and resulted in 25 volumes which were furnished to the Department of Justice and the President's Commission on Campus Unrest. "The report contained both good and bad information concerning both sides of the controversy," Hoover said. (Emphasis added) From this massive FBI report the Justice Department concluded:

"We have some reason to believe that the claim by the national guard that their lives were endangered by the students was fabricated subsequent to the event."

APPENDIX 2: OHIO NATIONAL GUARDSMEN ON BLANKET HILL, 12:25 P.M., MAY 4TH, 1970

The Ohio National Guard and the Justice Department show that the following guardsmen were on Blanket Hill at the time of the shooting.

Unit, rank, and names	Fired	Claims injury
HHD/OARNG COMPANY H/107TH		
Troop G:		
Brig. Gen. Robert H. Canterbury	No	No.
1st Lt. Ralph G. Tucker	No	No.
Capt. Raymond J. Srp	No	No.
2d Lt. Alexander D. Stevenson	No	No.
1st Sgt. Myron C. Pryor	(1)	Yes.
SFC. Okey R. Flesher	Yes	Yes.
S. Sgt. Barry W. Morris	Yes	Yes.
S. Sgt. Rudy E. Morris	No	No.
Sgt. Dennis L. Breckenridge	Yes	No.
Sgt. Shafer, Lawrence A	Yes	Yes.
Sgt. Sholl, Joseph D	Yes	Yes.
Sp5. Case, William J	Yes	Yes.
Sp4. Baclawski, John R	No	Yes.
Sp4. McGee, James D	Yes	Yes.
Sp4. Perkins, William E	Yes	Yes.
Sp4. Pierce, James E	Yes	Yes.
Sp4. Thomas, Lloyd W	Yes	Yes.
Sp4. Zoller, Ralph W	Yes	Yes.
Pfc. McCoy, Michael D	No	No.
Pfc. McCoy, Paul R	No	Yes.
Company A:		
Cpt. Martin, John E	No	No.
1st Lt. Cline Dwight G	No	No.
2d Lt. Fallon, Howard R	No	No.
Sgt. McManus Mathew J	Yes	Yes.

Footnotes at end of table.

Unit, rank, and names	Fired	Claims injury
Sgt. Wentsch William G	No	No.
Sp5. Bixler David A	No	No.
Sp5. Bragg Bruce W	No	No.
Sp5. Frisch John A	No	No.
Sp5. Maas Roger A	Yes	Yes.
Sp5. McQuate Raymond D	No	No.
Sp5. Michalak Daniel C	No	No.
Sp5. Snure David L	No	No.
Sp4. Antram, Dale L	No	No.
Sp4. Brachina, Gabor S	No	No.
Sp4. Cornelius, Gary A	No	No.
Sp4. Crater, James R	No	No.
Sp4. Crilow, Keith E	No	No.
Sp4. Emch, Erich R	No	No.
Sp4. Farriss, James W	Yes	Yes.
Sp4. Herschler, William F	Yes	No.
Sp4. James, Robert D	Yes	Yes.
Sp4. Klingerman, Dean H	No	No.
Sp4. Mast, Ted W	No	No.
Sp4. Miletto, Carl A	No	No.
Sp4. Moorhead, Robert P	No	No.
Sp4. Morris, Robert K	No	No.
Sp4. Moser, Dewey E	No	No.
Sp4. Myers, Ronnie B	Yes	No.
Sp4. Repp, Russell E., Jr	Yes	Yes.
Sp4. Rogers, David E	No	No.
Sp4. Smith, Leon H	Yes	No.
Sp4. Taggart, Wayne R	No	No.
Sp4. Zimmerman, Paul R	No	Yes.
Pfc. Biddle, Rodney R	Yes	No.
Pfc. Boss, Steven L	No	No.
Pfc. Brown, James K	Yes	Yes.
Pfc. Burger, Albert L., Jr	No	No.
Pfc. Farriss, Thomas O	No	No.
Pfc. Gammell, Ronald D	No	No.
Pfc. Huff, Norman L	No	No.
Pfc. Jones, Jeffrey L	No	No.
Pfc. Lorentz, Richard A	No	No.
Pfc. Miller, Stephen D	No	No.
Pfc. Mowrer, Larry R	Yes	No.
Pfc. Naujoks, Paul R	No	No.
Pfc. Raber, Phillip D	Yes	Yes.
Pfc. Shade, Richard R	Yes	Yes.
Pfc. Snyder, Richard B	Yes	Yes.
Pfc. Standford, Richard D	No	No.
Pv2. Boyes, Roy V	No	No.
Pv2. Hatfield, Robert D	Yes	No.
Pv2. Hinton, Lonnie D	Yes	No.
Company C:		
Sgt. Love, Richard K	Yes	No.
——— ———	Yes	(1).
HHC/145TH		
Maj. Jones, Harry D	No	No.
HHT/2/107TH		
Lt. C. Fassinger, Charles E	No	No.

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[1] Unknown.

The above list shows that 76 officers and men were on the crest of Blanket Hill at the time of the shooting. It also shows 29 of the 76 as having fired. The Justice Department says 29 fired, and the President's Commission says 28 fired! It is significant that so many guardsmen claimed injuries, particularly those who fired, whereas the FBI reports that only ONE guardsman sustained an injury requiring "any kind" of medical treatment!

APPENDIX 3: CBS-TV NEWS: INTERVIEW WITH MAJOR JOHN SIMONS: CBS EVENING NEWS WITH WALTER CRONKITE, NOVEMBER 3, 1970

KURALT. As of tonight it's legal to criticize that Ohio grand jury report which absolved the National Guard of responsibility for the killing of four students at Kent State University. A federal judge today knocked down a local court order which forbade anybody involved to comment on the grand jury findings. A Justice Department summary of an FBI report, which leaked out last week, paints a far different picture from the Ohio grand jury version. The FBI says the Guardsmen never thought their lives were in danger and, in the words of the report: "There is some reason to believe that the claim by the National Guard that their lives were endangered was fabricated subsequent to the event." It develops today that one of the people who disagrees with the state grand jury's finding holding the students and the university to blame is the chaplain of the National Guard outfits that did the shooting. Robert Schakne reports.

SCHAKNE. Last May, four days after the Kent State shooting, CBS News learned that a National Guard chaplain who's been on the scene was sharply critical in private conversations of the command decisions that had led to the shooting. The National Guard commanders in Columbus, Ohio, the state capital, at the time tried to keep the chaplain from making his criticisms public. I was in the office of the Deputy Guard Commander, Brigadier General Robert Canterbury, when I overheard him say on the telephone, referring to the chaplain: "*We've got to shut him up. This could be fatal.*"

Until today, that chaplain had said nothing in public. He's the Reverend John Simons, Major, United States Army, Ohio National Guard, Senior Chaplain of the 107th Armored Cavalry Regiment. In civilian life, Simons is pastor of an Episcopal Church in a Cleveland suburb. Raised in a military family with generals and West Pointers his close relatives, John Simons has worried and agonized privately about what he saw last May 4th at Kent State.

SIMONS. I think the initial mistake was made at the state level with the Adjutant General and the Governor, who apparently feels that every campus disorder is another Normandy invasion, so you go in with weapons loaded with rounds, which is not, you know, Kent campus or any other college campus is not coming up Iwo Jima. And second, I think that we did not have the men in enough numbers or the equipment to control that situation at noon on that day. Had we waited until, for instance, the shotguns arrived, and reserves arrived from Ravenna, and where they had been awakened the night before, I think we could have done a better job, without—I think we could have done the job without bloodshed.

I have no idea why the shooting started except as I reconstruct it from talking to the men immediately afterwards, and doing some counseling in the weeks that followed, that some were legitimately afraid and confused as to what was going on. *A few were angry, and so they were in a position where someone, or some, could act out their fear and anger in a very lethal way, and I think this is what occurred.*

SCHAKNE. And what did the men who had fired say?

SIMONS. Some said they had fired in the air. Some said they had not fired. *One said he had fired right down the gulley, meaning—I'm sure he meant that he had put it where it hurt.*

SCHAKNE. Did he say why?

SIMONS. No, I don't think he had to say why. *I think he was just mad* and angry and tired, and sick of it.

SCHAKNE. Are you saying in effect that Guard unit was not a controlled disciplined military unit?

SIMONS. Absolutely. Somebody fired without orders.

SCHAKNE. The unit that went up, or the men who went up, were they fresh troops, were they tired? I—you tell me. . . .

SIMONS. No, they were not fresh. They'd been—those men had been pulling duty, between the truckers and the campus thing, for several days and nights. Secondly, this was for some of those men, especially those men of the 107th, the third time, in a sense, that they'd been out within a month.

SCHAKNE. There are a lot of people in Ohio who say the students had it coming; if they didn't want to get shot they shouldn't have been rioting. The guard simply did what it had to do because the men were endangered. You've heard that argument.

SIMONS. I think that these perhaps bloodthirsty types who have never either fired or heard a shot fired in anger, I think they're very naive, hunting for a simple solution. After all, one of the tests of democracy is how much dissension it will allow and how peaceful it can keep that dissension, and I think democracy lost that round.

SCHAKNE. If I had to put it simply to you, should shooting have taken place in Kent that day? *Was the situation so bad that the men had to fire?*

SIMONS. No.

SCHAKNE. You care something about the Army and care something about the National Guard. Why then are you sitting here this afternoon criticizing what they did?

SIMONS. Well, I happen to believe that I did not give my soul to the church when I was ordained, or to my wife when I was married, or to the Guard when I was commissioned. So I have no feelings about not criticizing, if I feel it can be helpful.

KURALT. A spokesman for the Ohio National Guard said there would be no comment from the Guard or its commanders about the critical remarks of Chaplain Simons. (Emphasis added)

APPENDIX 4: A PRESS RELEASE BY THE PARENTS OF THE FOUR YOUTHS KILLED AT KENT STATE UNIVERSITY, MAY 4, 1970

Issued on their behalf by: Rev. John P. Adams, Director, Dept. of Law, Justice, and Community Relations, Board of Christian Social Concerns, The United Methodist Church, 100 Maryland Avenue, N.E., Washington, D.C.

It has always been the genius of our democratic system to provide a remedy for injustice. Each branch of government complements the other, and provides adjustments for deficiencies. There are times, however, when the effective remedy is not forthcoming and the senseless killing of our children at Kent State University is such a time.

There have been a number of extensive investigations and their findings have raised so many disturbing questions that could only be satisfactorily answered by a federal grand jury. The Department of Justice is the effective remedy in this tragedy, but it has been incredibly reluctant to respond despite its own scathing condemnation of the conduct and actions of the Ohio National Guard. Having raised such grave questions and having made such ominous inferences regarding the National Guard we believe it is inexcusable for the Department to then remain silent. The Department's summary of the FBI investigation has dismissed or challenged the principal excuses offered by the Ohio National Guard in defense of their conduct one year ago today. We, therefore, believe it would be monstrous to then deny us, the parents, the judicial forum wherein the attention of the American people may be focused on the viewpoint that responsibility for the killing of our children does not rest solely upon the students, faculty and administration at Kent State University.

We have been compelled by the silence of the Justice Department to file civil suits in Ohio. This is an unsatisfactory course because it implies that we primarily seek monetary compensation rather than a public presentation of the truth which will show our dead children's peers that our system fulfills its historic obligation to provide equal justice for all and is, therefore, a system we must preserve and protect. We make this appeal for a federal grand jury because the truth of what happened has become the fifth victim of this tragedy.

Mr. and Mrs. Arthur Krause, parents of Allison Krause.

Mrs. Elaine Miller, parent of Jeffrey Miller.

Mr. Bernard Miller, parent of Jeffrey Miller.

Mr. and Mrs. Martin Scheuer, parents of Sandy Scheuer.

Mr. and Mrs. Louis Schroeder, parents of William Schroeder.

APPENDIX 5: A CALL FOR AN ACCOUNTING

A year has passed since the shooting of students at Kent State University and Jackson State College, and no one has yet had to answer for their deaths. In these incidents, six young people were killed and others injured as a result of apparently indiscriminate gunfire by uniformed public employees. Under such circumstances, the public has a right to know whether the force exercised in its name has been rightly exercised. The families of those who died have a right to know why they were killed.

There have been several third-party investigations of these incidents, sufficient to suggest that neither the authority nor the justification for firing lethal weapons at unarmed students is clear. In each instance, local grand juries have declared the law-enforcement officers guiltless without examining all the evidence or the officers. None of these investigations has afforded the injured parties—and society—an accounting from those responsible for these exercises of official violence. They may be able to justify their actions, but they have not yet been obliged to do so in a forum where their explanation is subject to cross-examination and the rules of evidence.

It is not our intention, nor within our competence, to judge the legal questions at issue here. But it is every citizen's right and duty to assess the questions of right and wrong in public events of life and death, and even to judge the adequacy of the law and their application for the purposes of justice.

Public officials should enjoy considerable latitude in exercising their discretion, and allowance should be made for honest error of judgment in trying to serve the public good. But public officials are not protected by their office for acts that exceed the authority of that office. To shoot citizens who do not actually endanger public health and safety is more than just an "honest error of judgment." If that is what happened in these instances, then those responsible should be subject to the kind of penalty that private citizens would pay for comparable damage. Neither the police nor the militia is or should be clothed with authority to act as instant judge, jury and executioner. There may be circumstances where the use of lethal force is justified, but those who use it under color of law should not be immune from giving to the public they serve an accounting of its use.

In a nation that genuinely respects law and order, policemen are not above the law nor students below it. Law protects and binds them both. If students are unruly, the proper remedy is not impulsive and indiscriminate slaughter. If they break the law, they should be punished for it as the law provides, proportionately and by due process. If police or militiamen break the law, they too should be punished for it, proportionately and by due process. Instead we see the former slain seemingly at random and the latter subject to no penalty at all—a situation which is the opposite of law and order.

Surely a full year is long enough for due deliberation and for allowing state authorities to act, but they have not acted.

Therefore, we call upon the U.S. Department of Justice to rectify this situation either by prosecuting those responsible under existing laws or, if these are inadequate, to seek laws which will provide an adequate remedy for such situations in the future.

In the absence of prosecution and with a view to enacting suitable legal remedies, Congress should investigate these incidents, seeking answers for the public to questions such as those attached.

Pending such actions by federal and state authorities, the several aggrieved parties should be given every support and encouragement as they seek by civil suits to obtain an accounting from the public officials they believe have wronged them. It is not their own cause alone they are maintaining but that of all citizens who value impartial law and a humane order.

On the anniversary of their deaths may our nation perpetuate the memory of the deceased students by renewing our commitment to pursue justice and to determine responsibility for establishing safeguards for those participating in the democratic process.

Dr. Cynthia C. Wedel, President, The National Council of Churches of Christ in the U.S.A.

Rabbi Maurice N. Eisendrath, President, The Union of American Hebrew Congregations.

Bishop Charles F. Golden, President, The Board of Christian Social Concerns, The United Methodist Church.

Mrs. Wayne W. Harrington, President, The Women's Division, Board of Missions, The United Methodist Church.

Rabbi Solomon J. Sharfman, President, The Synagogue Council of America.

Dr. A. Dudley Ward, General Secretary, The Board of Christian Social Concerns, The United Methodist Church.

CURRENT NATIONAL ISSUES QUESTIONNAIRE

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. LATTA. Mr. Speaker, every year I send a questionnaire to my constituents wherein I solicit their views on current national issues. I have found that most of the people in the district like this method of expressing themselves and not only do they complete the questionnaire but they use the back side to comment on other matters not specifically listed. I have just finished tabulating this year's returns and would like to call them to the attention of the Members of the House. They are as follows:

QUESTIONNAIRE

(Answers in percent)

1. Do you think that J. Edgar Hoover should retire as head of the FBI? Yes, 44; No, 56.

2. Do you believe that many of the leaders of today's "marches" and "demonstrations" have revolution as their ultimate goal? Yes, 81; No, 19.

3. Do you favor:

(a) trade with Red China? Yes, 56; No, 44.

(b) seating Red China in the U.N.? Yes, 54; No, 46.

4. Do you believe there is a need for a federally imposed "no fault" automobile insurance? Yes, 59; No 41.

5. Do you support proposals to increase the federal minimum wage to $2.00 per hour? Yes, 49; No, 51.

6. Do you approve of the President's plan to share federal funds with local and state governments without federal control? Yes, 56; No, 44.

7. Would you favor a federally-controlled program of national health insurance for everyone to be financed by increased Social Security taxes? Yes, 31; No, 69.

8. Do you approve of the President's Vietnamization and withdrawal program for ending U.S. involvement in Vietnam? Yes, 76; No, 24.

9. Do you believe we should set import quotas in an effort to stem the flow of certain foreign goods flooding American markets? Yes, 76; No, 24.

10. Do you favor the plan of The House Ways and Means Committee to provide a family of four with a federally financed guaranteed income of $2,400.00 annually? Yes, 24; No. 76.

11. Would you favor tougher Presidential action to control wage and price increases in an effort to curb inflation? Yes, 88; No, 12.

12. Should our laws be amended to require binding arbitration of labor disputes in industries whose operations affect our national interests? Yes, 87; No, 13.

13. For farmers: The present Farm Bill gives you greater freedom to plant according to your own individual needs. Will it also increase your income? Yes, 48; No, 52.

TEXAS HIGHWAY DEPARTMENT CONCERNED OVER HIGHWAY BILL

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ARCHER. Mr. Speaker, I voted yesterday to recommit H.R. 4354, concerning motorbus limits on the interstate system of roads, to the Committee on Public Works. I do so because I had received, on May 27, 1971, a letter from the Texas Highway Department advising me that the department is deeply concerned with the potential effect of this bill. I wish to insert at this time the text of this letter in an effort to further explain my position:

TEXAS HIGHWAY DEPARTMENT,
Austin, Tex., May 27, 1971.

Hon. BILL ARCHER,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN ARCHER: This is in reply to your letter of May 19 concerning the pending consideration of H.R. 4354 on the House floor and inviting our advice and views on this issue.

We are deeply concerned with the potential overall effect of this legislation. While it is drawn up to serve a small group of highway users on that small segment of highways which is most adequately designed, the Interstate System; there are factors which would inevitably broaden its impact. The location of terminals, service areas, and detours along other public roads would cause a restriction to movement on Interstate Highways to be most difficult to administer and enforce. And if wider buses can be allowed, other highway users would surely follow with arguments for similar legislation to meet their needs. In view of these factors, we are concerned with the influence on highway development and traffic safety which would result if the width limits were increased for all vehicles on all highways, as well as under the "dual set" of regulations proposed by H.R. 4354.

The minimum 12 foot lane specified on the Interstate System design standards and generally used on all new construction of major highways, was developed on the basis of lateral placement studies using the normal weaving of a conventional truck and automobile as it progresses down the lane at normal highway speeds. The normal weaving requirements take up about 10 feet of lane width which leaves only about 12 inches leeway on each edge of 12 foot lanes. Any increase in vehicle width would materially reduce the margin of safety with a possible increase in side-swipe accidents. Two 102 inch vehicles cannot safely meet or pass on 9 or 10 foot lane highways without one or both of the wheels leaving the pavement. The added stress on pavement edges together with wear on the adjacent roadway shoulders would add considerably to maintenance costs.

While we could go into considerable further detail on our thinking in this matter it is felt that these comments explain in general our reasons for recommending retention of the 96 inch overall width for all vehicles on all systems of highway. This opportunity to comment on pending legislation is deeply appreciated.

Sincerely yours,

J. C. DINGWALL,
State Highway Engineer.

P.S.—We acknowledge that this may be at variance with the position taken by the Federal Highway Administration and that of the American Association of State Highway Officials.

H.R. 1746, THE EQUAL EMPLOYMENT ACT OF 1971

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. REID of New York. Mr. Speaker, on or around September 15 the House will consider legislation which will have a serious impact on our commitment toward equality and social justice.

After a long struggle, H.R. 1746, the Equal Employment Act of 1971, will be considered under a 3-hour open rule. I feel that this bill is a major milestone in our struggle against discrimination in employment, especially on the grounds of race and sex. Since its inception in 1964, the Equal Employment Opportunities Commission has lacked enforcement authority. This bill would provide such enforcement by giving EEOC power to issue cease-and-desist orders. Those who oppose the bill do so because they believe enforcement authority should come through court action.

Based upon my experience as chairman of the New York Human Rights Commission, it is my view that the cease-and-desist power of H.R. 1746 will give the Equal Employment Opportunities Commission clear and effective authority to deal with employment discrimination, both on an individual and group basis. The major provision of H.R. 1746, granting EEOC—after full investigations and hearings—the power to issue judicially enforceable cease-and-desist orders against employers who are found to discriminate in their employment practices provides the best means for attaining equal employment and deter patterns and practices of employment discrimination.

This view is supported by the experiences of 32 States which have the authority to issue administrative cease-and-desist orders of some kind. In New York State alone, which has had cease-and-desist powers since 1945, 16,129 complaints were received between 1945 and 1967. Of these complaints 98 percent—or all but 326—were settled before they were ordered for a hearing and more than two-thirds of those ordered for hearing were settled before the hearing was completed. In contrast, 17,000 charges were filed with the EEOC in fiscal year 1970 and of those charges only 225 resulted in successful conciliations.

H.R. 1746 also consolidates in the EEOC the power to deal with employment discrimination presently under the jurisdiction of the Department of Justice, Civil Service Commission, and the Department of Labor's Office of Federal Contract Compliance. The effect of such a consolidation will provide better and more uniform enforcement against employment discrimination at all levels.

This strongly needed legislation is an affirmative step toward social equality. I am pleased that the Rules Committee has acted promptly to grant H.R. 1746 a rule so that the full House can work its will on this important measure.

SOVIET PRESENCE IN MIDDLE EAST THREATENS WORLD PEACE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. FASCELL. Mr. Speaker, an editorial which appeared recently in the Miami Herald expresses my own sense of foreboding when I read of the joint communique issued by Egypt and the Soviet Union on the conditions to which they expect Israel to adhere as a price for the reopening of the Suez Canal.

The Soviet presence in Egypt has been growing continually since the 6-day war in 1967 until it has reached the point today where it is a powerful and ever-ready force poised to strike at Israel in the guise of Egyptian forces but with the full strength of Soviet military power.

The communique calling for full Israeli withdrawal from all occupied territory as a condition for the reopening of the Suez Canal can only be interpreted, in view of this military presence, as a direct threat to Israel and to world peace.

It is unrealistic to expect Israel to effect total withdrawal from territory which was so hard-won and which that beleaguered nation believes is absolutely vital to its continued security and very existence. Probably, given the proper diplomatic circumstances, some withdrawal will eventually take place. However, the Soviet Union's action in joining in this communique can only serve to polarize the situation further and add another stone to the perilous road toward war in the Middle East.

I call the Miami Herald editorial to the attention of our colleagues.

MOSCOW'S VOICE ADDS PERIL TO PULLOUT, SUEZ DEMANDS

Few developments in the Middle East could be more ominous than the joint communique issued in Moscow by Egypt and the Soviet Union declaring that reopening of the Suez Canal must be accompanied by total Israeli withdrawal from occupied Arab lands.

Russia's 15-year treaty with Egypt is one thing. At points it is vague. A joint communique is quite another. At the very least it obliges the USSR to be a party to a unilateral peace settlement forced on Israel. Indeed, we can place no other construction on this bit of madcap diplomacy.

In Jerusalem last month Israeli Defense Minister Moshe Dayan listed four conditions for reopening Suez: a permanent ceasefire, no crossing by Egyptian troops, free navigation and a separate agreement on the terms of the reopening which would have nothing to do with an overall settlement.

This is a hard-line position. It will not be altered voluntarily. The fact is that Israel has comparatively little stake in the canal since it now may enjoy undisputed use of its port of Eilat on the Gulf of Aqaba.

The joint communique is ominous for the fact that it makes the Soviet Union an active, committed partner with Egypt in a specific diplomatic and military area.

The implication is that Israel must back down or face whatever wrath the Russians, with their naval and air presence so obvious in Egypt, may be able to visit on it.

"The problem of opening the canal for shipping cannot be solved in isolation from other problems of the settlement and should be in context with an agreement on the withdrawal of all Israeli troops" to the pre-1967 frontiers, says the communique.

Of course, this is to ask the impossible of a country which has fought and won three wars for survival and must rely now in large part on the new frontiers which offer greater security.

Some of these frontiers probably will be adjusted in time. To demand that all of them be vacated, as Egypt has demanded repeatedly, is not realistic. The addition of Moscow's voice to those demands creates an entirely new situation fraught with peril for the only fast friend of the United States in the Middle East and for American diplomacy as well.

ALASKAN PIPELINE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. DINGELL. Mr. Speaker, last February Secretary of the Interior Morton told a committee of Congress that a great many unsolved problems were presented by the proposal to build an oil pipeline in Alaska and that he was a long way from approving the project. Last month the Secretary visited Alaska, and statements he made while there and since his return sound as if he contemplates issuing a pipeline permit as early as this fall.

I do not know the basis for Secretary Morton's present thinking. I do know that many formidable questions about the environmental acceptability and technical soundness of the pipeline project were raised in the Interior Department hearings in February and March. Those questions included how a 48-inch hot-oil pipeline safely could cross one of the continent's most active earthquake zones, how it could be constructed in treacherous permafrost, how it could be built above ground without obstructing animal migrations and blighting the great Alaskan wilderness, and how the oil could be shipped from the proposed pipeline terminus at Valdez to west coast refineries without serious tanker spills.

I also know that the administration and Congress have not yet addressed themselves to the very serious issue of the present lack of a comprehensive land use plan for Alaska. It is obvious to me that there should be such a plan before the northern Alaska wilderness is opened up to exploitation and development, as the proposed pipeline project would open it.

Mr. Speaker, the St. Louis Post-Dispatch on June 16 published a perceptive editorial expressing hope that Secretary Morton would not act hastily to approve a project involving such serious implications as the proposed trans-Alaska oil pipeline. I insert the text of the editorial in the Record at this point.

What's the Hurry?

After stating in February that he was in no great haste to give his approval to the proposed trans-Alaska oil pipeline, Interior Secretary Morton now gives every impression of being in a great rush over the matter. A few weeks ago, he announced he would issue his decision on the pipe by September, this updating his previously announced schedule by nearly a year and a half and now says he will act by July 15.

Upon assuming office, Mr. Morton said there were unanswered questions on the pipeline's impact on the Alaskan environment and nothing that has occurred since has removed the doubt. Exactly, in fact, the opposite. The Army Corps of Engineers, among others, since has issued a critical report of the project's threat to ecology and Representative Aspin has revealed that as late as a week before the Interior hearings on the pipeline in February, the consortium with North Slope oil interests said the pipe was as yet undesigned and would be designed "as we go along." The passage of a few months should scarcely make that statement any more reassuring.

Mr. Morton plans an inspection tour along the pipeline route this month. As he surveys the matchless subarctic wilderness, we hope the Secretary will remember that a decision made in haste, whatever the momentary economic benefits, may result in consequences that the nation will regret for a long time.

THE DANGERS OF TRADE RESTRICTIONS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, in light of the recent speculation about further attempts to legislate trade restrictions, I feel that it is necessary to briefly restate the inherent dangers of a restrictive trade policy. No one can disagree with the intentions of those who advocate the imposition of import quotas, because after all, they are designed to avoid the disruption of human and material resources. Unfortunately, however, the consequences of import regulation are detrimental to both our domestic and foreign welfare.

Although protective of jobs in certain domestic industries, quotas do not necessarily increase our aggregate national employment. Offsetting unemployment may develop in our export industries as a result of either an import quota-induced curtailment of foreign dollar reserves, or from retaliation against American export products. In addition, by the exclusion of lower-priced imports, quotas on textiles and shoes would contribute substantially to inflationary pressure in an area that would be reflected in the cost of living.

Perhaps, however, it is even more crucial to study the foreign ramifications of a restrictive American trade policy. Import regulations have an essentially contractive impact upon foreign economies due to the resulting export losses. Subsequently, internal political pressure may compel foreign nations to retaliate by raising their own trade barriers. I recently received a letter from Jerry de St. Paer, an American businessman, originally from Wheaton, Ill., and presently residing in Brazil. I share with him the belief that, "free trade and the competition which it embodies are central to our Nation's long-term best interests." At this point I insert in the Record the full text of Mr. de St. Paer's letter and commend it to my colleagues:

U.S. Trade Policy

Rio de Janeiro, Brazil,
July 8, 1971.

Congressman John B. Anderson,
Longworth House Office Building,
Washington, D.C.

Dear Congressman Anderson: The purpose of this letter is to express my appreciation as an American businessman overseas for the support you have given to the maintenance of a free United States trade policy and to explain why I feel your continued support of this policy is serving more than ever our nation's critical, long-term interests. In discussing the broad issue of trade policy I would like to touch on the following major areas:

The immediate effect of restrictive trade legislation

American economic interests and restrictive trade legislation

American political interests and restrictive trade legislation

THE IMMEDIATE EFFECT OF RESTRICTIVE TRADE LEGISLATION

The immediate response to an increase in United States trade barriers would be retaliation by other trading countries and a consequent strangling of world trade; two factors would be key to this reaction. First, the European Economic Community (the EEC) lost its powerful initial surge in the mid-sixties due largely to French President DeGaulle's obstinate position on majority voting and agricultural policy; only now is the EEC regaining its former initiative. Restrictive trade action by the United States could turn into an external and uniting threat pressing the EEC member nations to join more forcefully and increase their own trade barriers. Under these circumstances the EEC, possibly expanded to include the United Kingdom and part of Scandinavia, could become an inward-looking trade area shutting lucrative European markets to American goods. Together the EEC, the UK, and the United States account for over 90 percent of total world trade by value in a very large and important list of goods; consequently, curtailment of commerce among these trading centers would, by itself, stifle world trade.

Second, a trade war between the United States and Europe would inevitably destroy the entire structure of international trade as a result of the destruction of the international financial system. Currently, a great deal of trade is based upon the ready availability of a medium for payment in which traders can place their confidence—the American dollar. Since trade is of necessity often characterized by a delay of weeks and sometimes months between the order for and the delivery of a goods or service, confidence in the value of the currency of payment is a critical element; without this confidence trade would become too risky for many traders for whom, say, a 15 percent devaluation of the currency of payment in the interval between order and delivery would wipe out, or at least seriously reduce, their profit margin.

The dollar serves a dual function in the present international financial system. It is at once (1) the key reserve currency in many central banks and (2) the primary currency used in international trade. The international confidence which has resulted in the assumption by the dollar of these central roles depends mostly on American strength in international commerce; because of America's strong commercial position in most parts of the world, the dollar has tended to retain a stable and strong position vis-a-vis the large majority of other currencies. However, the position of the dollar cannot be taken for granted. The recent international financial crisis demonstrated the tenuous nature of that position. Further, the United States has registered a deficit for the last two consecutive months in its commercial balance (exports less imports of goods and services); the last such deficit was incurred over ten years ago. If the commercial balance in our balance of payments were to run a deficit over the longer-term, confidence in the dollar would be retracted—and at the moment there is no substitute for the dollar in its key roles. If the dollar were to lose its function as the primary currency in the international financial system due to a United States/EEC trade war, rapid dehydration of remaining international trade would certainly ensue.

In sum, restrictive American trade legislation could very conceivably result in the destruction of world trade and finance; American interests of an economic and political nature would be affected by the immediate and subsequent secondary effects of this legislation.

AMERICAN ECONOMIC INTERESTS AND RESTRICTIVE TRADE LEGISLATION

American economic interests are influenced by international trade in two primary ways. Quantitatively, American exports of goods and services have tended for about the past ten years to be slightly more than 5 percent of our gross national product whereas imports have tended to be somewhat below the 5 percent level. From these figures it can be concluded that (1) foreign trade is not critical to the American economy in relative terms but also that (2) in absolute dollar terms we have more to gain than to lose from free international trade.

Qualitatively, competition is the quintessential strength of the American economy; free enterprise is the foundation on which the American economy rests. Many of the industries responsible for recent pressure to increase tariffs are comparatively inefficient in an international sense and the stimulus of competition is needed to force them to put their management and technology into order; these industries should be required to meet their competition in the best American tradition and in the best national interest. If protected by trade barriers, they most likely will continue to deteriorate even further in a sound business sense and thereby further undermine the health of our economy.

Before moving on, I think it is important to note that foreign trade is not critical to United States national security; with very few exceptions America does not rely exclusively or even primarily upon foreign supply for products which are essential to our defense. Consequently, trade barriers cannot be justified as protection for most of our industries on the basis that they are critical to our security. From both a qualitative and a quantitative perspective, maintenance of our free trade policy can only benefit our own economic interests.

AMERICAN POLITICAL INTERESTS AND RESTRICTIVE TRADE LEGISLATION

The impacts of the enactment of restrictive trade legislation on American political interests would be even more serious than those on our economic interests. First and very broadly, increased trade restrictions would call into question American espousal of free enterprise as a tool for economic development. Our credibility as sponsors of the free market system as a valid means to economic growth would obviously be shaken.

Second, a trade war would inevitably damage United States political ties with Europe where the current reduction in the level of tensions across the Iron Curtain is a positive move toward defusing the East/West conflict. A trade war could reverse the increasing attitude of detente and also leave our European alliances in a very weakened position to confront any renewal of Cold War tensions.

Third, Japan, the largest non-Western, international trader, depends in large part for its livelihood on the ability to export, and almost half of Japan's exports go to Europe and the United States. If these markets were closed, the Japanese economic miracle would come to a grinding halt; without a sound exporting sector the intricately interrelated world of Japanese finance and commerce would almost certainly collapse. The serious weakening of the Japanese economy would leave Australia and New Zealand as our only powerful allies in the Pacific, both of which are more Western than Asian. The theater for Communist Chinese influence would be substantially increased, especially as Japan began to look more intensively to China as a source for raw materials and as a market outlet; American communication and influence in that part of the world would be correspondingly reduced. In this connection, it is useful to recall that it was Asia and not Europe that formally thrust the United States into the Second World War through an attack on our Fiftieth State. The importance of Japan as an American ally is diffisult to understate, and a free American trade policy is critical to that alliance.

Fourth, the United States has an interest in assisting stable economic development in the developing countries, employing private enterprise wherever feasible. These nations, like Brazil, require international financing and commercial resources if they are to develop. Yet, they are experiencing deteriorating terms of trade; basically, this refers to the current phenomenon where the price indices for primary commodities(i.e., metal bearing ores, coffee, crude oil, and sugar) are increasing more slowly than the indices for manufactured products. In some cases the prices of primary products are even decreasing in nominal terms. Since developing countries' exports are largely comprised of primary products while their imports are largely manufactures, they are caught in a foreign trade price squeeze. There are only two broad solutions to this problem: (1) continually increase exports of primary products to make up for the price slippage relative to manufactures; and (2) diversify exports into industrialized products. The first route is limited because, in the case of many primary products, the demand is relatively constant in world markets and is not influenced by abundance or scarceness of a product; an influx of greater volume onto the market results not in increased sales at the old prices but in sales at slightly increased volumes and greatly reduced prices, the final effect being a reduction in net proceeds.

The second route, diversification into manufactured product exports, is the key long-term solution to the deterioration terms of trade. Many developing countries, Brazil prominent among them, are putting a great deal of emphasis on diversification of exports in a sincere and well planned effort to pay as much of their own way as possible in economic development. They are also trying to attract private foreign capital to help them in their effort. Many of the governments, officials, and economists in the developing countries who are most friendly to the United States and are most convinced of the efficacy of private enterprise have staked a great deal of prestige on diversification. A trade war would largely close this escape route tying the developing countries to reduced levels of primary product exports both seriously injuring their efforts to develop economically and seriously embarrassing those who led the way to development through export diversification and free enterprise. Such a result would provide a great boost to the nationalists in the developing countries; general hostility toward the United States and a stimulation of already significant efforts to expropriate America's overseas business enterprises could be expected.

As an example of the emotional political dynamite with which the issue of United States trade policy is packed in Brazil, the attempt to pass the Mills Bill in the 91st Congress was considered by many of the educated Brazilians I met to be a direct attempt by America to cut Brazilian shoe and textile exports to the United States; the Mills Bill was characterized in the local press as an attack on Brazil. In our office we monitor all major local newspapers and business periodicals; during the debate on the Mills Bill there was not one mention in the many articles I saw that the textiles portion of the Bill was directed primarily at Japan and that the measure on shoes was basically intended for Italy. The Brazilian reader who could not follow available English language reports was led to the impression that the Mills Bill was directed solely at Brazil. The vitriolic reponse in the Brazilian press and among many Brazilians to even the consideration in Congress of restrictive trade legislation reflects the seriousness of the issue to them and gives some idea of what would happen to Brazilian/American relations if, as the result of such legislation, the United States started a trade war which hurt Brazilian economic development. In all likelihood, this same anti-American hostility would be generated in most developing countries to a greater or lesser degree, violent nationalism and possibly expropriation of American interests could result. Certainly American relations with the Third World would be damaged.

CONCLUSION

The obvious economic and political advantages of the maintenance of a free trade policy seem to me to be so important to the United States that efforts by Congressmen and Senators such as yourself to defend that policy deserve sincere appreciation. I was struck with deep concern by the strength of the support behind the Mills Foreign Trade Bill in the 91st Congress; most of the American businessmen with whom I am associated both in Brazil and in the States opposed that Bill on the conviction that free trade and the competition which it embodies are central to our nation's long-term best interests. I would like, in conclusion, to place my vote of confidence in your continuing defense of a free United States trade policy.

Very truly yours,

J. M. de St. Paer.

NO-WIN POLICY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. DUNCAN. Mr. Speaker, I would like to share with my colleagues a letter written by a U.S. Army officer who served two tours of duty in Vietnam. It appeared in the Knoxville, Tenn., Journal on July 14:

No-Win Policy Blamed for Loss of Lives

To the Editor, The Journal:

The other night I went to my son's Little League Baseball game. I was reminded that last spring when my family and I were at Fort Leavenworth, that Bob Degen was my son's baseball coach. Like most Army officers, Bob believed in winning, and I thank him for teaching my children in this day of progressive permissiveness. When they made a mistake, he let them know about it gently, but not too gently. He cared for the kids and they knew it. They won the post championship for themselves and their coach. Bob coached just the way he should have—and I am grateful for the leadership and discipline he gave my boys. I would imagine that Bob brought up his two little girls and eight-year-old boy the same way.

In late June or July, Bob said goodby to his baseball team and his wife and children and he went back to Vietnam to serve as an operations officer of a unit stationed at Quang Tri, just south of the DMZ. Like most of us who have served more than one tour in Vietnam, he dreaded leaving his family—but knew the job had to be done. I would guess that Bob felt about Vietnam like he felt about baseball—win it without the overtime. I know that's the way I feel about it.

Contrary to what the national television segments of the press and certain politicians say:

We can and could have whipped the hell out of Charlie whenever the American people instructed their politicians to let us do it. Those of us who served as advisers knew well that the moral obligation was to save Vietnam from the things the Vietnamese people learned to fear after Tet 1968—a Communist takeover after the Americans pull out of the country. But then I am committing a no no in this brave new world where heroes are traitors and traitors are heroes: Members of the "Military Industry Complex" can't talk about "whipping" anybody.

We can only go so far and then we are forced to listen to the peaceable "Agrarian reformers" talk about how they whipped us, and will continue to do so. Well, anyway Bob Degen went up to his new assignment in I (Eye) Corps. Bob would be just about ready to DEROS (return to the states) now—but Bob died last fall, not from a sniper's bullet or from shrapnel or a helicopter or from a jeep accident or from malaria—but from a bullet allegedly fired into him by an American soldier. Was it pot? Was it LSD? Was it heroin? Was it boredom? Or was it just as one of our sterling national television commentators suggested that such things just happen in an Army which has failed to win a war?

Well, I don't know—but I have my own idea. Perhaps it doesn't count for much but I've been there twice and I limp a little from old wounds and it is my opinion that maybe Bob Degen was killed by people who scream that the war was immoral and play God in condemning the little born Vietnamese peasant to slavery by "get out of Vietnam now" by men who take it upon themselves to steal classified documents and charge that we didn't consider the enemy civilian casualty rate while they and those of their ilk failed to consider the thousands of South Vietnamese who have been assassinated by our Communist enemies, by certain newspapermen who never failed to find anything right but always find everything wrong, and for the record, ignored the stacks of North Vietnamese Army dead while they cried that we were defeated in Tet '68. All * * * the bombing and then ignored the long lists of wounded and dead Americans by teachers who believe and teach that "peace" at any price will solve the world's problems; by parents who are silent when their kids disobey them, and excuse their children when they break the law or speak about the law enforcement officers in devisive terms, or perhaps because the same television reporters who scream that their privileges were being curtailed in a combat zone take so lightly their responsibilities but they permit a private soldier to state over nationwide television that he will tell his commanders to "go to hell" if he is ordered to accompany his unit into Laos.

Perhaps Bob Degen died because some people in the United States believed that our Communist enemies will just go away or will behave themselves if we would only speak to them nicely and consider their problems. But most of all, perhaps Bob died because during this the longest war in our history too many people just didn't give a damn while somebody else's husband, father, brother, or son was over there getting the hell shot out of them. It's my opinion that Bob may have died because a lot of people, if they think at all, are letting their kids grow up to believe that the Army is depicted by "F" Troop, the Marines by "Gomer Pyle, USMC," the Navy by "McHale's Navy," the Air Force and all our POWs in North Vietnam are enjoying themselves as do "Hogan's Heroes."

I don't know, maybe that's part of it. But anyway, Bob's dead and he was a fine man. Maybe if certain reporters had told the good as well as the bad (how many names of winners of the Medal of Honor are on the tip of your tongue) and if a few million people had really given a damn, Bob Degen would be coaching Little League Baseball this summer. And maybe if a few million more had written their congressmen to inquire about the methods by which a "no-win" war would be fought—fifty thousand others like Bob might have finished the job and been home coaching or playing baseball or drinking beer, or just breathing, which they aren't doing now. Perhaps thousands of them would have never been to Vietnam, because we could have played to win—without any extra inning. But we haven't because the "silent Majority" has been brainwashed and mesmerized by fuzzy-brained double-thinkers who feel our victory is defeat and defeat is victory.

Some eternal optimists ought to draw a parallel between conditions today and other periods in our history where dissension, despair and loss of hope were abroad. But today we are faced by the most insidious and diabolically clever enemy we have ever known and rather than face this reality the American people thrust their heads in the sand. Meanwhile the Bob Degens, the Sam Ashers, the Harry Hodges, the Steve Ramsey's, the Charlie Ayres, and the Tim Worths of the Free World have recognized the danger and have bought time with their lives until the sleeping giant awakens. For almost two hundred years they have paid the price to buy time. I pray to God that there will be enough time to buy.

The views expressed here are entirely my own and do not reflect opinions or policies of the Department of the Army or Departmen of Defense or those of any other personnel of the Armed Forces of the United States.

John S. Daniel, Jr.,
Lt. Col. Infantry, USA.

NEW EVIDENCE BACKS UP B–1 STAND

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MAZZOLI. Mr. Speaker, last month when we debated and voted on proposed amendments to H.R. 8687, the military research and development and procurement authorization bill, I proported a number of the amendments aimed at reducing unnecessary defense spending. I thought money could be saved for other urgent priorities by cutting certain unnecessary or wasteful items from the budget, without jeopardizing national security.

One of the budgeted items which I considered unnecessary at this time, and voted against, was the $370.2 million for stepped-up research and development on the B–1 bomber. For one thing, a number of experts argued that the reliable B–52 could be remodeled and reequipped at a substantial saving over the B–1 program—and in the end produce a better plane.

Additional evidence came to light recently indicating that the conduct of the B–1 program to date has been wasteful as well as unnecessary. A secret General Accounting Office report written in March and reported a few days back in the Washington Post shows that the Defense Department has permitted sloppy cost estimates, loose management guidelines, and lowered performance standards in the B–1 program.

It appears that the taxpayers may be asked to underwrite another multibillion-dollar cost overrun for an unnecessary project—unless we in Congress keep a close watch on the manner and purpose for which public money is spent in the defense area.

Mr. Speaker, I insert in the Record a recent article from the Washington Post about the General Accounting Office report on the development of the B–1 bomber.

B–1 Costs, Setbacks Ignored, GAO Says

(By Bernard D. Nossiter)

The Pentagon has plunged into development of the multi-billion-dollar B–1 bomber, ignoring safeguards against cost overruns, long delays and lowered performance standards that have marked other big weapons systems.

This is the central finding of a secret General Accounting Office study. The 40-page report, written in March, has been made available to Congress, but not to the public.

According to the GAO, Deputy Defense Secretary David Packard had failed to insist on the fulfillment of the Pentagon's own management guidelines before awarding contracts to develop the new bomber. Agreements were made on June 5, 1970 with North American Rockwell to build the airframe and General Electric to construct the engines.

Among other things, the paper says: the Air Force production estimate of $8,175,000,000 makes no allowance for any inflation during the 1970s, when the planes will be built; four months after the development contracts were signed, the Air Force had still not settled on the avionics, the electronic gear that will control the navigation, firing of weapons, bomber defense and penetration; vital performance characteristics of the plane, including engine thrust and maximum takeoff and landing distances, have been relaxed in an effort to hold down the ballooning costs.

The study does not provide an independent estimate of the ultimate cost of the 240 B–1's that the Air Force intends to buy.

A public GAO report of last March estimated the cost at $10.5 billion, $1.5 billion above the original planning estimate. But the Air Force itself now acknowledges a cost of $11.1 billion. Sen. William Proxmire (D-Wis.) has put it at $20 billion or more and a group of congressional critics thinks it could go as high as $47 billion.

Still another secret GAO report is sharply critical of the SRAM or Short Range Attack Missile, the principal armament for the B–1. This 43-page paper says that SRAM has already experienced "significant" cost growth (an incomplete estimate puts it at more than 260 per cent); test flights through December 1970 do not conclusively demonstrate that the missile will work as intended; and Soviet radar developments could make SRAM's carriers vulnerable miles before the missile can be fired at its targets.

The heart of GAO's analysis of the B–1 is as follows:

"The DOD (Department of Defense) management process leading to the approval for Engineering Development has not ensured elimination of past problems of major weapons acquisition—cost growth, schedule slippage and/or performance degradation.

"The cost estimates were optimistic and the type of avionics was not fully defined. . . . Cost appears to be the controlling factor while performance degradation and schedule slippages will be accepted to remain within established cost parameters."

The B–1 has been peppered with criticism since the Air Force first began pushing in 1964 for a new strategic bomber to replace the B–52. Defense Secretary Robert S. McNamara held off approval, largely in the belief that manned bombers are obsolete in an age of faster, longer ranging missiles. The Air Force has insisted that the bomber is a needed strategic system to complement land and sea-based missiles, that three nuclear weapons systems will complicate Soviet defenses.

Within the Nixon administration, the Office of Management and Budget waged a losing fight last year to hold the program back. But Packard threatened to resign if it was not pushed forward.

The House has already authorized $370 million for this year's installment while the Senate is still waiting for the procurement bill. Defense critics in the Senate plan a major effort to cut back or wipe out the program.

The GAO paper lists these shortcomings among those that have already come to light:

By June of 1970, the program was already 34 months behind schedule and "there may be additional slippage."

To hold down costs, performance specifications have been loosened for the takeoff weight, weight of avionics, sea-level speed, engine thrust or power and takeoff and landing distances.

This technique of buying less plane for more money is consistent with the Development Concept Paper for the B–1, issued within the Pentagon in November 1969. According to the GAO, "The DCP contained a statement that cost objective would be established for the program and performance degraded if necessary to attain the objective."

The study, prepared by unidentified GAO staff members, suggests that the first management mistake was the failure to complete the Concept Formulation. In this stage, the Pentagon is supposed to make tests and studies showing that it can master the technology for a new system, define the mission and performance, demonstrate that it is cheaper than competing systems and produce "credible and acceptable" cost and schedule estimates.

But the failure to settle on an avionics system and the omission of an inflated estimate during production left this stage incomplete.

The same defects, the GAO says, marred the next or "Validation" stage, a step that is supposed to be completed before development contracts are let.

The GAO study of B–1's weapon, the SRAM missile, paints an even blacker picture. When SRAM was approved for development in 1965, the cost per missile was estimated at $338,000. By June of 1970, GAO estimates the cost at $890,000. This moreover, does not include the Atomic Energy Commission's outlays for developing and producing SRAM's nuclear warhead. Since the Pentagon intends to buy 1,900 SRAMS, the program's expenses have climbed from $640 million to at least $1.7 billion.

Boeing is the prime contractor for SRAM, and Lockheed Aircraft is making the motor. "The rocket motor has been a major SRAM developmental problem," says the GAO and the performance specifications have been lowered to reduce the missile's range, speed or both.

"In our opinion," the GAO study says, "SRAM test flight results through December 1970, when the procurement decision was made, did not conclusively demonstrate that SRAM will work as intended."

SRAM is a "stand-off" missile, to be fired from B–52s, FB–111s and, ultimately, B–1s from a point outside the range of Soviet SAM defenses. But the GAO notes that the Soviet Union is developing ground and airborne radars that may pick up SRAM-carrying planes long before they reach the firing position.

Finally, SRAM is supposed to be fired at certain maximum and minimum altitudes. But General Dynamics, maker of the FB–111, says its contract does not compel it to produce a bomber capable of flying these heights.

"If General Dynamics' interpretation of the contract is correct, the Air Force may buy a missile with a specified launch altitude from an aircraft which is not contractually required to launch the missile at the altitude" the GAO report says.

SHOULD PEKING BE LET IN U.N.?

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ROONEY of New York. Mr. Speaker, under the permission heretofore granted me by unanimous consent of the House, I include the following highly interesting article written by the Reverend Daniel Lyons, S.J., published in the Sunday, July 25, 1971, issue of the National Catholic Register:

SHOULD PEKING BE LET IN UN?

(By Father Daniel Lyons, S.J.)

Peking should not be admitted to the United Nations until it becomes less violently opposed to the purposes for which the UN was founded. To admit it now would violate the UN Charter, which rejects the universality of nations. It is limited to those countries advocating peace. Either the Charter should be changed or Peking should take steps to qualify itself. Those who argue for universality should first work for the admission of Spain, Germany, Korea and South Vietnam, none of which has been admitted into the United Nations.

The UN Charter calls for the right to self-determination of peoples. The last free election on the Mainland was held nearly 25 years ago. Mao was not elected. The present government is a military dictatorship which suppresses the rights of the individual, fosters class hatred, promotes war all over the earth, and subordinates the welfare of the people to the cause of guerrilla wars and revolution.

The government of Free China has just made public its detailed account of people killed by Mao in the first 20 years of his rule, from 1949 to 1969. Not counting the toll in human lives taken during the Cultural Revolution, when thousands of irresponsible Red Guards killed at will, the total killed by Mao's regime is 39,940,000. That is more than the total populations of Greece, Portugal, Hungary and Chile put together.

The government of Peking is so incompetent that its foreign trade has not increased in the last 10 years. Its annual two-way volume, a tiny $4 billion, is less than one percent of the world's trade. Peking cannot even surpass the foreign trade of Taiwan, though it outnumbers Taiwan 30 to 1.

Twenty percent of Red China's foreign trade consists of opium and opium derivatives, chiefly morphine and heroin, which are destroying American lives. Opium poppies are now planted under government supervision on one million acres on the Mainland. Up to 10,000 tons annually are shipped out of Red China by air, sea, and land.

To admit Red China to the UN would make it much easier for her agents to smuggle heroin into the United States. To admit its agents means to destroy many more thousands of American youth and to increase our crime rate substantially.

There is a war going on between the forces of freedom and the forces of Communism, a war within and without the United Nations. To vote for Peking is to vote against the best interests of the United States. It is to vote against the forces of freedom.

The Communist nations will continue to vote as a bloc for Peking's entry. Moscow and Peking are united in their efforts to "liberate" the non-Communist world. But of the two, Peking is the more violent and aggressive.

Had Peking not started helping Hanoi so much, 15 years ago, Moscow might never have shipped so much ammunition to North Vietnam. To reward Peking for helping Hanoi is to dishonor 50,000 U.S. dead, about half of whom were killed by bullets from Peking. I have seen shiploads of guns and ammunition in South Vietnam captured from the Viet Cong, all made in Red China.

Politics, said Mao "is the barrel of a gun." As long as Peking continues to give millions of guns and bullets to Hanoi to kill Americans and our allies in South Vietnam, it should not be admitted into the United Nations. As long as Peking continues to help train American Leftists in China, as long as Peking helps to finance revolution in the U.S.A., in South America, in Europe, in Africa, Peking's military leaders should be left out of the United Nations. To do otherwise would destroy the UN and create serious problems for the United States.

CLEAR UP BOTTLED WATER

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MONAGAN. Mr. Speaker, for some time now, I have been working for uniform standards of health and safety for bottled drinking water. At present, there are no Federal laws in this field, and while some States have laws, these regulations are vague and generally unenforced.

On February 10, I introduced legislation which would correct this situation. By bill, H.R. 4147, would empower the Administrator of the Environmental Protection Agency to establish uniform quality standards for bottled water products, and would punish companies which failed to meet these standards.

The recent removal of several bottled drinking water brands from the shelves of two of Washington's largest supermarket chains dramatically illustrates the urgent need for this legislation. This action, the result of bacteria tests sponsored by the Washington Evening Star, has affected over 250 stores.

The basic problem in this case arises from the fact that there are no uniform Federal quality standards for bottled drinking water. Bottled water producers have no consistent guidelines to assist them, and consumers have no definite assurance that their water is safe. In many places, bottled water products can actually reach the supermarket shelves without being monitored by any kind of Government agency.

The particular case in question was compounded by the ambiguity of jurisdiction over bottled water. The supermarket chains involved were unsure of where to turn for professional, scientific assistance. As no specific agency is empowered to regulate in this field, none was prepared to offer immediate advice as to the safety of the products involved.

I have written to Mr. William D. Ruckelshaus, Administrator of the Environmental Protection Agency, concerning the urgency of the situation, and I have asked for his support of H.R. 4147. I include a copy of that letter at the close of my remarks. I should also like to include a copy of an excellent account of this case by Mr. John Fialka of the Washington Star.

This entire incident proves the need for uniform Federal standards. I plan to reintroduce H.R. 4147 with cosponsors on July 26. I urge all Members to join me in supporting this legislation.

The items follow:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., July 21, 1971.

Mr. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: Enclosed is an account by the Washington Evening Star of the recent removal of several bottled drinking water brands from the shelves of two of Washington's largest supermarket chains. This action, the result of a series of bacteria tests sponsored by the Star, involves over 250 stores. I also include a copy of the Washington Star survey for your information.

The basic problem in this case arises from the fact that there are no uniform federal standards to insure the quality and safety of bottled water products. While some states have laws in this field, most of them are vague and have no administrative machinery. In the case of Washington, D.C., no standards exist at all, and hence some brands can be sold in the area without being monitored by any kind of government agency.

The ambiguity of jurisdiction over bottled water products creates additional problems. As the Star article notes, the supermarket chains involved are unsure of where to turn for professional assistance. No specific agency is empowered to regulate in this field, and hence none is prepared at present to advise as to the safety of the products involved.

On February 10, I introduced legislation which would clear up such confusion by establishing definite responsibilities and specific regulations. My bill, H.R. 4147, would authorize the Administrator of the Environmental Protection Agency to set and administer uniform federal standards for bottled drinking water.

On February 12, 1971, I communicated with you concerning the need for this legislation. In light of this additional instance of confusion, I urge you to give H.R. 4147 your further consideration and your support.

Sincerely yours,

John S. Monagan,
Member of Congress.

Two Supermarkets Suspend Sales of Some Bottled Water

(By John Fialka)

Two of the Washington area's largest supermarket chains have removed some brands of bottled water from their shelves.

Spokesmen for both companies, Giant and Safeway, said the removal was a precautionary measure resulting from the publication of water tests by The Evening Star. The actions affect more than 250 stores in the area.

According to a spokesman for Giant, the company ordered the removal of the one brand of bottled water it carries, Deer Park Mineral Water.

Ronald Zachary, employe public relations manager for Safeway, said that it has removed two brands from its shelves, Deer Park and Great Bear.

A spokesman for a third food chain, Grand Union, said that it had suspended delivery orders for bottled water until samples of its stocks of Deer Park and Great Bear were tested at a company laboratory in East Paterson Park, N.J.

"The laboratory told us to go ahead and sell them," he said.

According to a series of tests sponsored by The Star conducted by a microbiologist at Georgetown University, some samples of bottled water contained much higher bacteria counts than samples of six varieties of area tap water tested.

Four bottled water brands were tested. The Deer Park sample had a bacteria count of 500,000 per liter. Great Bear had a count of 140,000 per liter. Another brand, Poland Water, had between 50,000 and 500,000 per liter, and a fourth brand, Mountain Valley Mineral Water, was found to be bacteria free.

NO UNIFORM STANDARDS

A major point of the article was that there are no uniform government standards for bottled water and that some brands could be sold in the area without being monitored by any government agency, unlike tap water which is constantly monitored by local health departments and, in some cases, by the U.S. Public Health Service.

The highest bacteria count found in an area tap water was 7,000 per liter. The sample was obtained from a water tap in Alexandria's City Hall. The city uses Fairfax County water.

The spokesman for Giant said that the company will receive no further shipments of bottled water until it confers with executives from Deer Park and obtains advice from federal health agencies.

WE WILL ASK PROOF

"It is our opinion that spring water is supposed to be a little bit better than tap water," he said. "From now on we will ask for proof of tests by an independent laboratory or we will do our own testing," he added.

Zachary, of Safeway, said that his company has also stopped receiving bottled water shipments and has invited officials from the firms which bottle Deer Park and Great Bear to confer on the matter.

"We want to take our lead on this from the Food and Drug Administration or the Environmental Protection Agency and from the producers," he added.

As the earlier Star article pointed out, no federal agency is specifically empowered to monitor interstate shipments of bottled water. The FDA, which has some jurisdiction over food items, says it leaves the matter of testing bottled water up to individual states, some of which have no testing laws.

Currently, Rep. John S. Monagan, D-Conn., has a bill pending in Congress that would establish strong federal standards for bottled water.

PANTHER LEADERS EMPLOYED IN FEDERALLY FUNDED COMMUNITY PROJECTS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ICHORD. Mr. Speaker, during last year's hearings on the Black Panther Party before the House Committee on Internal Security, witnesses from Omaha testified that some Panther leaders were employed in federally funded community projects.

This led to some searching interrogation by the distinguished gentleman from Iowa who was then a member of the committee, the Honorable William J. Scherle. His questioning brought out the fact that several Federal agencies were involved in the funding, contributing to confusion as to which agency should be held responsible for the personnel and operations of the community projects.

Fortunately, the gentleman from Iowa did not let the issue die with the ending of the Panther hearings. He pursued the matter and now has been rewarded by what appears to be a remarkably responsive executive agency of our Government. Correspondence tells the story and I include in the Record letters from the Office of Economic Opportunity dated June 10 and 23 together with a copy of a contract signed between OEO and the Department of Labor:

Office of Economic Opportunity,
Kansas City, Mo., June 10, 1971.

Mrs. Ida Brown,
Board Chairman,
Omaha, Nebr.

Dear Mrs. Brown: Over the past several years the Opportunities Industrialization Center Program has been funded Federally by three agencies (DOL, HEW, OEO). This process has caused a great many problems for the community action agencies which have sponsored OICs. Among these are: the different program year dates for each Federal agency, the lack of coordination of these agencies in monitoring and evaluating these programs, and the budget and record keeping processes required for sponsorship of the program.

The Office of Economic Opportunity has in recent months been involved in discussions aimed at eliminating many of these problems. The three Federal agencies have recently reached agreement in these discussions.

In accord with this national agreement negotiated in Washington between OEO, Departments of Labor and HEW, all Federal dollars to the OICs from these agencies will, as of July 1, 1971, go to the OIC National Institute of Philadelphia, Pa. The Institute will as of the above date prime sponsor all of the OIC operations.

This will, as you know, require a change in the responsibilities your agency has exercised as sponsor of an OIC. This new approach to funding OICs will require that CAAs no longer sponsor OICs as delegate agencies, as well as change the way HEW and DOL funds have been funded to the OICs. All OIC funds will continue through the end of your FY '71 Program Year, January 31, 1972. OEO and GOCA responsibilities to, and involvement with the Omaha OIC program will also continue until the end of your program year.

Let me assure you that the change in sponsorship, by no means, is any reflection on the manner your CAA has exercised its responsibility. The CAAs have greatly contributed to creating the success this program nationwide is experiencing.

Some of the paramount reasons for the change in sponsorship are as follows:

1. The nature of the OIC movement suggests that they are sound enough fiscally and programmatically to become a national emphasis comprehensive manpower program and prime sponsor their own activities;
2. This new procedure to funding will reduce the Federal agency involvement in the OIC operation from what has been primarily three agencies to a single agency (DOL);
3. The Federal government will have a single national contract with the OIC National Institute to prime sponsor and provide monitoring and evaluation support for the local projects.

OEO is gratified with the success and confidence your agency has helped to create in the OICs. If there is further information you wish to have in regard to this change, please contact your assigned field representative, John West.

Sincerely,

Samuel J. Cornelius,
Regional Director.

Office of Economic Opportunity,
Kansas City, Mo., June 23, 1971.

Hon. William J. Scherle,
House of Representatives,
Washington, D.C.

Dear Congressman Scherle: You will recall during the hearing of the Internal Security Committee concerning the City of Omaha and its Federally funded programs testimony revealed that in the funding of Opportunities Industrialization Center three Federal agencies were participating. You stressed the point that such a system caused a great deal of problems, particularly as to where the responsibilities lie.

I am sure you will be pleased to know that as of July 1, all of the OIC funding will be carried out by one single Federal agency, namely the Department of Labor. Certainly your interest and concern in this single matter was brought to the attention of the proper Federal officials, which subsequently resulted in this procedure.

Enclosed you will find a copy of a letter which was sent to the Board Chairman of Greater Omaha Community Action announcing this date, together with a memorandum of agreement between the Office of Economic Opportunity and the Department of Labor stating this change.

Samuel J. Cornelius,
Regional Director.

Memorandum of Agreement Between the Office of Economic Opportunity and the Department of Labor

This agreement is entered into this 21st day of June, 1971, between the Office of Economic Opportunity (hereinafter referred to as OEO) and the Department of Labor (hereinafter referred to as DOL).

Whereas, the OEO has statutory authority under Section 222(a) of the Economic Opportunity Act of 1964, as Amended, to conduct Opportunities Industrialization Centers (OIC) manpower training programs that provide a complete range of activities for underemployed and unemployed men and women, including the provision of complete prevocational and vocational training courses;

Whereas, the OEO has the statutory authority under Section 602(h) of the Economic Opportunity Act of 1964, as Amended, to transfer to the DOL funds to carry out such OIC manpower training programs; and

Whereas, the DOL has the statutory authority to accept this transfer of funds in order to carry out such programs.

Now therefore, it is mutually agreed as follows:

1. OEO hereby agrees to transfer to the Department of Labor no later than June 30, 1971, the sum of six million dollars ($6,000,000). OEO agrees to submit to the DOL no later than June 25, 1971, a Form 1151 in order to effectuate this transfer.

2. The Department of Labor hereby agrees to enter into a contract for not less than $6,000,000 with the OIC National Institute of Philadelphia, Pennsylvania, no later than June 30, 1971, which contract shall provide that the OIC National Institute shall become prime sponsor during Fiscal Year 1972 for those OIC Programs listed in Appendix A, which is incorporated herein by reference.

3. Both OEO and DOL hereby agree to the terms and conditions of this transfer set forth in Appendix A, which terms and conditions may from time to time upon the agreement of both OEO and DOL be amended.

The agreement shall become effective as of the date first shown above, and shall remain in effect during all of Fiscal Year 1972.

ROBERT J. BROWN,
Associate Manpower Administrator, Department of Labor.

WESLEY L. HJORNEVIK,
Deputy Director, Office of Economic Opportunity.

MODEL CITIES

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, I insert in the RECORD the last of a series of articles concerning model cities that recently appeared in the Atlanta Constitution:

PLAN, CITY DON'T MESH

(By Duane Riner)

The Model Cities concept and Atlanta's weak mayor form of government with its multiplicity of aldermanic kingdoms simply haven't meshed.

When the Johnson administration gave birth to an ambitious new grant program back in 1966 and announced that it would train its big guns on social and economic problems and physical blight, it didn't take into account the pitfalls of Atlanta's archaic city government.

For instance, Chuck Straub, a Model Cities official in the Department of Housing and Urban Development (HUD), recalls the amazed reaction of his colleagues when they compared the difference between Atlanta's original application for a planning grant back in March of 1967 and the actual program submitted a year later.

"Quite frankly," he said, "we were surprised. Their application seemed to be far more to the point on problems than the program."

There's a ready explanation for the difference. The application was drawn up by a pair of men who were intimately aware of problems in the six neighborhoods that were to comprise Model Cities. The drafters of the application were former Mayor Ivan Allen Jr. and his top aide, Dan Sweat.

The application was completed in a flash because Allen wanted Atlanta to be among the first cities in the nation to take advantage of a promising new Great Society program.

But by the time the program itself emerged from the City Hall morass, it had the appearance of a jellyfish.

Allen says he had no doubt that "we were moving into an extremely difficult field" because changing social and economic patterns "is a damn difficult thing to do."

The former mayor presided over seven months of Model Cities' planning and organization stages before leaving office, and "as far as I was concerned we had made reasonably good progress."

Allen says he has followed Model Cities only as a private citizen since stepping down as mayor "but it looks like they're not making a great deal of progress."

Although Allen has left City Hall, Dan Sweat remains as chief administrative officer in Mayor Sam Massell's office.

He feels that time and the Nixon administration may be closing in on Model Cities.

"If Nixon gets reelected," Sweat predicts, "he's going to cut out every evidence of Great Society programs. That's when the mayor and Board of Aldermen will have to set priorities. The grantsman is on his way out."

It probably will happen before the 1972 presidential election, according to officials at HUD.

Whether or not Nixon's revenue-sharing plan is approved by Congress, HUD Secretary George Romney plans to lump a large number of grant programs into a money box labeled "community development" at the first of next year, and Model Cities will lose its identity, according to a HUD spokesman.

What happens to Atlanta's largely unsuccessful Model Cities program at that time is anybody's guess. After all, if it's no longer one of 500-odd federal grants available for plucking by local governments, the decision won't be so easy for Atlanta aldermen.

Dan Sweat put it succinctly:

"When the decision comes down to whether or not to support day care projects in Summerhill versus cleaning up pollution of the Chattahoochee River, where do you think they're going to put the money?"

Sweat says he can only hope that the city's policymakers will recognize the "potential" of the Model Cities concept and that the pleas for money throughout the city for all types of projects won't result in all the federal money going for "other, more glamorous projects."

"In fairness to the aldermen, they have the tough job of making the final decision" on priorities once individual grants are out the window, Sweat declared.

"While history will probably record Model Cities as a failure here and nationwide," Sweat said, "I hope we'll be so far along on housing, educational improvements and social services that the momentum will carry them to completion."

But Sweat readily acknowledges that Model Cities and Atlanta government are not made for each other.

"You have to do a lot of begging, cajoling and a helluva lot of praying. If I could just be a benevolent dictator, I could make things work. The buck's got to stop somewhere."

After four years and $20 million invested in planning and action phases of the Atlanta Model Cities program, one of the few stellar successes has been one of the least costly.

The Greater Atlanta Arts Council received $82,000 last year as one of Model Cities' operating agencies.

The council provided opportunities for 14,896 Model Cities residents to see plays, ballets, symphony performances, puppet shows and art exhibits.

Already this year, operating with an $86,000 Model Cities grant, the council has offered visual and performing arts to 12,622 persons.

In its first year of operation in Model Cities, the council used none of its grant for administration, according to Mrs. Ralph Beck, its director.

"I wanted every cent of it to go into the program," she explained.

This year's emphasis is in seven schools where the council teaches the arts.

"I'm amazed at the talent we've been able to find. It has opened up whole new worlds to them," says Mrs. Beck.

She says principals tell her some disadvantaged pupils are motivated to come to school only on the one day a week when dance is being taught.

"I stay awake at night worrying that the money will end. I don't dare drop these kids after we've brought them this far," says Mrs. Beck.

Other private agencies are turning in similar performances on meager budgets.

Meanwhile, at Model Cities headquarters the payroll goes on. While Mrs. Beck's organization has $86,000 for a full year, $3,000 of which goes for administration, payroll records show that for two weeks in May, 65 Model Cities employes received $20,854.22. Only 54 positions are authorized.

Model Cities executive director Johnny C. Johnson, who received $801 for those two weeks, could not be reached to explain the discrepancy.

His office reported he had departed for a month-long vacation.

POLL OF THE SECOND CONGRESSIONAL DISTRICT

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. GROVER. Mr. Speaker, I am pleased to submit for publication the computerized totals and responses to my ninth annual questionnaire:

10,337 RESPONDENTS

Question	Responses	Percent
1. Do you approve of:		
(a) The President's Vietnamization of the Southeast Asian War	4,931	47.9
(b) Escalation to a military victory	1,037	10.1
(c) Immediate withdrawal of our forces	4,112	39.9
No response	217	2.1
Total	10,297	
2. Do you favor President Nixon's proposal to make the Federal Government more efficient and responsive to citizens by reorganizing the executive branch, abolishing 7 cabinet departments and creating 4 new ones in their place:		
Yes	6,514	63.1
No	1,059	10.3
Undecided	2,536	24.6
No response	219	2.1
Total	10,328	

10,337 RESPONDENTS—Continued

Question	Responses	Percent
3. Do you support the over-all objective of the President's revenue-sharing proposal—to move Federal money and power closer to the people and to help relieve the fiscal crisis state and local governments face:		
Yes	7,969	77.1
No	1,312	12.7
Undecided	825	8.0
No response	226	2.2
Total	10,332	
4. To fight pollution would you support:		
(a) Enactment of the President's $10,000,000,000 clean water program:		
Yes	6,028	58.4
No	1,312	12.7
Undecided	1,026	9.9
No response	1,954	18.9
Total	10,320	
(b) Spending even more money and passing even stricter laws:		
Yes	5,093	49.4
No	2,202	21.3
Undecided	891	8.6
No response	2,129	20.6
Total	10,315	
(c) Requiring manufacturers to prevent pollution even if it means that they charge higher prices for their products:		
Yes	6,318	61.3
No	1,279	12.4
Undecided	611	5.9
No response	2,092	20.3
Total	10,300	
(d) User fees and/or taxes on all polluters and users of water in order to fully finance Federal water pollution abatement:		
Yes	6,376	61.7
No	1,179	11.4
Undecided	820	7.9
No response	1,952	18.9
Total	10,327	
5. Do you favor lowering the voting age to 18 in State and local elections:		
Yes	4,994	48.4
No	4,858	47.0
Undecided	293	2.8
No response	183	1.8
Total	10,328	
6. With regard to campaign spending, do you favor:		
(a) Full disclosure of all donors and the amounts they have contributed:		
Yes	7,576	73.4
No	929	9.0
Undecided	356	3.4
No response	1,465	14.2
Total	10,326	
(b) A maximum spending limitation placed on campaigns:		
Yes	7,963	77.1
No	863	8.4
Undecided	283	2.7
No response	1,223	11.8
Total	10,332	
(c) Free and equal time on radio and television for all candidates for major elective offices:		
Yes	5,984	58.0
No	1,950	18.9
Undecided	450	4.4
No response	1,925	18.7
Total	10,309	
(d) Having the Federal Government use tax revenues to pay for all major political campaigns:		
Yes	815	7.9
No	6,857	66.4
Undecided	390	3.8
No response	2,271	22.0
Total	10,333	
7. Do you favor compulsory arbitration of labor-management disputes in public services industries:		
Yes	8,381	81.1
No	976	9.4
Undecided	750	7.3
No response	224	2.2
Total	10,331	
8. Based on our present knowledge of the effects of using marihuana—conflicting evidence as to whether it leads to use of hard drugs or whether it is harmful in itself, do you favor:		
(a) Retaining present penalties for possession	5,627	54.7
(b) Reducing present penalties	2,780	27.0
(c) Legalizing its use and possession	1,645	16.1
No response	227	2.2
Total	10,288	
9. Do you favor:		
(a) Continuance of the welfare system in its present form	133	1.3
(b) President Nixon's proposal for a work incentive and job training program coupled with a guaranteed minimum income	6,175	60.2
(c) Some other welfare reform proposal	3,789	36.9
No response	168	1.6
Total	10,265	

If one compares the responses in 1970, it is interesting to note that support of the President's Vietnamization program continues and that those favoring immediate withdrawal appear to have gained support mostly from the ranks of those previously supporting escalation to a military victory.

1970 response: A. 49.6; B. 18.3; C. 27.1; D. 5.1.

A comparison of those favoring or opposing the 18-year-old vote is interesting:

In 1969 31 percent favored, 62 percent opposed; 1970 37 percent favored, 55 percent opposed; 1971 48.4 percent favored, 47 percent opposed.

My colleagues and constituents will also find interesting the broad support for revenue sharing, welfare reform, campaign spending controls, Government reorganization, and compulsory arbitration of public service industrial disputes.

With many legislatures, easing the penalties for possession of marihuana, the response of 54.7 percent opposing such changes is also most interesting.

STATEMENT OF MR. NEIL SMITH BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. JONES of Tennessee. Mr. Speaker, the House Committee on Agriculture is currently conducting hearings on proposed farm credit legislation. Yesterday, my good friend Mr. Neil Smith, a farmer from Jackson, Tenn., testified before the committee in behalf of H.R. 8306.

Because I feel that his statement should be brought to the attention of the whole body, I insert in the RECORD at this point:

STATEMENT OF NEIL G. SMITH

Mr. Chairman and Representatives: I am Neil Smith from Jackson, which is the hub of West Tennessee. I am a full time farmer with 340 acres of cotton, corn and soybeans, plus about 80 acres of small grain. I annually finish around 300 hogs and maintain an 80 cow beef herd.

For 15 years I have used credit from the local Production Credit Association and have been a director for 7 years. Our local Board of Directors is made up of five farmers of which four derive all their income from farming. Some feel that this legislation is too liberal in credit policy, but with men like our Board, we can assure you of proper control.

By now you probably already know that I favor HR 8306. 1913 was the birth of our present law. A man by the name of Ford built a good car around that time. But since then, both our credit laws and our Ford Automobiles have had additions and alterations; however, most of us favor new legislation and a shiny new car.

Since 1957, I have purchased six separate tracts of farm land in a community where land doesn't change hands very often. Financing has come from every available source, starting with a Federal Land Bank loan on which I still have 24 years to go. Certainly the Federal Land Banks need a more liberal lending policy. Young farmers such as I was are very discouraged in having to give a first mortgage and only finance 50 percent of the cost.

I have farmed all my life of 41 years except for four years of college and two years in the U.S. Air Force. One thing about the proposed legislation interests me very much.

That is the opportunity to finance custom operators who specialize in doing certain operations for the farmer such as fertilizer application, spraying, seeding and defoliation by plane and combining grain. I own a two-row cotton picker and a large combine. To obtain efficiency with either, I must sell one of these machines real soon as it is impossible to run them both at the same time and often that is what needs doing. Also it is my feeling that the intermediate term credit policy of the Production Credit Associations should be lengthened due to the increased capital investments of farmers today.

My operation consists of myself and one full-time man. During the fall harvest season, part-time help is hard to find and that is the only time they are needed. If PCAs could finance the custom operator, it would relieve many harvest time pressures in our area. I honestly believe that custom operators will help insure the survival of family farms. My wife and I are rearing five children from ages 16 to 3. The three older children are a big help around the farm already. They spray and chop cotton, feed hogs, work cattle, mow grass and weeds and anything else they can safely do. I hope we don't turn them against this occupation because of the hard work. For the past three months, my working hours have run 12 to 14 hours a day, six days a week. I really don't enjoy working this hard. Well planned, reliable, strongly financed custom operators could relieve many of these conditions.

About a year ago, Federal Land Bank, Co-op and Production Credit Association directors and managers were mailed individually a survey which helped the Farm Credit Commission draft certain proposals in this Farm Credit Legislation. I participated and appreciated the opportunity to express myself.

I respectfully request your support of HR 8306 and appreciate the opportunity to appear before you today.

KEEP AMERICA FREE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. PATTEN. Mr. Speaker, one of my talented constituents, Art Sutton, of Edison, N.J.—his professional name is Johnny D'arc—has written a new and moving song called "Keep America Free."

I have endorsed this inspiring song because I am impressed by its message and its music. It is my sincere desire that the song will help, in some small way, to get Americans to stop and think—get closer together again—and consider all they have—before they lose it.

Mr. Speaker, "Keep America Free" is produced by D'arc-Stone Productions and is directed by Layne Stone, of Staten Island, N.Y. The chorus consists of a 52-voice vocal group, The Troubadors, of New York and the narration—The Statue—is by Laine Sutton D'arc, a professional actress-singer, of Equity and SAG, New York.

As I mentioned earlier, the song was written by Art Sutton—Johnny D'arc—ASCAP, playwright-songwriter, and a former page in the House of Representatives, Washington, D.C. A graduate of Wayne State University, of Detroit, Mich., Mr. Sutton was a combat veteran of World War II, European Theater of Operations, and is a member of several organizations, including the Veterans of Foreign Wars, American Legion, Loyal Order of Moose, Knights of Columbus, and ASCAP.

The distribution plans are twofold:

Through all veteran organizations, civic groups, military channels, and fraternal orders.

Recording, radio, television, and print media on a national basis.

The date for releasing the record is September 1, 1971.

Mr. Speaker, words of the song, "Keep America Free," follow and I hope the words and music will move my colleagues as much as they moved me:

KEEP AMERICA FREE

(By Johnny D'arc—Art Sutton)

(Opening)—(short verse, not part of song)

I hear America singing . . .

CHORUS

I see the face of God in the land I love
I see the wings of a hawk and a dove
I see the little people, just like me,
Saying, "Keep America Free"
I see the Pittsburgh steel and the Kansas wheat
I see the Statue of Liberty
And all those little people, just like me,
Saying, "Keep America Free:"
Free from hunger, free from want
Free from misery
Free from the right wing
Free from the left wing
Free as the eagle flying free
I see the face of God in the land I love
I see the wings of a hawk and a dove
I see the little people, just like me,
Saying, "Keep America Free . . ."
Saying, "Keep America Free."

THE SNOWMOBILE

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. RUPPE. Mr. Speaker, one of the most interesting phenomena in American recreation in recent years has been the advent of the snowmobile. Thousands of Americans are enthusiastically taking up this winter sport, and the impact of snowmobiling is especially great in recreational areas such as my district in northern Michigan.

Because this sport does not appear to be a passing fad, I was especially pleased to note the foresighted address delivered by Mr. G. Douglas Hofe, Jr., Director of the Bureau of Recreation in the U.S. Department of the Interior, to the Snowmobile and Off-the-Road Vehicle Research Symposium at Michigan State University. Mr. Hofe has wisely pointed out some of the problems and potential solutions which must be considered as the use of snowmobiles and other offroad vehicles increases in recreational areas. I am pleased to insert his fine speech into the RECORD:

KEYNOTE ADDRESS BY G. DOUGLAS HOFE, JR.

Mr. Chairman, Honored Guests, Ladies and Gentleman: From the standpoint of value, this symposium could not have come at a more opportune time. As many of you are aware, Secretary of the Interior Morton has recently directed the Bureau of Outdoor Recreation to lead other Interior agencies in a broad policy review of the use of off-road recreation vehicles on public lands, including those lands administered by Interior and other Executive Departments.

The Department of the Interior is, in one sense, the Nation's Landlord. We administer through the Bureau of Land Management, National Park Service, Bureau of Sport Fisheries and Wildlife and Bureau of Reclamation over a half-billion acres of publicly-owned lands.

Because of their location and general recreation desirability, we are experiencing heavy off-road recreational vehicle use. On Bureau of Land Management lands alone, we estimate there are currently over 1,000,000 motorcycles in use; over 700,000 pickup trucks; over 600,000 four-wheel drive vehicles; 80,000 snowmobiles; and about 50,000 dune buggies. The Bureau estimates that of 39 million visitor days annually, 7 million involve off-road recreation vehicles.

To a lesser degree, but with perhaps more serious results, similar use exists within national park and recreation areas, wildlife refuges and even on Indian lands.

The goal of the task force being led by BOR is to examine current practices and needs, and to develop a generalized management plan to assure an optimum of recreation opportunity and a minimum of environmental conflict.

In our deliberations about snowmobiles, dune buggies, all-terrain vehicles, motorcycles and scooters, we must remember to recognize that no one group has a pre-emptive right to the rural landscape. The needs for off-road recreational vehicles must be recognized, planned for by administrators, and integrated with other equally valid needs for recreational use of the rural, and urban landscape. Needless to say, development and production of these vehicles have moved faster than our regulatory and legislative machinery.

During our studies we will actively seek the views of all interests, including industry, public and private sources, and we will draw upon the results of your present and future research efforts. Our study will necessarily require the cooperation of all to seek to cope with the dynamic impact of these new recreation vehicles. I might add that the public response to the Secretary's announcement of our study has been overwhelmingly in support of the need for it and for some type of controls over certain vehicle uses. This is clear to anyone who has reviewed the past history of these vehicles.

In only a matter of a few years this relatively new form of recreation has attracted a large and ever increasing number of participants. Any doubt you may have about the activity's popularity is immediately erased by a quick look at the facts—620,000 snowmobiles alone sold this past winter—bringing the total to more than 1.5 million snowmobiles now in use—not to mention the existence of 50,000 all-terrain vehicles, or ATV's another member of the off-road vehicle family.

We recognize, as I am sure you do, that recreational vehicles have many legitimate uses. The major use is, of course, for outdoor recreation. Other types of uses include search and rescue operations, law enforcement, wildlife management and resource oriented uses.

The popularity of this new activity came about not because it was a new "here today—gone tomorrow" fad, but rather because in one package it offered the American public a new form of recreational transportation. To the snowmobiler the machines are a means for utilizing leisure time during the winter months. For users of other types of off-road vehicles this is a new travel dimension added to their normal recreation pursuits. To the Federal, state, and local land managing agencies, the "boom" represents a greater utilization of public lands for recreation. There are also economic values of obvious interest to Federal agencies. The Upper Great Lakes Regional Commission, for example, is a State and Federal organization directy concerned with the economic development of parts of Minnesota, Wisconsin, and Michigan; the Commission's boundary coincides geographically with the major midwest snow-belt. Snowmobile activities have enhanced these areas economically and will undoubtedly continue to do so.

The proliferation of snowmobiles and other off-road vehicles has provided some positive social and economic benefits, but problems have also occurred. I do not believe, however, that these problems are insurmountable. My lack of pessimism stems from the fact that early efforts to resolve the problems have met some success. In particular, during the past four years the Bureau of Outdoor Recreation, through its Lake Central and Northeast regional offices, has sponsored and participated in a number of snowmobile meetings and conferences which brought together U.S. and Canadian representatives from public, and private organizations to define and solve problems. From these meetings a wide range of concepts and information evolved. Though they dealt primarily with the snowmobile, there were many correlations to all forms of off-road recreation vehicles which I feel must be fully understood if we are to answer the question ". . . where do we go from here?"

The first order of business during this early stage was to define the real and the alleged problem areas. After itemizing our concerns, it became apparent they could be categorized under four main headings, allowing in some instances for overlaps. The four broad areas of concern were:

1. Environmental impact
2. Conflict with other recreation and land use activities
3. Safety of the participant
4. Legal and enforcement problems

It will be helpful, I think, to discuss some representative examples under each of these categories. Under environmental impact one could include: concern about the effect of snowmobiles on rare and endangered species of wildlife; the effect on wildlife in general; the effect on vegetative cover; litter problems; and soil damage under marginal snow conditions.

Conflict with other recreation and land use activities is manifested by: the noise, aesthetic, and resource damage complaints by various user groups; impulse buyers who expect to use their snowmobiles whenever and wherever they buy them; and the overall problem where extensive land areas needed for snowmobiling near population centers are either unavailable or are committed to other recreation activities and other land uses.

Under safety problems we must refer to: the number of fatalities and injuries which have resulted from collisions with automobiles; or drownings from breaking through ice-covered lakes and rivers. The novice urbanite snowmobiler, frequently unschooled in winter hazards, may find his safety threatened since, at 20 miles an hour he can suddenly suffer severe frostbite because of the wind-chill factor. There is also a large difference between leisurely walking a footpath and safely controlling a snowmobile at 40 miles an hour.

Under legal and law enforcement problems, we should mention: the vandalism of previously inaccessible summer cabins; trespass and nuisance complaints; administrative problems in handling tort claims; illegal hunting practices; and administrative and monetary problems involved with law enforcement. We must also answer questions on what the restrictions should be. Who enforces law and regulations? What are the jurisdictional boundaries? How are costs of enforcement to be paid?—and above all, the very difficult law enforcement problem of regulating a recreation vehicle which is extremely mobile and is adaptable to large areas of land without depending on established roads or trails. These were the defined problem areas—how did we attempt to resolve them?

To begin with, we were fortunate at the early meetings to gain widespread cooperation among the involved Federal, state, local, and private sectors. All parties willingly provided their expertise and agreed to be frank. As a result, one of the most important aspects of these meetings was the clear acknowledgment by all concerned, including manufacturers, that problems did exist and would occur in the future; and that resolution of the problems would require the constant cooperation of all to resolve them.

More than anything else, the first round of proposed solutions hinged on the voluntary efforts of snowmobile manufacturers and their customers. Snowmobile codes of ethics and safety were developed calling for the snowmobiler to conduct himself in a sportsman-like manner and not to abuse the natural resources. The safety code provided the operators with a check list of ways to prevent injuries. Both codes are being distributed to purchasers by members of the International Snowmobile Industry Association.

In the area of advertising, several public agencies requested the manufacturer to avoid the variety of TV and magazine advertisements which pictured a snowmobile and hopefully the driver launching through the air off a snowbank and which further described their product as a ". . . go anywhere—do anything—fun type machine." This request was prompted by a concern for the snowmobiler's safety and the realization that we should not add to our regulatory problems by implying to the participant that he was completely free to recreate solely as he saw fit. There has been general adherence to this request.

As the sport became more popular, snowmobile clubs and associations were established around the country. It is to the credit of these organizations that they acknowledged the problems and then took steps to promote proper conduct and self-policing of their activities. Because of their efforts they have prevented many inconsiderate operators from causing problems for the vast majority of responsible users.

One of the most promising areas is in coordinating the development of new trail and sign design concepts. One accomplishment has been acceptance and use of a standard trail marker by a significant number of Federal and state land managing agencies. The necessity for this sign concept becomes apparent when you realize that within a short period a snowmobiler can operate on Federal, state, municipal and private lands. Without a systematic manner of signing, complete confusion will result with a reduction in user safety and enforcement.

A major effort was made to establish guidelines for locating snowmobile trails where environmental and user conflicts would be at a minimum. In some instances we have found innovative uses of trails where summertime use is limited to foot or horseback riding while in the wintertime snowmobiles are welcomed. However, trails cannot solve all the problems. Even with maximum opportunity, some users will seek nontrail areas. It does appear, however, that a major portion of the owners will use designated trails if a large enough choice of well-designed and well-maintained trails can be provided. This is particularly true if these trails are located in area of minimum resource impact. The implication is clear that many problems can be reduced through adequate planning for snowmobilers as well as other recreation user groups.

I note, however, that in spite of the joint efforts of manufacturers, users, and public agencies, the problems continue. This then brings us to the present endeavor of this symposium—which I wholeheartedly support—and that is to focus attention on the need for unemotional, systematic research concerning the user and the environmental aspects of these recreation vehicles. The past efforts which I have discussed certainly do not constitute the basic type of research we need.

I would like to discuss a concept which is not new, but one which could form the framework and direction for your future research efforts. The basis of this concept relies on the structuring of outdoor recreation in this country as presented in the 1962 report of the Outdoor Recreation Resources Review Commission, and reiterated in the recent Public Land Law Review Commission Report. Specifically, both reports refer to the six classifications of recreational areas.

The six original categories were: high density recreation areas; general outdoor recreation areas; natural envionment areas; unique natural areas; primitive areas; and historic and cultural sites. Obviously, these classifications can be expanded to twelve or eighteen, depending on how detailed one wishes to break them down. The six general classifications can also be regrouped into three general categories.

One of these categories would be the historical and archeological areas such as Gettysburg National Military Park, Lincoln's Birthplace, and Dinosaur National Monument. These areas are not set aside for mass recreation but to preserve our national heritage. Although many of these areas are not large in terms of acreage, they are of utmost importance. Once they have been destroyed, they are lost forever.

The second category is comprised of these areas we set aside to maintain some of our *natural* heritage. This category includes such areas as Grand Canyon, Yosemite, Redwoods; and areas to preserve endangered species. These units are extremely important.

The third category is primarily activity oriented, although not entirely so restricted. This includes national recreation areas, certain parts of the national forests and some areas of the public domain. Many of these areas, such as the NRA's, have natural attributes well above the ordinary in quality and recreation appeal. NRA's, as you know, contain both lands and activity-oriented developments to serve large numbers of users.

It is essential that you, as researchers, provide guidance for the land managers in the developments of meaningful land use plans. These plans should identify suitable types of areas for off-road recreation vehicles. We must also, at the same time, preserve the quality of the environment.

Environmental quality embraces many factors, but it is not difficult to fix responsibility for its preservation. It rests with all of us. It is clear that the greatest responsibility rests with the individual. However, the concept of recreational zoning may offer opportunities for minimizing conflicting interests, improving the quality of winter-time recreation on public as well as private lands, and at the same time, providing the mechanism for developing and maintaining a quality environment. Herein lies the responsibility of the researcher. Your work in developing conceptual guidelines is essential to the planning and managing agencies.

In summary, there are many concerned conservationists, and recreationists aware of not only the problems of off-road vehicles, but the challenges, too.

Many of the problems will be resolved by those most directly affected—the manufacturers and their customers.

Manufacturers will, I feel certain, assist by making their machines less offensive to Nature. They have some public relations and image problems now—and they know it. Their customers—the users—must help themselves, too. They must learn safety and courtesy to other users of the outdoors.

At all levels of recreation—Federal, state, county and community and certainly in the private sector—concerned persons and groups are mounting programs to ensure that off-road vehicle users receive equitable treatment, as is our goal for all users of the public lands.

In four simple words: "We must work together."

I know we *will* work together.

THE WARREN, OHIO, JUNIOR MILITARY BAND

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. CARNEY. Mr. Speaker, it was a great pleasure to invite my colleagues and their staff members, to hear a concert by the Warren Junior Military Band at 11:30 a.m. today, on the House steps of the Capitol. This group, consisting of approximately 114 young people, under the very able direction of Mr. Donald W. Hurrelbrink, are on tour as goodwill representatives of the 19th Congressional District of Ohio.

Organized in 1927, for the advancement of youth through music, it is an honor to list their outstanding record of achievement:

Was personally acknowledged by President Hoover in the 1929 inauguration parade.

The only band of its kind invited to play at the Chicago World's Fair, 1933.

Played at the Canadian Nation Exhibition as coartists with the U.S. Navy Band in 1937.

Has played in the Hollywood Bowl, the Orange Bowl, the Rubber Bowl, and the Cotton Bowl.

The only band to be invited to Chautauqua, N.Y., for a third scheduled appearance.

Played in Akron, Ohio, with the 1st Division U.S. Army Band as coartists for the National Soap Box Derby in 1954.

Has played in the Los Angeles Coliseum; Soldier's Field, Chicago; Briggs Stadium, Detroit; Cleveland Stadium; Roosevelt Stadium, Jersey City; Milwaukee Stadium; Harvard Stadium; University of Denver Stadium; University of Minnesota Stadium; Loyola Stadium, New Orleans; Jordan Conservatory of Music, Boston; Boston Conservatory of Music and Symphony Hall, Boston.

Received the greatest ovation of its history following the concert at Expo '67. Shouts of "Bravo! Bravo!" rang out from the overwhelmed and enthusiastic audience as the band rose nine times to acknowledge this approval.

In 1954 national competition at Philadelphia, it won the most colorful marching unit in the parade award against approximately 75 other marching units.

Received a standing ovation when leaving the field from 84,587 baseball fans at the Cleveland-New York doubleheader on September 12, 1954.

Chosen as the official band to greet Richard Nixon at the 1960 VFW National Convention in Detroit.

In 1962 national competition at Minneapolis, it won the trophy for the most outstanding unit in the parade against over 100 competing units.

Presented concert and drill on July 21–22, 1964 at New York World's Fair. Played return engagements in 1965.

Official band at Ohio Republican State Convention in Columbus in 1966. Soloist with the band was Miss Ohio 1966, Miss Sharon Phillian.

Played concerts on July 4, 1966 at Chautauqua Institute, Chautauqua, N.Y.

Invited by the U.S. Government State Department to perform at Montreal, Canada, at the Universal and International Exhibition of 1967, as a representative of the United States of America. Played return engagement in 1968 at request of mayor of Montreal.

In 1969: 20-day, six country tour of Europe.

In 1970: Cincinnati, Drummers State Competition.

In 1970: February, band featured in "Wonderful World of Ohio."

Today's concert was a most enjoyable—and memorable—event. The Members of the Band, most of whom were present for the concert, are—

Color guard: Janet Keffer, captain; JoAnne Caniglia, Maxine Lunn, Joanne Zufall, Rebecca Smith, Beth Behner.

Flute: Maxine Lunn, Virginia Smith, Marion Kopnisky, Sue Frank, Laura Powell, Susan Caniglia, Janice Hernan, Carol Brdek, Charylin Rossler, Cheryle Jones, Jayne Dahman, Sandra Davis.

Bb clarinet: Michelle Munger, Robert Morris, Pamela Batt, Larry Gessner, Stanley Gregory, Gary Gault, Sharon Knight, Martina Donko, JoAnne Caniglia, Stephanie Prox, Patricia Harkabus, Diane May, Darlene Wilson, Joyce Billock, Linda DeZee, Martin Lynch, Cynthia Majovsky, Catherine Potter, Eric Andrews, Ronald Wean.

Oboe: Rebecca Smith, Rita Orr, Roger McKinney.

Alto clarinet: Joy Drass, Cynthia Stone, Linda Jones.

Bass clarinet: Janette Frederick, Linda Hafner.

Bassoon: Pamela Potter.

Alto saxophone: Joanne Zufall, Pamela Davis, Beth Behner, Diane Franklin, Nick Madved, Glen Prox, Robert Davey, Nadine Donko.

Tenor saxophone: Thomas Gilmore, Michael Komsa, Bonnie Oblinger.

Baritone saxophone: Raymond Knight.

Cornet and trumpet: James Grinta, Norbert Holdash, Thomas Anderson, Kevin Cera, Joan Oblinger, Robert Whetson, Warren Wilmoth, Paul Larsen, Robert Parilla, Paul Dahman, Fred Muccio, Joseph Svarny, Edward Bernard, Linda Andrews.

French horn: Richard Goist, Sarah Glines, Kay Leonhart, James Hurst, Janet Keffer, Holly Jones, Marsha Hafner, Bradley Bickel, Robert Goist.

Flag line: Joy Drass, Cynthia Stone, Janette Frederick, Joyce Roth, Patricia Harkabus, Holly Jones.

Baritone horn: Sue Larsen, Erna Jones, Sheryl Timko.

Trombone: Robert Williams, Kenneth Davis, Joyce Roth, David Wedekind, Mitchel Sullivan, Glenn Franklin, Neil Thomas, Randy Wean.

Bass horn: Jeffrey Harris, George Brdek, Ronald Smith, David Terry, Eric Hamilton.

Percussion: James Gault, Ronald Prokop, Thomas Dankovich, Fred Morris, James Cunningham, Bruce Cooper, Ronald Deiger, Timothy Reigelman, Joseph Costarella, Joseph Malvasia.

The biography of the director, Donald W. Hurrelbrink, is most impressive. His leadership and dedication to the band for the past 41 years is greatly represented in their record of achievement.

The biography follows:

When you see the Warren Junior Military Band march by, and hear "Stars and Stripes Forever" or "America" you get a lump in your throat and increased pride in your country and your young people. In the background, letting the boys and girls take the glory, is the man who has been director of the organization 41 years since 1930.

Hurrelbrink, "Mr. Music" was born in Toledo, a son of William and Emma Fork Hurrelbrink. He attended the Toledo schools, and started his musical career playing the violin and French Horn at the age of 12, was a member of the band and orchestra in high school. He began his advanced musical education at Dana's Musical Institute of Warren where he studied Violin and French Horn with Charles Lowry, Ross Hickernall and Lynn Dana.

From there he attended the Cincinnati Conservatory of Music, where he studied French Horn with Max Hess, first horn of the Cincinnati Symphony.

With a bachelor's and master's degree, he took additional work with Wendell Hoss, first horn player with the Cleveland Symphony Orchestra. For a year he traveled on the famous Redpath circuit.

Tired of travel, in 1930, he joined the public school music system of Trumbull County, serving 10 years at Mineral Ridge, where he became famous for the quality of his work. For the past 20 years he has been director of music at the Austintown Fitch High School.

He has a musical family. His wife, Gertrude, who passed away in 1968, was a pianist. She was a dedicated band member, who will always be lovingly remembered by all the Parents and Band Members for her devotion to the band. His daughters, Mrs. Donna Pate, and Janne Hurrelbrink, who is her father's "girl Friday" played flute, piccolo and bassoon.

He is a member of the AEA, NEA, NEOTA, OEA, Warren Musicians Union and All-American Judges Association. Membership in this All-American Judges Association is only by written examination and is rated a high honor among musicians.

He lives at 1115 Perkinswood Ave., Warren. Now and then he has a few hours to himself when he's likely to be listening to music that his Band might play, studying something of benefit to his boys and girls in the Fitch Band and the Warren Junior Military Band, for music is his life.

The Warren Jr. Military Band has achieved many honors thus far—and I can say with confidence—it is only the beginning.

THE BIG ONE THAT FINALLY GOT AWAY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. BEGICH. Mr. Speaker, two young Alaskans recently got the ride of their lives on board a whale they estimated to be 50- to 60-feet long. Bob and Dave Williams, teenage brothers from Kodiak, started out for a brief journey on their 25-foot skiff and ended up being lifted into the air and taken for a swift ride across the surface by the huge mammal.

In the true Alaskan spirit of outdoorsmanship and adventure, these boys rode out the crisis and returned to tell their story.

The Kodiak Mirror, one of Alaskan finest newspapers, published a story recounting the details of this existing adventure. I am certain that my colleagues in the House of Representatives will find their story most interesting:

Kodiak Boys Ride Atop 60-Foot Whale

Whale of a tale!—Two Kodiak boys can tell you of a tale about the big fish that got away from them last weekend—and how glad they were that it did! Few boys in the world, if any at all in fact, can claim to have rode the back of a monsterous great whale—but 16-year-old Bob Williams and his younger brother, 14-year-old Dave, returned to town Friday afternoon safe and sound—though still a bit shakey and shook—after a huge whale surfaced under their 25-foot skiff and took the goggle-eyed, terrified brothers who were clinging desperately to the skiff which was tilted at about a 45 degree angle, on a quick trip up into the air and racing along the surface of the sea atop the behemoth—a whale they estimated to be between 50 and 60 feet long. Understandably they do not recall too clearly or coherently the sequence of the events following—excepting they recall that they were bumped on the side by another whale hard enough to knock the younger boy to his knees in the bottom of the skiff—and that the skiff, powered by a 50hp outboard, was finally facing the opposite direction. And they wasted no time in speeding in great haste out of the turbulent whale-agitated area! The boys, who had been out checking their commercial halibut fishing gear in the Chiniak Bay entrance to Woody Island Channel, say that had they been in a smaller boat, it would have surely overturned several times while they were in the midst of the group of huge whales. The two sturdy, handsome lads are, for their age and like many Kodiak boys, relatively experienced boatmen, having fished with their father for salmon in the Cook Inlet area for at least four years. While they freely admit they were terrified at their experience with the whales Friday, the boys are knowledgeable enough about the sea and about whales to understand that it was a most unusual occurrence and quite unlikely to happen ever again—at least to them. Their years of fishing with their father and mother, Mr. and Mrs. Rex Williams, have engrained them with a sensible and healthy appreciation for the vaguries of the ocean. The boys said they had noticed the pod of whales circling around Chiniak Bay area for a number of days. They noted that they were not the killer whales, which, rightly or wrongly, still send chills up any fisherman's back if they ever come very close to their craft—especially if they happen to be in a skiff! Like any skookum, healthy, adventurous-minded boys, Bob and Dave are sorta glad they had this thrilling and awesome experience—but they would be just as glad if it never ever happened again as long as they live! We sort of envy them really—who in the world can top a conversation beginning, "Now back in '71 when me and my brother rode the back of a 60-foot long whale out in the open ocean . . ."

CONCERN FOR OUR RETURNING VIETNAM VETERANS

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. DANIEL of Virginia. Mr. Speaker, on July 18, John L. Gayle, of Richmond, Va., was elected department commander of the American Legion at its convention held in Norfolk. The preponderance of Commander Gayle's remarks upon accepting this honor reflects his concern for the returning GI from the Vietnam war. He emphasized the importance of job opportunities for these men. Indeed, Mr. Speaker, those who fight our country's wars are entitled to the same rung on the economic ladder that they would have attained had they not gone off to war.

Commander Gayle suggested that one of the problems facing our returning veterans is the image which has been created for them by the national and international press. These men have been cast in the role of murderers, sadists and dope addicts by that segment of the press. And what is the result? It has made it more difficult for them to readjust to civilian life. When the veteran seeks a job, he is looked upon with suspicion. As one veteran said just last week:

> The big play now is that every veteran is either a warmonger, a dope addict, or an alcoholic. They (the employers) look at you and seem to be thinking "Does he have a grenade in his pocket, or a needle, or a bottle of pills?"

This is a most unfortunate situation that these men find themselves in, and they deserve better; they deserve the assistance of all Americans.

I cannot help but be reminded time and again, of Rudyard Kipling's lines:

For it's Tommy this, an' Tommy that, an'
"Chuck him out, the brute!"
But it's "Savior of 'is country" when the
guns begin to shoot

It was another time and another war, but sadly the sentiments expressed remain.

Hopefully, Mr. Speaker, the Members will take the time to read the remarks of Commander Gayle, which I respectfully request be inserted in the Record:

Remarks by Commander Gayle

Commander Powell, Fellow Legionnaires, I stand before you with a sense of deep humility and pride—humility in the wake of those great Legionnaires who have stood here before me; pride in the reflection that our organization represents patriotism, and dedication to God and Country in the highest form. Called upon to undertake the duties of commander of the American Legion, Department of Virginia, I want to use a moment to express to the Legionnaires assembled here, my grateful thanks for the position you have bestowed upon me; to tell you that I approach the coming year with a sincere consciousness that the task is above my talents without the continued support and backing of every one of you.

Your zeal, wisdom, guidance and support are an absolute necessity for a successful year for the Department of Virginia.

In this day of personal happiness, I have one deep regret. The man who brought me into the Legion, my most loyal supporter and friend of forty-eight years, who enjoyed thinking of this day even more than I, is not here today. My Dad, a Legionnaire for fifty-one years, died April 9th.

We look back for inspiration, to our history and traditions for meaning, to the goodness and support of friends for guidance. But never must we let the failures of yesterday discourage us from the goals of today and tomorrow. Nor should we permit regrets to take the place of dreams.

Dreams do not become reality unless there is a plan and the necessary labor to implement them. The dreams for the coming year are becoming plans and with our work will be the goals for the coming year of 1971–1972.

We must apply new energies and thoughts to carry out existing youth programs on Americanism, the Oratorical contest, Junior Baseball and other excellent programs supported by the Legion in the past. We must continue our hospital visitation work, and especially our efforts to obtain a new Veterans' Administration Hospital in Richmond, at the present McGuire site.

The Prisoner of War program deserves our continued support—and I pray that this year there will be success.

Our new program must be directed to the returning veteran of today. The American Legion was organized to help the returning veteran of World War I. These veterans then helped the returning veteran of World War II and in turn the Korean Veterans were given aid. Our foremost obligation for the coming year is to extend our hands, minds and hearts to the returning Viet Nam Veterans.

When most of us returned home from service, we returned to a country that had shared our service with us, the then vocal majority had hoped and prayed for victory—the civilian population had contributed to the war effort by long hours of work, rationing and volunteer work. But today the vast majority of the population is unaffected by the warfare in Viet Nam. The Veteran today returns to uncertainty—seldom a hero's welcome, often pity or indifference. Because of the news media's treatment of the Viet Nam struggle perhaps a suspicion as to violence, cruelty or drug abuse in his immediate background.

Some 99 44/100 per cent of these veterans should be welcomed home as heroes. Many have risked their lives under conditions far worse than any we have ever known. They offered their lives without the knowledge their countrymen were supporting them at home. They have indeed occupied a unique position in our history.

Individual Posts, and the Districts must organize welcome home committees. The Posts must organize to reach each returning veteran, to make sure he knows the benefits to which he is entitled. Your Department Commander will write to each such veteran extending the Legion's hand on the state level, but the individual posts must be the effective tool to reach out.

Above all—these returning veterans are entitled to a place in society, a place to work, a job opportunity. Thousands of young men are leaving the service each month and they are entitled to work. You will be called upon to set up local task forces in your communities to put the new veterans in contact with potential employers, to make the new veteran and employers aware of the state aids, to make potential employers aware of the federal assistance available for training purposes. The result of this program will be:

To make the public and especially employers aware of the urgent need of returning veterans for adequate employment.

To provide the means to bring the job hunting veteran directly in contact with potential employers.

To steer, advise and assist veterans who lack needed skills or education to a training program that will prepare them for a satisfying job.

Verbal tribute does not really help these veterans. They need money and jobs. Providing them now is likely to be far less costly than paying the cost of our indifference later.

The Legion's motto this year is again, "Reach Out—Reach Out '72". Let each of us reach out with a little more enthusiasm, dedication and effort to have a great year. When you leave today I ask that you carry with you the thoughts expressed in this quotation from a great American.

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations". Abraham Lincoln.

AN EARLY START FOR CHILDREN WITH HEARING LOSS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MAZZOLI. Mr. Speaker, James R. Martin, executive director of Kentucky Parents of Children with Communication disorders, has brought to my attention a fine program of the Kentucky Easter Seal Society for Crippled Children and Adults to help children with hearing impairments.

The program, begun early this year with funds from the Easter Seal Society and the WHAS Crusade for Children, helps very young children with hearing impairments adjust to the world around them with the use of hearing aids. With the help of Mrs. Nancy Chill, audiologist in the program, parents are shown how to make sure their children have every chance to develop their abilities in spite of their hearing handicap.

Mr. Speaker, this program, the demonstration program of home training for parents of preschool children with hearing impairments is the result of dedicated effort on the part of many people in the community to help those with communication disorders live happy, productive, and normal lives. For this they deserve our thanks and recognition.

I would like to insert in the RECORD at this point the text of a recent article by Sally Bly in the Louisville Times about this program:

CHILD WITH HEARING LOSS NEEDS EARLY TREATMENT

(By Sally Bly)

Sounds . . . the swoosh of water running in the sink, the ping of water sprayed against a hubcap. . . . Sounds that are so commonplace most persons tune them out.

But for some families, every sound brings a response.

When 18-month-old Christopher Thompson bangs on the tray of his high chair, his mother's hands fly to her ears—"Ooooh, I heard that."

When Maurice Raymer gets ready to wash the car, he makes a big production of tearing the rag in half for his son Danny, 2½.

"Do you hear that, Danny?"

Danny and Christopher have severe hearing losses.

Each was diagnosed when he was about a year old and each now wears stereo hearing aids strapped to his chest. It is hoped that by getting hearing aids while they are young, the children won't miss out on the important language development stage.

Their parents are learning to help the youngsters focus on sounds, to discriminate differences in sounds, through a program of the Kentucky Easter Seal Society for Crippled Children and Adults, Inc.

The program, which has the cumbersome title of Demonstration Program of Home Training of Parents of Preschool Children with Hearing Impairments, involves comprehensive testing and home visits by an audiologist every other week. The audiologist, Mrs. Nancy Chill, has been making the home visits since January when the program was started with a $7,800 grant from the WHAS Crusade for Children and $11,760 from the Easter Seal Society.

A child is lent hearing aids until tests determine whether he has more residual hearing in one ear than the other and whether there are particular ranges of sounds he hears more acutely than others. Tests usually are conducted on children as young as 8 months, but can be done earlier.

When he first puts on the hearing aid the child has the "listening age" of a newborn infant. He's missed his mother's cooing, the splashing of his bath water, the jingle or rattle of toys.

But these things aren't always easily apparent. For example, one reason Mrs. Thomas Thompson didn't suspect anything was wrong with Christopher was that he always turned around when she entered his room. Apparently he was reacting to visual signals or, perhaps, the vibrations on the floor.

"Now we notice things that we didn't realize until we found out; for example, he was slow to smile," Mrs. Thompson said.

Now, "Christopher does respond to speech, Mrs. Chill said. "Whether what he hears is distorted or not, we don't know."

When Mrs. Chill visits the seven families in the program, she observes them going through a routine task to see how they can better help the child. The important thing is to put a word to everything they do.

"He's got quite a bit of catching up to do," Mrs. Chill told Mrs. Thompson. Christopher missed "a whole year of hearing and understanding" that a child of normal hearing would have, she said.

On a recent visit, Mrs. Thompson and Christopher polished his shoes and had lunch. Keeping Christopher close to her, so her mouth would be close to his hearing aid, she drew his attention to every action, opening and closing a door several times, running water in the sink, letting him feel it was wet, all the time talking a blue streak.

BROTHER HELPS INFANT

Christopher's 4-year-old brother, Tommy, seems to understand that Christopher needs extra help with words, Mrs. Thompson said. When they play together, Tommy will say, "See the ball, Christopher? Do you want the ball, Christopher? Throw the ball, Christopher."

A child has to hear and understand a word 60 times before he will use it spontaneously, Mrs. Chill said, so repetition is vital, as is keeping the child's attention on the sound or word.

Mrs. Chill leaves "homework" with the parents between visits, instructing them to work on particular sounds and to keep charts of sounds the child has made and sounds he's responded to.

"The biggest job is to make him aware of sounds," Mrs. Chill said to Mrs. Thompson. "I would have been more animated when you responded to sounds—"Ooooh, I heard that.'" she mimicked, rolling her eyes. "Exaggerated faces and funny voices get children's attention quicker.

"Several times while you were polishing his shoes the dog barked and he looked up, but you didn't call attention to it. And imitate us," Mrs. Thompson finished the sen-

". . . because that makes him want to imitate us," Mrs. Thompson finished the sentence.

Mrs. Thompson reported that Christopher sometimes seems to notice music on the record player but sometimes seems to tune it out. "Keep working on it," Mrs. Chill said. "Play fast and slow music. We want him to hear music and rhythm because that's how we talk."

After visiting the Thompsons, Mrs. Chill went to see Mr. and Mrs. Maurice Raymer and Danny, who that day was to wash the car with his father.

"We include the fathers as much as possible," Mrs. Chill said. "This is also a good example that a working mother doesn't hinder the child's progress. It's the quality of time a mother spends with the child more than the quantity. Mrs. Raymer's one of my best talkers."

The Raymers' pediatrician recommended having Danny's hearing tested when he was about a year old, suspecting there could be problems because Mrs. Raymer had had rubella early in pregnancy.

(Rubella is the apparent cause of the hearing impairment in three of the seven children she's working with, Mrs. Chill said.)

One specialist told the Raymers that Danny was too young to start working with on hearing, but they weren't satisfied with that and went to the Easter Seal Society for help. Before the new program began they worked with a therapist at the Easter Seal building, but "we had trouble keeping Danny's attention," Mrs. Raymer said. "He's more interested and attentive where he's relaxed."

Danny's vocabulary now consists of 16 words, and "I believe he's understanding more (words)," but he's not saying them, Mrs. Raymer said.

With gestures, Danny asked for something to drink. "What do you want, Danny? Do you want milk?"

"Be careful about testing him," Mrs. Chill warned. "He may associate 'milk' with that white stuff he drinks, but understanding questions like what, where, who—that's way up the scale of language. He may not even understand the question."

Like the Thompsons, the Raymers have learned to use every occasion as a teaching aid, whether it's a boat show or a tiny garden plot—"I must have dug up that little patch of ground 15 times," Raymer said.

Washing the car gave all kinds of new opportunities for words and sounds—the water hitting the car, the "squish" of wringing out a rag. Raymer wiped the car, "round and round, round and round," and Danny imitated him "'ound and 'ound."

There's a temptation to treat the hearing-impaired child as someone special—he does need special help, but "he's a child first, a hearing-impaired child second," Mrs. Chill said. As he grows he must learn that he is not the ruler of the house. He must also learn that his impairment is not a handicap to be ashamed of.

Mr. and Mrs. James R. Martin, whose 4-year-old son, Jimmy, is older than Christopher and Danny, have learned that it's hard to protect the child.

"When you take Jimmy out any place,

someone will say, 'Oh, the poor thing,'" Martin said. "That happened in a supermarket once and the woman said, in front of Jimmy, 'Is he deaf?' I just said to Jimmy, 'Show her your hearing aid,' and he did."

"The normal reaction of people is to stop talking to the child because he's deaf," Mrs. Martin said.

Jimmy was also a victim of rubella and his mother was alert to all the problems rubella can cause, but "hearing was one thing I knew wasn't wrong with him, because he could hear some sounds," like a door closing or a hand clap. But the normal range of speech was inaudible to Jimmy. He was a year old when they discovered he was deaf.

At the time, there was no help here for such a child, so the Martins, including their two older children, traveled to Nashville, Tenn., to the Bill Wilkerson Hearing and Speech Center, to learn how to help Jimmy learn to speak. For a year and a half, the Martins went to Nashville every week for three days. Now they go only three times a year.

Jimmy is now attending a preschool where he is the only child with hearing aids. Tests show that his comprehension of language is in the normal range for children with normal hearing, but Mrs. Martin thinks he might be a little behind in speech.

"But if we'd waited until he was 4, he'd be four years behind," she said.

The Martins were instrumental in forming the Kentucky Parents of Children with Communication Disorders, which now has 300 members. Martin is executive director.

During the last Kentucky Legislature the KPCCD successfully lobbied for bills to set up a task force on exceptional children and to change the ages at which children are eligible for state-funded programs to include those from birth to 21.

The KPCCD also tries to focus attention on early testing and treatment for hearing problems.

"It's a hidden handicap," Mrs. Martin said. "Pediatricians should be more aware of how easily and how early testing can be done."

Martin said they had talked to many parents who were upset because hearing loss had not been discovered early or who, when they complained to a physician about the child's not talking at the proper age, were told such things as, "He's just stubborn."

But with early help a child could overcome the lag. Jimmy will attend regular schools with hearing children—except, "I think we've developed another exceptionality," Martin said happily. "We think he's gifted."

SOVIET BOOSTS MILITARY AID TO CRUSH SUDANESE REBELS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ICHORD. Mr. Speaker, for those who cling to the belief that the Soviet Union is moderating and mellowing in its eagerness for world revolution, a report from the Baltimore Sunpapers' correspondent in Africa should be unsettling, to say the least.

Correspondent Russell Warren Howe—in the Baltimore Sun for Tuesday, July 6, 1971—writes from Addis Ababa, Ethiopa, that the Soviets have expanded their military advisory groups in the Sudan and an all-out effort to "crush the black secessionist movement in the south of that Arab country."

For much longer than the Nigerian civil war, the fighting in the Sudan has—according to the United Nations—amounted to virtual genocide as the Arab Government in Khartoum seeks to destroy the rebellious black tribes in the southern part of the country. It is as much a holy war as it is a political struggle since the Arabs are Mohammedans and the blacks are either Christian or pagan and the Arabs want to foist Islam on the southern tribes.

Now we are advised by the Sunpapers' that the Soviets are actively engaged in helping the Khartoum regime. It should be recalled that the Kremlin greatly assisted the Nigerian Government in putting down the Biafran revolt so that today Moscow has a strong voice in the decisionmaking in Nigeria's capital of Lagos. Who are the imperialists?

I now would like to insert in the RECORD the latest account regarding the Sudan and Soviet involvement:

SOVIET BOOSTS MILITARY AID TO CRUSH SUDANESE REBELS

(By Russell Warren Howe)

Addis Ababa, Ethiopia—The Soviet Union has expanded its military advisory groups in the Sudan in an all-out effort to crush the black secessionist movement in the south of that Arab country, usually well-informed sources say.

Under two key Soviet defense advisers, Youry Moukhine and Pavel Poliakov, over 100 Russian intelligence staff members and about 1,000 field "advisers," including gunship pilots, reportedly have been brought into the Sudanese forces.

END TO AID ASKED

At the same time, Gen. Gaafar al-Numairy, leader of the country's military government, is making a special effort to get neighboring countries to drop even moral support for the Anya-Nya—the secessionist movement.

Agreement with Ethiopia was reached earlier this year. Now General al-Numairy is bidding for similar assurances from General Idi Amin Dada and General Joseph-Desire Mobutu, his counterparts in Uganda and the Congo.

The soughern secessionists object to racial and religious discrimination by the country's ruling Arab, Muslim people of the north.

Officially, blacks number a third of the 13 million population, but most Khartoum embassies now put the figure at nearer half—despite a United Nations High Commission for Refugees estimate of 500,000 was casualties.

REPRESSIVE REACTION

The secession movement grew in the mid-Sixties when Khartoum reacted by forced Islamization, adult circumcision and Arabization of the English-speaking, Catholicized South. But now repression is counterbalanced by offers of some regional autonomy under the watchful eye of the Arab-officered Army.

The Army slowly is being expanded to about 50,000 men and given more sophisticated weapons, including Russian SAM-2 ground-to-air missiles, bought with the country's main export, long-staple cotton.

General al-Numairy's desire for diplomatic and military peace with his Christian neighbor-states reflects his problem of trying to win a civil war against Christians with Russian help while also trying to destroy the Sudanese communist movement.

He has banned several Marxist groups—including, theoretically, the Communist party.

Meanwhile, the Russians are building a naval harbor at Port Sudan that American specialists speculate will be the main Soviet naval base in the Indian Ocean area.

But diplomatic travelers from Khartoum also theorize that the growing Chinese presence in the Sudanese capital may indicate that General al-Numairy hopes to counterbalance Moscow by encouraging Peking.

The general's announced intention is to regiment the country's political activities into a single "socialist union," modeled on Egypt's ruling Arab Socialist Union. But popular dissent forced him to keep Sudan outside the nominal federation of Egypt, Libya and Syria.

The Sudanese Communists want a "national front" government of former parties, which they would hope to dominate.

NEW STRATEGY TO HALT DRUGS ON CAMPUS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. BINGHAM. Mr. Speaker, one of the most distressing developments during the past years has been the proliferation of drugs on educational campuses across the country. A new strategy to cut down drug trafficking and use at schools is being devised by the Bronx Community College in the Bronx, N.Y. As described in the statement which follows, the BCC has organized a student-faculty drug patrol—members of the college community who stand watch to drive pushers off the campus grounds and pressure their fellow students to "kick the habit." The pressure has resulted in an estimated 90 percent decrease in drug use over about a 2-month period. Complementing peer influence is careful surveillance of involved students and a special program of counseling. Files of recalcitrant students are evaluated by a student-faculty committee to determine if any disciplinary process is necessary. Bronx Community College President James A. Colston is pleased with the progress of the program, and praised the "crucial and highly responsible role" of the students in this effort.

The college is seeking a Federal grant to continue and expand their action to curb drugs on campus. In the past, I have supported efforts to curb drug use among the youth of America and foster community understanding of the problem. I believe very strongly, the Federal Government should provide the assistance needed for progressive programs in this critical area.

The news item of antidrug strategy from Bronx Community College follows:

NEW ANTI-DRUG STRATEGY AT BRONX COMMUNITY COLLEGE: GOOD EARLY RESULTS AND HOPE FOR THE FUTURE

A new anti-drug strategy at Bronx Community College has yielded such positive results during the just-concluded spring semester that the college administration is guardedly optimistic for the first time in three years that the on-campus drug problem may be finally minimized when regular classes resume in September.

Dr. James A. Colston, president of The City University unit, outlined the following successful strategy:

1. Reduce the drug problem to manage-

able proportions by a firm administration ultimatum to drug users and pushers;

2. Encourage students to take a leading role in formulating an anti-drug program;
3. Wait for heavy student involvement to generate effective peer group pressure against the drug culture;
4. Isolate the hard-core student users and sellers so that the college's resources can deal with their problems; and
5. Institute a special student-faculty enforcement and judicial mechanism to deal fairly and sternly with drug offenses on campus.

"Basic to our approach," Dr. Colston said, "has been the philosophy that the needs of individual students are best served by the resources available within and through the college community. But it's useless to help a student find his way out of the drug mess, if you are going to return him to a permissive drug environment that starts the vicious cycle all over again."

"Our first step was to eliminate the college as a safe 'haven' for drug activity," Dr. Colston continued. "We simply made it clear that since the college could not cope with massive law breaking, we would have to ask for outside enforcement help."

Faced with this threat and beefed-up security at all doors to college buildings, the non-student users and pushers retreated from the campus. According to the president, "this achieved the desired effect of isolating the hard core student drug users and sellers. Peer group pressure becomes much more effective under these circumstances.

"The next step was to create a student-faculty program of surveillance and a method for reporting drug activity," the president said. "At the end of the enforcement process the student is judged and offered a number of alternatives. The penalties for recalitrant students or second offenders have to be tough if the strategy is to work.

"Our ultimate goal as educators," Dr. Colston concluded, "is to modify the student's behavior on campus so that it will not disrupt the educational process and to help him achieve the resolve to change his life style along more productive and personally rewarding lines."

POLICE ACTION THREATENED

The drug issue boiled to a head at the college three months ago on February 24 when President Colston summoned the college community to an emergency mass meeting. In declaring an all-out war on drugs, the president told a somber assembly that unless action were taken to decrease drug traffic within 12 days, there would be "no other recourse but to call in and sanction the use of law enforcement agencies to deal with the crucial drug problem by whatever means necessary to make this college community live up to and maintain its basic educational purpose."

The presidential mandate gave rise to an informal student-faculty coalition which proposed an action program calling for a student-run Drug Patrol for surveillance and gathering evidence and a Campus Committee on Drug Abuse with disciplinary powers. President Colston accepted and sanctioned the plan.

DRUG USE DOWN 90 PERCENT

Prof. Joseph Riley of the Chemistry Department, who has been working with the Drug Patrol, estimates that use of drugs on the campus has decreased 90 percent in the nine weeks since the anti-drug campaign began. This estimate is based on an informal survey by Prof. Riley of faculty and students active in the anti-drug campaign, and of others in a position to observe daily college areas known for heavy drug use.

Charles Minort, one of the student leaders of the Drug Patrol, explained some of the beliefs and procedures of the group: "What we try to do to the users is apply peer-pressure," he said. "Most kids who use drugs are extremely insecure, and they do it in order to be accepted by their peers. But if their peers express disapproval and make them socially uncomfortable, they won't be so anxious to turn on."

Mr. Minort explained that another problem of the student drug users is that they lack direction. "We'd like to try to excite their interest in their studies and in stimulating extracurricular activities," he said.

PUSHERS HARASSED

Asked how, since the Drug Patrol has no police powers, they handle the pushers, Minort answered emphatically, "We harass them right off the campus. We know who they are, so we never let them out of our sight. We frustrate them. If a guy reaches into his pocket for some stuff to sell, one of us is right there to laugh in his face and say 'hi.'"

Mr. Minort feels that when pushers are exposed to the constant pressure and embarrassment of the Drug Patrol, their selling power is effectively curtailed. "They don't stop selling drugs, but at least they don't sell them on the BCC campus because we've laughed them right into the streets," he said.

If the Drug Patrol has created a campus atmosphere less congenial to the use of drugs, it has not been totally effective in dealing with sales, though reducing them dramatically. A student member of the patrol who prefers to remain anonymous said that "we've driven more than half the pushers into the streets where they are now a police problem. A sale is harder to spot than use, but we have some other plans that will get all the pushers off the campus."

STUDENTS SEEK $50,000 GRANT

These other plans are partly revealed in a proposal developed by the Drug Patrol students and submitted jointly with the college administration to the U.S. Department of Health, Education and Welfare asking for a $50,000 grant to fund a sweeping anti-drug program on the campus. The proposal would establish facilities for urine analysis of students to detect drug usage and would permit purchase of cameras to be used by the patrol in gathering evidence in drug cases. In addition to the usual counseling and referral activities, the students want a compulsory drug education program for all faculty, staff and administrators.

The administration has given the Drug Patrol an office and a "hot line" phone on the fifth floor of the Main Building at 120 East 184 Street. Although they will not divulge the exact size of their group for strategic reasons, estimates are that between 50 and 80 students participate plus some faculty.

The members of the patrol are publicity shy. They have turned down requests from CBS–TV and three other television news departments that wanted to film the patrol in action. They fear that the glare of the TV lamps will damage their credibility with the students and impugn their motives. In addition, patrol members who operate openly are sometimes threatened by pushers.

ANTI-DRUG METHODS

The methods of the anti-drug campaign are largely dictated by the desire to avoid the use of police on campus. According to Prof. Riley, "The students feel that when police come on campus, it is usually the user and not the pusher who gets arrested. The professional hoodlum knows how to get out of the way when the heat is on."

Consequently, the Drug Patrol determined from the outset to protect the identity of the suspected student user-seller. The college administration cooperated by expanding its security force and instituting I.D. checks at all doors to keep the non-student users and pushers off the campus.

The Drug Patrol's task isn't made easier by the fact that the BCC central campus consists of seven buildings spread over a six square block urban area, plus a Nursing Center located several miles away in the Bronx Municipal Hospital complex. All centers of the BCC campus are constantly patrolled by groups of two or three members, who are on the lookout for signs of drug traffic or illegal use.

When members of the Drug Patrol witness a "buy" or a student using drugs, the students involved are kept under special surveillance for a long period of time before any action is taken. A confidential file on the student is set up, and any further evidence of his involvement with drugs is gradually added to it. The Drug Patrol always makes certain it has several witnesses to individual cases of drug traffic or use.

IDENTITY PROTECTED

When the personal file contains enough evidence, the students approached and referred to a counselor from the Office of Student Personnel. If the student refuses to enter a program of therapy or otherwise take corrective action, his file is marked with a special code number and referred to special drug panels. These panels consist of two faculty and two students serving as subcommittees of the Campus Committee on Drug Abuse.

When the numbered file is received by the panel, the identity of the student is not known. The file contains all the pertinent information as to the student's involvement with drugs, and the extent of his willingness to take corrective measures

The panel then meets to consider the evidence and a specific action is recommended to the full Campus Committee, which consists of 10 students and 10 faculty. So far three such hearings have taken place, resulting in one student's suspension. The suspended student later consented to enter a program of therapy and will probably be readmitted to the college. A number of files are awaiting examination and action in September.

Because the Drug Patrol and the Campus Committee feel strongly that student drug users need help and not punishment, every effort is made to protect not only the identity, but also the freedom, of the students involved. The philosophy behind the anti-drug campaign is that drug abuse is a symptom of a broader socio-phychological problem, and that psychotherapy is a more effective cure than incarceration.

A CHANGED CAMPUS

"When I first came to BCC last fall," Prof. Riley reported, "I was in the men's room and vaguely noticed some students congregated in a corner. It took a couple of minutes for me to realize that one of them was shooting up and the others were attempting to conceal this from me. I left to find another faculty member. When we returned, the students had disappeared, of course, leaving me feeling amazed at the open use of drugs on campus."

Prof. Riley explained that a few months ago one could hardly enter a stairwell or a lavatory without at least smelling grass, and, "You could practically get high from the fumes on the fifth floor."

But now, according to him and many others, all this has changed. The Drug Patrol and the Campus Committee have succeeded in greatly reducing the visible signs of the on-campus drug problem at BCC.

President Colston has expressed his appreciation of the progress which has been made to alleviate the drug problem on the campus: "I must emphatically state that the students have played a crucial and highly responsible role in this effort, and it is my hope that with the continued cooperation of all BCC personnel, including faculty, staff, and administration, further significant progress can be made."

QUALIFICATION OF EDUCATIONAL PERSONNEL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. HOGAN. Mr. Speaker, while I was away on official business with the Post Office and Civil Service Committee on which I serve, this body passed H.R. 8407, to authorize the District of Columbia to enter into the interstate agreement on qualification of educational personnel.

Had I been present I would have voted for that legislation as I am a sponsor of an identical bill, H.R. 8485. I applaud the action of my colleagues in approving this measure by a vote of 324 to 4 and I urge the Senate District of Columbia Committee to act on the companion measure which is presently pending before a subcommittee of that body.

Mr. Speaker, I believe the inherent value of the District of Columbia becoming a signatory to the interstate agreement on the qualification of educational personnel can be judged from the fact that today 28 States, including my own State of Maryland and our neighboring State of Virginia, have joined in this pact. The first states entered into this agreement in 1968 after a nationwide search was initiated in 1966 with a view toward developing a national plan of teacher certification.

Certification and licensing of teachers already licensed or certified in other jurisdictions has always been a time-consuming, complicated, and cumbersome process both for the teacher and the certification officer. The reevaluation of teacher records which have been evaluated already by competent authorities in other jurisdictions with similar standards is wasteful of the administrator's and teacher's time, energies, and skills.

This bill is patterned directly from the the interstate agreement which was first enacted in 1968 and is legally similar to many other enabling statutes allowing interstate agreements in other fields of State government responsibility. Yet, this legislation includes safeguards to insure that it will not produce interstate acceptance of substandard educational personnel. Section 1 of article 3 of the agreement states:

> A designated State official may enter into a contract pursuant to this article only with States in which he finds that there are programs of education, certification standards, or other acceptable qualifications that assure preparation or qualification of education personnel on a basis sufficiently comparable, even though not identical, to that prevailing in his own State.

As a former member of the House District of Columbia Committee, Mr. Speaker, I am acutely aware of the tremendous problems which face the dedicated teachers in the District of Columbia school system. During hearings last year on a salary increase for District of Columbia teachers, many of whom are my constituents in suburban Maryland, I was appalled to learn how extensive are the problems with which these teachers must cope. Overcrowded and archaic buildings, lack of money, scarcity of books and teaching materials, physical violence against teachers and students alike, and increasing percentages of student absences—all of these factors make it exceedingly difficult for the District of Columbia school board either to retain their experienced teachers or to attract a high caliber of new teachers into the system.

For these reasons, I am very pleased that this body has paved the way for the District of Columbia to become a signatory to this agreement which will facilitate the recruiting of new teachers. I urge our colleagues in the other body to take like action.

NIXON'S RACIAL GAINS COUNTERED BY AGNEW

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. RIEGLE. Mr. Speaker, a recent editorial from the Flint Journal offers an excellent commentary on the most recent set of unfortunate remarks by Vice President AGNEW. I insert the editorial for the benefit of my colleagues:

[From the Flint Journal, July 20, 1971]

NIXON'S RACIAL GAINS COUNTERED BY AGNEW

Bishop Stephen G. Spottswood, chairman of the board of directors of the NAACP, recently expressed a view that must have heartened those in the Nixon administration concerned with building relationships with the nation's 23 million black citizens.

Addressing his organization's convention, Spottswood conceded that in the year following his denunciation of the administration as "anti-Negro," President Nixon had "announced policies in certain phases of the civil rights issue which have earned cautious and limited approval among black Americans."

In view of the depths to which relations between the Nixon administration and blacks had plunged, such a concession was significant indeed.

It did not, of course, suggest that perhaps President Nixon—if he answered the challenges Spottswood laid out for him—could count on a large number of black votes next year. But it did suggest a growing awareness that the administration, after all, had not abandoned—politically or governmentally—such a significant segment of the American citizenry.

The Spottswood statement, it appeared at the time, might be a foundation upon which important new links of communication could be established between the White House and civil rights leaders.

Such speculation was before Vice President Spiro T. Agnew—who may not have even been aware of the NAACP chairman's address—injected himself into the American racial picture with all of the delicacy of an enraged bull.

Agnew took time from his globe trotting to collectively label civil rights leaders as querulous complainers and to charge that most of the black leadership in America "could learn much" from the strong-man leaders of black African nations he is visiting.

His chief models of "moderateness" and "understanding" are President Jomo Kenyatta of Kenya, Congolese President Joseph D. Mobutu and Ethiopian Emperor Haile Selassie.

It was a remarkable performance by the vice president, reflecting an abysmal lack of knowledge of Africa, past and present, and a distressing lack of insight into the substance and meaning of the American civil rights movement.

Agnew's basic error was in attempting to draw parallels where, if they exist at all, they are so tenuous as to be almost meaningless. He ignored the fact that the African leaders have long since achieved their basic goal, independence from foreign domination, and are essentially running their own shows. On the other hand, American civil rights leaders still find their primary goal of complete equality elusive and their battle unwon—justifying complaints that offend Agnew.

The leaders that are Agnew's models of moderation and understanding are hard-nosed authoritarians, Kenyatta perhaps less than Mobutu and Selassie. The Ethiopian emperor's merest whim is law. Mobutu, upset by recent student unrest, casually drafted hundreds of protesters for two years of army service. Is this the kind of leadership Agnew covets for blacks in a free society?

Agnew is guilty of ignoring the past in his frantic search for present-day relevance. Kenyatta, today, is a respected and enlightened leader of an emerging nation who can be judged favorably—in terms of the present. But the vice president seemingly overlooked the fact that the British convicted Kenyatta and imprisoned him for anti-white terrorist activity through the dreaded Mau Mau society.

Thus, it can be held legitimately that Agnew insulted American leaders who deplore violence by holding them up to comparison with one who, even if he was not personally part of Mau Mau terrorism, has blood on his hands indirectly—long dried, but visible in the perspective of history.

If, as some migth argue, there was no other way of freeing Kenya from the heavy yoke of imperialism, that is all the more reason for Agnew to refrain from drawing foolish parallels.

To top everything, Agnew acknowledged that there are some black leaders in America exempt from his heavy-handed criticism. But he flatly refused to name them, which puts every last one under a cloud in the eyes of those white Americans who might be tempted to accept the vice president's deplorable assessment as gospel.

Frequently it has been speculated that Agnew, when he unleashes a diatribe at the news media or at university administrators, is really saying what President Nixon would like to say but cannot for fear of harming the fragile image of the presidency.

We cannot say this hasn't been the case in some instances, but in view of recent White House efforts to put some bridges over the chasm between it and black Americans—which have had at least limited success, judging from the Spottswood statement—we cannot accept this as even a remote possibility in the case of Agnew's remarks belittling civil rights leaders.

The vice president has done an injustice to responsible leaders of this movement, and he has, in effect, chopped holes in the bottom of an important administration boat just as it was beginning to float.

Unfortunately, it will take a long time to undo the damage caused by his gratuitous remarks.

FREE TRADE—THE REAL ISSUE IS FAIR TRADE: DANIEL GOSSELIN'S PERCEPTIVE COMMENTARY

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. CLEVELAND. Mr. Speaker, many of our domestic manufacturers have been affected most adversely by the massive influx of imported goods into our markets. I have long been a strong advocate of legislation to promote fairer trade for American industry. I maintain that the issue facing us today is not of free trade, but, rather, one of fair trade.

The ability of domestic production to compete with foreign goods has been diminished by the numerous rules and restrictions in our trade system. Among those industries which have been hit the hardest by unfair competition from imports, I am especially concerned with the textile, shoe, electronics, and miniature ball bearings industries. I believe that we need legislation to protect these industries from the excesses of unfair foreign competition, enabling them to carry on fair trade in their chosen markets. I once again urge my colleagues to join me in support of legislation toward this end.

To those who would brand such proposals as "protectionism," I must argue that they are intended to insure parity rather than preferential treatment for domestic manufacturers. The defense of a domestic industry from unfair trade practices is vital if we are to ensure the existence of fair trade. Continuing to permit imports to enter our markets under existing unfair conditions can only lead to the perpetuation of these conditions. We must give our industries an even chance to compete.

Perhaps my colleagues have been unable to enact trade legislation because of the conflicting testimony by experts in the field. Such testimony may well have caused many of my colleagues to become skeptical about any new information on the subject which reaches them. I represent a district where the problem of import competition is of vital importance; I can assure my colleagues that I have witnessed the adverse effects of foreign goods firsthand. The testimony which I have received from my constituents serves to support my own impressions.

The following letter appeared in Mascoma Week, one of the fine small newspapers in my district which cover my constituency at the grass roots level. This letter was written by my friend and constituent, Daniel A. Gosselin, of Enfield, N.H. In his eloquent remarks on the import problem, Mr. Gosselin reveals the clarity and honesty of thought for which I have long admired him. I commend this excellent letter to the attention of my colleagues:

Letter to the Editor

To the Editor:

May I suggest that your political cartoon in the January 6, 1971 edition is a timely and accurate warning to America of the complex economic issues involving free trade. The figure pictured in the truck cab is relevant and a fair generalization of our problem.

It would make a difference if only New England mills were being driven out of business by companies located in other parts of the United States. This was the situation twenty years ago but now all textile mills of the United States are being severely hurt by foreign competition that is impossible to meet. America's economic greatness was founded upon its industrialization and not its ability to compete. America faced significant foreign competition only after 1945 and only after the U.S. spent billions of dollars building modern, well equipped factories in Europe and Japan, training personnel to run them and leaving the door open for the importation of any and all foreign products.

At the request of the U.S. Government in 1946 the mill in Enfield had a young man from Japan spend several months learning about textile dyeing. At the completion of his training in Enfield he was to spend more time in other plants of the U.S. before returning to Japan to supervise a Textile Dyeing operation.

America has the highest standard of living in the world and, directly related to this, is the fact that we also have the highest unit cost of producing in the world. The disparity in textile wages between the U.S. and Japan today is much greater than ten years ago, even though the wages in both countries have increased significantly during that time. Therefore, because of high labor costs, we are in a much less desirable competitive position today with foreign markets than we were ten years ago. We can compete with anyone in the world in the areas of good business practices and advanced industrial technology, but our labor costs put us out of competition.

The mill in Enfield is old, and its equipment is not all modern. However, the largest textile company in the world, Burlington Industries, is concerned with foreign imports. Burlington's 1970 Annual Report indicates net sales of $1.8 Billion, net earnings of $71 Million and yet President Ely Callaway states the following in his report. "The growth of imports of textiles and apparel from Japan and other countries of the Orient continues to be a problem."

The U.S. Textile industry is not alone in its suffering from foreign imports. Mr. Iaccoa of Ford Motor Co. commented in an August, 1970, issue of the *New York Times* that the Ford Pinto was being introduced to compete against small foreign imported automobiles. The initial selling price in September, 1970, was to be approximately $2000.00. However, a new labor contract in the fall would probably drive the cost of his $2000.00 car to $3000.00 in five years time. It is also interesting to note that in order to avoid high labor costs of producing the Pinto, the initial production was planned to obtain the engines in West Germany, the transmissions in England, and the first assembly plant in Vancouver, British Columbia.

The mill in Enfield has pumped over a million dollars a year of wages into the Upper Valley. This may now end. Some would call this "economic progress and higher living standards for all people participating in free enterprise." I would prefer to refer to it as an economic tragedy, just the beginning of a serious industrial decline that will bring America to her knees, unless the need to protect American jobs—really the need to protect America—is soon realized by those who should have seen it sooner.

Respectfully yours,

Daniel A. Gosselin,
Enfield, N.H.

GIVING CREDIT WHERE DUE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. HUNT. Mr. Speaker, on July 15, I inserted in the Extension of Remarks for the Congressional Record an article entitled "They Once Viewed 'Leaks' Differently" which dealt with the double standard applied by the New York Times and the Washington Post in connection with their insistence upon the publication of the Pentagon Papers, a position 180 degrees out of phase with their attacks upon Senator Joseph McCarthy in the 1950's who had urged Federal employees to "leak" certain information to his committee.

My remarks attributed this information to the Background and Opinion Column of the July 2, Philadelphia Inquirer, and I inadvertently ommitted credit to the Republican National Committee's official publication "Monday" whose earlier publication of this information was the basis for the Inquirer's column. I did not intend to deprive "Monday" and its editor, John Lofton, of this due credit and I offer this explanation accordingly.

STATION KPIX EDITORIALIZES ON CRLA CONTROVERSY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. WALDIE. Mr. Speaker, I offer for the perusal of my colleagues an editorial comment from television station KPIX in San Francisco on the recent controversy involving Governor Reagan and the CRLA.

I agree with the views expressed, but would go one step further—the Governor not only should "take a new, hard look at his Poverty Program staff," but at the conclusion of that "look" he should dismiss the former John Birch Society organizer whom he appointed as director of the State OEO, Mr. Lewis Uhler, whose lack of judgment and understanding led the Governor into this sad fiasco of repressive action against the rural poor of California.

The editorial follows:

C.R.L.A. Decision

(By William E. Osterhaus, KPIX General Manager)

Mr. Lewis K. Uhler, State Director of the Poverty Program, has been in a long and sometimes bitter fight with the California Rural Legal Assistance Foundation. The CRLA was formed to provide legal help to low income people under the poverty program.

Governor Reagan's Poverty Chief charged that the CRLA was wasting taxpayers' money and failing to provide the promised services to the poor. In the process, Mr. Uhler compiled a 283-page report intended to document these allegations.

On the basis of Mr. Uhler's work, the Governor vetoed this year's funding for the CRLA. At that point the struggle jumped into the headlines as CRLA attorneys denied the charges made against them.

In an effort to solve the problem, the Nixon administration appointed a panel of three judges to come to California and investigate the charges. They came, read the documents, held hearings, and made their report to Washington. Last week the results of that report were released.

In part the Commission said that the Uhler document "unfairly and irresponsibly subjected many able, energetic, idealistic and dedicated CRLA attorneys to totally unjustified attacks on their professional integrity and competence." At the same time, it was announced that CRLA would receive its full funding of $2.7 million.

The Governor apparently feels that the outcome is satisfactory. We believe, however, that the irresponsible charges made against the CRLA attorneys should not be forgotten. If nothing else, we at KPIX hope that this episode will move the Governor to take a new, hard look at his Poverty Program staff.

THE ENERGY CRISIS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. PRICE of Texas. Mr. Speaker, on July 13 I introduced the Domestic Exploration Tax Act of 1971—H.R. 9759. At that time I indicated I would have further comments on the subject of incentives to increase domestic production of oil and natural gas.

The National Petroleum Council recently gave the Government a look at what the future domestic petroleum picture is likely to be under present programs and policies, and it was a bleak picture.

However, the industry also presented its views on what might be accomplished if adequate economic incentives for exploration and development are provided.

To quote a noted oil columnist, Clyde La Motte:

In substance, the NPC said the government has a choice of two roads ahead regarding the nation's energy supply.

The present road, it said, leads to increasing dependence on foreign supplies. Imports of petroleum liquids would increase more than fourfold by 1985, reaching a level of 14.8 million barrels a day that year, or 57 per cent of domestic oil demand. And that's assuming the foreign supplies would be available.

The natural gas outlook is even darker. Without supply limitations, potential gas demand would just about double between 1970 and 1985, reaching 38.9 trillion cubic feet a year, while the domestic supply was remaining static or even losing a little ground.

Even with gas from the Alaskan North Slope, synthetic gas from coal and naptha, imports of natural gas, liquefied natural gas and liquified petroleum gas from Canada, 1985 supplies would total only about 21.49 trillion feet. (Gas supplies from the "lower 48" states would drop from 21.8 trillion feet in 1970 to 13 trillion in 1985.)

Under these circumstances, dependency on imports would rise from 4 per cent of supply in 1970 to 28 per cent in 1985, again assuming the availability of foreign supplies.

Turning to what might be the situation if adequate economic incentives were made available, the NPC said the nation's supply could be increased substantially. That is, the potential domestic energy resources are at hand if sufficient effort is made to develop them.

"The satisfaction of the nearly doubled energy requirements of 1985 will require enormous additions of new facilities, which will not easily be forthcoming under existing political, social and economic conditions," NPC said.

It suggested that in view of the indicated availability of substantial domestic reserves, a critical review of gas regulations and other obstacles to expand exploratory efforts "is clearly in order and urgently needed."

In addition, Mr. Speaker, the Independent Natural Gas Association of America—INGAA—has published a very informative booklet entitled, "The Facts about Natural Gas and the Energy Crisis."

This booklet also states the necessity of incentives for exploring for, drilling, producing, and transporting natural gas:

Regulatory policies of the Federal Government, which have kept the price of natural gas at an artificially low level for years and also hampered expansion of the industry, have acted to discourage exploration and development of new natural gas reserves. As a result, the nation now is suffering the first pains of gas deficiency.

The gas industry is deeply concerned about the potential shortage of gas which already has resulted in too many transmission and distribution companies being forced to turn down additional service because they cannot contract for or be certain of sufficient supplies.

For three years the nation has been producing and marketing more natural gas than has been added to reserves. If this trend is not reversed, scarcity of natural gas will continue to mount. This, however, can and must be avoided. There are still large reserves of gas underground onshore and offshore in the United States.

Incentive means giving those who find and produce new reserves a chance to recover the tremendous cost of exploration and development.

Exploring and drilling gas wells is expensive business. The current replacement cost of one rig which can drill to a depth below 20,000 feet is $1.6 million. Just to rent such a rig and its accompanying supply and services costs more than $5,000 a day. And to operate an offshore platform the rental and other attendant costs can be as high as $15,000 a day.

Since 1959 there has been a 38% drop in total drilling, from 47,600 to 29,460 wells. Exploratory drilling—this is the kind that turns up new reserves—is down 43%, from 13,200 in 1959 to 7,700 in 1970. Gas well completions over the same period have declined more than 25%—from 4,900 to 3,800 wells.

Coupled with this exploratory decline has been a drop in returns per unit of effort expended in looking for oil and gas. For whatever the reason, the fact is that a foot of exploratory hole finds less gas and oil today than it found prior to 1950.

The seriousness of the problem is evident in a simple comparison of new reserve and production figures.

In 1946, 4.9 trillion cubic feet of gas were marketed, yet 17.6 trillion cubic feet were added to reserves. In other words, 25 years ago, 3.6 trillion cubic feet of gas were added to reserves for each trillion cubic feet marketed.

Net production rose to 10.0 trillion cubic feet in 1955; to 15.3 trillion cubic feet in 1964, and to 22 trillion cubic feet in 1970.

In 1968, for the first time in history, the nation marketed more gas than it found in new reserves. In this year 19.4 trillion cubic feet were sold, while only 13.5 trillion cubic feet were added to reserves. A deficit of almost six trillion cubic feet.

In 1969, 8.4 trillion cubic feet were added while 20.6 trillion cubic feet were used, for a deficit of 12.2 trillion cubic feet.

The trend continued for the third year in 1970. The industry marketed 22 trillion cubic feet of gas for an all time high. But it added only 11.7 trillion cubic feet to reserve in the lower 48 states for another deficit of more than 10 trillion cubic feet. Thus, since 1967 the nation has used 28 trillion cubic feet more gas than we have added in new reserve in the lower 48 states.

The Potential Gas Committee, an independent industry committee, working under the supervision of the Potential Gas Agency and the Colorado School of Mines, has estimated the potential gas supply— this is in addition to the present 259.6 trillion cubic feet of proven reserves in the lower 48 states—to be 1,178 trillion cubic feet. This figure is broken down into three categories—probable, possible, and speculative. The probable category is estimated at 257 trillion cubic feet; the possible category is estimated at 387 trillion cubic feet; the speculative category is estimated at 534 trillion cubic feet, including some 327 trillion cubic feet of speculative Alaskan gas.

The probable category covers the extensions of known fields, the possible category includes estimates in structures not yet drilled but which are located in known producing basins, and the speculative category includes new basins where sedimentary rocks occur but which have no prior productive history.

The U.S. Geological Survey is slightly more optimistic. It says that there is potentially available in the United States 2,100 trillion cubic feet under current technology.

There have been a number of significant Federal actions which indicate that the government understands the gravity and urgency of the gas supply problem. The Federal Power Commission has a nationwide investigation underway to determine whether modification of wellhead prices for producers is required. This may well result in higher producer prices which will help encourage exploration and development.

An extremely important action to stimulate the search for natural gas (and oil) was taken by the Department of the Interior on December 15, 1970, in authorizing a general lease sale of one-half million acres offshore Louisiana. This is an area in the Gulf of Mexico which promises to have significant natural gas reserves. Another sale is planned for late 1971.

Although the nation is faced with a serious natural gas supply problem, it is a problem that can be met and solved in the coming years.

There must be a maximum effort toward increased use of all of our possible supplemental gas sources—LNG, coal gasification, nuclear stimulation, Alaskan gas and imports from Canada.

Natural gas undoubtedly will cost more, but in the final analysis it will be a saving for the American consumer. Even with increased prices to cover the cost of new exploration and the development of supplemental supplies of gas, natural gas will remain a bargain compared to other energy sources.

At this point in the RECORD, Mr. Speaker, I would like to insert a Dallas Morning News story from July 18, 1971, in which the president of the American Petroleum Institute, our former colleague, Frank Ikard, discusses the need for additional exploration of domestic petroleum reserves.

WASHINGTON.—The president of the American Petroleum Institute said here that during his recent visit to oil fields in Western Siberia, "I was impressed and somewhat shaken by the deep dedication of the Russians to the cause of petroleum self-sufficiency."

Testifying before a House subcommittee on special small business problems Frank N. Ikard added:

"Russian officials, oil administrators and oil workers are almost fanatical about the necessity of having a strong internal petroleum industry."

He said that perhaps the Russians "still think of those desperate days of World War II when the U.S. had to supply them with material and equipment to build four complete new refineries, plus other producing and refining equipment plus vast amounts of petroleum products.

Ikard toured the Siberian fields with a 22-member delegation of officials of the U.S. petroleum industry following the World Petroleum Congress in Moscow. It was the first time a U.S. delegation had been permitted to view the Siberian fields.

In his testimony, Ikard urged the U.S. to "give the highest priority to encouraging exploration for new domestic petroleum reserves" because the ready availabilty of foreign oil will be "clouded with uncertainty in the years ahead."

Ikard stressed that "there is a mistaken tendency to think of the (U.S.) petroleum industry as a monolithic enterprise, but I can assure you that such an impression is at complete variance with reality.

"An outstanding quality of the petroleum industry is the intensity of competition that prevails through all its ranks and branches."

Ikard pointed out that there are "more than 40,000 individual firms engaged in one or more branches of the domestic petroleum industry."

"The producing branch alone," he added, "consists of some 10,000 companies engaged in the exploration for and production of crude oil or natural gas. Significantly the largest producer accounts for less than 8 per cent of total production.

"In the refining branch . . . there are 131 companies operating 262 refineries" and "as far as refining competition is concerned a few statistics tell the story—the largest refiner accounts for less than 10 per cent of the nation's total refining capacity. The next two in rank have about 8 per cent each."

In the marketing branch, Ikard noted that there are "some 15,000 independent wholesalers besides the integrated major companies" and "the company that leads in gasoline sales has only a shade over 8 per cent of the total market."

"Finally," Ikard declared, "it is important to note this fact—and the growing difficulty of finding oil and gas reserves." Ikard said more attention will be paid to the development of synthetic fuels.

"There is no doubt," Ikard said, "that we are on the threshold of a new era in the petroleum industry. Some companies have already become involved in developing improved technology for the extraction of oil from shale.

"Others are experimenting with the conversion of coal to liquid petroleum and gas. Still others have made substantial investments in Canadian tar sand development."

He noted that the U.S. Bureau of Mines has predicted that synthetic fuels may be replacing as much as 23 per cent of natural gas in the energy market and 20 per cent of conventional oil by the year 2000.

"In view of this," Ikard added, "there is certainly nothing sinister in any oil company taking an interest in providing a synthetic equivalent of petroleum energy.

"This is nothing more nor less than a business decision based on a particular company's fiscal and economic situation and its appraisal of what the future holds."

Mr. Speaker, I again urge my colleagues from all sections of this great Nation to become better informed on the energy crisis. I believe that the outcome of such a study by each individual Member of this body will be overwhelming approval of incentives which will lead to greater exploration for petroleum.

As I stated in introducing H.R. 9759:

> It is in the interest of the public generally, the oil industry, and the many thousands of men and women who earn their livelihood in the Nation's petroleum company that I urge my colleagues to adopt this legislation.

THE VETERANS DRUG TREATMENT BILL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. BIAGGI. Mr. Speaker, the veterans drug treatment bill, which passed the House unanimously, would authorize the Veterans' Administration to treat servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency regardless of discharge status. However, I would caution the Pentagon not to use such a bill as an excuse for not quickly changing the status of veterans discharged under less than honorable conditions because of drug abuse to one under honorable conditions.

The Department of Defense has an obligation to realine past policies with its present one in this area. In the past addicts in the services were generally given discharges that prevented them from receiving veterans benefits.

In a situation such as Vietnam, it is very easy for a young, confused soldier to become dependent on drugs. In World War II, he might have become an alcoholic, but today the name of the game is drugs.

Now the armed services are discharging these boys under conditions that will permit them to receive veterans benefits. The stigma of a dishonorable discharge for his weakness while in service is no longer there to haunt a veteran for the rest of his life.

Unfortunately, though, there are many who up until just recently were discharged under less than honorable conditions because of drug abuse. They are unable to get treatment, unable to get work and unable to build a new life. All this, because they had the misfortune to be in a combat situation and become dependent on drugs.

This bill, passed by the House, would permit their treatment in veterans' hospitals, but administrative action to change their discharge status to ones under honorable conditions will do far more for these veterans and is certainly the morally correct thing to do.

A SALUTE TO THE N.Y. STATE AMERICAN LEGION COMMANDER

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. HASTINGS. Mr. Speaker, I should like today to offer a well-deserved salute to the new commander of the New York State American Legion, chosen recently at the organization's 53d annual convention in Rochester, N.Y.

I do so with special personal pride since the new commander, Robert W. Garlinger, comes from Lakewood, N.Y., in my 38th Congressional District; and I have long been aware of the enthusiasm and tireless energies which he has brought to the causes of the American Legion during his many years of proud membership.

His heart has always been with this organization, whose programs in the past have produced and reinforced so much that is needed to keep for America the qualities that have made this country great.

Commander Garlinger emerged from World War II as a first sergeant in the Army Engineer Corps and the record of his service to the American Legion and to his community reads like a classic honor roll of the completely dedicated man.

He has been post, county, and district commander of the American Legion, serving in each capacity with great distinction. In addition, despite his responsibilities as assistant postmaster of the Jamestown Post Office, he has found time to be a "doer" in many community activities.

He is president of the Southwestern Central School Board, past president of the Lakewood Kiwanis Club, president of the National Association of Postal Supervisors, and division chairman of the Jamestown Area United Fund Appeal.

I might add that this is the second time in recent years that the American Legion from New York State has seen fit to choose its commander from Legionnaires in my district. Arnold E. Swanson, of Frewsbury, N.Y., who, incidentally, served as Commander Garlinger's campaign chairman, occupied the post a few years ago.

I know that Commander Garlinger will perform his new duties with the distinction that has marked his past performances and I join with his home post, the Lakewood Memorial Post 1286, and his many friends, in wishing him every success.

THE WRONG WAY TO FIGHT CANCER

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ROGERS. Mr. Speaker, the fight against cancer has been waged for several decades now and the Wall Street Journal has chronicled some of the major advances and disappointments along the way in a story by Mr. Jerry E. Bishop.

In the article, the point was made as to the wisdom of the institute system within the National Institutes of Health. And the article points out the potential danger if one of these important Institutes—be it either cancer or heart—were to be taken out.

I think this is a very serious matter which the Congress will discuss in the not too distant future and would ask my colleagues to review the article as an informative background on NIH.

Mr. Bishop quotes prominent and respected men of medicine as to the forecast for curing cancer and points to the fine work now being done by the National Cancer Institute.

I would like to insert this article in the RECORD now for the interest of my colleagues:

THE WRONG WAY TO FIGHT CANCER

(By Jerry E. Bishop)

"If I recall correctly, in 1949 a promise was made to Congress with the brave words, 'Give us the money and within 10 years we will give you a penicillin for cancer.' After about $2 billion, there has been some splendid basic research but no cure."

The recollection is that of Dr. Irvine H. Page, a Cleveland cardiologist of considerable repute in both medical research and the art of raising funds for medical research. For the last several weeks, in his capacity as editor of the magazine Modern Medicine, Dr. Page has been expressing deep skepticism about the wisdom of the new Conquest of Cancer Agency, or CCA.

The agency, of course, is the one that was approved by the Senate the other day and that will soon be debated in the House. It would be an independent federal bureau, modeled after the National Aeronautics and Space Administration, with a budget eventually to reach $1 billion a year. The idea is to muster the nation's medical research resources against cancer with the same fervor that the space agency devoted to the moon landing—and, presumably, with the same degree of success.

A NEW P. T. BARNUMISM?

But to Dr. Page and to at least one other of the nation's more prestigious medical editors, Dr. Franz J. Ingelfinger of the New England Journal of Medicine, the congressional rush to set up the CCA may well prove to be a kind of P. T. Barnumism that has come to characterize much of the way funds for medical research are garnered from the taxpayer.

The opinions of two editors whose audiences are almost entirely physicians aren't likely to have much impact on Congress. In addition the CCA, the result of a compromise between competing plans offered by Sen. Kennedy and the administration, has President Nixon's backing. It zipped through the Senate by a vote of 79–1, the single and somewhat courageous nay vote coming from Sen. Gaylord Nelson, the Wisconsin Democrat. And it is likely to pass the House; as Dr. Page says, "For a politician to be against cancer research would be suicidal, since it has been made a public issue."

Drs. Page and Ingelfinger, it should be quickly noted, don't oppose increased funds for cancer research. Both argue strongly that far more money should be spent for cancer research and for medical research in general.

But they do raise some intriguing and basic questions about the salesmanship involved in obtaining federal medical research funds.

Until now, much of the federal money for basic and general medical research has been channeled through the several National Institutes of Health, or NIH, a part of the Department of Health, Education and Welfare. In their embryonic stages a couple of decades ago, there were some stirrings over the naming of the individual institutes. To some medical researchers, who were quite naive in the ways of Washington, it seemed quite logical to name each of the institutes on the basis of the research it would support: a National Institute of Pathology, a National Institute of Microbiology, a National Institute of Biochemistry and Genetics, and so forth. This, of course, is the way the big university-based research centers that would be receiving the money are organized.

But shrewder counsel prevailed. It might be too easy for a Congressman to reject appropriations for microbiology, but the same legislator might be extremely reluctant to vote against funds for cancer research. Hence, among the institutes are the National Cancer Institute, the National Heart and Lung Institute and the National Institute of Allergy and Infectious Diseases.

The tactic proved effective. An increasingly powerful lobby, organized by New York philanthropist Mary Lasker and encompassing the heads of the appropriations subcommittees, consistently enraged whatever administration was in the White House by pushing higher funds for the NIH than the budget makers asked for. And the legislators did, indeed, find it difficult to vote against sharp increases for research on cancer, heart disease and mental health, regardless of their loyalty to the administration.

With more research money available, any qualms the medical scientists might have had quickly melted away. Indeed, over the years, the NIH had won praise from researchers for the way it dispenses funds.

Some quirks have developed, though. Congress votes funds for each specific institute, thus the money is earmarked for specific diseases. As a result, part of the art of "grantsmanship" is for the researcher to decide which disease area has the most money available and to angle at least his grant application accordingly. A geneticist, whose research isn't *directly* applicable to the cure of any single disease, must go through semantic gymnastics to describe his project as cancer research, or birth-defect research, or whatever.

It isn't unusual for a single researcher to have grants from more than one institute. At the same time, several of the institutions are each supporting research in the same fields, such as virology, or basic research into the body's immunity system. The research on immunity is equally important to heart transplants, allergies, cancer, encephalitis and malaria.

More important, though, are the promises that must be made to Congress and the taxpayer to obtain the grant money. Researchers heavily involved with, say, the National Cancer Institute must promise that significant gains will be made against cancer with each new appropriation. The 1949 promises of a "penicillin for cancer" was made by scientists seeking funds for a crash program to find drugs that would cure cancer. No such "magic bullet" was ever found, and none is likely to be. The program did uncover an amazing and useful amount of information about the strange metabolism of malignant cells but, of course, malignant-cell metabolism isn't as salable a name.

Researchers allied with other disease areas have made similar dramatic promises. There was, for instance, the widely heralded, but now almost-forgotten, crash program to develop an artificial heart.

Much of the rivalry and competitiveness among the disease-oriented institutes is held in check by the overall administration of the NIH, which, among other procedures, uses a number of advisory committees of scientists to review and allocate grant applications to the right institute.

PRESIDENTIAL APPOINTEES

The Conquest of Cancer Agency technically would be part of the overall NIH organization, in fact, but almost totally independent. Its board of directors and officers would be appointed by and report directly to the President. And, presumably, like all other federal agencies, it would maintain its own congressional lobbying effort.

To Dr. Page this means "creation of teams, committees, authorities and all the paraphernalia of bureaucracy. The usual channels of peer review will be by-passed, thus ensuring that the lion's share of all new research funds will be pre-empted for this field."

The result, he adds, is that "Cancer research will be separated from its broad base in science in its all-out effort to get 'greatest visibility.' If I know scientists, this will create the most disagreeable and often disastrous competitiveness, envy and publicity-seeking we have ever witnessed, and that is saying much. The great mass of mediocre research workers—and that seemingly inexhaustible supply of minor bureaucrats who exhibit an extraordinary chemotactic response to a dollar—will quickly join 'the team'."

Other groups are likely to start competing agencies. Scientists involved in cardiovascular research have already warned that if the cancer agency is created they will seek to set up an independent agency for heart disease, since they can rightly claim that heart disease kills more than twice as many Americans as cancer. Similar arguments can be made for an independent arthritis agency, that disease being the greatest cause of crippling and disability in the country.

"The inhuman aspect of the scene," says Dr. Ingelfinger, "derives from the implication that creation of an organizational hierarchy—call it an authority, an independent agency or what you will—supported by a big enough budget will bring about a cure for cancer in a few years."

This is highly unlikely to happen. Cancer, scientists explain, is a vague term for what appears to be dozens, if not hundreds, of diseases, some caused by viruses, others by chemicals and still others by as yet unknown processes. Cancer of the liver, for instance, is probably a quite different disease than, say, a brain tumor or lung cancer.

As a result, it is unlikely that there will be any single "cure." Already, in fact, there are cancer cures. For instance, surgery can cure 60% of breast cancer patients (over 80% if the tumor is caught in its early stages). Most cases of Hodgkins disease can be cured by radiation. There are indications that a vaccine may someday prevent childhood leukemia. The simple process of eliminating smoking would drastically reduce lung cancer deaths.

CAUTION VERSUS EASY LOGIC

Indeed, the special Senate commission of scientists and laymen whose report and recommendations is the basis for the CCA carefully and with some elaborateness cautioned that science couldn't possibly promise to eliminate cancer in a single stroke, and certainly not on a timetable.

But, says Dr. Ingelfinger, "the impact of such disclaimers is totally lost in the easy logic of 'If we can fly to the moon. . . .' "

"Any trend that reverses the recent unfortunate de-emphasis in Washington on medical research warrants hearty reinforcement," Dr. Ingelfinger adds. "Far greater sums should be allotted to medical research in general and cancer research in particular." But, he argues, too little thought has been given to the proposed Conquest of Cancer Agency. Instead, it is being rushed through Congress by a combination of a powerful medical research lobby and "the short-term needs of politics. . . ."

Similarly, Dr. Page argues for increased funds for medical research, including cancer research, but through existing agencies such as the National Cancer Institute and the National Science Foundation. As for cancer, he says, "The cancer problem will have many solutions because there are many kinds of cancer, but the way of preventing and curing them will not be found by laymen or politicians no matter how pure their motives."

As for "crash programs" in cancer or any other field of medical research. Dr. Page notes that "nine mothers gestating a month each don't produce a baby."

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THEY CANNOT HAVE IT BOTH WAYS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. SIKES. Mr. Speaker, my attention has been called to a very fine and responsible statement from the San Francisco Examiner on the current CBS controversy. As Mr. Charles L. Gould, the publisher, so well states, many journalists defend the publication of Government secrets with the argument of the "people's right to know." In the case of CBS, they deny the people's right to know. As Mr. Gould says, they cannot have it both ways.

I am pleased to submit this sound editorial for reprinting in the RECORD:

THE DOCTORED DOCUMENTARY

(By Charles L. Gould)

Journalists are being asked to close ranks and support CBS in refusing to allow a congressional committee to review raw film footage from the controversial documentary "The Selling of the Pentagon."

The rallying cry of those manning the ramparts is: "Freedom of the press is at stake." Nonsense.

The question here is not "freedom of the press." It is "responsibility of the press." Was the film doctored? Was the film rigged? Did the editors splice the film so that questions and answers of various respondents were out of sequence?

These questions are raised by critics of the film. They submit some evidence to support their charges.

However, only CBS knows for sure. Only a review of the raw film can reveal the truth. Isn't this what "freedom of the press" is all about? Is it not a search for truth?

If CBS did not doctor the film it should not hesitate a moment to show its unused film clips. This is not a case of a reporter protecting his sources. This is not a case of a journalist covering a breaking news story in competition with other reporters.

The CBS documentary was produced with the cooperation of dozens of individuals in and out of government. Some of these individuals claim the documentary was doctored to warp and twist their statements.

They, too, have rights.

Those who defend CBS should ask themselves if their positions would change if a film were doctored to put the Pentagon in a good light rather than a bad one.

Forty years ago, responsible journalists were indignant at the rigging of photographs by the editors of Bernarr McFadden's New York Graphic. The paper died.

Ten years ago many journalists denounced the controversial documentary "Operation Abolition" because two or three scenes were out of sequence.

The film, which revealed Communist involvement in the city hall riots here in San Francisco, was withdrawn from circulation.

Many journalists—not including this one—defend the publication of vital government secrets on the argument of the "people's right to know."

Now they deny the people's right to know by defending CBS in classifying its film clips "Top Secret."

They can't have it both ways.

If we want to keep the free press free—and responsible—we can't use the First Amendment as an excuse for exposing the mistakes of others and also use it as an excuse for hiding our own.

UNTRUTHS FROM GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. EDWARDS of California. Mr. Speaker, Rowland Evans and Robert Novak have been two of the most realistic reporters on the situation in Greece as it has evolved since the junta took over. Once again, in their article in today's Washington Post, they have pointed up the hypocrisy of the United States' policy in Greece. I commend their efforts to change this policy and that their article be made a part of the RECORD so that all the Members may read it:

UNTRUTHS FROM GREECE

(By Rowland Evans and Robert Novak)

ATHENS.—The callous disregard of the Nixon administration to a secret appeal by the two top leaders of the political parties that ran democratic Greece before 1967 provides shocking new evidence of the dictatorship's power to influence Washington.

The appeal took the form of a long, analytical letter to Secretary of State William P. Rogers on April 12 this year. It was signed by Panayotis Kanellopoulos, the last prime minister before Greece was plunged into dictatorship by the colonels' coup d'etat, and George Mavros, the leader of the Center Union, the largest (now illegal) political party in Greece.

Kanellopoulos signed the agreement with the U.S. making available Greek Mediterranean ports for missile-firing nuclear submarines. Mavros has held the defense portfolio in several governments. Kanellopoulos is strongly conservative; Mavros a moderate. Both are highly cultured, sophisticated politicians, both strongly tied by conviction and association to the United States.

Their letter, the gist of which was made available to us by a third party, flatly repudiates Rogers' glib assertion in his March foreign policy report that "some progress" had been made in the restoration of "civil liberties."

American policy toward Greece, marked by the full resumption of military aid last year, is being based on half-truths and erroneous impressions, not facts, they said. Thus, the claim of "some progress" in civil liberties is exactly opposite to the true state of affairs here in the fifth year of the dictatorship.

The letter proceeds to a pointed attack on the matter of civil liberties:

Citizens can be and are sent on the whim of the military, for trial by extraordinary military tribunals, denied legal advice and held for months without legal recourse.

Authorities with no connection whatsoever with the issuing of passports can and do cancel the departure of any citizen at the last minute.

So much "progress" has been made in freedom of the press that statements made by Kanellopoulos and Mavros cannot be printed in the newspapers, and the people get their news from foreign radio stations, as they did during the Nazi occupation.

The threat of arbitrary prosecutions and arrests hovers over all citizens at all times.

Taking issue with the rationale of President Nixon's decision to resume full arms shipments in the name of NATO and U.S. security interests, they told Rogers that this support for a regime kept in power by its own force of arms is an inadmissible intervention against the will of the Greek people.

The use of that language was intentionally ironic. A cardinal principle of the Nixon administration in handling the latter-day Greek tyranny is to explain its cooperation with the dictatorship on grounds of noninterference. Thus, in his testimony in Congress on July 13, Deputy Assistant Secretary of State Roger Davies primly stated that "we have carefully avoided any direct interference in the domestic politics of Greece."

To Kanellopoulos and Mavros, however, the arms resumption not only perverts and undermines the central purpose of NATO, which they told Rogers was formed for the defense of the very ideals smashed by the colonels. It also has persuaded many Greeks that the real motivation of resuming military aid was to place the U.S. squarely behind the colonels, help them consolidate their hold on the country, and make Greece safe for NATO.

Whether that judgment is accurate or not misses the point. What is significant is that the two foremost exparliamentary leaders now in Greece believe it to be so. For four years the colonels have managed to survive a barely perceptible form of wrist-slapping by responsible U.S. officials while such irresponsible officials as Secretary of Commerce Maurice Stans have come here to praise them.

Thus, if the people of Greece, a country where coffee-house politics is a national pastime, ever rise up against the dictatorship for their loss of civil liberties, their support will come from the Soviet Union and their victims may include the U.S. That, at least, was the message contained in the letter of Kanellopoulos and Mavros—a letter which, incidentally, Rogers never bothered to answer.

GENTLEMEN AND LADIES, START YOUR COASTING

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ROUSH. Mr. Speaker, this past Saturday I had the privilege of acting as the official starter of the Fort Wayne Soap Box Derby.

There were 109 entrants competing for a first-place prize of a $500 bond and the right to go on to the All-American Soap Box Derby held in Akron, Ohio, on August 14. The grand prize will be a $7,500 college scholarship.

These young people were divided into two classes according to age. Eleven- and 12-year-olds were placed in class B and 13-, 14-, and 15-year-olds comprised class A.

The winners of each class must race against one another in order to determine the champion. It is my pleasure to announce to the House that 12-year-old Jeff Gulley was the overall winner of the 1971 Fort Wayne Soap Box Derby.

This competition is a most worthy venture. It is a very real challenge to the ingenuity and resourcefulness of these young people and it is also an enterprise which lends itself to enthusiastic participation on their part.

This year, there were 109 participants—three of whom were girls. But most important is the fact that each contestant must deal with the labor, competition, and ultimate win or loss on his own terms. There is a fine lesson to be learned from such an endeavor.

I applaud the efforts of the sponsors, officials, participants—spectators and racers alike—and last but not least this year's champion, Jeff Gulley.

CHINA AND AMERICA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MICHEL. Mr. Speaker, as might have been expected, the President's announcement that he will be visiting Red China some time before next May has resulted in a virtual tidal wave of speculation by all of the various types of news media. I noted with particular interest an editorial appearing in Monday's edition of the Peoria Journal Star entitled "China and America" commending the President and I insert it in the Record at this point:

China and America

(By C. L. Dancey)

It must be admitted that Nixon's announcement, made jointly with Peking, reminds us of something the "Pentagon paper" exploiters neglected to mention in their reconstruction of history that puts a little gentler light on the Kennedy and Johnson decisions.

In 1950–51 China had smashed a million men into our soldiers across the border in Korea and then gobbled up Tibet piece-by-piece ending in the later '50's with outright genocide there.

China had mounted air attacks on Formosa and massive shelling of Quemoy and Matsu with forces massed for an assault by the end of that decade even as the Communists "reorganized" bloodily North Vietnam and began to speak harshly in Hanoi about taking over the South (where clandestine activities on a smaller scale had been going on for some time.)

Kennedy was confronted with what seemed like a world-wide offensive with Khruschev loudly threatening to cut off Berlin and demand its capitulation, move nuclear-tipped missiles into Cuba, stir up the Middle East, plus an attempt to personally insult and brow-beat Kennedy rudely in a "summit conference."

It was in the face of such multiple challenges that Kennedy and later Johnson had to weigh the world-wide price of "giving up" on Vietnam.

China's spirit was further attested to in the middle 60's by its attack into India and its unprecedented assaults into the embassies of every foreign power in Peking while Chinese diplomats abroad actually sallied out of their embassies with baseball bats to attack people in the streets of foreign capitals.

With these things going on simultaneously, and the first deliberate major attacks on Americans in South Vietnam coinciding with North Korea's attack and capture of the Pueblo, it was impossible to regard the events in South Vietnam as "private" and separate from the attitudes and actions going on world-wide.

And, indeed, there had to be an influence, association, and relationship with the militancy involved in each place.

There might be a sane argument about the degree of that influence, but there is nothing sensible about pretending that the situation in Indochina existed in a vacuum.

Times have changed. That is a fact.

President Nixon has contributed, apparently, substantially to that change.

He also seemed to "smell" the climate better and understand how it works better than his critics.

For example, when he launched the Cambodian sweep, there was a lot of hysteria about "war with China" in which even the New York Times editorialists joined. Yet, the immediate reaction on the very heels of all this fuss was in fact the "ping pong" visit. Just the opposite!

It suggests that the logic used by those particular critics regarding Asian foreign relations is sadly out of whack—based on some false premises—stuffed with misunderstanding.

The tone in China has changed, significantly, and there are reasons for this. There is no doubt that one reason is the suspicion, fear and continuing hostility between China and the Soviet Union.

Russia is a whole lot closer to China than we are with thousands of miles of common border and most of the territory on it under dispute. Nobody knows the Communist Russians better than the Communist Chinese, and because of that they distrust, suspect and fear the Russians more than they do us. Likewise, vice versa.

It is a commentary on the Communist systems that neither thinks the other's signature is worth the paper it is written on, and both suspect the other of relying chiefly on the use of force.

In the crunch, both have more faith in the U.S. than in each other—and Nixon encouraged this to some degree in each.

Nixon's China visit is part of the "diplomatic offensive" and it does not exist in a vacuum unrelated to Vietnam, either.

Summit diplomacy is a tricky, dangerous game to play.

However, the truth is it is our turn in that tricky, dangerous game, like it or not, whether we play an active role or supinely watch the fall of the cards.

Nixon has elected to be an active player and try to influence the game to our maximum benefit.

It's our best shot.

"Drop outs" from the game whose chips remain on the table have a long record as losers.

We have to try. We have to do our best. We have to give ourselves the best chances of coming out winners.

The stakes are: Peace.

CONCERNED LOCKHEED EMPLOYEES

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. GOLDWATER. Mr. Speaker, I recently received a letter with an attached petition from the "Concerned Lockheed Employees." A total of 1,584 Lockheed employees had signed the petition and sent it to me. Many more than this number have written me personal letters, called, signed petitions, or visited me here in Washington. Many of these deeply concerned people have no connection with Lockheed at all.

I do feel, however, that the letter I received with the petition reflects the feelings of many people, and for this reason I would like to share it with my colleagues:

Burbank, Calif., *June 4, 1971.*

Dear Sir: In a few weeks you will be asked to vote for or against the guarantee for a loan for Lockheed Aircraft Corporation. Your vote is of the utmost importance to us, for it affects our lives directly. It will mean the difference between receiving a weekly paycheck or a weekly unemployment check. It will mean the difference between realizing the hopes, aspirations, and plans we have made; or having to begin life again with the attendant problems of lost retirement seniority, savings plans, health plans, insurance plans, and other fringe benefits for which we have worked long and hard. We will have to start over in a period of depression with high unemployment.

Each of us has assiduously followed the statements made by all sides in propagandizing for and against the guarantee for the loan. We can no longer remain silent. We must be heard, and we must counteract misconceptions that are being presented against the guarantee and against us.

1. The statement has been made that persons laid off at Lockheed have only to travel thirty miles to be employed by Douglas Aircraft.

This is a misconception. The Douglas plane has been designed, and it will be a matter of a few months before they, no doubt, will begin reducing their engineering and administrative staff.

2. The effect on the economy by the demise of Lockheed will be insignificant.

This misconception is two edged. First, there could be a serious effect on the local economy as a result of layoff and reduced business. Second, the effect on the national economy of losing the number one contractor to the Department of Defense could be significant from the standpoint of loss of capability and the loss of tax revenue.

We are concerned about both aspects of this problem, but we want you to consider the simple economics of the effect on the local areas.

The figure released as to the number of persons who would be involved in a layoff in case of bankruptcy of Lockheed and the loss of the L–1011 program is 30,000. These people would be eligible, and would, no doubt because of the general economic climate, begin to draw unemployment compensation. The total weekly drain on state treasuries for this could be as much as $1-950,000.

If we assume that in the employment market today this group would draw the full unemployment benefit for twenty-six weeks, the total exposure for state unemployment could be as high as $50,700,000. This amount is in addition to the amount being paid today.

Both the Federal, state, and local governmental units could lose revenue for the period that the individuals are out of work. Assuming a tax rate for all taxes of 20%, the exposure for one half year to the three levels of government could be as high as $26,000,000. This calculation is based on a weekly payroll for the 30,000 of $5,000,000. The total cost to government in the unemployment benefits that could be paid, and the tax revenue which could be lost could be $76,700,000. This is in addition to losses already realized from the present unemployment situation.

Some of the side effects which might occur are loss of homes, which would affect lending institutions; reduction of purchases in retail stores; delaying of medical and dental care, or receiving such benefits from state plans; and a curtailment of spending for services.

This potential loss is approximately 30% of the amount requested to be guaranteed.

3. The government is making a loan to Lockheed.

This is a misconception. The request is for the government to give a guarantee to Lockheed's bankers that if, for any reason the company failed, the banks would not be out the amount they had loaned to Lockheed.

4. This type loan would set a precedent

and would not be good for the free enterprise system.

This is a misconception. We can point to cases in which the government itself, or through government created agencies, has made direct loans or loan guarantees to private companies to bolster them in an emergency.

The 1947 loan of $26.6 million to Glenn L. Martin Company for commercial aircraft program.

The 1967 loan of $75 million to Douglas Aircraft to finance the DC–8 and DC–9 commercial programs.

The U.S. Export-Import Bank loans for purchase by foreign buyers of U.S. equipment: $600 million for Boeing 747 aircraft; $190 million for Douglas DC–10 aircraft; $3.5 million for Lockheed L–1011 aircraft.

Loan guarantees for the Penn Central Railroad; for the FHA housing program; for school loans; and for farm loans.

Let the record speak for itself.

The most serious aspect of this problem is the degredation of the individual. The innocent Lockheed employee who is caught in the political crossfire being generated among members of the Congress, Lockheed competitors, and Lockheed management. We, the individuals, will be the ones who will not be able to continue living as we are living. We are the ones who will have to begin again. We are placed in this situation only because we are employees of Lockheed.

We urge you to consider our plight; the effect your actions will have on the local, state, and Federal government; and then vote in support of the loan guarantee. This will show that the Congress of the United States considers the dignity of its citizens and their welfare are most important to the maintenance of the American system.

Yours respectfully,

CONCERNED LOCKHEED EMPLOYEES.

CAPTIVE NATIONS WEEK

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. HANLEY. Mr. Speaker, I want to take this opportunity to join with my colleagues in commemorating the 12th anniversary of the Captive Nations Week resolution passed in July 1959. I feel sharply the anguish which fills the minds of the people dominated within the Captive Nations.

Less than 3 weeks ago our flag—the American flag—was raised and honored in respect of our freedom. We must continue to remember those people who are not free to choose the flag under which they will live. We need to give more encouragement and hope than ever to those people subjected to the most cruel torture of mankind—the tragedy of not being free.

Our support of these victims must not exist only this week but all year long. The captive people of Albania, Poland, Hungary, Rumania, Bulgaria, Estonia, Latvia, Lithuania, the Ukraine, East Germany, Czechoslovakia and all other oppressed nations must know that we are always behind them. We must give them the confidence which they need in order to continue under the existing systems until they are free to choose under what flag they wish to live.

In this great age of prosperity and happiness we must think of our brothers who are dominated and enslaved by those whose power is illegal as well as immoral. As I have noted in the past, a man's mind and spirit remain free so long as he has hope and so long as he believes. Is it right that these enslaved people must fight alone? We must help the oppressed victims by giving them reason to believe that as long as their spirit is free they will soon obtain the freedom of body.

May God help them to survive.

BAN HANDGUNS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MIKVA. Mr. Speaker, there is no question that the gun lobby is one of the most powerful in the country. Its propaganda machine and the financial support that the lobby commands are awesome. But, despite all of this, there are signs that people are beginning to see through the gun lobby's self-serving arguments. They have seen enough murder and mayhem, enough assassinations, enough strong-arm robberies, to realize that there must be legislation to control handguns in this country.

The United States is the only industrialized country on earth that permits gun sales. There is one handgun for every seven Americans. These are not sporting weapons; their only purpose is intimidating, harming, or destroying human life. And there can be no doubt that the criminal has but one favorite weapon—the handgun.

I think most of the people in the United States understand that. It is time their elected representatives in Congress understood that, too. A Washington, D.C., television station—WMAL–TV—recently broadcast an editorial entitled "Ban Handguns." The editorial points out the great percentage of policemen who have been killed with handguns and it urges the administration to support efforts to get the handguns off the streets. The transcript of the editorial follows:

BAN HANDGUNS

The most effective means of protecting police against armed attack would be control of handguns. These easily concealed weapons were responsible for nearly three-fourths of all the policemen killed on duty recently. No other civilized society would permit the flood of handguns that eliminates the policeman's advantage of a weapon.

Congress agreed three years ago to halt the importation of cheap, foreign-made weapons. Instead, these crude killers are being assembled in this country in large numbers. They're called "Saturday-night Specials" because they so frequently turn a small-time stickup or a domestic quarrel into murder.

This station has long favored stiff mandatory sentences for crimes committed with a gun. The time has come now to ban the sale of cheap handguns, which have nothing to do with sport. These concealed weapons are being used for crime . . . and to kill the police defenders against crime. The Administration should support efforts to ban the handgun.

TENNESSEE PRESS SOUNDS NOTE OF CAUTIOUS OPTIMISM OVER PRESIDENT'S CHINA TRIP

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. EVINS of Tennessee. Mr. Speaker, leading newspapers in Tennessee have expressed hope and cautious optimism that President Nixon's planned trip to China—his "Journey for Peace"—will result in a meaningful improvement of relations between the United States and Red China.

The Nashville Tennessean, the Nashville Banner, and the Knoxville News-Sentinel, three great newspapers, editorialized that the apparent thaw in the frigid atmosphere between the two nations should be viewed with caution.

Because of the interest of my colleagues and the American people in this most important subject, I place editorials from these three leading newspapers in my State in the RECORD:

[From the Knoxville News-Sentinel]

NIXON'S "JOURNEY FOR PEACE"

There is only one plausible way to react to President Nixon's proposed trip to Red China: To cross fingers and wait and see.

It is a momentous beginning toward Nixon's goal: "Peace not for just our generation but for future generations."

But it is only a beginning toward amicable relations between China and the United States. That objective, in itself, must include more amicable relations with all of Southeast Asia, including a peaceable coexistence, at least, between Red China and the Chinese Nationalist government on Taiwan.

"Any nation", said the President, "can be our friend without being any other nation's enemy."

It would be possible, of course, for us to ease our relations with Red China without that country suddenly becoming wholly peaceful—an arm's length recognition, similar to that which prevails between the United States and the Soviet Union.

But before there can be altogether friendly relations between the two peoples there necessarily must be some decided changes in Red China's attitudes; in her North Vietnam policy as related to South Vietnam, for instance.

This and many other differences which have grown up between the two countries in the past 25 years indicate the measure of the problems which must be confronted and smoothed to make President Nixon's visit to China the "Journey of Peace" he hopes for.

There are many other questions: The effect of this bombshell on relations between the United States and the Soviet Union, which has been uneasy, to say the least, about Red China; the effect on the arms limitation talks now going on in Helsinki; the effect on this country's friendship with Nationalist China.

Noting all the complexities however, does not detract from the spectacular stroke of diplomacy which has brought about the invitation from Chou En-lai, whose government we have never recognized.

It undoubtedly is a most historic diplomatic move, even though it is a long time until next May, and many things can happen to change the whole prospect. (President Eisenhower's proposed journey to Soviet Russia was upset by the U2 incident; his long-planned trip to Japan was cancelled by student riots.)

A generation of hostility between Red China and the United States cannot be erased quickly or easily—especially with the same men in power in Red China.

But the hostility never will be erased until an effort is made. Nixon has begun that effort and the Chinese, whatever their motives, seem eager to pursue it.

And always, as often has been said, it is better to talk than to fight. An effort which leads to any reduction of tensions, to even a partial understanding between nations, is a net gain in a world all too beset by tension and conflict.

[From the Nashville Tennessean]

MR. NIXON'S CHINA TRIP RAISES CAUTIOUS HOPES

One of President Nixon's foreign policy objectives has been that of trying to normalize relations with Communist China, and he has now moved a large step in that direction by announcing he will visit the mainland and confer with Premier Chou En-lai.

The implications of such a visit are rather enormous. A change, if it could be brought about, could lead eventually to a new pattern of global power relationships.

The visit is scheduled for sometime before next May. And Mr. Nixon knows, as President Eisenhower learned in 1960, that impending summitry can be destroyed by events. Mr. Eisenhower's great "peace initiative" of that year included plans for a Big Four summit conference in Paris and an Eisenhower visit to Moscow.

But before anything happened, the Russians downed a U2 spy plane deep inside Russia and both the summit parley and the journey to Moscow went down the drain.

Even so, the mere announcement of Mr. Nixon's proposed journey has set off powerful currents and undercurrents in the world, the results of which can only be assessed later. The first expected protest came from Taipei, which regards such a visit as anathema.

But the mere announcement set up ripples in Moscow, which has eyed with deep suspicion any moves toward rapprochement between Peking and Washington, and in Hanoi, which will not lose any time in trying to find out what Peking has in mind.

What possible effect the announced trip could have on the Paris peace talks is only speculative insofar as Hanoi is concerned. But at home, Mr. Nixon may have undercut his war critics somewhat by suggesting they not upset his "peace initiative" by being too critical.

Domestically, Mr. Nixon's decision will have a mixed bag of political effects. He has doubtless angered the ultra-conservative wing of his party which regards Red China with bitter hostility, but others in the country which have long viewed U.S. policy toward Communist China as irrational will take a hopeful view.

On the practical side, a visit to Peking by an American chief executive is not likely to dissipate two decades of icy hostility between the countries overnight. The first spring thaw doesn't necessarily mean that winter is over, and it is highly likely that new freezes will mark the search for friendlier relationships—one of which is the issue of the future of Nationalist China.

But it is both ironic and significant that a Republican president, once the most aggressive of cold warriors and now the leader of a party which spilled a lot of political blood over who "lost China" has made the large step in the direction of reconciliation.

Less than a decade ago such overtures as the administration has now made would have sent "shock waves" through the Congress and the electorate.

The fact that is not the case now may hold some hope of a more peaceful configuration of big power relationships. It must be a cautious hope, obviously, for it could be dashed overnight.

[From the Nashville Banner]

A JOURNEY FOR PEACE

America reacts with mixed emotions to the dramatic announcement of President Nixon last night—that by invitation he will visit Communist China early next year; but neither the emotions nor the reactions, pro or con, void the shared hope that it can be, as he expressed it, "a journey for peace."

It demonstrates his willingness, frequently stated, to go anywhere that such a possibility of accomplishment invites—and at whatever personal travail and risk.

The President is not proposing herewith to reverse the policy course of two decades; but simply to explore the possibility of adjustment within the limits of reality and security, and to test the reasoned possibility that communication can help.

That is the extent of the premise presented last night. It had no overtones of bland assumption, nor policy commitments in areas that would be totally contingent on developments. It was simply that the Chief Executive would make an unprecedented journey of state on the equally unprecedented invitation of Peking.

That was major news, indeed, released simultaneously by both governments involved; and while a substantial majority in this country have, like The Nashville Banner, opposed concessions to Red China that would have been in the nature of blind and craven appeasement, it is significant that majority sentiment today is indicated for the President's suggestion of a door reopened to this limited extent.

Manifestly, though unstated, there are multiple factors involved—including, certainly, the possibility that an enforceable agreement there could militate for peace not only in Vietnam but throughout Indochina.

The President also is aware that a thaw in that area could be advantageous and influential in balance-of-power considerations keenly weighed by the Soviet Union and of importance in amelioration of regional issues in Europe and the Middle East.

Statecraft is an operation of complex factors, and of few simple answers. It requires convictions and judgment along with courage, initiative and integrity. Without default on principle, it entails realization of the necessity of modification, sometimes, or reorientation, to fit the format of change in facts and circumstances. Such a course is one always to pursue with caution.

President Nixon has not proposed to carry the nation onto a more hazardous path than it has been pursuing. But to take a tentative step, hopefully, toward solution of what has appeared insoluble.

Some are bitterly contesting that—professing shock and outrage. To these, particularly, were assurances addressed in his own announcement. In anticipation of such protest, he sought to clarify and emphasize that, "Our action in seeking a new relationship with the People's Republic of China will not be at the expense of our old friends."

Note the amplification: The mission of his journey "is not directed against any other nation. We seek friendly relations with all nations. Any nation can be our friend without being any other nation's enemy."

Courage and candor and judgment are indispensable ingredients of the statesmanship that is, in turn, indispensable to the security of a nation. By every right-thinking American it is earnestly hoped that all three again will be demonstrated in the prospective developments spectacularly outlined last night. Reasoning caution is the fourth essential, the necessity for it hardly needing further emphasis.

THE 19TH ANNIVERSARY OF THE ESTABLISHMENT OF THE COMMONWEALTH OF PUERTO RICO

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ANNUNZIO. Mr. Speaker, July is a significant month for our fellow citizens of Puerto Rico. Nineteen years ago on July 25, 1952, Puerto Rico was formally established as a Commonwealth.

On that day a constitution drafted by the people of Puerto Rico went into effect. This constitution meant not only that the Governor, senators, and representatives would be elected by popular vote but it also meant that the people of Puerto Rico would now be able to exercise genuine self-government, which is the essence of a democratic form of self-government.

For nearly two decades that document has symbolized a unique relationship between the United States and the Commonwealth—a relationship freely entered into by the people of Puerto Rico and ourselves.

Puerto Rico's future now looks bright, but it was not always so. Sometime before the end of World War II, Luis Muñoz Marin, a one-time proponent of Puerto Rican independence, realized that Puerto Rico's destiny lay in combining American democracy with Puerto Rican self-help. He and a number of his supporters agreed that the island's salvation called for a tremendous expansion in its economy from one based solely on sugar production to one which would include a diversity of industrial products. Thus was born Operation Bootstrap.

This program was a self-help economic effort by Puerto Ricans. It promoted industrial growth by giving tax exemptions for various periods of time to new industries. The extraordinary economic gains, made since the initiation of Operation Bootstrap, are a tribute not only to their constitutional government but to the energies of the Puerto Rican people as well.

Puerto Rico now ranks among the top 20 industrial areas of the world. Per capita annual income has increased from $280 in 1950 to $1,500 in 1970 and it is expected to reach $2,000 by 1975. From 1950 to 1970 investment grew and the gross national product increased from $755 million to more than $4.6 billion.

Puerto Rico is now beginning a new economic program which will accomplish twice what Operation Bootstrap accomplished in half the time. It is hoped that this $4 billion program will serve to further aid the economic growth of Puerto Rico by creating more employment and extending present tax exemptions.

It is obvious that the people of Puerto Rico have demonstrated their ability to make tremendous strides as a self-governing body. However, with all that is new in Puerto Rico—a new political structure, a new economy, new construction and industrialization, new emphasis on education, and new floods of tourists—

the Puerto Rican people have not lost their traditional Spanish-oriented culture.

We in America have benefited immensely from the contributions that the people of Puerto Rico have made to the advancement of Western culture and civilization. As the Congressman for the Seventh Congressional District of Illinois, where many persons who have come from Puerto Rico reside, it gives me great pleasure to join in observance of the 19th anniversary of Puerto Rican Constitution Day.

I would like to take this opportunity to commend our distinguished colleague, Hon. JORGE L. CÓRDOVA, Resident Commissioner of the Commonwealth of Puerto Rico, as well as Hon. HERMAN BADILLO, who is the first native-born Puerto Rican to be elected a voting Member of Congress. Their dedication and effective representation have earned the respect and admiration of their colleagues in the Congress as well as the gratitude of the Puerto Rican people. On this occasion, I also want to congratulate Gov. Luis A. Ferre, of Puerto Rico, whose astute leadership has helped to enhance the stature of the Commonwealth of Puerto Rico in the world community.

To the people of Puerto Rico and to those of Puerto Rican descent residing in my own Seventh Illinois Congressional District, I extend on this special occasion my greetings and best wishes for continuing growth and prosperity.

FREEDOM'S PRICE FOR NIXON'S COURTSHIP OF RED CHINA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. RARICK. Mr. Speaker, we Americans now learn from Eastern European diplomats who claim privileged knowledge of secret Washington-Peiping correspondence, the price for Red China appeasement. President Nixon has reportedly implied a willingness to agree to Peiping's assertion of control over Free Nationalist China—Taiwan—Formosa.

The same report points out that the President, in a personal letter to Nationalist Chinese President Chiang Kai-shek, assured him of America's intent to continue to honor our defense treaty agreement with that nation.

The price is neither the advancement of peace nor the recognition of basic human rights and liberties for the people of China.

From a Peiping news release we learn that Red Premier Chou En-lai has made it quite clear that Red China is not prepared to change its position on Taiwan in order to promote a rapprochement with the United States and that Washington would have to acknowledge Peiping as the sole legitimate government of the Chinese people if Washington wants to establish diplomatic relations with Red China.

Since the President did not trust the opinion of the Congress prior to sending his alter ego, Mr. Kissinger, to Peiping, or before making his momentous announcement to visit Red China, I feel it is mandatory that the Members of this body reassert the initiative over U.S. foreign policy before one-man secret diplomacy again alters this Nation's course with foreign entangling commitments.

We can all recall the speech of General of the Armies, Douglas MacArthur, to a joint session of Congress on April 19, 1951:

> There are some who for varying reasons would appease Red China. They are blind to history's clear lesson. For history teaches with unmistakable emphasis that appeasement but begets new and bloodier war. It points to no single instance where the end has justified that mean—where appeasement has led to more than a sham peace. Like blackmail, it lays the basis for new and successively greater demands, until as in blackmail, violence becomes the only other alternative.
>
> I have strongly recommended in the past as a matter of military urgency that under no circumstances must Formosa (Taiwan) fall under Communist control. Such an eventuality would at once threaten the freedom of the Philippines and the loss of Japan, and might well force our western frontier back to the coasts of California, Oregon, and Washington.

I insert my letter to the President on this matter and pertinent newsclippings at this point.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 22, 1971.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I was greatly shocked by your announcement that you had approved on your own initiative of your advisor, Henry Kissinger, going to Peiping, China and secretly conferring with representatives of the Communist Party in that country. I was further aghast at the announcement of your intent, as President of this nation, and without any consideration of the Congress or other advisors, to personally dignify the regime of Red China by visiting that country and discussing with its leaders matters which can have a vital effect on the security and individual liberties of every American citizen as well as the Constitutional stability of our nation.

Additionally, your personal diplomacy can only result in the loss of leadership expected by our free nations and compel them to either stand against the world or to realign themselves by considering the U.S. in the pro-Communist bloc.

I consider your action, to say the least, a serious threat to our country and people and appeal to you in behalf of my constituents not to make the proposed visit to Red China. If you feel committed to discussing international matters with the regime of Red China, at least do so in a neutral country.

With sincere best wishes.

Sincerely,

JOHN R. RARICK,
Member of Congress.

[From the Washington Evening Star, July 21, 1971]

ASSURANCES TO PEKING REPORTED

(By Thomas B. Ross)

President Nixon made a general commitment to China to end the Vietnam war quickly, admit Peking to the United Nations and settle the Taiwan question, according to Eastern European diplomats.

The diplomats, who claim knowledge of secret Washington-Peking correspondence through Communist intermediaries over the past year, said Nixon's assurances were not specific. However, they said, they have been completely convincing to the Chinese leadership.

The diplomats also said there was no direct link between Nixon's general assurances and his invitation to visit Peking.

"NO AGREEMENTS . . ."

Sen. Gordon Allott, R-Colo., chairman of the Senate GOP Policy Committee, said Nixon told the GOP congressional leadership at a meeting yesterday that he made "no agreements or concessions of any type" to secure the invitation.

The diplomats said Nixon's messages implied a willingness to acquiesce in Peking's long-run assertion of control over Taiwan.

The White House yesterday confirmed that the President sent a personal letter to Nationalist Chinese President Chiang Kai-shek assuring him the United States will continue to honor its defense treaty arrangements with Taiwan.

IMPLICATION NOTED

The implication seemed to be that Nixon will permit events to take their own course after the 83-year-old Chiang passes from the scene and that Peking is confident of eventual political victory following the U.S. military withdrawal from Asia.

On the question of Red Chinese membership in the U.N., the administration currently is studying a recommendation that it back action to provide for representation of both Peking and Taipei.

[From the Evening Star, July 21, 1971]

CHOU INSISTS ON VIETNAM PULLOUT

PEKING.—Premier Chou en-Lai says that normalization of relations between China and the United States could not affect the solidarity between Peking and Communist forces in Indochina, and that the total withdrawal of American troops was for China a matter of the greatest urgency.

In his first statement made public, since President Nixon's announcement last Thursday that he would visit Peking, Chou said: "We believe that the first question that must be settled is that of Indochina, and in settling it we will be acting not only in the interests of the Indochinese people but also of the American people."

The prime minister made the statement Monday in a three-hour interview with a group of American university students visiting China. It was reported by the Agence France-Presse.

STRESSES EVACUATION

He continued: "The thing which in our view is most called for, whether in the United States or abroad, is the withdrawal by the United States of their troops from Vietnam, and the evacuation of troops of other countries that followed the United States in Indochina.

"It can be said that this demand for evacuation is even stronger than the call for the restoration of relations between the Chinese and American people."

The extracts from Chou's statement were given to the press by a spokesman of the American group.

Chou, the spokesman said, added that the Chinese position was clear and it was that American troops must be evacuated "not only from Vietnam but from all Indochina, and not only troops but all personnel and military installations."

Chou is reported to have said: "We believe that this problem, for the American people today is the most outstanding . . . the American people do not want to sacrifice lives in a dirty war."

Chou reportedly reaffirmed his "total support" for the seven-point Viet Cong proposals for a negotiated solution made public in Paris July 1.

Three other problems brought up by Chou En-lai as constituting difficulties in the normalization of relations with the United States were Taiwan, "Japanese militarism" and South Korea.

HIGHLIGHTS NOTED

Concerning Taiwan, the premier listed people's China's claims in six points:

If diplomatic relations were to be established with Peking, the United States must recognize the People's Republic of China as the only legal government of the Chinese people.

Taiwan is a Chinese province and Peking will tolerate no interference in this internal affair.

The reason given that this problem cannot be solved—because of existing international agreements—is "absurd."

Peking is opposed to any "Two China's" policy, a China and a Taiwan or any similar formula.

Peking is opposed to the so-called "movement for the independence of Taiwan," which, according to Chou, was originated by elements in such foreign countries as the United States and Japan, and which is supported by the Japanese government.

The United States must withdraw its troops from Taiwan and the Taiwan Strait. The security treaty between Taipei and Washington is "illegal", Chou said, adding: "That is our position and we will stand by our position. Our position will not change."

Chou's address was tape recorded by his 15 guests of the "Universities Committee Concerned With Asia," which has some 5,000 members in the United States and other countries.

[From the Washington Daily News, July 17, 1971]

Basis for Agreement Set Up by Kissinger—United States, China Recognize What Is Possible

(By R. H. Shackford)

President Nixon's advance man to Peking, Dr. Henry Kissinger, already has laid the basis for agreements to be made when the presidential visit occurs, probably early next year.

Dr. Kissinger and Chinese Premier Chou En-lai had 20 hours of talk during which they apparently covered all of the major problems between the two countries.

Both sides understand there are some major and, at the moment, intractable differences between Peking and Washington. But they also agree that a start should be made in whittling away at these differences after 21 years of total isolation from each other.

This was the gist of a briefing on Dr. Kissinger's secret mission to Peking given at the California White House by the official who was totally informed about the three months of preparation and about what happened once Dr. Kissinger got to Peking.

The administration plans to maintain as much secrecy as possible on plans for the Nixon trip—especially on the substance of the issues to be discussed and ratified. It succeeded beyond its own expectations in maintaining total secrecy on Dr. Kissinger's mission to Peking. That was accomplished by extraordinary precautions:

Only three men in the government—Mr. Nixon, Dr. Kissinger and Secretary of State William Rogers—knew all of the details of the plans for Dr. Kissinger to go to Peking.

Three other senior members of Dr. Kissinger's staff who accompanied him to Peking—John Holdridge, Winston Lord and Richard Smyser—knew the general framework but only some of the details of the plan.

The planning by Mr. Nixon and Dr. Kissinger was done in the Lincoln bedroom of the White House instead of in either of the President's two offices. They were fearful of leaving papers around that might tip off other White House staff members.

The plans and the positions on countless subjects Dr. Kissinger was to take were kept in a big black book. That book has the highest "top secret" classification.

Planning for the trip started in early April thru an intermediary who is believed to be Romanian President Nicolae Ceausescu. The White House refuses to say thru whom the exchanges with Peking were made. But Mr. Nixon visited Mr. Ceausescu in August, 1969; Mr. Ceausescu visited Mr. Nixon in October, 1970. But the key visit—and the one during which the Kissinger visit to Peking probably was nailed down—was Mr. Ceausescu's trip to China during the first week of last June.

Peking Trip Stuns China Watchers

Hong Kong, July 17.—No one was caught farther off base by President Nixon's plans to visit Peking than his own U.S. State Department China experts here.

Their latest background paper, issued only three weeks ago, stated that accommodation between Washington and Peking "is expected to come in a steady, deliberate trickle of events, not a sudden spate of newsmaking developments."

The President's announcement of his acceptance of Premier Chou En-lai's invitation hints that more has happened behind the scenes than is visible.

U.S. consulate officials here were "under orders to make no comment whatsoever," but the general feeling is that President Nixon would not be making the trip if some sort of understanding on the controversy about seating Red China in the United Nations has not already been reached.

Ironically, announcement of the pending trip came out the same day as British intelligence officials issued a report titled "China prepares for tourists."

It notes three recent tours by foreign diplomats to places, such as the forbidden city, which have been closed to foreigners since the cultural revolution, and it speculates that communist China will begin actively to promote tourism—possibly even by Americans—by the end of this year.

[From the Christian Science Monitor, July 22, 1971]

Chou's Priorities—Indo-China Exit First

(By John Burns)

Peking.—Premier Chou En-lai has made it emphatically clear that Communist China's interest in normalization of relations with the United States will not be pursued at the cost of China's allies in Indo-China.

In a 3½-hour encounter with a group of American students on Monday night, the Premier declared that a complete withdrawal of U.S. forces from Indo-China must take priority over the search for improved Sino-American relations.

Speaking in the general context of his invitation to President Nixon to visit Peking, Premier Chou said the "greatest cry" of public opinion, both in the U.S. and elsewhere, is for the U.S. administration to withdraw its forces from Indo-China.

"ISN'T THIS SO?"

"It might also be said that this demand is even stronger than the demand to restore the relations between the Chinese and American peoples, because the people of the United States do not want to sacrifice the lives of the American people in this dirty war. Isn't this so?" the Premier said.

"Therefore, we believe the question to be solved first should be the question of Indo-China and by doing so we will be satisfying not only the interests of the Indo-Chinese people but also the people of the United States," he added.

In his remarks on the war, Mr. Chou made it clear that the demand for U.S. withdrawal went beyond Vietnam to "all of Indo-China"—Vietnam, Laos, and Cambodia. Moreover it covered "not only troops, but all military forces and all military installations."

In so defining the demand the Premier appeared to go beyond the seven-point peace proposal made at the Paris peace conference on July 1 by negotiators for the National Liberation Front. A key aspect of the NLF proposals was that they specified a U.S. withdrawal only from Vietnam.

However, Mr. Chou made it clear that China stands by the support it has voiced through its official press for the NLF proposals. The proposals were "the only way to solve the problem" and enjoyed "our complete support," he said.

Earlier he cited the war in Indo-China as one of four "obstructions" standing in the way of a normalization of Sino-American relations. He gave the others as the United States commitment to Taiwan, the situation in Korea, and the revival of Japanese militarism.

CONDITIONS NOT HINTED

However, there was no hint in anything the Premier said of any conditions set by the Chinese for the Nixon visit. Nor was there any comment on the timing of the visit.

The Premier's failure to mention any preconditions dampened speculation among observers here that the President may have offered the Chinese assurances on outstanding problems between the two countries—among them Indo-China, Taiwan and the contest for China's seat in the United Nations—through Henry A. Kissinger, the presidential emissary who met with Mr. Chou in Peking July 9 to 11.

The Kissinger visit was not mentioned by either side during the scholars' meeting with the Premier.

GROUP CHECKS NOTES

The Premier's remarks were conveyed to correspondents in Peking by spokesmen for the friendship delegation of the Committee of Concerned Asia Scholars, a 15-member group that has been touring China for nearly four weeks.

Before meeting with the correspondents the group checked their notes against a taped transcript of their conversation with Mr. Chou. In addition, they won clearance from the Chinese Foreign Ministry for the wider circulation of his remarks.

On the subject of Taiwan, Mr. Chou said nothing new, but he indicated that China is not prepared to alter its position in order to promote a rapprochement with the United States. The essence of that position was that the People's Republic of China is the sole legitimate government of the Chinese people and if Washington wanted to establish diplomatic relations with Peking it would have to acknowledge the fact.

Nor would China accept any compromise solution that involved the recognition of an independent Taiwan. The island was an integral part of China and had been for over a thousand years. So to speak of the status of Taiwan as "unsettled" was "absurd."

Peking remained unalterably opposed to any of the so-called compromises that have been suggested on the Taiwan question—the two-China policy, the one-China, one-Taiwan policy "or any similar policy."

Moreover, the position is that Peking would never accept a United Nations seat if the international body attempted a compromise that would hand China's seat to Peking while retaining Taiwan as a member. "If such a situation continues in the United Nations, we will not go there."

FOREIGN MANIPULATION

Mr. Chou suggested that the Taiwan independence movement—a movement at odds with the government of Generalissimo Chiang Kai-shek, which matches Peking's claim to be China's sole legitimate government—is manipulated by foreign forces based in the United States.

He cited the case of the movement's nominal leader, Peng Min-ming, who, he said, is living in the United States. It is believed Mr. Peng is teaching at the University of Michigan.

After Indo-China and Taiwan, Mr. Chou spoke of the two other "obstructions" to improved Sino-American relations: Korea and Japan.

As far as Korea is concerned there are two main problems: the fact that there is still no peace treaty but only a cease-fire under the terms of the original armistice, agreement, and the continuing presence of United States forces in South Korea.

The scholars said Mr. Chou gave the impression of being "seriously concerned" by the prospect of resurgent Japanese military might. It was a problem he regarded as immediate and not far off in the future, they said.

CITIZEN OF THE YEAR AWARD

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. WOLFF. Mr. Speaker, the Community Chest of Port Washington is an organization that has been involved in a great number of worthwhile community services providing medical and legal care and a variety of other forms of assistance for residents of the Port Washington area in my district in New York. Recently, the Community Chest presented its first Citizen of the Year Award to Harold E. Mertz, a longtime resident of Port Washington and an active leader in the affairs of his community.

Mertz, who founded a business firm in New York, was the original creator of an endowment fund for the Community Chest for the benefit of the young people of the Port Washington area. In addition to this and his many other philanthropic efforts in his community, Mertz recently donated an entire building which formerly housed his business offices. The building is now known as the Community Development Center and will maintain a variety of agencies to provide area residents with coordinated medical and psychiatric care, legal assistance, a child day care center, employment assistance, job training, and a low-cost loan bureau.

At the award ceremony which took place at the Community Development Center office, the citation for Harold Mertz included the quotation from the Latin, "If you seek a monument look about you." The citation explained that Mertz's monument was not only the building he donated to the Community Chest, but all his generous efforts to improve the social conditions of his community.

Mr. Speaker, I feel that the constructive and exceedingly generous philanthropic actions of Harold E. Mertz in his home of Port Washington are worthy of recognition by my colleagues in Congress and the people of this Nation. He is an example to all people who have a strong desire to effect social change in their communities and who have made genuine efforts to accomplish that goal.

A NATIONAL ENERGY POLICY

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. McCLURE. Mr. Speaker, the Nixon administration is the first administration in the Nation's history to develop an energy policy. Not only is that a milestone in itself, the very fact that such a policy statement was issued has encouraged others interested in the problem of energy resources to contribute their thoughts on the matter.

Last week, the House Republican Task Force on Energy and Resources heard from Carl E. Bagge, president of the National Coal Association. As a former Commissioner of the Federal Power Commission, Mr. Bagge is a respected authority in the energy field, and his statements bear more than passing scrutiny, especially as they are contained in the association's own national energy program.

For example, Mr. Bagge opens the statement by noting that a national energy policy must be consistent with national security, environmental protection, economic growth, and full employment. It should be sufficiently long term so that affected industries know where they are headed, and yet flexible enough to allow for technological improvements.

I think the case he makes in behalf of national security is particularly worthwhile, and I commend this report to all of those interested in the energy problem:

A NATIONAL ENERGY POLICY BY THE NATIONAL COAL ASSOCIATION

For the past ten years the coal industry has stood alone among the fuel producing and fuel consuming industries in advocating a national energy policy. While a few members of Congress have shown interest in this idea for some time, only recently has broad support developed in Congress and among federal agencies for a coordinated energy policy.

Several energy studies are now underway. The purpose of this statement is to set forth current coal industry views on the various aspects that may be raised.

A national energy policy should provide the guidelines to attain predetermined objectives. These objectives must be consistent with national security, environmental protection, economic growth and full employment. The policy must be sufficiently long-term so that affected industries can make prudent investment decisions, and still flexible enough to react to technological improvements, major changes in demand, and new health and welfare requirements.

The policy should state short-term goals, covering perhaps the period from now until 1980. Long-term goals would extend to the end of this century and beyond. Of course there should be no discernible break between short-term and long-term plans.

The policy must recognize that energy is the most basic component of the national economy. All fuel resources should be treated impartially and objectively, each providing its share of total energy demand at the lowest cost possible—not only in dollars per unit of energy, but also in impact on the environment. Representatives of the energy producing industries should be consulted both in the formulation of energy policy and in its execution.

Specifically, the coal industry suggests consideration of the following factors in the establishment of a national energy policy:

1. *Primary Reliance on Domestic Fuel Resources.*

The United States must make whatever commitment is necessary to maintain primary reliance on domestic sources of energy. There are three reasons for this:

(a) The United States will lose its freedom to act in its own best interests if its energy "lifeline" becomes subject to the vagaries of unstable or unfriendly foreign governments, especially if the bulk of the energy supplies of the future come from the Eastern Hemisphere.

(b) Energy-fuel cost represents such a large total dollar item in the United States (already almost $20 billion a year, and projected to more than double within the next 20 years) that the nation's economy will be jeopardized if imports are permitted to become a drain on our balance of payments.

(c) Unlimited imports of foreign fuels will adversely affect the incentive of domestic industry to develop indigenous fuel resources. The capital required for an increased effort in the speculative search for domestic oil and gas, and to an even greater extent for the large outlays required for production of synthetic fuels from coal and oil shale, will be invested only if Congress adopts a firm and permanent policy of encouraging such investments rather than placing substantial reliance upon unlimited energy imports.

The most appropriate and effective method of stimulating investment in domestic energy resources is to limit (expressed perhaps as a percentage of total energy consumption) the amount of energy permitted to come from foreign sources. The allocation of permissible energy imports should be set by Congress but a federal energy agency could have discretionary power to make temporary and limited revisions where required by unforeseen demands.

2. *Coordination of Government Decision-Making.*

At present, decisions affecting energy supply and demand are made by a host of government agencies and Congressional committees.

Policies established under this fragmented machinery are often ambiguous or conflicting and, as a result, self-defeating. Some mechanism must be established whereby the over-all energy objectives and policies of the nation can be harmonized. To this end, we recommend:

(a) All of the various agencies of the government which have a major effect on energy supply should be combined into one federal energy agency. We believe President Nixon's recent proposal to establish a Department of Natural Resources is a major step in this direction, and we endorse that proposal.

(b) Congress should coordinate energy policy by combining the various Congressional committees now dealing with segments of energy policy into one Joint Committee on Energy. There are 14 different Congressional committees currently dealing with this subject.

A single committee could be fashioned after the existing Joint Committee on Atomic Energy. Alternatively, Congress might establish a House committee on energy and a Senate committee on energy, with the senior members of both combining as a Joint Committee on Energy—following the precedent of the Ways and Means Committee, the Finance Committee and the Joint Committee on Internal Revenue Taxation.

3. *Federal Funds for Fuel Research.*

There is no question that the nation's long-range energy needs—after the next 75 to 100 years—will have to be supplemented from an energy source other than the hydrocarbon fuels (coal, oil and gas). Since it is in the national interest to develop such a new energy source, it is reasonable that federal funds be used for the required research. However, a more important immediate need is to utilize more effectively the energy sources we now have and that we must rely upon for the foreseeable future.

Currently more than 95 per cent of our energy demands, are met by the use of coal, oil and gas. Hydro (about 4 per cent) and atomic (less than one per cent) supply the remainder. Only 21 per cent of the energy produced from our hydrocarbon fuels is used to make electricity; 79 per cent is consumed directly in gas or liquid form to heat our homes, power our automobiles, etc. Many of these uses of hydrocarbon fuels cannot be supplanted by atomic power generation, a fact that must be kept constantly in mind in our commitment to energy research.

While it is important to the public welfare to develop atomic power, the almost exclusive commitment of federal research funds for this purpose is shortsighted. In fact, overemphasis on atomic power research in recent years has been a deterrent to proper energy supply planning. Several years ago many electric utilities, under government pressure, began ordering atomic instead of coal power plants to meet projected coal producers to defer opening new mines coal-hauling equipment. As we now know, atomic power plants failed to come on line as predicted. As a result, the electric power industry found itself with insufficient capacity to meet the demands and had to turn to coal in the emergency. The predictable result was a shortage of coal availability and of power-producing capability.

While it is only one factor, the lack of a realistic policy on federal spending on energy the current crisis. It is imperative that we now reconsider federal funding of energy research and make this an integral part of the national energy policy.

We do not advocate discontinuing atomic energy research. The public interest requires that a safe and reliable "breeder" reactor be developed to meet long-range electric energy needs. But it is also important that this be so programmed that a breeder reactor is available before we exhaust our limited supplies of low-cost uranium on inefficient light water plants. It will be impossible to produce low-cost power with the breeder system of the future if it must be started with extremely high-cost uranium.

However, of more immediate importance—from the standpoint of near-term needs of the nation—is the development of technology to utilize our extensive high-sulfur coal reserves for the production of electricity and for industrial steam purposes. Unless this is done, there is simply no way to avoid a serious and lasting energy and power shortage. Even with a "crash" research program to overcome our technological deficiencies in pollution control, it may be necessary to defer additional restrictions on emissions of fossil fuel pollutants for two or three years.

In 1970, federal funds became available to share in the cost of building full-scale demonstration plants utilizing several methods of removing sulfur oxides from power plant stack gases. This was a giant step forward, but more rapid gains would be possible if more funds were available. Clean air and adequate power can be provided if sulfur-removal systems can be built with assurance that they will operate satisfactorily and within a cost range acceptable to the public. Before that can be achieved, the electric utilities must have experience with full-scale plants using the most promising sulfur control devices. Federal assistance in this program should be substantially increased.

There should be an expanded effort on advanced methods of producing electricity from coal—including such concepts as the combined cycle (coal gasification at the power plant and use of both gas turbines and steam turbines) magnetohydrodynamics, etc. Such new methods give promise of producing more electricity from less fuel, and with a minimum of insult to the environment. For the public benefit, a substantial research effort to advance these methods should be undertaken immediately.

As indicated earlier, the United States operates on what might be called a "hydrocarbon economy." Some 80 per cent of these hydrocarbon fuels are consumed in gaseous or liquid form and it is expected that this demand will continue for many years to come. Faced with the fact that the reserves of oil and gas are rapidly dwindling, it behooves us to develop technology to convert coal to the more desirable liquid and gaseous forms. Until recently the potential and the need of such conversion have been largely ignored. Federal funding of research in the national energy policy should recognize this deficiency and correct it.

The research effort required to fully develop the technology for the more effective use of our fuel resources—coal, oil, gas and uranium—will be a costly one. The financing of such an effort must also be a part of the national energy policy. It is our belief that since the ultimate user of energy—whether it be in the form of electricity, gas or gasoline—is the beneficiary of improved technology, the user should help defray the cost.

4. *Realistic Goals in Control of Environmental Pollution.*

In the effective use of domestic fuel resources to meet our energy needs, many environmental control problems must be overcome. Industry cannot be expected to exert a major effort to meet those requirements if the rules are constantly changing. For example, in 1966 the Department of Health, Education and Welfare published sulfur oxide criteria indicating that the sulfur limit in fuels should be 1.0 per cent. However, at HEW's urging, a number of communities adopted substantially lower requirements. More recently, some federal agencies have advocated sulfur content of fuel at 0.1 per cent or less.

Industry, at a tremendous cost in research and development funds, has been pursuing research which would achieve the 1.0 per cent sulfur level in fuels, and is understandably disturbed at this latest development. Since there is no known technological means for meeting a 0.1 per cent restriction on sulfur content, there is a danger that industry will, in despair, give up all effort to achieve what might be realistically attainable goals.

There is a need to set reasonable goals for the near-future, and more stringent goals for the more distant future. Imposing requirements not technologically feasible for the immediate future serves only to discourage efforts to meet reasonable goals.

This applies also to other environmental problems related to the use of coal to meet our energy needs. For example, some well-meaning conservationists have advocated the banning of surface mining of coal. Any such approach is simply unrealistic, not only because over 35 per cent of the coal is mined in this manner, but also because it reflects a lack of knowledge of what is possible through proven reclamation techniques.

Climatic and topographical differences among the states, as well as differences in land use objectives, require flexibility in land reclamation. State authorities are most familiar with their particular areas and are best qualified to set specific requirements and regulations. The federal government, however, can provide leadership in research, training of personnel and coordination of state programs.

Environmental protection must be a part of a national energy policy. Guidelines should be provided not only for the subjects discussed in this statement, but also for atomic radiation, water pollution, plant siting, etc. Environmental protection is essential—but so is the supply of energy fuel. A sound energy policy will enable us to enjoy both.

5. *Coal Exports.*

Coal exports are an integral part of the nation's energy economy. About ten per cent of annual coal production for some years has gone to foreign markets. Most of this consists of high-quality coking coals which are used by steel producers in Japan, Western Europe and South America. Canada also has historically depended upon American coal to meet part of its fuel requirements for steam generating plants and steel production.

Many new mines, creating new jobs and otherwise contributing to the domestic economy, have been developed solely for the purpose of providing coal for export under long-term contracts. Some of these contracts run for as long as 15 years. The sanctity of these contracts must be respected if we are to retain our integrity in international markets. As Dr. McCracken, Chairman of the President's Council of Economic Advisers has said, the coal export market cannot be regained once lost; overseas consumers would lose faith in the U.S. coal industry and turn to other sources to meet their requirements.

Coal exports not only benefit the domestic coal industry and those employed by it, but they contribute substantially to a more favorable balance of trade for our nation. Most of the coal which is exported overseas is produced in the Appalachian area, where improvement of economic conditions is of national concern.

6. *Control of Energy Prices Should Be Left to Competitive Forces.*

With the laudable objective of providing consumers a premium fuel at a bargain price, the government has maintained a tight lid on the price of natural gas at the wellhead. We have reached the point where that policy is outmoded; supplies of natural gas adequate to meet demand are no longer available at any price. Government controls over wellhead price should be removed, at least with respect to future discoveries, to stimulate the risk of capital necessary to find additional supplies and to restore normal competitive forces. If this is done, and at the same time conversion of other hydrocarbons to gas is encouraged, the production of synthetic gas from coal and oil shale will act as a competitive limiting factor on the price of natural gas.

With respect to energy supply from domestic sources, we believe the forces of free competition will best serve the public. Substitution of price and/or wage controls in the energy industry, or in any segment of it, may result in a temporary reduction in cost to the consumer, but (as has already happened in the case of natural gas) such artificial controls will inevitably result in energy shortage. Energy is so essential to the economic well-being of the nation that an adequate supply is far more beneficial than temporary, artificially low prices accompanied by scarcity.

7. *Equipment to Transport Coal.*

An adequate supply of coal in the future depends upon an adequate fleet of open-top hopper cars and locomotives to move it. About 70 per cent of total coal production is shipped by rail; the remainder is transported by water or truck.

The financial and other difficulties of many of the carriers have resulted in a serious shortage of hopper cars. While we do not profess to have the answer to the hopper car shortage, we do want to emphasize the importance of finding an answer to this problem. A national energy policy should assure an adequate hopper car supply.

Existing law provides a five-year tax write-off for railroad rolling stock owned by or leased to the railroads, but not for equipment owned by shippers and consumers. We suggest it would stimulate the purchase of hopper cars by coal shippers and consumers if the five-year write-off privilege were extended to them.

8. *Improved Tax Incentives.*

The investment necessary to make domestic energy available in the quantity and in the form required by the public interest will be undertaken only to the extent that incentives (probable profit after taxes) are sufficient to attract the capital required. In the case of coal, the risks are greater than at any time in the past (partially because of more burdensome government regulation, partially because of the efforts of the industry to meet the demand for a clean environment, partially because of the threat of government-financed competition from atomic power, and partially because of the uncertainties surrounding government policy on imports of energy.) These increased risks mean that capital will be invested in coal ventures only if the incentives are increased.

The Congress, in the 1969 Tax Reform Act, imposed the mislabeled "minimum" tax which has the effect of reducing the benefits of the percentage depletion allowance about 10 per cent, for all minerals. This increased tax burden should be repealed; if it is continued, it will result in a substantially higher price of energy to the consumer.

In addition, we believe the following actions affecting the production and use of coal should be taken:

(a) Coal's depletion allowance should be increased. Coal's allowance is 10 per cent, while all other energy minerals (oil, gas and uranium) are allowed 22 per cent.

(b) The valuation point (for depletion purposes) in the case of coal used to produce synthetic fuels should be advanced to that point in the processing equivalent to gas and oil at the wellhead. This was done with respect to synthetic fuel from oil shale, in the 1969 Act. It should be done also with respect to synthetic fuel from coal, because it will provide additional incentive for capital investment.

(c) Five-year amortization for tax purposes should be allowed for the total cost of pollution abatement facilities added to new plants (present law restricts this treatment to abatement facilities which are added to old plants, and even then restricts the write-off to less than total cost). Such action would encourage energy consumers to construct facilities for the use of fossil fuels without insult to the environment.

(d) Five-year amortization for tax purposes should also be allowed with respect to facilities constructed to convert polluting fuels into clean fuels—such as a plant to convert coal to gas, or to a low-sulfur solid fuel.

In summary, the coal industry strongly favors the development of a comprehensive national energy and environmental policy. We recommend that the policy place primary reliance on domestic sources of energy, that it provide for elimination of the ambiguities and conflicts so prevalent today, that it call for a more equitable distribution of federal funds for fuel research, and that it establish realistic goals for the control of environmental pollution.

The coal industry firmly believes that energy prices should be determined by free competition among the domestic sources of supply. The industry deserves more equitable treatment in taxation; an adequate supply of coal hopper cars must be assured.

Energy is the foundation upon which our present high standard of living is based. It is now clear that we must adopt a coordinated energy policy if that foundation is to be preserved.

HOUSING LEGISLATION FOR THE DISTRICT OF COLUMBIA

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. FAUNTROY. Mr. Speaker, I am today introducing a bill submitted by the District of Columbia government that would facilitate construction of housing and successful completion of urban development programs in the District. The bill would modify several provisions in existing law that inhibit the ability of the District government and the Redevelopment Land Agency to provide decent, safe, and sanitary housing for the thousands of District residents who must endure substandard housing conditions. I have included below a title-by-title analysis of the bill, as well as the District government's letter of transmittal.

TITLE-BY-TITLE ANALYSIS

Title I of the bill will permit the Commissioner of the District of Columbia to enter into agreements derived from the competitive bid process or by negotiation with private developers or contractors for the construction of buildings for the combined use by the Government of the District of Columbia and a private entity on land owned by the District of Columbia. Title to the land shall remain with the District of Columbia.

The Government of the District of Columbia is currently unable to enter into any such agreements on land that it now owns.

Title II would permit the District of Columbia to sell to a nonprofit housing corporation excess land that it owns for the purpose of constructing low and moderate income housing at a price to be determined by the Commissioner for the District based upon the intended use of the land. This determined price may at times be less than that which could be commanded by a bid or negotiated process based upon the most economic use of the land.

At present, the District of Columbia is required to sell its land at a price based on the highest and best use for which the land could be used.

Title III provides specific authority to the District of Columbia to accept gifts, donations, bequests, and grants. The same authority is also provided to the Redevelopment Land Agency. As an inducement, the Revenue Act of 1947 is also amended to allow a person to deduct from his gross income the value of gifts he may make to the District. This provision will more closely conform District law to the Federal Internal Revenue Code which authorizes deductions for contributions made for an exclusively public purpose.

At present, there is no specific authority for the city to accept gifts nor is there any authority for the RLA to accept gifts.

Title IV permits the District of Columbia to waive all or part of special assessments levied by the city for improvements against abutting property for curbs, gutters, sidewalks, water and sewer lines. The costs of such improvements can be set off as a noncash grant-in-aid under title I of the Housing Act of 1949, as amended. If, however, the special assessment is necessary for the current construction of the improvement, the amount must be deducted to ascertain the amount of the noncash grant-in-aid under title I of the act of 1949. This will permit the building of certain low- and moderate-income housing projects to proceed at a lower cost than would otherwise be if these assessments were made. Additionally, the authority to waive will provide the District with flexibility in providing its share of renewal costs.

Title V authorizes the City Council to close all or any part of a public way within an urban renewal plan when they find that the RLA has acquired title to all or a major part of the property that abuts. Where there remains unacquired property, the RLA is required to obtain the written consent of those owners abutting the property.

Title VI shortens the time and lessens the expense of closing any street, road, highway, or alley or any part thereof by eliminating the second of two 14-day newspaper advertisements. Under the provisions of this title, it will be possible to close a public way in less than 4 months.

Title VII authorizes the Commissioner of the District of Columbia to transfer for and on behalf of the United States certain described land which was used by the railroads. All railroad lands in the District of Columbia are owned by the United States and all transfers of such land are done for the United States by the District of Columbia. In this case, title will be transferred to the RLA.

The City Council has indicated its support for these measures and the White House Office of Budget and Management has indicated that there is not objection to this legislative package.

A draft bill submitted to the Speaker follows:

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 20, 1971.

The Honorable The SPEAKER,
U.S. House of Representatives,
Washington, D.C.

MY DEAR MR. SPEAKER: The Commissioner of the District of Columbia has the honor to submit herewith a draft bill "To authorize the Government of the District of Columbia to engage in certain activities designed to effect community development," to be cited as the "District of Columbia Community Development Act".

Title I is intended to make it possible for the District to take advantage of various plans for the efficient and economic use of District-owned land which may be proposed by private developers. It authorizes the Commissioner to enter into agreements for the construction by private developers, on real property owned by the Government of the District of Columbia, of buildings for combined District and private uses.

The Commissioner is also authorized by this title to impose appropriate conditions on these combined uses of District property, including approval of building plans, assessment and taxation of the privately-owned portions of the building as real property, and forfeiture of these privately-owned portions of the building to the District upon substantial failure of the developer to meet his obligations.

Title II would authorize the District Government to sell excess land to nonprofit corporations for construction thereon of housing for low- or moderate-income families, at a price determined on the use of the land for such a purpose, rather than at a fair market value based on the highest and best use which can be made of the land.

The Commissioner believes that social considerations of land use may, in certain circumstances, outweigh obtaining the best possible price for the sale of such land. Accordingly, title II introduces into existing law the flexibility needed to take appropriate action whenever the land in question would be better used to meet the particular needs of the District, with respect to providing housing for low- and moderate-income families. The key provision of title II for the achievement of this goal permits the sale of excess land at the fair market value based on the use of the land for housing for low-income or moderate-income families. While this might result in a lower sales price for the land, such a price should be balanced against the social needs of the particular neighborhood and of the whole community. If, on balance, the need of the District for housing for low- and moderate-income families outweighs the need to use the land for some other purpose, title II makes it possible for the District to make the land available for housing.

Title III is designed to provide specific authority for the District Government to accept gifts, and to grant similar power to the Redevelopment Land Agency. The Commissioner is of the opinion that a clear cut statutory provision in this area will encourage individuals, corporations, and foundations to bequeath, give, or grant money or property to the District and the RLA for community purposes.

As an inducement, and, indeed, as an equitable addition to the law, the Commissioner is also proposing in this title an amendment of title III of the District of Columbia Revenue Act of 1947 which would allow a person to deduct from his gross income subject to the District of Columbia income tax the value of gifts he may make to the District. This provision will more closely conform District law to the Federal Internal Revenue Code, section 170(c)(1) of which authorizes deductions of contributions made for exclusively public purposes to, among others, the District of Columbia.

Title IV gives the Commissioner the power to waive all or part of special assessments to be levied pursuant to the District of Columbia Code against abutting property for improvements to curbs, gutters, sidewalks and water and sewer lines in urban renewal areas. The cost of such improvements provided by the District in urban renewal areas can be applied towards the local share of the net project costs as a local non-cash grant-in-aid to the project under title I of the Housing Act of 1949, as amended.

However, if any part of the cost of such improvements provided by the locality is subject to, and financed by, special assessments levied against project land, the amount of the special assessments must be deducted from the cost of the improvements in computing the amount to be claimed as a non-cash grant-in-aid. Only that part of the cost of the improvement which is not financed by special assessments is eligible as a local non-cash grant-in-aid. Authority to waive the special assessments, required under the District of Columbia Code in urban renewal areas will benefit the District in two respects.

This discretionary power will eliminate the possibility of increasing the cost of a particular urban renewal development, via special assessments, to a point where the success of the project may be jeopardized. This is essentially critical to the development of low- and moderate-income housing. Such special assessments may increase the costs of such projects to the point where they are infeasible.

Secondly, the authority to waive special assessments would provide the District with greater flexibility for providing its share of urban renewal project costs in the form and manner most advantageous to it.

Title V of the bill amends the Street Adjustment Act of the District of Columbia, approved Dec. 15, 1932 (47 Stat. 747; D.C. Code, title 7, chap. 4), by the addition of a section 11 authorizing the District of Columbia Council to order the closing of all or part of any public way within an urban renewal plan approved by the Council, without regard to the requirements of sections 2 and 4 of the Street Readjustment Act, whenever they find that the Redevelopment Land Agency has acquired title to all property abutting the public way or part thereof to be closed. The Council would also be authorized to take like action in cases in which it finds the Agency has acquired title to a major part of the property abutting the public way or part thereof to be closed, if the Agency has obtained and furnished to the Council the written consent to such closing of the owners of so much of the property remaining in private ownership as abuts the public way or part of a public way to be closed. The purpose of title V is to expedite urban renewal activities in the District of Columbia and reduce expenses to the District in connection therewith, without depriving owners of such property of notice concerning the proposed closing of a public way on which any such property abuts.

Title VI amends section 4 of the Street Readjustment Act (D.C. Code, sec. 7-404) so as to eliminate the second of two fourteen-day newspaper advertisements required under the Act. This amendment will make the Act less expensive and less cumbersome to administer, and make it possible to close a street in a shorter period of time than the four-month period required under existing law.

Title VII would authorize the Commissioner to transfer to the Redevelopment Land Agency certain property within the Southwest urban renewal area, bare legal title to which currently is held by the United States. In 1901, the "Union Station Acts" (31 Stat. 767 and 32 Stat. 909) closed to public use certain streets within the District, and granted the use of this land to two railroad companies and the railroad terminal company, subject to taxation by the District of Columbia.

The Redevelopment Land Agency, in implementing the plan for Southwest Urban Renewal Project Area C, had great need for property lying within the area controlled by the railroads, and the railroads subsequently sold to the Agency the fee simple title to those portions of the property owned by them in fee simple, as well as all right, title and interest in the United States-owned property vested in the railroads by the "Union Station Acts". The United States, nevertheless, retained bare legal title to the latter property.

Title VII, therefore, would transfer from the United States to the Redevelopment Land Agency, bare legal title to the three parcels described in such title VII, so that the Agency, as an integral part of the urban renewal plan for Southwest Urban Renewal Project Area C, could sell or lease the land for private development.

The Commissioner strongly recommends the enactment of this draft bill as a necessary and desirable measure in improving the general efficiency and effectiveness of District community activity. The District of Columbia Council has expressed its support for this legislation.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this legislation to the Congress.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner
(For: Walter E. Washington, *Commissioner*).

CAPTIVE NATIONS WEEK

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ROBISON of New York. Mr. Speaker, Captive Nations Week was first proclaimed in 1959 that the American people might be provided with a "suitable framework for showing their solidarity with their captive brethren in east and central Europe." There can be no question that such an observance is as timely this year as ever. While we continue to acclaim our own liberties, personal rights, and freedoms of the most basic nature are denied to those citizens of the captive nations.

Over the past months we have witnessed the upheavals and increasing discontent in Poland, and we have become increasingly aware of the plight of Russian Jews. It seems that over the past 13 years little progress has been made in providing permanent solutions for the problems faced by thoses living in the Soviet satellite nations, although their struggle clearly continues.

While past statements of moral support have served a beneficial function, I believe that this year Captive Nations Week should be regarded as a time to focus on new ways of easing tensions between the countries of the free world and those behind the Iron Curtain. More specifically, now is an appropriate time for increased discussion of the future role of NATO, of the possibilities for mutual and strategically equitable troop reductions in Europe, and of more flexible trade agreements. For it may well be that expanding American influence on the captive nations in these and similar ways will encourage liberalization within these countries, and that the peoples of these states will gradually regain their valued liberties.

The overriding goal of American foreign policy must continue to be the establishment of an atmosphere of peace in a world in which the people of every nation have the right of self-determination in structuring their governments and personal lives. Captive Nations Week serves once again as a reminder of this important objective.

H.R. 9935—REVENUE SHARING FOR POLICEMEN AND FIREMEN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. RARICK. Mr. Speaker, certainly all of the Members of the House are fully aware of the importance of maintaining independent, locally controlled law enforcement units and fire departments capable of meeting the demands of these trying times when it seems to be fashionable to riot in the streets to "demonstrate" against imagined repressions or to point out the "faults" of our establishment.

To this end, I have introduced a bill, H.R. 9935, "to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers and firemen in any taxable year shall not be subject to the Federal income tax." To be eligible for the benefits of this act, these law enforcement officers and firemen must be actively engaged on a full-time basis in the execution and/or administration of their work for at least 6 months of the taxable year.

I am certain that implementation of this measure will prove to be an invaluable tool in the recruiting and maintaining of independent, locally controlled law enforcement units and fire departments that are staffed by highly capable, trained men, dedicated to their profession and to the society which they serve.

This form of revenue sharing will benefit every aspect of our society. Unlike the LEAA—whose primary thrust is to condition the people of this country to demand more and more centralized Federal control to protect them by massive grants of Federal funds under the control of Federal agencies—my bill will keep the money where it belongs. My bill makes it impossible for the money not to reach the front lines where it is needed. The money would never leave the hands of the policemen and firemen. Exotic programs to sell Federal security from crime would not be necessary.

Under my plan, we would have safe streets and better fire prevention without any additional cost to the taxpayer and without the political temptations that accompany revenue sharing under the LEAA—which is designed to force the people to seek relief through more and more Federal control.

I urge my colleagues to join me in support of the men who make our lives safe and protect our property from total loss.

I insert news articles from the Washington Post of July 21 and 22, 1971, and the Evening Star of July 22, 1971, that indicate the real thrust and threat from revenue sharing under LEAA and a copy of my bill, H.R. 9935—that, if passed, would get the money to the men who are where the action is, where it is so desperately needed:

[From the Washington Post, July 21, 1971]

LEAA CASE HURTS TAX SHARING: ABUSE OF U.S. FUNDS DISCLOSED

(By Ken W. Clawson)

High Alabama officials dealt a blow to the concept of no-string grants to the states yesterday by detailing the waste of thousands of dollars in federal law enforcement funds.

Attorney General Bill Baxley and State Auditor Melba Till Allen urged national reforms in the $700 million Law Enforcement Assistance Administration, so the federal government would have more control over how states spend the funds.

They testified before a House subcommittee investigating LEAA operations.

A Montgomery, Ala., newspaper publisher, Harold Martin, said at least $700,000 in crime-fighting funds have been improperly or illegally spent in Alabama since the revenue-sharing approach started in fiscal 1969. Alabama has received a total of nearly $6 million in LEAA funds.

Baxley and Mrs. Allen said waste is occurring "not so much because of dishonesty" but because the mores of state politics are allowed to prevail in the absence of federal standards, close auditing, and strict guidelines.

"As the Alabama Law Enforcement Planning Agency began its operations, it became apparent that what had appeared to be a law enforcement officer's dream for badly needed help was becoming merely a politician's dream for the biggest pork barrel of them all," Baxley told the Government Operations subcommittee headed by Rep. John S. Monagan (D-Conn.).

Mrs. Allen termed waste of LEAA funds in her state "heartbreaking," and cited a "frightening" example of how members of Alabama's news media obtained LEAA funds.

In Montgomery on June 16, 1970, she said, a group called Criminal Justice Systems, Inc., was paid $91,570 by the state to prepare Alabama's 1971 application to LEAA for crime-fighting funds. Not till later the same day, in another Alabama city, was the group actually incorporated, she said.

The principals of CJS were identified by Mrs. Allen as Wendell Harris, a newscaster for a Newhouse television station, WAPI-TV, Birmingham; his father, and Tom Lankford, editor of the Hunstville, Ala., News, part of the Newhouse chain, which also owns the Huntsville Times and the Mobile Press-Register.

The agreement was signed by then Gov. Albert Brewer and by L. Kenneth Moore, then the Alabama Law Enforcement Planning Agency Director.

Earlier, Mrs. Allen said, Brewer and Moore signed another agreement with a Harris-owned company to produce a 15-minute law enforcement film for $15,400.

Baxley and Mrs. Allen said the media employees kept their jobs while compiling the state plan, with Lankford and Harris paying themselves $60,000 in salary from the $91,570 state grant.

Included in their proposal was federal funding for a black-garbed, night-riding police unit—which LEAA knocked out of the plan after a flurry of newspaper reports in the state.

Baxley filed suit to recover excess funds paid to the media moonlighters, but he testified yesterday that he did not believe he would be successful.

Harris and Lankford are still employed by Newhouse. A Newhouse spokesman in Washington said the men had engaged in "an unintentional and innocent conflict of interest."

Baxley and Mrs. Allen also testified that:

A Montgomery law firm, which Gov. Brewer joined after losing his political race, received $13,268 of a $16,500 grant to prepare and distribute a guide book for county sheriffs.

A $200,000 grant for a police cadet program was spent to educate the sons of prominent Alabama political and police officials at state universities. Among the beneficiaries were the son of the Director of Public Safety, a Wallace bodyguard, and sons of at least half a dozen high police officials.

LEAA officials, meanwhile, released a statement saying that auditors have completed a field investigation in Alabama and that a final report is being prepared.

The statement said the U.S. attorney in Alabama and the FBI are also investigating possible irregularities in the use of federal funds in the state.

L. Kenneth Moore, target of criticism for his tenure as LEAA director in Alabama, said in a telephone interview from Birmingham that he had talked with the FBI twice in recent months.

He said he was not invited to the Monagan committee but would appear if asked.

[From the Washington Post, July 22, 1971]

FLORIDA LEAA IRREGULARITIES ARE AIRED

(By Ken W. Clawson)

Late in 1969, the Law Enforcement Assistance Administration in Washington learned of increased fiscal irregularities in the spending of federal crime-fighting funds in Florida.

It took the federal agency 15 months to audit the state program and confirm its original suspicions that the program, under former Gov. Claude Kirk, was a free-wheeling operation in which little attention was paid to federal, or even state, regulations.

In testimony yesterday before a House subcommittee investigating LEAA operations, Florida Gov. Reubin Askew called for a more intensive LEAA auditing program even though he has restructured Florida's crime-fighting agency and is incorporating additional state safeguards over spending federal money.

LEAA's audit, made public last April, four months after Askew became governor, disallowed $35,000 of federal funds that had already been spent during the Kirk administration. It uncovered an additional $475,000 in irregularities involving spending in violation of LEAA or state regulations.

Florida received a total of more than $7 million in federal planning and action grants during fiscal years 1969 and 1970.

Yesterday, Allan C. Hubanks, administrator of the state law enforcement assistance agency under Gov. Kirk, told the subcommittee that his hands were tied by Kirk's office on programs, that he wasn't fiscally responsible for federal funds and that Kirk never permitted his agency to grow beyond half of its authorized manpower.

In late 1969, Hubanks said he requested Florida be audited by LEAA because federal funds were being spent in a way Hubanks believed violated federal laws. "In my view . . . it is most unfortunate that there was a lapse of more than 15 months before that finding and other deficiencies in the contract were noted and released in the audit report."

Hubanks said he was informed by LEAA that there "were relatively few members of the audit and inspection staff during the first two years of this program."

Gov. Askew also said that "as an infant, LEAA did rather poorly." Askew said he understood that in creating LEAA three years ago, Congress was responding to a national urge to combat lawlessness. But he blamed Congress for believing that results could be achieved simply by pouring huge amounts of money into the war on crime.

Congress' initial effort, he said, was to pour money into LEAA ". . . without management input to protect those dollars."

Askew said he supports LEAA in his state now, and praised the new LEAA administrator, Jerris Leonard, for helping him restructure the program and being the type of tough leader who can make the agency work properly.

While supporting LEAA's bloc grant approach and the revenue-sharing principle of no-strings federal grants, Askew said it was incumbent on states to assure Congress of spending the money or the concept would be short-lived.

[From the Washington Star, July 2, 1971]

Governor Tells of Aid Misuses

(By Richard Halloran)

Gov. Reubin Askew, D-Fla., and other officials have related a long story of mismanagement, improper use, waste, and politicking with funds the Federal Law Enforcement Assistance Administration granted their state.

Askew told House members that "gross mismanagement" from August 1968 to January 1971 resulted in misspending $475,000 during the administration of then Gov. Claude R. Kirk, a Republican. LEAA granted Florida $10.5 million during that period.

"GHOST" STAFF MEMBERS

Among the improper expenditures Askew listed were awards of sub-grants and contracts, payments of salaries and travel expenses to "ghost" staff members who actually worked in Kirk's office, and acquisition of night-viewing devices called "owl-eyes" for presentation to police departments just before an election.

Askew noted that the Nixon administration did not attempt to cover up the Florida situation and added, "I'm sure none will be tempted to turn this program's troubles into partisan, political advantage." Kirk could not be reached for comment.

Askew testified before a subcommittee of the House Government Operations Committee that is investigating state use of LEAA grants.

The subcommittee, headed by Rep. John S. Monagan, D-Conn., heard similar testimony Tuesday from officials of Alabama. Representatives from New York and Illinois are among those scheduled to testify later.

AGENCY CONFIRMS FIGURES

A spokesman for LEAA said the agency would have no comment on the extent of misused federal funds until Jerris Leonard, its head, testifies.

But the agency issued a statement that confirmed Askew's figures and noted that about $35,000 in disallowed LEAA expenditures would have to be repaid by the state to the federal government.

The LEAA was established in the Justice Department in 1968 to provide financial, technical, and research assistance to state and local police departments, courts and correctional institutions.

H.R. 9935

A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers and firemen in any taxable year shall not be subject to the Federal income tax

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 124 as section 125 and by inserting after section 123 the following new section:

"Sec. 124. $5,000 Exclusion for law enforcement Officers and Firemen.

"(a) Exclusion From Gross Income.—Gross income does not include amounts received as compensation for service as a full-time law enforcement officer or full-time fireman in the employ of the United States, the District of Columbia, or a State or political subdivision thereof, to the extent that the aggregate of such amounts in the case of any one individual does not exceed $5,000 in the taxable year.

"(b) Definitions.—For purposes of subsection (a)—

"(1) Law enforcement officer.—The term 'law enforcement officer' means a person who, for a period of not less than 6 months during the taxable year, is actively engaged on a full-time basis in the administration and execution of activities necessary to the enforcement of the criminal laws of the United States, the District of Columbia, or a State or political subdivision thereof, but such terms shall not include any police cadet, bailiff, judge, prosecutor, or any person whose duties relate primarily to the conduct of trials, or any person whose duties are primarily clerical in nature.

"(2) Fireman.—The term 'fireman' means a person who, for a period of not less than 6 months during the taxable year, is actively engaged on a full-time basis in the work of extinguishing fires or in the supervision of such work.

"(3) Compensation.—The term 'compensation' includes salary, wages, and any other form of remuneration for service performed except pensions and retirement pay.

"(4) State.—The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands."

(b) The table of sections for such part III is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 124. $5,000 exclusion for law enforcement officers and firemen.

"Sec. 125. Cross references to other Acts."

Sec. 2. The amendments made by this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

CALIFORNIA'S ORCHARD'S FUTURE

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. GUBSER. Mr. Speaker, for those who labor under the delusion that California's specialty agriculture is prosperous and who mouth the ridiculous fiction that the housewives will pay a few pennies more per can so that farmers can pay higher wages, I submit an article in the San Jose Mercury News entitled, "Area Orchards' Future Same as Fruit—Rotten."

The truth is that California farmers pay the highest agricultural wages in the world and provide the best working conditions. Yet even before their competitors are asked to come up to their standards, California farmers are the victims of labor organizers and politicians who go along for the publicity ride. The fact is that the fruit producers of California, with their tremendous investments, are going broke by the hundreds. I invite the attention of my colleagues to the article which follows:

Area Orchards' Future Same as Fruit—Rotten

(By Tom Harris)

The export of American technology is coming back to haunt California agriculture, particularly that part of it in the shrinking orchards of Santa Clara Valley.

The ugly picture of dark, ripe cherries rotting on overburdened limbs or of bright delicious apricots, pears or prunes wasting in the dust has become a too-common farm tragedy for valley agriculturalists.

Like every other problem of a society that grows increasingly complex by the day, this one has many parts, but two of them, according to a farm management specialist here, are central to the issue.

One, according to Ken Johnson, is the rapid loss of fruit exports from this country. The other is a combination of huge agribusiness corporations beginning to dominate the field and canneries feeling the pinch of rising production costs.

Johnson, who has managed farming operations on hundreds of acres throughout the valley for the past 20 years, points to the expanding foreign operations of American canneries as the prime cause of the shrinking export market.

"They have taken the best of our technology, the best of our farming knowledge and the best of our hard-won experience and exported it abroad to combine with cheap labor and transportation," says Johnson with a sharp edge of irritation in his voice.

Johnson maintains that the tonnage of crops bulldozed into the ground as waste the past few years has just about equalled the loss to the foreign market.

Compounding the problem, he says, is the huge acreage being brought into new fruit production by big corporations on the upper benchlands of the San Joaquin Valley, thanks to publicly financed new water from the State Water Project.

Another factor is that grocery firms will not stockpile canned products, forcing the canneries into expensive warehousing.

Bumper crops now, in combination with dwindling exports and increasing acreage into production, cause a massive bulge in supply that outstrips demand for three or four years. Two bumper crops in a row could spell disaster to most of the state's small independent growers, says Johnson.

He was just outlining the razor-thin operating margins most independents operate on when a phone call brought word that cannery prices for apricots had plummeted to $31.50 a ton, down from the opening $70.

So far this year, county growers have lost nearly 80 per cent of the cherry crop. The bulk of the loss was caused by a sudden June heat wave that virtually cooked the cherries right on the trees. To compound the problem, canneries were still trying to thin out a major surplus from 1970.

Prospects are no brighter for apricot growers, who were summoned to an emergency meeting in Tracy last week to plan strategy to combat the falling cannery prices. Even with low prices, almost 50,000 tons are expected to go unmarketed.

The low cannery price comes despite the recent $3.1 million purchase of 1971 crop apricots by the federal government for school lunch programs.

Johnson predicts that as much as 35,000 tons of pears will also rot on the ground this year for lack of a market.

"How can we afford to be so wasteful?" asks Johnson. "I don't have all the answers, but for openers the government could start giving away food instead of money in its foreign aid program."

He also says assessors have to take a new look at their practices, complaining that a suburban San Jose farmer lost much of his orchard when a freeway sliced through it and then was taxed $35,000. His total crop income for the year was $17,000. He sold out and a subdivision is now grading in the orchard's place.

Johnson is also frustrated by the fact that in the face of record unemployment, some crops are going unharvested because of a shortage of available workers.

PATRIOTISM OF U.S. EMPLOYEES DURING WORLD WAR II INVASION RECOGNIZED

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MATSUNAGA. Mr. Speaker, as we observe during this month the 195th anniversary of the birth of our Nation, it is appropriate that we should recognize those Americans who have performed extraordinary feats of patriotism. One such feat was performed by four Americans in World War II when the Japanese invaded the Philippines in 1942.

To save the American flag from desecration at the hands of the advancing enemy, these four brave Americans, who were then employees of the U.S. High Commissioner of the Philippines, hauled down the Stars and Stripes, burned it, and buried the ashes in a container not far away.

One of the four, Virginia Hewlett, is a longtime acquaintance of mine. She is married to my good friend Frank Hewlett, chairman of the Standing Committee of the U.S. Senate and House press gallery, and until recently, the Washington correspondent of the Honolulu Star-Bulletin.

After 29 years, the U.S. Government has finally recognized the love of country demonstrated by these four brave Americans by erecting a marker near the site of the incident.

An article describing the incident and the commemoration of it recently appeared in the Star-Bulletin. The article mentions also the dramatic story of the Hewlett reunion in 1945, when Frank Hewlett returned to Manila with General MacArthur's troops and personally freed his wife Virginia from a Japanese concentration camp in the Santo Tomas University.

It is with a sense of pride, and in the hope that it may inspire readers of the RECORD, that I offer the news article for inclusion in the RECORD:

PLAQUE TO RECALL MANILA WAR DEED

(By Patrick J. Killen)

MANILA.—Four Americans pulled down and burned the Stars and Stripes flying over the U.S. High Commission grounds in Manila to keep it from being desecrated by invading Japanese troops.

The date was Jan. 2, 1942, when World War II in the Pacific was 25 days old and Gen. Douglas MacArthur had declared Manila "an open city."

Mrs. Frank Hewlett, whose husband was United Press's Manila correspondent at the time, first revealed the flag-burning in an article written for the Honolulu Star-Bulletin three years ago.

The U.S. Embassy, which now occupies the former High Commission grounds, will pay tribute to the little known flag-burning episode on July 5.

Ambassador Henry A. Byroade will unveil a four-foot high stone marker and a bronze plaque as "a lasting tribute to the four Americans' unusual display of patriotism," according to the U.S. Embassy.

The plaque reads:

"Near this spot on January 2, 1942, to prevent its capture by the invading Japanese army, the flag of the United States of America was burned and the ashes buried by George Gray, Elsie Flahaven, Margaret Pierce and Virginia Hewlett, staff members of the U.S. high commissioner to the Philippines."

Mrs. Hewlett and the three others were members of the staff of U.S. High Commissioner Francis B. Sayre. They were left behind to burn records and ship documents to Corregidor Island when American and Filipino forces retreated to Bataan Peninsula.

Noticing that the flag was still flying from its pole near Manila Bay, the four burned it, along with three others found in the commission building, to prevent them from falling into enemy hands. The ashes, accompanied by a sworn statement, were buried in a canister on the commission grounds.

The four staff members were captured by the Japanese and spent three years in prison before their liberation in 1945.

Frank Hewlett, who withdrew to Bataan and later made it to Australia, covered the war for United Press and then returned with Gen. MacArthur to personally find and free his wife in one of the war's most touching incidents.

Hewlett is now Washington correspondent for the Honolulu Star-Bulletin and the Salt Lake Desert News. The Hewletts live in Arlington, Va.

FRANCIS C. BROWN REFUTES NEGATIVE TESTIMONY ON VIETNAM

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. HUNT. Mr. Speaker, I recently received a letter from a young serviceman, HM2 Francis C. Brown, USN, who was requesting assistance so that he might be afforded the opportunity to appear before the Committee on Foreign Relations in the other body. His purpose in wanting to testify was "to refute the irresponsible charges made by Mr. John Kerry of Vietnam Veterans Against the War, who testified before this same committee in May of this year". It might be noted that the committee convened hearings specially for the benefit of the antiwar demonstrators, and I also observed at the time that much of Lieutenant Kerry's prepared testimony had been worked up by professional speech writers.

Because the committee has declined to hear Mr. Brown's side of the Vietnam story, I feel compelled in the interests of fairness to insert the text of his letter in the RECORD at this point:

JULY 5, 1971.

The Hon. JOHN E. HUNT,
U.S. House of Representatives
Washington, D.C.

DEAR MR. HUNT: My purpose in writing is to solicit your assistance so that I might testify before the Senate Foreign Relations Committee concerning American involvement in Vietnam. I wish to refute the irresponsible charges made by Mr. John Kerry of Vietnam Veterans Against the War, who testified before this same committee in May of this year.

After enlisting in the U.S. Navy three years ago, I volunteered for duty in Vietnam, and served in that country from May, 1969 to May, 1970. I am a medic in the Navy Hospital Corps and during my year in Vietnam I served in the capacity of public health advisor to the 60,000 people of Tri Ton District, Chau Doc Province, in the remote and then Vietcong controlled "Seven Mountains Region". During this time I never saw one war crime committed by allied forces. The Vietnamese people always received compensation for any property or livestock accidentally destroyed or damaged by allied forces. On the other hand, I can document numerous instances of murder, arson, kidnapping, and assassination by the North Vietnamese and the Vietcong.

Mr. John Kerry is both a liar and a blackguard for telling the Senate Foreign Relations Committee that the ARVN (Armed Forces of the Republic of Vietnam) often deserted their U.S. allies and left them to be killed for lack of support. I can document numerous instances of bravery and determination of the ARVN and of the heroic resistance of communism displayed by the Vietnamese people.

During my year in Vietnam I worked with Vietnamese public health personnel, Vietnamese Regional and Popular Forces, Kit Carson Scouts (former Vietcong who have defected to the allies), U.S. Navy Beach Jumpers, U.S. Army Special Forces, and the People's Self Defense Force (PSDF). I was very involved in the pacification program, and would welcome the opportunity to testify as to American involvement in Vietnam and of the tremendous sacrifices being made by American troops.

I am both honored and proud to be a member of the U.S. Navy and to have served my country to the best of my ability in South Vietnam. This September I will be returning to Vietnam to begin my second voluntary tour. At present I am home on 30 days leave, and if it would be possible for me to testify before the Senate Foreign Relations Committee, I will gladly pay all expenses from my own purse.

May I hear from you at your earliest convenience concerning this matter? Thank you.

/s/ FRANCIS C. BROWN, *HM2, USN*.

Mr. Speaker, the "honor" which some have sought to attribute to those who have nothing good to say about Vietnam, or America for that matter, and who are the propagators of negativism is shallow by comparison with the pride, spirit, and purpose which Mr. Brown's letter reflects.

STEADY AS YOU GO

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ARENDS. Mr. Speaker, an article entitled "Steady As You Go" by Milton Friedman which appeared in the July 26 issue of Newsweek merits special attention. It is based on a speech delivered by George P. Shultz, Director of the Office of Management and Budget, and well summarizes the long-range economic objectives and policies of President Nixon.

When he took office he was confronted with runaway inflation. He determined to place our economy on a sound and stable basis. He determined upon a course of action that required hard decisions which he recognized would be unpopular. He recognized that to achieve a stable economy on which the country could soundly progress there might be a mild recession and some unemployment. He also recognized that during this trying transitional period there would be all manner of pressure to have him change his course.

We, in the United States, are an impatient people. But if we will be patient and reject short-term gains we will realize the long-range objective of stability and economic growth that is soundly based. There is real evidence that President Nixon's policies are producing results. He is to be commended for having the vision and the courage to continue on the course he set when he first took office.

The Newsweek article follows:

Steady As You Go

(By Milton Friedman)

My title is taken from the title of an important but little-noticed talk made in Chicago some months ago by George P. Shultz, director of the Office of Management and Budget.

It is also an apt description of the policies that President Nixon has been following—not only in economic matters but also in Vietnam and other aspects of foreign and domestic policy. In every area, he has taken the long view, set long-range objectives and policies, and sought to steer a steady course.

This is a major achievement for which the President has not received the credit he deserves. Washington generates an atmosphere in which it takes great will power and moral courage to look very far ahead, to sacrifice transitory gains for long-term advantage. The horizon is at most two years—the period between Congressional elections—and generally much shorter—tomorrow's headlines.

A THREEFOLD POLICY . . .

The major defect in the economic policy of the prior Administration was the tendency to swing too far from one side to the other, to follow a go-stop policy as a result of trying to fine-tune the economy without the requisite knowledge, understanding, and tools. Impatience with steady but undramatic improvement in the economy in the early 1960s produced a series of highly expansionary measures (tax cuts, spending increases, rapid monetary growth) that started an accelerating inflation. The early stages of the inflation produced a sharp over-reaction by the Fed that caused a credit crunch in 1966 and a mini-recession in 1967. Over-reaction to that mini-recession set us off on the accelerating inflation of 1967 to 1969. Fine-tuning with a sledge hammer!

Mr. Nixon adopted a threefold policy to slow inflation without a severe economic decline: (1) moderate fiscal restraint, (2) moderate monetary restraint, (3) preservation and strengthening of free markets. The first and third elements required cooperation of Congress; the second, of the independent Federal Reserve.

His aim was not complete steadiness, but more severe restraint initially and, as the initial restraint slowed down inflation, an easing off to a path that could be continued indefinitely.

In the main, Mr. Nixon has stuck to this policy. The full-employment budget moved to a surplus initially and then to rough balance—too much spending for my taste, yet not the wild gyrations of earlier years. The most unsteady element has been monetary policy—the area least subject to control by the President. Yet even here, except for the recent monetary explosion, hopefully now being corrected, policy has been steadier than in earlier years. There has been mild jawboning yet no extensive intervention into price and wage decisions.

. . . THAT HAS WORKED

And the threefold policy has worked. Inflation has slowed, although less than all desired and many expected. There was a recession—but it was one of the mildest in U.S. history. The recession is now over and the economy is again expanding. The expansion, like the recession, is moderate, but it is solid and widely based. Moreover, modernation is desirable so that continued tapering off of inflation can go along with reduced unemployment. As Mr. Shultz said, what we now need to complete the treatment is "time and the guts to take the time, not additional medicine."

Just when this policy is producing demonstrable results, there is increasing pressure on the President to alter course—to recommend lower taxes, higher spending, and even more rapid monetary growth, to establish a wage-price review board, or to freeze wages and prices. Unabashed by their own failure, the fine-tuning Kennedy-Johnson economists are in effect saying, "We produced an accelerating inflation, why shouldn't you?"

Mr. Nixon has not given in to the pressure. Instead, he has announced that he is sticking with his policies. Once again, he has shown the vision and the courage to pursue long-run stability rather than short-term gains.

Mr. Shultz ended his talk: "Those of you familiar with sailing know what a telltale is—a strip of cloth tied to a mast to show which way the wind is blowing.

"A captain has the choice of steering his ship by the telltale, following the prevailing winds, or to steer by the compass.

"In a democracy, you must keep your eye on the telltale, but you must set your course by the compass. That is exactly what the President of the United States is doing. The voice from the bridge says, 'Steady as you go'."

DRUG ABUSE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. FISH. Mr. Speaker, public attention is more and more directed to the epidemic proportions of drug abuse in our society. Almost daily we read of the efforts, official and private, to identify and cure drug addicts. Millions of dollars have been spent on counseling, treatment, and rehabilitation and prevention. There is wide acceptance of the necessity for governmental action.

In the Congressional Record of August 11, 1970, and August 14, 1970, I inserted for the information of my colleagues a review of the approach of concerned citizens of Dutchess County, N.Y. to the problems of drug abuse. This review explained the process of data collection and analysis that led to a fresh approach to the problem. Research disclosed that drug abuse is the manifestation of other problems of daily living and that learning to deal with these problems, and teaching the youngsters to cope with them, might eliminate some of the quest for drug dependency. Education, it was decided, is the key, and must involve the very young and adults in concert.

An examination of and participation in many existing programs led to the conclusion that a new approach to prevention was needed. From this emerged ADAPT—Action for Drug Abuse Prevention Training, founded by Raphael and Frances Marks for the training and education of the young and the old, the student, the parent and the teacher together. ADAPT starts with the proposition that counseling and rehabilitation of addicts does not reach the root cause of drug abuse.

Believing that ultimately it is the young who must find the answers, ADAPT concentrates on meeting the problem head on before it starts—at the elementary school level. There prevention can be taught in an atmosphere similar to family life, to an age group whose interest is greater and by people in whom the youngsters will believe.

The ADAPT consists of three elements which unite ultimately to form a basis for discussion on common ground between the youngster, the teacher and their parents:

A comprehensive program for young people in the fourth, fifth, and sixth grades;

A comprehensive ongoing program for teachers and administrators of this grade school youngster, clearly defining the role that they can play in the shaping of the minds of these young people;

An all-out effort to create a climate where youngsters will give serious thought to the purchase and use of stimulants quite some time before they are actually approached to buy them. This can only be done with an early and thorough education. Unrelated courses given now and again will not work.

Mr. Speaker, it is my pleasure at this time to advise the Congress of the experiences of the ADAPT program during the past year.

ADAPT's cofounders, Raphael and Frances Mark have been conducting seminars before community organizations, particularly PTA's and in May 1971, concluded an intense 8-week program in the fourth, fifth and sixth grade classes of seven elementary schools of the Arlington School District in Dutchess County, N.Y. ADAPT utilizes a team concept consisting of a coordinator, leader, ex-addict, law enforcement official, guidance counselor and school psychologist.

ADAPT's experience is by no means conclusive, but it does give strong indications that the program was successful in three areas.

First. Youngsters in elementary school are really familiar with the drug scene.

Second. Parents can cope with their youngster's knowledge and curiosity if they will help them intelligently instead of punishing or lecturing them.

Third. Teachers and school administrators are concerned about how to help prevent drug abuse in lower grades instead of waiting until junior and senior high school when youngsters' experimentation and abuse of substances is met only with punitive methods as a desperate stop-gap.

Let us examine these three areas separately.

First. Youngsters really know about

the drug scene. Adults and parents have been astonished time and time again with exactly how much fourth, fifth, and sixth graders do know about drugs and other abused substances. These youngsters, through their health education courses, through television, what they hear from older brothers and sisters and what they pick up in the street have a lot of terms and expressions whizzing around in their heads. They have at the tip of their tongues, and they use the following terms: Horse, Mary Jane, Pot, Joints, LSD, Trip, Highs, Lows, Ups, Downs, Barbs, Bennies, Goofballs, H, Big M. Mother, STP, Heads, Junkies, Holding, and more expressions which are the parlance of the drug abuser.

ADAPT has been able to tie these words together with the type of people who use these expressions. Because of their "street knowledge," the ADAPT team is able to explain just what which words mean. Thus credibility is established with the youngsters by the ADAPT team's understanding of the language the youngsters have heard their peers and older youngsters use.

By making it clear that the ADAPT team is neither shocked nor dismayed by the youngsters' vocabulary, and further by explaining many of the terms that the youngsters are trying out for their shock value, the ADAPT team strengthens its position as counselor and friend rather than visitors and lecturers from the outside world. The effect of this rapport is rapidly felt. Youngsters in the classrooms quickly allow the parents and the teachers who are present in the room to fade into oblivion and relax as they get to know the ADAPT team. They will ask intimate questions of the ex-addict and probe the law enforcement official with questions that at first they would not ask. The second time that the ADAPT team visits the classrooms they are greeted enthusiastically and confronted with questions the youngsters have written down which have been thought up during the time that the team has been conducting seminars at other schools.

The conclusion reached is that by getting youngsters to openly think about the drug scene and its ramifications and to talk openly with their parents and older brothers and sisters—as their questions would indicate—a start has been made to thwart the biggest asset the drug abuse scene has working for it—the clandestine quality of the entire subculture. At a nearly age, ADAPT removes the mystique from the vocabulary. ADAPT classroom sessions, documented with tapes, clearly indicate some measure of success in this area.

Second. Parents can cope with their youngsters knowledge and curiosity if they will help them intelligently instead of punishing or lecturing them. As a result of parental attendance in the classroom setting and their learning exactly how much their youngsters do know, greater communication results between parent and youngsters on a more knowledgeable level. The parents, in addition to the classroom situation, have also been exposed to a meeting of their own where exactly what they can do regarding the drug abuse scene is discussed frankly, specifics are cited and suggestions made regarding how and when to talk to youngsters and what to do about problems generated in the group dynamic discussions. ADAPT found, as a result of this activated communication, that parents were becoming less alarmed, and more concerned to actively seek ways of mounting some sort of personal campaign to the challenge. It has also had the effect of parents alerting neighbors who might have avoided all the meetings.

One specific example of many to come out of this better understanding can best be understood by recounting the following true anecdote.

A mother had been watching a group of youngsters some distance from the back of her house gathering together frequently. Her instinct told here that the youngsters were up to no good, but since her youngster was not among them, she felt that there was no reason to be a "busy body." As time went on, she noted that there were more and more youngsters gathered around a grove of trees by a stream that ran behind her house. During these weeks, her youngster came home with part of the ADAPT message. That message:

> Don't stand idly by if you see something suspicious, DO SOMETHING!

This is what the team tells the youngsters in the classroom. This was a parent who had not attended any of the classroom sessions. In talking over the day's activities, and specifically "what this ADAPT thing was all about," the youngster told his mother that the kids behind the house were probably sniffing glue. He had heard them talking about it on the school bus. What he had heard was that the older brother and one of the sisters of his classmates would meet at this spot with whatever they had acquired from home medicine chests and what they could "pick up" that would "do something for their heads." The youngster of elementary school age was able to explain to his mother what these terms meant. The result was that both parents came to an ADAPT parent meeting and brought this problem to light. What should they do? The father suggested that the best thing to do was leave well enough alone. The mother voiced the opinion that this was not the answer—perhaps their son might join the group eventually. After some discussion in the seminar, it was decided that since the couple did not know the parents of all the children involved it would be best to find someone neutral in the neighborhood who could bring them all together. A minister present took the initiative and agreed to contact all the families and get them together. It was not easy, as some parents did not want to believe their youngsters could be abusing any substances, some were angry, some hurt, but a meeting took place. The youngsters were ultimately brought into the picture in a frank "rap" session and communication was begun.

This story is being repeated with variations over and over again. It takes specific knowledge of what to do and how to do it to start helping youngsters who are potential abusers of drugs and common household substances. The root cause must be explored and often that root cause begins with a lack of communication. ADAPT is a vehicle and a catalyst that gives parents the tools and the help with which to communicate.

Third. Teachers and school administrators are concerned about how to help prevent drug abuse in lower grades instead of waiting until junior and senior high school when youngsters experimentation and abuse of substances is met only with punitive methods as a desperate stopgap. At the conclusion of the in-school sessions, the ADAPT team made itself available to teachers and their administrators for a meeting to discuss the merits and the weak points of the program. These after-sessions were not mandatory. They were scheduled by the principal of the school for no more than 1 hour, immediately after school. In several schools, however, the sessions which began at 3 p.m., had to be terminated when teachers realized it was dinnertime. In all cases, these sessions were attended by the elementary teachers and administrators with almost total attendance. In most cases, the ADAPT team was asked to come back another time to continue further discussions. The ex-addict and law enforcement representative were particularly questioned about the fact and fallacy.

Primarily, the discussion centered around exactly what the teachers' responsibility should be under specific circumstances. Some guidelines were given as to what a teacher should do with certain information, what information should be private and how to transmit some information to a source of assistance where the problem could be corrected. The transmission of drug intelligence is a tricky problem to cope with and runs the danger of undermining the confidence of a youngster who has brought forth the intelligence.

The after-session with teachers brought to light a further important dimension of the teachers' responsibility. Elementary school youngsters were both acquiring knowledge from friends and older brothers and sisters, and they were starting to talk with their teachers about these older youngsters. Teachers and administrators recognize that the rapport between teachers and students in higher grades was certainly not the same as in the lower grades. This is an area which still needs a great deal of work. ADAPT feels that some bridge must be created between youngsters and the authority in schools who are concerned enough with the drug abuse problem to do something about it. ADAPT has found a great willingness and understanding specifically expressed among elementary school teachers. This understanding and willingness to become involved positively, instead of negatively, must be communicated to the junior and senior high schools and there is a long way to go in this area.

Mr. Speaker, the experience to date with the ADAPT team approach indicates they have been able to engage youngsters on the elementary school level in a serious discussion that youngsters enjoy and from which they obviously learn a great deal. By engaging these youngsters in an interesting format, information about drug abuse is taken home to parents and to the dinner table where the entire family participates in the school experience and becomes better educated about the drug abuse syndrome. Sticking to facts and making it comfortable for parents and their youngsters to express themselves to each other in the presence of those who can give them "street knowledge" and intelligent and factual answers, has removed a great deal of the mystique from the drug scene.

The answer to the drug abuse problem will eventually be formed by the young—when they have examined all the truths and false conceptions to their satisfaction and can provide the answers to their own questions. In Dutchess County, ADAPT, Inc., is working at being the catalyst to do this.

THE LEGAL AID PROGRAM IN WICHITA, KANS.

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. SHRIVER. Mr. Speaker, while the federally sponsored legal aid programs have met with varying degrees of success and acceptance around the country, Wichita, Kans., which is in my congressional district, has been blessed with a remarkably well-run and effective program. Community antagonisms have been held to a minimum, and the "in-kind" services input required by Federal law has been far exceeded by some 80 local attorneys.

Much of the credit for the success of Wichita's program must go to Robert H. Bohn, Jr., a young attorney who has been director of the Legal Aid Society for 2 years. Regretably, for Wichita's sake, Mr. Bohn recently resigned from the program in order to do postgraduate work at Harvard Law School. He leaves with the sincere thanks of the community and the people who benefited directly from his efforts and with best wishes for his future career.

An editorial which appeared in the Wichita Beacon on July 16, sums up the feelings of the city. The editorial follows:

LEGAL AID

A young man who has headed an important program in Wichita for the past two years is leaving this week for Harvard Law School where he has a teaching fellowship that will enable him to study toward his master's degree.

He is Robert H. Bohn Jr., 32, director of the Legal Aid Society of Wichita. It seems an appropriate time to assess the accomplishments of this federally-funded program of legal counsel for the poor, which many Wichitans are not really aware of.

When Bohn came to Wichita, Legal Aid had one office, no furniture and two staff attorneys. Now it has four offices (fully furnished) and a neighborhood branch office. It has seven full-time staff attorneys, and one on half-time.

In September, 1969, the first month of the expanded Legal Aid program, it handled 134 new applications for counsel. In June, 1971, it had 432 applications from new clients. In the year ending April 30, 1971, Legal Aid of Wichita handled 3,550 cases.

Clients must be people with poverty-level incomes. What kind of cases are handled? A breakdown of the April, 1971, cases is typical, Bohn says. There were 399 new ones that month. Eighty-six involved consumer-employment problems; 15 were welfare cases; 20 others dealt with other governmental agencies like the Veterans Administration and Social Security; 22 were housing problems; 195 domestic relations (child custody, support, divorce, etc.); 10 juvenile problems.

Bohn is proudest of some successful class action cases. Legal Aid provided counsel for a case which successfully challenged the Kansas garnishment law. The U.S. District Court last December found the state law out of compliance with the Consumers Credit Protection Act, and ordered Kansas officials to reform their garnishment practices. Legal Aid also handled a case in which the court enjoined welfare departments from terminating welfare benefits without prior hearings. It also assisted on an appeal of some Coleman strikers for welfare commodities, to which they were legally entitled. The last case is most significant, perhaps, because it was handled through administrative channels, and a suit was never necessary.

Legal Aid isn't possible without help from others in the legal profession. In the year ending April 30, federal guidelines required a contribution of $21,908 in "in-kind" services. Wichita attorneys provided far more than that—$27,483 in services by 80 lawyers.

Legal Aid gets bad-mouthing from coast to coast, because some Americans have not yet agreed that the poor are equally entitled to representation in courts of law. A little thought would make all of us realize, however, that in our system, legal counsel is not a luxury, it is an absolute necessity.

Far from inciting revolution, Legal Aid can abate demands to topple government, for the government that really tries to provide justice for all is safest from overthrow.

Bohn would be the last to attempt to take for himself the entire credit for the successful local Legal Aid program. But he must be given his due for conducting a program that has operated with great responsibility, gaining acceptance of both clients and the community. While growing tremendously, it has not roused the fiery antagonism that has been touched off in other areas of the country.

Young lawyers like Bohn are called a "new breed," dedicated to serving all the people instead of merely enriching themselves and the already-rich. May their breed increase!

LETTER TO THE PRESIDENT FROM CONGRESSMAN WM. JENNINGS BYRAN DORN

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. DORN. Mr. Speaker, I have had delivered to the White House a letter requesting the President to exercise his authority under the National Security Clause of the Reciprocal Trade Act to limit the devastating flood of low-wage textile imports.

Mr. Speaker, the President has indicated an awareness of the special category of the textile industry, and we recognize this. In numerous public statements dating back as far as 1968 he has demonstrated an understanding of the problem. Now that efforts to reach a meaningful governmental agreement covering textile imports have failed, we submit that the time has come for the President to exercise his executive authority under the national security clause to curb imports.

As stated in the letter which follows, the President, acting on the advice of the Director of the Office of Emergency Preparedness, has the authority to impose quotas on imports in the interest of maintaining national security.

The Congress clearly intended that the definition of national security was to take into account the economic welfare of the Nation. In 1958 the Congress added a significant new section to the national security clause which provides that—

> The President shall further recognize the close relation of the economic welfare of the nation to our national security, and shall take into consideration the impact of foreign competition on the economic welfare of individual domestic industries.

The legislative history of this addition clearly indicates that the national security clause was intended to provide a remedy "whenever danger to our national security results from a weakening of segments of the economy through injury to any industry, whether vital to the direct defense or a part of the economy providing employment and sustenance to individuals or localities." 1958 U.S. Code Congressional and Administrative News, page 3614.

Mr. Speaker, my letter, which was delivered to the President last evening, follows, and I commend it to the attention of my colleagues in the Congress:

JULY 21, 1971.

Hon. RICHARD NIXON,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: The textile-apparel industry, providing employment for some 2.3 million people, accounts for one of every eight manufacturing jobs in the United States. In the past year, however, employment has declined by 100,000. This situation grows progressively worse. In South Carolina over 50% of the entire force of industrial employees are employed in the textile industry. The latest figures for the month of April alone show that we lost an additional 500 jobs. Mills are continuing to close. Between March and April, the workweek was shortened for the average textile employee and the gross average weekly earnings for the individual worker were down.

Textiles are being imported in quantities and under circumstances which displace domestic products, causing constantly increasing unemployment, loss of skills and investment, and the closing of mills which weaken the internal economy throughout the nation.

Mr. President, I respectfully call to your attention the National Security Clause of the 1962 Reciprocal Trade Act, as passed by the Congress and signed into law by the President. As organizer and secretary of the Informal House Textile Committee at that time I and a number of my group supported the 1962 Reciprocal Trade Act. Representing textile areas, we supported this Act largely because of the National Security Clause which empowered the President to invoke quotas if necessary on a flood of cheap, low-wage textile imports which threatened national security and the economy of the country. The legislative history of the National Security Clause clearly demonstrates that Congress intended a definition of national security which takes into account the health of the economy. The National Security Clause is an appropriate means for dealing with the critical problem of textile imports. The President has the authority to take such action as he deems necessary to adjust imports in the interest of safeguarding national security. The law gives the President clear-cut authority to impose quotas.

We have been encouraged by your repeated public recognition of the fact that the textile industry is in a very special category and thus warrants special recognition and consideration. We have been encouraged and gratified by your repeated efforts over the past two years to secure voluntary agreements limiting these devastating imports. The situation grows worse and remains unresolved.

I respectfully urge that you invoke the power granted to the executive and impose fair and reasonable import quotas on textile imports which are without question impairing the national security by causing a deterioration of the economic situation. I respectfully submit that you have the unquestioned executive authority granted by Congress to invoke quotas and that this action should be taken to cover imports category by category. A category by category limitation would prevent the switching from one category to another under any overall limitation. Lack of categorical quotas would allow a situation where individual segments of our textile industry could be overwhelmed by imports one segment at a time.

Fair trade in textiles is vital and is of the utmost urgency for the depressed textile industry, for the garment workers of our great urban areas, and at this moment very important too for the Appalachian region, where over 400,000 jobs of textile workers are in jeopardy from excessive, unfair, low-wage imports.

Respectfully and sincerely,
WM. JENNINGS BRYAN DORN,
Secretary, House Informal Textile Committee.

CAPTIVE NATIONS WEEK

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. SCHMITZ. Mr. Speaker, the week of July 18 to July 24 is Captive Nations Week. This week has been set aside to show that Americans are aware of the fate of 100 million east and central Europeans held in continuing bondage by the Soviet Union.

Those of us who are fortunate enough to be citizens of a free nation pledge ourselves to the task of helping the captive peoples regain their freedom. We recognize that there can be no real peace in the world for so long as the Soviet empire exists in its present form.

The first step toward reestablishing the freedom of the people presently enslaved by the Communists is to disenthral ourselves from the notion that the world can continue to exist half slave and half free. We must recognize the fact that the Communists are at peace only with those who obey them. We must commit ourselves to a national policy designed to extend freedom rather than a policy tailored simply to preserving it—in some places.

This policy, it would seem to me, is not as difficult to accomplish as it might seem. Our case is much like the case of the Athenians commented upon by Demosthenes in his First Phillipic:

> For in the worst feature of our past lies our best hope of the future—in the fact, that is, that we are in the present plight because you are not doing your duty in any respect; for if you were doing all that you should do, and we were still in this evil case, we could not then even hope for any improvement.

To do our duty to those who are entombed under the weight of total dictatorship is at the same time to fulfill our responsibilities to our own Nation. To fail to carry out our obligations is to foresake both.

At this point I would like to insert in the RECORD a chronology of the achievements of the Soviet Army prepared by the European Liaison Group of the Exile National Organizations and the 1971 Captive Nations Week Manifesto:

CHRONOLOGY

Notable achievements of the Red Army which have tended to be overlooked during the current preoccupation with Vietnam.

1917

Invasion of Byelorussia.

Red Army attacks Ukraine, and massacres Ukranian students at Kruty.

Estonia invaded.

Byelorussia is again attacked.

Communist take-over of Turkestan.

1918–19

Invasion of Lithuania and large parts of it devastated.

1918–20

Estonian war of liberation against the Red Army.

1919

Latvia is invaded and laid waste.

Ukraine is attacked twice in a year with much bloodshed.

1920

The Independence of Ukraine and Byelorussia is crushed.

North Caucasus and Azerbaidzhan are occupied.

Attack on Poland.

Armed insurrection of the Basmachi in Turkestan (1920–28).

Mass deportations of Ukrainians begin: 6 million from 1920 to 1939.

1921

Invasion of Georgia, followed by massacres.

Communist take-over of the Republic of Armenia.

The uprising of Soviet sailors at Kronstadt is crushed by the Red Army.

The Ukrainian Autocephalic church in Kiev is destroyed.

1924

Suppression of the Georgian National insurrection—7,000 dead, 20,000 deported.

1930

Revolt in North Caucasus crushed.

1930–33

Forced collectivisation causes widespread famine and peasant risings in most annexed countries, followed by mass deportations: about 5 million dead from hunger (mainly Ukranians).

1936–37

Stalinist mass purges.

1939

Poland is invaded and laid waste by joint Soviet-Nazi Armies (over 1 million people are deported to Siberia; and 10,000 Polish officers are shot at Katyn by the NKVD).

Finland is attacked by the Red Army.

1940

Occupation of Estonia, Latvia and Lithuania followed by mass arrests.

Red Army occupies the Rumanian province of Bessarabia.

1941

Mass deportations of Estonians, Latvians and Lithuanians followed by executions.

1943

Mass grave of 10,000 Ukrainians, shot on the orders of Khrushchev, found at Vinnitza.

1943–44

Deportation of whole nations: Crimean Tartars, Kalmyks, Karachais, Chechens, Ingushis and Balkars: over 1 million people, followed by the deportation of Meskhetians.

1944

The Red Army betrays the Warsaw Uprising (against the Germans) by deliberately with-holding its advance. Then it disarms all the units of the Polish Home Army and deports its soldiers (1944–45).

Ukraine, Byelorussia, Estonia, Latvia and Lithuania are again occupied.

Red Army engaged against the Ukrainian resistance movement (1944–48) and against Lithuanian guerrillas.

Red Army attacks and disarms General Mihailovich's resistance movement and brings Tito to power in Yugoslavia.

1944–48

Communist regimes are imposed by force by the Red Army upon Bulgaria, Hungary, Romania, Poland, Albania and Czechoslovakia.

1953

The strike of political prisoners at Norilsk is suppressed by the Red Army.

Riots of workers in East Germany crushed by tanks.

1954

Red Army tanks crush to death 500 Ukrainian women, political prisoners in a slave camp in Karaganda.

1956

Second Georgian national insurrection, triggered off by the Tbillissi riots, brutally put down (3,000 dead, 50,000 deported).

Suppression of the Polish riots in Poznan.

The Hungarian Revolution is crushed by the Red Army, with mass executions of civilians, massacres, or prisoners, and treacherous arrests of Hungarian generals who had been invited to negotiate.

1969

"The rape of Czechoslovakia" and the end of the Czechoslovak spring, suppression of freedom and continued purges.

CAPTIVE NATIONS WEEK MANIFESTO, 1971

The undersigned organizations, dedicated to the restoration of freedom in the captive nations, call attention to Public Law 86–90, unanimously adopted in 1959 by the Congress of the United States, by which the third week of July each year is designated as Captive Nations Week.

The observance of this year's Captive Nations Week comes just seven months after the start of a chain of momentous events in Poland. In December, 1970, Polish workers took to the streets of many of Poland's cities—in open protest against the Gomulka regime's edict that had placed an intolerable burden on their already low standard of living. The toll of these food riots; according to the regime's figures, was 45 dead and 1,165 wounded.

The upheavals led to Gomulka's downfall, and, when fresh work stoppages broke out in January and February of this year, the new regime of Edward Gierek rescinded the December price-increase directive. A shakeup in Poland's Communist Party, which had come in the wake of the December developments, indicates that the last word on the changes in Poland has yet to come.

The Polish events have again brought into sharp focus the inability of communism to satisfy the spiritual and material needs and demands of the people.

Communist regimes, backed by Soviet military power, have ruled over the countries of East and Central Europe for over two decades. The balance sheet of their tenure in power offers undeniable grounds for an indictment for tyranny, insensitivity and incompetence. In East and Central Europe, the Communists have systematically trampled upon human rights, have brooked no opposition and have established themselves as the sole font of wisdom and power.

Yet, political repression notwithstanding, the Communist regimes have been unable to "compensate" for their use of harsh tactics and methods of providing the people a decent standard of living. In divided Europe, the gap in the quality of life between its western and eastern parts has been widening with each passing year. The Communists have thus given the people of East and Central Europe the short end of the stick in both key sectors: in politics and personal life, the watchword is oppression and denial of inalienable rights; in the standard of living, the increase has been negligible—especially compared to the gains registered by other nations over the corresponding period.

The development in Poland are but the latest in a series of dramatic proofs of popular discontent against Communist rule. Over the past 15 years, we have witnessed the Poznan riots and Polish October in 1956, the tragic but heroic Hungarian Revolution, also in 1956, and the "Czechoslovak Spring" in 1968. There have been other, less publicized demonstrations of true popular sentiment in all the captive countries.

The message is clear. The people of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania oppose Community tyranny. Their aspirations and objectives are the same as those of all freedom-loving people in the world; the right to chart their own future; national sovereignty and self-determination; respect for and observance of their fundamental human rights; and a chance to rejoin, as free and equal partners, the family of nations.

We believe that a lasting peace in Europe, and the world, can come only after the captive nations have regained their freedom and national independence. As long as there are men and nations in bondage, the quest for a genuine relaxation of tensions is bound to prove fruitless. A world half slave, half free remains a breeding ground for endless conflict. A community of free nations, on the other hand, is the best guarantee for the advent of true international comity, closer cooperation, and a just peace.

While commemorating this year's Captive Nations Week:

We stress that the Soviet Union has violated its solemn promises of freedom and independence to the nine nations made captive during or after World War II—Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania.

We further stress that the Communist regimes in East and Central Europe continue to flaunt the will of the people by denying them the right to free elections.

We appeal to the free governments of the world:

1. To declare, in accordance with the principles of the Atlantic Charter and the Universal Declaration of Human Rights, their support of the right to self-determination for all peoples held captive by the Communists and, consequently, to make this issue the permanent concern of the United Nations.

2. To raise, at international meetings and conferences, the issue of the denial of fundamental human rights to the peoples of East and Central Europe.

3. To reject any and all attempts by the USSR and the other Communist regimes to secure even a tacit recognition of the *status quo* in East and Central Europe, since such recognition would deal a staggering blow to the hopes of the captive peoples of regaining their freedom and independence.

4. To voice their opposition, on all appropriate occasions, to the methods of force and threats and intimidation used by the Communist regimes in their effort to continue holding East and Central Europe in bondage.

We appeal to the People of the United States of America to manifest during Captive Nations Week, July 18–24, their awareness of the importance of the fate of 100 million East and Central Europeans to mankind's long quest for world peace and justice.

CHRISTOPHER EMMETT,
Chairman, American Friends of the Captive Nations.

VASIL GERMENJI,
Chairman, Assembly of Captive European Nations.

DR. KENNETH D. ARN OF DAYTON, OHIO, NAMED PHYSICIAN OF THE YEAR

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. WHALEN. Mr. Speaker, the President's Committee on Employment of the Handicapped recently announced that Kenneth D. Arn, M.D., who resides in my congressional district, will be this year's recipient of the "Physician of the Year Award." I am pleased to apprise the House of this event and to congratulate Dr. Arn.

A list of his achievements clearly indicates that he is entirely deserving of this honor. Dr. Arn has been deeply involved in serving handicapped people. The outstanding tribute to his work is that he has helped innumerable handicapped individuals to progress from a state of dependency to that of contributing, working members of their communities.

His many honors and accomplishments include chairman of the State Medical Advisory Board to the Governor's Committee on Employment of the Physically Handicapped, general chairman of the Dayton Committee on Employment of the Physically Handicapped, chairman of the Dayton Committee for the Shrine Crippled Children's Hospitals, and chairman of the Rehabilitation Services Committee of the Goodwill Industries Board. In 1960, he was cited by the Committee on Employment of the Physically Handicapped as "an inspiring leader who has done more for the handicapped than any other persons in the community." In addition, Dr. Arn has been instrumental in bringing about revision of employment practices and physical reqirements on the part of many private industries and public institutions which has resulted in employment of the handicapped.

Mr. Speaker, in recognition of Dr. Arn's achievements, I am inserting at this point in the RECORD articles from the Dayton Daily News and the Kettering-Oakwood Times, the news release of the President's Committee on Employment of the Handicapped, and the tributes sent to the committe by many of his associates and admirers:

[From the Dayton Daily News, June 13, 1971]

POLIO HIT DOC AT 3; NOW HE'S M.D. OF YEAR

Dr. Kenneth D. Arn, an internist who was crippled by polio at the age of three, has been named Physician of the Year by the President's committee on employment of the handicapped.

Dr. Arn was cited for his service to the handicapped through the Bureau of Vocational Rehabilitation as medical consultant and the Dayton Area Heart Association scientific council. His work has most recently included an active part in establishing the amputee rehabilitation clinic at Kettering Memorial Hospital.

In the near future, he said Saturday, he hopes to help develop a cardiac evaluation center with the Cox Heart Institute, which would work with recovering heart attack patients.

Dr. Arn, who will receive his award formally Aug. 30 at the Congress of Industrial Medicine convention at Jackson Lake Lodge, Wyo., said he was "thrilled" by the recognition.

"It's a most exciting time for the individual that's been handicapped," he said, "particularly with amputees. . . ."

Dr. Arn has also served as chairman of the Montgomery County medical society's diabetes-detection program. In the 1950's he worked with the Salk vaccine inoculation trials. The award took note of both these activities.

The 49-year-old physician was named one of Ohio's five outstanding young men in 1958 by the Junior Chamber of Commerce.

He is health commissioner for the city of Oakwood and a member of the staffs of Kettering Memorial and Miami Valley Hospitals.

Dr. Arn received his education from Miami University and the University of Michigan and was a fellow in internal medicine at Cleveland Clinic.

[From the Kettering-Oakwood Times, June 23, 1971]

OAKWOOD COMMENDS DR. ARN

It may seem slightly redundant, but Dr. Kenneth D. Arn of Oakwood is to get a commendation for his commendation.

Dr. Arn, 55 Park Ave., Oakwood's health commissioner and city physician, was commended by Oakwood City Council Monday night because he was named "physician of the year" by the President's Committee on Employment of the Handicapped.

He was nominated for the honor by Dayton Area Heart Association Scientific Council and the Bureau of Vocational Rehabilitation of Ohio.

Dr. Arn is to receive the award Aug. 30 at the Congress of Industrial Medicine Convention.

OHIO INTERNIST NAMED PHYSICIAN OF THE YEAR BY PRESIDENT'S COMMITTEE

Kenneth D. Arn, M.D., a Dayton, Ohio, Internist who is a leader in disease detection and prevention, was named "Physicist of the Year" today by the President's Committee on Employment of the Handicapped.

Dr. Arn, who is on the staff at both Kettering and Miami Valley hospitals, and Director of the Department of Internal Medicine at the latter hospital, is the second Dayton physician to win this award. Dr. Herman J. Bearzy, Director of the Department of Physical Medicine and Rehabilitation at Miami Valley Hospital, won the award in 1965.

The award, an illuminated scroll, will be presented to Dr. Arn on August 30, at the

American Medical Association's Congress on Occupational Health at the Jackson Lake Lodge in Grand Teton National Park in Wyoming.

Recognition was accorded Dr. Arn for his outstanding service to the handicapped, including his work as Chairman of the Montgomery County (Ohio) Medical Society's diabetes detection program, his work in connection with Salk polio vaccine innoculation trials in the 1950s, his services as a consultant to the Bureau of Vocational Rehabilitation and his work on the Dayton Area Heart Association's Scientific Council.

Dr. Arn has served as Health Commissioner of Oakwood—a Dayton suburb—since 1954 and made it possible for the community to have better health services. He also is a member, and former Chairman, of the Dayton Mayor's Committee and a member of the Ohio Governor's Committee on Employment of the Handicapped. He donates his time on cases requiring use of an artificial kidney.

Dr. Arn participates in a number of civic and fraternal groups. He is active in the Antioch Temple of the Ancient Arabic Order of Nobles of the Mystic Shrine in connection with the Shriners Hospital at Lexington, Kentucky.

A native of Dayton, Dr. Arn was educated in the city's public schools. He received his B.A. degree from Miami (Ohio) University in 1943 and his Doctor of Medicine from the University of Michigan in 1946. He interned at Miami Valley Hospital for the next two years and returned to the University of Michigan for a residency in pathology in 1948. A year later he did research in kidney disease at the University of Michigan. From 1950 to 1952 he held a fellowship in internal medicine at the Cleveland Clinic. He began the practice of medicine in Dayton in 1952.

I have been advised that Dr. Arn has rendered extraordinary service to the people, a fact which is well known to his community, his State, and the Nation.

I am pleased to add my voice to those of many others who have written you on behalf of Dr. Arn.

WM. B. SAXBE,
U.S. Senator.

Dr. Arn's record of service is well thought of throughout the State and Nation. The effectiveness of his efforts is dramatically attested to by the handicapped people themselves through their movement from a status of dependence to independence and successful employment.

ROBERT TAFT, Jr.,
U.S. Senator.

It is my pleasure to join with other members of the Dayton, Ohio community in recommending Dr. Kenneth D. Arn as Physician of the Year.

Dr. Arn's work in the field of employment for the physically handicapped has received wide recognition, not only in Dayton, Ohio where he is a practicing physician, but throughout the State of Ohio and at the national level. Ten years ago he was cited as "an inspiring lead who has done more for the handicapped than any other person in the community". Since that time, Dr. Arn has continued his efforts, not only in the area of employment of the physically handicapped, but in the whole area of community public health.

CLARENCE J. BROWN,
Member of Congress.

He is probably the best known physician in our community, and in addition has made a tremendous impact on the entire State of Ohio, as evidenced by his being named one of the five Outstanding Men in Ohio in 1957 by the Ohio Jr. Chamber of Commerce.

While his most well known achievements have come in the area of public medicine, as witnessed, for instance, his membership on the Governor's Committee on Employ the Physically Handicapped and his leadership in bringing the Salk polio vaccine trails to Montgomery County (the largest polio innoculation program in Ohio), his personal compassion for and tireless individual efforts on behalf of the physically handicapped render him even more deserving of this honor.

I cannot endorse him strongly enough for Physician of the Year and I am sure you will give careful consideration to all of his many qualifications, too numerous for me to list in a single letter.

FRED N. YOUNG,
State Representative.

Throughout my rehabilitation career as Chief, Educational Therapy Veterans' Administration and as an Administrator for the Ohio Bureau of Vocational Rehabilitation, our efforts have been enriched and extended by Dr. Arn's advice and assistance. I think to better understand this, you need to be aware that at no time when Dr. Arn is asked for either specific assistance or counsel, does he delay or reject—this I believe is an outstanding attribute, one seldom found in individuals who carry the burden of such extensive professional community involvements.

Dr. Arn has been serving for over twelve years as Field Medical Consultant to the Bureau and a member of our State-wide Advisory Committee. In these capacities he has initiated and carried out ongoing in-service training programs for our staff which has resulted in increased services to the handicapped and more effective rehabilitations. As Field Medical Consultant, he has by his personal effort effected numerous successful job placements for the handicapped.

JOHN L. GEPHART,
Area Supervisor, Bureau of Vocational Rehabilitation.

The following are some of Dr. Arn's major recent achievements: Twenty years of service to local, state and national committees related to employing the handicapped.

Instrumental in the establishment of an Amputee Clinic in the Dayton Area serving sixteen counties.

Expedited five effective control measures for the epileptic resulting in increased services from the Bureau of Vocational Rehabilitation Program.

Instrumental in bringing about revision of the employment practices and physical requirements by private industries and public institutions which resulted in increased employment of the handicapped.

Since 1960, Member of the Board of Trustees, Goodwill Ind. of Dayton.

Appointed Chairman of Rehabilitation Services Committee, Goodwill Industries, 1962.

ROBERT E. WATKINS,
Executive Offices, Goodwill Ind. of America, Inc.

He has been the Medical Advisor and Consultant in this District for the Bureau of Vocational Rehabilitation. He gives many volunteer hours to Goodwill and the people which it serves and gives many other hours in the community in attempting to create an atmosphere in which the severely handicapped can attain a measure of pride and self-sufficiency which makes of them taxpayers rather than welfare recipients.

VINCENT M. SHIELDS,
Judge, Montgomery Co. Domestic Relations Court.

It is my distinct pleasure and honor to recommend most highly Dr. Kenneth D. Arn as the Physician of the Year. Doctor Arn's outstanding contribution to the handicapped extends across a wide spectrum of professional, personal, and public services—artificial kidney, Salk vaccine trials, employment of the handicapped, vocational rehabilitation, amputee clinic, epilepsy, safety patrol, recreational facilities and Children's Hospitals.

I am confident that Doctor Arn's exemplary services to the handicapped of all ages place him in the forefront of nominees for this most meritorious award.

Rev. RAYMOND A. ROESCH, S.M.,
President, University of Dayton.

It would be impossible to list all of Dr. Arn's honors and accomplishments, but we list the following:

General Chairman of the Dayton Committee on Employment of the Physically Handicapped.

Instrumental in bringing to Dayton the first artificial kidney. Donates his time as a consultant on these cases.

Cited by the Montgomery County Medical Society in 1958 for contributions to medicine.

Cited by Committee on Employment of the Physically Handicapped in 1960 as an "Inspiring leader who has done more for the handicapped than any other person in the community."

THOMAS A. CLOUD,
ROBT. E. KLINE,
CHAS. LEWIS,
Board of County Commissioners,
Dayton, Ohio.

I have known and worked with Dr. Arn since 1956. I first became acquainted with him when he was a very effective chairman of the Dayton Area Committee for the Employment of the Physically Handicapped. I have since been associated with him on a number of boards and committees in the Dayton area. Most of all, I have known him as a member of the Board of Directors of Goodwill Industries of Dayton and as Chairman of the Rehabilitation Advisory Committee of that Board. In my capacity as Director of Rehabilitation and Personnel from 1960 to 1965 and as Executive Director from 1965 until the present, I have had ample opportunity to know and appreciate the quality of Dr. Arn's understanding and his effective methods of getting things done.

ELMER BECKETT,
Executive Director, Goodwill Ind. of Dayton.

It has been a pleasure to work with Dr. Arn as you could always depend upon him to do his homework and come to a session well prepared. He has a very good grasp of the sensitivity of our area and he has contributed much toward making it a better place for all citizens.

His particular fore is the handicapped and I am very pleased that I am afforded this opportunity to recommend Dr. Kenneth D. Arn for the nomination as Physican of the Year by the President's Committee on Employment of the Handicapped.

HAROLD L. KINZIG,
Asst. to the Executive Director, United Fund, Inc. serving Montgomery, Greene and Preble Counties.

I would like to nominate Dr. Kenneth D. Arn, M.D. as Physician of the Year. I have known Dr. Arn for twelve years and my first contact with him was in conjunction with Committee on Employing the Handicapped. Dr. Arn has been a dedicated worker and leader in this endeavor and his unselfish contribution of time and talent to the program has served as a inspiration for others. My nominee has not only served and worked on this committee but on many others some of which I have listed below:

Chairman of the State Medical Advisory Board to the Governor's Committee on Employment of the Physically Handicapped.

Chairman of the Dayton Committee for the Shrine Crippled Children's Hospital.

Twenty years of service to local, state and national committees related to employment of the handicapped.

BERMAN E. LAYER,
Vice President, Layer Electric Co.

Having been advised that some consideration is being given to one of our most distinguished and selfless citizens—Dr. Kenneth D. Arn—as one of the possible selectees for special recognition, I hereby presume on your search for fact.

I am an attorney by profession, so I leave it to his own profession to interpret his distinguished medical service.

I know of his long and devoted church work and the impressive list of contributions he has made to the human good through his fraternal interests, but others will document those with more accuracy, I'm sure.

It seems more appropriate for me to direct your attention and interest to the monumental good that Kenneth Arn has done to and for the local, regional and a national communities, through his uncommonly generous and effective use of his talents and his empathy.

He has, indeed, been Dayton's champion and advocates of the right and rightness of the handicapped being employed, respected, encouraged and rewarded. He has been a leader—often the leader, of every recent effort in this field in recent years.

Dayton's Jaycees considered him "Young Man of the Year" in 1955. The Ohio Jaycees followed Dayton's cue in 1956. Many of our citizens consider him the "man of any year."

It would be a good, just and well-deserved acknowledgment if he is selected "Physician of the Year" by your committee. I make that claim, knowing that only the most devoted and capable people are even given passing consideration.

JAMES H. MCGEE,
Mayor, City of Dayton.

Dr. Arn served on Miami Valley Hospital Board during his internship and throughout his practice, he has been outstanding in his enthusiasm and cooperation in the interests of aiding the handicapped.

I have worked on several committees with him and I have known of no other physician who has given himself so freely to aid in the rehabilitation of the handicapped.

HARVEY C. HAHN, D.D.,
Pastor Emeritus, Otterbein U.M. Ch., Lecturer and Writer, Dayton, O.

It would seem to me that Dr. Arn, particularly personifies and represents a living documentation that "handicaps" do not inevitably relegate an individual to helpless dependent role in life. Dr. Arn is an ever present testimonial that a so-called handicapped is not necessarily limiting, but as Alfred Adler has pointed out, it can be an impetus and a motivating force for outstanding accomplishments and achievements.

SCOTT T. BOWERS,
Ed.D. Clinical Psychologist.

On behalf of the Montgomery County Medical Society, I wish to take this opportunity to place the name and the man, Kenneth D. Arn, M.D., in nomination for receipt of the "Physician of the Year Award" by the President's Committee on Employment of the Handicapped.

His awards and citations etc.:

Named Dayton's "Outstanding Young Man of 1957" by Jr. Chamber of Commerce.

Named one of five "Outstanding Young Men in Ohio in 1957" by the Ohio Jr. Chamber of Commerce.

Cited by Montgomery County Medical Society in 1958 for contributions to medicine.

Cited by local Committee on "Employ the Physically Handicapped" in 1960 as "an inspiring leader who has done more for the handicapped than any other person in the community."

ROBERT A. BRUCE, M.D.,
President, Montg. Co., Medical Society.

Dr. Arn's service record, accomplishments and honors are known not only in the greater area, but particularly to the Cerebral Palsied of this area that he has served on referral from the local United Cerebral Palsy Affiliate.

HERBERT W. DARLING,
Assoc. Director, Health Planning Council of the Greater Miami Valley.

In the field of services to the Aging, Dr. Arn gave of his time and talents to help raise the funds to make possible our first structure to serve approximately 50 people in the early 1950's. Again in 1962 to 1964, he served as a consultant on the building committee to expand our facilities to the 228 bed Home for the Aged we operate today.

His guidance and advice along with the many hours he spent during the planning stage of this project is a further indication of his record of accomplishments in the field of service to mankind.

JOHN H. HARRINGTON,
Administrator, Bethany Lutheran Village.

My professional relationship started in 1958 with Dr. Arn at the Bureau of Vocational Rehabilitation in an advisory consultant capacity. My status at the time, as it is presently, was one of being the prosthetist in the rehabilitation of the amputee back into an active role in society. Dr. Arn's station in this is one of treating each case as an individual with the prescription being directed toward the individual resuming a full and meaningful life. Dr. Arn has vast amounts of medical knowledge and psychological know-how that accelerates this process greatly. He reaches the optimum in prosthetic rehabilitation with the amputee by giving of himself, regardless of how difficult the case. His approach is one of a "team" medical consultant, physiatrist and prosthetist all contributing to the betterment of each patient."

HEINZ P. MURKA,
Fidelity Orthopedic, Inc.

A typical day doesn't just consist of seeing patients in the office. Dr. Arn confers with caseworkers from the Bureau of Vocational Rehabilitation every morning before going to the hospital for "daily rounds," then back to the office to see more patients. The "noon break" is spent in making house calls, visiting a nursing home, attending meetings, or catching up on paper work. The remainder of the day until 5:30 or later is taken up with patients. Dr. Arn never refuses to see new patients, nor does he refuse to see those who are on welfare, as some doctors do. In addition to his regular patient load, we know of many ways in which he gives of his time and effort to aid the handicapped.

OFFICE STAFF OF KENNETH D. ARN, M.D.

Mrs. Mary C. Lachey, R.N.
Mrs. Marion E. Stolle, R.N.
Mrs. Mary Connolly, R.N.
Mrs. Joyce Foley, R.N.
Mrs. Railyn Kiefer, R.N.
Mrs. Beverly E. Gooding, Secy.
Mrs. Mildred Macfarlane, Acct.
Miss Mary Ann Abney, Recpt.
Mrs. Marlene Zillich, Dietitian.

As the President of the National Rehabilitation Association, I am provided the opportunity of being made aware, possibly more clearly than most, of the great needs of the handicapped, disabled, and disadvantaged citizens in our society. I am also aware of the great efforts, both voluntary and public that are directed toward the alleviation of these needs, and accordingly, then I am very cognizant of the need for persons who have not only the interest and the zeal, but also the professional knowledge to organize and develop and guide programs that can materially effect the alleviation of these needs. Dr. Kenneth D. Arn is one of such persons and as such, he is most deserving of whatever additional honors may be extended him now and in the future.

RICHARD D. BURK, M.D.,
President, Nat'l Rehabilitation Assn.

I am well aware that Dr. Arn's service record, accomplishments, and especially his concern for handicapped people, throughout the State of Ohio, are well recognized. His concern for the individual in, and movement from, a status of dependency to one of independence and successful employment is one of his outstanding traits. A listing of Dr. Arn's honors and accomplishments would be impossible; but there are many and varied with a constant overlay of concern for his fellowman.

Dr. Arn's service as a membr of the Medical Advisory Committee for the Bureau of Vocational Rehabilitation has extended his expertise and knowledge in the field of rehabilitation to hundreds of handicapped persons. His impact is also felt by the professions with whom he interacts in rehabilitation.

JACK HUTCHISON,
Ph.D. Director, Ohio Rehabilitation Serv. Comm., Bureau of Vocational Rehabilitation.

I would like to nominate Kenneth D. Arn, M.D. for consideration as Physician of the Year for his efforts in serving handicapped people. Dr. Arn's office is located at 55 Park Avenue in Oakwood, which is a suburb of Dayton, Ohio.

I have known Dr. Arn since his early affliction of polio as a child. He has been on crutches since and has gone on to achieve his desire to become one of the leading physicians of the country. His handicap has made him conscious of the need for work in this field.

He has held offices on local, state and national levels in advancing "Employ the Physically Handicapped." Dr. Arn has also held offices in many civic organizations and is a Past Potentate of Antioch Temple.

ROBERT U. MACFARLEN,
Potentate, Antioch Temple.

It is a privilege to join the other friends of Dr. Kenneth Arn and recommend him as "Physician of the Year."

His preserverance in overcoming his personal handicap to achieve local, state-wide and national prominence should be an inspiration to all and I urge you to give him serious consideration for this honor by your committee."

HAROLD R. KUNTZ,
Vice Pres., Ohio Metal Products Co.

Dr. Arn still walks with two crutches. He served his internship and residency on these same two crutches. He asked no favors and accepted none in his struggle to become a physician. He has been cited as an inspired leader of the handicapped. Dr. Arn serves on probably a dozen local and state commissions serving the handicapped, and in addition serves as a Health Director of the City of Oakwood (a suburb of Dayton, Ohio) and carries on a full practice as an internist.

JOHN E. PRESIDENT,
Swartzel/Affiliated Insurance.

In addition to the above activities Dr. Arn is presently involved in establishing a cardiac work classification unit to serve the Dayton area. Dr. Arn has also been of considerable service to me in the establishment of an under-graduate curriculum in Rehabilitation Education. In addition he has agreed to undertake an experiment in team teaching a medical information course for rehabilitation workers at this institution.

PERRY L. HALL,
Assistant Professor, Director, Rehabilitation Education, Wright State University.

Dr. Arn's service as Consultant, to, and Board Chairman of various rehabilitation agencies has been in the finest tradition of inter-professional leadership. He has personally worked for revised hiring practices and full usage of all agency and professional services in the interest of rehabilitation, and has stimulated others in the field to join him in these efforts. His leadership in establishing effective control measures and expanded rehabilitation services to epileptics and other neglected groups have required a dedication to meet and deal with community resistance, apathy, and fear which few others have shown. At the same time, the high respect in which he is held by community leaders and Industrialists have helped to overcome barriers against the handicapped throughout the area and State.

EUGENE D. CHAMBERS, Ph. D.,
Chief, Psychology Service, VA Center, Dayton, Ohio.

Dr. Arn, in short, has been a leader in the medical community of Dayton, O. His leadership has been met not only in his own private prestige but in the instrumentation of advancing modern medical techniques to the area and lastly being a servant and adviser and the leader of the crusaders for the betterment in the treatment, services and employment of the physically handicapped.

LEO H. FRENCH, M.D.,
Director of Physical Medicine and Rehabilitation, St. Elizabeth Medical Center, Dayton, Ohio.

SUPPORTS FARM CREDIT ACT

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. HARSHA. Mr. Speaker, today, I personally appeared before the distinguished Committee on Agriculture of the House of Representatives and testified in support of the Farm Credit Act of 1971. Because this act is so necessary to the farmers of America and because the farm credit system has been so successful in the past in aiding America's farmers, I thought it advisable to share my testimony with my colleagues.

For these reasons, I enclose my remarks before that distinguished committee:

I greatly appreciate the opportunity to testify during the rural development hearings of this distinguished Committee. I consider the legislation I am about to discuss, the Farm Credit Act of 1971, which I have co-sponsored, to be a most crucial and urgent piece of legislation. The needs of rural America are great, but none is greater than the need for capital.

In the cooperative Farm Credit System, farmers have built an excellent vehicle for bringing this badly needed capital into rural America. This is accomplished by the banks of the System—that is, the Federal land banks, the Federal intermediate credit banks and the banks for cooperative—through the sale of securities—bonds and debentures—the proceeds from which are transformed by these banks into loan funds for their farmer-members and their cooperatives. It should be noted, too, that this process of going to the money market for funds is a concept the Federal land banks pioneered many years ago, one in a succession of innovations the System has brought to agricultural lending.

No one appreciates more than I how important this resources for capital is for the farmers of my Congressional District.

For example, there are two production credit associations providing short and intermediate term credit to farmers in my District. They are the Jackson Production Credit Association and the Lebanon Production Credit Association. For the year ended December 31, 1970, farmers borrowed $12,559,000 from the Jackson association and had $838,705 invested in its capital stock. Farmer-members of the Lebanon PCA have $780,440 invested in its capital stock and last year borrowed over $9,818,000 from it.

There are four Federal land bank associations serving farmers in my District—the Federal Land Bank Associations of Hillsboro, Lebanon, Washington Court House and Gallipolis. Nearly 2,000 farmers have about $38 million in long-term loans outstanding through those associations.

The Louisville Bank for Cooperatives also serves its many member-cooperative stockholders in Ohio, Indiana, Kentucky and Tennessee in an equally distinctive and outstanding manner.

We have all heard about, or been exposed to, the many changes that are sweeping through agriculture and the rural community. These and future changes dictate the need for changes in the Farm Credit System if it is to continue as a vital, viable source of credit for farmers in the future and, indeed, may very well determine whether our traditional family farm shall continue as the dominant force within agriculture.

Thus, the farmer-owners of the Farm Credit System come to us today with suggestions for changes they feel are necessary to meet the present and future credit demands of farmers, just as their forefathers came to Congress over a half-century ago.

In 1916, these farmers received our help—both monetary and advisory—and they seized upon this opportunity to put on one of the greatest demonstrations of self-help the world has ever witnessed. Not only did they build a dependable source of credit suited to their needs, but they repaid the Federal Government in the process and now operate a completely self-sustaining System, with no Government Assistance.

How will these proposed changes help farmers? In the case of the Federal land banks, the Farm Credit Act of 1971 would permit greater flexibility of mortgage lending to farmers and ranchers, removing the restriction which limits loans to 65 percent of the farm's appraised value. Removing this restriction would place more of the new loan responsibility on the Banks and could be especially important to able young farmers struggling to acquire adequate financing to get into farming.

More importantly, it would permit the land banks to give more weight to factors other than collateral in making loans. It would place greater importance on the man—his managerial skills, repayment capacity, his earning ability and other factors.

We've heard much about the price-cost squeeze in agriculture. The Farm Credit Act of 1971 would help farmers cut machinery costs by authorizing production credit associations to finance farm-related businesses. An example of this type of business is a custom service operator, such as a custom combiner, custom sprayer or custom pruner. Because of soaring equipment costs and use of larger farm machinery, there is an increasing use among farmers of custom services. With this authority, PCAs could help fill credit gaps in this area by financing such off-farm enterprises which perform on-farm services. Many of these enterprises would be operated by part-time or former farmers. Thus, it could help create new jobs.

As for the banks for cooperatives, the act would adjust eligibility requirements to borrow from these banks, enabling the banks to serve a wider segment of the credit needs of farmer cooperatives, which would assist also in rural development and in the farmers' goal of obtaining a larger share of the consumer's food dollar.

Earlier in your hearings, a number of ideas were presented to assist in rural development, most of which would require outlays of money. I would point out that there is a feature in the Farm Credit Act of 1971 that will assist the rural development effort, but cost the taxpayers nothing at all. I refer to the offer of the System to make loans for non-farm rural homes, an action, if approved, that would fill an existing credit gap and, thus, aid rural area development.

I believe we can all agree that the challenges facing rural America are tremendous. In the Farm Credit Act of 1971 we have an example of one of our honored organizations—the Farm Credit System—expressing a willingness to shoulder a share of this responsibility. Based on performance alone, I believe it merits this opportunity.

CAPTIVE NATIONS WEEK

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. McCOLLISTER. Mr. Speaker, a couple of weeks ago, we as a nation celebrated one of the most significant anniversaries we have—that of our birth as a country. The Fourth of July, for our forefathers, was the end of a long, hard-fought dream. For us, it was the beginning of a world in which we, as U.S. citizens, can today live in freedom and liberty.

The observance of Captive Nations Week so shortly after the celebration of our own Independence Day should serve as a reminder that there are over a billion people in this world not as blessed as we. Where we have 195 years of our freedom as a firm pillar behind us, there are many who still struggle for their's.

Living in the United States, it is difficult to imagine the atmosphere of oppression and fear which the people in these captive nations face each day. Yet one-third of humanity continues to live under these conditions.

Some 22 countries in the world are subjugated to this life, including Poland, Hungary, Lithuania, East Germany, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Romania, Bulgaria, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, and Cuba.

I have met many in my own second district of Nebraska who tell me of the hardships these people bear. Many tell from their own personal experience. Others have families and loved ones there still.

In these people is a heritage and richness of background which we all recognize is a valuable part of America. Many came to our country with nothing, some without even the basic language skills. Through their own hard work and perseverence, they have built lives for themselves and worlds for their children and grandchildren.

This is the type of person we have been fortunate enough to have come to us from the now-captive nations. And, unfortunately, this is the type of person who is forced to live there still. We must continue to work toward the fulfillment of freedom and independence for these people.

Those who trace their origins to the captive nations were once able to speak of their lands with a ring of national pride and national purpose. They speak with sadness now. They once had an identity separate and apart from other nations, yet linked to other countries through a common respect. Today their freedoms lie buried underneath regimes of totalitarianism. Their hopes, however, are still very much alive.

Every human is born with the desire for freedom. Deprivation of liberty does not destroy the desire for it. And so long as freedom exists somewhere in the world, as long as free people remain unassailable in their determination to keep freedom alive, hope will flourish in the captive nations of Europe, Asia, and the Western Hemisphere.

It is crucially important for us to morally sustain the hope and faith of the captive peoples in their eventual freedom and, of course, our preserved freedom, too. For anyone who needs proof, we need only to look to what happened in Czechoslovakia in 1968, the mass incarceration of Jewish, Ukranian, Russian, and other heroic dissidents in 1969, the Polish unrest in 1970—the list goes on.

Along with the hundreds of my friends who trace their origins to the captive nations, and thousands of others who have deep concern, I emphasize the U.S. commitment to support the establishment of democratic principles and eventual freedom for these subjugated peoples. We look to that portion of the world which cannot live as we do with immense sadness and hope that Captive Nations Week will give renewed impetus in our determination for a future world of peace and freedom.

FFA OFFICERS ADDRESS CONGRESSIONAL BREAKFAST

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. FINDLEY. Mr. Speaker, whenever I am with a group of Future Farmers of America I feel refreshed about the future—the future of farming and the future, in a broader sense, of America itself. A refreshed outlook for the future was presented to many of our colleagues at a breakfast meeting sponsored by the Future Farmers of America this morning which I was privileged to host.

The honor was mine, I am certain, because the current national president of the FFA is J. Dan Lehmann, an outstanding young man from my district in west-central Illinois. He lives in Pleasant Plains, Ill.

Those of us who attended the breakfast meeting learned that being a Future Farmer today means a lot more than preparation for a career tilling the soil. The study of vocational agriculture today encompasses a wide spectrum of career opportunities for young men and women interested in positions vital to those who do choose to become farmers and ranchers. Several of these opportunities were outlined for us this morning.

All too many of us, I am afraid, look at agriculture as farming and ranching and nothing more. A few years back the FFA had as its slogan during National FFA Week, "Agriculture Is More Than Farming." It certainly is and I would like to share some of the thoughts of the current national FFA officers relating just what the FFA considers agriculture to be.

Attached as part of these remarks are the statements of the respective national FFA officers at the congressional breakfast today. I commend their messages to all of us in the Congress—both rural district Representatives and urban Members:

STATEMENT BY J. DAN LEHMAN, NATIONAL FFA PRESIDENT, PLEASANT PLAINS, ILL.

It's hard to believe that another National FFA Convention is only 3 months away and our year as National Officers soon will end. This will give way to the opportunity for six new young people to accept the duties and challenges of being a national officer. We recently figured that together we traveled a total of more than a quarter of a million miles representing FFA members during the past year. It's been a rewarding and educational experience to say nothing of the many new friends we've made.

But as we've traveled it seems we're always being asked several questions. Often they go something like this. "So you're a student of vocational agriculture?" "I thought we had plenty of farmers in this nation, isn't that why we have a surplus of food?" "Well how come they're still teaching agriculture in high schools?"

Our answer to this question by now is well rehearsed. "Yes, I'm a student of vocational agriculture, but like about 70% of my fellow FFA members I probably won't go back to the farm. Agriculture is changing. Farms are larger and more efficient so that one family farm now produces as much as three or four only 20 years ago. Farmers also rely more heavily on outside businesses that specialize in processing, distribution, marketing and many other farm services."

"It is this area we call agribusiness that many of my fellow FFA members will be engaged. For that reason, we still have vocational agriculture in our high schools but the program is changing and expanding to meet the needs of students and the industry of agriculture. In fact the vocational agriculture program in many parts of the nation is coming to be known as vocational agribusiness education."

What is agribusiness education and what does it include? I'd like to call on my fellow officers to explain how FFA members are youth with a purpose in this educational program.

AGRIBUSINESS MEANS FARMING

(By George Allen, National FFA Vice President, Easton, N.Y.)

Farmers and ranchers are the producers of our nation's food and fiber. Today's farmer has to be a highly efficient and productive businessman. Gone is the day when a farmer or hired manager could get by with less than a high school education. Farmers and farm managers need a broad knowledge of soil science, farm management and accounting, mechanics, animal science, agricultural economics and many other fields of knowledge. We are optimistic about the future of production agriculture. The nation will always need good farmers and agribusiness education programs will continue to provide the technical training they need.

AGRIBUSINESS MEANS SUPPLY AND SERVICE

(By John McCulley, National FFA Secretary, Malin, Oreg.)

Modern farmers operating large acreages and handling large numbers of livestock have come to rely on competent businesses to provide them with supplies and services they need to operate. Farm suppliers provide materials such as seed, feed, fertilizer, farm equipment and operating capital. Today, more and more farm supliers also provide professional know-how and skilled workers to apply fertilizers and chemicals as well as to build farm buildings and perform other services farmers need. For students who have an interest in agribusiness, want to work with farmers, and have a keen sense of serving others, supply and service occupations are challenging careers. Vocational agribusiness courses and work experience placement with farm suppliers prepare students for careers in supply and service.

AGRIBUSINESS MEANS PROCESSING

(By Dan Dooley, National FAA Vice President, Manford, Calif.)

The demand for high quality products attractively packaged has never been greater. Students in agricultural products courses are learning to provide the kind of products consumers demand in the market place by studying the industry that processes the nation's agricultural crops and livestock products. The agribusiness education program gives them the necessary knowledge in basic food chemistry, mechanics, and management. For most agribusiness students, classroom work in processing is combined with cooperative work experience in processing facilities.

AGRIBUSINESS MEANS MECHANICS

(By Jim Beard, National FFA Vice President, Beggs, Okla.)

Ask most any farmer what service he needs most and he'll probably tell you good dependable service for his machinery and equipment. The era of the farmer as a "shade tree mechanic" is long gone. It takes special know-how and special tools to repair modern complex farm machinery. Farmers today rely on trained mechanics and electricians who have had special training in hydraulics, agricultural electrification, gasoline and diesel engine repair and maintenance, and a host of other technical subjects. Students learn the fundamentals of these subjects in vocational agribusiness education.

AGRIBUSINESS MEANS NATURAL RESOURCES AND ENVIRONMENTAL SCIENCE

(By Dan Dooley, National FAA Vice President, Hanford, Calif.)

Concern for the environment and for the preservation of natural resources has been a major factor in increasing the number of career opportunities in natural resources and environmental science. For students who are interested in the out of doors and want to play an active role in improving the ecology of our nation, there are many satisfying occupations. Vocational agribusiness training helps them prepare for careers by giving them knowledge of soil science, soil and water conservation, economics, wildlife conservation and recreational management.

AGRIBUSINESS MEANS HORTICULTURE

(By Wayne Humphreys, National FFA Vice President, Crawfordsville, Iowa)

Have you ever noticed how many places sell or use ornamental and garden plants these days? Ornamentals, garden plants and even trees and shrubbery can now be purchased in many local grocery and drug stores to say nothing of the many roadside stands and nurseries. Or consider all the golf courses, parks and landscaped buildings all across the nation that purchase plants and hire people to care for them. These are some indications of the opportunities in the booming horticulture industry. There is a wide range of career opportunity. Everything from managing a greenhouse to caring for plants and marketing and distributing horticultural products. Many vocational agribusiness departments now have greenhouses as well as good occupational experience programs. They teach courses in greenhouse management, landscaping, flower arrangement and other skills needed in the care and operation of horticultural business.

AGRIBUSINESS MEANS FORESTRY

(By George Allen, National FFA Vice President, Easton, N.Y.)

For the student who likes the out of doors, there's a career in Forestry. Thirty-three percent of our nation is covered with forests. In addition to federal and state forests there are many privately owned woodlands. The trend to more leisure time, the new emphasis on ecology and the heavy demand for wood products has created a new interest in our nation's forests. High school vocational agribusiness programs can prepare students for careers as forestry aides, forestry engineers, technicians, loggers, sawmill operators, or state and national forest employees.

ADDITIONAL STATEMENT BY J. DAN LEHMANN, NATIONAL FFA PRESIDENT

Now you've seen the seven areas of agribusiness in which we are training leaders for tomorrow. In 1970 more than 213,000 students were enrolled in high school in off-farm agribusiness programs compared to only 162,000 in 1969 and 139,000 in 1968. We look for this trend to continue with a growing number of students engaged in off-farm agribusiness occupations.

Another trend we expect to continue is the need for advanced education in agribusiness. As the agricultural industry becomes more and more technical, students are finding that advanced education at two and four years educational institutions is necessary. The nation's vocational agriculture program has traditionally been a feeder system for two year post secondary programs and agriculture colleges.

The FFA is an integral part of the classroom instructional program in vocational agribusiness. It provides a laboratory for the practical application of lessons taught. FFA activities stress cooperation, leadership and good citizenship.

Through the National FFA Foundation which is sponsored by business, industry, organizations and individuals, the FFA provides awards in all the major areas of agribusiness we've talked about here today. These awards are an incentive encouraging FFA members to excel in their occupational experience program and to develop their leadership ability.

SCHOOL INTEGRATION: A DOUBLE STANDARD?

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. SPENCE. Mr. Speaker, for years the South has been forced to endure taunts and holier-than-thou preachments from some people in other sections of the country relative to school desegregation. While doing its best to maintain calm throughout a period of major social change, the South has found these constant ravings to be a serious obstacle to an orderly transition. No one can be expected to accept such finger-pointing from individuals far removed from the situation without some feeling of resentment.

But there is an additional factor which makes such gratuitous advice even harder for the South to swallow. That is, we suspect that behind the pious words of those self-annointed champions of forced integration in the South, there breathes a soul of pure hypocrisy. Whenever the slightest hint of school integration is heard in their own backyard—though never approaching the level experienced in the South—they shrink in horror and move to the suburbs. All who are honest with themselves acknowledge this to be the case, including the President of the United States.

Many of us have wondered exactly to what extent, if any, the problems connected with school integration are different in other areas of the country. We have been curious about how other people deal with the situation and what their attitudes really are.

Mr. Speaker, South Carolina's largest newspaper, the State, recently made a great contribution to our understanding of the true picture. The paper sent three of its most outstanding reporters on a tour of areas outside the South to seek out the attitudes of school officials, teachers, parents, and students, on the issue of school integration and how it should behandled. The reporters—Lee Bandy, Washington Bureau chief; Kent Krell, special assignments writer; and Levona Page, Government affairs writer—responded with an excellent six-part series entitled "School Integration: A Double Standard?"

This is an extremely valuable study, Mr. Speaker, and so that my colleagues will have an opportunity to consider its message, I include it in full at this point in the RECORD:

DE JURE, DE FACTO—TWO SETS OF RULES

(By Kent Krell)

Roosevelt High School, a solid brick structure built in 1903, lends an air of sturdy, scholarly isolation to the seedy inner city of Dayton, Ohio.

The big building sits back off West 3rd Street at the end of block after relentless block of shoeshine parlors, bars and shabby storefronts, many of them festooned with cryptic and often crude stickers, reflective of black militancy.

One apparently lifeless store proclaims itself the headquarters of "The National Committee to Combat Fascism."

Roosevelt High symbolizes a legal and sociological paradox which has become a source of puzzlement, frustration, resentment and outright annoyance to many Americans above and below The Mason Dixon line.

Schools like Roosevelt High in Dayton, East High in Buffalo, N.Y., and George Mather Forbes Elementary in Rochester, N.Y., are the black embodiment of so-called de facto segregation. Their student bodies are almost totally Negro.

Contrarily, South Park High in Buffalo and Northland High in Columbus, Ohio, are the white embodiment of de facto segregation.

Since May 17, 1954, when the U.S. Supreme Court ruled segregation in the public schools a violation of the Constitution, federal authorities have pursued a zealous assault on so-called de jure segregation in the South. The target was clearly state laws which forbade mixing of the races in the public schools.

The historic rule on dejure segregation directly involved schools in South Carolina, Kansas, Virginia, Delaware and the District of Columbia. Seventeen other southern or border states with segregation laws were involved indirectly. Their defense was largely built around a 1896 Supreme Court ruling which upheld the constitutionality of "separate, but equal" schools for whites and Negroes.

Now civil rights activists and the U.S. Department of Health, Education and Welfare are scrutinizing de facto segregation in the North. This is a situation where housing patterns in a neighborhood have brought about virtual isolation of the races in the area's schools.

Last month, HEW released the results of a nationwide survey which showed that public school integration in the South has increased dramatically in the past two years.

At the same time, the survey showed that school integration in many Northern metropolitan areas has declined significantly.

According to HEW, the percentage of black students in the U.S. attending majority white schools increased from 23 per cent in the fall of 1968 to 33 per cent in the fall of 1970. HEW attributed the increase almost wholly to the increase of integration in the South.

Is the law as applied differently to de jure and de facto school segregation in the North and South fair and justified?

One of the first to raise the question in a public forum and pique the national conscience was liberal U.S. Sen. Abraham Ribicoff, D-Conn., a former HEW secretary under the Kennedy administration.

Last year in a strange political mating, Ribicoff joined with Southern conservatives in the Senate to suggest that the federal government was applying a double standard in its enforcement of desegregation edicts.

A recent survey by The State of five Northern school districts reflected a variety of responses with respect to the validity and morality of school segregation in those areas.

Civil rights spokesmen and some educators in Trenton, N.J., Dayton and Columbus, Ohio, and Rochester and Buffalo, N.Y., said de jure and de facto segregation were equally injurious and should be attacked as coevils.

On the other hand, some school officials and others, including some Negroes, defended de facto segregation by advocating the legitimacy of neighborhood schools. Such attitudes were often accompanied by sympathetic expression for the South.

As Mrs. Naomi Finlay, a white mother in Dayton, Ohio, put it: "I do feel for the South. They have been discriminated against when it's come to schools.

"It looks to me the carpetbaggers are back in the guise of HEW."

Many of those who attack apparent de facto segregation actually claim it is merely a subtle form of de jure segregation and hence a palpable violation of the courts.

They point to rulings by local school boards which lend to perpetuate segregation patterns. Specifically, they cite gerrymandered school boundaries along racial lines and restrictive transfer regulations, including the absence of free busing.

De facto segregation exists largely because of the widespread existence of the neighborhood school concept and the autonomy of many local school boards. In recent editorials addressed to the situation, the Dayton, Ohio, News wrote:

"Past boards and administrations have indulged themselves in enough overtly segregation actions to make the system as vulnerable as the Jim Crow schools in the South . . It would be unfair to exempt the white kids of suburbia . . .

"Countywide school integration would be larger but less socially disruptive than citywide desegregation . . . Face it: We are all lumps in the same cottage cheese. We can't get out of that so we might as well get on with it."

Dr. Charles A. Glatt, director of the Midwest Institute for Equal Educational Opportunities at Ohio State University in Columbus, believes the Supreme Court's recent ruling in the Charlotte, N.C., school case can be applied to de facto segregation in the North. The court said school officials must use all available tools, including gerrymandered districts and perhaps even free transportation to achieve racial balancing.

The high tribunal said federal judges should exercise their powers "to fashion a remedy that will assure a unitary school system."

Speaking through Chief Justice Warren E. Burger, the Supreme Court said neighborhood school zoning is unconstitutional if it does not accomplish desegregation.

"All things being equal, with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes.

"But all things are not equal in the system that has been deliberately constructed and maintained to enforce racial segregation."

Some Southern school officials and lawyers have objected to their present de jure status, claiming:

Since HEW has previously declared some districts in compliance with its requirements, they should have achieved at least the status of de facto segregation, passing from under the de jure umbrella despite the 1971 Charlotte school ruling.

That the de jure concept has an ex post facto or retroactive flavor since enforced segregation had been held legal by the federal courts prior to the 1954 school ruling.

Dr. Glatt contends the legality of de facto segregation in the North will in all probability have to wait on a case dealing specifically with a Northern district and the historical problems peculiar to it.

Dr. Glatt, 43, whose soft, sing-song accent still bears its Louisiana origins, thinks the North may be as much as a decade or longer behind the South in achieving complete desegregation of its schools.

He says the federally-funded Desegregation Institute he heads at OSU is evidence that the government is willing now "to ease" into and face up to the problems of segregation above the Mason-Dixon line.

Philip Rebold, a white civil rights attorney in Dayton, believes that a May 28 ruling by the U.S. 6th Circuit Court of Appeals in Cleveland, Ohio, may hold the answer to school desegregation issues in the North. The appellate court affirmed a district judge's ruling that the Pontiac, Mich., Board of Education was guilty of de jure segregation when it "intentionally utilized the power at their disposal to locate new schools and arrange boundaries in such a way as to perpetuate the pattern of segregation . . ."

One Northern official who is puzzled and irritated by the federal government's approach to school integration is Trenton, N.J., Mayor Arthur J. Holland.

Citing racial tension over school desegregation, Mayor Holland observed:

"I can't understand why HEW (U.S. Department of Health, Education and Welfare) doesn't intervene. Our de facto segregation is a result of more subtle forms of de jure segregation."

Richard Fisher, an executive member of the Buffalo, N. Y. Teachers Association, said HEW would not have to look hard to find examples of de jure segregation in Buffalo. He cited zoning rulings by the local board which have turned schools into one-race institutions.

"I'm probably being pragmatic," says Joseph L. Davis, assistant superintendent of Columbus, Ohio, city schools, "but I do think there is a difference between de jure and de facto segregation. One involves the wilful act of a duly constituted governmental authority while the other does not."

However, Davis acknowledges the results of de facto and de jure segregation—racial isolation of students—can be the same.

"I favor integrated education by laws and conviction," says Davis, adding that the logistical problems of massive busing from one neighborhood to another can cause "tremendous" fiscal and emotional problems.

Many of those hoping to perpetuate the neighborhood school concept—and, inherently, the characteristics of de facto segregation—cite a 6th Circuit Court of Appeals ruling in a Cincinnati school case.

In essence, the appellate court found that a school board cannot be held responsible for existing housing and economic patterns. In such circumstances, the court said the board is not required to re-arrange school boundary lines adding:

"We were of the belief that the Constitution prohibited enforced segregation but DID NOT require enforced integration."

Citing the safety factor and travel hazards involved in widespread busing, the court said topographical characteristics, such as rivers and lakes, and man-made barriers, such as railroads, may be be taken into account in establishing boundary lines.

The Cincinnati case was appealed to the U.S. Supreme Court, but on May 3, 1971, the court refused to review it.

HEW: We Lack Authority

(By Lee Bandy)

WASHINGTON.—Health, Education and Welfare Department officials generally agree with President Nixon that a certain amount of hypocrisy exists in the North in regard to school desegregation. But they also claim they have very little, if any, real authority to deal with it.

Most of the racial isolation outside the South, they say, is caused by de facto segregation resulting from private decisions, housing patterns and other so-called voluntary action.

And thus far, they contend, neither the Supreme Court nor Congress has given HEW a mandate to deal with this form of segregation.

The Senate has consistently rejected efforts by Sen. Abraham Ribicoff, D-Conn., a former HEW secretary under the Kennedy Administration, to treat de facto and de jure segregation alike.

And the high tribunal has shied away from the de facto issue, choosing instead to deal with racial discrimination matters caused by official actions.

However, HEW says it isn't using Congress or the federal courts as a shield to hide behind, or to cover up what some Southerners believe is "inaction" in the North.

Legal action, however, is proceeding in several non-Southern cities. "There is more movement in the North than people generally suspect," said J. Stanley Pottinger, HEW's civil rights director.

He said action is proceeding in several different forms—through state administrative orders (some Northern areas have state-imposed racial balance plans), federal court suits and HEW compliance reviews.

Federal school desegregation suits are pending in four cities: Pasadena, Calif., Waterbury, Conn., Chicago, and Indianapolis, Ind. And HEW compliance reviews or orders have either been completed or are under way in about 60 non-Southern communities.

Some of those include Buffalo, N.Y., Boston, Wichita, Kan., Ferndale, Mich., Omaha, Neb., Dayton, Ohio, and Racine, Mich., which have pockets of racial isolation.

Where discrimination is found as a result of official action—like gerrymandered school districts or teacher assignments—HEW says it has applied the law in the same manner as it has in the South. But this is because the situation, which previously had been considered de facto, was really found to be de jure.

"The only difference in making the case," Pottinger said, "is that it's easier to find discrimination in the South because it was the law of the land."

The discrimination in the North has been more subtle in that it was never made a part of the public record.

Trenton, N.J., Mayor Arthur J. Holland admitted, "Our de facto segregation is a result of more subtle forms of de jure segregation."

And Pottinger said, this is what makes HEW's job more difficult outside the South, despite the fact that the department has assigned 80 investigators to scour the rest of the country for vestiges of discrimination compared with 52 in Dixie.

"Over a period of time, it's even more difficult to make a case in the North. It's more arduous. It takes many more hours to find a violation," the civil rights director contended.

A black civil rights investigator, who previously was assigned to the South, said, "I find many of the same problems in the North but they call it de facto . . . and consequently it takes twice as long to decide a case."

He claimed that present law "does not reach massive segregation as it is in the North . . . racial isolation is our biggest problem up North, and proving it's a result of official action is not the easiest thing to do."

HEW has targeted 500 school districts where heavy racial isolation exists and efforts are being stepped up in these areas to determine the cause.

Pottinger said that short of a Supreme Court decision on de facto or a mandate from Congress, HEW will only be able to go so far in trying to bring about a better racial balance in some non-Southern cities.

But, he added: "If we had the authority, we would be sorely lacking, in all honesty, if we did not move against the North with the same vigor we had moved in the South."

The hangup came in the distinction between de jure and de facto segregation, Pottinger claimed, while arguing the two are not clearly understood.

"The legal distinctions have led us to discrepancies in results," he said, noting the South is now far ahead of the North in the amount of school desegregation.

"But legally speaking, there's nothing we can do about it," Pottinger complained. He vigorously denied his office has an anti-South bias just because most of its fire has been directed against Dixie. "That simply is not true," the civil rights director declared.

Rochester Has "A Dual System"

(By Levona Page)

ROCHESTER, N.Y.—"We have a dual system," says David R. Branch, Rochester school board president.

"The schools in Rochester are segregated because of the government's refusal to do anything about housing and the past refusals of the school board to do anything more about the schools," he explained.

Like most of its northern neighbors, Rochester has seen its schools become more and more black as Southern Negroes migrated to the city and native whites fled to the suburbs.

Branch, a liberal Democrat elected last November, sought to reverse this trend when he led the board in a 3-to-2 adoption this spring of a busing plan designed to achieve a racial balance in most of the district's schools this fall.

Shortly after the board's action, Branch's house in an integrated Rochester neighborhood was the target for protesting white parents who cloaked themselves in white sheets and staged a round-the-clock picket for nearly two weeks. White students and parents also picketed the school district headquarters.

The protesters were members of the United Schools Association, a conservative group, then headed by Dr. Louis A. Cerulli, a Rochester surgeon and general practitioner who served on the school board for 10 years and preceded Branch as chairman. Last month, the Democrats nominated Cerulli for a post on city council.

Cerulli contends that the protesters were mavericks from his group and he had advised them against donning the white sheets. But defending their Ku Klux Klan-style garb, he commented, "The sheets can connote certain things to certain people, but don't forget that people also wear white gowns when they graduate from college."

The black community, which was pushing desegregation efforts a year ago, has now withdrawn support and is contending that "a black child doesn't have to sit next to a white child to get a good education."

"I don't know what brought about the change," said Mrs. Virginia M. Washington, a native of Camden, S.C., and now a teacher in the Rochester schools.

Mrs. Washington, who taught at Columbia's Booker T. Washington High for seven years before moving north in 1960, said, "I guess the attitude among blacks has changed because of this business about white teachers not relating to blacks and the whole concept of 'black is beautiful.' The blacks now feel that white schools don't educate black children and it has just been a matter of brain washing in the past."

The prospect of desegregation is provoking as many anxieties among white teachers in Rochester as it did last year when massive mixing under federal pressure took place in Columbia.

"The general feeling is one of being apprehensive about the fall," said Lynne Marquardt, a young white native New Yorker with four years' teaching experience at 91-per-cent-white Charlotte High in Rochester. That school will be converted to a junior high and will be 41 per cent black next fall.

Miss Marquardt continued, "many of the teachers, including myself, have never been in a really integrated situation and we are wondering if we have been adequately prepared to face it."

Rochester's busing plan represents the district's first major desegregation effort, although the school board has been passing resolutions favoring racially balanced schools since August, 1963.

In the fall of 1964, the same year the Civil Rights Act was passed, Rochester schools began operating on a type of "freedom of choice" desegregation plan, just as did the Columbia schools. In Rochester, about 600 blacks chose to enroll in predominantly white schools that year, compared to 22 in Columbia.

In the spring of 1970, when Columbia was preparing to begin its massive mixing plan under federal supervision, the Republican-dominated Rochester school board voted 3-to-2 along party lines against a zoning and busing plan that would have achieved a racial balance in all schools.

Rochester's black community, which was then supporting desegregation, joined with liberal whites to put pressure on the board and that resulted in adoption of a zoning plan to racially balance seven of the city's 54 schools last year. The open enrollment (or freedom of choice) program continued, allowing 1,340 minority race students, including Spanish-surnamed pupils, to transfer to predominantly white schools on the outskirts of the city, while 185 whites transferred to black schools in the core of the inner city.

Another 637 black students were bussed to white suburban schools outside the district in a special program with special federal aid.

During the last school year, Rochester had a total student population of about 45,500, of which about 15,100 were Negroes. The projected ratio for next year is about 60 per cent white to 40 per cent non-white and the district is attempting to achieve that balance in most of the schools.

Despite last year's transfers, 44.2 per cent of the city's Negro students remained in schools that were 80 to 100 per cent black according to a June report compiled by the U.S. Department of Health, Education and Welfare. That figure was 8.8 per cent below the 53 per cent of Negro students in Columbia who remained in schools 80 per cent or more black this past year.

Although Rochester's desegregation plan was described in a laudatory 1969 HEW report on how five U.S. school systems desegregated, its schools have actually been gradually becoming more black.

HEW has never made any effort to require more desegregation in Rochester. The percentage of blacks enrolled in schools 80 to 100 per cent black has increased 10 per cent since 1968, while the total number of black students has increased only 4 per cent in that period.

Some blacks accuse the city of hypocrisy.

"I've never seen such hypocrisy in all my life as I've seen here in the last two years on the subject of desegregation," said Henry M. Williams, a Texas native and one of Rochester's two Negro school principals.

"It's just unbelievable," Williams continued. "At least in the South we admitted we had a problem, but in this region there is wholesale refusal to admit there is a problem. When this occurs, you don't begin to resolve the problem."

During a stint with the Air Force, at the age of 16, Williams was sent to Shaw Air Force Base, S. C., and while there, decided to finish his high school education. He graduated from Lincoln High in Sumter in 1949 when "Strom Thurmond was governor." Later he returned to Texas and entered the education profession. He was a school principal when desegregation took place and says he was "relegated to a position of questionable validity." Infuriated at his treatment, he left the school system and taught at two black colleges before accepting a job as the first black high school principal in Rochester two years ago.

"After 16 years in education in Texas and coming to this region, I expected to find a more progressive school situation and a more progressive racial climate," Williams continued. "Instead, I found intensive polarization, great apprehension, fear and a gulf of misunderstanding. In short, the state of human relations is operating at a very low level."

He added, "Being a native Southerner, it irritates me that the South has been vilified for so long and I think it's time the spotlight was held up to some of the other areas."

As for Rochester's desegregation plan that will go into effect this fall, Williams said he is "cautiously optimistic" and said he hopes human relations workshops being conducted this summer will help prepare teachers for the change.

School board member Mrs. Dorothy Phillips, a Republican who voted against part of the desegregation plan, says the black support for it has diminished "because it is still the black kids who will do all the traveling at the early ages."

The only Negro on the Rochester board, Mrs. Wyoma Best, a native of Norfolk, Va., says black opposition to the plan "is not a valid position because we have involved both communities. We are not just talking about pushing bodies around."

She added, "I don't feel a child, black or white, gets a quality education in a segregated facility. He needs to be where he can learn about all cultures."

School desegregation, at the moment, is one of Rochester's hottest political issues. The Republican-dominated city council has no power to veto the Democratic-dominated school board's desegregation plan, but the council did seize on a way to use its clout when the school budget came up for approval. The council trimmed the budget by $875,000—the exact amount set aside for the city's cost of busing the pupils under the new desegregation plan. The school system is trimming costs in other areas to make up for the cut.

In another move, the county's Republican legislative delegation passed legislation increasing the school board size from five to seven members and making the offices nonpolitical, effective by the November election. Democrats say that was an effort by the GOP to regain control of the board and reverse the desegregation plan.

Gordon J. DeHond, one of the two Republicans now on the board, said he would not vote for reversal even if the GOP does gain control in November.

"If a new board comes in and reverses the plan, that would be de jure segregation." DeHond said, meaning that the segregation would be the result of an official action, which clearly has been ruled by the federal courts to be unlawful. De facto segregation, which exists in many northern cities as the result of housing patterns, has to this point not been ruled on by U.S. Supreme Court.

Last spring when the board voted against a desegregation plan, blacks brought suit, charging the board with being guilty of de jure segregation. It is still pending, but is expected to be dropped after implementaion of the plan this fall.

DeHond, a former school teacher and the only native of Rochester on the school board, says some board members are "up tight" about being accused of de jure segregation. He contends that is just used as an excuse for not making revisions in the plan to allow for simpler zoning patterns and more choice for the students in the schools they want to attend.

A conservative who usually wins the votes of those opposed to desegregation, DeHond said he is against racial balancing and the destruction of the neighborhood school concept. "There has always been a type of segregation—either ethnic, racial, economic or religious. It's only natural for people to want to belong to their own group and to be cohesive in that sense. I don't think it is the function of the schools to try to make society homogenous I don't think that's possible or desirable."

Dr. Cerulli, a native of Rochester who worked his way through the University of Alabama where he was a classmate of football coach Paul "Bear" Bryant, speaks for his neighbors in the Charlotte section on the outer fringes of the city school district. A heavily Italian community, the area, stretches up toward Lake Ontario and is the farthest point away from the inner-city black ghetto schools. Parents there resent the idea of their children being bused to the inner city.

"The worry is not so much a fear about the quality of education as it is that you don't know what's happening to your kid while he's in school," Cerulli said.

"I would never send a child of mine to some of those neighborhoods, especially a little girl six, seven or eight years old."

Cerulli said as a physician he was called to several schools during the past year to treat students wounded in racial disturbances. Local officials said about half a dozen students had been hospitalized after such incidents and one young white man, a non-student, had his arm hacked with a meat cleaver when he entered into a racial squabble between whites and blacks at the Charlotte school.

"When I went to the high school," Cerulli said, "we had blacks in our classes then, but the number was minimal and we didn't have any trouble.

"Now there are a lot of blacks who have migrated from the South and they are a different type. They have things all pent up within them and they come to a place like Rochester and let these things go and we have trouble."

He said when he was on the Rochester school board and president of the Big Six organization, which includes boards from New York's largest cities, he had conferences with Gov. Nelson Rockefeller to see what could be done to stop the migration of Southern Negroes.

"We tracked this down and found that they come mostly from Orlando, Fla., and some small town in South Carolina," Cerulli said. "Rockefeller wanted to have a study to find out why they were leaving there and coming here and what we could do to help the governors of those states keep those people there. One reason they came here is for higher welfare payments, but not much has been done about it."

In the cases where whites have voluntarily transferred to the inner city black schools, most have enrolled in a single school—Clara Barton School No. 2. In 1966, the enrollment there was 97.9 per cent black, but by 1969–70 the percentage was down to 80.9. A major reason that school became attractive to some whites is that, with the help of federal funds, it began offering such special programs as Far Eastern Studies, French for intermediate grades and enrichment programs in reading, mathematics and science.

A 1970 report by the school district office stated that while integrated classes were established at the school, a portion of the school's enrollment remained in segregated classes for instructional purposes.

Under Rochester's plan for desegregation, steps to achieve a racial balance at the elementary level will be stretched out until 1974, to allow for the construction of several new schools. Schools No. 2, 3, and 4, the most segregated of the inner city elementary schools, will not be balanced until 1972 or 1973.

Tied in with the desegregation of the schools is a reorganization of the system's grade structure, which now has kindergarten through grade 6 grouped as elementary schools and grades 7–12 grouped as high schools with no junior highs in between. The plan this fall is to convert five schools to junior highs for grades 7–8 and five senior highs to grades 9–12. The elementary level organization, which will go into effect gradually until 1974, will eventually divide the present 43 elementary schools into primary (grades 1–3) and intermediate (grades 4–6).

The two men most responsible for the implementation of the plans are Santo Patti and Richard Siebert, both of whom are principals who were called in for the special assignment of desegregating and reorganizing the schools.

They agree that segregation has existed in the Rochester schools because of housing patterns, but no court or federal agency has ever declared it to be wrong.

Siebert commented, "In my opinion, segregation by whatever name you call it is unjust, whether you call it de facto or de jure. But when you are jousting with shadows, it is hard to come to grips with it."

Patti added, "When legislation forces you to look at segregation, you can't get around it. If the court came out now against de facto segregation, the North would have to start looking at itself more closely."

ROCHESTER, N.Y., AT-A-GLANCE

City School Population: 45,500 students (15,100 Negroes).

Projected 1971–72 enrollment: 60 per cent white 40 per cent nonwhite.

Percentage of blacks in predominantly* black schools: 44.2 per cent.

COLUMBIA, S.C., AT-A-GLANCE

City Public School Population: 19,400 (51 per cent) black 18,600 (49 per cent) white.

Percentage of Blacks in Predominantly black schools: 53 per cent.

SCHOOL INTEGRATION: A DOUBLE STANDARD? BITTER SCHISM MENACES FUNDING

(By Kent Krell)

DAYTON, OHIO.—Daytonians are bitterly divided over school desegregation, a schism which threatens the fiscal underpinning of public education in this southwestern Ohio city.

One white elected school official says bluntly there would be "a riot" in Dayton if there is widespread busing to accelerate racial mixing in the schools. A black sociologist agrees in part: "It would be traumatic to say the least and violent at most." But, he adds, Dayton schools are now "a disgrace" because of existing segregation patterns.

One side of the controversy, represented by a bare majority of the Dayton Board of Education, essentially favors voluntary efforts to end racial isolation in the city schools.

The other side, represented by a one-vote minority of the school board, favors retention of the neighborhood school concept and a modified form of freedom of choice in the assignment of pupils.

Tied to the specter of desegregation is the refusal of the Dayton voters to approve four successive proposals in the past 15 months to increase local taxes. Renewal of existing levies will be voted on in November. A negative vote then would precipitate a financial crisis.

Wayne M. Carle, superintendent of the Dayton City Schools and philosophically in tune with a majority of the school board, says schools might have to close in late October for lack of funds and not reopen until the new fiscal year which begins in January. Local taxes underwrite 81 per cent of the schools in Dayton. On the average, state funds in Ohio contribute to less than one-third of the cost of public education on the secondary and elementary school levels.

Carle, a strong advocate of full desegregation of the schools, says fiscal and racial conservatism are major factors in the defeat of two tax referendums in the past 15 months.

"A lot of people are afraid that buses are waiting to swoop up the kids and take them out of their neighborhoods," said Carle.

The controversy over desegregation, simmering since Carle took over as superintendent three years ago, peaked in April when the board split along its familiar liberal-conservative lines and voted 4-3, to work voluntarily for full desegregation of the district's 55,000 students.

During the past school year, black pupils made up 40.7 per cent of the total school population, but under existing policies were isolated to the point where only 13 per cent of them, or 2,900 students, were in predominately white schools.

Actually, 17,900 of the total number of black pupils, or 77.8 per cent, are in schools which have a Negro population of between 80 and 100 per cent. Thirty-four of the district's 69 schools fall in this category.

Blacks were far less isolated in South Carolina's largest school districts during 1970–71. For instance, only 53 per cent of all Negro students in Columbia were in schools where the black population was between 80 and 100 per cent. In Greenville, the percentage was .6 while in Charleston it was 59.9 per cent.

In 1968, prior to implementation of a freedom of enrollment policy, Negroes made up 38.3 per cent of the total school population in Dayton with only 10.9 per cent or 2,488 pupils in majority white schools.

Officials of the U.S. Department of Health, Education and Welfare (HEW) started negotiating with the district in 1968 about faculty desegregation. The school board agreed 4-3 to a voluntary plan under which faculties and administrative staffs of all schools will be desegregated this fall in line with the district-wide ratio of 70 per cent white and 30 per cent black.

One report circulated that HEW had focused on desegregation in Dayton schools because it is the birthplace of J. Stanley Pottinger, HEW's civil rights director. Dr. Carle puts little stock in the report since HEW's interest in Dayton began three years ago and Pottinger did not assume his present job until 1970. Pottinger now lists San Francisco, Calif., as his home.

The faculty desegregation plan and plans for integration of pupils along existing ratios have come under attack from Serving Our Schools (SOS) committee, represented by the minority of the school board members.

SOS draws most of its support from whites, both life-long residents and those who moved here by the thousands from Appalachian communities in Kentucky, West Virginia and western Pennsylvania in the 1950's and 1960's. SOS does have some black members, however.

The three-member conservative contingent on the school board is hopeful of becoming a majority after the November general elections when three of the four seats, now held by liberals, are on the line.

Mr. Miley O. Williamson, black executive director of the Dayton chapter of the National Association for the Advancement of Colored People, says the civil rights group is prepared to file a desegregation suit against the board if the conservatives gain a majority in the election.

"We can't hide behind housing anymore," said Mr. Williamson, "We can't wait that long.

Some moderates on the desegregation issue have argued that true open housing, required by local and state law, will eventually bring about desegregated housing patterns.

Catalyst for the voluntary move toward removal of a dual school system has been Carle, a taciturn Wyoming-born Mormon who feels so strongly about the immorality of segregation that he has publicly criticized his church for its refusal to ordain Negroes as ministers.

He predicts that "we're headed for a catastrophe" if a dual society exists for another decade.

Carle says Dayton schools must move resolutely, and hopefully voluntarily, toward complete elimination of racial isolation in the schools.

"A token move would be self-defeating and more destructive in the long run," he said.

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* Between 80 and 100 per cent black.

"We tend to overlook, among our phobias about race in this country, that, fundamentally, black kids tends to do better in integrated situations and white kids do no worse," says Dr. Carle.

On racial disorders in schools, the superintendent contends that "given a racist society, tension is inevitable on first encounter (between whites and blacks)."

However only two high schools—one heavily white and the other 58 per cent white—experienced disruptions during the past school year.

Tyree S. Broomfield, a black sociologist who heads a civil disorders-oriented team within the Dayton police department, says, "It's a disgrace that there is more segregation here today than when I was in high school in 1956."

At that time, Roosevelt High School, which he attended, was 65 per cent white and 35 per cent black. Now Roosevelt High, located within an inner city Negro neighborhood, is totally black.

J. Thomas Webb, Roosevelt High's black principal, and a native of Gadsden, Ala., says, "in some ways I feel more segregated here than in the South where I grew up . . .

"It's sort of hidden here like a plate slammed down in front of you at a restaurant, but it's there," says Webb.

The Board voted 4–3 to work towards complete desegregation of the Dayton schools after both Carle and James Mancini, a compliance review officer with HEW's civil rights branch, advised it that local, voluntary action was preferable to federal or court intervention.

Mancini told the school board recently that a three-year study of school desegregation in Dayton showed evidence of segregation.

A pesky adversary of Dr. Carle is Mrs. Josephine Groff, an Indiana-born former teacher and one of the three conservative members of the school board.

Mrs. Groff accuses the superintendent of "selling out" Dayton schools for $70,000—the amount the district got from the federal government to help in ironing out desegregation problems.

"I believe in natural integration, not forced integration," says Mrs. Groff.

Mrs. Groff, as spokesman for SOS, backs the neighborhood school concept and open enrollment (freedom of choice as it was more often labeled in the South) for all students based on availability of space.

The freedom of enrollment policy, approved by the school board in 1969, provides that within certain limitations any student in the school system is eligible to attend any of its schools. The limitations include requirements that space be available in the requested school, that special courses be attainable only in the suggested school and that the pupil's presence in the school would improve racial balance in the institution. If the transfer request is approved, the student must provide his own transportation to the new school.

During the past two school years, 405 students, most of them black, transferred under the freedom of enrollment policy. During the first semester of last year when 168 transfers were approved, the major reason cited for disapproving tansfers was a lack of classroom space. Failure to improve racial balance ran a close second.

Dr. Charles A. Glatt, an Ohio State University professor who is director of the Midwest Institute for Equal Educational Opportunities, believes that a recent U.S. Supreme Court ruling, involving Charlotte, N.C., schools, could well be applied to segregation in Dayton schools. The ruling, handed down in April, undercuts the neighborhood school concept and says free transportation must be provided, if necessary, to bring about racial balance in a school district.

Dr. Glatt, who has worked on a desegregation study of Dayton schools, noted that the Supreme Court in the Charlotte case held as unacceptable the assumption that a school is desegregated when it has as many as 10 percent of a minority race in its student body.

In 1970–71, only eight of Dayton's 68 elementary schools had populations where the minority race was in excess of 10 per cent. Only four of the district's 11 high schools and student bodies where the minority race was more than 10 per cent.

What would happen if the Charlotte school ruling is invoked against Dayton schools and, as a consequence, there is widespread busing of pupils?

"There would be a riot," says Mrs. Groff.

Broomfield, whose Conflict Management Team has reportedly had great success in keeping the lid on racial disorders in the schools, believes the results of widespread busing would be traumatic to say the least and violent at most."

Mrs. Wanda Wiedman, a civic leader from East Dayton and a self-styled middle-of-the-roader on the school issue, says, "busing is never going to be the answer here. Forced integration just won't work."

However, Mrs. Wiedman has high praise for Dr. Carle and favors desegregation moves at the high school level.

Dr. Carle and the majority of the board do not have the solid backing of the Negro community.

Page Gray, a black student at Central State University, says, "we're not as concerned with integration as we are with quality education."

"We don't feel we have to sit next to a white kid in order to learn," says Gray.

Gray works with the Center of Study of Student Citizenship Rights and Responsibilities, a legal ombudsman which tries to make certain the rights of students are properly observed.

Mrs. Naomi Finlay, a white mother, says she objects to moves to make schools "social issue" institutions. She says she took her second grader out of public school because of new approaches in teaching and curriculum.

"I believe organized, disciplined subject matter should be taught," she explained. "But, instead, they're more interested in creative exploration and such."

Frank Garnett, a 55-year-old white emigree from Kentucky and an organizer of the American Independent Party in Dayton is even blunter:

"We're wasting money on living art and motivation in the schools. . . . Why should we spend money so kids can sit on the floor and look like a bunch of pigs and bang around on pieces of music that isn't music?

"Reading, writing and arithmetic should be taught," says Garnett: "The rest will come easy."

Garnett, a Masonry worker and the father of five children, says he has no objection to a "colored person" moving into his neighborhood—an attitude expressed by many members of the SOS.

"I believe in open housing," says Mrs. Finlay, whose husband is an SOS candidate for city commissioner. "I think it should be implemented. That means you move when you have the money."

Mrs. Groff, dismayed at the "racist" tag placed on the SOS by some Daytonians, notes that a black family recently bought a $57,000 home in her neighborhood and adds:

"I haven't any objection if they come in on their own."

TRENTON SYSTEM PLAGUED BY FEAR

(By Lee Bandy)

TRENTON, N.J.—The Trenton public school system is plagued by fear—fear of racial violence, fear of black dominance in some quarters, fear of social change, and fear of the unknown next September.

And while this highly explosive, tense situation is generally acknowledged by superintendents, school board members, teachers, parents and students alike, no one seems to have an immediate solution. Some even wonder whether there is one.

Regionalization, including busing on a massive scale across district lines, has been suggested. But no one apparently wants that except those charged with running the system and members of the so-called black establishment who historically have advocated racial balance.

Acting under pressure from the State Department of Education last October, the Trenton school board instituted a token busing plan involving only 155 elementary students out of a public school enrollment of some 17,000.

The proposal touched off a spate of bitter clashes between white and black gangs, massive white boycotting and the closing of all schools for two days.

The 55 white children who were to be bused to the predominantly black Parker Elementary School never showed up. In fact, 15 of them left the system, presumably to attend parochial or private schools in the area. Trenton has a heavy Catholic population.

Parents of black students being transported to the largely white Franklin and Washington Elementary Schools in Chambersburg—a tightly knit Italian-American community in the heart of Trenton—asked for protection of their children. White parents were preventing minority students from entering the schools by blocking the entrances.

State Education Commissioner Carl L. Marburger subsequently rescinded the forced busing plan and appealed to the New Jersey courts and legislature for regional solutions to achieve racial balance across district lines.

He acknowledged the "counter productivity" of mandatory busing "to correct racial imbalance in school districts with a majority of minority group children."

A voluntary busing plan followed but failed. Only 27 students participated.

Racial imbalance—lacking an exact definition in the state—is considered a violation of the law and of public policy of New Jersey.

The unofficial guideline says a school is out of balance if the black student population in a school goes above 25 per cent.

However, Marburger says this concept "must be questioned" for cities like Trenton where public school enrolment is 70 per cent black. The faculty is 70 per cent white.

The Rev. Kent L. Kiser, a school board member, says no matter how you slice it, Trenton will end up with a racial imbalance in any of the schools due to the largely black enrollment unless there is extreme busing.

Trenton, a northeastern industrial city located on the banks of the Delaware River, is surrounded by suburban townships that restrict its physical growth.

And like many cities of its size, it has suffered a population loss since 1950, dropping from about 128,900 to an estimated 104,000 now. The census verifies another trend—a white exodus to surburbia and black migration to the city.

Consequently, the once predominantly white public school system has become largely black, and the fear among professionals is that unless something happens to prevent the population shift, Trenton, the state capital, will become a city with an all-black school system within the next 13 years. It's pretty close to that now with six majority white schools out of 21. And one of these—Junior Two Elementary—is almost half and half.

Many white students—and several children from middle-income black families—have left the public school system to attend private and parochial facilities in the area.

Latest statistics show that only about 32 per cent of white children attend public schools, compared with about 90 per cent of black students and other minorities.

This concerns the school board which feels obligated to do something next year but is inclined to do nothing in order to preserve an integrated system.

School Superintendent Dr. Ercell Watson, a precise and smooth-talking olive skinned black, has established a citizens committee to study various approaches to desegregation and to come up with recommendations for the school board.

He acknowledges the task is going to be difficult, if not impossible, because of the many shades of thinking and the racial composition of the schools.

"You always have a problem when the minority becomes the majority," he conceded.

Asked if regionalization is the answer, Watson emphatically responded: "There's no question."

He contended that busing per se is of no concern to the parents. "It's what happens at the other end," he added, noting that parents fear for their children's safety once they reach the school.

Regardless of what action, if any, is taken by the board before September, the superintendent eventually expects the white student population "to dwindle down to almost nothing," leaving only the hard-core who "will have their backs against the wall and nowhere else to go."

And while there are those who would like to see the whole thing die, Watson acknowledges, "we feel we have an obligation to work out a (racial balance) plan." But he added, "we're not going to try to knock down any walls like we did last year."

Pressure to achieve a racial balance has come entirely from the State Department of Education. The Health, Education and Welfare Department, which has concentrated its fire in the South, has consistently winked at the Trenton problem.

School Board President John F. Tesauro, a stocky labor consultant, wearing goggle-eye glasses with tinted lens and heavy sideburns, said he'd love to see HEW come in with a meat axe and force busing into white suburbia.

Board Vice Chairman James E. Mitchell, a Negro, agreed, saying "the blacks would clap their hands" if the federal government intervened. "I think HEW should come in and take over," he suggested.

Mitchell complained, "we have too many nice liberals up North talking out of both sides of their mouth. Some of these same people who rode to Mississippi to desegregate that state would move out if a black moved next door . . . Trenton is worse than any school district in the country in regard to racial balance."

Naido Funari, past vice president of People Against Busing and a member of the superintendent's citizens committee to come up with a solution, says Chambersburg residents "will never buy busing" if it involves their children.

He says the Italian-American community is proud of its neighborhood schools and wants to keep them. Funari insists in one breath that race is not involved but then in the next he admits color is a factor.

"As soon as there is racial busing," he predicts, "whites will leave because of fear." In fact, he predicts a drop in white student enrollment in September because parents "don't want their kids subjected to demonstration and harassment again."

Funari, who is opposed to busing, transports his daughter to Villa Victoria High, a Catholic school in the suburbs, out of fear of racial violence at Trenton Central High.

William D. Walker, an assistant to Superintendent Watson and former principal of Trenton High, admits there are serious problems at the only public high school in the city. He claims he saw more trouble there recently in two days than he observed in his whole tenure as principal.

Asked if it were racial, he replied, "Yes, I can't lie about that."

Walker, a WASP (White Anglo-Saxon Protestant) Republican, has held various positions in the Trenton school system for 32 years. And during that time has seen many changes take place within his city.

He lives in the same inner city neighborhood which has become predominantly black. But this doesn't alarm him. He says the conduct is good and "no one has thrown a rock through my window." However, Walker concedes if the area becomes a slum, he'll move.

The assistant superintendent says most whites who've fled to the suburbs have done so because of fear of crime, drugs and violence. And consequently, he adds, community support and participation in the schools have declined considerably—especially since the riots following Martin Luther King's assassination in 1967.

Walker is very pessimistic about the future, claiming "there is no answer to the problem." He said he would welcome HEW pressure, but questioned whether it would be successful. While Trenton would probably buy regionalized busing. Walker expressed confidence the suburban townships wouldn't.

And he's apparently right. Superintendents in all three neighboring townships—Ewing, Lawrence and Hamilton—predict trouble "like you've never seen it before" if busing across district lines is forced upon them.

Ewing has adopted a racial balance plan for September, but black students population will not be more than 25 per cent in any school. All facilities will be largely white.

Ewing Superintendent David Brittain, who was principal of the Clinton, Tenn., high school in 1957 when the National Guard was called to quell riots resulting from integration, admitted this plan is about all the community is ready to accept. He predicted serious trouble if cross-town busing is imposed.

Residents in neighboring Hamilton townships rejected a $7.5 million bond issue for school construction, presumably out of fear the new facilities would be located in so-called gray areas to permit more blacks and whites to go to school together.

And the Lawrence School Board produced a recent survey showing black and white parents opposed to busing.

Clyde E. Leib, special assistant to the state education commissioner, said studies have shown if black student population in a school exceeds 25 per cent, "neighborhoods start to go down hill and there's a sudden outflow of whites."

Leib lives across the river in wealthy Bucks County, Pa., where he sends his children to predominantly white schools.

And this is true of many other state and city employes who reside either in nearby Pennsylvania or the Trenton suburbs.

Trenton Mayor Arthur J. Holland says white parents feel it's not safe to send their children to public schools here. "They are afraid their kids will be jumped or money demanded of them," he said, while pointing out "we already have 15 guards in Trenton High School and need them increasingly."

And then he added, "I don't care if it takes on an atmosphere of a prison. We've got to guarantee parents they can send their kids to school in safety . . . in the meantime, we should take out of the system those who are chronically disruptive."

Holland traced the city's "turning point" to the race riots in 1967 and last October. "This expedited the exodus of whites who took with them their purchasing power. Consequently, we're in a war for survival."

The former Rutgers University professor thinks regionalization through school busing, residential desegregation and assignment welfare clients throughout the county would provide an answer.

"This would, at least, move us in the direction of a socioeconomic balance and help cool racial tensions. Also, the ire of the people would be distributed. Here it's concentrated. I'm for distributing the problems."

As for Trenton's school problems, Holland said, "I can't understand why HEW doesn't intervene. Our de facto segregation is a result of more subtle forms of de jure segregation."

Albert "Bo" Robinson, director of United Progress, Inc.—a $5 million federally funded anti-poverty program—called Trenton the "up-South."

"We have a bunch of hypocrites here," charged the ghetto leader who claimed neither he nor the black children care that much about busing. "It doesn't mean that much. But I'm for it because it's the law."

Wearing a moderate Afro hairdo and red plaid jacket with bright red pants, black boots and matching accessories, the light-tanned Negro leaned back in his chair, propped his legs upon his desk, and spoke in the ghetto brogue:

"Listen, man, the whole problem in Trenton is racial. I've been here; baby, for 35 years. I know. It's a fear of social change. And it's the deepest fear. Everybody is worried about his child going out with a black. That's what it is."

The anti-poverty director says that before the school situation improves in Trenton the system itself is going to have to change. And that's not going to come about he feels, until a transformation comes "within the home and people themselves."

Robinson added, "we know how to live with the white man. He's going to have to learn to live with us."

The black leader sends his children to private school because "education in Trenton is inferior."

Would he like to see HEW come in and force regionalized busing in the area?

"I'd enjoy the fireworks," smiled Robinson.

Leonard Spoto, a meatcutter and head of the White Citizens Reaction Committee in the Italian community of Chambersburg, warned, "we'd automatically shut down the schools and open private schools. We're prepared to do that now."

Kenneth Carolan, editor of the bi-weekly newspaper called "The Reactor," said regionalization is imposed on the community, "we'll sit back and smile. You'll see total chaos."

Spoto chimed in, "One of these days we're going to have another Revolutionary War if things continue the way they are. And that's from Spoto, the conservative."

Anthony Edwards, a sidewalk shoe-shine boy who attends Junior Elementary No. 3, called the Chambersburg area a "bad section." He said "my cousin went over there to a basketball game once and got beat up."

Pat Korp, a 24-year-old white teacher of neurologically-impaired students at Franklin elementary in the Italian-American community and a resident of Chambersburg, said she was called a "nigger-lover" during the busing crisis because she had blacks over for dinner and parties.

"I had steak knives stuck in my back door with notes on them and my car had flat tires in the morning," she recalled.

Miss Nancy Kiley, a 28-year-old white fourth grade teacher in predominantly black Parker elementary and who is opposed to busing, thinks the school board would perform a service to the community by letting any racial balance plan ride for another year. "Otherwise, this city will be blown apart," she feared.

Miss Korp agreed, saying "the parents aren't ready for it."

Miss Christine Singleton, a 22-year-old Negro teacher at Junior High No. 1, said "busing to me suggests that blacks are incapable of maintaining competitive schools . . . Blacks tend to associtae good education with the number of whites in a school."

She termed regionalized busing more ridiculous than busing within the city and commented, "the school is not the place to bring about racial balance. The purpose of a school is to educate a child."

And while she acknowledges there are discipline problems in the schools because children have no respect for authority, Miss Singleton strongly feels the students "are looking for someone to teach them something."

But she says if busing is the only solution, then the system is in serious trouble.

Mrs. Catherine Graham, president of the Trenton Urban League, believes busing to achieve a racial balance is beneficial in that it gives blacks and whites an opportunity to reach an understanding of each other.

But she doesn't think there's anything the school board can do for September, a feeling generally shared throughout the community.

Crosby Copeland, incoming principal for Junior High No. 1 and president of the local NAACP chapter, supports busing but thinks it best the school board let matters cool at least for another year.

"It probably would be the best thing," he said. "We (the NAACP) aren't pushing anything."

Copeland blamed the busing violence last October on "just pure racial hatred."

TRENTON, N.J., AT-A-GLANCE

City Public School Population:
11,900 (70 per cent) black.
5,100 (30 per cent) white.

COLUMBIA, S.C., AT-A-GLANCE

City Public School Population:
19,400 (51 percent) black.
18,600 (49 per cent) white.
Percentage of blacks in predominantly black schools: 53 per cent.

BUFFALO RESIDENTS FIGHT CROSS-BUSING

(By Levona Page)

BUFFALO, N.Y.—School officials here make no effort to pretend they have a desegregated school system. The statistics won't let them.

"So long as people live where they do, we will have segregated schools," said Buffalo Superintendent Dr. Joseph Manch, a rabbi's son who says he has been frustrated in his personal efforts to bring about desegregation.

In September 1967—three years after Columbia began its freedom of choice desegregation plan allowing blacks to transfer to white schools—Buffalo began a similar program. By the fall of 1970, about 3,200 black students from center city schools were being bused to predominantly white schools on the outskirts. There had been no requests from whites to transfer to predominantly black schools.

Donald S. Laing, director of Buffalo's Office of School Integration, told the school board in January that integration had gone as far as it could under present policies. Laing's report prompted president, Dr. George E. Blackman, a Negro, to call for a study of "cross-busing" whereby whites would be sent to predominantly black schools. His motion wasn't seconded.

However, Feb. 25, the same day that the federal government announced plans to investigate desegregation in the Buffalo schools, the board reversed itself on the cross-busing study. More plans to undertake a study on cross-busing set off waves of criticism throughout the city.

"Cross-busing isn't the answer," wrote the editors of Buffalo's largest newspaper, which earlier that same month carried an editorial condemning suburban schools for maintaining systems that were "whiter-white than Ivory soap's famous '99.44 per cent pure.'"

The school board's outspoken conservative, Buffalo attorney Carmelo A. Parlato, contends that cross-busing is itself a form of racial discrimination.

"An integrated system to me is one that doesn't count racial distinctions," Parlato said. "I put quotas for racial balance on the same basis as segregation—it's based on race and therefore it is discriminating."

At the end of the 1970–71 school year, a nationwide federal study revealed that 59.7 per cent of Buffalo's Negro pupils were enrolled in schools that were 80 to 100 per cent black. This compares to six-tenths of one per cent in Greenville, 59.9 per cent in Charleston and 53 per cent in Columbia. Buffalo's total school population last year was 41.7 per cent black.

While Columbia and other Southern cities were being asked this spring to increase the racial mixing that federal desegregation enforcement officers required of them last fall, the U.S. Department of Health, Education and Welfare (HEW) was taking its first chary look at segregation in Buffalo, New York's second largest metropolitan area.

The HEW investigators said it would be several months before a report is made on the Buffalo review. The team sought evidence—or lack of it—on "gerrymandering in school district zones to implement segregation, matching of black teachers and students in black schools, any decision-making patterns based on race or national origin, an imbalance of educational background or experience in black and white or unequal educational opportunities in school curriculum or facilities."

Parlato said he would not be surprised if HEW finds the district to be out of compliance according to its definition, the Civil Rights Act. He said he would favor going to court to try to block a cutoff of the district's $13.6 million in federal and state funds for programs for disadvantaged children.

"HEW's idea of what is the proper race quota in the schools is no better than anybody else's. I'm disappointed with the U.S. Supreme Court because I see nothing in their 1954 decision (the first one outlawing segregated schools) which now gives them the right to impose quotas," Parlato told The State.

Richard Fisher, an executive committee member of the Buffalo Teachers Association, said he is hopeful that HEW will bring action against Buffalo "because if we continue to drift the way we are now, the schools will soon be all black."

Fisher was instrumental last year in having the zone around Bennett High, where he teaches, redrawn to provide for a 60–40 racial balance because its black enrollment was creeping up and he feared that more whites would withdraw. He asked that zones throughout the city be redrawn, but the school board turned that down.

Fisher said he believes Superintendent Manch has been sincere in his desegregation efforts, but that he has been hampered by an unwilling school board, city council and the community in general.

"A court order is the best way to achieve desegregation here," Fisher said. "I personally would like to see the Supreme Court institute the same integration policies all over the nation rather than just concentrating on de jure segregation in the South."

In fact, Fisher added, there are some Buffalo citizens who believe HEW would not have to look hard to find examples of de jure segregation (segregation by law) in this northern city. He cited the zoning around Woodlawn Junior High, which was in 1965 built in a black community and which now has an enrollment of 99.8 per cent black.

Manch related, "I made the statement that as far as I was concerned, the Woodlawn school would be integrated. But we could not get the board to vote for any plan that would integrate the new school.

Parlato contends that, even so, the board was guilty of discrimination for merely considering five plans that would create a racial balance in the schools before rejecting them for a zoning plan that left it nearly all black. "I tried to get them to put the racial figures aside, but they did not," Parlato said. He added that the plans calling for a racial balance were unfair to blacks because "children that were two blocks away would have been excluded, while children living more than a mile and a half away would have been attending simply because they were white."

The board's reluctance to force integration was backed up, until two months ago, by a New York state law affecting only a handful of school boards. The law stated that no appointed board, such as Buffalo's, could assign students to schools without the parents' permission.

After passage of the New York law, South Carolina took the attitude that what's good for the goose is good for the gander and passed an identical law in 1970. But S.C. Atty. Gen. Daniel R. McLeod candidly admitted that the action was a futile gesture and the law in the face of federal pressure was forgotten as school systems in South Carolina undertook massive shuffling of students last year.

The New York law was ultimately overturned by the State Supreme Court after the NAACP brought suit.

With the exception of that suit, there has been little effort on the part of blacks in Buffalo to push desegregation. Clyde Giles, an executive vice president of the black action group, BUILD (Build Unity, Independence, Liberty and Dignity), commented, "We haven't really been that concerned about the pace of desegregation, and it is my judgment that the black community as a whole has not pushed for it. One reason is that when blacks have been bused to white schools, they have been met with hostile attitudes."

Giles continued, "The stage blacks are in now is that it is not important for a black child to be bused out to a white school. If adequate facilities, faculty, supplies and so on are provided at the black school, the quality of education can be just as good there as it is at the white school.

"What we are saying now is that we are putting the burden on the school people and are holding them accountable, because black schools have never gotten the attention from the white officials."

School Supt. Manch said he cannot disagree with blacks who accuse the North of subtle racial prejudice. He commented, "I think an example of that is what happened in Williamsville."

An exclusive suburb on the outskirts of Buffalo, the Williamsville school board was asked by its superintendent to allow about 100 black students from Buffalo schools to attend school with the 11,000 white students of that community. The idea was flatly rejected by the school board.

Manch commented, "That is an affluent community where many people call themselves liberal, but when it came to school desegregation, they blocked it."

He continued, "we have a great many bigots in the North. To be fair, I must say that this feeling has developed a counter feeling which is not healthful. Black people have gone to the other extreme of 'hate whitey.' This kind of arrogance has turned off a great many white people."

He added, "When people say 'Black Is Beautiful,' does that mean white is ugly? I saw a sign in one of the schools the other day that said, 'People Are Beautiful.' I liked that and I took a picture of it."

An affable man who writes poetry in his spare time, Manch has been espousing school integration for at least half of the 14 years he has been in office but has not gotten much of an audience from city officials.

Citing things done by the city council to block integration moves, Manch mentioned the passage of a local ordinance which prohibited expansion of school buildings unless the addition was of the same racial composition as the original building.

Manch explained, "We had determined to use portable classrooms in order to make room for more blacks at white schools, and the ordinance prevented that. I recommended to the board that we take it to court. We won in court and have been using portables for 18 months now."

Naming still another effort to block integration, Manch said the school system was building a new middle school which was to have a racially balanced enrolment. "When the school was two-thirds finished and we needed another bond issue to complete it, the council said it would not approve the issue unless the school was designated as a regular junior high. The mayor spoke in our behalf and after a few weeks the issue was approved."

In an effort to create integrated schools where housing is segregated, Manch has proposed "educational parks" which would involve both city and suburban school administrations. He has been talking the idea for nearly five years, with no significant backing from the community.

Meanwhile, the white student population has continued to decline, dropping 12 per cent since 1966, while the Negro enrolment has increased 10.8 per cent and the Spanish-surnamed student population has mushroomed by 62.8 per cent.

Manch fears if this trend continues, there will be no whites in the city to integrate the schools.

BUFFALO, N.Y., AT A GLANCE

City School Population: 70,300 students (27,100 Negroes).

Total non-white population including Spanish-surnamed students: 41 per cent.

Percentage of blacks in predominantly* black schools: 59.7 per cent.

COLUMBIA, S.C., AT A GLANCE

City Public School Population:
19,400 (51 per cent) black.
18,600 (49 per cent) white.

Percentage of blacks in predominantly black schools: 53 per cent.

OK IN COLUMBUS; NOT IN COLUMBIA

(By Kent Krell)

COLUMBUS, OHIO.—The neighborhood school concept and freedom of choice desegregation policies generally held to be invalid in the South function in somewhat fitful fashion in the capital city of Ohio—with the apparent blessing of the federal government.

"We submit annual reports to HEW (U.S. Department of Health, Education and Welfare) and there have been no queries," says Joseph L. Davis, assistant superintendent for special services for the Columbus schools.

There have been complaints, however, from teachers and parents as a result of numerous disruptions which forced the shutdown of some schools during the past year and the assignment of policemen to school hallways.

"I think we're in for three very rough years," says Davis. "During that time all the problem areas will be felt with greater intensity.

"That's because there is such a constellation of problems which feed upon the others—finances, staff militancy, student unrest and a general breakdown of confidence in the school board.

"When people have lived in isolation and suddenly there is a clash of cultures some problems are to be expected," says the balding, bespectacled administrator.

Of the nearly 110,000 children in the Columbus school district, 26.9 per cent or 29,400 are black. Fifty-three per cent of all Negro students are in schools with populations 80 to 100 per cent black. This is the same percentage which prevailed last year in Columbia, S.C., where the neighborhood school concept is generally conceded to be invalid and where there was some busing to bring about racial balance.

Robert W. Carter, executive director of administration for the Columbus schools, says the fact that six of the city's 13 senior high schools had blacks in excess of 26.9 per cent is evidence that the district is meeting the spirit of federal law and the courts on desegregation.

Disagreement is registered, however, by Mrs. Mary Craig, black chairman of the education committee of the local chapter of the National Association for the Advancement of Colored People.

"Columbus runs one of the most racist school systems in the country," she claims.

She scoffs at the legitimacy of the neighborhood school concept and the administration of the open enrollment policy.

"We're in the process of filing a suit to tie up funds to Columbus schools and possibly even at the state level," says Mrs. Craig.

She stresses racial isolation in the elementary schools and contends the school board has gerrymandered boundary lines to maintain a pattern of segregation in the lower grades.

Figures show only 14 of the district's 124 elementary schools with a black population greater than the norm of 27 per cent during the school year.

The guidelines for the open enrollment policy at the Columbus schools are similar to those followed in other Ohio communities; there must be space available; the transfer must bring about a better ethnic distribution of students; and the transferee must supply his own transportation.

Civil rights leaders are generally pleased with the retirement of long-time district superintendent Harold Eibling. However, Davis contends that Dr. Eibling has been made the unfair scapegoat of Columbus' school problems. "Given the circumstances," says Davis, "he performed remarkedly well despite being the target of legitimate frustrations and anxieties."

Militancy is not the forte of civil rights groups in Columbus. This is partly due to a diffusion of black neighborhoods and a consequent lack of organization among Negroes.

"This is a conservative community which makes the blacks conservative too," says Mrs. Dorothy Lenart, education director for the Columbus Urban League

"The people of Ohio are just not issue-oriented," says Anne Bingle, research director for Democratic Gov. John J. Gilligan.

A lack of statewide interest in school desegregation, at least, is reflected in the fact that Gilligan prepared a public statement on the issue during the 1970 gubernatorial campaign, but never issued it. He was never asked about it.

However, since taking office, the governor is pushing for the consolidation of Ohio's 600-plus school districts. This could bring about a more meaningful racial balance and preclude some large suburban school districts from perpetuating themselves as white havens.

There is a widespread feeling among educators here that a massive infusion of state funds into education will solve many of the internal problems which beset the Columbus schools during 1970-1971. The state underwrites only 25 per cent of the cost of running Columbus' public schools. The total cost per pupil is $728 a year.

Because of the refusal of the voters to approve the last two proposed tax levies, the district is launching a retrenchment program which could force the dropping of 335 teachers next year.

A tax referendum in 1969, supported by the NAACP, was defeated. A similar referendum last year, this time without NAACP support, met a similar fate.

Mrs. Barbara Levinson, a graduate of the University of Alabama and chairman of the school board, said a one-year moratorium on the tax issue may serve to stabilize attitudes and emotions.

"I really believe," says Mrs. Levinson, "that open housing is the only way to solve integration. Given five years, these problems will be answered. By that time the people will have freedom of choice in where they want to live."

She believes that elimination of discrimination in house sales and rentals will legitimatize the neighborhood school concept.

Mrs. Craig said NAACP backing was withheld in the 1970 tax referendum because "the money was going to be used for schools in suburban areas. The land sites were already purchased. This would have perpetuated dual schools."

In Davis' opinion the last two tax levies were beaten "because the voters are impatient—very tired and frustrated with lawlessness and threats to the established order.

"They take a simplistic attitude: 'Don't ask us for more when you can't use what you've had already.' "

Public impatience and frustration, cited by the school administrator, were largely spawned during school disorders, many of them of racial origin.

When chronicled, last year's incidents have an overall tone of black awareness and hard-line policies by school authorities.

One school official who asked not to be identified said, "We may have bent over backwards too far to listen to student complaints."

Several black students were expelled for striking white teachers and others were suspended. The expulsions for the remainder of the school year were the first in more than 40 years.

One high school, Linden-McKinley, which was 62.3 percent black, closed three weeks before the end of the year because of disorders.

Vandalism and the cost of hiring policemen to patrol in the schools ran in excess of $42,000.

Mrs. Pat Worrell, who is white, said her experience as a teacher at Linden-McKinley "made me very wary of blacks.

There was the time" said Mrs. Worrell, "when a black girl called me a bitch and about that time I decided I'd about had it.

"She said it in such a loud voice I couldn't ignore her. So I took it up with an administrator and all I was asked was: 'Well, Mrs. Worrell, what did you do to provoke the situation?' Nothing was done about it."

In contrast to the disruptions she encountered at Linden-McKinley, Mrs. Worrell said discipline at Roosevelt Junior High School where she taught the previous year was "beautiful." Roosevelt is also predominantly black.

Mrs. Worrell, the mother of four-year-old twins, says the problems stem "not so much from racial balance or imbalance . . . as they do from a bunch of hep people preaching open revolution."

She adds that she is prepared to tutor her children at home rather than send them to the Columbus public schools.

Mrs. Craig and Otho Ray Ball, president of the local NAACP, blame the disruptions on racism.

They criticize school administrators of foot-dragging in resolving the grievances of black students.

They cite discrimination against blacks in class elections at schools where they are in a substantial minority, and refusal to honor requests of Negro students to fly the black national flag or play the black national anthem on a regular basis. The latter in this case was "Lift Every Voice and Sing," a tune which has been played in Negro churches since the early 1900's.

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*Between 80 and 100 per cent black.

A hard-line approach on discipline was advocated by the conservative Columbus Dispatch. In an analysis-type story at the height of the disorders, the newspaper's education writer, Graydon Hambrick, wrote:

"School administrators deserve the moral support of citizens for having to deal with the usually unreasonably disruptive student. Yet, one's sympathy is haltingly given, for most officials in dealing with violent student dissenters seem to fear the big stick theory enunciated at the turn of the century by Theodore Roosevelt . . .

"The second chance philosophy to which most Columbus administrators seem to subscribe is valid only in theory, and certainly not in disruptive cases."

COLUMBUS, OHIO, AT A GLANCE

City Public School Population:
79,500 students (73.1 per cent) white.
29,400 students (26.9 per cent) black.
Percentage of blacks in predominantly* black schools: 53 per cent.

COLUMBIA, S.C., AT A GLANCE

City Public School Population:
19,400 (51 per cent) black.
18,600 (49 per cent) white.
Percentage of blacks in predominantly black schools: 53 per cent.

*Between 80 and 100 per cent black.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam, stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

VOCATIONAL REHABILITATION GRANTS TO STATES

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. GIAIMO. Mr. Speaker, in 1970 the Congress passed the Developmental Disabilities Services and Construction Act. In doing so, Congress hoped to extend the services beyond the mentally retarded to include children and adults afflicted by such developmental disabilities as epilepsy, cerebral palsy and other neurological diseases.

Unfortunately, funds have not been requested or appropriated to meet either the expanded category of diseases or the expanded kinds of services to be offered to afflicted individuals with these diseases. While the Labor-HEW appropriations bill for fiscal year 1972 contains a $5 million increase over the administration budget, bringing developmental disabilities funds to $16.2 million, a coalition of organizations in the health and rehabilitation fields has proposed $30 million as the minimum amount for an effective formula grant program. Even with this increase, however, it is apparent that the allotment to each State will be modest.

On Tuesday, July 27, I plan to offer an amendment to the Labor-HEW appropriations bill, the purpose of which will be to provide more realistic funding for both developmental disability services and for the State-Federal program of vocational rehabilitation. I am inserting below, a table, composed by staff of the Rehabilitation Services Administration, which shows the individual allotments that would be made to States under the $16.2 and $30 million figure. I know that any Member who has had experience with the work that can be done for the disabled and handicapped will realize the difference these amounts will make for rehabilitation programs in their own States. In addition, I will subsequently insert a table showing the effect of the increases, which my amendment would provide, in the vocational rehabilitation grants to States program.

The table follows:

TENTATIVE STATE ALLOCATIONS UNDER TITLE I PUBLIC LAW 91-517 DEVELOPMENTAL DISABILITIES ACT

	Disability	Health and rehabilitation
Total	$16, 215, 000	$30, 000, 000
1. Alabama	330, 574	635, 620
2. Alaska	100, 000	100, 000
3. Arizona	143, 210	275, 536
4. Arkansas	187, 053	359, 662
5. California	1, 313, 767	2, 526, 098
6. Colorado	163, 877	315, 099
7. Connecticut	189, 888	365, 163
8. Delaware	100, 000	100, 000
9. District of Columbia	100, 000	100, 000
10. Florida	502, 863	966, 895
11. Georgia	391, 490	752, 747
12. Hawaii	100, 000	109, 352
13. Idaho	100, 000	119, 083
14. Illinois	736, 616	1, 416, 369
15. Indiana	384, 037	738, 419
16. Iowa	210, 214	404, 196
17. Kansas	170, 786	328, 385
18. Kentucky	282, 795	543, 802
19. Louisiana	332, 216	638, 778
20. Maine	100, 000	158, 979
21. Maryland	271, 161	521, 382
22. Massachusetts	375, 424	721, 857
23. Michigan	$630, 588	$1, 212, 498
24. Minnesota	285, 492	548, 936
25. Mississippi	240, 997	463, 385
26. Missouri	351, 194	675, 268
27. Montana	100, 000	110, 484
28. Nebraska	111, 265	213, 938
29. Nevada	100, 000	100, 000
30. New Hampshire	100, 000	105, 807
31. New Jersey	471, 275	906, 157
32. New Mexico	100, 000	178, 312
33. New York	1, 160, 207	2, 230, 838
34. North Carolina	445, 620	856, 827
35. North Dakota	100, 000	103, 541
36. Ohio	782, 086	1, 053, 797
37. Oklahoma	208, 293	400, 502
38. Oregon	152, 041	292, 341
39. Pennsylvania	850, 903	1, 636, 116
40. Rhode Island	100, 000	123, 621
41. South Carolina	249, 580	479, 887
42. South Dakota	100, 000	108, 905
43. Tennessee	347, 212	667, 663
44. Texas	909, 061	1, 747, 941
45. Utah	100, 000	180, 051
46. Vermont	100, 000	100, 000
47. Virginia	367, 244	706, 129
48. Washington	237, 604	456, 861
49. West Virginia	159, 523	306, 729
50. Wisconsin	326, 639	628, 054
51. Wyoming	100, 000	100, 000
52. American Samoa	3, 470	6, 672
53. Guam	10, 348	19, 898
54. Puerto Rico	309, 612	595, 317
55. Trust territory	11, 897	22, 877
56. Virgin Islands	6, 878	13, 225

CAPTIVE NATIONS WEEK

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. DRINAN. Mr. Speaker, today marks the beginning of the 12th Captive Nations Week, an annual commemorative dedicated originally to the more than 100 million people of East and Central Europe who live under authoritarian Communist regimes.

Often included in the captive nations list, however, are the non-Russian nations such as Armenia, Georgia, and the Ukraine, which were absorbed into the Soviet Union 1920, as well as the People's Republic of China, North Vietnam, and Cuba.

I am sure it will strike many as an arresting irony that at the very hour when we begin this year's Captive Nations Week, designed as such by the President, the President himself is meeting to discuss his planned visit to the People's Republic of China, by far the most powerful of all the regimes on the roll of the captive nations.

Can these two events be reconciled? It could be said that peacefully confronting the Chinese leaders reflects our overall policy of encouraging international dialog whenever and wherever that is possible. It could be said—as indeed it has been said, and repeated during Captive Nations Week for the past 11 years—that we remain unreservedly dedicated to the defeat of Communist governments, that from the citadel of liberty we stand devoted to the cause of liberty, that we shall remember Poznan, keep the faith of Budapest, and carry the torch of Prague.

If, as we presume, the people in the captive nations learn what is said in this Chamber during this week, they will also learn of the President's forthcoming visit to China. Perhaps they will have heard, too, about such developments as U.S. support for West Germany's building of bridges to the east, and of our relatively unperturbed response to Chile's new socialist government. They will certainly know that we are withdrawing from Vietnam considerably short of triumph and that we are debating about a decrease in our forces in South Korea and in Europe.

And what are they likely to conclude from all this? No one can say for certain, but in response to their tenacity, their courage, we owe them at least the obligation of being as clear as we can be about our foreign policy with regard to the satellite nations.

It seems clear from the developments in our foreign policy which I have mentioned that we do not intend to intervene directly in support of internal liberation struggles even of the most heroic intensity. We did not do that in Poland or in East Berlin or in Hungary or in Czechoslovakia; and the reason is obviously because we respect the nuclear threat which the Soviet Union wields within the Warsaw Pact. We have every reason to believe the Russians take a similar view of NATO's nuclear shield in Western Europe.

President John F. Kennedy stated the American philosophy with regard to the captive nations in these words:

> This country must never recognize the situation behind the iron curtain as a permanent one, but must, *by all peaceful means*, keep alive the hopes of freedom for the peoples of the captive nations.

The question for all of us to ponder during Captive Nations Week is this: Is the United States, in President Kennedy's words, utilizing "all peaceful means" to intensify the hope and dream of freedom among the millions of people in the land subjugated by the Soviet Union?

When I contemplate this agonizing question my mind reflects upon the work that was begun almost 200 years ago in Concord, Mass. I am honored and privileged to have Concord as one of the 31 cities and towns of my congressional district. The sound of the famous shot that was heard around the world still rings in the hearts of men everywhere. It was in Concord, Mass., that the American dream and the American Revolution began. That Revolution is still going on. And that is why we cannot turn our backs on the millions of people who, like the citizens of the Thirteen Original Colonies, desire to throw off the yoke of tyranny imposed upon them by force.

Clearly new leadership is needed at this time if we are to assist the peoples of the captive nations in their aspirations toward self-determination. Leadership means ideas. Leadership almost always means new ideas or at least old ideas put into a cogent and compelling form.

It must be said that the leadership which we can give and even the leadership which the peoples themselves in the captive nations can give must be more sophisticated and multifaceted than the activities that culminated in the rebellion of the citizens of Massachusetts at Concord against the British soldiers. As President Kennedy has reminded us we are, as citizens of the nuclear age, virtually restricted to utilizing "all peaceful means."

We should not, however, lament the fact that we cannot sensibly or morally utilize the weapons of modern war to carry out our desires for freedom for the peoples of the captive nations. Other weapons are more plausible, more rational, and in the end, more powerful.

Among these many weapons are expanded trade, hard tariff bargaining and prudent foreign aid. These weapons suggest that we should maximize cultural and commercial links with the peoples of the captive nations and in so doing, utilize the full economic strength of our own industrial economy as well as our diplomatic strength to intensify the determination of the peoples of the captive nations to shape their own institutions and their own destinies.

At the same time we must recognize that we teach as much by example as we do by the full utilization of our economic and diplomatic strength. We can hardly be a credible voice in our pleas for self-determination when the world can see that, during the recent past, our South Vietnamese allies told Ngo Cong Duc, an antigovernment publisher, that he would not be allowed to run in the coming elections because he is too sympathetic to the political enemies of President Thieu.

We can quite rightly during Captive Nations Week charge Communist regime with disgraceful acts of political intimidation. At the same time we should recognize that the tiger cages still operate in Vietnam and that Truong Dinh Dzu, a man who received the second highest number of votes in the 1967 presidential elections in South Vietnam, is still held in jail by the man who defeated him in the election because Mr. Dzu desires some form of a coalition government.

It is also depressing to have to point out that the United States is still sending money and arms to West Pakistan as that nation continues in its devastation of East Pakistan. It is, furthermore, not reassuring to our friends in the captive nations that the United States could not find more than $90 million to help India shelter 7 million Pakistani refugees. Similarly, the peoples of the captive nations must wonder about American support for the dictatorship in Greece and the subsidies which this country sends to assist the state police in Latin American autocracies.

Let us hope that when the 13th Captive Nations Week comes in July of 1972, the Congress of the United States and the American people will have explored and implemented every one of those "peaceful means" recommended by President Kennedy to "keep alive the hopes of freedom for the peoples of the captive nations."

SUGGESTING TEST PROPOSALS OF WELFARE PROGRAM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. DERWINSKI. Mr. Speaker, we in the legislative branch, in general, recognize that the present welfare program must be reformed, but we obviously differ on the solution to the present costly and unworkable program.

My principle objection to H.R. 1, the so-called welfare reform bill, is that it has not been adequately tested and we may create a new monster rather than the solution to the problems besetting our welfare program. The Chicago Tribune, in a very effective editorial on July 11, makes the practical suggestion that we should thoroughly test proposals before plunging headlong into huge new expenditures.

FOR MORE TRIAL, LESS ERROR

Wishful thinking has never cost as much as in the programs voted by a succession of United States Congresses for the elimination of poverty. And now the Senate is about to take up the latest, most ambitious, and probably costliest plan of them all—President Nixon's family assistance program.

The record of past achievement has been less than spectacular. Consider the following bench marks:

In 1928, Herbert Hoover said "we are nearer to the final triumph over poverty than ever before. . . . The poorhouse is vanishing from among us."

In 1937, Franklin Roosevelt saw "one-third of a nation ill-housed, ill-clad and ill-nourished." That would have been 42 million people.

In 1960, John F. Kennedy's campaign oratory echoed with concern for the "17 million" Americans who went to bed hungry every night.

In 1964, Lyndon Johnson spoke of the "forgotten fifth" of the country "who have not shared in the abundance." That would have been 38 million people.

During this period the welfare spending of all levels of government has risen about 100-fold, with direct payments running about $15 billion a year and total welfare-connected spending about $80 billion. The Nixon program was originally tagged at $4 billion for the first year. Present estimates are closer to $10 billion, and liberals denounce it as niggardly.

Sen. Abraham Ribicoff of Connecticut, a 14-karat liberal, says that "the time has come for America to enact a welfare program designed to eliminate poverty in America" in five years. That, of course, is what the sponsors of most of the earlier programs said theirs were designed to do.

The country simply can't afford to let its welfare costs go on expanding as they have, in good times as in bad, with so little to show for the money. They are threatening to bankrupt states and cities and contributing enormously to the federal government's deficits. What reduction there has been in poverty in the last 20 years is attributable far more to the country's unparalleled economic growth than to the welfare programs.

The current issue of U.S. News & World Report raises the question whether poverty is soluble at all. It is, after all, a relative thing. When Russians saw pictures of American poor in the movie version of John Steinbeck's "Grapes of Wrath," the message was utterly lost because the viewers were amazed to see the "poor" wearing shoes and even driving cars. There will always be a "poorest fifth," we are told. Some say the poor are chronically unable to discipline themselves to work, while at the other extreme are those who excuse all of the poor as victims of circumstances who can be put back on their feet with a little help.

We mention all of this not as an excuse to ignore the problem of poverty but rather as a reason to stop trying to enact crash solutions to a problem about which people know so little and disagree so much.

There are many promising aspects to Mr. Nixon's program. By putting the emphasis on families with children, it might break the hereditary cycle of dependence on welfare. By its work incentives, it may help to put more people on their own feet. But compared with the vast cost of the program (which Congress will push up every time it wants to court the voters), the hopes of achievement are limited and the chances of calling the program off if it fails are next to nil.

Wouldn't it be wiser to stop plunging headlong into vast and uncertain ventures and start trying out these theories in limited localities first, so as to see how they work? The government has done this occasionally in other areas. And we can't think of a more important one than this.

PRESIDENT NIXON MEETS MIDWESTERN NEWSPAPERMEN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MICHEL. Mr. Speaker, during a visit to Kansas City earlier this month, President Nixon met with a number of midwestern newspapermen in a rather informal setting without television lights and a press conference format.

Mr. C. L. Dancey, editor of the Peoria Journal Star was among the group who visited with the President and the July 8 edition of his newspaper carries a story written by Mr. Dancey outlining his impressions of the President and this administration's efforts to solve some of the problems confronting the world and the country today.

I include the article in the RECORD at this point:

A MEETING WITH THE PRESIDENT

(By C. L. Dancey)

President Nixon's appearance before a group of us editors in Kansas City Tuesday was a rather refreshing experience, wholly aside from his reported remarks on yesterday's front page.

It was a welcome change to hear a President speaking without TV cameras and blinding lights, without a script, without notes—just talking face to face, for once.

It was not the cat-and-mouse game of the press conference, and it was not a "speech."

We had just finished sessions with the Secretary of health, education and welfare, the head of the new environmental control agency, a senior economics adviser, and special assistants of the President on their areas of specialization. They had spoken and answered our various questions about the status of the revenue sharing proposals, of basic government reorganization, of the national health program in the works, of the drug abuse programs, and of the welfare reform package.

It carried me back to the time when you might say, I got the "Great Society" original story about two years ahead of time.

Looking for an acquaintance I knew, at that time, during the Kennedy administration, I finally tracked him down to a third floor makeshift office in a beaten-up 100-year-old building. He was still on the payroll of his "home" department but was part of a new "task force."

All the people there were on some other payroll, but had been brought together to invent and create a new department and some new government activities—and to cook up the justification for funding to Congress.

This was not initially the funding for the new activities. First they had to come up with something that would produce the funds for a more thorough promotion effort—"research"—which in turn would report and seek the massive funding of the real thing.

They had engaged in comprehensive questionnaires directed to every private charity and welfare activity in sight—asking them what they would most want if a mass of federal money were available.

When I stumbled in on them, they were terribly disappointed with the results. Their original idea of a "domestic Peace Corps" had hit a snag. The professionals had largely answered that the LAST thing they needed was a bunch of amateurs making the social problems worse, instead of better.

They had found a couple of "clues" that showed possible promise if one developed the "problem" energetically. (One of these was the plight of some of our Indians. Another was "Head start.")

They were hunting for problems, then, and they never even stumbled across "environment," for example, and nobody mentioned "drug abuse."

It took two years and a lot of money stirring things up to even get things down the road to the "Great Society" speech under Lyndon Johnson, and the first efforts to pass funds for such things.

It is obvious how much times have changed. The 1971 administration is not looking for more problems, but seems to be much faster afoot in responding to those that surface by their own nature.

The environmental agency and the powers already in its hands is like nothing else anywhere on the planet thus far, or in history, and we were told that while we are in the hiatus of "lead time" (it takes time to build facilities after standards are set and compliance orders issued), the impact of the agency has already been widely felt.

It has been felt on the people who must clean up air and water, for example, and there is widespread activity to do so. The actual improvement in air and water, of course, is the last stage—when that activity reaches actual completion stages of treatment plants, and antipollution devices and installations, now under way.

Likewise, the administration has responded to the drug problem with remarkable speed for those of us accustomed to the long political processes of the bureaucracy.

A check reveals some nine existing agencies already with legal authority to deal with some phase of the drug scene, so these nine activities have been brought together under single direction for the kind of coordinated attack that involves detection, rehabilitation, law enforcement, and international controls on drug production.

We have seen the massive detection system instituted by the armed forces, and the agreement with Turkey to close down poppy fields which have been the chief source of deadly heroin and its predecessors for centuries, just in recent weeks.

Meanwhile, there is considerable optimism about a form of revenue sharing to cut through the maze of "categorical grants" by which more than 30 billions are now tortuously distributed to local governments for specific projects—years after the need has been proven and the problem become critical.

The welfare reform proposal now seems assured at an early date.

Then the President appeared, after all these discussions, spoke for a time about some of the questions that had come up during those discussions, referred to the steel conference with management and labor he had held that morning (He said he pointed out to the union chiefs and steel managers that Japan, since World War II, has gone from 5,000,000 tons of steel to 100,000,000 tons and within two years will be producing more steel than the U.S.).

At this point he began discussing the relationship between foreign matters, the world, and the domestic economy.

He said that while tightly focused on Vietnam, many of us have ceased to look at the massive changes in the nature of the world in which we must live in the future.

America, 28 years ago, stood alone in its military and economic power—not by design or desire but by the accident of World War II events. We no longer have the burdens or advantages of that virtual monopoly on military and economic strength.

In the years ahead, he said, there will be five "super-powers", not one or two. The Common Market with Great Britain now added, will be an immense force. Japan has become such. The Soviet Union is another. And one day, China's 800,000,000 people are likely to become the fifth to "challenge" the U.S.

To succeed and progress in that new scrambling world, he said, we will have to have a more efficiently organized government, a healthy economy, a healthy environment, and a healthy people.

It was then that he spoke of the historic danger of "decadence" once a people has been as pre-eminent and "alone at the top" as we have been—and of the destructive force of "negativism and defeatism" which breaks the back of so many of the young and vulnerable, especially, and results in escapism and the drug scene.

And finally, he spoke of his confidence and hope of a new spirit, based on accomplishments, not rhetoric, of achieving not "transitory" benefits but the kind of conclusions to the economic, governmental, environmental, and foreign situations that provides the healthy "broad base" we shall need in the changed world that confronts us in the near future.

It reminds one, at least, that a national policy requires (1) specialists to deal directly with specific problem areas, and (2) a President who views the broader scene and the role of each problem area in the "whole picture."

After the session, there was a reception where the President talked briefly with each of us individually, and then the Illinois guys, Bob Heck of Rockford, Jack Clarke of Springfield, Forrest Kilmer from Davenport (Quad Cities, gravitated together, and Keith Wilson from Omaha, Brady Black from Cincinnati, and such to compare notes on the "purloined papers," the New York Times "responsibility or irresponsibility," the Supreme Court decision, the President's remarks, the domestic programs, and newspaper "shop talk."

That was a bonus, and revealed a remarkable "consensus" among editors from "man on the street" cities of grave misgivings as to the precedent set by the New York Times, and its possible future misapplications.

Such was the nature of the entire proceedings of the press and President at Kansas City.

And something of the physical atmosphere behind the headlines on the President's comments about "decadence."

HORTON URGES AMERICANS TO AFFIRM SUPPORT FOR PRINCIPLE OF FREEDOM DURING CAPTIVE NATIONS WEEK

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mr. HORTON. Mr. Speaker, I would like to commend my friend and colleague, Congressman EDWARD PATTEN, for his interest in the people of Eastern and Central Europe who must live under Soviet oppression, especially his deep concern for minorities in Czechoslovakia. Mr. PATTEN's discussion comes at a most appropriate time because it coincides with Captive Nations Week—symbolic of our efforts to win more freedom for those behind the Iron Curtain.

This week, July 18 through July 24, has been designated as Captive Nations Week. Its purpose is to focus world attention on the problems of the more than 11 million people living under Soviet oppression in Eastern and Central Europe. It is being observed by millions of Americans and their friends in 17 free world countries. This is the 13th observance since Congress established the week in 1959.

Despite some lessening of tensions in diplomatic relations between the United States and the Soviets, the plight of the people held captive in Communist-controlled nations has not been diminished. Some events of the past few years are a tragic testament to this: the Russian invasion of Czechoslovakia in 1968, the mass imprisonment of Jewish, Ukrainian, Russian and other brave dissidents in 1969, the unhappy Simas case, the Polish workers' unrest in 1970 and the reemphasis of the Brezhnev doctrine this spring.

These were crucial events, with serious implications for relations among nations and horrible consequences for the millions of people directly affected.

There is, it seems to me, a tragic symbol of these events and of the suppression of human rights by Communist regimes. That is the Berlin Wall, built 10 years ago next month, to prevent East Germans from escaping to the West.

The meaning of the wall was described by Andrew Wolfe, editor and publisher of the Genesee Valley Newspaper in my congressional district, who recently returned from Berlin. I would like to share with my colleagues some of his thoughts about the wall as expressed in the July 8, 1971, edition of the Brighton-Pittsford Post. I think they are particularly relevant and poignant this week.

He wrote:

> Yes, there is a Cold War.
>
> No one who has seen the Berlin Wall is going to forget that fact very rapidly.
>
> The most disturbing thing about the wall is its very ordinariness—the drab and sloppy way in which it has been constructed.
>
> Built of cement block, it has the same kind of craftsmanship you find in home-made cinder block garages in the United States.
>
> But there is nothing amateur about the way it is designed to prevent East Germans from escaping to the west. . . .
>
> Chillingly, the wall is painted white on the inside, so that guards may more easily spot their victims when aiming. The central area between the walls is designated a "free fire" zone, and all entering it can be shot without warning.
>
> All along the wall, of course, are watch towers.
>
> On the West Berlin side of the wall are a series of observation platforms.
>
> It gives one an uneasy feeling to stand on one of these and to stare across at the East Germans, who man machine guns in towers on the other side.

Andy Wolfe is right. That drab, cement wall stands as a frightful reminder of the oppression borne by those who must live under Communist rule.

I would like to share with my colleagues in the House another passage about the Berlin Wall. Although it was written almost 10 years ago, it is still particularly meaningful today. It vividly describes the tragedy of life in captive nations. The passage appears in an article, "Berlin: A Tale of Two Cities," which appeared in the Brown University Daily Herald, December 18, 1962. It was written by David Lovenheim, then a student at Brown University, and now my administrative assistant. The article follows:

> One of the few post-war incidents which has caused the people of West Berlin temporarily to lose their stalwart cool-headedness occurred during my visit to the divided city last summer. On Friday, August 17 at about 2 o'clock in the afternoon, Ulbricht's Volkspoliezei (People's Police) shot and killed Peter Fechter, an 18-year old youth who was attempting to climb the Wall with a friend about 200 yards from the U.S. Army Checkpoint at Friedrichstrasse.
>
> Fechter, while his friend escaped, was butchered by machine gun fire from two guard towers and was left bleeding at the Wall for over an hour. The West Berlin police at the scene could do nothing but throw bandages over the Wall to the helpless youth and keep an anxious crowd back from the smoke and tear gas bombs the Volkspoliezei were using to obscure the Westerns' view. Both West Berlin police and Allied troops have been under orders to hold their fire unless fired upon from across the Wall. No attempt, other than the throwing of useless bandages, was made to save Fechter from his brutal death.
>
> My papers were being processed for departure from the Eastern sector at the Friedrichstrasse checkpoint at the time the incident occurred. For a change, the Eastern Berlin guards were anxious to process Westerners quickly, to get us away from the checkpoint from which one could plainly see the section of wall Fechter had tried to cross. Two guards, who ordinarily would have rechecked our papers, waved us through.
>
> By the time we reached "Checkpoint Charlie," an anxious crowd including several West Berlin officials, had gathered along the Wall opposite the dying Fechter. Having been on both sides of the Wall during the excitement, I could not help noticing a difference in the faces of East and West policemen. The patronizing expressions on the faces of the East German guards were indiscernable from their usual looks of stern politeness. They certainly seemed to take the excitement in stride. Their counterparts across the Wall were not as unaffected. Their intense grimaces poorly restrained their anger at the needless brutality and at their own helpless role as onlookers.
>
> Fechter's death, the second murder at the Wall in three days, was by far the most brutal since the construction of the Wall. Moreover, the murder occurred only days after West Berliners had mourned the passing of the first year of division by Mauer. This rapid succession of events, sparked by the barbaric brutality of the Fechter killing, proved too much for the West Berlin temperament to bear.
>
> The West Berliners returned violence for this latest atrocity of Ulbricht's regime. Irate Berliners held demonstrations against the Americans, who they felt were guilty of inexcusable inaction in the Fechter incident. More violent crowds demonstrated against Ulbricht and the Russians; stonings of Soviet vehicles in West Berlin continued for more than a week after the shooting. Mayor Brandt pleaded with his people to "realize" that we must not be drawn into thoughtless acts, however difficult it may be for us to keep quiet and calm.
>
> After the joint American, British and French command in Berlin promised to station an ambulance at the Friedrichstrasse traffic point (though they were silent as to whether or not they would try to force it into the Eastern sector in an emergency), Berlin tempers began a return to their normally calm level.
>
> Moreover, the people of East Berlin, regardless of their dreams, have no more say today in the political status of their sector than they did at the Wall's inception in August, 1961. In West Berlin, hopes for the removal of the hated Mauer are now overshadowed by fears that even further pressures may be levied against them by Ulbricht's regime.

We must strive to do all that we can to see that the Berlin Wall, and the oppression which it symbolizes for the people living in Communist-controlled countries in Central and Eastern Europe, "comes down."

Affirmation of support such as these given during Captive Nations Week are undoubtedly a psychological boost to those living behind the Iron Curtain.

During Captive Nations Week, we should affirm our support for the universal principles of freedom and self-determination for all people. But we must do more—this week, and throughout the weeks and years ahead, we must work actively toward bringing about a better future for those under Soviet rule.

MARTIN COUNTY COMMISSIONERS HEAR STATE HEALTH DIRECTOR

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ROGERS. Mr. Speaker, on June 3 I inserted in the CONGRESSIONAL RECORD for the benefit of my colleagues an article from the Jensen Beach Mirror concerning that newspaper's investigation of health and environmental law enforcement in the counties of Martin, St. Lucie, and Okeechobee in the State of Florida.

At the request of Dr. Wilson T. Sowder, director, division of health, Florida Department of Health and Rehabilitative Services, I am inserting at this point in the RECORD a statement made by Dr. Sowder before the board of commissioners of Martin County relating to this matter:

STATEMENT BY WILSON T. SOWDER, M.D., DIRECTOR, DIVISION OF HEALTH

> Gentlemen: At your request I am here to discuss any problems that concern you about the Martin County Health Department, which I would like to emphasize is *your* as well as *our* health department. It is not just a local branch of the Division of Health, but the child of a partnership agreement between us. Chapter 154 of the Florida Statutes provides for such a partnership arrangement on a voluntary basis, and it is under that law

that the health programs of the county health department are being carried on.

ORGANIZATION OF THE MARTIN COUNTY HEALTH DEPARTMENT

I would like to emphasize that although your local health department may be, and is at times called the Tri-county health department, this is a descriptive and not a legal term. There is a separate budget for the Martin County Health Department which we have jointly agreed upon and it is financed by both local and state funds. Your only relationship to St. Lucie and Okeechobee County is the fact that you share with them a health officer and a director of sanitation.

Your Chairman, Doctor Myers has indicated to me by letter that you may wish to enter into a different arrangement whereby you would have a full-time health officer and a full-time sanitation director of your own. I have replied to him that while we prefer larger units as being less costly and making better use of scarce personnel, we will agree to such an arrangement if you wish, and you will provide the additional local funds needed. Since we receive only so much state money for county health units a single county health unit will require more local funds. I should also point out that our parent agency, the Department of Health and Rehabilitative Services, plans to regionalize the work of all its Divisions insofar as possible into eleven regions. Martin County would be in Region 8, along with Palm Beach, St. Lucie, Indian River and Okeechobee. This does not, however, preclude our having single or multi-county units within these regions.

The suggested details of a proposed budget have been prepared by our staff and your county health officer, Doctor Miller, and are presented to you. In brief, the increase in cost to provide for a full-time health officer and sanitation director and one additional nurse for your county is estimated to be approximately $20,000 per *annum*. Some improvements in efficiency are always possible and attainable. We will work with you to secure the maximum improvement in efficiency and the maximum benefit from present funds and personnel available. However, to substantially increase the work output, to increase services rendered, and for better and faster enforcement of the health and sanitary laws and regulations more funds and personnel would be required. For the information of others present here, you are, during the current fiscal year, contributing about $25,000 and state funds amount to nearly $47,000.

ACCOMPLISHMENTS OF THE MARTIN COUNTY HEALTH DEPARTMENT

The purpose of the local health department as a joint enterprise between the state government and the Board of County Commissioners is to help provide a state wide machinery for the protection and improvement of all of the people's health. We have established the fact that no cases of infectious hepatitis have occurred in Florida due to polluted shellfish either in recent years or in the more distant past, and none in Martin County. Our records show that in 1970 a total of only 11 cases of infectious hepatitis occurred in Martin County and 6 cases this year up to May 7. It is worthy of notice that no case of diphtheria has been reported here since 1937, no case of typhoid fever since 1949, no case of poliomyelitis since 1958, no case of amebic dysentery since 1961, no case of tetanus since 1965, and no case of diarrhea in the newborn since 1966. Also, I present in the table below figures compiled in the central office showing comparisons between activities in 1970 in important areas of sanitation and disease control between Martin County and the state as a whole:

Sanitation control	Martin County	Florida	Difference (percent) Martin County
Inspections per 1,000 population:			
Public water systems	7.3	2.7	+70
Private water systems	15.0	2.5	+500
Public sewer systems	6.1	2.2	+177
Private sewer systems	1.3	.2	+550
Pollution survey	1.3	.4	+225
Bathing area surveyed	2.8	.2	+5,500
Mobile home parks	7.2	1.7	+324
Eating/drinking establishments	20.5	17.0	+21
Grocery/meat markets	13.7	6.1	+125
Private premises	34.7	13.5	+157
Public premises	29.7	10.1	+194
Tuberculosis control per 1,000 population:			
X-rays taken (small)	102.2	90.1	+13
X-rays taken (large)	11.3	10.4	+9
Tuberculin tests	40.0	29.6	+35
Visits (office and field)	29.2	23.5	+24
Total immunizations per 1,000 population:			
Smallpox, DPT, polio, and measles shots	136.5	95.6	+43

During the decade from 1960–70 Martin County has shown significant improvement in one of the most widely used indices of public health. In 1960–61 the Martin County infant death rate stood at 37 infant deaths per 1,000 live births which was 23 per cent above the rate for the State of Florida. By 1969–70 the Martin County rate had plunged to only 17 infant deaths per 1,000 live births which placed it 23 per cent below the rate for the state as a whole.

During the 1960 decade only one maternal death was reported for Martin County. This yielded a maternal death rate of half that reported for the state.

COMMENTS ON ALLEGED SHORTCOMINGS OF THE MARTIN COUNTY HEALTH DEPARTMENT AND THE DIVISION OF HEALTH

I now turn to the articles appearing in recent weeks in the Jensen Beach Mirror. My own comments will be general in nature, but we have present here some members of the staff from the office in Jacksonville, some regional personnel, as well as some Martin County Health Department personnel who can supplement, to the extent necessary and desired, our written reports on the material contained in these articles.

We agree that the Martin County Health Department is the important agency in this county and has the front line responsibility for the protection of the people's health. I have given you facts and figures about its work and accomplishments indicating that a good job is being done. It is not true, as everyone is, I am sure, aware that it is a pollution control agency. It has only incidental and supportive roles in that field. The Legislature, in its wisdom, established in 1967 a separate agency to be responsible for the enforcement of laws against air and water pollution and transferred from the then State Board of Health to that agency all funds, personnel, building, and equipment which had been devoted to that program. There are indeed gray areas between the two agencies and problems have arisen but these have been worked out in formal written agreements, and by personal discussions as they occur. The staff of both agencies agree on the interrelationship between pollution control and disease prevention programs. We, in the old State Board of Health, urged the Legislature not to separate pollution from health, pointing out that the two were closely related, but it decided otherwise. It seems ironic then for the state and local health agency, with not an ounce of authority to enforce the laws on pollution, to be billed as the key villain for not enforcing the laws on pollution!

We do retain the responsibility for sewage disposal and this complex and difficult problem is being handled in an outstanding manner considering the severe limitations of personnel and funds provided for the purpose. We are particularly short of personnel in our Bureau of Sanitary Engineering and in its regional offices. Because of this it is difficult to discharge our responsibilities in the areas of water supply, bathing places, sewage disposal, shellfish sanitation, and solid wastes. Including clerical staff, the Bureau of Sanitary Engineering has only 54 people, but we need and asked the Legislature for twice that number in order to do an acceptable job. However, it now appears that we will receive no increase.

The State Division of Health is not responsible for the enforcement of the state law on milk and milk products. Many years ago when a legislative committee had under consideration a bill removing from the State Board of Health the responsibility for the inspection of dairies I personally urged that this not be done. Nevertheless, it was done and the Division of Health was left with limited responsibilities in this field and county health department with optional responsibilities. Again, how strange it is to see us billed as the key villains in connection with violations of this law. As some of you may know, we in the field of health do encounter criticism for inspecting dairies and dairy farms at all. This is on the basis that it constitutes overlapping and duplication with the Department of Agriculture. Nevertheless, in spite of these discouraging facts the staff of the Martin County Health Department has an excellent record in this field and has made periodic inspections of dairies and dairy farms.

In connection with law enforcement I point out that the present tools provided us under the laws need to be improved. At present every case, however minor, must be painstakingly prepared and presented by an attorney to the court for judgment. This involves the use of the very limited time of our health officers, sanitarians, attorneys, and others. This has naturally led, for common sense reasons, to making every effort to secure corrections on a voluntary basis before resorting to the courts.

We have called this deficiency in the laws to the attention of the Legislature and your own Senator Beth Johnson has introduced Senate Bill No. 668 which would remedy this situation. Under this bill the Division of Health and county health departments would issue annual permits. Establishments not having a valid permit would automatically be in violation of the law. Administrative fines could be levied in the absence of a valid permit. This would avoid the expensive and time consuming procedures now necessary for even the most flagrant violations of the law. Unfortunately, this bill has made no progress in the Legislature up to this time. Nevertheless, we will continue to do our best with the legal tools and personnel that we have available in order to make sure that we are doing all we can to enforce the health laws and regulations. To be sure of this I have, in accordance with Chapter 381.121, Florida Statutes, asked the Honorable John T. Brennan, State Attorney for the Nineteenth Judicial Circuit to assist the Division of Health and the Martin County Health Department in the enforcement of the state laws and the rules and regulations under the provisions of this Chapter. This Section of the law states that it shall be the duty of "every state and county attorney, sheriff, constable, police officer and other appropriate city and county officials upon request to assist the division of health . . .

etc." and I now publicly request such assistance of all concerned.

I have already, by mail, called your attention to the error of fact as to the alleged occurrence of 11,000 cases of hepatitis in Florida last year "due mostly to polluted shellfish." The Editor of the Jensen Beach Mirror was advised that the supposed author of this statement has denied that he ever made it and that his disclaimer has been published. I greatly appreciate the Mirror's correcting this erroneous information. To the best of my knowledge there have been none from this source, and the total number of cases occurring last year was 1,862, and in 1971 through May 7th, 745.

I have also called your attention to the story in the Jensen Beach Mirror of the circumstances of a report made by its Editor to the Senate Committee on Health, Welfare, and Institutions on Tuesday evening, May 11. It was stated in the Mirror that I started to leave the meeting when Mr. Campbell was about to speak. The fact is, I did not know him by sight, did not know he was present, and did not know that he was scheduled to speak. His appearance was not on the official agenda of the meeting. Also he stated that health officials in the audience of the committee hearing did not comment on his presentation. I asked for, but was not given the opportunity to respond, obviously because the committee had about 30 bills to consider that evening. These were the principal reasons for the committee meeting.

In summary, I offer you evidence to the effect that the Martin County Health Department is doing good work in your county. I lay no claim that its work, or that of the staff members involved, is perfect. Doctor William Stinger, with the assistance of the Regional Sanitarian, Mr. John Welke, and the Regional Engineer, Mr. Richard Starr, have carefully reviewed the 37 problems reported in the Jensen Beach Mirror. They have visited the sites in all cases where a site was mentioned. Doctor Stinger has prepared a supplement to his report of May 11 and has summarized his findings in a report which I now make available to you. With the assistance of my associates I shall be glad to attempt to answer any questions that you may wish to ask.

THE MARY McLEOD BETHUNE MEMORIAL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. BIAGGI. Mr. Speaker, Senate Joint Resolution 111, which passed with 90 dissenting votes primarily from the Southern delegation, would extend for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

This woman was able, despite her black skin in a period of discrimination, to conquer man's minds and hearts and contribute much to her Nation and her race. It is unfortunate that when this Nation is willing to erect a statue to honor her, the controversy of her life must once again cast a shadow across her path.

I am pleased that a majority of my colleagues believe as I do that the time is long overdue for the erection of such a statue. Mary McLeod Bethune was an outstanding American and her monument will long be a shining light to blacks and whites alike who seek to build a better America for their posterity.

RECIPROCAL INCOME TAX PLAN FOR DISTRICT OF COLUMBIA

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MIKVA. Mr. Speaker, until the District of Columbia is given the right to govern itself, the members of the District of Columbia Committee continue to bear the responsibility for raising the necessary revenue to support the many municipal services provided by the District.

The major roadblock to raising sufficient revenue is the lack of a solid tax base in the District of Columbia. Nearly half the real property is occupied by branches of the Federal Government. This property is tax exempt, and furthermore is unavailable for other productive uses which would give rise to employment and other tax sources. In addition, there are thousands upon thousands of people who commute to the District of Columbia to work, who earn their livelihood in the District of Columbia, and who return to Maryland or Virginia where they live, play, spend much of the money they have earned in the District of Columbia, and where they pay taxes. For these people, the District of Columbia bears a substantial burden of providing the full range of municipal services, but gets little in return in the way of taxes.

Mayor Washington has proposed a sensible plan to equalize the tax burdens and tax benefits among the three jurisdictions which make up the Metropolitan District of Columbia area. Under his proposed reciprocal income tax plan, people would be taxed at the place where they work, regardless of where they live. This is no novel idea—such reciprocality is currently practiced by most States around the country. It is an equitable way to apportion income taxes among States, and is especially crucial in the Washington area where commuters do not merely cross the city line to a suburb within the same State, but cross State lines to a State which does not share its tax revenues with the District of Columbia.

Needless to say, Maryland and Virginia are not enthusiastic about the possibility of losing what has been a real windfall—the right to collect income tax from residents who work in the District of Columbia and who spend only half their time in the taxing State. In recent hearings before the District of Columbia Committee, one Maryland witness submitted a report which purported to show that suburban residents presently do bear their fair share of the District's costs by virtue of the money they spend within the District of Columbia.

The falsity of this proposition is carefully demonstrated by Deputy Mayor Graham Watt in a letter he sent to me following a recent session of the committee's hearings on the District's revenue proposal. Deputy Mayor Watt makes three points which conclusively refute the position put forward by the Maryland report:

First. Money paid by Maryland residents to private businesses in the District do not necessarily result in public revenues for the District of Columbia. For example, the report cites $5.7 million spent by Marylanders on public transit into and out of the District. But little of this redounds to the District's benefit. Some of the bus companies are headquartered in Maryland. Furthermore, mass transit expenditures are not taxable in the District of Columbia.

Second. The report arbitrarily attributes 10 percent of all food sales in the District of Columbia to Maryland residents. There is no basis shown for this assumption. Commonsense and observation in fact contradict it. It is probable that the District of Columbia residents do more grocery shopping in suburban shopping centers than suburbanites do in the District.

Third. The report attributes $65.7 million of general merchandise sales to Maryland residents based on a 1969 guesstimate that 24 percent of the downtown stores' sales are attributable to Marylanders. What the report ignores is the flow of money in reverse—a 1968 consumer survey indicated that 42.1 percent of the consumers who shop in suburban department stores are for the District of Columbia residents. Obviously this would result in a net outflow of consumer cash. Current figures would probably be even more lopsided, for the beltway highway systems has created new shopping patterns, facilitating the exodus of the District of Columbia residents to the sprawling shopping centers which continue to spring up in the suburbs.

The full text of Deputy Mayor Watt's letter follows. In it can be found an early warning of the advancing fiscal plight of the Nation's Capital. A more sensible and equitable tax system must be implemented, and the reciprocal income tax is an obvious first step.

THE DISTRICT OF COLUMBIA,
Washington, D.C., July 7, 1971.

Hon. ABNER J. MIKVA,
Committee on the District of Columbia, House of Representatives, Washington, D.C.

DEAR MR. MIKVA: On behalf of the Mayor-Commissioner and the District Government, I want to express our appreciation for the extensive concern you have shown during the current hearings on the proposed "District of Columbia Revenue Act of 1971." On Tuesday and Wednesday, June 29 and 30, a number of issues were generated and I would like to take this opportunity to offer some further clarification on matters with which you were particularly interested.

The report entitled "Impact Analysis of the Proposed District of Columbia Non-Resident Personal Income Tax" was an important part of the State of Maryland's presentation and is an official part of the hearing record. This report aims to show that the Maryland commuter already lends substantial financial support to the District Government as a result of dollars spent in the District of Columbia which presumably result in sales and other tax revenues to the District Government. It would be unfortunate if this report were accepted as a valid presentation without a critical examination. In terms of assumptions, facts, and conclusions, it is sorely lacking.

A major assumption in the Impact Report is that the private business generated by Maryland residents results in public revenues to the District of Columbia. This also must be subjected to a more critical analysis in view of the complexities of business structures, ownership, and tax law. The Report includes $5.7 million for mass transit in the total dollars spent by Marylanders. Some of the bus companies, however, are headquartered in Maryland. In any case, mass transit expenditures are not taxable in the District of Columbia, and the D.C. Transit Company has significant tax exemption on gross earnings-income, real estate, personal property, and excise taxes. This is the most obvious example of why this primary assumption of the Report is not valid.

The Report indicates that Maryland residents spent $359.3 million in the District of Columbia in calendar year 1970. The dollar amounts spent are cited with no indication whatsoever as to how they were derived or what sources, methods, or assumptions were used to determine them. The amounts appear to be mere guesses and often just do not seem reasonable. For example, the report attributes ten percent of all food sales in the District to Maryland commuters, for a total of $28.8 million. There is no explanation of why ten percent is allocated. In addition, I believe it would be difficult to establish even a minimal amount of grocery shopping by Maryland commuters inasmuch as housewives are more likely to market at shopping centers near their home where there are large super markets, adequate access and parking, other shopping opportunities, and where they would not have to pay the two percent tax imposed on groceries in the District of Columbia. Indeed, I would suggest that the reverse pattern would be more prevalent—that District residents would be more likely, for the above reasons, to do their grocery shopping in nearby suburban centers. Particularly this is the case for many residents of Anacostia, an area which falls very short in shopping and commercial opportunities.

A major weakness of the Impact Report is that it fails to recognize that the Washington metropolitan area is a natural economic unit and that there is considerable two-way commercial activity among the various local jurisdictions. No consideration is given to trade D.C. residents do in Maryland. The report states that $65.7 million of general merchandise sales in D.C. are by Marylanders. This conclusion is based on the results of one survey conducted in a downtown department store in 1969 that indicated 24 percent of their sales by Maryland residents. It is impossible to draw such a conclusion based upon one survey, without an indepth analysis of the situation. An additional comment is that, conversely, department store surveys in suburban centers show that many of their sales are to District residents. For example a 1968 consumer survey at the Chevy Chase Woodward and Lothrop store indicated 42.1 percent of the consumers interviewed were District residents.

It might also be noted that recent economic trends within the total metropolitan area appear to contradict the presumption that suburban residents do a high level of shopping in the District of Columbia. There has occurred a substantial expansion of commerical facilities and increase in retail and wholesale trade in the suburbs. Recent highway developments are sure to further this trend. A recent article by Mr. George Grier of the Washington Center for Metropolitan Studies made this point:

"The Capital Beltway is creating a new set of travel and commuting patterns which can only serve to increase the independence of these suburbs from their parent, and may also contribute significantly to weakening the economic and political position of the city itself.

"The future is clear in one respect, at least: once an alternative to the original pattern of a single downtown has been created, more and more people can be expected to prefer the new 'downtowns' to the old one. Washington's highway plan has both stimulated the original development of alternative urban centers and provided the means for their continued growth."

The question of relating revenue support to the proper governmental jurisdiction is a difficult one, aggravated by the complexity of political and intergovernmental structures. In this case, the Washington metropolitan area, which has so many interrelationships in problems, economic and commercial activities and fiscal matters, is split among two states, the District of Columbia, and ten local jurisdictions. There is presently no way for intra-metropolitan resources to be shared and allocated among all the jurisdictions in the region. Suburban resources are not shared with neighboring jurisdictions. They are, however, shared with local jurisdictions in the same state which might be hundreds of miles away and with which there may be no tangible benefits to the contributing jurisdiction. While some of these resources, raised by state taxes, are returned to the suburban jurisdiction, the District of Columbia does not benefit from such intergovernmental aid. A study just released by the Washington Center for Metropolitan Studies shows the sources of local government receipts for fiscal 1968:

[In percent]

Source	District of Columbia	Maryland suburbs	Virginia suburbs
Localities' own resources	62.0	53.2	55.2
Borrowed funds	5.6	23.9	19.8
State grants		17.4	17.0
Federal grants	31.6	5.5	6.6
Local intergovernmental payments	.8		

From this table it is evident that the District relies most heavily on its own revenue resources The other major source for D.C. is Federal grants and payments including the authorized Federal payment. While the Federal payment is a large proportion in our total receipts, this must be contrasted with the lack of State financial aid. It should be noted that the Federal payment is based upon the needs of the District of Columbia as a consequence of the Federal presence and is not meant to be a replacement of State assistance.

The principle of the reciprocal income tax—taxation at the source of income earned—has been fully accepted as a common and constitutional practice for which every other state level jurisdiction has the authority to impose. In view of the many interrelationships between local jurisdictions in our area, we believe it is also a valid means of raising revenues to support an adequate and necessary level of city services in the District of Columbia and to maintain the viability of the central city as the primary employment base. If the District is not able to resolve the social, economic and physical issues it faces because of inadequate financial resources, the whole metropolitan area will suffer, as these problems do not stop at the District boundary line. The reciprocal income tax is a valid and important means to secure some of the region's large and growing economic resources for meeting these problems.

Sincerely,

GRAHAM W. WATT,
Deputy Mayor-Commissioner.

WASHINGTON POST SUPPORTS REPEAL OF TITLE II

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MATSUNAGA. Mr. Speaker, the Washington Post has again lifted its voice in support of the repeal of the repugnant Emergency Detention Act—title II, Internal Security Act of 1950. In its editorial column on July 20, 1971, the Post points out some of the compelling reasons for the repeal of the concentration camp law which, when accomplished would lift a pall of fear from the country.

Because the bill H.R. 234, providing for the repeal of title II, is expected to come before the House shortly after Congress returns from its August recess, I would like to submit the Post editorial, which is both timely and analytical, for inclusion in the RECORD.

DETENTION CENTERS FOR SUBVERSIVES

Concentration camps are about as un-American as borscht. Yet there is a provision authorizing the creation of such camps, euphemistically called detention centers, in an act of Congress—the Internal Security Act of 1950—still very much on the statute books to this day. That provision is certainly the most un-American inheritance from the now slightly face-lifted Un-American Activities Committee, currently operating under the alias, House Internal Security Committee. It authorizes, during a period of war, insurrection or invasion, the rounding up and detention of persons concerning whom there is "reasonable ground" to believe that they would "probably" engage in sabotage or espionage.

Un-American as such camps or centers may seem to most Americans, they are not unimaginable. At the outset of this country's involvement in the Second World War, American citizens of Japanese ancestry were rounded up all over the west coast and impounded, behind barbed wire, in what were then called "relocation" centers—merely because it was supposed they would "probably" engage in espionage or sabotage. So there is very little reason to be surprised that minority groups of various sorts—militant blacks, long-haired youths, New Left radicals, old left Communists, ardent adversaries of the government or of the war in Vietnam—are full of apprehension that they may become victims of this totalitarian mechanism. Indeed, William Greider of this newspaper reported recently that the FBI has compiled, and keeps enlarging, a list of the names, addresses, jobs and phone numbers of thousands of Americans considered potentially dangerous as spies or saboteurs in case of war or some other "national emergency." The FBI documents stolen at Media, Pa., afforded confirmation of this index.

Rep. Spark Matsunaga of Hawaii, a wounded war veteran who has reason to feel rather strongly about internment camps because some of his relatives were interned in one 30 years ago, has introduced a bill—along with more than 100 co-sponsors—to repeal Title II, the internment camp provision, of the Internal Security Act. There would have been little doubt about its adoption, had not the Internal Security Committee, with its usual propensity for mischief, come forward with a substitute bill slightly amending the existing law but retaining many of its worst features.

The Matsunaga bill would eradicate an

ugly splotch from the American escutcheon. It has the full backing of the Justice Department. It would lift a pall of fear from the country. We hope that Congress will adopt it speedily, restoring the American way of dealing with dissent and rejecting the Un-American Activities way.

BUREAU OF MINES STUDY ON RECYCLING JUNKED AUTOS

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. McCLURE. Mr. Speaker, the Bureau of Mines has just released the results of a study on recycling junked automobiles that draws two very interesting conclusions:

First, it has great economic potential; and

Second, the key to it all is transportation.

You just cannot get into a junked auto and drive it to the shredder, of course. They are carted there by truck, as a rule. Once they are shredded, there is another problem in getting the scrap to the steel mills.

The Bureau's study shows that the shredding operation is economically feasible where the transportation problem can be easily resolved. My bill, H.R. 4585, recognizes this. The basic thrust of the measure is to provide a system of federally guaranteed loans and tax incentives for the purchase of auto scrap processing equipment. States can participate in the program but they must come up with an acceptable plan which, among other things, resolves the transportation problem.

Interest in ridding the countryside of auto graveyards continues to grow. I think the Bureau of Mines has made a significant contribution toward finding the right solution, and I include the results of the study in the RECORD at this point:

MORE METAL RECYCLED FROM JUNK CARS, SAYS MINES BUREAU

Stepped-up recycling of valuable metals in junk autos may be underway as a result of increased use of giant car shredding machines, the Department of the Interior's Bureau of Mines has suggested.

The Bureau's tentative conclusion was based on a preliminary survey of nine representative shredding operations, conducted in cooperation with the Institute of Scrap Iron and Steel. Shredders, which reduce cars to fist-sized chunks of metal, were unknown ten years ago. The survey was planned to obtain hitherto-unavailable information on this relatively new scrap-processing development.

Results indicate that about half the output of the shredders surveyed is used in iron and steel foundries with cupola furnaces. If this holds true for the entire shredder industry, the Bureau said, it would mean that shredders have created a significant new market for auto scrap. Foundries with cupola furnaces use very little auto scrap in its conventional form, the "number two bundle," because bundles vary in size, and many are too large for the furnaces.

Although initial equipment costs are high, shredding is growing in popularity, and 89 shredders were operating in the U.S. in 1970. However, the Bureau said, little information on shredding, or its potential, is available; prices of shredded scrap are not yet quoted in trade papers; and data on consumption of shredded scrap, which have been collected for only a year, are not complete.

The Bureau survey, which covered shredder operations for the year 1969, was designed to provide information for government and private researchers concerned with the junk auto problem, as well as for scrap processors. Operations participating in the survey were selected so that the sample would be representative of all sizes of shredders in use and of all geographic areas of the Nation. Rated capacity of the nine-shredder sample was 21 percent of the total (4.5 million tons per year) capacity of all shredders.

Because of the considerable interest in, and lack of published data about, the shredded scrap industry, the Bureau is making the raw data obtained in the survey available for immediate use by the public. A compilation of data from the nine-shredder sample is attached.

Results of survey of nine shredded scrap producers

(Data collected in August 1970 for 1969)

1. Annual capacity (as rated by operators) (net tons)	*956,000
2. Capacity at 2080 hours per year (standard 40-hour work week, 52 weeks per year) (net tons)	856,000
3. (1) as a percent of (2)	111.7
4. 1969 production (net tons)	+760,114
5. (4) as a percent of (1)	+79.5
6. (4) as a percent of (2)	+88.8
7. Shredded scrap coming from hulks (net tons)	628,382
8. (7) as a percent of (4)	82.7
9. Number of hulks processed during 1969	706,208
10. Average number of pounds of shredded scrap per hulk processed	1,780
11. Range of average prices received by shredded scrap producers for shredded scrap ($ per net ton—f.o.b. processor's yard)	25.50–29.50
12. Range of average prices paid for hulks delivered to processor's yard ($ per hulk)	12–20
13. Number of hulks acquired in 1969	710,755
14. Number of hulks arriving in flattened condition	286,030
15. Number of hulks arriving in unflattened condition	424,725
16. Number of flattened hulks arriving on truck loads of 12 to 25 hulks per load	231,720
17. Of those given in (16), the following number arrived on truckloads ranging from 14 to 20 per load	105,360

*Tonnage figures are totals for all nine operations unless otherwise indicated.

18. Hulks arriving on truckloads ranging in size from 25 to 40 hulks per load	54,310

19. The number of unflattened hulks arriving in truckloads of the following range of hulks per load:

(a) 2–4 hulks per load	79,141
(b) 5–6 hulks per load [1]	168,030

[1] Includes a quantity of hulks reported as arriving on truck loads ranging from 1 to 6 hulks per load. These were arbitrarily assigned as 6 hulks per load.

(c) 7–8 hulks per load	177,554

20. Number of hulks acquired from various distances from the shredder operation yards: [1]

(a) 0–9 miles	58,310
(b) 10–24 miles	105,185
(c) 25–49 miles	342,340
(d) 50–99 miles	107,210
(e) 100–199 miles	63,105
(f) 200–299 miles	27,405
(g) 300 and more miles	7,200

21. Maximum distance hulks were hauled in unflattened condition (miles)	100
22. Minimum distance hulks were hauled in flattened condition (miles)	10

23. The following parts of the automobile were removed from the hulk by all shredded scrap producers prior to shredding:

(1) engine.
(2) transmission.
(3) gas tank.
(4) tires.
(5) seats.
(6) radiator.
(7) battery.

24. The range of the average contents of chemical elements contained in shredded scrap are: [2]

Carbon (%)	.05–.32
Sulfur (%)	.02–.045
Phosphorous (%)	0–.02
Copper (%)	.13–.30
Chromium (%)	.09–.27
Manganese (%)	.07–.275
Nickel (%)	.09–.12
Silicon (%)	.20–.21
Tin (%)	.024–.03
Lead (%)	.01–.014
Molybdenum (%)	.01–.025
Vanadium (%)	.008–.025

25. Range of average densities of shredded scrap (pounds per cubic foot) 57–80

26. Net tons of shredded scrap shipped to: Domestic:

Nonintegrated steel mills	124,837
Foundries	378,658
Integrated steel mills	41,883
Exports	191,235
Total reported shipments by type of consumer [1]	736,613

[1] The difference between the amount of shipments reported by type of consumer and the total production reported in item (4) above is due to incomplete reporting of shipments, by type of consumer, as reported by the shredder operators.

27. Net tons of shredded scrap shipped to domestic and foreign consumers by type of consumer's furnace:

Open hearth	96,399
Electric	245,544
Cupola	376,750
Total reported by type of furnace [1]	716,693

[1] The difference between this total and that given in item (4) above is due to lack of knowledge on the part of shredded scrap producers as to the exact type of furnace being used by some consumers to consume the shredded scrap. Also the open hearth and electric furnace consumption figures given in (27) above should be taken as approximations because one operator reported ship-

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[1] Because of incomplete knowledge of the distances hulks were shipped to shredder plants, some shredder operators were unable to list hulks according to distance intervals below 50 or 100 miles. Thus the distribution below 100 miles is only approximate.

[2] Chemical analyses were not known for all elements by all operators. Also, the chemical analyses were usually based upon a one time analysis performed by a consumer. A range, given above, may represent as few as two producers. Ferrous content was not reported.

ments to electric *and* open hearth furnaces, with no breakdown on how much was consumed by each type of furnace. As a result, 50 percent was arbitrarily assumed to be consumed by each type of furnace.

28. The maximum distance shred was shipped by any of the participants shipping to domestic consumers was 320 miles.

29. Virtually all shredded scrap moving to domestic consumers from producers in the survey moved by rail.

THE DOCTORED DOCUMENTARY

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. GUBSER. Mr. Speaker, Mr. Charles L. Gould, publisher of the San Francisco Examiner, has written some of the most succinct and incisive comments concerning the Columbia Broadcasting System contempt citation proceedings I have ever read, and I am pleased to submit them for inclusion in the RECORD:

THE DOCTORED DOCUMENTARY

(By Charles L. Gould)

Journalists are being asked to close ranks and support CBS in refusing to allow a congressional committee to review raw film footage from the controversial documentary "The Selling of the Pentagon."

The rallying cry of those manning the ramparts is: "Freedom of the press is at stake." Nonsense.

The question here is not "freedom of the press." It is "responsibility of the press." Was the film doctored? Was the film rigged? Did the editors splice the film so that questions and answers of various respondents were out of sequence?

These questions are raised by critics of the film. They submit some evidence to support their charges.

However, only CBS knows for sure. Only a review of the raw film can reveal the truth. Isn't this what "freedom of the press" is all about? Is it not a search for truth?

If CBS did not doctor the film it should not hesitate a moment to show its unused film clips. This is not a case of a reporter protecting his sources. This is not a case of a journalist covering a breaking news story in competition with other reporters.

The CBS documentary was produced with the cooperation of dozens of individuals in and out of government. Some of these individuals claim the documentary was doctored to warp and twist their statements.

They, too, have rights.

Those who defend CBS should ask themselves if their positions would change if a film were doctored to put the Pentagon in a good light rather than a bad one.

Forty years ago, responsible journalists were indignant at the rigging of photographs by the editors of Bernarr McFadden's New York Graphic. The paper died.

Ten years ago many journalists denounced the controversial documentary "Operation Abolition" because two or three scenes were out of sequence.

The film, which revealed Communist-involvement in the city hall riots here in San Francisco, was withdrawn from circulation.

Many journalists—not including this one—defend the publication of vital government secrets on the argument of the "people's right to know."

Now they deny the people's right to know by defending CBS in classifying its film clips "Top Secret."

They can't have it both ways.

If we want to keep the free press free—and responsible—we can't use the First Amendment as an excuse for exposing the mistakes of others and also use it as an excuse for hiding our own.

AN ANGUISHED PATRIOT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. DUNCAN. Mr. Speaker, I place in the RECORD an inspiring article written by Dr. Lewis E. Rhodes, pastor of Broadway Baptist Church in Knoxville, Tenn.:

AN ANGUISHED PATRIOT

(By Lewis E. Rhodes)

One may assume he is in good health if he is comfortable and strong. One may assume business is good if his is prosperous. One may assume his country is good if it is good to him. None of these assumptions is sound and not one may be true.

A parable: A certain man went down from his suite of offices on the twelfth floor to the medical arts building. It was time for the corporation executives to have their annual physical check-up. He felt well and strong and looked every bit the part. All tests and procedures were complete and he was ready for the doctor's report. Heart, good; blood pressure normal for age 49; kidneys functioning properly; teeth in good shape; weight about right, a pound or two over; hair was fully intact with a sprinkle of gray; his finger nails were perfect. He and the doctor talked about all his healthy parts.

"Is there anything wrong, doctor?" "Let's not talk about that," was his reply. "That's negative. If we talk about your strengths and health, everything will work out fine. Doctors are too pessimistic. If there's ninety-five percent that is sound, they will talk about the five percent that is infected. I believe in being positive, telling the bright side, emphasizing the condition of the majority parts. One can become terribly discouraged if he concentrates on the negative, unsound, and infected."

This did not satisfy the forty-nine year old executive. He was disturbed by what the doctor had not said. Vital organs had not been mentioned. So he asked him a direct question about the liver. Hesitatingly he told him it was infected. Then he proceeded to tell him how small a part of his two hundred pounds was his liver: one percent or less: How could one be over exercised about such a fractional part of his body. If ninety-nine percent of him is healthy, he should not be too unhappy, say one percent unhappy.

How can a man have a bad liver and a good heart! Should he not think about a healthy head of hair and perfect finger nails even if his liver is bad? He returned to the twelfth floor of his office, puzzled by his doctor, thinking about being one percent unhappy because that was all of him that was ill.

Many people die with many parts of their organism working well. Only one malfunctioning or non-functioning organ may cause death. So with a nation. The GNP may be record high and a nation be sick unto death. Most people may be living high and happily and sickness may be gnawing at a nation's vitals. Optimistic reports may flow to the people while deterioration accelerates.

Our country cannot be compared very well with ancient Israel. Not everything was wrong when Amos and Jeremiah spoke of Israel's illness. Property and power were plentiful. A nation, like some people, wait for symptoms of illness before having a check-up. Unfortunately, illness precedes symptoms. Infection causes fever, not vice versa. Dizziness, pain, weakness, and fever tell us something is wrong. If public relations is used as aspirin to blot out the symptoms, infection is free to run its course. This Independence Day is a time to review our health and sickness.

MR. FLOYD ROBEY, JR.: FROM JANITOR TO ALCOHOLISM SPECIALIST

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MAZZOLI. Mr. Speaker, I would like to recognize the accomplishment of a man from my home city of Louisville, Mr. Floyd Robey, Jr.

Mr. Robey started 4 years ago as janitor for the Park-DuValle Neighborhood health center. He became interested in the problems of alcoholism that he had observed among the patients there, and he became interested in sociology. Mr. Robey now has completed 30 hours toward his degree from the University of Louisville and has completed a training course for alcoholism counselors at the Atlanta University School of Social Work.

Now he will become a field instructor in alcoholism for a number of State poverty agencies in the Kentucky area under an OEO grant.

This is a truly remarkable accomplishment and an example of one man's determination to help others and make a contribution to the community. Mr. Robey hopes his efforts will "inspire others to move forward, and not feel they must remain where they are." Certainly he could not have offered a more inspiring example.

Mr. Speaker, I would like to insert in the RECORD at this point an article from a recent edition of the Louisville Times about the accomplishments of Mr. Floyd Robey, Jr.:

JOB AS A JANITOR 4 YEARS AGO SWEPT MAN INTO FULL-FLEDGED HEALTH CAREER

Four years ago Floyd Robey Jr. began his "health career" as a janitor at the Park-DuValle Neighborhood Health Center.

This month, after a good deal of night school and some special training, Robey begins duties as an alcoholism counselor for two states, and possibly three, in a federally funded program.

To Robey, now 35 years old, "the best way to help people is to get qualified. How can you help others if you can't help yourself?"

After he was graduated from Central High School in 1954, Robey began working and raising a family of five children who now range in age from 8 to 16.

For 12 years he was a waiter at Cunningham's restaurant on South Fifth. "I enjoyed it," says Robey, but he felt the work was "psychologically unrewarding."

A year after starting his janitor's duties at the health center, he entered an eight-week training course and became a mental health aide. One of the center's aims is to train people for health careers both at the center and for other programs.

"Then I became interested in alcoholism when an alcoholic patient died," says Robey. His supervisor, Ken Phillips, urged him to start college studies and get a degree, so in the fall of 1969 Robey began attending the University of Louisville at night.

TAKES TRAINING COURSE

He now has 30 hours toward a bachelor's degree in sociology, and recently completed a six-week training course for alcoholism counselors at Atlanta University's School of Social Work.

Now he is leaving the health center to become a field instructor in alcoholism.

Based in Louisville, Robey will work with poverty agencies in Kentucky, Tennessee and possibly North Carolina through an Atlanta University contract with the federal Office of Economic Opportunity.

He'll promote training of other alcoholism counselors and help poverty agencies form and run alcoholism programs.

"Alcohol is our number one drug, and the most abused," says Robey. "It not only affects the individual, but his family and friends."

Robey, who has received two awards from the local Community Action Commission for volunteer work, hopes his climb up the health careers ladder can "inspire others to move forward, and not feel they must remain where they are."

MAIL SERVICE TO IMPROVE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. DERWINSKI. Mr. Speaker, as a member of the House Post Office and Civil Service Committee, I am certainly pleased that the overall public response to the new postal service is the recognition that we have provided this new agency with the tools to improve postal service to all of our citizens. Certainly, improvements in mail service will be forthcoming.

Editorial support for the new postal service was provided in the featured editorial of the July 1 Chicago Heights, Ill., Star. I believe the points emphasized in this commentary are most appropriate.

The editorial follows:

AS WE SEE IT—DAWN OF A NEW DAY

Today—if we may be forgiven the pun—is a red-letter day in the history of the postal service in the United States.

After nearly 200 years of service to the American people, the U.S. Post Office department has ceased to exist. It is now the United States Postal Service, an independent government agency established to meet the changing needs of society.

The new agency came into being in response to an overwhelming public need—the need to move the largest volume of mail (82 billion pieces last year) that any country has ever known, over great distances more swiftly and more efficiently.

The challenge for the new agency will be to provide better, faster and more dependable mail service for all its patrons. In line with this, plans already are being initiated for a major mechanization program to help streamline mail processing and delivery.

All of this will take time, of course, but happily it will no longer take forever. The agency also has been given an unparalleled opportunity to refurbish the somewhat tarnished image it acquired in recent years. Hopefully symbolic of the contrast between past performances and future expectations is the choice of an official emblem for the new agency: an eagle, poised for flight, in place of the pony express rider of another era.

On this auspicious occasion, we wish the Postal Service well as it prepares, under a new name and with a new challenge, to keep its appointed rounds. And may the red in the red-letter day give way before long to black in the profit-and-loss records.

TO RUSSIA, WITH LOVE: NEGRO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. RARICK. Mr. Speaker, I call the attention of my colleagues to the planned trip by members of an organization called NEGRO whose announced intention is the further entanglement of the United States with Soviet Russia through economic ties.

The article from the New York Times of July 22, 1971, is most revealing in its details. I insert it in the RECORD at this point:

[From the New York Times, July 22, 1971]

MATTHEW'S GROUP IS GOING TO SOVIET—22 IN NEGRO MISSION TO SEEK IMPROVED RELATIONS

(By C. Gerald Fraser)

Dr. Thomas W. Matthew, with his usual dramatic flair, brought Government officials from the United States and the Soviet Union to an old Harlem warehouse yesterday to brief members of his organization who leave today on a trip to Russia.

"We are going on a journey for universal brotherhood," said Dr. Matthew, the neurosurgeon who is president of the National Economic Growth and Reconstruction Organization, or NEGRO.

The purpose of the 17-day trip by an interracial group of 22 persons, including Dr. Matthew, is threefold.

The group hopes to develop relations between black Americans and other peoples and to "put some heat on" the Soviet Government to enable more Jews to leave that country.

An aide to Dr. Matthew said this would be sort of a repayment for "Jewish benevolence" to black Americans over the years.

Dr. Matthew said NEGRO hoped also to get some contracts in the Soviet Union for clothing NEGRO manufacturers here.

In a spruced-up area of the warehouse, more than 100 persons listened to Valerian Nesterov, a Soviet diplomat, recount the achievements of the Russian Revolution, and they heard Joseph A. Presel, United States foreign service officer, warn the departing group not to change money in the black market, not to sell clothes to Soviet citizens and not to take pictures too freely.

On the warehouse wall were signs that said: "To Russia With Love," "NEGRO—We Are in a Class by Ourselves," and "NEGRO on Way to Russia."

Dr. Matthew said that three months ago he had announced that there would be a Soviet trip. "When we make a promise, we keep a promise," he said.

Although NEGRO is viewed as a grassroots self help organization, the members going on the trip are primarily professionals. According to the group's public-relations director, Timothy Ryan, the party will include three physicians, a dietician, two social-work supervisors, a film crew, two public relations representatives, and experts in transportations, textiles and chemicals.

URBAN ORE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. DINGELL. Mr. Speaker, the Washington Post of July 20, 1971, carried an excellent article under the heading of "Urban Ore: An Untapped Natural Resource" which makes it clear that it is within the means of our technology to recycle much of the material which we now consider to be bothersome solid waste.

I would like to share the information contained in this article with my colleagues and, therefore, I include the text of the article at this point in the CONGRESSIONAL RECORD:

URBAN ORE: AN UNTAPPED NATURAL RESOURCE

(By David Mahsman)

America spends $4.5 billion annually to bury something worth millions of dollars.

It's called "urban ore" by the director of the U.S. Bureau of Mines Research Center in College Park, and he says it's America's only growing natural resource at a time when other such resources are being consumed to the point of extinction.

Max Spendlove is not referring to copper, gold or silver. He is talking about refuse—tin cans, old bottles, everything that the American housewife throws out as trash. A few miles away from the bureau's center, a bureau pilot plant in suburban Edmondson is proving the ultimate value of "urban ore."

Since November, 1969, the Edmonston pilot plant, the only one of its type in operation, has been taking incinerator residue—what is left after urban waste is burned—from Alexandria and other cities, and recycling the residue, separating its component parts—glass, iron and nonferrous metals such as aluminum and zinc.

In the works is a new plant that will take raw, unburned refuse and do the same thing, recovering paper and plastics in the process.

The project was set up to prove that reclamation is both feasible and commercially attractive for areas with populations at least of 500,000. Martin Stanczyk, supervising metallurgist at the pilot plant, says the processing cost is about \$4 a ton. But he says the products from the recycling process will sell for about \$15 a ton.

The initial cost of setting up a recycling plant for an area of 500,000 population is estimated by Stanczyk at \$1.4 million. The plant could process about 250 tons of incinerated residue a day, he says, and the \$11 profit per ton would eventually offset the cost of the plant and the processing.

Francis Palumbo, a project chemist, sees two immediate and interrelated problems for recycled waste: the lack of a market for reclaimed products and consumer products and consumer aversion to the term "secondary materials."

But Palumbo, along with other project officials, says that these are temporary problems at best and that recycling is the wave of the future.

Officials feel this will be particularly true when the raw refuse recycling plant—which operates without an incinerator—is developed. Paul Sullivan, coordinator for the Edmonston project, says the new plant should be open in three months.

Raw refuse recycling plants will be designed to serve areas of under 500,000 population. "In six months, we'll know if we're headed in the right direction," said Sullivan.

Officials estimate the cost of building a raw refuse recycling plant will be about the same as constructing an incinerator to handle the same amount of refuse. Paper and plastic will be the principal items reclaimed by such a plant.

Spendlove says that potential uses of reclaimed paper are "tremendous."

It can be used, Spendlove said, as a fuel or as wallboard or packing material. "The Agriculture Department has a process for making it into protein for cattle feed. It can be converted into crude oil or synthetic natural gas.

"There are probably a half-dozen ways to use it that we haven't thought of yet, because we haven't had to," he continued. "I'm convinced that as the problem (lack of resources) becomes greater, ingenuity will show itself in even more products."

"Urban ore is a phenomenal material," Spendlove asserts. "Based on the content of metals, it must be classed as a high-grade ore. And on the variety of different metals that it contains, it is different from anything that Mother Nature ever thought of.

"No smelting is necessary, because it is already in a metallic state," he said. "We're way ahead of the game from the start. Urban ore has a lot going for it—it's as good or better than other materials."

The Edmonston plant separates individual materials by dumping incinerator residue into a rotating drum where it is washed. The smaller pieces drop through the drum to various sized screens where they are further separated according to size. The larger material is shredded and put back with the smaller material.

The iron is then taken out with a magnet and the remainder is ground, the glass to powder and the nonferrous metals to flat flakes that are easily separated. The material is washed throughout the operation, and the water recycled.

The equipment used in the pilot plant is of the conventional type, is relatively inexpensive, and was installed by plant workers, according to project officials.

"Every piece of equipment is off the shelf, nothing exotic," said Palumbo. "That's the nice thing about it. There's no problem in building such a plant." Money for the project comes from bureau metallurgy research funds.

The products that can be made from recycled waste "are limited only by your imagination," Palumbo said. Almost anything that can be made with virgin materials can be made with reclaimed materials.

Among the products that can be made from the recycled glass, Palumbo said, are new bottles, bricks that are better than bricks made from new materials, insulation, roofing materials and "glassphalt."

"I'd like to build a model demonstration house made entirely of reclaimed glass," Palumbo said. "This would include bricks, insulation, roofing and, of course, windows."

There are other benefits, not the least of which is making some inroads against pollution.

For instance, Spendlove feels recycling plants will save trees by reusing paper products, get rid of landfills, stop pollution from incinerator smokestacks and help cut down on the use of irreplaceable natural resources.

In particular, raw refuse recycling plants will help combat air pollution. "I would guess that 80 per cent of the incinerators in the country are operating in violation of the air pollution codes," said Spendlove. Raw refuse recycling plants could eliminate the need for expensive incinerators.

Project coordinator Sullivan sees the general aim of his project as one of "insuring an adequate supply of minerals and fuels at a reasonable cost. It's a shame to waste materials like this when you can reclaim 80 to 85 per cent of waste material into a potential useful form. Industry must have a continuous and reliable supply."

Supervising metallurgist Stanczyk notes that "the demand for metal is becoming greater and greater. We (the United States) mine enough lead and zinc for our own use, but we import more than we mine of the rest. We'll have to reclaim usable materials."

The lack of a market for the reclaimed materials, says Palumbo, stems largely from the fact that "no one has been able to do this before. This is the only plant of its type, and we can't produce enough for industrial use.

"If we could set up a fullscale demonstration plant in a metropolitan area," he continued, "we could make a market. For example, we could give reclaimed metal to U.S. Steel free. They would find a way to use it, and when they do, we have a market."

Palumbo added that many people are simply "turned off" by the thought of using something that someone else has already used.

"If you go to a store and see two identical coats, for example, but one says 'reprocessed wool' and the other 'virgin wool'," he said, "which are you going to take?

"And if you buy a bottle of Chanel, even though the bottle may cost only two cents, it had better look like $10. We've got to convince manufacturers that people are more interested in the Chanel than in the bottle," he said.

Business may lead the way in acceptance, officials said.

"The aluminum industry is willing to accept the material back without qualification. They have made such a commitment," said Spendlove. "The steel industry has made a similar commitment. The glass industry has shown a tremendous interest in doing their part in recycling. Industry will gear itself to the problem as the materials become available."

"Perhaps the first people to recycle goods were the people in the Stone Age," Spendlove said with a smile, "when they reclaimed their arrowheads from dead animals."

Sullivan said that as a result of the pilot project recycling plants "could go into operation tomorrow. We could invite engineering firms to bid (on designing plants) now, but everyone is broke."

In spite of the economic situation, Spendlove figures that some type of full-scale recycling plant will be in use within two years. For example, Chicago is working on a plant that will recover heat for steam from the city's incinerator. And New York City is looking into the possibility of attaching a plant similar to the pilot plant to its incinerator, "but the hangup is a lack of funds," he conceded.

Spendlove said that the technical acceptance of recycling "is moving at a heck of a fast pace," but that a fullsized demonstration plan will have to be developed before recycling meets with general acceptance. And until a full-sized plant is built, profitability can be based only on "technical speculation."

"But in the long haul we'll see a tendency toward recycling, probably of raw refuse," said Spendlove. "It may be several decades, even 30 years or more. But once we get the initial start, we will see recycling plants mushroom all over the country."

AMERICAN PRISONERS OF WAR

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. JOHNSON of Pennsylvania. Mr. Speaker, today marks 7 years and 118 days since the first American soldier was captured by North Vietnamese forces.

The plight of our American POW's being held in North Vietnam is one which deeply concerns all of us. While North Vietnam ratified the Geneva Convention in 1957, it has refused to abide by its provisions regarding the treatment of American prisoners.

I respectfully urge that all sides engage in serious and meaningful negotiation for the immediate release of our American POW's, and may I respectfully remind all parties that the American prisoners or war will not be forgotten.

LIFE UNDER COMMUNIST TOTALITARIANISM

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ICHORD. Mr. Speaker, at a time when the United States is beset with so many problems and the American people are persuaded to dwell on our own Nation's shortcomings, it is very easy to forget the life of those trying to exist under Communist totalitarianism.

I was reminded of this recently when I saw a newsletter entitled "News From Ukraine", published by exiles living now in this country. These exiles have a remarkable underground throughout the world to keep them informed about conditions in the Ukraine.

For example, the newsletter takes up the case of one Valentyn Moroz, a 34-year-old historian who was convicted and sentenced last November to 14 years in a concentration camp in the Soviet Union. His crime: his writings. From 1965–69, Moroz served a 4-year sentence at hard labor on charges of producing "anti-Soviet propaganda and agitation". During his term in prison he wrote a "Report From the Beria Reserve" which documented present-day life in Soviet concentration camps.

Since his release from that first term he has turned out three more works designed to extol and, hopefully, save the Ukrainian culture from the onslaughts of communization. One of these treaties was entitled a "Chronicle of Resistance" and I would like to share with you three excerpts from this work which were introduced as damaging evidence by the Soviet prosecutors in his 1970 trial.

Actually, much of what Moroz has to say is pertinent to society in general, not merely Communist society, so it becomes even harder to understand why they found his writing so obnoxious. For instance, he writes—and I quote:

> There is a new shadow emerging—the shadow of mass culture. The songs on the radio are the same on all continents. The fashions are the same in Japan and Brazil. Mass education and mass medicine are fine, but with them has come mass culture. Instead of the heaven that Utopians have promised us, there has come anti-intellectualism, alienation, dehumanization and the loss of one's roots. People are hypertrophically developing the technical functions at the

> expense of the spiritual, and for some reason this is called progress. Never before has there been such an urgent need to organize and mobilize the forces of resistance and to take up arms in defense of those things which have, more than once, saved nations from losing their identity.

Would that some of our own leaders in America would fight harder to defend the greatness of the American heritage.

Moroz also offers a philosopher's insight regarding so-called cultural revolutions when he says—and I quote again:

> To create traditions is just as ridiculous as to promote cultural revolutions. Culture and revolution are incompatible and conflicting phenomena. Culture represents centuries of maturation, a process which is impossible to speed up. Here any kind of revolutionary interference is destructive. You cannot create traditions. They create themselves in the course of centuries. You can herd people into a clubhouse and proclaim some idiotic holiday of swineherds or milkmaids instead of Easter, but it will never become a holiday. It will be just another kolhosp meeting with another drunken party afterwards. For a holiday there must be some spiritual meaning and an atmosphere which takes centuries to form.

Interestingly enough, when Moroz was on trial last year, the Soviet secret police rounded up all Ukrainians in the city where the trial was held who might be suspected of expressing some sympathy for the writer and placed them under virtual house arrest until the trial was completed. Even in such a police state they have no real confidence that citizens yearning for life, liberty and the pursuit of justice can be controlled by fear alone.

There is still another quotation from Moroz which is applicable to the mindless chantings of our own so-called New Left—those very same extremists who often proudly identify their aspirations with those of the Communist world. Moroz notes—and this is my final quote:

> Everyone likes to criticize dogmas and this is understandable in our circumstances. But in this pleasant pastime it is somehow not noticed that today the person without any dogmas, the person who does not believe in anything, has become the major danger. Today we have nihilism—a product of mass culture. It does away with all originality and puts on everything the stamp of facelessness.

For a man who speaks such truths in today's mad, mad world, the crime of his incarceration is even more heinous.

FORREST TUCKER

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. GOLDWATER. Mr. Speaker, our Nation has been fortunate to have an exceptional group of people, who, over the years, have given our spirits a lift in good times and bad. I am referring to the entertainment industry in general, and Forrest Tucker in particular.

At the ago of 51, Forrest Tucker is celebrating his 30th and most successful year in the entertainment business. In honor of this outstanding American, I would like to tell my colleagues a little about this man. He recently completed his 99th and 100th motion pictures: "Barquero" for United Artists, costarring with Lee Van Cleef, and "Chisum" for Warner Brothers, costarring with John Wayne.

Tuck's career has encompassed every phase of show business burlesque, films, nightclubs, theater, and television. He starred in the highly rated series "F Troop" for the ABC network, still in syndication around the world, and has guest starred on all the major dramatic and musical programs. He has appeared on Broadway, and was the star of the national companies of "Music Man" and "Plaza Suite."

Tucker is one of the most outstanding amateur golfers in the country and has played in almost every major golf tournament, including the Bing Crosby Open for 20 consecutive years.

On April 25 of last year the Lambs Club of New York honored him as their Man of the Year at the annual Lambs Club Gambol.

He lives in North Hollywood with his wife, former dancer Marilyn Fisk, and their two children, Cindy and Sean.

GOODBY, ADMIRAL SMITH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. FASCELL. Mr. Speaker, it is my privilege to commend to the attention of our colleagues Rear Adm. Dan Smith who retired this month after 39 years of distinguished service in the U.S. Navy. Admiral Smith has for the past year served as the Commander of the Naval Base at Key West, Fla. His service there, while regrettably short, was marked by the honor and respect which was given him by everyone in the area and in his command. South Florida has profited greatly by his presence there and is losing a respected member of the community. While I am sorry to see Admiral Smith and his wife leave Key West, I am pleased that they will remain in Florida in Jacksonville.

Mr. Speaker, I would like to call to the attention of our colleagues an editorial from the Key West Citizen of June 30, 1971, which reflects Admiral Smith's long and outstanding career:

GOODBYE, ADM. SMITH

> Rear Admiral Dan Smith retires from a long and honorable career of service to his country tomorrow, and, as he and his wife leave to make their home in Jacksonville, Key West loses two good friends.
>
> Although Adm. Smith has been here for less than a year, he has earned the respect and liking of civilian and military alike for his leadership abilities and his friendly attitude toward everybody he has met.
>
> In his 39 years of Navy service, Adm. Smith has experienced a broad variety of action—peacetime, hot war, cold war and all. His skills have been tested in command of ships, of air activities, of information output.
>
> That he has proved his value to his country is attested by the many medals he has been awarded, including the Navy Cross, Distinguished Service Medal, Silver Star, Legion of Merit, Distinguished Flying Cross, Air Medal, and Navy Unit and Presidential Unit Citations.
>
> His term of service in Key West has, thankfully, been fairly peaceful, as seems fitting for a man of his proven stature in his autum years. But we've always had the secure knowledge that if trouble erupted requiring involvement of the military here, Adm. Smith would be an excellent man to have in command.
>
> Our only regret is that the Smiths' stay in Key West has been so brief, but we wish them happy days ahead and hope that they have sand in their shoes which will bring them back often to visit.

PUERTO RICO CONSTITUTION DAY—JULY 25, 1971

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ROONEY of New York. Mr. Speaker, next Sunday many of my good Puerto Rican friends both here and down in their delightful island observe the anniversary of their attainment of self-government. For them the date of July 25, 1952, is one of great historical significance and immense emotional appeal. For me it is a date which always gives me great personal satisfaction and pride.

Nineteen years ago on that date it was my privilege to preside over the House proceedings which gave to the people of Puerto Rico their unique status of a Commonwealth. That day marked the successful end of months of arduous legislative work involving the close cooperation of Puerto Rican leaders for whom I developed the utmost respect and admiration, and with whom I have maintained a gratifying, intimate, personal relationship during the ensuing years.

Each year since the attainment of Puerto Rican independence and the adoption of their constitution, I have been impressed with the progress made by these fiercely independent people. The social and economic growth they have developed is truly remarkable. They have just reason to be proud of the standard of living which they have attained and the social welfare gains which they have achieved. Puerto Rico is foremost today among the Spanish-speaking peoples of this hemisphere in the high levels of schooling, the expansion of health and medical benefits, the extension of worker benefits, and in the advanced strides made in improved government organization and procedures.

Yes, Mr. Speaker, I am truly proud to have had a major part to play in the attainment of independence for the people of Puerto Rico. I am sure all the Members of this body who shared in that great legislative achievement are likewise proud and join with me in congratulating the Puerto Rican people and their dedicated leaders for their imagination, their initiative, and their devotion to truly democratic ideals.

In this day when so much of the world news is depressing and when progress along so many lines seems to have been halted, it is refreshing to note again the continuous strides the Puerto Rican people have been making to an ever-improved economy and way of life.

May their progress be constant and may they continue to reap the rewards of hard work and patriotic devotion to the democratic ideals upon which their constitution is based.

I take this occasion to greet my many Puerto Rican friends and to pledge again my fullest support in behalf of the preservation and fullest attainment of Puerto Rican independence.

LET US HAVE A WORKABLE "INCOMES POLICY"

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MONAGAN. Mr. Speaker, it is gratifying to find that the gentleman from Arkansas (Mr. Mills), the distinguished chairman of the Ways and Means Committee, has joined those of us who have been working for the enactment of a workable "incomes policy" to restore national economic stability by putting some control on rising prices and wages. In his speech last weekend in Ogden, Utah, Chairman Mills stressed the necessity for implementing an incomes policy along with other measures as a means of stimulating the economy and avoiding a further downturn which could increase the national unemployment rate. Chairman Mills' proposals are encouraging in light of the Federal Reserve Board's tightened monetary policies which are pushing interest rates up again, and President Nixon's June 29 statement in which he ruled out any tax reductions or new Federal spending to activate the economy.

On January 29, the gentleman from California (Mr. McFall) joined me in introducing H.R. 2502, to establish an Emergency Guidance Board to set and administer a system of voluntary price and wage guidelines for certain concentrated industries and large labor organizations, and the bill currently has over 20 cosponsors from both sides of the aisle.

In my own State of Connecticut the unemployment rate stands at 10.1 percent or almost double the national average. In the Fifth Congressional District of Connecticut which I represent, the unemployment rate is 12.3 percent in my home city of Waterbury, up from 8.8 percent a year ago, and 10.6 percent in the city of Danbury, up from 5.9 percent a year ago.

The administration's hands-off "game plan" which is responsible for the economic stagnation now being experienced is creating especially severe hardship among certain groups of eligible workers. For example, the national unemployment rate for returning Vietnam veterans is 11 percent; the rate is 10 percent for blacks; 17 percent for teenagers; and 34 percent for black teenagers.

Surely, these levels of unemployment cannot be tolerated. To allow the unemployment levels to rise at the current rate, or even to permit the present situation to remain stable without acting to reverse the trend, is not learning from the lessons of the past year and indicates a disregard for the welfare of men and women who are capable and willing to work but who are jobless due to the sluggish economy.

It is apparent at this time that the President's economic advisers do not intend to take positive action to reduce unemployment and to put the economy back on an even keel. Secretary of the Treasury Connally has gone on record as favoring the current administration policy which appears to be nothing more than an economic policy without direction. He has stated that enough is currently being done to reduce unemployment. In the face of the administration's unwillingness to act it is imperative that Congress move swiftly and effectively to stop inflationary increases in prices and wages and to revitalize the national economy.

I believe the enactment of H.R. 2502, the Emergency Guidance Board bill would provide the necessary price-wage resistance at a time when the economy could very well be stimulated by tax reductions as outlined by Chairman Mills.

ADDITIONAL NATIONAL CEMETERIES NEEDED IN NORTHERN CALIFORNIA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. WALDIE. Mr. Speaker, I am introducing legislation that will authorize the Secretary of the Army to establish a national cemetery at Camp Parks or Port Chicago, Calif.

At the present time, all national cemeteries in California are filled to capacity and have been designated as inactive. It is disgraceful that California with its large veteran population is without a single active national cemetery.

In the past, efforts were made to bury deceased veterans in cemeteries as close to the places where they lived and where their families continued to live. This is becoming increasingly difficult. Veterans from northern California must be buried at cemeteries as far away as Portland, Oreg. This is a hardship on the families of veterans both monetarily and emotionally.

Port Chicago, one of the proposed sites, is located in the eastern section of Contra Costa County. This town, acquired by the Navy in 1969, is being used as a safety buffer zone for the Naval Weapons Depot Station in Concord.

According to Rear Admiral Mark Woods, USN, commander of the Naval Ordnance System Command:

> The concurrent use of this land as a cemetery and a safety buffer zone is feasible.

My legislative proposal includes consideration of Camp Parks, an inactive military facility which borders the Eighth and Ninth Congressional Districts in California, as a potential national cemetery.

CAPTIVE NATIONS WEEK—12TH ANNIVERSARY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, we here in America have recently celebrated the 195th anniversary of the birth of a free nation. While we celebrate and enjoy our many freedoms there are 1.1 billion people in over 25 nations who are being denied their basic human rights. These nations, all under Communist domination, are the captive nations of the world.

For years we have watched as the Soviet influence has grown into Soviet repression. In each of the 25 captive nations the people have been jailed, committed to asylums, or sentenced to hard labor for exercising freedoms we all too often take for granted. Each day the citizenry faces the stark border zones, the minefields, the barbed-wire barricades, the armed guardtowers, and watchdogs, all of which combine to create for them a nationwide concentration camp.

Yet despite these realities of Iron Curtain life, the hopes of these people to break through their physical, moral, and spiritual enslavement is still very much alive. The most effective way to gain new freedoms for these people now is by increased pressure on the United Nations and through pressure on individual governments to help them gain their inalienable right of independence.

I urge the President and my fellow colleagues to implement the captive nations resolution by bringing these atrocities of human denial to the attention of the entire world. Public opinion is an effective force. In the name of humanity it can restore to the captive peoples their human rights.

Mr. Speaker, this year I celebrated what was for me one of the most meaningful and unusual Independence Days within my own personal recollection. I was in my congressional district in Illinois on the Fourth of July, and in the forenoon of that day received a telephone call that Laszlo Marton, his wife, and 6-year-old daughter had escaped from Hungary the previous week and were scheduled to arrive that very evening in Chicago from Italy. I canceled some plans I had made previously to address a Fourth of July rally in another part of my district and hurried to Chicago to offer any possible assistance to this family as they made their way to the gates of freedom in our country. When they arrived they, of course, asked for political asylum, and were given conditional entry into our country pending a decision on this application. I will never forget the tears of joy and relief that flooded down the faces of these refugees of Communist tyranny as they realized at long last they had achieved the impossible dream of coming within the warm embrace of friends and relatives who live under a democratic system of government.

Mr. Speaker, I am appending to these remarks a very excellent account of this event by Barbara Lonnborg of the Rockford newspapers entitled "A Nation Celebrates Its Birth; One Family Its Hard-Won Freedom."

A NATION CELEBRATES ITS BIRTH; ONE FAMILY ITS HARD-WON FREEDOM

(By Barbara Lonnborg)

One Hungarian family and two American families celebrated the 4th of July holiday by proving that love and ingenuity can still conquer fear, police states and border guards.

Three members of the Laszlo Marton family escaped from Hungary last week and Sunday evening arrived in Chicago via Yugoslavia and Italy.

Monday they celebrated their new-found freedom with the traditional American turkey dinner at the home of Marton's cousin, Mrs. Eva Williams, 4884 Brook View Road.

Mrs. Williams' brother, Karl Igloi, formerly of Rockford, who engineered the escape told the story for the Martons who do not speak English:

Igloi, his sister and parents escaped from Hungary in November of 1956 during the revolution. Several years earlier, Marton—at the time unmarried—attempted to leave the country with seven other university students. They were betrayed, and when they arrived at the airport in Budapest the police were waiting for them.

All were sentenced to prison terms. Marton served 4½ years in a labor camp.

The Marton and Igloi family had lost contact in Budapest during the revolution and had not communicated since then.

Then, in March of this year, Igloi and his wife, Kiri, who live in San Francisco, went to Hungary "on a personal holiday but with a vague idea to see if we could locate any relatives."

They found Marton, his wife, Erzsebet; son Peter, 14, and daughter Marta, 6. "They were in Budapest operating a grocery store for the government. Laszlo was classified as a political unreliable. They were living in poverty and fear," said Igloi.

"There was no hope or opportunity for them—no future for their children. We reestablished the family relationship and sense of responsibility. They are here now because we willed it," he said.

The Iglois and Martons began formulating plans. "When you walk in Hungary and talk with someone, you constantly look over your shoulder. All Laszolo's mail was opened so we had to talk directly. Every room in our hotel was bugged with hidden microphones. The safest conversation we had was when we drove rented cars," related Igloi.

The Martons arranged to have Peter "vacation" with the Williamses in Rockford for the summer, Igloi explained, "The authorities were sure Peter would come back because his father would be returned to prison if he didn't."

Peter was not told his parents would soon try to follow him. "But his friends asked him if he was going to stay here and they told him he should," said Mrs. Williams.

Thursday, about a month after Peter's arrival. Igloi traveled back to Eastern Europe, this time to Yugoslavia to meet the Martons and their daughter in the resort city of Rijeka. He carried with him falsified documents they all hoped would satisfy Yugoslavian and Italian border guards.

"Hungarians may travel to other Communist countries, provided they leave a member of the family behind. The Martons had three permits left over from the year before. We counted on the fact that the bureaucracy is so complex. They were not aware that the other child was in the United States," said Igloi.

He and the Martons left Rijeka and traveled to the Italian border by automobile. As border guards inspected their documents, Marton said later, his heart was pounding.

Igloi said, "We've been confident since three months ago we could do it. But right there, I was just as scared as they were."

Previously, the families had decided not to reveal themselves to Italian authorities. "It would have taken two months to get through a mess of bureaucratic red tape, during which time they would have had to live in a camp," said Igloi.

In Rome he telephoned the Williamses, telling them which flight they were arriving on. After Igloi's departure and until his call, the Williams family "just sat here and shook," said Mrs. Williams.

Williams began telephoning attorneys and U.S. Rep. John B. Anderson, R-Rockford. Anderson cancelled his plans to speak at Stockton holiday festivities and joined the local family at Chicago O'Hare airport.

"With his help, we got through customs and immigration in 25 minutes. I think we were finished before the regular passengers," Igloi said. The family has asked the government for political asylum.

With his cousin translating, Marton said, "I became terribly relaxed. We stepped off the plane and the fear was gone. There's no threat here, no sense of insecurity."

The Martons plan to say in Rockford. "I just want the opportunity to work hard for a happy home and life without fear," said Marton.

"The overriding reason they wanted to get out of Hungary was to have a better life. Both Laszlo and his wife were working 10 hours a day, but there, unless you're connected with the party, you never get ahead. They lived in a tiny place and ate potatoes and cucumbers for dinner—meat, if they were lucky, twice a week," said Mrs. Igloi.

Peter already is thoroughly Americanized, according to Mrs. Williams. He looked it, as he sat carefully listening to the English conversation, dressed in striped bell-bottom pants.

Six-year-old, blonde Marta scrambled from lap to lap and played with the two Williams' children and ignored the "language barrier."

"To Marta, we might be in the next town from Budapest," said Mrs. Williams. "She doesn't realize she's 6,000 miles away."

SUBVERSION AND VIOLENCE ON EVERY CONTINENT

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. ICHORD. Mr. Speaker, I rise to address this House with a heavy heart.

Throughout the world, leftist terrorism continues to plague those who want to be free and to remain independent of Communist totalitarianism. There seems to be no end to subversion and violence on every continent.

The latest incident involves two of my fellow Missourians, Mr. and Mrs. Paul Potter of Marshfield, Mo. They were Baptist missionaries who had devoted a good portion of their lives to helping people to educational opportunities.

Often we hear the glib suggestion that it is not of our concern what happens to the people of other countries. Mr. Speaker, the name of the game in Communist conquest is atrocity and no self-respecting citizen can find any solace or comfort in the knowledge that innocent people are being or will be brutally tortured and destroyed wherever Communist terrorism occurs.

I insert the account of the murder of Mr. and Mrs. Potter in the RECORD as a chilling remainder to us all that the free world is in a grim battle of survival at every level of society and no one is immune from the danger posed by leftist extremists today:

[Washington Daily News, July 8, 1971]

TERRORISTS KILL TWO MISSIONARIES

SANTO DOMINGO. (UPI)—An American Baptist missionary couple were beaten and slashed to death at their home in Santiago de los Caballeros early yesterday by suspected terrorists.

National Police said Paul Potter, 39, and his wife, Nancy, 36, of Marshfield, Mo., were found by their son, David, 10.

The couple ran a Baptist school in Santiago, 110 miles north of Santo Domingo and had established four churches on the island.

The family, including Susan, 12, had returned to the Dominican Republic eight days ago after spending a year in the U.S. They had been here four years previously.

The killers apparently broke into the house thru a kitchen window, police said. They are holding a maid, identified only as Nedreyda, for questioning.

Police said the Potters' station wagon was smeared with anti-American slogans. Some drawers in the house had been ransacked but nothing appeared to be missing.

The American embassy said U.S. officials were also conducting an investigation.

Mrs. Potter's parents, Mr. and Mrs. Francis Roper, of Marshfield, left yesterday to bring the children back to the U.S. They said the bodies of the slain couple would be brought to Marshfield.

ILWU EMPLOYERS AND UNION LEADERS SHOULD NEGOTIATE DIFFERENCES

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. PELLY. Mr. Speaker, the strike of the ILWU on the west coast which began July 1 is causing costly congestion, artificial price increases, and doing irreparable economic damage to labor business, and the general public, already suffering from high unemployment. As I understand there are not even bargaining sessions going on.

Meanwhile, the Secretary of Labor and the administration take the position that the Government will not interfere with collective bargaining.

Mr. Speaker, I am not familiar with the differences, although I am told both sides to this dispute are far apart. So while I am not taking sides I do say there should be no delay in the process of collective bargaining. The public interest demands an early settlement, but if there are no bargaining talks how will there be a settlement?

I am communicating with the leaders on both sides, strongly protesting the delay and urging an expeditious settlement in the interest of the public.

SENATE—*Friday, July 23, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and our God, give us strength to fulfill our high calling to serve Thee in the present age. May we cherish all that is holiest in heritage and welcome all that is healthiest in innovation. Help us to treasure the wisdom of the past but also to be ready for new revelations of Thy will for the future. Keep us so close to Thee that we may ever be alert to the promptings of Thy spirit and never be surprised or trapped by evil powers. Give Thy servants in this body the resources sufficient for their tasks. Grant them the individuality which is creative, the discipline which sustains, the diversity which enriches, and the unity of purpose which accomplishes Thy will for this Nation and the world.

We pray in the name of Him who came to be the servant of all. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, July 22, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with new reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with new reports, will be stated.

NATIONAL COMMISSION ON MATERIALS POLICY

The second assistant legislative clerk proceeded to read sundry nominations in the National Commission on Materials Policy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

Mr. BOGGS. Mr. President, I recommend strongly the approval of the nomination of the seven members of the National Commission on Materials Policy. Each of the nominees has a distinguished background and broad expertise that relates to the many facets involved in a national materials policy.

It is a strong and broad group of gentlemen, including members of the Cabinet, a labor leader, educators, and industrialists:

Lynton Keith Caldwell, of Indiana;

Jerome L. Klaff, of Maryland, the chairman designate;

J. Hugh Liedtke, of Texas;

Lee W. Minton, of Pennsylvania;

Secretary of the Interior Rogers C. B. Morton, of Maryland.

Frederick Seitz, of New York; and

Secretary of Commerce Maurice H. Stans, of New York.

I commend each of these nominees to the Senate, and I know each will serve with great distinction.

The work on which they will embark should have a sound and beneficial impact on our society. They will seek to provide an independent review of our national use and needs for materials.

There should be no misunderstanding about the purpose of the Commission. Disposal and recycling of materials enter into the purview of the Commission. But that is far from all. What the Congress intended was to establish an advisory body to put into proper perspective the role of materials in national policy and national goals.

The Commission was created by title II of the Resource Recovery Act of 1970—Public Law 91-512. This law assigns to the Commission the following function:

It is the purpose of this title to enhance environmental quality and conserve materials by developing a national materials policy to utilize present resources and technology more efficiently, to anticipate the future materials requirements of the Nation and the world, and to make recommendations on the supply, use, recovery, and disposal of materials.

Almost every agency of the Federal Government has some interest in materials. There is no industry that does not concern itself with the processing, the use, or the management of materials. Everything we do to improve our environment involves the use of materials. Every problem and action that results in pollution of the air, land, and water involves materials. The Congress expects that the Commission will advise us as to the needed policies and actions to be taken by the national legislature in the immediate future in relation to materials need and use. And after the Commission established by Public Law 91-512 has done its work, we need to know what kind of continuing advisory authority should exist to continue this service.

We must satisfy ourselves that our Nation will continue to be alert to take prudent and sound action in the use of materials. When a new scientific breakthrough occurs in some aspect of materials utilization, we must make as certain as we can that it will be swiftly and effectively exploited for public purposes.

A part of the legislative history of the National Materials Policy Act of 1970 is the report of the Ad Hoc Committee on Materials Policy, April 21, 1969, "Toward a National Materials Policy." I invite the members of the Commission to study this document with great care.

The scope of concern of the Commission is also suggested by the agenda and report of the Engineering Foundation Research Conference, July 1970, on problems and issues of a national materials policy.

There is a tendency for every generation—possibly each decade—to focus on some one particular materials problem as commanding importance. Today the emphasis is on the environmental impact of materials and disposal. A decade or so ago, the concern was centered on whether we were running out of materials for essential purposes. What will the next problem be?

My point is that we should aspire to utilize at all times, a complete, effective, and balanced program on materials information and management. It should encompass domestic and foreign supplies and requirements, the design of materials research and the exploitation of research results, the enhancing of the environment and the eradication of sources of pollution, provision for the present needs of society and provision for the future. What are the elements of such a program and what can be done to make sure we utilize those elements?

Over the past few years, a considerable interest has developed in the subject of materials policy. The Congress last fall passed a bill to instruct the Department of the Interior to maintain analytical forecasts of mineral supplies and requirements.

The National Academy of Sciences has begun a study of the adequacy and purposes of materials science as a broad scientific and technological discipline. The Federal Council for Science and Technology has reconstituted its Interagency Materials Council and started it off on a new and promisingly vigorous career. Several agencies have greatly expanded their programs of technological development in the recycling of materials and the management of wastes.

These are all encouraging signs. I should like to see more attention given to future development of agricultural and forest products materials for new and expanded uses. I would hope that the Federal Departments of Transportation and Housing and Urban Development cooperate in the work of the Commission and to establish materials development and planning programs.

Nearly two decades ago, President Truman appointed a policy commission to review the national status of materials. Because national concern at that time was focused on the fear of future shortages, the Commission, under the chairmanship of William S. Paley, took that for its theme. The Paley Commission produced a landmark report with many sound and important recommendations.

However, some of its most important proposals went unheeded.

We have attempted in the creation of the present Commission to strengthen the receptivity of the Government by having the commission report to both the President and the Congress. It is a statutory commission, rather than a Presidential Commission alone. It is the responsibility of the members to achieve a balanced report that does not overstress the problems of the present at the expense of the concerns of the future.

Naturally, much of the scope of the review is left to the Commission members to determine. The Congress has suggested topics of concern. But the Commission is not excluded for consideration of any other matters it judges to be pertinent.

I would like to stress one final point. The National Commission on Materials Policy can only prove effective if it carries out a truly independent review and study. While it will need to call on the materials expertise found in many departments of the Government, it must not become dependent upon any agency or its primary staff assistants. The need for independent, effective, top-notch staff was the reason that the National Materials Policy Act of 1970 authorized $2 million during the lifetime of the Commission. Such independence is vital if the Commission is to be truly effective as I believe it must be.

In closing, Mr. President, I ask unanimous consent for inclusion in the RECORD of a copy of the language of the National Materials Policy Act of 1970, which was title II of Public Law 91–512, as well as that portion of Senate Report 91–1034 which discusses the role and scope of the Commission.

Mr. President, may I thank the many persons who have assisted in the development of background work that has led toward this day when the members of the Commission are being considered by the Senate. I believe that much praise goes to the Library of Congress and its Legislative Reference Service for the background studies and assistance they have given that has led to this Commission. In addition, I want to thank the members of the ad hoc committee which prepared the 1969 report, "Toward a National Materials Policy." It was this basic work that recommended the creation of a commission and I believe our Nation is strongly in the debt of these gentlemen.

The members of the ad hoc committee were: Walter L. Finlay, Morris E. Garnsey, John H. Garrett, Harold Gershinowitz, William J. Harris, Jr., Walter H. Kohl, Hans H. Landsberg, Torben Meisling, N. E. Promisel, Lester C. Van Atta, and Herrick J. Young.

There being no objection, the text of the act was ordered to be printed in the RECORD, as follows:

TITLE II—NATIONAL MATERIALS POLICY

SEC. 201. This title may be cited as the "National Materials Policy Act of 1970".

SEC. 202. It is the purpose of this title to enhance environmental quality and conserve materials by developing a national materials policy to utilize present resources and technology more efficiently, to anticipate the future materials requirements of the Nation and the world, and to make recommendations on the supply, use, recovery, and disposal of materials.

SEC. 203. (a) There is hereby created the National Commission on Materials Policy (hereafter referred to as the "Commission") which shall be composed of seven members chosen from Government service and the private sector for their outstanding qualifications and demonstrated competence with regard to matters related to materials policy, to be appointed by the President with the advice and consent of the Senate, one of whom he shall designate as Chairman.

(b) The members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

SEC. 204. The Commission shall make a full and complete investigation and study for the purpose of developing a national materials policy which shall include, without being limited to, a determination of—

(1) national and international materials requirements, priorities, and objectives, both current and future, including economic projections;

(2) the relationship of materials policy to (A) national and international population size and (B) the enhancement of environmental quality;

(3) recommended means for the extraction, development, and use of materials which are susceptible to recycling, reuse, or selfdestruction, in order to enhance environmental quality and conserve materials;

(4) means of exploiting existing scientific knowledge in the supply, use, recovery, and disposal of materials and encouraging further research and education in this field;

(5) means to enhance coordination and cooperation among Federal departments and agencies in materials usage so that such usage might best serve the national materials policy;

(6) the feasibility and desirability of establishing computer inventories of national and international materials requirements, supplies, and alternatives; and

(7) which Federal agency or agencies shall be assigned continuing responsibiltiy for the implementation of the national materials policy.

(b) In order to carry out the purposes of this title, the Commission is authorized—

(1) to request the cooperation and assistance of such other Federal departments and agencies as may be appropriate;

(2) to appoint and fix the compensation of such staff personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates; and

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem.

(c) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations no later than June 30, 1973, and shall terminate not later than ninety days after submission of such report.

(d) Upon request by the Commission, each Federal department and agency is authorized and directed to furnish, to the greatest extent practicable, such information and assistance as the Commission may request.

SEC. 205. When used in this title, the term "materials" means natural resources intended to be utilized by industry for the production of goods, with the exclusion of food.

SEC. 206. There is hereby authorized to be appropriated the sum of $2,000,000 to carry out the provisions of this title.

TITLE II—NATIONAL MATERIALS POLICY

Title II, The National Materials Policy Act of 1970, creates a National Commission on Materials Policy. This Commission, which would have seven members and report to the President and the Congress by June 30, 1973, would examine the broad subject of materials selection, treatment, and use. The Commission report should seek to identify and analyze the components affecting the materials flow and articulate the method the United States should follow to achieve a national policy on materials and how that policy should be implemented.

The committee considered the question of what type of governmental unit should conduct such a study on materials policy. The committee rejected the view that the study should be undertaken by an existing unit of Government on a continuing basis. The commission will be looking critically at the existing organizational arrangements in matters related to materials policy. Therefore, it is appropriate that the study should not become a function of an existing agency. An independent commission, the committee found, would be best able to examine effectively the full breadth of materials policy questions, and then to chart a policy on materials that would be implemented on a continuing basis by an existing agency of Government.

The Commission is to be composed of seven members selected for their expertise bearing on materials problems. The Committee expects that the chairman would not be an employee of the Federal Government, with the members selected to give as wide a diversity in background and expertise as is possible.

Specifically, the Commission is empowered to study and evaluate the following topics:

(1) The current and projected domestic demands for materials, including study of those international factors that have a direct impact on the availability of materials to be processed within the United States; economic factors affecting materials selection is also a proper aspect of study, but such studies should concentrate on domestic materials requirements;

(2) the relationship of materials demand and use to national and international population size and the necessary enhancement of the environment; particular attention should be given to the effect of materials on the environment: the removal of materials in their raw state from the natural environment and the effect of materials selection on environmental enhancement;

(3) Methods for coordinating materials policy with the basic purpose of this Act: the recycling of materials to preserve their usefulness, to enhance environmental quality and conserve materials;

(4) An evaluation of methods to exploit existing scientific knowledge in the processing of materials;

(5) Methods for improving coordination and cooperation among Federal departments and agencies in materials demand, use, and study. The Committee considers this to be a major topic for study when it is realized that nearly every agency of Government has a materials-related function, either in research, planning, pollution control, standards, or supply, and national materials policy must be woven from the threads of existing policy and knowledge; and

(6) Study the feasibility and the desirability of creating, or fostering the creation

of, computer inventories of national and international material supplies and requirements.

For the purpose of this Act, materials are defined as any physical substance, whether animal, vegetable, or mineral, that is utilized by industry for processing and sale. The Committee has excluded foodstuffs from this definition. The Committee, however, intends that the definition of materials includes products used in the production of foodstuffs.

History

This amendment has direct precedent in the work of President Truman's Materials Policy Commission, better known as the Paley Commission. The Commission, headed by William Paley of the Columbia Broadcasting System, was created at the time of the Korean War. It sought to examine the nation's material status, particularly in reference to national stockpiles of straegic materials.

Despite the fact that the Commission's report was considered to be an excellent one within the materials community, the recommendations of the Paley Commission failed to generate significant legislative action.

In July 1967, Senator Boggs, as a member of the Committee on Public Works, requested that the Legislative Reference Service of the Library of Congress undertake a study of the question of materials and their relation to problems of solid waste disposal. The Science Policy Research Division of the Legislative Reference Service prepared an initial study on the subject, "Availability, Utilization, and Salvage of Industrial Materials." It was published as a print of the Senate Committee on Public Works on January 8, 1968.

Subsequently, the Library of Congress assisted in the organization of an ad hoc committee of materials experts to examine in more detail the need for a national materials policy. A second, more thorough report, "Toward A National Materials Policy," was published by the Senate Committee on Public Works in April 1969.

The report's main conclusion was stated in its proposal for creation of a National Commission on Materials Policy:

> * * * it is judged timely and essential that a national commission be chartered and organized to study the present stance of the United States with respect to materials, and to make recommendations based on its findings. The objectives of the commission should be:
>
> 1. To identify the relationship of the broad subject of materials in all their aspects to national goals and objectives;
> 2. To define materials goals and objectives of the Nation;
> 3. To contribute to a broader understanding and awareness of materials problems and opportunities;
> 4. To maximize, to the extent permitted by the constraints essential to the national interest, the opportunities for free enterprise to function efficiently in the materials field; * * *

Subsequently, an amendment to establish such a national commission was introduced in the Senate to pending solid waste legislation on September 9, 1969. The amendment was sponsored by 11 Senators.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 268, 269, 271, 273, and 278.

The PRESIDENT pro tempore. Without objection, it is so ordered.

STEPHEN LANCE PENDER, PATRICIA JENIFER PENDER, AND DENESE GENE PENDER

The bill (S. 389) for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 322 (a) of the Immigration and Nationality Act, Carol H. Warren, the legal guardian of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender, may file petitions for naturalization in their behalf under that section, the mother of the said Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender having died prior to the filing of any such petition.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–274), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiaries to be naturalized, notwithstanding the provisions of section 322(a) of the Immigration and Nationality Act.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The concurrent resolution (S. Con. Res. 35) favoring the suspension of deportation of certain aliens was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

A–9687873, Chan, Chuen.
A–17949342, Chin, Lean.
A–6816735, Funk, Thomas Fredrik.
A–13282197, Moy, Huey Nai.
A–10465009, Torres de Bejarano, Socorro.
A–11596573, Yee, Soon Hing.
A–8486988, Terrazas-Barrio, Efren.
A–4316706, Ioanides, Gabriel Constantinos.
A–1864768, Herrera-Marquez, Aurelio.
A–18496866, Lum, Wah Gum.
A–3212791, Candanoza-Leza, Rogelio.
A–6499744, Cartier, Paul August.
A–12027264, Liu, Lai Chih.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–276), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE CONCURRENT RESOLUTION

The purpose of the concurrent resolution is to record congressional approval of suspension of deportation in certain cases in which the Attorney General has suspended deportation pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended. Under the prescribed procedure, affirmative approval by both the Senate and the House of Representatives is required before the status of the aliens may be adjusted to that of aliens lawfully admitted for permanent residence.

STATEMENT OF FACTS

The concurrent resolution relates to certain cases in which the Attorney General has suspended deportation under the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended. These cases are submitted to the Congress under the provisions of that section subsequent to its amendment by section 4 of Public Law 87–885. The aliens are deportable as former subversives, criminals, immoral persons, violators of the narcotic laws, or violators of the alien registration laws. The discretionary relief may be granted to an alien within these categories upon a showing (1) of 10 years' continuous physical presence in the United States following the commission of an act or the assumption of a status constituting a ground for deportation; (2) that he has not been served with a final order of deportation up to the time of his application for suspension of deportation, (3) that he has been a person of good moral character during the required period of physical presence; and (4) that his deportation would result in exceptional and extremely unusual hardship to himself or to his spouse, parent, or child, who is a citizen or an alien lawfully admitted for permanent residence.

Included in the concurrent resolution are 13 cases which were referred to the Congress between February 1, 1970, and December 1, 1970. Five cases referred during that period were not approved.

In each case included in the concurrent resolution, a careful check has been made to determine whether or not the alien (*a*) has met the requirements of the law; (*b*) is of good moral character; and (*c*) warrants the granting of suspension of deportation.

The committee, after consideration of all the facts in each case referred to in the concurrent resolution, is of the opinion that the concurrent resolution (S. Con. Res. 35) should be agreed to.

EXTENDING THE DURATION OF COPYRIGHT PROTECTION IN CERTAIN CASES

The joint resolution (S.J. Res. 132) extending the duration of copyright protection in certain cases was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 132

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term tehereof as extended by Public Law 87-668, by Public Law 89-142, by Public Law 90-141, by Public Law 90-416, by Public Law 91-147, or by Public Law 91-555 (or by all or certain of said laws), would expire prior to December 31, 1972, such term is hereby continued until December 31, 1972.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-277), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSES

The purpose of this legislation is to continue until December 31, 1972, the renewal term of any copyright subsisting on the date of approval of this joint resolution, or the term as extended by Public Law 87-668, by Public Law 89-142, by Public Law 90-141, by Public Law 90-416, by Public Law 91-147, or Public Law 91-555 (or by all or certain said laws) where such term would otherwise expire prior to December 31, 1972. The joint resolution would provide an interim extension of the renewal term of copyrights pending the enactment by the Congress of a general revision of the copyright laws, including a proposed increase in the length of the copyright term. The most recent extension (Public Law 91-555) will expire on December 31, 1971.

This legislation merely provides for the prolongation of the renewal term of copyright and does not involve creation of a new term of copyright.

STATEMENT

This legislation arises from a study of the U.S. copyright system authorized by the Congress in 1955. After extensive preparatory work, copyright revision bills were introduced in both Houses during the 88th Congress and again in the 89th and 90th Congresses. The House of Representatives on April 11, 1967, passed H.R. 2512 of the 90th Congress for the general revision of the copyright law. This committee's Subcommittee on Patents, Trademarks, and Copyrights held 17 days of hearings on copyright law revision, and in 1969 reported S. 543 for the general revision of the copyright law. No further action was taken on that legislation. On February 8, Senator John L. McClellan introduced S. 644 for the general revision of the copyright law.

Both S. 644 and the bill passed by the House of Representatives in the 90th Congress, would increase the copyright term of new works from the present 28 years, renewable for a second period of 28 years, to a term for the life of the author and for 50 years thereafter. They also provide for a substantial extension of the term of subsisting copyrights.

It is apparent that the Congress cannot complete action during this session on the legislation for general revision of the copyright law. The copyright revision bill has been delayed for several years principally because of the cable television controversy. More recently the Congress has been awaiting action by the Federal Communications Commission on the necessarily related communications aspects of CATV. The Congress has now been advised by the Chairman of the Federal Communications Commission that the Commission anticipates completing of its current CATV rulemaking proceedings before the start of the summer recess of the Congress. Clearly, however, adequate time will not remain for action on the revision bill and, therefore, it is necessary to consider another temporary extension of copyrights.

Since the general revision bill has been unavoidably delayed, it seems desirable that the terms of expiring copyrights should be extended so that the copyright holders may enjoy the benefit of any increase in term that may be enacted by the Congress. It is the view of the committee that the same considerations that led to the enactment of the previous extensions warrant the approval of this joint resolution.

After a study of the joint resolution, the committee recommends that the legislation be favorably considered.

ADDITIONAL JUDICIAL DISTRICT IN THE STATE OF LOUISIANA

The bill (S. 733) to create an additional judicial district in the State of Louisiana, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 98 of title 28 of the United States Code is amended to read as follows:

"§ 98. Louisiana

"Louisiana is divided into three judicial districts to be known as the Eastern, Middle, and Western Districts of Louisiana.

"Eastern District

"(a) The Eastern District comprises the parishes of Assumption, Jefferson, Lafourche, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint James, Saint John the Baptist, Saint Tammany, Tangipahoa, Terrebonne, and Washington.

"Court for the Eastern District shall be held at New Orleans.

"Middle District

"(b) The Middle District comprises the parishes of Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, Saint Helena, West Baton Rouge, and West Feliciana.

"Court for the Middle District shall be held at Baton Rouge.

"Western District

"(c) The Western District comprises six divisions.

"(1) The Opelousas Division comprises the parishes of Evangeline and Saint Landry.

"Court for the Opelousas Division shall be held at Opelousas.

"(2) The Alexandria Division comprises the parishes of Avoyelles, Catahoula, Grant, La Salle, Rapides, and Winn.

"Court for the Alexandria Division shall be held at Alexandria.

"(3) The Shreveport Division comprises the parishes of Bienville, Bosier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster.

"Court for the Shreveport Division shall be held at Shreveport.

"(4) The Monroe Division comprises the parishes of Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll.

"Court for the Monroe Division shall be held at Monroe.

"(5) The Lake Charles Division comprises the parishes of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vernon.

"Court of the Lake Charles Division shall be held at Lake Charles.

"(6) The Lafayette Division comprises the parishes of Acadia, Iberia, Lafayette, Saint Martin, Saint Mary, and Vermilion.

"Court for the Lafayette Division shall be held at Lafayette."

SEC. 2. The district judge for the Eastern District of Louisiana holding office on the day immediately prior to the effective date of this Act, and whose official station on such date is Baton Rouge, shall, on and after such date, be the district judge for the Middle District of Louisiana. All other district judges for the Eastern District of Louisiana holding office on the day immediately prior to the effective date of this Act shall be district judges for the Eastern District of Louisiana as constituted by this Act.

SEC. 3. (a) Nothing in this Act shall in any manner affect the tenure of office of the United States attorney and the United States marshal for the Eastern District of Louisiana who are in office on the effective date of this Act, and who shall be during the remainder of their present terms of office the United States attorney and marshal for the Eastern District of Louisiana as constituted by this Act.

(b) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and marshal for the Middle District of Louisiana.

SEC. 4. The table contained in section 133 of title 28 of the United States Code is amended to read as follows with respect to the State of Louisiana:

"Districts	Judges
* * * *	*
"Louisiana:	
"Eastern	7
"Middle	1
"Western	3".

SEC. 5. Section 134(c) of title 28 of the United States Code is amended by deleting the first sentence.

SEC. 6. The provisions of this Act shall become effective one hundred and twenty days after the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-279), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to create an additional judicial district in the State of Louisiana by dividing the present eastern district of Louisiana into two districts, the eastern and middle districts.

STATEMENT

At present, the eastern district of Louisiana consists of two divisions, one of which sits in New Orleans and the other in Baton Rouge, the State capital. S. 733 would convert the Baton Rouge division into a new district to be known as the middle district of Louisiana.

In recent years the eastern district of Louisiana has had one of the most persistent civil backlog problems in the United States. At the end of fiscal year 1970, there were 4,385 civil cases pending on the docket, an increase of 4.2 percent over the prior year. The civil business of the eastern district is exceeded in only three other Federal districts, the District of Columbia, the southern district of New York, and the eastern district of Pennsylvania.

The major portion of the workload in the district is in the New Orleans division, where through the efforts of the judges and personnel of the eastern district, the Federal Judicial Center, and the Administrative Office of the U.S. Courts, better calendar control and new procedures in the clerk's office have been accomplished recently. These joint efforts have been directed almost entirely at the New Orleans division. Indeed, the problems and caseload demands of the Baton Rouge division are very different from those confronting the New Orleans division.

A major part of the civil caseload of the Baton Rouge division consists of maritime and seaman's cases attributable to the port of Baton Rouge, ranked seventh in the Nation in total annual tonnage handled. Since the State penitentiary at Angola, La., is located in the Baton Rouge division, a majority of the habeas corpus petitions for the entire State of Louisiana are brought in this division.

The total number of civil cases filed in the Baton Rouge division in fiscal year 1970 exceeded the civil filings in 24 districts in the United States. In fiscal 1969, the civil filings in this division exceeded those in 28 other districts. Thus, the size of the Baton Rouge division's civil caseload is certainly sufficient to justify the creation of a separate district.

In fiscal year 1970, 57 civil cases involving the United States of America and 58 criminal cases were filed in the Baton Rouge division. Hearings or trials in these cases require the presence of the U.S. attorney or one of his assistants. There is no assistant U.S. attorney assigned to the Baton Rouge division, and for each civil or criminal case appearance the U.S. attorney or an assistant must travel from New Orleans, a distance of nearly 80 miles. The division could be much more efficiently operated if it were a district unto itself. Furthermore, since the Federal court building has recently been extensively renovated, no new physical facilities are anticipated if this bill becomes law.

This bill passed the Senate during the last Congress on December 9, 1969, under the designation S. 1646, but was not acted upon by the House of Representatives. The bill has the support of the Judicial Council of the Fifth Circuit, the judges of the eastern district, and the Louisiana State Bar Association. Support has also been expressed by the U.S. attorney, the chief probation officer, and the U.S. marshal for the eastern district. More significantly, despite a general policy in opposition to the creation of new districts, the Judicial Conference of the United States has expressed its approval. The Department of Justice has deferred to the recommendations of the Judicial Conference of the United States and the Judicial Council of the Fifth Circuit.

A copy of a letter expressing the Judicial Conference's recommendation and another expressing the Justice Department's views are attached hereto and made a part of this report.

AUTHORIZING ADMINISTRATOR OF VETERANS' AFFAIRS TO SELL AT PRICES REASONABLE, UNDER PREVAILING MORTGAGE MARKET CONDITIONS, DIRECT LOANS MADE TO VETERANS

The bill (H.R. 3344) to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable, under prevailing mortgage market conditions, direct loans made to veterans under chapter 37, title 38, United States Code was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senator from Montana is recognized.

(The remarks of Mr. MANSFIELD when he submitted Senate Concurrent Resolution 36, relating to the President's forthcoming visit to China, are printed in the Routine Morning Business section of the RECORD under the Appropriate heading.)

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

(The remarks of Mr. SCOTT when he submitted an amendment to S. 382, the Federal Election Campaign Act of 1971, appear in the Routine Morning Business section of the RECORD under the Appropriate heading.)

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under an order previously entered, the Senator from Missouri (Mr. SYMINGTON) is recognized for not to exceed 15 minutes. The Senator may proceed.

PAKISTAN: ANOTHER CASE WHERE CONGRESS HAS NOT BEEN RECEIVING THE FACTS

Mr. SYMINGTON. Mr. President, ever since March 25, when hostilities broke out in East Pakistan there has been a series of statements by State Department officials which seemed to indicate that the United States had stopped providing military equipment to the Government of Pakistan.

Hostilities in East Pakistan have resulted in the deaths of hundred of thousands of Pakistanis, and the flight of some 6 million refugees to India.

On April 12 a Department of State spokesman said that there had been "an embargo since 1965" on military assistance to Pakistan; also, that there had been a one-time exception announced last October, but that "there is no—repeat—no equipment in the pipeline and none has been delivered under that exception" also that—

> We have had a modest program of sales, predominantly cash, to Pakistan for nonlethal military equipment, spare parts for equipment already in Pakistani hands and some ammunition"; but that "insofar as shipments under these agreements are concerned, we have this matter under review."

On April 15 a Department of State spokesman said:

> In short no arms have been provided to the Government of Pakistan since the beginning of this crisis, and the question of deliveries will be kept under review in light of developments.

It is not only the public that has been misled.

The Senate stands in the same position.

As an illustration, on April 23, Assistant Secretary of State David Abshire wrote Chairman FULBRIGHT a letter, the text of which appears in the committee report on Senate Concurrent Resolution 21, in the course of which he said:

> We have been informed by the Department of Defense that no military items had been provided to the Government of Pakistan or its agents since the outbreak of fighting in East Pakistan March 25 and nothing is now scheduled for such delivery.

On April 30, testifying in executive session before the committee, Deputy Assistant Secretary of State Christopher Van Hollen said:

> We have not delivered any military equipment, spare parts or our ammunition to Pakistan under our military sales program since the crisis began on the 25th of March and we are currently reviewing all aspects of that program.

Shortly thereafter he said:

> I would say that in the present circumstances we are not giving any arms at all.

Subsequently, the Secretary said:

> On all aspects of our military sales program we have had to re-examine all of these programs since the 25th of March, and in fact, no military sales items have been shipped since that date, according to the Department of Defense.

Then on May 6, Assistant Secretary Abshire wrote Chairman FULBRIGHT a further letter, the text of which also appears in the committee report on Senate Concurrent Resolution 21, in which the following statements appeared:

> As you know, we terminated all grant military assistance to Pakistan and India, as a consequence of the 1965 Indo-Pakistan war. We have provided no weapons to either country since then. The only measure of grant military assistance which we have re-instituted since 1965 has been a modest program of military training . . .
>
> With respect to military supply, as the Department's spokesman announced on April 15, the Department of Defense has informed us that no military sales items including spare parts and ammunition have been provided to the Government of Pakistan or its agents since the outbreak of fighting in East Pakistan on March 25. In short, no arms have been provided since the beginning of the crisis and the question of deliveries is under review.

Despite these statements, we began to learn from the press that freighters were sailing from U.S. ports to Pakistan with U.S. military equipment aboard.

A meeting of the Subcommittee on Near Eastern and South Asian Affairs was therefore called on July 19 to discuss developments in South Asia. The witness was the Assistant Secretary of State for Near Eastern and South Asian Affairs, Joseph J. Sisco. As a result, we now know more about what the United States has been doing and intends to do so far as assistance to Pakistan is concerned.

Mr. Sisco provided a brief chronology of the steps the United States has taken with regard to military assistance to Pakistan. This I will summarize.

In 1965, an embargo was placed on the supply of military equipment to India and Pakistan, and grant assistance under the military asssitance program was terminated.

In 1966, the embargo had been "modified" to permit the sale to India and Pakistan of "nonlethal end items." In 1967, the policy was "further modified" to permit the sale of ammunition and spare parts for military equipment provided by the United States prior to the 1965 conflict between and India and Pakistan.

In October 1970, there was a "one-time exception to the continuing embargo on lethal equipment" under which the sale of armored personnel carriers and aircraft was authorized.

Beginning in 1966, the Government of Pakistan also resumed purchases through the foreign military sales program and commercially of an average of $15 to $20 million worth of military equipment from the United States annually, military equipment which was licensed by the Office of Munitions Control in the State Department.

Although we have had an embargo on military assistance since 1965, this embargo was first "modified," then "further modified," and then a "one-time exception" to the modified embargo was made.

The result, it is clear, is that we have had an embargo on military assistance that is not an embargo, although the executive branch continues to insist on calling it an embargo; rather it is an embargo on military assistance that has not affected nonlethal end items, ammunition, and spare parts; an embargo under which the sale of a large number of armored personnel carriers and aircraft has been authorized; also an embargo that has not covered over $100 million worth of military equipment purchased under the foreign military sales program or commercially.

In early April the United States put a "hold" on the delivery of foreign military sales items to Pakistan, suspended the issuance of new licenses and the renewal of expired licenses to items on the munitions list for either the foreign military sales program or for sales through commercial channels, and held in abeyance actions on the one-time exception to the embargo, so that no item covered by that one-time exception had been delivered to the Government of Pakistan or its agents, and nothing relating to that one-time exception was scheduled for delivery.

This did not mean, however, that other military equipment had not gone to Pakistan. By early April the Government of Pakistan, or its agents had obtained legal title to, and were in possession of, some military items still in the United States. In a legal sense, however, the "delivery" of these items to Pakistan had apparently taken place.

Furthermore, Department of Defense contractors under the foreign military sales program, and other commercial suppliers, had continued to utilize valid licenses issued before early April.

Some of these military items have been shipped, and additional supplies under these licenses will be shipped in the future.

As of mid-July, the value of the validly licensed but unshipped material for Pakistan in the United States was well over $10 million.

We have learned from press sources that State Department officials have confirmed to them that the figure for material in the pipeline is about $15 million.

In other words, the United States could have refused to make deliveries under these licenses, and could have refused to transmit the equipment; in other words the U.S. Government had the legal right to stop the program, but had chosen not to exercise that right.

Some development aid to Pakistan has continued. On the basis of agreements signed before the beginning of fiscal year 1971, $83 million of development assistance is in the pipeline, or about to enter it.

About half of this total is already formally committed to American suppliers, although the goods have not yet been delivered. Of the balance of about $41 million, $14 million is committed for development projects in East Pakistan.

As far as any new development loans are concerned, we are awaiting the formulation and implementation by the Pakistan Government of a revised national development program.

It was not and is not clear why the U.S. Government refused to exercise the option that was available of stopping the shipment of military assistance supplies to Pakistan after March 25. During the subcommittee meeting, there was talk of our influence on the Government of Pakistan, but there would appear no positive result of that influence.

There was also reference to the necessity of maintaining a relationship with the Government of Pakistan so that it would not be completely dependent upon Communist countries for military equipment. We do not know, however, the amount of military assistance provided by the People's Republic of China over the past few years; nor do we know whether the Soviet Union has supplied arms to Pakistan since March 25.

In any case, let us hope this statement today will help clarify the confusion that has been caused by executive branch statements over the past few months which have been interpreted by many of us in the Senate, certainly also by many members of the public, as meaning what they seemed to say—namely, that we had not shipped arms to Pakistan since March 25; also that we had nothing in the pipeline to be shipped to Pakistan.

That impression was wrong; and we have continued these shipments, not because we were powerless to stop them, but because we decided not to stop them.

This decision has been obscured from both public and congressional view through semantics, ambiguous statements on the public record without clarification, and no effort to present the actual facts, until pressed to do so.

Recently I had the honor to be host to the Foreign Minister of India at lunch in the Senate. Because we did not then have the facts, we made a great many statements to him that were not correct with respect to what we were doing with regard to shipping military assistance to Pakistan.

It is time both Congress and the people obtained the truth as to what we have done and what the administration plans to do with respect to future policy from the standpoint of military assistance to Pakistan.

This morning's Wall Street Journal contains an article by Peter R. Kann, from Dacca, East Pakistan, entitled "A Nation Divided—East Pakistan Conflict Is Complicated by Race, Religion, and Poverty." If anyone has any doubt as to just what is going on in that country today, I hope he will read the article by Mr. Kann.

Mr. President, I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Nation Divided: East Pakistan Is Complicated by Race, Religion, Poverty—No Immediate Solution Seen—Residents Barely Subsist—Police State Grips Bengalis—Problems? There Are None

(By Peter R. Kann)

Dacca, East Pakistan.—The doctor sits behind a desk in his street-front office in an East Pakistani town, occasionally glancing out at the road lined with the charred debris and looted shells of shops and homes.

A vehicle with UNICEF marking on its doors but with armed West Pakistani soldiers inside cruises by. Otherwise, the street is all but deserted.

The doctor sits in his office only because he has been ordered to. His family is hiding in a village somewhere outside of town. He speaks in a whisper because any passerby could be an informer. At night, when the army goes knocking on doors, he lives with the fear that his name may be on one of its lists.

He whispers of recent events in this town: the streets littered with bloated and decomposing bodies; the burning, looting and raping; and the continuing terror. "We are afraid to speak the truth. Those who speak the truth are punished, and the only punishment is death," he says.

The doctor is an army veteran, which makes him a special target for his former colleagues. But his real crime is being a Bengali in a land of Bengalis that also happens to be part of the map of Pakistan. It is now a land of death and of fear.

CAUSES WASHED AWAY BY BLOOD

It is less than four months since the civil fighting in East Pakistan began, but already the causes of the conflict seem almost academic. Its geographical and historical roots, the legalities and moralities—all seem to have been washed away by blood. No one really knows how many people have been killed in East Pakistan since March 25, but Western diplomats say the minimum is 200,000. The maximum exceeds one million.

The events fall into three stages.

The first was a Bengali political movement aimed at ending two decades of economic and political exploitation by the West Pakistanis. It culminated, in March elections, in national political victory for the Bengali Awami League and its platform of greater East Pakistan autonomy. But on

March 25 the Pakistan army (an almost entirely West Pakistani institution), fearing that East Pakistan was moving toward independence, cracked down in Dacca, the East Pakistan capital. Bengali students were massacred, politicians were arrested and the Awami League was outlawed.

The second stage was a fairy-tale few weeks in which the Bengalis proclaimed and celebrated their independence. Some thousands of East Pakistan's non-Bengali minority were killed during this period, in which the army, perhaps overly cautious, remained in the capital and in a number of military camps. But the illusion of independence ended in mid-April when the army emerged to crush the revolution. Tens of thousands of Bengalis were slaim as town after town was retaken, burned and looted. There was little military opposition. Some six million Bengalis, most of them from the Hindu minority group that became a special army target, began fleeing into India.

NOW THE THIRD STAGE

The third and present stage is army occupation—a terrorized Bengali population being ruled by military force and crude police-state tactics. West Pakistan officials say everything is rapidly returning to normal. But the economy is woefully disrupted, factories are idle, schools are closed, roads are mostly empty and towns are largely deserted. Millions of Bengalis, particularly Hindus and middle-class Moslems, are still hiding in the countryside. About 50,000 refugees are still fleeing to India each day. And army rule is being challenged by Bengali guerrilla forces (the Mukti Bahani, or Liberation Army) that seem to have massive support among the Bengali population. The guerrillas are still lacking in training and organization, but supplies and border sanctuaries are being provided by India.

Ten days of traveling across East Pakistan and talks with scores of diverse people here indicate that the fourth stage eventually will be an independent East Pakistan: Bangla Desh, or Bengal Nation. But clearly much more killing will take place before Bangla Desh comes to pass.

No solution, including independence, holds any bright hopes for East Pakistan's predominantly peasant society, which, in accordance with the Mohammed's Prophet instruction to "go forth and multiply," is propagating itself into starvation. Its 75 million people already are barely subsisting 1,600 to the square mile, and this population will double within 25 years. A half-million Bengalis were killed by a cyclone last fall. A half-million more were born in 87 days. Perhaps only in East Pakistan could a disaster of the cyclone's magnitude be overshadowed by a greater one—this civil war—only six months later.

PRIMITIVE CONCEPTIONS OF GUILT

Poverty, ignorance and frustration have turned this conflict into a Congo as well as an Algeria. Men are killing each other not only in the name of politics but also over race and religion. The Moslem philosophy of an eye for an eye and a tooth for a tooth is made more terrible by primitive conceptions of collective guilt.

The army kills Bengalis. The non-Bengali minority of about two million (commonly called Biharis) back the army. So Bengalis kill Biharis. The army and the Biharis see this as ample reason to butcher more Bengalis. The Hindu minority of about 10 million becomes a convenient army scapegoat and even some Bengali Moslems can be persuaded to join in their slaughter. Amid this chaos, various villages, gangs and individuals have been attacking each other for economic gain or to settle private scores.

These are the tales of some of the people encountered on a trip through East Pakistan. As with the doctor, the names of Bengalis and the towns in which they live are omitted. Bengalis, in talking to a reporter, fear for their lives. Most don't talk at all; in some towns not even beggars will approach a stranger. Normally among the world's most voluble people, the Bengalis now talk mostly with their eyes—eyes that look away in fear or that stare down in shame or that try to express meanings in furtive glances.

A lawyer and his sons have been fortunate. When one asks a Bengali how he is these days, he replies, "I am alive." The lawyer and his sons not only are alive but are living in their own home. They are also hiding in their own home, for they leave it only rarely. "It is too easy to be arrested on the street," the lawyer says. "A seven-year-old can point a finger at me and call me a miscreant, and I will be taken away."

Miscreant is the term the Pakistan army applies to all who oppose it. "All Bengalis are miscreants now," the lawyer's younger son says. He is a law student, but students are a special army target, and most are in hiding. The universities are closed. "What use would there be learning law anyway now that there is no law in our country?" the son asks.

It is evening, and the discussion is taking place in the lawyer's home. Before talking, he closes the wooden shutters on the windows. Then he has second thoughts—"someone who passes by may report a conspiracy"—and so the shutters are partly reopened.

They talk of "the troubles," of how, when word of the army's March 25 attack in Dacca reached this town, the Awami League took control. There was orderly rule under the Bangla Desh flag until mid-April, when airforce planes strafed the town. People panicked. The Awami Leaguers and their military force, the Mukti Bahani, began to flee along with thousands of others. But it was several days before the the army reached the town, and during that time angry Bengali mobs attacked and slaughtered hundreds of Biharis.

Relative to its actions elsewhere, the army when it arrived, showed restraint. Most of the town remains undamaged, although much of it was looted by the army and its mobs. About half the population has returned and many shops have reopened, though not under former management. Hindu shopkeepers have disappeared, and Biharis and other army backers have taken over. And, as everywhere, the arrests continue.

Four Christian Bengalis are arrested by the army at a roadblock. Not many buses travel East Pakistan's roads these days, and those that do are frequently stopped, and their passengers are lined up and searched. Few of the soldiers at these checkpoints speak any Bengali (Urdu is the language of West Pakistan), and so a common way of finding "miscreants" is to lift men's sarongs. Moslems are circumcised; Hindus aren't. Some West Pakistani soldiers came to East Pakistan thinking all Bengalis were Hindu. More spohisticated soldiers simply think that all Hindus are "miscreants," but then so are many Bengali Moslems. So it is all very confusing for the soldiers, and the four Christians are arrested.

FOR CHRISTIANS, NO BEATINGS

They are taken to a military cantonment and beaten for several hours by interrogators who don't speak their language. A Westerner hears of their arrest and protests. So the matter comes to the attention of an army major, who summons the four Christians and offers apologies: "It is our policy not to beat Christians," he explains.

A shopkeeper, a thin Bengali with wire-rimmed spectacles, glances out from his shop at two strangers walking down the deserted street. They enter the shop and inquire about "the troubles" in this town. The shopkeeper is visibly trembling. "There is nothing I can say," he replies. Then he glances again at the flattened buildings lining the main street and whispers, "Look around you." As the visitors leave, he adds, voice cracking, "I'm ashamed I cannot. . . ."

Further down the street a youth approaches. "The army destroyed our city. Many Bengalis are being arrested. They are being shot every night and thrown into the river. We no longer eat the fish from the river," he whispers.

The youth guides the strangers to the local hospital to talk to a surgeon. The surgeon is a Bengali but is employed by the government, which means he is particularly vulnerable. He is asked about killing in the city. "Killing? What killing? Killing by whom?" He is asked about general problems. "Problems?" What problems? There are no problems."

BELABORING THE OBVIOUS

The visitors take their leave. Outside the hospital the youth whispers: "You have talked to the doctor, but I think he has concealed the truth. He is afraid." It is explaining the obvious.

A professor and his student are talking about the prospects of students returning to classes in early August, when the university is supposed to reopen. They are pessimistic. Some students are hiding in their homes, others have fled to outlying villages or to India. Some have joined the Mukti Bahani. The campus has been turned into a military camp, and troops are quartered in the dormitories, using books to fuel their cooking fires. "Would you come back?" the professor asks.

The student, a girl, has a room in a house that overlooks an army interrogation center. "All day the students, young boys, are brought in and beaten," she says. "Three soldiers walk on them with boots. All night we hear the screams. I cannot sleep. We cannot stand to see and hear these things."

"Our army had a good reputation," the professor says. "We had a great army. But look what it has done. How can an army be great when it fights in an immoral cause?"

Two army majors are standing at a ferry landing on the east bank of the Ganges River. One is a frogman, the other one served in the camel corps. Both seem to be civilized and charming men. They explain that they are fighting a patriotic war to defend the integrity of their country against Indian agents, miscreants and misguided individuals. "We saw atrocities that made our blood boil. Had you seen them, even you would have wanted to kill," he says of a town where some Biharis were butchered by Bengalis. (The town was later leveled by the army and a far greater number of Bengalis were killed.)

FOOD FOR THE CROCODILES

The majors are asked why so many Bengalis have fled, particularly Hindus. The answer is imaginative. They say that in April, before the army restored order, Hindus told Moslems that the "holy Koran is just an old book. So the Moslems came out of their homes to defend the holy Koran and many Hindus fled." There has been much killing, the camel-corps major grants. "The crocodiles have gotten fat," says the frogman, glancing out at the Ganges.

But all is returning to normal, they say, and the Bengali people aren't afraid of the army. A ferry is landing, and a group of Bengali laborers, recruited by the army to reopen a jute mill, edges past the majors in single file. Each of them bows his head in a subservient salute as he passes the officers.

Not all army officers are as sympathetic as these majors. Western residents of one town tell of an army captain approaching a young

Hindu girl and telling her to feel the barrel of his gun. "You feel it is still warm," he said. "From killing Hindus," he added, laughing—but not joking.

An old Bihari who served as a bearer in the British Indian army many years ago is now a waiter at a roadside hostel on the outskirts of a town more than half destroyed He supports the army and thus isn't afraid to talk. He explains that for several April days, after the Awami League people fled but before the army arrived, things were bad for the Biharis. Mobs of Bengalis ran through the streets shouting (and he lapses into his old Indian-army English), "Kill the Bihari buggers, burn the Bihari buggers." Some Biharis were killed, he says, but most weren't. Then the army arrived. "The army kill many Bengali buggers," he says. "And the Hindu buggers, they run away to India. It is very bad days, Sahib."

A Hindu, one of the richest and most respected men in his community before the fighting, was a philanthropist who had built schools, hospitals and irrigation systems for the predominantly Moslem peasants in his area. He considered himself fully Pakistani. Although a Bengali, he hadn't backed the Awami League but rather had supported the more conservative and even anti-Hindu Moslem League.

THE HUNTER BECOMES THE HUNTED

For nearly a month after the civil war began but before the army arrived in his area (and thus during the period Biharis were in danger from Bengalis), the Hindu sheltered two Biharis in his home. When mobs came looking for him, he protected them. But, with the arrival of the army, roles reversed, and Bengalis—particularly Hindu Bengalis—became the hunted.

Hindu villages were burned by the army, and mobs were encouraged to plunder Hindu homes. Under army orders the local Hindu temple was smashed to the ground by men wielding sledgehammers.

The Hindu and his family fled to the village hut of a friend, where they have been hiding for more than two months. His first daylight emergence from this hiding place was for a rendezvous with two reporters. He walked across the rice paddies in the late afternoon, dressed as a peasant and shielding his face with a black umbrella.

He hadn't fled to India like so many other Hindus because he hoped the army would move on and life might somehow return to what it had been before. But the army remains, Hindus are still being searched out and shot, and now it is too risky to try to reach the border from this area.

Only a few close friends know his hiding place. One of them is a Moslem League official, an influential man these days since many Moslem Leaguers are supporting the army. "He knows where I am hiding, but he dare not help me," the Hindu says. He believes that nearly all Moslem Bengalis sympathize with the Hindus. "But what can they do? They, too, are in danger and they are afraid."

All the Hindu's property is on an army list of "alien properties." In other areas it is called "enemy properties," but in either case it is scheduled to be confiscated and put up for auction. The Hindu talks much about losing his property—but the greater danger is losing his life.

"My Moslem friends tell me that Hindu bodies taken from the river are so disfigured from tortures that the faces cannot be identified," the Hindu says before picking up his umbrella and heading back across the fields to his hiding place.

A HEADMASTER RECITES HIS LESSON

The travelers visit a town near the Indian border. One of the last towns to be retaken by the army, it is heavily damaged and is still largely deserted. Here the local peace committee—a unit composed of some Biharis and conservative Bengali Moslem Leaguers who serve as the local eyes and ears of the army—assigns two youths to guide and shadow the visitors. "Come to the school and talk to the headmaster," they say.

The headmaster, a middle-aged Bengali, sits behind his desk. The reporters sit facing him. And standing behind the reporters, also facing the headmaster, are the young peace-committee shadows. In a faltering voice the headmaster begins to recite statistics of school enrollment, dates when schoolhouse cornerstones were laid—anything uncontroversial. At the end of each sentence he glances up, past the reporters, to the shadows like a schoolboy reciting his lessons to a teacher with a stick.

How was the school damaged? the reporters ask. "There was some strafing," he mumbles. Then, looking up at the teen-age shadows, he hurriedly adds, "and maybe it was damaged by miscreants."

As the reporters and their shadows leave, the professor mumbles, "We are trying to hold together," and then he stares down at the ground.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with a limitation therein of 3 minutes for each Senator.

GI'S AND HEROIN

Mr. MANSFIELD. Mr. President, the Washington Post this morning under the title "GI's and Heroin: the Facts of Life," contains a most interesting and chilling commentary by Flora Lewis, who has been doing outstanding reporting on the growth of the hard drug menace, especially as it affects our situation in Southeast Asia and at home.

After reading certain excerpts from the commentary, I will ask to have it printed in the RECORD.

The article states:

> Now, according to Parker, practically all the heroin refineries have been resituated along the Mekong River, in Burma, Thailand and Laos, and "almost all have been identified."
>
> If so, why hasn't the United States, which completely subsidizes and virtually runs Laos and has poured billions into Thailand, whose "volunteer soldiers" it employs in Vietnam and Laos, made sure the heroin factories were destroyed?

Further on, it is stated:

> It is at once a simple and excruciatingly tough answer. As he finally pointed out, it is a matter of political decision in Washington. There is a choice to make. It would be easy to blow up the refineries, defoliate most of the poppy fields, push the governments involved into cracking down on their own high-level military and civilian profiteers and blocking the supply of heroin to GIs in Vietnam and, increasingly, to the United States.
>
> But it would be a severe embarrassment to allies in Southeast Asia. It would hinder the prosecution of the war in Indochina, perhaps so seriously that basic U.S. policy would have to be changed.
>
> There have been some changes in the past year, but they have followed a pattern of seeking compromise with the drug-producing countries, not confrontation.
>
> The CIA has changed its rules in an effort to stop the use of its private airline, Air America, for the transport of drugs in Laos.
>
> The U.S. Embassy in Laos has pressed the government there to put through a strict law on drugs which may be passed this month. There was none before.
>
> The U.S. Embassy in Saigon got the Vietnamese government to remove some of the corrupt customs officials, and similar efforts are being made in Thailand. With Congress vociferously taking up the issue, the White House is cracking the whip on all the assorted American officials who thought drug traffic was not their concern, who thought their job was only fighting the war, gathering intelligence, maintaining foreign relations.

Again quoting, the article states:

> Now the Turks have promised to wipe out opium production after the 1972 crop, which means that in three or four years that source of supply will dry up. Parker is convinced now that the Turks can and will enforce the ban. But ask him how much difference it will make in the amount of heroin supplied to Americans.
>
> "If nothing else is done," he says flatly, "no difference." And the "something else" can only be done in Washington, a decision to be just as tough in Southeast Asia as the Nixon administration was in Turkey.
>
> Meanwhile, the inch-high vials of 96 to 98 per cent pure heroin distributed in South Vietnam have begun to turn up in the United States. The bureau foresees an almost uncontrollable flood as veterans return, find themselves without jobs and realize how much money can be made by having buddies or friends send them supplies from the Far East.
>
> Addicts can be treated, but there isn't much likelihood that there won't be far more new ones than cures each day unless the flow of heroin is cut at the source. At the Bureau of Narcotics, experts are convinced that is possible, except perhaps for a minimal trickle, but there is no sign it is going to happen. The hard political decision hasn't been taken.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GIs AND HEROIN: THE FACTS OF LIFE

(By Flora Lewis)

John W. Parker, director of strategic intelligence in the Bureau of Narcotics and Dangerous Drugs, knows a good deal about Southeast Asia's contribution to the dope problem. And while he is a soft-spoken Southerner, sometimes so quiet one has to strain to hear him, he is the most straightforward man I have yet found on the subject in the administration.

He starts with an explanation. Remember, he says, that until 1970 we were concentrating on the drug problem here in the United States. Not too much attention was paid by the bureau to the source of supplies. And the Army, the CIA, the State Department, the people out there where the heroin comes from weren't concerned about drugs. They were concentrating on other problems.

Further, while there has been opium in Southeast Asia since the British introduced it in the early 19th century, until 1970 the heroin refineries in the area were all in Thailand and Hong Kong, Parker says. It didn't seem to affect the United States.

In fact, the dominant government attitude was that this was a fact of life in Asia which Americans shouldn't try to upset, especially since by the beginning of the decade so many Americans were so deeply engaged in trying to control other facts of Southeast Asia's life, namely the Vietnamese war and all its offshoots.

Now, according to Parker, practically all the heroin refineries have been resituated along the Mekong River, in Burma, Thailand and Laos, and "almost all have been identified."

If so, why hasn't the United States, which completely subsidizes and virtually runs Laos and has poured billions into Thailand, whose "volunteer soldiers" it employs in Vietnam and Laos, made sure the heroin factories were destroyed?

The obvious urgent question didn't annoy Parker. On the contrary, his stolid face slowly eased into a Cheshire cat grin. At first he didn't say anything. I suggested that the reason wasn't hard to guess and wasn't really secret.

"I know," he said. "I'm struggling not to say it."

It is at once a simple and excruciating tough answer. As he finally pointed out, it is a matter of political decision in Washington. There is a choice to make. It would be easy to blow up the refineries, defoliate most of the poppy fields, push the governments involved into cracking down on their own high-level military and civilian profiteers and blocking the supply of heroin to GIs in Vietnam and, increasingly, to the United States.

But it would be a severe embarrassment to allies in Southeast Asia. It would hinder the prosecution of the war in Indochina, perhaps so seriously that basic U.S. policy would have to be changed.

There have been some changes in the past year, but they have followed a pattern of seeking compromise with the drug-producing countries, not confrontation.

The CIA has changed its rules in an effort to stop the use of its private airline, Air America, for the transport of drugs in Laos. Although only two months ago CIA Director Richard Helms adamantly denied there had ever been any agency involvement in the traffic, he is now said to have told a secret congressional hearing that there was involvement but it has been stopped in the past year.

The U.S. Embassy in Laos has pressed the government there to put through a strict law on drugs which may be passed this month. There was none before.

The U.S. Embassy in Saigon got the Vietnamese government to remove some of the corrupt customs officials, and similar efforts are being made in Thailand. With Congress vociferously taking up the issue, the White House is cracking the whip on all the assorted American officials who thought drug traffic was not their concern, who thought their job was only fighting the war, gathering intelligence, maintaining foreign relations.

The question is whether these relatively gentle pressures will convince governments largely dependent on the United States that they must fight heroin. Years of argument got nowhere in Turkey, but a threat to cut off foreign aid finally did.

Now the Turks have promised to wipe out opium production after the 1972 crop, which means that in three or four years that source of supply will dry up. Parker is convinced now that the Turks can and will enforce the ban. But ask him how much difference it will make in the amount of heroin supplied to Americans.

"If nothing else is done," he says flatly, "no difference." And the "something else" can only be done in Washington, a decision to be just as tough in Southeast Asia as the Nixon administration was in Turkey.

Meanwhile, the inch-high vials of 96 to 98 per cent pure heroin distributed in South Vietnam have begun to turn up in the United States. The bureau foresees an almost uncontrollable flood as veterans return, find themselves without jobs and realize how much money can be made by having buddies or friends send them supplies from the Far East.

Addicts can be treated, but there isn't much likelihood that there won't be far more new ones than cures each day unless the flow of heroin is cut at the source. At the Bureau of Narcotics, experts are convinced that is possible, except perhaps for a minimal trickle, but there is no sign it is going to happen. The hard political decision hasn't been taken.

EMERGENCY LOAN GUARANTEES—ORDER FOR 1 HOUR OF DEBATE UNDER RULE XXII TO BEGIN AT 2 P.M. ON MONDAY, JULY 26, 1971

Mr. BYRD of West Virginia. Mr. President, the Daily Digest of the RECORD on page D743 states that the 1 hour of controlled debate on Monday prior to vote on the cloture motion in connection with S, 2308, emergency loan guarantees, will begin at 1 p.m. This is not in accord with the previous order as finally modified.

On page 26810 of the RECORD of yesterday it was originally agreed that the 1 hour of debate would begin at 1 p.m. But on the following page, 26811, that order was modified, so that the 1 hour under rule XXII, with respect to the cloture motion—which is expected to be filed today—will begin at 2 p.m. on Monday instead of 1 p.m. on Monday.

I state this so that Senators, their staff members, and the staff in the cloakroom may know that the Daily Digest is in error and that the 1 hour of debate under rule XXII will begin at 2 p.m. on Monday.

The mandatory quorum call will begin at 3 p.m. on Monday, and immediately after obtaining a quorum, the Senate will proceed to a yea-and-nay vote.

ORDER FOR ADJOURNMENT FROM SATURDAY UNTIL NOON ON MONDAY, JULY 26, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the completion of its business tomorrow the Senate stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM MONDAY TO 10 A.M. ON TUESDAY, JULY 27, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in adjournment until 10 a.m. on Tuesday next.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARTKE ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Indiana (Mr. HARTKE) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the conclusion of the remarks by the able Senator from Indiana (Mr. HARTKE), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to exceed 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER TO CONSIDER S. 2308 AT CLOSE OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, at the close of routine morning business, the Chair lay before the Senate the pending business, S. 2308, a bill to authorize emergency loan guarantees to major business enterprises.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, the Senator from Connecticut (Mr. WEICKER) is recognized for 3 minutes.

Mr. WEICKER. Mr. President, I have nothing in the way of morning business.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT TO 1972 BUDGET FOR COMMISSION ON HIGHWAY BEAUTIFICATION (S. DOC. NO. 92-33)

A communication from the President of the United States transmitting an amendment to the budget for the fiscal year 1972 for the Commission on Highway Beautification (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

Proposed Legislation Regarding Acquisition of Lands

A letter from the Secretary of the Interior submitting proposed legislation to amend the Act of September 28, 1962, as amended, to release certain restrictions on acquisition of lands for recreational development at fish and wildlife areas administered by the Secretary of the Interior (with accompanying papers); to the Committee on Commerce.

Report of the Department of Labor

A letter from the Secretary of Labor transmitting, pursuant to law, a report on the Work Incentive program (with accompanying report); to the Committee on Finance.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Interior and Insular Affairs:

"Senate Joint Resolution 77

"Memorializing Congress to enact legislation for the benefit of the Menominee Indian Tribe of Wisconsin

"Whereas, the Menominee Indian Tribe of Wisconsin, since termination from federal supervision in 1961, has diligently and faithfully made sincere efforts to carry out the mandate of the United States Congress to assume and absorb the responsibility for the control of tribal properties and service functions; and

"Whereas, the Menominee Indian Tribe, in compliance with the Menominee Termination Act and Wisconsin law, formed Menominee Enterprises, Inc., for the control and management of tribal assets and secured the necessary legislation from the Wisconsin legislature for the creation of Menominee county to establish an orderly system of local government; and

"Whereas, the rising costs of local government and the impending cutoff of federal aids will result in the diminution of assets and employment opportunities for the Menominee people and will pose an economic strain on Menominee Enterprises, Inc., which bears the major tax burden in Menominee County; and

"Whereas, termination has been shown to lead to social demoralization and economic distress among the American Indian tribes as well as the Menominee people; and

"Whereas, President Nixon has stated the policy of the executive branch, as expressed on July 8, 1970, that termination is morally and legally unacceptable and discourages self-sufficiency among Indian groups and that any Indian group which decides to assume the control and responsibility for government service programs may still receive adequate federal financial support; now, therefore, be it

"Resolved by the senate, the assembly concurring, That the legislature urges the congress of the United States to enact legislation and repeal or amend such parts of the Menominee Termination Act (P.L. 83-399) as are necessary to accomplish the following goals for the benefit of the Menominee people:

"1. Reestablishment of service functions of the department of health, education and welfare to the Menominee people as a part of the regular responsibilities and service functions of the federal government the same as enjoyed by other Indian tribes.

"2. Repeal of any provisions of the Menominee Termination Act which exclude the Menominee people or tribe from health, education and welfare benefits under regular government appropriations and further repeal of any provisions of said act which are designed to abolish Menominee Indian tribal identity or which are in conflict with legislation proposed herein; and, be it further

"Resolved, That duly attested copies of this resolution be immediately transmitted to the President of the United States, to each member of the congressional delegation from Wisconsin, to the chairmen of the House and Senate Interior and Insular Affairs Committees, to the Secretary of the Interior, the Secretary of the Senate of the United States and the Chief Clerk of the House of Representatives of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, without amendment:

S. 65. A bill for the relief of Dennis Yiantos (Rept. No. 92-298);

S. Res. 46. A resolution to refer the bill (S. 634) entitled "A bill for the relief of Michael D. Manemann" to the Chief Commissioner of the Court of Claims for a report thereon (Rept. No. 92-299); and

S. 1939. A bill for the relief of the Southwest Metropolitan Water and Sanitation District, Colorado (Rept. No. 92-300).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, with an amendment:

S. 1139. A bill to amend the Federal Crop Insurance Act, as amended, so as to permit certain persons under 21 years of age to obtain insurance coverage under such act (Rept. No. 92-296).

By Mr. CURTIS, from the Committee on Agriculture and Forestry, with amendments:

S. 1316. A bill to amend section 301 of the Federal Meat Inspection Act, as amended, so as to increase from 50 to 80 per centum the amount that may be paid as the Federal Government's share of the costs of any cooperative meat inspection program carried out by any State under such section (Rept. No. 92-297).

By Mr. CRANSTON, from the Committee on Veterans' Affairs, without amendment;

S. 2288. A bill to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans' Affairs to establish and carry out a program of exchange of medical information (Rept. No. 92-301).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BYRD of West Virginia (for Mr. Randolph), from the Committee on Public Works:

Maj. Gen. Charles Carmin Noble, Army of the United States (brigadier general, U.S. Army), for appointment as a member and president of the Mississippi River Commission.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. YOUNG (for Mr. Mundt):

S. 2336. A bill for the relief of Col. Clayton H. Schmidt, U.S. Air Force. Referred to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 2337. A bill to incorporate Recovery, Inc. Referred to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 2338. A bill relating to lands in the Middle Rio Grande Conservancy District, N. Mex. Referred to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself and Mr. Montoya):

S. 2339. A bill to provide for the disposition of judgment funds on deposit to the credit of the Pueblo of Laguna in Indian Claims Commission Docket No. 227, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for Mr. Montoya and himself):

S. 2340. A bill to amend title 38, United States Code, to create a rebuttable presumption that a disability of a veteran of any war or certain other military service is service-connected under certain circumstances. Referred to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ANDERSON:

S. 2338. A bill relating to lands in the Middle Rio Grande Conservancy District, N. Mex. Referred to the Committee on Interior and Insular Affairs.

Mr. ANDERSON. Mr. President, I am today introducing legislation of a technical nature in order to resolve a longstanding land ownership matter along the Rio Grande in central New Mexico. Briefly, the legislation would allow the Department of the Interior to sell to the Middle Rio Grande Conservancy District, a political subdivision of the State of New Mexico, a number of small, scattered land tracts within the district. After this transaction, conducted as a matter of convenience, the conservancy district in turn would sell the individual tracts for a nominal amount to the particular landowners involved.

Since the formation of the Middle Rio Grande Conservancy District in 1927, it was believed by all parties that the small plots of land were part of larger, privately owned tracts. The landowners paid property taxes to the State of New Mexico, and fees based on the acreage to the conservancy district. In some cases, the State of New Mexico received tax deeds to certain tracts based on nonpayment of State taxes. In all respects, the isolated tracts were regarded as private acreage and not as public lands held by the Bureau of Land Management. It was not until a detailed survey was conducted that it was discovered that small portions of the valley land were held by the Bureau. The Bureau, it should be pointed out, does not wish to retain the tracts and favors this method of disposal.

Under terms of my legislation, the Bureau of Land Management would receive $5,626.45, a rather arbitrary figure arrived at by the principals involved, and the farmers would pay the nominal sum of up to $5 per acre to the conservancy district for clear title to the land. It should be emphasized that no large tracts are involved—in most cases only a tiny fraction of an acre and in only a few cases are plots of more than 2 or 3 acres involved. In many cases, the tracts are intersected by roads, freeways, or ditches. In some, the land may be unproductive and sandy; in some, the acreage may be productive farmland.

The important fact is that the landowners have, for years, conducted themselves as if the land were privately owned. They have paid taxes on it, they paid conservancy district assessments, they irrigated productive tracts. My legislation offers a suitable solution which has the approval of all parties involved.

By Mr. CRANSTON (for Mr. Montoya and himself):

S. 2340. A bill to amend title 38, United States Code, to create a rebuttable presumption that a disability of a veteran of any war or certain other military service is service-connected under certain circumstances. Referred to the Committee on Veterans' Affairs.

PRESUMING CERTAIN DISABILITIES OF FORMER PRISONERS OF WAR AND OTHER WAR VETERANS TO BE SERVICE-CONNECTED FOR TREATMENT PURPOSES

Mr. CRANSTON. Mr. President, last session, as chairman of the Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee, I was pleased to manage through the committee S. 1279, Senator Montoya's bill which provided that disabilities incurred by veterans who were former prisoners of war would be presumed service-connected for purposes of medical treatment. The committee favorably reported this bill with amendments expanding the coverage to any war veteran whose military medical record or discharge physical examination as not available, and the Senate passed it on October 21, 1971.

I am delighted that Senator Montoya has seen fit to reintroduce this legislation in the form reported by the committee and passed by the Senate, and am extremely pleased to join him in sponsoring it.

Mr. President, Senator Montoya is necessarily absent today. I therefore, ask unanimous consent to submit the bill on his behalf and that the bill preceded by his remarks be set forth in the Record at this point.

There being no objection, the statement and bill were ordered to be printed in the Record, as follows:

Statement of Senator Montoya

Mr. President, in the 91st Congress, I introduced S. 1279 which would have provided that a disability incurred by a veteran who is a former prisoner of war would be presumed to be service-connected for purposes of hospitalization and outpatient care. The Labor and Public Welfare favorably reported this legislation, and on October 21st, 1969, it was passed by the Senate.

Today I submit again this legislation, which I consider to be absolutely essential if we are to offer equitable treatment for our former Prisoners of War. I welcome and greatly appreciate the co-sponsorship of Senator Cranston, who has had an ongoing interest in the bill, and who shares with me the fervent hope that it will be enacted before the close of this session of Congress.

Ex-prisoners of war do not have adequate protection under present programs. We need to take into consideration the needs of men who were held prisoner during past wars and we certainly need to recognize the needs of those young men who are currently being held in Southeast Asia and who will hopefully be returning home in the near future.

According to the Department of Defense, there are currently 378 prisoners being held in North Vietnam, 82 in enemy held territories of South Vietnam, and 3 in Laos.

If we hope for the early return of the men, and I know that every Senator shares that hope, we must prepare to provide for any disabilities they have incurred during their captivity. That no U.S. military records can be kept on them while they are held prisoner is a preposterous criterion for denying them whatever medical benefits they might need as veterans.

The treatment we must provide for returning POW's from Southeast Asia has already been unjustly denied veterans of other conflicts. The legislation would remove this inequity for former POWs of World War II, and the Korean Conflict. This bill will correct the situation which has repeatedly caused hardships for all ex-prisoners of war. The lack of medical records available for prisoners often makes proof of service-connected ailments impossible.

Ordinary standards of medical diagnosis cannot apply to former POW's because the extreme hardships and terrible experiences they endured are not generally analyzed in later years after imprisonment. Nutritional deficiencies and mental distress over a long period are important factors which constitute a difficult part of diagnosis.

Actually, the total number of ex-prisoners is not large. Out of a total of less than 130,000 ex-prisoners, probably less than 115,000 are now living. Of course, many of these already have service-connected disability ratings. However, there are still several thousand of these men who need medical treatment—and I think that it is just and equitable that, for admission to VA hospitals, all of their ailments should be judged in their favor and an assumption be made that these men deserve service-connected treatment.

My home state of New Mexico knows well the price of that war paid by these prisoners of war. Some 1,800 officers and men of the New Mexico National Guard were stationed on Bataan and Corregidor and were forced into enemy confinement. Many have returned to the state; some died in the prison camps. Many of those who have returned are already receiving some form of compensation, but many others are deserving of this recognition.

To a large extent, there exists no standard against which the disability of an ex-prisoner of war can be measured to determine how probable it is that disability had its origins in his prison sufferings. There have been some attempts to develop a body of knowledge in this area. A number of years ago, the National Academy of Sciences made a study of the health of veterans who had been prisoners of war during W.W. II, and for the past few years a similar study has been in progress with respect to W.W. II and Korean Conflict prisoners. The fact remains that at present, medical science has a significant deficiency in this area, and the possibility that this deficiency may eventually be overcome does not help the veteran who cannot get the medical care he needs today because he is unable to prove that his disability began in a prisoner-of-war camp.

The concept of granting a presumption as this bill would do for ex-prisoners of war is not unprecedented. When certain illnesses such as tuberculosis and multiple sclerosis develop within a few years after a veteran has been discharged, they are considered to be service-connected for disability compensation purposes even if there is no evidence that they began during the veteran's period of service. A psychosis which comes to light within two years after discharge generally makes a veteran eligible for medical care on the basis of having a service-connected disability. As a matter of fact, any disabilities of veterans of the Spanish-American War or of the Indian Wars are considered service-connected for certain purposes. This legislation, then, would merely extend to a relatively small group of veterans—ex-prisoners of war constitute less than 1% of the total veteran population—the benefits of the already well-established principle of presuming that a service-connection exists in those cases where a factual determination of the issue is likely to be difficult or irresponsible.

Years behind the barbed wire of POW camps has left their imprint on these men. Their suffering has not been compensated for, and we as Americans owe them not only a great debt of gratitude, but monetary recognition of their sacrifices.

I ask that you join with me in a swift passage of this legislation in order that those who have given so much for our nation may receive what they justifiably have coming to them.

S. 2340

A bill to amend title 38, United States Code, to create a rebuttable presumption that a disability of a veteran of any war or certain other military service is service-connected under certain circumstances

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 602 of title 38, United States Code, is amended by inserting "(a)" immediately before "For"; and by adding a new subsection as follows:

"(b) For the purposes of this chapter, the disability of any veteran of a war or of service after January 31, 1955, shall be deemed to be service-connected if—

"(1) there are no medical records available to the Veterans' Administration for the period of such veteran's active military, naval, or air service;

"(2) there is no medical record available to the Veterans' Administration for such veteran showing the results of any physical examination which was required by law or regulation, in effect at the time of such veteran's discharge or release from active duty, to be given members of the Armed Forces immediately prior to discharge or release from active duty;

"(3) for any period of time during his active military, naval, or air service such veteran (A) was held as a prisoner of war, or (B) while in line of duty was forceably detained or interned by a foreign government or power;

unless the Administrator can show by clear and convincing evidence that such disability was not incurred in or aggravated in line of duty by such veteran while serving in the active military, naval, or air service."

(b) The catch line of such section is amended to read as follows:

"§ 602. Presumption relating to certain disabilities".

(c) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by striking out

"602. Presumption relating to psychosis."

and inserting in lieu thereof

"602. Presumption relating to certain disabilities.".

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1975

At the request of Mr. TUNNEY, the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. MILLER), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 1975, a bill to change the minimum age qualifications for serving as a juror in Federal courts from 21 years of age to 18 years of age.

SENATE JOINT RESOLUTION 62

At the request of Mr. GRIFFIN, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of Senate Joint Resolution 62, authorizing the display of the flags of the 50 States at the base of the Washington Monument.

SENATE JOINT RESOLUTION 117

At the request of Mr. MCINTYRE, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

SENATE RESOLUTION 154—SUBMISSION OF A RESOLUTION RELATING TO A COMPREHENSIVE INTERPRETATION FOR THE GENEVA PROTOCOL

(Referred to the Committee on Foreign Relations.)

Mr. HUMPHREY. Mr. President, 46 years ago the United States proposed that the nations of the world enter into a treaty prohibiting chemical warfare. Thus was born one of the oldest and most important international arms control agreements, the Geneva Protocol of 1925. Its terms prohibit the use in war of "asphyxiating, poisonous or other gases, and all analagous liquids, materials and devices" and of "bacteriological methods of warfare."

The Geneva Protocol embodies mankind's ancient abhorrence for poison and pestilence. The overwhelming world consensus that these agents ought not to be used in war is reflected in the fact that today more than 90 nations are party to the Geneva Protocol. This includes the Soviet Union, the People's Republic of China, Britain, France, and Germany, India and Japan, Israel and Egypt, indeed all the major nations of the world except the United States.

Although the United States authored the protocol and although we have always supported its aims and objectives, it is an irony of history that we have not yet given it our formal approval. It was debated in the Senate in 1926 but not acted upon, largely because of the isolationist attitude that had begun to settle upon the country then. It remained on the Foreign Relations Committee docket until 1947, when the White House withdrew it along with several other long-pending treaties.

By 1939 the protocol had been ratified by 44 nations, including all the major powers of Europe. At the outbreak of World War II England, France, and Germany exchanged assurances that they would abide by the protocol. In 1943, President Roosevelt declared that gas warfare was "outlawed by the general opinion of civilized mankind" and that we would never be the first to resort to the use of such weapons. No gas of any kind was used by or against the United States in World War II or in the Korean war.

In the years since World War II a resurgence of support for the Protocol has brought many new ratifications but until last year the U.S. Senate had not been asked to reconsider the question of ratification. To his credit President Nixon last August submitted the Geneva Protocol for the advice and consent of this body as one of several moves to curb the threat of gas and germ warfare.

The Protocol was duly referred to the Committee on Foreign Relations and extensive hearings were held during March and April of this year. Every witness, those from the administration as well as private individuals, spoke strongly in favor of ratification. However, a serious difficulty was apparent from the start of the hearings and has prevented the Protocol from being reported out for a floor vote. The difficulty concerns not whether the Protocol should be ratified but whether the administration's current interpretation of the treaty would undermine its effectiveness.

Members of the committee felt that our ratification of the Protocol should include the use in war of riot gases and herbicides. It is in the spirit of the sentiment expressed in the Foreign Relations Committee that I introduce today a resolution expressing the sense of the Senate in support of this position. The resolution reads:

S. RES. 154

Resolution on the United States ratification of the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of all Analogous Liquids, Materials or Devices and of Bacteriological Methods of Warfare.

Whereas the President has submitted the Geneva Protocol of 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of all Analogous Liquids, Materials or Devices and of Bacteriological Methods of Warfare for the advice and consent of the Senate;

Whereas the President has renounced all possession and use of biological and toxin weapons and has renounced the first use of lethal and incapaciting chemical weapons;

Whereas it is strongly in the interest of the United States to maintain and strengthen the barriers against the proliferation and use of chemical and biological weapons;

Whereas the General Assembly of the United Nations has adopted a resolution which supports a broad interpretation of the Geneva Protocol of 1925;

Now, therefore, be it Resolved that the Senate supports a broad interpretation of the Geneva Protocol. In so doing it recommends that the United States be willing, on the basis of reciprocity, to refrain from the use in war of all toxic chemical weapons whether directed against man, animals, or plants.

Mr. President, the intent of this resolution is to demonstrate to the President what the Senate's position on the ratification of the Geneva Protocol is before the Protocol is submitted. In that way misunderstandings can be avoided, and the President can have the assurance that if, as indeed it should be, the Protocol is presented to the Senate for ratification, it will be ratified without any special qualification. The Senate would, in other words, be backing the Foreign Relations Committee, and would hasten the ratification of the Protocol by readily passing this resolution.

Right now there is a difference of intrepretation between the administration and many Members of the Senate on the proper interpretation of the Protocol. At issue is whether or not the Protocol prohibits the use in war of riot gas and herbicides. The administration holds that these weapons are not prohibited and wants the Senate to accept the Protocol with the understanding. While there is a precedent in our Government for this position, I believe it would be a serious mistake for the United States to insist on this narrow interpretation of the Geneva Protocol.

It has been the policy and practice of the United States and nearly all nations not to use chemical herbicides or riot gas in war with the exception of Vietnam. Although herbicides have been widely used for beneficial agricultural purposes since before World War I and were developed for possible military purposes in World War II, U.S. commanders were not permitted to use them either in that war or during the Korean conflict. Similarly, although tear gas has been used for decades by domestic police to maintain order, nearly all nations including the United States have held to the policy of not using such gas as a weapon in war. As far back as 1922 this was the advice given by a Presidential advisory committee headed by Gen. John J. Pershing, which recommended the complete prohibition of "chemical warfare including the use of gases, whether toxic or nontoxic." During the period between the two World Wars the United States drew a sharp line between the use of riot gas by domestic police, which of course is in no way regulated by the Geneva Protocol, and the use of this gas as well as all others in warfare. Although not party to the Protocol, our repeatedly stated position was that no gas of any sort ought to be used in war. This policy was expressed in practice throughout World War II and the Korean war, during which we used neither tear gas nor any other gas, although large stores were available in case retaliation in kind became necessary.

Even in Vietnam when the first use of riot gas was reported in the press, Secretary of State Dean Rusk stated that the weapon would be used only in situations involving riot control and not in ordinary military operations. Implicit in the Secretary's order were two fundamental points—one, that the use of gas—and this applies to herbicides as well—does not offer any overwhelming advantage in military warfare and two, that without official restrictions use of riot gases in the field would proliferate Vietnam.

While there has been no definitive official report available to the public on the utility of the use of riot gases and herbicides in Vietnam, there have been individual statements from military officers and officials which support the opposite conclusion—that use of these weapons is of extremely limited value. The data supplied by the Defense Department on the procurement of riot gas for Southeast Asia points up the fact that despite the consistently high intensity of fighting in South Vietnam and the expansion of our involvement into Cambodia and Laos, there has been a marked reduction in the procurement of CS, CS–1, and CS–2 for 1971. Mr. President, I ask unanimous consent that these figures be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

PROCUREMENT OF CS, CS1, AND CS2 FOR SOUTHEAST ASIA[1]

[In thousands of pounds]

	Fiscal year—							
	1964	1965	1966	1967	1968	1969	1970	1971
CS	225	93	378	437	714	2,018	0	0
CS1	142	160	1,217	777	3,249	160	354	0
CS2	0	0	0	0	228	3,885	1,830	0
Total	367	253	1,595	1,207	4,191	6,063	2,184	0

[1] Data supplied by the Department of Defense to the U.S. Congress.

Mr. HUMPHREY. More important in the long term is the question of proliferation. After all, our ratification of the protocol is a question of arms control as much as nuclear weapons. And the chances that the uncontrolled use of riot gases by the United States would result in their proliferation is almost assured as shown from what already occurred in Vietnam. Contrary to Secretary Rusk's order in 1965, millions of pounds of riot gas have been used in ordinary, as opposed to riot control, combat situations in Vietnam. We now find that the Vietcong and the North Vietnamese are widely equipped with gas masks, and are making use of gas in the course of attacks on our fortified positions. If we do not want our own practices in Vietnam to boomerang by encouraging other nations to resort to the frequent use of riot gases and herbicides, the United States must join the large community of nations who have endorsed the principle that these weapons are prohibited in warfare under the Geneva Protocol.

The preference of the great majority of nations should not pass beyond the pale of our own considerations. Our present position places us in a small minority of nations. The most extensive registration of international opinion on this point took place at the United Nations General Assembly in December 1969. A resolution sponsored by Sweden, Mexico, India, Pakistan, and 17 other nonalined nations held that riot gas and herbicides are prohibited under the Protocol. Eighty nations voted in the affirmative but the United States voted against. We were supported by only two other countries, Australia, which was using these weapons with us in Vietnam, and Portugal, which according to authoritative reports has been using chemical herbicides in Angola to destroy the food crops of rebel African tribesmen. Thirty-six nations abstained, nearly all of them our allies. This lack of support even from our close friends should remove any question as to the international acceptability of the current U.S. position.

The importance of this lies not just in the isolation and unpopularity that our present policy incurs. More important for the future is the fact that internations law, like domestic law, must conform in broad outline to the opinions and perceptions of those who undertake to live within the law. If the majority of nations in the General Assembly have expressed an opinion in favor of drawing a line against all forms of chemical and biological warfare, without exception, there is strong support for drawing such a line at that point.

If we think beyond the crises and expediencies that sometimes dominate deliberations of government, we see that the great significance of the Geneva Protocol for the future lies in its attempt to build and hold a line against the exploitation for military purposes of man's rapidly growing knowledge of the chemistry and biology of his own living processes and of those of the various living systems that support us on this planet. Almost daily the newspapers tell us of some major new advance in biology and medicine. This growing knowledge inevitably will confer unprecedented abilities to intervene in living processes, controlling and manipulating them for whatever purpose we choose. Against this certain prospect it becomes essential to resist any drift or momentum toward the employment of chemical and biological warfare. This is the signal and the expectation that must be communicated when the United States finally ratifies the Geneva Protocol.

Mr. President, to further illustrate what I have been saying, I ask unanimous consent that the article by L. Craig Johnstone in the July issue of Foreign Affairs be printed in the Record. Mr. Johnstone is particularly qualified to discuss the question of riot gases and herbicides considering the fact that he was chief of the Pacification Studies Group, Military Assistance Command in Vietnam. Mr. Johnstone discusses most objectively the issues involved and concludes in favor of the ratification of the Geneva Protocol without reservation. Mr. President, that is my own conclusion and I hope it is the will of the Senate.

There being no objection, the article was ordered to be printed in the Record, as follows:

Ecocide and the Geneva Protocol

(By L. Craig Johnstone)

In fighting the Indochina war, the United States has made extensive use of two chemical agents: tear gas and herbicides.

As debate on the Geneva Protocol banning chemical and biological warfare continues within the U.S. Senate and the Administration, two highly charged issues—Vietnam and man's destruction of his environment—are likely to merge. For it is the Administration's contention that the United States should ratify the Protocol with the understanding "that it does not prohibit the use in war of riot-control agents [tear gas] and chemical herbicides." A large number of Senators, however, consider that the Protocol prohibits the use of both, and feel that the Administration understanding dilutes the significance of U.S. ratification. Consequently, the members of the Foreign Relations Committee are not likely to vote the Protocol out of committee in its present form. And until the President replies to their criticism it appears that no action will be taken on it.

Although debate both within the Administration and before the Senate Foreign Relations Committee has centered around the wording of the Protocol and how it is to be understood, partisans on both sides of the question admit that the issues involved are considerably broader and more complex. In addition to the question of the use of herbicides and tear gas in South Vietnam, the progress of current chemical and biological warfare discussions at the Conference of the Committee on Disarmament in Geneva may hinge on the outcome of the current "understandings debate" and the ultimate fate of the Protocol.

To date, the Nixon Administration has compiled an excellent record in limiting chemical and biological weapons. In November 1969 the President reaffirmed the renunciation by the United States of the first use of lethal chemical weapons and went beyond previous policy statements by including incapacitating chemicals as well. The President also unilaterally renounced all possession and use of biological weapons even on a retaliatory basis and went so far as to impose limitations on research in this field. In February 1970 the President extended these renunciations to include toxins (biologically produced chemical agents). Elaborate plans for destruction of existing stocks of various agents are presently being put into effect.

After the President submitted the Geneva Protocol to the Senate in August 1970, the Military Assistance Command in Vietnam ordered an end to the crop destruction program and a phase-out of the defoliation program. The momentum of this sequence of moves has contributed significantly to international efforts to reach agreement on prohibiting chemical and biological warfare. Much of this momentum will be threatened should the President be unable to obtain ratification of the Geneva Protocol or if the ratification should be obtained with understandings or interpretations which would bring the United States into dispute with many of the nations already parties to the Protocol.

Ironically the United States first proposed the Geneva Protocol in 1925 and now stands as the only major nation which is not a party to it. The substantive provisions of the Protocol read as follows:

> Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilised world; and
>
> Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and
>
> To the end that this prohibition shall be universally accepted as a part of International Law, binding alike conscience and the practice of nations;
>
> Declare:
>
> That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.

The Protocol was submitted to the Senate for advice and consent in 1926. After extensive lobbying by the U.S. Army Chemical Service, chemical manufacturers and veterans' organizations and others, it was sidetracked and never brought to a vote. It was returned to the President as part of a housecleaning effort during the Truman Administration many years later. No further action was taken until it was resubmitted to the Senate by President Nixon.

II

Although much could be said about the legal interpretation of the Protocol, the history of negotiations indicates that it is not possible to come to a definitive legal conclusion. Therefore, it seems more important to evaluate the alternative understandings on the basis of their contribution to the national interest. The following components of U.S. interests must be considered: the military consequences of alternative policies, both now and in the future; the impact of the current understanding on the intrinsic strength of the Protocol as an arms-control mechanism; the impact of the current understanding on other U.S. policies and objectives; and finally, but most significantly, the ethical and moral considerations.

Despite the American use of tear gas in Vietnam since 1964 there has been no systematic study of its utility in that country. (President Nixon recently ordered such a study but results are not expected until early 1972.) Almost all the data presented on the subject, both pro and con, have been anecdotal, and in Vietnam anecdotal information can be found to support or refute almost any contention. Clearly, in some circumstances, tear gas has proven to be operationally effective. Military commanders have noted that the use of tear gas had some beneficial effects initially, but has had less effect as enemy forces have become increasingly familiar with the tactic. Tear gas cannot be used effectively against disciplined armies provided with gas masks except when surprise plays an important role. Masks in use by the National Liberation Front (NLF) in South Vietnam include the Soviet Shlem mask, a Chinese mask and various field expedients. It is well within the logistical capability of the NLF and North Vietnamese Army (NVA) to provide masks, and recently, according to one U.S. military commander in the Delta, almost all main-force enemy troops have been so equipped. Despite its acknowledged utility in some circumstances, the use of tear gas in Vietnam has recently decreased to only a small percentage of the previous rate.

A desire on the part of the United States to keep options open for the use of tear gas and herbicides implies that these weapons will be more useful to the United States than to any potential enemy in future wars. Many military experts have questioned this assumption. First, in view of the superiority of the United States over potential enemies in conventional warfare it is doubtful that the use of tear gas or herbicides would markedly change any balance of military power. Second, enemy use of such weapons against the United States or its allies might well create as many difficulties for the United States as its own use would impose on the enemy.

In guerrilla or insurgency warfare, where the United States would most likely find itself in the semi-static counter-guerrilla role, gas would probably be a tactical asset to the guerrilla because of his greater mobility and lesser vulnerability to surprise. Gas has considerable potential for use in situations where a guerrilla force surprises and attempts to overrun a fixed defensive position. Tear gas was used for this purpose in a recent successful attack on a U.S. fire support base in Vietnam. It is unlikely that it will play a significant role in major power confrontations or large-scale conventional wars. Certainly American use of gas would be precluded altogether if allied nations interpreted the Protocol to prohibit such use.

Chemical herbicides are used in war for defoliation and for crop destruction. Defoliation is used to facilitate observation of enemy troop movements and to deny areas to such troops. In cases of defoliation for observation purposes, once an area is defoliated and while it is undergoing regular surveillance, it is unlikely that the enemy will use it. There are frequently many alternative routes by which guerrillas or other forces can reach most destinations, particularly in a country like South Vietnam. The defoliation of one area merely forces the enemy to change his habits of movement, at most a logistical inconvenience. The use of defoliation for area denial has been more effective. An example can be found in the extensive defoliation of the Rung Sat Special Zone, south of Saigon. Here the defoliation program destroyed most of the mangrove forest in the area, effectively denying its use to large enemy units. The area, however, remains partially under the control of smaller enemy units.

Although defoliants have been used to clear roadsides, their effectiveness for this purpose has been disputed by many military commanders who have argued in favor of the use of Rome Plows and other methods. Evidence from enemy documents indicates that the primary concern of the Vietcong with respect to the defoliation program deals with the effects the defoliant might have had on personal health, not on strategic considerations.

Herbicides have also been used in the crop destruction program, considered by many to be the least effective U.S. program in the war. Long after food denial ceased to be a serious strategic objective the crop destruction program continued. The generally effective logistical structure of the Vietcong made efforts to control rice production and distribution ineffective.

Neither the crop destruction program nor the defoliation program was anything but a liability to pacification. Surveys conducted by local interview teams demonstrated that the use of defoliants was a matter of major concern to South Vietnamese peasants. A wide variety of real or imagined ills were generally attributed to their use. Accidents involving defoliants were not unusual and the bureaucratic procedure of the Vietnamese government in settling claims was not able to cope with the problems when they arose. In short, the use of herbicides in South Vietnam has carried with it several negative consequences which significantly outweigh their limited utility. This factor as much as any other led to the Administration's decision which earlier this year to discontinue the crop destruction program and to phase out the defoliation program.

While the effectiveness of tear gas and herbicides in advancing U.S. objectives in South Vietnam may be open to further debate, it seems certain that neither chemical has played a major role in the war. Clearly the military need for the use of these agents in South Vietnam is not, in itself, sufficient justification for the U.S. position on the Geneva Protocol. This becomes increasingly true with each withdrawal of ground combat forces and the resulting decline in tear gas use.

III

The strength of the Geneva Protocol as an arms-control mechanism depends largely on the degree to which the parties to the Protocol agree on the nature of its prohibitions, and the extent to which the prohibitions can be clearly defined. In December 1969 a resolution in the United Nations General Assembly, designed to include both tear gas and herbicide use within the meaning of the Geneva Protocol, passed by an 80 to three margin with 36 abstentions. (Portugal joined the United States and Australia in voting against the resolution probably because of Portugal's use of herbicides for crop destruction and defoliation in Angola.) There can be little doubt as to where the majority of nations stand on this issue. If the United States ratifies the Protocol with the present understanding, the socialist nations, the majority of neutrals, and a sizable number of allies will not agree with the American position. However, if the United States took the initiative in interpreting the Protocol to include the prohibition of these chemical agents there is no doubt that a near unanimity of opinion could be obtained. This would greatly strengthen the Protocol.

In the interest of making international agreements enforceable, boundaries, prohibitions and limitations must be easily definable and conform as much as possible to natural dividing points. For this reason it has proven most desirable for international boundaries to be along rivers, mountain peaks, even clearly defined international geodesic lines, etc. When this principle is applied to the prohibition of gas in warfare, it dictates that a line should be drawn at a clearly definable point on the scale between "no gas" use and "total gas" use. It is argued by some proponents of the noninclusive Protocol interpretation that the distinction between the use of lethal gas and riot-control agents in warfare is a sufficiently clear distinction to allow all parties concerned to understand and abide by it.

This, however, is a dubious proposition. First, it must be understood that there is no agent which can be used in war with military effects which is nonlethal under all circumstances. Even the highly perfected tear gas, CS, used by the United States in South Vietnam, can be lethal where the victim is very old, very ill, or unable to escape the immediate area. While mortalities are very rare with the use of CS, there is no assurance that an enemy will necessarily use this form of tear gas. Therefore, some agreement would have to be reached on the exact degree of lethality which would be permitted. If, in fact, an agreement could be reached, it would be extremely difficult to determine whether a gas was causing three percent or five percent fatalities, or whether increased fatalities were due to stronger gas or increased quantitative use.

Another argument used by proponents of the U.S. interpretation is based on the "domestic-use" criterion; they argue that the Protocol should not prohibit for use in war chemical agents which are commonly used in time of peace. Domestically, tear gas is used for civil law enforcement and herbicides are used for agriculture. This argument has been widely used but it breaks down when we consider that the use of these chemicals in time of peace is quite different than it is during war. Nowhere in peacetime is tear gas used indirectly as a means of inflicting lethal casualties. Herbicides are not used for crop destruction or systematic forest defoliation in their normal domestic applications. In Vietnam, tear gas is delivered by mortars, artillery, helicopters, fixed-wing aircraft and mechanical blowers, none of which is used in domestic applications. In Vietnam, herbicides have been used to kill crops; in domestic use the purpose is to kill weeds in order to grow crops.

Problems associated with a less than comprehensive definition of gas restrictions can be seen by considering the difficulties of the U.S. Government in its attempt to enforce a tear gas policy in Vietnam. The public outcry over the use of tear gas in March 1965 led to a temporary ban on the use of such agents in South Vietnam. The weapons were not removed from the field, however, and it was only a short time before the use of gas began again. When the policy review on the matter was undertaken the same year, the State Department agreed that gas could be used in Vietnam if its use was confined to criteria set by Secretary Rusk. In a news conference on March 23, 1965, the Secretary stated: "These weapons will be used only in those situations involving riot control or in those situations analogous to riot control." Military expediency eroded the restrictions, however, and the attempt to limit the use of tear gas was a failure. The "riot-control" criterion was ineffective because it was ambiguous. Just as efforts to limit the use of tear gas at other than the "no tear gas" level broke down under the strain of combat, so, too, will the efforts to limit gas as a whole be severely strained under anything but the "no gas" interpretation. As Thomas Schelling notes in "The Strategy of Conflict": "'Some gas' raises complicated questions of how much, where, under what circumstances: 'no gas' is simple and unambiguous . . . there is a simplicity to 'no gas' that makes it almost uniquely a focus for agreement."

While the potential for escalation of gas warfare is essentially qualitative, the potential for escalation of herbicide use is quantitative. In South Vietnam the United States has perfected the use of herbicides as anti-crop agents to a sufficiently high level that further qualitative efforts would not seem necessary. The techniques used in South Vietnam to destroy large quantities of crops can be used by other nations on almost any scale, including the systematic destruction of a nation's food production capability. Herbicides are used and manufactured for agricultural purposes in many countries of the world. It is well within the economic and technical capability of almost any nation to produce chemical herbicides as instruments of war, and to develop methods for delivering them. Using simple crop-dusting aircraft or converted military aircraft, a small nation can create enormous devastation in an opposing country at a fraction of the cost of other mass destruction techniques (except perhaps bacteriological warfare). Without benefit of "no first use" taboos such as those associated with the use of nuclear weapons, it is difficult to distinguish a level at which herbicidal escalation could be stopped or reversed.

The use of herbicides raises important environmental questions. Does the United States wish to be identified with a program which can so drastically affect environmental balances where it is used? Some of the forests of South Vietnam have been seriously damaged by the use of herbicides. Over large areas, the dead trees are quickly replaced by bamboo, making reforestation difficult. The herbicide-treated mangrove forests of the Rung Sat Special Zone and other areas have been completely destroyed. Many scientists have expressed concern over the possible effects of herbicides on humans. The principal military herbicide, Agent Orange, was banned from further use in 1970 due to preliminary evidence of the possibility that it produced birth defects after it had been used extensively in Vietnam. Of the two remaining agents used there today, neither is allowed for general agricultural use in the United States because of possible environmental and toxic effects. At a time when the United States is experiencing a growing environmental consciousness and can be expected to embark on a campaign for worldwide attention to environmental problems, the extension of a policy allowing systematic environmental destruction is both inconsistent and counterproductive.

IV

Ethical arguments have been advanced on both sides of the Protocol issue. Proponents of the Administration's understanding have argued that tear gas is basically a humanitarian weapon which should not be prohibited for use in war. In most domestic cases tear gas is used by police because the offenses committed do not warrant the use of potentially lethal weapons. The Geneva Protocol by any interpretation would not limit the use of tear gas in normal police activities, even within a country at war. At the time of the policy debates on the tear gas issue, many felt that there were some unique humaniarian applications possible in war. It was argued that in cases where civilians were being used as a screen by the enemy, tear gas could incapacitate all parties involved, allowing time for separation and identification. In addition, it was felt that tear gas could be used to capture prisoners from tunnel complexes or caves. It was these humanitarian uses of tear gas which formed the most compelling arguments in the interagency debate in 1965, leading to Secretary Rusk's declaration that year.

The policies of 1965, however, have not proven realistic. Unfortunately, the use of tear gas in Vietnam has demonstrated conclusively that rather than being a humanitarian weapon of warfare, tear gas is most frequently used as a conventional military weapon to bring about indirect lethal effects. Since the Rusk statement in 1965 the use of tar gas in riot-control situations and in situations analogous to riot control has represented only a small fraction of the total use.

The use of herbicides to destroy crops also involves highly significant ethical considerations. In the course of investigations of the program in Saigon and in the provinces of Vietnam, I found that the program was having much more profound effects on civilian noncombatants than on the enemy. Evaluations sponsored by a number of official and unofficial agencies have all concluded that a very high percentage of all the food destroyed under the crop destruction program had been destined for civilian, not military, use. The program had its greatest effects on the enemy-controlled civilian populations of central and northern South Vietnam. In Vietnam the crop destruction program created widespread misery and many refugees.

It must be asked whether such a policy does not violate the nation's basic ethical standards. I believe it is a fair assumption that the national security is not only involved with physical security but also embraces the democratic and ethical concepts which form the basic raison d'etre of the nation. It is important that the tactics used by the nation to preserve its security not come into conflict with the basic concepts which these tactics seek to secure. It is contrary to the broader meanings of the U.S. national purpose to perpetuate the use of tactics such as crop destruction in warfare.

It is important that the future of the Geneva Protocol not be solely dependent on the complex arguments relating to the immediate national interest. At this time, more so than at any other, the United States is in a position in which it can have a profound effect on the future of mankind. Historically this era will be judged according to its ability to advance its technological capabilities for growth and development and to retard or restrict these same abilities for destruction. The Geneva Protocol of 1925 was a relatively small effort to achieve these objectives, but it was an important one. In this spirit the United States has recently taken the lead in efforts to prevent the proliferation of nuclear weapons, to propose negotiations which could lead to arms limitations, and to take a stand in opposition to the use of biological and lethal chemical weapons. It is in keeping with this historical trend that the present Administration must decide the fate of the Geneva Protocol. The alternatives facing the President are clear. If the current U.S. understanding is reversed or modified to include prohibitions against tear gas and herbicide use or if a concrete means can be presented to the Senate whereby the issue might be resolved among the parties, the Protocol would likely move to prompt Senate ratification. If not, there is little likelihood that the Protocol will be ratified during this session of the Congress. In making its decision the Administration must balance short-term military expediency against the long-term objective of prohibiting chemical and biological warfare.

In recognition of the dangerous consequences of eroding the meaning of the Protocol, and in recognition of the rapidly decreasing requirements for chemical herbicides and tear gas in South Vietnam, there is little question that the United States should now strive to obtain a unanimous interpretation of the Geneva Protocol to prohibit the use in war of all gases, bacteriological weapons and herbicides.

SENATE RESOLUTION 155—AN ORIGINAL RESOLUTION REPORTED RELATING TO INVESTIGATION OF MATTERS PERTAINING TO CONSTITUTIONAL RIGHTS

(Referred to the Committee on Rules and Administration.)

Mr. ERVIN, from the Committee on the Judiciary, submitted the following resolution:

S. RES. 155

Resolved, That Section 6 of S. Res. 32, Ninety-second Congress, First Session, agreed to March 1, 1971 (authorizing a complete study of any and all matters pertaining to constitutional rights), is hereby amended by striking out "$280,000" and inserting in lieu thereof "$290,000".

SENATE CONCURRENT RESOLUTION 36—SUBMISSION ON A CONCURRENT RESOLUTION RELATING TO THE PRESIDENT'S FORTHCOMING VISIT TO CHINA

(Referred to the Committee on Foreign Relations.)

Mr. MANSFIELD. Mr. President, Thursday, July 15, the President of the United States announced to the Nation that an invitation had been extended to him to visit China sometime before May 1972.

The invitation followed his initiative in sending his personal adviser in national security affairs, Mr. Henry Kissinger, quietly to Peking to discuss questions of Sino-United States relations.

I must say, Mr. President, that the particular announcement caught me as it did many others, by complete surprise. In retrospect, however, it is a development which follows logically from the course which the President has been pursuing, to my personal knowledge, since February 1969. It is not unrelated to the progressive drawdown of U.S. forces from Vietnam. Nor is it unrelated to the Nixon doctrine of a lowered military profile in the Western Pacific. It is, moreover, in a direct line of policy descent with the easing of trade and travel restrictions with the Chinese People's Republic which has taken place under the present administration.

This unprecedented diplomatic initiative is, however, an enormous advance over these other measures. This journey for peace, as the President has termed it, constitutes a quantum leap forward in the Nation's diplomacy. It is an initiative which should not only be applauded, in my judgment, but support for it should be underscored by an articulation of the sentiment of the Congress.

To that end, Mr. President, I send to the desk on behalf of the minority leader and myself, a Senate concurrent resolution and ask that it be read and remain at the desk temporarily.

The **PRESIDENT** pro tempore. The concurrent resolution will be stated.

The assistant legislative clerk read the concurrent resolution, as follows:

S. CON. RES. 36

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be and is hereby commended for his outstanding initiative in furtherance of the foreign relations of the United States and world peace by deciding to undertake "a journey for peace" to the People's Republic of China.

Resolved, further, by the Senate (the House of Representatives concurring), That the Congress offer and does hereby offer its full faith and support to the President in carrying out the purposes of his journey.

The **PRESIDENT** pro tempore. Without objection, the concurrent resolution (S. Con. Res. 36) will be received and will lie at the desk.

(The concurrent resolution was subsequently referred to the Committee on Foreign Relations.)

Mr. SCOTT. Mr. President, I congratulate the distinguished majority leader on initiating this concurrent resolution, in which I am glad to join.

I feel that the majority of the Senate—perhaps all the Senate—on reading the concurrent resolution will wish to commend the President on a most important foreign policy decision, one which offers a hope for peace. The hope is there. While there are risks, the hope is good, and we should wish the President every success on this most important venture of his entire term of office.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 145

At the request of Mr. TUNNEY, the Senator from Minnesota (Mr. Mondale) and the Senator from New York (Mr. JAVITS) were added as cosponsors of Senate Resolution 145, urging the Voice of America to broadcast in Yiddish to the Soviet Union.

EMERGENCY LOAN GUARANTEE ACT—AMENDMENT

AMENDMENT NO. 322

(Ordered to be printed and to lie on the table.)

Mr. MILLER submitted an amendment intended to be proposed by him to the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENT NO. 321

(Ordered to be printed and to lie on the table.)

Mr. SCOTT. Mr. President, I am today submitting an amendment to S. 382, the Federal Elections Campaign Act of 1971. I ask unanimous consent that the amendment be printed and ordered to lie on the table pending consideration of S. 382 by the Senate.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, this amendment is designed as a substitute for a provision already included in S. 382 which would prohibit the extension of unsecured credit, by certain federally regulated industries, to candidates for Federal office. This revised language takes into account the additional technical advice and assistance provided by the Civil Aeronautics Board, the Federal Communications Commission, the Interstate Commerce Commission, and the Department of Justice.

As rewritten, my amendment would still forbid the granting of unsecured credit to candidates by certain industries. But it would permit normal credit card transactions so long as routine safeguards are in accompaniment. Furthermore, to avoid placing the full burden of compliance on the business, the candidate would be required to identify himself as such before engaging in a transaction. And in order to allow for some degree of flexibility, the independent agencies involved here would be empowered to promulgate additional regulations, within 90 days, to carry out the provisions of the amendment. Finally, reports of the transactions would henceforth be contained in the reports of the candidate, which are already required under the provisions of S. 382.

While existing law forbids corporations from making loans or advances to a candidate in connection with his campaign for Federal office, that provision has not generally been interpreted to preclude the extension of credit by an air carrier, for example, to a passenger or by a communications business to a subscriber. However, the practical effect of such extensions of credit is to create a debt. If the candidate charges communications or transportation services used in his campaign and fails to pay the bill, he has, in effect received an involuntary campaign contribution. The purpose of the prohibition contained in the amendment is to insure that certain regulated business will not be placed in a position of unlawfully, unavoidably, and unintentionally subsidizing political campaign expenses.

This revised amendment represents a significant technical improvement over the amendment originally adopted by the Rules Committee. Further background on the amendment itself is provided in my additional views on pages 109 through 113 of Senate Report No. 92–229. In those views, I deemed "absolutely essential the retention of this amendment to prohibit the extension of unsecured credit to political candidates." Information which has been collected at my request now more than justifies that comment.

Specifically, I asked the General Accounting Office for a complete accounting of all outstanding debts and negotiated settlements associated with certain federally regulated businesses in the course of past political campaigns. The compilation of data is nearly complete and it reveals what I consider to be clearly and totally unacceptable campaign practices by both political parties, not to mention the Federal common carriers themselves.

The information compiled speaks for itself—over $2.1 million in outstanding airline bills and nearly $400,000 in outstanding telephone bills. I think it is about time that we political candidates adhered to the fiscal responsibility and accountability standards which we set for others, be it the Pentagon or the Penn Central.

There are those who have said that this amendment is not necessary—that these businesses are fully capable of handling their own transactions. To hold such an opinion is to be completely unaware of the realities. Let us look at the problem as outlined by the General Telephone & Electronics Corp., the Nation's second largest telephone service with companies operating in 34 States. In his July 2, 1971, letter to me, the corporation's executive vice president for telephone operations, James J. Clerkin, Jr. said:

> The GTE operating companies support in principle the requirement of Section 206 that the charges for telephone service rendered candidates be fully secured. As you are aware from statistics recently furnished the Federal Communications Commission, the telephone carriers have suffered financial losses in recent years on account of uncol-

lectible debts due the carriers from political committees. We agree that regulated carriers should be protected against involuntary financing of political campaigns.

The basic problem here arises from the inability of the carriers to obtain sufficiently large advance deposits from political customers. In setting the amount of advance deposits in the past, the carriers have been seriously handicapped by the difficulties in justifying deposits sufficient to cover all charges to be incurred in the future by such political customers, while remaining within the limits of Section 202 (a) of the Communications Act of 1934, 47 U.S.C. Section 202 (a), which in general prohibits unjust or unreasonable discrimination among customers.

Proposed Section 206 would make clear that the carriers are entitled to obtain full security in advance for communications charges to be incurred by or on behalf of political candidates.

It is important to note again, for additional emphasis, that current Federal Communications Commission law forbids "unjust or unreasonable discrimination" or "undue or unreasonable prejudice or disadvantages" in "charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service."

The Justice Department has amplified further, and supported, the need for this amendment. Associate Deputy Attorney General Wallace H. Johnson, in a letter to me on July 2, 1971, said:

> Existing law prohibits corporations from making, and candidates, committees or others from accepting loans, advances or other contributions in connection with campaigns for nomination or election to Federal office (18 U.S.C. 610). This provision has never been construed, however, to prohibit the furnishing of goods or services on personal credit in the normal course of business.
>
> When airlines, telephone companies and other regulated businesses extend credit for services rendered to a candidate in connection with his campaign, the transaction is very similar to a loan of money. If the debt created by the extension of credit is not paid, the practical effect is the same as that of a cash campaign contribution. Accordingly, the amendments are consistent with both existing law and the purposes of S. 382.

Interstate Commerce Commission Chairman George Stafford has offered his views on the amendment. In a July 16, 1971, letter to me, Chairman Stafford wrote:

> This amendment would reinforce the Interstate Commerce Act and past Commission rulings on the extension of credit. Section 222 (c) of the Act prohibits carriers from knowingly and willfully permitting any person to obtain transportation subject to the Act for less than the applicable rate. If a carrier fraudulently tries to evade the requirements of this section, it can be fined up to $500 for an initial offense and up to $2,000 for subsequent offenses. The Code of Federal Regulations prescribes the maximum number of days that a carrier may extend credit (see 49 CFR 1320-1324). This Commission has stated that the extension of credit to shippers is the exception and not the rule, and carriers must not extend credit as a matter of course but only when assured of payment. The Commission permits carriers to extend credit only when assured of payment, and that is the main object of the amendment under consideration.

Mr. President, I ask unanimous consent to have printed in the RECORD several documents relating to the indebtedness of political candidates to certain federally regulated businesses, and the amendment I have just submitted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED UTILITIES, INC.,
Kansas City, Mo., July 1, 1971.

Mr. KELLY E. GRIFFITH,
Chief, Domestic Rates Division for Chief, Common Carrier Bureau, Federal Communications Commission, Washington, D.C.

DEAR MR. GRIFFITH: Enclosed is the information requested in General Accounting Office letter of May 12, 1971 and June 10, 1971 insofar as we are able to comply.

Our records are not in form needed for expedient retrieval of this information as they are not categorized by class of account. Therefore, each account had to be examined and evaluated to determine if it fell within the category "campaign debts" (telephone service). We assume that this term (campaign debt) is intended to cover bills for telephone services to candidates during the campaign period which were not paid in full.

We have supplied the requested information for the General Election in the years 1968 and 1970 provided that the candidate's name, which will include such accounts as Citizens for ——, is a part of the billed account. There are undoubtedly accounts that the very name shows some political affiliation but nothing would indicate support for a particular candidate. Due to the time and cost involved we did not attempt to identify and research these various organizations to determine if they supported local, state, or federal candidates and what candidates if they did happen to fall into the federal classification.

It would be an insurmountable task to provide the requested information from our records for primary elections. We will only be able to accomplish this if supplied with a list of primary candidates by year for each of our operating territories. The information we could then supply would be subject to the limitations for General Elections as discussed above.

The policies of the United Telephone System Companies with respect to billing and collection procedures of political campaign bad debts are not different than any other bad debt. When delinquent accounts develop, service is discontinued in accordance with filed tariffs and collection procedures begin. Specific administrative procedures vary slightly from one United Company to another but each company makes every reasonable effort to collect all amounts due. Where the known cost of collection exceeds the possible recovery the collection procedure is discontinued.

This information is submitted in accordance with your telephone agreement of June 23 to extend the due date to July 1, 1971.

Sincerely,

FRANK R. VENTURA.

POLITICAL CAMPAIGN DEBTS

	Amount	Phone number
United Telephone Co. of Florida:		
Wallace Campaign Headquarters—Final bill, Dec. 16, 1968; written off, Mar. 19, 1969; collected in full, Feb. 18, 1971	$93.23	813-763-4677
United Telephone Co. of Indiana:		
Kennedy Campaign Headquarters—Final bill, June 13, 1968; written off, Feb. 13, 1969	15.42	317-872-4601
Do	15.04	317-872-4301
Nixon campaign headquarters—Final bill, July 7, 1968; written off, Nov. 13, 1968	$78.26	219-722-2171
Wallace Campaign Headquarters—Final bill, Nov. 19, 1968; written off, June 25, 1969	5.38	219-244-6405
McCarthy Campaign Headquarters—Final bill June 11, 1968; written off, July 22, 1968	18.89	219-244-7626
Do	18.64	219-244-7627
McCarthy Campaign Headquarters—Final bill, June 25, 1968; written off, July 11, 1968	5.97	219-267-2596
New Jersey Telephone Co.:		
New Jersey Nixon Now Corp.—Final bill, June 5, 1968; written off, Sept. 5, 1968	23.26	201-827-6979
United Telephone Co. of Ohio:		
Citizens for Robert E. Cecile—Final bill, Nov. 6, 1968; written off, May 28, 1969	85.82	513-592-1968
Citizens for Howard Metzenbaum—Final bill, Jan. 8, 1971; written off, Feb. 19, 1971	20.47	513-225-4010
United Telephone Co. of the West:		
Nebraskans for Kennedy—Both removed May 15, 1968; both written off, Apr. 8, 1969	180.35 2.95	308-632-6194 308-632-6312

GTE SERVICE CORP.,
Washington, D.C., July 16, 1971.

Re 9330.

Mr. BEN WAPLE,
Secretary, Federal Communications Commission, Washington, D.C.

DEAR MR. SECRETARY: This letter is being written in response to the letters from the Chief, Domestic Rates Division of the Commission's Common Carrier Bureau, dated May 24 and July 7, 1971, to the Executive Vice President and General Counsel of GTE Service Corporation, Mr. Theodore F. Brophy. Mr. Brophy is presently out of the country, and I am responding in accordance with Mr. Brophy's letter to the Commission of July 9, 1971.

We are requested by the Commission to furnish on behalf of the GTE telephone operating companies certain information concerning uncontrollable accounts. Attachment No. 1 to Mr. Brophy's letter of June 25, 1971, indicated that the companies' books reflected no current outstanding debts for telephone service incurred by Federal candidates in the 1968 and 1970 campaigns and further indicated that election uncollectibles for years 1968–70 aggregated $75,189.75. With reference to these uncollectibles, Mr. Brophy's letter of July 9 stated that, "although our operating telephone companies have written off as uncollectible the campaign debts referred to in item 3 of that letter, they are still making every effort to collect the unpaid amounts."

The attachment to this letter lists "information by billing party and by candidate for all campaign debts for telephone service written off as uncollectible in the years 1968, 1969 and 1970", as requested in the July 7 letter. Efforts have been made by the Service Corporation to confirm from company records the accuracy of the data submitted herewith, although counsel is informed that certain contemporaneous records regarding these accounts are no longer available.

Certain discrepancies between the aggregate figures submitted on June 25 and the itemized figures submitted herewith result from deletion of: (i) several accounts relating to candidates for State office which were included in the original compilation; (ii) one account with a balance of less than one dollar, as to which no confirmation was attempted; (iii) two accounts as to which payment has in fact been received; (iv) one account with a balance of $25.65 which now appears to not be a political account; and (v) two 1968 accounts with balances of less than $300 each where the customer believes that the bills have been paid, and we have been unable to reconcile the customer's accounts and the companies' accounts in the time available.

I trust that the attachment supplies the additional information that you require.

Respectfully submitted.

WILLIAM MALONE,
Resident Attorney.

POLITICAL CAMPAIGN DEBTS OF GENERAL TELEPHONE COMPANIES

Incurred by	Number of accounts	Amount owed	General Telephone Co. of—
McCarthy for President Headquarters	9	$328.55	Midwest.
Do	25	1,108.49	Northwest.
Do	27	6,380.06	Indiana.
Do	12	42,185.34	California.
Humphrey for President	1	8.98	Do.
Humphrey Campaign for President	47	1,211.42	Pennsylvania.
Muskie Campaign for President	5	177.22	Do.
Humphrey-Muskie	1	10.01	Florida.
Do	2	41.24	Upstate, New York.
Humphrey-Muskie—Democratic National Committee.	2	36.72	Do.
Do	2	100.86	Kentucky.
Do	25	731.30	Pennsylvania.
Do	6	99.53	Northwest.
Do	1	317.35	Michigan.
Do	5	569.05	California.
Humphrey-Muskie—Democrat Headquarters	3	263.87	Do.
Humphrey-Muskie—Democratic National Committee.	1	32.65	Southwest.
Humphrey-Muskie Campaign—black	1	44.98	Southeast.
Humphrey-Muskie—Democratic National Committee.	5	118.10	Ohio.
Do	3	43.45	Southwest.
Humphrey-Muskie—Venango County Democratic Committee.	1	11.53	Pennsylvania.
Kennedy for President	35	1,931.41	Northwest.
Do	2	335.39	California.
Do	14	3,328.44	Do.
Do	15	570.43	Midwest.
Citizens for Kennedy	1	$19.98	Upstate New York.
Kennedy headquarters	4	505.13	California.
VIVA Kennedy	2	241.15	Do.
Democratic Campaign for Kennedy	1	196.17	Do.
Oregon for Kennedy	4	65.97	Northwest.
Women for Nixon	1	59.65	Kentucky.
Ohio Citizens for Nixon	1	498.30	Ohio.
Lake City, S.C. Republican Headquarters	1	84.09	Southeast.
Myrtle Beach, S.C. Republican Party	1	32.53	Do.
Wallace Campaign Headquarters	1	9.47	Illinois.
Wallace for President	1	100.00	California.
Tunney for Senate[1]	1	36.85	Do.
Muskegon Volunteers for Phillip Hart[1]	1	163.27	Michigan.
Ralph T. Smith for Senate[1]	9	200.72	Illinois.
Joe Lovingood for Congress[1]	1	148.06	Florida.
Sperrazo for Congress	3	1,214.60	California.
LaFollette for Congress[1]	2	455.13	Do.
Dan Chandler for Congress	1	1,323.12	Kentucky.
O'Dell for Congress[1]	1	1,152.91	Northwest.
Wally Turner for Congress	1	654.86	Do.
McQuarry for Congress	1	306.40	Do.
Thorn for Congress	1	441.07	Do.
Hayden for Congress	1	490.52	California.
Total indebtedness to general system		68,386.14	

[1] Billing owed from 1970 campaigns; all other figures are from 1968 campaigns.

NEW YORK, N.Y.,
June 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C.

Attention: Mr. Kelley E. Griffith, Chief, Domestic Rates Division.

GENTLEMEN: Information on political campaign obligations is attached for your transmittal to Senator Scott as requested in your letter dated May 24.

Because of the strike of Western Union employees called on June 1, this information is of necessity confined to the more recent better known situations subject to ready identification. Every effort has been made to include the major accounts which would be of interest to Senator Scott. There are undoubtedly other unpaid balances which can be identified by employees experienced in their particular ledgers. Also there may be other write-offs prior to 1968 campaigns. These are believed to be very few in number and involve more nominal amounts. As promptly as possible, after the strike is settled, a supplemental report will be submitted on these other accounts.

While the interest of Senator Scott is in political campaign debts, our records contain no identification to segregate political from personal traffic. For members of the Congress, it is therefore necessary to list all present outstandings billed for personal account or in excess of allowances even though only a small portion of the balance, if any, may have been incurred in connection with political activity.

Along similar lines, the obligations of State Committees may have been incurred to finance in part the campaigns of Congressional candidates. Available information has therefore been included in the report on these accounts.

It will be noted that it is policy to grant credit to political candidates prior to nomination only when the account is guaranteed by the national political party or by a rank, prominent businessman, or other individual sponsor with sufficient responsibility to assure payment. As the result of experience on 1968 campaign debts, policy is to be tightened for services rendered prior to nomination. Thereafter any granting of credit is to be in the name of and at the request of the national political party.

It is regretted that complete information cannot be included in this report. As soon as the strike is settled, we shall be able to complete our investigation and will rush the additional data to you as promptly as possible.

Yours very truly,

A. I. CULLEN,
Vice President and Comptroller.

SCHEDULE I

OUTSTANDING ACCOUNTS, AS AT JUNE 15, 1971

Account	Amount of debt	Dates incurred
McCarthy for President, Washington, D.C	$14,485.41	May to September 1968.
Rockefeller for President, Washington, D.C	5,190.52	May to July 1968.
Muskie Election Committee, Washington, D.C	5,907.34	November 1970.
Illinois Citizens for Nixon, Chicago, Ill	809.49	November 1968.
Hoellen for Congress, Chicago, Ill	17.40	Do.
Republican National Committee, Washington, D.C	2,607.21	March to May 1971.
United Republican Fund (Ill.), Chicago, Ill	724.71	February 1970.
Democratic National Committee, Washington, D.C	$109,820.13	June 1968 to June 1969. January and February 1970. December 1970 and May 1971.
United Democrats for Humphrey, Washington, D.C	33,011.33	April to November 1968.
Citizens for Humphrey-Muskie, Washington, D.C	59,479.86	May to November 1968.
Humphrey for President, Washington, D.C	190.55	June to November 1968.
Democratic National Committee (Ill.) Chicago, Ill	1,396.25	November 1968.
Republican State Committee (Mich.) Lansing, Mich	1,221.95	1970.

SCHEDULE II

WRITEOFFS OF CAMPAIGN DEBTS

Name	Amount of debt	Date incurred	Date of writeoff
New York State Democratic Committee, New York, N.Y	$2,903.96	July 1966 to February 1968	May 1970.
Rafferty for U.S. Senator, San Francisco, Calif	550.85	November 1968	October 1969.
Harold E. Stassen, Madison, N.J	1,484.70	February to April 1968	May 1970.

SCHEDULE III

SETTLEMENTS FOR LESS THAN AMOUNT DUE

Name	Amount of debt	Dates incurred	Settlement	
			Date	Amoun
Kennedy for President, Washington, D.C	$30,690.46	May and June 1968	July 1969	$15,395.23

AMERICAN TELEPHONE & TELEGRAPH CO.,
New York, N.Y., July 7, 1971.

MR. BERNARD STRASSBURG,
Chief, Common Carrier Bureau, Federal Communications Commission, Washington, D.C.

DEAR MR. STRASSBURG: This is in reply to your letters of May 24, 1971, and June 21, 1971 (file 9330), which enclosed copies of letters from the General Accounting Office (GAO) requesting that we obtain and furnish certain information regarding political campaign debts owed to the telephone companies.

In accordance with our initial reply of June 17, 1971, we are enclosing data for the years 1968, 1969, and 1970 with respect to the amounts "written off as uncollectible."

The term "written off as uncollectible" means that, in accordance with the F.C.C.-prescribed Uniform System of Accounts, we have charged our reserve for uncollectible accounts with amounts which are impracticable of collection. An amount is not considered to be impracticable of collection until after significant collection effort has been made. However, we do not consider any such amount as written off in the sense of discharging the debtor; nor do we discontinue collection efforts. All amounts thereafter collected as a result of continuing collection efforts are credited to the reserve account.

The remainder of the information, as specified in the revised GAO request transmitted with your June 21, 1971, letter, is being processed and we expect it to be available by August 2, 1971.

If you have any questions regarding the attached information, we shall be glad to discuss them at your convenience.

Sincerely,

D. E. EMERSON.

ACCOUNTS OF CANDIDATES FOR FEDERAL OFFICE

CLASSIFIED [1] "WRITTEN-OFF AS UNCOLLECTABLE" DURING THE YEAR 1970

Company and billing name	Name of candidate	Federal office involved	Date of entry	Amount
New England—Nothing to report.				
Southern New England—Nothing to report.				
New York: B. Terry	McCarthy	President	Apr. 9, 1970	17.9
New Jersey—Nothing to report.				
Pennsylvania:				
Citizens Comm. for Humphrey	Humphrey	do	Jan. 1, 9170	66.2
Gerald Segal	do	do	Jan. 22, 1970	189.9
Do	do	do	do	17.4
Do	do	do	Jan. 4, 1970	105.0
Ally, Cnty. Rep. Comm	Nixon-Agnew	do	Jan. 8, 1970	24.8
Reece for U.S. Senate	Reece	Senator	July 27, 1970	14.4
Ally, Cnty, Rep. Comm	Nixon	President	Jan. 8, 1970	1,026.5
Do	do	do	Jan. 21, 1970	25.6
Total				1,470.1
C. & P. Co.—Nothing to report.				
C. & P., Maryland—Nothing to report.				
C. & P., Virginia—Nothing to report.				
C. & P., West Virginia—Nothing to report.				
Unable to locate billing party (bills returned—party unknown.)				
Southern Bell—Fred Steele, in care of Mrs. Funderburke	Steele	Representative	Feb. 23, 1970	126.90
South Central:				
McCarthy for President	McCarthy	President	Jan. 2, 1970	79.35
Do	do	do	do	62.69
Do	do	do	Feb. 23, 1970	1.44
Do	do	do	May 26, 1970	187.45
Kentuckians for Rockefeller	Rockefeller	do	Jan. 2, 1970	144.59
Total				475.52
Ohio:				
Ohio Committee for G. C. Wallace, American Independent Party, Inc	Wallace	President	Jan. 6, 1970	44.37
McGovern for President Committee	McGovern	do	do	.30
Wallace for President Committee	Wallace	do	do	16.67
Total				61.34
Cincinnati Bell—Nothing to report.				
Michigan—Nothing to report.				
Indiana—McCarthy for President	McCarthy	President	Dec. 12, 1970	51.20
Wisconsin—Nothing to report.				
Illinois: Rockefeller Campaign Hqtrs., Garon Creel Douglass, Chmn	Rockefeller	do	June 22, 1970	1,173.52
Northwestern:				
McCarthy for President	McCarthy	do	1970	.92
Democrats for McCarthy	do	do	1970	65.30
McCarthy for President	do	do	1970	124.30
Total				190.52
Southwestern: Breeding for Senator	Breeding	Senator	Jan. 29, 1970	321.68
Mountain: Nothing to report.				
Pacific Northwest:				
Buffalo National Party			August 1970	573.18
Grady Sanders	Sanders	Representative	Dec. 1970	8.30
Total				581.48

Footnotes at end of table.

ACCOUNTS OF CANDIDATES FOR FEDERAL OFFICE—Continued

CLASSIFIED [1] "WRITTEN-OFF AS UNCOLLECTABLE" DURING THE YEAR 1970—Continued

Company and billing name	Name of candidate	Federal office involved	Date of entry	Amount
Pacific:				
Bob Moss	Humphrey	President	Jan. 12, 1970	31.67
Kennedy Tour	Kennedy	do	Jan. 9, 1970	18.97
Kennedy for President	do	do	do	4.55
Do	do	do	do	35.05
Kennedy for President, Campaign Committee	do	do	Apr. 6, 1970	27.38
Do	do	do	do	6.20
Do	do	do	do	10.18
Do	do	do	do	4.19
Do	do	do	do	22.69
Do	do	do	do	30.26
Kennedy for President Committee	do	do	do	10.06
Kennedy for President Campaign Committee	do	do	Mar. 9, 1970	37.51
Kennedy for President Committeo		do	Mar. 18, 1970	3.07
Kennedy for President Campaign Committee	do	do	Apr. 6, 1970	34.00
Kennedy for President	do	do	Jan. 17, 1970	38.55
Do	do	do	Jan. 13, 1970	31.60
Do	do	do	do	17.79
Do	do	do	Jan. 21, 1970	46.31
Do	do	do	do	42.05
Pat Dugan	Nixon	do	Jan. 16, 1970	35.59
McCarthy for President	McCarthy	do	Jan. 13, 1970	5,703.59
Robert McLane	Brown	Senator	July 18, 1970	8.78
Brad Hill	do	do	Sept. 21, 1970	.63
William Malone	Cranston	do	Aug. 3, 1970	7.64
John Mayfield, Jr.	Mayfield	do	Sept. 14, 1970	12.81
Do	do	do	do	1.75
Evan J. McLean	Murphy	do	Spet. 3, 1970	7.86
Clifford Young	Cohelan	Representative	Sept. 24, 1970	37.17
James E. Peterson	Dellums	do	do	.74
Total				6,268.64
New England:				
Atty. John Holland, c/o McCarthy for President	McCarthy	President	Dec. 24, 1969	55.17
Do	do	do	do	39.39
Do	do	do	do	29.54
Do	do	do	do	30.05
Do	do	do	do	29.64
Do	do	do	do	30.10
Do	do	do	do	56.99
Do	do	do	Dec. 4, 1969	343.12
Do	do	do	do	385.39
Do	do	do	do	367.62
Do	do	do	do	260.81
Do	do	do	do	666.86
Do	do	do	Nov. 10, 1969	196.88
Do	do	do	do	78.49
Do	do	do	do	74.50
Do	do	do	do	103.92
Do	do	do	do	112.28
Do	do	do	do	85.55
Do	do	do	do	54.79
Do	do	do	do	127.87
Do	do	do	do	178.67
Do	do	do	do	171.20
Do	do	do	do	106.72
Do	do	do	Oct. 24, 1969	22.07
Do	do	do	do	25.91
Do	do	do	do	26.21
Do	do	do	do	24.45
Do	do	do	do	22.73
Do	do	do	do	24.09
Do	do	do	do	25.26
Do	do	do	do	21.57
Do	do	do	do	22.58
Do	do	do	do	20.76
Do	do	do	do	26.77
Do	do	do	do	23.89
Do	do	do	do	26.57
Do	do	do	do	23.89
Do	do	do	do	22.28
Do	do	do	do	15.34
Do	do	do	do	31.69
Do	do	do	Sept. 16, 1969	208.05
Do	do	do	do	1,607.72
Do	do	do	Nov. 10, 1969	18.01
Do	do	do	Sept. 24, 1969	51.11
Do	do	do	do	26.92
Do	do	do	do	270.94
Do	do	do	do	53.13
Do	do	do	do	34.56
Do	do	do	do	294.71
Do	do	do	do	283.83
Do	do	do	do	110.20
Do	do	do	do	176.13
Do	do	do	do	175.98
Do	do	do	do	89.14
Do	do	do	do	100.72
Do	do	do	do	102.27
Do	do	do	do	100.25
Do	do	do	Nov. 10, 1969	15.72
Total				7,710.50
Southern New England—Nothing to report.				
New York—Nothing to report.				
New Jersey—Nothing to report.				
Pennsylvania:				
Citizens for McCarthy	do	President	Feb. 11, 1969	31.05
Do	do	do	Jan. 17, 1969	13.65
Do	do	do	Mar. 17, 1969	822.22
Ally. Cnty. Republican Comm.	Nixon	do	Dec. 19, 1969	12.51
Total				879.43

Footnotes at end of table.

Company and billing name	Name of candidate	Federal office involved	Date of entry	Amount
C & P Co.: Wallace for President	Wallace	President	Nov. 1969	227.59
C & P, Maryland—Nothing to report.				
C & P, Virginia—Nothing to report.				
C & P, West Virginia—Nothing to report.				
Southern Bell:				
Zimmerman for U.S. Senate	Zimmerman	Senator	Feb. 11, 1969	66.00
Wallace for President—State Headquarters	Wallace	President	May 6, 1969	305.75
Total				371.75
South Central:				
McCarthy for President	McCarthy	President	Sept. 15, 1969	155.05
Do	do	do	Oct. 1, 1969	202.45
Total				357.50
Ohio—Nothing to report.				
Cincinnati Bell—Nothing to report.				
Michigan: Gary Frink for Congress	Frink	Representative	Jan. 16, 1969	1,247.57
Indiana:				
McCarthy for President	McCarthy	President	Dec. 1969	1,026.05
Do	do	do	do	190.00
Do	do	do	do	282.90
Do	do	do	do	28.50
Do	do	do	do	240.64
Do	do	do	do	606.16
Do	do	do	do	176.98
Do	do	do	do	28.04
Do	do	do	do	24.45
Do	do	do	do	90.96
Do	do	do	do	29.15
Do	do	do	do	22.61
Do	do	do	do	26.35
Do	do	do	do	41.17
Do	do	do	do	216.40
Do	do	do	do	299.68
Do	do	do	do	240.20
Do	do	do	do	1,184.46
Do	do	do	do	239.05
Do	do	do	do	60.66
Do	do	do	do	7,073.86
Do	do	do	do	787.48
Do	do	do	do	1,254.77
Do	do	do	do	791.71
Do	do	do	do	245.00
Do	do	do	do	18,113.75
Do	do	do	do	812.22
Do	do	do	do	599.61
Do	do	do	do	156.63
Do	do	do	do	816.74
Do	do	do	do	642.12
Do	do	do	do	404.70
Do	do	do	do	445.41
Do	do	do	do	1,858.50
Do	do	do	do	450.42
Do	do	do	do	25.96
Do	do	do	do	131.61
Do	do	do	do	141.15
Do	do	do	do	492.99
Do	do	do	do	25.95
Do	do	do	do	147.14
Do	do	do	do	147.14
Do	do	do	do	147.14
Do	do	do	do	147.14
Do	do	do	do	147.14
Do	do	do	do	147.14
Do	do	do	do	147.14
Do	do	do	do	147.14
Do	do	do	do	147.14
Do	do	do	do	621.75
Do	do	do	do	615.00
Do	do	do	do	615.00
Do	do	do	do	615.00
Do	do	do	do	615.00
Do	do	do	do	615.00
Do	do	do	do	615.00
Do	do	do	do	620.89
Do	do	do	do	2,265.00
Total				48,399.65
Wisconsin—Nothing to report.				
Illinois—Nothing to report.				
Northwestern:				
McCarthy for President	McCarthy	President	1969	85.00
Do	do	do	1969	76.62
Do	do	do	1969	139.11
Democrats for McCarthy	do	do	1969	36.84
McCarthy Headquarters	do	do	1969	5,334.33
Total				5,671.90
Southwestern—Nothing to report.				
Mountain—Nothing to report.				

Footnotes at end of table.

ACCOUNTS OF CANDIDATES FOR FEDERAL OFFICE—Continued

CLASSIFIED[1] "WRITTEN-OFF AS UNCOLLECTABLE" DURING THE YEAR 1970—Continued

Company and billing name	Name of candidate	Federal office involved	Date of entry	Amount
Pacific Northwest—Nothing to report.				
Pacific:				
Californians for Humphrey, Inc	Humphrey	President	Sept. 15, 1969	20.71
Sam Keith	do	do	Feb. 7, 1969	22.39
Nixon-Agnew Campaign	Nixon	do	Feb. 3, 1969	10.92
Nixon-Agnew	do	do	Jan. 31, 1969	.42
Nixon-Agnew Campaign Comm	do	do	Feb. 17, 1969	1.25
Nixon-Agnew Campaign	do	do	May 21, 1969	23.45
Nixon-Agnew Campaign Comm	do	do	do	34.98
Do	do	do	Spet. 15, 1969	47.78
Democratic National Comm. for Muskie	Muskie	do	Mar. 19, 1969	34.98
Bob Walters	Wallace	do	July 30, 1969	13.73
William C. Washington	McCarthy	do	Oct. 10, 1969	112.16
John Atkisson	do	do	Dec. 10, 1969	256.02
McCarthy for President	do	do	do	105.77
Do	do	do	Dec. 5, 1969	234.67
McCarthy for President Comm	do	do	Nov. 28, 1969	179.69
Richard Dentine	do	do	Oct. 28, 1969	67.23
Agnew-Nixon Campaign	Agnew	Vice President	May 28, 1969	3.08
Do	do	do	Feb. 28, 1969	21.99
Eli Broad	Cranston	Senator	Feb. 18, 1969	1.63
Do	do	do	Feb. 7, 1969	.55
Do	do	do	do	.55
Do	do	do	do	1.01
Do	do	do	Feb. 17, 1969	.71
Do	do	do	do	.68
Do	do	do	July 11, 1969	6.67
Do	do	do	do	3.19
Do	do	do	Feb. 12, 1969	.28
Do	do	do	Apr. 11, 1969	33.35
Rafferty for U.S. Senate	Rafferty	do	Mar. 4, 1969	1.48
Do	do	do	Aug. 19, 1969	26.59
Total				1,267.91
New England—Nothing to report.				
Southern New England—Nothing to report.				
New York:				
J. A. Scheuer	Scheuer	Representative	Sept. 23, 1968	[2] .44
J. E. Resnick	Resnick	do	Sept. 27, 1968	[3] 2.50
Total				2.94
New Jersey—Nothing to report.				
Pennsylvania—Nothing to report.				
C. & P. Co.—Nothing to report.				
C. & P., Maryland—Nothing to report.				
C. & P., Virginia—Nothing to report.				
C. & P., West Virginia—Nothing to report.				
Southern Bell—Nothing to report.				
South Central:				
United Democrats for Humphrey	Humphrey	President	Nov. 15, 1968	22.63
Nashville Volunteers WATS for McCarthy	McCarthy	do	Nov. 8, 1968	15.84
Total				38.47
Nothing to report.				
Cincinnati Bell—Nothing to report.				
Michigan: McCarthy for President Headquarters	McCarthy	President	Nov. 27, 1968	7.53
Indiana—Nothing to report.				
Wisconsin—Nothing to report.				
Illinois—Nothing to report.				
Northwestern: McCarthy for President	McCarthy	President	1968	2.18
Southwestern:				
McCarthy for President	McCarthy	President	Dec. 3, 1968	20.57
Young Americans, Inc	Wallace	do	Dec. 4, 1968	52.75
Total				73.32
Mountain—Nothing to report.				
Pacific Northwest—Nothing to report.				
Pacific:				
Serrelle & Winner	Humphrey	President	Dec. 4, 1968	20
Kennedy Campaign	Kennedy	do	Sept. 20, 1968	33
Kennedy Tour	do	do	July 15, 1968	19
Do	do	do	Aug. 5, 1968	19
William J. Lockyear	do	do	Aug. 26, 1968	40
Kennedy for President	do	do	Aug. 27, 1968	41
M. Conley, Kennedy for Pres	do	do	June 27, 1968	30
Kennedy Headquarters	do	do	Aug. 28, 1968	47
McCarthy for President Hqtrs	McCarthy	do	Oct. 10, 1968	47
Do	do	do	Oct. 17, 1968	35
McCarthy Headquarters	do	do	Oct. 15, 1968	36
William C. Washington	do	do	Aug. 27, 1968	46
Don Rothenberg	do	do	Sept. 6, 1968	28
John Atkisson	do	do	Sept. 26, 1968	20
McCarthy for President	do	do	Oct. 16, 1968	245
McCarthy for President Hqtrs	do	do	Oct. 10, 1968	149
McCarthy for President	do	do	Oct. 7, 1968	189
McCarthy for President Hqtrs	do	do	Nov. 11, 1968	74
Do	do	do	Oct. 10, 1968	58
Harry Garo	do	do	Oct. 15, 1968	77
McCarthy for President	do	do	Oct. 2, 1968	102
McCarthy for President Campaign	do	do	Sept. 5, 1968	120
Do	do	do	do	276
Northern California McCarthy for President Campaign Hqtrs	do	do	Sept. 26, 1968	189
McCarthy for President Campaign	do	do	Aug. 15, 1968	241
George E. Brown, Jr	Brown	Representative	Aug. 27, 1968	27
Bill Roberts	Kuchel	Senator	Sept. 20, 1968	30
Total				2,254

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[1] As of July 7, 1971.

[2] Balances of less than $1 are written-off automatically 30 days following bill without collection effort.

[3] Balances of less than $10 are written-off automatically following second routine letter requesting payment.

UNITED AIR LINES,
Chicago, Ill., June 14, 1971.

Re Information on Political Campaign Debts.

Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C.

DEAR SIR: In response to your letter of May 14, 1971, reference the above, please be advised that insofar as pertains to United:

1. Outstanding campaign debts for candidates for federal office from 1962, as of April 30, 1971, are:

A. Nixon-Agnew campaign—Oct. & Nov. 1968, $75,107.55.

B. Humphrey-Muskie campaign—Oct. & Nov. 1968, $79,083.65.

C. Democratic National Committee (incurred by R. F. Kennedy)—Mar. & Apr. 1968, $12,651.97.

2. Eugene McCarthy and individuals acting for Mr. McCarthy incurred freight charges of approximately $1,213.66 during his campaign in the latter part of 1968. These charges were incurred without benefit of his campaign ATP account or the endorser to that account. When the campaign organization went out of business, they offered to pay 50¢ on the dollar for this account. Since United had no endorser and no other hope of recovery, the account was settled for $606.83 and an equal amount, $606.83, was written off. This write-off occurred during early 1969.

3. From May through September, 1968, the Eugene McCarthy for President National Headquarters incurred indebtedness of $34,386.03. Payment of $5,000 was made by the National Headquarters. An additional $425.00 representing the ATP deposit was also applied to the account. Litigation for the balance of $28,961.03 was settled in March of 1971 for $22,500.00. Approximately $1,525.00 of the balance was for charges of questionable recoverability. If the case had been pursued to judgment, attorneys fees could have been ⅓ or approximately $9,000.00, leaving a net to United of approximately $18,000.00. Since the present settlement netted United $20,000.00 ($2,500.00 in fees to counsel), United's counsel recommended settlement at that figure.

4. There is no different policy and procedure with respect to billing and collection of debts incurred by candidates for federal office during political campaigns. The policy and procedure applied is in accord with United's tariffs, where applicable, and is the same for the billing and collection of these as for any other debts.

Very truly yours,

R. E. BRUNO,
Senior Vice President, Finance and Property.

AMERICAN AIRLINES,
New York, N.Y., June 10, 1971.

Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C.

Subject: Information on Political Campaign Debts.

DEAR MR. CRAIG: Concerning your May 14, 1971, letter re the above mentioned subject, we respectfully submit the following:

(1) Outstanding campaign debts incurred by candidates for Federal office from 1962 to the present.

Name of candidate or political organization	Balance Apr. 30, 1971	Year debt incurred			
		1970	1969	1968	Prior 1968
Republican National Finance Committee	$151,871		$18,587	$133,284	
Richard M. Nixon	69,386		66,710	2,666	
National Democratic Committee	426,833	$20,548	85,031	321,254	
Robert F. Kennedy	415,120		328	414,792	
Hubert H. Humphrey	138,762		120,113	18,649	
McCarthy for President	135,872			135,872	
Total	1,337,834	20,548	290,769	1,026,517	

(2) *No* campaign debts have been written off by American Airlines from 1962 to the present.

(3) *No* amounts owed by candidates for Federal office were settled by American Airlines for less than full value during the period 1962 to the present.

(4) With the one exception of actually proceeding with a courtroom litigation, which we have never done in the case of political parties, political organizations, or political candidates, *no* differences exist in our billing and collection procedures regarding candidates and others served by American Airlines. In the case of Universal Air Travel Plan charges, we bill twice monthly. In all other cases we bill monthly. Follow-up of delinquent accounts is done intermittently by phone and by letter supplemented with periodic personal visits. Because of the substandard credit relations American Airlines has experienced with the above, we have taken a firm position regarding the assumption of new political accounts. We now ask for personal guarantees in all cases involving individual candidates and can report that we have declined the applications of at least two well-known candidates in the last year where guarantees have not been forthcoming.

If there is any additional information you would require, we will be more than happy to provide it.

Very truly yours,

R. M. BRESSLER,
Vice President and Treasurer.

JOHNSON FLYING SERVICE, INC.,
Missoula, Mont., June 9, 1971.

ALLAN CRAIG,
Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C.

Subject: Information on Political Campaign Debts per your letter of May 14, 1917.

Our total campaign debts are $2,910.38 and is for the following:

Hubert Humphrey Charged to Democratic National Committee, 2600 Virginia Avenue, Washington, D.C. 20037. Amount of debt: $2,910.38. Date of debt: September 30, 1968.

2. We have had no writeoff of campaign debts from 1962 to present time.

3. We have not negotiated any settlement for less than the full amount due us for any political candidate.

4. We have tried by regular billing to collect this but they state that they cannot pay as they have a large quantity of debts and no money. In our regular collections that would have been turned into a collection agency for collection but in this case this would be a useless effort.

TONY J. SCHUMACHER,
Accountant for Johnson Flying Service, Inc., Box 1366, Missoula, Mont.

PIEDMONT AVIATION, INC.,
Winston-Salem, N.C., May 20, 1971.

Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C.

DEAR MR. CRAIG: The following information on political campaign debts is submitted in response to your letter dated May 14, 1971.

(1) All outstanding campaign debts incurred by candidates for Federal office from 1962 to the present consist of a charge of $2,285.20 for two charter trips from Charlotte, North Carolina to Washington, D.C. via Bluefield, West Virginia and Beckley, West Virginia on October 3, 1968. The trips were arranged for by the Democratic National Committee for the Democratic presidential candidate.

(2) No campaign debts have been written off from 1962 to the present.

(3) No campaign debts have been settled for less than the full amount due from 1962 to the present.

(4) Piedmont has no policies or procedures for billing and collection of campaign debts in any manner different from the policies and procedures followed for any other person or firm served by the Company.

Very truly yours,

T. W. MORTON,
Vice President-Finance.

TRANS WORLD AIRLINES, INC.,
Kansas City, Mo., June 2, 1971.

Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C.

Subject: Information on Political Campaign Debts Reference your letter dated May 14, 1971.

DEAR MR. CRAIG: The following information is submitted concerning political campaign debts owed to Trans World Airlines:

(1) *Outstanding Campaign Debts:* United Democrats for Humphrey, $221,519.55, April, 1968 Humphrey Charter, $25,091.04, October, 1966 Republic National Committee, $13,196.05, October, 1968.

(2) *Write-offs of Campaign Debts:* McCarthy for President, write-off $6,867.36, debt incurred 1968, written off 2/24/69.

(3) *Settled Debts:* McCarthy for President, total debt $16,352.36, incurred 1968, negotiated settlement $9,485.00, date settled November 14, 1968.

(4) *Statement of Procedures:* Political debts are handled in the same manner as any other account. Absolutely no special treatment is allowed.

Very truly yours,

A. D. CHAFFIN,
Assistant Treasurer.

JUNE 22, 1971.

To: Civil Aeronautics Board.
From: Aspen Airways, Inc.
Subject: Information on Political Campaign Debts.

Aspen submits the following information in response to the Boards' request of May 14, 1971.

Item 1. No outstanding campaign debts incurred by candidates for Federal office from 1962 to the present.

Item 2. Writeoffs of camapign debts from 1962 to the present as follows:

Candidate	Debt incurred	Total amount	Writeoff	Date
Kennedy	March 1968	$1,381.95	$921.10	October 1968.
McCarthy	May 1968	2,020.69	1,020.69	Do.

Item 3. Settlement by carrier for less than the full amount due as shown.

McCarthy settlement in May 1968 in the amount of $1,000.00.

Item 4. Aspens policies and procedures applied to political candidates and those applied to others served by the air carrier are the same; that being that 30 days after billing full payment is expected.

Submitted by:

LLOYD CARDA, *Vice President.*

WESTERN AIRLINES,
June 11, 1971.

Ref.: Your letter dated May 14, 1971.

Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C.

Subject: Information on political campaign debts.

Western has no procedures for treating debts incurred by candidates for federal offices differently from debts incurred by others. Our experience in this area has been minimal.

Therefore, the response to this questionnaire involved the special review of the current accounts and a perusal of debts written off to see if any involved candidates for federal offices.

As to the current accounts, there are no amounts due from customers which can be identified as campaign debts incurred by candidates for federal offices.

All delinquent accounts are pursued through standard collection practices.

As to the write-offs of debts of candidates for federal office since 1962, we can identify only one such debt. A "Ticket-by-Mail" invoice for $376 was incurred in May 1968 and written off in September 1969. This invoice was related to the campaign of Senator Robert Kennedy and was incurred by Senator Ted Kennedy and a Mr. Burke.

It is not our practice to settle any debt for transportation, including any such debt incurred by a candidate for federal office, for less than the amount due. The perusal of our debt write-offs referred to above did not disclose any such settlements.

RODERICK G. LEITH,
Assistant Treasurer and Controller.

CONTINENTAL AIRLINES,
Los Angeles, Calif., May 24, 1971.

Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C.

DEAR MR. CRAIG: In response to the itemized questions in your letter of May 14, 1971, on the matter of information on political campaign debts, we submit the following answers:

(1) There are no outstanding campaign debts on our books incurred by candidates for Federal office from 1962 to the present.

(2) No campaign debts incurred by candidates for Federal office from 1962 to the present have been written off in their entirety. See (3) below for partial writeoff.

(3) In May, 1968, we operated a charter flight in connection with the "McCarthy for President" campaign, the billed amount of which was $8,997.96. We received payment in the amount of $4,500.00 on November 7, 1968, from "McCarthy Finance Committee" and the balance of $4,497.96 was written off—also in November, 1968.

(4) We know of no specific policies and procedures of the certificated air carriers with respect to the billing for and collection of debts, incurred by candidates for Federal office during political campaigns. Insofar as our own policies and procedures are concerned, where we perform a service for an individual who is seeking Federal office, we apply the same policies and procedures to the collection of any resulting debt as we apply to any other person served by the Company.

Sincerely yours,

F. N. DAVEY.

EASTERN AIR LINES INCORPORATED,
MIAMI, FLA., *June 14, 1971.*

Mr. ALLAN CRAIG,
Director, Breau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C.

Subject: Information on Polical Campaign Debts Your letter dated May 14, 1971.

DEAR MR. CRAIG: In compliance with the above, the following information is submitted:

1. Democratic National Committee, (Hubert H. Humphrey), (Edmund S. Muskie), $208,867.12 Balance May-August, 1968.

Republican National Committee $112,823.44 Balance September-November, 1970.

2. In keeping with accepted accounting practices, the Democratic National Committee receivable was written off at the year-end 1969. However, the account remains under active collection procedures.

3. None.

4. Eastern's policies and procedures with respect to billing and collection of receivables provide for active pursuit for payment commensurate with the type of transaction and credit terms. Accounts receivable are not normally allowed to remain on the books for more than one year after reaching collection status. The policy further provides that where there is reasonable potential for obtaining full or partial payment of the balance, collection activity will be continued beyond the anniversary date. All receivables are reviewed in year-end closing and as a normal procedure, the write-offs are reviewed by Price Waterhouse, our contract audit firm. Our policies with respect to debts incurred by candidates for Federal office during political campaigns are the same as those applied to others.

Sincerely,

J. R. LYNCH.

Mr. SCOTT. Mr. President, this amendment is intended to supersede the amendment which prohibits extension of unsecured credit by certain federally regulated industries to candidates for Federal office. The purpose is to take into account the additional technical advice and assistance provided by the Civil Aeronautics Board, the Federal Communications Commission, the Interstate Commerce Commission, and the Department of Justice.

As rewritten, the amendment would still forbid the granting of unsecured credit to candidates by certain industries, when it would permit normal credit card transactions so long as routine safeguards are in accompaniment.

The supporting data will indicate that hundreds of thousands of dollars are remaining unpaid to airlines, telegraph companies, telephone companies, and others, and that these unpaid amounts are usually written off by the companies which, in effect, amounts to corporate contributions to both political parties, which are forbidden by law.

I hope that when I call up the amendment at the proper time, it will receive the support of Senators of both political parties, as this business of trying to run political campaign on-the-cuff is distinctly unfair and places a burden which not only should not be on the companies but is actually forcing them into making involuntary and illegal contributions.

I yield back the remainder of my time.

AMENDMENT NO. 324

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON. Mr. President, the most troublesome political advertisements are TV spot commercials. Although spots can serve legitimate functions, they are also vehicles for political hucksterism, demagoguery, and superficiality.

For that reason, the Senator from Indiana (Mr. HARTKE) and I offer amendment 324 to S. 382. This amendment establishes a subceiling of 3½ cents per voting-age person for spots, defined as TV ads of less than 5 minutes duration. As a practical matter, however, the amendment applies almost entirely to ads of 1 minute and under, since there is virtually no TV advertising sold in segments of more than 1 minute but less than 5 minutes. The amendment is based on the simple proposition that if a candidate wants to spend his full 5 cents on TV advertising, the least he can do is spend 1½ cents of it on longer ads which offer an opportunity for the treatment of issues.

This subceiling applies to candidates for Federal office and for Governor and Lieutenant Governor.

I ask unamimous consent that the text of the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 324

On page 6, change the period in line 8 to a semicolon and insert the following immediately thereafter.

"provided that notwithstanding any other provision of this Act, no legally qualified candidate or person or organization acting on behalf of such a candidate in any primary, runoff, general, or special election for Governor, Lieutenant Governor, or Federal elective office shall spend for the purchase of television time in segments of less than five minutes duration an amount greater than 3½ cents multiplied by the estimate of resident population of voting age as determined in subparagraph (i) of this paragraph, or $21,000, whichever is greater."

AMENDMENT NO. 325

(Ordered to be printed and to lie on the table.)

Mr. FANNIN, for himself, Mr. TOWER, Mr. BROCK, Mr. GURNEY, Mr. CURTIS, Mr. HANSEN, and Mr. GOLDWATER, submitted an amendment intended to be proposed by them jointly, to the bill (S. 382), supra.

AMENDMENT NO. 327

Mr. GRAVEL submitted an amendment intended to be proposed by him to the bill (S. 382), supra.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 23, 1971, he presented to the President of the United States the enrolled bill (S. 699) to require a radiotelephone on certain vessels while navigating upon specified waters of the United States.

ADDITIONAL STATEMENTS

CONTINUED INFLATION—DISAPPOINTING INCREASE IN CONSUMER PRICES

Mr. PROXMIRE. Mr. President, the increase in the cost of living for June, announced by the Bureau of Labor Statistics today, reaffirms that the administration's do-nothing attitude with respect to incomes policy is a costly mistake. The Consumer Price Index rose 0.5 percent in June on a seasonally adjusted basis, an increase of 6 percent at an annual rate. This figure is especially significant since the CPI rose at an annual rate of 7.2 percent in May, following several months of slower prices increases.

The 6-percent rise in June was due to larger than normal increases in the price of food, homes, and most services, while last month's large increase was due to higher prices for used cars, homes, and apparel. It now seems clear that the major reason that consumer prices rose more slowly in the early months of this year was that mortgage rates were falling.

This rise in consumer prices has been accompanied by a 5-percent increase in wholesale prices thus far in 1971. This is twice the rise experienced in 1970, and factually contradicts administration claims that inflation is abating.

This morning the Joint Economic Committee received excellent testimony from Dr. Arthur Burns, chairman of the Board of Governors of the Federal Reserve System. Dr. Burns pointed out that:

> The inflation we are confronted with has become deeply rooted since its beginnings in 1965. The forces of excess demand that originally led to price inflation disappeared well over a year ago. Nevertheless, strong and stubborn inflationary forces, emanating from rising costs, linger on. I wish I could report that we are making substantial progress in dampening the inflationary spiral. I cannot do so. Neither the behavior of prices nor the pattern of wage increases as yet provides evidence of any significant moderation in the advance of costs and prices.

Dr. Burns' testimony and the statistics that we have received in recent months make the administration's position on income policy inexcusable. Many reputable economists, including Dr. Burns, are advocating that wage-price guidelines be issued now. The Joint Economic Committee in its annual report recommended creation of an incomes-price board to issue guideposts on acceptable price and wage increases, and there is considerable support for guidelines in the Congress.

Yet the administration, in the face of strong and unacceptable price increases, is following a negative, do-nothing policy. As Dr. Burns emphasized this morning, Government action to restrain rising prices is needed to "free the American economy from the hesitations that are now restraining its great energy."

UPDATING THE FARM CREDIT SYSTEM

Mr. McGOVERN. Mr. President, one of the most important agricultural matters to be considered by this body during this session will be on the floor soon. It is the Farm Credit Act of 1971. Farmers credit needs are mammoth if we are to continue to feed and clothe our Nation adequately. As chairman of the Senate Agriculture Subcommittee on Farm Credit and Rural Electrification, it was a pleasure for me to have this bill considered by the subcommittee. I was also pleased when the full Agriculture Committee reported favorably on the measure. While the bill is by no means perfect, it does represent a broad consensus of what is needed in the field of farm credit. I was particularly pleased the measure did not become embroiled in partisan politics. I also thank the administration for the qualified support it gave to the new farm credit bill.

Recently the Capital Press of Salem, Oreg., published an editorial entitled "Updating the Farm Credit System." Because this editorial succinctly and clearly describes the operation of the Farm Credit System and some of the changes we will be considering, I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Up-Dating the Farm Credit System

The Farm Credit System is big business. It has three basic parts. There are 12 Federal Land Banks which make long term loans secured by first mortgages on farm real estate through some 600 associations. Twelve Federal Intermediate credit banks serve nearly 450 local production credit associations. There are 13 banks for cooperatives which provide a complete credit service to farm supply, marketing and business services.

Legislation is pending in Congress for updating the system. Introduced through a series of bills by 33 Senators and 25 members of the House, the major provisions of special significance include:

1. Removal of a statutory limitation which will not allow Federal Land Banks to advance more than 65% of the value of agricultural land. Federal Land Bank of Spokane President Fred A. Knutsen says this provision is needed to better meet the needs of the individual farmer. He says this will enable the bank to tailor a better program for the operator rather than measuring the grower to the rule. Salem Federal Land Bank Association manager Carroll R. Nelson feels this change will be particularly beneficial to the young farmer who needs a substantial line of credit for getting started in agriculture. Knutsen cited this provision as perhaps the single most important change in the law.

2. Allowing PCA's to finance farm-related business that perform on-the-farm services such as custom harvesting, spraying or pruning. E. A. Jaenke, Governor of the Farm Credit Administration, says as farm equipment becomes more expensive, growers will look more to these on-farm services. Credit for custom operators will also benefit both farmers and the rual business community.

Philip M. Brandt, Jr., manager of Willamette PCA, things this new provision would help "fill a vacuum in this area," since PCA's usually have greater knowledge in these specialized production needs. He feels the traffic in this type of loan would be modest initially, but might grow substantially as agricultural methods change. Brandt said up-dating the farm credit law periodically is vital to the System in accommodating the needs of agriculture. "We need a bigger framework in which to operate as times change," he declared.

3. Permitting Land Banks and PCA's to provide financial-related services to members in such areas as estate planning, trust management and tax assistance. There appears little doubt these services are being increasingly demanded by farmers. Need for an educational program for sound estate planning is evident along with the emphasis on record keeping, farm accounting and data processing services now available through the Farm Credit System. Other lending institutions have traditionally offered these services.

4. A clarification in the Bank for Cooperatives law, which apparently met no objection in Senate hearings would reduce by some 23% the number of memberships held by farmers. This is being urged because of changing strategies for growth and patron service by farm cooperatives. Some are moving into patron service beyond the grower and rancher as their environments change. An increasingly significantly number of their customers are suburbanites or retired farmers. The change would also provide for financing of cooperative fishing enterprises, or harvest of so called "aquatics" products.

5. An area of some debate is a provision to permit Land Banks to finance construction of non-farm rural homes and PCA's to finance home improvement in this area. Now, only farm housing financing is authorized. Knutsen emphasized that this does not mean a variation from primary concern with financing agriculture, but there is a "credit gap" for middle income housing in rural areas. This would not include such projects as rural subdivisions. But it would permit an urban dweller to purchase a small acreage, maintain his occupation and build or buy a rural dwelling and site through the Land Bank or complete improvements through PCA.

Spokesmen for the System note this provision would apply to ex-farmers who may wish to remain in the rural environment after leaving the industry. Under present law, they would not be eligible for such financing. While this provision is not considered to be a major factor in the desired changes, it is deemed desirable. It is not expected to be highly competitive with non-agricultural lenders.

6. Finally, a change is proposed in the issuance of securities by the three divisions of the farm credit system. They are seeking authorization to issue unified securities of several maturities rather than being restricted to the present consolidated Bank group. There has been some criticism of FCS going into the money market as many as 32 times a year. This provision is expected to reduce such action to 12. A new corporation would be formed with qualified investment people who would be authorized by FCS directors to sell debentures on the money market, and enable the FCS to function more effectively in the money market with less frequency. Land Banks, PCA's and the Bank for Cooperatives would share in the consolidated effort.

These changes which make up the Farm Credit Act of 1971 have met some criticism, particularly from private lending institutions. They doubt the FCS should be allowed to "expand into the agribusiness field." They question whether the System should be allowed to compete with commercial banks.

Farm Credit has grown from a total of $10.7 billion in 1950 to some $52 billion in 1969. Forecasts for the status of farm credit in 1980 vary from $100 to $140 billion.

Commercial banks, the Farm Credit System and other lending agencies have worked in harmony in the past. There have been no changes in the Farm Credit System law since 1953.

Hearings on the measure are slated in the House in mid-July. It is incumbent on Congress to take a careful look at the proposed changes. Agriculture, generally has not enjoyed the profits of other industries. Farm credit is one of the industry's most vital tools. The proposed changes represent much study and deserve serious consideration.

It's time to up-date the farm credit system.

CAPTIVE NATIONS WEEK OF 1971

Mr. BUCKLEY. Mr. President, 12 years ago the Congress of the United States unanimously adopted Public Law 86–90, calling on the President to proclaim the third week of July as "Captive Nations Week" until "such time as freedom and independence shall have been achieved for all captive nations of the world." This year President Nixon has proclaimed July 18–24 as "Captive Nations Week."

I call on all Americans to join together this week to honor the peoples of Albania, Armenia, Azerbaijan, Bulgaria, Byelorussia, Sossackia, Cuba, Czechoslovakia, East Germany, Estonia, Far Eastern Republic, Georgia, Hungary, Idel-Ural, Latvia, Lithuania, Mainland China, Mongolian People's Republic, North Caucasia, North Korea, North Vietnam, Poland, Rumania, Tibet, Turkistan, Ukraine, and Yugoslavia.

In 1956, the world watched in horror while the Soviet Union crushed the Poznan riots in Poland, and sent tanks against unarmed freedom fighters in Hungary. In the years which followed this brutal suppression, some Americans suggested that the Soviets were "mellowing," and that they had abandoned their imperialistic drive. This fantasy was put to rest in August 1968 when the Soviets invaded Czechoslovakia; and Russia's firm intention to use military force to forestall other flirtations with freedom by the captive peoples of Eastern Europe was affirmed in what has come to be known as the Brezhnev doctrine.

Mr. President, the American people must, with equal tenacity, affirm their lasting concern for the ultimate freedom of these unhappy people. Only in this way can their hope for ultimate liberation be kept alive. This is why the annual observance of "Captive Nations Week" is so important.

NATIONAL SCIENCE FOUNDATION FISCAL YEAR 1972 RESEARCH APPROPRIATION

Mr. McINTYRE. Mr. President, I would like to compliment my distinguished colleagues from Washington, Massachusetts, and Oregon for their success in amending H.R. 9382 to provide an additional $25 million in fiscal year 1972 for National Science Foundation basic research. As chairman of the Armed Services Committee Ad Hoc Subcommittee for Research and Development, I have been concerned that some reductions in the Department of Defense research budgets would not be compensated by increases in the National Science Foundation appropriation.

As stated by my colleagues on July 20, 1971, $75 million has been justified by the Director of the National Science Foundation as the amount which ought to be supported for basic research which has been dropped by the Department of Defense, the Atomic Energy Commission, and the National Aeronautics and Space Administration. Against this requirement, only $40 million was requested in the National Science Foundation budget. The provision of only $25 million more, therefore, will mean that some important research work, formerly conducted by these agencies, will be sacrificed.

In the Research and Development Subcommittee report to the Armed Services Committee on the fiscal 1972 military procurement authorization bill, the subcommittee expressed its concern that the Congress as a whole may not react favorably and uniformly to the requests for research funds by agencies other than Defense. The subcommittee asked that the members of the Armed Services Committee use their individual prerogatives to encourage other committees in this regard. I would like to take this opportunity to urge that all of the Members give full and proper recognition to the need for maintaining a strong basic research program throughout the entire Government.

The congressional support of a vigorous basic research program was made clear by the inclusion of a sense of the Congress resolution which I proposed last year as section 205 of the fiscal 1971 Military Procurement Authorization Act which reads as follows:

> It is the sense of the Congress that—
>
> (1) an increase in Government support of basic scientific research is necessary to preserve and strengthen the sound technological base essential both to protection of the national security and the solution of unmet domestic needs; and
>
> (2) a larger share of such support should be provided hereafter through the National Science Foundation.

There is no procedural mechanism under the Senate committee system for insuring that issues of mutual interest to several committees are properly coordinated so that the separate actions of one committee are consistent with those of another. The responsibility, nonetheless, accrues to the Senate as a whole, and it behooves the individual Members and the various committees to be sensitive to and conscious of these matters. The possibility of something falling through the cracks through oversight or lack of consideration can be avoided only if we are alert and diligent.

I would also urge that the Senate conferees on the National Science Foundation appropriation persevere in their discussions of this requirement. The stakes are high, and our future lead in technology, which is spawned in the fertility of our basic research fields, hangs in the balance.

The health and vigor of our scientific and technical institutions must be maintained.

THE ARMENIAN GENOCIDE

Mr. PROXMIRE. Mr. President, the impelling need for ratification of the Genocide Treaty derives at base from the moral outrage we all feel for the crime of genocide and from our heartfelt desire to stop any future such crimes.

When we think of genocide, the single act that comes to mind immediately is Hitler's campaign to destroy the Jewish people. In that campaign, 6 million people were sent to their deaths.

But it is vital that we do not dismiss genocide as only that single act of Hitler's; as a unique episode that has never been repeated and as something that was never done before. History has seen many repetitions of genocidal policies, and we must not forget that.

In the 1890's, for example, the Turkish Government carried out a concerted policy of elimination of the Armenian people. According to a book by Abraham Hartunian "Neither To Laugh nor To Weep":

> The premediated, ruthless, official campaign by the Turkish government and army to exterminate Turkey's Armenian minority—which began in 1895—ground relentlessly through 27 years and two million deaths. Another two million people—the scattered and ragged remnants of a once proud people—were figuratively (and often literally) driven into the sea before Turkey had solved its "Armenian problem."

For primarily religious reasons, the Mohammedan Turkish Government virtually wiped out an entire nation of Orthodox Christians. During the years 1894, 1895, and 1896 alone, "more than 300,000 Armenians perished by either massacre or starvation and disease." Again and again, however, the book points out that it was private American citizens who supplied what relief was possible under such circumstances from the horrors of these mass killings.

We in the Senate, as representatives of the American citizens of this generation, must move and move now to assure that such horrors are never repeated.

I urge that we act to ratify the Genocide Treaty in this session.

THE SALT NEGOTIATIONS

Mr. COOPER. Mr. President, a report in the New York Times of July 23, 1971, concerning the U.S. SALT position, is a cause for great concern. The report, by Mr. William Beecher, spells out in great detail what is alleged to be the U.S. position at SALT. The article refers to "administration officials" as the source of the information contained in the article. If the information contained in the New York Times article is correct, there is cause for disappointment.

It had been my understanding, and I believe the understanding of many of my colleagues, that every effort would be made at SALT to keep ABM deployments at the lowest possible level. If this newspaper report is correct, the new negotiating position of the United States is fraught with the danger that an agreement on ABM would be on such a high level that any limitation on ABM's would be meaningless.

I have every confidence that the President and his negotiators have tried since negotiations began, to achieve a halt to the arms race. But while SALT has been in progress, weapons systems on both sides have continued to be deployed. A MIRV agreement is perhaps impossible because of the U.S. decision to go ahead with deployment of MIRV. Just prior to the beginning of the SALT talks the Brooke resolution 211, adopted by the Senate, contained the language I had offered in the Foreign Relations Committee, proposing a freeze on all offensive and defensive nuclear strategic weapons systems by both the United Staes and the Soviet Union, might have secured agreement if it had been proposed by our Government.

I would urge the administration in its negotiations to make every effort to limit deployment of the ABM and other nuclear weapons systems to the lowest possible levels. Further, it is my own view that the bargaining from strength tactic employed thus far can only yield adverse results.

The newspaper report of the comments of administration officials may have been a speculation, a distortion or inaccurate. I hope this is the case. At the very least, I would hope the administration would state that it will attempt to achieve a limit on offensive and defensive nuclear weapons at the lowest possible level.

VIETNAM WAR CASUALTIES

Mr. ALLEN. Mr. President, I have placed in the RECORD the names of 1,113 Alabama servicemen who were listed as casualties of the Vietnam war through March 31, 1971. In the period of April 1 through June 30, 1971, the Department of Defense has notified 16 more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casulaties to 1,129.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the RECORD the names of the next of kin of these 16 Alabamians.

There being no obection, the list was ordered to be printed in the RECORD, as follows:

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL FROM THE STATE OF ALABAMA IN CONNECTION WITH THE CONFLICT IN VIETNAM, APRIL 1, 1971, THROUGH JUNE 30, 1971

ARMY

Pfc. Joel R. Hankins, son of Mrs. Nellie M. Hankins, 1001 Mobile Drive, Southwest, Huntsville, 35805.

Sp4 Ralph W. Jones, husband of Mrs. Wanda L. Jones, General Delivery, Billingsley, 36006.

Sp4 Willis C. Crear, son of Mr. and Mrs. Alex S. Crear, Route 1, Box 1192, Birmingham, 35211.

Sgt. Joseph W. Johnson, son of Mr. William G. Waites, 168 Conley Circle, Montgomery, 36110.

Pfc. Kenneth E. Mims, son of Mrs. Mary N. Foster, 900 8th North Street, Clanton, 35045.

Psg. William R. Furr, son of Mr. Willard W. Furr, 413 Graftmore Road, Prichard, 36610.

Sp4 Levi J. Wilson, son of Mrs. Lillie V. Mills, 202 Harris Avenue, Saraland, 36571.

Msg. Arthur Glass, husband of Mrs. Evelyn L. Glass, Route 2, 145 B, Salem, 36874.

Cpt. Lee E. Grimsley, husband of Mrs. Martha D. Grimsley, Student Apts 8-C, Franklin Rd., Tuskegee Institute, 36088.

Sp4 Melvin J. Williams, husband of Mrs. Theresa Williams, 1250 N. Lexington Street, Birmingham, 35224.

Msg. Archie D. Carnell, husband of Mrs. Mary Carnell, 3223 Berkley Street, Huntsville, 35805.

Pfc. Jeffrey L. Cooper, son of Mrs. Dorothy L. Colvin, 516 Violet Drive, Midfield, 35228.

Sp4 J. C. Summerlin, son of Mr. and Mrs. Leonard J. Summerlin, Route 4, Box 217, Brewton, 36426.

1Lt. Robert B. Lecates, husband of Mrs. Martha P. Lecates, c/o Mrs. N. Smith, 204 South Richards Street, Florence, 35630.

Cw2 Carl W. Borchers, husband of Mrs. Christie S. Borchers, P.O. Box 103, Pinckard, 36371.

Sp4 Robert Eggleston, son of Mr. and Mrs. Leroy Eggleston, Route 1, Box 149, Leighton, 35646.

"COME, COME YE SAINTS"—A TRIBUTE TO THE MORMON PIONEERS

Mr. CHURCH. Mr. President, few sights are so inspiring as the Joseph Smith Memorial in Sharon, Vt. This gracious monument stands in a verdant grove amid the rolling hills. The serenity of the shrine stirs the mind to contemplate the greatness of the man in whose memory it was built.

From this very spot came a man who would change the course of American history. Not through wars, nor political prominence, nor great wealth. This man was different. This man rose up to become to his followers the voice of God in modern times. This man, and those chosen to follow him, have had bestowed upon them the title of prophet.

It was my great privilege to visit the historic birthplace of the Prophet Joseph Smith on a recent trip to Vermont. The occasion prompted me to reflect upon the course of events that followed his birth and subsequent founding of the Church of Jesus Christ of Latter-day Saints.

After a humble beginning in New England, the Church emigrated to Ohio where the faithful founded the city of Kirtland. But the persecutions they had suffered in Vermont and New York soon followed them to Kirtland. A new beginning was sought in and around Clay County, Mo. Once again, the animosity and hatred of their neighbors made it apparent that a further rooting up of homes and families had become necessary. This time the church sought to create a new city, free from the threats of Missouri; a city whose name would mean "beautiful."

The city of Nauvoo, reclaimed from swampland by the sweat and toil of the saints, was founded on the banks of the Mississippi and proved as seemly and beautiful as the designers had envisioned. Yet this city would witness the death, in nearby Carthage, of the Prophet Joseph Smith, and would come to be his final resting place as a mortal. Murdered by a mob of hate-filled men, his testimony lived on to inspire the members of the church in their trek westward to the "land of the everlasting hills."

The story of that legendary movement of the church to the Rocky Mountains is familiar to us all for it has been deeply etched in the annals of our history, a saga of heroism and sacrifice.

Yet, it is far more than a story of heroic deeds. It is a story of a people filled with a love for God. Consider the words from a famous Mormon pioneer hymn:

And should we die before our journey's
through,
Happy day, all is well.
We then are free from toil and sorrow too,
With the just, we shall dwell.

But if our lives are spared again
To see the saints their rest obtain,
Oh how we'll make this chorus swell
All is well, all is well.

Tomorrow, we commemorate the entry of these pioneers into the historic Salt Lake Valley where they built a beautiful Temple and have indeed made that chorus swell. We owe a deep debt of gratitude to each one of them, and it is only fitting that we should show our appreciation on the 24th of July by honoring their memory.

HUMAN LIBERATION AND WOMEN'S RIGHTS

Mr. PROXMIRE. Mr. President, The movement for greater political rights for women is gaining strength. It is time that we acknowledge this movement and do all we can to promote its legitimate ends.

This movement has come to be known as women's liberation or the feminist movement. I submit today that it would be better to call it the "humanist movement" and to realize that what it is calling for is an advance of the rights of all men and women. As Gloria Steinem, one of the most articulate of the movement's advocates, put it in an article in the Washington Post:

> This is the year of Women's Liberation. Or at least, it's the year the press has discovered a movement that has been strong for several years now, and reported it as a small, privileged, rather lunatic event instead of the major revolution in consciousness—in everyone's consciousness, male or female—that I believe it truly is.
>
> It is a movement that some call "feminist" but should more accurately be called humanist; a movement that is an integral part of rescuing this country from its old, expensive patterns of elitism, racism and violence.

Mr. President, it is time to take a stand for progress in human rights. Ratification of the U.N. Convention on the Political Rights of Women is one of the first actions needed. I feel very deeply that until this convention is in fact ratified, we will have difficulty standing before the people of the world, especially those whose nations have already signed the convention, and declaring that we are doing all we can in this effort. We have the responsibility as Senators to insure that our position on this issue is consistent. We must act across the board to create a new dedication to equal rights for all our citizens.

I believe Gloria Steinem in her article makes these basic points clear.

Mr. President, I ask unanimous consent that an excerpt from Gloria Steinem's article entitled "Women's Liberation Means to Free Men, Too" be printed in the RECORD.

There being no objection, the excerpt

was ordered to be printed in the Record, as follows:

Women's Liberation Means to Free Men, Too

I don't mean to equate our problems of identity with those that flowed from slavery. But, as Gunnar Myrdal pointed out in his classic study "An American Dilemma," "In drawing a parallel between the position of, and feeling toward, women and Negroes, we are uncovering a fundamental basis of our culture."

Blacks and women suffer from the same myths of childlike natures; smaller brains; inability to govern themselves, much less white men; limited job skills; identity as sex objects, and so on. Ever since slaves arrived on these shores and were given the legal status of wives—that is, chattel—our legal reforms have followed on each other's heels—with women, I might add, still lagging considerably behind.

President Nixon's Commission on Women concluded that the Supreme Court sanctions discrimination against women—discrimination that it long ago ruled unconstitutional in the case of blacks—but the commission report remains mysteriously unreleased by the White House. An equal rights amendment now up again before the Senate has been delayed by a male-chauvinist Congress for 47 years. Neither blacks nor women have role-models in history: models of individuals who have been honored in authority outside the home.

As Margaret Mead has noted, the only women allowed to be dominant and respectable at the same time are widows. You have to do what society wants you to do, have a husband who dies, and then have power thrust upon you through no fault of your own. The whole thing seems very hard on the men.

Before we go on to other reasons why Women's Liberation is Men's Liberation, too—and why this incarnation of the women's movement is inseparable from the larger revolution—perhaps we should clear the air of a few more myths—the myth that women are biologically inferior, for instance. In fact, an equally good case could be made for the reverse.

Women live longer than men. That's when the groups being studied are always being cited as proof that we work them to death, but the truth is that women live longer than men even when the groups being studied on monks and nuns. We survived Nazi concentration camps better, are protected against heart attacks by our female hormones, are less subject to many diseases, withstand surgery better and are so much durable at every stage of life that nature conceives 20 to 50 per cent more males just to keep the balances going.

The Auto Safety Committee of the American Medical Association has come to the conclusion that women are better drivers because they're less emotional than men. I never thought I would hear myself quoting the AMA, but that one was too good to resist.

I don't want to prove the superiority of one sex to another; that would only be repeating a male mistake. The truth is that we're just not sure how many of our differences are biological and how many are societal. What we do know is that the differences between the two sexes, like the differences between races, are much less great than the differences to be found within each group.

DAYTOP VILLAGE

Mr. JAVITS. Mr. President, since 1963 Daytop Village has provided rehabilitation facilities and services for young drug addicts in the New York area, and its growth is nothing less than phenomenal. From the original center serving only 25 addicts Daytop has grown to include 11 centers in both New York and New Jersey which now serve some 800 addicts.

During this same period their budget has increased from less than $100,000 to more than $2.5 million annually. This soaring budget is a perverse indicator of the ever-increasing national epidemic of hard drug use.

Daytop runs five "therapeutic communities," which are residential centers where the addict lives for up to 20 months while taking part in a series of rehabilitative programs. One of the aims of these communities is "to operate a program of activity designed to provide an addict with a value system and status organization leading to his eventual—and reasonably prompt—integration into normal society."

Each therapeutic community has continuing education, vocational, and cultural programs. In fact, a play produced by Daytop was a major success in New York City. Finally, I understand that Daytop is planning to initiate a training program for medical paraprofessionals, which I believe will be an important contribution in combating drug abuse.

Thus we can see that Daytop has taken an innovative approach to deal simultaneously with two of the Nation's most pressing problems, drug abuse and the health manpower shortage.

Mr. President, I ask unanimous consent that portions of the Daytop Village annual report entitled "The Aims of Daytop Village," "Sites of Daytop Village," and "The Daytop Process—a Structural Outline" appear at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

The Aims of Daytop Village

1. To organize an appropriate administrative apparatus for the control and supervision of large scale treatment and recovery facilities for the rehabilitation of drug addicts.

2. To establish the administrative machinery for the employment of staff, channeling and auditing of funds, so that there exists simultaneously a free, autonomous program for the rehabilitation of addicts combined with the responsible auditing and supervision practices demanded by a public agency.

3. To formulate and operate a program of activity designed to provide the addict with a value system and status organization leading to his eventual—and reasonably prompt—integration into normal society.

4. To develop awareness and responsible action on the part of community leadership (professional, business, educational, governmental) in respect to society's addiction problem through the medium of the Corporate Board of Governors, Trustees and Executive Board.

5. To establish re-entry-to-the-community-training for the recovered addict by his working in Daytop Village Outreach Center operations; an effort to challenge the recovered addict's growth while he attempts to engage using addicts in the community into motivating them into a treatment setting. The recovered addict from Daytop, as well as using this challenge mechanism in the community, is working intensely with the community agencies and the people of that community to gain their support in changing community attitudes and behavior that either contribute to or support addiction.

6. Finally, considering the project in its widest scope, we already see the implication: a need recognized with increasing clarity, particularly in a recent newspaper report that a possible solution to our dearth of trained manpower on a professional level is to prepare a new breed of workers, paraprofessionals, who are able to carry on roles in conjunction with professionals.

Sites of Daytop Village

Daytop Village facilities number 11 as of June, 1971; five Residential Treatment Centers, five Outreach Centers, and the Corporate Administrative Offices.

DAYTOP VILLAGE RESIDENTIAL TREATMENT CENTERS (THERAPEATIC COMMUNITIES)

Daytop Village, 450 Bayview Avenue, Prince's Bay, Staten Island.

Daytop Village, Route No. 55, Swan Lake, Sullivan County.

Daytop Village, 225-27 West 14th Street, Manhattan, N.Y.

Daytop Village, Trenton, N.J.

Daytop Village, Millbrook, New York (Duchess County).

The Daytop Process—A Structural Outline

PHASES OF THE THERAPEUTIC COMMUNITY (TC)

Phase I. Induction-orientation (1 month)

Activities

(a) group therapy
(b) educational seminars
(c) cultural and recreational activities
(d) in-house job assignments

Phase II. Therapeutic community (10 months)

Activities

Continuation of those in Phase I, plus authorized home visits and outside community activities, e.g., speaking engagements.

Phase III. Pre-reentry (2½–3 months)

Activities

(a) continuation of above group activities
(b) training in job assignments covering induction, administrative and community work
(c) outside social activities

Phase IV. Active reentry (1½–2 months)

Activities

(a) job responsibilities in Outreach Center
(b) continuation of group therapy

Phase V. Working Out (3–4 months)

Activities

(a) employment outside of Daytop, or involvement in school
(b) continuation of group therapy
(c) outside socializing, e.g., free weekends, etc.

ARCHIVES OF INSTITUTIONAL CHANGE

Mr. McINTYRE. Mr. President, there are now numerous studies underway by formal groups such as the Carnegie Commission on Higher Education, the newly created Commission on Libraries, and many others, both by single institutions and individual scholars writing on the history or social relations of universities or other centers of learning.

The value of such studies may be greatly enhanced if their findings are communicated to policymakers in Government, the foundations, learned societies, and the managers of institutions.

There are also many current proposals for change in such institutions, which might be expected to benefit from the widest possible consideration before being put into effect.

Thus, I have been most interested and encouraged to learn of a new venture called the Archives of Institutional Change, whose aim is to document the processes of change now taking place in our institutions, and to offer to said institutions timely information about proposals for change and the results of studies. This is done in many ways, but principally through its regular bulletin, Prometheus, which is circulated to scholars active in the field of institutional studies and to subscribing universities and other institutions. In addition to references to books, articles, and documents, Prometheus publishes proposals for socially responsive change within institutions of learning. The current issue includes proposals by Glenn T. Seaborg on new institutions for scientific cooperation with underdeveloped countries, by Dartmouth College on a new academic calendar, by the Cooperative Science Education Center of Oak Ridge, Tenn., on ways to involve schools and citizens in technology assessment, by the Smithsonian Institution on increased effectiveness for museum exhibits, and a variety of other proposals referred for comment to readers and correspondents of the bulletin.

I believe that these proposals merit consideration by Government agencies and others interested in the advancement of education and public service.

I, therefore, ask that the proposal section 13, volume 1, No. 2—July 1971—from Prometheus, the regular bulletin of the Archives of Institutional Change, be printed in the RECORD.

There being no objection, the proposals were ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS, WHITE HOUSE CONFERENCE ON YOUTH

1.2 SERVICE—LEARNING; TASK FORCE ON THE DRAFT, NATIONAL SERVICE, AND ALTERNATIVES

America's youth wish to serve their society. Every poll testifies to their desire. But our Task Force opposes a compulsory program of national service and opposes as well the creation of a large centrally directed federal program of voluntary national service. Instead we recommend that under the auspices of the Action Corps, support be provided for volunteer service projects which are locally conceived and directed, projects which take their direction from people who serve in them and from the people in the communities who are served. We particularly recommend programs of service-learning which are designed not only to meet pressing local needs but which also promote the educational growth of those who serve.

We oppose a compulsory program for the reasons cited by the Scranton Commission on Campus Unrest: "Whether in the form of pilot projects or a full-scale program, national service should be voluntary, and not as some have proposed before this Commission and elsewhere, compulsory. In addition to its enormous cost, a compulsory national service program would be an unwarranted infringement on individual freedom of choice. Nor should national service be considered as a method for reforming or replacing the draft. Proposals to make civilian service available as an alternative to the draft fail to resolve compelling problems of equity that plague any attempt to compare civilian programs with military service." Further, it would be hard to find proper work for unwilling civilian conscripts. And the device whereby the affluent and well advised now find ways to escape the draft would be used as well as avoid compulsory civilian service.

Service, then, should be voluntary. It must stand on its own merits, attracting volunteers who seek the satisfactions of doing a needed job, of learning in the process and, hopefully, of helping to accelerate some needed social change.

Service-learning is a relatively new idea. It links school and community. It is like the work-study or cooperative education programs in which students work part-time, or leave school for periods of work, then return for more study. But the number of part-time paid jobs is limited, whereas there are almost unlimited service jobs, as tutors, aides in health centers, mental institutions, day care centers, drug abuse and environmental programs, as parole officer assistants, and as interns in government agencies. But whether the program is paid-work study or unpaid service-learning, the objectives and the processes are much the same. Work or service is considered as much a part of education as studies in school or college. Academic credit is given for what a person learns. Students, teachers, and job supervisors agree on what is to be learned by the work or service and by what criteria success will be measured. For example, work in drug programs may include precise learning objectives in chemistry, sociology, or the law.

Projects like these are well underway in Urban Corps and College Volunteer programs. But, if they are to be expanded to other areas, money is needed for program development and for the training of project supervisors, who themselves may be volunteers who serve at subsistence pay for a year or two. Once under way, most of the costs of these programs can be borne by local schools and colleges, for service-learning would be a regular part of education which is designed to give meaning to formal studies, education which exposes the volunteer to future career opportunities, and education which breaks down the separation of school from community. The uses of society are learned by serving it. Academic credit at all times, from elementary school through college, is awarded in recognition of learning which takes place during service and in preparation for it.

Federal support can help launch these programs. But they can then be carried on by local schools and communities. The Task Force on Draft, National Service and Alternatives therefore believes strongly that national service should be voluntary and supports the following recommendations:

We reject compulsory national service. We also reject those national service proposals which would utilize service as an alternative to the draft.

We believe that all young people who want to serve their fellow men have an opportunity to do so. We believe that programs of service have much to offer both to those who are served and to those who serve. Accordingly, we recommend the following:

This task force endorses the creation of Action Corps to bring together volunteer service agencies (Peace Corps, VISTA, Teacher Corps, and other volunteer offices) to (a) expand opportunities available for full-time service and (b) to serve as an agency designed to further utilize part-time, nonpaid volunteers.

We further endorse an expansion of service-learning and work-study opportunities in high schools and colleges. Specifically, we call for programs of part-time or temporary service which have precise learning objectives and for which appropriate academic credit can be given.

After considerable debate about the need for an additional administrative body, and by a narrow margin, the task force adopted the following resolution:

We believe that service activities should be directed and financed at the local level to the extent permitted by available resources, and should include projects organized and directed by young people. Service activities should be underwritten by a public foundation at the national level. This public foundation should be able to receive public and private funds and be governed by a board of directors with a majority of private citizens, including representatives from those who serve and from local communities, and be ultimately responsible to Congress.

In order to provide support for the initial start up of local projects of service-learning and in order to assess the effectiveness of service-learning as a means of education which might in time offer opportunities for service to almost half of all Americans from the elementary years through and beyond college age, we supported the following:

That the President call for appropriations under existing Action Corps legislation sufficient to provide training for approximately 195,000 part-time volunteers and 5,000 full-time supervisors in order to test, over a two-year period, the feasibility of greater Federal assistance to locally designed and administered programs of work-study and service-learning. There should be several projects during this period with sufficient concentration of volunteers to test the ability of the projects to provide solutions to local problems such as delinquency, health services training and delivery, early childhood education, or comparable needs. Further, we recommend that the Director of the Action Corps undertake a program of research and evaluation to begin at the start of the above mentioned two-year trial program on June 30, 1971, and submit his recommendations regarding the feasibility of expanded Federal support for work-study and service-learning programs by June 30, 1973.

We are concerned that programs supported by the Action Corps be responsive to local needs and desires and we therefore advocated that the people who participate in projects and representatives from local communities served by Action Corps share in establishing the policies and procedures of the Action Corps and in the development administration and evaluation of local projects.

And we advocated that service-learning projects, including those for which Federal support is already available, such as the College Work Study and the Neighborhood Youth Corps programs, should serve the needs of local communities, particularly those in low-income areas.

3.3 STUDY EMPLOYMENT AND THE ACADEMIC YEAR CYCLE: TASK FORCE ON ECONOMY AND EMPLOYMENT

Every high school and college student should have the full opportunity for meaningful employment during the periods when he is not in the classroom. The benefits of practical work experience as an integral part of the educational process are recognized and accepted. Academic subjects become more relevant. Career planning and the development of realistic vocational aspirations become easier. Dropout rates decrease. Student income is supplemented. The development of individual responsibility and self-discipline is enhanced.

The principal obstacle to offering maximum student employment opportunities is the current academic year cycle resulting in the traditional "summer vacation." This places virtually all students on the job market during the same three month period.

Employers, both public and private, generally offer as many student jobs as possible during the summer months; massive organizational efforts are pursued in metropolitan areas and most large employers have developed special student employment programs. In other than the summer months, there are limited part-time and week-end employment opportunities.

The current academic year cycle must be changed to spread out the job opportunities. This change is a basic one, which would result in only one-fourth of the students in secondary schools and colleges being on extended vacation periods of three months at any given time. The change need not be universal; students in agricultural areas, as a practical example, would probably not benefit. But the vast majority of students in the United States would benefit, as would educational institutions and employers.

The best way to illustrate the proposed change is to take the example of a single high school; the example is applicable to a nationwide system, both in secondary and post-secondary schools: (1) Divide the calendar year into four equal quarters of 13 weeks each. (2) Design all academic courses to be of 13 weeks duration. Hence for the traditional 4 years of English, instead of 4 academic courses of 36–29 weeks each (or 8 semesters), the student would take 12 academic course of 13 weeks each. Decisions would have to be made for the single course offerings of ½ year duration, they would be reconstituted to either one course of 13 weeks or two courses of 13 weeks each. (3) Offer every academic subject each quarter throughout the calendar year. (4) The academic year for a student would be any three quarters, with vacation the remaining quarter. Students in each grade level would be divided into four equal groups, with each group scheduled to take vacations in different quarters. Special considerations such as members of the same family, sports and other organized extra-curricular activities, job opportunities, etc., would be given in scheduling. (5) Faculty staff would also teach 3 quarters and be off one quarter as a general practice, on a staggered basis.

The advantages to the change are many. All students off-campus during a particular quarter should have the full opportunity for employment. In addition: (1) The utilization of the school plant would be increased one-third. (2) The economy would benefit with a more even load on transportation and recreation facilities and further development of recreational resources and related services for tourists. (3) Employers could plan better job opportunities for students. Instead of extra jobs during the summers, permanent student positions would be created, with each one occupied by 4 students during the year. (4) Once families adjusted to the change better vacations could be planned; summer would no longer be prime vacation time. (5) There would be a requirement for additional faculty, the costs of which would be offset by maximum utilization of administrative and support staff, as well as a ⅓ increase in the use of existing school plants. (6) If colleges adopted the new system, it would greatly enhance the very desirable expansion of cooperative education programs. Arrangements between school authorities and employers for work-study and cooperative education agreements are now seriously inhibited by academic schedules.

Implementation:

The President endorse.

The Secretary, Health, Education, and Welfare activity plan, promote and assist.

The U.S. Office of Education through Congressional action, provide financial assistance to states for cost in implementation, which would not be great.

Governors of each State be encouraged to endorse.

Organizations representing the Presidents of Colleges and Universities, State Superintendents of Education, and other educators, such as the National Education Association, be encouraged to endorse.

4.5 COMMUNITY LEARNING CENTERS; TASK FORCE ON EDUCATION

The American elementary and secondary education systems have traditionally favored students intent on pursuing higher education rather than providing for the true needs of the individual. This traditional system was functional at one time because societal and economic needs required a large labor force and a small educated class. Also, in pre-technological times the labor force served as an alternative to formal education—allowing people to learn on the job and grow into positions of greater responsibility.

Today, education is a requirement for entry into the labor force, yet our educational institutions have largely failed to recognize and adjust to this change. However, there are examples of our nation mobilizing its human resources to meet new needs. In the past these mobilizations have occurred in the face of external threat, real or imagined. The crisis today resides within, yet demands the same total response. Our defense establishment has been able to train every individual to his maximum capacity and need. We have supplied soldiers with literacy training, therapeutic and preventive health care, and job skills. We must do the same with all of our citizenry. If we undertake to meet these specific needs, not only will American society benefit, but it will also permit the individual to grow in stature and to strengthen his self-image. These individual human concerns are of utmost importance to us.

We recommend the establishment of a new type of community learning center, a center that would marshal the services and make available the cultural (including those of the barrio and ghetto), educational, and business and industry resources of the total community. The community learning centers would help any learner obtain the kind of relevant education that is required by that learner at that time. We conceive of these community learning centers providing education for the world of work, continuing academic studies or for personal development and fulfillment.

Implementation:

Equality of education for all people does not mean that everyone should receive the same education.

Each student's educational program, at any time in his life, should be created to meet his individual needs. This necessitates creating more options than the present system provides, including utilization of non-school community resources.

Within a learning center credit should be granted for work experience—jobs, volunteer activities—that contribute to career choices. Work experience provides a chance to become oriented toward several kinds of work, to gain employability and socialization skills, to assume responsibilities and specific job skills. In addition, it allows everyone of every age to make a contribution to society.

Work experience also enables students to take advantage of facilities and equipment already existing within a community, thus reducing, in many instances, the cost of education.

These work experiences can be an important component in community involvement. Employers have a stake in assuring that their workers are receiving a relevant education. Additionally, community involvement is assured because there is no terminal point in public education—everyone can go to school to get whatever he needs at any time in his life.

Such a learning center should take advantage of the innovative, operational and administrative efficiencies and advantages which the comprehensive application of technological systems can make possible. The future of education lies in the expanded use of instructional technology which not only allows for individualization of instruction but frees the teacher to interact with each student.

Thus, educational media centers should be established which have community-wide responsibility for the planning, design, production and acquisition of teaching materials. These materials should be disseminated by a variety of delivery systems (radio and TV broadcasting films, cable TV, audio, video and film cassettes) and made available to learners. To achieve such a delivery system, the administration and Congress must provide additional funds.

Such a communications system built as an integral part of these learning centers could make the cultural and educational resources of the community available to support and strengthen existing educational institutions and training centers. These systems would also make teaching materials available to individuals or groups in the home, also the neighborhood.

Because the system is open to everyone at any time in his life, the learning centers should make available extensive counseling service by trained professionals to help all community residents determine their life choices.

5.2 NATIONAL ENVIRONMENTAL CORPS; TASK FORCE ON ENVIRONMENT

We recommend the establishment of a National Environmental Corps and support the introduction into Congress of the attached draft legislation (here omitted), but with the unanimous proviso that the Corps should be administered only by the Environmental Protection Agency. If the National Environmental Corps is to be made a component of the proposed Voluntary Service Organization, then it should be rejected.

The Corps shall consist of men and women who are permanent residents of the United States, its territories, or possessions, and who have attained age eighteen.

Corpsmen shall be selected for their potential contribution to environmental service, regardless of previous technical training or attained educational level; provided however that preference shall be given to disadvantaged youth.

Corpsmen shall serve for two years after completion of training.

The Corps, in order to achieve the greatest national good with respect to environmental action programs, shall be a component of and administered by the Environmental Protection Agency.

The Corps will:

provide manpower, other resources and opportunities for constructive involvement of the young people in local communities;

work with residents to organize educational programs with media coverage relating to the environment;

help groups of community residents to organize themselves and to share experiences across neighborhoods;

organize community debates on major legislative or executive programs that affect the environment of the community.

8.6 YOUTH SERVICE—LEARNING PROGRAM; TASK FORCE ON POVERTY

Manpower programs in the past have not adequately dealt with the employment problems of poor youth. Poor youth have been trained for irrelevant jobs which do not offer them opportunities for upward mobility. They have not been given the training and education necessary for securing self-satisfying jobs in their own communities. Therefore, we recommend that the following program be implemented.

A National service learning program should be established to serve all poor youth between the ages of 14 and 24.

Participants in this program should receive, in payment for their services, a salary of no less than the minimum wage with provisions for fringe benefits and salary increase on the basis of merit.

Participants should be trained for development of specific skills suited to their need for upward mobility. They should receive academic credit and also documentation of their skills which could be used as a job qualification.

Adequate supportive services should be provided, including counseling, health services, and provision for transportation to work.

Length of participation in the program should vary with individual skill and needs.

A follow-up progam should be established to ensure placement in an open job market after participation in this program.

Implementation:

A national body, separate from any existing body, should be established and authorized to administer this program and all existing youth manpower programs. It would contract and make grants to local public and private agencies which would conduct service learning programs, and it would develop and encourage greater participation by state and local institutions and agencies.

An advisory board, composed of 51 percent youth, would be established on a national and local level to advise and make recommendations to the national and local administering bodies in the areas of program planning and coordination.

Education and training of youth participants should take priority over administrative costs when determining economic allocations.

In areas where the local economy cannot support this program, such as Indian reservations, Appalachia, migrant camps and rural areas, funds should be allocated by the Federal government to develop and implement this program.

COMMUNITY SERVICE STIPENDS, A PROGRAM OF GRANTS TO SUPERVISORS

John A. Marlin, Assistant Professor of Economics, Baruch College, The City University of New York, suggests that faculty members and other well situated supervisors might be given funds to support the cost-of-living and program expenses of students working on short-term projects in areas of community need. He is conducting a study of the Budget Bureau of the City of New York and has received a small allowance for a student aide from Councilman Carter Burden. He suggests that a general program to provide this kind of assistant might allow many other faculty members to participate constructively in community service, while assigning students in finding socially meaningful short-term study opportunities.

The administration of such a program should be designed to confer maximum discretion on the supervisor. The funding agency would provide funds for a stated number of stipends, not review proposals from individuals or monitor their assignments, and receive a report from each student or a sample of the actual work completed. Supervisors who aided students in securing excellent results would become eligible for expanded support in years following. Such a program would allow faculty members to direct social service activities without having to rely on students able to absorb their own living costs. Comments are invited, as well as expressions of interest in participating in such a program.

JOHN A. MARLIN.

BOX 174, BARUCH COLLEGE, 17 LEXINGTON AVENUE, NEW YORK, N.Y. 10010.

OPPORTUNITIES FOR YOUTH PROGRAM, GOVERNMENT OF CANADA

The Opportunities for Youth program of $14.7 million (later increased to $24.7 million) was officially announced 15 March 71. Considerable planning on the part of a very small group had taken place in advance of that and Cabinet decisions setting up the program were taken toward the end of February. Basically the program sets out to fund projects proposed by, developed by, and planned by young people. The emphasis is on post-secondary students but that is not an exclusive emphasis by any means. In the short run the objective has been to provide as many jobs as possible in worthwhile activities. In the long run of course what we are attempting to do is provide young people with an opportunity to develop the capacity to plan, manage, and evaluate their own programs and activities.

The structure is simple. Projects are proposed by formal organizations, voluntary agencies, youth groups, citizen groups, and other non-governmental bodies. They are considered on the following criteria: the involvement of young people in the development, management, and evaluation of the project; the potential benefits to the communities in which projects take place; the development of new activities rather than simply extension of existing programs and services; and the cost per job, generally set at $1,000 for a three-month period. We received over 13,000 applications and the total amount of requests was over $200 million.

We rely on a variety of networks around the country to provide us with sufficient supporting information on projects proposed. These include volunteer organizations, service groups, and other government agencies. We have established a staff of 100.

Our projects fall into four categories. The first is research and environmental study. The second is social services: camps for handicapped youngsters, service to the elderly, and others. The third category is cultural programs such as music and theatre groups. A final category includes arts and crafts, development of recreation facilities, and sports.

About 70 per cent of our projects cost less than $10,000. These may receive up to half of their total approved budget in advance and must claim the balance based on statements of expenditures for approved items. A detailed evaluation that will embody much of our thinking and planning will be prepared and should be available this fall. A copy of the program leaflet, "Opportunities for Youth" "Perspective Jeunesse," is available.

P. C. MACKIE,

Coordinator, Opportunities for Youth, 130 Slater Street, Secretary of State Department, Ottawa, Ontario

A NATIONAL YOUTH SERVICE PROGRAM

(Proposed by Dr. Philip Handler, President, National Academy of Sciences, before the Subcommittee on Science, Research, and Development, U.S. House of Representatives, 21 July 70.)

Allow me to propose a National Youth Service Program which would offer stipend and tuition support to all students in good standing engaged in advanced education beyond the baccalaureate regardless of field, be it the natural or social sciences, the humanities, medicine, law, engineering, etc. In exchange, upon completion of their advanced educations, all would be committed to two, three, or more years of national service. I can think of no program which would find a warmer welcome among the highly motivated young people of our time. Those in the humanities, for example, might undertake teaching assignments in junior colleges or high schools, particularly in disadvantaged areas. Social scientists could be apprenticed to federal agencies or teach, much as would graduates in the humanities. Lawyers could serve two or three years in legal aid clinics or local government. Physicians could serve in a modernized Public Health Service, assigned to clinics across the country or to experimental health teams assessing new mechanisms for delivery of health care. Natural scientists and engineers could serve in federal laboratories or the multidisciplinary laboratories on campus of which I spoke earlier. The impact of this flow of motivated, highly trained young men and women throughout the diverse elements of our national life would be profound, exhilirating, and undoubtedly effective—a domestic Peace Corps, if you will—but of individuals thoroughly trained for their jobs. And it would surely more than compensate for the cost of their graduate educations.

I know that this would be a major change in our national life, and I appreciate the unlikelihood of such legislation in the very near future. But if we open such discussions today, we shorten the time until this becomes "an idea whose time has come"—the next extension of the historic process which began with publicly funded primary school education for all.

(From Prometheus, Volume One, number two (July, 1971), pp. 39–49. Published by the Archives of Institutional Change, 3233 P Street, N.W., Washington, D.C. 20007.)

CREDIT NEEDS OF YOUNG FARMERS

Mr. HUMPHREY. Mr. President, one sad result of the continuing inflation during a period of falling farm income and increasing unemployment is the almost insurmountable barrier that is placed before young farm couples just beginning on life's journey.

The cost of acquiring and equipping an adequate family farm has been going up year by year. At the same time the number of openings to go into farming on an adequate basis has been steadily decreasing. For the young farm couple of modest means the opportunity is rapidly disappearing, unless they are lucky enough to be in line to inherit, almost outright, a going adequate family farm.

At the same time with high unemployment rates for young persons, particularly in rural areas, the chances of making a start in life on an adequate basis outside of farming is also bleak.

There is every indication that our existing farm credit institutions are not meeting the need of providing secure credit for transferring farms between generations; beginning farmers are largely being forced to depend upon installment land contracts, which usually are of short term duration with harsh terms of repossession in case of temporary delinquency. Surely our young farming couples deserve better.

And unless the Nation wants to set up an inherited farming elite, we must open the way of opportunity for the educated but enrich young couple to join the ranks of our farming structure in the years ahead.

Dr. Walter Wilcox of the Congressional Research Service of the Library of Congress has brought to my attention a compilation of facts on this situation that deserve the thoughtful attention of the Senate.

Dr. Wilcox further indicates that there will be about 17,000 openings a year on the average over the next 15 years for beginning farmers to acquire adequate family farms. It would not be good for our Nation if all of these were reserved for those fortunate few whose parents are wealthy enough to set them up in a $150,000 to $200,000 business, which farming has become today.

I ask unanimous consent to have the Wilcox statement printed in the RECORD, so that we may all have an opportunity to study the facts of the grim situation facing young farmers today.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CREDIT REQUIREMENTS FOR BEGINNING FARMERS

There were about 106,000 voluntary transfers of farm real estate in 1969. Of these, only 27,500 were complete farm units that would provide an opportunity for beginning farmers. However, probably 10 to 15 percent were bought by farmers who were selling one farm and replacing it with another. Thus, there were about 25,000 farms that could have provided an opportunity for a new farm owner.

The major fraction of all land transfers in recent years involve the purchase of smaller farms, and unimproved tracts of land for the expansion of existing farms. In 1969, the number of such add-on purchases was estimated at 63,500, or 60 percent of all transfers and 58 percent of the acreage of all farmland sold. An additional 15,000 small farms and parcels of land were purchased for part-time and retirement farms. Such places would not provide sufficient land resources for full-time farming operations, and are acquired chiefly by nonfarm workers as rural residences, or by others approaching retirement.

The total market value of all farm real estate transferred in 1969 is estimated at $6,147 million, of which $2,405 million was spent for complete farm units, and $3,286 million for farm enlargement purchases. Part-time and retirement farms were valued at $1,628 million.

Sellers extended a total of $1,815 million in credit, or 58 percent of the total credit of $3,111 million associated with all farm real estate transactions. Most (82 percent) of the credit extended by sellers was in the form of installment land contract sales, for which the downpayment averaged 25 percent of the purchase price. Thus, a substantial amount of credit is extended by sellers, on terms that closely approximate those available to purchasers of urban residences from conventional lending sources. About half of the purchases of complete farms were financed by sellers under such terms in 1969.

COMMERCIAL LENDERS

In addition to sellers, commercial banks extended 9 percent of the credit used to finance farm real estate transfers in 1969, insurance companies, 8 percent, the Federal land banks, 12 percent, and other lenders, including the Farmers Home Administration, 10 percent. Downpayment requirements of all of these lenders, except the FHA, are typically 35 percent of the purchase price. Substantially more than half of the credit extended by such lenders (except FHA) is used to refinance existing loans to purchase additional land or for permanent improvements, rather than for the initial purchase of a complete farm unit. Thus, sellers, often related to the buyer, are the chief source of low-equity financing for beginning farmers. Such financing arrangements have worked out well for both sellers and buyers as foreclosures and defaults on contracts have remained at historically low levels in recent years.

NEED FOR NEW OPERATORS

Most of the over-all decline in numbers of farms in recent decades has been centered in that group of farms with annual gross sales of farm products of less than $10,000. An estimate for a recent year indicated that nearly 30,000 farms disappeared as a result of being purchased by other farmers for enlargement. Probably an equal number are merged with existing farms by means of rental arrangements. These are long-term trends reflecting the need for smaller farmers to expand in order to better utilize new farming techniques, to specialize in one or two products in order to compete more effectively for market outlets, and the widening opportunities for off-farm employment. In many regions of the country, a farm must be able to produce at least $20,000 in gross sales to provide full-time employment and reasonable labor and capital returns to the operator. Capital requirements for such farms range upward from $50,000.

Another basis for estimating the number of new operators that will be needed for "bonafide" commercial farms grossing $10,000 or more is to examine the present age distribution of these farmers, and to project the number who will be retiring 10 to 15 years from now. Such estimates for the period 1965 to 1980 indicate that about 15,000 new operators under 35 years of age will be needed annually to replace operators who will be reaching retirement age. There is an over-supply of operators who are now 35 to 45 years of age who are now operating farms grossing less than $10,000 who will be unable to obtain sufficient land by purchase or rental to make more efficient farming units. Finding off-farm employment opportunities for such middle-aged operators represents a more serious problem than attracting the entry of new operators.

CONCLUSION

Existing financing arrangements permit a sufficient number of beginning farmers to enter farming to provide the replacements required as a result of the aging of present operators. Because of the strong demand for land for farm expansion, there is little prospect in the foreseeable future that productive land will remain idle for the lack of someone to farm it.

REFERENCE SOURCES FOR RURAL DEVELOPMENT

Mr. HUMPHREY. Mr. President, many of the fiinest young men of rural America are making rural community development the main interest of their fine organization—the Future Farmers of America. I am presenting here for the RECORD a short list of some of the major references that may be useful for those who want to look into the subject of rural development and balanced national growth more deeply than daily newspapers allow.

We hope that these printed volumes of the Rural Development Subcommittee of the Senate Committee on Agriculture and Forestry will also be useful.

I ask unanimous consent that the list of references be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

REFERENCE SOURCES FOR RURAL DEVELOPMENT

1. *A New Life for the Country,* The Report of the President's Task Force on Rural Development, Washington, March 1970.
2. *The Economic and Social Condition of Rural America in the 1970's,* Prepared by the Economic Development Division, Economic Research Service U.S.D.A. for the Committee on Government Operations, U.S. Senate, 92d Cong., 1st Sess., May 1971.
3. *The People Left Behind,* A Report by the President's National Advisory Commission on Rural Poverty, May 1968.
4. *Urban and Rural America: Policies for Future Growth,* Report of the Advisory Commission on Intergovernmental Relations, Washington, April 1968.
5. *People of Rural America,* Dale Hathaway, J. Allan Beegle, and W. Keith Bryant. Prepared in cooperation with the Social Science Research Council, U.S. Department of Commerce, August 1968.
6. *Regional Economic Development,* The Federal Role, Gordon Cameron. Resources for the Future, Inc., May 1970.
7. *Strategy for Community and Area Development,* Gene McMurtry. Agricultural Policy Institute, School of Agriculture and Life Sciences, North Carolina State University, March 1970.
8. *Rural Development, Problems and Advantages of Rural Locations for Industrial Plants,* Agricultural Policy Institute, North Carolina State University, July 1970.
9. *Where Shall They Live?* James Sundquist. The Brookings Institution, Washington, February 1970.
10. *Guide to Federal Programs for Rural Development,* Sue and John A. Baker. Independent Bankers Association of America, Sauk Centre, Minn. 1970.

JOBS, THE REAL CRISIS

Mr. CHURCH. Mr. President, since January 1969 approximately 2.8 million persons have been added to the Nation's unemployment rolls.

Today nearly 5.5 million individuals are unemployed, 1.2 million have been out of work for 15 weeks or longer.

Especially hard-pressed during this economic slowdown have been middle-aged and older workers. According to the latest data available more than 1 million persons 45 and older have lost their jobs. This represents a 72 percent increase compared with their jobless level in January 1969.

Yet, this age group continues to be underrepresented in our Nation's work and training programs, accounting for only about 4 percent of all enrollees. In addition, they encounter other serious problems in locating new employment once they have lost their jobs. Many experience the bitter rebuke of bias on account of age, although we have a law prohibiting such practices. Technological advances have outdistanced the skills of others. Yet, suitable training or retraining is unavailable. And for those who are employed in a "deadend" type job, occupational mobility is quite frequently limited.

In a few days, the Senate Labor and Public Welfare Subcommittee on Aging, under the capable leadership of the distinguished Senator from Missouri (Mr. EAGLETON), will conduct hearings on two measures designed to help older persons to move from the unemployment rolls to the payrolls.

The first measure is S. 1307—the Middle-Aged and Older Worker Employment Act—which I have sponsored with the Senator from West Virginia (Mr. RANDOLPH). This proposal would establish a mid-career development services program in the Department of Labor to provide training, counseling and supportive services directed at the unique and growing employment problems of persons 45 and older. Additionally, this bill would authorize strike forces to provide recruitment and placement services in communities with substantial unemployment because of a plant shutdown or other large permanent reduction in the work force.

A second measure—the Older American Community Service Employment Act—will also be considered by the Subcommittee on Aging. This proposal, which I have sponsored with the Senator from Massachusetts (Mr. KENNEDY), would provide new opportunities for community service employment for low-income persons 55 and older. Moreover, it would provide a basis for converting some of the existing pilot programs—such as Green Thumb, Green Light, Senior AIDES, and the Senior Community Service programs—into permanent, ongoing national programs.

A recent article appearing in the Washington Post describes in very human terms the employment problems encountered by middle-aged and older persons. In addition, this account provides cogent reasons for support of the legislation which will soon be considered by the Subcommittee on Aging.

Mr. President, I commend this article, entitled "Jobs, the Real Crisis," to my colleagues, and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOBS, THE REAL CRISIS

(By Keith Bose)

I am unemployed. I am not part of an ethnic minority. My great-grandfather voted for Abraham Lincoln and wore Union blue. I am part of an increasing number of so-called "middle-class" unemployed who are now viewing the splendor of the nation's economy from its soft under belly. Our numbers will increase in this new decade. We are only the vanguard of future legions as 20 million more workers come of age in the next 10 years.

Many of Richard Nixon's Silent Majority are discovering that only the thickness of a regular paychecks separates Middle America from the slum. In our preoccupation with the superfluous glitter of the affluent society, we have failed to discover that true affluence must be backed by ownership. Middle America does not hold title to its affluence.

We are not true bourgeois, for we are unproperties. We buy precarious status on time payments. Our chattels become worn-out and obsolete when title passes to us. Our "affluent" consumer economy is a vast parasite feeding on our earnings and neither frugality nor industry will help us escape.

There is a creeping sensation of futility which follows the white-collar worker to his job these days . . . a feeling of being an expendable pawn in an economic system which does not, in fact, include human service in the tenuous fiction of the Gross National Product. The white-collar worker suffers from a pitiful lack of bargaining power. If Black America is crying for recognition, White Middle America is praying that the myth of indispensability will endure.

HUMAN SURPLUS

Behind the facade of white stability lurks the haunting realization that the economy as presently constituted has a tragic surplus of white-collar workers. It is finally becoming possible to garner bland statistics to support facts which the Middle American has felt in his bones for a long while—that more and more workers are becoming surplus and therefore fall under the control of Parkinson's Law: Trivial, superfluous work expands as more and more people become available to do it.

Those who want to understand Middle America must understand that the maintenance of uninterrupted regular wages is mandatory to our very existence. If we appear uninterested in the politics of government, it is because we are consumed by the politics of keeping our job. Without our regular paycheck, we become indigent wards. We know that the constitutional guarantee of life, liberty and the pursuit of happiness has a hollow sound when our income may be unaccountably destroyed without the intercession of judge or jury. Lawyers are not willing to defend WASPs who have been fired.

An unemployed middle-aged former department head of an electronics firm tells it this way:

"At 4:30 on Friday I was called into the conference room. Charlie and Phil were sitting there with a small pile of papers. I sat down. My hands were sweaty.

"Charlie began the conversation, 'As you know, business is off. We are going to have to terminate you effective today . . .'

"I didn't have any witnesses with me, and they had each other covered. They gave me papers to sign. I asked to be allowed to take them home first to look them over.

Phil said, 'You will have to sign them now so we can clear you by 5 o'clock.'

"And that's how it was. After 25 years—the bastards terminated me in 15 minutes."

"MIDDLE-CLASS WELFARE"

The psychological pressure on us is soul-destroying. Soon in our careers we trade ethical and professional judgment for a regular salary. We were compromised. Buried in the trivia of our "career," we drifted without protection along a debt-ridden path to nowhere. For many of us, outstanding skill and moral judgment were a hindrance.

There is a satisfying notion that employment is related to education. We have been told that any number of jobs are available if only people with education and experience could be found to fill them. For many of the unemployed and underemployed, these assumptions have become a cruel hoax.

The honest need for mechanical, electronic and other specialists was met long ago.

Some sections of the United States, have been shocked by unemployment in the aerospace industry. We had forgotten that government-sponsored industry sparked earlier growth.

World War II and Korea thrust manufacturing into the peaceful potato fields. During the '40s and '50s military aircraft poured from runways. But as the 1960s dawned, large-scale production of military hardware faded. To get contracts, firms doing business with the government pushed for glamor products framed in the mystique of "systems design," which featured large proportions of engineering personnel with fewer blue-collar production types.

On the surface it would appear that the "defense worker" is well-paid for trivial work, hence more fortunate than those burdened by the competition of a free marketplace. Unfortunately, the defense worker was not as well off as it seemed even before the present massive cutbacks. Many jobs in Pentagon-sponsored work do not exist in ordinary commercial entrprises. Once a worker accepts this line of endeavor, he is forever doomed to depend upon the vagaries of Pentagon contracting for his lifework.

A few days ago, one unemployed systems engineer, sitting in his tastefully furnished living room, exploded: "The aerospace industry is middle-class welfare in disguise." These are bitter words, and many would like to dismiss them as sour grapes.

But it would be interesting for someone to examine the curious process whereby millions of middle-class Americans are able to find a job in the first place. Examination of the "help wanted" section finds many exotic specialties. A recent newspaper lists:

Manpower development specialist
Production traffic analyst
Quality assurance supervisor
Logistic control engineer
Financial aide
Planning analyst

All of these positions stipulate graduate degrees coupled with ponderously described past experience. Sometimes these jobs disappear when business sags—a process which appears in the financial pages as "trimming the fat." And few businesses are immune from fat-trimming. Edward Booher, a vice president at McGraw-Hill Inc., told The New York Times:

"We've reduced our staff five per cent across the board, or about 250 people, since last fall . . . I wouldn't say it was just because of the recession. We've grown so fast we found that we had to stop for a while and start eliminating some duplicate functions."

In such a way we describe 250 human tragedies. Now there are 250 souls adrift among the statistics, none of whom can become "manpower development specialists," "planning analysts" or God knows what because a vast, coercive mechanism has been erected that is weighted heavily toward the employer with jobs to offer.

BUYING SLAVES

A familiar psychological ploy is to capture the loyalty of the mediocre professional by paying him far more than he can earn anywhere else. This ancient technique is always good for a faithful slave. It is a characteristic of Pentagon-sponsored firms, since the government picks up salary tabs. Yet it is dangerous to assume that unemployed professional workers are dolts who may be neglected by politicians.

Figures presented by the shamans of the Bureau of Labor Statistics are being called a fraud by a loosely organized group of unemployed professionals who spend time between job-hunting in research. One unemployed engineer has discovered that 67,000 engineers have disappeared from the government count over the past year. "When an engineer becomes a taxi driver, and gets laid off, he is no longer an engineer but an unemployed taxi driver, according to the government. I never had much confidence in bureaucracy, but now I am losing confidence in government itself," he says.

Unemployment percentages are a political device. Such figures as '7.9 per cent' imply great accuracy, but the statistical sampling processes are never questioned," says another. Employment in Pentagon-sponsored industry is down by 30 per cent. It does not seem possible for this many specialists to have found re-employment in the depressed civilian economy. It would be more logical to assume that these men are unemployed or partially employed, and have disappeared from the population count of the Bureau of Labor Statistics.

The key to Middle America is silence. When Richard Nixon pandered to his Silent Majority, we responded with the smug assumption that we were silent out of inherent dignity. Now we are unemployed, and we are agonizing with introspection. Richard Nixon insults us by calling attention to our silence. Did he know that we were silent out of laziness, stupidity and fear?

Laziness is unpleasant to admit. We have basked in the fiction that Americans are ambitious. But for the hundreds of thousands of middle-aged men now unemployed, we cannot look back upon evidence of ambition. Our adult lives began when we were drafted for military service. The furor of the media over Vietnam hides the fact that the life of an American serviceman is easy by international standards, and disgracefully few soldiers ever really fight. Even in the fury of World War II fighting, only a handful of soldiers were in actual contact with the enemy and therefore in any amount of real danger. For those serving in Germany or Japan after World War II, life could be absolutely idyllic.

After brief military service, as new adults we became eligible for subsidized college attendance under the GI Bill. College during the '50s was more an exercise in conformity than an intellectual experience. That was the beginning of our stupidity, in the days of the organization men who passed psychological tests and believed that the world cried for their services in vague contributions which still remain undefined. That was the decade when 2,400,000 of us accepted "professional" and technical jobs.

Professional life for us became an exercise in trivia, relieved only by the pleasures of split-level materialism. Buried in a job characterized more by jargon than the discipline of honest technology, we took little interest in politics, and we are baffled by the political gimmickry of today's campus.

But millions more workers have come of age, and gradually, over the past decade, competition for jobs has grown vicious. At some point in the life of every idealist comes the discovery that the virtuous worker is not necessarily rewarded. There was probably a time in a pristine economic order when lower-level workers could find a small measure of security simply by doing their job. Today craftsmanship and excellence are nostalgic relics.

As the economy exploded during the 1950s, garrulous young personnel officers circulated pleasant rules for management-employee relations. The cult of "professionalism" guaranteed civil and amenable relationships. It was by and large a happy time for Middle America.

Now much has changed. We were seduced by the glittering marketplace, and now we have been left alone and helpless to contemplate the birth of the bastard conceived in a drunken liaison when we fancied ourselves a legitimate part of the relentless economic power structure which now mocks us.

A MASSIVE IGNORANCE

Few of us read well and our ability to communicate in written English is a travesty, highlighting the fraudulent educational process which produced us. Aside from the elusive requirements of our daily tasks, we have added nothing to our knowledge which cannot be presented on a 19-inch screen.

Vaguely we realized that we had no trade skills in the accepted sense. At some point in our careers we became conscious that we had no profession at all, and we hungered for a secret jargon to protect us, as hippies devise secret words.

Our political naivete is appalling. We have no idea who the men are who finance our local congressmen, and many of us do not even know the name of our congressman. We have been taught that power itself is in bad taste, and we shy away from coalitions, workers' unions and meaningful community relationships. We are dimly able to perceive that politics is a power game based upon the art of careful lies, but remain so ignorant as to fall for the most superficial falsehoods.

Our burgeoning suburban neighborhoods are unlike the immigrant neighborhoods of an earlier day, whence we allegedly came. We lack the organization of family ties, parishes and clubs of those early days, and cannot even call upon the paternalism of a local political boss when circumstances crush us. We men haven't even the good sense to congregate in a corner bar to exchange homely wisdom.

Being unemployed forces us to become amateur politicians and economists. In the pursuit of this new interest, we unemployed people know that credit manipulation and Federal Reserve currency maneuvers are a long way from producing jobs in an economy which will be joined by 20,000,000 new workers in the next 10 years. Black Muslims are closer to reality when they propound the religious tenet that America will never be able to furnish enough jobs for the millions of white unemployed, let alone 20,000,000 blacks.

So much for our laziness and stupidity, but what about fear? Imagine us in our black hornrims, clad in wrinkled Bond suit, clutching our briefcase of miserable trivia, hurrying through our bureaucratic halls. What do we fear? Maybe it is our own ignorance.

THE ISSUE IS JOBS

By now my plaintive theme should emerge: that the tragic issue of the United States is not even being debated. The population of America has increased by 26,000,000 in the past 10 years. Each day industry learns to produce more by using less people in honest work. The pressure is being felt throughout the working force. Nothing in economic theory will give these surplus citizens power to bargain in the marketplace for their existence as human beings, let alone defend constitutional rights. We are coolies, hiding in the tinsel of suburbia. Civil laws are a means of pious bargaining for power, from which we are excluded. Outworn class codes of conduct have only allowed us to be manipulated.

The largest, most powerful institutions of America are those which administer to our surplus population. That explains the enormous growth of colleges and our military establishment. The inherent characteristic of any military establishment is that it provides the means of occupying the services of legions of men. In World War II, we mobilized 13,000,000, although at the peak of the fighting in Europe only 250,000 were in contact with the enemy.

Incidentally, with all these removed from the labor force, we still outproduced the world. The fatuous argument that modern warfare requires vast numbers of rear-area troops explains nothing. Vast legions of support troops are a peculiarly American characteristic.

Looking back on my life so far, I am impressed with the tragic waste of human potential in our system, and this is a terrifying paradox. Our unemployment rate is the greatest in the Western nations, yet so much is dying with neglect. We have become a nation of mythmakers. We do not have a racial problem—we have a problem of unemployment. We are feeding the black man with the cruel lie that through education he will become a productive worker. Then we spend billions on glamorous electronic computers when we have millions of wasted human brains with inherent properties of reprogramming and memory recall far beyond those of any computer.

In the history of civilization, America has now added a new face—the throwaway, pop-top culture. Among the billions of tons of nonreturn bottles and sad hulks of automobiles, we have now added the middle-class worker. Experienced technical workers and middle management are added as layoffs continue.

I entered adult life just as World War II erupted. That was the beginning of the economic orgy which is now sputtering to an end, even though the President of the United States has finally discovered Keynes.

During the early 1940s, I watched men who would make good peacetime lieutenants or majors become bungling division commanders. After the war came the freeloaders. The freeloaders sprang from nowhere as polywogs in a casual puddle become hopping, croaking frogs. The rapid expansion of an artificial money supply puts freeloaders everywhere. They come from business, the scholarly professions, military life. You find them advising the President, milling about a bloated campus, working for the Chamber of Commerce, choosing target for supersonic bombers. Many have now climbed onto the kiddie bandwagon, cheering campus idiots and finding profound meaning in the half-baked mouthings of bored kids. These are the men who claw to the top by trafficking in cruel myths . . . ambitious dullards who manage to extract tenure from tenuous fiction.

A HOPELESS CASE?

As the 1970s progress, I am sadly looking into the bleak premature end to my productive life. I am the vanguard of surplus humanity, cast aside when an artificial money supply would no longer reward us for remaining silent in the face of moral, ethical and institutional decay brought on by the overproduction of trivia. Now that I have lost my meager salary, I have little more to lose. Now I speak freely about the feelings that I was paid to suppress throughout 25 years of service to a grotesque machinery that brought me nothing.

And as Montaigne, "I speak truth, not so much as I would, but as much as I dare; and I dare more as I grow older." I cheered when Spiro Agnew castigated his "corps of effete snobs," not from glee, but from bitter sadness. I am an American without voice. My thoughts find no value in the marketplace.

I am compelled to conclude my plaintive remarks by noting that they are not aimed at the so-called Establishment, or any contrived group. I am only pointing out a problem of great magnitude, an insidious, creeping, treacherous problem that those who are victims cannot voice.

America has a dangerous problem of unemployment, and it is growing. The highly visible presence of theoretically disenfranchised minorities is only the manifestation of an economic fact: the United States has always had the highest unemployment rate in the Western world.

For those who would fondly retreat into the verbiage of worn-out ideologies, I would point out that the tired cliches of the Left—the dogma Karl Marx propounded on the kitchen table of his London apartment more than a century ago—have run their course. Apple-pie Americanism is a grotesque cotillion of the selfishly conservative right wing. From Marx to Keynes, the assumption has been that the intelligent and educated will always find their services of value in the human marketplace. This notion is reaching an ignominious end.

When we focus on the bare skeleton of any economic scheme of things, we must admit that compensation for useful labor is a classic form of legally recognized distribution of money to the populace. The system is breaking down because we have contrived a socioeconomic system which denies the vast bulk of society the right to perform economically useful services.

Maybe it is time for us to redefine work . . . then get back to work.

THE SALT NEGOTIATIONS

Mr. CRANSTON. Mr. President, the SALT negotiations, scheduled to resume in Helsinki next month, represent renewed hope that a mutual reduction of nuclear arms may be in the offing. Humanity cannot function effectively with the tensions that have been so heavily thrust upon us in this—the nuclear age. It is vital that proper steps be taken to break the deadlock of previous discussions without endangering our own security at home and in the free world.

That is why I have joined in cosponsoring Senator HUMPHREY's proposed amendment—No. 244 to S. 939—to the military procurement authorization bill. This important legislation would place in escrow all funds currently assigned to the MIRV program—about $1.3 billion. If it is ever deemed necessary by both the President and the Congress that our Nation's security demands the testing and deployment of the MIRV's, the money would be readily available in a special account.

I have further cosponsored Senate Resolution 151 which would call upon the Governments of the United States and the Soviet Union to enter into a mutual freeze on both defensive and offensive nuclear weapons for the duration of the SALT negotiations. I feel that this, too, would greatly contribute to a successful meeting in Helsinki.

Mr. President, the time has never been riper for these negotiations. The time has also never been more appropriate. It is my firm belief that these two pieces of legislation will contribute greatly to the substantive success of these talks which is so vitally needed to preserve peace in the world.

UNITARIAN UNIVERSALIST RESOLUTIONS

Mr. GRAVEL. Mr. President, a little over a month ago the 10th General Assembly of the Unitarian Universalist Association was held here in the Nation's Capital.

At that time the assembly adopted a series of resolutions on some of the issues facing the Congress and the Nation.

I was privileged to meet with members of the general assembly at their United Nations dinner and was impressed by their sincerity and desire to work for a solution to our many problems.

Mr. President, I ask unanimous consent that the text of the general resolutions on public policy be printed at this point in the RECORD so that all of us may be aware of their concerns and ideas.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NATIONAL HEALTH PLAN

Convinced that a federally sponsored health insurance plan has become mandatory in view of the fact that the health care costs have continued to soar;

Be it resolved: The Tenth General Assembly of the Unitarian Universalist Association urges all member societies to support a National Health Act to be acted upon by the 92nd Congress of the United States, under which the federal government would provide the legislative and administrative machinery whose provisions would be identical throughout all fifty states of the Union, to make certain that hospitalization and medical services and materials be made available to all;

That specifically:

1. Adequate pre-natal, hospital and post-natal care be provided every mother and child.

2. Family planning, birth control, abortion services and information be made available to everyone wanting them free of charge without regard to age or marital status.

3. Pediatric care, inclusive of all immunization necessary, be made available to every child.

4. Mandatory physical examinations be made of every child before entering school.

5. Adequate health care for the physical, mental and social well being of the elderly be made available including provisions for custodial and terminal care.

6. All medical, psychiatric, psychological, dental, ophthalmic and other care and/or devices be provided to every person requiring them.

7. Medical research be provided for the purpose of extending the life span of men. (According to the 1970 Census, there are 74 men to every 100 women over the age of 65. We feel that medical research should investigate the reasons and possibilities of prevention of the early death of our male population.)

8. Out patient Family Health (medical and mental) Clinics be available in both rural and urban areas.

And that the Federal government, in collaboration with competent medical, sociological, and educational authorities, establish a greatly expanded program of medical education, so that an adequate number of people are prepared for the medical and paramedical professions to adequately take care of the future medical needs of all of our people;

And that this all inclusive health plan be financed by major Federal contribution but with participation by local government units, the private sector, and, where possible, by the individual consumer.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

AMNESTY AND REPATRIATION FOR WAR RESISTERS

Because: the Canadian Council of Churches' 1969 estimate of the number of United States military refugees and draft resisters was 60,000 with projections of 20,000 per year together with substantial numbers of similar expatriates in other countries; and

Because: most of these young men left the United States after a decision of conscience over the prospect of assisting in an illegal, immoral Vietnam War; and

Because: Unitarian Universalists respect such demonstrated allegiance to personal conscience and to the affirmation of life;

Be it resolved: The 1971 General Assembly of the Unitarian Universalist Association direct its continental offices in Boston to use its power of advocacy to bring about enactment of United States legislation which grants amnesty and repatriation to those men who are in prison or in self exile by reason of refusal to serve in the Vietnam War; and

Be it therefore resolved: That the 1971 General Assembly of the Unitarian Universalist Association affirms its support of the efforts of the Canadian Unitarian Council to raise funds from Unitarian Universalist societies and individuals to aid in ministering to the needs (physical and spiritual) of American expatriates.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

ENVIRONMENT

In view of the widespread and serious problem of pollution of our land, air and water;

In view of the rapid depletion of many of our non-renewable natural resources and the dangerous exploitation of our renewable resources; and

In view of the declining quality of life in our towns and cities, with ever increasing noise, crowding, and crime rates.

Be it resolved: The delegates at the General Assembly of the Unitarian Universalist Association, gathered in Washington, D.C.:

Urge all Unitarian Universalists individually and collectively to inform themselves about the hazards of overpopulation and pollution and to act in their personal and public lives to counteract those hazards in every way possible, and to influence others to act in the same manner;

Urge all Unitarian Universalist societies which have not already done so to establish and sustain environmental protection committees, including political action groups to influence public officials and others to act in environmentally responsible ways; and

Urge all Unitarian Universalists as individuals, as members of groups and as a continental denomination to press for legislation at all levels to diminish the level of pollution and to ameliorate the population problem in the hope that we may bequeath to the next generation a world ecologically stable and ethically sane.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

PEACE IN SOUTHEAST ASIA

Be it resolved: The Tenth General Assembly of the Unitarian Universalist Association urges the President of the United States:

1. To order the Joint Chiefs of Staff to issue a cease-fire to all American troops in Southeast Asia immediately; also, to announce and plan a complete and immediate withdrawal which in no way will be contingent upon the progress of peace negotiations.

2. To cease all aid by the State Department, and all other agencies of government which contribute to the military buildup of the countries of Southeast Asia.

3. To promote creation of an interim coalition government for South Vietnam which will include representatives of all factions of any appreciable size in the country.

4. In recognition of our basic responsibility for much of the destruction in Southeast Asia, to do two things:

a. Create an emergency relief agency charged with the responsibility for providing hospitals, medical care, food, sanitation facilities and housing.

b. Request an immediate appropriation in the amount of six billion dollars to the United Nations Development Program, earmarking it for the development of industrial and agricultural productivity, education, public utilities, public health and social services in the countries of Vietnam, Laos and Cambodia.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

PENAL REFORM

Recognizing that the rapid increase of violent crime accompanies a vast public ignorance and prejudice about its causes and methods of correction as seen by modern experts;

Noting that the majority of persons arrested are males between 10–30 years, suffering such social injustices as poverty, racism, poor education;

Further noting that public pressure for punishment has resulted in barbaric prison and jail systems productive of more crime;

Be it resolved: The General Assembly urges its members and member societies undertake programs to: (1) educate members and non-members on the failure and inhumanity of punishment and on existing local, State and Federal detention facilities and prisons; (2) stimulate reforms of the present systems of criminal law and justice, giving emphasis to all rehabilitative services; (3) reform practices of pre-trial justice, including Bail Bond programs or others where local efforts can have substantial effect.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

Civil Liberties

Whereas, the Unitarian Universalist Association opposes any kind of surveillance of private citizens or government employees; and

Whereas, we feel that such surveillance leads to a potential for control and intimidation that is alien to our form of government and foreign to a society of free men and women; and

Whereas our society has progressively become more information-oriented, creating a potentiality for abuse and misuse of validly gathered information; and

Whereas, the U.S. Army Intelligence and others have had at least a few of our Unitarian Univeralist churches under surveillance;

Be it resolved: The Unitarian Universalist Association go on record as opposing any governmental abuse of surveillance whether by means of professional data gathering systems, census forms, federal questionnaires, interviews, Army investigations, wire tapping, or data banks; and

Be it further resolved: The General Assembly of the Unitarian Universalist Association urges:

1. The President to exercise the moral leadership of his office as recommended by the Scranton Report on campus unrest.

2. Support of Congressional hearings to consider the total impact of data collection programs on the preservation of individual rights.

3. Congress to uphold the constitutional protection of individual rights to privacy and the right of an individual to remain silent about himself and herself.

4. That the federal government inform the recipients of these questionnaires of their rights with regard to these forms, including the fact that the forms are voluntary, and the reason for the collection of the information.

5. Citizens should have the right to examine any governmental files concerning themselves. The President and the Congress are urged to issue appropriate executive orders and to pass legislation to effectuate this objective.

6. Urges our members to join and support the American Civil Liberties Union.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

Child Care Centers

Recognizing that there is widespread need for child care centers, that millions of children in North America are receiving either substandard supervision or no supervision;

Aware that growing numbers of mothers take jobs because of economic necessity, desire for job training, and continuing education; that child care centers are needed for other reasons, such as illness in the family, special problems of handicapped children, or for other compelling causes;

Acknowledging that the needs of children, our best resources for the future, must receive immediate and special attention;

Be it therefore resolved: The 1971 General Assembly of the Unitarian Universalist Association

1. Urges that highest priority be given in the United States and Canada at all levels of government to funding and activating quality, professional child care centers with effective standards, licensing, inspection and enforcement.

2. Urges that funding be accomplished additionally through private grants and fees from parents where feasible.

3. Asks that member UU societies initiate study programs so that they can intelligently participate in the structuring of quality centers.

4. Asks that societies of this denomination consider use of their facilities for weekday child care centers.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

Rights of the Poor

Believing that the rights of human beings include the rights to minimum income, adequate housing and legal services and dignity in old age; and

Believing that it is the responsibility of government to secure, protect and defend these rights, and to provide appropriate services to implement them;

Therefore be it resolved: The 1971 General Assembly of the Unitarian Universalist Association urges that the United States Government and the Government of Canada:

1. Provide family income through a program of income maintenance adequate to meet needs for food, clothing and housing; and

2. Commit whatever resources are necessary to provide a decent home for every American and Canadian family; and

3. Enact legislation to achieve equity in tenant-landlord relationships, protecting the rights of both tenants and landlords; and

4. Enlarge legal services for the poor and disenfranchised throughout the United States and Canada, with appropriate funding, without political harrassment, manipulation and intimidation.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

THE SITUATION IN EAST PAKISTAN

Mr. McGOVERN. Mr. President, the present situation of bloodshed and repression in East Pakistan should concern us all. After the cyclone disaster of last year, this devastated land has been victimized by official violence. One need only read the report of the mission of the World Bank to be moved by the sufferings of the Bengalis. For example, in the town of Jessore, where 80,000 lived a few months ago, only 15,000 to 20,000 people remained; 20,000 have been killed and the rest of the population has fled into the countryside.

As we have learned in Southeast Asia, however, this Nation should maintain official neutrality during internal conflict and civil strife. But neutrality does not mean we must support the unjust policies of West Pakistan with further shipments of aid.

At this time, American aid to Pakistan, which goes to West Pakistan, is continuing. This month the Pakistani freighter *Padma* is carrying $2 million of American military equipment back to Karachi. This Nation cannot afford the luxury of subsidizing a government which holds power through the use of force to suppress the majority of its population.

In addition, as the World Bank mission reported earlier this month, the economic disruption in East Pakistan has been such that economic assistance to this region is bound to be ineffective. This Nation should follow the lead of the Bank and discontinue aid payments until the situation is stabilized. The damage wrought in East Pakistan by civil war cannot be healed by financial aid which will be diverted to the West.

However, two emergency situations in the area demand immediate attention. The present chaotic state of East Pakistan, where much of the population is in hiding in the countryside and where over 7 million people have fled the country, raises the very real possibility of famine. Crops have been left untended and the commercial life of the nation has been devastated. Communications and transportation are haphazard. The most appropriate American response would be shipments of medical supplies, grain and other foodstuffs to the Bengalis under the auspices of the Red Cross, or some other international organization, not a continuation of financial aid. This would guarantee that American assistance would only be granted to those suffering under the heel of Pakistani repression, and would hopefully avert at least one tragedy for the Bengalis.

The refugee situation in neighboring India also requires action by this country. The large-scale influx of refugees has sorely taxed the resources of India. We should extend support to India for her humanitarian efforts to assist the fleeting Bengalis. We must maintain our neutrality in an internal conflict of this sort, but neutrality can never bar assistance to the victims of repression and exploitation. Food and medical shipments and funds earmarked for refugee relief should be granted the Indians to deal with the grave situation they face.

Mr. President, I ask unanimous consent that the excerpts from the report of the World Bank mission, which were published in the New York Times of July 13, be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts From World Bank Group's Report on East Pakistan

MISSION'S REPORT

The situation is very far indeed from normal; nor are there any signs that normality is being approached or that matters are even moving in that direction. For this picture to be changed it appears that, as a minimum, two formidable constraints must be removed or overcome.

1

The general sense of fear and lack of confidence on the part of most of the population.

The immediate manifestations of this fear and absence of confidence are the persistent failure or refusal to report for duty, which is particularly prevalent among the lower grades of civil servants and workers but is far from absent at the higher levels, and the general hesitation of those who have returned to expose themselves either physically or in the realm of policies and ideas. Few are functioning properly. The effects are evident throughout the administration and the private sector, as well as in the (lack of) interaction between the two; and the result is recorded in the nonresumption of normal activity throughout the economy.

Furthermore, there are no signs that the situation will improve significantly or rapidly. Two dates—April 21 and June 15—were set by the Government for all workers to return to their jobs without prejudice. The second date has now passed, and still the calls and professions of "normalcy fast returning to complete normalcy" are going out. But people remain afraid and untrusting, and it is most unlikely that economic pressures can or will be generated which are sufficiently strong to overcome this reserve.

If the condition of fear in the countryside should come to exceed that in the cities or if there should be a general failure to solve the food problem, resulting in wide spread starvation, workers and people generally might be forced back into the cities and towns in large numbers. But neither of these solutions is in any way desirable.

2

The complete dislocation of the communications system.

Its major manifestation is almost complete absence of movement of people (except within towns) and of the exchange of goods between regions and sectors anywhere within the province. So long as it continues, this situation will exert a strong negative effect upon all efforts to revive the economy and to meet the basic needs of the population—including, in particular, their requirements.

Minimum conditions for normalization

In the present political circumstance, it is impossible to predict what might constitute a sufficient set of conditions for a normalization process to begin. There are, however, a number of necessary conditions.

First, it is most unlikely that any significant movement in the direction of normality will occur until there is a drastic reduction in the visibility—and, preferably, even the presence—of the military and a re-establishment of normal civilian administration in East Pakistan. Secondly, the food problem must be solved. For the present, this means programing the massive imports which will be required over the next 12 months—and re-establishing—by some combination of permanent and temporary measures—an adequate transport and distribution system. Thirdly, any remaining available resources must be directed first to rehabilitation and reconstruction and to breaking the most important and most persistent physical and organizational bottlenecks impeding efforts to get the economy going again.

One implication of this set of priorities is that the development effort will have to remain in a state of suspension for at least the next year or so. On the whole, this is certainly inevitable; however, there are some areas of extremely high priority where development programs should be resumed at their previous—or even higher—levels at the earliest opportunity. A list of such areas would include as a minimum: rice research, jute research (market) and promotion, seed production and improvement (rice and jute), food storage and distribution and rural infrastructure—including the rural works, irrigation and integrated rural development programs.

ECONOMIST'S REPORT

Jessore

Approaching Jessore, it became soon clear that this was the area where the army punitive action had been very severe: From the air, totally destroyed villages were clearly visible, a building was still on fire, and to the eastern side of the runway a good many houses had been destroyed. The airport was heavily guarded by armed forces, who also controlled access to the airport.

The authorities estimate that the population of Jessore itself is down from 80,000 to 15,000-20,000. Some 20,000 people were killed in Jessore. The city's center has been destroyed; commerce has come to a standstill. More than 50 per cent of the shops have been destroyed.

Damage to housing in Jessore district is so severe that the authorities estimate that some 450,000 people have been affected out of a total district population of 2.5 million. Half a million people have fled to India.

The Jessore area is by no means secure. Government officers cannot any more easily enter the villages as they run the risk of being shot by the "miscreants." A number of these incidents took place in the week before I arrived, and the army is reacting to these incidents by burning down the villages from which these shots are being fired. Generally, the army terrorizes the population, particularly aiming at the Hindus and suspected members of the Awami League.

Khulna

Khulna City has been substantially damaged. Very heavy destruction was observed in the areas alongside the road and along the river leading up to the newsprint factory and the Platinum Jubilee jute mill. As a result of the disturbances, the destruction of houses and the continuing uncertainty regarding life and property. The population of greater Khulna is down from 400,000 to 150,000.

The administration of Khulna district was back to 80 per cent of its original strength. There are serious police shortages, but the situation is improving. Some senior police officers have been recruited from West Pakistan. The road to Jessore and Kushtia is generally unsafe, particularly at night. Schools are open, but attendance is very poor. The Polytechnic institute, as well as colleges, however, have not yet started.

The main problem affecting Khulna is communications: The telephone system works but mail service is very irregular. There is only marginal truck traffic on the roads: Less than 5 per cent of normal. The army has requested many vehicles and launches, including Government vehicles, and many have been taken to India. Rail service is off by 50 per cent. There are very few buses on the road. Spare parts are a problem. Shortages of kerosene, edible oil and diesel oil exist in the villages.

The area surrounding the Platinum Jubilee jute mill has undergone very substantial damage. In fact, the destruction of houses and buildings reminds of Arnhem in 1944. Also, many workers' houses destroyed. The area is deserted now. Less than 7 per cent of the mill's permanent labor force had returned to the job.

The Khulna thermal power station was supposed to have been completed by mid-1971. However, there is now a six months' delay in commissioning the plant; the Czech consultants have left, as have the Czech erection supervisory staff. Forty-five per cent of the staff has not yet returned to the job.

Mungla

The city of Mungla, the town where the labor for Chalna Anchorage lived, have been virtually obliterated by naval shelling. The population, therefore, is down from 22,000 to 1,000. Damage was extensive: Houses, the market place, the telephone exchange, power distribution lines, etc. are all totally destroyed.

Phultala

Perhaps the most impressive visit I made was to Phultala. Fifty per cent of the population of this thana has fled (some 20,000 out of a total of 42,000), mostly Hindus, leaving behind unattended plots of land, houses, etc. Everything had been disrupted there: The livestock officer had been killed, the whole administration was in chaos, the people bewildered. It is doubtful whether any Government can effectively deal with these people in the near future. It is at the thana level where the shock waves of the army action hit the hardest. It was at this level where the hope for agricultural development was. It has been set back by at least five years.

Kushtia

It was only April (some 20 days after the army moved into Dacca), that the army moved north from Jenidah and into Kushtia. There must have been very strong resistance. When the insurgents withdrew the army punitive action started. It lasted 12 days and left Kushtia virtually deserted and destroyed. The population was down from 40,000 to 5,000. Ninety per cent of the houses, shops, banks and other buildings were totally destroyed. People were sitting around dazed. When we moved around, everyone fled. It was like the morning after a nuclear attack. The people were terrified and still shocked and dazed. I asked them to show me a shop where food was being sold: It was in the next ninety minutes impossible to find one.

VIETNAM VETERANS UNEMPLOYMENT STATISTICS

Mr. HUMPHREY. Mr. President, I continue to be very distressed about the high unemployment among veterans returning from service in the last few years. These men deserve every possible assistance in achieving employment opportunity.

But I am pleased to report that the U.S. Department of Labor has agreed to begin publishing each month the employment status of male veterans of the Vietnam era and male nonveterans for the overall age group 20 to 29. A further breakdown by age and by race will be issued on a quarterly average basis.

In May, I called to the attention of the Senate the failure of the Department of Labor to make regular reports on unemployment statistics of veterans of the Vietnam era, and by letter urged the Secretary to do so.

At that time I indicated that the absence of such figures from regular disclosures on unemployment clouded the picture of the job market.

With statistics now available, I believe it is much easier for the Senate to understand the acute problem of unemployment among veterans. We know exactly what the figures are and can address ourselves to the problem rather than dealing in vague terms.

I recently received a copy of the employment situation of Vietnam era veterans.

I ask unanimous consent that the report be printed in the RECORD along with a letter from Deputy Labor Commissioner Ben Burdetsky announcing the department's plan to make monthly figures of unemployed veterans available to the public.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, D.C., July 21, 1971.
Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: In Commissioner Moore's letter of June 2 to you, he indicated that we were planning to issue a quarterly release on the employment situation of veterans. I am enclosing the first of these quarterly releases.

We have also decided to show monthly figures for the overall age group 20 to 29. The monthly data are included in this release.

Sincerely yours,
BEN BURDETSKY,
Deputy Commissioner.

EMPLOYMENT SITUATION OF VIETNAM ERA VETERANS, JUNE 1971

About 3.7 million Vietnam Era veterans 20 to 29 years old were in the civilian labor force in June 1971, according to the U.S. Department of Labor's Bureau of Labor Statistics. Some 3.4 million of these men held jobs, an increase of 390,000, or 13 percent, since June 1970. During the same period the number in the labor force increased by a half million. Unemployed veterans numbered 300,000 and their unemployment rate was 8.1 percent compared with 6.1 percent a year ago (table 1). (None of the data cited in this release is seasonally adjusted.)

Unlike earlier months this year, the unemployment rate for veterans in June was not significantly higher than the rate of 7.8 percent for nonveterans of the same age. The nonveteran rate rose in June as it did in earlier years, largely as a result of end-of-semester increases in jobseeking among students and recent graduates. The increased summer job activity, which mostly affects the nonveteran group, also raised the labor force participation rate of nonveterans closer to the rate of veterans.

Since the winter months of 1971, the unemployment rates for veterans and nonveterans have declined, but because the series are new, it is not yet possible to compute seasonal adjustment factors which would measure how much of each month's change is due to usual seasonal patterns.

QUARTERLY AVERAGES

About 1.9 million veterans 25 to 29 years old and 1.7 million 20 to 24 years old were in the civilian labor force in the second quarter 1971 (table 2). The change in employment over the year for older veterans was quite different from that of the younger men. The number of veterans 25 to 29 in the labor force increased by 400,000 over the year and the gain was largely in employment. In the younger group, on the other hand, almost all of the 100,000 increase in the labor force was in unemployment.

The jobless rate for younger veterans (20 to 24) has been considerably higher than the rate for veterans 25 to 29, reflecting the usual labor market problems of young adults. Inexperience and shopping around for suitable full- or part-time jobs are problems shared by all young persons. In the second quarter of 1971, the unemployment rate for Vietnam Era veterans 20 to 24 averaged 12.4 percent compared with 5.1 percent for the 25-to-29 year-old veterans. Among nonveterans, too, the average unemployment rate was higher for the younger men, but it was significantly lower than for veterans—9.5 percent in the age group 20 to 24, and 4.0 percent for the older age group. Accounting for some of the difference between the jobless rates of veterans and nonveterans is the fact that since the end of 1970, the newly separated GI's found themselves in a loose job market in which many nonveterans already had jobs.

Unemployment rates for veterans of Negro and other races have been higher than for white veterans. In the second quarter of 1971, the jobless rate for Negro veterans was 12.1 percent, compared with 8.1 percent for white veterans 20 to 29 years of age. It is not possible to estimate precisely the Negro-white differences by age because the unemployment data for them are based on very small sample numbers and are subject to large sampling errors. Nonetheless the differences for the younger group (20 to 24) have generally been greater than for men 25 to 29.

TABLE 1.—EMPLOYMENT STATUS OF MALE VIETNAM ERA VETERANS AND NONVETERANS 20 TO 29 YEARS OLD, JANUARY 1969 TO JUNE 1971

[Numbers in thousands]

Year and month	Civilian noninstitutional population	Civilian labor force					Not in labor force
		Number	Percent of population	Employed	Unemployed		
					Number	Percent of civilian labor force	
WAR VETERANS [1]							
1969:							
January	2,406	2,204	91.6	2,082	122	5.5	202
February	2,458	2,257	91.8	2,139	118	5.2	201
March	2,503	2,313	92.4	2,195	118	5.1	190
April	2,541	2,339	92.0	2,254	85	3.6	202
May	2,594	2,419	93.3	2,334	85	3.5	175
June	2,656	2,527	95.1	2,428	99	3.9	129
July	2,715	2,573	94.8	2,468	105	4.1	142
August	2,775	2,647	95.4	2,532	115	4.3	128
September	2,844	2,615	91.9	2,494	121	4.6	229
October	2,925	2,689	91.9	2,552	137	5.1	236
November	2,990	2,740	91.6	2,617	123	4.5	250
December	3,054	2,826	92.5	2,695	131	4.6	228
1970:							
January	3,113	2,886	92.7	2,710	176	6.1	227
February	3,174	2,926	92.2	2,698	228	7.8	248
March	3,234	2,997	92.7	2,803	194	6.5	237
April	3,302	3,066	92.9	2,868	198	6.5	236
May	3,352	3,111	92.8	2,915	196	6.3	241
June	3,409	3,204	94.0	3,009	195	6.1	205
July	3,458	3,291	95.2	3,055	236	7.2	167
August	3,523	3,295	93.5	3,090	205	6.2	228
September	3,584	3,322	92.7	3,124	198	6.0	262
October	3,633	3,312	91.2	3,104	208	6.3	321
November	3,702	3,401	91.9	3,110	291	8.6	301
December	3,752	3,437	91.6	3,130	307	8.9	315
1971:							
January	3,752	3,416	91.0	3,050	366	10.7	336
February	3,807	3,472	91.2	3,091	381	11.0	335
March	3,867	3,490	90.2	3,120	370	10.6	377
April	3,929	3,563	90.7	3,248	315	8.8	366
May	3,983	3,608	90.6	3,297	311	8.6	375
June	4,032	3,699	91.7	3,399	300	8.1	333
NONVETERANS							
1969:							
January	8,414	7,075	84.1	6,789	286	4.0	1,339
February	8,449	7,171	84.9	6,861	310	4.3	1,278
March	8,470	7,171	84.7	6,909	262	3.7	1,299
April	8,508	7,270	85.4	7,035	235	3.2	1,238
May	8,520	7,255	85.2	7,039	216	3.0	1,265
June	8,541	7,766	90.9	7,441	325	4.2	775
July	8,515	7,838	92.0	7,548	290	3.7	677
August	8,539	7,834	91.7	7,599	235	3.0	705
September	8,541	7,472	87.5	7,199	273	3.7	1,069
October	8,551	7,366	86.1	7,127	239	3.2	1,185
November	8,588	7,335	85.4	7,099	236	3.2	1,253
December	8,628	7,301	84.6	7,041	260	3.6	1,327
1970:							
January	8,680	7,320	84.3	6,937	383	5.2	1,360
February	8,722	7,427	85.2	6,976	451	6.1	1,295
March	8,740	7,445	85.2	7,059	386	5.2	1,295
April	8,764	7,491	85.5	7,102	389	5.2	1,273
May	8,818	7,520	85.3	7,146	374	5.0	1,298
June	8,862	7,998	90.2	7,475	523	6.5	864
July	8,905	8,159	91.6	7,672	487	6.0	746
August	8,933	8,158	91.3	7,667	491	6.0	775
September	8,992	7,885	87.7	7,352	533	6.8	1,107
October	9,033	7,792	86.3	7,272	520	6.7	1,241
November	9,066	7,819	86.2	7,318	501	6.4	1,247
December	9,106	7,818	85.9	7,252	566	7.2	1,288
1971:							
January	9,179	7,846	85.5	7,160	686	8.7	1,333
February	9,209	7,821	84.9	7,139	682	8.7	1,388
March	9,240	7,864	85.1	7,264	600	7.6	1,376
April	9,280	7,905	85.2	7,383	522	6.6	1,375
May	9,317	7,944	85.3	7,420	524	6.6	1,373
June	9,405	8,430	89.6	7,770	660	7.8	975

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[1] War veterans are defined by the dates of the service in the U.S. Armed Forces. War veterans 20 to 29 years old are all veterans of the Vietnam era (service at any time after Aug. 4, 1964), and they account for about 85 percent of the Vietnam era veterans of all ages. About 700,000 post-Korean-peacetime veterans 20 to 29 years old are not included in this table.

Note: Data are subject to sampling variablity which may be relatively large in cases where numbers are small. Therefore, differences between numbers or percents based on them may not be significant. Because of rounding, sums of individual items may not equal totals. Rates are based on unrounded numbers.

Source: U.S. Department of Labor, Bureau of Labor Statistics, and Veterans' Administration, Office of Controller July 1971.

TABLE 2.—EMPLOYMENT STATUS OF MALE VIETNAM ERA VETERANS AND NONVETERANS 20 TO 29 YEARS OLD, BY AGE AND RACE, 2D QUARTER AVERAGES, 1970 AND 1971

[Numbers in thousands]

Employment status	20 to 29 years		20 to 24 years		25 to 29 years	
	1971	1970	1971	1970	1971	1970
ALL MEN						
War veterans:[1]						
Civilian noninstitutional population	3,981	3,354	1,947	1,774	2,035	1,580
Labor force	3,623	3,127	1,711	1,615	1,912	1,512
Employed	3,314	2,931	1,499	1,481	1,815	1,450
Unemployed	309	196	212	134	97	62
Unemployment rate	8.5	6.3	12.4	8.3	5.1	4.1
Nonveterans:						
Civilian noninstitutional population	9,334	8,815	5,468	4,947	3,866	3,867
Labor force	8,093	7,670	4,439	3,982	3,654	3,688
Employed	7,524	7,241	4,016	3,688	3,508	3,553
Unemployed	569	429	423	294	146	135
Unemployment rate	7.0	5.6	9.5	7.4	4.0	3.7
WHITE						
War veterans[1]:						
Civilian noninstitutional population	3,596	3,061	1,737	1,610	1,859	1,451
Labor force	3,274	2,854	1,527	1,464	1,747	1,390
Employed	3,008	2,686	1,347	1,349	1,661	1,337
Unemployed	266	168	180	115	86	53
Unemployment rate	8.1	5.9	11.8	7.8	4.9	3.9
Nonveterans:						
Civilian noninstitutional population	8,072	7,580	4,739	4,247	3,333	3,333
Labor force	7,020	6,612	3,850	3,414	3,170	3,198
Employed	6,567	6,281	3,519	3,184	3,048	3,096
Unemployed	453	331	331	230	122	102
Unemployment rate	6.5	5.0	8.6	6.7	3.8	3.2
NEGRO AND OTHER RACES						
War veterans[1]:						
Civilian noninstitutional population	386	293	210	164	176	129
Labor force	350	273	184	151	165	122
Unemployed	308	245	153	131	154	113
Unemployed	42	28	31	19	11	9
Unemployment rate	12.1	10.3	17.0	12.8	6.7	7.1
Nonveterans:						
Civilian noninstitutional population	1,262	1,234	729	700	533	534
Labor force	1,073	1,058	589	568	484	490
Employed	958	961	497	504	460	457
Unemployed	115	97	92	64	24	33
Unemployment rate	10.7	9.2	15.6	11.3	4.9	6.8

[1] War veterans are defined by the dates of their service in the U.S. Armed Forces. War veterans 20 to 29 years old are all veterans of the Vietnam era (service at any time after Aug. 4, 1964), and they account for about 85 percent of the Vietnam era veterans of all ages. About 700,000 post-Korean-peacetime veterans 20 to 29 years old are not included in this table.

Note: Data are subject to sampling variability which may be relatively large in cases where numbers are small. Therefore, differences between numbers or percents based on them may not be significant. Because of rounding, sums of individual items may not equal totals. Rates are based on unrounded numbers.

Source: U.S. Department of Labor, Bureau of Labor Statistics, and Veterans Administration, Office of Controller July 1971.

FOREIGN TRADE

Mr. FANNIN. Mr. President, politicians can spend weeks, months, and even years debating issues such as our foreign trade situation.

Yet a skilled editorial writer can sum up the situation forcefully in relatively few words. The Phoenix Gazette, in an editorial on July 6, 1971, went to the heart of the issue in translating just what the danger of increased foreign competition means to our citizens.

I ask that this editorial be included in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOMEBODY'S GAINING ON UNCLE

Instead of discussing the nation's deteriorating position in world trade as a dollar matter, Washington probably should translate those figures into jobs lost to Americans.

The Commerce Department reported recently that imports from foreign countries exceeded exports by U.S. business by more than $200 million in April and May. A lot of people, including perhaps quite a few Phoenicians, are out of work because of those figures.

Uncle Sam is being played for a sucker in the international market. The European Economic Community is not only granting trade advantages to other nations, in open defiance of agreements with the U.S., but it is also refusing to import Japanese goods as promised. Japan isn't concerned, however, because it simply dumps its products on the American market—all the while keeping out most American products.

This trade arrangement has created a lot of prosperity around the world, at Americans' expense. Whole industries in this country have all but closed down because they can't compete at home or abroad; foreign companies have all the advantages, for all the lip service paid "free trade" by other countries and trading blocs.

The United States nevertheless has managed to enjoy a favorable trade balance—in terms of dollars, not jobs—because of two industries: aerospace and heavy machinery. Significantly, however, the recent trade deficits came in part because of falling exports in heavy machinery, being manufactured now by more and more overseas competitors.

Uncle Sam had better look over his shoulder; somebody is gaining on him and more of his nephews and nieces are going to be out of work if the foreign competitor wins the competition.

THE DOCTORED DOCUMENTARY

Mr. FANNIN. Mr. President, the common, initial reaction of a bureaucracy, or a politician, or an industry, or an individual firm, is to throw up a smokescreen when it comes under attack. We had had a lot of smoke drifting around Washington in recent months.

There has been some valid questions raised about practices of television networks in their reporting and their processing of documentary films.

Instead of replying to the criticism, the network officials have tried to throw up a smokescreen by charging that freedom of the press is under attack.

Mr. President, I think that freedom to question and to criticize the press is part and parcel of freedom of the press. A responsible press has a duty to listen to this criticism, and a responsibility to publicly correct the record when mistakes have been made. I would hope that men and women who claim the maturity to report on national and international affairs would have the maturity to admit to an occasional error in either judgment or fact.

In connection with the current controversy, I find the comments of Charles L. Gould, publisher of the San Francisco Examiner, especially interesting. I ask that this column by Mr. Gould be included in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DOCTORED DOCUMENTARY

(By Charles L. Gould)

Journalists are being asked to close ranks and support CBS in refusing to allow a congressional committee to review raw film footage from the controversial documentary "The Selling of the Pentagon."

The rallying cry of those manning the ramparts is: "Freedom of the press is at stake." Nonsense.

The question here is not "freedom of the press." It is "responsibility of the press." Was the film doctored? Was the film rigged? Did the editors splice the film so that questions and answers of various respondents were out of sequence?

These questions are raised by critics of the film. They submit some evidence to support their charges.

However, only CBS knows for sure. Only a review of the raw film can reveal the truth. Isn't this what "freedom of the press" is all about? Is it not a search for truth?

If CBS did not doctor the film it should not hesitate a moment to show its unused film clips. This is not a case of a reporter protecting his sources. This is not a case of a journalist covering a breaking news story in competition with other reporters.

The CBS documentary was produced with the cooperation of dozens of individuals in and out of government. Some of these individuals claim the documentary was doctored to warp and twist their statements.

They, too, have rights.

Those who defend CBS should ask themselves if their positions would change if a film were doctored to put the Pentagon in a good light rather than a bad one.

Forty years ago, responsible journalists were indignant at the rigging of photographs by the editors of Bernarr McFadden's New York Graphic. The paper died.

Ten years ago many journalists denounced the controversial documentary "Operation Abolition" because two or three scenes were out of sequence.

The film, which revealed Communist involvement in the city hall riots here in San Francisco, was withdrawn from circulation.

Many journalists—not including this one—defend the publication of vital government secrets on the argument of the "people's right to know."

Now they deny the people's right to know by defending CBS in classifying its film clips "Top Secret."

They can't have it both ways.

If we are to keep the free press free—and responsible—we can't use the First Amendment as an excuse for exposing the mistakes of others and also use it as an excuse for hiding our own.

PERMISSIVENESS

Mr. FANNIN. Mr. President, I am one who believes that permissiveness is a major cause of many of the ills in our world today. Young people are turning their backs on American institutions and traditions because we have failed to instill in them the necessary self-discipline and devotion to duty.

In an editorial July 14, 1971, the Casa Grande Dispatch related a story demonstrating the necessity for adults to provide a good model for their children. Youngsters raised amidst dishonesty and hyprocrisy are most likely to be dishonest and hypocritical.

I ask that this excellent editorial be included in the RECORD:

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHO IS WRONG?

Why does a good boy or good girl from a decent family go wrong?

It's an age-old question, and one well worth exploring in a day and age when youth is looking for leadership and direction.

Chances are some cases of so-called good kids going wrong could be attributed to any number of reasons, but we've come across a chronicled-type story formulated by Lolo Serrano, principal of Hayden High School, and feel it should be pondered for the inherent value.

When Johnny X was eight, he was permitted at a family council, presided over by Uncle George, on the surest means to shave points off the income tax return.

"It's OK son," his uncle said. "Everybody does it."

When he was nine, his mother took him to his first theater production. The box office man couldn't find any seats until his mother discovered an extra $2 in her purse, "It's OK son," she said. "Everybody does it."

When he was 12, he broke his glasses on the way to school. His Aunt Francine persuaded the insurance company that they had been stolen and they collected $27.

"It's OK son," she said, "Everybody does it."

When he was 15, he made right guard on the high school football team. His coach showed him how to block and at the same time grab the opposing end by the shirt so the official could not see it.

"It's OK kid," he said. "Everybody does it."

When he was 19, he was approached by an upperclassman who offered the test questions for $3.

"It's OK kid," he said. "Everybody does it."

Johnny was caught and sent home in disgrace. "How could you do this to your mother and me?" his father asked. "You never learned anything like this at home." His aunt and uncle were equally shocked.

If there's one thing that the adult world can't stand, it's a kid who cheats.

DEFENSE DEPARTMENT REPORT ON MAY RAILROAD STRIKE

Mr. WILLIAMS. Mr. President, in the past 15 months, Congress has been called upon by the President to enact emergency legislation to terminate a nationwide strike or lockout in the railroad industry three times. Understandably, this has generated concern among many people about the vitality of the laws on the books covering collective bargaining. One of the major problems in the recent past, as I have seen it, has been the nationwide scope of strikes and lockouts which have occurred in the railroad industry.

However, since July 16, 1971, a work stoppage has existed on two railroads—the Southern Railway System and the Union Pacific Railroad. This selective strike was undertaken pursuant to a decision earlier this year of the Circuit Court of Appeals for the District of Columbia in Delaware & Hudson Railroad Co. against United Transportation Union. It is the kind of selective strike which would be authorized by the bill I have introduced, along with Chairman STAGGERS of the House Committee on Interstate and Foreign Commerce. I hope that we will be witnessing the effective settlement of this labor dispute within the framework contemplated by the free collective bargaining process and without undergoing another national emergency. I trust that the joint efforts of the parties coupled with the administration's mediation efforts will resolve this dispute without the President calling upon Congress for action. I trust that the announced settlement of the dispute involving the Chicago Northwestern reflects well on the potential for eventual settlement throughout the country.

The last time Congress was called upon to enact an emergency measure for dealing with a railroad dispute, Congress included in the legislation my amendment calling for a report by the Secretaries of Defense, Labor, and Transportation on the impact of the 2- to 3-day nationwide rail shutdown. This was one of the few opportunities to obtain solid factual data on the nature of the emergency. Until then, Congress almost always had to rely on best guesses and statisticians' projections. Pursuant to my amendment, the Deputy Secretary of Defense, David Packard, has filed with Congress the Pentagon's report of "The Impact on the Department of Defense of the May 1971 Railroad Work Stoppage." This vital report is extremely useful reading. I shall quote only one relevant paragraph from the text of the report:

> The overall-general impact on the Department of Defense of the recent two-day strike against the Nation's railroads by the Brotherhood of Railroad Signalmen is characterized as minimal. This conclusion is attributed to several factors including the short duration of the strike, the advance notice and the preparatory measures taken by defense shippers to minimize the impact. Post-strike evaluation substantiates a pre-strike evaluation with respect to the conclusion of minimum impact. While the finding of minimum impact in the recent strike does not assure a similar finding in future situations, it is reasonable to assume, based on past evaluation, that given adequate advance notice of two weeks or more the Department of Defense can effectively minimize the impact of a short duration strike on defense shipments.

I hope that this report from the Department of Defense will serve to pierce the veil of emotion that covers the country at the time of a railroad work stoppage. More importantly, it will provide Congress and the public with a sharper understanding of the precise impact such shutdowns have on the national defense.

This report is vital to congressional deliberations and understanding. I, therefore, ask unanimous consent that the report be printed, in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT TO CONGRESS CONCERNING THE IMPACT OF THE CURRENT RAIL STRIKE ON THE MOVEMENT OF GOODS VITAL TO THE NATIONAL DEFENSE

INTRODUCTION

This report is prepared in accordance with section 3 of Public Law 92–17 entitled "To Provide for an Extension of Section 10 of the Railway Labor Act with Respect to the Current Railway Labor-Management Dispute, and for other Purposes."

Section 3 of Public Law 92–17 requires that the Secretary of Defense submit to Congress not later than 31 July 1971 "as full and comprehensive a report as feasible on the impact of the current stoppage on movement of goods vital to the national defense; the extent to which rail traffic was diverted to other means of transportation and the status of plans to provide for the movement of defense articles in the event of a railroad work stoppage or lockout."

1. *Background*—The Brotherhood of Railroad Signalmen represents 13,000 employees who install, maintain, test and repair signal equipment and system that control railroad operations. On 1 October 1969, the Signalmen's union presented its proposed pay and benefits to the bargaining representatives for the rail carrier industry. An inability to achieve a settlement through subsequent conference under procedures outlined in the Railway Labor Act resulted in using the services of the National Mediation Board. The National Mediation Board was established as an independent agency in the Executive Branch of the Government to mediate disputes in the railroad and airline industry when agreement could not be reached between the disputing parties in conference. In pursuing its responsibility, the Board attempted to mediate the dispute and arrive at an amicable agreement.

The National Mediation Board formally ceased its mediation attempts on 28 January 1971. This closing of the books followed rejection by the Brotherhood of Railroad Signalmen of a proposal for final and binding arbitration. On 3 February 1971, Mr. Charles J. Chamberlain, President of the Union, ordered a strike against the rail carriers for 0600 hours, 5 March 1971. Chairman George S. Ives of the National Mediation Board thereupon summoned Mr. Chamberlain to Washington on 2 March 1971 in a final attempt to get the Brotherhood of Railroad Signalmen to voluntarily cancel the strike order.

Following unsuccessful attempts to secure a voluntary extension of the strike date, the President established Emergency Board No. 179 on 4 March 1971 to investigate the facts of the dispute and to make a report with recommendations within 30 days. On 29 March 1971, the parties gave the emergency board eleven additional days to arrive at a solution to the rail dispute. The addition of eleven days for report submission prohibited the Signalmen from striking until 14 May 1971. The emergency board's nonbinding recommendation was issued on 14 April 1971, and subsequently rejected by the Brotherhood of Railroad Signalmen. This action exhausted the dispute resolving procedures of the Railway Labor Act and left both labor and management with freedom to resort to self-help.

The Brotherhood of Railroad Signalmen announced on 10 May 1971 that its membership would strike all of the nation's major railroads at 0600 hours, 17 May 1971. Numerous attempts by Federal officials to resolve the dispute or delay the strike were unsuccessful and on 17 May 1971 at 0600 hours, the Brotherhood of Railroad Signalmen struck the nation's railroads.

Congress, through the enactment of emergency legislation on 18 May 1971, which extended the provisions of Section 10 of the Railway Labor Act, decreed that the Brotherhood of Railroad Signalmen return to work until 1 October 1971.

2. *Policy and Procedure*—Policy and procedural guidelines for the handling of situations likely to result in an interruption to commercial rail freight service within the Continental United States are outlined in Appendix 1, Annex A to the Military Traffic Management and Terminal Service Transportation Strike Plan (MTMTS–TSP) (Annex 1). Labor-management situations likely to disrupt defense transportation are monitored by the Military Traffic Management and Terminal Service (MTMTS), Department of the Army. MTMTS is the Single Manager Operating Agency for Military traffic, land transportation, and common-user ocean terminals. Primary sources of information for monitoring labor-management situations include the public news media, labor-management publications, and normal contacts with labor-management, carrier associations, federal agencies, the military services and other defense components. Information acquired as a result of this monitoring is distributed to activities within the defense structure which plan, control or move defense traffic within the Continental United States. General or specific guidance accompanies the distribution of information gathered in the above manner. Copies of all information and guidance messages issued by Headquarters, MTMTS, concerning the May 1971 Signalmen strike are included in Annex 2 of this report. Each message and its content is also summarized in the appropriate portion of this report.

The MTMTS-TSP guidance serves to prevent or minimize any adverse impact on the movement of defense commodities occasioned by labor-management disputes, natural disasters or civil disturbances. Concerning labor-management disputes, the guidance specifies that it will be a policy of the Department of Defense to remain impartial, neither taking a position on the merits of a labor dispute nor undertaking the mediation of such a dispute.

In the execution of procedures outlined by the MTMTS–TSP, labor-management disputes have been divided into four distinct time periods (phases) for planned action. Phase I, or the Preparatory Period is that segment of time which begins when the possibility of disrupted service is first made known until 30 days before an impending shutdown. Phase II, the Alert Period, begins 30 days before shutdown and ends with actual service termination. Phase III, Emergency Period, begins with service disruption and ends upon the resumption of normal service. The final time period, identified as Phase IV, Restoration Period, begins from the resumption of service until frustrated or delayed cargo has been delivered. Because of the uncertainties surrounding transportation disruptions, it is often unlikely that all circumstances will conform to the time-phased periods outlined in the MTMTS–TSP. Defense activities occurring during the recent rail strike will be addressed to the Pre-Strike, Strike and Post-Strike portions of this report.

3. *Pre-Strike Activity*—Pre-strike activity of the Department of Defense in rail labor matters embraces Phases I and II of the MTMTS–TSP. In keeping with the general time frames outlined therein, a telegraphic message was dispatched 5 February 1971, ad-that the Brotherhood of Railroad (ANNEX 3) that the Brotherhood of Railroad Signalmen had ordered its membership to strike the nation's railroads over wage and benefit issues at 0600 hours, 5 March 1971, following a rejection of arbitration and case closing by the National Mediation Board. No specific guidance requiring action by the addressees was included in this message as a prior message advising of a strike by four rail unions on 1 March 1971 had included these recommendations. The second message, Report No. 2, was dispatched on 5 March 1971 and advised that President Nixon had halted the threatened strike by appointing an emergency board to study the dispute thereby forestalling any strike action for 60 days.

On 7 May 1971, the Military Traffic Management and Terminal Service dispatched Report No. 3. This report provided general and specific recommendations concerning rail shipments not expected to arrive at destination prior to 15 May 1971. These recommendations included extensive use of the Military Traffic Expediting (MTX) Service (see ANNEX 4) for specific groups and types of commodities; the stockpiling of selected items; curtailment of arms, ammunition, and explosives shipments; and the use of modes other than rail for shipments which could not be delayed enroute. Other information included in Report No. 3 was of an administrative nature in the event a strike occurred. Report No. 4, issued 10 May 1971, advised of the Signalmen's threat to strike the rail carriers on 17 May 1971 and requested from addressees an evaluation of the impact a nationwide loss of rail service would have on essential defense programs. The final pre-strike advisory notice, Report No. 5 was issued by MTMTS on 14 May 1971. This notice reiterated the 17 May 1971 strike threat and provided specific instructions for the alleviation of any passenger problems caused by the pending rail strike.

Pre-strike advisory notices issued by MTMTS resulted in further implementing instructions being issued by the military shipper services and other preparatory measures being taken to minimize the strike. Rail carload shipments were expedited during the two-week period prior to the strike. During the shipment planning process, consignees were contacted to determine firm delivery requirements for shipments that normally would have moved by rail. Special consideration given to critical shipments resulted in the diversion of these shipments to other modes of transportation. Alternate motor routings were issued to shippers for critical shipments which could not be frustrated. The full impact of actions taken as a result of pre-strike planning is discussed in the impact section of this report.

4. *Strike Activity*—Round-the-clock rail strike monitoring operations were initiated by 0600 hours, 17 May 1971, when it appeared that the rail strike was imminent. Picketing by the Brotherhood Signalmen was confirmed at 0615 hours, 17 May 1971. MTMTS Report No. 6 issued 17 May 1971 advised that scheduled service was disrupted at 0600 hours following a cessation of negotiations at 0115 hours. Additional information was provided concerning the Interstate Commerce Commission's issuance of General Temporary Order No. 6 and the scheduling of Congressional hearings.

Primary emphasis for the duration of the strike was on locating shipments which had been enroute at the time of the strike and taking action to ensure that firearms, ammunition, explosives and other sensitive items were adequately protected from pilferage. ANNEX 5 provides a listing of enroute cargo placed in MTX service in accordance with pre-strike instructions. A detailed discussion of security measures taken to ensure the safety of shipments enroute during the strike is provided in the impact portion of this report.

Parcel post disruption emergency plans were partially implemented by defense shippers on 17 May 1971. Domestic parcel post packages were coded by geographic area to facilitate consolidation and movement by alternate methods. Because of the short duration of the postal embargo, complete implementation of and movement of this cargo via other means was not required.

5. *Post-Strike Activity*—Congress, by enacting Public Law 92–17 on 18 May 1971 directed that the Signalmen return to work until 1 October 1971. This information was passed to the military services by MTMTS Report No. 7 on 18 May 1971. Twenty-four hour strike monitoring operations ceased 19 May 1971 with the issuance of MTMTS Report No. 8 and the recommendation that routing via rail be returned to normal.

Activity following the strike consisted of assistance to shippers in expediting the delivery of frustrated cargo and the preparation of after-action reports which will serve to improve emergency procedures in future similar circumstances.

6. *Impact*—The overall-general impact on the Department of Defense of the recent two-day strike against the nation's railroads by the Brotherhood of Railroad Signalmen is characterized as minimal. This conclusion is attributed to several factors including the short duration of the strike, the advance notice and the preparatory measures taken by defense shippers to minimize the impact. Post-strike evaluation substantiates a pre-strike evaluation with respect to the conclusion of minimum impact. While the finding of minimum impact in the recent strike does not assure a similar finding in future situations, it is reasonable to assume, based on past evaluation, that given adequate advance notice of two weeks or more the Department of Defense can effectively minimize the impact of a short duration strike on defense shipments.

While a short duration strike of one week or less would impact the Defense Department very little, a prolonged strike lasting beyond seven to ten days would begin to seriously affect the Department as the strike duration increased. Primary impact would be evidenced by a shutting-down of TNT production plants. This impact would be compounded with shortages of aviation fuel, coal and fuel oil as a rail strike approached 30 to 45 days. Major projects and/or programs susceptible to disruption, delay and/or increased cost in a prolonged strike would include weapon and vehicle production and deployment; naval fleet support, defense housing, training, ecological undertakings and construction within the United States and overseas.

Although military traffic is included on the list of essential traffic to be accorded preference and priority by Executive Order and ICC General Emergency Transport Order, diversion of defense traffic normally moving by rail to other modes would be only marginally effective in a prolonged strike. (The Office of Emergency Preparedness in an "Action Plan in Response to a Nationwide Rail Work Stoppage," drafted on 14 November 1970, has estimated that the remaining modes could absorb only 10 percent of normal rail volume).

The specific impact of the two-day rail strike was the diversion of 11,152 tons of defense traffic to alternate modes of transportation at an additional cost of $91,508. Ninety-four military passengers scheduled for movement via rail were rerouted by bus and air. Withheld from the railroads, but tendered upon settlement of the strike were 2,978 tons of freight. In addition to the traffic identified in ANNEX 5 as being on the rails as of the strike date, it is estimated that approximately 300 carloads of other defense commodities were delayed to some extent by the strike.

Commodities included in this estimate consist primarily of vehicles, bulk liquids, coal and lumber. There were no reported instance of difficulties encountered by defense contractors. This also was attributed to the short-lived duration of the strike.

To provide security for shipments of explosives, firearms or ammunition frustrated by the railroad strike, predesignated security focal points within the Army and Navy were notified of the location of shipments which had been placed in MTX service. Specific action directed that security forces, in conjunction with local law enforcement officials, determine the exact location of cars and assess the vulnerability of cargo to theft. Where civil police were unable to provide security for the cargo, military security personnel were to be used. This action resulted in 15 military personnel expending 480 man-hours to secure shipments in the hands of the rail carriers. Temporary duty expense associated with security was $448.60. No incidents of theft or vandalism of weapons, ammunition, explosives or other sensitive items were reported.

7. An Evaluation of the Ability of the Department of Defense to Move its Traffic in the Event of a Widespread and Extended Railroad Strike.

a. Use of Military-owned transportation resources.

(1) The Department of Defense has plans for the use of military-owned highway and airlift resources when commercial carrier capability is not able to satisfy DOD movement requirements. These plans are:

(a) The MTMTS Military-Owned Vehicle Plan (MTMTS-MOVP), and

(b) The Military Airlift Command (MAC) Special Plan 177 (COLD CARRIER).

While neither of these plans has been used in the course of a nationwide rail strike, there is a small military capability for supplementing remaining commercial transportation service during a cessation of rail operations. It must be recognized that diversion of military-owned resources in support of these plans will curtail essential military training and operations for which the equipment is maintained and used. The military-owned motor transport vehicles available for service are distributed CONUS-wide (ANNEX 6). The military aircraft available for service are under the jurisdiction of the USAF (MAC).

(2) There are many limiting factors to be recognized in any projection of military-owned highway transport capability to provide a CONUS line-haul operation. The military-owned resources of all the military services, which include the operating, maintenance and administrative personnel, would have to be organized into a CONUS-wide integrated highway service to provide line-haul service for long-distance movements of critical freight on many varied routes. The geographical distribution of military transport resources may be at considerable variance with origins and destinations between which DOD essential traffic must be moved. This would result in much time and effort being required to reposition transport equipment with resultant loss of effectiveness in accomplishing the movement of critical shipments.

(3) If most or all of the DOD organic motor and air transport capability were used, this department could only move a small portion of its required cargo movements without the operation of the railroads. Approximately ten per cent of the required DOD cargo normally moving via rail service could be transported by the organic capability of this department for a short period of time if essential military training and operations were curtailed.

(4) Although there are measures that could be taken to minimize the loss of rail service they would not prevent a most serious impact upon the DOD and the national security. It is considered that the consequences of a shut-down of our national rail system would be of such a magnitude that it should be avoided if at all possible.

b. *DOD Operation of Railroad Systems.* There is no existing authority for Federal seizure and operation of the rail transportation system except in time of war. In the past, and during the last time in 1950–52, when the CONUS railroad systems were seized by the Federal Government under wartime authority, the Army served as an Executive Agency with a small managerial organization superimposed over the rail industry with existing corporate management and labor forces continuing to operate the railroads. The DOD does not have the capability within either the active or reserve military forces to physically man or operate trains or other facilities of the Nation's railroads.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. If there be no further morning business, morning business is concluded.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announcing that the House had passed a bill—H.R. 9844—to authorize certain construction at military installations, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution—House Concurrent Resolution 373—to extend greetings and commendations to the people of Pensacola, Fla., on the occasion of the 150th anniversary of the transfer of sovereignty of Florida from Spain to the United States, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill—H.R. 9844—to authorize certain construction at military installations, and for other purposes, was read twice by its title and referred to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution—House Concurrent Resolution 373—to extend greetings and commendations to the people of Pensacola, Fla., on the occasion of the 150th anniversary of the transfer of sovereignty of Florida from Spain to the United States, was referred to the Committee on the Judiciary.

EMERGENCY LOAN GUARANTEE ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to consider S. 2308, which the Chair now lays before the Senate.

The bill will be read by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

The Senate proceeded to consider the bill.

Mr. WEICKER obtained the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield with the understanding that he not lose his right to the floor?

Mr. WEICKER. I yield with that understanding.

QUALIFYING AMENDMENTS UNDER RULE XXII

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all amendments to the pending business which have been submitted at the desk prior to 3 p.m. on Monday next be considered as having been read for the purpose of qualifying under paragraph 2, rule XXII.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, would the able Senator from Connecticut yield for a brief quorum call, with the understanding that he not lose his right to the floor?

Mr. WEICKER. I yield under those circumstances.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Connecticut is recognized.

Mr. TOWER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. The Senator from Connecticut has the floor.

Mr. TOWER. Will the Senator yield for the purpose of submitting a cloture motion?

Mr. WEICKER. I yield to the Senator from Texas.

Mr. TOWER. Mr. President, pursuant to rule XXII of the Standing Rules of the Senate, I submit a cloture motion.

The PRESIDENT pro tempore. The cloture motion having been submitted, the clerk is directed to read it to the Senate.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

John Tower, Hugh Scott, Robert Dole, Wallace Bennett, Alan Cranston, Jacob Javits.

Richard Schweiker, Charles Percy, John Tunney, Marlow W. Cook, Charles Mathias.

Bill Brock, Gordon Allott, William Saxbe David Gambrell, Howard Baker.

Mr. WEICKER. Mr. President, might the clerk read again the names of those who have signed the petition? I believe, unless I misunderstood, that my name was read, and that certainly is not correct.

Mr. TOWER. The name is "Schweiker."

Mr. WEICKER. Was it Senator SCHWEIKER? I thank the Senator.

The PRESIDENT pro tempore. The Senator may proceed.

Mr. WEICKER. Mr. President, continuing with the debate——

Mr. TOWER. Mr. President, will the Senator yield to me briefly, without losing his right to the floor?

Mr. WEICKER. I yield.

Mr. TOWER. Mr. President, for the benefit of Senators, I serve notice that another cloture motion will be submitted tomorrow.

The PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, in effect this is a commentary on what is being attempted through the guise of a piece of legislation: The closing off of debate, when in fact, we have had only 2 days of debate—today will be the third—and then we will go to the business of voting, on Monday, as to whether or not that is adequate time to debate the lending of $250 million by the taxpayers of the Nation to the Lockheed Corp.

Yesterday I tried to give a review of the history of that corporation, as to whether or not, on the basis of their past performance, they would be considered a good risk. For in fact this body is sitting now much as the loan committee of a bank sits. It is not our $250 million to dispense as we see fit without any criteria whatsoever. Each of us represents depositors in the bank. I represent the citizens of the State of Connecticut, who are among the depositors who may now see their money lost to the Lockheed Corp.; so I believe I have a right to inquire, on behalf of the people of my State, as to whether or not the proposed recipient of the proposed loan guarantee is a good risk.

What are the factors that enter into such a decision on the part of the loan committee of a bank? Certainly, in the case of a corporation, one would be its track record; and the track record of the Lockheed Corp., were it the track record of any other business in the United States, would automatically disqualify it for the loan, never mind taking up the time of the Senate of the United States and getting a loan to boot.

Yesterday we reviewed very briefly what that track record consists of. We touched upon the SRAM missile program and upon the Cheyenne program, and I should like to complete the last phase of the operation, wherein I quoted testimony by Secretary Packard on SRAM and on the Cheyenne helicopter. I should like to conclude with his testimony on the C–5A, testimony given before the House Banking and Currency Committee.

I quote Secretary Packard on the C–5A:

> Lockheed was awarded the C–5A contract October 1, 1965 after intensive competition with Douglas and Boeing, principally because its bid was some $390 million lower than that of The Boeing Company.
>
> Lockheed's contract was for engineering development, including five test aircraft, and the production of 53 operational aircraft. Furthermore, the contract contained an option for the production of up to 57 additional aircraft. In the event that option was exercised, the contract contained a complex formula for redetermining target price of the second lot based on the ratio of the first lot actual cost to its target cost.
>
> Because of the increased costs being incurred and projected to continue and also in light of budgetary constraints and reassessment of airlift requirements, the Air Force decided to procure only 23 of the 57 aircraft in the second lot, limiting its total procurement to 81 of the C–5A aircraft. Lockheed contended that by exercising a portion of the option for the second production lot, the Government became obligated to reprice the entire contract according to the formula, on the basis of the full second lot option of 57 aircraft; the Air Force did not agree. The issue was very complex and there were strongly held views on both sides.
>
> There were issues on both sides that had merit and substance. The total package procurement type of contract is unworkable for this type of a program. The specifications called for some unnecessary requirements. At the same time the company clearly had bid in, probably hoping the repricing formula would save them from substantial loss. There was ample evidence of poor management on the part of Lockheed. Faced with the need to obtain the C–5A aircraft, something had to be done.
>
> I was convinced that a program beset with charges and countercharges, bogged down in litigation quagmire, could not be brought to a successful conclusion technically and under better cost control without an understandable and a workable contractual arrangement.
>
> After thorough and careful consideration of all the factors, I recommended that we complete the program under a cost reimbursement contract with tight management control by the Air Force, and that Lockheed accept a $200 million loss on the total C–5A program.
>
> On June 7, 1971, the Air Force and Lockheed signed the restructured C–5A contract converting it to a cost reimbursement instrument.

Mr. President, I submit to the Senate that the track record, as evidenced by Lockheed in its mismanagement, in its inability to produce, and in its cost overruns, makes it ineligible to receive the confidence and the backing of the American people, as evidenced now by its request for this $250 million loan guarantee.

Let me reiterate that although some suggest that the Government's settlement of the disputed claims over the C–5A contract is too harsh, it would be a harsh oversight to forget that nearly a billion dollars of that overrun will never be seen again by the taxpayers who footed the bill.

The testimony of Mr. Packard raises, for still another time, the question of whether we, the Members of the Senate, are willing at this point in our Nation's history to concede the downfall of the free market system, which is exactly the proposal before us today. I say that because it is my belief that this debate must, in the end, boil down to that question. Either we are willing, as men and as representatives of the people of our States, to stand firm against this subtle kind of governmental encroachment, or we must be willing to return home in August and tell those who elected us that they must foot the bill for the inefficiency and waste of those whom they have never seen, because the Senate has condoned in law what this Nation's success has always decried in practice—inefficiency and managerial incompetence.

I understand the employment problem. Let us be candid on the floor of the Senate today: Were we not in a period of economic difficulty, there would be no question in the mind of any Senator that a measure such as this should pass—no question at all. Under any set of criteria, Lockheed does not qualify. It does not even qualify to its own bankers. But the question is, Are we willing to give up, at a time of employment difficulties, a basic part of the system that has made this country great, in order to achieve some temporary advantage?

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. WEICKER. For what purpose does the Senator from Alabama request that I yield?

Mr. SPARKMAN. For a question.

Mr. WEICKER. I yield to the Senator from Alabama for the purpose of asking a question, without losing my right to the floor.

Mr. SPARKMAN. As I understand it, if the Senator yields for a question, he does not lose his right to the floor.

I note with interest the statement the Senator has just made: Shall we, in time of economic distress, give up, as the Senator puts it, some of the private enterprise functioning that has made this country great?

Back in 1931, President Hoover recommended to Congress the institution of the Reconstruction Finance Corporation, which did much good along this line during that depressed time. Would the Senator feel that that was giving up private enterprise?

Mr. WEICKER. I am delighted to respond to the Senator from Alabama, because, again, in the case of the Reconstruction Finance Corporation, we were talking about generic legislation.

Mr. SPARKMAN. Talking about what?

Mr. WEICKER. Generic legislation, in the broad scope.

Mr. SPARKMAN. Yes.

Mr. WEICKER. I respond to the Senator from Alabama by saying that, regardless of how the bill is written, this is not generic legislation. If the Senator from Alabama would be willing, for instance, to remove the date October 1, 1971, from the bill—which in effect makes Lockheed an exception—then perhaps we might have that; but I do not think this is the same as the RFC.

Mr. SPARKMAN. I say to the Senator that I respect his views. Nevertheless, this is generic legislation, because it authorizes a general guarantee authority of as much as $2 billion.

All the way through our hearings—I believe I brought it out when the Senator testified before the committee—I favored generic legislation.

In the first part of this year, I introduced S. 580, which often has been referred to as an effort to establish a smaller RFC. I admit it is broader than this bill. Its authorization, that I proposed, is greater than this bill contains, but it was generic legislation.

The Senator has no way of knowing this—unless he has read the hearings—but in the committee I repeated time after time, as did the Senator from Texas and other members of the committee, that we would go along with either bill—the single shot for Lockheed or generic legislation. Some of the Senators who today are arguing that we ought to make it just for Lockheed opposed it at that time. We had an executive session, and the committee, by a very large majority, voted in favor of generic legislation along the line that had been suggested by Dr. Arthur Burns and had been urged before our committee. So this is generic legislation.

Now let me go further. We have never tried to conceal the fact that under it, it was our hope, our desire, and our purpose that Lockheed might qualify. The Treasury Department gave notice to the committee that certainly that was its intention, and if this became law it would take up immediately the Lockheed proposition and consider whether it qualifies under the bill, and if so, that the guarantee would be made.

I want to stress that word "guarantee" because from time to time reference has been made to a loan. The Government is not loaning any money or advancing one single dime. The Government offers, under what we consider to be absolutely safe collateralization to guarantee, for a fee, just as in all Government guarantee programs, a loan which the banks will make.

I hope that we will keep that in mind. Even though this is generic legislation, it is the hope that Lockheed will qualify and will be approved for the guarantee of a loan from the banks to Lockheed, with the banks transferring to the Government all of their, what we might call, prior rights.

I thank the Senator from Connecticut very much for yielding.

Mr. WEICKER. I would like to say this at the outset. I have enormous respect for the chairman of the committee, the Senator from Alabama (Mr. SPARKMAN). Certainly his experience in these matters is of enormous importance to the Nation at this time. He has seen other times like this, and he has dealt with things——

Mr. SPARKMAN. I have lived through them. I know the extent to which the Nation is indebted to President Herbert Hoover for having the foresight to come out with a program that did so much to rescue us from the deep depression we were in.

As I have stated before—although it is not particularly relevant here, it is something we might keep in mind—that program made it possible for the RFC to perform a remarkable record during the time we were at war. I do not know how we would have been able to do the job we did without some means of getting the materials and all of the things that were necessary to carry on the great, costly, and tremendously burdensome war that we did carry on, and won.

Mr. WEICKER. Mr. President, the point of difference I find myself in with the committee boils down to the fact that their legislation is presented to this body and to the people of the country as generic legislation, but, in fact, the specifications have been so drawn as to make it Lockheed legislation.

I have always enjoyed the sport of tennis. There is an old saying in the game, either go to the net or stay on the back line, but do not get in the middle of the court.

This legislation is not at the net or on the back line, it is in the middle of the court. It is being sold to us as generic legislation, but the specifications make it Lockheed legislation.

If Senators do not believe that this is true, then let me make ar inquiry of my colleagues on the committee.

On page 10 of the bill, under the title "Congressional Review," it states:

> The board—

This is an emergency board to pass on the loans given out of the $2 billion—

> The Board shall not guarantee or make a commitment to guarantee any loan after October 1, 1971, unless—

Then it gives a series of criteria.

If Senators do not think this is Lockheed legislation, I would suggest to them that we remove the date, October 1, 1971, and we will find out fast that it is, because the object is to get Lockheed in, without ay provisions that will apply to future applicants for loans.

I would ask any member of the committee, Would the committee accept an amendment removing the date of October 1, 1971?

Mr. GAMBRELL. Mr. President, I cannot speak on behalf of the committee, but I can speak on behalf of myself. The provision the Senator refers to, it seems to me, would be eminently wise and reasonable. We have already tested out the Lockheed case in extensive hearings and on the Senate floor. It really would not make much sense to run Lockheed through an administrative or executive evaluation of the kind the bill calls for generically for others that have come up. In fact, Lockheed will have been through much more severe testing by the time we get through with this legislation than would be put to anyone else. So, actually, that provision the Senator refers to has nothing to do with giving Lockheed something that no one else would get.

Mr. WEICKER. It is true, is it not, I ask the Senator from Georgia, that this is generic legislation to him?

Mr. GAMBRELL. It is generic, yes.

Mr. WEICKER. It also must be true, since the board has not been set up, that there cannot be any evaluation procedure, since no board has been created; would that not be correct, inasmuch as we have not passed any law yet?

Mr. GAMBRELL. That is correct.

Mr. WEICKER. How can there be any evaluation under this "law of Lockheed"?

Mr. GAMBRELL. That obviously is true because of what Lockheed will have been put through, as this legislation has been considered by the Senate, the House, and the executive departments. The reason for that provision is that this is an emergency piece of legislation. It would not be on the Senate floor today, and it would not have been under intensive consideration by the committee for nearly 2 months, if it were not for the urgent, emergency situation.

In this country, we have a habit of waiting until a "Pearl Harbor" strikes and all of our battleships are at the bottom of the ocean, before we do anything. What this bill seeks to do is to head off the possibility of disaster and not wait until a major corporation has gotten caught in a tight credit squeeze, and in a chapter X bankruptcy, with many people out of work, so that we cannot get the defense material we need, and the Government is renegotiating the contracts and spendings millions of dollars more to get the same equipment.

What we are saying here is that, yes, Lockheed has raised a warning flag, that there is a possibility of such a situation arising not only locally but in other cases down the road; that a generic bill is being proposed that will recognize that we have a crisis at Lockheed; that we may have a crisis with other corporations; and that we should set up machinery to provide enough time so that Congress does not have to spend 2 months every time it is faced with an economic "Pearl Harbor." It seems to me eminently wise, the way the bill has been made. It is a generic bill, and the provision the Senator refers to has been put into it.

Mr. WEICKER. I think it is clear that one of the difficulties those of us who oppose this legislation have is that it flies under the flag of generic legislation but, in effect, is Lockheed legislation.

In the CONGRESSIONAL RECORD for July 22, 1971, on page 26778, Senator BENNETT is quoted as follows:

> The Senator accuses proponents of this legislation of trying to disguise a Lockheed guarantee proposal behind the facade of general legislation. Nothing could be further from fact. The Senator, himself, acknowledged this when he quotes the spokesman for the administration. Under Secretary Charls Walker, as saying the administration would support a general emergency loan guarantee bill provided it was made clear that, in so doing, Congress was approving a $250 million loan guarantee for Lockheed. Indeed, Under Secretary Walker made it completely clear to the committee that there was no intent to mask anything in approving the general bill by adding that he wanted to make it clear that "there will be a recommendation to the board by the chairman of the board that that loan be made forthwith.

So there really is not any point at all as to congressional view as to Lockheed. However, as far as every other company is concerned, we believe that we will have congressional review.

I would like to know if we have any other applicants for loans at the present time.

Mr. GAMBRELL. Mr. President, does the Senator not think that the Lockheed request is under review at this time?

Would the mere enactment of the bill indicate congressional approval?

Mr. WEICKER. I do not have before me any recommendation of the board. This is what is required in the bill, if I am not mistaken, that the board, who are all seasoned financial men, go into the loan requests as the loan committee of a bank would do and make a recommendation which the Congress must follow, either up or down.

I have no such recommendation from the board. The actual provisions, I know, are fairly sound. They do not apply to Lockheed.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. PROXMIRE. Mr. President, the Senator from Georgia suggests that the action we take on the bill would indicate that Congress is, in fact, at the same time acting on whether or not Lockheed should be entitled to a loan guarantee. I know of at least one Senator—and I am sure that there are others—who is for the generic bill and thinks that a generic bill is needed. I disagree with them very strongly. However, that is their view. They are not for Lockheed. They are voting for the bill. But they have told me they regret that Lockheed is in it.

It is my understanding that they will vote for an amendment that a Senator may well offer which would eliminate the October 1 date from the bill, and by doing so would require Lockheed to come before Congress if they wanted to insert a congressional veto in the law that provides that we could then have an up-and-down vote on Lockheed itself.

That would make the bill a generic bill. I think the logic of the Senator from Connecticut is unassailable. The Senator from Georgia has told us that what we are voting for in the bill is approval of the Lockheed loan. Would that make this a generic bill?

Mr. WEICKER. I think this is one thing that we see out of mythology with a moose head, a fish tail, and wings. It is neither here nor there.

Is not the Senator from Wisconsin of the opinion that the bill, when it says, "The Board shall not guarantee or make a commitment to guarantee any loan after October 1, 1971" indicates that a lot of other loans could be thrown in here in a hurry without the possibility of congressional review. Does the Senator think there is a possibility that the Boeing Corp. might get a guarantee to restarting the SST?

Mr. PROXMIRE. I think the Senator from Connecticut has raised a point that no one else has had the foresight to see. I think this is a legitimate question. If the Board wanted to they could guarantee $2 billion in loans before October 1, and we would be surrendering to the Board, the authority to take $2 billion of the taxpayers' money. They could act without any congressional review.

Mr. WEICKER. Mr. President, I thank the Senator from Wisconsin. That, of course, does raise the whole issue of congressional review. It also raises an issue that is plaguing the Senate and the House of Representatives in our role of a Congress that is to act as a representative of the people in making a determination so important to the progress of the Nation as to whether those determinations will be made for us.

This amounts to $250 million. Let us go one step further. Up until October 1, 1971, there is a $2 billion pot over which the Senate has no control whatsoever. Up until October 1 of this year, there is a $2 billion pot to be doled out by a three-man Board without any supervision, without any review by the U.S. Senate or the House of Representatives or any part of the legislative body.

Is this not what has caused us to get into some other problems, not only in the financial area, but also in the area of foreign affairs, and in certain of the domestic policies that have not succeeded.

Over the last decade in the United States, we have been witness to an overwhelming erosion of legislative power. There are those who might suggest that such erosions are a response to the necessities of modern government. I would not support that kind of reasoning.

I come from a small State which has an essence—and has always had—enormous citizen participation with representative town meetings. They still exist in Connecticut. Many times there are those who speak to me and say, "Would it not be easier to eliminate the representative town meetings and go to a two- or three-man council rather than to have several hundred people sitting and determining these things?"

I can show how interest has faded and municipalities have faded under such procedures. Believe me, in this country the more camels' noses that are under the tent, the more responsive government will be

We talk of the erosion of power. This is one act of Congress that would hand over the responsibility delegated to it by the people to a board of three people.

The Senator earlier raised the point that this is a $250 million loan. This is not a $250 million loan. This is $250 million from the taxpayers. I would hope that we would run the Government like we would run our own affairs. It is said that we are only talking about a $250 million loan that the Government would set aside in the eventuality that it would have to be paid. If we do this, we are setting aside to ourselves a responsibility that no one individual or corporation could do. This is $250 million of taxpayers' money. It is committed and gone. Hopefully, it will not have to be paid out.

We make the assumption, as any good fiscal management would, that it will have to go. That is what will be voting on.

When Congress loses this power, it loses the power of the Government which rules by the consent of the people.

It is no trifling matter. If we do this, we do not know what else might happen.

The Senator from Wisconsin has been portrayed as trying single-handedly to bring about the downfall of the Lockheed Corp. That is just rubbish. Lockheed is not any more important than the basic principles which made this Government great. I join with the Senator from Wisconsin to that extent.

That is what the Senator from Wisconsin is talking about. It is not an attempt to bring a corporation to its knees. Such comments are better directed to the managers of corporations, to the ones who are engaged in the SRAM fiasco, the Cheyenne fiasco, and the C–5A fiasco.

Now is not the time to raise that suggestion to those who are the guardians of the public money. It should have been raised to those who were the guardians of Lockheed, to those who were selected by Lockheed, and not to those who were selected by the people of Wisconsin or the people of Connecticut because the people of our States are more interested in these broad aspects that we seek to protect on the floor of the Senate.

One of the most grievous flaws in the Emergency Loan Guarantee Act is that it provides for the application of the greatest remaining power which Congress possesses—the power of the purse. This bill is, as the very able Senator from Ohio—who is unable to be with us today—said: a financial Gulf of Tonkin resolution. That is a good description by the Senator from Ohio.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. WEICKER. I yield for a question.

Mr. TOWER. I ask that the Senator yield to me just for a brief comment on his reference to the SRAM, and I ask unanimous consent that he not lose his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. The United Press International, on July 22, stated:

> The Air Force today said it had finally successfully completed tests of a new air-to-ground missile, which was one of several programs that brought the Lockheed Aircraft Corp. near bankruptcy.
>
> The short-range attack missile (SRAM) is a 14-foot-long, supersonic, nuclear-tipped missile to be attached to bombers, allowing them to attack targets a few hundred miles distant before the planes get within range of Soviet anti-aircraft missiles such as those now ranged along the Egyptian side of the Suez Canal.
>
> The missile was built by Boeing Corp. of Seattle, Wash., but the rocket propulsion system was subcontracted to the Lockheed Propulsion Co. of Redlands, Calif., which had considerable problems making the solid-fuel engine work.
>
> The cost of each missile has grown from a 1965 estimate of $335,000 to $686,000 now. Although part of this cost overrun was due to Lockheed's development problems with the rocket, part was also due to inflation and to changes which the Air Force decided to make in the missile.
>
> Lockheed filed a claim for $54 million from the Air Force for its problems with the SRAM. Lockheed later settled for $20 million.
>
> The SRAM was one of four military programs that forced the Nation's largest defense contractor last year to bring it, hat in hand, to the Government asking for more than half a billion dollars to cover cost overruns on the SRAM, Cheyenne helicopter, several shipbuilding contracts, and the giant C–5A cargo plane.
>
> The Air Force said the SRAM has finally developed as a greater range, is more difficult for enemy radar to detect and is more accurate than the original plans called for.

I thank the Senator.

Mr. WEICKER. Mr. President, and it is much more expensive.

Mr. TOWER. Mr. President, you have to pay for quality.

Mr. WEICKER. There is no question in the mind of the Senator from Connecticut that the L–1011 will fly, but there are two important differences here: First, the L–1011 is a commercial project, not a military project. The reason why I bring in the testimony as to SRAM, Cheyenne, and C–5A is only to give the track record of the Lockheed Corp. That is its track record in the defense area.

Mr. TOWER. Will the Senator yield for a question?

Mr. WEICKER. I yield to the Senator from Texas for a question without losing my right to the floor.

Mr. TOWER. Does the Senator say that everything Lockheed has developed has not been up to speed? How did Lockheed get to be the Nation's largest defense contractor if it did not produce some good systems?

Mr. WEICKER. Well, I do not doubt that there are products produced by the Lockheed Corp. that certainly are superb products, but the fact remains that in its major endeavors over the past 10 years there has been one disaster after another, and I think the record speaks very clearly on that fact.

The Lockheed Corp. now goes into the commercial end with the attempted production of the L–1011. Their last commercial venture was a plane known as the Electra, and that was neither a financial success nor an immediate flying success at the time that it came out.

I think the difference is very clear, No. 1, that if the taxpayers of the United States want to have an L–1011 that flies and is the best plane in the air, believe you me, Mr. President, they can have it. They can put up the money for it. But then I think it is probably also true that if North American Rockwell, Boeing, and Fairchild-Hiller were given a blank check, they could also produce a plane just as good.

There is no question in my mind that the capability exists from a technical point of view, so far as Lockheed is concerned. Certainly what does not exist is their managerial capability, but certainly their technical capability is there; the skills of the workers on the assembly lines are there. There is no dispute on that at all. Quite frankly, none of us would even have to be making these remarks and subjecting Lockheed to this kind of scrutiny if it were not for the fact that Lockheed now comes before the American people and asks for money to finance it. At that stage, their life and their ability become an open book.

Mr. GAMBRELL. Mr. President, will the Senator yield for a question?

Mr. WEICKER. I yield to the Senator from Georgia for a question, without giving up my right to the floor.

Mr. GAMBRELL. The Senator has raised the question as to why the American taxpayer, or let us say more specifically the American airline passenger who pays for and finances commercial airplanes ultimately, does not pay for the L–1011 if he wants it. Of course, that makes a nice rhetorical observation, but in actuality the airline passengers' wishes in this regard are expressed through the airlines; in other words, the airlines speak for the passengers in reference to what planes are wanted and what planes are not wanted.

The airlines in this particular case have spoken in a substantial way for the L–1011 by ordering some 100 or more of the L–1011 planes, and they are supported in this by the FAA and the CAB who have been testing and looking at the L–1011, and have declared it essentially to be a valuable addition to our commercial airplane inventory.

Typically, just as the Senator has indicated, the productive capacity of any concern is basically supported by orders that it gets for its products, and in this case if we had a financially strong airline industry, they could probably finance the production of the L–1011 without any Government support. In other words, if the airlines which want the L–1011 were financially strong today in this country, they could put up enough deposits and they could order enough planes for the bank to be willing to go ahead and finance it.

Is it not essentially a fact of life in this business that if the airlines were financially strong enough to do it, they could finance the L–1011 plane; but in fact because of the same economic conditions that have caused Lockheed to be in difficulty and caused a lot of other people to be in difficulty, the airlines are not able to put enough deposit or to place enough orders to sustain this plan by themselves; so they, along with the banks that finance these planes, and Lockheed, and the subcontractors, and the employees, and everybody else, have asked the bank of last resort, as the expression has been, the U.S. Government, not to put up money, not to make a loan, but simply to give an endorsement to this program and to say, in effect, "Yes, the U.S. Government feels that the L–1011 airplane is a valuable addition to the commercial aircraft industry and inventory, and because the airlines are not able to finance it themselves, we will grant the guarantee of this loan in order to see the program through, rather than to let it go down the drain."

Of course, the Government has another way of accomplishing the same result, namely, that air fares could be increased, and that airlines could be injected with new resources to enable them to order these planes. But that is not the approach that is being taken.

Would the Senator comment on the fact that the airlines might finance this proposal if they were financially healthy at this time?

Mr. WEICKER. I would be glad to discuss the Senator from Georgia's comments relative to the airlines. The key to his comment is his first statement that the airlines speak for the passengers. Unfortunately, this was not the case, and it is the very reason why the airlines right now have on their hands a great deal of equipment that they are flying at only one-third capacity. They do not speak for the passengers. Quite frankly, there is no question in my mind that the 747 is a great plane; there is no question in my mind that it has a great engine, manufactured in the State of Connecticut; and there is also no doubt in my mind that the airlines in this case got together with the Boeing Co. to produce an airplane that was not timely in its arrival on the scene.

It is one of the reasons why the airlines are in the hole in which they are today. In fact, the country was not ready for the capacity of the 747.

Quite frankly, I do not think the passengers speak for the airlines today. I think the airlines and Boeing in this particular instance got together to contrive this product, which was too far ahead of its time, and which, anyone will admit, has contributed to the weak financial picture of the airlines today.

I might add that that picture is not going to be improved by the L–1011, which is now a competitor of the 747 as a transcontinental airplane and is increasing the capacity.

The Senator from Georgia touches upon the overall problem of the airline industry, which is, in large measure, not due only to the injudiciousness of the decisions by the airlines and airframe manufacturers, but, let us be frank about it, is due also to a rather outdated point of view or misguided point of view on the part of the regulatory agencies. In other words, Government has had a part in bringing about their financial plight, just as the airlines contributed to their own financial plight with overscheduling. It is the mixing of all these facts that has put them in poor financial shape.

I suggest to the Senator from Georgia that I do not think the passengers are demanding another airbus. There are already two, the first one not flying at capacity, the 747, the other on stream in McDonnell Douglas, the DC–10, and now this would add a third.

Some way will have to be found for them to try to hold this down. As in the case of someone like me who has a weight problem, I think the airlines have to push themselves away from the table until the capacity is there. It is not there. This is one reason why the taxpayers are being asked to put up the $250 million.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. WEICKER. I yield.

Mr. PROXMIRE. The evidence is overwhelming that what the Senator has just said is correct. It is not true that TWA canceled a substantial part of its DC–10 order?

Mr. WEICKER. That is correct.

Mr. PROXMIRE. Is it not true that TWA and United both testified that they would have to mothball some of their big 747's this winter?

Mr. WEICKER. That is correct.

Mr. PROXMIRE. There is a colossal amount of money tied up in that investment. The only way that the plane can pay for itself is to fly many, many hours a day.

When TWA canceled orders for DC–10's this means a loss of their downpayment, it indicates a very bad financial situation indeed for the airlines. Now for Congress, by this guarantee, to push a new aircraft into that bleak situation is certainly not making a contribution to the soundness of either enterprise.

Mr. WEICKER. I commend the Senator from Wisconsin for his comments. He is absolutely right. Mind you this, Mr. President: I would have no objection at all to the Lockheed Corp.'s building another airbus, even understanding the tremendous overcapacity of the industry. It is a free country. They can go ahead and do whatever they want to do.

But now the Senator from Wisconsin and I and the Senator from Georgia are on the loan committee of the bank, so to speak, so we have to take a look at the situation of the United States as we invest the money of our depositors, the taxpayers. All of a sudden, when we take a look at the overcapacity of the 747, and see the new L–1011, which is going to be in competition with the DC–10, immediately we say, "Is this a good investment of our depositors' money?" That is the question involved. It is no longer Lockheed's decision in the free market system; it is a decision of the Government to make as to whether we should guarantee a loan for that reason.

Mr. PROXMIRE. Everything the Senator has said so far is completely correct, except that, in addition to all that, we are now establishing a precedent that the Federal Government will bail out a corporation that is in difficulty and will enable that corporation to get into this production even if a market is not there. That is how unsound it is.

Mr. WEICKER. I agree with the Senator from Wisconsin.

So does not this really come down to the fact that, on an investment basis, nobody would even be asking the taxpayers to do this if it were not for the economic times? It really is a jobs situation. The question is whether we had better handle that by other legislation and other authorization.

Mr. PROXMIRE. That is what I want to bring into the RECORD later, showing the effect already on the DC–10 and showing that McDonnell Douglas has already released with respect to its employment figures if the L–1011 comes on the scene.

Mr. WEICKER. Just one question of the Senator from Wisconsin: If we had a rate of 3.5 percent unemployment nationally, does the Senator think that the bill before us would ever come up before the Senate?

Mr. PROXMIRE. I think that is an excellent point. As a matter of fact, that is the only justification, and it is on that point that I think we have to make a record, and I think we can. I think we can show that if we go ahead with the L–1011, it will reduce, not increase, employment because of the foreign labor content of the L–1011—40 percent.

Mr. GAMBRELL. Mr. President, will the Senator yield for a further question?

Mr. WEICKER. I yield for a question.

Mr. GAMBRELL. I think what the Senator from Connecticut said in reference to Boeing and the airlines getting together and doing something improvident——

Mr. WEICKER. Mr. President, will the Senator yield?

Mr. GAMBRELL. I yield.

Mr. WEICKER. I did not say "improper." That is the Senator's word, not the word of the Senator from Connecticut.

Mr. GAMBRELL. I was not undertaking to quote the Senator. I used the word "improvident," not "improper."

Mr. WEICKER. Improvident. The Senator is correct. I misunderstood.

Mr. GAMBRELL. That being, in his opinion, improvident; but I think it was the effect, one might say, of unbridled free enterprise in a very complex market, the competition between Boeing and others, to produce a long-range, large passenger-carrying aircraft. The evidence is certainly not before us that the 747 and the L–1011 and the DC–10 are not needed. All we know is that the country in the past year or year and a half has suffered a decline throughout its economy which is reflected in air traffic and commercial air transport business.

I invite the attention of the Senator to the testimony of Secretary Volpe just this week before the House Banking and Currency Committee. That testimony, I think, supports, or tends to support, more the view that I have about the situation.

Generally speaking, it has been my observation that we have underestimated rather than overestimated the demand for facilities for air travel—airports, air traffic terminals, air traffic controls, airplanes, the whole business in the whole field of transport as a whole. We have consistently underestimated the demand.

Secretary Volpe said:

> There have been many questions raised, Mr. Chairman, over the projected market for wide-body jets, especially in light of the airlines' existing excess capacity—

to which the Senator has referred.

> There is no doubt that we are suffering through a very difficult period with our aircraft manufacturers. What is generally applicable to all of them is most graphically illustrated by Lockheed. During this period of Lockheed's urgent need for investment capital, aircraft sales have slackened, airline traffic has declined, and Lockheed's avenue to additional sources of capital—earnings—has not materialized and its military markets have softened somewhat. We must not be overwhelmed by this series of setbacks. The L–1011 program was launched in response to a market that has not disappeared. I am aware that it is not possible to precisely forecast the market for wide-body jets over the next ten years. However, a recent FAA aircraft demand forecast indicates that the demand for three-engine wide-body jets by U.S. air carriers over the next ten years is about 760 aircraft. We are also confident that the lack of growth in today's traffic is a temporary plateau related directly to present economic conditions.

I might say that in my own experience in traveling by air, I have not ridden on many empty aircraft. I have ridden, in the last couple of weeks, on planes on which they were oversold. I have waited for over an hour to get my baggage at the Atlanta air terminal. I waited for almost an hour even to drive out of the parking lot after getting my car.

I think the Senator will recognize that our experience in this country has been that when the economy of the country revives, if we do not permit it to suffer tremendous shock waves, if and when it revives—and we expect it to revive in fairly short order—air traffic demands will increase, and we will be asked, "Where are the planes that we want?"

And someone will have to say, "Well, Congress let part of them go down the drain when they were already built and ready to fly."

This is what concerns me. The entire testimony on this subject is that the L–1011 is needed, and we have it. It is not on the drawing board, it is not halfway built, it is not untested; it is an actual airplane in existence, and we are about to say that because nobody can get up enough money to go on with it at the moment, we are going to let it and all the people associated with it go on down the drain.

That frightens me, because in terms of precedents, if we are worried about precedents, if we are to tell the people of this country, the commercial airplane workers, the subcontractors, the employees, and the suppliers that the U.S. Government is going to be frightened by a lot of political clamor and a lot of talk about bailing out big corporations and small companies, as I say, it frightens me, because if this is a bailout for anything, it is a bailout for 30,000 to 60,000 people who have been conscientiously working on this program for 5, 6, or 8 years.

I think they are entitled to know that the U.S. Government is not going to turn tail and run, and say, "We are not going to give you any encouragement."

This, to me, is like saying, if the Titanic were sinking out there with 2,000 or 3,000 passengers, that because we cannot go out and save every sailboat that is sinking, we should not send the Coast Guard out to save the Titanic because the captain of the ship happened to run it on an iceberg.

We are not talking about bailing out the Titanic itself; we are talking about bailing out the people on board the Titanic, because they had faith in the U.S. Government and the other people who are associated with shipping that if it did run onto an iceberg, the Government would not turn its back and let it go down the drain.

This is not simply a weeding out of the market of inefficient producers; this is letting everybody associated with an 8-year program go down the drain.

Mr. President, I do not want that on me. I do not want someone to turn to me, a few years from now, and ask, "Where is our capacity to produce aircraft in this country?" I do not want to have to say, "Well, we let it go down the drain a few years ago, because Congress felt it could not afford to underwrite an inefficient producer."

Mr. President, we need this capacity in this country. If we leave ourselves without it, if we let these people be liquidated, and a lot of them go unemployed and others be sent to other companies, we are just creating more large corporations, it looks like to me, by liquidating Lockheed.

So I suggest to the Senator from Connecticut that if we are to be frightened by an immediate, temporary economic setback, if we are going to the people of this country and saying, "We are not going to have big air passenger demands over the next 10 years," we are not using the lessons of history as to what has happened in this country over the last 30 years.

Mr. WEICKER. Mr. President, in reply to the question of the Senator from Georgia, I would just request of him the statement which he quoted, which was made by whom?

Mr. GAMBRELL. Secretary Volpe of the Department of Transportation.

Mr. WEICKER. And he quotes a figure of 775 of this type plane?

Mr. GAMBRELL. He estimated that.

Mr. WEICKER. He estimated that that is the market.

Mr. GAMBRELL. Or 760.

Mr. WEICKER. I think he is probably fairly correct. That is the estimate today, or within recent times, by Secretary Volpe.

I have before me a copy of a magazine called "Lockheed Horizons," dated January 1970, wherein the estimate of the Lockheed Corp. as to the market for this type of plane is stated as 1,400.

This is the type of overoptimism which has put Lockheed in the position where it is today. This is big disparity. It is about twice the estimated market—760 against Lockheed's 1,400.

A year later, the chairman of Lockheed himself admitted that they had been overoptimistic. But why, in heaven's name, should the American people have to pay for the overoptimism? That is all I would ask. The Senator says we are, or should be, concerned about persons losing their jobs, and I agree with the Senator from Georgia. But please understand this: Under this contract, with the engine manufacture going to Rolls-Royce in Great Britain, day by day, as announced yesterday, the employees of General Electric, in their engine plants, are being laid off. The employees of United Aircraft, in their Pratt and Whitney Division, are being laid off.

As I stated yesterday, it is a little bit much to ask the fellow being laid off to take his taxes and give them to the British Government so they can build the Rolls-Royce engine.

This is the type of concern we should be showing.

I make no bones about the fact that the Lockheed Corp. is under the free enterprise system, which, as a part of it, rewards with success managerial efficiency and good products. There is no point in hiding that under the rug here today. But the other part of that free enterprise system condemns you to failure if you are managerially inefficient or have bad products.

Those are the two sides of the free enterprise system. Unless the two go hand in hand, if we try to eliminate the failure aspect of it, we are asking for nationalization of American industry, and I am not about to let that happen through what we do on the Senate floor.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON FINANCIAL ASSISTANCE TO RURAL AREAS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. McGovern) laid before the Senate the following message from the President of the United States, which, with the accompanying report was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am transmitting today the first annual report on financial assistance to rural areas, as called for by Title 9 of the Agricultural Act of 1970.

The revitalization of rural America is one of the important objectives of my administration. For I am convinced that the growth which this Nation will inevitably experience in the coming decades will be *healthy* growth only if it is *balanced* growth—and this means growth which is distributed among both urban and rural areas. The recent trend of diminishing population and diminishing prosperity in many rural areas must be actively resisted. This report tells about some of the steps we have taken in this direction—and about some of the conclusions we have reached concerning future steps.

As the report points out, financial assistance is now available from public and private sources for agriculture, industrial development, housing, community development and other economic activities in rural areas. This document describes some of the things this administration is doing to correct deficiencies in these programs. It also provides detailed financial data for selected Federal programs for Fiscal Year 1970, most of them Federal direct and insured loan programs.

Perhaps the most important element of the report, however, is its conclusion that the most critical financial needs for achieving greater rural development are those of State and local governments. My General and Special Revenue Sharing proposals are geared to meet these needs. These proposals recognize both the steadily increasing demands for service being placed on State and local governments and the severe limitations on new and existing sources of revenue at these governmental levels.

These proposed revenue sharing funds could be used for specific services presently provided by State and local governments, or to finance new programs and services tailored to particular needs of States and localities, including rural development. One of my six Special Revenue Sharing programs, in fact, is earmarked specifically for Rural Community Development and it alone would provide a total of $1.1 billion annually for rural programs and services administered at the State and local level. In addition, substantial portions of my revenue sharing proposals for transportation, education, urban community development, manpower training, and law enforcement assistance would directly benefit rural residents. And my General Revenue Sharing proposal would provide additional funds which could be used to augment various rural efforts.

I would emphasize that revenue sharing moneys could be used not only to pay for direct governmental services but also to give credit assistance for accelerating the expansion of commercial and industrial development through locally sponsored institutions. Such institutions can be particularly useful in those specific areas where there are shortages of private investment capital, and where even the removal of existing barriers to the free movement of private capital may not entirely meet local needs.

I strongly believe that it would be better to establish a series of State and local special credit institutions than to create a nationwide federally sponsored community bank, since the former course places responsibility for decision making and action closer to the people who require assistance—and is more likely to produce decisions which are truly responsive to their needs.

This report also highlights the problems caused by the excessive proliferation and fragmentation of Federal assistance programs. Too often, the result has been an uncoordinated and piecemeal approach to rural development. Merely to increase the level of rural assistance without making basic reforms in the delivery systems will not enable us to solve the problems of rural communities.

This is why it is so important that my proposals for reorganizing the executive branch be enacted by the Congress. For only a thoroughgoing restructuring of the organizational framework can bring about a true consolidation and coordination of numerous Federal programs and with it the more effective and efficient delivery of Federal assistance. The proposed new Departments of Community Development and Economic Affairs would have particular responsibility in the rural development area.

As the report indicates, many families are presently excluded from eligibility for Federal credit assistance because of their low income. Traditional development programs can do little to give them the direct aid they need. This is another reason why I believe so strongly that my proposed family assistance program could have a major impact on the quality of life in rural America. Not only would it immediately help poor families raise their standard of living, but it would also enable many of them to take advantage of Federal credit assistance which is presently beyond their reach. Coupled with more effective delivery of federally assisted housing services, the family assistance plan would permit great strides in improving the quality of rural housing.

The problems of agricultural credit and farm debt are also taken up in this report. While the credit requirements of commercial farmers appear to have been adequately funded during the last 20 years—primarily by private lenders—the recent trend of increasing farm debt is likely to continue throughout this decade. Fortunately, the federally sponsored farm credit lending institutions—which are now entirely member-owned—have been playing an increasing role in meeting the credit needs of farmers. If private lenders and the Farm Credit System continue to expand their credit assistance at the same rate as during the 1960's, there should be adequate credit available to meet the needs of commercial agriculture during the 1970's.

For those farmers who are unable to qualify for credit from private lenders and the Farm Credit System, recently strengthened Federal credit programs administered by the Farmers Home Administration are available to meet additional needs. In my "Salute to Agriculture" speech this past May, I announced plans to increase the farm operating and farm ownership loan programs by $215 million over the level originally budgeted for 1972—an increase of nearly 50% in available loan funds. I pledge that my administration will continue to be responsive to the needs of those farmers who are unable to qualify for private credit. I also believe, however, that we should continue to rely primarily on private lenders to meet the general credit needs of commercial agriculture, and I would point to various measures which are recommended in this report for improving the flow of private credit to agricultural borrowers.

In addition to all of these decisions and recommendations, I have also supported enactment of legislation to create a Rural Telephone Bank which will soon be able to provide substantially increased credit assistance to small rural telephone companies and cooperatives. This will mean better telephone service for our rural citizens. I have recently sent to the Congress a budget amendment requesting $30 million for the initial purchase of capital stock in this Bank. My speech last May also announced increased lending for rural sewer and water projects in both 1971 (an additional $100 million) and 1972 (an additional $111 million)—a nearly 60% increase over the level budgeted for the 1972 fiscal year.

I am confident that the actions already taken by this administration—in conjunction with the new programs which I have recommended to the Congress—can do a great deal to bring about the renewal of rural America. The achievement of this goal is essential if the growth we experience in the years ahead is to be for us not a curse but a blessing. All Americans have a high stake in the success of rural development.

Richard Nixon.

The White House, *July 23, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. McGovern) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill—S. 2308—to authorize emergency loan guarantees to major business enterprises.

Mr. PROXMIRE. Mr. President, will the Senator from Connecticut yield?

Mr. WEICKER. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Would the Senator permit me to read into the Record a statement from McDonnell Douglas, indicating the specific impact on the jobs of their employees by this bill we are now considering?

Mr. WEICKER. I yield to the Senator from Wisconsin for the purpose of reading the statement, without relinquishing my right to the floor.

Mr. PROXMIRE. Mr. President, I think this statement is most appropriate at this time, since the Senator from Georgia and the Senator from Connecticut have engaged in a colloquy on the impact of this legislation on the employees of the Lockheed Corp.

The Lockheed employees are wonderful people. Some of them have come to see me in just the last couple of days, and I have been most impressed by their courtesy and sincerity, and their very strong feeling about this legislation.

But, Mr. President, we have to think about the employees of other companies around the country, and not only those who work for Lockheed Corp., but those who work for McDonnell Douglas.

McDonnell Douglas yesterday made the following statement with respect to what will happen to their employees if we go ahead with this program:

> McDonnell Douglas Corporation said in a statement issued today that employment generated by the DC-10 tri-jet program for the company and its three thousand suppliers could vary by as much as twenty thousand employes by March 1972, depending on whether the Lockheed L-1011 program continues.
>
> The company statement came in response to news queries resulting from a General Electric press release issued Wednesday which projected the layoff of seven thousand of its personnel and cited, as one factor, that several airlines have not exercised options for the DC-10 while others have delayed decisions to buy pending an improvement in the depressed airline industry.
>
> McDonnell Douglas said that changes in its DC-10 order book had forced it to restudy production planning, and that these conditions presently preclude a planned early recall and hiring program involving substantial numbers of aerospace workers now on layoff status, and may result in some additional layoffs in the future.
>
> The company said it would reappraise the situation after it becomes clear whether the L-1011 program will continue. According to company estimates the minimum orders it might reasonably expect to receive if the L-1011 is not produced would generate for McDonnell Douglas and its three thousand suppliers a level of employment in March 1972 approximately twenty thousand personnel higher than is now anticipated, principally in California, Arizona, Texas, Oklahoma, Missouri, Minnesota, Illinois, Michigan, Ohio, Maryland, New Jersey, New York, Connecticut, Massachusetts, and to a lesser extent in many other communities.

I read this because I think that when we discuss the effect of the proposed legislation on the jobs of Lockheed employees, we should recognize that the employees of McDonnell Douglas need those jobs just as badly, and they would be affected to the extent of losing their jobs if we go ahead with the action of providing a guarantee for a company which is failing to keep itself out of bankruptcy.

I thank the distinguished Senator from Connecticut for yielding.

Mr. WEICKER. I should like to ask the Senator from Wisconsin a question.

Is it not true that another airbus, of European manufacture, uses American parts?

Mr. PROXMIRE. That is my understanding. The engines are built by General Electric.

Mr. WEICKER. So, actually, if we talk in terms of the airframe, the cost of the engine is fully almost as great—not quite, but it is a substantial part of the cost of the airplane.

So, really, we should not be talking now just about McDonnell Douglas and Lockheed. We also should be talking about Boeing, since, to a certain extent, the 747 is a competitor, and we should be talking about this European plane, because it uses American engines, and they are all in this competition together.

We get back to the point of what is so special here that warrants this type of support for the Lockheed Corp.

I am not afraid for the manufacturers of my State, so long as their products can compete in a market in which quality will be the main criterion by which they are judged. But I will tell the Senator what my corporations cannot compete against. They cannot compete against either economic subsidy of an inferior product or political subsidy—either one.

At that point in time, if I concede to that, then the one advantage I feel my corporations in Connecticut have goes down the drain, where everything is agreed to or judged on an equal basis of quality and excellence, rather than subsidized mediocrity.

Mr. PROXMIRE. If the Senator will yield further, I think the Senator's point is very telling. The problem is that we are getting into a competitive situation, and by this kind of action we are favoring one corporation over another. We are not allowing the marketplace to make the determination. We are not allowing those who provide financing—which I think is very objective, by and large—based upon the fiscal and financial outlook for a company, to make the determination. We are making it on the basis of political clout; and, as I will show later, on the basis of overwhelming pressure and lobbying from one side and almost none from the other.

It seems to me that even more telling is the fact that on the 19th of June, Lockheed presented to a Japanese government-appointed commission of representatives of the Japanese aerospace industry, the Japanese Ministry of International Trade and Industry, and the Japanese Ministry of Finance a plan to establish the Japanese as the prime program manager and prime manufacturer of a twin engine L-1011 derivative airplane for the large short-range twin market. In addition to providing Japan with all the technical knowledge and design of the L-1011 plus Lockheed manufacturing expertise, one of the major benefits to NAMCO—the Japanese Government sponsored aircraft program center for export programs—was the Lockheed offer to help sell the Japanese manufactured L-1011 derivatives in the United States.

That plane would be manufactured by Japanese labor, in Japan, with Lockheed making their know-how available, and on a license basis. In other words, they transistorized, in effect, the L-1011.

At any rate, the effect of this is to provide that American jobs will not be benefited by the continuation of Lockheed in this area, but Japanese jobs and British jobs.

I thank the Senator.

Mr. WEICKER. I find that information, supplied by the Senator from Wisconsin, as bordering almost on the shocking.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. WEICKER. I yield, with the understanding that I will not lose my right to the floor.

Mr. TOWER. I might note that this is a fairly common practice. For example, I am certain that General Electric has plants abroad where they make some of their things.

The Japanese, by the way, manufacture an airplane in this country. The Mitsubishi MU-2 is made in San Angelo, Tex.

So it is the sort of thing that works back and forth. I think the Senator is aware that many corporations have plants abroad. I do not know whether McDonnell Douglas has, but General Electric has plants abroad.

Mr. PROXMIRE. With respect to what the Senator from Texas has said, let us boil it down.

The L-1011 foreign labor content, including parts, and so forth, is 40 percent over the life of the program. That is foreign labor content. On the other hand, the foreign labor content in the DC-10 is approximately 10 or 12 percent.

We are favoring, by the loan guarantee, a plane which is built to a large extent by foreign labor, and we are discriminating against a plane which is built overwhelmingly with American labor. That is the kind of sense that this kind of political interjection into the marketplace has given us.

The irony of it is that the principal argument, the overwhelmingly prime argument, made by those who favor the guarantee is that it would save American jobs, when the facts, if we look at them, show that it would do exactly the opposite.

Mr. GAMBRELL. Mr. President, will the Senator yield to me so that I may comment with respect to the remarks of the Senator from Wisconsin?

Mr. WEICKER. I yield to the Senator from Georgia for a comment, without losing my right to the floor.

Mr. GAMBRELL. The Senator from Wisconsin has read into the record a letter from McDonnell-Douglas that raises two question about this matter that have been of concern for me.

I do not think the halls of Congress should be a marketplace for airplanes, but, unfortunately, this has come to be the case.

The question we should deal with is whether we are going to try to prevent some irreparable harm to the national economy, not who makes what planes; because, as is obvious from the evidence, it is a complex situation of international importance.

It can be said that the fact that Rolls-Royce manufactures the engines makes the L-1011 more salable all over the world, because people are accustomed to using Rolls-Royce engines and to working with Rolls-Royce engines, and that is an important factor in the foreign market for the L-1011 plane. But it is extremely—I would say almost impossibly—difficult to evaluate the type of considerations that are being advanced.

What concerns me about the letter from McDonnell Douglas is this: They, as the principal competitor for this product, were offered an opportunity to testify before the Senate committee, and for reasons sufficient to themselves, they declined to do so.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. GAMBRELL. I yield.

Mr. PROXMIRE. I think the Senator understands the kind of ethical attitude that people in business have. There was no question about the position of McDonnell Douglas on this. McDonnell Douglas indicated that they would come if subpenaed. But I think it was perfectly clear that if they came, it would be considered by the Lockheed Corp. and the administration to be an attack on Lockheed and this is an administration which strongly favors this loan. The Defense Department would take a dim view of McDonnell Douglas appearing to testify, which is a consideration of considerable importance. That was one of the reasons I think General Electric was reluctant to testify.

I ask the Senator why it is that these corporations, that have so much at stake—and I mean hundreds of millions of dollars at stake—why it is that General Electric, to the best of my knowledge—perhaps the Senator can disabuse me on this—is engaged in no lobbying and McDonnell Douglas is engaged in no lobbying. They have issued a release or two in response to an inquiry of the newspapers, but they have not been here fighting for their jobs, even though they have so much at stake, this is because of the relationship among the industrial corporations. They simply do not want to take each other on in a head-on fight. They do not do that kind of thing.

Mr. GAMBRELL. That was the point I was trying to get into—that they do or they do not have something to say on the merits in committee. If they choose to stay out of it, that is fine. That is their decision. But the issue of press releases after the hearings are over, on laying off employees, with the implication that it has something to do with something, seems to me to be prejudicial. We have no opportunity to ask them what is behind what they have done, other than what we read in the newspapers.

I might say here that I am not anxious to criticize McDonnell Douglas, I am not anxious to criticize General Electric, and I am not anxious to make an attack on United Aircraft.

It is not pleasant for U.S. Senators, sitting in the Halls of Congress, to point the finger at private corporations to indicate who has been good and who has been bad.

But McDonnell Douglas did not issue any releases about how many Lockheed employees might lose their jobs or might be laid off when they got the V loan in 1967 from the U.S. Government in order to keep them in business.

Mr. PROXMIRE. The V loan was based on——

Mr. GAMBRELL. A generic bill.

Mr. PROXMIRE. Yes; and based on considerations of defense. It had to be.

Mr. GAMBRELL. The national economy, I would say, is probably the most critical feature of our national security.

Mr. PROXMIRE. I say it had to be essential for a national defense emphasis to make this kind of loan possible. If we included Lockheed in that, I would have no objection, but we would have to change the law to do it, and I would support that. But if we qualify it as a defense effort, it cannot be included because the plane is strictly for commercial purposes.

Mr. GAMBRELL. This is the point that I was trying to make. The Senator was talking about who was laid off because of the possibility this loan might be guaranteed, and I am saying that McDonnell Douglas, in 1967, was not concerned about Lockheed employees or who might be laid off. They were not concerned about Boeing employees or who might be laid off. The free enterprise system was not permitted to work in that case, it seems to me.

The Senator would recognize that McDonnell Douglas' difficulties did not arise out of their defense products but out of the difficulties they were having in completing the DC-8 and the DC-9.

Mr. PROXMIRE. The V loan had no effect on Lockheed's employees because Lockheed was not competing in the commercial market.

Mr. GAMBRELL. They were competing in the airframe business with McDonnell Douglas. If McDonnell Douglas had gone down the drain at that time, we would not be here discussing this matter.

Mr. PROXMIRE. That was a loan for defense purposes. This would be a loan for commercial purposes, which is entirely different.

Mr. GAMBRELL. McDonnell Douglas was building the DC-8 and the DC-9. If those programs had failed at that time as they should have done under the Senator's theory, then we would not be debating this question today. I think we need to be consistent. If we are going to have a free enterprise system, we should do this for everyone.

It did not work for American Motors. There was no concern for the employees of Ford, Chrysler, or General Motors who might have been laid off when American Motors got a subsidy from the Government.

I do not see why we should have to be concerned with employees of competitors because this individual case relating to Lockheed has come up. All of a sudden, everyone is so concerned about the free enterprise system, when we have never heard that concern expressed before in discussing this particular type of matter.

Mr. PROXMIRE. The Senator from Georgia will not recognize the fact that there was a difference in the purpose. The purpose of a V loan is to make sure that we have a defense capability. If this could be established for Lockheed, I would have no objection, but the purpose of the loan is to enable Lockheed to get into the commercial area, and I have strong objection to that.

Mr. GAMBRELL. The purpose, as expressed in the bill, is to prevent serious damage to the economy.

Mr. TOWER. Mr. President, will the Senator from Connecticut yield to me for a moment?

Mr. WEICKER. I yield.

Mr. TOWER. In a letter on May 5, 1967, from the Assistant Secretary of the Navy to the Honorable WRIGHT PATMAN, there is an interesting section concerning the V loan to Douglas. Let me quote from it:

> A Certificate of Eligibility for V-loan financing and a statement of the importance or essentiality of Douglas as a defense producer was requested of each agency. In substance, the statements when evaluated showed Douglas to be an extremely important and essential producer. The loss of the productive capacity of Douglas would seriously impair various highly important defense and space programs. These programs covered the A-4E and TA-4E aircraft for the Navy; the Manned Orbiting Laboratory for the Air Force; the NIKE X system (as subcontractor to Bell Telephone Laboratories) for the Army; and the Apollo, Delta Research and Saturn Programs for NASA. Because of the vital role of Douglas in these programs it was unanimously agreed by the four agencies that financial assistance in the magnitude requested was needed to assure uninterrupted production. There were a number of conditions, however, precedent to authorizing the guarantee that were required. The most important of these conditions was that there be a total plan in being or assured of coming into being that would satisfy the total projected needs of the borrower for a year. This was necessary from the Government's standpoint because the financial problems encountered were in the commercial sector of the business and the requirements for the commercial business far outweighed the corresponding defense needs. While the Government segment of the business had not created the financial stress, nonetheless action by the Government was essential to the formulation of a workable plan. This condition for an over-all plan was negotiated and made a part of the guarantee agreement. In brief, this provision called for financial support of the commercial business through the media of an additional bank loan of not less than $75,000,000.

Thus, it was a non-defense-related aspect of the business at Douglas that got it into financial trouble.

I note that Secretary Packard has said it will reflect in an unsatisfactory way on Lockheed's ability to make this defense commitment if the loan guarantee is not made, especially that under bankruptcy it would cost more. Under bankruptcy there would be timelags. Bankruptcy would, through a chain reaction effect, financially weaken suppliers and subcontractors of the L-1011 commercial program. Many of these firms are also suppliers and subcontractors for important defense programs. Some are already in poor financial condition and may not be in a position to sustain the substantial losses which will certainly result from a failure of the L-1011 program at this time; and costs to obtain important defense equipment now under contract from the Lockheed Co. may be higher if the company goes into bankduptcy.

Mr. PROXMIRE. Mr. President, will the Senator from Connecticut permit me to respond to that?

Mr. WEICKER. Mr. President, I believe I have the floor. Does the Senator from Wisconsin wish me to yield to him?

Mr. PROXMIRE. Yes.

Mr. WEICKER. I am glad to yield to the Senator from Wisconsin, who wishes to respond to the Senator from Texas, without losing my right to the floor.

Mr. PROXMIRE. Mr. President, I appreciate very much having the Senator from Texas read into the RECORD in such detail about the "V" loan. As I understand it, what he read indicates the commercial elements of the Douglas Aircraft Corp., which are an important part of that corporation. But the fundamental justification was the defense capability. That was why the "V" loan was made. We do not have that kind of situation with respect to Lockheed. Mr. Packard has made it clear—crystal clear—that defense capability is being brought in and that, in spite of the possibility of bankruptcy, if they go into bankruptcy, defense capability in this product is not involved.

I would now like to respond to a question which the Senator from Texas raised last night, in which he challenged me to show that Mr. Packard actually opposed the pending bill. I read from the testimony which he prepared but which the administration refused to allow him to read. He therefore refused to read the statement which they gave him to read.

I read what Mr. Packard wanted to say, which was vetoed by the administration.

He said:

> It is this last point which leads into the reasons I do not support extending a broad Federal loan guarantee authority to the defense industry or any other industry at this time.
>
> This problem we face with Lockheed is the result of past procurement policies, practices, and attitudes of both the Department of Defense and the industry that develops and produces defense products. In the case of Lockheed, both the Department and the company are at fault. Past policies have encouraged defense contractors, large and small to take on programs beyond their means. That is what happened with the L-1011. Lockheed could assume ways would be found to cover large overruns which might occur on their defense programs. This had always been done in the past. This, I am sure, was the calculation the Lockheed management made in deciding whether to take on a major program such as the L-1011 which even at best would stretch the company resources to the limit. During the last two and a half years we have been trying to correct these procurement practices that have been followed in the past. Some progress has been made, but we have much more to do. For this reason, we, in the Department of Defense, do not need nor want a broad loan guarantee bill which will only encourage a continuation of these practices which have caused this trouble. We want and need your support for new policies and new approaches which will make it much less likely there will be problems of this kind and magnitude in the future.
>
> There is another reason I believe broad legislation is unwise. A government guarantee for a particular company or a particular industry does not generate more credit for the economy. For example, this guarantee only diverts the credit the banks can offer someone else to Lockheed. We can afford to divert $250 million under the circumstances. To provide a mechanism whereby $2 billion could be diverted to firms in the defense industry or any other special industry is quite something else. The solution is to take the fundamental steps to make these industries well and healthy. A firm or an industry that is well and healthy can obtain adequate credit from these and other banks without a guarantee. We believe the steps we are already taking in the Defense Department will eventually bring Lockheed and other firms that are in trouble back to a strong, profitable, healthy condition. Then defense firms will be able to get the private credit they need without a guarantee. That is what we should seek to achieve. That will take more time. In the meantime, the Department of Defense, with my strong endorsement, urges this Committee, the House and the Senate to support a loan guarantee in the amount of $250 million for the Lockheed Company as the Administration has requested.

Mr. President, I thank the Senator from Connecticut for yielding.

Mr. TUNNEY. Mr. President, will the Senator from Connecticut yield me a few minutes for the purpose of asking a question?

Mr. WEICKER. I yield to the Senator from California for the purpose of making a comment or asking questions of me.

The PRESIDING OFFICER (Mr. McGOVERN). The Senator from California is recognized.

Mr. TUNNEY. Mr. President, the Senator from Wisconsin has, unfortunately, left the floor. However, he mentioned that in today's newspaper the McDonnell Douglas Corp. said that it would be able to place 20,000 employees by next year if the L-1011 program of Lockheed were allowed to be dropped and failed.

Mr. President, I am curious to know whether McDonnell Douglas Corp. feels this is true and that they are planning to pick up the business of three major airlines that have made advancements of $240 million for the purchase of the L-1011. Those three major airlines have put up $240 million for the purchase of the Tri-Star and are not going to be able, because of their financial condition, to shift the purchase of the Tri-Star to the DC-10 unless someone comes in from somewhere with some money and makes it available for them to make these purchases. It is quite clear that these airlines are in severe financial trouble. In the case of one airline, if a merger is not allowed within the next year or two, it is very possible that it will face bankruptcy.

So I think for the McDonnell Douglas Corp. on the eve of a vote on this program to submit a letter to the effect that they will be able to employ 20,000 more people, particularly after they were saved from bankruptcy in 1967 by a $75 million "V" loan—which is exactly the same kind of loan as we are making here—is indecent. I think that it is not only indecent, but I think they ought to have to justify where they are drawing these figures from. Until they come forward, either publicly before a Senate committee or through a press conference, and detail with specificity where those jobs are coming from, I do not think that the Senate ought to give any consideration at all to that kind of a last moment statement. I think that it is particularly noteworthy that they turned down the opportunity to testify before a Senate committee.

McDonnell Douglas Corp. is a great corporation. It has a major division in my State. The officers of the McDonnell Douglas Corp. are friends of mine. I think they have excellent management. I think they produce excellent products. But I think that they made a very serious mistake in this particular case and are acting like buzzards in starting to pick over the carcass of Lockheed before there is a carcass. If the Senate passes this legislation, there will not be any Lockheed carcass any more than there was a McDonnell Douglas carcass in 1967 when they were on the brink of bankruptcy because of the problems they were having with their DC–9 program.

Mr. WEICKER. Mr. President, I cannot respond to the comments about the McDonnell-Douglas Corp. However, I am sure that the Senator from Wisconsin will respond when he returns to the floor.

I would like to address myself to one portion of the Senator's remarks that is relative to the airlines. They have "x" number of dollars—$124 million or thereabouts—invested in this particular project.

I do not think I have stressed strongly enough the fact that the arriving, at this point, of the fiasco of Lockheed is just as much the fault of the airlines because of some of the gambles they took as it was the fault of the gambles that Lockheed took.

The airlines received assurance from the British Government that the British Government would finance up to 90 percent of the Rolls-Royce engines and that they would finance it at 2 percentage points below the prevailing interest rates in the United States. That is a mighty tempting package.

Quite frankly, it also involved a foreign government. I think there is always an element of additional risk when one goes out of the United States to a foreign government. They chose that added risk because the interest rates on the loan looked awfully good. So they went, and they made their choice. All of a sudden this gamble with Rolls-Royce did not work out, and now the taxpayers of the United States are being asked to go ahead and take over this gamble.

This is being done after the gamble has arrived at the point of being a loss. They now want assurance that it will not be a gamble at all. Do I say that the airlines are pari delicto with Lockheed in this matter? I certainly do. There is no question about that. They also took a calculated gamble in order to get a less expensive package. Sometimes that does not turn out to be the best way. That is true in this case. It is one of the issues as we debate this measure—whether the taxpayers of this country ought to go ahead and back them up.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from Connecticut may yield to me for some remarks without losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that Mike Gordon, of the Labor Committee staff, be permitted to be on the Senate floor to assist me while I am speaking.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN SUPPORT OF THE BILL—GENERIC LOAN GUARANTEES

Mr. JAVITS. Mr. President, I favor the bill. I believe that, unhappily for all of us and for the country, the bill has been depicted to the country completely out of proportion. To my mind, the least favorable portion of the bill by far is the fact that it will be the basis for a Lockheed loan. Indeed, at the moment I am rather inclined to support an amendment which will cause the Lockheed loan to be considered as any other loan under the bill would be considered. I do not believe that the fundamental reason for passing the measure should be the Lockheed loan per se.

Mr. President, I say that because in the present economic situation, one of the real problems which face us is the problem of an erosion of confidence in the economy and its future, particularly when we have had examples of failures such as that of the Penn Central, which could have really brought the whole American economic house down if a few other corporations had gone down at the same time, joined probably by a few brokerage houses if we had not had the brokerage insurance bill.

I feel that it is dangerous to leave the country without the power and the authority which this particular measure would give it.

Mr. President, I believe that the amount which is involved here is much too small. I think we ought to be talking about at least $5 billion or $10 billion. I think that is much closer to the size of the problem which the United States faces. However, $2 billion is better than not having any authority at all. I hope very much, therefore, that the bill will pass notwithstanding its present vicissitudes.

I repeat: It is not a Lockheed bill; it should not be. I know it is in the sense that that is what is involved, but I hope very much an amendment will be agreed to which will show it is not a Lockheed bill, because that is not the point that should be involved.

My credentials for dealing with this matter may interest the Senate. First, I introduced the bill for a $5 billion general guarantee authority last year—1970. Then, I introduced a bill, S. 1641, again this year and testified with respect to it before the Committee on Banking, Housing and Urban Affairs. This was during the time an individual bill was pending to guarantee a $250 million loan to Lockheed.

I urged the Committee on Banking, Housing and Urban Affairs not to confine its action to so limited a measure as that and so special an interest measure as that, but to expand the bill into a bill required by the national economy. Subsequently it did that with the administration coming along rather reluctantly.

I think the entire country is indebted to the Senator from Alabama (Mr. SPARKMAN) and the Senator from Texas (Mr. TOWER) for having joined together on a generic bill.

Why should such a bill be passed? The reason is that the house of economy of the United States can be very heavily shaken by a failure which results in a stoppage of operations, which can be very harmful to the Nation. Indeed, such a stoppage could touch off a major recession or even a depression. We must never forget that the depression of 1932, which almost brought this country down, was touched off by a bank failure, a company called Credit Austang in Austria. Economist after economist, and no less distinguished a personality than the Chairman of the Federal Reserve Board, who testified before us this morning, testified that it is erosion of confidence which is causing unacceptable continuance of inflation and employment.

Certainly, another blow to that confidence, like some major stoppage of operation, could be the straw that breaks the camel's back and causes everyone to panic.

Therefore, Mr. President, such a stoppage must be avoided if what will bring it on is something we can control. So the danger in Lockheed, as it was in connection with Penn Central, is the fact that the corporation did not have liquid resources to continue its operations. In the Penn Central case, even in bankruptcy, no one would lend money, even on trustee certificates, and if it closed down the country could grind to a halt.

Lockheed may or may not be such a case. We can pass on that as an individual issue. The important thing is the United States should not be left naked. Again, I repeat this is nothing that affects stockholders or other creditors or management and gives them some bonanza or rescue party.

There are two things that answer all those three complaints. One is that this guarantee authority which we have before us remains operative whether the company is in or out of bankruptcy, or chapter XI proceedings, a court reorganization. That is not a criteria. There is no reason why any hard-nosed loan officer, and they do it every day, could not stipulate to throw out the management, and that would include the Secretary of the Treasury as loan officer under this bill, if he does not like it and does not think it will run the enterprise right. Those two things can be readily accomplished notwithstanding this bill.

A loan trustee can insist on any disposition of things desirable with respect to creditors. If he does not believe he can sustain the position legally because of the rules regarding preferences—prebankruptcy—he can insist the company go into bankruptcy before the United States makes the guarantee. We give him complete authority under this bill to do that.

In any region a stoppage of operations should not jeopardize the American economy. That should be the basic purpose of the legislation passed by Congress and it was the basic purpose of the bills I have already submitted.

This is elementary. We should not have to deal with these matters ad hoc. We are making the same mistake here we are making in respect of national emergency strikes.

I am the ranking minority member of the Committee on Labor and Public Welfare. Every time that a union goes out or threatens to go out, touching off the possibility of a national railroad stoppage, we deal with it by special legislation. We have been embarrassed even to the point of passing legislation very much against the feeling of working people, which they construe as compulsory arbitration, which we have to call to finality in order to finesse the point.

But action always has been on an ad hoc basis and always for one strike and this settles nothing but the certainty we will have the same trouble all over again when the current contract expires.

There is no reason why the United States should not have ample authority on the books to prevent a stoppage of operation, rather than bankruptcy of the company. That is what is important here.

The confirmation of the problem of a corporation which finds itself tight, because of lack of immediate liquid money, was the Penn Central bankruptcy. Incidentally, that was the tip of the iceberg, because we were then coming through a very tight monetary policy which, combined with the economic recession, which we are still not out of, made for a liquidity crisis threatening the ability of the Penn Central even to offer it.

I might say that before introducing my emergency loan guarantee bill last year my office and I inventoried the leading bankers in New York, San Francisco, Chicago, Atlanta, Dallas, and Winston-Salem, the major banking centers, and without exception most of these bankers warned that the peculiar mix of economic conditions last year contributed to serious cash flow problems, not only at Penn Central but with respect to many of their important customers. The hardest hit, of course, were the firms in the aerospace industry.

The repercussions of this difficult period are still with us, consisting of the elements of the unusual economic mix, which combines inflation with unemployment and the generally depressed economic confidence today. This is not to say that the liquidity or cash flow of firms which face such difficulties have not been somewhat alleviated, but widespread economic problems could seriously undermine the liquidity situation of many of our corporations producing goods and services absolutely essential to the public interest.

The virtue, even though the amount is small—2 billion with this bill—supposedly would be to change a practice, give us experience, give the Congress experience, in how this situation can operate. Then, if we get into a jam, the amount can be increased from $2 billion to whatever is needed. Then it will work smoothly, whereas, if we do it on an ad hoc, case-by-case basis, we are contributing to a crisis that we will then face and, in addition, will not do it nearly as profitably or efficiently than if we set up the machinery now, which is all we are being asked to do by the bill.

Indeed, the bill has an extra caution built into it, because it requires any guarantee to be submitted to the Congress under procedures which will not tolerate filibusters in this body, so that action, because of talk of a negative character, cannot be held up for an extended period of time, but, nonetheless, every guarantee will have to be submitted.

My own bill—and I think it is still a good idea—limited the figure for which a guarantee would be submitted to $20 million. Whether that is the best figure or not, the fact is that where we are dealing with relatively small guarantees, considering the size of the American economy, again we should not have to deal with them on a case-by-case basis for the purpose of negativing them in the Congress.

So again I shall probably favor, if the bill is open to amendment at all—and I shall deal with that in a moment—some limitation of this character.

Before I deal with that specialized question in detail, I would like to address myself to some of the popular arguments which are being used against the generic nature of this bill.

It seems to me that the arguments generally go something like this: That Lockheed, or any other major company facing bankruptcy, should not be bailed out for mismanagement and that a Government guarantee to Lockheed or any similar company amounts to socializing loans and profitizing profits and sets a dangerous and unwelcome precedent.

These are serious arguments, Mr. President, but many of these arguments miss the point. The Lockheed loan guarantee is an example being sought which its supporters say, and the Government believes, that it is the national interest which is served by keeping Lockheed operating; and that is the specific question that Congress must pass on.

If the Lockheed management made some poor business judgments, or is likely to battle unduly over the guarantee, then our main officials on this matter, to wit, the Secretary of the Treasury, the Chairman of the Federal Reserve Board, and the Chairman of the pertinent Federal Reserve bank, can make the necessary conditions to impose on the management as a condition of the guarantee. But that does not change the need for the guarantee itself.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. TOWER. It has been maintained that if we adopt this measure, it will set a precedent that will do grievous injury to the market-regulated economy. I would like to hear the Senator's comment on that argument.

Mr. JAVITS. If anything, it will help the market-regulated economy, just as the intelligence of the bank lending officers helps the regulation of the economy, because it takes the automatic adjusting operation of our economy in the free enterprise system and does not drive it to its ultimate conclusion, which is destruction, because our economy and our society will not accept that in situations of the size that would impact so adversely the national interest.

I suggest that because the most authoritative regulatory officials, to wit, the very high Government regulating board, rather than some bank board in the Chase Bank or the First National City Bank, do it, will, if anything, improve rather than denigrate that situation. It seems to me that is one of the strongest arguments why this is not a bad precedent, but a good precedent.

Indeed, it is very interesting to me that American business is learning that you simply cannot operate today without partnership with Government. This is a partnership. After all, there is a condition against squeezing the water out of the stock. Indeed, there is an inhibition in this bill against payment of dividends on stock. If a condition of the loan can be an inhibition upon management, if a condition of the loan can be prudent, if the setter of the condition is the United States, it seems to me we are getting to a point which is much higher in the scale of regulation in the Government in terms of major enterprises, rather than less.

I think it is very important that this concept of loan guarantee is operating throughout our governmental structure as it relates to our private enterprise, where it has been very useful.

In the first place, our experience is that our Government never loses money on guarantees, but makes money. This is because while there may be guarantees of very risky operations, because of the actuarial level, when many guarantees are provided and a few do not pan out, when all of them are taken into consideration, they do. As the Senator from Texas knows so well, when we do it in the housing field, it has proved that they are making so much money that their premium rates are higher than actuarial experience justifies. But I cannot see, on the ground of precedent, that it is anything but a continuance of precedent widespread through government and business already, and a desirable precedent in terms of a more sophisticated way of articulating the extent of the control mechanism over the private enterprise system, which, in the modern day, is essential in government.

I would like to point out that this guarantee concept is certainly used not only in the field that we are discussing now, but in the housing field, which we also have been discussing, and it is brilliantly employed, for example, in so interesting a field as hospital modernization, where, faced with the problem of a need of $1 billion for hospital modernization, we find that, by combination of the guaranteed loan plus a slight interest in venture money, we materially reduce the budgetary impact and yet carry out the responsibilities which are required in the situation.

Indeed, there is almost a theological concern, I may say to my colleagues, over the precedent-setting nature of the Lockheed case. This belongs, in my judgment, to an era long past, because the changes that are being proposed do not threaten our national freedom. In fact, they strengthen it, because if an enterprise of that character essential to the national interest that we are discussing should collapse, there is only one other alternative, and that is either to build up some other company, making it even bigger than it is, so that there would be a General Motors in the airplane business as there is in the automobile business, or have the Government do it itself, which puts Government in business more actively than ever.

For all those reasons, in my judgment—and I will yield to no one in terms of credentials which are normally considered liberal in this country in solicitude for the individual, for small business, and for the welfare of the people—I deeply believe this measure to be of a very liberal character rather than of a conservative character, which deserves the widespread support of all, and one on which we should stand.

If we are going to have an economy which will be developed in accordance with the times and still remain a private economy, it needs precisely this kind of governmental assistance in order to remain private, rather than, by sheer stress of circumstance, have business driven more and more and more either into the public sector or into the sector of gigantic corporate capital, because we have simply shown our inability to make our system work through the willingness to make adjustments and to make provisions of this character.

EMERGENCY LOAN GUARANTEES RELATIONSHIP TO PENSION PLANS

Mr. President, there is one other aspect of this measure, before I finish, to which I would like to refer, and that is the relationship of the operations of these companies that represent the beneficiaries of loan guarantees under this bill to pension plans which they own for the protection of their employees. There are very serious questions raised with respect to this matter.

During the course of the hearings befor the committee, Senator Cranston, a member of the committee, asked the president of Lockheed the following question:

> What would happen to the pension rights of Lockheed employees laid off in the course of bankruptcy?

Mr. Haughton indicated that he was not quite sure that those who were entitled to retire could retire, but subsequently both Senator Brock, in behalf of the committee, and Mr. Haughton agreed that if the employees of Lockheed were laid off without having attained 10 years of service, these employees would 'lose all rights and all benefits." See hearings, part I, June 7–16, 1971, at pages 282–283.

When I testified before the committee on this matter, both the Senator from Ohio (Mr. Taft) and the Senator from Delaware (Mr. Roth) questioned me on this subject. Both asked whether anything could be done to protect the pension rights of employees at Lockheed, particularly if there were a serious employment retrenchment following the receipt of an emergency loan guarantee.

As I am the author of a bill to regulate pension and welfare funds, on which we are about to open hearings before the Labor and Public Welfare Committee next week, I thought that something could be done about this situation, and so my staff and I came up with an amendment to this bill which I had referred to the committee for its consideration. When the bill was reported, it did not contain the amendment. That is not necessarily anyone's fault; they had a tough enough time without it. But I think we are still confronted by the question of pensions.

THE AFFECT OF RETRENCHMENT ON PENSION RIGHT

It is not uncommon that a company in financial distress which needs or obtains additional financing may subsequently retrench in its employment policies in order to reduce operating costs.

For example, in the Penn Central case, the trustees gave notice to the union that they would reduce crew sizes to make the company financially more viable and, of course, that would result in the release from work and laying off—the firing, really—of many employees. The question is, May they be laid off under such circumstances, if we pass this bill, without qualifying for pension rights under their pension plan, and thereby lose the years of pension credits that have been built up on their behalf? In that way the employees would not only be out of a job but out of a pension as well. We have had many, many complaints of cases where exactly this happened.

The interesting thing, and it is rather ironic, is that if the same company went bankrupt and terminated its pension plan, under the procedures of the Internal Revenue Service each employee would immediately get some vested interest in that pension fund, regardless of his years of service.

It seemed to me and to my staff that the employees should be treated the same way where in effect the termination of the plan were prevented by the intercession of a government guarantee. This is a very serious matter, and happens in many cases.

I ask unanimous consent to have printed in the Record an article published in the Harvard Law Review, written by Prof. Merton Bernstein, which details case after case where employees unsuccessfully brought suit to obtain a judicial declaration that their pension plan was terminated in order to prevent the loss of their pension credits. Strange as it seems, these employees would have been better off if their company had gone bankrupt and terminated the pension plan. Then, at least, they would have been entitled to some share of the pension fund.

There being no objection, the article was printed in the Record, as follows:

[From the Harvard Law Review, March 1963]

Employee Pension Rights When Plants Shut Down: Problems and Some Proposals

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FOREWORD

As technological improvement and shifts in population alter the economic structure of our society, there has emerged a growing concern for the plight of the industrial worker who is displaced by this process. Mr. Bernstein addresses himself to one particular aspect of this problem: how to protect the pension expectations of employees who are separated as a result of plant shutdowns, mergers and consolidations. After having demonstrated that employer pension contributions are a form of compensation, he concludes that the courts should grant relief on a theory of unjust enrichment to employees separated in a mass shutdown, and that such a remedy would be consonant with the actuarial assumptions underlying pension plans.

When plants shut down many employees lose not only their jobs but also their pension rights. Under present court doctrines, accumulated pension credits can be lost even when the separated employees are within a few months of qualifying for retirement. Where the unit shutdown is part of the demise of the owning company, the accompanying termination[1] of the pension plan results in the vesting of all accumulated pension credits in those still employed when termination occurs. When the owning company and its plan continue in existence, however, the unit shutdown is not treated as effecting termination of the plan, and vesting of all credits does not take place. In the absence of full and literal compliance with the age and service eligibility requirements of the plan itself, employees may find their pension expectations frustrated by a plant shutdown.

Most private group pension plans are based upon employment with a single employer. Between eighteen to nineteen million employers are under such plans.[2] Only years of employment with that one employer count toward benefits under each plan. Retirement benefits are available only to employees who reach retirement age while still employed by that employer, and then only if they have accumulated the specified years of service in that one company, frequently ten, fifteen or even twenty years. Separation from the employer with a plan prior to reaching normal retirement age (usually sixty-five) or early retirement age (typically sixty, with the same or greater length of service required to qualify for benefits) obviously prevents meeting the age prerequisite for benefit eligibility. An indeterminate but substantial number of plans covering significant groups of employees also provide "vested rights" to benefits to employees separated before normal or early retirement age who meet specified length-of-service conditions.[3] As the cases to be discussed show, it often happens that even where vesting is provided few of those separated have the service and attained-age to qualify. Annuity plans prescribe that plan termination will result in the vesting of rights to benefits in accordance with credited service.[4] Trusteed plans are required to provide by Treasury ruling.[5] But these plans frequently do not specify what occurrences constitute termination. Or they may cover some of the possibilities but not deal comprehensively with other contingencies.

Uniformly the courts have declined to hold that a plan has in fact terminated before it terminates either in accordance with its specific terms or by the employer's declaration, even where large segments of a company's operations are discontinued and substantial groups of employees are separated. As a result, the pension credits of large numbers of ex-employees are rendered valueless.

I. WHAT THE COURTS DO

The litigated cases fall into three categories. In the first group, of which *Gorr v. Consolidated Foods Corp.*[6] is illustrative, employees sought a judicial declaration that an annuity plan was terminated before their separation from employment so as to precipitate the vesting of their accumulated pension credits. The Griggs Company has sold its remaining operations to defendant Consolidated in May 1953 when 580 employees were on the payroll. Substantial layoffs began two months after the sale, so that two and a half years later there were only seventy-five of Griggs' former employees still employed by Consolidated, forty-two of them participants in the plan. The appellate court refused to hold that the plan had terminated because the acquiring company had continued the plan (for former Griggs employees only) and the employment of a number of the predecessor's employees, and because none of the conditions specified in the plan for termination had occurred.[7] The court stressed that the plan detailed several conditions upon which termination would occur but did not include the mass unemployment accompanying a merger or a department shutdown or curtailment. It also reasoned

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that the inclusion of a "ten"-year vesting provision[8] meant that vesting was not intended for any separated employee who had less service.

"In no event, however," said the court, "would the employer receive back any contributions made by it under the plan." Contributions made on behalf of the former employee "must . . . be applied toward the purchase of annuities for [other] employees [whose employment was continued]." Thus, the court concluded, "The real parties in interest are the continuing employees on the one hand and the terminated employees on the other."[9]

The court's reasoning seems quite unrealistic.[10] The consequence of continuing the plan and denying benefits to the separated employees was the transfer of all the contributions already made for them to the employer's account to defray the premiums the employer was obligated to pay toward the annuities for employees continued in service ("returns applied").[11] Thus the result was to continue the plan for the remaining employees, who still had to satisfy the retirement or vesting provisions before they would receive any benefits, and to relieve the successor employer of very substantial future payments for the continuing plan.[12]

What would have been the result of declaring that the plan had terminated? The separated employees would have received vested rights to the paid-up units of annuity; so also would the employees who continued at work. So far the continuing employees would have lost nothing. The future credits for employees continuing under the plan would have been lost, but meaningfully only by those who would eventually qualify for a benefit. But it is quite possible that the continuing employees and their bargaining agent would have obtained a new plan (or some full or partial equivalent in wages or other benefits) so that the loss of future credits toward annuities might have been offset or negated. The employer would have lost the benefit of contributions made by its predecessor as part of its past wage bill. Hence, the "loss" would have been the denial of a windfall reuse of the premium payments already made as compensation for employees.

In *Bailey* v. *Rockwell Spring & Axle Co.*,[13] ex-employees formerly under an annuity plan sought a declaration that the closing of the employer's plant, comprising one division out of seventeen, constituted a termination of the plan as to employees of that plant, although the other sixteen plants continued in operation and the plan continued in effect for employees in them. Under the plan discontinuance of contributions would terminate it. But discontinuance was held to mean nonpayment of contributions for all employees. A reading of the plan shows this interpretation to be quite reasonable. The court did not discuss whether the separated employees' complete loss of pension benefits was a frustration of the plan, but did emphasize that neither of the two specific conditions of plan termination had occurred.[14] As a result of forfeitures due to separation of 120 employees, the employer received credits of $256,000 to apply against future premiums.[15]

In a second group of cases, employees sought a declaration that a trusteed plan had terminated, at least as to them, and, further, that in order to prevent defeat of the plan's purpose, equity should declare all service credits vested. In *George v. Haber*,[16] the Kaiser-Frazer Company's major plant was shut down and ninety-five per cent of the 11,000 employees were separated. Some 1,100 former employees sought a declaration that the plan was thereby terminated, but the court refused it. Because some 450 employees remained at work and the plan had not been declared at an end by company or union, the court felt that the purposes of the plan still could be fulfilled. Yet it had before it an affidavit of the plan actuary that all of the existing and potential claims of then current employees would require no more than one-third of the fund on hand.[17] There were no foreseeable claims to the uncommitted remaining amounts. Indeed, not much later, all employment ceased. Yet the plan was never declared terminated by the union or company which established it. They amended the plan to provide benefits for already separated employees whose service, including credit for layoff time, was at least five years.[18]

In *Schneider v. McKesson & Robbins, Inc.*,[19] the closed unit was but one of several dozen and employed only 172 employees, a very small fraction of the several thousand employed by the company. Only a few of the 172 employees transferred to other company jobs, and the remainder, many with substantial service and a few close to retirement age, were separated without any pension benefits. Here, too, the employees were unsuccessful in their claim that the plan had terminated partially as to them, for there was no specific provision in the plan to support their claims, and the plan and the bulk of the company's employment continued. The court was impressed by the "voluntary" nature of the plan, for the employer retained full power to terminate, reduce contributions and benefits, and amend it in any fashion.

In the third group of cases, plaintiffs, recognizing that the plan would not be judicially terminated before their separation, sought to establish that they were entitled to be considered employees despite the employer's notice of discharge. In *Local 2040, Int'l Ass'n of Machinists v. Servel, Inc.*,[20] a large plant, one of several operated by Servel, was shut down and all of its employees discharged prior to its sale. The trusteed plan, which also covered the other company plants, continued in operation. The plaintiffs, who would have achieved eligibility for benefits during the life of the collective bargaining agreement, argued that they should be deemed laid off. They also contended, unsuccessfully, that they had not been discharged for "just cause." The court did not accord them employee status;[21] hence they were disabled from attaining retirement age while still employed by Servel as required by the provisions of the plan. The reasoning and result seem unusually harsh and formalistic. The plaintiffs had in their favor contract language granting them seniority status for recall purposes lasting up to two years, depending upon length of service. Had the court declared that this put them in the category of employees on layoff rather than discharged they would have qualified for benefits within the terms of the contract. The court, without regard to the hardship imposed and the absence of other purposes to be served by declaring them not to be in layoff status, held that the right of the employer to discharge them for economic reasons took precedence over their claim to seniority status which otherwise seemed supported by the agreement.[22]

In only one case have separated employees succeeded in obtaining a judicial declaration that a discontinuance and sale of one company division effected pension plan termination as to them, thereby bringing into play the termination-vesting provisions of the plan itself.[23] The plan and an associated profit-sharing plan covered the employer's two divisions, which were held to be separate and distinct despite some elements in common. About an equal number of salaried personnel from each division participated in the plans; when the one division was sold and discontinued, almost all of its plan participants were separated without vested rights. The retirement plan had no vesting provision and the profit-sharing plan had been in operation too briefly to enable achievement of the five-year service required for vesting under it. The substantial and significant change in the employer and the large-scale separation of employees—fifty per cent of all employees, only seven of whom were under the plan—caused the court to say that the plan was "discontinued" for that division.[24]

In most of the cases just discussed, large groups of employees lost substantial pension credits; for them the purposes of the plans were frustrated. In essence, the courts refused to vary or add to the terms of plans to imply termination or to accord rights not affirmatively conferred by the plans themselves. At least in some instances, the employees' losses resulted in monetary returns to the employer which were so large that they exceeded what could have been expected from normal turnover. These cases thus raise the question whether there are more appropriate legal bases for distributing the pension burdens of shutdowns and like occurrences; and more particularly, whether there is a method of salvaging some pension values for separated employees which will not impose substantial and unexpected burdens upon employers.

II. PENSION PLAN CONTRIBUTIONS VIEWED AS LABOR COSTS AND COMPENSATION

In the early days of retirement programs, it was common for the employer merely to have a "practice" of paying benefits to superannuated employees or to have an unfunded "plan" which was expressly terminable at the will of the employer, and the benefits of which were entirely within the discretion of the employer. The courts characterized such pensions as gifts and gratuities and employees had no enforceable rights to them even after retirement. However, these practices and doctrines gave way to plans with funding, fixed benefits, and the legal status of contracts.[25] It remains for the courts to recognize in pension cases that plan contributions are a kind of compensation.

Unions and employers often are quite specific in equating employer pension plan contributions with employee wage compensation. Unions demand increases of *X* cents per hour in money wages and *Y* cents per hour in fringe benefits, including pension plan contributions.[26] Employers respond with counteroffers in precisely the same terms.[27] Factfinding boards report the bargaining proposals of both in the same fashion.[28] The bargaining of the large unions and large employers is most explicit on this point because both sides have the technical assistance to translate fringe costs, including pension plan contributions into costs per hour. This "translation" is necessary because many plans, such as those in the steel and automobile industry, are expressed in terms of benefit scales and the costs must be derived actuarially.

Of course, smaller employers and unions are less well equipped to translate pension benefit schedules into cost-per-hour-per-employee. But although they must do the job only approximately or even leave the job of translation undone, the understanding is that pension plan costs are part of the wage bill which are given and taken in lieu of direct cash wages or other items of compensation.

The basic purposes of nonbargained plans are the same as those of bargained plans. As far as employees are concerned the purposes of plans are to provide income when age forces retirement from employment. This fundamental purpose is the reason for favorable tax treatment and other protective legislation. Not infrequently nonunionized employers are "following" the patterns set by the unionized sector as a means of competing for employees, or discouraging and

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forestalling unionization.[29] Many companies provide plans for their nonunionized employees patterned after plans bargained for their organized units. While bargained plans probably cover somewhat less than half the employees under plans, bargaining has been a major force in building pressures for plans and shaping their characteristics. Thus, as a general proposition, nonbargained plans seem no less a part of employee compensation than bargained plans.[30]

Since the *Inland Steel* case[31] the courts and National Labor Relations Board have held pension plans to be "wages" and, in addition, "condition[s] of employment" under the Labor-Management Relations Act of 1947 and its predecessor, the Wagner Act. The doctrine of *Inland Steel* is well established but the pension cases discussed in this article do not cite it. Hence it may not be amiss to recall that *Inland Steel* was unequivocal in its statement that a pension plan is a part of the "wages" about which collective bargaining is required by section 8(a)(5) of the Taft-Hartley Act.[32] Significantly, the plan in *Inland Steel* was promulgated unilaterally by the employer several years before the union sought to bargain about it. The demand to bargain did not turn the contributions and the pension plan into "wages"; rather, it was the nature of the inducement by the company to the employees and the value of the contributions and the benefits to the employees which made them "wages."[33] In other words, not only does *Inland Steel* stand for the now well-accepted proposition that employers must bargain with unions about pensions, but the case equally stands for the frequently ignored proposition that a non-bargained plan and the contributions to it are part of "wages" and part of the consideration for services performed.

Recognition of employer contributions to pension plans as a form of employee compensation is absent from the shutdown cases discussed in this article. Had the courts taken notice of the realities of collective bargaining and the complex of statutes, regulations and decisions which are based upon the notion that employer contributions to pension plans are a form of compensation, they might have given consideration to a theory of recovery based on the principle of restitution.

III. QUASI-CONTRACT AS A THEORY OF RECOVERY

A. The restatement's formulation

No court has passed on a clear-cut allegation that, the contracts comprising the pension plans aside, there is a right of recovery on a theory of quasi-contract for the value of that part of the separated employees' services for which the plan contributions were to be compensation.[34]

Section 357 of the *Restatement of Contracts* summarizes the rule as follows:

"(I) Where the defendant fails or refuses to perform his contract and is justified therein by the plaintiff's own breach of duty or non-performance of a condition, but the plaintiff has rendered a part performance under the contract that is a net benefit to the defendant, the plaintiff can get judgment . . . for the amount of such benefit in excess of the harm that he has caused to the defendant by his own breach, in no case exceeding a ratable proportion of the agreed compensation, if

"(a) the plaintiff's breach or non-performance is not wilful and deliberate."[35]

The doctrine of unjust enrichment is rooted in cases in which building-repair or personal-service contracts are partially performed but completion becomes impossible.[36] Typically in the service cases, plaintiff or plaintiff's decedent promised to care for a relative for the remainder of the relative's life but, after many years of rendering care, became unable to continue because of extended illness or death. Although the specified condition of payment is not fulfilled and there is only partial performance, the plaintiff can recover the value of the work actually done.[37] If a plaintiff in default of a promised performance may recover for the benefit he confers, it would seem that an employee who blamelessly is separated from employment and hence cannot fulfill the age or service conditions of a plan should be entitled to compensation to the extent that his service has benefited an employer, who otherwise would have both the full benefit of the employee's service and the reuse of the pension contributions.

The contract conditions for normal retirement in a pension situation and those of life care in the life-service cases are somewhat similar. Both sets of conditions call for personal service over an extended period and both provide in terms that the benefit will be gained only by service to the end of the period specified. But, there also are differences. In the life-care cases, the purpose of the promisor is to induce lifelong service. The purposes of the pension-offering employer are not so single nor simple. Employers institute plans for a variety of reasons. During World War II and the Korean War cash wage increases were limited by law, but reasonable amounts contributed by employers to pension plans were permitted. Hence, employers instituted pension plans as one means of holding and attracting employees in a tight labor market. In *Consolidated Foods Corp.*, the employer declared that its predecessor introduced the pension plan because "it was for the best interests of the company, in competing with other businesses, to attract and retain desirable employees, to follow the then current [1954] trend of establishing a pension plan. . . ."[38] It may be of more than passing interest that the plans at issue in *Rockwell Spring* and *McKesson & Robbins* also were begun during World War II. The major benefit the employers expected to derive from those plans came to them during the early years of the plan.

The incentive to compete with other employers can and does operate in more normal times. Some employers adopt plans because, among other things, they believe it appropriate and fair to provide long-term employees with income when their earning power is diminished or past. Some employers believe that pension benefits conditioned upon long service up to retirement age provide an incentive for employees to remain with that employer. They seek to reduce turnover costs and obtain the benefits of employee experience. Often such conditions are pension cost-control devices. Many employers adopt plans because they are under union pressure to do so, and yet others adopt plans to combat or forestall union organization. And yet another major reason for plans is that they enable employers to remove employees with declining efficiency (real or fancied) from the payroll where such action would be impossible, or at least unconscionable, if the employee were cast off with no private source of income. Obviously, in such instances the plan is designed not as an inducement to long service but as an antidote for overly long service. It is for any or some combination of these reasons that employers agree to union demands for plans or install them unilaterally. In sum, age and service conditions often are not designed to encourage long service; the benefit-eligibility conditions usually are present, primarily or in part, to provide limits upon plan cost. If there can be recovery for partial performance in the life-care cases where full satisfaction of the life-service condition was the primary desire of the defendant, it would seem that in the pension situation where inducement of long service often is not the employer's motive recovery on the basis of quantum meruit is even more justifiable.

When a mass discharge takes place due to changes in the employer's structure, performance of the years-of-service condition is of no interest or value to the employer. Except where there is a contract for a definite term, and such contracts are rare among rank-and-file employees, the employer is generally free to dispense with unneeded employees. When the employer exercises that right, whether from adverse necessity or for economic advantage, it prevents the fulfillment of the condition. That is its prerogative. But it does not seem sensible or fair to say that nonperformance of the age or service conditions by the employee extinguishes all of his rights and credits under the plan when it is the employer who prevents performance because it no longer wants the fulfillment of these conditions. The *Restatement* rule in favor of quantum meruit recovery applies where the defendant had wanted or could receive performance at the time of breach. If the defaulting plaintiff in such a case can recover, it makes even more sense for a blameless plaintiff to recover despite his nonperformance of the condition where the condition has become meaningless and unwanted by the employer.

Section 468(I) of the *Restatement of Contracts* seems to state the last hurdle presented by contract conditions to a quantum meruit recovery:

"Except where a contract clearly provides otherwise, a party thereto who has rendered part performance for which there is no defined return performance fixed by the contract, and who is discharged from the duty of further performance by impossibility of rendering it, can get judgment of the value of the past performance rendered."[39]

Williston deals with the problem of nonfulfillment of conditions with these inquiries:

"Did the plaintiff take the risk of the impossibility which has occurred? Is the contract to be construed as providing not only that the plaintiff should receive pay for his performance on certain contingencies, but that except on those contingencies he should receive no pay?"[40]

Williston gives these answers:

"In the United States the right of recovery is general, whether the contract is for the sale of goods or land, or the rendering of services, unless a contrary intention clearly appears. . . . [Y]et the mere fact that there is stated in the contract a condition on which payment shall be made, and that the condition [is unfulfilled] . . . is usually not enough to preclude recovery."[41]

Pertinent to a determination of whether such an intention was clearly manifested by the parties are two considerations:

"First, and most important, did the defendant receive the benefit of the performance as it progressed? . . . [I]f the benefit is received as it progresses, as in ordinary contracts of service . . . the implication is strong that the provisions of the contract in terms making payment conditional on an event which has become impossible, were not intended to cover the situation which has arisen."[42]

Secondly, but less important, are the performance and promise equivalent? If the plaintiff did assume the risk of losing all for nonperformance of the condition, Williston says, he would have sought more than the fair value of the service as the reward for full performance.[43]

So, the first inquiry is whether the benefit of the performance is received as it progresses. As Williston points out, the benefit is normally so received in contracts of service. The arrangement of which bargained pension plans are a part would seem not to be different. The employer's pension contribution is traded for wages or some other economic benefit which is enjoyed on a current or

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short-term basis. In addition, the employer charges its contribution to current operations.[44] Of course, the value of any employee's service varies at different periods of employment. Many of the benefits believed to be derived from plans are not subject to accurate, or indeed any reliable, measurement. At least, that has been the experience to date in attempts to measure the influence of pension plans upon employee loyalty and adherence to the employer.[45] It certainly cannot be said that the last years of service before retirement age are necessarily the most valuable to the employer; indeed, many employers insist upon mandatory retirement even at age sixty-five because they believe older employees are less valuable and become progressively less useful. A reasonable conclusion is that in most situations the benefits of pension plans are received by employers during the whole period of employment and that, in effect, the employee and his union representative regard contributions as a form of current compensation, albeit to be enjoyed at a later time. Hence, plan benefits are popularly and technically designated as deferred compensation.

Williston's second test is: are the performance and promise of about equal value or are they so disproportionate that the transaction is like a bet? If they are equivalent it is inferable that full performance was not regarded by the parties as the *sine qua non* for recompense. From the employer's point of view, all of the employees' services in the aggregate are roughly valued as the total of the cash wages and fringe benefits they have been able to exact. When plans are bargained, there is nothing to suggest that unions regard or treat them as involving wages.

It may be argued that employees know that fulfillment of the age and length of service conditions of a plan is subject to frustration not only by their voluntary resignations or discharge for cause, but by layoff and separation in the normal course of business. The extent to which the expectation of such usual occurrences may be deemed to encompass wholesale job loss accompanying mergers and plant and unit shutdowns may be illuminated by some instances of practice in such circumstances and a review of the actuarial assumptions about employee separation upon which plans are based.

B. Actuarial considerations

A paper by an eminent actuary, Dorrance Bronson, presents situations in which plant and unit shutdowns could be treated as "partial terminations" for which separated employees would receive vested benefits.[46] The comments upon it by other actuaries report actual examples.[47] It was Bronson's experience that plans generally are silent as to these possibilities. But his analysis of various methods of according benefits to separated employees in such situations suggests that their claims have a strong measure of equity and are actuarilly manageable.[48]

Bronson states that the separations attendant upon plant and unit shutdown raise the question as to whether the mass separation is merely "a sudden high rate of termination of employment . . . (or something) more fundamental." [49] In choosing between these characterizations, he says, the competing interests are benefits for separated employees and "the employer's subsequent pension cost." [50] It is implicit in these comments that one can judge what is fair to the employees. Unfortunately, he does not make explicit the criteria for making the judgment. Perhaps a rough test could be: are the reasonable turnover assumptions underlying the plan substantially lower than the actual turnover experience? If they are, then the employer is unexpectedly recapturing funds if employees are separated without benefits.

It is appropriate then to consider the actuarial aspects of mass separations. Employee turnover is a basic variable about which assumptions are made in estimating pension plan costs and expected liabilities. But are separations due to plant and unit shutdowns, mergers and sales included in such assumptions, and if so, to what extent? Actuarial estimates for nonannuity plans contemplate that some employees will quit, be discharged for cause, die or be separated for economic reasons before achieving eligibility. A rate of separation is assumed for each age group. The rate is a composite one for all causes and is not computed from rates for each cause of separation. Based upon these assumed rates, the actuary derives the number of employees who can be expected to achieve benefits and how many in each year after the plan is in operation. From this he computes the estimated cost of any specified benefit level. When the cost is ascertained, the actuary assumes a rate of interest which the fund would earn, and thereby derives the rate of contributions needed to finance the plan. These computations enable an employer to estimate its plan costs. Indeed, benefit rates are determined only after their estimated cost is computed.

While premium costs of annuity plans are not based upon any "discount" for turnover, most employers under such plans have general or even fairly specific expectations as to how turnover will affect their net plan costs, for when employees are separated without vested rights, the employer contributions plus earnings are applied against the employer's future premium liability. Naturally, some estimates of these "gains from returns" are made.

The rates of turnover in the service table employed in the actuarial computations for a plan are supposed to average out the periods of high and low turnover over the several decades during which it is assumed the plan will operate. Periodic adjustments in deposit administration and trusteed plan assumptions are made to reflect actual experience. When turnover is somewhat heavier than expected, conditions may be reduced if those already made are deemed sufficient to substitute for later intended contributions. If turnover is lighter than anticipated, contributions may be increased.[51] In effect, insured plans work out in essentially the same way. Actuarial computations for a pension plan assume continuation of the enterprise, at least until the last retirement of present employees. Actuaries and plan consultants make no explicit assumptions as to expected or possible plant or unit shutdowns.[52] Turnover rates are based upon large populations, so that the effects of plant and unit shutdowns are averaged among the entire employee population and reflected in the table by very small increments for any given group. As a result, in many, probably most, situations in which shutdowns of relatively large units occur, the resulting turnover will be higher than the rate assumed.[53] Where this difference is palpable, it seems reasonable to conclude that the employer did not count upon reduced plan costs due to the shutdown and that similarly the employees did not assume the risk of plant and unit shutdowns.

The courts, however, read plan provisions which explicitly negate employee rights in the plan or fund prior to full satisfaction of the conditions of eligibility as indications that the employees did assume all the risk of nonconformance with those conditions. Provisions of this sort are more or less standard in plans, whether insured or trusteed; sometimes they are side by side or actually joined with declarations to the general effect that no employee has any "right, title or interest" in any contributions or any part of the plan; broader clauses declare that the employees have no interest in the fund and no right of action against it. But it is open to question whether upon otherwise proper allegations employees could not obtain an accounting in the face of such a provision. If there were indications of impropriety, courts probably would ignore the supposed limitation. The purposes of such provisions are: to keep the plan from becoming embroiled in garnishment proceedings and lawsuits; [54] to protect the employee from using his retirement income in advance of retirement; and to preclude claims by employees who quit or are involuntarily separated before achieving eligibility. But this is not to say that they were intended to be applied in extraordinary situations of mass separations. As such a time literal enforcement of the very same provisions might be palpably unfair and defeat rather than foster plan purposes.

Courts would do well, therefore, to ascertain the purpose of these provisions and interpret them in accordance with those purposes, which often are more limited than the words intimate. Many trades and callings have their specialized terminology and usages which the courts will honor if they learn what they are. The language of collective bargaining agreements and fringe benefit plans is often specialized in that manner. What appears to the outsider to be a clause of universal application will be known to practitioners of the mystery to be for limited and well understood purposes.

All that is suggested here is that these provisions, as with the eligibility provisions themselves, be subjected to the test of actual intent, which may require parol evidence.[55] All of these provisions should be assessed in the light of the whole transaction and relationship of the parties to discover whether they do represent a clearly expressed purpose of the parties to place the full risk of impossibility of performance upon the employee who has partially performed and is denied the opportunity to continue to do so.

It may be argued that the employer runs the risk of low turnover and consequently higher-than-expected pension costs, and therefore should be given the benefit of higher-than-expected turnover and consequent lower-than-expected pension cost. But in most circumstances the higher pension costs of low turnover would be more than offset by the substantial savings of the considerable costs which turnover involves—costs of separating employees, recruiting and training replacements, and the lower efficiency of unseasoned workers. Even if there is no causal relationship between the plan and low turnover, the employer's aggregate labor costs generally are lower when turnover is low even if the plan cost is greater. Moreover, in the unlikely event that total costs exceeded those expected, the employer is in a position to limit his losses by unilateral action or by subsequent bargaining.

It also might be objected that quantum meruit recoveries for employees separated in shutdowns and mergers would enable any separated employee to sue successfully for that part of his compensation purportedly consisting of the value of his earned pension credits. Such a broad application would increase the costs of plans beyond those contemplated and would make plans for units with heavy normal turnover prohibitively expensive or at least unattractive. The short and simple answer to this objection is that unjust enrichment does not result when individuals or small groups of employees are separated, because gains from such turnover are reasonably contemplated and employees do assume the risk of losing pension credits because of such common separations.

In sum, although employees may be chargeable with the risks of turnover which they and the employer could reasonably anticipate, it seems unreasonable to expect them to bear the full risk of turnover where it exceeds actual or reasonable expectations, the very expectations upon which the em-

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ployer bases its funding. The general rules governing quantum meruit call for a clear demonstration that the risk which prevents full performance was assumed by the plaintiff. There is no reason for applying a more onerous rule to employees under pension plans. The absence of a declaration in the plan expressing the assumption of that risk, under the rules stated, indicates that the risk was not assumed by the plaintiff who has performed partially. The employer receives the benefits of the employees' services each day they are rendered and this too negates the assumption of the risk of shutdown by employees. If employees lose their pension expectations to a degree not contemplated by them, by the plan or by the employer, and if the employer benefited by their partial performance, recapturing contributions or premium payments beyond its reasonable expectations, it seems reasonable to say that the employer is unjustly enriched.

C. Considerations in regard to bargained and nonbargained plans

The plans in *McKesson & Robbins, Consolidated Foods Corp.*, and *Rockwell Spring* were not bargained. In each instance satisfaction of the specified conditions of eligibility were held to be the sole basis for benefits. It does not seem appropriate to limit the employees' rights to contract terms which in fact they did not negotiate. Nor is it fitting to give broad interpretation and wide applicability to powers employers unilaterally reserve to themselves. Yet in *Consolidated Foods Corp.* the court felt the employees were parties to the agreement, making it a tripartite contract. In *McKesson & Robbins* and *Rockwell Spring* no such employee action was called for as the plans were noncontributory. In any of these situations, what alternatives do employees realistically have? They either take the plan with all the protections the employer may put in for itself, or leave it and lose the entire benefit of the plan. That is not much of a choice. But the courts have consistently found that the language of the plan is the controlling consideration in ascertaining employee rights, as if the plan were a contract whose terms were decided upon by equal dealing at arm's length. In fact, no such dealings occur. There is palpable inequality of knowledge and competence.[56]

It seems unrealistic and archaic to hold that employees are precluded from a contract recovery by details of a plan which they did not bargain, did not knowingly accept, and which they had no alternative but to accept passively. Extending such a literal approach to cases in which the unjust enrichment doctrine is invoked would be even less justifiable.

Does it follow that under a bargained plan employees should be held to its exact terms even when there is "mass" severance? What treatment is to be accorded a nonbargained plan where a union subsequently represents the employees but does nothing or is unsuccessful in its attempts to obtain changes?

Where a plan is bargained, it would seem appropriate to look at the assumptions upon which the bargain was based. The purpose of such scrutiny is not to see whether the literal meaning of the plan can be modified, but to see whether the plan assumptions preclude a noncontractual recovery on the basis of unjust enrichment.

A few questions may suggest the appropriate lines of inquiry: Did the parties discuss the assumptions for the plan, especially those for turnover? If so, what kinds of turnover were discussed? The absence of plant and unit shutdowns in the past might indicate that shutdowns were not anticipated by the parties. If there had been any, was there any evidence of how the parties meant to deal with such situations? What did the actuaries assume? And to what extent were assumptions known and considered by the parties? Of course, the evidence might be skimpy. One would suppose that the plaintiff-employees would have the burden of proving unjust enrichment and of negating any inferences to be drawn from the plan contrary to the rights asserted. If the gains to the employer from separation seem substantially in excess of what it planned for in the way of turnover, courts, especially juries, might require little proof on the question of the effect of the agreement.

But the inquiry need not end with consideration of this one element, for pensions are only one part of the whole bargain. It should be open to the employer to show that provisions of the bargaining agreement on other subjects, such as severance pay or extended supplemental unemployment benefits, were designed to provide all the compensation contemplated for separated employees. It might show how large expenditures for these benefits more than offset pension plan gains from separations; such results may be indicative of the way in which parties dealt with the possibility of mass separations.

Somewhat similar considerations might enter into a determination as to whether the bargaining by a union after establishment of the plan amounted to implied or knowing acceptance of its conditions. As with unilateral plans, the intended effects of eligibility and other conditions should be treated as questions of fact.

IV. THE CHOICE OF REMEDIES

If the case results previously described are unsatisfactory, should some remedy be contrived by the courts, written into plans by the parties, provided in some fashion by the federal or state legislatures, or by the development by some of these parties and agencies of new devices to fill in the gaps at bearable cost?

The courts do not seem very promising. Judges can master the actuarial aspects of plans but often will not have the time required to become familiar with their complexities. The case-by-case approach is not very useful to pension planners, who should know as nearly as possible at the outset of the plan what the potential liabilities are. Although other solutions to the problems posed may be more effective, the courts may contribute to the amelioration of the problems presented, especially as the other solutions are not imminent.

A. Can unjust enrichment be judicially ascertained?

Whether there have in fact been greater than estimated gains from forfeitures might be difficult to establish judicially; there could be a battle of actuarial assumptions in which juries might be less than precise in finding the "facts." Can actuarial science guide courts and juries in resolving turnover issues? If large divergencies can be judicially determined, can actuaries provide sufficiently precise information upon which to compute the amounts properly due employees?

If actuarial techniques are adaptable to the task of comparing assumptions with experience at any given point in time, the likelihood is that courts are quite competent to apply the criteria provided by the actuaries. Courts perform other tasks that are at least as complicated. It is yet another question whether the comparison of actuarial assumptions and experience is an appropriate subject for a jury where the issue is contested, for it is a common phenomenon for honest experts to give conflicting testimony. Employers and insurers may feel that they would get a very rough brand of justice rather than nice balancing of actuarial considerations. But there is a large body of law, however imperfect, under which judges may protect defendants from juries.

Actuaries may be dubious about the adaptability of their methods as a tool for litigating whether a given set of employee separations during a brief period was at a rate demonstrably higher than that of the plan's assumptions. One problem is that assumptions are subject to modification by experience under the plan. Thus, a question for resolution is what set of assumptions would provide the appropriate measure: those made when the plan was established or those adopted during its existence? The answer is not readily apparent. [57]

Despite the difficulties of formulating a rule, the disparity between the turnover reasonably associated with a plan and what actually occurs may be so readily apparent that a determination is not really difficult. For example, in *George v. Haber*,[58] the principal plant shut down and over ninety-five per cent of the company's employees were separated within the first four years of the plan. Obviously that percentage of separations in so brief a period exceeded anticipated turnover. The *Servel*[59] case, where a plant which had employed 2,500 employees shut down, would similarly seem to be a case where separations exceeded any prior reasonable estimate of turnover. *McKesson & Robbins*[60] appears to be at the other end of the scale—the shutdown of one small installation out of dozens, involving the separation, albeit in one year, of only 1.6 per cent of all participating employees. The number and percentage are so small as to make it dubious that one could measure whether that turnover exceeded the expected.

Perhaps the basic reason for doubting the propriety of comparing actuarial assumptions with experience to determine liability to separated employees is that the underlying purpose of actuarial methods—guidance for responsible financing—may be regarded as very substantially different from determining the legal liabilities assumed by the employer. And even if liability in general could be ascertained by employing actuarial methods, perhaps the range of reasonable assessments of any given occurrence is sufficiently broad to preclude a reliable measure of the precise amount due to the separated employees. Moreover, the original assumptions might be challenged as insufficiently conservative. Is the reasonableness of the original assumption an appropriate subject for court inquiry? It would seem difficult to open it to meaningful inquiry, yet impossible to close it entirely. One would suppose that the showing of unreasonableness would have to be quite clear and beyond serious dispute. It may be that the division of the experts, however reasonable, invites a less-than-expert court determination. But is less-than-expert adjudication worse than leaving the parties wherever the disrupted relationship chances to deposit them? We have not yet reached the point of despair where we believe fate to be so superior to reason.

Employers and actuaries can decide and have decided that some plant and unit shutdowns and merger situations should be treated as partial terminations so that separated employees receive rights to benefits. They should be able to make explicit some of their standards to guide courts in making similar decisions. Whether and how these jobs are to be done cannot be settled by one opinion or a majority vote on a questionnaire. The problems require ventilation and widespread consideration by the actuaries, those whose economic interests are affected, the lawyers who deal with problems of evidence and procedure and, finally, or perhaps even initially, by the courts, since otherwise the others might not get to it.

If the courts find merit in the proposition that mass terminations palpably in excess of reasonably expected turnover result in unjust enrichment of employers and a forfeiture for employees, they well may conclude that they are quite competent to assess factual situations underlying such a determination.

Footnotes at end of article.

B. The measure of relief

The determination that unjust enrichment would result implies some measurement of the difference between proper and improper recompense. But the ascertainment that such a difference exists does not mean that the difference has been measured as yet with any accuracy. Perhaps the recovery will be held to be the difference between assumed and actual cost. Or the measure may become the difference between the value of the employees' services to the employer and what they were paid. The courts can, and frequently do, ascertain the value of services in cases involving quantum meruit counts. The measure may be what other similarly situated employees were paid. This involves estimates of the value of fringe benefits, as to which opinions will differ. It will be open to argument whether the proper recovery is the equivalent of the contribution (a dubious proposition) or the discounted value of the coverage to the employee. This kind of complex issue should be left to resolution after thorough canvassing by experts—hopefully before litigation. In all likelihood, the various measures would reach approximately the same results. In any event, as section 357 of the *Restatement of Contracts* indicates, the contract price sets the upper limit of recovery.

Usually a quantum meruit recovery consists of a money judgment. If translated into vested deferred pension benefits it would be even more worthwhile. If the individual amounts are small, as they well might be, annuity contracts would not be very practical. A clearing house arrangement[61] would make it easier to translate their money judgments into future pension benefits—which is what the plan was for to begin with.

C. Possible side effects of unjust enrichment approach

Of course, possibility of recovery in such situations on a quantum meruit basis might affect turnover assumptions. To minimize their liability upon a plant or unit closing, employers might instruct their actuaries to assume a high rate of turnover because of the possibility of adverse economic conditions. This would have the additional unfortunate effect of producing a lower estimated cost and lower contributions. Other considerations, however, including the employers' desire to have a sound, properly financed plan, may well minimize such an effect.

If courts begin to award restitution to employees on the basis of unjust enrichment, can it not be expected that employers will explicitly provide in plans that upon plant and unit shutdowns there will be no benefits. Perhaps so, although if they do some of the expected advantages, vis-à-vis unions and other employers would be cancelled out. And if they do so, courts should at the least require that the employees be made fully aware that the plan contains such a provision.[62] In nonbargained plans, for the reasons already canvassed, the courts might well question the fairness of such provisions. Conceivably some courts might decline to enforce them.

If plant and unit shutdowns are deemed by the courts, in the absence of a specific plan provision on the subject, to give employees a right to some or all of the plan contributions up to the value of their services, a union is in a strong bargaining position to refuse to change the plan to include an explicit provision on the subject unless it gets something of value in exchange, such as a general vesting provision or a vesting provision covering such occurrences. For this reason, employers might prefer to risk liability in the event of a plant or unit shutdown rather than incur the greater risk of precipitating a demand for liberal vesting provisions. Indeed, an employer who demands a plan provision negating liability to employees in shutdown situations will run the risk of counterproposals for limiting its right to relocate, for severance pay, for transfer rights and other protective devices which equal or exceed the costs of vesting in mass separations.

In sum, there is no certainty that employers will adopt or seek plan provisions declaring their freedom from liability to employees separated in mergers and plant and unit shutdowns.

D. Possible contract provisions governing unusually large separations

Plan provisions to give vested rights upon such occurrences clearly are rather desirable for employees. They could be quite expensive; but upper limits on liability can be set by agreement, as they are in supplementary unemployment benefit plans. Of course, the limit may render some valid claims unenforceable; but that would seem preferable to no recovery at all. Whether some limit may be developed which would be demonstrably fair for nonbargained plans remains to be seen.

It would seem thoroughly desirable for the parties to provide specifically in plans for the treatment to be accorded employees separated in unusually large numbers because of plant and unit shutdowns or mergers. Such arrangements, so long as they deal fairly with the differing interests of employer and employees, would be far preferable to court-imposed *ad hoc* determinations. From the point of view of the separated employees, they would receive some recompense for their lost pension credits without the delay, expense and uncertainty of litigation, and they might more readily receive it in a form translatable into potential pension benefits with the advantages of group coverage. An agreement could provide with specificity the conditions upon which separated employees would be recompensed so as to cover what under court-developed rules would be marginal and dubious situations.

From the employer's point of view, it is preferable to have participated in the formulation of what benefits are to be payable and under what conditions, than to have both imposed by court or jury. In the absence of potential liability, however, there is no direct economic incentive for the employer to accede to provisions for benefits in mass separations other than the motives which lead employers to install and improve plans, especially those with vesting. The fact that such provisions are not uncommon means that plan protection may be extended openhandedly to shutdowns when such occurrences come to be regarded as a real hazard.

From the point of view of the remaining, generally longer-service, employees, plan provisions might better protect their interests than an *ad hoc* court determination. As with vesting in general, where an enterprise's fortunes are declining, vesting for those separated in a unit shutdown may favor the separated employees over those retained if the fund would not be equal to all claims were plan termination to follow. This may be particularly so in the early years, when a plan is immature and service credits for the more senior employees are only partially funded. Under an agreement, benefits for separated employees might vary according to the condition of the funding. Or provision might be made for meeting the liability to separated employees over a period of time. In this way a larger fund would be retained giving greater protection to the remaining employees and a larger portion of the payments for separated employees would be met from fund earnings.

Employers might be apprehensive about the interpretation of such plan provisions by a jury, or even a judge, who could not be expected to apply actuarial concepts with the reliability of experts. The solution to that problem—and indeed the similar difficulty with a noncontractual recovery—seems relatively simple: provide for arbitration in which one or several experts conversant with the actuarial structure of plans participate.

If plans specified what is to be regarded as termination, union, employees and employer would know where they stand. And if "termination" occurred, separated employees would have something to show for having been under the plan, employers would have manageable liability, and remaining employees would have their interests protected as well. In effect, there would be a special, limited form of vesting. This might conceivably have length-of-service conditions or priorities; but to perform their intended function, such conditions would have to be less stringent than present vesting provisions generally are.

Until something better comes along, some amelioration of the separated employees' plight by courts and plan provisions is desirable. But for a broad solution to what may well be a growing problem, some new not-too-costly device may be preferable. If a new pension institution could be fashioned under which employees could obtain credit for all or almost all of their employment by practically any employer, the cost for each unit of service to any one employer could be reduced very substantially below what it is now. The cost of giving what amounts to full vesting after brief service might be reduced to the point at which many or almost all employers would be willing to accord pension credits to most separated employees, including those who lose their jobs in unit shutdowns or transfers.[63]

If improving technology, shifts in population, changes in the age profile of the population, and defense accelerations and cutbacks scramble industry and commerce more and more vigorously and thoroughly, as seems possible, the problem of separations due to shutdowns, mergers and transfers could become formidable for would-be pensioners. It is difficult to conclude that the present pattern of single employer pension plans will afford adequate security to tens of thousands of employees who could be affected. And it is difficult to conclude that the courts presently are sufficiently solicitous for the interests of employees when their pension expectations are put in jeopardy by plant and unit shutdowns.

FOOTNOTES

[1] In its broadest signification "termination" means the ending of the plan. One form is the achievement of the plan's purpose by retirement of the last eligible employee. As used most often here, "termination" means the ending of the plan before that point, often substantially before the fulfillment of the plan.

[2] An estimated 21.6 million employees, excluding retirees, were under plans in 1960. Skolnik, *Employee-Benefit Plans, 1954-60*, 25 Soc. Sec. Bull. 5, 7 (No. 4, 1962). Multiemployer plans accounted for approximately 3.3 million employees; under such plans employment by any participating employer results in plan credits. United States Dep't of Labor, Multi-Employer Pension Plans Under Collective Bargaining, Spring 1960, at 1 (B.L.S. Bull. No. 1326, 1962). Eligibility conditions for retirement benefits under multiemployer plans often are more exacting than for single employer plans; twenty or twenty-five years of covered service, not necessarily continuous, is a common requirement. United States Dep't of Labor, Digest of One-Hundred Selected Pension Plans Under Collective Bargaining, Spring 1961, at 14, 16, 60, 66, 68, 76 (B.L.S. Bull. No. 1307, 1962).

[3] The length-of-service requirement may vary from ten to fifteen or more years of unbroken employment, and is frequently coupled with an age requirement, typically forty or forty-five. Vesting involves only the employer's contributions. A minority of plans

are "contributory," *i.e.*, both the employee and employer contribute. Almost universally, when an employee under a contributory plan is separated without a vested right to some or all of the employer's contributions, the employee's own contribution is returned to him, usually with interest. "Vesting" usually entitles the qualifying employee to benefits when (but only when) he reaches retirement age; the amount of the benefit usually is computed according to his service credits. If the vesting is "full" (the most usual form), the employee gets the full benefit of his service, and hence the full benefit of the employer's contribution. If the vesting is "graded," his benefit is some percentage of a full benefit. Some plans condition vesting upon involuntary separation or other specified causes.

[4] "Group annuities of the conventional deferred annuity type covered 2.5 million persons at the close of 1959, or 48% of all persons covered by insured plans." 1960 Life Insurance Fact Book 35. Insured plans of all types accounted for about one quarter of the employees under private pension plans in 1960.

[5] Rev. Rul. 61–157, pt. 5(c) (2), 1961–2 Cum. Bull. 67, 87. Eligibility requirements, such as retiring in the employ of the employer and age and service requirements of a plan's vesting provision, need not be met—the fact of termination removes those conditions.

[6] 253 Minn. 375, 91 N.W.2d 772 (1958).

[7] The contract provided three bases for termination: (1) on default of contributions by the employer; (2) at the election of the company (this was not a bargained plan); and (3) at the election of the insurer whenever the participants were fewer than fifty or less than 75% of those eligible. 253 Minn. at 383–84, 19 N.W.2d at 777–78. Although the number of participants had fallen to forty-two, the insurer had not chosen to terminate. 253 Minn. at 379, 91 N.W.2d at 775.

[8] The "ten years" required were ten years of service under the plan, participation in which required five years of service and attainment of age thirty-five. So an employee needed fifteen years of service and could be no younger than forty-five in order to qualify for a vested right. None of the plaintiffs met the vesting requirements; through the life of the plan up to the time of litigation, four employees had qualified for vesting. Letter From Plan Insurer to Author, July 28, 1960.

[9] 253 Minn. at 385, 91 N.W.2d at 778–79.

[10] Another commentator, however, seemingly agrees with the court's analysis. See Aaron, Legal Status of Employee Benefit Rights Under Private Pension Plans 70–72 (1961).

[11] "Returns applied" are those sums (plus interest) the employer had in the past contributed on behalf of employees separated without benefits, which are applied to defray the employer's liability for premium payments.

[12] The discharge between 1953 (the year of acquisition) and 1955 of 85% of the former Griggs employees resulted in the transfer of the value of paid-up annuities purchased on behalf of the separated employees to the premium account of Consolidated as follows:

Year	Employee payments	Total payments due from employer to insurer	Returns applied	Net amount due from employer
1951..	$23,499.08	$117,185.54	$9,197.89	$107,987.65
1952..	23,830.20	106,338.54	2,641.31	103,697.83
1953..	22,504.90	123,975.16	53,131.74	70,843.42
1954..	11,785.40	45,697.98	46,247.78	(549.80)
1955..	5,868.90	23,698.49	19,579.31	4,119.18

In addition, there were unapplied credits. In sum, the successor company obtained about $170,000 in premium credits as a result of the cancellation of the separated employees' annuity credits. Derived from Record, pp. 151–53, Exhibit F.

[13] 13 Misc. 2d, 175 N.Y.S.2d 104 (Sup. Ct. 1958).

[14] In addition to the causes of action based upon a termination theory, the court also rejected one based upon the theory that the employer prevented the employees from meeting the length-of-service conditions of the plan.

[15] File Affidavit of Attorney for Plaintiffs, Exhibit B. Some of the plaintiffs were written a few months of achieving ten years of service, the minimum for a vested benefit, but none actually qualified.

[16] 343 Mich. 218, 72 N.W.2d 121 (1955); see Amended Bill of Complaint, Settled Record on Appeal, p. 6.

[17] Affidavit of Plan Actuary, Settled Record on Appeal, pp. 20–21.

[18] Letter From Plan Actuary, Murray Latimer, to Author, October 30, 1961.

[19] 254 F.2d 827 (2d Cir. 1958).

[20] 268 F. 2d 692 (7th Cir.), *cert. denied,* 361 U.S. 884 (1959).

[21] See Karcz v. Luther Mfg. Co., 338 Mass. 313, 155 N.E.2d 441 (1959). In *Karcz* the employer had shut down the mill at which plaintiffs had been employed only a few weeks before they would have reached retirement age. They too failed in their arguments that they had been discharged without cause. 9 Records & Briefs for Vol. 338 Mass. Reports 13–14.

[22] At least two arbitrators have reached different results in plant-closing cases. See A. D. Julliard & Co., 22 Lab. Arb. 266 (1954); Premier Worsted Mill, 13 Lab. Arb. 804 (1949); Hudson Mohair Co., 11 Lab. Arb. 42 (1948). The same arbitrator served in the latter two cases. A similar situation, with one important variation, occurred in Alexander Smith, Inc., 24 Lab. Arb. 165 (1955). There the plant was shut down and the grievants were admittedly on layoff. All seventy-six employees had at least twenty years of service but were not yet age sixty, as required for retirement under the plan. They would have reached age sixty during the pension agreement's term within a few months after being laid off. However, they failed to establish eligibility because they were not "employees" when they reached the requisite age. "Employee" as defined in the plan required the current receipt of compensation. Without inquiring into the reason for the provision, the arbitrator denied all benefits under a literal reading of the plan language.

[23] Fernekes v. CMP Industries, Inc., 15 App. Div. 2d 128, 222 N.Y.S.2d 582 (1961).

[24] The court cited Longhine v. Bilson, 159 Misc. 111, 287 N.Y. Supp. 281 (Sup. Ct. 1936). There a welfare plan to which the employees contributed covered some 400 employees in three corporations under common ownership. In 1935, one of the companies closed its plant and discharged all 126 employees; the corporation and plan continued in operation. The court declined to declare the plan terminated but held that the provision calling for forfeiture of all plan rights upon separation from employment did not contemplate mass separations and hence was inapplicable to the plaintiffs. *Longhine* and *Fernekes* may be related in spirit, but their legal theories are different. *McKessom & Robbins* and *Rockwell Spring* were distinguished, apparently on the ground that in each the shutdowns involved only one of several divisions and smaller percentages of employees.

[25] See, *e.g.*, Comment, *Consideration for the Employer's Promise of a Voluntary Pension Plan,* 23 U. Chi. L. Rev. 96 (1955); Comment, *Insulating Pension Benefits From Creditors,* 3 Stan. L. Rev. 270 (1951). Under the bilateral or tripartite theory, the express terms of the plan are deemed agreed to by the employee and binding upon him. Under the unilateral theory, the contract does not come into force until the employee "accepts" by full performance of the age and/or service conditions.

[26] See, *e.g.*, Steel Industry, 33 Lab. Arb. 236, 243, 245–46 (1959).

[27] See Somers & Schwartz, *Pension and Welfare Plans: Gratuities or Compensation?*, 4 Ind. & Lab. Rev. 77, 82 (1950).

[28] See Basic Steel Industry, 13 Lab. Arb. 46, 97–98 (1949).

[29] See Sandler, *Legitimate Ways To Resist a Union Drive,* 34 Personnel 38, 39–40 (1958).

[30] Major provisions and the legislative histories of the Welfare & Pension Plans Disclosure Act, 72 Stat. 997 (1958), 29 U.S.C. §§ 301–09 (1958), the Internal Revenue Code of 1954, §§ 401–04, and the Labor-Management Relations Act, 61 Stat. 136 (1947), 29 U.S.C. §§ 158(a) (5), 159(a), 186(c),(5) 1958), reflect the concept of such funds and the contributions to them as compensation to employees and part of the wage bill of employers. In 1956 the Senate Subcommittee on Welfare & Pension Funds declared:

"These employer-employee plans, whether or not collectively bargained, or whether contributed to solely by management, or on a joint management-employee basis, actually, and under existing law, proceed on the basis that the contributions to them by management are in the nature of employees' compensation for employment or, stated in another way, '. . . that the cost of an employee's service is greater than the amount currently paid him as wages.' "

S. Rep. No. 1734, 84th Cong., 2d Sess. 3 (1956). To the same effect see the Subcommittee's "Conclusions and Recommendations" 1(d) and 2(e), *id.* at 6–7. The investigation and report led to enactment of the Welfare & Pension Plans Disclosure Act. In reporting the bill which was to become Welfare & Pension Plans Disclosure Act, the Senate Committee on Labor & Public Welfare stated: "Regardless of the form they take, the employers' share of the cost of these plans or the benefits the employers provide are a form of compensation," S. Rep. No. 1440, 85th Cong., 2d Sess. 4 (1958).

[31] Inland Steel Co. v. NLRB, 170 F.2d 247 (7th Cir. 1948), *cert. denied,* 336 U.S. 960 *cert. granted on another point and aff'd,* 338 U.S. 382 (1949).

[32] 170 F.2d at 251, 253. *But see* Comment, 23 U. Chi. L. Rev. 96, 102, n.25 (1955).

[33] The sole holding apparently to the contrary as to contributions is in Sylvania Elec. Prods., Inc. v. NLRB, 291 F.2d 128 (1st Cir.), *cert. denied,* 368 U.S. 926 (1961). Here the company had refused to provide the union with cost data about its noncontributory group health insurance plan. The NLRB held that the "costs" as well as the benefits were wages. The court of appeals refused enforcement of the order, holding that only the "benefits" were wages, citing W. W. Cross & Co. v. NLRB, 174 F.2d 875 (1st Cir. 1949). There it had held that health and welfare insurance were "wages." A reading of that case will not support the court's belief in 1961 that it read "wages" to include only "benefits." To the contrary, it said that it was not setting any limits upon the term "wages," but that whatever the limits are, group insurance surely comes within them. *Id.* at 878. *Cross* was an expansive reading of the term and does not support *Sylvania*'s narrow reading or result.

The Supreme Court's holding in United States v. Embassy Restaurant, Inc., 359 U.S. 29 (1959), that contributions to a welfare fund are not "wages . . . due to workmen" under the Bankruptcy Act may seem to indicate that contributions to a pension plan similarly are not wages. However, the majority carefully limited its opinion to the bankruptcy statute. Apparently pension benefits were not among the fund's purposes. *Id.* at 30. The most convincing of the Court's dubious justifications for its holding, however, is that the purpose of the priority was to give employees funds "with some promptness . . . to alleviate in some degree the hardship that unemployment usually brings . . ." and hence that only cash wages were contemplated. *Id.* at 32.

The Court had held a few years earlier in United States v. Carter, 353 U.S. 210 (1957), that a surety under a payment bond in favor of those supplying "labor" was obligated for the defaulting contractor's health and welfare fund contributions. The collective agreement in that case specifically declared that the contributions were not "wages." Nonetheless, the Court described the employer's agreed contributions to the health and welfare fund as "part of the compensation for the work to be done by . . . [the] employees." *Id.* at 217–18. *Carter* is not a precedent for the proposition that all fund contributions are compensation for all purposes, just as *Embassy* is not a precedent for the proposition that such contributions are not wages for any purpose. *Carter* faces in the direction of a quantum meruit recovery and shows how limited *Embassy* is.

[34] The complaints and briefs of the parties in the cases already discussed have been search for quasi-contract allegations and arguments. Unjust enrichment was suggested as a basis for the plaintiff's claims in *Consolidated Foods Corp.*, but only in the brief on appeal. In *Rockwell Spring* this cause of action was not dismissed and, perhaps significantly, the case was settled.

[35] Restatement, Contracts § 357 (1932). Comment *c* of § 357(I) makes it clear that the rule covers unfulfilled conditions as well as unperformed duties:

> The plaintiff may have made no promise to do what he has not performed; or he may have been excused from performing his promise by reason of impossibility or by the defendant's own consent. In such cases the defendant is not permitted to retain the benefit of a part performance without paying for it.

[36] See Restatement, Contracts § 357, at 627–29 (1932).

[37] See 6 Williston, Contracts § 1973 (1938); 6 Corbin, Contracts §§ 1369–72 (1962).

[38] Record, p. 28, Gorr v. Consolidated Foods Corp., 253 Minn. 375, 91 N.W.2d 772 (1958).

[39] Restatement, Contracts § 468(1) (1932).

[40] 6 Williston, Contracts § 1972A (1938).

[41] *Id.* at 5539–40.

[42] *Id.* at 5541.

[43] *Id.* at 5541.

[44] The funding of current service cost starts out by recognizing that the cost of an employee's service is greater than the amount currently paid to him as wages because, as he works, he concurrently establishes a possible claim to a pension. In a sense this is a claim to more pay for the same work; it is therefore deemed to be a part of the cost of that work and hence a part of the cost of the product resulting from that work.

Hearings on Welfare & Pension Plans Before the Subcommittee on Welfare & Pension Funds of the Senate Committee on Labor & Public Welfare, 84th Cong., 1st Sess., pt. 3, at 1160 (1956) (testimony of Robert Tyson, Vice-Chairman of the Finance Committee of the United Steel Corporation).

[45] Three commentators using completely different bases have concluded that pension plans are a negligible factor in inducing employee adherence to the covered job. Tilove, Pension Funds and Economic Freedom 23–25 (1959); Ross, *Do We Have a New Industrial Feudalism?,* 48 Am. Econ. Rev. 903 (1958); and an as yet unpublished study of Herbert Parnes. However, we will have much to learn on the subject.

[46] Bronson, *Pension Plans—Provisions for Termination of Plan,* 7 Transactions, Society of Actuaries 242–46 (1955). A concept of "partial termination" might avoid the result of vesting in all participating employees the full value of their credits thereby depriving the employer of the benefit of reasonable turnover. In addition, it would avoid the possibility of a plan's being fully terminated before sufficient funds had been accumulated to meet the claims of all employees. It would seem easy enough for a court to devise appropriate relief to match the determination that a plan is partially terminated. Such a result requires the implication of plan termination where the plan does not specify what is to constitute termination, or it does so but the definition does not reach situations which realistically viewed are tantamount to termination. Once this conclusion is reached, however, the courts would be hard put conceptually to substitute a new set of plan terms as to what rights and results such partial termination precipitates. Courts may not be overly wary about the exercise of their equity powers, especially as the plaintiffs would be in a poor position to complain that the court lacked power to prescribe the new terms and the defendant, who would contest judicial power to imply termination, would have no incentive to insist upon the full vesting which, as described, is the usual concomitant of plan termination.

[47] *Id.* at 465, 471–72.

[48] Some district directors of the Internal Revenue Service "insist" that the pension credits of employees not hired by the successor in a merger be vested. Lurie, *Pensions After Mergers and Spin-Offs,* 10 Tax L. Rev. 531, 536 (1955). The policy cited still varies from district to district. Interview With a Treasury Official, August 1961. The practice is suggestive that others in this field believe that employees who lose their jobs in merger situations should not also wholly lose their pension credits.

[50] *Id.* at 243. *But cf.* the court's characterization in *Consolidated Foods Corp.,* text accompanying note 9 *supra.*

[51] These adjustments belie the supposedly self-balancing nature of the service table, for theoretically, unnaturally low separations in the early years of a plan which would increase potential costs might be expected to be offset by high rates of employee separations during another period. The adjustments made, if any, will depend upon matters of judgment as to the degree of deviation from the range of expected variation in turnover, anticipated changes in the economy and the enterprise and their probable effect on turnover, and past and prospective earnings of the fund. Among the considerations affecting the use to which these estimates and the actuarial calculations will be put may be the desirability of a change in rate of the employer contribution.

[52] The literature on plan assumptions omits mention of plant and unit shutdowns as a cause of separations included in turnover assumptions. In addition, the statement is based upon my interviews with widely experienced actuaries.

[53] For example, it would be surprising if any actuary could have contemplated and assumed the almost total demise of the Griggs Company when establishing its plan in 1945; yet by 1953 it was a shadow of its former self. It is inconceivable that an actuary assumed rates or turnover equal to those which actually occurred under the Kaiser-Frazer plan (all 11,000 employees separated within four years of the plan's establishment).

[54] See Comment, *Insulating Pension Benefits From Creditors,* 3 Stan. L. Rev. 270 (1951).

[55] See 6 Williston, Contracts § 1972A, at 5541 (1938).

[56] See, *e.g.,* Brief for Appellant, p. 20a, Gallo v. Howard Stores Corp., 250 F. 2d 37 (3d Cir. 1957).

[57] If the test is to be the extent of the liability the employer assumed, then it may be appropriate to refer to the liability at the time it became fixed. In a negotiated plan this may be the date of the agreement or last amendment. But the agreement may only bind the employer to make whatever contributions a designated actuary may recommend as necessary. Such an arrangement is somewhat like a unilateral plan in which the employer reserves the power to determine the level of contributions. If so, should one look to the actuarial assumptions as of the time the last adjustment in contributions was made prior to knowledge of the event in controversy? Would such a procedure provide a benchmark of the employer's "expectations" and hence, of the liability assumed? Not necessarily, although such an approach seems quite reasonable for most situations. However, it may not be applicable where the mass separation in issue is only one of a series. At what point does one decide that assumptions end and experience begins if the authority is retained by the employer to alter contributions or make plain amendments (which imply changes based upon experience)?

Is it then appropriate or fair to fix liability as of the promulgation of the plan? Does that show the "real" extent of the liability the employer assumed? Not if he expressly or impliedly reserved the right to alter the original turnover assumptions. And even if, during the early years of a plan, the original assumptions provide the proper measure of the liability undertaken, some time in the possibly long life of the plan assumptions should be subject to alteration to reflect changes in technology, market, and employee training. If the employer is saddled permanently with the original assumptions, plans adopted after the promulgation of such a rule might tend to "assume" high turnover to minimize liability.

[58] 343 Mich. 218, 72 N.W.2d 121 (1955).

[59] Local 2040, International Ass'n of Machinists v. Servel, Inc., 268 F.2d 692 (7th Cir.), *cert. denied,* 361 U.S. 884 (1959).

[60] Schneider v. McKesson & Robbins, Inc., 254 F.2d 827 (2d Cir. 1958).

[61] Possible "clearing house" arrangements under which employees could cumulate their pension credits from all employers are discussed at length and in detail in a chapter of the author's forthcoming book, *The Future of Private Pension Plans.*

[62] *Cf.* 1 Corbin, Contracts § 128 (Supp. 1962).

[63] The author in a chapter of his forthcoming book explores the possibility of various institutional arrangements for achieving such transferability. Wholly private, wholly public, and mixed private-public institutions are considered and analyzed in connection with coordinated private arrangements for the use of such institutions.

AMENDMENT NO. 323—PROTECTION OF PENSION RIGHTS

Mr. JAVITS. Mr. President, in order to protect employees against the danger to their pension rights of such retrenchment moves in the case of an emergency loan guarantee, I had contemplated proposing an amendment to make it a condition of a loan guarantee that the company receiving it must, during the period the guarantee is in effect, purchase for any employee who has worked in the enterprise 5 years or more, and who is permanently laid off, an annuity equivalent to the amount of contributions made to the plan by the employer on behalf of that particular employee, or by the employee himself if he made any contribution, or both.

A number of other Senators whose names I shall list in the Record propose to join me in that amendment.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. TOWER. May I suggest that the

Senator submit his amendment to be printed? He will be protected under rule XXII by a unanimous-consent agreement which provides that the amendment will be considered as haviing been read prior to the cloture vote on Monday.

Mr. JAVITS. I thank my colleague very much.

Mr. President, I send the amendment to the desk for printing under the rule.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. JAVITS. Mr. President, I ask unanimous consent that the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 323

On page 7, line 8, insert the following:

"(g) (1) In any case in which an enterprise receiving a loan guarantee under this Act shall have in effect, on the date of application for such guarantee, a pension plan providing retirement benefits for such enterprise's employees, it shall be a condition of such guarantee that the enterprise file with the Board a written undertaking, in a form satisfactory to the Board, providing that, if any employee who is a participant in such pension plan and has completed 5 or more years of service with the enterprise shall have his employment with the enterprise terminated involuntarily (except by discharge for just cause) before repayment of such loan and prior to entitlement to a vested pension right, the enterprise shall purchase on a full single premium basis a deferred life annuity for such employee in an amount actuarially determined to be equivalent to—

(A) The contributions made by the enterprise to the pension plan on behalf of such employee up to the point of his involuntary termination from employment, and

(B) the employee's contributions to the pension plan, if any.

(2) This section may be implemented by regulations promulgated by the Board pursuant to the Administrative Procedure Act.

(3) The Board may waive or modify any or all of the requirements of this subsection if it determines that their application would not be feasible or would be inconsistent with the purposes of the other provisions of this Act.

Mr. JAVITS. Mr. President, as I say, I proposed to do this, but at the same time did not propose to press the amendment, because we do not know as yet whether it will be desirable to put any amendments on this bill. I appreciate the feeling of the managers of the bill that it may be possible to get the bill passed if there are no amendments, or if there are, that they are strictly technical in nature.

I am therefore disposed at this time, Mr. President, to see if it may be possible to get an agreement from the Secretary of the Treasury, who will be chairman of the Emergency Loan Guarantee Board, assuring us that where a loan guarantee is made, an agreement will be made conditioned to the particular situation, which would preserve to every extent practicable, along with equivalent funding, if that is practicable, the pension rights of individual employees who may be released or separated because of a retrenchment program incident to the making of a loan guarantee.

Mr. President, it is critically important that these pension rights should be protected, and I believe that, consistent with my own feeling, this legislation is essential, and that the way that I have described of working it out would be best.

Mr. President, I close as follows:

It is a provident government which prepares to meet eventualities which are likely, and which it is capable of meeting, before they arise. It is an improvident government which proposes to let events of a nature which could be damaging and dangerous to the national interest overtake it. It is my convinced judgment, Mr. President, that this authority is a very critical aspect of such providence on the part of the U.S. Government, and I hope very much that the Senate will act favorably upon it.

Mr. President, again I wish to point out that the important thing here, in view of the rather small amount of the authorization, is to establish the machinery, lay down the ground rules, and get experience in this operation, so that if we really find ourselves in a crunch—which we very well may—I hope all of this will have been done and that the country will be prepared to meet the emergency.

Mr. President, it is quite amazing to me that we spend half our budget for defense and all kinds of armament of the most sophisticated kind, when we know very well that our dearest hope is that we may never have to use it. We never compute the imminence of war as the criterion upon which we should base the means for defense. Yet when it comes to the economy or to the social order, we are so reluctant to act in any way with the same intelligent philosophic concept as to what the Government ought to do until we are overwhelmed by events. Many disasters and much suffering, Mr. President, have been caused as a result of this kind of improvidence.

Indeed, Mr. President, it is not a light matter that the casualties upon our roads from automobile accidents are inevitably compared with the casualties in any kind of war. It is found so very often that road fatalities exceed war fatalities by far—again because we somehow or other do not seem to be under any incentive to do the things necessary to protect ourselves until we are overwhelmed by events, except in war.

Mr. President, I think this is, as I say, one of the most improvident aspects of government. We have an opportunity to take a totally different line in respect to this particular bill, and I hope very much, in the self-interest of our Nation, that this measure, Mr. President, notwithstanding the doubts that have been evidenced about it, may become law as a result of the debate which we are now carrying on.

Mr. GAMBRELL. Mr. President, I wonder if the Senator from New York would yield to me for a question and comment on his remarks.

Mr. JAVITS. With the permission of the Senator from Connecticut.

Mr. GAMBRELL. Will the Senator from Connecticut yield for that purpose?

Mr. WEICKER. I yield to the Senator from Georgia for the purpose of comment on the remarks of the Senator from New York.

Mr. GAMBRELL. Mr. President, I congratulate the Senator from New York on his remarks covering the entire range of considerations involved in the proposed legislation.

The Senator from New York, of course, is one of our most articulate speakers and one of our most incisive thinkers. He certainly is in a position of less political concern than some others who have spoken on behalf of people, voters, constituents, and businesses located in their home States for which they have justifiable concern.

The Senator from New York came before our committee and made substantially the statement he has made here. I might say that I think it was at that point in our deliberations that the sentiment of the committee began to turn in favor of supporting legislation of the type we have before us.

I think the Senate and the public are aware that the measure started out primarily as a matter of rescuing Lockheed Aircraft Corp. from the very difficult circumstances in which it found itself. But the Senator from New York came before the committee and pointed out that this matter was illustrative of a number of situations that existed—the Penn Central and others that either did exist or might exist because of economic circumstances in the country—that he had proposed legislation of a generic nature, and explained, as he has done here today, in a very clear and dispassionate way, the reasons why such legislation is desirable.

I might say to the Senator from New York that before he came to the Chamber today I pointed out that we have a tendency in this country to wait for Pearl Harbor to strike before we do anything about it. Not only may the proposed legislation save us from some disasters, but, also, the mere fact that the legislation is on the books may give the economy enough encouragement, may create the confidence the economy needs, to go forward on its own.

As the Senator has said, this type of legislation tends to support the free enterprise system rather than to interfere with it. The Senator has put his finger on the specific problem about which we are talking. We are not talking about something to save some stockholders or to save somebody's management. We are talking about a cash flow problem that affects any number of businesses, great and small, in this country. We are trying to avoid the stoppage of operations of major business enterprises, with all the disastrous effects for persons, great and small, throughout the country, that may result. The Senator from New York is a distinguished lawyer and knows enough about bankruptcy to know that nothing in this bill puts anything in any stockholder's pocket and nothing in this bill saves any incompetent manager from being thrown out, if that situation develops.

In the Lockheed case, it is very possible that the eventual result of this will be that the entire equity, all of the interest of the stockholders, will be completely squeezed out. Some merger may be down the road; some reorganization may be down the road that is entirely voluntary on the part of the corporation. They may change management. But the enterprise itself—its productive capacity, its employees, its subcontractors, its suppliers throughout the country—do not go down the drain because of a temporary cash flow shortage.

All these things have been clearly and dispassionately pointed out by the Senator from New York. I believe that the sentiment of our committee was, by the very articulate statement he has made here today. I thank the Senator.

Mr. JAVITS. I am very grateful to the Senator for his comment on what I have said. I am deeply gratified, and I will be grateful if the Senate acts affirmatively.

Also, I hope very much that I did have some effect on the committee in buttressing the sentiment of which the Senator speaks, which was developing and is now epitomized in this bill, to make this a generic bill. I would have had much more difficulty supporting strictly a Lockheed bill than I have in supporting this measure, and I hope that the thrust of the debate will take account of that.

I respectfully submit—although I know that other Senators may not feel exactly that way—that even if Lockheed is thrown in with all the others subject to congressional veto, that is not the main point. The main point is that this critically important piece of power shall be on the Federal books.

I should like to close on this note. The entire Nation should be grateful to Senator Sparkman and Senator Tower for picking up the cudgels in the committee, where it would do the most good, joined by such as the Senator from Georgia, in order to carry this out as a national policy rather than as an ad hoc operation relating to Lockheed alone.

Mr. GAMBRELL. Mr. President, will the Senator yield for one more observation?

Mr. WEICKER. I yield to the Senator from Georgia.

Mr. GAMBRELL. I think one other aspect of the Senator's remarks is very important and needs to be considered. The fact that this bill deals with large corporations should not be a source of alarm for anyone except someone who is motivated by rhetoric. Our committee, in the first session I attended, had before it Dr. Burns.

Several members of our committee, including myself, asked Dr. Burns at that time:

> Dr. Burns, what can and should the federal government do in order to aid, to lend credit and support, to small businesses, to farmers, to the producers and manufacturers of housing, and to people who want to buy houses in this country, to avoid the disastrous effects of credit crunches such as we have seen in the last two years? How can the federal government extend its vast resources to make the free enterprise system work in these areas—small businessmen, farmers, home-builders, apartment developers, and people of this type?

Dr. Burns' answer, which in a way was satisfying, and in a way was not, was this:

> We have had that under study for a couple of years, and we hope to have a report on that by the end of the summer.

I cannot say how many times since then I have gone back to my notes and said, "When are we supposed to get their report?" I have twice written Dr. Burns and said, "Let us have the report, because I am concerned and the members of our committee are concerned about this very thing."

Businessmen—I do not care whether they are great or small—are affected seriously by these credit crunches when they come, and we need to have some bulwark. The Federal Government is in control of the economy and in control of the ebb and flow of cash resources in this country. If the Federal Government, not only in reference to big businesses but also small businesses, does not erect some kind of bulwark against these ebbs and flows, we have disastrous effects. This bill is simply an emergency measure—a band-aid, one might say—to carry businesses of the type of Lockheed or others over a hump until we can establish a permanent national policy.

The Senator from New York has said that we are experimenting with how this program might be developed in the future. Again, I congratulate the Senator for his remarks.

Mr. JAVITS. Mr. President, if I may just respond very briefly—again thanking Senator Weicker for his courtesy and consideration, especially as I take a different view of the bill—I should like to point out that Dr. Burns was asked today, at the hearing of the Joint Economic Committee, about the response to which Senator Gambrell has referred; and Dr. Burns said he would be ready quite soon. So, apparently, he is receiving considerable demand that this be forthcoming, and I have no doubt that he will let us have it shortly.

Mr. President, I thank the Senator from Connecticut, and I yield the floor.

Mr. WEICKER. I thank my colleague from New York.

Mr. President, I have a matter to discuss of a very serious nature relative to the bill before us.

Mr. TOWER. Mr. President, will the Senator from Connecticut yield to me briefly?

Mr. WEICKER. I yield.

Mr. TOWER. Mr. President, earlier in the day, I expressed my intention to file a cloture motion on Saturday.

After consultation, it is not this Senator's intention to file a cloture motion on Saturday, and I ask unanimous consent that my earlier remarks be withdrawn.

The PRESIDING OFFICER (Mr. McGovern). Without objection, it is so ordered.

Mr. TOWER. I thank the Senator from Connecticut very much for yielding to me.

Mr. WEICKER. Mr. President, a few minutes ago, I had occasion to go out in the lobby to look at the news ticker, and the following UPI release came to my attention:

> The Chairman of the Board—

I am now quoting from the UPI release.

> of the Lockheed Aircraft Corporation criticized Senator William Proxmire today for filibustering against a bill designed to save his firm from bankruptcy.
>
> "It seems to me that the tens of thousands of employees and stockholders—the subcontractors and suppliers—the airlines, and all those who have so much of their future at stake, at least deserve a chance for an up and down vote," Chairman Daniel J. Haughton said in a statement distributed to reporters.
>
> It was unusual for a person so directly involved in legislation before Congress (sic) would comment on tactics used in debate on the bill.

Mr. President, Chairman Haughton was elected by a few thousand stockholders and probably not even by them, really, but, rather, by a board of directors, to represent his company.

We represent on the floor of this Chamber the citizens of the United States, each Senator coming from his respective State.

We are not beholden to any stockholders.

We are certainly beholden to the Constitution of the United States. We are beholden to the principles that have made this country great.

I believe that the whole process has been most unusual as to the preferential treatment afforded the Lockheed Corp.

I find it most unusual to have the chairman of this corporation direct his attack upon a Senator of the United States when, in fact, it is he and his corporation that are before this Senate and before the people of the United States requesting certain specially interest legislation.

The people of the United States are being asked for $250 million. It is not Senator Proxmire who created the situation at Lockheed that made it necessary to come before the people of the United States for this loan. Senator Proxmire was not responsible for the management of the Lockheed Corp. Yet he is the one now being attacked for validly representing the interests of his constituents in inquiring as to whether $250 million should be loaned by the taxpayers of the United States to the Lockheed Corp.

I consider this totally ironic on the part of the chairman of the board of Lockheed Corp.

The employees and technicians of Lockheed Corp. are not the ones to bear the brunt of failure here. As we go through the history of the Lockheed Corp. it is clearly seen that this is a management failure. Yet the same arrogance that was shown in keeping their figures from the public is now shown by its chairman who says to the taxpayers of the United States:

> We will not give you our financial assistance data. If anyone questions that, by gosh, they are the ones who are working against the interest of my employees.

I consider that ludicrous. I consider it insulting. I consider that kind of action and that kind of statement on the part of Chairman Haughton to be indicative of the kind of thing which has led his company, by his actions, to the point where it comes before the Senate to request $250 million from the people of the United States, who elected 100 Members of this body, not 101, not 100 Senators who stand for election plus Chairman Haughton, but 100 Senators—I repeat 100 Senators.

Mr. President, I would hope that my colleague from Wisconsin (Mr. Prox-

MIRE) would now comment on his own behalf, if he cares to do so, although I realize this will put him in a tough situation; but, nevertheless, I think he should have a chance to respond to the criticism from the outside.

Before the Senator comments, let me repeat that we have before us in the Senate a generic bill, so-called, designed to set aside $2 billion worth of the taxpayers' money for emergency loans.

Let us make it very clear that, point No. 1, this was precipitated by Lockheed's being in financial trouble. No one volunteered the bill off the Senate floor. It was specifically precipitated by Lockheed, channeled through the administration, and brought to the floor by the Committee on Banking, Housing and Urban Affairs.

Point No. 2, we must understand clearly that the bill is so written, even though it is general in nature, that the specifications are drawn so that Lockheed is exempt from the congressional review called for in the bill to be applied to all other corporations that make applications for loans. But Lockheed will be exempt from this provision, the way the bill is drafted now.

Let us make clear that by any standard, the record of mismanagement of the SRAM missile, the Cheyenne helicopter, the C–5A, and now the L–1011 is the most incredible record of corporate mismanagement that we have witnessed within our free enterprise system within our lifetimes.

Let us make very clear—I repeat, very clear—the fact that, at this point in time, the architect of disaster, Chairman Haughton, says to the Senate of the United States:

> We have given you two days debate on the floor—

He calls that a filibuster—

> on my $250 million to cover up my mistakes. I want it now. Anyone who opposes me is against my employees.

Mr. President, I would suggest that a little more thought, care, effort, efficiency, ability, brains, and farsightedness would apply to the Lockheed Corp. by its own management.

We would not be in a position to consider the legislation, let alone the insults from the chairman of the board.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Connecticut for his statement. I very deeply appreciate it. It leaves very little for me to say. I think he has said practically all of it.

Let me emphasize, as he has, that Chairman Haughton has attacked a Senator for filibustering when this legislation has been before the Senate for less than 3 days. This is the third day it has been before the Senate. A number of Senators have not had a chance to speak at all. No amendments have been called up. I understand that the Senator from South Dakota (Mr. MCGOVERN) has an amendment which he intends to call up fairly soon. The present Presiding Officer, the Senator from Illinois (Mr. STEVENSON), has an amendment that he will call up fairly soon.

Mr. Haughton accuses me of delaying action on the legislation. The fact is that on major legislation it is not exceptional for us to discuss a matter for several weeks. I can recall a great deal of legislation, on which no one was accused of filibustering, that took a month or more. This is very profound, significant, and serious legislation.

In my view, the hearings were not adequate. They were substantial hearings, but we did not probe at all into the implications of a generic bill. I had printed in the RECORD yesterday a protest by two distinguished scholars who were asked to appear. They said that they would not be able to be prepared in time; that the subject required a great deal of study.

I asked Ralph Nader when he appeared as a witness, how many days of hearings we should schedule in order to have a record on which we could act on the generic bill. Mr. Nader said that for minimal purposes, it should take 25 days of hearings. We had a total of 3 days of hearings on the so-called generic aspects of the bill.

I think that anyone who reads the hearings—and copies are on the desk of each Senator—will recognize that almost all of the testimony during that period was on Lockheed.

What especially concerns me is that the distinguished chairman of the board of the Lockheed Corp. has attacked me for engaging in a filibuster, when the only opportunity our side has is to speak on the merits of this issue at some length so that we can arouse the country and our fellow Senators as to what is at stake.

The other side has spent thousands and thousands of dollars. Many lobbyists are engaged. One has only to walk out in the outer lobby and he can see them. Some of them are in the gallery.

All of us have been called by those who were in favor of this legislation. That is not all. Virtually every daily newspaper in my State has published letters from those who work for Lockheed and are protesting the fact that I oppose the legislation.

I have here a half-page ad which appeared in the Sunday Milwaukee Journal, the largest newspaper in Wisconsin. It has a circulation of more than 500,000. It is an open letter attacking me for opposing the Lockheed guarantee and saying that this group, the National Group for the Preservation of the Aviation Industry in Marietta, Ga., intends to boycott products produced in Wisconsin. They have a list of 20 products, and they specify the firms involved and say that the 1 million people represented here will buy no Wisconsin products as long as I serve the State of Wisconsin or until I change my mind.

I understand how deeply the people in the aerospace industry feel. However, this is something that should be discussed on the merits and not on the basis of intimidation. It should not be a question of who can bring the greatest pressure to bear or who has the most money to throw into the fight or who can hire the most lobbyists.

I have talked recently with a distinguished aide of the Senate, a man who has been here for many years. That man told me that he had never seen the skids greased so completely as they have been for Lockheed. This is what we are up against.

I very deeply appreciate what the Senator from Connecticut has said. Unless we do stand up and state our position vigorously, and necessarily at some length, it will be impossible for the Senate to arrive at a decision based on the information that we certainly ought to have before we vote.

Mr. WEICKER. Mr. President, the Senator from Wisconsin has over the years since the last election established a voting record. Come election time, this record will be presented to the people of Wisconsin for their approval or disapproval.

The Senator understands, as does every other Senator, that the decisions we make will finally be scrutinized by our constituents for their approval or disapproval. We rise or fall on the basis of the decisions we make.

I wonder if Mr. Haughton would like to lay his record of the management of the Lockheed Corp. open to the public for a vote up or down and not hide behind the jobs of his employees, not hide his inability behind the jobs of his employees, but lay his record of management—not just for this project, but for all of the rest—before the American public for an up-and-down vote, just as the Senator from Wisconsin and I will have to do.

I suggest to the Senator from Wisconsin that he has made comments regarding the pressures that have been applied. There is a little skepticism involved.

I picked up a wire and saw the direct quotation from the chairman of this corporation. All it does is to stiffen my back and make me determined that that man will not speak for the people of the State of Connecticut. He is not going to get their money. Certainly he is not going to tell me what to do on the floor of the U.S. Senate.

Mr. PROXMIRE. Mr. President, if the Senator will yield for an additional minute, I would like, with the Senator's permission, to call to the attention of the Senate a letter which I have received from California. That letter indicates the kind of coercion, the kind of pressure, the kind of ruthless action on the part of this management in order to bring pressure to bear on the Members of Congress and shove this legislation through.

The letter reads in part:

> DEAR SENATOR PROXMIRE: Since you have been involved in the Lockheed affair on the side of the people I wish to advise you of some local developments which doubtless you are aware of, but may strengthen your case.
>
> I am an employee of a small subcontracting private satellite plant of Lockheed in the L.A. area. My employer picked up at Lockheed in Burbank some unsigned material advising where and how letters should be sent to the Congressional committees to pressure for the Congressional bail out of Lockheed. He then proceeded to make up some letters to the Congressional committees involved and personally presented and expected each employee to sign the letters.
>
> Since I am in no position to openly challenge this obvious coercive move because my

> livelihood depends upon it, I too had to sign and all the other employees did the same, some of whom may have been in disagreement, some not.
>
> Since there are quite a few such firms as mine dependent on Lockheed, the captive mail if duplicated as in my case, will obviously be considerable and it should be denounced for what it is.

Mr. President, I could go into this at some length. I expect to do so a little later to show the kind of abusive letters I have received and to show the great pressure brought to bear on the people of my State on the Wisconsin Chamber of Commerce, and others.

But I think the point that the Senator from Connecticut has made is devastating. What is happening is that a great corporation with enormous power is using that power to force, coerce, and intimidate Congress to pass the legislation.

Mr. WEICKER. Mr. Haughton said:

> It seems to me that the tens of thousands of employees and stockholders—the subcontractors and suppliers—the airlines—and all those who have so much of their futures at stake at least deserve a chance for an up or down vote.

As I said before, the man clearly hides behind the employees of the corporation.

Mr. PROXMIRE. What is at stake is his job.

Mr. WEICKER. That is correct.

Mr. PROXMIRE. The overwhelming majority of these employees do not have their jobs at stake. Their jobs will continue. That has been made clear in the record.

Mr. WEICKER. But if the man had the courage to do so, rather than to sit here and lambast the Senator from Wisconsin, I suggest that the bill probably would have a far greater chance of passage if he would submit his resignation as chairman of the board of Lockheed.

Mr. PROXMIRE. I thank the Senator.

AMENDMENT NO. 326

Mr. McGOVERN. Mr. President, I have the same kind of grave reservation about the emergency loan guarantee that the Senator from Connecticut and other Senators have expressed.

To me, one of the most objectionable features of this proposal is that it is so blatantly labeled as a measure to bail out big business as though that, in itself, were justification for the bill. Much of the argument made in support of this proposal is based, frankly, on the ground that Lockheed and other potential recipients of this aid are big, and, therefore, that anything that happens to them would have a greater impact on the economy.

This seems to me to be a strange line of logic, indeed, in a country that prides itself on its democratic philosophy and a long-time heritage of respect for the individual enterpreneur, for the independent businessman, and for the whole quality of individualism that comes from small business, from the independent farmer and rancher, and others, who, in their own way, underpin this economy in a more fundamental way than the huge corporate giants that are the subject of this legislation.

In that respect it seems to me that before we go any further in the consideration of guaranteed loans for the enormous corporate giants that are involved in this proposal as it now stands, it would be in order for the Senate to consider an amendment to that proposal that would extend its benefits to small businessmen, farmers, and ranchers, as well.

I introduced earlier this week a bill to provide the same amcunt of loan guarantees—in other words, $2 billion that the present bill proposes to make available to big business—for small businessmen, farmers, and ranchers.

There has been some question as to whether the wording of that amendment absolutely insured that it would be administered in such a way as to provide loan guarantees to the small businessman and the farmer.

Therefore, today I submit a modified version of the amendment to supersede the one submitted earlier.

In effect, the amendment provides that the total amount of funds that we would guarantee under the provisions of this bill would be expanded from $2 billion to $4 billion, with a specification that one-half of that money must be earmarked for small businesses, farmers, and ranchers, within the definition of section 3 of the United States Code 632. And we would require that guarantees made for big business in one calendar year would be matched by guarantees to farmers and small businessmen.

The amendment provides that the Board created by this emergency loan guarantee bill may delegate its authority to consider, grant, and deny loan guarantees under this act to the Farmers Home Administration or the Small Business Administration.

In any event, if the bill passes in this amended form, it would at least be a bill passed on economic justice insofar as we would be treating small business on the same basis as the corporate giants.

It is a fact, as near as I can determine from investigations I have made, that roughly 10,000 small businesses in this country are in just as great financial difficulty as the Lockheed Corp. In many cases the difficulties of these small businesses have probably been brought on by a combination of inflation and tight credit, which is exactly the problem the Senator from Georgia referred to earlier today—the cash flow problem, the lack of available credit. That is a problem which I am sure all Senators will recognize as an acute one for small businessmen, just as it is for farmers and ranchers. In calendar year 1970, 48,000 farm units in the country went broke and disappeared entirely.

While it might be argued that the bankruptcy of Lockheed Corp. and other corporate giants might have greater impact on the economy, no one can argue that the disappearance of 48,000 farms and the collapse of 10,000 small businesses is something to be taken lightly by those who are concerned about our economy.

So let us lay aside for the moment the questions of whether Lockheed was mismanaged or was not mismanaged, and whether other corporations are in trouble, whether they are mismanaged or not. It seems to me the larger question of economic justice is whether or not we are going to recognize that small business and farmers have the same kind of problems—lack of credit and the cost-price squeeze—that affect the economy as a whole.

I am very hopeful that the amendment will be given careful consideration by the Senate. It seems to me that any Senator who is inclined at present to support a $2 billion loan guarantee to big business, on the ground that those corporations are in need of such assistance, would argue even more strenuously for a provision for loan guarantee to the small businessman and the independent farmer.

If the bill passes in present form without the amendment that I am submitting this afternoon, or something similar to it, it worsens the credit problem of the small businessman and the farmer because it says, in effect, to the banks and other potential creditors, "The Government is willing to protect your loans if you loan money to big business but you take your chances if you make credit available to the small businessman and the farmer."

There is no question in my mind that would be one more contribution to the squeeze that now affects our merchants and our farmers across the country who are already hard pressed to find readily available sources of credit.

I would like to submit this revised amendment and ask that it be printed. As far as I am concerned, I was prepared to have an early vote on the amendment today, but I am advised that a number of Senators who are interested in it, both pro and con, are not going to be able to be present this afternoon and it is my intention now to point toward a vote on Tuesday following the cloture vote on Monday.

Mr. President, I now offer the amendment and ask that it be printed in the RECORD.

The PRESIDING OFFICER (Mr. STEVENSON). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

AMENDMENT NO. 326

On page 2, line 14, insert the following:

"In the case of guarantees of loans to farm owners or proprietors of small businesses under section 4(a) (3), the Board may delegate its authority to consider and grant or deny loan guarantees under this Act to the Farmers Home Administration or the Small Business Administration."

On page 3, line 11, insert the following new paragraph:

"(3) The requirements of clause (1) (A) of this section shall not apply in the case of a loan guarantee to a farm owner or proprieter of a small business within the definition of section 3, U.S.C. 632."

On page 7 beginning with line 23 strike out all through line 2 on page 8 and insert the following:

"SEC. 8. The maximum obligation of the Board under all outstanding loans guaranteed by it shall not exceed at any time $4,000,000,000, except that not less than $2,000,000,000 of the foregoing authorization shall be reserved for loans to farm owners and proprietors of small businesses within the definition of section 3, U.S.C. 632. In no event shall the Board guarantee loans to any one borrower in an amount greater than $250,000,000. The maximum obligation of the Board under all loans guaranteed by it during any calendar year to farm owners and proprietors of small businesses within the definition of section 3, U.S.C. 632 shall not be less than the maximum obligation of the Board under all other loans guaranteed by it during such year."

ORDER OF BUSINESS

Mr. CURTIS obtained the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield, with the understanding that he will not lose his right to the floor?

Mr. CURTIS. I yield.

Mr. BYRD of West Virginia. Mr. President, has the Pastore rule of germaneness lapsed for the day?

The PRESIDING OFFICER. It has expired.

Mr. BYRD of West Virginia. It has expired. I thank the Chair.

THE RAILROAD STRIKE

Mr. CURTIS. Mr. President, I rise once more to urge that the Congress take whatever steps necessary to end the railroad strike now. We have acted quickly before and we should do so today.

I have sent the following telegram to the President:

> The current railroad strike is causing great damage and creating a situation that is most unfair. In many places the grain harvest has not been completed. If the grain elevators cannot move the grain they cannot accept it. Oftentimes there are no other storage facilities available for the farmers. This depresses the price and causes a great economic loss. A high portion of our meat products move by rail. The loss is very great in reference to perishables of all kinds. If farmers and feeders cannot market their livestock added feeding costs money as well as the livestock goes out of condition for the best possible price. Other segments of our economy including all industry are likewise adversely affected. Unless something is done the strike may spread to many other railroads. I respectfully urge that appropriate action be taken this week to bring this strike to an end. As one Member of Congress I am willing to vote for the necessary legislation.

The same telegram was sent by me today to the following:

Hon. John Volpe, Secretary of Transportation.

Senator Harrison Williams, chairman, Senate Committee on Labor and Public Welfare.

Senator Jacob Javits, ranking minority member, Senate Committee on Labor and Public Welfare.

Hon. Harley O. Staggers, chairman, House Committee on Interstate and Foreign Commerce.

Hon. William L. Springer, ranking minority member, House Committee on Interstate and Foreign Commerce.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I ask unanimous consent that I may yield to the Senator from Louisiana without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER EXTENDING TIME FOR FILING REPORT ON H.R. 8866

Mr. LONG. Mr. President, I ask unanimous consent that the Committee on Finance have until midnight, Saturday, July 24, to file a report, together with minority views, on H.R. 8866, the Sugar Act Amendments of 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, the Committee on Finance has recently concluded its action on the Sugar Act Amendments of 1971. I ask unanimous consent to include at the end of my brief remarks a copy of the committee's press release announcing our actions on this bill.

Basically, the committee concurred with many provisions of the House bill involving: the expansion of the Sugar Act for a 3-year period; the allocation of 300,000 tons from the Puerto Rican and Virgin Islands deficits to the mainland cane area; the potential expansion of both the mainland cane and the beet areas by an additional 100,000 tons; and a new system to regulate sugar imports through changes in the consumption estimate based on price fluctuations.

With respect to the foreign quotas, the committee generally adopted a formula under which quotas would be distributed on the basis of foreign countries' performance in supplying this country with sugar over the past 5 years, in accordance with the general distribution of the previous act, and the allocation of deficits. There is no scientific method of allocating sugar quotas and we feel that the committee's approach of basing the quotas on performance, rather than subjective criteria, is the best approach.

Mr. President, I ask unanimous consent to have printed in the Record a press release explaining the purpose of the bill.

There being no objection, the press release was ordered to be printed in the Record, as follows:

Committee Amendments to the Sugar Act

The Honorable Russell B. Long (D., La.), Chairman of the Committee on Finance, announced today that the Committee on Finance concluded its action on the Sugar Act Amendments of 1971. The Committee generally agreed with the principal features of the House bill. These involve an extension of the Sugar Act for an additional period until December 31, 1974; the reallocation of 300,000 tons from the Puerto Rican and Virgin Islands deficits to the mainland cane area; the potential expansion of both the domestic cane area and the beet sugar area by an additional 100,000 tons (the beet expansion to come from the growth of the beet quota and the cane to come from reallocation of foreign quotas); the institution of a new system to regulate sugar imports through changes in the consumption estimates based upon price changes. The following paragraphs describe the Committee action on domestic and foreign quota provisions of the Act.

I. AMENDMENTS DEALING WITH DOMESTIC ALLOCATIONS

The quotas for the domestic sugar areas under existing law, the House bill, and the Committee amendment are shown in the following table:

SUGAR QUOTAS, DOMESTIC PRODUCING AREAS

[Short tons, raw value]

Area	Present law	House bill	Finance Committee bill
Domestic beet sugar	3, 406, 333	3, 406, 000	3, 406, 000
Mainland cane sugar	1, 238, 667	1, 539, 000	1, 539, 000
Hawaii	1, 110, 000	1, 110, 000	1, 110, 000
Puerto Rico	1, 140, 000	855, 000	855, 000
Virgin Islands	15, 000	0	0
Total	6, 910, 000	6, 910, 000	6, 910, 000

This table reflects the Committee concurrence with the House provisions transferring 100,000 tons of sugar from the Puerto Rican and Virgin Islands deficits to the domestic cane growers. In addition, the Committee adopted a number of relatively minor amendments dealing with the operation of the program. These amendments are described below:

(a) *Consumption estimate.*—The House bill provided that future consumption estimates will be determined solely by reference to the price objectives of the bill. The Committee concurred with this, but approved a technical change omitting unnecessary language in the present law which had been overruled and superseded by the price objectives of the House bill.

(b) *Virgin Islands and Puerto Rican quota.*—Since the Virgin Islands has ceased the production of sugar, its quota of 15,000 tons would be terminated and reallocated to the mainland cane area. In addition, 285,000 tons of the Puerto Rican quota would similarly be allocated to the mainland cane area. The House bill reduced the Puerto Rican quota from 1,140,000 tons to 855,000 tons for 1972 and 1973 but raised it to 1,000,000 tons for 1974. Since there appears little likelihood that Puerto Rico would be able to meet this increase in 1974, the Committee retained the Puerto Rico quota at 855,000 tons for the period for which the Act would be extended.

(c) *Sugar refined in Puerto Rico.*—Under existing law the Puerto Rican quota includes an allowance for shipments of refined sugar. Under this provision, Puerto Rico may ship within its quota up to an amount equal to 1½ percent of the Secretary's consumption estimate. The House bill would have restricted this concession whenever the Secretary's consumption estimate exceeded 11 million tons, to an amount equal to 0.5 percent of the excess consumption estimate. The Committee bill deleted the House provision and retains the existing law provision on refined sugar from Puerto Rico.

(d) *Candy quota.*—The Committee adopted an amendment (the text of Amendment 162 by Senator Curtis) which would impose quotas on confections equal to the larger of (1) the average quantity of the various tariff categories of sweetened chocolate and confections entered into the United States during the three prior years, or (2) five percent of the quantity of the various tariff categories of sweetened chocolate and confections sold in the United States during the most recent year for which reliable data are available.

(e) *New York and Maine sugar beet factories.*—The Committee approved an amendment which would give sugar beet processing factories in New York and Maine, which had been closed, an opportunity to reopen. In the case of the Maine factory, the Secretary of Agriculture would be given discretion to allocate sugar beet acreage required to yield 25,000 tons of beet sugar to the Maine factory *only* if he is satisfied that the venture could be successful. In the case of New York, the Committee amendment would permit the factory which closed after 1967 to reopen and would provide a sugar history for farmers supplying such factory. The House bill would have limited this privilege to those closed in 1970.

(f) *Delete priority to closed facilities.*—In determining whether a new area or an area in which a processing facility was closed during 1970 would receive the necessary allotments, the House bill provided that "priority shall be given" to the closed facility. It further provided that the Secretary in making his determination should base it upon "the proven suitability of the area for growing sugar beets and the relative qualifications of localities." Because this appears to make the priority direction superfluous, the Committee deleted the priority language of the House bill.

(g) *The Committee also approved the following changes:*

(1) Reduced from a minimum of 4,000 acres to a minimum of 2,000 acres, a test of whether a producer who has lost his market for sugar beets would be entitled to retain his farm history for a three-year period;

(2) Clarified the House bill to insure that the 100,000 ton allocation of beet sugar for new facilities or old plants, applied to the life of the extension of the Act and did not involve successive increases of 100,000 tons in each of the years for which the Act is extended;

(3) Authorized the Secretary of Agriculture to determine and administer proportionate shares in the mainland cane areas differently in Louisiana and Florida.

(4) Corrected a technical error in the House bill to make it clear that if the Secretary exercises his authority to impose quarterly quotas, this authority shall not be applied to reduce the quota of sugar to be imported for any calendar year for any country below its annual quota, including deficits allocated to it for that year;

(5) Made a technical change to require a review of deficits by December 15 preceding the beginning of the quota year. This will provide quota lead-time for supplying nations to plan production and shipment of sugar to fill deficits allocated to them;

(6) Made a technical correction to assure that deficits of Hawaii and Puerto Rico may be filled jointly by the domestic beet sugar area and the mainland cane sugar area, instead of only by either area as provided in the House bill;

(7) Approved provisions in the House bill which provide for the termination of the sugar processing tax and the sugar payments in the event limitations on payments should be enacted during the term of the Act, with technical amendments assuring that the payments would be made with respect to the crop-year immediately preceding the year of termination of the tax but not for the year in which the termination occurs;

(8) Approved an amendment permitting the continuation of the use of existing "dependent" weighmasters, but specified that in the future any additional weighmasters must be "independent" of sugar brokers or refineries.

II. FOREIGN QUOTAS OTHER THAN THE PHILIPPINES

The Committee substituted a pattern of quota distributions to foreign countries substantially different from those contained in the House bill.

Under the general procedure adopted by the Committee, countries in the Caribbean area (including Brazil which has been considered in the Caribbean area for purposes of marketing sugar) would be allocated quotas based on the higher of (a) their five-year average imports or (b) their present act distribution.

Other Latin American countries, not in the Caribbean (Peru, Ecuador, Argentina and Bolivia) would each receive their present act quota distribution less their 5-year average percent shortfall.

In the case of Eastern Hemisphere suppliers, quotas were uniformly distributed on the basis of their 5-year average shipments to the United States.

There were only two exceptions to this general rule. One was the Philippines whose allocation is described below; the other was Venezuela. Under the Committee bill, Venezuela would receive substantially the same quota allocation as Colombia.

The quota distribution under the Committee bill, the House bill, and the present Act are reflected on the following table.

COMPARISON OF SUGAR QUOTA DISTRIBUTIONS PRESENT ACT, HOUSE BILL, AND FINANCE COMMITTEE BILL

[In short tons; raw value]

Production area	Quota distribution under present act[1]	House version of H.R. 8866[2]	Finance Committee bill[3]
Domestic beet area	3, 406, 333	3, 406, 000	3, 406, 000
Mainland cane area	1, 538, 667	1, 539, 000	1, 539, 000
Hawaii	1, 110, 000	1, 110, 000	1, 110, 000
Puerto Rico	355, 000	355, 000	230, 000
Virgin Islands	0	0	0
Total, domestic areas	6, 410, 000	6, 410, 000	6, 285, 000
Philippines	1, 362, 120	1, 314, 020	1, 300, 264
Mexico	557, 748	537, 545	590, 894
Dominican Republic	545, 481	525, 737	659, 874
Brazil	545, 481	525, 737	577, 905
Peru	435, 087	418, 982	391, 839
West Indies	188, 777	192, 251	204, 520
Ecuador	79, 370	80, 774	79, 084
French West Indies	59, 384	0	63, 868
Argentina	67, 102	76, 050	67, 062
Costa Rica	64, 217	65, 185	71, 110
Nicaragua	64, 217	65, 185	64, 217
Colombia	57, 723	73, 688	61, 047
Guatemala	54, 115	55, 265	59, 835
Panama	40, 406	41, 567	40, 406
El Salvador	39, 682	40, 151	43, 964
Haiti	30, 305	30, 704	30, 305
Venezuela	27, 419	36, 845	61, 026
British Honduras	13, 752	33, 537	14, 874
Bolivia	6, 494	17, 005	6, 193
Honduras	6, 494	17, 005	6, 494
Bahamas	10, 000	33, 537	10, 000
Paraguay	0	15, 116	0
Australia	203, 785	206, 025	196, 162
Republic of China	84, 910	85, 844	81, 734
India	81, 514	82, 494	77, 973
South Africa	60, 003	60, 003	57, 745
Fiji Islands	44, 719	44, 806	43, 034
Thailand	18, 681	18, 844	14, 152
Mauritius	18, 681	30, 150	17, 761
Malagasy Republic	9, 623	15, 075	9, 223
Swaziland	7, 359	30, 150	7, 084
Malawi	0	0	0
Uganda	0	15, 075	0
Ireland	5, 351	5, 351	5, 351
Total foreign	4, 790, 000	4, 790, 000	4, 915, 000
Total	11, 200, 000	11, 200, 000	11, 200, 000

[1] Assuming requirements of 11,200,000 tons and 300,000 tons of Puerto Rican quota transferred to the domestic cane area and domestic deficits of 500,000 tons.

[2] In 1973 at a consumption estimate of 11,200,000 tons and with deficits of 500,000 tons, the quota for Panama would be increased to 62,947 tons and a quota would be established for Malawi of 15,000 tons. Quotas for other countries except the Philippines would be reduced pro rata to accommodate those changes.

[3] Assuming requirements of 11,200,000 tons, Philippine basic quota of 1,050,000 tons; domestic area deficits of 625,000 tons shared 40.04 percent (250,264 tons) to Philippines and balance to Western Hemisphere countries.

Under the Committee bill, (a) the quota allocation to the French West Indies would be restored; (b) no new countries would be brought under the Sugar Act; (c) there would be a maximum allocation of 800,000 tons for any country except for the Philippines (and the Cuban reserve) which would be limited to a maximum of 1.5 million tons; (d) the Cuban reserve would be retained as in present law; (e) the authority of the President to distribute deficits in the Western Hemisphere without regard to the formula in the Act if he deems it to be "in the national interest" is terminated; and (f) future growth in the Cuban reserve would be allocated to Western Hemisphere countries whether or not they are members of the O.A.S. These amendments are further explained in the following paragraphs:

Philippine Quota.—Under present law, the statutory quota for the Philippines is 1,050,000 tons, plus a small allowance for growth which terminated several years ago. In addition, the Philippines are allowed 47.22 percent of all deficits. The House bill would increase the statutory quota to 1,126,000 tons and would reduce the Philippines' share of deficits to 37.6 percent. Applying the formula in the House bill (assuming a consumption estimate of 11.2 million tons and Puerto Rican deficits of 500,000 tons for allocation among foreign countries) the Philippines would be entitled to ship in 1,314,020 tons. The Committee was informed by the Department of Agriculture that the Puerto Rican deficit for 1971 will be larger than originally estimated by at least 125,000 tons.

The Committee retained the 1,050,000-ton statutory quota for the Philippines and provided it with 40 percent of all deficits. On the basis of the higher estimate of the Puerto Rican deficit (a total of at least 925,000 tons, of which 300,000 would be redirected to the mainland cane area, leaving 625,000 tons for allocation among foreign suppliers instead of 500,000 tons, as assumed by the House bill), the quota for the Philippines for 1972 would become 1,300,264 tons, approximately the same as the amount provided by the House bill.

Maximum Limitation on Sugar—All Countries.—Under present law, only the Philippines and the Cuban reserve enjoy a quota in excess of 1 million tons. Under its quota, the Philippines actually shipped 1,301,020 tons to this country in 1970. The Cuban reserve amounts to about 1.6 million tons. Mexico, the Dominican Republic and Brazil each shipped in excess of 600,000 tons to this country in 1970.

The Committee approved an amendment which would place an overall ceiling on sugar quotas for the Philippines and Cuba (in the event Cuba rejoins the free nations of the world and regains its quota) of 1.5 million tons in a year. A similar limitation (or ceiling) of 800,000 tons in a year would apply with respect to all other supplying countries.

Under this amendment, the maximum limitation would apply to the total entitlement of the country involved; that is, its basic quota plus its share of the Cuban reserve and of deficits. The limitation would not apply, however, with respect to the discretionary authority provided by the present law, enabling the President to seek sugar from whatever source available in times of emergency. Under the amendment, in the event any country's entitlement exceeded its maximum limitation, the excess amount would be considered a deficit and would be allocated in the same manner as deficits are allocated under present law.

The Cuban Reserve.—Under existing law, 50 percent of the imported sugar from foreign countries other than the Philippines comes from the temporary allocation of the so-called Cuban reserve. This amount (somewhat in excess of 1.5 million tons) has been reserved for Cuba in the event it should rejoin the family of free and friendly foreign nations. The House bill would have reduced the Cuban reserve from the 50 percent ratio to U.S. requirements to 23.74 percent and would have allocated the remainder permanently to other supplying nations. The Committee amendment retains the full flexibility which is provided by the Cuban reserve by deleting the permanent allocation suggested by the House bill.

The OAS Amendment.—Under existing law, whenever consumption estimates exceed 10 million tons, the increase in quota involved in the Cuban reserve is required to be prorated to Western Hemisphere countries which are members of the Organization of American States. The House bill would eliminate this feature and allocate future growth in the Cuban reserve to all supplying nations. The Committee amendment would delete the House provision and would substitute for the existing law a new requirement that future growth in the Cuban reserve be allocated to countries in the Western Hemisphere, regardless of whether or not they are members of the Organization of American States.

French West Indies.—Under present law, in the event the French West Indies should not fill their quota in the European Economic Community but sells the sugar in this country, the preferential U.S. price serves to subsidize the common agriculture policy of the ECC.

The Committee approved an amendment to assess a fee against so much of the sugar imported from the French West Indies as would be required to fill its quota in the EEC, the fee being an amount equal to the U.S. premium. The effect of the amendment would be to recapture for the Federal treasury the amount by which the U.S. sugar program subsidizes the common agriculture policy of the ECC. There would be no loss to the French West Indies farmer, since the common agriculture policy guarantees him a fixed price for his sugar up to the amount of the EEC quota.

Discretionary Distribution of Deficits.—Under present law, the President is provided with authority to distribute deficits to foreign countries in the Western Hemisphere without regard to the formula in the Act if he deems it to be "in the national interest." This feature was written into the law in 1965 for the purpose of aiding the Dominican Republic. It has been used only with respect to the Dominican Republic. The Committee approved an amendment which would eliminate this authority to distribute deficits in a discretionary manner. The prior discretionary distributions to the Dominican Republic have been taken into account in connection with the formula worked out by the Committee, and the Dominicans now have a permanent quota which reflects the discretionary deficits, thereby making this special provision no longer necessary.

Expropriation Amendment.—Under present law, whenever a foreign country expropriates U.S.-owned property without paying adequate compensation for the taking, the President is directed to suspend its sugar quota. Despite the mandatory nature of existing law, it has not been applied in instances where foreign countries have expropriated U.S. property without payment of adequate compensation.

The House bill made a number of changes in the expropriation statute. The Committee amendment encompasses most of these, but modifies others. In addition, the Committee amendment limits the existing law (and the House amendments) to takings occurring on or before July 20, 1971, and proposes a new expropriation procedure to apply to takings occurring after July 20, 1971.

House Bill.—The House bill would modify the existing law to eliminate the mandatory aspects and to authorize the President at his discretion to suspend all or part of a quota, and further at his discretion in those instances where he has not terminated a quota, to impose a fee of up to $20 a ton on sugar imported from the offending nation. Under the House bill, this fee would be used to compensate U.S. citizens whose property was taken after January 1, 1969.

The Committee made several changes in the House bill. First, it would require the President to impose a fee of up to $20 a ton (rather than allow him to do so) if he suspends none (or only part) of a foreign country's sugar quota because of an expropriation. Second, the Committee amendment would permit the President to assess sugar fees to compensate for expropriations occurring on or after January 1, 1962, the effective date of the original expropriation amendment. Third, the President would be given authority by the Committee amendment to apply similar relief with respect to takings which occurred in 1961.

THE COMMITTEE'S NEW EXPROPRIATION PROCEDURE

The Committee approved a new expropriation procedure to replace the inadequate provisions of present law. It contains the following new features which will be applicable to expropriation cases occurring after July 20, 1971.

United States Tariff Commission Finding.—In order to determine whether or not there has been an expropriation or nationalization of American-owned property without adequate compensation, the aggrieved parties, i. e., U.S. citizens who control and substantially own the property in question, or either of the Committees of Congress having jurisdiction over the sugar program (the Committee on Agriculture of the House of Representatives and the Committee on Finance of the Senate), would by petition (in the case of the aggrieved parties) or Committee resolution bring a case of expropriation without payment of compensation to the U.S. Tariff Commission. The aggrieved parties would be required to recite the facts of the taking, alleging that adequate compensation has not been paid or provided for, and demonstrating the fair value of the property taken.

The protest could not be filed until at least six months had elapsed after the taking in order to give time for the arbitration and conciliation provisions of present law to operate. These provisions permit the parties concerned to submit the issue to arbitration or conciliation requiring a full settlement within twelve months after the submission. Thus, in some instances as much as 18 months might elapse after an expropriation before the case is brought to the Tariff Commission.

Upon a filing of a complaint that adequate compensation has not been forthcoming, the U.S. Tariff Commission would make the necessary investigation and report its findings within six months after the filing of the protest.

If it determines within this period that there has been no taking without adequate compensation the case would be closed. If, on the other hand, the Commission finds there has been an expropriation without adequate compensation, the quota for the offending country would terminate by operation of law and, subject to the fee described below, the quota would be reallocated to other supplying nations within the same Hemisphere. The Philippine preference on deficits would not apply.

If the Commission is unable to conclude its inquiry within the six-month period, it would publish in the Federal Register the reasons why it could not reach a decision, and would continue its investigation. The quota for the offending country would not terminate at this point but would be temporarily suspended as of the end of the 6-month period and, subject to the fee described below, would be reallocated on an annual basis to other supplying nations within that Hemisphere. Should the Tariff Commission subsequently find that there has been no expropriation without adequate compensation, the country's quota would be restored to it the following year.

Expropriation Marketing Fee and Payment Procedure.—When a quota for any nation is *terminated* because of the expropriation without adequate compensation of U.S.-owned property, the Secretary of Agriculture would be directed to allocate the remaining portion of that country's quota, on a hemispheric preference basis, to other nations who agree to pay a fee for the privilege of providing the additional sugar to the U.S. market. The expropriation fee would be an amount equal to one-half of the U.S. "premium," i.e., the difference between the landed price of sugar in the United States and the world market price. The fund accumulated in this manner would be used to compensate United States persons whose property was expropriated or nationalized without the payment of adequate compensation. The expropriation marketing fee would be collected throughout the period to which the Sugar Act Amendments of 1971 apply and for such further period as subsequent legislation may provide.

There would be no provision for reinstating the quota of any country who has expropriated or nationalized American-owned property without payment of adequate compensation. If a country's quota has not been terminated, but has been *suspended* and temporarily reallocated because of the Tariff Commission's failure to conclude its investigation in the six-month period provided by the amendment a fee would also be collected, generally to be placed in a fund to be used in the payment of compensation. If the Tariff Commission subsequently determines that there was no taking without adequate compensation, the fees credited to the fund would be paid over to the general fund of the Treasury.

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

Mr. PROXMIRE. Mr. President, yesterday the distinguished Senator from Texas very properly pointed out that I was in error when I indicated that never before in the history of the Senate had a cloture motion been filed so early in the course of a debate. He is absolutely right, and as a matter of fact, it was my fault that I misspoke about the situation, because I had not reviewed the summary which I had had handed to me of a Library of Congress study on the matter.

The Library of Congress study, which I have in my hand, and I shall read a part of it, confirms exactly what the Senator from Texas said. It does indicate that there was at least one other occasion. Of course, the point is that there have been very, very, very few occasions in the history of this body on which debate has been cut off and Senators have been unable to speak further with such a very brief time allowed.

On the one occasion on which a cloture motion was filed in such a brief time, incidentally, cloture was not achieved. Moreover, the sponsor of the amendment withdrew it after the cloture vote failed.

The Senator from Texas was also correct in saying—and I am a little embarrassed by this, I must confess—that I was one of those who signed that cloture motion. Nevertheless, that was an unusual case, and I shall try to explain.

The Library of Congress study shows that prior to the latest cloture motion on the Department of Transportation appropriation bill—that refers to the SST—25 cloture motions were voted on in the Senate since 1960.

Five of these would have limited debate on changing rule XXII.

One cloture motion was filed by Majority Leader MANSFIELD immediately after Senator Wayne Morse introduced an amendment to the Higher Education Act of 1963 to provide for Home Rule in the District of Columbia. The majority leader's action had a twofold purpose: First, a cloture vote would quickly indicate the Senate's thinking on the home rule proposal and, second, it would head off a threatened filibuster on the issue.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Louisiana.

Mr. LONG. Did I understand the Senator to say that some Senators want to have an immediate cloture vote?

Mr. PROXMIRE. The Senator is correct. A motion has been submitted already today, and there will be a cloture vote on Monday at 3 o'clock.

Mr. LONG. Mr. President, if I may say so, that seems very hard on a man who has been working in his committee. We have been working as hard as we could, every moment that we had a quorum present, to get the Sugar Act reported. Now we have this enormous bill, H.R. 1, 450 pages long. It involves at least $10 billion and has a potential ultimate cost of perhaps $100 billion a year. For us to be asked to look over and do justice to a bill like H.R. 1, then to try to move ahead with the Sugar Act and do our duties in connection with that, and then to try to follow this debate, is an insurmountable obstacle for a Senator.

I might say to the Senator, I have been intrigued by his argument, but I have not been able to listen to more than 5 minutes of it because of other burdens. How can anyone justify our being able to vote on a cloture motion to make a man shut up, when some of us have not had a chance to listen but 5 minutes to him?

Mr. PROXMIRE. I think there is no answer to the question of the Senator from Louisiana. The cloture motion that was filed before was on home rule for Washington, which had been debated many times. The Senate had acted four times on similar bills to provide home rule for the District of Columbia. But this is the first time, to my knowledge, that we have had this kind of bill before the Senate.

It is an unusual bill. The Lockheed case is new and different; and, as the Senator from Louisiana says, he has not had a chance, and I am sure other Senators who have been busy working in his committee and other committees have not had a chance, to be present in the Chamber to listen to and take part in the debate. It may be that some of them would like to say something, or at least some of them would like to offer amendments, but they are being cut off. If the Senate acts favorably on the cloture motion, each Senator will have exactly 1 hour to speak on legislation which, in the view of many people, is very far reaching and could have a significant effect on the economic future of this country.

Mr. LONG. Mr. President, if I may be permitted to express my view to the Senate, as the Senator well knows, I have voted for cloture when I thought it was justified. I do not like my statement to be misconstrued; I have not made up my mind about this measure. But this is an enormously important bill, and the consequences of what it implies are far more important than the bill itself.

In other words, if we are going to do this for Lockheed, I tell the Senator quite frankly, I do not understand why we should not do it for others, possibly some of my own people. I understand that it is proposed to amend the bill now so that somebody else might get some of the crumbs that drop off the table, and to provide some money for others who might find themselves in a situation similar to Lockheed.

Frankly, the first thing I wanted to explore was that very idea—let us face it—that it is not only Lockheed, but that all the people who have put aircraft on order might be benefiting by the passage of such a measure.

What I want to know is: How can I justify to my people back home putting out of business some poor little fellow who has a little restaurant down in Baton Rouge, La., because the bank will not extend his note, while we go all out to help Lockheed, with a quarter of a billion dollars?

Mr. PROXMIRE. I agree with the Senator. Last year there were 11,000 bankruptcies. Those firms lost $1.9 billion. There were thousands of people thrown out of work, and no one talked about bailing them out. I would estimate that at least 200, perhaps 300 of those bankruptcies were in the State of Louisiana, in view of its proportionate population. But no one is talking about bailing out those 200 or 300 firms.

Mr. GAMBRELL. Mr. President, will the Senator yield.

Mr. LONG. If I might say so to the Senator, I anticipate there will be an objection that I am not asking a question, but making a speech. I intend to make a question out of the speech.

How long has the Senate been discussing the bill?

Mr. PROXMIRE. This is the third day the bill has been before the Senate. We have been on it 2 days plus today.

Mr. LONG. Are we to anticipate that we are going to have to engage in this Alphonse-and-Gaston proposition that I have to make a rhetorical question out of my statement, to make sure I will not be making a statement, even though I have not engaged in the debate for 2 minutes up to now? Is that how we are doing business in the Senate now?

Mr. PROXMIRE. I do not think Senators are going to object now. I do not think they will be blowing the whistle on us yet. The Senator knows the rules much better than I. So far, they have not made any attempt to cut us off, and I do not think they will. Especially because we are adjourning each night, we can make at least two speeches in a legislative day without a motion, so I think the Senator can engage in debate.

I would not be too concerned about being cut off if interrogation is not the means the Senator uses to make his point.

Mr. LONG. May I say to the Senator that if people want to be cruel about this matter, this Senator knows how to put his statements in terms of interrogatories. He learned that 23 years ago.

Mr. GAMBRELL. Will the Senator yield to me for a question?

Mr. PROXMIRE. The Senator from Louisiana was speaking. Did the Senator want to finish his remarks?

Mr. LONG. I am willing to suspend.

Mr. PROXMIRE. I yield.

Mr. GAMBRELL. I should like to say for the benefit of the Senator from Louisiana that there has been no question of any technicalities about procedure here, and there is no effort to limit his remarks.

Mr. PROXMIRE. That is correct.

Mr. GAMBRELL. Or require anyone to follow any specific guidelines.

It did occur to me that I might suggest to both Senators that the subject they addressed—that is, whether anyone has said or done anything for the small businessman or the restaurant owner in Baton Rouge—was covered in a colloquy which occurred in the absence of the Senator from Wisconsin, when he excused himself from the floor, earlier.

Senator JAVITS made a very comprehensive statement about his concerns about the national economy, which involves little people as well as big people, and why he supports this measure. I commend to both Senators his statement and the colloquy which followed, in which he stated that Dr. Burns testified at the Joint Economic Committee today that the report of the Federal Reserve Board, with which the Senator from Wisconsin is familiar—concerning ways and means in which the Federal Government's assistance, credit assistance, the type of assistance that is being offered to Lockheed and other large concerns, can be extended to small concerns—will be covered by this report, and it is due in a few days.

Mr. PROXMIRE. It may be covered, but let me read the criteria. The board must find that "the loan is needed to enable the borrower to continue to furnish goods or services and failure to meet this need would adversely and seriously affect the economy of or employment in the Nation or any region thereof."

One can interpret "region" as being a very small area. But I think the general interpretation by the kind of people on the board—the Secretary of the Treasury, the Chairman of the Federal Reserve Board, and the President of the Federal Reserve District, is going to be that the unemployment must be of serious nature with regard to the whole Nation.

When a Baton Rouge restaurant owner goes out of business, it is terribly serious to him and to his family and the 3, 4, or 5 employees he may have—or the 20 he may have. But I do not think anybody can argue that a region is going to suffer serious economic distress because of that bankruptcy. So this is worthless for one small business.

There may be a report from the Federal Reserve Board that is going to be helpful in the future, if we act on it, but this bill certainly does not help small business.

Mr. LONG. Mr. President, may I say that I am not trying to make a speech. It is just that I would like to hear what is to be said. I am trying to find the time to arrange to read the RECORD and to read this report. This is a formidable proposition, just to read the hearings on this one bill. Meanwhile, I am trying to work on a 450-page bill, H.R. 1. I believe that will be the most significant bill in this Congress, and I am afraid it is a bad one.

I would like to do my duty in both respects. We are working on all that, and I am willing to work overtime. I am not talking about the injustice of making a Senator sit down and decline to permit him to express his view. What kind of justice is it to a Senator who wants to understand what this is about? If they are going to do this for Lockheed, what about Bob & Jake's Restaurant at Baton Rouge?

Mr. PROXMIRE. Somebody suggested to me, "You ought to put H.R. 1 on this bill." If it is going to be welfare for Lockheed, what is the matter with welfare for millions and millions of poor people in this country? They will not get the skids greased this way or get a cloture motion within 2 days. They are not going to get a deadline set. Lockheed, because they are big, because they have power, because they have influence, are getting this treatment.

Mr. LONG. H.R. 1 should not be added to the bill, because we in the committee handling H.R. 1 do not have the slightest idea what the controversial sections are all about. That is the same problem on this bill. I do not have the first idea of what the controversial sections of it are about. I am trying to find the time to read. How am I supposed to find time to do all this?

We have H.R. 1, and thank the Lord we have been able to obtain consent of the Senate to hold committee meetings while the Senate is in session, to try to get on with our business on what I think is the most significant bill in Congress, and we are doing the best we can. Any time we can get a quorum, we move ahead and have more votes and try to do things. But people must come to the Senate floor to try to find out what is going on, while we are trying to act in the committee, and we cannot be at both places at the same time.

Would the Senator think that the least justice that can be done is to let a Senator who has to vote on the cloture motion have some idea of what this is all about? I have not had the slightest opportunity to study all this. I am serving on a committee with a great Republican statesman, WALLACE BENNETT, and he is very much interested in this matter. He cannot listen to the welfare bill, because he has to come here and talk about the Lockheed bill on the Senate floor; and I cannot listen to the Lockheed bill because I am trying to work on the welfare bill.

Frankly, if all we are talking about is simply giving Lockheed a billion dollars or guaranteeing a loan which no banker on this green earth would make, just guaranteeing a bum loan for $250 million, or something like that, it would not bother me as much as the fact that even if it is wrong, it would not destroy the Nation. It would just be a bad mistake for $250 million. But the Senator knows as well as I do that if we do this for Lockheed, how can we refuse to do the same thing for Bob & Jake's Restaurant or if Avondale Shipyard gets into trouble?

In fact, I ask the Senator: How could I be reelected if I voted to save Lockheed when, so far as I know, they do not have 50 jobs in Louisiana and then we do lose a payroll where we have 10,000 jobs? How can I explain to my people that I saved Lockheed, which means nothing to Louisiana, thank the merciful Lord, and too bad I could not do something like that for my own people? How are we going to explain that? Why should people vote for me if I proceed to vote to save Lockheed, and when the time comes I have not been able to fix it so that we can save my biggest payroll in Louisiana?

Mr. PROXMIRE. The fact that the Senator from Louisiana asks that question indicates how hard it is to answer, because I have said many times that I do not know anybody more persuasive or politically effective than the Senator from Louisiana; and when he could not get elected if he had to explain this kind of legislation to his constituents, I do not know how anybody else could justify this.

Mr. LONG. Let us say, for the sake of argument, that my vote saves Lockheed. The next day, Avondale Shipyard goes into bankruptcy; assume that they got in trouble and need contracts, need money, need a handout; and I cannot get the money for Avondale Shipyard; so we lose 10,000 jobs in New Orleans. Why should anybody down there vote for me? I had my chance to offer the Avondale amendment, but I did not even find time to hear the argument and get in on the deal.

A politician understands what I am talking about. Bob Kerr, who was the senior member ahead of me on the Finance Committee, and who I thought would be chairman for many years, died unexpectedly. He used to say:

> I'm against any combine that I ain't in on.

If I am going to vote for this for Lockheed, why should I not get Louisiana in on this, also?

Mr. PROXMIRE. That was one of the questions that arose when this bill was drafted, and that was one of the reasons why they say they went to a so-called generic bill which provides $2 billion and is available to other applicants as well as Lockheed.

They made it clear that when this Board considers the Lockheed guarantee, Lockheed is going to get the recommendation of the Treasury Department. The Secretary of the Treasury is the Chairman of this Emergency Loan Guaranty Board.

Furthermore, Lockheed will not be subject to any veto action by either the House or the Senate, but any other firm that applies is subject to a veto action by either the House or the Senate on the application.

So if Avondale comes in, and even if they can get the Treasury, the Federal Reserve Board, and the President of the Federal Reserve District to support them, they have to be subject to an up-and-down vote in either House, and either House can turn them down. But not Lockheed. Lockheed is exempt.

Mr. LONG. Of course, Avondale is not in trouble, but Bob & Jake's would like to have one note extended.

Mr. PROXMIRE. Bob and Jake are out of luck. They do not have a chance unless Bob and Jake can show that their bankruptcy would cause unemployment, cause unemployment that would seriously affect the economy of the Nation or of a region. They would be out of luck.

Mr. LONG. I believe that I am right, but if I am wrong, the Senator will correct me, because the Senator is on the committee and I am not. The best I can make out, if I am going to help someone, I would be more interested in helping Bob and Jake than Lockheed. Bob and Jake are dear friends. They have always stood by my side to help me. In fact, they have lost some good customers while standing up for me in my political campaigns. So that if I were to vote to save someone, I would much rather save Bob and Jake than Lockheed. I cannot recall what Lockheed did for Louisiana or for me. They have a good lawyer down there, and not a lot more.

The point I want to make is this, unless we pass this bill and Lockheed gets the $250 million, so far as I know, Bob and Jake might get a loan and they might not get a loan, is that not about the size of it?

Mr. PROXMIRE. If we pass this bill, Bob and Jake—what was Jake's partner's name?

Mr. LONG. Bob.

Mr. PROXMIRE. They would not be affected by this. We have enacted other legislation. They can come to Washington to the Small Business Administration. However, the Small Business Administration has not been organized to bail out small business——

Mr. LONG. Small Business Administration is broke. No money.

Mr. PROXMIRE. Even if they were not broke, this would not provide the moneys but, furthermore, as the Senator from Louisiana and the Senator from Arkansas know, the Small Business Administration does not have any money. How many loans have they provided in Wisconsin? I look at that list of loans periodically, and it is pathetic. The loans they get are for expansion and for many other purposes, but all I know is that in the 14 years I have served in the Senate, those who have gotten loans from the Small Business Administration did not get them on the basis of bankruptcy. But that is what we are doing for Lockheed here.

Mr. LONG. If the Senator from Wisconsin will yield for another question, here is one more thing that concerns me. Delta Airlines will save about $39 million under this bill. How did they get that way? The best I can figure out, they ordered airplanes and put the money up and so, if the thing goes on the fritz, then Delta will lose $39 million——

Mr. TOWER. Then Bob and Jake will not have to get out of town if Delta loses.

Mr. LONG. The Senator from Texas might be surprised at Delta. Do not blame these people for the brutal competition which goes on. Delta is in the position, along with Eastern, to crush the little guy who provides the local services in Louisiana.

My thought would be to say to the great Delta Airlines, "If you want us to save you $39 million, if you want us to save Eastern $60 million. I think the minimal condition would be that you do business one way or the other; that is, live by the law of the jungle, and then do not pass this bill, and if you do not want to live by the law of the jungle, then you should take a more generous attitude toward your smaller competitors. There is a small airline company that provides the local services to the small communities that we want to save. Quit acting like a big man stepping on a June bug and help that little fellow to survive while we are helping you to survive."

It is hard to understand how these people can engage in that kind of split personality. They are used to the idea of crushing the other guy to bits. They have done that to many; but when it comes down to them, they might be willing to see Lockheed go out of business except that it will cost them money between the two of them, about $100 million. They can write part of that off on taxes, as I am sure Uncle Sam will lose about half.

The thing I find difficult to answer: How can I vote for a situation where it is perfectly all right for Eastern and Delta to operate by the law of the jungle while I am voting to say, as far as they are concerned, that we will not do business that way. How would the Senator explain that? How would we justify that?

Mr. PROXMIRE. I do not think it is justifiable. This is the best authority—Dr. Burns was instrumental in drafting the bill. The chairman asked him to offer a provision under the bill which would be adequate to take care of small business if it should need financial aid. The original Federal Reserve bill was not the bill adopted, but similar. The thrust was the same. Dr. Burns had the answer as to whether this would take care of small business. It was in the negative. He said that the bill would not provide assistance to small enterprises. He went on to say that the Federal Reserve is studying this, as they are studying housing, but nothing that would help Bob and Jake.

Mr. LONG. If the Senator from Wisconsin will yield further, and then I shall be glad to yield to hear what the Senator from Texas thinks about this, I was in Shreveport, La., and I wanted to go to Lafayette, La., so I called out there at the airport and asked Delta how can they get me to Lafayette. They say, "You might as well forget about it. It cannot be done."

"Well," I say, "Look. I need to leave about 8 o'clock in the morning, and I would like to get to Lafayette sometime before 10. Is there anything that can be done?"

They say, "No, it is impossible. You have got to start a day in advance to get there."

All right. So, some dear friend of mine, bless his sweet heart, is willing to fly a plane from 200 miles away and pick up me and my administrative assistant. So we rush over to the airport and try to find the plane which is parked somewhere among scores of other small planes.

While we are looking around trying to find the airplane, we discover there is a commuter airline which has a plane leaving for Lafayette at 8:15 a.m.

Now, why did not Delta tell me about that? No, not on your tintype. No, sir. They would rather disserve the public than serve it, if it means no cash for them.

Why would not Delta be willing to tell me when such a plane would be leaving? Delta is the best airline in Louisiana. I do not want to be regarded as making any invidious comparisons here because they do a great job in general, but they play by the law of the jungle, as the other fellow does. They are now top dog and they feel that the law of the jungle is the best procedure. Yet, they stand to lose $39 million, because they put those planes on order. But the heck of it is, they are still proceeding to crush out the independent operator and destroy him.

It reminds me of the story about the old dog back in the barnyard. The farmer put the food out for the dog to eat. Old Mutt would turn up his nose at the food. He would not eat any of it. He probably thought it had too much cereal in it. He was not interested. But just let one of the chickens peck at the food, and he would tear the chickens to pieces, because he was not going to have any chicken peck at his food. It was not good enough for him, but too good for the chickens.

I do not understand why we should do business by this double standard. Might I say to the Senator, that I would bleed for them and try to understand these things, but for the life of me, I would not vote for this bill other than Delta and Eastern would be benefited. Lockheed does not think much of us. I have been begging them to put a payroll in Louisiana for the past 10 years, but they would not see matters our way. So far as Eastern and Delta are concerned, I would hate to see them lose $100 million, but they do not seem interested in helping the other guy to live or in helping the public have better service unless they and they alone are providing it, and even then, only to the extent that they are either making money or keeping the door closed to potential future competitors.

Can the Senator explain that to me? Can the Senator explain to me why should we have one law that applies to everyone else, and another law that applies to Delta and Eastern and to Lockheed?

Mr. PROXMIRE. We should not. That is one reason why, first, we should defeat the bill, and second, have a chance to explain the bill before we vote on it.

Mr. TOWER. Will the Senator from Louisiana yield?

Mr. LONG. I yield to the Senator.

Mr. TOWER. I should like to ask whether the Senator knows whether the Senator from Louisiana has introduced a bill that would provide cash for small business. I do not understand any bill having come before us like that. I do not think the Senator can make the assertion that we are not willing to help small business. If no one is concerned about it, will not the Senator introduce a bill giving that kind of protection to small business?

Mr. LONG. I have not been asking for any special favors, but now that the Senator asks for some favors, like $250 million for Lockheed, I would like to ask for $50,000 for Bob and Jake.

Mr. TOWER. I am satisfied that the chairman of the committee would be delighted to do that, if the Senator will introduce a bill. I cannot speak for the chairman, of course, but I think that he would. And while the Senator is bleeding for Bob and Jake, we might do some legislative work for them.

Mr. LONG. I have been around here for 23 years, which is a long time before my good friend from Texas showed up. I know a better way to help Bob and Jake and that would be to put an amendment on this bill. I understand that by doing that, I would have a better chance of getting my amendment agreed to, without cloture or with it. When we have cloture, they have you on the ground and then you cannot make them agree to anything. They table all the amendments and run roughshod over you.

Does not the Senator from Wisconsin know that is how cloture works?

Mr. PROXMIRE. The Senator is exactly right. The Senator from Louisiana has been here for a long time. He has had great experience with this. He knows that once cloture is invoked, the train is out of the station and going 100 miles an hour and if one gets in the way, he is dead.

Mr. LONG. If the proponents have 67 votes for cloture, they will be pretty arbitrary from that time on. However, that is a hard thing to muster 67 votes.

Would I not be a fool to refer a bill to the Banking and Currency Committee when I know very well that the people here are licking their chops, seeking enactment of this bill. If they do not have enough votes for cloture, they will be likely to go along with anything within reason to get cloture. Otherwise not.

Mr. PROXMIRE. The Senator is exactly right. The House reported out a bill identical to this Senate bill that was before the committee and that is pending before the House. There is not any question that they will try to prevent any amendments from being added to the bill. They want to have an identical bill with the House. That is one more obstacle that the bill will have to go through. They have agreed on the date of October 1. If they do not have that date, Lockheed will be in trouble. Somehow, they are willing to do that and override the right to offer amendments, which is a fundamental right.

The Senator knows that after cloture is invoked amendments cannot be adequately debated and the bill cannot be debated. All each Senator has is 1 hour on amendments or on any other part of the bill. We would be in a very difficult, unfair position.

Mr. LONG. It is more than disgusting. They would then know that they have this on a downhill road. I have traveled on that downhill road, and I know what it means. I notice that the Senator from Arkansas is present in the Chamber, and he also knows what it means.

Mr. FULBRIGHT. I am not for it.

Mr. LONG. I am for it for the other guy. Suppose I could be for it, on occasion, but not for me. That is one of the most miserable ways to live that the good Lord ever dreamed up for a politician. Just to think of it, when cloture is put on a bill like this, we cannot ask simple questions as I have been asking, questions in good commonsense. The equal application of the law cannot be inquired into.

I would suggest to the Senator that he was present when we had a filibuster on Comsat. They let us talk about the matter, and we wound up with a big bunch of votes.

Mr. PROXMIRE. I recall it.

Mr. LONG. I am not angry about it. I wish the A.T. & T. all the luck in the world in outer space. However, at the same time I have seen, and so has the Senator, that the right to reason and the right for one to explain his point of view is a very important thing.

Let me ask the Senator a question. I do not want to embarrass him; but how did the Senator from Wisconsin vote when we were talking earlier this year about the 60-percent rule?

Mr. PROXMIRE. I beg the Senator's pardon. I did not hear the question.

Mr. LONG. I do not want to embarrass the Senator. However, my conscience requires me to ask this question. At the time, earlier this year, when we were talking about shutting off debate with a 60-percent vote, how did the Senator from Wisconsin vote?

Mr. PROXMIRE. I voted for it.

Mr. LONG. Does the Senator not think he made a mistake in that vote?

Mr. PROXMIRE. Every day that passes leads me to think so. When the supersonic transport matter was up for consideration, I had second thoughts. I think the Senator makes a good point.

Mr. President, to complete the matter, I have before me the total number of intervening days that that particular bill was debated before cloture was voted on the Comsat bill. It was 17 days, and not 3, as in this case.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. Mr. President, this morning, the New York Times contained an editorial entitled "The Last Refuge." I assume that the Senator has read it. Has it been printed in the Record?

Mr. PROXMIRE. No.

Mr. FULBRIGHT. It is a very fine editorial, as I have said, is entitled "The Last Refuge." If the Senator will permit me, I will read a part of it. It reads:

> The House Banking Committee has approved a bill that would authorize $2 billion in Government loan guarantees for companies in trouble, especially for the Lockheed Aircraft Corporation, which says it must have $250 million immediately to save it from bankruptcy.
>
> Before the House committee had acted, Deputy Defense Secretary David Packard submitted prepared testimony saying that he was firmly opposed to expanding legislation for Lockheed into a general bill for bailing out other businesses. Mr. Packard said the Defense Department "does not need nor want a broad loan guarantee bill which will only encourage continuation of these practices which have caused this trouble." On orders from the Administration, however, Mr. Packard sought to withdraw that part of his testimony opposing a broad bill, but Representative Wright Patman insisted on putting Mr. Packard's original remarks into the record.

Is the Senator from Wisconsin acquainted with that?

Mr. PROXMIRE. Yes, indeed. It was one of the most dramatic of events that had occurred in a long time. As an illustration of how deeply Under Secretary Packard feels about this, he refused to read the testimony prepared for him by the administration. Over the years, many Cabinet officers, although it was against their wishes and their preferences, have gone along with their administration, because they were part of the team. Mr. Packard felt so deeply about this matter that he refused to read the testimony that had been prepared for him by the administration. The testimony that he had prepared flatly said that he was opposed to the legislation, that it would be bad for the Defense Establishment and would increase the cost of contracts. He was opposed to it.

Mr. FULBRIGHT. Mr. President, I did not know this, not being on the committee. However, it only illustrates again, I think, the necessity for allowing adequate debate. I do not think that many Members of the Senate knew that Mr. Packard actually opposes the bill in its present form.

Mr. PROXMIRE. The reason he opposes it is clear. He appeared before the House Committee on Banking and Currency and said he favored the Lockheed loan, reluctantly, but he favored it. But if it were to be a precedent, he would be opposed. He would oppose this bill, because its cost is eight times the size of the Lockheed loan. It creates a situation in which there can easily be many guarantees. It makes it clear that this will be done again and again and that it will be done for others. It makes it clear that when a company is inefficient and cannot control its costs and cannot borrow money elsewhere, it can come to the Federal Government and be bailed out.

Mr. FULBRIGHT. I thought the Record ought to show that. I do not think everyone is familiar with it.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the editorial from the New York Times of this morning to which the Senator from Arkansas referred be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE LAST REFUGE

> The House Banking Committee has approved a bill that would authorize $2 billion in Government loan guarantees for companies in trouble, especially for the Lockheed Aircraft Corporation, which says it must have $250 million immediately to save it from bankruptcy.
>
> Before the House committee had acted, Deputy Defense Secretary David Packard submitted prepared testimony saying that he was firmly opposed to expanding legislation for Lockheed into a general bill for bailing out other businesses. Mr. Packard said the Defense Department "does not need nor want a broad loan guarantee bill which will only encourage continuation of these practices which have caused this trouble." On orders from the Administration, however, Mr. Packard sought to withdraw that part of his testimony opposing a broad bill, but Representative Wright Patman insisted on putting Mr. Packard's original remarks into the record.
>
> The broad loan guarantee legislation, now adopted by both Senate and House banking committees, would certainly intensify the Pentagon's already serious problem of holding private businesses up to adequate standards of performance on defense contracts. But the dangers would go beyond that. For this legislation would do much to remove the risks for other large corporations that might get into trouble as a result of management inefficiency or blunders.
>
> Presumably if this legislation is enacted, any large corporation about to fail would be able to get help by pleading that thousands and thousands of workers would lose their jobs. Although Lockheed has based its case in part upon the preservation of competition in the aircraft manufacturing industry, this bill is essentially anticompetitive in its implications. For it would mean that a precedent and a mechanism had been established for bailing out very large and very inefficient companies.
>
> One is forced to wonder what other candidates for loan guarantees the Administration or the Congressional committees have in mind after Lockheed gets its $250-million. Will they be airlines? Will they be steel companies? Would a loan have gone to Penn Central, if that poorly managed railroad had not gone into bankruptcy?
>
> The birth and death of companies is essential to a healthy, dynamic and efficient economic system, not a process of Government bailouts to keep failing managements alive. The approaching end of the Vietnam war should mean a further reduction in the nation's output of helicopters, air transports and many other defense goods. If, in the name of general employment policy, unneeded defense producers are kept in business and well-supplied with orders, there will be a vast wastage of resources and a diversion of national energies of the kind that President Eisenhower foresaw in warning of the impact on national policy of the military-industrial complex.
>
> Proponents of the loan to Lockheed insist that the L–1011 Tristar airbus is a good airplane with excellent prospects for capturing a large share of the commercial market. If this is so, why do the commercial banks that have been working closely with Lockheed not lend it the additional money? Why should Government bear the risk? Or, if Lockheed is not soundly managed and the prospects for the L–1011 are dubious, why should its management team be rescued?
>
> Where is the evidence that the national economy stands in peril if this rescue operation is not rushed through? Are there not more serious risks to the effectiveness of the American economy if a precedent is estab-

> lished for rescuing huge and inefficient corporations and substituting Government decision-making for private commercial lending decisions?
>
> Before this loan guarantee legislation is passed, the House and Senate will do well to demand better answers to such questions in free and unencumbered debate.

Mr. FULBRIGHT. Mr. President, the editorial goes on and gives the basic reasons against the bill. Also, it is rather unusual for the New York Times. They used to favor cloture. The editorial reads:

> Before this loan guarantee legislation is passed, the House and Senate will do well to demand better answers to such questions in free and unencumbered debate.

Mr. PROXMIRE. That is unusual. I do not recall the New York Times ever taking that position before. I wish they had.

Mr. FULBRIGHT. It says free and unencumbered debate. I would take that to mean debate without a cloture. There is no free debate under cloture.

I commend the Senator from Wisconsin and I remind him that he has an ever-growing company in his changing attitude on unlimited debate.

The Senator from Wisconsin need not feel that he will be left alone out on the limb. As these proposals keep coming before the Senate, it is obvious that we do need debate. I would like to commend the Senator on his position.

I do not believe the Small Business Administration has the authority to make loans simply to bail out bad management. The small business concept is that these are small businesses that do not have it within their own financial structural resources to finance things. It was never designed to bail out a company that failed, because of bad management and, wherever there was a similar situation, at least they would require a change in management.

Mr. PROXMIRE. It is obvious. As a matter of fact, 11,000 firms failed last year and no one bailed them out.

Mr. FULBRIGHT. The Senator is correct. It is not sound to say that we would be doing the same thing for little businesses as we do for Lockheed. At least they should let it go through the wringer, get new management, and go on their way. They need not close up the company.

Mr. PROXMIRE. The Senator from Louisiana has half humorously said that if we are going to bail out Lockheed let us bail out Bob and Jake. Once we go down that trail, once we have said that the Government will guarantee them, the efficiency of our free enterprise system is gone. The cost to the Government would be immense and it will be endless.

Mr. FULBRIGHT. That is what I wanted the Senator to emphasize because a lot of false analogies are being used. For instance, I heard someone say at lunch that they subsidize housing.

Mr. PROXMIRE. That is for people who are buying homes.

Mr. FULBRIGHT. There is no similarity in backing up a company which operates for profit and a repayable loan to a householder. I do not think those analogies stand up.

The old RFC was not created for the benefit of one company or even a half dozen companies. There was a national catastrophe. The entire Nation was temporarily on its back. All the banks had closed. There was a situation which was most unusual when we had the RFC. It was primarily designed for small companies which, not because of mismanagement or inefficiency, found themselves in capital difficulties, and that operation worked out well.

Mr. PROXMIRE. At that time the economy was flat on its back, as the Senator said.

Mr. FULBRIGHT. Yes.

Mr. PROXMIRE. For instance, Mr. President, there could be a very sound firm and they could not borrow money.

Mr. FULBRIGHT. The Senator is correct. There was no intent to bail out management.

Mr. PROXMIRE. The banks were failing and we were in the grimmest shape in our entire history.

Mr. FULBRIGHT. The Senator is correct. Those analogies do not apply here. I am sure this would be a serious precedent against the efficiency and vitality of the free enterprise system. I believe the Senate and the country should have time to debate and understand this matter, to have "unencumbered debate," as the New York Times said. I do not believe they will pass it.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. LONG. I am sure the Senator did not want to suggest by what he said that he is conversant with the facts involved in the loan to Bob and Jake's Restaurant. He and I know he is not. Is that correct?

Mr. PROXMIRE. No, the Senator is correct. I was saying that if you take a small firm that is going bankrupt if they do not get a guaranteed loan, once we go down the trail of bailing out all of these companies there is not enough money in the U.S. Treasury and American business will be in real trouble, big and small.

I do not know anything about Bob and Jake's Restaurant. I would like to eat there the next time I am in Baton Rouge.

Mr. LONG. The Senator will find they have very good food. From the banker's point he has to make a decision, and that decision is, "If I put more money in this business am I throwing good money after bad, or am I helping a good customer to work out his problem, to reduce his overhead and to trim off some services that might not be entirely necessary to provide a more efficient operation."

It is a banker's decision whether to stay with his customer and put more money behind the money he has loaned him or whether to decline to go further with him.

Mr. PROXMIRE. Let me interrupt to say at that point that I was discussing this matter with a very able member of the Banking Committee in the other body. He said the reason the banks are for it—and they want this in the worst way—they will get a 9-percent interest. The interest rate is supposed to be set at the risk level required, but the guarantee actually makes it risk free. The banks get 9 percent risk free loans. It is the greatest bonanza in the world to them. It is a handout to the banking industry, and the taxpayer stands behind it.

Mr. LONG. Money is loaned with a high interest rate of 9 percent or 10 percent; then often time there is a discount which means interest is being collected on money never loaned to begin with.

Mr. PROXMIRE. In effect.

Mr. LONG. Having achieved all that on the theory this is a risky loan, if they lose money the Government pays it off.

Mr. PROXMIRE. The Government would pay it off.

Mr. LONG. Good deal. I would like to ask the Senator why he and I cannot get into a business like that. Is that not a nice way to do business? They proceed on the basis of a big profit, the Government takes the risk, and if there is a loss the Government pays it off. Is that not nice?

Mr. PROXMIRE. That is all this would do.

Mr. LONG. I can understand what is in it for the backers, for Lockheed, and the airlines that place planes on order. What is in it for the Government? We appear to be making a bum loan.

Mr. PROXMIRE. The taxpayers?

Mr. LONG. What is in it for us?

Mr. PROXMIRE. Potential losses and nothing else.

Mr. LONG. Theoretically we are supposed to guarantee a bum loan and bail out a company. But if we get on the winning end what do we get out of it?

Mr. PROXMIRE. There is a guaranteed fee but the guaranteed fee would be supposedly insufficient to cover Government administrative expenses. There is no premium here. There is no requirement that the Government risk is protected. If we are on the winning end we get zero, in effect. If the Government loses, it can lose $250 million in this instance.

Mr. LONG. I would like to know the Senator's reaction to this. Some years ago we passed a bill and I helped to pass it. The Senator from Wisconsin was one of the prime advocates. The bill had a tax differential feature to make it possible for American Motors to find cash to stay in business. So far it has been good legislation for the Government. It costs us nothing. It was a good thing for the State of Wisconsin, and I think for America.

How can the Senator equate the problem involved there—I voted for it and the Senator voted for it—with the problem in the Lockheed situation?

Mr. PROXMIRE. The answer is that that was a change in the tax laws. The change enabled a corporation, which was a small factor—in this case it was the fourth automobile producer—to carry back its losses 5 years instead of 3. In doing so they would lose the capacity to carry forward losses 5 years and made it only 3 years.

It would apply to any industry where they wanted to keep the small firm alive; they would be able to make that carryback.

First, there was no risk of loss to the Government whether or not American Motors succeeded or failed. If American Motors continued in business, as it did, it would use up the tax advantage in 3 years—2 years ahead of the customary time period. If American Motors failed, its successor company would use the tax advantage in 3 years. Either way, the amount is the same. It cost the Government nothing. A successor corporation would undoubtedly pick up a bankrupt American Motors to obtain the benefit of the tax loss carry forward.

Second, you preserve competition, where it is needed.

In this case, the situation is completely different.

The Department of Transportation and NASA last March made a study of the market for the wide bodied jet. The product this bill would underwrite. It said it will support one producer. We now already have one producer in that field, McDonnell Douglas. The study found that if there are two producers the industry would be weak and both firms would be in continuous difficulty. The situation would be unstable and they recommended against it.

We had Donald Turner, who was Assistant Attorney General in charge of antitrust a few years ago, testify before the committee on this legislation—a man whose job has been to fight for competition. Turner came to exactly the same conclusion. He said in this Lockheed case this bill would be a disservice to competition; it would be a mistake; it would be a misallocation of resources to, in effect, shove the Lockheed Corp. into this area, where it has not been, with a Government guarantee to get it in there.

The Senator from Michigan (Mr. HART), who I think is the outstanding authority in the Senate on antitrust and competition, being chairman of the Antitrust Subcommittee—and we know he is against this bill—has said it would be a serious mistake from the standpoint of competition to force production of this wide-bodied plane into the field.

The question of competition in American Motors was different. There was no dispute of the fact that we needed American Motors in the field of automobile production. We also have a very clear case developed that we do not need Lockheed in the wide-body jet aircraft field.

Mr. LONG. May I say——

Mr. PROXMIRE. Incidentally, I have a 50-page statement on that which I expect to read a little later, which develops that point fully.

Mr. LONG. I would like to study it. Let me say that, in my judgment, the Senator has made a prima facie case that the bill should not be passed. I would be happy, and I shall be glad, if I am permitted to have the time, to become acquainted with the other side of the argument. If it proves that the sponsors of the legislation have enough votes to ramrod this legislation through for no other reason except brute power, I shall be against the bill. Because of not having had the opportunity to study the argument, because I did not have the time to have that opportunity, I would have to vote "no." But I would have to say that, from what I have heard up to this point, from the scant knowledge I have of it, and from cloakroom conversations and walking down the hall talking with somebody on the way to a meeting I cannot see why the bill should be passed in such a hurry. I hope we will not be required to vote on it without having had an opportunity to hear the other side. I will say to the Senator that, if I have to vote without hearing the other side of the argument, I will have to vote "no."

Mr. PROXMIRE. I thank the Senator.

Before I yield the floor so the Senator from Minnesota (Mr. MONDALE) may speak, I would like to complete my remarks on the study made by the Library of Congress on the cloture votes. There were 25 cloture votes dating back to 1960.

Five of these would have limited debate on changing rule XXII.

One cloture motion was filed by Majority Leader MANSFIELD immediately after Senator Wayne Morse introduced an amendment to the Higher Education Act of 1963 to provide for home rule in the District of Columbia. The majority leader's action had a twofold purpose. First, a cloture vote would quickly indicate the Senate's thinking on the home rule proposal, and second, it would head off a threatened filibuster on the issue. Another cloture vote occurred on a reapportionment rider to the Foreign Aid Authorization Act of 1964.

The remaining 18 cloture votes occurred on debate related to the substance of the bill under consideration. The number of intervening days in which these 18 bills were debated ranged from a high of 55 days to a low of 4 days. Discounted in this range are second, third, and fourth cloture votes on the same bill.

An examination of cloture votes from 1917 until 1960, indicates extended debate before any cloture vote is held. The most number of days of debate prior to a vote during the period 1917–60 was 67 in 1922 during Senate consideration of the Fordney-McCumber tariff bill. The fewest number of days of debate was 2 in 1946 on an anti-poll-tax bill.

The Senate on July 31, 1946, failed to invoke cloture on H.R. 7, a bill to make unlawful the requirement for poll tax payment as a prerequisite to voting in a primary or other election for national offices. It should be noted, however, that this was the third cloture vote on an anti-poll-tax bill in 5 years, explaining, without doubt the rapidity of the cloture vote on H.R. 7.

With only few exceptions, research shows that the Senate has traditionally allowed extensive debate on controversial measures before attempting to invoke cloture.

With the exception I noted, which the Senator from Texas very properly called attention to yesterday—and as I have said, that was on a home rule amendment which had been debated many times—the record is clear that it would be most unusual action to file a cloture motion after such a very short period of time.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. LONG. May I say to my friend from Wisconsin, with whom I frequently disagree, in good conscience—and he in equally good conscience—I had some doubts, myself, about whether we ought to further restrict free debate in the Senate, and I thought a long time before I did what I did to keep the existing cloture rule. I felt we ought to be moving toward majority cloture, but when I see a majority, on a bill as significant and as controversial as this, moving to invoke cloture when debate has been had only—how many days?

Mr. PROXMIRE. This is the third day. Actually, we have had only 2 days of debate before today.

Mr. LONG. When I see the majority moving to put the iron fist to it and try to invoke cloture after, one might say, only 2 days of debate, I find myself compelled to actually shudder to think about imposing gag rule on the Senate. To think that Senators who are not on the committee are busy on other committees, asking unanimous consent, and getting it, to have those committees meet in order to fulfill the responsibilities assigned to them by the Senate on such committees and on other bills to be considered, and then to have it suggested that after hearing 2 days of conversation the Senate should be gagged and have this thing voted through—frankly, Senator, I shudder to think what is happening to our freedoms in this land.

Of course, when we talk about August 6 or August 8, or some such date, the Senator knows as well as I do that the bankers expect to make money by the bill the Senate passes. They are the ones who have loaned money, looking for the legislation. Lockheed expects to make money on the legislation. They are the ones who owe money. The airlines are in on the action. If the bill does not pass, they will lose some money.

The Senator and I know that, as between the lender and the borrower, it is easy enough to get together to extend the loan until the bill is passed. If the bill fails to pass by that date, the Senator and I know that the emergency will end and the loan will be extended, because they will know they have a majority of the votes and they will try again. Why should they not? How many millions do they have to win if we pass this bill?

Mr. PROXMIRE. What they are worried about is the force of public opinion. If we have a chance to discuss the bill for any length of time and if the people realize what is at stake, there will be an outraged public opinion and we will vote the bill down.

Mr. LONG. It seems to me all the people who are not interested in helping the little fellow who is being crushed and having to get out of business should not expect to have it both ways. It is true, for example, that a feeder airline operating in Louisiana, for example, after a while might ask for a route outside of Louisiana. So they do not want that kind of competition to live. But after hearing men in business who are supposedly in favor of free enterprise, who have argued that same philosophy over the years—competition, no subsidy, survival of the fittest, the advantages of free enterprise over State control—we now hear them say all that should be flushed down the drain as soon as there is a danger of losing a few "bucks." Here the same people are saying we should vote for the bill. Some of them may have been here when

President Eisenhower was President and made one of his proudest accomplishments by ending the Reconstruction Finance Corporation. By the way, it was created by Herbert Hoover—not in time to prevent one of the worst depressions in history, but one designed to help in problems such as we are talking about. But the RFC was abolished. They got rid of everybody. While they were for free enterprise, they were not so willing to doff their hats to Herbert Hoover, who was still alive at that time. They were willing to espouse free competition, the law of the jungle, free enterprise. Yet the same people are now saying that we should do exactly the opposite.

The Senator is speaking in the purest theory of the free enterprise system. I am willing to hear the argument, but I must have the time and the opportunity to do so.

I have asked the Senator from Wisconsin some embarrassing questions with reference to the American Motors situation. That is something I understand.

Mr. PROXMIRE. Mr. Hoover said when he called for the RFC that under the free enterprise system big business and the big banks can care for themselves. But is this for small business? If the SBA is the Small Business Administration, this is the BBA, Big Business Administration. It starts right off for big business, and the criteria make it clear that it is exclusively confined to big business. You have to be one of the 100 or 200 biggest enterprises to qualify.

So, it is free enterprise for small business, but socialism for big business.

Mr. LONG. Of course, I know everybody is out lobbying on this bill, and doing a good job. I respect them. They pay those people by the year, and so for the most part, these fine, nice, sweet guys lobby around the countryside, and get a year's pay for 2 weeks' work. So if they have to work an extra couple of days, I do not think we should shed too many tears. But here are these people out working, lobbying, trying to push this thing through, and I would just like to ask the Senator, how do they make all this fit in with the rest of their way of doing business?

For example, is it not true that all the big airlines wanted to abolish all the subsidies? They already had all the cream, all the distance flights, so they do not want someone else, because they are only able to sell one ticket and get a larger profit, than on a milk run. The money is in the nonstops and long distances. They hog all that up, get all the cream, and are not even willing for the other guy to have the whey. In other words, for some little guy trying to provide a flight from Crowley to Bogalusa, La., that is out, because of the fear that he might become a competitor some day.

So here these people are; they do not want any subsidies or any handouts, for the reason that they are afraid someone else might get a handout, and, having done all this to keep the other guy from competing with them, now they find they are about to get stuck on a bum loan, and the Government is asked to come bail them out.

How do they justify all this? I am not a professional economist; I just majored in that stuff in the arts and sciences school. But how do they justify it? Under what theory of capitalism? When you have come out here and fought to abolish the Reconstruction Finance Corp., and have gone for this free enterprise law of the jungle system, and put a whole bunch of little people out of business to do it, and have raised the interest rates so high you have to get on top the Washington Monument to find out how far they have gone, and, having done all that, you find out one of your boys has lost some money, and you want to bail him out, how does that square with the theory of rugged individualism, free competition, and survival of the fittest? How does all that square?

Mr. PROXMIRE. I think that would be a good question to ask some of the supporters of the bill, because I just cannot square it at all.

Mr. LONG. I am one of these welfare people. I think I could afford to vote for something like this; it would not be too difficult for me to explain why I wanted to help Lockheed. I am willing to help everybody. But I find it difficult to understand how all those people who have always stood for the Adam Smith kind of logic, in which I find a considerable amount of appeal, can justify this bill.

Mr. WEICKER. Mr. President, may I respond to the Senator from Louisiana?

Mr. PROXMIRE. I yield to the Senator from Connecticut so that he may respond to the Senator from Louisiana.

Mr. WEICKER. I believe you justify it by believing in the theory of something for nothing. Why did the airlines, which the Senator mentioned, get involved in this? Because the British Government offered them 90-percent financing at 2 percentage points below the interest rates in the United States. So, rather than giving their business to the U.S.-owned company within the United States, they saw something for nothing over in Great Britain, and they fell for it hook, line, and sinker, and now they seek to convince the American public that it ought to come along and back them up with something for nothing.

Mr. PROXMIRE. Here's how they take advantage of this: Rolls-Royce gets in trouble itself, and now they say, "You have got to bail us out." They took advantage, as the Senator from Connecticut has said so well, of that 90-percent financing, a 2-percent advantage in the interest rate and now they say the Federal Government has to come and bail them out.

They say, "It is not our fault, it is Rolls-Royce's fault."

Well, it was their choice to pick Rolls-Royce, because they got a tremendous advantage in doing it or thought they were. Rolls-Royce had had no experience whatsoever in producing this kind of engine. General Electric had. Yet they took advantage of the gamble, and it did not work out, and so they say the Federal Government has to bail them out.

Mr. LONG. May I say to the Senator, that is why I have so much difficulty falling for the family assistance plan. I am an old share-the-wealth man. I would be willing to skin it off the rich and give it to the poor, as far as I am concerned, but that is based on the theory that the rich have been skinning the poor for a long time, anyway, so why not do it in reverse for a change?

Mr. PROXMIRE. Why not modify the President's program to make it the FLAP program—the family Lockheed assistance program?

Mr. LONG. That might be a better name for it, but the best I could make of that program, the reason I would not vote for it, is because of the fact that there is cranked into the program also the fact that they want to pay people as much as a $5,000 cash subsidy to not do the decent thing.

I thought if a man had children by a woman, and spent every night with her, he ought to marry the girl and help support the children; but, no, sir, under the family assistance plan, they pay him a $5,000 cash subsidy not to marry the girl. How could he afford to marry her?

I have never felt that we ought to give him something for nothing. We ought to be able to justify it on some basis; there ought to be some logic somewhere, strained though it may be, to justify that kind of thing.

So I shall await with interest, if they permit me the opportunity, to study what is being said. About the only reason I can see to vote for that bill is that it will make money for somebody, and that is not a very good reason.

Mr. PROXMIRE. That is about right.

Mr. President, I yield back the floor to the acting majority leader.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, I ask unanimous consent that during the remarks of the Senator from Minnesota (Mr. Mondale), his staff member, Mr. Paul Offner, be allowed the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PUBLIC WORKS APPROPRIATION BILL: UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am authorized by the distinguished majority leader—after having discussed the matter with the distinguished Senator from Mississippi (Mr. Stennis) and having cleared the matter with the distinguished minority leader and the ranking minority member (Mr. Young) to propose the following unanimous-consent agreement.

I ask unanimous consent that, at such time as the Senate proceeds to the consideration of the bill making appropriations for public works, debate thereon be limited to 1 hour, the time to be equally divided between the distinguished manager of the bill, the Senator from Mississippi (Mr. Stennis), and the distinguished ranking minority member, the Senator from North Dakota (Mr. Young); and that time on any amendment—except committee amendments, on which time from the bill may be yielded—be limited to 30 minutes, to be equally divided between the mover of such amendment and the manager of the bill (Mr. STENNIS).

Mr. TOWER. Mr. President, reserving the right to object, and I have no particular objection, if I might inquire of the distinguished acting majority leader, when does he anticipate that that bill will be taken up? Will it be called up, as the majority leader is authorized by unanimous consent to do, during the consideration of S. 2308?

Mr. BYRD of West Virginia. Mr. President, the Senator from Texas has correctly anticipated the situation. It can be called up under the order entered at such time as the majority leader may wish to have it laid before the Senate.

However, it is not anticipated that the bill will be ready for floor action before Friday or Saturday of next week.

Mr. TOWER. I have no particular objection, but if it is to be brought up during the course of the consideration of S. 2308, I wonder if we might have an opportunity to alter that unanimous-consent agreement.

Mr. BYRD of West Virginia. Yes; I am sure that if there is justification for an alteration of it, the leadership on both sides would be willing to entertain proposed modifications.

The only purpose in getting this time agreement at this time is that we may be able to proceed, at such time as the bill is brought before the Senate, in an orderly fashion and more promptly complete action on the bill.

As the Senator from Texas will agree, the August recess will begin at the close of business on Friday, 2 weeks from today. There are several important bills that should be acted upon before the Senate adjourns for that recess, the public works appropriation bill being one. The chairman of the Committee on Appropriations, the Senator from Louisiana (Mr. ELLENDER), hopes to complete Senate action on the public works appropriation bill and the HEW appropriation bill before the end of next week, so that the conferences can be had on both bills and the reports brought back to the respective bodies and acted upon and the bills sent to the President for his signature prior to the recess.

Mr. TOWER. I quite understand. Certainly, I would do nothing to detain the Senate in the consideration of these important measures. The acting majority leader suggests that it probably would not be before Friday next that this proposed legislation would be available for consideration.

Mr. BYRD of West Virginia. The Senator from Texas is correct.

Mr. TOWER. I thank the Senator from West Virginia, and I do not object.

Mr. BYRD of West Virginia. I thank the able Senator from Texas.

I thank the Senator from Wisconsin for yielding.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

The Chair hears none, and it is so ordered.

The unanimous-consent agreement reads as follows:

> *Ordered*, That when the Senate proceeds to the consideration of the Public Works Appropriation Bill, there be 1 hour of debate on passage of the bill to be equally divided and controlled by the Senator from Mississippi (Mr. STENNIS) and the Senator from North Dakota (Mr. YOUNG). *Provided*, That debate on any amendment (except committee amendments on which time from the bill may be yielded) be limited to 30 minutes to be equally divided and controlled between the mover and the manager of the bill (Mr. STENNIS). (July 22, 1971)

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill—S. 2308—to authorize emergency loan guarantees to major business enterprises.

Mr. MONDALE. Mr. President, I think the bill before us today raises the most serious questions about our policies toward business, about our economic policies, and about our priorities.

In my judgment, most of these questions have not been adequately answered. Some of them are probably unanswerable. Until answers are found, I must oppose the pending legislation.

I must admit that it has sometimes been difficult to tell whether we are dealing here with a private bill for Lockheed in the clothing of a generic bill, or with a generic bill that is being justified largely on the basis of the Lockheed situation.

If it is the former—as many people have suggested—it would be more honest to say so, and have an up-or-down vote on whether the Federal Government should make a special case of Lockheed.

I would have opposed a special Lockheed bill although I felt that Lockheed had some legitimate complaints concerning its treatment by the Pentagon. My feelings about the general bill are less complicated. I think it would be a disaster.

With regard to Lockheed, there is of course one basic inconsistency in the administration position that has never been resolved. In answer to the charge that a loan guarantee would simply delay bankruptcy, Lockheed and the airlines have pointed to the enormous market for the TriStar—up to $24 billion. But this leads inexorably to the question: Why will not the banks come up with the money if the prospects are so good?

My own guess—based on the available evidence—is that the banks will come through with the money for Lockheed if the Congress turns down the guarantee.

The bankers have $400 million tied up in the Lockheed project now. The Treasury has indicated that if the company goes bankrupt, the banks could get back about $100 million out of the collateral. Thus, they stand to lose about $300 million.

If the $250 million that Lockheed is now asking for were enough to get the company back on its feet again, and if the risk were really as small as we have been told, surely the banks would come up with the money in the absence of a guarantee.

By doing so, the banks could preserve their whole investment and—if the market is as large as we have been told—make a tidy profit to boot. By refusing to do so, they would lose $300 million.

This point was raised repeatedly in the hearings. It was never answered to my satisfaction.

But the issue today is much larger than Lockheed. It is a bill that would fundamentally alter Government policy toward large business.

I think the general bill before us today is inequitable, and will seriously undermine economic efficiency.

More than 10,000 firms go bankrupt every year. Most of them are small firms, but in the aggregate they employ millions of people. The proposed legislation intentionally excludes almost all of them from consideration.

In my judgment, these small firms have a much stronger case for Government assistance than the larger firms. The small firms have much greater difficulty borrowing in the money markets, and the Government-managed credit squeeze of the last 2 years has had a much greater impact on them.

The bill before us today rewards bigness—it does for the large corporations what we never have done for the small firms. The American people will correctly conclude that to get Government assistance, you have to be big and have political clout.

But even when the firm is large enough to be eligible, there is a host of unanswerable questions:

How will the board determine whether a guarantee is required to prevent bankruptcy?

How large does a firm have to be to qualify?

How does the board determine whether the problem is management, changing demand for the product, or whatever?

Moreover, along with Secretary Packard and most businessmen, I believe that market forces contribute substantially to economic efficiency. Once large firms are encouraged to apply for their share of the $2 billion pot, this cannot help but undermine the incentives and the disciplines needed for efficiency.

The implications of the general bailout legislation for defense contractors are particularly ominous. Let me read briefly from Deputy Secretary of Defense Packard's recent testimony before the House Banking Committee:

> Past policies have encouraged contractors, large and small, to take on programs beyond their means . . . That is what happened with the L–1011. Lockheed could assume ways would be found to cover large overruns which might occur on their defense programs. This had always been done in the past. This, I am sure, was the calculation the Lockheed management made in deciding whether to take on a major program such as the L–1011 which even at best would stretch the company resources to the limit. . . . We in the Department of Defense do not need nor want a broad loan guarantee bill which will only encourage a continuation of these practices which have caused this trouble.

These are the words of the Deputy Secretary of Defense, Mr. Packard, who

I think has the admiration of virtually every Member of Congress for his mighty effort to try to deal with cost problems of the Defense Department. When one bears in mind that this statement was made by the Deputy Secretary of Defense in opposition, by implication, to the position of his own administration, one can only guess at the tremendous depths of his conviction when he felt it necessary to speak out in this way and with that strength against the Lockheed proposal. Also, one wonders whether there is not great truth in the rumors which were widely circulated that he threatened to resign if this proposal were adopted by Congress.

When the Lockheed issue first surfaced, one of the problems that most troubled me was the precedent. Secretary Connally tried to put aside this question by saying that the Lockheed situation was unique, and that a similar situation was unlikely to recur.

Mr. Packard testified in favor of Lockheed, but he gave us this warning:

> It's very desirable not to establish a precedent that the government will (aid) any company that gets into trouble.

When the administration switched its support to a general bailout bill, Mr. Packard remained consistent to his earlier testimony. He opposed the generic bill. Given the considerable pressure that was obviously brought to bear, I think Mr. Packard's consistency is admirable and I applaud him for it.

Mr. Packard is a businessman. In his views on this measure, he admirably reflects the views of most businessmen. The Business Council—composed of some of the Nation's top business leaders—is overwhelmingly against the Lockheed bill. The Wall Street Journal had this to say:

> As a precedent, it should disturb a great many people. Helping out Penn Central, Lockheed or any other corporation fuzzes the line between private and public enterprise.

As one looks back over the development of the Lockheed case, one finds the following:

At first, the administration refused to admit that a serious precedent would be set—tacitly admitting that the precedent would be undesirable;

Then it switched its support to a bill which recognizes the precedent and allocates funds for those who follow.

One other point concerning efficiency and competition. The administration has argued that Lockheed's collapse would reduce competition in the airframe industry and give McDonnell Douglas a virtual monopoly in the Tri-Jet field.

I must admit that this argument bothered me for some time—although it would be hard to argue that Lockheed's entrance into the Tri-Jet competition has appreciably lowered long-run costs.

But I was very impressed by the testimony of Donald Turner, former head of the Justice Department's Antitrust Division. Mr. Turner said:

> It is never sensible antitrust policy to attempt to maintain artificial competition.

Though undesirable, a monopoly is preferable to "competition supported by government subsidy."

As I have indicated, I would have opposed a special Lockheed bill, but a special bill would not have fundamentally changed the rules of the game.

The bill we are now considering is a much more serious departure from our past governmental policies toward business. I can see no reason to sanction such a departure—particularly after just 3 days of hearings.

I agree with the recent statement of the New York Times:

> The dominant issue in the Lockheed case is whether the United States wants to take a major step toward establishing not merely a precedent but an agency for rescuing large companies that are failing. In the specific case of Lockheed, such a course does not appear warranted. If it is necessary to establish a new R.F.C., with all the dangers of political decision-making where vast private economic interests are involved, and all the risks of furthering a trend toward state socialism or corporate fascism, Congress should hold exhaustive hearings that would give supporters and opponents of this type of legislation, including economic experts, a chance to be heard.

These, then, are a few of the difficulties with the legislation that the administration is asking us to support.

No one really denies that these problems exist. But, it is alleged, whatever the problems are, they are dwarfed by the problem of unemployment—the jobs that would be lost if Lockheed—or some other corporate giant—went down the drain.

I find this argument particularly troublesome.

The administration bases much of its case on the economic situation. Secretary Connally talked about the jobs that would be lost if Lockheed went down. He talked about the effect on the economy as a whole.

The President made a similar point. He argued that aerospace jobs were needed in the depressed southern California job market. He made the statement in southern California.

Well, unemployment in Duluth has been consistently above the national average. Unemployment in Minneapolis has increased 103 percent since last year. I suppose I could argue that aerospace jobs—or some other special help—were justified in these depressed job markets also.

But I do not make that argument. I do not believe that our economic health requires bailouts of particular companies. What we need is new economic policies for the Nation.

Unemployment has now been at 5 million people for 7 months. In June, adjusted unemployment grew by 1.1 million, and jobs increased by a million less than usual.

The labor force increased 1 million less than usual. Who knows how many teenagers did not bother looking for summer jobs because they knew the search was hopeless.

Many of us in Congress have called for a more expansionary policy. We have pointed out that with the economy operating over $60 billion below its potential, with plant operating at three-quarters of capacity, there is little danger of creating increased inflationary pressures; and we are losing $20 billion in Federal revenues, $3.5 billion in State and local revenues.

A more expansionary policy would help southern California; but it would also help Duluth, Minneapolis, and all the other cities and rural areas that are in such desperate economic straits.

If the administration is serious about jobs and economic recovery, it should understand that what we need is not special legislation for Lockheed, not special legislation for failing businesses, but legislation to bring national economic recovery.

That is why the administration's recent announcement that it would not adopt stimulating measures this year was so tragic.

That is why many of us are so opposed to this legislation before us today.

As the New York Times said editorially on July 16:

> If, despite all the money the Federal Reserve has poured into the economy since the squeeze of last year, there is still danger of a national liquidity crisis and an economic disaster, the Administration should stop talking about the improvement in unemployment and the fading of inflation and come up with a new economic plan. If a Lockheed bankruptcy will bring the economy down, things are far worse than the country has been led to believe.

But if the administration is really concerned with jobs, how does it explain some of its recent actions?

Last fall, the Congress passed a Federal jobs program. We had to send this bill to the White House twice before public opinion convinced the President to sign it.

More recently, the President vetoed the accelerated public works bill.

This bill would have provided Federal aid for such essential projects as—

Water and sewage treatment plants;

Nursing homes; and

Hospitals and other community facilities.

According to Congressman BLATNIK, chairman of the House Public Works Committee, 6,000 projects such as these have been approved by the Federal authorities. The necessary architectural, engineering and financial arrangements have been completed, and most of them could be started in 60 to 90 days.

This bill would have created as many as 170,000 construction jobs—in an industry whose unemployment rate is well over 10 percent.

It would have created an additional 250,000 jobs in allied industries.

This adds up to 420,000 jobs—almost 10 percent of our total unemployment.

But the President vetoed that bill—even though its impact on jobs would have been much greater than that of keeping Lockheed—or other failing businesses—afloat.

And I think it is fair to ask whether our Nation has a relatively greater need for more Lockheeds or more nursing homes.

In the last analysis, it is really a matter of priorities.

The $250 million we could lose in bailing out Lockheed is:

Thirteen times what the Federal Government plans to spend in 1972 for health care for migrant children;

Two and a half times what we are requested to budget for Federal air pollution programs;

Two and a half times what the President requested for cancer research;

It is $195 million more than the request of the Federal Bureau of Narcotics and Dangerous Drugs;

Twice as much as is budgeted for highway safety.

We have been told that no Federal funds will actually be spent—after all, we are only guaranteeing loans and the likelihood is that the loans will be repaid.

But loans that are guaranteed for failing businesses are loans that are unavailable for other purposes.

The Federal Government presently guarantees loans for numerous purposes such as: Farm ownership, the merchant marine, student loans, housing, and new communities.

Do we really want to guarantee money for large failing businesses that could go to construction of additional housing or student loans?

Finally, I would say this: Congress is capable of giving the most intense scrutiny to legislation to help the workingman and the poor. The welfare bill has been debated and studied in the Congress for several years with close attention to the minutest detail. This is as it should be. But now, when the issue is bailing out business—corporate welfare if you will—we are prepared to push this bill through with minimal hearings, little debate and less deliberation.

I think that says something about our national priorities.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. I think the Senator is stressing a significant development, because in the years I have been in the Senate, I do not recall any occasion on which a Cabinet officer or a member of any administration actually refused to read a statement prepared for him by the administration, and it had to be read by someone else. I think this is the most dramatic kind of repudiation of this bill. The part of that statement was read for him, which differed from his own position, was in opposition to the bill before the Senate.

Frankly, he does favor a Lockheed loan, with reluctance, because he said that he thinks it would be a helpful action; but he does not want it to be a precedent.

I asked him in the hearings whether he would favor a loan to Lockheed if it were a precedent, and he said "No." He is against this bill because it is eight times the size of the Lockheed loan. Of course, what it does is to provide a protection against the consequences of inefficiency for defense contractors; and it means that the long, hard, tough, efficient struggle that Mr. Packard has put up in the last two and a half years against inefficiency in procurement is seriously jeopardized by it, because the great discipline, of course, is that if you do not do a good job, you go bankrupt. In this case, of course, they do not have to worry so much about it, because you can get a guaranteed loan.

Mr. MONDALE. Of course, the logic of Secretary Packard's position and the arguments he makes stand just as much in opposition to an individual loan to Lockheed as they would to the broader bill. As he points out, Lockheed made some doubtful business judgments.

Mr. PROXMIRE. That is right. Furthermore——

Mr. MONDALE. All predicated on a bail-out by the Federal Government.

Mr. PROXMIRE. That is right. The Packard testimony is the most devastating testimony before the Banking Committee against the legislation now before the Senate.

He said:

> It is this last point which leads into the reasons I do not support extending a broad Federal loan guarantee authority to the defense industry or any other industry at this time.
>
> This problem we face with Lockheed is the result of past procurement policies, practices of both the Department of Defense and the industry that develops and produces defense products. In the case of Lockheed, both the Department and the company are at fault. Past policies have encouraged defense contractors, large and small to take on programs beyond their means. That is what happened with the L–1011. Lockheed could assume ways would be found to cover large overruns which might occur on their defense programs. This had always been done in the past. This, I am sure, was the calculation the Lockheed management made in deciding whether to taken on a major program such as the L–1011 which even at best would stretch the company resources to the limit. During the last two and a half years we have been trying to correct these procurement practices that have been followed in the past. Some progress has been made, but we have much more to do. For this reason, we, in the Department of Defense, do not need nor want a broad loan guarantee bill which will only encourage a continuation of these practices which have caused this trouble. We want and need your support for new policies and new approaches which will make it much less likely there will be problems of this kind and magnitude in the future.
>
> There is another reason I believe broad legislation is unwise. A government guarantee for a particular company or a particular industry does not generate more credit for the economy. For example, this guarantee only diverts the credit the banks can offer someone else to Lockheed. We can afford to divert $250 million under the circumstances. To provide a mechanism whereby $2 billion could be diverted to firms in the defense industry or any other special industry is quite something else. The solution is to take the fundamental steps to make these industries well and healthy. A firm or an industry that is well and healthy can obtain adequate credit from these and other banks without a guarantee. We believe the steps we are already taking in the Defense Department will eventually bring Lockheed and other firms that are in trouble back to a strong, profitable, healthy condition. Then defense firms will be able to get the private credit they need without a guarantee. That is what we should seek to achieve. That will take more time. In the meantime, the Department of Defense, with my strong endorsement, urges this Committee, the House and the Senate to support a loan guarantee in the amount of $250 million for the Lockheed Company as the Administration has requested.

Mr. MONDALE. I thank the Senator from Wisconsin. Along with so many others, we are deeply impressed by the leadership which the Senator is giving on this critical issue.

It is really a matter of priorities. Some say $250 million is not very much, but I should like to point out that that is 13 times what will be paid this year for the health of migrant children; 2½ times what this Nation is being requested to spend for air pollution programs; it is 2½ times what the President asked to cure cancer; it is $195 million more than the request for the entire Federal Bureau of Narcotics and Dangerous Drugs; and it is twice as much as we are budgeting this year for highway safety.

Mr. PROXMIRE. In giving those statistics, is the Senator talking about the $250 million?

Mr. MONDALE. That is correct.

Mr. PROXMIRE. The $2 billion which is in the bill that would be made available to other firms is eight times as large as the $250 million guarantee and therefore many times the other figures——

Mr. MONDALE. That is correct.

Mr. PROXMIRE. So it gets down, once again, to the basic question of priorities.

One factor the Senator stressed, and I do not think there is a more significant priority in the country today, and that is the fight against drugs. This concerns me and I know it concerns the Senator from Minnesota.

How much did the Senator indicate was the difference between the amount we are guaranteeing for Lockheed and the amount we are putting into the fight on drugs?

Mr. MONDALE. A $195 million difference between this year's request for the Bureau of Narcotics and the amount the administration wants above that for Lockheed.

Mr. PROXMIRE. So that if we pass this bill, there will be about $1.9 billion more available to bail out big business than we are spending on the war against drugs, to stop heroin and other drugs from destroying our people.

Mr. MONDALE. That is correct. We hear about the cutbacks in the Food Stamp Act for hungry Americans, and the administration's cutbacks on summer jobs. Meanwhile, we are fighting the administration for a new program to try to do something about children in the first 5 years of their lives. We are trying to generate adequate funds for education, to fight the tremendous issue of the environment, and to help in the problem of law enforcement. In each of these areas, we find that these programs have enormous meaning in terms of the quality of life to the average American.

The administration gives all-out, 100-percent, enthusiastic support for such things as the Lockheed bailout. It is a different set of values than I have. I believe it is a different set of values than the American people have.

I find very little support for this proposal among the people and, surprisingly, a great deal of concern in the business community. This is not an issue that divides the American public.

We find opposition by many top businessmen. The Business Council came out against it. The Wall Street Journal came out against it. Many top businessmen feel that this would establish a precedent which will rob the American economy of the basic forces contributing to economic efficiency.

Mr. PROXMIRE. If the Senator from

Minnesota will yield at that point, we heard a witness, an eminent economist and adviser to large business corporations, and a very active man in the present administration, Mr. Greenspan, one of the top economists of the country. I asked him in the hearing, how the big business community felt about this guarantee, and he said, "Well, those who are connected with Lockheed, the banks that are loaning, the airlines involved directly, the suppliers, of course they are for it. With that exception, the business community is overwhelmingly against this."

The Wall Street Journal reported, as the Senator stated accurately, that the Business Council was emphatically against this kind of bailout. I have a letter from former Secretary of Commerce Connor, who is a top businessman and is now chairman of the board of one of the largest corporations in the country, in which he said, in effect, this goes to the heart of the free enterprise system. This is a serious, tragic mistake. Anybody who really believes in free enterprise cannot support this legislation.

So, of course, while it is true that the big business community is not completely condemning this, because they have their connections with the big banks, the friendships with the people in the Lockheed Corporation, and there is a kind of ethic involved here, but there is no question about it when they state, when one asks them, that they overwhelmingly recognize that this is wrong, that it undermines the foundation of an economic system that has been the most productive in the world.

Mr. MONDALE. It was Admiral Rickover, I believe, who said:

> We have been generating a new philosophy where we privatize profits and socialize losses.

Whenever there are large profits involved, they are independent of government, but when they lose money then suddenly it becomes a public matter. We are asked to share handsomely in the risks of their bad business judgment.

Mr. PROXMIRE. Admiral Rickover did not testify before the Banking Committee but before the Joint Economic Committee on another issue, and I asked him about that loan, and he was resoundingly clear and emphatic in stating that it was a serious mistake and that it could not be justified.

Mr. MONDALE. I thank the Senator from Wisconsin.

Mr. President, I have agreed to yield to the Senator from Virginia (Mr. BYRD) to do something unique; namely, to give a short speech, so I am going to end my statement here, but before doing so, I ask unanimous consent to have printed in the RECORD an editorial published in the New York Times entitled "The Lockheed Loan," opposing this proposal; an editorial entitled "Bailing Out Lockheed", published in the Wall Street Journal, opposing the proposal; an article written by Robert J. Samuelson, entitled "Economists Hit Loan Plan," published in the Washington Post, which finds many top economists opposed to the proposal; and an article published in the June 10 Washington Post describing the grave doubts expressed by Deputy Secretary of Defense Packard.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LOCKHEED LOAN

The Administration has asked Congress to authorize a $250-million loan guarantee to save the Lockheed Aircraft Corporation and its L–1011 (TriStar) airbus program. The bill that was sent to Congress yesterday does not mention Lockheed directly but only proposes loans for major business enterprises in danger of failing. Secretary of the Treasury Connally stated, however, in a separate letter to Congress that "substantially all" of the $250-million would go to Lockheed.

The fact that the legislation is written in terms that would apply to any major business in danger of failing compels Congress to decide what broad public policy it wishes to adopt with respect to private corporations on the verge of bankruptcy.

Senator Cranston of California, who supports the $250-million loan, says that it should be accompanied by an amendment requiring a complete change in the company's present management. He quotes an unnamed businessman as saying, "Why reward bad management? If we bail out Lockheed, it will cost the Government vast sums and the signal will be out: be wasteful—it doesn't matter. Uncle Sam will come to the rescue." Many of the nation's business leaders share this view.

The alternative would be to let the company reorganize in bankruptcy without any Government loan warranty at all. This would have the advantage of permitting an outside group named by the court to come in and examine why the company failed. This procedure is proving out in the case of Penn Central—which Congress wisely decided not to rescue from bankruptcy.

Letting a company go bankrupt does not necessarily mean tens of thousands of jobs will be wiped out. That has not happened in the case of Penn Central, and it need not happen to Lockheed. The company can be operated in bankruptcy—just as the British Government has decided to do in the case of Rolls Royce.

It may be argued that the cases of Penn Central and Lockheed are really very different, because Lockheed is a big defense producer and Penn Central is not. But Lockheed is also a civilian producer, and the $250-million loan is designed specifically to bail it out on the L–1011, a carrier for the commercial airlines. The Government is certainly one of the important customers of Penn Central, which in all its operations affects the public interest. Few major businesses are without an impact on the public interest—and some direct involvement in national defense. Are they all to be regarded as eligible for bail-outs if they are on the verge of bankruptcy?

The present Administration, which likes to think of itself as the champion of free enterprise, is violating its own principles in seeking to rescue Lockheed's management by a Government-guaranteed loan.

BAILING OUT LOCKHEED

When the government last year announced a plan to help the Penn Central Transportation Co. with large loan guarantees, Senator William Proxmire suggested that more systematic procedures should be devised to consider corporate requests for aid. The new plan to assist Lockheed Aircraft Corp. points up the wisdom of the Senator's proposal.

The federal government was to some extent responsible for the plight of Penn Central, through the heavyhandedness of its regulation and in other ways. The nation, too, needs a sizable part of the service the railroad provides.

It also can probably be argued that the Defense Department, through its procurement methods and changes in specifications, contributed to Lockheed's troubles. Certainly the government, by permitting the accelerating inflation in the late 1960s, did a lot to increase the company's difficulties.

Actually, of course, the government is so large and omnipresent that it plays a role in the fortunes or misfortunes of most business ventures in the U.S., large or small. In both cases, moreover, management can hardly be held entirely blameless.

At the Business Council meeting this week, several company executives were plainly troubled by the Lockheed aid plan. "As a precedent it disturbs me," said Donald M. Kendall, president of PepsiCo Inc. and a close friend of President Nixon.

As a precedent it should disturb a great many people. Helping out Penn Central, Lockheed or any other corporation fuzzes the line between private and public enterprise. Setting up clear and understandable principles and procedures would at least make it more likely that the public would know what it was paying for.

[From the Washington (D.C.) Post, June 22, 1971]

NADER JOINS FOES: ECONOMISTS HIT LOAN PLAN

(By Robert J. Samuelson)

Three economists and consumer advocate Ralph Nader yesterday urged Congress to reject a federal loan guarantee for Lockheed Aircraft Corp., contending that the nation probably doesn't need the giant aerospace company.

"It is very difficult to construct a credible projection of military and civil aerospace requirements which can keep present capacity (of the industry) profitably employed," Alan Greenspan, president of Townsend-Greenspan & Co. and an informal adviser to the Nixon administration, told the Senate Banking and Currency Committee.

"If Lockheed is continuously propped up—and I mean more than by a planned loan guarantee—without a major reversal in the long-term aerospace outlook, some other major company in the industry must find itself in trouble," Greenspan said in his prepared statement.

Squeezed by simultaneous decline of government (military and space) and airline business, total aerospace sales have declined from $28.9 billion in 1968 to an estimated $24.9 billion in 1970, according to Aerospace Industries Association. Employment slipped from about 1.4 million workers to about 1 million.

But Greenspan, the two other economists, and Nader were continuously challenged by Sen. David H. Gambrell (D-Ga.), who has emerged as Lockheed's most faithful defender in the hearings before the Banking Committee.

Lockheed says it needs the guarantee to obtain $250 million in additional funds required to complete development of its L–1011 TriStar jet.

Defeating the loan guarantee—and allowing Lockheed to go bankrupt—would establish an undesirable monopoly for the new three-engine jumbo jets, Gambrell contended. The market would be left to the McDonnell Douglas Corp., which manufactures the DC–10.

Gambrell cited assurances by the Civil Aeronautics Board and the Federal Aviation Administration that the total demand for three-engine jumbo jets is large enough to sustain two competitors. Lockheed itself projects a demand for 775 aircraft (shared between the DC–10–10 and the L–1011) by 1980, but so far, the company has only 103 firm airline orders.

Nader cited a Harvard Ph.D. study by Sydney L. Carroll that contends that there are too many plane manufacturers. "If the government supports Lockheed now, it forces continuation of over competition in a crowded market," Nader said.

The three economists—Greenspan, Robert Weintraub, professor of economics at the University of California, and Thomas Moore, professor of economics at Michigan State University—argued that bankruptcies, even of large firms, are necessary to assure efficient operation of economy.

"It is the very threat of bankruptcy which often jolts firms, large and small from inefficient practices in their utilization of labor and capital and in their methods of financing and marketing," Greenspan said, "To have the possibility of falling back on a guarantor of last resort (the government) must inevitably remove this very valuable prod to efficiency and productivity."

[From the Washington (D.C.) Post, June 10, 1971]

Packard Warns on Lockheed—Tells Hill Unit To Draw Line on Precedent

(By Robert J. Samuelson)

Deputy Secretary of Defense David Packard warned Congress yesterday to avoid setting a dangerous precedent in passing legislation to guarantee up to $250 million in private loans to the Lockheed Aircraft Corp.

Although he supported the Nixon administration's proposal, Packard admitted before the Senate Banking and Currency Committee that he has mixed feelings about the guarantee:

"It's very desirable not to establish a precedent that the government will (aid) any company that gets into trouble."

Packard maintained that Congress could draw a distinction between aiding Lockheed and creating a precedent for helping other firms. But Sen. William Proxmire (D–Wis.), a chief opponent of the loan guarantee, was skeptical:

"Once you do something like this in Congress, not matter what you say or what you feel in your heart, it's hard to prevent that from being a precedent."

Packard also said that a Lockheed bankruptcy would not disrupt deliveries of needed weapons produced by the company. He also disputed some of Lockheed's projections of future military sales and said that the firm's estimate of break-even sales on its L–1011 airbus is overly optimistic.

Packard's major reservation about the loan guarantee proposal parallel arguments made by opponents of the guarantee. Once the government supports Lockheed, they say, Congress will be in a weak position to resist appeals of other large firms that may develop serious financial problems.

Lockheed says it needs the loan guarantee to provide funds to finish development of its TriStar L–1011 commercial jet. The company is also the nation's largest defense contractor.

In his testimony, however, Packard repeatedly emphasized that a Lockheed bankruptcy, though it would cause "troublesome" problems for the Pentagon, would not be an "absolute disaster."

The Defense Department, he said, could obtain needed weapons from the company if operated by a court-appointed receiver. In the case of the giant C–5A transport, the government might have to pay an additional $100 million for 81 planes, he said.

Moreover, Packard added, Lockheed's survival is not essential to provide a reservoir of experienced prime contractors for the Pentagon.

"There is no serious problem with having enough aerospace concerns to supply the Defense Department," he said. "Right now, we don't have enough business for all of them and, under present circumstances, there are too many aerospace companies."

Packard's endorsement of the loan guarantee centered on the prospect that a Lockheed bankruptcy would aggravate already-severe aerospace unemployment, particularly in California where the jobless rate for industry workers exceeds 10 per cent. In addition, he said, there is very little risk that the government would lose any money because the loan would be secured by substantial Lockheed assets, whose sale could cover any possible default.

But over the long run, Packard said, the economic effect of a Lockheed bankruptcy would be small. Most of the airlines which have ordered the L–1011 would probably switch to the McDonnell-Douglas DC–10, thereby creating additional job opportunities, he told the committee.

Despite Packard's warnings that a Lockheed bankruptcy [and a cancellation of the TriStar program] might have a "chain reaction" impact on subcontractors for the plane, his testimony appeared damaging to Lockheed's cause.

He disputed the firm's claim that it needs to sell between only 195 and 205 L–1011s to break even—that is, recover its initial development costs plus production expenses. Citing an independent Defense Department study, Packard placed the figure at "substantially over 300 aircraft." Lockheed now has firm orders for 103 planes and options for 75 more.

Packard pointedly refrained from evaluating Lockheed's top executives, but when Proxmire questioned whether large cost overruns on four major Lockheed Pentagon projects suggested poor management, Packard quietly responded:

"I understand why some people might come to that conclusion."

Mr. PROXMIRE. If the Senator will yield at that point and I apologize to him for doing this so many times, but an interesting report came over the wires, which reads:

> At the Pentagon, Secretary of Defense Melvin Laird said at a news conference that he supports the position taken by Deputy Secretary of Defense David Packard on the loan guarantee measure.
>
> Packard, in an appearance before the House Banking Committee earlier this week, deleted at the last moment sections of his prepared testimony critical of the administration-supported measure. But then Packard said he supported the administration's position.
>
> "I support his position 100 percent," Laird said. "I support his original as well as his amended statement."
>
> Laird acknowledged that "there is a difference within the administration" on the issue.
>
> Laird declined to state his own views but made it clear he favors giving help to Lockheed on what he called a no-precedent basis.

That does not mean anything unless it means that Secretary Laird himself, too, is against the generic bill that contains $2 billion for anyone who wants to get at the welfare window and ask for his handout.

Mr. MONDALE. And if this is not on a precedent basis, it must mean that there can be a single loan only, to Lockheed.

Mr. PROXMIRE. The Senator is exactly correct. The position taken by Mr. Laird is evident. The Senator from Minnesota read and interpreted it very accurately. It is that he is against this bill. He might favor a loan to Lockheed, but he is against this bill because it is a generic bill.

I think it is most interesting that the Secretary of Defense, for the first time a Cabinet officer, Mr. Packard is not a Cabinet officer; he is an Under Secretary—has taken a position against the administration. It is so remarkable, because this administration, as all administrations, requires its top officials to march almost in lock step. They must walk together. But Packard's feeling was so deep that he took this remarkable action, and Secretary Laird supported him. These are the top Defense officials of our country who have taken this same position.

Mr. MONDALE. As I understand the telegram, were Under Secretary Packard and Secretary of Defense Laird Members of the Senate, we would have two more votes against the proposal.

Mr. PROXMIRE. That is an interesting suggestion. I think that when the administration debated the matter for 2 months before they came to a decision, we certainly ought to be able to debate it for a few more days before we have cloture.

Mr. MONDALE. We ought to refer it back to the committee in view of this development so that we can find out what the position of the administration is.

Mr. PROXMIRE. That is an excellent suggestion, although I would not be too sanguine about the success of such a venture, in view of what happened to my motion of yesterday.

Mr. MONDALE. If the Secretary of Defense is against any loans that create a precedent, the very least it could mean would be that there would be only one, to Lockheed. This is a brand new bill for $2 billion of credit to bail out poor business that has poor business management. I gather he is opposed to that.

Mr. PROXMIRE. Mr. President, that is a most interesting development from the standpoint of his opposition to the guarantee since the debate began. Certainly the Secretary of Defense is our top defense official, and he takes this position in support of his Under Secretary. I cannot construe it in any other way than his being against the bill.

Mr. MONDALE. I think that is a major development.

THE FISCAL SITUATION OF THE UNITED STATES

Mr. BYRD of Virginia. Mr. President, the Government announced that the cost of living increased by six-tenths of 1 percent during the month of June. On an annualized basis that means that the cost of living would increase by 7.2 percent.

It is significant also, I think, that yesterday the Government put on the market 10-year Government bonds to be sold at a price to yield investors more than 7 percent. At the same time the Government put on the market 4 years and 3 months notes, 51-month notes, to be sold at a price to yield the investor more than 7 percent.

Mr. President, it seems obvious to me that interest rates are not coming down, but that interest rates are going up. For the U.S. Government to pay 7 percent on its bonds and 7 percent on its 51-month notes suggests to me that the cost of money is certainly on the increase.

Mr. President, the U.S. Treasury has just borrowed from the West German Bundesbank $5 billion, a sum which happens to equal almost exactly the projected cost of U.S. foreign aid for the current year. To me this dramatizes the financial policy of our Government. We borrow money from West Germany at high interest rates to finance our give-away programs to foreign nations. On the other hand, the dollar is not a popular currency abroad, in view of our continuing inflation which is fueled by recordbreaking deficit spending—it is no small wonder.

Mr. President, we continue to pour billions of dollars into dubious foreign aid programs. The U.S. Government, since the end of World War II, has put $120 billion into foreign aid, plus $60 billion of interest on that $120 billion.

In the transaction with the West German bank which took place just this week, the U.S. Treasury sold $5 billion worth of special nonmarketable notes with interest rates ranging from just under 6 percent for 1-year issues, to 6.65 percent for 5-year issues. There again we get back to almost a 7-percent interest rate that the U.S. Government is paying for its money. And the U.S. Government, of course, has all the resources of this country behind it. Yet the confidence of the people is such that the Government has to pay 7 percent to borrow the money with which to operate the Government.

In regard to the money which it borrowed from West Germany, I do not charge that the Government has borrowed money specifically to cover its foreign aid expenditures. I understand that the reasons for the transaction were many and complex.

However, I do say this, that the United States is having to turn to so many sources, including borrowing from West Germany, so many sources, foreign and domestic, to finance the Government's huge deficit because we are pursuing foolish and inflationary spending policies.

I might say that I can think of no Government program riper for trimming than foreign aid. The administration has requested almost $5 billion for foreign aid this year. That amount should be drastically reduced, if not eliminated.

The Government will have to go on borrowing and the wage earners and housewives of this country will have to go on feeling the squeeze of inflation until the Government puts its financial house in order.

Mr. Arthur Burns, the Chairman of the Board of Governors of the Federal Reserve System, appeared today before the Joint Economic Committee of the Congress. I have the text of his statement before the Joint Economic Committee. At the appropriate time, but not now, I shall ask unanimous consent to have the text of his statement printed in the RECORD. However, prior to doing that, I want to single out certain parts of Dr. Burns' testimony.

Mr. President, I think we must bear in mind that Dr. Burns was testifying as Chairman of the Board of Governors of the Federal Reserve System, to which position he was appointed by the President. We must bear in mind, I think, that he speaks with some reluctance. I think we need to read between the lines to see what his actual words are.

I think he is speaking frankly, but not necessarily as strongly as I am inclined to think he feels. I happen to have great confidence in Arthur Burns. I have known him a long time and I think he is an outstanding man.

Let us take a few of his comments this morning. I quote this sentence from the President of the Board of Governors:

> The international balance of payments remains unsatisfactory; indeed, our fragile export surplus has disappeared in recent months.

Now, I wish to quote another statement from the Chairman of the Board of Governors of the Federal Reserve System:

> As long as inflation persists, financial investors will remain reluctant to commit funds to long-term securities unless they are compensated at a higher interest rate.

That is what we are saying today and that is what we are going to see for the next month, and 6 months from now, and a year from now unless we begin to put our financial house in order. I submit that neither the administration nor Congress—neither one—is giving any real consideration to this problem.

I wish to quote again from Dr. Burns' statement. Dr. Burns said:

> There are grounds for concern nonetheless with regard to some features of the recovery now underway. First, there is little evidence as yet of any material strengthening in consumer or business confidence.

Mr. President, it seems to me that is a fundamental point, and I agree thoroughly with the Chairman of the Federal Reserve Board. There is little evidence as yet of any material strengthening in consumer or business confidence.

I feel that the individual citizen in this country is a lot smarter than most of us politicians in Washington give him credit for being.

I think there is just reason for lack of confidence on the part of consumers and the businessmen of our Nation, and the reason for the lack of confidence—the basic reason, in my judgment—goes back to these very foolish deficit spending policies of the Federal Government.

I shall quote another statement from the Chairman of the Board of Governors of the Federal Reserve System:

> But there is a danger that hesitation and uncertainly will continue on an extensive scale unless significant progress is made in moderating inflation.

The evidence is contrary to all the rosy statements we read from time to time. The evidence is that inflation is not being reduced; inflation is accelerating. Inflation has to accelerate when we have, as we do have in 2 fiscal years—the one that ended last June, and the one we are now in—back-to-back deficits in the Federal Government of more than $55 billion for that 2-year period.

It is going to take a lot of arguing to change my mind that that is not the basic reason for the lack of confidence that people have today. Certainly it is, in my judgment, the major reason for the inflation that is hitting so heavily the wage earner's pay check and eating into the dollar of the housewife.

Dr. Burns goes on to say:

> Our international competitive situation appears to have deteriorated.

I think he is certainly accurate on that score, also.

Another statement made by the Chairman of the Federal Reserve Board is as follows:

> Even taking these factors into account, however, the Federal budget is more stimulative now than a year or two ago.

He said the "Federal budget is more stimulative now than a year or two ago." Mr. President, it surely is.

We have established a record. In no other 2-year period since the end of World War II have we had an accumulative Federal deficit of $55 billion, and that comes on the heels of many other deficits, continued deficits almost, practically continued deficits for that period of time; and continued deficits for every year for the last 12 years.

Mr. PROXMIRE. Will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. First, I commend the distinguished Senator from Virginia for this very, very interesting and perceptive analysis of this statement by Dr. Burns.

I am chairman of the Joint Economic Committee. I was presiding this morning when Dr. Burns presented his testimony, and I was most impressed. The Senator is hitting exactly the point that is most significant.

I felt the key to Dr. Burns' statement was that if we are going to overcome our unemployment problem, if we are going to have this economy grow as it must, it is going to be necessary, in his view, for us to get inflation under control. He was very pessimistic, I felt, about what we have been able to do to get inflation under control.

The Senator started off in his remarks by pointing out that the statistics released just today show once again that the annual rate of increase in consumer prices as of last month was very, very high, as high as it has been at any time over the last couple of years. There is no indication we are getting inflation under control. Dr. Burns pointed out until we do have some way of limiting the rise in prices, that any kind of stimulant to the economy, either by his manipulations of money supply, which he controls, or by additional spending, or by reduction in taxes, is just going to contribute to and aggravate inflation, and destroy the confidence that people have now, which is inhibiting them from fueling the economy by private spending.

I think that what the Senator is saying is most significant. I might point out that Dr. Burns has long argued for an incomes policy, for a wage-price review board, and for productivity councils. The administration has done nothing along that line—nothing.

The Secretary of the Treasury indicated to the country just a couple of weeks ago that they have just no plans at all to get this economy moving—nothing. They are not going to provide for any kind of change in the present game plan.

Therefore, I am delighted that the distinguished Senator from Virginia is making this analysis. I wish that he would consider coming onto the Joint Economic Committee. I think it is so rare that we find Senators who take the time and effort to go into statements of this kind; it is most unusual. He would be a valued member, because he thinks deeply about subjects of this kind. I think he has an extraordinary concern, and he brings a great intelligence to it. I congratulate him on his very fine analysis.

The most significant part of what the Senator is doing is having taken the time and effort to work on this economic problem that confronts, and puzzles, and bewilders our Nation. It is so helpful to have a Senator rise, as he is doing today, and taking a very important statement by one of our top economic officials, who is Chairman of the Board of Governors of the Federal Reserve Board, and analyzing it, as he is doing, and coming to conclusions and giving the Senate and the country the benefit of his analysis.

I thank the Senator very much.

Mr. BYRD of Virginia. Mr. President, I am very grateful, indeed, for the overly generous comments of the distinguished chairman of the Joint Economic Committee.

I am pleased to receive his firsthand appraisal of Dr. Burns' testimony this morning. I was not present to hear the statement as he delivered his comments involving the statement, so I was especially glad to have the analysis and interpretation which was put upon the statement by the distinguished senior Senator from Wisconsin.

I am very grateful to him, indeed, for his very kind remarks.

And now, Mr. President, I want to quote another paragraph or two from the statement of Dr. Burns. I quote again the Chairman of the Federal Reserve Board:

> The fear of inflation appears to have been especially important in the recent behavior of our money and capital markets, and a reversal of psychology may well be required to achieve a significant downward adjustment of interest rates.

There again it seems to me that the public is ahead of us in Washington. They foresaw this increase in the cost of living which the Government has just reported for the month of May, at an annual rate of 7.2 percent. They could see what perhaps we in Washington have not been able to see—that inflation is continuing; in fact, it is accelerating. Certainly it is continuing, and certainly there is no indication that it is being reduced.

I think it is going to continue to accelerate so long as the Government—and by the Government I do not mean just the administration; by Government I mean the Congress, the President and the executive department—persists in programs of huge Government deficits.

Mr. President, not only did the Government just yesterday go into the market with 10-year-old bonds yielding more than 7 percent, and 51-month notes yielding more than 7 percent, plus $5 billion borrowed just this week from the West German Bank at a rate of almost 7 percent—6.5 percent—but within the next 6 months it will need to borrow between $20 billion and $22 billion of additional funds to finance the Government's deficit.

Just during the 4-month period which ended this past February 15, the Federal Government went into the market in short-term bonds in anticipation of bill offerings to the extent of $32 billion.

It seems to me—and I said so on the floor of the Senate on February 18 of this year—that that in itself was bound to lead to higher interest rates, that the Government could not go out and borrow all this money and take it away from the source of supply which is available to private borrowers without having an upward influence on interest rates. That is exactly what has happened.

I feel our country is in trouble. As I read the statement of Dr. Burns in his testimony given today before the Joint Economic Committee—a committee which is rendering a splendid service to the Congress and the people of our Nation—he feels it is in trouble. I may be putting words into his mouth, because he did not say exactly that, but in reading between the lines and knowing how sound have been his views in the past, I have the feeling he feels that our country is in trouble.

In any case, the Senator from Virginia is convinced that our country is in trouble and we could be heading for deep trouble.

I say again that neither the administration nor the Congress is giving any real indication of realizing the trouble which we may be headed for.

Mr. President, I realize that Government figures are dry subjects. There is no sex appeal, so to speak, in Government finance; but I say it is vitally important to the average citizen that the Government operate on a sound basis.

I say that for this reason: there is only one place from which the Government can get money to operate, and that is out of the pockets of the wage earner. There is no place else for the money to come from except out of the pockets of the wage earner. That is the only place from which the Government can get money. It can get it in only one of two ways: either by taxation—and we have high taxes in this country—or by inflation, which means that the purchasing power of the wage earner's dollar or the housewife's grocery money is reduced. One way or the other, this money is being paid for either by reduced purchasing power through inflation, or by more and more taxes.

Let me give one or two other figures. The national debt now is exactly $400 billion. Let me state that another way. What does that mean to the individual citizen? It means that of all the corporate and personal income taxes paid into the Federal Government, 17 cents of every dollar goes for one purpose, and that is to pay the interest—just the interest—on the national debt. Yet we are increasing the national debt all the time.

The debt is now up to $400 billion and we have a 2-year deficit—a back to back deficit—of $55 billion.

Personally, I think it is going to run higher than that, but being conservative, I will be somewhat conservative in my estimates and I will say that we have at least a $55 billion back to back deficit for the 2 years ending next June 30.

I am deeply concerned about the financial situation of our Government. I am deeply concerned that so few persons appear to have any interest in it. I am convinced that neither the administration nor the Congress—neither one—has given any indication that it realizes that this country is heading into trouble. In my judgment, it could be heading into very deep trouble.

Mr. President, I ask unanimous consent that the text of the statement by Arthur F. Burns, Chairman of the Board of Governors, Federal Reserve Board, given today before the Joint Economic Committee, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. BYRD of Virginia. I am delighted to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Unfortunately, I did not get here in time to hear all of the Senator's remarks, but I certainly want to express my appreciation for the sentiments and for the work that went into this speech, as well as the other work the Senator does. I am proud that he is concerned, and the Senator from Virginia is a good man to be concerned in this field.

I am at least conscious of the process that is going on, which I believe the Senator has correctly described. He and I are both on a committee that has to deal with large figures, expensive programs, ever-mounting costs of necessary military weapons, and other expenses for our national security and our national defense.

As I have said, I am conscious of what is happening as I see it.

What is the remedy? I feel we have the remedy within our grasp, but that only at intervals of time are we willing that it be done. I think we must have some old-fashioned belt tightening, if I may use the word.

Mr. BYRD of Virginia. That is a very apt expression.

Mr. STENNIS. Something that is not easy to do, but most worthwhile things in life come through effort, anyway, and some self-sacrifice.

These are not just theories. I think we have to work harder. We have to require a fuller day's work, more production for a unit of pay.

I hope it is only in a very slight way, but I believe it is undermining our competitive position in world affairs, our competitive position in the production of world goods, and our competitive position with respect to the production of our own goods.

I am not an economist. All I can apply is hard, commonsense. But this condition is running away with us. We do not hear many expressions of concern about what is happening.

I notice this deficit. I see another one that is coming. There is not enough concern about it. We still continue to have everything we want. We have tried to fight a war without raising taxes or imposing controls.

I do not blame anyone more than I blame myself. Yet this condition has existed for many, many years. It is going to require some application of the brakes to control our runaway economy. It is destroying the purchasing power of the people, it is destroying the savings of the people, it is destroying our values, as I see it.

We must make up our minds to sacrifice some of the good things we have in business and in other avenues, and return to producing more for a day's pay, both in Government and out.

I commend the Senator from Virginia; I encourage him. I commend the Senator from Wisconsin (Mr. PROXMIRE), who keeps hammering on this very subject. I am going to try to do a little better myself. I thank the Senator from Virginia highly, and commend him.

Mr. BYRD of Virginia. Mr. President, I thank the distinguished Senator from Mississippi, who is the chairman of the Committee on Armed Services. I know of the tremendous job he does in trying to keep expenditures under control. The authorizations that are approved and subsequently reported to the Senate by the committee of which he is the chairman have become stabilized. They have become stabilized despite the increases in costs. I think that not only in that field but in every other legislative field the Senator from Mississippi is doing a tremendous job in trying to protect the dollar and the purchasing power of the dollar of the American people.

It is said—and I certainly agree with the statement—that human needs are more important than dollars. I think that every Senator would agree with that assertion. Certainly I agree with it. But we must be aware of the fact that it is only because of the economic power of the Nation, it is only because of the value of the currency of the Nation, that the American people, under our free enterprise system and under our constitutional safeguards, have been able to develop the highest standard of living of any nation in the world. But we can lose that high standard of living. Other nations have had high standards of living and have lost them because they refused to do what the distinguished Senator from Mississippi indicated is necessary to be done; namely, to tighten our belts.

I think it was most unfortunate that the budget submitted to Congress last January went in exactly the opposite direction. It was an invitation to Congress—and Congress, I may say, does not need much of an invitation—to spend more and more money.

Dr. Burns, in his statement—I do not have it before me at the moment; I handed it to the Official Reporter—said that although the economy has been stimulated both by the Executive and Congress a little more than anticipated, Congress is going far beyond the budget. Both of those assertions are accurate, but I submit that with the form of Government we have, the leadership has got to come from the executive branch.

On the other hand, the legislative branch cannot say to the President, "You do it." We must act together if inflation is to be brought under control. If we are going to save the dollar for the American people, if we are going to save the purchasing power of the housewife and the wage earner, then Congress and the President must work together. We cannot work at loggerheads. We must work together. That is what I am prepared to do, along with my colleagues in Congress and those in the executive branch of Government. I am prepared to work with them in trying to cut down the Government's expenditures and get the economy under control. I would like to see us do what the Senator from Mississippi suggested—tighten our belts. That is the only way we can do it.

I may say, in that connection, that we are not tightening our belts when the Department of Health, Education, and Welfare sends to Congress a new welfare proposal which will increase the number of people on welfare from 11 million last year to 25 million or 26 million in 1973. That is not belt-tightening. How in the world can we reverse the trend toward a welfare state by doubling the number of people on welfare? It just does not make sense.

I was looking at some figures this morning. I happen to remember some of them. In my own State, as of December 31, 1970—the past December—185,000 Virginians were on welfare. If the new proposal goes into effect in 1973—which is the year after next—566,000 Virginians will be on welfare. How can that be called belt-tightening?

In the State of Mississippi, according to figures submitted by HEW—and I think the figures are low—29 percent of the population will be on welfare. In Virginia, the number should be about 11 or 12 percent, according to the new proposal

I feel that all of us in Congress, all of us in any phase of government, have a deep obligation to our fellow citizens who are physically or mentally unable to earn a living. But so far as I am concerned, I am going to be very reluctant to vote to take money out of the pockets of the hard working wage earners of the Nation and turn that money over to able bodied citizens who refuse to work. I say that there is no work incentive involved in the new welfare proposal. The work incentives are wholly inadequate. Yet the Department of Health, Education, and Welfare proposes, the administration as an administration proposes, and the House of Representatives has passed a welfare plan that will decrease the number of welfare recipients from 11 million last year to 25 million or 26 million by 1973.

It does not make sense, at a time when we have a large deficit in the Federal budget, to talk about doubling the number of people on welfare and drastically increasing the cost of welfare.

Mr. President, I close by saying that I feel that, from a financial point of view, our country is in trouble. I feel that that should be of vital concern to every citizen, because it is the individual citizen who is going to bear the brunt of the trouble which our Nation faces.

The longer the Government—Congress and the President—puts off facing this problem, the longer we put off tightening our belts, the longer we put off putting the Government on a sound financial basis, the more difficult it is going to be for everybody, the more difficult it is going to be for those of us in Congress and those in the executive branch and for our fellow citizens.

Mr. WEICKER. Mr. President, I commend the Senator from Virginia for his comments. I think that there probably is no one, either within this body or outside it, who does not associate fiscal responsibility and sound fiscal judgment with the Senator from Virginia. This has been his life, and it is good to hear his comments so eloquently expressed.

As he has said, the only misfortune is that not enough people are listening, because it takes a little thought and a little homework. But unless they do listen, I concur with his conclusion as to what will happen with the economy of this Nation.

EXHIBIT 1

STATEMENT BY ARTHUR F. BURNS, CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, BEFORE THE JOINT ECONOMIC COMMITTEE, JULY 23, 1971

I am pleased to meet with you again today to report the views of the Board of Governors of the Federal Reserve System regarding the state of the economy at mid-year.

Since I last appeared before this Committee on February 19, it has become evident that a cyclical recovery of our economy has commenced. Indicators of future business activity, which were already rising in the latter part of 1970, have strengthened further. Comprehensive measures of current activity—such as the physical volume of industrial production, total employment, retail sales adjusted for price changes, and total real output of goods and services—have shown moderate improvement as the year has progressed. We are confident that this recovery process will continue and broaden in the months to come.

Nonetheless, some of the economic problems that have troubled us as a people over the recent past are still much in evidence. Large increases in wages and prices persist in the face of extensive unemployment of labor and capital. The international balance of payments remains unsatisfactory; indeed, our fragile export surplus has disappeared in recent months. In financial markets, interest rates are responding to fears of continued high rates of inflation by moving up again despite rapid monetary expansion. And while business profits have improved somewhat, they remain exceptionally low.

The cost-push inflation we are experiencing, and the widespread concern over continued rapid inflation, are a grave obstacle to the full economic improvement we all ardently seek. As long as inflation persists, consumers are likely to remain rather conservative in their spending plans, fearing the possibility of budgetary over-commitment. As long as inflation persists, businessmen are likely to remain cautious in their investment policies, apprehensive that profit margins may erode despite higher prices. As long as inflation persists, financial investors will remain reluctant to commit funds to long-term securities unless they are compensated by a higher interest rate. Expectations of inflation thus permeate the gamut of private decisions to spend and invest, and this is restraining the private efforts needed for vigorous and sustained economic recovery.

A year or two ago it was generally expected that extensive slack in resource use, such as we have been experiencing, would lead to significant moderation in the inflationary spiral. This has not happened, either here or abroad. The rules of economics are not working in quite the way they used to.

Despite extensive unemployment in our country, wage rate increases have not moderated. Despite much idle industrial capacity, commodity prices continue to rise rapidly. And the experience of other industrial countries, particularly Canada and Great Britain, shouts warning that even a long stretch of high and rising unemployment may not suffice to check the inflationary process.

I shall return to the causes and implications of this new rigidity in our economic structure at a later point. Let me turn first, however, to a brief review of economic developments during the first year of 1971, and to the supportive role that public policy has played—and will continue to play—in the evolving economic recovery.

RECENT ECONOMIC DEVELOPMENTS

The performance of the economy during the first half of 1971 is not easy to interpret because many cross-currents are always present in the vicinity of a cyclical turning point. In addition, the rebound from the extended auto strike last fall, and the accumulation of steel inventories in anticipation of a possible strike this summer, have been distorting the underlying trend.

Abstracting from these transitory influences, the record of the first half of 1971 is one of gradual, but quickening, recovery. Late last year, only the construction industry exhibited significant strength, as the sharp recovery in residential building that began in the spring was joined by renewed expansion in the construction programs of State and local governments. Early this year consumer spending began to improve, with increases of sales spreading to a wide variety of consumer items. The sales of retailers other than automobile dealers rose at about a 10 per cent annual rate in the second quarter—considerably more than normal and well above the rise in consumer goods prices. Recently, activity in our factories has also been stepped up, especially in consumer goods lines. The index of industrial production, adjusted to exclude autos and steel, rose at a 6 per cent annual rate between March and June.

The improving trend of business is being supported by a faster rate of growth in personal incomes. During the three months from March through May, total personal income rose at an annual rate of 8 per cent, compared with a 6 per cent rate over the previous six months. Governmental transfer payments, which have been contributing to recent income growth, were particularly large during June when the retroactive increase in social security benefits was paid. The flow of private wage and salary payments has also quickened, in response to some gain in manhours worked as well as to continued large increases in wage rates. And while employers have not yet reentered the labor market for appreciable numbers of new employees, further business improvement should soon lead to faster employment growth also.

Inventory investment promises to supply an added source of economic impetus in the months ahead, after allowance for a probable rundown in steel stockpiles. Thus far in the recovery there has been little accumulation of inventories, apart from the restocking by automobile dealers and strike-hedge buying by steel merchants and users. But with business sales rising, and the ratio of inventories to output and to sales declining in many lines, we are coming closer to the time when needs for larger inventories—of raw materials, work in process, and finished goods—will begin to express themselves. The adjustment of stocks to higher levels of activity will in turn generate further increases in output, employment, and incomes. This is a common element in cyclical recoveries, and I judge that we are approaching that point in the current recovery process.

There are grounds for concern, nonetheless, with regard to some features of the recovery now underway. First, there is little evidence as yet of any material strengthening in consumer or business confidence. Recent surveys of consumer attitudes show only modest improvement, while uneasiness appears to persist among many businessmen and investors regarding the effects of continuing rapid increases in labor costs on future profitability. Confidence is likely to strengthen with the passage of time, as sales and employment conditions improve. But there is a danger that hesitation and uncertainty will continue on an extensive scale until significant progress is made in moderating inflation. Greater success in the battle against inflation is probably the most important single prerequisite of more rapid and enduring economic expansion.

Second, our international competitive position appears to have deteriorated. In the first five months of 1971, imports spurted and our normal trade surplus vanished. This is a distressingly poor performance in an economy experiencing substantial underutilization of its resources of labor and capital. The problem is dramatized by the success of foreign manufacturers in capturing a rapidly expanding share of our automobile market. In the past six months, sales of foreign models have accounted for 16 per cent of total U.S. sales and, in addition, close to one-tenth of the American models sold were produced in Canada. It may be tempting to react to foreign competition by imposing added restrictions and quotas on imports, but such a policy would not serve our national interests. The constructive course is to bring inflation under control and to stimulate our businessmen to increase their penetration of the expanding markets abroad and to compete more effectively with foreign producers in our domestic markets. I would favor consideration of new government incentives toward this end.

Third, there is as yet no evidence of resurgence in business capital spending programs. New orders for capital equipment show little—if any—recovery from the 1970 lows when allowance is made for rising prices. Construction contract footage for commercial and industrial buildings remains far below earlier highs. Official surveys of business spending plans for plant and equipment show no increase, even in dollar terms, for the remainder of this year. The hesitation in business investment may reflect the sizable amounts of unused capacity that presently exist. But it also results, I believe, from low business profits and uncertainty about the profit outlook. History indicates rather clearly that a vigorous, sustained economic recovery requires a strengthening trend in business capital investment.

We need to encourage business firms to undertake new capital investment; and I strongly supported, therefore, the liberalization of depreciation allowances recently adopted by the Treasury. I have also endorsed the general proposition that an investment tax credit be adopted permanently. At the moment, however, I am doubtful about the wisdom of restoring the investment tax credit—or of taking other stimulative fiscal actions—in view of the state of the Federal budget. In the fiscal year just ended, the budget deficit was in excess of $20 billion. It will remain very large in fiscal 1972. Many influential citizens in the business and financial community view this situation with alarm, so that these large budget deficits have become an important psychological factor contributing both to inflationary expectations and to high interest rates.

A large part of the budget deficits, of course, attributable to the shortfall in tax receipts stemming from sluggishness in the economy. Some expenditures, notably on unemployment insurance and welfare, have risen for this same reason. Even taking these factors into account, however, the Federal budget is more stimulative now than a year or two ago. The President submitted in January a moderately expansive budget for fiscal 1972, and since then the net effect of Congressional actions have been to make it more stimulative. Social security benefits have been liberalized, retroactive to the first of the year, and the scheduled increase in social security taxes postponed for a year. The public service employment bill has become law, and it appears probable that the military pay raise bill will be larger than the budget proposals. These and other actions, along with increases in the so-called uncontrollable items in the budget, as Chairman McCracken reported to you, have served to raise estimated expenditures $5 billion above those originally proposed for fiscal 1972, and to reduce estimated receipts by some $2 billion.

I would not want to rule out additional fiscal stimulus if the recovery in the economy should prove to be well below normal proportions, particularly if such a move were preceded or accompanied by a more effective incomes policy. But I would urge caution at the present time. Once confidence becomes stronger, we may find that there is enough fiscal stimulus already at work. And in any case, the fear of inflation is much too great, and its potential effect on private behavior too negative, to run the risk of taking new fiscal actions that would now seem imprudent.

MONETARY AND FINANCIAL DEVELOPMENTS

Let me turn next to monetary policy, and to the substantial contribution it has made to stimulating economic activity over the past year.

The shift toward monetary expansion early in 1970 was rather promptly followed by a resurgence in bank deposits and in the flow of funds to other financial intermediaries. As financial institutions rebuilt their liquidity, they became more eager lenders, the availability of credit increased greatly, and interest rates declined. As a result, housing starts rebounded and State and local government construction began to rise more briskly. More receptive credit markets also enabled our business corporations to issue new securities in record volume, thereby rebuilding their liquidity and putting themselves in a financial position to expand production and the capital investment that they may wish to carry forward later on.

Late last year, as this Committee knows, there was a marked decline in the rate of expansion of the narrowly defined money supply—that is, currency plus demand deposits. In these circumstances, a brief period of more rapid expansion in the money supply to compensate for the fourth quarter shortfall seemed appropriate. The System, consequently, provided bank reserves liberally over the winter months, and interest rates—partly reflecting the increased supply of reserves—declined sharply further. Expansion of the narrowly defined money supply rose to a 9 per cent annual rate during the first quarter of this year; but the average growth rate for the fourth and first quarters combined, being little more than 6 per cent, remained very close to the earlier trend in 1970.

This March and April, the Federal Reserve System faced a dilemma. Information available at that time suggested that high rates of monetary growth might well persist under existing conditions in the money market. Interest rates, however, were already displaying a tendency to rise, and vigorous action to restrain monetary growth might have raised them sharply further. In view of the delicate state of the economic recovery, which was just getting underway, it seemed desirable to prevent the possible adverse effects of sharply higher interest rates on expenditure plans and public psychology. The Federal Open Market Committee decided, therefore, to move very cautiously toward restraining the growth of the monetary aggregates.

With the benefit of hindsight, I now feel that stronger action was warranted this spring. For, as matters turned out, we experienced even faster monetary growth in the second quarter than had been anticipated, while interest rates also moved substantially higher. Present estimates indicate that the narrowly defined money supply rose at an annual rate of 11 per cent in the second quarter. However, growth in a more broadly defined money supply—that is, currency, plus demand deposits, plus commercial bank time deposits other than large denomination CD's—receded from an annual rate of 18 per cent in the first quarter to a rate of 13 per cent in the next three months. It is worth noting also that bank credit expansion has been considerably more restrained than growth in any of the measures of the money supply. Total bank credit rose at a 12 per cent annual rate during the first quarter and then dropped to a 7 per cent rate in the second.

It may be that the recent high growth rates in money balances, besides being a lagged response to the lower interest rates of this past winter, reflect some of the uncertainties of the general public about the economic situation. To the extent that this is true, the inclination to hold unusually large money balances should subside as economic recovery becomes more evident. In any event, it is clear that recent monetary growth rates are higher than is necessary or desirable over any length of time to sustain healthy economic expansion. The Federal Reserve has, therefore, already taken some steps to reduce the growth rate of bank reserves and thereby promote a more moderate rate of monetary expansion.

These actions are partly responsible for the recent rise in interest rates—particularly interest rates on very short-term market securities. But it should be kept carefully in mind that the rise in interest rates since March has occurred despite rapid rates of monetary growth and continuing large flows of savings funds to depository institutions. Factors other than monetary policy must therefore be primarily responsible for the upturn in interest rates this spring; they include in addition to indications that a business recovery is developing, the prospect of very large Treasury financing needs, deepening concern about the unrelenting character of cost-push inflation, some apprehension over international financial developments, and not a little anticipatory borrowing in the capital market on top of that currently needed. The fear of inflation appears to have been especially important in the recent behavior of our money and capital markets, and a reversal of psychology may well be required to achieve a significant downward adjustment of interest rates.

The rise in short-term interest rates during recent months had the effect of putting the Federal Reserve discount rate, which had been reduced in a series of actions to 4¾ per cent last February, well below the rates at which funds could be obtained by banks in the open market. The effect of this discrepancy in rates was to encourage member bank borrowing from the Reserve Banks—borrowing which was rising rapidly and thereby providing reserves to support continued high rates of monetary expansion.

Accordingly, as you know, the Board last week approved increases in Federal Reserve Bank discount rates to 5 per cent by a unanimous vote of the five Board members present at the meeting. I participated by telephone in the discussion leading to this action, and I want you to know that I supported it fully. Our hope is that the higher discount rate will serve to moderate the demand for discounting at the Federal Reserve, that it will help prevent excessive growth at the monetary aggregates, and also impart a degree of stability to interest rate expectations.

I continue to feel that the country needs lower interest rates, and that lower rates—especially on mortgages and State and local government securities—would contribute to a more vigorous economic recovery. *But I am not hopeful that substantially lower interest rates can be achieved, until we as a nation make steady and meaningful progress in solving our inflation problem.*

WAGES AND PRICES

The inflation we are confronted with has become deeply rooted since its beginnings in 1965. The forces of excess demand that originally led to price inflation disappeared well over a year ago. Nevertheless, strong and stubborn inflationary forces, emanating from rising costs, linger on. I wish I could report that we are making substantial progress in dampening the inflationary spiral. I cannot do so. *Neither the behavior of prices nor the pattern of wage increases as yet provides evidence of any significant moderation in the advance of costs and prices.* If growth in productivity accelerates with a quickening economy, some real moderation may well develop in the months ahead. Even so, the residual rate of inflation may well run above the characteristic level of previous cyclical upswings.

Let me cite some of the evidence that leads me to this view. Thus far in 1971, prices of newly produced goods and services in the private economy are still rising, on the average, at about a 5 per cent annual rate—or at essentially the same rate as in 1969 and 1970. The rate of advance of consumer prices did diminish conspicuously during the first five months of 1971, but most of this improvement is attributable to the decline in mortgage interest rates. The wholesale price index for all commodities has increased at an annual rate of 5 per cent thus far this year, or twice last year's rate. Wholesale prices of industrial commodities, moreover, have accelerated from a 3½ per cent increase last year to a 4 per cent rate thus far in 1971.

Much of the same picture emerges from a review of changes in wages and salaries—by far the most important component of business costs. Wages in the private nonfarm economy, adjusted for changes in industrial composition and for overtime work, rose at about a 7 per cent annual rate in the first half of 1971—slightly more than in 1970 or 1969. This sustained sharp rise in wages during a period of substantial economic slack contrasts markedly with our experience in earlier recessions, when the rate of advance in wages typically dropped sharply or actually ceased.

Nor is the picture more encouraging when one inspects the trend of new agreements reached in major collective bargaining settlements—agreements which tend to establish wage trends throughout industry. The wage increases agreed to, for example, in the automobile, can and aluminum settlements, and most recently by AT&T, amount to 12 per cent or more for the first year. The full extent of the increase contracted for later years is not yet known, since it will depend in part on the speed of future advances in the consumer price index.

It is important to inquire into the reasons for this unusual behavior of wages and salaries. The answer is doubtless complex, involving a myriad of structural, psychological, and social changes. Ironically, our national commitment to high employment and economic prosperity, and our relative success in achieving these objectives, accounts for part of the problem. For a general expectation has developed on the part of both business and labor that recessions, if they occur at all, will prove brief and mild; and this expectation has influenced both the strength of wage demands and the willingness of management to accept them.

A second factor contributing materially to the sustained character of wage rate increases in the current situation is the intensity and duration of the previous phase of excess demand. Consumer prices have been rising steadily since 1965—much of the time at an accelerating rate. Continued substantial increases are now widely anticipated over the months and years ahead. In such an environment, workers naturally seek wage increases sufficiently large to compensate for the effects of past inflation on their real incomes, and to give some protection against future price advances—besides providing for a measure of improvement in living standards. Thoughtful employers are bound to have some sympathy with these efforts, all the more so when they reckon—as they now generally do—that cost increases can probably be passed on to buyers grown accustomed to inflation.

Other factors too have been at work. The increased militancy of workers, whether union or non-union and whether in private or public service, has probably led to wider and faster diffusion of excessive wage rate increases through the economy. I cannot help but wonder, also, whether our recent experience with wage settlements in unionized industries may not reflect a gradual shift in the balance of power at the bargaining table.

Labor seems to have become more insistent, more vigorous, and more confident in pursuing its demands, while resistance of businessmen to these demands appears to have weakened—perhaps because they fear the loss of market position that would be caused by a long strike or because they believe that their competitors too will give in to similar wage demands. More recently, the balance of power—so important to the outcome of wage bargaining—may have been influenced by expansion in the public welfare programs which can be called upon to help sustain a striking employee and his family, valid though these programs may be on social grounds. And the hand of labor may have been strengthened also by the evident success that public sector employees have had in recent years in winning large wage increases, frequently with the use of illegal strikes against the government.

In my judgment, and in the judgment of the Board as a whole, the present inflation in the midst of substantial unemployment poses a problem that traditional monetary and fiscal remedies cannot solve as quickly as the national interest demands. That is what has led me, on various occasions, to urge additional governmental actions involving wages and prices—actions that would serve, by moderating the inflationary trend, to free the American economy from the hesitations that are now restraining its great energy.

There has been some progress in this area over the past year or two. The President deserves credit for his efforts to deal with the special supply-demand problems that had developed in the lumber and petroleum industries, and for bringing together labor and business leaders in the steel industry for a discussion of basic economic issues at the outset of the current wage negotiations. The Construction Industry Stabilization Committee, formed earlier this spring, appears to be having some success in moderating the staggering trend of wage settlements in that industry. The periodic Inflation Alerts serve a useful function in stimulating public discussion of areas in which wage or price decisions do not seem to conform to economic fundamentals. And the National Commission on Productivity may yet provide the basis for important improvements in the cost trends of our economy.

In the Board's judgment, these efforts need to be carried further—perhaps much further. The problem of cost-push inflation, in which escalating wages lead to escalating prices in a never-ending circle, is the most difficult economic issue of our time. It needs to be given top priority by our business and labor leaders as well as by the government. There is much good will and statesmanship in the ranks of business and labor, and it would be wise for the government to draw upon it more fully.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

Mr. WEICKER. Now, Mr. President, to turn from fiscal responsibility and sound fiscal judgment to the rather irresponsible and fiscally unsound measure before the Senate, we are drawing to the end of today's proceedings, and I should like to make a few points with respect to some of the events of this day.

First, we were greeted late this morning with statements by the chairman of the board of Lockheed criticizing the Senator from Wisconsin—my only regret is that he left out the Senator from Connecticut—for engaging in debate on the Lockheed loan proposal.

Later in the day, we had a news release indicating doubt on the part of the Secretary of Defense relative to the proposed legislation. Therein lies the lesson for the chairman of Lockheed. Therein lies the lesson as to why we do not rush things through here and why debate is necessary.

I find those who are trying to sell the Lockheed loan proposal much in the same position of those who have an old engine that does not work and put rubberbands on it, hoping that if a buyer comes in, they can run it for 10 minutes; or in the position of someone who is trying to sell a boat with bubble gum in the planking, and when the buyer watches for 3 or 4 minutes, everything is all right. But if by some chance the engine has to run for a prolonged period of time or the boat has to stay in the water for a prolonged period of time, the rubberbands break and the bubble gum comes out, and the boat starts to sink.

I consider the proposed legislation in the same fashion—hastily put together, geared for a specific purpose, totally against the traditions that have made this the economically greatest nation in the world.

So this Chamber is not about ready to listen to the insults of the chairman of Lockheed and rush through its deliberations but, rather, to take the necessary time, in the hope that the defects of the measure will become abundantly clear, just as they have in many other instances.

This is not an exception. In other words, the Senator from Wisconsin and I are not asking for any exception. We do not do business in this Chamber as Lockheed does business. We do it in the same way for everybody, without exception. This is the point that the Senator from Wisconsin and I have tried to make during the course of the debate.

The danger in the proposed legislation is that it is an exception. It goes against every rule, every piece of commonsense, every bit of practice that has been engaged in over hundreds of years.

I should like to make another point with respect to the debate as it has taken place thus far.

There are those who would indicate that this is a Republican-Democratic contest. It is not. There are supporters and there are opponents who come from both political parties. This is not one party against the other. There are those who will indicate that this is a clique that is against the aerospace industry, that is against science and technology.

May I remind my colleagues that the State I represent is deeply involved with the aerospace industry.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. PROXMIRE. It is my understanding that the Senator from Connecticut, for years, has been an outstanding champion of the space industry. He has worked hard for it and has voted for it.

It is most ironic that the Senator, who is certainly a leading critic of this Lockheed loan, could be labeled as one who is soft on technology or soft on technological progress or against technological progress or soft on the aerospace industry. The record is overwhelming that the Senator from Connecticut has a very solid, strong record in favor of the space program and in favor of technology generally.

This Senator has been critical at times. I have opposed the space shuttle and the manned space program since the first moon landing. I think it should take a lower priority. I think we should have instrumented space flights instead of manned flights.

But to confuse that position by saying that we are antitechnology is monstrous. We ought to consider the effect Federal spending has on the lives of our people and on the strength of our country. We may have a different opinion on that, but to equate our opposition to some programs with opposition to all technological advance or opposed to a technologically strong country, does not make sense to me at all.

Mr. WEICKER. I thank the Senator from Wisconsin. I concur. I know that he feels as I do, that what is at issue here is the legislation itself.

We do not come into this Chamber with any particular preconceived notions but, rather, to try to judge each issue on the basis of its content, which is what I believe the Senator from Wisconsin—which I know the Senator from Wisconsin—has done in this instance.

There are those who would give the impression that this is California versus Connecticut, Ohio versus Georgia, insofar as we have companies that are not participating in this program and those States do. May I point out that, as part of the lobbying effort on behalf of the Lockheed Corp., I have made abundantly clear that there are x number of subcontracts in my State of Connecticut which are not coming to pass, should this legislation go down the drain. I have had it made abundantly clear to me by the largest subcontractor to Lockheed that it would be most advisable if I did support the legislation, because possibly other companies in my State would receive additional work. So I am quite aware economically as to what it means. It would mean some loss of jobs for the people of my State in taking the position I do.

But, Mr. President, if this principle is accepted, then, believe you me, it is not going to be a few jobs in my State that will go down the drain, it will be all the quality producers in the country that can have their products go on the market and be judged on the basis of quality, and they will find themselves in competition with inferior, subsidized products. Then we will have the job problem going even higher—we already do, at 10.1 percent—so it will be even higher than that in Connecticut.

So it is a question of having to judge on an immediate basis, as compared to the long range, what is best for the State of Connecticut.

I am not in opposition to California. I am not in opposition to Georgia.

What I am in opposition to is the general principle of subsidizing mediocrity and inferiority in this Nation. When that happens, I feel that the industries of my State do not understand the principle. That is why I am fighting against this.

One more comment. The comment has been made that this is the type of encouragement we need for the economy, that it is involved with the commercial aspect of Lockheed's business rather than the defense aspect, and that we should put more emphasis on peacetime activities within the economy.

I hasten to agree, and I know that the Senator from Wisconsin agrees, relative to our priorities, that we should put a greater emphasis on the priorities of peace, whether it is mass transportation, housing, the environment, or medicine.

Quite frankly, I have got my priorities already set. Somehow, at the top of the peacetime list, there has never appeared Lockheed.

There is mass transportation. The money being requested here is almost one-half of what is in the entire budget of the Department of Transportation for mass transportation. There is the environment. There is housing, and all the rest.

Why should I be forced, all of a sudden, to give priority at least to the Lockheed Corp.?

So far as I am concerned, I can appreciate their particular commercial endeavors, but I think the time has come not to busy ourselves with cleaning up the mess which has been created by Lockheed but, quite frankly, to take this money and put it into where it holds out hope not only to solve the problem but to create jobs.

The sooner we get to that and stop talking about these theories, and plunk down that money, cold hard cash, into the area of mass transportation, into the area of housing, into the area of the environment, then the employment will be there, and it will be there on a solid basis if it deals with the advancement of mankind. This is not for a fleeting moment, which is the conflict between man, but it goes on and on and on.

So, Mr. President, I hope that in the days ahead we will be able to continue thoroughly to explore all the aspects of what Congress is being asked to vote upon.

Mind you, Mr. President, and I wish to close on this thought, the distinguished Senator from Virginia (Mr. BYRD), in discussing the economy, made mention of the fact that this is all paid for out of the wage earners' pockets.

Well, this $250 million loan guarantee, except insofar as Senator PROXMIRE and myself are taxpayers, is not coming from Senator PROXMIRE or me—and not from the Senate, and not from the Congress, and not from the unknown object in the air, the Federal Government. It is coming out of the wage earners' pockets—I repeat, the wage earners' pockets, no one else's.

As we go through the period of high unemployment, as I have said many times before, as our people lose their jobs, I think they will find it ironic that, at the same time they are losing their jobs, they will have to dig into their pockets to give their money to the wage earners in Great Britain to create jobs when, in fact, we have that same capacity and greater quality, greater ingenuity here with this Nation.

Mr. President, I yield the floor.

WORLD ORDER

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a very perceptive statement by former Chief Justice Earl Warren entitled "World Order," published in the New York Times on July 23, 1971.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORLD ORDER

(By Earl Warren)

BELGRADE.—Even in times of high civilization, such as classical Greece, Renaissance Italy and seventeenth-century Europe, foreign war and civil strife were almost constant. Some historians refer to the century prior to 1914 as the "long peace." But even in that relatively quiet period there occurred the Latin-American, Italian and Balkan wars of liberation, the American Civil War, the three wars of German unification, the wars in the Crimea, Balkans and the Far East arising from Russian and Japanese expansion, and countless wars in Asia and Africa resulting from European colonialism.

Despite this tragic record, the pursuit of national interests by such methods could be regarded by our fathers as being a tolerable state of affairs. But, in our lifetimes, we have brought about a fundamental change in the nature of war. In the world our children are inheriting warfare has become so destructive of man, of his works, and of his essential environment, that it is no longer either rational or tolerable.

Thus, we are faced with the necessity of considering that in the modern environment the inherent insecurity of nations is such that there may be no safety for mankind except in a fundamental reform of the nation-state system. Science has revolutionized both the physical environment and human society so substantially in such a short period of time that our attitudes, our habits, and our institutions have lagged far behind. Discontent and demands for change come not only from our youth, but from those of all ages who see the methods and institutions on which society depends unresponsive to the needs of today and grossly inadequate to the needs of tomorrow.

It is our political systems that have been most reluctant to yield to pragmatism and move toward toleration and accommodation. Happily, many of the technological facts that have been increasing economic interaction among nations are hard at work in the political field as well. The flow of international communications and contacts, for example, is increasing geometrically. The mounting efficiency and declining costs soon to be ushered in by space communication will make attempts to control the international movements of ideas not only futile but silly and self-defeating.

Even the ecological threats arising from the advance of technology provide new impetus toward political cooperation. The most rigid isolationist, the most dogmatic ideologue, now must recognize that the very air we breathe is an international resource. I am suggesting to you that the shapers of laws and the architects of institutions have been overtaken by science and technology. We have grown up in the comfortable sense that politics is the art of the possible. Few of us have faced the fact that science has transformed politics into the part of the indispensable.

Despite increasing recognition of common interests, the United States and the Soviet Union remain at odds over how the world is to be organized. They persist in placing their reliance on unilateral measures in confronting political change in areas they regard as sensitive. Yet, they are not the only ones to press narrowly defined national interests. They are only the ones with the most power to do so.

The United Nations and its system of agencies still have very little ability to shape a disorderly world.

The halting approach to world order begins with the fact that the most populous of all nations—the People's Republic of China—and three significant divided states—Germany, Korea and Vietnam—are not represented.

The early admission of mainland China, of the two Germanys, the two Koreas and the two Vietnams—regardless of what may later evolve in their internal relationships—are essential steps that must be taken to bring the real world and the international system together.

There is also a tendency [by the U.N.] to avoid difficult solutions in the absence of crisis and, when violence occurs, to go no further than to free the dangerous status quo. This is a prescription for the continuation of the tension.

QUORUM CALL

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUCKLEY). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, following which the Senate resume consideration of the pending business, S. 2308.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR FULBRIGHT ON MONDAY, JULY 26

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Monday next, immediately following the remarks of the distinguished Senator from Indiana (Mr. HARTKE), and prior to the period for the transaction of routine morning business, the distinguished Senator from Arkansas (Mr. FULBRIGHT) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I presume that it will be the final quorum call for the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC WORKS APPROPRIATIONS—UNANIMOUS - CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays at any time on the appropriation bill for Public Works.

Mr. TOWER. Mr. President, reserving the right to object, would the Senator please elaborate on that?

Mr. BYRD of West Virginia. The bill making appropriations for Public Works has not yet come over from the House of Representatives.

Mr. TOWER. Is that the bill that the Senator was discussing?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. TOWER. The bill will probably not be ready before Friday.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. TOWER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. The program for tomorrow is as follows:

The Senate will convene at 11 a.m. Following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the close of the transaction of routine morning business, the Senate will resume its consideration of the pending business, S. 2308, the emergency loan guarantee bill. No rollcall votes are expected.

The calendar will be called with respect to any measures that can be transacted by unanimous consent.

Speeches will be made.

When the Senate adjourns tomorrow, it will adjourn to meet again at 12 o'clock noon, Monday next.

There will be a vote on the motion to invoke cloture on the pending business, S. 2308, at circa 3:15 p.m. on Monday next.

ADJOURNMENT TO 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 11 minutes p.m.) the Senate adjourned until tomorrow, Saturday, July 24, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 23, 1971:

U.S. MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general:

Harry C. Olson
Ralph H. Spanjer
Fred E. Haynes, Jr.
Lawrence E. Snoddy, Jr.
Ross T. Dwyer, Jr.
Joseph C. Fegan, Jr.
Leslie E. Brown

CONFIRMATIONS

Executive nominations confirmed by the Senate July 23, 1971:

NATIONAL COMMISSION ON MATERIALS POLICY

The following-named persons to be members of the National Commission on Materials Policy:

Lynton Keith Caldwell, of Indiana.
Jerome L. Klaff, of Maryland.
J. Hugh Liedtke, of Texas.
Lee W. Minton, of Pennsylvania.
Rogers C. B. Morton, of Maryland.
Frederick Seitz, of New York.
Maurice H. Stans, of New York.

EXTENSIONS OF REMARKS

SENATOR HENRY JACKSON SAYS LEADERS OF TOMORROW MUST LEARN OF OUR ENVIRONMENT IN ORDER TO PROTECT AND PRESERVE IT FOR THE FUTURE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, July 23, 1971

Mr. RANDOLPH. Mr. President, 3 weeks ago it was my pleasure to accompany the distinguished Senator from Washington (Mr. JACKSON) to Camp Wood, in West Virginia's Greenbrier County, for the national dedication of the first installation of the Youth Conservation Corps.

This is an exciting new adaptation of an old idea. During the depression years in the 1930's there was created the Civilian Conservation Corps which did exceedingly constructive conservation work in the Nation's forests and parks. As a House Member, I helped to bring this effort into reality.

Today 2,200 young men and women are once again mustering their abilities and dedication to accomplish great new work in the parks and forests of America. They are there because a congressional leader saw the need—even the necessity—to capture the prevailing spirit of young people and turn their concerns into productive achievement.

Senator JACKSON sponsored the bill to establish the Youth Conservation Corps, and it was signed into law August 13, 1970. I was privileged to join the Senator from Washington as a cosponsor of this 3-year pilot program which holds much promise for the future.

Senator JACKSON'S address at Camp Wood, located in the Monongahela National Forest, was a stirring charge to the young people and others assembled there. He said:

The Youth Corps program is premised on the fundamental concept that man and nature cannot be treated separately. Human resources and natural resources go together. Nature lacks meaning without man. And man's life, to be meaningful, requires contact and exposure to nature.

Among those present for launching the Youth Conservation Corps program were Edward P. Cliff, Chief of the U.S. Forest Service, and F. A. Dorrell, supervisor of the Monogahela National Forest.

They know that this vital program will succeed. They know what can be accomplished. Camp Wood, located on the site of a former CCC camp, once was situated in the midst of mountainous forest land that was badly cutover, threatened by erosion, and all the attendant forces of bad land management. Today, the area is a healthy, thriving, mature forest of more than 820,000 contiguous acres. It is a major factor in the economy of the West Virginia forest industry, and it is known nationwide for its excellent wildlife and recreational opportunities.

This example of rescuing nature from man's depredations will be duplicated in other areas in the years ahead. The Youth Conservation Corps, which recognizes that youth must be involved if we are to keep our planet livable, already is in action to assure that future.

The words spoken by Senator JACKSON provide a solid platform for the launching of this truly worthy program. I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HENRY M. JACKSON

Today, with this dedication ceremony, we formally begin a program which will use the creative energies of America's young people to change the face and the character of the nation.

It is a modest beginning—60 camps throughout the country and 2200 of our nation's youth—but it offers great promise for the future.

A major purpose of the Youth Conservation Corps program is the development and education of our greatest asset—our young people. Another major purpose is the conservation of our resources and the protection of our environment.

The Youth Corps program is premised on the fundamental concept that man and nature cannot be treated separately. Human resources and natural resources go together. Nature lacks meaning without man. And man's life, to be meaningful, requires contact and exposure to nature.

The Youth Corps provides an opportunity for the leaders of tomorrow to learn more about our environment; to be involved in its protection and preservation.

More important, however, the program is educational in the best sense of the word. It is open to young men and women from *all* economic and social backgrounds. Too many Federal youth programs in the past have provided opportunity to only the economically disadvantaged. Moving young people from homes of despair to camps of despair is not the answer. Isolating the economically or socially disadvantaged in special programs isolates them from society and from sharing in the common goals and purposes of the nation.

Developing a sense of community, of responsibility, and of common purpose, by bringing together young men and women from all segments of society is important, but it is only one of the benefits to be derived from the program.

There are others:

Summer unemployment among teenagers stands at 17 per cent; among black teenagers it is 40 percent. This is intolerable in a country as wealthy as ours. The Youth Corps, if expanded, can provide new meaningful employment opportunities.

The backlog of needed conservation work in our nation's forests and parks has reached crisis proportions, but it can be reduced by the efforts of Corps members.

Young men and women can be encouraged to pursue careers in the fields of recreation, resource management and environmental protection as a result of participation in Youth Corps camps.

When I first introduced the bill to establish the Youth Conservation Corps, I saw an opportunity for this nation to meet two of its most pressing needs—to provide constructive employment and educational opportunities for America's young people and at the same time, to preserve and enhance our physical environment. There is often a tendency to view national problems in isolation from one another when, in fact, the solutions for one can also provide the solution to the other. So it is with the unrest of our youth and environmental deterioration.

The Youth Corps can provide young people with an opportunity to get off the streets and to engage in productive work and important learning experiences in our nation's parks, forests and our public lands. In this way, we are attacking the root causes of boredom, anger and frustration by giving young men and women a chance to earn, to learn, and to work in meaningful programs which are important to their own future and to the future of this nation.

Through participation in the YCC, these young men and women can develop an appreciation for the environment which would be impossible to achieve amidst the concrete and asphalt matrix of the crowded inner city. Such appreciation, firmly based in the nation's youth, may be the greatest single factor in determining the future quality of our environment.

Over 80,000 young men and women have asked the Department of Interior for information or employment in this summer's program. Unfortunately, because this is a pilot program, only a very select few could be accepted this year.

If your experience this summer is a successful one, as I am sure it will be, I will hold hearings early this fall before the Senate Interior Committee to expand the Youth Corps Program to provide camps for 100,000 young people. Legislation to achieve this purpose is being drafted and I will introduce it in the Senate next week.

The need for expansion of the Corps is evident, and the American people feel it is essential. Public support was demonstrated by last month's National Gallup Poll which revealed that 67 per cent of our population were in favor of youth conservation corps for young men. The strongest support for the YCC came from people in cities with populations over 1 million. They know that idleness and boredom can create problems of social unrest and delinquency.

I don't know of anything better for a youngster than to work hard and have a sense of accomplishment in an important job. I worked hard as a teenager in sawmills and construction jobs before I was 18 years of age. It didn't do me any harm, and, in fact, I think it provided me some valuable experience.

As you can tell, I don't envision this to be a "fun and games" or a make-work program—I expect the participants to work hard to earn their pay, and to return from their work tired and hungry. I expect them to be pleased with their day's accomplishments. I expect them to be enthusiastic about the challenges of tomorrow.

In the days ahead I urge you to work with dedication—to question everything—to be critical, but constructively so—to be against the forces that destroy our environment, but to be a part of the forces that mend and build.

The task is one of self-fulfillment. It also involves a commitment to the success of the Youth Corps program through your individual efforts.

You have the opportunity to blaze the trail for an expanded Youth Conservation Corps—an opportunity to plan and to shape the face of America according to your own dreams of a brighter tomorrow. You have a voice today in the shaping of the environment of tomorrow. Make your voices heard through your dedication and success this summer.

RED CHINA A CONCENTRATION CAMP

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. RARICK. Mr. Speaker, information about persons escaping from the tyranny of totalitarian Communist countries seems to be a closely guarded secret from the American people.

Many such escapees manage to reach the free nations and to provide first-hand testimony on conditions in the enslaved countries. The right-to-know media, for reasons undisclosed, apparently deems such events as distracting to the people and not newsworthy. To the contrary, the diet of mental conditioning calls for a continuation of weakening public opposition by not letting the people know how bad the conditions are in the leading Communist concentration camps.

A recent Manion Forum broadcast reported that according to the Chinese Information Service at Hong Kong, 800 refugees, most of them "freedom swimmers," had escaped from Red China in 1971, as of May 25.

I insert at this point information about two escapees from the concentration camp which is Red China:

[From the Christian Beacon, July 15, 1971]

MAO TSE-TUNG'S "CLASS" REPORTED TO BE CONCENTRATION CAMP

The so-called "class for the studying of Mao Tse-tung's thought" on the Mainland of China is actually a concentration camp, an escapee from Red China said last Thursday, July 8, at a press conference. Liu Cheuh-sheng, 30, escaped to Hong Kong last February 28 after making six attempts to flee the mainland. The "class," he said, is designed to punish those who have "committed ideological mistakes" or who were caught trying to escape from the Mainland.

Liu noted that after he finished his secondary education he tried to escape but was discovered and was sent to the Mao Tse-tung Thought Class for a five-month reformatory education. He said food is scarce at the camp and inmates have to work hard to earn their own food. He also reported, as do all of the escapees, that life on the Chinese mainland is very miserable.

Anti-Communist sentiment is prevailing on the Mainland, Liu added. The Chinese people are ready and anxious to join Chiang Kai-shek, he said, whenever he gives the order to counter-attack the Communist mainland.

"MY ESCAPE FROM HELL": BRITISH REFUGEE FROM RED CHINA—ONLY ONE OF MILLIONS TO FLEE COMMUNISM

(By Dean Clarance E. Manion)

It may surprise you to hear that the most important election in the world is now taking place in Communist countries. All over the Red Slave Empire people continue to vote against Communism the hard way, namely, with their feet—in an attempt to escape it.

The United States badly needs a daily, front page tabulation of these tough, worldwide election returns. The startling figures would do more to clarify popular understanding of our basic international problem than all of our editorials, commentaries and political speeches put together. On the subject of Communist countries these figures speak louder and more consistently than the words we read and hear.

For instance, at West Point last May 29, President Nixon talked about prospects for the avoidance of war, and warned the listening cadets against "wishful thinking and passive policies." This, if you please, was immediately after he told them that he had good grounds to believe that a new era of world peace was imminent and that the great majority of the cadets "would never be called upon to serve in any war."

While the President was speaking, the world press was evaluating the new Soviet Egyptian treaty which extends the Brezhnev "No Trespassing on Socialism" doctrine into the Middle East for the next 15 years. At the same time American papers were carrying a Moscow press dispatch announcing that Simonas Kudirka had been tried and sentenced to a Communist prison.

You will remember that Kudirka is the unfortunate Lithuanian sailor whose attempt to vote for freedom with his feet was frustrated when he jumped from a Russian trawler onto the deck of a U.S. Coast Guard cutter off the coast of Massachusetts last November. After ten hours of this precarious asylum, four Russian seamen were permitted to board the American cutter where they beat the pleading and resisting Kudirka into insensibility and dragged him back aboard the Russian ship.

That was the last we heard about this unfortunate anti-Communist foot-voter until the recent Moscow press dispatch announced that Kudirka was found guilty of an attempt to flee abroad from Communist territory, which is punishable as treason under the Soviet criminal code, and had been sentenced to 10 years in a labor camp. (Chicago Tribune Moscow Press Service, May 27)

Over this microphone last April 25 you heard young Karl Bley, formerly of East Germany, who voted with his feet successfully in a spectacular leap into the Caribbean Sea last November 27. (Manion Forum Broadcast No. 863.) If you missed that broadcast get the script now for your memory book.

This voting by the feet is the only kind of election that takes place in Communist countries but, treason or no treason, throngs of such desperate and determined voters are always furtively crawling to the polls at the borders of all the Red nations in the world. Uncounted thousands of them are captured or shot and killed by the Red border guards while they are threading their way through the mined fields and barbed wire entanglements that invariably separate all Communist territory from the Free World.

If CBS is sincerely anxious to do some public penance for its questionably documentary "The Selling of the Pentagon," I recommend that it make one picturing this bloody exodus from Communism to freedom that has been taking place continuously for the past half-century.

If such a documentary were honestly and realistically produced, nothing could awaken the American public more quickly to the deadly challenge that makes a mockery of the "wishful thinking and passive policies" that President Nixon talked about at West Point. Perhaps this is the very reason that such a documentary will not be produced.

Countless millions of these foot-voting refugees from Communism are now settled throughout all the free countries still left on earth. For instance, during the past 12 years more than 650,000 Cubans have fled from their homeland to the United States. No one has attempted to count the additional fugitives from Cuba who have taken refuge in Latin America and elsewhere during the same period.

Innumerable Soviet escapees are to be found in every free country. The flights to freedom among Soviet actors, ballet dancers, musicians, athletes and other members of Soviet-bloc cultural missions to free countries have become routine.

The distinguished author and Reader's Digest editor Eugene Lyons has said, "By now it takes a defection as conspicuous as that of Stalin's only surviving child, his daughter Svetlana, to make big headlines. If the Iron Curtain around Soviet Russia were lifted we would see an exodus that would make the Biblical flight of the Israelites from Egypt look trivial by comparison." ("Workers Paradise Lost,"—Paperback Library, NYC, P. 117)

This simply stated, undeniable fact is the core of the biggest unreported news story in the world today: More than one billion human beings, caged and despotically held against their will by an assortment of ruthless jailers, casually being miscalled the Communist "governments" of the world.

President Nixon's recently announced plan to change our official diplomatic relationship with Red China, which "for openers" he now calls "The Peoples Republic of China," has suddenly brought this entire hypocritical segment of our diplomacy, so-called, into a sharp, unmistakable focus. Just what is the historical, moral and logical reason for our long continued recognition of the Republic of China, now based in the Chinese Province of Taiwan, and for our simultaneous refusal to have anything to do with Mao Tse-tung's purported government of the Chinese mainland?

TAIWAN OUTPRODUCES MAINLAND

The reason, my friends, is *Communism*. Why don't the commentators say so? For 30 years, Communists and pro-Communists, inside and outside of our government, have worked tirelessly to break our allied relationship and support of the constitutional government of Nationalist China and to force that government into a suicidal coalition with Red Chinese. It was the powerful influence of these people in our army and State Department that forced Chiang Kai-shek to withdraw his military forces and the seat of the Nationalist Chinese Government to Taiwan in 1949.

Since that time Taiwan has become the world's showcase example of what industrious people in a free society with able, intelligent leadership can accomplish, even when they are forced to start from "scratch." There were just two factories on Taiwan 20 years ago. Only 25 per cent of the land on the island could be cultivated; the balance is mountains. Its population per square mile was even more crowded than Japan. But spurred by the incentives of individual property ownership, the agricultural and industrial productivity of the island has literally soared since 1950, increasing on an average of more than ten per cent per year. Tiny Taiwan with its 14-million inhabitants now produces more goods for export than does the big Communist-ruled mainland of China with its 750-million people. Think of that!

The Chinese on Taiwan vote with their heads and their hands, but their unfortunate relatives on the mainland, like the captives of other Communist countries, can vote only with their feet. One year ago the Free China Relief Association announced that during the preceding 20 years it had helped more than 154,000 mainland refugees to settle in Taiwan and had assisted more than one million, 600 thousand Chinese mainland escapees to settle in bordering countries. (Free China Weekly, April 12, 1970)

Right while our ping-pong diplomats, along with President Nixon, have been exploring new possibilities for Americans to enter Red China, the captive Chinese on the mainland have stepped up their ceaseless efforts to escape from that prison country. Last May 25 the Chinese Information Service at Hong Kong reported that 800 refugees, most of them "freedom swimmers," had escaped from the mainland since January 1971.

This escape rate is the biggest since the 1962 exodus. Two of these recent arrivals swam the five-mile stretch of Deep Bay from the mainland supported by a plastic bag stuffed, if you please, with ping-pong balls! There was no diplomatic symbolism in this improvised life preserver. To the swimmers the bag was purely a practical device to help them across the treacherous big bay where so many others have drowned in the attempt to escape.

The published number of escapees is conservative because the arriving refugees always avoid police detection if possible, fearing arrest, return to the mainland and certain death. (Free China Weekly, May 2, 1971) Fortunately, the Hong Kong police do not force these unfortunate people to go back to the hell from which they have escaped.

The name of this deadly game that we are describing is *Communism*. Why isn't the subject mentioned anymore in the noisy double-talk about the avoidance of war and the possibilities for the extension of trade and cultural exchanges with those strange foreign nations that refuse to let their people travel anywhere outside of the country and inside of it only with special permission of the Communist government?

In a panel discussion recently I heard a participating professor joyfully declare that "anti-Communism," which he called "that horrible phobia of the Fifties, has fortunately been expelled from intelligent current discussion which has now recaptured its unemotional objectivity."

That being so, if it is so, I suggest that we ask a cross-section of our Cuban, Chinese, Russian and Eastern European refugees why they continue to come to this country now when we are all assured by our experts that their respective Communist governments have mellowed so substantially in recent years.

One person who should be questioned early and at length in this Gallup-Harris poll is George Watt, a Belfast, Ireland engineer who was sent to Red China in December 1966 by his employer, the Vickers-Zimmer Company, as a site engineer with responsibility for the erection of a huge plant for manufacturing man-made fibers for Red China's textile industry. (American construction and manufacturing companies which are eager for Red China business will please take notice.)

Such romantic foreign missions were not new to George Watt. He had previously executed similar professional assignments in a number of foreign countries. From his account of his experiences in Red China, I am not sure that he had ever heard or thought seriously about the hazards involved in the care and feeding of a Communist government, but before he left home he made plans to send later for his wife and family, which gives us a clue to his naivete.

U.S. PRESS IGNORES STORY

Watt was flown in a small, tightly curtained plane over one of Mao Tse-tung's main atomic stations and was landed a few minutes later near the ancient city of Lanchow on the banks of the Yellow River during the afternoon of December 19, 1966. Last August 2, 1970, nearly four years later, the Communists released him at the Hong Kong border and he was thus finally permitted to cross the line back to freedom, after what he describes in his published diary as his "years of terror in Red China."

Watt's eye and ear are permanently damaged by savage, repetitous beatings administered by his Communist hosts. His vision is blurred and he has difficulty hearing, but George Watt is grateful to be alive. His own firsthand account of his experiences is the most amazing, detailed, blood-curdling story to come out of China since Chiang Kai-shek left the mainland in 1949. Perhaps that is why his published account is so hard to come by.

I read one installment of it in a Mexico City newspaper last February. Some weeks later I saw another chapter digested in a copy of the *Free China Weekly News*. I finally secured all of the serialized installments from the Sydney, Australia *Daily Sun*. To my knowledge no American newspaper has printed a line of it. But if the necessary clearances can be obtained, the Manion Forum will print the complete George Watt story and make it available for the edification of our ping-pong diplomats and those American industrialists who are apparently impatient to begin business with the Red Chinese government.

In the short time left here now it is impossible to give you a fair sample of how this man describes what he calls his "Journey into Hell." In the early months of his Chinese service, his wife and children joined him just in time to see the British diplomatic headquarters in Peking burned to the ground and looted by a Red Guard mob. Watt and his family were immediately put under arrest and charged with the crime of "aiding the British diplomatic enemies of the Chinese people." This is just part of Britain's "reward" for her prompt recognition of Red China in 1950.

Says Watt: "My interpreter then told me that my family and I would not be allowed to leave China; that we were to be punished, not only me but my wife, our nine year old daughter and our son Steven, who was barely two, because we had visited the British diplomats who had been injured in attacks by the angry mob. 'You will receive the same treatment as given to the imperialistic diplomats whom you aided,' the interpreter said.

"I protested," continues Watt, "'you cannot beat up a woman and two children.' 'Yes, we can,' snapped the interpreter. I shuddered as he spoke," says Watt, "for I thought of the Chinese of all ages whom I had seen receiving hideous punishment from the Red Guards."

By a sudden fortuitous change of face, the Chinese permitted Mrs. Watt and the children to go to Hong Kong, but George Watt himself was subjected to a long brutal public trial on trumped up charges and finally to two years imprisonment in solitary confinement, where he was subjected to brainwashing with the "thoughts of Mao Tse-tung" in three, two-hour sessions each day. After months in this confinement he accidentally discovered that he was sharing the cell block with Major Philip Smith, a U.S. Air Force pilot shot down over Chinese territory in 1965, along with Americans Richard Fecteau and John Downey who were both captured during the Korean War 18 years ago and have been held "incommunicado" by the Red Chinese ever since.

Quickly now, before this country makes the fatal mistake of sponsoring the admission of this brutal, uncivilized Red Chinese apparatus to the United Nations and gives it an embassy in Washington, we must get George Watt to this country and persuade him to tell his horror story to the appropriate Congressional committees.

I guarantee that his presence here will wipe that beguiling, hypocritical ping-pong smile from the face of Chou En-lai and change President Nixon's announced plans for closer contacts with the bloody thoughts and deeds of Mao Tse-tung.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: 'Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

BUILD A BETTER BERRIEN

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Friday, July 23, 1971

Mr. TALMADGE. Mr. President, all of my colleagues in the Senate know of the accomplishments of the Future Farmers of America over the 43 years of existence of this outstanding organization. Many Members of Congress have been visited by the presidents of the various State delegations during the Future Farmers of America's Leadership Conference currently being held in Washington.

One of the highlights of this conference is a discussion of an ambitious program of the Future Farmers of America entitled, "Building Our American Communities." This program is designed to help individual FFA chapters make their local communities better places to live.

One of the local chapters that has succeeded in actively promoting "Building Our American Communities" is the Berrien County High School Chapter of FFA in Nashville, Ga. This successful project has been called Build a Better Berrien.

The efforts of the young people of Berrien County were ably presented to several members of the House and Senate Agriculture Committees by Mr. Jerry Baldree. Mr. Baldree is president of the Berrien County, Ga., FFA chapter.

Mr. Baldree's remarks describe the constructive work of young people in stimulating improved communities of our Nation, and I commend this program to you.

Mr. President, I ask unanimous consent to have the remarks made by Mr. Baldree printed in the Extensions of Remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

BUILD A BETTER BERRIEN[1]

(By Jerry Baldree)

Mr. Chairman, distinguished members of the Congress, fellow FFA members, and friends. It is indeed an honor for me to appear before this group of distinguished American leaders. I bring you greetings from the 170 members of the Berrien County High School Chapter of Future Farmers of America.

Building our American communities is the responsibility of every American. We are glad the Farmers Home Administration has sponsored such a program, so that we FAA members may have an organized method to do our part in "Building Our American Communities."

The year 1970–71 can be remembered as the year all of our chapter members became involved in America's future, involved in Berrien County's future, involved in making our South Georgia community a better and safer place in which to live. It made us a happier people. Let me tell you about it.

We called our program "Build a Better Berrien." The activity area chosen to emphasize was beautification and safety. To kick off the project, we had an asembly program. Mr. Walter Harrison who pioneered the rural electrification program in Georgia was keynote speaker. At this time an award was offered to the school club making the greatest contribution to community service.

This created interest but we realized that to be really successful the adults in our community were needed. In rural America, we still love and respect our elders. A meeting of community leaders was called by the FFA leadership. Civic Club presidents, mayors, City Council representatives, and County Commissioners were invited.

Fourteen groups were represented at this meeting plus the news media. We presented our program to build a better Berrien. Plans were made and goals were set. "Build a Better Berrien with FFA" was adopted as our slogan.

The month of February was designated by the FFA Chapter as "Build a Better Berrien" month. During this month every participating group completed at least one project.

A Beautification Day was proclaimed by the FFA and endorsed by the city and county government and 14 other organizations. On this day, public facilities and equipment were made available for cleaning and beautifying the community. The response was tremendous. All of the seven schools in our county were eager and willing to cooperate in this project. It became the "in thing" to do, as young people say.

Local news media provided full cooperation. To support the program a special edition of our local paper was published. Local advertisers promoted the "Build a Better Berrien" in their ads. Our radio station provided time for ten 10-minute programs and our slogan "Build a Better Berrien with FFA" was blasted over the air more than 100 times.

As a result of our efforts, 14 adult and 8 youth organizations became actively involved in making our county a better place to live. Together we removed more than 100 dilapidated buildings. The distribution of 1000 litter bags and 1000 pieces of safety literature to motorists, impressed tourists, as well as our own citizens. More than 300 land owners signed statements of cooperation. Selling concrete mailbox posts and painting mailboxes in our county has added much to the beautification of Berrien. Distributing over 400 slowmoving vehicles signs to farmers has helped eliminate the hazards of tractors on our roads. Mowing more than 30 vacant lots and hazardous areas gave our very young more and safer places to play. Removing many truck loads of trash and rubbish let people everywhere know we care. The County Commission provided land-fill garbage dumps in rural areas upon request by farmers.

When individuals saw what a united effort could do, merchants and private citizens sometimes assisted by FFA beautified their own private grounds. Our school campuses and church grounds were given special attention.

More than 1000 individuals actively participated in making Berrien County a cleaner and safer place to live. Build a Better Berrien provided the FFA members a chance to prove to adults that we do care, that we will cooperate, and that we can succeed. We enjoyed the project. We had fun working together. It has brought more unity within our chapter, it moved our club closer to other clubs, it gave young and old a chance to work together—and we are both better because of it.

Our chapter is proud to have been selected as state winner for Georgia. But we are just as proud to experience success in our activities. This project has developed within young people of Berrien County a great sense of pride. It taught us that things don't just happen. We have to make them happen with work.

Gentlemen, the job is not finished—far from it. It is only begun. More of the young people would like to remain in rural America; remain in Berrien County to work and enjoy the same economic privileges enjoyed by our city brothers. But we must have jobs. We in rural America desire to make a living instead of having to live on what we make.

Berrien County has educated us, has trained us to be concerned, has given us the best it has to offer. Rural America has long subsidized urban America with its educated young people. We have no desire to migrate to the urban areas of this nation to add to their crowded problems, to be lost in the smog of Atlanta, to be packed in the apartments of large cities. We want you, the leaders of our great nation, to lead in providing jobs, to lead in the economic development of rural America. Help us gain opportunity and we will make our own security.

We are eager to help. Berrien FFA members are beginning another phase of Build a Better Berrien. Emphasis is being placed on surveying, developing, and promoting community resources. With the leadership of our Advisors, we will study our community in terms of surveying resources that are available; the underdeveloped resources will be identified. Potential uses of these will be learned. And, I hope, methods of developing these resources will became a reality.

A study of local and county government is part of the plan. This will give FFA members a chance to learn how our government is organized and how it functions. We want to know its strengths and weaknesses. Then and only then can we effectively participate.

Young people of our community need to know career opportunities available to them at home. We think many young people leave before they know what local opportunities exist. To eliminate this problem FFA members are organizing a career at home night for high school students. We will ask for cooperation from the Chamber of Commerce in conducting a tour of agri-businesses and also in setting up a resource center on local opportunities. Those things we lack we will try to bring in and those things we have we will utilize fully. To acquire qualifications needed for these jobs means job training. We need your help.

Our primary objective will be to determine the needs of our community. As president of the Berrien FFA, I know the boys cannot do this alone, but with the help of our Advisors and other adults we will again succeed.

Gentlemen, I know that you are wiser than I, but I believe that rural America has been the real backbone of our strength, since the founding of this country. Now is the time for rural America to be provided the economic opportunities and the recreational opportunities that have long been enjoyed by urban America. I assure you, we have land that is not crowded, air that is safe to breathe. We have a land where a man knows his neighbor and loves him because of it. A land where nature reinforces our faith in God, for nature provides a daily miracle attesting to His strength.

Distinguished leaders, I'm proud of America. I am proud to be an American. May our ultimate goal be the fulfillment of the ideals set forth by our forefathers; that all men are created equal with liberty and justice for all. I wish to thank you for making and keeping America a world leader and a land of opportunity. I want to say to you that I am proud to represent a group, the Future Farmers of America, who are trying to build America rather than tear it down. We need your help.

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[1] Delivered at the National FFA Building Our American Communities Luncheon for members of the House and Senate Agriculture Committee on July 21, 1971.

SERVICEMEN'S CENTER AT MINNEAPOLIS-ST. PAUL INTERNATIONAL AIRPORT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. FRASER. Mr. Speaker, the Servicemen's Center at Minneapolis-St. Paul International Airport, which has been operating for nearly a year, is providing our servicemen and women with facilities to make their "layovers" at the airport more comfortable. The following article explains what the new center involves and how it fills thc needs of the individuals who benefit from it. I commend it to the attention of my colleagues:

ENTHUSIASTICALLY RECEIVED: SERVICEMEN'S CENTER FILLS NEED

The comments of hundreds of servicemen who have made use of the Servicemen's Center at Minneapolis-St. Paul International Airport leave no doubt that the new facility is filling a definite need and is deeply appreciated by members of the armed forces who have to "lay over" at the airport for varying lengths of time on their way to and from duty stations.

Although in operation only slightly more than four months and still not entirely completed, the center has served more than 5,000 servicemen and women, providing them with food, bunks for sleeping, a home-like atmosphere in which to relax, and various other services.

Staffed by volunteers under the coordination of an executive director, Mrs. Donald Schroedl, the center is in operation 24 hours a day, seven days a week. The facilities include comfortable furniture, color television, pool table, sleeping accommodations, lockers and a kitchenette. All of the facilities, including refreshments, are free to service personnel.

Space for the center, located on the ticket and mezzanine levels of the terminal, near the Red Concourse, was provided by the Metropolitan Airports Commission, which has done all the necessary construction work. Furnishings and equipment have been provided by Twin City business firms.

Financial support for the operation of the center has come from many veterans, military, fraternal and civic organizations and their auxiliaries, and individuals.

American Legion posts and American Legion Auxiliary units and individual Legionnaires and Auxiliary members have played an important part in getting the center "off the ground", providing both financial support and manpower. Incidentally, there will be a continuing need for both financial aid and volunteer help. MAC approval of the project stipulated that the center must be supervised at all times while open.

Serving as president of the center's board of directors is Mrs. J. Thomas Purdum of Minneapolis, who conceived the idea when informed by her son, Scott, of the hospitality he had received at a military lounge at the Seattle-Tacoma Airport. Lt. Purdum, a Naval aviator, later lost his life in Viet Nam. The local center, incidentally, is unique in that it is the only one of its kind operating on the financial donations of veterans, military and fraternal organizations, along with contributions by individuals and business firms.

The American Legion and American Legion Auxiliary are represented on the board by Department Vice Commander Phil Ploumen, who is the treasurer, Mrs. W. C. Byrd of Minneapolis, Donald Schroedl of Minneapolis, Mrs. Elmer Zemple of Minneapolis, Bud Nelson of St. Paul and Department First Vice President Mrs. Robert Beckman of Lake City. Another prominent Legionnaire, Samuel Goldman of Minneapolis, represents the Jewish War Veterans.

As has been noted, there will be a continuing need for volunteers and financial aid.

Organizations, business firms and individuals may contribute lump sums, and individual memberships are available at a minimum of $10 per year. Checks should be sent to the treasurer, Philip Ploumen, Box B1, Minnetonka, Minn. 55343.

Persons interested in serving as volunteers, working one of the six four-hour shifts, should contact Mrs. Schroedl either at the center, 726-9155, or at her home, 922-1292.

WOMEN ARE VITAL TO OUR ARMED FORCES

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, soon the House will begin debating the equal rights amendment, House Joint Resolution 208. One of the most controversial aspects of the original bill was the implication that women would automatically become subject to the draft.

While discussing the feasibility of coeducational armed services, few Members give enough thought to the part women already have within our nation's defense establishment. During times of war and peace they have performed outstandingly in a variety of positions. Furthermore, an increased number of fields are opening up for women in the Armed Forces as their talents are recognized.

One of my constituents, Mrs. Frederick A. Ritchie of Wellesley, Mass., is a member of the Defense Advisory Committee on Women in the Services. A recent article on Catherine Ritchie in the Wellesley Townsman serves to illustrate Mrs. Richies' belief that not only do women have much to offer the Armed Forces, but that there are many opportunities which the armed services offers to the young women of this country. I include the article as a source of information for my colleagues:

WOMEN VITAL TO ARMED FORCES, SAYS MRS. RITCHIE

"The WACS, WAVES, WAFS and Lady Leathernecks (Marines) not only need fine young women in their services; the young women of America themselves need to know about the unusual opportunities offered them in the armed forces.

"Who knows, for instance, that women are assigned to control towers at Air Force bases and, like men for generations past, may now "see the world" as nurses on shipboard?"

Catherine C. Ritchie (Mrs. Frederick A.) of 35 Hundreds road, Wellesley Hills, speaks as a member of the Defense Advisory Committee on Women in the Services, to which she was appointed a year ago. At the Committee's recent semi-annual meeting at The Pentagon and The Mayflower Hotel, Washington, D.C., she was named to the Sub-Committee for Improvement of Living Conditions.

"Other unusual opportunities for women in the services," she continues, "is the post for women lawyers as Judge Advocate in military headquarters; as transportation officer for a division of the service; and as research officer in biological acoustics, to name a few."

The purpose of the sub-committee on which Mrs. Ritchie is serving is to make recommendations on better housing, recreational activities and general welfare of women in the services.

"We have already recommended that all barracks-type living quarters be phased out as quickly as possible and that all enlisted personnel be billeted with not more than two in a room, including a bath," Mrs. Ritchie stated soon after her return home. "We have further recommended that officers, regardless of rank, be permitted the option of living off base.

"Another committee has recommended the elimination of all discriminatory practices between men and women; it also requested that recruiters be reimbursed for expenses incurred while recruiting."

During the initial year of her membership on the Defense Advisory Committee, Mrs. Ritchie talked with all of the women recruiting officers in this area to offer any possible assistance. One of them, knowing that Mrs. Ritchie was a Smith graduate, offered the information that she was going to Smith to do some recruiting. Mrs. Ritchie, aware that it is often difficult for recruiting officers to find friendly acceptance, preceded this woman officer to the campus in Northampton in an effort to make her work more successful.

"One of the purposes of our Advisory Committee is to attempt to inform the public of fine opportunities that exist for women in the services—such as service to one's country, excellent educational and promotional opportunities and travel."

Following the Washington business sessions this spring, the Defense Advisory Committee visited and toured the Naval Training Center, Great Lakes, Illinois.

"It was impressive to learn that half of all Navy recruits are trained at Great Lakes—approximately 43,000 a year," Mrs. Ritchie said. "The Great Lakes Naval Hospital is very modern, has excellent equipment, embraces all branches of medicine and serves all of the armed forces—not just the Navy. At Great Lakes we inspected the enlisted women's quarters, ranging from poor to excellent and learned of new rulings that have many humanizing effects."

Mrs. Ritchie has lived in Wellesley since her 1964 retirement as principal of Kramer Junior High School, Washington, D.C., and in addition to wide experience as an educator and civic leader she has traveled extensively. Her appointment to the Defense Advisory Committee on Women in the Services was announced in March, 1970, by the Office of the Assistant Secretary of Defense.

Within the past month, she has participated in several New England area events as a member of the Defense Advisory Committee. On May 15 she was invited to Quincy on the 29th anniversary of the Women's Army Corps (WACS). At the Hall of Flags, in the State House, she spoke briefly on DACO-WITS on Women Veterans Day, designated by Governor Francis W. Sargent for May 16. And on May 24 she was a guest at the dedication of the new housing building for women Naval officers at Newport, R.I.

THE DOCTORED DOCUMENTARY

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MINSHALL. Mr. Speaker, I commend to the thoughtful attention of the

Congress the following editorial from the San Francisco Examiner:

[From the San Francisco Examiner]

THE DOCTORED DOCUMENTARY

(By Charles L. Gould)

Journalists are being asked to close ranks and support CBS in refusing to allow a congressional committee to review raw film footage from the controversial documentary "The Selling of the Pentagon."

The rallying cry of those manning the ramparts is: "Freedom of the press is at stake." Nonsense.

The question here is not "freedom of the press." It is "responsibility of the press." Was the film doctored? Was the film rigged? Did the editors splice the film so that questions and answers of various respondents were out of sequence?

These questions are raised by critics of the film. They submit some evidence to support their charges.

However, only CBS knows for sure. Only a review of the raw film can reveal the truth. Isn't this what "freedom of the press" is all about? Is it not a search for truth?

If CBS did not doctor the film it should not hesitate a moment to show its unused film clips. This is not a case of a reporter protecting his sources. This is not a case of a journalist covering a breaking news story in competition with other reporters.

The CBS documentary was produced with the cooperation of dozens of individuals in and out of government. Some of these individuals claim the documentary was doctored to warp and twist their statements.

They, too, have rights.

Those who defend CBS should ask themselves if their positions would change if a film were doctored to put the Pentagon in a good light rather than a bad one.

Forty years ago, responsible journalists were indignant at the rigging of photographs by the editors of Bernarr McFadden's New York Graphic. The paper died.

Ten years ago many journalists denounced the controversial documentary "Operation Abolition" because two or three scenes were out of sequence.

The film which revealed Communist involvement in the city hall riots here in San Francisco, was withdrawn from circulation.

Many journalists—not including this one—defend the publication of vital government secrets on the argument of the "people's right to know."

Now they deny the people's right to know by defending CBS in classifying its film clips "Top Secret."

They can't have it both ways.

If we want to keep the free press free—and responsible—we can't use the First Amendment as an excuse for exposing the mistakes of others and also use it as an excuse for hiding our own.

PRISONERS OF WAR

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. KING. Mr. Speaker, I wish to take this opportunity to express my deep concern about the welfare of American prisoners of war being held by the North Vietnamese.

Seven years and 119 days ago Capt. Floyd Thompson was captured and became the first American prisoner of war. Today, there are more than 1,600 men who are listed as prisoners of war or missing in action. More than 300 of these patriotic Americans have been captured or missing longer than any U.S. serviceman was held prisoner during all of World War II.

There are many ramifications to the conflict in Vietnam, but one of the most disturbing aspects of this tragic war is the fact that American prisoners of war are not being treated in accordance with the Geneva Convention. More than 120 nations, including the United States and North Vietnam, expressed their deep concern that personnel captured in wartime be treated humanely by endorsing the Geneva Convention of 1949. Specifically, the rules relative to the treatment of prisoners require the release of names of prisoners held, the immediate release of sick and wounded soldiers, regular flow of mail, proper treatment of all prisoners and the impartial inspection of prisoner-of-war facilities.

Unfortunately, North Vietnam has consistently refused to abide by those simple humane rules. The United States, on the other hand, has demonstrated its desire for peace. At present, our troops are being withdrawn and we have certainly modified our policy of maximum military pressure. It is my hope that all the Nations who endorsed the Geneva Convention will take whatever steps might be appropriate to encourage the North Vietnamese authorities to adopt a more humanitarian attitude toward prisoners captured in the current conflict. I also believe the time is long overdue for the United Nations to intercede with the North Vietnamese on behalf of our prisoners of war.

CAPTIVE NATIONS WEEK

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. SARBANES. Mr. Speaker, earlier this month we celebrated Independence Day, an occasion commemorating the rights and privileges which are integral to the character of our Nation. For almost 200 years, Americans have annually observed this day as a time for renewed affirmation of our belief in the individual's right to life, liberty, and the pursuit of happiness.

Unfortunately, Mr. Speaker, many people in the world are denied these rights—no where is that denial more tragic than in Eastern Europe where once free people today suffer under the yoke of oppression. The Congress, over a decade ago, proclaimed the third week in July as Captive Nations Week when we might take special note of the plight of the oppressed peoples of Eastern Europe, peoples who cannot dissent from their government, speak freely through their press, or exercise the personal freedoms we consider so dear.

The courageous people in Hungary, Poland, Lithuania, Albania, Latvia, Estonia, the Ukraine, Bulgaria, Romania, and Czechoslovakia have been denied the rights which Americans cherish. Yet, as uprisings in various of these countries over the past few years have demonstrated, government oppression backed by foreign power has not weakened their resolve to achieve freedom. Captive Nations Week is an appropriate time to reemphasize our concern and support for these peoples who strive so valiantly in the cause of self-determination and independence.

We know well the great contributions which immigrants from these nations have made to America. The same outstanding personal qualities exhibited by them here are present in the peoples of the captive nations if they could but have the freedom in which such qualities might flourish. It is therefore fitting and appropriate that we should on this occasion express our strong and deeply felt support for the aspirations of the peoples of the captive lands for freedom and independence.

POSTMASTER GENERAL OF USAF GIVEN ORDER OF THE VEST

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. DULSKI. Mr. Speaker, on Thursday, July 22, I was honored to be present as the Air Transport Association conferred its highest honorary award of the Order of the Vest to the commander of the U.S. Air Force Postal and Courier Service, Col. Andrew DiAntonio.

Colonel DiAntonio has headed the Postal and Courier Service from its inception in 1966 and also was in charge of the study in 1964 which recommended its creation.

The colonel is planning to retire from active duty on October 1, and it is fitting that the Air Transport Association has presented him with this award in recognition of the contribution he has made to the improvement of the Air Postal Service, particularly as it concerns military mail.

Colonel DiAntonio enlisted in Philadelphia, Pa., in 1934, and was commissioned in 1942. He has served throughout the world in a variety of assignments with a number of decorations including multiple awards of the Legion of Merit.

Under his direction the Air Force Postal and Courier Service has grown from a volume in 1964 of 30,000 tons to more than 140,000 tons handled in 1970. In terms of sacks of mail, the POCS moved more than 14 million sacks of mail last year.

The purpose of the Order of the Vest is to give recognition by the Air Transport Association to those individuals who, by their meritorious and exemplary service, have contributed significantly to the advancement of the Air Postal Service. The order was formed in 1956 by the Air Mail Committee of ATA.

The presentation was made at a dinner and reception at the Officers Club at Bolling Air Force Base with many representatives of the military and the airline industry present.

Among the greetings were those from Hon. HIRAM L. FONG, Senator from Hawaii, ranking minority member of the Senate Post Office and Civil Service Committee; Gov. John A. Burns of Hawaii; Hon. WILLIAM A. BARRETT, Member of Congress from Pennsylvania; and Postmaster General Winton M. Blount.

Mr. Speaker, as part of my remarks I include the text of my own greeting at the affair, as well as the text of the messages sent by the distinguished aforementioned public officials:

REMARKS BY CHAIRMAN THADDEUS J. DULSKI

Gentlemen, nothing gives me more pleasure than a chance to pay long overdue recognition to my long-time friend, Colonel Tony DiAntonio.

This man probably has done more to improve the military mail service than any other military officer.

Although he tries to pass the credit around, it was primarily his drive and initiative that gave the Department of Defense its first regular mail and courier operation.

He planned and headed the original study that brought about the formation of the United States Air Force Postal and Courier Service in 1964, and brought the service into reality in 1966.

In his position as Postmaster General of the Air Force, Colonel Tony is responsible for moving all airlifted mail for the Department of Defense. He also provides services overseas for other branches of the U.S. Government, through the aerial mail terminals and Air Force post offices.

Colonel DiAntonio has long been an advocate of progress in the mail business. He has provided me with a great deal of technical information and support for the legislation I have originated regarding the military mail system.

He has been a true friend of air transportation, while at the same time insisting that the carriers meet their obligations—and at the best price to the Government. This kind of friendly combat doesn't really hurt anybody and is good for the health and growth of the postal service as well as the air carriers.

Colonel DiAntonio has accomplished a great deal toward improving the air postal service. He has taken every action he could toward putting all possible military mail in an airlift category. He is an advocate of all measures that would add speed and efficiency to the military mail service.

I think the selection of Colonel DiAntonio for the Order of the Vest is most appropriate, and that the recognition afforded by this award is justly deserved.

JULY 16, 1971.

Col. ANDREW DIANTONIO,
Commander, U.S.A.F. Postal and Courier Service, Springfield, Va.

DEAR COLONEL DIANTONIO: May I offer my sincere congratulations to you on being awarded the Order of the Vest by the Air Transport Association.

Your contribution to all our servicemen overseas, especially those from Hawaii from my standpoint, is greatly appreciated.

May the Air Postal Service reach ever higher goals. I feel it is a privilege to have been made an honorary lifetime member of the Service.

My best wishes to you and the Service for continued success.

With warm personal regards and aloha, I am

Sincerely,

HIRAM L. FONG,
U.S. Senator.

JULY 16, 1971.

Col. ANTHONY DIANTONIO,
USAFPCS-OI,
5240 Port Royal Road,
Springfield, Va.

DEAR TONY: I want to take this opportunity to express to you my heartiest congratulations on being named to receive the Order of the Vest.

It is indeed encouraging to know that we have men of your integrity, dependability, and dedication in the service of our country.

As your representative in Congress and as your old friend, I want to congratulate you today and wish you every success in the future.

With personal regards, I am

Sincerely yours,

WILLIAM A. BARRETT,
Member of Congress.

JULY 19, 1971.

DEAR TONY: It is indeed a pleasure to join your many friends and admirers in extending to you my sincere personal congratulations upon your award of the Air Transport Association's Order of the Vest. The recognition conferred upon you is richly deserved and reflects only the highest credit on your personal dedication to your duties and your outstanding contributions to the mail profession.

In our position at the "hub" of the Pacific, we are vitally interested in everything connected with air transportation. Your continuing contributions to the advancement of worldwide postal service over the past six years have made a significant impact upon the Pacific and world aviation industry.

I only regret that my responsibilities in Hawaii prevent me from attending the award ceremony in person.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS,
Governor.

JULY 15, 1971.

DEAR COLONEL DIANTONIO: I am sorry not to be able to be present on July 22 when you receive the Order of the Vest from the Air Transport Association for your contributions to the advancement of the Air Postal Service.

I have long been aware of the efficiency and effectiveness of the Air Force mail service, and you are to be commended on the major role you have had in organizing this operation.

With kind regards and best wishes for the future, I am

Sincerely,

WINTON M. BLOUNT,
Postmaster General.

SOCIAL SECURITY SNOOPING: PRIVACY INVADED "BY THE NUMBERS"

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. KOCH. Mr. Speaker, those of us who have been urging the restriction of data-gathering and information exchanging have found a new voice of support from a Government agency.

A recent report by a social security task force cited the ease with which computers collect, store and exchange information. Social security numbers, which are termed "not for the purpose of identification" nevertheless provide a standard means of identifying individuals and the data collected on them. Through the use of this standard number, computers can "talk" among themselves, exchanging confidential and often harmful information. Since these activities are unknown to the individual, he does not protest them. Even if he were to protest, he would have no law to back him up.

The SSA task force report which acknowledged the dangers of the abuse of social security numbers also recommended that the SSA take the public position that—

> There needs to be a national policy on computer data exchange and personal identification in America, including a consideration of what safeguards are needed to protect individuals' rights of privacy and due process.

I have introduced a bill, H.R. 854, which would be a substantial first step in establishing such a national policy and assuring such safeguards. My bill would require that each Federal agency maintaining records concerning an individual must:

First, notify the individual that such a record exists;

Second, notify the individual of all transfers of such information;

Third, disclose information from such records only with the consent of the individual or when legally required;

Fourth, maintain a record of all persons inspecting such records;

Fifth, permit the individual to inspect his records, make copies of them, and supplement them; and

Sixth, remove erroneous information from such records.

Exceptions would be made in cases specifically required by Executive order to be kept secret in the interest of national security or for cases awaiting prosecution. The President would be required to report to the Congress each year on an agency-by-agency basis the number of records withheld for the above reasons.

A Federal Privacy Board, composed of seven members, would hear individual complaints that any of the above requirements had not been met.

The need for Federal privacy legislation has been amply documented. I urge our colleagues' consideration and support of H.R. 854.

The article from the Christian Science Monitor which describes the SSA task force report appears below:

SOCIAL SECURITY SNOOPING; PRIVACY INVADED "BY THE NUMBERS"

(BY ROBERT P. HEY)

WASHINGTON.—A new voice has joined those warning that the widening use of social-security numbers to identify American carries with it potentially harmful effects.

Like the voices of computer specialists, Sen. Sam Ervin (D) of South Carolina, and other privacy-conscious members of Congress, it warns that the use of social-security numbers now enables different computers to exchange information—sometimes confidential and harmful—about Americans without their knowing it. And that nothing in today's laws prohibits that.

This voice belongs to a special task force of the Social Security Administration. Its recommendations include that the Social

Security Administration "take the public position that":

"The increasing universality of the social-security number presents both substantial benefits and potential dangers to society.

"And in order to maximize the benefits and minimize the dangers, there needs to be a national policy on computer data exchange and personal identification in America, including a consideration of what safeguards are needed to protect individuals' rights of privacy and due process."

ADVISORY PANEL COMING

The report comes at a time when the Secretary of Health, Education, and Welfare is in the process of appointing a citizen advisory council to examine the broad implications of the growing use of the social-security number by other government agencies and by business as a universal identifying number.

A HEW spokesman says HEW Secretary Elliot L. Richardson is selecting the members of the council now; selection, she said is expected to be completed "very shortly."

This spring Senator Ervin, as part of a broad privacy hearing, investigated the widespread use of social-security numbers to identify Americans (and often find out more about them than they realize). During the course of the hearings Mr. Richardson testified that he intended to use the task force report—which he ordered—"as the foundation for the development of Department of Health, Education, and Welfare policy recommendations" on the use of the social-security number as a universal identifier.

He said he considered it "incumbent on all of us in government to devote enough attention to the development of adequate safeguards before individual privacy suffers."

EXCHANGE FACILITATED

The Social Security Administration's task-force report notes that the nation's burgeoning computer systems frequently use social-security numbers as the common link, thus enabling computers to "talk" with one another about citizens and exchange their information. (However, the report notes such computer-to-computer exchange of information could take place without the use of social-security numbers, too.)

In many respects, the report says, wider use of the social-security number "could significantly increase the efficiency with which society's business, both public and private, is carried out."

BROADENING FEARED

But it cautions that "the unrestricted use of the number in today's climate of frequently uncontrolled computer data collection and exchange is not an unmixed blessing and could create considerable danger to the individual's rights of privacy and due process."

As one example, it points out that "there is a danger that as more and more information about individuals is collected and exchanged, pressures will grow to 'maximize' the use of this information for purposes of which the individual would not approve, and in ways that deny him the right to examine and challenge the data. Obviously, these pressures would be multiplied manifold if the [social security number] were to assume the status of a more-or-less universal identification number."

There's another potential problem in the use of the social-security number as a "universal identifier" of Americans, the report says: damage from "the psychological impact of such a number of individuals and the 'quality of life' in America. . . . To many Americans, the idea of a single number that would identify them 'from cradle to grave' might be distasteful in itself. . . ."

Thus the task force recommends that "there is a need for action now to determine the nature of the role [the social-security number] should play in society in the future."

HEW Secretary Richardson and Senate privacy defender Ervin would agree. That's an area they both are looking into now. And they surely hope the nation soon could reach a decision on the question.

CAPTIVE NATIONS' ONLY HOPE: THE PEOPLE OF AMERICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. RARICK. Mr. Speaker, in my remarks of Monday—See "Captive Nations Week, 1971," CONGRESSIONAL RECORD, 25973–25975 of July 19, 1971—I stated that if the captive nations expect to ever recapture their human rights, including self-determination as a nation, they would have to look elsewhere than the United Nations.

This is confirmed by the statement of Mrs. Rita E. Hauser, U.S. Representative to the United Nations Commission on Human Rights before the Subcommittee on International Organizations and Movements of the House Foreign Affairs Committee on March 3, 1970. Mrs. Hauser stated:

> There is no denying that for people throughout the world, the United Nations stands as a hope for improving the human rights of people everywhere. Inescapable evidence of the position occupied by the United Nations in this regard is the thousands of petitions which annually are addressed to the United Nations from private persons and groups. These petitions report specific instances of human rights violations and appeals for help from the United Nations to bring about improvements. Certainly a great many of these petitions are frivolous or present relatively minor problems. But a great many others attest to the existence of very serious problems in the world, which for one reason or another governments decline or refuse to bring before the United Nations. These petitions are an untapped source of information. There is much more that should and can be done in dealing with them in the United Nations than is now the case. *Under existing rules the United Nations simply notes these petitions in summary fashion. By express decision taken by the Economic and Social Council in 1959, the United Nations has denied for itself the role of taking any action with respect to them.*

It is truly unfortunate that the peoples of the captive nations cannot look for help to U.S. leaders who presently determine foreign policy. The soft-on-communism pronouncements and actions of the present administration with regard to Communist leaders and nations must be most distressing and frustrating to the captive nations.

Since the United Nations in deference to its rhetoric about human rights and self-determination of people has declared that it will take no action with respect to the captive nations, and with the Kissinger-inspired Nixon administration courting the Communist nations for their cooperation, who will aid the peoples of the captive nations?

The answer is provided in a Captive Nations week proclamation by the Governor of the State of Louisiana. The proclamation rightly declares that:

> The freedom-loving peoples of the Captive Nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence.

It is significant to note that Gov. John J. McKeithen of Louisiana says that:

> The Captive Nations look . . . to the people of the United States as leaders in bringing about their freedom and independence.

Patriotic Americans throughout the land must demand that the present administration take positive action to aid the captive nations to regain their freedoms and independence.

One such grassroots citizen group which is working for self-determination of captive nations and the implementation of human rights for oppressed and subjugated people is the Voice of Heritage America.

Believing that there is a danger of a totalitarian takeover in the United States, that ignorance of and apathy toward Communist tactics, strategy, and objectives constitute the greatest asset of the forces of collectivism; and that U.S. heritage groups—representing more than 40 million Americans—comprise the strongest force for survival of the free world, the Voice of Heritage America is calling for a conference of U.S. heritage groups in Washington, D.C., October 15–17, 1971, to bring about effective mobilization so that coordination and cooperation will be possible and finally so that an active program might be implemented.

The Voice of Heritage America has joined in a movement designated as "Operation 'M' ": Action for the 1970's.

Operation "M" is a 5-year plan which its organizers hope and expect will become the largest voluntary demonstration of unity in America's history. Its main thrust will be to explain the nature of Communist expansionism and aggression and to reveal to the world the human rights violations by the Soviet Union and other Communist countries. It will culminate in 1976, with the unveiling and dedication of a monument—a memorial dedicated to the millions of men, women, and children who have suffered and died under communism. This memorial will be a visible symbol of America's pledge for independence and freedom for all peoples. This date coincides with the 200th anniversary of American independence.

To this end, I have introduced House Resolution 496, calling for the creation of a select committee to conduct an investigation into all crimes against humanity perpetuated by Communists and expressing the sense of Congress that a monument be erected as a suitable memorial to all victims of international Communist crimes against humanity.

I have also introduced and reintroduced legislation calling on the President of the United States to take whatever steps necessary to place the question of genocide and other violations of human rights on the agenda of the United Nations—all to no avail.

I insert House Resolution 496, the Captive Nations Week proclamation by the Governor of Louisiana, and an article "What Do We Owe the Captive Nations?" by Father Cletus Heaby, S.J., which points out the moral obligation of Christians to aid people of captive nations to gain their human rights.

H. Res. 496

Whereas the United States of America has an abiding commitment to the principles of freedom, personal liberty, and human dignity, and holds it as a fundamental purpose to recognize and encourage constructive actions which foster the growth and development of national independence and freedom; and

Whereas the international Communist movement toward a world empire has from its beginning adopted the means of terrorism, assassination, and mass murder as official policies to apply their application advances the Communist cause of world domination; and

Whereas there is considerable evidence that Communists in the Soviet Union and in other countries have deliberately caused the death of millions of individuals in Russia, Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, Serbia, Croatia, Slovenia, Cuba, and others; and

Whereas thousands of survivors and refugees from Communist campaigns of terrorism and mass liquidation have been forced to flee to the United States as refugees to find the freedom and dignity denied to them by Communist regimes and have become productive citizens of the United States; and

Whereas it is fitting that the full facts of Communist terrorism in all of its various forms, including assassination and mass murder, be made manifest to all the peoples of the world so that such policies can be properly understood and condemned by all mankind toward the purpose of eradicating such policies from the body of mankind: Now, therefore, be it

Resolved, That—

(1) The Speaker of the House shall within fourteen days hereafter appoint a special committee of twelve Members of the House, equally divided between the majority and minority parties, and shall designate one Member to serve as chairman, which special committee shall proceed to investigate all crimes against humanity perpetrated under Communist direction. The special committee shall report to the House the results of its investigation, together with its recommendations, not later than one year following the appointment of its full membership by the Speaker.

(2) For the purpose of carrying out this resolution, the committee, or any subcommittee thereof, is authorized to sit and act during the present Congress at such times and such places within the United States, whether the House is sitting, has recessed, or has adjourned, to hold such hearings, and to require by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member; and be it further

Resolved, That it is the sense of the Congress that a monument be erected in the city of Washington, District of Columbia, our Nation's Capital, as a suitable memorial to all victims of international Communist crimes against humanity.

Proclamation of the State of Louisiana

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence:

Now, therefore, I, John J. McKeithen, Governor of the State of Louisiana, do hereby proclaim the week of July 18–24, 1971 as Captive Nations Week in Louisiana, and call upon the citizens of Louisiana to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

[From Twin Circle, July 18, 1971]

What Do We Owe the Captive Nations?

(By Cletus Healy, S.J.)

"Peace on earth, which all men of every era have most eagerly yearned for, can be firmly established only if the order laid down by God be dutifully observed."

This first sentence of Pope John's encyclical *Pacem in Terris* epitomizes the entire encyclical. It also very succinctly delineates the obligation of the Christian in the arena of international politics.

BINDING IN JUSTICE

Our obligation to seek international justice is not something we can take or leave; it binds us in justice. Being a natural law obligation, it has its own built-in sanction; we can ignore our responsibilities, but only at the high price of living with the consequences of our folly.

Today we are enjoying the "peace" not of an "order laid down by God," but of a disorder dictated by a postwar convenience. What we took away from Hitler over two decades ago at enormous sacrifices, we surrendered to Stalin; what we wrested from Tojo, we abandoned to Mao—all in the interest of "peace!"

Today, instead of recognizing our folly, repenting our fault, and recommitting ourselves to the cause of international justice, we are casting about for excuses to surrender yet another nation to the same treacherous foe.

Furthermore, such is our fundamental dishonesty that we pretend that such a betrayal is a dictate of morality. It is a morality more appropriate to the Cro-Magnon man rather than to the Christian.

Passivity is a Christian counsel only when one is surrendering his own rights—other people's rights are not ours to surrender; these rights we are often obliged to protect, often seriously obliged.

"A people threatened with an unjust aggression, or already its victim," Pius XII warned in his Christmas message in 1948, may not remain passively indifferent if it would think and act as befits Christians.

FAMILY OF NATIONS

"All the more does the solidarity of the family of nations forbid others to behave as mere spectators in an attitude of apathetic neutrality. Who will ever measure the harm already caused in the past by such indifference to wars of aggression, which is quite alien to the Christian instinct? . . .

"Has it ever brought any advantage in recompense? On the contrary; it has only reassured and encouraged the authors and fomenters of aggression."

Our most acute and most critical responsibility today is to come effectively to the aid of those people presently under attack, but our obligation does not end with Vietnam.

The proper definition of our obligation is moral, not geographical. Our obligation is to the human, not to some geographical or racial fragment of it. Human rights are our frontier.

Long ago this frontier had been violated by the intolerable abuses of Communist governments. And the violation continues today.

VIOLATIONS HOURLY

This day, far behind the line of the Iron, the Bamboo, and the Sugar Cane Curtains, our fellow human beings must endure hourly egregious violations of their most sacred human rights. It is not civilized mankind's legitimate privilege to ignore this manifest fact!

Nor is it our Christian privilege to tolerate it.

BLACK LEADERSHIP IN AMERICA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. BINGHAM. Mr. Speaker, I should like to join in commending the gentleman from Michigan (Mr. Diggs) for arranging for this special order.

I was deeply shocked and grieved that a Vice President of the United States could indulge himself in such disgraceful commentary, offensive not only to all black Americans, but also, I am convinced, to most white Americans as well, and certainly offensive, too, to those African leaders whom Mr. Agnew thought he was complimenting.

I had the privilege last March of attending the African American Dialogues in Lagos which brought together many distinguished black American leaders with a number of equally distinguished African leaders. It was toward the close of this conference that one of the truly great Americans of our time, Mr. Whitney Young, Jr., was tragically struck down. From this experience, as well as from many other contacts with African officials, I am sure most Africans were insulted by the Vice President's remarks.

American black leadership needs no defense from me. I would like to say, however, that it is privilege to work in the House of Representatives with members of the black caucus. The work of this caucus, posing as it does a profound challenge to many of the preconceived and stultifying notions of the past, comes as a breath of fresh air to the Congress.

As for the Vice President, the less said the better. His recent performance is in line with the slurring remarks about various ethnic groups he made during the last Presidential compaign. The best answer to his recent outburst will be an overwhelming repudiation at the polls by the American people in 1972.

CONGRATULATIONS TO NEW PRESIDENT OF RCA

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, I am pleased and proud to note that a native of the 10th Congressional District of Massachusetts is to become president of RCA, one of America's largest corporations.

Mr. Anthony L. Conrad, originally from Walpole, Mass., will assume his new duties August 1. He is now executive vice president for services.

My congratulations to RCA and to Mr. Conrad. I am sure the company will continue to benefit from its association with one of Massachusetts' more distinguished sons.

I include herewith the RCA announcement of Mr. Conrad's selection:

ANTHONY L. CONRAD TO BECOME RCA PRESIDENT ON AUGUST 1, 1971

Anthony L. Conrad, Executive Vice President, Services, was chosen today by the Board of Directors of the RCA Corporation to become President and Chief Operating Officer of RCA on August 1, 1971.

The Board's action was taken on the recommendation of Robert W. Sarnoff, Chairman of the Board and Chief Executive Officer of RCA.

Mr. Conrad, who is fifty years old and has just completed twenty-five years with RCA, will succeed Mr. Sarnoff as President. Mr. Sarnoff became President on January 1, 1966 and Chairman on January 7, 1970. He will continue as Chairman and Chief Executive Officer.

"RCA in recent years has grown and diversified more than at any time in its history," Mr. Sarnoff said. "It has acquired an increasingly multinational character, it has made a major commitment of resources in the computer field, and it has projected itself into significant new areas of service to the consumer.

"With Andy Conrad overseeing our day-to-day operations, I expect to devote increasing attention to RCA's external affairs and to the shaping of policies and new developments that will guide our future.

"I believe our company is most fortunate to have within its ranks an operating executive with the depth and breadth of skills and experience possessed by Mr. Conrad. Every managerial assignment he has undertaken for RCA over a quarter of a century has been conspicuously successful. He is a cost-conscious, profit-oriented executive with unusual administrative ability and with a gift for spotting and developing promising young executives."

Mr. Sarnoff said that the principal corporate staff functions will continue to report to him, as well as the National Broadcasting Company. All other major operating units will report to Mr. Conrad.

Mr. Conrad will become the eighth President in the corporation's fifty-two year history. He came to RCA in 1946 from the U.S. Army Signal Corps and he first undertook a variety of engineering and managerial assignments for the RCA Service Company.

In 1953, he was named Manager, Missile Test Project, at Cape Kennedy, Florida. He was responsible for the establishment of major RCA missile and space vehicle tracking operations there. His organizational and leadership skills in this massive undertaking were recognized by the bestowal of the RCA Victor Award of Merit, the company's highest honor for outstanding service.

Mr. Conrad was elected a Vice President of the RCA Service Company in 1956 and its President on January 1, 1960. In 1969, he was named Executive Vice President, Services. In this capacity, he assumed responsibility for the RCA Service Company, RCA Global Communications, the Hertz Corporation, Random House and for all RCA educational activities.

Mr. Conrad is a member of the Board of Directors of RCA and serves also as Chairman of the Board of RCA Institutes, Inc. and RCA International Service Corporation. He is Chairman of the Executive Committee, Board of Directors of the Hertz Corporation, Random House, Inc., RCA Global Communications, Inc., and RCA Alaska Communications, Inc. Mr. Conrad is also a Director of Banquet Foods Corporation, a subsidiary of RCA, and a Director of RCA Limited (Canada) and RCA Limited (England). He is a member of the Board of Directors of Atlas Chemical Industries, Inc. and Chesebrough-Pond's, Inc.

A native of Walpole, Massachusetts, Mr. Conrad was graduated from Lafayette College in 1943, and was commissioned a Second Lieutenant in the U.S. Army Signal Corps shortly thereafter. During his military career, he was Commanding Officer, 220th Signal Radar Maintenance Unit and also served in various Signal Schools.

Mr. Conrad is a Trustee of Lafayette College and is past President of its Alumni Association.

Mr. Conrad is married to the former Nancy Morrison. He has three children—Catherine, Anthony Lee, and William L. Conrad.

CONGRESS SPENDING IS CAUSE OF INFLATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. COLLINS of Texas. Mr. Speaker, President Nixon is making excellent progress in finalizing the war in Vietnam.

But on the domestic front we have another tremendous challenge and we need to urgently seek an immediate solution for this. Our fiscal stability is in a precarious position as we are plunging into larger and larger national operating deficits. On June 30, 1971 we just completed our fiscal year and showed an increase in the debt of $26 billion. But the debt is growing so fast that much of it was deferred until July. As we start into next year's debt increase we see that right now in July we have already increased the debt by $8 billion and we have not yet finished 1 month. Realizing that much of this was a deferred item from last year so that $26 billion would not be even larger, we wonder where we are going to end up in 1972.

We hear these statements from economists that as the country becomes more prosperous next year the taxes will go up and we will have more tax income. On the other hand, these are the same economists that said in 1971 that our deficit would be only $3 billion and yet we ended up going $26 billion in the red.

This country can absorb one bad loss year like this, but when we have a $26 billion deficit one year and then come up the next year with one that may go over $40 billion this country is headed for fiscal chaos.

In Congress, we talk about what we give the people. This heavy debt is the responsibility of Congress, inflation is the responsibility of Congress so we in Congress need to talk about this big debt we are also giving to the people.

Inflation in America is due to the big spending policy that we have in these halls of Congress. This is not the President's fault. It is not a Cabinet member's fault. It is the responsibility and mistake voted on America by Congress.

We write our constituents and issue press releases about the fact that we have given more money to welfare. We have not given anybody anything. All we are doing is going out and borrowing money to give away.

Would your wife write hot checks on her bank account in order to give money to charity? I have only known of one man that went down and borrowed $5,000 from the bank in order to give it to the church to build a new building. He made $175 a month yet borrowed $5,000 to give his church. How many people do you know who have borrowed money or written hot checks in order to give it away?

We are not being charitable with America. We are putting this country on a drunken headache. We tell the disadvantaged that we have special programs for them. We tell the disadvantaged that we are going to give them unusual benefits. We are not giving anybody anything—all we are doing is borrowing money and placing this country in a desperate financial condition.

Let us talk about some of the things that we are actually doing to America when we continue to operate with such a top-heavy deficit. The first place you are going to see it come vividly to your attention is with our gold balance. Last year our gold balance dropped by $1,035,000,000. On June 30 our total gold had reached the very low figure of $10,332,133,000. Gold means strength and confidence to the American people. It might be that when our gold dollar drops to $10 billion that we must face up to the point that we can no longer allow gold to be exchanged with foreign countries and place an embargo on it. Money is worth what the confidence of the people will place on it. Without gold it is hard to maintain this confidence. You all remember the expressions. "It is not worth a continental." This refers to the days of the Continental Congress when the money was literally not worth a continental. You have also heard the expression used about foreign money that was printed in inflationary times "It is not worth the paper it is printed on." If our country can find a better base for monetary stability than gold, let us use it. But the time has come when we are going to need to find an alternate, because gold has reached a desperate level.

One group that concerns me very much are our older senior citizens. We are now talking about grouping these senior citizens on social security in with all welfare cases. Instead of giving senior citizens the priority and the basic reserves that we have built up for them, we are going to throw them into a general category. This is going to dilute the reserves and in time, will mean much less in the way of monthly income to them. These senior citizens are no longer able to participate in the working force and Congress has the responsibility of putting them on a top priority basis. With this inflation we are going to hit them two ways. In the first place their purchasing power will be down because the dollar will buy less and less and they are also caught on small fixed incomes and pensions.

We have a vital, enthusiastic, young group of citizens in America. Many of them are just turning 18 and 21 and with their enthusiasm they will build a great Nation. But what are we doing to them? We are saddling them up with a debt that is topheavy. We are not investing in permanent assets, but we are giving it away on welfare deficit programs. Is it fair to ask the young people to spend their lifetime paying off the debts that we are up here spending today?

Taxes at this time are very heavy on the average citizen. In any system of taxation, the middle class is the group that is going to pay the tax because that is where the greatest income is distributed. But from every type of taxation, citizens are complaining that taxes are too heavy. There is very strong resistance to increased taxes. If all governments would stop spending so much, there would not be any deficit, and there would not be any need for increased taxes.

Business that develops jobs and stimulates industry depends on borrowed capital. In my hometown we borrow money to build homes. We borrow money to accumulate inventories and buy new machinery. We borrow money for the working capital to keep the business going. We need to borrow money from the banks at a fair and equitable interest rate. But with this heavy deficit you will soon see very high interest rates. I do not care how much explaining you do on the floor of Congress—the fact is that if we keep going deep in the hole with the deficit that we are going to run bank interest rates sky high. The U.S. Government will get first call on money because they have to borrow money to pay off their increased debt. This absorbs all of the loose money and banks have to pay more in order to get the extra money that is needed. Another very strong complicating influence is the fact that as we have inflation and the dollar is worth less year by year people have to ask more.

For instance down in South America where the inflation is 15 percent a year and a man knows that his money is going to be worth 15 percent less at the end of the year, he takes the 15 percent into account and then adds 9 percent more as his cost of loaning the money. If he makes a loan with 24 percent interest it would include the 15 percent that will be the inflation discount plus the 9 percent that he will make for loaning the money, making a total of 24 percent interest cost for the year. This is very real and very common place in South America. But there is one other thing about it. There are very few long-term loans made by banks or individuals. If the money is going down in value so fast, no one is going to make a loan that would extend more than 1 year. This raises the very serious issue of where will funds be available for long-term loans so that we could finance home construction and all of our building projects for the Nation.

Now let us get into the most fundamental issue of all, which is inflation. We can doubletalk this in as many ways as you choose. And in 1972 when we go on the stump to discuss things with our constituents we will have many opportunities to discuss it. But I want to make it plain right now that there is one basic cause for inflation and it is right here, in the Halls of Congress. We are simply spending more money than we are taking in. Congressional spending is causing inflation. Now, I realize that there is a timelag before these economic forces take effect, but just as sure as God made little green apples we are going to have a 15-percent cost-of-living increase in 1975. This means that in 1975 when the average housewife goes down to the grocery store it is going to cost her 15 percent more than it did the year before for groceries. It is going to cost her 15 percent more when she goes into the department store to buy her clothing for youngsters. You are going to also find that inflation will tend to follow a geometric rather than a straight-line increase. Right now we are hoping to hold inflation to 4 percent. But next year it would probably climb to 7 and the following year to 9, the next year to 12. In other words, when inflation starts moving, it moves faster and more each year.

There is only one solution. It is to have a balanced budget. Your wife knows that she cannot spend any more than you have deposited in the checking account. And yet when you leave home and come down here we have developed a new theory. Many believe that we can spend anything, because we can borrow it and never have to pay it back. We are now in the process of solving the Vietnam war. The next issue facing us today is the matter of fiscal responsibility in America.

THE MEDICAL TRAINING BILL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. BIAGGI. Mr. Speaker, House Joint Resolution 748, which passed with only two dissenting votes, would authorize the Veterans' Administration to assist States in establishing medical schools, to expand its services to the community through the training and education of health care personnel and otherwise to help improve the quality of our health delivery system.

The health of our Nation has suffered greatly in the last 10 years. New and marvelous advances in the field of medicine are splashed across the front pages of newspapers. Yet we find that we are increasingly unable to get basic health care services to those who need it. This bill will help bridge that gap between space age technology and horse and buggy medicine.

ACHESON ON THE PRICE OF RECOGNITION OF RED CHINA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. RARICK. Mr. Speaker, the recent article by Dean Acheson, Secretary of State during the Truman administration, member of the CFR, concerning the proposed trip by President Nixon to Red China makes clear the price we can expect to pay for the participation of the People's Republic of China and its 750 million people in world affairs—the disavowal of another commitment, our mutual defense treaty with Nationalist China.

Former Secretary Acheson makes this point quite clear in no uncertain terms:

> The ghost of John Foster Dulles stands in his way waving the treaty with Chiang Kai-shek. It is all very well for the President to say: "Our action in seeking a new relationship with the People's Republic of China will not be at the expense of our old friends." However, if both Chinese republics believe this, then there is no sale.

I include Mr. Acheson's article as it appeared in the New York Times of July 22, 1971:

A NEW-OLD CHINA POLICY: THE OBJECTIVE CRITERION FOR ESTABLISHING RELATIONS WITH OTHER NATIONS IS THE MOST SENSIBLE

(By Dean Acheson)

WASHINGTON.—Within a month two parts of the Administration have given us two quite different criteria for establishing and conducting relations with foreign states. The State Department told both the House and Senate:

"Our policy with regard to Southern Rhodesia is based primarily on that regime's action to deny an effective voice to its African majority in the determination of Rhodesia's future. This is abhorrent to this country."

A week later the President told the country:

"There can be no stable peace and enduring peace without the participation of the People's Republic of China and its 750 million people. That is why I have undertaken initiatives in several areas to open the door for more normal relations between our two countries."

The first is a subjective test: Do we like their domestic policies? The second is an objective test: Can more normal relations between the People's Republic and the United States help our own and "future generations on this earth we share together"? The Congress appears to favor the State Department view since on July 15 its committees on foreign matters voted to stop military and economic aid to Greece and Pakistan as—so The New York Times reported—"the first concrete moves to bring about an improvement in the internal situation of Greece and Turkey." One might have thought that our own internal situation had problems enough to keep our legislators busy.

The objective test is the older one and the one that appeared sensible to the fathers of our country. The revolutions throughout South America gave them plenty of opportunity to apply it.

On January 1, 1819, Secretary of State

John Quincy Adams wrote the United States Minister to Great Britain:

"These newly formed states should be regularly recognized: not only because the right to such recognition cannot with justice be long denied to them but that they may be held to observe on their part the ordinary rules of the law of nations, in their intercourse with the civilised world."

In his message of March 8, 1822, President Monroe added his approval:

"When the result of such a contest is manifestly settled, the new governments have a claim to recognition by other powers which ought not to be resisted."

In 1822 Secretary Adams recognized the government in Buenos Aires and early in 1823 those in Mexico and Chile. On May 27, 1823, he wrote Richard C. Anderson, our minister in Colombia:

"But from that emergency, the President has considered the question of recognition, both in a moral and political view, as merely a question of the proper time."

The Monroe Doctrine followed in the message to Congress of Dec. 2, 1823; and in May, 1824, the United States was the first nation to recognize the empire of Brazil—a year before Portugal did so—with no nonsense about its form of government.

The objective criterion for establishing and conducting our relations with "the vast external realm," as the Supreme Court has termed the world beyond our borders, is not only the most venerable in American diplomatic history but also the most sensible. It is not easy, however, to follow it with Communist regimes, for their ideological fixation gives their leaders what Robert Conquest has described as a rather bigoted fundamentalist approach making their aims uncertain and cooperation with them tricky. For a decade and a half Lenin and Stalin worried President Wilson and his successors into hostility. President Roosevelt's overtures to the Soviet Union and the World War II association were followed by Soviet hostility in Europe and Asia. President Truman on Jan. 5, 1950, made a statement on policy toward China:

"The United States has no predatory designs on Formosa or on any other Chinese territory."

Within the year the Chinese Communists were fighting our Army in Korea.

President Nixon correctly senses an outworn gambit. But is he not rather precipitate and dramatic in changing course? The ghost of John Foster Dulles stands in his way waving the treaty with Chiang Kai-shek. It is all very well for the President to say: "Our action in seeking a new relationship with the People's Republic of China will not be at the expense of our old friends." However, if both Chinese republics believe this, then there is no sale.

One can foresee the need of something more than mere skill in Mr. Nixon's negotiations in Peking following those in Vietnam. Perhaps even more important than caution in getting into unwise commitments is to avoid the reputation of a Houdini in getting out of them. The condition *rebus sic stantibus* (conditions remaining the same) as an implied term to all commitments is rightly regarded with suspicion. Mr. Nixon is on a ledge pretty narrow for safety, his and ours. Let's wish him luck.

VICE PRESIDENT AGNEW'S DENUNCIATION OF BLACK LEADERSHIP IN AMERICA

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. BURTON. Mr. Speaker, I should like to commend my distinguished colleague from Michigan (Mr. Diggs) for the leadership he has displayed as chairman of the congressional black caucus and to associate myself with him and his remarks as well as those of my distinguished colleague, Mr. Conyers, concerning the latest outburst and racial slur by the Vice President.

It is difficult to understand how the Vice President can see what the drives for self-determination and for assuming a full place in the community of nations has accomplished in Africa and still be so blind to these same drives and aspirations on the part of black Americans, who have not obtained their full share of the promise of this great land.

If Spiro T. Agnew was not the Vice President of the United States his remarks would be no less repugnant, but they would be the rantings of a private citizen. He is, despite my best efforts in 1968, Vice President and when he speaks publicly, he speaks as Vice President and there is no excuse for the shallowness of his perception of domestic problems, the callousness of his indifference to them, or the degrading manner in which he affronts his fellow citizens who happen to be black, young, or those who just disagree with him.

One can say that Mr. Agnew suffers from "foot in mouth disease," that is not an unknown malady or a burden which he must bear solely. But he is Vice President. He holds the second highest office in the land and he does the office, the Nation, and all its people, not just black Americans, a great disservice and an injustice when he sows seeds of division at home while on a goodwill mission abroad.

For those of my colleagues who did not have the opportunity to attend the congressional black caucus dinner on June 18, I am taking the liberty of inserting at this point in the Record the very thought-provoking remarks of our distinguished colleagues, William Clay of Missouri and Charles Diggs of Michigan. It might do the Vice President some good if he were to read them.

The remarks are following:

REMARKS OF THE HONORABLE WILLIAM (BILL) CLAY

This is a historic occasion—one of which we can justifiably feel a sense of pride—an occasion from which we will move with a single purpose toward obtaining total freedoms, economic equality and social justice. Tonight, we establish a new foundation—upon a new plateau—from which to achieve those rights so long denied blacks in this country.

We, assembled here, are witnessing a unity of effort by 13 Members of the United States Congress. We call ourselves "the Congressional Black Caucus" and we have joined together to make equality of results a fact.

We do not view ourselves as the sole or exclusive leadership group in black America. But, we are uniquely placed and have the potential for becoming the lightning rod—the conduit—to assist—to coordinate and to help channel the activities of the many other black organizations and black elected officials.

There is no generation gap among the 13 Members of the Caucus. We do not talk about nor do we seek the impossible—we know and America knows that we are involved in serious business.

Black Americans from all walks of life have convened in the District of Columbia—one man who was on Welfare 6 yrs. ago—paid $25.00 for a table tonight—this is truly Nation Time.

We shall accept nothing less than meaningful participation at the center of power.

This is the objective of each member of this caucus. Full participation in this country's decision-making process is the basis of our unity and it is our purpose to achieve this goal now.

The caucus seeks not only for the present—the caucus will develop and demand the enforcement of long range plans. For it is the positive assumption of each member of this caucus that the achievement of our goals are essential for the maintenance of an orderly American society.

We shall insist that no man—brown, black, yellow or white—will have to die in war—that every man will live in a decent neighborhood—yes, we also demand that every man will have an opportunity to work at jobs commensurate with his training and ability—that every man will have available—at a cost which he can meet—quality education and we shall demand that every one be judged by his character not his color—or—for that matter—his life style.

Our goals are to obtain freedom, and to do this we must be united—and to successfully achieve these objectives we must stay united.

Every member of the "congressional black caucus" has worked for and voted for improving job opportunities—equality in education and for better housing—and for health care and for greater black representation throughout our government—and also within all our private institutions.

The fact is—if the majority of Congress had the courage, the foresight and the convictions to vote with us—this country would be free of human suffering and the ideals of a free society would be real.

This is not a dream because Diggs, Hawkins, Rangel, Chisholm, Stokes, Collins, Conyers, Dellums, Metcalfe, Mitchell, Nix, Fauntroy, and Clay—bring to this country a new kind of political reality. We demand now, those changes so long denied our black brothers and sisters.

Ladies and gentlemen, you are the first to witness this unity of black Members of Congress. You may judge our sincerity by our ability to put aside personal ambition—when necessary—to preserve this unity. It's true—we have different styles—different ambitions and different individual needs—but, to achieve total freedom, economic equality, and social justice, we must keep our unity and expand our goals.

This is a practical reality, not a dream.

Let this be the first day of a new reality. The day when 13 black legislators said to America, we have united—united to make real—to bring into reality now those things so long promised but so definitely denied to 25 million black Americans.

We witness here tonight, by your presence, a manifested broad base of black unity—of black pride and black confidence. With this unity we can and we will bring into being not only a change in attitudes, but a change in basic position. We have here tonight the engineers—the designers and the architects—and from this moment forward let us become builders. Let's put our hands in the grit—the grime of grubby work required for building a better future for black America—the planners—the engineers—the doctors—the lawyers—the educators—the truck drivers—the mechanics—the factory workers—I call upon each of you to work for the building of a greater foundation upon which this history-making "Black Congressional Caucus" can maximize its level of achievement. This foundation which I call upon you to help build is made of black votes and black participation in the making of new institutions and to be sure—the alteration of those so long outdated.

Ladies and gentlemen, we are proud that you came tonight—you are the basis of our strength—we need each other.

REMARKS OF THE HONORABLE CHARLES DIGGS

Ladies and gentlemen, welcome to the first national celebration of black America's political coming of age.

I welcome you on behalf of the thirteen members of the congressional black caucus. But we welcome you, too, on behalf of our colleagues from cities and states all over the nation who have done us the honor of joining us here, and of the millions not physically present tonight who have over the past several years mounted a quiet revolution through their ballots. A revolution which is changing both the direction—and the complexion—of municipal, county and state governments north, south, east and west.

We meet tonight in the majority-black capital of this most powerful nation in the world which somehow seems powerless to solve its most fundamental problems. We meet to assert the common bonds that unite men and women of all races, creeds and generations who share a fierce determination to liberate the legions of the oppressed. We come together to arm and equip ourselves to fight more effectively than ever before for those who are too seldom victors, too often victims:

The victims of poverty and racism, of a senseless war, of an economy which offers neither enough jobs nor the dignity of an adequate income.

The victims of unequal justice, of basic benefits callously denied—victims of that contemporary plague, drug addiction, which is now visiting upon our soldiers and the citizens of the suburbs the same human destruction to which our country paid little heed when the casualties were largely confined to the black and brown youth of our urban ghettos.

The response which your generous outpouring of aid and encouragement tonight represents, reflects the range and depth of support which the caucus has had the rare good fortune to receive since its inception. Black and white, rich and poor, from every segment of skill and concern in our society, we have been made to feel that a surprising number of people knew and cared what the caucus was really about—even when certain journalists, and some of our fellow politicians, did not. We have tried to express as clearly and as candidly as we could to the President of the United States, to our constituencies, and to the Nation at large the issues about which we are most deeply concerned, and to set forth what we intend to do about them.

We say again tonight, without rancor, that we are determined to fashion in our own way an effective instrument for change and to throw off the shackles of outmoded political forms and expediency.

With the staff and resources we plan to assemble after tonight, we hope to be clearer, more persistent and more effective than blacks in the national Congress have ever been in fashioning an agenda not only for 1972, but for years to come. Like our counterparts in states and cities across the land, we intend to do all within our power to usher in a new era in political leadership. God knows, we have only to look around the America of 1971 to see the tragic inadequacy of the politics of the past and the prevailing politics of the present.

As it happens, all of us are democrats. But what we are hearing with increasing insistence from our constituents is that there are times when they would have us judge our interests by something more substantial than party labels. And there are likely to be times when we must challenge both major parties and candidates of every persuasion, at every level, to address forthrightly the unmet needs of our people. We are practical enough to know the value of coalitions, but we shall be seeking to enter coalitions only as equal partners. Turn about is fair play, and after 300 years it is high time black people call some of the tunes and take the lead in some of the dances.

We fully expect our numbers to grow, despite the hypocritical games which some state legislatures seem to be playing under the guise of redistricting and reapportionment. Certainly, we see little cause to relax our vigilance, or to count too heavily on instrumentalities which—whatever their past history—may now prove indifferent or antagonistic to our cause. We cannot yet fully perceive what the 1970's will bring. But we may yet be called on in the period ahead to reclaim in the halls of Congress the rights we believed we had already securely won in the Supreme Court during the past decade. The same kind of hard, undramatic efforts which have made this evening possible, the same outpouring of talent and mutual concern which have brought the congressional black caucus further than its own limited resources could have taken it, will have to be marshalled in the days ahead.

Even as we celebrate, even as we enjoy the wit, beauty and soul of some of the most gifted artists in America, let us not forget that it is by no easy path that we have arrived at this night. And the journey is far from over. We are the grateful heirs of Douglass, Dubois and Bethune—or Medgar Evers, Malcolm, Martin Luther King and Whitney Young. We build on the labors of Thurgood Marshall, Adam Clayton Powell, Roy Wilkins, the young men and women of the civil rights movements of the sixties, and the black thrust toward long-denied power and liberation which is part of the world-wide revolution of color and the rejection of caste. An African proverb says: "One stick is easy to break: But many sticks bound together are not easily broken." It is not a simple thing for thirteen strong-willed and variously talented individuals to sublimate their personal desires and bend their unique strengths to the common goals of the congressional black caucus. But the caucus concept subordinates personal aggrandizement to the greater effectiveness of group action. Through it we determine that we will develop our own agendas, select our own leaders.

As we move now to build a strong staff, as we work to develop a national network of allies and supporters for the cause of blacks and the poor we thank you again for joining with us in this celebration of black strength and purpose which can, we believe, enrich this nation and the world. And as we ask you to close ranks with us, we invoke some of the phrases by which our people have expressed their own unique sense of unity and togetherness: Walk Together, Children. . . . Straight Ahead. . . . Ujamaa.

CAPTIVE NATIONS WEEK

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1971

Mrs. DWYER. Mr. Speaker, I welcome the opportunity to join my colleagues in observing the 13th anniversary of Captive Nations Week. The observance, July 18 to July 24, began many years ago when President Dwight D. Eisenhower issued the first Presidential Proclamation, which urged all Americans to join together in resolving they will never forget the aspirations and determination of the people of captive nations. This tribute is now being paid nationally, and at the local and State levels. Further, appropriate observances are held in the Philippines, the Republic of China, South Korea, Turkey, and West Germany.

This week provides Americans with the opportunity to reevaluate and appreciate the precious rights taken for granted far too often, and to remember the sight of enslavement of those less fortunate cannot be forgotten. We also have the chance to review the painful progress being made in some countries toward a more open and free society, and compare that with the harsh, cruel repression which unfortunately still exists in other countries.

America has a proud history of protecting individual freedoms. The Congress, as the voice of the people, cannot rest until all people—not just those in our country—are removed from the heavy burdens of dictatorship and tyranny.

To accomplish this goal demands new approaches and fresh new ideas for a world peace governed by freedom. I have therefore introduced legislation, House Resolution 293, which is specifically designed to establish a special committee on the Captive Nations which would undertake a comprehensive study of the captive nations. This, in turn, will equip us with better knowledge to combat the forces of oppression in the world today.

Unfortunately, House Resolution 293 has been pending in the Rules Committee since early March, and no action is scheduled. I am convinced we must act upon this legislation as we did the resolution proclaiming Captive Nations Week. It is encouraging that people all over the world reaffirm their belief in the courage and persistence of the peoples of the captive nations, but we must take additional steps to insure their freedom. This legislation could be an important step.

GUN TOTING

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. MIKVA. Mr. Speaker, it has been no secret that I would like to see this Congress pass effective legislation to control handguns. The only alternative is the continuation of the violence that has become part of the day-to-day pattern in the life of this country. Murder, strong-armed robberies, senseless shootings—they are all common in the American city of 1971. And why not? Handguns are easy to buy, easy to conceal, easy to use. And they have become "tools of the trade" for the criminal. It requires no physical strength to use a handgun. There is only the simple, antiseptic, impersonal act of squeezing a piece of metal. Those pieces of metal must be kept off the streets and out of the hands of criminals.

In a recent issue, the New Republic took notice of the problem in the column, "TRB, from Washington." The column says most people in the country want gun control. Then it adds:

The failure to get effective regulation through Congress is an example of what makes millions feel they are powerless to control their government.

The column is an excellent summary of the need for handgun control. The complete text follows:

GUN TOTING

A couple of reporters went over to the suburban home of Chief Justice Burger the other night to insure coverage in case the Justice Department called on him with a late-hour appeal over the Pentagon papers. When the reporters rang at 11 p.m., according to *Newsweek*, the handsome jurist answered the door personally, in a bathrobe, carrying a long-barreled revolver.

The Chief Justice of the United States answering his doorbell with a gun somehow typifies for us the law-and-order issue in America today. It goes right down from Justice Burger to the mother cowering behind her door in the city ghetto. This nation is scared.

"Gun control is at the top of every poll you see," Senator Kennedy said the other day. "It's at the top of every housewife's fears who walks the streets of the city of Boston, and people are absolutely terrified."

Former New Haven Police Chief Ahern, a member of the Scranton Commission, said recently, "Not only blacks, Puerto Ricans, Chicanos and young people but even governors and congressmen believe their privacy is being violated, their telephone conversations monitored and their daily activities observed."

And Milton Eisenhower himself, who headed the commission investigating violence, declared here last month, "There are literally arsenals being built by the extreme right and the extreme left, not only with normal guns but with every type of weapon. And if we saw trouble break out in this country it could be devastating."

The crime issue is the cutting edge of America's social unrest. It is the plainful symptom that finally sends the man suffering from cancer to the doctor. America ought to do something about law and order quick; unfortunately, the Nixon approach has too often been wrong-headed, cynical or even hypocritical.

There are two main views on how to reduce America's appalling crime rate: get at the social causes, or use repression. No less than four presidential commissions employing hundreds of experts, millions of dollars and ten million words, have stressed the long-term need of full social justice. That is the burden of the Katzenbach, Kerner, Eisenhower and Scranton reports. They just say the same thing over and over; it is tragic that so few listen.

The Nixon approach has emphasized the old, simplistic theory of stiffer penalties, tougher laws, repression. "We cannot explain away crime in this country by charging it off to poverty," candidate Nixon said in the 1968 campaign. There is some truth in this, of course. Maybe some judges have been too lenient. But it is arrant folly to think we can sleep securely in bed at night while ghettoes swarm with unemployed teenagers, one man in nine is below the poverty line, and junk guns are purchasable at hardware stores.

How many more American Presidents must be shot before we license guns as we license autos? Every poll shows 75 to 80 percent of the public wants it. The failure to get effective regulation through Congress is an example of what makes millions feel they are powerless to control their government. Congress passed the 1968 Gun Control Act, and the National Rifle Association lobby saw to it that it is as full of loopholes as the income tax law. It bans importation of cheap, snub-nosed concealable handguns but not their parts; the latter are pouring in. There is a new cottage industry to assemble them, and the "week-end special" is more common than ever.

That is one thing in barbaric America that even the most tolerant and sympathetic visitors from civilized countries outside cannot understand. The US is the only industrialized country on earth that permits gun sales. There are a few restrictions but they don't restrict. Some of us would rather see heroin and sticks of dynamite freely available to purchasers than firearms, particularly handguns. "There are at least 25 million handguns, perhaps 30 million in the US," Dr. Eisenhower testified the other day, "because the sale has quadrupled in recent years. These are not sporting weapons, they have no other purpose than to kill."

The statistical correlation between firearms and homicides is irrefutable. It is here that the approach of the Nixon administration appears cynical.

In preparation for 1972, Mr. Nixon seems wrapping himself once again in the bogus law-and-order issue. Last month he warned New York state troopers of an attempt to "beat down law enforcement." He is wrapping himself in the uniform. Following killings of police he called a White House Conference proposing federal awards of $50,000 to slain policemen's kin. And gun control? The administration opposes it.

"The deadliness of firearms is perhaps best illustrated by the fact that they are virtually the only weapons used in killing police officers," says the authoritative Eisenhower Commission report (1969). In 1968, firearms accounted for 61 of the 65 police killed that year (handguns 46); in 1969, 83 of the 86 officers slain were killed with firearms (handguns 67).

With a record like that it takes a callous administration, I think, to hold a conference on the murder of police and not take up the subject of firearms, yet that is what this administration did. New York police commissioner Patrick Murphy and the director of the International Association of Chiefs of Police, Quinn Tamm, were conspicuously omitted from the guest list. They want a ban on all sales of handguns for private use. At a briefing by Attorney General Mitchell at the end of the police conference, he sparred with reporters about gun control. The matter was up to the Treasury Department, said this chief law enforcement officer of the government.

So there stands the Chief Justice with a handgun. Two-and-a-half million handguns are being manufactured or imported every year; they now account for half of all homicides, and sales have *increased* since the Gun Control Act took effect. They are particularly numerous in the South (along with homicides) and Mr. Nixon has thrown in his lot with Dixie and the gun lobby, which prefers homicides to registration. It is wrapped up in sex; for many a handgun is a virility symbol. There is only one thing to do: arm everybody. Pack your Colt when you go to lunch and be sure little Mary has her automatic on the school bus. That way we will all get law and order.

A RED CHINESE EMBASSY IN OTTAWA, CANADA: THE DOMINO THEORY COMES HOME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1971

Mr. RARICK. Mr. Speaker, the opening of the new Red Chinese Embassy in Ottawa, Canada, should impress on us the suspect role of Canada in arranging the visit of Henry Kissinger to the Red Chinese capital of Peiping. The domino theory comes closer home—Red Chinese to the north and to the south.

Huang Hua, the Communist Chinese Ambassador to Canada, was delayed in making his appearance at Ottawa because his duties in Red China required him to be on hand to greet Kissinger, President Nixon's alter ego.

The United States now has two Red Chinese Embassies within 100 miles of our border—one 60 miles to the north in Ottawa, Canada, and the other 80 miles to the south in Havana, Cuba.

Who are the Americans that would urge our people to believe the Red Chinese were isolated from the world? It is the United States that has been surrounded by Red Chinese Embassies and cut off from our neighbors, as we continue to appease our enemies and spite our friends.

Who is running this country—certainly not the people or their elected officials?

I include relevant news articles in the RECORD:

[From the Evening Star, July 22, 1971]

CANADA SEES KEY ROLE FOR ENVOY FROM PEKING

OTTAWA.—Huang Hua, one of China's most experienced diplomats, arrives in Ottawa tomorrow to begin his work as Peking's first ambassador to North America and possibly to play a key role in thawing the 22-year freeze in relations between his country and the United States.

Huang is at least seven weeks late getting here—technically 14 weeks later than originally scheduled—but Canadian officials are not all concerned at the delay. The delays have bolstered Huang's reputation and expectations about his possible role here.

The main reason for his late arrival appears to have been that he was one of the Chinese officials involved in negotiations leading up to last week's surprise announcement that President Nixon would visit Peking by next spring.

News pictures from Peking showed Huang as one of the Chinese officials meeting with U.S. Presidential Adviser Henry Kissinger during Kissinger's secret visit to the Chinese capital July 9 to 11.

In the meantime, there have been increasing indications that the Chinese intend to make their Ottawa embassy an important diplomatic headquarters.

It not only will be Peking's first base in North America, but also the most likely staging point for attempts to improve relations with the United Nations in New York and the U.S. Government.

Considering the relatively small amount of trade and travel that China can expect from Canada—a nation of only 21 million—it appears that the Chinese expect other, more substantial benefits from an embassy only 60 miles from the U.S. border.

There also is a large U.S. Embassy in Ottawa which could deal directly with the Chinese delegation here, without going through Canada or other intermediaries.

[From the Christian Science Monitor, July 21, 1971]

WASHINGTON STATE PONDERS TRADE WITH SOVIETS, RED CHINA

(By Curtis J. Sitomer)

JACKSON HOLE, WYO.—While the United States and Communist China prepare for their historic summit meeting, the State of Washington is probing the possibilities of trade with both the Soviet Union and mainland China.

For two decades, the state has been promoting Pacific trade with Japan, Taiwan, and India.

Now Gov. Daniel J. Evans, in an interview during the Western Governors' Conference here, discloses he is discussing with Soviet representatives possibilities of a trade pact between Siberian territories and the State of Washington. Governor Evans says officials in Leningrad—where he recently spent 15 days—were "very interested" in Washington timber, aircraft, apples, and other agricultural products.

The Washington State executive says that he made "preliminary inquiries" into a trade potential with Communist China "even previous to ping-pong diplomacy." He has not received any formal response from Chinese officials as yet.

Whether or not China might be more willing to buy U.S. goods as a result of the U.S.-China summit talks remains to be seen. State officials hope so.

However, Gov. Evans says he knows China will need to import some aircraft manufacturing to develop its new commercial-aviation systems. Seattle's gigantic Boeing facility has been hard hit by federal aerospace cutbacks, "and we would assist Boeing's interest [in selling to China]," the Governor says.

Mr. Evans sees economic dividends for his state as well as diplomatic advantages for the nation as a whole if such new trade routes should be established. He is eager to develop these agreements strictly on a state—or regional—level. "We might be able to do some things the federal government can't because of their diplomatic problems," he says.

The Governor adds he is not now aware of federal restrictions or waivers which might be needed to institute trade with these Communist nations.

"Much of our job will be to encourage private firms in Washington to deal with Russia and Red China," he says, "and our first move is to establish a specific market."

The Governor adds, however, that federal permission would likely be needed "if we get into the area of strategic materials."

[In Washington, D.C., sources at the State and Commerce departments and at the White House say that states are free to send promotional teams abroad and try to drum up trade for its own industries and products.

[But states cannot make trade agreements; private companies must apply for licenses to trade with the Soviet bloc and Peking through the Commerce Department. U.S. Code, Title 18, Chapter 45, bars states or individuals from entering into any agreement with a foreign government without sanction of the federal government.]

The Governor has informally discussed his Communist trade plans with fellow Pacific Coast chief executive Tom McCall of Oregon and William A. Egan of Alaska. "Both are enthusiastic," he says. He now expects to further explore the potential of Western regional agreements with Communist-bloc nations with California Gov. Ronald Reagan and Gov. John A. Burns of Hawaii.

SENATE—*Saturday, July 24, 1971*

The Senate met at 11 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Creator of the universe, Ruler of men and nations, as we pause at this shrine of the patriots' devotion, speak to our waiting spirits the word we need for this time. Look not upon our feeble expressions but upon the deep yearnings and hidden aspirations of our souls. Renew Thy servants, who, by the voice of the people serve in this Chamber. Give them strength and wisdom to bring deliverance from the ancient evils of tyranny, poverty, injustice, war, the toil which is unrewarded, and the dreams that are unfulfilled.

O Lord, give Thy servants a greater understanding of Thy ways, a higher insight into Thy wisdom, and a clearer vision of Thy majesty to sustain them in the days ahead. Help them to find Thee near in work well done and duty faithfully performed.

When the day is spent and evening comes, bring us at length to a Sabbath of quiet, rest, and worship. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 24, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, July 23, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar under New Report.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar, under New Report, will be stated.

MISSISSIPPI RIVER COMMISSION

The legislative clerk read the nomination of Maj. Gen. Charles Carmin Noble, Army of the United States (brigadier general, U.S. Army), to be a member and president of the Mississippi River Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the configuration of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, this is undoubtedly superfluous, but I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Calendar, including Calendar No. 270, and then going over to Calendar No. 279 and in sequence from then on.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TOWER. Mr. President, if the distinguished majority leader will yield for a question, he proposes to take up Calendar No. 270 and then skip to Calendar No. 279; is that correct?

Mr. MANSFIELD. That is correct.

YEAR OF WORLD MINORITY LANGUAGE GROUPS

The joint resolution (S.J. Res. 105) authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups", was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 105

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) there are more than two thousand minority language groups of one hundred and sixty million people, most of whom live in remote areas of the world in cultural isolation without books or even an alphabet;

(2) it has been shown that these people are gifted individuals whose human resources the world is denied;

(3) the translation of literacy materials and teachings of moral and spiritual significance into minority languages, which re-

quires that an alphabet be produced and a thorough grammatical analysis of the languages be undertaken, results in an expansion of literacy and an improvement of the cultural bases of the language groups affected;

(4) such organizations as the Summer Institute of Linguistics composed of linguistic scholars trained at the Universities of Oklahoma, North Dakota, Washington, Michigan, Indiana, California, Pennsylvania, Texas, and elsewhere have undertaken the task of bringing literacy to such groups;

(5) The Summer Institute of Linguistics has more than two thousand five hundred members now working in more than five hundred minority language groups in twenty-three foreign countries with the cooperation of the governments and institutions of higher learning in these countries;

(6) the cultural, economic, social, and political, and educational significance of these efforts has brought commendations from many foreign governments;

(7) the Summer Institute of Linguistics and other concerned organizations have called for the beginning of work in the remaining over two thousand minority language groups yet without even an alphabet; and

(8) these organizations, through modern science and technology, are continuing the task of freeing all the various minority groups from linguistic isolation, and they deserve our encouragement.

Sec. 2. In recognition of the international effort to provide written languages for minority language groups, the President is authorized and requested to issue a proclamation designating 1971 as the "Year of World Minority Language Groups", and inviting foreign governments, the governments of our States and communities, and all peoples to observe the year with appropriate scientific and educational activities.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–275), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the joint resolution is to authorize and request the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups."

STATEMENT

There are more than 2,000 minority language groups of 160 million people, most of whom live in remote areas of the world in cultural isolation without books or even an alphabet.

Some 30 or 40 years ago Dr. W. Cameron Townsend organized the Wycliffe Bible Translators. He was concerned for these many thousands of tribes who were not only without the Gospel in which he believed but were outside all of civilization. Many of the tribes were still living in the Stone Age, because not even their leaders possessed the tools by which they could be educated. The Wycliffe Translators have undertaken to translate the Bible in every tongue on the globe in this century. This is possible because computers, automatic typesetting machines, radios, and other scientific aids can be mobilized for this translation task.

For this gigantic undertaking and realizing that individuals working alone would have to spend years and years to bring learning to only one tribe to meet this need, there was organized the Summer Institute of Linguistics. This is an organization composed of linguistic scholars trained at the Universities of Oklahoma, North Dakota, Washington, Michigan, Indiana, California, Pennsylvania, Texas, and elsewhere. These language scholars, through their work at the universities, are making it possible to bring written language to these tribes.

The Summer Institute of Linguistics is not organized as a religious organization. As a matter of fact, some of the Federal aids that have come to other types of education have helped them. The institute now has more than 2,500 members working in more than 500 minority language groups in 23 foreign countries. They are working with the cooperation of the governments and institutions of higher learning in those countries.

The issuance of a proclamation by the President designating 1971 as the "Year of World Minority Language Groups" would not only honor the thousands of dedicated individuals who are working on this task, but it would call attention to the important undertaking, both at home and abroad. Favorable consideration of this resolution and the issuance of the proclamation would do much to further this work and will in turn accomplish wonders in creating friendship and goodwill toward the United States.

For these reasons, the committee is of the opinion that this resolution has a meritorious purpose and accordingly recommends favorable consideration of Senate Joint Resolution 105 without amendment.

STEPHEN C. YEDNOCK

The bill (H.R. 1892) for the relief of Stephen C. Yednock, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–285), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Stephen C. Yednock the sum to which he would be entitled under section 5724 of title 5 of the United States Code (or under the provisions of previous section 73b–1 of that title) and the regulations issued thereunder without regard to the time limitations of section 1.3d of Bureau of the Budget circular No. A–56, for the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking his household goods and personal effects incident to his transfer in October 1965, to Bethesda, Md., as an employee of the Naval Ships System Command, Department of the Navy.

STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

"In its report to the committee, the Department of the Navy stated it had no objection to enactment in view of the unusual circumstances involved.

"As was outlined above in stating the purpose of the bill, H.R. 1892 would authorize the Secretary of the Treasury to pay Stephen C. Yednock the sum to which he would be entitled under section 5724 of title 5 of the United States Code for the expenses of transporting, packing, crating, temporarily storing, draying and unpacking his household goods and personal effects incident to his transfer in October 1965, to Bethesda, Md. The bill authorizes this payment even though Mr. Yednock did not move within the allowable time period to qualify for the payment."

Mr. Yednock was transferred to the Bureau of Ships, now the Naval Ship Systems Command, Washington, D.C., on October 10, 1965, from Camp Hill, Pa. He would have been entitled to reimbursement for the travel expenses for himself and his family and for the expenses of shipping household goods and personal effects under the provisions of Bureau of the Budget Circular No. A–56. However section 1.3D of that circular provides that the maximum time for beginning allowable travel and transportation shall not exceed 2 years from the effective date of an employee's transfer or appointment. Mr. Yednock was not entitled to reimbursement because he moved his family and household goods in July 1970, which was approximately 5 years after his transfer and 3 years after his entitlement expiration.

As stated in the Navy report, Mr. Yednock's delay in moving was attributable to three factors. First, he was unable to find a buyer for his home in Pennsylvania and therefore could not afford to move his wife and six children to Washington. Second, Mr. Yednock did not know where his office would be located. As of October 1967, it was known that the Ship Systems Command office would have to move from the Main Navy Building in Washington, D.C., but it was not definite whether the staff would be moved to Bethesda, Md., as had been previously announced. Third, Mr. Yednock was given erroneous advice by personnel officials of the Bureau of Ships.

During the first week in October 1967, shortly before the 2-year time period was to expire, Mr. Yednock consulted with personnel officials of the Bureau of Ships and requested an extension of time. An extension was granted orally, but subsequently on June 27, 1969, it was determined that there was no authority to grant extension.

In indicating it had no objection to the bill, the Department of the Navy stated:

"Although the Department of the Navy is generally reluctant to support legislation which would have the effect of waiving regulations for the benefit of an individual employee, the Department would not object if Congress enacted this bill because of the unusual circumstances involved."

The committee agrees that relief is merited in the light of the unusual circumstances of this case. It is, therefore, recommended that the bill be considered favorably.

The committee believes the bill is meritorious and recommends it favorably.

ARNOLD D. SMITH

The bill (H.R. 1907) for the relief of Arnold D. Smith, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–286), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Arnold D. Smith of San Jose, Calif., of liability of $174.10, representing overpayments paid him while a member of the U.S. Navy as a result of administrative error made in his leave record without any fault on his part.

STATEMENT

The Department of the Navy in its report to the committee indicated it had no objection to the bill's enactment. The Comptroller General in a similar report questioned relief.

Arnold David Smith served as a Machinery Repairman, Third Class, in the Navy. He first enlisted on April 29, 1959, and on January 30, 1961, was discharged for the purpose of immediate reenlistment. He reenlisted in the Navy January 31, 1961 for 6 years. This date is important because at the time of the reenlistment, his leave balance from his previous period of service was carried forward to his new leave record. At that time he had earned 13 days of leave which should have been carried forward; however, in posting the leave, Navy personnel incorrectly showed the amount as 30 days. The error created by this erroneous action was carried forward on his leave record until his honorable discharge on April 6, 1967. At that time he was paid for the remaining portion of his accrued leave which, unfortunately, included the erroneous balance. The report of the Comptroller General, which is set forth at the end of this report, has detailed the circumstances and figures involved in the computation which is the basis for the overpayment referred to in the bill.

The Department of the Navy in its report in indicating that it had no objection to the bill's enactment stated that since the administrative failure to recognize this error extended for more than 5 years, relief is merited.

The committee concurs with the action of the House of Representatives and believes that relief should be granted under these particular circumstances and recommends that the bill be considered favorably.

JULIUS L. GOEPPINGER

The bill (H.R. 2110) for the relief of the estate of Julius L. Goeppinger, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–287), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize payment by the Commodity Credit Corporation of $1,213.51 to the Estate of Julius L. Goeppinger in full settlement of the claim of the estate for the amount of a sight draft issued to the decedent on August 13, 1957, and rendered nonnegotiable by the Corporation on December 19, 1968.

STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

The Department of Agriculture in its report to the committee on a similar bill in the 91st Congress stated it did not recommend enactment.

The sight draft referred to in the bill is a draft of the Commodity Credit Corporation bearing the number G–2279466. The original draft has been furnished to the committee in connection with its consideration of the bill. It is dated August 13, 1957, and provides for a payment of $1,213.51. It was made payable to Julius L. Goeppinger, Box 357, Boone, Iowa. The payment evidenced by the draft was to have been made in connection with the 1956 corn program. When it was presented, the Commodity Credit Corporation refused to pay the claim because more than 10 years had elapsed from the date of the sight draft. The Board of Directors had adopted a policy that claims against the Corporation might be paid if received within 10 years from the date which the claim first accrued.

It was pointed out that sight drafts drawn on the Treasury of the United States (31 U.S.C. 132) were not accepted for payment after the 10-year period in accordance with the policy adopted by the Commodity Credit Corporation. The Department of Agriculture in its report to the committee has referred to this policy. It further has stated that departmental records relating to the matter have been destroyed. The Department therefore took the position that it was impossible to determine whether the claim was satisfied by a substitute draft issued during the life of Mr. Goeppinger.

The material submitted to the committee by the sponsor of the legislation includes correspondence of the executor of the estate. The executor pointed out that on December 3, 1968, he enclosed 10 Commodity Credit Corporation drafts payable to his brother with a letter to the manager of the McCook County ASCS office in Salem, S. Dak. He pointed out these drafts were issued for various years dating back to 1957. The other drafts had to do with the feed program, while the check which is the subject of this bill had to do with a 1956 corn purchase agreement. At that time, Mr. Walter W. Goeppinger requested the reissuance of substitute drafts. The executor explained that in addition to the Government checks, many dividend checks from various companies were found among his brother's effects. He had not cashed these checks for a period of more than 10 years prior to his death. The executor pointed out that this is additional evidence of the fact that no substitute check was issued for the one referred to in the bill.

The information submitted to the committee in connection with this matter indicates that for a number of years, the decedent, Julius L. Goeppinger, had suffered various illnesses. In the fifties his eyesight began to fail due to retinal deterioration. During this period, he allowed his business affairs to deteriorate and did as little bookwork as possible. Apparently, it was in this period that the checks found in his effects were put away and not cashed.

As was noted at the outset, because of the policy of the Commodity Credit Corporation, payment was refused on the sight draft referred to in the bill. Ultimately, the draft itself marked "cancelled" and with the signatures cut off was returned to Mr. Walter W. Goeppinger by the manager of the McCook County ASCS office. It is this original document that has been filed with the committee. After a review of all of the facts including those outlined above, the committee has concluded that there is sufficient evidence to conclude that no payment was ever made on this Government obligation. Accordingly, it is recommended that the bill be considered favorably.

CHARLES C. SMITH

The bill (H.R. 2246) for the relief of Charles C. Smith, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–288), explaining the purposes of this measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Charles C. Smith of Cape Neddick, Maine, of liability of $446.37, representing the amount remaining due on the date of his discharge as the result of casual payments paid him in connection with a transfer to Vietnam in 1965.

STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

The Department of the Air Force in its report to the committee on a similar bill in the 91st Congress indicated that it would have no objection to a bill providing relief as is provided in H.R. 2246 with the amendment recommended by the committee.

Mr. Charles C. Smith enlisted in the Air Force July 19, 1954, and served until he was discharged at Duluth, Minn., on December 29, 1965. The payments which are referred to in the bill were made as a result of a situation which developed after June of 1965 when orders were issued transferring Sgt. Charles C. Smith from Luke Air Force Base, Ariz., to Vietnam. The report of the Air Force explains that under current regulations, an Air Force member, in a travel status in connection with a permanent change of station, may apply at any Air Force installation for a "casual payment" if he encounters financial difficulties. The casual payment is entered on his military pay record and set off against his current pay. Following his departure from Luke Air Force Base on June 28, 1965, and prior to his arrival in Vietnam on October 18, 1965, Mr. Smith applied for and received casual payments at a number of Air Force installations. Because of dependency hardship, he was returned to the United States on December 20, 1965, and discharged December 29, 1965. On the date of his discharge he was paid a lump-sum payment of $507.58 representing payment for 41 days' accrued leave.

Early in 1966, the Accounting and Finance Officer at Tan Son Nhut Air Base, Vietnam, notified the Air Force Accounting and Finance Center (AFAFC) that he had recently received notice of five casual payments made to Mr. Smith by other Air Force bases. Since it appeared that these payments had not been collected, AFAFC initiated an audit of Mr. Smith's pay account. This audit verified that the five casual payments, total $794, had not been collected prior to his discharge. It also showed that he had been erroneously paid $2.17 hostile fire pay for December 30, 1965, the day after he was discharged. However, his leave had been erroneously computed and he should have been paid for 51 days' accrued leave rather than for 41 days. The additional 10 days' leave was computed at $123.80. In addition, the audit revealed that a casual payment of $226 had erroneously been charged to and collected from Mr. Smith by the Accounting and Finance Officer in Bangkok, Thailand, where Mr. Smith's pay account was being maintained. The audit showed that Mr. Smith owed the United States a total of $796.17 which was reduced to $446.37 by applying the $349.80 found to be to his credit.

After Mr. Smith had been discharged, the audit established the amount of the indebtedness. After some delay, on August 30, 1967, an explanation of the debt was sent him in Maine. The Air Force report notes that under the authority of Public Law 89–508, it is possible to compromise a claim on the part of the United States when it appears that the person owing the money does not have the present or prospective ability to pay any significant sum on the claim or that the cost of collecting the claim is likely to exceed the amount of recovery. When it was found that Mr. Smith was employed at the Portsmouth Naval Shipyard in Kittery, Maine, the Government acted to collect the indebtedness by making deductions from his biweekly pay. When his job at the naval shipyard was terminated on October 18, 1968, the Government had collected $105 and a balance remaining owing of $341.37.

In its report, the Air Force notes that there are no administrative procedures under which Mr. Smith may be relieved of the amount of liability to repay the amount remaining due or to refund the amount repaid. The Air Force further notes that the indebtedness resulted in pay from administrative error and in part from circumstances related to the case. It further states that it regrets any error made in this case and the circumstances which led to the establishment of the indebtedness. The casual payments which form the basis of the indebtedness had not been properly recorded in Mr. Smith's pay accounts. The payments which were proper at the time were made and but for the fact that Mr. Smith was given an early discharge on the grounds of hardship, they would have been properly recorded in his pay account so that they would have been recognized at the time of his discharge.

The Air Force recognizes that when Mr. Smith requested these payments, he knew they represented pay and allowances due him. The Air Force further states that there is no evidence that at the time he received his final pay at the time of discharge he was aware that all the casual payments had not been recorded in his pay accounts. For these reasons, the Air Force stated that any question as to his good faith in the situation should be resolved in his favor.

In connection with its consideration of this bill, the committee secured additional information concerning the circumstances of Mr. Smith. The committee is advised that Mr. Smith has a wife and four children. The advance payments which are the subject of this bill were made to him in order to ease his problems in settling his family before he was sent overseas. His problems in this connection were complicated by a succession of changes in his orders and a disruption in allotments made to his family. After he was given a hardship discharge because of his family situation, he was unable to find work in Minnesota and moved to Maine. There a fifth child was born to the family and the child died a short period following birth. The wife subsequently required hospitalization for surgery and in March of 1969, the family suffered additional loss and difficulty when their home burned.

In view of the circumstances of this case and the indication by the Department of the Air Force that it would not object to the legislation, it is recommended that the bill be considered favorably.

The committee believes the bill is meritorious and recommends it favorably.

SGT. ERNIE D. BETHEA, U.S. MARINE CORPS (RETIRED)

The bill (H.R. 3753) for the relief of Sgt. Ernie D. Bethea, U.S. Marine Corps (retired), was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-289), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Sgt. Ernie D. Bethea, U.S. Marine Corps (retired), of Newark, N.J., of liability to the United States in the amount of $316.79, representing an overpayment of his active duty pay while serving in Vietnam with the Marine Corps.

STATEMENT

The facts of this case as contained in House Report No. 92-111 are as follows:

The Department of the Navy in its report to the committee on a similar bill in the 91st Congress stated that it supports the enactment of the legislation.

The records of this Department reveal that Sergeant Bethea was severely wounded in action in Vietnam on May 4, 1967. He was treated at the 3d Medical Battalion, 3d Marine Division, and evacuated to the U.S. Air Force Hospital, Clark Air Force Base, Philippines, on May 6, 1967. Sergeant Bethea was then air evacuated to the U.S. Naval Hospital, St. Albans, N.Y., on May 13, 1967, and finally transferred to the Veterans' Administration hospital, East Orange, N.J., on November 7, 1967. Sergeant Bethea's wounds resulted in the complete loss of use of his right arm, as well as other less serious impairments. As a result of his injuries, Sergeant Bethea was retired for physical disability on November 30, 1967.

Through administrative error, Sergeant Bethea continued to be paid active-duty pay and allowances for a short period after his retirement. As a consequence, he was overpaid $316.79 and became indebted to the United States in that amount. During the period from July 1 through November 30, 1967, Sergeant Bethea earned active-duty pay and allowances of $1,379.35. During this same period he received payments totaling $899, plus authorized or required pay deductions for allotments, FICA tax, withholding tax and servicemen's group life insurance premiums of $373.40, or total charges against his account of $1,272.40. Thus, as of November 30, 1967, the date of his retirement, the sum of $106.95 was due and unpaid to Sergeant Bethea. However, through administrative error, he received payments of $78, $90.74, $85, $85, and $85 on December 15 and December 30, 1967, January 15 and January 30, 1968, and February 15, 1968, respectively—a total of $423.74. The erroneous payment of $423.74 was in addition to retired pay which Sergeant Bethea was paid commencing on December 1, 1967, at the monthly rate of $118.92. This erroneous payment, offset by the $106.95 which was due and unpaid at the time of separation, gives rise to Sergeant Bethea's debt of $316.79.

In its report to the committee, the Department of the Navy outlined its policy concerning bills intended to relieve individuals of liability for overpayments. It stated that the Navy opposes legislation designed to relieve an individual of liability unless the indebtedness was occasioned through no fault of the service member and unless the overpayment was such that it was not detectable and could not reasonably have been expected to be detectable. The Navy investigation found no indication that the overpayment was the result of any fault or negligence on the part of Sergeant Bethea. The Navy further observed that the short duration of the overpayment makes it understandable that the overpayment could not be immediately detected. It, therefore, concluded that, under the circumstances, it is considered reasonable that Sergeant Bethea would accept the payments without questioning them.

The Navy notes that civilian employees under section 5584 of title 5 of the United States Code may be relieved for overpayments of pay where it is determined that the collections of the claim would be against equity and good conscience and not in the best interest of the United States. The Navy noted that the overpayment in Sergeant Bethea's case appears to be an analogous situation involving the overpayment of military pay.

In view of the facts of the case and the favorable position of the Department of the Navy, it is recommended that the bill be considered favorably.

In agreement with the views of the House of Representatives the committee recommends favorable consideration.

TRIBUTES TO THE LATE SENATOR RICHARD B. RUSSELL

The resolution (S. Res. 149) to print additional copies of tributes to the late Senator Richard B. Russell of Georgia, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. RES. 149

Resolved, That there be printed concurrently with the usual press run six hundred additional copies of Tributes to the late Senator Richard B. Russell of Georgia, for the use of the Senate Committee on Rules and Administration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-290), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

600 additional copies at $1,990 per thousand	$1, 194

ORGANIZED CRIME

The resolution (S. Res. 152) authorizing the printing for the use of the Committee on Government Operations of additional copies of part 1 of its hearings entitled "Organized Crime," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. RES 152

Resolved, That there be printed for the use of the Committee on Government Operations one thousand six hundred additional copies of part 1 of the hearings before its Permanent Subcommittee on Investigations durng the Ninety-second Congress, first session, entitled "Organized Crime".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-291), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 152 would authorize the printing for the use of the Committee on Government Operations of 1,600 additional copies of part 1 of the hearings before its Permanent Subcommittee on Investigations during the 92d Congress, first session, entitled "Organized Crime".

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

1,600 additional copies at $721.87 per thousand	$1, 155

AUTHORIZATION FOR SPECIAL SUPPLEMENTARY EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

The Senate proceeded to consider the resolution (S. Res. 140) authorizing special supplementary expenditures by the Committee on Foreign Relations for an inquiry and investigation pertaining to the making of policy relating to U.S. involvement in Southeast Asia, which had been reported from the Committee on Rules and Administration, with amendments. The amendments of the Committee on Foreign Relations are as follows:

On page 2, line 4, after the word "through", strike out "June 30, 1973" and insert "February 29, 1972"; in line 14, after the word "through", strike out "June 30, 1972" and insert "February 29, 1972"; and at the beginning of line 19, insert "including, but not limited to—

"(a) the machinery for the making and conduct of foreign policy relating to national security;

"(b) institutional arrangements within Congress for handling foreign policy matters involving national security;

"(c) congressional access to executive branch personnel and documents and the doctrine 'executive privilege';

"(d) procedures for classifications and declassification of documents; and

"(e) arrangements for appropriate congressional participation in and oversight of executive branch agreements with and commitments to foreign countries."

The amendments of the Committee on Rules and Administration are as follows:

On page 2, line 15, after the word "of", strike out "$250,000" and insert "$100,000"; on page 3, at the beginning of line 8, strike out, "Of such $250,000, not to exceed $100,000 may be expended for the procurement of individual consultants or organizations thereof."; in line 10, after the word "the", insert "first"; in line 17, after the word "resolution", insert "Of such $100,000, not to exceed $50,000 (which shall be in addition to the second amount specified in such section 2) may be expended for the procurement of individual consultants and organizations thereof."; and, on page 4, line 1, after the word "than", strike out "June 30, 1973" and insert "February 29, 1972".

So as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Foreign Relations, or any subcommittee thereof, is authorized from the date this resolution is agreed to, through February 29, 1972, for the purpose stated in section 2 and within the limitations hereinafter imposed in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Foreign Relations, or any subcommittee thereof, is authorized from the date this resolution is agreed to through February 29, 1972, to expend not to exceed the sum of $100,000 to examine, investigate, and make a complete study of any and all matters pertaining to the making of policy relating to United States involvement in Southeast Asia, including; but not limited to—

(a) the machinery for the making and conduct of foreign policy relating to national security;

(b) institutional arrangements within Congress for handling foreign policy matters involving national security;

(c) congressional access to executive branch personnel and documents and the doctrine of "executive privilege";

(d) procedures for classification and declassification of documents; and

(e) arrangements for appropriate congressional participation in and oversight of executive branch agreements with and commitments to foreign countries.

Such sum is in addition to the first amount specified in section 2 of Senate Resolution 26, Ninety-second Congress, agreed to March 1, 1971, and was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures required by, the study to be undertaken pursuant to this resolution. Of such $100,000, not to exceed $50,000 (which shall be in addition to the second amount specified in such section 2) may be expended for the procurement of individual consultants and organizations thereof.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-292), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 140 as referred would authorize the Committee on Foreign Relations, or any subcommittee thereof, from the date of its approval through February 29, 1972, to expend not to exceed $250,000 (of which amount not to exceed $100,000 could be expended by the committee for the procurement of individual consultants or organizations thereof) to examine, investigate, and make a complete study of any and all matters pertaining to the making of policy relating to United States involvement in Southeast Asia, including, but not limited to—

(a) the machinery for the making and conduct of foreign policy relating to national security;

(b) institutional arrangements within Congress for handling foreign matters involving national security;

(c) congressional access to executive branch personnel and documents and the doctrine of "executive privilege";

(d) procedures for classification and declasification of documents; and

(e) arrangements for appropriate congressional participation in and oversight of executive branch agreements with and commitments to foreign countries.

These funds would be in addition to the $325,000 authorized for use by that committee by section 2 of Senate Resolution 26, agreed to March 1, 1971.

After consultation with the Committee on Foreign Relations, the Committee on Rules and Administration has amended Senate Resolution 140 by reducing the requested amount from $250,000 to $100,000. (The portion of that amount which could be expended by the committee for the procurement of consultants has been reduced to $50,000).

Additional amendments to Senate Resolution 140 approved by the Committee on Rules and Administration are as follows:

(1) On page 3, beginning with "Of" in line 4, strike out through the period in line 6.

(2) On page 3, line 6, immediately before "amount" insert "first".

(3) On page 3, line 13, after the period, insert the following: "Of such $250,000, not to exceed $100,000 (which shall be in addition to the second amount specified in such section 2) may be expended for the procurement of individual consultants and organizations thereof."

(4) On page 3, lines 18 and 19, strike out "June 30, 1973" and insert in lieu thereof "February 29, 1972".

The first three are technical or perfecting amendments, necessary to put the proposal in due form. Amendment (4) would provide that, consistent with Rules Committee policy, the reporting date would not extend beyond the terminal date of the authorization itself.

Pursuant to the requirement stipulated in section 133(g) of the Legislative Reorganization Act of 1946, Senate Resolution 140 contains the following statement of the reason why authorization for the expenditures described therein could not have been sought at the time of the submission by such committee of an annual authorization resolution for this year:

"Such sum * * * was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures required by, the study to be undertaken pursuant to this resolution."

AUTHORIZATION OF APPROPRIATIONS FOR THE COMMISSION

The bill (H.R. 7271) to authorize appropriations for the Commission on Civil Rights was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-293), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE AND COSTS

The purpose of H.R. 7271 is to increase the annual authorization for the Commission on Civil Rights from $3,400,000 to $4 million.

The committee estimates that the increased authorization provided by H.R. 7271 would entail an additional cost of not more than $600,000 for fiscal 1972. Under existing law, the term of the Commission on Civil Rights expires January 31, 1973 (sec. 1975c(b), title 42, United States Code). Unless the term of the Commission is extended, it is expected that fiscal 1973 appropriations will be a proration of this amount. The accompanying table sets forth an itemized explanation of the proposed $600,000 increase in the Commission's annual authorization for appropriations:

U.S. COMMISSION ON CIVIL RIGHTS—INCREASE IN FISCAL YEAR 1972 BUDGET REQUEST, BY OBJECT CLASSIFICATION

[In thousands of dollars]

	Fiscal year 1971 estimate	Fiscal year 1972 estimate	Increase
Personnel compensation:			
Permanent positions [1]	2,094	2,381	287
Positions other than permanent [2]	136	149	13
Other personnel compensation [3]	32	32	
Special personal service payments [4]	2	2	
Total personnel compensation	2,264	2,564	300

Footnotes at end of article.

U.S. COMMISSION ON CIVIL RIGHTS—INCREASE IN FISCAL YEAR 1972 BUDGET REQUEST, BY OBJECT CLASSIFICATION—Continued

[In thousands of dollars]

	Fiscal year 1971 estimate	Fiscal year 1972 estimate	Increase
Personnel benefits [5]	164	191	27
Travel and transportation of persons	238	280	42
Transportation of things [6]	9	9	
Rent,[7] communications,[8] and utilities	202	232	30
Printing and reproduction [9]	146	167	21
Other services [10]	236	270	34
Supplies and materials [11]	49	54	5
Equipment [12]	15	33	18
Total obligations	3,323	[13] 3,800	477

[1] This represents an estimated increase in permanent positions from 160 to 185.

[2] Temporary and part-time employees. Commission consultants and experts, and Commissioners.

[3] Primarily employee overtime.

[4] Reimbursable details, such as the payment to a person detailed temporarily from another agency.

[5] Retirement, social security, and health benefits.

[6] Includes transportation of materials to and from hearing sites and the movement of household goods when an employee of the Commission transfers to a field office.

[7] Rent applies only to the rent of the Commission's field offices; the rent for the Commission's Washington office is paid by GSA.

[8] Total communications cost was $125,131 for fiscal 1971; mandatory increase of FTS cost for fiscal year 1972 is estimated at $20,000.

[9] Costs of printing reports of Commission and State advisory committees.

[10] This item includes program contracts and contractual services. The GSA service contract for payroll, financial, reporting, security investigations, messenger and other office services, cost the Commission $39,000 in fiscal 1971.

[11] This item includes library purchases and periodical subscriptions.

[12] Item includes office machines and furniture.

[13] The $200,000 difference between the $3,800,000 appropriation request and the $4,000,000 authorization request would be used as authority for the Commission to be included in any Government-wide supplemental appropriation requests made necessary by mandatory Federal salary increases.

Note: Table submitted by U.S. Commission on Civil Rights.

NEW FARM PEANUT ALLOTMENTS

The bill (H.R. 6217) to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938 was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–294), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

Under existing law, up to 1 percent of the national peanut acreage allotment may be reserved for apportionment to new peanut farms. This results in some shifting of allotment as between States. Under the bill a separate reserve for each State would be authorized to be taken out of that State's allotment in lieu of the national reserve now authorized to be taken from the national allotment. The purpose of this legislation is to prevent the shifting of allotment as between States.

The following two tables submitted by the Department of Agriculture show the small acreage which has been involved in recent years (1,610 acres nationally) and the States affected:

TABLE 1.—PEANUT ALLOTMENT ACREAGE ALLOCATED TO NEW FARMS FROM NATIONAL RESERVES BY YEARS 1967–71

State and area	1967		1968		1969		1970		1971	
	Withheld from national reserve	Allocated new farms	Withheld from national reserve	Allocated new farms	Withheld from national reserve	Allocated new farms	Withheld from national reserve	Allocated new farms	Withheld from national reserve	Allocated new farms
Virginia-Carolina area:										
North Carolina	168.6	20.0	168.5	18.0	168.3	13.0	168.1	7.0	168.0	24.0
Tennessee	3.6	19.3	3.6	0	3.6	0	3.6	0	3.6	0
Virginia	105.3	0	105.2	3.0	105.1	3.0	105.0	10.0	104.9	60.0
Total	277.5	39.3	277.3	21.0	277.0	16.0	276.7	17.0	276.5	84.0
Southeast area:										
Alabama	217.7	23.5	217.6	5.0	217.4	0	217.1	28.9	217.0	5.0
Florida	55.3	93.2	55.4	91.0	55.4	126.3	55.5	65.3	55.5	64.5
Georgia	528.6	807.0	528.9	876.1	529.2	742.7	529.4	833.1	529.7	662.5
Mississippi	7.6	0	7.5	0	7.5	0	7.5	0	7.5	0
South Carolina	13.9	2.0	13.9	28.4	13.9	41.2	13.9	0	13.9	4.0
Total	823.0	925.7	823.1	1,000.5	823.4	910.2	823.4	927.3	823.6	736.0
Southwest area:										
Arkansas	4.2	0	4.2	7.2	4.2	0	4.2	0	4.2	0
Louisiana	2.0	0	2.0	0	1.9	0	1.9	0	1.9	0
New Mexico	5.6	57.0	5.6	46.0	5.7	91.5	5.7	26.2	5.8	28.1
Oklahoma	138.6	145.8	138.5	41.0	138.5	118.4	138.4	137.0	138.4	73.7
Texas	357.3	384.8	357.3	443.8	357.4	473.9	357.5	502.5	357.7	688.2
Total	507.7	587.6	507.6	538.0	507.7	683.8	507.7	665.7	508.0	790.0
Other States:										
Arizona	.7	0	.7	50.5	.8	0	.8	0	.8	0
California	.9	57.4	.9	0	.9	0	.9	0	.9	0
Missouri	.2	0	.2	0	.2	0	.2	0	.2	0
Total	1.8	57.4	1.8	50.5	1.9	0	1.9	0	1.9	0
Total	1,610.0	1,610.0	1,610.0	1,610.0	1,610.0	1,610.0	1,610.0	1,610.0	1,610.0	1,610.0

TABLE 2.—COMPARISON OF 1967 AND 1971 NATIONAL PEANUT ACREAGE ALLOTMENTS BY STATES AND AREAS AND NET CHANGE DURING THE 5-YEAR PERIOD

[Acres]

State and area	1967 [1]	1971 [1]	Net change
Virginia-North Carolina area:			
North Carolina	168,441	167,838	−603
Tennessee	3,621	3,606	−15
Virginia	105,199	104,883	−316
Total	277,261	276,327	−934
Southeast area:			
Alabama	217,526	216,747	−779
Florida	55,386	55,490	+104
Georgia	528,835	529,856	+1,021
Mississippi	7,520	7,492	−28
South Carolina	13,871	13,891	+20
Total	823,138	823,476	+338
Southwest area:			
Arkansas	4,198	4,184	−14
Louisiana	1,953	1,945	−8
New Mexico	5,623	5,787	+164
Oklahoma	138,575	138,346	−229
Texas	357,300	357,998	+698
Total	507,649	508,260	+611
Other States:			
Arizona	714	761	+47
California	991	930	−61
Missouri	247	247	
Total	1,952	1,938	−14
U.S. total	1,610,000	1,610,000	

[1] Total apportionment to both old and new farms rounded to whole acres. Excludes any acreage increase for type in short supply.

COST ESTIMATE

The committee estimates that enactment of the bill would not result in any additional cost during the current or 5 subsequent fiscal years. This corresponds to the cost estimate included in the report of the Department of Agriculture.

PAID ADVERTISING UNDER MARKETING ORDERS FOR CALIFORNIA PEACHES

The Senate proceeded to consider the bill (H.R. 4263) to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order which had been reported from the Committee on Agriculture and Forestry with an amendment in line 3, after the word "That", strike out "the proviso at the end of".

The amendment was agreed to.

The amendment was order to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-295), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

This bill would add California-grown peaches to the list of commodities for which paid advertising provisions may be included in marketing orders under the Agricultural Adjustment Act. Paid advertising under such orders may now be provided for almonds, cherries, papayas, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, avocados, apples, and tomatoes.

COMMITTEE AMENDMENT

The bill, as referred to the committee, would amend "the proviso at the end" of section 8c(6)(I) of the Agricultural Adjustment Act. There are two provisos in this section and the proviso intended to be amended is the proviso preceding the proviso at the end of the section. While it is perfectly clear what is intended to be amended, the bill would be technically more correct if the words "the proviso at the end of" in lines 3 were stricken out, and the committee therefore recommends that these words be stricken.

COST ESTIMATE

The committee estimates that the cost of amending an order to include provision for paid advertising, if separate from other amendments, would result in an additional Federal expenditure of $7,500. This would occur in probably only 1 of the 6 fiscal years beginning with the year in which the bill is enacted. This estimate agrees with that contained in the attached letter from the Department of Agriculture.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

PROPOSED COMPENSATION FOR VICTIMS OF CRIME

Mr. MANSFIELD. Mr. President, on February 11, 1971, I introduced S. 750, a bill designed to establish within the Federal criminal jurisdiction a compensation system for victims of violent crime.

Since that time, I have received a number of comments on this proposal from across the land. One such comment—one which has been brought to my attention most often, perhaps—has appeared in the syndicated column by Mr. Jenkin Lloyd Jones. It is entitled "Thought for Victims." I agree with much of what is stated in this commentary. I agree most of all with the thought that more consideration ought to be given the criminal victim. It is he, and he alone, that I seek to provide for with my bill.

The innocent victims of rape and robbery, of mugging and murder; these are the citizens who deserve consideration. Whether it be an unsuspecting secretary as she sits in her office here on Capitol Hill or a policeman responding to a bank robbery out in Oakland, Calif., my bill would make certain that those who are made to suffer because of violent crime are reimbursed for society's failure to protect them.

In this connection, it should be said that some weeks ago the President of the United States embraced the crime compensation concept when he recommended that the survivors of policemen murdered while on duty be given some consideration by society. My proposal simply expands this concept as set forth by the President.

As it functions today our criminal justice system is simply inadequate and incomplete. It includes only two parties—the "people" and the accused criminal. Always it has been the State, or the United States, versus the criminal defendant. There is no mention of the criminal victim. Yes, society and the State are damaged by crime—the law is violated. But in a much more direct and personal way, the victim is injured or killed by crime and, often, he sustains great economic loss. On the Federal level, my proposal seeks only to remedy this inequity. It does not offer a complete overhaul of criminal justice. It recognizes only that society, in undertaking the job of protecting its citizens from crime, has then, an equal responsibility to its citizens, should it fail in that undertaking.

It should be said that in this concept there is room for tying the criminal directly to his victim as is suggested by Jenkin Lloyd Jones and others. Indeed, my proposal, as presently constituted, provides that any compensation award granted a victim be recovered over by the United States against the criminal himself. The criminal is thus primarily liable and if financially able, he will be made to pay the bill for the damage caused by his crime.

There is room, therefore, in my proposal for the restitution principle argued so persuasively by Editor Jones. After all, where possible, restitution is at times required as part of one's punishment for certain crimes today. It is perfectly compatible with my proposal. But my measure would go even a step further.

Why, it asks, should those who suffer from crime be dependent solely upon the criminal? Was it not society's failure to protect the victim in the first place that occasioned his injury, suffering, and damage? And what about the criminal who is unable to make restitution to his victim because of his physical or mental impairment? Should we grant preferred treatment to citizens who happen to be victimized only by the healthy criminal who is apprehended, convicted, and found able to make restitution or to work in behalf of his victim? Certainly not.

And just as certainly in my judgment should society not deny to victims of crime what it affords now to victims of other social circumstances—such as old age—for which there is now and should be compensation—such as blindness—for which there is now and should be compensation—and other meritorious beneficiaries who are provided for under a host of local, State, and Federal compensation and assistance programs.

Mr. President, I urge the expeditious consideration of S. 750. Before too long, I hope to see a compensation program for victims of violent crime written firmly into the Federal law books. In that way, and in that way only, will the criminal victim be given the consideration he is long past due. I ask unanimous consent that in addition to the article by Jenkin Lloyd Jones, a copy of S. 750 be printed in the RECORD.

There being no objection, the article and the text of the bill (S. 750) were ordered to be printed in the RECORD, as follows:

THOUGHT FOR VICTIMS

(By Jenkin Lloyd Jones)

Senator Mike Mansfield and Rep. William Green of Pennsylvania have introduced bills in Congress that would appropriate federal money for the relief of the victims of criminals.

The proposed legislation would not only provide funds to victims of crimes under federal jurisdiction, but it would supplement payments which the legislatures of six states have now authorized for the victims of state law infractions.

Crime compensation at taxpayer expense is getting popular. Britain, New Zealand, Sweden and seven Canadian provinces, have now enacted such laws.

There is, indeed, little logic in freely spending public money to enable the criminal to perfect his defense, while leaving the bleeding victim to borrow money to overcome his lost earnings and the cost of doctors and hospitals.

But the idea can be improved. It can be improved by going back to the first principle of ancient law—the principle that it is the perpetrator of the crime who has the primary obligation to the victim.

In ancient days the idea of paying damages was not limited to civil law. Hammurabi and Draco understood that a criminal was not merely the enemy of the people as a whole, but was a particular debtor to his victim. Draco provided for fines in oxen, not be paid to the state, but to the aggrieved party.

A couple of weeks ago Dr. John Kielbauch, prison psychologist, resigned from the Oklahoma Department of Corrections to take a position in the federal penal system. And in departing, he made a few radical suggestions.

It is time, he said, that the man who robs or injures makes direct restitution. To this end, he proposed that the courts determine proper compensation and that the state set up elaborate training programs and prison industries which would enable the prisoner to earn real money in behalf of those he had wronged.

Doctor Kielbauch suggests indeterminate sentences, the duration of which would largely depend on the efforts the prisoner would make toward full restitution. He adds that if a prisoner is released or paroled before this restitution is completed, a portion of his outside wages could be deducted.

The trouble with most prison job-training programs, according to Doctor Kielbauch, is that many prisoners associate the training with their punishment. This gives them a negative attitude toward useful work. They develop skills reluctantly and slowly and often turn their backs on them when they hit the streets.

If, on the other hand, hard work and the acquisition of marketable trades became their keys to freedom this might put shop training in a different light.

If a court can decide that the man who suffers a broken arm has $1,000 coming to him from the noncriminal who hit him with his car, why shouldn't the criminal who breaks an arm in a brutal assault also owe the victim $1,000?

And there have been too many cases where robbers who have made big scores have sat out their prison years in the smug confidence that the caches will be waiting for them when they emerge. If full restitution is insisted upon the profit vanishes.

Since a law was passed in Michigan making parents financially liable for the depredations of their minor children the incidence of juvenile vandalism in Detroit has turned down remarkably. Parents who were quite casual about scolding in juvenile court began to take a lively interest in the behavior of their young as soon as they received bills from the school board for wrecked classrooms.

Money may be the root of all evil, but the possibilities of using money as a means of discouraging evil have been underexplored in America. The trouble with the bills proposed by Sen. Mansfield and Rep. Green is that they would load upon the blameless taxpayer the indemnity for the victims of crime.

What's wrong with charging the criminal? "Paying one's debt to society" would then take on a new and more practical meaning. And it's about time.

S. 750

A bill to provide for compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE AND DEFINITIONS

SECTION 1. This Act may be cited as the "Criminal Injuries Compensation Act of 1971".

DEFINITIONS

SEC. 102. As used in this Act the term—

(1) "child" means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and a child conceived prior to but born after the death of the victim;

(2) "Commission" means the Violent Crimes Compensation Commission established by this Act;

(3) "dependent" means those who were wholly or partially dependent upon the income of the victim at the time of the death of the victim or those for whom the victim was legally responsible;

(4) "personal injury" means actual bodily harm and includes pregnancy, mental distress, nervous shock, and loss of reputation;

(5) "relative" means the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, spouse's parents;

(6) "victim" means a person who is injured, killed, or dies as the result of injuries caused by any act or omission of any other person which is within the description of any of the offenses specified in section 302 of this Act;

(7) "guardian" means one who is entitled by common law or legal appointment to care for and manage the person or property or both of a child or incompetent; and

(8) "incompetent" means a person who is incapable of managing his own affairs, whether adjudicated or not.

TITLE II—ESTABLISHMENT OF VIOLENT CRIMES COMPENSATION COMMISSION

SEC. 201. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the Violent Crimes Compensation Commission. The Commission shall be composed of three members to be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman, who shall have been a member of the bar of a Federal court or of the highest court of a State for at least eight years.

(b) There shall be appointed by the President, by and with the advice and consent of the Senate, an Executive Secretary and a General Counsel to perform such duties as the Commission shall prescribe in accordance with the objectives of this Act.

(c) No member of the Commission shall engage in any other business, vocation, or employment.

(d) Except as provided in section 206(1) of this Act, the Chairman and one other member of the Commission shall constitute a quorum. Where opinion is divided and only one other member is present, the opinion of the Chairman shall prevail.

(e) The Commission shall have an official seal.

FUNCTIONS OF THE COMMISSION

SEC. 202. In order to carry out the purposes of this Act, the Commission shall—

(1) receive and process applications under the provisions of this Act for compensation for personal injury resulting from violent acts in accordance with title III of this Act;

(2) pay compensation to victims and other beneficiaries in accordance with the provisions of this Act;

(3) hold such hearings, sit and act at such times and places, and take such testimony as the Commission or any member thereof may deem advisable;

(4) promulgate standards and such other criteria as required by section 504 of this Act; and

(5) make grants in accordance with the provisions of title V of this Act.

ADMINISTRATIVE PROVISIONS

SEC. 203. (a) The Commission is authorized in carrying out its functions under this Act to—

(1) appoint and fix the compensation of such personnel as the Commission deems necessary in accordance with the provisions of title 5, United States Code;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals;

(3) promulgate such rules and regulations as may be required to carry out the provisions of this Act;

(4) appoint such advisory committees as the Director may determine to be desirable to carry out the provisions of this Act;

(5) designate representatives to serve or assist on such advisory committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the purposes of this Act;

(6) use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

(7) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and

(9) arrange with the heads of other Federal agencies for the performance of any of his functions under this title with or without reimbursement and, with the approval of the President delegate and authorize the redelegation of any of his powers under this Act.

(b) Upon request made by the Administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates and statistics) available to the greatest practicable extent to the Administration in the performance of its functions.

(c) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section shall receive $——— a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

TERMS AND COMPENSATION OF COMMISSION MEMBERS

SEC. 204. (a) Section 5314, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(55) Chairman, Violent Crimes Commission".

(b) Section 5315, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Members, Violent Crimes Commission".

(c) Section 5316, title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(130) Executive Secretary, Violent Crimes Commission

"(131) General Counsel, Violent Crimes Commission".

(d) The term of office of each member of the Commission taking office after December 31, 1971, shall be eight years, except that (1) the terms of office of the members first taking office after December 31, 1971, shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after December 31, 1971; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(e) Each member of the Commission shall be eligible for reappointment.

(f) A vacancy in the Commission shall not affect its powers.

(g) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(h) All expenses of the Commission, including all necessary traveling and subsistence expenses of the Commission outside the District of Columbia incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Executive Secretary, or his designee.

PRINCIPAL OFFICE

SEC. 205. (a) The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place.

(b) The Commission shall maintain an office for the service of process and papers within the District of Columbia.

PROCEDURES OF THE COMMISSION

SEC. 206. The Commission may—

(1) subpena and require production of documents in the manner of the Securities and Exchange Commission as required by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by the Chairman. Subpenas shall be served by any person designated by the Chairman;

(2) administer oaths, or affirmations to witnesses appearing before the Commission, receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this Act, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action, and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

TITLE III—AWARD AND PAYMENT OF COMPENSATION

AWARDING COMPENSATION

SEC. 301. (a) In any case in which a person is injured or killed by any act or omission of any other person which is within the description of the offenses listed in section 302 of this Act, the Commission may, in its discretion, upon an application, order the payment of, and pay, compensation in accordance with the provisions of this Act, if such act or omission occurs—

(1) within the "special maritime and territorial jurisdiction of the United States" as defined in section 7 of title 18 of the United States Code; or

(2) within the District of Columbia.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person; or

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person;

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents;

(4) in the case of a payment for the benefit of a child or incompetent the payee shall file an accounting with the Commission no later than January 31 of each year for the previous calendar year;

(5) in the case of the death of the victim, to any one or more persons who suffered pecuniary loss with relation to funeral expenses.

(c) For the purpose of this Act, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by substantial evidence, finds that—

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. Upon application from the Attorney General or the person or persons alleged to have caused the injury or death, the Commission shall suspend proceedings under this Act until such application is withdrawn or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent. The Commission may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

OFFENSES TO WHICH THIS ACT APPLIES

SEC. 302. The Commission may order the payment of, and pay, compensation in accordance with the provisions of this Act for personal injury or death which resulted from offenses in the following categories:

(1) assault with intent to kill, rob, rape;
(2) assault with intent to commit mayhem;
(3) assault with a dangerous weapon;
(4) assault;
(5) mayhem;
(6) malicious disfiguring;
(7) threats to do bodily harm;
(8) lewd, indecent, or obscene acts;
(9) indecent act with children;
(10) arson;
(11) kidnaping;
(12) robbery;
(13) murder;
(14) manslaughter, voluntary;
(15) attempted murder;
(16) rape;
(17) attempted rape;
(18) or other crimes involving force to the person.

APPLICATION FOR COMPENSATION

SEC. 303. (a) In any case in which the person entitled to make an application is a child, or incompetent, the application may be made on his behalf by any person acting his parent or attorney.

(b) Where any application is made to the Commission under this Act, the applicant, or his attorney, and any attorney of the Commission, shall be entitled to appear and be heard.

(c) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(d) Every person appearing under the preceding subsections of this section shall have the right to produce evidence and to cross-examine witnesses.

(e) If any person has been convicted of any offense with respect to an act or omission on which a claim under this Act is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has been ordered, be taken as conclusive evidence that the offense has been committed.

ATTORNEY'S FEES

SEC. 304. (a) The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this Act, file with the agency a statement of the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under subsection (a) of this section, the Commission may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission may, within ninety days after the receipt of the information required by subsection (a) of this section, petition the United States district court in the distict in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who willfully charges, demands, receives, or collects for services rendered in connection with any proceedings under this Act any amount in excess of that allowed under this section, if any compensation is paid, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

NATURE OF THE COMPENSATION

SEC. 305. The Commission may order the payment of compensation under this Act for—

(1) expenses actually and reasonable incurred as a result of the personal injury or death of the victim;

(2) loss of earning power as a result of total or partial incapacity of such victim;

(3) pecuniary loss to the dependents of the deceased victim;

(4) pain and suffering of the victim; and

(5) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

FINALITY OF DECISION

SEC. 306. The orders and decisions of the Commission shall be reviewable in the appropriate court of appeals, except that no trial de novo of the facts determined by the Commission shall be allowed.

LIMITATIONS UPON AWARDING COMPENSATION

SEC. 307. (a) No order for the payment of compensation shall be made under section 501 of this Act unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this Act to or on behalf of any victim in an amount in excess of $25,000.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death living with the offender as his spouse or in situations when the Commission at its discretion feels unjust enrichment to or on behalf of the offender would result.

TERMS AND PAYMENT OF THE BORDER

SEC. 308. (a) Except as otherwise provided in this section, any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 301 of this Act any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this Act), a State or any of its subdivisions, for personal injury or death compensable under this Act, but only to the extent that the sum of such payments and any award under this Act are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission shall pay to the person named in the order the amount named therein in accordance with the provisions of such order.

TITLE IV—RECOVERY OF COMPENSATION

RECOVERY FROM OFFENDER

SEC. 401. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this Act for a personal injury or death resulting from the act or omission constituting such offense, the Attorney General may within — years institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) The Commission shall provide to the Attorney General such information, data, and reports as the Attorney General may require to institute actions in accordance with this section.

EFFECT ON CIVIL ACTION

SEC. 402. An order for the payment of compensation under this Act shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

TITLE V—VIOLENT CRIMES COMPENSATION GRANTS

GRANTS AUTHORIZED

SEC. 501. Under the supervision and direction of the Commission the Executive Secretary is authorized to make grants to States to pay the Federal share of the costs of State programs to compensate victims of violent crimes.

ELIGIBILITY FOR ASSISTANCE

SEC. 502. (a) A State is eligible for assistance under this title only if the Executive Secretary, after consultation with the Attorney General determines, pursuant to objective criteria established by the Commission under section 504 that such State has enacted legislation of general applicability within such State—

(1) establishing a State agency having the capacity to hear and determine claims brought by or on behalf of victims of violent crimes and order the payment of such claims;

(2) providing for the payment of compensation for personal injuries or death resulting from offenses in categories established pursuant to section 504;

(3) providing for the payment of compensation for—

(A) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(B) loss of earning power as a result of total or partial incapacity of such victim;

(C) pecuniary loss to the dependents of the deceased victims;

(D) pain and suffering of the victim; and

(E) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable, and which is based on a schedule substantially similar to that provided in title III of this Act.

(4) containing adequate provisions for the recovery of compensation substantially similar to those contained in title IV of this Act.

STATE PLANS

SEC. 503. (a) Any State desiring to receive a grant under this title shall submit to the Commission a State plan. Each such plan shall—

(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of a State agency:

(2) set forth a program for the compensation of victims of violent crimes which is consistent with the requirements set forth in section 502;

(3) provide assurances that the State will pay from non-Federal sources the remaining cost of such program;

(4) provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title; and

(5) provide that the State will submit to the Executive Secretary—

(A) periodic reports evaluating the effectiveness of payments received under this title in carrying out the objectives of this Act, and

(B) such other reports as may be reasonably necessary to enable the Executive Secretary to perform his functions under this title, including such reports as he may require to determine the amounts which local public agencies of that State are eligible to receive for any fiscal year, and assurances that such State will keep such records and afford such access thereto as the Executive Secretary may find necessary to assure the correctness and verification of such reports.

(b) The Executive Secretary shall approve a plan which meets the requirements specified in subsection (a) of this section and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

BASIC CRITERIA

SEC. 504. As soon as practicable after the enactment of this Act, the Commission shall by regulations prescribe criteria to be applied under section 502. In addition to other matters, such criteria shall include standards for—

(1) the categories of offenses for which payment may be made;

(2) such other terms and conditions for the payment of such compensation as the Commission deems appropriate.

PAYMENTS

SEC. 505. (a) The Executive Secretary shall pay in any fiscal year to each State which has a plan approved pursuant to this title for that fiscal year the Federal share of the cost of such plan as determined by him.

(b) The Federal share of programs covered by the State plan shall be 75 per centum for any fiscal year.

(c) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(d) Grants made under this section pursuant to a State plan for programs and projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated under section 603.

WITHHOLDING OF GRANTS

SEC. 506. Whenever the Executive Secretary, after reasonable notice and opportunity for a hearing to any State, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 503; or

(2) that in the operation of any program assisted under this Act there is a failure to comply substantially with any applicable provision of this Act;

the Executive Secretary shall notify such State of his findings and that no further payments may be made to such State under this Act until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected.

REVIEW AND AUDIT

SEC. 507. The Executive Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

DEFINITION

SEC. 508. For the purpose of this title the term "State" means each of the several States.

TITLE VI—MISCELLANEOUS

REPORTS TO THE CONGRESS

SEC. 601. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded, and the number and amount of grants to States under title V.

PENALTIES

SEC. 602. The provisions of section 1001 of title 18 of the United States Code shall apply to any application, statement, document, or information presented to the Commission under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. (a) There are authorized to be appropriated for the purpose of making grants under title V of this Act $——— for the fiscal year ending June 30, 1972; $——— for the fiscal year ending June 30, 1973; and $——— for the fiscal year ending June 30, 1974.

(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the other provisions of this Act.

EFFECTIVE DATE

SEC. 604. This Act shall take effect on January 1, 1971.

QUORUM CALL

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Does the distinguished Senator from Texas desire recognition under the standing order?

Mr. TOWER. I do not.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time in accordance with the previous order, there will be a period for the transaction of routine morning business not to extend beyond 30 minutes, with statements therein limited to 3 minutes.

The Senator from California is recognized.

AIRCRAFT NOISE POLLUTION—A SOLUTION

Mr. CRANSTON. Mr. President, I have introduced a bill (S. 1566) on which the first hearings have been held. The bill is designed to deal with the pollution of noise from aircraft. This measure would authorize an increase of 1 percent in air fares to provide funds to fit present generations of airplanes that are flying now in a way that will drastically cut down the terrible noise that afflicts so many people, millions upon millions of people, living near airports in our country.

The fairness of this approach is that the payments produced from this plan would pay for silencing the planes by a slight increase in the plane fares. At the present time, cities have to go to colossal bills to buy homes and businesses and move people around and move people away from this noise. The taxpayers are presently carrying a charge which is totally unfair.

The city of Los Angeles, for example, is now committed to paying $200 million, including costs to buy 2,000 homes because the inhabitants have been driven away by the noise from planes, for example, at Los Angeles Airport.

I ask unanimous consent that an editorial published in the New York Times of this morning entitled "Needless Affliction," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEEDLESS AFFLICTION

The city of Los Angeles is committing itself to pay $200 million, including interest charges, to buy up some 2,000 houses whose inhabitants have been driven desperate by jet planes using the nearby municipal airport. The victims are to be congratulated on their release from a tortured existence, but what is to be said for the reasoning processes of a society that can waste money at that rate which might more readily have been used to soften the noise of jet planes to the point of making them endurable?

Expert witnesses before the Senate Subcommittee on Aviation testified earlier in the month that this is exactly what can be done. They supported a measure introduced by Senator Alan Cranston of California calling for the "retro-fitting" of 1,700 airliners now in use—an acoustical treatment of engine nacelles that would reduce the noise of landing aircraft by half and the noise-affected area under approach paths by some 85 per cent. The new DC–10 and L–1011 are similarly equipped, so there is no question of technology and, in fact, little reason to take the four years allowable under the Cranston bill.

Nevertheless, the measure is in trouble—and for two reasons: the airlines consider the cost exorbitant, especially for planes that will be unusable in five to ten years; and adequate support has not been forthcoming from citizens' groups, local officials, or legislators of the major airport areas of the country.

The attitude of the airlines, some on the brink of bankruptcy, is easy to appreciate. But it is hardly warranted, since the bill does not ask them to pay for the improvement. That would come from federally guaranteed loans, supported by an authorized increase in passenger fares of 1½ per cent. It is extremely unlikely that a passenger would be turned away by a 75-cent impost on a $50 ticket. Nor is there the slightest injustice in his being asked to pay that modest price for reducing the environmental damage which is incurred to serve his convenience.

The National Academy of Sciences has estimated that 700,000 people live in "noise-impacted" communities near Kennedy Airport alone. While the Cranston bill is still in committee (and subjected to severe pressure for weakening amendments) the voices of these and similarly afflicted sufferers across the country ought to be heard above the nerve-shattering din of jet planes over their heads.

THE UNITED STATES AND NATO; TROOP REDUCTION—IX

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD set No. IX of the commentaries, columns, letters to the editor, and editorials relative to the U.S. troop position in Europe in relation to NATO. I call the attention of the Senate especially to a letter written to me by a constituent, David Shannon, of Dutton, Mont., under date of July 19, 1971.

Ordinarily, I do not have letters which I receive from constituents printed in the CONGRESSIONAL RECORD. But Mr. Shannon says:

> You may use any of this information as you see fit.

Furthermore, copies of the letter have been sent to Senator LEE METCALF, Representative JOHN MELCHER, Representative SHOUP, Secretary Laird, and former Secretary Stanley Resor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DUTTON, MONT.,
July 19, 1971.

Hon. MIKE MANSFIELD,
Senator from Montana,
U.S. Senate,
Washington, D.C.

SENATOR MANSFIELD: My name is David Shannon and I am from Dutton (Teton Co.), Montana. I was Honorably released from active duty with the U.S. Army on April 12 having just returned from an 8 month tour of duty in Germany. I now fully support your efforts to bring American Troops back from Europe because of what I saw there. I believe my observations may be of some use to you in your efforts.

I graduated from Cornell University in January, 1969, and did Graduate work in History at Montana State University. I entered the Army in July, 1969, and was first assigned to the US Army Chaplains School at Fort Hamilton, New York, as a Personnel Specialist. Before this time I was, I suppose, a "Middle American"—pro-Army or, at best, indifferent to the whole war issue. My awakening to the overwhelming incompetence, mismanagement, patronage, corruption, and incredible waste of men and materiel began at USACHS and was broadened in Germany. Like many, nay—most, young soldiers I was turned strongly against the Army by what I saw. But, I shall talk only about those things which I specifically saw and did, avoiding as best I can opinion and hearsay.

In August, 1970, I was sent to Germany and assigned to the Office of the Deputy Chief of Staff, Logistics, at Headquarters, U.S. Army Europe (ODCSLOG, HQ, USAREUR) in Heidelberg. This is the staff headquarters for the entire European supply system. I was an administrative specialist for the assistant executive officer. My chain of command was as follows: Specialist Five Shannon; Specialist Six Terry (NCOIC, Asst XO); Captain Collins (Asst XO); Colonel Wester (XO); Major General Conroy (DCS–LOG); HQ, USAREUR Chief of Staff; General Polk (CINC, USAREUR). All of these men have either retired from the Army or been reassigned. I must emphasize that I am not writing this letter for revenge or spite against any of these people. I like my job, as you shall see, and the people I worked with. I would not want to needlessly hurt any individuals, rather it is the Army structure itself and its duty to the American people I want to talk about.

I went to work each morning (Mon–Fri) at 8:00 and finished my entire day's work by 8:30 or 9:00. The rest of the day I literally sat around doing what I wanted. I read a lot, wrote many letters, took long lunch hours, left early, and spent hours just talking to other guys who did as little as I did. It was a very relaxing, easy life—BUT the American taxpayer was certainly not getting his dollar's worth out of me. I served no real practical purpose (let alone defensive capacity), and, while I did enjoy this eight month vacation in Germany, it was not fair to the people who paid for it. I was in Germany 8 months—in that time I was on leave for 5 weeks, administrative absence (to go skiing in the Alps) for 1 week, and did not work my first and last 2 weeks there. Thus I worked about an hour a day for 5 mos. and 3 weeks (ignoring the many single days off). For that total of 115 hours, the taxpayers paid my way over, my way back, shipping charges for 800 lbs of my baggage from Heidelberg to Dutton, Montana, and roughly $2000 in wages. The point is that I was not in the Army to enjoy a vacation. Our troops in Europe (if so important to NATO) should be doing more—I was on a holiday, not a job, and as such hardly essential to the defense of either Europe or the U.S.

Like many of the young soldiers in Heidelberg my roommate and I maintained an illegal apartment in down-town Heidelberg because the living conditions in the barracks were so bad and the Company was so confused it couldn't keep track of its own men. We put just about every bit of our wages into the German economy—for rent, food, clothing, entertainment, travel, and education. That was about $2000 just for me in 6 months, or would have grown to $3000 had I stayed there an entire year.

Multiplied out for the higher salaries of the higher ranks and the total number of troops in Germany, this runs into many millions of dollars—not for defense—but just for everyday expenses. This is a tremendous boost to the German economy, but the Germans can't buy anything from the Army or its PX system except on the Black Market. A drain of money even greater than through the soldiers is thru the thousands of civilians employed by the Army. Nearly all cleaning and construction at HQ, USAREUR was done by local Germans. They maintain the grounds, run the concessions, work in the garages, clean the buildings, and at Oberammergau, even guard the barracks. We didn't even have to do the traditional K.P. since Germans were hired for it. Though I would not have liked it while I was there, I must admit that the hundreds of idle troops (like myself) in Heidelberg could have done that work instead of hiring nearly an entire alternate army of Germans. The huge number of American civilians working for the Army at their high wages were not only a dollar drain, but also had a detrimental effect on the younger soldiers. It was discouraging to see girls our age working for the Army doing jobs exactly like our own yet being paid twice our wages, plus food and housing allowances; receiving all our privileges, e.g. PX privileges, gas coupons, cigarettes, movies, service club benefits; not being subject to all our petty regulations; and able to dress and groom however they saw fit. This was hardly a morale builder and made it easier to ignore our own work.

I must make mention of the most flagrant of the violations of our defense structure that I saw over there. HQ, USAREUR had periodic alerts, or simulated exercises where every soldier was to report to a given collection point ready to move out as if for combat. At the collection point each man turned in an alert card which showed his presence. In ODCSLOG those cards were returned to me for tabulation of the effectiveness of the alert. On the average about half of the 190 men assigned to ODCSLOG showed up at their stations. Despite this, I was instructed to always turn in an alert report to Operations Center which showed every available man at his station. It is frightening to think that if a real attack comes, only half of the Headquarters Staff for the European Defense Supply System (including nuclear supply) will bother to show up and the rest will be literally AWOL—inexcusably not at their posts. What good are all those high paid officers if they won't be ready to work (certainly not fight) when a real war comes. And it only followed for the lower ranking troops that if the officers didn't take the alerts seriously, why should we bother.

I must also say something about the drug scene in Germany—specifically Heidelberg. From what I could see, roughly 60% of the young soldiers there take light drugs, I.E. marijuana and hashish, to some degree, and drugs of all types, e.g. LSD, Heroin, Speed, Mescaline, and even Peyote, are incredibly cheap and easy to obtain. Not only does this get many G.I.'s involved in illegal activities, but is another great dollar drain. With the cost only about 10% of the cost stateside there is great incentive for smuggling. G.I.'s bring large quantities back to the U.S., some are caught but most are not, and their money goes to bring even larger quantities of Turkish and Indian Hash into Germany. Soldiers in Germany take drugs because of boredom and disgust with the Army and its petty regulations. They are disgusted with the scandals in the PX and Clubs and rejected by the career soldiers outright. Doing nothing all day, like I did, makes the evenings a time to get away from the Army and find some excitement. Drugs are abundant in nearly every barracks in Germany—and will remain so. Since I have returned to the U.S. I have talked to many ex-soldiers and they mostly agree that their first introduction to drugs was in the Army as was their turning against the Army. In essence, the Army itself is creating the largest proportion of anti-war anti-government, drug using youth.

Next to the dollar-drain, I suppose the thing most important to the American Taxpayer is the incredible overstaffing and waste of man-power. I have already described what I did in a day. My NCOIC, Specialist Six Terry, did less than I did, and Captain Collins did only a bit more. Two civilians who also worked in our office, Mr. Stonis and Mrs. Baker, will vouch for everything I have said in this letter—for we talked about these problems many times. While I was there, ODCSLOG was programmed to have 59 enlisted personnel assigned to it. We usually had around 98—or nearly 100% overstaffing. Since ODCSLOG was at HQ, USAREUR, it could get as many men as it needed—leaving the front-line combat units usually understaffed. I could give the names of numerous other young soldiers in ODCSLOG who were like me—including the five drivers for the Colonels. This waste in man-power is what has led me to support you completely in trying to bring some troops back from Europe. Thousands of soldiers like myeslf who did little besides pump money into Germany and were certainly not essential to the defensive posture could be withdrawn with little or no effect. If we cannot withdraw troops from Europe, they could at least be reorganized, putting more men into the combat units as a factor in the defense of Europe instead of just having them push papers for some officer in a headquarters.

I will stand behind everything I have said in this letter and hope that it may be of some use to you in your efforts. Maybe a formal investigation will some day reveal all this to enough men in Congress to make your efforts succeed. I am ready to elaborate on any of the points in this letter and go into others, E.G. misuse of classification, waste and misuse of materiel, the black-market, patronage, and many other things I saw at HQ, USAREUR which appalled me. You may use any of this information as you see fit.

Peace,

DAVID SHANNON.

[From the Des Moines (Iowa) Register, May 21, 1971]

DEMILITARIZING FOREIGN POLICY

The United States Senate turned down by big margins the proposal by Majority Leader Mike Mansfield, and modifications of his proposal by other senators, for withdrawing part of the U.S. military forces from Europe. But the issue is not dead.

The foreign policy thinking of a generation ago still dominates, but it is fading. The nation's leaders in the early days of the North Atlantic Treaty Organization were called upon by the Administration to oppose withdrawal. The old Cold Warriors responded. Truman, Johnson, Acheson, Ball, McCloy, Clay, Lodge, plus generals galore, said that unilateral reduction of the forces in Europe would be "an error of historic dimensions."

Yet in 1949–50–51 the stationing of large U.S. forces in Europe was presented as a temporary measure to give the weakened European countries time to build up their own armed forces. In a Senate Foreign Relations Committee hearing in 1950, Iowa's Senator Bourke Hickenlooper asked Secretary of State Dean Acheson: "Are we going to be expected to send a substantial number of troops over there as a more or less permanent contribution to the development of these countries' capacity to resist?"

It is 20 years since then, and now Acheson says it is "asinine" to consider cutting the number of American troops in Europe from 300,000 to 150,000.

Europe now possesses the economic strength to furnish most of the ground-force defenses for the NATO alliance. The U.S. has been running a troublesome deficit in its foreign payments, partly because of its extensive military commitments abroad. If NATO is truly a partnership (as we believe), the U.S. is justified in expecting its partners to carry more of the European defense load.

It is absurd of Senator Henry Jackson (Dem., Wash.) to say that passage of the Mansfield amendment "would suggest to our friends and our enemies around the world that this country, having failed to learn the lesson of the 1930s, is retreating into isolationism." It is senseless of Jackson and other opponents of the troop withdrawal proposal to call it "precipitate", after two decades. Conjuring up the bad stereotype "isolationism" is not an argument; it is name-calling.

The liberals who want to reduce military commitments of this country are the strongest advocates of more economic, social and educational commitments overseas. They are the main advocates of a liberal trading policy, with preferences for the less-developed countries. They are the proponents of the Peace Corps. They are the ones who advocate a revision of the United Nations charter, to give the world organization stronger peacekeeping powers. They urge that more of U.S. economic aid for the less-developed countries be funneled through international agencies.

These people are not "isolationists". They are internationalists who believe U.S. foreign policy ought to be based less on military power and more on other ways of conducting world affairs. The obsessive fears of a monolithic world Communist movement which led to a heavy militarization of foreign policy have now diminished in Europe and in America.

The Nixon Doctrine itself recognizes this and seeks to place less emphasis on military means of conducting foreign relations. The Mansfield proposal is fully consistent with it. Neither is isolationism.

[From the Independent Record, July 13, 1971]

NATO BASE MAY CLOSE

REYKJAVIK, ICELAND.—All parties in Iceland's incoming leftist government are reported agreed that the NATO base at Keflavik must be closed and that its 3,000 American servicemen must go, probably within four years.

The new coalition to govern this island republic in the North Atlantic appears convinced that Iceland should remain a member of the North Atlantic Treaty Organization, but that foreign servicemen should not be stationed here during peacetime.

The base 30 miles southwest of Reykjavik, and the stationing of American naval personnel there are authorized by a U.S.-Icelandic defense pact under NATO auspices.

WATCHING RUSSIANS

The base has been operating since 1951. Located nearly halfway between New York and Moscow, it tracks Soviet plane and ship movements in the North Atlantic. The Russians have been pressuring the Icelandic Government for some time to pull out of NATO, or at least to close the base.

The new coalition under Premier-Elect Olafur Johannesson controls 32 of the parliament's 60 seats, including 17 Progressives, 10 members of the Communist People's Alliance and five of the Liberal Left party. Johannesson leads the Progressive party.

It is likely that the Cabinet will be made up of three Progressives, two Communists, and two Liberal Left.

The last governing coalition of Independents and Social Democrats pursued a liberal, middle-of-the-road policy. It was defeated in the June 13 elections after nearly 12 years in power.

POLICY QUESTIONS

The big question in the minds of many Icelanders is whether Johannesson's Communist ministers will lead him into policies that will alter Iceland's foreign relations radically.

[From the Washington Sunday Star July 18, 1971]

JACKSON ARGUES POINTS ON EUROPE FORCE CUT

(By Andre Marton)

Sen. Henry M. Jackson says a sizable unilateral withdrawal of U.S. troops from Europe would imply a greater reliance on nuclear weapons early in any outbreak of hostilities.

"It would be foolhardy to leave the President with only the nuclear button in his hand in the event of trouble," the Washington Democrat said in an interview.

Such a withdrawal also would be preposterous at a time when there's a chance of serious East-West talks on mutual troop withdrawals in Europe and would be a grave blow to the Middle East military balance, Jackson said.

MANSFIELD CHALLENGED

Jackson, a Democratic presidential prospect, in effect took sharp issue with Senate Majority Leader Mike Mansfield of Montana, chief congressional advocate of cutting U.S. troop strength in Europe from 300,000 men to one division.

Jackson said the United States must have more than a token force in Europe, "not just something to be tripped over."

The senator touched on these points in a question-and-answer interview:

Q. Despite defeat of his proposal in May, Sen. Mansfield says he may try it again later this year.

A. We are in Europe today because we have learned that the security of the United

States is inextricably tied to the security of Europe. The American military presence in Europe is the hard nub of the Western deterrent. The chief purpose of these American forces is political; to deter a Soviet aggressive move against the NATO area by making it clear to the Russians that their forces would meet enough U.S. forces to make any crisis a Soviet-American crisis, not just a European one. This means that a token American force is not adequate. It has to be an effective American combat force, not just something to be tripped over, but a force capable of putting up a serious defense.

NUCLEAR BUTTON

Q. Some experts fear that a unilateral U.S. cut in troops would lower the nuclear threshold.

A. Clearly, a sizable unilateral cutback of American troops would imply a greater reliance on nuclear weapons and their incorporation in military operations at a very early phase of hostilities. We certainly don't want a one-option policy of massive retaliation. We must give the American president flexibility to handle the variety of emergencies and crises that can arise. It would be foolhardy to leave a president with only the nuclear button in his hand in the event of trouble.

Q. How would unilateral move affect the proposed talks on mutual and balanced force reductions?

A. I find quite preposterous the idea that we should demolish the NATO bargaining position we have worked for 25 years to construct, just at the moment in history when there may be an opportunity for serious East-West negotiations on mutual and balanced reduction of forces on both sides of the Iron Curtain.

Q. What effect would a big cut in American forces in Europe have on the stability of the Middle East?

A. I think it would be a terrible blow to the military balance on the Middle East. A test of our resolve in one place will have immediate repercussions in the other. Our friends in Israel—and I'd agree with them—would view with the most urgent alarm an indication that the United States was no longer prepared to maintain an adequate defensive capability in Europe.

[From the Washington Post, July 18, 1971]

WEST GERMANY AGREES ON U.S. TROOP PAYMENTS

(By Joseph R. Slevin)

West Germany has yielded to insistent U.S. demands and has agreed to help pay the cost of keeping a 200,000-man American Army within its borders.

The German agreement is a breakthrough acceptance of a U.S. contention that European countries should share the huge overseas American defense burden. The Pentagon will spend $5 billion in foreign countries this year, including $1.2 billion in Germany.

The exact amount of the German contribution still is being negotiated but officials say it will total more than $150 million and could approach $200 million.

The payment will not be large enough to satisfy Senate Majority Leader Mike Mansfield and other congressional critics of the heavy overseas U.S. military outlays. Officials stress, however, that burden-sharing now has been accepted and the hope is that larger payments will be obtained in the future.

West German Chancellor Willy Brandt has given only reluctant approval to the support arrangement for it will be politically unpopular.

Despite a U.S. contention that its troops are in Germany as part of a common Free World defense effort, many Germans look on the Americans as an occupation force and bitterly object to helping to support an occupation army.

Brandt has budgetary troubles, too. Inflationary pressures have forced the chancellor to keep a tight rein on government spending. He has been unable to carry out a number of projects he promised the voters and there will be angry criticism of a decision to give more than $150 million to the United States while German domestic needs go unmet.

But Brandt has been impressed by the isolationist swing in the United States. He was shaken, as other NATO leaders were, when Mansfield proposed in May that the United States bring back half of the 300,000 troops it has in Europe and he has been persuaded that the American people are increasingly loathe to spend their tax dollars to keep a large military force in prosperous Western Europe.

The German burden-sharing arrangement will be a two-year pact. It will cover fiscal 1972, which began on July 1, and fiscal 1973.

The payments to the U.S. Treasury will be part of a renewed offset agreement under which Germany makes a variety of financial concessions to help the United States cushion the balance of payments impact of its troop commitment. The last offset agreement expired on June 30.

Germany has rejected a U.S. request for an interest-free loan on the ground that it would be illegal but the pact is expected to include a loan of more than $250 million at an interest rate that will be well below the going cost of money. The last offset agreement featured a 10-year, $250 million loan at a relatively cheap 3.5 per cent interest cost.

Additional balance of payments aid will come from German purchases of American planes and other weapons. The Bonn government has offered to spend $435 million a year in this country, but the Administration still is demanding a larger commitment.

The U.S. negotiators are pressing for the best loan terms and biggest defense orders they can get, but it is the burden-sharing agreement that is touching off a few small cheers.

The Germans are not making as generous a contribution as the Administration would like, but they will be paying part of the support costs for the first time and that is an important symbolic gain for the wealthy but overextended United States.

[From the Washington Evening Star, July 19, 1971]

DIFFERENCES STALL NATO TROOP PLAN

(By Arthur L. Gavshon)

Differences within the Nixon administration are holding up American plans for a program of balanced East-West troop cuts in Central Europe.

U.S. officials are saying some authorities favor a general cutback of 10 percent at the start, while others are questioning the whole concept of reductions that could upset the balance of power. As a result, the plans promised to the North Atlantic alliance by early July will be about a month late.

The official expectation is that President Nixon's intervention will be needed to resolve the dispute, which is likely to come before the National Security Council in the next few weeks.

ISSUES COMPLEX

Complex issues with strategic and political implications are involved, including the future of Berlin, East Germany's status, Soviet motives and security arrangements.

As informants representing the main schools of thought within the administration explained things, the lineup looks like this:

Some key authorities want the United States and NATO to stand by a 1968 offer to negotiate what the jargon calls "mutual balanced force reductions," or MBFR, with the Communist powers. The cuts would take place in Central Europe.

Others say monkeying around with force levels now could imperil the power balance built up in war Europe.

WARN ON IMPORT

They say that balance, resting on American nuclear strength, is the best way of preserving peace, and any disturbance could jeopardize prospects to agree on Berlin, German affairs, limitation of strategic arms and other issues.

Complicating this philosophical tug-of-war between the diplomatic and strategic planners of the two sides is the mood of Congress.

New demands are building for reduction of the 300,000-strong U.S. garrison in Europe. Senate Democratic Leader Mike Mansfield has complained publicly that the U.S. economy is not strong enough to continue shouldering so heavy a burden, which he says the Europeans can well afford to share more fairly.

ANOTHER CONSIDERATION

There is for the United States and NATO another major consideration.

Not long ago, after years of argument and education, the Americans finally got NATO to adopt the strategy of flexible response.

In simple terms, this means U.S. allies agreed to depend on conventional power to repeal an aggressor. In that they could use tactical nuclear weapons to push the attacker back. Ultimately, the full weight of Allied strategic, nuclear power could be invoked.

But to be able to react so flexibly against an invader, NATO had to accept the reality that more men and non-nuclear guns were needed. The NATO armies now are far below required levels.

Thus, some planners argue, any process of reducing forces plainly would hoot NATO's strategy of flexible response out the window and lower the threshold of nuclear war.

TO CONSULT ON PLANS

When the American plan finally gets to NATO it will be the subject of consultations along with plans submitted by others of the 15 member nations.

Then a meeting of deputy NATO foreign ministers will meet in Brussels in late September or early October to coordinate all the ideas into a single package.

They also very likely will send one or more explorers to Moscow and other Communist capitals to discuss possible negotiating procedures.

By December, if all goes well, the year-end session of NATO foreign ministers should be in a position to assess whether a full-blown parley with Communist rivals is worthwhile.

[From the Washington Evening Star, July 20, 1971]

DIFFICULT PROBLEM POSED BY ICELAND

(By Orr Kelly)

It doesn't take much more than a quick glance at the map to see why the Navy—and strategists generally—consider Iceland such a vitally important speck of real estate.

The figures of speech come quickly to mind—the cork in the bottle . . . the linchpin . . . the keystone.

Now, this vital piece of the North Atlantic Treaty Organization strategic concept has come unstuck.

Last Wednesday a new coalition government took power and promptly announced that it intended to remain a member of NATO, but that it intended to renegotiate its defense agreements with the United States and to close the American-manned alliance base at Keflavik over the next four years.

The news could have been even worse from a NATO standpoint. The coalition is made up of the Communist-led Labor Alliance, the Progressive party and the small Liberal and Leftist Union. The Labor Alliance favors an end to Iceland's membership in NATO—and it might have gotten its way.

Both NATO and the Soviet Union look upon Iceland in defensive terms—but what looks like defense to one side looks ominously offensive to the other.

From the NATO side, it is assumed that, in the event of war in Europe, the Soviets would try to move as much as possible of their 350-boat submarine fleet into the North Atlantic to cut the supply line between the United States and Europe. Since Western Europe's defense plans call for prompt large-scale reinforcement from the United States, the entry of a large number of hostile submarines into the shipping lanes obviously would be a grave threat.

Even in peacetime, the air base at Keflavik is an important part of the American effort to keep track of the growing number—20 at last count—of Soviet Yankee-class missile submarines. By a combination of air, sea and underwater surveillance, the United States tries to be aware of the location of each of the Soviet subs at all times—something the Russians apparently have been unable to do as far as the American Polaris boats are concerned.

In maneuvers conducted at least once a year, a NATO naval task force, cooperating closely with land-based planes from Iceland, sweeps up through the gap between Iceland and the Danish-owned Faeroe Islands, practicing the maneuvers necessary to keep the Soviet sub force from reaching the Atlantic shipping lanes.

From the Soviet side, however, this spectacle of a flotilla of aircraft carriers, with their hundreds of planes capable of carrying nuclear weapons, moving into the Norwegian Sea within striking distance of some targets inside Russia itself, must appear ominous indeed.

The decision of the new Icelandic government to close down the base at Keflavik—considered in defensive terms from both sides—appears to be more of a loss to the NATO side than a gain to the Soviet side.

At some added expense, the NATO countries probably can replace much of the capability they will lose when the base is closed. They can maintain the surveillance of the approaches to the North Atlantic by using more ships and longer-range planes. They will lose some of their present ability to intercept long-range Soviet bomber-reconnaissance planes that frequently come down through the gap and toward the east coast of North America.

But the loss of the base in Iceland will not reduce by very much the offensive capability of the NATO fleet as viewed from the Soviet side. The ships, with their planes, can still make the same kind of approach from the North Atlantic into the Norwegian Sea.

What would make a very dramatic change in the whole strategic situation, of course, would be for Iceland to take one more giant step and ally itself with the Soviet Union—a step which seems highly unlikely, but not impossible.

In that event, the movement of NATO vessels through the Iceland-Faeroe gap would become more difficult and dangerous, the chances that the Soviets could track American Polaris submarines would be significantly improved and the threat to shipping across the North Atlantic in the event of war in Europe would be much greater.

This obviously is a most difficult and awkward problem for the United States and its NATO allies, and there seems, on the surface at least, to be relatively little attention being devoted to it. Perhaps this is because Iceland, being small, does not loom as large as such big problems as Vietnam, or perhaps it is just that there is little that can reasonably be done.

But the administration might well ask itself, in a paraphrase of the Biblical question, what it profits a country to gain China if it loses Iceland.

[From the Christian Science Monitor, July 24, 1971]

NATO AND SOVIET NAVAL POWER

Growing Soviet naval power already is gnawing around both ends of the NATO defense arc in Europe.

Soviet submarines operating out of Murmansk sail into the Atlantic around the northern tip of the arc, while the Eastern Mediterranean, off NATO's southern flank, is, in the opinion of some experts, in danger of becoming a Russian sea.

In this context any move that tends to dent the NATO positions at either extremity of the arc is cause for concern to the Western allies.

At the southern end tiny Malta recently leaped into the headlines when its new Labour Prime Minister, the flamboyant Dom Mintoff, ousted the Italian admiral who headed the small NATO headquarters located on the island, barred U.S. Sixth Fleet ships from using the harbor, and called for revision of Malta's defense agreement with Britain. Mr. Mintoff is being difficult. He is putting up the price for use of Malta's facilities. We hope it is nothing more than that. He seems unlikely to cut loose from Britain, at least for the time being, as he is too dependent on the former colonial power for financial aid.

His long-term dream is a neutral status for Malta, and he has frequently said that he would not allow the Russians to establish a base on the island. Even if he closes down the NATO headquarters, as he is expected to do, it would not seriously affect the Western position in the Mediterranean.

A far bigger loss for NATO's defenses looms on the northern front, where the new leftist coalition government in Iceland has announced its intention to close down the big NATO base at Keflavik over the next four years.

A force of 3,700 Americans is stationed at Keflavik under a defense agreement concluded with Iceland in 1951. The base plays a vital role in NATO's surveillance of Soviet submarine and surface movements in the North Atlantic. A majority of the submarines rounding the North Cape are said to be spotted by aircraft operating out of Keflavik. Closure of the base would mean that the task of surveillance would fall to American and British aircraft operating from Northern Scotland and covering a far greater expanse of sea.

The new Icelandic Premier, Olafur Johannesson, has said his country will remain a member of NATO despite the decision to close Keflavik. But this has little meaning since Iceland has no armed forces of its own. It would merely be claiming the protection of the NATO umbrella without making any contribution to the alliance.

Mr. Johannesson came to power as a result of general elections last month in which the leftist parties defeated the middle of the road coalition of Independents and Social Democrats that had ruled the country for 12 years. His government includes the Progressive and Liberal Parties and the Communist Labor Alliance.

This is not the first time Communists have been in the Icelandic Government. There were two Communists in the government in power from 1956 to 1959. At that time NATO decided to withhold secret papers from Iceland because of the security risk, and it may well do the same in the case of the new government.

While Iceland's Opposition may be expected to fight the decision to close Keflavik, it seems certain to go through, barring unforeseen developments. In the meantime NATO will have four years to look around for other ways of tightening the surveillance screen in the North Atlantic.

THE GUNS THAT MATTER MOST

Mr. MANSFIELD. Mr. President, in the Christian Science Monitor of July 21, 1971, appears an editorial entitled "The Guns That Matter Most." The editorial relates in part to the President's acceptance of the invitation from China to visit Peking some time between now and May 1972. But primarily it indicates the difficulties which exist between the Soviet Union and the People's Republic of China.

At least one paragraph, I think, sums it up quite cogently. The paragraph reads as follows:

> But it needs to be remembered that Russia's gentleness toward Eastern Europe and Chinese willingness to receive Mr. Nixon at the imperial throne in Peking both spring from the same cause. Moscow and Peking are concerned about each other. It is their mutual mistrust which makes them less unfriendly toward the outer fringe peoples. It isn't that they love us. It is merely that they distrust each other more.

I ask unanimous consent that this editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE GUNS THAT MATTER MOST

Behind the drama, diplomacy, and politics of Washington's new "opening to China" are the plain cold military facts of life in Asia and what they might mean.

The most important single such military fact is that for about seven years now Russia has been steadily building up the armed forces which it maintains along its 5,000 mile frontier with China.

Back in the days of "monolithic communism" when Russia and China were official allies, the Russians maintained negligible forces in a low state of readiness along their frontier with China.

But then there was the "break" in 1960 when the Russian technicians left, or were pushed out of China. After that came the vehement anti-Russian phase of Chinese policy when the Russian Embassy was placed under siege in Peking and Russian diplomats were subjected to public indignities unparalleled in modern times. The Chinese did not like Russians, and made it clear. The dislike included shooting Russian soldiers along the frontier.

The Russians reacted to all this, but never suddenly, or dramatically. Very gradually, they began increasing the number of military units along the Chinese border, filling out those units already there, and improving the weaponry of all such units. They also added a new military command in the highly sensitive center of the front with headquarters at or near Ulan Bator in Outer Mongolia.

By now Russian forces deployed along the Chinese frontier and available for action against China number 41 divisions with supporting units. The total strength is about 402,000 men backed, of course, by air power and nuclear missiles batteries trained against Chinese targets.

In other words Russia today keeps up a military force against China which is deemed more than sufficient to meet any forays against Russian territory from China, and to launch offensives into China. However, only 23 of the 41 divisions are estimated to be at full combat strength today. The posture is one of readiness, but not one of immediate menace.

The Chinese also have increased their forces in a belt about 200 miles deep along their side of the border and done some primitive digging of trenches and bunkers. Their total of forces in the border area is about half a million, most of which is well back from the border.

Thus neither Chinese nor Russians are in a position to take any sudden action.

But both have by now taken diplomatic precautions against a worsening of the situation. The Russians, as always when having troubles in their Asian frontiers, have been cultivating easier relations with their Western neighbors. And China has received Mr. Nixon's emissary, Henry Kissinger, and invited Mr. Nixon himself to visit the Inner Kingdom.

Is there an implicit and prospective "deal" in all of this for the United States?

Yes, of course. China is willing to tone down its anti-American propaganda and posture for the sake of security on its ocean side in order to be free to concentrate its attention on its Russian neighbor.

The Chinese must expect to give something in return. Washington could happily use a Chinese undertaking to refrain from pushing into the places vacated by withdrawing American troops. Neutralization of Southeast Asia would suit Mr. Nixon admirably. A tolerable (to Washington) settlement of the Vietnam war would be manna from heaven. An abatement of North Korean misbehavior would be a bonus. There is a lot Peking could do for Washington.

But it needs to be remembered that Russia's gentleness toward Eastern Europe and Chinese willingness to receive Mr. Nixon at the imperial throne in Peking both spring from the same cause. Moscow and Peking are concerned about each other. It is their mutual distrust which makes them less unfriendly toward the outer fringe peoples. It isn't that they love us. It is merely that they distrust each other more.

A PEDIATRICIAN WRITES ABOUT THE WAR

Mr. MANSFIELD. Mr. President, in the Red Book magazine of August 1971, there is an article entitled "Please Read This—A Pediatrician Writes About the War." It is written by Ronald J. Glasser, M.D.

The article concerns the return to Japan of the wounded from Vietnam. It brings out some pertinent information which I think is interesting and tragic, as well.

He mentions, for example:

> Eighty thousand wounded a year! The Army made it all strangely palatable by putting that number over a denominator of 550,000 men and calling it a 14-percent casualty rate. But there never were 550,000 troopers fighting in Nam. The 30,000 soldiers unloading crates at Long Binh and Da Nang and the 40,000 typing request forms in Saigon might have been mortared once in a while, but they weren't facing the daily prospect of being murdered. They never had to sit, sweating and exhausted, in the blistering heat of the Delta, watching their wounded die because the choppers couldn't get in.
>
> So there never were half a million troopers fighting; the total was hardly ever over 100,000. And so the denominator changes, and the casualties weren't 14 per cent or even 20 per cent. They were 60 and 70 per cent.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PEDIATRICIAN WRITES ABOUT THE WAR

(By Ronald J. Glasser, M.D.)

I am a pediatrician. In September, 1968, I was sent to Japan to serve the children of the American military personnel. At Zama, where I was assigned, we had a 700-bed hospital. Its pediatrics unit was small—five beds and a nursery. It was the only general Army hospital in Japan. Its staff included internists, anesthesiologists, obstetricians, gynecologists, ophthalmologists, ear-nose-and-throat specialists, oral surgeons, vascular surgeons, thoracic surgeons, plastic surgeons, dermatologists and even an allergist.

It was an excellent hospital. There is not, I think, a community in America that would not be happy to have our hospital, just as it was—but without the kinds of patients who filled its wards and corridors. They were the wounded, straight from Vietnam.

I can remember stepping out of the pediatrics clinic into a corridor crowded with 20 or 30 litter cases, walking past them and joking where I could but not feeling particularly involved. That's how it was at first, when it was all new. I can even remember feeling relieved that they were someone else's sons, not mine.

I soon came to feel differently. Those kids were so brave, they endured so much, they were so uncomplaining, I couldn't help feeling proud of them. I can recall only one boy who could not stop screaming.

I do not think there is a military doctor who leaves Asia without having the sinking feeling that someday when the whole thing is over, there will be nothing remembered but the confusion and the politics. There is, of course, something else to be remembered, something that I have seen and cannot ever forget—the boys who will never stop screaming, even though some may not make a sound.

The wounded were flown directly to Japan from Vietnam. There was a time when the four Army hospitals in Japan were averaging 6,000 to 8,000 patients a month. (During the Tet offensive in January, 1968, it had been close to 11,000.) There were days and sometimes weeks when the medical-evaluation helicopters, the "med-evac choppers," never stopped coming in. And if the weather kept the choppers from flying, the Army brought the casualties overland in ambulance buses from the Japanese bases to our hospitals.

Eighty thousand wounded a year! The Army made it all strangely palatable by putting that number over a denominator of 550,000 men and calling it a 14-percent casualty rate. But there never were 550,000 troopers fighting in Nam. The 30,000 soldiers unloading crates at Long Binh and Da Nang and the 40,000 typing request forms in Saigon might have been mortared once in a while, but they weren't facing the daily prospect of being murdered. They never had to sit, sweating and exhausted, in the blistering heat of the Delta, watching their wounded die because the choppers couldn't get in.

So there never were half a million troopers fighting; the total was hardly ever over 100,000. And so the denominator changes, and the casualties weren't 14 per cent or even 20 per cent. They were 60 and 70 per cent.

But at Zama we didn't see numbers—we saw the wounded. From Nam the Air Force brought them in over the mountains to the 20th Casualty Staging Area at Yokote, where most of them stayed overnight. A lot of them had already been operated on—some massively—and it's a long trip to Japan. They needed to rest awhile, to be stabilized; their physical state was checked again, and if necessary, they were rehydrated. Nam is hot, 110 degrees in the shade, and the fluids the kids got at the 20th Casualty gave them a bit of an edge on survival. Next day they were loaded aboard choppers and flown to an Army hospital.

But if they were in critical condition when they arrived at Yokote, they were taken immediately by chopper to a hospital for emergency treatment. At Zama there were nights when everyone was still working on that day's wounded and the dispatcher would call about another VSI (very seriously ill) coming in, type of wound unknown. Everyone—the general surgeons, the orthopedic surgeons, the ophthalmologists and the ear-nose-throat specialists—went down to the landing pad and waited to see who would get this case. It was a strange sight to see those doctors, some still in their operating clothes, standing on the darkened field at two or three in the morning, talking quietly, waiting for the sound of the chopper.

Even stranger to me was their reaction to the wounded troopers who were being flown in. Whether it was a single VSI on an emergency med-evac flight or the usual six-litter load being ferried to Zama, the doctors who went out to meet them always seemed matter-of-fact about the whole thing. But perhaps because I was a pediatrician and because I had gone to Japan to look after the children of American military, it came at first as a surprise and then as a shock to stand out there on the helipad and realize that the troopers they were pulling off those med-evac choppers—those thousands and thousands of wounded every month—were themselves just children.

It is hard to know who the people at home thought were fighting—and being torn apart or dying—in those savage battles in Nam. But in any case, the fact is that they weren't men. Those battles were fought by boys. The medics were 18 and 19; the riflemen and the EODs, the RTOs, the LRPs and the FOs—almost nobody was out of his teens—EOD: explosive - ordnance - disposal technician; RTO: radio - telephone operator; LRP: long-range patrol; FO: forward observer.

Most of the kids we got at Zama survived. If a trooper dies in Nam, he dies straight out. An RPD round (enemy machine-gun bullet) travels at 3,000 feet per second; a chi-com (Chinese Communist) mine can turn over an armored personnel carrier; a buried 105 mm. shell can blow an engine block through the hood. But if the medics in Nam pull a wounded trooper from a dust-off (helicopter) alive and if he makes it through that first operation, whether at the 45th Surgical Hospital along the Cambodian border or the 12th Evacuation Hospital, he'll live.

The medics had a lot to do with it, and the choppers, and so did the superb medical facilities in Nam and the dedication and skill of the military doctors. But it's also a matter of age.

The casualties were all children, adolescents who at the time they were hit were in the prime of life. Not one was overweight. If they smoked, they hadn't smoked long enough for it to have eaten up their lungs. There were no coronaries to worry about, no 35-year-old diabetics, no social drinkers with alcoholic livers, no hypertensives—nothing but strong, young, lean children. Just get them off the choppers, insert tubes to permit them to breathe, cut them open. It may hurt for a long time, and some kids will never be the same again. But they'll probably live.

At Zama literally thousands of boys were saved. Some paid a high price for our success. It seemed so natural to see the blind 17-year-old stumbling down the hallway or the shattered high-school-football player being wheeled to physical therapy. And I remember one bright kid from Utah who had taken a bullet through his chest that sliced his spinal cord and left him paralyzed for life. He had just turned 18.

And these kids were all alone. The doctors didn't seem to notice—I guess most physicians are simply accustomed to treating grownups and expecting patients to be responsible for themselves. But our patients weren't grownups.

The Army may be able to fiddle with numbers—to list choppers as destroyed only if they are totally unrecoverable, not merely shot down; to distribute mass casualties over a week's time so that no single day looks too bad—but nothing the Army does can ever turn the children we took off those choppers into adults.

They were just kids for whom, if they had been in the States, we would have needed parental consent before we could do to them what we did; minors no hospital would have admitted without their parents' knowledge, because those parents had let their kids get so damn far away.

In the beginning I talked to the kids just to have something to say and to get them talking. I soon realized that without quite saying it, they all were concerned about the same thing. They were worried, every one of them, not about the big things, not about survival, but about how they would explain away the parts of them that had been torn off or crippled—the missing leg, the paralyzed arm. Would they embarrass their families? Would they be able to make it at parties where guys were still whole? Could they go to the beach, and would their scars darken in the sun and repel the girls? Above all, would anyone love them when they got back?

Whenever I left the kids with the cruelest wounds, the shattered faces, I would have the sickening thought that when they got back home somebody somewhere would surely ask them what had happened—the single question that reflects the ugly truth that nobody realizes what is happening to these kids over there. Nobody wants to know, and maybe nobody cares.

Most of the kids survived Japan. A few didn't. I can remember standing beside their beds, feeling so utterly lost when they went, not only because they were dead—some after quietly suffering so much for so long—but also because they died without their parents' being there with them.

Pediatricians look at children as part of something—part of a family, part of the neighborhood, part of their school, part of their own future families. To see them go alone with only medical personnel around to watch seemed utterly wrong. All things considered, I think it is easier to watch a newborn or a toddler die than it is a teen-ager. An infant doesn't know; and a dying child, whose greatest fear is separation, can be held by his parents until the end.

And an adult, in a way, has it easy too. As death approaches he can turn for support to those around him without fear of seeming childish. But the teen-ager—the young adult, so newly emancipated, almost grown up, his independence so dearly won—simply cannot turn to others for comfort. Rage is his response—rage at dying age; rage at having his life, just ready to be lived, so suddenly ended; rage at the waste and stupidity of it all. He will not, cannot, break down for strangers to see. And without his parents he dies so very hard.

Loss is a part of pediatrics; you accept it. Two infants in every 4,000 births are born with a severe congential abnormality; 15 per cent of all premature babies will be mentally retarded; one out of every 20,000 children will get leukemia. The rest you struggle over—the meningitises, the pneumonias, the poisonings and the accidents. These struggles set the tone, for to save one child is to save not just a life but also a lifetime.

But to save him only to see him blinded or blown apart, to help him grow properly only to have his spinal cord severed or have him burned to death, puts all the effort in doubt. The vaccines, the pediatrics research, the new techniques, the endless concern—suddenly it all seems so foolish, so helpless.

I certainly did not see it all, only a small part, but I saw enough at Zama, more than enough. I know that for many of those kids the war will never end. During the recent California earthquake a Veterans Hospital was wrecked, and out of the ruins they pulled World War II patients—veterans who had been in that place for 30 years. If there are earthquakes in the year 2000, out of the ruins they will pull the children I saw at Zama. Thirty years wasted—a lifetime of being paralyzed, of being stretched out on a Stryker frame and looking at nothing but the ceiling.

There are no veterans' clubs for this war, no unit reunions, no pictures of buddies on the wall. For those who haven't been to Nam or are too old to go, it's as though the war doesn't count. For those who have gone and survived their tour without being wounded, it's as though it never happened.

But it's still there and it still goes on. Yesterday or the day before, one of the other pediatricians in our town remarked that when this war began, the children who are fighting in Nam today had just turned 11 years old.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution adopted by the Town of Menominee, Wis., praying for the enactment of legislation for the benefit of the Menominee Indian tribe; to the Committee on Interior and Insular Affairs.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. LONG, from the Committee on Finance, with an amendment:

H.R. 8866. An act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes (Rept. No. 92–302).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. BYRD of West Virginia (for Mr. STENNIS), from the Committee on Armed Services:

Frank P. Sanders, of Maryland, to be an Assistant Secretary of the Navy.

INTRODUCTION OF BILL AND JOINT RESOLUTION

The following bill and joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2341. A bill to amend section 202 of the Rail Passenger Service Act of 1970 (84 Stat. 1329). Referred to the Committee on Commerce.

By Mr. AIKEN:

S.J. Res. 139. A joint resolution to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILL AND JOINT RESOLUTION

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2341. A bill to amend section 202 of the Rail Passenger Service Act of 1970 (84 Stat. 1329). Referred to the Committee on Commerce.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to amend the Rail Passenger Service Act of 1970, to require the inclusion of rail passenger service through California's San Joaquin Valley in the Amtrak system.

Mr. President, since the first plans were announced, the Department of Transportation has seemed unwilling to continue Pacific coast passenger service commensurate with the population served. Initially the DOT did not even propose to provide north-south service on the Pacific coast. In an astonishing display of east coast provincialism, the Secretary had announced a plan which would have linked Los Angeles, San Francisco, and Seattle with the Midwest but not with each other. All six Senators from the Pacific Coast States joined in a vigorous protest of this omission last December. In January 1971, Secretary Volpe amended his proposal to include the Seattle to San Diego corridor. However, the plan announced on March 22, 1971, was, in my view, still not fully adequate. At that time, I set forth my criticisms as follows:

The announcement today by Chairman David W. Kendall, of the National Railroad Passenger Corp., of the California routes is quite disappointing in that the incorporators have chosen not to adopt both the coastal and the valley routes between San Francisco and Los Angeles.

I fully agree that the coastal route is totally justified for inclusion. It is 2 hours faster, and thus the shortest route between the two terminal cities, Los Angeles and San Francisco. Further it is a notably scenic route.

But the area between these two terminals I believe justifies two alternative routes. Between the southern California mountain ranges and the San Francisco Bay area, the coastal route services only one city with a population in excess of 50,000—Salinas, population 58,896. The valley route between the southern mountains and the bay area serves four cities above 50,000: Bakersfield, 69,515; Fresno, 165,972; Modesto, 61,712; and Stockton, 107,644. In addition, the valley serves as the gateway to the Sierras—and its three national parks which are annually visited by 4¼ million people. While present passenger trains are hardly attractive to tourist business, an improved and modern rail service would be quite attractive to the ever-increasing stream of visitors to the grandeur of the Sierras.

I note that today's announcement includes two alternate routes between

Richmond, Va., and Savannah, Ga. One follows the Atlantic coast. The other inland route serves two cities of any size: Columbia, S.C., 113,542 and Raleigh, N.C., 121,577. I do not criticize the inclusion of both alternative routes through the Carolinas. But I feel that the designation of these alternatives is ample precedent for the operation of two alternate routes through the center of the Nation's largest State.

I had previously urged that both routes between San Francisco and Los Angeles be included in the Amtrak system. On March 10, 1971, I sent the following letter:

U.S. Senate,
Washington, D.C., March 10, 1971.

Mr. David W. Kendall,
Chairman, Board of Incorporators, National Railroad Passenger Corp., Washington, D.C.

Dear Mr. Kendall: On January 28, 1971, Secretary John Volpe announced that he was amending his original Railpax proposal by adding several more routes including the North-South corridor on the Pacific Coast. This addition, which would link the West Coast cities from Seattle to San Diego with fast, efficient rail service, can be a significant step toward alleviating a major transportation problem which is becoming increasingly serious, economically and environmentally.

Secretary Volpe's amended proposal suggests two routes connecting San Francisco and Los Angeles. One of these routes follows the California coastline. The other route runs through the San Joaquin Valley. Since the Railpax plan has yet to be finalized, it is unclear which route will be chosen.

I strongly urge you to retain both routes in the final plan. The coastal route, which is 98 miles shorter than the valley route, would provide the fastest link between Los Angeles and San Francisco. Under present operating schedules, this route is faster than the valley route by 2½ hours. Moreover, the coastline between San Francisco and Los Angeles provides some of the most beautiful scenery in our nation. This is an important consideration in view of the large percentage of tourist traffic such a route would generate.

On the other hand, the San Joaquin Valley desperately needs a system of high speed ground transportation. This area, which contains several large cities, has a combined population of more than one and a half million people. It is the richest agribusiness region in the country. The counties of Contra Costa, Fresno, Kern, Kings, Madera, Merced, Stanislaus and Tulare produced a combined gross farm income of $1.78 billion in 1969.

At present, the only alternative to the highway for the average Valley resident traveling to Los Angeles or San Francisco is the airplane, which is costly, objectionable to some, and adds to the congested airport problems in the metropolitan terminals.

Furthermore, the Valley route provides access to the magnificent Sierra Nevadas, with their three national parks—Yosemite, Sequoia, and Kings Canyon. Since the private automobile poses a growing threat to our parks (cars are now banned on about half the roads on the Yosemite Valley floor), it is quite appropriate that our federal policy should be to encourage and promote the utilization of public transportation systems by the millions who annually visit these parks. In 1970, 4¼ million people visited the 3 parks.

A high-speed ground transportation system through the San Joaquin Valley will meet local needs as well as serve the national interest.

I am convinced that all of these considerations make it imperative that both the coastal and valley routes be included in the final Railpax plan. I sincerely hope that both routes will be included.

Sincerely,

Alan Cranston.

Mr. President, these arguments are still valid, in my opinion.

Thus I strongly support the proposal made by Congressman B. F. Sisk of Fresno to amend section 202 of the Rail Passenger Service Act—Public Law 91–518—to include the San Joaquin Valley Tehachapi Pass route linking southern and northern California. The bill Senator Tunney and I introduce today is identical with a measure recently introduced in the House by Mr. Sisk and cosponsored by Mr. Johnson, Mr. McFall, and Mr. Moss.

Mr. President, the continuance of existing passenger trains is no solution to the Nation's need for alternatives to the airplane and the private automobile. It is a mistake to characterize Amtrak as anything more than a weak holding action to delay the total atrophy of public ground transportation until such time as we get on with the long overdue need to build a new high speed ground transit system.

But the continuance of existing routes is important because these routes will be the testing grounds for new systems.

Historically existing routes have always had first priority when technological improvements have been made in transit systems. California has been in the forefront of transit developments with Bay Area Rapid Transit and the various plans for air cushion systems. The San Joaquin Valley route has high potential for integration into an expanded, technologically advanced system. I think the providing of passenger service to the San Joaquin Valley should remain on the agenda of our publicly sponsored system.

By Mr. AIKEN:

S.J. Res. 139. A joint resolution to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. AIKEN. Mr. President, I am introducing today a Senate joint resolution to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes.

The joint resolution would authorize the necessary appropriations for the Council and it would authorize the Executive Director of the Council to appoint and fix compensation for other personnel of the Council.

For the information of the Senate, the President established the Council on International Economic Policy on January 19, 1971.

The basic purposes of the Council are to coordinate both domestic and foreign economic policy, and to provide the President with top level advice on full range of international economic policy issues.

Also, the Council coordinates our international economic policy with our Nation's foreign policy objectives.

The Council is already functioning and Mr. Peter Peterson has been appointed as Executive Director of the Council. He also serves as assistant to the President for international economic affairs.

The work of this Council can be very important since our economic relations with the rest of the world are undergoing about as rapid a change as our foreign and diplomatic relations.

It is my hope that the Council will devote much of its efforts to recommending improvements in our international trade policies, as well as reviewing our export license policies.

I ask unanimous consent that following my remarks an analysis of the resolution, a letter from Mr. George Shultz, Director of the Office of Management and Budget concerning the resolution, and a copy of the President's memorandum of January 19, 1971, creating the Council on International Economic Policy be printed in the Record.

There being no objection, the matters were ordered to be printed in the Record, as follows:

Section-by-Section Analysis of Proposed Joint Resolution To Authorize Appropriations for Expenses of the Council on International Economic Policy

Section 1: Authorizes to be appropriated such sums as may be necessary for expenses of the Council on International Economic Policy (CIEP).

Section 2: Authorizes the Executive Director of the CIEP to appoint and fix compensation of such personnel as he deems necessary without regard either to provisions of Title 5, United States Code, governing appointments in the competitive service, or to provisions of chapter 51 and sub-chapter III of chapter 53 of Title 5 relating to classification and general schedule pay rates. No person shall receive compensation in excess of the rate now or hereafter provided for GS–15, with the following exceptions: one officer may be compensated at a rate not to exceed that of level IV of the Federal Executive Salary Schedule; two officers at rates not to exceed that of Level V; and eight employees at rates not to exceed that of GS–18. This section also authorizes the Executive Director to obtain the services of experts and consultants in accordance with section 3109 of Title 5, United States Code, at rates not to exceed the daily equivalent of the rate now or hereafter provided for GS–18.

Office of Management and Budget,
Washington, D.C., July 15, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed for your consideration and appropriate reference is a draft of a proposed joint resolution, "To authorize appropriations for expenses of the Council on Internatinal Economic Policy, and for other purposes."

The Council on International Economic Policy was established by memorandum of the President dated January 19, 1971. The purposes of the Council are to provide a clear, top-level focus on international economic issues, to achieve consistency between international and domestic economic policy, and to maintain close coordination of international economic policy with basic foreign policy objectives.

The President's memorandum names the Secretaries of State, the Treasury, Agriculture, Commerce, and Labor, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the President's Assistant for National Security Affairs, the Executive Director of the Domestic Council, and the Special Representative for Trade Negotiations as members of the Council, which the President chairs. The President subsequently designated Ambassador at Large David M. Kennedy as a member of the Council.

The memorandum also provides for an Executive Director of the Council to be responsible for organizing the general secretariat of the Council and supervising the staff work. Under direction of the President he develops the Council's agenda and assures timely consideration of international economic policies. The Executive Director also serves as Assistant to the President for International Economics Affairs and is compensated from the White House Office appropriation account.

In addition to authorizing appropriations for necessary expenses of the Council, the proposed resolution would authorize the Executive Director to appoint and fix compensation for other personnel of the Council, including one position at a rate of basic compensation not in excess of that for Level IV of the Executive Schedule; two positions at rates not in excess of Level V; and eight positions at rates not in excess of GS–18. The resolution would also authorize the use of services of experts and consultants.

The President's announcement of the creation of the Council noted that "More than 60 . . . units and coordinating bodies throughout the executive branch have responsibility for certain limited portions of foreign economic affairs. Presently, no single high-level body holds the responsibility for the development of international economic policy and its relations to domestic economic policy. The Council will have this responsibility."

I urge early and favorable consideration of the enclosed draft resolution.

Sincerely,

GEORGE P. SHULTZ,
Director.

THE WHITE HOUSE.

Memorandum for the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Director, Office of Management and Budget, the Chairman, Council of Economic Advisers, the Assistant to the President for National Security Affairs, the Executive Director of the Domestic Council, and the Special Representative for Trade Negotiations.

This memorandum establishes a Council on International Economic Policy. I will serve as Chairman with the addressees as Members. In my absence, the Secretary of State will chair meetings of the Council.

The purposes of the Council are these:

1. Achieve consistency between domestic and foreign economic policy.

2. Provide a clear top level focus for the full range of international economic policy issues; deal with international economic policies—including trade, investment, balance of payments, finance—as a coherent whole; and consider the international economic aspects of essentially foreign policy issues, such as foreign aid and defense, under the general policy guidance of the National Security Council.

3. Maintain close coordination with basic foreign policy objectives.

An Executive Director will be designated to help the Council in its operations. He will organize the general secretariat of the Council and be responsible for the staff work. He will have ready access to the President and will initiate projects and call upon staff resources from throughout the Government to augment his own small staff. In collaboration with the members of the Council or designated individuals at the senior political appointee level and pursuant to the directions of the President, his responsibilities will include:

—Develop the agenda and supporting materials for Council meetings and review all papers going to the Council.

—Help develop a sense of direction, strategy and relationship of the parts to the whole of this problem area.

—Establish a work program, including topics, timing and identification of individual assignments and set up task groups on special topics.

An Operations Group will be established, similar to the present Under Secretaries Group but replacing the work of that Group insofar as international economic policy is concerned. Its responsibilities will include:

—Follow up on decisions reached.

—Coordination of actions of the Government where that is necessary.

—Review of operating problems arising out of actions of other Governments or outstanding international economic developments.

The State Department will chair the Operations Group. Standing or special subcommittees may be added from time to time. To the extent practical the Council shall bring within its structure those existing committees or groups presently dealing within the scope of the Council's work as set forth above.

RICHARD NIXON.

ADDITIONAL COSPONSORS OF A BILL

S. 2223

At the request of Mr. HUMPHREY, the Senator from North Carolina (Mr. ERVIN), the Senator from Wyoming (Mr. MCGEE), the Senator from Nevada (Mr. CANNON), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 2223, a bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

EMERGENCY LOAN GUARANTEE ACT—AMENDMENTS

AMENDMENT NO. 328

(Ordered to be printed and to lie on the table.)

FULL BENEFIT EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS

Mr. HUMPHREY. Mr. President, I am introducing an amendment to S. 2308, the Emergency Loan Guarantee Act.

This amendment extends the period of unemployment compensation benefits for eligible workers for another 26 weeks, thus making benefits available for a total of 65 weeks under all unemployment compensation programs.

The amendment also provides for full Federal financing, the immediate beginning of benefits, and an automatic triggering mechanism that makes the benefits available upon a State having a 4-percent unemployment rate.

I ask unanimous consent that the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 328

On page 1, between lines 2 and 3 insert the following:

"TITLE I—EMERGENCY LOAN GUARANTEES PROGRAM"

On page 1, line 4, strike out "1" and insert in lieu thereof "101" and strike out "Act" and insert in lieu thereof "title".

On page 1, line 7, strike out "2" and insert in lieu thereof "102".

On page 2, line 16, strike out "3" and insert in lieu thereof "103".

On page 2, line 19, strike out "Act" and insert in lieu thereof "title".

On page 2, line 21, strike out "4" and insert in lieu thereof "104".

On page 2, line 22, strike out "Act" and insert in lieu thereof "title".

On page 3, line 12, strike out "Act" and insert in lieu thereof "title".

On page 3, line 15, strike out "Act" and insert in lieu thereof "title".

On page 3, line 22, strike out "5" and insert in lieu thereof "105" and strike out "Act" and insert in lieu thereof "title".

On page 4, line 4, strike out "6" and insert in lieu thereof "106" and strike out "Act" and insert in lieu thereof "title".

On page 4, line 11, strike out "Act" and insert in lieu thereof "title".

On page 4, line 20, strike out "Act" and insert in lieu thereof "title".

On page 5, line 2, strike out "Act" and insert in lieu thereof "title".

On page 5, line 10, strike out "Act" and insert in lieu thereof "title".

On page 5, line 14, strike out "Act" and insert in lieu thereof "title".

On page 5, line 24, strike out "Act" and insert in lieu thereof "title".

On page 7, line 10, strike out "7" and insert in lieu thereof "107".

On page 7, line 13, strike out "Act" and insert in lieu thereof "title".

On page 7, line 21, strike out "Act" and insert in lieu thereof "title".

On page 7, line 23, strike out "8" and insert in lieu thereof "108".

On page 8, line 4, strike out "9" and insert in lieu thereof "109".

On page 8, line 8, strike out "Act" and insert in lieu thereof "title".

On page 8, line 15, strike out "Act" and insert in lieu thereof "title".

On page 9, line 15, strike out "10" and insert in lieu thereof "110".

On page 9, line 21, strike out "11" and insert in lieu thereof "111".

On page 9, line 24, strike out "Act" and insert in lieu thereof "title".

On page 10, line 6, strike out "Act" and insert in lieu thereof "title".

On page 10, line 10, strike out "12" and insert in lieu thereof "112".

On page 11, line 16, strike out "13" and insert in lieu thereof "113".

On page 11, line 17, strike out "Act" and insert in lieu thereof "title".

On page 11, line 22, strike out "14" and insert in lieu thereof "114".

On page 12, line 4, strike out "14" and insert in lieu thereof "114".

On page 12, line 6, strike out "Act" and insert in lieu thereof "title".

On page 12, line 9, strike out "Act" and insert in lieu thereof "title".

On page 12, line 12, strike out "Act" and insert in lieu thereof "title".

At the end of the bill add the following new title as follows:

"TITLE II—UNEMPLOYMENT COMPENSATION

"SHORT TITLE

"SEC. 201. This title may be cited as the 'Full Benefit Emergency Unemployment Compensation Act of 1971'.

"SEC. 202. (a) Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by striking out '4.5' wherever it appears therein and inserting in lieu thereof '4'.

"(b) Section 204(a) of such Act is amended—

"(1) by striking out, in paragraph (1), 'one-half' and inserting in lieu thereof 'the Federal share (as defined in paragraph (3))'; and

"(2) by adding at the end thereof the following new paragraph:

"'(3) For purposes of this subsection, the term "Federal share" means—

"'(1) in the case of compensation (referred to in subparagraph (A) or (B) of paragraph (1)) with respect to which amounts would not (except for the existence of a State "on" indicator) be payable to a State under this title, 50 per centum; and

"'(2) in the case of compensation (referred to in subparagraphs (A) or (B) of paragraph (1)) with respect to which amounts would (in the absence of a State "on" indicator) be payable to a State under this title, 100 percentum.'.

"(c) (1) (A) Section 207 (a) (1) of such Act is amended by striking out 'January 1, 1972' and inserting in lieu thereof 'the first day of the first calendar month which begins after the calendar month in which the Extended Unemployment Compensation Amendments of 1971 is enacted'.

"(B) Section 207 (a) (2) of such Act is amended by striking out 'December 31, 1971' and inserting in lieu thereof 'the last day of the calendar month in which the Extended Unemployment Compensation Amendments of 1971 is enacted'.

"(2) (A) Section 207 (b) (1) of such Act as amended by striking out 'January 1, 1972' and inserting in lieu thereof 'the day referred to in subsection (a) (1)'.

"(B) Section 207 (b) (2) of such Act is amended by striking out 'January 1, 1972' and inserting in lieu thereof 'the day referred to in subsection (a) (1)'.

"(3) Section 207 (c) (2) of such Act is amended by striking out 'January 1, 1972' and inserting in lieu thereof 'the first day of the first calendar month which begins after the calendar month in which the Extended Unemployment Compensation Amendments of 1971 is enacted'.

"(d) The amendments made by subsection (a) of the first section of this Act shall be applicable only in determining national 'on' and 'off' indicators under section 203 (d) of the Federal-State Extended Unemployment Compensation Act of 1970 with respect to weeks which begin after the calendar month in which this Act is enacted, and the amendments made by subsection (b) of such first section shall be applicable only with respect to payments under section 204 (a) of the Federal-State Extended Unemployment Compensation Act of 1970 made on account of compensation (referred to in subparagraph (A) or (B) of paragraph (1) of such section 204 (a)) which is paid for weeks which begin after such calendar month.

"Sec. 203. (a) Any State which desires to do so may enter into an agreement with the Secretary of Labor (hereinafter referred to as the 'Secretary' under this Act, if the State law of such State contains (as of the date such agreement is entered into) a requirement that extended compensation be payable thereunder as provided by the Federal-State Extended Unemployment Compnesation Act of 1970.

"(b) Any such agreement shall provide that the State agency of the State will make payments of emergency compensation—

"(1) to individuals who—

"(A) have exhausted all rights to compensation (including both regular compensation and extended compensation) under the State law;

"(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law; and

"(C) are not receiving compensation with respect to such week under the unemployment compensation law of the Virgin Islands or Canada;

"(2) for any week of unemployment which begins in—

"(A) an emergency extended benefit period (as defined in subsection (c) (3)); and

"(B) the individual's period of eligibility (as defined in section 5 (b)).

"(c) (1) For purposes of subsection (b) (1) (A), an individual shall be deemed to have exhausted his rights to regular compensation under a State law when—

"(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period; or

"(B) his rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

"(2) For purposes of subsection (b) (1) (B), an individual shall be deemed to have exhausted his rights to extended compensation under a State law when no payments of extended compensation under a State law can be made under such law because such individual has received all the extended compensation available to him from his extended compensation account (as established under State law in accordance with section 202(b) (1) of the Federal-State Extended Unemployment Compensation Act of 1970).

"(3) (A) For Purposes of subsection (b) (2)-(A), in the case of any State, an emergency extended benefit period—

"(i) shall begin with the third week after a week for which there is a State 'on' indicator; and

"(ii) shall end with the third week after the first week for which there is a State 'off' indicator.

"(B) (i) For purposes of subparagraph (A), there is a State 'on' indicator for a week if the rate of unemployment (including both insured and uninsured unemployment) in the State (as determined by data published monthly by the Bureau of Labor Statistics of the Department of Labor) for the period consisting of such week and the immediately preceding 12 weeks equaled or exceeded 4 per centum, and if there is a State or National 'on' indicator for such week (as determined under subsections (d) and (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970).

"(ii) For purposes of subparagraph (A), there is a State 'off' indicator for a week if, for the period consisting of such week and the immediately preceding 12 weeks, the rate of unemployment (including both insured and uninsured unemployment) in the State (as determined by data published monthly by the Bureau of Labor Statistics of the Department of Labor) is less than 4 per centum.

"(d) For purposes of any agreement under this section.

"(1) the amount of the emergency compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) which would have been payable to him under the State law if he had not exhausted his rights to regular compensation under such law; and

"(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall (except where inconsistent with the provisions of this section or regulations of the Secretary promulgated to carry out this section apply to claims for emergency compensation and the payment thereof.

"(e) Payments of emergency compensation under an agreement entered into under this section may not be paid to any individual for more than 26 weeks.

"(f) No emergency compensation shall be payable to any individual under an agreement entered into under this section for any week prior to the week after the week such agreement is entered into, or if later, the week after the week in which such agreement becomes effective.

"(g) (1) There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 per centum of the emergency compensation paid to individuals by the State pursuant to such agreement.

"(2) No payment shall be made to any State under this section in respect of compensation for which the State is entitled to reimbursement under the provisions of any Federal law other than this section.

"(3) Sums payable to any State by reason of such State having an agreement under this section shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

"(h) Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used by the Secretary for the making of payments to the States having agreements entered into under this section.

"(i) For the purposes of this section—

"(1) the Terms 'compensation', 'regular compensation', 'extended compensation', 'base period', 'benefit year', 'State', 'State agency', 'State law', and 'week', shall have the meanings assigned to them under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970;

"(2) the term 'period of eligibility' means, in the case of any individual, the weeks in his benefit year which begin in an extended benefit period or an emergency extended benefit period, and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period or in such emergency extended benefit period; and

"(3) the term 'extended benefit period' shall have the meaning assigned to such term under section 203 of the Federal-State Extended Unemployment Compensation Act of 1970.

"(j) There are hereby authorized to be appropriated such sums as shall be necessary to carry out the purposes of this section."

ADDITIONAL STATEMENTS

THE PRESIDENT'S WELFARE PROGRAM—AMENDMENTS

AMENDMENT NO. 318

(Ordered to be printed and referred to the Committee on Finance.)

Mr. RIBICOFF. Mr. President, next week, the Finance Committee will begin consideration of H.R. 1, designed to reform our welfare system. Senate consideration of this program will provide us with a unique opportunity to attack a basic problem confronting this country: The 25 million Americans living in poverty.

In the past we have structured our welfare programs in response to a series of myths and misconceptions and out of the misguided view that we knew better than the poor what was good for them.

Thus, in an attempt to catch the cheaters—who make up less than 1 percent of those on welfare—and the loafers not working—less than 5 percent—we have constructed an unweildy system that ignores the real and legitimate needs of the 95 percent on welfare through no fault or failing of their own.

In addition, we have been unwilling to acknowledge or concede that the overwhelming majority of parents in the ghetto are just as concerned about their children's welfare as any of us are about our children. Therefore, large bureaucracies decide what those on welfare should eat and wear and how they should live. The rest of us can all decide what to do with our money—and even squander a little of it.

We can only expect responsible action from people if we give them responsibility. Our present welfare system robs recipients of their last shreds of human dignity. They are presumed to be irresponsible and are imprisoned in a web of regulations that defy understanding. You only have to spend a few days with a mother on welfare trudging from office to office for her piecemeal assistance to realize that we have made being on welfare a full-time job.

We have studied and restudied the problems of the poor. Research and pilot programs for the socioeconomic substrata, the economically disadvantaged the culturally deprived, and the underprivileged have provided adequate income for many—for new government bureaucracies, for research contract industries, and other participants in the poverty industry. But the poor remain poor.

While our welfare system and the programs to eradicate poverty have consumed increasing billions of dollars to aid the poor, one out of every eight Americans still lives on a subpoverty income. The war on poverty means very little to these 25.5 million Americans who are unable to purchase the basic goods and services necessary to live in America. They still must do without adequate food, shelter, and clothing in the richest Nation in the history of the world.

Our system of welfare has been one which is designed to save money rather than people. It winds up saving neither.

We have developed virtually every type of program to eliminate poverty except the most simple and direct one—the provision of an adequate income directly to those poor who are unable to work and the assurance of jobs to those able to work at an adequate wage level.

H.R. 1, conceived by the President and modified by the House Ways and Means Committee, represents a substantial reform of our Nation's inadequate, inefficient and degrading welfare system.

This monumental piece of legislation, however, requires substantial improvement to help assure every needy American an opportunity to participate to his fullest capacity in the American economy, either by providing suitable employment at adequate wage levels or public assistance at adequate income levels.

Today I am introducing for Senate consideration a series of amendments designed to remedy these deficiencies. My amendments will cost more than the administration is planning to spend. But that does not mean that we do not have the money to spend if we want to.

One place to start to find the money we need is with the multitude of programs supposedly designed to end poverty in this country. For example, social service programs have helped few people get off welfare, yet the number of social workers rose from 41,000 in 1960 to 144,000 in 1968.

According to the Office of Economic Opportunity, there are at least 168 programs in the Federal Government designed to eliminate poverty, at a conservatively estimated cost of at least $23 billion in 1970. Despite that expenditure, 25.5 million Americans still live in poverty, actually a slight increase over last year.

In fiscal 1972, the projected $31.1 billion for poverty programs would provide $4,800 for every poor family of four, almost $1,000 above the poverty line, if directly distributed to these families. In fact, a direct distribution of only $11.4 billion more than we now spend on welfare would have brought every poor American up to the official poverty income threshold in 1970. A more rational allocation of our resources would easily allow us to provide this additional money.

There has been much talk about reordering our priorities between defense and domestic expenditures. I support such efforts, but it is also time to reorder our domestic priorities.

This is not to say that every one of our poverty programs should be ended immediately. In reordering our poverty priorities, we will undoubtedly find that some of the existing poverty programs work well and provide crucial services to offset the debilitating effects of poverty which cash income will not alleviate.

But many programs do not succeed and, in fact, isolate the poor from the mainstream of American society, demeaning them by presuming to make day-to-day decisions affecting their lives, providing an array of programs whose value should be questioned. The fact that such programs are on the books should no longer be sufficient justification to keep them there, especially if the money could be better used elsewhere.

What people without money need most in order to live normal lives is money. For those who can work, adequate wages will fill the need. For those who are unable to work, society must provide the necessary assistance.

I hope that my proposals will open the way for a new approach to combating poverty—the substitution of money and free choice for many of the categorical in-kind programs which nibble at the symptoms of poverty but ignore the roots.

We must not look only to existing poverty programs for funds for welfare reform. According to a Treasury Department study commissioned by the Joint Economic Committee, about $40 billion in Federal revenue are lost each year through selective Federal tax provisions which give special consideration or advantage to certain groups and types of activity.

Congress must reexamine the need for such subsidies. If we can pour $30 billion a year into existing poverty programs, $40 billion a year into subsidies for the rich and $100 billion from 1965 to 1971 into the Vietnam war, we certainly should be able to fund the proposals I am introducing today which would add $3.6 billion to the President's proposal for the first year and ultimately cost $28.5 billion per year in 1976 when the welfare program would be fully federalized at a poverty-level income.

We should remember as we consider welfare reform with all its intricacies—its "earnings disregards," eligibility rules and residence requirements, the warning given in a recent Washington Post editorial regarding welfare cutbacks. It applies to H.R. 1 as well:

> It is easy to forget that behind these words are real people, mostly children. These cuts mean that children already living on the edge of desperation will have even less food on their plates, will go to school more often without shoes, will have more intimate experience with rats, filth, leaky plumbing, and the feeling of being outside American life looking in.

SUMMARY OF RIBICOFF AMENDMENTS TO H.R. 1

First. National goal to eliminate poverty by 1976.

This amendment provides as a national goal that, by 1976—America's 200th anniversary—all citizens be assured of an income adequate to sustain a decent standard of life.

Second. Increase in basic Federal payment level for fiscal 1973.

This provision increases the payment for a family of four from $2,400 to $2,800. The $2,800 for fiscal 1973 represents last year's proposed $1,600 plus a cash-out of the food stamp program at $1,200, roughly equivalent to the cost of the admittedly inadequate "low-cost temporary" diet level set by the Department of Agriculture.

This amendment would cost the Federal Government an additional $3.6 billion in the first year, for a total Federal assistance cost of $9.5 billion.

Third. Mandatory State supplementation and State fiscal relief.

Under this amendment no beneficiary would receive less than he is now getting but it also assures the States of fiscal relief by limiting their welfare costs for the 5 fiscal years beginning with fiscal 1973 to 90, 75, 50, 25 and 0 percent of calendar 1971 costs for public assistance plus food stamps. Breakdown of relief for each State is provided in detailed discussion of amendment.

During fiscal 1972, the year before the effective date of FAP, emergency fiscal relief would be provided to the States in the form of full Federal assumption of State welfare costs once a State reached its calendar 1971 costs for public assistance plus food stamps. This will cost $440 million for fiscal 1972.

Fourth. Federal assumption of welfare costs and future increases in payment levels up to the poverty level.

The Federal Government would assume welfare costs under this measure as the State share of welfare payments declines. In fiscal beneficiaries the higher of present State benefits or $2,800. In the following years the Federal Government assures the higher of present benefits or 75 percent of the poverty level, then 80 percent, then 90 percent and in fiscal 1977, 100 percent of the poverty level. Full Federal administration of the welfare system would begin in fiscal 1973.

The total Federal welfare cost would increase from $9.5 billion in fiscal 1973 to $28.5 billion for fiscal 1977.

Fifth. Adjustment in payment level for changes in cost of living.

A cost-of-living factor would be included for welfare similar to that provided in H.R. 1 for social security benefits. The poverty level would be adjusted annually according to the Consumer Price Index and dietary cost changes. The Secretary of Health, Education, and Welfare would be directed to develop a new method of determining the poverty level, presently the Department of Agriculture's low-budget diet multiplied by three. He would be required to report back to Congress by January 1, 1974, and his recommendations would be implemented on July 1, 1974 absent congressional disapproval.

Sixth. Adjustment in payment levels to reflect regional variations in cost of living.

The Department of Health, Education, and Welfare would be directed to study and develop a system of payments consistent with cost variations according to region. The plan would go into effect July 1, 1974 unless Congress specifically disapproves it.

Seventh. Coverage for childless couples and single persons.

This amendment gives welfare assistance to the 2.3 million poor single people and 3.8 million poor people under age 65 living in families without children. There is no logical reason to exclude these categories, especially since we now provide old-age assistance to single people and childless couples.

The cost of this amendment, which will go into effect in fiscal 1974, will be approximately $1 billion.

Eighth. Improved work incentives.

Under this provision the Secretaries of Health, Education, and Welfare and Labor would be authorized to experiment with various earnings disregards at no more stringent a level than the formula adopted by H.R. 1—$720 and one-third of additional earnings. Under that formula, benefits would stop at an income level of $4,320, providing benefits for an estimated 4 million working poor families at a cost of $6.5 billion.

My amendment would also allow the $720 plus one-third earnings disregarded to be calculated on the basis of gross income as is now done by the Department of Health, Education, and Welfare rather than on net income. In this way a recipient will be able to retain more of his earnings, thereby providing a stronger work incentive.

The $2,000 ceiling on exemptions from income for child care costs, student and irregular income would be eliminated. Average costs for child care alone can easily run $2,000 a year. The work incentive nature of this earnings disregard is defeated since, once the ceiling is reached and surpassed, it would be more profitable to stay at home than to work.

Ninth. Improved job training programs for employment at the minimum wage.

These amendments expand and reform Federal job training programs to make them available in fact as well as theory to those able to work. A job would be assured for a training graduate—or an otherwise qualified eligible individual—in either the public or private sector at the higher of the prevailing wage or the Federal minimum wage rate—presently $1.60 per hour—and protected by workmen's compensation.

More private sector jobs would be made available by requiring firms with Federal contracts to list their job openings with the appropriate local employment agency. The Secretary of Labor would be required to directly develop and operate programs, or to designate appropriate State or local, public or private nonprofit corporations to carry out manpower training programs.

No employability plan under these programs could be developed for an individual until there is assurance that training and employment were available. During the interim, such individuals would be eligible for family assistance benefits. Both manpower programs and money to fund them would be make available on a phased basis.

Optional work registrations for mothers with pre-school children and for those too remote from job training, jobs, or day care facilities would be provided. This would help alleviate the overload on training and employment programs that would otherwise exist.

These amendments also establish priorities for manpower programs according to last year's Ribicoff-Bennett priorities agreed to by the administration. The order for training and employment would be unemployed fathers and volunteer mothers, youths aged 16 and over not attending school or not full-time regular employees, full-time regular employees, part-time employees, and others. My proposal eliminates H.R. 1's priority for teenaged mothers and pregnant women, a segment particularly unsuited to employment and training and, in any event, exempt once they have pre-school children.

One billion dollars would be authorized for these amendments in lieu of the $540 million authorized under H.R. 1 and an additional $10 million would be authorized for equal opportunity compliance activities.

These work proposals also reinsert the Ribicoff-Bennett language agreed to by the administration last year regarding the definition of suitable employment.

Tenth. Expanded public service employment.

Some $1.2 billion would be available for 300,000 public service jobs. This compares to H.R. 1's $800 million for 200,000 jobs. It is estimated that 4.3 million people could be put to work in the public sector at the State and local levels in meaningful and fulfilling jobs if money were available. This Federal funding would not be phased out in 3 years as is done by H.R. 1.

The Secretary of Labor could seek additional funds from the Congress whenever 5 percent or more of the registrants for work had no reasonable prospects of finding employment.

Eleventh. Expanded and improved day care services.

This amendment modifies Senator LONG's Federal Child Care Corporation concept by providing stricter standards, smaller costs to users of day care, and increased community participation. An additional $1.5 billion in appropriations would be provided as well as twice the amount for day care facility construction—$100 million—as provided in H.R. 1.

Free day care would be provided for 1 year following commencement of full-time employment with a fee schedule based on family size and income then taking effect. Liberalized tax provisions to offset child care costs would also be allowed.

Twelfth. Elimination of State residency requirements.

The Supreme Court has twice held such requirements unconstitutional as a restriction on the right to travel and a violation of the equal protection clause. Despite popular belief, only a small number of people are involved. For example, of New York's 1.7 million welfare recipients as of January 1971, only 11,000—mostly children—or less than 1 percent, would be taken off the roles if a 1-year residency clause were invoked.

Thirteenth. Administrative procedures and recipients' rights.

While in general the Department of Health, Education, and Welfare has developed and administered comprehensive and equitable regulations, additional safeguards are needed. Therefore, my amendments would—

Eliminate the automatic benefit termination for failure to file timely reports of changed circumstances and assure a hearing before any benefits can be cut off, pursuant to Supreme Court decisions protecting due process.

Require a written opinion detailing reasons for any administrative determination affecting payment levels to be submitted promptly to the applicant.

Assure every claimant a right to counsel of his own choosing.

Eliminates the provision waiving standards requirements for welfare hearing examiners.

Eliminate the requirement of quarterly reports of income by recipients and simply require every recipient to report any changes in his circumstances. This reinserts the original Nixon family assistance program's provision requiring the Secretary of HEW to estimate the quarterly income of recipients rather than placing the onus on the impoverished family or individual.

Eliminate the requirement of reregistering for benefits every 2 years. Since biennial reapplication is for the purpose of enabling the Department of Health, Education, and Welfare to study the problems of the long-term poor, the Secretary rather than the recipient would bear the responsibility of selecting out the long-term poor for study.

Eliminate the provision making stepparents liable for support payments under the often-erroneous assumption that this income is available to the family.

Eliminate the method of determining eligibility based on income earned in the last three quarters and instead base eligibility on current need. Under the provisions of H.R. 1, a family in need could be forced to wait up to 9 months before receiving benefits.

Provide a simplified declaration method of determining eligibility and use a scientific sampling audit similar to that used for the Internal Revenue Service to eliminate the costly and demeaning casework investigation of the present system. Studies have shown welfare fraud to be negligible and tests of the simplified method have been generally successful.

Insure that migrant workers and others of unfixed domicile receive assistance.

Eliminate the absolute exclusion of needy college students from the welfare program.

Require the Secretary of Health, Education, and Welfare to develop a single, uniform and simple system of public assistance for all categories in need, whether in the "adult" or "family" category and report his recommendations to Congress no later than January 1, 1974.

Fourteenth. Elimination of discriminatory provisions against Puerto Rico and other U.S. possessions.

Artificial ceilings on public assistance payments for these jurisdictions would be eliminated by this amendment. These territories have a higher cost of living than many States, yet their welfare payment level would be set at a mere fraction of the lowest level paid by any State to their poor. Welfare payments in U.S. territories as well as in the 50 States should be based solely on need.

Fifteenth. Protection of employee rights.

This provision would protect accrued rights of State and local government employees and aid them in seeking jobs. We should not, as a by product of welfare reform, create a new class of unemployed persons. This amendment does not, however, freeze every worker into the new welfare system. Rather, it provides protection for accrued rights and assistance in obtaining new employment.

TOTAL FEDERAL WELFARE COSTS—FISCAL 1973

[In billions of dollars]

	Current law	H.R. 1	Ribicoff amendments
Family payments	3.9	5.8	9.5
Childless couples and singles	0	0	0
Adult categories	2.2	4.1	4.1
Food programs	2.4	1.0	1.0
Child care services	.3	.7	1.5
Child care facilities construction	0	.05	.1
Supportive services	0	.1	.1
Manpower training	.2	.54	1.0
Public service jobs	0	.8	1.2
Equal employment compliance activities	0	0	.01
Administration	.4	1.1	1.1
Miscellaneous costs	0	.7	0
Total	9.4	14.9	19.61

DESCRIPTION OF RIBICOFF AMENDMENTS

GENERAL BACKGROUND

In August 1969 President Nixon proposed the family assistance plan. Since that time, the House has twice passed a bill—H.R. 16311 in April 1970 and H.R. 1 in June 1971.

The family assistance plan has encountered difficulties in the Senate, however. Last year, in alternate attempts to win liberal and conservative support for welfare reform, the administration revised the family assistance plan in June, October, November and December. In the closing days of the 91st Congress, we reached agreement with the administration on the so-called Ribicoff-Bennett proposals.

Despite our efforts, no legislation passed the Senate. Nevertheless, the administration's original legislation and changes endorsed by the President during the legislative process in the Senate provide a strong base on which to build.

The President's original legislation provided assistance exceeding AFDC payments in all but eight States. Mandatory State supplementation insured that no beneficiary would be worse off under the original family assistance plan than under present law.

The family assistance plan has at one time or another also had in its provisions optional work registration requirements for mothers of pre-school children, liberalized earnings disregards, stronger provisions to assure job suitability, State supplementation for families headed by an unemployed parent, use of a standard of current need rather than previous earnings to determine eligibility, adequate protection of the rights of recipients including provisions to discourage step parent desertion, fiscal relief for States, protection of accrued rights of local and State employees transferred to the Federal system, more equitable penalty provisions, and a simpler and more equitable method of determining eligibility based on HEW quarterly estimates of family income which would allow the Secretary to take into account extraordinary circumstances in eligibility determinations.

All of these provisions have received administration support in the last 2 years, but are excluded from H.R. 1. I am hopeful that we will be able to reach agreement on reinclusion of these important provisions at an early stage in the Finance Committee's deliberations. My proposals incorporate all of these improvements in addition to other changes discussed in the following sections.

1. A GOAL TO ELIMINATE POVERTY

Today, I submit a proposal to establish a minimum national goal to assure that by no later than 1976—America's 200th anniversary—all Americans will have sufficient income to sustain a decent standard of life.

Unfortunately we have chosen to ignore the needs of the poor. We offer pity or contempt. We study, define or classify them. We promise and advise them. We do everything but help them. As a result, the chasm between the rich and the middle class on one side and the poor on the other is widening, providing the potential for social division unparalleled in our country.

Our failure has been one of commitment, not of resources or skills. The initial costs may seem large but they amount to less than 2½ percent of our trillion-dollar gross national product. This is a small overhead to pay for our failures as a society in education, housing and employment. In addition, true reform of our welfare structure will enable many to obtain adequate jobs and will eliminate the tragic cycle of poverty in which the children of poverty inexorably become the next generation of the poor.

The text of this proposal and a comparison of the overall costs of my income maintenance proposals with those of present law and H.R. 1 follow:

TEXT OF RIBICOFF AMENDMENT SETTING 1976 GOAL

(a) Findings

(1) "The Congress finds and declares that—

(A) A nation of wealth and responsibility deplores the continuing incidence of poverty within its borders; and

(B) In view of the harm to individual and family development and well-being caused by lack of income adequate to sustain a decent level of life, and the consequent damage to the human resources of the entire nation, the Federal government has a positive responsibility to assure an end to poverty.

(2) Therefore, the Congress establishes a national goal of assuring all citizens, by 1976, an income adequate to sustain a decent level of life and to eliminate poverty among our people.

(3) Furthermore, the Congress declares it to be the purpose of this Act to develop programs directed toward this goal.

PROJECTED POTENTIAL FEDERAL MAINTENANCE PAYMENTS UNDER CURRENT LAW, H.R. 1, AND RIBICOFF PROPOSAL, FISCAL YEARS 1973-77

[In billions of dollars]

	Current law	H.R. 1	Ribicoff proposal
1973	8.5	11.7	9.5
1974	8.8	12.4	13.0
1975	9.3	12.9	16.3
1976	9.6	12.7	22.4
1977	10.1	12.8	28.5

2. INCREASE IN BASIC FEDERAL PAYMENT LEVEL FOR FISCAL 1973

My proposal increases the Federal base payment for a family of four from $2,400 as provided by H.R. 1 to $2,800, which represents last year's minimum support level of $1,600 plus a cash out of the food stamp program at the minimum subsistence diet level as determined by the U.S. Department of Agriculture. This amendment will carry out one of the expressed purposes of President Nixon's family assistance plan—to provide a Federal benefit level no lower than existing AFDC benefit levels.

Under the President's original proposal, only eight States paid more than the administration-proposed benefit to a family of four receiving AFDC and these States would have been required to make supplemental payments. In addition, food stamp assistance also would have remained available. Even as late as December 1970, the administration approved the Ribicoff-Bennett provisions assuring no loss in benefit levels.

Under H.R. 1, however, the $2,400 payment level and optional State supplementation provisions make it possible for recipients in 28 States and the District of Columbia to lose a portion of their public assistance benefits which are already above $2,400. In addition, food stamps are provided in 27 of these States, substantially increasing the total assistance now received by welfare recipients in those States. This means that approximately two-thirds of the AFDC caseload faces significant potential benefit losses under H.R. 1.

In another 13 States, H.R. 1's benefit level exceed present public assistance payments but is less than the total of present public assistance payments and food stamps.

In only nine States and Puerto Rico does H.R. 1's $2,400 payment level exceed the present total of public assistance and food stamp benefits. There is no food stamp program presently in four of those States. These nine States and Puerto Rico have an AFDC population of approximately 975,000, only 10 percent of the 9.7 million people receiving AFDC payments as of January 1971.

While H.R. 1's $2,400 level exceeds public assistance payments without regard to food stamps in 22 States with 29 percent of the ADFC population, my proposal for an initial $2,800 income level automatically assures that an additional 21 percent of the AFDC population would receive higher benefits even before State supplementation. This 21 percent is located in six States: Ohio, Montana, Oregon, Wisconsin, Wyoming and California.

The following table provides a breakdown of those States whose public assistance payments are less than $2,400 and those additional States paying less than $2,800.

22 STATES WITH BENEFIT LEVEL UNDER $2,400, NUMBER OF AFDC RECIPIENTS AND PERCENTAGE OF TOTAL AFDC POPULATION AS OF JANUARY 1971

State	Number of AFDC recipients	Number of total AFDC population (9,773,000)
Alabama	168,000	1.7
Arizona	62,000	.6
Arkansas	61,900	.6
Delaware	26,300	.3
Florida	264,000	2.7
Georgia	266,000	2.7
Indiana	117,000	1.2
Kentucky	141,000	1.4
Louisiana	231,000	2.4
Maine	55,200	.6
Maryland	164,000	1.7
Mississippi	134,000	1.4
Missouri	179,000	1.8
Nevada	15,900	.2
New Mexico	58,100	.6
North Carolina	151,000	1.5
Oklahoma	107,000	1.1
South Carolina	73,200	.7
Tennessee	171,000	1.7
Texas	341,000	3.5
Utah	39,600	.4
West Virginia	98,300	1.0
Total	2,925,400	29.8

My proposals, by mandating State supplementation and providing additional Federal payments above State supplementation ceilings, would also assure that the other 50 percent of the AFDC population suffers no benefit cutbacks.

ADDITIONAL STATES FULLY COVERED BY RAISING FEDERAL PAYMENT FROM $2,400 TO $2,800 AS OF JANUARY 1971

State	Number of AFDC recipients	Percent of total AFDC population
California	1,574,000	15.0
Montana	18,100	.2
Ohio	346,000	3.4
Oregon	107,000	1.0
Wisconsin	98,600	1.0
Wyoming	6,500	.1
Total	2,150,200	21.1

In addition, this amendment provides relief for all members of a needy family whereas H.R. 1 only assists up to eight members of a family. There is no reason why a public assistance program should impose an arbitrary cutoff on the number of people to receive benefits in a family. Every child has needs—whether he is the first child in the family or the ninth. Under present law only six States, Alabama, Delaware, Kentucky, West Virginia, and New Mexico currently impose such overall family maximums.

The change I propose will be both equitable and inexpensive. Only about 4 percent of AFDC families have more than eight members. The additional benefits for extra children can be lower because studies have shown that the additional costs for extra children in large families are proportionately smaller per child.

Following is a table comparing payment levels under H.R. 1 and my amendments:

FEDERAL BASE PAYMENTS UNDER THE RIBICOFF SCHEDULE COMPARED WITH H.R. 1

Number in family	Ribicoff base payment per individual	H.R. 1 base payment per individual
1	$900	$800
2	900	800
3	500	400
4	500	400
5	500	400
6	400	300
7	400	300
8	300	200
9	200	
10 plus	100	

This amendment by itself would cost an additional $3.6 billion in the first year.

3. MANDATORY STATE SUPPLEMENTATION AND STATE FISCAL RELIEF

My proposal requires mandatory State supplementation of Federal welfare payments as opposed to H.R. 1 which makes such payments optional. State supplementation would also be mandatory for families in States with AFDC-UP programs in which payments are made to families with unemployed fathers living at home.

It is important to bear in mind that without mandatory supplementation, a $2,400 payment level provides one-third less than the national poverty level of slightly over $3,900, a figure widely regarded as at best a minimal subsistence level and at its worst grossly inadequate in terms of actual need. My amendment would at the very least assure that no beneficiary loses benefits under a reformed welfare system.

While not all States are expected to cut out supplementing payments above $2,400 if supplementation were optional, the trend of the last few years to raise welfare benefits is now being reversed. A recent HEW survey showed that at least 10 States are effecting welfare benefit reductions this year: Alabama, Georgia, Kansas, Maine, New Jersey, New Mexico, New York, Rhode Island, South Dakota and Nebraska, and reductions are probable in another 12 States: Arizona, California, Connecticut, Delaware, Idaho, Illinois, Minnesota, New Hampshire, Oregon, Pennsylvania, Texas, and Vermont. Given the States' fiscal crisis, optional supplementation may well mean no supplementation.

My amendment recognizes, however, the almost intolerable fiscal burden on the States of supporting an inefficient, inadequate and inequitable welfare system and provides relief by placing a graduated ceiling on State payments during the 4-year period of Federal assumption of all welfare costs. In addition, full Federal administration would begin in fiscal 1973.

In fiscal 1973, a State would only have to pay 90 percent of its calendar 1971 public assistance and food stamp costs. This percentage would drop to 75 percent in fiscal 1974, 50 percent in fiscal 1975, 25 percent in fiscal 1976, and 0 percent in fiscal 1977.

States would be assured of savings of over $400 million in the first year of FAP's effective date, fiscal 1973, just over $1 billion in fiscal 1974, $2 billion in fiscal 1975, $3 billion in fiscal 1976 and $4 billion in fiscal 1977 when the Nation's welfare system will be financed entirely by the Federal Government.

I also recognize that in this fiscal year, 1972, States are facing financial chaos as a result of skyrocketing costs. Therefore I am adding an additional emergency fiscal relief amendment for fiscal 1972 which would place a ceiling on State welfare costs under current law at the fiscal 1971 State spending levels for public assistance and food stamp benefits. The Federal Government would guarantee that all beneficiaries receive no decrease in benefits as a result of this provision. This emergency State fiscal relief will cost the Federal Government an additional $440 million in fiscal 1972.

The following table outlines the amount of fiscal relief available to the States under this amendment compared to their present welfare costs:

PRESENT COSTS AND RIBICOFF STATE FISCAL RELIEF SCHEDULE

[In millions of dollars]

State	Present costs (estimates of 1971 non-Federal expenditures)	Ribicoff State savings over present costs—Fiscal year— 1973	1974	1975	1976
Alabama	32.7	3.27	8.2	16.4	24.5
Alaska	9.5	.95	2.4	4.8	7.1
Arizona	18.7	1.87	4.7	9.4	14.0
Arkansas	15.5	1.55	3.8	7.5	11.3
California	960.2	96.02	240.1	480.1	720.2
Colorado	41.9	4.19	10.5	20.9	31.4
Connecticut	53.3	5.33	14.4	28.8	43.3
Delaware	6.9	.69	1.7	3.4	5.2
District of Columbia	34.1	3.41	8.5	17.0	25.6
Florida	98.0	9.80	24.5	49.0	73.5
Georgia	44.4	4.44	11.1	22.2	33.3
Hawaii	17.2	1.72	4.3	8.6	12.9
Idaho	6.2	.62	1.7	3.4	5.2
Illinois	224.5	22.45	56.1	112.2	168.4
Indiana	27.0	2.70	6.8	13.5	20.3
Iowa	43.4	4.34	10.9	21.7	32.6
Kansas	28.3	2.83	7.1	14.2	21.2
Kentucky	28.2	2.82	7.1	14.1	21.2
Louisiana	50.3	5.03	12.6	25.2	37.7
Maine	14.5	1.45	3.6	7.3	10.9
Maryland	54.7	5.47	13.7	27.4	41.1
Massachusetts	192.3	19.23	48.1	96.2	144.2
Michigan	174.1	17.41	43.5	87.0	130.6
Minnesota	60.9	6.09	15.2	30.4	45.7
Mississippi	15.4	1.54	3.9	7.7	11.6
Missouri	52.5	5.25	13.1	26.3	39.4
Montana	5.1	.51	1.3	2.5	3.8
Nebraska	12.2	1.22	3.1	6.1	9.2
Nevada	3.2	.32	.8	1.6	2.4
New Hampshire	11.8	1.18	3.0	5.9	8.9
New Jersey	181.4	18.14	45.4	90.7	136.1
New Mexico	11.9	1.19	3.0	6.0	8.9
New York	663.5	66.35	165.9	331.8	497.6
North Carolina	33.3	3.33	8.3	16.7	25.0
North Dakota	4.5	.45	1.1	2.2	3.4
Ohio	110.3	11.03	27.6	55.2	82.7
Oklahoma	46.8	4.68	11.7	23.4	35.1
Oregon	31.8	3.18	8.0	15.9	23.9
Pennsylvania	265.1	26.51	66.3	132.6	198.8
Rhode Island	20.9	2.09	5.2	10.5	15.7
South Carolina	8.3	.83	2.1	4.2	6.2
South Dakota	5.4	.54	1.4	2.7	4.1
Tennessee	34.7	3.47	8.7	17.4	26.0
Texas	85.9	8.59	21.5	43.0	64.4
Utah	9.6	.96	2.4	4.8	7.2
Vermont	6.5	.65	1.6	3.3	4.9
Virginia	34.9	3.49	8.7	17.5	26.2
Washington	71.4	7.14	17.9	35.7	53.6
West Virginia	16.0	1.60	4.0	8.0	12.0
Wisconsin	40.4	4.04	10.1	20.2	30.3
Wyoming	2.5	.25	.6	1.3	1.9
Total	4,022.1	402.1	1,005.5	2,011.0	3,016.6

4. FEDERAL ASSUMPTION OF WELFARE COSTS AND FUTURE INCREASES IN PAYMENT LEVELS

In combination with mandatory State supplementation and State fiscal relief, this amendment provides a gradual Federal assumption of all welfare costs together with increases in the payment level each year until payments equal the poverty level in 1976. A basic benefit payment would be established equalling the higher of $2,800 or the present maintenance levels in fiscal 1973, the higher of present State benefits or 75 percent of the poverty level in fiscal 1974, the higher of present State benefits of 80 percent of the poverty level in fiscal 1975, the higher of present State benefits or 90 percent of the poverty level in fiscal 1976, and 100 percent of the poverty level in fiscal 1977.

This amendment, together with the mandatory State supplementation and State fiscal relief amendment, assures that no beneficiaries will lose benefits and also provides a method of raising benefit levels to bring all needy Americans up to at least a poverty-level income by July 1, 1976.

We must recognize, however, that the official "poverty" level is at best an artificial line above which people are designated "nonpoor" and below which they are "poor." The poverty standard, developed by the Social Security Administration, is based on the Department of Agriculture's measure of the cost of a temporary, low-budget, nutritious diet for families of various sizes. The poverty index is simply this food budget multiplied by three to reflect the fact that food typically represents one-third of the expenses of a low-income family.

My amendment requires the Secretary of Health, Education, and Welfare to develop a new "poverty" level which takes into account items now ignored such as medical care, insurance, a bed for each member of the family and school supplies. He must report back to Congress his recommendations no later than June 1, 1974, and they will take effect on July 1, 1974, absent congressional disapproval.

RIBICOFF WELFARE BENEFITS AND STATE FISCAL RELIEF SCHEDULE

Fiscal year and Federal payment level	Total Federal cost (billions)	Required State contribution (as a percentage of calendar 1971 costs of public assistance+food stamp benefits)
1973—Higher of $2,800 or present maintenance	$9.5	90
1974—Higher of present maintenance of 75 percent of poverty level	13.0	75
1975—Higher of present maintenance or 80 percent of poverty level	16.3	50
1976—Higher of present maintenance or 90 percent of poverty level	22.4	25
1977—100 percent	28.5	0

5. ADJUSTMENT IN PAYMENT LEVEL FOR CHANGES IN COST OF LIVING

This amendment includes a cost-of-living factor based on the present method of adjusting the Federal poverty income threshold to reflect changing costs. Just as salaries and prices are adjusted to reflect cost-of-living changes, so must benefit levels change under an equitable assistance program. The poor are not immune from the pernicious effects of inflation.

Even under current law, State welfare plans must provide cost-of-living increases to be eligible for Federal matching funds. While States have often canceled out such increases by reducing the percentage of the State standard of need which is paid or by making across-the-board cutbacks, the majority of families under current law have benefited from cost-of-living increases.

Nonetheless, while H.R. 1 provides a cost-of-living adjustment mechanism for social security benefits, it freezes welfare benefit payments by the Federal Government for the next 5 years.

6. ADJUSTMENT IN PAYMENT LEVELS TO REFLECT REGIONAL VARIATIONS IN COST OF LIVING

This amendment requires the Secretary of Health, Education, and Welfare to establish a payment schedule based on varying standards of need between urban and rural areas, different parts of the same States, and among appropriate regions in the United States.

The Department is already studying the complexities of regional variations in living costs. A delicate balance must be maintained to assure equity of payment levels and simplicity of administration. Any regional breakdown must recognize the existence of highly urbanized areas in close proximity to rural isolation and the danger of payment levels changing from one side of a street to another. To develop a plan which takes these factors into account and still avoid an unwieldy number of regional areas necessitating close case-by-case analysis will be no easy task.

The Secretary of Health, Education, and Welfare is directed to study this problem and submit a report to Congress no later than January 1, 1974. Unless specifically disapproved by Congress within 90 days of submission, the Secretary's recommendations would be implemented on July 1, 1974.

7. COVERAGE FOR CHILDLESS COUPLES AND SINGLE PERSONS

A major premise of H.R. 1 is that welfare assistance should be based on need rather than membership in a particular population category. Nonetheless 1.8 million persons under 65 in families without children and 2.3 million single persons who live in poverty are not eligible under H.R. 1.

My amendments would remedy this failing, recognizing that the incidence of poverty reaches the highest levels among persons unconnected with a family unit. At least 500,000 of these people have no cash income at all. Moreover, it makes no sense to deny assistance to a couple without children and provide $2,000 to a couple with one child. The incentive to have children under such an illogical exclusion makes H.R. 1 a family expansion plan rather than a family assistance plan.

Coverage for these forgotten Americans would begin in fiscal 1974 to allow the Secretary of Health, Education, and Welfare to establish the necessary administrative procedures to include them for the first time in Federal welfare programs.

This amendment would cost the Federal Government $1 billion in its first year of operation.

8. IMPROVED WORK INCENTIVES

This provision will improve work incentives for the working poor by directing the Secretary of Health, Education, and Welfare to conduct tests of various "earnings disregard" formulas and to report his findings and recommendations to the Congress no later than January 1, 1974. No variation could be utilized which would provide lower benefits than H.R. 1's present formula under which the working poor would be allowed to keep the first $720 of their earnings each year plus one-third of the remainder while receiving assistance.

The following table illustrates the impact of various payment levels with the basic earnings disregard formulas:

EARNINGS DISREGARD DATA

FAP payment family of four	Break-even point [1]	Total Federal cost (fiscal year 1973) (billions)	Eligible families (fiscal year 1973) (millions)	Eligible individuals as percent of U.S. population
$2,400	$4,320	$6.5	4	9.0
$2,800	4,920	9.5	4.8	11.5
$3,600	6,120	13.5	6.7	15.0
$6,500	10,470	72.0	[2] 33.4	[3] 50.0

[1] The even break-even point is that point of income below which some benefit would be paid.

[2] Households ($6,500 plan includes families without children).

[3] Over.

At this time, no one knows what level of earnings disregard will provide an optimal work incentive or at least be a minimal disincentive. In addition, budgetary restraints and the desire to provide additional funds for families at the lower end of the economic scale play a large role in what formula should be adopted.

In the long run, we should not have to provide public assistance to those who work. It is shocking to realize that four out of 10 poor Americans live in families headed by full-time workers.

Rather than providing welfare supplements to these people, we should be assuring every working American that his wages will be sufficient to prevent poverty. To do this will entail raising the minimum wage and expanding it to include some 17 million Americans now excluded.

While the Senate Finance Committee does not have jurisdiction over the Federal wage laws, I am hopeful that favorable consideration will be given to minimum wage legislation introduced by the distinguished Senator from New Jersey (Mr. WILLIAMS) and now being considered in the Labor and Public Welfare Committee.

Until all jobs pay an adequate wage, our welfare system will have to cover the working poor and insure that there are work incentives. Such an incentive, designed to insure recipients who work a higher income than those who do not, has been a part of the Social Security Act since 1967. The incentive is accomplished by setting aside a given amount of income which is to be retained by the recipient and not deducted from the assistance grant.

From the money retained as a work incentive, an employee must pay all expenses of going to work, including Federal, State, and local taxes, union dues and other mandatory payroll deductions as well as transportation costs. When these costs are high, as is usually the case in large metropolitan areas where the poor are increasingly concentrated, expenses can easily go beyond the exemptions, leaving a working family less actual income than one where no member is employed.

Under current law, the work incentive itself is calculated on the basis of gross, not net, income, as follows:

The applicable amounts of earned income to be disregarded—$30 per month plus one-third of the remainder under AFDC—will be deducted from the gross amount of "earned income" and all work expenses, personal and nonpersonal, will then be deducted. Only the net amount remaining will be applied in determining need and the amount of the assistance payment.

Under H.R. 1, however, from gross income one must deduct earnings of students, child care costs and inconsequential income. The incentive is applied to whatever remains. The amount of extra money a recipient realizes from every dollar earned will therefore be lower in many States under FAP than under current programs.

My amendments would maximize the work incentive by restoring the method of calculation currently followed by HEW. Thus, only after the money retained as a work incentive is deducted from gross income will there be deductions for items such as taxes, work expenses, child care costs, and income of students.

Another failing of H.R. 1 is its limitation on the amounts that can be deducted or excluded from income when determining the amount of family assistance to be received. For instance, the costs for child care are limited as are the amounts that children can earn. The administration has never placed a definite ceiling on such items and I would hope it will support its original proposal which sets no dollar ceiling but leaves amounts excludable from income to the responsible discretion of the Secretary of Health, Education, and Welfare.

9. IMPROVED JOB TRAINING PROGRAMS FOR EMPLOYMENT AT THE MINIMUM WAGE

The family assistance plan as revised by the Ways and Means Committee emphasizes work training requirements and incentives. This is important since most Americans would prefer to play a productive role in American society rather than to live on welfare. Experience in New York, for example, has shown that 98 percent of the working poor continue working under New York's assistance program for them.

Under H.R. 1, as many as 2.6 million welfare recipients would be required to register with the Department of Labor for manpower services, training and job placement. H.R. 1 would provide training for 225,000 people, 200,000 public service jobs, and expanded day care facilities for those who need them to accept training or work.

The initial determination of whether a recipient was "available" for work would be made by the Department of Health, Education, and Welfare; the employable individual would then fall within the jurisdiction of the Labor Department which would be responsible for developing an "employability" plan setting forth all the training and supportive services necessary to restore such families "to self-supporting, independent and useful roles in their communities." H.R. 1 also establishes a new Assistant Secretary thereby separating this program from existing Department of Labor manpower programs.

Unfortunately, H.R. 1's proposals will accomplish very little. They provide too little money and too much responsibility for programs which have never worked. If work training is to be a viable part of the welfare reform, the following problems must be solved:

First, not enough appropriate jobs are available for the 2.6 million people required to enroll in the program. The poor performance to date under WIN, the existing welfare work training program, demonstrates this clearly. The existence of over 5 million unemployed Americans further complicates the situation.

Many of the jobs now available to manpower training graduates are the substandard, previously unfillable jobs which comprise the present openings filed with the U.S. Employment Service offices which have been delegated responsibility under existing manpower programs within the Department of Labor.

To correct this situation, my amendments initiate a number of new provisions.

Private business firms which are Federal contractors would be required to list their job openings with the local agency assigned the task of job placement. H.R. 1 requires only State and local governments to make such listings. My proposal will therefore expand the number of job opportunities made available to the Federal manpower efforts from the private sector.

The amendments I introduce will require all job assignments to be in positions paying the prevailing wage but no less than the Federal minimum wage. The jobs must also be covered by workmen's compensation provisions. Guaranteeing the minimum wage will make it clear that the program is not another form of public subsidy to businessmen who want to be assured of a supply of cheap labor.

In the past some employers have taken Federal manpower trainees to fill menial jobs, fired them when the training subsidies ran out, and then applied for a new complement of trainees to fill the same jobs, at public expense. In rural areas the Employment Service farm service offices work as agents of the growers, merely recruiting individuals for seasonal agricultural jobs and rarely assisting the individual to develop new work skills or seek better job opportunities. Under my legislation, manpower programs will provide for the worker's needs first, not the employer's.

Second, a total restructuring of the Department of Labor manpower and services program is crucial if we truly wish to provide training and employment for eligible welfare recipients.

The Lawyers Committee for Civil Rights Under Law and the National Urban Coalition in their excellent study, "Falling Down on the Job: The U.S. Employment Service and the Disadvantaged," have clearly documented the failings of the Department of Labor's manpower effort. The U.S. Employment Service, the primary local sources of jobs and manpower services within the Department is, according to the report, "an inflexible bureaucracy, absorbed in its own paperwork, with a staff that is either incapable of or disinterested in committing the resources necessary to make the chronically unemployed self-supporting."

Between 1965 and 1970 funds available to the Employment Service more than doubled, from $210.4 to $464.7 million, yet the number of persons who applied to the agency for jobs fell from 10.9 to 10 million and the number of individuals placed in employment by the system dropped from 6.3 to 4.6 million.

Clearly something is wrong with this system. To know more fully what the training needs of individual workers are—how much help they need, of what kinds and at what cost—we must develop new sources of information about local needs and operations.

My proposals direct the Secretary of Labor to develop and operate a nationwide, comprehensive system of data collection and interpretation so we can establish the necessary manpower services, training, and employment opportunities. We need to know much more about developments in local and regional labor markets. Where are industries and business firms locating and expanding, where are layoffs taking place, where is there a labor shortage?

Information would also be compiled on the employability characteristics of those individuals enrolled under this employment program to provide a meaningful basis for setting goals for on-the-job and institutional training, job upgrading, job development and public service employment.

Manpower training programs in the past have too often been unrelated to existing job openings and consequently have rarely fulfilled their basic goal of placing people in jobs. The Federal Government has financed more than 5 million training positions over the past 5 to 6 years at a cost of $2.5 billion. But the job placement records of the three largest federal manpower programs have been poor. The Manpower Development Training Act has placed less than half its enrollees in jobs. The concentrated employment program has led to jobs for little over one-third of its enrollees, and WIN has had a placement rate of slightly more than 10 percent.

The following table illustrates the problem:

	Enrollment	Place
MDTA [1]	1,451,400	773,400
CEP [2]	290,215	106,612
WIN [3]	228,759	23,691

[1] Cumulative through fiscal year 1970.
[2] Cumulative through June 30, 1970.
[3] Cumulative through Dec. 31, 1970.

My proposal attempts to remedy this critical problem by providing for a phased enrollment of eligible individuals into the program. No welfare recipient would be given an employability plan until such time as manpower training, supportive services, and employment opportunities were actually available.

My proposal requires the development of employability plans according to the following priority schedule agreed upon last year in the Ribicoff-Bennett proposal:

First, unemployed fathers and volunteer mothers.

Second, youths aged 16 and over who are not regularly attending school and are not employed full time.

Third, persons regularly employed at least 40 hours a week.

Fourth, part-time employees.

Fifth, all others.

H.R. 1, on the other hand, provides its highest priority for manpower services, training, and employment programs to mothers and pregnant women under the age of 19. This provision makes little sense since, as soon as a child is born, the mother would be immediately exempt from work registration under other sections of H.R. 1 relating to mothers and children under 3. Moreover, it is extremely inefficient to give the first available training slots to those women since the labor market is highly restricted for them.

My amendments also recognize the limitations on the ability of H.R. 1's proposed manpower program to accommodate the 2.6 million potential work registrants with only 225,000 training slots, 200,000 public service employment jobs, and 187,000 previously existing WIN slots. H.R. 1's directive to the Secretary of Labor to make use of all existing manpower programs merely repeats the language of the WIN program. Yet under WIN the Secretary was unable to override jurisdictional and program rivalries and remove slots from existing commitments. Under the President's manpower revenue-sharing proposals, the Federal Government would not even have the power to reallocate these slots.

Even if the Labor Department could free up all slots now committed to other programs, only 1.3 million people, half of the potential welfare clientele, could be accommodated. By expanding funding for manpower programs from $540 million under H.R. 1 to $1 billion under my measure and by allowing women with preschool children the option to register, we can expand programs and shrink the potential manpower pool, thereby bringing goals and realities into a closer balance.

Third. We must insure the availability and adequacy of local agencies to operate manpower programs.

At present, three kinds of local delivery systems exist, all of which have a "piece of the action" under WIN and other manpower programs:

First. The U.S. Employment Service system for job placement and manpower services;

Second. The local welfare offices—to determine if clients are eligible for welfare or employability development; and

Third. The local offices of State vocational education departments which provide institutional training for enrollees in manpower programs.

None of these agencies is equipped to handle the manpower programs of H.R. 1, but the Department of Labor appears ready to assign the programs to the Employment Service for local implementation. This would be a grave mistake and would give notice that America's manpower goal is the creation of an involuntary work force for certain substandard jobs which the "free labor" market cannot fill. It would be a veto of confidence in a system which has become, in the words of the Lawyers Committee/Urban Coalition report, "a passive accessory to discriminatory employment practices" which has created "hostility and mistrust and discouragement among the disadvantaged."

My proposals would give the Secretary of Labor the resources and the mandate to develop a nationwide mechanism that can accurately assess developments in the labor market including training needs, job availability and other factors important for an effective employment program. Training funds would be distributed to new local agencies that would serve as advocates for the workers rather than as hiring halls for the employer.

Specifically, my amendment gives the new Assistant Secretary of Labor the power and money to design and implement a system that will develop information on the local level relating to the workers' needs and the job market situation. This local operation would be responsible for listing jobs available to work registrants and participants.

A strong civil rights enforcement component, funded with $10 million would be included to prevent discrimination on the basis of race, religion, sex, or national origin. Administering agencies would be required to write detailed equal opportunity compliance reports on the services provided needy individuals under this Act, including information regarding job referrals, salary levels and placements, and the nature of job listings made available.

My amendments allow but do not require, the Secretary to contract for component parts of the program with any entity he chooses including a local prime sponsor, a new Federal agency, or a reformed Employment Service office. If the Department of Labor chooses to rely on a State or local, public or private nonprofit corporation or agency to carry out this program, it may assume immediate control of any program found to be substandard, terminate local funding, and assume direct responsibility for program administration and operation.

In developing and operating such a system, the Secretary would be required to consult regularly with representatives of public and private employers and representatives of families and individuals who are receiving or eligible to receive manpower services. Priority in entering into contracts to provide manpower training and services would be given to those agencies that include the participation of needy individuals in the planning, conduct and evaluation of their programs, and that provide maximum employment opportunities including occupational training and career of advancement for such needy individuals.

Fourth. In the best of all possible worlds everyone would have a job uniquely suited to his desires, needs and skills. While not everyone will find such a job in the real world, H.R. 1 is a step backward from the goal of suitability first enunciated in the President's original proposal and most recently endorsed in the Ribicoff-Bennett agreement of December 1970.

I hope that the administration will again support my "suitability" provisions which define a "suitable" job with reference to the degree of risk to such individual's health and safety, his physical fitness for the work, his prior training and experience, his prior earnings, the length of his unemployment, his realistic prospect for obtaining work based on his potential, and the availability of training opportunities, and the distance of the available work from his residence.

10. EXPANDED PUBLIC SERVICE EMPLOYMENT

Our economy now has over 5 million unemployed people who are unable to find work. It is, therefore, foolishness to expect the private sector to be able to provide a sufficient number of jobs for those on welfare able to work. Public service jobs of both a temporary and permanent nature must be provided at no less than the Federal minimum wage.

My amendments would provide an authorization of $1.2 billion to create public service employment for 300,000 welfare recipients, compared to H.R. 1's $800 million for 200,000 such jobs. Unlike H.R. 1, Federal support for these jobs will not be phased out rapidly unless the Secretary of Labor determines that the specific job is of a temporary nature.

The public service jobs under my proposal would provide meaningful work in such fields as health, social services, public safety, environmental protection, urban and rural development, welfare, recreation, and education. In addition, public service jobs would be authorized in the field of criminal justice to provide critically needed personnel in fields such as bail, parole and probation, corrections, half-way houses and juvenile homes.

Where appropriate, public service jobs would be required to provide some on-the-job training, thereby enabling manpower programs to accommodate more individuals in a shorter period of time. This would also shift the focus of manpower programs from taking the least skillful workers and putting them in jobs without training to concentrating on job upgrading and development.

Even the funding provided by my proposal would provide a sufficient number of jobs at the outset. Therefore, the Secretary of Labor is required to report to Congress regarding additional funding needs whenever he determines that 5 percent or more of the needy persons available for employment are without reasonable prospects of obtaining it due to:

First, a local shortage of job openings which are suitable to the skills and abilities of the applicant;

Second, insufficient training or public service opportunities in the locality;

Third, a lack of training which offers a reasonable prospect of employment.

The Secretary of Labor would also develop goals for on-the-job and institutional training, job upgrading and job development which would lead to regular self-supporting employment for needy families. He would be aided by local advisory committees which provide the representation by actual or potential participants in the program.

Money put into public service employment will benefit our Nation in many ways. It will provide meaningful work at adequate wages for the needy, thereby ending the cycle of welfare dependence, give fiscal relief to cities and States through funding of State and local public service employment, and attack the social and environmental problems which are plaguing this Nation.

11. EXPANDED AND IMPROVED DAY CARE SERVICE

In August of 1969 President Nixon announced in his welfare message that—

> The child care I propose is more than custodial. This Administration is committed to a new emphasis on child development in the first five years of life. The day care that would be part of this plan would be of a quality that will help in the development of the child and provide for its health and safety, and would break the poverty cycle for this new generation.

Nonetheless, H.R. 1 provides only $700 million for an estimated 875,000 slots. These slots will not even begin to provide child care services for the 2.3 million AFDC children under the age of 6—some of whom are under age 3 and not in need of day care under H.R. 1—the 2.9 million AFDC children between ages 6 and 12, and the 1.9 million AFDC children over age 12.

Moreover, the funds for the relatively few slots provided are inadequate for anything but the most remedial custodial day care. The average amount allocated for each shot is $800. Yet, HEW's Office of Child Development has estimated that the cost of group child care in a day care center for children aged 3 to 6 whose parents would have to register for work under H.R. 1—would be $1,245 at the minimum custodial level, $1,862 at the acceptable level and $2,320 at the desirable level.

H.R. 1 also provides only $50 million for construction of day care centers, even though facilities are in such shortage that if every slot in every licensed day care facility and family day care home in the United States—638,000 places in 13,600 centers and 32,700 family day care homes—were reserved for an AFDC child between the ages of 3 and 6, there would be in excess of 1 million AFDC children in that age group alone left over.

The President's commitment to early childhood development cannot be carried out with words alone. Clearly it is necessary to bring existing facilities into balance with the potential size of the day care clientele. This can be accomplished by expanding and enhancing day care programs and by shrinking the number of mandatory eligibles for work and training registration who will need day care.

The following table describes the Federal Government's present day care programs:

FEDERAL INVOLVEMENT IN DAY CARE (FISCAL YEAR 1971)

[Includes part day and summer]

Program	Total estimated Federal expenditures for child care	Estimated number of children in child care
Title IV–A, Social Security Act (non-WIN)	$205,199,000	197,479
Title IV–A, Social Security Act (WIN)	38,000,000	117,162
Title IV–B, Social Security Act (child welfare services)	1,900,000	20,000
Title I, Economic Opportunity Act (concentrated employment program)	7,500,000	9,500
Title II–B, Economic Opportunity Act (Project Headstart)	360,000,000	[1] 263,000 [2] 209,000 [3] 6,600
Title III–B, Economic Opportunity Act (migrant and seasonal farmworkers)	1,400,000	2,000
Total	613,999,000	824,741

[1] Full year.

[2] Summer.

[3] Parent and child center.

Note: Does not include $59,400,000 spent for title IV–A, SSA, income disregard.

The amendment I propose, based on the Child Care Corporation concept developed by the distinguished Senator from Louisiana (Mr. LONG), accomplishes both tasks, shrinking the potential clientele by making registration optional for mothers with preschool children and expanding programs by providing the widest possible variety and maximum utilization of existing day care services to meet the specific desires and needs of day care users.

My amendment provides $1.5 billion in Federal revenues for the Child Care Corporation in addition to the $500 million in repayable Treasury loans and $250 million revenue bond authority provided by Senator LONG's proposal. My bill would also increase the construction authorization of H.R. 1 from $50 to $100 million. Up to $25 million would be used for training child care personnel.

This proposal modifies the proposal of the Senator from Louisiana by providing a stronger local voice in the development and operation of day care services, strengthening Federal standards, increasing funding levels and paying all of the costs of child care for a period following employment.

My day care proposal would amend both the Internal Revenue Code and the Social Security Act with the purpose of encouraging and facilitating the provision of child care services.

The Internal Revenue Code would be amended to increase the amount of child care expenses allowable as a deduction for Federal income tax purposes, and to increase the amount of income a family may have and still be eligible for the child care tax deduction. The limit on the deduction would be increased from $600 to $1000 in the case of one child, and from $900 to $1500 if there is more than one child. The limitation on family income would be increased from $6000 to $12,000.

The Federal Child Care Corporation established by my amendments would be headed by a Board of Directors, consisting of five members, at least two of whom would represent participant and community interests, to be appointed by the President, by and with the advice and consent of the Senate. One member of the Board would be designated as Chairman of the Board. The Board would establish an Office of Program Evaluation and Auditing to assure that standards established under the bill for services and facilities are met, and that funds are properly used.

Rigid monitoring of standards will take place. While my proposal will allow private organizations to participate in the provision of day care, these groups will be watched closely to see that quality is not sacrificed for profit. The penalty for providing false information in order to qualify and requalify would be expanded to include a 2-year ineligibility period following conviction. After 2 years the judicially reviewable Corporation could make a determination as to the desirability of allowing the convicted party to resume operation under the Corporation.

The Corporation could not provide or arrange for the provision of child care in any facility which did not meet standards no less strict than the Federal Interagency Day Care Requirements of 1968 updated by July 1, 1974, and improved to include the recommendations of the Federal Panel on Early Childhood by no later than July 1, 1976. The Panel would be required to develop its recommendations no later than January 1, 1976. The Corporation would develop supplemental uniform Federal standards where necessary. All standards would fully preempt existing State and local standards, except that hearings would be held with regard to Corporation standards considered a State, locality, group, or responsible individual to be less protective of the welfare of children than those which would otherwise be imposed.

The duty of the Corporation would be to fully meet the needs of the Nation for child care services by 1976. The Corporation would, through utilization of existing or new facilities, insure the provision of child care services in the communities of each State.

Child care services are defined in the bill to cover a variety of services in such facilities as nursery schools, kindergartens, child development centers, play group facilities, summer day care facilities, school age child care centers, family day care homes, night care facilities and others.

No fees would be charged to those registered for work training or for a year following commencements of full-time employment. After this period the Corporation would charge a fee based on family size and income for services provided, all or part of which could be paid by any person or public agency agreeing to pay. Fee schedules would be designed to encourage utilization of the most comprehensive form of day care services.

In providing services, the Corporation would be required to accord first priority to those who are in need of services to enable a member of the family to accept or continue in employment or participate in training.

To assure a strong local voice, all day care programs would have to provide for development, administration, operation and review by a membership with at least 25 percent of its participants being parents whose children are presently in or have in the preceding 5 years been enrolled in a day care program.

My proposal would allow up to 25 percent of the enrollment in any child care program to be composed of children of parents other than those who qualify for Federal benefits. Studies have shown that a socioeconomic and racial mix of children provides a better atmosphere for development of all children concerned.

In providing services within a community the Corporation would be required to take into account any comprehensive planning for child care which has been done and would be generally restricted in the direct operation of programs to situations in which public or private agencies are unable to develop adequate child care. The Corporation would also have authority to provide advice and technical assistance to persons desiring to enter into an agreement for the provision of services to assist them in developing their capability to provide services.

A National Advisory Council on Child Care would be created and expanded to include the Director of the Office of Economic Opportunity and broadened to eliminate the requirement that only one member of an assistance recipient organization can serve.

12. ELIMINATION OF STATE RESIDENCY REQUIREMENTS

My amendments eliminate H.R. 1's residency requirements. The Supreme Court has consistently held such requirements to be unconstitutional. The Court this month rearmed an earlier case which found residency requirements unconstitutional restrictions on the right to travel and a violation of the equal protection clause. The Supreme Court found such requirements to be "invidious distinctions" between classes of citizens which cannot be justified even for the purpose of State welfare cost savings.

From a practical standpoint such restrictions have little effect on welfare rolls or costs. A recent study in New York indicated that the vast majority of people who go on welfare do so only after several years of working at menial jobs or of living in crowded apartments of friends and relatives who have jobs. In fact, of New York State's 1.7 million public assistance recipients as of January 1971, only 11,000—mostly children—or less than 1 percent had gone on welfare after living in the State for less than a year.

13. ADMINISTRATIVE PROCEDURES AND RECIPIENTS' RIGHTS

Existing HEW regulations governing administrative procedures are generally comprehensive and fair. Some provisions in H.R. 1 would unnecessarily alter these regulations to the detriment of the needy or add needless restrictions.

My amendments would remedy this situation as follows:

A. TERMINATION OF BENEFITS

H.R. 1 would terminate benefits automatically unless a family submitted a report within 30 days after the close of any quarter during which it received benefits, containing any information on income and expenses necessary for determining what the correct amount of benefits should have been. In view of *Goldberg* v. *Kelly* (397 U.S. 254 (1970)) which invalidated arbitrary terminations of payments without hearings, the automatic cut-off provisions of H.R. 1 rest on tenuous constitutional ground. As Goldberg pointed out:

> To cut off a welfare recipient in the face of . . . "brutal need" without a prior hearing of some sort is unconscionable, unless overwhelming considerations justify it . . . Against the unjustified desire to protect public funds must be weighed the individual's overpowering need . . . not to be wrongfully deprived of assistance.

Since 46 percent of all disputed welfare administrative payment determinations are reversed after hearings, the onus of administrative mistake, when it manifests itself as a wrongfully eligibility determination, should not fall on eligible but wrongfully rejected applicants who may literally starve while awaiting a hearing.

I will therefore reinsert the Administration's original language for H.R. 1, which assured continued welfare payments while hearings were held to settle disputed claims. Such a change would protect legitimate recipients from the disaster of a total cutoff while allowing the Secretary of Health, Education and Welfare to use his power to bar patently frivolous claims.

B. WRITTEN OPINIONS REQUIRED

My amendments would require that a written opinion detailing the reasons for any administrative determination affecting a welfare recipient be submitted promptly to the claimant. Recipients, whose very lives may be at stake, should not be subject to the whim or caprice of an impersonal administrative bureaucracy. All rights and responsibilities of welfare recipients should be clear and justifiable.

C. RIGHT TO COUNSEL

Every claimant would be assured of the right to counsel of his own choosing by my amendments, assuring recipients that they could rely on the increasing number of welfare "lay advocates"—nonlawyers who have specialized in both the legalities and practice of welfare law. These people serve without charge and have enabled many recipients to cope with the bureaucratic welfare maze on a more equitable basis.

The broad language of H.R. 1 limiting representation in welfare hearings to those who possess certain undefinable qualities of character and reputation may easily be used to prevent participation in the hearing process by members of groups organized to aid welfare recipients.

D. STANDARDS FOR HEARING EXAMINERS

H.R. 1's provision waiving standards for welfare hearing examiners would be eliminated under my amendments. There is no reason why such an examiner should not be as qualified as any other examiner.

E. INCOME REPORTING

Under the plan proposed by the President in his original Family Assistance Plan and adopted by the House in April of 1970 an equitable system of determining eligibility and payment levels would have been established. The basis for welfare payments would have been the estimate the Secretary of Health, Education, and Welfare made of the income a family would have during each quarter. For future payments, this estimate could be redetermined as the Secretary became aware of changed circumstances.

My amendment will reinsert the President's original language. There will remain an obligation on the part of the welfare recipient to report changes in circumstances affecting need and eligibility in any event, thereby making H.R. 1's mandatory quarterly reports of income superfluous.

The harsh $25, $50, and $100 penalty provision for failure to file income reports would also be stricken from the bill under my amendments. The provision is indiscriminate since penalties apply for failure to file even in cases where a failure to furnish information results in receipt of lower benefits than a family is entitled to.

F. REREGISTRATION FOR BENEFITS

H.R. 1 requires recipients to reregister every 2 years to allow HEW to review and study the problems of the long-term poor. My amendments would place the burden on the Secretary to take the time to select these cases for study rather than on the recipients.

G. STEPPARENT LIABILITY

My proposal would eliminate H.R. 1's provision which makes stepparents of FAP children liable for support payments apparently under the assumption that the stepparents' income is available to the entire family. This will only encourage stepparents to leave home to enable the family to receive benefits. This regressive provision encourages family dissolution and in reality leaves the mother to provide for the family by herself.

HEW's regulations now require that nonavailable income of a household not be attributed to a family unless that person is liable under a State law of general applicability for the support of someone in the family. My proposal would follow the HEW regulation and eliminate the legal fiction, held unconstitutional in 1970 by the Supreme Court in *Lewis* v. *Martin* (397 U.S. 552), that the income of a stepfather or "man assuming the role of spouse" was available to the entire family. Under current law in all but one State a stepfather need not support his wife's children unless he adopts them. A harsher rule will act as a disincentive to marriage and family stability. Nothing more should be done to undermine the social structure of this society.

H. INCOME CALCULATION

One of the little known but inequitable provisions in H.R. 1 concerns the method for determining the amount of benefits. Under the current Social Security Act, payments are to be based upon current needs. This has been interpreted in present HEW regulations to mean that in determining benefit levels and the level of family income "only such income as is actually available for current use on a regular basis will be considered, and only currently available resources will be considered."

Unfortunately, H.R. 1 budgets for families are not computed according to current need. They are computed on a quarterly basis and any income, in excess of exempt income, received during the previous three quarters is to be deducted from benefits due for the current quarter. This means that upon becoming eligible for assistance, a family will be presumed to have saved all income for the past 9 months in excess of payment levels, in anticipation of entitlement for benefits. A family thrown out of work will thus have to wait up to 9 months before it becomes eligible for any payment, regardless of ability to meet current needs.

Other versions of the Family Assistance Plan intended income to be based on current quarterly needs with Secretarial discretion to reallocate income by period in order to provide a more equitable method of accounting. My amendment will restore the original language of FAP.

I. SIMPLIFIED ELIGIBILITY DECLARATION

My amendments will provide for a simplified declaration process of need to determine initial eligibility. Welfare fraud is present for less than 1 percent of all recipients, a figure commensurate with white-collar crime. Furthermore, HEW studies have demonstrated that the amounts saved by a simple declaration process far exceed any moneys disbursed to ineligible recipients.

A simplified declaration does not mean there will be no checks on eligibility. The new procedure uses a simple, objective form to be filled out by the applicant which is used by the agency to determine initial or continuing assistance eligibility. This replaces the detailed, time-consuming caseworker study of each individual situation that was formerly used. These inquiries often entailed collateral investigations involving issues not related to the financial situation of the applicant and the need for a money payment. Just as is the case with Federal tax returns, applications will be selected for audit to assure compliance with all the regulations for eligibility.

The simplified declaration is not a new idea. Several States have a simplified method for all public assistance programs and the evidence, according to the Public Welfare Reporting Center of the National Study Service, is that the systems, properly developed, work well and meet the objectives of simplicity, efficiency and economy, and full respect for the rights and dignity of applicants for assistance.

The Federal Government has already experienced success with a simplified declaration method, first when medicaid was expanded by many States to include the "medically indigent" and secondly in the requirement of its use for services provided under the work experience and training program under title V of the Economic Opportunity Act.

J. INCLUSION OF MIGRANT WORKERS

A family is defined in H.R. 1 as two or more related persons living together in a place maintained by one as his or her home, who are U.S. residents and one of whom is a citizen or permanent resident alien. The definition "maintained as a home" is expanded and clarified under my amendments to assure that migrants and others of unfixed domicile are not excluded under a rigid interpretation of this section.

K. COVERAGE FOR POOR STUDENTS

Another arbitrary definition absolutely excludes any family whose head is an undergraduate or graduate student "regularly attending a college or university". This arbitrarily prevents any recipient from pursuing a higher education, even though within a brief period his or her earnings potential would rise far above dependency levels.

Denying this segment of the population assistance for a period which is certain to be of short duration serves no purpose and may prevent an individual from completing the education necessary to compete successfully in American society. The exclusion would even exclude from eligibility a family head who might be working or willing to work full time and study part time, at his own expense, on a scholarship, or even at a free public institution.

Current aid programs do not preclude college attendance. Under the WIN program, for example, recipients can regularly attend college under an administrative determination that this is the best "employability" plan for them. To assure that assistance is based exclusively on need, my amendments would eliminate this arbitrary exclusion.

L. UNIFORM ASSISTANCE FOR ALL NEEDY AMERICANS

Additional provisions I am introducing make FAP eligibility and reporting requirements more akin to adult category guidelines. The Secretary of Health, Education, and Welfare will be required to develop a single, uniform and simple eligibility determination for all public assistance recipients, whether in the "adult" or "family" category. His report and recommendations will be sent to Congress no later than January 1, 1974.

14. ELIMINATION OF DISCRIMINATORY PROVISIONS AGANST PUERTO RICO AND OTHER U.S. POSSESSIONS

Under H.R. 1, grants to welfare recipients in Puerto Rico, the Virgin Islands, and Guam are substantially lower than in the rest of the United States. Payments are only required to bear the same ratio to FAP as the ratio of per capita income of these insular entities bears to the lowest State per capita income. For example, if per capita income in these territories is three-fifths of Mississippi (lowest in State per capita income), welfare payments would be three-fifths of $2,400 for a family of four, or $1,440.

Ironically, the cost of living in these territories is higher than in most parts of the U.S. Living costs in the Virgin Islands are 20 to 25 percent higher than in D.C. and in Guam they are 18 percent higher.

The average annual per capita personal income in Puerto Rico is only one-half that of Mississippi, the poorest of the 50 States, but Puerto Rico's cost of living is at least 10 percent higher than in the United States. While H.R. 1 generally attempts to equalize welfare payments between the States, these onerous provisions for territories in effect mean that the greater the poverty, the less we will do.

The argument that higher levels of assistance would put a majority of the territorial populations on welfare and cause a "regional dislocation of the economy" is frequently to justify special treatment of an island such as Puerto Rico. "Regional economies" and avoidance of disruption of the economic system mean little to the Puerto Rican family of six headed by an incapacitated father receiving $67.60 per month plus $1.25 per child and some food supplements or to the female-headed family of four receiving $46.20 per month, $1.25 per child and some food supplements.

Equitable welfare reform means providing assistance based on need, not on a tradition of living in tropical squalor. My legislation will allow the U.S. possessions to participate in America's welfare system on the same basis as the 50 States.

15. PROTECTION OF EMPLOYEE RIGHTS

This amendment would protect accrued rights of State and local government employees and aid them in obtaining employment. While this amendment does not freeze every welfare worker into the new welfare system, it provides protection for the accrued rights of workers "federalized" under the family assistance plan and assistance in obtaining new training and employment for those who do not continue employment under this legislation.

As the Federal Government assumes responsibility for the welfare system in America, it must be careful not to create a situation in which the administrators of the old welfare system become potential recipients under the new system. At least 90,000 public employees who presently perform the administrative functions under the current welfare system must be protected.

My proposal would provide protection of collective bargaining rights, salary levels, pension rights, seniority rights, credits for annual leave, and other terms and conditions of employment for those employees transferred to the Federal program.

Such protection as traditionally been provided by Congress, most recently in the Rail Passenger Service Act of 1970 which guaranteed employees' rights under the newly created Amtrak Rail System. Broad protection of employees' rights and benefits was also assured in the 1964 Urban Mass Transit Act.

Inevitably, a reformed welfare system will need fewer employees to administer it. For those employees who are not "federalized" my amendment will assure employment by the Federal or State government and pay for funds for the training necessary to carry out this purpose.

DEATH OF PRESIDENT TUBMAN

Mr. HUMPHREY. Mr. President, I would like to express my deep sorrow over the news of the death of the President of Liberia, William Tubman. President Tubman devoted a good part of his life to the development and welfare of his country. Under his Presidency, the economy of Liberia has grown and its natural resources of rubber and iron ore have been advantageously developed.

In addition to the economic boom which President Tubman helped to bring to his country, he was always attentive to the social development of Liberia. His administration developed a reputation for making great strides in the educational field.

His death is a great loss for his country and people throughout the world who looked to him with fondness and respect. Liberia stands today as a living monument to his labors. He died a statesman, a great President, and a beloved human being. The world mourns his absence and praises his achievements which stand stalwart against the tide of time.

Mr. President, I ask unanimous consent that the New York Times obituary on President Tubman and the quote from Secretary General Thant paying tribute to this great African leader be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

President Tubman of Liberia Is Dead

London, July 23—President William V. S. Tubman of Liberia, leader of Africa's oldest independent republic, died today at the London Clinic. He was 75 years old.

A Liberian Embassy spokesman here said Mr. Tubman underwent a prostrate operation today and died later from complications. The embassy said Vice President William R. Tolbert had been sworn in following news of Mr. Tubman's death.

A Tireless Executive

(By Lawrence Van Gelder)

A portly, dapper man with a taste for Havana cigars and Scotch, William Vacanaret Shadrach Tubman was a talented, tireless executive who devoted his six terms as 18th President of Liberia to obliterating his nation's internal differences and to fostering its economic health. He was elected to a seventh term last May.

His vision unconfined by the borders of Africa's oldest independent republic, Mr. Tubman preached to other West Africans the need for cooperation among nations, for avoidance of stubborn nationalism, bigotry and class hatred and for an end to the squandering of energy on ancient quarrels.

Of the world at large, he asked peace and heed from the great powers to the voice of small nations. Speaking for Liberians in New York in 1954, Mr. Tubman said his countrymen felt "one of the fundamental and far-reaching developments of the present century to be the restless underdeveloped peoples of the earth and their unremitting demand for equal justice, national independence and opportunity to achieve their own economic security."

"These are questions that the big powers seem to feel are only theirs for solution," he said. "I seem to hold a different view. If the smaller nations that are in the majority are given an opportunity to express themselves, they might be able to advance some suggestions that may be helpful."

At his sixth inaugural, in the capital, Monrovia, on Jan. 1, 1968, Mr. Tubman denounced foreign subversion, called upon "developing and non-nuclear" powers to settle their disputes without risking intervention by the great powers and called upon the great powers to realize their responsibility to mankind and regard themselves as guardians of world peace through the United Nations.

Coming to office in 1944, Mr. Tubman—known to many of Liberia's million residents as "Uncle Shad" or "Brother Shad"—soon established himself as a shrewd and hard-working President.

During his first six years in office, Mr. Tubman entrenched the two policies to which he was to attribute his success in a retrospective assessment of his stewardship for 25 years in office.

These policies were the extension of full rights to the natives who account for more than 90 per cent of the population of Liberia, which is about the size of Ohio; and the maintenance of an "open door" to foreign investment.

TRAVELED EXTENSIVELY

In furtherance of the first policy, President Tubman, a member of Liberia's ruling elite of American descent, traveled extensively into the tropic fastnesses to forge links with tribal leaders and to quell their rivalries. Taking offense at the "Americo-Liberians" for the country's leading families, he outlawed it, saying, "We are all Liberians."

Broad economic and development and modernization in Liberia began during World War II, when the country was one of the main suppliers of natural rubber for the Allies and was also an important link in the air transport system. As American money and manpower flowed in, a big airport, new seaport facilities at Monrovia and modern highways were developed.

Both large and small developments in Liberia engrossed Mr. Tubman, and it was often noted that the President kept a keen eye on expenditures, approving the outlay of minuscule sums.

Close associates said he was up every day at 6 A.M. and busy dictating letters to two secretaries by 8 A.M. From 10 A.M. to about 2 P.M., on a typical day, he would see visitors, and from 5 P.M. until 7 P.M., after a three-hour lunch and rest period, he would continue work.

In the early days of his tenure, Mr. Tubman was often to be found on the back porch of the then ramshackle executive mansion, calling out to passers-by to stop for a chat. His accessibility to the people played a large part in the popularity that enabled him to run up overwhelming margins of victory even in a country where virtually no official opposition existed.

In 1959, for example, Mr. Tubman received 530,566 votes, while his opponent, a former judge named William Bright, polled 55.

IMPROVEMENT OVER 1955

For Mr. Bright, who said he ran against Mr. Tubman to make the event sporting, the 1959 showing was an improvement over his showing in 1955, when he received 16 votes to Mr. Tubman's 256,940.

Most of Mr. Tubman's closest associates were, like him, descendants of American Negroes, and their social life centered on the President and the exclusive Saturday Afternoon Club in Monrovia, which Mr. Tubman founded and limited to 30 members. When he was among the guests, lights on the clubhouse roof signaled his presence.

The club's sessions were sometimes marked by the appearance of members on its terrace, where they sat with cooling drinks and blended their voices in barbershop harmony.

Mr. Tubman, the son of Alexander Tubman, a Methodist clergyman descended from early settlers, led a country founded in 1822.

Liberia had its origins in the efforts of several American philanthropic societies to make permanent provision for freed American slaves. Yet, in 1930, a League of Nations commission found Liberia, a League member, guilty of failing to halt the sale of its people into slavery to cocoa planters on the Spanish island of Fernando Po. The then President Charles D. B. King and Vice President Allen N. Yancy were compelled to resign and Mr. Tubman was forced to quit the Liberian Senate as a result.

Mr. Tubman, whose mother, Elizabeth Rebecca Barines Tubman, emigrated to Liberia from Atlanta in 1872, was born on Nov. 29, 1895 at Harper, Maryland County, Liberia. His father had come to the colony from Augusta, Ga., in 1834.

Mr. Tubman attended Cape Palmas Seminary and Cuttington College, Methodist institutions in Harper. He read law and was admitted to the bar. He also taught school for a time. He joined the True Whig party, which had been in power since 1878, and was elected to several legislative posts, among them the Liberian Senate, which was modeled on the United States Senate.

PARTY LEADER EXILED

He was first elected President on May 6, 1943, and after the leader of the opposition Reformation party was exiled in 1950, he had little to fear in the way of political opposition.

He paid several visits to the United States, and when, as President-elect, he and President Edwin Barclay returned a visit by President Franklin D. Roosevelt in 1943, they became the first Negro guests to spend the night in the White House since Booker T. Washington visited President Theodore Roosevelt in 1901.

On the final journey of his career, Mr. Tubman arrived in London on July 4 with his wife, Antoinette, for medical treatment.

Mr. Tubman married three times. His first wife was the former Arminta Dent. By his subsequent marriage to Martha A. R. Pratt in 1935, he had five children. In September, 1948, he married Antoinette Padmore, a granddaughter of former President Barclay. In addition to his widow, he is survived by five daughters and two sons.

Thant Leads Tributes

United Nations, N.Y., July 23.—Secretary General Thant led the diplomatic community here today in expressing condolences to the people and Government of Liberia over the death of President Tubman.

The Secretary General sent his personal message to Secretary of State Rudolph Grimes.

George Bush, chief United States delegate, lauded the Liberian President as "statesman, jurist and leader of African freedom" in his message of condolences. He said:

"We knew him not only as a great leader of his country but particularly here as a profound believer in international organization and a stanch supporter of the work of the United Nations."

UNIFORM CARGO LOSS REPORTING ORDER BY INTERSTATE COMMERCE COMMISSION

Mr. BIBLE. Mr. President, I invite the attention of the Senate to what I believe is a most significant first step taken this week by the Interstate Commerce Commission to combat the growing crisis posed by the theft, pilferage, and hijacking of truck, air, rail, and ship cargo—a racket that cost American shippers conservatively last year more than $1 billion in losses, a 17-percent increase over 1969.

On July 21, the ICC issued its order requiring the quarterly filing of freight loss and theft data from the country's 1,500 class I motor truck common and contract carriers, representing 75 percent of all ICC-regulated intercity tonnage. The data will be by commodity and provide for the first time statistical facts about the extent and scope of losses sustained by that industry and their impact on the shipping public as a result of the theft of goods moving in commercial channels nationwide.

When the Small Business Committee, of which I have the honor to be chairman, opened its hearings 2 years ago into the impact on small business of increasing cargo thievery in all transport modes, one of our greatest surprises was to learn that no governmental agency and no private trade or service organization keep records of theft losses, total tonnage or the value of cargo shipped in this country. Consequently, any accurate totals of crime-oriented losses are difficult to project because there are no uniform loss reports requiring data of this kind.

Our committee, in a report to the Senate, recommended that such reports should be required as a basis for seeking to control a problem which has reached crisis proportions in the transportation industry.

We urged upon the Federal transportation regulatory agencies that they give consideration to the advisability of such uniform loss reporting statistics. Certainly, such information can point the transportation industry and Government toward constructive methods to solve the cargo crime problem, the real dimensions of which cannot be known or combated effectively without such facts.

It is true that the filing of new forms, as ordered by the ICC and as we hope will eventually be ordered by the Civil Aeronautics Board for air carriers, the Federal Maritime Commission for ocean-going vessels and the Interstate Commerce Commission for railroads and for the balance of the trucking industry, may be categorized by some as redtape. But this redtape may be favored over the redder ink on the carrier industry's books and on the higher crime-inflated bills paid by the buying public if nothing constructive is done to control growing theft losses.

May I take this opportunity to commend Chairman George M. Stafford and the other members of the Interstate Commerce Commission and its staff for their affirmative step in authorizing uniform loss reports. I believe this leadership in the transportation industry will be more substantiated in the future than it is today. It seems to me this is an example of a regulatory agency functioning not only to assist the problems of the industry it regulates, but also an affirmative effort to meet the needs of the public affected so substantially by growing cargo losses.

We are hopeful that the results of this reporting procedure will demonstrate that it should be widened to include class 2 and class 3 motor carriers so the entire industry can be covered.

I wish to commend the American Trucking Association for its far-sighted, realistic attitude in this matter and its support of the reporting procedures. That same attitude has not yet been demonstrated by the Air Transport Association, representing some 25 or more domestic airlines, who complained in a filing before the CAB that the reporting would be too burdensome in what we believe are some of its most important aspects, such as, first, the designation of shipments as either domestic or international, and second, the separation of loss claims as air or ground movements.

We suggest the airlines do not want to differentiate domestic and international shipments because it might be highly embarrassing for totals to reveal the high incidence of domestic shipment claims, where airlines are reimbursed losses at 50 cents per pound or no more than $50 per package, while international losses are reimbursed at $7.52 per pound. We hope our pending bill, S. 1763, introduced on May 4, 1971, may prompt the CAB to increase the domestic airlines' loss liability rate and thereby conform it to current truck, rail and steamship cash value loss liability practices rather than the loss compensation rate of the horse and buggy days now permitted for airlines.

Particularly, we believe higher liability rates would serve as an incentive for airlines to improve their security practices because today's domestic reimbursement rate is grossly unfair to the shipping public.

Second, the airlines want their air and ground movement losses reported together rather than separately, thereby precluding an incisive look at precisely where these tremendous losses are occurring at some airports.

We wish to commend both the Honorable Secor D. Browne, Chairman of the Civil Aeronautics Board, and its members, and the Honorable Helen Delich Bentley, Chairman of the Federal Maritime Commission, and its members, for their cooperative attitudes in this area and their diligent, affirmative efforts in working toward effective uniform loss reporting.

Mr. President, I ask unanimous consent that there be printed in the Record at the conclusion of my remarks a copy of the ICC's report and order together with a copy of an explanatory news release thereon from the ICC and a copy of a letter from the committee to the Interstate Commission almost 1 year ago urging its consideration of a loss reporting procedure which has now been authorized.

There being no objection, the items were ordered to be printed in the Record, as follows:

Loss and Damage Quarterly Reports Required of Class I Motor Carriers

Interstate Commerce Commission Chairman George M. Stafford announced today a plan that will require the country's Class I motor carrier of property to file quarterly reports of freight loss and damage claim, highlighting those caused by theft and hijacking.

Today's decision, was reached in Docket No. 35345, Quarterly Report of Freight Loss and Damage Claims, and it is estimated that 1,500 Class I motor carriers of property will file the required quarterly reports commencing with the period October 1, 1971-December 31, 1971.

Class I motor common carriers of general freight will be required to report the number of dollar value of claims paid for losses and damages suffered, according to several categories, and identified as to commodity. In a second schedule to be filed by all Class I motor carriers, special analysis is required of claims paid for losses from theft and pilferage and hijacking identified as to location by state, and a third form to be filed by all carriers provides an analysis of claims processed.

The reports will provide the Government and the public with essential information as to articles of freight that have been lost because of theft. Additionally, the new reports will provide valuable information required by the Senate's Select Committee on Small Business and crime prevention agencies for use in fighting the growth of stealing and hijacking in the transportation industry.

WASHINGTON, D.C.,
August 19, 1970.

Hon. GEORGE M. STAFFORD,
Chairman, Interstate Commerce Commission, Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware from recent correspondence that we have exchanged, based on the investigation of truck highjacking and cargo theft that the Senate Small Business Committee has been conducting, I feel that a periodic, uniform loss reporting system is essential if we are to ever fully understand the true extent of this problem, and its impact on the transportation economy and the shipper-consumer. Periodic, uniform loss reporting by commodity would be a significant factor in the development of a law enforcement response to crime against goods moving in surface transportation. A loss reporting system would also provide a basis on which the Federal Government as well as the surface carriers might develop improved loss prevention systems and thus provide for better safety and security of cargo.

Title 49, Part 1207 of the *Code of Federal Regulations*. Section (e) requires all Class I and II carriers to maintain a freight claims register showing each cargo loss and damage claim received. This provision requires that the claim be assigned a number and that it indicate the commodity for each claim.

After reviewing this regulation and discussing it with experts in the transportation community, I feel that this claims register would provide a sound basis on which to establish a mandatory, periodic, uniform loss reporting system. I therefore urge that you as Chairman of the Interstate Commerce Commission consider a rule-making proceeding to require that Class I and Class II trucking companies submit to the ICC at least once every quarter a compilation of all claims entered on this register stating the reason for claim, i.e., loss, damage, or theft where the fact has been established; the commodity; and the actual cash value of the item(s) involved.

These reports could then be compiled and issued by the ICC and would provide the first significant data with respect to cargo loss, theft, and pilferage.

As I indicated to Commissioner Walrath, who appeared before this Committee on June 25, I would be inclined to assist you in seeking whatever means might be necessary to accomplish this program.

I urge your serious consideration of this proposal, as I am convinced that trucking theft and highjacking losses are now approaching, according to some estimates, $1 billion a year and are a clear and present danger to the economic security of the surface transportation industry. I appreciate your prompt attention to this proposal.

With all best wishes.

Cordially,

ALAN BIBLE,
Chairman.

[No. 35345—Decided July 6, 1971]

QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

Proposed quarterly reporting of freight loss and damage claims by motor carriers of property approved as modified. Appropriate order entered.

REPORT AND ORDER OF THE COMMISSION

BY THE COMMISSION

The Commission served a Notice of Proposed Rule Making, November 27, 1970, pursuant to the Administrative Procedure Act, 5 U.S.C. 553, and sections 204 and 220 of the Interstate Commerce Act, stating the Commission has under consideration a requirement that all motor common and contract carriers of property having average annual operating revenues of $1 million or more file quarterly reports of freight loss and damage claims, effective with the first-quarter period ending March 31, 1971. Representations were to be filed within 30 days of publication of the notice in the Federal Register, December 3, 1970 (234 F.R. 18402). The filing date was extended until March 1, 1971, by notice, December 28, 1970.

The proposed reporting of freight loss and damage claims is to be accomplished through the filing of form QL&D, Quarterly Report of Freight Loss and Damage Claims. The report form is divided into three parts, designated as schedule A, Loss and Damage Claims Paid; schedule B, Analysis of Theft; and schedule C, Analysis of Claims Processed. Schedule A calls for the reporting of the number and dollar amount of claims paid during the quarter by commodity and reason for payment. Schedule B calls for the reporting of each claim paid during the quarter in the amount of $100, or more, as the result of theft or hijacking, with an indication of where the theft occurred. Schedule C calls for an analysis of the number of claims received and processed during the quarter, and related information.

Numerous representations were filed both in support and in opposition to the reporting proposed. A number of the representations basically in support of the proposed reporting raise objections to specific parts of the reporting and offer modifications for consideration.

Settlement of loss and damage claims between shippers and carriers is a problem as old as the first established for-hire transportation service. In recent years, this vexing problem has been further aggravated by ever increasing losses associated with theft, pilferage, and robbery. The theft problem has drawn the attention of Congress, and specifically the Select Committee on Small Business, United States Senate. The chairman of that committee called the Commission's attention to the demonstrable lack of hard statistical facts relative to the extent and scope of losses sustained by industry as a result of theft of goods moving in the Nation's various commercial channels.

The Commission has long recognized that claims from all causes, including theft, has resulted in increased concern by the users of public transportation service. The Commission has instituted various proceedings establishing rules and regulations for claims matters; however, there is no uniform reporting system which adequately shows the results obtained. This resulted in the institution of this proceeding.

REPRESENTATIONS, VIEWS, AND ARGUMENTS

American Trucking Associations, Inc. (ATA), filed in support of the basic uniform theft reporting system as a general proposition. However, exceptions to the proposed form and instructions were advanced. Exclusion from the reporting proposed is sought for contract carriers, and these specialized common carriers: Automobile transporters, heavy haulers, household goods carriers, oilfield haulers, steel haulers, and tank truck carriers. ATA avers the freight transported by these carriers is not susceptible to theft or hijacking owing to the nature of commodities transported or operating methods, and that losses due to damage may be subject to special arrangements between shipper and carrier, often not being treated as claims and reimbursements.

ATA's recommendations for technical changes in the forms and instructions, designed to provide more meaningful data and reduce the carrier reporting burden, will be discussed later where necessary to this report.

The following organizations, most of which are affiliated with the ATA, filed representations on behalf of their membership proposing exclusion of carriers performing certain types of motor property services from the reporting requirements under consideration: American Movers Conference; Contract Carrier Conference; National Automobile Transporters Association; Heavy-Specialized Carriers Conference; and National Tank Truck Carriers, Inc. Several individual carriers filed for exclusion from reporting freight claims data for carriers performing specific types of service, including Allied Van Lines, Inc., and Wheaton Van Lines, Inc., both carriers of household goods. All these representations generally repeat the ATA position regarding carrier exclusion. American Movers Conference and Wheaton Van Lines indicated the Commission has in effect special rules governing the transportation of household goods, including rules governing loss and damage claims (49 CFR 1056), and in their opinion, therefore, household goods carriers should be excluded from the proposed reporting.

The Texas Motor Express and Film Carriers Association proposes that claims of $50 or less, or claims of 100 pounds or less per shipment be exempt from schedule A, and proposed schedule C, columns A and B.

A number of motor carriers filed representations endorsing the proposed reporting and offering technical suggestions for improvement of the reporting. Many of the suggestions proved helpful in developing the final reporting format and instructions. The carriers will recognize the changes adopted as a result of their submittals. One significant suggestion which we will adopt is a change in the due date for filing reports from 30 days to 40 days in order to allow carriers additional time to compile the data required and to avoid a conflict with the filing time of other required motor carrier quarterly reports.

Several shippers or shipper associations filed in support of the proposed reporting, including The National Industrial League (NITI), National Association of Food Chains (NAFC), and Millers' National Federation.

Among other things, NAFC states that the positive action of the Commission in requiring carriers to report on theft and damage claims should prompt the carriers to devote more attention to the problem, and indicate the full scope of the problem so appropriate local, State, and national authorities can pinpoint their efforts where outside help is desirable. We agree and believe the reporting will give expression to these desirable goals.

Approximately 2 percent of about 1,500 carriers which may ultimately become subject to this reporting filed in outright opposition based on the cost burden of preparing the reports. Typically, attorneys for Churchill Truck Line, Inc., Dodds Truck Line, Inc., and Darling Transfer, Inc., say the reporting would constitute an undue burden on motor carriers, especially smaller carriers, and out-of-pocket costs might amount to as much as $9,000 per year. They aver the Commission does not have authority to adjudicate claims against motor carriers, the making public of these data might reveal competitive shipper information, the handling of claims is a legal matter, the attempt by the Commission to minimize the reporting burden by making arrangements for reporting on magnetic tapes or cards for computer processing is of little use except to large carriers with extensive computer systems, and the reporting would be just one more burden upon the small carrier already hard put to maintain adequate service to the public and realize a fair, reasonable profit.

Finally, two replicants, Kraft Foods and William P. Sullivan, raise questions as to the desirability of this reporting in light of Ex Parte No. 263, Rules, Regulations and Practices of Regulated Carriers with Respect to Processing of Loss and Damage Claims. Kraft believes the proposed reporting is premature until such time as Ex Parte No. 263 is completed. Sullivan inquires whether the Commission has authority to require carriers to keep and disclose the claims data. He further says that the Commission's restricted budget leaves doubt on the desirability of the Commission involving itself in this type of reporting until Congress gives a clear indication as to what governmental body is to be given clear statutory authority and financing necessary for this function.

DISCUSSION AND CONCLUSIONS

The reporting of freight loss and damage claims herein under consideration is being carefully developed by reviewing governmental needs for theft data. Commission requirements for claims handling information, the interests of the regulated motor carrier industry for claims data, and the interests of shippers. The reporting proposed represents an initial, practical attempt to gather the best possible information consistent with reasonable standards of reporting and burden. As the result of views expressed by numerous parties, we have modified our original reporting proposal to lighten the reporting burden to the maximum extent feasible and yet provide the useful and required data.

The requirements for reporting claims paid by individual commodities in schedule A, form QL&D, will be confined to common carriers of general freight. Although we have no statistical proof, these carriers are represented as being more subject to claims than other groups. Further, common carriers of general freight are familiar with the commodity codes since the commodity descriptions are derived from coding required of them in annual reports of freight commodity statistics, form TCS (49 CFR 1248). Exclusion of contract and specialty carriers from the requirements of schedule A will preclude the possibility of any disclosure of shipper information prohibited by section 222(e) of the I.C. Act.

Some carriers objected to our use of commodity codes based on the Standard Transportation Commodity Code (STCC), indicating a preference for the ATA commodity descriptions used in ATA form FCS–1. The reporting being developed is designed as the forerunner of similar reporting under consideration for several other modes of transportation; for example, the Civil Aeronautics Board has under consideration establishment of reporting of freight loss and damage claims by air carriers. For comparative purposes, it is essential that uniform reporting be based on standardized commodity descriptions. The STCC is the only such code available recognized as the Federal standard. The commodity descriptions for use by motor carriers in reporting on schedule A, therefore, are derived from and compatible with the STCC. The codes have been adapted to the characteristics of freight transported by common carriers of general freight, particularly those commodities known to cause claims. The commodity code is little different from that on ATA form FCS–1. The National Freight Claims Council expects to publish tables for converting National Motor Freight Classification numbers to the STCC commodity descriptions. We believe the code will become the standard for claims reporting by the motor carrier industry. However, the code is flexible and may be modified as conditions change.

Both schedule B and schedule C of form QL&D will be required of all carriers subject to the Commission's rules in this proceeding. To simplify the reporting, the distinction between truckload and less-than-truckload shipments initially proposed was eliminated from schedule B requirements. Schedule C was simplified by eliminating the requirement that claims on hand and received during the quarter be screened for the cause of the claim. This was represented by carriers as the proposed reporting requirement which would have been the most troublesome and expensive to meet.

The initially proposed instructions have been revised, as appropriate, to provide that each respondent carrier will report its portion of liability for losses paid to claimants. This eliminates the need for reporting insurance recovery payments in schedule C, and will more accurately reflect each carrier's claim experience in all areas of the report form.

As indicated, we are not moved to exempt other than general freight carriers, such as contract carriers or household goods carriers, from the basic reporting of claims data called for in schedules B and C. While representations were made saying carriers performing specialized services were not prone to theft and hijacking, there is no statistical proof substantiating the allegation. One of the major objectives of this reporting is the gathering of such evidence, and to leave out large groups of carriers would be self-defeating. Under prescribed accounting rules, all class I and class II common and contract carriers are required to maintain a freight claim register of cargo loss and damages showing each claim received, name of claimant, kind of commodity, date paid or disallowed, and reasons and other pertinent information (49 CFR 1207.22). Carriers in compliance with this requirement should experience little difficulty completing form QL&D, as revised, at minimum cost.

In our opinion, there is no question here as to the Commission's authority to require the reporting under consideration. Section 204 of the I.C. Act gives the Commission the power and duty to regulate both common and contract carriers by motor vehicle, to establish reasonable requirements with respect to accounts, records, reports, et cetera. Section 220 authorizes the Commission to require annual, periodical, or special reports from motor carriers; to prescribe the manner and form of such reports; and to require full, true, and correct answers to all questions upon which the Commission may deem information is to be necessary.

Provisions for the reporting of freight claims data on magnetic tape or punch cards suitable for computer processing remain under advisement. If adopted, instructions for computer reporting will be issued to carriers administratively, and will be made available to the carriers at the carrier's option.

We are aware of the investigation in Ex Parte No. 263, and are of the opinion there is no conflict between that proceeding and this reporting. In fact, this reporting may ultimately be an aid in that proceeding. ATA recognizes in its representation that the proposed reporting will provide information useful to a proposed Commission on Security and Safety of Cargo,[1] as sponsored by Senators Bible, Dole, Harris, Javits, Nelson, Randolph, and Williams; and that it will provide information of motor carriers' complete cargo claims record. Such information cannot but be helpful to all investigations concerning cargo claims.

FINDINGS

On consideration of the matters presented, the Commission finds (1) the proposed reporting of freight loss and damage claims by common and contract carriers of property having annual operating revenues of $1 million, or more, should be approved and adopted with certain modifications; (2) all facts and views submitted by replicants not herein specifically discussed were considered and found without material significance or not justified; (3) all other relief sought and proposals advanced should be denied; and (4) the proceeding should be discontinued.

An appropriate order will be entered.

QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS—GENERAL INSTRUCTIONS

1. Under order of the Commission, all motor common and contract carriers of property with average annual gross operating revenues of $1 million, or more, are required to file quarterly reports of freight loss and damage claims, Form QL&D. Common carriers of general freight are required to complete and file Schedules A, B and C of Form QL&D; all other common and contract carriers of property are required to complete and file Schedules B and C of Form QL&D.

2. The reports must be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C., 20423, within 40 days after the close of each quarter.

3. The order contemplates the inclusion of all claims incurred in connection with interstate, intrastate, intercity and local shipments.

4. Reports should be prepared on a quarterly basis beginning with the first day of January, April, July, and October. Carriers that keep accounts on a 4-week instead of calendar-month basis may report three such 4-week periods in each of the returns for the first three quarters and the four remaining periods in the last quarter; carriers so reporting should note the fact under "Remarks", Schedule C.

5. Dollar amounts reported should be rounded to the nearest whole number, omit cents.

6. Enter the carrier's Service Classification Symbol in the space provided. (See Schedule 20, motor carrier annual report Form A.)

7. The Certificate must be completed by an officer of the carrier filing the report.

8. The first of the three enclosed copies contains the mailing label and is to be considered as the "original" copy. To assure proper indentification in the automatic data processing operation, it is imperative that the mailing label not be altered. Your company's name and address, as they appear on the mailing label, must be copied in the same block on the duplication copy returned to

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[1] S942, 92d Congress, 1st session.

the Commission in the identical manner they are shown on the mailing label. If the name and address on the mailing label are incorrect in any detail, the correct name and address should then be inserted on the original and duplicate copies in the space provided to the left. The carrier's mailing address is the address where correspondence relating to accounting and reporting is to be directed, including P.O. Box number, if applicable.

[No. 35345]

ORDER

1249.15 QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

Title 49—Transportation.

Chapter X—Interstate Commerce Commission.

Subchapter C—Accounts, Records, and Reports.

Part 1249—Reports of Motor Carriers.

At a Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of July 1971.

On December 3, 1970, Notice of Proposed Rulemaking was published in the Federal Register (234 F.R. 18403) advising all interested persons that the Commission had under consideration a requirement for filing of quarterly reports of freight loss and damage claims by all common and contract carriers of property having average annual operating revenues (including interstate and intrastate) of $1 million, or more, from property motor carrier operations. After consideration of all relevant matters submitted by interested persons, the reports proposed are hereby adopted with modifications, as shown by the instructions and schedules attached to and made a part of this order. Wherefore, and good cause appearing:

It is ordered, That quarterly reports of motor carriers of property, form QL&D, Quarterly Report of Freight Loss and Damage Claims, as shown in appendix A attached hereto, are adopted and prescribed.

It is further ordered, That the reporting requirements prescribed hereby are applicable to all common and contract carriers of property by motor vehicles having average annual operating revenues (including interstate and intrastate) of $1 million, or more, from property motor carrier operations, based on the average of latest 3 calendar years.

It is further ordered, That the reporting requirements prescribed hereby are effective with reports for the quarter beginning October 1, 1971.

And it is further ordered, That service of this order shall be made on all parties that filed representations, on all class I motor carriers of property; and notice shall be given the general public by depositing a copy of this order in the office of the secretary of the Commission at Washington, D. C., and by filing the order with the Director, Office of the Federal Register.

(Secs. 204, 220, 49 Stat. 546, 563, as amended; 49 U.S.C. 304, 320.)

Supply of printed Form QL&D will be furnished later.

By the Commission.

ROBERT L. OSWALD,
Secretary.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

EMERGENCY LOAN GUARANTEE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the pending business, S. 2308, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 264, S. 2308, a bill to authorize emergency loan guarantees to major business enterprises.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, a great deal was said yesterday during the course of the debate about the position of Secretary Laird and Under Secretary Packard of the Defense Department on the matter of the Lockheed loan guarantee and/or the generic bill that is before the Senate, S. 2308. It seemed to be implied or intimated or actually asserted by the Senator from Wisconsin that actually the Secretary of Defense and Under Secretary Packard were opposed to the generic bill.

I should like to read a statement by Melvin Laird, Secretary of Defense, which was, I think, released at about 11 o'clock this morning.

The statement reads:

STATEMENT OF MELVIN LAIRD, SECRETARY OF DEFENSE, JULY 24, 1971

Some press reports which suggest that Deputy Secretary of Defense David Packard and I do not support the Administration's position on pending legislation regarding loan guarantees are erroneous and, in my view, unfair. The Department of Defense supports the legislation, and we believe it is in the best interests of our country for it to be promptly enacted into law.

In answer to a question yesterday I said that I am in full agreement with Deputy Secretary Packard's Congressional testimony on July 19 which included his support for the Administration's position.

Erroneous reports that the Department of Defense opposes the legislation are unfair to Mr. Packard, to the Congress, and to other interested parties.

Dave Packard and I are in agreement on all aspects of the matter, including our support for enactment of the legislation now pending before the Congress.

So, Mr. President, that should wipe out just about 15 or 20 pages of the RECORD of yesterday.

Mr. President, I have a further statement which is probably at just about this moment being released at the White House by the President of the United States so we can make certain what the position of the administration is. From President Nixon comes the following statement:

STATEMENT BY THE PRESIDENT

I fully support the legislation now before both houses of Congress to provide emergency loan guarantees for major business enterprises confronted with temporary financial stringencies.

The Administration originally sought legislation only to help the Lockheed Aircraft Corporation. That support is still needed very badly. But I have instructed Secretary of the Treasury Connally, in behalf of the Administration to accept the broader legislation. It would be most useful in providing a systematic procedure for helping any major business enterprise with temporary financial problems whose failure would adversely affect the economy of the nation or a region thereof.

The President is quoting here directly from the language in the bill.

I urge Congress to enact this legislation with all deliberate speed, and in any event, before the August recess.

Mr. President, the President of the United States has sounded the note of urgency on this piece of legislation. I think this is adequate justification for the fact that yesterday the senior Senator from Texas filed the cloture motion to be voted on Monday. I might note that if it fails on Monday the Senator from Texas or another Senator in this body will offer a further cloture motion to be voted on the following Wednesday.

The President has asked us to pass this legislation and to act on this legislation with all deliberate speed. I think the President, with all his resources—the Treasury Department, the Commerce Department, and other agencies of Government—is fully competent to determine the economic impact the failure of Lockheed would have on the economy of the country or a given major region of the country, such as southern California, Georgia, and perhaps others parts of the country. The President is competent to make this determination.

I do not believe the President would be in the position of supporting and urging deliberate speedy passage of legislation of this type, as controversial as this, if he were not convinced it is in the best interest and good of the people of the United States. I cannot imagine the President sticking his neck out on an issue of this type unless he was convinced the economic impact of our failure to act would be so great as to be deleterious to the general welfare of the United States.

Much has been said about the effect of the failure of Lockheed or a Lockheed bankruptcy on our pending or existing defense contracts with Lockheed. The opponents of this measure apparently were willing to accept what they considered to be the attitude of Mr. Packard and Mr. Laird on this generic bill—in other words the imagined attitude of Mr. Packard and Mr. Laird, which was more ephemeral than real—but they apparently are not prepared to accept the assertion on the part of Under Secretary Packard and others in the Department of Defense that this would have a deleterious effect on the ability of Lockheed to produce the defense goods that are so urgently required by our Military Establishment.

I think the Comptroller General of the United States, Elmer B. Staats, should be regarded as a pretty good authority on this matter. The Comptroller General of the United States, in a letter to Representative WILLIAM S. MOORHEAD on January 25, 1971—and that is before we got into this debate and argument—had this to say:

However, we should point out our understanding that the Trustee's obligation would

> be to protect all of the creditors and that he could not operate the company solely for the benefit of one creditor, even the United States Government. Any of the creditors could petition the Court periodically for adjudication of their rights. In addition, there is a serious question whether the company would be required to perform its contracts with the Government. Further, there is a question as to the effect of chapter XI proceeding on Lockheed's subcontractors. The subcontracts were entered into in 1965 and 1966 when lower prices prevailed. If these subcontractors could terminate their agreements, the cost to the Government would increase substantially if the C–5A program were to continue.

Mr. President, that is the view of Elmer B. Staats, Comptroller General of the United States, who should be in a better position to know.

Now, Secretary Connally of the Treasury Department testified on June 7, 1971, on the various measures we had before us for emergency loan guarantees. This is what he said:

> Another loser from a Lockheed bankruptcy would be the Federal Government itself. With respect to military procurement, for example, it is simply not practical to assume that Lockheed could go into bankruptcy without adversely affecting the cost of performing under existing contracts. This would result, if for no other reason, from the fact that a trustee could well find it impossible to carry out such contracts if to do so would require new capital, or would result in losses to the company's other creditors. Even if bankruptcy did not result in higher costs, it would inevitably result in substantial delays on military procurement under the rigid procedures required in reorganization or bankruptcy. Conversely, of course, a bankrupt Lockheed would hardly be in a strong position to bid on new defense contracts, particularly those involving any substantial outlay of investment funds.

Further, Secretary Connally testified on June 7, 1971, as follows:

> Well, if Lockheed goes into bankruptcy, the trustee—and these particular contracts, in my judgment, and Professor Seligson can correct me if I am wrong—but the trustee cannot void these particular contracts in my judgment because they are "in the public authority."

Professor Seligson is the expert on bankruptcy who accompanied Secretary Connally.

I continue to quote from Secretary Connally's testimony on June 7:

> I assume that this has never really been interpreted, but I assume this to be applicable to any contract in which the government is not compelled or required to perform under the contracts if additional cash is required to enable him to do so and if that cash is not available. He just says, that is too bad, I don't void the contract, but I am not going to produce under it, I can't produce under it.

Secretary Connally was interrogated by the Senator from Georgia (Mr. Gambrell), as follows:

> Senator Gambrell. That is the essential problem it seems to me, in the case of bankruptcy, is if the trustee can't go on, they will either have to come to the government to get a guaranteed loan to finish the contract or it will have to be renegotiated.
>
> Secretary Connally. That is correct.
>
> Senator Gambrell. So we may have them back here asking for a loan.
>
> Secretary Connally. The government will either have to put up the additional cash required to continue to produce under the contract or he has to renegotiate on such a basis where he can get financing to do it.
>
> There is another factor, as a part of the settlement agreement with respect to the C–5A, the Cheyenne helicopter, and shipbuilding program between the Defense Department and Lockheed, there is a contingent liability of $100 million Lockheed has yet to pay to the Defense Department. As a result of that settlement agreement, and if indeed they go into bankruptcy, I think you can assume that that $100 million will be lost to the government.

Mr. President, the opponents of this measure have raised the implication that some $250 million of the poor taxpayers' hard-earned money is going to be shelled out as a gift to Lockheed. This is the impression I think they have tried to convey, perhaps unwittingly.

The fact of the matter is that if we guarantee this loan to Lockheed there will not be one penny from the pockets of the taxpayers of the United States. Indeed, they stand to make a little money off the guaranteed loan, because there is a fee involved which must be paid. As the Senator from New York (Mr. Javits) pointed out yesterday, the Government could actually make a little money off this guaranteed loan. The risk is virtually nothing, because the loan, to begin with, is adequately collateralized by the assets of the Lockheed Corp., in the first place; and, in the second place, the guaranteed loan will be the last money in to Lockheed and the first money to be paid out.

Something has been said about why these other bankers do not go ahead and underwrite the last $250 million. They have already underwritten over $400 million, and they were willing to subordinate their own rights to collateralization to allow the Government to go in first to retrieve the money that was loaned under the Government's guarantee. Not one dime is going out of the Federal Treasury, and 24 banks have said:

> We are willing to take our chances; we are willing to let the Government have prior lien on the assets for collateralization purposes; we are willing to let them take the first payments out from Lockheed, and then we will wait to get our $400 million out of this venture.

The taxpayers do not lose a thing. They make a little money. If we fail to do this, it is going to cost the taxpayers. So I hope we will not hear any more emotional words about the poor little American taxpayer going in to bail out Lockheed and how much it is going to cost him, or potentially how much it is going to cost him. The tax writeoff alone is twice—twice—approximately, estimated by the Department of the Treasury, what we propose to guarantee here. So even if ultimately we did lose this $250 million, compare that to $500 million that will be lost if Lockheed goes under, to say nothing of the effect that it might have on individual employees or some subcontractors who perhaps do not figure into the tax figures that were cited by the Department of the Treasury.

Note also that it might cost us some additional money, not just in terms of tax dollars lost, but additional money if we do not keep Lockheed in the defense business. The Comptroller has already testified that it was going to cost us more probably, and that the ability of Lockheed to deliver on its defense contracts will be seriously impaired if Lockheed goes into bankruptcy.

Secretary Connally said that there is a contingent liability of $100 million that Lockheed has to pay to the Defense Department, and he said that if, indeed, they go into bankruptcy, one can assume that that $100 million will be lost to the Government.

If we are thinking about the poor taxpayer, we had better adopt this bill and adopt it quickly, because the taxpayer is going to pay through the nose if this loan guarantee does not go through.

Mr. President, I am really sorry that the distinguished Senator from Louisiana (Mr. Long) is not here today. He made much of the fact that he had been tied up in committee and was not able to hear the debate; therefore, he opposed cloture because he wanted to wait until such time as he could be here. The Finance Committee is not in session this morning, and therefore I do not understand why Senator Long is not here. He asserted that he had not made up his mind and would like to hear more of the debate. Perhaps there are other Senators in the same boat with Senator Long, and perhaps some consideration should be given, since this is a vitally important matter and one that must be acted on with considerable urgency, to not allowing committees to meet during the course of consideration of this measure. I do not suggest that we should do that, but if, indeed, the Senators want to hear the debate, I think there should be adequate opportunity for them to come to the floor and hear it.

I think, again, that so many arguments have been reiterated so many times that when one reads the Record, one reads the same old story over and over again, that perhaps we have really exhausted everything new that can be said about this entire measure.

I am hopeful, therefore, that when the cloture vote comes on Monday, the Senate will in its infinite wisdom adopt this measure and will vote by two-thirds to close off debate so we can follow the injunction of our President to act on this measure with all deliberate speed.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Alabama.

Mr. SPARKMAN. We have heard Penn Central brought into this discussion from time to time. Now, we did provide $100 million in either a loan or a guarantee to Penn Central; did we not?

Mr. TOWER. I believe the Senator from Alabama is correct.

Mr. SPARKMAN. Does the Senator recall any particular difficulty in putting that through?

Mr. TOWER. I do not recall any difficulty in putting that through. I think there was absolutely no difficulty in putting it through.

Mr. SPARKMAN. Does the Senator know the relative size of Penn Central as compared with Lockheed so far as gross annual receipts are concerned?

Mr. TOWER. No, the Senator is not sure on that at all. He will be delighted to be enlightened by the Senator from Alabama.

Mr. SPARKMAN. I have in my hand a copy of the hearings which contain an article from Barron's Weekly of August 17, last year. I had that article placed in the hearings, and it is to be found commencing on page 109 of the hearings.

I remember one little statement I read in that article which startled me. I just did not realize it. I had heard the Secretary asked if it was not true that Lockheed was the biggest defense contractor. He said it had been right at the top of the list for some time. Certainly, it is one of our largest contractors in this country, but in that article in Barron's magazine, in which this whole situation is treated fully—I wish Senators would look at page 109 of the hearings and read that whole article in Barron's magazine—it states:

> Moreover, since Lockheed is five times the size of the Penn Central (in gross annual revenues), collapse would send shock waves through the business and financial communities. Finally, an organization of unique technological capability, critical to the safety of this country, would be thrown into disarray or lost forever.

Does not the Senator agree that that is an important statement?

Mr. TOWER. I think that is a very strong statement and certainly very pertinent to the debate going on at this moment.

Mr. SPARKMAN. And here is a company that was in trouble, just one-fifth as big as Lockheed, and Members of the Senate and of the House of Representatives agreed that it should have $100 million. Yet some of those who voted for that have fought the idea of a guaranteed program under which I was and am convinced the U.S. Government would not lose a cent. I have never known a proposition that was so amply protected as this was from the standpoint of the Government.

Mr. TOWER. The Senator from Alabama has had a long and distinguished career in the Senate of the United States. I might ask him if he can recall if at any point in time the Government, at such little risk, has been able to engage in a venture that would have as great an economic impact at no cost to the Government.

Mr. SPARKMAN. I do not. Of course, we have initiated programs from time to time that we did not know would turn out so well, but we did not know that at the time we were going into them.

I will refer again to the guarantee of loans to veterans. The Senator will remember the very liberal terms that were given under those loans, and the Government guaranteed them. Nowhere, in paying off those guarantees, did they hold themselves to a lesser degree of liability; they paid them 100 percent. We did not lose money; we made money on them.

The FHA insurance program was not as liberal as the VA guarantee program, but, nevertheless, we have made tremendous amounts of money that have been paid into the Treasury of the United States, and our whole guarantee program of $142 billion worth of outstanding loans has been wholly successful.

Does not the Senator from Texas agree with me?

Mr. TOWER. I certainly agree with the Senator, and no one should know better than the Senator from Alabama, who has had long experience of this kind in Government financing.

Mr. SPARKMAN. May I ask the Senator this question? He will recall that much has been said here on the floor of the Senate about Secretary Packard's testimony before the committee and what he was advocating, and so forth. I have heard it said time and again that the Secretary said that, so far as defense contracts were concerned, he had no misgiving about them; they could be carried right on.

As a matter of fact, I do not recall that Secretary Packard testified to that effect.

Mr. TOWER. I believe that his testimony was to the effect that, yes, they could be carried on, but it would probably be at a great deal more expense to the Government of the United States, and that there was a possibility that some deliveries could not be made.

He said it is within the realm of possibility for them to carry on, but when there are schedules falling behind, with additional costs of renegotiated contracts, heaven knows what can of worms we would get into. I think this is what Secretary Packard was trying to tell us.

Mr. SPARKMAN. The Senator is exactly right. Furthermore, let us not forget that the Defense Department has an unusual Form 8 by which it can help defense contractors in the form of V-loans; is that correct?

Mr. TOWER. That is correct.

Mr. SPARKMAN. And we know they have been put out, and have been of great help to defense contractors.

But furthermore, Secretary Packard took pains to point out in his testimony that it would not be good for the Government for Lockheed to go into bankruptcy. I think I can point out some things right here. He said:

> We did conclude that the Defense Department's interest in relation to the ability of Lockheed to supply needed defense products would be better served if bankruptcy could possibly be avoided. There were several reasons for this.
>
> First, there was the uncertainty in dealing with a company in bankruptcy.

He is talking about defense contractors here, because those are the ones he had been dealing with:

> Second, there was the possibility—and still is—of chain reaction effects because many suppliers and subcontractors of the L–1011 commercial program were and are also important suppliers and subcontractors for Lockheed on defense programs. Many of these firms could have serious financial problems if the L–1011 commercial program failed at this time.
>
> Third, there was the possibility, not the certainty, that the cost to obtain the defense equipment would be higher with the company in bankruptcy.

The Senator pointed that out. And a little farther on, he talks about the chain reaction. In fact, he spends, really, a whole page talking about the uncertainties of dealing with a company in bankruptcy. He is talking about it from the Defense Department's standpoint, from the standpoint of the Government of the United States.

Mr. TOWER. No one can predict how a trustee in bankruptcy is going to react to the various situations he is confronted by, once he is appointed trustee. No one can predict that.

Mr. SPARKMAN. If anyone wishes to read what I have been referring to, it is found on pages 134 and 135 of the hearings. I think it would make good reading for some Senators who have been saying things that do not jibe with this.

Secretary Packard says further:

> In respect to the second point, that is, the possibility of a chain reaction, the failure of suppliers, and other economic results of bankruptcy, we have looked over the list of commercial suppliers to the L–1011. Most of these commercial suppliers are also important contractors and subcontractors to the Department of Defense on important defense programs. They have investments in development and work in process for the L–1011 which are large in respect to their net worth, which is the key thing. It has to be looked at in that context, in terms of the impact of the loss on a particular company.

Mr. TOWER. Mr. President, if the Senator will yield, I would cite just one example of what can happen in this situation, if Lockheed goes into bankruptcy and the L–1011 program goes out the window.

The Menasco Co. has plants located at Burbank, Calif., and Fort Worth, Tex. They make the landing gear for both the L–1011 and the DC–10.

Their representatives testified it would not cause them to buckle and go under if the L–1011 program were killed, but they would lose $15 million, and would close the plant in Fort Worth, throwing 500 people out of work.

But they also said:

> We would not lose the entire $15 million. The Government would have to absorb about half of that in tax losses.

So this is just an example of one relatively small subcontractor as to which, if the L–1011 goes out, there is a tab for the taxpayer of $7.5 million in lost taxes.

Mr. SPARKMAN. And is that not true across this country? I wonder how many different States have either branches of Lockheed or contractors, subcontractors, or suppliers in connection with the L–1011.

Mr. TOWER. There are thousands.

Mr. SPARKMAN. And let me point out that most of them are small companies.

Mr. TOWER. Most of them are small businesses. That is another point that I intend to go into next week, all the emotionalism about small business and "Why don't we do something for small business?"

Wherever a big business is concerned,

there are first, second, third, and fourth tier subcontractors, and you get down to some very small businesses indeed that could go under as a result of our failure to act on this thing.

We have talked about the loss of tax revenue to the United States. I wonder if anyone has figured what the tax loss would be to State and local governments throughout the country which rely on these tax revenues to maintain their schools, build roads, and supply services to their citizens. I wonder if anyone has calculated that loss.

Mr. SPARKMAN. I thank the Senator. I did not intend to take this much time, but I thought there might be some misunderstandings on the part of the Senators by reason of what has been said relative to Secretary Packard's testimony.

Secretary Packard said, four or five times, "I recommend that the guarantee to Lockheed be made."

Mr. TOWER. Right.

Mr. SPARKMAN. And he spoke in favor of the legislation, did he not?

Mr. TOWER. He did. I thank the Senator for his contribution to the colloquy.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from California.

Mr. CRANSTON. I want to express my appreciation for the work the Senator from Texas did between yesterday and today in clarifying the position of the administration on the pending legislation. I know that the Senator from Texas exercised great restraint in not commenting at once when we first heard about the remarks made by Secretary Laird. I wish to say that I imposed upon myself perhaps even greater restraint, because I was very disturbed when I heard the first report. The remarks could have done great damage, and if we had started to become too critical, I think that could have damaged our common cause.

I am delighted that the Senator has now made plain the position of the administration.

I think it might help to clarify one other point. There is same lack of clarity as to what is the administration bill. There was an original administration bill that was primarily designed to serve Lockheed's need, and had only $250 million authorized. Then a new bill was drawn, and I understand that the Senator from Texas and the chairman of the committee, the Senator from Alabama, and representatives of the Treasury Department—and hence the administration—worked on that new bill.

Mr. TOWER. That is correct.

Mr. CRANSTON. Hence I ask if the pending bill cannot be considered an administration bill.

Mr. TOWER. Yes. As a matter of fact, the statement I read earlier by the President of the United States said:

> We have adopted this bill. We have accepted the committee bill.

So in fact it can be considered the administration bill, and the administration has admonished us to please act on it with all possible diligence.

Mr. SPARKMAN. The pending bill.

Mr. TOWER. Yes, the pending bill, which is the committee bill.

Mr. CRANSTON. I thank the Senator from Texas. I would also like, with his assistance, to clarify one other point.

Press reports indicated, I think erroneously, that the Secretary of Defense and the Under Secretary of Defense, both men whom I respect greatly, felt that there are adequate provisions to aid defense companies generally that have economic problems. Is it not true that the bill we are talking about is by no means designed to aid defense companies, but is designed to aid companies in general?

Mr. TOWER. General. Anybody.

Mr. CRANSTON. With all sorts of responsibilities?

Mr. TOWER. Anyone.

Mr. CRANSTON. Companies whose failure would affect the national economy, and also companies whose failure might affect the regional economy?

Mr. TOWER. That is correct. Any company where the economy might be affected.

Mr. CRANSTON. Is it not true that the Defense Department does already have V-loans, to help defense contractors which get in trouble, and we do not have a similar mechanism for loans to nondefense contractors?

Mr. TOWER. The Senator is correct. I thank the Senator from California and I thank the Senator from Alabama, who have made valuable contributions to this colloquy.

Mr. WEICKER. Mr. President, I should like to comment on some of the remarks made here this morning and try to bring the record back into line again.

I think it is important for the people of this country to recognize the unseemingly haste with which debate on this important issue may be cut off.

I think that if any one of us on the floor of the Senate or anybody throughout our Nation wanted to go to the bank and get a mortgage on the purchase of a home, chances are it might take a few days for the loan committee to evaluate the prospective buyer and borrower, evaluate the home, and evaluate all aspects of the transaction. I do not think it is unfair to say that it might even take 4 or 5 days. But this loan committee—which, in effect, is what the Senate is —is being asked to pass a $250 million loan to the Lockheed Corp., and is supposed to do that kind of job in a matter of 4 days. That is $250 million in 3 days; whereas, for a simple mortgage of $20,000 or $25,000 it takes at least 4 or 5 days by a regular lending institution. It is an extreme example, but I think it points out what is being done here.

Certainly, nobody is a greater admirer of the President of the United States than I am. He has done a superb job in many areas, and I am proud that he is the standard bearer of my party. But the last time somebody tried to rush something through the Senate, I believe it was called the Gulf of Tonkin resolution. So I stand very much in opposition to the extreme haste of the attempt to bring to a close the discussion on this enormously important issue.

I do not doubt the competency of administration officials in their analysis and their recommendation to the Senate of this loan. But, again, may I point out the vast resources of the administration and of its agencies, and the amount of time they took, and the really minimal resources of the Members of this body in trying to make the same type of analysis. So if we have given the administration time to arrive at its conclusion, it would not be too much to ask that we have a decent period of time before we must decide so complex an issue.

I should like now to refer to the comments of the Senator from Alabama. The Senator from Alabama, I believe, tried to draw a parallel between the Lockheed situation and the Penn Central case. There are several very important differences. No. 1, the Penn Central is engaged in a public service business. That case in no way represents a precedent for bailing out the commercial end of Lockheed. Lockheed is strictly privately owned, for profit. It is not engaged in public service. The Penn Central is.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Does the Senator suggest that air transport is not a public service?

Mr. WEICKER. Lockheed is not in air transport. It is an airframe manufacturer, and that is a big difference. Let us not confuse this. I am not discussing the airline industry now. I will be glad to get to that.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. WEICKER. If the Senator will allow me to finish.

We are discussing an airframe manufacturer in this case, as compared to the Penn Central. If we are discussing the airlines or a specific airline as compared with the Penn Central, that is different. That is not the comparison that is being made here.

Let me get back to the Penn Central. It is a highly regulated company. Lockheed is not regulated. I might add that the Penn Central happens to be in bankruptcy, and Lockheed is not. I would also add that the people of the United States, through Amtrak, now own the intercity passenger service of the Penn Central. The people of the United States are not going to own anything that belongs to Lockheed.

I have the hearings of the Senator's committee in which the Penn Central case is gone over very carefully. The request for Government support originated, basically, on February 24, 1970; the hearings chronologically list the events that transpired between February of 1970 and the time the Penn Central finally got its loan guarantee.

I might add—and I am now quoting—

> On Friday, June 19, the administration withdrew its support of the loan guarantee, and on June 21, the Penn Central filed for bankruptcy.

In other words, in this particular instance, bankruptcy was required by the administration and the Congress; and it was not until January 13, 1971, almost one year later—having insisted that the Penn Central go into bankruptcy—that the company got a guarantee. One year.

Yet, we are asked to do this here in a matter of a few days, without any requirements of bankruptcy, without gaining a hold on any of the assets and having them in hand. I do not think there is any comparison at all between the Penn Central case and what is being requested of the Senate.

I should now like to comment upon another matter, but I find it a little difficult, since the Senator from Texas has left the Chamber. I will wait until he returns.

Mr. SPARKMAN. May I say to the Senator from Connecticut that the Senator from Texas told me he had to leave very briefly, and he will be right back.

Mr. WEICKER. I thank the Senator from Alabama.

Comments also were made that Lockheed is the biggest defense contractor in the United States. If that is true, I think it also can be stated that it is the worst, on the basis of its track record. If we are going to subsidize business in the United States, I say we should subsidize the smallest and the best, rather than the biggest and the worst.

With respect to the comments of the Senator from Texas relative to Secretary Laird and Secretary Packard—of whom we both share the highest opinion—the problem is, as I stated yesterday on the floor of the Senate, that the proponents of this bill care to rush it through. This is clear from the cloture motion.

Frankly, those of us who stand on the floor of the Senate trying to generate debate, trying to get the American people aroused about this issue, are accused of a filibuster. But I also stated at the time that the one factor we have running in our favor is time, because the longer the customer is kept in the store to watch this rubberband engine or a bubble gum plugged boat, the better the chance that the leaks are going to start to spring. And, in effect, they have.

I appreciate the letters that the Senator received today from Secretary Laird and Assistant Secretary Packard. But may I please quote from Secretary Laird's comments—not the newspaper headline or the editorializing, but the direct quote.

> "There is a difference within the administration," Laird said. "I don't think you can say there is not . . . But Dave Packard feels very strongly that we've got to toughen up on the procurement policies as far as the government is concerned and . . . I want you to know that I support Dave Packard."

I do not believe the two exactly run together, but the first portion makes it clear there is a difference of opinion in the administration. That is to the credit of the administration. That is why I am proud of the President and this administration. Differences are encouraged. So it is that on the floor of the Senate, differences should be encouraged and not quashed, not clamped down upon, and not dispensed with in a hasty and cavalier fashion.

Now to the Senator from Texas (Mr. TOWER), I should like to ask him, is he willing to state again, without reservation, as he indicated, that not one dime in the $250 million guarantee will be paid out? Is he willing to state that again, that not one dime will be paid out on this guarantee?

Mr. TOWER. I am willing to state that not one dime is going to be paid out of the Federal Treasury. The loan will be made by the banks. There would be a guarantee by the full credit of the United States if Lockheed defaults on the loan. Then it will cost us something, but it will be retrieved in terms of the collateral assets of Lockheed which assets are included in the terms of the loan.

Mr. WEICKER. Then this becomes a gamble on the part of the American people.

Mr. TOWER. What the Senator is saying is that the Secretary of the Treasury does not know what he is talking about, that the administration is all wet on it, that Lockheed does not have adequate collateralization. The Treasury Department has stated that they do. Maybe the Senator from Connecticut has some information not available to the Treasury Department which would convince him that collateralization is not adequate.

Mr. WEICKER. We find the assets of the Lockheed Corp. fluctuating rather drastically from day to day, from week to week, and from month to month, on the basis of their track record. Again, sitting as a loan committee, this is what we have to look at: I would indicate to you, Mr. President, that I do not think today's assets will necessarily be tomorrow's assets, so far as the Lockheed Corp. is concerned.

I do not think that the administration or the Secretary of the Treasury are all wet. I merely think that they are wrong on this piece of legislation. I say that it would not be fair for me to try to intimate to anyone that $250 million is being paid out in cash to Lockheed, but neither do I think it is fair that the proponents of the bill should intimate to the public that there is not the possibility that the $250 million could go out, if the worst arrives. It can. The Government is no different than someone keeping his own budget in his own home, or any State, or any corporation. We have to set aside $250 million. It has got to be set aside because if failure occurs, that is the fund we go into. It is possible for the taxpayers to have to pay it. However, for my part, I will cease in any way to indicate that the taxpayers will, if this bill is approved, rapidly have to fork over the $250 million, even though this has a guarantee. The $250 million payment is the money of the taxpayers of the United States.

Mr. TOWER. The Senator knows that is grossly inaccurate, because if the Government takes over the capital assets of Lockheed, the assets would, in due course, be liquidated and the money would be returned to the Government, so that the Government would not be out the full $250 million in any case. That is inconceivable. Besides, the Senator should note that the Treasury Department testified that probably not more than $250 million will ever go out to Lockheed anyway, that they will not require the full $250 million.

Mr. WEICKER. Would the Senator be willing to amend the bill, to set a figure of $150 million?

Mr. TOWER. I certainly would not.

Mr. WEICKER. Mr. President, in conclusion, I know that we will have further discussion on the bill next week. I would hope that Senators would permit the Senate to dig further into all the facts surrounding this extraordinary request.

Right now, the issue really before the Senate is not so much the bill as it is the question of whether we are going to have the opportunity to debate and to set forth to the Senate and the country all the facts behind this unprecedented, this very unusual request on behalf of one corporation in the United States.

Certainly there is a great need by many people and by many corporations for programs by their Government to get us out of our economic stalemate, the economic stalemate in which we find ourselves at this particular time. But I suggest that our energies, efforts, and money can be far better spent on the things we know need doing, and that can be done with the best minds, the best management, the best workers, and the greatest enthusiasm. Whether the projects are mass transportation, health, or housing, we know what the priorities are.

Nobody has to stand up and play demagog and consume all this time and all this money in cleaning up the mess of the Lockheed Corp., not only cleaning it up, but pledging $250 million to that cleanup. This, as I see it, is not worthy of our time or our efforts.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that the rule of germaneness not apply.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The Chair recognizes the Senator from Minnesota (Mr. HUMPHREY).

Mr. BYRD of West Virginia. Mr. President, if the Senator from Minnesota will yield briefly, may I say that I did not object to the request of the Senator from Texas because of the circumstances. This is a Saturday session. We do not have any program of votes for this afternoon. The purpose of having a session today has been accomplished; namely, the transaction of routine morning business, the calling up of unobjected-to items on the Legislative Calendar, and the holding of a session today—which would be required under rule XXII, in order to permit a vote on Monday on the motion to invoke cloture, the motion having been offered yesterday. For these reasons, I do not object to waiving the Pastore rule.

A NEWS STORY OR OFFICIAL POLICY

Mr. HUMPHREY. Mr. President, I was greatly disturbed by the article on the U.S. position at the SALT talks at Helsinki which appeared on the front page of the New York Times yesterday—and, of course, in the local papers here—the Washington Post and the Evening Star.

I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 23, 1971]

United States Asks Soviet To Join in a Missile Moratorium—Would Halt Construction of Land and Sea Arms and Allow Each Nation Up to 300 Antimissile Weapons

(By William Beecher)

WASHINGTON, July 22.—American negotiators have proposed to the Soviet Union an arms control agreement that would halt construction of both land-based missiles and missile submarines.

A companion proposal that they have put forward would allow as many as 300 antimissiles missiles in each country to protect offensive missiles.

Administration officials noted that the American proposals come within the framework of President Nixon's announcement May 20 that the leaders of the United States and the Soviet Union had decided on a first-step approach toward halting the arms race that would put some limitations on both defensive and offensive missiles.

There was no announcement then of what the United States would propose. But senior officials suggested privately that the United States was then thinking in terms of proposing a halt on construction only of new land-based missiles, with a ceiling of only about 100 antiballistic missiles in each country.

According to Administration officials, the more ambitious American proposals have been made orally at the strategic arms limitation talks that resumed in Helsinki on July 8, but specific draft agreements have not yet been submitted. Such drafts are now being written in Washington.

Some officials argued successfully, for example, that if only new missile construction was barred during what could be years of efforts to negotiate a treaty covering all offensive weapons, the Russians could be expected to rapidly build up their missile submarine force beyond that of the United States.

The shift in the Administration's position toward the more ambitious agreements, officials say, was the result of extensive study and debate.

While the officials stressed that hard negotiations ahead could reshape the ultimate terms emerging from the talks, they said they still were hopeful that an agreement limiting defensive and offensive weapons could be achieved this year.

SLOWING OF RACE SEEN

A number of officials noted that while the initial agreements might leave something to be desired, they should slow the arms race and open the prospects for more comprehensive agreements. They alluded to the remarks of President Nixon on May 20 when, in discussing the first-step approach, he declared:

"The two sides are taking this course in the conviction that it will create more favorable conditions for further negotiations to limit all strategic arms. These negotiations will be actively pursued."

The principal elements of the new American proposals, the informants said, are as follows:

Each nation could choose between defending its capital with 100 antiballistic missiles or employing up to 300 defensive missiles, at three sites, to defend offensive missiles. If the Soviet Union chose the second course, it would be required to dismantle its missile defenses around Moscow.

A cut-off date would be established—this year, it is hoped—after which no new missile silos or missile submarines could be built and construction must simultaneously cease on partly built silos or submarines. This interim arrangement, which would stay in effect for a limited time while negotiations continued on a more comprehensive agreement on offensive weapons, would not bar either side from modernizing existing missiles with multiple warheads.

TIME CLAUSE SOUGHT

Officials said the United States sought to put a time clause into the offensive-weapons agreement, perhaps of two years or less, after which it would lapse. But if the negotiators felt that good progress was being made toward a more comprehensive strategic weapons agreement at that time, they might either choose to continue the interim agreement in effect or to revise it.

Officials said that whatever form agreements eventually took—whether treaties, executive agreements or a treaty covering defensive missiles and an interim agreement covering offensive weapons—the Administration was anxious to have both the Senate and the House of Representatives have an opportunity to pass on all elements of them. This, they noted might be done through joint Congressional resolutions.

If the Soviet Union accepted the full American bargaining package as offered—and this is considered unlikely—officials pointed out that a rough position of strategic parity would result with the Soviet Union having an edge in the number and payload of offensive missiles, but with the United States ahead in the number of missile warheads and nuclear bombs.

PREFERENCES NOTED

On defense, it was said, the Russians would be expected to choose to complete their missile defenses around Moscow, while the United States would complete defenses around Minuteman sites at Grand Forks Air Force Base in North Dakota, Malmstrom Air Force Base in Montana and Whiteman Air Force Base in Missouri.

But the Russians are expected to balk both at having to halt their missile submarine force while it is still smaller than the American Polaris force and at allowing the United States to build a larger number of defensive missiles. In the view of analysts here, these two points probably will become the focus of the hardest negotiations.

The Russians now are said to have about 400 submarine-based missiles, compared with 656 for the United States. But the Russians reportedly have more than 1,500 intercontinental ballistic missiles [ICBM's] operational or under construction, compared with 1,054 for the United States.

Planners who argue for halting missile submarine construction lest the Soviet Union rush to outstrip the American Polaris force while negotiations dragged on, point out that a bar on new missile submarines also would prevent the United States from deciding to build the new underwater long-range missile submarine, the successor to the Polaris. This project is now in the research stage.

The proposal would not prevent the United States from continuing to place Poseidon missiles on 31 of its 41 Polaris vessels. Each Poseidon can carry up to 6 multiple independently targetable re-entry vehicles, commonly called MIRV warheads. Similarly, the Russians would be free to place MIRV's on their existing submarine missiles.

The same situation would apply to land-based ICBM's. The United States could continue its program to place two or three-part MIRV warheads on 550 of its 1,000 Minuteman missiles, while the Russians could put MIRV's on any of their existing ICBM's.

On the offensive weapons agreement, officials say the Administration believes it probably could not get Congress to authorize construction of antiballistic missile launchers around Washington. The United States is said to believe that it would rather defend Minuteman sites in order to decrease the temptation to the Russians in some future crisis to try to wipe out that force.

PROTECTION FOR MINUTEMAN

Construction of antimissile missiles at three sites, or even two, they say, would provide protection for part of the Minuteman force and would leave open the option to expand it further if a future development, such as an accurate, large Soviet MIRV warhead, should substantially increase the threat.

With that gloomy prospect in mind, the United States proposes to include in the defensive agreement a so-called supreme national interest clause that would allow either party to abrogate the treaty if its security appeared fundamentally endangered. A similar clause is included in the nuclear test-ban treaty.

In all previous discussions on missile defenses, officials say, the Russians have opposed a numerical inequality between the antimissile missiles permitted to each side.

Strictly speaking, the American proposal allows the Russians to opt for equality, by choosing three sites east of the Ural Mountains to protect their ICBM sites. But since the Russians already have 64 antimissiles deployed outside Moscow, and have resumed work on further installations there, officials said they could be expected to prefer to keep their Moscow area defense.

American negotiators presumably will argue at discussions in Helsinki that since 300 missiles protecting some Minuteman sites could only be used to protect against a first strike, the Russians should not consider them in any way destabilizing. They also might point out that the Russians are being allowed a marked superiority in the total number of ICBM's, so the United States should not be denied greater defense against that potential threat.

[From the Washington Post]

Initial Pact On A-Arms Seen in 1971

(By Michael Getler)

U.S. and Soviet officials are saying privately that an initial agreement limiting nuclear armaments is within reach this year although important differences remain unsettled as the strategic arms limitation talks move into a critical phase at Helsinki.

Two major unresolved stumbling blocks involve the eventual sizes of the U.S. Safeguard antiballistic missile defense system and Moscow's growing fleet of missile-firing submarines.

A proposal draft agreement on limiting rival ABM systems was presented to the Soviets by U.S. negotiators at Helsinki last week, and additional drafts covering offensive weapons—such as land-based ICBMs and missile-firing submarines, but not bombers—will be presented within the next few days, according to U.S. officials.

As matters stand now, Soviet officials indicate the U.S. ABM proposal in its current form almost certainly will be unacceptable, at least in part.

As a practical matter, however, officials from both countries are expressing optimism that differences over ABMs—which revolve primarily around how many interceptor missiles each side will be allowed—can be worked out as part of an initial agreement this year linked with some sort of freeze by both sides on construction of any more land-based offensive missiles.

The principal U.S. objective at the arms talks remains bringing to a halt the deployment of the huge Soviet land-based SS-9 ICBMs which might eventually be armed with multiple warheads and pose a threat of surprise attack on U.S. Minuteman ICBMs.

A number of U.S. officials admit privately that they are less optimistic about getting the Soviets to stop building missile subs as part of an initial agreement this year.

Solving the submarines issue, they say, may have to await a second round of negotiations that would follow an initial agreement.

The fact that the forthcoming U.S. draft proposals will include a proposed freeze on missile subs by both sides indicate, however, that the Nixon administration feels strongly that at some point these weapons must be brought under control to avoid another round in the arms race.

The Soviets already have achieved numerical superiority over the United States in numbers of land-based ICBMs—more than 1,440 for the Soviets against 1,054 for the United States.

To allow the Kremlin eventually to gain numerical superiority in submarine-launched missiles as well would not be politically or strategically acceptable to the President or Congress, even if the edge were slight and did not really alter the nuclear balance of power. U.S. officials say missiles fired from submarines are not considered powerful nor accurate enough to knock out land-based ICBMs in a first strike.

From the Soviet point of view, however, the Kremlin's rapidly growing undersea missile-firing fleet is still badly outnumbered (41 to 17) and outclassed by the U.S. Polaris and Poseidon subs.

U.S. analysts believe that the numbers problem is also a big part of the lingering dispute over limiting ABMs.

Under the latest U.S. draft, officials say, each nation could choose between ABM systems having about 100 interceptors each for protection of Moscow and Washington, or 300 missiles placed around ICBM bases to protect them against a surprise attack.

The fact is that the Soviets already have a 64-missile ring around Moscow and are working toward expanding it slightly, and that the United States is already well along in construction work at two of the four proposed Safeguard installations at Minuteman bases in the Northwest.

The Soviets, it is reasoned by some officials, are not likely to scrap their Moscow system and build a new ABM around their ICBMs, and the United States will not scrap all of Safeguard and start on protecting Washington, since congressional approval of missile defenses for the capital is highly unlikely.

The U.S. negotiating position, officials say, involves three Safeguard sites and 300 ABM launchers, to balance the Moscow ring. But the Soviets already have indicated that this was unacceptable in earlier meetings at SALT, officials say.

Some compromise—involving fewer U.S. missiles and possibly just two Safeguard sites—is expected. Administration sources, shortly after the joint White House-Kremlin anouncement on breaking the arms deadlock May 20, indicated privately that a negotiated standoff between the two existing Safeguard sites and the ABM ring around Moscow was likely.

As some officials here explain it, a disparity in numbers of ABM missile launchers on the order of 300 for the United States and 100 for the Soviet Union might be hard for the Soviets to manage politically, even though the protection of a city is an entirely different strategic problem than protection of missile bases. The dissimilarity in the role of the rival ABM systems always has been a major obstacle in figuring out how to balance them in an agreement.

It also was indicated by high-level officials after President Nixon's May 20 announcement that the initial agreement to be sought probably would not take in missile-firing subs. However, officials now say that the submarines have always been part of the U.S. negotiating position on offensive systems. Inclusion of the subs in the forthcoming U.S. draft proposal will come as no surprise to the Soviets, officials report.

Thus, administration sources were stressing yesterday that the United States has not shifted its demands at Salt, that the negotiations had not been upset, and that there was no less reason now to expect some form of agreement than there was in May.

There was some disagreement, however, among officials in several different government agencies about when such an agreement would be forthcoming.

White House sources said the hope expressed May 20 for an initial agreement on ABMs and some offensive systems this year was still valid. Some U.S. diplomats speculated that an agreement could be reached reasonably fast, possibly by this fall. Other government analysts, however, speculated that discussions on the unresolved issues might drag on, pushing an agreement into the 1972 election year.

The sudden renewal of public interest in the Salt negotiations yesterday stemmed from a New York Times story which disclosed that the United States was making new proposals at Helsinki which cover both land- and sea-based missiles and outlined numerical constraints on ABM launchers.

Asked about the story, State Department spokesman Charles W. Bray said the department "regarded it as a most unfortunate breach of security and a violation of the understanding with the Soviet Union that neither side will discuss the negotiations while the talks are in progress."

Bray said his statement was not an acknowledgment of the validity of The Times account, but he did not deny the report.

Mr. HUMPHREY. Mr. President, I hope that this matter will be studied very carefully by all of us here, as a word of caution as to what might happen if we do not keep a watchful eye on the arms control negotiations.

The article reports that the United States has changed its position as outlined in the remarks of the President on May 20 and by official statements attempting to clarify our approach to the ongoing SALT talks.

I might add that I can think of no negotiations that are more important than those now being undertaken at Helsinki, and none more sensitive.

From what is generally known to be an accepted 100 ABM ceiling and a possible agreement on some limitation of offensive weapons, has grown full blown into something quite different. If this story is correct, and I sincerely hope that it is not—I must say, however, it has not been denied by administration spokesmen. It has merely confirmed that there was a leak of security information from the State Department—the United States is proposing a 300-ABM ceiling—or three ABM missile sites—and a cutoff for new missile or missile submarine construction.

At the same time MIRV would be excluded so that both sides could continue with their MIRV programs. The officials referred to in the article by Mr. Beecher are paraphrased as saying that our construction of ABM's at three sites would leave us the option of further expansion of our program if the Soviet Union were to retrofit an "accurate, large MIRV warhead" on its missiles. In other words we seem to be advancing a proposal to permit the Soviet Union to move ahead with their MIRV program so that we may have the opportunity to expand our ABM program which will become necessary, if the Soviets go ahead with their MIRV.

I have already pointed out both in the Senate Chamber itself and before the Disarmament Subcommittee of the Committee on Foreign Relations in great detail what I believe are the basic dangers of the continuation of further testing and deployment of MIRV. Even the reports of this new U.S. position serve to reaffirm this contention but I find that a depressing form of satisfaction.

Equally disturbing to me is the idea that we should abandon the implication of the May 20 statement released simultaneously in Moscow and Washington which placed the emphasis on an ABM agreement at SALT by the end of this year. Now, if this article to which I have alluded today is at all accurate—and it appears that it is because the administration has not contested what has been stated by the spokesman for the State Department—the administration is returning to the idea of demanding an agreement on offensive nuclear weapons coupled with a defensive one. This is in contradiction to the May 20 statement when the President told the country that we would proceed first with the understanding with the Soviet Union to seek a limitation upon ABM, or defensive weaponry, to be followed by negotiations to limit offensive nuclear weapons. More specifically, the demands placed on the Soviet Union with respect to missile submarines would hardly seem to be acceptable to the Russians. We may be asking them to halt missile submarine construction at a point when the Secretary of Defense has said we have a substantial quantitative and qualitative lead over the Soviet Union in the missile submarine field.

This fact, plus the fact that our MIRV conversion program has outdistanced the Soviet Union, would mean that we are seeking an agreement which could guarantee a position of continuing superiority for the United States, something which the Soviet Union has never given indication of accepting. And, by the way, it is something which until recently our Government has indicated would not be necessary.

Suddenly, what I had thought was the administration's definition of "sufficiency"—a maintenance of the rough balance in deterrent capability now existing between the United States and the Soviet Union—is no longer valid if these reports are true. Now a more accurate substitute definition would have to be the equating of sufficiency with superiority.

Mr. President, I do not believe that anyone in this country can believe for a moment that the Soviet Union will stand idly by while we attempt to guarantee a vast superiority in MIRV's and in submarine missilry. There is not the slightest chance that the Soviet Union, with its technical capabilities, will permit that if we sincerely hope to get a substantive agreement.

Mr. President, I do not want to overreact to reports which are secondhand or printed in the papers, but I do want to make it perfectly clear that I am making it my business as a Senator to follow the developments at the SALT talks in Helsinki very closely.

I must say that I have spent a good deal of my time in public life on this subject matter.

I am not one who believes in unilateral disarmament. I recognize the need for the defensive capability of our country. We live in a very difficult and at times an uncertain and ugly world. I do not believe in reducing the defensive strength of this Nation to a point where we could in any way be threatened or placed in serious difficulty. However, I am as convinced, as I am of anything in my life, that the escalating of a nuclear arms race spells trouble. It does not provide solutions. It gives no greater security. It raises the level of danger. It consumes resources. It also possesses the possibility that some miscalculation could literally destroy what we call the "modern world."

Our task is to try to put a lid on the nuclear arms race, and hopefully, to roll it back.

Both the Soviet Union and ourselves have the capability of total destruction of each other's societies. We rely upon what we call our deterrent capability to prevent any attack from the Soviet Union or any other country. We believe it is literally necessary to maintain that force to counter the Soviet force, and deny the Soviet Union a first strike capability. Neither the Congress nor the President is going to neglect the maintenance of our deterrent capability. Similarly the Soviet Union is not going to permit us to get a first strike capability, or for that matter, to attempt to secure a nuclear position vastly superior to its own.

We are the two superpowers of the world with respect to nuclear weaponry. We have exercised restraint and I believe that we shall still exercise restraint.

On May 20 I commended the administration for responding so positively to the Soviet offer to negotiate an ABM agreement.

I always have and always shall in the future commend the President for the moves he takes that are in the national interest.

I happen to believe that defense and foreign policy are so important to our country that they ought not to be subject to nit-picking or partisan debate. Men can have differences of opinion. Senators and Representatives have a right to make constructive criticism. However, we have to measure our words carefully to be sure that we are actually acting in what we believe to be our national security, not what we think is our partisan advantage.

I made a suggestion on March 25, when I introduced Senate Resolution 87 on armaments limitations that we proceed first with defensive weaponry and suggested that following any negotiations on defensive weaponry that were successful we proceed to offensive weaponry.

With these latest reports, however, I am greatly discouraged as to the possibilities of obtaining a significant ABM limitation and, perhaps, an offensive arms control agreement by the end of this year.

There has been a good deal of talk that we might be able to obtain such an agreement by the end of this year. I would hope, therefore, that the President, by himself or through an appropriate spokesman in the administration, would clarify the situation, and that the President would once again put all his weight on seeking this kind of agreement—a two-stage agreement, first on defensive weaponry and second on offensive weaponry. This is the kind of agreement we in the Senate have urged him to seek.

At the same time I urge my colleagues to support the arms control legislation I introduced on July 14 which would put a firm hold on the arms race and call for a mutual freeze on the testing and deployment of both offensive and defensive weaponry during the period of the negotiations subject, of course, to reexamination.

In fact, it was suggested we might want to review our position every 6 months. Surely a 6-month period of suspension through a mutual freeze would not in any way jeopardize our security.

I think once again the record should be clear that while the Soviet Union has an advantage at this time so far as we know on land-based ICBM's, and the Soviet Union has made some progress on ABM's, their antiballistic missile system, according to our best information, is obsolete or totally inadequate.

With our nuclear submarines, both the Polaris and the Poseidon, as well as the number of ICBM's we have and the MIRV—that is, the multiple independently targetable reentry vehicles—we are in a position today, surely, of what we can call sufficiency, adequate, and capability of full deterrence, which could give promise to the possibilities of some constructive and meaningful negotiations with the Soviet Union.

I think we must learn that "upping the stake" at arms control negotiations is not the way to reach agreements. It is not the way to halt the arms race.

It is my judgment that this subject of arms control is at the heart of many matters of concern to this country relating to the size of our defense budget, relating to our defense forces, relating to our commitments overseas, and relating to our national security. It requires most careful, sensible, and responsible discussion, and that is what we would expect of Members of Congress and those who are our negotiators.

I have every reason to believe our negotiators will do everything they can to protect our security, and I imagine the Russian negotiators will do the same, because the stakes are very high.

I hope in due time we will be able to bring into these discussions, or some new level of discussions, not just the Soviet Union, but all nuclear power, including mainland China, which has become a nuclear power. I warn this body: Do not underestimate the power of the Chinese in nuclear weaponry. We have continually underestimated their progress. They are capable, talented, and gifted people, and they have some of the outstanding nuclear physicists, some of whom, by the way, were educated in the United States and went back to China in the 1950's. This is one reason why we see mainland China with a nuclear force at this time.

I would hope, therefore, we would be able to include at a later time, and as early as possible, all the nuclear powers in a general nuclear weapons disarmament and arms control conference. That would mean the United States, the Soviet Union, mainland China, France and Great Britain. In this way I feel we might save ourselves from nuclear proliferation, the expansion of nuclear weaponry, and ultimately maybe save ourselves, period.

ORDER FOR RECOGNITION OF SENATOR BENTSEN AND SENATOR EAGLETON ON WEDNESDAY, JULY 28, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday next, immediately following the standard recognition of the two leaders, the distinguished Senator from Texas (Mr. BENTSEN) be recognized for not to exceed 15 minutes, and following the recognition of the Senator from Texas, the distinguished Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 12 o'clock noon. Immediately after the majority and minority leaders are recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, in the order stated: Senator HARTKE and Senator FULBRIGHT.

Then there will be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to exceed 30 minutes, after which it is anticipated that the Senate will resume consideration of the pending business, S. 2308. At 2 p.m. debate on S. 2308 will be under control, with 1 hour equally divided between the two leaders or their designees. At 3 p.m. there will be a mandatory quorum call under rule XXII, and immediately upon the ascertainment of a quorum a rollcall vote will occur on the motion to invoke cloture. That rollcall vote will occur at about 3:10 p.m.

ADJOURNMENT TO MONDAY, JULY 26, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 12 o'clock and 27 minutes p.m.) the Senate adjourned until Monday, July 26, 1971, at 12 o'clock noon.

CONFIRMATION

Executive nomination confirmed by the Senate July 24, 1971:

MISSISSIPPI RIVER COMMISSION

Maj. Gen. Charles Carmin Noble, [redacted] Army of the United States (brigadier general, U.S. Army), for appointment as a member and President of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37) (33 U.S.C. 642).